

MEMORANDUM TO CABINET  
BY THE PRIME MINISTER

Allocation of Fishermen's Stores at Mgarr. Gozo

The Fishermen's Stores being built at Mgarr, Gozo are now nearing completion. The stores are being built out of Government funds on land administered by the Gozo Civic Council, in terms of Section 36(2) of the Gozo Local Government Ordinance 1961.

Extract  
at  
App. "A"

The Ministry of Trade, Industry and Agriculture has proposed the appointment of a Board to make recommendations to Government with regard to the allocation of these stores. On the other hand, the Gozo Civic Council proposes to allocate these stores itself on the points system and is recommending that the Governor-General's authority be sought in terms of Section 34(2) of the Gozo Local Government Ordinance. It is to be noted that the said Section 34(2) provides, inter alia, that a contract of lease shall be made by the Council after a call for tenders, unless otherwise authorised by the Governor-General.

Extract  
at  
App. "A"

The Crown Advocate-General has advised that, since the stores are being built on land the administration and management of which has been vested in the Council by Section 36 of the Gozo Local Government Ordinance, the buildings constructed on such land, irrespective of the origin of the funds used for the purpose of the construction, follow the land and remain under such administration and management: the newly constructed stores may, therefore, be leased by the Council, provided that it is not the wish of the Prime Minister to take away from the Council the administration and management of the land in question, which is held "during the Prime Minister's pleasure."

Ministers may wish to consider whether the Governor-General should be advised to authorise the allocation of these stores on the "Points System" by the Gozo Civic Council.

22 APR 1970

mvb

APPENDIX 'A'

EXTRACT FROM THE  
GOZO LOCAL GOVERNMENT ORDINANCE 1961

Contracts of  
the Council

Section 34(2)

A contract for the lease of any tenement the administration and management of which is vested in the Council by Section 36, or for the supply of goods or materials or for the execution of works which are estimated by the Council to exceed one thousand pounds in value shall, unless otherwise authorised by the Governor, be made by the Council after -

(a) notice of the intention of the Council to enter into the contract has been published and tenders have been invited, on behalf of the Council, by the Director of Contracts in accordance with the procedure for the time being in force with respect to contracts made by the Government; and

(b) the Council has given due consideration to the recommendations of the Contracts Committee, as conveyed by the Director of Contracts, as to the award of the contract.

-----

APPENDIX 'A'

EXTRACT FROM THE  
GOZO LOCAL GOVERNMENT ORDINANCE 1961

Vesting in  
Council of  
administration  
and management  
of Government  
tenements in  
Gozo

Section 36

(1) This section applies to tenements in Gozo belonging to the Government which are not, on the date on which this Part comes into force, occupied by or on behalf of a Government Department, and in relation to which, immediately before such date, the Government was, by whatsoever title, in receipt of any payment periodically recurring in right of an owner's interest therein.

(2) The administration and management of every tenement to which this section applies shall during the Prime Minister's pleasure be and is hereby vested in the Council as from the date on which this Part comes into force.

(3) The provisions of the Fourth Schedule to this Ordinance shall have effect with respect to the Council in the administration and management of any tenement to which this section applies.

m vb