

Nru 29

25. 11. 2022

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Stefan Zrinzo Azzopardi, M.P., Ministru għax-Xogħlijiet Pubbliċi u l-Ippjanar, u moqri għall-Ewwel darba fis-Seduta tal-15 ta' Novembru 2022.

A BILL introduced by the Honourable Stefan Zrinzo Azzopardi, M.P., Minister for Public Works and Planning, and read the First time at the Sitting of the 15th November 2022.

ATT sabiex jemenda l-Att dwar l-Ippjanar tal-Iżvilupp, Kap. 552.

AN ACT to amend the Development Planning Act, Cap. 552.

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 l-Ippjanar tal-Iżvilupp, Kap. 552.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2022 li jemenda l-Att dwar l-Ippjanar tal-Iżvilupp u dan l-Att għandu jinqara u jinftiehem ħaga waħda mal-Att dwar l-Ippjanar tal-Iżvilupp, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor.
Kap. 552.
2. Is-subparagrafu (d) tas-subartikolu (2) tal-artikolu 7 tal-Att prinċipali għandu jiġi mħassar. Emenda tal-artikolu 7 tal-Att prinċipali.
3. Is-subparagrafu (ċ) tas-subartikolu (2) tal-artikolu 33 tal-Att prinċipali għandu jiġi mħassar. Emenda tal-artikolu 33 tal-Att prinċipali.
4. L-artikolu 35 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 35 tal-Att prinċipali.
 - (a) fis-subartikolu (1) tiegħu, il-kliem "u l-Att Dwar ir-Regolamenti tal-Bini" għandhom jiġu mħassra;
 - (b) fis-subartikolu (2) tiegħu l-kliem "l-Att Dwar ir-Regolamenti tal-Bini" għandhom jiġu mħassra;
 - (ċ) fis-subartikolu (3) tiegħu, il-kliem "l-Att Dwar ir-Regolamenti tal-Bini" għandhom jiġu mħassra; u
 - (d) is-subartikolu (5) tiegħu għandu jiġu mħassar.
5. Is-subparagrafu (o) tas-subartikolu (1) tal-artikolu 38 tal-Att prinċipali għandu jiġi mħassar. Emenda tal-artikolu 38 tal-Att prinċipali.

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Thassir tal-artikolu 62 tal-Att prinċipali.

6. L-artikolu 62 tal-Att prinċipali, inkluż l-intestatura "Il-Kumitat li jirregola l-Bini" għandhom jiġu mħassra.

Sostituzzjoni tal-artikolu 64 tal-Att prinċipali.

7. L-artikolu 64 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"64. Il-funzjonijiet tal-Bord tal-Ippjanar għandhom jinkludu l-għoti ta' kwalunkwe permessi għall-iżvilupp li jistgħu jkunu mitluba minn jew skont dan l-Att taht dawk il-kondizzjonijiet li jista', bla ħsara għal kull dispożizzjoni oħra ta' dan l-Att jew ta' kull liġi oħra, iqis meħtieġa sabiex jibbilanċja kwalunkwe interessi konkorrenti fuq l-aħjar użu tal-art u l-baħar."

Emenda tal-artikolu 65 tal-Att prinċipali.

8. Fis-subartikolu (3) tal-artikolu 65 tal-Att prinċipali, il-kliem "għal terminu ieħor ta' erba' snin." għandhom jiġu sostitwiti bil-kliem "għal termini oħra, b'kull terminu jkun għal erba' (4) snin."

Emenda tal-artikolu 71 tal-Att prinċipali.

9. Is-subartikolu (4) tal-artikolu 71 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-kelma "jiċċertifika" għandha tiġi sostitwita bil-kelma "jiddikjara"; u

(b) fis-subparagrafu (i) tiegħu, il-kliem "avża lis-sid bl-intenzjoni li japplika b'ittra registrata li l-Awtorità tkun irċiviet kopja u li s-sid ikun ta l-kunsens tiegħu għal dik il-proposta" għandu jiġi sostitwit bil-kliem "avża lis-sid bl-intenzjoni li japplika b'ittra registrata li l-Awtorità tkun irċiviet kopja u li s-sid ikun ta l-kunsens tiegħu sabiex tiġi sottomessa applikazzjoni".

Emenda tal-artikolu 77 tal-Att prinċipali.

10. Is-subartikolu (4) tal-artikolu 77 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 86 tal-Att prinċipali.

11. L-artikolu 86 tal-Att prinċipali, inkluż l-intestatura "Registrazzjoni tal-Kuntratturi" għandhom jiġu mħassra.

Thassir tal-artikolu 87 tal-Att prinċipali.

12. L-artikolu 87 tal-Att prinċipali, inkluż l-intestatura "Regolamenti tal-Bini" għandhom jiġu mħassra.

Thassir tal-artikolu 88 tal-Att prinċipali.

13. L-artikolu 88 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 89 tal-Att prinċipali.

14. L-artikolu 89 tal-Att prinċipali, inkluż l-intestatura "Dispożizzjonijiet Mixxellanji dwar Regolamenti tal-Bini" għandhom jiġu mħassra.

Thassir tal-artikolu 90 tal-Att prinċipali.

15. L-artikolu 90 tal-Att prinċipali għandu jiġi mħassar.

- 16.** L-artikolu 91 tal-Att prinċipali għandu jiġi mħassar. Thassir tal-artikolu 91 tal-Att prinċipali.
- 17.** L-artikolu 92 tal-Att prinċipali, inkluż l-intestatura "Regolamenti dwar il-Kontroll tal-Bini" għandhom jiġu mħassra. Thassir tal-artikolu 92 tal-Att prinċipali.
- 18.** Fis-subartikolu (1) tal-artikolu 98 tal-Att prinċipali, il-kliem "fuq it-tnejn" għandhom jiġu sostitwiti bil-kliem "fuq il-persuna responsabbli għal azzjonijiet msemmija fl-avviż jew kwalunkwe kombinazzjoni tagħhom,". Emenda tal-artikolu 98 tal-Att prinċipali.
- 19.** Fis-subartikolu (1) tal-artikolu 99 tal-Att prinċipali, il-kliem "fuq it-tnejn" għandhom jiġu sostitwiti bil-kliem "fuq il-persuna responsabbli għal azzjonijiet msemmija fl-avviż jew kwalunkwe kombinazzjoni tagħhom,". Emenda tal-artikolu 99 tal-Att prinċipali.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi jikkonsistu primarjament fl-aġġornar tal-Att dwar l-Ippjanar tal-Iżvilupp sabiex jittiehed kont tal-iżviluppi legiżlattivi li stabbilew l-Awtorità dwar il-Bini u l-Kostruzzjoni, u sabiex tindirizza il-ħtiġijiet amministrattivi speċifiċi fil-proċess tal-applikazzjonijiet tal-iżvilupp, rekwiżiti proċedurali fil-proċess tat-tehid ta' deċiżjonijiet u l-funzjonijiet tal-infurzar tal-Awtorità tal-Ippjanar.

**A BILL
entitled**

AN ACT to amend the Development Planning Act, Cap. 552.

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 Development Planning (Amendment) Act, 2022 and this Act shall be read and construed as one with the Development Planning Act, hereinafter referred to as "the principal Act".
- Cap. 552.
- Amendment of article 7 of the principal Act. **2.** Sub-paragraph (d) of sub-article (2) of article 7 of the principal Act shall be deleted.
- Amendment of article 33 of the principal Act. **3.** Sub-paragraph (c) of sub-article (2) of article 33 of the principal Act shall be deleted.
- Amendment of article 35 of the principal Act. **4.** Article 35 of the principal Act shall be amended as follows:
- (a) in sub-article (1) thereof, the words "the Building Regulation Act" shall be deleted;
- (b) in sub-article (2) thereof, the words "the Building Regulation Act" shall be deleted;
- (c) in sub-article (3) thereof, the words "the Building Regulation Act" shall be deleted; and
- (d) sub-article (5) thereof, shall be deleted.
- Amendment of article 38 of the principal Act. **5.** Sub-paragraph (o) of sub-article (1) of article 38 of the principal Act shall be deleted.

- 6.** Article 62 of the principal Act, including the heading "The Building Regulations Committee" shall be deleted. Deletion of article 62 of the principal Act.
- 7.** Article 64 of the principal Act shall be substituted by the following new article: Substitution of article 64 of the principal Act.
- "64. The functions of the Planning Board shall include the issue of any development permissions that may be required by or in accordance with this Act under such conditions as it may, without prejudice to any other provision of this Act or any other law, deem necessary to balance out any concurrent interests on the best use of land and sea."
- 8.** In sub-article (3) of article 65 of the principal Act, the words "another term of four years." shall be substituted by the words "further terms, each term being a period of four (4) years." Amendment of article 65 of the principal Act.
- 9.** Sub-article (4) of article 71 of the principal Act shall be amended as follows: Amendment of article 71 of the principal Act.
- (a) the word "certify" shall be substituted by the word "declare"; and
- (b) sub-paragraph (i) thereof, the words "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 proposal" shall be substituted by the words "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 submit an application".#
- 10.** Sub-article (4) of article 77 of the principal Act shall be deleted. Amendment of article 77 of the principal Act.
- 11.** Article 86 of the principal Act, including the heading "Registration of Contractors" shall be deleted. Deletion of article 86 of the principal Act.
- 12.** Article 87 of the principal Act, including the title "Building Regulations" shall be deleted. Deletion of article 87 of the principal Act.
- 13.** Article 88 of the principal Act shall be deleted. Deletion of article 88 of the principal Act.
- 14.** Article 89 of the principal Act, including the heading "Miscellaneous Provisions in relation to Building Regulations" shall be deleted. Deletion of article 89 of the principal Act.

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Deletion of article 90 of the principal Act.

15. Article 90 of the principal Act shall be deleted.

Deletion of article 91 of the principal Act.

16. Article 91 of the principal Act shall be deleted.

Deletion of article 92 of the principal Act.

17. Article 92 of the principal Act, including the heading "Building Control Regulations" shall be deleted.

Amendment of article 98 of the principal Act.

18. In sub-paragraph (1) of article 98 of the principal Act, the words "on both" shall be substituted by the words "on the person responsible for the acts mentioned in the notice or any combination thereof, ".

Amendment of article 99 of the principal Act.

19. In sub-paragraph (1) of article 99 of the principal Act, the words "on both" shall be substituted by the words "on the person responsible for the acts mentioned in the notice or any combination thereof,".

Objects and Reasons

The objects and reasons of this Bill primarily consist of updating the Development Planning Act to take into account the legislative developments which have established the Building and Construction Authority, and to address specific administrative requirements in the development application process, procedural requirements in the decision-making process and the enforcement functions of the Planning Authority.