NOTIFIKAZZJONIJIET TAL-GVERN — GOVERNMENT NOTICES

Nru. 1912

MINISTERU GĦALL-KULTURA, L-ARTIJIET U L-GVERN LOKALI

Noti ta' Spjegazzjoni[1]

1. Introduzzjoni

Titolu tal-leġiżlazzjoni	Regolamenti tal-2025 dwar l-Iskema ta' Fidi ta' Dirett Dominju Temporanju u Sjieda Sħiħa Sussegwenti ta' Proprjetajiet Residenzjali tal-Gvern. (hawn aktar 'il quddiem imsejħa r-"regolamenti")
Attivitajiet li għandhom jiġu regolati	Tiġi stabbilita skema taħt l-Att dwar Artijiet tal-Gvern (Kap. 573) li permezz tagħhom konċessjonijiet enfitewtiċi temporanji fuq proprjetajiet residenzjali tal-Gvern jistgħu jinfdew, u b'hekk jippermettu li d-dirett dominju tal-Istat jikkonverti ruħu fis-sjieda sħiħa mill-enfitewta. Ir-regolamenti jistabbilixxu l-kriterji ta' eliġibilità, formoli ta' ħlas, kondizzjonijiet għal garaxxijiet u spazji ta' parkeġġ, ħlasijiet addizzjonali mal-bejgħ u l-proċedura għall-ħruġ ta' ċertifikati ta' fidi.
Entitajiet responsabbli	Awtorità tal-Artijiet

2. Taqsira u l-isfond

L-Att dwar Artijiet tal-Gvern (Kap. 573) jagħti s-setgħa lill-Istat li jiddisponi minn u jirregola l-proprjetà immobbli tiegħu permezz ta' enfitewsi, kiri jew titoli oħra. Ħafna proprjetajiet tal-Gvern huma miżmuma fuq konċessjonijiet enfitewtiċi temporanji fejn il-Gvern iżomm id-dirett dominju filwaqt li l-enfitewta għandu l-utile dominium u jħallas ċens. Matul id-deċenni, dawn l-arranġamenti taw lil eluf ta' proprjetajiet domestiċi garanzija fit-tul ta' pussess iżda mingħajr sjieda sħiħa. Skemi preċedenti ppermettew il-fidi ta' enfitewsi, iżda dawn kienu limitati fl-ambitu tagħhom u ma ppermettewx lil ħafna enfitewti milli jiksbu sjieda sħiħa. Iż-żieda fl-ispejjeż tad-djar u l-inċertezza għall-werrieta ħolqu pressjoni soċjali biex jiġu regolarizzati t-titoli.

F'dan il-kuntest, ir-regolamenti jintroduċu skema ta' fidi innovattiva u soċjalment motivata għal proprjetajiet tal-Gvern, b'enfasi fuq dawk il-proprjetajiet maħsuba biex jintużaw bħala residenza.

Applikanti li huma rikonoxxuti bħala enfitewti u li ma għandhom l-ebda ċens pendenti, għandhom mal-ħlas ta' prezz fiss ibbażat fuq iċ-ċens annwali, jiksbu s-sjieda sħiħa għall-abitazzjoni tagħhom. L-iskema hija maqsuma fi tliet tipi:

Fidi Tip A: li jkopri residenzi uniċi u ordinarji (u garaxxijiet u, jew spazji ta' parkeġġ li jiffurmaw parti mill-istess konċessjoni);

Fidi Tip B: li japplika għal residenzi, proprjetajiet vakanti u garaxxijiet oħra li ma jaqgħux taħt il-fidi Tip A; u

Fidi Tip Ċ: li jittratta art mhux żviluppata li għandha tiġi żviluppata f'appartamenti u garaxxijiet.

Ir-regolamenti jippreskrivu wkoll ħlasijiet addizzjonali jekk il-fond jinbiegħ fi żmien ħmistax (15)-il sena u jeħtieġu li pjanti u ċertifikati ta' fidi jiġu annessi mal-att. L-għan ġenerali huwa li jiġi żgurat li l-Gvern jirċievi ammont ġust għar-rinunzja tad-drittijiet tiegħu filwaqt li jibqa' jissalvagwardja l-interess pubbliku permezz ta' kondizzjonijiet dwar l-użu u trasferimenti sussegwenti.

3. Ħarsa ġenerali tal-istruttura tal-istrument

Dispożizzjonijiet preliminari (regolamenti 1-7)

Ir-regolament 2: ifisser termini ewlenin bħal proprjetajiet residenzjali li għandhom jinkludu residenzi oriġinarjament mogħtija għal finijiet residenzjali, dawk mogħtija għall-iżvilupp ta' residenzi u dawk mogħtija għal finijiet oħra iżda żviluppati, jew li jistgħu jiġu żviluppati, għal użu residenzjali soġġett għal-liġijiet tal-ippjanar.

[1]Dawn in-Noti ta' Spjegazzjoni huma skont u għall-fini tal-artikolu 3(2)(ċ) tal-Att dwar l-Intrapriżi ż-Żgħar (Kapitolu 512 tal-Liġijiet ta' Malta).

Ir-regolament 4: jistabbilixxi min jista' japplika, dawk il-persuni jew entitajiet fiżiċi rikonoxxuti bħala l-enfitewta jew l-enfitewta attwali mingħajr arretrati ta' ċens pendenti. Jekk l-applikant huwa persuna ġuridika, jistgħu jiġu sottomessi biss applikazzjonijiet tal-fidi tat-Tip B u Tip Ċ.

Ir-regolament 5: jindirizza lid-detenturi b'subenfitewsi u jimponi li dawn jistgħu japplikaw jekk ikunu l-enfitewta rikonoxxuti, jekk is-subċens ikun ġie mifdi, jew jekk jipprovdu parir legali bil-miktub li jikkonferma d-dritt li jifdu d-dirett dominju, b'dan illi t-terminu tal-konċessjoni enfitewtika oriġinali u tas-subenfitewsi għandhom jiskadu fl-istess ġurnata.

Ir-regolamenti 6 u 7: jirreferu għad-drittijiet (dettaljati fl-Iskeda IV) u jelenkaw il-proprjetajiet eskluži mill-iskema (eż. fejn l-att diġà jispeċifika mekkaniżmu ta' fidi, proprjetajiet użati għal finijiet kummerċjali jew agrikoli, jew żviluppi parzjalment ikkonvertiti għal użu kummerċjali b'enfitewsi assenjata).

Fidi Tip A: residenza unika u ordinarja (regolament 8)

Il-fidi Tip A japplika għal proprjetajiet użati bħala r-residenza unika u ordinarja tal-applikant u garaxxijiet jew spazji tal-parkeġġ li jiffurmaw parti mill-istess konċessjoni u użati għal finijiet residenzjali.

Ir-regolament 8 jista' jinqasam fl-osservazzjonijiet is-sussegwenti, billi;

- jipprovdi li persuna fiżika li turi għas-sodisfazzjon tal-Awtorità li l-proprjetà hija r-residenza unika u ordinarja tagħha tista' tifdi l-enfitewsi skont l-Iskeda I.

- jistipula li proprjetà għandha titqies bħala residenza unika u ordinarja jekk l-applikant jiddikjara taħt ġurament li għex hemm għal mill-inqas tliet (3) snin qabel ma ppreżenta l-applikazzjoni u li l-ebda proprjetà oħra ma ġiet mifdija taħt il-fidi Tip A fil-ħames (5) snin preċedenti. L-Awtorità tista' titlob dokumenti addizzjonali.

- jimponi ħlas addizzjonali jekk il-proprjetà mifdija tinbiegħ jew xort'oħra tiġi trasferita fi żmien ħmistax (15)-il sena mid-data tal-validazzjoni, tlieta fil-mija (3%) tal-prezz tal-bejgħ għandu jitħallas lill-Awtorità.

- jistabbilixxi d-data tal-validazzjoni tal-applikazzjoni bħala d-data meta l-applikazzjoni tista' tiġi pproċessata, li għandha tiġi rreġistrata fl-att ta' fidi.

- jikkjarifika li ħlasijiet addizzjonali huma pagabbli darba biss mal-ewwel bejgħ wara l-fidi.

- jeħtieġ li l-art għandha tibqa' tintuża għal finijiet residenzjali, kwalunkwe bidla fl-użu għandha tkun konformi mal-proċedura skont ir-Regolamenti dwar Emenda jew Revoka ta' Kondizzjoni Imposta f'Kuntratt ta' Proprjetà li kienet Trasferita mill-Gvern, l-Awtorità tal-Artijiet jew Entitajiet Ekklesjastiċi permezz ta' Bejgħ jew Enfitewsi (L.S. 573.17) biex jinbidlu l-kondizzjonijiet ta' konċessjoni enfitewtika.

- jittratta l-garaxxijiet u l-ispazji ta' parkeġġ li jiffurmaw parti mill-istess konċessjoni: jistgħu jinfdew taħt l-Iskeda I, il-ħlas addizzjonali ta' tlieta fil-mija (3%) japplika għall-bejgħ tagħhom, u bidla fl-użu għal finijiet kummerċjali tiskatta proċeduri separati taħt ir-Regolamenti dwar Emenda jew Revoka ta' Kondizzjoni Imposta f'Kuntratt ta' Proprjetà li kienet Trasferita mill-Gvern, l-Awtorità tal-Artijiet jew Entitajiet Ekklesjastiċi permezz ta' Bejgħ jew Enfitewsi (L.S. 573.17).

Ir-regolamenti jenfasizzaw illi ma għandu jkun hemm l-ebda distinzjoni bbażata fuq id-data tal-konċessjoni oriġinali jew terminazzjoni ta' enfitewsi u li konċessjonijiet skaduti mġedda taħt ir- Regolamenti dwar Konċessjonijiet Enfitewtiċi li Skadew jew li ser Jiskadu (L.S. 573.15) xorta jistgħu jikkwalifikaw għal fidi.

Applikanti taħt ir-Regolamenti dwar Konċessjonijiet Enfitewtiċi li Skadew jew li ser Jiskadu (L.S. 573.15) għandhom madankollu jħallsu minimu ta' sena (1) ċens qabel ma jippreżentaw l-applikazzjoni tagħhom.

Ħlasijiet addizzjonali wara l-fidi għandhom jingabru min-nutar mat-trasferimenti sussegwenti.

Fidi Tip B: residenzi u garaxxijiet oħra (regolament 9)

Il-fidi Tip B ikopri proprjetajiet użati bħala residenzi minbarra r-residenza unika u ordinarja tal-applikant, proprjetajiet vakanti u garaxxijiet jew spazji ta' parkeġġ li ma jikkwalifikawx taħt il-fidi Tip A.

Ir-regolament 9: jippermetti li proprjetajiet mhux eliġibbli taħt il-fidi Tip A jinfdew skont l-Iskeda II, u jista' jinqasam fl-osservazzjonijiet is-sussegwenti, billi;

- jirrifletti d-dispożizzjonijiet għall-fidi Tip A: ħlas addizzjonali ta' tlieta fil-mija (3%) tal-prezz tal-bejgħ huwa dovut għall-bejgħ fi żmien ħmistax (15)-il sena, id-data tal-validazzjoni għandha tiġi rreġistrata fl-att, il-ħlas addizzjonali għandu jitħallas darba mal-ewwel bejgħ u l-fond għandu jkompli jintuża għal skopijiet residenzjali b'tibdiliet li jeħtieġu konformità mar-Regolamenti dwar Emenda jew Revoka ta' Kondizzjoni Imposta f'Kuntratt ta' Proprjetà li kienet Trasferita mill-Gvern, l-Awtorità tal-Artijiet jew Entitajiet Ekklesjastiċi permezz ta' Bejgħ jew Enfitewsi (L.S. 573.17).

- jipprovdi li l-garaxxijiet u l-ispazji ta' parkeġġ li ma jikkwalifikawx taħt il-fidi Tip A iżda li għadhom ma jintużawx għal finijiet kummerċjali jistgħu jinfdew taħt l-Iskeda II u huma soġġetti għall-ħlas addizzjonali ta' tlieta fil-mija (3%) jekk jinbiegħu fi żmien ħmistax (15)-il sena. L-istess provisos japplikaw bħal taħt il-fidi Tip A.

Fidi Tip Ċ: art mhux żviluppata (regolament 10)

Fidi Tip Ċ: jindirizza l-fidi ta' art mhux żviluppata mogħtija b'enfitewsi temporanja biex tiġi żviluppata f'unitajiet residenzjali u garaxxijiet jew spazji ta' parkeġġ.

Ir-regolament 10: jista' jinqasam fl-osservazzjonijiet is-sussegwenti, billi;

- jippermetti lill-applikanti jifdu ċ-ċens soġġett għas-sottomissjoni ta' pjanti ta' żvilupp proposti jew approvati, li għandhom jiffurmaw parti mill-att. Mal-ipproċessar tal-applikazzjoni l-Awtorita' toħroġ certifikat ta' fidi li jindika l-proprjetajiet koperti.

- jiddikjara li l-prezzijiet tal-fidi Tip Ċ huma stabbiliti fl-Iskeda III.

- jimponi l-istess ħlas addizzjonali ta' tlieta fil-mija (3%) jekk unità fi ħdan l-iżvilupp tinbiegħ fi żmien ħmistax (15)-il sena mill-validazzjoni u jeħtieġu li l-proprjetà tkompli tintuża għal finijiet residenzjali (bl-esklużjoni ta' kwalunkwe żoni kummerċjali indikati) u jissuġġettaw tibdil fl-użu għar-Regolamenti dwar Emenda jew Revoka ta' Kondizzjoni Imposta f'Kuntratt ta' Proprjetà li kienet Trasferita mill-Gvern, l-Awtorità tal-Artijiet jew Entitajiet Ekklesjastiċi permezz ta' Bejgħ jew Enfitewsi (L.S. 573.17).

- jippermetti wkoll żvilupp addizzjonali wara li jinħareġ iċ-ċertifikat, ħlas addizzjonali li jikkorrispondi għall-unitajiet jew garaxxijiet miżjuda huwa pagabbli.

- isostni li jekk jiżdied in-numru propost ta' unitajiet, garaxxijiet jew spazji għall-parkeġġ, jinħareġ ċertifikat ta' fidi rivedut għal dritt addizzjonali ta' €1,000 għal kull ċertifikat. Jekk in-numru ta' unitajiet jitnaqqas, ma jingħata l-ebda rimborż. Il-provisos relatati mad-data tal-konċessjoni oriġinali, l-intitolament ta' konċessjonijiet imġedda taħt ir-Regolamenti dwar Konċessjonijiet Enfitewtiċi li Skadew jew li ser Jiskadu (L.S. 573.15), il-ħlas ta' ċens ta' sena (1) qabel l-applikazzjoni u l-ġbir ta' ħlasijiet addizzjonali min-nutar, kollha japplikaw ukoll għall-fidi Tip Ċ.

Dispożizzjonijiet ġenerali u infurzar (regolamenti 11 –15)

Din il-parti tikkonsolida r-regoli komuni għat-tliet tipi ta' konċessjonijiet enfitewtiċi temporanji kollha u tiddeskrivi s-setgħat u r-responsabbiltajiet lill-Awtorità.

Eżenzjonijiet minn pagamenti addizzjonali: trasferimenti lil axxendenti, dixxendenti jew aħwa li jżommu l-proprjetà bħala residenza ordinarja; trasferimenti lil persuni b'diżabilità reġistrati mal-entità kompetenti; trasferimenti lil xerrejja għall-ewwel darba; u trasferimenti taħt it-tip A minn persuni li għandhom aktar minn 65 sena huma eżentati mill-ħlas addizzjonali ta' 3%.

Applikazzjonijiet pendenti u skemi preċedenti: applikanti b' applikazzjonijiet pendenti preċedenti jistgħu jittrasferixxu għal din l-iskema fi kwalunkwe stadju qabel ma jiffirmaw il-kuntratt, u applikanti tat-tip A jirċievu tnaqqis ekwivalenti

għad-differenza fid-drittijiet tal-applikazzjoni. Dawk li diġa kkonkludew kuntratti taħt skemi preċedenti jistgħu jagħmlu trasferimenti sussegwenti skont dawn ir-regolamenti. Il-kanċellazzjoni ta' ipoteki li jirriżultaw minn skemi preċedenti hija kontinġenti fuq il-ħlas ta' depożitu ekwivalenti għal 3% tal-prezz tal-bejgħ. In-nutara li jippubblikaw atti ta' trasferimenti sussegwenti għandhom jiġbru dawn il-ħlasijiet addizzjonali. Kwalunkwe proċess konkluż taħt skemi preċedenti huwa eskluż mir-Regolamenti.

Kunsens u informazzjoni: il-bejjiegħa għandhom jinfurmaw lill-Awtorità b'kwalunkwe trasferiment u jiksbu kunsens minn qabel; jekk dan ma jsirx, it-trasferiment huwa null, u l-ammonti dovuti jridu jitħallsu mat-trasferiment.

Reviżjoni taċ-ċens u d-data tal-validazzjoni: meta ċ-ċens ikun jista' jiġi rivedut, dan għandu jiġi rivedut sad-data tal-validazzjoni qabel il-fidi. Il-perjodi ta' ħlas addizzjonali jibdew fid-data ta' validazzjoni tal-applikazzjoni, li hija indikata b'mod ċar fil-kuntratt.

Pjanti u dokumentazzjoni: Il-pjanti li jiddelinjaw il-proprjetà li għandhom jinfdew għandhom jiġu annessi mal-kuntratt sabiex jiġi identifikat b'mod ċar tali proprjetà.

Drittijiet: Id-drittijiet tal-applikazzjoni huma stabbiliti fl-Iskeda IV. L-Awtorità tista' tiddikjara proprjetà ta' valur nett għoli u, jew ta' importanza storika jew nazzjonali; f'dawn il-każijiet ir-regolamenti ma japplikawx, u kwalunkwe dritt imħallas jitħallas lura.

Diskrezzjoni u appelli: L-Awtorità tista', fid-diskrezzjoni tagħha, tirrifjuta kwalunkwe applikazzjoni; id-deċiżjonijiet għandhom ikunu motivati u bil-miktub. L-Awtorità tista' tressaq azzjonijiet quddiem il-Qorti Ċivili biex tirrevoka konċessjoni jekk din tkun ingħatat fuq il-bażi ta' dikjarazzjonijiet foloz, informazzjoni skoretta jew żbalji. L-Awtorità mhux responsabbli għad-danni li jirriżultaw mill-eżerċizzju tal-funzjonijiet tagħha. L-applikanti għandhom dritt ta' appell skont l-Artikolu 57 tal-Att dwar l-Awtorità tal-Artijiet (Kap. 563).

Skedi tar-Regolamenti

L-erba' (4) skedi jipprovdu d-drittijiet għall-fidi u l-applikazzjonijiet.

Skeda I – prezzijiet ta' fidi għat-tip A: tistabbilixxi firxiet ta' ċens annwali u l-prezz ta' fidi korrispondenti. Ċens sa €5 jista' jinfeda għal €1 500, €5.01 – €10 għal €2 500, li jiżdied b'mod inkrementali għal ċens ta' aktar minn €120 b'massimu ta' €16 000. Garaxxijiet jew spazji ta' parkeġġ li jiffurmaw parti mill-istess konċessjoni jistgħu jinfdew għal €1,000 kull wieħed, sakemm ikunu interkonnessi mar-residenza jew fl-istess konċessjoni.

Skeda II – prezzijiet ta' fidi għat-tip B: tistabbilixxi prezzijiet ta' fidi ogħla li jirriflettu n-nuqqas tal-benefiċċju ta' residenza unika u ordinarja. Ċens sa €5 jista' jinfeda għal €4 500, €5.01 - €10 għal €5 500, b'żidiet li jwasslu għal kirjiet ta' aktar minn €120 b'massimu ta' €19 000. Il-garaxxijiet jew l-ispazji tal-parkeġġ jiswew €2 000 kull wieħed.

Skeda III – prezzijiet tal-fidi għat-tip Ċ: tiffissa prezz fiss għal kull appartament (€7 000) u għal kull garaxx jew spazju għall-parkeġġ (€2 000). Jekk il-pjan ta' żvilupp jiġi emendat u jkun meħtieġ ċertifikat ta' fidi rivedut, għandu jitħallas dritt ta' €1 000 għaċ-ċertifikat emendat.

Skeda IV – drittijiet ta' applikazzjoni: tistabbilixxi d-drittijjiet ta'applikazzjoni skont it-tip ta' applikazzjoni. L-applikazzjonijiet tat-tip A jiswew €500 għal kull unita' residenzjali u €150 għal kull garaxx jew spazju għall-parkeġġ. L-applikazzjonijiet tat-tip B jiswew €1 000 għal kull unità residenzjali u €250 għal kull garaxx jew spazju għall-parkeġġ. L-applikazzjonijiet tat-tip Ċ jiswew €1 000 għall-ewwel ħames (5) unitajiet residenzjali, €250 għal kull unità addizzjonali, u €250 għal kull garaxx jew spazju għall-parkeġġ.

4. Kummentarju

Ir-Regolamenti jimponu firxa ta' drittijiet u obbligi fuq l-applikanti, l-Awtorità tal-Artijiet, il-professjonisti u partijiet interessati oħra. It-tabella li ġejja tiġbor fil-qosor l-atturi prinċipali u d-dmirijiet li jirriżultaw taħt id-dispożizzjonijiet rilevanti. Spjegazzjoni dettaljata hija pprovduta fit-taqsimiet hawn taħt indikati;

Attur	Obbligi u regolamenti relatati
Applikanti (persuni fiżiċi)	− Għandha tkun rikonoxxuta mill-Awtorita bħala l-enfitewta jew l-enfitewta attwali u ma għandu jkollha l-ebda ċens pendenti. − Għat-tip A, għandu tieħu ġurament fejn tiddikjara l-beni bħala r-residenza unika u ordinarja tagħha għal mill-inqas tliet snin u tikkonferma li l-ebda fidi ieħor tat-tip A ma seħħ f'dawn l-aħħar ħames snin − Għandha tissottometti l-pjanti meħtieġa għall-fond jew żvilupp u tħallas id-drittijiet tal-applikazzjoni skont l-Iskeda IV. − Trid iħallas il-prezz tal-fidi skont l-iskeda rilevanti (Skedi I-III). − Trid tħallas 3% addizzjonali tal-prezz tal-bejgħ jekk il-proprjetà tinbiegħ fi żmien ħmistax-il (15) sena mid-data tal-validazzjoni, sakemm ma tkunx eżenti. − Trid jassigura li l-post jibqa'għal użu residenzjali; kull tibdil fl-użu jeħtieġ li jkun konformi mar-Regolamenti dwar Emenda jew Revoka ta' Kondizzjoni Imposta f'Kuntratt ta' Proprjetà li kienet Trasferita mill-Gvern, l-Awtorità tal-Artijiet jew Entitajiet Ekklesjastiċi permezz ta' Bejgħ jew Enfitewsi (L.S. 573.17). − Għandha tinforma lill-Awtorità u tikseb il-kunsens qabel ma tittrasferixxi l-proprjetà.
Applikanti (persuni ġuridiċi)	− Jistgħu japplikaw biss taħt tip B jew tip Ċ. − Għandhom jissodisfaw ir-rekwiżiti kollha applikabbli għal dawk it-tipi, inkluż is-sottomissjoni ta' pjanti u l-ħlas ta' drittijiet ta' applikazzjoni u ta' fidi.
Subenfitewta	− Jistgħu japplikaw sakemm ikunu rikonoxxuti bħala l-enfitewta jew ikunu fil-proċess ta' rikonoxximent. − Jekk is-subenfitewsi tkun ġiet mifdija, għandha tingħata prova; jekk le, parir legali jrid jikkonferma d-dritt li tifdi d-directum dominium u trid teżenta lin-Nutar u lill-Gvern mill-obbligu.
Awtorità tal-Artijiet	− Tipproċessa l-applikazzjonijiet, tivverifika jekk humiex eliġibbli, u tiddetermina jekk il-proprjetajiet jaqgħux taħt il-fidi tat-Tip A, B jew Ċ. − Tista' titlob dokumenti addizzjonali biex tivverifika dikjarazzjonijiet. − Toħroġ ċertifikati ta' fidi mal-ipproċessar tal-applikazzjonijiet u ċertifikati − Tiġbor prezzijiet ta' fidi, drittijiet ta' applikazzjoni u ħlasijiet addizzjonali permezz tan-nutar. − Tista' tiddikjara proprjetajiet bħala ta' valur nett għoli jew ta' importanza storika u, jew nazzjonali u teskludihom mill-iskema. − Għandha d-diskrezzjoni li tirrifjuta l-applikazzjonijiet u għandha toħroġ deċiżjonijiet motivati bil-miktub. − Tista' tibda proċedimenti tal-qorti biex titlob rexissjoni tal-konċessjonijiet miksuba permezz ta' dikjarazzjonijiet foloz, informazzjoni skorretta jew żbalji. − Mhux responsabbli għad-danni li jirriżultaw mill-eżerċizzju tal-funzjonijiet tagħha. − L-applikanti għandhom id-dritt li jappellaw minn deċizjonijiet tal-Awtorità skont l-artikolu 57 tal-Att dwar l-Awtorità tal-Artijiet (Kap. 563).
Nutara u professjonisti legali	− Jippubblikaw atti ta' fidi u trasferimenti sussegwenti; għandhom jirreġistraw id-data tal-validazzjoni, jehmżu pjanijiet, u jiżguraw li jinġabru fidi u ħlasijiet addizzjonali. − Għandhom jiġbru mingħand il-bejjiegħ kwalunkwe ħlas addizzjonali dovut fuq trasferimenti sussegwenti u jħallsu lill-Awtorità.
Bejjiegħa/ċessjonarji	− Il-bejjiegħa għandhom jinformaw lill-Awtorità b'kwalunkwe trasferiment u jiksbu kunsens minn qabel; jekk dan ma jsirx it-trasferiment ikun null. − Iċ-ċessjonarji jridu jikkonformaw mal-kundizzjonijiet tal-użu residenzjali u jħallsu kwalunkwe pagament addizzjonali dovut jekk it-trasferiment iseħħ fi żmien ħmistax-il sena, sakemm ma jkunx eżentat.
Benefiċjarji tal-eżenzjonijiet	− Trasferimenti lil axxendenti, dixxendenti, aħwa, persuni b'diżabilità reġistrata mal-entità rilevanti, xerrejja għall-ewwel darba, jew trasferimenti tat-tip A minn persuni ta' aktar minn 65 sena huma eżentati minn pagamenti addizzjonali.
Applikanti taħt skemi preċedenti	− Jistgħu jeqilbu għall-iskema l-ġdida qabel ma jiffirmaw il-kuntratt; jekk wieħed jaqleb għat-tip A, il-prezz tal-fidi jitnaqqas bid-differenza fid-drittijiet ta'applikazzjoni. − Jistgħu jwettqu trasferimenti sussegwenti skont dawn ir-regolamenti anke jekk ikunu kkonkludew skema preċedenti. − Iridu jiddepożitaw 3% tal-prezz tal-bejgħ biex jikkanċellaw ipoteki minn skemi preċedenti. − Skemi preċedenti diġa konklużi jibqgħu eskluži.

5.Sezzjonijiet konklużivi

Ir-Regolamenti se jidħlu fis-seħħ mal-pubblikazzjoni.

L-iskema tipprovdi mekkaniżmu strutturat u ġust għall-enfitewtibiex jiksbu sjieda sħiħa ta' proprjetajiet residenzjali tal-Gvern filwaqt li jissalvagwardjaw l-interess pubbliku.

Il-perijodu ta' ħmistax-il sena li matulu jitħallas ħlas addizzjonali ta' 3% fuq bejgħ sussegwenti jiskoraġġixxi bejgħ mill-ġdid spekulattiv u jippreserva għanijiet soċjali; madankollu, l-eżenzjonijiet jipproteġu t-trasferimenti tal-familja, persuni b'diżabilitajiet, ix-xerrejja għall-ewwel darba u l-anzjani.

L-applikanti huma avżati biex jaqraw ir-regolamenti sħaħ, jikkonsultaw l-Att dwar Artijiet tal-Gvern u leġiżlazzjoni sussidjarja (b' mod partikolari r-Regolamenti dwar Konċessjonijiet Enfitewtiċi li Skadew jew li ser Jiskadu (L.S. 573.15) u Regolamenti dwar Emenda jew Revoka ta' Kondizzjoni Impostaf'Kuntratt ta' Proprjetà li kienet Trasferita mill-Gvern, l-Awtorità tal-Artijiet jew Entitajiet Ekklesjastiċi permezz ta' Bejgħ jew Enfitewsi (L.S. 573.17)), u jfittxu parir professjonali qabel japplikaw.

Għal aktar informazzjoni, l-applikanti għandhom jirreferu l-leġiżlazzjoni disponibbli online fuq: https://legislation.mt/ u jistgħu iċemplu wkoll fuq in-numru ġenerali tal-Awtoritàtal-Artijiet fuq +356 21224016.

N.B. Dawn in-Noti ta' Spjegazzjoni mhumiex maħsuba biex ikunu deskrizzjoni eżawrjenti tal-istrument legali u lanqas sostitut tiegħu jew suppliment leġiżlattiv għall-istess. Dawn in-Noti ta' Spjegazzjoni mhumiex intiżi bħala deċiżjoni awtorevoli fuq l-interpretazzjoni tal-leġiżlazzjoni.

It-3 ta' Diċembru, 2025

No. 1912

MINISTRY FOR CULTURE, LANDS AND LOCAL GOVERNMENT

Explanatory Notes[1]

1. Introduction

Title of Legislation	Redemption of Temporary Directum Dominium Scheme and Subsequent Full Ownership of Residential Government Property Regulations, 2025 (hereinafter referred to as the "regulations")
Activity to be regulated	Establish a scheme under the Government Lands Act (Cap. 573) through which temporary emphyteutical concessions over Government residential property may be redeemed, thereby converting the directum dominium of the State into full ownership by the emphyteuta. The regulations set the eligibility criteria, payment formulas, conditions for garages and parking spaces, additional payments upon sale and the procedure for issuing certificates of redemption.
Responsible entity	Lands Authority

2. Summary and background

The Government Lands Act (Cap. 573) empowers the State to dispose of and regulate its immovable property through emphyteusis, lease or other titles. Many Government properties are held on temporary emphyteutical concessions whereby the Government retains the directum dominium while the emphyteuta holds the utile dominium and pays a ground rent. Over the decades, these arrangements have given thousands of households long-term security of tenure but without full ownership. Previous schemes allowed for redemption of ground rents, but they were limited in scope and left many emphyteutae unable to obtain full ownership. Rising housing costs and uncertainty for heirs have created social pressure to regularise titles.

[1]TThese Explanatory Notes are in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

In this context, the regulations introduce an innovative and socially-driven redemption scheme for Government property, with emphasis on those properties intended to be used as a residence.

Applicants who are recognised as emphyteutae and have no outstanding ground rent shall, upon payment of a fixed price based on the annual ground rent, obtain full ownership of their dwelling. The scheme is divided into three types:

Type A redemption: which covers sole and ordinary residences (and garages/parking spaces forming part of the same concession);

Type B redemption: which applies to other residences, vacant properties and garages not falling under Type A redemption; and

Type C redemption: which deals with undeveloped land which shall be developed into apartments and garages.

The regulations also prescribe additional payments if the property is sold within fifteen (15) years and they require plans and certificates of redemption to be annexed to the deed. The overall aim is to ensure that Government receives a fair amount for relinquishing its rights while still safeguarding the public interest through conditions on use and subsequent transfers.

3. Overview of the structure of the instrument

Preliminary provisions (regulations 1–7)

Regulation 2: defines key terms such as residential properties which are to include dwellings originally granted for residential purposes, those granted for development of residences and those granted for other purposes but developed, or capable of being developed, for residential use subject to planning laws.

Regulation 4: sets out who may apply, being a person or entity recognised as the emphyteuta or the current emphyteuta with no outstanding ground rent arrears. If the applicant is a legal person, only Type B C redemptions applications may be submitted.

Regulation 5: addresses holders on sub-emphyteusis and imposes that they may apply if they are the recognised emphyteuta, if the sub-ground rent has been redeemed, or if they furnish written legal advice confirming the right to redeem the directum dominium provided that the term of the original emphyteutical concession and of the sub-emphyteusis expire on the same day.

Regulations 6 and 7: refer to fees (detailed in Schedule IV) and list properties excluded from the scheme (e.g. where the deed already specifies a redemption mechanism, properties used for commercial or agricultural purposes, or developments partly converted to commercial use with an assigned ground rent).

Type A redemption: sole and ordinary residence (regulation 8)

Type A redemption: applies to properties used as the applicant's sole and ordinary residence and garages or parking spaces forming part of the same concession and used for residential purposes.

Regulation 8 may be split in the following observations, as it;

- provides that a natural person who shows to the Authority's satisfaction that the property is their sole and ordinary residence may redeem the ground rent according to Schedule I.

- stipulates that a property shall be considered a sole and ordinary residence if the applicant declares under oath that they have resided there for at least three (3) years before submitting the application and that no other property has been redeemed under Type A in the previous five (5) years. The Authority may request additional documents.

- imposes an additional payment if the redeemed property is sold or otherwise transferred within fifteen (15) years from the validation date, three per cent (3%) of the selling price shall be paid to the Authority.

- establishes the date of validation of the application as the date when the application may be processed, which must be recorded in the deed of redemption.

- clarifies that additional payments are payable only once on the first sale after redemption.

- requires that the property shall continue to be used for residential purposes, any change of use shall comply with the procedure under 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 (S.L. 573.17) for altering conditions of an emphyteutical concession.

- deals with garages and parking spaces forming part of the same concession: they may be redeemed under Schedule I, the three per cent (3%) additional payment applies to their sale, and a change of use to commercial purposes triggers separate procedures under 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 (S.L. 573.17).

The regulations emphasise that there shall be no distinction based on the date of the original concession or termination of emphyteusis and that expired concessions renewed under the Expired or Expiring Emphyteutical Concessions Regulations (S.L. 573.15) may still qualify for redemption.

Applicants under the Expired or Expiring Emphyteutical Concessions Regulations (S.L. 573.15) shall however pay a minimum of one (1) year's ground rent before filing their application.

Additional payments after redemption are to be collected by the notary upon subsequent transfers.

Type B redemption: other residences and garages (article 9)

Type B redemption covers properties used as residences other than the applicant's sole and ordinary residence, vacant properties and garages or parking spaces that do not qualify under Type A redemption.

Regulation 9 allows properties not eligible under Type A redemption to be redeemed according to Schedule II, and may be split in the following observations, as it;

- mirrors the provisions for Type A redemption : an additional payment of three per cent (3%) of the selling price is due on sale within fifteen (15) years, the date of validation is to be recorded in the deed, the additional payment is payable once on the first sale and the property shall continue to be used for residential purposes with changes requiring compliance 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 (S.L. 573.17).

- provides that garages and parking spaces not qualifying under Type A but still not used for commercial purposes, may be redeemed under Schedule II and are subject to the 3 % additional payment if sold within fifteen (15) years. The same provisos apply as under a Type A redemption.

Type C redemption: undeveloped land (regulation 10)

Type C addresses the redemption of undeveloped land granted by temporary emphyteusis to be developed into residential units and garages or parking spaces.

Regulation 10 may be split in the following observations, as it;

- allows applicants to redeem the ground rent subject to submitting proposed or approved development plans, which shall form part of the deed. Upon processing the application the Authority issues a Certificate of Redemption indicating the properties covered.

- states that the redemption prices for Type C are set out in Schedule III.

- imposes the same three per cent (3%) additional payment if a unit within the development is sold within fifteen years from validation and require that the property continue to be used for residential purposes (excluding any designated commercial areas) and subjects changes of use to 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 (S.L. 573.17).

- allows for additional development after the certificate has been issued; an additional payment corresponding to the added units or garages is payable.

- retains that if the proposed number of units, garages or parking spaces is increased, an amended Certificate of Redemption will be issued for an additional fee of €1,000 per certificate. If the number of units is reduced, no refund is given. The provisos relating to the date of the original concession, eligibility of renewed concessions under the Expired or Expiring Emphyteutical Concessions Regulations (S.L. 573.15), payment of one (1) year's ground rent before applying, and collection of additional payments by the notary, all apply to Type C redemption as well.

General provisions and enforcement (regulation 11 –15)

This part consolidates rules common to all three types of temporary emphyteutical concessions and describes powers and responsibilities on the Authority.

Exemptions from additional payments: transfers to ascendants, descendants or siblings that retain the property as an ordinary residence; transfers with a disability registered with the competent entity; transfers to first-time buyers; and transfers under Type A by persons over 65 are exempt from the 3% additional payment.

Pending applications and previous schemes: applicants with previous pending applications may transfer to this scheme at any stage before signing the deed, and Type A applicants will receive a reduction equivalent to the difference in application fees. Those who have already concluded contracts under previous schemes may carry out subsequent transfers in accordance with these regulations. Cancellation of hypothecs arising from previous schemes is contingent on payment of a deposit equivalent to 3% of the selling price. Notaries publishing deeds of subsequent transfers must collect these additional payments. Any concluded process under previous schemes is excluded from the regulations.

Consent and information: vendors must inform the Authority of any transfer and obtain prior consent; failure to do so renders the transfer null, and amounts due must be paid upon transfer.

Revision of ground rent and validation date: where ground rent is revisable, it must be revised up to the date of validation before redemption. Additional payment periods commence on the application validation date, which is clearly indicated in the contract.

Plans and documentation: plans delineating the property to be redeemed must be annexed to the contract to identify such property clearly.

Fees: application fees are set out in Schedule IV. The Authority may declare a property to be of high net value or historical and, or national importance; in such cases the regulations do not apply, and any fees paid are refunded.

Discretion and appeals: the Authority may, in its discretion, reject any application; decisions must be reasoned and in writing. The Authority may bring actions before the Civil Court to rescind a concession if it was granted on the basis of false declarations, or errors. The Authority is not liable for damages arising from the exercise of its functions. Applicants have a right of appeal under article 57 of the Lands Authority Act (Cap. 563).

Schedules to the Regulations

The four (4) schedules provide the fees for redemption and applications.

Schedule I – Redemption prices for Type A: sets out ranges of annual ground rent and the corresponding redemption price. Ground rents up to €5 may be redeemed for €1 500, €5.01–€10 for €2 500, rising incrementally up to ground rents over

€120 at €16 000 **maximum**. Garages or parking spaces that form part of the same concession may be redeemed for €1 000 each, provided they are interconnected with the residence or within the same concession.

Schedule II – Redemption prices for Type B: sets out higher redemption prices reflecting the absence of the sole-and-ordinary-residence benefit. Ground rents up to €5 may be redeemed for €4 500, €5.01–€10 for €5 500, with increments culminating in ground rents over €120 at €19 000 **maximum**. Garages or parking spaces cost €2 000 each.

Schedule III – Redemption prices for Type C: fixes a flat price per apartment (€7 000) and per garage or parking space (€2 000). If the development plan is amended and a revised certificate of redemption is required, a fee of €1 000 is payable for the amended certificate.

Schedule IV – Application fees: sets the application fees according to the type of application. Type A applications cost €500 per residential unit and €150 per garage or parking space. Type B applications cost €1 000 per residential unit and €250 per garage or parking space. Type C applications cost €1 000 for the first five (5) residential units, €250 for each additional unit, and €250 per garage or parking space.

4. Commentary

The Regulations impose a range of rights and obligations on applicants, the Lands Authority, professionals and other stakeholders. The following table summarises the principal actors and the duties that arise under the relevant provisions. Detailed explanation is provided in the narrative sections above.

Actor	Obligations and related regulations
Applicants (natural persons)	− Must be recognised by the Authority as the emphyteuta or current emphyteuta and have no outstanding ground rent. − For Type A, must swear an oath declaring the property as their sole and ordinary residence for at least three years and confirm that no other Type A redemption has occurred in the past five (5) years − Must submit required plans for the property or development and pay application fees as per Schedule IV. − Must pay the redemption price according to the relevant schedule (Schedules I–III). − Must pay an additional 3 % of the selling price if the property is sold within fifteen (15) years of the validation date, unless exempt. − Must ensure the property remains for residential use; any change in use requires compliance 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 (S.L. 573.17). − Must inform the Authority and obtain consent before transferring the property.
Applicants (legal persons)	− May apply only under Type B or Type C. − Must meet all requirements applicable to those types, including submission of plans and payment of application and redemption fees.
Sub-emphyteuta	− May apply provided they are recognised as the emphyteutaor are in the process of recognition. − If the sub-ground rent has been redeemed, proof must be provided; if not, a legal advice must confirm the right to redeem the directum dominium and must exempt the Notary and Government from liability.
Lands Authority	− Processes applications, verifies eligibility, and determines whether properties fall under Type A, B or C redemptions. − May request additional documents to verify declarations. − Issues certificates of redemption upon processing applications − Collects redemption prices, application fees and additional payments through the notary. − May declare properties as high-net-value or of historical and, or national importance and exclude them from the scheme.

	− Has discretion to reject applications and must issue reasoned decisions in writing. − May initiate court proceedings to rescind concessions obtained through false declarations, incorrect information or errors. − Not liable for damages arising from exercise of its functions. − Applicants shall have the right to appeal from deicisions of the Authority in accordane with article 57 of the Lands Authority Act (Cap. 563).
Notaries and legal professionals	− Publish deeds of redemption and subsequent transfers; must record the date of validation, attach plans, and ensure that redemption and additional payments are collected. − Must collect from the vendor any additional payment due on subsequent transfers and pay it to the Authority.
Vendors/Transferees	− Vendors must notify the Authority of any transfer and obtain prior consent; failure to do so renders the transfer null. − Transferees must comply with residential use conditions and pay any additional payments due if the transfer occurs within fifteen years, unless exempt.
Beneficiaries of exemptions	− Transfers to ascendants, descendants, siblings, persons with a disability registered with the relative entity, first-time buyers, or Type A transfers by persons over 65 are exempt from additional payments.
Applicants under previous schemes	− May switch to the new scheme before signing the deed; if switching to Type A, the redemption price is reduced by the difference in application fees. − May carry out subsequent transfers in accordance with these regulations even if they concluded a previous scheme. − Must deposit 3 % of the selling price to cancel hypothecs from previous schemes. − Previous schemes already concluded remain excluded.

5. Concluding sections

The Regulations will enter into force upon publication.

The scheme provides a structured and fair mechanism for emphyteutato obtain full ownership of Government residential property while safeguarding the public interest.

The fifteen-year period during which an additional payment of 3 % is payable on subsequent sales discourages speculative re-sale and preserves social objectives; however, exemptions protect family transfers, persons with disabilities, first-time buyers and older persons.

Applicants are advised to read the full Regulations, consult the Government Lands Act (Cap. 573) and subsidiary legislation (notably the Expired or Expiring Emphyteutical Concessions Regulations (S.L. 573.15) and 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 (S.L. 573.17)), and seek professional advice before applying.

For further information, applicants should refer to the legislation available online on :https://legislation.mt/ and may also call on the general number of the Lands Authority on fuq +356 21224016.

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

3rd December, 2025