

Land 629/64

MEMORANDUM BY THE MINISTER OF JUSTICE AND
PARLIAMENTARY AFFAIRS ON THE MAINTENANCE
OF GOVERNMENT RURAL PROPERTY.

Government rural property in Malta is made up of close on to 2000 tenements. As some of the tenements contain several portions it would be more correct to say that the number of tenements is far greater than the number given above, for each portion is in reality a tenement on its own. The Government also administers the tenements of the Pious Foundations. An estimated £20,000 annually accrue to Government from these tenements. This figure would be much larger were all the tenements let out.

Lease, temporary and perpetual emphyteusis and mere occupation without title account for the land tenure of Crown property. After the lapse of the emphyteutical periods the cultivators continued in their occupation of the land without being given any title thereto.

For the current financial year, 1965-66, the sum of £8,000 was voted for the maintenance of all rural property. The inadequate sum renders impossible the proper maintenance of Government rural property. Only minor damage and cases where there was danger could be made good. This inability to effect repairs has, over the years further increased the plight of rural tenements. Those repairs which, at one time, could have been considered as slight, have materialised into extraordinary damage.

In cases of land held on lease the burden of the thing let in a good state of repair falls mainly on the Government, qua landlord. Land held in perpetual emphyteusis does not, in so far as repairs go, fall within Government's purview. As regards land held in temporary emphyteusis, the Government may in certain circumstances be ordered by the Courts to contribute to the maintenance thereof.

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Those tenements held without title should not, theoretically, incur Government in any maintenance expenses. In terms of the policy on agricultural land, such tenements are to be granted in emphyteusis and any existing damage is to be made good by the emphyteutae. The implementation of the policy, entails a laborious survey both in the field and on the desk and a few years must necessarily elapse before these tenements are granted in emphyteusis.

To counter the loss in rent for these tenements, prior to their being granted in emphyteusis, and to instil a sense of trust in Government's intentions towards farmers, it is suggested that they be given out on a yearly basis to the actual cultivators. Such a step would render Government liable to effect repairs therein. This may, however, be offset both by the collection of arrears for their occupation and by the rents which would accrue therefrom.

At all events the ultimate question is one concerning the availability of more and appropriate funds to enable Government to carry out maintenance works. The only way out of the impasse is therefore the provision of more funds. This may be brought about by the following measures:

1. Expediting the implementations of the policy of land tenure thereby shifting the burden of repairs on to the emphyteutae. Such a step should increase Government annual turnover from the rents of rural property as the rent valuations have been revised.

2. Letting out on a year-to-year basis those tenements which are held without title and re-devoting the rents and the collection of arrears thereof, by way of compensation for occupation, into the carrying out of repairs.

3. Applying to an international organisation

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for a grant to make good the damage existing in all rural tenements.

Administratively much can be said in favour of the centralisation of the funds and manpower necessary to effect maintenance works in the appropriate department.

7th November, 1966.