

I assent.

(L.S.)

**MYRIAM SPITERI
DEBONO
President**

18th June, 2024

ACT No. XX of 2024

AN ACT to amend various laws relating to private residential leases and to make ancillary and consequential provisions thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. (1) The short title of this Act is the Various Laws relating to Private Residential Leases (Amendment) Act, 2024. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for housing may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of the Act.

**PART I
Amendments to the Civil Code**

2. This Part amends the Civil Code and it shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as "the Code". Amendments to the Civil Code. Cap. 16.

3. Sub-article (2) of article 1555A of the Code shall be amended as follows: Amendment of article 1555A of the Code.

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Cap. 69.
Cap. 158.

(a) the words "the lease of that tenement shall be transferred to the person mentioned in article 1531F:" shall be substituted by the words "for the purposes of the continuation of a lease according to the Reletting of Urban Property (Regulation) Ordinance and the Housing (Decontrol) Ordinance, the said permanent dependence shall have the same effects as the death of the lessee."; and

(b) the proviso thereof shall be deleted.

Amendment of
article 1573 of
the Code.

4. In article 1573 of the Code, the words "is less than one year." shall be substituted by the words "is less than one year:" and immediately after there shall be added the following new proviso:

Cap. 604.

"Provided that in the case of private residential leases in accordance with the Private Residential Leases Act, the lessor shall be bound to give notice to the lessee at least three (3) months before by registered letter."

Amendment of
article 1575 of
the Code.

5. In sub-article (1) of article 1575 of the Code, the words "in the case of urban tenements." shall be substituted by the words "in the case of urban tenements:" and immediately after there shall be added the following new proviso:

Cap. 604.

"Provided that in the case of private residential leases under the Private Residential Leases Act, the lessor shall be bound to give notice to the lessee at least three (3) months before by registered letter."

PART II

Amendments to the Private Residential Leases Act

Amendments to
the Private
Residential
Leases Act.
Cap. 604.

6. This Part amends the Private Residential Leases Act and it shall be read and construed as one with the Private Residential Leases Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
article 2 of the
principal Act.

7. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "Board" thereof there shall be added the following new definitions:

""building" or "premises" means a house or other building, or part thereof, which is used or may be used for residential purposes in accordance with the provisions of the relevant laws;

"dwelling house" means a building or part of a building separately let, which includes any land or garden forming an integral part, or enclosed within the precincts of such dwelling house, but does not include any movable structure, vessel or vehicle;

"lease" shall also include sublease;"

(b) immediately after the second proviso to the definition "residence" there shall be added the following new proviso:

"Provided further that where the tenement is being leased by a company for the purpose of accommodating its employees and the occupant is paying any form of consideration to the company, the relationship between the company and the occupant shall be deemed a sublease, subject to the provisions of this Act:"; and

(c) immediately after the definition "residence" there shall be added the following new definition:

" "resident" means a lessee as defined under this article, including any other occupant;"

8. Article 3 of the principal Act shall be amended as follows:

Amendment of article 3 of the principal Act.

(a) in paragraph (d) of sub-article (2) thereof, the words "let before the 1st June, 1995." shall be substituted by the words "let or granted on emphyteusis before the 1st June, 1995:" and immediately after there shall be added the following new proviso:

Cap. 69. "Provided that the provisions of this Act shall not
Cap. 158. apply to leases which were entered into after the 1st June 1995, but which originate from a controlled private residential lease in accordance with the Reletting of Urban Property (Regulation) Ordinance or the Housing (Decontrol) Ordinance."; and

(b) sub-article (3) thereof shall be deleted.

9. Article 4 of the principal Act shall be amended as follows:

Amendment of article 4 of the principal Act.

(a) in sub-article (2) thereof, the word "duty" shall be substituted by the word "obligation" and the words "ten (10) days" shall be substituted by the words "thirty (30) days";

(b) in sub-article (3) thereof, the words "from the date of commencement of the lease." shall be substituted by the words

"from the date of commencement of the lease:" and immediately after there shall be added the following new proviso:

"Provided that the obligation to register on the part of the lessor comes into being immediately upon the commencement of the agreement and no delay or failure to register the agreement, or to comply with the requisites of sub-article (1) of article 6, may be used against the interests of the lessee or as a defence by the lessor in the course of any enforcement proceedings in accordance with article 20, or criminal proceedings in accordance with article 22.";

(c) sub-article (7) thereof shall be substituted by the following new sub-article:

"(7) As part of the process of registration, the Authority shall request the lessor to specify the number of residents that shall reside in the dwelling house.";

(d) sub-article (8) thereof shall be substituted by the following new sub-article:

"(8) (a) The Minister shall have the power to make regulations under this Act providing for the minimum standards of habitability for a dwelling house which is offered for letting as well as the limitation of the number of residents who may occupy the dwelling house at the same time.

(b) The Authority shall not permit any new registration or submission that allows the occupation of the same dwelling house by a number of residents that exceeds the maximum that is permitted to reside in a dwelling house at the same time in accordance with that established in any regulation made under this Act:

Provided that the registration of a lease contract by the Authority shall not in any manner be held as a certification of the habitability of a leased tenement or be used as a defence for any breach of any other provision of any other law or regulation that is validly in force at the moment of the alleged offence or breach."; and

(e) immediately after sub-article (8) thereof there shall be added the following new sub-article:

"(9) The registration process shall be completed exclusively online."

10. Article 5 of the principal Act shall be amended as follows:

Amendment of
article 5 of the
principal Act.

(a) in sub-article (2) thereof, the word "duty" shall be substituted by the word "obligation";

(b) in sub-article (3) thereof, the words "7, 9 and 11, the articles contained in the Act shall prevail:" shall be substituted by the words "7, 9, 11 and 17, the articles contained in the Act shall prevail."; and

(c) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) The registration of a lease in accordance with sub-article (1) shall not require the declaration of any amount deposited by the lessee by way of security in accordance with article 6(1)(f) or the presentation of an inventory in accordance with article 6(1)(g)."

11. Article 6 of the principal Act shall be amended as follows:

Amendment of
article 6 of the
principal Act.

(a) paragraph (g) of sub-article (1) thereof shall be substituted by the following new paragraph:

"(g) an inventory, in the form of documentary evidence signed by all parties, attesting the condition of the tenement as well as the state of any furniture and domestic appliances supplied by the lessor, and the parties shall accompany such photographs with short descriptions of the content of the said photographs:

Provided that the inventory may also be presented in the form of photographs as long as the photographs are capable of attesting, fully, clearly and unequivocally, the condition of the tenement as well as the state of any furniture and domestic appliances supplied by the lessor:

Provided further that the inventory shall also be presented in the case where the tenement is let unfurnished.";

(b) sub-article (2) thereof shall be substituted by the

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following new sub-article:

"(2) In the absence of one (1) or more of the said essential requisites stipulated in sub-article (1), the agreement shall be null and void:

Provided that the failure by the lessor to comply with any of the said requisites may not be held as a valid reason for the lessor to be exempted from the obligation to register the agreement in accordance with article 4."; and

(c) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The Authority may publish on its website a model private residential lease agreement which may be used as a basis by any person entering into a private residential lease agreement:

Provided that the Authority may also publish on its website a standards form containing the clauses referred to in sub-article (1) and which may be made compulsory for any person entering into a private residential lease agreement which is not in accordance with the model agreement.".

Amendment of article 7 of the principal Act.

12. Immediately after the first proviso to article 7(1)(d) of the principal Act there shall be added the following new proviso:

"Provided further that in any case of substitution or addition of a lessee in accordance with articles 9B and 9C, no administrative penalty may be imposed on the lessees of the original lease and the substituted or added lessee:".

Amendment of article 8 of the principal Act.

13. The proviso of article 8 of the principal Act shall be deleted.

Amendment of article 9 of the principal Act.

14. Article 9 of the principal Act shall be amended as follows:

(a) in sub-article (3) thereof the words "or letting of shared residential space" shall be deleted;

(b) immediately after sub-article (3) thereof there shall be added the following new sub-articles:

"(4) If the lessor does not serve the lessee with a notice of termination within the specified time, but the lessee still decides to terminate the agreement on the date stipulated in the agreement, he shall give notice to the lessor at least one (1) month before by registered letter:

Provided that for the purpose of proving the fulfilment of his obligation in accordance with this sub-article, it shall be sufficient for the lessee to provide evidence that the registered letter has been sent within the stipulated time and to the correct address:

Provided further that in the case that the lessee terminates the agreement in accordance with sub-article (5), the lessee shall receive back the amount deposited by way of security in accordance with article 6(1)(f), saving the provisions of article 11.

(5) It shall not be permissible for a lessor to give any notice of termination with the aim of terminating the agreement before the period imposed by the law or stipulated in the agreement, saving for the provisions of articles 1573 and 1574 of the Civil Code."

Cap. 16.

15. Immediately after article 9 of the principal Act there shall be added the following new articles:

Addition of new articles to the principal Act.

"Express renewal.

9A. (1) Notwithstanding the possibility of a tacit renewal according to sub-article (2) of article 9, the parties may also renew their agreement expressly.

(2) An express agreement of renewal shall not include changes to the original agreement, except for the increase permissible in accordance with article 14.

(3) An agreement which was meant to expire before 31st December, 2020 and which did not contain any reference to an option for renewal, shall not be registered unless accompanied by an express agreement of renewal signed between the parties.

(4) Any agreement of renewal shall not be made for a period inferior to that stipulated in article 8:

Provided that the parties shall remain free to renew their agreement for a longer period than that originally agreed upon.

(5) In the case of a conflict between the terms of a renewed agreement which was entered into before the 1st January, 2020 and articles 7, 9, 11 and 17, the articles of this Act shall prevail.

(6) If notwithstanding having given notice of termination the lessor allows the lessee to remain in occupation of the premises after the lapse of the contractual term whilst requesting rent but without entering and registering an express renewal agreement wherein he revokes the notice of termination, he shall be subject to the procedure referred to in article 20.

(7) The Authority may publish on its website a model renewal agreement which may be used as a basis by any person effecting an express renewal of the lease.

(8) Any agreement of extension of the original lease period which has the effect of reducing the period which would have been granted to the lessee through a renewal by law shall be prohibited.

Substitution of
lessee.

9B. (1) Any party to the agreement may request the substitution of a lessee in a private residential lease:

Provided that the said substitution may only be effected with the express consent of the lessor and the outgoing lessee and, if the case may be, all the other lessees appearing on that agreement.

(2) The substitution of a lessee shall only be allowed where the total number of lessees registered with the Authority on the lease agreement shall remain the same.

(3) A substitution shall have the effect of replacing an outgoing lessee with an incoming lessee, without giving rise to a new lease agreement or interrupting any of the periods stipulated in this Act, particularly those contained in articles 8, 9, 11, 12 and 16.

(4) Nothing shall prejudice the right of an outgoing lessee to seek redress against the lessor or the incoming lessee in case of any disputes relating to the agreement of lease or substitution of the lessee.

(5) An incoming lessee shall be granted access to the original lease agreement and all the relevant details of the registration.

(6) All the parties to the original agreement may request a copy of the substitution agreement together with all the relevant registration details.

(7) The Authority may publish on its website a model substitution agreement which may be used as a basis by any person effecting the substitution of a lessee:

Provided that the Authority may also publish on its website a standard form which may be made compulsory for any person entering a substitution agreement which is not in accordance with the model agreement.

Addition of a lessee.

9C. (1) Every party to a private residential lease agreement may request the addition of a lessee to that agreement:

Provided that the said addition may only be effected with the express consent of the lessor and the existing lessee or lessees.

(2) The addition of a lessee shall not create a new lease or interrupt the periods stipulated in this Act, particularly those contained in articles 8, 9, 11, 12 and 16.

(3) The incoming lessee shall be held responsible for any debts that would have been incurred before his addition to the agreement.

(4) An incoming lessee shall be granted access to the original lease agreement and all the relevant details of the registration.

(5) All the parties to the original agreement shall be granted access to any agreement for the addition of a lessee and all the relevant details of the registration.

(6) The Authority may publish on its website a model agreement for the addition of a lessee which may be used as a basis by any person effecting such an addition:

Provided that the Authority may also publish on its website a standard form which may be made compulsory for any person entering an agreement for the addition of a lessee which is not in accordance with the model agreement.

Registration of a new lease in the case of consensual termination of the lease or abandonment of property by the lessee.

9D. (1) If the parties agree to the mutual termination of the lease or the lessee abandons the rented property without notice, the lessor may request the registration of a new lease on that same dwelling house, despite the fact that the period of the previous lease would still be running, after giving notice of such mutual termination or abandonment to the Authority. The Authority shall notify the previous lessee with the lessor's request to deregister the lease:

Provided that in case of abandonment, the said deregistration shall not have the effect to release the lessor from his obligations towards the previous lessee in the case that the said lessor would have granted the use of the property to any other person in bad faith:

Provided further that the said deregistration shall be without prejudice to any claim that the lessor may have against the lessee who would have abandoned the property.

(2) This article shall also apply when the lease is entered into with more than one (1) lessee, and the lessor would have agreed to the consensual termination with one (1) of the lessees, or one (1) of the lessees would have abandoned the leased dwelling house without notice and without substitution:

Provided that for the removal of the lessee, the lessor shall obtain the consent of all the lessees included in the original lease agreement."

Amendment of
article 11 of the
principal Act.

16. Immediately after sub-article (5) of article 11 of the principal Act there shall be added the following new sub-articles:

"(6) In the case of the renewal of a long private residential lease in accordance with article 9(2), the lessee may not withdraw before the lapse of three (3) months from the start of the renewal period:

Provided that following the lapse of such time the lessee may withdraw from the private residential lease by giving notice to the lessor in accordance with sub-article (2)(a):

Provided further that this sub-article shall apply to each subsequent renewal of the lease.

(7) In the case of the renewal of a long private residential lease in accordance with article 9A, the lessee may not withdraw before the lapse of half the period specified in sub-article (1), according to the duration of the express renewal agreed by the parties:

Provided that following the lapse of such time the lessee may withdraw from the private residential lease by giving notice to the lessor in accordance with sub-article (2)."

Amendment of
article 14 of the
principal Act.

17. In sub-article (1) of article 14 of the principal Act the words "the term of the lease." shall be substituted by the words "the term of the lease:" and immediately after there shall be added the following new proviso:

"Provided that during the first year the rent shall be fixed at the same amount."

18. Article 16 of the principal Act shall be substituted by the following new article: Substitution of article 16 of the principal Act.

"Letting of shared residential space.

16. (1) Any contract entered into for lease of a shared residential space shall have a duration in accordance with regulations issued under this Act by the Minister, from time to time.

(2) Without prejudice to the provisions of sub-article (1), the provisions that apply to private residential leases shall also apply to the letting of shared residential spaces.

(3) The letting of a shared residential space is subject to the rules of registration stipulated in article 4.

(4) The aforementioned provisions shall also apply either where the lessor, or the lessee in the case of a sub-lease, also reside in that property."

19. Article 20 of the principal Act shall be substituted by the following new article: Substitution of article 20 of the principal Act.

"Enforcement procedure.

20. (1) Notwithstanding any other law that may provide for proceedings and punishments related to offences, when the Authority deems that:

(a) a dwelling house is being occupied for residential leases purposes by any persons who are not the owners of the dwelling house and who are occupying the said dwelling house without a valid title of lease, for the reason that the lease agreement does not satisfy the written requisites *ad validitatem* in a lease agreement or that although it satisfies the written requisites *ad validitatem* it was not registered in accordance with the provisions of this Act, hereinafter in this Act referred to as "occupation without title"; or

(b) a person has permitted a number of occupants in excess of that declared in the registration or registrations of a private residential lease agreement or agreements with the Authority and is in breach of the proviso to sub-article (4) of article 16; or

(c) a person has made a declaration for any one (1) of the purposes of the Act which is false, misleading or incorrect in any material respect,

the Authority may serve a notice in writing wherein it describes the offence to the person who is being accused and indicate the steps which shall be taken to remedy the offence and the administrative penalty that he may incur if found guilty of the offence:

Provided that the Authority may request the payment of an administrative penalty of not more than two thousand three hundred and twenty-nine euro and thirty-seven cents (€2,329.37):

Provided further that where the occupation without title has come to an end, the Authority shall not permit that person who conceded the enjoyment of the tenement without a valid title to comply with the provisions of this Act retrospectively.

(2) When a written notice is served in accordance with this article, the person mentioned in the notice may, within twenty one (21) days from such service, accept his responsibility for the offence specified in the notice and in the same time period, or any ulterior time period that the Authority may permit, remedy the offence and pay, or commit in writing to pay the administrative penalty indicated in the notice or such administrative penalty that the Authority may stipulate instead, and in any such case:

(a) the person named in the notice shall be deemed to have committed the offence and to have admitted his guilt in respect thereof, and the administrative penalty paid, or agreed to be paid, shall be the administrative penalty to which he became liable to pay;

(b) if the offence has been remedied and the administrative penalty is paid in the stipulated time period, no other proceedings may be instituted against that person on the same facts; or

(c) if the administrative penalty is not paid in the ulterior time period as previously described, the Authority shall have the right to institute proceedings against the person who breached the law.

(3) If a person who is served with a notice in accordance with sub-article (1) fails to accept responsibility for the offence, or after having accepted such responsibility fails to remedy the offence in the time period stipulated in the said notice, proceedings shall be instituted against such person in accordance with the provisions of article 22."

20. Sub-article (1) of article 22 of the principal Act shall be amended as follows: Amendment of article 22 of the principal Act.

(a) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) is found conceding any dwelling house, or any separate space within a dwelling house, for a residential purpose, to any persons who are not the owners of the dwelling house and who are occupying the dwelling house without a valid title of lease, for the reason that the lease agreement does not satisfy the written requisites *ad validitatem* in a lease agreement or that although it satisfies the written requisites *ad validitatem* it was not registered in accordance with the provisions of this Act;"

(b) in paragraph (c) thereof, the words "material respect," shall be substituted by the words "material respect;" and immediately after there shall be added the following new paragraph:

"(d) permits a number of occupants in excess of that declared in the registration or registrations of a private residential lease agreement or agreements with the Authority and is in breach of the regulations under article 4(8)(a);"

(c) in the paragraph immediately after paragraph (d) thereof, the words "ten thousand euro (€10,000):" shall be substituted by the words "ten thousand euro (€10,000)."; and

(d) the proviso thereof shall be deleted.

21. Immediately after article 22 of the principal Act there shall be added the following new article: Addition of new article to the principal Act.

"Attorney General's right of appeal. Cap. 9.

22A. Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal before the Court of Criminal Appeal from any decision given in respect of criminal proceedings arising from the provisions of this Act or any regulations made thereunder."

22. Sub-article (2) of article 23 of the principal Act shall be Amendment of article 23 of the principal Act.

substituted by the following new sub-article:

"(2) The Adjudicating Panel shall have the exclusive jurisdiction to decide any disputes relating to private residential leases to which the Act applies, provided that any monetary claims shall not exceed five thousand euro (€5,000), and which involve:

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(a) matters referred to in articles 1540, 1541, 1542, 1543, 1545, 1546, 1548, 1556, 1559, 1561, 1562, 1563 u 1564 of the Civil Code provided that these claims do not involve the termination of the lease; and

(b) any dispute relating to:

(i) the retention or reimbursement of any amount which is left by means of a security deposit as stipulated in article 6(f);

(ii) rental and utility arrears, including those related to water and electricity consumption;

(iii) compensation for the occupation by the lessee of the dwelling house let beyond the date of expiry of the agreement, provided that these claims do not involve a claim for the termination of the lease;

(iv) compensation for the loss of earnings borne by the lessor due to the dwelling house not being occupied in the period stipulated in article 11(1);

(v) matters referred to in article 17, provided that the dispute is exclusively between the lessor and the lessee, including claims made to the lessor to recognise the number of persons living in a dwelling house and providing access to the details of the account to the lessee;

(vi) expenses relating to the ordinary maintenance of the common parts of the condominium, and;

(vii) damages deriving from any other breach of the provisions of this Act;

(c) disputes relating to any amount which is left by means of a security deposit, in the case of occupation without title in accordance with article 19, if the person who would have permitted such occupation without title and who would have retained such amount, would have admitted his guilt to the offence according to article 20 or would have been found guilty of an offence by the courts of criminal judicature according to article 22:

Provided that a demand made in accordance with paragraphs (a) and (b) may also be included in other claims or pleas made before the Board, in any action affecting private residential leases, over which the Adjudicating Panel has no jurisdiction, including where the claim is made for the termination of the lease or the eviction of any person from the lease:

Provided further that the Adjudicating Panel shall only hear claims relative to registered agreements."

23. Article 31 of the principal Act shall be amended as follows:

Amendment of
article 31 of the
principal Act.

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The registry of the Adjudicating Panel shall maintain a register of persons who have not honoured the decisions of the Adjudicating Panel or the Court of Appeal (Inferior Jurisdiction) to the detriment of the other party in an agreement:

Provided that a person may only be included in the register following a recommendation by the Adjudicating Panel:

Provided further that any action that may be taken by the Adjudicating Panel in accordance with this article shall be without prejudice to the obligations of the relevant person to conform himself with the decisions of the Adjudicating Panel or the Court of Appeal (Inferior Jurisdiction)."; and

(b) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) Persons included in the register may request the cancellation of their name from the said register upon the presentation of evidence that they have honoured the decision of the Panel or the Court of Appeal (Inferior

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Jurisdiction).".

Addition of new
article to the
principal Act.

24. Immediately after article 32 of the principal Act there shall be added the following new article:

"Communic-
ation of
personal data
to private
parties.

32A. (1) The Authority shall have the right to communicate personal data to other private parties if such a communication is strictly necessary to enable a person to safeguard his interests following a decision in his favour given by the Adjudicating Panel:

Provided that the communication of personal data in accordance with sub-article (1) may also occur following a favourable decision handed down by the Rent Regulation Board or the Court of Appeal (Inferior Jurisdiction) given that the agreement on the basis of which the decision was delivered has been duly registered in accordance with the provisions of this Act.

(2) The data which is communicated to the private parties shall be limited to the residential address of that person against whom such decision would have been taken, as it appears on the latest residential lease agreement registered with the Authority in the name of that person:

Provided that any claim for the communication of personal data shall be processed exclusively according to the exact parameters as stipulated in that request:

Provided further that the Authority shall only provide addresses of properties where the registration of the lease would still be active.

(3) The Authority shall have the right to refuse requests for the communication of personal data where it suspects that this data shall be used for reasons that go beyond those stipulated in this article."

Transitory
provision.
Act No. XX of
2024.
Cap. 604.

25. Private residential leases which commenced prior to the coming into force of the Various Laws relating to Private Residential Leases (Amendment) Act, 2024 shall continue to be regulated by the provisions of the Private Residential Leases Act:

Provided that private residential leases that are still in force on 31st August 2025 shall comply with any laws or regulations stipulating the limitation on the number of residents who may occupy the dwelling house at the same time.

Passed by the House of Representatives at Sitting No. 245 of the
11th June, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

