CHAPTER 74

PORTE DES BOMBES AREA (PRESERVATION) ACT

To provide for the preservation of the area outside Porte des Bombes.

(5th July, 1933)*

ACT XX of 1933, as amended by Acts XIII of 1983 and XXIV of 1995; and Legal Notice 408 of 2007.

Short title.

1. The short title of this Act is the Porte des Bombes Area (Preservation) Act.

Definition of area. *Amended by: XXIV.1995.360.*

2. In this Act -

"the area outside Porte des Bombes" † means the whole public space between Pieta Creek, Porte des Bombes and the public gardens at Blata l-Bajda, Marsa, shown in red on the plan which, after the introduction of this Act, was laid on the table of the Senate and of the Legislative Assembly and a copy whereof, signed by the Governor, the Chief Clerk of the Legislative Assembly is hereby ordered to attach to the fair copy of this Act which, in terms of article 52 of the Malta Constitution Letters Patent, 1921, he is required to cause to be enrolled on record in the Office of the Registrar of Courts.

Area declared to be a non-building area and *extra commercium.*

3. The area outside Porte des Bombes is hereby declared to be a non-building area and excluded from commerce, and any deed of conveyance of any part of such area or of any real right over such area which any Government Administration may make in favour of any third party shall be null.

Any person may sue for a declaration of nullity in respect of any grant made by the Government. *Amended by: XXIV.1995.360.*

4. (1) The right of action for a declaration of nullity in respect of any transfer made in contravention of this Act shall appertain indistinctly to any person and he shall not be required to show any private interest in support of his action.

(2) No fee shall be charged by the Registrar of Courts in respect of the filing by the plaintiff of any judicial act in connection with the exercise of the said action or of the service of any such act, and no registry fee shall be levied in respect of any decision on such action.

Any person may sue for the demolition of any building erected on such area.

5. It shall likewise be competent to any person, in the public interest, to bring an action for the demolition of any building or other structure erected by any person, or by the Government, on the area outside Porte des Bombes.

**See* Government Notice No. 218 of the 19th of June, 1933 and Act No. V of 1927 omitted under the Malta Statute Law Revision Ordinance, 1936, and the Statute Law Revision Act, 1980.

†*See* the Porte des Bombes Area (Exemption) Act, (Chapter 119) exempting a specified site from the provisions of this Act.

Reward to plaintiff in case of successful action. *Amended by: XIII. 1983.5; L.N. 408 of 2007.*

6. In any action under articles 4 and 5 the court shall, in allowing the claim, order the defendant to pay to the plaintiff a sum not less than one hundred and sixteen euro and forty-seven cents (116.47) nor exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69):

Provided that such sum shall be awarded to that plaintiff only who shall first have brought with success the proper action under this Act.