

MALTA

ATT Nru. XVIII ta' l-1982

ATT maħruġ b'liġi mill-Parlament ta' Malta,

ATT biex jipprovdi għall-kontroll tal-kondizzjonijiet fi trasferimenti ta' immobbili.

ACT No. XVIII of 1982

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the control of conditions in transfers of immovables.

Naghti l-kunsens tieghi.

(L.S.)

**AGATHA BARBARA
President**

22 ta' Diċembru, 1982

ATT Nru. XVIII ta' l-1982

ATT biex jipprovi għall-kontroll tal-kondizzjonijiet fi trasferimenti ta' immobbili.

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

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 li jirregola t-Trasferimenti ta' Immobbili,

Tifsir.

2. F'dan l-Att —

“ftehim preliminari” tfisser ftehim li bih parti tobligha ruħha li titrasferixxi u parti oħra tobligha ruħha li takkwista immobbili.

“gurnata stabbilita” tfisser it-22 ta' Diċembru, 1982;

“għotja” tfisser għotja enfitewtika;

“għotja enfitewtika” tfisser l-għoti b'enfitewsi jew sub-enfitewsi ta' art, bini jew kostruzzjoni oħra u tinkludi kull kuntratt li bih ċens huwa impost jew awmentat f'riferenza għal kull proprjetà kif fuq imsemmija;

“Kummissarju” tfisser il-Kummissarju ta' l-Artijiet;

“trasferiment” tinkludi bejgħ u kull trasferiment ta' immobbili b'titolu onerus u jinkludi għotja enfitewtika.

Trasferiment magħmul bla permess huwa null u bla effett.

3. Bla ħsara għal kull haġ'oħra meħtieġa b'ligi, trasferiment ta' immobbili wara l-gurnata stabbilita mingħajr il-permess tal-Kummissarju sabiex jiġi pubblikat il-kuntratt ta' trasferiment, mogħti skond id-disposizzjonijiet ta' l-artikolu 4 ta' dan l-Att, jew xort'oħra mhux skond il-permess mogħti kif fuq ingħad, liema permess għandu jiġi mehmuż ma' l-att ta' trasferiment, ikun null u bla effett.

4. (1) Il-Kummissarju ma jagħtix il-permess tiegħu biex jiġi pubblikat il-kuntratt tat-trasferiment jekk —

Permess tal-Kummissarju.

(a) ma jkunx sar ftehim preliminari bil-miktub li fih jinkorpora l-pattijiet u kondizzjonijiet kollha tat-trasferiment; u

(b) applikazzjoni fil-forma kif murija fl-Iskeda li tinsab ma' dan l-Att u li jkun fiha l-partikolaritajiet kollha hemm speċifikati, ma tkunx giet magħmula lilu mbux aktar tard minn għaxart ijiem tax-xogħol qabel ma jiskadi l-perijodu ta' validità tal-ftehim preliminari; u

(c) il-Kummissarju ma jkunx sodisfatt illi l-pattijiet u kondizzjonijiet tat-trasferiment kif proposti ma humiex aktar onerużi minn dawk korrenti fis-suq fis-16 ta' Novembru, 1982.

(2) Meta l-Kummissarju ma jkunx sodisfatt kif provdut fil-paragrafu (c) tas-subartikolu li jaħbat minnufih qabel dan, huwa jista' javża lil min applika għall-permess bil-pattijiet u kondizzjonijiet li taħthom dak it-trasferiment jista' jsir, li jkunu pattijiet u kondizzjonijiet li jissodisfaw id-dispożizzjonijiet tal-paragrafu fuq imsemmi, u f'dak il-każ dak l-avviż ikollu l-istess effett ta' permess mogħti minnu għal trasferiment propost li jsir skond il-pattijiet u kondizzjonijiet imsemmija fl-avviż; u meta dak il-permess ma jiġix użat mill-pattijiet tal-ftehim preliminari, jista' jiġi wżat minn persuni oħra li huma lesti li jaċċettaw dawk il-pattijiet u kondizzjonijiet imsemmija fl-avviż.

(3) Għall-finijiet tal-funzjonijiet tiegħu taħt dan l-Att, il-Kummissarju jista' jikseb kull parir jew fehma ta' espert, u taħt dawk il-pattijiet u kondizzjonijiet, li jidhirlu xieraq.

(4) Id-deċiżjoni tal-Kummissarju taħt dan l-artikolu tkun finali.

5. Meta tkun saret applikazzjoni kif provdut fl-artikolu 4 ta' dan l-Att, il-perijodu ta' validità tal-ftehim preliminari, li kopja tiegħu tkun mehmuża ma' l-applikazzjoni, jiġi mtawwal b'dak iż-żmien li jgħaddi bejn id-data ta' l-applikazzjoni u l-gurnata li taħbat minnufih wara d-data tal-permess, avviż, jew rifjut tal-Kummissarju mogħti taħt dan l-artikolu.

Perijodu ta' validità ta' ftehim preliminari.

6. Meta l-Kummissarju jkun irrifjuta l-ghoti tal-permess tiegħu, jew il-pattijiet tal-ftehim preliminari ma jkunux aċċettaw, fil-perijodu tal-validità ta' dak il-ftehim, il-pattijiet u kondizzjonijiet notifikati lill-applikant mill-Kummissarju kif provdut fis-subartikolu (2) ta' l-artikolu 4 ta' dan l-Att, kull hlas magħmul jew konsiderazzjoni oħra mogħtija bil-hsieb tat-trasferiment jew b'mod ieħor minhabba dak it-trasferiment propost, għandu jithallas lura minkejja kull ftehim kuntrarju.

Effetti ta' rifjut ta' permess, eċċ.

7. Kopja awtentikata mill-Kummissarju tal-permess jew avviż mogħti mill-Kummissarju li skond dan l-Att għandu jiġi mehmuż ma' l-Att tat-trasferiment għandha tiġi pprezentata lid-Direttur tar-Registru Pubbliku jew lir-Registratur ta' l-Artijiet meta t-trasferiment jiġi registrat skond il-ligi, u l-ebda trasferiment ma jiġi hekk registrat jekk u sakemm dik il-kopja ma tiġix hekk pprezentata.

Kopja awtentika tal-permess għandha tiġi pprezentata lid-Direttur tar-Registru Pubbliku, eċċ.

8. Dan l-Att għandu jibqa' fis-seħħ sal-31 ta' Diċembru, 1983, u mbagħad għandu jtemm:

Effett ta' dan l-Att.

Iżda, jekk f'xi żmien filwaqt li dan l-Att ikun fis-seħħ, il-Kamra tad-Deputati, tghaddi Riżoluzzjoni illi l-imsemmi Att jibqa' fis-seħħ għal żmien ta' sena oħra, jew għal żmenijiet iqsar kif speċifikat fir-Riżoluzzjoni, miż-żmien li xort'oħra jtemm, dan l-Att għandu jibqa' fis-seħħ għal dak iż-żmien ieħor.

SKEDA

Artikolu 4 (1) (b)

Applikazzjoni Nru.

**Applikazzjoni għal permess għall-Pubblikazzjoni
ta' Att ta' Trasferiment**

(Din il-formula għandha tingħata in duplikat)

Dahhal hawnhekk il-partikolaritajiet kollha tas-sidien tal-proprjetà li tkun se tiġi trasferita

Min jagħmel it-trasferiment

Dahhal hawnhekk il-partikolaritajiet kollha ta' lil min ikun se jsir it-trasferiment

Lil min ikun se jsir it-trasferiment

Dahhal hawnhekk deskrizzjoni tal-proprjetà li tkun se tiġi trasferita, f'każ ta' proprjetà rurali għandha tiġi mehmuża pjanta tal-proprjetà

Deskrizzjoni tal-proprjetà

Dahhal hawnhekk iż-żmien tat-trasferiment

Żmien tat-trasferiment

Dahhal hawnhekk il-ħlasijiet kollha (fis-sena jew xort'oħra) li għalihom ikun qed isir it-trasferiment

Cens u ħlasijiet oħra

Dahhal hawnhekk il-kondizzjonijiet l-oħra kollha tat-trasferiment. Kopja tal-ftehim preliminari għandha tiġi meħmuża ma' din il-formula

Kondizzjonijiet oħra tat-trasferiment

Dahhal hawnhekk l-isem tan-Nutar li jkun se jippubblika l-att

Nutar li jkun se jippubblika l-att tat-trasferiment

.....
Firma ta' l-applikant

Għal Użu ta' l-Uffiċċju Biss

Data li fiha tiġi riċevuta l-applikazzjoni:

Permess *mogħti/mhux mogħti/mogħti suġġett taħt il-kondizzjonijiet li ġejjin:

.....
Kummissarju ta' l-Artijiet

.....
(data)

* hassar fejn ma japplikax

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 76 tal-21 ta' Diċembru, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

22nd December, 1982

ACT No. XVIII of 1982

AN ACT to provide for the control of conditions in transfers of immovables.

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. This Act may be cited as the Transfer of Immovables (Regulation) Act, 1982.

Interpretation.

2. In this Act —

“appointed day” means the 22nd day of December, 1982;

“Commissioner” means the Commissioner of Land;

“emphyteutical grant” means the grant in emphyteusis or sub-emphyteusis of any land, building or other construction and includes any contract whereby any groundrent is imposed or increased in respect of any property as aforesaid;

“grant” means an emphyteutical grant;

“preliminary agreement” means an agreement whereby one party promises to transfer and another party promises to acquire immovable property.

“transfer” includes sale and any other transfer of immovables by onerous title and includes emphyteutical grants.

Transfer made without permission to be null and void.

3. Without prejudice to any other requirement of law, a transfer of immovables after the appointed day without the permission of the Commissioner for the execution of the deed of transfer given in accordance with section 4 of this Act, or otherwise than in strict compliance with a permission given as aforesaid, which permission shall be annexed to the deed of transfer, shall be null and without effect.

Commissioner's permission.

4. (1) The Commissioner shall not give his permission for the execution of a deed of transfer unless —

(a) a preliminary agreement in writing incorporating all the terms and conditions of the transfer has been duly entered into; and

(b) an application made in the form set out in the Schedule to this Act and containing all the particulars therein specified has been submitted to him not later than ten working days before the expiration of the period of validity of the preliminary agreement; and

(c) the Commissioner is satisfied that the terms and conditions of the proposed transfer are not more onerous than those obtaining on the open market on the 16th day of November, 1982.

(2) Where the Commissioner is not satisfied as provided in paragraph (c) of the immediately preceding subsection, he may notify to the applicant for permission the terms and conditions under which the transfer may be effected, being terms and conditions which satisfy the provisions of the paragraph as aforesaid, and in any such case such notice shall have the same effect as a permission granted by him for a transfer proposed to be made under the terms and conditions contained in the notice; and where such permission is not availed of by the parties to the preliminary agreement it may be availed of by other persons prepared to accept the terms and conditions contained in the notice.

(3) For the purposes of his functions under this Act, the Commissioner may obtain such advice or expert opinion, and under such terms and conditions, as he may deem appropriate.

(4) The decision of the Commissioner under this section shall be final.

5. Where an application has been made as provided in section 4 of this Act, the period of validity of the preliminary agreement a copy of which is annexed to the application shall be extended by the time elapsing between the date of the application and the day immediately following the date of the permission, notice or refusal of the Commissioner under that section.

Period of validity of preliminary agreement.

6. Where the Commissioner has refused to grant his permission, or the parties to the preliminary agreement have not accepted, within the period of validity of that agreement, the terms and conditions notified to the applicant by the Commissioner as provided in subsection (2) of section 4 of this Act, any payment made or other consideration given in anticipation or otherwise in respect of the proposed transfer shall be refundable notwithstanding any agreement to the contrary.

Effects of refusal of permission etc.

7. A copy authenticated by the Commissioner of the permission or the notice given by the Commissioner which in accordance with this Act is to be annexed to the deed of transfer shall be presented to the Director of the Public Registry or to the Land Registrar when the transfer is registered according to law, and no such transfer shall be so registered if and until such copy is not so presented.

An authentic copy of the permission shall be presented to the Director of the Public Registry, etc.

8. This Act shall continue in force until the 31st December, 1983, and shall then expire:—

Duration of Act.

Provided that, if at any time while this Act is in force a Resolution is passed by the House of Representatives that this Act shall continue in force for a further period of one year or such shorter periods as is specified in the Resolution, from the time at which it would otherwise expire, this Act shall continue in force for such further period.

SCHEDULE

Section 4 (1) (b)

Application No.

Application for Permission for Publication of Deed of Transfer

(This form is to be submitted in duplicate)

Insert here full particulars of the proprietors of the property to be transferred

Transferor/s

Insert here full particulars of transferees

Transferee/s

Insert here description of property to be transferred, in case of rural property a plan of the property is to be annexed

Description of property

Insert here duration of transfer

Duration of transfer

Insert here details of all payments (annual or otherwise) in consideration of which transfer is to be made

Ground rent and other payments

Insert here all other conditions of transfer. A copy of the preliminary agreement is to be annexed to this form

Other conditions of transfer

Insert here name of Notary who will publish deed

Notary publishing deed of transfer

.....
Signature of applicant

For Office Use Only

Date of receipt of application:

Permission *granted/not granted/granted subject to the following conditions:

.....
(date)

.....
Commissioner of Land

* delete where not applicable

Passed by the House of Representatives at Sitting No. 76 of the 21st December, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives