

Patrimonju Kulturali (Kap. 445), l-Att dwar il-Protezzjoni tal-Ambjent (Kap. 549), u l-Att dwar l-Ippjanar tal-Iżvilupp (Kap. 552). Jikkonferma wkoll li ma hemm l-ebda dritt ta' azzjoni kontra l-Awtorità għal danni jew kumpens, sakemm l-Awtorità tkun aġixxiet in *bona fede*.

Regolament 9 - Iżid Skeda ġdida mar-regolamenti prinċipali

Ir-regolament 9 jipprovdi għaż-żieda ta' Skeda ġdida mar-regolamenti prinċipali, li tiddekrivi fid-dettall kif għandhom jiġu kkalkolati r-rati għal siti residwali. Tistabbilixxi skala inkrementali, jiġifieri li partijiet differenti tas-sit jiġu mitluba b'rati differenti skont id-daqs tagħhom sa massimu ta' 300m².

5. Taqsima konkluziva

Dawn ir-regolamenti għandhom jidhlu fis-seħh mad-data tal-pubblikazzjoni ta' dawn ir-regolamenti fil-Gazzetta.

Aktar informazzjoni tista' tinkiseb mill-Awtorità tal-Artijiet

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N.B. Dawn in-Noti ta' Spjegazzjoni mhumiex mahsuba sabiex ikunu deskrizzjoni eżawrjenti tal-istrument u lanqas sostitut tiegħu jew suppliment legiżlattiv għalih. Dawn in-Noti ta' Spjegazzjoni ma jqisux li huma deċiżjoni awtorevoli dwar l-interpretazzjoni tal-legiżlazzjoni.

Is-17 ta' April, 2026

No. 601

MINISTRY FOR CULTURE, LANDS AND LOCAL GOVERNMENT

Explanatory Notes¹

1. Introduction

Title of Regulations	Direct Disposal of Residual Sites of Government Property forming part of a Larger Development (Amendment) Regulations, 2026 (hereinafter referred to as the “amending regulations”)
Activities to be regulated	To amend the existing scheme under the Government Lands Act (Cap. 573) that governs the direct transfer of small Government-owned residual sites.
Responsible entity	Lands Authority

2. Summary and background

The Direct Disposal of Residual Sites of Government Property forming part of a Larger Development Regulations (S.L. 573.14) (hereinafter after referred to as the “principal regulations”) were introduced to allow owners of larger developments or adjacent sites to acquire such residual parcels from the Government. The principal regulations left several issues unresolved, including the limited definition of a residual site; the status of applicants holding temporary utile dominium was unclear; insufficient provisions for handling multi-level or shared occupancies; and the Lands Authority's discretion to refuse or withdraw applications. Consequently, the amending regulations define what qualifies as an adjacent site, by differentiating

¹These Explanatory Notes are for the purpose of and in accordance with article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

between perpetual and temporary titles of the applicant, adjusting ground rent calculations, and clarifying the Lands Authority's powers to refuse or terminate applications, especially when national heritage considerations arise.

3. Overview of the structure of the instrument

The amending regulations are made up of nine (9) regulations and consist of the following:

Regulation 1: Citation.

Regulation 2: Substitutes regulation 2 of the principal regulations.

Regulation 3: Amends regulation 3 of the principal regulations.

Regulation 4: Substitutes regulation 4 of the principal regulations.

Regulation 5: Substitutes regulation 5 of the principal regulations.

Regulation 6: Deletes regulation 6 of the principal regulations.

Regulation 7: Amends regulation 8 of the principal regulations.

Regulation 8: Substitutes regulation 9 of the principal regulations.

Regulation 9: Adds a new Schedule to the principal regulations.

4. Commentary

The amending regulations may be categorized as follows:

Regulation 2 – Substitutes regulation 2 of the principal regulations

The amendment expands the scope to include adjacent site owners and clarifies the relationship between the residual site and the development, using more precise terminology.

Regulation 3 – Amends regulation 3 of the principal regulations

A new definition of “adjacent site” is introduced to clearly establish which nearby properties qualify under these regulations. This refers to property owned by the applicant that lies within a recognised development zone, whether determined by an official alignment issued by the Planning Authority, an approved development plan, or a valid development permission, irrespective of whether the site is already developed.

The definition of “residual site” is also revised and expanded. A residual site remains a Government-owned site not exceeding fifty square metres (50m²), but the amendment introduces an additional category of sites larger than fifty square metres (50m²) and up to a maximum of three hundred square metres (300m²). Such sites may also be considered residual sites if they satisfy all the criteria in the definition, including being in contact with an adjacent site or forming part of a larger development, and being located within a recognised development zone. Furthermore, these residual sites must not be deemed to be developable independently of the adjacent site, nor deemed to form part of an adjacent site belonging to third parties or to the Government.

The purpose of this amendment is to clarify and broaden the scope of sites that may be treated as residual sites, while maintaining the principle that such sites may only be developed as part of the applicant's adjacent site.

Regulation 4: Substitutes regulation 4 of the principal regulations

Regulation 4 was substituted in its entirety. The amended regulation (i) broadens eligibility for applying where any person may apply, as long as they hold a valid title to the adjacent site. In cases of multiple owners, one person can apply with consent of all owners (sub-regulations 4 & 5); (ii) transfer title - distinguishes between ownership types of the adjacent site: a residual site is transferred free and unencumbered to owners with perpetual utile dominium, while owners with temporary utile dominium receive it under a temporary emphyteusis that expires with their adjacent site's title.; (iii) multi-level occupancy

- For residual sites with multiple occupants, sites held pro diviso are transferred by separate titles according to ownership shares, while sites held pro indiviso (e.g., condominium common parts) are transferred pro indiviso, with costs apportioned among the eligible owners; (iv) and introduces non-refundable application fees.

Regulation 5: Substitutes regulation 5 of the principal regulations

Regulation 5 substitutes regulation 5 of the principal regulations by establishing the applicable rates for the transfer of residual sites, including provisions for the apportionment of rates in cases involving multiple levels and different uses. It further provides for cases of transfer by temporary emphyteusis, setting the applicable annual ground rent, and makes reference to the applicable rate structure. It also clarifies that the Authority may establish different rates for specific locations and that no additional charges shall be imposed for the occupation of a residual site without a valid title.

Regulation 6: Deletes regulation 6 of the principal regulations

Regulation 7: Amends regulation 8 of the principal regulations

Regulation 7 amends regulation 8 of the principal regulations by specifying that all expenses, including but not limited to the application fee, are to be borne in full by the applicant for the transfer to take place..

Regulation 8: Substitutes regulation 9 of the principal regulations

Regulation 8 amends regulation 9 of the principal regulations by clarifying that the Authority has the absolute right to refuse any application, subject to providing written reasons, and further provides that such refusal may be made where it is considered more advantageous to dispose of the site as part of an alternative adjacent site. It introduces provisions relating to residual sites linked to multiple adjacent sites, allowing for disposal in accordance with Article 31 of the Government Lands Act (Cap. 573), and extends the scope of places of national importance to include properties covered by the Cultural Heritage Act (Cap. 445), the Environment Protection Act (Cap. 549), and the Development Planning Act (Cap. 552). It also confirms that no right of action shall lie against the Authority for damages or compensation, provided that the Authority has acted in good faith.

Regulation 9: Adds a new Schedule to the principal regulations

Regulation 9 provides for the addition of a new Schedule to the principal regulations, which sets out in detail how the rates for residual sites are to be calculated. It establishes an incremental scale, meaning that different portions of a site are charged at different rates depending on their size up to a maximum of 300m².

5. Concluding section

These regulations shall come into force on the date of the publication of these regulations in the Gazette.

Further information may be obtained from the Lands Authority

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N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

17th April, 2026