

MEMORANDUM FOR THE CABINET BY THE
HON. MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS

Clearance Rights

Control on the erection of buildings in certain areas for defence reasons, or Clearance Rights as they are called, were imposed by the Harper Award of 1896. The areas affected by the Award included the coastal areas from Fort Ricasoli round the coast to Hal Far and stretching inland for about a mile; a strip across the Island along the Victoria Lines; and areas covering the Marfa Peninsula, Mellieha, St. Paul's Bay and round the coast to Bahar-ic-Caghaq.

2. With the enactment of the Land Acquisition (Public Purposes) Ordinance, 1935, and on the outbreak of war, further areas were made subject to Clearance Rights either for use as anti-aircraft sites or to safeguard the aerodromes.

3. Section 4 of the Land Acquisition (Public Purposes) Ordinance states that the Governor General may for any public purpose declare by proclamation that any land is subject to clearance rights or to sub-soil rights. The addition of sub-soil rights became necessary to safeguard underground installations. The "Competent Authority" under the Ordinance is the Commissioner of Land.

4. Over the years, the needs for clearance rights has naturally changed: the old concept of defence is now obsolete and even anti-aircraft sites of the last war are no longer required. On the other hand, it is still essential and very important that

- (a) the use of Luqa as an international aerodrome be safeguarded to the full requirements laid down by the International

Civil Aviation Organization; and

- (b) the working and use of certain essential telecommunication facilities be safeguarded. These latter also include some facilities of NATO and the British Forces who additionally have asked that the aerodrome at Hal Far be also safeguarded to their requirements.

5. A review of the present position has therefore been made with the above requirements in mind. The views of the British Forces and NATO have also been sought. As a result it has been possible to produce the Map which will be exhibited to the Cabinet. The enclosed draft Proclamation shows that all the old areas subject to Clearance Rights are being released and freed from such rights and only the Approach and Take-off climb areas of the runways at Luqa and Hal Far as well as the telecommunication sites and facilities remain.

6. The Approach and Take-off climb areas are drawn according to the requirements of Annex 14 to the ICAO Convention. Although they appear large, in effect they constitute little handicap to building operations as the associated surfaces which it is required to safeguard from obstructions extend at a slope of 2 per cent (1:50) from the runway end. In other words, depending on the height above mean sea level of the area where a building is going to be erected, the further away from the runway end, the area is, the higher the building that can be erected without creating an obstruction. Assuming the area to be at the same height as the runway end, the usual two-storey building (30 ft. high) can be erected only 1500 feet or 500 yards from the runway end.

7. The telecommunication sites require safeguarding as building materially impairs their efficiency and in the case of a radio link can result in the total

cutting/.....

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cutting off of the link.

8. Honourable Ministers are asked to approve that His Excellency the Governor General be advised to sign the enclosed Proclamation.

16th May, 1969.
Land 306/64

L-ARKIVI NAZZJONALI TA' MALTA

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PROCLAMATION

By His Excellency Sir Maurice Dorman,
Knight Grand Cross of the Most Distinguished Order
of St. Michael and St. George, Knight Grand Cross
of the Royal Victorian Order, Governor-General of
Malta.

GOVERNOR-GENERAL

WHEREAS by virtue of Section 4 of the Land Acquisition
(Public Purposes) Ordinance (Chapter 136) it is provided
that the Governor-General may for any public purpose
declare any land to be subject to clearance rights or
to subsoil rights.

AND WHEREAS the property shown in the Schedule hereto
is required to be declared subject to Clearance Rights.

NOW THEREFORE I, in pursuance of the said section 4 of
the said Ordinance, do hereby proclaim that the property
shown in the Schedule hereto is subject to Clearance
Rights.

SCHEDULE

MALTA:

An area of land stretching across from 'RAS IL-
GRIEBEG' to 'RAS IL-WARX' both in the limits of Mellieha
and converging onto Luqa Airport; comprising also parts
of St. Paul's Bay, Naxxar, Mdina, Mgarr, Mosta, Lija,
Attard, Zebbug and Qormi.

An area of land lying along the South East coast
from 'PRETTY BAY' to 'GHAR HASAN' both in the limits of
Birzebbugia and converging onto Luqa Airport;
comprising also parts of Zurriac, Kirkop, Gudja and Safi.

An area of land lying along the North East coast
from 'RAS IL-GEREL' in the limits of Zabbar to 'RICASOLI'
in the limits of Kalkara and converging onto Luqa Airport;
comprising also parts of Vittoriosa, Senglea, Cospicua,
Pauls, Fgura and Luqa.

An area of land lying along the South coast from
'L-IMNAJDRA' in the limits of Qrendi to a point in
between 'IX-XAQQA' and 'HAGRA S-SEWDA' in the limits of
Siggiewi and converging onto Luqa Airport; comprising
also parts of Mgabba and Luqa.

A strip of land stretching from 'WIED IL-BAQQIJA' limits of Zebbug to 'IL-GHADIR' limits of Zurrieq and converging onto 'HAL FAR' Airfield; comprising also parts of Siggiewi, Mqabba, Qormi, Kirkop, Safi and Qrendi.

An area of land lying along the South-East coast from 'GHAR-HASAN' limits of Birsebbugia to 'IL-BLIEKA' in the limits of Zurrieq; comprising also lands known as 'IL-MIZIEB', 'WIED TAL-FULIJA' and 'IL-MINGBA' in the limits of Zurrieq and 'HAL-FAR' in the limits of Birsebbugia.

An area of land on the East coast known as 'TAS-SILC' in the limits of Marsaxlokk.

An area of land on the South East coast known as 'DELIMARA POINT' in the limits of Marsaxlokk.

A circular area of land on the South West coast known as 'TAR-RIEH' in the limits of Dingli.

A circular area of land on the South West coast known as 'TAL-VECCIA' in the limits of Dingli.

A strip of land stretching from Dingli Signal Station limits of Dingli to 'TA' SCAMARDI' in the limits of Siggiewi; comprising also part of Rabat.

A strip of land stretching from 'TA' WIED RINI' in the limits of Rabat to Luqa Airport; comprising also parts of Zebbug, Siggiewi and Qormi.

A circular area of land known as 'TA' WIED RINI' comprising also lands known as 'IL-BAHRIJA' and 'GHEMIERI' all in the limits of Rabat and also part of Mgarr.

A strip of land stretching from 'TAR-RIEH' in the limits of Dingli to 'IL-PORTA TAC-CIRKEWWA' limits of Mellieha; comprising also parts of Rabat, Mgarr, St. Paul's Bay and Marfa.

An area of land on the West coast known as 'RAS IL-WARX' in the limits of Mellieha.

A circular area of land in the limits of Naxxar and Mosta; comprising also lands known as 'SANTA MARGHERITA', 'FORT MOSTA' and 'MOSTA BRIDGE'.

A circular area of land known as 'IL-MADLIENA' comprising also 'MADLIENA FORT'; all in the limits of Għargħur.

An area of land lying along the North coast from St. Georges Barracks limits of St. Julians to 'MADALENA TOWER' in the limits of Għargħur comprising also land known as 'FEMBRROKE'.

An area of land lying along the North coast known as 'RAS IL-QREJTEN' in the limits of Naxxar.

An area of land lying along the North coast from 'BAHAR IC-CAGHAQ BAY' in the limits of Gharghur to 'RAS IL-QREJTEN' in the limits of Naxxar.

An area of land on the North coast known as 'BAHAR IC-CAGHAQ BAY' and converging onto land known as 'GEBEL SAN PIETRU'; all in the limits of Gharghur.

A strip of land diverging from land known as 'GEBEL SAN PIETRU' in the limits of Gharghur to lands known as 'TA' WIED GHOMOR' in the limits of San Gwann and then converging onto Floriana; comprising also parts of Birkirkara, St. Julians, Gzira and Msida.

GOZO:

A strip of land stretching from 'SAN BLAS BAY' limits of Nadur to 'HOWDOQ IR-RUMMIEN' in the limits of Gzira; comprising also lands known as 'IL-QORTIN ISOPO', 'WARDIJA' and 'TA' CINI'.

A circular area of land lying on the South West coast known as 'TA' SARRAFLU' in the limits of Kerzem and San Lawrenz.

COMINO:

A strip of land along the Eastern tip of Ceminotto.

The situation and extent of these lands are shown coloured red on plans L.D. 298/68 and 299/68 respectively which may be seen on request at the Land Office 29, South Street, Valletta.

The Proclamation supersedes all other Proclamations previously issued declaring any land as subject to Clearance Rights.

The Palace, Valletta, this day of 19

By authority

Prime Minister