

MALTA

ATT Nru. XI ta' l-1989

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubblici, Kap. 88.

ACT No. XI of 1989

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Land Acquisition (Public Purposes) Ordinance, Cap. 88.

Naghti l-kunsens tiegħi.

(L.S.)

ĊENSU TABONE
President

25 ta' April, 1989

ATT Nru. XI ta' l-1989

ATT biex ikompli jemenda l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, Kap. 88.

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' jissejjah l-Att ta' l-1989 li jemenda l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, u għadu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, hawnhekk aktar 'il quddiem imsejjha "il-liġi prinċipali".

Titolu
fil-qosor.
Kap. 88.

2. L-artikolu 22 tal-liġi prinċipali għandu jiġi emendat billi jiżdiedu, minnufih wara s-subartikolu (3) tiegħu, dawn is-subartikoli ġodda li ġejjin:—

Emenda ta'
l-artikolu
22 tal-liġi
prinċipali.

“(4) Meta l-akkwist ta' art isir bix-xiri assolut tagħha (inkluż l-akkwist bil-bdil minn użu u pussess jew dominju pubbliku għal proprjetà assoluta), l-awtorità kompetenti tista', f'kull żmien wara l-iskadenza ta' wiehed u għoxrin jum minn notifika ta' l-avviż għall-ftehim rilevanti, tiddepożita fil-Prim'Awla tal-Qorti Ċivili somma flus daqs l-ammont ta' kumpens offrut fl-avviż għall-ftehim imsemmi sabiex din tkun tista' tiġi liberament żbankata mill-persuna jew mill-persuni intitolati għal dak il-kumpens wara li jintwera biċ-ċar x'jedd għandhom għalih, u tiġi indikata fiċ-ċedola ta' depożitu l-art li dwarha jkun jittratta l-avviż għall-ftehim u jingħataw dawk il-partikularitajiet dwarha daqstant sabiex din tkun tista' tiġi identifikata:

Iżda meta ammont ta' kumpens differenti jkun inftiehem bejn l-awtorità kompetenti u s-sid jew ikun ġie iffissat mill-Bord, l-ammont ta' kumpens li jkollu jiġi depożitat kif imsemmi qabel ikun dak l-ammont l-iehor.

(5) L-ammont depożitat kif provdut fis-subartikolu (4) ta' dan l-artikolu jista' jiġi żbankat kif hemmhekk provdut sew jekk il-kumpens ikun inftiehem jew ġie mod iehor iffissat sew jekk ma jkunx sar hekk; b'dak il-mod illi meta l-kumpens offrut ma jkunx intlaqa' kif provdut fis-subartikolu (3) ta' dan l-artikolu, l-iżbank tad-depożitu ma jippreġudikax il-jedd li xi persuna jkollha li tkompli miexja skond kif hemm provdut jew għal kull kumpens aktar li jista' jithallas skond hekk.

(6) Meta l-awtorità kompetenti tkun iddepożitat il-kumpens offrut jew dovut kif provdut fis-subartikolu (4) ta' dan l-artikolu, hija tista' f'kull żmien li jiġi wara tinnotifika lir-Registatur ta' l-Artijiet b'kopja taċ-ċedola ta' depożitu rilevanti u hekk kif isir dan l-art li tkun imsemmija f'ċedola ta' depożitu bhal dik għandha titqies li tkun area dikjarata bhala area ta' registrazzjoni għall-finijiet ta' l-Att ta' l-1981 dwar ir-Registrazzjoni ta' Artijiet.

Att Nru.
XXXV ta'
l-1981.

(7) Hekk kif tiġi notifikata ċ-ċedola ta' depożitu lir-Registatur ta' l-Artijiet kif provdut fis-subartikolu (6) ta' dan l-artikolu, il-proprjetà assoluta ta' l-art li tkun tirreferi għaliha għandha, bis-sahha ta' din l-Ordinanza u minghajr ebda fteigħa jew formalità oħra, tiġi trasferita lil u tiġi akkwistata mill-awtorità kompetenti, libera u franka minn kull piż, ipoteka jew privileġġ, u bil-pertinenzi kollha tagħha; u l-awtorità kompetenti għandha tagixxi biex dak it-trasferiment ta' titolu jkun registrat fir-Registru ta' l-Artijiet skond l-Att imsemmi.

(8) Il-jedd għall-iżbank tal-kumpens depożitat skond is-subartikolu (4) ta' dan l-artikolu u għal kull kumpens aktar li jista' jkun dovut skond din l-Ordinanza għandu jitqies bhala jedd immobbli minhabba l-ħaġa li għandu x'jaqsam magħha u għandu jkun trasferibbli skond hekk; u kull piż, ipoteka jew privileġġ li qabel l-akkwist ta' l-art mill-awtorità kompetenti kienu mghaqqda ma' dik l-art jibqgħu ikunu mghaqqdin mal-kumpens bl-istess gradwazzjoni u preferenza li kellhom mghaqqdin ma' l-art.

(9) Meta l-Kumpens li għandu jithallas dwar art akkwistata bix-xiri assolut tagħha jkun ġie iffissat, sew bi ftehim jew b'deċiżjoni tal-Bord, wara li t-titolu għal dik l-art ikun ġia ġie akkwistat mill-awtorità kompetenti skond id-dispożizzjonijiet imsemmija qabel ta' dan l-artikolu, l-ammont ta' kumpens, jekk ikun hemm, li jkun għadu dovut minn dik l-awtorità għandu, hliel jekk ikun qabel ġie mhallas lis-sid, jiġi depożitat fil-Prim'Awla tal-Qorti Ċivili mhux aktar tard minn tliet xhur mid-data meta l-kumpens dovut kien ġie iffissat kif imsemmi qabel, sabiex jiġi liberament żbankat mill-

persuna jew persuni intitolati għal dak il-kumpens wara li jintwera biċ-ċar x'jedd għandhom għalih.".

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 227 tad-19 ta' April, 1989.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ĈENSU TABONE
President

25th April, 1989

ACT No. XI of 1989

AN ACT further to amend the Land Acquisition (Public Purposes) Ordinance, Cap. 88.

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 Land Acquisition (Public Purposes) (Amendment) Act, 1989, and shall be read and construed as one with the Land Acquisition (Public Purposes) Ordinance, hereinafter referred to as “the principal law”.

Cap. 88.

Amendment of
section 22
of the
principal law.

2. Section 22 of the principal law shall be amended by the addition, immediately after subsection (3) thereof, of the following new subsections:—

“(4) Where the acquisition of land is to be by the absolute purchase thereof (including an acquisition by conversion from use and possession or public tenure into absolute ownership), the competent authority may, at any time after the expiration of twenty-one days from the service of the relevant notice to treat, deposit in the Civil Court, First Hall, a sum equal to the amount of compensation offered in the said notice to treat to be withdrawn freely by the person or persons entitled to such compensation upon evidence being shown of their entitlement thereto, and indicating in the schedule of deposit the land to which the notice to treat relates and giving such particulars thereof as are sufficient to identify it:

Provided that where a different amount of compensation has been agreed between the competent authority and the owner or has been determined by the Board, the amount of compensation to be deposited as aforesaid shall be such other amount.

(5) The amount deposited as provided in subsection (4) of this section may be withdrawn as therein provided whether or not the compensation has been agreed or otherwise determined; so however that where the compensation offered has been declined as provided in subsection (3) of this section, the withdrawal of the deposit shall not prejudice the right competent to any person to pursue the matter as therein provided or to any further compensation that may be payable accordingly.

(6) Where the competent authority has deposited the compensation offered or due as provided in subsection (4) of this section, it may at any time thereafter serve a copy of the relevant schedule of deposit on the Land Registrar and thereupon the land comprised in any such schedule of deposit shall be deemed to be an area declared to be a registration area for the purposes of the Land Registry Act, 1981.

Act No. XXXV
of 1981.

(7) Upon the service of the schedule of deposit on the Land Registrar as provided in subsection (6) of this section, the absolute ownership of the land to which it relates shall, by virtue of this Ordinance and without any further assurance or formality, be transferred to and be acquired by the competent authority, free and unencumbered from any charge, hypothec or privilege, and with all appurtenances thereof; and the competent authority shall cause such transfer of title to be registered at the Land Registry under the said Act.

(8) The right to withdraw the compensation deposited under subsection (4) of this section and to any further compensation that may be due under this Ordinance shall be deemed to be an immovable right by reason of the object to which it refers and shall be transferable accordingly; and any charge, hypothec or privilege which prior to the acquisition of the land by the competent authority attached to such land shall continue to attach to the compensation with the same ranking and priority as they attached to the land.

(9) Where the compensation payable in respect of land acquired by the absolute purchase thereof is determined, whether by agreement or by a decision of the Board, after the title to such land has already been acquired by the competent authority in accordance with the foregoing provisions of this section, the amount of compensation, if any, still due by such authority shall, unless earlier paid to the owner, be deposited in the Civil Court, First Hall not later than three months from the date on which the

compensation due was determined as aforesaid, to be freely withdrawn by the person or persons entitled to such compensation upon evidence being shown of their entitlement thereto.”.

Passed by the House of Representatives at Sitting No. 227 of the 19th April, 1989.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Clerk to the House of Representatives