

TAQSIM TAL-ATT

		Artikoli
Taqsim I	Preliminari	1-2
Taqsim II	Dmir li tippromwovi Sistema Komprensiva, Sostenibbli tal-Ippjanar tal-Użu tal-Art	3-4
Taqsim III	Twaqqif u l-Għan tal-Awtorità	5-7
Taqsim IV	Dispożizzjonijiet Ġenerali	8-35
Taqsim V	Dispożizzjonijiet dwar il-Kunsill Eżekuttiv	
	Twaqqif u l-Għan tal-Kunsill Eżekuttiv	36-39
	Pjanijiet u <i>Policies</i>	40-43
	Strateġija Spazjali dwar l-Ambjent u l-Iżvilupp	44-46
	<i>Policies</i> u Pjanijiet Sussidjarji	47-54
	Ordnijiet	55-58
	Il-Fond għall-Ippjanar tal-Iżvilupp	59
Taqsim VI	Kumitati Konsultattivi dwar <i>Policy</i>	
	Il-Kumitat Permanenti dwar l-Ambjent u l-Ippjanar għall-Iżvilupp	60
	Il-Kumitat tal-Utenti	61
	Il-Kumitat li jirregola l-Bini	62
Taqsim VII	Dispożizzjonijiet relatati mal-Bord tal-Ippjanar	
	Il-Bord tal-Ippjanar	63-69
	Ħtieġa tal-Permess	70-79
	Revoka jew Tibdil ta' Permess	80
	Ħlasijiet u Kontribuzzjonijiet	81-82
Taqsim VIII	Setgħa li jsiru Regolamenti	
	Ġenerali	83-84
	Regolamenti tal-Ippjanar u l-Iżvilupp	85
	Reġistrazzjoni tal-Kuntratturi	86
	Regolamenti tal-Bini	87-88
	Dispożizzjonijiet Mixxellanji dwar Regolamenti tal-Bini	89-91
	Regolamenti dwar il-Kontroll tal-Bini	92
	Emendi tal-Kodiċi tal-Liġijiet tal-Pulizija	93
Taqsim IX	Monitoraġġ u Twettiq	94-102
Taqsim X	Reati	103-105

SKEDI

L-EWWEL SKEDA	Dispożizzjonijiet dwar il-Kunsill Eżekuttiv	
IT-TIENI SKEDA	Dispożizzjonijiet dwar il-Bord tal-Ippjanar u l-Kummissjonijiet tal-Ippjanar	
IT-TIELET SKEDA	TII-Kumitat Permanenti dwar l-Ambjent u l-Ippjanar tal-Iżvilupp	

C 2

IR-RABA' SKEDA

Lista ta' Membri Supplimentari tal-Kunsill
Eżekuttiv

Abbozz ta' Liġi msejjah

ATT biex jipprovi għall-ippjanar sostenibbli u l-ġestjoni ta' żvilupp u għat-twaqqif ta' awtorità b'setgħat għal dak il-għan u għall-kwistjonijiet konnessi jew anċillari magħha.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

TAQSIMA I

Preliminari

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 dwar l-Ippjanar tal-Iżvilupp.

Titolu fil-qosor
u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru jista' jstabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

(3) Avviż taħt is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet transitorji li l-Ministru jidhirlu li jkunu meħtieġa jew spedjenti f'konnessjoni mad-dispożizzjonijiet li jkunu hekk inġiebu fis-sehħ.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma

Tifsiriet.

teħtieġx xort'ohra:

"aġenzija tal-Gvern" tfisser korp ġuridiku mwaqqaf b'liġi u kumpannija li fiha l-Gvern jew korp ġuridiku bħal dak, jew it-tnejn flimkien, għandhom interess li jikkontrolla jew li hija sussidjarja ta' kumpannija bħal dik;

"agrikolutura" tinkludi l-ortikultura, tkabbir tal-frott, tkabbir ta' zerriegħa, produzzjoni tal-ħalib, it-trobbija u ż-żamma tal-bhejjem (inkluż kwalunkwe kreatura miżmuma għall-produzzjoni tal-ikel, suf, ġlud jew pil, jew għall-iskop tal-użu tiegħu fil-biedja tal-art, it-trobbija tal-*bloodstock*, l-użu ta' art bħala art għall-mergħa, art *meadow*, u "agrikolu" għandha tiftiehem skond din it-tifsira;

"alterazzjoni" jew "alterazzjonijiet" fir-rigward ta' żvilupp tinkludi (a) tikhil jew żebgħa jew it-tneħħija ta' ġibs jew stokk, jew (b) is-sostituzzjoni tal-bieb, tieqa jew saqaf, li se tiddel materjalment l-apparenza esterna ta' struttura sabiex tirrendi l-apparenza inkonsistenti mal-karattru tal-istruttura jew mal-istrutturi biswit tagħha;

"appell" tfisser appell lit-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar jew lill-Qorti tal-Appell, skond il-każ;

"applikazzjoni" tfisser kull forma ta' applikazzjoni magħmula lill-awtorità skond dan l-Att;

"art" tinkludi bini u kif ukoll art li giet formata wara reklamazzjoni tal-art u kif ukoll il-baħar u l-qiegħ il-baħar;

"avviż ta' bidu" tfisser avviż sottomess mill-perit f'isem l-applikant lill-Awtorità fiż-żmien ta' hamest ijiem qabel id-data tal-bidu ta' xogħlijiet jew utilizzazzjoni ta' permess, sabiex jinnotifika lill-Awtorità bid-data tal-bidu tax-xogħlijiet jew utilizzazzjoni ta' permess, inkluż l-isem tal-bennej liċenzjat, il-perit u l-*manager* ambjentali tas-sit, li jindika dettalji ta' kuntatt tagħhom fejn jistgħu jiġu milhuqa fi kwalunkwe ħin;

"l-Awtorità" tfisser l-Awtorità tal-Ippjanar imwaqqfa taħt l-artikolu 5 u tinkludi kull korp jew persuna oħra li tagħxi f'isimha bis-saħħa ta' setgħat delegati mill-Awtorità taħt dan l-Att, u l-Ministru jista', b'ordni fil-Gazzetta, jahtar korpi jew persuni differenti bħala awtorità kompetenti għal dispożizzjonijiet differenti u għanjiet differenti ta' dan l-Att jew xi regolamenti magħmula taħthom;

"bini" tinkludi kull struttura jew erezzjoni u kull parti ta' bini, iżda ma tinkludix impjant jew makkinarju kompriż f'bini;

"bini jew xogħol" tinkludi materjal skartat, zibel jew materjal ieħor depożitat fuq xi art;

"bini skedat" għandu t-tifsira mogħtija lill-artikolu 57;

"*brief* dwar l-iżvilupp" għandha l-istess tifsira mogħtija lilha fl-

artikolu 51;

"ċertifikat ta' konformità" ifisser ċertifikat maħrug skond l-artikolu 102;

"derivattivi" tfisser partijiet minn xi kampjun, sew jekk ikun ipproċessat mill-bniedem sew jekk ma jkunx;

"erezzjoni" dwar bini, tinkludi estensjoni, tibdil u erezzjoni mill-ġdid;

"fawna" tfisser kull tip ta' annimali u *biota* oħra inklużi *akaryotes*, *prokaryotes* u *eukaryotes*, mejta jew ħajja, kollha kemm huma jew parti minnhom u d-derivattivi tagħhom;

"flora" tfisser kull tip ta' pjanta u *biota* oħra inklużi *akaryotes*, *prokaryotes* u *eukaryotes*, mejta jew ħajja, kollha kemm huma jew parti minnhom u d-derivattivi tagħhom;

"funzjonijiet" tinkludi responsabilitajiet, setgħat u dmirijiet;

"Gazzetta" tfisser il-Gazzetta tal-Gvern;

"ippjanar tal-iżvilupp" tfisser sistema ta' ippjanar li għandu jkollha bħala l-għan prinċipali tagħha żvilupp sostenibbli;

"ippjanar tal-użu tal-art" għandha tinkludi regolament kemm fuq l-art u art li tkunu reklamata mill-baħar;

"jiem" tfisser jiem kalendarji;

"konservazzjoni" fir-rigward tal-wirt naturali, tfisser serje ta' miżuri meħtieġa biex isostnu jew jirrestawraw l-ambjenti naturali u l-popolazzjoni ta' speċi ta' fawna u flora selvaġġi fi stat favorevoli;

"konservazzjoni" fir-rigward tal-wirt kulturali, tfisser kull attività meħtieġa sabiex, kemm jista' jkun, issaħħaħ jew sabiex tnaqqas id-deterjorazzjoni ta' proprjetà kulturali, u tinkludi l-istharriġ, it-trattament, id-dokumentar, l-preservazzjoni, is-sostnar, ir-rijabilitazzjoni u ir-restawr ta' dik il-proprjetà kulturali jew parti minnha;

"il-Kummissjoni" tfisser il-Kummissjoni tal-Ippjanar stabbilita skond l-artikolu 65;

"Kumitat Permanenti" tfisser il-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp imwaqqaf skont l-artikolu 60;

"kunsill lokali" tfisser kunsill lokali mwaqqaf taħt l-Att dwar Kap. 363.

Kunsilli Lokali;

"minerali" tinkludi l-minerali u s-sustanzi kollha (inklużi ż-żejt u l-gas naturali) ġewwa jew taħt l-art ta' xorta ordinarjament maħduma biex jiġu estratti b'xogħol taħt l-art jew f'wiċċ l-art;

"il-Ministru" tfisser il-Ministru jew is-Segretarju Parlamentari li taħt il-portafoll tagħha l-Awtorità hija inkluża;

Kap. 492. "NGOs Ambjentali" tfisser organizzazzjonijiet mhux governattivi li jippromwovu l-protezzjoni ambjentali u li huma reġistrati taħt l-Att dwar l-Organizzazzjonijiet Volontarji;

"ordni dwar l-iżvilupp" tfisser ordni magħmul taħt l-artikolu 55;

"permess" tfisser permess għall-iżvilupp;

"permess għall-iżvilupp" tfisser permess biex isir żvilupp jew sabiex jinzamm fil-post żvilupp, mogħti mill-Bord tal-Ippjanar jew mill-Kummissjoni tal-Ippjanar jew b'konsegwenza ta' applikazzjoni jew b'ordni dwar l-iżvilupp;

L.S. 504.54 "permess tal-IPPC" tfisser permess skond ir-Regolamenti dwar il-Prevenzjoni u l-Kontroll Integrat tat-Tniġġis tal-Emissjonijiet Industrijali;

"persuna" tinkludi korp jew assoċjazzjoni ta' persuni kemm jekk ikun ingħatalha l-istat ta' personalità ġuridika kif ukoll jekk ma jingħatalhiex dan l-istat u għandha tinkludi NGOs ambjentali;

"persuna jew parti interessata reġistrata" tfisser kull persuna li taġmhel rappreżentazzjoni skond kif previst fl-artikolu 71(6);

"pjan" tfisser pjan approvat skont id-dispożizzjonijiet ta' dan l-Att;

"pjan dwar suġġett" għandha t-tifsira mogħtija lilha bl-artikolu 47;

"pjan lokali" għandha t-tifsira mogħtija lilha bl-artikolu 48;

"pjan ta' azzjoni" għandha t-tifsira mogħtija lilha bl-artikolu 49;

"pjanijiet sussidjarji" tinkludi pjanijiet dwar suġġett, pjanijiet lokali, pjanijiet ta' azzjoni jew pjan ta' immaniggar jew *brief* dwar l-iżvilupp;

"*policy*" tfisser *policy* approvata skont id-dispożizzjonijiet ta' dan l-Att;

"proġetti kbar" tfisser proġetti kif definiti b'regolamenti magħmula taht dan l-Att;

"proġetti ta' interess komuni" tfisser proġett neċessarju għall-implimentazzjoni tal-kurituri u l-oqsma prijoritarji strateġiċi tal-infrastruttura tal-enerġija kif stabbilit fl-Anness I tar-Regolament KE nru. 347/2013 u li hija parti mil-lista ta' proġetti ta' interess komuni fl-Unjoni stabbiliti bl-artikolu 3 tar-Regolament KE nru. 347/2013 jew regolamenti oħra applikabbli minn żmien għal żmien;

"preskritt" tfisser preskritt b'regolamenti, regoli, ordni jew strument ieħor magħmula kif previst fid-dispożizzjonijiet ta' dan l-Att li jagħtu s-setgħa li jsir dak l-istrument;

"regolament" tfisser regolament magħmul taht l-artikolu 84;

"reklam" tfisser kull kelma, ittra, mudell, sinjal, kartellun, tabella, avviz, disinn jew xbiha, sew jekk illuminata sew jekk le, li għandha xorta ta' u hija uzata għal kollox jew f'parti għal skop ta' reklam, avviz jew direzzjoni, inklużi kull stekkat jew struttura simili uzata jew adattata għall-użu ta' wiri ta' reklami;

"riklamazzjoni tal-art" tfisser il-gwadann ta' art mill-baħar, jew *wetlands*, jew korpi oħra ta' ilma u r-restawr tal-produttività jew l-użu ta' artijiet li ġew degradati mill-attivitajiet umani jew imfixkla minhabba fenomeni naturali;

"sid" tfisser:

(a) persuna li jew bi dritt tagħha nnifisha jew bhala aġent debitament awtorizzat għal haddieħor, għandha dritt tirċievi l-kera tal-art jew, fejn l-art m'hix mikrija, kien ikollha dak id-dritt kieku kienet mikrija, iżda ma tinkludix persuna li tokkupa l-art taht titolu ta' qbiela;

(b) meta l-art hija soġġetta għal użufrutt, is-sid tan-nuda proprjetà jew l-użufruttwarju;

(ċ) enfitewta;

(d) kull wiehed mill-komproprjetarji tal-art li fuqha sar l-iżvilupp;

(e) kull wiehed mill-konjuġi, meta l-art relatata mal-iżvilupp tkun tiffirma parti mill-komunjoni tal-akkwisti;

(f) id-direttur jew diretturi tal-kumpannija debitament awtorizzat sabiex jirrapprezenta u jidher għan-nom tal-

kumpannija li hija s-sid tal-art relata mal-iżvilupp;

L.S 504.79. "Studju dwar l-Impatt Ambjentali" tfisser studju skond ir-Regolamenti dwar l-Istudju dwar l-Impatt Ambjentali jew regolamenti oħra applikabbli minn żmien għal żmien;

"stqarrija ta' pożizzjoni" tfisser stqarrija magħmula mill-Ministru jew mill-Kunsill Eżekuttiv jew mill-Kumitat Permanenti dwar l-Ambjent u l-Ippjanar għall-Iżvilupp sabiex tipprovdi spjegazzjoni teknika dettaljata li tiġġustifika pożizzjoni fir-rigward ta' kwistjoni speċifika ta' ppjanar;

"Strategija Spazjali" tfisser l-Istrategija Spazjali għall-Ambjent u l-Iżvilupp kif definit fl-artikolu 44;

"taxxa dwar bini" tfisser id-Dritt għal Permess għall-Iżvilupp taħt l-artikolu 81(1) flimkien mal-Kontribuzzjoni għas-Servizz ta' Infrastruttura taħt l-artikolu 81(2);

"Tribunal" tfisser it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar kif stabbilit taħt l-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar;

"triq" tfisser kull triq, sew jekk pubblika sew jekk privata, u tinkludi kull triq, pjazza, biħħa, sqaq, sqajjaq, pont, passagġ bir-rigel, passagġ jew moll, sew jekk jgħaddi t-traffiku minnhom sew jekk le;

"uffiċjal pubbliku" għandha t-tifsira mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;

"użu", dwar art, jinkludi l-użu tal-art billi jitwettqu fiha xogħlijiet ta' kostruzzjoni, inginerija, thaffir jew xogħlijiet oħra fuqha;

"użu illegali" huwa limitat, fir-rigward tal-art, għall-użu mhux kopert b'permess għall-iżvilupp maħruġ minn awtorità relatata mal-iżvilupp;

"xogħlijiet illegali" tfisser xogħlijiet fuq l-art, fl-art, jew taħt l-art, magħmula wara l-1967 u mhux koperti b'permess għall-iżvilupp minn awtorità relatata mal-iżvilupp;

"xogħlijiet ta' bini" tinkludi xogħolijiet ta' rikostruzzjoni, tibdil strutturali lil jew żjieda f'binj, u xogħlijiet oħra li normalment jitwettqu waqt xogħol ta' kostruzzjoni;

"xogħlijiet ta' inginerija" tinkludi kull bidla fiżika fil-wiċċ tal-art jew fil-qiegħ tal-baħar, lit-topografija ta' sit, jew il-formazzjoni

jew it-tqegħid ta' toroq u ta' mezzi ta' aċċess għat-toroq;

"xogħol ta' manutenzjoni" ma għandhomx jinkludu t-twaqqiġ u xogħol ta' bini mill-ġdid, irrispettivament fejn isir dan it-twaqqiġ u xogħol ta' bini mill-ġdid;

"żvilupp" tfisser kull intervent li jaqa' taħt id-dispożizzjonijiet deskritti fl-artikolu 70.

TAQSIMA II

Dmir li tippromwovi Sistema Komprensiva, Sostenibbli, tal-Ippjanar tal-Użu tal-Art

3. Ikun id-dmir tal-Gvern li jtejjeb l-kwalità tal-ħajja għall-benefiċċju tal-ġenerazzjonijiet preżenti u futuri, mingħajr ma tkun kompromessa l-kapaċità tal-ġenerazzjonijiet futuri li jissodisfaw il-bżonnijiet tagħhom, permezz ta' sistema komprensiva sostenibbli tal-ippjanar tal-użu tal-art, u għal dan il-għan:

Dmir li tippromwovi sistema komprensiva, sostenibbli tal-ippjanar tal-użu tal-art.

(a) għandu jippreserva, juża u jiżviluppa l-art u l-baħar għal din u għall-ġenerazzjonijiet futuri, filwaqt li tittiehed konsiderazzjoni sħiħa għall-bżonnijiet ambjentali, soċjali u ekonomiċi;

(b) għandu jiżgura li l-*policies* nazzjonali tal-ippjanar ma jkunux ambigwi, ikunu aċċessibbli u ċari għall-pubbliku in generali;

(ċ) għandu jhejji pjanijiet regolari skont il-bżonnijiet u l-esiġenzi minn żmien għal żmien;

(d) għandu jidentifika n-nuqqasijiet tal-ippjanar reġjonali u jindirizza kull problema misjuba f'dan ir-rigward;

(e) għandu japplika l-għarfien, ir-riżorsi u l-innovazzjoni xjentifiċi u tekniċi għall-promozzjoni effettiva tal-ippjanar tal-iżvilupp; u

(f) għandu jikkonsidra valuri pubbliċi, spejjeż, benefiċċji, riskji u inċertezzi involuti meta tittiehed kull deċiżjoni.

4. Id-dispożizzjonijiet tal-artikolu 3 m'għandhomx ikunu direttament eżegwibbli f'ebda qorti, iżda, minkejja dan, il-prinċipji li jinsabu hemm fihom huma fundamentali għall-Gvern ta' Malta u dawn il-prinċipji għandhom jithaddmu fl-interpretazzjoni tad-dispożizzjonijiet l-oħra ta' dan l-Att jew ta' kull liġi oħra li

Applikazzjoni tal-artikolu 3.

tirrigwarda dak li hu regolat b'dan l-Att.

TAQSIMA III

Twaqqif u l-Għan tal-Awtorità

Twaqqif tal-Awtorità dwar l-Ippjanar.

5. Qiegħda b'dan tiġi mwaqqfa awtorità, li tkun magħrufa bħala l-Awtorità tal-Ippjanar, hawn aktar 'il quddiem imsejja l-Awtorità, li tkun magħmula mill-Kunsill Eżekuttiv u l-Bord tal-Ippjanar.

Personalità ġuridika u rappreżentanza tal-Awtorità.

6. (1) L-Awtorità tkun korp ġuridiku b'personalità ġuridika distinta u tkun tista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tneħhi kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, tħarrek u tiġi imħarrka, u tagħmel kull haġa u tidhol f'kull operazzjoni li jkunu incidentali jew iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha taħt dan l-Att, magħdud li tislef jew tissellef flus.

(2) Ir-rappreżentanza legali u ġuridika tal-Awtorità tkun vestita fiċ-*Chairperson* Eżekuttiv tal-Kunsill Eżekuttiv:

Iżda iċ-*Chairperson* Eżekuttiv jista' jahtar lil xi wieħed jew aktar mill-membri l-oħra tal-Kunsill Eżekuttiv jew lil xi wieħed jew aktar mill-ufficjali jew mill-impjegati tal-Awtorità biex jidhru f'isem u għall-Awtorità f'kull proċediment u f'kull att, kuntratt, strument jew dokument ieħor ikun li jkun.

Funzjonijiet tal-Awtorità.

7. (1) L-Awtorità għandha tkun il-mezz prinċipali li bih il-Gvern jimplementa dmirijietu taħt dan l-Att.

(2) Il-funzjonijiet tal-Awtorità jkunu dawn li ġejjin:

Kap. 504.

(a) sabiex taqdi u tissuccedi fil-funzjonijiet li qabel kienu assenjati lill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar taħt id-dispożizzjonijiet tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp u li issa jinsabu f'dan l-Att u sabiex taqdi u tissuccedi fl-attiv, jeddijiet, passiv u obbligi tal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar stabbiliti taħt id-dispożizzjonijiet tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp safejn il-Ministru jista' jippreskrivi b'regolamenti taħt dan l-Att;

(b) il-funzjonijiet tal-Kunsill Eżekuttiv u tal-Bord tal-Ippjanar elenkati taħt l-artikoli 38 u 64;

(c) twettaq kull funzjoni oħra li tista' minn żmien għal żmien tiġi assenjata lilha mill-Ministru, inklużi l-funzjonijiet

meħtieġa sabiex jagħtu seħħ lil xi obbligu internazzjonali li Malta jkollha dwar affarijiet regolati b'dan l-Att.

(d) sabiex tiffacilita u tikkoordina l-proċess tal-ġhoti ta' permess għall-proġetti ta' interess komuni;

(e) sabiex taqdi u tissuccedi fil-funzjonijiet li qabel kienu assenjati lill-Bord li Jirregola l-Bini u l-Uffiċċju dwar ir-Regolament tal-Bini taħt id-dispożizzjonijiet tal-Att dwar ir-Regolament tal-Bini u li issa jinsabu f'dan l-Att u sabiex taqdi u Kap. 513. tissuccedi fl-attiv, jeddijiet, passiv u obbligi tal-Bord li Jirregola l-Bini u l-Uffiċċju dwar ir-Regolament tal-Bini stabbiliti taħt id-dispożizzjonijiet tal-Att dwar ir-Regolament tal-Bini safejn il-Ministru jista' jippreskrivi b'regolamenti taħt dan l-Att.

(3) L-Awtorità tista' wkoll teżerċita dawk is-setgħat ta' kontroll fuq l-iżvilupp li jistgħu jiġu delegati lilha minn żmien għal żmien bil-miktub mill-Ministru f'isem xi dipartiment jew aġenzija tal-Gvern.

(4) Għandha tkun il-funzjoni tal-Ministru li jiżgura ruħu li l-Kunsill Eżekuttiv ikun infurmat bis-shiħ bid-direzzjonijiet strateġiċi tal-Gvern relattivi għall-ippjanar tal-iżvilupp, u biex iwettaq monitoraġġ fuq l-eżekuzzjoni xierqa ta' tali *policies*.

(5) L-Awtorità għandha tesegwixxi d-dmirijiet, il-funzjonijiet u r-responsabbiltajiet tagħha skont id-direzzjonijiet strateġiċi tal-Gvern li għandhom x'jaqsmu mal-ippjanar tal-iżvilupp.

(6) Fit-twettiq tal-funzjonijiet tagħha taħt dan l-Att, l-Awtorità għandha, sa fejn hu possibbli, tagħmel referenza għall-aħjar prattiċi u livelli fl-Unjoni Ewropea.

(7) Fit-twettiq tal-funzjonijiet tagħha taħt dan l-Att, l-Awtorità għandha tirregola l-proċedura tagħha stess.

(8) L-Awtorità għandha wkoll tiżgura illi żżomm *audit trail* tal-proċessi kollha tagħha, inkluż ta' kull dokumentazzjoni u rapporti:

Iżda l-proċessi, dokumentazzjoni u rapporti jistgħu jiġu digitizzati u l-Awtorità wara id-digitizzazzjoni tista' tiddisponi mill-kopji stampati tal-proċessi, dokumentazzjoni u rapporti wara perijodu ta' għoxrin (20) sena mid-data tas-sottomissjoni lill-Awtorità jew lil kwalunkwe entità preċedenti oħra li kienet twettaq l-istess funzjonijiet.

TAQSIMA IV

Dispożizzjonijiet Ġenerali

Delega tal-poter.

8. L-Awtorità tista', skond id-dispożizzjonijiet ta' dan l-Att u bl-approvazzjoni tal-Ministru, tiddelega xi waħda jew aktar mill-funzjonijiet tagħha skont dan l-Att taħt dawk il-kondizzjonijiet li jidhrilha xierqa. Avviż ta' kull delega bħal dik għandu jiġi pubblikat fil-Gazzetta.

Hatra ta' Bordijiet u ta' Kumitati Konsultattivi.

9. Il-Kunsill Eżekuttiv jista' bl-approvazzjoni tal-Ministru jaħtar bordijiet u kumitati konsultattivi sabiex jgħinuh fil-qadi tal-funzjonijiet tiegħu taħt din il-liġi jew taħt kull liġi oħra. Il-funzjonijiet ta' dawn il-bordijiet u tal-kumitati għandhom jiġu preskritti mill-Kunsill Eżekuttiv bl-approvazzjoni tal-Ministru.

Tmexxija tax-xogħol tal-Awtorità.

10. (1) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-hidma u l-attività tal-Awtorità jkunu r-responsabbiltà tal-Kunsill Eżekuttiv. It-tmexxija eżekuttiva tal-Awtorità, l-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv tad-Direttorati u tal-uffiċjali u l-impjegati tagħha, ikunu r-responsabbiltà taç-*Chairperson* Eżekuttiv tal-Kunsill Eżekuttiv, li jkollu wkoll dawk is-setgħat kollha li minn żmien għal żmien jiġu mogħtija lil mill-Ministru.

(2) L-Awtorità u kull wiehed mid-Direttorati tagħha jistgħu jeżerċitaw xi wiehed jew aktar mill-funzjonijiet jew ir-responsabbiltajiet tagħhom sew direttament jew permezz ta' xi wiehed mill-uffiċjali jew impjegati tagħhom li jkunu awtorizzati għal dan l-iskop.

(3) Meta f'dan l-Att xi haġa għandha ssir minn jew dwar l-Awtorità, dik il-haġa tista' wkoll issir mid-Direttorati, li taħt il-ġurisdizzjoni tagħhom il-kwistjoni tkun taqa' minhabba f'delega ta' funzjoni lil dak id-Direttorat; u għall-għanijiet hawn aktar qabel imsemmija kull referenza f'dan l-Att għall-Awtorità tinkludi referenza għad-Direttorat adatt.

Hwejjeg oħra relatati ma' uffiċjali tal-Awtorità.

11. (1) Iç-*Chairperson* Eżekuttiv għandu, hu innifsu jew ir-rappreżentant tiegħu, id-dritt li jkun preżenti u jipparteċipa fil-laqgħat kollha tal-Bord tal-Ippjanar, tal-Kummissjoni u tal-laqgħat kollha miżmuma mill-bordijiet u kumitati maħtura mill-Kunsill Eżekuttiv.

(2) Il-Ministru, b'konsultazzjoni maç-*chairperson* rispettiv tal-Kunsill Eżekuttiv u tal-Bord tal-Ippjanar għandu jinnomina segretarju sabiex jassisti lill-entità rispettiva. Is-segretarju jkollu d-dmir li jsejjaħ il-laqgħat u li jzomm il-minuti tagħhom kif ukoll jassumi d-dmirijiet l-oħra li è-*chairperson* tal-Kunsill Eżekuttiv jew tal-Bord tal-Ippjanar jista' jassenja lilu.

(3) Il-Kunsill Eżekuttiv għandu wkoll jinnomina Awditur Intern. L-Awditur Intern għandu:

(a) jissorvelja s-sistemi ta' kontroll intern u maniġġar ta' riskju tal-Awtorità u jassisti u jappoġġa lill-Awtorità fit-tweqqiq tar-responsabbiltajiet tagħha dwar l-istess;

(b) jipprovdi ħolqa ta' komunikazzjoni ma' awdituri esterni u jivvaluta u jikkordina l-awditjar u l-proċess ta' rappurtagġ finanzjarju tal-Awtorità;

(ċ) jiskrutinizza u jevalwa kull transazzjoni li tidhol għaliha l-Awtorità b'valur li jkun aktar minn mitejn u ħamsin elf euro (€250,000); u

(d) jeżamina u jistma l-effettività tal-immaniġġar tal-Awtorità fil-konformità tagħha mal-*policies* u fit-tweqqiq tal-funzjonijiet regolatorji u ta' konformità tagħha sa fejn jikkonċerna kwistjonijiet finanzjarji.

(4) L-Awditur Intern għandu jirrapporta direttament u esklużivament lill-Kunsill Eżekuttiv skont il-proċeduri stabbiliti mill-Kunsill Eżekuttiv.

12. (1) Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni, ta' kull liġi oħra li tapplika għalihom, u bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, l-impjeg u l-ħatra ta' uffiċjali u impjegati oħra tal-Awtorità għandhom isiru mill-Kunsill Eżekuttiv u l-pattijiet u l-kondizzjonijiet tal-impjeg u tal-ħatra għandhom jiġu stabbiliti mill-Kunsill Eżekuttiv wara li jkun qabel magħhom il-Ministru.

Hatriet ta' persunal.

(2) Il-Kunsill Eżekuttiv jista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, iwaqqaf skema jew skemi, sew b'arranġamenti kontributorji jew mhux kontributorji jew f'parti minn wiehed u f'parti mill-ieħor, għall-ħlas lill-uffiċjali u l-impjegati tagħha, jew lid-dipendenti tagħhom, meta jirtiraw, imutu jew ikorru, ta' pensjonijiet, gratifikazzjonijiet u benefiċċji oħra bħal dawn.

13. (1) Meta xi membru tal-Awtorità, jew xi membru tal-persunal tal-Awtorità, jew konsulent, persuna li tagħti parir jew xi persuna oħra ingaġġata mill-Awtorità, ikollu interess fi kwalunkwe haġa li tkun ser tiġi kkunsidrata mill-Awtorità, huwa għandu, hekk kif isir konnoxxenti ta' dan l-interess:

Żvelar ta' interessi.

(a) jiżvela lill-Kunsill Eżekuttiv jew lill-Bord tal-Ippjanar skont il-każ, it-tip ta' interess li għandu;

(b) la jinfluwenza u lanqas jipprova jinfluwenza l-iproċessar u d-deċiżjoni dwar dik il-ħaġa;

(ċ) ma jiehux sehem f'kwalunkwe konsiderazzjoni dwar dik il-ħaġa; u

(d) la jattendi u lanqas jipparteċipa fl-ebda laqgħa dwar dik il-ħaġa.

(2) Meta jkun hemm xi kwistjoni dwar jekk ċertu kondotta ta' xi persuna tkunx tikkostitwixxi jew le nuqqas minn dik il-persuna li tosserva r-rekwiżiti tas-subartikolu (1), il-kwistjoni għandha tiġi riferita lill-Kunsill Eżekuttiv jew lill-Bord tal-Ippjanar skont il-każ u d-deċiżjoni meħuda u l-motivazzjoni warajha għandhom jiġu reġistrati fil-minuti tal-laqgħa li fiha tkun ittiehdet id-deċiżjoni u l-persuna għandha tkun debitament informata.

(3) Meta ssir dikjarazzjoni lill-Kunsill Eżekuttiv jew lill-Bord tal-Ippjanar skont il-każ skont is-subartikolu (1), id-dettalji tad-dikjarazzjoni għandhom jiġu reġistrati fil-minuti tal-laqgħa.

(4) Meta persuna li għaliha jkun japplika s-subartikolu (1), salv għall-membri tal-Awtorità, tonqos milli tagħmel id-dikjarazzjoni meħtieġa, il-Kunsill Eżekuttiv għandu jiddeċiedi dwar l-azzjoni xierqa li għandha tittiehed li tista' tinkludi, wara konsultazzjoni mal-Ministru, it-tneħħija mill-kariga jew it-tmiem tal-kuntratt tal-persuna konċernata. Fil-każ ta' membri tal-Awtorità, id-dispożizzjonijiet tal-artikoli 37(3) u 63(6) għandhom japplikaw.

Hatra u funzjonijiet ta' uffiċjali u impjegati tal-Awtorità.

14. Il-Kunsill Eżekuttiv għandu jahtar u jimpjega, b'dik ir-rimunerazzjoni u taħt dawk il-pattijiet u l-kondizzjonijiet li jista' jistabbilixxi skont l-artikolu 12, dawk l-uffiċjali u impjegati l-oħra tal-Awtorità li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet tal-Awtorità.

Allokazzjoni ta' uffiċjali pubbliċi għal dmirijiet mal-Awtorità.

15. (1) Il-Prim Ministru jista', minn żmien għal żmien, jordna li xi uffiċjal pubbliku jiġi allokat għal dmirijiet mal-Awtorità f'dik il-kariga u b'seħħ minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru.

(2) Il-perijodu li matulu direttiva kif hawn qabel imsemmi għandha tapplika għal xi uffiċjal speċifikat fiha, kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku, jew xort'oħra ma jkomplix fil-kariga f'data li tkun giet qabel, jew kemm-il darba perijodu differenti jiġi speċifikat f'dik id-direttiva, għandu jintemm malli tiġi xi waħda mill-ġrajjet li ġejjin, jiġifieri:

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta'

trasferiment għas-servizz ta', u impjeg permanenti mal-Awtorità skont id-dispożizzjonijiet tal-artikolu 17; jew

(b) ir-revoka ta' dik id-direttiva mill-Prim Ministru, dwar dak l-uffiċjal:

Izda għar-rigward ta' uffiċjal pubbliku li jiġi inkarigat jagħmel dmirijiet mal-Awtorità b'seħħ minn dik id-data li l-Prim Ministru jista' jistabbilixxi b'direttiva kif imsemmi hawn aktar qabel, l-inkarigu ta' dak l-uffiċjal pubbliku għandu jintemm milli jibqa' jseħħ wara sena mid-data effettiva ta' dik id-direttiva, kemm-il darba dik id-direttiva ma tiġix revokata aktar kmieni mill-Prim Ministru.

(3) Meta direttiva kif hawn aktar qabel imsemmi tiġi revokata mill-Prim Ministru dwar xi uffiċjal, il-Prim Ministru jista', b'direttiva oħra, jalloka lil dak l-uffiċjal għal dmirijiet mal-Awtorità f'dik il-kariga u b'seħħ minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u d-dispożizzjonijiet tas-subartikolu (2) għandhom malli jsir dan japplikaw dwar il-perijodu ta' durata ta' allokkazzjoni bħal dik b'kull direttiva oħra bħal dik dwar dak l-uffiċjal.

16. (1) Meta xi uffiċjal pubbliku jiġi allokat fuq dmirijiet mal-Awtorità skont xi waħda mid-dispożizzjonijiet tal-artikolu 15, dak l-uffiċjal għandu, matul dak iż-żmien li fih dik id-direttiva tkun isseħħ dwaru, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Kunsill Eżekuttiv izda dan għandu għall-finijiet u effetti kollha jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

Stat ta' uffiċjali
pubbliċi allokat
fuq dmirijiet
mal-Awtorità.

(2) Bla ħsara għall-ġeneralità ta' dak hawn aktar qabel imsemmi, uffiċjal allokat fuq dmirijiet kif hawn aktar qabel imsemmi:

(a) m'għandux matul iż-żmien li dwaru jkun hekk allokat:

(i) ikun imcaħhad milli japplika għal trasferiment f'dipartiment tal-Gvern skont il-pattijiet u l-kondizzjonijiet tas-servizz marbuta mal-ħatra mal-Gvern li hu jkollu fid-data li fiha jkun ġie hekk allokat fuq dmirijiet; jew

(ii) jirċievi rimunerazzjoni u jkun soġġett għal kondizzjonijiet tas-servizz li jkunu anqas favorevoli minn dawk marbuta mal-ħatra mal-Gvern li hu jkollu f'dik id-data kif hawn qabel imsemmi jew li jistgħu jkunu marbuta ma' dik il-ħatra, matul il-perjodi msemmija, kieku dak l-uffiċjal ma kienx imqabbad jaqdi dmirijiet mal-Awtorità; u

Kap. 93.
Kap. 58.

(b) ikollu l-jedd li s-servizz tiegħu mal-Awtorità jkun meqjus bhala servizz mal-Gvern għall-finijiet ta' xi pensjoni, gratifikazzjoni, jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lin-Nisa Romol u Tfal Iltiema, u għall-finijiet ta' kull jedd jew privileġġ ieħor li kien ikollu dritt għalih, u jkun soġġett għal kull responsabbiltà li kien ikun responsabbli għaliha, kieku ma kienx il-fatt li hu ġie allokat għal dmirijiet mal-Awtorità.

(3) Meta ssir applikazzjoni kif previst fis-subartikolu (2)(a)(i) din għandha tiġi kkunsidrata daqslikieku l-applikant ma ġiex allokat għal servizz mal-Awtorità.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa minhabba l-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjal allokat għal dmirijiet mal-Awtorità kif hawn aktar qabel imsemmi matul iż-żmien li fih ikun hekk allokat.

Offerta ta' impjieg permanenti mal-Awtorità lil uffiċjali pubbliċi allokat għal dmirijiet mal-Awtorità.

17. (1) Il-Kunsill Eżekuttiv jista', bl-approvazzjoni tal-Prim Ministru, jista' joffri lil kull uffiċjal allokat għal dmirijiet mal-Awtorità skont xi waħda mid-dispożizzjonijiet tal-artikolu 15 impjieg permanenti mal-Awtorità b'rimunerazzjoni u taht dawk il-pattijiet u l-kondizzjonijiet kif stabbiliti mill-Awtorità.

Kap. 93.
Kap. 58.

(2) Kull uffiċjal li jaċċetta impjieg permanenti mal-Awtorità li jiġi offert lilu skont id-dispożizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha hliet dawk tal-Ordinanza dwar il-Pensjonijiet u tal-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla ħsara għad-dispożizzjonijiet tal-artikolu 30 ta' dan l-Att, jitqies li jkun temm milli jkun fis-servizz tal-Gvern u li jkun daħal fis-servizz tal-Awtorità fid-data tal-aċċettazzjoni tiegħu, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, safejn japplikaw għalih, servizz mal-Awtorità għandu jitqies bhala servizz mal-Gvern fit-tifsiriet li hemm fihom rispettivament.

Kap. 58.

(3) Kull uffiċjal bħal dak kif hawn qabel imsemmi li, minnufih qabel ma jaċċetta impjieg permanenti mal-Awtorità kellu dritt jibbenefika taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' hekk ikompli jkollu d-dritt jibbenefika tahtu għall-finijiet kollha bħallikieku s-servizz tiegħu mal-Awtorità kien servizz mal-Gvern.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa għall-pensjonijiet u gratifikazzjonijiet dovuti lil uffiċjal li jkun aċċetta impjieg

permanenti mal-Awtorità kif hawn qabel imsemmi matul il-perijodu li jibda fid-data tal-aċċettazzjoni ta' dak l-uffiċjal.

(5) Fil-każ ta' uffiċjal pubbliku inkarigat jagħmel dmirijiet mal-Awtorità b'seħħ mid-data stabbilita taħt il-proviso għall-artikolu 15(2)(b) u li sussegwentement jaċċetta impjeg permanenti mal-Awtorità, id-dispożizzjonijiet ta' qabel għandhom jibqgħu japplikaw bla ħsara għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu.

(6) Għall-finijiet tal-Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli mal-irtirar ta' xi uffiċjal pubbliku li għalih ikun japplika s-subartikolu (5) għandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jithallsu lil xi uffiċjal fis-servizz tal-Gvern fi grad u f'livell inkrementali li jikkorrispondu għall-kariga u livell inkrementali li jkollu l-uffiċjal fid-data meta jirtira minn mal-Awtorità. Kap. 93.

(7) (a) Il-klassifikazzjoni msemmija fis-subartikolu (6) għandha ssir minn bord magħmul minn *chairperson* li jiġi maħtur mill-Ministeru responsabbli għall-finanzi u minn żewġ membri oħra, wieħed maħtur mill-Ministeru responsabbli għall-affarijiet li għandhom x'jaqsmu b'mod ġenerali mal-persunal fis-servizz pubbliku u wieħed maħtur mill-Ministeru responsabbli għall-Awtorità. Il-klassifikazzjoni tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(b) Dik il-klassifikazzjoni għandha issir fi żmien tliet xhur minn kull aġġustament ta' salarji ta' impjegati fis-servizz tal-Gvern u, jew ta' impjegati tal-Awtorità.

(c) Bla ħsara għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara klassifikazzjoni bħal dik imsemmija, ikollu jedd għal xi dritt taħt l-imsemmija Ordinanza dwar il-Pensjonijiet li jkun anqas favorevoli minn dawk li kieku kien ikollu jedd għalihom qabel dik il-klassifikazzjoni. Kap. 93.

18. (1) Bla ħsara għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, il-Kunsill Eżekuttiv għandu hekk imexxi l-affarijiet tal-Awtorità, sabiex in-nefqa meħtieġa għat-twettiq xieraq tal-funzjonijiet tagħha għandhom jithallsu, daqstant kemm ikun prattikabbli, mid-dhul tagħha. L-Awtorità
thallas l-infiq
mid-dhul
tagħha.

(2) Għall-finijiet tas-subartikolu (1) l-Awtorità għandha tiġbor kull dritt, rati u hlas ieħor preskritt jew meqjus li jkun preskritt minn jew taħt dan l-Att jew kull liġi oħra li tkun tipprovdi għal hwejjeġ li jkollhom x'jaqsmu mas-setgħat u l-funzjonijiet vestiti fl-Awtorità b'dan jew taħt dan l-Att.

(3) L-Awtorità għandha wkoll tiġi mħallsa mill-Gvern mill-Fond Konsolidat dawk l-ammonti ta' flus li l-Parlament jista' minn żmien għal żmien jawtorizza li jiġu approprjati biex minnhom jithallsu l-ispejjeż ta' xogħlijiet speċifikati jew attivitajiet li għandhom jikkomplew jew inkella jsiru mill-Awtorità.

(4) Bla ħsara għal dawk id-direttivi li l-Ministru jista' jagħti minn żmien għal żmien wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, kull eċċess ta' dħul fuq l-infiq għandu ikun applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riserva li jintużaw għall-għanijiet tal-Awtorità. Bla ħsara għall-ġeneralità tas-setgħat mogħtija lill-Ministru li jagħti direttivi taħt dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif imsemmi hawn aktar qabel tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod li jista' jiġi speċifikat fid-direttiva, ta' xi sehem mid-drittijiet, rati u hlasijiet oħra miġbura skont is-subartikolu (2).

(5) Kull fond tal-Awtorità li ma jkunx minnufih meħtieġ għall-hlas tal-infiq jista' jiġi investit mill-Awtorità b'dak il-mod li jista' minn żmien għal żmien jiġi approvat mill-Ministru.

Setgħa ta' self
jew għbir ta'
kapital.

19. Biex taqdi kull funzjoni tagħha taħt dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef, inkluż permezz ta' *overdraft* jew xort'oħra, jew tiġbor flus b'dak il-mod, mingħand dik il-persuna, korp jew awtorità, u taħt dawk il-pattijiet u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn qabel imsemmi, jista' japprova bil-miktub.

Avvanzi mill-
Gvern.

20. Il-Ministru reponsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jgħaddi lill-Awtorità dawk is-somom li huwa jaqbel li jkunu meħtieġa mill-Awtorità sabiex taqdi kull funzjoni tagħha taħt dan l-Att, u jista' jgħaddi dawk is-somom taħt dawk il-pattijiet u kondizzjonijiet li, wara l-imsemmija konsultazzjoni, jidhrulu xierqa. Is-somom kollha bħal dawk jistgħu jiġu mghoddija mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr approprjazzjoni oħra hlief dan l-Att, b'*warrant* iffirmit minnu li jawtorizza lill-*Accountant General* biex jgħaddi dawk is-somom.

Self mingħand
il-Gvern.

21. (1) Il-Ministru reponsabbli għall-finanzi jista', għal kull htieġa tal-Awtorità ta' xorta kapitali, jikkuntratta jew johlq kull self, jew jinkorri kull obbligu, għal dawk il-perjodi u b'dawk il-pattijiet u l-kondizzjonijiet li huwa jista' jqis xierqa, u kull ammont ta' flus dovut għar-rigward jew b'konnessjoni ma' xi self jew obbligu bħal dawk għandu jinħareġ mill-Fond Konsolidat.

(2) Għandu jingħata kemm jista' jkun malajr lill-Kamra tad-

Deputati avvż ta' kull self, obbligu magħmul jew somom li jiġu mgħoddija taht id-dispożizzjonijiet ta' qabel ta' dan l-artikolu.

(3) Sakemm jinholoq xi self bħal dak imsemmi fis-subartikolu (1), jew bil-għan li l-Awtorità tiġi provduta b'kapital finanzjarju, il-Ministru reponsabbli għall-finanzi jista', permezz ta' ordni li jkun iġib il-firma tiegħu, u mingħajr ebda approprjazzjoni oħra ħlief dan l-Att, jawtorizza lill-*Accountant General* li jgħaddi flus lill-Awtorità mit-*Treasury Clearance Fund* taht dawk il-pattijiet li jistgħu jiġu speċifikati mill-Ministru meta dawn isiru.

(4) Ir-rikavat ta' kull self maħluq għall-għanijiet li jiġu mgħoddija flus lill-Awtorità, u kull flejjes oħra li jridu jiġu mgħoddija lill-Awtorità taht dan l-artikolu, għandhom jithallsu go fond imwaqqaf b'mod speċjali għal dak l-għan u li jkun magħruf bħala "Fond ta' Self għall-Awtorità".

(5) L-ammonti ta' flus li l-*Accountant General* jirċievi mill-Awtorità għar-rigward ta' flus li jiġu mgħoddija lill-Awtorità taht is-subartikolu (3) għandhom jithallsu fit-*Treasury Clearance Fund* u ammonti ta' flus li jkun irċieva l-*Accountant General* bħala mgħax fuq dawk l-avvanzi għandhom jithallsu fil-Fond Konsolidat.

22. (1) L-Awtorità għandha tieġu ħsieb thejji f'kull sena finanzjarja, u għandha mhux aktar tard minn erba' ġimgħat qabel it-tmiem ta' dik is-sena tadotta, estimi ta' dħul u nfiq tal-Awtorità għas-sena finanzjarja li tiġi wara:

Estimi tal-Awtorità.

Izda l-estimi għall-ewwel sena finanzjarja tal-Awtorità għandhom jithejjew u jiġu adottati sa dak iż-żmien li l-Ministru jista' b'avvż bil-miktub lill-Awtorità jispeċifika.

(2) Fit-thejjija ta' dawk l-estimi l-Awtorità għandha tikkunsidra kull fond u flejjes oħra li jkollhom jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew bis-saħħa ta' dan l-Att sew b'att ta' approprjazzjoni jew b'xi liġi oħra; u l-Awtorità għandha wkoll thejji l-imsemmija estimi hekk li tiżgura li d-dħul totali tal-Awtorità jkun għall-anqas biżżejjed biex jithallsu s-somom kollha li għandhom jithallsu mill-kont tad-dħul tagħha, magħdud, izda bla ħsara għall-ġeneralità ta' dik it-tifsira, id-deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni mas-snin ta' qabel kif jista' jordna l-Ministru responsabbli għall-finanzi.

(4) Kopja tal-estimi għandha, malli dawn jiġu adottati mill-Awtorità, tintbagħat minnufih lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn sitt gimgħat wara li jkun irċieva kopja tal-estimi mingħand l-Awtorità, japprova dawk l-estimi sew b'xi emendi sew mingħajr emendi wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

L-infiq ikun skont l-estimi approvati.

23. (1) Ma jista' jsir ebda nfiq mill-Awtorità kemm-il darba ma jkunx sar provvediment għalih fl-estimi approvati kif previst fl-artikolu 22.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1):

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni tal-estimi għal dik is-sena mill-Kamra, skont liema tkun l-ewwel data, l-Awtorità tista' tagħmel infiq biex taqdi l-funzjonijiet tagħha skont dan l-Att ta' mhux aktar b'kollox minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

(b) infiq approvat dwar kap jew sottokap tal-estimi jista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, isir dwar kap jew sottokap ieħor tal-estimi;

(ċ) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat fl-estimi ma jkunx biżżejjed jew tinqala' l-htieġa għal infiq li ma jkunx provdut għalih fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Ministru u f'kull każ bħal dak id-dispożizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom japplikaw kemm jista' jkun prattikabbli għall-estimi supplimentari.

Pubblikazzjoni ta' estimi approvati.

24. Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tmien gimgħat wara li hu jkun irċieva kopja tal-estimi u tal-estimi supplimentari tal-Awtorità, jew jekk f'xi żmien matul dak il-perijodu l-Kamra tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien gimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jiehu hsieb li dawk l-estimi jitqiegħdu fuq il-Mejda tal-Kamra tad-Deputati, flimkien ma' mozzjoni li l-Kamra tapprova dawk l-estimi. Għandha tingħata gurnata għad-diskussjoni fil-Kamra ta' dik il-mozzjoni, u kemm il-mozzjoni kemm l-approvazzjoni tal-estimi mill-Kamra jistgħu jkunu sew b'emendi għall-estimi sew mingħajrhom.

Kontijiet u verifika.

25. (1) L-Awtorità għandha tiehu hsieb li żżomm kontijiet xierqa u *records* oħra dwar ix-xogħol tagħha, u għandha tiehu hsieb li ttejjji dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet tal-Awtorità għandhom jiġu verifikati minn awditur jew awdituri nominati mill-Awtorità u approvati mill-

Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jehtieg li l-kotba u l-kontijiet tal-Awtorità jiġu verifikati jew ezaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jagħmel kull verifika fiżika u l-verifiki l-oħra li jidhirlu meħtieġa.

(3) L-Awtorità għandha mhux aktar tard minn tliet xhur wara li tispicča kull sena finanzjarja tara li kopja tad-dikjarazzjoni tal-kontijiet verifikata kif imiss tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awditur fuq dak il-prospett jew il-kontijiet tal-Awtorità.

(4) Il-Ministru għandu jieħu hsieb li kopja ta' kull dikjarazzjoni u rapport bħal dawk jitqieghdu quddiem il-Kamra kemm jista' jkun malajr.

26. (1) Il-flejjes kollha miġbura mill-Awtorità għandhom jitqieghdu f'bank jew f'banek maħtura bħala bankiera tal-Awtorità b'rizoluzzjoni tal-Awtorità. Dawk il-flejjes għandhom, safejn dan jista' jsir, jithallsu f'dak il-bank minn ġurnata għall-oħra, hlief dik is-somma li l-Awtorità tista' tawtorizza li tinzamm biex jithallsu l-ispejjeż żgħar u hlasijiet ta' flus kontanti li jsiru fil-pront.

Depożitu ta' dhul u hlasijiet mill-Awtorità.

(2) Il-hlasijiet kollha mill-fondi tal-Awtorità, barra minn spejjeż żgħar li ma jkunux aktar minn somma stabbilita mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali tal-Awtorità li l-Awtorità tista' tahtar jew issemmi għal hekk.

(3) Ċekkijiet kontra u rtirar minn kull kont tal-bank tal-Awtorità għandhom ikunu iffirmati minn dak l-uffiċjal tal-Awtorità li jista' jiġi maħtur jew imsemmi għal dak il-għan mill-Awtorità u għandhom ikunu kontrofirmati miċ-*Chairperson* Eżekuttiv jew minn dak il-membru jew uffiċjal ieħor tal-Awtorità kif jista' jiġi awtorizzat mill-Awtorità għal dak il-għan.

(4) L-Awtorità għandha wkoll tipprovdi dwar:

(a) il-mod li bih u l-uffiċjal jew l-uffiċjali li minnhom għandhom jiġu awtorizzati jew approvati l-hlasijiet;

(b) l-isem ta' kull kont miżmum mal-bank jew banek li fihom il-flus tal-Awtorità għandhom jithallsu, u t-trasferiment ta' fondi minn kont għall-ieħor;

(c) il-metodu li għandu jintuża fil-hlasijiet mill-fondi

tal-Awtorità, u b'mod ġenerali dwar kull haġa li għandha x'taqsam maż-żamma u kontroll xieraq ta' kontijiet u kotba, u l-kontroll tal-finanzi tal-Awtorità.

Kuntratti ta' provvista jew xogħlijiet.

27. L-Awtorità ma għandhiex tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjali jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-ġħoti ta' servizzi, lil jew għall-benefiċċju tal-Awtorità, hliet skont ir-regolamenti fis-sehħ li jirregolaw l-akkwist tal-oġġetti u servizzi fis-servizz pubbliku.

Rapport Annwali.

28. L-Awtorità għandha, mhux aktar tard minn tliet xhur wara li tispicċa kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun jittratta b'mod ġenerali dwar l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja, li jkun fih dak it-tagħrif dwar it-tmexxija u l-linja tal-politika tal-Awtorità hekk kif xi wieħed mill-Ministri msemmija jista' jkun jeħtieġ minn żmien għal żmien. Il-Ministri għandhom jaraw li titqiegħed kopja ta' kull rapport bħal dak fuq il-Mejda tal-Kamra malajr kemm jista' jkun.

Eżenzjoni mit-taxxa.

29. L-Awtorità tkun hielsa minn kull obbligu għall-ħlas ta' taxxa fuq id-dħul jew taxxa tal-boll taħt kull liġi li tkun fis-sehħ f'dak iż-żmien f'Malta.

Membri tal-Awtorità, eċċ., jitqiesu uffiċjali pubbliċi għal ċerti għanijiet. Kap. 9

30. (1) Għall-għanijiet tal-Kodiċi Kriminali u ta' kull dispożizzjoni ta' natura penali f'kull liġi oħra, il-membri tal-Awtorità, jiġifieri l-Kunsill Eżekuttiv, il-Bord tal-Ippjanar u kull kumitat, bord, kummissjoni, jew korp ieħor jew uffiċċju mwaqqaf b'dan l-Att, u kull uffiċjal u impjegat tagħhom, għandu jitqies li hu u jiġi trattat bħallikieku kien uffiċjal pubbliku.

(2) Il-membri, uffiċjali u impjegati tal-Awtorità fl-eżekuzzjoni tal-funzjonijiet tagħhom taħt dan l-Att jew taħt kull liġi oħra amministrata mill-Awtorità, ma jkunux responsabbli għal ebda telf jew ħsara mgarrba minn xi persuna minhabba f'xi haġa magħmula jew ommessa milli ssir bona fidi filwaqt tal-amministrazzjoni ta' dan l-Att jew ta' xi liġi oħra.

Konsultazzjonijiet.

31. Il-Kunsill Eżekuttiv, il-Bord tal-Ippjanar, il-Kummissjoni, kull Kumitat, jew Bord jista' jikkonsulta ma' kull uffiċjal tal-Awtorità jew xi persuna jew entità oħra li l-parir tagħhom ikun meqjus bħala rilevanti għal kull haġa ikkunsidrata minnha.

Dikjarazzjoni ta' assi, kodiċi ta' kondotta u pubblikazzjoni tal-ismijiet.

32. (1) Kull membru tal-Kunsill Eżekuttiv, tal-Bord tal-Ippjanar, tal-Kummissjoni u kull Direttur għandhom jagħmlu dikjarazzjoni tal-assi tagħhom skont il-proċedura stabbilita għal dan il-għan mill-Ministru.

(2) Il-Ministru għandu f'konsultazzjoni mal-Awtorità, jipprepara, jippubblika u jirrevedi kodiċi dwar il-kondotta li kull membru tal-Awtorità, iċ-*Chairperson* Eżekuttiv, *chairpersons*, Diretturi u uffiċjali tal-Awtorità, ikun mistenni li jsegwi fil-qadi tal-funzjonijiet tal-Awtorità.

(3) Id-dispożizzjonijiet tal-kodiċi ta' kondotta għandhom jittieħdu f'kunsiderazzjoni sabiex jiġi stabbilit jekk xi membru jew uffiċjal ma jkunx f'pożizzjoni li jaqdi l-funzjonijiet tiegħu taht dan l-Att jew meta t-terminu tal-ingaġġ tiegħu jkun ser jiġi mġedded.

(4) L-ismijiet tal-membri kollha tal-Kunsill Eżekuttiv, tal-Bord tal-Ippjanar, tal-Kummissjoni u kull kumitat, bord, jew korp ieħor imwaqqaf b'dan l-Att, u kull tibdil f'dawk il-membri għandhom jiġu pubblikati fil-Gazetta.

33. (1) Il-Ministru għandu, b'konsultazzjoni mal-Awtorità, b'regolamenti taht dan l-artikolu jipprovdi li membri tal-pubbliku jew dawk il-kategoriji ta' persuni li jistgħu jiġu preskritti jkollhom jedd jitolbu minn dawk id-dipartimenti tal-Gvern, awtoritajiet, korporazzjonijiet pubbliċi jew persuni oħra kif jista' jiġi preskrit, dik l-informazzjoni li jista' jkollhom fil-pussess tagħhom u li tkun tirrigwarda l-ippjanar tal-iżvilupp. Bla ħsara għall-ġeneralità ta' dak hawn aktar qabel imsemmi, dawk ir-regolamenti jistgħu jippreskrivu:

Dritt għal informazzjoni.

(a) ix-xorta ta' informazzjoni li tista' tkun mitluba;

(b) iċ-ċirkostanzi li fihom tista' tintalab dik l-informazzjoni;

(ċ) iċ-ċirkostanzi li fihom dik l-informazzjoni tista' ma tingħatax mill-enti li ssirilha t-talba u l-pubblikazzjoni tar-raġunijiet għaliex dik l-informazzjoni tkun hekk inżammet;

(d) id-drittijiet li jistgħu jintalbu għar-rigward tal-għoti ta' tali informazzjoni; u

(e) iż-żmien li fih għandha tingħata dik l-informazzjoni.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1), l-Awtorità għandha żżomm u tagħmel disponibbli għall-ispezzjon tal-pubbliku fil-ħinijiet raġonevoli li tista' tiddetermina, registru jew registri:

(a) tal-applikazzjonijiet kollha għal permess għall-iżvilupp irċevuti minnha bl-isem tal-applikant u d-dettalji tal-proposta, inkluż dokumenti u l-pjanti dettaljati; u

(b) tad-deċiżjonijiet kollha inkluż id-dokumenti u l-pjanti dettaljati magħmulin fuq dawn l-applikazzjonijiet; u

(ċ) tad-deċiżjonijiet kollha fir-rigward tat-twarrib jew it-tħaffif tar-regolamenti dwar il-bini:

Iżda għall-finijiet ta' dan is-subartikolu rapport dwar l-applikazzjoni u kull pjan li jikkoncerna applikazzjonijiet li għandhom x'jaqsmu mas-sigurtà nazzjonali, difiża, banek, ħabsijiet, l-ajruport u istituzzjonijiet oħra jew bini li s-sigurtà tagħhom huwa mixtieq li jiġu mharsa kif l-Awtorità tista' tistabbilixxi, m'għandhomx ikunu aċċessibli għall-pubbliku:

Iżda wkoll għall-finijiet ta' dan l-artikolu, fil-każ ta' proċess miżmum mill-Awtorità, dak il-proċess m'għandhux ikun aċċessibli għall-pubbliku ħlief għall-parti tal-proċess li jkun fiha l-informazzjoni li ġejja:

(i) ir-rapport tal-applikazzjoni dwar l-applikazzjonijiet kollha u kull rapport tal-ippjanar li għandhom x'jaqsmu mal-istess applikazzjonijiet;

(ii) id-deċiżjonijiet kollha li għandhom x'jaqsmu mal-permessi tal-iżvilupp mahruga mill-Awtorità flimkien mal-pjanti u dokumenti relattivi inkluż ir-raġunijiet għall-għoti ta' tali permessi jew rifjut;

(iii) kull studju dwar l-impatt ambjentali, dikjarazzjoni dwar l-ippjanar ambjentali u dikjarazzjoni dwar l-impatt tat-traffiku.

(3) L-Awtorità għandha tiżgura li tkun magħmula disponibbli għall-pubbliku informazzjoni dettaljata li tirrigwarda l-aċċess għall-proċeduri tal-appell quddiem it-Tribunal u l-Qorti tal-Appell, inkluża informazzjoni dwar id-drittijiet ta' kull persuna li tiegħu passi legali dwar appelli u għandha tagħti informazzjoni dwar żminijiet legali perentorji u dwar drittijiet mandatorji li għandhom jiġihallu fir-rigward ta' dawn il-proċeduri inkluż permezz tal-publikazzjoni tagħhom fuq is-sit elettroniku tal-Awtorità.

Notifiki ta' avvizi, eċċ., taht dan l-Att.

34. (1) Meta xi avviz jew att jew dokument ieħor, ikun x'ikun, huwa meħtieġ jew awtorizzat li jiġi notifikat jew mogħti skont jew taht dan l-Att, dan jista' jiġi notifikat jew mogħti b'kull wieħed mill-modi li ġejjin:

(a) billi jingħata f'idejn il-persuna li għandha tiġi notifikata jew li lilha għandha tingħata; jew

(b) billi jithalla fil-post fejn soltu toqgħod jew fejn l-aħhar kienet toqgħod, dik il-persuna, jew fil-post tax-xogħol, jew jekk dik il-persuna tkun tat indirizz għal notifika, f'dak l-indirizz; jew

(c) billi jintbagħat b'ittra reġistrata indirizzata lil dik il-persuna fil-post ta' abitazzjoni jew indirizz għal notifika hawn qabel imsemmi; jew

(d) f'każ ta' korp ġuridiku jew għaqda ohra ta' persuni, billi jingħata f'idejn uffiċjal jew impjegat tagħhom fl-uffiċċju reġistrat jew prinċipali, jew billi jintbagħat b'ittra reġistrata indirizzata lill-korp fuq imsemmi f'dak l-uffiċċju; jew

(e) f'kull każ li fih ma jkunx raġonevolment possibbli li ssir notifika f'xi wieħed mill-modi ta' qabel dan, lil kull waħda mill-persuni li lilha għandha ssir in-notifika jew li l-avviż jingħata, jew lil xi waħda jew aktar minnhom, billi l-avviż jew att jew dokument li għandu jiġi notifikat jew mogħti jitwaħħal f'post prominenti fuq l-art li għaliha jirreferi u jinzamm hekk imwaħħal għal hamest ijiem ta' hidma u billi jiġi ppubblikat l-avviż, jew l-att jew id-dokument f'Gazzetta lokali. Fejn l-avviż jew att jew id-dokument li għandu jiġi notifikat jew mogħti jitwaħħal fuq l-art iżda jiġi mneħhi qabel ma jiskadi l-perijodu ta' hamest ijiem ta' hidma, it-twaħħil mill-ġdid tal-avviż jew tal-att jew tad-dokument għandu jkun biss għall-perijodu rimanenti wara li d-dokument ikun ġie mneħhi.

(2) Meta kwalunkwe avviż jew dokument ieħor huwa meħtieġ jew awtorizzat li jiġi notifikat jew mogħti lil persuna li jkollha xi interess f'xi art, u l-isem ta' dik il-persuna ma jkunx jista' jiġi aċċertat wara sħarriġ xieraq, jew li jkollu jiġi notifikat jew mogħti lil min jokkupa art, l-avviż jitqies li jkun ġie notifikat jew mogħti kif imiss jekk jiġi notifikat jew mogħti f'xi wieħed mill-modi hawn qabel imsemmija fis-subartikolu (1) u jkun indirizzat lill-persuna li għandha interess fl-art deskritta, bħala "sid", "persuna li tokkupa", jew "sidien", "persuni li jokkupaw", skont il-każ.

(3) Persuna li fi kwalunwe żmien wara li l-avviż jiġi imwaħħal skont is-subartikolu (1)(e), tneħhi, tikkawża danni jew tisfigura l-avviż mingħajr awtorità legittima tkun haġta ta' reat kontra dan l-Att.

35. (1) Il-Ministru jista' b'seħħ minn dik id-data li tista' tiġi stabbilita b'avviż fil-Gazzetta jhassar l-Att dwar l-Ambjent u Ippjanar tal-Iżvilupp u l-Att dwar Ir-Regolamenti tal-Bini, u, jew jemenda il-Kodiċi tal-Liġijiet tal-Pulizija u dati, regoli u proċeduri differenti jistgħu jiġu hekk stabbiliti għat-thassir u, jew l-applikabilità tad-

Riservi.

dispożizzjonijiet differenti tagħhom.

Kap. 504.
Kap. 513.
Kap. 10.

(2) Kull ordni, regola, regolament, ordinament, avviż, pjan jew *policy* jew strument ieħor li jkollu forza ta' liġi li jsiru jew li nżammu fis-seħħ taħt l-awtorità ta' xi dispożizzjoni tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, l-Att dwar ir-Regolamenti tal-Bini, u d-dispożizzjonijiet rilevanti tal-Kodiċi tal-Liġijiet tal-Pulizija għandha tkompli sseħħ u għandu jibqa' jkollha effett bhallikieku magħmula taħt dan l-Att u tista' tiġi emendata, sostitwita jew revokata skont hekk, sakemm l-imsemmi ordni, regola, regolament, ordinament, avviż, pjan jew *policy* jew strument ieħor ma għandhomx x'jaqsmu ma' affarijiet li jaqgħu taħt l-Att dwar il-Protezzjoni tal-Ambjent.

Kap. 504.
Kap. 513.
Kap. 10.

(3) Kull liċenza, permess, ordni, avviż jew ċertifikat, jew kull prosekuzzjoni jew akkuża, mogħtija jew magħmula jew miżmuma fis-seħħ taħt xi waħda mid-dispożizzjonijiet tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, l-Att dwar ir-Regolamenti tal-Bini, u d-dispożizzjonijiet rilevanti tal-Kodiċi tal-Liġijiet tal-Pulizija u li jkunu għadhom fis-seħħ minnufih qabel id-data li fiha jidhol fis-seħħ dan l-Att, għandhom minn dik id-data jibqgħu fis-seħħ bhallikieku kienu liċenza, permess, ordni, avviż jew ċertifikat, jew prosekuzzjoni jew akkuża, mogħtija jew magħmula taħt id-dispożizzjoni korrispondenti ta' dan l-Att, u kull liċenza, permess, ordni, avviż jew ċertifikat, jew prosekuzzjoni jew akkuża bħal dawk hawn aktar qabel imsemmija għandhom jiġu trattati u jsir minnhom skont hekk, sakemm l-imsemmija liċenza, permess, ordni, avviż jew ċertifikat, jew kull prosekuzzjoni jew akkuża mogħtija jew magħmula, ma għandhomx x'jaqsmu ma' affarijiet li jaqgħu taħt l-Att dwar il-Protezzjoni tal-Ambjent:

Iżda fil-każ ta' kull liċenza, permess, ordni, avviż jew ċertifikat maħruġa bħala operattivi għall-perjodu speċifiku, tali liċenza, permess, ordni, avviż jew ċertifikat għandhom jibqgħu operattivi għal dak il-perjodu mid-data tal-ħruġ tal-istess liċenza, permess, ordni, avviż jew ċertifikat.

(4) Il-Kumitat tal-Utenti stabbilit taħt id-dispożizzjonijiet tal-artikolu 61 għandu jaqdi u jissuċċedi fil-funzjonijiet, l-attiv, jeddijiet, passiv u obbligi kollha tal-Kumitat tal-Utenti, stabbilit taħt id-dispożizzjonijiet tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp.

TAQSIMA V

Dispożizzjonijiet dwar il-Kunsill Eżekuttiv

Twaqqif u l-Għan tal-Kunsill Eżekuttiv

36. (1) Qiegħed b'dan jiġi mwaqqaf Kunsill Eżekuttiv.
- (2) Il-membri tal-Kunsill Eżekuttiv għandhom ikunu dawn li
gejjin:

Twaqqif tal-
Kunsill
Eżekuttiv.

(a) *Chairperson* Eżekuttiv li jinħatar mill-Ministru kif stabbilit bl-artikolu 37;

(b) żewġ membri permanenti li għandhom ikunu iċ-*chairperson* u viċi-*chairperson* tal-Bord tal-Ippjanar kif stabbilit bl-artikolu 63;

(ċ) żewġ membri permanenti li għandu jkollhom għarfien sew f'affarijiet relatati mal-kostruzzjoni tal-bini jew mas-saħħa u s-sigurtà jew mas-servizzi tal-bini u li għandhom jkunu mahtura mill-Ministru għall-perijodu ta' tlett snin u dak il-perijodu jista' jiġi mtawwal għal perijodi oħra ta' tliet snin kull wieħed. Id-dispożizzjonijiet tal-artikolu 37(3) għandhom *mutatis mutandis* japplikaw;

(d) żewġ membri li għandhom jiġu mahtura mill-Awtorità ta' Malta għall-Ambjent li għandhom jiġu msejha sabiex jattendu għal-laqgħat tal-Kunsill Eżekuttiv miċ-*Chairperson* Eżekuttiv kull meta l-Kunsill Eżekuttiv jkun qed jikkonsidra l-istrateġija spazjali għall-ambjent u l-iżvilupp, *policies* u pjanijiet sussidjarji, ordnijiet għall-iżvilupp, skedar u ordnijiet ta' konservazzjoni, u ordnijiet ta' emerġenza għall-konservazzjoni kif regolati taht din it-Taqsima ta' dan l-Att;

(e) kull membru supplimentari ieħor mill-lista tal-entijiet indikati fir-Raba' Skeda li jistgħu jiġu msejha sabiex jattendu għall-laqgħat tal-Kunsill Eżekuttiv fid-diskrezzjoni taċ-*Chairperson* Eżekuttiv.

- (3) Id-dispożizzjonijiet tal-Ewwel Skeda għandhom japplikaw għall-Kunsill Eżekuttiv u jirregolaw il-proċeduri tiegħu.

- (4) Il-Kunsill Eżekuttiv għandu jibgħat kopja tal-aġenda, minuti u dokumenti relattivi tal-laqgħat tiegħu lill-Ministru għall-informazzjoni tiegħu.

37. (1) Il-Ministru għandu jahtar *Chairperson* Eżekuttiv. Dik il-ħatra għandha tkun għal perjodu ta' tliet snin u dak il-perijodu jista' jiġi mtawwal għal perijodi oħra ta' tliet snin kull wieħed.

(2) Iç-*Chairperson* Eżekuttiv għandu jkun responsabbli għall-implimentazzjoni tal-għanijiet tal-Awtorità kif stipulat mill-Kunsill Eżekuttiv. Fit-twettiq tal-funzjonijiet tiegħu u bla ħsara għall-generalità ta' dak imsemmi hawn aktar qabel iç-*Chairperson* Eżekuttiv għandu:

(a) jassumi s-supervizjoni u l-kontroll fuq kollox tad-Direttorati, inkluż it-twaqqif tad-dipartimenti li fl-opinjoni taç-*Chairperson* Eżekuttiv jistgħu jkunu meħtieġa għat-tħaddim xieraq tal-Awtorità u jassenja lil dawn id-dipartimenti d-dmirijiet rispettivi tagħom;

(b) jikkordina l-ħidma tal-Kunsill Eżekuttiv u tad-Direttorati u jassenja lid-Direttorati dawk id-dmirijiet li huma, bi jew skont id-dispożizzjonijiet ta' dan l-Att, vestiti f'dawk id-Direttorati;

(c) jiżviluppa l-istrategiji meħtieġa għall-implimentazzjoni kontinwa tal-għanijiet tal-Awtorità;

(d) jagħti il-parir tiegħu dwar kull haġa li tkun riferita lil jew dwar kull haġa li hu jqis li l-parir tiegħu jkun meħtieġ jew spedjenti;

(e) iwettaq dawk il-funzjonijiet u dmirijiet l-oħra li l-Ministru jista' jassenjalu minn żmien għal żmien;

(f) jistabilixxi u jikkordina gruppi ta' ħidma li jiġu mwaqqfa minn żmien għal żmien sabiex jiffurmola *policies*, *pjanijiet* jew *regolamenti*.

(3) Iç-*Chairperson* Eżekuttiv jista' jitneħħa mill-Ministru f'kull żmien għal kawża ġusta u għandha tkun kawża ġusta jekk il-Ministru jiddeċiedi li huwa ma jkunx laħaq il-miri u l-oġġettivi li jkunu tpoġġewlu mill-Ministru.

(4) Fl-assenza taç-*Chairperson* Eżekuttiv, jew jekk iç-*Chairperson* Eżekuttiv ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk taht din jew xi dispożizzjoni oħra ta' dan l-Att, iç-*Chairperson* Eżekuttiv jista' wara konsultazzjoni mal-Ministru jahtar lil xi wieħed mill-membri l-oħra tal-Kunsill Eżekuttiv jew lil xi wieħed mill-uffiċjali jew mill-impjegati tal-Awtorità sabiex jaġixxu bħala agent *Chairperson* Eżekuttiv.

38. (1) Il-funzjonijiet tal-Kunsill Eżekuttiv jkunu dawn li Funzjonijiet tal-Kunsill Eżekuttiv. ġejjin:

(a) sabiex jipprovdi ufficċju centralizzat sabiex jirċievi u jipproċessa l-applikazzjonijiet għal żvilupp;

(b) sabiex jipprovdi ufficċju centralizzat sabiex jirċievi u jipproċessa r-rappreżentazzjonijiet, rapporti u assessjar tal-informazzjoni, relatati ma' allegat ksur tad-dispożizzjonijiet ta' dan l-Att, u sabiex jikkordina investigazzjonijiet mwettqa mill-awtoritajiet kompetenti kull meta l-Awtorità hija tal-opinjoni li ksur għandu jkun segwit minn azzjoni ta' twettiq infurzar jew rimedji oħra;

(c) sabiex jiformola, jimplementa u jaġġorna pjanijiet u *policies* li għandhom x'jaqsmu mal-promozzjoni tal-użu xieraq tal-art u l-baħar, kemm pubblici u privati, ippjanar tal-iżvilupp tal-art u l-baħar, kemm pubblici u privati, u dwar dawk l-affarijiet l-oħra li jistgħu jkunu meħtieġa, anċillari, inċidentali jew li jwasslu għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att, filwaqt li jittiehdu f'kunsiderazzjoni l-protezzjoni u l-immaniġġar tal-ambjent u l-immaniġġar sostenibbli ta' riżorsi naturali;

(d) sabiex jinforza l-kontroll ta' dak l-iżvilupp skont pjanijiet, *policies* u permessi skont dan l-Att;

(e) sabiex jagħmel kartografiji nazzjonali, inkluż li jagħmel *surveys* tal-art ta' żoni speċifiċi u li jaġġorna d-*database* ġeografiku nazzjonali sabiex jiġu mwettqa l-funzjonijiet imsemmija f'dan is-subartikolu;

(f) sabiex jirregola skemi ta' allinjament u ta' livelli kif ukoll li jinterpretahom fis-sit;

(g) jara li jsib koperazzjoni minn, jew li jagħmel arrangamenti ma', entijiet jew persuni oħra sabiex huwa jkun jista' jissorvelja aħjar l-implimentazzjoni u t-tħaris tad-dispożizzjonijiet ta' dan l-Att;

(h) jistabbilixxi għanijiet u strategiji fit-tul u għal żmien qasir għall-amministrazzjoni xierqa tal-Awtorità;

(i) sabiex jagħti pariri lill-Ministru fuq l-għemil ta' linji gwida u regolamenti taħt dan l-Att;

(j) sabiex jipprovdi appoġġ u servizzi konsultattivi, li jirrigwardaw l-ippjanar tal-iżvilupp b'mod sostenibbli tal-art u

l-baħar, lill-Gvern u lill-awtoritajiet lokali għar-rigward tat-twetliq tal-funzjonijiet tagħhom;

(k) sabiex jagħmel riċerka u jikkonsulta mad-dipartimenti tal-Gvern, organizzazzjonijiet mhux governattivi, organizzazzjonijiet privati u organizzazzjonijiet internazzjonali u persuni oħra fuq affarijiet li jirrigwardaw l-iżvilupp ta' metodi ta' ippjanar u mudelli li għandhom x'jaqsmu mal-ippjanar tal-iżvilupp tal-art u l-baħar u fuq affarijiet oħra relatati;

(l) sabiex jippubblika u jaġġorna, skont ma jeħtieġu ċ-ċirkostanzi, librett uffiċjali, li għandu jkun ippubblikat u aġġornat f'forma elettronika jew f'kull format ieħor li l-Awtorità tqis meħtieġ, li jkun fih dawk il-ħwejjeġ li l-Ministru jista' jordna u li għandu jkun disponibbli għall-pubbliku, iżda:

(i) l-ebda pjan jew *policy* jew emenda għal dawn ma għandu jkollha effett sakemm ma tkunx giet approvata skont id-dispożizzjonijiet ta' dan l-Att u ppubblikata fil-librett uffiċjali;

(ii) kull pjan jew *policy* jew emenda għal dawn, skont kif ikun il-każ, għandha tiġi ppubblikata fil-librett uffiċjali fi żmien xahar mid-data tal-approvazzjoni tagħha skont dan l-Att;

(m) sabiex jagħmel ordnijiet taħt din it-Taqsima ta' dan l-Att;

(n) sabiex joħroġ dokumenti ta' gwida teknika kif ikun meħtieġ minn żmien għal żmien;

(o) sabiex jagħmel kull attività jew funzjoni li għandha x'taqsam ma' regolamenti dwar il-bini jew regolamenti dwar il-kontroll tal-bini li jistgħu jiġu assenjati lilu permezz ta' regolamenti magħmula mill-Ministru skont id-dispożizzjonijiet ta' dan l-Att;

(p) sabiex jahtar minn żmien għal żmien sotto-kumitati sabiex jiġbru rapporti tekniċi u, jew jidentifikaw proċeduri li għandhom jiġu adottati.

(2) Fl-eżekuzzjoni tal-funzjonijiet tiegħu taħt din it-Taqsima ta' dan l-Att, il-Kunsill Eżekuttiv għandu jikkonsulta mal-Ministru, u għandu jkollu u jista' jeżerċita xi wieħed jew aktar mis-setgħat mogħtijin lilu jew fdati lilu b'dan l-Att.

39. (1) Il-Kunsill Eżekuttiv għandu jwaqqaf Direttorati li għandu jkollhom ir-responsabbiltajiet rispettivi. Twaqqif tad-Direttorati.

(2) Il-Kunsill Eżekuttiv għandu bil-miktub jagħti lid-Direttorati mwaqqfa taħt is-subartikolu (1), u soġġetti għas-supervizjoni u l-kontroll totali tač-*Chairperson* Eżekuttiv, dawk mill-funzjonijiet tal-Awtorità li jirrigwardaw jew li huma anċillari għal dawk l-affarijiet li għalihom id-Direttorati jkunu responsabbli. L-imsemmija Direttorati għandhom jagħtu seħħ lill-istrateġiji, linji ta' *policy* u direttivi tal-Awtorità u xort'oħra jwettqu effettivament u effiċjentement il-funzjonijiet tal-Awtorità f'kull qasam rispettiv tal-ħidma tagħhom.

(3) Kull Direttorat imwaqqaf taħt is-subartikolu (1) jitmexxa minn persuna li jkollha esperjenza jew għarfien adegwat fil-qasam rispettiv tal-operat tagħha li tkun jew uffiċjal pubbliku bi dmirijiet mal-Awtorità jew impjegat tal-Awtorità, jew persuna assenjata biex taħdem mal-Awtorità skont ftehim bejn l-Awtorità u impriża pubblika jew privata.

(4) Il-kapijiet tad-Direttorati għandhom jinhatru mill-Kunsill Eżekuttiv bl-approvazzjoni tal-Ministru għal perijodu ta' tliet snin u dak il-perijodu jista' jiġi mtawwal għal perijodi oħra ta' tliet snin kull wieħed.

Pjanijiet u *Policies*

40. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-ippjanar tal-iżvilupp għandu jkun regolat mill-pjanijiet, *policies* u regolamenti, li huma preparati u emendati minn żmien għal żmien skont id-dispożizzjonijiet ta' dan l-Att. Pjanijiet, *policies* u regolamenti

41. (1) Il-Kunsill Eżekuttiv għandu, sew minn jeddu, iżda wara li jikkonsulta mal-Ministru, jew jekk ikun hekk mitlub mill-Ministru, jagħmel pjan jew *policy* dwar kull kwistjoni dwar l-ippjanar tal-iżvilupp. Preparazzjoni ta' pjan jew *policy* mill-Kunsill Eżekuttiv minn jeddu jew wara talba mill-Ministru.

(2) Il-Kunsill Eżekuttiv jista' wkoll, jew minn jeddu, iżda wara li jikkonsulta mal-Ministru, jew jekk ikun hekk mitlub mill-Ministru, jagħmel revizjoni ta' pjan jew ta' *policy* li hija diġà fis-seħħ.

(3) Meta l-Ministru jagħmel talba lill-Kunsill Eżekuttiv sabiex jagħmel pjan jew *policy* dwar kull kwistjoni dwar l-ippjanar tal-iżvilupp jew sabiex jagħmel revizjoni ta' pjan jew ta' *policy*, hu għandu jagħmel dik it-talba bil-miktub, u għandha tinkludi r-raġunijiet għalfejn huwa jkun qed jagħmel dik it-talba flimkien ma' stqarrija tal-għanijiet u objettivi li għandhom jintlahqu mill-pjan jew

policy jew minn reviżjoni tal-pjan jew *policy*.

(4) It-tnejn u r-reviżjoni tal-istrategija spazjali għandha tkun regolata mid-dispożizzjonijiet tal-artikoli 44 sa 46, filwaqt li t-tnejn jew ir-reviżjoni ta' xi plan jew *policy* oħra għandhom ikunu regolati mid-dispożizzjonijiet tal-artikolu 53:

Iżda l-Ministru jista', bla ħsara għad-dispożizzjonijiet tal-artikoli 44 sa 46 u l-artikolu 53, jistabbilixxi kull proċedura addizzjonali li l-Kunsill Eżekuttiv jkollu jsegwi, inkluż it-tweġġ ta' studji u, jew konsultazzjonijiet, inkluż konsultazzjonijiet pubbliċi, li jidhirlu meħtieġa.

Meta l-Kunsill Eżekuttiv ma jkunx f'pożizzjoni li jhejji plan jew *policy*.

42. (1) Fejn il-Kunsill Eżekuttiv jinforma lill-Ministru fi zmien tletin għurata mid-data li fiha jirċievi mill-Ministru talba sabiex ihejji jew jirrevedi plan jew *policy*, illi huwa mhux ser ikun f'pożizzjoni li jhejji jew jirrevedi il-plan jew *policy*, il-Ministru għandu jordna kull persuna li l-Ministru jidhirlu kompetenti skont is-subartikolu (6), inkluż kull aġenzija governattiva, għajr il-Kunsill Eżekuttiv, sabiex tipprepara f'ismu plan jew *policy* jew reviżjoni ta' dak il-plan jew dik il-*policy*.

(2) Il-Ministru għandu wkoll jitlob lill-imsemmija persuna biex tikkonforma ruħha mal-artikolu u 53(2)(a) u (b).

(3) Jekk il-Kunsill Eżekuttiv jaqbel ma' dak il-plan, *policy* jew ir-reviżjoni ta' dak il-plan jew *policy*, huwa għandu jadottah biex jipprezentah lill-Ministru għall-approvazzjoni tiegħu; u d-dispożizzjonijiet tal-artikolu 53(2) għandhom *mutatis mutandis* japplikaw.

(4) Jekk il-Kunsill Eżekuttiv ma jaqbilx ma' dak il-plan, *policy* jew reviżjoni tal-plan jew *policy*, huwa għandu jifformula stqarrija ta' pożizzjoni li tindika l-bidliet li għandhom isiru lill-imsemmi plan, *policy* jew reviżjoni tagħhom u għandu jirreferi kemm dak il-plan, *policy* jew reviżjoni ta' dak il-plan jew dik il-*policy* u l-istqarrija ta' pożizzjoni tiegħu lill-Ministru; u d-dispożizzjonijiet tal-artikolu 53(2)(g), (h), (i) u (j) għandhom *mutatis mutandis* japplikaw.

(5) Il-plan, *policy* jew reviżjoni ta' dak il-plan jew *policy* għandhom jithejjew biss minn jew taħt id-direzzjoni ta' espert fil-qasam tal-ambjent jew l-ippjanar spazjali, li jkollu kwalifiki kif il-Ministru jista' jordna.

Valutazzjoni Ambjentali Strategika u evalwazzjonijiet oħra.

43. Bla ħsara għas-setgħat tiegħu skont id-dispożizzjonijiet ta' dan l-Att, il-Ministru jista' jordna lill-Kunsill Eżekuttiv li jassoġġetta kull plan, *policy* jew strategija adottati jew ippjanati li jiġu adottati minnu għal Valutazzjoni Ambjentali Strategika jew kull valutazzjoni

oħra kif preskritta bil-ligi.

Strategija Spazjali dwar l-Ambjent u l-Iżvilupp

44. (1) L-Istrategija Spazjali dwar l-Ambjent u l-Iżvilupp jew "Strategija Spazjali":

L-istrategija spazjali dwar l-Ambjent u l-Iżvilupp, il-preparattivi għalih u revizjoni tiegħu.

(a) hu dokument strateġiku li jirregola l-immaniġġar sostenibbli tar-riżorsi tal-art u l-baħar li jkopri it-territorju kollu u l-ibħra territorjali tal-Gżejjer Maltin;

(b) għandu jkun ibbażat fuq sistema ta' ipplanar integrata li tiżgura l-immaniġġar sostenibbli tar-riżorsi tal-art u l-baħar flimkien mal-protezzjoni tal-ambjent;

(c) għandu jipprovdi dawk l-għanijiet dwar l-iżvilupp sostenibbli u l-użu tal-art u l-baħar u għandu jkollu dawk il-figuri li jkunu meħtieġa;

(d) għandu jiżgura li:

(i) pjanijiet u *policies* li jinħarġu taħt dan l-Att għandhom ikunu spazjali, ħolistiċi u komprensivi u dan sabiex il-fatturi kollha relatati mar-riżorsi tal-art u l-baħar u l-konservazzjoni tal-ambjent relatat, ikunu indirizzati u inkluzi u kif ukoll sabiex ikun hemm bilanċ bejn il-ħtieġa tal-iżvilupp u konsiderazzjonijiet soċjo-ekonomiċi u l-ħtieġa li jiġi protett l-ambjent;

(ii) *policies* settorjali, attivitajiet u inkluzjonijiet għandhom ikunu integrati u kordinati ma' xulxin, u jkunu jinkludu l-inkluzjoni tad-dixxiplini u l-gruppi kollha;

(iii) kull azzjoni tkun bbażata fuq ftehim ċar dwar l-oġettivi u l-ħtiġiet naturali u legittimi ta' sidien varji tal-art

(iv) ikun isegwi dawk il-*policies* u pjanijiet nazzjonali oħra.

(2) Il-Kunsill Eżekuttiv għandu issorvelja l-Istrategija Spazjali u jirrevediha f'parti jew kollha kemm-il darba jkun meħtieġ. Kull revizjoni bħal dik għandha ssir skont l-għanijiet u l-oġettivi kif stabbiliti mill-Kabinett u għandha tiġi fis-seħħ kif previst fid-dispożizzjonijiet li ġejjin ta' din it-Taqsima ta' dan l-Att.

(3) Sabiex jintlaħqu l-oġettivi ta' dan l-artikolu, il-Kabinett għandu jieħu dawk il-miżuri kollha li permezz tagħhom ikunu

kordinati u mtejba l-*ispacial impacts* ta' *policies* settorjali oħra u r-relazzjoni tagħhom fl-Istrateġija Spazjali.

(4) Għat-tnejja jew reviżjoni ta' Strateġija Spazjali, il-Kunsill Eżekuttiv għandu jagħmel *surveys* ta' dawk il-ħwejjeg li għandhom effett fuq il-karattru u l-kwalità tal-ambjent, il-konservazzjoni u żvilupp tiegħu. Dawn jistgħu jinkludu:

(a) konsiderazzjonijiet demografiċi;

(b) attivitajiet agrikoli, industrijali, kummerċjali, turistiċi u l-attivitajiet ekonomiċi l-oħra, eżistenti u, jew proġettati, tal-pajjiż kompriži l-għamla ta' impjeg li joħorgu minnhom;

(ċ) żmien ħieles u r-rikreazzjoni;

(d) servizzi u faċilitajiet soċjali u kommunitarji;

(e) komunikazzjonijiet, traffiku u trasport;

(f) servizzi ta' utilità pubblika;

(g) konservazzjoni u preservazzjoni ta' riżorsi naturali u riżorsi magħmula b'xogħol il-bniedem;

(h) l-istat tar-rapport ambjentali, l-immappjar taż-żona vulnerabbli min-nitrat, l-immappjar tas-sensittività tal-għargħar, kwistjonijiet oħra li jirrigwardaw l-ilma, kwalità tal-arja u regolamenti kwadru tal-iskart;

(i) dawk il-ħwejjeg l-oħra kollha li l-Gvern jista' jehtieg, jew li l-Kunsill Eżekuttiv iqis li jkun meħtieġa.

(5) Meta jkun qed ihejji jew jirrevedi l-Istrateġija Spazjali, il-Kunsill Eżekuttiv għandu jqis:

(a) il-*policy* ekonomika kurrenti li għandha effett fuq l-iżvilupp;

(b) il-*policies* soċjali kurrenti li jaffettwaw l-iżvilupp;

(ċ) il-*policies* ambjentali kurrenti li jaffettwaw l-iżvilupp;

(d) il-*policies* tal-Gvern dwar il-ħwejjeg imsemmija fis-subartikolu (4);

(e) ir-riżorsi li aktarx ikun hemm biex il-pjan jiġi mwettaq;

(f) kull alternattiva possibbli għall-użu tal-art u l-baħar.

(6) Qabel it-tnejn tal-abbozz tal-Istrateġija Spazjali, jew reviżjoni tiegħu, il-Kunsill Eżekuttiv għandu jagħti opportunitajiet xierqa lill-individwi u organizzazzjonijiet biex iressqu l-kummenti għall-perijodu ta' mhux inqas minn tlett ġimgħat.

(7) Reviżjoni tal-Istrateġija Spazjali li hi meħtieġa minhabba fl-adozzjoni proposta ta', jew emenda għal pjan sussidjarju hija eżenti milli tikkonforma mad-dispożizzjonijiet tas-subartikoli (4) u (5) meta l-affarijiet li jissemmew fiha u li huma relevanti għar-reviżjoni jkunu diġà twettqu waqt il-preparazzjoni tal-pjan sussidjarju.

45. (1) Meta l-abbozz tal-Istrateġija Spazjali jew ir-reviżjoni tiegħu jiġi preparat wara konsultazzjoni mal-Ministru, il-Kunsill Eżekuttiv għandu jippubblika l-istrateġija flimkien ma' stqarrija tal-kummenti li jkun irċieva matul l-eżerċizzju preċedenti tal-konsultazzjoni pubblika, kemm jekk anonimi sew jekk le, u r-reazzjoni tiegħu għal dawk il-kummenti li jkun irċieva fiż-żmien tal-konsultazzjoni speċifikat fl-artikolu 44(6).

Publikazzjoni tal-abbozz tal-Istrateġija Spazjali jew ir-reviżjoni tiegħu.

(2) Il-Kunsill Eżekuttiv għandu:

(a) jistieden li jsirulu kummenti dwar l-abbozz tal-Istrateġija Spazjali fi żmien speċifikat ta' mhux anqas minn sitt ġimgħat; u

(b) jikkonsulta mal-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp stabbilit bl-artikolu 60 liema kumitat għandu jhejji stqarrija ta' pożizzjoni fiż-żmien ta' konsultazzjoni speċifikat fil-paragrafu (a).

(3) L-abbozz tal-Istrateġija Spazjali, jew kull reviżjoni tiegħu, stqarrija ta' pożizzjoni mill-Kunsill Eżekuttiv li tirrakkomanda bidliet fl-imsemmi abbozz flimkien mal-kummenti kollha, kemm jekk anonimi sew jekk le, magħmula lill-Kunsill Eżekuttiv u r-reazzjoni li l-Kunsill Eżekuttiv ikun għamel għal dawk il-kummenti li jkun irċieva fil-perijodu ta' konsultazzjoni speċifikat fis-subartikolu 2(a) u l-istqarrija ta' pożizzjoni tal-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp, għandhom, kemm jista' jkun malajr, wara li jiskadi l-perjodu msemmi fis-subartikolu (2)(a), jintbagħtu lill-Ministru.

Konsiderazzjoni finali u approvazzjoni tal-Istrateġija Spazjali jew revizzjoni.

46. (1) Ma' l-għeluq tal-proċeduri stabbiliti fid-dispożizzjonijiet ta' hawn qabel, l-abbozz tal-Istrateġija Spazjali, u kull revizzjoni tiegħu, għandhom jiġu kkunsidrati mill-Kabinett tal-Ministri flimkien mal-istqarrija ta' pożizzjoni tal-Ministru u d-dokumenti kollha indikati fl-artikolu 45(3).

(2) Il-Ministru għandu jara li l-abbozz tal-Istrateġija Spazjali, jew kif rivedut mill-Kabinett, jitqiegħed quddiem il-Kamra tad-Deputati flimkien ma' mozzjoni għal rizzoluzzjoni li l-Istrateġija Spazjali tiġi approvata mill-Kamra tad-Deputati, b'dawk l-emendi, jekk ikun hemm, li jiġu speċifikati fir-rizzoluzzjoni.

(3) L-Istrateġija Spazjali, u kull revizzjoni tagħha kif approvati mill-Kamra tad-Deputati jibdwew iseħħu minn dik id-data li tista' tiġi speċifikata għal dak il-għan mill-Ministru b'ordni fil-Gazzetta.

Policies u Pjanijiet Sussidjarji

Pjan dwar sugġett.

47. (1) Pjan dwar sugġett huwa pjan li jittratta dwar materja speċifika ta' ippjanar ta' żvilupp li jistabbilixxi *policies* dwar materja speċifika ta' ippjanar ta' żvilupp konformi mal-Istrateġija Spazjali u li jinkludi l-ispeċifikazzjonijiet dettaljati intizi għall-implimentazzjoni tiegħu.

(2) Pjan dwar sugġett għandu jkun magħmul minn stqarrija bil-miktub ġustifikata b'dokumenti, mapep u dijagrammi li jkunu meqjusa meħtieġa.

(3) Hlief kif mistqarr xort'ohra fil-pjan, pjan dwar sugġett għandu japplika f'kull qasam rilevanti tal-Istrateġija Spazjali, sew jekk huwa wkoll qasam kompriż fi pjan jew *policy* oħra sew jekk le.

Pjan Lokali.

48. (1) Pjan lokali huwa pjan li jittratta dwar il-ħtigiet speċifiċi tal-ippjanar tal-iżvilupp ta' zona fejn ir-rata ta' żvilupp jew żvilupp mill-ġdid ma' tistax tithaddem adegwatament jew fejn fatturi speċjali ma jistgħux jittieħdu f'kunsiderazzjoni biss fuq il-bażi tal-Istrateġija Spazjali. Għandu jstabilixxi *policies* dettaljati relattivi għall-materja tal-iżvilupp tal-ippjanar taż-żona b'konformità ġenerali mal-Istrateġija Spazjali u fejn applikabbli, ma kull pjan ta' sugġett.

(2) Pjan lokali għandu jkun magħmul minn stqarrija bil-miktub ġustifikata b'dokumenti, mapep fuq skala adegwata u dijagrammi li jkunu meqjusa meħtieġa.

Pjan ta' azzjoni jew pjan ta' immaniġġar.

49. (1) Pjan ta' azzjoni jew pjan ta' immaniġġar huwa pjan għal zona partikolari fejn ir-rata ta' żvilupp jew żvilupp mill-ġdid ma tistax tithaddem adegwatament jew fejn fatturi speċjali ma jistgħux jittieħdu f'kunsiderazzjoni biss fuq il-bażi tal-pjan lokali. Għandu

jistabilixxi *policies* dettaljati relattivi għall-materja tal-iżvilupp tal-ippjanar taż-zona partikolari b'konformità ġenerali mal-pjan lokali u mal-Istrateġija Spazjali.

(2) Pjan ta' azzjoni jew pjan ta' immaniġġar għandu jkun magħmul minn stqarrija bil-miktub ġustifikata b'mappa jew mapep fuq skala adegwata u b'diagrammi li jkunu meqjusa meħtieġa.

50. (1) "*Policies* oħra" huma *policies* u gwidi dettaljati li jittrattaw dwar l-amministrazzjoni xierqa u effettiva tal-iżvilupp ta' art u baħar għajr dawk li diġà jinsabu fi pjan sussidjarju. Għandhom ikunu konformi mal-pjanijiet sussidjarji u l-Istrateġija Spazjali. *Policies oħra.*

(2) *Policies* bħal dawn għandhom ikunu f'forma adatta għas-suġġett, u jistgħu jkunu sostnuti minn dokumenti, evalwazzjonijiet, mapep, diagrammi, disinjati u illustrazzjonijiet kif jistgħu jitqiesu neċessarji.

51. (1) *Brief* dwar l-Iżvilupp huwa dokument li jagħti gwida dwar l-ippjanar dettaljat għall-iżvilupp ta' sit speċifiku jew ta' zona żgħira speċifika fejn huwa kkonsidrat li dik il-gwida hija meħtieġa sabiex ikun hemm immaniġġar ambjentali jew żvilupp xieraq u bi pjan ta' dak is-sit jew ta' dik iż-zona, jew sabiex jimplimenta f'dak is-sit speċifiku jew zona żgħira, *policy* jew *policies* fi pjan. *Brief* dwar l-Iżvilupp.

(2) *Brief* għandu jkun magħmul minn stqarrija bil-miktub ġustifikata b'dawk il-mapep u diagrammi li jkunu meqjusa meħtieġa.

(3) *Brief* għandu jikkonsisti minn linji gwida u informazzjoni dwar is-suġġetti ta' hawn aktar 'l isfel li jkunu meqjusa neċessarji:

- (a) deskrizzjoni tas-sit u l-inħawi ta' fejn jinsab;
- (b) linji gwida dwar l-iżvilupp tas-sit, li jinkludu:
 - (i) kull użu tal-art u t-tqassim tas-sit,
 - (ii) il-forma, l-għoli u d-disinn tal-bini,
 - (iii) kull bini u karatteristiċi tal-pajsaġġ li għandhom jinżammu,
 - (iv) il-htigiet għal aċċess, għall-*parking* u għaċ-ċirkolazzjoni,
 - (v) l-aspetti ta' konservazzjoni tal-pajsaġġ u tan-natura;
- (ċ) kwistjonijiet ambjentali u r-restrizzjonijiet inklużi l-

htieġa ta' kull evalwazzjoni ambjentali;

(d) it-titolu li bih jinżamm is-sit;

(e) is-servizzi u l-infrastruttura;

(f) il-htigiet tal-format u l-kontenut ta' dak kollu li jiġi ppreżentat;

(g) kull informazzjoni oħra li tista' tkun relevanti għas-sit u għall-fini tal-*brief* dwar l-izvilupp.

Ordni ta' preferenza għall-pjanijiet u *policies* f'każ ta' konflitt.

52. Fiċ-ċirkostanzi fejn iktar minn pjan jew *policy* waħda japplikaw għall-istess sugġett jew zona u hemm kunflitt materjali bejn kwalunkwe wiehed minnhom, il-preċedenza għandha tingħata fl-ordni li ġejja: l-Istrateġija Spazjali fuq pjan dwar sugġett; il-pjan dwar sugġett fuq il-pjan lokali, il-pjan lokali fuq pjan ta' azzjoni jew pjan ta' immaniġġar, il-pjan ta' azzjoni jew pjan ta' immaniġġar fuq il-*Brief* dwar l-Izvilupp u il-*Brief* dwar l-Izvilupp fuq *policies* oħra imsemmija fl-artikolu 50.

Proċedura għall-pjan u *policies* sussidjarji.

53. (1) Fit-tnejn jew fir-reviżjoni jew fl-irtirar ta' pjan jew *policy* sussidjarju, kemm jekk il-pjan jew *policy* tkun giet imhejjiha, riveduta jew irtirata fuq inizzjattiva tal-Kunsill Eżekuttiv stess jew wara ordni mill-Ministru, il-proċedura stabbilita f'dan l-artikolu għandha tiġi segwita għar-rigward tal-pjan jew *policy*.

(2) Fit-tnejn jew fir-reviżjoni tal-pjan jew *policy* sussidjarju, l-Kunsill Eżekuttiv għandu josserva l-proċedura li ġejja:

(a) qabel it-tnejn tal-abbozz tal-pjan jew *policy* sussidjarju, jew revizjoni tiegħu, il-Kunsill Eżekuttiv għandu jagħti opportunità xierqa lill-individwi u lill-organizzazzjonijiet biex jagħmlu l-kummenti tagħhom lill-Kunsill Eżekuttiv għall-perjodu li ma jkunx inqas minn tlett (3) gimgħat;

(b) meta l-abbozz tal-*policy* jew pjan sussidjarju jew revizjoni tiegħu jitlestew, il-Kunsill Eżekuttiv għandu:

(i) jippubblika l-abbozz tal-*policy* jew pjan sussidjarju jew revizjoni tiegħu flimkien ma' stqarrija tal-kummenti li jkun irċieva matul l-eżerċizzju preċedenti tal-konsultazzjoni pubblika, sew jekk anonimi sew jekk le, u r-reazzjoni tiegħu għal dawk il-kummenti li jkun irċieva fil-perjodu tal-konsultazzjoni speċifikat fil-paragrafu (a);

(ii) jistieden li jsirulu kummenti dwar l-abbozz tal-pjan jew *policy* sussidjarju jew revizjoni tiegħu, fi

żmien speċifikat ta' mhux anqas minn sitt gimgħat;

(iii) jikkonsulta mal-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp stabbilit bl-artikolu 60 dwar il-materji indikati fit-Tielet Skeda, liema Kumitat għandu jhejji stqarrija ta' pożizzjoni fil-perijodu ta' konsultazzjoni speċifikat fis-subparagrafu (ii);

(ċ) jekk il-Kunsill Eżekuttiv ma jagħmel ebda tibdil fl-abbozz, huwa għandu jadottah u jirreferih lill-Ministru bħala l-abbozz finali. Għandu ukoll jibgħat lill-Ministru:

(i) id-dikjarazzjoni tal-kummenti li jkun irċieva matul iż-żewġ eżerċizzji preċedenti tal-konsultazzjoni;

(ii) it-tweġibiet li jkun għamel għal dawk il-kummenti li jkun irċieva fil-perijodi tal-konsultazzjoni speċifikat fil-paragrafi (a) u (b)(ii);

(iii) l-istqarrija ta' pożizzjoni tal-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp fejn applikabbli; u

(iv) id-dokumentazzjoni kollha relattiva u l-istudji fir-rigward tal-preparazzjoni tal-pjan jew *policy* sussidjarju;

(d) il-paragrafi (g), (h), (i) u (j) imbagħad għandhom japplikaw;

(e) jekk il-Kunsill Eżekuttiv jagħmel tibdiliet f'dan l-abbozz wara l-proċess ta' konsultazzjoni pubblika imsemmija fil-paragrafu (b)(ii), il-Kunsill Eżekuttiv għandu jadotta l-abbozz rivedut u jipubblika l-emendi. Għandu imbagħad jistieden li jsirulu kummenti dwar l-emendi fi żmien speċifikat ta' mhux inqas minn sitt gimgħat u fejn applikabbli jikkonsulta ukoll mal-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp li għandu jipprepara stqarrija ta' pożizzjoni ġdida jekk mehtieg;

(f) il-Kunsill Eżekuttiv għandu jirreferi l-abbozz finali tal-pjan jew *policy* sussidjarju kif adottati minnu lill-Ministru għall-approvazzjoni tiegħu mingħajr emendi oħra flimkien ma':

(i) id-dikjarazzjonijiet tal-kummenti kollha u r-reazzjonijiet li jkun għamel għal dawk il-kummenti li jkun irċieva fil-perijodu tal-konsultazzjoni speċifikat għal kull perijodu ta' konsultazzjoni;

(ii) l-istqarrijiet ta' pożizzjoni kollha preparati

mill-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp fejn applikabbli;

(iii) indikazzjoni preċiża tal-emendi kollha li saru għall-pjan jew il-*policy*; u

(iv) id-dokumentazzjoni kollha relattiva u l-istudji fir-rigward tal-preparazzjoni tal-pjan jew *policy* sussidjarju;

(g) meta l-Ministru jaqbel mal-abbozz finali tal-pjan jew *policy* sussidjarju jew reviżjoni tagħhom, huwa għandu japprovah kif ipprezentat mill-Kunsill Eżekuttiv u l-Kunsill Eżekuttiv għandu wara tali approvazzjoni jippubblikah flimkien mal-kummenti u r-reazzjonijiet;

(h) meta l-Ministru ma jaqbilx mal-abbozz finali tal-pjan jew *policy* sussidjarju jew reviżjoni tagħhom kif adottat mill-Kunsill Eżekuttiv huwa għandu jipprepara stqarrija ta' pożizzjoni li biha jinforma lill-Kunsill Eżekuttiv bl-emendi proposti mill-Ministru għall-abbozz finali. Fejn f'dik l-istqarrija ta' pożizzjoni jkun propost illi xi art tiġi eskluża mill-konfini tal-iżvilupp kif indikati fi pjan lokali, il-Kunsill Eżekuttiv għandu jippubblika fil-Gazzetta u f'żewġ gazzetti lokali ta' kuljum avviż li juri l-art li tkun se tiġi eskluża;

(i) il-Kunsill Eżekuttiv għandu minnufih jemenda l-abbozz finali tal-pjan jew *policy* sussidjarju jew reviżjoni tiegħu skont l-istqarrija ta' pożizzjoni tal-Ministru u jipprezentah lill-Ministru għall-approvazzjoni finali tiegħu;

(j) wara tali approvazzjoni tal-Ministru, il-Kunsill Eżekuttiv għandu jippubblika l-pjan jew *policy* sussidjarju jew reviżjoni tiegħu kif approvati flimkien mal-kummenti u r-reazzjonijiet.

(3) Fl-irtirar ta' pjan jew *policy* sussidjarju, il-Kunsill Eżekuttiv għandu jkun konformi mal-proċedura li ġejja:

(a) qabel it-tnejn ta' avviż ta' irtirar ta' pjan jew *policy* sussidjarju, il-Kunsill Eżekuttiv għandu jagħti opportunitajiet xierqa lill-individwi u lill-organizzazzjonijiet biex jagħmlu l-kummenti tagħhom lill-Kunsill Eżekuttiv għall-perjodu li ma jkunx inqas minn sitt gimgħat;

(b) jikkonsulta fejn mehtieg mal-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp stabbilit bl-artikolu 60, li għandu

jhejji stqarrija ta' pożizzjoni fil-perijodu ta' konsultazzjoni speċifikat fil-paragrafu (a);

(ċ) wara li jiskadi t-terminu tal-proċess ta' konsultazzjoni pubblika imsemmija fil-paragrafu (a) il-Kunsill Eżekuttiv għandu jhejji stqarrija ta' pożizzjoni li jikkonferma l-irtirar tal-pjan jew policy *sussidjarju*, jew xort'oħra, u jirreferiha lill-Ministru. Għandu wkoll jibgħat lill-Ministru:

(i) id-dikjarazzjoni tal-kummenti li jkun irċieva matul l-eżerċizzju preċedenti ta' konsultazzjoni;

(ii) ir-reazzjonijiet li jkun għamel għal daww il-kummenti li jkun irċieva fil-perijodu tal-konsultazzjoni speċifikat fil-paragrafu (a);

(iii) fejn applikabbli, l-istqarrija ta' pożizzjoni tal-Kumitat Permanenti dwar l-Ippjanar tal-Iżvilupp;

(d) wara li jirċievi l-istqarrija ta' pożizzjoni u dokumenti mill-Kunsill Eżekuttiv, il-Ministru għandu jinforma lill-Kunsill Eżekuttiv bid-deċiżjoni finali flimkien mar-raġunijiet li wasslu għal dik id-deċiżjoni u l-Kunsill Eżekuttiv għandu minnufih jippubblika avviż skont id-deċiżjoni finali tal-Ministru flimkien mal-kummenti u r-reazzjonijiet.

(4) Il-Kunsill Eżekuttiv għandu jsegwi kull pjan jew *policy* sussidjarju u jirrevedi tali pjan jew *policy* f'parti jew kollu, daqs kemm ikun meħtieġ. Il-proċedura f'dan l-artikolu għandha tapplika għal tali reviżjonijiet.

54. (1) Tibdil żgħir jista' jsir wara li applikazzjoni għall-kontroll tal-ippjanar tiġi preżentata lill-Kunsill Eżekuttiv minn xi persuna:

Applikazzjonijiet għal tibdil żgħir.

Iżda l-Awtorità ma għandhiex tiġi interpretata bħala "xi persuna" għall-finijiet ta' dan is-subartikolu.

(2) Għall-fini tas-subartikolu (1), dan li ġej għandu jitqies bħala tibdil żgħir:

(a) tibdil fil-linja tat-toroq u tal-bini fi pjan lokali; u

(b) tibdil fit-tqassim ta' zoni, h̄lief:

(i) tibdil fil-limitazzjoni tal-għoli, u

(ii) tibdil fit-tqassim ta' zoni f'sit li jinsab Barra

iż-Żona ta' Żvilupp jew li jkun fiż-Żona ta' Żvilupp iżda ma jkunx intiż biex fih isir żvilupp.

(3) Meta l-Kunsill Eżekuttiv jkun qed jikkunsidra applikazzjoni għall-kontroll tal-ippjanar skont is-subartikolu (2), din għandha ssir skont ir-regolamenti li l-Ministru jista' jippreskrivi.

(4) Appell minn deċiżjoni dwar applikazzjoni għall-kontroll tal-ippjanar relatata mas-subartikolu (2)(a) taht dan l-artikolu jista' jsir quddiem it-Tribunal skont l-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar.

(5) Il-Kunsill Eżekuttiv jista', fuq talba minn kull persuna, b'deċiżjoni jirrevoka jew jimmodifika deċiżjoni li tirrigwarda applikazzjoni għall-kontroll tal-ippjanar relatata mas-subartikolu (2) u d-dispożizzjonijiet tal-artikolu 80 għandhom *mutatis mutandis* japplikaw għal dik it-talba.

Ordnijiet

Ordnijiet għal
Żvilupp.

55. (1) Il-Kunsill Eżekuttiv jista' fuq inizjattiva tiegħu stess jew wara talba mill-Ministru, iħejji jew jirrevedi ordnijiet għal żvilupp sabiex jirregolaw l-iżvilupp u attivitajiet oħra, li mod ieħor ikunu jeħtieġu sottomissjoni ta' applikazzjoni qabel ma jitwettqu, f'dawk iċ-ċirkostanzi u taht dawk il-kondizzjonijiet li jistgħu jiġu speċifikati fl-ordni, li jkun żvilupp u attivitajiet fl-iskop ta', u li ma jmurx kontra il-proposti li jinsabu fi pjan jew *policy* approvata skont dan l-Att.

(2) Ordni għal żvilupp jista' jinkludi xogħolijiet u attivitajiet meqjusa kompatibbli mal-żona li fiha jkunu qiegħdin isiru.

(3) Ordni għal żvilupp taht dan l-Att m'għandux jiġi ppubblikat sakemm abbozz ta' dawk l-ordnijiet jinħareġ għal konsultazzjoni pubblika u b'hekk jippertmetti lil kull persuna perijodu ta' mill-inqas ġimagħtejn biex tagħmel kummenti lill-Kunsill Eżekuttiv, fejn tiddikjara kif fil-fehma tagħha l-ordnijiet proposti jew riveduti jistgħu jittejjbu biex jilhqqu l-għan aħhari tagħhom:

Iżda iżjed minn hekk fl-imsemmi perijodu l-Kunsill Eżekuttiv għandu jinnotifika lill-Kamra tal-Periti, Arkitetti u Inġiniera Ċivili u l-Kamra tal-*Planners* u għandu jstieden li jsirulu kummenti fl-istess żmien speċifikat:

Iżda d-dispożizzjonijiet ta' dan is-subartikolu m'għandhomx japplikaw għar-rigward ta' ordnijiet ta' żvilupp li l-Ministru jiddikjara li jkunu urgenti jew fejn tkun diġà saret xi forma

ta' konsultazzjoni pubblika qabel id-dhul fis-seħħ ta' dan l-Att.

(4) Wara l-perijodu ta' konsultazzjoni, il-Kunsill Eżekuttiv għandu jadotta l-ordnijiet għal żvilupp sew bl-emendi sew mingħajr emendi u għandu jirreferi l-istess ordnijiet flimkien mal-kummenti li jkun irċieva fil-perijodu konsultattiv speċifikat fis-subartikolu (3) flimkien mar-reazzjoni tiegħu magħmula għall-kummenti li rċieva lill-Ministru għall-approvazzjoni finali. Il-Ministru jista' japprova l-ordnijiet għal żvilupp kif adottati mill-Kunsill Eżekuttiv jew jemenda l-ordnijiet għal żvilupp u l-istess ordnijiet għandhom jiġu pubblikati fil-Gazzetta u għandhom jibdew isehħu minn dik id-data speċifikata jew indikata fiha.

(5) Xogħlijiet u attivitajiet li jitwettqu skont ordnijiet għal iżvilupp għandhom jitwettqu taht is-sorveljanza ta' persuna li jkollha l-warrant ta' perit, jew taht is-sorveljanza ta' dawk il-persuni l-oħra li jkunu kompetenti għal dan il-għan hekk kif il-Ministru jista' b'regolamenti jippreskrivi u, fejn meħtieġ fl-ordni kif speċifikat fis-subartikolu (6), ix-xogħlijiet u attivitajiet għandhom jiġu notifikati bil-miktub lill-Bord tal-Ippjanar.

(6) Ordni għal żvilupp jista' jirregola:

(a) żvilupp jew attività deskritti bħala permissibbli f'ordni għal żvilupp liema żvilupp jew attività ma jkunx jirrikjedi li tingħata notifika bil-miktub ta' dak l-iżvilupp jew attività lill-Bord tal-Ippjanar;

(b) żvilupp jew attività deskritti bħala permissibbli f'ordni għal żvilupp iżda notifika bil-miktub ta' dak l-iżvilupp jew attività tkun trid tingħata lill-Bord tal-Ippjanar;

(c) żvilupp jew attività bħala permissibli f'ordni għal żvilupp iżda notifika bil-miktub ta' dak l-iżvilupp jew attività tkun trid tingħata lill-Bord tal-Ippjanar u l-Bord tal-Ippjanar ikun aċċetta dak l-iżvilupp jew attività bħala permissibli.

(7) Ebda żvilupp jew attività ġdida skont ordni għal żvilupp ma jista' jitwettaq f'sit jekk fuq is-sit imsemmi jkun hemm xi żvilupp illegali jkun xi jkun, jew jekk attività tkun ġiet imwettqa bi ksur tad-dispożizzjonijiet ta' dan l-Att, sakemm dak l-iżvilupp ġdid jew attività ma jkunx wiehed kif jista' jippreskrivi l-Kunsill Eżekuttiv u jkun kopert b'ordni għal żvilupp kif imsemmi fis-subartikolu (6).

56. (1) Il-Kunsill Eżekuttiv jista', wara li jikkunsidra d-dispożizzjonijiet ta' dan l-Att, ir-regolamenti, il-pjanijiet, *policies* u konsiderazzjonijiet oħra ta' sustanza, b'ordni notifikat lis-sid ta' xi art jew lil min jokkupa dik l-art, jeħtieġ li xi użu jew attività jew

Ordnijiet biex
jieqaf jew
jitneħħa xogħol.

xogħlijiet jitwaqqfu jew li xi bini, impjant, attrezzi jew haġa oħra hi x'inh i tigi mneħħija minn art, jew jeħtieġ sew dak it-twaqqif sew dik it-tneħħija.

(2) Meta ordni għat-twaqqif jew tneħħija jsir dwar hidma, xogħlijiet jew użu, jew fir-rigward ta' bini, impjant, attrezzi jew haġa oħra li tkun qed issir skont il-liġi jew li tkun legalment teżisti fuq l-art imsemmija fl-ordni, l-Awtorità jkollha l-obbligu li tħallas kumpens għal kull telf li persuna ssofri minhabba fl-ordni:

Iżda kull benefiċċju li johroġ mill-istess ordni għat-twaqqif jew tneħħija għandu jiġi mnaqqas mit-telf fuq imsemmi:

Iżda wkoll ebda kumpens bħal dak ma jkun dovut jekk il-permess innifsu jkun jippermetti lill-Awtorità li titlob l-waqfien ta' xi użu eżistenti jew attività, jew kull xogħol li jitwaqqaf jew xi bini, impjant, tagħmir jew haġa oħra, tkun li tkun, li jitneħħew minn xi art.

Ordni ta' skedar u għal konservazzjoni.

57. (1) Lista ta':

(a) żoni, bini, strutturi u fdal ta' importanza ġeoloġika, paleontoloġika, kulturali, arkeoloġika, arkitettonika, storika, ta' antikwarjat, artistika jew ta' pajsagġ (hawn iżjed 'il quddiem imsejha "proprjetà skedata") għandha tigi preparata mill-Kunsill Eżekuttiv u dawn għandhom jiġu skedati għall-konservazzjoni permezz ta' ordni ta' skedar; u

(b) żoni ta' sbuħija naturali, ta' valur ekoloġiku jew xjentifiku (hawn iżjed 'il quddiem ukoll imsejha "proprjetà skedata") għandha tigi preparata mill-Awtorità ta' Malta għall-Ambjent u dawn għandhom jiġu skedati mill-Kunsill Eżekuttiv għall-konservazzjoni permezz ta' ordni ta' skedar:

Iżda l-Kunsill Eżekuttiv jista' dwar il-proprjetà skedata kollha, jew waħda jew aktar minnha, ukoll jagħmel ordni għall-konservazzjoni biex jirregola l-konservazzjoni tagħhom:

Iżda wkoll mal-ħruġ ta' ordni ta' skedar is-sid ikollu l-jedd għal aċċess minnufih f'kull hin raġonevoli għal kull dokumentazzjoni tal-Awtorità li tkun tirrigwarda dak l-ordni ta' skedar bil-għan li jiġu miflija r-rizultanzi u l-konsiderazzjonijiet relattivi:

Iżda l-ordnijiet ta' skedar għandhom jiġu kontrosenjati mill-Ministru.

(2) Il-lista ta' ordnijiet ta' skedar, u kull żjeda magħha jew bidla fiha, għandha tigi pubblikata fil-Gazzetta u f'gazzetta lokali. Il-Kunsill Eżekuttiv għandu wkoll javża lil xi wiehed mis-sidien ta' xi

proprjetà li tkun soġġetta għal ordni ta' skedar bil-fatt li din tkun giet inkluża fil-lista u b'kull ordni għall-konservazzjoni magħmul dwarha. L-avviż tal-ordni ta' skedar għandu wkoll jitwaħħal fis-sit. Jekk ebda wiehed mis-sidien ma jkun magħruf, jew jekk mhux raġonevolment possibbli li jiġu notifikati dawk is-sidien, l-avviż imsemmi għandu jitwaħħal biss fis-sit u ma jkunx hemm bżonn issir in-notifika lil dawk is-sidien kif imsemmi qabel. L-avviż tal-ordni ta' skedar għandu jiġi registrat fuq indiċi apposta, liema indiċi juri l-proprjetà soġġetta għal dak l-ordni. Dak l-indiċi għandu jinżamm b'mod elettroniku b'tali mod illi tkun tista' ssir riċerka biex jiġi determinat jekk proprjetà tkunx soġġetta għal tali ordni. Il-Kunsill Eżekuttiv għandu jżomm kopja ta' dak l-indiċi fl-uffiċċju tar-Registru tal-Artijiet u għandha jagħti, wara hlas ta' dak id-dritt kif jista' jiġi preskritt, ċertifikat li jkun juri jekk proprjetà partikolari tkunx soġġetta għal tali ordni.

(3) Meta l-Kunsill Eżekuttiv ikun hareġ ordni għall-konservazzjoni skont dan l-artikolu, huwa għandu iddaħħal dik il-proprjetà fl-indiċi msemmi fis-subartikolu (2) fejn juri li l-istess proprjetà tkun giet milquta b'ordni għall-konservazzjoni, u d-dispożizzjonijiet ta' dak is-subartikolu dwar l-indiċjar ta' ordnijiet ta' skedar għandhom *mutatis mutandis* japplikaw. Il-lista ta' ordnijiet għall-konservazzjoni, u kull żjieda magħha jew bidla fiha, għandha tiġi pubblikata fil-Gazzetta u f'gazzetta lokali.

(4) Għall-fini tas-subartikoli (2) u (3), "sit" tfisser proprjetà waħda jew aktar minn proprjetà waħda, irrISPettivament minn min ikun is-sid ta' dik il-proprjetà, li tiffirma parti mill-art li tiġi skedata jew soġġetta għal ordni għall-konservazzjoni skont dan l-artikolu.

(5) It-twertiq ta' xogħolijiet, u d-demolizzjoni, tibdil u estensjoni ta' proprjetà skedata huma projbiti jew ristretti kif previst f'dan l-artikolu jew fl-ordni ta' konservazzjoni relattiv.

(6) Ebda xogħol ta' kull xorta m'għandu jitwettaq fi proprjetà skedata jew fuqha u ebda proprjetà skedata m'għandha tiġi demolita, mibdula jew imkabbra hliEF bil-permess tal-Bord tal-Ippjanar, mogħti wara li ssirlu applikazzjoni u li jkun fiha dawk id-dettalji li l-Bord tal-Ippjanar jehtieġ, jew skont id-dispożizzjonijiet ta' ordni għall-konservazzjoni, u għall-ghanijiet ta' dan l-artikolu, h̄sara lil u distruzzjoni ta' kull parti ta' proprjetà skedata għandha titqies bħala demolizzjoni tagħha:

Iżda ordni ta' skedar jew ordni għall-konservazzjoni ma għandux jolqot b'mod negattiv żvilupp li digà gie mwettaq legalment qabel id-dhul fis-seħħ ta' dan l-Att jew żvilupp li digà gie mogħti l-permess għall-iżvilupp taħt dan l-Att, qabel ma l-ordni ta' skedar jew

ordni għall-konservazzjoni ġie maħruġ.

(7) Permess mogħti mill-Bord tal-Ippjanar u ordni għall-konservazzjoni mogħti mill-Kunsill Eżekuttiv taħt dan l-artikolu jista' jkun fihom dawk il-kondizzjonijiet u dispożizzjonijiet oħra li l-Awtorità jidhrilha meħtieġa jew spedjenti, u ordni għall-konservazzjoni jista' jirregola kull haġa li tolqot proprjetà skedata.

(8) Dwar kull proprjetà skedata soġġetta għal ordni ta' konservazzjoni, l-Kunsill Eżekuttiv jkollu wkoll is-setgħa li jeħtieġ b'avviż bil-miktub li s-sid jagħmel dawk ix-xogħlijiet imsemmijin b'mod ġenerali, jew kif speċifikati f'dak l-avviż li jkunu meħtieġa biex jiġi żgurat li ma jkunx hemm aktar deterjorament. Fin-nuqqas, il-Kunsill Eżekuttiv jista' jagħti lis-sid avviż ieħor biex jagħmel u jispiċċa x-xogħlijiet fi żmien speċifikat, u jekk is-sid jibqa' ma jwettaqx dak li għandu jagħmel il-Kunsill Eżekuttiv jista' jagħmel hu x-xogħol meħtieġ jew iqabbaq lil min jagħmlu, u jirkupra l-ispejjeż ta' dak ix-xogħol minghand is-sid tal-proprjetà skedata.

(9) Jekk proprjetà skedata tiġi demolita bi ksur ta' xi waħda mid-dispożizzjonijiet ta' dan l-artikolu, b'żjieda ma' kull penali jew effett ieħor taħt dan l-Att, kull persuna li tinstab haġta ta' dak ir-reat ikollha l-obbligu li thallas kumpens lill-Awtorità kalkulata fuq il-bażi tal-oghla minn fost li ġej:

(a) il-valur tal-ħaġa distrutta,

(b) l-ispejjeż biex tiġi restawrata jew imsewwija,

(ċ) il-vantaġġ finanzjarju li jista' jittiehed bhala konsegwenza tad-demolizzjoni.

(10) Sid ta' proprjetà skedata jista' jitlob il-konsiderazzjoni mill-ġdid dwar kull skedar tal-proprjetà tiegħu. Dik it-talba għandha ssir bil-miktub quddiem il-Kunsill Eżekuttiv fi żmien tletin jum min-notifika jew mill-pubblikazzjoni fil-Gazzetta tal-ordni ta' iskedar, liema jiġi l-aħħar, u l-Kunsill Eżekuttiv għandu jiddeċiedi fi żmien tliet xhur minn meta ikun irċieva dik it-talba:

Iżda l-ebda tneħħija ta' proprjetà skedata mill-iskeda jew it-tnaqqis fil-livell ta' protezzjoni ma tkun valida sakemm ma tkunx giet kontrosinjata mill-Ministru:

Iżda wkoll jekk jiġi pprezentat appell skond id-dispożizzjonijiet tal-artikolu 57(11), il-Ministru għandu jistenna l-eżitu tad-deċiżjoni tat-Tribunal.

(11) Kull min iħossu aggravat b'deċiżjoni tal-Kunsill Eżekuttiv

taħt dan l-artikolu jista' jappella lit-Tribunal għar-revoka jew għat-tibdil ta' dik id-deċizzjoni skont l-Att tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar.

(12) Minkejja d-dritt tal-appell quddiem it-Tribunal kif stabbilit bl-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar, appell lit-Tribunal mill-iskedar ta' proprjetà jew mit-tneħħija ta' proprjetà skedata mill-iskeda jew it-tnaqqis fil-livell ta' protezzjoni mogħtija permezz tal-iskedar jew il-ħruġ ta' ordni għall-konservazzjoni ma għandux jissospendi l-eżekuzzjoni ta' skedar jew ordni għall-konservazzjoni.

58. (1) Jekk proprjetà, sit jew zona li mhix skedata jew protetta taħt id-dispożizzjonijiet ta' dan l-Att jew regolamenti magħmula taħt dan l-Att, iżda li l-Kunsill Eżekuttiv jemmen li jista' jkollha importanza jew valur li tiġi skedata jew protetta, hija f'periklu li tiġi demolita, issofri ħsarat jew tiġi distrutta, il-Kunsill Eżekuttiv jista' jagħmel ordni ta' emerġenza għall-konservazzjoni u jieħu dawk il-passi l-oħra biex jiproteġi dik il-proprjetà, sit jew zona li jidhirlu meħtieġa u d-dispożizzjonijiet tal-proviso mas-subartikolu (1) tal-artikolu 57 għandhom japplikaw:

Ordni ta' emerġenza għall-konservazzjoni.

Iżda f'każ ta' urġenza *à-Chairperson* Eżekuttiv jista' jagħmel ordni ta' emerġenza għall-konservazzjoni mingħajr il-ħtieġa li jikkonsulta lill-membri l-oħra tal-Kunsill Eżekuttiv.

(2) Ordni ta' emerġenza għall-konservazzjoni għandu jiġi pubblikat fil-Gazzetta u jkollu effett hekk kif jiġi pubblikat.

(3) Ordni ta' emerġenza għall-konservazzjoni għandu, għal żmien tmax-il xahar minn mindu jiġi pubblikat fil-Gazzetta, ikollu l-istess effett daqs l-inklużjoni tal-proprjetà li għaliha jirreferi fil-lista ta' proprjetà skedata. L-effett tagħha jispicċa mal-gheluq taż-żmien fuq imsemmi.

(4) Appell lit-Tribunal minn ordni ta' emerġenza għall-konservazzjoni ma jissospendix l-eżekuzzjoni ta' dik l-ordni.

Il-Fond għall-Ippjanar tal-Iżvilupp

59. (1) L-Awtorità għandha twaqqaf fond, li jkun magħruf bħala l-Fond għall-Ippjanar tal-Iżvilupp.

Il-Fond tal-Ippjanar tal-Iżvilupp u fondi oħra.

(2) Il-Fond għall-Ippjanar tal-Iżvilupp għandu jkun amministrat mill-Kunsill Eżekuttiv.

(3) Il-Fond għall-Ippjanar tal-Iżvilupp għandu jintuża biex jiffinanzja proġetti kemm pubbliċi kif ukoll privati, programmi u

skemi, u spejjeż intizi sabiex jiġu infurzati u mhaddma l-ghanijiet u l-objettivi ta' dan l-Att, inklużi wkoll xogħlijiet li jistgħu jenhtiegu għal dak l-ghan jew biex tiġi rimedjata kull ħsara kaġunata lill-ambjent f'dak li għandu x'jaqsam ma' xi pjan ta' kontingenza jew emergenza, jew biex jiffinanzja dawk l-attivitajiet l-oħra, inklużi attivitajiet organizzati minn għaqdiet mhux governattivi, li l-Ministru f'konsultazzjoni mal-Kunsill Eżekuttiv jista' jippreskrivi:

Iżda, bla ħsara għal dak li jingħad f'dan is-subartikolu, il-Fond għall-Ippjanar tal-Iżvilupp m'għandux jintuża biex jiffinanzja spejjeż oħra tal-Awtorità.

(4) Għandu jithallas fil-Fond għall-Ippjanar tal-Iżvilupp:

(a) kull ammont approprjat mill-Parlament għal dak l-ghan;

(b) kull donazzjoni jew għotja magħmula lill-Fond għall-Ippjanar tal-Iżvilupp minn individwi jew istituzzjonijiet;

(c) ammonti li l-Awtorità tirċievi bil-ghan li jitqegħdu fil-Fond għall-Ippjanar tal-Iżvilupp;

(d) dawk l-ammonti jew flejjes oħra li jistgħu minn żmien għal żmien jiġu provduti b'din, jew taht din il-liġi jew kull liġi oħra jew regolamenti.

(5) Il-Kunsill Eżekuttiv għandu jżomm kont xieraq tad-dhul u l-infiq tal-Fond għall-Ippjanar tal-Iżvilupp u għandu, bla ħsara għall-poteri tal-Awditur Ġenerali u tal-Ministru responsabbli għall-finanzi taht kull liġi li tkun, ta' kull sena jara li l-kontijiet tal-Fond għall-Ippjanar tal-Iżvilupp jiġu verifikati minn awdituri pubbliċi u *accountants* kwalifikati kif imiss u minnu mahtura bi ftehim mal-Ministru.

(6) Il-Kunsill Eżekuttiv għandu ta' kull sena finanzjarja jibgħat lill-Ministru, kopja tal-karta tal-bilanċ verifikata kif imiss flimkien ma' rapport tal-attivitajiet matul is-sena finanzjarja preċedenti tal-Fond għall-Ippjanar tal-Iżvilupp. Il-Ministru għandu jqiegħed kopja tal-karta tal-bilanċ u tar-rapport fuq il-Mejda tal-Kamra fi żmien xahar minn meta jirċevi l-istess mingħand il-Kunsill Eżekuttiv.

(7) Id-dhul iġġenerat mill-Fond għall-Ippjanar tal-Iżvilupp ma jkunx soġġett għal ebda taxxa taht l-Att dwar it-Taxxa fuq l-*Income*, u ma jkunx soġġett għal ebda taxxa taht l-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti.

(8) Il-Ministru jista' wara li jikkonsulta lill-Kunsill Eżekuttiv jagħmel regolamenti li jippreskrivu l-proċedura li għandha tigi segwita mill-Kunsill Eżekuttiv fl-imaniġġar tal-Fond għall-Ippjanar tal-Iżvilupp.

(9) Il-Kunsill Eżekuttiv jista' iwaqqaf fondi oħra u jordna x'għandu jiġi mħallas f'dawn il-fondi u kif l-imsemmija fondi għandhom jiġu amministrati u użati. Id-dispożizzjonijiet tas-subartikoli (4), (5), (6), (7) u (8) għandhom japplikaw *mutatis mutandis* għal fondi oħra bħal dawn.

TAQSIMA VI

Kumitati Konsultattivi dwar *Policy*

Il-Kumitat Permanenti dwar l-Ambjent u l-Ippjanar tal-Iżvilupp

60. (1) Għandu jkun hemm Kumitat Permanenti dwar l-Ambjent u l-Ippjanar tal-Iżvilupp li għandu jkun magħmul minn hames membri maħtura mill-Kamra, li minnhom tlieta jkunu membri li jirrapreżentaw lill-Gvern, u li minn fosthom wieħed jinħatar bħala *Chairperson*, u t-tnejn l-oħra jkunu membri li jirrapreżentaw lill-Oppożizzjoni.

Kumitat
Permanenti
dwar l-Ambjent
u l-Ippjanar tal-
Iżvilupp.

(2) Il-Kumitat Permanenti għandu jiddiskuti kull strategija, pjan jew *policy* riferuti lilu skont l-artikoli 45 u 53 u kull haġa oħra riferuta lilu skont l-Att għall-Protezzjoni tal-Ambjent u jipprepara stqarrija ta' pożizzjoni.

Din l-istqarrija ta' pożizzjoni tista' ukoll tinkludi kull opinjoni li ma taqbilx fuq l-istrategija, pjan jew *policy*. Il-Kunsill Eżekuttiv u l-Ministru għandhom jiehdu konjizzjoni tal-istqarrija ta' pożizzjoni:

Iżda meta l-imsemmi Kumitat Permanenti jonqos milli jipprepara stqarrija ta' pożizzjoni fil-perjodu stipulat fl-Att, il-Kunsill Eżekuttiv jista' jadotta l-imsemmija strategija, pjan jew *policy* u l-Ministru jista' wkoll japprova l-imsemmija strategija, pjan jew *policy* kif mgħoddija lill-Kunsill Eżekuttiv.

Il-Kumitat tal-Utenti

61. (1) Għandu jkun hemm Kumitat, li jkun magħruf bħala l-Kumitat tal-Utenti, magħmul minn mhux inqas minn sebgħa u mhux iktar minn haxx-il membru li jkunu mhux iktar minn rappreżentant wieħed ta' kull wieħed mill-korpi kostitwiti nazzjonali li jkollhom interess kif rikonoxxuti mill-Ministru. Il-Kumitat tal-Utenti jkun awtonomu mill-Awtorità u għandu jinħatar mill-Ministru.

Twaqqif u
funzjonijiet tal-
Kumitat tal-
Utenti.

(2) Il-Kumitat tal-Utenti għandu jipproponi lill-Kunsill Eżekuttiv dawk il-bidliet għall-proċessi u għall-għemil amministrattiv fir-rigward ta' hwejjeg ta' ippjanar hekk kif jidhirlu li jkun xieraq. Il-Kumitat tal-Utenti għandu jwassal rapport lill-Kunsill Eżekuttiv mill-inqas kull sitt xhur. Kopja ta' dan ir-rapport għandha tingħata wkoll lill-Ministru.

Il-Kumitat li Jirregola l-Bini

Twaqqif tal-Kumitat li Jirregola l-Bini.

62. (1) Għandu jkun hemm Kumitat li jkun magħruf bħala l-Kumitat li Jirregola l-Bini, magħmul minn mhux inqas minn sitta u mhux iktar minn tmien membri li kull wieħed minnhom ikollu kwalifiki professjonali u, jew għarfien u esperjenza f'affarijiet li għandhom x'jaqsmu mal-kostruzzjoni tal-bini, jew mas-saħħa u s-sigurtà, jew mas-servizzi tal-bini. Il-Kumitat li Jirregola l-Bini għandu jkun awtonomu mill-Awtorità u għandu jinħatar mill-Ministru.

(2) Il-Kumitat li jirregola l-Bini għandu:

(a) jagħti parir lill-Kunsill Eżekuttiv fuq il-hwejjeg kollha relatati ma' regolamenti tal-bini u regolamenti dwar il-kontroll tal-bini, u funzjonijiet oħra preskritti minn dan l-Att;

(b) jagħti parir lill-Ministru fuq kif jiġu stabbiliti kriterji għas-sospensjoni, l-irtirar jew it-tħassir ta' registrazzjoni jew ta' liċenza;

(c) iwettaq kull attività jew funzjoni li jkollha x'taqsam mar-regolamenti dwar il-bini jew regolamenti dwar il-kontroll tal-bini li tista' tiġi mogħtija lill-bis-saħħa ta' regolamenti magħmulin mill-Ministru skond id-dispożizzjonijiet ta' dan l-Att.

TAQSIMA VII

Dispożizzjonijiet relatati mal-Bord tal-Ippjanar

Il-Bord tal-Ippjanar

Twaqqif tal-Bord tal-Ippjanar.

63. (1) Qiegħed b'dan jiġi mwaqqaf Bord tal-Ippjanar li jkun magħmul mill-membri msemmija fis-subartikolu (2), liema membri għandhom, salv kif provdut hawn aktar 'il quddiem, jiġu maħtura jew magħzula, skont kif ikun il-każ, mill-Ministru.

(2) Il-membri tal-Bord tal-Ippjanar għandhom ikunu magħmula mis-segwenti:

(a) *Chairperson*, li għandu jkun magħżul mill-ħames membri msemmija fil-paragrafu (b);

(b) ħames membri, (minn hawn 'il quddiem imsejha "il-membri indipendenti") magħżula minn fost persuni ta' integrità magħrufa u b'tagħrif u esperjenza fi kull waħda minn dawn li ġejjin:

(i) kummerċ, ekonomija u industrija;

(ii) wirt kulturali;

(iii) kwistjonijiet relatati mal-ambjent, l-iżvilupp, ma' affarijiet ta' xorta soċjali u komunitarji;

(c) membru wiehed li għandu jkun magħżul minn fost iċ-*Chairperson/s* tal- Kummissjoni tal-Ambjent;

(d) żewġ membri li għandhom ikunu membri tal-Kamra tad-Deputati li minnhom wiehed jiġi nominat mill-Prim Ministru u l-iehor mill-Kap tal-Oppożizzjoni;

(e) membru li jirrappreżenta l-interessi ta' NGOs Ambjentali, li għandu jkun magħżul minn fost numru ta' persuni nominati mill-imsemmija NGOs;

(f) membru li jirrappreżenta l-Awtorità ta' Malta dwar l-Ambjent;

(g) tliet uffiċjali pubbliċi li jirrappreżentaw il-Gvern li jkunu persuni li għandhom esperjenza jew kwalifiki f'materji li jikkonċernaw xi wiehed minn dawn li ġejjin: l-ippjanar, l-ambjent, l-infrastruttura, il-politika soċjali sakemm ikollha x'taqsam mal-użu tal-art, l-affarijiet ekonomiċi, l-agrikoltura, it-turiżmu u t-trasport;

(h) membru magħżul mill-kunsill lokali, li fil-limiti tagħhom ikun hemm applikazzjoni għal proġett kbir, liema membru għandu jiġi kkunsidrat bħala membru tal-Bord tal-Ippjanar biss meta l-Bord tal-Ippjanar ikun qed jiddelibera u jiddeċiedi applikazzjoni għal proġett kbir fil-limiti ta' dak il-kunsill lokali partikolari. Fil-każ fejn proġett kbir ikun jinsab fil-limiti ta' aktar minn kunsill lokali wiehed, il-membri għandu jiġi magħżul minn fost il-persuni magħżula mill-kunsilli lokali rispettivi li fil-limiti tagħhom tinsab applikazzjoni għal proġett kbir;

Iżda l-Bord tal-Ippjanar ikun validament kostitwit u jista'

jiffunzjona minkejja li ma jkunux gew nominati kemm wieħed jew iż-żewġ membri tal-Bord tal-Ippjanar imsemmija fil-paragrafu (d), jew kull nuqqas illi jsiru n-nomini meħtieġa taħt il-paragrafi (e) jew (h).

(3) Iċ-*Chairperson* tal-Kummissjoni tal-Ippjanar mahtur bħala membru tal-Bord tal-Ippjanar għandu jkun mahtur bħala vici *Chairperson*.

(4) Hlief kif previst fis-subartikoli (2) u (3), ebda persuna ma tikkwalifika biex tiġi magħżula bħala, jew biex tibqa', membru tal-Bord tal-Ippjanar jekk hija:

(a) tkun uffiċjal pubbliku:

Iżda iċ-*Chairperson* Eżekuttiv u iċ-*Chairperson* tal-Kummissjoni tal-Ippjanar ma għandhomx jitqiesu bħala uffiċjali pubbliċi għall-finijiet ta' dan is-subartikolu;

(b) tkun impjegat ta' xi dipartiment, aġenzija, Korporazzjoni jew Awtorità tal-Gvern, iżda għall-finijiet ta' dan il-paragrafu membru tal-istaff akkademiku tal-Università għandu jiġi eskluż;

(ċ) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati, tal-Parlament Ewropew jew ta' Kunsill Lokali;

(d) tkun imħallef jew maġistrat tal-qrati tal-gustizzja;

(e) ikollha interess finanżjarju jew xi interess ieħor f'xi impriża jew attività li x'aktarx ma jhallihex taqdi sewwa l-funzjonijiet tagħha bħala membru tal-Bord tal-Ippjanar:

Iżda l-Ministru jista' jiddeċiedi li l-interess li jkollha dik il-persuna aktarx ma jkunx ser jaffettwa t-twettiq tal-funzjonijiet tagħha u skont dik id-deċiżjoni dik il-persuna għandha tikkwalifika għall-kariga bħala membru tal-Bord tal-Ippjanar iżda l-interess li jkun gie dikjarat u d-deċiżjoni tal-Ministru għandhom jiġu pubblikati fil-Gazzetta;

(f) tkun interdetta jew inkapaċitata;

(g) tinsab haġta ta' reat li jkollu effett fuq il-fiduċja pubblika, jew ta' serq jew ta' frodi, jew ta' riċettazzjoni ta' proprjetà miksuba b'serq jew bi frodi jew b'tixhim jew b'hasil ta' flus; jew

(h) tkun soġġetta għal skwalifika taħt l-artikolu 320 tal-Att dwar il-Kumpanniji.

Kap. 386.

(5) Il-membri indipendenti u l-membri li jirrappreżenta l-interessi tal-NGOs Ambjentali, għandhom jibqgħu fil-kariga għal dak il-perjodu, li ma jkunx anqas minn tliet snin, li jkun speċifikat fl-ittra li biha jkunu ġew mahtura u jekk ebda perijodu ma jiġi speċifikat għandhom jibqgħu fil-kariga għal tliet snin. Meta jiffissa l-perjodu tal-kariga, il-Ministru għandu, kemm jista' jkun, jara li jkun hemm element ta' rotazzjoni.

(6) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (5), il-membri indipendenti u l-membri li jirrappreżenta l-interessi tal-NGOs Ambjentali jistgħu jirriżenjaw b'ittra indirizzata lill-Ministru, iżda ma jistgħux jitnehhew mill-kariga hlief b'riżoluzzjoni tal-Kamra tad-Deputati minhabba f'kondotta hażina jew inkapaċità li jaqdu d-dmirijiet tal-kariga tagħhom.

(7) Il-membri magħżul mill-kunsill lokali jew magħżul mill-Ministru mill-persuni appuntati minn kunsilli lokali differenti, skont kif ikun il-każ, għandu jibqa' fil-kariga unikament sakemm il-Bord tal-Ippjanar jiddeċiedi l-applikazzjoni partikolari għal proġett kbir fil-limiti tal-kunsill lokali jew kunsilli lokali rispettivi.

(8) Il-membri l-oħra tal-Bord tal-Ippjanar għandhom jibqgħu fil-kariga sakemm jiġu sostitwiti mill-Ministru, u sakemm jibqgħu uffiċjali pubbliċi jew membri tal-Kamra, skont il-każ. Membri tal-Kamra jistgħu wkoll jirriżenjaw mill-kariga b'ittra indirizzata lill-awtorità li tkun hażithom.

(9) Persuna li ma tibqax membru tal-Bord tal-Ippjanar tista' terġa' tiġi mahtura, iżda ebda persuna m'għandha tkun membru tal-Bord tal-Ippjanar għal iktar minn seba' snin konsekuttivi.

(10) Id-dispożizzjonijiet tat-Tieni Skeda għandhom japplikaw għall-Bord tal-Ippjanar u jirregolaw il-proċeduri tiegħu.

(11) Il-Bord tal-Ippjanar għandu jibgħat kopja tal-aġenda, minuti u dokumenti relattivi għal-laqgħat tiegħu lill-Ministru għall-informazzjoni tiegħu.

64. (1) Il-funzjonijiet tal-Bord tal-Ippjanar jkunu:

(a) l-ġhoti ta' dawk il-permessi għall-iżvilupp li jistgħu jkunu mitluba minn jew skont dan l-Att taħt dawk il-kondizzjonijiet li jista', bla ħsara għal kull dispożizzjoni oħra ta' dan l-Att jew ta' kull liġi oħra, iqis meħtieġa biex jibbalanċja bejn interessi konkorrenti fuq l-aħjar użu tal-art u l-baħar;

Funzjonijiet tal-Bord tal-Ippjanar.

(b) il-kontroll tal-iżvilupp skont id-dispożizzjonijiet ta' dan l-Att, u d-deċiżjoni li twarrab jew it-thaffif ta' rekwizit tar-regolamenti dwar il-bini, wara talba mill-applikant jew b'deċiżjoni tiegħu stess, skont l-artikolu 88. Kull deċiżjoni bħal dik għandha tiġi debitament imnizzla fil-fajl tal-applikazzjoni relattiva, inkluż ir-raġunijiet li jiġġustifikaw dik id-deċiżjoni;

(ċ) li jeżamina applikazzjonijiet għall-hruġ ta' liċenzi u registrazzjoni ta' bennejja, konsulenti dwar in-nirien, jew konsulenti fl-industrija tal-bini, kuntratturi tal-bini u persuni fis-sengħa tal-bini u jekk applikant jissodisfa l-kriterji stabbiliti, il-Bord tal-Ippjanar għandu jorhrog liċenza fejn applikabbli u jirregistraha fil-kategorija jew subkategorija speċifika skont il-każ;

(d) li jzomm registru jew registri ta' bennejja, kuntratturi tal-bini u persuni fis-sengħa tal-bini liema registru jew registri għandhom ikunu disponibbli għall-pubbliku, inkluż fuq is-sit elettroniku tal-Awtorità;

(e) li jagħmel attività jew funzjoni li tirrigwarda regolamenti dwar il-bini jew regolamenti dwar il-kontroll tal-bini li tista' tiġi mogħtija lilu bis-saħħa ta' regolamenti magħmulin mill-Ministru skont id-dispożizzjonijiet ta' dan l-Att.

Kummissjoni
tal-Ippjanar.

65. (1) Għandu jkun hemm Kummissjoni, li tkun magħrufa bħala l-Kummissjoni tal-Ippjanar, li jista' jkolla dak l-għadd ta' fergħat hekk kif il-Ministru jista' b'ordni fil-Gazzetta jippreskrivi:

Il-Kummissjoni jew tali għadd ta' fergħat tal-Kummissjoni, għandhom jittrattaw dawk it-tipi ta' applikazzjonijiet kif il-Ministru jista', wara li jikkonsulta maç-*Chairperson* Eżekuttiv, jippreskrivi.

(2) Il-Kummissjoni jew f'każ li jkun hemm għadd ta' fergħat, kull fergħa tal-Kummissjoni, għandha tinħatar mill-Ministru u għandha tikkonsisti minn tliet membri permanenti inkluż iç-*Chairperson* tagħha, u membru wieħed supplimentari. Il-Kummissjoni għandha tkun magħzula minn persuni ta' integrità magħrufa u li jkollhom tagħrif u esperjenza fi hwejjeġ relatati mal-iżvilupp sostenibbli:

Iżda dawk it-tliet persuni li jkunu maħtura biex jaġixxu bħala membri permanenti tal-Kummissjoni jew ta' fergħa tal-Kummissjoni, skont il-każ, għandhom jattendu il-laqgħat tal-Kummissjoni u jieħdu sehem fid-deliberazzjonijiet u deċiżjonijiet,

waqt li l-membri supplimentari jista' jattendi għal-laqgħat, iżda jista' jieħu biss sehem fid-deliberazzjonijiet u deċiżjonijiet f'sostituzzjoni ta' kull membru permanenti li għal xi raġuni valida ma jkunx jista' jwettaq d-dmirijiet tiegħu kif inhu xieraq.

(3) Il-membri tal-Kummissjoni għandhom jibqgħu fil-kariga għal perijodu ta' erba' snin. Huma għandhom ikunu eliġibbli għal haġra mill-ġdid għal terminu ieħor ta' erba' snin. Id-dispożizzjonijiet tal-artikolu 63(6) għandhom japplikaw ukoll għall-membri tal-Kummissjoni.

(4) Bla ħsara għas-subartikolu (1) u għall-artikolu 75, il-funzjonijiet tal-Kummissjoni jkunu dawk il-funzjonijiet tal-Bord tal-Ippjanar dwar il-kontroll tal-iżvilupp kif il-Bord tal-Ippjanar jista' minn żmien għal żmien jiddelega lill-Kummissjoni u jehtiegħilha li twettaq, bla ħsara għal dawk il-kondizzjonijiet li l-Bord tal-Ippjanar jidhirlu xierqa.

(5) Id-deċiżjonijiet tal-Kummissjoni dwar kull permess għall-iżvilupp minnha mahruġ, għandhom jitqiesu li huma, u għandu jkollhom l-istess saħħa u effett daqs deċiżjonijiet tal-Bord tal-Ippjanar, ħlief dwar materji li l-Bord tal-Ippjanar espressament jirriserva għalih jew jehtiegħ li jiġu riferuti lilu għal deċiżjoni, u l-espressjoni "deċiżjoni tal-Bord tal-Ippjanar", kull fejn tidher f'dan l-Att, għandha tiftiehem hekk.

(6) Id-deċiżjonijiet tal-Kummissjoni jkunu jorbtu biss jekk ikunu ttieħdu b'vot favur ta' mhux anqas minn tnejn mill-membri tal-Kummissjoni. Id-deċiżjonijiet għandhom jiġu pubblikati kemm jista' jkun malajr wara l-laqgħa li fiha jittieħdu.

(7) Il-Kummissjoni għandha tittrasmetti liċ-*Chairperson* Eżekuttiv kopja tad-deċiżjonijiet tagħha u d-deliberazzjonijiet relattivi li wasslu għal tali deċiżjonijiet, kemm jista' jkun malajr wara l-laqgħa li fiha d-deċiżjonijiet ikunu ttieħdu.

(8) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-Att u għat-Tieni Skeda, u għal kull regola li tista' tiġi preskritta mill-Bord tal-Ippjanar, il-Kummissjoni tista' tirregola l-proċeduri tagħha nnifisha.

(9) Il-persunal tal-Kummissjoni għandu jikkonsisti f'dawk l-uffiċjali u impjegati tal-Awtorità li jkunu mqabnda biex jaqdu lill-Kummissjoni u l-Kunsill Eżekuttiv għandu wkoll jipprovdli lill-Kummissjoni, mir-rizorsi tiegħu stess, dik l-għajnuna li l-Kummissjoni tista' raġonevolment teħtieġ sabiex taqdi l-funzjonijiet tagħha.

(10) Il-Kummissjoni tista' f'kull żmien, thejji rapporti, li għandhom jiġu diskussi mill-Awtorità:

(a) dwar kull haġa li hi relevanti għal dan l-Att, inkluż dwar xi applikazzjoni partikolari;

(b) dwar il-proċedura tal-kontroll tal-iżvilupp; u

(ċ) dwar kull suġġett li għandu jiġi indirizzat mill-Kunsill Eżekuttiv permezz ta' *policy* ġdida jew permezz ta' emenda għal *policy* eżistenti.

Il-Kumitat ta' Konsulenza dwar l-Agricoltura.

66. (1) Għandu jkun hemm Kumitat magħruf bħala l-Kumitat ta' Konsulenza dwar l-Agricoltura, li l-membri tiegħu jkunu maħtura mill-Ministru.

(2) Il-Kumitat ta' Konsulenza dwar l-Agricoltura għandu jkun jikkonsisti f'*Chairman* li jirrappreżenta l-Awtorità u rappreżentanti ta' dipartimenti, aġenziji u awtoritajiet responsabbli mill-agricoltura, servizzi veterinarji, rizorsi u saħħa ambjentali.

(3) Tliet membri tal-Kumitat ta' Konsulenza dwar l-Agricoltura jkunu jagħmlu *quorum* waqt is-seduti tal-Kumitat ta' Konsulenza dwar l-Agricoltura. Iċ-*chairperson* ta' seduta jkollu vot oriġinali u, fil-każ ta' voti ndaqs, vot deċiżiv. Għandu jkun hemm ukoll segretarju tal-Kumitat ta' Konsulenza dwar l-Agricoltura li għandu jiġi maħtur mill-Ministru u jkollu dawk id-dmirijiet li jistgħu jiġu assenjati lilu mill-Kumitat ta' Konsulenza dwar l-Agricoltura.

(4) Tkun il-funzjoni tal-Kumitat ta' Konsulenza dwar l-Agricoltura li jagħti pariri professjonali u espert lill-Bord tal-Ippjanar fuq applikazzjonijiet għall-iżvilupp relatati mal-agricoltura u żvilupp ieħor 'il barra miż-żona ta' żvilupp. Il-Kumitat għandu jevalwa proposti ta' żvilupp u jiddikjara jekk l-intervent propost hux ser jibbenefika jew itellef żvilupp sostenibbli agrikolu, ta' biedja jew rurali, u jagħti ragunijiet dettaljati dwar l-istess. Il-Kumitat għandu, fejn iħoss il-ħtieġa, jissuġġerixxi metodi kif proposta għal żvilupp tista' titqies bħala aċċettabbli f'relazżjoni ma' żvilupp sostenibbli agrikolu, ta' biedja jew rurali. Il-Kumitat ta' Konsulenza dwar l-Agricoltura għandu wkoll jiġbor informazzjoni dwar applikazzjonijiet għall-iżvilupp relatati mal-agricoltura.

(5) Il-Kumitat ta' Konsulenza dwar l-Agricoltura għandu jagħmel disponibbli għall-ispezzjoni tal-pubbliku kull rakkomandazzjoni li huwa jagħmel lill-Bord tal-Ippjanar.

(6) Il-Kumitat ta' Konsulenza dwar l-Agricoltura jista' jitlob lil kull persuna biex tagħtih parir espert jew professjonali dwar kull

ħaġa li l-Kumitat ikun qed jittratta.

(7) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan is-subartikolu u għal kwalunkwe regola preskritta mill-Ministru, il-Kumitat ta' Konsulenza dwar l-Agrikoltura jista' jirregola l-proċeduri tiegħu.

67. (1) Għandu jkun hemm Kumitat li jkun magħruf bħala l-Kumitat ta' Konsulenza dwar id-Disinn.

Il-Kumitat ta'
Konsulenza
dwar id-Disinn.

(2) Il-Kumitat ta' Konsulenza dwar id-Disinn għandu jagħmel rakkomandazzjonijiet dwar applikazzjonijiet għall-iżvilupp relatati ma' żoni ta' konservazzjoni urbana u proġetti kbar u għandu jkun magħmul minn *chairperson* u żewġ membri oħra mahtura mill-Ministru.

(3) Żewġ membri tal-Kumitat ta' Konsulenza dwar id-Disinn ikunu jagħmlu *quorum* waqt is-seduti tal-Kumitat ta' Konsulenza dwar id-Disinn. Iċ-*chairperson* ta' seduta jkollu vot originali u, fil-każ ta' voti ndaqs, vot deċiżiv. Għandu jkun hemm ukoll segretarju tal-Kumitat ta' Konsulenza dwar id-Disinn li għandu jiġi mahtur mill-Ministru u jkollu dawk id-dmirijiet li jistgħu jiġu assenjati lill-Kumitat ta' Konsulenza dwar id-Disinn.

(4) Tkun il-funzjoni tal-Kumitat ta' Konsulenza dwar id-Disinn li jagħti pariri professjonali u esperti lill-Bord tal-Ippjanar dwar disinn f'applikazzjonijiet għall-iżvilupp relatati ma' żoni ta' konservazzjoni urbana u proġetti kbar.

(5) Il-Kumitat ta' Konsulenza dwar id-Disinn għandu jagħmel disponibbli għall-ispezzjon tal-pubbliku kull rakkomandazzjoni li huwa jagħmel lill-Bord tal-Ippjanar.

(6) Il-Kumitat ta' Konsulenza dwar id-Disinn jista' jitlob lil kull persuna sabiex tagħtih parir espert jew professjonali dwar kull ħaġa li l-Kumitat ikun qed jittratta.

(7) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan is-subartikolu u għal kwalunkwe regola preskritta mill-Ministru, il-Kumitat ta' Konsulenza dwar id-Disinn jista' jirregola l-proċeduri tiegħu.

68. (1) Għandu jkun hemm Bord ta' Reġistrazzjoni li l-funzjoni tiegħu għandha tkun li jevalwa l-applikazzjonijiet għal reġistrazzjoni fir-Reġistru tal-Konsulenti eliġibbli biex iwettqu evalwazzjonijiet relatati ma' ħwejjeg kif speċifikati f'dan l-Att u mhux relatati mal-ambjent.

Il-Bord ta'
Reġistrazzjoni.

(2) Il-Bord ta' Reġistrazzjoni għandu jkun kompost mill-inqas minn tliet membri u l-aktar minn ħames membri, li wieħed minnhom għandu jkun iċ-*chairperson*. Il-membri tal-Bord ta' Reġistrazzjoni għandhom jiġu maħtura mill-Ministru.

(3) Il-membri tal-Bord ta' Reġistrazzjoni għandhom ikunu membri indipendenti u ma jkunux involuti b'xi mod fil-preparazzjoni ta' evalwazzjonijiet li jaqgħu taħt il-ġurisdizzjoni tal-Bord ta' Reġistrazzjoni.

(4) Il-Bord ta' Reġistrazzjoni għandu jivvaluta applikazzjonijiet għal dawk ir-reġistrazzjonijiet u japprova dawk li jissodisfaw ir-rekwiżiti għar-reġistrazzjoni. Il-Bord ta' Reġistrazzjoni għandu jagħti raġunijiet għad-deċiżjonijiet tiegħu.

(5) Id-deċiżjoni tal-Bord ta' Reġistrazzjoni li jilqa' jew li jiċhad applikazzjoni għal reġistrazzjoni fir-Registru miżmum mill-Kunsill Eżekuttiv għandha tkun notifikata bil-miktub lill-applikant mingħajr dewmien.

(6) Il-Bord ta' Reġistrazzjoni jista' jordna lill-Kunsill Eżekuttiv jaġġorna r-Registru f'intervalli regolari kif jista' jidhirlu xieraq bl-inkluzjoni ta' dixxiplini oħra fir-Registru, liema dixxiplini jistgħu jkunu evolwew minn żmien għal żmien.

(7) Id-deċiżjonijiet tal-Bord ta' Reġistrazzjoni għandhom ikunu finali. Jista' jsir appell lit-Tribunal biss għar-raġunijiet li l-Bord ta' Reġistrazzjoni ikun, fid-deċiżjoni h, applika b'mod żbaljat id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin taħtu.

(8) Id-deċiżjoni tal-Bord ta' Reġistrazzjoni għandha tkun torbot jekk din tkun appoġġata mill-opinjoni tal-maġġoranza tal-membri tiegħu, u l-membri jew membri li ma jaqblux, jekk ikun hemm, jistgħu jesprimu l-opinjoni tagħhom separatament, u d-deċiżjonijiet kollha tal-Bord ta' Reġistrazzjoni għandhom jiġu pubblikati kemm jista' jkun malajr wara s-seduta li fiha jkunu ngħataw.

(9) Il-Ministru jista', wara konsultazzjoni mal-Bord ta' Reġistrazzjoni, jagħmel regolamenti sabiex jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-artikolu u, mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, huwa jista':

(a) jistabbilixxi kriterji li l-applikanti huma mistennija li jissodisfaw sabiex jikkwalifikaw għar-reġistrazzjoni;

(b) jistabbilixxi l-proċedura li għandha tiġi segwita mill-Bord ta' Registrazzjoni;

(ċ) jordna tariffa ta' miżati għar-registrazzjoni mal-Bord ta' Registrazzjoni.

69. (1) Il-Bord ta' Registrazzjoni jista', minn jeddu, jew fuq talba tal-Kunsill Eżekuttiv, jikkancelła kull approvazzjoni mogħtija skont id-dispożizzjonijiet tal-artikolu 68 jew jirrifjuta kull applikazzjoni għal tiġdid tar-registrazzjoni, meta persuna:

Setgħat tal-Bord ta' Registrazzjoni.

(a) tinstab haġta minn qorti ta' ġurisdizzjoni kriminali ta' reat li jkun sar permezz ta' imprudenza, traskuraġni, nuqqas ta' hila fl-arti jew professjoni, jew nuqqas ta' osservanza ta' regolamenti; jew

(b) tinstab haġta minn qorti ta' ġurisdizzjoni kriminali ta' xi reat taħt id-dispożizzjonijiet tal-Att jew ta' xi regolamenti magħmulin taħtu; jew

(ċ) fl-opinjoni tal-Kunsill Eżekuttiv u l-Bord ta' Registrazzjoni, tkun ipprezentat xogħol li ma jilhaqx *standards* tajbin jew deliberatament għamlet evalwazzjoni qarrieqa; jew

(d) tkun ipparteċipat fil-preparazzjoni ta' evalwazzjoni meta ma kienetx registrata fir-Registru; jew

(e) kienet il-benefiċjarja ta' approvazzjoni maħruġa taħt id-dispożizzjonijiet tal-artikolu 68 liema approvazzjoni tkun ibbażata fuq informazzjoni falza jew qarrieqa mogħtija mill-applikant;

(f) tonqos milli thallas il-miżata għal tiġdid annwali.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), il-Bord tar-Registrazzjoni jista' jagħzel is-sospensjoni, minflok il-kancellazzjoni tal-approvazzjoni, fiċ-ċirkostanzi speċifikati fis-subartikolu (1)(d) u (f).

(3) Minkejja d-dispożizzjonijiet tas-subartikolu (1), jekk persuna tipparteċipa fil-preparazzjoni ta' evalwazzjoni mingħajr ma tkun registrata fir-Registru, dik il-persuna għandha sussegwentment tiġi miżmuma milli tirregistra jew tipparteċipa f'xi evalwazzjonijiet f'Malta għal perjodu li għandu jiġi deċiż mill-Bord tar-Registrazzjoni liema perjodu m'għandu fl-ebda każ ikun inqas minn tliet snin.

Htieġa tal-permess

Żvilupp li
jirrikjedi
permess.

70. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu u tad-dispożizzjonijiet li ġejjin ta' din it-Taqsima, u bla ħsara għall-artikoli 55 u 85(2)(n), ebda żvilupp ma jista' jsir hliet bil-permess tal-iżvilupp.

(2) Għall-għanijiet ta' dan l-artikolu, u, sakemm ir-rabta tal-kliem ma tehtiegħ xort'oħra, għall-għanijiet l-oħra kollha ta' dan l-Att, "żvilupp" tfisser l-għemil ta' xogħol ta' bini, inġinerija, xogħol ta' barrieri, tħaffir u xogħol ieħor għall-kostruzzjoni, demolizzjoni jew tibdil fl-art jew fil-baħar, jew fuqhom, jew 'il fuq minnhom jew taħthom, it-tqegħid ta' reklami jew kull bidla sostanzjali fl-użu tal-art jew bini u baħar, minbarra:

(a) xogħol ta' manutenzjoni li jolqot biss il-parti interna tal-bini jew li ma jolqotx materjalment id-dehra ta' barra tal-bini:

Iżda dawn ix-xogħlijiet ta' manutenzjoni m'għandhomx ikunu kontra xi ordni magħmul taħt dan l-Att fir-rigward tal-bini;

Iżda wkoll ix-xogħol ta' manutenzjoni ma għandux jinkludi twaqqiġ u xogħol ta' bini mill-ġdid, irrispettivament mill-inhawi fejn dan it-twaqqiġ u xogħol ta' bini mill-ġdid isiru;

(b) l-użu tal-art għall-agrikoltura, trobbija ta' annimali u masġar (inkluż l-afforestament) hliet meta dak l-użu jkun jikkonsisti:

(i) f'erezzjoni ta' bini jew jilhaq it-trobbija intensiva ta' frott tal-art jew annimali; jew

(ii) fir-riklamazzjoni tal-art għall-agrikoltura permezz tad-depożitu ta' materjal fuq tali art sakemm tali reklamazzjoni tal-art għall-agrikoltura tista' tigi ppruvata li kienet tezisti qabel l-1994;

(ċ) f'każ ta' bini jew art oħra li huma wżati għal skop ta' xi klassi msemmija f'ordni magħmul mill-Ministru, skont il-każ, taħt dan l-Att, l-użu tagħhom għal kull skop ieħor tal-istess klassi;

(d) xogħlijiet ta' emerġenza fir-rigward tas-sigurtà pubblika mwettqa mill-Gvern;

(e) użu li ilu jseħħ kontinwament minn żmien fejn dak l-użu ma kienx meqjus illegali u ma kienx jeħtieg permess;

(f) it-tqeghid ta' impjant u makkinarju li jkun meħtieg għall-operat ta' użu diġà kopert b'permess ta' żvilupp fuq art 'il ġewwa mill-konfini tas-sit kopert bl-istess permess għall-użu li jkun qed jiġi operat.

(3) Għall-għanijiet ta' dan l-artikolu -

(a) l-użu ta' bini li jirrizulta f'żieda fin-numru ta' unitajiet ta' abitazzjoni minn dak li fih il-bini kien użat qabel; jew

(b) id-depożitu ta' materjal fuq l-art; jew

(ċ) l-użu għall-wiri ta' reklami fuq xi parti ta' barra ta' bini li ma jkunx normalment użat għal dak l-iskop,

ifisser tibdil sostanzjali fl-użu ta' dak il-bini jew art, jew parti minnu, mingħajr preġudizzju, fil-każ ta' reklami, għal kull regolament jew ordni magħmula taħt dan l-Att dwar il-kontroll tagħhom.

(4) Għall-għanijiet ta' dan l-artikolu, żvilupp jinkludi t-tammil tal-widien mill-materjal li jkun ingabar u żvilupp li jkollu x'jaqşam mal-baħar jinkludi riklamazzjoni tal-art mill-baħar, akwakultura u żvilupp ta' xtut u użu relatat ma' tali żvilupp.

71. (1) Kull persuna, inkluż dipartiment tal-gvern jew korp ġuridiku stabbilit bil-liġi, li tkun trid twettaq xi żvilupp msemmi fl-artikolu 70, għandha tapplika lill-Bord tal-Ippjanar għal tali permess, b'dak il-mod, fuq dik il-forma u tagħti dik l-informazzjoni hekk kif il-Bord tal-Ippjanar jista' jippreskrivi.

Applikazzjoni
għall-permess.

(2) Il-Bord tal-Ippjanar jista' jagħti tliet tipi ta' permessi għall-iżvilupp:

(a) *outline development permission* li japprova fil-prinċipju l-iżvilupp propost, iżda jindika materji riżervati li ikollhom jiġu inklużi f'applikazzjoni jew applikazzjonijiet għall-permess ta' żvilupp komplet. Perijodu ta' żmien għandu jiġi ddikjarat f'liema perijodu l-applikazzjoni jew l-applikazzjonijiet għall-permess ta' iżvilupp komplet għandhom jiġu ppreżentati, u fin-nuqqas ta' dan l-*outline development permission* jiġi reż null. Dan il-perijodu m'għandu fl-ebda każ ikun aktar minn hames snin. L-ebda żvilupp ma jista' jibda mingħajr pemess ta' żvilupp komplet;

(b) permess ta' żvilupp komplet hu meħtieġ qabel kull żvilupp jista' jibda, kemm jekk preċedut jew le minn *outline development permission*. Il-permess ta' żvilupp komplet jingħata sugġett għall-kundizzjonijiet inklużi fil-permess;

(c) permess ta' żvilupp komplet li mhuwiex eżegwibbli, li japprova l-iżvilupp iżda jimponi kundizzjonijiet li għandhom ikunu mwettqa qabel ma jingħata permess ta' żvilupp komplet.

(3) Kull persuna tista' wkoll tapplika mal-Bord tal-Ippjanar sabiex jiġi deċiż jekk proposta tkunx teħtieġ permess ta' żvilupp u l-Bord tal-Ippjanar huwa marbut illi jinforma lil dik il-persuna jekk permess għal żvilupp jew kull forma oħra ta' notifikazzjoni tkunx meħtieġa skont dan l-Att jew le.

(4) Applikant għal permess ta' żvilupp għandu jiċċertifika lill-Bord tal-Ippjanar li huwa s-sid tas-sit jew li nnotifika permezz ta' ittra registrata lis-sid bl-intenzjoni tiegħu li japplika, u kopja notifikata tal-ittra għandha tiġi ppreżentata mal-applikazzjoni lill-Bord tal-Ippjanar in ottemperanza mal-proċeduri stabbiliti mill-Bord tal-Ippjanar.

(5) Meta -

(a) l-applikant huwa l-Gvern ta' Malta jew xi dipartiment, aġenzija, awtorità, jew korp ġuridiku li s-sid intier tiegħu huwa l-Gvern; jew

(b) l-applikant mhuwiex is-sid tas-sit, iżda għandu titolu ta' qbiela, jew jiddetjeni l-fond taħt titolu ta' lokazzjoni u ser jagħmel ix-xogħlijiet taħt xi skema ta' xi entità governattiva,

l-applikant għandu xorta waħda javża lis-sid bl-intenzjoni li ser japplika u dan permezz ta' ittra registrata, u kopja notifikata tal-ittra għandha tintbagħat ukoll lill-Bord tal-Ippjanar.

(6) Kull persuna tista' tiddikjara interess f'xi żvilupp u, abbażi ta' raġunijiet li jkunu rilevanti għall-ambjent u l-ippjanar, tagħmel rappreżentazzjonijiet dwar dak l-iżvilupp. Dik id-dikjarazzjoni ta' interess flimkien mar-rappreżentazzjonijiet għandha ssir bil-miktub u għandha tasal għand il-Bord tal-Ippjanar fiż-żmien kif stabbilit b'regolamenti preskritti mill-Ministru. Dikjarazzjoni li ma tiġix ppreżentata f'dan iż-żmien stipulat għandha tiġi kkunsidrata bħala nulla u ma tistax tiġi kkunsidrata mill-Bord tal-Ippjanar.

(7) Waqt l-iproċessar tal-applikazzjoni, iċ-*Chairperson* Eżekuttiv jikkunsidra kull rappreżentazzjoni magħmula minn partijiet interessati registrati skont id-dispożizzjonijiet tas-subartikolu (6).

(8) Il-Bord tal-Ippjanar għandu jinforma lill-partijiet interessati reġistrati meta jkunu ġew ipprezentati disinji godda u l-partijiet interessati reġistrati għandhom jiġu notifikati bis-seduta tal-Bord tal-Ippjanar meta ser tiġi diskussa dik l-applikazzjon:

Iżda dawk ir-rappreżentazzjonijiet jistgħu jsiru fil-forom meqjusa xierqa mill-Bord tal-Ippjanar, u għandhom jinkludu dawk ir-rappreżentazzjonijiet mibgħuta bil-posta jew bl-idejn u dawk magħmula b'mezzi elettronici:

Iżda wkoll jekk l-aħħar ġurnata għas-sottomissjoni tar-rappreżentazzjonijiet, kif stabbilit mill-Bord tal-Ippjanar, tkun festa pubblika jew ġurnata meta l-uffiċċji tal-Awtorità jkunu magħluqa għall-pubbliku, it-terminu għas-sottomissjoni tar-rappreżentazzjonijiet għandu jitqies bħala li jiskadi fil-ġurnata tax-xogħol li jmiss.

72. (1) Il-Bord tal-Ippjanar ikollu s-setgħa li jagħti jew li Permessi. jirrifjuta permess għall-iżvilupp. Kull approvazzjoni ta' permess għall-iżvilupp għandha tkun mingħajr preġudizzju għad-drittijiet ta' terzi persuni u bl-ebda mod m'għandha tikkostitwixxi jew tinftiehem bħala garanzija favur l-applikant inkwantu t-titolu tal-proprjeta'. Barra minn hekk fl-għoti ta' permess għall-iżvilupp, il-Bord tal-Ippjanar huwa intitolat li jimponi dawk il-kundizzjonijiet li jidhrulu xierqa:

Iżda l-Bord tal-Ippjanar għandu jagħti raġunijiet speċifiċi għal kull rifjut jew għal kull kundizzjoni partikolari li setgħet giet imposta.

(2) Fid-determinazzjoni ta' applikazzjoni għall-permess għall-iżvilupp, il-Bord tal-Ippjanar għandu jqis:

- (a) pjanijiet;
- (b) *policies*:

Iżda pjanijiet sussidjarji u *policies* m'għandhomx ikunu applikati retroattivament b'mod li jkunu jolqtu b'mod kuntrarju drittijiet akkwiziti li jirriżultaw minn permess għall-iżvilupp validu, jew liċenza valida tal-pulizija jew tal-kummerċ maħruġa qabel l-1994;

- (c) regolamenti magħmula taħt dan l-Att:

Iżda l-Bord tal-Ippjanar għandu jirreferi biss għal pjanijiet, *policies* jew regolamenti li ġew iffinalizzati u approvati mill-Ministru jew mill-Kamra tad-Deputati, skont il-każ, u pubblikati;

(d) kull haġa oħra ta' sustanza, kompriż, *commitments* fil-viċin, konsiderazzjonijiet ambjentali, estetici u sanitarji, li l-Bord tal-Ippjanar jista' jqies bhala rilevanti;

(e) ir-rappreżentazzjonijiet li jsiru b'risposta għall-pubblikazzjoni tal-proposta ta' żvilupp; u

(f) rappreżentazzjonijiet u rakkomandazzjonijiet magħmula minn bordijiet, kunitati u konsulenti b'risposta għan-notifika ta' applikazzjonijiet.

(3) Salv żvilupp li fil-fehma tal-Ministru huwa ta' importanza strateġika jew ta' interess nazzjonali, konness ma' xi obbligu li jirriżulta minn Att tal-Unjoni Ewropea, jaffettwa s-sigurtà nazzjonali jew jaffettwa l-interessi ta' gvernijiet oħra imma mhux suġġett għall-Studju dwar l-Impatt Ambjentali u, jew hwejjeġ relatati ma' IPPC, l-eżekuzzjoni u l-validità ta' permess għandhom awtomatikament jiġu sospiżi temporanjament u l-ebda xogħlijiet kif approvati mill-imsemmi permess ta' żvilupp ma jkunu jistgħu jibdeu qabel l-iskadenza tal-perijodi ta' żmien stabbiliti fl-artikolu 13 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar u sussegwentment jibqa' hekk sospiż jekk it-Tribunal hekk jiddeċiedi skont l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar.

(4) Permess għall-iżvilupp jista' jingħata għal żmien limitat jew għal dejjem, iżda għandu jispiċċa milli jkun operattiv jekk l-attività jew l-iżvilupp ma jkunx tlesta fil-perijodu speċifikat fil-permess ta' żvilupp, jekk ikun hemm:

Iżda l-Bord tal-Ippjanar għandu, wara li ssir applikazzjoni mill-persuna li tkun detentur tal-permess għall-iżvilupp, iġedded tali permess, hekk kif jirċievi applikazzjoni valida għat-tiġdid fiż-żmien li l-permess għall-iżvilupp preċedenti ikun għadu operattiv, għal dak il-perijodu jew perijodi ulterjuri li jikkunsidra raġonevoli:

Iżda wkoll fejn ikun hemm bidla fil-pjanijiet jew *policies* applikabbli għall-permess għall-iżvilupp li tiegħu ikun intalab it-tiġdid, dawn il-pjanijiet u *policies* godda għandhom jittieħdu f'kunsiderazzjoni sakemm is-sit mertu tal-applikazzjoni ma jkunx diġà marbut bil-permess għall-iżvilupp originali fir-rigward ta' dawn il-pjanijiet u *policies*:

Iżda wkoll jekk l-applikant jonqos milli jippreżenta l-avviż ta' bidu fis-sehħ relattiv għall-permess, tali permess għall-iżvilupp għandu jiġi kunsidrat bhala li qatt ma ġie utilizzat.

(5) Kull permess li għadu fis-sehħ għandu awtomatikament

jgħaddi għand is-sidien godda tal-iżvilupp.

(6) Meta l-Bord tal-Ippjanar jagħti permess għall-iżvilupp, huwa jista' jitlob lill-applikant li jwettaq l-attività jew l-iżvilupp fi stadji. Il-Bord tal-Ippjanar għandu jinforma lill-applikant fil-permess liema għandhom ikunu daww il-istadji u, wara li jitlesta kull stadju, l-applikant għandu jitlob lill-Bord tal-Ippjanar li jagħmel spezzjoni tal-attività jew tax-xogħlijiet mwettqa u, jekk wara li ssir tali spezzjoni, jinstab illi l-attività jew x-xogħlijiet ikunu saru skont il-permess għall-iżvilupp, il-Bord tal-Ippjanar għandu jawtorizza lill-applikant li jwettaq l-istadju li jkun imiss tal-attività jew tal-iżvilupp.

(7) Meta l-Bord tal-Ippjanar jikkonsidra li jkun xieraq li jissorvelja mill-qrib kondizzjonijiet speċifiċi f'permess għall-iżvilupp billi jahtar persuna kompetenti għal dak il-għan, huwa għandu jagħmel dan bi spejjeż tal-applikant.

(8) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-artikolu, fejn applikazzjoni biex tiżviluppa art tikkonsisti fit-tħaffir tal-minerali, il-Bord tal-Ippjanar jista', u, fejn *standards* ambjentali u tal-ippjanar jeħtieġu, għandu, jeħtieġ lill-applikant jipprovdi skema għat-trattament taż-żona fejn ikun qiegħed isir ix-xogħol u tal-madwar matul il-perjodu tax-xogħol u għat-trattament tal-imsemmija żoni meta x-xogħol jitlesta.

(9) Il-Bord tal-Ippjanar m'għandux jagħti permess għat-tħaffir għal minerali sakemm ma jkunx sodisfatt li ser jintlaħqu *standards* ambjentali u tal-ippjanar u li s-sit ser jinżamm u eventwalment jithalla f'qagħda aċċettabbli.

(10) Meta l-Bord tal-Ippjanar jitlob li skema għandha tiġi pprezentata għall-varji stadji kif previst fis-subartikolu (6), l-iskema, kif aċċettata mill-Bord tal-Ippjanar, għandha ssir kondizzjoni ta' kull permess mogħti minnu, u l-Bord tal-Ippjanar għandu jeħtieġ ukoll daww il-garanziji li għandhom jingħataw mill-applikant kif il-Bord iqis meħtieġ sabiex jiżgura li l-iskema ser tiġi seġwita.

73. (1) F'kull każ li fih il-Bord tal-Ippjanar għandu s-setgħa taħt dan l-Att li jagħti permess sabiex art tiġi żviluppata, hu jista' jagħti permess biex jinżammu fuq l-art, bini jew xogħolijiet oħra mibnija jew magħmula fuqha, jew biex jitkompla kull użu ta' art, li jkun sar mingħajr permess taħt dan l-Att jew wara li dak il-permess ma jkunx għadu validu jew operattiv, u riferenzi f'dan l-Att għal permess biex jiżviluppaw l-art jew biex jitwettaq kull żvilupp fuq art, u għal applikazzjonijiet għal permessi bħal dawn, għandhom ikunu hekk miftiehma:

Dispożizzjoni-
jiet
supplimentari li
jirrigwardaw
permessi.

Iżda m'għandhiex tiġi aċċettata u pproċessata applikazzjoni jew m'għandux jingħata permess taht dan is-subartikolu sakemm min japplika jew il-predeċessor tiegħu fit-titolu ma jkunx:

(a) minnufih li jkun gie meħtieġ li jagħmel hekk, waqaf milli jkompli żvilupp li jkun gie meħtieġ li jwaqqaf; u

(b) ħallas dawk il-multi jew għamel dawk il-ħlasijiet li jistgħu jkunu dovuti fuq is-sit mertu tal-applikazzjoni.

(2) Permess taht dan l-artikolu jista' jingħata b'mod li jkollu effett mid-data li fiha l-bini jew ix-xogħolijiet ikunu nbnew jew saru jew l-użu jkun inbeda, jew mid-data li l-permess għall-iżvilupp ma jkunx baqa' validu jew operattiv, skont il-każ.

(3) Permess għall-iżvilupp għandu jispeċifika l-iskopijiet li għalihom bini jista' jintuża u jekk ma jkunx indikat ebda skop, il-permess għandu jitqies li jinkludi permess sabiex il-bini jintuża għall-iskopijiet li għalihom ikun iddisinjat.

(4) Meta jingħata permess għall-iżvilupp għal żmien limitat biss, u kundizzjoni bħal din tkun inkluża fil-permess, xejn f'dan l-Att m'għandu jiftiehem li jkun meħtieġ permess tahtu sabiex, wara l-għeluq ta' dak iż-żmien, jerga' jinbeda l-użu tal-art għall-iskop li għalih l-art kienet normalment tiġi wżata qabel ma ngħata l-permess, iżda m'għandha tingħata ebda konsiderazzjoni għal kull użu magħmul bi ksur ta' dan l-Att.

(5) Il-Bord tal-Ippjanar jista', qabel ma jinħareġ, jew mal-ħruġ ta' permess għall-iżvilupp, jitlob mingħand il-persuna li favur tagħha jkun se jgħodgħ il-permess, bħala kondizzjoni għall-ħruġ tal-permess għall-iżvilupp, li tipprovdi garanzija favur l-Awtorità sabiex tiggarrantixxi t-tħaris minnha tal-kondizzjonijiet tal-permess meta jinħareġ, jew sabiex tiggarrantixxi l-ħlas ta' danni li jistgħu jiġu kaġunati lill-ambjent jew lill-infrastruttura. Il-Bord tal-Ippjanar jista', wara l-ħruġ ta' permess għall-iżvilupp, jekk l-iżvilupp jew l-attività ma jkunx qed isiru skont ma jkun hemm fil-permess, jew ikun qiegħed xort'oħra jiġi kkaġunat dannu lill-ambjent jew lill-infrastruttura, titlob mingħand il-persuna li favur tagħha jkun inħareġ il-permess, bħala kondizzjoni għat-tkomplija tal-permess għall-iżvilupp, li tipprovdi garanzija favur l-Awtorità sabiex tiggarrantixxi t-tħaris tal-kondizzjonijiet tal-permess, jew sabiex tiggarrantixxi l-ħlas ta' danni li jistgħu jiġu kkaġunati lill-ambjent jew lill-infrastruttura:

Iżda ebda haġa f'dan is-subartikolu ma għandha tiftiehem bħala li tawtorizza lill-Bord tal-Ippjanar li jitlob garanzija f'ammont

li ma jkunx jikkorrispondi max-xorta tal-proġett ta' żvilupp jew attività:

Iżda wkoll dik il-garanzija tista' tiġi msarrfa biss favur l-Awtorità jekk ikun hemm provi ċari li l-applikant ma jkunx osserva l-kondizzjonijiet tal-permess għall-iżvilupp u r-raġunijiet għaliex il-garanzija tkun ġiet imsarrfa għandhom jiġu mgharrfa bil-miktub lill-applikant.

74. (1) Deċiżjonijiet fuq applikazzjonijiet għandhom jittieħdu bla dewmien. Deċiżjonijiet li għandhom jittieħdu bla dewmien.

(2) Il-Ministru jista' jagħmel regolamenti biex jagħti effett sħiħ lid-dispożizzjonijiet ta' dan l-artikolu, u bla ħsara għall-generalità ta' dak qabel msemmi, huwa jista':

(a) jistabilixxi l-proċeduri li għandhom jintużaw mill-Bord tal-Ippjanar u mill-applikant fl-ipproċessar u fit-teħid tad-deċiżjonijiet tal-applikazzjonijiet;

(b) jistabilixxi l-proċeduri li għandu juża l-applikant qabel is-sottomissjoni ta' applikazzjoni;

(ċ) jistabilixxi termini li fihom għandhom isiru s-sottomissjonijiet u jittieħdu u jiġu kkomunikati d-deċiżjonijiet.

75. Il-Bord tal-Ippjanar m'għandux jiddelega lill-Kummissjoni jew lil xi korp jew persuna oħra, id-deċiżjoni dwar l-applikazzjonijiet li ġejjin: Applikazzjonijiet li d-deċiżjonijiet dwarhom m'għandhomx jiġu ddelegati.

(a) applikazzjonijiet li għandhom x'jaqsmu ma' attività jew żvilupp li għandu importanza nazzjonali jew strateġika jew li jikkonċerna ħwejjeġ ta' sigurtà nazzjonali jew interessi nazzjonali oħra;

(b) applikazzjonijiet li għandhom x'jaqsmu ma' attività jew żvilupp li jista' jikkonċerna l-interessi ta' gvernijiet oħra;

(ċ) applikazzjonijiet li għandhom x'jaqsmu ma' żvilupp li jirrikjedi studju dwar l-impatt ambjentali;

(d) talbiet għal rikonsiderazzjoni fejn id-deċiżjoni li tkun trid tiġi kkunsidrata mill-ġdid tkun ittieħdet mill-Bord tal-Ippjanar innifsu.

76. (1) Jekk applikant jidhirlu li l-kondizzjonijiet imposti fuq permess għall-iżvilupp mhumiex raġonevoli, huwa jista', mingħajr ħsara għad-dritt tiegħu ta' appell, jitlob lill-Bord tal- Konsiderazzjoni mill-ġdid.

Ippjanar jew lill-Kummissjoni, skont kif ikun il-każ, li tikkonsidra mill-ġdid dawn il-kondizzjonijiet.

(2) Talba għal konsiderazzjoni mill-ġdid għandha ssir fi żmien tletin ġurnata min-notifika tad-deċiżjoni tal-Bord tal-Ippjanar jew tal-Kummissjoni, skont kif ikun il-każ, u ma tistax issir flimkien ma' appell. It-talba għall-konsiderazzjoni mill-ġdid għandha tinkludi dokument li fih ikun hemm miktuba r-raġunijiet għal dik it-talba.

(3) Il-Bord tal-Ippjanar jew il-Kummissjoni għandu jinforma lill-partijiet interessati reġistrati meta talba għal konsiderazzjoni mill-ġdid tkun giet ipprezentata u l-partijiet interessati reġistrati għandhom jiġu notifikati bis-seduta tal-Bord tal-Ippjanar jew tal-Kummissjoni f'liema seduta dik it-talba għal konsiderazzjoni mill-ġdid għandha tiġi diskussa.

(4) Ma għandha tintalab l-ebda konsiderazzjoni mill-ġdid minn parti interessata reġistrata, ukoll jekk dik il-parti interessata tkun għamlet ir-rappreżentazzjonijiet bil-miktub skont id-dispożizzjonijiet tal-artikolu 71(6).

Appell.

77. (1) Jekk applikant jidhirlu li l-kondizzjonijiet imposti fuq permess għall-iżvilupp komplet jew *outline development permission*, jew rifjut ta' tali permess, jew kwalunkwe deċiżjoni oħra, ma jkunx raġonevoli, hu jista' jipprezenta appell quddiem it-Tribunal skont l-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar.

(2) Meta tkun saret talba għal konsiderazzjoni mill-ġdid, u l-Bord tal-Ippjanar jew il-Kummissjoni jibdlu d-deċiżjoni tagħhom, jista' jsir appell minn dik id-deċiżjoni meħuda wara l-konsiderazzjoni mill-ġdid, kemm mill-applikant, terzi persuni interessati reġistrati u konsulenti esterni lit-Tribunal skont l-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar.

(3) Partijiet oħra indikati fl-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar jistgħu jipprezentaw appell minn deċiżjoni tal-Bord tal-Ippjanar jew tal-Kummissjoni quddiem it-Tribunal skont l-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar.

(4) Persuna jew istituzzjoni jew kull dipartiment jew aġenzija tal-Gvern li għandha interess dirett u giet aggravata b'kwalunkwe deċiżjoni, digriet jew direzzjoni mill-Bord tal-Ippjanar relatata mar-Regolamenti dwar il-Bini u r-Regolamenti dwar il-Kontroll tal-Bini, ukoll fejn tali deċiżjoni ma tirriżultax minn proċess ta' applikazzjoni għall-iżvilupp, tista' tippreżenta appell quddiem it-Tribunal skont id-dispożizzjonijiet tal-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar u kull regolament magħmul tahtu.

78. (1) Meta jiġi preżentat appell minn applikant jew minn terza parti interessata reġistrata, jew minn kwalunkwe konsulent estern minn xi deċiżjoni tal-Bord tal-Ippjanar jew tal-Kummissjoni rigward dawk is-sitwazzjonijiet imsemmija fis-subartikolu (2), is-segretarju tat-Tribunal għandu jinforma lill-Ministru b'dak l-appell fi żmien hmistax-il ġurnata minn mindu jiġi ppreżentat. F'dan il-każ, il-Ministru jista', fi żmien hmistax-il ġurnata mid-data meta huwa jkun irċieva dik l-informazzjoni, jew jordna lit-Tribunal biex jipproċedi biex jiddeċiedi dak l-appell jew jiddeċiedi li jirreferi l-appell lill-Kabinett tal-Ministri għal deċiżjoni. Meta l-Ministru ma jiddeċidix li jirreferi dak l-appell lill-Kabinett tal-Ministri kif qabel imsemmi fl-imsemmi terminu, għandu jitqies għall-fini u għall-effetti kollha tal-liġi li huwa għażel li jirreferi dak l-appell lit-Tribunal biex dan jiddeċidieh.

Proċedura ta' referenza.

(2) Il-Ministru jista' jirreferi lill-Kabinett tal-Ministri kull appell riferut lilu skont is-subartikolu (1), meta dak l-appell ikun dwar deċiżjonijiet rigward:

- (a) żvilupp li jidhirlu li għandu sinifikat strateġiku;
- (b) żvilupp li jidhirlu li jolqot is-sigurtà nazzjonali jew l-interess nazzjonali;
- (c) żvilupp li jidhirlu li x'aktarx jolqot l-interessi tal-Gvern ta' Malta jew gvernijiet oħra;
- (d) żvilupp li jirrikjedi studju dwar l-impatt ambjentali u li fl-opinjoni tal-Ministru huwa ta' interess nazzjonali;
- (e) żvilupp fejn l-applikant ikun dipartiment tal-Gvern jew korp ġuridiku mwaqqaf bil-liġi.

(3) Meta l-Ministru jiddeċiedi li jirreferi lill-Kabinett tal-Ministri appell li jkun ġie riferit lilu, huwa għandu jitlob lit-Tribunal jhejji r-rakkomandazzjoni tiegħu dwar dak l-appell wara li jkun sema' lill-partijiet u t-Tribunal għandu jibgħat ir-rakkomandazzjoni dwar dik l-appell partikolari lill-Ministru li għandu jirreferiha lill-Kabinett tal-Ministri. Din ir-rakkomandazzjoni għandha tkun disponibbli għall-pubbliku.

(4) Is-Segretarju tal-Kabinett għandu, fi żmien hmistax-il ġurnata mid-data tad-deċiżjoni, jikkomunika d-deċiżjoni tal-Kabinett tal-Ministri lill-Bord tal-Ippjanar u lill-Kummissjoni flimkien mar-raġunijiet li jiġġustifikaw dik id-deċiżjoni u l-Bord tal-Ippjanar għandu jikkonforma magħha, jippubblika d-deċiżjoni tal-Kabinett tal-Ministri b'dak il-mod li jidhirlu xieraq jew kif jista' jiġi preskritt u fi żmien hmistax-il ġurnata minn meta jirċieviha jikkomunika lill-

partijiet id-deċiżjoni tal-Kabinett tal-Ministri.

Kap. 492. (5) Deċiżjoni mill-Kabinett tal-Ministri skont dan l-artikolu relatata ma' żvilupp jew installazzjoni li jirrikjedu studju dwar l-impatt ambjentali u, jew permess tal-IPPC, tista', meta ssir applikazzjoni mill-appellant jew minn parti interessata, li tista' tinkludi organizzazzjoni mhux governattiva li wiehed mill-għanijiet tagħha jkun il-promozzjoni tal-protezzjoni ambjentali u hija registrata taht l-Att dwar l-Organizzazzjonijiet Volontarji, tkun sugġetta għall-appell fuq kwistjonijiet ta' legalità sostantiva u proċedurali quddiem il-Qorti tal-Appell fil-ġurisdizzjoni superjuri tagħha. Appell skont dan is-subartikolu għandu jsir b'applikazzjoni li għandha tiġi ppreżentata fi żmien għaxart'ijiem mid-data tal-komunika tad-deċiżjoni tal-Kabinett tal-Ministri lill-partijiet. Il-proċeduri tal-appell għandhom jiġu konklużi mill-Qorti tal-Appell fi żmien erba' xhur mill-preżentata tal-appell quddiemha u m'għandhomx ikunu għaljin b'mod projbittiv. Spejjeż u drittijiet legali u ġudizzjarji f'tali proċeduri għandhom jiġu ntaxxati skont il-paragrafu (7) tal-partita 3 tat-Tariffa A u skont il-paragrafu (b) tal-partita 15 tat-Tariffa E fl-Iskeda A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

(6) L-eżekuzzjoni ta' kull żvilupp jew l-operazzjoni ta' kull installazzjoni li tirrikjedi studju dwar l-impatt ambjentali u, jew permess tal-IPPC, u li dwarhom għadha pendenti d-deċiżjoni mill-Kabinett tal-Ministri skont dan l-artikolu, għandha tiġi sospiza sakemm id-deċiżjoni tal-Kabinett tiġi meħuda.

Kap. 492. (7) Fejn id-deċiżjoni tal-Kabinett tal-Ministri hija sugġetta għall-appell skont is-subartikolu (5), il-Qorti tal-Appell tista', fuq talba tal-appellant jew ta' parti interessata, li tista' tinkludi organizzazzjoni mhux governattiva li wiehed mill-għanijiet tagħha jkun il-promozzjoni tal-protezzjoni ambjentali u hija registrata taht l-Att dwar l-Organizzazzjonijiet Volontarji, tordna li l-eżekuzzjoni tal-iżvilupp jew l-operazzjoni tal-installazzjoni tiġi sospiza sakemm il-proċeduri quddiem tali Qorti għadhom pendenti.

Obbligu dwar l-ippjanar.

79. (1) Obbligu dwar l-ippjanar jista' jsir f'dawk il-kazijiet fejn il-Bord tal-Ippjanar, meta jiġi biex johroġ permess għall-iżvilupp, jagħżel li jimponi fuq l-applikant xi obbligu:

(a) biex jagħmel attività jew xogħlijiet:

(i) fl-art li dwarha qed jintalab permess għall-iżvilupp, jew

(ii) f'xi art jew żoni oħra, jew

(iii) fl-art jew żoni msemmija fiż-żewġ

subparagrafi (i) u (ii); jew

(b) biex jagħmel xi pagament jew jagħti xi dritt jew benefiċċju estranju, fejn il-Bord tal-Ippjanar jikkunsidra li jkun aktar xieraq. Il-Bord tal-Ippjanar għandu jiżgura li jikseb dawn il-benefiċċji jew gwadanji permezz ta' kondizzjonijiet li jiġu inklużi fl-ghoti ta' permess għall-iżvilupp, jew permezz ta' obbligu dwar l-ippjanar li għandu jsir b'kuntratt pubbliku.

(2) Kull persuna tista', bi ftehim mal-Bord tal-Ippjanar, tidhol f'obbligu dwar l-ippjanar:

(a) li tirrestringi l-iżvilupp jew l-użu ta' dik l-art b'xi mod li jista' jiġi speċifikat;

(b) li titlob li operazzjonijiet jew attivitajiet speċifiċi jiġu mwettqa, fi, fuq, taħt jew fuq dik l-art jew zona;

(c) li titlob li dik l-art jew zona tintuża b'xi mod li jista' jiġi speċifikat; jew

(d) li titlob somma jew somom li għandhom jithallsu lill-Awtorità f'data jew dati speċifiċi jew perjodikament.

(3) Il-Ministru jista' jagħmel regolamenti sabiex jagħti effett sħiħ lid-dispożizzjonijiet ta' dan l-artikolu u jista', bla ħsara għall-generalità ta' dak qabel imsemmi:

(a) jippreskrivi l-proċedura dwar kif għandu jsir obbligu dwar l-ippjanar, kif jiġi esegwit, mibdul jew mitmum;

(b) jistabilixxi xi restrizzjonijiet, kondizzjonijiet jew il-ħlas ta' somom ta' flus li jistgħu jiġu imposti f'tali obbligi dwar l-ippjanar.

(4) L-applikant u kull persuna interessata fl-art tista' tappella lit-Tribunal minn obbligu dwar l-ippjanar li jsir skont is-subartikolu (1).

Revoka jew Tibdil ta' Permess

80. (1) Il-Bord tal-Ippjanar jista' biss -

Revoka u tibdil.

(a) fil-każijiet ta' frodi; jew

(b) meta jkun hemm is-sottomissjoni ta' xi informazzjoni, dikjarazzjoni jew pjanta li hija inkorretta jew li ma tirriflettix is-sitwazzjoni fuq is-sit; jew

(ċ) fejn hemm żball f'dokument li jidher minn ezami tal-istess dokument; jew

(d) fejn is-sigurtà pubblika hija konċernata,

b'deċiżjoni jirrevoka jew jibdel kull permess għall-iżvilupp mogħti taħt dan l-Att, inkluża kull awtorizzazzjoni maħruġa mill-Bord tal-Ippjanar skont xi Ordni, filwaqt li fid-deċiżjoni jagħti r-raġunijiet tiegħu għal dik id-deċiżjoni;

Hekk kif issir talba minn kwalsjasi persuna biex tirrevoka jew tibdel permess skont dan l-Att, jew minn jeddu, iċ-*Chairperson* Eżekuttiv għandu jipprepara r-rakkomandazzjonijiet tiegħu lill-Bord tal-Ippjanar dwar jekk il-permess għall-iżvilupp għandux jiġi revokat jew mibdul u għandu jistieden kemm l-applikant u l-persuna li għamlet it-talba, jekk ikun hemm, biex jagħmlu sottomissjonijiet bil-miktub.

Il-Bord tal-Ippjanar għandu jikkomunika d-data u l-hin tas-seduta tiegħu lill-applikant u lill-persuna interessata li qed tagħmel t-talba taħt dan l-artikolu, jekk ikun hemm. Waqt is-seduta l-Bord tal-Ippjanar għandu jisma' wkoll is-sottomissjonijiet ta' tali applikant, jekk dan tal-aħħar jagħżel li jattendi, is-sottomissjonijiet tal-persuna interessata, jekk ikun hemm, u s-sottomissjonijiet ta' kwalunkwe persuna oħra:

Iżda iċ-*Chairperson* Eżekuttiv jista' fir-rigward ta' kull permess għall-iżvilupp, inkluż kull awtorizzazzjoni maħruġa taħt xi Ordni wara d-data ta' dħul fis-seħh ta' dan l-Att, jibda proċeduri sabiex jirrevoka jew jimmodifika dak il-permess għall-iżvilupp, inkluż kull awtorizzazzjoni maħruġa mill-Bord tal-Ippjanar taħt xi Ordni, fi żmien hames snin mid-data tal-ħruġ tal-permess għall-iżvilupp, inkluż xi awtorizzazzjoni maħruġa taħt xi Ordni.

(2) Għall-fini tas-subartiklu (1):

"frodi" tfisser is-sottomissjoni lill-Bord tal-Ippjanar ta' xi informazzjoni, dikjarazzjoni jew pjanta li abbażi tagħha l-Bord tal-Ippjanar ikun approva permess għall-iżvilupp, meta dik l-informazzjoni, dikjarazzjoni jew pjanta hija falza;

"informazzjoni, dikjarazzjoni jew pjanta inkorretta" tfisser is-sottomissjoni lill-Bord tal-Ippjanar ta' xi informazzjoni, dikjarazzjoni jew pjanta li abbażi tagħha l-Bord tal-Ippjanar ikun approva permess għall-iżvilupp, fejn tali informazzjoni, dikjarazzjoni jew pjanta ma tirriflettix is-sitwazzjoni fuq is-sit jew hija erronja jew żbaljata;

"żball f'dokument li jidher minn eżami tal-istess dokument" tfisser żball magħmul mill-Bord tal-Ippjanar huwa u jilhaq deċiżjoni u tali żball jidher mid-dokumenti tal-proċedimenti tiegħu:

Iżda l-Bord tal-Ippjanar m'għandux jirrevoka jew ibiddel permess għall-iżvilupp fuq il-bażi ta' frodi jew informazzjoni, dikjarazzjoni jew pjanta inkorretta jew żball f'dokument li jidher minn eżami tal-istess dokument, fejn tali ċirkostanza ma kellha l-ebda incidenza materjali fuq il-ħruġ tal-permess għall-iżvilupp b'tali mod illi kieku l-informazzjoni korretta kienet disponibbli fil-mument tad-deċiżjoni, ir-riżultat ma kienx ikun differenti.

(3) L-applikant, jew il-persuna interessata li qed tagħmel talba taħt dan l-artikolu, jekk iħossu aggravat mid-deċiżjoni meħuda mill-Bord tal-Ippjanar, għandu d-dritt li jappella d-deċiżjoni tal-Bord tal-Ippjanar quddiem it-Tribunal fi żmien tletin ġurnata mid-data tas-seduta meta d-deċiżjoni tkun ittiehdet.

(4) Ma għandu jintalab l-ebda kumpens mill-Awtorità meta hija taġixxi skont id-dispożizzjonijiet tas-subartikolu (1) fejn ir-raġuni għar-revoka jew għat-tibdil tal-permess għall-iżvilupp tkun ibbażata fuq frodi, informazzjoni, dikjarazzjoni jew pjanta inkorretta jew żball, f'dokument li jidher minn eżami tal-istess dokument jew fuq konsiderazzjonijiet ta' sigurtà pubblika.

Hlasijiet u Kontribuzzjonijiet

81. (1) L-Awtorità jkollha s-setgħa li tiġbor hlasijiet għal kull permess biex isir żvilupp, u li għandu jkun magħruf bħala Dritt għal Permess għall-Iżvilupp, kompriża kull applikazzjoni għal hekk, skont skeda ta' hlasijiet stabbilita minnha bil-kunsens tal-Ministru u tal-Ministru responsabbli għall-finanzi, wara li tqis in-natura tal-iżvilupp, iż-żmien li fih jista' jsir l-iżvilupp relattivament għal fażi ppjanata tiegħu, il-kondizzjonijiet li tahtu johroġ il-permess u konsiderazzjonijiet oħra rilevanti.

Hlasijiet u
Kontribuzzjo-
nijiet.

(2) L-Awtorità jkollha s-setgħa li tiġbor kontribuzzjoni għall-ispejjeż biex jingħataw is-servizzi ta' infrastruttura kif ukoll servizzi jew faċilitajiet oħra li jkunu meħtieġa minhabba fil-permess biex l-art tiġi żviluppata, magħrufa bħala l-Kontribuzzjoni għal Servizzi ta' Infrastruttura, minn kull persuna li tapplika għal permess bħal dak jew li tagħmel dak l-iżvilupp, skont dawk ir-rati li l-Awtorità, bil-kunsens tal-Ministru u tal-Ministru responsabbli għall-finanzi, tista' minn żmien għal żmien tistabbilixxi, wara li tqis is-servizzi meħtieġa, iż-żoni ta' żvilupp u konsiderazzjonijiet oħra ta' sustanza.

(3) Il-flus miġbura mill-Awtorità taħt is-subartikolu (2)

għandhom jithallsu lill-Gvern kull sena wara li titnaqqas minnhom somma biex jithallsu l-ispejjeż raġonevoli li jkunu saru biex il-kontribuzzjoni tiġi stabbilita u miġbura, kif preskritt minn regolamenti.

(4) L-Awtorità għandu jkollha s-setgħa li timponi kontribuzzjoni fir-rigward ta' kull applikazzjoni oħra magħmula lilha.

(5) L-iskeda ta' hlasijiet u r-rati ta' kontribuzzjonijiet stabbiliti taħt dan l-artikolu, kif fis-seħh minn żmien għal żmien, għandhom jiġu pubblikati bħala regolamenti u jkollhom effett kif hekk pubblikati.

(6) Il-hlasijiet u l-kontribuzzjonijiet miġbura taħt is-subartikoli (1) u (2) għandhom ikunu kollettivament magħrufa bħala t-"taxxa dwar bini".

Hlas ta' dritt u kontribuzzjoni.

82. Ebda permess għall-iżvilupp m'għandu jiġi proċessat u ebda attività jew żvilupp awtorizzat b'ordni m'għandu jsir, jekk u sakemm ma jkunux thallsu d-drittijiet u kontribuzzjonijiet dovuti skont l-artikolu 81 u l-Awtorità ma tkunx irċiviethom, u kull attività jew xogħolijiet li jsiru mingħajr ma jkun sar il-ħlas u mingħajr ma jkun riċevut dak il-ħlas għandhom jitqiesu bħala attività jew żvilupp magħmul mingħajr il-permess tal-Awtorità.

TAQSIMA VIII

Setgħa li jsiru Regolamenti

Ġenerali

Setgħa li jsiru regolamenti eċċ., li għandha tinkludi setgħa ta' thassir eċċ. Kap. 249.

83. Bla ħsara għad-dispożizzjonijiet tal-artikolu 6 tal-Att dwar l-Interpretazzjoni, kull setgħa mogħtija b'dan l-Att li wiehed jagħmel regolamenti, regoli, ordnijiet, listi, skedi u kull strument ieħor tal-istess natura, tinkludi s-setgħa li minn żmien għal żmien iħassar, jissostitwixxi, jemenda, jibdel jew iżid ma' kull strument bħal dak.

Proċedura biex isiru regolamenti.

84. (1) Regolamenti taħt dan l-Att għandhom isiru mill-Ministru wara konsultazzjoni mal-Awtorità, u ħlief għal regolamenti taħt l-artikolu 85(2)(a), (b) u (m), u fil-każijiet imsemmija fis-subartikolu (2), dawn m'għandhomx isiru sakemm ma jkunx ġie maħruġ abbozz tar-regolamenti msemmija għall-konsultazzjoni pubblika u b'hekk jippermetti lil kull persuna perjodu ta' mill-anqas ġimagħtejn sabiex tagħmel rappreżentazzjonijiet lill-Ministru fejn tiddikjara kif fil-fehma tagħha r-regolamenti proposti jistgħu jittejjbu biex jilhqu l-għan aħhari tagħhom.

(2) Id-dispożizzjonijiet tas-subartikolu (1) għar-rigward tal-

pubblikazzjoni tal-abbozz tar-regolamenti għall-konsultazzjoni pubblika ma japplikawx għar-rigward ta' regolamenti li l-Ministru jiddikjara li jkunu urġenti jew fejn tkun diġà saret xi forma ta' konsultazzjoni pubblika qabel id-dhul fis-seħħ ta' dan l-Att.

(3) Meta l-Ministru jagħmel regolamenti dwar il-proċedura quddiem il-Kunsill Eżekuttiv jew xi bord, kummissjoni jew korp ieħor stabbilit taħt dan l-Att, huwa għandu jikkonsulta wkoll lill-Kunsill Eżekuttiv jew tali bord, kummissjoni jew korp.

Regolamenti għall-Ippjanar u l-Iżvilupp

85. (1) Il-Ministru jista', skont id-dispożizzjonijiet tal-artikolu 84, jagħmel regolamenti għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att u jista' b'mod partikolari b'dawk ir-regolamenti jaħtar lill-Awtorità jew xi persuna jew korp biex tkun l-awtorità mahtura għall-finijiet ta' kull obbligu internazzjonali li tiegħu Malta tista' tkun parti.

Setgħa biex isiru regolamenti għall-Ippjanar u l-Iżvilupp.

(2) Bla ħsara għall-generalità tad-dispożizzjonijiet tas-subartikolu (1), dawk ir-regolamenti jistgħu, b'mod partikolari:

(a) jippreskrivu l-ħlasijiet u d-drittijiet li jistgħu jingabru mill-Awtorità għal servizzi mogħtija minnha taħt dan l-Att, jew fir-rigward ta' kull kwistjoni li għaliha huwa meqjus li drittijiet għandhom jithallsu;

(b) jipprovdu għall-proċedura li għandha tiġi applikata mill-Awtorità u l-applikant qabel u wara li ssir l-applikazzjoni taħt dan l-Att, kif ukoll id-drittijiet li għandhom jithallsu għalihom, kif ukoll il-proċeduri li għandhom jintużaw mill-applikant u mill-Awtorità fl-iproċessar tal-imsemmija applikazzjoni, inkluzi, iżda mhux limitati għal, ir-reklamar, il-komunikazzjoni u l-verifika tal-imsemmija applikazzjoni, u l-kondizzjonijiet ġenerali li taħthom l-Awtorità tista' teħtieġ li jingħataw garanziji finanzjarji jew li tiġi provduta assigurazzjoni biex tagħmel tajjeb għal kull dannu li jista' jiġi kkawżat;

(c) jipprskrivu liema tip ta' informazzjoni miżmuma mill-Awtorità għanda tkun aċċessibbli għall-pubbliku, kif ukoll jistabbilixxu l-proċedura dwar l-aċċess għaliha u l-miżati relattivi li għandhom jithallsu biex jinkisbu kopji ta' tali informazzjoni;

(d) jagħtu seħħ għal kull trattat jew strument internazzjonali, inkluzi direttivi, regolamenti u deċiżjonijiet, li jkunu dwar kull haġa regolata b'dan l-Att li għalihom Malta

tista' minn żmien għal żmien tkun parti jew suġġetta, u biex iwaqqfu strutturi u jagħmlu dispożizzjonijiet oħra għall-implimentazzjoni tagħhom;

(e) jipprovdu għal kull haġa relatata mal-ippjanar u l-iżvilupp jew attivitajiet oħra li jaffettwaw l-art jew il-baħar, inkluż rekwiżiti ta' *policy* relatati ma' xogħlijiet ta' kostruzzjoni, demolizzjoni u alterazzjoni, kif ukoll kull haġa oħra relatata magħhom, filwaqt li jitqiesu il-kunsiderazzjonijiet kollha rilevanti, inkluż is-sigurtà, l-estetika, is-saħħa u l-ambjent;

(f) jipprovdu l-mod li bih Drittijiet għall-Permessi għall-Iżvilupp jew hlasijiet, kontribuzzjonijiet u drittijiet oħra magħmula taħt dan l-Att jew taħt regolamenti magħmula taħt dan l-Att għandhom ikunu stabbiliti, magħmula, riveduti, miġbura, użati jew xort'oħra ttrattati;

(g) fir-rigward tal-konfiska ta' oġġetti użati għal, jew f'konnessjoni ma' kwalunkwe haġa kuntrarja għad-dispożizzjonijiet ta' dan l-Att jew kull regolament magħmul taħtu u kwistjonijiet relatati:

(i) jistabilixxu ċ-ċirkostanzi meta tali oġġetti jistgħu jiġu konfiskati u jistabilixxu l-proċedura relattiva għall-konfiska u għat-tnehhija tagħhom;

(ii) jawtorizzaw u jirregolaw l-ikklampjar, l-irmonk, it-tnehhija u l-ħażna mill-Awtorità ta' kull oġġetti użati għal jew f'konnessjoni ma' xi haġa kuntrarja għad-dispożizzjonijiet ta' dan l-Att jew kull regolament magħmul taħtu;

(iii) jeħles lill-Awtorità minn kull responsabbiltà, għajr għar-responsabbiltà għal negliġenża grossolana, li tinkorri fl-eżekuzzjoni tad-doveri tagħha skont l-imsemmija regolamenti;

(iv) jipprovdu għat-tnehhija tal-oġġetti meta l-imsemmija oġġetti ma jittieħdux lura minn sidhom f'dak iż-żmien li jista' jiġi preskritt;

(v) jistabilixxu drittijiet li jingabru mill-Awtorità għat-tnehhija tal-klampi, għall-irmonk, għall-ħażna ta' oġġetti u għall-bejgħ b'irkant jew kull għamla oħra ta' tnehhija tal-imsemmija oġġetti;

(vi) jistabilixxu r-reati u l-pieni relattivi f'konnessjoni mal-hwejjeġ msemmija fis-subparagrafi (i) sa (v);

(h) jispeċifikaw għall-liema tip ta' attività illeġali d-dispożizzjonijiet tal-artikoli 101 u 103 għandhom japplikaw u jstabilixxu l-piena relattiva;

(i) jemendaw, jissostitwixxu, iżidu lil jew b'xi mod ieħor jibdlu kull ma hemm fl-Iskedi li jinsabu ma' dan l-Att;

(j) jippreskrivu regolamenti għal kull skop ieħor li għalih regolamenti huma awtorizzati u neċessarji li jsiru;

(k) jippreskrivu l-forma ta' kull avviż, ordni jew dokument ieħor meħtieġ jew awtorizzat b'dan l-Att li għandhom isiru, jiġu notifikati jew mogħtija;

(l) jirregolaw kif kull avviż jew komunikazzjoni lil jew mill-Awtorità li skont dan l-Att għandhom ikunu bil-miktub, tista' ssir f'forma elettronika;

(m) jipprovdu li kull min jaġixxi b'kontravvenzjoni ta' xi regolament taħt dan l-Att ikun ħati ta' reat kontra dan l-artikolu, u jistabilixxu dik il-piena, li tkun piena ta' mhux iktar minn multa ta' mitejn u erbgħin elf euro (€240,000) jew ta' priġunerija għal żmien mhux iktar minn sentejn, jew dik il-multa u priġunerija flimkien, li kull min jinsab hekk ħati jista' jehel:

Iżda dawk ir-regolamenti jistgħu jipprovdu li persuna, li wara li tkun inġhatat sentenza għal reat kontra l-istess regolament b'decizjoni li tkun għaddiet f'gudikat, terġa' tagħmel reat ieħor bi ksur tal-istess regolament f'dak iż-żmien li jista' jiġi preskritt, għandha tehel multa oghla, li ma tkunx teċċedi darbtejn daqs il-multa li kieku xort'oħra kienet tehel, u għall-fini ta' dan il-proviso l-oghla multa li tista' tiġi stabbilita b'dawk ir-regolamenti tkun dik ta' erba' mija u tmenin elf euro (€480,000):

Iżda wkoll, dik il-multa għandha f'kull każ tkun dovuta lill-Gvern bħala dejn ċivili, u meta l-persuna ħatja tar-reat tkun direttur, segretarju jew *manager* ta' korp ġuridiku li r-reat ikun sar għall-benefiċċju ekonomiku tal-istess korp ġuridiku, dak il-korp ġuridiku ikun responsabbli solidalment mal-ħati għall-hlas ta' dak id-dejn ċivili;

(n) jippreskrivu kull haġa oħra li għandha jew li tista' tiġi preskritta taħt dan l-Att.

(3) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att u ta' kull liġi oħra, skedi li jkunu jinsabu ma' regolamenti magħmula taħt dan l-Att jistgħu jsiru jew jiġu pubblikati bl-ilsien Ingliż biss.

Registrazzjoni tal-Kuntratturi

Setgħa biex isiru regolamenti fuq il-kwistjoni tal-liċenzi fl-industrija tal-bini u r-registrazzjoni ta' konsulenti fl-industrija tal-bini, kuntratturi tal-bini u kummerċjanti tal-bini.

86. Il-Ministru jista', *inter alia*, jagħmel regolamenti biex jirregola jew jipprovdi b'mod ieħor għal kull haġa relatata mar-registrazzjoni tal-konsulenti tan-nar, konsulenti oħra fl-industrija tal-bini, kuntratturi tal-bini u persuni fis-sengħa tal-bini u l-ħruġ ta' liċenzi fl-industrija tal-bini u jista' b'dawn ir-regolamenti:

(a) jipprovdi għall-ħruġ ta' liċenzi u r-registrazzjoni ta' persuni, kumpaniji u entitajiet oħra sabiex ufficjalment jirrikonoxxi il-kapaċità tagħhom li jwettqu xogħol jew jipprovdu materjal għall-industrija tal-kostruzzjoni ta' bini u biex jawtorizzahom iwettqu tali xogħol;

(b) jipprovdi għas-sospensjoni ta' liċenzi maħruġa jew registrazzjonijiet magħmula, u li kull liċenza maħruġa jew registrazzjoni magħmula taħt id-dispożizzjonijiet ta' dan l-Att tista' tiġi irtirata jew imħassra;

(ċ) jistabilixxi kategoriji prinċipali u dawk is-subkategoriji għall-kategoriji prinċipali li jidhrulu xierqa;

(d) jippreskrivi l-forma ta' kull avviż, ordni jew dokument ieħor meħtieġ jew awtorizzat b'dan l-Att li għandhom isiru, jiġu notifikati jew mogħtija;

(e) jistabilixxi kriterji għall-ħruġ ta' liċenza u registrazzjoni ta' applikanti taħt dan l-Att;

(f) jistabilixxi l-forom u l-proċeduri li għandhom jintużaw fl-operat tar-Registru għat-twettiq tad-dispożizzjonijiet ta' dan l-Att;

(g) jistabilixxi d-drittijiet pagabbli fir-rigward ta' kull waħda mil-liċenzji u registrazzjoni tal-bennejja, kuntratturi tal-bini u persuni fis-sengħa tal-bini taħt dan l-Att;

(h) jippreskrivi kull haġa oħra li għandha jew li tista' tiġi preskritta.

Regolamenti tal-Bini

87. Kull bini għandu jkun iddisinjat u mibni skond id-dispożizzjoniet tar-regolamenti tal-bini sakemm il-Bord tal-Ippjanar ma jkunx ħareġ ordni li bih iwarrab jew iħaffef tali ħtieġa.

Il-bini għandu jkun iddisinjat u mibni skond ir-regolamenti tal-bini.

88. (1) Il-Ministru wara li jikkonsulta mal-Kunsill Ezekuttiv jista', *inter alia*, jagħmel regolamenti f'konnessjoni ma' kull haġa relatata mar-regolamenti tal-bini.

Setgħa li jsiru regolamenti tal-bini.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1) dawn ir-regolamenti taħt dan l-artikolu jistgħu jipprovdu għal kull haġa jew xi waħda minn dawn li ġejjin:

- (a) id-disinn u l-konstruzzjoni tal-bini;
- (b) l-alterazzjonijiet materjali jew l-estensjoni ta' bini;
- (c) il-provvista ta' servizzi, stallazzjonijiet u tagħmir fil-bini, jew li għandhom x'jaqsmu mal-bini;
- (d) id-dispożizzjonijiet li għandhom japplikaw meta jsir xi tibdil materjali fl-għanijiet li għalihom jintuza l-bini;
- (e) biex jiġu żgurat s-saħħa, is-sigurtà, il-konvenjenza u l-benesseri ta' -
 - (i) persuni ġewwa jew madwar bini li qiegħed jinbena; u
 - (ii) persuni li jistgħu jkunu affettwati mill-bini jew minn dak kollu li għandu x'jaqsam mal-bini;
- (f) għall-ħtieġiet ta' persuni bi bżonnijiet speċjali;
- (g) għall-konservazzjoni ta' karburanti u enerġija fir-rigward tal-bini;
- (h) biex jiġi żgurat l-użu effiċjenti ta' riżorsi;
- (i) biex tiġi inkoraġġita Prattika tajba fil-bini;
- (j) dwar dak kollu li jidher li jkun meħtieġ jew spedjenti fir-rigward tal-bini;
- (k) dwar drittijiet li jistgħu ikollhom jithallsu skont dan l-Att;
- (l) għall-finijiet li jiġu stipulati multi amminstrattivi

għall-ksur ta' regolamenti magħmula taħt dan l-Att;

(m) għall-fini li jiġu stipulati pieni għal reati kriminali kontra regolamenti magħmula taħt dan l-Att; u

(n) jippreskrivu kull haġa oħra li għandha jew li tista' tiġi preskritta.

(3) Ir-regolamenti dwar il-bini jistgħu:

(a) jippreskrivu *standards* jew jirrakkomandaw kodiċijiet ta' prattika, li jiġu espressi skont it-twertieq, tipi ta' materjal, metodi ta' kostruzzjoni jew xort'oħra, jew fir-rigward ta' kull haġa oħra li tkun rilevanti għall-għanijiet li għalihom jistgħu jsiru regolamenti dwar il-bini;

(b) jeħtieġu li tittiehed azzjoni speċifika f'konnessjoni ma' bini;

(ċ) jipprovdu għar-regolamentazzjoni ta' azzjonijiet speċifiċi fil-bini jew madwaru;

(d) jispeċifikaw kif għandhom jiġu mwettqa xogħlijiet ta' kostruzzjoni; u

(e) ikun fihom dawk id-dispożizzjonijiet supplimentari u inċidentali li jidhru li jkunu meħtieġa jew spedjenti:

Izda regolamenti dwar il-bini jistgħu jispeċifikaw livelli jew kodiċijiet ta' prattika differenti għal, jew jagħmlu dispożizzjonijiet differenti fir-rigward ta', klassijiet jew deskrizzjonijiet differenti ta' bini.

(4) Regolamenti dwar il-bini jistgħu jeżentaw, f'parti jew għal kollox, minn kull jew minn xi dispożizzjoni ta' dawk ir-regolamenti, dawk il-klassijiet jew deskrizzjonijiet ta' bini, servizzi, stallazzjonijiet jew tagħmir hekk kif jistgħu jiġu speċifikati fir-regolamenti, inklużi klassijiet jew deskrizzjonijiet ta' bini, servizzi, stallazzjonijiet jew tagħmir f'xi żona speċifikata fir-regolamenti.

(5) Regolamenti dwar il-bini, jew kull dispożizzjoni li jkun fihom, jistgħu jsiru b'mod li jiġu applikati b'mod ġenerali, jew fir-rigward ta' xi zona speċifikata fir-regolamenti, u r-regolamenti jista' jkun fihom dispożizzjonijiet differenti għal zoni differenti:

Izda r-regolamenti dwar il-bini għandhom ukoll japplikaw għal bini li jappartjeni jew li jkun okkupat mill-Gvern, hliet dawk il-binjiet li jintużaw fuq bażi temporanja, postijiet ta' detenzjoni għal

persuni detenuti f'konnessjoni ma' jew bhala konsegwenza ta' proceduri kriminali, u bini użat mill-Korp tal-Pulizija jew mill-Forzi Armati ta' Malta jew minn xi Awtorità oħra stabbilita, għall-għan ta' detenzjoni jew ta' difiża tal-Istat.

Dispożizzjonijiet Mixxellanji dwar Regolamenti tal-Bini

89. Il-Ministru jista', wara li jikkonsulta mal-Kunsill Eżekuttiv, mal-Kumitat għar-Regolamenti tal-Bini jew kull dipartiment tal-Gvern ieħor jew korp ġuridiku ieħor mwaqqaf mill-igi, hekk kif il-Ministru iqis li hu kompetenti fis-sugġett, joħroġ linji gwida dwar il-format u l-kontenut ta' kuntratti għal xogħlijiet u servizzi u dawk il-linji gwida jistgħu jelenkaw il-materjali li għandhom jiġu provduti jew ix-xogħol li jkollu jsir u li dwarhom iż-żewġ partijiet ikollhom jiftieħmu fuq prezz.

Setgħa li jinħarġu linji gwida relatati ma' kuntratti ta' xogħlijiet u servizzi.

90. Il-Ministru jista', wara li jikkonsulta mal-Kunsill Eżekuttiv, b'ordni jipprojbixxi l-użu ta' dawk il-materjali jew klassijiet ta' materjali jew dik l-għamla ta' kostruzzjoni jew dak it-tip ta' tagħmir, stallazzjonijiet jew servizzi fir-rigward ta' dik il-klassi jew dawk il-klassijiet ta' bini jew ta' dik il-klassi jew dawk il-klassijiet ta' xogħlijiet kif jista' jiġi speċifikat fl-ordni, jekk huwa jkun tal-fehma li dak l-użu jkun ta' periklu għas-saħħa jew is-sigurtà pubblika jew li dak l-użu jkun imur kontra xi dispożizzjoni tar-regolamenti dwar il-bini magħmulin taħt l-artikolu 88 u jista' b'ordni sussegwenti jemenda jew jirrevoka dak l-ordni.

Setgħa li jiġi pprojbit l-użu ta' ċerti materjali, eċċ.

91. Kull dokument jew metodoloġija ta' gwida teknika mahruġ f'konnessjoni ma' dan l-Att jista' jinħareġ sew bil-Malti sew bil-Ingliż biss, jew biż-żewġ lingwi.

Dokumenti ta' gwida teknika.

Regolamenti dwar il-Kontroll tal-Bini

92. (1) Il-Ministru jista', wara li jikkonsulta mal-Kunsill Eżekuttiv, *inter alia* jagħmel regolamenti li jkunu jipprovdu dwar kwistjonijiet ta' procedura, amministrazzjoni u kontroll għall-finijiet li tiġi assigurata l-implimentazzjoni ta', u l-konformità mal-ħtiġiet tar-regolamenti dwar il-bini, u jista' permezz ta' dawk ir-regolamenti dwar il-kontroll tal-bini jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali jew supplimentari skont ma jidhirlu, fuq il-parir tal-Kumitat għar-Regolamenti tal-Bini, li jkunu meħtieġa jew spedjenti.

Regolamenti dwar il-Kontroll tal-Bini.

(2) Mingħajr preġudizzju għall-generalità tas-subartikolu (1), ir-regolamenti dwar il-kontroll tal-bini jistgħu jkunu jipprovdu dwar kull haġa jew xi haġa minn dawn li ġejjin:

(a) li tkun teħtieġ:

(i) il-prezentata lill-Awtorità ta' ċertifikati ta' konformità mis-sid jew mir-rappreżentant tiegħu, mimlija u ċertifikati kif imiss minn perit jew inginier kwalifikat bil-*warrant* jew mit-tnejn skont ma jkun jeħtieġ il-każ, u dawk iċ-ċertifikati għandhom ikunu jirrigwardaw il-konformità mar-regolamenti dwar il-bini, bla ħsara għal kull twarrib jew tħaffif li jkunu diġà ingħataw mill-Bord tal-Ippjanar, skont l-artikolu 64(1)(b), qabel ma titlesta l-kostruzzjoni ta' xi xogħlijiet ta' bini jew ta' xi klassi ta' xogħol li għalihom dawk ir-regolamenti dwar il-bini japplikaw;

(ii) fir-rigward ta' bini, jew ta' xi klassi jew klassijiet preskritti, li jiġi ppreżentat mis-sid jew mir-rappreżentant tiegħu ċertifikat ta' sigurtà dwar il-kontroll tan-nirien maħruġ minn konsulent dwar in-nirien, li jkun juri li bini, jekk dan jinbena skont il-pjanti, id-dokumenti u l-informazzjoni ppreżentati, jew jekk hu hekk mibni, ikun konformi, bla ħsara għal kull twarrib jew tħaffif li jkunu diġà ngħataw mill-Bord tal-Ippjanar, skont l-artikolu 64(1)(b), mad-dispożizzjonijiet tar-regolamenti dwar il-bini kif preskritti;

(b) li tkun tippreskrivi:

(i) il-forma u l-kontenut ta' ċertifikati ta' konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avvizi ta' bidu ta' xogħlijiet;

(ii) il-pjanti, dokumenti u informazzjoni li għandhom jiġu ppreżentati flimkien ma' ċertifikati ta' konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avvizi ta' bidu ta' xogħlijiet;

(iii) iż-żmien li fih għandhom jiġu ppreżentati dawk iċ-ċertifikati jew avvizi;

(iv) ir-rapport ta' xi perit, inginier jew konsulent speċjalista li jkun professjonalment responsabbli għax-xogħlijiet u li għandu jiġi inkluz f'ċertifikat jew miegħu;

(ċ) in-nomina ta' persuni jew il-klassi ta' persuni li jistgħu jagħtu ċertifikati ta' konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avvizi ta' bidu ta' xogħlijiet, u l-klassijiet ta' bini jew xogħlijiet li dwarhom jistgħu jingħataw dawk iċ-ċertifikati;

(d) ir-registrazzjoni ta' ċertifikati ta' konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien, avviżi ta' bidu ta' xogħlijiet, u ta' dik l-informazzjoni li tista' tiġi preskritta, u li dik l-informazzjoni tkun disponibbli għal dawk il-persuni hekk kif jista' jiġi preskritt;

(e) il-ħlas ta' drittijiet sabiex:

(i) jiġu registrati ċertifikati ta' konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avviżi ta' bidu tax-xogħlijiet;

(ii) jingħataw kopji ta' ċertifikati jew dokumenti oħra jew estratti minnhom; u

(iii) isiru spezzjonjiet u testijiet u l-ittestjar ta' kampjuni meħuda skont l-artikolu 94;

(f) l-amalgamazzjoni, f'dokument wiehed, ta' tnejn jew aktar minn xi applikazzjoni, avviż, ċertifikat, jew dokument ieħor li hemm provdut dwaru f'dan l-Att jew f'regolamenti magħmulin taħt dan l-Att;

(g) it-twarrib minn xi dispożizzjoni dwar il-prezentata ta' ċertifikati ta' konformità jew ċertifikati tas-sigurtà dwar il-kontroll tan-nirien, ta' dak il-bini, jew ta' bini kif jista' jiġi speċifikat fir-regolamenti;

(h) kull haġa oħra li l-Ministru, fuq il-parir tal-Kunsill Eżekuttiv, iqis li tkun xierqa.

(3) Ir-regolamenti dwar il-kontroll tal-bini jistgħu jagħmlu dispożizzjonijiet differenti fir-rigward ta' bini differenti jew ta' klassijiet ta' bini li jkunu jinsabu f'żoni differenti, jew fir-rigward ta' dispożizzjonijiet differenti tar-regolamenti dwar il-bini.

(4) Meta ċertifikat ta' konformità, ċertifikat tas-sigurtà dwar il-kontroll tan-nirien, jew avviż ta' bidu tax-xogħlijiet jiġi pprezentat lill-Awtorità, l-Awtorità ma jkollha ebda dmir favur ebda persuna, entità jew istituzzjoni sabiex:

(a) tassigura li l-bini jew ix-xogħlijiet li ċ-ċertifikat jew l-avviż ikunu jirreferu għalihom, għandhom, jew waqt li jkun qed isir ix-xogħol jew meta dan jitlesta, ikunu konformi mal-ħtiġiet tar-regolamenti dwar il-bini jew li jkunu ħielsa minn kull difett;

(b) tassigura li ċ-ċertifikat ikun konformi mal-ħtiġiet ta'

dan l-Att jew tar-regolamenti jew ordnijiet magħmula taht dan l-Att, jew

(ċ) tivverifika l-fatti dikjarati fiċ-ċertifikat.

Emenda tal-Kodiċi tal-Liġijiet tal-Pulizija

Emenda tal-Kodiċi tal-Liġijiet tal-Pulizija.

93. (1) Il-Ministru jista', bla hsara għad-dispożizzjonijiet tas-subartikolu (2), b'regolamenti jemenda, jissostitwixxi jew iħassar kull waħda mid-dispożizzjonijiet tat-Taqsima V tal-Kodiċi tal-Liġijiet tal-Pulizija, b'seħħ minn dik id-data li l-Ministru jista', b'ordni fil-Gazzetta, jistabilixxi.

(2) Il-Ministru jista' b'regolamenti magħmula taht dan is-subartikolu jipprovdi għal dispożizzjonijiet tranzitorji.

TAQSIMA IX

Monitoraġġ u Twettiq

Dritt ta' aċċess.

94. (1) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, għall-finijiet tat-twettiq tal-funzjonijiet tagħhom taht dan l-Att, il-Kunsill Eżekuttiv u kull uffiċjal, impjegat jew kumitat jew kull persuna oħra kif jista' jkun awtorizzat mill-Kunsill Eżekuttiv jew miċ-*Chairman* Eżekuttiv għal dan il-għan, u jekk ikun meħtieġ hekk mill-Kunsill Eżekuttiv bl-assistenza tal-Korp tal-Pulizija, għandu jkollhom:

(a) id-dritt li jidhlu f'kull fond, pubbliku jew privat, f'kull hin raġonevoli, u fil-każ ta' dar wara li jagħti avviz minn qabel ta' mill-inqas tmienja u erbgħin siegħa u mhux qabel is-sebgha ta' filgħodu jew wara is-sebgha ta' filgħaxija, u jispezzjona jew jistharreg kull art, jew jivverifika jekk l-iżvilupp illegali jew attività qed issir jew saret jew jieħu ritratti wara li jkun daħal jew jistaqsi informazzjoni legittima minn kull okkupant ta' dak il-fond; u

(b) id-dritt li jagħmlu kull haġa li tkun anċillari jew konsegwenzjali għalihom.

(2) Kull persuna awtorizzata skont is-subartikolu (1) għandha tipproduċi mezz ta' identifikazzjoni maħruġa mill-Awtorità u wara tkun awtorizzata tidhol fl-art.

Tgħassis ta' attivitajiet u żvilupp.

95. (1) Il-Kunsill Eżekuttiv għandu jgħasses l-attivitajiet kollha li jaqgħu fl-ambitu ta' dan l-Att, inkluż kull operazzjoni ta' żvilupp biex jiżgura li l-attivitajiet kollha bħal dawk u l-iżvilupp isir biss skont il-htigiet ta' dan l-Att u b'osservanza tad-deċiżjonijiet meħuda legalment taht dan l-Att u jista' għal dan il-għan jitlob u

jikseb l-assistenza tal-Korp tal-Pulizija, kull kunsill lokali, kull dipartiment tal-Gvern jew aġenzija tal-Gvern.

(2) Il-Kunsill Eżekuttiv għandu wkoll jagħmel reviżjoni tal-attivitajiet kollha bħal dawk u l-iżvilupp imwettaq qabel il-bidu fis-sehħ ta' dan l-Att, jew kull Att ieħor ta' qabel dan l-Att, li ma jkunx żvilupp mwettaq qabel 1967, mingħajr ma jkunu ġew osservati ir-regoli, regolamenti, pjanijiet jew il-*policies* fis-sehħ fiż-żmien li l-attività jew l-iżvilupp ġew imwettqa, u fir-rigward ta' kull attività bħal dik jew żvilupp il-Kunsill Eżekuttiv ikollu s-setgħat kollha kif għandu fir-rigward ta' attività bħal dik jew żvilupp mwettaq wara d-dhul fis-sehħ ta' dan l-Att sabiex jiġi żgurat li r-regoli, regolamenti, pjanijiet u *policies* imsemmija qabel jiġu mwettqa jew, jekk dan ma jistax raġonevolment isir, biex jirregolarizza kull tali attività jew l-iżvilupp safejn il-Kunsill Eżekuttiv iqis li jkunu xieraq fiċ-ċirkostanzi:

Iżda l-oneru tal-prova li l-iżvilupp jew l-attività ma hiex konformi mar-regoli, regolamenti, pjanijiet u *policies* fis-sehħ fiż-żmien li l-attività jew l-iżvilupp ġie mwettaq huwa fuq il-Kunsill Eżekuttiv.

(3) Il-Kunsill Eżekuttiv għandu jissorvelja wkoll l-attivitajiet kollha li jaqgħu fl-ambitu ta' dan l-Att, biex jiġi żgurat li l-attivitajiet kollha jiġu mwettqa skond il-liċenzi, permessi, ċertifikati maħruġa mill-Awtorità fl-istess hin mad-deċiżjoni tal-ippjanar.

96. (1) Il-Kunsill Eżekuttiv jista' jawtorizza uffiċjali għall-finijiet ta' dan l-Att, u dawk l-uffiċjali jistgħu, hekk kif juru prova tal-identità tagħhom, sabiex jiżguraw it-tħaris ta' dan l-Att jew ta' kull regolament magħmul bis-saħħa tiegħu: Uffiċjali.

(a) jitolbu minn kull persuna informazzjoni b'konnessjoni ma' xi attività jew materja oħra regolati minn dan l-Att;

(b) joħroġu avvizi ta' waqfien jew avvizi ta' twettieq jew avvizi ta' waqfien u twettieq jew avvizi ta' twissija lil kull persuna skont id-dispożizzjonijiet tal-artikolu 97 ta' dan l-Att.

(2) Id-dispożizzjonijiet tas-subartikolu (1) għandhom ikunu mingħajr preġudizzju għas-setgħat tal-Pulizija, Gwardjani Lokali, il-Kontrullur tad-Dwana jew ta' xi awtorità oħra taħt il-Kodiċi Kriminali, l-Ordinanza tad-Dwana jew xi liġi oħra. Kap. 9.
Kap. 37.

(3) L-uffiċjali mahtura taħt dan l-artikolu għandu jkollhom, minkejja kull liġi oħra, d-dritt li jgħinu lill-pulizija fil-prosekuzzjoni ta' reati taħt dan l-Att u li jidhru u jippartecipaw fil-każ f'isem il-

prosekuzzjoni.

Proċedura ta' twettiq.

97. (1) Jekk ikun jidher lill-Kunsill Eżekuttiv li attività u, jew żvilupp tkun qed titwettaq mingħajr l-għoti ta' permess u, jew liċenza meħtieġa taħt dan l-Att jew li xi kondizzjoni li soġġett għaliha dak il-permess ikun ingħata fir-rigward ta' xi attività bħal dik u, jew żvilupp ma tkunx qed tigi mharsa, jew dik l-attività u, jew żvilupp imur kontra dan l-Att jew kontra regolamenti li jinħarġu taħt dan l-Att, il-Kunsill Eżekuttiv għandu jgħid avviż ta' waqfien lil kull persuna li tkun qiegħda twettaq attività bħal dik, jew żvilupp:

Iżda meta l-attività u, jew żvilupp illegali huwa limitat għal parti mis-sit, l-Awtorità tista' fid-diskrezzjoni tagħha, toħroġ avviż parzjali ta' waqfien li jkun jeħtieġ li l-attività u, jew żvilupp jiegħaf minnufih biss fir-rigward ta' dik il-parti tal-attività u, jew żvilupp fejn l-iżvilupp illegali jissussisti u mhux fir-rigward tal-iżvilupp kollu:

Iżda wkoll ebda avviż bħal dak m'għandu jinħareġ għal kull żvilupp li hu mwettaq qabel 1967:

Iżda wkoll il-Kunsill Eżekuttiv jista' jgħid avviż ta' twissija bil-miktub li jkun jeħtieġ li l-attività u, jew żvilupp illegali jiegħaf minnufih qabel ma jipproċedi bil-hruġ ta' avviż ta' waqfien, li għandu jiġi osservat minnufih hekk kif jiġi notifikat, iżda jista' jinħareġ darba waħda biss dan l-avviż ta' twissija għal kull ksur.

(2) Kopja tal-avviżi msemmija fis-subartikoli (1) jistgħu wkoll jiġu notifikati lil kull rappreżentant, bennej, kuntrattur jew haddiem fuq is-sit u l-Kunsill Eżekuttiv għandu wkoll iwahħal dawn l-avviżi f'pożizzjoni prominenti fil-punt tad-dhul fuq is-sit.

(3) Il-Kunsill Eżekuttiv għandu, fil-każ ta' avviż ta' waqfien maħruġ taħt is-subartikolu (1) jinforma ukoll:

(a) lill-kunsill lokali li fil-lokalità tiegħu l-art imsemmija fis-subartikolu (1) tkun tinsab;

(b) lill-perit responsabbli għall-imsemmija xogħlijiet u lill-*manager* tas-sit jekk magħruf, li avviż ta' waqfien kif hawn qabel imsemmi ikun inħareġ mill-Kunsill Eżekuttiv:

Iżda n-nuqqas ta' konformità mad-dispożizzjonijiet ta' dan is-subartikolu ma għandu f'ebda każ jinvalida xi avviż maħruġ taħt is-subartikolu (1).

(4) Jekk lill-Kunsill Eżekuttiv jidhirlu li xi attività u, jew żvilupp ta' art ikun gie mwettaq wara l-bidu fis-seħh ta' dan l-Att

mingħajr l-ghoti ta' permess meħtieġ f' dak ir-rigward taħt dan l-Att, jew li xi kondizzjonijiet li għalihom permess bħal dak mogħti fir-rigward ta' xi attività u, jew żvilupp kien soġġett ma ġewx imħarsa, il-Kunsill Eżekuttiv jista', wara li jikkunsidra d-dispożizzjonijiet tal-pjanijiet għall-iżvilupp, *policies* tal-ippjanar u kull konsiderazzjoni oħra ta' sustanza, jinnotifika lis-sid tal-art jew lill-okkupant tal-art jew lill-persuna responsabbli għall-atti msemmija fl-avviż, jew kwalunkwe kombinazzjoni tagħhom kif il-Kunsill Eżekuttiv jidhirlu l-aktar espedjenti, avviż ta' twettiq u s-subartikolu (3) għandu japplika hawn ukoll, billi jeħtieġ li jittieħdu dawk il-passi li jiġu speċifikati fl-avviż fiż-żmien hekk ukoll speċifikat sabiex l-art titreġġa' lura għall-istat li kienet fih qabel ma saret l-attività u, jew l-iżvilupp jew għat-tneħħija ta' żvilupp jew sabiex jiżgura konformità mal-kondizzjonijiet imsemmija qabel, skont kif ikun il-każ, u b'mod partikolari, iżda bla ħsara għall-ġeneralità ta' dak hawn aktar qabel imsemmi kull avviż bħal dak jista', għall-għanijiet imsemmija, jeħtieġ id-demolizzjoni jew tibdil ta' kull bini jew xogħlijiet, il-waqfien ta' xi użu ta' art, jew li jsiru fuq l-art kull bini jew xogħlijiet oħra:

Iżda fejn iċ-*Chairperson* Eżekuttiv jemmen li hemm perikolu imminenti għall-ambjent, avviż ta' twettieq b'emergenza jista' jinħareġ u jiġi notifikat fuq il-persuni fuq imsemmija mingħajr il-ħtieġa li jikkonsulta mal-membri l-oħra tal-Kunsill Eżekuttiv.

(5) Il-Kunsill Eżekuttiv għandu jirreġistra l-avviżi kollha ta' waqfien u l-avviżi kollha ta' twettiq maħruġa skont dan l-Att fl-indiċi msemmi fl-artikolu 57(2), u d-dispożizzjonijiet tal-imsemmi artikolu dwar l-indiċjar ta' ordnijiet ta' konservazzjoni għandhom ikunu *mutatis mutandis* japplikaw għal avviżi ta' waqfien u għal avviżi ta' twettiq oħrajn skont dan l-Att.

(6) Kull avviż magħmul taħt dan l-artikolu għandu jkun fih deskrizzjoni dettaljata tal-ksur allegat u fejn applikabbli, pjanta li tindika l-art li tkun soġġetta għal avviż bħal dak għandha tkun annessa miegħu flimkien ma' informazzjoni addizzjonali li l-Kunsill Eżekuttiv iqis xieraq sabiex jidentifika b'mod ċar l-allegat ksur.

(7) Avviż taħt dan l-artikolu jista' jinkludi kombinazzjoni ta' avviż ta' waqfien u avviż ta' twettiq u għandu jkun magħruf bħala avviż ta' waqfien u twettiq. Iżjed minn hekk avviż mogħti skont xi waħda mid-dispożizzjonijiet ta' dan l-artikolu, eskluż it-talba immedjata sabiex twaqqaf jew tipprojbixxi aktar xogħol jew żvilupp jew li tkun teħtieġ il-waqfien tal-użu, għandu jkun effettiv mal-ghelug ta' dak iż-żmien, li ma jkunx inqas minn ħmistax-il ġurnata u mhux aktar minn sittin ġurnata min-notifika tiegħu, kif jista' jiġi speċifikat fl-avviż.

(8) Meta ssir applikazzjoni għall-permess għall-iżvilupp qabel ma jiskadi l-perjodu msemmi fis-subartikolu (7) -

(a) biex jinżammu fuq l-art xi bini, xogħlijiet jew żvilupp li għalihom ikun jirreferi avviz ta' twettiq; jew

(b) biex jissanzjona l-kontinwazzjoni tal-użu tal-art li għalih ikun jirreferi l-avviz ta' twettiq,

l-effett tal-avviz għandu, dwar kull htieġa minbarra dik li twaqqaf jew tipprojbixxi aktar attività u, jew żvilupp jew tirrikjedi t-twaqqif ta' użu, jiġi sospiż sakemm l-applikazzjoni tiġi deċiża b'mod finali. Jekk il-permess li għalih tkun saret l-applikazzjoni jinghata u jsir operattiv, l-avviz ta' twettieq *ipso jure* ma jkollux aktar effett.

(9) Kull applikazzjoni biex tirregolarizza attività jew żvilupp jew appell lit-Tribunal minn rifjut, tista' tiġi miċhuda minnufih jekk rekwizit fl-avviz sabiex iwaqqaf jew jipprojbixxi aktar attività u, jew żvilupp, jew li jkun jehtieġ il-waqfien ta' xi użu, ma jkunx ġie mħares u jkun hemm prova li turi li l-avviz ma jkunx ġie mħares waqt li tkun għadha qegħda tiġi trattata l-applikazzjoni jew waqt is-seduti tat-Tribunal, jew jekk xi penali jew hłas ieħor li persuna tkun obbligata thallas taht dan l-Att fir-rigward ta' attività jew żvilupp ma jkunux thallsu.

(10) Il-Kunsill Eżekuttiv jista' jeżerċita l-poteri tiegħu skont l-artikolu 100(1) minkejja li t-tieni jew applikazzjoni sussegwenti maħsuba li tirregolarizza l-attività jew żvilupp illegali tkun saret lill-Bord tal-Ippjanar u li tkun fir-rigwarda l-istess jew parti mill-attività jew l-istess sit, irrispettivament jekk l-imsemmija applikazzjoni tkunx saret mill-istess applikant jew minn xi applikant ieħor.

(11) Kull persuna li thoss ruhha aggravata minn xi avviz notifikat lilha tista' tappella kontra tiegħu lit-Tribunal skond l-Att tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar, f'liema każ l-effetti tal-avviz, hłief it-talba li twaqqaf jew tipprojbixxi aktar attività u, jew żvilupp jew tirrikjedi t-twaqqif ta' użu, għandhom ikunu sospiżi sakemm l-appell jiġi maqtuġh b'mod finali.

Proċedura ta' twettiq fir-rigward ta' proprjetà skedata.

98. (1) Jekk il-Kunsill Eżekuttiv jidhirlu li xi haġa li hi projbita jew ristretta jew soġġetta għal kondizzjoni skont jew taht id-dispożizzjonijiet tal-artikolu 57 tkun qed issir jew titwettaq jew li tkun saret jew ġiet magħmula bi ksur ta' xi projbizzjoni, restrizzjoni jew kondizzjoni jew mingħajr permess jew xi htieġa oħra, jew mingħajr ma tkun ġiet imħarsa xi kondizzjoni, msemmija f'dawk l-artikoli jew f'xi ordnijiet magħmulin tahtom, il-Kunsill Eżekuttiv għandu jinnotifika avviz fuq is-sid tal-art jew fuq l-okkupant tal-art

jew fuq it-tnejn kif il-Kunsill Eżekuttiv jidhirlu l-aktar spedjenti, fejn jitlob li jittieħdu dawk il-passi li jkunu speċifikati fl-avviż, inkluż it-twaqqif ta' kull haġa li tkun qed issir jew tiġi mwettqa, u f'dak iż-żmien li jista' wkoll jiġi speċifikat fl-avviż. Id-dispożizzjonijiet tal-artikolu 97(3) għandhom japplikaw ukoll għal avviż taħt dan l-artikolu.

(2) Avviż taħt dan l-artikolu għandu jkun magħruf ukoll bħala "avviż ta' twettiq" u, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra u bla ħsara għal dak it-tibdil jew adattament li jkunu meħtieġa biex jagħtu effett sħiħ lid-dispożizzjonijiet ta' dawk l-artikoli, kull fejn dik il-frazi tidher f'dan l-Att, din għandha tinkludi avviż mogħti taħt dan l-artikolu:

Izda ebda avviż bħal dak m'għandu jinhareġ għal żvilupp li ġie mwettaq qabel l-1967.

99. (1) Jekk il-Kunsill Eżekuttiv jidhirlu li l-gmiel jew siwi ta' xi zona huwa mħassar bid-dehra jew kondizzjoni strutturali ta' xi bini jew ta' xi art, li tkun ġnien, sit vojta jew art oħra fil-beraħ, jew bid-dehra ta' xi sit fejn ikun qed isir jew sar żvilupp fih jew kostruzzjoni jew xi xogħlijiet oħra, il-Kunsill Eżekuttiv jista' jinnotifika avviż ta' twettiq fuq is-sid tal-art jew fuq l-okkupant tal-art jew fuq it-tnejn kif il-Kunsill Eżekuttiv jidhirlu l-aktar spedjenti, li fih ikun meħtieġ li jittieħdu dawk il-passi biex titnaqqas il-ħsara kif jista' jiġi speċifikat fl-avviż. Id-dispożizzjonijiet tal-artikolu 97(3) għandhom ukoll japplikaw għal avviż taħt dan l-artikolu.

Hsara lill-gmiel jew siwi u t-teħhija tal-periklu.

(2) Il-Ministru jista', wara li jikkonsulta mal-Kunsill Eżekuttiv, permezz ta' regolamenti taħt dan l-artikolu jipprovdi li proprjetà li tkun fi stat ta' abbandun u, jew tikkostitwixxi perikolu, għandha titwaqqa' minn sidha jew mill-Awtorità, bi spejjeż tas-sid, skont id-dispożizzjonijiet tal-artikolu 100. Bla ħsara għall-ġeneralità ta' dak hawn qabel imsemmi, dawn ir-regolamenti jistgħu jipprovdu:

(a) il-mod li bih l-istat tal-proprjetà jiġi ċċertifikat bħala li qiegħed jikkostitwixxi perikolu,

(b) il-metodoloġija u l-proċeduri li għandhom jittieħdu mill-Awtorità f'kull azzjoni li tista' tieħu kif imsemmi qabel.

(3) Avviż taħt dan l-artikolu għandu jkun magħruf ukoll bħala "avviż ta' twettiq" u sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra u bla ħsara għal dak it-tibdil jew adattament li jkunu meħtieġa biex jagħtu effett sħiħ lid-dispożizzjonijiet ta' dawk l-artikoli, kull fejn dik il-frazi tidher f'dan l-Att, din għandha tinkludi avviż mogħti taħt dan l-artikolu. Avviżi bħal dawn għandhom ukoll

jinħarġu għall-żvilupp imwettaq qabel l-1967.

Dispożizzjonijiet
supplimentari
dwar it-tweġġ u
proċedimenti
għal djun dovuti
lill-Awtorità.

100. (1) Jekk xi passi jew azzjoni oħra, kompriżi s-sospensjoni, twaqqif jew htieġa oħra bħal dik, meħtieġa li jittieħdu b'avviż ta' tweġġ ma jkunux ittieħdu fiż-żmien speċifikat hemmhekk, il-Kunsill Eżekuttiv jista' jidhol fl-art jew fiż-żona tal-baħar u jieħu dawk il-passi jew azzjoni oħra kif imsemmija mingħajr ebda formalitajiet oħra rikjesti minn xi liġi oħra, inklużi l-iżmantellar jew it-tneħħija ta' xi apparat, makkinarju, għodod, beni, vetturi jew oġġetti oħra li jistgħu jkunu fuq is-sit u l-għemil ta' kull xogħol meħtieġ biex jitwettaq dak mitlub fl-avviż ta' tweġġ u għal dan il-għan jista' jitlob l-għajnuna tal-Korp tal-Pulizija, ta' kull kunsill lokali, kull dipartiment tal-Gvern jew kull aġenzija tal-Gvern, u l-Korp tal-Pulizija u, jew il-Forzi Armati għandhom għal dan il-għan jeżerċitaw dawk is-setgħat mogħtija lilhom bil-liġi, fuq talba għall-assistenza tal-Kunsill Eżekuttiv.

(2) Fejn it-tneħħija ta' żvilupp illegali bilfors tinvolvi t-tneħħija wkoll ta' żvilupp li mhux illegali, il-Kunsill Eżekuttiv jista' jipproċedi biex inehħi wkoll dak l-iżvilupp l-ieħor li t-tneħħija tiegħu tkun meħtieġa kif hawn qabel imsemmi.

Kap. 319.

(3) Minkejja d-dispożizzjonijiet ta' kull liġi oħra u salv id-dispożizzjonijiet tal-artikolu 46 tal-Kostituzzjoni u tal-artikolu 4 tal-Att dwar il-Konvenzjoni Ewropea, ma għandu jinħareġ jew jingħata minn l-ebda qorti ebda att kawtelatorju kontra l-Awtorità li jżommha milli teżerċita xi waħda mis-setgħat mogħtija lilha b'dan l-artikolu.

(4) Bla ħsara għad-dispożizzjonijiet jew regolamenti maħruġa taħt dan l-Att, meta ma jsirx appell minn avviż ta' tweġġ u s-sid jew l-okkupant tal-art soġġetta għall-avviż ta' tweġġ jew kull persuna responsabbli għall-atti msemmija fl-avviż, jonqos milli jikkonforma ruħu ma' dak l-avviż ta' tweġġ fiż-żmien preskritt fl-avviż ta' tweġġ, dik il-persuna għandha tkun obbligata li tħallas multa ta' kuljum li għandha tkun regolata b'regolamenti magħmula mill-Ministru, li ma tkunx teċċedi ħamsin euro (€50) għal kull jum li għandha tapplika mill-jum li dik l-illegalità msemmija fl-avviż ta' tweġġ li jkun notifikat, tkompli. Meta l-avviż ikun gie appellat u l-avviż ta' tweġġ ikun gie kkonfermat mit-Tribunal jew mill-Qorti tal-Appell (Gurisdizzjoni Inferjuri), kif ikun il-kaz, il-multa ta' kuljum għall-kontinwazzjoni tal-illegalità għandha tkun ikkalkolata mid-data originali notifikata fl-avviż ta' tweġġ:

Iżda l-Ministru jista' b'regolamenti jipprskrivi dati differenti minn meta l-multi ta' kull jum jibdeu jigu kkalkulati.

(5) L-ispejjeż kollha li raġonevolment isiru mill-Kunsill

Eżekuttiv fl-eżerċizzju tas-setgħat tiegħu taħt dan l-artikolu, jew kull ammont ieħor dovut lill-Awtorità skont xi dispożizzjoni oħra ta' dan l-Att jew xi regolamenti maħruġin taħt l-istess Att ikunu jistgħu jiġu rkuprati bħala dejn ċivili mill-Awtorità mingħand il-persuna li f'dak iż-żmien tkun sid l-art, jew mingħand l-okkupant tal-art, jew mingħand persuna responsabbli għall-għemil indikat f'xi avviż, inkluż avviż ta' hlas, jew applikant, bla ħsara għal kull jedd ta' dik il-persuna li tirkuprahom mingħand xi persuna oħra. L-Awtorità ma tkunx azzjonabbli għad-danni li jistgħu jkunu kkawżati meta hija tkun eżerċitat dawn is-setgħat tagħha, sakemm ma jiġix ippruvat illi dawk id-danni jkunu ġew kkawżati minhabba f'negligenza grossolana mill-Awtorità, mill-uffiċjali tagħha u mill-aġenti tagħha. L-Awtorità, fid-diskrezzjoni tagħha, tista' tiddisponi mill-oġġetti li jikkostitwixxu l-illegalità jew illegalitajiet, mingħajr ebda formalità oħra tkun xi tkun jekk ma ssirx talba għall-oġġetti fi żmien sebat ijiem.

(6) Meta l-Awtorità tkun trid tagħmel proċeduri ġudizzjarji biex tirkupra dejn dovut lill-Awtorità taħt xi liġi jew regolament li hija jkollha jedd li tenforza, iċ-*Chairperson* Eżekuttiv jew kull uffiċjal ieħor tal-Awtorità awtorizzat kif imiss miċ-*Chairperson* Eżekuttiv biex jaġixxi f'isimu, jista' jagħmel dikjarazzjoni bil-ġurament quddiem ir-Registatur tal-Qrati jew quddiem uffiċjal awtorizzat li jamministra l-ġurament għal skopijiet ġudizzjarji, fejn huwa jiddikjara xi tkun ix-xorta tad-dejn u l-isem tad-debitur u jikkonferma li dan ikun dovut.

(7) Id-dikjarazzjoni msemmija fis-subartikolu (5) għandha tiġi notifikata lid-debitur permezz ta' att ġudizzjarju u għandu jkollha l-istess effett bħal sentenza finali tal-qorti kompetenti kemm-il darba d-debitur, fi żmien għoxrin ġurnata minn meta ssirlu n-notifika ta' dik id-dikjarazzjoni, ma jopponix dik it-talba billi jipprezenta rikors fejn jitlob li l-qorti tiddikjara l-pretensjoni bħala waħda infondata.

(8) Ir-rikors ipprezentat skont ma hemm fis-subartikolu (6) għandu jiġi notifikat lill-Awtorità, li jkollha jedd li tipprezenta risposta fi żmien għoxrin ġurnata. Il-qorti għandha tappunta r-rikors għas-smiġh f'data li tiġi wara li jiskadi dak il-perjodu.

(9) Kull dejn dovut lill-Awtorità jaqa' bi preskrizzjoni meta jiskadi l-perjodu ta' ħames snin mid-data meta d-dejn kien dovut.

101. (1) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att, kull persuna għandu jkollha d-dritt li titlob lill-Awtorità li tirregolarizza żvilupp li jista' jiġi regolarizzat bis-saħħa ta' regolamenti magħmula mill-Ministru taħt dan l-Att skont u suġġett għall-proċeduri illi jiġu stabbiliti mill-Awtorità.

Proċeduri li japplikaw għal ċerti tipi ta' żvilupp.

(2) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att, kull persuna li tiġi notifikata b'avviż ta' twettiq fir-rigward ta' żvilupp li jista' jiġi regolarizzat bis-saħħa ta' regolamenti magħmula mill-Ministru taħt dan l-Att, għandu jkollha d-dritt li titlob lill-Awtorità li tirregolarizza dak l-iżvilupp skont u sugġett għall-proċeduri illi jiġu stabbiliti mill-Awtorità.

(3) Meta xi persuna ssostni mal-Awtorità li avviż ta' twettiq ikun jaqa' taħt id-dispożizzjonijiet tas-subartikolu (2), u titlob lill-Awtorità sabiex tirregolarizza dak l-iżvilupp u l-Awtorità ma taċċettax dik il-pretensjoni, il-perjodu msemmi fl-artikolu 97(7) għandu jibda jiddekorri mid-data li fiha l-Awtorità tkun innotifikat lil dik il-persuna b'avviż fis-sens li hija ma tkunx qed taċċetta dik il-pretensjoni.

(4) Il-Ministru jista', wara li jikkonsulta mal-Awtorità, jagħmel regolamenti sabiex jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-artikolu.

Certifikat ta' konformità.

102. (1) Id-dispożizzjonijiet li ġejjin għandu jkollhom seħħ dwar kull żvilupp li jkun sar wara d-data tad-dhul fis-seħħ tal-Att tal-1992 dwar l-Ippjanar ta' l-Iżvilupp, minn hawn 'il quddiem imsejjaħ "żvilupp ġdid".

Kap. 504.

(2) Ebda servizz li jikkonsisti fil-provvista tal-ilma jew elettriku ma għandu jiġi provdut lil xi żvilupp ġdid minn ebda awtorità jekk ma jkunx hemm dwar dak l-iżvilupp ċertifikat maħruġ mill-Awtorità jew kull ċertifikat ieħor kif preskritt mir-regolamenti li jgħid li dak l-iżvilupp huwa skont permess għall-iżvilupp jew li kien ammess jew approvat mill-Awtorità skont l-Att tal-1992 dwar l-Ippjanar tal-Iżvilupp, l-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, jew dan l-Att jew taħt regolamenti magħmula taħt l-istess. Kull servizz għall-provvista tal-ilma u l-elettriku li ġie pprovdut wara li ġie maħruġ ċertifikat ta' konformità u li ġie sussegwentement revokat mill-Awtorità minhabba f'irregolaritajiet kontenuti f'dak iċ-ċertifikat, għandu jiġi sospiż fuq talba tal-Awtorità.

(3) F'kull waħda miċ-ċirkostanzi li fihom l-Awtorità tista' tinnotifika avviż ta' twettiq taħt xi waħda mid-dispożizzjonijiet ta' dan l-Att, il-Ministru għandu, wara li jikkonsulta mal-Awtorità, b'regolamenti taħt dan l-artikolu, jipprovdi li dak l-avviż jiġi reġistrat mar-Reġistratur tal-Artijiet u jiġi notifikat lid-Direttur tar-Reġistru Pubbliku ta' Malta f'każ ta' art li tinsab fil-Gzira ta' Malta u lid-Direttur tar-Reġistru Pubbliku ta' Għawdex f'każ ta' art li tinsab f'Għawdex. Bla ħsara għall-ġeneralità ta' dak li ntqal qabel, ir-regolamenti jistgħu jipprskrivu l-proċeduri li għandhom jintużaw mill-Awtorità meta ssir dik ir-reġistrazzjoni.

TAQSIMA X

Reati

103. (1) Kull min -

Reati.

(a) jagħmel xi żvilupp fuq xi art jew iħalli li jsir xi żvilupp fuq art li huwa jkun is-sid tagħha jew okkupant mingħajr permess għall-iżvilupp, jew, jekk l-iżvilupp isir b'permess għall-iżvilupp, jonqos milli jħares jew li jara li tiġi mħarsa xi kondizzjoni, restrizzjoni jew limitazzjoni oħra li għaliha l-permess ikun suggett; jew

(b) jaġixxi bi ksur ta' xi waħda mid-dispożizzjonijiet tal-artikolu 57 u 58 fir-rigward ta' xi proprjetà skedata jew ordni ta' emerġenza għall-konservazzjoni; jew

(ċ) wara li jkun ġie notifikat b'avviż ta' twettiq jew avviż ieħor skont l-artikoli 56, 97, 98 jew 99 jonqos milli jħares xi waħda mill-ħtigiet ta' dak l-avviż fiż-żmien speċifikat fih; jew

(d) iżomm, jostakola, jimmoleta jew xort'oħra jfixkel, jew jipprova jzomm, jostakola, jimmoleta jew ifixkel, xi uffiċjal jew impjegat tal-Awtorità, jew xi uffiċjal tal-pulizija jew uffiċjal tal-armata, jew kull uffiċjal pubbliku, jew uffiċjal jew impjegat ta' xi dipartiment tal-Gvern jew ta' xi aġenzija tal-Gvern jew ta' xi kunsill lokali, fil-qadi tad-dmirijiet tiegħu taħt il-liġi, jew jonqos milli jagħmel dak li raġonevolment jiġi mitlub li jagħmel minn waħda minn dawk il-persuni qabel imsemmija jew b'kull mod ieħor jonqos milli jgħinhom fil-qadi tad-dmirijiet tagħhom, jew xjentement jagħti lil dik il-persuna informazzjoni falza jew jonqos jew jirrifjuta li jagħti xi informazzjoni meħtieġa għall-għanijiet hawn qabel imsemmija; jew

(e) jagħmel dikjarazzjoni għal xi wieħed mill-għanijiet ta' dan l-Att li tkun falza, qarrieqa jew mhux korretta f'xi aspett importanti,

ikun ħati ta' reat kontra dan l-Att u meta jinsab ħati, jeħel multa ta' mhux inqas minn elf u ħames mitt euro (€1,500) u mhux aktar minn mitt elf euro (€100,000), u dwar reat taħt il-paragrafu (d) jew, fil-każ ta' reat taħt il-paragrafu (ċ), jekk ir-reat ikompli għal aktar minn tliet xhur, ukoll għal priġunerija għal żmien ta' mhux inqas minn tliet xhur u mhux iżjed minn tliet snin:

Iżda, u bla ħsara għad-dispożizzjonijiet tal-artikoli 57(9) u

100(4) u bla ħsara għall-ogħla multa hawn qabel stabbilita, l-inqas multa li min jikkommetti reat taht dan l-artikolu jista' jehel m'għandhiex tkun inqas mill-valur tax-xogħlijiet li jkunu saru mingħajr permess jew bi ksur tal-kondizzjonijiet li għalihom kien soġġett dak il-permess.

(2) Il-Qorti, minbarra l-għoti tal-piena msemmija fis-subartikolu (1), għandha tordna lill-hati sabiex inehhi dak li jikkostitwixxi r-reat u li jregġa' lura kull haġa li tkun saret mingħajr permess jew li jħares il-kondizzjonijiet imposti fil-permess, skont il-każ, fi żmien biżżejjed għal dak l-iskop, iżda f'ebda każ f'aktar minn tliet xhur mid-data tas-sentenza, kif jiġi stabbilit mill-qorti; u, jekk il-hati jonqos milli jħares xi ordni bħal dak fiż-żmien hekk stabbilit, jehel multa ta' mhux inqas minn hamsin euro (€50) u mhux iżjed minn mitt euro (€100), kif il-qorti tista' tistabbilixxi, għal kull gurnata li n-nuqqas ikompli wara li jiskadi l-imsemmi żmien u tista' tordna wkoll il-modifika, sospensjoni jew revoka ta' xi awtorizzazzjoni jew permess.

(3) Kull persuna li tinstab hatja ta' reat taht dan l-artikolu tista' wkoll, fuq talba tal-prosekuzzjoni, tkun skwalifikata milli tiffirma u tissottometti lill-Awtorità, għall-perijodu li ma jeċċedix sentejn mid-data tal-kundanna għar-reat, ċertifikati ta' konformità jew ċertifikati għas-sigurtà min-nirien, jew kwalunkwe ċertifikat ieħor mehtieg skont dan l-Att jew xi regolamenti oħra magħmula bis-saħħa tiegħu u, għaldaqstant, l-Awtorità m'għandiex taċċetta ċertifikati għar-registrazzjoni li huma ffirmati minn persuna waqt li tkun hekk skwalifikata.

(4) Proċedimenti kontra kull persuna għal xi reat kif imsemmi fis-subartikolu (1) għandhom jinbdew quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skont il-każ, bħala qrati ta' ġudikatura kriminali skont id-dispożizzjonijiet tal-Kodiċi Kriminali:

Kap. 9.

Iżda, minkejja d-dispożizzjonijiet tal-artikolu 376(1)(b) tal-Kodiċi Kriminali, il-Qorti għandha, fuq talba tal-prosekuzzjoni jew tal-akkuzat, tiegħu l-provi mogħtija mix-xhieda bil-mod previst jew fl-artikolu 390(6) tal-imsemmi Kodiċi jew f'xi liġi li tkun isseħħ f'dak iż-żmien.

Kap. 9.

(5) Meta tiġi pprezentata applikazzjoni intiża biex tirregolarizza kull żvilupp illegali jew attività li dwaru jkun hemm proċeduri kriminali pendenti, u meta jiġi pprezentat appell minn rifjut ta' dik l-applikazzjoni, dawn ma għandhomx jitqiesu bħala li jimpedixxu l-kontinwazzjoni ta' dawk il-proċeduri kriminali u l-qorti għandha tkompli tisma' il-każ u għandha tagħti s-sentenza dwaru u

għandha toħroġ l-ordni skont is-subartikolu (2) bħallikieku dik l-applikazzjoni jew dak l-appell qatt ma kienu pprezentati:

Iżda meta dik l-attività jew żvilupp ikun ġie regolarizzat l-ebda multa taħt is-subartikolu (2) ma għandha tkun dovuta fir-rigward taż-żmien li jiġi wara li l-iżvilupp ikun ġie regolarizzat.

(6) (a) Bla ħsara għal kull dispożizzjoni oħra taħt dan l-Att, jew għal dispożizzjonijiet jew regolamenti oħra, magħmulha taħt dan l-Att, li l-Awtorità għandha l-jedd li tenforza, l-Awtorità għandu jkollha s-setgħa li timponi fir-rigward ta' kull persuna li tikser kull dispożizzjoni ta' dan l-Att jew kull regolament magħmul bis-saħħa tiegħu, jew jonqos milli jħares kull direttiva jew deċiżjoni mogħtija mill-Awtorità, kemm jekk taħt dan l-Att, jew regolamenti preskritti bis-saħħa tiegħu, jew taħt kull liġi oħra li l-Awtorità għandha l-jedd li tenforza, multa amministrattiva permezz tal-proċeduri kif stabbiliti f'dan l-Att jew regolamenti magħmulha bis-saħħa tiegħu.

(b) Multa amministrattiva imposta m'għandhiex, sakemm ma jkunx provdut mod ieħor minn jew taħt dan l-Att, tkun aktar minn mitejn elf euro (€200,000), u elfejn euro (€2,000) kull jum, fil-każ fejn il-ksur jippersisti:

Iżda l-multi kollha previsti f'dan l-artikolu għandhom ikunu dovuti lill-Gvern bħala dejn ċivili u wara n-notifika ta' att ġudizzjarju, skont l-artikolu 466 tal-Kodici ta' Organizazzjoni u Proċedura Ċivili, li ma jkunx oppost jew li l-oppożizzjoni tiegħu tiġi miċhuda, skont id-dispożizzjonijiet ta' dak l-artikolu, l-imsemmija multa amministrattiva għandha tikkostitwixxi titolu eżekuttiv għall-finijiet u effetti kollha tat-*Titolu VII* tat-*Taqsim*a I tat-*Tieni* Ktieb tal-Kodici ta' Organizazzjoni u Proċedura Ċivili.

Kap. 12.

104. F'kull proċediment jew prosekuzzjoni taħt dan l-Att, kopja ta' kull ordni, avviż, deċiżjoni jew dokument ieħor li juri li sar taħt dan l-Att u li ġie ffirmat miċ-*Chairperson* Eżekuttiv, għandha tiġi aċċettata bħala prova tal-ordni, avviż, deċiżjoni jew dokument ieħor, u tal-fatti li jidhru fih, mingħajr il-ħtieġa ta' aktar provi.

Kopji ċertifikati ta' ċerti dokumenti.

105. (1) Minkejja kull liġi oħra li tipprovdi għall-proċedimenti u pieni għar-reati, meta l-Kunsill Eżekuttiv jemmen li persuna kkommettiet reat kontra dan l-Att, barra minn dawk ir-reati taħt l-artikolu 103(1)(d), il-Kunsill Eżekuttiv jista' jagħti lil dik il-persuna avviż bil-miktub fejn jiddeskrivi r-reat li tiegħu dik il-persuna hija akkuzata, u jindika l-passi li trid tiegħu biex tirmiedja għar-reat u l-multa ta' kompromess li hi għandha tħallas għal dak ir-reat:

Proċedura speċjali ta' kompromess.

Iżda l-Kunsill Eżekuttiv ma jistax jeħtieġ il-ħlas ta' multa

ta' kompromess oghla minn hamsin elf euro (€50,000).

(2) Meta jkun inghata avviz skont dan l-artikolu, il-persuna msemija fl-avviz tista', fi zmien sittin gurnata minn notifika tal-avviz, taççetta r-responsabbiltà bil-miktub ghar-reat speçifikat fl-avviz u f'dak iż-żmien tirrimedja ghar-reat, u thallas jew tintrabat bil-miktub li thallas il-multa indikata fl-avviz jew dik il-multa ta' kompromess oħra li l-Kunsill Eżekuttiv jista' jaççetta minflokha, u f'kull każ bhal dan:

(a) il-persuna msemija fl-avviz titqies li tkun għamlet ir-reat u li tkun ammettiet il-ħtija tagħha dwar l-istess, u l-multa ta' kompromess mħallsa, jew li tkun intrabtet li thallas, għandha tkun il-penali li tkun obbligata li thallas;

(b) jekk ir-reat jiġi rimedjat għas-sodisfazzjon tal-Kunsill Eżekuttiv u l-multa ta' kompromess tithallas fiż-żmien, ebda proċeduri oħra ma jkunu jistgħu jittieħdu kontra l-imsemija persuna fir-rigward tal-istess fatti;

Iżda l-ftehim li thallas il-multa ta' kompromess m'għandha bl-ebda mod teżonora l-persuna minn responsabbiltà ċivili biex tagħmel tajjeb għal xi danni lil kull persuna jew awtorità li toħroġ mill-artikolu 103(2);

(ċ) jekk il-multa ta' kompromess ma tithallasx fiż-żmien, din għandha tiġi trattata daqs li kieku kienet penali preskritta li tithallas minn qorti u jkunu jistgħu jittieħdu proċeduri biex tingabar il-multa bhala dejn ċivili dovut lill-Awtorità.

(3) Jekk il-persuna li lilha jinghata avviz taht is-subartikolu (1) ma taççettax jew, avolja tkun aċċettat ir-responsabbiltà, tonqos milli tirrimedja r-reat fiż-żmien imsemmi qabel, u ukoll jekk tkun ħallset il-multa ta' kompromess, jistgħu jittieħdu kontraha proċedimenti kriminali ordinarji skont id-dispożizzjonijiet tal-liġi li tkun tapplika għal dak ir-reat.

L-EWWEL SKEDA

Dispożizzjonijiet dwar il-Kunsill Eżekuttiv

1. Id-dispożizzjonijiet ta' din l-Iskeda jirregolaw il-proċeduri li għandhom jiġu utilizzati mill-Kunsill Eżekuttiv.

2. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kompriża din l-Iskeda, il-Kunsill Eżekuttiv jista' jirregola l-proċeduri tiegħu

nnifsu.

3. Meta l-Kunsill Eżekuttiv ikun qed jikkunsidra pjanijiet u *policies*, l-istrateġija spazjali għall-ambjent u l-izvilupp, pjanijiet sussidjarji u *policies*, u l-għemil tal-ordnijiet hekk kif regolati taħt it-Taqsima V ta' dan l-Att, il-proċedura li ġejja għandha tiġi osservata:

(a) Il-*quorum* għandu jikkonsisti miċ-*Chairperson* Eżekuttiv jew iċ-*Chairperson* Eżekuttiv li jkun qed jaġixxi floku u minn ta' lanqas tliet membri oħra tal-Kunsill.

(b) Iċ-*Chairperson* Eżekuttiv, jew iċ-*Chairperson* Eżekuttiv li jkun qed jaġixxi floku, għandu jkollu vot oriġinali u f'każ ta' voti indaqgħand għandu jkollu l-vot deċiżiv. Il-membri kollha tal-Kunsill Eżekuttiv li jkunu preżenti waqt il-laqgħat għandhom jivvutaw favur jew kontra kull mozzjoni li titpoġġa għall-votazzjoni. Deċiżjonijiet għandhom jiġu adottati b'maġġoranża sempliċi tal-voti tal-membri li jkunu preżenti u li jkunu ivvutaw.

(c) Bla ħsara għad-dispożizzjonijiet tal-artikolu 13, membru tal-Kunsill Eżekuttiv li għandu interess dirett jew indirett f'xi haġa li tiġi quddiem il-Kunsill Eżekuttiv għall-kunsiderazzjoni għandu, mhux iktar tard mill-ewwel laqgħa miżmuma wara li jkollu għarfien taċ-ċirkostanzi rilevanti, jiżvela n-natura tal-interess tiegħu. Dan il-fatt għandu jitniżzel fil-minuti tal-laqgħa u l-membri:

(i) m'għandux jieħu sehem f'xi diskussjonijiet jew deċiżjonijiet tal-Kunsill Eżekuttiv dwar dik il-haġa; u

(ii) m'għandux jingħadd biex jiġi stabbilit il-*quorum* għal dawk id-diskussjonijiet jew deċiżjonijiet.

(d) L-atti kollha magħmula minn xi persuna *bona fide* bhala membru tal-Kunsill Eżekuttiv ikunu validi u jkollhom effett bhallikieku kien membru ukoll jekk wara jinstab xi difett fil-kwalifiki għall-hatra tiegħu.

(e) Il-Kunsill Eżekuttiv jista' wkoll jiddelega liċ-*Chairperson* Eżekuttiv jew lil xi wieħed mill-membri tiegħu, is-setgħa li japprova kull dokument jew pjanti dwar kull haġa li tkun qed tiġi kunsidrata minnu.

(f) Il-laqgħat tal-Kunsill Eżekuttiv għandhom ikunu miftuħin għall-pubbliku unikament meta l-Kunsill Eżekuttiv ikun qed jikkunsidra applikazzjoni għall-kontroll tal-ippjanar

skont l-artikolu 54(1), (2) u (3) u talbiet għal rikonsiderazzjoni ta' skedar skont l-artikolu 57(10), u l-Kunsill Eżekuttiv għandu jippermetti lill-applikant jew lis-sid (fil-każ ta' talbiet għal rikonsiderazzjoni ta' skedar) u r-rappreżentant tiegħu, jew kull wiehied minnhom, u kwalunkwe terza persuna interessata li tkun għamlet ir-rappreżentazzjoni skont id-dispożizzjonijiet ta' xi regolamenti magħmula taħt l-artikolu 54(3), sabiex tagħmel sottomissjonijiet dwar kull haġa li tkun qiegħda tiġi kkunsidrata. Iċ-*Chairperson* Eżekuttiv, fid-diskrezzjoni assoluta tiegħu, jista' jippermetti lil kull membru ieħor tal-pubbliku sabiex jagħmel sottomissjonijiet, bla ħsara għas-setgħa taċ-*Chairperson* Eżekuttiv li jeskludi lil kull membru tal-pubbliku jekk huwa jidhirlu li jkun meħtieġ li jagħmel dan sabiex iżomm l-ordni u sabiex jillimita l-parteciġazzjoni tal-applikant u tar-rappreżentant tiegħu jew ta' terzi persuni interessati li jkunu għamli ir-rappreżentazzjonijiet skont id-dispożizzjonijiet ta' xi regolamenti magħmula taħt l-artikolu 54(3) jew tal-pubbliku kif jidhirlu xieraq.

(g) Meta l-Kunsill Eżekuttiv jivvota kontra rakkomandazzjoni, jekk ikun hemm wahda, magħmula miċ-*Chairperson* Eżekuttiv, il-Kunsill Eżekuttiv għandu jirreġistra fil-fajl relattiv ir-raġunijiet speċifiċi tal-ippjanar miġjuba minnu li jiġġustifikaw il-qlib ta' dik ir-rakkomandazzjoni.

(h) Laqgħat tal-Kunsill Eżekuttiv dwar il-kontenut ta' applikazzjoni għall-kontroll tal-ippjanar lill-Kunsill Eżekuttiv, jistgħu ukoll ma jiġux miżmuma fil-pubbliku iżda voti ma jistgħux jittiehdu.

(i) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kompriza din l-Iskeda, il-Kunsill Eżekuttiv jista' jirregola l-proċeduri tiegħu nnifsu.

IT-TIENI SKEDA

Dispożizzjonijiet dwar il-Bord tal-Ippjanar u l-Kummissjonijiet tal-Ippjanar

1. Id-dispożizzjonijiet ta' din l-Iskeda jirregolaw il-proċeduri li għandhom jintużaw mill-Bord tal-Ippjanar u l-Kummissjonijiet tal-Ippjanar. Għall-finijiet ta' din l-Iskeda, kull fejn tiġi utilizzata l-kelma "Bord tal-Ippjanar", għandha tinftiehem li tinkludi l-Kummissjonijiet tal-Ippjanar, sakemm ir-rabta tal-kliem ma teħtieġx xort' oħra.

2. Il-Bord tal-Ippjanar jista' jaħdem ukoll jekk ikun hemm post vakanti fost il-membri, iżda għandu jkun hemm *quorum* preżenti għal-laqgħa.

3. Il-*quorum* tal-Bord tal-Ippjanar għandu jikkonsisti fiċ-*Chairperson* jew viċi *Chairperson* u mhux inqas minn nofs in-numru tal-membri l-oħra li jikkostitwixxu l-Bord tal-Ippjanar, fil-ħin tal-laqgħa.

4. Il-laqgħat tal-Bord tal-Ippjanar jissejhu miċ-*Chairperson* jew fuq inizjattiva tiegħu jew fuq talba ta' tnejn mill-membri tal-Bord tal-Ippjanar, u l-Bord tal-Ippjanar għandu jiltaqa' wkoll f'dawk iż-żminijiet li hu stess jiddeċiedi.

5. Iċ-*Chairperson*, jew viċi *Chairperson* li jkun qed jaġixxi floku, ikollu vot originali u, jekk il-voti jkunu maqsumin indaqs, vot ieħor jew vot deċiżiv. Il-membri kollha tal-Bord tal-Ippjanar li jkunu preżenti fil-laqgħat tal-istess għandhom jivvotaw favur jew kontra kull mozzjoni li titressaq għall-votazzjoni. Deċiżjonijiet għandhom jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti u votanti.

6. Bla ħsara għad-dispożizzjonijiet tal-artikolu 13, membru tal-Bord tal-Ippjanar li għandu interess dirett jew indirett f'xi haġa li tiġi quddiem il-Bord tal-Ippjanar biex tiġi kkunsidrata mill-istess għandu, mhux aktar tard minn l-ewwel laqgħa mizmuma wara li jkollu għarfien taċ-cirkostanzi rilevanti, juri n-natura tal-interess tiegħu. Dan il-fatt għandu jitnizzel fil-minuti tal-laqgħa u l-membri:

(a) m'għandux jieħu sehem fid-diskussjonijiet jew deċiżjonijiet tal-Bord tal-Ippjanar dwar dik il-haġa; u

(b) m'għandux jingħadd biex jiġi stabbilit il-*quorum* għal dawk id-diskussjonijiet jew deċiżjonijiet.

7. L-atti kollha magħmula minn xi persuna *bona fide* bħala membru tal-Bord tal-Ippjanar ikunu validi u jkollhom effett bħallikieku kien membru ukoll jekk wara jinstab xi difett fil-kwalifiki għall-hatra tiegħu.

8. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kompriza din l-Iskeda, il-Bord tal-Ippjanar jista' tirregola l-proċeduri tiegħu.

9. Il-laqgħat tal-Bord tal-Ippjanar għandhom ikunu miftuħa għall-pubbliku, u l-Bord tal-Ippjanar għandu jippermetti lill-applikant u r-rappreżentant tiegħu, jew kull wieħed minnħom, u terzi persuni interessati li jkunu għamlu rappreżentazzjonijiet skont l-artikolu

71(6), biex jagħmlu s-sottomissjonijiet tagħhom dwar kull haġa li tkun qegħda tiġi kkunsidrata. Iċ-*Chairperson*, fid-diskrezzjoni assoluta tiegħu, jista' wkoll jippermetti lil kull membru ieħor tal-pubbliku biex jagħmel s-sottomissjonijiet tiegħu, bla ħsara għas-setgħa taċ-*Chairperson* li jeskludi lil kull membru tal-pubbliku jekk huwa jidhirlu li jkun meħtieġ li jagħmel dan sabiex iżomm l-ordni u sabiex jillimita l-parteci-pazzjoni tal-applikant u r-rappreżentant tiegħu jew ta' terzi persuni interessati li jkunu għamli r-rappreżentazzjonijiet skont l-artikolu 71(6) jew tal-pubbliku kif hu jidhirlu xieraq.

10. Fejn il-Bord tal-Ippjanar jivvota kontra rakkomandazzjoni, jekk ikun hemm waħda, magħmula miċ-*Chairperson* Eżekuttiv, il-Bord tal-Ippjanar għandu jirreġistra fil-fajl relattiv ir-raġunijiet speċifiċi tal-ippjanar miġjuba minnu li jiġġustifikaw il-qlib ta' dik ir-rakkomandazzjoni:

Iżda l-Bord tal-Ippjanar jista' wkoll jiddelega liċ-*Chairperson* jew lil xi wieħed mill-membri tiegħu, is-setgħa sabiex japprova kull dokument jew pjanta dwar kull haġa li tkun qiegħda tiġi kkunsidrata minnu.

11. Laqgħat tal-Bord tal-Ippjanar fejn iċ-*Chairperson* Eżekuttiv ikun qed jipprovdi informazzjoni dwar il-kontenut ta' applikazzjoni għall-iżvilupp lill-Bord tal-Ippjanar, jistgħu ma jinżammux fil-pubbliku iżda ma jistgħux jittieħdu voti.

IT-TIELET SKEDA

Kumitat Permanenti dwar l-Ambjent u l-Ippjanar tal-Iżvilupp

Il-pjanijiet u l-*policies* li jkunu mressqa quddiem il-Kumitat Permanenti skont id-dispożizzjonijiet tal-artikolu 60 huma:

(a) dawk il-pjanijiet u *policies* li jirreferu għall-art li tinsab barra minn zona ta' żvilupp kif definit fl-Istrateġija Spazjali jew fi pjanijiet ohra;

(b) dawk il-pjanijiet u *policies* li jirregolaw esklussivament il-limitazzjonijiet tal-għoli u r-restrizzjonijiet fuqhom;

(ċ) pjanijiet lokali, minbarra emendi minuri ta' dawn l-istess pjanijiet;

(d) *policies* li għandhom x'jaqsmu ma' u li jirregolaw

ċertifikati ta' konformità.

IR-RABA' SKEDA

Lista ta' membri supplimentari tal-Kunsill Eżekuttiv:

- (i) Kummissjoni Nazzjonali Persuni b'Dizabilità (KNPD);
 - (ii) Awtorità ta' Malta għall-Ambjent;
 - (iii) Heritage Malta;
 - (iv) Awtorità għas-Sahħa s-Sigurtà fuq il-Post tax-Xogħol;
 - (v) Transport Malta;
 - (vi) Awtorità tat-Turiżmu ta' Malta;
 - (vii) Korporazzjoni għas-Servizzi ta' l-Ilma;
 - (viii) Dipartiment tal-Protezzjoni Ċivili;
 - (ix) Korporazzjoni Enemalta;
 - (x) Kwalunkwe dipartiment ieħor tal-gvern, entità u awtorità indikata mill-Ministru minn żmien għal żmien.
-

ARRANGEMENT OF ACT

	Articles
Part I	Preliminary 1-2
Part II	Duty to Promote a Comprehensive Sustainable, Land Use Planning System 3-4
Part III	Establishment and Scope of the Authority 5-7
Part IV	Common Provisions 8-35
Part V	Provisions related to the Executive Council
	Establishment and Scope of the Executive Council 36-39
	Plans and Policies 40-43
	Spatial Strategy for Environment and Development 44-46
	Subsidiary Plans and Policies 47-54
	Orders 55-58
	The Development Planning Fund 59
Part VI	Policy Advisory Committees
	The Standing Committee on the Environment and Development Planning 60
	The Users' Committee 61
	The Building Regulation Committee 62
Part VII	Provisions related to the Planning Board
	The Planning Board 63-69
	Requirement of Permission 70-79
	Revocation or Modification of Permission 80
	Charges and Contributions 81-82
Part VIII	Power to make Regulations
	General 83-84
	Planning and Development Regulations 85
	Registration of Contractors 86
	Building Regulations 87-88
	Miscellaneous Provisions in relation to Building Regulations 89-91
	Building Control Regulations 92
	Amendment of the Code of Police Laws 93
Part IX	Monitoring and Enforcement 94-102
Part X	Offences 103-105

SCHEDULES

FIRST SCHEDULE	Provisions with respect to the Executive Council
SECOND SCHEDULE	Provisions with respect to the Planning Board and the Planning Commissions

THIRD SCHEDULE	The Standing Committee on the Environment and Development Planning
FOURTH SCHEDULE	List of supplementary members of the Executive Council

**A Bill
entitled**

AN ACT to make provision for sustainable planning and management of development and for the establishment of an authority with powers to that effect and for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

PART I

Preliminary

Short title and commencement.

1. (1) The short title of this Act is the Development Planning Act, 2015.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Interpretation.

2. In this Act unless the contents otherwise requires:

"action plan" has the meaning assigned to it by article 49;

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, including any boarding or similar structure used or adapted for use for the display of advertisements;

"agency of Government" means a body corporate established by law and a company in which the Government or such body corporate, or a combination thereof, has a controlling interest or which is a subsidiary of such a company;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the rearing of bloodstock, the use of land as grazing land, meadow land, and "agricultural" shall be construed accordingly;

"alteration" or "alterations" in relation to development includes (a) plastering or painting or the removal of plaster or stucco, or (b) the replacement of a door, window or roof, that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

"appeal" means an appeal to the Environment and Planning Review Tribunal or to the Court of Appeal, as the case may be;

"application" means any form of application made to the authority in terms of this Act;

"Authority" means the Planning Authority established under article 5 and includes any body or other person acting on its behalf under powers delegated by the Authority under this Act, and the Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of this Act or any regulations made thereunder;

"building" includes any structure or erection and any part of a building, but does not include plant or machinery comprised in a building;

"building levy" means the Development Permission Fee under article 81(1) together with the Infrastructure Service Contribution under article 81(2);

"building or work" includes waste materials, refuse and other matters deposited on land;

"building operations" includes rebuilding operations, structural alterations to or additions to buildings, and other operations normally undertaken in the course of construction works;

"commencement notice" means a notice submitted by the *perit* on behalf of the applicant to the Authority within the period of five days in advance to the date of commencement of works or utilization of permission, to notify the Authority with the date of commencement of works or utilization of permission, including the name of the licensed builder, the *perit* and the environmental site manager, indicating their contact details where they can be reached at any time;

"compliance certificate" means a certificate issued in terms of article 102;

"conservation" in relation to natural heritage, means a series of measures required to maintain or restore the natural habitats and the population of species of wild fauna and flora at a favourable status;

"conservation" in relation to cultural heritage, means any activity required to maximize the endurance or minimize the deterioration of any cultural property as far as possible and includes examining, treating, recording, preserving, maintaining, rehabilitating and restoring any such property or any part thereof;

"the Commission" means the Planning Commission established under article 65;

"days" means calendar days;

"derivatives" means parts of any specimen, whether processed by man or not;

"development brief" has the meaning assigned to it by article 51;

"development" means any interventions that fall under the provisions described in article 70;

"development order" means an order made under article 55;

"development permission" means a permission to carry out or retain development granted by the Planning Board or the Planning Commission either in consequence of an application or of a development order;

"development planning" means a planning system which shall have as its main objective sustainable development;

"engineering operations" includes any physical changes to the land surface and sea bed, to the site topography, or the formation or laying out of roads and of means of access to roads;

"Environmental Impact Assessment" means an assessment in terms of the Environmental Impact Assessment Regulations or other regulations applicable from time to time; S.L. 504.79.

"environmental NGOs" means non-governmental organizations promoting environmental protection and which are registered under the Voluntary Organisations Act; Cap. 492.

"erection" in relation to buildings, includes extension, alteration and re-erection;

"fauna" means all types of animals and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

"flora" means all types of plants and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

"functions" includes responsibilities, powers and duties;

"Gazette" means the Government Gazette;

"illegal use" is limited, in relation to land, to use not covered by a development permission issued by an authority related to development;

"illegal works" means any works on, in, over or under land, carried out after 1967 and not covered by a development permission issued by an authority related to development;

"IPPC permit" means a permit in terms of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations; S.L. 504.54

"land" includes a building and also land which has been formed following land reclamation and also the sea and the seabed;

"land reclamation" means the gain of land from the sea, or wetlands, or other water bodies and restoration of productivity or use to lands that have been degraded by human activities or impaired by natural phenomena;

"land use planning" shall include regulation both on land and land to be reclaimed from sea;

Cap. 363 "local council" means a local council established under the Local Councils Act;

"local plan" has the meaning assigned to it by article 48;

"maintenance operations" shall not include demolition and rebuilding works, irrespective of where such demolition and rebuilding works are carried out;

"major project" is a project as defined by regulations under this Act;

"minerals" includes all minerals and substances (including oil and natural gas) in or under land of a kind ordinarily worked for removal by underground or surface working;

"the Minister" means the Minister or Parliamentary Secretary under whose portfolio the Authority is included;

"owner" means -

(a) a person who in his own right or as a duly authorized agent for another, is entitled to receive the rent of the land or, where the land is not let, would be so entitled if it were let, but does not include a person who holds the land under title of an agricultural lease;

(b) where the land is subject to usufruct, the bare owner or the usufructuary;

(c) an emphyteuta;

(d) any one of the co-owners of the land on which development takes place;

(e) any one of the spouses, where the land to which the development relates forms part of the community of acquests;

(f) the director or directors of the company duly authorized to appear and represent the company which owns the land to which the development relates;

"permission" means a development permission;

"person" includes a body or other association of persons whether granted legal personality or not and shall include

environmental NGOs;

"plan" means a plan approved in accordance with the provisions of this Act;

"policy" means a policy approved in accordance with the provisions of this Act;

"position statement" means a statement issued by either the Minister or the Executive Council or the Standing Committee on the Environment and Development Planning in order to provide a detailed technical explanation justifying a position with respect to a specific planning issue;

"prescribed" means prescribed by regulation, rule, order or other instrument made as provided in the provisions of this Act empowering the making of any such instrument;

"projects of common interest" mean a project necessary to implement the energy infrastructure priority corridors and areas set out in Annex I to Regulation EC no. 347/2013 and which is part of the Union list of projects of common interest referred to in article 3 of Regulation EC no. 347/2013 or other regulations applicable from time to time;

"public officer" has the meaning assigned to it by article 124 of the Constitution;

"registered interested person or party" means any person who makes representations as provided for in article 71(6);

"regulation" means a regulation made under article 84;

"road" means any road, whether public or private, and includes any street, square, court, alley, lane, bridge, footway, passage or quay, whether thoroughfare or not;

"scheduled buildings" has the meaning assigned to it by article 57;

"Standing Committee" means the Standing Committee on the Environment and Development Planning established in terms of article 60;

"Spatial Strategy" means the Spatial Strategy for Environment and Development as defined in article 44;

"subject plan" has the meaning assigned to it by article 47;

"subsidiary plans" includes subject plans, local plans, action plans or management plans and development briefs;

"Tribunal" means the Environment and Planning Review Tribunal established under the Environment and Planning Review Tribunal Act;

"use", in relation to land, does not include the use of the land by the carrying out of any buildings, engineering, mining or other operations thereon.

PART II

Duty to promote a Comprehensive, Sustainable, Land Use Planning System

Duty to promote
a
comprehensive
sustainable land
use planning
system.

3. It shall be the duty of the Government to enhance the quality of life for the benefit of the present and future generations, without compromising the ability of future generations to meet their own needs, through a comprehensive sustainable land use planning system, and to that effect:

(a) to preserve, use and develop land and sea for this and future generations, whilst having full regard to environmental, social and economic needs;

(b) to ensure that national planning policies are unambiguous, accessible and clear to the general public;

(c) to deliver regular plans in accordance with the needs and exigencies from time to time;

(d) to identify regional planning shortcomings and address any problems found in relation thereto;

(e) to apply scientific and technical knowledge, resources and innovation for the effective promotion of development planning; and

(f) to consider public values, costs, benefits, risks and uncertainties involved when taking any decisions.

Application of
article 3.

4. The provisions of article 3 shall not be directly enforceable in any court, but, notwithstanding this, the principles therein contained are fundamental to the Government of Malta and these principles shall be employed in the interpretation of the other provisions of this Act or of any other law relating to matters governed by this Act.

PART III

Establishment and Scope of the Authority

5. There is hereby established an authority, to be known as the Planning Authority, hereinafter referred to as the Authority, which shall consist of the Executive Council and the Planning Board.

Establishment of the Planning Authority.

6. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

Authority to be body corporate and representation of the Authority.

(2) The legal and judicial representation of the Authority shall vest in the Executive Chairperson of the Executive Council:

Provided that the Executive Chairperson may appoint any one or more of the other members of the Executive Council or any one or more of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any proceedings and in any act, contract, instrument or other document whatsoever.

7. (1) The Authority shall be the principal means whereby the Government shall implement its duties under this Act.

Functions of the Authority.

(2) The functions of the Authority shall be the following:

(a) to perform and succeed in the functions which were previously assigned to the Malta Environment and Planning Authority under the provisions of the Environment and Development Planning Act and are now contained in this Act and to perform and succeed in the assets, rights, liabilities and obligations of the Malta Environment and Planning Authority established under the provisions of the Environment and Development Planning Act to the extent that the Minister may prescribe by regulations under this Act;

Cap. 504.

(b) the functions of the Executive Council and the Planning Board listed under articles 38 and 64;

(c) the performance of any other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation entered into by Malta relative to matters regulated by this Act;

(d) to facilitate and coordinate the permit granting process for projects of common interest;

Cap. 513

(e) to perform and succeed in the functions which were previously assigned to the Building Regulation Board and the Building Regulation Office under the provisions of the Building Regulation Act and which are now contained in this Act and to perform and succeed in the assets, rights, liabilities and obligations of the Building Regulation Board and the Building Regulation Office established under the provisions of the Building Regulation Act to the extent that the Minister may prescribe by regulations under this Act.

(3) The Authority may also exercise all powers of control over development as may from time to time be delegated to it in writing by the Minister on behalf of any department or agency of Government.

(4) It shall be the Minister's function to ensure that the Executive Council is fully informed of Government's strategic directions relative to development planning, and to monitor the proper execution of such policies.

(5) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic directions relating to development planning.

(6) In the pursuance of its functions under this Act, the Authority shall, as far as possible, make reference to European Union best practices and standards.

(7) In the pursuance of its functions under this Act, the Authority shall regulate its own procedure.

(8) The Authority shall also ensure that it keeps an audit trail of all its files, including all documentation and reports:

Provided that files, documentations and reports may be digitised and the Authority may after digitisation dispose of hard copies of files, documentations and reports after a period of twenty (20) years from date of submission to the Authority or to any other previous entity carrying out the same functions.

PART IV

Common Provisions

Delegation of power.

8. The Authority may, in accordance with the provisions of this Act and with the approval of the Minister, delegate any one or

more of its functions under this Act under such conditions as it may deem appropriate. Notice of any such delegation shall be published in the Gazette.

9. The Executive Council may with the approval of the Minister appoint advisory boards and committees to assist it in the performance of its functions under this or any other law. The functions of the said boards and committees shall be prescribed by the Executive Council with the approval of the Minister.

Appointment of advisory boards and committees.

10. (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Executive Council. The executive conduct of the Authority, its administration and organisation and the administrative control of its Directorates and of its officers and employees, shall be the responsibility of the Executive Chairperson of the Executive Council, who shall also have such other powers as may from time to time be delegated to him by the Minister.

Conduct of the affairs of the Authority.

(2) The Authority and each of its Directorates may exercise any one or more of their functions or responsibilities either directly or through any of their officers or employees authorized for the purpose.

(3) Where in this Act anything is to be done by or with respect to the Authority, any such thing may also be done by the Directorates, under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

11. (1) The Executive Chairperson shall, himself or his representative, have the right to be present and participate at all meetings of the Planning Board, the Commission and all the meetings held by all the boards and committees appointed by the Executive Council.

Other matters relating to officers of the Authority.

(2) The Minister, in consultation with the respective chairperson of the Executive Council and the Planning Board shall appoint a secretary to assist the respective entity. The secretary shall have the duty of calling meetings and keeping minutes and assume such other duties as the chairperson of the Executive Council or Planning Board may delegate to him.

(3) The Executive Council shall also appoint an Internal Auditor. The Internal Auditor shall:

(a) oversee the systems of internal control and risk management of the Authority and assist and support the

Authority in discharging its responsibilities in relation thereto;

(b) provide the communication link with external auditors and evaluate and coordinate the audit and financial reporting process of the Authority;

(c) scrutinize and evaluate any transaction to be entered into by the Authority with a value exceeding two hundred and fifty thousand euro (€250,000); and

(d) review and assess the effectiveness of the management of the Authority in its compliance with policies and in the discharge of its regulatory and compliance functions in so far as financial matters are concerned.

(4) The Internal Auditor shall report directly and exclusively to the Executive Council in accordance with procedures established by the Executive Council.

Staff appointments.

12. (1) Subject to the provisions of the Constitution, any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Executive Council and the terms and conditions of their employment and appointment shall be established by the Executive Council with the concurrence of the Minister.

(2) The Executive Council may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or partly by one and partly by the other, for the payment of pensions, gratuities and other like benefits to its officers and employees on their retirement, death or injury, or to their dependants.

Disclosure of interests.

13. (1) Where any member of the Authority, or a member of the staff of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in any matter which falls to be considered by the Authority, he shall upon becoming aware of such interest:

(a) disclose to the Executive Council or the Planning Board, as the case may be, the nature of his interest;

(b) neither influence nor seek to influence the processing and the decision in relation to such matter;

(c) take no part in any consideration of such matter; and

(d) not attend nor participate in any meeting on such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be referred to the Executive Council or the Planning Board as the case may be and the decision taken and its motivation shall be recorded in the minutes of the meeting during which the decision was taken and such person is to be duly informed.

(3) Where a disclosure is made to the Executive Council or the Planning Board as the case may be pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom sub-article (1) applies, excluding members of the Authority, fails to make the required disclosure, the Executive Council shall decide the appropriate action to be taken which may include, after concurrence from the Minister, the removal from office or termination of the contract of the person concerned. In the case of members of the Authority, the provisions of articles 37(3) and 63(6) shall apply.

14. The Executive Council shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 12, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of officers and employees of the Authority.

15. (1) The Prime Minister may, from time to time, direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

Detailing of public officers for duty with the Authority.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events, that is to say:

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 17; or

(b) the revocation of such direction by the Prime Minister, in relation to such officer:

Provided that in relation to a public officer detailed for duty with the Authority with effect from such date as the Prime Minister may in a direction as aforesaid establish, the detailing of such public officer shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of sub-article (2) shall thereupon apply to the period of duration of such detailing by any such further direction in relation to such officer.

Status of public officers detailed for duty with the Authority.

16. (1) Where any public officer is detailed for duty with the Authority under any of the provisions of article 15, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Executive Council but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

(ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would

Cap. 93.

Cap. 58.

have been liable, but for the fact of his being detailed for duty with the Authority.

(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

17. (1) The Executive Council may, with the approval of the Prime Minister, offer permanent employment with the Authority to any officer detailed for duty with the Authority under any of the provisions of article 15 at remuneration and on terms and conditions as set out by the Authority.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

(2) Every officer who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of article 30 of this Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.

Cap. 58..

(3) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

Cap. 58.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(5) In the case of a public officer detailed for duty with the Authority with effect from the date established under the proviso to article 15(2)(b) and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

Cap. 93.

(6) For the purposes of the Pensions Ordinance the pensionable emoluments on retirement of any public officer to whom sub-article (5) applies shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer retires from the Authority.

(7) (a) The classification referred to in sub-article (6) shall be carried out by a board composed of a chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible for personnel policies in general in the public service and one appointed by the Ministry responsible for the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(b) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Authority.

(c) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

Cap. 93.

Authority to meet expenditure out of revenue.

18. (1) Without prejudice to the following provisions of this article, the Executive Council shall so conduct the affairs of the Authority so that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For the purposes of sub-article (1) the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this sub-article, any directive given by the Minister as aforesaid may order the transfer to

the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested by the Authority in such manner as may from time to time be approved by the Minister.

19. For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, including by way of overdraft or otherwise, or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

Power to borrow or raise capital.

20. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Advances from Government.

21. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate, and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from Government.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to

the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the Authority.

22. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an appropriation Act or of any other law; and the Authority shall so prepare the said estimates so as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be according to approved estimates.

23. (1) No expenditure shall be made or incurred by the Authority unless provision thereof had been made in the estimates approved as provided in article 22.

(2) Notwithstanding the provisions of sub-article (1):

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or subhead of the estimates;

(c) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

24. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives, together with a motion that the House approve the said estimates. One sitting day shall be allotted for the debate in the House on such motion, and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Publication of approved estimates.

25. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall not later than three months after the

end of each financial year cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House as soon as practicable.

Deposit of revenues and payments by the Authority.

26. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Executive Chairperson or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to:

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances, of the Authority.

Contracts of supply or works.

27. The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

28. The Authority shall, not later than three months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Ministers shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Annual Report

29. The Authority shall be exempt from any liability for the payment of any tax on income or duty on documents for the time being in force in Malta.

Exemption from tax.

30. (1) For the purposes of the Criminal Code and of any provision of a penal nature in any other law, the members of the Authority, namely the Executive Council, the Planning Board and any committee, board, commission or other body or office established by this Act, and every officer or employee thereof, shall be deemed to be and be treated as a public officer.

Members of the Authority etc., to be deemed public officers for certain purposes. Cap. 9.

(2) The members, officers and employees of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

31. The Executive Council, the Planning Board, the Commission, any committee, or board may consult with any officer of the Authority or any other person or entity whose advice is considered relevant to any matter under its consideration.

Consultations.

32. (1) Every member of the Executive Council, the Planning Board, the Commission and each Director shall submit a declaration of assets in accordance with the procedures established for this purpose by the Minister.

Declaration of assets, code of conduct and publication of names.

(2) The Minister shall, in consultation with the Authority, issue, publish and review a code about the conduct expected of the members of the Authority, the Executive Chairperson, chairpersons, Directors and officers of the Authority in connection with the performance of the Authority's functions.

(3) The provisions of the code of conduct shall be taken into account in deciding whether any such member or officer is unfit to perform the duties assigned to him under this Act or whether his term of office is to be renewed.

(4) The names of all the members of the Executive Council, the Planning Board, the Commission and any committee, board, or other body established by this Act, and any other change in such membership shall be published in the Gazette.

Access to
information.

33. (1) The Minister shall, in consultation with the Executive Council, by regulations under this article provide that members of the public or such categories of persons as may be prescribed shall be entitled to request from such Government departments, authorities, public corporations or other persons as may be prescribed, such information that they may have in their possession and relating to development planning. Without prejudice to the generality of the foregoing, such regulations may prescribe:

- (a) the nature of the information that may be requested;
- (b) the circumstances in which such information may be requested;
- (c) the circumstances in which such information may be withheld by the requested entity and the publication of the reasons for which such information is withheld;
- (d) the fees that may be charged in respect of the granting of any such information; and
- (e) the time-frame within which such information is to be supplied.

(2) Without prejudice to the generality of sub-article (1), the Authority shall keep and make available for public inspection at such reasonable times as it may determine, a register or registers:

- (a) of all applications for development permission received by it containing the name of the applicant and details of the proposal, including documents and detailed plans;
- (b) of all decisions including documents and detailed plans made on such applications; and
- (c) of all its decisions in relation to the relaxation or dispensation of building regulations:

Provided that for the purposes of this sub-article the application report and any plans concerning applications which relate to national security, defence, banks, prisons, the airport and other institutions or premises whose security it is desirable to safeguard as the Authority may establish shall not be made accessible to the

public:

Provided further that for the purposes of this article, in the case of a file held by the Authority, the said file shall not be accessible to the public except for that part of the file containing the following information:

- (i) the application report of all applications and any planning report regarding such applications;
- (ii) all decisions relating to development permissions issued by the Authority together with the relative plans and documents including the reasons for the grant of such permissions or refusal;
- (iii) all environmental impact statements, environmental planning statements and traffic impact statements.

(3) The Authority shall ensure that detailed information is made available to the public concerning access to appeal procedures before the Tribunal and the Court of Appeal, including information on the rights of any person to institute appeal proceedings and shall give information on legal time limits and on mandatory fees payable in respect of such proceedings including through publication on the electronic website of the Authority.

34. (1) Where any notice or other instrument or document whatsoever is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners:

Service of notices, etc., under this Act.

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or of his place of work, or if such person has furnished an address for service, at that address; or
- (c) by sending it in a registered letter addressed to that person at the place of abode or the address for service aforesaid; or
- (d) in the case of a body corporate or other body of persons, by delivering it to an officer or servant thereof at the registered or principal office, or sending it in a registered letter addressed to the body aforesaid at that office; or
- (e) in any case in which it is not reasonably possible to effect service in any of the foregoing manners whether on all or

on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the notice or other instrument or document to be served or given in a conspicuous place on the land to which it relates and keeping it so affixed for five working days and by publishing the notice, or other instrument or document in a local newspaper. Where the notice, or other instrument or document to be served or given is affixed on the land but is removed before the expiry period of five working days, the re-affixing of the notice, or other instrument or document shall only be for the remaining period after the document was removed.

(2) Where any notice or other document is required or authorised to be served or given to any person as having an interest in land, and the name of that person cannot be ascertained after reasonable inquiry, or is required or authorised to be served on an occupier of land, the notice shall be deemed to be duly served or given if it is served or given in any of the manners indicated in sub-article (1) and addressed to the person having an interest in the land, by the description of "owner", "occupier", or "owners", "occupiers", as the case may require.

(3) A person who at any time after a notice is affixed pursuant to sub-article (1)(e), removes, damages or defaces the notice without lawful authority shall be guilty of an offence against this Act.

Savings.
Cap. 504.
Cap. 513.
Cap. 10.

35. (1) The Minister may with effect from such date as may be established by notice in the Gazette repeal the Environment and Development Planning Act, the Building Regulation Act and, or amend Code of Police Laws and different dates, rules and procedures may be so established for the revocation and, or applicability of different provisions thereof.

Cap. 504.
Cap. 513.
Cap. 10.

(2) Any order, rule, regulation, bye-law, notice, plan or policy or other instrument having the force of law made under the authority or kept in force under any of the provisions of the Environment and Development Planning Act, the Building Regulation Act and the relevant provisions of the Code of Police Laws shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly, unless such order, rule, regulation, bye-law, notice, plan or policy or other instrument relate to matters which fall under the Environment Protection Act.

(3) Any licence, permission, order, notice or certificate, or any prosecution or charges, granted or made under or kept in force under any of the provisions of the Environment and Development Planning Act, the Building Regulation Act and the relevant provisions of the Code of Police Laws and still in force immediately before the date of coming into force of this Act, shall as from such date continue in force as if it were a licence, permission, order, notice or certificate, or prosecution or charges, granted or made under a corresponding provision of this Act, and any such licence, permission, order, notice or certificate, or prosecution or charges as aforesaid shall be treated and dealt with accordingly, unless such licence, permission, order, notice or certificate, or any prosecution or charges granted or made, relate to matters which fall under the Environment Protection Act:

Cap. 504.

Cap. 513.

Cap. 10.

Provided that in the case of any such licence, permission, order, notice or certificate issued as operative for a specific period, such licence, permission, order or certificate shall remain operative for such a period from the date such licence, permission, order, notice or certificate was issued.

(4) The Users' Committee established under the provisions of article 61, shall perform and succeed all the functions, assets, rights, liabilities and obligations of the Users' Committee established under the provisions of the Environment and Development Planning Act.

Cap. 504.

PART V

Provisions related to the Executive Council

Establishment and Scope of the Executive Council

- 36.** (1) There is hereby established the Executive Council.
- (2) The members of the Executive Council shall consist of the following:
- (a) an Executive Chairperson appointed by the Minister as established in article 37;
 - (b) two permanent members who shall be the chairperson and the deputy chairperson of the Planning Board as established in article 63;
 - (c) two permanent members who shall be well versed in matters related to building construction or health and safety or building services and who shall be appointed by the Minister for a period of three years which may be extended for further periods of three years each. The provisions of article 37(3) shall

Establishment
of the Executive
Council.

mutatis mutandis apply;

(d) two members who shall be appointed by the Malta Environment Authority who shall be called in to attend meetings of the Executive Council by the Executive Chairperson whenever the Executive Council is considering the spatial strategy for environment and development, subsidiary plans and policies, development orders, scheduling and conservation orders, and emergency conservation orders as regulated under this Part of this Act;

(e) any other supplementary member from the list of entities indicated in the Fourth Schedule who may be called in to attend meetings of the Executive Council at the discretion of the Executive Chairperson.

(3) The provisions of the First Schedule shall apply to the Executive Council and regulate its proceedings.

(4) The Executive Council shall transmit a copy of the agenda, minutes and relative enclosures of its meetings to the Minister for his information.

Appointment of
the Executive
Chairperson.

37. (1) The Minister shall appoint an Executive Chairperson. Such appointment shall be for a period of three years which may be extended for further periods of three years each.

(2) The Executive Chairperson shall be responsible for the implementation of the objectives of the Authority as set by the Executive Council. In the exercise of his functions and without prejudice to the generality of the foregoing the Executive Chairperson shall:

(a) assume the overall supervision and control of the Directorates, including the establishment of departments as in the opinion of the Executive Chairperson may be necessary for the proper functioning of the Authority and assign to such departments their respective duties;

(b) co-ordinate the workings of the Executive Council and of the Directorates and assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates;

(c) develop the necessary strategies for the ongoing implementation of the objectives of the Authority;

(d) give his advice on any matter referred to him or on

any matter on which he considers his advice necessary or expedient;

(e) carry out such other functions and duties as the Minister may assign to him from time to time;

(f) establish and co-ordinate working groups that are set up from time to time to formulate policies, plans or regulations.

(3) The Executive Chairperson may be dismissed by the Minister at any time for a just cause and it shall be a just cause if the Minister determines that he has not achieved the targets and objectives set for him by the Minister.

(4) In the absence of the Executive Chairperson, or if the Executive Chairperson is unable to perform the functions of his office, whether under this or any other provision of this Act, the Executive Chairperson may, following consultation with the Minister, appoint any one of the other members of the Executive Council or any one of the officers or employees of the Authority to act as acting Executive Chairperson.

38. (1) The functions of the Executive Council shall be the following:

Functions of the
Executive
Council.

(a) to provide a centralized office for the receipt and processing of development applications;

(b) to provide a centralized office for the receipt and processing of complaints, reports and assessment of information, related to alleged breaches of the provisions of this Act, and to co-ordinate investigations undertaken by the competent authorities whenever the Authority is of the opinion that a breach should be pursued by enforcement action or other remedies;

(c) to formulate, implement and update plans and policies relating to the promotion of proper land and sea use, both public and private; development planning of land and at sea, both public and private; and such other matters as may be necessary, ancillary, incidental or conducive to the better carrying out of the provisions of this Act, whilst taking into account the protection and management of the environment and the sustainable management of natural resources;

(d) to enforce the control of such development in accordance with plans, policies and permissions in terms of this Act;

(e) to carry out national mapping, including carrying out land surveys of specific areas and keeping up to date the national geographical database to undertake the functions mentioned in this sub-article;

(f) to regulate alignment and levelling schemes and their interpretation on site;

(g) to seek the co-operation of, or make arrangements with, other entities or persons to enable it to better monitor the implementation of, and compliance with, the provisions of this Act;

(h) to establish long and short term objectives and strategies for the proper administration of the Authority;

(i) to advise the Minister on the making of guidelines and regulations under this Act;

(j) to provide support and advisory services, relating to development planning on land and at sea in a sustainable manner, to Government and local authorities in relation to the performance of their functions;

(k) to undertake research and conduct consultations with Government departments, non-governmental organisations, private organisations and international organisations and other persons relating to the development of planning methods and models relating to development planning on land and at sea and any other related matters;

(l) to publish and update, as circumstances may warrant, an official manual, which shall be published and updated in electronic format or in any other format as it may deem necessary, containing such matters as the Minister may prescribe and which shall be made available to the public, provided that:

(i) no plan or policy or amendment thereto shall have effect unless it is approved in accordance with the provisions of this Act and published in the official manual;

(ii) a plan or policy or an amendment thereto, as the case may be, shall be published in the official manual within one month from the date of its approval in terms of this Act;

(m) to make orders under this Part of this Act;

(n) to issue technical guidance documents as may be required from time to time;

(o) to carry out any activity or function in relation to building regulations or building control regulations which may be assigned to it by means of regulations made by the Minister in accordance to the provisions of this Act;

(p) to appoint from time to time sub-committees for the purpose of compiling technical reports and, or identifying procedures to be adopted.

(2) In the execution of its functions under this Part of this Act, the Executive Council shall consult with the Minister, and it shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

39. (1) The Executive Council shall establish Directorates which shall have their respective responsibilities. Establishment of Directorates.

(2) The Executive Council shall in writing vest in the Directorates established under sub-article (1), and subject to the overall supervision and control of the Executive Chairperson, such of the Authority's functions as relate or are ancillary to the matters for which such Directorates are made responsible. The said Directorates are to give effect to the strategies, policies and directives of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(3) Each of the Directorates established under sub-article (1) shall be headed by a person having adequate experience or knowledge in the respective area of operation who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking.

(4) Such Directors shall be appointed by the Executive Council with the approval of the Minister for a period of three years which may be extended for further periods of three years each.

Plans and Policies

40. Without prejudice to the provisions of this Act, development planning shall be regulated by plans, policies and regulations, which are prepared and amended from time to time in accordance with the provisions of this Act. Plans, policies and regulations.

Preparation of a plan or policy by the Executive Council out of its own motion or following a request by the Minister.

41. (1) The Executive Council shall, out of its own motion, but after consultation with the Minister, or if so requested by the Minister, make a plan or a policy on any matter relating to development planning.

(2) The Executive Council may also, either out of its own motion, but after consultation with the Minister, or if so requested by the Minister, review a plan or a policy which is already in force.

(3) When the Minister requests the Executive Council to make a plan or a policy on any matter relating to development planning or to review such a plan or policy, he shall make such a request in writing, containing the reasons for making such a request together with a statement of goals and objectives to be attained by the plan or policy or by a revision of such plan or policy.

(4) The preparation and review of the Spatial Strategy shall be regulated by the provisions of articles 44 to 46, whereas the preparation or review of any other plan or policy shall be regulated by the provisions of article 53:

Provided that the Minister may, without prejudice to the provisions of articles 44 to 46 and article 53, set out any additional procedure that the Executive Council ought to follow, including the carrying out of assessments, and, or consultations, including public consultations, he may deem necessary.

Where the Executive Council is unable to prepare a plan or policy.

42. (1) Where the Executive Council informs the Minister within thirty days of receipt of a request from the Minister to prepare or review a plan or policy, that it is unable to prepare or review the plan or policy, the Minister shall request any person that the Minister deems competent in terms of sub-article (6), including any government agency, other than the Executive Council, to prepare on his behalf a plan or policy or a revision of such a plan or policy.

(2) The Minister shall also request the said person to comply with article 53(2)(a) and (b).

(3) If the Executive Council agrees with such a plan, policy or revision thereof, it shall adopt it for submission to the Minister for his approval; and the provisions of article 53(2) shall, *mutatis mutandis*, apply.

(4) If the Executive Council does not agree with the said plan, policy or revision of such plan or such policy, it shall draw up a position statement indicating the changes to be made to the said plan, policy or revision thereof and shall refer both the said plan, policy or revision of such plan or such policy and its position statement to the

Minister; and the provisions of article 53(2)(g), (h), (i) and (j) shall *mutatis mutandis* apply.

(5) The plan, policy or the revision of such plan or policy shall only be prepared by or under the direction of an expert in the environment or spatial planning fields, having such qualifications as the Minister may prescribe.

43. Without prejudice to his powers under the provisions of this Act, the Minister may direct the Executive Council to subject any plan, policy or strategy adopted or planned to be adopted by it to a Strategic Environment Assessment or any other assessment as may by law be prescribed.

Strategic Environment Assessment and other assessments.

Spatial Strategy for Environment and Development

44. (1) The Spatial Strategy for Environment and Development or "Spatial Strategy":

The Spatial Strategy for Environment and Development and its preparation and review.

(a) is a strategic document regulating the sustainable management of land and sea resources covering the whole territory and territorial waters of the Maltese Islands;

(b) shall be based on an integrated planning system that ensures the sustainable management of land and sea resources together with the protection of the environment;

(c) must set out objectives in relation to the sustainable development and use of land and sea and shall be illustrated by diagrams as necessary;

(d) must ensure that:

(i) plans and policies issued under this Act are spatial, holistic and comprehensive so that all factors in relation to land and sea resources and related environment conservation, are addressed and included and balance demands for development with socio-economic considerations and the need to protect the environment;

(ii) sectoral policies, activities and inputs are integrated and coordinated with each other, combining the inputs of all disciplines and groups;

(iii) all actions are based on a clear understanding of the natural and legitimate objectives and needs of the various land users;

(iv) it follows other national policies and plans.

(2) The Executive Council shall monitor the Spatial Strategy and review it in part or in full as often as may be necessary. Every such review shall be made in accordance with the goals and objectives as set out by the Cabinet and shall take effect as provided in the following provisions of this Part of this Act.

(3) In order to achieve the objectives set out in this article, the Cabinet shall take the necessary measures intended to coordinate and improve the spatial impacts of other sectoral policies and their relation to the Spatial Strategy.

(4) For the preparation or review of the Spatial Strategy, the Executive Council shall carry out surveys of those matters which affect the character and quality of the environment, its conservation and its development. These may include:

(a) demographic considerations;

(b) the agricultural, industrial, commercial, touristic and other existing and, or projected economic activities of the country including the employment patterns arising therefrom;

(c) leisure and recreation;

(d) social and community services and facilities;

(e) communications, traffic and transport;

(f) public utility services;

(g) the conservation and preservation of natural and man-made resources;

(h) the state of the environment report, nitrate vulnerable zone mapping, flood sensitivity mapping, other issues emanating from water, air quality and waste framework regulations;

(i) such other matters as may be required by the Government, or which may be deemed necessary by the Executive Council.

(5) In preparing or reviewing the Spatial Strategy, the Executive Council shall have regard to:

(a) the current economic policies affecting

development;

(b) the current social policies affecting development;

(c) the current environmental policies affecting development;

(d) the policies of the Government with respect to the matters set out in sub-article (4);

(e) the resources likely to be available for the implementation of the plan;

(f) all possible land and sea-use options.

(6) Prior to the preparation of the draft of the Spatial Strategy, or a review thereof, the Executive Council shall provide adequate opportunities for individuals and organisations to make representations for a period of not less than three weeks.

(7) A review of the Spatial Strategy which is necessitated by the proposed adoption of, or an amendment to a subsidiary plan need not comply with the provisions of sub-articles (4) and (5) if the matters referred to therein and that are relevant to the review have already been carried out in the preparation of the subsidiary plan.

45. (1) When the draft of the Spatial Strategy or a review thereof has been prepared in consultation with the Minister, the Executive Council shall publish the strategy together with a statement of the representations it has received during the preceding public consultation exercise, whether anonymous or otherwise, and the responses it has made to those representations that were received within the consultation period specified in article 44(6).

Publication of the draft Spatial Strategy or its reviews.

(2) The Executive Council shall:

(a) invite representations on the draft of the Spatial Strategy to be submitted to it within a specified period of not less than six weeks; and

(b) consult the Standing Committee on the Environment and Development Planning established by article 60 which committee shall draw up a position statement within the consultation period specified in paragraph (a).

(3) The draft of the Spatial Strategy, or any review thereof, a position statement by the Executive Council recommending changes to the said draft together with all representations, whether anonymous

or otherwise, made to the Executive Council and the responses the Executive Council has made to those representations that were received within the consultation period specified in sub-article (2)(a) and the position statement of the Standing Committee on the Environment and Development Planning, shall, as soon as practicable, after the expiry of the period specified in sub-article (2)(a), be referred to the Minister.

Final consideration and approval of Spatial Strategy or review.

46. (1) At the conclusion of the procedures set out in the foregoing provisions, the draft Spatial Strategy, and any review thereof, shall be considered by the Cabinet of Ministers together with the Minister's position statement and all documentation indicated in article 45(3).

(2) The Minister shall then cause the draft of the Spatial Strategy, or as revised by the Cabinet, to be laid before the House of Representatives together with a motion for a resolution that the Spatial Strategy be approved by the House of Representatives, with such amendments, if any, as may be specified in the resolution.

(3) The Spatial Strategy, and any review thereof as approved by the House of Representatives shall have effect as from such date as may be specified for that purpose by the Minister by order in the Gazette.

Subsidiary Plans and Policies

Subject plan.

47. (1) A subject plan is a plan that deals with a specific development planning matter setting out policies in relation to the specific development planning matter in conformity with the Spatial Strategy and including also detailed specifications intended for its implementation.

(2) A subject plan shall consist of a written statement supported by such documents, maps and diagrams as may be considered necessary.

(3) Except as otherwise stated in the plan, a subject plan shall apply to all relevant areas of the Spatial Strategy, whether or not such areas are also covered by another plan or policy.

Local plan.

48. (1) A local plan is a plan that deals with the specific development planning requirements of an area where the rate of development or redevelopment cannot be satisfactorily managed or where special factors cannot be taken into account solely on the basis of the Spatial Strategy. It shall set out detailed policies in relation to the development planning matters of the area in general conformity with the Spatial Strategy and where applicable, any subject plan.

(2) A local plan shall consist of a written statement supported by such documents, maps of a suitable scale and diagrams as may be considered necessary.

49. (1) An action plan or a management plan is a plan for a specific area where the rate of development or redevelopment cannot be satisfactorily managed or where special factors cannot be taken into account solely on the basis of the local plan. It shall set out detailed policies in relation to development planning matters of the specific area in general conformity with the local plan and the Spatial Strategy. Action plan or management plan.

(2) An action plan or a management plan shall consist of a written statement supported by a map or maps of suitable scale and by such diagrams as may be necessary.

50. (1) "Other policies" are detailed policies and guidelines that deal with the proper and effective management of development of land and sea other than those already contained in a subsidiary plan. They shall be in conformity with subsidiary plans and the Spatial Strategy. Other policies.

(2) Such policies shall be in a form appropriate to the particular subject matter and may be supported by such documents, assessments, maps and diagrams, drawings and illustrations as may be considered necessary.

51. (1) A development brief is a document setting out detailed planning guidance for the development of a specific site or specific small area where it is considered that such guidance is necessary in order to secure proper and orderly environmental management or development of that site or area, or to implement to that specific site or small area a policy or policies in a plan. Development brief.

(2) A brief shall consist of a written statement supported by such maps and diagrams as may be considered necessary.

(3) A brief shall contain guidance and information on the following matters as may be considered necessary:

- (a) a description of the site and its location;
- (b) guidelines on the development of the site, including:
 - (i) land uses and site layout,
 - (ii) building form, heights and design,

(iii) any building and landscape features to be retained,

(iv) access, parking and circulation requirements,

(v) landscaping and nature conservation aspects;

(c) environmental matters and constraints including the necessity of any environmental assessment;

(d) tenure of the site;

(e) services and infrastructure;

(f) the format and content of submission requirements;

(g) any other information which may be relevant to the site and to the purpose of the development brief.

Order or precedence of plans and policies in case of conflict.

52. In the circumstances where multiple plans and policies apply to the same matter or area and there is a material conflict between any of them, precedence should be afforded in the following order: the Spatial Strategy over the subject plan; the subject plan over the local plan, the local plan over the action plan or management plan, the action plan or the management plans over the development brief and the development brief over other policies mentioned in article 50.

Procedure for subsidiary plans and policies.

53. (1) In the preparation or review or withdrawal of a subsidiary plan or policy, whether such plan or policy is prepared, reviewed or withdrawn on the Executive Council's own motion or following direction from the Minister, the procedure set out in this article shall be followed with respect to the said plan or policy.

(2) In the preparation or review of a subsidiary plan or policy, the Executive Council shall comply to the following procedure:

(a) prior to the preparation of the draft of the subsidiary plan or policy, or a review thereof, the Executive Council shall provide adequate opportunities for individuals and organisations to make representations to the Executive Council for a period of not less than three weeks;

(b) when the draft of the subsidiary plan or policy or a review thereof has been prepared, the Executive Council shall:

(i) publish the draft of the subsidiary plan or policy or a review thereof together with a statement of the representations it has received during the preceding public

consultation exercise, whether anonymous or otherwise, and the responses it has made to those representations that were received within the consultation period specified in paragraph (a);

(ii) invite representations on the draft of the subsidiary plan or policy or a review thereof, to be submitted to it within a specified period of not less than six weeks;

(iii) consult the Standing Committee on the Environment and Development Planning established by article 60 on the matters indicated in the Third Schedule, which Committee shall draw up a position statement within the consultation period specified in sub-paragraph (ii);

(c) if the Executive Council does not make changes to this draft, it shall adopt it and refer it to the Minister as the final draft. It shall also forward to the Minister:

(i) the statement of representations it has received during the preceding two consultation exercises;

(ii) the responses it has made as a result of those representations that were received within the consultation periods specified in paragraphs (a) and (b)(ii);

(iii) the position statement of the Standing Committee on the Environment and Development Planning where applicable; and

(iv) all the relative documentation and studies in relation to the preparation of the subsidiary plan or policy;

(d) paragraphs (g), (h), (i) and (j) shall then apply;

(e) if the Executive Council makes changes to this draft after the public consultation process mentioned in paragraph (b)(ii), the Executive Council shall adopt the revised draft and publish the amendments. It shall then invite representations on the amendments within a specified period of not less than six weeks and where applicable also consult the Standing Committee on the Environment and Development Planning which shall prepare a new position statement if deemed necessary;

(f) the Executive Council shall refer the final draft of

the subsidiary plan or policy as adopted by it to the Minister for his approval without further amendments together with:

(i) all the statements of representations and all the responses made to those representations that were received within the consultation period specified for each consultation period;

(ii) all position statements prepared by the Standing Committee on the Environment and Development Planning where applicable;

(iii) a precise indication of all the amendments it has made to the plan or policy; and

(iv) all the relative documentation and studies in relation to the preparation of the subsidiary plan or policy;

(g) where the Minister agrees with the final draft of the subsidiary plan or policy or a review thereof, he shall approve it as submitted by the Executive Council and the Executive Council shall upon such approval publish the same together with the representations and responses;

(h) where the Minister does not agree with the final draft of the subsidiary plan or policy or a review thereof as adopted by the Executive Council, he shall prepare a position statement informing the Executive Council of the changes proposed by the Minister to the final draft. Where in such a position statement it is proposed that any land be excluded from a development boundary as indicated in a local plan, the Executive Council shall publish in the Gazette and in two local daily newspapers a notice showing the land that is to be excluded;

(i) the Executive Council shall forthwith amend the final draft of the subsidiary plan or policy or a review thereof in accordance with the Minister's position statement and submit the same for the Minister's final approval;

(j) upon such approval by the Minister, the Executive Council shall publish the approved subsidiary plan or policy or a review thereof together with the representations and responses.

(3) In the withdrawal of a subsidiary plan or policy, the Executive Council shall comply with the following procedure:

(a) prior to the preparation of a notice of withdrawal of a subsidiary plan or policy, the Executive Council shall provide adequate opportunities for individuals and organisations to make representations to the Executive Council for a period of not less than six weeks;

(b) consult, where applicable, the Standing Committee on the Environment and Development Planning established by article 60, which shall draw up a position statement within the consultation period indicated in paragraph (a);

(c) on the lapse of the public consultation process mentioned in paragraph (a) the Executive Council shall prepare a position statement confirming the withdrawal of the subsidiary plan or policy, or otherwise, and refer it to the Minister. It shall also forward to the Minister:

(i) the statement of representations it has received during the preceding consultation exercise;

(ii) the responses it has made as a result of those representations that were received within the consultation period specified in paragraph (a);

(iii) where applicable, the position statement of the Standing Committee on the Environment and Development Planning;

(d) upon receipt of the position statement and documents from the Executive Council, the Minister shall inform the Executive Council of his final decision together with reasons for reaching such a decision and the Executive Council shall forthwith publish a notice in line with the Minister's final decision together with the representations and responses.

(4) The Executive Council shall monitor every subsidiary plan or policy and review such plan or policy in part or in full, as frequently as may be necessary. The procedure in this article shall apply for such reviews.

54. (1) Minor modifications may be carried out following a planning control application submitted to the Executive Council by any person:

Minor
modifications
applications.

Provided the Authority shall not be construed as "any person" for the purposes of this sub-article.

(2) For the purpose of sub-article (1), the following shall be

considered to constitute minor modifications:

(a) changes in the alignment of roads and buildings in a local plan; and

(b) changes in zoning, other than:

(i) changes in height limitation, and

(ii) changes in zoning of a site which lies in an Outside Development Zone or which is within the Development Zone but not designated for the purpose of development.

(3) Where the Executive Council is considering a planning control application in terms of sub-article (2), this shall be carried out in accordance with regulations which may be prescribed by the Minister.

(4) An appeal from a decision concerning a planning control application related to sub-article (2)(a) under this article may be lodged before the Tribunal according to the Environment and Planning Review Tribunal Act.

(5) The Executive Council may, upon a request by any person, by a decision revoke or modify a decision concerning a minor modification application related to sub-article (2) and the provisions of article 80 shall *mutatis mutandis* apply to such requests.

Orders

Development orders.

55. (1) The Executive Council may on its own motion or following a request by the Minister prepare or review development orders regulating development and other activities which may otherwise require the submission of an application prior to their carrying out, in such circumstances and under such conditions as may be specified in the order, being development and activities within the scope of, and not in conflict with, the proposals contained in any plan or policy approved under this Act.

(2) A development order may include works and activities deemed compatible with the area in which they are being carried out.

(3) Development orders under this Act shall not be published unless a draft of the said orders has been issued for public consultation thereby allowing any person a period of at least two weeks to make representations to the Executive Council stating how in his opinion the proposed or revised orders could be improved to

reach their ultimate aim:

Provided that within the said period the Executive Council shall notify the Chamber of Architects and Civil Engineers and the Chamber of Planners and shall invite representations to be submitted to it within the said period:

Provided further that the provisions of this sub-article shall not apply in respect of any development orders which the Minister declares to be urgent or when a form of public consultation was already carried out before the date of coming into force of this Act.

(4) Following the consultation period, the Executive Council shall adopt the development orders with or without amendments and shall refer the same orders together with representations received within the consultation period specified in sub-article (3) together with the relative responses made to such representations to the Minister for final approval. The Minister may approve the development orders as adopted by the Executive Council or amend the development orders and such orders shall then be published in the Gazette and shall have effect from the date specified or indicated therein.

(5) Works and activities carried out under development orders are to be carried out under the supervision of a person holding a warrant of *perit*, or under the supervision of such other persons who are competent for the purpose as the Minister may by regulations prescribe and, where required in the order as specified in sub-article (6), works and activities are to be notified in writing to the Planning Board.

(6) A development order may regulate:

(a) development or an activity described as permitted in a development order which development or activity does not require that written notification of such development or activity be given to the Planning Board;

(b) development or an activity described as permitted in a development order provided that written notification of such development or activity is to be given to the Planning Board;

(c) development or an activity described as permitted in a development order provided that written notification of such development or activity is to be given to the Planning Board and the Planning Board has endorsed such development or activity as being permitted.

(7) No new development or activity in terms of a development order may be carried out on a site if on the said site there exists an illegal development of whatever nature, or if an activity has been carried out in breach of the provisions of this Act, unless that new development or activity is one which the Executive Council may prescribe and which is covered by a development order as mentioned in sub-article (6).

Discontinuance
order or removal
order.

56. (1) The Executive Council may, having regard to the provisions of this Act, regulations, plans, policies and to other material considerations, by order served on the owner or occupier of any land, require any existing use or activity or any works to be discontinued or any building, plant, equipment or other thing whatsoever to be removed from any land, or requiring both such discontinuance and removal.

(2) Where a discontinuance order or removal order is made in respect of an activity, works or use, or in respect of a building, plant, equipment or other thing lawfully carried out or lawfully existing on the land mentioned in the order, the Authority shall be liable to pay compensation for any losses sustained as a result of the order:

Provided that any benefits derived from the same discontinuance order or removal order shall be offset against the losses aforesaid:

Provided further that no such compensation is due if the permission itself allows the Authority to request the discontinuance of any existing use or activity or any works to be discontinued or any building, plant, equipment or other thing whatsoever to be removed from any land.

Scheduling
orders and
Conservation
orders.

57. (1) A list of:

(a) areas, buildings, structures and remains of geological, palaeontological, cultural, archaeological, architectural, historical, antiquarian, artistic or landscape importance, (hereinafter referred to as "scheduled property") shall be prepared by the Executive Council and scheduled for conservation through a scheduling order; and

(b) areas of natural beauty, of ecological or scientific value (hereinafter also referred to as "scheduled property") shall be prepared by the Malta Environment Authority and scheduled by the Executive Council for conservation through a scheduling order:

Provided that the Executive Council may in respect of all

or any one or more of the scheduled property also make conservation orders to regulate their conservation:

Provided that upon the issue of a scheduling order the owner shall have the right to immediate access at reasonable times to all documentation of the Authority concerning the scheduling order for the purpose of studying the relative findings and considerations:

Provided further that scheduling orders have to be endorsed by the Minister.

(2) The list of scheduling orders, and any additions or amendments thereto, shall be published in the Gazette and in a local newspaper. The Executive Council shall also notify any one of the owners of any property subject to a scheduling order of the fact of its inclusion in the list and of any conservation order made with respect to it. Notice of such scheduling order shall also be affixed on site. If none of such owners is known, or if it is not reasonably possible to effect service on such owners, the said notice shall only be affixed on site and no service on such owners as aforesaid need be made. Notice of such scheduling order shall be registered in an index held for that purpose which index identifies the property subject to that order. The said index shall be held in an electronic form in such a way that researches to determine whether a property is subject to such an order may be carried out. The Executive Council shall keep a copy of the said index in the office of the Land Registry and shall issue a certificate which indicates whether a particular property is subject to the said order on the payment of such fee as may be prescribed.

(3) Where the Executive Council has issued a conservation order in terms of this article, it shall register the said property in the index mentioned in sub-article (2) indicating the said property as having been issued with a conservation order, and the provisions of the said sub-article concerning the indexing of scheduling orders shall *mutatis mutandis* apply. The list of conservation orders, and any additions or amendments thereto, shall be published in the Gazette and in a local newspaper.

(4) For the purposes of sub-articles (2) and (3), "site" means a single property or more than one property, irrespective of who is the owner of that property, which forms part of the land which is scheduled or which is subject to a conservation order in terms of this article.

(5) The carrying on of any work in, and the demolition, alteration or extension of, any scheduled property is prohibited or restricted as provided in this article or in the relative conservation

order.

(6) No works of any description shall be carried out in or on any scheduled property and no scheduled property shall be demolished, altered or extended except with the permission of the Planning Board, granted on an application made to it and giving such details as the Planning Board may require or in accordance with the provisions of a conservation order, and for the purpose of this article, damage to or destruction of any part of a scheduled property shall be deemed to be a demolition thereof:

Provided that a scheduling order or a conservation order shall not adversely affect development already legally carried out before the coming into force of this Act or development already granted by a development permission under this Act, before the scheduling order or conservation order is issued.

(7) A permission granted by the Planning Board or a conservation order made by the Executive Council under this article may contain such conditions and other provisions as the Authority may deem necessary or expedient, and a conservation order may regulate any matter affecting scheduled property.

(8) In respect of any scheduled property subject to a conservation order, the Executive Council shall also have power to require the owner, by notice in writing, to undertake such works generally, or as may be specified in such notice as may be necessary to ensure that no further deterioration occurs. In default, the Executive Council may give a further notice to the owner to carry out and complete the works within a specified time, and if the owner is still in default it may itself carry out, or cause to be carried out, the necessary works and recover the cost thereof from the owner of the scheduled property.

(9) If any scheduled property is demolished in contravention of any of the provisions of this article, then, in addition to any penalty or other effect under this Act, every person convicted of such offence shall be liable to pay compensation to the Authority calculated on the basis of whichever is the highest of the following:

- (a) the value of the thing destroyed,
- (b) the cost of restoration or repair,
- (c) the financial benefit which could be achieved as a consequence of the demolition.

(10) An owner of scheduled property may request the reconsideration of any scheduling of his property. Such request shall be entered in writing with the Executive Council within thirty days of notification or publication in the Gazette of the scheduling order, whichever is the later, and the Executive Council shall decide within three months of receipt of such request:

Provided that no descheduling or downgrading in the protection afforded shall be valid before it is endorsed by the Minister:

Provided further that if an appeal is made to the Tribunal in terms of article 57(11), the Minister shall await the outcome of the Tribunal's decision.

(11) Any person who feels aggrieved by a decision of the Executive Council under this article may appeal to the Tribunal for a revocation or modification of such a decision according to the provisions of the Environment and Planning Review Tribunal Act.

(12) Notwithstanding the right to appeal before the Tribunal as established by the Environment and Planning Review Tribunal Act, an appeal to the Tribunal from a scheduling of property or the descheduling of property or its downgrading in the protection afforded by the scheduling or the issue of a conservation order shall not stay the execution of such scheduling or conservation order.

58. (1) If a property, site or area which is not scheduled or protected under the provisions of this Act or any regulations made thereunder, but which the Executive Council believes could have an importance or value sufficient to have it scheduled or protected, is at risk of being demolished, damaged or destroyed, the Executive Council may make an emergency conservation order and take such further steps for the protection of such property, site or area as it may deem necessary and the provisions of the proviso to sub-article (1) of article 57 shall apply:

Emergency
Conservation
Order.

Provided that in case of urgency the Executive Chairperson may make an emergency conservation order without the need of consulting the other members of the Executive Council.

(2) An emergency conservation order shall be published in the Gazette and shall have effect immediately on its publication.

(3) An emergency conservation order shall, for a period of twelve months from its publication in the Gazette, have the same effect as the inclusion of the property to which it refers in the list of scheduled property. It shall cease to have any effect on the expiration

of the period aforesaid.

(4) An appeal to the Tribunal from an emergency conservation order shall not stay the execution of such order.

The Development Planning Fund

The
Development
Planning Fund
and other funds.

59. (1) The Authority shall set up a fund, hereinafter referred to as the Development Planning Fund.

(2) The Development Planning Fund shall be administered by the Executive Council.

(3) The Development Planning Fund shall be used to finance both public and privately owned projects, programmes and schemes, and costs intended to enforce and manage the aims and objectives of this Act, as well as works which may be needed for that purpose or to remedy any harm caused to the environment in connection with any contingency or emergency plan, or to finance such other activities, including activities organised by non-governmental organisations, as the Minister in consultation with the Executive Council may prescribe:

Provided that, without prejudice to the aforesaid, the Development Planning Fund shall not be used to finance other costs of the Authority.

(4) There shall be paid into the Development Planning Fund:

(a) any sums appropriated by Parliament for the purpose;

(b) any donations or grants made to the Development Planning Fund by individuals or institutions;

(c) sums received by the Authority for the purpose of being placed in the Development Planning Fund;

(d) such other sums or monies as may from time to time be provided by, or under this or any other law or regulations.

(5) The Executive Council shall keep a proper account of the revenue and expenditure of the Development Planning Fund and it shall, without prejudice to the powers of the Auditor General and of the Minister responsible for finance under any law, each year cause the accounts of the Development Planning Fund to be audited by suitably qualified Public Auditors and Accountants appointed by it with the concurrence of the Minister.

(6) The Executive Council shall every financial year deliver to the Minister, a copy of a duly audited balance sheet together with a report of the activities during the previous financial year of the Development Planning Fund. The Minister shall lay a copy of the balance sheet and of the report on the Table of the House within a month of the receipt of same from the Executive Council.

(7) The revenue generated through the Development Planning Fund shall not be subject to tax under the Income Tax Act, and it shall not be liable to tax under the Duty on Documents and Transfers Act. Cap. 123.
Cap. 364.

(8) The Minister, after consulting the Executive Council, may make regulations prescribing the procedure to be followed by the Executive Council in the management of the Development Planning Fund.

(9) The Executive Council may set up other funds and prescribe what shall be paid into such funds and how the said funds shall be administered and used. The provisions of sub-articles (4), (5), (6), (7) and (8) shall apply *mutatis mutandis* to such other funds.

PART VI

Policy Advisory Committees

The Standing Committee on the Environment and Development Planning

60. (1) There shall be a Standing Committee on the Environment and Development Planning which shall consist of five members appointed by the House, of whom three shall be members representing the Government, one of whom shall be appointed as Chairperson, and the other two shall be members representing the Opposition. Standing
Committee on
the Environment
and
Development
Planning.

(2) The Standing Committee shall discuss any strategy, plan or policy referred to it in terms of articles 45 and 53 and any other matter referred to it in terms of the Environment Protection Act and prepare a position statement.

Such a position statement may also include any dissenting opinion on the strategy, plan or policy. The Executive Council and the Minister shall take cognisance of the position statement:

Provided that where the said Standing Committee fails to prepare a position statement within the period stipulated in this Act, the Executive Council may adopt the said strategy, plan or policy and the Minister may also approve the said strategy, plan or policy as

forwarded to him by the Executive Council.

The Users' Committee

Establishment
and functions of
the Users'
Committee.

61. (1) There shall be a Committee, to be known as the Users' Committee, which shall consist of not less than seven and not more than eleven members being not more than one representative from each of the interested national constituted bodies recognized by the Minister. The Users' Committee shall be autonomous from the Authority and shall be appointed by the Minister.

(2) The Users' Committee shall propose to the Executive Council such changes to administrative processes and practices in relation to planning matters as it may deem appropriate. It shall report to the Executive Council at least every six months. A copy of such a report is also to be forwarded to the Minister.

The Building Regulation Committee

Establishment
of the Building
Regulation
Committee.

62. (1) There shall be a committee to be known as the Building Regulation Committee, which shall consist of not less than six and not more than eight members each with professional qualifications and, or knowledge and experience on matters related to building construction, or health and safety, or building services. The Building Regulation Committee shall be autonomous from the authority and shall be appointed by the Minister.

(2) The Building Regulation Committee shall:

(a) advise the Executive Council on all matters relating to building regulations and building control regulations, and any other functions as prescribed by this Act;

(b) advise the Minister on the setting of criteria for the suspension, withdrawal or cancellation of a registration or licence;

(c) carry out any activity or function in relation to building regulations or building control regulations which may be assigned to it by means of regulations made by the Minister in accordance with the provisions of this Act.

PART VII

Provisions related to the Planning Board

The Planning Board

63. There is hereby established a Planning Board which shall consist of the members mentioned in sub-article (2), which members shall, save as hereunder provided, be appointed or chosen, as the case may be, by the Minister.

Establishment
of the Planning
Board.

(2) The members of the Planning Board shall consist of the following:

(a) a Chairperson, who shall be chosen from the five members mentioned in paragraph (b);

(b) five members, (hereinafter called the "independent members") chosen from amongst persons of known integrity and with knowledge of and experience in any of the following:

(i) commerce, economy and industry;

(ii) cultural heritage;

(iii) matters relating to environment, development, social and community affairs;

(c) one member who shall be chosen from amongst the chairperson/s of the Planning Commissions;

(d) two members who shall be members of the House of Representatives and of which one shall be appointed by the Prime Minister and the other by the Leader of the Opposition;

(e) a member representing the interests of environmental NGOs, who shall be chosen from amongst a number of persons nominated by the said NGOs;

(f) a member representing the Malta Environment Authority;

(g) three public officers representing the Government being persons who have experience or qualifications in matters concerning any of the following: planning, the environment, the infrastructure, social policy in so far as it relates to land use, economic affairs, agriculture, tourism and transport;

(h) a member chosen by the local council, within whose

boundaries a major project application lies, which member shall be considered as a member of the Planning Board only when the Planning Board is deliberating and deciding a major project application within the boundaries of that particular local council. In the case where a major project lies within more than one local council boundary, the member shall be chosen from among the persons chosen by the respective local councils within whose boundaries a major project application lies:

Provided that the Planning Board shall be properly constituted and may function notwithstanding any failure to appoint either or both members of the Planning Board mentioned in paragraph (d), or any failure to make the required nominations under paragraphs (e) or (h).

(3) The chairperson of the Planning Commission appointed as member of the Planning Board shall be appointed as deputy chairperson.

(4) Save as provided in sub-articles (2) and (3), no person shall be qualified to be appointed as, or remain, a member of the Planning Board if he:

(a) is a public officer:

Provided that the Executive Chairperson and the Chairperson of the Planning Commission, shall not be considered as public officers for the purposes of this sub-article;

(b) is an employee of any department, agency, Corporation or Authority of the Government, provided that for the purposes of this paragraph a member of the academic staff of the University shall be excluded;

(c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament or of a Local Council;

(d) is a judge or magistrate of the courts of justice;

(e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Planning Board:

Provided that the Minister may determine that the person's interest is not likely to affect the discharge of his functions and upon such determination that person shall be qualified to hold the office of member of the Planning Board

provided that the declared interest and the Minister's determination are published in the Gazette;

(f) is interdicted or incapacitated;

(g) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering; or

(h) is subject to disqualification under article 320 of the Companies Act.

Cap. 386.

(5) The independent members and the member representing the interests of environmental NGOs, shall hold office for such period, being not less than three years, as may be specified in the letter appointing them and if no such period is specified shall remain in office for three years. In determining such period of office the Minister shall, as far as practicable, ensure a measure of rotation.

(6) Without prejudice to the provisions of sub-article (5), the independent members and the member representing the interests of environmental NGOs may resign by letter addressed to the Minister, but may not be removed from office except by a resolution of the House of Representatives on the ground of misconduct or inability to perform the duties of their office.

(7) The member chosen by the local council or chosen by the Minister from the members nominated by different local councils, as the case may be, shall remain in office only until the Planning Board decides the particular major project application within the boundary or boundaries of the respective local council or local councils.

(8) The other members of the Planning Board shall hold office until they are replaced by the Minister, and as long as they remain public officers or members of the House, as the case may require. Members of the House may also resign from office by letter addressed to the authority appointing them.

(9) A person who has ceased to be a member of the Planning Board shall be eligible for re-appointment, but no person shall in the aggregate be a member of the Planning Board for more than seven consecutive years.

(10) The provisions of the Second Schedule shall apply to the Planning Board and regulate its proceedings.

(11) The Planning Board shall transmit a copy of the agenda, minutes and relative enclosures of its meetings to the Minister for his

information.

Functions of the
Planning Board.

64. (1) The functions of the Planning Board shall be:

(a) the issue of any development permission that may be required by or under this Act under such conditions as it may, subject to any other provision of this or any other law, deem necessary to balance out any competing interests on the best use of land and sea;

(b) the control of development in accordance with the provisions of this Act and the decision to dispense with or the relaxation of a requirement of building regulations, following a request by the applicant or on its own accord, in accordance with article 88. Any such decision shall be duly recorded in the relevant application file, including the reasons justifying such a decision;

(c) to examine applications for the issuing of licenses and registration of masons, fire consultants, other consultants in the building industry, building contractors and tradespersons and if an applicant satisfies the established criteria, the Planning Board shall issue a licence where applicable and register it in the designated category or sub-category as the case may be;

(d) to keep a register or registers of masons, building contractors and building tradespersons which register or registers shall be accessible to the public, including on the website of the Authority;

(e) to carry out any activity or function in relation to building regulations or building control regulations which may be assigned to it by means of regulations made by the Minister in accordance to the provisions of this Act.

The Planning
Commission.

65. (1) There shall be a Commission, to be known as the Planning Commission, which may have such number of divisions as the Minister may by order in the Gazette prescribe.

The Commission or such number of divisions of the Commission, shall deal with such types of applications as the Minister may, after consulting the Executive Chairperson, prescribe.

(2) The Commission or in case of there being a number of divisions, each division of the Commission, shall be appointed by the Minister and shall consist of three permanent members including its Chairperson, and one supplementary member. The Commission shall be chosen from persons of known integrity and who shall have

knowledge of, and experience in, matters relating to sustainable development:

Provided that the three persons who are appointed to act as permanent members of the Commission or a division of the Commission, as the case may be, shall attend the meetings of the Commission and take part in the deliberations and decisions, while the supplementary member may attend meetings, but shall only take part in the deliberations and decisions in substitution of any permanent member who cannot for any reasonable cause properly fulfil his duties.

(3) The members of the Commission shall hold office for a period of four years. They shall be eligible for reappointment for another term of four years. The provisions of article 63(6) shall also apply to the members of the Commission.

(4) Subject to sub-article (1) of this article and to article 75, the functions of the Commission shall be such of the functions of the Planning Board with respect to development control as the Planning Board may from time to time delegate to it and require it to perform, subject to such conditions as the Planning Board may deem appropriate.

(5) The decisions of the Commission on any development permission issued by it shall be deemed to be, and shall have the same force and effect as, the decisions of the Planning Board, except in respect of matters which the Planning Board expressly reserves to itself or requires to be referred to it for determination, and the expression "decision of the Planning Board", wherever it appears in this Act, shall be construed accordingly.

(6) The decisions of the Commission shall only be binding if they are supported by the votes of not less than two of its members. The decisions shall be published as soon as practicable after the meeting at which they are taken.

(7) The Commission shall communicate to the Executive Chairperson a copy of its decisions and the relative deliberations leading to its decisions, as soon as practicable after the meeting at which the decisions are taken.

(8) Subject to the foregoing provisions of this Act, and to the Second Schedule, and to any rules that may be prescribed by the Planning Board, the Commission may regulate its own procedures.

(9) The staff of the Commission shall consist of officers and

employees of the Authority detailed to service the Commission, and the Executive Council shall further provide the Commission, out of its own resources, with such other support as the Commission may reasonably require to carry out its functions.

(10) The Commission may at any time draw up reports, which shall be discussed by the Authority:

(a) on any issue relevant to this Act, including on any particular application;

(b) concerning the development control process; and

(c) on any subject which should be addressed by the Executive Council by means of a new policy or an amendment to an existing one.

The Agricultural
Advisory
Committee.

66. (1) There shall be a committee known as the Agricultural Advisory Committee, whose members are appointed by the Minister.

(2) The Agricultural Advisory Committee shall consist of a Chairperson representing the Authority and representatives from the departments, agencies or authorities responsible for agriculture, veterinary services, resources and environmental health.

(3) Three members of the Agricultural Advisory Committee shall constitute the quorum at the meetings of the Agricultural Advisory Committee. The chairperson at a meeting shall have an original vote and, in the case of equality of votes, a casting vote. There shall also be a secretary of the Agricultural Advisory Committee to be appointed by the Minister and shall have such duties as may be assigned to it by the Agricultural Advisory Committee.

(4) It shall be the function of the Agricultural Advisory Committee to provide professional and expert advice to the Planning Board on development applications related to agriculture and other development outside the development zone. The Committee shall also evaluate development proposals and state whether the proposed interventions would benefit or hinder sustainable agriculture, farm, rural development, adducing detailed reasons thereto. The Committee shall, where appropriate, suggest methods as to how a development proposal may be rendered acceptable in terms of sustainable agriculture, farm, and rural development. The Agricultural Advisory Committee shall also collate information regarding development applications related to agriculture.

(5) The Agricultural Advisory Committee shall make

available for public inspection any recommendation made by it to the Planning Board.

(6) The Agricultural Advisory Committee may call upon any person to give it expert or professional advice on any matter being dealt by it.

(7) Subject to the foregoing provisions of this sub-article and to any rules prescribed by the Minister, the Agricultural Advisory Committee may regulate its own procedure.

67. (1) There shall be a committee known as the Design Advisory Committee. The Design Advisory Committee.

(2) The Design Advisory Committee shall make recommendations with respect to development applications related to urban conservation areas and major projects and shall consist of a chairperson and two other members appointed by the Minister.

(3) Two members of the Design Advisory Committee shall constitute the quorum at the meetings of the Design Advisory Committee. The chairperson at a meeting shall have an original vote and, in the case of equality of votes, a casting vote. There shall also be a secretary of the Design Advisory Committee to be appointed by the Minister and shall have such duties as may be assigned to it by the Design Advisory Committee.

(4) It shall be the function of the Design Advisory Committee to provide professional and expert advice to the Planning Board in relation to design in development applications related to urban conservation areas and major projects.

(5) The Design Advisory Committee shall make available for public inspection any recommendation made by it to the Planning Board.

(6) The Design Advisory Committee may call upon any person to give it expert or professional advice on any matter being dealt by it.

(7) Subject to the foregoing provisions of this article and to any rules prescribed by the Minister, the Design Advisory Committee may regulate its own procedure.

68. (1) There shall be a Registration Board whose function shall be to evaluate applications for registration in the Register of Consultants eligible to carry out assessments in relation to matters as specified in this Act not related to environment. The Registration Board.

(2) The Registration Board shall be composed of a minimum of three members and a maximum of five members, one of whom shall be the chairperson. The members of the Registration Board shall be appointed by the Minister.

(3) The members of the Registration Board shall be independent members and not involved in any way in the preparation of assessments falling within the jurisdiction of the Registration Board.

(4) The Registration Board shall assess applications for such registrations and approve those that meet the requirements for registration. The Registration Board shall give reasons for its decisions.

(5) The decision of the Registration Board to grant or to refuse an application for registration in the Register kept by the Executive Council shall be notified in writing to the applicant without delay.

(6) The Registration Board may direct the Executive Council to update the Register at such regular intervals as it may deem fit by the inclusion of other disciplines in the Register, which disciplines might have in the meantime evolved.

(7) The decisions of the Registration Board shall be final. An appeal shall lie to the Tribunal only on the grounds that the Registration Board has, in its decision, wrongly applied the provisions of this Act or any regulations made thereunder.

(8) The decision of the Registration Board shall be binding if it is supported by the opinion of a majority of its members, and the dissenting member or members, if any, may express his/their opinion separately, and all decisions of the Registration Board shall be published as soon as practicable after the sitting at which they are given.

(9) The Minister may, after consultation with the Registration Board, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

(a) establish criteria that applicants are expected to meet in order to qualify for registration;

(b) establish the procedure to be followed by the Registration Board;

(c) prescribe a tariff of fees for registration with the

Registration Board.

69. (1) The Registration Board may, out of its own motion or at the request of the Executive Council, cancel any approval granted under the provisions of article 68 or refuse any application for a renewal of the registration, when a person:

Powers of the
Registration
Board.

(a) is found guilty by a court of criminal jurisdiction of a crime being a crime committed through imprudence, carelessness, unskillfulness in an art or profession, or non-observance of regulations; or

(b) is found guilty by a court of criminal jurisdiction of any offence under the provisions of the Act or of any regulations made thereunder; or

(c) has, in the opinion of the Executive Council and the Registration Board, submitted sub-standard or deliberately misleading work in an assessment; or

(d) has participated in the preparation of an assessment when he was not registered in the Register; or

(e) was the recipient of an approval issued under the provisions of article 68 based on information given by the applicant which is false or misleading; or

(f) fails to pay the yearly renewal fee.

(2) Notwithstanding the provisions of sub-article (1), the Registration Board may opt for a suspension, rather than the cancellation of an approval, in the circumstances specified in sub-article (1)(d) and (f).

(3) Notwithstanding the provisions of sub-article (1), if a person participates in the preparation of an assessment without being registered in the Register, he shall subsequently be barred from registering or participating in any assessments in Malta for a period to be decided by the Registration Board which period shall in no case be less than three years.

Requirement of Permission

70. (1) Subject to the provisions of this article and to the following provisions of this Part of the Act, and subject to articles 55 and 85(2)(n), no development shall be carried out except with development permission.

Development to
require
permission.

(2) For the purposes of this article, and, unless the context otherwise requires, for all other purposes in this Act, "development" means the carrying out of building, engineering, quarrying, mining or other operations for the construction, demolition or alterations in, on, over, or under any land or the sea, the placing of advertisements or the making of any material change in use of land or building and sea, other than:

(a) maintenance operations which affect only the interior of a building or which do not materially affect the external appearance of the building:

Provided that such maintenance works are not contrary to any order made under this Act in relation to the building:

Provided further that maintenance operations shall not include demolition and rebuilding works, irrespective of the location where such demolition and rebuilding works are carried out;

(b) the use of land for agriculture, animal husbandry and forestry (including afforestation), except where such use consists of:

(i) the erection of buildings or amounts to intensive raising of crops or animals; or

(ii) the reclamation of land for agriculture by the deposit of material on such land unless such reclamation of land for agricultural can be proven to have subsisted prior to 1994;

(c) in the case of buildings or other land that are used for a purpose of any class specified in an order made by the Minister, as the case may be, under this Act, the use thereof for any other purpose of the same class;

(d) emergency works in relation to public safety carried out by Government;

(e) a use which subsisted continuously from a period when such use was not considered illegal and did not require a permit;

(f) the placing of plant and machinery required for the operation of a use already covered by development permission on land within the perimeter of the site covered by the same

permission of the use being operated.

(3) For the purpose of this article -

(a) the use of a building resulting in an increase in the number of dwelling units in which the building was previously used; or

(b) the deposit of materials on land; or

(c) the use for the display of advertisements on any external part of a building that is not normally used for that purpose,

involves a material change in the use of that building or land, or part thereof; without prejudice, in the case of advertisements, to any regulations or order made under this Act with respect to their control.

(4) For the purpose of this article, development includes clearing of valleys from accumulated sediment and development in relation to the sea includes land reclamation from the sea, aquaculture and beach developments and their related uses.

71. (1) Any person, including a department of government or a body corporate established by law, wishing to carry out any development referred to in article 70, shall apply to the Planning Board for such permission, in such manner, on such form and giving such information as the Planning Board may prescribe. Application for permission.

(2) The Planning Board may grant three types of development permissions:

(a) an outline development permission which gives approval in principle to the proposed development, but specifies reserved matters which need to be included in a full development permit application or applications. A period of time shall be stated within which the full development permit application or applications shall be submitted, failure of which would render the outline development permit null. Such period shall in no case exceed five years. No development may commence without a full development permit;

(b) a full development permission is required before any development can commence, whether or not preceded by an outline development permission. The full development permission will be given subject to conditions included in the permission;

(c) a non-executable full development permission which approves the development but imposes conditions to be adhered to before a full development permission is issued.

(3) Any person may also apply to the Planning Board for a determination as to whether a proposal requires a development permission and the Planning Board is bound to inform that person whether a development permission or any other form of notification is required in terms of this Act or not.

(4) An applicant for a development permission shall certify to the Planning Board that he is the owner of the site or that he has notified the owner of his intention to apply by means of a registered letter, a notified copy of which is submitted with the application to the Planning Board in line with the procedures established by the Planning Board.

(5) When -

(a) the applicant is the Government of Malta, or any department, agency, authority or other body corporate wholly owned by the Government; or

(b) the applicant is not the owner of the site, but he holds the site under title of agricultural lease, or holds the premises under a title of lease and he is carrying out the works under a scheme of a Government entity,

the applicant must still notify the owner of his intention to apply by means of a registered letter, a notified copy of which must also be sent to the Planning Board.

(6) Any person may declare an interest in a development and, on the basis of issues relevant to environment and planning, make representations on the development. Such declaration of interest and representations shall be in writing and is to be received by the Planning Board within such period as established by regulations prescribed by the Minister. A declaration that is not submitted within this stipulated period shall be considered null and may not be considered by the Planning Board.

(7) During the processing of the application, the Executive Chairperson shall consider representations made by registered interested parties in accordance with the provisions of sub-article (6).

(8) The Planning Board shall inform the registered interested parties where fresh drawings have been filed and the registered

interested parties shall be notified of the Planning Board's sitting when such application shall be discussed:

Provided that such submissions may be made in any format deemed appropriate by the Planning Board, and shall include submissions received by post or by hand and electronic submissions:

Provided further that if the last day for submissions as set out by the Planning Board is a public holiday or a day when the offices of the Authority are closed to the public, the time limit for such submissions shall be deemed to expire on the next following working day.

72. (1) The Planning Board shall have the power to grant or Permissions. to refuse a development permission. Any development permission approved shall be without prejudice to third party rights and shall not in any manner constitute or be construed as a guarantee in favour of the applicant as to the title to the property. Moreover in the granting of a development permission, the Planning Board shall be entitled to impose such conditions which it may deem appropriate:

Provided that the Planning Board shall give specific reasons for any refusal or for any particular conditions that may have been imposed.

(2) In its determination upon an application for development permission, the Planning Board shall have regard to:

- (a) plans;
- (b) policies:

Provided that subsidiary plans and policies shall not be applied retroactively so as to adversely affect vested rights arising from a valid development permission, or a valid police or trading license issued prior to 1994;

- (c) regulations made under this Act:

Provided that the Planning Board shall only refer to plans, policies or regulations that have been finalized and approved by the Minister or the House of Representatives, as the case may be, and published;

- (d) any other material consideration, including surrounding commitments, environmental, aesthetic and sanitary considerations, which the Planning Board may deem relevant;

(e) representations made in response to the publication of the development proposal; and

(f) representations and recommendations made by boards, committees and consultees in response to notifications of applications.

(3) Saving development which in the opinion of the Minister is of strategic significance or of national interest, related to any obligation ensuing from a European Union Act, affects national security or affects the interests of other governments but not subject to an Environmental Impact Assessment and, or IPPC matters, the execution and validity of a permit shall be automatically temporarily suspended and no works as approved by the said development permit may commence before the lapse of the time periods established in article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

(4) A development permission may be granted for a limited period or in perpetuity, but shall cease to be operative if the activity or development has not been completed within the period specified in the development permission, if any:

Provided that the Planning Board shall, on the application of the person holding the full development permission, renew the said permission on receiving a valid renewal application while the previous development permission is still operative, to such further period or periods as it may consider reasonable:

Provided further that where there has been a change in plans or policies applicable to the requested renewal development permission, these new plans and policies shall be taken into account unless the site subject to the application is already committed by the original development permission in relation to these plans and policies:

Provided further that if the applicant fails to submit the commencement notice relative to the permission, such development permission shall be considered as never having been utilized.

(5) Any permission still in force shall automatically pass on to the new owners of the development.

(6) In granting a development permission, the Planning Board may require the applicant to carry out the activity or development in stages. The Planning Board shall inform the applicant in the

permission which are the said stages and, following the completion of each stage, the applicant shall request the Planning Board to carry out an inspection of the activity or works carried out, and if, following such an inspection, it is found that the activity or works have been carried out in terms of the development permission, the Planning Board shall authorize the applicant to carry out the next stage of the activity or development.

(7) Where the Planning Board considers it appropriate to closely monitor specific conditions in a development permission by appointing a person competent for the said purpose, it shall do so at the expense of the applicant.

(8) Without prejudice to the provisions of this article, where an application to develop land consists in the mining of minerals, the Planning Board may and, where planning and environmental standards so require, shall, require the applicant to provide a scheme for the treatment of the working and surrounding areas during the working period and for the treatment of the said areas when working is completed.

(9) The Planning Board shall not grant permission for the mining of minerals unless it is satisfied that planning and environmental standards will be met and that the site will be kept and eventually left in acceptable conditions.

(10) Where the Planning Board has required a scheme to be submitted for the various stages as provided in sub-article (6), the scheme, as accepted by the Planning Board, shall be made a condition of any permission granted by it, and the Planning Board shall further require such guarantees to be given by the applicant as it deems necessary to ensure that the scheme will be adhered to.

73. (1) In any case in which the Planning Board may under this Act grant permission to develop land, it may grant permission for the retention on land of any buildings or works constructed or carried out thereon, or for the continuance of any use of land, without permission under this Act or after such permission has ceased to be valid or operative, and references in this Act to permission to develop land or carry out any development on land, and to applications for such permission, shall be construed accordingly:

Supplementary provisions regarding permissions.

Provided that any application or permission under this sub-article shall not be processed or granted unless the applicant or his predecessor in title has:

- (a) forthwith upon being required so to do, ceased to

carry out any development he was required to interrupt; and

(b) paid such fines or made such other payments as may be due on the site subject of the application.

(2) A permission under this article may be granted so as to take effect from the date on which the buildings or works were constructed or carried out or the use was commenced, or from the date the development permission ceased to be valid or operative, as the case may be.

(3) A development permission must specify the purposes for which a building may be used and if no purpose is specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where a development permission is given for a limited period only, and a condition to this effect is included in the permit, nothing in this Act shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the permission was granted, but no account shall be taken of any use made in contravention of this Act.

(5) The Planning Board may, prior to the issue of, or in issuing a development permission, demand from the person in whose favour the permission will be issued, as a condition for the issue of the development permission, to provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permission once issued, or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure. The Planning Board may, after the issue of a development permission, if the development or activity is not being carried out in accordance with the permission, or is otherwise causing damage to the environment or the infrastructure, demand the said person in whose favour the permission has been issued, as a condition for the continuance of the development permission, to provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permission, or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure:

Provided that nothing in this sub-article shall be interpreted as authorizing the Planning Board to demand a bond in an amount not commensurate with the nature of the development project or activity:

Provided further that such a bond may only be forfeited in favour of the Authority if there is clear evidence that the applicant has not complied with the conditions of the development permission and the reasons for forfeiting the bond shall be communicated in writing to the applicant.

74. (1) Decisions on applications shall be taken without delay. Decisions to be taken without delay.

(2) The Minister may make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

(a) establish the procedures to be used by the Planning Board and the applicant in the processing and determination of applications;

(b) establish the procedures to be used by an applicant prior to the submission of an application;

(c) establish time limits within which submissions have to be made and decisions have to be taken and communicated.

75. The Planning Board shall not delegate to the Commission or to any other body or person, the determination of the following applications: Applications, the decisions of which cannot be delegated.

(a) applications in respect of an activity or development of a national or strategic significance or affecting matters of national security or other national interests;

(b) applications in respect of an activity or development which could affect the interests of other governments;

(c) applications in respect of development which is subject to an environmental impact statement;

(d) requests for reconsideration where the decision to be reconsidered was taken by the Planning Board itself.

76. (1) If an applicant considers that conditions imposed upon a development permission are unreasonable, he may, without prejudice to his right of appeal, request the Planning Board or the Commission, as the case may be, to reconsider such conditions. Reconsideration

(2) A request for a reconsideration shall be made within thirty days from notification of the decision of the Planning Board or of the Commission, as the case may be, and may not be made concurrently

with an appeal. The request for a reconsideration shall include a written document containing the reasons for such a request.

(3) The Planning Board or the Commission shall inform the registered interested parties where a request for a reconsideration has been filed and the registered interested parties shall be notified of the Planning Board's or the Commission's sitting when such a request for a reconsideration shall be discussed.

(4) No reconsideration may be demanded by a registered interested party, even if such interested party has made written objections in accordance with the provisions of article 71(6).

Appeal.

77. (1) If an applicant considers that the conditions imposed upon a full development permission or outline development permission, or a refusal of such a permission, or any other decision, is unreasonable, he may lodge an appeal with the Tribunal according to the Environment and Planning Review Tribunal Act.

(2) Where a request for reconsideration has been made, and the Planning Board or the Commission revises its decision, an appeal from such a reconsidered decision may be made by the applicant, registered interested third parties and external consultees to the Tribunal in accordance with the Environment and Planning Review Tribunal Act.

(3) Other parties indicated in the Environment and Planning Review Tribunal Act may lodge an appeal from a decision of the Planning Board or of the Commission with the Tribunal according to Environment and Planning Review Tribunal Act.

(4) A person or institution or any department or agency of Government having a direct interest and aggrieved by any decision, ruling or direction by the Planning Board in relation to Building Regulations and Building Control Regulations, even where such a decision does not emanate from a development application process, may submit an appeal to the Tribunal in accordance with the provisions of Environment and Planning Review Tribunal Act and any regulations made thereunder.

Call in
Procedure.

78. (1) Where an appeal is lodged by an applicant or by a registered interested third party, or by any external consultee from any decision of the Planning Board or the Commission relative to the instances referred to in sub-article (2), the secretary of the Tribunal shall inform the Minister of such an appeal within fifteen days from its receipt. In such case, the Minister may, within fifteen days from the date when he has received such information, either instruct the Tribunal to proceed with the determination of the appeal or decide to

refer the appeal to the Cabinet of Ministers for determination. Where the Minister does not decide to refer such an appeal to the Cabinet of Ministers as aforesaid within the said period, it shall be deemed for all purposes and effects of law that he has opted to refer the said appeal to the Tribunal for its decision.

(2) The Minister may refer to the Cabinet of Ministers any appeal called in by him in terms of sub-article (1), where such an appeal relates to decisions in respect of:

(a) a development which appears to him to be of a strategic significance;

(b) a development which appears to him to affect matters of national security or national interests;

(c) a development which appears to him likely to affect the interests of the Government of Malta or other governments;

(d) a development which is subject to an environmental impact assessment and which in the Minister's opinion is of national interest;

(e) a development where the applicant is a department of Government or a body corporate established by law.

(3) Where the Minister decides to refer to the Cabinet of Ministers an appeal referred to him, he shall request the Tribunal to draw up its recommendation on that appeal after having heard the parties and the Tribunal shall send its recommendation on that particular appeal to the Minister who shall refer it to the Cabinet of Ministers. Such recommendation shall be available to the public.

(4) The Cabinet Secretary shall, within fifteen days from the date of such decision, communicate the decision of the Cabinet of Ministers to the Planning Board and the Commission together with the reasons in justification thereof and the Planning Board shall comply therewith, publish the decision of the Cabinet of Ministers in such manner as it may deem fit or as may be prescribed and shall communicate the decision of the Cabinet of Ministers to the parties within fifteen days from the receipt of such decision.

Cap. 492. (5) A decision by the Cabinet of Ministers pursuant to this article which relates to a development or an installation which is subject to an environmental impact assessment and, or an IPPC permit, may, upon an application by the appellant or by an interested party, which may include a non-governmental organisation having as one of its purposes the promotion of environmental protection and is registered under the Voluntary Organisations Act, be subject to appeal on matters of substantive and procedural legality to the Court of Appeal in its superior jurisdiction. An appeal in terms of this sub-article shall be made by an application to be filed within ten days from the date of communication of the decision of the Cabinet of Ministers to the parties. The appeal proceedings shall be concluded by the Court of Appeal within four months from the filing of the appeal before it and shall not be prohibitively expensive. Legal and judicial costs and fees in the said proceedings shall be taxed in accordance with paragraph (7) of item 3 of Tariff A and with paragraph (b) of item 15 of Tariff E in Schedule A to the Code of Organisation and Civil Procedure.

Cap. 12.

(6) The execution of any development or the operation of any installation which is subject to an environmental impact assessment and, or an IPPC permit, and which is pending a decision by the Cabinet of Ministers in terms of this article shall be suspended until the decision of the Cabinet is taken.

Cap. 492. (7) Where a decision of the Cabinet of Ministers is subject to an appeal in accordance with sub-article (5), the Court of Appeal may, upon a request of the appellant or of an interested party, which may include a non-governmental organization having as one of its purposes the promotion of environmental protections and which is registered under the Voluntary Organisations Act, order that the execution of the development or the operation of the installation be suspended whilst proceedings before the said Court are pending.

Planning obligation. **79. (1)** A planning obligation may be entered into in those cases where the Planning Board, in connection with a grant of a development permission, seeks to impose on the applicant an obligation:

- (a) to carry out an activity or works:
 - (i) on the land in respect of which development permission is sought, or
 - (ii) on any other land or area, or
 - (iii) on the land or area mentioned in both subparagraphs (i) and (ii); or

(b) to make some payment or confer some extraneous right or benefit, where the Planning Board considers it to be more appropriate. The Planning Board shall seek to obtain these benefits or gains by means of conditions attached to a grant of the development permission, or by means of a planning obligation entered into by a public deed.

(2) Any person may, by agreement with the Planning Board, enter into a planning obligation:

(a) restricting the development or use of that land in any specified way;

(b) requiring specified operations or activities to be carried out, in, on, under or over that land or area;

(c) requiring that land or area to be used in any specified way; or

(d) requiring a sum or sums to be paid to the Authority on a specified date or dates or periodically.

(3) The Minister may make regulations for giving better effect to the provisions of this article and may, without prejudice to the generality of the foregoing:

(a) prescribe the procedure how a planning obligation may be entered into, enforced, modified and discharged;

(b) establish any restrictions, conditions or the payment of any sums of money which may be imposed in such planning obligations.

(4) The applicant and any person interested in the land may appeal to the Tribunal from a planning obligation entered into in terms of sub-article (1).

Revocation or Modification of Permission

80. (1) The Planning Board may, only in:

Revocation and
modification.

(a) the cases of fraud; or

(b) the submission of any information, declaration or plan which is incorrect or does not reflect the situation on site;
or

(c) where there is an error on the face of the record; or

(d) where public safety is concerned,

by a decision revoke or modify any development permission granted under this Act, including any clearance issued by the Planning Board under an Order, stating in such decision its reasons for so doing.

Upon any such request made by any person to revoke or modify a permission in terms of this Act, or out of its own motion, the Executive Chairperson must prepare his recommendations to the Planning Board as to whether the development permission should be revoked or modified and invite both the applicant and the person making the request, if any, to make written submissions.

The Planning Board shall communicate the date and time of its hearing to the applicant and to the interested person making the request under this article, if any. During such hearing the Planning Board shall also hear the said applicant's submissions, if the latter opts to attend, the interested person's submissions, if any, and any other person's submissions:

Provided that the Executive Chairperson may in relation to any development permission, including any clearance issued under an Order after the date of coming into force of this Act, commence proceedings to revoke or modify any such development permission, including any clearance issued by the Planning Board under an Order, within five years from the date of issuing of the development permission, including any clearance issued under an Order.

(2) For the purposes of sub-article (1):

"fraud" means the submission to the Planning Board of any information, declaration or plan on the basis of which the Planning Board has approved a development permission, where such information, declaration or plan is false;

"incorrect information, declaration or plan" means the submission to the Planning Board of any information, declaration or plan on the basis of which the Planning Board has approved a development permission, where such information, declaration or plan does not reflect the situation on site or is erroneous or mistaken;

"error on the face of the record" means an error made by the Planning Board in reaching a decision and such error is apparent from the records of its proceedings:

Provided that the Planning Board shall not revoke or modify a development permission on the basis of fraud or incorrect

information, declaration or plan or error on the face of the record, where such circumstance did not have a material bearing on the issuing of the development permission in such a manner that had the correct information been available at the time of the decision the outcome would not have been different.

(3) The applicant, or the interested person making a request under this article shall, if he feels aggrieved by the decision taken by the Planning Board, have a right to appeal the Planning Board's decision to the Tribunal within thirty days from the date of the hearing when the decision was taken.

(4) No compensation may be demanded from the Authority when it acts under the provisions of sub-article (1) where the reason for the revocation or a modification of a development permission is based on fraud, incorrect information, declaration or plan, or error on the face of the record or for considerations of public safety.

Charges and Contributions

81. (1) The Authority shall have power to levy a charge in respect of any permission to carry out development, to be known as the Development Permission Fee, including any application therefor, in accordance with a schedule of charges established by it with the concurrence of the Minister and of the Minister responsible for finance, taking account of the nature of the development, the timing of the development in relation to the planned phasing thereof, of the conditions attaching to the permission and of any other relevant consideration. Charges and contributions.

(2) The Authority shall have power to levy a contribution towards the cost of the infrastructure services and other services or facilities arising from any permission to develop land, to be known as the Infrastructure Service Contribution, from the person applying for such permission or carrying out such development, in accordance with such rates as the Authority may, with the concurrence of the Minister and of the Minister responsible for finance, from time to time determine, taking account of the services involved, the areas of development and other material considerations.

(3) The sums collected by the Authority under sub-article (2) shall be paid to the Government each year after a deduction therefrom is made to cover the reasonable costs incurred in the determination and levying of the contribution, as prescribed by regulations.

(4) The Authority shall have power to levy a charge in respect of any other application made to it.

(5) The schedule of charges and the rates of contributions established under this article, as from time to time in force, shall be published as regulations and shall have effect as so published.

(6) The charges and contributions levied under sub-articles (1) and (2) aforesaid shall be collectively known as the "building levy".

Payment of fee and contribution.

82. No development permission shall be processed and no activity or development authorised by an order shall be carried out, unless and until any fee or contribution payable under article 81 has been paid to and received by the Authority, and any activity or works carried out without such payment having been made and received shall be deemed to be an activity or development carried out without the permission of the Authority.

PART VIII

Power to make Regulations

General

Power to make regulations etc. to include power to revoke etc. Cap. 249.

83. Without prejudice to the provisions of article 6 of the Interpretation Act, any power conferred by this Act to make regulations, rules, orders, lists, schedules and any other instrument of like nature, includes the power from time to time to revoke, replace, amend, alter or add to any such instrument as aforesaid.

Procedure for making of regulations.

84. (1) Regulations under this Act shall be made by the Minister after consultation with the Authority, and except for regulations under article 85(2)(a), (b) and (m) and in the cases referred to in sub-article (2) hereof, shall not be made unless a draft of the said regulations has been issued for public consultation thereby allowing any person a period of at least two weeks to make representations to the Minister stating how in his opinion the proposed regulations could be improved to reach their ultimate aim.

(2) The provisions of sub-article (1) with regard to the publication of a draft of the regulations for public consultation shall not apply in respect of any regulations which the Minister declares to be urgent or when a form of public consultation was already carried out before the date of coming into force of this Act.

(3) When the Minister makes regulations concerning the procedure before the Executive Council or any board, commission or other body established under this Act, he shall also consult the Executive Council or such board, commission or body.

Planning and Development Regulations

85. (1) The Minister may, acting in accordance with the provisions of article 84, make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations appoint the Authority or any person or body to be the designated authority for the purposes of any international obligation to which Malta may be a party.

Power to make
Planning and
Development
Regulations.

(2) Without prejudice to the generality of the provisions of sub-article (1), such regulations may, in particular:

(a) prescribe the charges and fees that may be levied by the Authority for services rendered by it under this Act, or in respect of any matter for which it is considered that a fee should be payable;

(b) provide for the procedure to be applied by the Authority and the applicant before and after the submission of an application under this Act, as well as fees chargeable therefor, as well as the procedures to be used by the applicant and the Authority in the processing of the said application, including, but not limited to, the advertising, communication and vetting of the said application, and the general conditions under which the Authority may require the giving of financial guarantees or the provision of assurance to make good for any damage that may be caused;

(c) prescribe what type of information held by the Authority shall be accessible to the public, as well as to establish the procedure concerning access thereto and the relative fees to be paid to obtain copies of such information;

(d) give effect to any international treaty or instrument, including directives, regulations and decisions, relating to any matter governed by this Act to which Malta may from time to time be a party or subject to, and to set up structures and make other provisions for the implementation thereof;

(e) provide for any matter relating to planning and development or other activities affecting land or sea, including policy requirements relating to construction, demolition and alteration works, as well as any other matter relating thereto, taking account of all relevant considerations, including safety, aesthetics, health and environment;

(f) prescribe the manner in which Development Permission Fees or other charges, contributions or fees made

under this Act or under regulations made under this Act are to be established, made, reviewed, collected, utilised or otherwise dealt with;

(g) in relation to confiscation of objects used for, or in connection with anything contrary to the provisions of this Act or any regulations issued thereunder and related matters:

(i) establish the circumstances where such objects can be confiscated and establish the relative procedure for their confiscation and disposal;

(ii) authorise and regulate clamping, towing, removal and storage by the Authority of any object used for or in connection with anything contrary to the provisions of this Act or any regulation issued thereunder;

(iii) exclude the Authority from any liability, other than liability for gross negligence, incurred in connection with the execution of its duties under the said regulations;

(iv) provide for the disposal of such objects when the said objects are not claimed by their owners within such time as may be prescribed;

(v) establish fees payable to the Authority for the removal of clamps, for towing, for the storage of such objects and for the auction or other form of disposal of such objects;

(vi) establish offences and the relative punishments in relation to matters referred to in subparagraphs (i) to (v);

(h) specify the type of illegal activity the provisions of articles 101 and 103 shall apply to and establish the relative penalty;

(i) amend, substitute, add to or otherwise alter anything contained in the Schedules to this Act;

(j) prescribe regulations for any other purpose for which regulations are authorised or required to be made;

(k) prescribe the form of any notice, order or other document authorised or required by this Act to be made, served or given;

(l) regulate how any notice or communication to or from the Authority which in terms of this Act shall be in writing, may be made in electronic form;

(m) provide that any person who acts in contravention of any regulation under this Act shall be guilty of an offence against this article, and establishing such penalty, being a penalty not greater than a fine (*multa*) of two hundred and forty thousand euro (€240,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, to which any person so guilty may be liable:

Provided that such regulations may provide that a person, who, having been sentenced for an offence against the same regulation by a judgement which has become absolute, commits a further offence against the same regulation within such time as may be prescribed, shall be liable to pay a higher fine (*multa*), not exceeding double the fine (*multa*) which would otherwise have been inflicted, and for the purpose of this proviso the maximum fine that may be established by such regulations shall be four hundred and eighty thousand euro (€480,000):

Provided further that such fine shall in all cases be due to the Government as a civil debt, and that where the person guilty of the offence is a director, secretary or manager of a body corporate for the economic benefit of whom the offence was committed, such body corporate shall be liable *in solidum* with the offender for the payment of the said civil debt;

(n) prescribe any other matter that is to be or may be prescribed under this Act.

(3) Notwithstanding the other provisions of this Act or of any other law, Schedules annexed to regulations made under this Act may be made or published in the English language only.

Registration of Contractors

86. (1) The Minister may, *inter alia*, make regulations to regulate or otherwise provide for any matter relating to the registration of fire consultants, other consultants in the building industry, building contractors and building tradespersons and the issuing of licences in the building industry and may by such regulations:

(a) provide for the issuing of licences and the registration of persons, companies and other entities in order to

Power to make regulations on the issue of licences in the building industry and the registration of consultants in the building industry, building contractors and building tradespersons.

officially recognize their capacity to perform work or supply material for the building construction industry and to authorise them to perform such work;

(b) provide for the suspension of licences issued or registrations made, and that any licence issued or registration made under the provisions of this Act may be withdrawn or deleted;

(c) establish main categories and such sub-categories to the main categories as he may deem appropriate;

(d) prescribe the form of any notice, order or other document authorised or required by this Act to be made, served or given;

(e) establish criteria for the issue of a licence and registration of applicants under this Act;

(f) establish the forms and procedures to be used in the operation of the Registry for the carrying out of the provisions of this Act;

(g) establish the fees payable in respect of any of the licences and registration of masons, building contractors and building tradespersons under this Act;

(h) prescribe any other matter that is to be or may be prescribed.

Building Regulations

Buildings to be designed and constructed in accordance to Buildings Regulations.

87. Every building shall be designed and constructed in accordance with the provisions of building regulations unless a dispensation or relaxation has been granted by the Planning Board.

Power to make building regulations.

88. (1) The Minister in consultation with the Executive Council may, *inter alia*, make regulations in connection with any matter relating to building regulations.

(2) Without prejudice to the generality of sub-article (1) such regulations under this article may, provide for all or any of the following:

(a) the design and construction of buildings;

(b) material alterations or extensions of buildings;

(c) the provision of services, fittings and equipment in, or in connection with buildings;

(d) provisions which are to apply where any material change takes place for the purposes for which a building is used;

(e) for securing the health, safety, convenience and welfare of:

(i) persons in or about buildings which are under construction; and

(ii) persons who may be affected by buildings or by matters connected with buildings;

(f) for the requirements of persons with special needs;

(g) for the conservation of fuel and energy in relation to buildings;

(h) for securing the efficient use of resources;

(i) for the encouragement of good building practice;

(j) for such other matters as appear to be necessary or expedient in relation to buildings;

(k) fees which may be payable in accordance with this Act;

(l) for the purposes of prescribing administrative fines for infringements against any regulations made under this Act;

(m) for the purposes of prescribing penalties for criminal offences against any regulations made under this Act;

(n) prescribe any other matter that is to be or may be prescribed;

(3) Building regulations may:

(a) prescribe standards or recommend codes of practice, expressed in terms of performance, types of material, methods of construction or otherwise, or in relation to any other matter which is relevant to the purposes for which building regulations may be made;

(b) require specified action to be taken in connection

with buildings;

(c) provide for the regulation of specified actions in and about buildings;

(d) specify the manner in which construction operations are to be carried out; and

(e) contain such supplementary and incidental provisions as appear to be necessary or expedient:

Provided that building regulations may specify different standards or codes of practice for, or make different provisions in relation to, different classes or descriptions of buildings.

(4) Building regulations may exempt, in whole or in part, from all or any of the provisions of such regulations, such classes or descriptions of buildings, services, fittings or equipment as may be specified in the regulations, including classes or descriptions of buildings, services, fittings or equipment in any area specified in the regulations.

(5) Building regulations, or any provisions contained therein, may be made so as to apply generally, or with regard to any area specified in the regulations, and the regulations may contain different provisions for different areas:

Provided that building regulations shall also apply to buildings belonging to or occupied by the Government, other than buildings which are used on a temporary basis, places of detention for persons detained in connection with or as a consequence of criminal procedures, and buildings used by the Police Force or the Armed Forces of Malta or by some other established Authority, for the purpose of detention or the defence of the State.

Miscellaneous Provisions in relation to Building Regulations

Power to issue guidelines related to contracts of works and services.

89. The Minister may, following consultation with the Executive Council, the Building Regulations Committee or with any Government department or body corporate established by law, as the said Minister may deem competent on the matter, issue guidelines on the format and content of contracts for works and services and such guidelines may list the materials to be supplied or work to be done for which the two parties have to agree a price.

Power to prohibit the use of certain materials, etc.

90. The Minister may, following consultation with the Executive Council, by order prohibit the use of such materials or classes of materials or such form of construction or such type of

equipment, fittings or services in relation to such class or classes of buildings or to such class or classes of works as may be specified in the order, if he is satisfied that such use would be a danger to public health or safety or that such use would contravene any provision of the building regulations made under article 88 and may by a subsequent order amend or revoke such an order.

91. Any technical guidance document or methodology issued in connection with this Act may be issued in either the Maltese or English language only, or both.

Technical
guidance
documents.

Building Control Regulations

92. (1) The Minister may, following consultation with the Executive Council, *inter alia* make regulations providing for matters of procedure, administration and control for the purposes of securing the implementation of, and compliance with, the requirements of building regulations, and may by such building control regulations make such incidental, consequential or supplementary provisions as may appear to him, on the advice of the Building Regulations Committee, to be necessary or expedient.

Building
Control
Regulations.

(2) Without prejudice to the generality of sub-article (1), building control regulations may make provision for all or any of the following matters:

(a) requiring:

(i) the submission to the Authority of certificates of compliance by the owner or his representative, duly completed and certified by a *perit* or warranted engineer or both as the case may necessitate, being certificates relating to compliance with the building regulations, subject to any relevant dispensation or relaxation already granted by the Planning Board, in accordance with article 64(1)(b), prior to the completion of the construction of any building works or class of work to which such building regulations apply;

(ii) in respect of a building, of a prescribed class or classes, the submission by the owner or his representative of a fire safety certificate issued by a fire consultant, that a building, if constructed in accordance with the plans, documents and information submitted, or so constructed, would comply, subject to any relevant dispensation or relaxation already granted by the Planning Board, according to article 64(1)(b), with the provisions of the building regulations as prescribed;

(b) prescribing:

(i) the form and content of certificates of compliance, fire safety certificates and commencement notices;

(ii) the plans, documents and information to be submitted with certificates of compliance, fire safety certificates and commencement notices;

(iii) the time within which such certificates or notices are to be submitted;

(iv) the report of any *perit*, warranted engineer or specialist consultant professionally responsible for the works which is to be included in or with the certificate;

(c) the designation of the persons or the classes of persons by whom certificates of compliance, fire safety certificates and commencement notices may be given, and the classes of buildings or works in respect of which such certificates are to be given;

(d) the registration of certificates of compliance, fire safety certificates, commencement notices, and of such information as may be prescribed, and the making available of such information to such persons as may be prescribed;

(e) the charging of fees for:

(i) the registration of certificates of compliance, fire safety certificates and commencement notices;

(ii) the provision of copies of certificates or other documents or extracts therefrom; and

(iii) the carrying out of inspections and tests and the testing of samples taken pursuant to article 94;

(f) the combining, in one document, of any two or more of any application, notice, certificate or other document provided for in this Act or in any regulations made thereunder;

(g) the dispensation from any provision regarding the submission of certificates of compliance or fire safety certificates, of such buildings, or classes thereof as may be specified in the regulations;

(h) any other matter that the Minister, acting on the advice of the Executive Council, considers appropriate.

(3) Building control regulations may make different provisions in relation to different buildings or classes of buildings situated in different areas, or in relation to different provisions of the building regulations.

(4) Where a certificate of compliance, fire safety certificate, or a commencement notice is submitted to the Authority, the Authority shall not be under a duty to any person, entity or institution to:

(a) ensure that the building or works to which the certificate or notice relates shall, either during the course of the work or when completed, comply with the requirements of the building regulations or be free from any defect;

(b) ensure that the certificate complies with the requirements of this Act or of regulations or orders made under this Act; or

(c) verify the facts stated in the certificate.

Amendment of the Code of Police Laws

93. (1) The Minister may, without prejudice to the provisions of sub-article (2), by regulations amend, substitute or repeal any of the provisions of Part V of the Code of Police Laws, with effect from such date as the Minister may, by order in the Gazette, establish.

Amendment of
the Code of
Police Laws.
Cap. 10.

(2) The Minister may by regulations made under this sub-article provide for transitory provisions.

PART IX

Monitoring and Enforcement

94. (1) Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Executive Council and such officer, employee or committee or any other person as may be authorised by the Executive Council or the Executive Chairperson for this purpose, and if so required by the Executive Council with the assistance of the Police Force, shall have:

Right of entry.

(a) the right to enter any premises, public or private, at all reasonable times, and in the case of a dwelling house after giving previous reasonable notice of at least twenty-four hours

and not before seven o'clock in the morning or later than seven o'clock in the evening, and inspect or survey any land, or verify whether an illegal development or activity is taking or has taken place or to take any photographs after entering or request any legitimate information from any occupier of such premises; and

(b) the right to do anything that is ancillary or consequential thereto.

(2) Any person authorised pursuant to sub-article (1) shall produce a means of identification issued by the authority and thereon be authorised to enter the land.

Monitoring of activities and development.

95. (1) The Executive Council shall monitor all activities falling within the scope of this Act, including all development operations to ensure that all such activities and development are carried out only in accordance with the requirements of this Act and in compliance with the decisions lawfully taken under this Act and may for such purpose request and obtain the assistance of the Police Force, any local council, any department of Government or any agency of Government.

(2) The Executive Council shall also undertake a review of all such activities and development carried out before the coming into force of this Act, or any other Act preceding this Act, not being development carried out before 1967, not in compliance with rules, regulations, plans or policies in force at the time the activity or development took place, and in respect of any such activity or development the Executive Council shall have such powers as it has in respect of an activity or development carried out after the coming into force of this Act in order to ensure that the rules, regulations, plans and policies aforesaid are enforced or, if this is not reasonably possible, to regularise any such activity or development to the extent the Executive Council deems adequate in the circumstances:

Provided that the onus of proof that a development or activity is not in compliance with rules, regulations, plans or policies in force at the time the activity or development took place is on the Executive Council.

(3) The Executive Council shall also monitor all activities falling within the scope of this Act, to ensure that all such activities are carried out in accordance with licences, permits, certificates issued by the Authority concurrently with the planning decision.

Officers.

96. (1) The Executive Council may appoint officers for the purposes of this Act, and such officers may, upon production of proof of their identity, in order to ensure compliance with this Act or any

regulations made thereunder:

(a) enquire from any person information in connection with any activity or other matter regulated by this Act;

(b) issue stop notices or enforcement notices or stop and enforcement notices or warning notices to any person in accordance with the provisions of article 97.

(2) The provisions of sub-article (1) shall be without prejudice to the powers of the Police, Local Wardens, the Comptroller of Customs or of any other authority under the Criminal Code, the Customs Ordinance or any other law. Cap. 9.
Cap. 37.

(3) Officers appointed under this article shall, notwithstanding any other law, have the right to assist the police in the conduct of prosecution for offences under this Act and to plead the case on behalf of the prosecution.

97. (1) If it appears to the Executive Council that an activity and, or development is being carried out without the grant of a permission and, or license required under this Act or that any conditions subject to which such permission was granted in respect of any such activity and, or development are not being complied with or such activity and, or development is against this Act or regulations made under this Act, the Executive Council shall issue a stop notice to any such person carrying out such an activity and, or development: Enforcement
procedure.

Provided that when the illegal activity and, or development is limited to part of the site, the Authority may in its discretion issue a partial stop notice requiring the activity and, or development to be stopped forthwith only in relation to that part of the activity and, or development to where the illegal development subsists and not in relation to the whole development:

Provided further that no such notice shall be issued for any development carried out before 1967:

Provided further that the Executive Council may issue a warning notice in writing requiring illegal activity and, or development to be stopped forthwith prior to proceeding with the issue of a stop notice, which has to be abided with immediately on notification, provided that only one warning notice may be issued for the same infringement.

(2) A copy of the notices mentioned in sub-article (1) may also be served on any representative, builder, contractor or workman on the site and the Executive Council shall also affix such notices in a

prominent position at a point of entry onto the site.

(3) The Executive Council shall, in the case of a stop notice issued under sub-article (1), also inform:

(a) the local council in whose locality the land mentioned in sub-article (1) is found;

(b) the *perit* responsible for the said works and the site manager, if known, that a stop notice as aforesaid has been issued by the Executive Council:

Provided that the non-compliance with the provisions of this sub-article shall in no case invalidate any notice issued under sub-article (1).

(4) If it appears to the Executive Council that any activity and, or development of land has been carried out after the coming into force of this Act without the grant of permission required on that behalf under this Act, or that any conditions subject to which such permission was granted in respect of any activity and, or development have not been complied with, the Executive Council may, having regard to the provisions of development plans, planning policies and any other material consideration, serve on the owner of the land or on the occupier of the land or on the person responsible for the acts mentioned in the notice or any combination thereof as the Executive Council deems most expedient, an enforcement notice and sub-article (3) shall also here apply, requiring such steps as may be specified in the notice to be taken within such time as may also be so specified for restoring the land to its condition before the activity and, or development took place or for removing such development or for securing compliance with the conditions aforesaid, as the case may be, and in particular, but without prejudice to the generality of the aforesaid any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on the land of any building or other operations:

Provided that where the Executive Chairperson believes that there is an imminent danger to the environment, an emergency enforcement notice may be served on the above indicated persons without the need of consulting the other members of the Executive Council:

Provided further that an appeal from an emergency enforcement notice or the submission of an application for the retention on land of any buildings, works or development or to

sanction the continuance of any use of the land to which the emergency enforcement notice relates shall not stay the operation of the emergency enforcement notice.

(5) The Executive Council shall register all stop notices and all other enforcement notices issued in terms of this Act in the index mentioned in article 57(2), and the provisions of the said article concerning indexing of conservation orders shall *mutatis mutandis* apply to stop and other enforcement notices in terms of this Act.

(6) Any notice made under this article shall contain a detailed description of the infringements being alleged and where applicable, a site plan indicating the land which is the subject of such a notice shall be annexed thereto together with any additional information as deemed appropriate by the Executive Council to clearly identify the alleged infringements.

(7) A notice under this article may include a combination of a stop notice and enforcement notice and shall be known as a stop and enforcement notice. Moreover a notice given under any of the provisions of this article, other than the immediate request stopping or prohibiting any further work or development or requiring the cessation of use, shall take effect at the expiration of such period, being not less than fifteen days and not more than sixty days after service thereof, as may be specified therein.

(8) When an application for development permission has been submitted before the expiry of the period mentioned in sub-article (7) -

(a) for the retention on the land of any buildings, works or development to which the enforcement notice relates; or

(b) to sanction the continuance of any use of the land to which the enforcement notice relates,

the operation of the notice, in respect of any requirement other than a requirement stopping or prohibiting any further activity and, or development or requiring the cessation of a use, shall be suspended pending the final determination of the application. If the permission applied for is granted on that application and it comes into operation, the enforcement notice shall cease *ipso jure* to have effect.

(9) Any application to regularise an activity or a development or an appeal to the Tribunal from a refusal, may be dismissed forthwith if a requirement in the notice stopping or prohibiting further activity and, or development, or requiring the cessation of a use, has

not been complied with and there is evidence to show that the notice has not been complied with during the processing of the application or during the Tribunal sittings, or if any penalty or other payment for which any person has become liable under this Act in respect of the relevant activity or development has not been paid.

(10) The Executive Council may exercise its powers under article 100(1) notwithstanding that a second or subsequent application intended to regularize the illegal activity or development may have been filed with the Planning Board concerning the same or part of the same activity or site, irrespective of whether the said application is filed by the same applicant or by another applicant.

(11) Any person who feels aggrieved by any notice served on him may appeal against it to the Tribunal in terms of the Environment and Planning Review Tribunal Act, in which case the effects of the notice, other than the request stopping or prohibiting any further activity and, or development or requiring the cessation of a use, shall be suspended pending the final determination of the appeal.

Enforcement in relation to Scheduled Property.

98. (1) If it appears to the Executive Council that anything which is prohibited or restricted or subject to a condition by or under any of the provisions of article 57 is being done or carried on or has been done or carried on in contravention of any such prohibition, restriction or condition or without any permission or other requirement, or without compliance with any condition, mentioned in those articles or any orders made thereunder, the Executive Council shall serve a notice on the owner of the land or on the occupier of the land or on both as the Executive Council deems most expedient, requiring such steps as may be specified in the notice, including the discontinuance of anything being done or carried on, to be taken within such time as may also be specified in the notice. The provisions of article 97(3) shall also apply to any notice under this article.

(2) A notice under this article shall also be referred to as an "enforcement notice" and, unless the context otherwise requires and subject to such modifications and adaptations as may be necessary to give full effect to the provisions of those articles, wherever the expression appears in this Act, it shall include a notice given under this article:

Provided that no such notice shall be issued for any development carried out before 1967.

Injury to amenity and removal of danger.

99. (1) If it appears to the Executive Council that the amenity of any area is injured by the appearance or structural

condition of any building or any land, being a garden, vacant site or other open land, or by the appearance of a site upon which development or construction or any other works are taking or have taken place, the Executive Council may serve an enforcement notice on the owner of the land or on the occupier of the land or on both as the Executive Council deems most expedient, requiring such steps to be taken for abating the injury as may be specified in the notice. The provisions of article 97(3) shall also apply to any notice under this article.

(2) The Minister may, in consultation with the Executive Council, by regulations under this article provide that property which is in a state of disrepair and, or constitutes a danger, shall be demolished by its owner or by the Authority, at the owner's expense, in accordance with the provisions of article 100. Without prejudice to the generality of the foregoing, such regulations may prescribe:

(a) the manner through which the state of the property is certified as constituting a danger,

(b) the methodology and procedures to be used by the Authority in any action it may take as aforesaid.

(3) A notice under this article shall also be referred to as an "enforcement notice" and unless the context otherwise requires and subject to such modifications and adaptations as may be necessary to give full effect to the provisions of those articles, wherever the expression appears in this Act, it shall include a notice given under this article. Such notices may also be issued for any development carried out before 1967.

100. (1) If any steps or other action, including any discontinuance, stoppage or similar requirement, required to be taken by an enforcement notice have not been taken within the time specified therein, the Executive Council may enter on the land or the area at sea and take such steps or other action as aforesaid without any other formalities required by any other law, including the disabling or removal of any equipment, machinery, tools, belongings, vehicles or other objects that may be on site and the carrying out of any works necessary to comply with what is requested in the enforcement notice and may for such purpose request the assistance of the Police Force, any local council, any department of Government or any agency of Government, and the Police Force and, or Armed Forces shall for such purpose exercise such powers as are vested in them at law, on the demand of the Executive Council for assistance.

Supplementary provisions as to enforcement and proceedings for debts due to the Authority.

(2) Where the removal of an illegal development involves by

strict necessity the removal also of a development which is not illegal, the Executive Council may proceed to remove also such other development, the removal of which is strictly necessary as aforesaid.

Cap. 319.

(3) Notwithstanding the provisions of any other law and saving the provisions of article 46 of the Constitution and article 4 of the European Convention Act, no precautionary act may be issued by any court against the Authority restraining it from the exercise of the powers conferred upon it by this article.

(4) Subject to the provisions of, or regulations made under, this Act, when an enforcement notice has not been appealed and the owner or the occupier of the land subject to an enforcement notice or any person responsible for the acts mentioned in the notice, fails to comply with the said enforcement notice within the period therein prescribed, such person shall be liable to a daily fine to be regulated by regulations made by the Minister, not being more than fifty euro (€50) per day which shall apply from the date that such illegality mentioned in the notified enforcement notice continues. When the notice has been appealed and the enforcement is confirmed by the Tribunal or the Court of Appeal (Inferior Jurisdiction), as the case may be, the daily fine for continuation of illegality shall be calculated from the original date notified in the enforcement notice:

Provided that the Minister may by regulation prescribe different dates from which daily fines shall be calculated.

(5) All expenses reasonably incurred by the Executive Council in the exercise of its powers under this article, or any other amount due to the Authority under any other provision of this Act or regulations made thereunder shall be recoverable as a civil debt by the Authority from the present owner of the land, or from any occupier of the land, or from any person responsible for the acts mentioned in the notice, including a notice of payment, or an applicant, subject to such right of recovery such person may have against any other person. The Authority shall not be liable for any damages as a result of the exercise of its powers under this article, unless it is proved that such damage resulted from gross negligence on the part of the Authority, its officers and agents. The Authority, in its discretion, can dispose of the objects constituting the illegality or illegalities, without any other formalities whatsoever if the objects remain unclaimed within seven days.

(6) Where the Authority desires to sue for the recovery of a debt due to the Authority under any law or regulation which it is entitled to enforce, the Executive Chairperson or an officer of the Authority duly authorized by the Executive Chairperson to act on his

behalf, may make a declaration on oath before the Court Registrar or before any other officer authorized to administer the oath in judicial matters, wherein he states the nature of the debt and the name of the debtor and confirm that it is due.

(7) The declaration referred to in sub-article (5) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of twenty days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declares the claim unfounded.

(8) The application filed in terms of sub-article (6) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period.

(9) Any debts due to the Authority shall be prescribed by the lapse of the period of five years from the date on which the debt was due.

101. (1) Notwithstanding the other provisions of this Act, any person shall have the right to request the Authority to regularize development which may be regularized by virtue of regulations made by the Minister under this Act in accordance with and subject to procedures established by the Authority.

Procedure to apply to certain types of development.

(2) Notwithstanding the other provisions of this Act, any person who is served with an enforcement notice in respect of development which may be regularized by virtue of regulations made by the Minister under this Act, shall have the right to request the Authority to regularize such development in accordance with and subject to procedures established by the Authority.

(3) Where any person claims to the Authority that an enforcement notice falls within the provisions of sub-article (2), and he requests the Authority to regularize such development and the Authority does not accept such claim, the period of mentioned in article 97(7) shall commence to run from the date that the Authority serves such person with a notice to the effect that it is not accepting such claim.

(4) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article.

102. (1) The following provisions shall have effect with respect to any development which has taken place after the date of the coming into force of the Development Planning Act, 1992,

Compliance Certificates.

hereinafter referred to as "new development".

Cap. 504.

(2) No service consisting in the supply of water or electricity to any new development shall be provided by any authority unless there is in respect of such development a certificate issued by the Authority or any other certificate as prescribed by regulations stating that the development is in accordance with a development permission or has been conceded or approved by the Authority in terms of the Development Planning Act, 1992, the Environment and Development Planning Act, or this Act or under any regulation made therein. Any service for the supply of water and electricity which was provided following the issue of a compliance certificate which is subsequently revoked by the Authority due to irregularities contained in such certificate, shall be suspended at the request of the Authority.

(3) In any of the circumstances in which the Authority may serve an enforcement notice under any of the provisions of this Act, the Minister shall, in consultation with the Authority, by regulations under this article, provide that such a notice is registered with the Land Registry and served on the Director of the Public Registry of Malta in the case of land situated in the Island of Malta and on the Director of the Public Registry of Gozo in the case of land situated in Gozo. Without prejudice to the generality of the foregoing, such regulations may prescribe the procedures to be used by the Authority in making such a registration.

PART X

Offences

Offences.

103. (1) Any person who -

(a) carries out any development on any land or allows any development to be carried out on land of which he is an owner or occupier without a valid development permission, or, if the development is carried out with a development permission, fails to comply or to cause compliance with any condition, restriction or other limitation to which the permission is subject; or

(b) acts in contravention of any of the provisions of article 57 and 58 in respect of any scheduled property or an emergency conservation order; or

(c) having been served with an enforcement notice or other notice under articles 56, 97, 98 or 99 fails to comply with any of the requirements of such notice within the time therein specified; or

(d) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer or employee of the Authority, or any police or army officer, or any public officer, or any employee or servant of any department of Government or of any agency of Government or of any local council, in the execution of his duties under the law, or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise fails to assist him in the carrying out of the said duties, or knowingly furnishes such person with false information or neglects or refuses to give any information required for the purpose aforesaid; or

(e) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) of not less than one thousand five hundred euro (€1,500) and not exceeding one hundred thousand euro (€100,000), and in respect of an offence under paragraph (d) or, in the case of an offence under paragraph (c), if the offender persists in the offence for more than three months, also to imprisonment for a term of not less than three months and not exceeding three years:

Provided that, and without prejudice to the provisions of articles 57(9) and 100(4) and without prejudice to the maximum fine above established, the minimum fine (*multa*) to which an offender is liable under this article shall not be less than the value of any work carried out without permission or in violation of any conditions to which such permission was subject.

(2) The Court, besides awarding the punishment referred to in sub-article (1), shall order the offender to remove the causes of the offence and to undo anything which was done without a permission or to comply with the conditions imposed in the permission, as the case may be, within a time sufficient for the purpose, but in any case not exceeding three months from the date of the judgment, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not less than fifty euro (€50) and not more than one hundred euro (€100), as the court may fix, for every day the default continues after the expiration of the said time and may also order the modification, suspension or revocation of any authorisation or permission.

(3) Any person who is convicted of an offence under this article may also, at the request of the prosecution, be disqualified

from signing and submitting to the Authority, for a period not exceeding two years from the date of conviction for the offence, certificates of compliance or fire safety certificates, or any other certificate required in accordance with this Act or any other regulations made thereunder and, accordingly, the Authority shall not accept certificates for registration which are signed by a person while so disqualified.

Cap. 9. (4) Proceedings against any person for any offence as is mentioned in sub-article (1) shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the Criminal Code:

Cap. 9. Provided that, notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for either in article 390(6) of the said Code or in any law for the time being in force.

(5) The filing of an application intended to regularise any illegal development or activity to which a prosecution refers, and the filing of an appeal against a refusal of such an application, shall not be a bar to the continuation of such a prosecution and the court shall continue to hear such a case and shall give judgement and shall issue an order in terms of sub-article (2) as if such an application or such an appeal had never been filed:

Provided that where such an activity or development has been regularised no fine (*multa*) under sub-article (2) shall be due in respect of the time after the development has been regularised.

(6) (a) Without prejudice to any other provisions of this Act, or other provisions or regulations, made under this Act, which the Authority is entitled to enforce, the Authority shall have the power to impose in respect of any person who infringes any provision of this Act or of any regulations made thereunder, or who fails to comply with any directive or decision given by the Authority, whether under this Act, or regulations prescribed thereunder, or under any other law which the Authority is entitled to enforce, an administrative fine using such procedures as established in this Act or regulations made thereunder.

(b) An administrative fine imposed shall not, unless provided otherwise by or under this Act, exceed two hundred thousand euro (€200,000), and two thousand euro (€2,000) each day, in the case where the infringement persists:

Provided that all the fines provided for in this article shall be due to the Government as a civil debt and following the service of a judicial act, in terms of article 466 of the Code of Organization and Civil Procedure.

104. In any proceeding or prosecution under this Act, a copy of any order, notice, decision or other document purporting to have been made under this Act and purporting to have been signed by the Executive Chairperson, shall be accepted as evidence of the order, notice, decision or other document, and of the facts appearing therein, without further proof.

Certified copies
of certain
documents.

105. (1) Notwithstanding any other law providing for the trial and punishment of offences, where the Executive Council believes that a person has committed an offence against this Act, other than an offence under article 103(1)(d), the Executive Council may give notice in writing to such person describing the offence of which the person is accused, indicating the steps to be taken to remedy the offence and a compromise fine which he is required to pay in respect of that offence:

Special
compromise
procedure.

Provided that the Executive Council may not require the payment of a compromise fine higher than fifty thousand euro (€50,000).

(2) Where a notice under this article has been given, the person named in the notice may, within sixty days of the service of the notice, accept responsibility in writing for the offence specified in the notice and within the same period, remedy the offence, and pay or undertake in writing to pay the fine indicated in the notice or such other compromise fine as the Executive Council may accept in lieu, and in any such case:

(a) the person named in the notice shall be deemed to have committed the offence and to have admitted his guilt in respect thereof, and the compromise fine paid, or agreed to be paid, shall be the penalty to which he becomes liable to pay;

(b) if the offence is remedied to the satisfaction of the Executive Council and the compromise fine is paid within the period, no further proceedings may be taken against the said person in respect of the same facts:

Provided that the agreement to pay the compromise fine shall not extinguish any civil liability to make good any damages to any person or authority and any liability arising under article 103(2);

(c) if the compromise fine is not paid within the aforesaid period, it shall be treated as if it were a penalty ordered to be paid by a court and proceedings may be taken accordingly to recover the same as a civil debt due to the Authority.

(3) Where the person to whom notice is given under sub-article (1) does not accept or, having accepted such responsibility, fails to remedy the offence within the time aforesaid, and even if he has paid the compromise fine, ordinary criminal proceedings may be taken against him in accordance with the provisions of law applicable to the offence.

FIRST SCHEDULE

Provisions with respect to the Executive Council

1. The provisions of this schedule regulate the procedures to be used by the Executive Council.

2. Subject to the provisions of this Act, including this Schedule, the Executive Council may regulate its own procedure.

3. When the Executive Council is considering plans and policies, the spatial strategy for environment and development, subsidiary plans and policies, and the making of orders as regulated under Part V of this Act, the following procedure shall be observed:

(a) The quorum shall consist of the Executive Chairperson or acting Executive Chairperson and at least three other members of the Council.

(b) The Executive Chairperson, or the acting Executive Chairperson acting in his place, shall have an original vote and in the case of a tie a casting vote. All members of the Executive Council present at the meetings shall cast their vote in favour or against any motion put to the vote. Decisions shall be adopted by a simple majority of the votes of the members present and voting.

(c) Without prejudice to the provisions of article 13, a member of the Executive Council who has a direct or indirect interest in any matter coming before the Executive Council for consideration shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose

the nature of his interest. Such disclosure shall be recorded in the minutes of the meeting and the member:

(i) shall not take part in any discussions or decisions of the Executive Council with respect to that matter; and

(ii) shall be disregarded for the purpose of constituting a quorum for any such discussions or decisions.

(d) All acts done by any person in good faith as a member of the Executive Council shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

The Executive Council may also delegate to the Executive Chairperson or any of its members, the power to endorse any documents or plans relating to any matter under its consideration.

(e) The meetings of the Executive Council shall only be open to the public when the Executive Council is considering a planning control application in terms of article 54(1), (2) and (3) and requests for reconsideration of scheduling in terms of article 57(10), and the Executive Council shall allow the applicant or the owner (in the case of requests for reconsideration from scheduling) and his representative, or any one of them, and any interested third party who made representations in accordance with the provisions of any regulations made under article 54(3), to make submissions on any matter under consideration. The Executive Chairperson, at his absolute discretion, may also allow any other member of the public to make submissions, subject to the power of the Executive Chairperson to exclude any member of the public if he deems it necessary so to do for the maintenance of order and to limit the participation of the applicant and his representative or of the interested third party who made representations in accordance with the provisions of any regulations made under article 54(3) or the public as he may deem appropriate.

(f) Where the Executive Council votes against a recommendation, if any, made by the Executive Chairperson, the Executive Council shall register in the relevant file the specific planning reasons adduced by it justifying the overturning of such recommendation.

(g) Meetings of the Executive Council on the contents of a planning control application to the Executive Council, may also not be held in public but votes may not be taken.

(h) Subject to the provisions of this Act, including this Schedule, the Executive Council may regulate its own procedure.

SECOND SCHEDULE

Provisions with respect to the Planning Board and the Planning Commissions

1. The provisions of this Schedule regulate the procedures to be used by the Planning Board and the Planning Commissions. For the purposes of this Schedule, wherever the word "Planning Board" is used, it is to be construed as to include the Planning Commissions, unless the context otherwise requires.

2. The Planning Board may act notwithstanding any vacancy amongst its members, provided there is a quorum present at the meeting.

3. The quorum of the Planning Board shall consist of the Chairperson or deputy Chairperson and not less than half the number of the other members constituting the Planning Board, at the time of the meeting.

4. The meetings of the Planning Board shall be called by the Chairperson either on his own initiative or at the request of any two members of the Planning Board, and the Planning Board shall also meet at such times as it may itself decide.

5. The Chairperson, or the deputy Chairperson acting in his place, shall have an original vote, and where the votes are equally divided, a second or casting vote. All members of the Planning Board present at its meetings shall cast their vote in favour or against any motion put to the vote. Decisions shall be adopted by a simple majority of the votes of the members present and voting.

6. Without prejudice to the provisions of article 13, a member of the Planning Board who has a direct or indirect interest in any matter coming before the Planning Board for consideration shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest. Such

disclosure shall be recorded in the minutes of the meeting and the member:

(a) shall not take part in any discussions or decisions of the Planning Board with respect to that matter; and

(b) shall be disregarded for the purpose of constituting a quorum for any such discussions or decisions.

7. All acts done by any person in good faith as a member of the Planning Board shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

8. Subject to the provisions of this Act, including this Schedule, the Planning Board may regulate its own procedure.

9. The meetings of the Planning Board shall be open to the public, and the Planning Board shall allow the applicant and his representative, or any one of them, and an interested third party who made representations in accordance with the provisions of article 71(6), to make submissions on any matter under consideration. The Chairperson, at his absolute discretion, may also allow any other member of the public to make submissions, subject to the power of the Chairperson to exclude any member of the public if he deems it necessary so to do for the maintenance of order and to limit the participation of the applicant and his representative or of the interested third party who made representations in accordance with the provisions of article 71(6) or the public as he may deem appropriate.

10. Where the Planning Board votes against a recommendation, if any, made by the Executive Chairperson, the Planning Board shall register in the relevant file the specific planning reasons adduced by it justifying the overturning of such recommendation:

Provided that the Planning Board may also delegate to the Chairperson or any of its members, the power to endorse any documents or plans relating to any matter under its consideration.

11. Meetings of the Planning Board where the Executive Chairperson is providing information on the contents of a development application to the Planning Board, may also not be held in public but votes may not be taken.

THIRD SCHEDULE

The Standing Committee on the Environment and Development Planning

The plans and policies that shall be referred to the Standing Committee in accordance with the provisions of article 60 are:

- (a) those plans and policies which refer to the land situated outside the development zones as defined in the Spatial Strategy or in any other plan;
- (b) those plans and policies which exclusively regulate height limitations and restrictions thereon;
- (c) local plans, excluding minor amendments to such plans;
- (d) policies relating to and regulating compliance certificates.

FOURTH SCHEDULE

List of supplementary members of the Executive Council:

- (i) National Commission Persons with Disability (KNPD);
- (ii) Malta Environment Authority;
- (iii) Heritage Malta;
- (iv) Occupational Health and Safety Authority;
- (v) Transport Malta;
- (vi) Malta Tourism Authority;
- (vii) Water Services Corporation;
- (viii) Civil Protection Department;
- (ix) Enemalta Corporation;
- (x) Any other government department, entity and authority indicated by the Minister from time to time.