

MEMORANDUM TO CABINET BY THE HON. MINISTER OF WORKS
AND HOUSING

Road Contributions and Expropriations

In terms of the law, a contribution is leviable from owners of property abutting on public streets before building works are started on that property. In many cases, compensation is due to the same owners for expropriation of a portion of their property to be incorporated with the public streets. However, while payment to the Government has to be made before building works are started, compensation for expropriation is paid by a notarial deed in the majority of cases years after the land has been incorporated with the public street.

There have been several requests from owners who have to pay contribution and to whom at the same time compensation for expropriation is due; such requests though perfectly logical to accept, have had to be refused because of legal and administrative difficulties.

The legal difficulties are that it is not possible to effect a set-off when the true ownership of the land is not definitely known as required by law and the transfer of the land has to be made by a notarial deed.

The Commissioner of Land and the Notary to Government who deal with deeds of expropriation, are not in a position to give priority to such deeds over others which have been awaiting publication for a long time, so much so that it is understood that interest accumulated on outstanding deeds is equivalent to one-third of the value of the deeds and is bound to increase.

It is not felt that because of these two difficulties, justified and logical set-offs should not be allowed and this is possible with administrative measures without having to resort to amendments to the law.

The administrative difficulty could be overcome by either of the following two measures :-

- (a) increase in staff dealing with notarial deeds, or
- (b) necessary researches for expropriations to be carried out by notaries in private practice (but engaged directly by the owner of the land) and paid for their services by the Government. This would eliminate the greatest obstacle to deeds being drawn up early. It would still necessitate according priority to these deeds over outstanding ones, but whereas in the latter case only transfer of money is involved, in the former case the matter is closely linked with the erection of buildings which is the most important employing industry on the Island. There does not seem to be any reason, moreover, why, if this policy is adopted, it should not be extended to other expropriations and acquisitions which are costing Government extra thousands of pounds in the payment of interest and increase in land value or change of use simply because of the delay in having the relative deeds published.

Hon. Ministers are asked to agree that the suggestion for researches to be made by notaries in private practice be adopted.

21st April, 1965.

MWH.82/63

L-Arkivji Nazzjonali ta' Malta