



L-ERBATAX-IL LEGIŻLATURA

P.L. 2769

Dokument imqiegħed fuq il-Mejda tal-Kamra tad-Deputati fis-Seduta Numru 189 tat-12 ta' Diċembru 2023 mill-Ministru għall-Wirt Nazzjonali, l-Arti u l-Gvern Lokali.

Raymond Scicluna
Skrivan tal-Kamra

*Today the fifth day of December
of the year two thousand and twenty - three
(05/12/2023).*

DEED NO.:

176

RENEWAL OF
GUARDIANSHIP

DEED

Before me Doctor Paul Callus, Senior Notary to Government, personally came and appeared as identified by the hereundermentioned documents:

Of the one part:

Kurt Farrugia, Superintendent of Cultural Heritage, at birth Farrugia, unmarried son of Patrick Farrugia and Maria sive Miriam Farrugia nee' Aloisio, born in Pietà on the twelfth of January of the year one thousand nine hundred and eighty-four (12/01/1984), and residing in Żurrieq, holder of Identity Card Number 64584(M), who is appearing on this deed in his capacity as Superintendent of Cultural Heritage for and on behalf of the **Government of Malta** (hereinafter referred to as the "Superintendent" or the "Government" as the case may be), as duly empowered by virtue of Article seven sub-article four [Art. 7(4)] of the Cultural Heritage Act – Chapter four hundred and forty-five (445) of the Laws of Malta (hereinafter the "Cultural Heritage Act"). Related papers are marked Notary to Government number six stroke two thousand and three (Not. 6/2003).

And of the second part:

Professor Alexander Torpiano, at birth Torpiano, married to Gabrielle Loraine Torpiano, son of the late Joseph Torpiano and of Winifred Torpiano nee' Camilleri, born in Valletta on the twelfth of November of the year one thousand nine hundred and fifty-four (12/11/1954), and residing in Lija, holder of Identity Card Number 836254(M), together with **Simone Mizzi**, nee' Caruana Curran, married to Kenneth Mizzi, daughter of Judge Maurice Caruana Curran and of the late Catherine Caruana Curran nee' Gatt, born in Valletta on the twenty-seventh of November of the year one thousand nine hundred and forty-eight (27/11/1948), and residing at Rabat, Malta, holder of Identity Card Number 1024448(M), who are jointly appearing hereon in their capacity as Executive President and Secretary General respectively for and on behalf of "**Din l-Art Helwa**" (hereinafter referred to as the "Guardian"), duly authorised in virtue of the Statute of the said organisation as well as by a minute of the fifth (5th) Executive Committee Meeting of "Din l-Art Helwa" held on the sixth (6th) of September of the year two thousand and twenty three (2023) as results from a copy of the extract of the relative minutes which is herewith annexed and marked with the letter "A";

each of which a Party and together the Parties.



The Parties premise and declare:

Whereas by virtue of a guardianship deed in the records of Notary Doctor Franco Pellegrini dated the twenty-first (21st) of February of the year two thousand and three (2003), the Superintendent, as authorised in virtue of Article forty-eight (48) (now sixty-four (64)) of the Cultural Heritage Act, entered into a guardianship contract whereby the Superintendent entrusted to the Guardian the guardianship of the historical property known as "Dwejra Tower" in San Lawrenz, Gozo, measuring approximately one hundred and forty-four square metres, bounded on the North, South and East by Government property, which property is shown edged in red on the plan marked with the letter "A" attached to the aforementioned deed and is hereinafter referred to as "the Property", under all the conditions mentioned in the said deed.

Whereas following the expiration of the guardianship deed, it was renewed by a deed in my records dated the fourteenth (14th) day of October of the year two thousand and thirteen (2013) for a further period of ten (10) years.

Whereas the abovementioned renewal of the guardianship deed was entered into for a period of ten (10) years, with effect from the date of the said deed, and now is considered to have expired.

Whereas the Parties, further to the power granted by the Cultural Heritage Act, are desirous of renewing the guardianship deed for a further duration of ten (10) years, with effect from the date of this deed.

Whereas the Parties accept the said renewal of the guardianship deed for a new term of ten (10) years.

Whereas approval for the renewal has been obtained from the Minister responsible for Culture as well as from the Lands Authority, as evidenced from the document which is being hereto attached and marked with the letter "B".

Now, therefore, in virtue of this deed, the Superintendent on the one part and the Guardian on the other part hereby agree to the following:

The Parties agree to renew the guardianship deed first entered into by virtue of a deed in the records of Notary Doctor Franco Pellegrini dated the twenty-first (21st) of February of the year two thousand and three (2003) and then renewed by a deed in my records dated the fourteenth (14th) day of October of the year two thousand and thirteen (2013) for a further period of ten (10) years, with effect from the expiry date referred to in the said deed, that is, the twenty-first (21st) day of February of the year two thousand and twenty-three (2023), at the end of which

period the deed will be considered to have terminated and renewal for further terms will have to be reconsidered.

The Parties also hereby agree that all the terms and conditions contained in the abovementioned guardianship deed and the first renewal of the guardianship deed are being renewed under the same terms and conditions. The parties agree that the following modifications are hereby being made to reflect the present laws and shall under no circumstance be interpreted as a change in any terms and conditions mentioned in the first deed:

- (i) Whereas the term is being renewed for a further period of ten years, the process for requesting a renewal of the term at the close of the new ten-year period is being updated. Therefore, Clause number two (2) is being substituted as follows: "Thereafter renewal of the guardianship deed for further terms will have to be reconsidered. The Guardian is to submit a request for renewal three (3) months prior to the expiration of the current term. Failure by the Guardian to submit a request for renewal will be understood that the Guardian is not interested in renewing the Deed."
- (ii) The *tale quale* state of the property report referred to in Clause number four (4) must be submitted again containing updates to the property as the case may be. Therefore, Clause four (4) is to be substituted as follows: "The Guardian, advised and guided as necessary by the Superintendent, hereby agrees to submit for the consideration of the Superintendent as the case may require, within three (3) months of the signing of the original guardianship deed, a detailed report on the *tale quale* state of the property. Upon each renewal of the guardianship, the Guardian, advised and guided as necessary by the Superintendent, hereby agrees to submit for the consideration of the Superintendent as the case may require, within six (6) months of the signing of each renewal deed an updated report on the *tale quale* state of the property, which report is to be compiled by the Guardian and verified jointly by the Lands Authority, or whichever Government department is responsible for the management of State property and the Superintendence of Cultural Heritage.";
- (iii) The management and conservation plans as referenced in Clause number five (5), must be submitted again containing updates to the management and conservation of the Property as the case may be, and therefore Clause five (5) is to be substituted as follows: "The Guardian, advised and guided by the Superintendent, hereby agrees to submit for the consideration of the Superintendent as the case may require, within twelve (12) months of the signing of the original guardianship deed a detailed survey and inventory of the property, a detailed management plan and a detailed conservation plan for the Property, failing which the deed will be considered to have been

terminated. Upon each renewal of the guardianship, the Guardian, advised and guided by the Superintendent, hereby agrees to submit for the consideration of the Superintendent, within twelve (12) months of the signing of each renewal deed updated management and conservation plans for the Property, failing which the guardianship will be considered to have been terminated.”;

- (iv) Clause number twenty-six (26) is being substituted as follows: “In conformity with the stipulations of Article 64(7) of the Cultural Heritage Act, at the end of each calendar year the Guardian shall transmit to the Minister, the Superintendent and the Council a report of its activities in relation to the Property and on the way it has executed the guardianship deed during the previous year. A copy of such report shall be laid on the Table of the House by the Minister.”

It is being declared for all intents and purposes that the Parties hereby confirm that the modifications contained in this second renewal deed shall supersede the clauses to which they refer in the original guardianship deed and the first renewal of the guardianship deed solely to be in line with the present laws and do not in any way change the terms and conditions that had been agreed by the Parties. The Parties hereby confirm and ratify all the remaining clauses in the aforementioned guardianship deed and the first renewal of the guardianship deed which are to remain valid and in force as is. The Parties also hereby agree that no amendment of this deed shall be effective unless it is in writing and signed by the Superintendent and the Guardian.

This deed, the import whereof has been duly explained by me, the undersigned Notary to the Parties hereto according to law, has been done, read and published in Valletta Malta, at the Office of the Notary to Government, number two (2), Mikiel Anton Vassalli Street.

- ① four (4) words deleted.
② Added: “expiring date referred to in the said deed.”
③ Added: “the date.”

Alfano
Pinzi
[Signature]

Dr. Paul Callus LL.D.
Senior Notary to Government

Aph...

Quod Attestat


Dr. Paul Callus LL.D.

05/12/2023

Dr. Paul Callus LL.D.
Senior Notary to Government

"A"



Din I-Art Helwa
National Trust of Malta

Ms. Corinne Caruana at SCH,
173 St Christopher St.,
Valletta

5th October, 2023

Dear Ms Caruana,

Re the authorisation for Mr Alex Torpiano , Executive President and Ms Simone Mizzi, Secretary General to sign the Renewals of the Guardianship Deeds on behalf of Din I-Art Helwa with SCH.

Please find the extract from the Minutes of the Din I-Art Helwa Executive Meeting held on the 6th September 2023 at 133 Melita St., Valletta..

Executive Meeting Nr 5 of the 6th September, 2023 at 5.30 p.m.

Minutes of the 5th Executive Meeting held on Wednesday 6th September 2023
Present: Prof Alex Torpiano (AT) Ms Simone Mizzi (SM) Mr Michael Warrington (MW)
Dr Shirley Cefai (SC) Ms Vanessa Macdonald (VM) Ms Daniela DeBattista (DD) Mr
Martin Galea (MG) Ms Maria Grazia Cassar (MGC) Mr Godfrey Swain (GS)

'Minute 2.04

GUARDIANSHIP RENEWALS: SM advised the Committee that drafts for the Renewals had been received from SCH and a meeting with Notary was soon to be set up, but Victory Church was not yet included. SM chasing up. Ms Simone Mizzi then asked the Executive to grant authorisation for AT and herself to sign the Renewals.

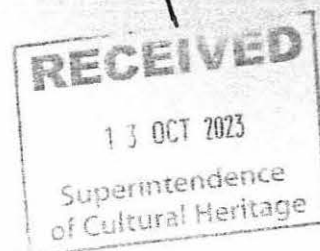
Minute 2.05

The Executive Committee then authorised AT and SM to sign the renewals of the guardianship on behalf of DLH with SCH.'

I trust this is sufficient for you. Looking forward to signing these with the Notary.

Best Regards

Simone Mizzi
Secretary General



Dr. Paul Callus LL.D.
Senior Notary to Government

u B n

Callus Paul at Notary to Government

From: Farrugia Kurt at SCH
Sent: Friday, 06 October 2023 12:51
To: Caruana Corinne at SCH
Cc: Guardianship Deeds at SCH
Subject: FW: Guardianship Deeds - Renewals

Dear Corinne,

Culture minister's approval for the pending renewals listed further below refers.

Regards

Kurt Farrugia
Superintendent
Superintendent Office



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SUPERINTENDENCE OF CULTURAL HERITAGE

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173, TRIQ SAN KRISTOFRU, VALLETTA, MALTA

From: Bonnici Owen at MHAL <owen.bonnici@gov.mt>
Sent: Thursday, October 5, 2023 7:44 PM
To: Farrugia Kurt at SCH <kurt.e.farrugia@gov.mt>
Subject: Re: Guardianship Deeds - Renewals

Go ahead please.

Owen Bonnici
Minister

e owen.bonnici@gov.mt
www.culture.gov.mt

MINISTRY FOR THE NATIONAL HERITAGE, THE ARTS AND
LOCAL GOVERNMENT

OLD TREASURY STREET
VALLETTA, MALTA

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From: Farrugia Kurt at SCH <kurt.e.farrugia@gov.mt>
Date: Thursday, 5 October 2023 at 16:23
To: Bonnici Owen at MHAL <owen.bonnici@gov.mt>
Subject: Guardianship Deeds - Renewals

[Handwritten signature: Kurt Farrugia]

Hon. Minister Bonnici,

Reference is made to the email communication below, which is the Lands Authority no objection to the renewal of pending requests for guardianship deed renewals. In line with Article 64 (8) of the Cultural Heritage Act, 2002 (CAP 445), written authorisation by the Minister responsible for culture is required. In this regard, kindly authorise the undersigned, or otherwise, to proceed with the renewal of the guardianship deeds.

Regards

[Handwritten signature]

[Handwritten signature]

Kurt Farrugia
Superintendent
Superintendent Office

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173, TRIQ SAN KRISTOFRU, VALLETTA, MALTA

From: Fenech Catherine at Lands Authority <catherine.fenech@landsauthority.org.mt>

Sent: Friday, June 9, 2023 2:28 PM

To: Farrugia Kurt at SCH <kurt.e.farrugia@gov.mt>

Cc: Vella Robert-Noel at Lands Authority <robert-noel.vella@landsauthority.org.mt>; Schembri Silvio at MEFL <silvio.schembri@gov.mt>; Bonnici Owen at MHAL <owen.bonnici@gov.mt>

Subject: RE: Guardianship Deeds - Renewals

Importance: High

Dear Kurt,

As discussed a few days ago, the Lands Authority finds no objection in the renewal of the Guardianship deeds of the following sites:

Couvre Porte (Fondazzjoni Wirt Artna)
Lascaris War Rooms and Saluting Battery Complex (Fondazzjoni Wirt Artna)
Sant' Agatha Tower (Din l-Art Helwa)
Wignacourt Tower (Din l-Art Helwa)
Dwejra Tower (Din l-Art Helwa)
Santa Marija Tower (Din l-Art Helwa)
Santa Marija Battery (Din l-Art Helwa)
Mamo Tower (Din l-Art Helwa)
Ta' Xutu Tower (Din l-Art Helwa)
Ghallis Tower (Din l-Art Helwa)
Qaliet Marku (Din l-Art Helwa)
Msida Bastion Garden of Rest (Din l-Art Helwa)
Our Lady of Victories Church (Din l-Art Helwa)

Best regards,

Catherine



Catherine Fenech
Senior Manager – Research & Policy

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From: Farrugia Kurt at SCH <kurt.e.farrugia@gov.mt>

Sent: 06 June 2023 12:15

To: Fenech Catherine at Lands Authority <catherine.fenech@landsauthority.org.mt>

Subject: FW: Guardianship Deeds

Referred. We spoke. For renewals, we require only a one liner 'no objection' from your end.

Kurt Farrugia

Superintendent

Superintendent Office



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173, TRIQ SAN KRISTOFRU, VALLETTA, MALTA

From: Farrugia Kurt at SCH

Sent: Wednesday, May 3, 2023 11:57 AM

To: Vella Robert-Noel at Lands Authority <robert-noel.vella@landsauthority.org.mt>

Subject: Guardianship Deeds

Dear Robert,

We have the go ahead to proceed with the following new Guardianship Deeds:

Jesus of Nazareth Windmill, Mosta (Ramblers Association)

Ta' Ganu windmill, B'Kara (Gabriel Caruana Foundation)

Sancir Chapel, I/o Rabat (Din I-Art Helwa)

Can the Lands Authority proceed with the necessary paperwork for these sites?

We also have the go ahead to proceed with the renewals of the Guardianship Deeds for the following sites:

Couvre Porte (Fondazzjoni Wirt Artna)

Lascaris War Rooms and Saluting Battery Complex (Fondazzjoni Wirt Artna)

Sant' Agatha Tower (Din I-Art Helwa)

Wignacourt Tower (Din I-Art Helwa)

Dwejra Tower (Din I-Art Helwa)

Santa Marija Tower (Din I-Art Helwa)

Santa Marija Battery (Din I-Art Helwa)

Mamo Tower (Din I-Art Helwa)

Ta' Xutu Tower (Din I-Art Helwa)

Ghallis Tower (Din I-Art Helwa)

Qaliet Marku (Din I-Art Helwa)

Msida Bastion Garden of Rest (Din I-Art Helwa)

Our Lady of Victories Church (Din I-Art Helwa)

For the renewals, no Lands Authority input is necessary, with the exception of the Lascaris War Rooms and Saluting Battery, in view that it also involves an extension to the area.

Can you proceed also with the paperwork for the Lascaris site?

Regards

Kurt Farrugia
Superintendent
Superintendent Office

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Alfano
Qu33

Dr. Paul Callus LL.D.
Senior Notary to Government

*A photocopy of the original
Quod Attestor.*

Dr. Paul Callus LL.D.
Senior Notary to Government

05/12/2023