CHAPTER 179

ENEMY PROPERTY ACT

To make provision as respects income from moneys invested by the Custodian of enemy property.

26th March, 1963

ACT XII of 1963, as amended by Legal Notice 46 of 1965; Act XVI of 1999; Legal Notice 410 of 2007; Act V of 2007 and XVII of 2017.

Short title.

1. The short title of this Act is the Enemy Property Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

"Custodian" means the Custodian of enemy property appointed under article 8 of the Ordinance;

"enemy property" means any property at any time after the coming into operation of the Ordinance belonging to or held or managed on behalf of an enemy or enemy subject, and for the purposes of this Act the expressions "enemy" and "enemy subject" have the same meanings as for the purposes of the Ordinance;

"Minister" means the Minister responsible for finance;

"money due to an enemy" means money which would, but for the existence of a state of war, have been payable to or for the benefit of a person who was an enemy;

"Order" means the Order published in the Malta Government Gazette of the 18th September, 1939, by Government Notice No. 457;

"Ordinance" means the Trading with the Enemy Ordinance, 1939*;

"person includes a body or association of persons.

Income from moneys invested by Custodian. *Amended by: L.N. 46 of 1965.*

3. (1) Subject to the provisions of this Act, any income received by the Custodian from the investment of moneys coming into his hands in his said capacity whether in pursuance of the Ordinance or otherwise shall belong to the Government and shall be paid into the Consolidated Fund.

(2) The last foregoing sub-article shall be deemed to have effect as from the coming into operation of the Order, so however that it shall not be construed as authorising or requiring the repayment of any sums paid by the Custodian before the passing of this Act otherwise than into the Consolidated Fund.

(3) Where the Custodian after the coming into operation of this Act pays to any person a capital sum on the footing that -

(*a*) it represents money which was paid to the Custodian as being money due to an enemy, but which was not in

*Omitted both in the 1942 Revised Edition and in this Revised Edition since it was war legislation of a temporary nature.

fact due to an enemy; or

(*b*) it represents the proceeds of property which was transferred to the Custodian as being enemy property, but which was not in fact enemy property,

the person to whom the capital sum is paid shall be entitled to receive from the Custodian interest thereon at the rate of three-quarters of one per cent per annum from the date on which the Custodian received the money referred to in paragraph (*a*) or the proceeds referred to in paragraph (*b*) thereof, as the case may be, to the date of payment of the capital sum.

(4) For the purpose of making payments under the provisions of the last foregoing sub-article the Custodian shall set aside out of any income such as is mentioned in sub-article (1) which he may have in his hands on the coming into operation of this Act, or which he may thereafter receive, such sums as the Minister may from time to time direct; and out of any sums so set aside the Custodian shall pay any interest which may become payable by him under the provisions of the last foregoing sub-article and shall pay the balance thereof (if any) into the Consolidated Fund.

Claims to the Board. *Added by: XVI. 1999.2. Amended by: V. 2007.25; XVII.2017.83.*

4. (1) Notwithstanding anything contained in the Act or in the Ordinance, a person who claims to be the owner of any property movable or immovable administered by the Custodian, shall, not later than the 31st December, 2002, submit a claim to the Custodian showing that he is the enemy on whose behalf the property is managed or a person claiming under him.

(2) There shall be a board (hereafter referred to as the Board) composed of the Custodian, who shall be chairman, and representatives of the Lands Authority, the Accountant General, the Permanent Secretary at the Ministry responsible for Foreign Affairs, and the Auditor General, which shall examine all the claims made under sub-article (1) and decide thereon.

(3) The decision of the Board shall be served on the claimant by a judicial act, and may be appealed by application before the Administrative Review Tribunal established in terms of article 5 of the Administrative Justice Act and the provision of this Act shall apply to such an appeal.

Cap. 490.

(4) Where the Board or the Administrative Review Tribunal or the Court of Appeal, as the case may be, decide in favour of the claimant the Custodian shall be entitled to deliver the property to the claimant after deducting therefrom the fees and expenses incurred by the Custodian in the administration of the property and its handing over.

(5) The Prime Minister may by regulations establish the fees that may be payable in connection with claims before the Board.

(6) The Board shall regulate its own proceedings, it shall however ensure the claimant shall have adequate opportunity to set out his claim in writing or orally as the Board may determine.

(7) With effect from the 1st day of January, 2003, any property administered by the Custodian in respect of which no claim has

been entered as aforesaid, or if such claim has been made upon its rejection, shall vest in the Government of Malta:

Provided that with reference to immovable property listed in the Schedule to this Act, the rights relating to such property and the said property shall be registered at the Land Registry in the name of the Government of Malta with absolute title in regard to whosoever had a right to submit a claim under this article, but with possessory title in regard to other third parties.

(8) The property to which this article refers shall be that listed in the Schedule to this Act.

Added by:
XVI. 1999.2.
Amended by:
L.N. 410 of 2007.

SCHEDULE
(Article 4)

Appendix A

OFFICE OF THE CUSTODIAN OF ENEMY PROPERTY-BALANCE SHEET AS ON 31ST DECEMBER, 1998
FOR PERIOD 1ST JANUARY TO 31ST DECEMBER, 1998

Sundry Enemy Creditors	**Lm**	**Lm**		**Lm**	**Lm**	**Lm**
	-		Cash in Hand			0.10.0
Austrian	110.98.2		Cash with Accountant General			
Czechoslovakian	1,376.26.6					
Dutch	16.97.5					
French	199.01.1		At Treasury		3,136.71.1	
German	3,409.79.6		At Mid Med Bank			
Italian	6,498.17.8		Fixed A/C No X 117698	10,000.00.0		
Japanese	482.27.4		Savings A/C No 89-405-4018	2,000.00.0	12,000.00.0	15,136.71.1
Polish	24.93.7					
Jugoslav	73.78.0		Bank Deposits			
Miscellaneous	111.38.7	12,303.58.6	Bank of Valletta			3,782.30.0
Creditors			Landed Properted Account **			
Foreign non-enemy	366.01.9		Italian		967.00.0	
Local Creditors	1,239.26.7	1,605.28.6	French		2,750.00.0	
			German		3,567.00.0	7,284.00.0
Miscellaneous			Sundry Local Debtors			4,679.16.5
Suspense Accounts	1,009.11.4					
Interest collected on Enemy Debts	1.12.5	1,010.23.9	Securities A/C*			
					347.99.2	
Reserve A/C (Act No. XII of 1963)		4,000.00.0	French owned		7,538.89.0	
Sundry Creditors Securities A/C*		7,964.65.7	Italian owned		77.77.5	7,964.65.7
Sundry Creditors Landed Property A/C**		7,284.00.0	Others			
Sundry Outstanding Creditors		4,679.16.5				
		38,846.93.3				38,846.93.3

* Value indicated for Securities is nominal.

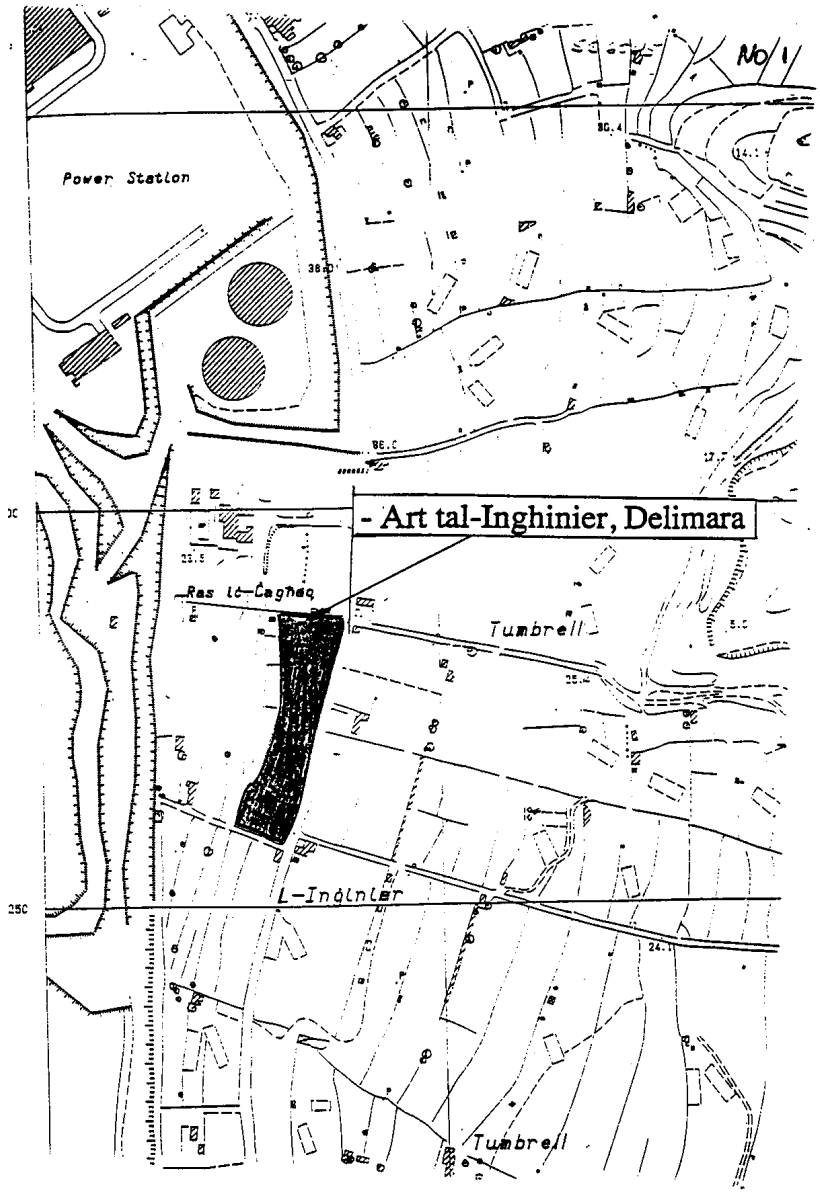
** Value as declared in original registration of property by persons in terms of orders made under Ordinance XLVIII of 1939 (The Trading with the Enemy Ordinance, 1939).

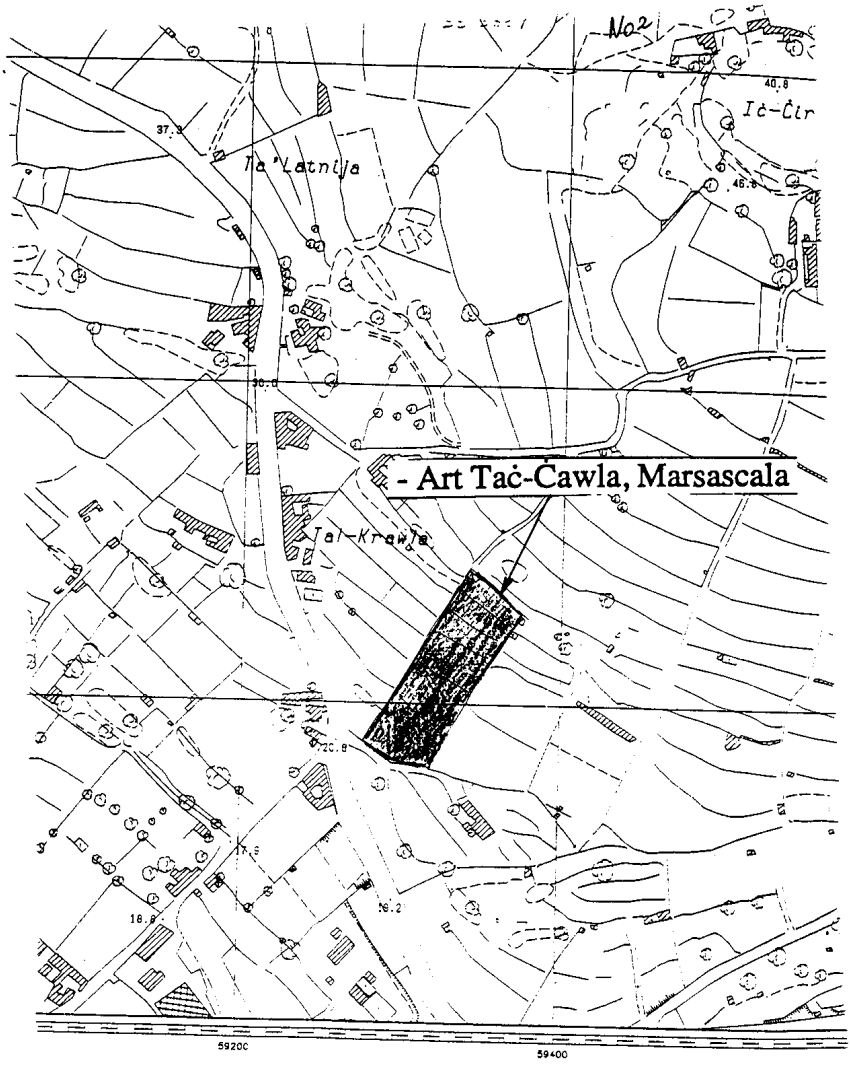
(Signed) Dr. Godwin Grima
Custodian of Enemy Property

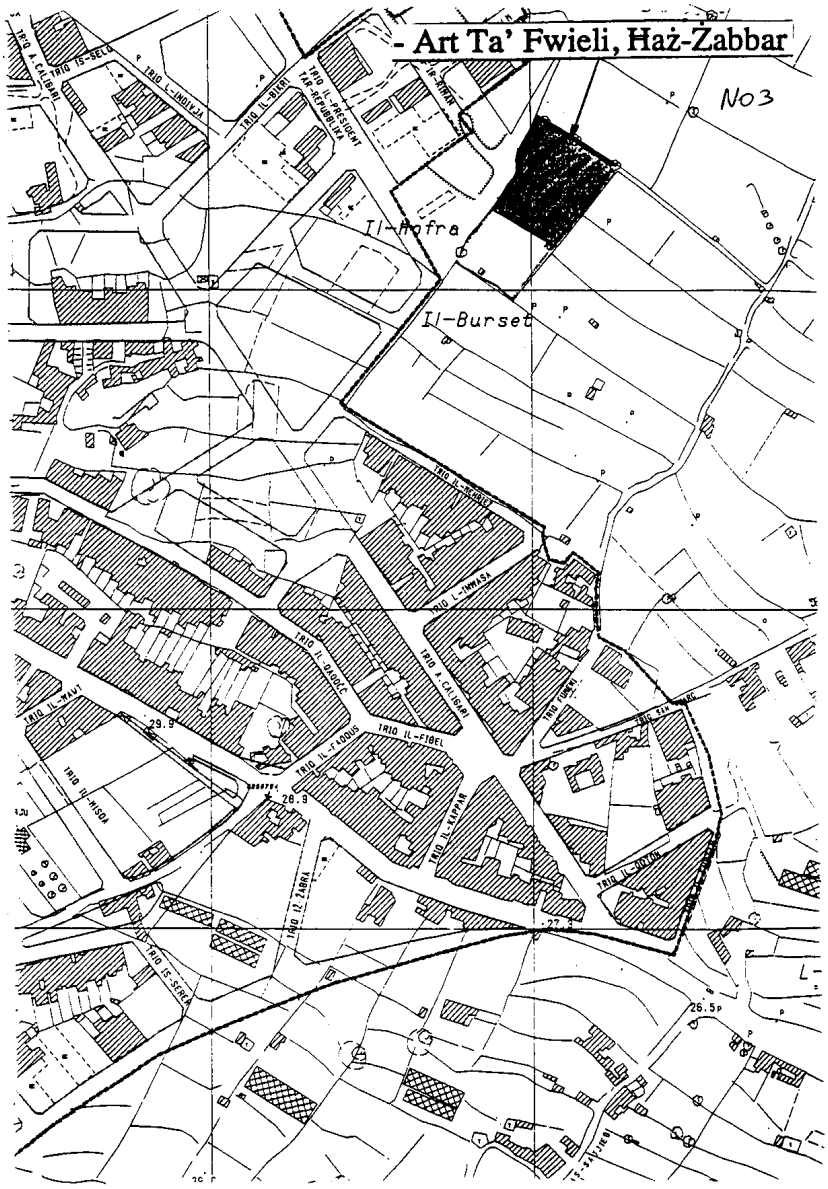
I certify that I have examined the above statement in accordance with the "Enemy Property Act" and regular auditing standards.
In my opinion, the statement properly presents the state of the "Custodian of Enemy Property" for the year ended 31st December, 1998.

(Signed) John A. Bonnici
Deputy Auditor General

29 March, 1999


Power Station
- Art tal-Inghinier, Delimara
Ras ic-Caghaq
Tumbrell
L-Inglnier
Tumbrell


No2
40.8
Ic-Cir
37.2
Ta' Latnija
46.8
30.0
- Art Tać-Cawla, Marsascala
Tal-Krawla
20.8
17.6
16.8
16.2
59200
59400


- Art Ta' Fwieli, Haż-Zabbar
No3
Il-Hofra
Il-Burset
TRIQ IL-KAMRA
TRIQ IL-KAPPAR
TRIQ IL-HOTAN
TRIQ IS-SERU
29.9
28.9
26.5p

Appendix B

George Furst account (German)

- 90A, Old Theatre Street, Valletta
- 435/4 St. Paul's Building, West Street, Valletta (often recorded as 43J/4)

Marianna and Filomena Fauci account (Italian)

- Land Tal-In[inier, Delimara, as indicated on the site plan number 1, attached to this Appendix
- Land Taċ-Ċawla, Marsascala, as indicated on the site plan number 2, attached to this Appendix
- Land Ta' Fwieli, Żabbar, as indicated on the site plan number 3, attached to this Appendix
- 181 Alley 1, Biċċieni Street, Żabbar.