



FORM TO BE COMPLETED BY THE OWNER'S LAWYER TO ESTABLISH OWNERSHIP OF IMMOVABLE PROPERTY SUBJECT TO EXPROPRIATION PROCEEDINGS.

NOTES:

- (i) *The completed form, signed on each page and on all attachments by the lawyer instructed by the owner/s, is to be sent to the Lands Authority, Auberge de Baviere, Valletta CMR 02.*
- (ii) *It is mandatory that every section in this form is filled in.*
- (iii) *Only one form per property indicating all the owners will be accepted by the Authority.*
- (iv) *This form will constitute the basis for drafting of the final deed of acquisition by the Authority and to this end all details necessary for such drafting are to be provided.*
- (v) *All requests for public registry searches into transfers and liabilities are to be submitted on the attached form and processed through the Authority.*

File no. : L

Plan no.:

Government Notice no.:

I the undersigned Dr⁴ _____ refer to the immovable property to be acquired in terms of Chapter 88/ Chapter 573 (as applicable) of the Laws of Malta as indicated by the above quoted reference numbers and advise that I have examined all the relevant documents and that I am in a position to declare as follows:

Lawyer's signature: _____

Section A. Freehold property

I confirm that the present owner/s is/are⁵:

5. Insert the full name, Identity Card number in case of residents of Malta or nationality and passport number in the case of non-residents, profession, father's name, mother's first name and maiden surname, place of birth and full residential address of all the co-owners indicating the share of ownership held by each individual co-owner. In the case of community of acquests property, details for both spouses are to be supplied. This information may be provided on a separate sheet to be signed and dated by the lawyer instructed by the owners.

Lawyer's signature: _____

Section B. Property held in perpetual emphytuesis

1. I confirm that the owner/s of the perpetual *utile dominium* is/are⁶:

2. I confirm that the owner/s of the perpetual *dominium directum* is/are⁷:

3. The annual groundrent is: Lm_____

4. The groundrent is non-revisable / revisable⁸ in the following manner⁹:

6 Insert details as per 5 above

7 Insert details as per 5 above

8 Delete as applicable.

9 Insert method of revision quoting name of Notary and date of deed establishing the revision.

Lawyer's signature:_____

Section C. Property held in temporary emphytuesis

1. I confirm that the present owner/s of the temporary *utile dominium* is/are¹⁰:

2. I confirm that the present owner/s of the temporary *directum dominium* and the full ownership after expiration is/are:¹¹

3. The annual groundrent is: Lm_____

4. The groundrent is non-revisable / revisable ¹²in the following manner¹³:

¹⁰ insert details as per 5 above

¹¹ insert details as per 3 above

¹² Delete as applicable.

¹³ Insert method of revision quoting name of Notary and date of deed establishing the revision.

Section D. Other real and personal rights

The property to be acquired is subject to the following real and / or personal rights:

(a) usufruct in favour of ¹⁴

for his/her/their¹⁵ lifetime / _____years¹⁶ with effect from
¹⁷;

(b) servitude of¹⁸ in
favour of¹⁹

(c) pious and other burthens:²⁰

(d) the property is at present not leased / leased²¹to²²:

(e) the property is the matrimonial home of ²³:

14 Insert details as per 5 above

15 Delete as applicable

16 Delete as applicable

17 Insert date of commencement of usufruct

18 Specify type of servitude

19 Insert details as per 5 above

20 Indicate amount and details of payee

21 Delete as applicable

22 Insert full name/s of tenant/s, type of lease and amount of annual rent.

23 Insert full name/s of any owners who at present occupy the property as matrimonial home. If there is no such person please state so.

Lawyer's signature: _____

Section E. Root of title

The person/s indicated above has/have acquired the real right described above in the following manner:²⁴

²⁴ Provide root of title including all related transfers and transmissions for a minimum period of ten years for each person in the event of acquisition by onerous title and for a period of thirty years in all other cases. This information may be provided on a separate sheet to be also signed and dated by the lawyer instructed by the owners. In the case of acquisition by prescription, an affidavit by the owner/s must be submitted confirming possession uti dominus.

Lawyer's signature: _____

Section F. Liabilities

The property to be acquired indicated by the reference numbers quoted on page one of this Form is :

(a) not securing any obligations / securing the following obligation/s:²⁵

(i) creditor:²⁶

(ii) debtor:²⁷

(iii) obligation:²⁸

(iv) hypothec / privilege public registry progressive numbers:

Section G. Miscellaneous

1. The property to be acquired is / is not²⁹ in a compulsory registration area. LRA no:³⁰ _____

2. The following owners are non-resident in Malta for the purposes of the External Transactions Act:³¹

3. The following owners are interdicted, minors, or otherwise incapable of transferring immovable property:

3. The following owners have acquired the property during marriage with a matrimonial regime of separate estates:³²

4. The property has been duly declared by the heirs of
³³ _____ the
causa mortis declaration as per attached certified copy / copies

25 Delete as applicable

26 Insert full name and address

27 Insert full name and address

28 Provide details of the nature of the obligation secured by the property including the amount if applicable.

29 Delete as applicable

30 Insert progressive number if applicable

31 Provide full names and Inland Revenue department registration numbers.

32 Provide full names and details of deed establishing the matrimonial regime

33 Insert the full name of deceased through whom any of the present owners have acquired their title.

Lawyer's signature: _____

Section H. Declaration

I the undersigned declare that I have established the ownership as above of the property indicated by the reference numbers on page one of this Form after having thoroughly examined and verified all transfers and liabilities searches and all other ancillary documents regarding title of the property submitted with this legal advice and that I am in a position to confirm:

(a) that no other person, other than the person/s mentioned above, has/have any claim to any real or personal right on the said property and

(b) that no hypothecs, privileges, burthens, servitudes and personal rights affect the property other than those that may be indicated under Sections D and F above.

Lawyer's signature: _____

Full name: _____

Address: _____

Warrant obtained in: _____(year)

Contact numbers: _____

E-mail address if any: _____

Date: _____

CHECKLIST - Documents and Searches relative to Legal Advice

- Deed of acquisition and any relative plans attached therewith
- Transfers and Liabilities searches of Present Owners
- Transfers and Liabilities searches of Prior Owners, where applicable
- Testamentary searches (death certificate of the deceased person, official searches relative to both public and secret wills, last will of the testator and declaration *causa mortis*, where applicable)

Where a declaration *causa mortis* is required, it is important that the expropriated property is duly declared and a plan outlining the said property must also be annexed to the declaration *causa mortis*.

- Where the present owner is a company, the relative memorandum and articles of association of the said company

Please Note:

- Root of title including all relative transfers and transmissions must cover a minimum period of 10 years for each person in the event of acquisition by onerous title and for a period of 30 years in all other cases. This information may be provided on a separate sheet signed and dated by the lawyer instructed by the owners and it is to be submitted with the legal advice. In the case of acquisitive prescription, an affidavit by the owner/s must also be submitted confirming possession *uti dominus*.
- Vetting of the file may only be concluded after all the necessary documents have been duly presented, vetted and found to be in order.

Lawyer's signature: _____

Data Protection Privacy Notice

The Lands Authority of Auberge de Bavière, St. Sebastian Street, Il-Belt Valletta VLT 2000 is the Data Controller for the purpose of the General Data Protection Regulation (EU) 2016/679, the Data Protection Act (Cap. 586 of the Laws of Malta) and other applicable laws. This Privacy Notice sets out the way in which we collect and process your personal information, as well as the steps we take to protect such information.

1. The information we collect and how we use it

- 1.1. The information provided in this Application and Declaration is used by the Lands Authority to process your request. It should be noted that if the required information is not provided the Application may not be processed.
- 1.2. Although the main purposes for collecting the information are those above-mentioned, your personal information may also be used for related purposes which include but are not limited to the sending of notifications and the provision of information with regards to any legislative amendments which may affect the services offered to you.

2. To whom we disclose information

- 2.1. This information will be solely used for the reasons detailed above. However there may be cases where personal information is shared with the following third parties for reasons listed below:
 - any third-party offering assistance in providing the service;
 - any law enforcement body who may have any reasonable requirement to access your personal information; and
 - third-party entities responsible for the data processing.

3. Data Subject Rights

- 3.1. With respect to your privacy rights, the Lands Authority is obliged to provide you with reasonable access to the personal data that you have provided to us. Your other principal rights under data protection law are:
 - a. the right for information;
 - b. the right to access;
 - c. the right to rectification;
 - d. the right to erasure;
 - e. the right to restrict processing;
 - f. the right to object to processing;
 - g. the right to data portability;
 - h. the right to complain to a supervisory authority and seek judicial remedy; and
 - i. the right to withdraw consent.
- 3.2. If you wish to access or amend any personal data we hold about you, or to request that we delete any information about you, you may contact us by sending a request to dpo.la@landsauthority.org.mt. We will acknowledge your request without undue delay and will respond to these requests within a month, with a possibility to extend this period for particularly complex requests in accordance with Applicable Law.
- 3.3. In accordance with Applicable Law, we reserve the right to withhold personal data if disclosing it would adversely affect the rights and freedoms of others or is prohibited by law. Moreover, we reserve the right to charge a fee for complying with such requests if they are deemed manifestly unfounded or excessive.
- 3.4. Please note that these rights are not absolute but are subject to exceptions expressly laid out in applicable law.

4. Retention period

- 4.1. Once the application is processed, we will retain your information for as long as needed to provide you with our service, or to comply with our legal obligations, resolve disputes and enforce our agreements.

5. Security

- 5.1. We take appropriate security measures to protect against loss, misuse and unauthorized access, alteration, disclosure, or destruction of your information. Additionally, steps will also be taken to ensure the ongoing confidentiality, integrity, availability, and resilience of systems and services processing personal information, and will restore the availability and access to information in a timely manner in the event of a physical or technical incident. All information gathered is kept confidential and is used solely for the purposes mentioned above.

5.2. If we learn of a security systems breach, we will inform you of the occurrence of the breach in accordance with Applicable Law.

6. Governing Law

All data collected in this form is processed in accordance with the General Data Protection Regulation (EU) 2016/679, the Data Protection Act (Cap. 586 of the Laws of Malta) and other applicable laws.

7. Data Protection Officer

7.1. The Lands Authority has a Data Protection Officer (“DPO”) who is responsible for matters relating to privacy and data protection. The DPO can be reached at the above address or by email: dpo.la@landsauthority.org.mt

8. Contacting us

Please address any questions, comments and requests regarding the application process to customercare.la@landsauthority.org.mt