

**Nru. 58**

15. 2. 84

**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

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 tas-6 ta' Frar, 1984.

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 6th February, 1984.

ATT biex jemenda l-Att ta' l-1982 li jirregola t-Trasferiment ta' Immobili.

AN ACT to amend the Transfer of Immovables (Regulation) Act, 1982.

C. MIFSUD

*Skrivan tal-Kamra tad-Deputati*

C. MIFSUD

*Clerk to the House of Representatives*

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**ABBOZZ TA' LIĠI****msejjah**

*ATT biex jemenda l-Att ta' l-1982 li jirregola t-Trasferiment ta' Immobbli.*

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

Titolu fl-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1984 li jemenda l-Att li jirregola t-Trasferiment ta' Immobbli u għandu jinqara u jiftiehem ħaġa waħda ma' l-Att ta' l-1982 li jirregola t-Trasferiment ta' Immobbli, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

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

2. Minflok it-tifsira ta' "Kummissarju" li hemm fl-artikolu 2 ta' l-Att prinċipali għandha tidhol it-tifsira ġdida li ġejja:

" "Kummissarju" tfisser il-Kummissarju ta' l-Artijiet, u tinkludi kull uffiċjal pubbliku li jkollu awtorità espressa mingħand il-Kummissarju biex jaġixxi minflok fil-ħarsien ta' xi dispożizzjoni ta' dan l-Att;".

Zieda ta' artikolu ġdid 7A ma' l-Att prinċipali.

3. Minnufih wara l-artikolu 7 ta' l-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Trasferimenti eżentati mid-dispożizzjonijiet ta' dan l-Att.

7A. Id-dispożizzjonijiet ta' dan l-Att m'għandhomx japplikaw għal:

(a) xi trasferiment ta' immobbli magħmul mill-Awtorità tad-Djar skond xi direttiva mogħtija skond l-artikolu 9 ta' l-Att ta' l-1976 dwar l-Awtorità tad-Djar, xi trasferiment magħmul mill-Gvern skond l-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern, u xi għoti mill-Gvern taħt l-Ordinanza dwar id-Dfin, u xi trasferiment magħmul mill-Gvern jew minn xi korp magħqud ieħor imwaqqaf b'liġi meta l-prezz ikun stabbilit minn jew taħt xi liġi jew meta dak it-trasferiment ikun approvat minn, jew magħmul taħt, *policy* approvata mill-Kamra tad-Deputati skond id-dispożizzjonijiet ta' xi liġi;

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(b) xi bejgħ ordnat minn xi Qorti f'Malta:

Iżda qorti m'għandhiex tagħmel dak l-ordni jekk ma tkunx sodisfatta illi l-pattijiet u kondizzjonijiet tat-trasferiment ma humiex iktar onerużi minn dawk korrenti fis-suq fis-16 ta' Novembru, 1982;

(ċ) xi diviżjoni jew assenjazzjoni ta' immobbli bejn miżżewġin, sew jekk dawk l-immobbli jkunu parti mill-komunjon ta' l-akkwisti sew jekk le, u sew jekk dik id-diviżjoni jew l-assenjazzjoni tkunx jew le minhabba separazzjoni personali tal-miżżewġin, dikjarazzjoni ta' nullità ta' żwieġ, xoljiment tal-komunjon ta' l-akkwisti jew xi raġuni oħra;

(d) xi trasferiment favur il-Gvern; u

(e) xi fidi ta' ċens li jsir skond l-artikolu 1582A tal-Kodiċi Ċivili.”

4. L-emendi magħmula bl-artikolu 3 ta' dan l-Att għandhom jtgħiesu li kienu jseħħu mal-bidu fis-seħħ ta' l-Att prinċipali. Effett ta' l-emendi

### Għanijiet u Raġunijiet

L-Abbozz jagħti s-setgħa lill-Kummissarju ta' l-Artijiet li jiddelega s-setgħat tiegħu taħt l-Att prinċipali, u jipprovi li ċerti trasferimenti ta' immobbli għandhom, f'ċirkostanzi speċjali, ikunu eżentati mid-dispożizzjonijiet ta' l-Att prinċipali.

**A BILL**

**entitled**

*AN ACT to amend the Transfer of Immovables (Regulation) Act, 1982.*

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) (Amendment) Act, 1984, and shall be read and construed as one with the Transfer of Immovables (Regulation) Act, 1982, hereinafter referred to as "the principal Act".

Amendment of section 2 of the principal Act.

2. For the definition of "Commissioner" in section 2 of the principal Act there shall be substituted the following new definition:

" "Commissioner" means the Commissioner of Land, and includes any public officer having an express authority from the Commissioner to act on his behalf in the carrying out of any provision of this Act; "

Addition of new section 7A to the principal Act.

3. Immediately after section 7 of the principal Act there shall be added the following new section:

"Transfers exempted from the provisions of this Act.

7A. The provisions of this Act shall not apply to:

(a) any transfer of immovables made by the Housing Authority in terms of any direction given in terms of section 9 of the Housing Authority Act, 1976, any transfer by Government made in terms of the Disposal of Government Land Act, 1976, and any grant made by Government under the Burials Ordinance, and any other transfer made by Government or by any body corporate established by law where the price is fixed by or under any law or where such transfer is approved by or made under a policy approved by the House of Representatives in accordance with the provisions of any law;

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(b) any sale ordered by any Court in Malta:

Provided that a court shall not make such an order unless it is satisfied that the terms and conditions of the transfer are not more onerous than those obtaining on the open market on the 16th day of November, 1982;

(c) any partition or assignment of immovables between spouses, whether such immovables form part of the community of acquests or not, and whether or not such partition or assignment is consequent to the personal separation of the spouses, the declaration of nullity of the marriage, the dissolution of the community of acquests or to any other cause;

(d) any transfer in favour of Government; and

(e) any redemption of groundrent made in terms of section 1582A of the Civil Code.”

4. The amendments made by section 3 of this Act shall be deemed to have been in effect on the coming into force of the principal Act. Effects of amendments.

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### Objects and Reasons

The Bill empowers the Commissioner of Land to delegate his powers under the principal Act, and provides that certain transfer of immovables shall, in special circumstances, be exempted from the provisions of the principal Act.