

Nagħti l-kunsens tiegħi.

(L.S.)

EDWARD FENECH ADAMI
President

3 ta' Awissu, 2007

ATT Nru XVIII ta' l-2007

*ATT biex jemenda l-Ordinanza li Tneħhi l-Kontroll tad-Djar
(Kap. 158).*

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 ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2007 li jemenda l-Ordinanza li Tneħhi l-Kontroll tad-Djar u dan l-Att għandu jinqara u jinftiehem haġa waħda ma' l-Ordinanza li Tneħhi l-Kontroll tad-Djar, hawnhekk iżjed 'il quddiem imsejha "l-liġi prinċipali".

Titolu fil-qosor.

Kap. 158.

2. Fis-subartikolu (1) tal-artikolu 12 tal-liġi prinċipali minnufih wara l-kliem "ta' dan l-artikolu" għandhom jidhlu l-kliem "u ta' l-artikolu 12A".

Emenda ta' l-artikolu 12 tal-liġi prinċipali.

3. Minnufih wara l-artikolu 12 tal-liġi prinċipali għandu

Żjieda ta' artikolu ġdid mal-liġi prinċipali.

jiżdied l-artikolu ġdid li ġej:

"Djar ta' abitazzjoni soġġetti għal iżjed minn enfitewsi wahda.

12A. (1) Dan l-artikolu għandu japplika:

(a) fl-ghelug ta' enfitewsi jew sub-enfitewsi temporanja (aktar 'il quddiem f'dan l-artikolu msejhin "l-enfitewsi jew sub-enfitewsi l-aktar reċenti") li ma tkunx wahda li l-effetti tat-tmiem tagħha jkunu regolati bl-artikolu 12(2)(a) jew (b) jew bl-artikolu 12(4) jew 12(5);

(b) ta' dar ta' abitazzjoni illi fit-tmiem ta' l-enfitewsi jew sub-enfitewsi l-aktar reċenti:

(i) tkun okkupata minn ċittadin ta' Malta bħala r-residenza ordinarja tiegħu; u

(ii) tkun soġġetta għal xi enfitewsi jew sub-enfitewsi oħra (aktar 'il quddiem f'dan l-artikolu msejhin "l-enfitewsi jew sub-enfitewsi preċedenti"), kemm jekk perpetwa u kemm jekk temporanja.

(2) Fit-tmiem ta' l-enfitewsi l-aktar reċenti l-enfitewta jew sub-enfitewta li jkun jissodisfa r-rekwiżiti tas-subartikolu (1)(b)(i) jkollu l-jedd li jibqa' jokkupa d-dar ta' abitazzjoni taht kirja minghand il-persuna li tkun id-detentur ta' l-enfitewsi jew sub-enfitewsi preċedenti bl-istess kera u taht l-istess kondizzjonijiet applikabbli skond l-artikolu 12(2)(i) u (ii) li għandhom japplikaw *mutatis mutandis*.

(3) Fit-tmiem ta' l-enfitewsi jew sub-enfitewsi preċedenti l-kirja msemmija fis-subartikolu (2) għandha tkompli fis-seħh taht l-istess kera u kondizzjonijiet kif imsemmi fis-subartikolu (2) bejn il-kerrej u l-persuna li minn żmien għal żmien, li kieku ma kienx għal dik il-kirja, kien ikollha l-jedd għall-pussess vakanti tad-dar.

(4) Id-disposizzjonijiet ta' dan l-artikolu għandhom japplikaw ukoll fil-kazijiet kollha fejn għad illi l-enfitewsi jew sub-enfitewsi l-aktar reċenti tkun għalqet qabel l-1 ta' Lulju 2007 il-persuna li kienet l-enfitewta jew is-sub-enfitewta fl-enfitewsi jew sub-enfitewsi l-aktar reċenti tkun għadha tokkupa d-dar bħala r-residenza ordinarja tagħha f'dik id-data.

(5) Meta fit-tmiem ta' l-enfitewsi jew sub-enfitewsi l-aktar reċenti d-dar ta' abitazzjoni tkun soġġetta għal kirja għandhom japplikaw *mutatis mutandis* id-disposizzjonijiet ta' l-artikolu 12(3).

(6) Id-drittijiet mogħtija b'dan l-artikolu lill-enfitewta u lis-sub-enfitewta ta' l-enfitewsi jew sub-enfitewsi l-aktar reċenti jkunu jistgħu jiġu eżerċitati, fil-kaz li l-imsemmi enfitewta jew sub-enfitewta jkun miet qabel l-1 ta' Lulju 2007, mill-persuna li kienet tirrisjedi ma' l-imsemmi enfitewta jew sub-enfitewta fi żmien mewtu u kellha f'dak iż-żmien il-kwalifiki l-oħra kollha biex tiġi meqjusa bħala kerrej għall-finijiet ta' l-artikolu 12.

(7) Meta fil-kaz ta' enfitewsi jew sub-enfitewsi l-aktar reċenti li tkun tagħlaq wara l-1 ta' Lulju 2007 l-enfitewta, is-sub-enfitewta jew il-kerrej li jkun jokkupa d-dar bħala r-residenza ordinarja tiegħu meta tagħlaq l-enfitewsi jew sub-enfitewsi l-aktar reċenti jkun persuna differenti minn dik li tkun tokkupa d-dar bħala r-residenza ordinarja tagħha fl-1 ta' Lulju 2007 id-disposizzjonijiet ta' dan l-artikolu għandhom japplikaw biss fil-kazijiet imsemmija fl-artikolu 12(8)(a) u (b) liema paragrafi għandhom japplikaw *mutatis mutandis* dwar l-enfitewsi u s-sub-enfitewsi regolati b'dan l-artikolu, b'dan iżda illi referenzi għall-"21 ta' Gunju 1979" għandhom jinqraw bħala referenzi għall-"l-1 ta' Lulju 2007", referenzi għall-"l-enfitewsi" għandhom jinqraw bħala referenzi għall-"l-enfitewsi jew sub-enfitewsi l-aktar reċenti" u r-referenza għat-"30 ta' Settembru 1979" għandha tinqara bħala referenza għall-"31 ta' Diċembru 2007".

4. L-Att ta' l-2007 biex jemenda l-Kodiċi Ċivili għandu jiġi emendat kif ġej:

(1) fl-artikolu 5 tiegħu -

(i) il-kliem "xi att ta' stat ċivili registrat qabel l-1 ta' Settembru 2006" għandu jiġi sostitwit bil-kliem "xi att tat-twelid registrat qabel ma jkun fis-seħħ dan il-proviso";

(ii) il-paragrafu (b) tal-proviso ġdid mas-subartikolu (3) ta' l-artikolu 251 tal-Kodiċi Ċivili għandu jiġi sostitwit b'dan li ġej:

"(b) meta t-tarbija tkun twieldet aktar minn tliet mitt jum mid-data tas-separazzjoni legali, tad-divorzju jew ta' l-annullament taż-żwieġ ta' l-omm m'għandha tissemma l-ebda referenza għal dik is-separazzjoni legali, għad-divorzju jew għall-annullament taż-żwieġ";

(iii) fil-paragrafu (ċ) tal-proviso ġdid mas-subartikolu (3) ta' l-artikolu 251 tal-Kodiċi Ċivili il-kliem "fl-att ta' stat ċivili" għandu jiġi sostitwit bil-kliem "fl-att tat-twelid"; u

(iv) minnufih wara l-paragrafu (ċ) tal-proviso ġdid mas-subartikolu (3) ta' l-artikolu 251 tal-Kodiċi Ċivili għandu jiżdied il-paragrafu ġdid li ġej:

"(d) meta tarbija tkun twieldet anqas minn tliet mitt jum mid-data tas-separazzjoni legali, tad-divorzju jew ta' l-annullament taż-żwieġ ta' l-omm kull referenza għal dak il-fatt għandha tibqa'";

(2) fil-paragrafu (b) ta' l-artikolu 10, fis-sub-paragrafi (ii) u (iii) tal-proviso li hemm mal-paragrafu (e) ta' l-artikolu 278 tal-Kodiċi Ċivili għandhom jiġu sostitwiti b'dan li ġej:

"(ii) meta t-tarbija tkun twieldet aktar minn tliet mitt jum mid-data tas-separazzjoni legali, tad-divorzju jew ta' l-annullament taż-żwieġ ta' l-omm m'għandha tissemma l-ebda referenza għas-separazzjoni legali, għad-divorzju jew għall-annullament taż-żwieġ ta' l-omm;

(iii) meta tarbija tkun twieldet anqas minn tliet mitt jum mid-data tad-divorzju jew ta' l-annullament taż-żwieġ ta' l-

omm għandha ssir referenza għal dak il-fatt fl-att tat-twelid minflok l-kliem imsemmi fil-paragrafu (i) ta' dan il-proviso;

(iv) fil-każ li jkunu japplikaw id-disposizzjonijiet tal-artikolu 280(2)(a) għandha ssir referenza għal dak il-fatt fl-att tat-twelid."; u

(3) fl-artikolu 11 tiegħu l-kliem "u l-istatus ta' l-omm" għandhom jiġu sostitwiti bil-kliem "u l-istatus ta' xebba ta' l-omm".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 553 tat-18 ta' Lulju, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

3rd August, 2007

ACT No. XVIII of 2007

AN ACT to amend the Housing (Decontrol) Ordinance (Cap. 158).

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.

Cap. 158.

1. The short title of this Act is the Housing (Decontrol) (Amendment) Act, 2007, and this Act shall be read and construed as one with the Housing (Decontrol) Ordinance, hereinafter in this Act referred to as "the principal law".

Amendment of article 12 of the principal law.

2. In subarticle (1) of article 12 of the principal law, immediately after the words "of this article" there shall be added the words "and of article 12A".

Addition of new article to the principal law.

3. Immediately after article 12 in the principal law there shall

be added the following new article:

"Dwelling-houses subject to more than one emphyteusis.

12A. (1) This article shall apply:

(a) on the expiration of a temporary emphyteusis or sub-emphyteusis (hereinafter in this article referred to as "the most recent emphyteusis or sub-emphyteusis") which is not one the effects of the termination of which are regulated by article 12(2)(a) or (b) or by article 12(4) or 12(5);

(b) of a dwelling house which at the time of the expiration of the most recent emphyteusis or sub-emphyteusis:

(i) is occupied by a citizen of Malta as his ordinary residence; and

(ii) is subject to another emphyteusis or sub-emphyteusis (hereinafter in this article referred to as "the preceding emphyteusis or sub-emphyteusis") whether perpetual or temporary.

(2) On the expiration of the most recent emphyteusis or sub-emphyteusis the emphyteuta or the sub-emphyteuta who satisfies the requirements of subarticle (1)(b)(i) shall be entitled to continue in occupation of the dwelling house under a lease from the person holding the preceding emphyteusis or sub-emphyteusis at the same rent and under the same conditions applicable according to article 12(2)(i) and (ii) which shall apply *mutatis mutandis*.

(3) On the expiration of the preceding emphyteusis or sub-emphyteusis the lease mentioned in subarticle (2) shall remain in force for the same rent and under the same conditions as mentioned in subarticle (2) between the tenant and the person who from time to time would, were it not for the tenancy, be entitled to the vacant possession of the house.

(4) The provisions of this article shall also apply in all cases where although the most recent emphyteusis or sub-emphyteusis shall have expired before the 1st July 2007 the person who was the emphyteuta or the sub-emphyteuta in the most recent emphyteusis or sub-emphyteusis still occupies the house as his ordinary residence on the said date.

(5) When on the expiration of the most recent emphyteusis or sub-emphyteusis the dwelling house is subject to a lease the provisions of article 12(3) shall apply *mutatis mutandis*.

(6) The rights given by this article to the emphyteuta and to the sub-emphyteuta of the most recent emphyteusis or sub-emphyteusis shall, where the said emphyteuta or sub-emphyteuta shall have died before the 1st July 2007, be exercisable by the person who resided with the said emphyteuta or sub-emphyteuta at the time of his death and had at that time all the other qualifications to be treated as a tenant for the purposes of article 12.

(7) Where in the case of a most recent emphyteusis or sub-emphyteusis which expires after the 1st July 2007 the emphyteuta, the sub-emphyteuta or the tenant occupying the house as his ordinary residence on the expiration of the most recent emphyteusis or sub-emphyteusis is a person different from the person occupying the house as his ordinary residence on the 1st July 2007 the provisions of this article shall apply only in the cases mentioned in article 12(8)(a) and (b) which paragraphs shall apply *mutatis mutandis* to the emphyteusis and the sub-emphyteusis regulated by this article, provided however that references to the "21st June 1979" are to be read and construed as references to the "1st July 2007", references to "the emphyteusis" are to be read and construed as references to "the most recent emphyteusis or sub-emphyteusis" and references to "the emphyteuta" shall be read and construed accordingly, and the reference to the "30th September 1979" shall be read and construed as a reference to the "31st December 2007".

4. The Civil Code (Amendment) Act, 2007 shall be amended as follows:

Amendment of
Act VIII of
2007.

(1) in article 5 thereof -

(i) for the words "of any act of civil status registered before the 1st September, 2006" there shall be substituted the words "of any act of birth registered before the coming into force of this proviso";

(ii) paragraph (b) of the new proviso to subarticle (3) of article 251 of the Civil Code shall be substituted by the following:

"(b) when a child is born more than three hundred days from the legal separation, divorce or annulment of the marriage of the mother no reference shall be made to such legal separation, divorce or annulment of marriage;"

(iii) in paragraph (c) of the new proviso to subarticle (3) of article 251 of the Civil Code for the words "in the act of civil status" there shall be substituted the words "in the act of birth"; and

(iv) immediately after paragraph (c) of the new proviso to subarticle (3) of article 251 of the Civil Code there shall be added the following new paragraph:

"(d) when a child is born less than three hundred days from the legal separation, divorce or annulment of the marriage of the mother any reference to that fact shall remain.";

(2) in paragraph (b) of article 10, in sub-paragraphs (ii) and (iii) of the proviso to paragraph (e) of article 278 of the Civil Code there shall be substituted the following:

"(ii) when a child is born more than three hundred days from the legal separation, divorce or annulment of the marriage of the mother no reference shall be made to such legal separation, divorce or annulment of marriage of the mother;

(iii) when a child is born less than three hundred days from the legal separation, divorce or annulment of the marriage of the mother a reference shall be made to such fact in the act of birth instead of the words indicated in paragraph (i) of this

proviso;

(iv) where the provisions of article 280(2)(a) apply a reference to such fact shall be made in the act of birth."; and

(3) in article 11 thereof for the words "the mother's status" there shall be substituted the words "the mother's single status".

Passed by the House of Representatives at Sitting No. 553 of the 18th July, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives