Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,616, 30 ta' April, 2021
Taqsima A

MALTA

ATT Nru XXI tal-2021

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, Kap. 551.

ACT No. XXI of 2021

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Environment and Planning Review Tribunal Act, Cap. 551.

Nagħti l-kunsens tiegħi.

(L.S.) **GEORGE VELLA**
President

30 ta' April, 2021

ATT Nru XXI tal-2021

ATT sabiex jemenda l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, Kap. 551.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor. Kap. 551.

2. Is-subartikolu (7) tal-artikolu 4 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej: Emenda tal-artikolu 4 tal-Att prinċipali.

"(7) Il-Membri tat-Tribunal għandhom jibqgħu fil-kariga għal terminu ta' ħames (5) snin, iżda jistgħu jiġu appuntati mill-ġdid għal terminu ieħor ta' ħames (5) snin.".

Emenda tal-artikolu 9 tal-Att prinċipali.

3. Fil-paragrafu (b) tas-subartikolu (2) tal-artikolu 9 tal-Att prinċipali l-kliem "proċedurali jew sostantiva;" għandhom jiġu sostitwiti bil-kliem "proċedurali jew sostantiva:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Iżda kemm-il darba jqumu kwistjonijiet ta' natura perentorja, it-Tribunal jista' jgħaddi sabiex qabel kull ħaġa oħra jisma' l-provi tal-partijiet u jagħti deċiżjoni, limitatament dwar il-kwistjoni, u deċiżjoni li tingħata mit-Tribunal għandha titqies finali u soġġetta għal appell fi żmien għoxrin (20) jum minn meta tkun ingħatat, quddiem il-Qorti tal-Appell skont l-artikolu 52 tal-Att.".

Emenda tal-artikolu 32B tal-Att prinċipali.

4. Minnufih wara s-subartikolu (3) tal-artikolu 32B tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

"(4) (a) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (2), ir-Reġistru ta' dan it-Tribunal għandu jkun miftuħ għall-preżentata tal-atti matul il-ġranet li ġejjin u matul il-ħinijiet tax-xogħol li ġejjin:

Bejn l-1 ta' Ottubru u t-30 ta' Ġunju ta' kull sena mit-8.00a.m. sa nofsinhar u bejn is-1.30p.m. u t-3.15p.m. u bejn l-1 ta' Lulju u t-30 ta' Settembru mit-8.00a.m. sa nofsinhar.

L.S. 551. 02.

Kap. 252.

(b) Bla ħsara għad-dispożizzjonijiet tar-Regolamenti dwar il-Proċeduri tal-Appelli dwar l-Ambjent u l-Ippjanar, ir-Reġistru tat-Tribunal għandu jkun magħluq għall-preżentata tal-atti s-Sibtijiet u l-Ħdud u fil-btajjel pubbliċi kif provdut fl-Att dwar il-Festi Nazzjonali u Btajjel Pubbliċi oħra.".

Sostituzzjoni tal-artikolu 51 tal-Att prinċipali.

5. L-artikolu 51 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"51. Bla ħsara għas-subartikolu 9(2)(b), appell minn deċiżjoni parzjali tat-Tribunal skont l-artikolu 33 jista' jiġi ppreżentat biss flimkien ma' appell mid-deċiżjoni finali tat-Tribunal.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 452 tas-26 ta' April, 2021.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.) **GEORGE VELLA**
President

30th April, 2021

ACT No. XXI of 2021

AN ACT to amend the Environment and Planning Review Tribunal Act, Cap. 551.

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:-

Short title.

Cap. 551.

1. The short title of this Act is the Environment and Planning Review Tribunal (Amendment) Act, 2021 and this Act shall be read and construed as one with the Environment and Planning Review Tribunal Act, hereinafter referred to as "the principal Act".

Amendment of article 4 of the principal Act.

2. Sub-article (7) of article 4 of the principal Act shall be substituted by the following new sub-article:

"(7) Members of the Tribunal shall remain in office for a term of five (5) years, but may be reappointed for another term of five (5) years.".

Amendment of article 9 of the principal Act.

3. In paragraph (b) of sub-article (2) of article 9, the words "substantive or procedural nature;" shall be substituted by the words "substantive or procedural nature:" and immediately thereafter there shall be added the following new proviso:

"Provided that whenever pleas of a peremptory nature arise, the Tribunal may decide before any other matter to hear the evidence of the parties and give a decision, limitedly on the matter, and a decision given by the Tribunal shall be deemed

final and subject to appeal within twenty (20) days of its award, before the Court of Appeal in terms of article 52 of the Act.".

4. Immediately after sub-article (3) of article 32B of the principal Act, there shall be added the following new sub-article: Amendment of article 32B of the principal Act.

"(4) (a) Without prejudice to the provisions of sub-article (2), the Registry of this Tribunal shall be open for the lodging of acts during the following days and during the following working hours:

Between 1^{st} October and 30^{th} June of each year, from 8.00a.m. to noon and between 1.30p.m. and 3.15p.m. and between 1^{st} July and 30^{th} September from 8.00a.m. to noon.

(b) Subject to the provisions of the Environment and Planning Appeals (Procedure) Regulations, the Registry of the Tribunal shall be closed for the lodging of acts on Saturdays and Sundays and on public holidays as provided for in the National Holidays and Other Public Holidays Act.".

S.L. 551. 02.

Cap. 252.

5. Article 51 of the principal Act shall be substituted by the following new article: Substitution of article 51 of the principal Act.

"51. Without prejudice to sub-article 9(2)(b), an appeal against a partial decision of the Tribunal pursuant to article 33 may be lodged only with an appeal against the final decision of the Tribunal.".

Passed by the House of Representatives at Sitting No. 452 of the 26th April, 2021.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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