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## **Nru. 245**

11. 10. 2021

### **MALTA**

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

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tas-6 ta' Ottubru 2021.

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A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice and Governance, and read the First time at the Sitting of the 6th October 2021.

**ATT sabiex jemenda l-Ordinanza li tirregola t-Tigdid tal-Kiri ta' Bini, (Kap. 69) u l-Att dwar it-Tigdid ta' Kiri ta' Raba', (Kap. 199) għall-evitar possibbli ta' duplikazzjoni ta' xogħol u spejjeż fil-kisba ta' valutazzjonijiet jew opinjonijiet tekniċi.**

**AN ACT to amend the Reletting of Urban Property (Regulation) Ordinance, (Cap. 69) and the Agricultural Leases (Reletting), (Cap. 199) Act for the possible avoidance of duplication of work and expense in obtaining valuations or technical opinions.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



**ABBOZZ TA' LIĠI****msejjah**

*ATT sabiex jemenda l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini, (Kap. 69) u l-Att dwar it-Tiġdid ta' Kiri ta' Raba', (Kap. 199) għall-evitar possibbli ta' duplikazzjoni ta' xogħol u spejjeż fil-kisba ta' valutazzjonijiet jew opinjonijiet tekniċi.*

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

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2021 li jemenda l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini u l-Att dwar it-Tiġdid ta' Kiri ta' Raba'. Titolu fil-qosor.

**TAQSIMA I****EMENDA GĦALL-ORDINANZA LI TIRREGOLA T-TIĠDID  
TAL-KIRI TA' BINI, (KAP. 69)**

**2.** Din it-Taqsima temenda l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini, hawn aktar 'il quddiem f'din it-Taqsima msejja "l-Ordinanza prinċipali". Emenda għall-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini. Kap. 69.

**3.** Fis-subartikolu (1) tal-artikolu 23 tal-Ordinanza prinċipali, il-kliem "kif iċ-chairman jista' jordna." għandhom jiġu sostitwiti bil-kliem "kif iċ-chairman jista' jordna:" u minnufih wara għandhom jiġu miżjuda dawn il-provisos godda li ġejjin: Emenda tal-artikolu 23 tal-Ordinanza prinċipali.

"Iżda fejn l-istima ta' xi fond jew kull opinjoni teknika oħra rigward il-fond hija meħtieġa quddiem il-bord u fejn:

(i) jirriżulta li l-istima jew opinjoni teknika oħra fir-rigward tal-istess fond ingħatat quddiem qorti minn Perit jew Inġinier Ċivili maħtur minn dik il-qorti bil-qbil tas-sid il-kera u l-kerrej li kienu partijiet fl-imsemmi każ qabel il-qorti u li huma wkoll partijiet fil-każ quddiem il-bord; u

(ii) l-imsemmija stima jew opinjoni teknika oħra għiet ikkonfermata f'sentenza finali ta' qorti,

iċ-*chairman* jista', wara li jisma' lill-partijiet, jiddeċiedi li jistrieħ fuq l-imsemmija stima jew opinjoni teknika sa fejn jidhirlu xieraq minflok jassenja żewġ (2) membri tal-Lista sabiex jeżaminaw il-fond skont dan l-artikolu:

Iżda wkoll iċ-*chairman* jista' wkoll jiddeċiedi li jistrieħ fuq kwalunkwe valutazzjoni jew opinjoni teknika minflok ma jassenja żewġ (2) membri tal-Lista kif imsemmi qabel fejn il-partijiet kollha fil-każ jaqblu."

## TAQSIMA II

### EMENDA GHALL-ATT DWAR IT-TIĠDID TA' KIRI TA' RABA', (KAP. 199)

Emenda għall-Att dwar it-Tiġdid ta' Kiri ta' Raba'.  
Kap. 199.

**4.** Din it-Taqsima temenda l-Att dwar it-Tiġdid ta' Kiri ta' Raba' u għandha tinqara u tinftiehem haġa waħda mal-Att dwar it-Tiġdid ta' Kiri ta' Raba', hawn aktar 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 5 tal-Att prinċipali.

**5.** Fis-subartikolu (8) tal-artikolu 5 tal-Att prinċipali, il-kliem "kif iċ-*chairman* jista' jordna." għandhom jiġu sostitwiti bil-kliem "kif iċ-*chairman* jista' jordna:" u minnufih wara għandhom jiġu miżjuda dawn il-provisos godda li ġejjin:

"Iżda fejn l-istima ta' xi raba' jew kull opinjoni teknika oħra fir-rigward ta' kull każ hija meħtieġa quddiem il-bord u fejn:

(i) jirriżulta li l-istima jew opinjoni teknika oħra fir-rigward tal-istess raba' ingħatat quddiem qorti minn Perit jew Inġinier Ċivili jew minn espert tekniku ieħor maħtur minn dik il-qorti bil-qbil tas-sid il-kera u l-kerrej li kienu partijiet fl-imsemmi każ qabel il-qorti u li huma wkoll partijiet fil-każ quddiem il-bord; u

(ii) l-imsemmija stima jew opinjoni teknika oħra għiet ikkonfermata f'sentenza finali ta' qorti,

*iè-chairman* jista', wara li jisma' lill-partijiet, jiddeciedi li jistrieħ fuq l-imsemmija stima jew opinjoni teknika sa fejn jidhirlu xieraq minflok jassenja żewġ (2) membri tal-Listi sabiex jeżaminaw ir-raba' skont dan l-artikolu:

Iżda wkoll *iè-chairman* jista' wkoll jiddeciedi li jistrieħ fuq kwalunkwe valutazzjoni jew opinjoni teknika minflok ma jassenja żewġ (2) membri tal-Listi kif imsemmi qabel fejn il-partijiet kollha fil-każ jaqblu."

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### GHANIJIET U RAĠUNIJIET

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu għall-possibbiltà li tiġi evitata d-duplikazzjoni tax-xogħol u l-ispiża fil-kisba ta' valutazzjonijiet jew opinjonijiet tekniċi f'każijiet quddiem il-Bord li Jirregola l-Kera u l-Bord dwar il-Kontroll tal-Kiri ta' Raba' fejn tali valutazzjonijiet jew opinjonijiet tekniċi diġà ġew ikkonfermati minn sentenza finali ta' qorti jew fejn il-partijiet kollha f'każ jaqblu.

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**A BILL  
entitled**

*AN ACT to amend the Reletting of Urban Property (Regulation) Ordinance, (Cap. 69) and the Agricultural Leases (Reletting), (Cap. 199) Act for the possible avoidance of duplication of work and expense in obtaining valuations or technical opinions.*

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.

**1.** The short title of this Act is Reletting of Urban Property (Regulation) Ordinance and the Agricultural Leases (Reletting) Act (Amendment) Act, 2021.

**PART I  
AMENDMENT TO THE RELETTING OF URBAN PROPERTY  
(REGULATION) ORDINANCE, (CAP. 69)**

Amendment to the Reletting of Urban Property (Regulation) Ordinance. Cap. 69.

**2.** This Part amends the Reletting of Urban Property (Regulation) Ordinance and it shall be read and construed as one with the Reletting of Urban Property (Regulation) Ordinance, hereinafter in this Part referred to as "the principal Ordinance".

Amendment of article 23 of the principal Ordinance.

**3.** In sub-article (1) of article 23 of the principal Ordinance, the words "as the Chairman may direct." shall be substituted by the words "as the Chairman may direct:" and immediately thereafter, there shall be added the following new provisos:

"Provided that where the valuation of any premises or any other technical opinion in respect of premises is required before the board and where:

(i) it results that the valuation or other technical opinion in respect of the same premises was given before a court by an Architect or Civil Engineer appointed by such court with the agreement of the lessor and the tenant who were parties to the said case before the court and who are also parties to the case before the board; and

(ii) the said valuation or other technical opinion was confirmed in a final judgment of a court,

the chairman may, after hearing the parties, decide to rely on the said valuation or technical opinion to such an extent as he deems fit instead of assigning two (2) members of the panel to examine the premises in accordance with this article:

Provided further that the chairman may also decide to rely on any valuation or technical opinion instead of assigning two (2) members of the panel as aforesaid where all the parties to the case agree."

**PART II**  
**AMENDMENT TO THE AGRICULTURAL LEASES**  
**(RELETTING) ACT, (CAP. 199)**

4. This Part amends the Agricultural Leases (Reletting) Act and it shall be read and construed as one with the Agricultural Leases (Reletting) Act, hereinafter in this Part referred to as "the principal Act".

Amendment to the Agricultural Leases (Reletting) Act. Cap. 199.

5. In sub-article (8) of article 5 of the principal Act, the words "as the chairman may direct." shall be substituted by the words "as the chairman may direct:" and immediately thereafter, there shall be added the following new provisos:

Amendment of article 5 of the principal Act.

"Provided that where the valuation of any agricultural land or any other technical opinion in respect of any case is required before the board and where:

(i) it results that the valuation or other technical opinion in respect of the same agricultural land was given before a court by an Architect or Civil Engineer or by another technical expert appointed by such court with the agreement of the lessor and the tenant who were parties to the said case before the court and who are also parties to the case before the board; and

(ii) the said valuation or other technical opinion was confirmed in a final judgment of a court,

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the chairman may, after hearing the parties, decide to rely on the said valuation or technical opinion to such extent as he deems fit instead of assigning two (2) members of the panels to examine the agricultural land in accordance with this article:

Provided further that the chairman may also decide to rely on any valuation or technical opinion instead of assigning two (2) members of the panels as aforesaid where all the parties to the case agree."

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### **OBJECTS AND REASONS**

The objects and reasons of this Bill are to provide for the possible avoidance of duplication of work and expense in obtaining valuations or technical opinions in cases before the Rent Regulation Board and the Rural Leases Control Board where such valuations or technical opinions have already been confirmed by a final judgment of a court or where all the parties to a case agree.