
Nru. 106

22. 6. 79

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Ministru tal-Ġustizzja, Artijiet, Djar u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tat-22 ta' Mejju, 1979.

A BILL introduced by the Honourable Joseph Cassar, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, and read the First time at the Sitting of the 22nd May, 1979.

ATT biex ikompli jemenda l-Ordinanza ta' l-1959 li Tneħhi l-Kontroll tad-Djar.

AN ACT further to amend the Housing (Decontrol) Ordinance, 1959.

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

C. MIFSUD
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjaħ

ATT biex ikompli jemenda l-Ordinanza ta' l-1959 li Tneħħi l-Kontroll tad-Djar.

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 fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1979 li jemenda l-Ordinanza li Tneħħi l-Kontroll tad-Djar, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Ordinanza ta' l-1959 li Tneħħi l-Kontroll tad-Djar, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali".

Emenda ta' l-artikolu 2 tal-liġi prinċipali.

2. L-artikolu 2 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira ta' "preskritt" għandha tidħol it-tifsira ġdida li ġejja:

" "rata ta' inflazzjoni" u "żieda fl-inflazzjoni" tfisser ir-rata ta' inflazzjoni u ż-żieda fl-inflazzjoni stabbilita bil-mod provdut fl-artikolu 10C ta' din l-Ordinanza;"

(b) minnufih wara t-tifsira ta' "l-Ordinanzi dwar il-Kera" għandha tidħol it-tifsira ġdida li ġejja:

" "tiswijiet" tfisser dawk it-tiswijiet li sid il-kera għandu jagħmel għas-spejjeż tiegħu;"

(ċ) fit-tifsira ta' "kerrej" għandu jżiddied il-proviso li ġej, fit-tarf tagħha:

"Iżda għall-finijiet ta' l-artikoli 5 u 10B ta' din l-Ordinanza, "kerrej" ma għandha tinkludi ebda waħda mill-persuni inkluzi taħt il-paragrafu (b) jew (ċ) ta' din it-tifsira iżda għandha tinkludi, minflok, ulied, u hu jew oħt, il-kerrej li ma jkunux miżżewġa u li jkunu jirrisjedu mal-kerrej fi żmien mewtu jew mewtha;"

3. Minflok l-artikolu 5 tal-liġi prinċipali għandu jidhol dan li ġej:

"Postijiet imneħħija mill-kontroll u Ordinanza dwar il-Kera.

Sostituzzjoni ta' l-artikolu 5 tal-liġi prinċipali.

5. (1) Bla ħsara għad-disposizzjonijiet li ġejjin ta' dan l-artikolu u ta' l-artikolu 6 ta' din l-Ordinanza, id-disposizzjonijiet ta' l-Ordinanza dwar il-Kera ma għandhom jgħoddu għal ebda dar ta' abitazzjoni mneħħija mill-kontroll mill-għnata li fiha d-dar tkun registrata skond id-disposizzjonijiet ta' l-artikolu 3 ta' din l-Ordinanza.

(2) Meta fit-tmien ta' kirja ta' dar ta' abitazzjoni mneħħija mill-kontroll (sew jekk dak iż-żmien ikun skond il-ftehim, legali, skond l-użu jew xort'ohra) il-kerrej ikun ċittadin ta' Malta u jkun jokkupa d-dar bħala r-residenza ordinarja tiegħu, id-disposizzjonijiet tas-subartikolu (3) ta' dan l-artikolu għandu jkollhom effett u d-disposizzjonijiet ta' l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini għandhom japplikaw ukoll iżda biss safejn dawn ma jkunux ikonsistenti ma' l-imsemmija disposizzjonijiet ta' dan l-artikolu.

(3) Id-disposizzjonijiet imsemmija fis-subartikolu (2) ta' dan l-artikolu huma:

(a) Ikun kontra l-liġi li sid il-kera ta' dar ta' abitazzjoni jirrifjuta li jgedded il-kirja ħlief f'xi waħda miċ-ċirkostanzi msemmija fil-paragrafu (b) ta' dan is-subartikolu, u jkun kontra l-liġi wkoll li dan jgħolli l-kera, jew jimponi kondizzjonijiet godda għat-tiġdid tal-kirja, ħlief kif provdut fil-paragrafi (ċ) u (d) ta' dan is-subartikolu;

(b) Sid il-kera jista' biss jirrifjuta li jgedded il-kirja, u jista' biss jieħu lura l-pussess tad-dar, meta tintemm il-kirja, jekk juri għas-sodisfazzjon tal-Bord, b'rikors biex jieħu lura l-pussess, li matul iż-żmien tal-kirja, il-kerrej kien naqas li jhallas il-kera dovut minnu għal żewġ skadenzi jew iktar fi żmien ħmistax-il għnata minn dak in-nhar li sid il-kera jkun talbu biex iħallas, jew għax ikun għamel ħafna ħsara fid-dar, jew għax xort'ohra jkun naqas milli jħares il-kondizzjonijiet tal-kirja jew l-obbligi tiegħu taħtha, jew għax ikun uża l-fond xort'ohra milli prinċipalment bħala r-residenza ordinarja tiegħu;

(ċ) Il-kera li għandu jithallas taht l-istess kirja wara l-ewwel tiġdid tal-kirja li jsir bis-saħħa ta' dan is-subartikolu jista' jizdied minn sid il-kera, meta jsir dak it-tiġdid u fil-bidu ta' kull ħmistax-il sena li tiġi wara sakemm il-kirja tibqa' favur l-istess kerrej, b'daqstant mill-kera li kien jithallas minnufih qabel dak it-tiġdid jew qabel ma jibda kull perijodu sussegwenti ta' ħmistax-il sena, li jkun ammont li ma jeċċedix l-imsemmi kera, li jirrapprezenta bi proporzjon għal dak il-kera ż-żieda fl-inflazzjoni mis-sena li l-kera li għandu jizdied kien l-aħħar stabbilit.

(d) Meta, fid-data jew qabel id-data ta' xi tiġdid ta' kirja ta' dar ta' abitazzjoni, sid il-kera jipprezenta fir-Registru tal-Bord, ċertifikat, iffirmit minn arkitett u inginier ċivili u li jkun aċċettat bħala jaqbel mal-fatti mill-kerrej jew ikun gie hekk dikjarat mill-Bord fuq rikors li jsir minn sid il-kera fejn jitlob dik id-dikjarazzjoni, li juri li d-dar tkun fi stat tajjeb ta' tiswija, it-tiswijiet kollha u l-manutenzjoni kollha għandhom minn hemm 'il quddiem, u sakemm tibqa' l-kirja favur l-istess kerrej, ikunu ir-responsabbiltà tal-kerrej.

(4) Id-disposizzjonijiet li ġejjin ta' dan is-subartikolu għandu jkollhom effett dwar il-kirjiet ta' djar ta' abitazzjoni mneħħija mill-kontroll meta l-kerrej ikun ċittadin ta' Malta. L-imsemmija disposizzjonijiet huma:

(a) Meta l-kirja ta' dar ta' abitazzjoni mneħħija mill-kontroll tkun ġiet imġedda kif provdut fis-subartikolu (3) ta' dan l-artikolu jew taht is-subartikolu (3) ta' l-artikolu 10B ta' din l-Ordinanza, jew tkun saret taht is-subartikolu (2) ta' l-imsemmi artikolu, ikun kontra l-liġi li sid il-kera ta' xi dar bħal dik jitlob mingħand xi ċittadin ta' Malta, taht kirja li ssir wara, kera li jkun oġhla mill-ammont li kien ikollu jithallas bħala kera kieku l-kerrej li favur tiegħu l-kirja tkun għall-ewwel darba hekk ġiet imġedda jew tkun hekk saret, baqa' l-kerrej ta' dik id-dar; u kull ammont akbar li jithallas ikun jista' jingabar lura mingħand sid il-kera;

(b) Ikun kontra l-liġi li sid il-kera jitlob il-hlas ta' kera li jkun sugġett għal tibdil f'xi żmien qabel ma tintemm il-kirja, sew jekk it-tibdil ikun minhabba żieda sew jekk ikun minhabba tnaqqis f'dak il-kera; u meta l-kirja ta' dar ta' abitazzjoni mneħħija mill-kontroll issir sugġetta għal dak it-tibdil il-kera li għandu jithallas dwar dik il-kirja għandu, minkejja ftehim kuntrarju, ikun l-inqas rata li għandha tithallas għal xi parti taz-żmien tal-kirja, u kull ammont li jithallas żejjed jista' jingabar lura mingħand sid il-kera;

(c) Ikun kontra l-liġi li sid il-kera jimponi kondizzjoni li teħtieġ li t-tiswijiet ta' dar ta' abitazzjoni jkunu responsabbiltà tal-kerrej kemm-il darba l-kirja ma tkunx bil-miktub u ċertifikat kif imsemmi fil-paragrafu (d) tas-subartikolu (3) ta' dan l-artikolu ma jkunx anness ma' l-att tal-kirja;

(d) Meta d-dar ta' abitazzjoni tinkera bl-għamara —

(i) jekk il-kirja ssir qabel il-21 ta' Ġunju, 1979, il-kerrej ikollu jedd, f'kull żmien li ma jkunx qabel sena wara l-imsemmija data, li jitlob li, b'effett mill-egħluq ta' sitt xhur wara d-data ta' dik it-talba, il-kirja tibqa' biss dwar il-bini u li hu jhallas biss dik il-parti tal-kera li tkun tirreferi għall-bini kif jista' jiġi miftiehem bejnu u bejn sid il-kera, jew jekk ma jkunx hemm ftehim bħal dak, kif il-Bord jista' jistabbilixxi fuq rikors li jsir minn xi wieheh minnhom;

(ii) jekk il-kirja ssir wara l-imsemmija data, il-kirja għandha tidistingwi bejn il-parti tal-kera miftiehma dwar id-dar u l-parti miftiehma dwar l-għamara u oġġetti oħra tad-dar; u l-kerrej ikollu jedd, f'kull żmien li ma jkunx qabel sena mid-data li fiha jkun għall-ewwel darba okkupa d-dar mikrija, jitlob ix-xoljiment tal-kirja ta' l-għamara u ta' l-oġġetti l-oħra tad-dar, u b'effett minn meta jgħaddu sitt xhur wara d-data tat-talba jkollu jedd għax-xoljiment ta' dik il-kirja u li jhallas biss il-kera miftiehem dwar id-dar;

(iii) meta kirja ssir bi ksur tas-sub-paragrafu (ii) ta' dan il-paragrafu, ebda kera jew kumpens ieħor ma jkollu jithallas lill-proprjetarju sa dak iż-żmien li d-disposizzjonijiet ta' dak is-sub-paragrafu jkunu mħarsa; u kull somom li jithallsu bħala kera jew kumpens ieħor u li ma jkollhomx jithallsu kif intqal qabel ikunu jistgħu jingabru lura mingħand sid il-kera;

(iv) il-jeddijiet mogħtija bid-disposizzjonijiet ta' qabel ta' dan il-paragrafu jkunu japplikaw ukoll, *mutatis mutandis*, dwar kull ftehim li jirreferi għal għamara jew oġġetti oħra tad-dar meta dak il-ftehim ikun hekk marbut mal-kirja ta' dar ta' abitazzjoni mneħħija mill-kontroll li għaliha japplika dan is-subartikolu li l-imsemmija kirja ma kenitx issir kieku ma sarx ukoll l-imsemmi ftehim.

(5) Bla ħsara għal kull ftehim li jkun sar qabel il-21 ta' Ġunju, 1979, u bla ħsara għall-jeddijiet li kerrej jista' jkollu dritt għalihom wara l-imsemmija data, id-disposizzjonijiet tas-subartikoli (2) u (3) ta' dan l-artikolu għandhom japplikaw ukoll għalkemm iż-żmien tal-kirja jkun għalaq qabel dik id-data jekk il-kerrej ikun għadu jokkupa d-dar bħala r-residenza ordinarja tiegħu f'dik id-data."

4. L-artikolu 7 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minnufih wara l-kliem "f'kull żmien matul il-perijodu ta' tliet snin li jibdew fil-ġurnata stabbilita" għandhom jidhlu l-kliem "jew f'kull żmien wara l-20 ta' Ġunju, 1979"; u

(b) minflok il-kliem "li għaliha d-disposizzjonijiet" għandhom jidhlu l-kliem "li għaliha xi waħda mid-disposizzjonijiet".

Emenda ta' l-artikolu 7 tal-liġi prinċipali.

5. Minnufih wara l-artikolu 10 tal-liġi prinċipali għandhom jiżdiedu l-artikoli ġodda li ġejjin:—

"Tiswijiet fi djar ta' abitazzjoni li ma jkunux imneħħija mill-kontroll.

10A. (1) Minkejja kull haġa li tinsab fl-Ordinanza dwar il-Kera, meta f'xi żmien wara l-20 ta' Ġunju, 1979, isiru tiswijiet minn sid il-kera f'dar ta' abitazzjoni li ma tkunx giet reġistrata bħala dar ta' abitazzjoni mneħħija mill-kontroll, u dawk it-tiswijiet ikunu hekk saru bi ftehim bil-miktub mal-kerrej jew fuq ordni ta' qorti kompetenti, il-kera xieraq tad-dar ta' abitazzjoni għandu jiżdied b'ammont, li ma jkunx iżjed mill-imsemmi kera, li jikkorrispondi għal minn għaxra wieħed ta' kemm ikunu swew dawk it-tiswijiet.

Zieda ta' artikoli ġodda 10A, 10B u 10C mal-liġi prinċipali.

(2) Minkejja kull liġi oħra, sid il-kera ta' dar ta' abitazzjoni li ma tkunx giet reġistrata bħala dar ta' abitazzjoni mneħħija mill-kontroll jista' jehles lilu nnifsu mill-obbligu li jagħmel it-tiswijiet fl-imsemmija dar billi jbiegħ id-dar lill-Gvern bi prezz li jkun daqs il-kapitalizzazzjoni tal-kera xieraq tad-dar bis-sitta fil-mija.

Enfi-tewsi temporanja ta' djar ta' abitazzjoni.

10B. (1) Minkejja kull haġa li tinsab fil-Kodiċi Ċivili jew f'xi liġi oħra, id-disposizzjonijiet li ġejjin ta' dan l-artikolu għandu jkollhom effett dwar il-kuntratti kollha ta' enfi-tewsi temporanja li jkunu saru fi kwalunkwe żmien.

Kap. 23

(2) Meta dar ta' abitazzjoni tkun ingħatat b'enfi-tewsi temporanja —

(a) għal perijodu ta' mhux iżjed minn tletin sena, jekk il-kuntratt ikun sar qabel il-21 ta' Ġunju, 1979, jew

(b) għal kull perijodu ieħor, jekk il-kuntratt ikun sar wara l-imsemmija data,

u fit-tmiem xi enfitewsi bħal dik l-enfitewta jkun ċittadin ta' Malta u jkun jokkupa d-dar bħala r-residenza ordinarja tiegħu, l-enfitewta jkollu jedd li jibqa' jokkupa d-dar b'kera mingħand il-padrin dirett —

(i) b'kera li jkun daqs iċ-ċens li kien jithallas minnufih qabel ma tkun għalqet l-enfitewsi, miżjud, fil-bidu tal-kirja tad-dar bis-saħħa ta' dan l-artikolu, u fil-bidu ta' kull hmistax-il sena wara sakemm tibqa' l-kirja favur l-istess kerrej, b'daqstant miċ-ċens li kien jithallas minnufih qabel dak il-bidu jew il-bidu ta' kull perijodu sussegwenti ta' hmistax-il sena, li jkun ammont li ma jkunx iżjed minn dak iċ-ċens, li jirrapprezenta bi proporzjon għal dak iċ-ċens iż-żieda fl-inflazzjoni minn meta iċ-ċens li għandu jiddied ikun gie stabbilit l-aħħar; u

(ii) taħt dawk il-kondizzjonijiet l-oħra li jistgħu jiġu miftiehma bejniethom jew, jekk ma jkunx hemm ftehim, skond kif il-Bord jidhirlu xieraq.

(3) Meta fit-tmiem ta' enfitewsi kif imsemmi fil-paragrafu (a) jew (b) tas-subartikolu (2) ta' dan l-artikolu d-dar ta' abitazzjoni tkun sugġetta għal kirja, id-disposizzjonijiet ta' l-Ordinanza li tirregola t-Tigdid tal-Kiri ta' Bini, m'għandhomx japplikaw dwar kirja bħal dik:

Izda meta l-kerrej taħt l-imsemmija kirja jkun ċittadin ta' Malta u jkun jokkupa d-dar bħala r-residenza ordinarja tiegħu dan għandu, fit-tmiem ta' l-imsemmija kirja, jkollu il-jedd li jkompli jokkupa d-dar taħt kirja ġdida mingħand il-padrin dirett bl-istess kera u taħt l-istess kondizzjonijiet kif imsemmija fil-paragrafi (i) u (ii) tas-subartikolu (2) ta' dan l-artikolu dwar l-enfitewta.

(4) Meta tagħlaq enfitewsi temporanja ta' dar ta' abitazzjoni okkupata minn ċittadin ta' Malta bħala r-residenza ordinarja tiegħu fi żmien dak l-egħluq, li ma tkunx enfitewsi msemmija fil-paragrafi (a) jew (b) tas-subartikolu (2) ta' dan l-artikolu, l-enfitewta jkollu l-jedd jikkonverti l-enfitewsi f'wahda perpetwa taħt l-istess kondizzjonijiet ta' enfitewsi temporanja barra minn dawk li jkunu jirreferu għaż-żmien u għaċ-ċens. Iċ-ċens li jkollu jithallas b'effett mill-konversjoni ta' l-enfitewsi f'wahda perpetwa u sakemm jgħaddu hmistax-il sena minn dik id-data jkun daqs sitt darbiet iċ-ċens li kien jithallas minnufih qabel dik il-konversjoni, u wara dan għandu jiddied kull hmistax-il sena b'daqstant miċ-ċens kurrenti, li jkun ammont li ma jkunx iżjed minn dak iċ-ċens, li jirrapprezenta bi proporzjon miegħu ż-żieda fl-inflazzjoni minn meta l-imsemmi ċens ikun gie stabbilit l-aħħar.

(5) Jekk l-enfitewta ma jeżerċitax il-jedd mogħti lilu bis-subartikolu (4) ta' dan l-artikolu fi żmien sitt xhur mid-data li dak il-jedd ikun eżerċitabbli, dak il-jedd għandu, bil-modifiki meħtieġa, jgħaddi għand minn ikun qed jokkupa d-dar li jkollu jedd jitlob, bl-esklużjoni ta' l-enfitewta, li d-dar ta' abitazzjoni tingħata lilu mill-proprjetarju b'enfitewsi perpetwa taħt l-istess kondizzjonijiet li kienu jiġu applikati kieku l-enfitewta kien ikkonverta l-enfitewsi f'wahda perpetwa.

(6) Meta l-enfitewta jew min ikun qed jokkupa d-dar ikollu jedd jikkonverti enfitewsi temporanja f'waħda perpetwa taħt is-subartikolu (4) jew (5) ta' dan l-artikolu, dan jista' jitlob li jsir kuntratt nutarili f'dan is-sens, u l-padrin di-rett jew il-proprjetarju għandu jilqa' dik it-talba.

(7) Meta d-data tat-tmiem ta' l-enfitewsi tkun data qabel il-21 ta' Ġunju, 1979, id-disposizzjonijiet ta' qabel ta' dan l-artikolu għandhom japplikaw biss jekk l-enfitewta jew il-kerrej, skond il-każ, ikun għadu jokkupa d-dar bħala r-residenza ordinarja tiegħu f'dik id-data u ma japplikawx jekk ikun hekk qed jokkupa d-dar skond ftehim li jkun għamel wara li tkun intemmet l-enfitewsi.

Rata ta' inflazzjoni.

10Ċ. (1) Ir-rata ta' inflazzjoni għal kull waħda mis-snin mill-1947 sa l-1978 għandha tkun kif muri fl-Iskeda li tinsab ma' din l-Ordinanza, billi l-1946 tittiehed bħala bazi b'100 punt.

(2) Ir-rati ta' inflazzjoni għal kull sena wara l-1978 għandhom jiġu stabbiliti mill-Istatistiku Prinċipali tal-Gvern bħala punti ta' perċentaġġ għal kull waħda minn dawk is-snin b'mod li titkompla l-imsemmija Skeda u fuq il-bazi ta' l-indiċi tal-prezzijiet ta' l-oġġetti kollha li jinbiegħu bl-immut, jew indiċi simili li jissostitwih, u għandu jiġi pubblikat minnu fil-Gazzetta mhux iktar tard mill-aħħar ta' Marzu li jiġi minnufih wara s-sena li għaliha tirreferi r-rata; u r-rata hekk pubblikata tkun ir-rata ta' inflazzjoni stabbilita taħt dan l-artikolu.

(3) Zieda fl-inflazzjoni tkun stabbilita billi tittiehed d-differenza bejn il-punti ta' perċentaġġ għas-sentejn rilevanti, kif muri fl-Iskeda jew kif jiġi pubblikat fil-Gazzetta, bħala proporzjon ta' l-ewwel waħda minn dawk is-snin."

6. Minnufih wara l-artikolu 11 tal-liġi prinċipali għandha tiżdied l-Iskeda li ġejja:—

Dhul ta' Skeda mal-liġi prinċipali.

“SKEDA

Artikolu 100Ċ

Rati ta' inflazzjoni għas-snin mill-1947 sa l-1978

| | | | |
|------|--------|------|---------|
| 1946 | 100.0 | 1963 | 168.18 |
| 1947 | 104.9 | 1964 | 172.00 |
| 1948 | 113.9 | 1965 | 174.70 |
| 1949 | 109.7 | 1966 | 175.65 |
| 1950 | 116.9 | 1967 | 176.76 |
| 1951 | 130.1 | 1968 | 180.42 |
| 1952 | 140.3 | 1969 | 184.71 |
| 1953 | 139.1 | 1970 | 191.55 |
| 1954 | 141.2 | 1971 | 196.00 |
| 1955 | 138.8 | 1972 | 202.52 |
| 1956 | 142.0 | 1973 | 218.26 |
| 1957 | 145.7 | 1974 | 234.16 |
| 1958 | 148.3 | 1975 | 254.77 |
| 1959 | 151.1 | 1976 | 256.20 |
| 1960 | 158.8 | 1977 | 281.84 |
| 1961 | 164.84 | 1978 | 295.14" |
| 1962 | 165.16 | | |

Għanijiet u Raġunijiet

L-Għanijiet u raġunijiet ta' dan l-Abbozz jinsabu murija dettaljati f'White Paper pubblikati l-bierah mid-Dipartiment ta' l-Infurmazzjoni.

A BILL

entitled

AN ACT further to amend the Housing (Decontrol) Ordinance, 1959.

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 Housing (Decontrol) (Amendment) Act, 1979, and shall be read and construed as one with the Housing (Decontrol) Ordinance, 1959, hereinafter referred to as "the principal law".

Amendment of section 2 of the principal law.

2. Section 2 of the principal law shall be amended as follows:—

(a) immediately after the definition of "prescribed", there shall be inserted the following new definition:

" "rate of inflation" and "increase in inflation" mean the rate of inflation and the increase in inflation established in the manner provided in section 10C of this Ordinance;"

(b) immediately after the definition of "the Rent Ordinances" there shall be inserted the following new definition:

" "repairs" means those repairs which the lessor is bound to carry out at his expense;"

(c) in the definition of "tenant", there shall be inserted, at the end thereof, the following proviso:

"Provided that for the purposes of sections 5 and 10B of this Ordinance, "tenant" shall not include any of the persons included under paragraph (b) or (c) of this definition but shall include, instead, the children, and any brother or sister, of the tenant who are not married and who reside with the tenant at the time of his or her death;"

3. For section 5 of the principal law there shall be substituted the following:

"Decontrolled premises and the Rent Ordinances.

Substitution of section 5 of the principal law.

5. (1) Subject to the following provisions of this section and of section 6 of this Ordinance, the provisions of the Rent Ordinances shall not apply to any decontrolled dwelling-house from the day on which the house is registered in accordance with the provisions of section 3 of this Ordinance.

(2) Where on the expiration of the lease of a decontrolled dwelling-house (whether such period be conventional, legal, customary or otherwise) the tenant is a citizen of Malta and occupies the house as his ordinary residence, the provisions of subsection (3) of this section shall have effect and the provisions of the Reletting of Urban Property (Regulation) Ordinance shall also apply but only in so far as they are not inconsistent with the said provisions of this section.

(3) The provisions referred to in subsection (2) of this section are:—

(a) It shall not be lawful for the lessor of the dwelling-house to refuse to renew the lease except in any of the circumstances set out in paragraph (b) of this subsection, nor shall it be lawful for him to raise the rent, or to impose new conditions for the renewal of the lease, except as provided in paragraphs (c) and (d) of this subsection;

(b) The lessor may only refuse to renew the lease, and may only resume possession of the house, at the termination of the lease, if he shows to the satisfaction of the Board, on an application to resume possession, that in the course of the lease, the tenant has failed to pay the rent due by him in respect of two or more terms within fifteen days from the day on which the lessor called upon him for payment, or has caused considerable damage to the house, or otherwise failed to comply with the conditions of the lease or his obligations thereunder, or has used the premises for a purpose other than mainly as his ordinary residence;

(c) The rent payable under the same lease after the date of the first renewal of the lease made by virtue of this subsection may be increased by the lessor, upon such renewal and at the beginning of every fifteenth year thereafter during the continuance of the lease in favour of the same tenant, by so much of the rent payable immediately before such renewal or before the commencement of each subsequent fifteen year period, being an amount not exceeding the said rent, as represents in proportion to such rent the increase in inflation since the year the rent to be increased was last established.

(d) Where, on or before the date of any renewal of the lease of the dwelling-house, the lessor files in the Registry of the Board, a certificate, signed by a qualified architect and civil engineer and which is either accepted as correct by the tenant or has been so declared by the Board on an application by the lessor requesting such a declaration, showing that the house is in a good state of maintenance and repair, all repairs and all maintenance

of the dwelling-house shall thereafter, and throughout the continuance of the lease in favour of the same tenant, be at the charge of the tenant.

(4) The following provisions of this subsection shall also have effect with respect to all leases of decontrolled dwelling-houses where the tenant is a citizen of Malta. The said provisions are:—

(a) Where the lease of a decontrolled dwelling-house has been renewed as provided in subsection (3) of this section or under subsection (3) of section 10B of this Ordinance, or has been established under subsection (2) of the said section, it shall not be lawful for the lessor of any such house to require from any citizen of Malta, under a lease made thereafter, a rent higher than the amount which would have been payable by way of rent if the tenant in whose favour the lease was first so renewed or established had remained the tenant of that house; and any amount paid in excess shall be recoverable from the lessor;

(b) It shall not be lawful for the lessor to require the payment of a rent which is subject to variation at any time prior to the expiration of the lease, whether the variation is due to an increase or a decrease of such rent; and where the lease of a decontrolled dwelling-house is made subject to such a variation the rent payable in respect thereof shall notwithstanding the agreement to the contrary, be the lowest rate payable for any part of the duration of the lease, and any amount paid in excess shall be recoverable from the lessor;

(c) It shall not be lawful for the lessor to impose a condition requiring the repairs of the dwelling-house to be at the charge of the tenant unless the lease is in writing and a certificate as is mentioned in paragraph (d) of subsection (3) of this section is attached to the instrument of lease;

(d) Where the dwelling-house is leased furnished —

(i) if the lease is made before 21st June, 1979, the tenant shall be entitled, at any time not earlier than one year after the said date, to demand that, with effect from the expiration of six months after the date of such demand, the lease shall remain only in respect of the building and that he shall pay only such part of the rent as relates to the building as may be agreed between himself and the lessor, or, failing such agreement, as the Board may on application by either of them establish;

(ii) if the lease is made after the date aforesaid, the lease shall distinguish between the part of the rent agreed in respect of the house and the part of the rent agreed in respect of the furniture and other household articles; and the tenant shall be entitled, at any time not earlier than one year from the date he first occupies the house under the lease, to demand the dissolution of the lease of the furniture and other household articles, and with

effect from the expiration of six months after the date of the demand to have such lease dissolved and to pay only the rent agreed in respect of the house;

(iii) where a lease is made in contravention of sub-paragraph (ii) of this paragraph, no rent or other compensation shall be due to the owner, until such time as the provisions of that sub-paragraph are complied with; and any sums paid by way of rent or other compensation and not due as aforesaid shall be recoverable from the lessor;

(iv) the rights given by the foregoing provisions of this paragraph shall also be competent, *mutatis mutandis*, in respect of a transaction relating to furniture or other household articles where such transaction is so connected with the lease of a decontrolled dwelling-house to which this subsection applies that the said lease would not have been contracted unless the said transaction had also taken place.

(5) Subject to any agreement entered into prior to 21st June, 1979, and without prejudice to the rights to which a tenant may become entitled under this section after that date, the provisions of subsections (2) and (3) of this section shall apply even though the expiration of the lease has taken place before that date if the tenant still occupies the house as his ordinary residence on that date."

4. Section 7 of the principal law shall be amended as follows:—

(a) immediately after the words "at any time during the period of three years beginning with the appointed day" there shall be inserted the words "or at any time after 20th June, 1979"; and

(b) for the words "to which the provisions of" there shall be substituted the words "to which any of the provisions of".

Amendment
of section 7
of the principal
law.

5. Immediately after section 10 of the principal law there shall be inserted the following new sections:

"Repairs
in dwell-
ing-
houses
not
decon-
trolled.

10A. (1) Notwithstanding anything contained in the Rent Ordinances, where at any time after 20th June, 1979, repairs are carried out by the lessor in a dwelling-house which has not been registered as a decontrolled dwelling-house, and such repairs are so carried out with the agreement of the tenant signified in writing or upon an order of a competent Court, the fair rent of the dwelling-house shall be increased by an amount, not exceeding the said rent, corresponding to one-tenth of the cost of such repairs.

(2) Notwithstanding any other enactment, the lessor of a dwelling-house which has not been registered as a decontrolled dwelling-house may free himself from the obligation to carry out repairs in the said house by means of an outright sale of the house in favour of the Government for a price equal to the capitalization of the fair-rent of the house at six per cent.

Addition of
new sections
10A, 10B and
10C to the
principal law.

Temporary
emphyteusis of
dwelling-
houses.

10B. (1) Notwithstanding anything contained in the Civil Code or in any other enactment the following provisions of this section shall have effect with respect to all contracts of temporary emphyteusis made at any time.

(2) Where a dwelling-house has been granted on temporary emphyteusis —

(a) for a period not exceeding thirty years, if the contract was made before 21st June, 1979, or

(b) for any period, if the contract is made on or after the date aforesaid,

and on the expiration of any such emphyteusis the emphyteuta is a citizen of Malta and occupies the house as his ordinary residence, the emphyteuta shall be entitled to continue in occupation of the house under a lease from the directus dominus —

(i) at a rent equal to the ground-rent payable immediately before the expiration of the emphyteusis increased, at the beginning of the lease of the house by virtue of this section, and at the beginning of every fifteenth year thereafter during the continuance of the lease in favour of the same tenant, by so much of the ground-rent payable immediately before such commencement or the commencement of each subsequent fifteen year period, being an amount not exceeding such ground-rent, as represents in proportion to such ground-rent the increase in inflation since the time the ground-rent to be increased was last established; and

(ii) under such other conditions as may be agreed between them, or failing agreement, as the Board may deem appropriate.

(3) Where on the expiration of an emphyteusis as is mentioned in paragraph (a) or (b) of subsection (2) of this section the dwelling-house is subject to a lease, the provisions of the Reletting of Urban Property (Regulation) Ordinance, shall not apply in respect of such a lease:

Provided that where the tenant under the said lease is a citizen of Malta and occupies the house as his ordinary residence he shall, on the termination of the lease, be entitled to continue in occupation of the house under a new lease from the directus dominus at the same rent and under the same conditions as are mentioned in paragraphs (i) and (ii) of subsection (2) of this section in respect of the emphyteuta.

(4) On the expiration of a temporary emphyteusis of a dwelling-house occupied by a citizen of Malta as his ordinary residence at the time of such expiration, not being an emphyteusis mentioned in paragraphs (a) or (b) of subsection (2) of this section, the emphyteuta shall be entitled to convert the emphyteusis into a perpetual one under the same conditions of the temporary emphyteusis with the exception of those relating to the duration and the ground-rent. The ground-rent payable with effect from the conversion of the emphyteusis into a perpetual one and until fifteen years from that date shall be equal to six times the ground-rent payable immediately before such conversion, and

shall thereafter be increased every fifteen years by so much of the then current ground-rent, being an amount not exceeding such rent, as represents in proportion thereto the increase in inflation since the time the said ground-rent was last established.

(5) If the emphyteuta does not exercise the right granted to him by subsection (4) of this section within six months from the date such right is exercisable, such right shall, with the necessary modifications, pass to the occupier of the house who shall be entitled to demand, to the exclusion of the emphyteuta, that the dwelling-house be granted to him by the owner in perpetual emphyteusis under the same conditions as could have applied if the emphyteuta had converted the emphyteusis into a perpetual one.

(6) Where the emphyteuta or the occupier is entitled to convert a temporary emphyteusis into a perpetual one under subsection (4) or (5) of this section, he may require that a notarial deed be entered into to this effect, and the dominus or the owner shall comply with such request.

(7) Where the date of expiration of the emphyteusis is a date prior to 21st June, 1979, the foregoing provisions of this section shall apply only if the emphyteuta or the tenant, as the case may be, still occupies the house as his ordinary residence on that date and shall not apply if he so occupies the house under an agreement entered into by him after the expiration of the emphyteusis.

Rate of
Infla-
tion.

10C. (1) The rate of inflation for each of the years from 1947 until 1978 shall be those shown in the Schedule to this Ordinance, taking 1946 as a basis at 100 points.

(2) The rates of inflation for each year after 1978 shall be established by the Principal Government Statistician as percentage points for each of such years in continuation of the Schedule aforesaid and on the basis of the all items retail price index, or a similar index replacing it, and shall be published by him in the Gazette not later than the end of March immediately following the year to which the rate refers; and the rate so published shall be the rate of inflation established under this section.

(3) An increase in inflation shall be established by taking the difference between the percentage points for the two relevant years, as shown in the Schedule or as published in the Gazette, as a proportion of the first of such years.”.

6. Immediately after section 11 of the principal law there shall be added the following Schedule:—

Addition of
Schedule to the
principal law.

“Schedule

Section 10C

Rates of inflation for the years from 1947 until 1978

| | | | |
|------|-------|------|--------|
| 1946 | 100.0 | 1963 | 168.18 |
| 1947 | 104.9 | 1964 | 172.00 |
| 1948 | 113.9 | 1965 | 174.70 |

| | | | |
|------|--------|------|----------|
| 1949 | 109.7 | 1966 | 175.65 |
| 1950 | 116.9 | 1967 | 176.76 |
| 1951 | 130.1 | 1968 | 180.42 |
| 1952 | 140.3 | 1969 | 184.71 |
| 1953 | 139.1 | 1970 | 191.55 |
| 1954 | 141.2 | 1971 | 196.00 |
| 1955 | 138.8 | 1972 | 202.52 |
| 1956 | 142.0 | 1973 | 218.26 |
| 1957 | 145.7 | 1974 | 234.16 |
| 1958 | 148.3 | 1975 | 254.77 |
| 1959 | 151.1 | 1976 | 256.20 |
| 1960 | 158.8 | 1977 | 281.84 |
| 1961 | 164.84 | 1978 | 295.14". |
| 1962 | 165.16 | | |

Objects and Reasons

The Objects and reasons of this Bill has been set out in detail in a Paper published yesterday by the Department of Information.