

Memo for the Cabinet  
by the Hon. Minister of Justice

(Emphyteutical concession to the Naval Authorities of the sea-bed area reclaimed by them in St Lucian's Bay, Marsaxlokk).

1. The Naval Authorities have reclaimed an extension of 2 tumoli and 3 mondelli of the sea-bed area at St Lucian's Bay, Marsaxlokk, the land surrounding such area being also owned by the same authorities.
2. An Oil Fuel Terminal has been constructed by the said Authorities on the reclaimed area. Moreover, they have constructed on the sea-bed, at a distance of 1,744 feet from the foreshore at Fort St Lucian's Bay, a dolphin which covers an area of 4,000 square feet and they have laid a pipeline 1744 feet long from the foreshore to the dolphin. It would appear that the reclamation of the area of the sea-bed started sometime in 1956, whilst the construction of the pipeline and dolphin started towards the end of 1958. The works were completed by about August, 1962. These details have been gathered by the Director of Public Works from investigations made, but he is not in a position to confirm them by any definite proof.
3. During the past administration, action was set in motion to regularise the position in relation to the encroachment by the Naval Authorities on the sea-bed area in question and negotiations were carried out and almost concluded between the Government and the Naval Authorities for the granting by the former to the latter of the reclaimed area on emphyteusis for 150 years at a yearly ground-rent of £3 and for the granting to the Naval Authorities of the right to hold and use the dolphin and the pipeline for the same period against payment of a yearly fee of £10.
4. The conditions, which it was proposed to incorporate in the draft-deed of emphyteusis and of concession of the said rights, fully safeguard the rights of the public, in that it is therein expressly provided that the concession of the emphyteusis and of the said rights "shall not interfere with nor in any way affect or prejudice the present rights of the civil population on the shore, sea and public thoroughfare, to bathe, to fish and to use the same for any public purpose". The draft deed further provides for the free and unfettered access to the public at all times to a five foot wide walkway round the whole perimeter of the reclaimed area. On termination of the emphyteusis, for any reason other than termination consequent to discoveries of antiquarian or archaeological importance, the reclaimed area with all improvements effected thereon, the dolphin and the pipeline would revert to the Government without any right to compensation in favour of the Naval Authorities.
5. The question now arises and falls to be discussed whether the negotiations above referred to are to be prosecuted and concluded, or not. If the decision will be in the negative, the Naval Authorities will have to be informed that it is no longer Government's intention to grant them the temporary emphyteusis and rights under reference and that any offer so far made is withdrawn. But, then, the said Authorities will be holding the reclaimed area and will be "de facto" enjoying the said rights without any title whatsoever and at no cost.

9th January, 1963.