

ARRANĠAMENT TAL-ATT

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Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

13 ta' Lulju, 2010

ATT Nru. X tal-2010

Att biex jipprotegi l-ambjent, biex jipprovdi għall-ippjanar u l-ġestjoni ta' żvilupp u għat-twaqqif ta' awtorità b'poteri għal dak il-għan u għall-kwistjonijiet konnessi jew anċillari magħha.

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

Parti I

Preliminari

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2010 Titolu qasir u Bidu.
dwar l-Ambjent u l-Ippjanar tal-Iżvilupp.

(2) Dan l-Att għandu jidhol fis-seħħ fid-data li l-Ministru jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għal finijiet differenti ta' dan l-Att.

(3) Avviż taħt is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet tranżitorji kif jidhru lill-Ministru li jkunu meħtieġa jew spedjenti in konnessjoni mad-dispożizzjonijiet li jkunu hekk ingiebu fis-seħħ.

2. F'dan l-Att kemm-il darba r-rabta tal-kliem ma tkunx Tifsir.
teħtieġ xort'oħra:

“ambjent” tfisser it-totalità ta’ l-elementi u l-kondizzjonijiet, naturali jew magħmulin mill-bniedem, eżistenti fid-dinja, sew flimkien sew iżolati minn xulxin, u b’mod partikolari:

(a) l-arja, l-ilma u l-art;

(b) kull saff ta’ l-atmosfera;

(c) kull materja organika u inorganika u kull organiżmu ħaj;

(d) kull ekosistema; u

(e) il-pajsagg;

“aġenzija tal-Gvern” tfisser enti morali imwaqqaf b’ligi u kumpannija li fiha l-Gvern jew enti bħal dak, jew it-tnejn flimkien, għandhom interess li jikkontrolla jew li hija sussidjarja ta’ kumpannija bħal dik;

“applikazzjoni” tfisser applikazzjoni għal permess jew għal liċenza;

“art” tinkludi bini;

“l-Awtorità” tfisser l-Awtorità ta’ Malta dwar l-Ambjent u l-Ippjanar imwaqqfa taħt l-artikolu 6 u tinkludi kull korp jew persuna oħra li taġixxi f’isimha bis-saħħa ta’ setgħat delegati mill-Awtorità taħt dan l-Att, u l-Ministru jista’, b’ordni fil-Gazzetta, jaħtar korpi jew persuni differenti bħala awtorità kompetenti għal disposizzjonijiet differenti u għanijiet differenti ta’ dan l-Att jew xi regolamenti maħruġa taħthom ;

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

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

“bini skedat” jkollha t-tifsira assenjati lilhom bl-artikolu 81;

“*Chairman* tal-Bord” tfisser iċ-*Chairman* ta’ l-Awtorità maħtur skond l-artikolu 6;

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

“diversità bijoloġika” jew “bijodiversità” tfisser il-varjabilità fost organiżmi ħajjin minn kull oriġni, inklużi “*inter alia*”, ekosistemi ta’ l-art, tal-baħar u oħrajn akwatiċi u l-kumpleksi ekoloġiċi li jagħmlu parti minnhom, u tinkludi diversità fl-ispeċi nnifisha, bejn l-ispeċi u ta’ ekosistemi;

“enerġija” tinkludi kull tip ta’ radjazzjoni li tagħmel parti mill-ispettru tal-enerġija elettromanjetika, jew minn sors nukleari, kif ukoll kull vibrazzjoni u ħoss;

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

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

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

“funzjonijiet” tinkludi responsabilitajiet, setgħat u dmirijiet;

“kampjun” tfisser kull speċi, sew ħajjin sew mejtin, jew xi parti jew derivattiv tagħhom, u tinkludi kull oġġett li minn dokument li jkollu miegħu, l-ippakkjar, il-marka jew it-tikketta jew minn ċirkostanzi oħra jidher li jkun xi parti jew derivattiv ta’ annimali jew pjanti;

“konservazzjoni” fir-rigward tal-protezzjoni ambjentali tfisser serje ta’ mizuri meħtieġa biex isostnu jew jaħju mill-ġdid kull habitat naturali u l-popolazzjoni ta’ speċi ta’ fawna u flora selvaġġi fi status favorevoli u fir-rigward tal-wirt

kulturali, tfisser kull attività meħtieġa sabiex, kemm jista' jkun, issaħħaħ jew sabiex tnaqqas id-deterjorazzjoni ta' proprjetà kulturali, u tinkludi l-istħarriġ, analiżi, it-trattament, id-dokumentar u l-preservazzjoni ta' dik il-proprjetà kulturali jew parti minnha;

“Kumitat Permanenti” tfisser il-Kumitat Permanenti dwar l-Ambjent u l-Ippjanar għall-Iżvilupp stabbilit skond l-artikolu 34;

“il-Kummissjoni” tfisser il-Kummissjoni ta' l-Ambjent u l-Ippjanar stabbilita skond l-artikolu 35;

“kunsill lokali” tfisser kunsill lokali mwaqqaf taħt l-Att dwar Kunsilli Lokali Kap. 363.;

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

“il-Ministru” tfisser il-Ministru responsabbli għall-ambjent;

“ordnat” tfisser ordnat 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;

“organizmu ġenetikament modifikat” tfisser xi wieħed minn dawn li ġejjin:

(a) organizmu miksub mill-formazzjoni ta' kombinazzjoni ta' materjal ġenetiku b'kull mezz li mhux xi mezz naturali;

(b) organizmu li jiret tali kombinazzjoni ta' materjal ġenetiku;

(c) organizmu li jirrizulta mill-ikkupjar ta' organizmu kif miksub skond ma hemm fil-paragrafu (a); jew

(d) kull organizmu ieħor kif jista' jiġi ordnat mill-Ministru taħt dan l-Att;

“permess għall-żvilupp” tfisser permess biex isir żvilupp mogħti mill-Awtorità jew fuq talba għaldaqshekk jew f’ordni dwar l-iżvilupp;

“pjan” tfisser pjan approvat skond il-provedimenti ta’ l-Att;

“pjanijiet sussidjarji” tinkludi pjanijiet dwar suġġett, pjanijiet lokali, pjanijiet ta’ azzjoni jew pjan ta’ immanigġar;

“*policy*” tfisser *policy* approvata skond il-provvedimenti ta’ l-Att;

“prinċipju kawtelatorju” tfisser il-prinċipju li bih jittieħdu miżuri adatti li jharsu l-ambjent u li jiżguraw maniġġar sostenibbli ta’ riżorsi naturali fin-nuqqas ta’ prova xjentifika assoluta jew konklużiva tal-ħtieġa għal dawk il-miżuri;

“rapport dwar l-applikazzjoni” tfisser il-permess finali jew ir-rapport dwar applikazzjoni għal licenza;

“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 adattata għall-użu ta’ wiri ta’ reklami;

“rimi” tinkludi kull emissjoni, depożitu, rimi barra, tneħħija, żjieda jew tfigħ ġo l-ambjent ta’ xi sustanza jew energija, direttament jew indirettament minn xi sorsi minn post wieħed jew sorsi mferrxa, sew stazzjonarja sew mobbli, u sew jekk ikkaġunata jew permessa bil-ħsieb jew xort’oħra, sew jekk kontinwa jew intermittenti jew ta’ darba biss;

“riżorsi naturali” tfisser kull komponent tan-natura u tinkludi l-arja, l-ilma, l-art, ħamrija, il-minerali, l-energija, organiżmi ħajjin u riżorsi ġenetiċi;

“sid” tfisser -

(a) persuna li jew bi dritt tagħha nnifisha jew bħala aġent ta’ ħaddieħor għandha dritt tircievi l-kera ta’ l-art

jew, fejn l-art m'hix mikrija, kien ikollha dak id-dritt kieku kienet mikrija;

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

(c) l-enfitewta;

(d) kull wieħed mill-miżżewġin meta l-art li dwarha jittratta l-iżvilupp tkun tiffirma parti mill-komunjoni ta' l-akkwisti;

“skart” tfisser kull haġa, sustanza jew oġġett li d-detentur jarmi jew ikollu hsieb li jarmi, jew li jkun meħtieġ li jzomm biex jarmiha, u tinkludi kull haġa oħra, sustanza jew oġġett tali li l-Ministru jista' jordna;

“Skemi ta' Provvedimenti Temporanji” tfisser proġetti ta' pjani regolaturi mhejjija u approvati skond l-Att dwar Permessi tal-Bini (Provvedimenti Temporanji);

“stqarrija ta' pożizzjoni” tfisser stqarrija magħmula mill-Ministru jew mill-Awtorità sabiex jipprovdi spjegazzjoni teknika dettaljata li tiġġustifika pożizzjoni ta' ppjanar fir-rigward ta' kwistjoni speċifika;

“sustanzi” tfisser kull haġa, kimika, taħlita, kompost jew prodott u tinkludi karburanti, kombinazzjonijiet ta' elementi, taħlitiet jew komposti ta' xi reazzjoni kimika, kif ukoll it-taħlita ta' sustanzi ta' identitajiet molekulari differenti;

“Tribunal” jfisser it-Tribunal ta' Revizjoni ta' l-Ambjent u l-Ippjanar kif stabbilit taħt il-provedimenti tal-artikolu 40 ta' dan l-Att;

“tniġġis” tfisser l-introduzzjoni diretta jew indiretta mill-bniedem, jew minhabba proċessi naturali, fl-ambjent ta' sustanzi, xi organiżmu, materjal ġenetiku jew enerġija li jikkagunaw jew x'aktarx jikkagunaw periklu gravi għal saħħet-il bniedem, hsara għal riżorsi haġġin jew ekosistemi, jew dannu għall-amenitajiet, jew li jinterferixxu ma' kull użu legittimu ieħor ta' l-ambjent.

“triq” tfisser kull triq prinċipali jew triq, sew pubblika

sew privata, u tinkludi kull triq, pjazza, biċċa, sqaq, sqajjaq, pont, passagġ bir-riġel, passagġ jew moll, sew jekk jgħaddi t-traffiku minnhom sew jekk le;

“l-Uffiċjal Eżekuttiv Ewlieni” tfisser l-uffiċjal maħtur taħt l-artikolu 13 ta’ dan l-Att.

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

“użu”, dwar art, ma tinkludix l-użu ta’ l-art biex isiru fiha xogħlijiet ta’ kostruzzjoni, inġinerija jew tħaffir jew xogħlijiet oħra fuqha;

“xogħlijiet ta’ bini” tinkludi xogħolijiet ta’ rikostruzzjoni, tibdil strutturali jew zjieda f’bini, u xogħlijiet oħra li normalment isiru minn persuna li tagħmel ix-xogħol ta’ bennej;

“xogħlijiet ta’ inġinerija” tinkludi kull bidla fiżika fil-wiċċ ta’ l-art jew it-topografija ta’ sit, u l-formazzjoni jew it-tqegħid ta’ toroq u ta’ mezzji ta’ aċċess għat-toroq.

Parti II

Dmir li jithares l-ambjent

3. Ikun id-dmir ta’ kulhadd flimkien mal-Gvern li jħares l-ambjent u li jgħin fit-teħid ta’ miżuri preventivi u rimedjali biex iħares l-ambjent u jimmaniġġa r-rizorsi naturali b’mod sostenibbli.

Dmir ta’ kulhadd li jħares l-ambjent.

4. Ikun id-dmir tal-Gvern li jħares l-ambjent għall-benefiċċju tal-generazzjonijiet preżenti u futuri u għaldaqshekk:

Dmir tal-Gvern li jħares l-ambjent.

(a) jimmaniġġa l-ambjent b’mod sostenibbli billi jintegra u jagħti l-konsiderazzjoni dovuta għat-tħassib dwar l-ambjent f’deċiżjonijiet fuq politka soċjo-ekonomika u kull *policy* oħra;

(b) jieħu kull miżura preventiva u rimedjali li tista’ tkun meħtieġa biex tiġi indirizzata u mnaqqsa l-problema ta’ tniġġis u kull għamla oħra ta’ degradazzjoni ta’ l-ambjent sew f’Malta sew ’l hinn minn Malta, skond il-prinċipju li min iniġġes għandu jhallas u l-prinċipju kawtelatorju;

(c) jikkollabora ma' gvernijiet u entijiet oħra fil-ħarsien ta' l-ambjent globali;

(d) ixaerred informazzjoni dwar l-ambjent u jiffaċilita l-parteciċipazzjoni tal-pubbliku f'deċiżjonijiet li jolqtu l-ambjent;

(e) japplika konoxxenza u riżorsi xjentifiċi u teknoloġiċi biex jiddeċiedi l-kwistjonijiet li jolqtu l-ambjent;

(f) jiżgura l-manigġar sostenibbli ta' kull skart u jippromwovi t-tnaqqis u l-użu tajjeb, l-użu mill-ġdid u l-irkupru xierqa tal-materja u l-enerġija;

(g) iħares id-diversità bijoloġika;

(h) jeħodha kontra kull għamla ta' tniġġis;

(i) jikkonsidra l-ambjent bħala l-wirt komuni u t-ħassib komuni ta' l-umanità; u

(j) jipprovdi incentivi li jwasslu għal livell ogħla ta' protezzjoni tal-ambjent.

Applikazzjoni ta' l-artikoli 3 u 4 ta' dan l-Att.

5. Id-disposizzjonijiet ta' l-artikoli 3 u 4 m'għandhom ikunu direttament esegwibbli f'ebda qorti, imma l-prinċipji li jinsabu hemm fihom huma minkejja kollox fundamentali għall-Gvern ta' Malta u dawk il-prinċipji għandhom jithaddmu fl-interpretazzjoni tad-disposizzjonijiet l-oħra ta' dan l-Att jew ta' kull liġi oħra li tirrigwarda dak li hu regolat b'dan l-Att.

Parti III

1. Amministrazzjoni

Twaqqif ta' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar.

6. (1) Qiegħda b'dan tiġi mwaqqfa awtorità, li tkun magħrufa bħala l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, li tkun magħmula minn mhux anqas minn tlettax u mhux aktar minn ħmistax-il membru, li minnhom wieħed ikun iċ-chairman ta' l-Awtorità.

(2) Hlief kif provdut xort'oħra hawn aktar 'l quddiem, il-membri ta' l-Awtorità għandhom jiġu nominati mill-Prim Ministru kif ġej:

(a) mhux aktar minn tlett uffiċjali pubbliċi li jirrapprezentaw lill-Gvern li jkunu persuni li għandhom esperjenza jew kwalifiki f'materji li jikkonċernaw xi wħud minn dawn li ġejjin: l-ippjanar, l-ambjent, l-infrastruttura, il-politika soċjali li jkollha x'taqsam ma' l-użu ta' l-art, l-affarijiet ekonomiċi, l-agrikoltura, it-turiżmu u t-trasport;

(b) mhux aktar minn tmien membri (hawn aktar 'il quddiem imsejha il-"membri indipendenti") għandhom jintagħzlu minn fost persuni ta' integrità magħrufa u taġħrif u esperjenza fi hwejjeġ ta':

(i) Organizzazzjonijiet Volontarji fis-settur ta' l-Ambjent u, jew fis-soċjetà ċivili;

(ii) kummerċ, l-ekonomija u l-industrija;

(iii) wirt kulturali;

(iv) u l-bqija huma persuni b'għarfien u esperjenza fil-kwistjonijiet relatati ma' affarijiet dwar l-ambjent, l-iżvilupp, ta' xorta soċjali u komunitarja.

(3) Żewġ membri li għandhom ikunu magħżulin minn fost iċ-*chairpersons* tal-Kummissjoni tal-Ambjent u l-Ippjanar.

(4) Żewġ membri għandhom ikunu membri tal-Kamra tad-Deputati li minnhom wieħed jiġi nominat mill-Prim Ministru u l-ieħor mill-Kap ta' l-Oppożizzjoni:

Iżda l-Awtorità tkun validament kostitwita u tista' tiffunzjona minkejja kull nuqqas li jiġu nominati taħt dan is-subartikolu ż-żewġ membri ta' l-Awtorità jew xi wieħed minnhom.

(5) Iċ-*Chairman* ta' l-Awtorità għandu jintgħazel mill-Prim Ministru minn fost il-membri indipendenti ta' l-Awtorità , u jista' jokkupa kull kariga oħra fl-Awtorità, filwaqt li iċ-*chairpersons* tal-Kummissjoni ta' l-Ambjent u l-Ippjanar maħtura bħala membri ta' l-Awtorità għandhom jinhatru bħala deputat viċi-*chairpersons*.

(6) Hlief kif provdut fis-subartikolu (2), (3) u (4) ebda persuna ma tikkwalifika biex tiġi nominata, jew biex tibqa', membru ta' l-Awtorità jekk hija:

(a) tkun uffiċjal pubbliku:

Iżda *è-Chairman* u *è-Chairperson* tal-Kummissjoni ta' l-Ambjent u l-Ippjanar, ma għandhomx jitqiesu bħala uffiċjali pubbliċi għall-finijiet ta' dan is-subartikolu;

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

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

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

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

Iżda l-Ministru jista' jiddeciedi li l-interess li jkollha dik il-persuna aktarx ma jkunx ser jaffettwa t-twertiq tal-funzjonijiet tagħha u skond dik id-deċizzjoni dik il-persuna għandha tikkwalifika għall-kariga bħala membru tal-Awtorità iżda l-interess li jkun gie dikjarat u d-deċizzjoni tal-Ministru għandhom jigu pubblikati fil-Gazzetta; jew

(f) tkun interdetta jew inkapaċitata; jew

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

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

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

(8) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (6), il-membri indipendenti jistgħu jirriżenjaw b'ittra indirizzata lill-Prim Ministru iżda ma jistgħux jitneħħew mill-kariga hlief b'riżoluzzjoni tal-Kamra tad-Deputati minhabba kondotta ħażina jew inkapaċità li jaqdu d-dmirijiet tal-kariga tagħhom.

(9) Il-membri l-oħra ta' l-Awtorità jibqgħu fil-kariga sakemm jiġu sostitwiti mill-Prim Ministru u sakemm jibqgħu uffiċjali pubbliċi jew membri tal-Kamra, kif jeħtieġ il-każ. Membri tal-Kamra jistgħu wkoll jirriżenjaw mill-kariga b'ittra indirizzata lill-awtorità li tkun innominathom.

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

(11) Id-disposizzjonijiet ta' l-Ewwel Skeda ta' dan l-Att għandhom ikunu japplikaw għall-Awtorità u jirregolaw il-proċeduri tagħha.

(12) L-Awtorità għandha tibgħat kopja ta' l-aġenda, minuti u dokumenti relattivi tal-laqgħat tagħha lill-Ministru għall-informazzjoni tiegħu.

7. (1) L-Awtorità tkun enti morali b'personalità ġuridika distinta u tkun tista', bla ħsara għad-disposizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tneħħi kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, tħarrek, tiġi mħarrka, u tagħmel kull haġa u tidhol f'kull operazzjoni li jkunu inċidentali jew iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha taħt dan l-Att, magħdud li tislef jew tissettef il-flus.

Personalità ġuridika u rappreżentanza tal-Awtorità.

(2) Ir-rappreżentanza legali u ġuridika tal-Awtorità tkun vestita solidalment fiċ-*Chairperson* u fl-Uffiċjal Eżekuttiv Ewlieni:

Iżda l-Awtorità tista' taħtar lil xi wieħed jew aktar mill-membri l-oħra tagħha jew lil xi wieħed jew aktar mill-uffiċjali jew mill-impjegati tal-Awtorità biex jidhru f'isem u għall-Awtorità f'kull proċediment ġudizzjarju u f'kull att, kuntratt, strument jew dokument ieħor, ikun li jkun, jew fil-każ ta' xi vakanza fil-kariga ta' *Chairman* jew Uffiċjal Eżekuttiv Ewlieni.

(3) Fl-assenza ta' *Chairman*, jew jekk i' *Chairman* ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk taht din jew xi dispożizzjoni oħra ta' dan l-Att, kull wiehed mi' *chairpersons* deputati għandhom iwettqu dawk il-funzjonijiet u għandhom idawru l-presidenza ta' l-Awtorità bejniethom safejn ikun prattiku.

Funzjonijiet ta'
l-Awtorità.

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

(2) Il-funzjonijiet ta' l-Awtorità jkunu dawn li ġejjin:

(a) sabiex taqdi u tissuccedi fil-funzjonijiet, l-attiv, jeddijiet, passiv u obligazzjonijiet kollha ta' l-Awtorità Kompetenti stabbiliti taht il-provvedimenti ta' l-artikolu 3 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp u l-artikolu 6 ta' l-Att dwar il-Protezzjoni ta' l-Ambjent;

(b) il-formulazzjoni u implimentazzjoni ta' kull politka li tirrigwarda l-promozzjoni ta' żvilupp sostenibbli, il-protezzjoni u l-manigġar ta' l-ambjent u l-manigġar sostenibbli ta' rizorsi naturali, u dwar dawk l-affarijiet l-oħra li jistgħu jkunu meħtieġa għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att;

(c) il-promozzjoni ta' ppjanar xieraq u ta' żvilupp sostenibbli ta' art u ta' baħar, kemm pubbliku kif ukoll privat;

(d) il-kontroll ta' dak l-iżvilupp skond pjanijiet u *policies* approvati skond dan l-Att;

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

(f) li tirregola skemi ta' linji u ta' livelli kif ukoll li t'interpretahom fis-sit.

(3) Fit-twettiq tal-funzjonijiet tagħha taht is-subartikolu (2) l-Awtorità għandha:

(a) tara li tikkopera jew li tagħmel arrangamenti ma' entijiet jew persuni oħra sabiex hija tkun tista' tissorvelja

aħjar l-implimentazzjoni u tħaris tad-disposizzjonijiet ta' dan l-Att;

(b) tistabilixxi għanijiet u strategiji fit-tul u għal żmien qasir;

(c) tagħti pariri lill-Ministru fuq l-għemil ta' livelli ambjentali, linji direttivi u l-għemil ta' regolamenti taħt dan l-Att kif ukoll fuq il-formulazzjoni u l-implimentazzjoni ta' pjanijiet ta' kontinġenza u ta' emerġenza biex jiħares l-ambjent;

(d) tkun l-awtorità li tista' toħroġ licenzi jew permessi li jistgħu jenħtieġu minn jew taħt dan l-Att taħt dawk il-kondizzjonijiet li tista', bla ħsara għal kull disposizzjoni oħra ta' din il-liġi jew ta' kull liġi oħra, tqis meħtieġa biex tikkontrolla u tmexxi dawk l-attivitajiet li jkollhom impatt fuq l-ambjent;

(e) tistabilixxi livelli ta' tragward ta' rimi mill-produzzjoni, maniġġar, użu, pussess jew kull attività oħra li tinvolvi prodotti, sustanzi u l-produzzjoni ta' jew l-użu ta' enerġija;

(f) tissorvelja l-kwalità ta' l-ambjent u għal dak l-għan tistabilixxi metodoloġiji, tikkonserva u xxerred informazzjoni li tirrigwarda l-ambjent; u

(g) tippubblika, f'intervalli li ma jeċċedux it-tliet snin, rapport fuq l-istat ta' l-ambjent.

(4) Għal dawn il-finijiet, u bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-Awtorità għandha tkun responsabbli li -

(a) tiżgura li *Audits* dwar l-Ambjent u Stimi ta' l-Impatt fuq l-Ambjent li jistgħu jiġu preskritti, isiru sew u kif dovut;

(b) il-preparazzjoni tal-pjanijiet u l-*policies* inkluż kull kwistjoni oħra ancillari, incidental jew li jwasslu għalihom, u l-aġġornar tagħhom wara l-approvazzjoni tagħhom skond dan l-Att;

(c) tirrelata u tikkonsulta mad-dipartimenti tal-Gvern, organizzazzjonijiet mhux governattivi, organizzazzjonijiet privati u organizzazzjonijiet internazzjonali jew persuni oħra fuq affarijiet li jirrigwardaw il-protezzjoni ta' l-ambjent u l-maniġġar sostenibbli ta' l-ambjent u ta' riżorsi naturali u l-iżvilupp, u li tidhol għalbiex tagħmel u tippromwovi ricerka fuq dawk l-affarijiet;

(d) tipprovdi appoġġ u servizzi konsultattivi li jirrigwardaw il-ħarsien ta' l-ambjent, lill-Gvern u lil awtoritajiet lokali għar-rigward tat-twettiq tal-funzjonijiet tagħhom;

(e) tippromwovi, sew weħidha sew f'kollaborazzjoni ma' oħrajn, edukazzjoni, taħriġ u programmi ta' għarfien pubbliku li jkunu jirrigwardaw il-protezzjoni ta' l-ambjent, u l-maniġġar sostenibbli ta' l-ambjent u ta' riżorsi naturali;

(f) il-pubblikazzjoni u l-aġġornar, skond ma jeħtieġu ċ-cirkostanzi, ta' librett uffiċjali li jkun fih dawk il-ħwejjeg li l-Ministru jista' jippreskrivi u li għandu jkun disponibbli għall-pubbliku, iżda:

(i) l-ebda *policy* jew emenda għal tali *policy* approvata skond il-paragrafu (2)(b) ma għandu jkollha effett sakemm ma tkunx giet approvata skond il-provedimenti ta' dan l-Att u ippublikata fil-librett uffiċjali;

(ii) kull *policy* jew emenda għaliha, skond kif ikun il-każ, għandha tiġi ppubblikata fil-librett uffiċjali fi żmien xahar mid-data ta' l-approvazzjoni tagħha skond dan l-Att;

(iii) il-librett uffiċjali jista' jiġi ppubblikat u aġġornat f'forma elettronika jew f'kull format ieħor li l-Awtorità tista' tapprova;

(g) twettaq kull funzjoni oħra li tista' minn żmien għal żmien tiġi assenjata lilha mill-Ministru, inklużi l-funzjonijiet meħtieġa sabiex jagħtu seħħ lil xi obligazzjoni internazzjonali li Malta jkollha dwar affarijiet regolati b'dan l-Att.

(5) Fl-eżekuzzjoni tal-funzjonijiet tagħha taħt il-Parti III u l-Parti IV ta' dan l-Att, l-Awtorità għandha tikkonsulta mal-Ministru, u għandu jkollha u tista' teżerċita xi wiehed jew aktar mill-poteri mogħtijin lilha jew fdati lilha b'dan l-Att .

Kap. 356.
Kap. 435.

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

(7) Għandha tkun il-funzjoni tal-Ministru li jiżgura ruħu li l-Awtorità tkun infurmata bis-sħiħ bid-direzzjonijiet strateġiċi tal-Gvern relattivi għall-iżvilupp, u biex timmonitorja l-esekuzzjoni xierqa ta' tali *policies*.

(8) L-Awtorità għandha tesegwixxi d-dmirijiet, il-funzjonijiet u r-responsabbiltajiet tagħha skond id-direzzjonijiet strateġiċi tal-Gvern li għandhom x'jaqsmu mal-iżvilupp u l-ambjent kif ukoll il-*policies* dwar l-ambjent li huma applikabbli għal Malta.

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

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

9. Salv id-disposizzjonijiet ta' l-artikolu 72 u bla ħsara għaż-żamma tal-kontroll u superviżjoni ġenerali, u kif xort'oħra tkun qed tħares id-disposizzjonijiet ta' dan l-Att, l-Awtorità tista', bl-approvazzjoni tal-Ministru, tiddelega xi waħda jew iżjed mill-funzjonijiet tagħha skond dan l-Att taħt dawk il-kondizzjonijiet li jidhrilha xierqa. B'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel, l-Awtorità tista' tiddelega kif imsemmi lil, jew teserċita flimkien ma', il-Kummissarju tal-Pulizija, jew xi kunsill lokali jew kull korp ieħor, awtorità oħra jew kuntrattur ieħor, kull waħda mill-funzjonijiet vestiti fiha skond il-Parti VI ta' dan l-Att u l-Awtorità jkollha wkoll is-setgħa li tiddelega xi poteri minn tagħha ta' twettiq, inkluż il-ġbir ta' penali msemmija f'dan l-Att, lill-gwardjani lokali maħtura skond id-disposizzjonijiet ta' l-Att dwar Gwardjani Privati u Lokali, skond dik il-proċedura li l-Ministru jista' bi ftehim mal-Ministru

Delegazzjoni tal-
poter

responsabbli għall-kunsilli lokali jordna. Avviż ta' kull delega bħal dik għandu jiġi pubblikat fil-Gazzetta.

Hatra ta' Bordijiet
u ta' Kumitati
Konsultattivi

10. L-Awtorità tista' bl-approvazzjoni tal-Ministru taħtar bordijiet u kumitati konsultattivi sabiex jgħinuha fil-qadi tal-funzjonijiet tagħha taħt din il-liġi jew taħt kull liġi oħra. Il-funzjonijiet ta' dawn il-bordijiet u tal-kumitati għandhom jiġu ordnati mill-Awtorità bl-approvazzjoni tal-Ministru.

Tmexxija tax-xogħol
tal-Awtorità.

11. (1) Bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, il-ħidma u l-attività tal-Awtorità jkunu r-responsabbiltà tal-Awtorità, iżda ħlief kif imsemmi aktar qabel, it-tmexxija eżekuttiva tal-Awtorità, l-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv tad-Direttorati u tal-uffiċjali u l-impjegati tagħha, ikunu r-responsabbiltà tal-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità, li jkollu wkoll dawk is-setgħat kollha li minn żmien għal żmien jiġu mogħtija lil mill-Awtorità.

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

(3) Meta f'dan l-Att xi haġa għandha ssir minn jew kontra jew dwar l-Awtorità, jew għandu jingħata jew jista' jingħata xi avviż lill-Awtorità, dik il-haġa jew dak l-avviż jistgħu wkoll isiru minn jew kontra jew dwar jew jingħataw lid-Direttorati li l-kwistjoni tkun taqa' taħt il-ġurisdizzjoni tagħhom minħabba f'delega ta' funzjoni lil dak id-Direttorat; u għall-għanijiet hawn aktar qabel imsemmija kull riferenza f'dan l-Att għall-Awtorità tinkludi riferenza għad-Direttorat adatt.

Twaqqif ta'
Direttorati.

12. (1) Għandhom jitwaqqfu d-Direttorati elenkati fit-Tielet Skeda li għandu jkollhom ir-responsabbiltajiet rispettivi mfissra fl-istess Skeda.

(2) L-Awtorità għandha bil-mitkub tagħti lid-Direttorati mwaqqfa taħt is-subartikolu (1), bla ħsara għas-supervizjoni u l-kontroll totali tal-Awtorità u tal-Uffiċjal Eżekuttiv Ewlieni, dawk mill-funzjonijiet tagħha li jirrigwardaw jew li huma anċillari għal dawk l-affarijiet li jkunu responsabbli għalihom b'mod li dawk id-Direttorati jkunu jistgħu jagħtu seħħ lill-istrategiji, linji ta' *policy* u direttivi tal-Awtorità u xort'oħra jwettqu effettivament u

effiċjentement il-funzjonijiet tal-Awtorità f'kull qasam rispettiv tal-hidma tagħhom.

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

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

13. (1) L-Awtorità għandha taħtar Uffiċjal Eżekuttiv Ewlieni bl-approvazzjoni tal-Ministru. Dik il-ħatra għandha tkun għal perijodu ta' tliet snin u dak il-perijodu jista' jiġi mtawwal għal perijodi oħra ta' tliet snin kull wieħed.

ħatra ta' Uffiċjal Eżekuttiv Ewlieni.

(2) L-Uffiċjal Eżekuttiv Ewlieni jkun responsabbli għall-implimentazzjoni tal-għanijiet tal-Awtorità fit-twettiq tal-funzjonijiet tagħha u mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi hawn aktar qabel huwa għandu -

(a) jassumi kull responsabbiltà għas-superviżjoni u l-kontroll fuq kollox tad-Direttorati;

(b) bl-approvazzjoni tal-Awtorità jassenja lid-Direttorati dawk id-dmirijiet li huma, bi jew skond id-disposizzjonijiet ta' dan l-Att, vestiti f'dawk id-Direttorati;

(ċ) jikkoordina l-hidma tad-Direttorati;

(d) jiżviluppa l-istrateġiji meħtieġa għall-implimentazzjoni u t-tħaddim kontinwu tal-għanijiet tal-Awtorità;

(e) jagħti parir lill-Awtorità dwar kull ħaġa li din tista' ttriferilu jew dwar kull ħaġa li hu jqis li l-parir tiegħu jkun meħtieġ jew spedjenti; u

(f) iwettaq dawk il-funzjonijiet u dmirijiet l-oħra li l-Awtorità tista' tassenjalu minn żmien għal żmien.

(3) L-Uffiċjal Eżekuttiv Ewlieni jista' jitkeċċa mill-Awtorità f'kull żmien għal kawża ġusta u għandha tkun kawża ġusta jekk l-Awtorità tiddeċiedi li huwa ma jkunx laħaq il-miri u l-oġġettivi li jkunu tpoġġewlu mill-Awtorità.

Kwistjonijiet oħra relatati ma' l-uffiċjali ta' l-Awtorità.

14. (1) L-Uffiċjal Eżekuttiv Ewlieni u kull Direttur għandu, hu innifsu jew ir-rappreżentant tiegħu, għandhom id-dritt li jkunu preżenti u jipparteċipaw fil-laqgħat kollha ta' l-Awtorità, tal-Kummissjoni u ta' l-laqgħat kollha miżmuma mill-bordijiet u kumitati maħtura mill-Awtorità:

Iżda l-Awtorità tista', jekk jidhrilha xieraq, titlob lill-Uffiċjal Eżekuttiv Ewlieni jew lil xi wieħed mid-Diretturi biex ma jattendux l-laqgħat jew xi parti ta' laqgħa.

(2) L-Awtorità għandha wkoll tinnomina wieħed mill-uffiċjali tagħha biex jaġixxi bħala s-segretarju ta' l-Awtorità. Is-segretarju jkollu d-dmir li jsejjaħ il-laqgħat u li jzomm il-minuti tagħhom kif ukoll dmirijiet oħra li *ċ-Chairman* jista' jaġtih b'delega.

(3) L-Awtorità għandha tinnomina wieħed mill-uffiċjali tagħha bħala Awditur Intern. L-Awditur Intern għandu:

(a) jipprovdi indukrar tas-sistemi ta' kontroll intern u maniġġar ta' riskju tal-Awtorità u li jassisti u jappoġġa lill-Awtorità fit-twettiq tar-responsabbilitajiet tagħha dwar dak;

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

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

(d) li jeżamina u jistma l-effettività tal-immaniġġar tal-Awtorità skond il-linji ta' politika u fit-twettiq tal-funzjonijiet regolatorji u ta' konformità tagħha.

(4) L-Awditur Intern għandu jirrapporta direttament u esklussivament lill-Awtorità skond il-proċeduri stabbiliti mill-Awtorità.

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

Ħatriet ta' persunal.

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

16. (1) Meta xi membru ta' l-Awtorità, l-Uffiċjal Eżekuttiv Ewlieni jew xi membru tal-persunal tal-Awtorità, jew konsultazzjoni, jew konsulent jew xi persuna oħra ingaġġata mill-Awtorità, ikollu interess fi, jew li jkollu x'jaqsam ma' kull haġa li tkun ser tiġi kkunsidrata mill-Awtorità, huwa għandu -

Zvelar ta' interessi.

(a) jiżvela lill-Awtorità n-natura tal-interess waqt l-ewwel laqgħa tal-Awtorità wara li jkun akkwista dak l-interess jew inkella qabel kull kunsiderazzjoni ta' dik il-ħaġa, skond ma jiġi l-ewwel, u skond dawk id-direttivi li toħroġ l-Awtorità kull tant żmien;

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

(c) ma jeħux sehem waqt li dik il-ħaġa tkun qiegħda tiġi kkunsidrata; u

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

(2) Meta jkun hemm xi kwistjoni dwar jekk ċertu kondotta ta' xi persuna, tkunx tikkostitwixxi jew le nuqqas minn dik il-persuna li tosserva r-rekwiżiti tas-subartikolu (1), il-kwistjoni għandha tiġi deċiża mill-Awtorità u d-deċiżjoni u l-motivazzjoni tagħha għandhom jiġu reġistrati fil-minuti tal-laqgħa li fiha tkun ittieħdet id-deċiżjoni u l-persuna tkun hekk infurmata.

(3) Meta ssir dikjarazzjoni lill-Awtorità skond is-subartikolu (1), dettalji tad-dikjarazzjoni għandhom jiġu registrati fil-minuti tal-laqgħa li fiha tkun saret dik id-dikjarazzjoni.

(4) Meta persuna li għaliha jkun japplika s-subartikolu (1) tonqos milli tagħmel id-dikjarazzjoni meħtieġa, l-Awtorità għandha tiddeciedi dwar l-azzjoni xierqa li għandha tittiehed li tista' tinkludi t-tneħħija mill-kariga jew it-tmiem tal-kuntratt tal-persuna konċernata.

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

17. L-Awtorità għandha taħtar u timpjega, b'dik ir-rimunerazzjoni u taħt dawk il-pattijiet u l-kondizzjonijiet li tista' tistabbilixxi skond l-artikolu 15, dawk l-uffiċjali u impjegati l-oħra tal-Awtorità li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet tal-Awtorità.

Allokazzjoni ta' uffiċjali pubbliċi għal dmirijiet mal-Awtorità.

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

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

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u impjieg permanenti mal-Awtorità skond id-disposizzjonijiet tal-artikolu 20; jew

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

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

(3) Meta direttiva kif hawn aktar qabel imsemmi tiġi revokata mill-Prim Ministru dwar xi uffiċjal, il-Prim Ministru jista' b'direttiva oħra, jalloka lil dak l-uffiċjal għal dmirijiet mal-Awtorità

f'dik il-kariga u b'seħħ minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u d-disposizzjonijiet tas-subartikolu (2) għandhom malli jsir dan japplikaw dwar il-perijodu ta' tul ta' kull direttiva oħra bħal dik dwar dak l-uffiċjal.

19. (1) Meta xi uffiċjal pubbliku jiġi allokat fuq dmirijiet mal-Awtorità skond xi waħda mid-disposizzjonijiet tal-artikolu 18, dak l-uffiċjal għandu, matul dak iż-żmien li fih dik id-direttiva tkun isseħħ dwaru, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Awtorità, iżda dan għandu għall-finijiet u effetti kollha jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

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

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

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

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

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

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

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

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

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

20. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal allokat għal dmirijiet mal-Awtorità skond xi waħda mid-disposizzjonijiet tal-artikolu 18 impjeg permanenti mal-Awtorità b'rimunerazzjoni u taht dawk il-pattijiet u l-kondizzjonijiet mhux anqas favorevoli minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet ta' kull impjeg permanenti offrut mill-Awtorità taht id-disposizzjonijiet tas-subartikolu (1) m'għandhomx jitqiesu li jkunu anqas favorevoli minħabba biss li ma jkunux fid-dettalji kollha bħal dawk jew oġġla minn dawk, li jkollu dak l-uffiċjal fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, meħuda flimkien, fil-fehma tal-Prim Ministru joffru b'mod sostanzjali benefiċċji li jkunu indaqs jew akbar.

(3) Kull uffiċjal li jaċċetta impjeg permanenti mal-Awtorità li jiġi offert lilu skond id-disposizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha ħlief dawk tal-Ordinanza dwar il-Pensjonijiet u tal-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla ħsara għad-disposizzjonijiet ta' l-artikolu 44 ta' dan l-Att, jitqies li jkun temm milli jkun fis-servizz tal-Gvern u li jkun daħal fis-servizz tal-Awtorità fid-data ta' l-aċċettazzjoni tiegħu, u għall-finijiet ta' l-imsemmija Ordinanza u tal-imsemmi Att, safejn japplikaw għalih, servizz mal-Awtorità għandu jitqies bħala servizz mal-Gvern fit-tifsiriet li hemm fihom rispettivament.

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

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

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

(6) Fil-każ ta' uffiċjal pubbliku inkarigat jagħmel dmirijiet mal-Awtorità b'seħħ mid-data stabbilita taħt il-proviso għall-artikolu 18(2)(b) u li sussegwentement jaċċetta impjeg permanenti mal-Awtorità, id-disposizzjonijiet ta' qabel għandhom jibqgħu japplikaw bla ħsara għad-disposizzjonijiet li ġejjin ta' dan l-artikolu.

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

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

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

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

21. L-Awtorità tista' tingaġġa lil dawk il-konsulenti u persuni hekk kif hija tista' tikkunsidra li jkun meħtieġ biex jgħinuha twettaq il-funzjonijiet tagħha.

Ingaġġ ta' konsulenti u ta' persuni oħra.

22. (1) Mingħajr preġudizzju għad-disposizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha hekk tmexxi l-affarijiet tagħha li n-nefqa meħtieġa għat-tweqqi xieraq tal-funzjonijiet

L-Awtorità thallas l-infiq mid-dhul tagħha.

tagħha għandhom jithallsu, daqstant kemm ikun prattikabbli, mid-dhul tagħha.

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

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

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

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

Setgħa ta' self jew għbir ta' kapital.

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

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef, b'*overdraft* jew xort'oħra, daww l-ammonti ta' flus li tista' tkun teħtieġ għat-twettiq tal-funzjonijiet tagħha taħt dan l-Att:

Iżda għal kull ammont li jkun jeċċedi miljun euro (€1,000,000) għandha tkun meħtieġa l-approvazzjoni tal-Ministru bil-miktub.

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

Avvanzi mill-Gvern.

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

Self minghand il-Gvern.

(2) Għandu jingħata kemm jista' jkun malajr lill-Kamra tad-Deputati avviz ta' kull self jew obbligu magħmul jew somom li jiġu mgħoddija taħt id-disposizzjonijiet ta' qabel ta' dan l-artikolu.

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

(4) Ir-rikavat ta' kull self maħluq għall-għanijiet li jiġu mgħoddija flus lill-Awtorità, u kull flejjes oħra li jridu jiġu mgħoddija lill-Awtorità taħt dan l-artikolu, għandhom jithallsu go fond imwaqqaf speċjalment għaldaqshekk u li jkun magħruf bħala "Fond ta' Self għall-Awtorità".

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

Estimi tal-Awtorità.

26. (1) L-Awtorità għandha tiegħu hsieb thejji f'kull sena finanzjarja, u għandha mhux aktar tard minn erba' gimgħat qabel it-tmiem ta' dik is-sena tadotta, estimi ta' dħul u nfiq tal-Awtorità għas-sena finanzjarja li tigi wara, fejn tagħzel, b'mod partikolari, bejn kull wieħed minn dawk id-Direttorati li jkunu ġew imwaqqfa taht id-disposizzjonijiet ta' dan l-Att:

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

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

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

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

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

L-infiq ikun skond l-estimi approvati.

27. (1) Ma jista' jsir ebda nfiq mill-Awtorità kemm-il darba ma jkunx sar provvedimenti għalih fl-estimi approvati kif provdut fl-artikolu 26.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu-

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni tal-estimi għal dik is-sena mill-Kamra, skond liema tkun l-ewwel

data, l-Awtorità tista' tagħmel infiq biex taqdi l-funzjonijiet tagħha skond dan l-Att ta' mhux aktar b'kollox minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

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

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

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

Publikazzjoni ta' estimi approvati.

29. (1) L-Awtorità għandha tiegħu ħsieb li żżomm kontijiet xierqa u records oħra dwar ix-xogħol tagħha, u għandha tiegħu ħsieb li thejji dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja.

Kontijiet u verifika.

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

Izda l-Ministru reponsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba u l-kontijiet tal-Awtorità jigu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jagħmel kull verifika fiżika u l-verifiki l-oħra li jidhirlu meħtieġa.

(3) L-Awtorità għandha mhux aktar tard minn tliet xhur wara li tispicċa kull sena finanzjarja tara li kopja tad-

dikjarazzjoni tal-kontijiet verifikata kif imiss tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awditur fuq dak il-prospett jew il-kontijiet tal-Awtorità.

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

Depożitu ta' dħul u
ħlasijiet mill-Awtorità.

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

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

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

(4) L-Awtorità għandha wkoll tipprovdi dwar -

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

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

(c) il-metodu li għandu jintuza fil-ħlasijiet mill-fondi tal-Awtorità, u b'mod generali dwar kull haġa li għandha x'taqsam mat-tiżmin u kontroll xieraq ta' kontijiet u kotba, u l-kontroll tal-finanzi, tal-Awtorità.

Kuntratti ta' provvista
jew xoghlijiet

31. L-Awtorità ma għandhiex tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materja jew għall-eżekuzzjoni ta'

xogħlijiet, jew għall-għoti ta' servizzi, lil jew għall-benefiċċju ta' l-Awtorità, hliet skond ir-regolamenti fis-seħh li jirregolaw l-akkwist ta' l-oġġetti u servizzi fis-settur pubbliku.

32. L-Awtorità għandha, mhux aktar tard minn tliet xhur wara li tispiċċa kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun b'mod ġenerali jitratta dwar l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja, li jiddistingwi, b'mod partikolari, bejn kull wieħed minn dawk id-Direttorati hekk kif jista' jiġi stabbilit taħt id-disposizzjonijiet ta' dan l-Att u li jkun fih dak it-tagħrif dwar it-tmexxija u l-linja tal-politika tal-Awtorità hekk kif xi wieħed mill-Ministri msemmija jista' jkun jeħtieġ minn żmien għal żmien. Il-Ministru għandu jara li titqiegħed kopja fuq il-Mejda tal-Kamra malajr kemm jista' jkun.

Rapport annwali.

33. L-Awtorità tkun hielsa minn kull obbligu għall-ħlas ta' taxxa fuq id-dħul u taxxa tal-boll taħt kull liġi li tkun fis-seħh f'dak iż-żmien.

Eżenzjoni mit-taxxa.

Parti III

2. Kumitati, Kummissjonijiet, Bordijiet u Tribunali

34. (1) Għandu jkun hemm Kumitat Permanenti dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp li għandu jkun magħmul minn ħames membri maħtura mill-Kamra, li minnhom tlieta jkunu membri li jappoġġaw lill-Gvern, u li minn fosthom wieħed jinħatar bħala *Chairman* u li t-tnejn l-oħra jkunu membri magħżula mill-Oppożizzjoni.

Kumitat Permanenti
dwar l-Ambjent
u l-Ippjanar ta'
l-Iżvilupp.

(2) Il-Kumitat Permanenti għandu:

(a) jagħmel reviżjoni ta' kull pjan li jitressaq quddiem il-Kamra tad-Deputati skond id-disposizzjonijiet ta' dan l-Att. Il-Kumitat Permanenti għandu jirrakkomanda lill-Kamra jekk dak il-pjan għandux jiġi approvat, approvat b'emendi jew riġettat;

(b) jiddiskuti kull rapport riferut lilu mill-Ministru li għandu x'jaqsam mal-pjan ta' struttura jew kull reviżjoni ta' dak il-pjan;

(c) jiddiskutu kull pjan jew *policies* oħra riferita lilu mill-Ministru u tirrapporta fuqu lill-Parlament. Dan ir-

rapport jista' jinkludi wkoll kull opinjoni li ma jaqblux dwar il-pjan jew *policies*. Il-Ministru għandu jieħu konjizzjoni ta' l-imsemmi rapport u għandu jibgħat ir-rapport lill-Awtorità għall-konsiderazzjoni tagħha fid-determinazzjoni mill-Awtorità tal-pjan jew *policy* jekk l-imsemmi pjan jew *policy* jkun għadha ma gietx approvata mill-Awtorità:

Izda meta l-imsemmi Kumitat Permanenti jonqos milli jirrapporta lill-Parlament fil-perjodu li għalih kien mitlub li jagħmel dan, il-Ministru jista' jitlob lill-Awtorità tiffinalizza l-imsemmi pjan jew *policy*, u l-Ministru jista' wkoll japprova l-imsemmi pjan jew *policy* kif mgħoddija lilu mill-Awtorità.

(3) Meta jingħata avviż ta' mozzjoni, bħal dik imsemmija fl-artikolu 53(2) mill-Ministru, dik il-mozzjoni għandha tintbagħat quddiem il-Kumitat Permanenti tal-Kamra, u dak il-Kumitat Permanenti għandu jiddiskuti dik il-mozzjoni u jagħmel rapport dwarha lill-Kamra.

(4) Mhux aktar tard minn xahar wara li avviż kif hemm imsemmi fis-subartikolu (3) ta' dan l-artikolu jintbagħat lill-Kumitat Permanenti tal-Kamra, dan għandu jiddiskuti l-pjan ta' struttura jew revizjoni tiegħu, u għandu, mhux aktar tard minn xahar wara li l-imsemmi pjan ta' struttura jew revizjoni tiegħu ikun intbagħat lilu, jagħmel rapport dwaru lill-Kamra:

Izda fejn dak il-Kumitat Permanenti tal-Kamra ma jagħmilx rapport lill-Kamra fi żmien l-imsemmi perjodu ta' xahar, il-Kamra tkun tista' tgħaddi biex tiddiskuti l-mozzjoni.

(5) Meta r-rapport tal-Kumitat Permanenti tal-Kamra fuq xi mozzjoni jkun wieħed unanimu, il-Kamra għandha tgħaddi biex tivvota fuq dik il-mozzjoni u fuq kull emenda li tiġi proposta f'dak ir-rapport mingħajr ebda dibattitu.

Kummissjoni ta'
l-Ambjent u l-Ippjanar

35. (1) Għandu jkun hemm kummissjoni, li tkun magħrufa bħala l-Kummissjoni ta' l-Ambjent u l-Ippjanar, li jista' jkollha dak l-għadd ta' fergħat hekk kif il-Prim Ministru jista' b'ordni fil-Gazetta jordna. Kull fergħa għandha tittratta dawk it-tipi ta' applikazzjonijiet, li ma jkunux speċifiċi għal żoni ġeografika, kif il-Ministru jista' wara li jikkonsulta ma' l-Awtorità jippreskrivi:

Izda ebda żewġ fergħat tagħha m'għandhom jittrattaw l-istess tipi ta' applikazzjonijiet.

(2) Kull fergħa tal-Kummissjoni għandha tinħatar mill-Prim Ministru u tkun tikkonsisti minn hames membri, inkluż iċ-*Chairman*. Kull fergħa għandha tkun komposta minn membri li għandhom jintgħażlu minn fost persuni ta' integrità magħrufa u tagħrif u esperjenza fi hwejjeġ relatati ma' affarijiet dwar l-ambjent u l-iżvilupp. Il-membri tal-Kummissjoni għandhom jzommu il-kariga għal perjodu ta' erba' snin. Huma għandhom ikunu eliġibbli għal htra mill-ġdid ta' terminu ieħor ta' erba' snin. Id-dispożizzjonijiet tas-subartikolu (6) ta' artikolu 6 għandu japplika għall-membri tal-Kummissjoni, u l-membri tagħha jistgħu ukoll jitneħħew mill-Awtorità għal raġunijiet ta' kondotta hażina serja jew ksur tad-dmirijiet tagħhom.

(3) Bla h̄sara għas-subartikolu (1) u tal-artikolu 72, il-funzjonijiet tal-Kummissjoni jkunu dawk il-funzjonijiet ta' l-Awtorità dwar il-kontroll ta' l-iżvilupp u l-ambjent, inkluż dik li jitwettag il-kontroll kif l-Awtorità tista' minn żmien għal żmien tiddelega lill-Kummissjoni u teħtieġha li tagħmel, bla h̄sara għal dawk il-kondizzjonijiet li l-Awtorità jidhrulha xierqa.

(4) Id-deċiżjonijiet tal-Kummissjoni, inkluż kull permess jew liċenza maħruġ minnha, għandhom jitqiesu li huma, u għandhom ikollhom l-istess saħħa u effett daqs, deċiżjonijiet ta' l-Awtorità, h̄lief dwar materji li l-Awtorità espressament tiriserva 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.

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

(6) Il-Kummissjoni għandha tittrażmetti lill-Kap Eżekuttiv Ewlieni u l-Diretturi kopja ta' l-aġenda tal-laqgħa qabel il-laqgħa u l-kopja tal-minuti u d-dokumenti relattivi tal-laqgħat tagħhom immedjatement wara l-laqgħa. L-Uffiċjal Eżekuttiv Ewlieni u kull Direttur, jew ir-rappreżentant tiegħu, jistgħu jattendu l-laqgħa tal-Kummissjoni u jistgħu jagħmlu sottomissjonijiet dwar kull kwistjoni li tkun qegħda tiġi kkunsidrata.

(7) Bla h̄sara għad-dispożizzjonijiet ta' qabel, u għar-regoli li jistgħu jiġu ordnati mill-Awtorità, il-Kummissjoni tista' tirregola l-proċeduri tagħha nnifisha.

(8) Il-persunal tal-Kummissjoni għandu jikkonsisti f'dawk l-uffiċjali u impjegati ta' l-Awtorità li jkunu mqabnda biex jaqdu lill-Kummissjoni; u l-Awtorità għandha wkoll tipprovdi lill-Kummissjoni, mir-rizorsi tagħha, dik l-għajnuna li l-Kummissjoni tista' raġonevolment teħtieġ biex taqdi l-funzjonijiet tagħha.

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

(a) dwar kull haġa li hi relevanti għall-ambjent u l-ippjanar, inkluż dwar xi applikazzjoni;

(b) dwar il-proċedura tal-kontroll ta' l-iżvilupp u l-protezzjoni ta' l-ambjent; u

(c) dwar kull suġġett li għandu jiġi indirizzat mill-Awtorità permezz ta' *policy* ta' ppjanar ġdida jew permezz ta' emenda għal *policy* ta' ppjanar eżistenti.

Twaqqif u funzjonijiet ta' Kumitat ta' l-Utenti.

36. (1) Għandu jkun hemm Kumitat, li jkun magħruf bħala l-Kumitat ta' l-Utenti, magħmul minn mhux inqas minn sebġha u mhux iktar minn hax-il membru li jkunu mhux iktar minn wieħed rappreżentant ta' kull wieħed mill-korpi kostitwiti nazzjonali li jkollhom interess kif rikonoxxuti mill-Ministru għall-għan ta' dan l-artikolu. Il-Kumitat ta' l-Utenti jkun awtonomu mill-Awtorità u għandu jinħatar mill-Ministru u jkun responsabbli lejha u jwassallu rapport mill-inqas ta' kull sitt xhur, jew iktar kmieni skond il-ħtieġa.

(2) Il-Kumitat ta' l-Utenti għandu jissorvelja l-funzjonament ġenerali ta' l-Awtorità b'mod partikolari sabiex jiġi żgurat, fl-interess tal-pubbliku ġenerali, proċess mgħaġġel u gust u kull trasparenza u uniformità fid-deċiżjonijiet u l-atti ta' l-Awtorità. Għal dawn l-għanijiet il-Kumitat ta' l-Utenti għandu jissorvelja t-treġija ta' l-Awtorità u għandu jipproponi lill-Awtorità jew lill-Ministru skond il-każ, li jsiru dawk il-bidliet għall-proċessi u għall-għemil amministrattiv hekk kif jidhirlu li jkun xieraq.

Il-Kumitat Konsultattiv dwar il-Patrimonju

37. (1) Għandu jkun hemm kumitat, li jissejjaħ il-Kumitat ta' Konsulenza dwar il-Patrimonju, li jkollu żewġ taqsimiet.

(2) Taqsima minnhom tkun tittratta dwar il-Patrimonju Kulturali u tissejjaħ it-Taqsima dwar il-Patrimonju Kulturali, u tkun magħmula kif ġej:

(a) *ic-chairman* u tliet membri oħra li jinħatru mill-Ministru responsabbli għall-kultura, u

(b) tliet membri oħra li jinħatru mill-Ministru wara li jikkonsulta lill-Awtorità.

(3) Taqsima oħra tkun tittratta dwar il-Patrimonju Naturali u tissejjaħ it-Taqsima dwar il-Patrimonju Naturali, u tkun magħmula minn *chairman* u sitt membri oħra li jinħatru mill-Ministru wara li jikkonsulta lill-Awtorità.

(4) Erba' membri ta' taqsima jkunu jagħmlu *quorum* waqt is-seduti ta' taqsima u tmien membri jkunu jagħmlu *quorum* waqt seduta kongunta taż-żewġ taqsimiet. *Ic-Chairman* ta' seduta jkollu vot originali u, fil-każ ta' voti ndaq, vot deċiziv.

(5) Tkun il-funzjoni tat-taqsima, kull waħda fil-qasam ittrattat minnha, li tagħti pariri professjonali u esperti lill-Awtorità fuq dak kollu li għandu x'jaqsam mal-konservazzjoni tal-patrimonju kulturali u naturali fi proċess integrat. Kull taqsima għandha wkoll tagħti pariri fuq il-proċess ta' applikazzjonijiet partikolarment dwar il-konservazzjoni tal-proprjetà jew żoni li jistgħu jkunu affettwati b'applikazzjoni għal permess.

(6) Kull taqsima għandha tagħmel disponibbli għal spezzjon pubbliku kull rakkomandazzjoni li hija tagħmel lill-Awtorità u għandha tirrapporta ta' kull sitt xhur lill-Awtorità u lill-Kumitat ta' Garanzija mwaqqaf taħt l-Att dwar il-Patrimonju Kulturali.

(7) Kull taqsima tista' titlob lil kull min trid biex jagħtiha parir espert jew professjonali dwar kull haġa li t-taqsima tkun qed tittratta.

(8) Sew *ic-Chairman* għandu jlaqqa' seduta kongunta taż-żewġ taqsimiet meta jinqalgħu kwistjonijiet li jolqtu kemm il-patrimonju kulturali u dak naturali, u f'dak il-każ is-seduta kongunta taż-żewġ taqsimiet għandha tkun presjeduta miċ-*chairman* tat-taqsima li jlaqqa' s-seduta. Id-disposizzjonijiet tas-subartikolu (7) għandu japplika ukoll għal dawg is-seduti.

(9) Bla ħsara għad-disposizzjonijiet ta' qabel ta' dan is-subartikolu u għal kull regola li tista' tiġi ordnata mill-Ministru bi ftehim mal-Ministru responsabbli għall-patrimonju kulturali, sew il-kumitat u t-taqsimiet jistgħu jirregolaw il-proċeduri tagħhom.

38. (1) L-Awtorità għandha twaqqaf fond, li jkun magħruf bħala l-Fond ta' l-Ambjent.

(2) Il-Fond ta' l-Ambjent għandu jkun amministrat mill-Awtorità.

(3) Il-Fond ta' l-Ambjent għandu jintuza biex jiffinanzja proġetti, programmi u skemi relatati ma', kif ukoll sabiex jiġu infurzati u mħaddma, l-għanijiet u l-oġġettivi ta' dan l-Att, inklużi wkoll xogħlijiet li jistgħu jenħtieġu għal dak l-għan jew biex tiġi rimedjata kull ħsara kaġunata lill-ambjent f'dak li għandu x'jaqsam ma' xi pjan ta' kontingenza jew emergenza, jew biex jiffinanzja dawk l-attivitajiet l-oħra, inklużi attivitajiet organizzati minn għaqdiet mhux governattivi, li l-Ministru f'konsultazzjoni ma' l-Awtorità jista' jordna:

Izda, salv għal dak li jingħad f'dan is-subartikolu, il-Fond ta' l-Ambjent m'għandux jintuza biex jiffinanzja spejjeż oħra għat-tħaddim ta' l-Awtorità:

Izda wkoll l-Awtorità tista' titlob ħlas mill-Fond ta' l-Ambjent għal servizzi mogħtija minnha lill-istess Fond.

(4) Għandu jithallas fil-Fond:

(a) kull ammont approprijat mill-Parlament għal dak l-għan;

(b) kull donazzjoni jew għotja magħmula lill-Fond ta' l-Ambjent minn individwi jew istituzzjonijiet;

(c) ammonti li l-Awtorità tirċevi bil-għan li jitqegħdu fil-Fond ta' l-Ambjent;

(d) dawk l-ammonti jew flejjes oħra li jistgħu minn żmien għal żmien jiġu provduti bi jew taħt din il-liġi jew kull liġi oħra jew regolamenti.

(5) Il-Fond ta' l-Ambjent għandu jzomm kont kif dovut tad-dħul u l-infiq tiegħu u l-Awtorità għandha, mingħajr preġudizzju għall-poteri ta' l-Awditur Ġenerali u tal-Ministru responsabbli għall-finanzi taħt kull liġi li tkun, ta' kull sena tara li l-kontijiet tal-Fond ta' l-Ambjent jiġu verifikati minn Awdituri Pubbliċi u *Accountants* kwalifikati kif imiss u minnha maħtura bi ftehim mal-Ministru.

(6) Il-Fond ta' l-Ambjent għandu ta' kull sena finanzjarja jibgħat lill-Ministru, permezz ta' l-Awtorità, kopja tal-karta tal-bilanċ verifikata tiegħu kif imiss flimkien ma' rapport ta' l-attivitajiet tiegħu matul is-sena finanzjarja preċedenti. Il-Ministru għandu jqiegħed kopja tal-karta tal-bilanċ u tar-rapport fuq il-Mejda tal-Kamra fi żmien xahar minn meta jirċevih mill-Awtorità

(7) Id-dhul tal-Fond ta' l-Ambjent ma jkunx soġġett għal ebda taxxa taħt l-Att dwar it-Taxxa fuq l-*Income*, u l-Fond ta' l-Ambjent ma jkunx jista' jehel ebda taxxa taħt l-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti.

Kap. 123.
Kap. 364.

(8) Il-Ministru jista' wara li jikkonsulta lill-Awtorità jagħmel regolamenti li jippreskrivu l-proċedura li għandha tiġi segwita mill-Awtorità u li xort'oħra tirregola l-istess Fond.

(9) L-Awtorità tista' twaqqaf fondi oħra u tordna liema għandhom jiġu mħallsa f'fondi u kif l-imsemmija fondi għandhom jiġu amministrati u użati. Id-disposizzjonijiet tas-subartikoli (4), (5), (6), (7) u (8) għandhom japplikaw *mutatis mutandis* għal fondi oħra bħal dawn.

39. (1) Għandu jkun hemm daww l-uffiċjali, li jkunu magħrufa bħala l-Medjaturi, li jkollhom bħala funzjoni tagħhom dik li jagħmluha ta' medjatur bejn l-applikant għall-permess jew liċenza u l-Awtorità.

Medjaturi.

(2) L-Awtorità għandha taħtar medjatur fuq it-talba mill-applikant għall-permess jew għal-liċenza jew fuq talba ta' xi wieħed mill-Kap Eżekuttiv Uffiċjali jew tad-Diretturi ta' l-Awtorità.

(3) Għandu jkun hemm *panel* ta' Medjaturi li jinħatru mill-Ministru wara konsultazzjoni ma' l-Awtorità u ċ-Ċentri tal-Medjazzjoni għal Malta. Il-Medjatur għandu jinħatar minn fost persuni li huma esperti fl-ippjanar, fl-ambjent jew fl-arkitettura u l-ingerija ċivili jew f'kull dixxiplina oħra rilevanti.

(4) Bla ħsara għad-disposizzjonijiet t'hawn aktar qabel u għal kull regolament li jista' jsir skond is-subartikolu (7), il-Medjatur jista' jirregola l-proċeduri tiegħu stess.

(5) Ma għandu jkun hemm l-ebda dritt ta' appell lit-Tribunal skond l-artikolu 41 minn kull haġa li jagħmel il-Medjatur.

(6) Jekk medjatur ikun ġie appuntat, is-sottomissjonijiet fir-rigward tal-proċeduri li għandhom jew kellhom ikunu segwiti, inkluż il-kummissjonar ta' studji relatati mal-kwistjoni taht konsiderazzjoni ta' l-Awtorità, għandha ssir quddiem l-imsemmi medjatur.

(7) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti sabiex jagħtu effett aħjar għad-disposizzjonijiet ta' dan l-artikolu u, mingħajr pregudizzju għall-generalità ta' dak imsemmi hawn aktar qabel, huwa jista':

(a) jistabilixxi l-proċedura li għandu jadotta l-Medjatur;

(b) jordna dawk it-tipi ta' applikazzjonijiet li applikant ma jkunx jista' jirreferi lil Medjatur;

(c) jordna l-proċedura li għandha tiġi segwita mid-Direttur waqt il-laqgħat ta' konsultazzjoni bejn l-applikant u r-rappreżentant tiegħu;

(d) jordna l-proċedura li għandha tiġi segwita mid-Direttur fit-tnejn ta' rapport dwar applikazzjoni.

Tribunal ta' Revizjoni
ta' l-Ambjent u
l-Ippjanar.

40. (1) Għandu jkun hemm Tribunal, li jkun magħruf bħala t-Tribunal ta' Revizjoni ta' l-Ambjent u l-Ippjanar, magħmul minn tliet membri, li wieħed minnhom ikun persuna li hi kompetenti fl-ambjent jew fl-ippjanar ta' l-iżvilupp, li għandu jippresjedi, u avukat u perit li kull wieħed minnhom jiġi nominat mill-President li jaġixxi fuq il-parir tal-Ministru.

(2) Il-President, li jaġixxi fuq il-parir tal-Ministru, jista' wkoll jaħtar listi ta' membri, u f'dan il-każ tkun ir-responsabbiltà tal-segretarju tat-Tribunal, kif għandu jkun magħmul it-Tribunal biex jisma' appell jew iżjed minn appell wieħed, u huwa għandu, sakemm ikun possibbli, jiddeċiedi dan fuq bażi ta' rotazzjoni.

(3) Membru tat-Tribunal ikun skwalifikat milli jisma' appell f'dawk iċ-ċirkostanzi li jiskwalifikaw imħallef f'kawża civili; u f'kull każ bħal dak il-membru jiġi sostitwit minn persuna oħra jew maħtura għal hekk mill-President li jaġixxi bil-parir tal-Ministru jew magħzula mil-lista xierqa hekk maħtura.

(4) Il-membri tat-Tribunal għandhom jibqgħu fil-kariga għal erba' snin. Huma jistgħu jerġgħu jiġu nominati mill-ġdid għal terminu ieħor ta erba' snin.

(5) Fl-eżerċizzju tal-funzjonijiet tagħhom taħt dan l-Att, iċ-*Chairman* u l-membri tat-tribunal m'għandhomx ikunu soġġetti għall-kontroll jew id-direzzjoni ta' xi persuna jew awtorità oħra, u jista' jitneħħa mill-kariga mill-President fuq il-parir tal-Ministru għar-raġunijiet li hemm provdut dwarhom fl-artikolu 97 (2) tal-Kostituzzjoni.

(6) It-Tribunal għandu jkollu segretarjat amministrattiv indipendenti mill-Awtorità, li jkun magħmul minn segretarju u ufficjali jew impjegati oħra li jistgħu jkunu meħtieġa għal determinazzjoni fil-pront u effiċjenti tal-kwistjonijiet fil-ġurisdizzjoni tat-Tribunal. Is-segretarju għandu jinħatar mill-Ministru u l-membri l-oħra tas-segretarjat għandhom ikunu magħzula u maħtura mill-segretarju.

(7) L-ispejjeż magħmula in konnessjoni ma' l-amministrazzjoni tat-Tribunal, inkluż il-ħlas ta' l-onorarju liċ-*Chairman* u l-membri tat-Tribunal u s-salarju tas-Segretarju tat-Tribunal u l-persunal tat-Tribunal għandhom jiġu mħallsa mill-Fond Konsolidat mingħajr il-ħtieġa ta' ebda approprjazzjoni ulterjuri.

41. (1) Bla ħsara għall dawk l-artikoli li speċifikament jeskludu d-dritt ta' appell quddiem it-Tribunal, kif ukoll l-artikoli 81(14), 82(4) u 86, it-Tribunal ikollu ġurisdizzjoni li:

Funzjonijiet u
Proċeduri tat-Tribunal.

(a) jisma' u jiddeciedi appelli magħmula mill-applikant jew minn min iħossu aggravat b'deciżjoni maħruġa taħt id-dispożizzjonijiet tal-Parti VI ta' dan l-Att, fuq kull deciżjoni ta' l-Awtorità dwar kull haġa ta' kontroll ta' l-iżvilupp, inkluż it-twettiq ta' dak il-kontroll jew appelli magħmula minn kull persuna fuq kull deciżjoni ta' l-Awtorità dwar il-protezzjoni ambjentali, inklużi stimi ambjentali, l-aċċess għall-informazzjoni ambjentali u l-prevenzjoni u r-rimedju ta' danni ambjentali:

Izda l-Awtorità ma għandhiex tigi interpretati bħala kull persuna għall-finijiet ta' dan is-sub-paragrafu;

(b) jeżerċita dawk il-funzjonijiet mogħtija lilu skond l-artikoli 48, 49, 57, 58, 63 u 77 u jisma' u jiddeciedi appelli magħmula skond il-provedimenti tal-artikoli 42, 76, 77, 81, 91, 92 u 93, u kull funzjoni oħra mogħtija lilu taħt il-provedimenti ta' dan l-Att;

(ċ) jisma' u jiddeċiedi appelli li jitressqu minn terzi persuni interessati minn deċiżjoni ta' l-Awtorità dwar kull haġa ta' kontroll ta' l-iżvilupp, b'dan illi:

(i) dak l-appell jista' jsir biss minn terza persuna interessata li tkun għamlet xi kummenti bil-miktub skond l-artikolu 68(4) meta tiġi pubblikata l-applikazzjoni għall-għemil ta' żvilupp,

(ii) ma għandu jkun hemm ebda appell minn terza persuna interessata minn deċiżjonijiet dwar kontroll ta' żvilupp dwar xi żvilupp li jkun speċifikament awtorizzat fi pjan ta' żvilupp,

(iii) kunsill lokali li fil-lokalità tiegħu jkun qed jiġi propost li jsir l-iżvilupp għandu dejjem jitqies għall-fini u għall-effetti kollha tal-liġi li huwa terza persuna interessata basta li dak il-kunsill ikun għamel sottomissjonijiet bil-miktub skond l-artikolu 68(4) u li jaġixxi fl-interess tal-lokalità,

(iv) il-Gvern u kull dipartiment, aġenzija, awtorità jew korp ieħor kollha kemm huma proprjetà tal-Gvern għandha dejjem titqies għall finijiet kollha tal-liġi li tkun parti terza interessata:

Iżda l-Awtorità ma għandhiex tiġi interpretata bħala terza persuna interessata għall-finijiet ta' dan is-subparagrafu.

(2) Sakemm ma jkunx provdut mod ieħor taħt xi disposizzjoni ta' dan l-Att, jista' jsir appell quddiem it-tribunal fi żmien tletin ġurnata mid-data tan-notifika tad-deċiżjoni jew ordni mill-Awtorità.

(3) Fil-każ ta' żvilupp imsemmi fis-Seba' Skeda fuq talba tar-rikorrent li tkun saret flimkien ma' l-applikazzjoni għall-appell, permezz ta' deċiżjoni parzjali, it-Tribunal jista' jissospendi l-eżekuzzjoni ta' l-iżvilupp, fl-intier jew in parti, kif approvat mill-permess tal-iżvilupp soġġett għal appell, taħt dawk it-termini, kondizzjonijiet u miżuri oħra li jidhrilha xieraq:

Iżda wkoll li l-applikazzjoni ma tkunx għall-iżvilupp li, fil-fehma tal-Ministru hija ta' importanza strateġika jew ta' interess nazzjonali, konnessi ma' xi obbligu li jirriżultaw minn Direttiva

ta' l-Unjoni Ewropea, jaffettwa s-sigurtà nazzjonali jew teffettwa l-interessi ta' gvernijiet oħra.

(4) Fil-kazijiet imsemmija fis-subartikolu (3), it-Tribunal għandu jżomm l-ewwel seduta tiegħu fi żmien sitt ijiem tax-xogħol minn meta dan jirċievi l-appell, u m'għandux jissospendi l-eżekuzzjoni ta' tali permess sakemm ma jkunx sodisfatt, wara li jisma' lill-partijiet kollha, li sakemm l-eżekuzzjoni tal-permess jiġi sospiż il-ħsara li tkun ikkawżat ikunu sproporzjonati meta mqabbla mal-ħaġa attwali hekk permessa jew jekk it-talba titqies bħala frivola jew vessatorja:

Iżda l-Tribunal għandu jiġġustifika d-deċiżjoni li jissospendi l-eżekuzzjoni ta' l-iżvilupp u għandhu jagħti d-deċiżjoni finali tiegħu dwar il-merti ta' l-appell fi żmien tliet xhur mid-data ta' l-ewwel seduta ta' l-appell:

Iżda wkoll li s-sospensjoni ta' l-eżekuzzjoni ta' tali permess ma jistax ikun aktar minn tliet xhur mid-data ta' l-ewwel seduta ta' l-Appell quddiem it-Tribunal, u l-ordni ta' sospensjoni għandhom ikunu meqjusa li jkunu għaddew *ipso iure* wara l-iskadenza ta' tali perjodu.

(5) Fl-appelli l-oħra, l-ewwel seduta tat-Tribunal għandha tinżamm fi żmien tliet xhur minn meta dan jirċievi l-appell.

(6) Id-deċiżjonijiet tat-Tribunal għandha tkun finali. Appell mill-appellant, jew minn kull partijiet oħra fl-appell, għandha tkun fil-Qorti ta' l-Appell kostitwita skond l-artikolu 41 (6) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili minn dawn id-deċiżjonijiet biss fuq punti ta' liġi deċiżi mit-Tribunal fid-deċiżjoni tagħha. Appell minn deċiżjoni parzjali tat-Tribunal jista' biss jiġi ppreżentat flimkien ma' appell mid-deċiżjoni finali tat-Tribunal. Appell quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tiġi ppreżentata fi żmien għoxrin ġurnata minn meta d-deċiżjoni tat-Tribunal tiġi mogħtija fil-pubbliku u dak l-appell għandu ikun regolat mir-regoli tal-qorti magħmula taħt l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(7) Id-deċiżjonijiet tat-Tribunal għandhom jorbtu jekk ikunu appoġġjati mill-opinjoni ta' żewġ membri tiegħu, u l-membri li ma jaqbilx, jekk ikun hemm, jista' jesprimi l-opinjoni tiegħu separatament; u d-deċiżjonijiet tat-Tribunal għandhom jiġu

kkunsinnati fil-pubbliku u għandhom jiġu pubblikati skond ma jkun prattiku wara s-seduta li fiha jkunu mogħtija.

(8) Meta jsir is-smiġħ fit-Tribunal, minbarra f'dawk il-każijiet msemmija fis-subartikoli (3) u (4), għandu jingħata avviz bil-quddiem ta' mhux anqas minn erbatax-il ġurnata ta' l-ewwel seduta tat-tribunal lill-partijiet, u lil-partijiet terzi interessati li rreġistraw l-interess tagħhom matul l-ipproċessar ta' l-applikazzjoni quddiem l-Awtorità, b'dak il-mod it-Tribunal jidhirlu xieraq jew kif jista' jkun provdut fit-Tieni Skeda:

Izda fil-każijiet ta' urġenza l-imsemmi terminu ta' żmien ta' erbatax-il jum jistgħu jiġu mqassra b'ordni tat-Tribunal jekk it-Tribunal ikun sodisfatt illi l-parti li titlob l-urġenza għandha tingħata raġuni valida bil-miktub għalih.

(9) Is-seduti tat-tribunal għandhom ikunu bil-miftuħ bla ħsara għall-poteri li t-Tribunal għandu li jeskludi lill-membri tal-pubbliku jekk huwa jidhirlu li jkun meħtieġ biex jagħmel dan għall-manutenzjoni tal-bonordni.

(10) It-tribunal jista' jitlob lil xi dipartiment jew aġenzija tal-Gvern biex jipprovdu lit-Tribunal informazzjoni jew parir li t-Tribunal jista' jqis neċessarji għall-eżekuzzjoni xierqa tal-funzjonijiet tiegħu.

(11) Bla ħsara għal dak hawn qabel imsemmi u għall-artikolu 74, l-appell lit-Tribunal u t-tmexxija tat-Tribunal għandhom isiru skond ir-regoli li hemm fit-Tieni Skeda li tinsab ma' dan l-Att, u fin-nuqqas ta' regoli bħal dawk fuq kull haġa, it-Tribunal jista' jirregola l-proċedura tiegħu nnifsu.

(12) Meta jiġu istitwiti proċedimenti ġudizzjarji kontra t-Tribunal quddiem qorti ta' ġurisdizzjoni ċivili, is-Segretarju għandu jirrappreżenta lit-Tribunal fi proċeduri bħal dawk; u, salv id-disposizzjonijiet ta' l-artikolu 46 tal-Kostituzzjoni u l-Artikolu 4 ta' l-Att tal-Konvenzjoni Ewropea, l-ebda att kawtelatorju ma jista' jinħareġ kontra t-Tribunal minn xi qorti.

(13) It-tribunal, jekk jiddeċiedi li jagħti permess jew liċenza jista' jimponi penali, il-ħlas ta' drittijiet u kontribuzzjonijiet u kundizzjonijiet oħra, li l-Awtorità tista' timponi meta jagħtu permess jew liċenza; u t-Tribunal għandu jiżgura li jkun konformi

mad-disposizzjonijiet ta' l-artikolu 69 meta tirrevedi d-deċizzjonijiet ta' l-Awtorità.

(14) Meta l-tribunal jimmodifika deċizzjoni meħuda mill-Awtorità u tordna l-ħruġ ta' permess jew liċenza, jew b'kull mod ieħor tibdel id-deċizzjoni ta' l-Awtorità, l-Awtorità għandha, sakemm ma jkunx sar appell lill-Qorti tal-Appell (Kompetenza Inferjuri) mid-deċizzjoni tat-Tribunal, toħroġ il-permess jew il-liċenza jew tikkonforma ruħha mad-deċizzjoni tat-Tribunal fi żmien xahar mid-deċizzjoni tat-Tribunal, jew, jekk fid-deċizzjoni tat-Tribunal tkun giet imposta xi kundizzjoni jew mogħtija xi piena, fi żmien xahar mill-konformità mill-appellant ma' dik il-kondizzjoni jew il-ħlas ta' tali piena imposta mit-Tribunal fid-deċizzjoni tagħha.

42. (1) Għandu ikun hemm Bord ta' Registrazzjoni li l-funzjoni tiegħu għandu jkun li jevalwa l-applikazzjonijiet għar-registrazzjoni fir-Registru tal-Konsulenti eligibbli biex iwettqu evalwazzjonijiet ambjentali u l-evalwazzjonijiet l-oħra.

Il-Bord ta'
Registrazzjoni.

(2) Il-Bord għandu jkun kompost mill-inqas minn tliet membri u l-aktar minn ħames membri, li wieħed minnhom għandu jkun iċ-*Chairman* u li għandhom jinhatru mill-Ministru.

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

(4) Il-Bord għandu jivvaluta l-applikazzjonijiet għal dawk ir-registrazzjonijiet u japprova dawk li jissodisfaw ir-rekwiziti għar-registrazzjoni. Il-Bord għandu jagħti r-raġunijiet għad-deċizzjonijiet tiegħu.

(5) Id-deċizzjoni tal-Bord li jagħti jew li jiċhad applikazzjoni għar-registrazzjoni fir-registru miżmum mill-Awtorità għandu jkun notifikat bil-miktub lill-applikant mingħajr dewmien.

(6) Il-Bord jista' jordna lill-Awtorità taggorna r-Registru f'intervalli regolari kif jista' jidhirlu xieraq bl-inklużjoni ta' dixxiplini oħra fir-Registru, wara li dawk id-dixxiplini jistgħu jkunu fil-frattemp evolwew.

(7) Id-deċizzjonijiet tal-Bord jkunu finali. Jista' jsir appell lit-Tribunal biss għar-raġunijiet li l-Bord ikun, fid-deċizzjoni tiegħu, applika b'mod żbaljat id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti maħruġin tahtu, jew id-deċizzjoni tal-Bord tkun

tikkostitwixxi abbuż ta' diskrezzjoni jew din tkun manifestament ingusta, u mingħajr preġudizzju għal dak msemmi qabel, id-diskrezzjoni tal-Bord ma tistax, sakemm din tkun giet eżerċitata b'mod xieraq, jiġu mistoqsija mit-Tribunal. Appell minn deċiżjoni parzjali tal-Bord jista' biss jiġi pprezentat flimkien ma' appell mid-deċiżjoni finali tal-Bord.

(8) Id-deċiżjoni tal-Bord għandhom ikunu vinkolanti jekk din tkun appoġġata mill-opinjoni ta' magġoranza tal-membri tiegħu, u l-membri jew membri li ma jaqblux, jekk ikun hemm, jistgħu jesprimu l-opinjoni tagħhom separatament; u d-deċiżjonijiet kollha tal-Bord għandhom ikunu mogħtija fil-pubbliku u għandhom jiġu pubblikati hekk kif ikun prattikabbli wara s-seduta li fiha jkunu mogħtija.

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

(a) jistabbilixxi l-kriterji li l-applikanti huwa mistenni li jissodisfa sabiex jikkwalifika għar-registrazzjoni;

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

(c) jordna tariffa ta' miżati għall registrazzjoni ma' l-Bord.

Poteri tal-Bord ta' Registrazzjoni.

43. (1) Il-Bord ta' Registrazzjoni jista', minn jeddu, jew fuq talba ta' l-Awtorità, jikkancella kull ċertifikat mogħti skond id-dispożizzjonijiet ta' l-artikolu 42 jew jirrifjuta kull applikazzjoni għal tiġdid tar-registrazzjoni, meta d-detentur ta' dak iċ-ċertifikat:

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

(b) jinstab ħati minn qorti ta' ġurisdizzjoni kriminali ta' xi reat taħt id-dispożizzjonijiet ta' l-Att jew ta' xi regolamenti magħmulin taħtu; jew

(c) fl-opinjoni ta' l-Awtorità u l-Bord, ikun ipprezenta xogħol li ma jilhaqx *standards* tajbin jew għamel evalwazzjoni deliberatament qarrieqa ; jew

(d) ikun ipparteċipa fil-preparazzjoni ta' evalwazzjoni meta ma kienx reġistrat fir-Registru; jew

(e) kien il-benefiċjarju ta' ċertifikat maħruġ taħt id-dispożizzjonijiet ta' l-artikolu 42 ibbażat fuq informazzjoni mogħtija mill-applikant li tkun falza jew qarrieqa, jew

(f) jonqos milli jhallas il-mizata ta' tiġdid annwali.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, il-Bord jista' jagħzel is-sospensjoni, minflok il-kancellazzjoni tat-ċertifikat, fiċ-ċirkostanzi speċifikati fis-subparagrafi (d) u (f) tas-subartikolu (1).

(3) Minkejja d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, jekk persuna tipparteċipa fil-preparazzjoni ta' valutazzjoni mingħajr ma tkun reġistrata fir-Registru, għandha sussegwentement tiġi miżmuma milli tirreġistra jew tipparteċipa f'xi valutazzjonijiet f'Malta għal perjodu li għandu jiġi deċiż mill-Bord liema perjodu m'għandu jkun fl-ebda każ ikun inqas minn tliet snin.

Part III

3. Disposizzjonijiet Komuni

44. (1) Għall-għanijiet 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 ieħor jew uffiċju mwaqqaf b'dan l-Att, u kull uffiċjal u mpjegat tagħhom, għandu jitqies li hu u jiġi trattat bħallikieku kien uffiċjal pubbliku.

Membri ta' l-Awtorità, eċċ., li jitqiesu uffiċjali pubbliċi għal certi għanijiet.

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

45. L-Awtorità, kull Kummissjoni, Kumitat, Tribunal jew Bord jista' jikkonsulta ma' kull uffiċjal ta' l-Awtorità jew xi persuna jew entità oħra li l-parir tagħhom ikun meqjus bħala rilevanti għal

Konsultazzjonijiet

kull haġa ikkunsidrata minnha. Dawn il-konsultazzjonijiet għandu jkun debitament registrati.

Dikjarazzjoni ta' Assi, Kodiċi ta' Kondotta u pubblikazzjoni ta' l-ismijiet.

46. (1) Kull membru ta' l-Awtorità, tat-Tribunal ta' Revizjoni ta' l-Ambjent u l-Ippjanar; tal-Kummissjoni ta' l-Ambjent u l-Ippjanar, l-Uffiċjal Eżekuttiv Ewlieni u kull Direttur għandhom jagħmlu dikjarazzjoni ta' l-assi tagħhom skond il-proċedura stabbilita għal dan il-għan mill-Ministru.

(2) Il-Ministru għandu, wara li jikkonsulta mal-Awtorità u mat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar, jipprepara, jippubblika u jirrevedi kodiċi dwar il-kondotta li kull membru tal-Awtorità, membri u uffiċjali tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar u tal-Kummissjoni tal-Ambjent u l-Ippjanar u ta' kull kumitat, bord, kummissjoni, jew korp ieħor imwaqqaf b'dan l-Att, l-Uffiċjal Eżekuttiv Ewlieni, kull Direttur u uffiċjal tal-Awtorità, ikun mistenni li jsegwi fil-qadi tal-funzjonijiet tal-Awtorità.

(3) Il-provvedimenti tal-kodiċi ta' kondotta għandhom jittieħdu in konsiderazzjoni sabiex jiġi stabbilit jekk xi membru jew uffiċjal ma jkunx f'pożizzjoni li jaqdi l-funzjonijiet tiegħu taħt dan l-Att jew meta t-terminu ta' l-ingaġġ tiegħu jkun se jiġi mġedded.

(4) L-ismijiet tal-membri kollha ta' l-Awtorità, u ta' kull kumitat, bord, kummissjoni, jew korp ieħor imwaqqaf b'dan l-Att, kompriži l-listi li minnhom jiġi kostitwit it-Tribunal, u kull tibdil f'dawk il-membri, għandhom jiġu pubblikati fil-Gazzetta.

Parti IV

L-Ippjanar ta' l-Ambjent u l-Iżvilupp

1. Pjanijiet u *Policy*

Pjanijiet, *policies* u r-regolamenti.

47. Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, il-ġestjoni effettiva u l-ippjanar ta' l-ambjent u l-iżvilupp għandhom ikunu regolati mill-pjanijiet, *policies* u regolamenti, li huma preparati u emendati minn żmien għal żmien skond id-dispożizzjonijiet ta' dan l-Att.

Talba mill-Ministru għall-Awtorità biex tipprepara pjan jew politika.

48. (1) L-Awtorità għandha, sew minn jeddha, iżda wara li tikkonsulta mal-Ministru, jew jekk ikun mitlub hekk mill-Ministru, tagħmel pjan jew *policy* dwar kull kwistjoni dwar l-ambjent u l-ippjanar ta' Iżvilupp.

(2) L-Awtorità tista' wkoll, jew minn jeddha, iżda wara li tikkonsulta mal-Ministru, jew jekk ikun mitlub hekk mill-Ministru, tagħmel reviżjoni tal-pjan jew ta' *policy* li hija diġà fis-seħh.

(3) Il-Ministru għandu, meta jagħmel talba bħal din bil-miktub, jibgħat lill-Awtorità r-raġunijiet għalfejn huwa jkun qed jagħmel dik it-talba flimkien ma' stqarrija ta' l-għanijiet u objettivi li għandhom jintlaħqu mill-pjan jew *policy* jew minn reviżjoni tal-pjan jew *policy*.

(4) Il-preparazzjoni u r-reviżjoni tal-pjan ta' struttura għandhom ikunu regolati mid-disposizzjonijiet ta' l-artikoli 51 sa 53, għat-tnejn jew ir-reviżjoni ta' xi pian jew *policy* oħra għandhom ikunu regolati mid-disposizzjonijiet ta' l-artikolu 58:

Iżda l-Ministru jista', mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikoli 51 sa 53 u l-artikolu 58, jistabbilixxi kull proċedura addizzjonali li l-Awtorità jkollha issegwi, inkluż it-twetiq tal-valutazzjonijiet, u tista' wkoll twettaq kull valutazzjoni u, jew konsultazzjonijiet, inkluż konsultazzjonijiet pubbliċi, li jidhirlu meħtieġa.

(5) Jekk l-Awtorità, fuq talba mill-Ministru skond isubartikolu (1), tinforma lill-Ministru, fi żmien tletin gurnata mid-data li fiha tirċievi dik it-talba, illi hija mhux se tkun f'pożizzjoni, għal xi raġuni, li tnejn dak il-pjan jew *policy*, il-Ministru għandu jordna lill-Awtorità li tiddelega l-funzjonijiet bħal dawn skond l-artikolu 9 fir-rigward ta' dak il-pjan jew *policy* partikolari u b'hekk hija għandha tiżgura li jiġu osservati d-disposizzjonijiet ta' din il-Parti ta' dan l-Att.

49. (1) Meta l-Awtorità ma tkunx f'pożizzjoni li tnejn pian jew *policy* ta' ppjanar jew tonqos milli tiddelega dik il-funzjoni kif maħsub fl-artikolu 48(5), il-Ministru jista' jitlob lil kull persuna, inkluża xi aġenzija tal-gvern, għajr l-Awtorità, li tipprepara f'ismu pian jew *policy* ta' ppjanar jew reviżjoni ta' dak il-pjan jew dik il-*policy*.

Il-Ministru jista' jitlob lil kull persuna li tnejn pian, *policy* ta' ppjanar jew reviżjoni tagħhom.

(2) Il-Ministru għandu jikkonsulta lil-Awtorità dwar it-termini ta' referenza li għandhom jiffurmaw il-bażi tal-preparazzjoni ta' pian jew *policy* jew ta' r-reviżjoni ta' dak il-pjan jew *policy* mill-imsemmija persuna. Il-Ministru għandu mbagħad

jagħti t-termini ta' referenza relattivi lill-imsemmija persuna u għandu jindika lil-imsemmija persuna d-dokumentazzjoni li għandha tiġi pprezentata lill-Ministru meta jithejja l-pjan, il-*policy* ta' ppjanar jew revizjoni ta' dak il-pjan jew ta' dik il-*policy*. Meta l-Ministru jirċievi dik id-dokumentazzjoni, il-Ministru għandu jibgħat kopja ta' dik id-dokumentazzjoni lill-Awtorità.

(3) Il-Ministru għandu wkoll jitlob lill-imsemmija persuna biex tikkonforma ruħha ma' l-artikolu u 58(2)(a) u (b) u, għall-għanijiet ta' l-imsemmija paragrafi, l-espressjoni "l-Awtorità" għandha tinftiehem bħala referenza għal dik il-persuna u dik il-persuna għandha tirrevedi, jekk ikun meħtieġ, il-pjan, il-*policy* ta' ppjanar jew revizjoni tagħhom wara li tiegħu in konsiderazzjoni ta' kummenti li hija tkun irċeviet kif imsemmi fl-artikolu 58 (2)(b).

(4) Jekk l-Awtorità tkun qegħda taqbel ma' dak il-pjan, *policy* jew ir-revizjoni ta' dak il-pjan, hija għandha tadottah biex tippreżentah lill-Ministru għall-approvazzjoni tiegħu; u d-disposizzjonijiet ta' artikolu 58(2) għandhom *mutatis mutandis* japplikaw.

(5) Jekk l-Awtorità ma taqbilx ma' dak il-pjan, *policy* jew dik ir-revizjoni tal-pjan jew *policy*, hija għandha tifformula stqarrija ta' pożizzjoni li tindika l-bidliet li għandhom isiru lill-imsemmi pjan, *policy* jew ir-revizjoni tagħhom u għandha tirreferi kemm dak il-pjan, dik il-*policy* jew dik ir-revizjoni ta' dak il-pjan jew dik il-*policy* u l-istqarrija ta' pożizzjoni dwar l-ippjanar tagħha lill-Ministru; u d-disposizzjonijiet ta' l-artikolu 52 (i) sa (n) għandhom japplikaw *mutatis mutandis*.

(6) Il-pjan, il-*policy* jew ir-revizjoni ta' dak il-pjan jew *policy* għandhom jithejjew biss minn jew taħt id-direzzjoni ta' espert fl-ambjent jew l-ippjanar spazjali li jkollhom kwalifiki kif il-Ministru jista' jippreskrivi.

Valutazzjoni
Ambjentali Strategika
u evalwazzjonijiet
oħra

50. Mingħajr preġudizzju għas-setgħat tiegħu skond id-disposizzjonijiet ta' dan l-Att, il-Ministru jista' jordna li l-Awtorità jew xi dipartiment tal-Gvern jew korporazzjoni jew awtorità stabbilita bil-liġi jew kull aġenzija oħra tal-Gvern li jassoġġettaw kull pjan, *policy* jew strateġija adottati jew ippjanati li jiġu adottati minnha għal Valutazzjoni Ambjentali Strategika jew kull valutazzjoni oħra, u jista' b'regolamenti jippreskrivi u jirregola l-proċeduri u l-metodi li għandhom jiġu adottati dawn l-istimi.

Parti IV

2. Il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp

51. (1) Il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp:

Il-Pjan Strateġiku
dwar l-Ambjent u
l-Iżvilupp, il-
preparattivi għalih u
reviżjoni tiegħu.

(i) hu dokument strateġiku li jirregola l-iżvilupp sostenibbli tar-riżorsi ta' l-art u l-baħar;

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

(iii) għandu jipprovdi dawk il-*policies* dwar l-iżvilupp u l-użu ta' l-art u l-baħar u għandu jkollu dawk il-figuri li jkunu meħtieġa u li jkollu miegħu memorandum spjegattiv u li jagħti ġustifikazzjoni raġunata għal kull *policy* u proposta li jkun hemm fil-pjan;

(iv) għandu jiżgura li:

(a) pjanijiet, *policies* u programmi li jinħarġu taħt dan l-Att għandhom ikunu *spatial*, holistiċi u komprensivi u dan sabiex il-fatturi kollha relatati mar-riżorsi ta' l-art u l-baħar u l-konservazzjoni ta' l-ambjent relatat ikunu indirizzati u inklużi, kif ukoll sabiex ikun hemm bilanċ bejn il-ħtieġa ta' l-iżvilupp u konsiderazzjonijiet soċjo-ekonomiċi u l-ħtieġa li jiġi protett l-ambjent;

(b) *policies* settorjali, attivitajiet u inklużjonijiet għandhom ikunu integrati u kordinati ma' xulxin, u li jkunu jinkludu l-inklużjoni tad-dixxiplini u l-gruppi kollha;

(c) kull azzjoni tkun bbażata fuq ftehim ċar dwar l-oġġettivi u l-ħtiġiet naturali u legittimi ta' sidien ta' l-art individwali;

(d) jkun isegwi dawk il-*policies* u pjanijiet nazzjonali oħra.

(2) L-Awtorità għandha tissorvelja l-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp u tirrevedih għal kemm-il darba jkun meħtieġ sakemm dik ir-reviżjoni ma sseħħ fi żmien inqas minn

ħames snin. Kull reviżjoni bħal dik għandha ssir skond l-għanijiet u l-oġettivi ta' reviżjoni tal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp kif jistgħu jiġu approvati mill-Kabinett u għandha tiġi fis-seħħ kif provdut fid-disposizzjonijiet li ġejjin ta' din il-Parti ta' dan l-Att. Sabiex jintlaħqu l-oġġettivi ta' dan l-artikolu, il-Kabinett għandu jieħu dawk il-miżuri kollha li permezz tagħhom ikunu kordinati u mtejba l-*ispacial impacts* ta' *policies* settorjali oħra u r-relazzjoni u l-inklużjoni tagħhom fil-Pjan Strateġiku dwar l-Ambjent u l-Ippjanar.

(3) Minkejja d-disposizzjonijiet tas-subartikolu (2), il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jista' jiġi rivedut f'partijiet minnu kull meta jkun hemm il-ħtieġa permezz ta' Riżoluzzjoni tal-Kamra tad-Deputati, u għandu jiġi fis-seħħ kif provdut fid-disposizzjonijiet li ġejjin ta' din il-Parti ta' dan l-Att. Dik ir-reviżjoni parzjali tal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp ma għandhiex toqot b'mod negattiv permess għall-iżvilupp validu maħrug lil kull persuna qabel id-data tal-bidu fis-seħħ ta' dik ir-reviżjoni.

(4) Il-Kabinett jista' japprova stqarrija ta' għanijiet u oġettivi li għandhom jintlaħqu b'reviżjoni parzjali tal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp, u, jew, proposta flimkien ma' stqarrija ta' pożizzjoni għal tali reviżjoni. Wara tali approvazzjoni, il-Ministru għandu jibgħat lill-Awtorità dik l-istqarrija ta' għanijiet u oġettivi, u, jew, dik il-proposta u stqarrija ta' pożizzjoni. Meta l-Awtorità tircievi dik l-istqarrija ta' għanijiet u oġettivi, u, jew, il-proposta u l-istqarrija ta' pożizzjoni, hija għandha tikkonforma ruħha mal-proċedura li tinsab fis-subartikoli (5) sa (7), jekk l-affarijiet imsemmija hemmhekk ma jkunux diġà saru, bħallikieku l-proposta tkun inbdiet mill-Awtorità; u d-disposizzjonijiet tas-subartikolu (3) u ta' artikolu 52 għandhom japplikaw. Jekk l-Awtorità ma taqbilx mal-proposta tal-Ministru jew ma' l-istqarrija ta' pożizzjoni tiegħu, hija għandha thejji stqarrija ta' pożizzjoni tagħha fejn issemmi t-tibdiliet li hija tkun qed tipproponi għaliha jew ir-reazzjoni tagħha għaliha. Il-Ministru għandu sussegwentement jikkonforma mad-disposizzjonijiet ta' l-artikolu 53 u, għall-fini ta' l-artikolu 52 (1), l-espressjoni "kummenti" għandha tinkludi l-istqarrija ta' pożizzjoni ta' l-Awtorità.

(5) Għat-thejjija jew reviżjoni ta' Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp l-Awtorità għandha tagħmel *surveys* ta' dawk il-ħwejjeg li għandhom effett fuq il-karattru u l-kwalità ta'

l-ambjent, il-konservazzjoni u żvilupp tiegħu, inklużi, iżda mhux limitati:

- (a) għall-konsiderazzjonijiet demografiċi;
 - (b) għall-attivitajiet agrikoli, industrijali, kummerċjali, turistiċi u l-attivitajiet ekonomiċi l-oħra, eżistenti u, jew proġettati, tal-pajjiż kompriżi l-għamla ta' mpjeg li joħorġu minnhom;
 - (ċ) għaż-żmien hieles u r-rikreazzjoni;
 - (d) għas-servizzi u faċilitajiet soċjali u kommunitarji;
 - (e) għall-komunikazzjonijiet, it-traffiku u t-trasport;
 - (f) għas-servizzi ta' utilità pubblika;
 - (g) għall-konservazzjoni u l-preservazzjoni ta' riżorsi naturali u xogħol il-bnedmin;
 - (h) għall-istat tar-rapport ambjentali, l-immappjar taż-żona vulnerabbli min-nitrat, l-immappjar tas-sensittività ta' l-għargħar, kwistjonijiet oħra li jirrigwardaw l-ilma, kwalità ta' l-arja u r-Regolamenti Kwadru ta' l-iskart;
 - (i) dawk il-ħwejjeg l-oħra kollha li l-Gvern jista' jeħtieġ jew li l-Awtorità tqis li jkunu meħtieġa.
- (6) Meta tkun qed tfejji jew tirrevedi Pjan Strategiku dwar l-Ambjent u l-Iżvilupp, l-Awtorità għandha tqis –
- (a) il-*policy* ekonomika tal-mument li għandha effett fuq l-iżvilupp;
 - (b) il-*policies* soċjali kurrenti li jaffettwaw l-iżvilupp;
 - (ċ) il-*policies* ambjentali li jaffettwaw l-iżvilupp;
 - (d) il-*policies* tal-Gvern dwar il-ħwejjeg imsemmija fis-subartikolu (5);
 - (e) ir-riżorsi li aktarx ikun hemm biex il-pjan jiġi mwettaq;

(f) kull alternattiva possibbli għall-użu ta' l-art u l-baħar meta jkun qiegħed jiġi magħżul l-aħjar użu għal area partikolari ta' l-art jew il-baħar.

(7) Waqt it-tnejn jew reviżjoni tal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp l-Awtorità għandha tgħarraf lill-pubbliku b'dawk il-materji li bi ħsiebha tqis u għandha tagħti opportunità xierqa lill-individwi u organizzazzjonijiet biex iressqu l-kummenti quddiem l-Awtorità.

(8) Reviżjoni parzjali tal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp li hi meħtieġa minħabba l-approvazzjoni ta' jew emenda għal pjan sussidjarju hija eżenti milli tikkonforma mad-disposizzjonijiet tas-subartikoli (5) u (6) meta l-affarijiet li jissemmew fiha u li huma rilevanti għar-reviżjoni parzjali jkunu għa saru waqt il-preparazzjoni ta' pjan sussidjarju.

Publikazzjoni ta' Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp u revizjonijiet tiegħu.

52. (1) Meta l-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jew reviżjoni tiegħu jitlestew, l-Awtorità għandha tippublika l-pjan flimkien ma' stqarrija tal-kummenti li tkun irċeviet u r-reazzjoni tagħha għal dawk l-ilmenti.

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

(3) Il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp, u kull reviżjoni tiegħu, flimkien mal-kummenti li jkunu saru lill-Awtorità, għandhom, kemm jista' jkun malajr, wara li jiskadi l-perjodu msemmi fis-subartikolu (2), jintbagħtu lill-Ministru.

(4) Il-Ministru jista' jirreferi lura l-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jew ir-reviżjoni tiegħu lill-Awtorità meta huwa ma jkunx qed jaqbel mal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jew mar-reviżjoni tiegħu u għandu jipprepara stqarrija ta' pożizzjoni fejn isemmi fiha t-tibdiliet li huwa jkun qed jipproponi, jew ir-reazzjonijiet tiegħu għall-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jew għar-reviżjoni tiegħu.

(5) Meta l-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp, jew kull reviżjoni tiegħu, jkunu ntbagħtu lura lill-Awtorità, għandha tiġi segwita, safejn hu possibbli, l-istess proċedura dwar kull abbozz ieħor imhejji u pubblikat mill-Awtorità, iżda m'għandhomx jintbagħtu lura lill-Awtorità aktar minn darba.

53. (1) Ma' l-għeluq tal-proċeduri stabbiliti mid-disposizzjonijiet ta' qabel din, il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp, u kull reviżjoni tiegħu, għandhom jiġu kkunsidrati mill-Kabinett tal-Ministri flimkien ma' l-istqarrija ta' pożizzjoni tal-Ministru u l-kummenti li jkunu saru dwar il-pjan jew reviżjoni tiegħu.

Kunsiderazzjoni finali u approvazzjoni ta' pjan jew reviżjoni.

(2) Bla ħsara għall-artikolu 34 (2)(a), (3) u (4), wara dan il-Ministru għandu jara li l-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jew reviżjoni tiegħu kif oriġinarjament imħejjija, jew kif rivedut mill-Awtorità, flimkien ma' l-istqarrija ta' pożizzjoni tal-Ministru, jitqiegħdu quddiem il-Kamra flimkien ma' mozzjoni għal riżoluzzjoni li l-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jiġi approvat mill-Kamra, b'dawk l-emendi, jekk ikun hemm, li jiġu speċifikati fir-riżoluzzjoni.

(3) Il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp u kull reviżjoni tiegħu kif approvati mill-Kamra jibdeu isehħu minn dik id-data li tista' tiġi speċifikata għal hekk mill-Ministru b'ordni fil-Gazzetta; u għall-għanijiet ta' dan l-Att, barra minn dawk relattivi għat-tnejn, kunsiderazzjoni u kummenti dwar il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp jew ir-reviżjoni tiegħu, l-espressjoni Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp u kull riferenza għar-reviżjoni tiegħu, tfisser il-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp, u kull reviżjoni tiegħu, kif approvati mill-Kamra tad-Deputati.

Parti IV

3. Pjanijiet Sussidjarji u l-Policy

54. (1) Pjan dwar sugġett huwa pjan li jittratta dwar *policy* ambjentali speċifika jew *policy* ta' ppjanar ta' żvilupp jew materja li jistipula l-ispeċifikazzjonijiet dettaljati intiżi għall-implimentazzjoni tiegħu.

Pjan dwar sugġett.

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

(3) Hlief kif mistqarr xort'oħra fil-pjan, pjan dwar sugġett għandu japplika f'kull qasam rilevanti tal-ambjent u tal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp, sew jekk huwa wkoll qasam kompriz fi pjan jew *policy* oħra sew jekk le.

Pjan lokali.

55. (1) Pjan lokali huwa pjan imħejji mill-Awtorità għal kull zona fejn l-Awtorità jidhrilha li r-rata ta' żvilupp jew żvilupp mill-ġdid ma' tistax tithaddem adegwatament, jew fejn fatturi speċjali ma jistgħux jittieħdu in kunsiderazzjoni biss fuq il-bażi tal-Pjan Strateġiku dwar l-Ambjent u l-Iżvilupp waħdu.

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

Pjan ta' azzjoni, jew pjan ta' immaniġġar.

56. (1) Pjan ta' azzjoni jew pjan ta' immaniġġar isir mill-Awtorità għal zona fejn l-Awtorità jidhrilha illi hija għandha tagħti attenzjoni partikolari biex tiġġestija aħjar jew fejn għandhom jitqiesu fatturi speċjali li ma jkunux xort'oħra jistgħu jitqiesu.

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

(3) Barra mill-informazzjoni li għandu jkun hemm fi pjan lokali, pjan ta' azzjoni magħmul skond is-subartikolu (1) (b) għandu juri wkoll l-art li hija proprjetà pubblika u dik li tkun maħsuba li ssir proprjetà pubblika.

Policies jew pjanijiet oħra.

57. (1) Meta l-Awtorità tqis li għall-amministrazzjoni xierqa u effettiva u l-protezzjoni ta' l-ambjent u ta' l-iżvilupp jew għall-protezzjoni xierqa u l-iżvilupp ta' art u baħar huwa meħtieġ li tħejji linji politiċi aktar dettaljata u ta' gwida oħrajn għajr dawk li diġà jinsabu fi pjan u *policies*, l-Awtorità tista' tipprepara u tadotta *policies* jew pjanijiet kif tikkonsidra xieraq, bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu.

(2) *Policies* jew pjanijiet bħal dawn għandhom ikunu f'forma li l-Awtorità tqis adatti għas-sugġett, u jistgħu jkunu sostnuti minn dokumenti, evalwazzjonijiet, mapep, dijagrammi, disinj u illustrazzjonijiet kif jistgħu jitqiesu neċessarji mill-Awtorità.

(3) Meta l-Awtorità tadotta *policies* jew pjanijiet (kemm jekk *policies* jew pjanijiet godda jew revizjoni ta' *policies* jew pjanijiet eżistenti), huwa għandu jirreferiha lill-Ministru għall-approvazzjoni tiegħu u l-proċedura msemmija fl-artikolu 58 (2) għandhom japplikaw *mutatis mutandis*.

58. (1) Fit-tnejn jew fir-reviżjoni ta' pjan sussidjarju l-proċedura stabbilita f'dan l-artikolu għandha tiġi segwita għar-rigward tal-pjan jew *policy*.

(2) Meta l-Awtorità tneji *policy* jew pjan sussidjarju jew revizjoni tiegħu kif hawn aktar qabel imsemmi fuq, hija għandha titlob l-approvazzjoni tal-Ministru skond il-proċedura li hejja:

(a) waqt it-tnejn jew revizjoni ta' *policy* jew pjan sussidjarju, l-Awtorità għandha tgħarraf lill-pubbliku b'dawk il-materji li bi hsiebha tqis u għandha tagħti opportunità xierqa lill-individwi u lill-organizzazzjonijiet biex jagħmlu l-kummenti tagħhom lill-Awtorità;

(b) meta l-*policy* jew pjan sussidjarju jew revizjoni tiegħu jitlestew, l-Awtorità għandha tippubblika l-*policy* jew pjan flimkien ma' stqarrija tal-kummenti li tkun irċeviet u r-rejazzjoni tagħha għal dawk l-ilmenti. L-Awtorità għandha tistieden li jsirulha kummenti dwar il-pjan jew *policies* fi żmien speċifikat ta' mhux anqas minn sitt gimgħat; fejn f'xi pjan sussidjarju bħal dak jew f'reviżjoni tiegħu jkun propost illi xi art tiġi eskluża minn konfini ta' żvilupp kif indikati fi pjan lokali, l-Awtorità għandha tippubblika fil-Gazzetta u f'zewg gazzetti lokali ta' kuljum avviz li juri l-art li tkun se tiġi eskluża;

Izda meta modifiki minuri, li ma jaffettwawx is-sustanza tal-*policy* ta' l-ippjanar, ikunu qed jiġu proposti, il-perjodu msemmi għandu jkun perjodu ta' mhux anqas minn tliet gimgħat;

(ċ) l-Awtorità għandha tadotta l-pjan jew *policy* sussidjarji wara li tiegħu in konsiderazzjoni l-kummenti li hija tkun irċeviet kif imsemmi hawn qabel;

(d) l-Awtorità għandha tirreferi il-pjan jew *policy* sussidjarji lill-Ministru. L-Awtorità għandha wkoll tibgħat lill-Ministru:

(i) id-dikjarazzjoni tal-kummenti;

(ii) it-twegibiet u l-emendi li għamlet bħala riżultat ta' dawk il-kummenti;

(iii) indikazzjoni preċiża ta' l-emendi kollha l-oħra li saru għall-pjan jew il-*policies*; u

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

(e) l-Awtorità għandha tippubblika l-pjan jew il-*policies* u tistieden ilmenti dwar il-materji indikati fis-subparagrafu (iii) tal-paragrafu (d) ta' dan l-artikolu li jiġi ipprezentat fi żmien perjodu speċifikat ta' mhux anqas minn sitt ġimgħat;

(f) l-Awtorità għandha tadotta l-pjan jew *policies* sussidjarji wara li tiegħu in konsiderazzjoni l-kummenti li jsirulha kif hawn qabel imsemmi u għandu jirreferi l-pjan jew *policies* sussidjarji lill-Ministru għall-approvazzjoni tiegħu. Għandha wkoll tibgħat lill-Ministru:

(i) id-dikjarazzjoni ta' kummenti;

(ii) it-twegibiet u l-emendi li għamlet bħala riżultat ta' dawk il-kummenti;

(g) meta l-Ministru jaqbel mal-pjan sussidjarju huwa għandu japprovah kif ipprezentat mill-Awtorità u l-Awtorità għandha meta tingħata din l-approvazzjoni tippubblikaha flimkien mad-dikjarazzjonijiet, ir-risposti, id-dokumentazzjoni u studji msemmija fil-paragrafu (d) u (f);

(h) meta l-Ministru ma jaqbilx mal-pjan sussidjarju kif adottat mill-Awtorità skond il-paragrafu (f) ta' dan l-artikolu, huwa għandu jipprepara stqarrija ta' pożizzjoni fejn isemmi t-tibdiliet li huwa jkun qed jissuggerixxi jew ir-reazzjonijiet tiegħu għall-pjan sussidjarju ta' l-Awtorità u għandu jirreferi lura l-pjan sussidjarju lill-Awtorità flimkien ma' l-istqarrija ta' pożizzjoni tiegħu; fejn f'xi pjan sussidjarju bħal dak jew f'reviżjoni tiegħu jkun propost illi xi art tiġi eskluża mill-konfini ta' l-Iżvilupp kif indikati fi pjan lokali, l-Awtorità għandha tippubblika fil-Gazzetta u f'żewġ gazzetti lokali ta' kuljum avviz li juri l-art li tkun se tiġi eskluża;

(i) meta l-Awtorità ma taqbilx mal-Ministru wara r-referenza lura lilha mill-Ministru tal-pjan sussidjarju, hija għandha tnejji stqarrija ta' pożizzjoni u għandha tirreferiha lura lill-Ministru;

(j) il-Ministru għandu mbagħad ihejji stqarrija ta' pożizzjoni finali. Huwa għandu minnufih jgħarraf lill-Awtorità biha;

(k) l-Awtorità għandha minnufih temenda l-pjan sussidjarju skond l-istqarrija ta' pożizzjoni finali tal-Ministru u tippreżentah lill-Ministru għall-approvazzjoni finali tiegħu;

(l) wara tali approvazzjoni tal-Ministru, l-Awtorità għandha tippubblika l-pjan sussidjarju flimkien ma' l-istqarrijiet ta' pożizzjoni tagħha u dawk tal-Ministru flimkien mal-parir tat-Tribunal mogħti skond il-paragrafu (n), jekk ikun il-każ, u flimkien ma' l-istqarrijiet, reazzjonijiet, dokumentazzjoni u studji msemmija fil-paragrafu preċedenti;

(m) meta l-pjan sussidjarju jew xi parti minnu jestendi l-iskop ta' jew hu f'kunflitt mal-Pjan Strategiku dwar l-Ambjent u l-Iżvilupp, il-Ministru għandu jikkonforma ruħu mad-disposizzjonijiet ta' l-artikoli 51 sa 53 fil-każ ta' dak il-pjan sussidjarju jew parti minnu, iżda dawk il-partijiet tal-pjan sussidjarju li ma jestendux l-iskop ta', jew mhumiex f'kunflitt mal-Pjan Strategiku dwar l-Ambjent u l-Iżvilupp għandhom jiġu fis-seħħ fid-data ta' l-approvazzjoni tagħhom mill-Ministru;

(n) jekk iqum dubbju dwar liema proċedura għandha tiġi segwita dwar pjan sussidjarju jew jekk pjan sussidjarju jew stqarrija ta' pożizzjoni jestendux l-iskop jew humiex f'kunflitt mas-sustanza tal-Pjan Strategiku dwar l-Ambjent u l-Iżvilupp, il-kwistjoni għandha tiġi riferita f'kull żmien mill-Awtorità jew mill-Ministru lit-Tribunal, iżda meta l-Awtorità hi tal-fehma li l-istqarrija ta' pożizzjoni finali tal-Ministru testendi l-iskop ta' jew hi f'konflitt mas-sustanza tal-Pjan Strategiku dwar l-Ambjent u l-Iżvilupp, hija għandha tirreferi l-kwistjoni lit-Tribunal fi żmien xahar mid-data li hija tircievi l-istqarrija ta' pożizzjoni finali tal-Ministru. It-Tribunal għandu jiddeciedi fi żmien xahar minn mindu l-kwistjoni tkun riferita lilu dwar liema proċedura għandha tapplika u d-deċiżjoni tal-Bord tkun waħda finali.

59. (1) Kull pjan jew *policy* sussidjarju għandu jiġi rivedut daqs kemm ikun meħtieġ jew meta jkun meħtieġ minħabba reviżjoni tal-pjan ta' struttura:

Reviżjoni ta' pjan jew *policies* sussidjarji.

Iżda bla ħsara għad-disposizzjonijiet tas-subartikolu (3) ta' dan l-artikolu, il-pjan lokali m'għandux jiġi rivedut sakemm

ma jkunux għaddew sentejn mill-aħħar revizjoni sakemm dik ir-revizjoni ma tkunx meħtieġa minhabba revizjoni tal-pjan ta' struttura:

Iżda wkoll fil-każ ta' revizjoni parzjali tal-pjan lokali, il-moratorju ta' sentejn hawn qabel imsemmi għandu japplika biss għal dik il-parti tal-pjan li jiffurmaw parti mir-revizjoni parzjali.

(2) Meta bħala riżultat tar-revizjoni l-Awtorità tipproponi li jsir tibdil sinifikanti fi pjan jew *policy*, jew meta jiġi propost li pjan jew *policy* jiġu rtirati, kull proposta bħal dik għandha tkun soġġetta għall-istess proċeduri u tiġi trattata bħala pjan jew *policy* ġdida.

(3) Tibdil żgħir li ma jolqotx is-sustanza ta' pjan lokali jista' jsir mill-Awtorità f'kull żmien, jew fuq inizjattiva tagħha stess meta hija tikkunsidra li tagħmel dan fl-interess ta' l-ippjanar xieraq ta' zona jew wara li tircievi mingħand xi persuna applikazzjoni għal tibdil żgħir. It-tibdil m'għandux jitqies li huwa żgħir meta huwa jibdel id-direzzjoni ġenerali tal-pjan jew ikun jolqot konfini ta' żvilupp indikati fi pjan lokali.

(4) Għall-fini tas-subartikolu (3), dan li ġej għandu jitqies bħala tibdil żgħir:

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

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

(i) tibdil fil-limitazzjoni ta' l-għoli; u

(ii) tibdil fit-tqassim ta' zoni f'sit li ma jkunx intiz biex fih isir żvilupp.

(5) Meta l-Awtorità tikkunsidra li tagħmel tibdil żgħir skond is-subartikolu (4)(a), id-disposizzjonijiet ta' l-artikolu 68 għandhom japplikaw *mutatis mutandis* għal dak it-tibdil.

(6) Meta l-Awtorità tikkunsidra li tagħmel tibdil żgħir skond is-subartikolu (4)(b), hija għandha tosserva l-proċedura li ġejja:

(a) meta l-proposta għal tibdil żgħir tkun originat mill-Awtorità stess, hija għandha tosserva d-disposizzjonijiet ta' l-artikolu 58(2);

(b) meta l-proposta għal tibdil żgħir tkun oriġinat f'applikazzjoni għal tibdil żgħir, l-Awtorità għandha tippubblika dik il-proposta u għandha tistieden li jsiru kummenti dwar dik l-applikazzjoni fi żmien speċifikat ta' mhux anqas minn sitt ġimgħat. L-Awtorità għandha mbagħad tiddeċiedi l-applikazzjoni wara li tiegħu in konsiderazzjoni l-kummenti li jkunu sarulha. Id-disposizzjonijiet ta' l-artikolu 49 (4) u (5) għandhom ukoll japplikaw.

(7) M'għandu jkun hemm l-ebda appell minn deċiżjoni dwar applikazzjoni għal tibdil żgħir lit-Tribunal.

Parti IV

4. Regolamenti u Ordnijiet

60. Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 6 ta' l-Att dwar l-Interpretazzjoni, kull setgħa mogħtija b'dan l-Att li wiegħed jaġmel 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 taġmel regolamenti jinkludi poter li tirrevoka, eċċ.

61. (1) Il-Ministru jista', filwaqt li jaġixxi skond id-disposizzjonijiet ta' l-artikolu 62 jaġmel regolamenti għat-twettiq aħjar tad-disposizzjonijiet ta' dan l-Att u jista' b'mod partikolari b'dawk ir-regolamenti jaħtar lill-Awtorità jew xi persuna jew korp biex tkun l-awtorità msemmija għall-finijiet ta' kull obbligazzjoni internazzjonali li fiha Malta tista' tkun parti.

Poter li jaġmel regolamenti.

(2) Mingħajr preġudizzju għall-ġeneralità tad-disposizzjonijiet tas-subartikolu (1) dawk ir-regolamenti jistgħu, b'mod partikolari:

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

(b) jipprovdu għall-proċedura li għandha tiġi applikata mill-Awtorità u l-applikant qabel u wara li ssir l-applikazzjoni għal permessi u licenzi taħt dan l-Att, kif ukoll id-drittijiet li għandhom jithallsu għalihom, kif ukoll il-proċeduri li għandhom jintużaw mill-applikant u l-Awtorità fl-ipproċessar ta' l-imsemmija applikazzjoni, inklużi, imma

mhux limitati għal, ir-reklamar, il-komunikazzjoni u l-verifika ta' l-imsemmija applikazzjoni, u l-kondizzjonijiet generali li taħthom l-Awtorità tista' teħtieg li jingħataw garanziji finanzjarji jew li tiġi provduta assigurazzjoni biex tpatti għal kull dannu li jista' jiġi kaġunat lill-ambjent b'xi attività li tista' teħtieg liċenza taħt dan l-Att;

(ċ) jordnaw liema tip ta' informazzjoni miżmuma mill-Awtorità għanda tkun aċċessibbli għall-pubbliku kif ukoll jistabilixxu procedura dwar l-aċċess għaliha u l-piżijiet relattivi li għandha tiġi tiffallas biex jinkisbu kopji ta' tali informazzjoni;

(d) jagħtu seħħ għal kull trattat jew istrument internazzjonali, inklużi d-direttivi, regolamenti u deċiżjonijiet, li jkun jirrigwarda kull haġa regolata b'dan l-Att li fihom Malta tista' minn żmien għal żmien tkun parti jew suġġett u biex iwaqqfu strutturi u jagħmlu provvedimenti oħra dwar l-implimentazzjoni tagħhom;

(e) jistabilixxu u jikkordinaw sistemi ta' kontroll tal-kwalità dwar l-ambjent u jagħmlu provvedimenti biex ikunu jistgħu jsiru stimi ta' riskji fl-ambjent fi stabbiliment sew godda sew li diġà jeżistu kif ukoll biex jipprovdu għall-prevenzjoni effettiva u r-rimedju tad-danni ambjentali;

(f) jipprovdu għall-ġbir, l-ipproċessar, il-paragun u l-interpretazzjoni ta' *data* li tirrigwarda l-ambjent u jipprovdu wkoll li dawk il-persuni li jwettqu dawk l-attivitajiet li jistgħu jolqtu l-ambjent kif jista' jiġi ordnat jagħtu dik l-informazzjoni u *data* lill-Awtorità fuq bażi regolari jew ta' xort oħra hekk kif jista' jiġi ordnat sabiex l-Awtorità tkun tista' tissorvelja u tissalvagwardja l-kwalità ta' l-ambjent;

(g) jordnaw il-metodi li għandhom jintużaw fil-monitoraġġ ta' l-ambjent;

(h) jippreskrivu, b'kollaborazzjoni mad-Dipartiment għall-Protezzjoni Ċivili, ċirkostanzi li fihom tista' tiġi dikjarata emergenza ambjentali, u l-effett li dik id-dikjarazzjoni jista' jkollha fuq xi attività li tkun teħtieg liċenza taħt dan l-Att;

(i) tippredisponi objettivi, toħroġ direttivi u tistabilixxi kodiċijiet ta' prattika, il-koll għar-rigward ta' l-ambjent, għar-riduzzjoni, użu mill-ġdid, irkupru, trattament, hażna u

tneħħija ta' kull materjal kif jista' jiġi ordnat, għal kull attività tal-bniedem li tolqot l-ambjent u sabiex jiġi żgurat żvilupp sostenibbli, u dawk ir-regolamenti jistgħu b'mod partikolari:

(i) jifformulaw objettivi li jistipulaw livelli kwantitattivi u kwalitattivi, l-iskopijiet li għandhom jintlaħqu fit-tħabrik li jiġi kontrollat l-ambjent;

(ii) jagħtu direttivi għar-rigward ta' dak l-użu ta' l-ambjent kif jista' jiġi ordnat;

(iii) jistabilixxu l-oġġla kwantitajiet jew konċentrazzjonijiet ta' rimi jew emissjonijiet, jew l-użu ta' dawk is-sustanzi kif jista' jiġi preskritt filwaqt li jkun qad isiru xogħlijiet, ħidmiet jew attivitajiet ta' kull xort'oħra u jiżgura t-twettiq u s-sorveljar ta' dawk il-livelli;

(iv) jistabilixxu kodiċijiet ta' prattika li jiddeterminaw proċeduri, metodi, limiti ta' rimi u emissjonijiet ta' sustanzi kif japplikaw għal xogħlijiet u attivitajiet kif jista' jiġi preskritt sew għar-rigward taż-żmien meta dawk ix-xogħlijiet u attivitajiet ikunu qegħdin isiru kif ukoll għar-rigward tal-waqt meta x-xogħlijiet u attivitajiet ikunu intemmew; u

(v) jistabilixxu għall-finijiet ta' dan l-Att, l-aħjar teknika disponibbli li ma tkunx teħtieġ xi nefqa eċċessiva għar-rigward ta' xi ħidma, attività jew proċess;

(j) għar-rigward tal-prevenzjoni u l-kontroll integrati tat-tniġġis:

(i) jistabilixxu sistemi li jiżguraw dawk il-prevenzjoni u kontroll;

(ii) jordnaw miżuri ta' kontroll, jipprevjenu, jimmaniġjaw jew inaqqsu t-tniġġis u d-degradazzjoni ta' l-ambjent;

(iii) jikkontrollaw iż-żamma, l-manigġ, il-kummerċ jew l-użu ta' sustanzi u attivitajiet oħra li jistgħu jikkagunaw jew jiffaċilitaw it-tniġġis;

(iv) jistabilixxu livelli inkluz l-oġġla lill-livelli permessi f'espressjonijiet kwantitattivi jew kwalitattivi

tar-rimi u l-emissjonijiet fl-ambjent ta' kull materjal, sustanza jew enerġija u għar-rigward ta' l-użu ta' xi teknoloġija, tagħmir, materja, sustanza, metodu jew proċedura għar-rigward ta' dan kollu;

(v) jistabilixxu metodologiji li għandhom jintużaw fis-sorveljar ta' rimi u emissjonijiet ta' sustanzi u, jew enerġija fl-ambjent u biex jirregolaw l'użu ta' informazzjoni miġbura waqt dak is-sorveljar;

(vi) jipprevjenu, jikkontrollaw, inaqqsu, jirrimedjaw jew xort'ohra jimmaniġġjaw sitwazzjonijiet li jistgħu jwasslu għal xi emergenzi ambjentali u biex jipprevjenu, jikkontrollaw, inaqqsu, jirrimedjaw jew xort'ohra jimmaniġġjaw kull effett kuntrarju fuq l-ambjent li jirriżulta minn dan kollu;

(k) għar-rigward tal-manigġar ta' l-iskart:

(i) jikklassifikaw l-iskart u jordnaw regoli għar-rigward ta' dan skond it-tip u l-kategorija ta' dan;

(ii) jirregolaw il-manigġjar u t-tneħħija ta' dan;

(iii) jistabilixxu kwoti, f'espressjonijiet kwantitattivi u kwalitattivi, tal-generazzjoni permessa ta' liskart, kif ukoll xort'ohra jipprovdu għall-prevenzjoni u t-tnaqqis ta' l-iskart;

(iv) jipprovdu għar-registrazzjoni u, jew, il-liċenzjar ta' hidmiet fil-manigġjar ta' l-iskart;

(l) għar-rigward tal-ħarsien ta' bijodiversità:

(i) jipprovdu għas-sorveljar u l-manigġjar tagħha;

(ii) jiddikjaraw xi speċi bħala speċi protetta u jistabilixxu regoli għall-protezzjoni tagħha;

(iii) jiddikjaraw xi speċi bħala waħda invażiva u jistabilixxu regoli għall-kontroll tagħha;

(iv) jirregolaw il-użu ta', u xort'ohra jipproteġu kampjuni ta' fawna jew flora; u b'mod partikolari jipprojbixxu u, jew, jikkontrollaw il-pussess, l-esibizzjoni, il-propagazzjoni artifiċjali jew it-tnissil u t-trobbija kontrollati ta' dawk il-kampjuni ta' flora u fawna kif jista' jiġi preskritt;

(v) jipprovdu għall-konservazzjoni, protezzjoni u maniġġar ta' area protetti u kull *habitat* partikolari jew kategoriji relattivi biex tiġher id-diversità bijoloġika;

(vi) jiddikjaraw żoni jew siti fuq l-art jew fl-ibhra interni jew territorjali, jew 'l hinn minn dawk l-ibhra fejn Malta jista' jkollha ġurisdizzjoni għall-fini tal-ħarsien u l-kontroll ta' l-ambjent, bħala żoni protetti u jipprovdu għall-protezzjoni tagħhom u biex jirregolaw il-maniġġjar tagħhom;

(vii) jikkontrollaw u jirregolaw kull attività li tista' tinterferixxi ma' l-istatus ta' konservazzjoni ta' diversità bijoloġika;

(viii) jirregolaw il-kummerċ u l-garr minn post għall-ieħor, importazzjoni jew esportazzjoni ta' kampjuni ta' flora u fawna kif jista' jiġi preskritt;

(m) jikkontrollaw, jimmaniġġjaw u jirregolaw it-trasport, l-introduzzjoni, l-użu (inkluż l-użu kkunsidrat), ir-rilaxx jew it-tqegħid fis-suq jew fl-ambjent ta' organiżmi ġenetikament modifikati;

(n) għar-rigward ta' verifiki u evalwazzjonijiet ambjentali:

(i) jeħtieġu lil kull min ikun qed jagħmel dawk l-attivitajiet li jistgħu jiġu preskritti jew imexxi jew iħaddem dawk il-facilitajiet kif jistgħu jiġu preskritti sabiex ikunu jistgħu jsiru verifiki u evalwazzjonijiet dwar l-Ambjent u biex jipprezentaw lill-Awtorità rapporti ta' verifika u evalwazzjonijiet dwar l-ambjent; li għandhom jinkludu:

1. deskrizzjoni dettaljata ta' l-attività jew facilità;

2. deskrizzjoni dettaljata l-impatt ambjentali ta' l-attività jew faċilità;

3. pjanijiet biex jipprevjenu u jnaqqsu riskji ta' effetti kuntrarji u jirrimedjaw kull effett kuntrarju li jkun ġie kaġunat; u

4. pjan ta' kontingenza biex jiffaċċa kull emerġenza;

(ii) jeħtieġu lil kull persuna tħares kull pjan li hemm provdut dwaru fi 3 u 4 tas-subparagrafu (i) ta' dan il-paragrafu; u

(o) fir-rigward ta' l-ippjanar ta' żvilupp, sabiex jirregolaw jew inkella jipprovdu għal kull materja li tirrigwarda l-iżvilupp jew attivitajiet oħra li jaffettwaw art jew baħar, u sabiex jingħata effett sħiħ għad-disposizzjonijiet ta' dan l-Att, u b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi:

(i) jirregola l-bini u l-kostruzzjoni, demolizzjoni jew tibdil tiegħu, kif ukoll kwalunkwe kwistjoni oħra relatata magħha, b'kont meħud tal-konsiderazzjonijiet kollha relevanti, inkluża s-sigurtà, l-estetika, is-saħħa, l-ambjent u s-sanità;

(ii) jippreskrivu l-manjiera li fiha taxxa ta' bini jew spiża oħra magħmula taħt dan l-Att jiġi stabbilit, magħmul, riveduti, miġbur, użat jew xort'oħra ttrattati;

(p) fir-rigward ta' l-infurzar:

(i) biex tawtorizza u tirregola l-ikklampjar, l-irmonk, it-tneħħija u l-ħażna mill-Awtorità ta' kull oġġett użat fi żvilupp illegali jew in konnessjoni ma' xi ħaġa kuntrarju għad-dispożizzjonijiet ta' dan l-Att jew kull regolament maħruġ taħtha;

(ii) biex jeħles lill-Awtorità minn kull responsabbiltà, għajr responsabbiltà għal negligenza grassa, għal danni meta hija taġixxi fl-eżekuzzjoni tad-doveri tagħha skond l-imsemmija regolamenti;

(iii) biex jipprovdu għat-tneħħija ta' l-oġġetti użati fi żvilupp illegali meta l-imsemmija oġġetti ma jittieħdux lura minn sidhom f'dak iż-żmien li jista' jiġi preskritt;

(iv) biex jistabilixxi drittijiet li jingabru mill-Awtorità għat-tneħħija tal-klampi, għall-irmonk, għall-ħażna ta' oġġetti wżati fi żvilupp illegali u għall-bejgħ b'irkant jew kull għamla oħra ta' tneħħija ta' l-imsemmija oġġetti;

(v) biex tistabilixxi ċ-ċirkostanzi meta l-oġġetti li jiġu wżati fi żvilupp illegali jkunu jistgħu jiġu konfiskati u sabiex tiġi stabbilita l-proċedura relattiva għall-konfiska u għat-tneħħija tagħhom;

(vi) biex jiġu stabbiliti reati u l-pieni relattivi in konnessjoni mal-ħwejjeġ li jissemmew fil-paragrafi (i) sa (v), liema peni ma għandhomx jeċċedu multa massima ta' tnaħ-il elf euro; u

(vii) biex jispeċifikaw liema tip ta' żvilupp id-disposizzjonijiet tal-artikoli 90 u 93 għandhom japplikaw u biex tiġi stabbilita l-penali relattiva.

(viii) l-artikolu 21 tal-Kodiċi Kriminali u d-disposizzjonijiet ta' l-Att dwar il-*Probation* ma għandhomx japplikaw għal kull reat li jiġi stabbilit taħt il-paragrafu (vi);

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

(r) għal kull għan ieħor li għalih ir-regolamenti huma awtorizzati jew meħtieġa li għandhom isiru mod ieħor milli mill-Awtorità;

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

(t) li jirregolaw kif kull avviż jew komunikazzjoni lil jew mill-Awtorità li skond ta' dan l-Att għandhom ikunu bil-miktub, tista' ssir f'forma elettronika;

(u) jipprovdu li kull min jaġixxi b'kontravvenzjoni ta' xi regolament taht dan l-Att ikun hati ta' reat kontra dan l-artikolu, u jistabilixxu dik il-piena, li tkun piena ta' mhux iktar minn multa ta' mitejn u tlieta u tletin elf euro jew ta' prigunerija għal żmien mhux iktar minn sentejn, jew dik il-multa u prigunerija flimkien, lil kull min jinsab hekk hati jista' jehel:

Iżda dawk ir-regolamenti jistgħu jipprovdu li persuna, li wara li tkun ingħatat sentenza għal reat kontra l-istess regolament b'deċiżjoni li tkun għaddiet f'gudikat, terġa' tagħmel reat ieħor bi ksur ta' l-istess regolament f'dak iż-żmien li jista' jiġi preskritt, tista' tehel multa oġhla, li ma tkunx teċċedi darbtejn daqs il-multa li kieku xort'oħra kienet tehel, u għall-fini tal-proviso l-oġhla multa li tista' tiġi stabbilita b'dawk ir-regolamenti tkun dik ta' erba' mija u sitta u sittin elf euro:

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

(v) jordna kull haġa oħra li għandha jew li tista' tiġi ordnata.

(3) Minkejja d-disposizzjonijiet l-oħra ta' dan l-Att u ta' kull liġi oħra, Skedi li jkunu jinsabu ma' regolamenti magħmula taht dan l-Att jistgħu jsiru jew jiġu pubblikati bl-ilsien Ingliz biss.

Proċedura
għall-għemil ta'
regolamenti.

62. (1) Regolamenti taht dan l-Att għandhom isiru mill-Ministru wara konsultazzjoni ma' l-Awtorità u hlief għal regolamenti taht l-artikolu 61(2) (a)(b) u (u), u fil-każijiet imsemmija fi subartikolu (2) dawn m'għandhomx isiru sakemm l-abbozz tar-regolamenti msemmija tkun giet maħruġa għall-konsultazzjoni pubblika u b'hekk jippermetti lil kull persuna perjodu ta' mill-anqas erba' ġimgħat biex tagħmel kummenti lill-Ministru jew lill-Awtorità, jew lit-tnejn li huma, fejn tiddikjara kif fil-fehma tagħha r-regolamenti proposti jistgħu jittejjbu biex jilhqqu l-għan aħħari tagħhom.

(2) Id-disposizzjonijiet tas-subartikolu (1) għar-rigward tal-konsultazzjoni ma' l-Awtorità u għar-rigward tal-pubblikazzjoni ta' l-abbozz tar-regolamenti fil-Gazzetta ma japplikawx għar-

rigward ta' regolamenti, li l-Ministru jiddikjara li jkunu urgenti jew fejn tkun saret xi forma ta' konsultazzjoni pubblika qabel id-dhul fis-seħh ta' dan l-Att.

(3) Kull persuna tista', fiċ-ċirkostanzi msemmija fi subartikolu (1) għar-rigward ta' l-abbozz ta' regolamenti, mhux aktar tard minn sitt gimgħat wara l-promulgazzjoni ta' regolamenti magħmulin skond subartikolu (2), tagħmel il-kummenti lill-Ministru u, jew lill-Awtorità fejn tiddikjara għaliex u kif dawk ir-regolamenti għandhom jiġu revokati jew emendati.

(4) L-Awtorità għandha tqis kull kumment lilha magħmul taħt subartikoli (1) u (3) u għandha tagħmel rapport fuqhom, wara li tisma lil dawk il-persuni jew tiegħu dak il-parir espert li tikkonsidra spedjenti, lill-Ministru flimkien ma' kull opinjoni oħra li jista' jkollha dwar l-abbozz pubblikat taħt subartikolu (1) jew ir-regolamenti magħmula taħt subartikolu (2), u l-Ministru jista' meta jirċievi r-rapport mingħand l-Awtorità u kull kumment minnu riċevut jipproċedi biex jirrevedi l-abbozz tar-regolamenti u jippromulga dawk ir-regolamenti skond dik ir-reviżjoni, jew jemenda regolamenti diġà promulgati; iżda meta l-Awtorità ma tkunx wara li jiskadu erba' gimgħat wara li jkun skada tmiem il-perjodu għall-kummenti msemmija fis-subartikolu (1), għamlet ir-rapport jew ma tkunx tat l-opinjoni tagħha lill-Ministru, l-Ministru jista' jipproċedi biex jippromulga r-regolamenti li jkunu jinsabu fl-abbozz bi jew mingħajr ebda bidliet li jista' jqis spedjenti, mingħajr preġudizzju għall-possibilità li jagħmel bidliet meta jirċievi dak ir-rapport u dawk l-opinjoni li jistgħu jsiru.

(5) Meta l-Ministru jagħmel regolamenti dwar il-proċedura quddiem l-Awtorità jew xi bord, kummissjoni jew korp ieħor stabbilit taħt dan l-Att, huwa għandu jikkonsulta lill-Awtorità jew mal-Bord, mal-Kummissjoni jew korp:

Izda r-regolamenti dwar il-proċedura quddiem il-Qorti tal-Appell u appelli quddiemha skond dan l-Att għandhom isiru mill-Ministru responsabbli għall-Ġustizzja, li m'għandux jkun hemm il-ħtieġa li jikkonsulta ma' l-Awtorità;

Izda regolamenti dwar l-istabbiliment jew varjazzjoni ta' kull miżata għandha ssir mill-Ministru bi ftehim mal-Ministru responsabbli għall-finanzi.

Ordnijiet.

63. (1) L-Awtorità tista' tagħmel ordnijiet sabiex tirregola l-iżvilupp u attivitajiet oħra li jistgħu jeħtiegu mod ieħor permess, awtorizzazzjoni jew liċenza biex jitwettqu, inkluża kull notifikazzjoni dwaru, jew kull aspett tiegħu, f'dawk iċ-ċirkostanzi u taħt dawk il-kundizzjonijiet li jiġu speċifikati fl-ordni, li jkun żvilupp u attivitajiet kompriż fl-iskop ta', u li ma jmurx kontra, il-proposti li jinsabu fi pjan jew *policy* approvata skond dan l-Att.

(2) L-Ordni għandu jiġi pubblikat fil-Gazzetta u għandu jibda jseħħ fil-għurnata msemmija fiha. L-iżvilupp jew kull aspett tiegħu regolat b'ordni bħal dak għandu jissejjaħ "xogħol eżenti" jew "attività eżenti" u lil-ordni li jirregola l-iżvilupp għandu jissejjaħ "ordni ta' żvilupp".

(3) Id-disposizzjonijiet ta' l-artikolu 58 (2) (n) għandhom japplikaw għal ordni kif japplikaw għal pjanijiet sussidjarji.

(4) Ordni għandu jinkludi kull xogħol u attività ta' xorta relattivament minuri jew ta' natura temporanja, jew xogħlijiet jew attivitajiet meqjusa kompatibbli ma' l-arja li fiha jkunu qedin isiru, u jistgħu jinkludu xogħlijiet interni, addizzjonijiet żgħar ma' bini eżistenti, varjazzjonijiet minuri waqt il-kostruzzjoni, tiswijiet fuq strutturi perikolużi, u r-rikostruzzjoni ta' bini bil-ħsara meta dawk it-tiswijiet u r-rikostruzzjoni jkollhom isiru fl-istil eżistenti jew skond il-pjanijiet ta' żvilupp jew il-*policies* ta' ppjanar.

(5) L-ordni tista' tippermetti lill-Awtorità li jeħtiegu t-tneħħija ta' l-iżvilupp illegali ta' kull xorta, jew il-waqfien ta' attività li tkun ġiet imwettqa bi ksur tad-disposizzjonijiet ta' dan l-Att u ksur ta' xi ordni jew disposizzjoni msemmija qabel, u għall-applikazzjoni ta' kull waħda mid-disposizzjonijiet ta' dan l-Att fir-rigward ta' l-infurzar, suġġett għall-adattamenti u modifiki kif jista' jkun speċifikat fl-ordni, jew inkella jipprovdu għall-infurzar ta' l-ordni u ta' kull avviż maħruġ taħthom.

(6) L-Awtorità għandha perjodikament tirrevedi l-ordnijiet.

(7) Ordnijiet għall-Iżvilupp għandhom isiru u jiġu riveduti mill-Awtorità wara konsultazzjoni mal-Kamra tal-Periti u l-Kamra tal-*Planners*.

(8) Xogħlijiet li jsiru skond l-ordnijiet ta' l-iżvilupp, għandhom jitwettqu taħt is-sorveljanza ta' persuna li jkollha

l-warrant ta' perit jew taħt is-sorveljanza ta' dawk il-persuni l-oħra li jkunu kompetenti għal dan il-għan hekk kif il-Ministru jista' b'regolamenti jordna u fejn meħtieġ fl-ordni, jeżentaw xogħlijiet u attivitajiet, jiġu notifikati bil-miktub lill-Awtorità.

(9) Ordni għal żvilupp tista' tirregola -

(a) żvilupp jew attività imsemmijin bħala żvilupp b'permess fl-ordni li ma jkunx jirrikjedi li tingħata notifika bil-miktub ta' dak l-iżvilupp jew attività lill-Awtorità;

(b) żvilupp jew attività msemmija bħala żvilupp b'permess fl'ordni iżda notifika bil-miktub ta' dak l-iżvilupp jew attività tkun trid tingħata lill-Awtorità;

(c) żvilupp jew attività imsemmija bħala żvilupp b'permess fl-ordni iżda notifika bil-miktub ta' dak l-iżvilupp jew attività tkun trid tingħata lill-Awtorità u l-Awtorità tkun aċċettat dak l-iżvilupp bħala żvilupp b'permess.

(10) Ebda żvilupp jew attività ġdida skond ordni ma jista' jsir f'sit jekk fuq is-sit imsemmi jkun hemm xi żvilupp illegali, jkun xi jkun, jew attività li tkun ġiet imwettqa bi ksur tad-disposizzjonijiet ta' dan l-Att, sakemm dak l-iżvilupp ġdid jew attività ma jkunx wieħed kif tista' tippreskrivi l-Awtorità u jkun kopert b'ordni kif imsemmi fis-subartikolu (9).

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

Dritt għal
Informazzjoni.

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

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

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

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

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

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1) ta' dan l-artikolu, l-Awtorità għandha żżomm u tagħmel disponibbli għall-ispezzjon pubbliku fil-ħinijiet raġonevoli li tista' tiddetermina, reġistru jew reġistri:

(a) ta' l-applikazzjonijiet kollha għal licenza jew permess għall-iżvilupp irċevut minnha bl-isem ta' l-applikant u d-dettalji tal-proposta inkluż dokumenti u l-pjanijiet dettaljati; u

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

Parti IV

5. *Brief* dwar l-Ambjent u l-Iżvilupp

Brief dwar l-Ambjent u l-Iżvilupp.

65. (1) *Brief* dwar l-Ambjent u l-Iżvilupp huwa dokument li jagħti gwida dettaljata dwar l-iżvilupp ta' sit speċifiku jew ta' area żgħira fejn l-Awtorità tikkonsidra, jew minn mozzjoni tagħha stess jew fuq talba ta' applikant, li dik il-gwida hija meħtieġa sabiex ikun hemm immaniġġar ambjentali jew żvilupp xieraq u bi pjan ta' dak is-sit jew ta' dik l-*area*, jew biex timplimenta *policy* jew *policies* fi pjan ta' żvilupp.

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

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

(a) deskrizzjoni tas-sit u l-inħawi ta' fejn tinsab;

(b) linji gwida dwar l-iżvilupp tas-sit, li jinkludu:

(i) kull użu ta' l-art u t-tqassim tas-sit,

(ii) il-forma, l-għoli u d-disinn tal-bini,

(iii) kull bini u karatteristiċi tal-pajsaġġ li għandhom jinżammu,

(iv) il-ħtiġijiet għal aċċess, għall-parking u għaċ-ċirkolazzjoni,

(v) l-aspetti tat-tfassil tal-pajsaġġ u tal-konservazzjoni tan-natura;

(ċ) kwistjonijiet ambjentali u r-restrizzjonijiet inklużi l-ħtieġa ta' kull evalwazzjoni ambjentali;

(d) it-titolu li bih jinżamm is-sit;

(e) is-servizzi u l-infrastruttura;

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

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

(4) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti sabiex jagħti effett aħjar għad-disposizzjonijiet ta' dan l-artikolu u, mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, huwa jista':

(a) jistabbilixxi l-proċedura li għandha tiġi segwita minn awtorità fil-konsiderazzjoni tagħha u d-determinazzjoni ta' l-*Brief*;

(b) jordna dawk il-kwistjonijiet li fuqhom l-*Brief* jista' jiġi mhejji;

(ċ) jordna tariffa ta' ħlas.

Parti V

Protezzjoni Ambjentali u Kontroll ta' l-Iżvilupp

1. Ħtieġa ta' liċenza u l-permess

66. Hadd ma jista' jwettaq ebda attività minn dawn li ġejjin Licenzi. kemm-il darba ma jkollux fil-pussess tiegħu liċenza mill-Awtorità:

(a) għar-rigward tal-bijodiversità:

(i) għal-liema raġuni tkun biex jikkummerċa, jbigħ, jixtri, jpartat, jittrasferixxi jew ineħhi, jittrasporta, jimporta jew jesporta jew jesporta mill-ġdid, dawk l-ispeċi ta' flora jew fawna, kif jista' jiġi ordnat sew mejtin sew hajjin kollha kemm huma jew parti minnhom, inkluzi d-derivattivi tagħhom;

(ii) ikollu dawk il-kampjuni ta' flora jew fawna kif jistgħu jiġu preskritti waqt li jkunu qed jingarru;

(iii) ikollu fil-pussess tiegħu dawk il-kampjuni ta' flora jew fawna kif jistgħu jiġu preskritti;

(iv) jimmaniġġa dawk il-kampjuni ta' flora u fawna kif jista' jiġi preskritt, b'kull mod inkluz it-qegħid ta' ċrieket u l-immakar b'tikketti;

(v) jibbalzma, jonsob, jispara jew jaqbad dawk il-kampjuni ta' fawna kif jista' jiġi preskritt;

(vi) intenzjonalment jiġbor, iżomm, jaqta', ikisser, joqtol, jiġri wara, jieħu, jagħmel ħsara jew jaqbad dawk il-kampjuni ta' flora jew fawna kif jistgħu jiġu preskritti;

(vii) jaħsad, iwaqqa', jiżbor jew jintervjeni b' mod kirurġiku fuq dawk il-kampjuni ta' flora kif jistgħu jiġu preskritti;

(viii) juża metodi projbiti sabiex jaqbad u joqtol kif jista' jiġi preskritt;

(ix) jimmaniġġa speċi invażivi jew aljeni kif jista' jiġi preskritt;

(x) jintroduċi jew jintroduċi mill-ġdid speċi kif jista' jiġi preskritt;

(xi) jagħmel attività f'area protetti li jkun se jkollhom effett fuq id-diversità bijoloġika u l-integrità tas-sit;

(xii) jagħmel attività li tmur kontra l-principji

tar-restawr ekoloġiku jew speċi u l-immaniġġar ta' area protetti kif jista' jiġi preskritt, inkluż iżda mhux biss għal:

- a) attivitajiet li jkun mistenni li se jagħmlu tibdil permanenti għal area protetti,
- b) afforestazzjoni jew pjantar,
- c) attivitajiet li jkun mistenni li se jagħmlu storbju jew dawl,
- d) attivitajiet li jinvolvu nar jew loġhob tan-nar,
- e) attivitajiet li jkunu se jkollhom effett fuq id-diversità bijoloġika,
- f) attivitajiet jew avvenimenti relatati mal-*off-roading*;

(xiii) timmodifika, tipperikola l-istabilità jew it-twaqqiġ ta' strutturi rurali li jkunu jservu ta' *habitat* għal flora jew fauna kif jistgħu jiġu preskritti;

(xiv) timmaniġġa d-diversità bijoloġika kif jista' jiġi preskritt;

(b) għar-rigward tal-imaniġġar ta' l-iskart:

(i) jaħžen, jiġbor, jittrasferixxi, jirkupra jew xort'ohra jimmaniġġa jew iġorr dak l-iskart hekk kif jista' jiġi ordnat;

(ii) jagħmilha ta' sensal għat-twettiq tal-funzjonijiet imsemmija fil-paragrafu (i);

(iii) jikkummerċa, jimporta jew jesporta l-iskart;

(iv) jieħu ħsieb li dak l-iskart, kif jista' jiġi preskritt. ikun qed jingarr;

(v) jopera faċilitajiet għall-immaniġġar ta' l-iskart;

(c) għar-rigward tal-kontroll tat-tniġġis, jagħmel attivitajiet li permezz tagħhom jarmi jew jikkaguna jew jippermetti li tintrema dik sustanza jew enerġija kif jista' jigi ordnat fl-ambjent;

(d) dwar l-organizmi ġenetikament modifikati:

(i) jikkummerċa f'organizmi ġenetikament modifikati;

(ii) jimmaniġġa jew xort'oħra jkollu fil-pussess tiegħu organizmi ġenetikament modifikati;

(e) dwar kull attività oħra li tista' tiġi preskritta b'regolamenti.

L-iżvilupp jehtieg
permess.

67. (1) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, u tad-disposizzjonijiet li ġejjin ta' din il-Parti ta' dan l-Att, ebda żvilupp ma jista' jsir ħlief bil-permess ta' l-iżvilupp.

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

(a) xogħol ta' manutenzjoni li jolqot biss ġewwa l-bini u ma jolqotx materjalment id-dehra ta' barra tal-bini:

Izda xogħlijiet ta' manutenzjoni ma jkunux kontra xi ordni magħmula taħt dan l-Att fir-rigward tal-bini:

Izda, wkoll l-operazzjonijiet ta' manutenzjoni ma għandhomx jinkludu t-twaqqiġ u xogħol ta' bini mill-ġdid, irrispettivament minn fejn dan it-twaqqiġ u xogħol ta' bini mill-ġdid isiru;

(b) l-użu ta' l-art għal agrikoltura, trobbija ta' animali u masġar (inkluż l-afforestament) ħlief meta dak l-użu jkun jikkonsisti -

(i) f'erezzjoni ta' bini jew jilħaq it-trobbija intensiva ta' animali jew frott ta' l-art; jew

(ii) fir-riklamazzjoni ta' l-art għall-agrikoltura permezz tad-depożitu ta' materjal fuq tali art; jew

(iii) fit-tibdil għall-użu agrikolu ta' art li ma tkunx qed tintuża għall-għanijiet ta' agrikoltura; u

(c) f'każ ta' bini jew art oħra li huma wżati għal skop ta' xi klassi msemmija f'ordni maħruġ mill-Awtorità taħt dan l-Att, l-użu tagħhom għal kull skop ieħor ta' l-istess klassi.

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

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

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

(c) 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 art jew parti minnu, mingħajr preġudizzju, fil-każ ta' reklami, għal kull regolamenti jew ordni magħmulin taħt dan l-Att dwar il-kontroll tagħhom.

(4) Għall-għanijiet ta' dan l-artikolu, żvilupp jinkludi tthammil tal-widien mill-materjal li jkun ingabar u żvilupp li jkollu x'jaqsam mal-baħar jinkludi riklamazzjoni ta' l-art mill-baħar, akwakultura u żvilupp ta' xtut u użu relatat ma' tali żvilupp.

68. (1) Kull persuna, li tinkludi dipartiment tal-gvern jew korp magħqud stabbilit bil-liġi, li jkunu jridu jwettqu xi attività msemmija fl-artikolu 66 jew ta' żvilupp imsemmija fl-artikolu 67, li ma jkunx l-attività jew l-iżvilupp li għalihom liċenza jew permess huwa mogħti fl-ordni u li jridu jitwettqu skond id-dispożizzjonijiet tiegħu, għandhom japplikaw lill-Awtorità għal tali liċenzja jew permess, b'dak il-mod, fuq il-forma u li jagħtu informazzjoni bħall-Awtorità tista' tordna.

Talba għal permess għal żvilupp.

(2) Kulhadd jista' wkoll japplika lill-Awtorità sabiex jiġi deċiż jekk proposta tkun teħtieġ liċenza jew permess għal żvilupp.

(3) Min japplika għal permess għall-iżvilupp għandu jiċcertifika lill-Awtorità:

(i) li huwa s-sid ta' l-art jew li avża lis-sid bl-intenzjoni li japplika b'ittra registrata li l-Awtorità tkun irċeviet kopja u li s-sid ikun ta l-kunsens tiegħu għal dik il-proposta; jew

(ii) li huwa awtorizzat li jagħmel dak ix-xogħol propost permezz ta' xi liġi oħra jew ftehim mas-sid.

Iżda meta:

(i) l-applikant huwa l-Gvern ta' Malta jew xi dipartiment, aġenzija, awtorità, jew korp kostitwit li s-sid tagħha huwa l-Gvern; jew

(ii) l-applikant mhuwiex is-sid ta' l-art iżda għandu titlu ta' qbiela, jew jiddetjeni l-fond taht titolu ta' lokazzjoni u se jagħmel xogħlijiet taht xi skema ta' xi entità Governattiva, l-applikant għandu javża lis-sid bl-intenzjoni li japplika b'ittra registrata li l-Awtorità tkun irċeviet kopja tagħha, iżda ma għandux bżonn jiċcertifika li s-sid ikun ta l-kunsens tiegħu għal dik il-proposta.

(4) Kull persuna tista' tiddikjara interess f'xi żvilupp u, abbażi ta' raġunijiet li jkunu rilevanti għall-ippjanar, tagħmel ilmenti dwar dak l-iżvilupp. Dik id-dikjarazzjoni ta' interess flimkien ma' l-ilmenti għandha ssir bil-miktub u tasal għand l-Awtorità fiż-żmien kif stabbilit mill-Awtorità.

(5) Waqt il-proċess ta' l-applikazzjoni, l-Awtorità għandha tikkunsidra kull ilment li jsir minn partijiet interessati dikjarati skond il-provedimenti tas-subartikolu (4)

(6) L-Awtorità għandha tinforma lill-partijiet interessati dikjarati meta jkunu ġew ippreżentati pjanti godda u dik il-parti interessata dikjarata għandha tiġi mistiedna biex tkun preżenti għal-laqgħa ta' l-Awtorità meta tiġi diskussa dik l-applikazzjoni:

Iżda dawk l-ilmenti jistgħu jsiru f'format kif meqjus xieraq mill-Awtorità, u għandhom jinkludu dawk l-ilmenti mibgħuta bil-posta jew bl-idejn u dawk elettronici:

Iżda wkoll jekk l-aħħar ġurnata għas-sottomissjonijiet, kif stabbilit mill-Awtorità, tkun festa pubblika jew ġurnata meta l-uffiċċju ta' l-Awtorità jkunu magħluq għall-pubbliku, it-terminu għal dawk is-sottomissjonijiet għandu jitqies bħala li jiskadi fil-ġurnata tax-xogħol li jmiss.

69. (1) Meta l-Awtorità tiddeciedi dwar applikazzjoni li ssirilha: Licenzji u permessi.

(a) fir-rigward ta' applikazzjoni għal permess ta' żvilupp għandha tapplika dan li gej:

(i) il-pjanijiet:

Iżda il-limitazzjoni dwar l-għoli tista' biss tinbidel billi tiġi applikata *policy* li jkollha x'taqsam ma' l-għoli massimu li jista' jiġi permess f'sit, u dik il-*policy* tista' tiegħu in kunsiderazzjoni *s-site coverage*, il-volum tal-bini li jista' jkun permess f'sit jew kull kunsiderazzjoni materjali oħra;

(ii) il-*policies*:

Iżda l-pjanijiet sussidjarji u l-*policies* m'għandhomx ikunu applikati retroattivament b'mod li jkunu jolqtu b'mod kuntrarju drittijiet akkwiziżiti li jirriżultaw minn permess ta' żvilupp validu; u

(b) fir-rigward ta' kull applikazzjoni oħra japplikaw dawn il-pjanijiet, *policies* u regolamenti maħruġa taht dan l-Att kif jista' jitqiesu rilevanti u xierqa.

(2) Fid-determinazzjoni tagħha fuq applikazzjoni l-Awtorità għandha ukoll tqis:

(i) kull ħaġa oħra ta' sustanza, kompriżi kunsiderazzjonijiet ambjentali, estetici u sanitarji li l-Awtorità tista' tikkunsidra rilevanti:

Iżda ebda kunsiderazzjoni materjali inkluża kunsiderazzjoni bbażata fuq l-eżistenza ta' binjiet fil-madwar ma tista' tiġi interpretata jew tintuża sabiex iżżid l-limitazzjoni ta' l-għoli stabbilita fil-pjan;

(ii) is-sottomissjonijiet li jsiru b'risposta għall-pubblikazzjoni tal-proposta ta' żvilupp.

(3) L-Awtorità jkollha s-setgħa li tagħti jew li tirrifjuta liċenza jew permess għall-iżvilupp, u fl-għoti ta' dik il-liċenza jew permess l-Awtorità jkollha jedd timponi kull kondizzjoni li jidhrilha xierqa:

Iżda mar-rifjut jew ma' l-impożizzjoni ta' kundizzjonijiet partikolari, l-Awtorità, għandha tagħti raġunijiet speċifiċi bażati fuq pjanijiet ta' żvilupp, *policies* ta' ppjanar u regolamenti jew kull kunsiderazzjoni materjali eżistenti għal dak ir-rifjut jew għal xi kondizzjonijiet partikolari li jkunu ġew imposti:

Iżda wkoll li l-eżekuzzjoni u l-validità ta' permess fil-każ ta' żvilupp imsemmi fis-Seba' Skeda għandhom jiġu sospiżi awtomatikament u l-ebda xogħol kif approvati mill-imsemmi permess ta' żvilupp tista' tibda qabel l-iskadenza tal-perjodu ta' żmien stabbilit fil-paragrafu (1) tat-Tieni Skeda li tinsab ma' l-Att, u għandhom jibqgħu hekk sospiżi sakemm it-Tribunal taħtar l-ewwel seduta tiegħu fuq appell minn tali permess, jekk ikun hemm, taħt id-dispożizzjonijiet ta' l-artikolu 41 (3) u dan mingħajr preġudizzju tal-provedimenti tal-artikolu 41 (3).

(4) Liċenza jew permess għall-iżvilupp jista' jingħata għal żmien limitat jew għal dejjem, iżda għandu f' kull każ jispicċa milli jkun operattiv jekk l-attività jew l-iżvilupp ma jkunx tlesta fi żmien ħames snin mid-data tal-ħruġ tiegħu, iżda l-Awtorità tista', wara li ssir applikazzjoni mill-persuna li tkun detentur tal-liċenza jew permess għall-iżvilupp, ittawwal il-liċenza jew il-permess għall-iżvilupp għal dak il-perjodu jew perijodi ulterjuri hekk kif tista' tqis li jkun raġonevoli.

(5) Fil-għoti ta' liċenza jew permess għal żvilupp, l-Awtorità tista' tirrikjedi li l-attività jew l-iżvilupp jitlesta f'perjodu speċifikat ta' żmien kif tista' tistabilixxi iżda l-Awtorità għandha tagħti r-raġunijiet li jiġġustifikaw dik il-ħtieġa.

(6) Hlief kif ikun provdut xort'oħra fil-permess, permess għal l-iżvilupp ikollu effett favur l-art u favur il-persuni kollha li f'xi żmien ikollhom interess fiha, iżda mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att li jolqtu l-validità jew is-seħħ tiegħu. Il-permess għandu awtomatikament jgħaddi għal għand is-sidien godda.

(7) Meta l-Awtorità toħroġ liċenza jew permess għall-iżvilupp, hija tista' titlob lill-applikant li jwettaq l-attività jew l-iżvilupp fi stadji. L-Awtorità għandha tinforma lill-applikant fl-imsemmi liċenza jew permess liema għandhom ikunu dawk l-istadji u, wara li jitlestha kull stadju, l-applikant għandu jitlob lill-Awtorità li tagħmel spezzjoni ta' l-attività jew tax-xogħlijiet li jkunu saru; u, jekk wara li ssir tali spezzjoni, jinstab illi l-attività jew x-xogħlijiet ikunu saru skond ir-rekwiżiti tal-liċenza jew tal-permess għall-iżvilupp, l-Awtorità għandha tawtorizza lill-applikant li jwettaq l-istadju li jkun imiss ta' l-iżvilupp jew ta' l-attività.

(8) Meta l-Awtorità, f'każ ta' proġetti kbar, tikkonsidra li jkun xieraq li tissorvelja mill-qrib kundizzjonijiet speċifiċi f'liċenza jew f'permess għal żvilupp billi taħtar persuna kompetenti għal dak il-għan, hija tista' tagħmel dan għas-spejjeż ta' l-applikant.

(9) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-artikolu, fejn applikazzjoni biex tiżviluppa l-art tikkonsisti fit-tħaffir tal-minerali l-Awtorità tista', u, fejn *standards* ambjentali u ta' l-ippjanar jeħtieġu, għandha, teħtieġ lill-applikant jipprovdi skema għat-trattament ta' madwar iż-żoni fejn ikun qiegħed isir ix-xogħol matul il-perjodu tax-xogħol u għat-trattament ta' l-imsemmija żoni tax-xogħol meta titlesta.

(10) L-Awtorità ma għandhiex tagħti permess għat-tħaffir għal minerali sakemm tkun sodisfatta li ser jintlaħqu *standards* ambjentali u ta' l-ippjanar u s-sit ser jinżamm u eventwalment jithalla f'kundizzjoni aċċettabbli.

(11) Meta l-Awtorità titlob il-ħtieġa ta' skema li għandha tiġi ppreżentata kif provdut fis-subartikolu (1), l-iskema, kif aċċettata mill-Awtorità, għandha ssir kundizzjoni tal-permess mogħti minnha; u l-Awtorità għandha teħtieġ ukoll garanzija li għandha tingħata mill-applikant kif tqis meħtieġ biex jiżgura li l-iskema se tiġi segwita.

70. (1) F'kull każ li l-Awtorità għandha s-setgħa taħt dan l-Att li tagħti permess biex art tiġi żviluppata, għajr fil-każ ta' żvilupp elenkati fis-Sitt Skeda' li tinsab ma' dan l-Att, l-Awtorità tista' tagħti 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 taħt dan l-Att jew wara li dak il-permess ikun spicċa milli jkun validu jew operattiv, u riferenzi f'dan l-Att għal permess biex jiżviluppaw l-art jew

Dispożizzjonijiet
supplimentari dwar
permessi u liċenzi.

iwettaq kull żvilupp fuq l-art , u għall-applikazzjonijiet għal permess bħal dawn, għandhom ikunu interpretati skond:

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

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

(b) ħallas dawk il-multi jew għamel dak il-ħlas ieħor li jkunu dovuti fuq is-sit mertu ta' l-applikazzjoni.

(2) Permess taħt dan is-subartikolu jista' jingħata hekk li jkollu effett mid-data li fiha l-bini jew ix-xogħolijiet ikunu nbnew jew saru jew l-użu jkun inbeda, jew mid-data li l-permess għall-iżvilupp spicċa milli jkun validu jew operattiv, skond il-każ.

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

(4) Meta jingħata permess għall-iżvilupp għal żmien limitat biss, xejn f'dan l-Att m'għandu jiftiehem li jkun meħtieġ li jittieħed permess taħtu sabiex, wara l-għeluq ta' dak iż-żmien, jerga' jinbeda l-użu ta' l-art għall-iskop li għalih l-art kienet normalment tiġi wżata qabel ma ngħata l-permess, iżda m'għandu jittieħed ebda kont ta' kull użu magħmul bi ksur ta' dan l-Att.

(5) L-Awtorità tista', qabel ma jinħareġ jew mal-ħruġ ta' permess għall-iżvilupp jew liċenza, titlob mingħand il-persuna li favur tagħha jkun se joħroġ il-permess jew liċenza, bħala kondizzjoni għall-ħruġ tal-permess jew liċenza, li għandha ttipprovdi garanzija favur l-Awtorità sabiex tiggarrantixxi t-tħaris minnha tal-kondizzjonijiet tal-permess meta jinħareġ jew liċenza meta tinħareġ jew sabiex tiggarrantixxi l-ħlas dwar id-danni li jistgħu jiġu kaġunati lill-ambjent jew lill-infrastruttura. L-Awtorità tista', wara l-ħruġ ta' permess għal żvilupp jew liċenza, jekk l-iżvilupp ma jkunx jew l-attività ma tkunx qed isir skond ma jkun hemm fil-permess jew liċenza, jew ikun qiegħed xort'oħra jiġi kkaġunat dannu lill-ambjent jew lill-infrastruttura, titlob mingħand il-persuna li favur tagħha jkun inħareġ permess jew tkun inħareġet il-liċenza, bħala kondizzjoni għat-tkomplija tal-permess jew liċenza, li ttiprovdi garanzija favur l-Awtorità sabiex tiggarrantixxi

t-tħaris tagħha mal-kondizzjonijiet tal-permess jew liċenza jew sabiex tiggarrantixxi l-ħlas dwar id-danni li jistgħu jiġu kaġunati lill-ambjent jew lill-infrastruttura:

Iżda ebda ħaġa f'dan is-subartikolu ma għandha titfisser bħala li tawtorizza lill-Awtorità li titlob garanzija f'ammont li ma jkunx jikkorrispondi max-xorta tal-proġett għal żvilupp jew attività:

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

71. (1) Deċiżjonijiet fuq applikazzjonijiet għandhom jittieħdu bla dewmien. Deċiżjonijiet jittieħdu bla dewmien.

(2) Il-Ministru jista', wara li jikkonsulta ma' l-Awtorità, jagħmel regolamenti biex jagħti effett sħiħ lid-disposizzjonijiet ta' dan l-artikolu u jista' bla ħsara għall-generalità ta' dak qabel msemmi:

(i) jistabilixxi il-proċeduri li għandhom jintuzaw mill-Awtorità u mill-applikant fl-ipproċessar u fit-teħid tad-deċiżjonijiet ta' l-applikazzjonijiet;

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

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

72. L-Awtorità ma għandhiex tiddelega lill-Kummissjoni jew lil xi korp jew persuna oħra d-deċiżjoni dwar l-applikazzjonijiet li ġejjin: Applikazzjonijiet li d-deċiżjoni dwarhom ma tistax tiġi delegata.

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

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

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

(d) talbiet għal rikonsiderazzjoni fejn id-deċiżjoni li tkun trid tiġi kkunsidrata mill-ġdid tkun ittiegħdet mill-Awtorità.

Konsiderazzjoni mill-
ġdid.

73. (1) Jekk applikant jidhirlu li l-kondizzjonijiet imposti fuq xi liċenza jew f'permess għall-iżvilupp, mhuwiex raġonevoli huwa jista', mingħajr ħsara għad-dritt tiegħu ta' appell, jitlob lill-Awtorità jew lill-Kummissjoni, skond kif ikun il-każ, li tikkunsidra mill-ġdid dawn il-kondizzjonijiet.

(2) Talba għal konsiderazzjoni mill-ġdid għandha ssir fi żmien tletin ġurnata mid-data tan-notifika tad-deċiżjoni ta' l-Awtorità jew tal-Kummissjoni, skond kif ikun il-każ, u ma jistax isir fl-istess ħin ma' appell. It-talba għall-konsiderazzjoni mill-ġdid għandha tinkludi dokument li fih ikun hemm miktuba r-raġunijiet ta' dik it-talba.

(3) L-Awtorità għandha tinforma lill-partijiet interessati reġistrati meta talba għal konsiderazzjoni mill-ġdid tkun giet ipprezentata u l-parti interessata reġistrata għandha tiġi notifikata mill-Awtorità bis-seduta meta dik it-talba għal konsiderazzjoni mill-ġdid għandha tiġi diskussa.

(4) Ma għandha tintalab l-ebda konsiderazzjoni mill-ġdid minn terza persuna interessata, anki jekk dik it-terza persuna tkun għamlet oġġezzjonijiet bil-miktub skond id-disposizzjonijiet ta' l-artikolu 68(4).

Appelli.

74. (1) Jekk applikant jidhirlu li l-kondizzjonijiet imposti fuq l-awtorizzazzjoni jew permess, jew rifjut ta' tali liċenza jew permess, ma jkunx raġonevoli, hu jista' jappella lit-Tribunal skond l-artikolu 41. Appell taħt dan is-subartikolu, għandu jsir fi żmien tletin ġurnata mid-data tan-notifika tad-deċiżjoni ta' l-Awtorità jew tal-Kummissjoni, skond kif ikun il-każ. It-talba għall-appell għandha tinkludi dokument li fih ikun hemm miktuba r-raġunijiet ta' dik it-talba.

(2) Fejn talba għal rikonsiderazzjoni tkun saret, appell jista' jsir lit-Tribunal fi żmien tletin ġurnata mid-data tan-notifika tad-deċiżjoni meħuda fil-konsiderazzjoni mill-ġdid.

75. (1) Meta jsir appell minn applikant jew minn terza persuna interessata minn deċiżjoni ta' l-Awtorità imsemmija fis-subartikolu (2) ta' dan, is-Segretarju tat-Tribunal għandu jinforma lill-Ministru b'dak l-appell fi żmien hmistax-il gurnata minn mindu jiġi pprezentat. F'dan il-każ, il-Ministru jista', fi żmien hmistax-il gurnata mid-data meta huwa jkun irċieva dik l-informazzjoni, jew jordna lit-Tribunal biex jipproċedi biex jiddeċiedi dak l-appell jew jiddeċiedi li jirreferi dik l-applikazzjoni lill-Kabinett tal-Ministri għal deċiżjoni. Meta l-Ministru ma jiddeċidix li jirreferi l-applikazzjoni lill-Kabinett tal-Ministri kif qabel imsemmi fl-imsemmi terminu, għandu jitqies għall-fini u għall-effetti kollha tal-liġi li huwa għażel li jirreferi dak l-appell lit-Tribunal biex dan jiddeċidih.

(2) Il-Ministru jista' jirreferi lill-Kabinett tal-Ministri l-applikazzjonijiet riferuti lilu skond is-subartikolu (1) meta dawk l-applikazzjonijiet ikunu:

(a) applikazzjonijiet li għandhom x'jaqsmu ma' żvilupp li jidhirlu li għandu sinifikat strateġiku;

(b) applikazzjonijiet li għandhom x'jaqsmu ma' żvilupp li jidhirlu li jolqot is-sigurtà nazzjonali jew l-interess nazzjonali;

(ċ) applikazzjonijiet li għandhom x'jaqsmu ma' żvilupp li jidhirlu li x'aktarx jolqot l-interessi ta' xi gvernijiet oħra;

(d) applikazzjonijiet li għandhom x'jaqsmu ma' żvilupp li jirrekjedi studju dwar l-impatt ambjentali u li fl-opinjoni tiegħu huwa ta' interess nazzjonali;

(e) applikazzjonijiet fejn l-applikant ikun dipartiment tal-Gvern jew enti morali mwaqqfa b'liġi.

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

(4) Is-Segretarju tal-Kabinett tal-Ministri għandu, fi żmien hmistax-il gurnata mid-data li tittiehed deċiżjoni,

jikkomunika lill-Awtorità d-deċiżjoni tal-Kabinett tal-Ministri flimkien mar-raġunijiet li jiġġustifikaw dik id-deċiżjoni u l-Awtorità għandha tikkonforma magħha, tippubblika d-deċiżjoni tal-Kabinett tal-Ministri b'dak il-mod li jidhrilha xieraq jew kif jista' jiġi preskritt u fi żmien ħmistax-il gurnata minn meta tircieviha l-istess tikkomunika lill-partijiet id-deċiżjoni tal-Kabinett tal-Ministri.

Obbligazzjoni.

76. (1) Obbligazzjoni dwar l-ambjent u l-ippjanar tista' ssir f'dawk il-każijiet meta l-Awtorità, meta tiġi biex toħroġ liċenza jew permess għall-iżvilupp, tagħżel li timponi fuq l-applikant xi obbligazzjonijiet:

(a) biex jagħmel attività jew xogħlijiet -

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

(ii) f'xi art jew zoni oħra, jew

(iii) fl-art jew zoni msemmija fiż-żewġ subparagrafi (i) u (ii) ta' dan il-paragrafu; jew

(b) biex jagħmel xi pagament jew jagħti xi dritt jew benefiċċju estranju fejn l-Awtorità tikkunsidra li jkun aktar xieraq. L-Awtorità għandha tiżgura li tottjeni dawn il-benefiċċji jew gwadanji permezz ta' kundizzjonijiet li jiġu inklużi f'liċenza jew f'permess għall-iżvilupp jew permezz ta' obbligazzjoni dwar l-ambjent u l-ippjanar li għandha ssir b'kuntratt pubbliku magħmul bejn l-applikant għall-liċenza jew permess għall-iżvilupp ma' l-Awtorità.

(2) Kull persuna, bi ftehim ma' l-Awtorità, tidhol f'obbligazzjoni dwar l-ambjent u l-ippjanar:

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

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

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

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

(3) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti biex jagħti effett sħiħ lid-disposizzjonijiet ta' dan l-artikolu u jista', bla ħsara għall-generalità ta' dak qabel imsemmi:

(a) jippreskrivi l-proċedura dwar kif għandha ssir obligazzjoni dwar l-ambjent u l-ippjanar, kif tiġi esegwita, mibdula jew mitmuma;

(b) jistabilixxi xi restrizzjonijiet, kundizzjonijiet jew il-ħlas ta' somom ta' flus li jistgħu jiġu imposti f'obligazzjonijiet dwar l-ambjent u l-ippjanar; u

(c) jirregola l-appelli li jsiru lit-Tribunal skond is-subartikolu (4).

(4) L-applikant u kull persuna interessata fl-art tista' tappella lit-Tribunal minn obligazzjoni dwar l-ippjanar li ssir skond id-disposizzjonijiet tas-subartikolu (1).

Parti V

2. Revoka jew tibdil ta' permess, licenza jew awtorizzazzjoni u Ordnijiet biex jieqaf jew jitneħħa xogħol

77. (1) L-Awtorità jew it-Tribunal jista', fil-każijiet biss ta' frodi jew fejn is-sigurtà pubblika hija konċernata jew fejn ikun hemm żball f'dokument li jidher minn eżami ta' l-istess dokument, b'deċiżjoni tirrevoka jew tibdel kull licenza jew permess għall-iżvilupp mogħti skond dan l-Att, inkluża kull awtorizzazzjoni maħruġa mill-Awtorità skond xi Ordni, filwaqt li fid-deċiżjoni tagħti r-raġunijiet tagħha għal dik id-deċiżjoni; u, qabel ma tiddeciedi li tirrevoka jew tibdel licenzja jew permess għall-iżvilupp kif provdut f'dan is-subartikolu, l-Awtorità jew it-Tribunal, skond kif ikun il-każ, għandhom jgħarrfu lil dik il-persuna li tkun se tintlaqat minn dik id-deċiżjoni bid-data u bil-ħin tal-laqgħa tagħha fejn l-Awtorità jew it-Tribunal għandhom jisimġu s-sottomissjonijiet ta' dik il-persuna jekk din tagħzel li tattendi, u s-sottomissjonijiet ta' kull persuna oħra:

Revoka u tibdil.

Izda l-Awtorità jew it-Tribunal jistgħu f'kaz ta' kull licenza jew permess ta' l-iżvilupp, inkluża kull awtorizzazzjoni maħruġa mill-Awtorità skond xi Ordni, maħruġa wara d-data ta'

dħul fis-seħħ ta' dan l-Att jibdedw proċeduri sabiex jirrevokaw jew jimmodifikaw dik il-liċenza jew permess ta' l-iżvilupp inkluża kull awtorizzazzjoni maħruġa mill-Awtorità skond xi Ordni, fi żmien ħames snin mid-data ta' l-ħruġ tal-liċenza jew permess ta' l-iżvilupp, inkluża xi awtorizzazzjoni maħruġa mill-Awtorità skond xi Ordni.

(2) Għall-fini tas-subartikolu (1):

“frodi” tfisser is-sottomissjoni lill-Awtorità ta' xi informazzjoni, dikjarazzjoni jew pjanta li abbażi tagħha l-Awtorità tkun ħarġet liċenza jew permess għall-iżvilupp meta dik l-informazzjoni, dikjarazzjoni jew pjanta hija falza, qarrieqa jew mhux korretta, sew jekk dak l-ingann ikun ir-rizultat ta' att doluż jew negligenti:

Iżda l-Awtorità ma għandhiex tirrevoka jew tiddel liċenza jew permess għall-iżvilupp fuq il-bażi ta' frodi fejn l-informazzjoni frawdolenti ma kellha l-ebda inċidenza materjali fuq il-ħruġ tal-liċenza jew permess għall-iżvilupp; u

“żball f'dokument li jidher minn eżami ta' l-istess dokument” tfisser żball f'dokument li jidher minn eżami ta' l-istess document li ikun qed jikser il-liġi.

(3) L-applikant għandu, jekk id-deċiżjoni hija meħuda mill-Awtorità, jkollu dritt ta' appell quddiem it-Tribunal mid-deċiżjoni ta' l-Awtorità fi żmien tletin jum mid-data tan-notifika tal-ordni ta' revoka, tad-deċiżjoni jew tad-deċiżjoni ta' tibdil.

(4) Ma għandu jingħata l-ebda kumpens mill-Awtorità meta hija taġixxi skond id-disposizzjonijiet tas-subartikolu (1) fejn ir-raġuni għar-revoka jew għat-tibdil tal-liċenza jew permess ta' l-iżvilupp tkun ibbażata fuq frodi jew fuq żball ta' liġi minn eżami ta' l-istess dokument.

(5) Meta r-raġuni għar-revoka jew tibdil ta' liċenza jew permess għall-iżvilupp hija s-sigurtà pubblika, għandhom japplikaw ir-regoli li ġejjin:

(a) kull demolizzjoni jew xogħol ieħor li jkun meħtieġ biex l-ordni jiġi osservat għandu jsir minn, u għas-spejjeż ta', l-Awtorità;

(b) jekk issir talba lill-Awtorità fi żmien tnax-il xahar mill-ordni ta' revoka, deċizzjoni jew mid-deċizzjoni ta' tibdil u jiġi ppruvat li persuna interessata fl-art tkun daħlet fi spejjeż li jsiru inutili minhabba r-revoka jew it-tibdil, jew tkun sofriet telf jew ħsara li jkunu direttament attribwibbli għar-revoka jew għat-tibdil, l-Awtorità għandha, bla ħsara għall-paragrafu (ċ), thallas lil dik il-persuna kumpens għal dik l-ispiza, telf jew ħsara;

(ċ) ebda kumpens ma jkun dovut skond dan l-artikolu:

(i) għal telf jew ħsara li jikkonsistu fid-deprezzament tal-valur ta' kull interess fl-art minhabba r-revoka jew it-tibdil,

(ii) għal xogħol li jkun sar qabel l-għoti tal-liċenza jew permess revokat jew mibdul, jew għal telf jew ħsara li jkunu ġejjin minn kull haġa magħmula, jew li wieħed ikun naqas li jagħmel, qabel l-għoti ta' dik il-liċenza jew dak il-permess;

(d) meta kumpens ikun dovut skond dan l-artikolu għal spiza għal xogħol li jkun sar fuq art, jekk l-awtorità kompetenti taħt l-Ordinanza dwar l-Akkwist ta' l-Artijiet għal Skopijiet Pubbliċi takkwista xi interess f'dik l-art, kull kumpens dovut għal dak l-akkwist għandu jitnaqqas b'ammont ugwali għall-valur tax-xogħlijiet li għalihom ikun dovut kumpens skond dan l-artikolu.

78. (1) L-Awtorità tista', wara li tikkunsidra d-dispożizzjonijiet ta' dan l-Att, ir-regolamenti, il-pjanijiet, *policies* u konsiderazzjonijiet oħra ta' sustanza, b'avviż notifikat lis-sid ta' xi art jew lil min jokkupa dik l-art, teħtieġ li xi użu jew attività jew xogħlijiet jieqfu jew li xi bini, impjant, attrezzi jew haġa oħra hi x'inh i tigi mneħħija minn art, jew teħtieġ sew dak it-twaqqif sew dik it-tneħħija.

Ordni biex jieqaf jew jitneħħa xogħol.

(2) Meta ordni għat-twaqqif jew tneħħija isir dwar ħidma, xogħlijiet 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, l-Awtorità jkollha l-obbligu li thallas kumpens għal kull telf li persuna ssufri minhabba l-avviż:

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

Iżda wkoll ebda kumpens bħal dak ma jkun dovut jekk l-awtorizzazzjoni jew permess innifishom ikunu jippermettu lill-Awtorità li titlob l-waqfien ta' xi użu eżistenti jew attività jew kull xogħlijiet li jitwaqqaf jew xi bini, impjant, tagħmir jew haġa oħra, tkun li tkun, li jitneħħew minn xi art, jew jekk tali ordni hija maħruġa mill-Qorti.

Parti V

3. Hlasijiet u Kontribuzzjonijiet

Hlasijiet u
Kontribuzzjonijiet.

79. (1) L-Awtorità jkollha s-setgħa li tiġbor hlasijiet għal kull permess biex isir żvilupp, u li għandu jkun magħruf bħala Dritt għal Permess ta' żvilupp, kompriża kull applikazzjoni għal hekk, 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) L-Awtorità jkollha s-setgħa li tiġbor kontribuzzjoni għall-ispejjeż biex jingħataw is-servizzi ta' infrastruttura kif ukoll servizzi jew faċilitajiet oħra li jkunu meħtieġa minhabba l-permess biex l-art tiġi żviluppata, magħrufa bħala l-Kontribuzzjoni għal Servizzi ta' Infrastruttura, minn kull persuna li tapplika għal permess bħal dak jew li tagħmel dak l-iżvilupp, skond dawk ir-rati li l-Awtorità, 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.

(3) Il-flus miġbura mill-Awtorità taht is-subartikolu (2) għandhom jiġihallu lill-Gvern kull sena wara li titnaqqas minnhom somma biex jiġihallu l-ispejjeż raġonevoli li jkunu saru biex il kontribuzzjoni tiġi stabbilita u miġbura:

Iżda għar-rigward ta' kontribuzzjonijiet li jingabru mill-Awtorità f'isem l-Awtorità għat-Trasport f'Malta skond l-artikolu 20 tal-Kodiċi tal-Liġijiet tal-Pulizija, dawk ir-regolamenti għandhom isiru bi ftehim mal-Ministru responsabbli għall-Awtorità għat-Trasport f'Malta u l-Ministru responsabbli għall-finanzi, u dawk il-kontribuzzjonijiet li jingabru kif hawn aktar

qabel imsemmi għandhom, minkejja kull haġa li tinsab f'dan l-Att, jithallsu mill-Awtorità lill-Awtorità għat-Trasport f'Malta kull sena wara li jsir tnaqqis minnhom biex ikopri kull nefqa raġonevoli li jista' jsir ftehim dwarha bejn iż-żewġ awtoritajiet u li tkun saret meta jkunu ġew stabbiliti u miġbura l-kontribuzzjonijiet.

(4) L-Awtorità għandha jkollha s-setgħa li timponi kontribuzzjoni fir-rigward ta' kull applikazzjoni oħra għal liċenza jew awtorizzazzjoni magħmula lilha.

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

(6) Il-ħlasijiet u l-kontribuzzjonijiet miġbura taħt is-subartikoli (1) u (2) hawn fuq imsemmija għandhom ikunu kollettivament magħrufa bħala t-“taxxa dwar bini”.

80. Ebda liċenza jew permess għall-iżvilupp m'għandu jingħata, u ebda attività jew żvilupp awtorizzat b'ordni m'għandu jsir, jekk u sakemm ma jkunux thallsu d-drittijiet u kontribuzzjonijiet dovuti skond l-artikolu 79 u l-Awtorità ma tkunx irċeviethom; u kull attività jew xogħolijiet li jsiru mingħajr ma jkun sar u riċevut dak il-ħlas għandu jitqies bħala attività jew żvilupp magħmul mingħajr il-permess ta' l-Awtorità.

Ħlas tad-dritt u kontribuzzjoni.

Parti V

4. Iskedar u l-Konservazzjoni

81. (1) L-Awtorità għandha ttejjji, u minn żmien għal żmien tirrevedi, lista ta' żoni, bini, strutturi u fdal b'importanza ġeoloġika, paleontoloġika, kulturali, arkeoloġika, arkitettonika, storika, antikwarjat, artistika jew ta' pajsagġ kif ukoll żoni ta' sbuħija naturali jew ta' valur ekoloġiku jew xjentifiku (hawn iżjed 'il quddiem imsejha “proprjetà skedata”) li għandhom jiġu skedati għal konservazzjoni u tista' dwar il-proprjetà skedata kollha, jew waħda jew aktar minnha, tagħmel ordni għall-konservazzjoni biex tirregola l-konservazzjoni tagħhom:

Ordni ta' emerġenza għal konservazzjoni.

Izda mal-ħruġ ta' ordni ta' konservazzjoni s-sid ikollu l-jedd ta' aċċess minnufih f'kull hin raġonevoli għal kull dokumentazzjoni ta' l-Awtorità li tkun tirrigwarda dak l-ordni bil-ghan li jiġu miflija r-rizultanzi u l-konsiderazzjonijiet relattivi u

s-sid jista' jikkontesta dik id-deċiżjoni bil-miktub ma' l-Awtorità fi żmien tletin jum mid-data meta l-ordni jiġi lilu notifikat jew jiġi pubblikat fil-Gazzetta, skond liema tkun l-aħhar.

(2) Il-lista ta' ordnijiet ta' konservazzjoni, u kull żjeda magħha jew bidla fiha, għandhom jiġu pubblikati fil-Gazzetta u f'gazetta lokali. L-Awtorità għandha wkoll tavża lil xi wieħed mis-sidien ta' xi proprjetà li tkun soġġetta għal ordni ta' konservazzjoni bil-fatt li din tkun giet inkluża fil-lista u b'kull ordni għal konservazzjoni magħmul dwarha. L-avviż ta' l-ordni għall-konservazzjoni għandu wkoll jitwaħħal fis-sit. Jekk ebda wieħed mis-sidien ma jkun magħruf, jew jekk mhux raġonevolment possibbli li jiġu notifikati dawk is-sidien, l-avviż imsemmi għandu jitwaħħal biss fis-sit u ma jkunx hemm bżonn issir in-notifika lil dawk is-sidien kif imsemmi qabel. L-avviż ta' l-ordni għall-konservazzjoni għandu jiġi registrat fuq indiċi apposta li juri l-proprjetà soġġetta għal dak l-ordni. Dak l-indiċi għandu jinżamm b'mod elettroniku b'tali manjiera illi tkun tista' ssir riċerka biex jiġi determinat jekk proprjetà tkunx soġġetta għal tali ordni. L-Awtorità għandha żżomm kopja ta' dak l-indiċi fl-uffiċċju tar-Registru ta' l-Artijiet u għandha tagħti, wara hlas ta' dak id-dritt kif jista' jiġi ordnat ċertifikat li jkun juri jekk proprjetà partikolari tkunx soġġetta għal tali ordni.

(3) Meta l-Awtorità tkun skedat proprjetà skond dan l-artikolu, hija għandha ddaħal dik il-proprjetà fl-indiċi msemmi fis-subartikolu (2) fejn turi li l-istess tkun giet skedata, u d-disposizzjonijiet ta' dak is-subartikolu dwar l-indiċjar ta' ordnijiet għall-konservazzjoni għandhom ikunu *mutatis mutandis* japplikaw. Il-lista ta' proprjetà skedata, u kull żjeda magħha jew bidla fiha, għandhom jiġu pubblikati fil-Gazzetta u f'gazetta lokali.

L-Awtorità għandha wkoll tavża lil xi wieħed mis-sidien tal-proprjetà skedata bil-fatt li din tkun giet inkluża fil-lista. Avviż dwar dan l-iskedar għandu wkoll jitwaħħal fis-sit. Jekk ebda wieħed mis-sidien ma jkun magħruf, jew jekk mhux raġonevolment possibbli li jiġu notifikati dawk is-sidien, l-avviż imsemmi għandu jitwaħħal biss fis-sit u ma jkunx hemm bżonn li issir in-notifika lil dawk is-sidien kif imsemmi qabel.

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

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

(6) Ebda xogħol ta' kull xorta m'għandu jsir f'proprjetà skedata jew fuqha u ebda proprjetà skedata m'għandha tiġi demolita, mibdula jew imkabbra flief bil-permess ta' l-Awtorità mogħti wara li ssirilha applikazzjoni u li jkun fiha dawk id-dettalji li l-Awtorità teħtieġ, jew skond id-disposizzjonijiet ta' ordni għal konservazzjoni; u għall-għanijiet ta' dan l-artikolu, ħsara lil u distruzzjoni ta' kull parti ta' proprjetà skedata għandha titqies bħala demolizzjoni tagħha.

(7) Permess ta' l-Awtorità u ordni għal konservazzjoni mogħti jew magħmul taħt dan l-artikolu jista' jkun fihom dawk il-kundizzjonijiet u disposizzjonijiet oħra li l-Awtorità jidhrilha meħtieġa jew espedjenti; u ordni għal konservazzjoni tista' tirregola kull haġa li tolgot proprjetà skedata.

(8) Dwar kull proprjetà skedata l-Awtorità jkollha wkoll is-setgħa li teħtieġ b'avviż bil-miktub li s-sid jagħmel dawk ix-xogħlijiet imsemmijin b'mod generali jew kif speċifikati fl-avviż, li jkunu meħtieġa biex jiġi żgurat li ma jkunx hemm aktar deterjorament. Fin-nuqqas, l-Awtorità tista' tagħti lis-sid avviż ieħor biex jagħmel u jispiċċa x-xogħlijiet fi żmien speċifikat, u jekk is-sid jibqa' ma jwettaqx dak li għandu jagħmel, l-Awtorità tista' tagħmel hi x-xogħol meħtieġ jew tqabbad lil min jagħmlu, u tirkupra l-ispejjeż ta' dak ix-xogħol mingħand is-sid tal-proprjetà skedata.

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

(a) il-valur tal-ħaġa distrutta,

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

(c) il-vantaġġ finanzjarju li jista' jittieħed bħala konsegwenza tad-demolizzjoni.

(10) Sid ta' proprjetà skedata għandu dritt jitlob konsiderazzjoni mill-ġdid dwar kull skedar tal-proprjetà tiegħu. Dik it-talba għandha ssir bil-miktub quddiem l-Awtorità fi żmien tletin jum min-notifika jew mill-pubblikazzjoni fil-Gazzetta, liema jiġi l-aħħar, ta' l-iskedar, u l-Awtorità għandha tiddeċiedi fi żmien tliet xhur minn meta tkun irċeviet it-talba għal konsiderazzjoni mill-ġdid.

(11) Kul min iħossu aggravat b' deċiżjoni ta' l-Awtorità taħt dan l-artikolu jista' jappella lit-Tribunal għar-revoka jew għat-tibdil ta' dik id-deċiżjoni.

(12) L-aċċettazzjoni tal-Ministru għandha tintalab meta l-Awtorità tneħhi proprjetà skedata mill-iskeda jew meta jbaxxu l-livell ta' protezzjoni ta' proprjetà skedata u l-ebda tneħhija ta' proprjetà skedata mill-iskeda jew tbaxxija hawn fuq imemmija ma tkun valida sakemm ma tkunx ġiet aċċettata mill-Ministru.

(13) Meta t-Tribunal jiddeċiedi li jneħhi proprjetà skedata mill-iskeda jew ibaxxi l-livell ta' protezzjoni ta' proprjetà skedata, it-Tribunal għandu jitlob l-aċċettazzjoni tal-Ministru u t-terminu ta' appell mid-deċiżjoni tat-Tribunal lill-Qorti ta' l-Appell għandu jibda jiddekorri mid-data li fiha t-Tribunal ikun għarraf lill-appellant bid-deċiżjoni tal-Ministru.

(14) Minkejja d-disposizzjonijiet ta' l-artikolu 41, appell lit-Tribunal mill-iskedar ta' proprjetà jew il-ħruġ ta' ordni ta' konservazzjoni ma għandux jissospendi l-eżekuzzjoni ta' skedar jew ordni ta' konservazzjoni.

Proprjetà skedata
u ordni għal
konservazzjoni.

82. (1) Jekk proprjetà, sit jew area li mhix skedata jew protetta taħt il-provvedimenti ta' dan l-Att jew Regolamenti maħruġa taħt dan l-Att, iżda li l-Awtorità temmen li jista' jkollha importanza jew valur li tiġi skedata jew protetta, hija f'periklu li tiġi demolita, dannegġata jew distrutta, l-Awtorità tista' tagħmel ordni ta' emerġenza għal konservazzjoni u tiegħu dawk il-passi l-oħra biex tiproteġi dik il-proprjetà, sit jew area li jidhrilha meħtieġa u d-disposizzjonijiet tal-proviso mas-subartikolu (1) tal-artikolu 81 għandhom japplikaw:

Izda f'każ ta' urġenza *à-Chairman* ta' l-Awtorità jista' jagħmel ordni ta' emerġenza għal konservazzjoni mingħajr il-ħtieġa li jikkonsulta lill-membri l-oħra ta' l-Awtorità.

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

(3) Ordni ta' emerġenza għal konservazzjoni għandu, għal żmien sitt xhur minn mindu jiġi pubblikat fil-Gazzetta, ikollu l-istess effett daqs l-inklużjoni tal-proprjetà li għaliha tirreferi fil-lista ta' proprjetà skedata. L-effett tagħha jispicča ma' l-għeluq taz-żmien fuq imsemmi.

(4) Minkejja d-disposizzjonijiet ta' l-artikolu 41, appell lit-Tribunal minn ordni ta' emerġenza għall-konservazzjoni ma jissospendix l-eżekuzzjoni ta' dik l-ordni.

Parti VI

Setgħat ta' l-Awtorità u Twettiq Tal-Kontroll

1. Dritt ta' Aċċess

83. Minkejja d-disposizzjonijiet ta' kull liġi oħra, għall-finijiet tat-twettiq tal-funzjonijiet tagħhom taht dan l-Att, il-Bord ta' l-Awtorità, il-Kummissjoni, it-Tribunal u l-uffiċjal, impjegat jew kumitat jew kull persuna oħra kif jista' jkun awtorizzat mill-Awtorità għal dan il-għan, u jekk ikun meħtieġ hekk mill-Awtorità bl-assistenza tal-Korp tal-Pulizija, għandu jkollhom:

Dritt ta' aċċess.

(a) id-dritt li jidhlu f'kull fond, pubbliku jew privat, f'kull hin raġonevoli, u fil-każ ta' dar wara li jagħti avviż ta' qabel ta' mill-inqas tmienja u erbgħin siegħa u mhux qabel id-disgħa ta' filgħodu jew wara is-seba' ta' filgħaxija, u tispezzjona jew tistharreg kull art, jew tivverifika jekk l-iżvilupp illegali jew attività qed issir jew saret;

(b) jitiġħu abbord kull vettura jew bastiment li jkollu liċenza taht dan l-Att, jew kif jista' jkun preskritt;

(ċ) jeżaminaw kull oġġett li għalih dan l-Att jew xi regolamenti taht dan l-Att jistgħu jkunu japplikaw u jieħdu kampjuni bħal dawk kif jista' jidhrilhom adatti biex jiġu eżaminati;

(d) jagħmlu pjanti ta' xi fond, vettura jew bastiment u jieħdu ritratti ta' l-istess wara d-dhul jew l-imbarkazzjoni skond il-paragrafi (a) u (b) tiegħu; jew

(e) jagħmlu xi haġa li tkun anċillari jew konsegwenzjali għalihom.

Parti VI

2. Twettiq tal-Kontroll

Tgħassis fuq
attivitajiet u
l-iżvilupp.

84. (1) L-Awtorità għandha tgħasses l-attivitajiet kollha li jaqgħu fl-ambitu ta' dan l-Att, inkluż kull operazzjoni ta' żvilupp biex jiżguraw li l-attivitajiet kollha bħal dawk u l-iżvilupp isir biss skond il-ħtigiet ta' dan l-Att u b'osservanza tad-deċiżjonijiet meħuda legalment taħt dan l-Att.

(2) L-Awtorità għandha wkoll tagħmel reviżjoni ta' l-attivitajiet kollha bħal dawk u l-iżvilupp imwettaq qabel il-bidu fis-seħħ ta' dan l-Att, jew kull Att ieħor ta' qabel dan l-Att, mingħajr ma jkunu ġew osservati ir-regoli, regolamenti, pjanijiet jew il-*policies* fis-seħħ fiż-żmien li l-attività jew meta sar l-iżvilupp; u fir-rigward ta' kull attività bħal dik jew żvilupp l-Awtorità jkollha s-setgħat kollha kif għamlet fir-rigward ta' attività bħal dik jew żvilupp li sar wara d-dhul fis-seħħ ta' dan l-Att sabiex jiġi żgurat li r-regoli, regolamenti, pjanijiet u *policies* msemmija qabel jiġu mwettqa jew, jekk dan ma jistax raġonevolment isir, biex tirregolarizza kull tali attività jew l-iżvilupp safejn l-Awtorità tqis li huwa jkunu fiċ-ċirkostanzi.

Uffiċjali.

85. (1) L-Awtorità tista' tawtorizza uffiċjali għall-finijiet ta' dan l-Att, u dawk l-ispetturi jistgħu, hekk kif juru prova ta' l-identità tagħhom, sabiex jiżguraw it-tħaris ta' dan l-Att jew ta' kull regolament magħmulin bis-saħħa tiegħu:

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

(b) joħorġu ordnijiet ta' waqfien jew ordnijiet ta' infużar lil kull persuna skond id-dispożizzjonijiet ta' l-artikolu 86 ta' dan l-Att.

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

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

86. (1) Jekk ikun jidher lill-Awtorità li attività tkun qed titwettaq mingħajr l-għoti ta' permess jew liċenza meħtieġa taħt dan l-Att jew li xi kondizzjoni li għaliha l-permess jew il-liċenza li tkun inġatata fir-rigward ta' xi attività bħal dik ma tkunx qed tigi mħarsa jew tkun xort'oħra tmur kontra l-provvedimenti ta' dan l-Att jew ta' Regolamenti li jinħarġu taħt dan l-Att, l-Awtorità tista' toħroġ ordnijiet biex twaqqaf lil kull persuna li tkun qegħda twettaq attività bħal dik: Procedura ta' twettiq.

Izda l-Awtorità tista' toħroġ avviż li jkun jeħtieġ li parti mix-xogħol jew attività jieqaf minnufih biss fir-rigward ta' dik il-parti ta' l-attività li għaliha ikun jirreferi dak l-avviż u mhux fir-rigward ta' l-attività kollha.

(2) Jekk l-Awtorità jidhrilha li xi żvilupp qed jitwettaq mingħajr l-għoti ta' permess meħtieġ taħt dan l-Att, jew xi kondizzjonijiet li għalihom il-permess kien mogħti fir-rigward ta' xi żvilupp mhumiex qegħdin jiġu mħarsa, l-Awtorità għandha toħroġ avviż ta' waqfien fuq is-sid ta' l-art jew fuq l-okkupant ta' l-art jew fuqhom it-tnejn skond fuq min l-Awtorità jidhrilha l-aktar espedjenti, u teħtieġ li x-xogħlijiet jew l-iżvilupp jitwaqqfu minnufih:

Izda l-Awtorità tista' toħroġ avviż ta' waqfien parzjali li jkunu jeħtieġ li x-xogħol għandu jitwaqqaf minnufih biss fir-rigward ta' dik il-parti ta' l-iżvilupp li l-avviż ikun japplika għalih u mhux fir-rigward ta' l-iżvilupp kollu.

(3) Kopja ta' l-ordni jew avviż imsemmi fis-subartikoli (1) u (2) jista' wkoll jiġi notifikat lil kull rappreżentant, bennej, kuntrattur jew haddiem fuq is-sit u l-Awtorità tista' wkoll twaħħal dan l-avviż f'pożizzjoni prominenti fuq punt tad-dhul fuq is-sât.

(4) L-Awtorità għandha, fil-każ ta' avviż maħruġ taħt is-subartikolu (2) tinforma wkoll:

(a) lill-kunsill lokali fejn fil-lokalità tiegħu l-art imsemmija fis-subartikolu (2) tkun tinsab;

(b) lill-perit responsabbli għall-imsemmija xogħlijiet, jekk magħruf, li notifika ta' waqfien kif hawn qabel imsemmi tkun inħarġet mill-Awtorità:

Iżda fin-nuqqas ta' konformità mad-dispożizzjonijiet ta' dan is-subartikolu, l-Awtorità ma għandha f'ebda każ tinvalida xi avviż maħruġ taħt is-subartikoli (1) u (2).

(5) L-Awtorità għandha tirreġistra l-ordnijiet u l-avviżi kollha ta' waqfien u l-avviżi ta' infurzar skond ta' dan l-Att fl-indiċi msemmi fl-artikolu 81(2), u d-dispożizzjonijiet ta' l-imsemmi artikolu dwar l-indiċizzazzjoni ta' ordnijiet ta' konservazzjoni għandhom ikunu japplikaw *mutatis mutandis* għal avviżi biex iwaqqfu u għal avviżi ta' infurzar oħrajn skond dan l-Att:

(6) Kull ordni jew notifika magħmulin taħt dan l-artikolu għandu jkun fihom deskrizzjoni dettaljata tal-ksur allegat u fejn applikabbli, pjanta li tindika l-art li tkun tiffirma s-suġġett ta' avviż bħal dak għandha tkun annessa miegħu.

(7) Jekk lill-Awtorità jidhrilha li xi żvilupp ta' art ikun sar wara l-bidu fis-sehħ ta' dan l-Att mingħajr l-għoti ta' permess meħtieġ taħt dan l-Att, jew li xi kondizzjonijiet li għalihom permess bħal dak mogħti fir-rigward ta' xi żvilupp kien soġġett ma ġewx imħarsa, l-Awtorità tista', wara li tikkunsidra d-dispożizzjonijiet tal-pjanijiet għall-iżvilupp, *policy* ta' l-ippjanar u kull konsiderazzjoni oħra ta' sustanza, tinnotifika lis-sid ta' l-art jew lill-okkupant ta' l-art jew lit-tnejn li huma kif l-Awtorità jidhrilha l-aktar espedjenti, avviż ta' infurzar u għandhom jinfurmaw lill-persuni msemmi fis-subartikolu (4) b'tali avviż, li jeħtieġ li jittieħdu dawk il-passi li jiġu speċifikati fl-avviż fiż-żmien hekk ukoll speċifikat sabiex l-art titregġa' lura għall-istat li kienet fih qabel ma sar l-iżvilupp jew għat-tneħħija ta' żvilupp jew sabiex tiżgura konformità mal-kondizzjonijiet imsemmija qabel, skond kif ikun il-każ; u b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi kull avviż bħal dak jista', għall-għanijiet imsemmija, jeħtieġ id-demolizzjoni jew tibdil ta' kull bini jew xogħlijiet, il-waqfien ta' xi użu ta' art, jew li jsiru fuq l-art ta' kull operazzjoni ta' bini jew operazzjonijiet oħra.

(8) L-ordni jew avviż mogħti skond xi waħda mid-dispożizzjonijiet ta' qabel dan l-artikolu għandu:

(a) dwar kull ħtieġa li twaqqaf jew tipprojbixxi aktar attività, xogħlijiet jew żvilupp jew li tkun teħtieġ il-waqfien

ta' l-użu, jew dwar kull hteġa msemija fl-avviż jekk l-avviż jirreferi għal żvilupp imsemmi fis-Sitt Skeda li tinsab ma' dan l-Att jew jekk l-avviż inħareġ taħt il-provedimenti taħt l-artikolu 88(1) relattiv għal żvilupp li jkun jinsab fuq sit indikat fis-Sitt Skeda li tinsab ma' dan l-Att jew jekk l-avviż ikun inħareġ taħt il-provedimenti ta' l-artikolu 88(2) ikollu effett minnufih hekk kif l-avviż jiġi notifikat skond is-subartikoli (1) u (2) minkejja li ma tkunx giet ipprezentata applikazzjoni għal liċenza jew permess ta' żvilupp għall-attività jew ta' żvilupp imsemija fid-digriet jew avviż jew l-appell jkun giet ipprezentat kontra l-ordni jew l-avviż;

(b) fir-rigward ta' xi hteġa oħra, jieħu effett ma' l-gheluq ta' dak iż-żmien (li ma jkunx anqas minn hmistax-il ġurnata u mhux aktar minn tletin ġurnata min-notifika tiegħu) li jiġi speċifikat fl-avviż.

(9) Meta ssir applikazzjoni għall-permess ta' żvilupp qabel ma jiskadi l-perjodu msemmi fis-subartikolu (8) (b):

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

(b) biex jitkompla l-użu ta' l-art li għalih ikun jirreferi l-avviż ta' twettiq, l-avviż għandu, dwar kull hteġa minbarra dik li twaqqaf jew tipprojbixxi aktar xogħlijiet jew żvilupp, jew tirrikjedi t-twaqqif ta' użu, jieqaf milli jkun operattiv sakemm l-applikazzjoni tiġi maqtugħa b'mod finali, u jekk il-permess li għalih tkun saret l-applikazzjoni jingħata u jsir operattiv, l-avviż ta' twettiq ma jkollux aktar effett:

Izda jekk l-avviż jirreferi għall-iżvilupp elenkat fis-Sitt Skeda li tinsab ma' l-Att, jew jekk l-avviż inħareġ taħt il-provedimenti taħt l-artikolu 88(1) relattiv għal żvilupp li jkun jinsab fuq sit indikat fis-Sitt Skeda li tinsab ma' dan l-Att jew jekk l-avviż inħareġ taħt il-provedimenti taħt l-artikolu 88 (2), l-operazzjoni ta' l-avviż, m'għandhiex tkun sospiza sakemm l-applikazzjoni tiġi determinata b'mod finali.

(10) Kull applikazzjoni biex tirregolarizza l-attività jew l-iżvilupp għandha tiġi miċhuda minnufih jekk rekwiżit fl-ordni jew avviż ikun iwaqqaf jew jipprojbixxi aktar attività, xogħol jew żvilupp, jew li jkun jeħtieġ il-waqfien ta' xi użu, ma jkunx, kemm qabel jew waqt li tkun għadha qegħda tiġi trattata l-applikazzjoni, gie mħares jew jekk xi penali jew hlas ieħor li persuna tkun wehlet

taħt dan l-Att fir-rigward ta' l-attività rilevanti jew żvilupp ma jkunux thallsu jew jekk l-applikazzjoni ssir biex tirregolarizza żvilupp elenkat fis-Sitt Skeda li tinsab ma' l-Att.

(11) L-Awtorità tista' teżercita l-poteri tagħha skond l-artikolu 90(1) minkejja li t-tieni jew applikazzjoni sussegwenti maħsuba biex tirregolarizza l-attività jew żvilupp illegali tkun saret lill-Awtorità li tkun tirrigwarda l-istess jew parti mill-attività jew l-istess sit, irrispettivament jekk l-imsemmija applikazzjoni tkunx saret mill-istess applikant jew minn xi applikant ieħor.

(12) Kull persuna li thoss ruħha aggravata minn xi ordni jew avviż notifikat lilha tista', fi żmien ħmistax-il ġurnata min-notifika ta' l-avviż jew l-ordni, tappella kontra tiegħu lit-Tribunal, u meta jsir appell bħal dak it-Tribunal:

(a) jekk ikun sodisfatt li l-liċenza jew il-permess ikun ingħata taħt dan l-Att, jew taħt xi liġi oħra li qabel dan l-Att kien jirregola l-attività in kwistjoni jew permessi tal-bini, għall-attività jew żvilupp li l-ordni jew l-avviż ikun jirreferi għalih, jew li ebda liċenza jew permess ma kien meħtieġ fir-rigward tiegħu, skond il-każ, u li l-kondizzjonijiet li għalihom tali liċenza jew permess ingħata jkunu ġew imħarsa, għandu jannulla l-ordni jew avviż li għalih ikun sar l-appell jew dik il-parti tiegħu li dwarha l-Bord ikun sodisfatt kif imsemmi qabel;

(b) f'kull każ ieħor, għandu jiċċad l-appell.

(13) L-appellant għandu jippreżenta lit-Tribunal, flimkien ma' l-appell tiegħu, kopja tal-liċenzi kollha rilevanti, permessi ta' żvilupp, jew permessi oħra jew informazzjoni rilevanti oħra li permezz tagħhom ikun ingħata permess ta' żvilupp jew liċenza sabiex iwettqu l-attività jew l-iżvilupp imsemmija fid-digriet jew fl-avviż notifikat lilu li hu soġġett għal-proċeduri ta' appell; u jekk it-Tribunal ikun sodisfatt li ma jeżistu ebda liċenza jew permess għall-iżvilupp jew permess ieħor jew li ma teżisti ebda awtorizzazzjoni oħra, irrispettivament minn kif din tissejjaħ, li abbażi ta' l-attività jew l-iżvilupp seta' sar, il-Bord għandu minnufih jiċċad l-appell.

(14) Jekk qabel ma jsir l-appell jew matul is-smiġħ mori ta' appell, l-appellant jippreżenta lill-Awtorità applikazzjoni għal liċenza jew permess ta' żvilupp dwar l-attività jew l-art imsemmija fl-ordni jew fl-avviż, it-Tribunal għandu jiċċad l-appell

jekk ikun sodisfatt illi dik l-applikazzjoni tkun intiża biex tissana l-attività jew l-iżvilupp imsemmi fl-ordni jew fl-avviż.

(15) Meta appell ikun miċhud, it-Tribunal jista' jordna dwar kull ħtieġa, għajr ħtieġa li twaqqaf jew tipprojbixxi xi attività oħra jew xi, xogħol jew żvilupp ieħor, jew li tkun teħtieġ il-waqfien ta' xi użu, li l-ordni jew l-avviż ma jibdiex isehh qabel dik id-data, li ma tkunx aktar kmieni minn ħmistax-il ġurnata mid-deċiżjoni ta' l-appell, skond ma t-Tribunal jidhirlu xieraq.

(16) It-Tribunal jista' jikkorreġi kull difett jew żball fl-avviż ta' infurzar sakemm l-appellant għandu jingħata żmien biżżejjed biex jipprepara u jressaq il-każ tiegħu.

(17) Meta l-attività jew l-iżvilupp illegali jkun qed jitwettaq fil-baħar, id-disposizzjonijiet ta' dan l-artikolu għandhom japplikaw bl-istess mod bħallikieku kull riferenza fihom għas-sid ta' l-art jew għall-okkupant ta' l-art għandha titqies bħala riferenza għall-persuna li tkun għamlet l-attività jew l-iżvilupp, u kull riferenza għall-art għandha titqies bħala riferenza għal dik iż-żona tal-baħar meta l-attività jew l-iżvilupp isehh.

(18) Kull avviż jew ordni maħruġa taħt din il-Parti għandha tkun akkumpanjata minn pjanta ta' sit.

87. Jekk l-Awtorità jidhriha li xi haġa li hi projbita, limitata jew soġġetta għal kondizzjoni skond jew taħt id-disposizzjonijiet ta' l-artikolu 81 jew taħt ir-regolamenti maħruġin taħt dan l-Att maħsuba li tipproteġi ambjenti naturali u speċi, tkun qed issir jew tiġi magħmula, jew li tkun saret jew giet magħmula, bi ksur ta' xi projbizzjoni, limitazzjoni jew kondizzjoni bħal dik, jew mingħajr permess jew xi ħtieġa oħra, jew mingħajr ma tkun giet imħarsa xi kondizzjoni, msemija f'dawk l-artikoli jew f'xi ordnijiet magħmulin taħthom, l-Awtorità għandha tinnotifika l-avviż ta' twettiq fuq is-sid ta' l-art jew fuq l-okkupant ta' l-art jew fuq it-tnejn kif l-Awtorità jidhriha l-aktar xieraq u għandha wkoll tinforma bil-ħruġ ta' dak l-avviż lill-persuni msemija fl-artikolu 86(4), avviż li jeħtieġ li jittieħdu dawk il-passi li jkunu speċifikati fl-avviż, inkluzi it-twaqqif ta' kull haġa li tkun qed issir jew tiġi magħmula, u f'dak iż-żmien li jiġi wkoll speċifikat fl-avviż. Id-disposizzjonijiet tal-proviso mal-artikolu 86(4) għandhom japplikaw ukoll għal avviż taħt dan l-artikolu.

Il-proċedura tat-twettiq tapplika għal proprjetà skedata.

88. (1) Jekk l-Awtorità jidhriha li l-ġmiel jew siwi ta' xi zona huwa mħassar bid-dehra jew kondizzjoni ta' xi bini jew ta' xi

Hsara lill-ġmiel jew siwi u t-tneħħija tal-periklu.

art, li tkun ġnien, sit vojtt jew art oħra fil-beraħ, jew bid-dehra ta' xi sit fejn ikun qed isir jew saru żvilupp fih jew kostruzzjoni jew xi xogħlijiet oħra, l-Awtorità għandha tinnotifika avviż fuq is-sid ta' l-art jew fuq l-okkupant ta' l-art jew fuq it-tnejn kif l-Awtorità jidhrilha l-aktar xieraq u għandha wkoll tinforma bil-ħruġ ta' dak l-avviż lill-persuni msemmija fl-artikolu 86(4), li fih ikun meħtieġ li jittieħdu dawk il-passi biex titnaqqas il-ħsara li tiġi speċifikata fl-avviż. Id-disposizzjonijiet tal-proviso għall-artikolu 86(4) għandhom ukoll japplikaw ukoll għal avviż taħt dan l-artikolu.

(2) Il-Ministru jista' wara li jikkonsulta ma' l-Awtorità permezz ta' regolamenti taħt dan l-artikolu jipprovdi li proprjetà li tkun fi stat ta' abbandun u, jew tikkostitwixxi periklu, għandha titwaqqa' minn sidha jew mill-Awtorità skond il-provedimenti ta' l-artikolu 90. Mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, dawn ir-regolamenti jistgħu jipprovdu:

(a) il-mod li bih l-istat tal-proprjetà jiġi iċċertifikat bħala li qiegħed jikkostitwixxi periklu,

(b) il-metodoloġija u l-proċeduri li jittieħdu mill-Awtorità f'kaz li din tieħu xi azzjoni kif imsemmi.

Avviżi oħrajn.

89. Avviż mogħti taħt l-artikoli 87 u 88 huwa magħruf ukoll f'dan l-Att bħala "avviż ta' twettiq" u, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra u bla ħsara għal dak it-tibdil jew adattament li jkunu meħtieġa biex jagħtu effett sħiħ lid-dispożizzjonijiet ta' dawk l-artikoli, kull fejn dik il-frażi tidher f'dan l-Att din għandha tinkludi avviż mogħti taħt dawk l-artikoli.

Disposizzjonijiet
supplimentari dwar it-
twettiq u proċedimenti
dwar djun dovuti
lill-Awtorità.

90. (1) Jekk xi passi jew azzjoni oħra, kompriżi s-sospensjoni, twaqqif jew ħtieġa oħra bħal dik, meħtieġa li jittieħdu b'avviż ta' twettiq ma jkunux ittieħdu fiż-żmien speċifikat hemmhekk, l-Awtorità tista' tidhol fl-art, jew f'*area* tal-baħar u tieħu dawk il-passi jew azzjoni oħra kif imsemmijin, inklużi l-iżmantellar jew it-tneħħija ta' xi apparat, makkinarju, għodod, beni, vetturi jew xi oġġetti oħra li jistgħu jkunu fis-sit u l-għemil ta' kull xogħol meħtieġ biex twettaq dak mitlub fl-avviż ta' twettiq u għal dan il-għan tista' titlob l-għajnuna tal-Korp tal-Pulizija, ta' kull kunsill lokali, kull dipartiment tal-Gvern jew kull aġenzija tal-Gvern; u l-Korp tal-Pulizija għandu għal dan il-għan jeżerċita dawk is-setgħat mogħtija lil bil-ligi.

(2) Fejn it-tneħħija ta' żvilupp illegali bilfors tinvolvi t-tneħħija wkoll ta' żvilupp li mhux illegali, l-Awtorità tista'

tiproċedi biex tneħħi wkoll dak l-iżvilupp l-ieħor li t-tneħħija tiegħu tkun meħtieġa kif hawn qabel imsemmi.

(3) Minkejja d-disposizzjonijiet ta' kull liġi oħra u salv id-disposizzjonijiet ta' l-artikolu 46 tal-Kostituzzjoni u ta' l-artikolu 4 ta' l-Att dwar il-Konvenzjoni Ewropea, ma għandu jinħareg jew jingħata minn l-ebda qorti ebda att kawtelatorju kontra l-Awtorità li jżommha milli teżercita xi waħda mis-setgħat mogħtija lilha b'dan l-artikolu.

(4) Bla ħsara għall-provedimenti jew regolamenti maħruġa taħt dan l-Att, meta ma jsirx appell minn avviż ta' twettiq jew meta jkun sar appell minn avviż ta' twettiq iżda dan jiġi konfermat mill-Bord ta' l-Appell jew mill-Qorti tal-Appell, skond kif ikun il-każ, u s-sid ta' l-art soġġetta għall-avviż ta' twettiq jonqos milli jikkonforma ruħu ma' l-avviż ta' twettieq fiż-żmien ordnat fl-avviż ta' twettiq, dik il-persuna għandha tkun obligata li tħallas penali li ma teċċedix il-ħamsin Euro għal kull jum li dak in-nuqqas ikompli wara l-iskadenza tal-perjodu kif jista' jiġi preskritt taħt dawn ir-regolamenti; u l-Awtorità tista' tirkupra dik il-penali mill-imsemmija persuna bħala dejn ċivili li huma dovuti lilha.

(5) L-ispejjeż kollha li raġonevolment isiru mill-Awtorità biex tesegwixxi avviż ta' twettiq skond dan l-artikolu, jew kull ammont ieħor dovut lill-Awtorità skond xi provvediment ieħor ta' dan l-Att jew xi Regolamenti li jinħarġu taħt l-istess Att, ikunu jistgħu jiġu rkuprati mill-Awtorità bħala dejn ċivili mill-persuna li f'dak iż-żmien tkun sid l-art, jew tokkupa l-art, jew li b'xi mod tkun responsabbli għall-għemil indikat f'xi avviż, inkluż avviż ta' ħlas, jew applikant, bla ħsara għal kull jedd ta' dik il-persuna li tirkuprahom mingħand xi persuna oħra. L-Awtorità ma tkunx azzjonabbli għad-danni li jistgħu jkunu ġew inkorsi meta hija tkun eżercitat dawn il-poteri tagħha, sakemm ma jiġix ippruvat illi dawk id-danni jkunu ġew inkorsi minħabba negligenza grassa mill-Awtorità, mill-uffiċjali tagħha u mill-aġenti tagħha.

(6) Meta l-Awtorità tkun trid tħarrek biex tirkupra dejn dovut lill-Awtorità taħt xi Liġi jew Regolamenti li hija jkollha jedd tinforza, iċ-*Chairman*, l-Uffiċjal Eżekuttiv Ewlieni jew kull uffiċjal ieħor ta' l-Awtorità awtorizzat kif imiss mill-Awtorità biex jaġixxi f'isimha jista' jaġmel dikjarazzjoni bil-ġurament quddiem ir-registratur tal-Qrati jew quddiem uffiċjal awtorizzat li jamministra l-ġurament għal skopijiet ġudizzjarji, fejn huwa jiddikjara xi tkun ix-xorta tad-dejn u l-isem tad-debitur u jikkonferma li dan ikun dovut.

(7) Id-dikjarazzjoni msemmija fis-subartikolu (6) għandha tiġi notifikata lid-debitur permezz ta' att ġudizzjarju u għandu jkollha l-istess effett bħal sentenza finali tal-qorti kompetenti kemm-il darba d-debitur, fi żmien għoxrin ġurnata minn meta ssirli n-notifika ta' dik id-dikjarazzjoni, ma jopponix dik it-talba billi jippreżenta rikors fejn jitlob li l-qorti tiddikjara l-pretensjoni bħala waħda infondata.

(8) Ir-rikors ippreżentat skond ma hemm fis-subartikolu (7) għandu jiġi notifikat lill-Awtorità, li jkollha jedd tippreżenta risposta fi żmien għoxrin ġurnata. Il-qorti mbagħad tiffissa r-rikors għas-smiġh f'data li tiġi wara li jiskadi dak il-perjodu.

(9) Kull dejn dovut lill-Awtorità jaqa' bi preskrizzjoni meta jiskadi l-perjodu ta' hames snin mid-data meta d-dejn kien dovut.

Proċedura li japplikaw għal ċerti tipi ta' żvilupp.

91. (1) Minkejja d-disposizzjonijiet l-oħra ta' dan l-Att, kull persuna li tiġi notifikata b'avviż ta' twettiq fir-rigward ta' żvilupp indikat fit-Tmien Skeda, għandu jkollha d-dritt li ssostni li dak l-avviż ma jkunx esegwibbli. Dik il-persuna għandha ġġib prova għas-sodisfazzjon ta' l-Awtorità f'dak is-sens, inkluża kull prova dokumentarja rilevanti u dawk il-provi l-oħra li l-Awtorità tqis meħtieġa u dan skont u suġġett għall-proċeduri illi jiġu stabbiliti mill-Awtorità għal dan il-ghan.

(2) Meta avviż ta' twettiq ikun japplika skond is-subartikolu (1), l-iżvilupp in kwistjoni m'għandux jiġi kkunsidrat bħallikieku ġie regolarizzat skond dan l-Att sakemm ma jkunx inħareġ permess għall-iżvilupp biex ikopri l-iżvilupp in kwistjoni u ma tkunx tħallset penali li tiġi ffissata mill-Awtorità fil-limiti stabbiliti fl-artikolu 93:

Iżda persuna li tiġi mitluba li tħallas dik il-penali tista' tappella minn dik it-talba bl-istess mod provdut fl-artikolu 93.

(3) Meta l-Awtorità tircievi applikazzjoni għall-permess għall-iżvilupp li titlob emendi, bdil, żjidiet jew estensjonijiet għal żvilupp li jinkludi żvilupp illegali indikat fil-Kategorija A tat-Tmien Skeda, l-applikant għandu jitlob lill-Awtorità li jiġi ssanat l-iżvilupp illegali skond id-disposizzjonijiet ta' dan l-Att, jekk tali sanzjonar huwa permess bil-liġi. Meta tali żvilupp ma jiġix issanzjonat, l-ebda permess għal żvilupp ulterjuri,

ħlief għal dak it-tip ta' żvilupp li jista' jordna l-Ministru, wara konsultazzjoni ma' l-Awtorità, minn fost l-iżvilupp imsemmi fl-artikolu 63 (9) (a) u (b), ma għandu jingħata fir-rigward ta' l-art in kwistjoni sakemm l-iżvilupp illegali ma jkunx tneħħa.

(4) Meta xi persuna ssostni ma' l-Awtorità li l-avviż ta' twettiq ikun jaq' taħt il-provvedimenti tas-subartikolu (1) u l-Awtorità ma taċċettax dik il-pretensjoni, il-perjodu ta' ħmistax-il gurnata msemmi fl-artikolu 86 (12) għandu jibda jiddekorri mid-data li fiha l-Awtorità tkun innotifikat lil dik il-persuna b'avviż fis-sens li hija ma tkunx qed taċċetta l-pretensjoni tiegħu.

(5) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti sabiex jagħti effett aħjar lid-disposizzjonijiet ta' dan l-artikolu.

92. (1) Id-dispożizzjonijiet li ġejjin għandhom ikollhom seħħ dwar kull żvilupp li jkun sar jew li għandu jsir wara d-data tad-dħul fis-seħħ ta' l-Att ta' 1992 dwar l-Ippjanar ta' l-Iżvilupp, minn hawn 'il quddiem imsejjaħ "żvilupp ġdid".

Ċertifikat ta' l-Iżvilupp skond l-permess.

(2) Ebda servizz li jikkonsisti fil-provvista ta' l-ilma jew elettriku ma għandu jiġi provdut lil xi żvilupp ġdid minn ebda awtorità jekk ma jkunx hemm dwar dak l-iżvilupp ċertifikat maħruġ mill-Awtorità li jgħid li dak l-iżvilupp huwa skond permess għall-iżvilupp jew li huwa inkluż fil-Kategorija B tat-Tmien Skeda.

(3) F'kull waħda miċ-ċirkustanzi li fihom l-Awtorità tista' tinnotifika avviż taħt xi waħda mid-disposizzjonijiet ta' l-artikolu 52, jew jekk l-Awtorità tkun innotifikat avviż bħal dak, l-Awtorità tista' tagħmel ordni li jipprojbixxi t-trasferiment *inter vivos* b'kull titolu ta' kull art li dwarha jista' jiġi notifikat, jew ikun ġie notifikat, avviż kif hawn qabel imsemmi, u t-trasferiment jew ħolqien ta' xi dritt reali fuqha, b'kull titolu *inter vivos* ikun x'ikun.

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(4) Id-disposizzjonijiet ta' l-artikolu 41 għandhom japplikaw għal ordni magħmula taħt dan l-artikolu, u għal kull rifjut ta' revoka ta' ordni bħal dak, kif japplikaw għal deċiżjoni ta' l-Awtorità msemmija fis-subartikolu (1) (a) ta' dak l-artikolu.

93. (1) Minkejja kull liġi oħra li tipprovdi għal proċedimenti u pieni dwar reati, meta l-Awtorità temmen li persuna tkun kkommettiet reat kontra dan l-Att, barra minn reat taħt l-artikolu 94 (1)(d), l-Awtorità tista' tagħti lil dik il-persuna

Proċedura speċjali.

avviż bil-miktub fejn tiddeskrivi r-reat li dik il-persuna tkun qegħda tiġi akkużata bih u tindika l-passi li trid tiegħu biex tirrimedja ir-reat u l-multa li hi għandha tħallas għal dak ir-reat:

Iżda l-Awtorità ma tistax teħtieġ il-ħlas ta' penali ta' aktar minn ħamsin elf euro u għandha tkun skond skeda ta' penali, li l-Ministru, wara li jikkonsulta ma' l-Awtorità, u bi ftehim mal-Ministru responsabbli għall-finanzi, jista' jordna b'regolamenti:

Iżda wkoll kull min iħossu aggravat b'deċiżjoni ta' l-Awtorità taħt dan is-subartikolu, jista' jappella lit-Tribunal għar-revoka jew għat-tibdil ta' dik il-penali.

(2) Meta jkun ingħata avviż skond dan l-artikolu, il-persuna msemmija fl-avviż tista', fi żmien wieħed u għoxrin ġurnata minn notifika ta' l-avviż, taċċetta r-responsabbiltà għar-reat speċifikat fl-avviż u f'dak iż-żmien, jew fiż-żmien ulterjuri li l-Awtorità tista' tippermetti, tirrimedja għar-reat u tħallas, jew tintrabat bil-miktub li tħallas, il-penali indikata fl-avviż jew dik il-penali li l-Awtorità tista' taċċetta minflokha, u f'kull każ bħal dan -

(a) il-persuna msemmija fl-avviż titqies li tkun għamlet ir-reat u li ammettiet il-ħtija tagħha dwaru, u l-multa mħallsa, jew li tkun intrabtet li tħallas, għandha tkun il-multa li tkun wehlet biex tħallas;

(b) jekk ir-reat jiġi rimedjat u l-multa tithallas fiż-żmien, jew fiż-żmien ulterjuri, imsemmi qabel, ebda proċeduri oħra ma jkunu jistgħu jittieħdu kontra l-imsemmija persuna fir-rigward ta' l-istess fatti:

Iżda l-ftehim li jħallas il-piena tal-kompromess m'għandu jitfa' ebda responsabbiltà ċivili biex jagħmlu tajjeb għal xi danni lil kull persuna jew awtorità u kull responsabbiltà li toħroġ mill-artikolu 38;

(c) jekk il-penali ma tithallasx fiż-żmien, jew fiż-żmien ulterjuri, imsemmi qabel, din tiġi trattata bħala penali ordnata li tithallas mill-qorti, u jkunu jistgħu jittieħdu proċeduri biex tingabar il-penali bħala dejn ċivili dovut lill-Awtorità .

(3) Jekk l-persuna li lilha jingħata avviż taħt is-subartikolu (1) ta' dan l-artikolu ma taċċettax responsabbiltà għar-reat jew avolja tkun aċċettat dik ir-responsabbiltà tonqos

milli tirrimedja r-reat fiż-żmien imsemmi qabel, għandhom jittieħdu kontriha l-proċedimenti kriminali ordinarji skond id-dispożizzjonijiet tal-liġi li tkun tapplika għal dak ir-reat.

Taqsimha VII

Reati

94. (1) Kull min:

Reati.

(a) jagħmel xi żvilupp fuq xi art jew iħalli li jsir xi żvilupp fuq art li huwa jkun is-sid tagħha mingħajr permess għall-iżvilupp kif ikun iseħħ meta jsir l-iżvilupp, jew, jekk l-iżvilupp isir b'permess għall-iżvilupp, jonqos milli jħares jew li jara li tiġi mħarsa xi kundizzjoni, restrizzjoni jew limitazzjoni oħra li għaliha ikun suġġett il-permess; jew

(b) jimxi bi ksur ta' xi waħda mid-dispożizzjonijiet ta' l-artikoli 81 u 82 fir-rigward ta' xi proprjetà skedata, jew ordni ta' emerġenza għall-konservazzjoni; jew

(ċ) wara li jkun ġie notifikat b'avviż ta' twettiq jew avviż ieħor skond l-artikoli 78, 86, 87 u 88 jonqos milli jħares xi waħda mill-ħtiġijiet ta' dak l-avviż fiż-żmien speċifikat fih; jew

(d) iżomm, jostakola jew xort'oħra jfixkel, jew jipprova jzomm, jostakola jew ifixkel, xi uffiċjal jew impjegat ta' l-Awtorità, jew xi uffiċjal tal-pulizija, jew kull uffiċjal pubbliku, jew uffiċjal jew impjegat ta' xi dipartiment tal-Gvern jew ta' xi aġenzija tal-Gvern jew ta' xi kunsill lokali, fl-eżekuzzjoni tad-dmirijiet tiegħu taħt il-liġi, jew jonqos milli jagħmel dak li raġonevolment jiġi mitlub li jagħmel minn dik il-persuna kif imsemmi jew li jgħinhom fil-qadi tad-dmirijiet tagħhom, jew li xjentement jagħti lil dik il-persuna informazzjoni falza jew jonqos jew jirrifjuta li jagħti xi informazzjoni meħtieġa għall-għanijiet hawn qabel imsemmija; jew

(e) jagħmel dikjarazzjoni għal xi għan ta' dan l-Att li tkun falza, qarrieqa jew mhux korretta f'xi aspett importanti, ikun ħati ta' reat kontra dan l-Att u jista' meta jinsab ħati jeħel multa ta' mhux inqas minn elf u ħames mitt euro u mhux aktar minn mitt elf euro, u dwar reat taħt il-paragrafu (d) jew, fil-każ ta' reat taħt il-paragrafu (ċ), jekk ir-reat ikompli għal

aktar minn tliet xhur, ukoll għal prigunerija għal żmien ta' mhux inqas minn tliet xhur u mhux iżjed minn tliet snin:

Iżda, u mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikoli 81(9) u l-artikoli 90 (3) and (4) u mingħajr preġudizzju għall-ogħla multa hawn qabel stabbilita, l-inqas multa li min jikkommetti reat jista' jeħel taħt dan l-artikolu m'għandhiex tkun inqas mill-valur tax-xogħlijiet li jkunu saru mingħajr permess jew bi ksur tal-kundizzjonijiet li għalih kien soġġett dak il-permess.

(2) Il-Qorti, minbarra l-għoti tal-piena msemmija fis-subartikolu (1), għandha tordna lill-ħati biex ineħhi l-kawzi tar-reat u li jregġa' lura kull haġa li tkun saret mingħajr permess jew li jħares il-kondizzjonijiet imposti fil-permess, skond il-każ, fi żmien biżżejjed għal dak l-iskop, iżda f'ebda każ mhux aktar minn tliet xhur mid-data tas-sentenza, kif jiġi stabbilit mill-qorti; u, jekk il-ħati jonqos milli jħares xi ordni bħal dak fiż-żmien hekk stabbilit, jeħel multa ta' mhux inqas minn ħamsin euro u mhux iżjed minn mija u tletin euro, kif il-qorti tista' tistabbilixxi, għal kull ġurnata li n-nuqqas ikompli wara li jiskadi l-imsemmi żmien u jista' jordna wkoll il-modifika, sospensjoni jew revoka ta' xi awtorizzazzjoni jew permess.

(3) Proċedimenti kontra kull persuna għal xi reat kif imsemmi fis-subartikolu (1) għandhom isiru quddiem il-Qorti tal-Magistrati (Malta) jew il-Qorti tal-Magistrati (Għawdex), skond il-każ, bħala qrati ta' ġudikatura kriminali skond id-disposizzjonijiet tal-Kodiċi Kriminali:

Iżda, minkejja d-dispożizzjonijiet ta' l-artikolu 376 (1) (b) tal-Kodiċi Kriminali, il-Qorti tal-Ġustizzja għandha, fuq talba tal-prosekuzzjoni jew ta' l-akkużat, jieħdu l-provi mogħtija mix-xhieda bil-mod provdut jew fl-artikolu 390 (6) tal-imsemmi Kodiċi jew f'xi liġi li tkun isseħħ f'dak iż-żmien.

(4) L-artikolu 21 tal-Kodiċi Kriminali u d-disposizzjonijiet ta' l-Att dwar il-Probation, ma għandhomx japplikaw għar-reati li jissemew f'dan l-artikolu.

(5) Meta tiġi pprezentata applikazzjoni intiza biex tirregolarizza kull żvilupp illegali jew attività li dwaru jkun hemm proċeduri kriminali pendenti, u meta jiġi pprezentat appell minn rifjut ta' dik l-applikazzjoni, ma għandhomx jitqiesu li jimpedixxu l-kontinwazzjoni ta' dawk il-proċeduri kriminali u l-qorti għandha tkompli tisma' il-każ u għandha tagħti s-sentenza dwaru u

għandha toħroġ l-ordni skond is-subartikolu (2) bħallikieku dik l-applikazzjoni jew dak l-appell qatt ma kienu pprezentati:

Izda meta dak l-iżvilupp jew attività ikun gie regolarizzat l-ebda multa taħt is-subartikolu (2) ma għandha tiftallas fir-rigward taż-żmien ta' wara li l-iżvilupp giet regolarizzat.

(6) Minkejja d-disposizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell lill-Qorti tal-Appelli Kriminali minn kull sentenza mogħtija f'proċedimenti li jirriżultaw minn dan l-Att jew minn regolamenti, regoli jew ordnijiet magħmulin taħtu.

95. F'kull proċediment jew prosekuzzjoni taħt dan l-Att, kopja ta' kull ordni, avviż, deċiżjoni jew dokument ieħor li juri li sar taħt dan l-Att u li gie ffirmat miċ-*Chairman* ta' l-Awtorità jew mill-Uffiċjal Ezekuttiv Ewlieni jew minn wieħed mid-Diretturi, għandu jiġi aċċettat bħala prova ta' l-ordni, avviż, deċiżjoni jew dokument ieħor, u tal-fatti li jidhru fih, mingħajr provi il-ħtieġa ta' aktar.

Kopji ċertifikati ta' ċerti dokumenti.

Part VIII

Mixxellanji

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

Notifiki taħt dan l-Att.

(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-aħħar kienet toqgħod, dik il-persuna, jew jekk dik il-persuna tkun tat indirizz għal notifika, f'dak l-indirizz; jew

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

(d) f'każ ta' enti morali jew għaqda oħra ta' persuni, billi jingħata f'idejn uffiċjal jew impjegat tagħhom fl-uffiċċju registrat jew prinċipali, jew billi jintbagħat b'ittra registrata indirizzata 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 mogħti jitwaħħal f'post prominenti fuq l-art li għaliha jirreferi u jinżamm hekk imwaħħal għal mhux anqas minn sebat ijiem.

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

Riservi.

97. (1) Il-Ministru jista' b'seħħ minn dik id-data li tista' tiġi stabbilita b'avviż fil-Gazzetta jhassar l-Att dwar l-Ippjanar ta' l-Iżvilupp, u l-Att dwar il-Protezzjoni ta' l-Ambjent, u dati, regoli u proċeduri differenti jistgħu jiġu hekk stabbiliti għat-tfassir u, jew l-applikabilità tad-disposizzjonijiet differenti tagħhom.

(2) Il-Ministru jista' permezz ta' regolamenti maħruġa taħt dan l-Att jipprovdi illi minflok il-kliem "Direttur", "Direttur ta' l-Ippjanar" u "Diretturi għall-protezzjoni ta' l-Ambjent", kull fejn dawn jinsabu f'regolamenti magħmulin taħt l-Att dwar l-Ippjanar ta' l-Iżvilupp u l-Att dwar il-Protezzjoni ta' l-Ambjent, għandhom jidhlu l-kliem "Awtorità" u kull tifsira ta' "Direttur", "Direttur ta' l-Ippjanar" u "Diretturi għall-protezzjoni ta' l-Ambjent" f'regolamenti magħmulin taħt l-istess Att għandhom jithassru.

(3) Kull ordni, regola, *bye-law*, avviż, pjan jew *policy* jew strument ieħor li jkollu forza ta' liġi li jsiru jew inżammu fis-seħħ taħt l-awtorità ta' xi disposizzjoni ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp jew l-Att dwar il-Protezzjoni ta' l-Ambjent għandha tkompli sseħħ u għandu jibqa' jkollha effett bħallikieku magħmula taħt dan l-Att u tista' tiġi emendata, sostitwita jew revokata skond hekk.

(4) Kull liċenza, permess, awtorità, ordni, avviż jew ċertifikat, jew kull prosekuzzjoni jew akkuża mogħtija

jew magħmula jew miżmuma fis-seħħ taħt xi waħda mid-disposizzjonijiet ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp jew l-Att dwar il-Protezzjoni ta' l-Ambjent u li jkunu għadhom fis-seħħ minnufih qabel id-data li fiha jidhol fis-seħħ dan l-Att, għandhom minn dik id-data jibqgħu fis-seħħ bhallikieku kienu liċenza, permess, awtorità, ordni, avviż jew ċertifikat, jew prosekuzzjoni jew akkuża mogħtija jew magħmula taħt dispozizzjoni korrispondenti ta' dan l-Att, u kull liċenza, permess, awtorità, ordni, avviż jew ċertifikat, jew prosekuzzjoni jew akkuża bħal dawk hawn aktar qabel imsemmija għandhom jiġu trattati u jsir minnhom skond hekk:

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

(5) Il-Kumitat ta' l-Utenti stabbilit taħt il-provvedimenti ta' l-artikolu 36, il-Kumitat ta' Konsulenza dwar il-Patrimonju stabbilit taħt il-provvedimenti ta' l-artikolu 37, it-Tribunal ta' Revizjoni ta' l-Ambjent u l-Ippjanar stabbilit taħt il-provvedimenti ta' l-artikolu 40 u l-Fond ta' l-Ambjent stabbilit taħt il-provvedimenti ta' l-artikolu 38, għandhom jaqdu u jissuċċedu fil-funzjonijiet, l-attiv, jeddijiet, passiv u obbligazzjonijiet kollha tal-Kumitat ta' l-Utenti, il-Kumitat ta' Konsulenza dwar il-Patrimonju u l-Bord ta' l-Appelli dwar l-Ippjanar rispettivament stabbiliti taħt il-provvedimenti ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp u l-Fond Ambjentali stabbilit taħt il-provvediment ta' l-Att dwar il-Protezzjoni ta' l-Ambjent.

L-EWWEL SKEDA

Artikolu 6

Disposizzjonijiet dwar l-Awtorità u l-Kummissjoni ta' l-Ambjent u l-Ippjanar.

1. Id-dispożizzjonijiet ta' din l-iskeda tirregola il-proċeduri li għandhom jintużaw mill-Awtorità u mill-Kummissjoni ta' l-Ambjent u l-Ippjanar. Għall-finijiet ta' din l-iskeda, kull fejn il-kelma "Awtorità" hija użata, għandu jfittiehem bħala li jinkludi l-Kummissjoni ta' l-Ambjent u l-Ippjanar, kemm-il darba r-rabta tal-kliem ma tkunx teħtieg mod ieħor.

2. L-Awtorità tista' taħdem minkejja kull vakanza fost il-membri tagħha, izda għandu jkun hemm quorum preżenti għall-laqgħa.

3. Il-*quorum* ta' l-Awtorità għandu jkun jikkonsisti fiċ-*chairman* jew viċi *chairman* u mhux anqas minn nofs in-numru tal-membri l-oħra li jaqgħu l-Awtorità fil-ħin tal-laqgħa.

4. Il-laqgħat ta' l-Awtorità jissejhu miċ-*chairman* jew fuq inizjattiva tiegħu jew fuq talba ta' tnejn mill-membri ta' l-Awtorità; u l-Awtorità għandha tiltaqa' wkoll f'dawk iż-żminijiet li hi stess tiddeċiedi.

5. Iċ-*chairman*, jew viċi *chairman* li jkun qed jaġixxi floku, ikollhom vot oriġinali u, jekk il-voti jkunu maqsumin indaq, vot ieħor jew vot deċiżiv. Il-membri kollha ta' l-Awtorità li jkunu preżenti fil-laqgħat tagħha għandhom jifgħu l-vot tagħhom favur jew kontra mozzjoni li titressaq għall-votazzjoni.

6. Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 16 ta' l-Att, Membru ta' l-Awtorità li għandu interess dirett jew indirett f'xi haġa li tiġi quddiem l-Awtorità biex tiġi kkunsidrata minnha għandu, mhux aktar tard minn l-ewwel laqgħa miżmuma wara li jkun sar jaf biċ-ċirkostanzi rilevanti, juri n-natura ta' l-interess tiegħu. Dan il-fatt għandu jitnizzel fil-minuti tal-laqgħa u l-membri -

(a) m'għandux jieħu sehem fid-diskussjonijiet jew deċiżjonijiet ta' l-Awtorità dwar dik il-ħaġa; u

(b) m'għandux jingħadd biex jiġi stabbilit il-*quorum* għal dawk id-diskussjonijiet jew deċiżjonijiet.

7. Kull att magħmul *bona fide* minn persuna bħala membru ta' l-Awtorità jkun validu u jkollu effett bhallikieku kien membru anki jekk wara jinstab xi difett fil-kwalifiki jew nomina tiegħu.

8. Bla ħsara għad-disposizzjonijiet ta' dan l-Att, kompriza din l-Iskeda, l-Awtorità tista' tirregola l-proċeduri tagħha.

9. Il-Laqgħat ta' l-Awtorità għandhom jkunu miftuħa għall-pubbliku, u l-Awtorità għandha tippermetti lill-applikant u r-rappreżentant tiegħu, jew kull wieħed minnhom, u terzi persuni interessati li jkunu għamli ilmenti skond l-artikolu 68 (4) biex jagħmlu s-sottomissjonijiet tagħhom dwar kull kwistjoni li tkun qegħda tiġi kkunsidrata. Iċ-*Chairman*, fid-diskrezzjoni assoluta tiegħu, jista' wkoll jippermetti lil kull membru ieħor tal-pubbliku biex jagħmel s-sottomissjonijiet tiegħu, bla ħsara għas-setgħa taċ-*Chairman* li jeskludi lil kull membru tal-pubbliku jekk huwa jidhirlu li jkun meħtieġ li jagħmel dan biex iżomm l-ordni u li jillimita il-partecipazzjoni ta' l-applikant u r-rappreżentant tiegħu jew ta' terzi persuni interessati li jkunu għamli l-ilmenti skond l-artikolu 68 (4) jew tal-pubbliku kif jidhirlu xieraq.

10. Fuq it-talba ta' xi membru ta' l-Awtorità, id-deliberazzjonijiet ta' l-Awtorità jsiru bil-magħluq iżda kull votazzjoni trid issir fil-pubbliku. L-ebda vot sigriet ma għandu jiġi permess. Fejn l-Awtorità tivvota kontra rakkomandazzjoni, jekk ikun hemm, magħmula mid-Direttur, iċ-*Chairman* ta' l-Awtorità għandu jirreġistra fil-*file* relattiv ir-raġunijiet ambjentali u tal-ippjanar speċifiċi miġjuba mill-Awtorità.

11. L-Awtorità għandha tiddeċiedi u tiddetermina kull kwistjoni taħt konsiderazzjoni tagħha matul l-ewwel seduta li fiha dik il-materja tingieb għad-determinazzjoni. L-Awtorità tista' wara li tagħti r-raġunijiet għal dik it-talba, titlob l-applikant li jipprezenta pjanti godda u dokumenti u dan sakemm is-sustanza tal-kwistjoni li tkun qed tiġi kkunsidrata tagħha ma tinbidilx u kull persuna li tkun għamlet sottomissjonijiet bil-miktub dwar l-applikazzjoni skond l-artikolu 68 (4) għandhom ikunu infurmati li l-pjanti u d-dokumenti godda ġew hekk ippreżentati u għandu wkoll jiġi mistieden li jkunu preżenti waqt is-seduta ta' l-Awtorità, skond kif ikun il-każ, meta l-applikazzjoni tiġi diskussa. Meta l-Awtorità tipposponi deċiżjoni dwar aplikazzjoni jew meta l-applikant huwa mitlub li jipprezenta pjanti u dokumenti godda, jew għall-għoti ta' informazzjoni ulterjuri, f'liema każ l-Awtorità għandha tagħti raġunijiet għall-ħtieġa ta' aktar informazzjoni, jew meta l-Awtorità tkun meħtieġa li tikkonsulta skond l-artikolu 45 f'liema każ l-Awtorità għandha, matul il-laqgħa tistabilixxi d-data għad-determinazzjoni ta' l-applikazzjoni u din id-data m'għandhiex tkun aktar tard minn ġimgħatejn mid-data tal-laqgħa:

Iżda l-Awtorità tista' wkoll tiddelega liċ-*Chairman* jew lil xi wieħed mill-membri tagħha, is-setgħa sabiex japprova l-pjanti riveduti jew id-dokumenti li jkollhom x'jaqsmu ma' kull materja li tkun qegħda tiġi kkunsidrata minnha.

IT-TIENI SKEDA

Artikolu 41

Proċedimenti quddiem it- Tribunal ta' Reviżjoni ta' l-Ambjent u l-Ippjanar u l-appelli li jsiru minnhom.

1. L-applikazzjoni għandu jkun fiha r-raġunijiet ta' l-appell u t-talba ta' l-appellant u, fil-każ ta' appell minn rifjut ta' permess jew liċenza, għandha tinkludi kopja tal-formola ta' applikazzjoni u d-dokumenti u l-pjanti sottomessi għall-approvazzjoni flimkien mad-dokumentazzjoni kollha rilevanti għar-raġunijiet tal-appell, inkluża kopja tad-deċiżjoni ta' l-Awtorità appellata. Kopja ta' l-appell u d-dokumentazzjoni anċillari għandha titwassal lill-Awtorità qabel ma jinstema' l-appell. L-Awtorità għandha tippreżenta r-risposta tagħha fi żmien tletin jum minn meta l-applikazzjoni tkun giet notifikata lilha jew fiż-żmien kif stabbilit mit-Tribunal. Ir-risposta trid tiġi notifikata lill-appellant.

2. L-appellant jista' jidher quddiem it-Tribunal jew personalment jew permezz ta' aġent fil-gurnata u hin iffissati għas-smiġh u jagħmel is-sottomissjonijiet tiegħu u jipproduċi dawk il-provi li t-Tribunal jippermetti:

Iżda t-Tribunal jista' jipposponi is-smiġh ta' l-appell jekk ikun sodisfatt li l-appellant ma' setax jidher quddiemu minhabba mard jew għax kien barra minn Malta jew għal xi raġuni oħra simili.

3. It-Tribunal għandu jagħti lill-Awtorità l-opportunità li tagħmel sottomissjonijiet biex tiġġustifika id-deċiżjonijiet tagħha u li ġġib dawk il-provi li t-Tribunal jidhirlu meħtieġa.

4. It-Tribunal għandu jkollu s-setgħa li jharrek xhieda u li jagħti l-gurament lil kull min jidher quddiemu. Jekk xhud debitament notifikat permezz ta' ċitazzjoni iffirmit miċ-*Chairman* tat-Tribunal ma jidhirx quddiem it-Tribunal, tali persuna għandha tkun hatja ta' reat u tista', meta tinstab hatja, teħel multa ta' mhux inqas minn ħames mitt euro u mhux iżjed minn ħamest elef euro.

5. It-Tribunal għandu jkollu s-setgħa li jikkonferma, iħassar jew ibiddel deċiżjoni li kontra tagħha jkun sar appell u jagħti dawk l-ordnijiet li jidhrula xierqa.

Iżda it-Tribunal jista' jitlob l-appellant jippreżenta dokumenti u pjanti godda, f'liema każ it-Tribunal għandu jagħti r-raġunijiet għal dik it-talba iżda is-sustanza tal-kwistjoni kif giet ippreżentata quddiem l-Awtorità m'għandhiex tinbidel.

6. Id-deċiżjonijiet tat-Tribunal ikunu finali u ma jkun hemm ebda appell minnhom ħlief fuq punti ta' liġi biss.

7. Jekk l-appellant jew l-Awtorità ma jaqblux ma' xi punt ta' ligi deciz mit-Tribunal, huma jistgħu jappellaw lill-Qorti ta' l-Appell (Kompetenza Inferjuri) b'rikors ipprezentat kif provdut fl-artikolu 42.

8. Is-seduti kollha tal-Bord għandhom isiru bil-miftuħ u d-decizjonijiet kollha tal-Bord għandhom jingħataw fil-pubbliku.

9. Bla ħsara għad-dispożizzjonijiet preċedenti u dawk ta' dan l-Att, it-Tribunal jista' jirregola l-proċeduri tiegħu nnifsu.

10. Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taħt din l-Iskeda li bihom jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-preżentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taħt dan l-Att:

Izda sakemm dawk id-drittijiet ikunu ġew hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodici ta' Organizzazzjoni u Proċedura Civili.

11. Terza persuna li tkun registrata skond l-artikolu 68 (4) ta' dan l-Att għandha tiġi infurmata mit-Tribunal li jkun ġie pprezentat appell u din tista' titlob lis-Segretarju tat-Tribunal sabiex jirregistraha bħala terza persuna interessata f'dak l-appell. Tali persuna għandu jkollha d-dritt li tindirizza lit-Tribunal u tista' tkun mitluba mill-Awtorità jew mil-Kummissjoni sabiex tagħti x-xhieda fil-proċedimenti ta' appell rigward l-imsemmi appell. Sakemm it-Tribunal ma jiddecidix mod ieħor, tali persuna jista' jkun preżenti matul is-seduti tat-Tribunal. Tali persuna ma tkunx tista' tattendi fuq il-post meta t-Tribunal jidhol fuq il-proprjetà ta' l-appellant jekk l-appellant joġġezzjona għall-preżenza ta' tali persuna fil-proprjetà tiegħu. Tali persuna għandha jkollha d-dritt li tingħata kopja tad-decizjoni tat-Tribunal fir-rigward ta' dawk il-proċedimenti ta' appell li għalihom ikunu ġew registrati mis-Segretarju tat-Tribunal bħala terzi persuni interessati. Tali persuna ma tistax tagħmel appell minn decizjoni tat-Tribunal quddiem il-Qorti tal-Appell (Kompetenza Inferjuri).

12. Meta isir appell minn persuna oħra għajr l-applikant, tali persuna m'għandhiex għalfejn iġġib prova li huwa għandu xi nteress f'dan l-appell skond id-duttrina ta' interess ġuridika u tali duttrina ma għandhiex tapplika għal proċeduri bħal dawn, izda huwa għandu jissottometti motivazzjoni irraġunati bażati fuq konsiderazzjonijiet ambjentali u, jew ta' l-ippjanar biex jiġġustifika l-appell tiegħu.

13. It-Tribunal jista' jqis li appell ġie abbandunat jekk l-appellant ma jurix interess fl-appell li huwa jagħmel.

14. It-Tribunal jista' jimponi multa ta' € 2,500 f'kazijiet li fihom jiddikjara dawn il-proċeduri frivoli jew vessatorji u f'kazijiet bħal dawn, id-decizjoni tat-

A 650

Tribunal għandha tkun finali mingħajr ebda rimedju quddiem il-Qorti tal-Appell (Kompetenza Inferjuri).

15. It-tribunal jista' jimponi dawk id-drittijiet fuq il-parti li tagħmel it-talba kif stabbilit għal spezzjonijiet tas-sit. Jekk it-Tribunal jiddeċiedi li jagħmel dik l-ispezzjoni fil-mozzjoni tiegħu stess, l-appellant għandu jgarrab l-ħlas.

IT-TIELET SKEDA**Artiklu 12**

Id-Direttorati ta' l-Awtorità huma:

1. Direttorat għall-Protezzjoni ta' l-Ambjent – li jkollu r-responsabbiltà għall-protezzjoni ta' l-ambjent, l-iżvilupp u l-koordinament ta' linji tal-politika, pjanijiet, leġislazzjoni u linji gwida, dwar l-ambjent, l-ipproċessar u d-determinazzjoni ta' applikazzjonijiet għall-attivitajiet li jaqgħu taħt il-ġurisdizzjoni tad-direttorat, *Audits* dwar l-Ambjent u Stimi ta' l-Impatt fuq l-Ambjent, ir-rapport fuq l-istat ta' l-ambjent, l-aspetti edukattivi dwar l-ambjent fi ħdan l-Awtorità, l-iżvilupp ta' *standards* u l-koordinament ta' affarijiet Internazzjonali u tal-Unjoni Ewropea.

2. Direttorat għall-Ippjanar ta' l-Iżvilupp – li jkollu r-responsabbiltà għall-ippjanar ta' l-iżvilupp, l-iżvilupp u l-koordinament ta' pjanijiet u ta' linji tal-politika dwar l-ippjanar ta' l-iżvilupp, l-ipproċessar ta' applikazzjonijiet relatati ma' l-ippjanar ta' l-iżvilupp u l-aspetti edukattivi ta' l-ippjanar ta' l-iżvilupp fi ħdan l-Awtorità.

3. Direttorat għas-Servizzi Korporattivi - li jkollu r-responsabbiltà għall-provdiment ta' riżorsi legali, finanzjarji u umani komuni u servizzi amministrattivi li jkunu meħtieġa għat-tħaddim xieraq tal-Awtorità.

4. Direttorat għall-Infurzar - li jkollu r-responsabbiltà għall-infurzar sħiħ tad-dispożizzjonijiet ta' dan l-Att u ta' liġijiet u regolamenti oħra li jirregolaw l-ambjent u l-iżvilupp.

IR-RABA' SKEDA

Artikolu 34

Kumitat Permanenti dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp

Il-Pjanijiet u l-*policies* li l-Ministru għandu jressaq quddiem il-Kumitat skond id-disposizzjonijiet tal-artikolu 34 (2)(ċ) huma:

- (a) Dawk il-pjanijiet u *policies* li jirreferu għall-art li tinsab barra minn zona ta' żvilupp kif definit fil-pjan ta' struttura jew fi pjanijiet oħra;
- (b) Dawk il pjanijiet u *policies* li jirregolaw esklużzivament il-limitazzjoni ta' l-għoli u r-restrizzjonijiet fuqhom;
- (c) Pjanijiet lokali, minbarra emendi minuri ta' dawn l-istess pjanijiet;
- (d) *Policies* li għandhom x'jaqsmu ma u li jirregolaw ic-certifikat ta' żvilupp skond il-permess;
- (e) Ir-rapport fuq l-istat ta' l-ambjent.

IL-HAMES SKEDA

Artikolu 42

Il-Bord ta' Registrazzjoni

Konsulenti li jwettqu l-istimi li ġejjin għandhom jkunu registrati mal-Bord:

1. Stimi fuq l-impatt ambjentali;
2. Stimi għal-siti li jaqaw f'żoni Speċjali ta' Konservazzjoni jew f'żoni Speċjali Protetti;
3. Stimi Ambjentali Strategici;
4. Stimi fuq proprjeta' u siti skedati;

IS-SITT SKEDA

Artikolu 70

L-Applikazzjonijiet li jaqgħu taħt il-provedimenti ta' l-artikolu 70

1. Applikazzjoni biex tirregolarizza żvilupp li jkun qabeż il-*footprint* approvat jew, iżid il-volum tal-bini minn kif approvat u ma jkunx jagħmel parti minn razzett tal-bhejjem reġistrat u li jkun sar wara Mejju ta' l-2008 f'żona li taqa' 'il barra minn żoni ta' l-iżvilupp kif definiti fil-Pjan ta' Struttura jew f'xi pjan ieħor; jew
2. Applikazzjoni biex tirregolarizza żvilupp fi proprjeta' skedata; jew
3. Applikazzjoni biex tirregolarizza żvilupp li sar wara Mejju 2008 f'area protetta taħt il-provedimenti ta' dan l-Att jew Regolamenti maħruġa taħt dan l-Att.

IS-SEBA' SKEDA

Artikoli 41 u 69

1. L-Applikazzjonijiet li jaqgħu taħt il-provvedimenti ta' l-artikoli 41 u 69 huma:

(a) Żvilupp f'qasam li ma jkunx jinkwadra fl-oqsma magħzula għall-izvilupp kif definiti fil-Pjan ta' Struttura jew f'xi pjan ieħor; jew

(b) Żvilupp fi proprjetà skedata grad 1 jew ta' grad 2; jew

(ċ) Żvilupp fi proprjetà li jkun fiha fdalijiet arkeoloġiċi; jew

(d) Fil-każ ta' twaqqiġh fiż-Żona ta' Konservazzjoni Urbana li jinkludi twaqqiġh tal-faċċata; jew

(e) Żvilupp f'area protetta taħt il-provvedimenti ta' dan l-Att u Regolamenti maħruġa taħt dan l-Att.

2. Is-subparagrafi (b), (d) u (e) tal-paragrafu (1) għandhom japplikaw ukoll meta l-istat ta' protezzjoni tas-sit jew il-proprjetà jkun għadu fi stadju ta' proposta.

IT-TMIEN SKEDA

Artikolu 91

Kategorija A:

1. Żvilupp li sar qabel l-1 Jannar 1993 f'konfini għall-iżvilupp fi Skema ta' Provvedimenti Temporanji jew konfini għall-iżvilupp kif indikat fi pjan lokali oħra għajr:

(i) meta l-iżvilupp bħal dan jikkonsisti fil-bidla fl-użu; jew

(ii) fejn tali żvilupp ma jkunx jikkonforma ma' l-allinjament ta' toroq jew binjiet kif speċifikat fi jew interpretat mill-Iskema Provvedimenti Temporanji jew pjan lokali.

Kategorija B:

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 249 tat-30 ta' Ġunju, 2010

MICHAEL FRENDO
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

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Eighth Schedule	

I assent.

(L.S.)

GEORGE ABELA
President

13th July, 2010

ACT No. X of 2010

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

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this Parliament assembled, and by authority of the same, as follows:-

Part I

Preliminary

1. (1) The short Title of this Act is the Environment and Development Planning Act, 2010.

Short Title and
Commencement.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

(3) A notice under subarticle (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

2. In this Act unless the context otherwise requires:

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, including any boarding or similar structure used or adapted for use for the display of advertisements;

“agency of Government” means a body corporate established by law and a company in which the Government or such body corporate, or a combination thereof has a controlling interest or which is a subsidiary of such a company;

“application” means a permission or licence application;

“application report” means the final permission or licence application report;

“the Authority” means the Malta Environment and Planning Authority established under article 6 and includes any body or other person acting on its behalf under powers delegated by the Authority under this Act, and the Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of this Act or any Regulations issued thereunder;

“biological diversity” or “biodiversity” means the variability among living organisms from all sources, including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes diversity within species, between species and of ecosystems;

“building” includes any structure or erection and any part of a building, but does not include plant or machinery comprised in a building;

“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;

“the Chairman of the Board” means the Chairman of the Authority appointed in terms of article 6;

“the Chief Executive Officer” means the officer appointed under the provisions of article 13 of this Act

“conservation” in relation to environment protection means a series of measures required to maintain or restore the natural habitats and the population of species of wild fauna and flora at a favourable status and for cultural heritage means any activity required to maximize the endurance or minimize the deterioration of any cultural property as far as possible and includes examining, testing, treating, recording and preserving any such cultural property or any part thereof;

“the Commission” means the Environment Planning Commission established under article 35;

“derivatives” means parts of any specimen, whether processed by man or not;

“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;

“discharge” includes emission, deposit, dumping, disposal, addition or introduction into the environment of a substance or energy, directly or indirectly from any point source or diffuse source, whether stationary or mobile, and whether caused or permitted intentionally or otherwise and whether continuous or intermittent or once only;

“energy” includes all types of radiation forming part of the electromagnetic energy spectrum, or resulting from a nuclear source, as well as all vibrations and noise;

“engineering operations” includes any physical changes to the land surface to the site topography, or the formation or laying out of roads and of means of access to roads;

“environment” means the whole of the elements and conditions, natural or man made, existing on earth, whether together or in isolation, and in particular:

- (a) the air, water and land;

(b) all the layers of the atmosphere;

(c) all organic and inorganic matter and all living organisms;

(d) all ecosystems; and

(e) the landscape;

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

“fauna” means all types of animals and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

“flora” means all types of plants and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

“functions” includes responsibilities, powers and duties;

“genetically modified organism” means any of the following:

(a) an organism derived from the formation of a combination of genetic material by any means other than natural means;

(b) an organism inheriting such combination of genetic material;

(c) an organism that results from the replication of an organism as derived in paragraph (a); or

(d) such other organism as may be prescribed by the Minister under this Act;

“land” includes a building;

“local council” means a local council established under the Local Councils Act;

“minerals” includes all minerals and substances (including oil and natural gas) in or under land of a kind ordinarily worked for removal by underground or surface working;

“the Minister” means the Minister responsible for the environment;

“natural resources” means any component of nature and includes air, water, land, soils, minerals, energy, living organisms and genetic resources;

“owner” means -

(a) a person who in his own right or as agent for another is entitled to receive the rent of the land or, where the land is not let, would be so entitled if it were let;

(b) where the land is subject to usufruct, bare owner or usufructuary;

(c) an emphyteuta;

(d) any one of the spouses, where the land to which the development relates forms part of the community of acquests;

“plan” means a plan approved in accordance with the provisions of the Act;

“policy” means a policy approved in accordance with the provisions of the Act;

“pollution” means the direct or indirect introduction by man, or due to natural processes, into the environment of substances, organism, genetic material or energy that cause or are likely to cause hazard to human health, harm to living resources or to ecosystems, or damage to amenities, or interfere with other legitimate uses of the environment;

“position statement” means a statement issued by either the Minister or the Authority in order to provide a detailed technical explanation justifying a position with respect to a specific planning issue;

“precautionary principle” means the principle whereby appropriate measures are taken to protect the environment and to ensure sustainable management of natural resources in the absence of absolute or conclusive scientific proof of the need for such measures;

“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 article 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” has the meaning assigned to it by article 81;

“specimen” means any species, whether alive or dead, any part or derivative thereof, and includes any goods which from an accompanying document, the packaging, mark or label or from other circumstances appear to be parts or derivatives of animals or plants;

“Standing Committee” means the Standing Committee on Environment and Development Planning established in terms of article 34;

“subsidiary plans” includes subject plans, local plans, action plans or management plans;

“substances” means any matter, chemical, mixture, compound or product and including fuels, combinations of elements, mixtures or compounds of a chemical reaction, as well as the mixture of substances of different molecular identities;

“Temporary Provisions Schemes” means a planning scheme prepared and approved in accordance with the Building Permits (Temporary Provisions) Act;

“Tribunal” means the Environment and Planning Review Tribunal established under the provisions of article 40 of the 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;

“waste” means any thing, substance or object which the holder discards or intends to discard, or is required to keep in order to discard, and includes such other thing, substance or object as the Minister may prescribe.

Part II

Duty to Protect the Environment

3. It shall be the duty of every person together with the Government to protect the environment and to assist in the taking of preventive and remedial measures to protect the environment and manage natural resources in a sustainable manner.

Duty of every person to protect the environment.

4. It shall be the duty of the Government to protect the environment for the benefit of the present and future generations and to that effect:

Duty of Government to protect the environment.

(a) to manage the environment in a sustainable manner by integrating and giving due consideration to environmental concerns in decisions on socio-economic and other policies;

(b) to take such preventive and remedial measures as may be necessary to address and abate the problem of pollution and any other form of environmental degradation in Malta and beyond, in accordance with the polluter pays principle and the precautionary principle;

(c) to collaborate with other governments and entities in the protection of the global environment;

(d) to disseminate information on the environment and to facilitate the participation of the public in decisions that affect the environment;

(e) to apply scientific and technical knowledge and resources in determining matters that affect the environment;

(f) to ensure the sustainable management of wastes and to promote its reduction and the proper use, reuse and recovery of matter and energy;

(g) to safeguard biological diversity;

(h) to combat all forms of pollution;

(i) to consider the environment as the common heritage and common concern of mankind; and

(j) to provide incentives leading to a higher level of environmental protection.

Application of articles 3 and 4.

5. The provisions of articles 3 and 4 shall not be directly enforceable in any court, but the principles therein contained are this notwithstanding fundamental to the Government of Malta and those principles shall be employed in the interpretation of the other provisions of this Act or of any other law relating to matters governed by this Act.

Part III

1. Administration

Establishment of the Malta Environment and Planning.

6. (1) There is hereby established an authority, to be known as the Malta Environment and 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.

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

(a) not more than three public officers representing the Government being persons who have experience or qualifications in matters concerning any of the following: planning, the environment, the infrastructure, social policy in so far as it relates to land use, economic affairs, agriculture, tourism and transport;

(b) not more than eight members (hereinafter called the "independent members") shall be chosen from amongst persons of known integrity and with knowledge of and experience in:

(i) the Environmental Voluntary Organisations sector and, or civil society;

(ii) commerce, economy and industry ;

(iii) cultural heritage;

(iv) and the rest being persons with knowledge of and experience in matters relating to environment, development, social and community affairs.

(3) Two members who shall be chosen from amongst the chairpersons of the Environment and Planning Commission.

(4) Two members who shall be members of the House of Representatives and of which one shall be appointed by the Prime Minister and the other by the Leader of the Opposition:

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 subarticle.

(5) The chairman of the Authority shall be chosen by the Prime Minister from amongst the independent members of the Authority, and may occupy any other post within the Authority, whereas the chairpersons of the Environment and Planning Commission appointed as Members of the Authority shall be appointed as Deputy chairpersons.

(6) Save as provided in subarticles (2),(3) and (4), no person shall be qualified to be appointed as, or remain, a member of the Authority if he:

(a) is a public officer:

Provided that the Chairman and the Chairperson of the Environment and Planning Commission, shall not be considered as public officers for the purposes of this subarticle;

(b) is an employee of any department, agency, Corporation or Authority of the Government, provided that for the purposes of this paragraph a member of the academic staff of the University shall be excluded;

(c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament, or of a local council;

(d) is a judge or magistrate of the courts of justice; or

(e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may determine that the person's interest is not likely to affect the discharge of his functions and upon such determination that person shall be qualified to hold the office of member of the Authority provided that the declared interest and the Minister's determination are published in the Gazette; or

(f) is interdicted or incapacitated; or

(g) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering; or

(h) is subject to disqualification under article 320 of the Companies Act.

(7) 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.

(8) Without prejudice to the provisions of subarticle (6), 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.

(9) The other members of the Authority shall hold office until they are replaced by the Prime Minister, and as long as they remain public officers or members of the House, as the case may require. Members of the House may also resign from office by letter addressed to the authority appointing them.

(10) 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.

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

(12) The Authority shall transmit a copy of the agenda, minutes and relative enclosures of its meetings to the Minister for his information.

7. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

Authority to be
body corporate.

(2) The legal and judicial representation of the Authority shall jointly vest in the Chairperson and the Chief Executive Officer:

Provided that the Authority may appoint any one or more of its other members or any one or more of its officers or employees to appear in the name and on behalf of the Authority in any proceedings and in any act, contract, instrument or other document whatsoever, or in the case of any vacancy in the post of Chairman or Chief Executive Officer.

(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, any one of the deputy chairpersons shall perform those functions and shall rotate the chairmanship of the Authority between them as far as practical.

8. (1) The Authority shall be the principal means whereby the Government shall implement its duties under this Act.

Functions of the
Authority.

(2) The functions of the Authority shall be the following:

(a) to perform and succeed in the functions, assets, rights, liabilities and obligations of the Competent Authority established under the provisions of article 3 of the Development Planning Act and article 6 of the Environment Protection Act;

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(b) the formulation and implementation of policies relating to the promotion of sustainable development, protection and management of the environment and the sustainable management of natural resources, and on such

other matters as may be necessary for the better carrying out of the provisions of this Act;

(c) the promotion of proper planning and sustainable development of land and at sea, both public and private;

(d) the control of such development in accordance with plans and policies approved in terms of this Act;

(e) the carrying out of national mapping, including carrying out land surveys of specific areas and keeping up to date the national geographical database to undertake the functions mentioned in this subarticle;

(f) the regulation of alignment and levelling schemes and their interpretation on site.

(3) In carrying out its functions under subarticle (2) the Authority shall:

(a) seek to co-operate or to make arrangements with other entities or persons to enable it to better monitor the implementation of and compliance with the provisions of this Act;

(b) establish long and short term objectives and strategies;

(c) make or advise the Minister on the making of environmental standards, guidelines and the making of regulations under this Act as well as on the formulation and implementation of contingency and emergency plans to safeguard the environment;

(d) issue any licence or permit that may be required by or under this Act under such conditions as it may, subject to any other provision of this or any other law, deem necessary to control and manage activities having an impact on the environment;

(e) establish threshold levels of discharge from production, management, use, possession or any other activity involving products, substances and the production of or use of energy;

(f) monitor the quality of the environment and for such purpose establish methodologies, maintain and disseminate information related to the environment; and

(g) publish, at intervals not exceeding three years, a report on the state of the environment.

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

(a) ensuring that Environmental Audits and Environmental Assessments as may be prescribed are properly carried out;

(b) the preparation of the plans and policies including any other matter ancillary, incidental or conducive thereto, and the updating thereof following their approval in terms of this Act;

(c) the conduct of consultations with Government departments, non-governmental organizations, private organisations and international organizations and other persons relating to environmental protections and the sustainable management of the environment and natural resources and planning, and to undertake and promote research on such matters;

(d) the provision of support and advisory services relating to environment protection, to Government and local authorities in relation to the performance of their functions;

(e) the provision of, either alone or in collaboration with others, education, training and public awareness programmes relating to environmental protection, and the sustainable management of the environment and natural resources;

(f) the publication and updating, as circumstances may warrant, of an official manual containing such matters as the Minister may prescribe and which shall be made available to the public, provided that:

(i) no policy or amendment thereto approved in terms of paragraph (2) (b) shall have effect unless it is approved in accordance with the provisions of this Act and published in the official manual;

(ii) a policy or an amendment thereto, as the case may be, shall be published in the official manual within one month from the date of its approval in terms of this Act;

(iii) the official manual may be published and updated in electronic form or in any other format as the Authority may approve;

(g) the performance of such other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation entered into by Malta relative to matters regulated by this Act.

(5) In the execution of its functions under Part III and Part IV of this Act, the Authority shall consult with the Minister, and it shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

(6) The Authority may also exercise all powers of control over the environment and development as may from time to time be delegated to it in writing by the Minister on behalf of any department or agency of Government.

(7) It shall be the Minister's function to ensure that the Authority is fully informed of Government's strategic directions relative to development, and to monitor the proper execution of such policies.

(8) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic directions relating to development and the environment as well as such policies relating to the environment as are applicable to Malta.

(9) In the pursuance of its functions under this Act, the Authority shall, as far as possible, make reference to European best practices and emulate them.

(10) The Authority shall also ensure that it keeps an audit trail of all its files, including all documentation and reports.

Delegation of power

9. Saving the provisions of article 72 and subject to retaining overall control and supervision, and otherwise observing

the provisions of this Act, the Authority may, with the approval of the Minister, delegate any one or more of its functions under this Act under such conditions as it may deem appropriate. In particular, but without prejudice to the generality of the foregoing, the Authority may delegate as aforesaid to, or exercise concurrently with, the Commissioner of Police, or any local council, or any other body, authority or contractor, any of the functions vested in it in terms of Part VI of this Act and the Authority shall also have the power to delegate any of its enforcement powers, including the levying of penalties established in this Act, to local wardens appointed in terms of the provisions of the Private Guards and Local Wardens Act in terms of such procedure as the Minister may in agreement with the Minister responsible for local councils prescribe. Notice of any such delegation shall be published in the Gazette.

10. The Authority may with the approval of the Minister appoint advisory boards and committees to assist it in the performance of its functions under this or any other law. The functions of the said boards and committees shall be prescribed by the Authority with the approval of the Minister.

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Appointment of
Advisory Boards and
Committees.

11. (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority, but save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its Directorates and of its officers and employees, shall be the responsibility of the Chief Executive Officer of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Authority.

Conduct of the
affairs of the
Authority.

(2) The Authority and each of the Directorates may exercise any one or more of their functions or responsibilities either directly or through any of their officers or employees authorised for the purpose.

(3) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorates under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

12. (1) There shall be established the Directorates designated in the Third Schedule which shall have the respective responsibilities described in the same Schedule.

(2) The Authority shall in writing vest in the Directorates established under subarticle (1) and subject to the overall supervision and control of the Authority and of the Chief Executive Officer, such of its functions as relate or are ancillary to the matters for which they are responsible as will enable the said Directorates to give effect to the strategies, policies and directives of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(3) Each of the Directorates established under subarticle (1) shall be headed by a person having adequate experience or knowledge in the respective area of operation who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking.

(4) Such Directors shall be appointed by the Authority with the approval of the Minister for a period of three years which may be extended for further periods of three years each.

13. (1) The Authority shall appoint a Chief Executive Officer with the approval of the Minister. Such appointment shall be for a period of three years which may be extended for further periods of three years each.

(2) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions and without prejudice to the generality of the foregoing shall -

(a) assume full responsibility for the overall supervision and control of the Directorates;

(b) with the approval of the Authority, assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates;

(c) co-ordinate the workings of the Directorates;

(d) develop the necessary strategies for the implementation of the objectives of the Authority;

(e) advise the Authority on any matter it may refer to him or on any matter on which he considers his advice necessary or expedient; and

(f) carry out such other functions and duties as the Authority may assign to him from time to time.

(3) The Chief Executive Officer may be dismissed by the Authority at any time for a just cause and it shall be a just cause if the Authority determines that he has not achieved the targets and objectives set for him by the Authority.

14. (1) The Chief Executive Officer and each Director shall, himself or his representative, have the right to be present and participate at all meetings of the Authority, of the Commission and of all the meetings held by all the boards and committees appointed by the Authority:

Other matters relating to officers of the Authority.

Provided that the Authority may if it so deems fit, require the Chief Executive Officer or any of the Directors not to attend any of the meetings or any part of a meeting.

(2) The Authority shall also appoint one of its officers to act as secretary of the Authority. The secretary shall have the duty of calling meetings and keeping minutes and such other duties as the Chairman may delegate to him.

(3) The Authority shall also appoint one of its officers as the Internal Auditor. The Internal Auditor shall:

(a) provide oversight of the systems of internal control and risk management of the Authority and to assist and support the Authority in discharging its responsibilities in relation thereto;

(b) provide the communication link with external auditors and to evaluate and coordinate the audit and financial reporting process of the Authority;

(c) scrutinize and evaluate any transaction to be entered into by the Authority with a value exceeding two hundred and fifty thousand euro (€250,000); and

(d) review and assess the effectiveness of the management of the Authority in its compliance with policies and in the discharge of its regulatory and compliance functions;

(4) The Internal Auditor shall report directly and exclusively to the Authority in accordance with procedures established by the Authority.

Staff appointments.

15. (1) Subject to the provisions of the Constitution, any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Authority and the terms and conditions of their employment and appointment shall be established by the Authority with the concurrence of the Minister.

(2) The Authority may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or partly by one and partly by the other, for the payment of pensions, gratuities and other like benefits to its officers and employees on their retirement, death or injury, or to their dependants.

Disclosure of interests.

16. (1) Where any member of the Authority, the Chief Executive Officer or a member of the staff of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in, or material to, any matter which falls to be considered by the Authority, he shall -

(a) disclose to the Authority the nature of his interest at the first meeting of the Authority after such interest is acquired or in advance of any consideration of the matter, whichever is the earlier, and in accordance with directives issued from time to time by the Authority;

(b) neither influence nor seek to influence the processing and the decision in relation to such matter;

(c) take no part in any consideration of such matter; and

(d) not attend nor participate in any meeting on such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of subarticle (1), the question shall be determined by the Authority and the decision and its motivation shall be recorded in the minutes of the meeting during which the decision was taken and such person to be duly informed.

(3) Where a disclosure is made to the Authority pursuant to subarticle (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom subarticle (1) applies fails to make the required disclosure, the Authority shall decide the appropriate action to be taken which may include the removal from office or termination of the contract of the person concerned.

17. The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 15, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of officers and employees of the Authority.

18. (1) The Prime Minister may, from time to time, direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

Detailing of public officers for duty with the Authority.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events, that is to say:

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 20; or

(b) the revocation of such direction by the Prime Minister, in relation to such officer:

Provided that in relation to a public officer detailed for duty with the Authority with effect from such date as the Prime Minister may in a direction as aforesaid establish, the

detailing of such public officer shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of subarticle (2) shall thereupon apply to the period of duration of such detailing by any such further direction in relation to such officer.

Status of public officers detailed for duty with the Authority.

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19. (1) Where any public officer is detailed for duty with the Authority under any of the provisions of article 18, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

(ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would have been liable, but for the fact of his being detailed for duty with the Authority.

(3) Where an application is made as provided in subarticle (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

20. (1) The Authority may, with the approval of the Prime Minister, offer permanent employment with the Authority to any officer detailed for duty with the Authority under any of the provisions of article 18 at remuneration and on terms and conditions not less favourable than those enjoyed by such officer on the date of such offer.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

(2) The terms and conditions of any permanent employment offered by the Authority under the provisions of subarticle (1) shall not be deemed to be less favourable merely because they are not in all respects identical or superior to those enjoyed by the officer concerned on the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

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(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of subarticle (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of article 44 of this Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent

employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) In the case of a public officer detailed for duty with the Authority with effect from the date established under the proviso to article 18 (2)(b) and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

(7) For the purposes of the Pensions Ordinance the pensionable emoluments on retirement of any public officer to whom subarticle (6) applies shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer retires from the Authority.

(8) (a) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible for personnel policies in general in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(b) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Authority.

(c) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

Engagement of consultants and advisers.

21. The Authority may engage such consultants or advisers, as it may consider necessary to assist it in the fulfilment of its functions.

Authority to meet expenditure out of revenue.

22. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For the purposes of subarticle (1) the Authority shall levy all fees, rates and other payments prescribed or deemed

to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this subarticle, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subarticle (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested by the Authority in such manner as may from time to time be approved by the Minister.

23. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, including by way of overdraft or otherwise, or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

Power to borrow or raise capital.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one million euro (€1,000,000) there shall be required the approval of the Minister in writing.

24. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make

Advances from Government.

such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Borrowing from
Government.

25. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority by way of repayment of advances made to the Authority under subarticle (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the
Authority.

26. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

27. (1) No expenditure shall be made or incurred by the Authority unless provision therefor had been made in the estimates approved as provided in article 26.

Expenditure to be according to approved estimates.

(2) Notwithstanding the provisions of subarticle (1) -

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister given after consultation with the Minister responsible

for finance, be made or incurred in respect of another head or subhead of the estimates;

(c) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

28. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives, together with a motion that the House approve the said estimates. One sitting day shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Accounts and audit.

29. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall not later than three months after the end of each financial year cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House as soon as practicable.

30. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

Deposit of revenues and payments by the Authority.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

31. The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

Contracts of supply or works.

Annual Report.

32. The Authority shall, not later than three months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year, distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Exemption from tax.

33. The Authority shall be exempt from any liability for the payment of any tax on income or duty on documents for the time being in force in Malta.

Part III

2. Committees, Commissions, Boards and Tribunals

Standing Committee
on Environment
and Development
Planning.

34. (1) There shall be a Standing Committee on Environment and Development Planning which shall consist of five members appointed by the House, of whom three shall be members supporting the Government, one of whom shall be appointed as Chairman, and the other two shall be members from the Opposition.

(2) The Standing Committee shall:

(a) review any plan referred to the House of Representatives in terms of this Act. The Standing Committee shall also recommend to the House whether the plan should be approved, with or without amendments, or rejected;

(b) discuss any report referred to it by the Minister relating to the structure plan or any review thereof;

(c) discuss any other plan or policy referred to it by the Minister and report thereon to Parliament. Such a report may also include any dissenting opinion on the plan or policy. The Minister shall take cognisance of the said report and shall forward the report to the Authority for its consideration in the determination by the Authority of the plan or policy if the said plan or policy has not yet been approved by the Authority:

Provided that where the said Standing Committee fails to report to Parliament within the period by which it was requested to do so, the Minister may request the Authority to finalise the said plan or policy, and the Minister may also approve the said plan or policy as forwarded to him by the Authority.

(3) When notice of a motion, as is referred to in article 53(2), is given by the Minister, that motion shall be referred to the Standing Committee of the House, and the said Standing Committee shall discuss the said motion and report thereon to the House.

(4) Not later than one month after a notice as is referred to in subarticle (3) has been referred to the Standing Committee of the House, the said Standing Committee shall discuss the structure plan or any review thereof, and shall, not later than one month after the said plan or review thereof has been referred to it, report thereon to the House:

Provided that where the said Standing Committee fails to report to the House within the said period of one month, the House may pass on to discuss the motion.

(5) Where the report of the Standing Committee on a motion is unanimous, the House shall proceed to vote on such motion and on any amendments that are proposed in the said report without debate.

35. (1) There shall be a commission, to be known as the Environment and Planning Commission, which may have such number of divisions as the Prime Minister may by order in the Gazette prescribe. Each division shall deal with such types of applications, not being specific to a geographical area, as the Minister may after consulting the Authority prescribe:

Environment and
Planning Commission.

Provided that no two divisions thereof shall deal with the same types of applications.

(2) Each division of the Commission shall be appointed by the Prime Minister and shall consist of five members, included its Chairman. Each division shall be composed of members chosen from amongst persons of known integrity and with knowledge of and experience in matters relating to environment and development. The members of the Commission shall hold office for a period of four years. They shall be eligible for reappointment of another term of four years. The provisions of Subarticle (6) of Article 6 shall

apply to the members of the Commission, and its members may also be removed by the Authority for reasons of gross misconduct or breach of their duties.

(3) Subject to sub article (1) and to article 72 the functions of the Commission shall be such of the functions of the Authority with respect to environment and 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.

(4) The decisions of the Commission including any permission or licence 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.

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

(6) The Commission shall transmit to the Chief Executive Officer and the Directors a copy of the agenda of its meeting prior to the meeting and a copy of the minutes and relative enclosures of its meetings immediately after the meeting. The Chief Executive Officer and any Director, or his representative, may attend the meeting of the Commission and may make submissions on any matter under consideration.

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

(8) 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.

(9) The Commission may at any time draw up reports, which shall be discussed by the Authority:

(a) on any issue relevant to environment and development planning, including on any application;

(b) concerning the environment protection and development control process; and

(c) on any subject which should be addressed by the Authority by means of a new policy or an amendment to an existing one.

36. (1) There shall be a Committee, to be known as the Users' Committee, which shall consist of not less than seven and not more than eleven members being not more than one representative from each of the interested national constituted bodies recognized by the Minister for the purpose of this article. The Users' Committee shall be autonomous from the Authority and shall be appointed by and be responsible to the Minister to whom it shall report at least every six months, or earlier as the need arises.

Establishment of the
Users' Committee

(2) The Users' Committee shall supervise the general functioning of the Authority particularly to ensure, in the interest of the general public an expeditious and fair process and transparency and uniformity in the Authority's decisions and acts. For these purposes the Users' Committee shall monitor the running of the Authority and shall propose, to the Authority or the Minister as the case may be, such changes to administrative processes and practices as it may deem appropriate.

37. (1) There shall be a committee to be styled the Heritage Advisory Committee, which shall consist of two panels.

The Heritage
Advisory Committee.

(2) One panel shall deal with Cultural Heritage and shall be known as the Cultural Heritage Panel, and shall be constituted as follows:

(a) a chairman and three other members appointed by the Minister responsible for culture, and

(b) three other members appointed by the Minister after consulting the Authority.

(3) One panel shall deal with Natural Heritage and shall be known as the Natural Heritage Panel, and shall consist of a chairman and six other members appointed by the Minister after consulting the Authority.

(4) Four members of a panel shall constitute the quorum at the meetings of a panel and eight members shall constitute a quorum at a joint meeting of the two panels. The chairman at a meeting shall have an original vote and, in the case of equality of votes, a casting vote.

(5) It shall be the function of the panel, each in the field dealt by it, to provide professional and expert advice to the Authority on matters relating to the conservation of the cultural and natural heritage in an integrated process. Each panel shall also provide advice on the application process in particular with regard to the conservation of property or areas that may be affected by an application for permission.

(6) Each panel shall make available for public inspection any recommendation made by it to the Authority and shall, every six months, report to the Authority and to the Committee of Guarantee set up under the Cultural Heritage Act.

(7) Each panel may call upon any person to give it expert or professional advice on any matter being dealt by it.

(8) Either chairman shall convene a joint meeting of both panels when matters affecting both the cultural and the natural heritage are involved, and in such case the joint meeting of the two panels shall be chaired by the chairman of the panel convening the meeting. The provisions of subarticle (7) shall apply also to such meetings.

(9) Subject to the foregoing provisions of this subarticle and to any rules prescribed by the Minister with the concurrence of the Minister responsible for cultural heritage, the committee and the panels may regulate their own procedure.

The Environment
Fund and other funds.

38. (1) The Authority shall set up a fund, hereinafter referred to as the Environment Fund.

(2) The Environment Fund shall be administered by the Authority.

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Cap. 364.

(3) The Environment Fund shall be used to finance projects, programmes and schemes related to, and costs intended to enforce and manage, the aims and objectives of this Act, as well as works which may be needed for that purpose or to remedy any harm caused to the environment in connection with any contingency or emergency plan, or to finance such other activities, including activities organised by nongovernmental organizations, as the Minister in consultation with the Authority may prescribe:

Provided that, without prejudice to the aforesaid, the Environment Fund shall not be used to finance other costs of the Authority:

Provided further that the Authority may charge the Environment Fund for any services rendered by it to the Environment Fund.

(4) There shall be paid into the Environment Fund:

(a) any sums appropriated by Parliament for the purpose;

(b) any donations or grants made to the Environment Fund by individuals or institutions;

(c) sums received by the Authority for the purpose of being placed in the Environment Fund;

(d) such other sums or monies as may from time to time be provided by or under this or any other law or regulations.

(5) The Environment Fund shall keep a proper account of its revenue and expenditure and the Authority shall, without prejudice to the powers of the Auditor General and of the Minister responsible for finance under any law, each year cause the accounts of the Environment Fund to be audited by suitably qualified Public Auditors and Accountants appointed by it with the concurrence of the Minister.

(6) The Environment Fund shall every financial year deliver to the Minister, through the Authority, a copy of its duly audited balance sheet together with a report of its activities during the previous financial year. The Minister shall lay a copy of the balance sheet and of the report on the Table of the House within a month of the receipt of the same from the Authority.

(7) The revenue of the Environment Fund shall not be subject to tax under the Income Tax Act and the Environment Fund shall not be liable to tax under the Duty on Documents and Transfers Act.

(8) The Minister after consulting the Authority may make regulations prescribing the procedure to be followed by the Authority and otherwise regulating the Environment Fund.

(9) The Authority may set up other funds and prescribe what shall be paid into such funds and how the said funds shall be administered and used. The provisions of subarticles (4), (5), (6), (7) and (8) shall apply mutatis mutandis to such other funds.

Mediators.

39. (1) There shall be such officers, to be known as the Mediators, whose function shall be to act as a mediator between an applicant for permission or licence and the Authority.

(2) The Authority shall appoint a mediator at the request of either the applicant for permission or licence or at the request of any of the Chief Executive Officer or of Directors of the Authority.

(3) There shall be a panel of Mediators appointed by the Minister after consultation with the Authority and the Malta Mediation Centre. A Mediator shall be appointed from among persons versed in environmental matters or in planning or in architecture and civil engineering or in any other relevant discipline.

(4) Subject to the foregoing provisions and to any regulations made under subarticle (7), a Mediator may regulate his own proceedings.

(5) No appeal shall lie to the Tribunal in terms of article 41 from anything done by the Mediator.

(6) If a mediator has been appointed, all the submissions in relation to the procedures that have or ought to have been followed, including the commissioning of studies related to the matter under the Authority's consideration, shall be made before the said mediator.

(7) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

(a) establish the procedure to be followed by a Mediator;

(b) prescribe those types of applications which an applicant may not refer to a Mediator;

(c) prescribe the procedure to be followed by the Director during consultation meetings with the applicant and his representative;

(d) prescribe the procedure to be followed in the formulation of an application report by the Director.

40. (1) There shall be a Tribunal, to be known as the Environment and Planning Review Tribunal, consisting of three members, one being a person versed in environment or development planning, who shall preside, and a lawyer and an architect, each of whom shall be appointed by the President acting on the advice of the Minister.

Environment and
Planning Review
Tribunal.

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

(3) A member of the Tribunal 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 member shall be substituted by another person either appointed for the purpose by the President acting on the advice of the Minister or chosen from the appropriate panel so appointed.

(4) The members of the Tribunal shall hold office for a period of four years. They shall be eligible for reappointment of another term of four years.

(5) In the exercise of their functions under this Act, the Chairman and the members of the Tribunal shall not be subject to the control or direction of any other person or authority, and may be removed from office by the President acting on the advice of the Minister for the reasons provided for in article 97(2) of the Constitution.

(6) The Tribunal shall have an administrative secretariat independent from the Authority, consisting of a secretary and such other officers or employees as may be necessary for a prompt and efficient determination of the matters within the Tribunal's jurisdiction. The secretary shall be appointed by the Minister and the other members of the secretariat shall be chosen and appointed by the secretary.

(7) The expenses incurred in connection with the administration of the Tribunal, including the payment of the honorarium to the Chairman and members of the Tribunal and the salary of the Tribunal's Secretary and the Tribunal's staff shall be paid out of the Consolidated Fund without the necessity of any further appropriation.

Functions and
Procedures of the
Tribunal.

41. (1) Subject to those articles which specifically exclude the right to appeal before the Tribunal, and to articles 81(14), 82(4) u 86 , the Tribunal shall have jurisdiction to:

(a) hear and determine all appeals made by the applicant or a person aggrieved by a notice issued under the provisions of Part VI of this Act on any decision of the Authority on any matter of development control, including the enforcement of such control, or appeals made by any person on any decision of the Authority relating to environment protection, including environment assessments, access to environmental information and the prevention and remedying of environmental damage:

Provided that the Authority shall not be construed as any person for the purposes of this sub-paragraph;

(b) exercise such functions as are vested in it in terms of Articles 48, 49, 57, 58, 63 and 77 and hear and determine appeals made in terms of articles 42, 76, 77, 81, 91, 92 u 93 and such other functions assigned to it under the provisions of this Act;

(c) hear and determine an appeal lodged by an interested third party from a decision of the Authority on any matter of development control, provided that:

(i) such an appeal may only be made by an interested third party who had submitted written comments in terms of article 68(4) when the application to carry out the development is published,

(ii) no appeal shall lie by an interested third party from any development control decision concerning a development which is specifically authorized in a development plan,

(iii) a local council in whose locality the development is intended to be carried out shall always be deemed for all intents and purposes of law to be an interested third party provided that the said council has complied with the provisions of article 68(4) and it is acting in the interests of the locality,

(iv) the Government and any department, agency, authority or other body corporate wholly owned by the Government shall always be deemed for all intents and purposes of law to be an interested third party:

Provided that the Authority shall not be construed as an interested third party for the purposes of this subparagraph.

(2) Unless otherwise provided under any provision of this Act, an appeal may be lodged before the Tribunal within thirty days from date of notification of the decision or order by the Authority.

(3) In case of a development listed in the Seventh Schedule, at the request of the appellant made concurrently with the application for the appeal, through a partial decision, the Tribunal may suspend the execution of the development, in whole or in part, as approved by the development permit subject of the appeal, under those terms, conditions and other measures it may deem fit:

Provided also that the application is not for a development which, in the opinion of the Minister is of strategic significance or of national interest, related to any obligation ensuing from a European Union Directive, affects national security or affects interests of other governments.

(4) In the cases referred to in subarticle (3), the Tribunal shall hold its first hearing be within six working days from receipt of the appeal, and shall not suspend the execution of such a permit unless it is satisfied, after hearing all the parties, that unless the execution of the permit is suspended the prejudice that would be caused would be disproportionate when compared with the actual doing of the thing so permitted or if the request is deemed as frivolous or vexatious:

Provided that the Tribunal shall justify the decision suspending the execution of the development and shall grant its final decision on the merits of the appeal within three months from the date of the first hearing of the appeal:

Provided further that the suspension of the execution of such a permit may not be more than three months from the date of the first hearing of the Appeal before the Tribunal, and the suspension order shall be deemed to have elapsed ipso iure after the lapse of such a period.

(5) In all other appeals, the first hearing of the Tribunal shall be held within three months from receipt of the appeal.

(6) The decisions of the Tribunal shall be final. An appeal by the appellant or any of the appellate parties to the appeal shall lie to the Court of Appeal constituted in terms of article 41(6) of the Code of Organization and Civil Procedure from such decisions only on points of law decided by the Tribunal in its decision. An appeal from a partial decision of the Tribunal may only be filed together with an appeal from the final decision of the Tribunal. An appeal to the Court of Appeal (Inferior Jurisdiction) shall be submitted within twenty days from when the decision of the Tribunal is delivered in public and such an appeal shall be regulated by the rules of court made under article 29 of the Code of Organisation and Civil Procedure.

(7) The decisions of the Tribunal 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 Tribunal shall be delivered in public and shall be published as soon as practicable after the sitting at which they are given.

(8) Where a hearing is held by the Tribunal, other than in those cases referred to in subarticles (3) and (4), advance notice of not less than fourteen days shall be given of the first sitting of the Tribunal to the parties, and those interested third parties who registered their interest during the processing of the application before the Authority, in such manner as the Tribunal may deem appropriate or as may be provided in the Second Schedule:

Provided that in cases of urgency the said time limit of fourteen days may be abridged by order of the Tribunal if the Tribunal is satisfied that the party requesting urgency has given a valid reason in writing therefor.

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

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

(11) Subject to the above and to article 74, appeals to the Tribunal and the conduct of the business of the Tribunal shall be made in accordance with the rules contained in the Second Schedule to this Act; and in the absence of such rules on any matter, the Tribunal may regulate its own procedure.

(12) Where judicial proceedings are instituted against the Tribunal before a court of civil jurisdiction, the Secretary shall represent the Tribunal in such proceedings; and, saving the provisions of article 46 of the Constitution and Article 4 of the European Convention Act, no precautionary act may be issued against the Tribunal by any court.

(13) The Tribunal, if it decides to grant a Permission or licence may impose a penalty, the payment of fees and contributions and other conditions, which the Authority may impose when granting a permission or licence; and the Tribunal shall ensure that it complies with the provisions of article 69 in reviewing decisions of the Authority.

(14) When the Tribunal modifies a decision taken by the Authority and orders the issue of a permission or licence, or in any other manner changes the decision of the Authority, the Authority shall, unless an appeal has been lodged to the Court of Appeal (Inferior Jurisdiction) from the Tribunal's decision, issue the permission or licence or comply with the decision of the Tribunal within one month from the Tribunal's decision, or, if in the Tribunal's decision a condition has been imposed or a penalty inflicted, within one month from compliance by the appellant with such condition or payment of such penalty inflicted by the Tribunal in its decision.

42. (1) There shall be a Registration Board whose function shall be to evaluate applications for registration in the Register of Consultants eligible to carry out environment assessments and other assessments.

(2) The Board shall be composed of a minimum of three members and a maximum of five members, one of whom shall be the Chairman and who shall be appointed by the Minister.

(3) The members of the Board shall be independent members and who are not involved in any way in the preparation of environmental or other assessments falling within the jurisdiction of the Board.

(4) The Board shall assess applications for such registrations and approve those that meet the requirements for registration. The Board shall give reasons for its decisions.

(5) The decision of the Board to grant or to refuse an application for registration in the Register kept by the Authority shall be notified in writing to the applicant without delay.

(6) The Board may direct the Authority to update the Register at such regular intervals as it may deem fit by the inclusion of other disciplines in the Register, which disciplines might have in the meantime evolved.

(7) The decisions of the Board shall be final. An appeal shall lie to the Tribunal only on the grounds that the Board has, in its decision, wrongly applied the provisions of this Act or any regulations issued thereunder, or the decision of the Board constitutes an abuse of discretion or is manifestly unfair, and without prejudice to the aforesaid, the discretion of the Board may not, so long as it has been exercised properly, be queried by the Tribunal. An appeal from a partial decision of the Board may only be filed together with an appeal from the final decision of the Board.

(8) The decision of the Board shall be binding if it is supported by the opinion of a majority of its members, and the dissenting member or members, if any, may express his 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.

(9) The Minister may, after consultation with the Board, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

(a) establish criteria that applicants are expected to meet in order to qualify for registration;

(b) establish the procedure to be followed by a Board;

(c) prescribe a tariff of fees for registration with the Board.

43. (1) The Registration Board may, out of its own motion, or at the request of the Authority, cancel any certificate granted under the provisions of article 42 or refuse any application for a renewal of the registration, when the holder of that certificate:

Powers of the
Registration Board.

(a) is found guilty by a court of criminal jurisdiction of a crime being a crime committed through imprudence, carelessness, un-skillfulness in an art or profession, or non-observance of regulations; or

(b) is found guilty by a court of criminal jurisdiction of any offence under the provisions of the Act or of any regulations made there under; or

(c) has, in the opinion of the Authority and the Board, submitted sub-standard or deliberately misleading work in an assessment; or

(d) has participated in the preparation of an assessment when he was not registered in the Register; or

(e) was the recipient of a certificate issued under the provisions of article 42 based on information given by the applicant which is false or misleading; or

(f) fails to pay the yearly renewal fee.

(2) Notwithstanding the provisions of subarticle (1) of this article, the Board may opt for a suspension, rather than cancellation of the certificate, in the circumstances specified in subparagraphs (d) and (f) of subarticle (1).

(3) Notwithstanding the provisions of subarticle (1) of this article, if a person participates in the preparation of an assessment without being registered in the Register, he shall subsequently be barred from registering or participating in any assessments in Malta for a period to be decided by the Board which period shall in no case be less than three years.

Part III

3. Common Provisions

Members of the Authority etc. To be deemed public officers for certain purposes.

Cap. 9

44. (1) For the purposes of the Criminal Code and of any provision of a penal nature in any other law, the members of the Authority and of any committee, board, commission or other body or office established by this Act, and every officer or employee thereof, shall be deemed to be and be treated as a public officer.

(2) The members, officers and employees of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

Consultations

45. The Authority, any commission, committee, tribunal or Board may consult with any officer of the Authority or any other person or entity whose advice is considered relevant to any matter under its consideration. Such consultations shall be duly recorded.

Declaration of Assets, Code of conduct and publication of names.

46. (1) Every member of the Authority, the Environment and Planning Tribunal, the Environment and Development Planning Commission, The Chief Executive Officer and each Director shall submit a declaration of assets in accordance with the procedures established for this purpose by the Minister.

(2) The Minister shall in consultation with the Authority and the Environment and Planning Tribunal, issue, publish and review a code about the conduct expected of the members of the Authority, the members and officers of the Environment and Planning Tribunal and of the Environment and Planning Commission and any other committee, board, commission or other body established by this Act, The Chief Executive Officer, Directors and officers of the Authority in connection with the performance of the Authority's functions.

(3) The provisions of the code of conduct shall be taken into account in deciding whether any such member or officer is unfit to perform the duties assigned to him under this Act or whether his term of office is to be renewed.

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

Part IV

Environment and Development Planning

1. Plans and Policies

47. Without prejudice to the provisions of this Act, the effective management and planning of the environment and development shall be regulated by plans, policies and regulations, which are prepared and amended from time to time in accordance with the provisions of this Act.

Plans, policies and regulations.

48. (1) The Authority shall, either out of its own motion, but after consultation with the Minister, or if so requested by the Minister, make a plan or a policy on any matter relating to the environment and development planning.

Request by the Minister to the Authority to prepare a plan or policy.

(2) The Authority may also, either out of its own motion, but after consultation with the Minister, or if so requested by the Minister, review a plan or a policy which is already in force.

(3) The Minister shall, upon making such a request in writing, send to the Authority the reasons for making such a request together with a statement of goals and objectives to be attained by the plan or policy or a revision of such plan or policy.

(4) The preparation and review of the structure plan shall be regulated by the provisions of articles 51 to 53 whereas the preparation or review of any other plan or policy shall be regulated by the provisions of article 58:

Provided that the Minister may, without prejudice to the provisions of articles 51 to 53 and article 58, set out any additional procedure that the Authority ought to follow, including the carrying

out of assessments, and may also carry out any assessments and, or consultations, including public consultations, he may deem necessary.

(5) If the Authority, upon a request by the Minister in terms of subarticle (1), informs the Minister, within thirty days of receipt of such a request, that it is unable, for whatever reason, to prepare such a plan or policy, the Minister shall instruct the Authority to delegate such functions in terms of article 9 with regard to that particular plan or policy and in so doing it shall ensure that the provision of this Part are complied with.

Minister may request the preparation by any person of a plan, policy or revision thereof.

49. (1) Where the Authority is unable to prepare a plan or policy or fails to delegate such function as is envisaged in article 48(5), the Minister shall request any person, including any government agency, other than the Authority, to prepare on his behalf a plan or policy or a revision of such a plan or such policy.

(2) The Minister shall consult the Authority on the terms of reference which are to form the basis of the preparation of a plan or a policy or a revision of such plan or policy by the said person. The Minister shall then furnish the said person with the relative terms of reference and shall also indicate to the said person the documentation which shall be presented to the Minister when the plan, policy or a revision of such plan or policy is drawn up. On receipt of such documentation, the Minister shall forward a copy of such documentation to the Authority.

(3) The Minister shall also request the said person to comply with article 58(2)(a) and (b) and, for the purposes of the said paragraphs, the expression ‘the Authority’ shall be construed as a reference to the said person and such person shall revise, if necessary, the plan, policy or a revision thereof after taking into consideration the representations he may have received in terms of article 58(2)(b).

(4) If the Authority agrees with such a plan, policy or revision thereof, it shall adopt it for submission to the Minister for his approval; and the provisions of article 58(2) shall, mutatis mutandis, apply.

(5) If the Authority does not agree with the said plan, policy or revision of such plan or such policy, it shall draw up a position statement indicating the changes to be made to the said plan, policy or revision thereof and shall refer both the said plan,

policy or revision of such plan or such policy and its position statement to the Minister; and the provisions of article 58(2) (i) to (n) shall mutatis mutandis apply.

(6) The plan, policy or the revision of such plan or policy shall only be prepared by or under the direction of an expert in the environment or spatial planning having such qualifications as the Minister may prescribe.

50. Without prejudice to his powers under the provisions of this Act, the Minister may direct that the Authority or any department, agency, corporation or authority established by law to subject any plan, policy or strategy adopted or planned to be adopted by it to a Strategic Environment Assessment or any other assessment, and may by regulations prescribe and regulate the procedures and methods to be adopted in such assessments.

Strategic Environment Assessment and other assessments.

Part IV

2. The Strategic Plan for the Environment and Development

51. (1) The Strategic Plan for the Environment and Development:

The Strategic Plan for the Environment and Development and its preparation and review.

(i) is a strategic document regulating the sustainable management of land and sea resources;

(ii) shall be based on an integrated planning system that ensures the sustainable management of land and sea resources together with the protection of the environment;

(iii) must set out policies in relation to the development and use of land and sea and shall be 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;

(iv) must ensure that:

(a) plans, policies and programmes issued under this Act are spatial, holistic and comprehensive so that all factors in relation to land and sea resources and related environment conservation are addressed and included and to balance demands for development with socio-economic considerations and the need to protect the environment;

(b) sectoral policies, activities and inputs are integrated and coordinated with each other, combining the inputs of all disciplines and groups;

(c) all actions are based on a clear understanding of the natural and legitimate objectives and needs of individual land users;

(d) it follows other national policies and plans.

(2) The Authority shall monitor the Strategic Plan for the Environment and Development and review it as often as may be necessary, provided such review does not take place within a period of less than five years. Every such review shall be made in accordance with the goals and objectives of a revision of the Strategic Plan for the Environment and Development as may be approved by Cabinet and take effect as provided in the following provisions of this Part of this Act. In order to achieve the objectives set out in this article, Cabinet shall take the necessary measures intended to coordinate and improve the spatial impacts of other sectoral policies and their relation to, or inclusion in, the Strategic Plan for the Environment and Development.

(3) Notwithstanding the provisions of subarticle (2), the Strategic Plan for the Environment and Development can be reviewed in parts as the need arises by means of a Resolution of the House of Representatives, and shall come into force in accordance with the following provisions of this Part of this Act. Such a partial review of the Strategic Plan for the Environment and Development shall not adversely affect a development permission validly issued in favour of any person before the date of the coming into force of such a review.

(4) Cabinet may approve a statement of goals and objectives to be achieved by a partial review of the Strategic Plan for the Environment and Development, and, or, a proposal together with a position statement with regard to that review. After such approval, the Minister shall send to the Authority that statement of goals and objectives, and, or, that proposal and position statement. When the Authority receives that statement of goals and objectives and, or, the proposal and position statement, it shall conform with the procedure laid down in subarticles (5) to (7), if the matters referred to therein have not already been carried out, in the same manner as if the proposal had been initiated by the Authority;

and the provisions of subarticle (3) and of article 52 shall apply. If the Authority disagrees with the Minister's proposal or with his position statement, it shall prepare its position statement indicating the changes that it proposes or its reactions thereto. The Minister shall then conform with the provisions of article 53 and, for the purposes of article 52(1), the expression "representations" shall include the Authority's position statement.

(5) For the preparation or review of the Strategic Plan for the Environment and Development 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) demographic considerations;
- (b) the agricultural, industrial, commercial, touristic and other existing and, or projected economic activities of the country including the employment patterns arising therefrom;
- (c) leisure and recreation;
- (d) social and community services and facilities;
- (e) communications, traffic and transport;
- (f) public utility services;
- (g) the conservation and preservation of natural and man-made resources;
- (h) the state of the environment report, nitrate vulnerable zone mapping, flood sensitivity mapping, other issues emanating from water, air quality and Waste Framework Regulations;
- (i) such other matters as may be required by the Government or which may be deemed necessary by the Authority.

(6) In preparing or reviewing the Strategic Plan for the Environment and Development, the Authority shall have regard to:

- (a) the current economic policies affecting development;

(b) the current social policies affecting development;

(c) the environmental policies affecting development;

(d) the policies of the Government with respect to the matters set out in subarticle (5);

(e) the resources likely to be available for the implementation of the plan;

(f) all possible land and sea-use options in selecting the best use for a given area of land or sea.

(7) During the preparation or review of the Strategic Plan for the Environment and Development 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.

(8) A partial review of the Strategic Plan for the Environment and Development which is necessitated by the adoption of or an amendment to a subsidiary plan need not comply with the provisions of subarticles (5) and (6) if the matters referred to therein and that are relevant to the partial review have already been carried out in the preparation of the subsidiary plan.

Publication of the strategic plan of the Environment and Development or its reviews.

52. (1) When the Strategic Plan for the Environment and Development 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.

(3) The Strategic Plan for the Environment and Development, or any review thereof, together with all representations made to the Authority, shall, as soon as practicable, after the expiry of the period specified in subarticle (2), be referred to the Minister.

(4) The Minister may refer back the Strategic Plan

for the Environment and Development, or review thereof to the Authority where he does not agree with the Strategic Plan for the Environment and Development, or any review thereof and he shall prepare a position statement stating the changes he proposes to it or his reactions to the Strategic Plan for the Environment and Development, or review thereof.

(5) Where the Strategic Plan for the Environment and Development, 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.

53. (1) At the conclusion of the procedures set out in the foregoing provisions, the Strategic Plan for the Environment and Development, and any review thereof, shall be considered by the Cabinet of Ministers together with the Minister's position statement and the representations made with respect to the plan or its review.

Final consideration
and approval of plan
or review.

(2) Subject to article 34(2)(a), (3) and (4) , the Minister shall then cause the Strategic Plan for the Environment and Development, or a review thereof as originally prepared, or as revised, by the Authority, together with the Minister's position statement, to be laid before the House together with a motion for a resolution that the Strategic Plan for the Environment and Development, be approved by the House, with such amendments, if any, as may be specified in the resolution.

(3) The Strategic Plan for the Environment and Development, 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 Strategic Plan for the Environment and Development, or its review, the expression Strategic Plan for the Environment and Development and any reference to a review thereof means the Strategic Plan for the Environment and Development, and any review thereof, as approved by the House of Representatives.

Part IV

3. Subsidiary Plans and Policies

Subject Plan.

54. (1) A subject plan is a plan that deals with a specific environmental or development planning policy or matter setting out detailed specifications intended for its implementation.

(2) A subject plan shall consist of a written statement supported by such documents, maps and diagrams as may be considered necessary.

(3) Except as otherwise stated in the plan, a subject plan shall apply to all relevant areas of the environment and of the Strategic Plan for the Environment and Development, whether or not such areas are also covered by another plan or policy.

Local Plan.

55. (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 re-development cannot be satisfactorily managed, or where special factors cannot be taken into account solely on the basis of the Strategic Plan for the Environment and Development.

(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 plan or management plan.

56. (1) An action plan or a management plan is made by the Authority for an area where the Authority considers that it has to pay particular attention in order to better manage it or where special factors have to be taken into account which otherwise cannot be taken.

(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 made in terms of sub article (1)(b) shall also show the land which is in public ownership and the land which is intended to be brought into public ownership.

Other policies or plans.

57. (1) Where the Authority considers that for the proper and effective management and protection of the environment and of development or for the proper protection and development of land and sea it is necessary to prepare more detailed policies or

plans and guidance other than those already contained in a plan or policy, the Authority may prepare and adopt such policies or plans as it considers appropriate subject to the provisions of this article.

(2) Such policies or plans shall be in a form which the Authority considers appropriate to the subject matter, and may be supported by such documents, assessments, maps, diagrams, drawings and illustrations as may be considered necessary by the Authority.

(3) When the Authority adopts a policy or plan (be it a new policy or plan or a revision of an existing policy or plan), it shall refer it to the Minister for his approval and the procedure mentioned in article 58(2) shall *mutatis mutandis* apply.

58. (1) In the preparation or review of a subsidiary plan or policy, the procedure set out in this article shall be followed with respect to the said plan or policy.

Procedure for
subsidiary plan and
policies.

(2) Where the Authority prepares a subsidiary plan or policy or review thereof as aforesaid, it shall seek the Minister's approval in terms of the following procedure:

(a) during the preparation or review of a subsidiary plan or policy, 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;

(b) when the subsidiary plan or policy or a revision thereof has been prepared, the Authority shall publish the plan or policy together with a statement of the representations it has received and the responses it has made to those representations. The Authority shall invite representations on the plan or policy to be submitted to it within a specified period of not less than six weeks; where in such a subsidiary plan or revision thereof it is proposed that any land be excluded from a development boundary as indicated in a local plan, the Authority shall publish in the Gazette and in two local daily newspapers a notice showing the land that is to be excluded:

Provided that where minor modifications not affecting the substance of a planning policy are being proposed, the said period shall be a period of not less than three weeks;

(c) the Authority shall adopt the subsidiary plan or policy after taking into consideration all the representations submitted to it as aforesaid;

(d) the Authority shall refer the subsidiary plan or policy to the Minister. It shall also forward to the Minister:

(i) the statement of representations;

(ii) the responses and amendments it has made as a result of those representations;

(iii) a precise indication of all other amendments it has made to the plan or policy; and

(iv) all the relative documentation and studies in relation to the preparation of the subsidiary plan;

(e) the Authority shall also publish the plan or policy and invite representations on the matters indicated in subparagraph (iii) of paragraph (d) hereof to be submitted within a specified period of not less than six weeks;

(f) the Authority shall adopt the subsidiary plan or policy after taking into consideration all the representations submitted to it as aforesaid and shall refer the subsidiary plan or policy to the Minister for his approval. It shall also forward to the Minister:

(i) the statement of representations;

(ii) the responses and amendments it has made as a result of those representations;

(g) where the Minister agrees with the subsidiary plan he shall approve it as submitted by the Authority and the Authority shall upon such approval publish the same together with the statements, responses, documentation and studies referred to in paragraph (d) and (f);

(h) where the Minister does not agree with the subsidiary plan as adopted by the Authority in accordance with paragraph (f) hereof, he shall prepare a position statement stating his proposed changes or his reactions to the Authority's subsidiary plan and shall refer back the subsidiary plan to the Authority together with his position statement; where in such a subsidiary plan or revision thereof

it is proposed that any land be excluded from a development boundary as indicated in a local plan, the Authority shall publish in the Gazette and in two local daily newspapers a notice showing the land that is to be excluded;

(i) where the Authority does not agree with the Minister following the referral back to it of the subsidiary plan by the Minister, it shall draw up a position statement and shall refer it back to the Minister;

(j) the Minister shall then issue a final position statement. He shall forthwith communicate it to the Authority;

(k) the Authority shall forthwith amend the subsidiary plan in accordance with the Minister's final position statement and submit the same for the Minister's final approval;

(l) Upon such approval by the Minister, the Authority shall publish the subsidiary plan together with its own position statements and those of the Minister together with the advice of the Tribunal given in terms of paragraph (n), if any, and together with the statements, responses, documentation and studies referred to in the preceding paragraphs;

(m) where the subsidiary plan or any part thereof extends the scope of or is in conflict with the Strategic Plan for the Environment and Development, the Minister shall comply with the provisions of articles 51 to 53 with regard to such subsidiary plan or any part thereof, provided that those parts of the subsidiary plan that do not extend the scope of or are not in conflict with the Strategic Plan for the Environment and Development shall come into force on the date of approval by the Minister;

(n) if doubt arises as to which procedure should be followed in respect of a subsidiary plan or as to whether a subsidiary plan or a position statement extend the scope of, or are in conflict with, the substance of the structure plan, the matter may be referred at any time by the Authority or by the Minister to the Tribunal, provided that where the Authority is of the opinion that the Minister's final position statement extends the scope of or is in conflict with the substance of the Strategic Plan for the Environment and Development, it may refer the matter to the Tribunal within one month from the date of receipt of the Minister's final position statement. The

Tribunal shall rule within one month from the date of referral to it of the matter as to which procedure shall apply and the decision of the Board shall be final.

Review of Subsidiary
Plan or policy.

59. (1) Every subsidiary plan or policy shall be reviewed as frequently as may be necessary or as may be made necessary by a review of the structure plan:

Provided that subject to the provisions of subarticle (3) hereof, a local plan may not be reviewed before the lapse of two years from its last review unless such review is necessitated by a review of the structure plan:

Provided further that in the case of a partial review of the local plan, the above-mentioned two-year moratorium shall only apply to that part of the plan forming part of the partial review.

(2) Where as a result of such a review the Authority proposes to alter a plan or policy in any significant respect, or where it is proposed that a plan or policy be withdrawn, any such proposal shall be subject to the same procedures, and shall be treated, as a new plan or policy.

(3) Minor modifications not affecting the substance of a local plan may be carried out by the Authority at any time either on its own motion when it considers to do so in the interests of proper planning of the area or following a minor modifications application submitted to it by any person. Modifications shall not be considered to be minor when they would alter the general thrust of the plan or affect a development boundary indicated in a local plan.

(4) For the purpose of subarticle (3), the following shall be considered to constitute minor modifications:

(a) changes in the alignment of roads and buildings in a local plan; and

(b) changes in zoning, other than:

(i) changes in height limitations; and

(ii) changes in zoning of a site which is not designated for the purpose of development.

(5) Where the Authority is considering a minor modification in terms of sub article (4)(a), the provisions of article 68 shall apply mutatis mutandis to such a modification.

(6) Where the Authority is considering a minor modification in terms of subarticle (4)(b), it shall follow the following procedure:

(a) where the proposal for such a minor modification originates from the Authority itself, it shall comply with the provisions of article 58(2);

(b) where the proposal for such a minor modification originates in a minor modifications application, the Authority shall publish such proposal and invite representations on the said application within a specified period of not less than six weeks. The Authority shall then decide the application after taking into consideration all representations submitted to it. The provisions of article 49 (4) and (5) shall also apply.

(7) No appeal from a decision concerning a minor modifications application shall lie to the Tribunal.

Part IV

4. Regulations and Orders

60. Without prejudice to the provisions of article 6 of the Interpretation Act, any power conferred by this Act to make regulations, rules, orders, lists, schedules and any other instrument of like nature, includes the power from time to time to revoke, replace, amend, alter or add to any such instrument as aforesaid.

Power to make regulations etc. to include power to revoke etc.
Cap. 249

61. (1) The Minister may, acting in accordance with the provisions of article 62, make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations appoint the Authority or any person or body to be the designated authority for the purposes of any international obligation to which Malta may be a party.

Power to make Regulations.

(2) Without prejudice to the generality of the provisions of subarticle (1) such regulations may, in particular:

(a) prescribe the charges and fees that may be levied by the Authority for services rendered by it under this Act, or

in respect of any matter for which it is considered that a fee should be payable;

(b) provide for the procedure to be applied by the Authority and the applicant before and after the submission of an application for permits or licences under this Act, as well as fees chargeable therefor, as well as the procedures to be used by the applicant and the Authority in processing of the said application, including, but not limited to, the advertising, communication and vetting of the said application, and the general conditions under which the Authority may require the giving of financial guarantees or the provision of assurance to make good for any damage that may be caused to the environment by any activity which may require a licence under this Act;

(c) prescribe what type of information held by the Authority shall be accessible to the public as well as to establish the procedure concerning access thereto and the relative fees to be paid to obtain copies of such information;

(d) give effect to any international treaty or instrument, including directives, regulations and decisions, relating to any matter governed by this Act to which Malta may from time to time be a party or subject and to set up structures and make other provisions for the implementation thereof;

(e) establish, co-ordinate and enforce environment quality control systems and make provisions for the carrying out of assessments of environmental risks of both new and existing establishments as well as to provide for the effective prevention and remedying of environmental damage;

(f) provide for the collection, processing, comparison and interpretation of data related to the environment and to provide that such persons carrying out such activities that may affect the environment as may be prescribed give such information and data to the Authority in a regular or other basis as may be prescribed in order to enable the Authority to monitor and safeguard the quality of the environment;

(g) prescribe the techniques to be used in the monitoring of the environment;

(h) prescribe, in collaboration with the Civil Protection Department, the circumstances in which an environmental emergency may be declared, and the effect of such a declaration may have on any activity requiring a licence under this Act;

(i) set objectives, issue directives and establish codes of practice, all in relation to the environment, to the reduction, reuse, recovery, treatment, storage and disposal of materials as may be prescribed, to all human activity which effects the environment and to ensure sustainable development, and such regulations may in particular:

(i) formulate objectives laying down quantitative and qualitative terms, the goals to be achieved in the effort to control the environment;

(ii) give directives with regard to such uses of the environment as may be prescribed;

(iii) establish the maximum quantities or concentrations of discharge or emission, or use of such substances as may be prescribed during works, undertakings or activities of any nature and ensure the enforcement and monitoring of these standards;

(iv) establish codes of practice determining procedures, methods, limits of discharge and emission of substances applicable to works and activities as may be prescribed both with regard to the time when such works and activities are taking place as well as with regard to the time when the works and activities have been completed; and

(v) establish for the purposes of this Act, the best available technique not entailing excessive cost with regard to any work, activity or process;

(j) with regards to integrated pollution prevention and control:

(i) establish systems which ensure such prevention and control;

(ii) prescribe measures to control, prevent, manage or reduce pollution and degradation of the environment;

(iii) control the keeping, management, trading in or use of substances and other activities which may cause or facilitate pollution;

(iv) set standards including maximum of permitted levels in quantitative or qualitative terms, of discharge and emissions into the environment of materials, substances or energy and with regard to the use of any technology, equipment, matter, substance, method or procedure in relation thereto;

(v) establish methodologies to be used in the monitoring of discharge and emission of substances and, or energy into the environment and to regulate the use of information gathered during such monitoring;

(vi) prevent, control, reduce, remedy or otherwise manage situations which may lead to environmental emergencies and to prevent, control, reduce, remedy or otherwise manage any adverse effects on the environment resulting therefrom;

(k) in relation to waste management:

(i) classify waste and prescribing rules in relation thereto in accordance with the type and category thereof;

(ii) regulate the management and disposal thereof;

(iii) establish quotas, in quantitative and qualitative terms, of permitted generation of waste, as well as otherwise provide for the prevention and reduction of waste;

(iv) provide for the registration and, or, licensing of waste management operations;

(l) in relation to the protection of biodiversity:

(i) provide for the monitoring and management thereof;

(ii) declare any species to be a protected species and establish rules for its protection;

(iii) declare any species to be an invasive species and establish rules for its control;

(iv) regulate the use of and otherwise protect specimens of fauna or flora; and in particular prohibit and, or, control possession, exhibition, artificial propagation or captive breeding of such specimens of flora and fauna as may be prescribed;

(v) provide for the conservation, protection and management of protected sites and particular habitats or categories thereof in order to safeguard biological diversity;

(vi) declare any areas or sites on land or in the internal or territorial waters, or beyond such waters where Malta may have jurisdiction for the purpose of the protection and control of the environment, to be protected areas and to provide for their protection and to regulate their management;

(vii) control and regulate any activity that may interfere with the conservation status of biological diversity;

(viii) regulate trade in and the transit, import or export of specimens of flora and fauna as may be prescribed;

(m) control, manage and regulate the transport, introduction of, use (including contained use), release or placing on the market or in the environment of genetically modified organisms;

(n) in relation to environmental audits and assessments:

(i) require any person conducting such activities as may be prescribed or running or operating such

facilities as may be prescribed to carry out environmental audits and assessments and to submit to the Authority environmental audit and assessment reports; which shall include:

1. a detailed description of the activity or facility;

2. a detailed description of the environmental impact of the activity or facility;

3. plans to prevent and reduce risks of adverse effects and to remedy any adverse effects caused; and

4. a contingency plan to deal with any emergency;

(ii) require any person to comply with any plan provided for in 3 and 4 of subparagraph (i) hereof;

(o) in relation to development planning, in order to regulate or otherwise provide for any matter relating to development or other activities affecting land or sea, and to give fuller effect to the provisions of this Act, and in particular, but without prejudice to the generality of the aforesaid:

(i) 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, environment and sanitation;

(ii) 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;

(p) in relation to enforcement:

(i) to authorise and regulate clamping, towing, removal and storage by the Authority of any object used for or in connection with anything contrary to the provisions of this Act or any regulation issued thereunder;

(ii) to exclude the Authority from any liability, other than liability for gross negligence, incurred in connection with the execution of its duties under the said regulations;

(iii) providing for the disposal of such objects when the said objects are not claimed by their owners within such time as may be prescribed;

(iv) establishing fees payable to the Authority for the removal of clamps, for towing, for the storage of such objects and for the auction or other form of disposal of such objects;

(v) establishing the circumstances where such objects can be confiscated and to establish the relative procedure for their confiscation and disposal;

(vi) establishing offences and the relative punishments in relation to matters referred to in paragraphs (i) to (v), which punishments shall not exceed a maximum fine (multa) of twelve thousand Euro; and

(vii) specifying the type of illegal activity the provisions of articles 90 and 93 shall apply to and for establishing the relative penalty.

(viii) article 21 of the Criminal Code and the provisions of the Probation Act shall not apply to any offence established under paragraph (vi);

(q) amend, substitute, add to or otherwise alter anything contained in the Schedules to this Act;

(r) for any other purpose for which regulations are authorized or required to be made otherwise than by the Authority;

(s) prescribe the form of any notice, order or other document authorised or required by this Act to be made, served or given;

(t) to regulate how any notice or communication to or from the Authority which in terms of this Act shall be in writing may be made in electronic form;

(u) provide that any person who acts in contravention of any regulation under this Act shall be guilty of an offence against this article, and establishing such penalty, being a penalty not greater than a fine (multa) of two hundred and thirty three thousand Euro or to imprisonment for a term not exceeding two years, or both such fine and imprisonment, to which any person so guilty may be liable:

Provided that such regulations may provide that a person, who having been sentenced for an offence against the same regulation by a judgement which has become absolute, commits a further offence in contravention of the same regulation within such time as may be prescribed, shall be liable to pay a higher fine (multa), not exceeding double the fine (multa) which would otherwise have been inflicted, and for the purpose of this proviso the maximum fine that may be established by such regulations shall be four hundred and sixty six thousand Euro:

Provided further that such fine shall in all cases be due to the Government as a civil debt, and that where the person guilty of the offence is a director, secretary or manager of a body corporate for the economic benefit of whom the offence was committed, such body corporate shall be liable in solidum with the offender for the payment of the said civil debt; and

(v) prescribe any other matter that is to be or may be prescribed.

(3) Notwithstanding the other provisions of this Act or of any other law, Schedules annexed to regulations made under this Act may be made or published in the English language only.

Procedure for making
of Regulations.

62. (1) Regulations under this Act shall be made by the Minister after consultation with the Authority and except for regulations under article 61(2)(a), (b) and (u) and in the cases referred to in subarticle (2) hereof shall not be made unless a draft of the said regulations has been issued for public consultation thereby allowing any person a period of at least four weeks to make representations to the Minister or to the Authority or to both stating how in his opinion the proposed regulations could be improved to reach their ultimate aim.

(2) The provisions of subarticle (1) with regard to consultation with the Authority and with regard to the publication of a draft of the regulations for public consultation shall not apply in respect to any regulations, which the Minister declares to be urgent or when a form of public consultation was carried out before the date of coming into force of this Act.

(3) Any person may, in the circumstances referred to in subarticle (1) in respect of draft regulations, not later than six weeks after the promulgation of any regulations made in accordance with subarticle (2) make submissions to the Minister and, or to the Authority stating why and how the regulations should be revoked or amended.

(4) The Authority shall consider any representations made to it under subarticles (1) and (3) and shall report thereon, after hearing such persons or taking such expert advice as it considers expedient, to the Minister together with any other views it may have on the draft published under subarticle (1) or the regulations made under subarticle (2), and the Minister may, upon receipt of the report by the Authority and any representations received by him, proceed to revise the draft regulations and to promulgate such regulations in accordance with such revision, or to amend any regulations already promulgated; provided that where the Authority has not after the lapse of four weeks after the end of the period for representation referred to in subarticle (1) has elapsed, not made the report or has not given its views to the Minister, the Minister may proceed to promulgate the regulations contained in the draft with or without changes as he may deem expedient, without prejudice to the possibility of making any changes upon the receipt of such report and views when made.

(5) When the Minister makes regulations concerning the procedure before the Authority or any board, commission or other body established under this Act, he shall also consult the Authority or such board, commission or body:

Provided that regulations concerning the procedure before the Court of Appeal and appeals before it under this Act shall be made by the Minister responsible for Justice who shall not be required to consult with the Authority;

Provided further that regulations concerning the establishment or variation of any fee shall be made by the Minister with the concurrence of the Minister responsible for finance.

Orders.

63. (1) The Authority may make orders regulating development and other activities which may otherwise require the submission of an application prior to their carrying out, including any notification thereof, or any aspect thereof, in such circumstances and under such conditions as may be specified in the order, being development and activities within the scope of, and not in conflict with, the proposals contained in any plan or policy approved under this Act.

(2) An order shall be published in the Gazette and shall have effect from the date specified or indicated therein. The development or any aspect thereof regulated by such an order shall be called “exempt works” or “exempt activity” and an order regulating development shall be called “development order”.

(3) The provisions of article 58(2)(n) shall apply to an order as they apply to subsidiary plans.

(4) An order may include works and activities of a relatively minor or temporary nature, or works and activities deemed compatible with the area in which they are being carried out, and may include internal works, minor additions to existing buildings, minor variations during construction, repairs to dangerous structures, and reconstruction of damaged buildings which repairs and reconstruction are to be carried out in the existing style or according to development plans or planning policies.

(5) The order may enable the Authority to require the removal of an illegal development of whatever nature, or the discontinuance of an activity has been carried out in breach of the provisions of this Act and 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.

(6) The Authority shall periodically review the orders.

(7) Development orders shall be made and reviewed by the Authority after consultation with the Chamber of Architects and the Chamber of Planners.

(8) Works carried out under development orders, under the supervision of a person holding a warrant of perit or under the supervision of such other persons who are competent for the purpose as the Minister may by regulations prescribe and where required in the order, exempt works and activities, are to be notified in writing to the Authority.

(9) An order may regulate:

(a) development or an activity described as permitted in an order which does not require that written notification of such development or activity be given to the Authority;

(b) development or an activity described as permitted in an order provided that written notification of such development or activity is to be given to the Authority;

(c) development or an activity described as permitted in an order provided that written notification of such development or activity is to be given to the Authority and the Authority has endorsed such development as being permitted.

(10) No new development or activity in terms of an order may be carried out on a site if on the said site there exists an illegal development of whatever nature, or if an activity has been carried out in breach of the provisions of this Act, unless that new development or activity is one which the Authority may prescribe and which is covered by an order as mentioned in sub article (9).

64. (1) The Minister shall, in consultation with the Authority, by regulations under this article provide that members of the public or such categories of persons as may be prescribed shall be entitled to request from such Government departments, authorities, public corporations or other persons as may be prescribed such information that they may have in their possession and relating to the environment and development planning. Without prejudice to the generality of the foregoing, such regulations may prescribe:

(a) the nature of the information that may be requested;

(b) the circumstances in which such information may be requested;

(c) the circumstances in which such information may be withheld by the requested entity and the publication of the reasons for which such information is withheld;

(d) the fees that may be charged in respect of any such information; and

(e) the time within which such information is to be supplied.

(2) Without prejudice to the generality of subarticle (1) hereof, 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 a licence or development permission received by it containing the name of the applicant and details of the proposal including documents and detailed plans; and

(b) of all decisions including documents and detailed plans made on such applications.

Part IV

5. Environment and Development Brief

Environment and
Development Brief.

65. (1) An Environment and Development Brief is a document setting out detailed planning guidance for the development of a specific site or small area where the Authority, either of its own motion, or at the request of an applicant, considers such guidance is necessary to secure proper and orderly environmental management or development of that site or area, or to implement a policy or policies in a plan.

(2) A brief shall consist of a written statement supported by such maps and diagrams as may be considered necessary.

(3) A brief shall contain guidance and information on the following matters as may be considered necessary:

(a) a description of the site and its location;

(b) guidelines on the development of the site, including:

(i) land uses and site layout,

(ii) building form, heights and design,

- (iii) any building and landscape features to be retained,
 - (iv) access, parking and circulation requirements,
 - (v) landscaping and nature conservation aspects;
- (c) environmental matters and constraints including the necessity of any environmental assessment;
- (d) tenure of the site;
- (e) services and infrastructure;
- (f) the format and content of submission requirements;
- (g) any other information which may be relevant to the site and to the purpose of the development brief.

(4) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

- (a) establish the procedure to be followed by an authority in its consideration and determination of the Brief;
- (b) prescribe those matters on which a brief may be prepared;
- (c) prescribe a tariff of fees.

Part V

Environment Protection and Development Control

1. Requirement of licences and permission

66. No person shall carry out any of the following activities Licences. unless he is in possession of a licence from the Authority:

- (a) in relation to biodiversity:
 - (i) for whatever purpose, trade in, sell, buy, exchange, transfer or dispose, transport, import, export

or re-export such specimens of flora or fauna, as may be prescribed whether dead or alive in whole or in part, including any derivatives thereof;

(ii) have such specimens of flora or fauna as may be prescribed in transit;

(iii) have in his possession such specimens of flora or fauna as may be prescribed;

(iv) handle such specimens of flora and fauna as may be prescribed, in any manner including the ringing and tagging thereof;

(v) mount/stuff, trap, shoot or capture such specimens of fauna as may be prescribed;

(vi) deliberately pick, collect, cut, destroy, kill, pursue, take, damage, capture such specimens of flora or fauna as may be prescribed;

(vii) uproot, fell, prune or carry out any surgical interventions on such specimens of flora as may be prescribed;

(viii) use prohibited means of capture and killing as may be prescribed;

(ix) manage invasive and alien species as may be prescribed;

(x) introduce or reintroduce species as may be prescribed;

(xi) carry out activities in protected areas considered to have an effect on biological diversity and the integrity of the site;

(xii) carry out any activity which goes counter to the principles of ecological restoration or species and protected area management, as may be prescribed, including but not limited to:

a) activities which are expected to cause permanent alterations to the protected area,

- b) afforestation or planting,
- c) activities expected to generate noise and light,
- d) activities involving fires/fireworks,
- e) activities considered to have an effect on biological diversity,
- f) off-roading activities or events;

(xiii) modify, endanger the stability of or demolish rural structures affording a habitat for flora and fauna as may be prescribed;

(xiv) manage biological diversity as may be prescribed;

(b) in relation to waste management:

(i) store, treat, collect, transfer, recover or otherwise manage or handle such waste as may be prescribed;

(ii) act as broker for the carrying out of the functions mentioned in paragraph (i);

(iii) trade in, import or export waste;

(iv) have such waste as may be prescribed in transit;

(v) operate waste management facilities;

(c) in relation to pollution control, conduct operations that discharge or cause or permit to be discharged such substance or energy as may be prescribed into the environment;

(d) in relation to genetically modified organisms:

(i) trade in genetically modified organisms;

(ii) manage or otherwise have in his possession genetically modified organisms;

(e) in relation to any other activity as may be prescribed by regulations.

Development to
require permission.

67. (1) Subject to the provisions of this article and to the following provisions of this Part of the Act, no development shall be carried out except with development permission.

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

(a) maintenance operations, which affect only the interior of a building or do not materially affect the external appearance of the building:

Provided that such maintenance works are not contrary to any order made under this Act in relation to the building;

Provided further that maintenance operations shall not include demolition and rebuilding works, irrespective of where such demolition and rebuilding works are carried out;

(b) the use of land for agriculture, animal husbandry and forestry (including afforestation), except where such use consists of:

(i) the erection of buildings or amounts to intensive raising of crops or animals; or

(ii) the reclamation of land for agriculture by the deposit of material on such land; or

(iii) the conversion to agricultural use of land which is not currently used for agricultural purposes; and

(c) in the case of buildings or other land that are used for a purpose of any class specified in an order made by the Authority under this Act, the use thereof for any other purpose of the same Class.

(3) For the purpose of this article:

(a) the use of a building resulting in an increase or a reduction in the number of dwelling units in which the building was previously used; or

(b) the deposit of materials on land; or

(c) the use for the display of advertisements of any external part of a building that is not normally used for the purpose,

involves a material change in the use of that building or land, or part thereof, without prejudice, in the case of advertisements, to any regulations or order made under this Act with respect to their control.

(4) For the purpose of this article, development includes clearing of valleys from accumulated sediment and development in relation to the sea includes land reclamation from the sea, aquaculture and beach developments and their related uses.

68. (1) Any person, including a department of government or a body corporate established by law, wishing to carry out any activity referred to in article 66 or a development referred to in article 67, not being an activity or development for which a licence or permission is given in an order and to be carried out in accordance with the provisions thereof, shall apply to the Authority for such licence or permission, in such manner, on such form and giving such information as the Authority may prescribe.

Application for
licences and
permission.

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

(3) An applicant for development permission shall certify to the Authority that:

(i) 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 and that the owner has granted his consent to such a proposal, or

(ii) he is authorised to carry out such proposed development under any other law or through an agreement with the owner:

Provided that where:

(i) the applicant is the Government of Malta, or any department, agency, authority or other body corporate wholly owned by the Government; or

(ii) the applicant is not the owner of the site, but he holds the site under title agricultural lease, or holds the premises under a title of lease and he is carrying out the works under a scheme of a Government entity, the applicant must still notify the owner of his intention to apply by registered letter of which a copy has been received by the Authority, but need not certify that the owner has granted his consent to such a proposal.

(4) Any person may declare an interest in a development and, on the basis of issues relevant to environment and planning, make representations on the development. Such declaration of interest and representations shall be in writing and is to be received by the Authority within such period as established by the Authority.

(5) During the processing of the application, the Authority shall consider representations made by interested registered parties in accordance with the provisions of subarticle (4).

(6) The Authority shall inform the registered interested parties where fresh plans have been filed and the registered interested party shall be notified of the Authority's sitting when such application shall be discussed:

Provided that such submissions may be made in any format deemed appropriate by the Authority, and shall include submissions received by post or by hand and electronic submissions:

Provided further that if the last day for submissions as set out by the Authority is a public holiday or a day when the offices of the Authority are closed for the public, the time limit for such submissions shall be deemed to expire on the next following working day.

69. (1) In its determination upon an application the Authority shall:

(a) with respect to an application for a development permission apply the following:

(i) plans:

Provided that the height limitation may only be modified by applying a policy which deals with the maximum building height which may be permitted on a site, which policy may take into consideration the site coverage, the building volume which may be permitted on a site or any other material consideration;

(ii) policies:

Provided that subsidiary plans and policies shall not be applied retroactively so as to adversely affect vested rights arising from a valid development permission;

(b) with respect to any other application apply such plans, policies and regulations issued under this Act as it may deem relevant and appropriate.

(2) In its determination upon an application the Authority shall also have regard to:

(i) any other material consideration, including, environmental, aesthetic and sanitary considerations, which the Authority may deem relevant:

Provided that no such material consideration including commitment from other buildings in the surroundings may be interpreted or used to increase the height limitation set out in a plan;

(ii) representations made in response to the publication of the development proposal.

(3) The Authority shall have power to grant or to refuse a licence or development permission, and in granting such licence or permission the Authority shall be entitled to impose such condition which it may deem appropriate:

Provided that upon a refusal or the imposition of particular conditions, the Authority shall give specific reasons based on existing plans, policies and regulations or other material considerations for such refusal or for any particular conditions that may have been imposed:

Provided further that the execution and validity of a permit in case of a development mentioned in the Seventh Schedule shall be automatically suspended and no works as approved by the said development permit may commence before the lapse of the time period established in paragraph (1) of the Second Schedule of the Act, and shall remain so suspended until the Tribunal appoints its first hearing on an appeal from such a permit, if any, under the provisions of article 41(3), and this without prejudice to the provisions of article 41(3).

(4) A licence or a development permission may be granted for a limited period or in perpetuity, but shall in all cases cease to be operative if activity or development has not been completed within five years of its issue, provided that the Authority may, on the application of the person holding the licence or development permission, extend the said licence or permission to such further period or periods as it may consider reasonable.

(5) In granting a licence or development permission, the Authority may require the activity or development to be completed within a specified period of time as it may establish provided that the Authority shall state the reasons justifying such requirement.

(6) Except as may be otherwise provided in the permission, a development permission shall ensure 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. The permission shall automatically pass on to new owners.

(7) In granting a licence or development permission, the Authority may require the applicant to carry out the activity or development in stages. The Authority shall inform the applicant in the said licence or permission which are the said stages and, following the completion of each stage, the applicant shall request the Authority to carry out an inspection of the activity or works carried out; and, if following such an inspection, it is found that the activity or works have been carried out in terms of the licence or development permission, the Authority shall authorize the applicant to carry out the next stage of the activity or development.

(8) Where the Authority, in the case of major projects, considers it appropriate to closely monitor specific conditions

in a licence or development permission by appointing a person competent for the said purpose, it shall do so at the expense of the applicant.

(9) Without prejudice to the provisions of this article, 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.

(10) 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.

(11) Where the Authority has required a scheme to be submitted as provided in subarticle (1), 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.

70. (1) In any case in which the Authority may under this Act grant permission to develop land, other than in the case of a development listed in the Sixth Schedule to the Act, it may grant permission for the retention on land of any buildings or works constructed or carried out thereon, or for the continuance of any use of land, without permission under this Act or after such permission has ceased to be valid or operative; and references in this Act to permission to develop land or carry out any development on land, and to applications for such permission, shall be construed accordingly:

Supplementary
Provisions regarding
permissions and
licences.

Provided that any application or permission under this subarticle shall not be processed or granted unless the applicant or his predecessor in title has:

(a) forthwith upon being required so to do, ceased to carry out any works he was required to interrupt; and

(b) paid such fines or made such other payments as may be due on the site subject of the application.

(2) A permission under this article may be granted so as to take effect from the date on which the buildings or works were constructed or carried out or the use was commenced, or from the date the development permission ceased to be valid or operative, as the case may be.

(3) A development permission 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.

(5) The Authority may, prior to the issue of or in issuing a development permission or licence, demand from the person in whose favour the permission or licence will be issued, as a condition for the issue of the development permission or licence, to provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permission or licence once issued, or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure. The Authority may, after the issue of a development permission or licence, if the development or activity is not being carried out in accordance with the permission or licence, or is otherwise causing damage to the environment or the infrastructure, demand the said person in whose favour the permission or licence has been issued, as a condition for the continuance of the development permission or licence, to provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permission or licence, or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure:

Provided that nothing in this subarticle shall be interpreted as authorizing the Authority to demand a bond in an amount not commensurate with the nature of the development project or activity:

Provided further that such a bond may only be forfeited

by the Authority if there is clear evidence that the applicant has not complied with the conditions of the development permission or licence and the reasons for forfeiting the bond shall be communicated in writing to the applicant.

71. (1) Decisions on applications shall be taken without delay.

Decisions to be taken without delay.

(2) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

(i) establish the procedures to be used by the Authority and the applicant in the processing and determination of applications;

(ii) establish the procedures to be used by an applicant prior to the submission of an application;

(iii) establish time limits within which submissions have to be made and decisions have to be taken and communicated.

72. The Authority shall not delegate to the Commission or to any other body or person the determination of the following applications:

Applications the decisions of which cannot be delegated.

(a) applications in respect of an activity or development of a national or strategic significance or affecting matters of national security or other national interests;

(b) applications in respect of an activity or development which could affect the interests of other governments;

(c) applications in respect of development which is subject to an environmental impact statement;

(d) requests for reconsideration where the decision to be reconsidered was taken by the Authority itself.

73. (1) If an applicant considers that conditions imposed upon a licence or a development permission is unreasonable, he may, without prejudice to his right of appeal, request the Authority or the Commission, as the case may be, to reconsider such conditions.

Reconsideration.

(2) A request for a reconsideration shall be made within thirty days from notification of the decision of the Authority or of the Commission, as the case may be, and may not be made concurrently with an appeal. The request for a reconsideration shall include a written document containing the reasons for such a request.

(3) The Authority shall inform the registered interested parties where a request for a reconsideration has been filed and the registered interested party shall be notified of the Authority's sitting when such a request for a reconsideration shall be discussed.

(4) No reconsideration may be demanded by a registered interested party, even if such interested party has made written objections in accordance with the provisions of article 68(4).

Appeal.

74. (1) If an applicant considers that the conditions imposed upon a licence or a development permission, or a refusal of such an authorisation or permission, is unreasonable, he may lodge an appeal with the Tribunal under article 41. An appeal under this subarticle, shall be made within thirty days of notification of the decision of the Authority or of the Commission, as the case may be. The request for an appeal shall include a written document containing the reasons for such a request.

(2) Where a request for reconsideration has been made, an appeal may be made to the Tribunal within thirty days of notification of the decision taken in the reconsideration.

Call in Procedure.

75. (1) Where an appeal is lodged by an applicant or by an interested third party from any decision of the Authority referred to in subarticle (2) hereof, the Secretary of the Tribunal shall inform the Minister of such an appeal within fifteen days from its receipt. In such case, the Minister may, within fifteen days from the date when he has received such information, either instruct the Tribunal to proceed with the determination of the appeal or decide to refer the application to the Cabinet of Ministers for determination. Where the Minister does not decide to refer an application to the Cabinet of Ministers as aforesaid within the said period, it shall be deemed for all purposes and effects of law that he has opted to refer the said appeal to the Tribunal for its decision.

(2) The Minister may refer to the Cabinet of Ministers applications called in by him in terms of subarticle (1) where such applications are:

(a) applications in respect of development which appears to him to be of a strategic significance;

(b) applications in respect of development which appears to him to affect matters of national security or national interests;

(c) applications in respect of development which appears to him likely to affect the interests of other governments;

(d) applications in respect of development which is subject to an environmental impact assessment and which in his opinion is of national interest;

(e) applications in respect of which the applicant is a department of Government or a body corporate established by law.

(3) Where the Minister decides to refer to the Cabinet of Ministers an application called in by him, he shall request the Tribunal to draw up its recommendation on that application after having heard the parties and the Tribunal shall send its recommendation on that particular application to the Minister who shall refer it to the Cabinet of Ministers. Such recommendation shall be available to the public.

(4) The Cabinet Secretary shall, within fifteen days from the date of such decision, communicate the decision of the Cabinet of Ministers to the Authority together with the reasons in justification thereof and the Authority shall comply therewith, publish the decision of the Cabinet of Ministers in such manner as it may deem fit or as it may be prescribed and shall communicate the decision of the Cabinet of Ministers to the parties within fifteen days from the receipt of such decision.

76. (1) An environment and planning obligation may be entered into in those cases where the Authority, in connection with a grant of a licence or development permission, seeks to impose on the applicant an obligation: Obligations.

(a) to carry out an activity or works:

(i) on the land in respect of which development permission is sought, or

(ii) on any other land or area or

(iii) on the land or area mentioned in both subparagraphs (i) and (ii); or

(b) to make some payment or confer some extraneous right or benefit, where the Authority considers it to be more appropriate. The Authority shall seek to obtain these benefits or gains by means of conditions attached to a grant of the licence or development permission or by means of an environment and planning obligation entered into by a public deed made by the applicant for the licence or development permission with the Authority.

(2) Any person may, by agreement with the Authority, enter into an environment and planning obligation:

(a) restricting the development or use of that land in any specified way;

(b) requiring specified operations or activities to be carried out, in, on, under or over that land or area;

(c) requiring that land or area to be used in any specified way; or

(d) requiring a sum or sums to be paid to the Authority on a specified date or dates or periodically.

(3) The Minister may, in consultation with the Authority, make regulations for giving better effect to the provisions of this article and may, without prejudice to the generality of the foregoing:

(a) prescribe the procedure how an environment and planning obligation may be entered into, enforced, modified and discharged;

(b) establish any restrictions, conditions or the payment of any sums of money which may be imposed in such an environment and planning obligations; and

(c) regulate appeals to the Tribunal made in terms of subarticle (4).

(4) The applicant and any person interested in land may appeal to the Tribunal from a planning obligation entered into in terms of subarticle (1).

Part V

2. Revocation or modification of permission, licence or authorisation and Discontinuance or removal orders

77. (1) The Authority or the Tribunal may, only in the cases of fraud or where public safety is concerned or where there is an error on the face of the record, by a decision revoke or modify any licence or development permission granted under this Act, including any clearance issued by the Authority under an Order, stating in such decision its reasons for so doing; and, prior to deciding to revoke or modify a licence or development permission in terms of this subarticle, the Authority or the Tribunal, as the case may be, shall inform the person who will be affected by its decision of the date and time of its meeting where the Authority or the Tribunal shall also hear the said person's submissions if the latter opts to attend, and any other person's submissions:

Revocation and
Modification.

Provided that the Authority or the Tribunal may in relation to any licence or development permission, including any clearance issued by the Authority under an Order, issued after the date of coming into force of this Act commence proceedings to revoke or modify any such licence or development permission, including any clearance issued by the Authority under an Order, within five years from the date of issuing of the licence or development permission, including any clearance issued by the Authority under an Order.

(2) For the purposes of subarticle (1):

“fraud” means the submission to the Authority of any information, declaration or plan on the basis of which the Authority has approved a licence or development permission, where such information, declaration or plan is false, misleading or incorrect, irrespective of whether such deceit is the result of a wilful or negligent act:

Provided that the Authority shall not revoke or modify a licence or development permission on the basis of fraud where the fraudulent information did not have a material bearing on the issuing of the licence or development permission; and

“error on the face of the record” means an error on the face of a record which offends against the law.

(3) The applicant shall, if the decision is taken by the Authority, have a right to appeal the Authority's decision to the Tribunal within thirty days from the date of service of a revocation decision or a modification decision.

(4) No compensation shall be payable by the Authority when it acts under the provisions of subarticle (1) where the reason for the revocation or a modification of a licence or development permission is based on fraud or error of law on the face of the record.

(5) Where the reason for revocation or modification of a licence or development permission is public safety, the following rules shall apply:

(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 revocation decision or the modification decision, it is shown that any person interested in the land has incurred expenditure that is rendered useless 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 paragraph (c), pay to that person compensation in respect of that expenditure, loss or damage;

(c) no compensation shall be payable under this article:

(i) 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,

(ii) in respect of any work carried out before the grant of the licence or 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 licence or permission;

(d) where compensation is payable under this article in respect of expenditure incurred in carrying out any work on land, if the competent authority under the Land Acquisition (Public Purposes) Ordinance 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 article.

78. (1) The Authority may, having regard to the provisions of this Act, regulations, plans, policies 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 and 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 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.

Provided further that no such compensation is due if the authorisation or permission itself allows the Authority to request the discontinuance of any existing use or activity or any works to be discontinued or any building, plant, equipment or other thing whatsoever to be removed from any land, or if such an order is made by the Court.

Part V.

3. Charges and contributions

79. (1) The Authority shall have power to levy a charge in respect of any permission to carry out development, to be known as the Development Permission Fee, including any application therefor, in accordance with a schedule of charges established by it with the concurrence of the Minister and of the Minister responsible for finance, taking account of the nature of the development, the timing of the development in relation to the planned phasing thereof, of the conditions attaching to the permission and of any other relevant consideration.

Charges and Contributions.

(2) The Authority shall have power to levy a contribution towards the cost of the infrastructure services and other services or facilities arising from any permission to develop

land, to be known as the Infrastructure Service Contribution, from the person applying for such permission or carrying out such development, in accordance with such rates as the Authority may, with the concurrence of the Minister and of the Minister responsible for finance, from time to time determine, taking account of the services involved, the areas of development and other material considerations.

(3) The sums collected by the Authority under subarticle (2) shall be paid to the Government each year after a deduction therefrom is made to cover the reasonable costs incurred in the determination and levying of the contribution:

Provided that with respect to contributions leviable by the Authority on behalf of the Authority for Transport in Malta in terms of article 20 of the Code of Police Laws, such regulations shall be made with the concurrence of the Minister responsible for the Authority for Transport in Malta and the Minister responsible for finance, and such contributions leviable, as aforesaid shall, notwithstanding anything contained in this Act, be paid by the Authority to the Authority for Transport in Malta each year after a deduction therefrom is made to cover the reasonable costs as may be agreed between the two authorities incurred in the determination and levying of the contributions.

(4) The Authority shall have power to levy a charge in respect of any other application for a licence or authorisation made to it.

(5) The schedule of charges and the rates of contributions established under this article, as from time to time in force, shall be published as regulations and shall have effect as so published.

(6) The charges and contributions levied under subarticles (1) and (2) aforesaid shall be collectively known as the “building levy”.

Payment of Fee and Contribution.

80. No licence or development permission shall be granted, and no activity or development authorised by an order shall be carried out, unless and until any fee or contribution payable under article 79 has been paid to and received by the Authority; and any activity or works carried out without such payment having been made and received shall be deemed to be an activity or development carried out without the permission of the Authority.

Part V

4. Scheduling and Conservation

81. (1) The Authority shall prepare, and from time to time review, a list of areas, buildings, structures and remains of geological, palaeontological, cultural, archaeological, architectural, historical, antiquarian, or artistic or landscape 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:

Scheduling and
Conservation Orders.

Provided that upon the issue of a conservation order the owner shall have the right to immediate access at reasonable times to all documentation of the Authority concerning the said order for the purpose of studying the relative findings and considerations and the owner may contest the said decision in writing with the Authority within thirty days from the date when the order is notified to him or is published in the Gazette, whichever is the later.

(2) The list of conservation orders, and any additions or amendments thereto, shall be published in the Gazette and in a local newspaper. The Authority shall also notify any one of the owners of any property subject of a conservation order of the fact of its inclusion in the list and of any conservation order made with respect to it. Notice of such conservation order shall also be affixed on site. If none of such owners is known, or if it is not reasonably possible to effect service on such owners, the said notice shall only be affixed on site and no service on such owners as aforesaid need be made. Notice of such conservation order shall be registered in an index held for that purpose which identifies the property subject to that order. The said index shall be held in an electronic form in such a way that researches to determine whether a property is subject to such an order may be carried out. The Authority shall keep a copy of the said index in the office of the Land Registry and shall issue a certificate which indicates whether a particular property is subject to the said order on the payment of such fee as may be prescribed.

(3) Where the Authority has scheduled property in terms of this article, it shall register the said property in the index mentioned in subarticle (2) indicating the said property as having been scheduled, and the provisions of the said subarticle concerning the indexing of conservation orders shall *mutatis mutandis* apply.

The list of scheduled property, and any additions or amendments thereto, shall be published in the Gazette and in a local newspaper.

The Authority shall also notify any one of the owners of the scheduled property of the fact of its inclusion in the list. A notice of the said scheduling shall also be affixed on site. If none of such owners is known, or if it is not reasonably possible to effect service on such owners, the said notice shall only be affixed on site and no service on such owners as aforesaid need be made.

(4) For the purposes of subarticles (2) and (3), ‘‘site’’ means a single property or more than one property, irrespective of who is the owner of that property, which forms part of the land which is scheduled or which is subject to a conservation order in terms of this article.

(5) The carrying on of any work in, and the demolition, alteration or extension of, any scheduled property is prohibited or restricted as provided in this article or in a conservation order.

(6) No works of any description shall be carried out in or on any scheduled property and no scheduled property shall be demolished, altered or extended except with the permission of the 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 article, damage to or destruction of any part of a scheduled property shall be deemed to be a demolition thereof.

(7) A permission of the Authority and a conservation order granted or made under this article may contain such conditions and other provisions as the Authority may deem necessary or expedient; and a conservation order may regulate any matter affecting scheduled property.

(8) In respect of any scheduled property, 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.

(9) If any scheduled property is demolished in contravention of any of the provisions of this article then, in addition to any penalty or other effect under this Act, every person convicted of such offence shall be liable to pay compensation to the Authority calculated on the basis of whichever is the highest of the following:

- (a) the value of the thing destroyed,
- (b) the cost of restoration or repair,
- (c) the financial benefit which could be achieved as a consequence of the demolition.

(10) An owner of scheduled property has a right to demand the reconsideration of any scheduling of his property. Such demand shall be entered in writing with the Authority within thirty days of notification or publication in the Gazette, whichever is the later, of the scheduling and the Authority shall decide within three months of receipt of it of the demand for reconsideration.

(11) Any person who feels aggrieved by a decision of the Authority under this article may appeal to the Tribunal for a revocation or modification of such a decision.

(12) The Minister's endorsement shall be sought when the Authority deschedules a scheduled property or when it downgrades the protection afforded to a scheduled property, and no such descheduling or downgrading shall be valid before it is endorsed by the Minister.

(13) When the Tribunal decides to deschedule a scheduled property or to downgrade the protection afforded to a scheduled property, the Tribunal shall seek the Minister's endorsement and the period for lodging an appeal from the Tribunal's decision to the Court of Appeal shall commence to run from the date in which the Tribunal would have informed the appellant accordingly of the Minister's decision.

(14) Notwithstanding the provisions of article 41, an appeal to the Tribunal from a scheduling of property or the issue of a conservation order shall not stay the execution of such scheduling or conservation order.

82. (1) If a property, site or area which is not scheduled or protected under the provisions of this Act or any Regulations issued thereunder, but which the Authority believes could have an

Emergency
Conservation Order.

importance or value sufficient to have it scheduled or protected, 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, site or area as it may deem necessary and the provisions of the proviso to subarticle (1) of article 81 shall apply:

Provided that in case of urgency the Chairman of the Authority may make an emergency conservation order without the need of consulting the other members of the Authority.

(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.

(4) Notwithstanding the provisions of article 41, an appeal to the Tribunal from an emergency conservation order shall not stay the execution of such order.

Part VI

Powers of the Authority and Enforcement of Control

1. Right of Entry

Right of entry.

83. Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Board of the Authority, the Commission, the Tribunal and such officer, servant or committee or any other person as may be authorised by the Authority for this purpose, and if so required by the Authority with the assistance of the Police Force, shall have:

(a) the right to enter any premises, public or private, at all reasonable time, and in the case of a dwelling house after giving previous notice of at least forty-eight hours and not before nine o'clock in the morning or after seven o'clock in the evening, and inspect or survey any land, or verify whether an illegal development or activity is taking or has taken place;

(b) board any vehicle or vessel licensed under this Act, or as may otherwise be prescribed;

(c) examine any article to which this Act or any regulations under this Act may apply and take such samples as it may deem fit for examination;

(d) make plans of any premises, vehicle or vessel and take photographs of the same after entry or boarding in accordance with paragraphs (a) and (b) hereof; or

(e) do anything that is ancillary or consequential thereto.

Part VI

2. Enforcement of Control

84. (1) The Authority shall monitor all activities falling within the scope of this Act, including all development operations to ensure that all such activities and 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 activities and development.

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

85. (1) The Authority may appoint officers for the purposes of this Act, and such inspectors may upon production of proof of their identity, in order to ensure compliance with this Act or any regulations made thereunder:

Officers.

(a) enquire from any person information in connection with any activity or other matter regulated by this Act;

(b) issue stop or enforcement notices or orders to any person in accordance with the provisions of article 86 of this Act.

(2) The provisions of subarticle (1) shall be without prejudice to the powers of the Police, Local Wardens, the Comptroller of Customs or of any other authority under the Criminal Code, the Customs Ordinance or any other law.

(3) Officers appointed under this article shall notwithstanding any other law have the right to assist the police in the conduct of prosecution for offences under this Act and to plead the case on behalf of the prosecution.

Enforcement
procedure.

86. (1) If it appears to the Authority that an activity is being carried out without the grant of a permission or licence required under this Act or that any conditions subject to which such permission or licence was granted in respect of any such activity are not being complied with or such activity is in contravention to this Act or Regulations issued under this Act, the Authority may issue stop orders to any such person carrying out such an activity:

Provided that the Authority may issue a partial stop order requiring work or activity to be stopped forthwith only in relation to that part of the activity to which the order applies and not in relation to the whole activity.

(2) If it appears to the Authority that any development is being carried out without the grant of permission required 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 stop notice on the owner of the land or on the occupier of the land or on both, as the Authority deems most expedient, requiring works or the development to be stopped forthwith:

Provided that the Authority may issue a partial stop notice requiring work to be stopped forthwith only in relation to that part of the development to which the notice applies and not in relation to the whole development.

(3) A copy of the order or notice mentioned in subarticles (1) and (2) may also be served on any representative, builder, contractor or workman on the site and the Authority may also affix such notice in a prominent position at a point of entry onto the site.

(4) The Authority shall, in the case of a notice issued under subarticle (2) also inform:

(a) the local council in whose locality the land mentioned in subarticle (2) is found;

(b) the perit responsible for the said works, if known, that a stop notice as aforesaid has been issued by the Authority:

Provided that the non-compliance with the provisions of this subarticle shall in no case invalidate any notice issued under subarticles (1) and (2).

(5) The Authority shall register all stop orders and notices and all other enforcement notices in terms of this Act in the index mentioned in article 81(2), and the provisions of the said article concerning indexing of conservation orders shall *mutatis mutandis* apply to stop and other enforcement notices in terms of this Act.

(6) Any order or notice made under this article shall contain a detailed description of the infringements being alleged and where applicable, a site plan indicating the land which is the subject of such a notice shall be annexed thereto.

(7) 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 development plans, planning policies and any other material consideration, serve on the owner of the land or on the occupier of the land or on both as the Authority deems most expedient an enforcement notice and shall inform the persons mentioned in subarticle (4) of such an enforcement 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 removing such development or for securing compliance with the conditions aforesaid, as the case may be; and in particular, but without prejudice to the generality of the aforesaid any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on the land of any building or other operations.

(8) An order or notice given under any of the foregoing provisions of this article shall:

(a) in respect of any requirement stopping or prohibiting further activity, works or development or requiring the cessation of a use, or in respect of any requirement of the notice if the notice refers to development listed in the Sixth Schedule to the Act or if the notice is issued under the provisions of article 88(1) in relation to a development situate on a site listed in the Sixth Schedule to the Act, or if the notice is issued under the provisions of article 88(2), take effect immediately upon service of the notice in terms of subarticles (1) and (2) notwithstanding that an application for a licence or development permission for the activity or development referred to in the order or notice has been submitted or an appeal has been lodged against the order or notice;

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

(9) When an application for development permission has been submitted before the expiry of the period mentioned in subarticle (8)(b):

(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, or requiring the cessation of a use, 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 if the notice refers to development listed in the Sixth Schedule to the Act, or if the notice is issued under the provisions of article 88(1) in relation to a development situate on a site listed in the Sixth Schedule to the Act or if the notice is issued under the provisions of article 88(2), the operation of the notice shall not be suspended pending the final determination of the application.

(10) Any application to regularise an activity or a development shall be dismissed forthwith if a requirement in the order or notice stopping or prohibiting further activity, work or development, or requiring the cessation of a use, has not, both prior or during the pendency of the application, been complied with or if any penalty or other payment for which any person has become liable under this Act in respect of the relevant activity or development has not been paid or if the application is made to regularize a development listed in the Sixth Schedule to the Act.

(11) The Authority may exercise its powers under article 90(1) notwithstanding that a second or subsequent application intended to regularize the illegal activity or development may have been filed with the Authority concerning the same or part of the same activity or site, irrespective of whether the said application is filed by the same applicant or by another applicant.

(12) Any person who feels aggrieved by any order or notice served on him may, within fifteen days from the service of the notice, appeal against it to the Tribunal, and on any such appeal the Tribunal:

(a) if satisfied that a licence or permission was granted under this Act, or under any other law which preceded this Act regulating the activity in question or building permits, for the activity or the development to which the order or notice relates, or that no such licence or permission was required in respect thereof, as the case may be, and that the conditions subject to which such licence or permission was granted have been complied with, shall quash the order or 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.

(13) The appellant shall submit to the Tribunal together with his appeal a copy of all relevant licences or development permissions, other permits or other relevant information in terms of which a licence or a development permission has been granted to carry out the activity or development mentioned in the order or notice served on him which is the subject of the appeal proceedings; and if the Tribunal is satisfied that no such licence or development permission or permits exist or that there is no authorization, howsoever called, in terms of which the activity or the development could have been carried out, the Board shall forthwith dismiss the appeal.

(14) If before an appeal is lodged or during the pendency of an appeal, the appellant submits to the Authority an application for a licence or development permission regarding the activity or land mentioned in the order or notice, the Tribunal shall dismiss the appeal if it is satisfied that the said application is intended to regularize the activity or development mentioned in the order or notice.

(15) Where an appeal is dismissed, the Tribunal may direct that, in respect of any requirement, other than a requirement stopping or prohibiting any further activity or work or development, or requiring the cessation of a use, the order or 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 Tribunal thinks fit.

(16) The Tribunal may correct any defect or error in the enforcement notice provided that the appellant shall be given sufficient time to prepare and put forward his case.

(17) Where the illegal activity or development is being carried out at sea the provisions of this article shall apply in such manner that any reference therein to the owner of the land or the occupier of the land shall be deemed to be a reference to the person carrying out the activity or development, and any reference to land shall be deemed to be a reference to the area at sea where the activity or development occurs.

(18) All notices or orders issued under this Part shall be accompanied by a site plan.

Enforcement in
relation to Scheduled
Property.

87. 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 article 81 or under regulations issued under this Act intended to protect natural habitats and species, is being done or carried on or has been done or carried on in contravention of any such prohibition, restriction or condition or without any permission or other requirement, or without compliance with any condition, mentioned in those articles or any orders made thereunder, the Authority shall serve a notice on the owner of the land or on the occupier of the land or on both as the Authority deems most expedient and shall also inform of the issue of such notice the persons mentioned in article 86(4), requiring such steps as may be specified in the notice, including the discontinuance of anything being done or carried on, to be taken within such time as may also

be specified in the notice. The provisions of the proviso to article 86(4) shall also apply to any notice under this article.

88. (1) If it appears to the Authority that the amenity of any area is injured by the appearance or condition of any building or any land, being a garden, vacant site or other open land, or by the appearance of a site upon which development or construction or any other works are taking or have taken place, the Authority shall serve an enforcement notice on the owner of the land or on the occupier of the land or on both as the Authority deems most expedient and shall also inform of the issue of such notice the persons mentioned in article 86(4), requiring such steps to be taken for abating the injury as may be specified in the notice. The provisions of the proviso to article 86(4) shall also apply to any notice under this article.

Injury to Amenity and removal of danger.

(2) The Minister may, in consultation with the Authority, by regulations under this article provide that property which is in a state of disrepair and, or constitutes a danger, shall be demolished by its owner or by the Authority in accordance with the provisions of article 90. Without prejudice to the generality of the foregoing, such regulations may prescribe:

(a) the manner through which the state of the property is certified as constituting a danger,

(b) the methodology and procedures to be used by the Authority in any action it may take as aforesaid.

89. A notice under articles 87 and 88 is also in this Act referred to as “enforcement notice” and, unless the context otherwise requires and subject to such modifications and adaptations as may be necessary to give full effect to the provisions of those articles, wherever that expression appears in this Act it shall include a notice given under those articles.

Other Notices.

90. (1) If any steps or other action, including any discontinuance, stoppage or similar requirement, required to be taken by an enforcement notice have not been taken within the time specified therein, the Authority may enter on the land, or the area at sea and take such steps or other action as aforesaid, including the disabling or removal of any equipment, machinery, tools, belongings, vehicles or other objects that may be on site and the carrying out of any works necessary to comply with what is requested in the enforcement notice and may for such purpose request the assistance of the Police Force, any local council, any

Supplementary provisions as to enforcement and proceedings for debts due to the Authority.

department of Government or any agency of Government; and the Police Force shall for such purpose exercise such powers as are vested in them at law.

(2) Where the removal of an illegal development involves by necessity the removal also of a development which is not illegal, the Authority may proceed to remove also such other development, the removal of which is necessary as aforesaid.

(3) Notwithstanding the provisions of any other law and saving the provisions of article 46 of the Constitution and Article 4 of the European Convention Act, no precautionary act may be issued by any court against the Authority restraining it from the exercise of any of the powers conferred upon it by this article.

(4) Subject to the provisions or regulations issued under this Act, when an enforcement notice has not been appealed or where an enforcement notice has been appealed but has been confirmed by the Appeals Board or by the Court of Appeal, as the case may be, and the owner of the land subject to an enforcement order fails to comply with the said order within the period therein prescribed, such person shall be liable to a maximum penalty of not more than fifty Euro for every day the default continues after the expiration of the said period as the Authority may prescribe under the said regulations; and the Authority may recover such penalty from the said person as a civil debt owing to it.

(5) All expenses reasonably incurred by the Authority in the exercise of its powers under this article, or any other amount due to the Authority under any other provision of this Act or Regulations issued thereunder shall, be recoverable as a civil debt by the Authority from the owner of the land, or from any occupier of the land, or from any person responsible for the acts mentioned in the notice, including a notice of payment, or an applicant, subject to such right of recovery such person may have against any other person. The Authority shall not be liable for any damages as a result of the exercise of its powers under this article unless it is proved that such damage resulted from gross negligence on the part of the Authority, its officers and agents.

(6) Where the Authority desires to sue for the recovery of a debt due to the Authority under any Law or Regulation which it is entitled to enforce, the Chairman, Chief Executive Officer or an officer of the Authority duly authorised by the Authority to act on its behalf may make a declaration on oath before the Court

registrar or before any other officer authorised to administer the oath in judicial matters, wherein he states the nature of the debt and the name of the debtor and confirm that it is due.

(7) The declaration referred to in subarticle (6) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of twenty days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declare the claim unfounded.

(8) The application filed in terms of subarticle (7) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period.

(9) Any debts due to the Authority shall be prescribed by the lapse of the period of five years from the date on which the debt was due.

91. (1) Notwithstanding the other provisions of this Act, any person who is served with an enforcement notice in respect of development referred to in Schedule 8, shall have the right to claim that such notice shall not be executed. The said person shall furnish the Authority with the requisite proof to that effect including any relevant documentary evidence and such other evidence as the Authority considers necessary in accordance with and subject to the procedure established by the Authority.

Procedure to apply to certain types of development.

(2) An enforcement notice falling within the provisions of subarticle (1), the development in question shall not be considered as having been regularised in terms of this Act unless and until a development permission has been granted to cover the development in question and a penalty fixed by the Authority within the limits established in article 93 has been paid:

Provided that a person requested to pay such a penalty may appeal from such request in the manner provided for in article 93.

(3) When the Authority receives an application for development permission requesting amendments, alterations, additions or extensions to a development referred to in Category A of Schedule 8, the applicant shall request the Authority to sanction the said illegal development in terms of the provisions of this Act,

if such sanction is possible in terms of law. Where the illegal development has not been sanctioned no further development permission, other than for that type of development which may be prescribed by the Minister, after consultation with the Authority, from amongst the development mentioned in article 63(9) (a) and (b), may be granted with respect to the land in question unless and until the illegal development is removed.

(4) Where any person claims to the Authority that an enforcement notice falls within the provisions of subarticle (1), and the Authority does not accept such claim, the period of fifteen days mentioned in article 86(12) shall commence to run from the date that the Authority serves such person with a notice to the effect that it is not accepting such claim.

(5) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article.

Certificate of
Development
According to permit.
Cap. 356.

92. (1) The following provisions shall have effect with respect to any development which has taken place or is to take place after the date of the coming into force of the Development Planning Act, 1992, 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 or falls under Category B of the Eighth Schedule.

(3) In any of the circumstances in which the Authority may serve an enforcement notice or order under any of the provisions of this Act, the Minister shall, in consultation with the Authority, by regulations under this article provide that such a notice is registered with the Land Registry and served on the Director of the Public Registry of Malta in the case of land situated in the Island of Malta and on the Director of the Public Registry of Gozo in the case of land situated in Gozo. Without prejudice to the generality of the foregoing, such regulations may prescribe:

(a) the procedures to be used by the Authority in making such a registration;

(b) the prohibition of the transfer inter vivos by any title whatsoever of any land in respect of which a notice as

aforesaid may be, or has been, served, and the transfer or creation of any real right thereon, by any title inter vivos whatsoever and that any transfer of any land and any transfer of any real right thereon, made by an act inter vivos under any title whatsoever, shall be null and without effect.

(4) The provisions of article 41 shall apply to an order made under this article, and to any refusal to revoke such an order, as they apply to a decision of the Authority referred to in subarticle (1) (a) of that article.

93. (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 article 94(1)(d), the Authority may give notice in writing to such person describing the offence of which the person is accused, indicating the steps to be taken to remedy the offence and a penalty which he is required to pay in respect of that offence: Special Procedure.

Provided that the Authority may not require the payment of a penalty higher than fifty thousand Euro and shall be in accordance with a schedule of penalties, which the Minister, after consulting the Authority, and with the concurrence of the Minister responsible for finance, may by regulations prescribe:

Provided further that any person who feels aggrieved by a decision of the Authority under this subarticle, may appeal to the Tribunal for a revocation or modification of such a penalty.

(2) Where a notice under this article 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 within the same period or such further period as the Authority may allow, remedy the offence and pay, or undertake in writing to pay, the penalty indicated in the notice or such other penalty 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 penalty paid, or agreed to be paid, shall be the penalty to which he became liable to pay;

(b) if the offence is remedied and the penalty 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;

Provided that the agreement to pay to the compromise penalty shall not extinguish any civil liability to make good any damages to any person or authority and any liability arising under article 38;

(c) if the penalty is not paid within the period, or further period, aforesaid, it shall be treated as if it were a penalty ordered to be paid by a court and proceedings may be taken accordingly to recover the same as a civil debt due to the Authority.

(3) Where the person to whom notice is given under subarticle (1) does not accept or, having accepted such responsibility, fails to remedy the offence within the time aforesaid, ordinary criminal proceedings may be taken against him in accordance with the provisions of law applicable to the offence.

Part VII

Offences

Offences.

94. (1) Any person who:

(a) carries out any development on any land or allows any development to be carried out on land of which he is an owner 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 article 81 and 82 in respect of any scheduled property, an emergency conservation order; or

(c) having been served with an enforcement notice or other notice under articles 78, 86, 87 or 88 fails to comply with any of the requirements of such notice within the time therein specified; or

(d) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer or employee of the Authority, or any police officer,

or any public officer, or any employee or servant of any department of Government or of any agency of Government or of any local council, in the execution of his duties under the law or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise to assist him in the carrying out of the said duties, or knowingly furnishes such person with false information or neglects or refuses to give any information required for the purpose aforesaid; or

(e) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect, shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (multa) of not less than one thousand five hundred Euro and not exceeding one hundred thousand Euro, and in respect of an offence under paragraph (d) or, in the case of an offence under paragraph (c) if the offender persists in the offence for more than three months, also to imprisonment for a term of not less than three months and not exceeding three years:

Provided that, and without prejudice to the provisions of articles 81(9) and article 90(3) and (4) and without prejudice to the maximum fine above established, the minimum fine (multa) to which an offender is liable under this article shall not be less than the value of any work carried out without permission or in violation of any conditions to which such permission was subject.

(2) The Court, besides awarding the punishment referred to in subarticle (1), shall order the offender to remove the causes of the offence and to undo anything which was done without a permission or to comply with the conditions imposed in the permission, as the case may be, within a time sufficient for the purpose, but in any case not exceeding three months from the date of the judgment, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (multa) of not less than fifty Euro and not more than one hundred and thirty Euro, as the court may fix, for every day the default continues after the expiration of the said time and may also order the modification, suspension or revocation of any authorisation or permission.

(3) Proceedings against any person for any offence as is mentioned in subarticle (1) shall be taken before the Court of

Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the Criminal Code:

Provided that, notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the Court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for either in article 390(6) of the said Code or in any law for the time being in force.

(4) Article 21 of the Criminal Code and the provisions of the Probation Act shall not apply to any offences referred to in this article.

(5) The filing of an application intended to regularise any illegal development or activity to which a prosecution refers, and the filing of an appeal against a refusal of such an application shall not be a bar to the continuation of such a prosecution and the court shall continue to hear such a case and shall give judgement and shall issue an order in terms of subarticle (2) as if such an application or such an appeal had never been filed:

Provided that where such an activity or development has been regularised no fine under subarticle (2) shall be due in respect of the time after the development has been regularised.

(6) 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 judgement given in proceedings arising out of this Act or of any regulations, rules or orders made thereunder.

Certified copies of documents.

95. 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 Chief Executive Officer or any Director, shall be accepted as evidence of the order, notice, decision or other document, and of the facts appearing therein, without further proof.

Part VIII

Miscellaneous

Service of notices, etc. under this Act.

96. (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 manners whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the 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 subarticle (1) 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.

97. (1) The Minister may with effect from such date as may be established by notice in the Gazette repeal the Development Planning Act and the Environment Protection Act and different dates, rules and procedures may be so established for the revocation and, or applicability of different provisions thereof. Savings.

(2) The Minister may by Regulations issued under this Act, provide that for the words “Director”, “Director of Planning” and “Director Environment Protection”, wherever they

may occur in regulations made under the Development Planning Act or Environment Protection Act, there shall be substituted the word “Authority” and any definition of “Director”, “Director of Planning” and “Director Environment Protection” in regulations made under the same Acts shall be deleted.

(3) Any order, rule, regulation, bye-law, notice, plan or policy or other instrument having the force of law made under the authority or kept in force under any of the provisions of the Development Planning Act or the Environment Protection Act shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly.

(4) Any licence, permission, authority, order, notice or certificate, or any prosecution or charges granted or made under or kept in force under any of the provisions of the Development Planning Act or the Environment Protection Act and still in force immediately before the date of coming into force of this Act shall as from such date continue in force as if it were a licence, permission, authority, order, notice or certificate, or prosecution or charges granted or made under a corresponding provision of this Act, and any such licence, permission, authority, order, notice or certificate, or prosecution or charges as aforesaid shall be treated and dealt with accordingly:

Provided that in the case of any such licence, permission, authority, order, notice or certificate issued as operative for a specific period, such licence, permission, authority, order or certificate shall remain operative for such a period from the date such licence, permission, authority, order, notice or certificate was issued.

(5) The Users’ Committee established under the provisions of article 36, the Heritage Advisory Committee established under the provisions of article 37, the Environment and Planning Review Tribunal established under the provisions of article 40 and the Environment Fund established under the provisions of article 38, shall perform and succeed all the functions, assets, rights, liabilities and obligations of the Users’ Committee, the Heritage Advisory Committee and the Planning Appeals Board respectively established under the provisions of the Development Planning Act and the Environment Fund established under the provisions of the Environment Protection Act.

FIRST SCHEDULE

Article 6

Provisions with respect to the Authority and the Environment and Planning Commission

1. The provisions of this schedule regulate the procedures to be used by the Authority and the Environment and Planning Commission. For the purposes of this Schedule, wherever the word “Authority” is used, it is to be construed as to include the Environment and Planning Commission, unless the context otherwise requires.

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

3. 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.

4. 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.

5. 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. All members of the Authority present at its meetings shall cast their vote in favour or against any motion put to the vote.

6. Without prejudice to the provisions of article 16, 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.

7. 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.

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

9. The meetings of the Authority shall be open to the public, and the Authority shall allow the applicant and his representative, or any one of them, and an interested third party who made representations in accordance with the provisions of article 68(4), to make submissions on any matter under consideration. The Chairman, at his absolute discretion, may also allow any other member of the public to make submissions, subject to the power of the Chairman to exclude any member of the public if it deems it necessary so to do for the maintenance of order and to limit the participation of the applicant and his representative or of the interested third party who made representations in accordance with the provisions of article 68(4) or the public as it may deem appropriate.

10. At the request of any member of the Authority, the deliberations of the Authority shall be held in private but every vote shall be conducted in public. No secret vote shall be allowed. Where the Authority votes against a recommendation, if any, made by the Director, the Chairman of the Authority shall register in the relevant file the specific environmental and planning reasons adduced by the Authority.

11. The Authority shall decide and determine any matter under its consideration during the first sitting at which such a matter is brought for determination. The Authority may request the applicant to file fresh plans and documents, in which case the Authority shall give reasons for such a request provided that the substance of the matter under its consideration shall not change and any person who has made written submissions on the application in terms of article 68(4) shall be informed that such fresh plans and documents have been so filed and shall also be invited to be present at the Authority's sitting, as the case may be, when such application shall be discussed. When the Authority puts off a decision on an application either when the applicant is required to submit fresh plans and documents, or for the furnishing of further information, in which case the Authority shall give reasons for requiring such further information, or when the Authority needs to consult in terms of article 45 in which case the Authority shall give reasons for requiring such consultation, the Authority shall, during the meeting establish the date for the next sitting for the determination of the application, such date being not later than two weeks from the date of the meeting:

Provided that the Authority may also delegate to the Chairman or any of its members, the power to endorse any revised plans or documents relating to any matter under its consideration.

SECOND SCHEDULE

Article 41

Proceedings before the Environment and Planning Review Tribunal and appeals therefrom

1. The application shall contain the grounds for the appeal and the request of the appellant, and, in the case of an appeal from the refusal of a permission or licence, it should include a copy of the application form and documents and plans submitted for approval together with all documentation which is relevant for the grounds of appeal, including a copy of the Authority's decision appealed from. A copy of the appeal and the ancillary documentation shall be communicated to the Authority before the appeal is heard. The Authority shall file its reply within thirty days of service upon it or within such time as established by the Tribunal. The reply shall be served upon the appellant.

2. The appellant shall appear before the Tribunal 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 Tribunal may allow:

Provided that the Tribunal 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.

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

4. The Tribunal shall have the power to summon witnesses and to administer the oath to any person appearing before it. Should a witness duly notified by a summons signed by the Chairman of the Tribunal fail to enter an appearance before the Tribunal, such person shall be guilty of an offence and liable, on conviction, to a fine (multa) of not less than five hundred euro and not more than five thousand euro.

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

Provided that the Tribunal may request the appellant to submit fresh documents and plans, in which case the Tribunal shall give reasons for such a request provided that the substance of the matter as presented before the Authority shall not change.

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

7. If the appellant or the Authority are dissatisfied with any point of law decided by the Tribunal, they may appeal to the Court of Appeal (Inferior Jurisdiction) by an application filed as provided in article 41.

8. All hearings of the Tribunal shall be held in public and all decisions of the Tribunal shall be given in public.

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

10. The Minister responsible for justice may by regulations made under this Schedule establish fees payable in the registry of the courts in relation to the filing of judicial acts in connection with appeals before the Court of Appeal (Inferior Jurisdiction) under this Act:

Provided that until such fees have been so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

11. A registered third party in terms of article 68(4) of this Act shall be informed by the Tribunal that an appeal has been filed and he may request the Secretary of the Tribunal to register him as an interested third party in such an appeal. Such a person shall have a right to address the Tribunal and may be requested by the Authority or Commission to give evidence in the appeal proceedings concerning the said appeal. Unless the Tribunal decides otherwise, such a person may be present during all sittings of the Tribunal. Such a person may not attend site inspections where the Tribunal enters upon the property of the appellant if the appellant objects to the presence of such a person entering upon his property. Such a person shall have a right to be given a copy of the Tribunal's decision with regard to those appeal proceedings for which he has been registered with the Secretary of the Tribunal as interested third party. Such a person may not file an appeal from a decision of the Tribunal before the Court of Appeal (Inferior Jurisdiction).

12. When an appeal has been lodged by a person other than the applicant, such a person need not prove that he has an interest in that appeal in terms of the doctrine of juridical interest which doctrine shall not apply to such proceedings, but he shall submit reasoned grounds based on environmental and/or planning considerations to justify his appeal.

13. The Tribunal may deem an appeal as abandoned if the appellant shows no interest in the appeal submitted by him.

14. The Tribunal may impose a fine of €2,500 in such cases were it declares such proceedings frivolous or vexations and in such cases the Tribunal's decision shall be final without any redress before the Court of Appeal (Inferior Jurisdiction).

15. The Tribunal may impose such fees on the party making the request as established for the carrying out of site inspections. Should the Tribunal decide to hold such inspection at its own motion, it will be the appellant who will incur the fee.

THIRD SCHEDULE

Article 12

The Directorates of the Authority are:

1. Environment Protection Directorate – which shall have the responsibility of Environment Protection, the development and coordination of environmental policies, plans, legislation and guidelines, the processing and determination of applications for activities falling within the jurisdiction of the Directorate, Environmental Audits and Environmental Assessments, the State of the Environment Report, the educational aspects of the environment within the Authority, the development of standards and the coordination of International and European Union affairs.

2. Development Planning Directorate – which shall have the responsibility of Development Planning, the development and coordination of development planning plans and policies, the processing of applications relating to development planning and the educational aspects of the development planning within the Authority.

3. Corporate Services Directorate - which shall have the responsibility for providing common legal, financial, human resources and administrative services that are required for the proper functioning of the Authority.

4. Enforcement Directorate - which shall have the responsibility for the overall enforcement of the provisions of this Act and other laws and regulations regulating the environment and development.

FOURTH SCHEDULE

Article 34

The Standing Committee on Environment and Development Planning

The plans and policies that the Minister shall refer to the Committee in accordance with the provisions of article 34 (2) (c) are:

- a. Those plans and policies which refer to the land situate outside areas designated for development as defined in the Structure Plan or in any other plan;
- b. Those plans and policies which exclusively regulate height limitations and restrictions thereon;
- c. Local plans, excluding minor amendments to such plans;
- d. Policies relating to and regulating the certificate of development according to permission.
- e. The state of the Environment Report.

FIFTH SCHEDULE

Article 42

The Registration Board

Consultants to carry out the following assessments have to be registered with the Board:

1. Environmental Impact Assessments;
2. Appropriate Assessments in relation to sites falling within a Special Area of Conservation or a Special Protected Area;
3. Strategic Environment Assessments;
4. Assessments in relation to Scheduled property and sites;

SIXTH SCHEDULE

Article 70

Applications which fall under the provisions of article 70

1. An application to regularise a development which exceeds the approved footprint or, increases the approved volume of the building and is not part of a registered livestock farm and is carried out after May 2008 in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan; or

2. An application to regularise a development in a scheduled property; or

3. An application to regularise a development carried out after May 2008 in an area protected under the provisions of this Act or any Regulation issued thereunder.

SEVENTH SCHEDULE

Articles 41 and 69

1. Applications which fall under the provisions of articles 41 and 69:

(a) Development in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan; or

(b) Development in a scheduled property grade 1 or grade 2; or

(c) Development in a property containing archeological remains; or

(d) In the case of demolition within Urban Conservation Area which includes demolition of facade; or

(e) Development in an area protected under the provisions of this Act or any Regulation issued thereunder.

2. Subparagraphs (b), (d) and (e) of paragraph (1) shall also apply in such cases where the protection status of the site is still being proposed.

EIGHTH SCHEDULE

Article 91

Category A:

1. Development carried out prior to 1st January, 1993 within a Temporary Provisions Scheme development boundary or a development boundary as indicated in a local plan other than:

(i) when such development consists in change of use; or

(ii) where such development is not in conformity with the alignment of roads or buildings as specified in or interpreted from a Temporary Provisions Scheme or local plan.

Category B:

Passed by the House of Representatives at Sitting No. 249 of 30th June, 2010.

MICHAEL FRENDU
Speaker

PAULINE ABELA
Clerk to the House of Representatives