

MEMORANDUM BY THE MINISTER OF JUSTICE  
AND PARLIAMENTARY AFFAIRS

Land Acquisition (Public Purposes) Ordinance (Cap. 136)

The attached Declaration by His Excellency the Governor-General refers to the compulsory acquisition of one plot of land at Hal Far, limits of Birzebbugia.

Since this land is permanently required by the Government, it is proposed to acquire it by absolute purchase.

The above plot of land is required by the Government for the extension of Hal Far Airport; it is therefore required for a public purpose in accordance with the provisions of the Land Acquisition (Public Purposes) Ordinance (Chapter 136).

From the report by the Land Engineer it transpires that the freehold value of the above plot of land amounts to £954. 0s Od.

Honourable Ministers are invited to recommend.

(Land 656/67/1)

13th January, 1970.

DECLARATION BY THE GOVERNOR-GENERAL

I hereby declare that the undermentioned land is required by the competent authority for a public purpose in accordance with the provisions of the Land Acquisition (Public Purposes) Ordinance (Chapter 136) and that the acquisition thereof is to be by absolute purchase.

Description of Land

The following land at Hal Far, limits of Birzebbugia:-

A plot of land of the area of 5 Tumoli and 3 Sieghan, bounded on the North, East and South by Government property, and on the West by property of Mr Charles Cachia and others.

The abovementioned land is shown on a plan marked L.D. 308/69 which may be seen on demand at the Land Office, 29, South Street, Valletta.

GOVERNOR-GENERAL

1970.

COPY OF MINUTE IN FILE LAND 656/67/1 FROM DR E. MIZZI,  
DEPUTY CROWN ADVOCATE-GENERAL TO SECRETARY TO CABINET

The principle adopted by the Government of Malta on the attainment of Independence was that the British Government (and for that matter any other Government) should not own property in Malta other than property required for diplomatic representation and, in particular, that it should not own property for military purposes. All property previously owned by the Defence Departments and by the then M.P.B.W. (with the exception of certain temporary emphyteusis) were, therefore, initially by the Defence Agreement and subsequently - but with effect from 21st September, 1964 - by the United Kingdom (Lands) Vesting Act, 1966, vested in the Government of Malta. By the Defence Agreement, such of that property as was still required for the purposes of the Agreement continued to be held by the British authorities; but otherwise the title to the land was transferred to the Malta Government.

Another step taken immediately after independence was an amendment to the Land Acquisition (Public Purposes) Ordinance whereby the definition of "competent authority" (i.e. the authority competent to acquire property compulsorily) was changed from one which included authorities of the three services to one restricted solely to the Commissioner of Land. This was of course a natural consequence of independence, but was also made in implementation of the principle above referred to. It was in fact understood at the time that we would continue to acquire property required for defence purposes under that law.

It was further agreed during the negotiations leading to the Defence Agreement that any future requirements (other than hirings) would not be acquired by the British authorities but by the Maltese Government and the land in question would then simply be held by the British authorities under the term of the Defence Agreement. The property would therefore revert to the Malta Government on the termination of the Agreement or as soon as it was no longer required by the British authorities. For this purpose the Government of Malta undertook to provide such additional requirements (vide section 4 of Part 4 of the Annex to the Agreement) on terms to be agreed.

The position is therefore that we are committed, under the current defence arrangements, to provide any additional land or rights which are actually required by the British authorities and also to rectify any defect in title in respect of land physically but not legally held by them and which they still require for defence purposes. To be able to do so we must acquire such land or rights ourselves. A case in point is the land to which this file refers.

CABINET MEMORANDUM SUBMITTED BY

MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS

MEMO. No.

1474

SUBJECT

Land Acquisition (Public Purposes) Ordinance (Cap. 136)

CABINET DECISION REQUESTED

Ministers may wish to advise His Excellency the Governor-General to sign a declaration for the acquisition of one plot of land at Hal Far, limits of Birzebbugia required for the extension of Hal Far Airport.