

L.N. 216 of 2019

**GOVERNMENT LANDS ACT
(CAP. 573)**

**Redemption of Land belonging to the Government or to the Lands
Authority under a Title of Revisable Perpetual Emphyteusis
Regulations, 2019**

IN EXERCISE of the powers conferred by item (L) of article 31(g) of the Government Lands Act the Parliamentary Secretary for Planning and the Property Market has made the following regulations:-

1. The title of these regulations is the Redemption of Land Title.
belonging to the Government or to the Lands Authority under a Title
of Revisable Perpetual Emphyteusis Regulations, 2019.
2. In these regulations, unless the context otherwise requires: Interpretation.

"Authority" means the Authority established in accordance
with article 5 of the Lands Authority Act or any person or any
other entity that has been entrusted by contract or by law to
administer Government land; and Cap. 563.

"Board of Governors" means the Board of Governors of the
Lands Authority established by article 10 of the Lands Authority Act. Cap. 563.
3. Any person who holds a property of the Government or of Qualification.
the Authority under a title of revisable perpetual emphyteusis may,
subject to what is stated in the other provisions of these regulations,
request the Authority to redeem that property at any time.
4. The redemption of perpetual and revisable ground rent does Exclusion.
not terminate all other conditions imposed on the emphyteuta in the
original perpetual emphyteusis contract.
5. The applicant must: Eligibility.
 - (a) be a citizen of the European Union;
 - (b) be recognised by the Authority as an emphyteuta of
the building or have submitted an application to be recognised as
such and is still awaiting such recognition. The application
process cannot start prior to recognition of the applicant by the
Authority; and

(c) prove that there are no arrears due to the Authority of ground rent payment on the property for which the application is being submitted under these regulations.

Value for the redemption of perpetual and revisable ground rent on property belonging to the Government or to the Authority.

6. (1) When property belonging to the Government or to the Authority has been granted under a title of perpetual and revisable emphyteusis, the emphyteuta has the option to redeem the ground rent as provided in the following regulations, unless the contract itself provides differently as to how the redemption may be carried out.

(2) The sum to be paid for the redemption of the perpetual and revisable ground rent where there is no method of redemption in the original contract of emphyteusis shall be equal to the amount of the ground rent thus revised, according to the index of inflation taken from the year preceding the submission of the application pursuant to these regulations and the rate of the ground rent from the year prior to the creation of the contract of perpetual emphyteusis capitalised at the rate of five per cent (5%).

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(3) If the revisable perpetual emphyteusis was made before 1946, the index of inflation for 1946 as indicated in the Housing (Decontrol) Ordinance, capitalised at the rate of five per cent (5%), should be taken as a basis for determining the amount of ground rent due.

Every redemption shall be made by public contract.

7. Any redemption of perpetual and revisable ground rent made by virtue of these regulations shall be made through a public contract.

Death of the applicant.

8. There can be no change in the applicant, following the submission of an application pursuant to these regulations, unless it transpires from a *causa mortis* declaration that the rights to that property for which an application is submitted have been transferred to the person requesting such change.

Documents required with the application submitted pursuant to these regulations.

9. The following documents need to be submitted together with each application made pursuant to these regulations:

(a) a copy of the latest receipt of payment of ground rent made;

(b) in the case of an applicant who has not yet been recognised as emphyteuta of the building or site by the Authority, a copy of all the contracts made since the last emphyteuta recognised by the Authority;

(c) a detailed plan on a scale of 1:100, made exclusively according to the template available from the Authority that

strictly follows the guidelines for the use of that template. This plan shall show the interior of the property at every level and the distance from the nearest street corner. In addition, a scanned plan, duly certified by an architect, shall be submitted;

(d) a copy of the property or site plan issued by the Land Registry, duly certified by an architect;

(e) a survey showing the property and the existing road alignment;

(f) a copy of the identity card of the applicant(s); and

(g) photographs, bearing the date and time, showing the present condition of the building or site.

10. Before the processing of any application made pursuant to these regulations can start, the applicant shall pay all arrears owed by them according to regulation 5(c). Payment of arrears.

11. (1) Each applicant submitting an application pursuant to these regulations shall submit the requested information together with their sworn statement declaring that the entire content of the application is truthful and that they have not omitted any information or other relevant facts whereby, had these been known to the Authority, the application would have been rejected and dismissed. Sworn statement.

(2) No applicant may justify such omission based on the fact that the Authority already had knowledge of that information or those facts.

12. Any contract made by virtue of these regulations shall be subject to the approval of the Board of Governors and to such conditions imposed by the said Board. These conditions shall be published in the said contract. Consent and approval of the Board of Governors.

13. The amount of five hundred euro (€500) or any other amount that the Authority may declare is payable to it by each applicant pursuant to these regulations, by notice published in the Gazette not later than two (2) months prior to the submission of the application pursuant to these regulations, shall be paid with each application made by virtue of these regulations. Payment due to the Lands Authority.

14. The Authority shall ensure that all costs involved in effecting the redemption of the perpetual and revisable ground rent are paid by the applicant and that no redemption contract may be concluded before those costs are paid in their entirety. Costs.

15. (1) The Authority has the right to refuse and reject any Reserves.

application submitted pursuant to these regulations at its absolute discretion only. That refusal or rejection shall be in writing and shall include detailed reasons for its decision.

(2) The Authority has the right to terminate the process of an application made by virtue of these regulations at any stage or to refuse to accept any application made by virtue of these regulations if in its opinion such property is located at a site of national importance. In that case, the applicant shall only be entitled to receive the costs they paid to apply pursuant to these regulations. The Authority is exempt from any damages or any request for the payment of any kind of compensation made by the applicant in this regard.

The Authority has the right to bring an action before the court if it considers that one of the provisions of these regulations has been breached.

16. The Authority has the right to bring an action before the Honourable First Hall, Civil Court if it is of the opinion that there has been a breach of any of the provisions of these regulations, even after the corresponding contract has been signed, against any person involved and to ask the court to declare the redemption null and void even if the property has been transferred to third parties. No person against whom the Authority brings an action shall have the right to request or to receive any damages of any kind or any sort of compensation for all the improvements they have made or could have made to that building.

Transitory provisions.

17. Any request for redemption of perpetual and revisable ground rent of property belonging to the Government or to the Authority before the entry into force of these regulations shall be examined and decided according to these regulations.

Regularisation of contracts concluded before the entry into force of these regulations.

18. Any contract concluded before the entry into force of these regulations whereby a property of the Government or of the Authority held under a title of perpetual and revisable emphyteusis has been redeemed is hereby being validated by virtue of these regulations.