

MALTA

ATT Nru. X ta' l-1988

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex jirregola l-ghoti ta' permessi ghat-tluġ u demolizzjoni ta' bini, u sabiex jagħmel dispozizzjonijiet oħra supplimentari għal dan.

ACT No. X of 1988

AN ACT enacted by the Parliament of Malta.

AN ACT to regulate the grant of permits for the erection and demolition of buildings, and to make other provisions supplementary thereto.

Naghti l-kunsens tieghi.

(L.S.)

PAUL XUEREB
Aġent President

25 ta' Marzu, 1988

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1988 dwar Permessi ta' Bini (Provvedimenti Temporanti). Titolu
fil-qosor
u bidu
fis-sehh.

(2) Dan l-Att, hlief għal dan l-artikolu, għandu jidhol fis-sehh f'dik id-data li l-Ministru jista' b'ordni jistabilixxi fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti ta' l-Att.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'oħra: Tifsir.

“Area għall-Iżvilupp tal-Bini” u “Pjan għall-Iżvilupp tal-Bini” għandhom l-istess tifsir kif kien mogħti lilhom bl-Att ta' l-1983 dwar Arei għall-Iżvilupp tal-Bini; Att Nru. I
ta' l-1983

“Kodiċi” tfisser il-Kodiċi tal-Liġijiet tal-Pulizija; Kap. 10

“Kumitat tal-Kamra” tfisser kumitat magħżul tal-membri tal-Kamra tad-Deputati li jkun magħmul minn hames membri, li minnhom wiehed ikun il-Ministru, li jkun ukoll *Chairman*, u erbgha oħra mahtura mill-Kamra, li minnhom tnejn ikunu minn fost membri li jkunu jappoġġaw lill-Gvern u t-tnejn l-oħra jkunu minn fost membri mill-Oppożizzjoni; il-Kamra għandha tahtar ukoll membru sostitut għal kull wiehed mill-imsemmija erba' membri, liema membru sostitut li jkun mahtur minn fost l-istess naħa tal-Kamra tal-membri li jkun sostitut

ghalih, jattendi ghal laqgħat tal-Kumitat tal-Kamra meta l-membri li tiegħu jkun sostitut ikun indispost jew għal xi raġuni oħra ma jkunx jista' jattendi;

“Area Żviluppata” tfisser l-arej li fid-dhul fis-seħħ ta' dan l-Att kienu mibnjin jew b'xi mod ieħor kienu kommissi għal bini bi żvilupp eżistenti jew billi jkunu ġew provduti għalihom triqat u servizzi municiipali oħrajn; u tfisser ukoll arej li qabel għadda l-Att ta' l-1983 dwar Arej għall-Iżvilupp tal-Bini, kienu jaqgħu taħt proġetti regolaturi magħmulin skond il-Kodiċi, jew proġetti regolaturi dipartimentali u arej f'Għawdex indikati bhala arej ta' żvilupp; u dawk l-arej li wara li dahal fis-seħħ l-imsemmi Att ta' l-1983 dwar Arej għall-Iżvilupp tal-Bini, kienu skond dak l-Att dikjarati u approvati bhala Arej għall-Iżvilupp tal-Bini;

“Ministru” tfisser Ministru responsabbli għax-xoghlijiet;

“Permess” tfisser permess mogħti jew mahruġ għall-finijiet tat-Taqsima I tal-Kodiċi.

(2) F'dan l-Att, u fit-Taqsima I tal-Kodiċi:

(a) “persuna” tinkludi korp ġuridiku mwaqqaf b'ligi, dipartiment tal-Gvern u kull bord, kumitat jew korp ieħor li l-Ministru jista' jkun iddelegalhom setgħat taħt it-Taqsima I tal-Kodiċi; u

(b) meta reat taħt jew kontra xi dispożizzjoni li tinsab f'dan l-Att jew fit-Taqsima I tal-Kodiċi, jitwettaq minn korp ġuridiku mwaqqaf b'ligi jew minn dipartiment tal-Gvern jew minn bord, kumitat jew korp ieħor bħal dawk imsemmija fil-paragrafu (a) ta' dan is-subartikolu, kull min, fiż-żmien tat-twettiq tar-reat, kien *Chairman, manager*, segretarju, kap jew ufficjal simili ieħor tal-korp ġuridiku jew tad-dipartiment, jew li kien *Chairman* jew membru ta' xi bord, kumitat jew korp ieħor bħal dawk imsemmijin qabel, jew ta wiehed x'jifhem li kien qiegħed jaġixxi f'kapaċità bħal dik, għandu jkun hati ta' dak ir-reat sakemm huwa ma jgibx prova li huwa kien għamel hiltu biex iżomm milli jitwettaq ir-reat jew li, minkejja li huwa kien għamel hiltu, ir-reat twettaq mingħajr ma huwa kien jaf jew kontra l-volontà tiegħu.

3. (1) Kull regolamentazzjoni ta' l-użu u l-iżvilupp ta' l-art għandha jkollha bhala l-għan tagħha, l-użu u l-iżvilupp fiżiku ottimali ta' l-art li jirrispetta l-ambjent u fl-istess waqt jiżgura illi htigiet soċjali bażiċi tal-komunità huma, sa fejn hu prattikabbli, sodisfatti.

(2) Kull pjan ta' struttura jew pjan ieħor ta' żvilupp għandu jipprovdi, fost hwejjeġ oħra, għal:

(a) il-konservazzjoni ta' art agrikola, tal-widien, ix-xtut u postijiet oħra ta' sbuħija naturali, is-siġar, il-fawna u l-ambjent fiżiku in ġenerali;

(b) il-konservazzjoni tal-*watertable*, u sorsi oħra ta' ilma u riżorsi naturali oħra;

(c) il-konservazzjoni ta' art u bini ta' valur storiku;

(d) ir-riklamazzjoni ta' art minflok dik l-art agrikola li tithalla tiġi żviluppata għal skopijiet oħra;

(e) aċċess aħjar għax-xtut u arei oħra ta' interess naturali u interess storiku;

(f) il-promozzjoni ta' *home-ownership*, u għal dan il-ghan, il-provvista ta' art bl-irhis għal bini u siti lil persuni li ma jkunux jistgħu jaslu għal valur għoli ta' proprjetà kawżata mir-restrizzjoni ta' l-iżvilupp u d-daqs tal-gżejjer u mill-bżonn li jiġi protett l-ambjent naturali.

4. (1) (a) Mhux aktar tard minn sentejn wara l-bidu fis-sehh ta' dan l-artikolu, jew f'dak il-perijodu mġedded li l-Kamra tista' b'riżoluzzjoni tippermetti, il-Ministru għandu jhejji pjan ta' struttura għall-iżvilupp ta' l-art f'Malta b'implimentazzjoni ta' l-ghanijiet elenkati fl-artikolu 3 ta' dan l-Att. Pjan ta' struttura.

(b) Il-Ministru għandu jara li dak il-pjan ta' struttura jitqiegħed fuq il-Mejda tal-Kamra, u l-Kamra għandha b'riżoluzzjoni tadotta jew tiċhad dak il-pjan flimkien ma' dawk it-tidiliet fih li jkun jidhrilha xierqa.

(c) Pjan ta' struttura jista' jiġi revokat jew emendat b'riżoluzzjoni tal-Kamra tad-Deputati.

(2) Il-Ministru għandu jagħmel *survey* ta' Malta, li fih jiġu eżaminati dawk il-hwejjeġ li jistgħu jolqtu l-iżvilupp jew l-ippjanar ta' l-iżvilupp tagħha u għandu jinkludi: Survey.

(a) il-karatteristiċi prinċipali fiżiċi u ekonomiċi nkluzi l-ghanijiet prinċipali li għalihom tkun qegħda tiġi użata l-art;

(b) id-daqs, kompożizzjoni u distribuzzjoni tal-popolazzjoni;

(c) il-komunikazzjonijiet, sistema ta' trasport, u sistema ta' toroq;

(d) kull konsiderazzjoni li ma hijiex imsemmija f'xi wiehed mill-paragrafi ta' qabel li tista' tkun mistennija tolqot xi hwejjeġ ġa msemmija bħalma huma: l-iżvilupp industrijali, l-agrikoltura, djar, l-edukazzjoni, il-konservazzjoni u l-preservazzjoni, ir-riżorsi naturali, il-miġstrieħ, ir-rikreazzjoni, it-turiżmu, is-servizzi pubbliċi u r-rimi ta' l-iskart; u

(e) dawk il-hwejjeġ l-oħra li jistgħu jiġu stabbiliti mill-Ministru.

(3) Il-pjan ta' struttura għandu jkun dokument miktub li ma jkunx marbut ma' siti speċifikati: Pjan.

(a) li jkun jiformula l-*policy* nazzjonali ta' ppjanar u l-proposti ġenerali dwar l-iżvilupp u l-użu iehor ta' l-art inkluzi miżuri għat-titjib ta' l-ambjent fiżiku u t-tmexxija tat-traffiku;

(b) li jkun jinterpretar-relazzjoni ta' *policies* nazzjonali f'dak li hu ppjanar fiżiku u ambjentali safejn dawn il-*policies* jirrigwardaw l-integrazzjoni tal-*policies* ekonomiċi, soċjali u ambjentali; u

(ċ) li jkun fih dawk il-hwejjeġ l-oħra li jistgħu jiġu stabbiliti mill-Ministru.

Gustifikazzjonijiet
raġunati.

(4) Fil-formulazzjoni tal-*policy* u l-proposti ġenerali skond il-paragrafu (a) tas-subartikolu (3) ta' dan l-artikolu, il-Ministru għandu jassigura li l-*policy* u l-proposti jkunu ġustifikati bir-riżultati tas-*survey* skond is-subartikolu (2) ta' dan l-artikolu u b'kull informazzjoni oħra li huwa jista' jikseb u li jkollha x'taqsam:

(a) ma' *policies* kurrenti dwar l-ippjanar ekonomiku nazzjonali u oġġettivi ta' żvilupp nazzjonali;

(b) ma' riżorsi li x'aktarx ikunu meħtieġa għat-twettiq tal-proposti tal-pjan ta' struttura;

(ċ) ma' dawk il-hwejjeġ l-oħra li jistgħu jiġu stabbiliti skond il-paragrafu (ċ) tas-subartikolu (3) ta' dan l-artikolu.

(5) Il-pjan ta' struttura għandu jkun fih jew ikun akkumpanjat minn dawk id-diagrammi, illustrazzjonijiet u informazzjoni deskrittiva li l-Ministru jista' jikkunsidra xierqa bil-għan li jispjega jew juri ċar il-proposti fil-pjan, u kull diagramma, illustrazzjoni u informazzjoni deskrittiva għandha titqies bhala li tagħmel parti mill-pjan.

(6) Matul iż-żmien ta' tnejn tal-pjan ta' struttura qabel ma dan jiġi sottomess għall-adozzjoni tiegħu mill-Kamra skond il-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu, il-Ministru għandu jara li jkun hemm parteċipazzjoni pubblika billi jipprovdi:

(a) illi tingħata pubbliċità adegwata lir-rapport tas-*survey* li jkun sar skond is-subartikolu (2) ta' dan l-artikolu u lill-hwejjeġ li jkun propost li jiġu nklużi fil-pjan;

(b) illi dawk il-persuni li jistgħu jkunu mistennija li jixtiequ jagħmlu kull kumment tagħhom lill-Ministru dwar dawk il-hwejjeġ ikunu mgħarrfa li għandhom l-opportunità li jagħmlu dan; u

(ċ) illi dawk il-persuni jingħataw opportunità adegwata li jagħmlu dawk il-kummenti; u l-Ministru għandu jikkunsidra kull kumment illi jsirlu f'dak iż-żmien li jista' jiġi stabbilit minnu.

(7) Hekk kif il-Ministru jkun hejja pjan ta' struttura, huwa għandu jippubblika abbozz ta' dak il-pjan li fih jindika ż-żmien li fih persuna tkun tista' tagħmel il-kummenti tagħha lilu dwar dak l-abbozz.

(8) Kemm jista' jkun malajr wara ż-żmien imsemmi fil-paragrafu ta' l-aħħar ta' qabel dan il-Ministru għandu jhejji abbozz finali tal-Pjan ta' Struttura b'dak it-tibdil li huwa jista' jqis xieraq wara li jikkunsidra kull kumment li seta' jkun sarlu skond is-subartikolu ta' qabel ta' dan l-artikolu, sabiex jissottomettih quddiem il-Kamra tad-Deputati skond is-subartikolu (1) ta' dan l-artikolu.

(9) (i) Meta pjan ta' struttura jkun gie approvat skond is-subartikolu (1) ta' dan l-artikolu, il-Ministru ghandu jhejji pjani lokali ghal arei partikolari ta' Malta. Pjani Lokali.

(ii) Il-pjani lokali msemija fil-paragrafu (i) ta' dan is-subartikolu ghandhom ikunu jikkonsistu f' mappa u tifsir miktub u ghandhom:

(a) iżviluppaw il-*policies* u proposti ġenerali tal-pjan ta' struttura u jirrelatawhom ghal arei speċifiċi ta' art;

(b) jipprovdu bażi dettaljata ghal kontroll ta' żvilupp;

(ċ) jipprovdu bażi dettaljata għall-ko-ordinament u d-direzzjoni ta' proposti sew pubbliċi sew privati għall-iżvilupp u użu ieħor ta' l-art; u

(d) ikun fihom dawk il-hwejjeġ li l-Ministru jista' jistabbilixxi.

(iii) Il-pjan lokali għal kull area għandu jkun fih, jew ikun akkompanjat minn, dawk id-diagrammi, illustrazzjonijiet u informazzjoni deskrittiva li l-Ministru jista' jistabbilixxi bil-għan li jispjega jew li juri ċar il-proposti fil-pjan; u kull diagramma, illustrazzjoni u informazzjoni deskrittiva bħal dik għandha titqies bħala parti mill-pjan.

(iv) Meta jiġu formulati l-proposti fi pjan lokali l-Ministru għandu jassigura li l-proposti jkunu b' mod ġenerali jaqblu mal-pjan ta' struttura kif approvat mill-Kamra u għandu jikkunsidra kull informazzjoni u kull konsiderazzjoni oħra li jkunu jidhrulu li huma rilevanti.

(v) Il-proċedura msemija fis-subartikoli (6), (7) u (8) ta' dan l-artikolu għandha tkun segwita *mutatis mutandis* fit-thejjija u approvazzjoni ta' pjani lokali.

(10) Fit-twettiq tal-funzjonijiet u l-proċeduri msemija fis-subartikoli (4), (6), (8) u (9) ta' dan l-artikolu l-Ministru għandu jikkonsulta mal-Kumitat tal-Kamra.

(11) Meta l-pjan ta' struttura jkun gie approvat, il-Ministru jista' biss jagħti permessi li jkunu skond il-prinċipji u l-*policies* stabbiliti fil-pjan ta' struttura u, barra minn hekk, meta pjan lokali jkun gie approvat għal area partikolari, il-Ministru jista' biss jagħti permessi għad-demolizzjoni u tluġh ta' bini f'dik l-area, skond dak il-pjan lokali.

5. (1) Sa dak iż-żmien li jkun gie approvat pjan lokali għal area partikolari li tkun tagħmel parti minn area żviluppata, il-Ministru jista' jagħmel proġetti ta' pjani regolaturi (hawnhekk iżjed 'il quddiem imsemija bħala proġett) dwar dik l-area skond is-subartikolu (2) ta' dan l-artikolu. Il-Ministru jista' jagħmel proġetti ta' pjani regolaturi.

(2) Meta l-Ministru jkollu hsieb li jagħmel proġett jew li jagħmel emenda għal proġett, huwa għandu:

(a) qabel ma japprova proġett bħal dak jew emenda, ihejji Proposta ta' Proġett ta' Pjan Regolatur (hawnhekk iżjed 'il quddiem imsejha "proposta") li għandha tinkludi dawk il-pjanti,

kundizzjonijiet dwar żoni u dak it-taghrif deskrittiv ieħor li jista' jkun mehtieg biex juri kif dan il-proġett jew emenda ser ikunu;

(b) kemm jista' jkun malajr wara t-thejjija tal-proposta jqiegħed kopja tagħha fuq il-Mejda tal-Kamra u minnufih jiehu ħsieb biex kopja oħra titqiegħed fl-uffiċċju tad-Dipartiment tax-Xoghlijiet, u dik il-kopja tkun miftuħa għal spezzjoni pubblika għal żmien ta' 30 jum. Id-Direttur tax-Xoghlijiet għandu jiehu ħsieb li jiġi ppubblikat avviż fil-Gazzetta u f'mhux inqas minn żewġ gazzetti ta' kuljum, fejn juri l-granet u l-hinijiet, li fihom u matulhom il-proposta għandha tkun miftuħa għall-ispezzjoni pubblika;

(ċ) jagħti żmien ta' mhux inqas minn 30 jum mid-data li fiha l-proposta kienet għall-ewwel darba miftuħa għall-ispezzjoni pubblika, matul liema żmien il-proposta għandha tiġi kunsidrata mill-Kumitat tal-Kamra u kull persuna jew korp ta' persuni jistgħu jissottomettu kull kumment tagħhom bil-miktub lill-Ministru li fihom tingħata kull raġuni għaliex il-proġett jew emenda mahsubin ma għandhomx ikunu approvati jew għandhom ikunu approvati wara li jkunu emendati;

(d) kemm jista' jkun malajr wara li ż-żmien imsemmi fl-aħħar paragrafu ta' qabel dan ikun skada, u f'kull każ mhux aktar tard mill-ewwel seduta tal-Kamra wara li jgħaddi perijodu ieħor ta' ġimgħa, iqiegħed il-veduti tal-Kumitat tal-Kamra u kopja tal-kummenti kollha li jkun hekk irċieva fuq il-Mejda tal-Kamra;

(e) wara li jkun osserva l-provvedimenti tal-paragrafu li jiġi minnufih qabel dan, jirtira jew japprova l-proġett kif introdott fil-proposta jew kif mibdul skond kif seta' ġie suġġerit mill-Kumitat tal-Kamra jew f'xi kummenti magħmula skond il-paragrafu (ċ) ta' dan is-subartikolu, u jippubblika l-proġett approvat fil-Gazzetta;

Iżda l-Ministru ma għandux japprova proġett jekk dak il-proġett ma jkunx ġie qabel ikkonsidrat u approvat mill-Kumitat tal-Kamra:

Iżda wkoll meta l-Ministru jkollu l-ħsieb li japprova proġett kif mibdul hekk kif seta' ġie suġġerit kif imsemmi qabel, u dawn il-bidliet huma ta' sura li jibdlu sostanzjalment l-iskop tal-proposta oriġinali, il-Ministru għandu qabel ma japprova proġett bħal dak jinkorpora dawk il-bidliet fi proposta ġdida u d-dispożizzjonijiet ta' dan l-artikolu għandhom japplikaw għal dan.

(3) Minkejja d-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, il-Ministru jista' mingħajr ma jirreferi lil xi awtorità oħra, jagħmel tibdil fil-linja ta' bini u ta' toroq fi proġett, sakemm dak it-tibdil ma jkunx jeffettwa l-kundizzjonijiet dwar żoni tiegħu.

(4) Fil-każ tat-tluġħ jew demolizzjoni ta' bini f'area żviluppata li ma tkunx area li jkun ġie approvat għaliha pjan lokali, il-Ministru jista' biss jagħti permessi:

(a) fejn proġett ikun ġie approvat għar-rigward ta' l-art li fuqha jkun ser jittella' jew jiġi demolit bini, skond dak il-proġett; u

(b) fejn ebda proġett ma jkun hekk ġie approvat, skond

policy magħmula għal dak il-għan mill-Ministru u approvata mill-Kumitat tal-Kamra.

(5) Fil-każ tat-tluġh jew demolizzjoni ta' bini 'l barra minn area żviluppata li ma tkunx area li għaliha jkun ġie approvat pjan lokali l-Ministru jista' jagħti biss permessi:

Permessi għal bini 'l barra minn arei żviluppati.

(a) skond *policy* magħmula għal dan il-għan mill-Ministru u approvata mill-Kumitat tal-Kamra u ppubblikata fil-Gazzetta; jew

(b) meta l-ghoti ta' dak il-permess ikun awtorizzat b'riżoluzzjoni speċjali tal-Kamra.

(6) Minkejja d-dispożizzjonijiet tas-subartikoli (4) u (5) ta' dan l-artikolu l-Ministru jista' wara li jikkonsulta lill-Kumitat tal-Kamra jawtorizza li jittella':

(a) bini li għandu jinbena fuq biċċiet ta' art akkwistati minghand l-Awtorità tad-Djar;

(b) bini li għall-kostruzzjoni speċifika tiegħu tkun ġiet trasferita art lil xi persuna mill-Gvern.

(7) Bla hsara għal kull setgħa oħra taht din il-liġi jew xi liġi oħra, il-Ministru jista' qabel ma jikkunsidra jekk għandux jagħti permess skond din il-liġi, jordna lil min ikun applika sabiex jagħti dik il-pubblicità lill-applikazzjoni tiegħu b'dak il-mod li l-Ministru jista' jqis neċessarju sabiex il-pubbliku jkun jista' jsir jaf bl-applikazzjoni u jkun jista' jkollu l-opportunità li jagħmel kull kumment dwarha.

(8) Għall-finijiet ta' dan l-artikolu l-espressjoni "approvata mill-Kumitat tal-Kamra" tfisser approvata b'deċiżjoni ta' dak il-kumitat appoġġata mill-voti ta' mhux anqas minn erbgħa mill-membri tiegħu; u fejn ma jkunx hemm dik l-approvazzjoni, dik l-espressjoni tfisser approvata b'riżoluzzjoni tal-Kamra tad-Deputati:

Iżda meta l-Kamra hekk tirriżolvi, ma jkunx hemm hteġa ta' ebda awtorità oħra.

6. (1) Meta, fit-twettiq tad-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att, pjan ta' struttura li jkun sar u ġie approvat kif provdut fl-artikolu 4 ta' dan l-Att, jew pjan regolatur li jkun sar u ġie approvat kif provdut fl-artikolu 5 ta' dan l-Att, ikun ipprova għal arei ta' art bi prezz irhis għall-promozzjoni ta' *home-ownership* (li jkunu arei li ma jinkludux art tajba għall-bini kif imfisser fl-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi), u dak il-pjan regolatur, jew fil-każ ta' pjan ta' struttura, wieħed jew aktar pjani lokali wkoll approvati kif imsemmi qabel, ikunu indikaw dawk l-arej (hawn aktar 'il quddiem imsejha "Arei ta' *home-ownership*") billi jingħataw id-dettalji meħtieġa sabiex tkun tista' tintgħaraf l-art li għaliha jirrifera, għandhom japplikaw dawn is-subartikoli li ġejjin ta' dan l-artikolu għar-rigward ta' dawk l-arej ta' *home-ownership*.

Akkwist ta' art.

Kap. 136.

(2) B'seħħ mid-data ta' l-approvazzjoni tal-pjan lokali jew pjan regolatur rilevanti, kif ikun il-każ —

(a) l-art kollha li tkun hemm indikata bhala arei ta' *home-ownership* ghandha, bis-sahha ta' dan l-Att u minghajr ebda hteiga ta' att jew formalità ohra, titqies għall-finijiet u effetti kollha tal-liġi, li tkun art akkwistata għal skop pubbliku b'xiri assolut u bi proprjetà assoluta, libera u franka minn kull piż, ipoteka jew privileġġ, taht id-dispożizzjonijiet ta' l-Ordinanza msemmija qabel, u ghandha tiġi hekk vestita fil-Gvern: u meta jsir dan, id-dispożizzjonijiet kollha ta' l-Ordinanza msemmija li ma jkunux inkompatibbli ma' dan l-Att ghandhom japplikaw għal dik l-art bl-istess mod u taht l-istess kundizzjonijiet daqs li kieku l-art kienet ġiet akkwistata għal skop pubbliku b'xiri assolut taht l-Ordinanza msemmija;

(b) il-kirjiet kollha li l-art tista' tkun sugġetta għalihom qabel dik id-data ghandhom, minkejja d-dispożizzjonijiet ta' l-Att ta' l-1967 dwar it-Tigdid ta' Kiri ta' Raba', jew ta' xi liġi ohra, jintemmu bis-sahha ta' dan l-Att u minghajr ebda att iehor jew formalità ohra mehteġin mill-liġi; u meta jsir dan id-dispożizzjonijiet ta' l-Ordinanza msemmija ghandhom japplikaw għal dawk il-kirjiet u għall-hlas ta' kumpens dwarhom.

Att Nru. XVI
ta' l-1967.

(3) Kull min ikollu xi interess jew xi jedd fuq l-art li dan is-subartikolu japplika għaliha jista' jmur quddiem il-Bord ta' Arbitraġġ dwar Artijiet imwaqqaf bl-Ordinanza msemmija u quddiem il-Qorti Ċivili, Prim'Awla, sabiex jiġi deċiż il-jedd tagħha fuq jew interess f'dik l-art u l-ammont ta' kull kumpens li jista' jkollu jedd għalih u sabiex tikseb il-hlas għal dak il-kumpens; u d-dispożizzjonijiet kollha tal-liġi relattivi għal proċeduri quddiem il-Bord jew il-Qorti msemmija f'każijiet ta' akkwist ta' art għal skop pubbliku ghandhom, *mutatis mutandis*, japplikaw għal proċeduri mehudin minn dik il-persuna taht dan l-Att; u l-Bord ta' Arbitraġġ dwar Artijiet u l-Qorti Ċivili msemmijin ikunu vestiti b'ġurisdizzjoni f'każijiet bhal dawn.

(4) Kull persuna bhal dik imsemmija fis-subartikolu (3) ta' dan l-artikolu ghandha jkollha wkoll dritt għal appell minn kull deċiżjoni tal-Bord ta' Arbitraġġ dwar Artijiet jew tal-Qorti Ċivili, Prim'Awla, lill-Qorti ta' l-Appell; u d-dispożizzjonijiet tal-liġi li ghandhom x'jaqsmu ma' proċeduri ta' appell minn deċiżjonijiet tal-Qorti Ċivili, Prim'Awla, għal quddiem il-Qorti ta' l-Appell ghandhom japplikaw għal appell li jsir taht dan l-artikolu; u l-Qorti ta' l-Appell għandu jkollha ġurisdizzjoni f'każijiet bhal dawn.

(5) Fid-deċiżjoni dwar xi kumpens li għandu jithallas dwar xi art li tkun ittiehdet b'mod obligatorju taht dan l-artikolu, il-Bord ta' Arbitraġġ dwar Artijiet, il-Qorti Ċivili u l-Qorti ta' l-Appell ghandhom jikkunsidraw fatturi u ċirkostanzi, u jimxu mal-kriterji, li jinsabu hawn imsemmijin fl-interess nazzjonali, jiġifieri:

(i) ir-regolament ta' l-użu ta' l-art u ta' l-iżvilupp ta' l-art, għalkemm mahsub għal għanijiet ohra, inevitabbilmint jgħolli l-valur ta' l-art li fuqha jithalla jsir l-iżvilupp iżjed mill-valur li kieku kien ikollha, u dan il-valur miżjud għandu jkun ta' benefiċċju għall-komunità kollha;

(ii) il-ġustizzja soċjali titlob li art għandha tkun disponibbli għall-*home-ownership* anki għal dawk il-familji b'mezzi limitati u għalhekk bi prezz baxx;

(iii) l-art li tkun ser tiġi indikata għal dan l-għan tinhtieg b'dan l-Att li tintgħazel b'mod li tikkaguna l-inqas piż fuq is-sidien, kompatibbilment mal-htigiet ta' pjanar xieraq;

(iv) il-kumpens li jithallas għandu, għalhekk, ikun limitat għall-valur ta' l-art skond l-użu li jkun qiegħed isir minnha, jew kemm jista' jkun daqs dak il-valur daqskemm ikun ġust fiċ-ċirkostanzi tal-każ u fid-dawl tal-kunsiderazzjonijiet imsemmijin;

(v) il-kumpens ma għandu f'ebda każ jintlaqat minn xi haġa li ssir jew li tiġri wara li jkun sar pubblikament magħruf illi l-art tkun tista' tiġi hekk vestita; u dan l-għarfien pubbliku għandu jkun preżunt jekk kopja ta' abbozz ta' pjan ta' struttura jew pjan lokali, jew Proposta ta' Pjan Regolatur, li jkun fihom provvedimenti għal art bħal dik imsemmija fis-subartikolu (1) ta' dan l-artikolu, tkun giet pubblikata taht dan l-Att.

(6) Mhux iktar tard minn tliet xhur wara li l-art tkun giet vestita fil-Gvern taht id-dispożizzjonijiet ta' dan l-artikolu, il-Kummissarju ta' l-Art għandu jiehu hsieb li jiġi registrat fir-Registru ta' l-Artijiet, l-akkwist ta' dik l-art mill-Gvern, u għall-finijiet ta' l-Att ta' l-1981 dwar ir-Registrazzjoni ta' Artijiet, l-art kollha li tiġi hekk vestita għandha titqies li tkun area li tkun giet dikjarata bħala area ta' registrazzjoni; u kemm jista' jkun malajr wara dan, il-Kummissarju ta' l-Art għandu jinnotifika lil kull min huwa jkun jaf li għandu interess jew jedd fi jew fuq l-art imsemmija b'ittra uffiċjali li tkun tindika liema hi l-art relattiva, u li tkun tinfirmah bid-drittijiet li għandu taht dan l-Att. Att Nru. XXXV ta' l-1981.

(7) Il-jedd li jiġi rċevut kumpens għal akkwist magħmul bis-sahha ta' dan l-artikolu (hawnhekk iżjed 'il quddiem imsejjaħ "Il-Jeddijiet għal Kumpens") għandu għall-finijiet u effetti kollha tal-liġi, jitqies li hu jedd immobbli minhabba l-oġġett li għalih jirreferi u jkun trasferit skond il-liġi skond kif jagħzel minn żmien għal żmien is-sid ta' dawk il-Jeddijiet għal Kumpens.

(8) Kull piż, ipoteka jew privileġġ li qabel l-akkwist magħmul bis-sahha ta' dan l-artikolu, kien jaggrava art li tkun giet inkluża f'area ta' *home-ownership*, għandu jkompli jaggrava l-Jeddijiet għal Kumpens li jirreferu għal dik l-art, bl-istess grad u skond l-istess preċedenza kif kienu jaggravaw l-art.

7. Mingħajr preġudizzju għal kull setgħa oħra taht din il-liġi jew xi liġi oħra, il-Ministru jista' fl-għoti ta' permess għad-demolizzjoni ta' xi bini, jimponi dawk il-kundizzjonijiet li jista' jqis li jkunu xierqa dwar it-tluġ ta' rpar jew struttura oħra madwar is-sit tax-xoghlijiet, sabiex jiżgura li kull inkonvenjenza għal terzi u kull periklu possibbli jiġu minimizzati. Il-Ministru jista' jimponi kundizzjonijiet speċjali fil-permessi.

8. (1) Bla hsara għall-Att dwar il-Protezzjoni ta' l-Antikitajiet u d-dispożizzjonijiet ta' kull liġi oħra dwar il-protezzjoni tal-wirt storiku, kulturali u naturali ta' Malta, il-Ministru għandu kemm jista' jkun malajr wara l-bidu fis-seħħ ta' dan l-Att, jiddikjara kull area f'Malta li tkun Area ta' Preservazzjoni u Konservazzjoni.

(2) Il-proċedura stipulata fis-subartikolu (2) ta' l-artikolu 5 għandha tithares għall-approvazzjoni ta' Arei ta' Preservazzjoni u Konservazzjoni.

(3) Arei ta' Preservazzjoni u Konservazzjoni għandhom jiġu dikjarati u approvati dwar:

(a) arei li jkunu delinjati bi preċiżjoni li huma kkunsidrati li jiffurmaw parti mill-wirt kulturali ta' Malta li huma identifikati għall-protezzjoni bħala li għandhom valur kbir f'dik li hi storja, arti jew xjenza u li jinkludu:

(i) monumenti — li jkunu xogħlijiet arkitettoniċi, xogħlijiet ta' skultura monumentali, elementi jew strutturi ta' għamla arkeoloġika, gherien u kombinazzjonijiet ta' fattizzi;

(ii) gruppi ta' bini — li jkunu gruppi ta' bini separat jew konness, bini singolari jew il-viċinanzi immedjati ta' madwarhom.

(iii) siti — li jkunu xogħol-il bniedem jew ix-xogħol kombinat tan-natura u tal-bniedem u arei li jinkludu siti arkeoloġiċi;

(b) arei li jkunu delinjati bi preċiżjoni li huma kkunsidrati li jiffurmaw parti mill-wirt naturali ta' Malta li huma identifikati għall-protezzjoni bħala li għandhom valur kbir f'dik li hi estetika, xjenza, konservazzjoni jew gmiel naturali u li jinkludu:

(i) fattizzi naturali — magħdudin formazzjonijiet fiżiċi u bijoloġiċi jew gruppi ta' dawk il-formazzjonijiet;

(ii) formazzjonijiet ġeoloġiċi u fiżjografiċi — li jikkostitwixxu l-ambjent fejn iġixxu speċi ta' animali u pjanti mheddin;

(iii) siti naturali;

(c) dwar arei ta' attività intensiva f'dik li hi biedja;

(d) dwar arei identifikati għall-protezzjoni bħala li għandhom valur kbir minhabba t-tip ta' arkitettura u żvilupp tagħhom vernakulari, rurali jew modern jew minhabba l-interess storiku, kulturali u arkitettoniku tagħhom.

(4) Fejn area tkun ġiet dikjarata area ta' Preservazzjoni u Konservazzjoni:

(i) taħt il-paragrafu (a) tas-subartikolu (3) il-Ministru għandu jawtorizza biss xogħlijiet ta' bini neċessarji għall-protezzjoni u konservazzjoni ta' bini u strutturi eżistenti;

(ii) taħt il-paragrafu (b) tas-subartikolu (3) il-Ministru għandu jawtorizza biss xogħlijiet ta' bini neċessarji għat-tisbiħ, manutenzjoni u studji xjentifiċi ta' l-arej;

(iii) taht il-paragrafu (c) tas-subartikolu (3) il-Ministru ghandu jawtorizza biss xoghlijiet ta' bini li ghandhom x'jaqsmu direttament mal-biedja; u

(iv) taht il-paragrafu (d) tas-subartikolu (3) il-Ministru ghandu jawtorizza biss xoghlijiet ta' bini li jkunu skond il-karatteristiċi ambjentali eżistenti.

(5) Id-dispożizzjonijiet tas-subartikolu (7) ta' l-artikolu 5 ta' dan l-Att ghandhom ikunu japplikaw *mutatis mutandis* għal applikazzjonijiet għal permessi taht dan l-artikolu.

9. (1) Minkejja d-dispożizzjonijiet ta' l-artikolu 17 tal-Kodiċi u bla hsara għad-dispożizzjonijiet ta' l-Att dwar il-Protezzjoni ta' l-Anti- Ordnijiet ta' Eżekuzzjoni. kitajiet, fejn il-Ministru jidhirlu li xi persuna tkun għamlet jew ikkawżat jew halliet li ssir xi haġa li għaliha kien meħtieġ permess skond is-subartikolu (1) ta' l-artikolu 16 tal-Kodiċi, meta ma jkunx hemm dak il-permess, jew li xi persuna ma tkunx qegħda żżomm jew tiżgura li jinżammu l-kundizzjonijiet stipulati fil-permess, il-Ministru jista' jordna n-notifika lil dik il-persuna ta' Ordni ta' Eżekuzzjoni li tkun tordna lil dik il-persuna biex ma tkomplex tagħmel, jew tikkawża jew thalli li ssir dik il-haġa li għaliha huwa meħtieġ permess taht is-subartikolu msemmi, jew li dik il-persuna tosserva dawk il-kundizzjonijiet stipulati fil-permess; u kull persuna li ma tobdux dik l-Ordni ta' Eżekuzzjoni li tiġi notifikata lilha kif imsemmi qabel, tkun hatja ta' reat kontra dan l-Att u oltre l-piena li tista' tehel taht xi liġi oħra, tehel meta tinstab hatja multa ta' elf lira Maltija.

(2) Il-multa msemmija fis-subartikolu (1) ta' dan l-artikolu għandha tingabar bhala dejn ċivili u għandha tiġi dikjarata mill-qorti kompetenti fl-għoti tas-sentenza li hi dovuta u li għandha tithallas lid-Dipartiment tax-Xoghlijiet u għandha tiġi eżegwita fl-istess qorti li tagħti s-sentenza bl-istess mod bħallikieku nġhatat f'azzjoni ċivili magħmula bejn id-Dipartiment tax-Xoghlijiet u l-hati.

10. (1) L-Att ta' l-1983 dwar Arei għall-Iżvilupp tal-Bini huwa b'dan imħassar. Thassar l-Att ta' l-1983 dwar Arei għall-Iżvilupp tal-Bini.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, id-dispożizzjonijiet ta' l-Att ta' l-1983 dwar Arei għall-Iżvilupp tal-Bini għandhom ikomplu jsehhu:

(i) dwar l-emenda jew it-thassir ta' dikjarazzjoni magħmula mill-Ministru u adottata mill-Kamra skond l-artikolu 3 ta' dak l-Att, qabel il-bidu fis-sehħ ta' dan l-Att;

(ii) dwar il-hlas ta' kumpens li jista' jkun dovut lil xi persuna li jkollha dritt fuq jew interess f'xi art li għaliha l-artikolu 5 ta' dak l-Att japplika;

(iii) dwar ir-registrazzjoni ta' xi art f'Area għall-Iżvilupp tal-Bini, fir-Registru ta' l-Artijiet;

(iv) dwar kull permess għat-tluġ ta' xi bini mogħti skond id-dispożizzjonijiet ta' dak l-Att, qabel il-bidu fis-sehħ ta' dan l-Att; u

(v) dwar kull reat li sar kontra d-dispożizzjonijiet ta' dak l-Att, u kull responsabbiltà li tohrog minnu, qabel il-bidu fis-sehħ ta' dan l-Att.

11. Il-Kodiċi għandu jkun emendat kif ġej:

(1) fis-subartikolu (1) ta' l-artikolu 16 tiegħu, minflok il-kliem "jew ittella' xi bini" għandhom jidhlu l-kliem "jew tagħmel skavi jew tiddemolixxi jew ittella' xi bini";

(2) Fl-artikolu 17 tiegħu —

(a) minflok il-kliem "hamsin lira u mhux iżjed minn mitt lira" fis-subartikolu (2) tiegħu, għandhom jidhlu l-kliem "hamsin lira Maltija u mhux iżjed minn elf lira Maltija";

(b) minflok il-kliem "hamsin lira" fis-subartikolu (3) tiegħu għandhom jidhlu l-kliem "elf lira Maltija";

(ċ) is-subartikolu (7) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (9);

(d) minnufih wara s-subartikolu (6) tiegħu għandhom jidhlu dawn is-subartikoli ġodda:

"(7) Meta persuna tkun akkużata b'reat taht dan l-artikolu u f'kull appell minn dikjarazzjoni ta' htija taht dan l-artikolu l-qorti għandha tappunta l-każ għas-smiġh b'urgenza.

(8) Kull multa msemmija f'dan l-artikolu għandha titqies bħala dejn ċivili u għandha tiġi dikjarata mill-qorti kompetenti fl-ġhotti tas-sentenza li hi dovuta u li għandha tithallas lid-Dipartiment tax-Xoghlijiet u għandha tiġi eżegwita fl-istess qorti li taghti s-sentenza bl-istess mod bħallikieku nġhatat f'azzjoni ċivili debitament magħmula bejn id-Dipartiment tax-Xoghlijiet u l-hati."; u

(e) fis-subartikolu (9) tiegħu kif enumerat mill-ġdid, wara l-kliem "ta' dan l-artikolu" għandhom jidhlu l-kliem "ukoll meta l-akkużat jiġi liberat mill-akkuża u l-qorti tkun sodisfatta li l-bini li għalih tkun tirreferi l-akkuża kien ittella' bi ksur ta' dan l-artikolu".

(3) Minnufih wara l-artikolu 17 għandhom jidhlu dawn l-artikoli li ġejjin:

"Konfiska ta' proprjetà li fuqha jittella' bini bi ksur ta' l-artikolu 16.

17A. B'żieda mal-pieni msemmija fl-artikolu 17 ta' dan il-Kodiċi, il-qorti għandha tordna l-konfiska favur il-Gvern ta' xi dritt li l-hati jkollu fi jew fuq proprjetà immobbli li dwarha jkun sar ir-reat.

Is-sid jista' jehles lilu nnifsu minn kull responsabbiltà.

17B. Meta min ikun akkużat taht l-artikolu 17 ta' dan il-Kodiċi malli jibdedw il-proċeduri jew qabel ma jibdedw dawk il-proċeduri jipprova li hu s-sid ta' l-art li dwarha jkun sar ir-reat li jikkonsisti fi tluġh ta' bini jew li mod ieħor għandu dritt li jiddisponi minn dik l-art u jiddikjara li ma kienx jaf bit-tweqqi tar-reat u jawtorizza lid-Dipartiment tax-Xoghlijiet biex jiddemolixxi kull bini li jkun inbena minghajr permess

jew mhux skond il-kondizzjonijiet imposti fil-permess, il-qorti ma għandhiex tindaga dwar il-veracità ta' dik id-dikjarazzjoni, u dak is-sid għandu jinheles minn kull responsabbiltà taht l-artikoli 17 u 17A ta' dan il-Kodiċi, u ma' dan id-Dipartiment tax-Xoghlijiet ikun awtorizzat jiddemolixxi dak il-bini, u għandu jwettaq dik id-demolizzjoni.”.

12. Jekk jinghata jew jinhareg permess bi ksur ta' xi waħda mid-dispożizzjonijiet ta' dan l-Att, min ikun qiegħed jagħti jew johroġ dan il-permess ikun hați ta' reat kontra dan l-Att u jehel meta jinstab hați multa ta' mhux iżjed minn elf lira Maltija u meta jinstab hați t-tieni darba jew wara l-piena ta' prigunerija għal żmien mhux iżjed minn sena jew dik il-multa u prigunerija flimkien. Reati kontra dan l-Att.

13. Kull permess mogħti qabel il-bidu fis-sehħ ta' dan l-Att u li jkun għadu fis-sehħ minnufih qabel il-bidu fis-sehħ ta' dan l-Att, għandu minkejja kull haġa li tinsab f'dan l-Att, jibqa' fis-sehħ wara l-bidu fis-sehħ ta' dan l-Att, u għandu jkun jista' jiġġedded u jkompli jkun regolat b'dawk il-ligijiet li kienu fis-sehħ qabel il-bidu fis-sehħ ta' dan l-Att. Riżerva.

14. Matul dak iż-żmien li fih dan l-Att jibqa' fis-sehħ: Transitorja.

(a) is-setgħa tal-Ministru li jagħmel proġetti skond l-artikolu 3 tal-Kodiċi hija sospiża; u

(b) il-poter tal-Ministru li jirivedi d-deċiżjonijiet tal-*Planning Area Permits Board* taht regolamenti magħmula bis-saħħa ta' l-artikolu 19 tal-Kodiċi, għandu jiġi eżerċitat mill-Kumitat tal-Kamra.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 85 tat-23 ta' Marzu, 1988.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Aġent Skrivan tal-Kamra tad-Deputati.

I assent.

(L.S.)

PAUL XUEREB
Acting President

25th March, 1988

ACT No. X of 1988

AN ACT to regulate the grant of permits for the erection and demolition of buildings, and to make other provisions supplementary thereto.

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
and
commencement.

1. (1) This Act may be cited as the Building Permits (Temporary Provisions) Act, 1988.

(2) This Act, other than this section, shall come into force on such date as the Minister may by order in the Gazette establish, and different dates may be so established for different purposes and provisions of the Act.

Interpretation.

2. (1) In this Act, unless the context otherwise requires:

“Building Development Area” and “Building Development Plan” have the same meaning as was assigned to them in the Building Development Areas Act, 1983;

Act I of 1983

“Code” means the Code of Police Laws;

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“Committee of the House” means a select committee of the members of the House of Representatives consisting of five members, of whom one shall be the Minister, who shall also be Chairman, and four out of six other members appointed by the House, of whom two shall be members supporting the Government and the other two shall be members from the Opposition; the House shall also appoint a substitute member for each of the aforesaid four members, which substitute member who shall be

appointed from the same side of the House as the member for whom he shall be a substitute, shall attend meetings of the Committee of the House where the member for whom he is a substitute shall be indisposed or for some other reason is unable to attend;

“Developed Area” means the areas which on the coming into force of this Act had been built up or otherwise committed to building by existing development or by the provision of streets and other municipal services; and includes also areas which prior to the enactment of the Building Development Areas Act, 1983, were covered by planning schemes made in accordance with the Code, or departmental planning schemes and areas in Gozo designated as development zones; and such areas which after the coming into force of the said Building Development Areas Act, 1983, were in accordance with such Act, declared and approved as Building Development Areas;

“Minister” means the Minister responsible for works;

“Permit” means a permit granted or issued for the purposes of Part I of the Code.

(2) In this Act, and in Part I of the Code:

(a) “person” includes a body corporate established by law, a Government department and any board, committee or other body to which the Minister may have delegated powers under Part I of the Code; and

(b) where an offence under or against any provision contained in this Act or in Part I of the Code, is committed by a body corporate established by law or by a Government department or by a board, committee or other body as is mentioned in paragraph (a) of this subsection, every person who, at the time of the commission of the offence, was Chairman, manager, secretary, head or other similar officer of the body corporate or department, or who was Chairman or member of any board, committee or other body as aforesaid, or was purporting to act in such capacity, shall be guilty of that offence unless he proves that he exercised due diligence to prevent the commission of the offence or that, notwithstanding that he acted diligently, the offence was committed without his knowledge or against his will.

3. (1) Every regulation of the use and development of Land shall have as its objective an optimal physical use and development of land which respects the environment and at the same time ensures that the basic social needs of the community are, as far as is practical, satisfied.

Objectives
of regulation
of development.

(2) Every structure or other development plan must therefore provide, inter alia, for —

(a) the conservation of agricultural land, of the valleys, the coastline and other places of natural beauty, the trees, the fauna and the physical environment generally;

(b) the conservation of the water table, of other sources of water and other natural resources;

(c) the conservation of land and buildings of a historical value;

(d) the reclamation of land in replacement of agricultural land allowed to be developed for other purposes;

(e) an improved access to the coast and other areas of natural or historical interest;

(f) the promotion of home-ownership and for this end a reasonable provision at low cost of building areas or sites to persons that cannot afford a high value of property caused by the restriction on development by the size of the islands and by the need to protect the natural environment.

Structure
plan.

4. (1) (a) Not later than two years after the coming into force of this section, or within such extended period as the House may by resolution allow, the Minister shall prepare a structure plan for the development of land in Malta in implementation of the objectives set out in section 3 of this Act.

(b) The Minister shall cause such structure plan to be laid on the Table of the House, and the House shall by resolution adopt or reject such plan or adopt such plan subject to such modifications as it may deem fit.

(c) A structure plan may be revoked or amended by a resolution of the House of Representatives.

Survey.

(2) The Minister shall institute a survey of Malta, examining the matters likely to affect the development or the planning of its development and shall include:

(a) the principal physical and economic characteristics including the principal purposes for which the land is used;

(b) the size, composition and distribution of the population;

(c) the communications, transport system and road network;

(d) any considerations not mentioned in any of the foregoing paragraphs which may be expected to affect any matters so mentioned such as: industrial development, agriculture, housing, education, conservation and preservation, natural resources, leisure, recreation, tourism, public services and waste disposal; and

(e) such other matters as may be established by the Minister.

Plan.

(3) The structure plan shall be a written statement not being site-specific:

(a) formulating the national planning policy and general proposals in respect of the development and other use of land including measures for the improvement of the physical environment and the management of traffic;

(b) interpreting the relationship of national policies in terms of physical and environmental planning in so far as these policies concern the integration of the economic, social and environmental policies; and

(c) containing such other matters as may be established by the Minister.

(4) In formulating the policy and general proposals under paragraph (a) of subsection (3) of this section, the Minister shall secure that the policy and proposals are justified by the results of the survey under subsection (2) of this section and by any other information which he may obtain and shall have regard: Reasoned justifications.

(a) to current policies with respect to the national economic planning and development objectives;

(b) to the resources likely to be available for the carrying out of the proposals of the structure plan;

(c) to such other matters as may be established under paragraph (c) of subsection (3) of this section.

(5) The structure plan shall contain or be accompanied by such diagrams, illustrations and descriptive matter as the Minister considers appropriate for the purpose of explaining or illustrating the proposals in the plan, and any such diagrams, illustrations and descriptive matter shall be treated as forming part of the plan.

(6) In the course of preparation of the structure plan before submission for adoption by the House in accordance with paragraph (b) of subsection (1) of this section, the Minister shall take such steps to afford public participation by providing:

(a) that adequate publicity is given to the report of the survey carried out under subsection (2) of this section and to the matters which it is proposed to include in the plan;

(b) that persons who may be expected to desire an opportunity of making representations to the Minister with respect of those matters are made aware that they are entitled to the opportunity of doing so; and

(c) that such persons are given an adequate opportunity of making such representations; and the Minister shall consider any representations made within such period as may be established by him.

(7) As soon as the Minister shall have prepared a structure plan, he shall publish a draft copy of such plan indicating therein the time within which any person may make representations to him in relation to the draft.

(8) As soon as may be after the period referred to in the last preceding paragraph the Minister shall prepare a final draft of the Structure Plan with such alterations as he may deem fit after considering any representations that may have been made in accordance with the foregoing subsections of this section, for submission to the House of Representatives in accordance with subsection (1) of this section.

(9) (i) Where a structure plan has been approved in accordance with subsection (1) of this section, the Minister shall prepare local plans for particular areas of Malta.

(ii) The local plans referred to in paragraph (i) of this subsection shall consist of a map and a written statement and shall:

(a) develop the policies and general proposals of the structure plan and relate them to precise areas of land;

(b) provide a detailed basis for development control;

(c) provide a detailed basis for co-ordinating and directing both public and private proposals for the development and other use of land; and

(d) contain such matters as may be established by the Minister.

(iii) The local plan for any area shall contain, or be accompanied by, such diagrams, illustrations and descriptive matter as the Minister may establish for the purpose of explaining or illustrating the proposals in the plan; and any such diagrams, illustrations and descriptive matter shall be treated as forming part of the plan.

(iv) In formulating the proposals in a local plan the Minister shall secure that the proposals conform generally to the structure plan as approved by the House and shall have regard to any information and any other considerations which appear to him to be relevant.

(v) The procedure laid down in subsections (6), (7) and (8) of this section shall *mutatis mutandis*, be followed in the preparation and approval of the local plans.

(10) In carrying out the functions and procedures set out in subsections (4), (6), (8) and (9) of this section the Minister shall consult the Committee of the House.

(11) Where the structure plan has been approved the Minister may only grant permits in accordance with the principles and policies laid down in the structure plan, and moreover, where a local plan has been approved for a particular area, the Minister may only grant permits for the demolition or erection of buildings in that area, in accordance with such local plan.

Minister
may make
planning
schemes.

5. (1) Until such time as a local plan has been approved for a particular area being part of a developed area, the Minister may make planning schemes (hereinafter in this section referred to as a scheme) in relation to that area in accordance with subsection (2) of this section.

(2) Where the Minister intends to make a scheme or to make an amendment to a scheme, he shall:

(a) before approving such a scheme or amendment, prepare Planning Scheme Proposal (hereinafter referred to as a "proposal") which shall include such plans, zoning conditions and such descriptive matter as may be necessary to show how such scheme or amendment will be;

(b) as soon as may be after the preparation of the proposal lay a copy thereof on the Table of the House and thereupon cause another copy to be deposited at the office of the Department of Works, and such copy shall be open for public inspection for a period of 30 days. The Director of Works shall cause a notice to be published in the Gazette and in at least two daily newspapers, indicating the days and hours, on and during which the proposal shall be open to public inspection;

(c) allow a period of at least 30 days from the date on which the proposal was first open to public inspection, during which period the proposal shall be considered by the Committee of the House and any person or body of persons may submit representations in writing to the Minister wherein shall be stated any reason why the intended scheme or amendment should not be approved or should be approved subject to amendments;

(d) as soon as may be after the period referred to in the last preceding paragraph has elapsed, and in any case not later than the first sitting of the House after the lapse of a further period of one week lay the views of the Committee of the House and a copy of all representations so received on the Table of the House;

(e) after complying with the provisions of the immediately preceding paragraph, withdraw or approve the scheme as proposed in the proposal or subject to any modifications as may have been suggested by the Committee of the House or in any representations made in accordance with paragraph (c) of this subsection and publish the approved scheme in the Gazette;

Provided that the Minister shall not approve a scheme unless the scheme shall have first been considered and approved by the Committee of the House:

Provided further that where the Minister intends to approve a scheme subject to any modifications as may have been suggested as aforesaid, and such modifications are of a nature as to alter substantially the scope of the original proposal, the Minister shall before approving such scheme incorporate such modifications in a new proposal and the provisions of this section shall thereupon apply thereto.

(3) Notwithstanding the provisions of subsection (2) hereof, the Minister may without reference to any other authority, make adjustments to the alignment of buildings and streets in a scheme, provided that such adjustments do not affect the zoning conditions thereof.

(4) In the case of the erection or demolition of buildings in a developed area other than an area for which a local plan has been approved the Minister may only grant permits:

Permits for the erection of buildings in developed areas.

(a) where a scheme has been approved in relation to the land on which the building is to be erected or demolished, in accordance with such scheme; and

(b) where no scheme has been so approved, in accordance with a policy made for the purpose by the Minister and approved by the Committee of the House.

Permits for buildings outside developed areas.

(5) In the case of the erection or demolition of buildings outside a developed area other than an area for which a local plan has been approved the Minister may only grant permits:

(a) in accordance with a policy made for the purpose by the Minister and approved by the Committee of the House and published in the Gazette; or

(b) where the grant of such permit is authorised by special resolution of the House.

(6) Notwithstanding the provisions of subsections (4) and (5) of this section the Minister may after consulting the Committee of the House authorise the erection of:

(a) buildings to be built on plots of land acquired from the Housing Authority;

(b) buildings for the specific construction of which land has been transferred to any person by the Government.

(7) Without prejudice to any other power under this or any other law, the Minister may before considering whether to grant a permit in accordance with this Act, order the applicant to cause such publicity to be given to his application as the Minister may deem necessary so that the public may be aware of the application and may have the opportunity to make representations thereon.

(8) For the purposes of this section the expression "approved by the Committee of the House" means approved by a decision of that Committee supported by the votes of not less than four of its members; and failing such an approval, the said expression means approved by a resolution of the House of Representatives:

Provided that where the House so approves, no further approval by any other authority shall be required.

Acquisition of land.

6. (1) Where, in implementation of the provisions of subsection (2) of section 3 of this Act, a structure plan made and approved as provided in section 4 of this Act, or a planning scheme made and approved as provided in section 5 of this Act, has made provision for areas of land at low cost for the promotion of home-ownership (being areas which do not include a building site as defined by the Land Acquisition (Public Purposes) Ordinance), and such planning scheme, or in the case of a structure plan, one or more local plans, also approved as aforesaid, have indicated such areas (hereinafter referred to as "home-ownership areas"), giving the necessary details for the identification of the land to which they relate, the following subsections of this section shall apply with respect to such home-ownership areas.

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(2) With effect from the date of the approval of the relevant local plan or planning scheme, as the case may be —

(a) all land indicated therein as home-ownership areas shall, by virtue of this Act and without the need of any further act or formality, be deemed, for all intents and purposes of law, to be land acquired for a public purpose by absolute purchase in full ownership, free and unencumbered from any charge, hypothec or privilege, under the provisions of the Ordinance aforesaid, and shall so vest in the Government: and thereupon all the provisions of the said Ordinance which are not incompatible with this Act shall apply to such land in the same manner and under the same conditions as if the land had been acquired for a public purpose by absolute purchase under the said Ordinance;

(b) all leases to which the land may be subject before such date shall, notwithstanding the provisions of the Agricultural Leases (Reletting) Act, 1967, or of any other law, be terminated by virtue of this Act and without any further act or formality required by law; and thereupon the provisions of the said Ordinance shall apply with respect to such leases and to the payment of compensation in respect thereof.

Act No. XVI
of 1967.

(3) Any person having an interest in or a right over the land to which this subsection applies shall have access to the Land Arbitration Board established by the said Ordinance and to the Civil Court, First Hall for the purpose of determining his right over or interest in the land and the amount of any compensation to which he may be entitled and for the purpose of obtaining payment of that compensation; and all the provisions of law relating to proceedings before the said Board or Court in matters of acquisition of land for a public purpose shall, *mutatis mutandis*, apply to proceedings taken by such person under this Act; and the said Land Arbitration Board and Civil Court shall have jurisdiction in such matters.

(4) Any person as is referred to in subsection (3) of this section shall furthermore have a right of appeal from any decision of the Land Arbitration Board or the Civil Court First Hall to the Court of Appeal; and the provisions of law relating to proceedings for an appeal from decisions of the Civil Court, First Hall to the Court of Appeal shall apply to an appeal made under this section; and the Court of Appeal shall have jurisdiction in such matters.

(5) In the determination of any compensation payable in respect of any land compulsorily acquired under this section, the Land Arbitration Board, the Civil Court and the Court of Appeal shall take into account the factors and circumstances, and shall follow the criteria, set out hereunder in the national interest, that is to say:

(i) the regulation of land use and land development, though intended for other purposes, inevitably raises the value of the land on which development is allowed beyond the value it would otherwise have, and such additional value is to benefit the community as a whole;

(ii) social justice demands that land be available for home-ownership also to families with limited means and therefore at low cost;

(iii) the land to be earmarked for such a purpose is by this Act required to be selected so as to cause the least burden on the owners, compatibly with the requirements of proper planning;

(iv) the compensation payable is, therefore, to be limited to the value of the land according to its current use, or as nearly thereto as is fair in the circumstances of the case and in the light of the considerations aforesaid;

(v) the compensation shall in no case be affected by anything done or happening after the land has vested in the Government or after it is public knowledge that the land may so vest; and such public knowledge shall be presumed if a draft copy of a structure plan or of a local plan, or a Planning Scheme Proposal, containing provision for land as is mentioned in subsection (1) of this section, has been published under this Act.

(6) Not later than three months after land has vested in the Government under the provisions of this section, the Commissioner of Land shall cause the acquisition of such land to be registered in the Land Registry, and for the purposes of the Land Registration Act, 1981, all land so vested shall be deemed to be an area declared as a registration area; and as soon as may be thereafter the Commissioner of Land shall serve on every person known to him to have an interest in or right over the said land an official letter indicating the land in question and informing him of his rights under this Act.

Act No. XXXV
of 1981.

(7) The right to receive compensation for an acquisition made by virtue of this section (hereinafter referred to as "Compensation Rights") shall for all purposes of law, be deemed to be an immovable right by reason of the object to which it refers and shall be transferable according to law at the option of the owner from time of such Compensation Rights.

(8) Any charge, hypothec or privilege which prior to the acquisition made in virtue of this section, attached to any land included in a home ownership area, shall continue to attach to the Compensation Rights referable to such land, with the same ranking and priority as they attached to the land.

7. Without prejudice to any other power under this or any other law, the Minister may in granting a permit for the demolition of any building, impose such conditions as he may deem fit in relation to the erection of any hoarding or other structure around the site where the works are to be carried out, to ensure that inconvenience to third parties and any possible hazard is kept to a minimum.

Minister may
impose special
conditions
in permits.

8. (1) Without prejudice to the Antiquities Protection Act and to the provisions of any other law relating to the protection of historical, cultural and natural heritage of Malta, the Minister shall as soon as may be after the coming into force of this Act, declare any area in Malta to be a Preservation and Conservation Area.

(2) The procedure laid down in subsection (2) of section 5 shall be followed for the approval of Preservation and Conservation Areas.

(3) Preservation and Conservation Areas shall be declared and approved in relation to:

(a) precisely delineated areas considered to form part of Malta's cultural heritage which are identified for protection as having outstanding value from the point of view of history, art or science including:

(i) monuments — being architectural works, works of monumental sculpture, elements or structures of an archaeological nature, caves and combinations of features;

(ii) groups of buildings — being groups of separate or connected buildings, singular buildings or their immediate surroundings;

(iii) sites — being works of man or the combined works of nature and of man and areas including archaeological sites;

(b) precisely delineated areas considered to form part of Malta's natural heritage which are identified for protection as having outstanding value from the point of view of aesthetics, science, conservation or natural beauty including:

(i) natural features — including physical and biological formations or groups of such formations;

(ii) geological and physiographical formations — constituting the habitat of threatened species of animals and plants;

(iii) natural sites;

(c) in relation to areas of intense agricultural activity;

(d) in relation to areas identified for protection as having outstanding value by virtue of their vernacular, rural or modern type of architecture and development or by virtue of their historic, cultural and architectural interest.

(4) Where an area has been declared a Preservation and Conservation area:

(i) under paragraph (a) of subsection (3) the Minister shall only authorise building operations necessary for the protection and conservation of existing buildings and structures;

(ii) under paragraph (b) of subsection (3) the Minister shall only authorise building operations necessary for the enhancement, maintenance and scientific studies of the areas;

(iii) under paragraph (c) of subsection (3) the Minister shall

only authorise building operations directly connected with agriculture; and

(iv) under paragraph (d) of subsection (3) the Minister shall only authorise building operations which are in keeping with the existing environmental character.

(5) The provisions of subsection (7) of section 5 of this Act shall *mutatis mutandis* apply to applications for permits under this section.

Enforcement
Orders.

9. (1) Notwithstanding the provisions of section 17 of the Code and without prejudice to the provisions of the Antiquities Protection Act, where it appears to the Minister that any person has done or has caused or allowed to be done anything for the doing of which a permit is required under subsection (1) of section 16 of the Code, when there is not such a permit, or that any person is not complying or ensuring compliance with the conditions imposed in the permit, the Minister may cause to be served on such person an Enforcement Order ordering such person not to continue doing or causing or allowing to be done the thing for the doing of which a permit is required under the said subsection, or to ensure compliance with the conditions imposed in the permit; and any person who does not obey such an Enforcement Order served upon him as aforesaid, shall be guilty of an offence against this Act and shall in addition to any liability incurred under any other law, be liable on conviction to a fine (*multa*) of one thousand liri.

(2) The fine referred to in subsection (1) of this section shall be recoverable as a civil debt and shall be declared by the competent court in passing judgement as being so owed and payable to the Department of Works and shall be executable in the same court pronouncing judgement in the same manner as if it had been given in a civil action duly instituted between the Department of Works and the convicted person.

Repeal of
Building
Development
Areas Act
1983

10. (1) The Building Development Areas Act, 1983, is hereby repealed.

(2) Notwithstanding the provisions of subsection (1) of this section, the provisions of the Building Development Areas Act 1983, shall continue to be operative:

(i) in relation to the amendment or revocation of a declaration made by the Minister and adopted by the House in accordance with section 3 of that Act, prior to the coming into force of this Act;

(ii) in relation to the payment of compensation that may be due to any person having a right over or an interest in any land to which section 5 of that Act applied;

(iii) in relation to the registration of any land in a Building Development Area, at the Land Registry;

(iv) in relation to any permit for the erection of any building, granted in accordance with the provisions of that Act, prior to the coming into force of this Act; and

(v) in relation to any offence committed against the provisions of that Act, and any liability incurred thereby, prior to the coming into force of this Act.

11. The Code shall be amended as follows:

Amendment
to the Code.

(1) In subsection (1) of section 16 thereof, for the words “or erect any building” there shall be substituted the words “or to carry out excavations or demolish or erect any building”;

(2) In section 17 thereof:

(a) for the words “fifty liri and not more than one hundred liri” in subsection (2) thereof, there shall be substituted the words “fifty liri and not more than one thousand liri”;

(b) for the words “fifty liri” in subsection (3) thereof there shall be substituted the words “one thousand liri”;

(c) subsection (7) thereof shall be renumbered as subsection (9);

(d) immediately after subsection (6) thereof there shall be added the following new subsections:

“(7) Where a person is charged with an offence under this section and in any appeal from a conviction under this section the court shall appoint the case for hearing with urgency.

(8) Any fine referred to in this section shall be deemed a civil debt and shall be declared by the competent court in passing judgement as being so owed and payable to the Department of Works and shall be executable in the same court pronouncing judgement in the same manner as if it had been given in a civil action duly instituted between the Department of Works and the convicted person.”; and

(e) in subsection (9) thereof as renumbered, after the words “of this section” there shall be inserted the words “even where the person charged is acquitted of the charge and the court is satisfied that the building to which the charge refers has been erected in contravention of this section”.

(3) Immediately after section 17 thereof there shall be added the following sections:

“Forfeiture of property on which buildings are erected in contravention of section 16.

17A. In addition to the penalties referred to in section 17 of this Code, the court shall order the forfeiture in favour of the Government of any right pertaining to the offender in or over the immovable property in relation to which the offence was committed.

Owner may relieve himself of any liability.

17B. Where any person charged under section 17 of this Code on the commencement of the proceedings or before the commencement of such proceedings proves that he is the owner of the land in relation to which the offence consisting in

the erection of a building was committed or otherwise has the right to dispose of such land and declares that he had no knowledge of the commission of the offence and authorises the Department of Works to demolish any structure built without a permit or not in compliance with the conditions imposed in the permit, the court shall not enquire into the truth of such declaration, and such owner shall be freed from any liability under sections 17 and 17A of this Code, and thereupon the Department of Works shall be authorised to demolish such building, and shall carry out such demolition.”.

Offences
against
this Act.

12. If a permit is granted or issued in contravention of any of the provisions of this Act, the person granting or issuing such permit shall be guilty of an offence against this Act and shall be liable on conviction to a fine (*multa*) not exceeding one thousand liri and in the case of a second or subsequent conviction to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Saving.

13. Any permit granted before the coming into force of this Act and still in force immediately before the coming into force of this Act, shall notwithstanding anything contained in this Act, remain in force after the coming into force of this Act and may be renewed and continue to be governed by such laws as were in force prior to the coming into force of this Act.

Transitory.

14. During such time as this Act remains in force:

(a) the power of the Minister to make schemes in accordance with section 3 of the Code is suspended; and

(b) the power of the Minister to review the decisions of the Planning Area Permits Board under regulations made in virtue of section 19 of the Code shall be exercised by the Committee of the House.

Passed by the House of Representatives at Sitting No. 85 of the 23rd March, 1988.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives.