

## ABBOZZ TA' LIĠI msejjah

*Att biex jemenda diversi ligijiet dwar l-Artijiet*

Il-President bil-parir u l-kunsens tal-kamra tad-Deputati imlaqqa' f' dan il-Parlament, u bl-awtorità tal-istess hareġ b'liġi dan li ġej:-

**1.** It-titolu ta' dan l-Att huwa Att tal-2010 li jemenda l-Att dwar Żgumbrament minn Artijiet u l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern. Titolu fil-qosor.

### TAQSIMA I

**2.** Din it-Taqsima temenda l-Att dwar Żgumbrament minn Artijiet, u għandha tinqara u tinftiehem haġa waħda mal-istess Att, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali". Emenda tal-Att  
dwar  
Żgumbrament  
minn Artijiet.  
Kap. 228.

**3.** L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-  
artikolu 3 tal-  
Att prinċipali.

(a) Is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) Meta l-identità tal-iżgumbrat ma tkunx magħrufa, l-ordni għandha tiġi indirizzata lill-‘okkupant’ u dik l-ordni għandha titqies li tkun giet notifikata għaladarba din titwaħħal fuq l-art in kwistjoni.";

(b) Is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(3) Jekk l-okkupant ta' xi art bħal dik ma jharisx l-ordni fiż-żmien hekk speċifikat, il-Kummissarju jista' jordna lil kull uffiċjal tal-Pulizija, biex jieħu dawk il-passi u juza dik il-forza li fil-fehma tiegħu jkunu raġonevolment meħtieġa biex jiġi żgurat it-tħaris ta' dik l-ordni u ta' kull direttiva mogħtija taħt is-subartikolu (1) u għat-tneħħija minn dik l-art ta' kull oġġett

mobbli li jkun jinsab fiha. Fl-għoti ta' dik l-ordni il-Kummissarju jista' ukoll jipprovdi illi dak l-uffiċjal tal-Pulizija jista' jkun assistit minn uffiċjal tad-Dipartiment Proprjetà tal-Gvern jew minn kull persuna oħra li tkun għet awtorizzata mill-Kummissarju biex taġixxi għan-nom tad-Dipartiment Proprjetà tal-Gvern għall-iskopijiet ta' dan l-Att."; u

(ċ) Minnufih wara s-subartikolu (3) għandu jiżdied dan is-subartikolu ġdid li ġej:

"(4) Il-Kummissarju ma jkunx meħtieġ jagħti post ieħor fejn jinżammu dawk l-oġġetti mobbli li jkunu jinsabu fuq l-art u ma jkunx responsabbli għall-harsien tagħhom fis-sigur, u t-tneħhija ta' dawk l-oġġetti mobbli ssir għar-riskju u għas-ispejjeż għal kollox tal-iżgumbrat:

Izda qabel it-tneħhija ta' dawk l-oġġetti mobbli għandu jsir inventarju ta' dawk l-oġġetti u dak l-inventarju għandu jiġi ffirmat mill-Kummissarju jew minn rappreżentant tiegħu u minn uffiċjal tal-Pulizija:

Izda wkoll l-iżgumbrat għandu jikkumpensa lill-Gvern bl-ispejjeż kollha li l-gvern ikun seta' għamel direttament jew f'dak li għandu x'jaqsam ma' l-iżgumbrament."

Emenda tal-artikolu 5 tal-Att prinċipali.

4. L-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Notifika.

5. In-notifika ta' kull ordni, avviz jew direttiva lil xi persuna għall-finijiet ta' dan l-Att għandha ssir mill-Pulizija Eżekuttiva, jew minn uffiċjal tad-Dipartiment Proprjetà tal-Gvern jew minn persuna awtorizzata mill-Kummissarju biex taġixxi f'isem id-Dipartiment Proprjetà tal-Gvern għall-iskopijiet ta' dan l-Att."

Sostituzzjoni tal-artikolu 7 tal-Att prinċipali.

5. L-artikolu 7 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Setgħa li jinbiegħu oġġetti mobbli.

7. Wara l-eżekuzzjoni tal-iżgumbrament u għaladarba l-iżgumbrat ikun ġie mgharraf bl-ispejjeż li jkunu saru, l-iżgumbrat ikollu perjodu ta' hmistax-il gurnata sabiex irodd lura lill-Kummissarju l-ispejjeż kollha u biex jieħu lura l-oġġetti mobbli li kienu maqbuda waqt l-iżgumbrament u jekk l-iżgumbrat jonqos milli jagħmel dan, il-Kummissarju jkollu d-dritt li jbiegħ dawk l-oġġetti mobbli permezz ta' irkant pubbliku:

Iżda, mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 8, id-dhul minn dak l-irkant pubbliku, wara li jitnaqqas kull ammont li għandu jithallas lill-Gvern kif hemm fis-subartikolu (4) tal-artikolu 3 u l-ispejjeż tal-irkant, għandu jithallas lill-persuna li tkun sid dawk l-oġġetti mobbli msemmija."

## TAQSIMA II

6. Din it-Taqsima temenda l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, u għandha tinqara u tinftiehem haġa wahda mal-istess Att, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-Att dwar it-Trasferiment ta' Artijiet tal-Gvern. Kap. 268.

7. Fis-subartikolu (1) tal-artikolu 3 tal-Att prinċipali, il-paragrafu (f) għandu jiġi enumerat mill-ġdid bħala l-paragrafu (g) u minnufih wara l-paragrafu (e) għandu jizjed dan il-paragrafu ġdid li ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

"(f) Meta bidla ta' xi kondizzjoni inkluża fit-trasferiment ta' xi art tkun tikkonsisti fit-tibdil tal-kondizzjonijiet ta' kirja jew tal-kondizzjonijiet ta' kuntratt ta' enfitewsi jew sub-enfitewsi li ssir għal skop pubbliku kif imfisser fl-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, dak it-trasferiment jista' jsir ukoll mingħajr ma jkun konformi ma xi wahda mill-proċeduri jew formalitajiet ordnati f'dan l-artikolu iżda f'dak il-każ għandu jkollha effett biss wara li jkunu ġew soddisfatti l-kondizzjonijiet li ġejjin:

(i) illi l-Ministru għandu, fi żmien erba' ġimgħat mindu jsir ftehim kondizzjonali biex isir dak it-tibdil jew jekk il-Kamra tad-Deputati ma tkunx qegħda tiltaqa' fi tmiem dak il-perjodu fi żmien erba' ġimgħat minn meta l-Kamra tiltaqa' għall-ewwel darba, iquieghed kopja tal-

kuntratt ta' kiri jew enfitewsi jew sub-enfitewsi li tkun turi t-tibdil propost fuq il-mejda tal-Kamra; u

(ii) it-tibdil hawn qabel imsemmi ikun biss validu u jidhol fis-seħh jekk, wara li ssir il-proċedura stipulata fis-subparagrafu (i), il-Kamra ma tirriżolvix fi żmien tmienja u għoxrin ġurnata wara li tkun saret l-imsemmija proċedura illi t-tibdil għandu jiġi rifjutat jew emendat, u minnufih wara li jgħaddi l-imsemmi perjodu ta' tmienja u għoxrin ġurnata t-tibdil għandu, sakemm ma jkunx ġie rifjutat kif hawn qabel imsemmi, jidhol fis-seħh kif ikun ġie originarjament propost jew kif ikun ġie emendat permezz ta' dik ir-riżoluzzjoni; jew".

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### **Ghanijiet u Raġunijiet**

L-għanijiet ta' dan l-Abbozz huma t-tneħħija ta' ċerti diffikultajiet legali u prattiċi fl-iżgumbrament obligatorju minn art pubblika okkupata illegalment u t-twaqqif ta' proċedura parlamentari ġdida għat-tibdil ta' kuntratti ta' kiri u ta' għotjiet enfitewtiċi ta' art tal-Gvern meta dan ikun neċessarju għal skop pubbliku.

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**A BILL  
entitled**

*An Act to amend various land laws*

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:-

1. The title of this Act is the Land (Various Laws) (Amendment) Act, 2010. Short title.

**PART I**

2. This Part amends the Land (Compulsory Eviction) (Amendment) Act, and it shall be read and construed as one with the said Act, hereinafter in this Part referred to as "the principal Act". Amendment of the Land (Compulsory Eviction) Act. Cap. 228.

3. Article 3 of the principal Act shall be amended as follows:- Amendment of article 3 of the principal Act.

(a) Sub-article (2) thereof shall be substituted by the following:

"(2) When the identity of the evictee is unknown, the order shall be addressed to the 'occupant' and such order is deemed served once it is fixed on the land.";

(b) Sub-article (3) thereof shall be substituted by the following:-

"(3) If the occupier of any such land does not comply with the order within the period of time so specified, the Commissioner may instruct any Police officer, to take such steps and to use such force as appear to him reasonably necessary for securing compliance with the order and with any

directions given under sub-article (1) and for the removal from such land of any movable effect existing therein. In giving such instructions the Commissioner may also provide that the Police officer may be assisted by an officer of the Government Property Department or by any other person authorised by the Commissioner to act on behalf of the Government Property Department for the purposes of this Act."; and

(c) Immediately after sub-article (3) thereof, there shall be added the following new sub-article:

"(4) The Commissioner shall not be required to provide alternative storage for any such movable effects existing in the land and will not be held responsible for their safe custody, and the removal of such movable effects shall be carried out at the complete risk and expense of the evictee:

Provided that before the removal of such movable effects an inventory of such effects shall be made and such inventory shall be signed by the Commissioner or his representative and by a Police officer:

Provided further that the evictee shall be liable to refund any expenses which may have been incurred by the government directly or in connection with the eviction."

Amendment of article 5 of the principal Act.

4. Article 5 of the principal Act there shall be substituted the following:

"Service.

5. Service of any order, notice or direction on any person for the purposes of this Act shall be effected by the Executive Police, or by an officer of the Government Property Department or by a person authorised by the Commissioner to act on behalf of the Government Property Department for the purposes of this Act."

Substitution of article 7 of the principal Act.

5. For article 7 of the principal Act there shall be substituted the following:-

"Power to sell  
movable effects. 7. Following the execution of the eviction and once the evictee has been informed of the expenses incurred, such evictee shall have a period of fifteen days to fully reimburse the Commissioner with all expenses incurred and to collect movable effects seized during the eviction and on failure by the evictee to do so, the Commissioner shall have the right to sell any such movable effects by public auction:

Provided that, without prejudice to the provisions contained in article 8, the proceeds of such public auction, after the deduction of any amount due to the Government in terms of sub-article (4) of article 3 and of the fees incurred for the auction, shall be paid to the person to whom the said movable effects belonged."

## PART II

6. This Part amends the Disposal of Government Land Act, and it shall be read and construed as one with the said Act, hereinafter in this Part referred to as "the principal Act".

Amendment of  
the Disposal of  
Government  
Land Act.  
Cap. 268.

7. In sub-article (1) of article 3 of the principal Act, paragraph (f) thereof shall be renumbered as paragraph (g) and immediately after paragraph (e) thereof there shall be added the following new paragraph:

Amendment of  
article 3 of the  
principal Act.

"(f) Where a change of any condition included in the disposal of any land consists of a modification to the conditions of a lease or to the conditions of a contract of emphyteusis or sub-emphyteusis which is made for a public purpose as defined in the Land Acquisition (Public Purposes) Ordinance, such disposal may also be made without adherence to any of the procedures or formalities prescribed in this article but in such case it shall only have effect after the following conditions are satisfied:

(i) that the Minister shall within four weeks from the conclusion of a conditional agreement to make the modification or if the House of Representatives is not in session at the end of the said period within four weeks from the date when the House next meets, lay a copy of the

contract of lease or emphyteusis or sub-emphyteusis indicating the modifications proposed on the table of the House; and

(ii) the modification aforesaid shall only be valid and come into effect if, after the procedure stipulated in sub-paragraph (i) has been completed, the House does not within a period of twenty-eight days after the completion of the said procedure resolve that the modification shall be rejected or amended, and immediately upon the expiry of the said period of twenty-eight days the modification shall, unless it is rejected as aforesaid, come into effect as originally proposed or as amended by means of the said resolution; or".

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### **Objects and Reasons**

The objects of this Bill are the elimination of certain legal and practical difficulties in the compulsory eviction from illegally occupied Government land and the establishment of a new parliamentary procedure for the modification of contracts of lease and of emphyteutical grants of government land when this is necessary for a public purpose.

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