

**Case Nos. OMB-21-1789 and OMB-21-1797**  
(Previous case nos – U 0098 and U 0123)

28 November 2023

Hon. Dr Anglu Farrugia  
Speaker of the House of Representatives  
Parliament of Malta  
Freedom Square  
Valletta

Dear Hon. Speaker

This Office investigated two complaints submitted in connection with the stance taken by the respective Ministries in cases where notaries public, who have received payment of the respective duties and taxes due on the transfer of property by the parties to the contract, fail to pass the said amounts to the Commissioner for Revenue.

Following a thorough investigation conducted by this Office, a Final Opinion was issued on 25<sup>th</sup> January 2023 which included various recommendations intended to address the situation in general and to provide adequate and tangible redress to complainants and others who have found themselves in their predicament. The Ministries involved informed this Office by letter dated 24<sup>th</sup> February 2023 that the Final Opinion was being considered and that consultations were being carried out with key stakeholders “*with a view to possible viable options to addressing as much as possible the recommendations common to both cases.*” This Office was further informed that the process required further consultations with external stakeholders and might involve legislative amendments. As it appeared that no progress was being registered, in July 2023 the matter was brought to the attention of the Prime Minister. On 17<sup>th</sup> October 2023 this Office informed the Office of the Prime Minister that a tangible reply indicating the way forward was to reach the Ombudsman by the end of October 2023 “*thus obviating the need for the Ombudsman to take ulterior steps in terms of Article 22(4) of the Ombudsman Act and present the cases to the House of Representatives*”. This Office was then informed by the Coordination and Implementation Division within the OPM that

it was “*coordinating with the main ministries concerned (MFJ and MFE) and even held meetings to discuss these cases*” and that the said Ministries had been requested to provide an update.

Despite the aforementioned, no further communication was received by this Office. This Office considers that the action taken in regard to its Final Opinion is unsatisfactory and does not address the grievances tackled therein.

In view of the above, in terms of Section 22(4) of the Ombudsman Act (Chapter 385, Laws of Malta), I am enclosing a copy of the Final Opinion together with the relevant documentation for the attention of the House of Representatives.

Yours sincerely

Joseph Zammit McKeon  
Ombudsman

Encl.

	<b>Date of letter</b>	<b>Description</b>
1	25 January 2023	Final Opinions re Case Nos OMB-21-1789 (U 0098) and OMB-21-1797 (U 0123)
2	25 January 2023	Final Opinion Covering Letters
3	24 February 2023	Reply from Permanent Secretary, Ministry for Justice
4	14 July 2023	Letter to the Honourable Prime Minister
5	17 October 2023	Email to the OPM (Governance Action Directorate)
6	17 October 2023	Email from the OPM (Coordination and Implementation Division)