**L.N. 50 of 2000**

# IMMOVABLE PROPERTY (ACQUISITION BY NON-RESIDENTS) ACT (CAP. 246)

## Manoel Island/Tignè Point (Designated Special Area) Order, 2000

IN VIRTUE of the powers conferred by regulation 2 of the Immovable Property (Designation of Special Areas) Regulations, 1993 and for the purposes of the said regulations and of the Immovable Property (Acquisition by Non-Residents) Act, the Minister of Finance has made the following order:—

Citation.

**1.** This Order may be cited as the Manoel Island/Tignè Point (Designated Special Area) Order, 2000.

Designation of Special Area.

**2.** Manoel Island/Tignè Point in the limits of Gzira and Sliema in the island of Malta, as per plans Property Drawing number fifty four stroke two thousand (PD 54/2000) and Property Drawing number fifty five stroke two thousand (PD 55/2000) in respect of lands at Manoel Island/Tignè Point respectively marked "X" and "Y" respectively enrolled in the records of Notary Vincent Miceli of the 3rd March, of the year two thousand (2000) (hereinafter referred to as the Special Area) are hereby designated as a Designated Special Area for the purposes of the Immovable Property (Designation of Special Areas) Regulations, 1993.

L.N. 48 of 1993.

Non-resident persons to whom this Order applies.

**3.** (1) This Order shall apply to non-resident persons falling under the definition in paragraph (a) of the definition of "non-resident person" in section 2 of the Immovable Property (Acquisition by Non-Residents) Act (hereinafter in this Order referred to as "the Act") and to non-resident persons falling under paragraph (b) of the said definition but only where none of the shares or interests in such body of persons are issued or transferable by delivery to bearer:

Provided that the interest or shares in any such entity may be held and registered in the name of a nominee, resident in Malta, provided such nominee obtains permission under such conditions as the Minister may deem appropriate to issue in accordance with subsection (2) of section 17 of the Exchange Control Act.

Cap. 233.

(2) Where the non-resident person is a body of persons as defined in paragraph (1) of this article, it shall be a condition of the permit that the shares or interests in the said body of persons shall not be transferable to any person *inter vivos* without the permit in writing

by the Minister and where the shares or interests are held by a nominee, a new permission under the Exchange Control Act shall be obtained prior to the transfer of any share or interest in the body of persons to new beneficial interests and such a change in beneficial interests shall be deemed to be a transfer of the registered shares or interests for the purpose of the Duty on Documents and Transfers Act, 1993, and shall pay to the Minister the sum that would be due as duty under that Act and notwithstanding anything contained in the said Act. Act XVII of 1993.

(3) For the purposes of a permit as is referred to in paragraph (2) of this article, an application shall be made on behalf of the person to whom such transfer is intended to be made, giving such details or other documentation relative to such person as apply in respect of the original shareholders as prescribed under this Order. Such permit shall only be granted upon the payment of the fee referred to in article 7 of this Order.

**4.** (1) This Order applies to the immovable property marked on the plans referred to in article 2 of this Order. Immovable property to which Order applies.

(2) Each residential unit or any other immovable property being part of the designated property may be acquired or transferred under any title but may not be acquired, transferred or held under any time share scheme or other similar system of multi-property.

**5.** (1) An application for the acquisition by a non-resident person of any immovable property in the special area or for the transfer of shares in a body of persons holding such property, shall be made in the form as shown in the Schedule to this Order, and shall contain such particulars and be accompanied by such documents as are prescribed in the said form. Application.

(2) Applications may be made in relation to more than one unit of immovable property in the special area, but a separate fee as prescribed in paragraph (3) of article 3 shall be payable in respect of each single unit.

**6.** (1) The immovable property to which this Order applies may, subject to the provisions of this article, be put to any use permissible by law. Permissible uses.

(2) The provisions of paragraph (1) shall not be considered as exempting from the provision of any law requiring any permit for a change in land use, for the exercise of any trade or profession, or generally to make any particular use of the immovable property.

(3) Notwithstanding the other provisions of this article where the immovable property is put to residential use (whether such use is long term or temporary) it may only be used by the owner, his friends or family, and where the owner is a body of persons by the shareholders, directors or employees of the company, and may be leased to third parties.

Fees.

**7.** The fees payable under this order shall be Lm 100 for each unit acquired by a non-resident referred to in paragraph (1) of article 3 of this Order.

SCHEDULE

(Art. 5)

A

APPLICATION TO THE MINISTER RESPONSIBLE FOR FINANCE BY A BODY OF PERSONS TO ACQUIRE IMMOVABLE PROPERTY IN MALTA IN TERMS OF THE IMMOVABLE PROPERTY (ACQUISITION BY NON-RESIDENTS) ACT (CAP. 246)

**Immovable Property (Designation of Special Areas) Regulations, 1993**

**Manoel Island/Tignè Point (Designated Special Area) Order, 2000.**

PART I

A. Particulars of applicant falling under section 2(b) of the Immovable Property (Acquisition by Non-Residents) Act, Cap. 246 (hereinafter referred to as the Act).

1. Name of body, association, authority etc. or other entity which is making the application:

.....

2. Whether corporate or not:

.....

3. Where or under the laws of which country is it constituted, formed, established, incorporated or registered:

.....

4. Whether it has its principal place of residence or of business outside Malta:

.....

5. (a) A list of all shareholders showing the number of shares held by each, the citizenship of each shareholder and the place of residence; and

(b) Where the shareholder is a body, association, authority etc., all the particulars relating to is as at (a) above:

.....

.....

(A separate list may be attached to the Application duly signed and dated by applicant, and a note to this effect made in the above space).

6. Whether it is in any manner directly or indirectly controlled by one or more non-resident persons as defined by the Act:

.....

(Full particulars are to be given as necessary)

B. Particulars of immovable property to be acquired by non-residents.

1. Detailed description of immovable property including the type of property, the locality and other particulars necessary to identify it and the area of the property in square metres:

.....

.....

.....

2. Price or other consideration being paid:

.....

.....

3. If for development, details of cost of works and estimated period for completion of same:

.....

4. Under what title is the immovable property to be acquired:

.....

(Applicant is to submit a copy, if any, of documents in connection with the acquisition of the property).

5. Purpose for which the immovable property is to be acquired:

.....

6. Source of funds for acquisition of immovable property:

.....

7. Any other particulars:

.....

.....

C. Particulars of person from whom immovable property is being acquired.

1. Name:.....

2. Address:

.....

.....

D. Details of any immovable property in Malta already held or owned by applicant under any title whatsoever:

.....

.....

.....

.....

I hereby declare that the above particulars are true and correct and that the immovable property is intended to be used for the purpose above mentioned

Date ..... .....

Signature of Applicant

NOTE: Applicant is warned that any information given in the Application material to the granting of permission by the Minister which is incorrect or misleading would amongst other things as contemplated in the Act render any pertinent deed, will or act null and void.

PART II

For official use only.

B

APPLICATION TO THE MINISTER RESPONSIBLE FOR FINANCE BY AN INDIVIDUAL TO ACQUIRE IMMOVABLE PROPERTY IN MALTA IN TERMS OF THE IMMOVABLE PROPERTY (ACQUISITION BY NON-RESIDENTS) ACT (CAP. 246)

**Immovable Property (Designation of Special Areas) Regulations, 1993**

**Manoel Island/Tignè Point (Designated Special Area) Order 2000**

PART I

A. Particulars of applicant:

1. Name and surname:.....
2. Place and Date of Birth: .....
3. Parents' names: .....
4. Profession or trade: .....
5. Citizenship: .....
6. Place of residence:

.....

7. Ordinary place of residence if different from above:

.....

B. Particulars of immovable property to be acquired by non-resident:

1. Detailed description of immovable property (i) type of property, the locality, boundaries (where necessary) and other particulars needed to identify it, (ii) size of the property giving overall area of land in square metres, details of buildings, and all other appurtenances and (iii) whether or not property is of historical importance or situated in a historical area:

.....

.....

.....

.....

.....

.....

.....

.....

2. Price or other consideration being paid:

.....

3. If for development, details of cost of works and estimated period for completion of same:

.....

.....

4. Under what title is the immovable property is to be acquired:

.....

(Applicant is to submit a copy, if any, of any documents in connection with the acquisition of the property).

5. Purpose for which the immovable property is to be acquired:

.....

6. Source of funds for acquisition of immovable property:

.....

7. Any other particulars:.....

C. Particulars of person or body of persons from whom immovable property is being acquired:

1. Name

.....

2. Address:

.....

.....

.....

3. Citizenship or in case of body of persons, whether "resident" in terms of the Act.

.....

.....

D. Particulars of immovable property already owned or held:

1. Details of any immovable property in Malta already owned or held under any title whatsoever by applicant:

.....

.....

2. Details of any immovable property in Malta already owned or held under any title whatsoever by applicant's family:

.....

.....

3. Details of any immovable property in Malta disposed of by applicant or any member of his family during the last 10 years:

.....

.....

I hereby declare that the particulars are true and correct.

Date ..... .....

Signature of Applicant/Attorney

NOTE: Applicant is warned that any information given in the Application material to the granting of permission by the Minister which is incorrect or misleading would amongst other things as contemplated in the Act render any pertinent deed, will or act null and void.

PART II

For official use only.

by the Minister and where the shares or interests are held by a nominee, a new permission under the Exchange Control Act shall be obtained prior to the transfer of any share or interest in the body of persons to new beneficial interests and such a change in beneficial interests shall be deemed to be a transfer of the registered shares or interests for the purpose of the Duty on Documents and Transfers Act, 1993, and shall pay to the Minister the sum that would be due as duty under that Act and notwithstanding anything contained in the said Act. Act XVII of 1993.

(3) For the purposes of a permit as is referred to in paragraph (2) of this article, an application shall be made on behalf of the person to whom such transfer is intended to be made, giving such details or other documentation relative to such person as apply in respect of the original shareholders as prescribed under this Order. Such permit shall only be granted upon the payment of the fee referred to in article 7 of this Order.

**4.** (1) This Order applies to the immovable property marked on the plans referred to in article 2 of this Order. Immovable property to which Order applies.

(2) Each residential unit or any other immovable property being part of the designated property may be acquired or transferred under any title but may not be acquired, transferred or held under any time share scheme or other similar system of multi-property.

**5.** (1) An application for the acquisition by a non-resident person of any immovable property in the special area or for the transfer of shares in a body of persons holding such property, shall be made in the form as shown in the Schedule to this Order, and shall contain such particulars and be accompanied by such documents as are prescribed in the said form. Application.

(2) Applications may be made in relation to more than one unit of immovable property in the special area, but a separate fee as prescribed in paragraph (3) of article 3 shall be payable in respect of each single unit.

**6.** (1) The immovable property to which this Order applies may, subject to the provisions of this article, be put to any use permissible by law. Permissible uses.

(2) The provisions of paragraph (1) shall not be considered as exempting from the provision of any law requiring any permit for a change in land use, for the exercise of any trade or profession, or generally to make any particular use of the immovable property.

(3) Notwithstanding the other provisions of this article where the immovable property is put to residential use (whether such use is long term or temporary) it may only be used by the owner, his friends or family, and where the owner is a body of persons by the shareholders, directors or employees of the company, and may be leased to third parties.

Fees.

**7.** The fees payable under this order shall be Lm 100 for each unit acquired by a non-resident referred to in paragraph (1) of article 3 of this Order.

SCHEDULE

(Art. 5)

A

APPLICATION TO THE MINISTER RESPONSIBLE FOR FINANCE BY A BODY OF PERSONS TO ACQUIRE IMMOVABLE PROPERTY IN MALTA IN TERMS OF THE IMMOVABLE PROPERTY (ACQUISITION BY NON-RESIDENTS) ACT (CAP. 246)

**Immovable Property (Designation of Special Areas) Regulations, 1993**

**Manoel Island/Tignè Point (Designated Special Area) Order, 2000.**

PART I

A. Particulars of applicant falling under section 2(b) of the Immovable Property (Acquisition by Non-Residents) Act, Cap. 246 (hereinafter referred to as the Act).

1. Name of body, association, authority etc. or other entity which is making the application:

.....

2. Whether corporate or not:

.....

3. Where or under the laws of which country is it constituted, formed, established, incorporated or registered:

.....

4. Whether it has its principal place of residence or of business outside Malta:

.....

5. (a) A list of all shareholders showing the number of shares held by each, the citizenship of each shareholder and the place of residence; and

(b) Where the shareholder is a body, association, authority etc., all the particulars relating to is as at (a) above:

.....

.....

(A separate list may be attached to the Application duly signed and dated by applicant, and a note to this effect made in the above space).

6. Whether it is in any manner directly or indirectly controlled by one or more non-resident persons as defined by the Act:

.....

(Full particulars are to be given as necessary)

B. Particulars of immovable property to be acquired by non-residents.

1. Detailed description of immovable property including the type of property, the locality and other particulars necessary to identify it and the area of the property in square metres:

.....

.....

.....

2. Price or other consideration being paid:

.....

.....

3. If for development, details of cost of works and estimated period for completion of same:

.....

4. Under what title is the immovable property to be acquired:

.....

(Applicant is to submit a copy, if any, of documents in connection with the acquisition of the property).

5. Purpose for which the immovable property is to be acquired:

.....

6. Source of funds for acquisition of immovable property:

.....

7. Any other particulars:

.....

.....

C. Particulars of person from whom immovable property is being acquired.

1. Name:.....

2. Address:

.....

.....

D. Details of any immovable property in Malta already held or owned by applicant under any title whatsoever:

.....

.....

.....

.....

I hereby declare that the above particulars are true and correct and that the immovable property is intended to be used for the purpose above mentioned

Date ..... .....

Signature of Applicant

NOTE: Applicant is warned that any information given in the Application material to the granting of permission by the Minister which is incorrect or misleading would amongst other things as contemplated in the Act render any pertinent deed, will or act null and void.

PART II

For official use only.

B

APPLICATION TO THE MINISTER RESPONSIBLE FOR FINANCE BY AN INDIVIDUAL TO ACQUIRE IMMOVABLE PROPERTY IN MALTA IN TERMS OF THE IMMOVABLE PROPERTY (ACQUISITION BY NON-RESIDENTS) ACT (CAP. 246)

**Immovable Property (Designation of Special Areas) Regulations, 1993**

**Manoel Island/Tignè Point (Designated Special Area) Order 2000**

PART I

A. Particulars of applicant:

1. Name and surname:.....
2. Place and Date of Birth: .....
3. Parents' names: .....
4. Profession or trade: .....
5. Citizenship: .....
6. Place of residence:

.....

7. Ordinary place of residence if different from above:

.....

B. Particulars of immovable property to be acquired by non-resident:

1. Detailed description of immovable property (i) type of property, the locality, boundaries (where necessary) and other particulars needed to identify it, (ii) size of the property giving overall area of land in square metres, details of buildings, and all other appurtenances and (iii) whether or not property is of historical importance or situated in a historical area:

.....

.....

.....

.....

.....

.....

.....

.....

2. Price or other consideration being paid:

.....

3. If for development, details of cost of works and estimated period for completion of same:

.....

.....

4. Under what title is the immovable property is to be acquired:

.....

(Applicant is to submit a copy, if any, of any documents in connection with the acquisition of the property).

5. Purpose for which the immovable property is to be acquired:

.....

6. Source of funds for acquisition of immovable property:

.....

7. Any other particulars:.....

C. Particulars of person or body of persons from whom immovable property is being acquired:

1. Name

.....

2. Address:

.....

.....

.....

3. Citizenship or in case of body of persons, whether "resident" in terms of the Act.

.....

.....

D. Particulars of immovable property already owned or held:

1. Details of any immovable property in Malta already owned or held under any title whatsoever by applicant:

.....

.....

2. Details of any immovable property in Malta already owned or held under any title whatsoever by applicant's family:

.....

.....

3. Details of any immovable property in Malta disposed of by applicant or any member of his family during the last 10 years:

.....

.....

I hereby declare that the particulars are true and correct.

Date ..... .....

Signature of Applicant/Attorney

NOTE: Applicant is warned that any information given in the Application material to the granting of permission by the Minister which is incorrect or misleading would amongst other things as contemplated in the Act render any pertinent deed, will or act null and void.

PART II

For official use only.