

MALTA**ATT Nru. 1 ta' l-1983**

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

ATT biex jipprovdi ghat-twaqqif ta' arei għall-iżvilupp tal-bini, għall-akkwist u għat-trasferiment ta' art li tkun tinsab fihom u biex ikun jista' aktar jiġi regolat l-iżvilupp tal-bini.

ACT No. 1 of 1983

AN ACT enacted by the Parliament of Malta.

AN ACT to make provision for the establishment of building development areas, for the acquisition and disposal of land contained therein and for the further regulation of building development.

Naghti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

9 ta' Marzu, 1983

ATT Nru. 1 ta' l-1983

ATT biex jipprovi għat-twaqqif ta' arei għall-iżvilupp tal-bini, għall-akkwist u għat-trasferiment ta' art li tkun tinsab fihom u biex ikun jista' aktar jiġi regolat l-iżvilupp tal-bini.

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

Titolu fil-qosor. 1. Dan l-Att jista' jissejjaħ l-Att ta' l-1983 dwar Arei għall-Iżvilupp tal-Bini.

Tifsir. 2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtieġx xort'oħra —

“art għall-bini” għandha l-istess tifsir kif mogħti lilha bl-arti-
-qosor kolu 4 ta' dan l-Att;

“area mibnija” tfisser kull area li għal medda kontinwa ta' 150 jarda (137.16 metri) tal-faċċata tagħha fuq kull naħa tat-triq, jekk it-triq tkun tista' tiġi żviluppata fuq iż-żewġ naħat, jew 300 jarda (274.32 metri) jekk it-triq tkun tista' tiġi żviluppata fuq naħa waħda biss, ikollha mill-inqas hamsin fil-mija okkupata bil-bini;

“bini ġdid” tfisser bini mibni wara l-erbatax ta' Frar, 1983;

“Bord ta' Arbitraġġ dwar Artijiet” tfisser il-Bord imwaqqaf bl-artikolu 21 ta' l-Ordinanza;

“Kodiċi” tfisser il-Kodiċi tal-Liġijiet tal-Pulizija;

“Kummissarju” tfisser il-Kummissarju ta' l-Artijiet;

“Ministru” tfisser il-Ministru responsabbli għax-xogħlijiet, u għall-fini ta' l-għoti ta' xi awtorizzazzjoni taħt dan l-Att tinkludi kull persuna delegata bil-miktub mill-Ministru għal dak l-ghan;

“Ordinanza” tfisser l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi;

"Strixxa Hadra" ghandha t-tifsir mogħti lilha bis-subartikolu (2) ta' l-artikolu 12 ta' dan l-Att.

3. (1) Il-Ministru jista' minn żmien għal żmien jiddikjara kull art f'Malta biex tkun Area għall-Iżvilupp tal-Bini u għandu jiddeskrivi dik l-area b'dak il-mod li jidhirlu xieraq.

Arci għall-Iżvilupp tal-Bini.

(2) Qabel ma jagħmel dik id-dikjarazzjoni l-Ministru għandu jipprepara Proġett li għandu jinkludi dawk il-pjanti u dak it-tagħrif deskrittiv li jista' jkun neċessarju sabiex juri l-art kollha li jkun bi hsiebu jinkludi f'Area għall-Iżvilupp tal-Bini.

(3) Kemm jista' jkun malajr wara l-preparazzjoni tal-Proġett, kopja tiegħu għandha tiġi depożitata fl-Uffiċċju tad-Dipartiment tax-Xoghlijiet u għandha tkun miftuħa għal spezzjoni pubblika matul il-hinijiet normali tax-xogħol tad-Dipartiment għal perijodu ta' mill-anqas sitt ġimgħat, u d-Direttur tax-Xoghlijiet għandu jiehu hsieb li jiġi publikat avviż fil-Gazzetta u f'mill-anqas żewġ gazzetti lokali ta' kuljum, fejn juru l-granet u l-hinijiet li fihom u matulhom il-Proġett għandu jkun miftuħ għal spezzjoni pubblika.

(4) Ebda art meqjusa bhala art għall-bini skond l-artikolu 4 ta' dan l-Att jew l-artikolu 17 ta' l-Ordinanza u ebda art li ma tkunx giet inkluża fi Proġett depożitat fid-Dipartiment tax-Xoghlijiet skond id-disposizzjonijiet tas-subartikolu (3) ta' dan l-artikolu u miftuħ għall-ispezzjoni pubblika għaž-żmien hemm imsemmi, ma tkun inkluża f'Area għall-Iżvilupp tal-Bini.

(5) Meta xi art tkun giet dikjarata bhala Area għall-Iżvilupp tal-Bini kif provdut fis-subartikolu (1) ta' dan l-artikolu, u l-Ministru jkun ipprepara Proġett skond id-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu u l-proċedura stabbilita fis-subartikolu (3) ta' dan l-artikolu tkun giet segwita u ż-żmien hemm imsemmi jkun għadda, il-Ministru għandu jiehu hsieb li d-dikjarazzjoni titqiegħed quddiem il-Kamra biex tiġi kunsidrata minnha.

(6) Il-Kamra tista' b'riżoluzzjoni jew tadotta jew tiċhad dik id-dikjarazzjoni jew tista' tapprova dik id-dikjarazzjoni b'kull modifika li jidhirlha xieraq li tagħmel.

(7) Meta l-Kamra tadotta jew tapprova d-dikjarazzjoni kif provdut fis-subartikolu (6) ta' dan l-artikolu, l-Iskrivan tal-Kamra għandu jiehu hsieb li kopja tar-riżoluzzjoni tiġi pubblikata fil-Gazzetta u d-Direttur tax-Xoghlijiet għandu jiehu hsieb li kopja ta' dik ir-riżoluzzjoni flimkien ma' kull pjanti jew dokumenti mehmuża magħha jitqiegħdu għall-wiri fid-Dipartiment tax-Xoghlijiet f'post aċċessibbli għall-pubbliku waqt il-hinijiet normali tax-xogħol fid-Dipartiment.

(8) Kull dikjarazzjoni magħmula mill-Ministru u adottata jew approvata mill-Kamra, tista' tiġi emendata jew revokata b'dikjarazzjoni oħra magħmula mill-Ministru u d-dispożizzjonijiet tas-subartikoli (4), (5), (6) u (7) ta' dan l-artikolu għandhom *mutatis mutandis* japplikaw għal dikjarazzjoni magħmula taht dan is-subartikolu.

4. (1) Art titqies li hi art għall-bini għall-finijiet ta' dan l-Att jekk ikollha faċċata fuq triq li ġa teżisti u tkun qiegħda f'area mibnija jew, bla hsara għall-paragrafu (2) ta' dan l-artikolu tkun qiegħda f'distanza ta' mhux iżjed minn 100 jarda (91.44 metri) minn area mibnija, li għandha titkejjel tul l-assi tat-triq.

Meta art titqies art għall-bini.

(2) Biex tiġi stabbilita jekk art hix art għall-bini minhabba l-fatt li tkun qiegħda f'distanza ta' mhux iżjed minn 100 jarda (91.44 metri) minn area mibnija, għandu jittiehed kont għat-*tkabbir* immedjat li aktarx isir ta' l-area mibnija fid-direzzjoni ta' l-art in kwistjoni.

(3) Art li tidhol fit-tifsir tas-subartikoli (1) u (2) ta' dan l-artikolu għandha titqies li tkun art għall-bini sa fond l-aktar ta' 12-il qasba (25.146 metri).

Esproprijazzjoni ta' art wara pubblikazzjoni ta' dikjarazzjoni fil-Gazzetta.

5. (1) Salv id-dispożizzjonijiet ta' l-artikoli 7 u 8 ta' dan l-Att, b'seħħ mid-data tal-pubblikazzjoni tar-rizoluzzjoni tal-Kamra msemmija fl-artikolu 3 ta' dan l-Att, l-art kollha li tkun f'Area għall-Iżvilupp tal-Bini għandha, bis-saħħa ta' dan l-Att u mingħajr il-*ħtieġa* ta' xi formalità oħra meħtieġa b'liġi, titqies għall-finijiet u effetti kollha ta' din il-liġi u ta' kull liġi oħra li hi art akkwistata għal skop pubbliku b'xiri assolut u bi *proprjetà assoluta*, libera u franka minn kull piż, ipoteka jew privileġġ taħt id-dispożizzjonijiet ta' l-Ordinanza, u ma' dan, dawk id-dispożizzjonijiet kollha ta' l-Ordinanza li m'humix inkompatibbli ma' dan l-Att għandhom ikomplu japplikaw għal dik l-art bl-istess mod u taħt l-istess kondizzjonijiet daqslikiemu l-art giet akkwistata għal skop pubbliku b'xiri assolut taħt l-Ordinanza.

Att XVI ta' 1-1967

(2) B'seħħ mid-data tal-pubblikazzjoni tar-rizoluzzjoni tal-Kamra msemmija fis-subartikolu li jaħbat minnufih qabel dan, il-kiri kollu li għalih l-art setgħet kienet suġġetta qabel il-pubblikazzjoni tar-rizoluzzjoni għandu, minkejja d-dispożizzjonijiet ta' l-Att ta' 1-1967 dwar it-Tiġdid ta' Kiri ta' Raba', bis-saħħa ta' dan l-Att jintemm mingħajr il-*ħtieġa* ta' xi formalità oħra meħtieġa b'liġi u ma' dan, dawk id-dispożizzjonijiet ta' l-Ordinanza, b'mod partikolari d-dispożizzjonijiet ta' l-artikolu 19A ta' l-Ordinanza għandhom japplikaw għall-*ħlas* tal-kumpens mill-Kummissarju lill-*kerrej*.

(3) Kull persuna li jkollha jedd fuq jew interess fl-art li għaliha japplika dan l-artikolu, ikollha l-jedd li tmur quddiem il-Bord ta' Arbitraġġ dwar Artijiet u l-Qorti Ċivili Prim'Awla sabiex jiġi deċiż il-jedd tagħha fuq jew l-interess f'dik l-art, l-ammont ta' kull kumpens li jista' jkollha jedd għalih u sabiex tikseb il-*ħlas* għal dak il-kumpens; u d-dispożizzjonijiet kollha tal-liġi dwar il-proċeduri quddiem il-Bord ta' Arbitraġġ dwar Artijiet u l-Qorti Ċivili Prim'Awla f'każijiet ta' akkwist ta' artijiet għal skop pubbliku għandhom, *mutatis mutandis*, japplikaw għal proċeduri li jittieħdu minn dik il-persuna quddiem il-Bord ta' Arbitraġġ dwar Artijiet jew il-Qorti Ċivili Prim'Awla taħt dan l-Att, skond il-każ, u l-imsemmija Bord ta' Arbitraġġ dwar Artijiet u l-Qorti Ċivili Prim'Awla jkunu vestiti b'għurisidizzjoni f'każijiet bħal dawn:

Iżda dik il-persuna jkollha d-dritt għal appell quddiem il-Qorti ta' l-Appell minn kull deċiżjoni tal-Bord ta' Arbitraġġ dwar Artijiet u tal-Qorti Ċivili Prim'Awla; u d-dispożizzjonijiet kollha tal-liġi dwar il-proċeduri għal appelli minn deċiżjonijiet tal-Qorti Ċivili Prim'Awla, għandhom japplikaw għal proċeduri li jittieħdu minn dik il-persuna f'appell taħt dan l-Att u l-imsemmija Qorti ta' l-Appell tkun vestita b'għurisidizzjoni f'każijiet bħal dawn.

Stima ta' art.

6. Kull art għandha tiġi stmata għall-fini tal-kumpens li għandu jithallas skond l-artikolu 5 ta' dan l-Att bħala raba' jew moxa skond il-każ.

7. (1) Minkejja kull dispożizzjoni oħra ta' dan l-Att meta persuna li jkollha jedd fuq jew interess f'xi art inkluża fi Proġett imsemmi fl-artikolu 3 ta' dan l-Att, tipprova b'dokumenti li dik l-art tkun giet akkwistata *bona fide* minnha qabel l-erbatax ta' Frar, 1983, bi prezz oġġla mill-kumpens li xort'oħra kien jithallas skond l-Ordinanza, il-Ministru għandu jiehu ħsieb li daww id-dokumenti jitqiegħdu quddiem il-Kamra flimkien mad-dikjarazzjoni msemmija fl-artikolu 3 għall-konsiderazzjoni tagħha, u l-Kamra tista' fir-risoluzzjoni li tadotta jew tapprova dik id-dikjarazzjoni jew:

(a) tinkludi dik l-art fl-Area għall-Iżvilupp tal-Bini, f'liema każ dak il-prezz oġġla għandu jithallas bhala kumpens lil dik il-persuna; jew

(b) tinkludi dik l-art fl-Area għall-Iżvilupp tal-Bini u tiddikjara li d-dispożizzjonijiet ta' l-artikolu 5 ta' dan l-Att m'għandhomx japplikaw għaliha; jew

(c) teskludi dik l-art mill-Area għall-Iżvilupp tal-Bini.

(2) Għall-finijiet ta' dan l-artikolu dokumenti għandhom jinkludu kopja legali ta' l-att ta' trasferiment relattiv għal dik l-art flimkien ma' pjanta ta' skala li tiġi determinata mill-Ministru b'regolamenti magħmula bis-saħħa ta' dan l-Att, u għandhom jintbagħtu lill-Ministru b'posta registrata mhux iktar tard minn sitt ġimgħat wara l-pubblikazzjoni fil-Gazzetta ta' l-avviż imsemmi fl-artikolu 3 ta' dan l-Att.

8. Id-dispożizzjonijiet ta' l-artikolu 5 ta' dan l-Att ma japplikawx għal —

(a) bini li diġà jeżisti (barra minn bini li jokkupa art ta' area ta' inqas minn tmintax-il metru kwadru) sew jekk komplut sew jekk għadu qed jinbena jekk, fl-aħħar każ, permess għal dak il-bini fid-data tad-dikjarazzjoni ta' l-art bhala Area għall-Iżvilupp tal-Bini, ikun għadu fis-seħħ skond id-dispożizzjonijiet ta' xi regolamenti magħmula taħt il-Kodiċi; jew

(b) art li dwarha permess għall-bini jkun għadu fis-seħħ, fid-data tad-dikjarazzjoni ta' l-art bhala Area għall-Iżvilupp tal-Bini, skond id-dispożizzjonijiet ta' xi regolamenti magħmula taħt il-Kodiċi; jew

(c) art użata bhala barriera.

9. Kemm jista' jkun malajr wara l-pubblikazzjoni tar-risoluzzjoni tal-Kamra msemmija fis-subartikolu (7) ta' l-artikolu 3 ta' dan l-Att u f'kull każ mhux iktar tard minn tliet xhur minn dik il-pubblikazzjoni, il-Kummissarju għandu jiehu ħsieb li jiġi registrat fir-Registru ta' l-Artijiet, l-akkwist ta' dik l-art mill-Gvern, u għall-finijiet kollha ta' l-Att ta' l-1981 dwar ir-Registrazzjoni ta' Artijiet, l-artijiet kollha inklużi f'Area għall-Iżvilupp tal-Bini għandhom jitqiesu li huma area dikjarata bhala area ta' registrazzjoni.

10. Kemm jista' jkun malajr wara l-pubblikazzjoni tar-risoluzzjoni tal-Kamra msemmija fis-subartikolu (7) ta' l-artikolu 3 ta' dan l-Att, il-Kummissarju għandu jipprezenta kopja ta' dik ir-risoluzzjoni (flimkien ma' partikolaritajiet biżżejjed biex l-art tkun tista' tingħaraf) fir-Registru tal-Bord ta' Arbitraġġ dwar Artijiet, u għandu jiehu ħsieb li kopja tagħha tiġi notifikata permezz ta' dak il-Bord bil-mod preskritt bil-Kodiċi ta' Organizzazzjoni u Proċedura Civili lil kull persuna, li jkollha jedd fuq jew interess fl-art li għaliha tirreferi r-risoluzzjoni, li l-Kummissarju jkun jaf bl-eżistenza u bl-identità tagħha.

Proċedura
meta art tkun
inxtrat qabel
l-14 ta' Frar,
1983.

Meta ma
japplikax
l-artikolu 5
ta' dan l-Att.

Registrazzjoni
ta' akkwist
fir-Registru ta'
l-Artijiet.

Att XXXV ta'
l-1981

Notifika ta'
kopja ta'
rizoluzzjoni mill-
Kummissarju.

Kap. 15

Jeddijiet għal
kumpens
jitqiesu li
huma
immobbli.

11. (1) Il-jedd li jiġi riċevut kumpens għal akkwist magħmul bis-sahha ta' l-artikolu 5 ta' dan l-Att (hawnhekk iżjed 'il quddiem imsejjah "Il-Jeddijiet għal Kumpens") għandu għall-finijiet kollha tal-liġi, jitqies li hu jedd immobbli minhabba l-oġġett li għalih jirreferi u jkun trasferibbli skond il-liġi skond kif jagħzel minn żmien għal żmien is-sid ta' dawk il-Jeddijiet għal Kumpens.

(2) Kull piż, ipoteka jew privileġġ li qabel ir-risoluzzjoni tal-Kamra msemmija fis-subartikolu (7) ta' l-artikolu 3 ta' dan l-Att, kien jaggrava xi art li tkun f'Area għall-Iżvilupp tal-Bini, 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.

Trasferiment
ta' art
akkwistata
bis-sahha ta'
dan l-Att.

Att XV ta' l-1976
Att XXXIII
ta' l-1976

12. (1) Meta l-Ministru b'ordni ppublikat fil-Gazzetta jiddikjara li l-art akkwistata mill-Gvern taht id-dispożizzjonijiet ta' l-artikolu 5 ta' dan l-Att għandha tiġi trasferita għall-Iżvilupp dak it-trasferiment għandu jsir jew favur l-Awtorità tad-Djar kif provdut fl-Att ta' l-1976 dwar l-Awtorità tad-Djar, jew għandu jsir b'bejgħ u bil-mod provdut fl-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern, u dak it-trasferiment m'għandux isir kemm-il darba dwar dik l-art ma jkunx sar Pjan għall-Iżvilupp għall-Bini mill-Ministru, u dak il-Pjan għall-Iżvilupp għall-Bini ma jkunx ġie approvat b'rizoluzzjoni tal-Kamra:

Iżda s-subartikolu (2) ta' l-artikolu 3 ta' l-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern ma japplikax għal risoluzzjoni li tapprova *policy* li tapplika għal art kif imsemmi f'dan l-artikolu:

Iżda wkoll kemm jista' jkun f'kull *policy* magħmula skond l-Att ta' l-1976 dwar it-Trasferiment ta' Proprjetà tal-Gvern għandu jiġi provdut li f'bejgħ magħmul skond dan l-artikolu, għandha tinghata preferenza li dawk li kienu s-sidien ta' l-art minnufih qabel ma' din tkun ġiet dikjarata bhala Area għall-Iżvilupp tal-Bini, għall-akkwist ta' biċċa art li fuqha tinbena dar ta' abitazzjoni biex tkun okkupata minn dak is-sid.

(2) Kull Pjan għall-Iżvilupp tal-Bini msemmi fis-subartikolu (1) ta' dan l-artikolu għandu jipprovdi għall-holqien ta' *area* (hawnhekk iżjed 'il quddiem imsejja "Strixxa Hadra") ta' mhux inqas minn mitt metru wisa', ma' tul u ġewwa l-konfini ta' l-Area għall-Iżvilupp tal-Bini u ma jista' jitle' ebda bini fuq dik l-Strixxa Hadra:

Iżda ebda Strixxa Hadra ma tkun mehtieġa bejn il-konfini ta' Area għall-Iżvilupp tal-Bini u Area għall-Iżvilupp tal-Bini oħra, jew bejn il-konfini ta' Area għall-Iżvilupp tal-Bini u art għall-bini, jew bejn il-konfini ta' Area għall-Iżvilupp tal-Bini u xatt il-baħar:

Iżda wkoll meta tkun teżisti Strixxa Hadra ma' tul il-konfini ta' Area għall-Iżvilupp tal-Bini u dik l-Area għall-Iżvilupp tal-Bini tiġi estiża fuq art li tkun tmiss magħha, id-dispożizzjonijiet ta' dan is-subartikolu ma jkunux japplikaw iktar għall-konfini originali ta' l-Area għall-Iżvilupp tal-Bini iżda għandhom hekk japplikaw għall-konfini ta' l-Area għall-Iżvilupp tal-Bini kif estiżi.

(3) Il-prezz li bih art f'Area għall-Iżvilupp tal-Bini għandha tinbiegħ skond is-subartikolu (1) ta' dan l-artikolu għandu jiġi stabbilit mill-Ministru; hekk iżda kemm jista' jkun il-prezz għandu jiġi stabbilit bit-tqassim ekwu tal-kost ta' l-akkwist ta' l-art fl-Area għall-Iżvilupp tal-Bini, li miegħu jingħadd kull kumpens li jkollu jithallas lill-kerreġja

tagħha, miżjud bi tmienja fil-mija għal kull sena jew parti minnha li matulha dik l-art tinzamm mill-Gvern, bejn id-diversi biċċiet ta' art offeriti għall-bejgħ kif intqal qabel.

(4) Għall-finijiet ta' dan l-artikolu, "sid" dwar art miżmuma b'enfitewsi jew b'sub-enfitewsi tfisser persuna li jkollha l-utili dominju jew is-subutili dominju ta' dik l-art u tinkludi kull persuna li lilha jiġi t-titlu minghand is-sid *causa mortis*.

13. Minkejja l-ghoti ta' xi permess jew awtorità taht xi liġi oħra, b'effett mill-bidu fis-seħħ ta' dan l-Att, ebda persuna ma tista' tibni bini ġdid fuq xi art f'Malta li ma tkunx dikjarata bħala Area għall-Iżvilupp tal-Bini skond l-artikolu 3 ta' dan l-Att.

Projbizzjoni ta' żvilupp barra Arei għall-Iżvilupp tal-Bini.

14. Minkejja d-disposizzjonijiet ta' l-artikolu 13 ta' dan l-Att, il-Ministru, li jaġixxi fuq *policy* approvata b'riżoluzzjoni tal-Kamra, jista' jawtorizza li jinbena bini fuq art sitwata barra Area għall-Iżvilupp tal-Bini fil-kazijiet li ġejjin:

Il-Ministru jista' jawtorizza li jinbena bini barra Arei għall-Iżvilupp tal-Bini.

(a) fuq art meqjusa bħala art għall-bini skond l-artikolu 4 ta' dan l-Att; jew

(b) meta l-bini li jkun se jinbena jkun imbiegħed fuq in-naħat kollha minn art għall-bini u minn kull Area għall-Iżvilupp tal-Bini, b'mhux inqas minn mitt metru u ma jkunx se jakkomoda iktar minn żewġ familji; jew

(c) meta l-bini li jkun se jinbena jkun maħsub għal użu industrijali, agrikolu, kummerċjali, reliġjuż, kulturali jew filantropiku; jew

(d) meta tkun maħsuba l-estensjoni ta' bini li diġa' jeżisti u dik l-estensjoni ma żzidx in-numru ta' familji li jistgħu jiġu akkomodati f'dak il-bini għal iktar minn żewġ familji; jew

(e) meta l-bini l-ġdid ikun se jinbena fuq art li qabel kienet okkupata minn bini ieħor, u l-bini l-ġdid ma jkunx se jakkomoda iktar familji mill-bini li qabel kien jikkupa l-art, jew il-bini l-ġdid ma jkunx se jakkomoda iktar minn żewġ familji; jew

(f) meta l-bini jkun se jinbena fuq art b'faċċata fuq triq u li tkun bejn bini eżistenti u ieħor fuq l-istess faċċata tat-triq u li ma jkunux imbiegħda minn xulxin b'aktar minn għoxrin metru, jew bejn bini eżistenti fuq l-istess faċċata tat-triq u l-kantuniera ta' l-istess triq u bejn dak il-bini eżistenti u l-kantuniera ma jkunx hemm distanza aktar minn hmistax-il metru.

Iżda fl-approvazzjoni ta' *policy*, il-Kamra għandha tikkunsidra l-htigiet ta' l-ambjent, ekoloġiċi u agrikoli ta' Malta.

15. Id-disposizzjonijiet ta' l-artikolu 13 ta' dan l-Att ma japplikawx għal bini li jkun proprjetà tal-Gvern jew ta' xi korp magħqud imwaqqaf b'liġi, jew għal bini li jkun beda jinbena qabel l-erbatax ta' Frar, 1983 u li dwaru jkun hemm permess fis-seħħ f'dik id-data, skond xi regolamenti magħmula taht il-Kodiċi, jew għal bini mtella' fuq biċċa art akkwistata minghand l-Awtorità tad-Djar taht l-Iskema ta' *Home Ownership*, jew għal bini li għall-kostruzzjoni speċifika tiegħu tkun ġiet trasferita art tal-Gvern lil xi persuna.

Bini li għalih ma japplikax l-artikolu 13

16. Permess sabiex jinbena xi bini mogħti skond id-disposizzjonijiet ta' xi regolament magħmul taht il-Kodiċi jew awtorizzazzjoni mogħtija skond dan l-Att ma jkunx trasferibbli.

Permess u awtorizzazzjonijiet ma jkunx trasferibbli.

Reati u pjeni.

17. (1) Kull persuna li tibni xi bini bi ksur tad-dispożizzjonijiet ta' dan l-Att tkun hatja ta' reat kontra dan l-Att u tehel meta tinsab hatja multa ta' mhux inqas minn mitt lira Maltija u mhux iżjed minn elf lira Maltija.

(2) Il-Qorti għandha barra minn dan fuq talba tal-prosekuzzjoni tordna lil min jagħmel ir-reat biex iwaqqa' kull bini mibni bi ksur ta' dan l-Att u għandha tistabbilixxi żmien li matulu għandu jsir dak it-twaqqigh, u fin-nuqqas ta' dan, il-Qorti tista' tawtorizza lill-Kummissarju biex iwaqqa' l-imsemmi bini għas-spejjeż tal-hati tar-reat.

(3) Meta ma tkunx tista' tittiehed l-azzjoni kriminali msemmija fis-subartikoli (1) u (2) ta' dan l-artikolu kontra xi persuna minhabba l-mewt tal-hati tar-reat jew minhabba xi impediment legittimu iehor, jew meta l-persuna akkuzata tiġi liberata mill-akkuza jew meta ma jkunx magħruf min għamel ir-reat, u l-Qorti tkun sodisfatta li jkun inbena bini bi ksur ta' dan l-Att, il-Qorti tista' tawtorizza lill-Kummissarju biex iwaqqa' l-imsemmi bini wkoll għas-spejjeż tas-sid:

Iżda l-Qorti m'għandhiex hekk tawtorizza t-twaqqigh tal-bini mingħajr ma tisma' lis-sid, jew jekk is-sid ma jkunx magħruf jew ma jkunx jista' jidher, mingħajr ma tisma' lill-kuraturi li jiġu mahtura skond il-Kodiċi ta' Organizzazzjoni u Proċedura Civili biex jirrappreżentaw lil dak is-sid jew lis-sid mhux magħruf skond il-każ.

(4) Meta persuna tkun instabet hatja ta' reat kontra dan l-Att il-Qorti għandha b'żieda ma' kull piena oħra tordna l-konfiska favur il-Gvern ta' kull bini mtella' bi ksur ta' dan l-Att u l-art li fuqha dan il-bini jkun gie mtella':

Iżda meta ebda waħda mill-persuni misjuba hatja kif intqal qabel ma tkun is-sid assolut jew komproprjetarju jew is-sid tan-nuda proprjetà ta' l-art, u l-hati tar-reat ikollu l-art b'titolu iehor, il-Qorti tista' tordna l-konfiska ta' dak it-titlu favur il-Gvern.

Setgħa għall-egħmil ta' regolamenti.

18. Il-Ministru jista' jagħmel regolamenti biex jagħti effett ahjar id-dispożizzjonijiet ta' dan l-Att u bla ħsara għall-generalità ta' dak li ntqal qabel, jista' b'dawk ir-regolamenti —

(a) jippreskrivi l-forma ta' kull applikazzjoni magħmula jew awtorizzazzjoni mogħtija taħt dan l-Att;

(b) jippreskrivi liema dokumenti għandhom jiġu pprezentati ma' kull applikazzjoni taħt dan l-Att;

(c) jippreskrivi d-drittijiet li jistgħu jithallsu għal xi servizz li jista' jsir taħt dan l-Att.

Thassir ta' proġetti regolaturi magħmula skond il-Kodiċi.

19. Il-proġetti regolaturi kollha magħmula skond il-Kodiċi qabel il-bidu fis-seħħ ta' dan l-Att huma mhassra;

Iżda fejn xi permess mahruġ qabel il-bidu fis-seħh ta' dan l-Att, li jkun għadu fis-seħh meta dan l-Att jibda jseħh, hemm riferenza għal limitazzjoni ta' għoli, linja jew xi kondizzjoni oħra skond il-proġett regolatur relattiv, dak il-permess għandu jibqa' regolat b'dawk il-kundizzjonijiet, daqslikieku dak il-proġett regolatur ma kienx hekk imhassar.

20. Ebda haġa li tinsab f'dan l-Att ma għandha tiftiehem li teżenta lil xi persuna milli tikseb xi permess jew awtorizzazzjoni taht id-dispożizzjonijiet ta' xi liġi oħra dwar il-bini. Riżerva.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 89 tas-7 ta' Marzu, 1983.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

DANIEL MICALLEF

Speaker

I assent.

(L.S.)

AGATHA BARBARA
President

9th March, 1983

ACT No. 1 of 1983

AN ACT to make provision for the establishment of building development areas, for the acquisition and disposal of land contained therein and for the further regulation of building development.

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. This Act may be cited as the Building Development Areas Act, 1983.

Interpretation.

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

“building site” has the meaning assigned to it in section 4 of this Act;

“built-up area” means an area which for a continuous stretch of 150 yards (137.16 metres) of its frontage on either side of the street, if the street is developable on both sides, or 300 yards (274.32 metres) if the street is developable on one side only, is at least fifty per centum occupied by buildings;

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“Code” means the Code of Police Laws;

“Commissioner” means the Commissioner of Land;

“Green Belt” has the meaning assigned to it in subsection (2) of section 12 of this Act;

“Land Arbitration Board” means the Board constituted by section 21 of the Ordinance;

“Minister” means the Minister responsible for works, and for the purpose of the grant of any authorisation under this Act includes any person delegated in writing by the Minister for such purpose;

“new building” means a building constructed after the fourteenth day of February, 1983;

"Ordinance" means the Land Acquisition (Public Purposes) Ordinance. Cap. 136

3. (1) The Minister may from time to time declare any land in Malta to be a Building Development Area and shall define such land in such manner as he may deem fit. Building Development Areas.

(2) Before making such declaration the Minister shall prepare a Project which shall include such plans and such descriptive matter as may be necessary to show all the land that he intends to include in a Building Development Area.

(3) As soon as may be after the preparation of the Project, a copy thereof shall be deposited in the Office of the Department of Works and shall be open for public inspection during normal office hours of the Department for a period of at least six weeks, and the Director of Works shall cause a notice to be published in the Gazette and in at least two local daily newspapers, indicating the days and hours on and during which the Project shall be open to public inspection.

(4) No land considered to be a building site in accordance with section 4 of this Act or section 17 of the Ordinance and no land which has not been included in a Project deposited in the Department of Works in accordance with the provisions of subsection (3) of this section and open for public inspection for the period therein indicated, shall be included in a Building Development Area.

(5) Where any land has been declared to be a Building Development Area as is provided in subsection (1) of this section and the Minister has prepared a project in accordance with the provisions of subsection (2) of this section and the procedure laid down in subsection (3) of this section has been followed and the period therein indicated has elapsed, the Minister shall cause the declaration to be placed before the House for consideration by it.

(6) The House may by resolution adopt or reject such declaration or may approve such declaration with any modification as it may deem fit to make.

(7) Where the House adopts or approves the declaration as is provided in subsection (6) of this section, the Clerk of the House shall cause a copy of the resolution to be published in the Gazette and the Director of Works shall cause a copy of such resolution together with any plans or documents attached thereto to be exhibited at the premises of the Department of Works in a place accessible to the public during normal office hours of the Department.

(8) Any declaration made by the Minister and adopted or approved by the House, may be amended or revoked by another declaration made by the Minister and the provisions of subsections (4), (5), (6) and (7) of this section shall (*mutatis mutandis*) apply to a declaration made under this subsection.

4. (1) Land shall be deemed to be a building site for the purposes of this Act if it has a frontage on an existing street and is situate within a built-up area or, subject to paragraph (2) of this section within a distance of not more than 100 yards (91.44 metres) of a built-up area, measured along the axis of the street. When land is considered a building site.

(2) In determining whether land is a building site by reason of the fact that it is situate within a distance of not more than 100 yards (91.44 metres) of a built-up area regard shall be had to the probable immediate expansion of the built-up area in the direction of the land in question.

(3) Land falling within the definition of subsections (1) and (2) of this section shall be deemed to be a building site to a maximum depth of 12 canes (25.146 metres).

Expropriation
of land
following
publication of
declaration in
the Gazette.

5. (1) Saving the provisions of Section 7 and 8 of this Act, with effect from the date of the publication of the resolution referred to in section 3 of this Act, all land within a Building Development Area shall, by virtue of this Act and without the necessity of any other formality required by law, be deemed for all intents and purposes of this and of any other 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, and thereupon all the provisions of the Ordinance which are not incompatible with this Act shall continue to 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 Ordinance.

Act XVI of
1967

(2) With effect from the date of the publication of the resolution of the House referred to in the immediately preceding subsection, all leases to which the land may have been subject prior to the publication of the resolution shall, notwithstanding the provisions of the Agricultural Leases (Reletting) Act, 1967, by virtue of this Act be terminated without the necessity of any other formality required by law and thereupon the provisions of the Ordinance, in particular the provisions of section 19A of the Ordinance shall apply to the payment of compensation by the Commissioner to the tenant.

(3) Any person having a right over or an interest in the land to which this section applies, shall be entitled to have access to the Land Arbitration Board and to the Civil Court First Hall for the purpose of determining his right over or interest in such land, 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 Land Arbitration Board and the Civil Court First Hall in matters of acquisition of land for a public purpose shall, *mutatis mutandis*, apply to proceedings taken by such person before the Land Arbitration Board or the Civil Court First Hall under this Act, as the case may be; and the said Land Arbitration Board and the Civil Court First Hall shall be vested with jurisdiction in such matters:

Provided that a right of appeal to the Court of Appeal from any decision of the Land Arbitration Board and the Civil Court First Hall shall vest in such person; and all the provisions of law relating to proceedings for appeals from decisions of the Civil Court First Hall, shall apply to proceedings taken by such person in an appeal under this Act and the said Court of Appeal shall be vested with jurisdiction in such matters.

Valuation of
land.

6. Any land shall be valued for the purpose of determining the compensation payable in accordance with section 5 of this Act as rural land or as waste land as the case may be.

7. (1) Notwithstanding any other provision of this Act where a person having a right over or an interest in any land included in a Project referred to in section 3 of this Act, proves by documentary evidence that such land had been acquired *bona fide* by him prior to the fourteenth day of February, 1983, at a price higher than the compensation otherwise payable in accordance with the Ordinance, the Minister shall cause such documentary evidence to be placed before the House together with the declaration referred to in section 3 for consideration by it, and the House may in the resolution adopting or approving such declaration either:

Procedure when land has been purchased before the 14th February, 1983.

(a) include such land within the Building Development Area, in which case such higher price shall be payable as compensation to such person; or

(b) include such land with the Building Development Area and declare that the provisions of section 5 of this Act shall not apply to it; or

(c) exclude such land from the Building Development Area.

(2) For the purposes of this section documentary evidence shall include a legalised copy of the deed of transfer relative to such land together with a plan at a scale to be determined by the Minister by regulations made in virtue of this Act, and shall be forwarded to the Minister by registered post not later than six weeks after the publication in the Gazette of the notice referred to in section 3 of this Act.

8. The provisions of section 5 of this Act shall not apply to:

Non-applicability of section 5 of this Act.

(a) an existing building (other than a building occupying land of an area of less than eighteen square metres) whether complete or in the process of construction if, in the latter case, a permit for its construction is on the date of the declaration of the land as a Building Development Area, still in force in accordance with the provisions of any regulations made under the Code; or

(b) land in relation to which a permit for the construction of a building is still in force, on the date of the declaration of the land as a Building Development Area, in accordance with the provisions of any regulations made under the Code; or

(c) land in use as a quarry.

9. As soon as may be after the publication of the resolution of the House referred to in subsection (7) of section 3 of this Act and in any case not later than three months from such publication, the Commissioner shall cause to be registered at the Land Registry, the acquisition of such land by the Government, and for all purposes of the Land Registration Act, 1981, all land comprised in a Building Development Area shall be deemed to be an area declared as a registration area.

Registration of acquisition at the Land Registry.

Act XXXV of 1981

10. As soon as may be after the publication of the resolution of the House referred to in subsection (7) of section 3 of this Act, the Commissioner shall file a copy of such resolution (together with particu-

Service of copy of resolution by Commissioner.

Cap. 15

lars sufficient for the purpose of identifying the land) in the Registry of the Land Arbitration Board, and shall cause a copy thereof to be served through such Board in the manner prescribed by the Code of Organisation and Civil Procedure on every person, having a right over or an interest in the land to which the resolution refers, of whose existence and identity the Commissioner is aware.

Compensation rights to be deemed immovable.

11. (1) The right to receive compensation for an acquisition made in virtue of section 5 of this Act, (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 to time of such Compensation Rights.

(2) Any charge, hypothec or privilege which prior to the resolution of the House referred to in subsection (7) of section 3 of this Act, attached to any land in a Building Development 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.

Disposal of land acquired in virtue of this Act.

Act XV of 1976
Act XXXIII
of 1976

12. (1) Where the Minister by order published in the Gazette declares that land acquired by the Government under the provisions of section 5 of this Act shall be disposed of for development such disposal shall be made either in favour of the Housing Authority as is provided in the Housing Authority Act, 1976, or shall be made by sale and in the manner provided for in the Disposal of Government Land Act, 1976, and such disposal shall not be made unless in respect of such land a Building Development Plan has been made by the Minister and such Building Development Plan has been approved by resolution of the House:

Provided that subsection (2) of section 3 of the Disposal of Government Land Act, 1976 shall not apply to a resolution approving a policy applicable to land referred to in this section:

Provided further that as far as may be, in any policy made in accordance with the Disposal of Government Land Act, 1976 providing for the disposal of such land, provision shall be made that in any sale made in pursuance of this section, preference shall be given to the owners of the land immediately prior to its declaration as a Building Development Area, for the acquisition of a plot of land on which to build a dwelling house to be occupied by such owner.

(2) Any Building Development Plan referred to in subsection (1) of this section shall provide for the creation of an area (hereinafter referred to as a "Green Belt") of not less than one hundred metres in width, along and inside the borders of the Building Development Area and no buildings may be erected on such Green Belt:

Provided that no Green Belt shall be required along the border between a Building Development Area and another Building Development Area, or along the border between a Building Development Area and a building site, or along the border of Building Development Area and the sea shore:

Provided further that where a Green Belt exists along the border of a Building Development Area and such Building Develop-

ment Area is extended over land adjacent to it, the provisions of this subsection shall no longer apply to the original border of the Building Development Area but they shall so apply to the border of the Building Development Area as extended.

(3) The price for which land in a Building Development Area shall be sold in accordance with subsection (1) of this section shall be fixed by the Minister; however as far as may be the price shall be fixed by the equitable apportionment of the cost of the acquisition of the land in the Building Development Area to which shall be added any compensation payable to the tenants thereof, increased by eight per centum for every year or part thereof during which such land is retained by Government, between the various plots offered for sale as aforesaid.

(4) For the purposes of this section, "owner" in relation to land held in emphyteusis or sub-emphyteusis means the person holding the *utile dominium* or *sub-utile dominium* of such land and includes any person deriving title from the owner *causa mortis*.

13. Notwithstanding the grant of any permit or authority under any other law, with effect from the coming into force of this Act, no person may erect a new building on any land in Malta which is not declared to be a Building Development Area in accordance with section 3 of this Act.

Prohibition of development outside Building Development Areas.

14. Notwithstanding the provisions of section 13 of this Act, the Minister, acting in accordance with a policy approved by resolution of the House, may authorise the erection of buildings on land situate outside a Building Development Area in the following cases:

Minister may authorise the erection of buildings outside Building Development Areas.

(a) on land considered to be a building site in accordance with section 4 of this Act; or

(b) where the building to be constructed will be distant on all sides from any building site and from any Building Development Area, by not less than one hundred metres and will not accommodate more than two households; or

(c) where the building to be constructed is destined for an industrial, agricultural, commercial, religious, cultural or philanthropic use; or

(d) where an extension of an existing building is intended and such extension does not increase the number of households that may be accommodated in such building to more than two households; or

(e) where a new building is to be constructed on a site formerly occupied by another building, and the new building will not accommodate more households than the building previously occupying the site, or the new building will not accommodate more than two households; or

(f) where the building is to be constructed on land having a frontage on a street and situate between two existing buildings on the same side of the street and which are not more distant from each other than 20 metres, or between an existing building on the same side of the street and the corner of the same street, and between such existing building and the corner there is not a distance of more than 15 metres.

Provided that the House in approving a policy, shall take into consideration the environmental, ecological and agricultural requirements of Malta.

Buildings to which prohibition in section 13 does not apply.

15. The provisions of section 13 of this Act shall not apply to a building owned by the Government or by a body corporate established by law, or to a building the construction of which was commenced before the fourteenth day of February, 1983, and for which a permit was still in force on such date in accordance with any regulations made under the Code, or to a building built on a plot of land acquired from the Housing Authority under the Home Ownership Scheme, or to a building for the specific construction of which Government land has been transferred to any person.

Permits and authorisations not to be transferable.

16. A permit for the erection of any building granted in accordance with the provisions of any regulation made under the Code or an authorisation given in terms of this Act shall not be transferable *inter vivos*.

Offences and penalties.

17. (1) Any person who constructs any building in contravention of the provisions of this Act shall be guilty of an offence against this Act and shall be liable on conviction to a fine (*multa*) of not less than one hundred Lira Maltija and not more than one thousand Lira Maltija.

(2) The Court shall moreover, at the demand of the prosecution, order the offender to demolish any building erected in contravention of this Act and shall fix a period within which such demolition is to be carried out, failing which, the Court may authorise the Commissioner to demolish the said building at the expense of the offender.

(3) Where the criminal action referred to in subsections (1) and (2) of this section cannot be taken against any person by reason of the death of the offender or any other lawful impediment, or where the person charged is acquitted of the charge or where the offender is not known, and the Court is satisfied that a building has been erected in contravention of this Act, the Court may at the demand of the prosecution authorise the Commissioner to demolish the said building even at the expense of the owner:

Provided that the Court shall not so authorise the demolition of the building without hearing the owner, or if the owner is not known or is unable to appear, without hearing the curators to be appointed in terms of the Code of Organisation and Civil Procedure to represent such owner or unknown owner as the case may be.

(4) Where a person has been found guilty of an offence against this Act, the Court shall in addition to any other punishment order the forfeiture in favour of the Government of any building erected in contravention of this Act and of the land on which the building was erected:

Provided that where none of the persons found guilty as aforesaid is an absolute owner or co-owner or bare-owner of the land, and the offender holds it on any other title, the Court shall order the forfeiture of such title in favour of the Government.

Power to make regulations.

18. The Minister may make regulations to give better effect to the provisions of this Act and without prejudice to the generality of the foregoing, may by such regulations:

(a) prescribe the form of any application made or authorisation given under this Act;

(b) prescribe the documents that shall be presented with any application under this Act;

(c) prescribe the fees that may be payable for any service that may be performed under this Act.

19. All planning schemes made in accordance with the Code before the coming into force of this Act are revoked:

"Revocation of planning schemes made in accordance with the Code.

Provided that where in any permit issued before the coming into force of this Act and still in force on the coming into force of this Act, reference is made to any limitation of height, alignment or other condition according to the planning scheme, such permit shall still be governed by such conditions, as if such planning scheme had not been so revoked.

20. Nothing in this Act contained shall be construed as dispensing any person from obtaining any permit or authorisation under the provisions of any other law relating to the construction of buildings. ^{Saving.}

Passed by the House of Representatives at Sitting No. 89 of the 7th March, 1983.

C. MIFSUD

Clerk to the House of Representatives

DANIEL MICALLEF
Speaker