L.N. 232 of 2022

GOVERNMENT LANDS ACT
(CAP. 573)

Direct Disposal of Residual Sites of Government Property forming part of a Larger Development Regulations, 2022

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

1. The title of these regulations is the Direct Disposal of Residual Sites of Government Property forming part of a Larger Development Regulations, 2022. Citation.

2. The scope of these regulations is to allow the Lands Authority to dispose of residual sites of government property forming part of a larger development directly to the current owners of the larger site. Scope.

3. In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Government Lands Act; Cap. 573.

"Authority" or "competent authority" means the Lands Authority established in accordance with article 5 of the Lands Authority Act; Cap. 563.

"residual site" means a site which is currently owned by the government and is adjacent to a site or building owned by the applicant:

Provided that:

(a) it is not larger than fifty square metres ($50m^2$); and

(b) it forms part of the larger development by virtue of the official alignment or other constraints contained within a development plan:

Provided further that a residual site shall be considered so whether it is already developed or not, and regardless of the type and use class of development present on site.

Application by an owner.

4. (1) Any person who occupies a residual site may apply to the Authority to acquire the residual site by a valid title:

Provided that an application shall not be considered by the Authority unless the applicant is the freehold owner of the adjacent larger development site:

Provided further that the Authority shall not grant a transfer of a residual site to an applicant of a site which is larger than fifty square metres (50 m^2).

(2) In the case of the multiple occupation of a residual site held *pro diviso*, the Authority shall dispose of said by separate titles, following an exercise of due apportionment in accordance with the relative ownership titles.

(3) In the case of multiple occupation of a residual site held *pro indiviso*, such as the common parts of a condominium, the Authority shall dispose of said *in solidum*, and the resultant costs shall be apportioned amongst the eligible applicants, in accordance with the relative ownership titles.

(4) Where the adjacent larger development site is held by the applicant by title of emphyteusis and the Government holds the *direct dominium*, the applicant may only be granted the residual site under the same terms and conditions of the emphyteutical concession granted for the larger site.

Rates.

5. (1) The standard rates for the transfer of the residual site shall be of two hundred euro (€200) per square metre based on the plot size of the site in question for residential development, and four hundred euro (€400) per square metre for any other non-residential use class:

Provided that the Authority may establish, by virtue of a notice in the Government Gazzette, different rates for specific locations.

(2) No further charges shall be levied by the Authority for the occupation of a residual site without a valid title.

Documents required with applications.

6. The following documents shall be submitted with all applications filed in accordance with regulation 4:

(a) an authenticated copy of the original contract of acquisition of the adjacent site;

(b) in the case of developed sites, a detailed plan on a

scale of 1:100 done solely on the basis of the template available at the Authority and strictly following the guidelines for the use of this template. This plan shall show the interior of the property at each level and the distance from the corner of the nearest road;

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

(d) a property or site plan issued by the Land Registry, duly authenticated by an architect;

(e) a copy of the identity card of the applicant;

(f) photographs, showing the date and time when taken, of the current state of the building or site;

(g) a detailed survey showing the adjacent site outlined in red and the site being requested for acquisition outlined in blue. This survey shall be accompanied by official road alignments and front garden alignments;

(h) a sworn declaration by the applicant that the content of the application is true and that no other relevant information or facts have been omitted which, had they been known to the Authority, would have led to the refusal and, or rejection of the application. Applicants may not justify any such omissions on the basis that the omitted facts or information were known to the Authority; and

(i) copies of any existing development permissions and the relative approved site plans, plans, sections and elevations.

Transfer shall be made by a public deed.

7. Any transfer of a residual site by virtue of these regulations shall be made by means of a public deed following the payment of all expenses provided for in regulation 8.

Expenses.

8. The Authority shall ensure that all expenses incurred in relation or incidental to an application made in terms of these regulations are paid by the applicant. No transfer shall be made before the Authority is satisfied that all expenses were collected in their entirety.

Reservations.

9. (1) The Authority shall have the absolute and sole right to refuse and, or reject any application made pursuant to these regulations. Said rejection or refusal shall be made in writing accompanied by detailed reasons for such decision.

(2) The Authority reserves the right to terminate the application process made pursuant to these regulations at any stage

and, or refuse to accept any application, where it deems that such property is situated in a place of national importance.

(3) No action shall lie against the Authority for any claim of damage and, or award for compensation.

Right of action by the Authority.

10. The Authority is empowered to institute proceedings before the First Hall, Civil Court against any person where it deems that there is a breach of any provision of these regulations, even after the signing of the relative deed. The Authority shall request the court to declare that the deed of transfer is null and void, even where the site has been transferred to third parties:

Provided that no action shall lie against the Authority for any claim of damage and, or award for compensation for any improvements which may have been carried out on the site or property on which the residual site pertains to.

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