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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Michael Falzon, M.P., Ministru għall-Iżvilupp ta' l-Infrastruttura, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Lulju, 1991.

ATT biex jipprovdi għall-ippjanar u tmexxija ta' l-iżvilupp, għat-twaqqif ta' Awtorita' b' setghat għal hekk u hwejjeg li għandhom x'jaqsmu magħhom jew li huma aċċillari għalihom.

RICHARD J. CAUCHI

Agent Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Michael Falzon, M.P., Minister for Development of Infrastructure, and read for the First time at the Sitting of the 9th July, 1991.

AN ACT to make provision for the planning and management of development, for the establishment of an authority with powers to that effect and for matters connected therewith or ancillary thereto.

RICHARD J. CAUCHI

Acting Clerk to the House of Representatives

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imsejjah

ATT biex jipprovdi għall-ippjanar u tmexxija ta' l-iżvilupp, għat-twaqqif ta' Awtorita' b' setgħat għal hekk u hwejjeg li għandhom x'jaqsmu magħhom jew li huma aċċillari għalihom.

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

TAQSIMA 1 PRELIMINARI

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1991 dwar l-Ippjanar ta' l-Iżvilupp.

Titolu fil-qosor u
bidu fis-sehh

(2) Dan l-Att ghandu jibda jsehh f'dik id-data li l-Ministru responsabbli ghall-ippjanar ta' l-iżvilupp jista' jistabblixxi b'avviz fil-Gazzetta, u jistghu jigu hekk stabbiliti dati differenti dwar disposizzjonijiet differenti jew ghanijiet differenti ta' dan l-Att.

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

Tifsir

“aġenzija tal-Gvern” tfisser enti morali imwaqqaf b'ligi u kumpanija li fiha l-Gvern jew enti bħal dak, jew it-tnejn flimkien, ghandhom interess li jikkontrollha jew li hija sussidjarja ta' kumpanija bħal dik;

“art” tinkludi bini;

“avviz ta' twettieq” ghandha t-tifsir moghti lilha mill-artikolu 54 ta' dan l-Att;

“l-Awtorità” tfisser l-Awtorita' ta' l-Ippjanar imwaqqaf bl-artikolu 3 ta' dan l-Att u tinkludi kull korp jew persuna ohra li taġixxi f'isimha bis-sahha ta' setghat delegati mill-Awtorita' taht dan l-Att;

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

“bini jew xoghol” tinkludi materjal skartat, żibel jew materjal ieħor depożitat fuq art;

“bini skedat” u **“siġar skedati”** ghandhom it-tifsir moghti lilhom, rispettivament, mill-artikolu 46 u 48 ta' dan l-Att;

“il-Bord ta' Appell dwar l-Ippjanar”, “il-Bord ta' Appell” u “il-Bord”, ifissru il-Bord ta' Appell dwar l-Ippjanar imwaqqaf bl-artikolu 14 ta' dan l-Att;

“id-Direttur ta' l-Ippjanar” u **“id-Direttur”** ifissru d-Direttur ta' l-Ippjanar nominat taht l-artikolu 6 ta' dan l-Att, u jinkludi kull persuna li taġixxi f'ismu jew taht l-awtorita' tiegħu;

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

“funzjonijiet” tinkludi responsabilitajiet, setghat u dmirijiet;

“il-Kumitat” tfisser il-Kumitat Konsultattiv dwar l-Ippjanar imwaqqaf bl-artikolu 12 ta' dan l-Att;

“**il-Kummissjoni**” tfisser il-Kummissjoni għall-Kontroll ta' l-Iżvilupp imwaqqa bl-artikolu 13 ta' dan l-Att;

“**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;

“**Ministru**” tfisser il-Ministru responsabbli għall-ippjanar ta' l-iżvilupp;

“**ordni dwar l-iżvilupp**” tfisser ordni magħmul taħt u għall-ghanijiet ta' l-artikolu 31 ta' dan l-Att;

“**ordni dwar reklami**” tfisser ordni magħmul taħt u għall-ghanijiet ta' l-artikolu 49 ta' dan l-Att;

“**ordni għall-konservazzjoni**” tfisser ordni magħmul taħt u għall-finijiet ta' l-artikolu 46 ta' dan l-Att;

“**ordni għall-preservazzjoni ta' siġar**” tfisser ordni magħmul taħt u għall-ghanijiet ta' l-artikolu 48 ta' dan l-Att;

“**permess għall-żvilupp**” tfisser permess biex isir żvilupp mogħti mill-Awtorita' jew fuq talba għal hekk jew f'ordni dwar l-iżvilupp;

“**pjan dwar suġġett**” għandha t-tifsir mogħti lilha mill-artikolu 24 ta' dan l-Att;

“**pjan lokali**” għandha t-tifsir mogħti lilha mill-artikolu 25 ta' dan l-Att;

“**pjan ta' azzjoni**” għandha t-tifsir mogħti lilha mill-artikolu 26 ta' dan l-Att;

“**pjan ta' struttura**” għandha t-tifsir mogħti lilha mill-artikolu 18 u 22 ta' dan l-Att;

“**pjanijiet ta' żvilupp**” tinkludi l-pjan ta' struttura, pjanijiet dwar suġġett, pjanijiet lokali u pjanijiet ta' azzjoni;

“**preskritt**” tfisser preskritt b'regolamenti, regoli, ordni jew strument ieħor magħmula kif provdut fid-disposizzjoni ta' dan l-Att li tagħti s-setgħa li jsir dak l-istrument;

“**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 użata għal kollox jew f'parti għal skop ta' reklam, avviz jew direzzjoni, inklużi kull stekkat jew struttura simili użata jew addattata għall-użu ta' wiri ta' reklami;

“**sena finanzjarja**” tfisser il-perjodu ta' tnax-il xahar li jispiċċa fit-30 ta' Settembru ta' kull sena;

Izda l-ewwel sena finanzjarja ta' l-Awtorita' għandha tibda

fil-bidu fis-seħħ ta' dan l-Att u tispicċa fit-30 ta' Settembru tas-sena ta' wara;

“sid”, dwar art, tfisser persuna li jew bi dritt tagħha jew bhala aġent ta' haddieħor għandha dritt tirċievi l-kera ta' l-art jew, fejn l-art m'hix mikrija, kien ikollha dak id-dritt kieku kienet mikrija:

Iżda meta l-art hi suġġetta għall-użufrutt l-espressjoni **“sid”** tinkludi sid l-art suġġetta għall-użufrutt;

“żvilupp” għandha t-tifsir mogħti lilha bis-subartikolu (2) ta' l-artikolu 30 ta' dan l-Att;

“taxxa dwar bini” tfisser kull hlas jew kontribuzzjoni li għandu jsir jew għandha tithallas taht l-artikolu 41 u 42 ta' dan l-Att;

“triq” tfisser kull triq prinċipali jew triq, sew pubblika jew privata, u tinkludi kull triq, pjazza, bitha, sqaq, sqajjaq, pont, passaġġ bir-riġel, passaġġ jew moll, sew jekk jgħaddi t-traffiku minnhom jew jekk le;

“uffiċjal pubbliku” għandha t-tifsir mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;

“użu”, dwar art, ma tinkludix l-użu ta' l-art beix isiru fiha xogħolijiet ta' kostruzzjoni, inġinerija jew thaffir jew xogħolijiet oħra fuqha;

“xogħolijiet ta' bini” tinkludi xogħolijiet ta' rikostruzzjoni, tibdil strutturali jew żieda f' bini, u xogħolijiet oħra normalment magħmula minn persuna li tagħmel ix-xogħol ta' bennej;

“xogħolijiet ta' inġinerija” tinkludi l-formazzjoni jew it-tqegħid ta' toroq u ta' meżzi ta' aċċess għal toroq.

TAQSIMA II AMMINISTRAZZJONI

1. L-Awtorita' ta' l-Ippjanar

3. (1) Qeghda b'dan tigi mwaqqfa awtorita', li tkun maghrufa bhala l-Awtorita' ta' l-Ippjanar, li tkun maghmula minn mhux anqas minn tlettax u mhux aktar minn hmistax-il membru, li minnhom wiehed ikun *ic-chairman* ta' l-Awtorita'.

Twaqqif ta' l-Awtorita' ta' l-Ippjanar

(2) Hlief kif provdut xort'ohra aktar il-quddiem, il-membri ta' l-Awtorita' ghandhom jigu nominati mill-Prim Ministru kif gejj:

- (a) hames membri minnhom ghandhom jintghazlu minn fost ufficjali pubblici li jaqdu dmirijiet f'ministeri responsabbli ghall-ambjent, l-infrastruttura, politika soċjali, ekonomija u agrikoltura;
- (b) tmien membri (aktar 'il quddiem imsejha il-"membri indipendenti") ghandhom jintghazlu minn fost persuni ta' integrita' maghrufa u li ghandhom taghrif u esperjenza fi hwejjeġ li ghandhom x'jaqsmu ma l-iżvilupp, inklużi attivitajiet kummerċjali jew industrijali, hwejjeġ soċjali u kommunitarji u l-ambjent.

(3) Iż-żewġ membri ohra ta' l-Awtorita' ghandhom ikunu membri tal-Kamra tad-Deputati li minnhom wiehed jiġi nominat mill-Prim Ministru u l-iehor mill-Kap ta' l-Oppożizzjoni:

Iżda l-Awtorita' tkun validament kostitwita u tista' tiffunzjona minkejja kull nuqqas li jiġi nominati taht dan is-subartikolu ż-żewġ membri ta' l-Awtorita' jew wiehed minnhom.

(4) *Ic-Chairman* u deputat-*chairman* ta' l-Awtorita' ghandhom jintghazlu mill-Prim Ministru minn fost il-membri indipendenti ta' l-Awtorita'.

(5) Hlief kif provdut fis-subartikolu (2) u (3) ta' dan l-artikolu, ebda persuna ma tikkwalifika biex tigi nominata, jew biex tibqa', membru ta' l-Awtorita' jekk hija:

- (a) ufficjal pubbliku,
- (b) membru jew ufficjal jew impjegat ta' aġenzija tal-Gvern,
- (c) membru tal-Kamra tad-Deputati; jew
- (d) membru ta' awtorita' ta' gvern lokali.

(6) Il-membri indipendenti ghandhom jibqghu fil-kariga ghal dak il-perijodu, li ma jkunx anqas minn tliet snin, li jkun speċifikat fl-ittra li biha jkunu ġew nominati, u jekk ebda perijodu ma jiġi speċifikat.

għandhom jibqgħu fil-kariga għal tliet snin. Meta jiffissa l-perijodu tal-kariga, il-Prim Ministru għandu, kemm jista' jkun, jara li jkun hemm element ta' rotazzjoni. Il-membri indipendenti jistgħu jirriżenjaw b'ittra ndirizzata lill-Prim Ministru iżda ma jistgħux jitnehhew mill-kariga hliet b'riżoluzzjoni tal-Kamra tad-Deputati minhabba kondotta hażina jew inkapaċità li jaqdu d-dmirijiet tal-kariga tagħhom.

(7) Il-membri l-oħra ta' l-Awtorita' jibqgħu fil-kariga sakemm jiġu sostitwiti mill-awtorita' li tkun innominathom u sakemm jibqgħu uffiċjali pubbliċi jew membri tal-Kamra, kif jehtieg il-każ. Membri tal-Kamra jistgħu wkoll jirriżenjaw mill-kariga b'ittra ndirizzata lill-awtorita' li tkun innominathom.

(8) Persuna li ma tibqax membru ta' l-Awtorita' tista', jekk tkun kwalifikata għal hekk, terġa' tiġi nominata; iżda ebda persuna m'għandha, b'kollox, tibqa' membru ta' l-Awtorita' għal iktar minn seba' snin wara xulxin.

(9) Id-disposizzjonijiet ta' l-Ewwel Skeda ta' dan l-Att għandhom japplikaw għall-Awtorita' u jirregola il-proċeduri tagħha.

L-Awtorita' tkun
enti morali

4. (1) L-Awtorita' tkun enti morali b'personalita' legali distinta u kapaċi, bla ħsara biss għad-disposizzjonijiet ta' dan l-Att, li tħarrek u tiġi mħarrka, li tidhol f'kull kuntratt, li takkwista, iżzomm u tiddisponi minn proprjeta' ta' kull xorta, sew mobbli kemm immobbli, b'kull titolu u li tagħmel kull haġa oħra jew operazzjoni tkun liema tkun.

(2) Ir-rappreżentanza legali u ġudizzjarja ta' l-Awtorita' tkun vestita fiċ-*Chairman*:

Iżda l-Awtorita' tista' tinnomina wiehed jew aktar mill-membri tagħha, jew wiehed jew aktar mill-uffiċjali jew impjegati tagħha, biex jidhru f'isimha u f'lokha f'xi proċediment ġudizzjarju jew f'xi att, kuntratt, kitba jew dokument ieħor ikun liema jkun.

(3) Fin-nuqqas taċ-*chairman*, jew jekk iċ-*chairman* ma' jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, sew jekk taht din jew xi disposizzjonijiet oħra ta' dan l-Att, dawk il-funzjonijiet jiġu moqdiya mid-deputat *chairman*.

Funzjonijiet ta' l-
Awtorità

5. (1) L-Awtorita' jkollha bħala funzjonijiet tagħha il-promozzjoni ta' żvilupp tajjeb ta' l-art, sew fis-settur pubbliku kemm f'dak privat, u l-kontroll ta' dak l-iżvilupp skond *policies* u pjanijiet approvati.

(2) Għal dan il-ghan, u bla ħsara għad-disposizzjonijiet ta' dan l-Att, l-Awtorita' tkun responsabbli għal -

- (a) it-thejjija u t-tħaris tal-pjanijiet ta' żvilupp, jiġifieri tal-pjan ta' struttura u d-dokumenti supplementari għall-ippjanar, inkluża kull haġa oħra ancillari jew inċidentali għalihom jew li twassal għalihom;

- (b) it-tmexxija ta' konsultazzjonijiet ma' dipartimenti tal-Gvern, organizzazzjonijiet privati u persuni oħra dwar l-ippjanar.

(3) Fil-qadi tal-funzjonijiet tagħha taħt dan l-Att, l-Awtorita' jkollha u tista' teżercita' l-poteri kollha, jew wiehed jew aktar minnhom, li huma vestiti fiha jew mogħtija lilha b'dan l-Att.

(4) Sakemm iżzomm kontroll u superviżjoni ġenerali, u xort'oħra thares id-disposizzjonijiet ta' dan l-Att, l-Awtorita' tista' tiddelega wahda jew iżjed mill-funzjonijiet jew poteri tagħha skond dan l-Att taħt dawk il-kundizzjonijiet li jidhrilha xierqa.

(5) L-Awtorita' tista' wkoll teżercita dawk is-setgħat ta' kontroll fuq l-iżvilupp li jistgħu jiġu delegati lilha minn xi dipartiment jew aġenzija tal-Gvern.

6. (1) L-Awtorita' għandha tinnomina Direttur ta' l-Ippjanar, li jkun l-uffiċjal eżekuttiv ewlieni ta' l-Awtorita', u dawk l-uffiċjali u mpjegati l-oħra li l-Awtorita' minn żmien għal żmien tqis li huma meħtieġa għall-qadi tal-funzjonijiet tagħha taħt dan l-Att. Id-Direttur, jew rappreżentant tiegħu, ikollhom il-jedd li jattendu l-laqgħat kollha ta' l-Awtorita' u tal-Kumissjoni għall-Kontroll ta' l-Iżvilupp.

Uffiċjali u impjegati ta' l-Awtorità

(2) L-Awtorita' għandha wkoll tinnomina wiehed mill-uffiċjali tagħha biex jaġixxi bħala s-segretarju ta' l-Awtorita'.

(3) L-uffiċjali u l-impjegati ta' l-Awtorita' għandhom jiġu nominati taħt dawk il-pattijiet u kundizzjonijiet li l-Awtorita' minn żmien għal żmien tista' tiddetermina wara konsultazzjoni ma' l-uffiċċju tal-Prim Ministru.

(4) Il-Prim Ministru jista', fuq talba ta' l-Awtorita' jordna li uffiċjal pubbliku jkun imqabbađ għax-xogħol ma' l-Awtorita' f'dik il-kariga u b'effett minn dik id-data li jiġi speċifikat fl-ordni; u f'kull każ bħal dan id-disposizzjonijiet tat-Tieni Skeda ta' dan l-Att ikollhom effett dwar kull uffiċjal pubbliku li jiġi hekk imqabbađ.

(5) L-Awtorita' tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal pubbliku mqabbađ għax-xogħol ma' l-Awtorita' taħt dan l-artikolu impjieg permanenti ma' l-Awtorita' b'rimunerazzjoni u taħt il-pattijiet u kundizzjonijiet speċifikati fl-offerta.

(6) Kull uffiċjal pubbliku li jaċċetta impjieg permanenti offert lilu taħt dan l-artikolu għandu, għall-ghanijiet kollha, jispiċċa mis-servizz tal-Gvern u jidhol fis-servizz ta' l-Awtorita' b'effett mid-data li fiha jaċċetta l-offerta, jew dik id-data aktar tard li tiġi miftehma bejnu u l-Awtorita'.

7. (1) L-Awtorita' għandha tiġi ddotata b'kapital inizjali ta' hames mitt elf lira Maltin li jiġi mħallas mill-Gvern mill-Fond Konsolidat, mingħajr approprjazzjoni oħra barra minn dan l-Att, b'warrant taħt il-firma tal-Ministru responsabbli għall-finanzi li jawtorizza l-*Accountant General* biex jagħmel il-hlas.

Disposizzjonijiet finanzjarji

(2) Wara dan il-hlas, l-Awtorita' ghandha tithallas mill-Fond Konsolidat dawk is-somom li l-Kamra tad-Deputati tapprova.

(3) L-Awtorita' ghandha tara li f'kull sena finanzjarja jitlestew, u mhux aktar tard minn sitt gimghat wara l-eghluq ta' dik is-sena tadotta, estimi tad-dhul u hrug ta' l-Awtorita' ghas-sena finanzjarja ta' wara:

Izda dwar l-ewwel sena finanzjarja, l-Awtorita' ghandha tlesti u tadotta estimi mhux aktar tard minn tnax-il gimgha mid-dhul fis-sehh ta' dan l-Att.

(4) L-estimi ghandhom isiru f'dik il-forma u ghandhom ikollhom dik l-informazzjoni u dawk il-paraguni ma' estimi ta' qabel kif il-Ministru jista' jordna.

(5) Kopja ta' l-estimi ta' l-Awtorita' ghandhom, malli jigu adottati mill-Awtorita', jitbaghtu minnufih lill-Ministru.

(6) Il-Ministru ghandu, ma' l-ewwel opportunita', u mhux aktar tard minn umien gimghat minn mindu jircievi kopja ta' l-estimi ta' l-Awtorita', jew, jekk f'xi zmien il-Kamra tad-Deputati ma tkunx qed tiltaqa' f' sessjoni, fi zmien tmien gimghat mill-bidu ta' l-ewwel sessjoni ta' wara, jara li dawk l-estimi jitqeghdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova dawk l-estimi. Ghandha tinghata gurnata ghad-diskussjoni fil-Kamra ta' dik il-mozzjoni; u kemm il-mozzjoni kemm l-approvazzjoni ta' estimi mill-Kamra jistghu jkunu sew b'emendi ghall-estimi sew minghajrhom.

(7) L-Awtorita' ma tista' tidhol ghal ebda spiza li ma tkunx giet approvata mill-Kamra tad-Deputati:

Izda:

- (a) sakemm jghaddu sitt xhur mill-bidu ta' sena finanzjarja jew sa l-approvazzjoni ta' l-estimi ghal dik is-sena, l-Awtorita' tista' tidhol ghal nefqa biex taqdi l-funzjonijiet taghha taht dan l-Att li b'kollox ma tkunx akbar minn nofs l-ammont approvat ghas-sena finanzjarja ta' qabel;
- (b) nefqa approvata dwar kap jew sotto-kap ta' l-estimi tista' bl-approvazzjoni tal-Ministru, issir dwar kap jew sotto-kap iehor ta' l-estimi;
- (c) jekk f'xi sena finanzjarja jinstab li l-ammont approvat mill-Kamra mhux bizzejjed, jew jekk tinqala' l-htiega ta' nefqa ghal ghan mhux provdut fl-estimi, l-Awtorita' tista' tadotta estimi supplimentari ghall-approvazzjoni tal-Kamra u, sakemm tinghata dik l-approvazzjoni, izda suggett ghall-ghoti taghha, l-Awtorita' tista' f'cirkostanzi speċjali u bl-approvazzjoni tal-Ministru, tidhol ghall-ispiza relattiva; u d-disposizzjonijiet ta' dan l-Att applikabbli ghall-estimi ghandhom, sa fejn hu prattikabbli, japplikaw ghall-estimi supplimentari:

Iżda wkoll, dwar l-ewwel sena finanzjarja ta' l-Awtorita', dan is-subartikolu ghandu japplika bhallikieku n-nefqa totali li l-Awtorita' tista' tidhol ghalha sakemm l-estimi ghal dik is-sena jigu approvati mill-Kamra ma tistax tkun akbar minn nofs l-ammont muri fl-estimi.

(8) L-estimi u l-estimi supplimentari kollha approvati mill-Kamra ghandhom, kemm jista' jkun malajr, jigu ppublikati fil-Gazzetta.

8. (1) L-Awtorita' ghandha tara li jinzammu kontijiet xierqa u dokumentazzjoni ohra dwar il-hidma taghha u ghandha tara li jitlestha prospett ta' kontijiet dwar kull sena finanzjarja.

Kontijiet u verifika

(2) Il-kontijiet ta' l-Awtorita' ghandhom jigu verifikati minn awditur jew awdituri nominati minnha u approvati mill-Ministru:

Iżda l-Ministru responsabbli ghall-finanzi jista' jehtieg li l-kotba u dokumentazzjoni ohra ta' l-Awtorita' jigu verifikati jew ezaminati mid-Direttur ta' Verifika li, ghal dan il-ghan, ikollu s-setgħa li jagħmel dik il-verifika fizika u verifiki ohra, u li jitlob dik l-informazzjoni li jidhirlu mehtiega.

(3) Wara l-egħluq ta' kull sena finanzjarja, fl-istess hin li kopja ta' l-estimi ta' l-Awtorita' tintbagħat lill-Ministru taħt l-artikolu 7 ta' dan l-Att, l-Awtorita' ghandha tara li kopja tal-prospett ta' kontijiet verifikati kif jixraq jigu mogħtija lill-Ministru flimkien ma' kopja ta' kull rapport magħmul mill-awditur jew awdituri dwar dak il-prospett jew dwar il-kontijiet ta' l-Awtorita'.

(4) Il-Ministru ghandu jara li jitqiegħed quddiem il-Kamra kopja ta' kull prospett u rapport bħal dak flimkien mal-mozzjoni mqegħda quddiem il-Kamra taħt l-artikolu 7 fuq imsemmi.

9. (1) L-Awtorita' ghandha, mhux aktar tard minn sitt gimghat wara t-tmiem ta' kull sena finanzjarja, tagħmel u tibgħat lill-Ministru rapport tal-hidma taghha matul dik is-sena, li jkun fih dik l-informazzjoni dwar il-funzjonijiet u l-proċeduri ta' l-Awtorita' kif il-Ministru jista' minn żmien għal żmien jehtieg.

Rapport Annwali

(2) Il-Ministru ghandu jara li kopja ta' kull rapport bħal dan jitqiegħed fuq il-mejda tal-Kamra tad-Deputati kemm jista' jkun malajr.

10. Hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali, l-Awtorita' m'għandhiex tidhol f'kuntratt għal provvista ta' oġġetti jew materjal jew għall-esekuzzjoni ta' xogħolijiet jew għall-ghoti ta' servizzi, lil jew favur l-Awtorita', li huwa stmat mill-Awtorita' li jkun jinvolvi nefqa ta' aktar minn hamest elef lira, hlief wara li jiġi ppublikat avviz ta' intenzjoni ta' l-Awtorita' li tidhol f'kuntratt bħal dak u wara li jkunu hargu offerti kompetittivi.

Kuntratti ta' provvista u xogħolijiet

11. L-Awtorita' tkun eżenti minn kull hlas ta' taxxa fuq l-income, dazju tad-dwana u taxxa fuq dokumenti li tkun minn żmien għal żmien dovuta f'Malta.

Eżenzjoni minn taxxa

2. Il-Kumitat Konsultattiv dwar l-Ippjanar

Twaqqif u
funzjonijiet ta'
Kumitat Konsul-
tattiv dwar
l-Ippjanar

12. (1) Għandu jkun hemm kumitat li jkun magħruf bħala il-Kumitat Konsultattiv dwar l-Ippjanar, magħmul minn dak in-numru ta' persuni li minn żmien għal żmien jiġu nominati mill-Prim Ministru wara li jkun ikkonsulta dawk l-organizzazzjonijiet rappreżentattivi tad-diversi aspetti tal-hajja f'Malta kif jidhirlu xieraq. Il-Prim Ministru għandu wkoll jinnomina iċ-*chairman* tal-Kumitat.

(2) Il-Kumitat ikollu l-funzjoni li jagħti pariri lill-Gvern u lill-Awtorita' fuq kull *policy* jew proposta li tinsab fi pjan ta' żvilupp li fuqha jintalab il-parir tiegħu jew li dwarha l-Kumitat jidhirlu li għandu jiġbed l-attenzjoni tal-Gvern jew ta' l-Awtorita'.

(3) Il-Kumitat għandu jiltaqa' daqs kemm ikun meħtieġ, iżda mhux anqas minn erba' darbiet f'kull sena kalendarja; u bla ħsara għad-disposizzjoni ta' hawn fuq, il-Kumitat jista' jirregola l-proċeduri tiegħu.

(4) L-għajnuna amministrattiva u teknika, kif ukoll il-fondi, meħtieġa mill-Kumitat għandhom jiġu provduti mill-Awtorita' mir-rizorsi tagħha.

3. Il-Kummissjoni għall-Kontroll ta' l-Iżvilupp

Twaqqif u
funzjonijiet tal-
Kummissjoni
għall-Kontroll ta'
l-Iżvilupp

13. (1) Għandu jkun hemm kummissjoni, li tkun magħrufa bħala l-Kummissjoni għall-Kontroll ta' l-Iżvilupp, li tkun magħmula minn:

- (a) *chairman* nominat mill-Prim Ministru minn fost il-membri ta' l-Awtorità;
- (b) tliet persuni nominati mill-Awtorita' minn fost il-membri tagħha; u
- (c) tliet persuni oħra nominati mill-Prim Ministru, li minnhom għall-anqas wieħed għandu jkun membru tal-Kumitat Konsultattiv dwar l-Ippjanar.

(2) Il-funzjonijiet tal-Kummissjoni jkunu dawk il-funzjonijiet ta' l-Awtorita' dwar il-kontroll ta' l-iżvilupp, inkluż dik li jitwettaq il-kontroll, kif l-Awtorita' tista' minn żmien għal żmien tiddelega lill-Kummissjoni u teħtieġha li tagħmel, sugġett għal dawk il-kondizzjonijiet li l-Awtorita' jidhirlha xierqa.

(3) Id-deċiżjonijiet tal-Kummissjoni, inkluż kull permess għall-żvilupp mahruġ minnha, għandhom jitqiesu li huma, u għandhom ikollhom l-istess saħħa u effett daqs, deċiżjonijiet ta' l-Awtorita', hliet dwar materji li l-Awtorita' espressament tirriserva għaliha jew teħtieġ li jiġi riferit lilha għal deċiżjoni; u l-espressjoni "deċiżjoni ta' l-Awtorità", kull fejn tidher f'dan l-Att, għandha tiftiehem hekk.

(4) Id-deċiżjonijiet tal-Kummissjoni ikunu jorbtu biss jekk ikunu tteħdu b'vot favur ta' mhux anqas minn erbgħa mill-membri; u għandhom jiġu ppublikati kemm jista' jkun malajr wara l-laqgħa li fiha jittieħdu.

(5) Il-laqgħat tal-Kummissjoni għandhom ikunu miftuħa għall-pubbliku, iżda l-Kummissjoni jkollha s-saħħa li teskludi kull membru tal-pubbliku jekk jidhrilha li dan hu meħtieġ biex iżzomm l-ordni. Barra minn hekk is-sehem tal-pubbliku f'kull haġa li tkun qed tiġi mistharrġa mill-Kummissjoni jithalla jsir biss fid-diskrezzjoni tal-kummissjoni u, jekk hi hekk teħtieġ, b'arranġamenti li jsiru qabel.

(6) Bla ħsara għad-disposizzjonijiet ta' hawn fuq, u għar-regoli li jistgħu jiġu preskritti mill-Awtorita', il-Kummissjoni tista' tirregola l-proċeduri tagħha.

(7) Il-persunal tal-Kummissjoni għandu jikkonsisti f'dawk l-uffiċjali u mpjegati ta' l-Awtorita' li jkunu mqabbdha biex jaqdu l-Kummissjoni; u l-Awtorita' għandha wkoll tipprovdi lill-Kummissjoni, mir-rizorsi tagħha, dik l-għajjnuna li l-Kummissjoni tista' raġonevolment teħtieġ biex taqdi il-funzjonijiet tagħha.

4. Bord ta' Appell dwar l-Ippjanar

14. (1) Għandu jkun hemm bord, li jkun magħruf bħala l-Bord ta' Appell dwar l-Ippjanar, magħmul minn avukat, li jippresjedi, persuna esperta fl-ippjanar u persuna oħra, u kull waħda minnhom tiġi nominata mill-President.

Twaqqif u
funzjonijiet
ta' Bord ta'
Appell

(2) Il-President jista' wkoll jahtar listi ta' membri, u f'dan il-każ tkun responsabbilta' tas-segretarju tal-Bord li jiddeċiedi kif għandu jkun magħmul il-Bord biex jisma' appell jew iżjed minn appell wieħed, u huwa għandu, sakemm hu possibbli, jiddeċiedi dan fuq bażi ta' rotazzjoni.

(3) Membru tal-Bord ikun skwalifikat milli jisma' appell f'dawk iċ-ċirkostanzi li jiskwalifikaw imhalled f'kawża ċivili; u f'kull każ bħal dak il-membri jiġu sostitwiti jew b'persuna oħra mahtura mill-President għal hekk jew magħzula mil-lista xierqa hekk mahtura.

15. (1) Il-Bord ta' Appell ikollu ġurisdizzjoni:

Funzjonijiet u
Proċedura tal-
Bord ta' Appell

- (a) li jisma' u jiddeċiedi appelli magħmula minn min iħossu aggravat b'deċiżjoni ta' l-Awtorita' ta' l-Ippjanar dwar kull haġa ta' kontroll ta' l-iżvilupp, inkluż it-twettiq ta' dak il-kontroll;
- (b) li jiddeċiedi kull haġa riferita lilu taht l-artikolu 27 ta' dan l-Att;
- (c) li jagħmel rakkomandazzjonijiet u jagħti pariri lill-Kabinett dwar kull proposta ta' żvilupp minn xi dipartiment jew aġenzija tal-Gvern meta d-dipartiment jew aġenzija tkun ikkontestat id-deċiżjoni ta' l-Awtorita' dwar dik il-proposta.

(2) Id-deċiżjonijiet tal-Bord ikunu finali hliet dwar punti ta' liġi deċiżi mill-Bord li minnhom ikun hemm appell lill-Qorti ta' l-Appell.

(3) Id-deċiżjonijiet tal-Bord ikunu jorbtu jekk jittiehdu bil-vot favur ta' mhux anqas minn tnejn mill-membri. U l-membri li ma jkunx jaqbel, jekk ikun hemm, jista' jaghti opinjoni separata; u d-deċiżjonijiet kollha tal-Bord għandhom jinqraw fil-pubbliku u jiġu ppublikati malajr kemm jista' jkun wara s-seduta li fiha jkunu ttiehdu.

(4) Għandu jinghata avviż minn qabel ta' mhux inqas minn erbatax-il jum ta' kull laqgħa tal-Bord b'dak il-mod li l-Bord jidhirlu xieraq jew kif jiġi preskritt taht l-artikolu 60 ta' dan l-Att u kull parti nteressata li tkun uriet il-hsieb li tagħmel sottomissjonijiet għandha tiġi mistiedna li tagħmel hekk.

(5) Is-seduti tal-Bord għandhom ikunu miftuha għall-pubbliku, iżda l-Bord ikollu s-setgħa li jeskludi kull membru tal-pubbliku jekk jidhirlu li dan hu mehtieġ biex jinżamm l-ordni.

(6) Il-Bord jista' jehtieġ li dipartiment jew aġenzija tal-Gvern jagħti lill-Bord dik l-informazzjoni jew dak il-parir li l-Bord iqis li hu mehtieġ għall-qadi xieraq tal-funzjonijiet tiegħu.

(7) Il-Bord għandu jkollu segretarjat amministrattiv indipendenti magħmul minn segretarju u dawk l-uffiċjali u mpjegati li jkunu mehtieġa biex il-kwistjonijiet li jaqgħu taht il-ġurisdizzjoni tiegħu jinqatgħu malajr u b'mod effiċjenti. Is-Segretarjat jiġi magħżul u mqabbad mill-Bord.

(8) Mingħajr hsara għad-disposizzjonijiet tas-subartikolu (7) ta' dan l-artikolu, il-fondi mehtieġa mill-Bord għall-qadi tal-funzjonijiet tiegħu, għandhom jiġu provduti mill-Awtorità'.

(9) Bla hsara għal dak li hemm hawn fuq u għall-artikolu 37 ta' dan l-Att, appelli lill-Bord u t-tmexxija tal-hidma tal-Bord għandhom isiru skond dawk ir-regoli li jistgħu jiġu preskritti taht l-artikolu 60 ta' dan l-Att; u fin-nuqqas ta' regoli bħal dawk dwar kull haġa, il-Bord jista' jirregola l-proċeduri tiegħu.

(10) Appelli lill-Qorti ta' l-Appell minn deċiżjonijiet tal-Bord kif provdut fis-subartikolu (1) ta' dan l-artikolu għandhom isiru mhux aktar tard minn hmistax-il ġurnata minn dik li fiha id-deċiżjoni tkun inqrat fil-pubbliku; u dawn l-appelli għandhom jiġu regolati minn regoli tal-qrati magħmula bis-saħħa tal-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12

5. Disposizzjonijiet Komuni

Membri ta' l-Awtorità' eċċ
jitqiesu uffiċjali
pubbliċi
Kap. 9

16. Għall-ghanijiet tal-Kodiċi Kriminali u ta' kull disposizzjoni ta' natura penali f'kull liġi oħra, il-membri ta' l-Awtorità' u ta' kull kumitat, bord, kummissjoni, jew korp iehor imwaqqaf b'dan l-Att, u kull uffiċjal u mpjegat tagħhom, għandu jitqies li hu u jiġi trattat bħal li kieku kien uffiċjal pubbliku.

Pubblikazzjoni ta'
l-ismijiet tal-
membri ta' l-
Awtorità' eċċ.

17. L-ismijiet tal-membri kollha ta' l-Awtorità', u ta' kull kumitat, bord, kummissjoni, jew korp iehor imwaqqaf b'dan l-Att, kompriżi l-listi li minnhom jiġi kostitwit il-Bord ta' Appell, u kull tibdil f'dawk il-membri, għandhom jiġu ppublikati fil-Gazzetta.

TAQSIMA III L-IPPJANAR TA' L-IŻVILUPP

1. Il-Pjan ta' Struttura

18. (1) L-Awtorita' ghandha theggi pjan ta' struttura u ghandha mhux aktar tard minn sena minn mindu dan l-Att jibda jsehh tissottomettih lill-Gvern biex jiġi kkunsidrat u approvat kif provdut fid-disposizzjonijiet li ġejjin ta' din it-Taqsima ta' dan l-Att.

Il-Pjan ta' Struttura, il-preparattivi ghalih u r-reviżjoni tiegħu

(2) Il-pjan ta' struttura għandu jkun stqarrija bil-miktub illustrata b'dawk id-disinni u figuri li jkunu mehtieġa u li jkollha magħha memoran-dum spjegattiv u li jagħti ġustifikazzjoni raġunata għal kull *policy* u proposta li jkun hemm fil-pjan.

(3) L-Awtorita' għandha tghasses fuq il-pjan ta' struttura u tirrevedi kull kemm ikun mehtieġ, iżda ebda revizjoni m'għandha jkollha effett anqas spiss minn kull sentejn. Kull revizjoni għandha ssir u tiehu effett kif provdut fid-disposizzjonijiet li ġejjin ta' din it-Taqsima ta' dan l-Att.

(4) Għat-thejjija jew revizjoni ta' pjan ta' struttura l-Awtorita' għandha tagħmel *surveys* ta' dawk il-hwejjeġ li għandhom effett fuq il-karattru u l-kwalita' ta' l-ambjent, il-konservazzjoni u żvilupp tiegħu, inklużi, iżda mhux limitati għal:

- (a) id-daqs, il-kompożizzjoni u d-distribuzzjoni tal-popolazzjoni;
- (b) l-attivitajiet agrikoli, industrijali, kummerċjali, turistiċi u l-attivitajiet ekonomiċi l-oħra tal-pajjiż kompriżi l-għamla ta' mpjieġ li johorġu minnhom;
- (c) iż-żmien hieles u r-rikreazzjoni;
- (d) s-servizzi u faċilitajiet soċjali u komunitarji;
- (e) il-komunikazzjonijiet, it-traffiku u t-trasport;
- (f) is-servizzi ta' utilita' pubblika;
- (g) il-konservazzjoni u preservazzjoni ta' rizorsi naturali u xogħol il-bnedmin;
- (h) dawk il-hwejjeġ l-oħra kollha li l-Gvern jista' jehtieġ jew li l-Awtorita' tqis bħala mehtieġa.

(5) Meta tkun qed theggi jew tirrevedi pjan ta' struttura, l-Awtorita' għandha tqis -

- (a) il-politika ekonomika tal-mument li għandha effett fuq l-iżvilupp;

(b) il-politika tal-Gvern dwar il-hwejjeġ imsemmija fis-subartikolu (4) ta' dan l-artikolu;

(c) ir-riżorsi li aktarx ikun hemm biex il-pjan jiġi mwettaq.

(6) Waqt it-thejjija jew revizjoni tal-pjan ta' struttura l-Awtorita' għandha tgharraf lill-pubbliku b'dawk il-materji li bi hsiebha tqis u għandha tagħti opportunita' xierqa lill-individwi u organizzazzjonijiet biex jagħmlu sottomissjonijiet lill-Awtorita'.

(7) Fit-thejjija ta' pjan ta' struttura l-Awtorita' tista' tagħmel tagħha jew tadotta kull *survey* jew xogħol ieħor magħmul fit-thejjija ta' pjan ta' struttura taħt l-Att tal-1988 dwar Permessi ta' Bini (Provvedimenti Temporani) imhassar b'dan l-Att.

Att Nru. X ta' l-1988

Publikazzjoni ta' pjan ta' struttura u revizjonijiet tiegħu

19. (1) Meta l-pjan ta' struttura jew revizjoni tiegħu jitlestew, l-Awtorita' għandha tippublika l-pjan flimkien ma' stqarrija tas-sottomissjonijiet li tkun irċeviet u r-rejazzjoni tagħha għal dawk is-sottomissjonijiet.

(2) L-Awtorita' għandha tistieden li jsirulha sottomissjonijiet dwar il-pjan fi żmien speċifikat ta' mhux anqas minn sitt ġimgħat.

Studju tal-pjan jew revizjoni tiegħu minn *Panel*

20. (1) Il-pjan ta' struttura jew revizjoni tiegħu flimkien mas-sottomissjonijiet li jkunu saru lill-Awtorita' għandhom, kemm jista' jkun malajr wara l-egħluq taż-żmien speċifikat skond is-subartikolu (2) ta' l-artikolu 19 ta' dan l-Att, jiġi apprezzat minn *Assessment Panel* magħmul minn:

chairman indipendenti,
membru ta' l-Awtorita' u
membru tal-Bord ta' Appell

nominati għal hekk mill-Prim Ministru.

(2) L-*Assessment Panel* għandu jirrikmanda jekk il-pjan għandhux jiġi approvat, kollu jew f'parti, b'tibdil jew kondizzjonijiet jew mingħajr tibdil jew kondizzjonijiet, jew jekk għandhux jintbagħat lura lill-Awtorita'.

(3) Sabiex jasal għad-deċizzjonijiet tiegħu il-*Panel* jista' jitlob lill-Awtorita', lid-Dipartimenti jew aġenziji tal-Gvern u partijiet oħra nteressati li jagħtuh provi; u jista' wkoll, jekk iqis li xi haġa li qed tiġi kkunsidrata hija biżżejjed ta' interess pubbliku, jisma' xi provi minn dawk fuq imsemmija fil-pubbliku.

(4) Ir-rakkomandazzjonijiet tal-*Panel* għandhom jintbagħtu lill-Ministru u għandhom minnufih jiġu pubblikati.

Meta l-pjan jew revizjoni jiġu mibgħuta lura

21. Meta l-pjan ta' struttura jew revizjoni tiegħu jkunu ntbagħtu lura lill-Awtorita', għandha tiġi segwita, safejn hu possibli, l-istess proċedura dwar kull abbozz ieħor imhejji u pubblikat mill-Awtorita', iżda m'għandhomx jintbagħtu lura lill-Awtorita' aktar minn darba.

22. (1) Ma' l-eghluq tal-proċeduri stabbiliti mid-disposizzjonijiet ta' qabel din, il-pjan ta' struttura, u kull revizjoni tiegħu, għandhom jiġu kunsidrati mill-Kabinett flimkien mar-rakkomandazzjonijiet ta' l-Assessment Panel u s-sottomissjonijiet li jkunu saru dwar il-pjan jew revizjoni tiegħu.

Kunsiderazzjoni finali u approvazzjoni ta' pjan jew revizjoni

(2) Wara dan il-Ministru għandu jara li l-pjan ta' struttura jew revizjoni tiegħu, flimkien mar-rakkomandazzjonijiet ta' l-Assessment Panel, jitqegħdu quddiem il-Kamra flimkien ma' mozzjoni għal riżoluzzjoni li l-pjan ta' struttura jiġi approvat mill-Kamra, b'dawk l-emendi, jekk ikun hemm, li jiġu speċifikati fir-riżoluzzjoni.

(3) Il-pjan ta' struttura u kull revizjoni tiegħu kif approvati mill-Kamra jibdwew isehħu minn dik id-data li tista' tiġi speċifikata għal hekk mill-Ministru b'ordni fil-Gazzetta; u għall-ghanijiet ta' dan l-Att, barra minn dawk relattivi għat-thejjija, kunsiderazzjoni u sottomissjoni tal-pjan ta' struttura jew ir-revizjoni tiegħu, l-espressjoni pjan ta' struttura u kull riferenza għar-revizjoni tiegħu, tfisser il-pjan ta' struttura, u kull revizjoni tiegħu, kif approvati mill-Kamra tad-Deputati:

Izda jekk fid-data li fiha jibda jsehħ dan l-Att ikun hemm pjan ta' struttura imhejji taht l-Att ta' l-1988 dwar Permessi ta' Bini (Provvedimenti Temporari) u approvat mill-Kamra tad-Deputati, dak il-pjan ta' struttura, kif hekk approvat, ikun il-pjan ta' struttura u jiġi trattat bħallikieku kien il-pjan ta' struttura imhejji mill-Awtorita' taht dan l-Att għall-ghanijiet kollha tiegħu u bħal li kieku id-disposizzjonijiet kollha ta' dan l-Att relattivi għat-thejjija, kunsiderazzjoni u sottomissjoni ta' pjan ta' struttura ġew mharsa.

2. Pjanijiet dwar Suġġett, Pjanijiet Lokali u Pjanijiet ta' Azzjoni.

23. Jekk l-Awtorita' jidhrilha li biex l-iżvilupp jithaddem sewwa u b'mod effettiv huwa mehtieg li thejji proposti aktar fid-dettal milli jistgħu jiġu mdahhla fi pjan ta' struttura, l-Awtorita' tista thejji dawk il-pjanijiet sussidjarji, jiġifieri pjanijiet dwar suġġett, pjanijiet lokali u pjanijiet ta' azzjoni, li jidhrilha mehtieġa.

Pjanijiet sussidjarji

24. (1) Pjan dwar suġġett huwa pjan li jittratta dwar *policy* jew materja komprizi fi pjan ta' struttura izda jehtieġu biex jiġu attwati aktar dettalji milli jkun hemm fil-pjan ta' struttura.

Pjanijiet dwar suġġett

(2) Pjan dwar suġġett għandu jkun magħmul minn stqarrija bil-miktub ġustifikata b'dawk il-mapep u dijagrammi li jkunu meqjusa mehtieġa.

(3) Hlief kif mistqarr xort'oħra fil-pjan, pjan dwar suġġett għandu japplika għal kull qasam rilevanti tal-pjan ta' struttura, sew jekk huwa wkoll qasam kompriz fi pjan lokali jew pjan ta' azzjoni sew jekk le.

25. (1) Pjan lokali huwa pjan imhejji mill-Awtorita' għal kull zona fejn l-Awtorita' jidhrilha li r-rata ta' iżvilupp jew iżvilupp mill-ġdid ma' tistax tithaddem adegwatament, jew fejn fatturi speċjali ma jistgħux jitqiesu fuq il-bazi tal-pjan ta' struttura wahdu.

Pjan lokali

(2) Pjan lokali ghandu jkun maghmul minn mappa jew mapep fuq skala adegwata u ġustifikati bi stqarrija bil-miktub u dawk id-dijagrammi li huma meqjusa meħtieġa.

Pjanijiet ta' azzjoni

26. (1) Pjan ta' azzjoni jsir mill-Awtorita' għal zona fejn dipartiment jew aġenzija tal-Gvern bi hsiebha li taghmel, jew li bi ftehim mal-privat tara li jsir, żvilupp sostanzjali jew fuq art tal-Gvern jew ta' aġenzija tal-Gvern jew fuq art li bi hsiebhom jakkwistaw sew bi ftehim jew b'mod obligatorju.

(2) Pjan ta' azzjoni jista' jkun parti minn pjan lokali jew pjan lokali shih.

(3) Barra mill-informazzjoni li għandu jkun hemm fi pjan lokali, pjan ta' azzjoni għandu juri wkoll l-art li hija proprjeta' pubblika u dik li huwa l-hsieb li ssir proprjeta' pubblika.

Proċeduri għall-pjanijiet sussidjarji

27. (1) Fit-thejjija ta' pjan sussidjarju, l-proċedura stabbilita fis-subartikolu (6) ta' l-artikolu 18 u fl-artikoli 19 u 20 ta' dan l-Att dwar il-pjan ta' struttura għandha tiġi segwita dwar il-pjan sussidjarju sugġett għad-disposizzjonijiet li ġejjin ta' dan l-artikolu.

(2) Meta xejn fil-pjan sussidjarju ma jestendi l-iskop jew imur kontra s-sustanza tal-pjan ta' struttura, ma jkunx hemm il-ħtieġa li jiġi apprezzat mill-*Assessment Panel* u l-Awtorita' tista' tadotta l-pjan, u l-pjan minnufih isir operattiv, mingħajr sottomissjoni lill-Gvern.

(3) F'kull każ ieħor, il-pjan sussidjarju jew dik il-parti tiegħu li testendi l-iskop ta' jew li tmur kontra l-pjan ta' struttura, għandhom jiġu trattati qieshom kienu reviżjoni tal-pjan ta' struttura u jiġu apprezzati, kunsidrati u approvati bħala tali.

(4) L-Awtorita' tista' tissotometti għal apprezzament dak in-numru ta' pjanijiet, u reviżjonijiet tagħhom, li jidhrilha konvenjenti.

(5) Jekk iqum dubbju dwar liema proċedura għandha tiġi segwita dwar pjan sussidjarju, l-kwistjoni għandha tiġi riferita mill-Gvern lill-Bord ta' Appell u d-deċiżjoni tal-Bord tkun finali:

Iżda ma tistax issir riferenza lill-Bord taht dan l-artikolu jekk tkun għaddiet sena minn mindu l-pjan ikun ġie adottat mill-Awtorita'.

Reviżjoni ta' pjan sussidjarju

28. (1) Kull pjan sussidjarju għandu jiġi rivedut daqs kemm ikun meħtieġ iżda f'ebda każ mhux aktar minn darba kull sentejn.

(2) Meta bħala riżultat ta' reviżjoni l-Awtorita' tipproponi li jsir tibdil sinjifikanti fi pjan, jew meta jiġi propost li pjan jiġi ritirat, kull proposta bħal dik għandha tkun sugġetta għall-istess proċeduri ta' pjan ġdid u tiġi trattata hekk. Tibdil zghir li ma jolqotx is-sustanza ta' pjan jista' jsir mill-Awtorita' skond dawk il-proċeduri li hi stess tista' tistabbilixxi.

Pjanijiet sussidjarji fin-nuqqas ta' pjan ta' struttura

29. (1) Jekk f'xi żmien jew għal xi lokalita' ma jkunx isehh pjan ta' struttura, jew jekk ma jkunx hemm pjan ta' struttura, l-Awtorita' tista' thejji pjan jew pjanijiet sussidjarji, iżda kull pjan bħal dak għandu

jibda jkun operattiv jekk jiġi mhejji u approvat bl-istess mod ta' pjan ta' struttura jew, jekk ikun hemm pjan ta' struttura fis-sehħ, il-pjan sussidjarju jkun jista' jiġi adottat mill-Awtorita' bħal wiehed li hu kompriż fl-iskop tiegħu u ma jmurx kontri.

(2) Minghajr hsara għad-disposizzjonijiet ta' l-artikolu 63 ta' dan l-Att, fiż-żmien li jkun qed jiġi mhejji u approvat pjan ta' struttura, jew, jekk ikun iseħħ pjan ta' struttura magħmul taht l-Att ta' l-1988 dwar Permessi ta' Bini (Provvedimenti Temporanti), waqt li jkunu qed jiġu mhejja u addotati pjanijiet sussidjarji, l-Awtorita' tista' tadotta kull pjan sussidjarju mhejji taht l-Att fuq imsemmi u li jkun fis-sehħ meta jibda jseħħ dan l-Att; u malli jiġu hekk adottati dawk il-pjanijiet sussidjarji għandhom jiġu trattati bħala pjanijiet ta' l-Awtorita' approvati kif mehtieg b' dan l-Att.

TAQSIMA IV KONTROLL TA' L-IŻVILUPP

1. Htieġa ta' permess biex art tiġi żviluppata.

30. (1) Bla hsara għad-disposizzjonijiet ta' dan l-artikolu, u tad-disposizzjonijiet li ġejjin ta' din it-Taqsima ta' dan l-Att, ebda żvilupp ma jista' jsir wara li jibda jsehh dan l-Att hlief bil-permess ta' l-Awtorita', f'dan l-Att imsejjah permess għal żvilupp.

L-iżvilupp
jehtieġ permess

(2) Għall-għanijiet ta' dan l-artikolu, u, sakemm ir-rabta tal-kliem ma tehtieġx xort'ohra, "żvilupp" tfisser l-eghmil ta' xogħol ta' bini, inġinerija, thaffir u xogħol iehor għal kostruzzjoni, demolizzjoni jew tibdil f'art, jew fuqha jew 'l fuq minnha jew taħtha, jew kull bidla sostanzjali fl-użu, minbarra:

- (a) xogħol ta' manutenzjoni;
- (b) tibdil intern f'bini li ma jolqotx il-konfigurazzjoni u d-dehra ta' barra tal-bini u li jsir skond ir-regolamenti magħmula taħt l-artikolu 60 ta' dan l-Att;
- (ċ) l-użu ta' art għal agrikoltura, trobbija ta' annimali u misġar (inkluż l-afforestament) hlief meta dak l-użu jkun jikkonsisti f'erezzjoni ta' bini jew jilhaq it-trobbija ntensiva ta' annimali jew frott ta' l-art;
- (d) f'każ ta' bini jew art ohra li huma wżati għal skop ta' xi klassi msemmija f'ordni mahruġ mill-Awtorita' taħt dan l-Att, l-użu tagħhom għal kull skop iehor ta' l-istess klassi.

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

- (a) l-użu ta' bini li jirriżulta f'żieda jew tnaqqis fin-numru ta' unitajiet ta' abitazzjoni li fih il-bini kien użat qabel; jew
- (b) id-depożitu ta' żibel jew ta' materjal skartat fuq art; jew
- (ċ) l-użu għall-wiri ta' reklami ta' 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 parti minnu, minghajr preġudizzju, fil-każ ta' reklami, għal regolamenti magħmula taħt dan l-Att dwar il-kontroll tagħhom.

31. (1) L-Awtorita' tista' tagħmel ordnijiet sabiex tirregola l-iżvilupp, jew kull aspett tiegħu, f'dawk iċ-ċirkostanzi u taħt dawk il-kundizzjonijiet li jiġu speċifikati fl-ordni, li jkun żvilupp kompriz fl-iskop ta', u li ma jmurx kontra, il-proposti li jinsabu fi pjan ta' struttura.

Ordnijiet dwar
l-iżvilupp

(2) Ordni dwar l-iżvilupp ghandu jiġi pubblikat fil-Gazzetta u ghandu jibda jsehħ fil-ġurnata msemmija fih.

(3) Id-disposizzjonijiet tas-subartikolu (5) ta' l-artikolu 27 ta' dan l-Att għandhom japplikaw għal ordni dwar l-iżvilupp kif japplikaw għal pjanijiet sussidjarji.

Talba għal
permess għal
żvilupp

32. (1) Kull min jixtieq jagħmel żvilupp, li ma jkunx żvilupp li għalih permess huwa mogħti f'ordni dwar żvilupp u li jsir skond id-disposizzjonijiet ta' dak l-ordni, għandu japplika lill-Awtorita' għal permess għal żvilupp, b'dak il-mod, f'dik il-forma u mogħtija dik l-informazzjoni li l-Awtorita' tista' tippreskrivi.

(2) Kulhadd jista' wkoll japplika lill-Awtorita' sabiex jiġi deċiż jekk proposta tikkostitwix żvilupp u teħtieġx permess għal żvilupp.

(3) Min japplika għal permess għall-iżvilupp għandu jiċċertifika lill-Awtorita' li huwa s-sid ta' l-art jew li avża lis-sid bl-intenzjoni li japplika b'ittra registrata li l-Awtorita' tkun irċeviet kopja tagħha.

(4) L-Awtorita' għandha, a spejjeż ta' min japplika, tara li l-proposta u l-isem ta' min japplika jiġu pubblikati fl-istampa lokali u mxandra b'avviż fuq il-post.

Permessi għal
żvilupp

33. (1) Biex tiddeċiedi applikazzjoni l-Awtorita' għandha tqis il-pjanijiet ta' żvilupp, is-sottomissjonijiet b'risposta għall-publikazzjoni tal-proposta u kull haġa oħra ta' sustanza, kompriżi konsiderazzjonijiet estetici, sanitarji u konsiderazzjonijiet oħra.

(2) L-Awtorita' jkollha s-saħħa li tagħti jew li tirrifjuta permess għall-iżvilupp, u fl-ghoti tiegħu tista' timponi kull kundizzjoni li jidhrilha xierqa, iżda l-Awtorita' għandha tagħti raġunijiet għar-rifjut jew għall-kundizzjonijiet li timponi.

(3) Permess għall-iżvilupp jista' jingħata għal żmien limitat jew għal dejjem, iżda għandu f'kull każ jispiċċa milli jkun operattiv jekk ma jkunx thaddem fi żmien tmax-il xahar milli jkun ngħata jew jekk ix-xogħol mibdi bis-saħħa tiegħu ma jkunx tkompla bid-diligenza xierqa.

(4) Hlief kif ikun provdut xort'oħra fil-permess, permess għall-iżvilupp ikollu effett favur l-art u favur il-persuni kollha li f'xi żmien ikollhom interess fiha, iżda mingħajr preġudizzju għad-disposizzjonijiet l-oħra ta' dan l-Att li jolqtu l-validita' jew is-seħħ tiegħu.

Disposizzjonijiet
supplementari
dwar permessi
għal żvilupp

34. (1) Is-setgħa li jingħata taht dan l-Att permess biex art tiġi żviluppata tinkludi s-setgħa li jingħata permess biex jinżammu fuq art bini jew xogħolijiet oħra mibnija jew magħmula fuqha, jew biex jitkompla kull użu ta' art, li jkun sar mingħajr permess taht dan l-Att jew wara li dak il-permess ikun spiċċa milli jkun validu jew operattiv, u riferenzi f'dan l-Att għal permess bhal dak, għandhom jiftehmu skond hekk:

Iżda m'għandux jingħata permess taht dan is-subartikolu hlief fuq applikazzjoni għal dak il-permess u jekk min japplika jew il-predeċessur tiegħu fit-titolu ma jkunx:

- (a) minnufih li jkun gie mehtieg li jaghmel hekk, waqaf milli jkompli xoghol li jkun gie mehtieg li jwaqqaf; u
- (b) hallas dawk il-multi u ghamel dak il-hlas iehor li jkunu dovuti minhabba xi reat kontra dan l-Att.

(2) Permess taht dan is-subartikolu jista' jinghata hekk li jkollu effett mid-data li fiha l-bini jew ix-xogholijiet ikunu nbnew jew saru jew l-użu jkun inbeda, jew mid-data li l-permess ghall-izvilupp spicca milli jkun validu jew operattiv, skond il-każ.

(3) Permess ghall-izvilupp jista' jispeçifika l-iskopijiet li ghalih bini jista' jintuza, u jekk ma jkunx indikat ebda skop, il-permess ghandu jitqies li jinkludi permess sabiex il-bini jintuza ghall-iskopijiet li ghalihom ikun sar.

(4) Meta jinghata permess ghall-izvilupp ghal zmien limitat biss, xejn f'dan l-Att m'ghandu jiftiehem li jkun mehtieg li jittiehed permess tahtu sabiex, wara l-eghluq ta' dak iż-żmien, jerga' jinbeda l-użu ta' l-art ghall-iskop li ghalih l-art kienet normalment tiġi wżata qabel ma ngħata l-permess, iżda m'ghandu jittiehed ebda kont ta' kull użu magħmul bi ksur ta' dan l-Att.

35. L-Awtorita' għandha iżzomm, u tara li jkunu jistgħu jiġu spezzjonati mill-pubbliku f'dak iż-żmien raġonevoli li hi tistabbilixxi, registru jew registri:

- (a) ta' kull applikazzjoni għal permess ghall-izvilupp li tkun saritilha, li jkun fiha l-isem ta' min japplika u dettalji tal-proposta; u
- (b) tad-deċiżjonijiet kollha li jkunu ttiehdu dwar dawk l-applikazzjonijiet.

Registru ta applikazzjonijiet għal permessi għall-izvilupp u deċiżjonijiet dwarhom

36. (1) L-Awtorita' għandha tiehu deċiżjoni dwar kull applikazzjoni mhux aktar tard minn tmien ġimgħat minn mindu tkun irċeviet l-applikazzjoni magħmula kif imiss; u jekk tonqos milli tagħmel hekk għandu jitqies li l-permess gie rifjutat sakemm min ikun applika ma jkunx ftiehem bil-miktub li jitwal iż-żmien fuq imsemmi, f'liema każ iż-żmien hekk imtawwal għandu, għall-għanijiet ta' dan l-artikolu, jissostitwixxi iż-żmien ta' tmien ġimgħat.

Deċiżjonijiet jittiehdu mingħajr dewmien

(2) Minkejja d-disposizzjonijiet ta' qabel ta' dan l-artikolu, meta l-Awtorita' tkun, fil-perijodu imsemmi ta' tmien ġimgħat, infurmat lill-applikant li l-applikazzjoni tehtieg jew titlob valutazzjoni ta' l-impatt ambjentali, sew taht l-Att tal-1991 biex Ihares l-Ambjent, jew minhabba xi htieġa jew raġuni oħra, l-imsemmi perijodu ta' tmien ġimgħat jibda jgħaddi, għall-għanijiet tas-subartikolu (1) ta' dan l-artikolu, mid-data li fiha l-Awtorita' tkun irċeviet dik il-valutazzjoni.

Att Nru. V ta' l-1991

37. (1) Jekk applikant jidhirlu li kundizzjonijiet imposti fuq permess għall-izvilupp, jew rifjut ta' permess bhal dak, mhuwiex raġonevoli huwa jista', 'mingħajr hsara għad-dritt tiegħu ta' appell, jitlob

Appelli minn deċiżjonijiet ta' l-Awtorità

lill-Awtorita' li tirrikonsidra id-deċiżjoni jew jappella lill-Bord ta' Appell taht l-artikolu 14 ta' dan l-Att.

(2) Appell taht dan l-artikolu għandu jsir fi żmien tmienja u għoxrin gurnata minn mindu d-deċiżjoni ta' l-Awtorita' tkun waslet għand l-applikant jew mid-data li fiha skond l-artikolu 36 ta' dan l-Att jitqies li l-Awtorita' irrifjutat il-permess:

Izda meta l-Awtorita' tiġi mitluba tikkunsidra mill-ġdid d-deċiżjoni tagħha u t-talba għal hekk issir fi żmien erbatax-il gurnata minn mindu tkun waslet id-deċiżjoni tagħha, il-perijodu msemmi ta' tmienja u għoxrin gurnata jibda jgħaddi mid-data li fiha tasal ir-risposta ta' l-Awtorita'; u jekk l-Awtorita' tonqos milli tagħti risposta fi żmien tmienja u għoxrin gurnata minn mindu tkun irċeviet it-talba hija titqies li tkun ikkonfermat id-deċiżjoni tagħha u iż-żmien għall-appell jibda jgħaddi skond hekk.

Applikazzjoni
għall-permess
għal żvilupp
mill-Gvern u l-
Aġenziji tiegħu

38. (1) Dipartiment tal-Gvern jew enti morali mwaqqaf b'ligi għandhom ifittxu li jkollhom permess għall-iżvilupp skond dawk ir-regolamenti jew regoli (jekk ikun hemm) li jistgħu jiġu preskritti taht l-artikolu 60 ta' dan l-Att u kull proposta minn dipartiment jew enti bħal dak għandha tiġi pubblikata u assuġġettata għas-sottomissjonijiet tal-pubbliku bl-istess mod bħal proposta privata għal żvilupp, jew kif jista' jiġi preskritti kif intqal qabel.

(2) Dipartiment tal-Gvern jew enti morali kif intqal qabel m'għandux jiddisponi minn art jew iwiegħed li jiddisponi minn art, għal użu speċifiku jekk dak l-użu ma jkunx gie approvat mill-Awtorita' jew ma jkunx permess taht pjan ta' żvilupp jew pjan sussidjarju.

(3) Jekk l-Awtorita' tirrifjuta li tagħti permess jew l-approvazzjoni tagħha jew jekk timponi kundizzjonijiet li min japplika jidhirlu li m'huwiex raġonevoli, il-kwistjoni għandha tiġi l-ewwelnett riferita lill-Kumitat Interdipartimentali dwar l-Ippjanar magħmul minn rappreżentant minn kull dipartiment tal-Gvern jew enti kif intqal qabel li l-Prim Ministru jista' minn żmien għal żmien jiddikjara li hu dipartiment jew enti morali rilevanti għall-ippjanar, u jekk il-kwistjoni tiġi maqtugħa mill-imsemmi kumitat bi ftehim ma' l-Awtorita', l-Awtorita' għandha timxi skond dak il-ftehim.

(4) Jekk ma jintlaħaqx ftehim kif intqal qabel, il-Kumitat għandu jhejji rapport fuq il-kwistjoni, u l-kwistjoni flimkien mar-rapport tal-Kumitat u l-veduti ta' l-Awtorita' għandhom jiġu kunsidrati mill-Bord ta' Appell. Ir-rapport tal-Kumitat, il-veduti ta' l-Awtorita' u ir-rakkomandazzjonijiet tal-Bord ta' Appell għandhom jitqegħdu quddiem il-Kabinet; id-deċiżjoni tal-Kabinet tkun finali, u l-Awtorita' għandha timxi skond dik id-deċiżjoni.

Applikazzjoni
għat-thaffir ta'
minerali

39. (1) Meta applikazzjoni biex tiġi żviluppata art tikkonsisti fi thaffir għal minerali l-Awtorita' tista', u, fejn il-livell ta' l-ippjanar u l-ambjent hekk jehtieg, għandha, tehtieg li min japplika jippreżenta skema għat-trattament taż-żona fejn irid isir ix-xogħol u ż-żona ta' madwarha, waqt il-perijodu tax-xogħol u għat-trattament ta' l-istess żoni meta x-xogħol jitlesta.

(2) L-Awtorita' m'ghandiex taghti permiss ghat-thaffir ghal minerali jekk ma tkunx soddisfatta li l-livelli ta' l-ippjanar u ambjent jigu milhuqa u li s-sit jinzamm u eventwalment jithalla fi stat accettabbli.

(3) Meta l-Awtorita' tkun htieget li tigi sottomessa skema kif provdut fis-subartikolu (1) ta' dan l-artikolu, l-iskema, kif accettata mill-Awtorita', ghandha wkoll tehtieg li jinghataw minn min japplika daww il-garanziji li tqis mehtiega biex tassigura li l-iskema tigi osservata.

2. Revoka u tibdil ta' permiss biex art tigi zviluppata.

40. (1) Bla hsara ghad-disposizzjonijiet ta' dan l-artikolu, l-Awtorita' tista', meta tqis il-pjanijiet ta' zvilupp u kunsiderazzjonijiet ohra ta' sustanza, b'ordni tirrevoka jew tibdel kull permiss biex tigi zviluppata art moghtija taht dan l-Att (inkluz permiss moghti b'ordni dwar l-izvilupp), jew tirrevoka jew tibdel permiss bhal dak sa fejn jidhrilha li huwa espedjenti meta tqis il-hwejjeg imsemmija hawn fuq, billi taghti fl-ordni r-raunijiet li mhabba fihom tkun ghamlet hekk.

Revoka u tibdil ta' permiss ghall-izvilupp

(2) Meta permiss biex art tigi zviluppata jigi revokat jew mibdul b'ordni maghmul taht dan l-artikolu, allura:

- (a) kull demolizzjoni jew xoghol iehor li jkun mehtieg biex l-ordni jigi osservat ghandu jsir minn u a spejjez ta' l-Awtorita';
- (b) jekk issir talba lill-Awtorita' fi zmiem tnax-il xahar mill-ordni u jigi pruvat li persuna interessata fl-art tkun dahlet fi spejjez li jsiru inutili minhabba r-revoka jew it-tibdil, jew tkun sofriet telf jew hsara li jkunu direttament attribwibbli ghar-revoka jew tibdil, l-Awtorita' ghandha, bla hsara ghas-subartikolu (3) ta' dan l-artikolu, thallas lil dik il-persuna kumpens ghal dik l-ispiza, telf jew hsara.

(3) Ebda kumpens ma jkun dovut taht is-subartikolu (2) ta' dan l-artikolu -

- (a) ghal telf jew hsara li jikkonsistu fid-deprezzament tal-valur ta' kull interess fl-art minhabba r-revoka jew it-tibdil;
- (b) ghal xoghol li jkun sar qabel l-ghoti tal-permiss revokat jew mibdul, jew ghal telf jew hsara li jkunu gejgin minn kull haga maghmula, jew li wiehed ikun naqas li jaghmel, qabel l-ghoti ta' dak il-permiss.

(4) Meta kumpens ikun dovut taht dan l-artikolu ghal spiza ghal xoghol li jkun sar fuq art, jekk l-awtorita' kompetenti takkwista xi interess f'dik l-art, kull kumpens dovut ghal dak l-akkwist ghandu jitnaqqas b'ammont ugwali ghall-valur tax-xogholijiet li ghalihom ikun dovut kumpens taht dan l-artikolu.

3. Hlasijiet u Kontribuzzjonijiet dwar l-iżvilupp

Hlasijiet u kontribuzzjonijiet

41. (1) L-Awtorita' jkollha s-setgħa li tiġbor hlasijiet għal kull permess biex isir żvilupp, skond skeda ta' hlasijiet stabbilita minnha, bil-kunsens tal-Ministru u tal-Ministru responsabbli għal finanzi, wara li tqis in-natura ta' l-iżvilupp, iż-żmien li fih jista' jsir l-iżvilupp relattivament għal fażi ppjanata tiegħu, il-kundizzjonijiet li tahtu johroġ il-permess u konsiderazzjonijiet oħra rilevanti.

(2) Hlas dovut taht dan l-artikolu għandu jkun magħruf bhala Dritt għal Permess ta' Żvilupp.

Kontribuzzjonijiet għall-infrastruttura

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

(2) Kontribuzzjoni dovuta taht dan l-artikolu għandha tkun magħrufa bhala Kontribuzzjoni għal Servizzi ta' Infrastruttura.

(3) Il-flus miġbura mill-Awtorita' taht dan l-artikolu 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.

L-iżvilupp jibda wara l-hlas tad-dritt u kontribuzzjoni

43. (1) Ebda permess għall-iżvilupp m'għandu jingħata, u ebda żvilupp awtorizzat b'ordni dwar l-iżvilupp m'għandu jsir, jekk u sakemm ma jkunux thallsu id-drittijiet u kontribuzzjonijiet dovuti skond l-artikoli 41 u 42 ta' dan l-Att u l-Awtorita' ma tkunx irċeviethom; u kull xogholijiet li jsiru mingħajr ma jkun sar u riċevut dak il-hlas għandu jitqies bhala żvilupp magħmul mingħajr il-permess ta' l-Awtorita'.

Pubblikazzjoni ta' hlasijiet u kontribuzzjonijiet

44. (1) L-iskeda ta' hlasijiet u r-rati ta' kontribuzzjoni stabbilita skond l-artikoli 41 u 42 ta' dan l-Att, kif minn żmien għal żmien fis-seħh, għandhom jiġu pubblikati fil-Gazzetta u jkollhom effett kif pubblikati.

(2) Il-hlasijiet u kontribuzzjonijiet miġbura taht l-artikoli fuq imsemmija għandhom flimkien ikunu magħrufa bhala t-"taxxa dwar bini".

4. Setgħat oħra dwar il-Kontroll ta' l-Iżvilupp

Ordni biex jieqaf jew jitneħħa xoghol eċċ.

45. (1) L-Awtorita' tista', meta tqis il-pjanijiet ta' żvilupp u konsiderazzjonijiet oħra ta' sustanza, b'avviż notifikat lis-sid ta' xi art jew lil min jokkupa dik l-art, jeħtieġ li xi użu jew attivita' jew xogholijiet jieqfu jew li xi bini, impjant, attrezzi jew haġa oħra hi x'inhhi tiġi mneħħija minn art, jew jeħtieġ sew dak it-twaqqif kemm dik it-tneħħija.

(2) Meta ordni għat-twaqqif jew tneħħija isir dwar hidma, xogholijiet jew użu, jew bini, impjant, attrezzi jew haġa oħra li tkun qed

issir jew li tkun teżisti skond il-liġi fuq l-art imsemmija fl-avviż qabel il-bidu fis-seħh ta' dan l-Att, jew li jkun inbeda jew beda jeżisti wara l-bidu fis-seħh ta' dan l-Att skond permess għall-iżvilupp mogħti taħt dan l-Att, l-Awtorita' jkollha l-obbligu li tħallas kumpens għal kull telf li persuna ssofri minhabba l-avviż:

Iżda kull benefiċċju li johroġ mill-istess avviż għandu jiġi mnaqqas mit-telf fuq imsemmi.

Proprjeta'
skedata u ordni
għal
konservazzjoni

46. (1) L-Awtorita' għandha thejji, u minn żmien għal żmien tirrevedi, lista ta' żoni, bini, strutturi u fdal b'importanza ġeoloġika, paleontoloġika, arkeoloġika, arkitettonika, storika, ta' qdumija jew artistika, kif ukoll żoni ta' sbuhija naturali jew ta' valur ekoloġiku jew xjentifiku (hawn wara imsejha "proprjeta' skedata") li għandhom jiġu skedati għal konservazzjoni u tista' dwar il-proprjeta' skedata kollha, jew waħda jew aktar minnha, tagħmel ordni għal preservazzjoni biex tirregola l-konservazzjoni tagħhom.

(2) Il-lista tal-proprjeta' skedata, u kull żieda magħha jew bidla fiha, għandhom jiġu pubblikati fil-Gazzetta. L-Awtorita' għandha wkoll tavża lil wiehed mis-sidien magħrufa ta' xi proprjeta' skedata bil-fatt li hija nkluża fil-lista u b'kull ordni għal konservazzjoni magħmula dwarha.

(3) Ix-xogħolijiet fi proprjeta' skedata, u d-demolizzjoni, tibdil u estensjoni tagħha, huma projbiti jew ristretti kif provdut f'dan l-artikolu u f'ordni għal konservazzjoni.

(4) Ebda xogħol ta' kull xorta m'għandu jsir f'proprjeta' skedata jew fuqha u ebda proprjeta' skedata m'għandha tiġi demolita, miġdula jew imkabbra hliief bil-permess ta' l-Awtorita' mogħti fuq applikazzjoni li ssirilha u li jkun fiha dawk id-dettalji li l-Awtorita' teħtieġ, jew skond id-disposizzjonijiet ta' ordni għal konservazzjoni; u għall-ghanijiet ta' dan l-artikolu, hsara lil u distruzzjoni ta' kull parti ta' proprjeta' skedata għandha titqies bhala demolizzjoni tagħha.

(5) Permess ta' l-Awtorita' u ordni għal konservazzjoni mogħti jew magħmul taħt dan l-artikolu jista' jkun fihom dawk il-kundizzjonijiet u disposizzjonijiet oħra li l-Awtorita' jidhrilha meħtieġa jew espedjenti; u ordni għal konservazzjoni jista' jirregola kull haġa li tolgot proprjeta' skedata.

(6) Dwar kull proprjeta' skedata l-Awtorita' jkollha wkoll is-setgħa li teħtieġ b'avviż bil-miktub li s-sid jagħmel dawk ix-xogħolijiet, imsemmijin b'mod ġenerali jew kif speċifikati fl-avviż, li jkunu meħtieġa biex jiġi żgurat li ma jkunx hemm aktar deterjorament. Jekk jonqos, l-Awtorita' tista' tagħti lis-sid avviż iehor biex jagħmel u jispiċċa x-xogħolijiet fi żmien speċifikat, u jekk is-sid ikompli jonqos l-Awtorita' tista' tagħmel hi x-xogħol meħtieġ jew tqabbad lil min jagħmlu, u tirkupra l-ispejjeż ta' dak ix-xogħol mingħand is-sid tal-proprjeta' skedata.

(7) Jekk proprjeta' skedata tiġi demolita bi ksur ta' xi waħda mid-disposizzjonijiet ta' dan l-artikolu, kull persuna li tinstab hatja ta' dak

ir-reat ikollha l-obbligu, b'zieda ghal kull penali jew effett iehor taht dan l-Att, li thallas kumpens lill-Awtorita' kalkulata fuq il-bazi ta' l-oghla minn fost li gej:

- (a) il-valur tal-haga distrutta;
- (b) l-ispejjeż biex tigi restawrata jew imsewwija;
- (c) il-vantaġġ finanzjarju li jista' jittiehed bhala konsegwenza tad-demolizzjoni.

Ordni ta'
emerġenza ghal
konservazzjoni

47. (1) Jekk proprjeta' li mhix skedata iżda li l-Awtorita' temmen li jista' jkollha mportanza jew valur kif deskritt fis-subartikolu (1) ta' l-artikolu 46 ta' dan l-Att biżżejjed biex tigi inkluża fil-lista, hija f'periklu li tigi demolita, danneġġata jew distrutta, l-Awtorita' tista' tagħmel ordni ta' emerġenza ghal konservazzjoni u tiehu dawk il-passi l-oħra biex tiprotegġi dik il-proprjeta' li jidhrilha mehtieġa.

(2) Ordni ta' emerġenza ghal konservazzjoni ghandu jiġi pubblikat fil-Gazzetta u jkollu effett malli jiġi hekk pubblikat.

(3) Ordni ta' emerġenza ghal konservazzjoni ghandu, ghal żmien sitt xhur minn mindu jiġi pubblikat fil-Gazzetta, ikollu l-istess effett daqs l-inklużjoni tal-proprjeta' li għaliha tirreferi fil-lista ta' proprjeta' skedata. L-effett tagħha jispicča ma' l-egħluq taż-żmien fuq imsemmi.

Siġar protetti
u Ordni għall-
preservazzjoni ta'
siġar

48. (1) L-Awtorita' għandha tfejji, u minn żmien ghal żmien tirrivedi, lista ta' siġar individwali, gruppi ta' siġar u maġar (hawn wara imsemmija "siġar skedati") li jidhrilha li għandha tiprotegġi, u tista' dwarhom kollha, jew dwar waħda jew aktar minnhom, tagħmel ordni għall-preservazzjoni ta' siġar biex tirregola dik il-protezzjoni.

(2) Il-lista ta' siġar skedati, u kull zieda magħha jew tibdil fiha, għandhom jiġu pubblikati fil-Gazzetta. L-Awtorita' għandha wkoll tavża lil wiehed mis-sidien ta' xi siġra skedata bil-fatt li hi nkluża fil-lista u b'kull ordni għall-preservazzjoni ta' siġar magħmula dwarha.

(3) Ebda siġra skedata m'għandha tigi maqtugħa jew miżbura jew volontarjament danneġġata jew distrutta hlief bil-permess ta' l-Awtorita' fuq applikazzjoni li ssirilha jew kif jista' jiġi permess f'ordni għall-preservazzjoni ta' siġar.

(4) Permess ta' l-Awtorita' u ordni għall-preservazzjoni ta' siġar mogħti jew magħmul taht dan l-artikolu jista' jkun fih dawk il-kundizzjonijiet u disposizzjonijiet oħra li l-Awtorita' jidhrilha mehtieġa jew espedjenti; u ordni għall-preservazzjoni ta' siġar jista' jirregola kull haga li toqot siġar skedati.

(5) Id-disposizzjonijiet ta' l-artikolu 47 ta' dan l-Att għandhom japplikaw ghal siġar skedati bħallikieku riferenzi fihom ghal proprjeta' skedata kienu sostitwiti b'riferenzi ghal siġar skedati.

Reklami

49. (1) L-Awtorita' tista' tagħmel ordnijiet biex jiġu limitati jew regolati r-reklami, li jkunu magħrufa bhala ordnijiet dwar reklami u li, bla

hsara għall-generalita' ta' dak li ntqal, jistgħu jipprovdu –

- (a) biex jiġu regolati d-daqs, id-dehra u l-pożizzjoni tar-reklami, tas-siti li fuqhom reklami jistgħu jiġu muriġa u l-mod kif għandhom jiġu mwahħla fuq art;
- (b) biex jiġi meħtieġ li jinkiseb il-kunsens ta' l-Awtorita' għal wiri ta' reklami ta' kull klassi jew klassijiet speċifikati fl-ordni;
- (c) biex jiġu regolati l-mod kif il-kunsens fuq imsemmi jista' jinkiseb, sew billi jiġu applikati d-disposizzjonijiet ta' dan l-Att dwar permessi biex tiġi żviluppata art sew xort'ohra;
- (d) biex l-Awtorita' tkun tista' teħtieġ li jitneħħa kull reklam li jkun qed jiġi muri bi ksur ta' xi ordni magħmul taħt dan l-artikolu, jew xort'ohra kontra d-disposizzjonijiet ta' dan l-Att, jew li jieqaf l-użu għal wiri ta' reklami ta' xi sit li jkun qed jintuza għal dak l-għan bi ksur ta' xi ordni jew disposizzjoni kif intqal qabel, u biex jiġu applikati d-disposizzjonijiet ta' dan l-Att dwar twettieq, sugġett għal dawk l-adattamenti u tibdil li jiġu speċifikati fl-ordni, jew xort'ohra jiġi provdut għat-twettiq ta' l-ordni u ta' kull avviz mahruġ taħtu;
- (e) biex jiġu eżentati mill-ħtiġijiet ta' l-ordni, jew xi disposizzjoni tiegħu, il-wiri ta' reklami jew l-użu ta' siti għal dak il-wiri, ta' xi klassi jew klassijiet speċifikati fl-ordni, jew biex il-wiri jew l-użu fuq imsemmija jitkompla għal żmien jew żminijiet speċifikati fl-ordni;
- (f) biex jiġi ordnat li xi liġi li tolqot il-wiri ta' reklami li tkun fis-seħħ m'għandhiex tapplika għal wiri ta' reklami f'xi zona li għaliha jkun japplika ordni magħmul taħt dan l-artikolu;
- (g) biex jiġu preskritti dawk il-hwejjeġ li għandhom jew jistgħu jiġu preskritti.

(2) Ordni dwar reklami jista' jsir biex japplika għal reklami li jkunu qed jiġu muriġa fid-data li l-ordni jibda jseħħ, jew għal siti użati għal wiri ta' reklami f'dik id-data:

Iżda jekk persuna milquta hażin bl-applikazzjoni ta' l-ordni tagħmel talba lill-Awtorita' fi żmien tnax-il xahar mid-data li fiha tiġi hekk milquta u b'dak il-mod li jiġi preskritt mill-Awtorita', ikollha d-dritt li tirċievi mingħand l-Awtorita' kumpens dwar l-ispejjeż li tkun raġonevolment dahlet għalihom biex tobdi l-ordni u għal dak il-valur tar-reklam li jkun baqa'.

(3) Meta l-wiri ta' reklami jinvolvi żvilupp ta' art skond it-tifsir ta' dan l-Att, ghandu jitqies għall-għanijiet ta' dan l-Att li ngħata permess għal dak l-iżvilupp iekk il-wiri jsir skond id-disposizzjonijiet ta' dan l-artikolu jew ta' xi ordni magħmul tahtu.

(4) Għall-għanijiet ta' dan l-Att, iżda bla ħsara għall-ġeneralita' u t-tifsir normali ta' l-espressjoni, persuna titqies li turi rekalm jekk –

- (a) ir-reklam ikun muri fuq art li tagħha hija s-sid jew il-persuna li tokkupa dik l-art; jew
- (b) ir-reklam jagħti pubblicita' lill-hwejjeg, sengħa, negozju jew interess ieħor tagħha, hlief jekk hija ttipprova li r-reklam gie muri mingħajr ma kienet taf jew mingħajr il-kunsens tagħha u turi wkoll li hija hadet il-passi kollha raġonevoli biex twaqqaf dak il-wiri malli saret taf bih.

Hsara lill-ġmiel
jew siwi

50. Jekk l-Awtorita' jidhrilha li l-ġmiel jew siwi ta' xi zona huwa mhassar bid-dehra jew kundizzjoni ta' xi art, li tkun ġnien, sit vojt jew art oħra fil-beraħ, l-Awtorita' tista' tinnotifika lis-sid ta' l-art jew lil min ikun jokkupaha avviz li fih ikun meħtieġ li jittieħdu dawk il-passi biex titnaqqas il-ħsara li tiġi speċifikata fl-ordni.

TAQSIMA V TWETTIQ TAL-KONTROLL

51. (1) L-Awtorita' ghandha tghasses fuq kull operazzjoni ta' żvilupp biex isir biss skond il-htigijiet ta' dan l-Att u b'osservanza tad-decizjonijiet mehuda legalment taht dan l-Att.

Tghassis fuq l-
izvilupp

(2) L-Awtorita' ghandha wkoll tirrivedi l-izvilupp kollu li sar qabel il-bidu fis-sehh ta' dan l-Att minghajr ma gew osservati l-pjanijiet jew il-policies fis-sehh fiz-żmien li l-izvilupp ikun sar; u dwar kull żvilupp bhal dan l-Awtorita' jkollha s-setghat kollha li ghandha dwar żvilupp li jsir wara li jibda jsehh dan l-Att biex tiżgura li l-pjanijiet u politika msemmija qabel jiġu mwettqa jew, jekk dan ma jistax raġonevolment isir, biex tirregolarizza kull żvilupp bhal dak safejn l-Awtorita' tqis li huwa xieraq fiċ-ċirkostanzi.

52. (1) Jekk l-Awtorita' jidhrilha li xi żvilupp ta' art qed isir minghajr l-ghoti ta' permess mehtieg ghal hekk skond dan l-Att, jew li xi kundizzjoni li ghalha l-permess moghti ghall-izvilupp ikun sugġett ma tkunx qed tiġi mharsa, l-Awtorita' ghandha tinnotifika avviz lis-sid ta' l-art li jehtieg li x-xoghol jieqaf minnufih.

Proċedura ta'
twettiq

(2) Kopja ta' avviz moghti taht is-subartikolu (1) ta' dan l-artikolu ghandha tiġi notifikata wkoll lil kull kuntrattur tal-bini u lill-haddiema fuq is-sit u kopja ohra ghandha titwahhal f'post prominenti fid-dhul ghas-sit.

(3) Jekk l-Awtorita' jidhrilha li xi żvilupp ta' art ikun sar wara l-bidu fis-sehh ta' dan l-Att minghajr l-ghoti ta' permess mehtieg ghal hekk skond dan l-att, jew li xi kundizzjonijiet li ghalihom permess bhal dak moghti dwar xi żvilupp kien sugġett ma gewx imharsa, l-Awtorita' tista', meta tqis id-disposizzjonijiet tal-pjanijiet ta' żvilupp u konsiderazzjonijiet ohra ta' sustanza, tinnotifika lis-sid ta' l-art u lil min jokkupaha avviz li jehtieg li jittiehdu dawk il-passi li jiġu speċifikati fl-avviz fiz-żmien hekk ukoll speċifikat sabiex l-art titregġa' lura ghall-istat li kienet qabel ma sar l-izvilupp jew biex jiġi żgurat il-harsien tal-kundizzjonijiet imsemmija qabel skond il-każ; iżda bla preġudizzju ghall-generalita' ta' dak li ntqal qabel kull avviz bhal dak jista', ghall-ghanijiet imsemmija, jehtieg id-demolizzjoni jew tibdil ta' kull bini jew xogholijiet, it-twaqqif ta' kull użu ta' l-art, jew li jsiru fuq l-art kull operazzjoni ta' bini jew operazzjonijiet ohra.

(4) Hlief kif provdut xort'ohra f'dan l-artikolu, avviz moghti taht xi wahda mid-disposizzjonijiet ta' dan l-artikolu (f'dan l-Att imsejjah ukoll "avviz ta' twettiq") ghandu –

(a) dwar kull htieġa li twaqqaf jew tipprojbixxi aktar xogholijiet jew żvilupp, tiehu effett minnufih li l-avviz jiġi notifikat;

(b) dwar kull htieġa ohra, jiehu effett ma' l-eghluq ta' dak iż-żmien (li ma jkunx anqas minn hmistax-il ġurnata min- notifika tiegħu) li jiġi speċifikat fl-avviz.

(5) Meta fiż-żmien imsemmi fis-subartikolu (4) ta' dan l-artikolu issir applikazzjoni lill-Awtorita' taht dan l-Att -

- (a) biex jinżammu fuq l-art xi bini jew xogholijiet li ghalihom avviz ta' twettiq ikun jirreferi, jew
- (b) biex jitkomplu l-użu ta' l-art li ghalih l-avviz ta' twettiq ikun jirreferi,

l-avviz ghandu, dwar kull htiega minbarra dik li twaqqaf jew tipprojbixxi aktar xogholijiet jew żvilupp, jieqaf milli jkun operattiv sakemm l-applikazzjoni tigi maqtugha b' mod finali, u jekk il-permess li ghalih tkun saret l-applikazzjoni jinghata u jsir operattiv, l-avviz ta' twettiq ma jkollux aktar effett:

Iżda kull applikazzjoni bhal dik fuq imsemmija ghandha tigi rifjutata minnufih jekk xi htiega fl-avviz li twaqqaf jew tipprojbixxi aktar xogholijiet jew żvilupp ma tkunx giet imharsa jew jekk xi multa jew hlas ieħor dovut minn xi persuna taht dan l-Att dwar l-art rilevanti ma jkunux thallsu.

(6) Kull persuna li thossha aggravata b'avviz ghat-twettiq notifikat lilha tista', fi żmien hmistax-il ġurnata min-notifika ta' l-avviz, tappella kontra tieghu lill-Bord ta' l-Appell, u dwar kull appell bhal dak il-Bord -

- (a) jekk ikun sodisfatt li permess ikun inghata taht dan l-Att għall-iżvilupp li ghalih l-avviz ta' twettiq jirreferi, jew li ma kien mehtieg ebda permess ghalih, skond il-każ, u li l-kundizzjonijiet li ghalihom il-permess kien sugġett gew imharsa, ghandu jhassar l-avviz ta' twettiq li dwaru jkun sar l-appell jew dik il-parti tieghu li dwarha l-Bord ikun sodisfatt kif intqal qabel;
- (b) f'kull każ ieħor ghandu jichad l-appell.

(7) Meta l-appell ma jigix milqugh l-Bord ta' Appell jista' dwar kull htiega, barra minn htiega li twaqqaf jew tipprojbixxi kull xogholijiet jew żvilupp, jordna li l-avviz ma jibdiex isehh qabel dik id-data, li ma tkunx aktar kmieni minn hmistax-il ġurnata mill-qtugh ta' l-appell, kif il-Bord jidhirlu xieraq.

Il-Proċedura tat-twettiq tapplika għal proprjeta' skedata eċċ.

53. (1) Jekk l-Awtorita' jidhirlha li xi haġa li hi projbita, limitata jew sugġetta għal kundizzjoni skond jew taht id-disposizzjonijiet ta' l-artikolu 46, 48 jew 49 ta' dan l-Att tkun qed issir jew tigi magħmula, jew li tkun saret jew giet magħmula, bi ksur ta' xi projbizzjoni, limitazzjoni jew kundizzjoni bhal dik, jew minghajr permess jew htiega oħra, jew minghajr ma tkun giet imharsa xi kundizzjoni, imsemmija f'dawk l-artikoli jew f'xi ordnijiet magħmula tahtom, l-Awtorita' ghandha tinnotifika lis-sid ta' l-art in kwistjoni jew lil min jokkupaha, jew lil kull persuna oħra li fil-fehma ta' l-Awtorita' ghandha tigi notifikata, jew lil wiehed jew iżjed minn dawk il-persuni, avviz li jehtieg li jittieħdu dawk il-passi li jkunu speċifikati fl-avviz, inklużi it-twaqqif ta'

kull haġa li tkun qed issir jew tiġi magħmula, u f'dak iż-żmien li jiġi ukoll speċifikat fl-avviż.

54. Avviż mogħti taht l-artikoli 50 u 53 ta' dan l-Att huwa magħruf ukoll f'dan l-Att bhala "avviż ta' twettiq" u, sakemm ir-rabta tal-kliem ma teħtieġx xort'ohra u suġġett għal dak it-tibdil jew adattament li jkunu meħtieġa biex jagħtu effett sħiħ għal dawk l-artikoli, kull fejn f'dan l-Att tidher dik l-espressjoni hija għandha tinkludi avviż mogħti taht dawk l-artikoli.

Avviżi ohra ta' twettiq

55. (1) Jekk xi passi jew azzjoni ohra, kompriżi s-sospensjoni, twaqqif jew htieġa ohra bħal dik, meħtieġa li jittieħdu b'avviż ta' twettiq, ma jkunux ittieħdu fiż-żmien speċifikat fl-avviż, jew minnufih jekk hekk meħtieġ, l-Awtorita' tista' tidhol fuq l-art u tieħu dawk il-passi jew azzjoni ohra kif fuq imsemmijin u għal dan il-għan tista' titlob l-għajnuna tal-forzi tal-pulizija li għal dan il-għan jistgħu jeżerċitaw dawk is-setgħat li għandhom biex jipprevjenu r-reati u biex iwettqu l-liġi u jzommu l-ordni.

Disposizzjonijiet supplementari dwar it-twettiq

(2) Minkejja d-disposizzjonijiet ta' kull liġi ohra, ebda mandat jew ordni ieħor m'għandu jinhareġ jew jingħata minn ebda qorti li jzomm l-Awtorita' milli teżerċita' xi wahda mis-setgħat mogħtija lilha b'dan l-artikolu hlief bis-saħħa ta' deċiżjoni ta' qorti kompetenti li l-avviż ta' twettiq li bis-saħħa tiegħu l-Awtorita' tkun imxiet jew bi hsiebha timxi huwa null jew li l-Awtorita' aġixxiet mhux skond id-disposizzjonijiet ta' qabel ta' dan l-Att.

(3) L-ispejjeż kollha li tkun dahlet għalihom l-Awtorita' biex teżegwixxi avviż ta' twettiq taht dan l-artikolu jkunu jistgħu jiġu rkuprati minnha mill-persuna li f'dak iż-żmien tkun sid l-art, bla hsara għall-jedd ta' dik il-persuna li tirkuprahom mingħand xi persuna ohra.

TAQSIMA VI REATI DWAR ŻVILUPP U PIENI

56. (1) Kull min –

Reati

- (a) jagħmel xi żvilupp fuq xi art jew iħalli li jsir xi żvilupp fuq art li tagħha huwa s-sid mingħajr permess għall-iżvilupp kif ikun iseħh meta jsir l-iżvilupp, jew, jekk l-iżvilupp isir b'permess għall-iżvilupp, jonqos milli jħares jew li jara li tiġi mharsa xi kundizzjoni, restrizzjoni jew limitazzjoni oħra li għaliha l-permess huwa suġġett; jew
- (b) jimxi bi ksur ta' xi waħda mid-disposizzjonijiet ta' l-artikolu 46 jew 48 ta' dan l-Att dwar bini skedat jew siġra skedata, jew ta' xi ordni dwar reklami magħmul taht l-artikolu 49 ta' dan l-Att; jew
- (ċ) wara li jkun ġie notifikat b'avviż ta' twettiq jew avviż ieħor taht l-artikolu 45, 50, 52 jew 53 ta' dan l-Att, jonqos milli jħares xi waħda mill-htigijiet ta' dak l-avviż fiż-żmien speċifikat fih; jew
- (d) iżomm, jostakola jew xort'oħra jfixkel, jew jipprova jzomm, jostakola jew ifixkel, xi ufficjal jew impjegat ta' l-Awtorita', jew ta' ufficjal tal-pulizija, fl-esekuzzjoni tad-dmirijiet tiegħu taht il-liġi, jew jonqos milli jagħmel dak li raġonevolment jiġi mitlub li jagħmel minn ufficjal, impjegat jew ufficjal tal-pulizija kif intqal jew li jgħinhom fil-qadi tad-dmirijiet tagħhom, jew li xjentement jagħti lil dawk l-ufficjali jew impjegati informazzjoni falza jew jonqos jew jirrifjuta li jagħti xi informazzjoni meħtieġa għall-għanijiet fuq imsemmija,

ikun hati ta' reat kontra dan l-Att u għandu jekk jinsab hati jehel multa ta' mhux anqas minn hames mitt lira u mhux aktar minn hamsin elf lira, u dwar reat taht il-paragrafu (d) ta' dan l-artikolu jew, f'każ ta' reat taht il-paragrafu (ċ) ta' dan l-artikolu, jekk ir-reat ikompli għal aktar minn tliet xhur, ukoll għal prigunerija għal żmien ta' mhux anqas minn tliet xhur u mhux aktar minn tliet snin:

Iżda, mingħajr preġudizzju għad-disposizzjonijiet tas-subartikolu (7) ta' l-artikolu 46 ta' dan l-Att, il-multa minima li min jikkometti reat jista' jehel taht dan l-artikolu m'għandhiex tkun iżgħar mill-valur tax-xogħolijiet li jkun saru mingħajr permess jew bi ksur tal-kundizzjonijiet li għalih dak il-permess kien suġġett.

57. F'kull proċediment jew prosekuzzjoni taht dan l-Att, kopja ta' kull ordni, avviż, deċizzjoni jew dokument ieħor li juri li sar taht dan l-Att u li ġie ffirmat miċ-*Chairman* ta' l-Awtorita' jew mid-Direttur ta' l-Ippjanar, għandu jiġi aċċettat bhala prova ta' l-ordni, avviż, deċizzjoni

Kopji ċertifikati
ta' ċerti
dokumenti

jew dokument ieħor, u tal-fatti li jidhru fih, mingħajr prova oħra.

58. (1) Minkejja kull liġi oħra li tipprovdi għal proċedimenti u pieni dwar reati, meta l-Awtorita' temmen li persuna kkommettiet reat kontra dan l-Att, barra minn reat taħt il-paragrafu (d) ta' l-artikolu 56 ta' dan l-Att, l-Awtorita' tista' tagħti lil dik il-persuna avviz bil-miktub fejn tiddekrivi r-reat li tiegħu dik il-persuna hija akkużata u tindika l-multa li hu għandu jhallas għal dak ir-reat:

Izda l-Awtorita' ma tistax teħtieġ il-hlas ta' multa ta' aktar minn elf lira.

(2) Meta jkun ingħata avviz skond dan l-artikolu, il-persuna msemmija fl-avviz tista', fi żmien wiehed u għoxrin ġurnata minn notifika ta' l-avviz, taċċetta responsabbilita' għar-reat speċifikat fl-avviz u thallas, jew tintrabat bil-miktub li thallas, f'dak iż-żmien ulterjuri li l-Awtorita' tista' tippermetti, il-multa indikata fl-avviz jew dik il-multa li l-Awtorita' tista' taċċetta minflokha, u f'kull każ bħal dan -

- (a) il-persuna msemmija fl-avviz titqies li tkun għamlet ir-reat u li ammettiet il-htija tagħha dwaru, u l-multa mhallsa, jew li tkun intrabtet li thallas, għandha tkun il-multa li tkun wehlet li thallas;
- (b) jekk il-multa tithallas fiż-żmien, jew fiż-żmien ulterjuri, imsemmi qabel, ebda proċedimenti oħra ma jkun jistgħu jittieħdu kontra dik il-persuna dwar l-istess fatti;
- (c) jekk il-multa ma tithallasx fiż-żmien, jew żmien ulterjuri, imsemmi qabel, hija tiġi trattata bħala multa ordnata li tithallas mill-qorti li kien ikollha ġurisdizzjoni li tisma' l-każ dwar ir-reat, u jistgħu jittieħdu skond hekk il-proċeduri kollha bħal li kieku kienet ordni ta' dik il-qorti.

(3) Jekk persuna li lilha jingħata avviz taħt is-surbartikolu (1) ta' dan l-artikolu ma taċċettax responsabbilita' għar-reat, għandhom jittieħdu kontriha l-proċedimenti ordinarji skond id-disposizzjonijiet tal-Kodiċi Kriminali, ta' dan l-Att u ta' kull liġi oħra applikabbli għar-reat.

(4) Minkejja d-disposizzjonijiet ta' kull liġi oħra, l-Avukat Ġenerali għandu jkollu dejjem dritt ta' appell lill-Qorti ta' Appelli Kriminali minn kull sentenza mogħtija f'proċedimenti li johorġu minn dan l-Att jew minn regolamenti, regoli jew ordnijiet magħmula tahtu.

TAQSIMA VII SUPPLEMENTARI

59. Minghajr hsara għad-disposizzjonijiet ta' l-artikolu 6 ta' l-Att ta' l-1975 dwar l-Interpretazzjoni, kull setgħa mogħtija b'dan l-Att li wiehed jagħmel regolamenti, regoli, ordnijiet, listi, skedi u kull strument ieħor ta' l-istess natura, tinkludi s-setgħa li minn żmien għal żmien iħassar, jissostitwixxi, jemenda, jibdel jew iżid ma' kull strument bħal dak.

Poter li tagħmel regolamenti jinkludi poter li tirrevoka eċċ.

60. (1) Il-Ministru jista', fuq rakkomandazzjoni ta' l-Awtorita', jagħmel regolamenti biex jirregola jew xort'ohra jipprovdi dwar hwejjeġ li għandhom x'jaqsmu ma' l-iżvilupp jew attivitajiet oħra li jolqtu l-art, biex jagħti effett aktar shih lid-disposizzjonijiet ta' dan l-Att u, b'mod partikolari, iżda minghajr hsara għall-generalita' ta' dak li ntqal qabel, jista' b'dawk ir-regolamenti:

Regolamenti

- (a) jirregola l-bini u l-kostruzzjoni, demolizzjoni u tibdil tiegħu, kif ukoll kull haġa oħra li għandha x'taqsam ma' bini, billi jiġu meqjusa l-konsiderazzjonijiet kollha rilevanti, kompriżi dawk ta' sigurtà, estetika, saħħa u sanita';
- (b) jippreskrivi l-forma ta' kull avviz, ordni jew dokument ieħor li dan l-Att jawtorizza jew jeħtieġ li jsir jew li jiġi notifikat jew mogħti;
- (c) jippreskrivi l-mod kif it-taxxa dwar bini jew hlas ieħor dovut skond dan l-Att għandhom jiġu stabbiliti, riveduti, miġbura, allokati jew xort'ohra trattati;
- (d) sa fejn mhux provdut xort'ohra, jippreskrivi l-proċedura li xi korp imwaqqaf b'dan l-Att għandu jsegwi, u jemenda, iżid ma' jew xort'ohra jibdel kull haġa li hemm fl-iskedi ta' dan l-Att li għandhom x'jaqsmu mal-hwejjeġ fuq imsemmija;
- (e) jippreskrivi d-drittijiet li għandhom jithallsu lill-Awtorita' għas-servizzi provduti minnha, jew dwar xi haġa li dwarha huwa meqjus li għandu jithallas id-dritt;
- (f) għal kull għan li għalih huwa awtorizzat jew meħtieġ li jsiru regolamenti minbarra dawk li jsiru mill-Awtorita'.

(2) Kull regolament magħmul taħt dan l-Att jista' jipprovdi għal kull haġa li għandha x'taqsam ma' responsabbiltà għat-tharis ta' dawk ir-regolamenti, għall-persuni li jistgħu jkunu hekk responsabbli, u għal kull haġa li għandha x'taqsam mat-tweġiq ta' l-imsemmija regolamenti, inkluzi, iżda mhux limitata għal, l-imposizzjoni ta' multa ta' mhux aktar minn elf lira dwar kull ksur jew nuqqas ta' tharis tad-disposizzjonijiet ta' dawk ir-regolamenti.

Ċertifikat ta'
żvilupp skond
il-permess

61. (1) Id-disposizzjonijiet li ġejjin għandhom ikollhom sehħ dwar kull żvilupp li jkun sar jew li għandu jsir wara d-data tal-bidu fis-sehħ ta' dan l-Att, hawn aktar 'il quddiem imsejjah bhala "żvilupp ġdid."

(2) Ebda servizz li jikkonsisti fil-provvizjon ta' ilma jew elettriku ma għandu jiġi provdut lil xi żvilupp ġdid minn ebda awtorita' jekk ma jkunx hemm dwar dak l-iżvilupp ċertifikat mahruġ mill-Awtorita' li jgħid li dak l-iżvilupp huwa skond permess għall-iżvilupp.

(3) Ebda art li fuqha jkun sar xi żvilupp ġdid ma tista' tiġi mibjugħa, trasferita jew b'xi mod ieħor mogħddija jekk ma jkunx hemm dwar dak l-iżvilupp ċertifikat ta' l-Awtorita' li jgħid li dak l-iżvilupp huwa skond permess għall-iżvilupp.

(4) Ebda bank m'għandu jagħmel self jew jagħti xi faċilita' bil-għan ta' xi żvilupp ġdid jew għall-akkwist ta' art li fuqha jkun sar xi żvilupp ġdid jekk ma jkunx hemm dwar dak l-iżvilupp ċertifikat ta' l-Awtorita' li jgħid li l-iżvilupp jew l-iżvilupp propost, skond il-każ, huwa skond permess għall-iżvilupp.

(5) Kull bejgħ, trasferiment jew mogħddija ohra ta' art, u kull garanzija mogħtija dwar xi art, bi ksur ta' xi disposizzjoni ta' qabel ta' dan l-artikolu, ikunu nulli u bla effett jekk iċ-ċertifikat approprjat meħtieġ b'dan l-artikolu ma jkunx anness ma' l-att li bih jkunu saru il-bejgħ, trasferiment jew mogħddija ohra jew li bih tkun ingħatat il-garanzija.

Notifiki taht
dan l-Att

62. (1) Meta xi avviż jew att jew dokument ieħor, ikun x'ikun, huwa meħtieġ jew awtorizzat li jiġi notifikat jew mogħti skond jew taht dan l-Att, jista' jiġi notifikat jew mogħti f'kull wiehed 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 jekk dik il-persuna tkun tat indirizz għal notifika, f'dak l-indirizz; jew
- (c) billi tintbagħat b'ittra registrata ndirizzata lil dik il-persuna fil-post ta' abitazzjoni jew indirizz għal notifika fuq imsemmi; jew
- (d) f'każ ta' enti morali jew għaqda ohra ta' persuni, billi jingħata f'idejn ufficjal jew impjegat tagħhom fl-uffiċċju registrat jew principali, jew billi tintbagħat b'ittra registrata ndirizzata lill-enti jew korp f'dak l-uffiċċju; jew
- (e) f'kull każ li fih ma jkunx raġonevolment possibbli li ssir notifika f'xi waħda 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 d-dokument li għandu jiġi

notifikat jew moghti jitwahhal f' post prominenti fuq l-art li ghalha jirreferi u jinżamm hekk imwahhal ghal mhux anqas minn sebat ijiem.

(2) Meta avviż jew dokument iehor huwa mehtieg jew awtorizzat kif intqal qabel li jiġi notifikat jew moghti lill-persuna li ghandha xi nteress f'art, u l-isem ta' dik il-persuna ma jkunx jista' jiġi aċċertat wara stharrig xieraq, jew ghandu jiġi notifikat jew moghti lil min jokkupa art, l-avviż jitqies li gie notifikat jew moghti kif imiss jekk jiġi notifikat jew moghti, f'xi wiehed mill-modi fuq imsemmi fis-subartikolu (1) ta' dan l-artikolu u ndirizzat lill-persuna li ghandha nteress fl-art deskritta bhala "sid" jew "persuna li tokkupa", jew "sidien" jew "persuni li jokkupaw", skond il-każ.

63. (1) Bla hsara ghad-disposizzjonijiet ta' dan l-artikolu, il-ligijiet, jew disposizzjonijiet taghhom, speċifikati hawn taht huma mhassra jew ikollhom effett kif provdut f'dan l-artikolu.

Thassir
u riserva

(2) Il-ligijiet li gejjin, jew id-disposizzjonijiet taghhom, jiġifieri:

- | | |
|--|------------------|
| (a) Taqsima I u, sa fejn id-disposizzjonijiet taghha jigu sostitwiti, u jinghad espressament li qed jigu sostitwiti, b'regolamenti maghmula taht l-artikolu 60 ta' dan l-Att, it-Taqsima V tal-Kodiċi tal-Ligijiet tal-Pulizija; | Kap. 10 |
| (b) L-Ordinanza dwar l-Eстетika tal-Bini; | Kap. 87 |
| (c) L-Att ta' 1988 dwar Permessi ghal Bini (Provvedimenti Temporanti); | Att X ta' 1-1988 |
| (d) daqstant mill-Att ta' 1-1983 dwar l-Arei ghall-Iżvilupp tal-Bini li jkun ghadu operattiv sewwa sew qabel il-bidu fis-sehh ta' dan l-Att, | Att I ta' 1-1983 |

huma b'dan imhassra:

Iżda –

- (i) kull haġa maghmula jew li ma saritx tahtom skond il-ligi ghandha, sa fejn ma tkunx f'konflitt mad-disposizzjonijiet ta' dan l-Att, ma tigix milquta;
- (ii) kull reat maghmul kontra xi waħda mid-disposizzjonijiet imhassra b'dan l-artikolu ghandu jibqa' reat kontra dawk id-disposizzjonijiet u jistgħu jinbdew jew jitkomplew procedimenti dwaru bhal li kieku dawk id-disposizzjonijiet kienu ghadhom fis-sehh bla hsara ghall-applikazzjoni, dwar kull att jew ommissjoni li tikkostiwixxi dak ir-reat, tad-disposizzjonijiet tas-subartikolu (2) ta' l-artikolu 51 ta' dan l-Att;

- (iii) kull permess mahruġ jew moghti taht xi wahda mid- disposizzjonijiet mhassra b'dan l-artikolu li jkun għadu jsehh fid-data li hija sewwa sew qabel il-bidu fis-sehh ta' dan l-Att, għandu jkompli jkun operattiv għall-perjodu u taht il-kundizzjonijiet li għalih jew tahtom ikun inhareġ jew ġie moghti, iżda għandu għall-ghanijiet kollha barra mit-tul ta' żmien jitqies li hu permess moghti mill-Awtorita';
- (iv) kull pjan ta' żvilupp magħmul taht l-Att ta' l-1988 dwar Permessi għal Bini (Provvedimenti Temporanzi) li jkun fis-sehh fid-data li hija sewwa sew qabel il-bidu fis-sehh ta' dan l-Att, għandu jibqa' operattiv u jkollu effett bhal li kieku kien pjan ta' żvilupp magħmul taht dan l-Att u jiġi trattat skond hekk;
- (v) kull regolamenti magħmula taht l-artikolu 14 ta' l-Ordinanza dwar l-Eстетika tal-Bini, u daqstant minn dik l-Ordinanza li hu meħtieġ biex ikomplu japplikaw u jiġu mwettqa dawk ir-regolamenti, għandhom jibqghu jseħhu sakemm isir taht dan l-Att ordni dwar ir-reklami.

SKEDI L-Ewwel Skeda

Artikolu 3

Disposizzjonijiet dwar l-Awtorita'

1. L-Awtorita' tista' taħdem minkejja kull vaganza fost il- membri tagħha, iżda jrid ikun hemm quorum preżenti għall-laqgħa.
2. Il-quorum ta' l-Awtorita' għandu jikkonsisti miċ-*chairman* jew deputat-*chairman* u mhux anqas minn nofs in-numru tal- membri l-oħra li jagħmlu l-Awtorita' fil-hin tal-laqgħa.
3. Il-laqgħat ta' l-Awtorita' jissejġu miċ-*chairman* jew fuq inizzjattiva tiegħu jew fuq talba ta' tnejn mill-membri ta' l-Awtorita'; u l-Awtorita' għandha tiltaqa' wkoll f'dawk iż-żminijiet li hi stess tiddeċiedi.
4. Iċ-*chairman*, jew deputat *chairman* li jkun qed jaġixxi floku, ikollhom vot originali u, jekk il-voti jkunu maqsumin indaqs, vot ieħor jew *casting vote*.
5. Membru ta' l-Awtorita' li għandu nteress dirett jew indirett f'xi haġa li tiġi quddiem l-Awtorita' biex tiġi kunsidrata minnha għandu, mhux aktar tard minn l-ewwel laqgħa miżmuma wara li jkun sar jaf biċ-ċirkostanzi rilevanti, juri in-natura ta' l-interess tiegħu. Dan il-fatt għandu jitniżżel fil-minuti tal-laqgħa u l-membri –
 - (a) m'għandux jieħu sehem fid-diskussjonijiet jew deċiżjonijiet ta' l-Awtorita' dwar dik il-haġa; u
 - (b) m'għandux jingħadd biex jiġi stabbilit il-quorum għal dawk id-diskussjonijiet jew deċiżjonijiet.
6. Kull att magħmul *bona fide* minn persuna bħala membru ta' l-Awtorita' jkun validu u jkollu effett bhal li kieku kien membru anki jekk wara jinstab xi difett fil-kwalifiki jew nomina tiegħu.
7. Bla hsara għad-disposizzjonijiet ta' l-artikolu 57 ta' dan l-Att, kull dokument li juri li hu att mahruġ mill-Awtorita' u ffirmat miċ-*Chairman* ta' l-Awtorita' jew mid-Direttur ta' l-Ippjanar f'isem l-Awtorita' għandu jiġi aċċettat bħala prova u għandu, sakemm ma jiġix pruvat il-kuntrarju, jitqies li hu att magħmul u mahruġ mill-Awtorita'.
8. Bla hsara għad-disposizzjonijiet ta' dan l-Att, kompriża din l- Iskeda, l-Awtorita' tista' tirregola l-proċeduri tagħha; iżda meta l-Awtorità taqdi funzjonijiet normalment delegati lill-Kummissjoni għall-Kontroll ta' l-Iżvilupp, is-subartikolu (5) ta' l-artikolu 13 ta' dan l-Att japplika għaliha bhal ma japplika għall-Kummissjoni.

IT-TIENI SKEDA

Artikolu 6

Disposizzjonijiet dwar l-uffiċjali pubbliċi mqabbdha biex jaqdu dmirijiet ma' l-Awtorita'.

1. Direttiva taht is-subartikolu (4) ta' l-artikolu 6 ta' dan l-Att ghandha tapplika għall-uffiċjal imsemmi fiha għall-perijodu li jispicċa, jekk l-uffiċjal ma jirtirax mis-servizz pubbliku, jew xort'ohra ma jibqax fil-kariga, qabel, jew jekk id-direttiva ma ssemmix data differenti, meta tigrigi xi wahda mill-grajjiet li ġejjin, jigiifieri -

- (a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta li jiġi trasferit għas-servizz ta', u għal impjieġ permanenti ma' l-Awtorità, magħmula skond is-subartikolu (5) ta' l-artikolu 6 ta' dan l-Att; jew
- (b) ir-revoka mill-Prim Ministru ta' xi direttiva magħmula minnu taht is-subartikolu (4) ta' l-artikolu 6 ta' dan l-Att dwar dak l-uffiċjal.

2. Meta uffiċjal pubbliku jiġi mqabbdha biex jaqdi dmirijiet ma' l-Awtorita' kif intqal qabel dak l-uffiċjal għandu, tul iż-żmien kollu li d-direttiva tibqa' ssehh dwaru, jkun taht il-kontroll amministrattiv ta' l-Awtorita'; iżda għandu għall-hsibijiet u għanijiet l-ohra kollha jibqa', u jitqies u jiġi trattat, bħala uffiċjal pubbliku

3. Mingħajr hsara għall-generalita' ta' dak li ntqal qabel, uffiċjal pubbliku mqabbdha biex jaqdi dmirijiet kif intqal -

- (a) m'għandux waqt li jkun hekk imqabbdha -
 - (i) jiġi prekluz milli japplika għal trasferiment għal xi dipartiment tal-Gvern skond il-patti u kundizzjonijiet ta' servizz applikabbli għal kariga tiegħu mal-Gvern li huwa jkollu fid-data li fiha ġie mqabbdha biex jaqdi dawk id-dmirijiet; jew
 - (ii) jiġi mpjegat hekk li l-hlas jew kundizzjonijiet ta' servizz ikunu anqas favorevoli minn dawk applikabbli għall-kariga li kellu mal-Gvern fid-data fuq imsemmija jew li kienu jkunu applikabbli għal dik il-kariga tul dak iż-żmien kieku dak l-uffiċjal ma ġiex imqabbdha jaqdi dmirijiet ma' l-Awtorita'; u
- (b) ikun intitolat li jkollu s-servizz ma' l-Awtorita' meqjus bħala servizz mal-Gvern għall-finijiet ta' kull pensjoni jew *gratuity* skond kull liġi li tkun fis-sehh f'dak iż-żmien, u għal kull dritt jew privileġġ ieħor li għalih kien ikun intitolat, u għandu jkun responsabbli għal kull haġa li għaliha kien ikun responsabbli kieku ma kienx imqabbdha jaqdi dmirijiet ma' l-Awtorita'.

4. Meta ssir applikazzjoni kif provdut fil-paragrafu 3 (a) (i) ta' din l-Iskeda, għandha tingħata lilha l-istess kunsiderazzjoni daqs li kieku l-applikant ma kienx imqabbdha jaqdi dmirijiet ma' l-Awtorita'.

IT-TIELET SKEDA

Artikolu 15

Proċedimenti quddiem il-Bord ta' Appell dwar l-Ippjanar

1. Kull persuna li tħossa aggravata minn deċiżjoni ta' l-Awtorita' kif provdut fil-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 15 ta' dan l-Att, tista' tappella lill-Bord ta' Appell dwar l-Ippjanar fi żmien tletin gurnata mid-data li fiha d-deċiżjoni tiġi komunikata lill-persuna li tkun għamlet l-applikazzjoni li dwarha ttehdet id-deċiżjoni.

2. L-applikazzjoni għandha jkun fiha r-raġunijiet ta' l-appell u t-talba ta' l-appellant, u kopja tagħha għandha tiġi komunikata lill-Awtorita' qabel ma jinstitwixxi l-appell.

3. L-appellant jista' jidher quddiem il-Bord jew personalment jew permezz ta' aġent fil-gurnata u hin iffissati għas-smieġh, jagħmel is-sottomissjonijiet tiegħu u jipproduċi dawk il-provi li l-Bord jippermetti:

Iżda l-Bord jista' jipposponi is-smieġh ta' l-Appell jekk ikun sodisfatt li l-appellant ma' setax jidher quddiemu minhabba mard jew għax kien barra minn Malta jew għal raġuni oħra simili.

4. Il-Bord għandu jagħti lill-Awtorita' l-opportunita' li tagħmel sottomissjonijiet biex tiġi għall-idejha id-deċiżjonijiet tagħha u li jgħid dawk il-provi li l-Bord jidherli meħtieġa.

5. Il-Bord ikollu s-setgħa li jharrek xhieda u li jagħti l-gurament lil kull min jidher quddiemu.

6. Il-Bord ikollu s-setgħa li jikkonferma, iħassar jew ibiddel deċiżjoni li kontra tagħha jkun sar appell u jagħti dawk id-direttivi li jidherli xieraq.

7. Id-deċiżjonijiet tal-Bord ikunu finali u ma jkun hemm ebda appelli minnhom hliet fuq punti ta' liġi biss.

8. Jekk l-appellant jew l-Awtorita' ma jaqblux ma' xi punt ta' liġi deċiż mill-Bord, huma jistgħu jappellaw lill-Qorti ta' l-Appell b'applikazzjoni preżentata kif provdut fis-subartikolu (10) ta' l-artikolu 15 ta' dan l-Att.

9. Is-seduti kollha tal-Bord għandhom jinżammu fil-pubbliku u d-deċiżjonijiet kollha tal-Bord għandhom jinżammu fil-pubbliku.

10. Bla ħsara għad-disposizzjonijiet t'hawn fuq u dawk ta' dan l-Att, il-Bord jista' jirregola l-proċeduri tiegħu.

Skopijiet u Ghanijiet

L-iskop ewlieni ta' dan l-Abbozz huwa li johloq Awtorità indipendenti, li tkun maghrufa bhala l-Awtorità għall-Ippjanar, b'funzjonijiet u saħħa li tiżgura li l-iżvilupp isir biss skond pjanijiet ta' żvilupp, jiġifieri pjan ta' struttura u l-pjanijiet sussidjarji tiegħu.

L-Abbozz jipprovdi għall-arrangamenti amministrattivi mehtieġa għat-tnejjija tal-pjanijiet ta' żvilupp u s-seħħ u twettiq tagħhom. L-Abbozz jahseb biex l-opinjoni pubblika tinstema sew fit-tnejjija kemm fit-twettiq tal-pjanijiet; u jipprovdi biex ikun hemm appell mid-deċiżjonijiet ta' l-Awtorità fuq hwejjeg li jolqtu l-kontroll ta' l-iżvilupp u t-twettiq ta' dak il-kontroll.

L-Abbozz jissostitwixxi għal kolloxx it-Taqsima I tal-Kodiċi tal-Liġijiet tal-Pulizija, l-Att tal-1988 dwar Permessi għall-Bini (Provvedimenti Temporanti) u dak li għadu jseħħ mill-Att tal-1983 dwar l-Arei għall-Iżvilupp tal-Bini. L-Abbozz jipprovdi wkoll għas-sostituzzjoni tat-Taqsima V tal-Kodiċi tal-Liġijiet tal-Pulizija u jinkorpora fih id-disposizzjonijiet essenzjali ta' l-Ordinanza dwar l-Eстетika tal-Bini.

DEVELOPMENT PLANNING ACT, 1991

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**A BILL
entitled**

AN ACT to make provision for the planning and management of development, 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

1. (1) This Act may be cited as the Development Planning Act, 1991. Short title and commencement

(2) This Act shall come into force on such date as the Minister responsible for development planning may by notice in the Gazette appoint; and different dates may be so appointed for different provisions or different purposes of this Act.

2. In this Act, unless the context otherwise requires:— Interpretation

“**action plan**” has the meaning assigned to it by section 26 of this Act;

“**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;

“**advertisement regulation order**” means an order made under and for the purposes of section 49 of this Act;

“**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;

“**the Authority**” means the Planning Authority established under section 3 of the Act and includes any body or other person acting on its behalf under powers delegated by the Authority under this Act;

“**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 any charge or contribution levied under section 41 or 42 of this Act;

“**building or work**” includes waste materials, refuse and other matters deposited on land;

“**building operations**” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

“**conservation order**” means an order made under and for the purposes of section 46 of this Act;

“**the Commission**” means the Development Control Commission established under section 13 of this Act;

“the Committee” means the Planning Consultative Committee established under section 12 of this Act;

“development” has the meaning assigned to it by subsection (2) of section 30 of this Act;

“development permission” means a permission to carry out development granted by the Authority either on an application in that behalf or in a development order;

“development plans” includes the structure plan, subject plans, local plans and action plans;

“development order” means an order made under and for the purposes of section 31 of this Act;

“the Director of Planning” and **“the Director”** mean the Director of Planning appointed under section 6 of this Act and includes any person acting on his behalf or under his authority;

“enforcement notice” has the meaning assigned to it by section 54 of this Act;

“engineering operations” includes the formation or laying out of roads and of means of access to roads;

“erection” in relation to buildings, includes extension, alteration and re-erection;

“financial year” means the period of twelve months ending on 30th September of any year:

Provided that the first financial year of the Authority shall commence on the coming into force of this Act and end on the 30th September of the following year;

“functions” includes responsibilities, powers and duties;

“land” includes a building;

“local plan” has the meaning assigned to it by section 25 of 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;

“Minister” means the Minister responsible for development planning;

“owner”, in relation to any land, means a person who in his own right or as agent for another person is entitled to receive the rent of the land or, where the land is not let, would be so entitled if it were let:

Provided that where the land is subject to usufruct the expression "owner" includes the bare owner;

"the Planning Appeals Board", "the Appeals Board" and "the Board", mean the Planning Appeals Board established under section 14 of this Act;

"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;

"public officer" has the meaning assigned to it by section 124 of the Constitution;

"road" means any highway or road, whether public or private, and includes any street, square, court, alley, lane, bridge, footway, passage or quay, whether thoroughfare or not;

"scheduled buildings" and **"scheduled trees"** have the meaning assigned to them by section 46 and 48 of this Act, respectively;

"structure plan" has the meaning assigned to it by sections 18 and 22 of this Act;

"subject plan" has the meaning assigned to it by section 24 of this Act;

"tree preservation order" means an order made under and for the purposes of section 48 of this Act;

"use", in relation to land, does not include the use of land by the carrying out of any building, engineering, mining or other operations thereon.

PART II ADMINISTRATION

1. The Planning Authority

3. (1) There is hereby established an authority, to be known as the Planning Authority which shall consist of not less than thirteen and not more than fifteen members, of whom one shall be the Chairman of the Authority.

Establishment of
the Planning
Authority

(2) Save as hereinafter provided, the members of the Authority shall be appointed by the Prime Minister as follows:—

- (a) five members shall be chosen from amongst public officers performing duties in the ministries responsible for the environment, the infrastructure, social policy, economic affairs and agriculture;
- (b) eight members (hereinafter called the “independent members”) shall be chosen from amongst persons of known integrity and with knowledge of and experience in matters relating to development including commercial or industrial activities, or social and community affairs and environment.

(3) The two other members of the Authority shall be members of the House of Representatives of which one shall be appointed by the Prime Minister and the other by the Leader of the Opposition:

Provided that the Authority shall be properly constituted and may function notwithstanding any failure to appoint either or both members of the Authority under this subsection.

(4) The chairman and a deputy chairman of the Authority shall be chosen by the Prime Minister from amongst the independent members of the Authority.

(5) Save as provided in subsections (2) and (3) of this section, no person shall be qualified to be appointed as, or remain, a member of the Authority if he is:

- (a) a public officer,
- (b) a member, officer or servant of any agency of the Government,
- (c) a member of the House of Representatives, or
- (d) a member of a local government authority.

(6) The independent members 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 Prime Minister shall, as far as practicable, ensure a measure of rotation. The independent members may resign by letter addressed to the Prime 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 other members of the Authority shall hold office until they are replaced by the authority appointing them, 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.

(8) A person who has ceased to be a member of the Authority shall if he is otherwise qualified, be eligible for re-appointment; but no person shall in the aggregate be a member of the Authority for more than seven consecutive years.

(9) The provisions of the First Schedule to this Act shall apply to the Authority and regulate its proceedings.

Authority to be
body corporate

4. (1) The Authority shall be a body corporate having a distinct legal personality and capable, subject only to the provisions of this Act, of suing and being sued, of entering into any contract, of acquiring, holding or disposing of property of any kind both of movable and immovable, and by or under any title, and of doing any other thing or entering into any transaction whatsoever.

(2) The legal and judicial representation of the Authority shall vest in the Chairman:

Provided that the Authority may appoint any one or more of its members, or any one or more of its officers or employees, to appear in its name and on its behalf in any judicial proceedings or on any act, contract, instrument or other document whatsoever.

(3) In the absence of the chairman, or if the chairman is unable to perform the functions of his office, whether under this or any other provision of this Act, the deputy chairman shall perform those functions.

Functions of
the Authority

5. (1) The functions of the Authority shall be the promotion of proper land development, both public and private, and the control of such development in accordance with approved policies and plans.

(2) For these purposes, and subject to the provisions of this Act, the Authority shall be responsible for:

(a) the preparation and maintenance of the development plans that is to say the structure plan and the supplementary planning documents, including any other matter ancillary, incidental or conducive thereto;

(b) the conduct of consultations with Government

departments, private organisations and other persons relating to planning.

(3) In the execution of its functions under this Act, the Authority shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

(4) Subject to retaining overall control and supervision, and otherwise observing the provisions of this Act, the Authority may delegate any one or more of its functions or powers under this Act under such conditions as it may deem appropriate.

(5) The Authority may also exercise all powers of control over development as may from time to time be delegated to it by any department or agency of Government.

6. (1) The Authority shall appoint a Director of Planning, who shall be the chief executive of the Authority, and such other officers and employees as the Authority may from time to time deem necessary to carry out its functions under this Act. The Director, or his representative, shall be entitled to be present at all meetings of the Authority and of the Development Control Commission.

Officers and
employees of the
Authority

(2) The Authority shall also appoint one of its officers to act as secretary of the Authority.

(3) The officers and employees of the Authority shall be appointed on such terms and conditions as the Authority may from time to time, after consultation with the office of the Prime Minister, determine.

(4) The Prime Minister may, at the request of the Authority, 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 order; and in any such case the provisions of the Second Schedule to this Act shall have effect with respect to any public officer so detailed.

(5) The Authority may, with the approval of the Prime Minister, offer to any public officer detailed for duty with the Authority under this section permanent employment with the Authority at a remuneration and on terms and conditions specified in the offer.

(6) Every public officer who accepts permanent employment with the Authority offered to him under this section shall, for all purposes, cease to be in the service of the Government and shall enter into service with the Authority with effect from the date of his acceptance of the offer, or such later date agreed between him and the Authority.

7. (1) The Authority shall be endowed with an initial capital of five hundred thousand Malta pounds which shall be paid by the Government out of the Consolidated Fund, without further appropriation other than this Act, by warrant under the hand of the Minister responsible for finance authorising the Accountant General to make the payment.

Financial
provisions

(2) Thereafter the Authority shall be paid out of the Consolidated Fund such sums as the House of Representatives may approve.

(3) The Authority shall cause to be prepared in each financial year, and shall not later than six weeks after the end of such year, adopt estimates of the income and expenditure of the Authority for the next following financial year:

Provided that, in respect of the first financial year, the Authority shall prepare and adopt estimates not later than twelve weeks from the coming into force of this Act.

(4) The estimates shall be made in such form and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(5) A copy of the estimates of the Authority shall, upon their adoption by the Authority, be sent forthwith to the Minister.

(6) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of the Authority, or, if at any time 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 before the House 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.

(7) No expenditure shall be incurred by the Authority that has not been approved by the House of Representatives:

Provided that:

- (a) until the expiration of six months from the beginning of a financial year or until the approval of the estimates for that year, the Authority may make or incur expenditure for carrying out 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 sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;
- (c) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if 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 House and, pending such approval, but subject to its being given, the Authority may in special circumstances and with the approval of the Minister, incur the relative expenditure; and the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates:

Provided further that in respect of the first financial year of the Authority, this sub-section shall apply as if the total expenditure that may be made or incurred by the Authority until the approval of the estimates for that year by the House may not exceed one half of the amount shown in such estimates.

(8) All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette.

8. (1) The Authority shall cause to be kept proper books of account 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 it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of the Authority to be audited or examined by the Director of Audit who shall for this purpose have power to carry out such physical checking and other verifications, and may require such information, as he may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of the Authority is forwarded to the Minister under section 7 of this Act, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditor or 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 of Representatives together with the motion laid before the House under the said section 7.

9. (1) The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister a report of its activities during that year, containing such information relating to the functions and to the proceedings of the Authority as the Minister may from time to time require.

Annual Report

(2) The Minister shall cause a copy of every such report to be laid on the table of the House of Representatives as soon as practicable.

10. Except with the approval of the Minister granted for special reasons, the Authority shall not enter into any contract for the supply of goods or material or for the execution of work or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to involve an expenditure exceeding five thousand liri, except after notice of the intention of the Authority to enter into such contract has been published and competitive tenders have been issued.

Contracts of
supply or works

11. The Authority shall be exempt from any liability for the pay-

Exemption from
tax

ment of any tax on income or duty on documents for the time being in force in Malta.

2. The Planning Consultative Committee

Establishment and
functions of a
Planning
Consultative
Committee

12. (1) There shall be a committee, to be known as the Planning Consultative Committee, consisting of such number of persons as may from time to time be appointed by the Prime Minister after consultations with such organisations representative of various aspects of life in Malta as he may deem appropriate. The Prime Minister shall also appoint the chairman of the Committee.

(2) The functions of the Committee shall be to advise the Government and the Authority on any policy or proposal contained in a development plan on which its advice may be sought or to which the committee believes the attention of the Government or of the Authority ought to be drawn.

(3) The Committee shall meet as frequently as may be necessary, but in no case less frequently than four times in any calendar year; and subject to the foregoing provisions, the Committee may regulate its own proceedings.

(4) The administrative and technical support, as well as any funds, required by the Committee shall be provided by the Authority out of its own resources.

3. The Development Control Commission

Establishment and
functions of the
Development
Control
Commission

13. (1) There shall be a commission, to be known as the Development Control Commission, which shall consist of:

- (a) a chairman appointed by the Prime Minister from amongst the members of the Authority
- (b) three persons appointed by the Authority from among its members, and
- (c) three other persons appointed by the Prime Minister, of whom one at least shall be a member of the Planning Consultative Committee.

(2) The functions of the Commission shall be such of the functions of the Authority with respect to development control, including enforcement, as the Authority may from time to time delegate to it and require it to perform, subject to such conditions as the Authority may deem appropriate.

(3) The decisions of the Commission including any development permission issued by it, shall be deemed to be, and shall have the same force and effect as the decisions of the Authority, except in respect of matters which the Authority expressly reserves to itself or requires to be referred to it for determination, and the expression "decision of the

Authority" wherever it appears in this Act, shall be construed accordingly.

(4) The decisions of the Commission shall only be binding if they are supported by the votes of not less than four of its members; and they shall be published as soon as practicable after the meeting at which they are taken.

(5) The meetings of the Commission shall be open to the public subject to the power of the Commission to exclude any member of the public if it deems it necessary so to do for the maintenance of order. Furthermore the participation of the public on any matter under consideration by the Commission shall only be allowed at the discretion of the Commission and, if so required by it, subject to prior arrangements.

(6) Subject to the foregoing provisions, and to any rules that may be prescribed by the Authority, the Commission may regulate its own procedures.

(7) The staff of the Commission shall consist of officers and employees of the Authority detailed to service the Commission; and the Authority 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.

4. The Planning Appeals Board

14. (1) There shall be a board, to be known as the Planning Appeals Board, consisting of a lawyer, who shall preside, a person versed in planning and a lay person each of whom shall be appointed by the President.

Establishment of
the Appeals Board

(2) The President may also appoint panels of members and in such case the composition of the Board for any one or more appeals to be heard by it shall be the responsibility of the secretary to the Board who shall, as far as is practicable, determine such composition on the basis of rotation.

(3) A member of the Board shall be disqualified from hearing an appeal in such circumstances as would disqualify a judge in a civil suit; and in any such case the members shall be substituted either by another person appointed for the purpose by the President or chosen from the appropriate panel so appointed.

15. (1) The Appeals Board shall have jurisdiction to:

- (a) to hear and determine all appeals made by a person aggrieved by any decision of the Planning Authority on any matter of development control, including the enforcement of such control;
- (b) to determine matters referred to it under section 27 of this Act;

Functions and
procedure of
Appeals Board

(c) to make recommendations and give advice to the Cabinet on any development proposal by any department or agency of Government where the department or agency has challenged the decision of the Authority in respect of such proposal.

(2) The decisions of the Board shall be final except with respect to points of law decided by the Board from which an appeal to the Court of Appeal shall lie.

(3) The decisions of the Board shall be binding if they are supported by the opinion of two of its members, and the dissenting member, if any, may express his opinion separately; and all decisions of the Board shall be delivered in public and shall be published as soon as practicable after the sitting at which they are given.

(4) Advance notice of not less than fourteen days shall be given of the meetings of the Board in such manner as the Board may deem appropriate or as may be prescribed under section 60 of this Act and an interested party who has expressed the intention of making representations shall be invited to do so.

(5) The sittings of the Board shall be open to the public, subject to the power of the Board to exclude any member of the public if it deems it necessary so to do for the maintenance of order.

(6) The Board may require any department or agency of the Government to provide the Board with such information or advice as the Board may deem necessary for the proper execution of its functions.

(7) The Board shall have an independent administrative secretariat consisting of a secretary to the Board and such other officers or employees as may be necessary for a prompt and efficient determination of the matters within its jurisdiction. The secretariat shall be chosen and appointed by the Board.

(8) Without prejudice to the provisions of subsection (7) of this section, the funds required by the Board for the performance of its functions shall be provided by the Authority.

(9) Subject to the above and to section 37 of this Act, appeals to the Board and the conduct of the business of the Board shall be made in accordance with the rules contained in the Third Schedule to this Act; and in the absence of such rules on any matter, the Board may regulate its own procedure.

(10) Appeals to the Court of Appeal from decisions of the Board as provided in subsection (1) of this section shall be made within fifteen days from the day the decision is delivered in public; and such appeals shall be regulated by rules of court made under section 29 of the Code of Organisation and Civil Procedure.

5. Common Provisions

16. For the purposes of the Criminal Code and of any provision of a penal nature in any other law, the members of the Authority and of any committee, board, commission or other body 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

17. The names of all the members of the Authority, and of any committee, board, commission or other body established by this Act, including the panels from which the Appeals Board is constituted, and any other change in such membership, shall be published in the Gazette.

Publication of names of members of the Authority etc.

PART III DEVELOPMENT PLANNING

1. The Structure Plan

18. (1) The Authority shall prepare a structure plan and shall not later than one year from the coming into force of this Act submit it to the Government for consideration and approval as provided in the following provisions of this Part of this Act.

The Structure
plan and its
preparations
or review

(2) The structure plan shall be a written statement illustrated by diagrams as necessary and accompanied by an explanatory memorandum giving a reasoned justification for each of the policies and proposals contained in the plan.

(3) The Authority shall monitor the structure plan and review it as often as may be necessary, provided such review does not have effect less frequently than every two years. Every such review shall be made and take effect as provided in the following provisions of this Part of this Act.

(4) For the preparation or review of the structure plan the Authority shall carry out surveys of those matters which affect the character and quality of the environment, its conservation and its development, including, but not limited to:

- (a) the size, composition and distribution of the population;
- (b) the agricultural, industrial, commercial, touristic and other 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) such other matters as may be required by the Government or which may be deemed necessary by the Authority.

(5) In preparing or reviewing the structure plan, the Authority shall have regard to:

- (a) the current economic policies affecting development;

- (b) the policies of the Government with respect to the matters set out in subsection (4) of this section;
- (c) the resources likely to be available for the implementation of the plan.

(6) During the preparation or review of the structure plan the Authority shall make known to the public the matters it intends to take into consideration and shall provide adequate opportunities for individuals and organisations to make representations to the Authority.

(7) In the preparation of the structure plan the Authority may take over or adopt any surveys or other work carried out or done in the preparation of a structure plan under the Building Permits (Temporary Provisions, Act) 1988 repealed by this Act.

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Publication of the structure plan or its reviews

19. (1) When the structure plan or a review thereof has been completed, the Authority shall publish the plan together with a statement of the representations it has received and the responses it has made to those representations.

(2) The Authority shall invite representations on the plan to be submitted to it within a specified period of not less than six weeks.

Assessment of plan or review by Panel

20. (1) The structure plan, or any review thereof, together with all representations made to the Authority, shall, as soon as practicable after the expiration of the period specified under subsection (2) of section 19 of this Act, be considered by an Assessment Panel consisting of:

- an independent chairman,
- a member of the Authority, and
- a member of the Appeals Board,

appointed for the purpose by the Prime Minister.

(2) The Assessment Panel shall make recommendations as to whether the plan should be approved, whether in whole or in part, with or without modifications or conditions, or whether it should be referred back to the Authority.

(3) For the purposes of its deliberations the Panel may call for evidence from the Authority, from departments or agencies of Government and other interested parties; and may also, if it considers any matter under consideration to be of sufficient public interest, hear any of the evidence aforesaid in public.

(4) The recommendations of the Panel shall be forwarded to the Minister and shall thereupon be published.

Where plan or review is referred back

21. Where the structure plan, or any review thereof, has been referred back to the Authority, the same procedure as far as practicable shall be followed with respect to any further draft prepared and published

by the Authority, except that reference back to the Authority shall not be made more than once.

22. (1) At the conclusion of the procedures set out in the foregoing provisions, the structure plan, and any review thereof, shall be considered by the Cabinet together with the recommendations of the Assessment Panel and the representations made with respect to the plan or its review.

Final
consideration
and approval
of plan or
review

(2) The Minister shall then cause the structure plan or a review thereof as originally prepared, or as revised, by the Authority, together with the recommendations of the Assessment Panel, to be laid before the House together with a motion for a resolution that the structure plan be approved by the House, with such amendments, if any, as may be specified in the resolution.

(3) The structure plan and any review thereof as approved by the House shall have effect as from such date as may be specified for that purpose by the Minister by order in the Gazette; and for the purposes of this Act, other than those provisions relative to the preparation, consideration and submission of the structure plan or its review, the expression structure plan and any reference to a review thereof means the structure plan, and any review thereof, as approved by the House of Representatives:

Provided that if at the date of commencement of this Act there is a structure plan prepared under the Building Permits (Temporary Provisions) Act 1988 and approved by the House of Representatives, such structure plan, as so approved, shall be the structure plan, and shall be treated as if it were the structure plan prepared by the Authority under this Act, for all the purposes thereof, and as if all the provisions of this Act relative to the preparation, consideration and submission of the structure plan had been complied with.

2. Subject Plans, Local Plans and Action Plans.

23. Where the Authority considers that for the proper and effective management of development it is necessary to prepare more detailed proposals than can be appropriately embodied in the structure plan, the Authority may prepare such subsidiary plans, that is to say subject plans, local plans and action plans, as appears to it to be necessary.

Subsidiary
plans

24. (1) A subject plan is a plan which deals with a policy or matter which is contained in the structure plan but which requires for its implementation a more detailed specification than is contained in the structure plan.

Subject plans

(2) A subject plan shall consist of a written statement supported by such 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 structure plan, whether or not such areas are also covered by a local or an action plan.

25. (1) A local plan is one which is made by the Authority for any area where the Authority considers that the rate of development or

Local plans

re-development cannot be satisfactorily managed, or where special factors cannot be taken into account solely on the basis of the structure plan.

(2) A local plan shall consist of a map or maps of a suitable scale supported by a written statement and by such diagrams as may be necessary.

Action plans

26. (1) An action plan is made by the Authority for an area where a department or an agency of the Government intends to carry out, or cause to be carried out by agreement with the private developer, substantial development on its own land or on land it intends to acquire by agreement or by compulsory purchase.

(2) An action plan may form part, or be the whole of, a local plan.

(3) In addition to the information required to be contained in a local plan, an action plan shall also show the land which is in public ownership and the land which is intended to be brought into public ownership.

Procedure for subsidiary plans

27. (1) In the preparation of a subsidiary plan the procedure set out in subsection (6) of section 18 and in sections 19 and 20 of this Act with respect to the structure plan shall be followed with respect to the subsidiary plan subject to the following provisions of this section.

(2) Where nothing in the subsidiary plan extends the scope of or is in conflict with the substance of the structure plan, the plan need not be assessed by the Assessment Panel and the Authority may adopt the plan, and the plan shall thereupon become operative, without reference to the Government.

(3) In any other case, the subsidiary plan, or such part thereof which extends the scope of or is in conflict with the structure plan, shall be treated as if it were a revision of the structure plan, and shall be assessed, considered and approved accordingly.

(4) The Authority may submit for assessment any number of plans, or revisions thereof, as it deems convenient.

(5) If doubt arises as to which procedure should be followed in respect of a subsidiary plan the matter may be referred by the Minister to the Appeals Board and the decision of the Board shall be final:

Provided that a reference to the Board under this section may not be made if a year has elapsed since the adoption of the plan by the Authority.

Review of subsidiary plans

28. (1) Every subsidiary plan shall be reviewed as frequently as may be necessary, but in no case less frequently than every two years.

(2) Where as a result of such a review the Authority proposes

to alter a plan in any significant respect, or where it is proposed that a plan be withdrawn, any such proposal shall be subject to the same procedures, and shall be treated, as a new plan. Minor modifications not affecting the substance of the plan may be carried out by the Authority in accordance with such procedures as it may establish.

29. (1) If at any time or for any location a structure plan is not in force or does not exist, the Authority may prepare a subsidiary plan or plans, but any such plan shall only become operative if it is prepared and approved in the same manner as a structure plan or, if a structure plan is in operation, the subsidiary plan may be adopted by the Authority as being within its scope and not in conflict therewith.

Subsidiary plans
in the absence
of structure
plan

(2) Without prejudice to the provisions of section 63 of this Act, pending the preparation and approval of the structure plan, or, if a structure plan made under the Building Permits (Temporary Provisions) Act 1988 is in force, pending the preparation and adoption or approval of subsidiary plans, the Authority may adopt any subsidiary plans prepared under the Act aforesaid and in force at the commencement of this Act; and upon such adoption such subsidiary plans shall be treated as plans of the Authority approved as required by this Act.

PART IV DEVELOPMENT CONTROL

1. Requirement of permission to develop land.

30. (1) Subject to the provisions of this section and to the following provisions of this Part of this Act, no development shall be carried out after the coming into force of this Act except with the permission of the Authority, in this Act referred to as development permission.

Developments
to require
permission

(2) For the purposes of this section, and, unless the context otherwise requires, for all other purposes of this Act, "development" means the carrying out of building, engineering, mining or other operations for construction, demolition or alterations in, on, over or under any land or the making of any material change of use, other than:

- (a) maintenance operations;
- (b) internal alterations to a building which do not affect the external configuration or appearance thereof and comply with any regulations made under section 60 of this Act;
- (c) the use of land for agriculture, animal husbandry and forestry (including afforestation), except where such use consists in the erection of buildings or amounts to intensive raising of crops or animals;
- (d) in the case of buildings or other land that are used for a purpose of any class specified in an order made by the Authority under this Act, the use thereof for any other purpose of the same class.

(3) For the purposes of this section:

- (a) the use of a building resulting in an increase or a reduction of the number of dwelling units in which the building was previously used; or
- (b) the deposit of refuse or waste materials on land; or
- (c) the use for the display of advertisements of 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 part thereof, without prejudice, in the case of advertisements, to any regulations made under this Act with respect to their control.

31. (1) The Authority may make orders regulating development, or any aspect thereof, in such circumstances and under such conditions as may be specified in the order, being development within the scope of, and

Development
orders

not in conflict with, the proposals contained in the structure plan.

(2) A development order shall be published in the Gazette and shall have effect from the date specified or indicated therein.

(3) The provisions of subsection (5) of section 27 of this Act shall apply to a development order as they apply to subsidiary plans.

Application
for development
permission

32. (1) Any person wishing to carry out development, not being development for which permission is given in a development order and to be carried out in accordance with the provisions thereof, shall apply to the Authority for development permission, in such manner, on such form and giving such information as the Authority may prescribe.

(2) Any person may also apply to the Authority for a determination as to whether a proposal constitutes development and requires development permission.

(3) An applicant for development permission shall certify to the Authority that he is the owner of the site or that he has notified the owner of his intention to apply by registered letter of which a copy has been received by the Authority.

(4) The Authority shall, at the expense of the applicant, cause the proposal and the name of an applicant to be published in the local press and advertised by a notice on the site.

Development
permissions

33. (1) In determining an application the Authority shall have regard to the development plans, to representations made in response to the publication of the proposal and to any other material consideration, including aesthetic, sanitary and other considerations.

(2) The Authority shall have power to grant or to refuse a development permission, and in granting it may impose any condition it may deem appropriate; but the Authority shall give reasons for its refusal or for any conditions imposed by it.

(3) A development permission may be granted for a limited period or in perpetuity, but shall in all cases cease to be operative if it is not acted upon within twelve months of its issue or if, having been so acted upon, works are not pursued with due diligence.

(4) Except as may be otherwise provided in the permission, a development permission shall enure for the benefit of the land and for all persons for the time being interested therein, but without prejudice to the other provisions of this Act affecting its validity or operation.

Supplementary
provisions
re development
permissions

34. (1) The power to grant permission to develop land under this Act shall include power to 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:

Provided that permission under this subsection shall not be granted except on an application for such permission and unless the applicant or his predecessor in title has:

- (a) forthwith upon being required so to do, ceased to carry out any works he was required to interrupt; and
- (b) paid such fines or made such other payments as may be due by reason of any offence against this Act.

(2) A permission under this section 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 may 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, 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.

35. 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; and
- (b) of all decisions made on such applications.

Register of applications for development permission and for decisions thereon

36. (1) The Authority shall make a decision on any application not later than eight weeks after it has received the application duly made; and, in default permission shall be deemed to have been refused unless the applicant has agreed in writing to an extension or extensions of the period aforesaid, in which case the period so extended shall, for the purposes of this section replace the period of eight weeks.

Decisions to be taken without delay

(2) Notwithstanding the foregoing provisions of this section, where the Authority has, within the said period of eight weeks, informed the applicant that the application requires or calls for an environmental impact assessment, whether under the Environment Protection Act, 1991, or because of any other requirement or reason, the

Act No. V of 1991

said period of eight weeks shall commence to run for the purposes of subsection (1) of this section from the date on which the Authority has received the assessment.

Appeals from
decisions of
Authority

37. (1) If an applicant considers that conditions imposed upon a development permission, or a refusal of such a permission, is unreasonable he may, without prejudice to his right of appeal, request the Authority to reconsider its decision or may lodge an appeal with the Appeals Board under section 14 of this Act.

(2) An appeal under this section must be made within twenty-eight days of the receipt of the decision of the Authority or of the date on which, by virtue of section 36 of this Act, the Authority is deemed to have refused permission:

Provided that, where the Authority is requested to reconsider its decision, and such request is made within fourteen days after the receipt of the decision of the Authority, the said period of twenty-eight days shall commence to run from the date on which the reply of the Authority to such request is received; and if the Authority fails to give a reply within twenty-eight days from the receipt of the request it shall be deemed to have re-affirmed its decision and the period for the appeal shall commence to run accordingly.

Application
for development
permission by
Government
and its
agencies

38. (1) A department of the Government or a body corporate established by law shall seek development permission in accordance with such regulations or rules (if any) as may be prescribed under section 60 of this Act; and every proposal by any such department or body shall be published and made the subject of public representations in the same manner as a private proposal for development, or as may be prescribed as aforesaid.

(2) A department of the Government or body corporate as aforesaid shall not dispose of land, or promise the disposal of land, for a specified use unless such use has been approved by the Authority or is allowed under a development plan or a subsidiary plan.

(3) If the Authority refuses to grant permission or to give its approval, or if it imposes conditions which the applicant considers unreasonable, the matter shall first be referred to an Inter-departmental Planning Committee consisting of one representative of each department of the Government or body corporate as aforesaid as the Prime Minister may from time to time declare to be a department or body corporate relevant to planning; and if the matter is resolved by the said Committee in agreement with the Authority, action shall be taken by the Authority in accordance with such agreement.

(4) If agreement is not reached as aforesaid, the Committee shall make a report on the matter, and the matter together with the Committee's report and the views of the Authority shall be considered by the Appeals Board. The report of the Committee, the views of the Authority and the recommendations of the Appeals Board shall be submitted to the Cabinet whose decision shall be final, and the Authority shall act accordingly.

Applications
for mining of
minerals

39. (1) Where an application to develop land consists in the mining of minerals the Authority 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.

(2) The Authority shall not grant permission for the mining of minerals unless it is satisfied that planning and environmental standards will be met and the site will be kept and eventually left in acceptable conditions.

(3) Where the Authority has required a scheme to be submitted as provided in subsection (1) of this section, the scheme, as accepted by the Authority, shall be made a condition of any permission granted by it; and the Authority shall further require such guarantees to be given by the applicant as it deems necessary to ensure that the scheme will be adhered to.

2. Revocation or modification of permission to develop land.

40. (1) Subject to the provisions of this section, the Authority may, having regard to the development plans and to other material considerations, by order revoke or modify any permission to develop land granted under this Act (including permission granted by a development order), or revoke or modify such permission to such extent as may appear to it to be expedient having regard to the matters aforesaid, stating the reasons for so doing in the order.

Revocation
and modific-
ation of
development
permission

(2) Where permission to develop land is revoked or modified by an order made under this section, then:

- (a) any demolition or other work that may be necessary for compliance with the order shall be carried out by, or at the expense of, the Authority;
- (b) if on a claim made to the Authority within twelve months of the date of the order, it is shown that any person interested in the land has incurred expenditure that is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage that is directly attributable to the revocation or modification, the Authority shall, subject to subsection (3) of this section, pay to that person compensation in respect of that expenditure, loss or damage.

(3) No compensation shall be payable under subsection (2) of this section –

- (a) in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification;

- (b) in respect of any work carried out before the grant of the permission that is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that permission.

(4) Where compensation is payable under this section in respect of expenditure incurred in carrying out any work on land, if the competent authority acquires any interest in that land, any compensation payable in respect of the acquisition of that interest shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

3. Charges and contributions in respect of development.

Charges and contributions

41. (1) The Authority shall have power to levy a charge in respect of any permission to carry out development, 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.

(2) A charge made under this section shall be known as the Development Permit Fee.

Contributions towards infrastructure

42. (1) 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 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.

(2) A contribution levied under this section shall be known as the Infrastructure Services Contribution.

(3) The sums collected by the Authority under this section 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.

Development to commence after payment of fee and contribution

43. No development permission shall be granted, and no development authorised by a development order shall be carried out, unless and until any fee or contribution payable under sections 41 and 42 of this Act has been paid to and received by the Authority; and any works carried out without such payment having been made and received shall be deemed to be development carried out without the permission of the Authority.

Publication of charges and contributions

44. (1) The schedule of charges and the rates of contributions established under sections 41 and 42 of this Act, as from time to time

in force, shall be published in the Gazette and shall have effect as so published.

(2) The charges and contributions levied under the sections aforesaid shall be collectively known as the "building levy".

4. Other powers of development control.

45. (1) The Authority may, having regard to the development plans and to other material considerations, by notice 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.

Discontinuance
or removal
orders

(2) Where a discontinuance or removal order is made in respect of an activity, works or use, or of a building, plant, equipment or other thing lawfully carried on or in existence on the land mentioned in the notice before the commencement of this Act, or which was started or came into existence after the commencement of this Act in accordance with a development permission under this Act, the Authority shall be liable to pay compensation for any losses sustained as a result of the notice:

Provided that any benefits derived from the same notice shall be offset against the losses aforesaid.

46. (1) The Authority shall prepare, and from time to time review, a list of areas, buildings, structures and remains of geological, palaeontological, archaeological, architectural, historical, antiquarian or artistic importance, as well as areas of natural beauty, ecological or scientific value (hereinafter referred to as "scheduled property") which are to be scheduled for conservation and may in respect of all or any one or more of the scheduled property make conservation orders to regulate their conservation.

Scheduled
property and
conservation
orders

(2) The list of scheduled property, and any additions or amendments thereto, shall be published in the Gazette. The Authority shall also notify any one of the known owners of any scheduled property of the fact of its inclusion in the list and of any conservation order made with respect to it.

(3) 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 section and in a conservation order.

(4) 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 Authority granted on an application made to it and giving such details as the Authority may require, or in accordance with the provisions of a conservation order; and for the purpose of this section, damage to or destruction of any part of a scheduled property shall be deemed to be a demolition thereof.

(5) A permission of the Authority and a conservation order granted or made under this section 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.

(6) In respect of any scheduled property, the Authority shall also have power to require the owner, by notice in writing, to undertake such works generally, or as may be specified in the notice, as may be necessary to ensure that no further deterioration occurs. In default, the Authority 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.

(7) If any scheduled property is demolished in contravention of any of the provisions of this section 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.

Emergency
Conservation
Order

47. (1) If property which is not scheduled but which the Authority believes could have an importance or value as is described in subsection (1) of section 46 of this Act sufficient to have it listed, is at risk of being demolished, damaged or destroyed, the Authority may make an emergency conservation order and take such further steps for the protection of such property as it may deem necessary.

(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 six 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.

Protected
trees and
Tree Preservation
Orders

48. (1) The Authority shall prepare, and from time to time review, a list of individual trees, groups of trees or woodlands (hereinafter referred to as "scheduled trees") which it considers should be protected, and may in respect of all or any one or more of them make tree preservation orders regulating such protection.

(2) The list of scheduled trees, and any addition or amendment thereto, shall be published in the Gazette. The Authority shall also notify any one of the known owners of any scheduled tree of the fact of its inclusion in the list and of any tree preservation order made with respect to it.

(3) No scheduled tree shall be cut down, lopped, topped or wilfully damaged or destroyed except with the permission of the Authority on an application made to it or as may be allowed under a tree preservation order.

(4) A permission of the Authority and a tree preservation order granted or made under this section may contain such conditions and other provisions as the Authority may deem necessary or expedient; and a tree preservation order may regulate any matter effecting scheduled trees.

(5) The provisions of section 47 of this Act shall apply to scheduled trees as if for references therein to scheduled property there were substituted references to scheduled trees.

49. (1) The Authority may make orders for restricting or regulating advertisements, which shall be known as advertisements regulation orders, and which, without prejudice to the generality of the aforesaid may provide:

Advertisements

- (a) for regulating the dimensions, appearance and position of advertisements, the sites on which advertisements may be displayed and the manner in which they are to be affixed to land;
- (b) for requiring the consent of the Authority to be obtained for the display of advertisements or of advertisements of any class or classes specified in the order;
- (c) for regulating the manner in which the consent aforesaid may be obtained, whether by application of provisions of this Act relating to permissions to develop land or otherwise;
- (d) for enabling the Authority to require the removal of any advertisement that is being displayed in contravention of any order made under this section, or otherwise against any provision of this Act, or the discontinuance of the use for the display of advertisements of any site that is being used for that purpose in contravention of any order or provision aforesaid, and for applying any of the provisions of this Act with respect to enforcement, subject to such adaptations and modifications as may be specified in the order, or otherwise provide for the enforcement of the order and of any notices issued thereunder;
- (e) for exempting from the requirements of the order, or any provisions thereof, the display of advertisements or the use of sites for such display, of such class or classes specified in the order, or the continued display or use aforesaid for such period or periods as may be specified in the order;
- (f) for directing that any law affecting the display of advertisements for the time being in force shall not apply to the display of advertisements in any area to which an order made under this section applies;

- (g) for prescribing matters that are to be, or may be prescribed.

(2) An advertisements regulation order may be made to apply to advertisements that are being displayed on the date the order comes into force, or to sites being used for the display of advertisements on the date aforesaid:

Provided that a person affected adversely by any such application of the order shall, on a claim made to the Authority within twelve months from the date on which he is so affected, and in such manner as may be prescribed by the Authority, be entitled to recover from the Authority compensation in respect of any expenses reasonably incurred by him to comply with the order and in respect of any remaining value of the advertisement.

(3) Where the display of advertisements involves the development of land within the meaning of this Act, permission for that development shall be deemed to be granted for the purposes of this Act if the display is made in conformity with the provisions of this section and of any order made thereunder.

(4) For the purposes of this Act, but without prejudice to the generality and the normal meaning of the expression, a person shall be deemed to display an advertisement if –

- (a) the advertisement is displayed on land of which he is the owner or occupier; or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns,

unless he proves that the advertisement was displayed without his knowledge or consent and can further show that he took all reasonable steps to have the display discontinued as soon as he became aware of the display.

Injury to
Amenity

50. If it appears to the Authority that the amenity of any areas is injured by the appearance or condition of any land, being a garden, vacant site or other open land, the Authority may serve on the owner and occupier of the land a notice requiring such steps to be taken for abating the injury as may be specified in the notice.

PART V ENFORCEMENT OF CONTROL

51. (1) The Authority shall monitor all development operations to ensure that development is carried out only in accordance with the requirements of this Act and in compliance with the decisions lawfully taken under this Act.

Monitoring of
development

(2) The Authority shall also undertake a review of all development carried out before the coming into force of this Act not in compliance with plans or policies in force at the time the development took place; and in respect of any such development the Authority shall have such powers as it has in respect of development carried out after the coming into force of this Act in order to ensure that the plans and policies aforesaid are enforced or, if this is not reasonably possible, to regularise any such development to the extent the Authority deems adequate in the circumstances.

52. (1) If it appears to the Authority that any development of land is being carried out without the grant of permission required in that behalf under this Act, or that any conditions subject to which such permission was granted in respect of any development are not being complied with, the Authority shall serve a notice on the owner of the land requiring work to be stopped forthwith.

Enforcement
procedure

(2) A copy of the notice given under subsection (1) of this section may also be served on any builder contractor or workmen on the site and a further copy shall be fixed in a prominent position at a point of entry onto the site.

(3) If it appears to the Authority that any development of land has been carried out after the coming into force of this Act without the grant of permission required in that behalf under this Act, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, the Authority may, having regard to the provisions of the development plans and to any other material consideration, serve on the owner and occupier of the land a notice 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 development took place 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 land of any building or other operations.

(4) Except as otherwise provided in this section, a notice given under any of the foregoing provisions of this section (in this Act also referred to as "enforcement notice") shall:

- (a) in respect of any requirement stopping or prohibiting further works or development, take effect immediately upon service of the notice;

- (b) in respect of any other requirement, shall take effect at the expiration of such period (being not less than fifteen days after the service thereof) as may be specified therein.

(5) When within the period mentioned in subsection (4) of this section an application is made to the Authority under this Act:

- (a) for the retention on the land of any buildings or works to which the enforcement notice relates, or
- (b) for 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 work or development, shall be suspended pending the final determination of the application, and if the permission applied for is granted on that application and comes into operation, the enforcement notice shall cease to have effect:

Provided that any application as aforesaid shall be dismissed forthwith if a requirement in the notice stopping or prohibiting further work or development has not been complied with or if any fine or other payment to which any person has become liable under this Act in respect of the relevant land has not been paid.

(6) Any person who feels himself aggrieved by any enforcement notice served on him may, within fifteen days from the service of the notice, appeal against it to the Appeals Board; and on any such appeal the Board:

- (a) if satisfied that permission was granted under this Act for the development to which the enforcement notice relates, or that no such permission was required in respect thereof, as the case may be, and that the conditions subject to which such permission was granted have been complied with, shall quash the enforcement notice to which the appeal relates or such part thereof in respect of which the Board is satisfied as aforesaid;
- (b) in any other case, shall dismiss the appeal.

(7) Where the appeal is dismissed the Appeals Board may direct that, in respect of any requirement, other than a requirement stopping or prohibiting any work or development, the enforcement notice shall not come into force until such date, being a date not earlier than fifteen days after the determination of the appeal, as the Board thinks fit.

53. If it appears to the Authority that anything which is prohibited or restricted or subject to a condition by or under any of the provisions of section 46, 48 or 49 of this Act 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 sections or any orders made thereunder, the Authority shall serve a notice on the owner or occupier of the land in question, or on any other person on whom in the opinion of the Authority the notice should be served, or on any one or more of such persons, 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.

54. A notice under sections 50 and 53 of this Act is also in this Act referred to as "enforcement notice" and, unless the context otherwise requires and subject to such modifications and adaptation as may be necessary to give full effect to the provisions of those sections, wherever that expression appears in this Act it shall include a notice given under those sections.

Other
enforcement
notices

55. (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, or forthwith if so specified, the Authority may enter on the land and take those steps or other action as aforesaid and may for such purpose request the assistance of the Police Force which shall for such purpose exercise such powers as are vested in them for the prevention of offences and the enforcement of law and order.

Supplementary
provisions
as to
enforcement

(2) Notwithstanding the provisions of any other law, no warrant or other order shall be issued or made by any court restraining the Authority from the exercise of any of the powers conferred upon it by this section except upon a decision by a court of competent jurisdiction that the enforcement notice on the strength of which the Authority has acted or intends to act is null or that action by the Authority has been taken otherwise than in conformity with the foregoing provisions of this Act.

(3) All expenses reasonably incurred by the Authority to carry out an enforcement notice under this section shall be recoverable as a civil debt by the Authority from the person who is then the owner of the land, subject to such right of recovery such person may have against any other person.

PART VI DEVELOPMENT OFFENCES AND PENALTIES

56. Any person who:

Offences

- (a) carries out any development on any land or allows any development to be carried out on land of which he is an owner without a development permission as in force at the time of such development, 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 section 46 or 48 of this Act in respect of any scheduled building or tree, or of any advertisement regulation order made under section 49 of this Act; or
- (c) having been served with an enforcement or other notice under section 45, 50, 52 or 53 of this Act, fails to comply with any of the requirements of such notice within the time or as 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 officer, in the execution of his duties under the law, or fails to comply with any reasonable requirement demanded of him by any such officer or servant, or police officer as aforesaid or otherwise to assist him in the carrying out of the said duties, or knowingly furnishes such officers or employees with false information or neglects or refuses to give any information required for the purpose aforesaid,

shall be guilty of an offence against this Act and shall be liable on conviction to a fine (multa) of not less than five hundred liri and not exceeding fifty thousand liri, and in respect of an offence under paragraph (d) of this section or, in the case of an offence under paragraph (c) of this section 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 subsection (7) of section 46 of this Act, the minimum fine to which an offender is liable under this section 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.

Certified
copies of
certain
documents as
evidence.

57. 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 Chairman of the Authority or by the Director of Planning, shall be accepted as evidence of the order, notice, decision or other document, and of the facts appearing therein, without further proof.

Special
procedure

58. (1) Notwithstanding any other law providing for the trial and punishment of offences, where the Authority believes that a person has committed an offence against this Act, other than an offence under paragraph (d) of section 56 of this Act, the Authority may give notice in writing to such person describing the offence of which the person is accused and indicating the fine which he is required to pay in respect of that offence:

Provided that the Authority may not require the payment of a fine higher than one thousand liri.

(2) Where a notice under this section has been given, the person named in the notice may, within twenty-one days of the service of the notice, accept responsibility for the offence specified in the notice and pay, or undertake in writing to pay, within such further period as may be allowed by the Authority, the fine indicated in the notice or such fine as the Authority 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 fine paid, or agreed to be paid, shall be the fine to which he became liable to pay;
- (b) if the fine is paid within the period, or further period, aforesaid, no further proceedings may be taken against the said person in respect of the same facts;
- (c) if the fine is not paid within the period, or further period, aforesaid, it shall be treated as if it were a fine ordered to be paid by the court which would have had jurisdiction to take cognizance of the offence, and proceedings may be taken accordingly as if it were an order of that court.

(3) Where the person to whom notice is given under subsection (1) of this section does not accept responsibility for the offence, ordinary proceedings may be taken against him in accordance with the provisions of the Criminal Code, of this Act and of any other law applicable to the offence.

(4) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given in proceedings arising out of this Act or of any regulations, rules or orders made thereunder.

PART VII SUPPLEMENTAL

59. Without prejudice to the provisions of section 6 of the Interpretation Act, 1975, 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.

Power to
make
regulations etc.
to include power
to revoke etc.
Act No VII of 1975

60. (1) The Minister may, on the recommendation of the Authority, make regulations to regulate or otherwise provide for any matter relating to development or other activities affecting land, in order to give fuller effect to the provisions of this Act, and in particular, but without prejudice to the generality of the aforesaid, may by such regulations:

Regulations

- (a) regulate buildings and the construction, demolition or alteration thereof, as well as any other matter relating thereto, taking account of all relevant considerations, including safety, aesthetics, health and sanitation;
- (b) prescribe the form of any notice, order or other document authorised or required by this Act to be made, served or given;
- (c) prescribe the manner in which a building levy or other charge made under this Act is to be established, made, reviewed, collected, utilised or otherwise dealt with;
- (d) to the extent not otherwise provided, prescribe the procedure to be followed by any body established by this Act, and to amend, add to or otherwise alter anything contained in the schedules to this Act concerning the matters aforesaid;
- (e) prescribe the fees payable to the Authority for any service provided by it, or in respect of any matter for which it is considered that a fee should be payable;
- (f) for any purpose for which regulations are authorised or required to be made otherwise than by the Authority.

(2) Any regulation made under this Act may provide for any matter relating to liability for the observance of such regulations, and the persons who may be liable, and for any matter relating to the enforcement of the said regulations, including, but not limited to, the imposition of a fee (multa) not exceeding one thousand liri in respect of any contravention of, or failure to comply with, the provisions of such regulations.

Certificate of
development
according to
permission

61. (1) The following provisions shall have effect with respect to any development of land which has taken place or is to take place after the date of the coming into force of this Act, hereinafter referred to as "new development."

(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 stating that the development is in accordance with a development permission.

(3) No land on which any new development has taken place may be sold, transferred or otherwise disposed of unless there is in respect of any such development a certificate issued by the Authority stating that the development is in accordance with a development permission.

(4) No bank shall make a loan or grant any facility for the purposes of any new development or for the acquisition of any land on which any new development has taken place unless there is in respect of such development a certificate issued by the Authority stating that the development or proposed development, as the case may be, is in accordance with a development permission.

(5) Any sale, transfer or other disposal of land, and any security given in respect of any land, in contravention of any of the foregoing provisions of this section, shall be null and without effect unless the appropriate certificate required by this section is annexed to the deed whereby the sale, transfer or other disposal is made or the said security is given.

Service of
notices etc.
under this Act

62. (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:

- (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, 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 manner 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 document to be served or given in a conspicuous place on the land to which it relates and keeping it so affixed for a period of not less than seven days.

(2) Where the 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 subsection (1) of this section and addressed to the person having an interest in the land by the description of "owner" or "occupier", or "owners" or "occupiers", as the case may require.

63. (1) Subject to the provisions of this section, the laws, or provisions thereof, hereinafter specified shall be repealed or have effect as provided in this section.

Repeal etc.
and savings

(2) The following enactments, or provisions thereof, that is to say:

- | | |
|---|---------------|
| (a) Part I and, to the extent that its provisions are replaced, and are expressly said to be replaced, by regulations made under section 60 of this Act, Part V of the Code of the Police Laws; | Cap. 10 |
| (b) The Aesthetic Buildings Ordinance; | Cap. 87 |
| (c) The Building Permits (Temporary Provisions) Act, 1988; and | Act X of 1988 |
| (d) so much of the Building Development Areas Act, 1983 as may still be operative immediately before the coming into force of this Act, | Act I of 1983 |

are hereby repealed:

Provided that:

- (i) anything lawfully done or omitted to be done thereunder shall, to the extent that it is not in conflict with the provisions of this Act, remain unaffected;
- (ii) any offence committed against any of the provisions repealed by this section shall continue to be offences against those provisions and proceedings in respect thereof may be commenced or continued as if the said provisions were still in force, without prejudice to the application, in respect of any acts or omissions constituting such offence, of the provisions of subsection (2) of section 51 of this Act;

- (iii) any permission issued or granted under any of the provisions repealed by this section and in force on the date immediately preceding the coming into force of this Act, shall continue to be operative for the period and under the conditions for which and under which it was so issued or granted, but shall for any purpose other than duration be deemed to be a permission granted by the Authority;
- (iv) any development plan made under the Building Permits (Temporary Provisions) Act, 1988, in force on the date immediately preceding the coming into force of this Act, shall remain operative and have effect as if it were a development plan made under this Act; and shall be treated accordingly;
- (v) any regulations made under section 14 of the Aesthetic Buildings Ordinance, and so much of the said Ordinance as is necessary for the continued applicability and enforcement of such regulations, shall remain in force until an advertisement regulation order is made under this Act.



SCHEDULES

FIRST SCHEDULE

Section 3

Provisions with respect to the Authority

1. The Authority may act notwithstanding any vacancy amongst its members, provided there is a quorum present at the meeting.

2. The quorum of the Authority shall consist of the chairman or deputy chairman and not less than half the number of the other members constituting the Authority at the time of the meeting.

3. The meetings of the Authority shall be called by the chairman either on his own initiative or at the request of any two members of the Authority; and the Authority shall also meet at such times as it may itself decide.

4. The chairman, or the deputy chairman acting in his place, shall have an original vote, and where the votes are equally divided, a second or casting vote.

5. A member of the Authority who has a direct or indirect interest in any matter coming before the Authority 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 discussion or decision of the Authority with respect to that matter, and
- (b) shall be disregarded for the purpose of constituting a quorum for any such discussion or decision.

6. All acts done by any person in good faith as a member of the Authority shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

7. Without prejudice to the provisions of section 57 of this Act, any document purporting to be an instrument made or issued by the Authority and signed by the Chairman of the Authority or the Director of Planning on its behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

8. Subject to the provisions of this Act, including this Schedule, the Authority may regulate its own procedure, provided that:

Where the Authority performs functions normally delegated to the Development Control Commission, subsection (5) of section 13 of the Act shall apply to it as it applies to the Commission.

SECOND SCHEDULE

Section 6

Provisions with respect to Public Officers detailed for duty with the Authority

1. A direction under subsection (4) of section 6 of this Act shall apply to the officer specified therein for a period ending, unless the officer retires from the public service, or otherwise ceases to hold office, at an earlier date, or a different date is specified in the direction, 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 pursuance of subsection (5) of section 6 of this Act; or
- (b) the revocation by the Prime Minister of any direction made by him under subsection (4) of section 6 of this Act in relation to such officer.

2. When a public officer is detailed for duty with the Authority as aforesaid such officer shall, during the time the direction has effect in relation to him, be under the administrative control of the Authority; but he shall for other intents and purposes remain, and be considered and treated as, a public officer.

3. Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid-

- (a) shall not during the time 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 under the Government held by him at the date on which he was detailed for duty; or
 - (ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at 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 purpose of any pension or gratuity under any law for the time being in force, and for any other right or privilege to which he would have been entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

4. When an application is made as provided in paragraph 3 (a) (i) of this Schedule, the same consideration shall be given to it as if the applicant had not been detailed for duty with the Authority.

THIRD SCHEDULE

Section 15

Proceedings before the Planning Appeals Board and appeals therefrom

1. Any person who feels aggrieved by a decision of the Authority as provided in paragraph (a) of subsection (1) of section 15 of this Act may appeal to the Planning Appeals Board within thirty days from the date the decision is communicated to the person on whose application the decision was taken.

2. The application shall contain the grounds for the appeal and the request of the appellant, and a copy of it shall be communicated to the Authority before the appeal is heard.

3. The appellant shall appear before the Board either in person or by agent on the day and at the time fixed for the hearing, make his submissions and produce such evidence as the Board may allow:

Provided that the Board may postpone the hearing of the appeal if it is satisfied that the appellant was prevented from appearing before it owing to illness or absence from Malta or other similar reasonable cause.

4. The Board shall give the Authority an opportunity to make its submissions in justification of its decisions, and bring such evidence as the Board may consider necessary.

5. The Board shall have the power to summon witnesses and to administer the oath to any person appearing before it.

6. The Board shall have power to confirm, revoke or alter the decision appealed against and give such directions as it may deem appropriate.

7. The decisions of the Board shall be final and no appeal shall lie therefrom except on a question of law only.

8. If the appellant or the Authority are dissatisfied with any point of law decided by the Board, they may appeal to the Court of Appeal by an application filed as provided in subsection (10) of section 15 of this Act.

9. All hearings of the Board shall be held in public and all decisions of the Board shall be given in public.

10. Subject to the foregoing provisions and to the provisions of this Act, the Board shall regulate its own procedure.

Objects and Reasons

The main object of the Bill is to set up an independent Authority to be known as the Planning Authority, with functions and powers to ensure that development takes place only according to development plans, that is a structure plan and its subsidiary plans.

The Bill provides for the administrative arrangements necessary for the preparation of the development plans and for their implementation and enforcement. Care has been taken to give access to public opinion both in the preparation and in the implementation of the plans; and provision has been made for appeals from decisions of the Authority on matters of development control and its enforcement.

The Bill replaces entirely Part I of the Code of Police Laws, the Building Permits (Temporary Provisions) Act 1988 and what is still in force of the Development Areas Act, 1983. It also provides for the replacement of Part V of the Code of Police Laws and incorporates the essential provisions of the Aesthetic Buildings Ordinance.