

I assent.

(L.S.)

GUIDO DE MARCO
President

26th June, 2001

ACT No. XVI of 2001

AN ACT to amend the Condominium Act, Cap. 398.

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.

1. The short title of this Act is the Condominium (Amendment) Act, 2001, and this Act shall be read and construed as one with the Condominium Act, hereinafter referred to as "the principal Act".

Cap. 398.

Amendment of
article 1 of the
principal Act.

2. In article 1 of the principal Act, for the words "Minister responsible for justice" there shall be substituted the words "Minister responsible for the Land Registry".

Amendment of
article 2 of the
principal Act.

3. For the proviso to subarticle (1) of article 2 of the principal Act there shall be substituted the following proviso:

"Provided that two or more tenements one or more of which overlies another and where there only exists a number of servitudes of the tenements over each other, and only the drains, or the drainage system or other piped or cabled services are owned in common, or where two or more tenements only have a common outer staircase or common outer landings, shall not be considered a condominium."

Amendment of
article 8 of the
principal Act.

4. Article 8 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof for the words "The condominium may" there shall be substituted the words "Without prejudice to the

provisions of subarticles (5) and (7) of this article the condominium may";

(b) in subarticle (3) thereof for the words "The following alterations" there shall be substituted the words "Without prejudice to the provisions of subarticles (5) and (7) of this article, the following alterations";

(c) immediately after subarticle (4) thereof, there shall be added the following new subarticles:

"(5) A condominium may at his own expense install or erect any necessary facility which mitigates or eliminates problems of mobility provided that these do not cause any serious prejudice, after such erection or installation, to the other condominium. The provisions of article 9 shall apply, *mutatis mutandis*, to the expenses incurred in such installation or facility.

(6) Where in a condominium, one or more separate units is owner occupied and one or more separate units is occupied by a tenant, the tenant occupying the separate unit, or his representative, shall be entitled to be present during the meeting of the condominium and express his opinion on any matter effecting the enjoyment of, or alteration to, the common parts. Only one tenant per unit shall attend and intervene during the meeting, provided that such attendance shall not in any way, imply that the tenant is entitled to vote.

(7) Where a tenant occupying the separate unit as his ordinary residence, unless he is a tenant in Government property as referred to in subarticle (6) of article 31 hereof, wishes to install or erect, at his own expense, any facility as is referred to in subarticle (5), but either the owner, or the meeting of the condominium, refuses the relative consent, the tenant may refer the matter to arbitration, and where the arbitrator finds that such installation or erection does not conflict with the works described in subarticle (3) of this article, it shall be carried out.

(8) The tenant may also contribute to the costs incurred for the execution and preservation of alterations or innovations to the common parts, in terms of subarticle (3) of article 9 of this Act.

(9) When the installation or erection is carried out at the tenant's expense, or where the tenant contributes to the costs mentioned in subarticle (8) hereof, even in those cases where

such work serves to enhance the value of the unit, the conditions of the lease may not be changed, provided that the owner of the separate unit occupied by the said tenant cannot be forced to reimburse the tenant even when the said lease is terminated.

(10) The tenant referred to in the previous subarticles to this article cannot renounce to his rights."

Amendment of
article 9 of the
principal Act.

5. In article 9(3) of the principal Act, for the words "Such contribution shall be paid, through the administrator, to the other condomini.", there shall be substituted the words, "Such contribution shall be paid, through the administrator, if any, to the other condomini. In the absence of the administrator payment is to be effected in the manner agreed to by the condomini."

Amendment
article 14 of the
principal Act.

6. Article 14 of the principal Act shall be amended as follows:

(a) the present subarticles (5), (6) and (7) shall be renumbered as subarticles (6), (7) and (8) respectively;

(b) immediately after subarticle (4) thereof, there shall be added the following new subarticle:

"(5) Where all the condomini so agree, the administrator is to insure the condominium in respect of damage and, or destruction.";

(c) for the words "referred to in subarticle (2) of this article" in subarticle (7), as renumbered, there shall be substituted the words "referred to in subarticle (5)".

Amendment of
article 15 of the
principal Act.

7. In article 15(5) of the principal Act, for the word "charges" there shall be substituted the word "changes".

Amendment of
article 16 of the
principal Act.

8. In article 16(1)(g) of the principal Act, for the words "to take the necessary steps" there shall be substituted the words "where so agreed in accordance with article 14(5), to take the necessary steps".

Amendment of
article 22 of the
principal Act.

9. Article 22 of the principal Act shall be amended as follows:-

(a) in the English text of subarticle (3) thereof, for the words "for all interests and purposes" there shall be substituted the words "for all intents and purposes"; and

(b) in the English text of subarticle (4) thereof, for the word "form" there shall be substituted the word "from".

10. Article 27 of the principal Act shall be amended as follows: Amendment of article 27 of the principal Act.

(a) in paragraph (b)(i) for the words "from among the members of the said panel; and" there shall be substituted the words "from among the members of the said panel, provided that preference is given to persons with legal qualifications and where the matter referred for arbitration is a technical matter relating to the stability, construction or re-construction and apportionment and, or calculation of costs relating to the physical environment, preference shall be given to an architect or civil engineer, so long as such persons with legal qualifications, architects or civil engineers have practised their profession for at least seven years prior to the appointment; and"; and

(b) immediately after paragraph (b)(ii) there shall be added the following new paragraph:

"(c) matters relating to the choice of the administrator in terms of article 15(1), reimbursement of costs incurred by the administrator in terms of article 20, and the adoption of the rules in terms of article 25, shall be determined by a sole arbitrator.".

11. Article 31 of the principal Act shall be amended as follows: Amendment of article 31 of the principal Act.

(a) in subarticle (1) thereof, for the words "articles 2, 4, 5, 6 and 10 of this Act" there shall be substituted the words "articles 2, 4, 5, 6, 8, 9, 10 and 22(7)(d) of this Act"; and

(b) immediately after the proviso to subarticle (6) there shall be added the following new proviso:

"Provided further that the Minister responsible for housing may grant permission to erect or install the facilities mentioned in subarticles (5) and (7) of article 8 of this Act in blocks of buildings wholly or partially owned by the Government; and such permission shall not render such building a condominium.".

12. In article 32 of the principal Act, for the words "The Minister responsible for justice" there shall be substituted the words "The Minister responsible for the Land Registry". Amendment of article 32 of the principal Act.

13. Immediately after article 32 of the principal Act there shall Addition of new article 33 to the principal Act.

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be added the following new article:

"Fees.

33. The Minister responsible for the Land Registry may, with the concurrence of the Minister responsible for finance, make orders with respect to the amount of fees payable for anything done or service rendered under this Act."

Passed by the House of Representatives at Sitting No. 557 of the 20th June, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives
