

CHAPTER 563

LANDS AUTHORITY ACT

To make provision for the establishment of the Lands Authority, to regulate such activities and to provide for matters ancillary or incidental thereto or connected therewith.

3rd February 2017*

26th April 2017†

ACT [XLIII of 2016](#) as amended by [Act XVII of 2017](#).

1. The short title of this Act is the Lands Authority Act. Short title.
2. In this Act unless the context otherwise requires, the following expressions have the meaning hereby assigned to them: Interpretation.
- "agency of Government" means a body corporate established by law and a company in which the Government or such body corporate, or a combination thereof, has a controlling interest or which is a subsidiary of such a company;
- "auditor" is a holder of a practising certificate to practise in the field of auditing;
- "Authority" means the Lands Authority established under article 5 and includes any body or other person acting on its behalf under powers delegated by the Authority under this Act, and the Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of this Act or any regulations made thereunder;
- "Board" means the Board of Governors of the Authority established by article 10;
- "Chairperson" means the Chairperson of the Board of Governors who shall be the Chairperson of the Authority appointed in terms of article 10;
- "days" means calendar days;
- "financial year" means any period of twelve months ending on the 31st December:
- Provided that the first financial year shall start on the coming into force of this Act and shall end on the 31st December of the following year;
- "functions" includes responsibilities, powers and duties;
- "Gazette" means the Government Gazette;
- "land" includes a building and also land which has been formed following land reclamation and also the sea and the seabed;
- "local council" means a local council established under the [Local](#) Cap. 363.

* See Legal Notice 39 of 2017 which brought into force, as from 3rd February, 2017, articles 1 to 6, 7(4) to 7(8), 8 to 52 and 58 to 64.

† See Legal Notice 121 of 2017

Government Act;

"Minister" means the Minister or Parliamentary Secretary under whose portfolio the Authority is included;

"Prime Minister" means the Prime Minister of Malta and includes any person authorised by the Prime Minister;

"policy" means a policy approved in accordance with the provisions of this Act;

"public officer" has the meaning assigned to it by article 124 of the Constitution;

"regulation" means a regulation made under article 58.

Duty to promote a comprehensive sustainable land use and property use system.

3. It shall be the duty of the Government to optimise land resources and its building resources for the economic and social development of Malta, through a comprehensive sustainable land use and property use system, and to that effect:

- (a) ensuring the best use of Government land;
- (b) providing an effective and reliable land management system, including the issuance and guarantee of land titles and geo-spatial demarcation of land; and
- (c) enabling the full use of land and building information for better land and property management and the creation of new business opportunities.

Application of article 3.

4. The provisions of article 3 shall not be directly enforceable in any court, but, notwithstanding that, the principles therein contained are fundamental to the Government of Malta and these principles shall be employed in the interpretation of the other provisions of this Act or of any other law relating to matters governed by this Act.

Establishment of the Lands Authority.

5. There shall be a body to be known as the Lands Authority, the business of which shall be carried out by a Board composed of a chairperson and not less than nine and not more than eleven members.

Authority to be body corporate and representation of the Authority.

6. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the borrowing of money.

(2) The legal and judicial representation of the Authority shall vest in the Board:

Provided that the Board may appoint any one or more of its members or any one or more of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any proceedings and in any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions vested in a Directorate, the legal and judicial representation of the Authority shall also vest in the Chief Officer of the Directorate or in such other member, officer or employee of the Authority, as the Board may appoint or authorise for the purpose.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson of the Board, or such other member of the Board or officer of the Authority as may be by the Board, in accordance with sub-article (2), be vested with the legal representation of the Authority, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

7. (1) The Authority shall be the principal means whereby the Government shall implement its duties under this Act.

Functions and
scope of the
Authority.
Amended by:
XVII.2017.83.

(2) Without prejudice to any other power or function conferred to it by this Act or any other law, it shall be the function of the Authority:

- (a) to succeed and perform in the functions which were previously assigned to the Lands Authority under the provisions of the [Commissioner of Land Ordinance](#) or any other law or subsidiary legislation and to perform and succeed in the assets, rights, liabilities and obligations of the Lands Authority under the provisions of the Commissioner of Land Ordinance or any other law or subsidiary legislation to the extent that the Minister may prescribe by regulations under this Act;
- (b) to succeed and perform in the functions which were previously assigned to the Government of Malta under the provisions of the [Land Acquisition \(Public Purposes\) Ordinance](#), [Land \(Compulsory Eviction\) Act](#), the [Disposal of Government Land Act](#), the [Administration of Lands Act](#) or any other law or subsidiary legislation and to perform and succeed in the assets, rights, liabilities and obligations of the Government of Malta under the provisions of the Land Acquisition (Public Purposes) Ordinance, Land (Compulsory Eviction) Act, the Disposal of Government Land Act, the Administration of Lands Act, or any other law or subsidiary legislation to the extent that the Minister may prescribe by regulations under this Act;
- (c) to administer in the most ample of manners and make best use of all the land of the Government of Malta and all land that form part of the public domain such as the coastal perimeter, foreshores, harbours, quays, wharfs, pontoons, portbeaches, landing places, berthing places, waterways, aqueducts, lakes, natural springs, cliffs, valleys, public squares, streets, alleys, lanes, access routes to other public places including those

Cap. 169.

Cap. 88.
Cap. 228.
Cap. 268.
Cap. 448.

leading to the coastal perimeter, woods, parks, areas of ecological or environmental importance and sites of cultural, social or historical importance;

- (d) to perform any other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation entered into by Malta relative to matters regulated by this Act;
- (e) to advise the Government generally on the formulation of policies with regard to land in Malta and to make recommendations to Government on action which in the opinion of the Authority would be expedient in relation to matters falling within its functions;
- (f) to order investigations about any irregularities in connection with anything falling under the remit of the Authority which shall have been made known to the Chief Audit Officer in accordance with article 19(7) and to keep under review all transactions made and to take measures to suppress and prevent, any practices which may be unfair, harmful or otherwise detrimental; and
- (g) to ensure high standards of conduct and management throughout.

(3) The Authority may also exercise all powers of control over land in Malta as may from time to time be delegated to it in writing by the Minister on behalf of any department or agency of Government.

(4) It shall be the Minister's function to ensure that the Board is fully informed of Government's strategic directions relative to this Act, and it shall be the duty of the said Board to monitor the proper execution of such policies.

(5) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic directions relating to land.

(6) In the pursuance of its functions under this Act, the Authority shall regulate its own procedure.

(7) For the better performance of its functions, the Authority shall collaborate with other Government departments and authorities and make arrangements for the mutual exchange of information and for other forms of assistance.

(8) The Authority shall also ensure that it keeps an audit trail of all its files, including all documentation and reports:

Provided that files, documentations and reports shall be digitised and the Authority may after digitisation forward to the National Archives hard copies of files, documentations and reports after a period of twenty (20) years from date of submission to the Authority or to any other previous entity carrying out the same functions.

8. (1) Subject to the other provisions of this Act, the business of the Authority shall be the responsibility of the Board but, save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its Directorates, Units, Divisions and Sections and of its officers and employees, shall be the responsibility of the Chief Executive Officer, who shall also have such other powers as may from time to time be delegated to him by the Minister.

Conduct of the affairs of the Authority.

(2) The Authority and each of its Directorates, Units, Divisions and Sections may exercise any one or more of their functions or responsibilities either directly or through any of their officers or employees authorised for the purpose.

(3) Where in this Act anything is to be done by or with respect to the Authority, any such thing may also be done by the Directorates, Units, Divisions and Sections under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate, Unit, Division and Section; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate, Unit, Division and Section.

9. There is hereby established the Board of Governors.

Establishment of the Board of Governors.

10. (1) The members of the Board of Governors shall consist of the following:

Composition of the Board of Governors.

- (a) a Chairperson appointed by the Prime Minister;
- (b) a Deputy Chairperson appointed by the Minister;
- (c) a Member of Parliament nominated by the Leader of the Opposition;
- (d) a Member of Parliament nominated by the Prime Minister;
- (e) a person nominated by the Planning Authority;
- (f) a person nominated by the Environment and Resources Authority;
- (g) a person of a recognised standing in the auditing profession who is not a public officer and who shall be appointed by the Minister;
- (h) a *perit* of a recognised standing who is not a public officer appointed by the Minister;
- (i) an advocate of a recognised standing who is not a public officer appointed by the Minister;
- (j) an independent member chosen from amongst persons of known integrity and with knowledge of and experience in corporate management appointed by the Minister.

(2) The members of the Board of Governors shall hold office for such term, being a period of not more than four years, as may be specified in the letter of appointment, and shall be eligible for

reappointment; and shall receive such remuneration as the Minister may from time to time, determine:

Provided that if a member is appointed at any time after the other members have already been appointed, the term of appointment of such member shall end on the same date as that of the other members.

(3) Where the Chairperson is absent or is unable to exercise the functions and powers of his office and the Prime Minister has not appointed another person to act as Chairperson during the period of absence or disability, then the Deputy Chairperson shall carry out the functions of the Chairperson. If the Deputy Chairperson is absent or is unable to exercise the functions and powers of his office and the Prime Minister has not appointed another person to act as Deputy Chairperson during the period of absence or disability then the members of the Board of Governors shall designate one of the members of the Board to carry out the functions of the Chairperson during such period.

Disqualification
from being
appointed as
Chairperson,
Deputy
Chairperson or
member of the
Board of
Governors.

11. (1) A person shall not be eligible to be appointed or to hold office as a member of the Board if he -

- (a) is a Minister, Parliamentary Secretary or Member of Parliament except for those Members of Parliament indicated in paragraphs 10(1)(c) and 10(1)(d); or
- (b) is a Judge or Magistrate of the Courts of Justice; or
- (c) is legally incapacitated or interdicted; or
- (d) has been declared an undischarged bankrupt or has made a composition or arrangement with his creditors; or
- (e) is subject to disqualification under article 320 of the [Companies Act](#) or is subject to blacklisting as provided in the [Public Procurement Regulations](#); or
- (f) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Board; or
- (g) has contravened any provision made by or under any law appearing to be designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice concerned in the provision of financial services or in the management of companies; or
- (h) has engaged in any business practice appearing to the Prime Minister, in the case of the Chairperson, or to the Minister, in the case of the Deputy Chairperson or of any other member of the Board, to be deceitful or oppressive or otherwise improper (whether unlawful or otherwise) or which otherwise reflects discredit on his method of conducting business or professional activities; or
- (i) has a financial or other interest as is likely to prejudicially affect the discharge by him of his

Cap. 386.
S.L. 601.03

functions:

Provided that the Prime Minister, in the case of the Chairperson, or the Minister, in the case of the Deputy Chairperson or any other member of the Board, may waive the disqualification of a person under this paragraph if such person declares the interest and the Prime Minister or the Minister, as the case may be, considers that there are valid reasons for such a waiver:

Provided further that if the Prime Minister, in the case of the Chairperson, or the Minister, in the case of the Deputy Chairperson or any other member of the Board, decides to grant such waiver, the declaration of the person stating his interest, the waiver and reasons therefor shall be published in the Gazette; or

- (j) is otherwise not a fit and proper person to hold that office.

(2) In determining whether a person is a fit and proper person, the Prime Minister, in the case of the Chairperson, or the Minister, in the case of the Deputy Chairperson or any other member of the Board, shall have regard to that person's probity, to his competence and soundness of judgement for fulfilling the responsibilities of that office, to the diligence with which he is fulfilling or is likely to fulfil those responsibilities and to whether the interests of any person are, or are likely to be, in any way threatened by his holding that office.

(3) Any person whom the Prime Minister or the Minister has appointed or proposes to appoint as a member of the Board shall, whenever requested by the Prime Minister or the Minister to do so, furnish to him such information as the Prime Minister or the Minister considers necessary for the performance of his duties under sub-articles (1) and (2).

(4) The Chairperson, the Deputy Chairperson or a member of the Board may be relieved of office by the Prime Minister or by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or body, or of misbehaviour; and for the purposes of this sub-article repeated and unjustified non-attendance of meetings may be deemed to amount to misbehaviour.

(5) The Chairperson, the Deputy Chairperson or any member of the Board, may resign his office by letter addressed to the Prime Minister or to the Minister, as the case may be.

(6) The appointment of any person as a member of the Board and the termination of office or resignation of any such person including the reason for such termination or resignation, as applicable, shall be notified in the Gazette.

(7) Subject to the provisions of this article, the office of a member of the Board shall become vacant -

- (a) at the expiration of his term of office; or
- (b) if any circumstances arise that, if he were not a

member of the Board, would cause him to be disqualified for appointment as such.

(8) A member of the Board may only be removed from office by the Prime Minister or by the Minister for any one or more of the following reasons:

- (a) if the member due to infirmity of mind or of body or of any other cause is effectively unable to continue to discharge his duties as a member;
- (b) if the behaviour or performance of the member brings into question his suitability or ability to continue as a member, in particular for behaviour that affects or may affect his reputation, independence or autonomy, or the reputation, independence or autonomy of the Authority;
- (c) if the member has been convicted of a criminal offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering, or of any offence against this Act or if he has been convicted of an offence punishable by imprisonment for a period of six months or more; or
- (d) if the member fails to perform his duties for a prolonged period without any valid justification:

Provided that notwithstanding the above, it shall be a cause for the removal of a member if that member for any reason fails to perform his duties, including attending for Board meetings.

(9) If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Prime Minister or the Minister may appoint a person, who is qualified to be appointed to be a member, to be a temporary member of the Board; and any person so appointed shall, subject to the provisions of article 10(2), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(10) Any member of the Board who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of the interest at the first meeting of the Authority after the relevant facts have come to that member's knowledge; such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Prime Minister or to the Minister without delay. Where the interest of the member is such as to disqualify that member from remaining a member, such member shall report the fact immediately to the Prime Minister or Minister and tender his resignation. Moreover, the member:

- (a) shall withdraw from any meetings and not take part in any discussions or decisions of the Board with respect to that matter; and
- (b) shall be disregarded for the purpose of constituting a quorum for any such discussions or decisions.

(11) The appointment of any person as a member of the Authority and the termination of office or resignation of any such person, as well as any additional functions assigned to the Authority by the Prime Minister or by the Minister, shall be notified in the Gazette, and it shall have effect forthwith:

Provided that failure to publish the appointment or termination of office, as the case may be, shall have no effect on the validity of such appointment or termination.

(12) All acts done by any person in good faith as a member of the Board shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

(13) The provisions of articles 12, 13, 14, 15 and 16 shall apply to the Board and regulate its proceedings.

(14) The Board shall transmit a copy of the agenda, minutes and relative enclosures of its meetings to the Prime Minister and to the Minister for their information.

(15) A member who has ceased to be a member of the Board shall be eligible for reappointment.

12. (1) The Board shall meet as often as may be necessary or expedient but at least once every month. The meetings shall be convened by the Chairperson either on his own initiative or on the written request of any two members.

Meetings of the
Board of
Governors.

(2) The Board may act notwithstanding any vacancy amongst its members provided there is a quorum consisting of not less than five members present at the meeting.

(3) The meeting of the Board shall be chaired by the Chairperson, or in his absence by the Deputy Chairperson, or by a member elected for the particular meeting by the other members present at the meeting.

(4) Decisions of the Board shall be taken by a simple majority of votes of the members present, and the Chairperson or other person chairing the meeting shall have an original vote and, in the event of an equality of votes, a second or casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid unless it is supported by at least three members of the Board.

(5) (a) The Board shall appoint an officer of the Authority to act as Secretary to the Board for such period and as the Board shall deem appropriate.

(b) It shall be the duty of the Secretary to make the necessary preparations for the meetings of the Board and to keep minutes of those meetings. The Secretary shall also be duty bound to ensure that the original

copies of the minutes are signed by the Chairperson, by not later than the following meeting and shall also ensure that these minutes are kept both in electronic format and in hard format. Copies of the minutes are to be made available to any member of the Board upon a simple request.

(6) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy among the members of the Board.

(7) No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of article 11(10).

(8) Subject to the foregoing provisions of this article, the Board may regulate its own proceedings and procedure.

(9) The Board may invite any person and may require any officer or employee of the Authority to attend a meeting of the Board and to take part in the discussions.

Provisions with
respect to the
Board of
Governors.

13. (a) When the Board is presented with recommendations or decisions taken or to be taken by the Chief Executive Officer, it shall discuss the said recommendations or decisions and if the Board does not approve them in principle, it may, by agreement of an absolute majority, ask the Chief Audit Officer to investigate and report to it his findings in connection therewith. These findings must be made available to the Board by not later than seven (7) days from the date the request was made. When a request is made by the Board to the Chief Audit Officer to investigate any recommendation or decision, it shall immediately notify the Minister.
- (b) The Board will then discuss the findings of the Chief Audit Officer in relation to the recommendations or decisions of the Chief Executive Officer and take a decision as to whether to approve or overturn the said recommendation or decision of the Chief Executive Officer.
- (c) Where the Board votes against a recommendation or a decision taken by the Chief Executive Officer, and thus overturn the said recommendation or decision, the Board shall register in the relevant file the specific reasons adduced by it justifying its vote. Such decision by the Board shall be immediately notified to the Minister. The Minister may, if he deems necessary, and after giving detailed reasons, send back to the Board said decision for its review.

The decision by the Board to set the recommendation or decision of the Chief Executive Officer aside shall also be notified to any third party who is affected by such overturn and such third party shall have the right to challenge the decision taken by the Board as provided in article 57. Pending the appeal procedure,

the decision of the Board shall be suspended. Any decision given by the Administrative Tribunal and Court of Appeal shall include in it a declaration whether it confirms or otherwise the decision made by the Board to overturn such a decision. In the eventuality that the tribunal or court confirms said decision by the Board, the authority or its officers shall not be liable to any claim, including, but not only, any claim for damages with regard to the overturned decision.

- (d) Where the Board votes in favour of a recommendation or a decision taken by the Chief Executive Officer, the Board shall register in the relevant file the specific reasons adduced by it justifying its vote. Such decision by the Board shall immediately be notified to the Minister. The Minister may, if he deems necessary, and after giving detailed reasons, send back to the Board the said decision for its review.
 - (e) Where the Board votes in favour of a recommendation or a decision taken by the Chief Executive Officer, against which the Chief Audit Officer makes adverse findings, the Board shall register in the relevant file the specific reasons adduced by it justifying such recommendation or decision taken. Such decision shall immediately be notified to the Minister. The Minister may, if he deems necessary, and after giving detailed reasons, send back to the Board said decision for its review.
 - (f) The quorum shall consist of the Chairperson or Deputy Chairperson and another four members of the Board.
 - (g) The Chairperson, or the Deputy Chairperson acting in his place, shall have an original vote and, in the case of a tie, a casting vote. All members of the Board present at the meetings shall cast their vote in favour or against any motion put to the vote. Decisions shall be adopted by a simple majority of the members present with the right to vote.
 - (h) The Board may not delegate, to the Chairperson or any of its members, the power to endorse any documents or plans relating to any matter under its consideration.
 - (i) The Chief Executive Officer shall be directly answerable for his decisions or recommendations only to the Board.
 - (j) The Chief Audit Officer shall be answerable for his findings to the Chief Executive Officer and the Board.
14. (1) The functions of the Board shall be the following:
- (a) to establish the policies to be pursued by the Authority. In determining such policies the Board shall follow such policy guidelines as may be set out by Government;

Functions of the
Board of
Governors.

- (b) to provide a centralized office for the receipt and processing of applications and documents;
- (c) to provide a centralized office for the receipt and processing of complaints, reports and assessment of information, related to alleged breaches of the provisions of this Act, and to co-ordinate investigations undertaken by the competent authorities whenever the Authority is of the opinion that a breach should be pursued;
- (d) to formulate, implement and update plans and policies relating to the promotion of all Government property, and such other matters as may be necessary, ancillary, incidental or conducive to the better carrying out of the provisions of this Act;
- (e) to seek the co-operation of, or make arrangements with, other entities or persons to enable it to better monitor the implementation of, and compliance with, the provisions of this Act;
- (f) to establish long and short term objectives and strategies for the proper administration of the Authority;
- (g) to advise the Minister on the making of guidelines and regulations under this Act;
- (h) to make orders under the provisions of this Act;
- (i) to issue technical guidance documents as may be required from time to time;
- (j) to appoint from time to time sub-committees for the purpose of compiling technical reports and, or identifying procedures to be adopted.

(2) In the execution of its functions under this Act, the Board shall consult with the Minister, and it shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

Appointment of the
Chief Executive
Officer.

15. (1) The Minister shall appoint a Chief Executive Officer after a public call. Such appointment shall be for a period of three years which may be extended for further periods of three years each. The conditions pertaining to the qualification for the appointment of the members to the Board and to their holding office as members of the Authority referred to in article 11 shall also pertain to the appointment of the Chief Executive Officer.

(2) The Chief Executive Officer shall at the request of the Board attend the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may, if it so deems fit, require the Chief Executive Officer not to attend any of the meetings or any part of a meeting during which findings of the Chief Audit Officer are discussed regarding the recommendations and decisions taken by the Chief Executive Officer.

(3) The Chief Executive Officer shall be responsible for the

implementation of the objectives of the Authority as set by the Board. In the exercise of his functions, and without prejudice to the generality of the foregoing, the Chief Executive Officer shall:

- (a) assume the overall supervision and control of the Directorates, including the establishment of Units, Divisions and Sections as in the opinion of the Chief Executive Officer may be necessary for the proper functioning of the Authority and assign to such departments their respective duties;
- (b) co-ordinate the workings of the Directorates, Units, Divisions and Sections and assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates, Units, Divisions and Sections;
- (c) develop the necessary strategies for the ongoing implementation of the objectives of the Authority;
- (d) give his advice on any matter referred to him or on any matter on which he considers his advice necessary or expedient;
- (e) carry out such other functions and duties as the Minister may assign to him from time to time;
- (f) establish and co-ordinate working groups that are set up from time to time to formulate regulations.

(4) The Chief Executive Officer shall not hold any other office or position without the consent of the Minister.

(5) The Chief Executive Officer may be dismissed by the Board at any time for a just cause and it shall be a just cause if the Board determines that he has not achieved the targets and objectives set for him by the Board.

(6) In the absence of the Chief Executive Officer, or if the Chief Executive Officer is unable to perform the functions of his office, whether under this or any other provision of this Act, the Chairperson of the Board may, following consultation with the Chief Executive Officer, appoint any one of the officers or employees of the Authority to act as Acting Chief Executive Officer.

16. (1) The Board shall appoint a Chief Audit Officer to be in charge of the Internal Audit and Investigations Directorate. Such appointment shall be for a period of three years which may be extended for a further period of three years. In no case shall the Chief Audit Officer hold office for more than six years. The conditions pertaining to the qualification for the appointment of the members to the Board and to their holding office as members of the Authority referred to in article 11 shall also pertain to the appointment of the Chief Audit Officer.

Appointment of the
Chief Audit
Officer.

(2) The Chief Audit Officer shall attend all the meetings of the Board whenever his findings regarding an investigation on a recommendation or decision of the Chief Executive Officer are being discussed.

(3) The Chief Audit Officer shall be responsible for the implementation of the objectives of the Internal Audit and Investigations Directorate as set by the Board. In the exercise of his functions and without prejudice to the generality of the foregoing the Chief Audit Officer shall:

- (a) serve as an independent and objective person, monitoring the internal financial control function of the Authority;
- (b) safeguard the continued independence of the Board and the officers of the Authority;
- (c) endorse or otherwise plans, budgets and schedules made by the Chief Executive Officer for the proper administration of the Authority;
- (d) investigate recommendations and decisions made or to be made by the Chief Executive Officer or any other officer of the Authority either when asked to do so by the Board or on his own motion;
- (e) assume the overall supervision and control of the Internal Audit and Investigations Directorate, including the establishment of Units, Divisions and Sections as in the opinion of the Chief Audit Officer may be necessary for the proper functioning of the Directorate and assign to such departments their respective duties;
- (f) co-ordinate the workings of this Directorate and the Units, Divisions and Sections in the said Directorate and assign to the Units, Divisions and Sections such duties which are by, or in accordance with, the provisions of this Act vested in such Directorate, Units, Divisions and Sections;
- (g) develop the necessary strategies for the ongoing implementation of the objectives of the Directorate;
- (h) require the Authority to carry out specific tasks as provided under this Act as and when necessary;
- (i) give his advice on any matter referred to him or on any matter on which he considers his advice necessary or expedient;
- (j) set policies, procedures and methods for the proper functioning of internal audit and for the carrying out of financial investigations in the Authority when necessary or expedient;
- (k) establish and co-ordinate working groups that are set up from time to time to formulate regulations; and
- (l) carry out such other functions and duties as the Minister or Board may assign to him from time to time.

(4) The Chief Audit Officer shall not hold any other office or position without the consent of the Authority.

(5) The Chief Audit Officer may be dismissed by the House of

Representatives by an absolute majority vote, at any time for a just cause and it shall be a just cause if the House of Representatives determines that he has not achieved the targets and objectives set for him by the Board.

(6) In the absence of the Chief Audit Officer, or if the Chief Audit Officer is unable to perform the functions of his office, whether under this or any other provision of this Act, the Chairperson may, following consultation with the Minister, appoint any one of the officers or employees of the Authority to act as Acting Chief Audit Officer.

17. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

Relations between the Minister and the Authority.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its properties and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority.

(4) The Authority shall, either on its own initiative or at the request of the Minister, advise the Minister on any matter concerning Government property.

(5) The Authority shall transmit a copy of the minutes of its meetings to the Minister as soon as may be after each meeting.

(6) The Minister shall seek the advice of the Authority, including any one of its officers, before making regulations:

Provided that the Minister may set a reasonable time, which shall be not less than fifteen days, for the receipt of advice on proposed regulations, and if the Authority or the officer does not give its or his advice within that time, the Minister may proceed to make those regulations:

Provided further that the Minister may, when the Minister deems the matter to be urgent, give notice thereof to the Authority or officer and in such case the Authority or Officer shall give its or his advice within two days, failing which the Minister may proceed to make the regulations.

(7) When the Minister receives advice on matters relating to Government property from outside the Authority, the Minister shall pass such advice to the Authority for its comments thereon.

18. (1) The Board, together with the Chief Executive Officer,

Establishment of Directorates.

shall establish Directorates which shall have their respective responsibilities. The Board, together with the Chief Executive Officer, may abolish or vary the responsibilities of such other Directorates, as they may from time to time deem appropriate. The Minister is to be informed immediately of any such decision:

Provided that in the eventuality that the Internal Audit and Investigations Directorate is proposed to be abolished, or its responsibilities varied or removed, then such decision must be taken by a vote in the House of Representatives by an absolute majority.

(2) The Board shall in writing vest in the Directorates established under sub-article (1), and subject to the overall supervision and control of the Chief Executive Officer, any of the Authority's functions that relate or are ancillary to the matters for which such Directorates are made responsible. The said Directorates are to give effect to the strategies, policies and directives of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(3) Each of the Directorates established under sub-article (1) shall be headed by a person, hereinafter referred to as "Chief Officer", having adequate experience or knowledge in the respective area of operation who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking.

(4) Such Chief Officers shall be appointed by the Board with the approval of the Minister for a period of three years which may be extended for a further period of three years up to a maximum of six years. The conditions pertaining to the qualification for the appointment of persons and to their holding office as members of the Authority referred to in article 11 shall also pertain to their appointment.

(5) It shall be the duty of the Directorates of the Authority to provide the Board with all such information as may be required for the proper performance of its functions and in particular to enable it to ensure that its policies are being properly carried out.

The Internal Audit
and Investigations
Directorate.

19. (1) The Board shall appoint a Chief Audit Officer to be in charge of the Internal Audit and Investigations Directorate as laid down in article 16, with written terms of reference, which clearly lay down the authority, responsibilities, and duties of such Chief Audit Officer.

(2) Without prejudice to the generality of the foregoing, all the officers in this Directorate shall be public officers.

(3) The Chief Audit Officer shall be responsible for the day-to-day management of the Directorate.

(4) The Chief Audit Officer shall, immediately upon concluding a financial investigation or an internal audit, transmit a report thereof to the Chief Executive Officer and the Board. The

Chief Audit Officer shall also transmit a copy of such report to the Prime Minister, to the Minister and to the Speaker of the House of Representatives who is to table such report immediately:

Provided that any findings made by the Chief Audit Officer with regards to the person of the Chief Executive Officer in the exercise of his functions shall be transmitted directly to the Board, to the Minister and to the Speaker of the House of Representatives who is to table such findings immediately.

(5) Within one month of receipt of such report, the Board shall give such instructions to the Chief Executive Officer or to any other officer of the Authority as may be necessary to remedy any shortcomings and shall inform the Chief Audit Officer accordingly.

(6) The Chief Audit Officer shall conduct such follow-up reviews as may be necessary after an internal audit and financial investigation.

(7) If any person has reason to suspect any irregularity taking place in the Authority, or has reason to suspect that a criminal offence is about to be or is committed on public funds or property, then such person shall by means of a letter or electronic means inform the Chief Audit Officer who shall in turn, after evaluating the irregularity, and concluding that there are *prima facie* grounds to investigate, conduct an internal audit or a financial investigation. The said person shall supply to the Chief Audit Officer all information in his possession relating thereto. In any case, even when the Chief Audit Officer concludes that there are no grounds to commence an investigation, he shall report in a book of complaints all the complaints regarding irregularities his office has received. The Chief Audit Officer will be bound to send, on a monthly basis, to the Minister, to the Board and to the Chief Executive Officer a report compiling a list of the complaints made.

(8) The members of the Internal Audit and Investigations Directorate shall be appointed on such terms and conditions as may be determined by the Board.

(9) The Chief Audit Officer shall report directly to the Board at least once every three months and at any such times as may be directed by the Board.

(10) Without prejudice to the generality of the provisions of sub-article (1), the Internal Audit Directorate shall have the following functions:

- (a) to provide oversight of the systems of internal control and risk management of the Authority and to assist and support the Board in discharging its responsibilities in relation thereto;
- (b) to provide the communication link with external auditors and to evaluate and coordinate the audit and financial reporting process of the Authority;
- (c) to scrutinize and evaluate any transaction to be entered into by the Authority with a value exceeding one hundred thousand euro (€100,000);

- (d) to review and assess the effectiveness of the management of the Authority in its compliance with policies and in the discharge of its regulatory and compliance functions; and
- (e) to manage all the most important risks undertaken by the Authority.

Chief Audit Officer to be provided with the agenda and documentation.

20. (1) The Chief Audit Officer shall be provided with the agenda and all documentation put forward to the Board for its discussion together with all the minutes taken during the Board meetings. The Chief Audit Officer shall have the right to attend any meetings of the Board and put forward his views, opinion, recommendations and findings to the Board.

(2) The Chief Audit Officer shall have the right to ask for any documentation and information as he may deem necessary from the Authority and its officers and employees including advisers and consultants. The Authority and its officers and employees including advisers and consultants shall not refuse any request made by the Chief Audit Officer in this regard.

Suspicion of irregularity.

21. If a person within the Authority has reason to suspect any irregularity and, or has reason to suspect that a criminal offence is about to be or is committed on public funds or property, he shall refer the matter forthwith to the Chief Audit Officer, and shall supply to the said Chief Audit Officer all information in his possession relating thereto.

Conflict of interest.

22. (1) Where the Chief Audit Officer, the Chief Executive Officer or the Board considers that there would be a conflict of interest if the Chief Audit Officer himself were to conduct an internal audit or a financial investigation, the Board may appoint a senior public officer from amongst the officers of the Directorate to conduct that investigation in his stead.

(2) It shall be the duty of every officer of the Directorate who has any form of conflict of interest in any internal audit or financial investigation which he is assigned to work upon, whether such conflict is direct or indirect, to immediately disclose to the Chief Audit Officer, the Chief Executive Officer and the Board his interest and refrain completely from involving himself in that particular case:

Provided that any officer of the Directorate who knowingly acts in contravention of this sub-article shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine (*multa*) of not more than two thousand five hundred euro (€2,500), and shall also be subject to disciplinary proceedings as provided for in the [Public Service Commission \(Disciplinary Procedures\) Regulations](#).

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Suspected cases of irregularity or of criminal offences.

23. Whenever, and as soon as, the Chief Audit Officer firmly establishes the existence of suspected cases of irregularities and, or suspected cases of criminal offences concerning the responsibilities of the auditee under review, the Chairperson of the Board shall, if the Chief Audit Officer is of the opinion that the irregularity, if

proved, would constitute a criminal offence, immediately inform the Commissioner of Police and the Minister; otherwise, if the Chief Audit Officer is of the opinion that the irregularity is of an administrative nature, he shall inform the Chairperson of the Board, the Chief Executive Officer and the Minister.

24. (1) The Chief Audit Officer shall, not later than the first three months of each year, compile an Annual Audit Report and transmit such Annual Audit Report to the Board, the Chief Executive Officer, the Prime Minister, the Minister and the Speaker of the House of Representatives who must table such Annual Audit Report immediately. Annual report.

(2) The Annual Audit Report shall include:

- (a) a detailed list of all the complaints made to him;
- (b) all the findings made by him;
- (c) all the reports made by him;
- (d) all the activities and information relating thereto of the Directorate during the previous year;
- (e) any other information he deems fit.

(3) The Chairperson of the Board, the Chief Executive Officer and the Chief Audit Officer may be summoned to attend before the Public Accounts Committee of the House of Representatives to answer any questions which the members of the Committee deem necessary in relation to the workings of the Authority.

25. (1) Except as may be expressly provided by any law, the Chief Audit Officer shall, for the purpose of carrying out his functions under this Act, have the power - Power of entry.

- (a) to enter and inspect any premises of the Authority, officer or employee in order to conduct an internal audit and, where he has reason to suspect that irregularities and, or criminal offences, have occurred or are occurring, to enter any premises of the Authority, its officers or employees for the purpose of conducting an investigation:

Provided that, if access is required to any premises occupied in whole or in part for the purpose of habitation by the officer or employee, such access shall require the prior issue of a warrant signed by a Magistrate:

Provided further that entry shall take place during daytime and be accompanied by a police officer for the keeping of good order and public peace;

- (b) to require the officer or employee of the Authority to produce any books, records, files, accounts, documents or information including any computer data in any form and or part thereof, including contracts, bills, vouchers and receipts relating to them, and if deemed necessary by the Chief Audit Officer, for the latter to retain such documents in the original, and to ensure

that copies or extracts are made thereof without paying any fee therefor notwithstanding any law or regulations to the contrary.

(2) Without prejudice to the provisions of sub-article (1)(b), and for the purpose of his functions under this Act, the Chief Audit Officer may rely on any of the records kept or made by any audit or investigative unit of any entity including the person or unit discharging the compliance and assurance functions within the Authority.

(3) Any person who fails to comply with any requirements of this article shall be guilty of a criminal offence and shall, on conviction, be liable to a fine (*multa*) of not more than twenty thousand euro (€20,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Information
furnished by the
Authority, officer
or employee.

26. (1) All information furnished by the Authority, officer or employee during the course of any internal audit or financial investigation shall at all times be treated as confidential and shall be solely used by the Directorate for the purpose of carrying out the internal audit and, or financial investigation.

(2) The Chief Audit Officer shall treat internal audit reports and reports of financial investigations as strictly confidential and shall, except for the purpose of any criminal investigation or prosecution, only disclose their contents to the Board, to the Minister or to the Auditor General.

(3) Without prejudice to the rights of the Auditor General under any law, no information obtained in any way under this Act shall be disclosed except:

- (a) for the purposes of the financial investigation and the prosecution of a criminal offence;
- (b) for the purposes of the institution of a civil action;
- (c) to officers of the Directorate in the course of their duties under this Act; and
- (d) in matters which under this Act arise out of Malta's international obligations, to the relevant foreign audit and control authorities.

Appointment of
advisory boards
and committees.

27. The Board may, with the approval of the Minister, appoint advisory boards and committees to assist it in the performance of its functions under this or any other law. The functions of the said boards and committees shall be prescribed by the Board with the approval of the Minister.

Delegation of
power.

28. The Authority may, in accordance with the provisions of this Act and with the approval of the Minister, delegate any one or more of its functions under this Act under such conditions as it may deem appropriate. Notice of any such delegation shall be published in the Gazette.

Other matters
relating to officers
of the Authority.

29. (1) Without prejudice to the provisions of article 15(2), the Chief Executive Officer shall, himself or his representative,

have the right to be present and participate at all meetings of the Board, and all the meetings held by all the boards and committees appointed by the Board.

(2) The Minister shall, in consultation with the Chairperson of the Board, appoint a secretary to assist the respective entity. The secretary shall have the duty of calling meetings and keeping minutes and assume such other duties as the chairperson of the Board may delegate to him.

30. (1) Subject to the provisions of the Constitution, and any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Board and the terms and conditions of their employment and appointment shall be established by the Board with the concurrence of the Minister.

Staff appointments.

(2) The Board may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or partly by one and partly by the other, for the payment of pensions, gratuities and other like benefits to its officers and employees on their retirement, death or injury, or to their dependents.

31. (1) Where the Chief Executive Officer or a member of the Board, or a member of the staff of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in any matter which is to be considered by the Authority, he shall upon becoming aware of such interest:

Disclosure of interests.

- (a) disclose to the Board, as the case may be, the nature of his interest;
- (b) neither influence nor seek to influence the processing and the decision in relation to such matter;
- (c) take no part in any consideration of such matter; and
- (d) not attend nor participate in any meeting on such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be referred to the Board and the decision taken and its motivation shall be recorded in the minutes of the meeting during which the decision was taken and such person is to be duly informed.

(3) Where a disclosure is made to the Board pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom sub-article (1) applies, excluding members of the Authority and the Chief Executive Officer, fails to make the required disclosure, the Board shall decide the appropriate action to be taken which may include, with the concurrence of the Minister, the removal from office or termination of the contract of the person concerned.

Appointment and functions of officers and employees of the Authority.

32. The Board shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 30, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers and employees for duty with the Authority.

33. (1) The Prime Minister may, from time to time, direct that any public officer or public employee shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer or employee specified therein shall, unless the officer or employee retires from the public service, or otherwise ceases to hold office or employment at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events, that is to say:

- (a) the acceptance by such officer or employee of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 32; or
- (b) the revocation of such direction by the Prime Minister, in relation to such officer:

Provided that in relation to a public officer or public employee detailed for duty with the Authority with effect from such date as the Prime Minister may in a direction as aforesaid establish, the detailing of such public officer or public employee shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer or employee, the Prime Minister may, by further direction, detail such officer or employee for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of sub-article (2) shall thereupon apply to the period of duration of such detailing by any such further direction in relation to such officer or employee.

Status of public officers or public employees detailed for duty with the Authority.

34. (1) Where any public officer or public employee is detailed for duty with the Authority under any of the provisions of article 33, such officer or employee shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Board but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer or employee detailed for duty as aforesaid:

- (a) shall not during the time in respect of which he is so detailed:
 - (i) be precluded from applying for a transfer to a department of the Government in accordance

with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

- (ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

- (b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the [Pensions Ordinance](#) and the [Widows' and Orphans' Pensions Act](#) and for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would have been liable, but for the fact of his being detailed for duty with the Authority.

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(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer or employee detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

35. (1) The Board may, with the approval of the Prime Minister, offer permanent employment with the Authority to any officer or employee detailed for duty with the Authority under any of the provisions of article 33 at remuneration and on terms and conditions as set out by the Authority.

Offer of permanent employment with the Authority to public officers or public employees detailed for duty with the Authority.

(2) Every officer or employee who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the [Pensions Ordinance](#) and of the [Widows' and Orphans' Pensions Act](#), and saving the provisions of article 49, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(3) Every such officer or employee as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the [Widows' and Orphans' Pensions Act](#), shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with

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the Government.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer or employee who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's or employee's acceptance.

(5) In the case of a public officer or public employee detailed for duty with the Authority with effect from the date established under the proviso to article 33(2) and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

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(6) For the purposes of the [Pensions Ordinance](#) the pensionable emoluments on retirement of any public officer or public employee to whom sub-article (5) applies shall be deemed to be the pensionable emoluments payable to an officer or employee in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer or employee retires from the Authority.

(7) (a) The classification referred to in sub-article (6) shall be carried out by a board composed of a chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible for personnel policies in general in the public service and one appointed by the Ministry responsible for the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(b) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Authority.

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(c) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights, under the said [Pensions Ordinance](#), less favourable than those to which he would have been entitled prior to such classification.

Engagement of consultants and advisers.

36. The Board may engage such consultants or advisers, as it may consider necessary to assist it in the fulfilment of its functions.

Authority to meet expenditure out of revenue.

37. (1) Without prejudice to the following provisions of this article, the Board shall so conduct the affairs of the Authority so that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For the purposes of sub-article (1) the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested by the Authority in such manner as may from time to time be approved by the Minister.

38. For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, including by way of overdraft or otherwise, or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

Power to borrow or
raise capital.

39. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Advances from
Government.

40. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate, and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the
Authority.

41. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an Appropriation Act or of any other law; and the Authority shall so prepare the said estimates so as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be
according to
approved
estimates.

42. (1) No expenditure shall be made or incurred by the Authority unless provision therefor had been made in the estimates approved as provided for in article 41.

(2) Notwithstanding the provisions of sub-article (1):

- (a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;
- (b) expenditure approved in respect of a head or subhead

of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or subhead of the estimates;

- (c) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

43. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives, together with a motion that the House approve the said estimates. One sitting day shall be allotted for the debate in the House on such motion, and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Publication of approved estimates.

44. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall not later than three months after the end of each financial year cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid on the Table of the House as soon as practicable.

45. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

Deposit of revenues and payments by the Authority.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority,

shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chief Executive Officer or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to:

- (a) the manner in which and the officer or officers by whom payments are to be authorised or approved;
- (b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;
- (c) the method to be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances, of the Authority.

Contracts of services, supply or works.

46. The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

Annual report.

47. The Authority shall, not later than three months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Ministers shall cause a copy of every such report to be laid on the Table of the House as part of the estimates referred to in article 43.

Exemption from tax.

48. The Authority shall be exempt from any liability for the payment of any tax on income or duty on documents for the time being in force in Malta.

Members of the Authority etc., to be deemed public officers for certain purposes.
Cap. 9.

49. (1) For the purposes of the [Criminal Code](#) and of any provision of a penal nature in any other law, the members of the Authority, namely the Board and any committee, board or other body or office established by this Act, and every officer or employee thereof, shall be deemed to be and be treated as a public officer.

(2) The members, officers and employees of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

50. The Board, the Chief Audit Officer, the Chief Executive Officer, any committee, or board may consult with any officer of the Authority or any other person or entity whose advice is considered relevant to any matter under its consideration.

Consultations.

51. (1) Every member of the Board, the Chief Executive Officer, the Chief Audit Officer and each Chief Officer shall submit a declaration of assets in accordance with the procedures established for this purpose by the Minister.

Declaration of assets, code of conduct and publication of names.

(2) The Minister shall, in consultation with the Authority, issue, publish and review a code about the conduct expected of the members of the Authority, the Board, the Chief Executive Officer, the Chief Audit Officer, chairpersons and officers of the Authority in connection with the performance of the Authority's functions.

(3) The provisions of the code of conduct shall be taken into account in deciding whether any such member or officer is unfit to perform the duties assigned to him under this Act or whether his term of office is to be renewed.

(4) The names of all the members of the Board and any committee, board, or other body established by this Act, and any other change in such membership shall be published in the Gazette.

52. (1) The Minister shall, in consultation with the Board, by regulations under this article provide that the Authority shall be entitled to request from the public, Government departments, authorities, public corporations or other persons as may be prescribed, such information that they may have in their possession and relating to lands. Without prejudice to the generality of the foregoing, such regulations may prescribe:

Access to information.

- (a) the nature of the information that may be requested;
- (b) the circumstances under which such information may be requested;
- (c) the circumstances under which such information may be withheld by the requested entity and the publication of the reasons for which such information is withheld;
- (d) the fees that may be charged in respect of the granting of any such information; and
- (e) the time-frame within which such information is to be supplied.

(2) Without prejudice to the generality of sub-article (1), the Authority shall keep and make available for public inspection at such reasonable times as it may determine, a register or registers:

- (a) of all applications received by it containing the name of the applicant and details of the request, including documents if any; and
- (b) of all decisions including documents made on such applications:

Provided that for the purposes of this sub-article the application report and any information or documents concerning applications which relate to national security, defence, banks,

prisons, the airport and other institutions or premises whose security it is desirable to safeguard as the Authority may establish shall not be made accessible to the public:

Provided further that for the purposes of this article, in the case of a file held by the Authority, any person shall have access to that part of the file containing the following information:

- (i) the application report of all applications;
- (ii) all decisions relating to applications submitted to the Authority together with the relative documents including the reasons for the grant of such permissions or refusal.

(3) The Authority shall ensure that detailed information is made available to the public concerning access to appeal procedures before any tribunal and court, including information on the rights of any person to institute appeal proceedings and shall give information on legal time limits and on mandatory fees payable in respect of such proceedings including through publication on the electronic website of the Authority.

Service of notices,
etc., under this Act.

53. (1) Where any notice or other instrument or document whatsoever is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners:

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or of his place of work, or if such person has furnished an address for service, at that address; or
- (c) by sending it in a registered letter addressed to that person at the place of abode or the address for service aforesaid; or
- (d) in the case of a body corporate or other body of persons, by delivering it to an officer or employee thereof at the registered or principal office, or sending it in a registered letter addressed to the body aforesaid at that office; or
- (e) in any case in which it is not reasonably possible to effect service in any of the foregoing manners whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the notice or other instrument or document to be served or given in a conspicuous place on the land to which it relates and keeping it so affixed for five working days and by publishing the notice, or other instrument or document in a local newspaper. Where the notice, or other instrument or document to be served or given is affixed on the land but is removed before the expiry period of five working days, the re-affixing of the notice, or other instrument or document shall only be for the remaining period after the

document was removed.

(2) Where any notice or other document is required or authorised to be served or given to any person as having an interest in land, and the name of that person cannot be ascertained after reasonable inquiry, or is required or authorised to be served on an occupier of land or building, the notice shall be deemed to be duly served or given if it is served or given in any of the manners indicated in sub-article (1) and addressed by the description of "owner", "occupier", or "owners", "occupiers", as the case may require.

(3) A person who at any time after a notice is affixed pursuant to sub-article (1)(e), removes, damages or defaces the notice without lawful authority shall be guilty of an offence against this Act.

54.(1) (a) The property and undertakings owned by the Lands Department or the Lands Authority and used by any one of them immediately before the date of the coming into force of this Act, for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Authority under the same title by which they were used or held by the Lands Department or the Lands Authority immediately before the said date.

Transfer of assets
to the Authority.
Amended by:
XVII.2017.83.

(b) The assets which immediately before the coming into force of this Act were owned by the Government and used for the exercise of any of the functions which by this Act are being transferred to or vested in the Authority shall by virtue of this Act and without any further assurance be transferred to and vested in the Authority under the same title by which they were held by the Government before the coming into force of this Act.

(2) The transfer and vesting in the Authority as aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include the ownership, administration and all other rights of all plant, equipment, apparatus, instruments, vehicles and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid, and keep all such property, and for the purposes of articles 55 and 56 such property shall be deemed to be included in the properties transferred to the Authority by or under this Act.

55. (1) Subject to other provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming

Construction of
laws, etc.
Amended by:
XVII.2017.83.

into force of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act and in which the Government or a government authority is a party thereto or is named therein shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, in such manner as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

(2) Any reference in any law to the Lands Department or the Lands Authority shall be read and construed as a reference to the Authority as so defined in article 2 and shall include a reference to any Directorate established under this Act, as the case may require.

Transitory
provisions.
Amended by:
XVII.2017.83.

56. (1) Anything relating to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act which has been commenced by or under the authority of the Government, the Lands Department or the Lands Authority before the date of the coming into force of this Act may continue to be carried on and completed by or as authorised by the Authority on or after such date.

(2) Where immediately before the date of the coming into force of this Act there are still pending any legal proceedings relating to any of the properties or undertakings, or to any right or liability, transferred to the Authority by or under this Act and to which the Government, the Lands Department or the Lands Authority is or is entitled to be a party, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or for the aforesaid authorities or department, as the case may be, or shall be made a part thereto in like manner as the Government, any such authority or department could have become a party as aforesaid, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government, the Lands Department or the Lands Authority in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

Right of appeal.
Cap. 490.

57. (1) The Administrative Review Tribunal established by article 5 of the [Administrative Justice Act](#) shall be competent to hear and determine:

- (a) objections made by any person aggrieved by any decision of the Authority; and
- (b) objections made by any person aggrieved by an administrative or any other penalty imposed on that person by the Authority:

Provided that the Administrative Review Tribunal shall in no way be competent to hear and decide cases which fall under the competence of the Land Arbitration Board:

Provided further that, unless otherwise prescribed by law, an objection lodged in terms of this sub-article to the Administrative Review Tribunal shall be filed within twenty days from the receipt of the Authority's decision.

(2) Notwithstanding anything contained in the [Administrative Justice Act](#), the Administrative Review Tribunal shall serve the objection filed in its registry on the defendant or the respondent without delay. The respondent shall have the right to file a written reply within twenty days from the date of service. The Tribunal shall then fix a date for hearing within eight working days from the filing of a reply by the respondent within the time limit therefor or if no such reply is filed from the expiry of such time. The Tribunal shall, after appointing the application for hearing, decide on its merits after receiving any evidence it deems fit, within the shortest time possible but not any later than six months from the day when the application has been duly notified. Cap. 490.

(3) There shall be a right of appeal in accordance with the provisions of Part IV of the [Administrative Justice Act](#) from decisions of the Administrative Review Tribunal under sub-article (1) and such appeal shall be to the Court of Appeal (Inferior Jurisdiction). Cap. 490.

(4) A copy of the appeal application shall be served on the respondent, who may file a written reply within twenty days from the date of service. The Court of Appeal (Inferior Jurisdiction) shall fix a date for hearing within fifteen working days from the filing of a reply by the respondent within the time limit therefor or if no such reply is filed from the expiry of such time. The Court of Appeal (Inferior Jurisdiction) shall, after appointing the appeal application for hearing, decide on its merits within the shortest time possible but not any later than six months from the day when the application has been duly notified.

58. (1) The Minister may, after consultation with the Authority, make regulations: Power to make regulations.

- (a) in respect of any of the functions of the Authority and in connection with any matter relating to its proper function;
- (b) to establish fees for the provision of any service or the management of a service by the Authority or by any person on its behalf or under its authority, including, without prejudice to the generality of the foregoing, any fees or other charges for any service in connection with the regulation of any activity by the Authority;
- (c) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any permit, authorisation or licence under this Act;
- (d) for the powers and duties of officers, employees and or

of contractors appointed by the Authority;

- (e) for regulating, controlling, and prohibiting the presence of any person in any place or building of which it has a right over or the ownership or the use by any person of any such place or building;
- (f) for regulating, declaring and defining its property or property over which it has a right;
- (g) regulating the use of its property or property over which it has a right, whether movable or immovable;
- (h) prescribing what type of information held by the Authority shall be accessible to the public, as well as to establish the procedure concerning access thereto and the relative fees to be paid to obtain copies of such information;
- (i) excluding the Authority from any liability, other than liability for gross negligence, incurred in connection with the execution of its duties under the said regulations;
- (j) establishing offences and the relative punishments in relation to the contravention of any of the provisions of this Act;
- (k) to provide and prescribe schedules to this Act;
- (l) to provide for the amendment, the substitution or the addition or to otherwise the alteration of anything contained in the Schedules to this Act;
- (m) to provide that any person who acts in contravention of any regulation under this Act shall be guilty of an offence against this Act, and establishing such penalty, being a penalty not greater than a fine (*multa*) of one hundred thousand euro (€100,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, to which any person so guilty may be liable:

Provided that such regulations may provide that a person who, having been sentenced for an offence against the same regulation by a judgement which has become absolute, commits a further offence against the same regulation within such time as may be prescribed, shall be liable to pay a higher fine (*multa*), not exceeding double the fine (*multa*) which would otherwise have been inflicted, and for the purpose of this proviso the maximum fine that may be established by such regulations shall be two hundred thousand euro (€200,000):

Provided further that such fine shall in all cases be due to the Government as a civil debt, and that where the person guilty of the offence is a director, secretary or manager of a body corporate for the economic benefit of which the offence was committed, such body corporate shall be liable *in solidum* with the offender

for the payment of the said civil debt;

- (n) prescribing anything that may or is to be prescribed under this Act or which relates to any function or duty of the Authority assigned to it by or under this Act or by or under any other law.

(2) Any power conferred by this Act to make regulations, rules, orders, lists, schedules and any other instrument of like nature, includes the power from time to time to revoke, replace, amend, alter or add to any such instrument as aforesaid.

(3) Regulations or orders under sub-article (1) may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine (*multa*) of two hundred thousand euro (€200,000) or a penalty of not more than one thousand and five hundred euro (€1,500) for each day that the offence persists and imprisonment for a term not exceeding two years.

(4) Regulations or orders under this article may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Authority to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any regulation or order made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Authority related to the said regulations or orders.

(5) Generally, the Minister may also make regulations providing for the discipline of the employees of the Authority or of the contractor, whether regular or casual, and the procedures to be followed for such purpose, including the appointment of a disciplinary board and the conduct and procedure thereof, and providing for the punishments that may be awarded by such board.

59. (1) Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Board and such officer, employee or committee or any other person as may be authorised by the Board or the Chief Executive Officer for this purpose, and if so required by the Board with the assistance of the Police Force, shall have:

Right of entry.

- (a) the right to enter any premises, public or private, at all reasonable times, and in the case of a dwelling house after giving previous reasonable notice of at least twenty-four hours and not before seven o'clock in the morning or later than seven o'clock in the evening, and inspect or survey any land, or to take any photographs after entering or request any legitimate information from any occupier of such premises; and
- (b) the right to do anything that is ancillary or consequential thereto.

(2) Any person authorised pursuant to sub-article (1) shall

produce a means of identification issued by the Authority and thereon be authorised to enter the land.

Power of Minister to make regulations in respect of criminal offences.

60. Without prejudice to any other special provision of this Act, the Minister may, after consultation with the Authority, make regulations prescribing penalties for criminal offences against any regulations made under this Act, and such regulations may:

- (a) prescribe imprisonment and different fines (*multa*) for different offences;
- (b) prescribe fines (*multa*) calculated in accordance with the duration of the commission of the offence:

Provided that any such regulations as may be made shall not provide for:

- (i) imprisonment for more than two years, or a fine (*multa*) of more than two hundred thousand euro (€200,000); or
- (ii) a fine (*multa*) of more than one thousand and five hundred euro (€1,500) for each day during which the offence persists.

Scope of regulations or orders.

61. Regulations or orders made under this Act may make different provisions with respect to different classes of property, land or persons connected therewith or with respect to different circumstances and with respect to different parts of Malta.

Administrative penalties.

62. (1) The Authority shall have the power to impose in respect of any person who infringes any provisions of this Act or of any regulations made thereunder, or who fails to comply with any directive or decision given by the Authority, an administrative fine using such procedures as may be established in this Act or regulations made thereunder.

(2) An administrative fine imposed under sub-article (1) shall not exceed two hundred thousand euro (€200,000) for each contravention or one thousand five hundred euro (€1,500) for each day of non-compliance, from the date of the decision of the Authority.

(3) When the decision to impose an administrative fine has been appealed and the decision confirmed by the Tribunal or the Court of Appeal (Inferior Jurisdiction), as the case may be, the daily fine for the continuation of the illegality shall be calculated from the original date notified in the enforcement notice:

Provided that the Minister may by regulation prescribe different dates from which daily fines shall be calculated.

Amendment of laws.

63. (1) The Minister may, without prejudice to the provisions of sub-article (2), by regulations amend, substitute or repeal any of the provisions of any Act explicitly mentioned in paragraph (b) of sub-article (2) of article 7 after having consulted the Authority for the purpose of eliminating any difficulty in the implementation of those laws together with this Act.

(2) The Minister may by regulations made under this sub-article provide for transitory provisions.

(3) Regulations made in accordance with this article shall come into force following their approval by resolution of the House of Representatives.

64. (1) The members, officers and employees of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law. Neither shall any criminal proceedings be instituted against them in the exercise of their functions under this Act or any other provisions of the enactments listed in article 7 or any other provision of this Act.

Exemption from liability.

(2) Notwithstanding the provisions of any other law and saving the provisions of article 46 of the Constitution and article 4 of the European Convention Act, no precautionary act may be issued by the Court against the Authority restraining it from the exercise of any of the powers conferred upon it under this Act.

65. (1) All expenses reasonably incurred by the Authority in the exercise of its powers, or any other amount which might be due to the Authority under any provision of this Act or regulations made thereunder or under any other law or agreement signed or otherwise made by it shall be recoverable as a civil debt by the Authority from the present owner of the land, or from any occupier of the land or building, or from any person responsible for the acts mentioned in the notice, including a notice of payment, or an applicant, subject to such right of recovery such person may have against any other person. The Authority shall not be liable for any damages as a result of the exercise of its powers under this article, unless it is proved that such damage resulted from gross negligence on the part of the Authority, its officers and agents. The Authority, in its discretion, can dispose of the objects found on the land or building, without any other formalities whatsoever if the objects remain unclaimed within seven days.

Proceedings for debts due to the Authority.

(2) Where the Authority desires to sue for the recovery of a debt due to the Authority under any law or regulation which it is entitled to enforce, the Chief Executive Officer or an officer of the Authority duly authorised by the Chief Executive Officer to act on his behalf, may make a declaration on oath before the Court Registrar or before any other officer authorised to administer the oath in judicial matters, wherein he states the nature of the debt and the name of the debtor and confirm that it is due. Interest at the rate of eight percent (8%) shall run from the date on which the amount mentioned in the declaration was due.

(3) The declaration referred to in sub-article (2) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of thirty days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declares the claim unfounded. The judicial act shall on pain of nullity contain an intimation to the debtor that if he does not reply within thirty days from service upon

him of the said judicial act by filing an application demanding that the court declares the claim unfounded, which application may be signed and presented in court by the debtor himself without the signature of an advocate or of a legal procurator being required; such judicial act shall constitute an executive title.

(4) The application filed in terms of sub-article (3) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period and in no case later than one month from the filing of the application.

(5) Any debts due to the Authority shall be prescribed by the lapse of the period of ten years from the date on which the debt was due.

Saving.

66. (1) Any order, rule, regulation, bye-law, notice or other instrument having the force of law made under the authority of any of the provisions of the enactments listed in article 7 or any other provision of this Act shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly.

(2) Any permission, authority or order granted or made under any of the provisions of the enactments listed in article 7 or any other provision of this Act and still in force immediately before the date of coming into force of this Act shall as from such date continue in force as if it were a permission, authority or order granted or made under a corresponding provision of this Act, and any such permission, authority or order as aforesaid shall be treated and dealt with accordingly.
