

ABBOZZ TA' LIĠI msejjaħ

ATT biex jemenda l-Ordinanza dwar l-Akkwist ta' l-Artijiet għal Skopijiet Pubbliċi (Kap. 88).

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

- 1.** It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2005 li jemenda l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, u l-Att għandu jinqara u jiftiehem bħala waħda ma' l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, hawnhekk iżjed 'il quddiem imsejja "il-liġi prinċipali".

Titolu fil-qosor.
- 2.** Fl-artikolu 2 tal-liġi prinċipali, it-tifsira "area mibnija" għandha tiġi imħassra.

Emenda ta' l-artikolu 2 tal-liġi prinċipali.
- 3.** Fin-nota marginali ta' l-artikolu 12 tal-liġi prinċipali, il-kliem "X' għandu jkun fih l-avviż għall-ftehim." għandhom jiġu sostitwiti bil-kliem "Drittijiet tal-Gvern fuq l-art.".

Emenda ta' l-artikolu 12 tal-liġi prinċipali.
- 4.** L-artikoli 17 u 18 tal-liġi prinċipali għandhom jiġu sostitwiti b'dan li ġejj:

Sostituzzjoni ta' l-artikolu 17 tal-liġi prinċipali.

“Stima ta’ art li ma tkunx art tajba għall-bini.

17. L-art li ma tkunx art tajba għall-bini għandha tiġi stmata għall-finijiet tal-kumpens li għandu jithallas fil-każ ta’ akkwist obligatorju tagħha, bhala raba’ jew moxa, skond il-każ:

Izda fid-deċiżjoni dwar dak il-kumpens, għandu jittiehed qies tal-valur ta’ l-istrutturi eżistenti fuq dik l-art u tal-fatt jekk dawk l-istrutturi humiex koperti b’permess skond il-liġi.

Artijiet tajbin għall-bini.

18. (1) Art titqies li tkun art għall-bini għall-finijiet ta’ din l-Ordinanza jekk tkun ġewwa l-limiti ta’ skema ta’ bini jew pjan lokali li jkun fis-seħh minn żmien għal żmien taht xi liġi dwar l-ippjanar.

(2) Fid-deċiżjoni dwar kumpens dovut għal art għall-bini, għandu jittiehed qies ta’ l-użu jew l-iżvilupp li jkun jista’ jsir fuq jew dwar dik l-art skond dik l-iskema għall-bini jew pjan lokali.”.

Żjieda ta’ artikolu 18A ġdid mal-liġi prinċipali.

5. Minnufih wara l-artikolu 18 tal-liġi prinċipali għandu jiżdied l-artikolu ġdid li ġej:

“Stima ta’ art esproprijata qabel l-2003.

“18A. Minkejja kull disposizzjoni oħra ta’ din l-Ordinanza jew ta’ xi liġi oħra, il-valur ta’ xi art -

(a) li fl-1 ta’ Jannar 2005 tkun fil-proċess li tiġi akkwistata;

(b) li dwarha tkun inharget dikjarazzjoni taht l-artikolu 3 qabel il-5 ta’ Marzu 2003; u

(ċ) li dwarha ma jkunx inhareġ avviż għall-ftehim qabel l-1 ta’ Jannar 2005 taht id-disposizzjonijiet ta’ din l-Ordinanza kif fis-seħh qabel id-data msemmija f’dan il-paragrafu,

għandu, bla hsara għal kull imghax li jkun dovut sal-pagament taht is- is-subartikolu (3) ta’ l-artikolu 12 ta’ din l-Ordinanza, ikun il-valur tagħha kif ikun fl-1 ta’ Jannar 2005.”.

Emenda ta’ l-artikolu 33 tal-liġi prinċipali.

6. Fl-artikolu 33 tal-liġi prinċipali il-kliem “President ta’ Malta” għandhom jiġu sostitwiti bil-kliem “Gvern ta’ Malta”.

7. Id-disposizzjonijiet ta' l-artikolu 4 ta' dan l-Att ghandhom japplikaw biss ghal art li dwarha ssir dikjarazzjoni taht l-artikolu 3 ta' l-Ordinanza wara l-bidu fis-sehh ta' dan l-Att. ^{Disposizzjoni transitorja.}

Għanijiet u Raġunijiet

L-iskop ewlieni ta' dan l-Att huwa illi jistabilixxi kriterji iktar ċerti u ekwi sabiex jiġi stabbilit jekk art hiex tajba għall-bini għall-iskopijiet ta' kumpens f'każ ta' akkwist obligatorju, u illi jirregola l-valur ta' l-art meħuda qabel l-2003.

**A BILL
entitled**

AN ACT to amend the Land Acquisition (Public Purposes) Ordinance (Cap. 88).

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 and commencement.

1. The short title of this Act is the Land Acquisition (Public Purposes) (Amendment) Act, 2005 and the Act shall be read and construed as one with the Land Acquisition (Public Purposes) Ordinance, hereinafter referred to as “the principal law”.

Amendment of article 2 of the principal law.

2. In article 2 of the principal law, the definition “built up area” shall be deleted.

Amendment of article 12 of the principal law.

3. In the marginal note to article 12 of the principal law, the words “Contents of notice to treat.” shall be substituted by the words “Rights of Government over land.”.

Substitution of articles 17 and 18 of the principal law.

4. Articles 17 and 18 of the principal law shall be substituted by the following:

“Valuation of land not being a building site.

17. Any land which is not a building site shall be valued for the purpose of determining the compensation payable in the case of compulsory acquisition as rural land or as wasteland, as the case may be:

Provided that in determining such compensation, consideration shall be given to the value of any structures existing thereon and whether such structures are covered by a permit according to law.

Building Sites.

18. (1) Land shall be deemed to be a building site if it falls within the limits of a building scheme or a local plan for the time being in force under any law relating to planning.

(2) In determining the compensation due for a building site, consideration shall be given to the use or development that can be made thereof or thereon in accordance with such building scheme or a local plan.”.

5. Immediately after article 18 of the principal law there shall be added the following new article:

Addition of new article 18A to the principal law.

“Valuation of land expropriated prior to 2003.

18A. Notwithstanding the provisions of this or any other law, the value of any land -

(a) still in the course of acquisition on the 1st January 2005;

(b) in respect of which a declaration under article 3 was issued before the 5th March 2003, and

(c) in respect of which a notice to treat was not issued before the 1st January 2005 under the provisions of this Ordinance as in force before the date mentioned in this paragraph,

shall, saving any interests due until payment is made under sub-article (3) of article 12 of this Ordinance, be its value as on the 1st January 2005.”.

6. In article 33 of the principal law, for the words “President of Malta” there shall be substituted the words “Government of Malta”.

Amendment of article 33 of the principal law.

Transitory
provision.

7. The provisions of article 4 of this Act shall only apply to land in respect of which a declaration under article 3 of the Ordinance was issued after the coming into force of this Act.

Object and reasons

The main object of this Bill is to provide for more certain and fairer criteria to determine whether land is a building site or otherwise for the purpose of compensation in the case of expropriation, and to regulate the value of land compulsorily taken possession of prior to 2003.