

Nru. 10

10. 12. 87

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli George Bonello Dupuis, M.P., Ministru tal-Finanzi u moqri għall-Ewwel darba fis-Seduta tas-7 ta' Awissu, 1987.

A BILL introduced by the Honourable George Bonello Dupuis, M.P., Minister of Finance and read the First time at the Sitting of the 7th August, 1987.

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti.

AN ACT further to amend the Immovable Property (Acquisition by Non-Residents) Act, 1974.

P. MUSCAT TERRIBILE

Agent Skrivan tal-Kamra tad-Deputati

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Acting Clerk to the House of Representatives

ABBOZZ TA' LIGI

msejjah

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti.

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:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1987 li jemenda l-Att dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti, u għandu jingara u jiftiehem haġa waħda ma' l-Att ta' l-1974 dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti, hawn-hekk iżjed "il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Att XXXVII
ta' l-1974.

2. L-artikolu 2 ta' l-Att prinċipali għandu jġi emendat kif ġej: Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) minflok id-definizzjoni ta' "Ministru" għandu jidhol dan li ġej:

" "Ministru" tfisser il-Ministru responsabbli għall-finanzi, u minbarra għall-finanzji ta' ordni li jsir skond il-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 5, u għall-finanzji ta' l-artikolu 7 ta' l-Att, tinkludi meta jkun delegat bil-miktub mill-Ministru, kull uffiċjal pubbliku fil-Ministeru tal-Finanzi li jkun hekk delegat mill-Ministru";

(b) minflok is-subparagrafu (iii) tal-paragrafu (b) fid-definizzjoni ta' "persuna mhux residenti" għandu jidhol dan li ġej:

"(iii) hamsa u għoxrin fil-mija jew iżjed mill-kapital azzjonali jkun proprjetà ta' persuna mhux residenti; jew"; u

(c) minflok id-definizzjoni "persuna residenti ta' Malta" għandu jidhol dan li ġej:

" "persuna residenti ta' Malta" tfisser individwu li jkun —

(a) ċittadin ta' Malta; jew

(b) miżżewweġ lil ċittadin jew ċittadina ta' Malta jekk bejn dawk il-miżżewġin ikun hemm teżisti l-komunjoni ta' l-akkwisti;”.

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

3. L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
(a) id-dispożizzjoni prezenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu; u

(b) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jiżdied dan is-subartikolu li ġej:

“(2) Is-subartikolu (1) ta' dan l-artikolu ma għandux japplika għal:

(a) l-akkwist minn persuna mhux residenti ta' qabar jew ta' sit għal qabar; u

(b) il-fidwa minn persuna mhux residenti ta' kull ċens jew piż ieħor fuq kull proprjetà immobbli li tkun giet akkwistata skond il-liġi minn dik il-persuna mhux residenti.”.

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

4. Is-subartikolu (1) ta' l-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem “sitt elef lira” fil-paragrafu (b) tiegħu għandhom jidhru l-kliem “tmint elef lira Maltija”; u

(b) minnufih wara l-paragrafu (b) tal-proviso li hemm miegħu, għandu jiżdied dan il-proviso li ġej:

“Izda wkoll il-Ministru jista' jzomm il-permess tiegħu għall-akkwist ta' kull proprjetà immobbli li huwa jqis li jkollha importanza storika, jew li tkun tinstab f'lokalità storika.”.

Dispożizzjoni transitorja.

5. Id-dispożizzjonijiet tal-paragrafu (b) tad-definizzjoni ta' “persuna residenti ta' Malta” fl-artikolu 2 ta' l-Att prinċipali kif emendat b'dan l-Att, għandhom jitqiesu li bdew isehħu fit-30 ta' Mejju, 1974.

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz huwa prinċipalment li jneħhi restrizzjonijiet kontra ċittadini ta' Malta li ma humiex residenti Malta, jew li żwieġhom jew in-nisa tagħhom mhumiex ċittadini ta' Malta meta bejniethom ikun hemm teżisti l-komunjoni ta' l-akkwisti, li jakkwistaw proprjetà immobbli f'Malta. L-Abbozz jagħmel ukoll emendi ta' natura amministrattiva u jżid il-valur ta' proprjetà li tista' tiġi akkwistata minn persuni mhux residenti minn Lm6000 għal Lm8000.

A BILL**entitled**

AN ACT further to amend the Immovable Property (Acquisition by Non-Residents) Act, 1974.

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 Immovable Property (Acquisition by Non-Residents) (Amendment) Act, 1987, and shall be read and construed as one with the Immovable Property (Acquisition by Non-Residents) Act, 1974, hereinafter referred to as "the principal Act".
- Short Title.
Act XXXVII
of 1974.
2. Section 2 of the principal Act shall be amended as follows:
- Amendment of
section 2 of the
principal Act.
- (a) for the definition of "Minister" there shall be substituted the following:
- "“Minister” means the Minister responsible for finance, and except for the purposes of an order made in terms of paragraph (b) of subsection (1) of section 5, and for the purposes of section 7 of the Act, includes where delegated in writing by the Minister, any public officer in the Ministry of Finance so delegated by the Minister;”;
- (b) for sub-paragraph (iii) of paragraph (b) in the definition of "non-resident person" there shall be substituted the following:
- “(iii) twenty-five per cent or more of its share capital is owned by a non-resident person; or”; and
- (c) for the definition "resident of Malta" there shall be substituted the following:
- "“resident of Malta” means an individual who is —
- (a) a citizen of Malta; or

(b) the spouse of a citizen of Malta if between such spouses there is established the community of acquests;”.

Amendment of section 3 of the principal Act.

3. Section 3 of the principal Act shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof, as renumbered there shall be added the following subsection:

“(2) Subsection (1) of this section shall not apply to:

(a) the acquisition by a non-resident person of a grave or a site for a grave; and

(b) to the redemption by a non-resident person of any groundrent or other burthen encumbering any immovable property lawfully acquired by such non-resident person.”.

Amendment of section 5 of the principal Act.

4. Subsection (1) of section 5 of the principal Act shall be amended as follows:

(a) for the words “six thousand pounds” in paragraph (b) thereof there shall be substituted the words “eight thousand Maltese liri”; and

(b) immediately after paragraph (b) of the proviso thereto, there shall be added the following proviso:

“Provided further that the Minister may withhold his permission for the acquisition of any immovable property which he considers to be of historical importance, or as being situate in a historical locality.”.

Transitory provision.

5. The provisions of paragraph (b) of the definition of “resident of Malta” in section 2 of the principal Act as amended by this Act, shall be deemed to have come into force on the 30th May, 1974.

Objects and Reasons

The Object of the Bill is mainly to remove restrictions against citizens of Malta who are not resident in Malta, or whose spouses are not citizens of Malta when between them there exists the community of acquests, to acquire immovable property in Malta. The Bill also makes amendments of an administrative nature and increases the value of property that can be acquired by non-residents from Lm6000 to Lm8000.