L.N. 327 of 2024

PUBLIC ADMINISTRATION ACT
(CAP. 595)

Land Registration Agency (Establishment) (Amendment) Order, 2024

IN EXERCISE of the powers conferred by article 26 of the Public Administration Act, the Prime Minister has made the following order:-

Citation.

1. The title of this order is the Land Registration Agency (Establishment) (Amendment) Order, 2024 and this order shall be read and construed as one with the Land Registration Agency (Establishment) Order, hereinafter referred to as the "principal order". S.L. 595.31.

Amends article 2 of the principal order.

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

(a) the definition "Agency Agreement" thereof shall be deleted;

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

" "Chief Executive Officer" means the Chief Executive Officer appointed in terms of article 6;

"Committee" means the Consultative Committee appointed in terms of article 11;"

(c) the definition "Minister" thereof shall be substituted by the following new definition:

" "Minister" means the Minister responsible for the Land Registry;".

Amends article 3 of the principal order.

4. Article 3 of the principal order shall be amended as follows:

(a) paragraph (a) thereof shall be substituted by the

following new paragraph:

"(a) to carry out the functions and duties of public administration in relation to the following matters:

(i) land registration, as regulated under the Land Registration Act; Cap. 296.

(ii) condominium registration, as regulated under the Condominium Act;"; Cap. 398.

(b) immediately after paragraph (d) thereof, there shall be added the following new paragraphs:

"(e) to advise the Minister on any matter and action concerning policy and strategy on land registration that shall take due account of the specific circumstances and requirements of Malta, from time to time;

(f) to administer any budgetary allocation as may be assigned to it for purposes related to land registration or such other purposes as may be related to such budgetary allocation; and

(g) to carry out any other function related to the activities of land registration, as may be delegated to it by the Minister.".

Amends article 5 of the principal order.

5. Sub-article (2) of article 5 of the principal order shall be substituted by the following new sub-article:

"(2) The operations of the Agency shall be carried out in accordance with the Agency performance agreement made in accordance with article 30 of the Act.".

Substitutes article 6 of the principal order.

6. Article 6 of the principal order shall be substituted by the following new article:

"Chief Executive Officer.

6. The Minister shall appoint a Chief Executive Officer for a period of three (3) years which may be extended for further periods of three (3) years each.".

Substitutes article 7 of the principal order.

7. Article 7 of the principal regulations shall be substituted by

the following new article:

"Responsability of the Chief Executive Officer.

7. (1) Subject to other provisions of this order, the executive conduct of the Agency, its administration, organisation and the administrative control of its officers and employees, shall be the responsibility of the Chief Executive Officer.

(2) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Agency in the exercise of its functions and, without prejudice to the generality of sub-article (1), it shall:

(a) assume full responsibility for the overall supervision and general control of the units, divisions and sections;

(b) assign to each unit, division and section such duties as considered necessary or expedient;

(c) coordinate the work of the units, divisions and sections;

(d) develop the necessary strategies for the implementation of the Agency's objectives; and

(e) perform such other duties as the Minister may assign from time to time.".

Amends article 8 of the principal order.

8. Sub-article (2) of article 8 of the principal order shall be substituted by the following new sub-article:

"(2) Subject to the provisions of the Act and any other legislation, the appointment of officers and other employees of the Agency shall be made by the Chief Executive Officer, in accordance with the policies of the Agency from time to time.".

Substitutes article 10 of the principal order.

9. Article 10 of the principal order shall be substituted by the following new article:

"Financial Arrangements.

Cap. 601.

10. Without prejudice to any Agency performance agreement, the Agency shall be governed by the Public Finance Management Act.".

Substitutes article 11 of the principal order.

10. Article 11 of the principal order shall be substituted by the following new article:

"Consultative Committee.

11. (1) There shall be a Consultative Committee appointed by the Minister, which Committee shall assist the Chief Executive Officer.

(2) The Committee shall have the following functions:

(a) to advise on the decisions entrusted to the Agency as the case may be;

(b) to assess and provide recommendations to the Chief Executive Officer on issues regarding registration of land;

(c) to provide recommendations to the Chief Executive Officer on the formulation, updating and implementation of policies and procedures on land registration and any such matter as may be necessary for the better carrying out the functions of the Agency; and

(d) to advise on long and short term objectives and strategies for the proper administration of the Agency.

(3) The Committee shall consist of the Chief Executive Officer as an *ex officio* member, a Chairperson and four (4) other members who shall be appointed by the Minister.

(4) The Chairperson shall be in possession of a warrant to exercise the profession of a notary or an advocate.

(5) The Minister shall select the other members from among persons he deems qualified by reason of having had experience of and demonstrated capability in matters relating to the functions of the Agency conflict resolution or arbitration.

(6) The remuneration paid to the members of the Committee shall be in accordance with the Act and established guidelines and criteria as may be applicable from time to time within the public sector.

(7) Without prejudice to any other provision of this order, the Committee may make its own rules and otherwise regulate its own procedures after consultation with the Minister.".

Adds new articles to the principal order.

11. Immediately after article 11 of the principal order, as

substituted, there shall be added the following new articles:

"Term of office of the members of the Committee.

12. (1) The members of the Committee shall hold office for a period of up to three (3) years and on such terms and conditions as the Minister may deem appropriate:

Provided that a member shall, on the expiry of the term of appointment, be eligible for re-appointment for further periods of three (3) years each:

Provided further that any member may, before the expiration of the term of office, resign by letter addressed to the Minister.

(2) The Minister may at any time terminate the appointment of any member of the Committee if the Minister considers that such member is unfit to continue in office or has become incapable of properly performing the duties of a member of the Committee.

(3) If a member is appointed at any time after any one (1) or more members have already been appointed, the term of appointment of all members shall end after three (3) years since the appointment of the first member of the Committee.

Secretary to the Committee.

13. (1) There shall be appointed a Secretary to the Committee, who shall be appointed by the Minister for a period of three (3) years and shall, on the expiry of the term of appointment, be eligible for re-appointment.

(2) The Secretary to the Committee shall not be a member of the Committee but shall attend its meetings.

(3) The Secretary to the Committee shall be responsible for keeping the minutes of meetings of the Committee and for keeping such registers and records as the Secretary may be required to keep by the Committee:

Provided that the Secretary shall transmit a copy of the approved minutes to the Minister after each meeting.

(4) The Secretary to the Committee shall ensure that at least seven (7) days prior notice of all meetings is given to all Committee members.

Duties of the Committee.

14. Without prejudice to any other duty assigned to the members of the Committee, whether individually or collectively by this order or any other law, the members of the Committee shall:

(a) act honestly and in good faith and promote the best interests of the Agency;

(b) be obliged to exercise the degree of care, diligence and skill which would be exercised by a reasonably diligent person having both:

(i) the knowledge, skill and experience that may reasonably be expected of a person carrying out the same functions as are carried out by or entrusted to said Committee member in relation to the Agency; and

(ii) the knowledge, skill, and experience which such Committee member has;

(c) not make any profit from their position, nor make personal gain or give any advantage to any third party from confidential Agency information;

(d) ensure that their personal interests are not in conflict with the interests of the Agency;

(e) not use any property or information of the Agency for their own benefit or for the benefit of any other person, nor obtain benefit in any other way in connection with the exercise of their powers; and

(f) exercise the powers they have only for the intended purposes and not misuse such powers.".

Consequential amendment. Cap. 595.

12. In the Fourth Schedule to the Public Administration Act, the words "Land Registry Agency", wherever they occur, shall be substituted by the words "Land Registration Agency".

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