L.N. 75 of 2025

GOVERNMENT LANDS ACT
(CAP. 573)

Amendment or Revocation of a Condition Imposed in a Contract of a Property Transferred by the Government, the Lands Authority or Ecclesiastical Entities by Means of a Sale or Emphyteusis (Amendment) Regulations, 2025

IN EXERCISE of the powers conferred by articles 31(g)(L) and 77 of the Government Lands Act, the Minister responsible for the Lands Authority and the Minister responsible for justice has made the following regulations:-

Citation.

1. The title of these regulations is the Amendment or Revocation of a Condition Imposed in a Contract of a Property Transferred by the Government, the Lands Authority or Ecclesiastical Entities by Means of a Sale or Emphyteusis (Amendment) Regulations, 2025 and these regulations shall be read and construed as one with the Amendment or Revocation of a Condition Imposed in a Contract of a Property Transferred by the Government, the Lands Authority or Ecclesiastical Entities by Means of a Sale or Emphyteusis Regulations, hereinafter referred to as the "principal regulations". S.L. 573.17.

Substitutes regulation 3 of the principal regulations.

2. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

"Qualification.

3. (1) Any person who has a title of acquisition by virtue of a public deed or emphyteusis on property that has been transferred to the applicant by the Government or the Authority, or by an ecclesiastical entity, who subsequently transferred the title to the Government, whether registered in the name of the Government or shall be registered in the name of the Government may, save as provided in the other provisions of these regulations, request the Authority to amend or revoke a condition imposed in the original contract:

Provided that any amendment and, or revocation of the condition may only be done after the written acceptance of such change by the Authority:

Provided further that no amendment or revocation of a condition shall be allowed in the following cases:

(a) core conditions of any contract;

(b) conditions in a contract resulting from a Parliamentary resolution; and, or

(c) conditions in a contract resulting from a tender, or an auction, save for those conditions in a contract resulting from a tender, or an auction for an emphyteutical grant which had already been published in the Gazette by the Commissioner of Lands prior to the entry into force of the Act.

(2) The Authority shall have the sole discretion on the acceptance or otherwise in cases of requests for an amendment or a revocation of any other condition of the contract:

Provided that the Authority shall decide on requests for an amendment or a revocation of any condition of the contract only in case where the contract does not specify the remedies available:

Provided further that the Authority shall refuse an application if it deems that the change in condition shall negatively affect the intrinsic value of the property subject to application:

Provided further that the Authority shall refuse an application in a case where the request to replace a condition in a contract referred to in paragraph (c) of sub-regulation (1) results in a change of use from use of a commercial nature including industrial use, to residential use.

(3) Any person who has a title of acquisition by virtue of a public deed or emphyteusis on property that would have been transferred to the applicant by the Government or the Authority or by an ecclesiastical entity which subsequently transferred the title to the Government, whether registered in the name of the Government or if it shall be registered in the name of the Government and has breached the conditions in the contract shall, save as provided in the other provisions of these regulations, pay the amount determined by the Authority to compensate for the breach as established in accordance with regulation 5.".

Substitutes regulation 6 of the principal regulations.

3. Regulation 6 of the principal regulations shall be substituted by the following new regulation:

"Fees for sites not exceeding one thousand and five hundred metres squared (1,500m^2).

6. Fees in relation to sites having a footprint not exceeding one thousand and five hundred metres squared (1,500m^2) shall be in the amount established in Table A of the Schedule in accordance with the level of importance of the condition as determined by the Authority:

Provided that if the condition in a contract resulting from a tender or, an auction for an emphyteutical grant which had already been published in the Gazette by the Commissioner of Lands, the fee shall be in accordance with the amount indicated in Table A, with an additional hundred per cent (100%) of the applicable amount.".

4. The Schedule to the principal regulations shall be substituted by the following new Schedule: Amends the Schedule to the principal regulations.

"**SCHEDULE**

Schedule of payments and administrative penalties
(regulations 6 and 8)

Table A

Site Area (Footprint)	1m² - 300m²	301m² - 600m²	601m² - 900m²	901m² - 1200m²	1201m² - 1500m²
Amendment or revocation of a minor condition	€2,500	€5,000	€7,500	€10,000	€12,500
Amendment or revocation of a medium condition	€5,000	€10,000	€15,000	€20,000	€25,000
Amendment or revocation of a major condition	€10,000	€20,000	€30,000	€40,000	€50,000

Notes:

1. In case of breach of a condition in a contract, an administrative penalty equivalent to 25% of the amount indicated, as the case may be, shall be imposed, in accordance with the provisions of regulation 8.
2. If the condition in a contract resulting from a tender or, an auction for an emphyteutical grant which had already been published in the Gazette by the Commissioner of Lands, the fee shall be in accordance with the amount indicated in Table A, with an additional hundred per cent (100%) of the applicable amount in accordance with the provisions of regulation 6.
3. In case of breach of a condition in a contract resulting from a tender or, an auction for an emphyteutical grant which had already been published in the Gazette by the Commissioner of Lands, an administrative penalty equivalent to 25% of the amount indicated in note number 2, shall be imposed in accordance with the provisions of regulation 8.".

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***

Prezz/*Price*
€0.36