L.N. 95 of 2022

GOVERNMENT LANDS ACT
(CAP. 573)

Regularisation of Titles of Ordinary Residences Built on Government Land Granted by Temporary Emphyteusis for Agricultural Purposes Regulations, 2022

IN EXERCISE of the powers conferred by article 31(g)(L) of the Government Lands Act the Minister for the Economy and Industry has made the following regulations:-

Citation.

1. The title of these regulations is the Regularisation of Titles of Ordinary Residences Built on Government Land Granted by Temporary Emphyteusis for Agricultural Purposes Regulations, 2022.

Interpretation.

2. In these regulations, unless the context otherwise requires:

"applicant" means a person or persons submitting a request under these regulations in order to convert a temporary emphyteusis on their ordinary residence into a perpetual emphyteusis. The applicant shall be the person occupying the premises as his or her ordinary residence.

"Authority" means the Lands Authority established in accordance with article 5 of the Lands Authority Act or any person or any other entity that has been entrusted by contract or by law to administer Government land;

Cap. 563.

"commercial premises" shall have the same meaning assigned to it in the Civil Code;

Cap. 16.

"garage" means a premises used to house only one or more vehicles but does not include premises and, or garages used as a warehouse or used for any commercial purpose;

"ordinary residence" means a tenement used by a person as the place of his primary residence and also includes garages or spaces adjacent to the premises and which are used as extensions of the premises for the purpose of sanitary laws:

Provided that guest houses or dormitories shall not be considered as residences for the purpose of these regulations:

Provided further that premises on the island of Malta are occupied by residents from Gozo and Comino due to employment or education in the island of Malta should also be regulated by these

regulations. The same shall apply to residents from Malta, who occupy premises on the islands of Gozo and Comino due to employment or education on the islands of Gozo and Comino:

Provided further that any property or part of a property used as a residence shall be suitable for habitation;

"premises" means any tenement utilised as the ordinary residence of the applicant;"temporary emphyteusis for agricultural purposes" means an emphyteusis with an expiry date which in the original concession it is specified that the land is to be used for agricultural purposes.

Eligibility.

3. (1) Any person who is occupying a premises built on Government land and which has been granted a temporary emphyteusis for agricultural purposes and which premises is being used as the ordinary residence of the occupant, saving other provisions in these regulations, may request the Authority to convert such temporary emphyteusis into a perpetual emphyteusis under the conditions laid down in these regulations.

(2) In the event that the emphyteusis as aforementioned has expired, such emphyteusis shall be deemed to be in force for the purpose of these regulations both for the conversion and redemption as provided.

(3) The applicant shall make a request for recognition together with the application under these regulations.

(4) The applicant shall provide all documentation requested of him by the Authority in order to prove that:

(a) the premises occupied are currently utilised as the ordinary residence of the applicant;

(b) the premises has all the necessary development permits from the competent authorities:

Provided that if the premises was built before 1968, the applicant must submit a declaration provided by the Planning Authority stating that said premises appear on the 1968 survey sheets; and

(c) the premises is shown as built premises in the 2018 aerial photos.

Documents required.

4. The applicant shall provide the following documents with every application made in accordance with these regulations:

(a) a copy of the payment receipt of five hundred euro (€500) to be made with each online application;

(b) the contract of acquisition of the premises;

(c) proof that the premises were used as ordinary residence before the coming into force of these regulations;

(d) a copy of the applicant's identity card;

(e) an affidavit signed by the applicant stating that the premises is his ordinary residence;

(f) an affidavit signed by the applicant stating that the entire content of the application is true and that it did not omit any other relevant information or facts and that, if such were known to the Authority, the application would have been rejected:

Provided that no applicant may justify such an omission on the basis of the fact that the Authority was already informed of such information or facts;

(g) photographs which shall indicate the date and time they were taken, and showing the current state of the premises;

(h) a detailed plan on a scale of 1:100, made exclusively according to the template available from the Authority that strictly follows the guidelines for the use of that template. This plan shall show the interior of the property at every level and the distance from the nearest street corner;

(i) a scanned plan, duly authenticated by an architect;

(j) a plan of the Land Registry, duly authenticated by an architect;

(k) a copy of the actual electricity and water bills.

Method of regularisation of title.

5. (1) Under these regulations, the Authority shall convert the temporary ground rent into a perpetual ground rent.

(2) The perpetual ground rent as converted by these regulations shall be redeemed up to a period of fifteen (15) years from the date of conversion and under such conditions as may be laid down by the Authority.

(3) All the conditions of the original temporary emphyteusis shall be renounced according to these regulations upon the conversion to perpetual emphyteusis.

Rates set per square meter.

6. (1) The emphyteusis shall be calculated according to the rates set out in the schedules established by the Authority and published in the Gazette.

(2) These rates may vary according to the type of premises as well as the area on which the premises in question is built.

(3) The Authority reserves the right to receive and process applications according to a schedule of localities and this after the necessary studies have been carried out on the respective localities.

Objections.

7. The Authority shall from time to time be inform the public of applications on particular sites. Any person shall have the right to submit his objections to the Authority in respect of a particular application within thirty (30) days of the publication of the notice.

Exclusions.

8. (1) Applications under these regulations shall be refused if the premises:

(a) does not have the necessary permits issued by the Planning Authority or the declaration provided by the Planning Authority that the said premises appear on the 1968 survey sheet; or

(b) has stop notices or enforcement notices or stop and enforcement notices or warning notices issued by the competent Authority:

Provided that if it has these notices, these impediments must be remedied before the application can be processed under these regulations.

(2) The application does not confer any rights or entitlements in favour of the applicant or any other person. The Authority, in its sole discretion, reserves the right to refuse and reject any application submitted pursuant to these regulations. That refusal or rejection shall be in writing and shall include detailed reasons for its decision.

(3) The Authority has the right to terminate the process of an application made by virtue of these regulations at any stage or to refuse to accept any application made by virtue of these regulations if in its opinion such property is located at a site of national importance:

Provided that in that case, the applicant shall only be entitled to receive the costs he paid to apply pursuant to these

regulations. The Authority is exempt from any damages or any request for the payment of any kind of compensation made by the applicant in this regard.

Public contract.

9. Any conversion and eventual redemption of the emphyteusis made by virtue of these regulations shall be made through a public contract.

Violation of regulations.

10. The Authority has the right to bring an action before the Civil Court, First Hall if it is of the opinion that there has been a breach of any of the provisions of these regulations, even after the corresponding contract has been signed, against any person involved and to ask the court to declare the redemption null and void even if the property has been transferred to third parties:

Provided that no person against whom the Authority brings an action shall have the right to request or to receive any damages of any kind or any sort of compensation for all the improvements they have made or could have made to that building.

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