I assent.

(L.S.) GEORGE ABELA
President

11th March, 2011

ACT No. III of 2011

An Act to amend various land laws.

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 Various Laws (Compulsory Eviction and Disposal of Government Land Act) (Amendment) Act, 2011.

PART I

Amendment of the Land (Compulsory Eviction) Act. Cap. 228.

2. This Part amends the Land (Compulsory Eviction) (Amendment) Act, and it shall be read and construed as one with the said Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 3 of the principal Act.

3. Article 3 of the principal Act shall be amended as follows:-

(a) subarticle (2) thereof shall be substituted by the following:

"(2) When the identity of the evictee is unknown, the order shall be addressed to the ‘occupant’ and such order is deemed served once it is fixed on the land.";

(b) subarticle (3) thereof shall be substituted by the following:-

"(3) If the occupier of any such land does not comply with the order within the period of time so specified, the Commissioner may instruct any Police officer, to take such steps and to use such force as appear to him reasonably necessary for securing compliance with the order and with any directions given under subarticle (1) and for the removal from such land of any movable effect existing therein. In giving such instructions the Commissioner may also provide that the Police officer may be assisted by an officer of the Government Property Department or by any other person authorised by the Commissioner to act on behalf of the Government Property Department for the purposes of this Act."; and

(c) immediately after subarticle (3) thereof, there shall be added the following new subarticle:

"(4) The Commissioner shall not be required to provide alternative storage for any such movable effects existing in the land and will not be held responsible for their safe custody, and the removal of such movable effects shall be carried out at the complete risk and expense of the evictee:

Provided that before the removal of such movable effects an inventory of such effects shall be made and such inventory shall be signed by the Commissioner or his representative and by a Police officer:

Provided further that the evictee shall be liable to refund any expenses which may have been incurred by the government directly or in connection with the eviction.".

Amendment of article 5 of the principal Act.

4. Article 5 of the principal Act there shall be substituted the following:

"Service. 5. Service of any order, notice or direction on any person for the purposes of this Act shall be effected by the Executive Police, or by an officer of the Government Property Department or by a person authorised by the Commissioner to act on behalf of the Government Property Department for the purposes of this Act.".

Substitution of article 7 of the principal Act.

5. For article 7 of the principal Act there shall be substituted

the following:-

"Power to sell movable effects.

7. Following the execution of the eviction and once the evictee has been informed of the expenses incurred, such evictee shall have a period of fifteen days to fully reimburse the Commissioner with all expenses incurred and to collect movable effects seized during the eviction and on failure by the evictee to do so, the Commissioner shall have the right to sell any such movable effects by public auction:

Provided that, without prejudice to the provisions contained in article 8, the proceeds of such public auction, after the deduction of any amount due to the Government in terms of subarticle (4) of article 3 and of the fees incurred for the auction, shall be paid to the person to whom the said movable effects belonged.".

PART II

Amendment of the Disposal of Government Land Act. Cap. 268.

6. This Part amends the Disposal of Government Land Act, and it shall be read and construed as one with the said Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 3 of the principal Act.

7. In subarticle (1) of article 3 of the principal Act, paragraph (f) thereof shall be renumbered as paragraph (g) and immediately after paragraph (e) thereof there shall be added the following new paragraph:

"(f) Where a change of any condition included in the disposal of any land consists of a modification to the conditions of a lease or to the conditions of a contract of emphyteusis or sub-emphyteusis which is made for a public purpose as defined in the Land Acquisition (Public Purposes) Ordinance, which change shall not affect property exceeding a footprint of one hundred square metres (100 sq. m), such disposal may also be made without adherence to any of the procedures or formalities prescribed in this article but in such case it shall only have effect after the following conditions ar satisfied:

(i) that the Minister shall within four weeks from the conclusion of a conditional agreement to make the modification or if the House of Representatives is not in session at the end of the said period within four weeks

from the date when the House next meets, lay a copy of the contract of lease or emphyteusis or sub-emphyteusis indicating the modifications proposed on the table of the House; and

(ii) the modification aforesaid shall only be valid and come into effect if, after the procedure stipulated in sub-paragraph (i) has been completed, the House does not within a period of twenty-eight days after the completion of the said procedure resolve that the modification shall be rejected or amended, and immediately upon the expiry of the said period of twenty-eight days the modification shall, unless it is rejected as aforesaid, come into effect as originally proposed or as amended by means of the said resolution; or".

Passed by the House of Representatives at Sitting No. 323 of the 8th March, 2011.

MICHAEL FRENDO

Speaker

PAULINE ABELA
Clerk to the House of Representatives