

MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS

Unauthorized encroachment on Government property at St. Julians by Messrs Mifsud Brothers (Estates) Limited

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By a deed received by Notary Dr. Anthony Attard on the 9th October, 1967, Government granted to Messrs Mifsud Brothers (Estates) Limited the site at Il-Qaliet, limits of St. Julians, shown coloured red and yellow on Plan L.D. 341B/66, on a 99-year lease for the construction of an hotel. The emphyteuta was not to erect any buildings on the part shown coloured yellow (Condition 2(1) of the deed).

Furthermore, by Permit dated 24th January, 1968, Government granted on encroachment terms to Messrs Mifsud Brothers (Estates) Limited, the site shown coloured green on the said plan for use as a beach concession, on condition that the foreshore was to remain open to the public.

From inspections on the spot carried out recently, it has been established that the said Messrs Mifsud Brothers (Estates) Limited, have, without authority or right:-

- (a) occupied and carried out works and/or constructions on the part of Government land and sea bed shown hatched in blue on the plan above-mentioned, which were never included in the emphyteutical grant or the concession;
- (b) erected constructions on the part shown coloured yellow as shown bordered in violet on the said plan.
- (c) has cut off the public's access to the foreshore.

Honourable Ministers are requested to decide whether action is to be taken to compel the Company to conform to the conditions of the Emphyteusis and of the Encroachment Permit or whether the "fiat accompli" is to be ratified and the Deed and the Permit are to be amended to cover and legalize the "de facto" position.

12th October, 1968.