

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

4th April, 1995

ACT NO. VII of 1995

AN ACT to amend the Land Registration Act, Cap. 296.

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 and
commencement.

Cap. 296

1. (1) This Act may be cited as the Land Registration (Amendment) Act, 1995 and shall be read and construed as one with the Land Registration Act, hereinafter referred to as “the principal Act”.

(2) The following provisions of this Act shall come into force on such date as the Minister responsible for justice may appoint by notice in the Gazette, and different dates may be so appointed for different provisions and purposes of this Act.

Amendment of
section 2 of the
principal Act.

2. Section 2 of the principal Act shall be amended as follows:

(a) immediately after the definition of “charge” there shall be inserted the following new definitions:

““compulsory registration area” means any area in Malta declared by the Minister to be a registration area under section 10 of this Act and includes any area declared or deemed to be a registration area by or under any other law;

“declaratory registration area” means any area in Malta declared as such by the Minister in virtue of sections 15 or 16 of this Act;”;

(b) immediately after the definition of “overriding interests” there shall be added the following new definition:

““person” includes a physical or legal person, whether such person is corporate or unincorporate;”;

(c) for the definition of “register” there shall be substituted the following:

““register” includes the day-book containing the progressive number of applications submitted, the register of titles or the register of charges, and any other document on which annotations are to be made in virtue of this Act, and “registered” shall be construed accordingly;” and

(d) for the definition of “registration area” there shall be substituted the following:

““registration area” means a compulsory registration area or a declaratory registration area as the case may be;”.

3. Section 4 of the principal Act shall be amended as follows:

•Amendment of section 4 of the principal Act.

(a) the present subsections (2) and (3) thereof shall be renumbered (3) and (4) respectively;

(b) immediately after subsection (1) thereof there shall be added the following new subsection:

“(2) A person shall not be qualified to be appointed Land Registrar unless he is an advocate or a notary public of not less than seven years’ standing.”; and

(c) in subsection (3) thereof as renumbered, for the words “five years’ standing.” there shall be substituted the words “three years’ standing.”.

4. In section 7 of the principal Act, for the words “may furnish to the Land Registrar” there shall be substituted the words “shall, within the prescribed time, furnish to the Land Registrar”.

Amendment of section 7 of the principal Act.

5. Section 10 of the principal Act shall be amended as follows:

Amendment of section 10 of the principal Act.

(a) the present provision shall be renumbered as subsection (1) thereof;

(b) in subsection (1) as renumbered, for the words “and in such other manner as he may deem appropriate.” there shall be substituted the words “and in such other manner as he may deem appropriate, and such areas shall be known as Compulsory Registration Areas.”; and

(c) immediately after subsection (1) there shall be added the following new subsections:

“(2) Where land is registered under the provisions of subsection (2) of section 12, subsection (2) of section 14, sections 15, 16, 16A or 17 of this Act that land shall henceforth be deemed to be a compulsory registration area.

(3) The Minister may also declare an area to be partly a Compulsory Registration Area and partly a Declaratory Registration Area, and moreover the same area may be declared to be such a registration area for giving effect to all or any of the purposes and provisions of this Act.”.

Substitution of section 11 of the principal Act.

Cap. 16.

Cap. 12.

6. For section 11 of the principal Act there shall be substituted the following:

“Inapplicability of other laws to registration areas.

11. (1) The provisions of section 996 and of Title XXIII of Part II of Book Second of the Civil Code and of section 239 of the Code of Organization and Civil Procedure, as well as any other provision of those Codes or of any other law relative to the registration of certain transfers, of special hypothecs and of certain special privileges in the Public Registry and which is inconsistent with this Act, shall cease to be operative both in respect of land situated in any registration area and also in respect of land that has been registered and any reference made to the Public Registry in the said provisions or in any other law shall be deemed to be a reference to the Land Registry in so far as it concerns the land referred to in this section.

(2) It shall be the responsibility of the notary publishing the deed to ascertain, through an official search, whether the provisions of subsection (1) hereof apply or not and such search shall be attached to the deed.

(3) Every notarial act registerable in the Public Registry or in the Land Registry in accordance with this Act or any other law, must contain a site plan showing the exact location of the property to which the deed refers, whether such property is in a registration area or not, together with a large scale plan showing the full extent of the land and the various parts thereof which are subject to easements, servitudes, burthens and other rights or obligations, or of which the nature of or extent of the ownership or right may be different from the rest of the land; provided that the Registrar may in the official search referred to in subsection (2) exempt a notary from the provisions of this subsection.”.

Amendment of section 12 of the principal Act.

7. Section 12 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof:

(i) in paragraph (a) thereof, for the words “declaratory effect as to the ownership of, or any real right over, immovable property, and every contract of antichresis;” there shall be

substituted the words “declaratory effect as to the ownership of, or any real right over, immovable property (including a deed made for the purpose of the Duty on Documents and Transfers Act, 1993, but excluding any other deed of inventory), and every contract of antichresis;”;

Act No. XVII
of 1993.

(ii) in paragraph (c) thereof, for the words “by judicial sale,” there shall be substituted the words “by judicial sale, and every redemption of groundrent effected in accordance with section 1501 of the Civil Code,”;

(iii) for the words “in the contract, judgement or judicial sale” there shall be substituted the words “in the contract, judgement, judicial sale or in the schedule of redemption” and

(iv) for the words “by any contract, judgement, judicial sale or hypothec as aforesaid, is registered in the name of the person entitled thereto and an appropriate entry is made in the register of the manner (if any) in which such land is affected.” there shall be substituted the words “by any contract, judgement, judicial sale, redemption or hypothec as aforesaid, is registered in the day-book in the manner prescribed.”;

(b) in subsection (2) thereof, for the words “contract, judgement or judicial sale” there shall be substituted the words “contract, judgement, judicial sale or redemption”; and

(c) immediately after subsection (2) thereof there shall be added the following subsection:

“(3) Where any land is subject to the provisions of paragraph (b) or (c) of subsection (1) of this section, it shall be the duty of the party requesting the registration in the Public Registry or the Land Registry as the case may be, of the judgement, conveyance or redemption, to file a note in the registry of the court together with the site plan and large scale plan referred to in subsection (3) of section 11 of this Act, after such site plan and such large scale plan have been approved by the court emanating the judgement or under whose authority the sale or redemption has been made, in the case of a judgement such approval shall be contained in the judgement itself. The court shall before granting such approval order the party requesting it to carry out an official search ascertaining whether the land falls within a registration area and the state of the register with respect thereto.”.

8. Section 13 of the principal Act shall be amended as follows:

Amendment of
section 13 of the
principal Act.

(a) in subsection (1) thereof for the words “eighteen working days” there shall be substituted the words “fifteen days”;

(b) in the proviso to subsection (2) thereof for the words “an advocate” there shall be substituted the words “a notary or an advocate”; and

(c) in subsection (3) thereof, for the words "application therefor may be made," there shall be substituted the words "application therefor shall be made," and immediately after the words "that the adjudication is final." there shall be added the words "The court shall in any such judgement appoint a curator so that in the absence of registration by whom such registration is to be made, such registration is to be made by the said curator at the expense of the person who should have made such registration."

Amendment of
section 14 of the
principal Act.

9. For subsection (1) of section 14 of the principal Act, there shall be substituted the following:

"(1) On the opening of the succession of any person, the title to land comprised in the transmisson and situated in any registration area shall, unless it is already so registrable in virtue of section 12 of this Act, be registered in the name of the persons in whose favour such land may have passed, on an application made in the prescribed manner, and any disposal or partition of such land or any dealing therewith shall not be entered into before the title thereto has been registered, and in the case of a declaration of the opening of a succession in virtue of section 536 of the Code of Organization and Civil Procedure, the Court shall order the applicant to make such registration within fifteen days from the declaration, and appoint a curator, so that in the absence of such registration by the applicant, such registration shall be made by the curator so appointed at the expense of the applicant."

Amendment of
section 15 of the
principal Act.

10. Section 15 of the principal Act shall be amended as follows:

(a) in paragraph (c) of subsection (2) thereof, for the words "to any type of title or right in or over the property" there shall be substituted the words "to the nature of the right in or over the land";

(b) in subsection (5) thereof for the words "established in section 58" to the words "the offence is committed" there shall be substituted the words "established under subsection (6) of this section"; and

(c) immediately after subsection (5) thereof there shall be added the following subsections:

"(6) The Minister may in any order made in virtue of subsection (1) of this section establish the penalties to which a person guilty of an offence in accordance with subsection (5) hereof in relation to such order shall be liable; such penalty shall not be more severe than those established in section 58 of this Act.

(7) The provisions of this section shall be deemed to have been complied with if the application is submitted by any interested party."

11. Section 16 of the principal Act shall be amended as follows:

Amendment of section 16 of the principal Act.

(a) in subsection (5) thereof, for the words “keep a roll of” there shall be substituted the words “keep a roll of, or otherwise enter in the register,”;

(b) in subsection (6) thereof, for the words “Any person in whose favour” there shall be substituted the words “The Minister may in any such order provide that any person in whose favour”, and for the words “eighteen days” there shall be substituted the words “fifteen days”, and for the words “in the roll referred to in subsection (5) of this section,” there shall be substituted the words “in the manner provided in subsection (5) of this section.”; and

(c) for subsections (7) and (8) thereof there shall be substituted the following subsection:

“(7) The provisions of subsections (5), (6) and (7) of section 15 of this Act, shall *mutatis mutandis* apply to an order made by the Minister under this section.”.

12. Immediately after section 16 of the principal Act there shall be added the following new section:

Addition of new section 16A to the principal Act.

“Registra-
tion of
property of
unknown
owners.

16A. (1) Where land or a share in such land, or any rights in or over it are registerable or declarable in virtue of the provisions of section 15 or 16 of this Act, and the owner or presumed owner is unable or unwilling to apply for its registration within the time prescribed, the registrar shall, without prejudice to any liability incumbent on any person under the said sections, register such land or make the appropriate declaration on behalf of unknown owners and such land shall be administered by the Government on behalf of such unknown owners. The Commissioner of Land shall each year publish a list of such property in the Gazette.

(2) Where land is registered or declared on behalf of unknown owners by the registrar, he shall also register any charges, cautions, servitudes or other overriding interests, or any other right registerable in accordance with this Act as may affect such land and of which he may be aware.

(3) The provisions of section 23 of this Act shall apply to any registration or declaration made in virtue of subsections (1) and (2) of this section.

(4) Upon the lapse of thirty years, unless the registration shall have been successfully challenged in terms of subsection (3) of this section, such land shall be registered with guaranteed title in favour of and in the name of the Government of Malta, free and unencumbered except for such charges, cautions, servitude or other overriding interests or other rights that were duly registered in accordance with subsection (2) of this section:

Provided that if the charge, caution, servitude, other overriding interest or any other registerable right is in favour of land which is itself registered on behalf of unknown owners, but with reference to such land, the period of thirty years mentioned in this subsection has not yet elapsed, then the servient land shall be registered as subject to such charge, caution, servitude, other overriding interest or other right, which shall be extinguished only when the period of thirty years as established in this subsection elapses also in respect of the dominant land.

(5) Rights registered on behalf of unknown owners shall in like manner pass in favour of the Government upon the lapse of thirty years from their declaration.”.

Amendment of
section 19 of the
principal Act.

13. Section 19 of the principal Act shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof;

(b) in subsection (1) thereof as renumbered, the words from “; and if the Registrar is of opinion” to the words “such further or other evidence is produced” shall be deleted; and

(c) immediately after subsection (1) thereof as renumbered, there shall be added the following subsection:

“(2) Where an application for registration is incompatible with a title which is already registered in the registry in such manner that the registration cannot be effected, the applicant may lodge a caution and the provisions of Part V of this Act shall apply thereto, unless the land is registered with a guaranteed title, in which case the applicant may only seek the rectification of the register.”.

Substitution of
section 21 of the
principal Act.

14. For section 21 of the principal Act, there shall be substituted the following:

“How land
may be
registered.

21. (1) On the application for first registration of land, charge or other registerable right, whatever the title under which such land, charge or right has passed to the person applying for registration, the Registrar shall issue to that effect a certificate for the title to that land, charge or other registerable right, according to the title under which the land, charge or right has passed to that person.

(2) Where land is according to any other law to be registered with a guaranteed title, or where land is to be registered in favour of the Government of Malta, or where registration is sought pursuant to a transfer by the Government of Malta, it shall be registered with a guaranteed title.

(3) Where land is registered, it shall be deemed to have been so registered with effect from the date on which the application for registration has been entered in the day-book.”.

15. In section 22 of the principal Act, for the words “all other rights and interests whatsoever.” there shall be substituted the words “all other rights and interests whatsoever:

Amendment of section 22 of the principal Act.

Provided that if the Minister, in virtue of the provisions of section 16 of this Act, directs that any or all of such rights or overriding interests shall be registered, the provisions of this section shall not apply with regard to those rights or interests which have to be registered but are not so registered.”.

16. Section 23 of the principal Act shall be amended as follows:

Amendment of section 23 of the principal Act.

(a) the present provision shall be renumbered as subsection (1) thereof;

(b) in the new subsection (1), the word “only” shall be deleted; and

(c) immediately after subsection (1) there shall be added the following new subsection:

“(2) Without prejudice to sections 16A and 46 of this Act, the registrar shall, unless an application for the interruption of prescription or other caution having the same effect has been lodged, convert the title into a guaranteed title on the lapse of ten years from first registration.”.

17. Section 24 of the principal Act shall be amended as follows:

Amendment of section 24 of the principal Act.

(a) the marginal note thereof shall be substituted by the following: “Registration with a qualification.”;

(b) in subsection (1) thereof, the words “an absolute title is required, and” shall be deleted and for the words from “in the register;” to the words “a qualified title.” there shall be substituted the words “in the register.”; and

(c) in subsection (2) thereof for the words “with a qualified title” there shall be substituted the words “with a title qualified in terms of this section”, and for the words from “with an absolute title” to the words “a qualified title” there shall be substituted the words “with a title, or a guaranteed title, as the case may be, save that such registration”.

18. Section 26 of the principal Act shall be amended as follows:

Amendment of section 26 of the principal Act.

(a) in subsection (1) thereof, for the words “or any part thereof in the same manner and to the same extent as if the land had not been registered.” there shall be substituted the words “or any part thereof, and upon such transfer an application shall be submitted within fifteen days from the date of deed of transfer, the

notary publishing the deed shall make a reference therein to the certificate of title number whereby the transferred land is registered; and where a notary fails to make such reference, an extra fee for the registration of such transfer as may be prescribed, shall be due by such notary.”; and

(b) for subsection (2) thereof, there shall be substituted the following:

“(2) The transfer of registered rights over the land or part thereof shall be completed by the registrar entering, on the certificate, the transferee as the proprietor of the rights transferred on application made in virtue of subsection (1) of this section; and where part only of the land is transferred, this shall also be noted, and separate certificates showing the different parts owned shall be issued: and the provisions of subsection (3) of section 21 shall apply *mutatis mutandis* to the registration of such transfers.”.

Amendment of
section 27 of the
principal Act.

19. Section 27 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof for the words “an absolute title” there shall be substituted the words “a guaranteed title”;

(b) in subsection (2) thereof:

(i) for the words “registered with a qualified title”, there shall be substituted the words “registered with a guaranteed title qualified in terms of section 24 of this Act”; and

(ii) for the words “registered with an absolute title”, there shall be substituted the words “registered with a guaranteed title”; and

(c) in subsection (3) thereof:

(i) for the words “with a possessory title” there shall be substituted the words “with a title which is not a guaranteed title”;

(ii) for the words “registered with an absolute title.”, there shall be substituted the words “registered with a guaranteed title.”; and

(iii) immediately at the end thereof, there shall be added the following proviso:

“Provided that where the land was registered with a title, which is not a guaranteed title, qualified in terms of section 24 of this Act, such dispositions shall not affect or prejudice the enforcement of any right or interest appearing in the register to be excepted.”.

Addition of
new section
28A of the
principal Act.

20. Immediately after section 28 of the principal Act there shall be added the following new section:

“Charges
on land
situate in a
registration
area but not
registered.

28A. (1) Land situate in a registration area, but which has not been registered, may, subject to the following provisions of this section, be charged by agreement, by operation of law or by judgement to the same extent and in the manner as if that land had been registered.

(2) A charge registered in accordance with subsection (1) of this section shall be subject to the condition that on the date of the application for its registration, the debtor was an owner of the land subject to such charge and was not in any way incapacitated from charging the land, and shall affect the land subject to it only to the extent that the debtor is the owner of, or has an interest in, such land.

(3) Subject to the provisions of subsection (2) of this section, a charge registered in accordance with subsection (1) of this section shall affect any person acquiring the land to the same extent and in the same manner as if such land had been registered and that charge had been a charge in respect of that registered land.

(4) When the registrar receives an application for the registration of the land subject to the charge registered in accordance with subsection (1) of this section, he shall, if the person applying for the registration is the debtor referred to in the charge or derives title from such a debtor who was the owner of such land and to the extent of such ownership, register the charge as a charge on the title to the land so registered.

(5) Without prejudice to the foregoing provisions of this section, a charge registered in accordance with subsection (1) of this section shall have the same effect as a caution lodged with the registrar to the effect that the land subject to the charge shall not be registered for the first time in favour of any person until notice has been served upon the proprietor of the charge; and subsection (3) of section 35 and section 37 of this Act shall apply to a proprietor of a charge registered in accordance with subsection (1) of this section as they apply to a cautioner.”.

21. For section 30 of the principal Act there shall be substituted the following:

Substitution of
section 30 of the
principal Act.

“Charge
effective
only
if regis-
tered.

30. A charge shall not affect a person acquiring any registered land or right thereon unless the charge is protected by an entry on the register. Where such entry is made it shall be deemed to have been made on the date on which the application therefor has been entered in the day-book.”.

Amendment of
section 31 of the
principal Act.

22. In section 31 of the principal Act for the words “in which they are entered on the register, and not according to the order in which they are created.” there shall be substituted the words “of the progressive number relative thereto in the day-book.”.

Amendment of
section 32 of the
principal Act.

23. Section 32 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “the Public Registry Act.” there shall be substituted the words “the Public Registry Act, and the provisions of section 12 of this Act shall also apply to such transfers.”;

(b) in subsection (2) thereof for the words “but the transferor shall be deemed to remain proprietor of the charge until the name of the transferee is entered on the register in respect thereof.” there shall be substituted the words “and the Registrar shall issue a charge certificate specifying the details relative to such charge in the prescribed manner, and he shall also annotate the charge number on the certificate of title when this is completed.”; and

(c) immediately after subsection (2) thereof, there shall be added the following subsection:

“(3) The provisions of section 26 of this Act shall, *mutatis mutandis*, apply to transfers of charges under this section.”.

Amendment of
section 33 of the
principal Act.

24. Section 33 of the principal Act shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1); and

(b) immediately after subsection (1) thereof as renumbered there shall be added the following subsection:

“(2) Charges shall be extinguished in the same manner as is provided in the Civil Code for the extinction of hypothecs and privileges.”.

Amendment of
section 34 of the
principal Act.

25. For subsection (3) of section 34 of the principal Act there shall be substituted the following:

“(3) The registration of a successor in place of the proprietor under this section may be qualified in the same manner as is provided in section 24 of this Act even if the land is registered without such qualification.”.

Amendment of
section 35 of the
principal Act.

26. Section 35 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof for the words “in land not registered as entitles him to object” there shall be substituted the words “in land which is not already registered or in respect of which no application for first registration has yet been made, as entitles him to object”;

(b) the present subsections (2) and (3) shall be renumbered (3) and (4) respectively; and

(c) immediately after subsection (1) thereof there shall be added the following subsection:

“(2) Notwithstanding any other law, any judicial act interrupting prescription, as well as any other right relating to a prohibition of transfer of property by a deed *inter vivos*, shall be of no effect with regard to land in a registration area unless it is registered as a caution at the Land Registry in the prescribed manner.”.

27. Subsection (1) of section 36 of the principal Act shall be amended as follows:

Amendment of section 36 of the principal Act.

(a) in paragraph (e) thereof, for the words “any such land,” there shall be substituted the words “any such land; or”; and

(b) immediately after paragraph (e) thereof, there shall be added the following paragraph:

“(f) having an interest or right as is referred to in subsection (2) of section 35 of this Act,”.

28. Immediately after subsection (4) of section 37 of the principal Act, there shall be added the following new subsections:

Amendment of section 37 of the principal Act.

“(5) A person shall not be deemed to have registered a caution without reasonable cause for the purposes of subsection (3) of this section, in so far as and to the extent that, in the plans lodged with the caution, in good faith and without negligence, he may have included land which ought not to have been so included.

(6) The lodgement of a caution is not an application for the registration of the claim or title in protection of which the caution is lodged and shall not exempt the person lodging the caution from the filing of the relevant applications, if any, for the registration of any title or claim.”.

29. Parts VA and VI of the principal Act shall be deleted.

Deletion of Parts VA and VI of the principal Act.

30. Subsection (1) of section 43 of the principal Act shall be amended as follows:

Amendment of section 43 of the principal Act.

(a) for paragraph (e) thereof there shall be substituted the following:

“(e) in the case of any title even if qualified in terms of section 24 of this Act, all rights, interests and powers excepted from the effect of registration;” and

(b) immediately after paragraph (h) thereof there shall be added the following paragraph:

“(hh) special privileges and special hypothecs encumbering the land and registered in the Public Registry before the land encumbered became comprised in a registration area;”.

Amendment of section 45 of the principal Act.

31. In section 45 of the principal Act for the words “with an absolute title” there shall be substituted the words “with a guaranteed title”.

Amendment of section 46 of the principal Act.

32. In subsection (2) of section 46 of the principal Act, for the words “with absolute, qualified or possessory title”, there shall be substituted the words “with a guaranteed or other title, including any qualification”.

Amendment of section 49 of the principal Act.

33. For subsection (1) of section 49 of the principal Act there shall be substituted the following:

“(1) (a) Upon the lapse of the time referred to in subsection (2) of section 23 of this Act, the registrar shall, subject to the following subsection of this section after giving such notice, if any, as may be prescribed, register such title as a guaranteed title whether the proprietor consents to such registration or not.

(b) Where the registrar is satisfied that either as a result of the additional evidence produced to him or otherwise in his possession, or as a result of time, or as a result of both, he may, subject to the following provisions of this section and any other provision of this Act, after giving such notices, if any, as may be prescribed, remove any qualification entered in the register in terms of this Act, whether the proprietor consents to such removal or not.”.

Amendment of section 51 of the principal Act.

34. In subsection (7) of section 51 of the principal Act, for the words “the land certificate and any charge certificate” there shall be substituted the words “any certificate or document”.

Amendment of section 57 of the principal Act.

35. In subsection (1) of section 57 of the principal Act, for the words “or any land or charge certificate” there shall be substituted the words “or any other document held at or issued by the Land Registry”.

36. In subsection (2) of section 59 of the principal Act:

Amendment of
section 59 of the
principal Act.

(a) for paragraph (d) thereof there shall be substituted the following:

“(d) empowering the registrar to order or conduct the survey of any land in connection with its registration under this Act;”;

(b) for paragraph (i) thereof there shall be substituted the following:

“(i) for prescribing the way any notices required by this Act, are to be given;”;

(c) for paragraph (p) thereof, there shall be substituted the following:

“(p) provide for any matter ancillary to or consequential to the computerisation of the Land Registry;”.

37. Part VA and the corresponding entry and Part VI and the corresponding entry in the “Arrangement of the Act” in the principal Act shall be deleted.

Amendment of
“Arrangement
of Act” of the
principal Act.

38. (1) On the coming into force of section 29 of this Act, no applications for a cautionary charge shall be entertained, and any cautionary charge entered in the Land Registry prior to the coming into force of the said section shall be deemed to be a charge entered in accordance with section 28A as introduced by section 20 of this Act.

Transitory
provisions.

(2) All Land and Charge Certificates issued prior to the coming into force of section 29 of this Act shall be admissible in evidence only as proof of their contents as on their date of issue.

(3) Where prior to the coming into force of section 9 of this Act, on the opening of succession of any person, the title to the land comprised in the transmission and situated in any registration area has not been registered in the name of the persons in whose favour such land may have passed, it shall be deemed that the provisions of section 14 of the principal Act, as in force prior to the coming into force of section 9 of this Act, did not apply to any such land:

Provided that the Land Registrar may, after giving such notice as he may deem fit, register such land in the name of the persons in whose favour such land may have passed or in the name of their successors in title, in accordance with the provisions of the principal Act as amended by this Act, and the provisions of the principal Act empowering the said registrar to require any person to produce any document or information shall apply also for the purposes of this proviso.

(4) The titles to the land registered in virtue of Legal Notice Number 37 of 1983, and listed in the following subsection of this section shall be deemed to have been duly and regularly registered in accordance with the provisions of the principal Act and any dealing with such land after the coming into force of this subsection shall be registerable in the Land Registry as if such land were situated in a registration area:

Provided that any transfer or charge in relation to such land registered in the Public Registry after the issue of the said Legal Notice and before the coming into force of this subsection shall be deemed to be an overriding interest and the provisions of section 43 of the principal Act shall apply thereto.

(5) The titles to the land to which subsection (4) hereof applies are the following:

Certificates of Title numbers 547200001, 547200002, 546900003, 567300008, and from 547400004 to 547400007 (both numbers inclusive).

(6) Where before the coming into force of this Act, a qualified title has been issued by the registrar in accordance with the provisions of the principal Act as in force prior to the coming into force of this Act, it shall be deemed to be a title registered in accordance with the corresponding provisions of the principal Act as amended by the provisions of this Act, qualified in accordance with section 24 of the principal Act as amended by the provisions of this Act.

(7) Any absolute title or possessory title registered before the coming into force of this Act shall be deemed to be a guaranteed title and a title which is not a guaranteed title respectively and any reference in any other law to registration with a possessory title and registration with an absolute title shall be construed as a reference to a registration with a title which is not a guaranteed title and registration with a guaranteed title, respectively.

Passed by the House of Representatives at Sitting No. 407 of the 22nd March, 1995.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives