

Nru. 125

17. 4. 2020

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Aaron Farrugia, M.P., Ministru għall-Ambjent, it-Tibdil fil-Klima u l-Ippjanar, u moqri għall-Ewwel darba fis-Seduta tal-20 ta' Jannar 2020.

A BILL introduced by the Honourable Aaron Farrugia, M.P., Minister for the Environment, Climate Change and Planning, and read the First time at the Sitting of the 20th January 2020.

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

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

**ABBOZZ TA' LIĠI
msejjah**

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

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 551.

2. Minnufih wara l-artikolu 32 tal-Att prinċipali, għandhom jizjed l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda fl-Att prinċipali.

"Żamma tas-seduti u għotja ta' deċiżjonijiet permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni.

32A. (1) Minkejja xi dispożizzjoni f'dan l-Att jew f'xi liġi oħra li tirregola l-proċeduri quddiem it-Tribunal, it-Tribunal jista', f'ċirkostanzi eċċezzjonali, iżomm u jmexxi s-smiġħ tas-seduti tiegħu u jagħti d-deċiżjoni tiegħu, permezz dawk il-mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif huwa jista' jqis xieraq.

(2) It-Tribunal għandu, fil-każijiet kollha, jiżgura li s-smiġħ ta' kwalunkwe waħda mis-seduti tiegħu u l-għotja ta' kwalunkwe deċiżjoni tiegħu, bil-mod stipulat fis-subartikolu (1), ikun miftuħ u aċċessibbli għall-pubbliku permezz ta' dawk il-mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif huwa jqis xieraq. It-Tribunal jista' jieħu dawk il-miżuri kollha u jorhoġ dawk l-ordnijiet kollha li huwa jqis xieraq sabiex jiżgura t-tmexxija xierqa tas-seduti tat-Tribunal u għotja tad-deċiżjonijiet tiegħu permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni. Jista' wkoll jippermetti l-preżentata ta' atti, fil-proċeduri mressqa quddiemha, biex isiru permezz ta' mezzi elettronici f'dak il-format li huwa jidhirlu xieraq.

(3) Id-dispożizzjonijiet li jinsabu f'dan l-Att relattivi għat-tmexxija tal-proċeduri u l-għotja tad-deċiżjonijiet mit-Tribunal għandhom, sakemm dan ikun raġonevolment prattikabbli, japplika bl-istess mod għas-seduti li jinżammu u jitmexxew u d-deċiżjonijiet jiġu mogħtija, bil-mod stipulat f'dan l-artikolu:

Iżda ebda nullità ma għandha tirriżulta għannuqqas ta' osservanza ta' xi dispożizzjoni tal-Att relattiva għat-tmexxija tal-proċeduri jew l-għotja tad-deċiżjonijiet tat-Tribunal permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni minhabba n-nuqqas tal-mezzi elettronici jew il-mezz l-oħra ta' komunikazzjoni użati.

(4) It-tmexxija tas-smiġħ tas-seduti u l-għotja tad-deċiżjonijiet tat-Tribunal permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni għandu jkollhom l-istess effett fil-liġi bħal dawk li jinżammu mingħajr dawn il-mezzi.

Preżentata ta' appelli permezz ta' mezzi elettronici.

32B. (1) Minkejja kwalunkwe dispożizzjoni f'dan l-Att jew xi liġi oħra, ir-reġistru tat-Tribunal jista' jirċievi kull atti inkluż applikazzjonijiet ta' appell u risposti tagħhom, permezz ta' trasmissjoni tal-atti oriġinali debitament iffirmit, permezz ta' mezzi elettronici u billi jhallas id-dritt preskritt bil-liġi.

(2) Ir-reġistru tat-Tribunal għandu jorhoġ kopja tal-atti ppreżentati permezz ta' mezzi elettronici kif imsemmi qabel u tali kopja maħruġa mir-reġistru tat-Tribunal għandha, għal finijiet kollha tal-liġi, tiġi kkunsidrata bħala l-orijinal.

(3) Atti ppreżentati permezz ta' mezzi elettronici għandhom, għall-finijiet kollha tal-liġi, jitqiesu daqslikieku ġew ippreżentati direttament fir-reġistru tat-Tribunal:

Iżda meta att huwa ppreżentat permezz ta' mezzi elettronici barra mill-ħinijiet tal-ftuħ tar-reġistru, tali all għandu jitqies li ġie ppreżentat fl-ewwel jum ta' wara l-ftuħ tal-imsemmi reġistru."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jipprovdi għall-possibiltà li f'ċirkostanzi eċċezzjonali appelli jiġu ppreżentati permezz ta' mezzi elettronici u s-seduti tat-Tribunal jinżammu u d-deċiżjonijiet jiġu mogħtija permezz tal-użu ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni.

C 4014

**A BILL
entitled**

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

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

Short title. **1.** The short title of this Act is the Environment and Planning Review Tribunal (Amendment) Act, 2020, and this Act shall be read and construed as one with the Environment and Planning Review Tribunal Act, hereinafter referred to as "the principal Act".
Cap. 551.

Addition of new articles to the principal Act. **2.** Immediately after article 32 of the principal Act, there shall be added the following new articles:

"Holding of sittings and delivery of decisions through electronic or other viable means of communication. 32A. (1) Notwithstanding any provision of this Act or any other law regulating the proceedings before the Tribunal, the Tribunal may, in exceptional circumstances, hold and conduct the hearing of its sittings and deliver its decisions, through such electronic or other viable means of communication as it deems appropriate.

(2) The Tribunal shall, in all cases, ensure that the hearing of any of its sittings and the delivery of any of its decisions, in the manner set out in sub-article (1), be open and accessible to the public through such electronic or other viable means of communication as it deems appropriate. The Tribunal may take all such measures and issue all such orders it deems appropriate to ensure the proper conduct of the sittings of the Tribunal and delivery of its decisions by electronic or other viable means of communication. It may also allow the filing of acts, in the proceedings brought before it, to be made by electronic means in such format as it deems appropriate.

(3) The provisions contained in the Act relative to the conduct of proceedings and the delivery of decisions by the Tribunal shall, as far as is reasonably practicable, apply in the same manner to sittings held and conducted and decisions delivered, in the manner set out in this article:

Provided that no nullity shall ensue for non-observance of any provision of the Act relative to the conduct of the proceedings or the delivery of decisions of the Tribunal by electronic or other viable means of communication due to the failure of the electronic or other means of communication used.

(4) The conduct of the hearing of the sittings and the delivery of decisions of the Tribunal by electronic or other viable means of communication shall have the same effect at law as those held without such means.

Filing of appeals
by electronic
means.

32B. (1) Notwithstanding any provision of this Act or any other law, the registry of the Tribunal may receive all acts including applications of appeal and replies thereto, by transmission of the original act duly signed, by electronic means and by paying the fee prescribed by law.

(2) The registry of the Tribunal shall issue a copy of the acts filed through electronic means as aforesaid and the said copy issued by the registry of the Tribunal shall, for all intents and purposes of law, be considered as the original.

(3) Acts filed by electronic means shall, for all intents and purposes of law, be deemed as if they have been filed directly in the registry of the Tribunal:

C 4016

Provided that when an act is filed by electronic means outside registry opening hours, such act shall be deemed to have been filed on the first following day of the opening of the said registry."

Objects and Reasons

The objects and reasons of this Bill are to provide for the possibility that in exceptional circumstances appeals are filed by electronic means and the sittings of the Tribunal are held and decisions are delivered through the use of electronic or other means of communication.