



# GhSL'S TOP MALTESE LAW UPDATES - FEBRUARY 2016

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| RANK | LAW                  | TOPIC   | WHAT'S NEW?  | RELATED INFORMATION                                   |
|------|----------------------|---|--|---|
| 1.   | ACT No. XIII of 2016 | Mandate given by a person in anticipation of his incapacity | <ul style="list-style-type: none"> <li>introduces a new article to the Civil Code, Cap. 16 (article 1864A) that contains various provisions to regulate the situation where a person aged 18 or over, who is soon to be incapacitated, gives a mandate to another person with the aim of taking care of him or administering his property</li> <li>such mandate will only be validly constituted if (a) the mandator first obtains a medical declaration that circumstances require such a mandate in the best interests of the mandator, (b) the mandate is entered into by a public deed and in the presence of 2 witnesses, (c) the court of voluntary jurisdiction approved of the mandate's constitution</li> <li>Such mandate will have effect only upon the incapacity of the mandator</li> <li>Such mandate can be validly terminated if (a) the mandator first obtains a sworn medical certificate which confirms that the incapacity has ceased, (b) the public deed is drawn up providing for its termination, in the presence of 2 witnesses, (c) the court of voluntary jurisdiction approved of the mandate's termination</li> </ul> | <ul style="list-style-type: none"> <li>n/a</li> </ul> |
| 2.   | L.N. 64 of 2016      | Legal Aid Agency  | <ul style="list-style-type: none"> <li>establishes the procedures to be adopted by the Legal Aid Agency in the carrying out of its functions and operations</li> <li>establishes the duties of the legal aid officers</li> <li>legal aid requests shall be made on the application form in the Schedule included in this legal notice</li> </ul>   | <ul style="list-style-type: none"> <li>n/a</li> </ul> |
| 3.   | L.N. 59 of 2016      | Duty on Transfers   | <ul style="list-style-type: none"> <li>This Legal notice applies to transfers <i>inter vivos</i> of immovable property when:               <ol style="list-style-type: none"> <li>the transfer is made on/after 1st January 2016 but before 1st January 2017 to a person who does not require a permit by the Minister for the purposes of the Immovable Property (Acquisition by Non-Residents) Act</li> </ol> </li> </ul>  | <ul style="list-style-type: none"> <li>n/a</li> </ul> |

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|----|---------------------|-------------------------|--|---|
|    |                     |                         | <ol style="list-style-type: none"> <li>2. the property is situated within an urban conservation area or is scheduled by the MEPA, in terms of article 81 of the Environment and Development Planning Act or any Act which may be substituted therefor</li> <li>3. together with the notice referred to in article 51 of the Chapter 364 of the Laws of Malta, there shall be submitted to the Commissioner for Revenue a certificate issued by the MEPA certifying that the property falls within a development area known as an Urban Conservation Area (UCA), or is a scheduled property in accordance with article 81 of the Environment and Development Planning Act or any Act which may be substituted therefor</li> <li>4. no relief was claimed under this Order in respect of any previous transfer of the said property</li> <li>5. no relief is claimed under article 32C of the Duty on Documents and Transfers Act</li> </ol> <ul style="list-style-type: none"> <li>• In such cases, the duty otherwise chargeable in terms of the Duty on Documents and Transfers Act shall be chargeable at the rate of EURO 2.50 on every EURO 100 or part thereof of the amount or value of the consideration for the transfer of the property or of the value of the property, whichever is the greater.</li> </ul> |   |
| 4. | ACT No. XII of 2016 | definition of "tourist" | <ul style="list-style-type: none"> <li>• the definition of "tourist" for the purpose of Malta Travel and Tourism Services Act has been amended to: <i>"tourist" means any person who is travelling to and staying in places outside his usual environment for not more than one consecutive year for leisure, business and other personal purpose other than by taking up employment or to establish a business in the place visited.</i></li> </ul>   | <ul style="list-style-type: none"> <li>• n/a</li> </ul> |