

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

11 ta' Marzu, 2011

ATT Nru. III tal-2011

Att biex jemenda diversi liġijiet dwar l-Artijiet.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2011 li jemenda Diversi Liġijiet li jirrigwardaw Żgumbrament minn Artijiet u 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 ġiet notifikata għaladarba din titwahhal

fuq l-art in kwistjoni.";

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

"(3) Jekk l-okkupant ta' xi art b'hal dik ma jharisx l-ordni fiż-żmien hekk speċifikat, il-Kummissarju jista' jordna lil kull uffiċjal tal-Pulizija, biex jieħu dawk il-passi u juża 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 jizdied 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-ħarsien tagħhom fis-sigur, u t-tneħħija ta' dawk l-oġġetti mobbli ssir għar-riskju u għas-ispejjeż għal kollox tal-iżgumbrat:

Iżda qabel it-tneħħija 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:

Iżda 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."

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

Sostituzzjoni tal-artikolu 7 tal-Att prinċipali.

"Setgħa li jinbiegħu oġġetti mobbli.

7. Wara l-eżekuzzjoni tal-iżgumbrament u għaladarba l-iżgumbrat ikun ġie mġarraf 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 jbigħ 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 waħda 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 jizded dan il-paragrafu ġdid li
gej:

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 Pubblici, liema bidla ma tkunx taffettwa daqs ta' proprjetà li jeċċedi l-mitt metru kwadrat (100 m.kw.), dak it-trasferiment jista' jsir ukoll mingħajr ma jkun konformi ma xi waħda mill-proċeduri jew formalitajiet ordnati f'dan l-artikolu iżda f'dak il-każ għandu jkollha effett biss wara li jkunu ġew sodisfatti l-kondizzjonijiet li
gej:

(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 qiegħda tiltaqa' fi tmiem dak il-perjodu fi żmien erba' ġimgħat minn meta l-Kamra tiltaqa' għall-ewwel darba, iqiegħed 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-seħħ 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 gie rifjutat kif hawn qabel imsemmi, jidhol fis-seħħ kif ikun gie oriġinarjament propost jew kif ikun gie emendat permezz ta' dik ir-riżoluzzjoni; jew".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 323 tat-8 ta' Marzu, 2011.

MICHAEL FRENDU
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

11th March, 2011

ACT No. III of 2011

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 short title of this Act is the Various Laws (Compulsory Eviction and Disposal of Government Land Act) (Amendment) Act, 2011. 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) subarticle (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) subarticle (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 subarticle (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 subarticle (3) thereof, there shall be added the following new subarticle:

"(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 subarticle (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 subarticle (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, which change shall not affect property exceeding a footprint of one hundred square metres (100 sq. m), 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".

Passed by the House of Representatives at Sitting No. 323 of the 8th March, 2011.

MICHAEL FRENDÓ

Speaker

PAULINE ABELA

Clerk to the House of Representatives