

B 4044

L.N. 302 of 2014

**ENEMALTA (TRANSFER OF ASSETS, RIGHTS,
LIABILITIES AND OBLIGATIONS) ACT
(ACT XXXIV OF 2014)**

**Enemalta Contracts (Removal of Restrictive Conditions)
Order, 2014**

IN exercise of the powers conferred by article 5(b) of the Enemalta (Transfer of Assets, Rights, Liabilities and Obligation) Act, 2014, the Minister for Energy and Health has made the following order:-

Citation. **1.** The title of this Order is the Enemalta Contracts (Removal of Restrictive Conditions) Order, 2014.

Interpretation **2.** In this Order, unless the context otherwise requires:

Act XXXIV of 2014. "Act" means the Enemalta (Transfer of Assets, Rights, Liabilities and Obligations) Act, 2014;

Cap. 272. "Corporation" means the Enemalta Corporation established by the Enemalta Act;

"Company" means the public limited liability company Enemalta plc, registered under the laws of Malta and bearing company registration number C65836;

"Minister" means the Minister responsible for Energy.

Removal of restrictive conditions. **3.** All restrictive conditions which limit the use or the transfer of land included in the public deeds listed in the Schedule to this Order, which restrictive conditions were imposed by Government on the Corporation in the said public deeds by virtue of the application of article 3(1)(e) of the Disposal of Government Land Act and which public deeds transferred land to the Corporation which was subsequently transferred to the Company by virtue of the provisions of article 5 (a) of the Act and of the other provisions of the Act to which the said article 5(a) refers, are hereby removed:

Cap. 268.

Provided that:

(a) where land which is the subject matter of the public deeds listed in the Schedule is land which on the date of the issue of this Order is directly used for the storage of petroleum or of petroleum products or for the conveyance of petroleum or of petroleum products to a storage facility, any condition in the said public deeds, however worded, requiring that the said land shall be used for the purposes of the said storage or conveyance of petroleum or of petroleum products shall not be deemed to be a condition imposed by the Government on the Corporation in the said public deeds by virtue of the application of article 3(1)(e) of the Disposal of Government Land Act and this Order shall not apply in respect of such condition; and Cap. 268.

(b) any condition in any public deed listed in the Schedule which requires the consent of the Commissioner of Land for the transfer of any land which forms the subject matter of the said public deeds shall not be deemed to be a condition imposed by the Government on the Corporation in the said public deeds by virtue of the application of article 3(1)(e) of the Disposal of Government Land Act and this Order shall not apply to such condition. Cap. 268.

SCHEDULE

(Article 3)

1. Public deed in the records of Notary Dr. Vincent Miceli published on the 28th April 2004 and entered into between the Government of Malta and the Enemalta Corporation - deed number 60 - as corrected by deed in the records of Notary Dr Keith Francis German - deed number 6;

2. Public deed in the records of Notary Dr. Vincent Miceli published on the 30th April 2004 and entered into between the Government of Malta and the Enemalta Corporation - deed number 61 - as corrected by deed in the records of Notary Dr Keith Francis German - deed number 7;

3. Public deed in the records of Notary Dr Vincent Miceli published on the 30th April 2004 and entered into between the Government of Malta, the Enemalta Corporation and the Malta Maritime Authority - deed number 62 - as corrected by deed in the records of Notary Dr Keith Francis German - deed number 8

4. Public deed in the records of Notary Dr. Vincent Miceli published on the 9th November 2006 and entered into between the

Government of Malta and Enemalta Corporation - deed number 214;

5. Three public deeds in the records of Notary Dr. Keith German all published on the 25th August 2014 amending the public deeds number 60, 61 and 62 listed in items 1, 2 and 3 above respectively - deed numbers 6, 7 and 8 respectively;

6. Public deed in the records of Notary Dr. Keith German published on the 25th August 2014 by virtue of which the Government of Malta transferred to the Corporation sites, servitudes and rights relating to land used by the Corporation - deed number 9.

