

MALTA

ATT Nru. IX ta' l-1985

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

ATT biex ikompli jemenda l-Att ta' l-1981 dwar it-Taxxa fuq Dokumenti.

ACT No. IX of 1985

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Duty on Documents Act, 1981.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

22 ta' Mejju, 1985

ATT Nru. IX ta' l-1985

ATT biex ikompli jemenda l-Att ta' l-1981 dwar it-Taxxa fuq Dokumenti.

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' jissejjaħ l-Att ta' l-1985 li jemenda l-Att dwar it-Taxxa fuq Dokumenti, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1981 dwar it-Taxxa fuq Dokumenti, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

2. Minnufih wara l-artikolu 28 ta' l-Att prinċipali għandu jidhol il-proviso li ġej:

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

"Izda għall-finijiet ta' dan l-Att l-espressjoni "assigurazzjoni" ma tinkludix rijassigurazzjoni u l-espressjonijiet li joħroġu minnha jew li għandhom x'jaqsmu magħha għandhom jiftehmu b'dak il-mod."

3. Minnufih wara l-artikolu 53 ta' l-Att prinċipali għandu jidhol l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid 53A ma' l-Att prinċipali.

"Dritt ta' preferenza f'każ ta' trasferiment ta' proprjetà

53A. (1) Il-persuna li minghandha tiġi akkwistata xi proprjetà taħt id-dispożizzjonijiet ta' l-artikolu 53 ikollha dritt ta' preferenza fil-każ ta' trasferiment ta' dik il-proprjetà mill-Gvern.

(2) Ma jkun hemm ebda dritt ta' preferenza taħt dan l-artikolu f'għeluq is-sitt xhur mid-data tal-preżentata taċ-ċedola taħt l-artikolu 53 ta' dan l-Att.

(3) Meta dik il-proprjetà kif imsemmi fis-sub-artikolu (1) ta' dan l-artikolu tkun se tiġi trasferita, il-Kum-

missarju ta' l-Artijiet għandu, b'att imdahhal fir-registru tal-qorti li fiha ċ-ċedola kienet prezentata, jiddikjara l-ammont dikjarat mill-Kummissarju tat-Taxxi Nterni li hu l-valur reali ta' l-immobbli mibjugha jew trasferiti għall-fini tas-subartikolu (7) ta' l-artikolu 53, u għandu jispeċifika wkoll il-pattijiet u l-kondizzjonijiet li taħthom ikun hemm il-ħsieb li jiddisponi mill-immobbli; il-Kummissarju ta' l-Artijiet għandu jehmeż ma' l-att pjanta li turi l-estenzjoni u l-lokalità ta' l-imsemmi immobbli, u kopja ta' dak l-att għandha tiġi notifikata lill-persuna li mingħandha giet akkwistata l-proprjetà mill-Gvern.

(4) Meta ssir in-notifika ta' l-att imsemmi fis-subartikolu (3) ta' dan l-artikolu, il-persuna hekk notifikata takkwista mill-ġdid l-immobbli jekk —

(a) fi żmien ħmistax-il jum minn dik in-notifika tipprezenta nota fir-registru tal-qorti msemmi fis-subartikolu (3) ta' dan l-artikolu fejn tiddikjara li taċċetta li tħallas l-ammont dikjarat mill-Kummissarju li hu l-valur reali ta' l-immobbli u li takkwista dak l-immobbli taħt il-pattijiet u l-kondizzjonijiet speċifikati fl-att; u

(b) tiddepożita fl-imsemmi registru, mhux iktar tard minn erbat ijiem tax-xogħol wara d-data tan-nota, dak l-ammont li jirrappreżenta l-valur reali ta' dik il-proprjetà.

(5) L-immobbli li dwaru jiġi eżerċitat id-dritt ta' preferenza skond id-dispożizzjonijiet ta' dan l-artikolu għandu għall-effetti u għall-għanijiet tal-liġi jiġi trasferit favur il-persuna li teżerċita dak id-dritt malli tagħmel id-depożitu msemmi fis-subartikolu (4) ta' dan l-artikolu mingħajr il-ħtieġa ta' xi formalità oħra xort'oħra meħtieġa b'xi liġi oħra.

(6) Iċ-ċedola ta' depożitu msemmija fil-paragrafu (b) tas-subartikolu (4) ta' dan l-artikolu jkun fiha —

(i) l-isem u l-kunjom tax-xerrej, il-post tat-twelid, il-post fejn joqgħod, ix-xogħol tiegħu, in-negozju jew xi stat ieħor, isem missieru u isem ommu u l-kunjom ta' xubitha, jew fil-każ ta' korp ta' persuni l-isem korporat ta' dak il-korp ta' persuni u l-partikolaritajiet relattivi għall-inkorporazzjoni tagħha; u

(ii) l-indikazzjoni skond l-artikolu 7 ta' l-Att dwar ir-Registru Pubbliku jew l-artikolu 46 ta' l-Att dwar ir-Registrazzjoni ta' Artijiet, skond il-każ, ta' l-immobbli li dwaru jiġi eżerċitat id-dritt ta' preferenza.

(7) Il-prezentata taċ-ċedola taħt dan l-artikolu għandha, dwar il-proprjetà li għaliha tirreferi ċ-ċedola, taħdem b'dak il-mod u jkollha l-istess saħħa u effett bħal sentenza li direttament tiġġudika t-trasferiment ta' dik il-proprjetà lill-persuna li tagħmel dak id-depożitu, u l-artikolu 237 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili japplika għal hekk.”.

"Jedd għall-ewwel offerta. 53B. (1) Bla hsara għad-dispożizzjonijiet ta' l-artikolu 53A ta' dan l-Att, meta f'xi żmien matul il-perijodu ta' hames snin mid-data ta' l-akkwist tagħha, xi proprjetà, akkwistata taħt l-artikolu 53 ta' dan l-Att għandha tiġi trasferita mill-Gvern skond id-dispożizzjonijiet tal-paragrafu (a) tas-sub-artikolu (1) ta' l-artikolu 3 ta' l-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern, il-persuna li mingħandha dik il-proprjetà tkun giet hekk akkwistata jkollha l-jedd għall-ewwel offerta dwar dak it-trasferiment.

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(2) Għall-finijiet ta' dan l-artikolu l-espressjoni "jedd għall-ewwel offerta" tfisser il-jedd għall-akkwist ta' dik il-proprjetà bi prezz li jkun daqs dak ta' l-oghla offerta magħmula taħt l-imsemmija dispożizzjonijiet ta' l-Att fuq imsemmi, anke fejn l-ebda offerta ma tkun saret mill-persuna li jkollha dak il-jedd.

(3) Fil-każ ta' xi trasferiment bħal dak il-Kummissarju ta' l-Artijiet għandu, bil-mezz ta' ittra ufficjali, jawnza l-oghla offerta li tkun saret lill-persuna li jkollha l-jedd għall-ewwel offerta, u jekk fi żmien hmistax-il jum minn dak l-avviż dik il-persuna ma tkunx tat lill-Kummissarju ta' l-Artijiet il-kunsens tagħha bil-mezz ta' ittra ufficjali li hi tkun trid takkwista l-proprjetà bil-prezz hekk offert, dak il-jedd ma jkunx jista' jibqa' jiġi eżerċitat."

5. Minnufih wara l-artikolu 53B ta' l-Att prinċipali għandu jidhol l-artikolu gdid li ġej:

Zieda ta' artikolu 53C ma' l-Att prinċipali.

"Il-Ministru għandu jagħmel rapport lill-Kamra. 53C. Il-Ministru responsabbli għall-artijiet għandu fi żmien xahar, jew jekk il-Kamra ma tkunx qed tiltaqa' matul dak il-perijodu mhux iktar tard mill-ewwel seduta wara dak il-perijodu, ipogġi fuq il-Mejda tal-Kamra rapport ta' kull trasferiment li jkun sar skond id-dispożizzjonijiet ta' l-artikoli 53A u 53B ta' dan l-Att."

6. Minkejja d-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 53A ta' l-Att prinċipali, dwar xi proprjetà akkwistata mill-Gvern taħt l-artikolu 53 ta' dak l-Att, qabel il-bidu fis-seħħ ta' dan l-Att, iż-żmien ta' sitt xhur stabbilit f'dak is-subartikolu għall-eżerċizzju tad-dritt ta' preferenza, għandu jibda jgħodd mid-data tal-bidu fis-seħħ ta' dan l-Att.

Dispożizzjoni tranżitorja.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 251 ta' l-20 ta' Mejju, 1985.

JOHN BUTTIGIEG,
Agent Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

22nd May, 1985

ACT No. IX of 1985

AN ACT further to amend the Duty on Documents Act, 1981.

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 Duty on Documents (Amendment) Act, 1985, and shall be read and construed as one with the Duty on Documents Act, 1981, hereinafter referred to as "the principal Act".

Amendment of section 28 of the principal Act.

2. Immediately after section 28 of the principal Act there shall be inserted the following proviso:

"Provided that for the purposes of this Act the expression "insurance" does not include re-insurance and expressions which are derivatives thereof or related thereto shall be construed accordingly."

Addition of new section 53A to the principal Act.

3. Immediately after section 53 of the principal Act there shall be inserted the following new section:

"Right of preference in case of alienation of property. 53A. (1) The person from whom any property was acquired by the Government under the provisions of section 53 shall have a right of preference in the case of alienation of such property by Government.

(2) No right of preference under this section shall be exercisable on the lapse of six months from the date of the filing of the schedule under section 53 of this Act.

(3) Where property such as is referred to in subsection (1) of this section is to be disposed of, the Commissioner of Land shall, by means of an act entered in the registry of the court in which the schedule was filed, declare the amount deemed by the Commissioner of Inland Revenue to be the

real value of the immovable sold or transferred for the purpose of subsection (7) of section 53, and shall also specify the terms and conditions under which it is intended to dispose of the immovable; the Commissioner of Land shall attach to the act a plan showing the extent and location of the said immovable, and a copy of such act shall be served on the person from whom the property was acquired by the Government.

(4) When service of the act referred to in subsection (3) of this section is effected, the person so served shall re-acquire the immovable if he

(a) within fifteen days of such service shall file a note in the registry of the court referred to in subsection (3) of this section declaring that he accepts to pay the amount deemed by the Commissioner to be the real value of the immovable and to acquire such immovable under the terms and conditions specified in the act; and

(b) deposits in the said registry, not later than four working days after the date of the note, such amount representing the real value of the property.

(5) The immovable with regard to which the right of preference is exercised in accordance with the provisions of this section shall for all intents and purposes of law be transferred in favour of the person exercising such right upon effecting the deposit mentioned in subsection (4) of this section without the necessity of any further formality otherwise required by any other law.

(6) The schedule of deposit referred to in paragraph (b) of subsection (4) of this section shall contain —

(i) the name and surname of the transferee, his place of birth, his place of residence, his profession, trade or other status, his father's name and mother's name and maiden surname, or in the case of a body of persons the corporate name of such body of persons and the particulars relative to its incorporation; and

(ii) the designation in accordance with section 7 of the Public Registry Act or section 46 of the Land Registration Act, as the case may be, of the immovable in respect of which the right of preference is exercised.

(7) The filing of the schedule under this section shall, in respect of the property to which the schedule refers, operate in like manner and shall have the force and effect as a judgment which directly adjudges the transfer of that property to the person effecting that deposit, and section 237 of the Code of Organization and Civil Procedure shall apply thereto.”.

4. Immediately after section 53A of the principal Act there shall be added the following new section:

Addition of new section 53B to the principal Act.

“Right of first refusal.

Act No. XXXIII of 1976

53B. (1) Saving the provisions of section 53A of this Act, where at any time within the period of five years from the date of its acquisition any property acquired under section 53 of this Act is to be disposed of by Government in accordance with the provisions of paragraph (a) of subsection (1) of section 3 of the Disposal of Government Land Act, 1976, the person from whom that property was so acquired shall have a right of first refusal on that disposal.

(2) For the purposes of this section the expression “a right of first refusal” means the right to acquire that property at a price equivalent to that of the highest tender made under the aforesaid provisions of the said Act, even where no tender has been made by the person having that right.

(3) In the case of any such disposal the Commissioner of Land shall, by means of a judicial letter, notify the highest price tendered to the person having the right of first refusal, and if within fifteen days of such notification that person shall not have signified by means of a judicial letter to the Commissioner of Land his willingness to acquire the property at the price so offered, such right shall cease to be exercisable.”.

Addition of section 53C to the principal Act.

5. Immediately after section 53B of the principal Act there shall be added the following new section:

“Minister shall make a report to House.

53C. The Minister responsible for land shall within one month, or if the House is not sitting during such period not later than the first sitting after such period, lay on the Table of the House a report of any transfer made in accordance with the provisions of sections 53A and 53B of this Act.”.

Transitory provision.

6. Notwithstanding the provisions of subsection (2) of section 53A of the principal Act, in respect of any property acquired by Government under section 53 of that Act, before the coming into force of this Act, the period of six months laid down in that subsection for the exercise of the right of preference, shall commence to run from the date of the coming into force of this Act.

Passed by the House of Representatives at Sitting No. 251 of the 20th May, 1985.

JOHN BUTTIGIEG,
Acting Speaker

C. MIFSUD
Clerk to the House of Representatives