

A.L. 109 tal-2020**ATT DWAR L-IPPJANAR TAL-IŻVILUPP
(KAP. 552)****Regolamenti tal-2020 li jemendaw l-Ewwel u t-Tieni Skeda li
jinsabu mal-Att dwar l-Ippjanar tal-Iżvilupp**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 84(2) u 85(2)(i) tal-Att dwar l-Ippjanar tal-Iżvilupp, il-Ministru responsabbli għall-Awtorità tal-Ippjanar, wara konsultazzjoni mal-Awtorità tal-Ippjanar, il-Kunsill Eżekuttiv, il-Kummissjonijiet tal-Ippjanar, u l-Bord tal-Ippjanar, għamel dawn ir-regolamenti urgenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti huwa r-Regolamenti tal-2020 li jemendaw l-Ewwel u t-Tieni Skeda li jinsabu mal-Att dwar l-Ippjanar tal-Iżvilupp u dawn ir-regolamenti għandhom jinqraw u jinftiehmha waħda mal-Ewwel u t-Tieni Skeda tal-Att dwar l-Ippjanar tal-Iżvilupp, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu.

Kap. 552.

2. L-Ewwel Skeda li tinsab mal-Att prinċipali għandha tiġi emendata kif ġejj:

Jemenda l-Ewwel Skeda li tinsab mal-Att prinċipali.

(a) fil-partita 2 tagħha, minnufih wara l-kliem "tiegħu nnifsu." għandhom jiżdiedu l-kliem "Huwa jista' wkoll isejjaħ u jmexxi laqgħat bl-użu ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif iqis xieraq, f'liema każ kwalunkwe referenza f'din l-Iskeda għal *quorum* jew kwalunkwe referenza magħmula għall-preżenza tal- jew votazzjoni mill-membri tal-Kunsill Eżekuttiv fil-laqgħa, għandha tinftiehem f'dan ir-rigward, u kwalunkwe laqgħa li ssir bl-użu ta' mezzi elettronici jew mezzi vijabbli ta' komunikazzjoni oħra għandu jkollha l-istess effett fil-liġi bħal laqgħa li saret mingħajr tali mezzi.";

(b) fil-paragrafu (f) tal-partita 3 tagħha, il-kliem "kif jidhirlu xieraq." għandhom jiġu sostitwiti bil-kliem "kif jidhirlu xieraq:" u minnufih wara għandhom jiżdiedu dawn il-provisos godda li ġejjin:

"Izda għal dawn il-laqgħat li fihom il-Kunsill Eżekuttiv ikun qiegħed jikkunsidra applikazzjoni għall-kontroll tal-ippjanar skont l-artikolu 54(1), (2) u (3) u talbiet għal tneħħija ta' skedar, u għal rikonsiderazzjoni ta' skedar skont l-artikolu 57(10), iċ-*Chairperson* Eżekuttiv jista', fejn iqis xieraq, isejjaħ u jmexxi l-laqgħa tal-Kunsill

Eżekuttiv permezz ta' tali mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif iqis xieraq. F'dan il-każ, u soġġett għas-setgħat taç-*Chairperson* Eżekuttiv skont il-paragrafu preċedenti, l-applikant jew is-sid (fil-każ ta' talbiet rikonsiderazzjoni ta' skedar) u r-rappreżentant tiegħu, jew kwalunkwe wiehed minnhom, kwalunkwe terza persuna interessata li għamlet rappreżentazzjonijiet skont id-dispożizzjonijiet ta' xi regolamenti magħmula taħt l-artikolu 54(3), jew kwalunkwe membru tal-pubbliku li, fid-diskrezzjoni assoluta taç-*Chairperson* Eżekuttiv, jithalla jagħmel sottomissjonijiet, għandu jithalla jagħmel sottomissjonijiet permezz ta' mezzi elettronici jew mezzi oħra vijabbli ta' komunikazzjoni. Iç-*Chairperson* Eżekuttiv jista' jieħu dawk il-miżuri kollha, fid-diskrezzjoni tiegħu meqjusa bhala xierqa, sabiex jiżgura t-tmexxija xierqa tal-laqgħa permezz ta' mezzi elettronici jew mezzi vijabbli oħra:

Iżda wkoll, sabiex membru tal-pubbliku jithalla jipparteċipa f'tali laqgħa permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif imsemmi, iç-*Chairperson* Eżekuttiv jista', permezz ta' avviż imtella' fuq il-portal elettroniku tal-Awtorità tal-Ippjanar, jitlob li kull min hu interessat li jipparteċipa f'dik il-laqgħa, jirreġistra l-interess tiegħu, bil-mod indikat hemmhekk, minn tal-inqas ġurnata ta' xogħol qabel id-data tal-laqgħa, sabiex iç-*Chairperson* Eżekuttiv ikun jista' jieħu kwalunkwe miżura li huwa jqis xierqa sabiex iħalli l-partecipazzjoni tal-membri tal-pubbliku. Xejn f'dan il-paragrafu ma għandu jiġi interpretat bhala li jannulla jew iħassar il-proċedura jew partijiet minnha, inkluża kwalunkwe deċiżjoni meħuda mill-Kunsill Eżekuttiv, jekk xi membru tal-pubbliku jonqos milli jieħu sehem fil-proċeduri, kull meta jithalla jagħmel hekk, minħabba n-nuqqas tal-mezzi elettronici jew mezzi oħra użati biex titmexxa l-laqgħa jew l-inkapaċità tiegħu biex jagħmel dan:

Iżda wkoll li f'każ li l-Kunsill Eżekuttiv imexxi kwalunkwe laqgħa tal-Kunsill Eżekuttiv permezz ta' tali mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni, kwalunkwe referenza f'din l-Iskeda għal *quorum* jew kwalunkwe referenza magħmula għall-preżenza tal- jew votazzjoni mill-membri tal-Kunsill Eżekuttiv fil-laqgħa għandha tinftiehem f'dan ir-rigward:

Iżda wkoll li kwalunkwe laqgħa tal-Kunsill Eżekuttiv li ssir permezz ta' mezzi elettronici jew mezzi

vijabbli oħra ta' komunikazzjoni skont dan il-paragrafu għandu jkollhom l-istess effett fil-liġi daqslietieku l-laqgħa ma saritx mingħajr tali mezzi."

3. Fil-partita 9 tat-Tieni Skeda li tinsab mal-Att prinċipali, il-kliem "kif hu jidhirlu xieraq." għandhom jiġu sostitwiti bil-kliem "kif hu jidhirlu xieraq:" u minnufih wara għandhom jiżdiedu l-provisos godda li ġejjin:

Jemenda t-Tieni Skeda li tinsab mal-Att prinċipali.

"Izda *à-Chairperson* jista', fejn hu jqis xieraq, isejjaħ u jmexxi l-laqgħa tal-Bord tal-Ippjanar permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif hu jqis xieraq, f'liema każ, l-applikant jew ir-rappreżentant tiegħu, jew kwalunkwe wiehed minnhom, u t-terza persuna interessata li għamlet rappreżentazzjonijiet skont id-dispożizzjonijiet tal-artikolu 71(6), u kwalunkwe membru tal-pubbliku li, fid-diskrezzjoni assoluta ta-*à-Chairperson*, jithalla jagħmel sottomissjonijiet, għandu jithalla jagħmel sottomissjonijiet permezz ta' mezzi elettronici jew mezzi oħra vijabbli ta' komunikazzjoni. I-*à-Chairperson* jista' jieħu dawk il-miżuri kollha, fid-diskrezzjoni tiegħu meqjusa bħala xierqa, sabiex jiżgura t-tmexxija xierqa tal-laqgħa permezz ta' mezzi elettronici jew mezzi vijabbli oħra:

Izda wkoll, sabiex membru tal-pubbliku jithalla jippartecipa f'tali laqgħa permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif imsemmi, i-*à-Chairperson* jista', permezz ta' avviż imtella' fuq il-portal elettroniku tal-Awtorità tal-Ippjanar, jitlob li kull min hu interessat li jippartecipa f'dik il-laqgħa, jirreġistra l-interess tiegħu, bil-mod indikat hemmhekk, minn tal-inqas ġurnata ta' xogħol qabel id-data tal-laqgħa, sabiex i-*à-Chairperson* ikun jista' jieħu kwalunkwe miżura li huwa jqis xierqa sabiex iħalli l-partecipazzjoni tal-membri tal-pubbliku. Xejn f'dan il-paragrafu ma għandu jiġi interpretat bħala li jannulla jew iħassar il-proċedura jew partijiet minnha, inkluża kwalunkwe deċiżjoni meħuda mill-Bord tal-Ippjanar, jekk kwalunkwe membru tal-pubbliku jonqos milli jieħu sehem fil-proċeduri, kull meta jithalla jagħmel hekk, minħabba n-nuqqas tal-mezzi elettronici jew mezzi oħra użati biex titmexxa l-laqgħa jew l-inkapaċità tiegħu biex jagħmel dan:

Izda wkoll li f'każ li l-Bord tal-Ippjanar imexxi kwalunkwe laqgħa tal-Bord tal-Ippjanar permezz ta' tali mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni, kwalunkwe referenza f'din l-Iskeda għal *quorum* jew kwalunkwe referenza magħmula għall-preżenza tal- jew votazzjoni mill-membri tal-Bord tal-Ippjanar fil-laqgħa għandha tintfieh f'dan ir-rigward:

Izda wkoll li l-laqgħat tal-Bord tal-Ippjanar li jsiru permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni skont

B 752

dan il-paragrafu għandu jkollhom l-istess effett fil-liġi daqslikieku dawn il-laqgħat ma sarux mingħajr tali mezz.

L.N. 109 of 2020

**DEVELOPMENT PLANNING ACT
(CAP. 552)**

**Development Planning Act (Amendment to the First and Second
Schedule) Regulations, 2020**

IN EXERCISE of the powers conferred by articles 84(2) and 85 (2)(i) of the Development Planning Act, the Minister responsible for the Planning Authority, after consultation with the Planning Authority, Executive Council, the Planning Commissions and the Planning Board, has made the following urgent regulations:-

1. The title of these regulations is the Development Planning Act (Amendment to the First and Second Schedule) Regulations, 2020 and these regulations shall be read and construed as one with the First and Second Schedule of the Development Planning Act. hereinafter referred to as "the principal Act".

Citation.

Cap. 552

2. The First Schedule to the principal Act shall be amended as follows:

Amends the First
Schedule to the
principal Act.

(a) in item 2 thereof, immediately after the word "procedure." there shall be added the words "It may also convene and conduct meetings using such electronic or other viable means of communication as it deems appropriate, in which case any reference in this Schedule to a quorum or any reference made to presence of or voting by the member of the Executive Council at the meeting, shall be construed accordingly, and any such meeting held by using electronic or other viable means of communication shall have the same effect at law as a meeting held without such means.";

(b) in paragraph (f) of item 3 thereof, the words "may deem appropriate." shall be substituted by the words "may deem appropriate:" and immediately thereafter there shall be added the following new provisos:

"Provided that for such meetings in which the Executive Council is to consider a planning control application in terms of article 54(1), (2) and (3), descheduling or a request for reconsideration of scheduling in terms of article 57(10), the Executive Chairperson may, where he deems appropriate, convene and conduct the meeting of the Executive Council through such electronic or other viable means of communication as he deems appropriate. In such case, and subject to the powers of the Executive Chairperson in accordance with the

B 754

foregoing paragraph, the applicant or the owner (in the case of requests for reconsideration from scheduling) and his representative, or any one of them, any interested third party who made representations in accordance with the provisions of any regulations made under article 54(3), or any member of the public who, in the absolute discretion of the Executive Chairperson, is allowed to make submissions, shall be allowed to make submissions through such electronic or other viable means. The Executive Chairperson may take all such measures, deemed appropriate in his discretion, to ensure the proper conduct of the meeting by electronic or other viable means:

Provided further that, in order to allow a member of the public to participate in any such meeting held through electronic or other viable means of communication as aforesaid, the Executive Chairperson may, through a notice posted on the electronic portal of the Planning Authority, require that anyone interested in participating in the said meeting, to register such interest, in the manner therein indicated, at least one working day before the date of the meeting, in order to enable the Executive Chairperson to take any measure he deems appropriate to allow the participation of the member of the public. Nothing in this paragraph shall be interpreted as voiding or annulling the procedure or parts thereof, including any decision taken by the Executive Council, should any member of the public fail to participate in the proceedings, wherever allowed to do so, due to the failure of the electronic or other means used to conduct the meeting or his inability to do so:

Provided further that in the event that the Executive Council conducts any such meeting of the Executive Council through such electronic or other viable means of communication, any reference in this Schedule to a quorum or any reference made to presence of or voting by the members of the Executive Council at the meeting shall be construed accordingly:

Provided further that any such meeting of the Executive Council held through electronic or other viable means of communication in accordance with this paragraph shall have the same effect at law as if the said meeting was not held through such means."

Amends the
Second
Schedule to the
principal Act.

3. In item 9 of the Second Schedule to the principal Act, the words "may deem appropriate." shall be substituted by the words "may deem appropriate:" and immediately thereafter there shall be added the following new provisos:

"Provided that the Chairperson may, where he deems appropriate, convene and conduct the meeting of the Planning Board through such electronic or other viable means of communication as he

deems appropriate, in which case, the applicant and his representative, or any of them, and an interested third party who made representations in accordance with the provisions of article 71(6), and any member of the public who, in the absolute discretion of the Chairperson, is allowed to make submissions, shall be allowed to make submissions through such electronic or other viable means. The Chairperson may take all such measures, deemed appropriate in his discretion, to ensure the proper conduct of the meeting by electronic or other viable means:

Provided further that, in order to allow a member of the public to participate in the meeting held through electronic or other viable means of communication as aforesaid, the Chairperson may, through a notice posted on the electronic portal of the Planning Authority, require that anyone interested in participating in the said meeting, to register such interest, in the manner therein indicated, at least one working day before the date of the meeting, in order to enable the Chairperson to take any measure he deems appropriate to allow the participation of the member of the public. Nothing in this paragraph shall be interpreted as voiding or annulling the procedure or parts thereof, including any decision taken by the Planning Board, should any member of the public fail to participate in the proceedings, wherever allowed to do so, due to the failure of the electronic or other viable means used to conduct the meeting or his inability to do so:

Provided further that in the event that the Planning Board conducts the meeting of the Planning Board through electronic or other viable means of communication, any reference in this Schedule to a quorum or any reference made to presence of or voting by the members of the Planning Board at the meeting shall be construed accordingly:

Provided further that meetings of the Planning Board held through electronic or other viable means of communication in accordance with this paragraph shall have the same effect at law as if the said meetings were not held through such means."
