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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Ottubru, 1986.

ATT biex ikompli jemenda l-Ordinanza ta' l-1959 li Tneħhi l-Kontroll tad-Djar.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 13th October, 1986.

AN ACT further to amend the Housing (Decontrol) Ordinance, 1959.

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Ordinanza ta' l-1959 li Tnehhi l-Kontroll tad-Djar.

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. Dan l-Att jista' jissejjaħ l-Att ta' l-1986 li jemenda l-Ordinanza li Tnehhi l-Kontroll tad-Djar u għandu jinqara u jftiehem haġa waħda ma' l-Ordinanza ta' l-1959 li Tnehhi l-Kontroll tad-Djar, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali". Titolu fil-qosor.
2. Fl-artikolu 2 tal-liġi prinċipali t-tifsira ta' "kirja" għandu jkollha effett, u għandha titqies bħala li dejjem kellha effett, skond dawn l-emendi li ġejjin: Emenda ta' l-artikolu 2 tal-liġi prinċipali.
 - (a) fit-test Ingliż, minflok il-kelma "letting" għandhom jidhlu l-kliem "letting" or "lease"; u
 - (b) minflok il-kliem 'konċessjoni enfitewtika' għandhom jidhlu l-kliem 'konċessjoni enfitewtika jew sub-enfitewtika'.
3. L-artikolu 10B tal-liġi prinċipali għandu jkollu effett, u għandu jitqies bħala li dejjem kellu effett, skond is-sostituzzjoni tas-subartikolu (9) tiegħu b'dan is-subartikolu: Emenda ta' l-artikolu 10B tal-liġi prinċipali.

"(9) Għall-finijiet ta' dan l-artikolu —

 - (a) dwar enfitewsi msemmi fil-paragrafi (a) jew (b) tas-subartikolu (2) ta' dan l-artikolu, l-enfitewsi tinkludi s-sub-enfitewsi;
 - (b) dwar kull enfitewsi jehor, enfitewsi tfisser l-enfitewsi oriġinali, iżda jekk meta jagħlaq dak l-enfitewsi, id-dar ta' abitazzjoni tkun miżmuma b'sub-enfitewsi —
 - (i) il-jeddijiet mogħtija b'dan l-artikolu lill-enfitewta jkunu jistgħu jiġu eżerċitati mill-aħħar sub-enfitewta u, bla ħsara għall-jeddijiet mogħtija lill-okkupant bis-subartikolu (5) ta' dan l-artikolu, minnu biss;

(ii) il-padrun dirett tfisser biss il-persuna li jkollha jedd tirċievi ċ-ċens oriġinali;

(iii) iċ-ċens tfisser biss iċ-ċens oriġinali:

Iżda meta ċ-ċens li jkun jithallas mill-aħħar sub-enfitewta jkun iżjed minn sitt darbiet iċ-ċens oriġinali, s-subartikolu (4) ta' dan l-artikolu għandu jkollu effett daqs-likieku minflok il-kliem "jkun daqs sitt darbiet iċ-ċens" kien hemm sostitwiti l-kliem "jkun daqs is-sub-ċens".

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jneħhi ċerti dubbji li hemm, għall-finijiet ta' l-Ordinanza ta' l-1959 li Tneħhi l-Kontroll tad-Djar, dwar jekk konċessjonijiet enfitewtiċi jinkludux konċessjonijiet sub-enfitewtiċi.

A BILL
entitled

AN ACT further to amend the Housing (Decontrol) Ordinance, 1959.

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:—

1. This Act may be cited as the Housing (Decontrol) (Amendment) Act, 1986, and shall be read and construed as one with the Housing (Decontrol) Ordinance, 1959, hereinafter referred to as “the principal law”.

Short title.

2. In section 2 of the principal law the definition of “letting” shall have effect, and shall be deemed always to have had effect, subject to the following amendments:

Amendment of section 2 of the principal law.

(a) for the word “letting” there shall be substituted the words “letting” or “lease”; and

(b) for the words ‘emphyteutical grant’ there shall be substituted the words ‘emphyteutical or sub-emphyteutical grant’.

3. Section 10B of the principal law shall have effect, and shall be deemed always to have had effect, subject to the substitution of subsection (9) thereof by the following subsection:

Amendment of section 10B of the principal law.

“(9) For the purposes of this section —

(a) in respect of an emphyteusis mentioned in paragraphs (a) or (b) of subsection (2) of this section, emphyteusis includes a sub-emphyteusis;

(b) in respect of any other emphyteusis, emphyteusis means the original emphyteusis, but where, on the expiration of such emphyteusis, the dwelling house is held on sub-emphyteusis —

(i) the rights given by this section to the emphyteuta shall be exercisable by the last sub-emphyteuta and, without prejudice to the rights given to the occupier by subsection (5) of this section, only by him;

(ii) the *directus dominus* means only the person entitled to receive the original ground-rent;

(iii) the ground-rent means only the original ground-rent:

Provided that where the ground-rent payable by the last sub-emphyteuta exceeds six times the original ground-rent, subsection (4) of this section shall have effect as if for the words "shall be equal to six times the ground-rent" there were substituted the words "shall be equal to the sub-ground-rent".

Objects and Reasons

The Object of this Bill is to remove certain doubts as to whether, for the purposes of the Housing (Decontrol) Ordinance, 1959, references to emphyteutical grants include sub-emphyteutical grants.