

Memorandum for Cabinet by the Minister
of Justice on the necessity of amending Sec. 34 of
the War Damage Ordinance so as to enable the
Minister to extend certain time-limits.

Legal Notice 43 of the 2nd October, 1964, fixed among other things, time-limits for the completion of reinstatement works approved by the Commission. The periods of time stipulated in the relevant Regulations varied from a minimum of one year to a maximum of two years. The shorter time-limit expired on the 1st October, 1965. It was then felt that several claimants, through no fault of their own, could not bring works to completion by the stipulated date. Steps were therefore taken which culminated in the enactment of Act XX in February, 1966, by which the Minister was enabled to approve extensions in the time limits specified in L.N. 43 of 1964 "by such further period or periods not exceeding one year in the aggregate as he may deem proper". In terms of this Act, no extension can be granted to claimants who were bound to complete works by the 1st October, 1966 notwithstanding the fact that they were unable, for reasons beyond their control, to abide by the Regulations published under L.N. 43/64 (4). For this reason, it has once more become necessary to amend Sec. 34 of the War Damage Ordinance to enable the Minister responsible for war damage matters to extend the time-limits to a maximum of two years. The attached draft Bill makes provision in that direction.

Some typical cases which are still deserving an extension beyond 1st October, 1966 are given hereunder:-

(1) Tenements which partly underlie and overlie one another, belonging to different owners. The periods of time binding these owners run concurrently and it is therefore only reasonable to grant a further extension to enable those adversely affected to complete works.

(2) Cases where claimants have, through lack of traces in the foundations etc., encroached on each other's property. The majority of these have resorted to a Court of Law for a solution, and works cannot be taken in hand or proceeded with before sentence is delivered. It is understood that some of the owners affected in this way are also seeking a comprising solution to the problem.

(3) Claims which cannot be properly assessed by the Commission before the exact extent of the property is determined. In the majority of these few cases, a decision is being sought in a Court of Law.

(4) Other cases.

Hon. Ministers are requested to approve that the attached draft Bill be, therefore, brought before the House of Representatives.

3rd October, 1966.

MJ/60/63

A B I L L
entitled

AN ACT further to amend the War Damage Ordinance,
1943.

BE IT ENACTED by the Queen's most
Excellent Majesty, by and with the advice and
consent of the House of Representatives of Malta,
in this present Parliament assembled, and by the
authority of the same, as follows:-

Short title.

1. This Act may be cited as the War
Damage (Amendment)(No. 2)Act, 1966, and shall be
read and construed as one with the War Damage
Ordinance, 1943, hereinafter referred to as
"the principal law".

Amendment of
section 34 of
the principal
law.

2. In the proviso to subsection (4) of
section 34 of the principal law, for the words
"not exceeding one year" there shall be sub-
stituted the words "not exceeding two years".

Transitory
provision.

3. The amendment of the principal law
made by the last preceding section shall have
effect in relation to any time limit, including
any time limit which has been already extended
and has expired, specified in or under any
regulations made under section 34 of the princi-
pal law prior to the coming into force of this
Act.

Objects and Reasons.

The object of this Bill is to amend
the War Damage Ordinance so as to increase from
one year to two years the maximum aggregate
length of time by which the Minister responsible
for matters relating to war damage may extend
certain time limits specified in or under
regulations.