

MEMORANDUM FOR CABINET BY THE
MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS

Emphyteutical lease of Qawra Tower

On the 30th March, 1963, after a call for tenders, Government granted an emphyteusis for 50 years to Mr. James Stevenson the Qawra Tower and annexes at St. Paul's Bay at a yearly ground rent of £52 per annum.

According to Condition 2 of the deed of emphyteusis Mr. Stevenson bound himself to spend not less than £500 within 2 years from the grant in the carrying out of repairs and renewals, detailed in a list attached to the deed.

Furthermore according to the deed, failure to comply with this obligation, rendered the emphyteuta liable to a penalty of £50 and to a fine exceeding 5/- per diem until compliance, and moreover the Government would have the right to dissolve the emphyteusis.

The said repairs and reinstatements should therefore have been completed by the 30th March, 1965.

Mr. Stevenson did not, and has not today carried out any of the works abovementioned, and on the 5th April, 1968 a writ was filed in Court against Mr. Stevenson for the dissolution of the emphyteusis and for the recovery of the penalties provided for in the contract of lease.

Mr. Stevenson pleaded in Court that he was precluded from carrying out the works in question because the site of the Tower was being earmarked for being considered for allocation to Messrs. Shaw (Malta) Limited for a hotel. There is no foundation in Mr.

Stevenson's/.....

Stevenson's plea that he was precluded from carrying out the repairs in question to the Tower.

Mr. Stevenson has now requested that in view of the hardship he would suffer through the dissolution of the emphyteusis, Government should waive its claim for such dissolution and for the penalties due by Mr. Stevenson.

It would appear that Mr. Stevenson's main if not only intention is to await an opportunity adjoining site is given out for development as a hotel, or for some other purpose.

There is no doubt that Mr. Stevenson has failed to comply with the conditions of his lease. Deputy Crown Advocate General advises that there should be no difficulty in obtaining a judgement for the dissolution of the emphyteusis.

Hon. Ministers are requested to decide whether action started as aforesaid against Mr. Stevenson, should be proceeded with, or whether such action for the dissolution of the emphyteusis and for recovery of the penalties aforesaid, should be waived and Mr. Stevenson given another chance to conform with the conditions of the lease.

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