

I assent.

(L.S.)

AGATHA BARBARA
President

22nd May, 1985

ACT No. IX of 1985

AN ACT further to amend the Duty on Documents Act, 1981.

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. This Act may be cited as the Duty on Documents (Amendment) Act, 1985, and shall be read and construed as one with the Duty on Documents Act, 1981, hereinafter referred to as "the principal Act".

Amendment of
section 28 of
the principal
Act.

2. Immediately after section 28 of the principal Act there shall be inserted the following proviso:

"Provided that for the purposes of this Act the expression "insurance" does not include re-insurance and expressions which are derivatives thereof or related thereto shall be construed accordingly."

Addition of
new section
53A to the
principal Act.

3. Immediately after section 53 of the principal Act there shall be inserted the following new section:

"Right of
preference
in case of
alienation
of property.

53A. (1) The person from whom any property was acquired by the Government under the provisions of section 53 shall have a right of preference in the case of alienation of such property by Government.

(2) No right of preference under this section shall be exercisable on the lapse of six months from the date of the filing of the schedule under section 53 of this Act.

(3) Where property such as is referred to in subsection (1) of this section is to be disposed of, the Commissioner of Land shall, by means of an act entered in the registry of the court in which the schedule was filed, declare the amount deemed by the Commissioner of Inland Revenue to be the

real value of the immovable sold or transferred for the purpose of subsection (7) of section 53, and shall also specify the terms and conditions under which it is intended to dispose of the immovable; the Commissioner of Land shall attach to the act a plan showing the extent and location of the said immovable, and a copy of such act shall be served on the person from whom the property was acquired by the Government.

(4) When service of the act referred to in subsection (3) of this section is effected, the person so served shall re-acquire the immovable if he

(a) within fifteen days of such service shall file a note in the registry of the court referred to in subsection (3) of this section declaring that he accepts to pay the amount deemed by the Commissioner to be the real value of the immovable and to acquire such immovable under the terms and conditions specified in the act; and

(b) deposits in the said registry, not later than four working days after the date of the note, such amount representing the real value of the property.

(5) The immovable with regard to which the right of preference is exercised in accordance with the provisions of this section shall for all intents and purposes of law be transferred in favour of the person exercising such right upon effecting the deposit mentioned in subsection (4) of this section without the necessity of any further formality otherwise required by any other law.

(6) The schedule of deposit referred to in paragraph (b) of subsection (4) of this section shall contain —

(i) the name and surname of the transferee, his place of birth, his place of residence, his profession, trade or other status, his father's name and mother's name and maiden surname, or in the case of a body of persons the corporate name of such body of persons and the particulars relative to its incorporation; and

(ii) the designation in accordance with section 7 of the Public Registry Act or section 46 of the Land Registration Act, as the case may be, of the immovable in respect of which the right of preference is exercised.

(7) The filing of the schedule under this section shall, in respect of the property to which the schedule refers, operate in like manner and shall have the force and effect as a judgment which directly adjudges the transfer of that property to the person effecting that deposit, and section 237 of the Code of Organization and Civil Procedure shall apply thereto.”.

4. Immediately after section 53A of the principal Act there shall be added the following new section:

Addition of new section 53B to the principal Act.

"Right of
first
refusal.

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XXXIII of
1976

53B. (1) Saving the provisions of section 53A of this Act, where at any time within the period of five years from the date of its acquisition any property acquired under section 53 of this Act is to be disposed of by Government in accordance with the provisions of paragraph (a) of subsection (1) of section 3 of the Disposal of Government Land Act, 1976, the person from whom that property was so acquired shall have a right of first refusal on that disposal.

(2) For the purposes of this section the expression "a right of first refusal" means the right to acquire that property at a price equivalent to that of the highest tender made under the aforesaid provisions of the said Act, even where no tender has been made by the person having that right.

(3) In the case of any such disposal the Commissioner of Land shall, by means of a judicial letter, notify the highest price tendered to the person having the right of first refusal, and if within fifteen days of such notification that person shall not have signified by means of a judicial letter to the Commissioner of Land his willingness to acquire the property at the price so offered, such right shall cease to be exercisable."

Addition of
section 53C
to the principal
Act.

5. Immediately after section 53B of the principal Act there shall be added the following new section:

"Minister
shall make
a report
to House.

53C. The Minister responsible for land shall within one month, or if the House is not sitting during such period not later than the first sitting after such period, lay on the Table of the House a report of any transfer made in accordance with the provisions of sections 53A and 53B of this Act."

Transitory
provision.

6. Notwithstanding the provisions of subsection (2) of section 53A of the principal Act, in respect of any property acquired by Government under section 53 of that Act, before the coming into force of this Act, the period of six months laid down in that subsection for the exercise of the right of preference, shall commence to run from the date of the coming into force of this Act.

Passed by the House of Representatives at Sitting No. 251 of the 20th May, 1985.

JOHN BUTTIGIEG,
Acting Speaker

C. MIFSUD
Clerk to the House of Representatives