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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Josè Herrera, M.P., Ministru għall-Ambjent, Żvilupp Sostenibbli u Tibdil fil-Klima, u moqri għall-Ewwel darba fis-Seduta tas-26 ta' Frar, 2018.

A BILL introduced by the Honourable Josè Herrera, M.P., Minister for the Environment, Sustainable Development and Climate Change, and read the First time at the Sitting of the 26 February, 2018.

ATT biex jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549.

AN ACT to amend the Environment Protection Act, Cap. 549.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

**ABBOZZ TA' LIĠI
msejjah**

ATT biex jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2018 li jemenda l-Att dwar il-Protezzjoni tal-Ambjent u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Protezzjoni tal-Ambjent, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 549.

2. Fl-artikolu 2 tal-Att prinċipali, minnufih wara t-tifsira "kunsill lokali" għandha tiżdied din it-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

" "kurazija" u "att ta' kurazija" għandu jkollhom l-istess tifsira mogħtija lilhom fl-artikolu 70A;"

3. Minnufih wara l-artikolu 70 tal-Att prinċipali għandu jiżdied dan is-sub-titolu u l-artikolu ġdid li ġejj:

Żjieda ta' sub-titolu ġdid u tal-artikolu 70A fl-Att prinċipali.

"5. Kurazija

Kurazija u att ta' kurazija.

70A. (1) Il-Ministru jista', bl-approvazzjoni mogħtija minn qabel bil-miktub tal-Ministru responsabbli għall-artijiet, jagħmel permezz ta' att pubbliku, att ta' kurazija ma' kunsill lokali jew ma' organizzazzjoni mhux governattiva li bih il-kustodja u l-amministrazzjoni ta' proprjetà immobbli tigi mġoddija għal għand il-kunsill lokali jew organizzazzjoni mhux governattiva, skont il-każ, sabiex tkun tista'

tintuża biex tiżgura għan ambjentali bħalma huma dawk imsemmija fl-artikolu 4, u skont id-dispożizzjonijiet ta' dan l-Att u ta' dawk ir-regolamenti li jistgħu jiġu preskritti u skont dawk il-kondizzjonijiet mhux inkonsistenti magħhom li jistgħu jiġu inklużi f'dak l-att. L-att ta' kurazija għandu jiddikjara għal kemm żmien ikun qiegħed isir wara li jiġu kkonsidrati bir-reqqa l-possibilità li dan jiġi attwat u l-iskala ta' kull proposta.

(2) Il-Ministru għandu, madankollu, fi żmien erba' ġimgħat wara l-pubblikazzjoni tiegħu, jew inkella jekk il-Kamra ma tkunx qegħda f'sessjoni, fi żmien erba' ġimgħat mid-data meta l-Kamra terġa' tiltaqa', iquieghed kopja tal-att ta' kurazija fuq il-Mejda tal-Kamra, u l-att ta' kurazija jkun soġġett għall-kondizzjoni li jekk fuq mozzjoni intavolata mhux iktar tard minn tmienja u għoxrin ġurnata wara t-tqegħid fuq il-Mejda tal-Kamra ta' kopja tal-att ta' kurazija, il-Kamra tirisolvi li l-att ta' kurazija għandu jkun rexiss, l-att għandu jiġi awtomatikament rexiss malli tgħaddi r-risoluzzjoni.

(3) Qabel ma jagħmel att ta' kurazija, il-Ministru għandu jara xi tkun il-fehma tal-Awtorità dwar il-kondizzjonijiet li għandhom ikunu inklużi fl-att ta' kurazija; dawk il-kondizzjonijiet għandhom b'mod partikolari jindirizzaw dan li ġej:

(a) il-miżuri li għandhom jittieħdu sabiex jintlaħaq l-għan ambjentali li għalih l-att ta' kurazija hu intiż;

(b) l-arranġamenti organizzattivi, operattivi u finanzjarji konnessi miegħu, u r-riżorsi organizzattivi, operattivi u finanzjarji li għandhom jiġu attribwiti fir-rigward.

(4) Att ta' kurazija ma għandux jippreġudika l-poteri ta' xi awtorità pubblika taħt dan l-Att fir-rigward tal-proprjetà immobbli soġġetta għall-att ta' kurazija.

(5) Il-proprjeta' soġġetta għall-att ta' kurazija għandha tibqa' proprjeta' tal-Gvern.

(6) Il-Ministru wara li jikkonsulta mal-Awtorità jista', f'kull waqt, b'Ordni fil-Gazzetta jirrexxindi att ta' kurazija jekk xi kondizzjoni stipulata fih jew xi dispożizzjoni ta' dan l-Att jew ta' kwalunkwe regolamenti magħmulin tahtu ma jkunux imħarsa mill-parti l-oħra.

(7) Mhux iktar tard minn sitt ġimgħat wara kull anniversarju ta' att ta' kurazija, il-parti li fil-kustodja tagħha titqiegħed il-proprjeta' immobbli għandha tibgħat lill-Ministru u lill-Awtorità rapport dwar l-attivitajiet tagħha fir-rigward tal-proprjeta' immobbli u dwar il-mod li bih tkun esegwiet l-att ta' kurazija matul is-sena ta' qabel. Kopja ta' dak ir-rapport għandha titqiegħed fuq il-Mejda tal-Kamra mill-Ministru.

(8) Il-Ministru jista' jagħmel regolamenti li jippreskrivu, b'mod ġenerali, regoli dwar il-kurazija."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma li jintroduċi l-kunċett ta' kurazija ta' proprjeta' immobbli għal aktar tishih fil-protezzjoni tal-ambjent.

**A BILL
entitled**

An Act to amend the Environment Protection Act, Cap. 549.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same as follows:-

Short title.

1. The short title of this Act is the Environment Protection (Amendment) Act, 2018 and this Act shall be read and construed as one with the Environment Protection Act, hereinafter referred to as "the principal Act".

Cap. 549.

Amendment to article 2 of the principal Act.

2. In article 2 of the principal Act, immediately after the definition "genetically modified organism", there shall be added the following new definition:

" "guardianship" and "guardianship deed" shall have the same meaning as assigned to them in article 70A;"

Addition of new sub-title and article 70A to the principal Act.

3. Immediately after article 70 of the principal Act there shall be added the following new sub-title and article:

"5. Guardianship

Guardianship
and
guardianship
deed.

70A. (1) The Minister may, with the prior approval in writing of the Minister responsible for lands, enter by public deed, into a guardianship contract with a local council or with a non-governmental organisation whereby the custody and administration of immovable property is passed over to the local council or non-governmental organisation, as the case may be, so that it may be used to secure an environmental objective such as those set in article 4, and in accordance with the provisions of this Act and of such regulations as may be prescribed and with such conditions not inconsistent therewith as may be included in the deed. The guardianship deed shall state the term for which it is entered following careful consideration of the feasibility and scale of undertaking of each proposal.

(2) The Minister shall, however, within four weeks after its publication or if the House is not then in session, within four weeks of the date when the House next meets, lay a copy of the guardianship deed on the Table of the House, and the guardianship deed shall be subject to the condition that if on a motion tabled not later than twenty eight days after the laying on the Table of the House of the copy of the guardianship deed, the House resolves that the guardianship deed shall be rescinded, the deed shall be automatically rescinded upon the passage of the resolution.

(3) Before entering a guardianship deed, the Minister shall seek the views of the Authority as to the conditions to be included in the guardianship deed; such conditions shall in particular address the following matters:

(a) the measures that are to be taken to attain the environmental objective for which the guardianship agreement is intended;

(b) the organisational, operational and financial arrangements in connection therewith, and the organisational, operational and financial resources to be dedicated therefor.

(4) A guardianship deed shall not prejudice any powers of any public authority under this Act with regard to the immovable property subject to the guardianship deed.

(5) The property subject to the guardianship deed shall remain the property of the Government.

(6) The Minister after consulting the Authority may at any time by Order in the Gazette rescind a guardianship deed if any conditions stipulated therein or the provisions of this Act or of any regulations made thereunder are not observed by the other party.

(7) Not later than six weeks after each anniversary of a guardianship deed the party in whose custody the immovable property is placed shall transmit to the Minister and the Authority a report of its activities in relation to the immovable property and on the way it has executed the guardianship deed during the previous year. A copy of such report shall be laid on the Table of the House by the Minister.

(8) The Minister may make regulations generally prescribing rules in relation to guardianship."

Objects and Reasons

The objects and reasons of this Bill consist of the introduction of the concept of guardianship of immovable property for the further protection of the environment.