I assent.

(L.S.)

PAUL XUEREB
Acting President

28th October, 1988

ACT No. XXVIII of 1988

AN ACT to make provision for the granting of certain incentives for the encouragement of Home Ownership.

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. (1) This Act may be cited as the Home Ownership (Encouragement) Act, 1988.

Interpretation.

2. In this Act unless the context otherwise requires:

"beneficiary" means the person to whom any of the incentives, referred to in Section 3 of this Act, are granted;

"dwelling-house" has the same meaning assigned to it under the Housing (Decontrol) Ordinance, 1959; Ord. XIXA of 1959

"Housing Authority" means the authority established by Section 3 of the Housing Authority Act, 1976; Act XV of 1976

"Housing Secretary" has the same meaning assigned to it by the Housing Act, 1949; Act II of 1949

"Minister" means the Minister responsible for housing, and includes any Parliamentary Secretary with responsibility for housing; and

"usufruct" has the same meaning assigned to it in Section 2 of the Death and Donations Duty Act, 1973. Act XLVII of 1973

Incentives for home-ownership.

3. The Housing Authority or the Housing Secretary may make regulations with the approval of the Minister, providing for schemes for

the encouragement of home-ownership in Malta, whereby persons are encouraged to acquire a dwelling house for their own residence by being granted all or any one or more of the following incentives:

Act XXXI of 1981

(a) relief from the duty chargeable under the Duty on Documents Act, 1981;

(b) relief from the duty chargeable under the Death and Donations Duty Act, 1973;

(c) the right to register the dwelling house as a decontrolled dwelling-house under the Housing (Decontrol) Ordinance, 1959.

Evidence of grant of incentives.

4. (1) The grant of any of the incentives under section 3 of this Act shall be made and shall be evidenced by a certificate which shall be issued by the Housing Authority or the Housing Secretary, as the case may require.

(2) Except for the purposes of paragraph (b) of section 5 of this Act, a certificate issued under subsection (1) of this section shall have effect only if it is annexed to the deed whereby the dwelling-house to which it refers is acquired.

(3) A certificate issued under subsection (1) of this section shall contain the full particulars of the beneficiary, a full description of the dwelling-house for the acquisition of which the incentives under this Act are being granted and the specific incentives being granted in accordance with the scheme.

(4) Without prejudice to any liability under any other law any person who forges a certificate purporting to be issued under subsection (1) of this section, or who shall knowingly make use of such forged document or of a copy thereof, shall be guilty of an offence and shall on conviction be liable to a fine *(multa)* of one thousand Maltese Liri or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Relief from duty on documents.

5. A relief from duty under the Duty on Documents Act, 1981, may consist in all or in any one or more of the following exemptions from the duties chargeable under the said Act, that is to say:

(a) an exemption from the duty chargeable under Title III of Part III of the said Act on the deed whereby the dwelling house being acquired under the scheme is transferred to the beneficiary;

(b) an exemption from the duty chargeable under Title IV of Part III of the said Act, on any appraisement or valuation of the dwelling house being acquired under the scheme in connection with:

(i) its transfer to the beneficiary;

(ii) the grant of any loan by any bank or other institution to the beneficiary for the purpose of the acquisition of such dwelling-house;

(c) an exemption from the duty chargeable under Title V of Part III of the said Act, on the receipt for the payment of the price or other consideration for which the dwelling-house being acquired under the scheme is transferred to the beneficiary;

and where relief has been so granted the duties aforesaid shall, to the extent of the relief, not be chargeable.

Relief from Death and Donations Duty.

6. (1) Where relief from duty under the Death and Donations Duty Act, 1973, is granted, on the death of the beneficiary, and where the beneficiary is married at the time of the acquisition of the dwelling-house, also on the death of the beneficiary's spouse, no duty shall be payable under the said Act, on account of or in relation to the dwelling-house acquired under the scheme on any of the following:

(a) on the transmission through devolution by law or under a testamentary disposition by universal or particular title of the rights of the beneficiary or of the beneficiary's spouse over the dwelling-house;

(b) on the transmission *causa mortis* of the usufruct of the dwelling-house or share therein, in favour of the beneficiary or the widow or widower of the beneficiary; and

(c) on the consolidation of the usufruct referred to in paragraph (b) hereof with the *nuda proprietas* of the dwelling-house, on the termination of the usufruct.

(2) The exemption granted under subsection (1) of this section shall not apply to any part of the value of such dwelling-house in excess of seven thousand liri.

Right to register as a decontrolled dwelling-house.

7. Where the right to register the dwelling-house as a decontrolled dwelling-house under the Housing (Decontrol) Ordinance, 1959, is granted, such dwelling-house shall be capable of being registered as a decontrolled dwelling-house under and in accordance with paragraph (e) of section 3 of the said Ordinance.

Amendment to the Housing (Decontrol) Ordinance, 1959.

8. Section 3 of the Housing (Decontrol) Ordinance, 1959, shall be amended as follows:

(a) for the words "appointed day." in paragraph (d) thereof there shall ne substituted the words "appointed day; or"; and

(b) immediately after paragraph (d) thereof thare shall be added to the following:

"(e) was acquired under a scheme as is referred to in the Home Ownership (Encouragement) Act, 1988, and in respect of which the right to register as a decontrolled dwelling-house has been granted as an incentive in accordance with that Act; or

(f) is on the date of the application, occupied by the owner as his ordinary residence and has been so occupied by him, under any title, throughout the period of ten years immediately preceding the date of the application. For the purpose of this paragraph the expression "ordinary residence" does not include a summer residence.".

Schemes made before the coming into force of this Act.

9. The Schemes published by Government Notices Numbers 127, 128, 129 and 130 in the Government Gazette of the 16th February, 1988 shall be deemed to be made by regulations made in virtue of and according to section 3 of this Act.

Passed by the House of Representatives at Sitting No. 144 of the 17th October, 1988.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

Ippubblikat mid-Dipartiment ta' l-Informazzjoni – Kastilja — *Published by the Department of Information – Kastilja*
Mitbugh fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*

Prezz 4c — *Price 4c*