

Land 1108/64

Progress Report on the grants of plots
at Qammieh on emphyteusis.

In 1964 the tenancies of the land tal-Qammieh, in the limits of Mellieha, were terminated to make available part of the land for tourist development. The residual area was surveyed for the purpose of granting the agricultural land to the former tenants and cultivators.

From the survey carried out in 1965 a total of 294 plots resulted. Due to the road proposed to be constructed around the Ghadira swamp, it was necessary to divide the land into two blocks from plot 1 to plot 164, which were affected by the proposed road, and from plot 165 to plot 294, which were scheduled to be granted on emphyteusis to the cultivators.

The deeds of grant on emphyteusis were first published on the 21st March, 1966, a second batch on the 7th April, 1966 and a third on the 15th March, 1967. Publication of deeds also took place on the 19th July, 1967 and the 17th August, 1967. So far 32 deeds have been published by which 80 plots were granted on emphyteusis.

On the 21st April, 1966 and on the 9th February 1967 the farmers who were called to sign the deeds refused to do so for the following reasons:

1. They alleged that the grant was too onerous in that they would receive no compensation for the remaining period of the emphyteusis were Government to terminate the emphyteusis, except limitedly to the improvements made within fifteen years of the termination.
2. The stamp duty due on the deed, which had been revised, was too high.

On these.....

On these two issues the then Commissioner of Land Dr. V. Depasquale LL.D. and the Land Economics Officer had called on the Honourable Minister of Justice and Parliamentary Affairs at his request. Later Dr. J. Pullicino, LL.D., Commissioner of Land, had minuted on the validity of the deed of emphyteusis regulating the grants. Notary A. Attard LL.D. and the Land Economics Officer on the request of the Minister of Justice and Parliamentary Affairs explained the situation to the Honourable Minister who persuaded the farmers to sign the deeds and set their minds at rest by informing them that the whole question would be receiving attention. A number of farmers still refused to sign the deeds and work in connection with the publication of deeds to other farmers was taken in hand.

The present set-up of the Land Department rules out the carrying out of surveys which are essential to establish the information necessary in connection with the publication of the deeds.

It must be pointed out that the actual work of preparation for the granting of the plots to the farmers is bedevilled by the rights of way and water over the numerous passages, wells, windmills, cisterns and agricultural rooms which abound in the area.

Following the advice given by the Crown Advocate General on the legal issues involved in the grant of the plots on emphyteusis, the publication of deeds has been resumed.

26th August, 1967.