

## **Nru. 75**

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28. 11. 2000

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

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**ABBOZZ ta' Ligi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern, u moqri ghall-Ewwel darba fis-Seduta tat-30 ta' Mejju, 2000.**

**ATT biex jemenda l-Att dwar il-Condominia, Kap. 398.**

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

#### **HOUSE OF REPRESENTATIVES**

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**A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 30th May, 2000.**

**AN ACT to amend the Condominium Act, Cap. 398.**

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**RICHARD J. CAUCHI**  
*Clerk of the House of Representatives*

## ABBOZZ TA' LIĠI msejjah

*Att biex jemenda l-Att dwar il-Condominia, Kap 398*

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2000 li jemenda l-Att dwar il-*Condominia*, u dan l-Att għandu jinqara u jinftihem haġa wahda ma' l-Att dwar il-*Condominia*, hawnhekk iżjed 'l quddiem msejjah "l-Att prinċipali".

Titolu fil-qosor.  
Kap. 398.

2. Fl-artikolu 1 ta' l-Att prinċipali, minflok il-kliem "Ministru responsabbli għall-ġustizzja" għandhom jidhlu l-kliem "Ministru responsabbli għar-Registru ta' l-Artijiet".

Emenda ta' l-  
artikolu 1 ta' l-  
Att prinċipali.

3. Is-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-  
artikolu 2 ta' l-  
Att prinċipali.

(a) fil-proviso tiegħu minflok il-kliem "u fejn il-katusi ta' l-ilma biss ikunu komuni" għandhom jidhlu l-kliem "u fejn il-katusi ta' l-ilma u s-sistema tad-drenaġġ biss ikunu komuni"; u

(b) minnufih wara l-proviso tiegħu għandu jiżdied dan il-proviso li ġej:

"Izda wkoll, żewġ fondi jew aktar li, minbarra dawn il-katusi ta' l-ilma u s-sistema tad-drenaġġ, għandhom biss tarag komuni minn barra jew indani esterni komuni, m'għandhomx jitqiesu bħala *condominium*".

Żieda ta' artikolu 4A ma' l-Att prinċipali.

4. Minnufih wara l-artikolu 4 ta' l-Att prinċipali ghandu jiżded l-artikolu ġdid li ġej:

Applikabilità ta' l-Att dwar ir-Registrazzjoni ta' l-Artijiet Kap. 296.

4A. (1) *Condominium* ghandu, jinstab fejn jinstab, jitqies bhala li hu sitwat f'area ta' registrazzjoni għall-finijiet ta' l-Att dwar ir-Registrazzjoni ta' l-Artijiet, u d-disposizzjonijiet ta' dak l-Att ghandhom japplikaw skond hekk.

(2) Din ir-registrazzjoni ghandha ssir mill-amministratur fejn ikun hemm, jew fin-nuqqas tiegħu minn wiehed mill-*condomini*."

Emenda ta' l-artikolu 8 ta' l-Att prinċipali.

5. L-artikolu 8 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "*Il-condomini jistgħu*" ghandhom jidhlu l-kliem "*Bla hsara għad-disposizzjonijiet tas-subartikolu (5), il-condomini jistgħu*";

(b) minnufih wara s-subartikolu (4) tiegħu ghandu jiżded dan is-subartikolu ġdid li ġej:

"(5) *Condominus* jista' a spejjeż tiegħu jinstalla u jeriġi kull faċilità neċessarja li tnaqqas jew telimina problemi ta' mobilità salv li dawn ma johlqux ebda preġudizzju serju, wara li jiġu stallati jew eretti, fil-konfront tal-*condomini* l-oħra. Id-disposizzjonijiet ta' l-artikolu 9 ghandhom japplikaw, *mutatis mutandis*, għall-ispejjeż li jsiru f'dik l-istallazzjoni jew erezzjoni."

Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

6. Fl-artikolu 9(3) ta' l-Att prinċipali, minflok il-kliem "*Dik il-kontribuzzjoni tithallas, tramite l-amministratur, lill-condomini l-oħra.*" ghandhom jidhlu l-kliem "*Dik il-kontribuzzjoni tithallas, tramite l-amministratur, jekk ikun hemm, lill-condomini l-oħra. Fin-nuqqas ta' amministratur il-hlas ghandu jsir skond kif miftiehem bejn il-condomini.*"

Emenda ta' l-artikolu 14 ta' l-Att prinċipali.

7. L-artikolu 14 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) is-subartikolu (5), (6) u (7) tiegħu ghandhom jiġu numerati mill-ġdid bhala s-subartikoli (6), (7) u (8) rispettivament;

(b) minnufih wara s-subartikolu (4) tiegħu ghandu jiżded dan is-subartikolu li ġej:-

"(5) Meta l-*condomini* kollha hekk jaqblu, l-amministratur ghandu jassigura l-*condominium* kontra kull hsara u, jew qerda.";

(ċ) fis-subartikolu (7), kif numerat mill-ġdid, minflok il-kliem "msemija fis-subartikolu (2) ta' dan l-artikolu" ghandhom jidhlu l-kliem "msemija fis-subartikoli (2) u (5)".

8. Fit-test Inġliż ta' l-artikolu 15(5) ta' l-Att prinċipali, minflok il-kelma "charges" ghandha tidhol il-kelma "changes".

Emenda ta' l-artikolu 15 ta' l-Att prinċipali.

9. Fl-artikolu 16(1)(g) ta' l-Att prinċipali minflok il-kliem "li jmexxi kif mehtieg" ghandhom jidhlu l-kliem "fejn ikun ġie hekk miftiehem skond l-artikolu 14(5), li jmexxi kif mehtieg".

Emenda ta' l-artikolu 16 ta' l-Att prinċipali.

10. Fit-test Inġliż ta' l-artikolu 22(4) ta' l-Att prinċipali minflok il-kelma "form" ghandha tidhol il-kelma "from".

Emenda ta' l-artikolu 22 ta' l-Att prinċipali.

11. L-artikolu 31 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 31 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "l-artikoli 2, 4, 5, 6 u 10 ta' dan l-Att" ghandhom jidhlu l-kliem "l-artikoli 2, 4, 5, 6, 8, 9, 10 u 22(7)(d) ta' dan l-Att"; u

(b) minnufih wara l-proviso tas-subartikolu (6) ghandu jizded dan il-proviso ġdid li ġej:

"Izda wkoll il-Ministru responsabbli ghad-djar jista' jagħti l-permess sabiex jiġu stallati jew eretti il-faċilitajiet imsemmija fl-artikolu 8(5) fi blokki ta' bini li in parti jew fl-intier huma proprjetà tal-Gvern; u dan il-permess ma jirrendix l-imsemmi bini bħala *condominium*."

12. Fl-artikolu 32 ta' l-Att prinċipali, minflok il-kliem "Il-Ministru responsabbli għall-ġustizzja" ghandhom jidhlu l-kliem "Il-Ministru responsabbli għar-Registru ta' l-Artijiet".

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

### Għanijiet u Raġunijiet

L-għan ta' l-abbozz hu sabiex iwettaq xi emendi fl-Att li jirregola *Condominia* sabiex il-liġi tilhaq l-iskop li għalih ġiet abbozzata b'mod speċjali fir-rigward ta' persuni li ghandhom problemi ta' nuqqas ta' mobilità.

**A BILL  
entitled**

*AN ACT to amend the Condominium Act, Cap. 398.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title.  
Cap. 398.

1. The short title of this Act is the Condominium (Amendment) Act, 2000, and this Act shall be read and construed as one with the Condominium Act, hereinafter referred to as the "principal Act".

Amendment of  
section 1 of the  
principal Act.

2. In section 1 of the principal Act, for the words "Minister responsible for justice" there shall be substituted the words "Minister responsible for the Land Registry".

Amendment of  
section 2 of the  
principal Act.

3. Subsection (1) of section 2 of the principal Act shall be amended as follows:

(a) in the proviso thereto for the words "and only the drains are owned in common" there shall be substituted the words "and only the drains and the drainage system are owned in common"; and

(b) immediately after the proviso thereto there shall be added the following new proviso:

"Provided further that two or more tenements which, besides such drains and drainage system, only have a common outer staircase or common outer landings, shall not be considered a condominium."

4. Immediately after section 4 of the principal Act there shall be added the following new section:

Addition of new section 4A to the principal Act.

"Applicability of the Land Registration Act. Cap. 296.

**4A.** (1) A condominium wherever situate shall, for all purposes of the Land Registration Act, be deemed to be situate in a registration area, and the provisions of the said Act shall apply accordingly.

(2) Registration shall be made by the administrator, if any, or in his absence by one of the condomini."

5. Section 8 of the principal Act shall be amended as follows:

Amendment of section 8 of the principal Act.

(a) in subsection (1) thereof for the words "The condomini may" there shall be substituted the words "Without prejudice to the provisions of subsection (5), the condomini may";

(b) immediately after subsection (4) thereof, there shall be added the following new subsection:

"(5) A condominus may at his own expense install or erect any necessary facility which mitigates or eliminates problems of mobility provided that these do not cause any serious prejudice, after such erection or installation, to the other condomini. The provisions of section 9 shall apply, *mutatis mutandis*, to the expenses incurred in such installation or facility."

6. In section 9(3) of the principal Act, for the words "Such contribution shall be paid, through the administrator, to the other condomini.", there shall be substituted the words, "Such contribution shall be paid, through the administrator, if any, to the other condomini. In the absence of the administrator payment is to be paid in the manner agreed to by the condomini."

Amends section 9 of the principal Act.

7. Section 14 of the principal Act shall be amended as follows:

Amends section 14 of the principal Act.

(a) the present subsections (5), (6) and (7) shall be renumbered as subsection (6), (7) and (8) respectively;

(b) immediately after subsection (4) thereof, there shall be added the following new subsection:



"(5) Where all the condomini so agree, the administrator is to insure the condominium in respect of damage and, or destruction.";

(c) for the words "referred to in subsection (2) of this section" in subsection (7), as renumbered, there shall be substituted the words "referred to in subsections (2) and (5)".

Amendment of section 15 of the principal Act.

8. In section 15(5) of the principal Act, for the word "charges" there shall be substituted the word "changes".

Amendment of section 16 of the principal Act.

9. In section 16(1)(g) of the principal Act, for the words "to take the necessary steps" there shall be substituted the words "where so agreed in accordance with section 14(5), to take the necessary steps".

Amendment of section 22 of the principal Act.

10. In section 22(4) of the principal Act for the word "form" there shall be substituted the word "from".

Amendment of section 31 of the principal Act.

11. Section 31 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words "sections 2, 4, 5, 6 and 10 of this Act" there shall be substituted the words "sections 2, 4, 6, 8, 9, 10 and 22(7)(d) of this Act"; and

(b) immediately after the proviso to subsection (6) there shall be added the following new proviso:

"Provided further that the Minister responsible for Housing may grant permission to erect or install the facilities mentioned in section 8(5) in blocks of buildings wholly or partially owned by the Government; and such permission shall not render such building a condominium."

Amendment of section 32 of the principal Act.

12. In section 32 of the principal Act, for the words "The Minister responsible for justice" there shall be substituted the words "The Minister responsible for the Land Registry".

## Objects and Reasons

The object of the Bill is to implement certain amendments to the Act regulating Condominia so that the law would satisfy the objectives leading to its enactment especially with regards to persons suffering from problems of mobility.