

MEMORANDUM BY THE MINISTER OF JUSTICE ANDPARLIAMENTARY AFFAIRSTENNIS COURT ST. ANGELO

The Defence Land Agent is requesting the Malta Government the grant of the disused Tennis Court at St. Angelo (shown washed in green, exclusive of the foreshore) on Plan No. 109F/232J marked 183A - on encroachment terms. The request has been made to enable the Navy's need for extra accommodation to be concentrated in the St. Angelo complex.

In 1957 the Vittoriosa Labour Committee protested to Government that, among other things, the Civil population was being unjustly deprived of access to the Boat Camber at St. Angelo by the Naval Authorities. The Boat Camber between Fort St. Angelo and il-Birgu was public property at the time.

By a deed in the records of Notary G. Grech of the 17th August, 1936 the Admiralty had acquired on perpetual emphyteusis a plot of ground at the Boat Camber, Fort St. Angelo and Three Stores as indicated on a plan attached to the Deed.

Among the conditions of the deed it is specifically laid down that the Admiralty were not to impair the public rights over the Camber which was public property (rights of way, access and mooring of dghajjes).

In fact the Admiralty blocked the approach to Birgu at the commencement of the War in 1939 and kept it blocked even after the cessation of hostilities. The Admiralty's act of trespass was taken up in 1957 personally by the Hon. Prime Minister and after a thorough study of the matter it was agreed that the Malta Government would sell a part of the Camber to the Admiralty while the Admiralty accepted the public use of the remaining part of the camber and agreed to the surrender of the two Tennis Courts (sited on the seaward side) to the Malta Government as "territorial compensation". These are the Tennis Courts in question.

Although no formal Act of surrender of the two tennis courts took place, i.e. by means of the Secretary of State's Declaration and a deed of transfer, the courts were in fact handed over to the Government. Moreover, by virtue of the Defence Agreement, they became Government property, and the British Authorities may only re-occupy them with the specific permission of the Government of Malta.

The Defence Agreement lays down that the Government of Malta shall provide the British Authorities with such additional land, interests or rights as may be so required under mutual arrangement with the British Authorities provided the land is not required by the Government of Malta (Section 4 (1) of Part IV of the Agreement). Moreover such requests are to be considered sympathetically by the Government of Malta (Section 5 *idem*).

The request is specifically for the grant of the Tennis Courts, exclusive of the foreshore, on encroachment terms. This is a precarious title and may be terminated at will by the Government of Malta.

/The British....

The British Authorities have been very co-operative when requested to surrender property held by them under the provisions of the Defence Agreement. The tennis courts are not at present required by the Government and Hon. Ministers are asked to consider whether the request should:

- (a) be turned down in view of the political background of the taking over of the two tennis courts in 1957; or
- (b) be shelved for the time being and reconsidered at a more opportune moment than the present when negotiations on the Defence cuts are going on; or
- (c) be met, and the tennis courts, exclusive of the foreshore granted to the British Authorities, on encroachment terms".

19th October, 1966.

OPM/825/56.