

Land Department

INTRODUCTION

The Land Department's role within the Government Property Division concerns the legal aspects of government property management. Thus, as soon as the Estate Management Department has decided on the best possible use for a particular property, the issue is taken over by the Land Department for the actual disposal of the property under the procedures allowed by the Disposal of Government Land Act.

In general, the formal disposal of government property requires the issue of tenders or else an ad hoc Parliamentary Resolution. It is the Land Department's task to prepare tender documents, publish them and award them. Likewise ad hoc Parliamentary Resolutions are prepared and vetted by the Department. Subsequent to the disposal of a property through lease agreements/contracts, the Land Department is then responsible for the follow-up and enforcement of any conditions imposed on the transferee. These include the payment of rent and the proper maintenance of the property but may also contain other special conditions such as the development of structural improvements within specified time limits. The finalisation of contracts also includes those related to the acquisition of private property for a public purpose in terms of the Land Acquisition Ordinance.

ENFORCEMENT BRANCH

This Branch is responsible for all enforcement measures required to better manage government property. Enforcement Officers carry out site checks to ensure that conditions of lease are being honoured. Non-compliance is met by counter measures to ensure that defaulters are brought back on track. These measures include formal warnings, judicial action and also eviction proceedings. In this regard Chapter 228 of the Laws of Malta - Land (Compulsory Eviction) Act - gives the Land Department extensive

powers to evict persons who occupy government property without title. This power is used with caution but the Land Department is committed to ensure that government property is not abusively made use of.

The Enforcement Section is also responsible for the collection of rent due on leased property. The non-payment of rent is chased through periodical invoices and also through individual demand letters. Persistent non-payment is pursued through judicial action that may include executive warrants, the termination of leases and, in the more serious cases, eventual eviction.

In its effort to expand its services to clients, the off-site payment of rent facilities was under study during the past four years. These facilities were finally introduced in November 2000. In conjunction with the Local Councils Department and MITTS, a computerised system has been put into operation whereby clients may now pay their rent by cheque, bank draft or cash at any local council after receiving the rent invoice. Payment of rent at the Land Department may still be effected by cheque or bank draft.

CONTRACTS BRANCH

The role of this branch is the formalisation of any disposal or acquisition of property. As already indicated, the Disposal of Government Land Act stipulates that government property can generally be disposed of either through tenders or otherwise through a special Resolution of the House of Representatives.

The publication of tenders necessitates continual liaison with the Estate Management Department to ensure that the appropriate conditions are set out in the tender. Opening all tender documents in public ensures transparency.

The Land Acquisition Ordinance (LAO) empowers the Commissioner of Land to acquire private property that may be required for a public purpose. The lack of property ownership information in Malta makes the whole acquisition process cumbersome and time consuming. The whole process involves the identification of owners (perhaps the most difficult part of the whole process), their root of title, the issue of a notice to treat to offer a specific price for the property, litigation in front of the Land Arbitration Board, agreement on the compensation due and the final settlement through the publication

of an acquisition contract. The issue is further complicated when third parties purposely delay in submitting required information to benefit from ever-increasing property market prices.

All this complication has resulted in a large number of outstanding acquisition cases leaving people dispossessed of their property but not having been paid for it. The book value of outstanding acquisition debts stands at around Lm15 million. Since 1994 the Department has limited the growth of the acquisition debt by requiring government departments that originate the need for the acquisition, to provide upfront the full estimated value of the effected property. This ensures the payment on demand for any acquired property.

In its efforts to speed up the acquisitions process the Land Department has farmed out to lawyers in private practice the task of carrying out legal researches to prove the root of title. This has had positive results by reducing related time wastages.

2000 HIGHLIGHTS

Revenue Collection

During the year, 50,000 rent invoices, 2,000 individual demand letters, 250 judicial letters and 60 lease termination warnings were issued to ensure timely recovery of rent dues. About 100 repayment agreements were also negotiated with defaulters. This resulted in a total revenue in 2000 of Lm5,894,214 excluding sales.

Evictions

These constitute a strong deterrent against abuse of government property. During 2000 site inspections detected a number of abuses that led to enforcement action. Persistent abusers were faced with ultimate eviction. A total of 65 evictions were carried out with the full co-operation and assistance of the Commissioner of Police and the Ministry for Environment when demolition of property was involved.

Tenders, Leases and Sales

During 2000 the Land Department issued a total of 210 tenders for the lease of government property, on which lease contracts were concluded. In addition, 220 encroachment permits were issued. These included permits for luna parks, circus and the holding of activities in various localities. The Land Depart-

ment also completed the sale of government land/property resulting in a revenue of Lm1,000,000, exceeding the estimated target by Lm300,000.

Acquisition

In 2000 the Department finalised a number of acquisition deeds paying a total of Lm5.3 million to owners of expropriated property. The payment of this sum, which exceeds payments made for acquisition in the preceding year by 300%, is considered a breakthrough in clearing outstanding acquisition debts. In line with its current policy of returning unutilised expropriated land, Government in 2000 sold back about 6,200 square metres of land to the previous owners.

Special Projects

The Land Department's role here is that of ensuring vacant possession of any property which is affected by a government project. In this regard during 2000, the Land Department continued with its commitment to ensure that all property affected by the Manoel Island Project has either been vacated or, where applicable, acquired against payment of ex-gratia compensation or provision of alternative accommodation.

In mid 2000 the emphyteutical deed for the Tigne and Manoel Island Project was concluded following an apposite Parliamentary Resolution.

The Land Department forms part of the Government Negotiating Team in the Cruise Liner Terminal Project. The site at Pinto Wharf being disposed of on emphyteusis includes a privately owned block and the vacant possession issue posed a major problem for the continuation of the project. After lengthy discussions with the owners, tenants and the Consortium, a plan has been worked out for the provision of alternative accommodation in the same locality.

Housing Authority

During 2000 the Land Department continued to provide, free of charge, agency services to the Housing Authority. Within these services, any non-residential property the Authority wishes to sell is issued for tender by the Land Department on its behalf. Fifty such tenders were issued in 2000.

CONCLUSION

The Land Department's role in ensuring that the use of government property is appropriately controlled is considered to be of utmost importance. In this regard, the Department will be initiating a programme whereby an enforcement set-up will be created to ensure that prompt measures are taken whenever abuses occur.

ALBERT V MAMO
Director Land