

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,734, 14 ta' Ottubru, 2026
Taqsim C

Nru 13

14. 10. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Owen Bonnici, M.P., Ministru għall-Akkomodazzjoni u l-Artijiet, f'isem il-Ministru għall-Infrastruttura, l-Ippjanar u x-Xogħol, u moqri għall-Ewwel darba fis-Seduta tas-27 ta' Lulju 2026.

A BILL introduced by the Honourable Owen Bonnici, M.P., Minister for Accommodation and Lands, on behalf of the Minister for Infrastructure, Planning and Employment, and read the First time at the Sitting of the 27th July 2026.

ATT sabiex jemenda l-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar, Kap. 551, u l-Att dwar l-Ippjanar tal-Iżvilupp, Kap. 552, u sabiex jipprovdi għal sospensjoni awtomatika tal-eżekuzzjoni ta' permessi meta jkun hemm appell, għal proċeduri mhaffa, għal emendi konsegwenzjali u għal materji anċillari.

AN ACT to amend the Environment and Planning Review Tribunal Act, Cap. 551, and the Development Planning Act, Cap. 552, and to provide for the automatic suspension of the execution of permits when an appeal is filed, for expedited proceedings, for consequential amendments and for ancillary matters.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jemenda l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, Kap. 551, u l-Att dwar l-Ippjanar tal-Iżvilupp, Kap. 552, u sabiex jipprovd i għal sospensjoni awtomatika tal-eżekuzzjoni ta' permessi meta jkun hemm appell, għal proċeduri mhaffa, għal emendi konsegwenzjali u għal materji ancillari.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 sabiex jemenda Varji Liġijiet dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data jew dati li l-Ministru responsabbli għall-ippjanar jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

TAQSIMA I

Emendi għall-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar

2. Din it-Taqsima temenda l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar u għandha tinqara u tinftiehem haġa waħda mal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, hawn aktar 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali". Emendi għall-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar. Kap. 551.

3. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minnufih qabel it-tifsira "Chairperson" għandha tiġi

miżjuda t-tifsira ġdida li ġejja:

" "assistent ġudizzjarju tat-Tribunal" tfisser persuna maħtura mit-Tribunal sabiex tassisti fit-tnejja, tmexxi u organizzazzjoni proċedurali tal-appell, u sabiex, taħt l-awtorità u d-direzzjoni tat-Tribunal, tirċievi, tirreġistra jew torganizza provi, tilqa' dokumenti, tamministra ġuramenti meta tkun hekk awtorizzata, tnejji minuti, tmexxi jew tassisti fil-ġbir tal-provi u fil-kontro-eżami tax-xhieda, u twettaq dawk il-funzjonijiet proċedurali ohra li t-Tribunal jista' jassenjalha taħt dan l-Att;

Iżda assistent ġudizzjarju tat-Tribunal ma għandu jeżerċita l-ebda funzjoni deċiżorja fuq il-mertu tal-appell jew fuq xi kwistjoni kontenzjuża bejn il-partijiet, iżda jista' jieħu dawk id-deċiżjonijiet proċedurali immedjati u jagħti dawk id-direttivi purament proċedurali li jkunu meħtieġa għat-tmexxi tas-seduta jew tat-tweġġ tal-inkarigu mogħti lilu mit-Tribunal u kull kwistjoni dwar ammissibbiltà, rilevanza, privileġġ, nullità, jew kull kwistjoni ohra kontenzjuża li teħtieġ deċiżjoni għandha tiġi riferita minnufih lit-Tribunal sabiex tiġi deċiża minnu;"

(b) minnufih wara t-tifsira "Chairperson" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "deċiżjoni li saret *res judicata*" tfisser deċiżjoni li ma tkunx aktar soġġetta għal appell ordinarju u li dwarha ma jkun hemm l-ebda appell ordinarju pendent;

Iżda meta deċiżjoni tat-Tribunal tiġi annullata mill-Qorti tal-Appell u l-atti jintbagħtu lura lit-Tribunal, id-deċiżjoni ma għandhiex titqies li saret *res judicata* sakemm il-proċeduri ta' wara r-rinviju, u kwalunkwe appell ordinarju li jista' jsir mid-deċiżjoni mogħtija wara tali rinviju ma jkunux ġew determinati b'mod finali;"

(ċ) minnufih wara t-tifsira "Gvern" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "indirizz elettroniku għan-notifika" tfisser indirizz tal-posta elettronika jew mezz elettroniku ieħor approvat jew preskritt għall-preżentata, riċezzjoni, trażmissjoni jew notifika ta' atti, avvizi, digriet, ordnijiet, deċiżjonijiet u komunikazzjonijiet taħt dan l-Att;"

(d) minnufih wara t-tifsira "permess għall-iżvilupp"

għandha tiżdied it-tifsira ġdida li ġejja:

Kap. 552.

" "permess" għall-finijiet biss tal-artikoli 33, 33A, 34, 52B tfisser kull permess, approvazzjoni, awtorizzazzjoni, deċiżjoni jew direzzjoni maħruġa jew mogħtija taħt l-Att dwar l-Ippjanar tal-Iżvilupp jew taħt regolamenti magħmula taħtu li jistgħu jkunu s-suġġett ta' appell taħt l-artikolu 11 u li jagħtu, jikkonfermaw jew iġibu magħhom kwalunkwe jedd, fakultà, benefiċċju jew vantaġġ ta' ppjanar, inkluż kull jedd għall-bidu, kontinwazzjoni jew twettiq ta' żvilupp, xogħlijiet, demolizzjoni, skavar, bdil fl-użu, kontinwazzjoni ta' użu, sanzjonar, jew kull forma oħra ta' implimentazzjoni ta' żvilupp, sew jekk dak il-jedd ikun jista' jiġi eżerċitat minnufih sew jekk ikun suġġett għal kondizzjonijiet, rekwiżiti, approvazzjonijiet jew passi ulterjuri;"

4. Minnufih wara s-subartikolu (3) tal-artikolu 6 tal-Att prinċipali għandhom jiġu miżjuda s-subartikoli ġodda li ġejjin:

Emenda tal-artikolu 6 tal-Att prinċipali.

"(4) It-Tribunal jista', meta jqis li dan ikun meħtieġ sabiex il-proċeduri jitmexxew b'mod effiċjenti, spedjenti u mingħajr dewmien żejjed, jahtar assistent ġudizzjarju tat-Tribunal sabiex iwettaq dawk il-funzjonijiet proċedurali li t-Tribunal jispeċifika fid-digriet tal-ħatra.

(5) Assistent ġudizzjarju tat-Tribunal għandu jaġixxi biss taħt l-awtorità u d-direzzjoni tat-Tribunal, u ma għandu jeżerċita l-ebda funzjoni deċiżorja fuq il-mertu tal-appell jew fuq xi kwistjoni kontenzjuża bejn il-partijiet. L-imsemmi assistent ġudizzjarju jista' madankollu, jieħu dawk id-deċiżjonijiet proċedurali immedjati u jagħti dawk id-direttivi ta' natura proċedurali li jkunu meħtieġa għat-tmexxija tas-seduta jew għat-twettiq tal-inkarigu mogħti lilu mit-Tribunal. Kull kwistjoni dwar ammissibbiltà, rilevanza, privileġġ, nullità, jew kull kwistjoni oħra kontenzjuża li teħtieġ deċiżjoni għandha tiġi riferita lit-Tribunal sabiex tiġi deċiża minnu."

5. Il-paragrafu (g) tas-subartikolu (1) tal-artikolu 11 tal-Att prinċipali għandu jiġi mħassar.

Emenda tal-artikolu 11 tal-Att prinċipali.

6. Minnufih wara l-artikolu 15 tal-Att prinċipali għandu jiġi

Żieda ta' artikolu ġdid fl-Att prinċipali.

miżjud l-artikolu ġdid li ġej:

"Lista tal-partijiet u indirizzi elettronici għan-notifika.

15A. (1) Kull rikors ta' appell għandu jkollu miegħu skeda, intitolata "Lista tal-Partijiet u Indirizzi Elettronici għan-Notifika", li tinkludi biss l-isem sħiħ u indirizz elettroniku wieħed għan-notifika tal-appellant.

(2) L-Awtorità tal-Ippjanar għandha, fi żmien hamest (5) ijiem ta' xogħol minn meta tiġi informata bil-preżentata tal-appell, tippreżenta lis-Segretarju lista ċċertifikata bl-isem sħiħ u bl-indirizz elettroniku għan-notifika tal-applikant jew tad-detentur tal-permess, meta dan ma jkunx l-appellant, u ta' kull terza persuna interessata reġistrata, skont dak li jirriżulta mill-proċess tal-applikazzjoni.

(3) Kull persuna li tippreżenta risposta, nota, dokument jew sottomissjoni quddiem it-Tribunal għandha tindika u tikkonferma l-indirizz elettroniku tagħha għan-notifika. Kull tibdil f'dak l-indirizz għandu jsir biss permezz ta' nota separata ppreżentata fl-atti tal-appell u notifikata lis-Segretarju u lill-partijiet l-oħra u sakemm tali nota ma tkunx ġiet hekk ippreżentata u notifikata, l-aħħar indirizz elettroniku indikat jew ikkonfermat fl-atti għandu jibqa' jitqies bħala l-indirizz validu għan-notifika.

(4) Is-Segretarju għandu jżomm reġistru elettroniku uffiċjali għan-notifiki f'kull appell. Notifika magħmula fl-indirizz elettroniku li jkun jidher f'dak ir-reġistru għandha, għall-finijiet u effetti kollha tal-liġi, titqies bħala notifika valida. Għall-finijiet tal-komputazzjoni ta' kull terminu li jibda jiddekorri minn dik in-notifika, il-jum li fih issir in-notifika ma għandux jittiehed inkonsiderazzjoni u t-terminu għandu jibda jiddekorri mill-jum sussegwenti:

Izda t-Tribunal jista' jordna notifika mill-ġdid, notifika addizzjonali jew notifika b'mezz ieħor.

(5) Persuna li tonqos, mingħajr raġuni tajba, milli tipprovdi, tikkonferma jew tagġorna l-indirizz elettroniku tagħha għan-notifika ma tistax tinvoka nuqqas ta' notifika meta l-att, avviż, digriet jew deċiżjoni jkun gew trażmessi fl-aħħar indirizz elettroniku ta' tali persuna li jkun jidher fir-reġistru uffiċjali.

(6) It-Tribunal jista', f'kull stadju, jordna l-korrezzjoni jew il-kompletazzjoni tar-reġistru elettroniku għan-notifiki, iżda tali korrezzjoni ma tolqotx il-validità ta' kwalunkwe att li jkun għe ppreżentat jew notifikat skont ir-reġistru kif kien jidher fil-mument tal-preżentata jew tan-notifika.

(7) Meta, waqt li appell ikun pendent, jinbidel l-applikant jew id-detentur tal-permess, l-Awtorità tal-Ippjanar għandha, sa mhux aktar tard minn tlett (3) ijiem ta' xogħol minn meta tiġi infurmata jew tirreġistra dak it-tibdil, tinforma lis-Segretarju u tipprovdi l-isem u l-indirizz elettroniku għan-notifika tal-applikant jew tad-detentur il-ġdid. Is-Segretarju għandu minnufih jagġorna r-reġistru elettroniku għan-notifiki u, fejn meħtieġ, l-okkju tal-appell. Tali tibdil ma għandux, minnu nnifsu, jissospendi jew iwaqqaf il-proċeduri."

7. Minnufih wara l-artikolu 15A tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Direttivi mit-Tribunal.

15B. (1) It-Tribunal jista', f'kull waqt qabel jew wara l-ewwel seduta, jistabbilixxi termini u jagħti dawk l-ordnijiet, direttivi jew provvedimenti proċedurali li jqis meħtieġa għall-aħjar thejjija u tmexxija tal-appell, sabiex jiġu evitati dewmien, spejjeż jew dehriet għalxejn u sabiex il-proċeduri jitmexxew b'mod ġust, ordnat u effiċjenti.

(2) It-Tribunal jista', f'kull stadju tal-proċeduri, jemenda, jissostitwixxi jew iżid ma' kull ordni, direttiva jew provvedimento mogħti taħt dan l-artikolu.

(3) Meta parti tonqos milli tosserva terminu jew direttiva mogħtija taħt dan l-artikolu mingħajr raġuni tajba, it-Tribunal jista' jagħti dawk l-ordnijiet li jqis xierqa.

(4) Appell minn digriet jew direttiva mogħtija taħt dan l-artikolu, meta tali digriet jew direttiva jkun appellabbli skont il-liġi, jista' jsir biss flimkien ma' appell mid-deċiżjoni finali tat-Tribunal, kemm-il darba l-liġi ma tipprovdi espressament mod ieħor."

8. Is-subartikolu (2) tal-artikolu 17 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda tal-artikolu 17 tal-Att prinċipali.

"(2) It-Tribunal, u kull assistent ġudizzjarju tat-Tribunal li jkun hekk awtorizzat mit-Tribunal, għandu jkollu s-setgħa li jharrek xhieda u li jagħti l-ġurament lil kull persuna li tidher quddiem it-Tribunal u kull assistent ġudizzjarju skont il-każ."

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Emenda tal-artikolu 20 tal-Att prinċipali.

9. L-artikolu 20 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) it-test eżistenti għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) minnufih wara s-subartikolu (1), kif enumerat mill-ġdid, għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(2) Bla ħsara għall-artikoli 21 u 22, l-applikant, kull terza persuna interessata u kull konsulent estern li jkollhom jedd jipparteċipaw fl-appell, skont il-każ u meta dawn ma jkunux huma stess l-appellanti, jistgħu jipprezentaw ir-risposta tagħhom fi żmien għoxrin (20) jum mid-data li fiha jkunu ġew infurmati li jkun ġie pprezentat l-appell."

Emenda tal-artikolu 21 tal-Att prinċipali.

10. L-artikolu 21 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem "fi żmien hamest ijiem tax-xogħol minn dik in-notifika." għandhom jiġu miżjuda l-kliem li ġejjin:

"Kull persuna li titlob li tiġi rreġistrata bħala terza persuna interessata skont dan l-artikolu tista' tippreżenta r-risposta tagħha fit-terminu stabbilit fl-artikolu 20.";

(b) il-kliem "Izda tali persuna ma tkunx tista' tattendi għal aċċessi fuq il-post meta t-Tribunal jidhol fil-proprjeta' tal-appellant, jekk l-appellant joġġezzjona għall-preżenza ta' tali terza persuna interessata fil-proprjeta' tiegħu." għandhom jiġu mħassra.

Sostituzzjoni tal-artikolu 23 tal-Att prinċipali.

11. L-artikolu 23 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"L-ewwel seduta tal-appell.

23. (1) Bla ħsara għas-subartikolu (3), it-Tribunal għandu jahtar u jzomm l-ewwel seduta tal-appell fi żmien xahrejn mill-preżentata tar-rikors tal-appell.

(2) Bla ħsara għas-subartikolu (3), meta l-Qorti tal-Appell tibgħat l-atti lura lit-Tribunal sabiex tingħata deċiżjoni ġdida, it-Tribunal għandu jahtar u jzomm l-ewwel seduta wara r-rinviju fi żmien xahrejn mid-data li fiha s-sentenza u l-atti jiġu trażmessi lis-Segretarju.

(3) Meta l-appell ikun jikkonċerna permess li għalih japplika l-artikolu 33(1), l-ewwel seduta għandha tinżamm fit-terminu stabbilit fl-artikolu 34(2), kemm meta l-appell ikun qiegħed jinstema' għall-ewwel darba kif ukoll wara rinviu mill-Qorti tal-Appell.

(4) It-Tribunal jista', fl-ewwel seduta, jiddeċiedi kull kwistjoni preliminari jew proċedurali li tkun tehtieg deċiżjoni f'dak l-istadju, inkluż jekk l-appell ikunx gie ppreżentat fit-terminu stabbilit mil-liġi.

(5) Avviż tal-ewwel seduta għandu jingħata lill-partijiet u lil dawk il-persuni li għandhom jedd jipparteċipaw fl-appell mhux inqas minn erbatax-il (14) jum qabel id-data tas-seduta, kemm-il darba t-Tribunal, għal raġuni tajba u b'digriet motivat, ma jordnax terminu iqsar.

(6) Dan l-artikolu bl-ebda mod ma għandu jillimita s-setgħa tat-Tribunal li, qabel l-ewwel seduta jew f'kull stadju ieħor tal-proċeduri, jagħti, jemenda jew iżid direttivi taht l-artikolu 15B."

12. L-artikolu 24 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Emenda tal-artikolu 24 tal-Att prinċipali.

"Proċedura quddiem it-Tribunal jew assistent ġudizzjarju tat-Tribunal.

24. Il-partijiet għandhom jidhru quddiem it-Tribunal fid-data u l-hin stabbiliti mit-Tribunal jew, meta hekk ikun ordnat, quddiem assistent ġudizzjarju tat-Tribunal, u għandhom iressqu dawk il-provi, dokumenti u sottomissjonijiet li t-Tribunal ikun ordna jew awtorizza."

13. L-artikolu 25 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 25 tal-Att prinċipali.

"Appelli multipli mill-istess deċiżjoni jew permess.

25. (1) Meta mill-istess deċiżjoni jkun gie ppreżentat aktar minn appell wieħed minn persuni jew entitajiet differenti intitolati li jippreżentaw appell skont dan l-Att, it-Tribunal għandu, kemm jista' jkun, jiżgura li dawk l-appelli jinstemgħu flimkien u li d-deċiżjonijiet relattivi jingħataw flimkien jew fl-istess jum.

(2) Meta l-appelli msemija fis-subartikolu (1) ikunu jikkonċernaw l-istess permess u għalihom japplika l-artikolu 33(1), is-Segretarju għandu, kemm jista' jkun, jalloka dawk l-appelli lill-istess panel. It-Tribunal għandu, kemm-il darba ma jkunx hemm raġuni tajba u b'digriet motivat ma jordnax mod ieħor, jordna li dawk l-appelli jinstemgħu flimkien u jiġu deċiżi flimkien jew b'deċiżjonijiet mogħtija fl-istess jum.

(3) Għall-finijiet tas-subartikolu (2), it-Tribunal jista' jagħti digriet wieħed taħt l-artikolu 15B, jistabbilixxi kalendarju proċedurali wieħed, u jordna li kwalunkwe dokumenti, provi, rapporti, sottomissjonijiet jew atti ppreżentati f'wieħed mill-appelli jitqiesu, safejn ikunu rilevanti, bħala parti mill-atti tal-appelli l-oħra.

(4) Meta appell ulterjuri mill-istess deċiżjoni jew dwar l-istess permess jiġi ppreżentat wara li jkun diġà nġhata digriet taħt l-artikolu 15B, it-Tribunal jista' jemenda jew jissostitwixxi d-direttivi mogħtija u jagħti kull ordni meħtieġa sabiex l-appelli jiġu trattati flimkien mingħajr dewmien.

(5) Bla ħsara għall-artikolu 13(2), meta japplika s-subartikolu (2), kull referenza fl-artikolu 34 għall-preżentata tal-appell, għandha tinftiehem bħala referenza għall-preżentata tal-aħħar appell validament ippreżentat mill-istess deċiżjoni jew dwar l-istess permess.

(6) Dan l-artikolu bl-ebda mod ma għandu jzomm lit-Tribunal milli jissepara appell minn appelli oħra meta dan ikun meħtieġ fl-interess tal-gustizzja, sabiex jiġi evitat dewmien mhux ġustifikat, jew sabiex jiġi evitat preġudizzju lil xi waħda mill-partijiet."

Emenda tal-artikolu 29 tal-Att prinċipali.

14. Fl-artikolu 29 tal-Att prinċipali, il-kliem "miċ-Chairperson tat-Tribunal" għandhom jiġu sostitwiti bil-kliem "miċ-Chairperson tat-Tribunal jew minn assistent ġudizzjarju tat-Tribunal debitament awtorizzat mit-Tribunal".

Emenda tal-artikolu 31 tal-Att prinċipali.

15. L-artikolu 31 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) it-test eżistenti tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1);

(b) minnufih wara s-subartikolu (1), kif enumerat mill-ġdid, għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

"(2) Meta l-Qorti tal-Appell tibgħat l-atti lura lit-Tribunal, it-Tribunal għandu, minkejja kull dispożizzjoni oħra ta' dan l-Att, ikollu s-setgħa li jagħti dawk l-ordnijiet u direttivi u jieħu dawk il-miżuri li jkunu meħtieġa jew anċillari sabiex jagħti effett shiħ lis-sentenza jew ordni tal-Qorti u sabiex jiddeċiedi l-kwistjoni skont il-parametri stabbiliti fiha.

(3) Għall-finijiet tas-subartikolu (2), l-applikant jew id-detentur tal-permess għandu, fuq talba tiegħu u fiż-żmien u bil-mod stabbiliti mit-Tribunal, jingħata l-jedd li jippreżenta dawk il-pjanti, dokumenti, rapporti, informazzjoni teknika jew materjal ieħor li jkunu meħtieġa jew rilevanti sabiex il-kwistjoni tiġi eżaminata u deċiża skont il-parametri stabbiliti fis-sentenza jew ordni tal-Qorti u t-Tribunal għandu jkollu s-setgħat kollha meħtieġa sabiex jeżamina u jiddetermina b'mod shiħ kull kwistjoni, aspekk jew konsiderazzjoni identifikata f'dik is-sentenza jew ordni, inkluż billi jwettaq jew jordna li jitwettaq kull pass meħtieġ għal dak il-għan.

(4) Fl-eżerċizzju tas-setgħat tiegħu taħt is-subartikoli (2) u (3), it-Tribunal għandu jħares il-jeddijiet tal-partijiet u jagħtihom opportunità xierqa sabiex jinstemgħu dwar kull materja li tkun ser tittiehed inkonsiderazzjoni qabel ma tingħata d-deċiżjoni.

(5) Is-setgħat mogħtija b'dan l-artikolu għandhom jiġu eżerċitati biss safejn ikun meħtieġ sabiex tiġi eżegwita jew jingħata effett lis-sentenza jew ordni tal-Qorti."

16. L-artikolu 33 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 33 tal-Att prinċipali.

"Sospensjoni awtomatika tal-eżekuzzjoni ta' permess.

33. (1) Meta jiġi ppreżentat quddiem it-Tribunal, fit-terminu stabbilit fl-artikolu 13 jew f'kull terminu ieħor applikabbli skont il-liġi, appell li bih jintalab li permess, jew xi jedd, fakultà, beneficiċċju jew vantaġġ mogħti bih, jiġi mħassar, annullat, revokat, imnaqqas jew limitat, l-eżekuzzjoni, l-operazzjoni, l-implimentazzjoni u l-effett ġuridiku ta' dak il-permess għandhom jitqiesu sospiżi bis-saħħa tal-liġi mill-ħin li fih l-appell jiġi ppreżentat jew jitqies li ġie ppreżentat skont dan l-Att:

Iżda meta rikors tal-appell jiġi trażmess elettronikament barra mill-ħinijiet tal-ftuħ tar-reġistru, għall-finijiet biss tal-bidu tas-sospensjoni taħt dan l-artikolu, dik is-sospensjoni għandha tibda sseħħ mill-ħin tat-trażmissjoni elettronika, minkejja li, għall-finijiet proċedurali l-oħra kollha, ir-rikors għandu jitqies ippreżentat skont l-artikolu 32B(3):

Iżda wkoll għall-finijiet ta' dan is-subartikolu, appell minn deċiżjoni dwar talba għal revoka jew tibdil ta' permess taħt l-artikolu 80 tal-Att dwar l-Ippjanar tal-Iżvilupp ma għandu jiskatta l-ebda sospensjoni tal-eżekuzzjoni taħt dan l-artikolu fir-rigward ta' tali permess.

(2) Meta f'appell li ma jkunx jaqa' taħt is-subartikolu (1), it-Tribunal jagħti permess jew jordna l-ħruġ jew it-tibdil ta' permess, l-eżekuzzjoni, l-operazzjoni, l-implimentazzjoni u l-effett ġuridiku ta' dak il-permess għandhom jitqiesu sospiżi bis-saħħa tal-liġi mid-data tad-deċiżjoni tat-Tribunal sakemm dik id-deċiżjoni tkun saret *res judicata*.

(3) Is-sospensjoni taħt dan l-artikolu tolqot kull jedd, fakultà, benefiċċju jew vantaġġ li jirriżulta minn permess li l-ġhoti, il-konferma, it-tibdil jew l-awtorizzazzjoni tiegħu jkunu soġġetti għal dritt ta' appell, inkluż kull xogħol, żvilupp, demolizzjoni, skavar, bdil fl-użu, kontinwazzjoni ta' użu, sanzjonar, jew kull forma oħra ta' implimentazzjoni jew tgawdija tal-permess.

(4) Matul kull perjodu ta' sospensjoni taħt dan l-artikolu, l-ebda persuna ma għandha tibda, tkompli, tlesti, tikkawża, tippermetti jew tiddependi fuq xi xogħol, użu, operazzjoni, sanzjonar, vantaġġ jew awtorizzazzjoni li jkunu jiddependu fuq il-permess li l-eżekuzzjoni tiegħu tkun sospiża.

(5) Is-sospensjoni taħt dan l-artikolu għandha tibqa' fis-seħħ sakemm il-proċeduri dwar dak il-permess ikunu ġew determinati b'mod finali u d-deċiżjoni relattiva tkun saret *res judicata*.

(6) Meta jsir appell quddiem il-Qorti tal-Appell minn deċiżjoni tat-Tribunal dwar permess, is-sospensjoni għandha tkompli sseħħ awtomatikament, mingħajr il-ħtieġa ta' talba, digriet jew ordni ulterjuri, sakemm id-deċiżjoni tal-Qorti tal-Appell, jew kull deċiżjoni sussegwenti wara rinviu, tkun saret *res judicata*.

(7) Meta l-Qorti tal-Appell tibghat l-atti lura lit-Tribunal, is-sospensjoni ghandha tibqa' għaddejja mingħajr interruzzjoni sakemm id-deċiżjoni tat-Tribunal wara r-rinviju, u kull appell ordinarju minnha, ikunu ġew determinati b'mod finali u d-deċiżjoni relattiva tkun saret *res judicata*.

(8) Is-sospensjoni taht dan l-artikolu ma tintemmx minhabba l-mogħdija taż-żmien, minhabba dewmien fil-proċeduri, minhabba li deċiżjoni ma tkunx ingħatat fi żmien preskritt, jew minhabba xi dewmien proċedurali ieħor.

(9) Kull att, xogħol, użu jew operazzjoni mwettqa bi ksur ta' dan l-artikolu ma għandhiex toħloq jedd kweżit, aspettattiva legittima, impenn ta' ppjanar, vantaġġ għall-finijiet ta' sanzjonar, jew kull benefiċċju ieħor favur id-detentur tal-permess jew favur xi persuna oħra.

(10) Kull żmien stabbilit f'permess, f'kondizzjoni ta' permess jew b'liġi għall-bidu, validità, twettiq, tlestija, użu jew implimentazzjoni ta' permess ma għandux jiddekorri matul iż-żmien li fih l-eżekuzzjoni ta' dak il-permess tkun sospiża taht dan l-artikolu.

(11) Dan l-artikolu ma għandux jimpedixxi milli jittiehdu miżuri temporanji u strettament neċessarji sabiex jiġi evitat periklu imminenti għall-ħajja, għas-saħħa, għas-sigurtà pubblika, għall-proprjetà jew għall-ambjent, kemm-il darba dawk il-miżuri jiġu limitati għal dak li huwa indispensabbli u jiġu notifikati minnufih lill-Awtorità tal-Ippjanar, lit-Tribunal, u lill-partijiet li jkunu pparteċipaw fl-appell.

(12) Is-sospensjoni msemmija f'dan l-artikolu tintemm ukoll fil-każijiet u skont it-termini stabbiliti fl-artikolu 42 meta l-appell jiġi ċedut, irtirat jew iddikjarat abbandunat.

Kap. 552.

(13) Minkejja d-dispożizzjonijiet ta' dan l-artikolu, meta permess ikun milqut minn deċiżjoni jew direzzjoni mogħtija mill-Kabinett tal-Ministri taħt l-artikolu 78 tal-Att dwar l-Ippjanar tal-Iżvilupp, u dik id-deċiżjoni jew direzzjoni tkun tipprovdi espressament li s-sospensjoni taħt dan l-artikolu ma għandhiex tapplika, tiġi varjata, limitata jew suġġetta għal kundizzjonijiet, is-sospensjoni taħt dan l-artikolu ma għandhiex tapplika, tiġi varjata, limitata jew tkun suġġetta għal dawk il-kundizzjonijiet, skont il-każ, fil-limiti biss ta' dak espressament provdut f'dik id-deċiżjoni jew direzzjoni.

Kap. 552.

(14) Meta d-deċiżjoni jew direzzjoni tal-Kabinett tal-Ministri tingħata wara li s-sospensjoni taħt dan l-artikolu tkun diġà dahlet fis-sehħ, dik is-sospensjoni għandha biss tintemm, tiġi varjata, limitata jew suġġetta għal kundizzjonijiet mid-data u sal-limiti indikati fl-imsemmija deċiżjoni jew direzzjoni u fin-nuqqas ta' indikazzjoni espressa tad-data, minn meta dik id-deċiżjoni jew direzzjoni tiġi komunikata skont l-artikolu 78 tal-Att dwar l-Ippjanar tal-Iżvilupp."

Żieda ta' artikolu ġdid fl-Att prinċipali.

17. Minnufih wara l-artikolu 33 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Notifika tas-sospensjoni tal-eżekuzzjoni.

33A. (1) Meta jiġi ppreżentat appell li għalih japplika l-artikolu 33(1), is-Segretarju tat-Tribunal għandu, sa mhux aktar tard minn tlett (3) ijiem ta' xogħol mill-preżentata tal-appell, jibgħat avviż elettroniku lill-Awtorità tal-Ippjanar, lill-appellant, u lill-applikant jew lid-detentur tal-permess, safejn dawn ikunu jirriżultaw mir-rikors tal-appell jew mill-atti li jkunu disponibbli lit-Tribunal f'dak l-istadju.

(2) Meta l-lista ċċertifikata jew ir-reġistru elettroniku għan-notifiki jiġu ppreżentati, kompluti jew aġġornati skont l-artikolu 15A, is-Segretarju għandu, sa mhux aktar tard minn tlett (3) ijiem ta' xogħol minn dik il-preżentata, kompletazzjoni, jew aġġornament, jibgħat l-avviż imsemmi fis-subartikolu (1) lill-persuni l-oħra li jidhru f'dik il-lista jew f'dak ir-reġistru.

(3) L-avviż għandu:

(a) jindika n-numru u l-ismijiet tal-partijiet fl-appell;

(b) jindika d-data tal-preżentata tal-appell;

(ċ) ikollu mehmuża miegħu kopja tar-rikors tal-appell jew jinkludi mezz elettroniku li jagħti aċċess għalih;

(d) jkun fih dikjarazzjoni li, bis-saħħa tal-artikolu 33, l-eżekuzzjoni tal-permess relattiv titqies sospiża mill-hin li fih l-appell ġie ppreżentat jew jitqies li ġie ppreżentat skont dan l-Att.

(4) L-Awtorità tal-Ippjanar għandha, sa mhux aktar tard minn tlett (3) ijiem ta' xogħol minn meta tircievi l-avviż taht dan l-artikolu, tagħmel annotazzjoni elettronika fil-proċess jew fis-sistema relattiva tal-permess li tindika li jkun ġie ppreżentat appell u li l-permess huwa milqut minn sospensjoni taht l-artikolu 33.

(5) In-nuqqas li jintbagħat l-avviż imsemmi f'dan l-artikolu, kull dewmien fit-trażmissjoni tiegħu, kull żball jew ommissjoni fl-avviż, jew kull nuqqas li ssir l-annotazzjoni msemmija fis-subartikolu (4), ma għandhomx jolqtu l-validità, il-bidu, il-kontinwazzjoni jew l-effett tas-sospensjoni taht l-artikolu 33.

(6) It-Tribunal jista', f'kull stadju, jordna li jingħata avviż korrettiv, addizzjonali jew alternattiv b'kull mezz li jqis xieraq, meta dan ikun meħtieġ sabiex is-sospensjoni tingħata effett prattiku jew sabiex jiġi evitat kwalunkwe dubju dwar il-persuni li għandhom jiġu notifikati."

18. L-artikolu 34 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 34 tal-Att prinċipali.

"Deċiżjoni fuq il-mertu meta jkun hemm permess li l-eżekuzzjoni tiegħu tkun sospiża.

34. (1) Meta japplika l-artikolu 33(1), it-Tribunal għandu jittratta l-appell bħala appell urġenti dwar permess li l-eżekuzzjoni tiegħu tkun sospiża.

(2) Bla ħsara għall-artikolu 13(2), it-Tribunal għandu jahtar u jżomm l-ewwel seduta sa mhux aktar tard minn tletin (30) jum mill-preżentata tal-appell, jew, meta l-Qorti tal-Appell tibgħat l-atti lura lit-Tribunal, mid-data li fiha s-sentenza u l-atti jiġu trażmessi lis-Segretarju, skont il-każ.

(3) Bla ħsara għall-artikolu 13(2), it-Tribunal għandu jagħti d-deċiżjoni finali tiegħu fuq il-mertu tal-appell sa mhux aktar tard minn sitt (6) xhur mill-preżentata tal-appell.

(4) Meta l-proċeduri jkunu ġew sospiżi taħt l-artikolu 13(2), it-termini msemmija fis-subartikoli (2) u (3) għandhom jibdwu jiddekorru mid-data li fiha l-appellant jippreżenta appell emendat jew sottomissjonijiet ulterjuri taħt il-proviso għal dak is-subartikolu, jew, fin-nuqqas, mill-iskadenza tat-terminu mogħti għal dan il-għan.

(5) Meta f'appell li għalih japplika dan l-artikolu, il-Qorti tal-Appell tibgħat l-atti lura lit-Tribunal, ir-Registratur, Qrati Ċivili u Tribunali, għandu jittrażmetti lis-Segretarju kopja tas-sentenza flimkien mal-atti tal-proċeduri sa mhux aktar tard minn hamest (5) ijiem ta' xogħol mid-data li fiha tingħata s-sentenza. It-Tribunal għandu jagħti d-deċiżjoni finali tiegħu fuq il-mertu sa mhux aktar tard minn sitt (6) xhur mid-data li fiha s-sentenza u l-atti jiġu trażmessi lis-Segretarju.

(6) Minkejja s-subartikoli (3) u (5), it-terminu sabiex it-Tribunal jagħti d-deċiżjoni finali tiegħu jista' jiġi estiż meta jkun hemm il-qbil espress tal-partijiet kollha li jkunu pparteċipaw fil-proċeduri, liema qbil għandu jingħata bil-miktub jew jiġi ddikjarat fis-seduta u mnizzel fl-atti. Kull estensjoni taħt dan is-subartikolu għandha tkun għal dak il-perjodu li t-Tribunal iqis xieraq fiċ-ċirkostanzi, u ma għandhiex, waħedha, ittemm, tinterrompi jew tnaqqas l-effett tas-sospensjoni taħt l-artikolu 33.

(7) In-nuqqas tat-Tribunal li jagħti deċiżjoni fiż-żmien stabbilit f'dan l-artikolu ma jtemmx, ma jinterrompix u ma jnaqqasx l-effett tas-sospensjoni taħt l-artikolu 33.

(8) Jekk it-Tribunal jonqos milli jagħti deċiżjoni fiż-żmien stabbilit, is-Segretarju għandu minnufih iqiegħed il-kwistjoni quddiem iċ-Chairperson responsabbli għall-panel relattiv, u dan għandu jagħti dawk id-direttivi kollha meħtieġa sabiex l-appell jiġi determinat b'urgenza.

(9) Meta appell li jaqa' taħt dan l-artikolu jiġi riferit lill-Kabinett tal-Ministri taħt l-artikolu 78 tal-Att dwar l-Ippjanar tal-Iżvilupp, id-dispożizzjonijiet ta' dan l-artikolu għandhom japplikaw biss safejn ikunu kompatibbli mal-proċedura taħt dak l-artikolu.

Kap. 552. (10) F'każ imsemmi fis-subartikolu (9), it-Tribunal għandu, bla ħsara għal kull direzzjoni mogħtija taħt l-artikolu 78 tal-Att dwar l-Ippjanar tal-Iżvilupp, iżomm l-ewwel seduta fiż-żmien stabbilit fis-subartikolu (2) u jagħti dawk id-direttivi kollha meħtieġa sabiex ir-rakkomandazzjoni tiegħu taħt l-imsemmi artikolu 78 tithejja u tintbagħat mingħajr dewmien mhux ġustifikat:

Kap. 552. Iżda t-Tribunal ma jkunx obligat jagħti deċiżjoni finali fuq il-mertu tal-appell fit-terminu msemmi fis-subartikolu (3) sakemm l-appell ikun qiegħed jiġi trattat taħt il-proċedura stabbilita fl-artikolu 78 tal-Att dwar l-Ippjanar tal-Iżvilupp:

Kap. 552. Iżda wkoll dan is-subartikolu bl-ebda mod ma jtemm, jinterrompi jew inaqqas l-effett tas-sospensjoni taħt l-artikolu 33, ħlief safejn il-Kabinett tal-Ministri jiddeċiedi jew jordna mod ieħor skont l-artikolu 78 tal-Att dwar l-Ippjanar tal-Iżvilupp u skont l-artikolu 33(13) u (14) ta' dan l-Att."

19. L-artikolu 35 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 35 tal-Att prinċipali.

"Deċiżjoni fuq il-mertu f'appelli oħra.

35. (1) F'appelli li ma jaqgħux taħt l-artikolu 34, it-Tribunal għandu jagħti d-deċiżjoni finali tiegħu fuq il-mertu tal-appell fi żmien sena mid-data tal-ewwel seduta.

(2) Minkejja s-subartikolu (1), fir-rigward ta' appell minn applikazzjoni bil-proċedura sommarja speċjali, it-Tribunal għandu jagħti d-deċiżjoni finali tiegħu fuq il-mertu tal-appell fi żmien tliet (3) xhur mid-data tal-ewwel seduta.

(3) It-terminu msemmi fis-subartikolu (1) jista' jiġi estiż darba waħda biss għal perjodu ulterjuri ta' sitt (6) xhur f'każijiet eċċezzjonali u fl-interess tal-ġustizzja.

(4) Meta tingħata estensjoni taħt is-subartikolu (3), ma għandha titressaq l-ebda prova jew sottomissjoni ulterjuri matul il-perjodu ta' estensjoni, ħlief bil-permess tat-Tribunal għal raġuni serja u fl-interess tal-ġustizzja, u kemm-il darba l-partijiet l-oħra jingħataw opportunità xierqa li jwieġbu.

(5) Meta l-Qorti tal-Appell tibgħat l-atti lura lit-Tribunal, kull referenza f'dan l-artikolu għall-ewwel seduta għandha tinftiehem bħala referenza għall-ewwel seduta wara r-rinviju.

(6) Jekk ma tinghatax deċiżjoni finali fit-termini indikati f'dan l-artikolu, għandhom japplikaw *mutatis mutandis* id-dispożizzjonijiet tal-artikolu 34(8).".

Żieda ta' artikolu ġdid fl-Att prinċipali.

20. Minnufih wara l-artikolu 38 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Skeda ċċertifikata għan-notifiki wara d-deċiżjoni tat-Tribunal.

38A. (1) Kull deċiżjoni finali tat-Tribunal u kull deċiżjoni parzjali li tista' tkun soġġetta għal appell taht dan l-Att għandha tkun akkumpanjata minn skeda ċċertifikata mis-Segretarju, li għandha tagħmel parti mill-atti tal-proċedura.

(2) L-iskeda għandha tinkludi l-isem, il-kwalità proċedurali u l-indirizz elettroniku għan-notifika ta':

(a) l-appellant;

(b) l-applikant jew id-detentur tal-permess, jekk ma jkunx l-appellant;

(ċ) l-Awtorità tal-Ippjanar jew l-Awtorità għall-Ambjent u r-Riżorsi, skont il-każ;

(d) kull terza persuna interessata u reġistrata;

(e) kull konsulent estern li pparteċipa fil-proċeduri;

(g) kull avukat jew prokuratur legali li deher għal xi wahda mill-persuni msemmija f'dan is-subartikolu.

(3) L-iskeda ċċertifikata għandha tkun disponibbli fuq talba ta' kull persuna li pparteċipat fil-proċeduri, u għandha tkun disponibbli għar-Reġistratur, Qrati Ċivili u Tribunali, għall-finijiet ta' kull appell quddiem il-Qorti tal-Appell.

(4) F'appell quddiem il-Qorti tal-Appell, ir-Reġistratur jista' joqgħod fuq l-iskeda ċċertifikata għall-finijiet kollha ta' notifika u servizz.

(5) Notifika magħmula fl-indirizz elettroniku li jidher fl-iskeda ċċertifikata għandha titqies bħala notifika valida għall-finijiet u effetti kollha tal-ligi.

(6) Persuna li, mingħajr raġuni tajba, tkun naqset milli tipprovdi, tikkonferma jew taggorna l-indirizz elettroniku tagħha għan-notifika quddiem it-Tribunal ma tistax tinvoka invalidità ta' notifika meta l-att ikun intbagħat fl-aħħar indirizz elettroniku li hija tkun ipprovdiet jew ikkonfermat u li jidher fl-iskeda ċċertifikata:

Iżda l-Qorti tista' tordna notifika ġdida, alternattiva jew addizzjonali meta dan ikun meħtieġ fl-interess tal-ġustizzja."

21. L-artikolu 42 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 42 tal-Att prinċipali.

(a) it-test eżistenti tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1);

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandhom jiġu miżjuda s-subartikoli ġodda li ġejjin:

"(2) Meta appell li għalih tkun tapplika s-sospensjoni taħt l-artikolu 33 jiġi ċedut, irtirat jew iddikjarat abbandunat mit-Tribunal, is-sospensjoni tal-eżekuzzjoni tal-permess għandha tibqa' fis-seħħ sakemm id-dikjarazzjoni jew id-deċiżjoni relattiva tkun saret *res judicata*.

(3) Minn dakinhar li d-dikjarazzjoni jew id-deċiżjoni li l-appell ġie ċedut, irtirat jew abbandunat tkun saret *res judicata*, is-sospensjoni taħt l-artikolu 33 għandha titqies mitmuma għall-finijiet u effetti kollha tal-liġi, u l-permess ma jibqax sospiż minhabba dak l-appell.

(4) Dan l-artikolu bl-ebda mod ma għandu jolqot sospensjoni oħra li tkun fis-seħħ minhabba appell ieħor, ordni oħra tat-Tribunal jew tal-Qorti, jew dispożizzjoni oħra tal-liġi."

22. L-artikolu 44 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 44 tal-Att prinċipali.

"Aċċess fuq is-sit.

44. (1) It-Tribunal jista', fuq talba ta' parti jew minn jeddu, jordna li jsir aċċess fuq is-sit meta jqis li tali aċċess ikun meħtieġ jew utli għall-aħjar determinazzjoni tal-appell.

(2) Meta jordna aċċess fuq is-sit, it-Tribunal għandu jagħti dawk id-direttivi li jqis xierqa dwar il-persuni li jistgħu jkunu preżenti, il-mod kif għandu jsir l-aċċess, u kull kundizzjoni meħtieġa sabiex jiġu mharsa l-ordni, is-sigurtà, il-privatezza u l-jeddijiet tal-partijiet.

(3) It-Tribunal jista' jimponi dawk id-drittijiet jew spejjeż li jqis xierqa fuq il-parti li tkun talbet l-aċċess fuq is-sit, iżda meta l-aċċess jitwettaq fuq inizjattiva tat-Tribunal, it-Tribunal għandu jiddeċiedi dwar l-ispejjeż skont iċ-ċirkostanzi tal-każ."

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Emenda tal-artikolu 47 tal-Att prinċipali.

23. L-artikolu 47 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara s-subartikolu (10) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(10a) Meta ssir talba sabiex l-effett tad-deċiżjoni jiġi sospiż taht is-subartikolu (3), dik it-talba għandha ssir b'rikors separat, intitolat b'halo tali, u għandha tiġi pprezentata flimkien mar-rikors tal-appell jew f'dak it-terminu ieħor li t-Tribunal jista' jippermetti għal raġuni tajba. Meta ssir tali talba, it-Tribunal għandu jinnotifika lill-partijiet, iżomm l-ewwel seduta u jiddeċiedi dik it-talba fi żmien tletin (30) jum minn meta jirċeviha.";

(b) is-subartikolu (11) tiegħu għandu jiġi emendat kif ġej:

(i) minnufih wara r-referenza għall-artikolu "15" għandha tiżdied ir-referenza "15A" u "15B";

(ii) minnufih wara r-referenza għall-artikolu "32" għandha tiżdied ir-referenza "38A".

Sostituzzjoni tal-artikolu 51 tal-Att prinċipali.

24. L-artikolu 51 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Appelli minn deċiżjonijiet parzjali tat-Tribunal.

51. Bla ħsara għall-artikolu 9(2)(b), appell minn deċiżjoni parzjali tat-Tribunal jista' jiġi pprezentat biss flimkien ma' appell mid-deċiżjoni finali tat-Tribunal, kemm-il darba l-liġi ma tipprovdix espressament mod ieħor.".

Sostituzzjoni tal-artikolu 52 tal-Att prinċipali.

25. L-artikolu 52 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Perjodu għall-preżentata ta' appell minn deċiżjoni tat-Tribunal.

52. (1) Appell minn deċiżjoni tat-Tribunal għandu jiġi pprezentat quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) fi żmien għoxrin (20) jum mid-data li fiha d-deċiżjoni tat-Tribunal tingħata fil-pubbliku.

(2) Bla ħsara għad-dispożizzjonijiet speċjali ta' dan l-Att, l-appell għandu jkun regolat mill-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u mir-regoli tal-qorti applikabbli.

Kap. 12.

(3) F'każ ta' inkonsistenza bejn id-dispożizzjonijiet ta' dan l-Att u kull dispożizzjoni proċedurali oħra dwar appell minn deċiżjoni tat-Tribunal, għandhom jipprevalu d-dispożizzjonijiet ta' dan l-Att.

(4) Meta l-Qorti tal-Appell tannulla jew tvarja d-deċiżjoni tat-Tribunal u tibgħat l-atti lura lilu, il-Qorti għandha, inkwantu l-atti jippermettu, tikkunsidra u tiddeċiedi kull aggravju li jkun ġie debitament imressaq quddiemha, minkejja li d-deċiżjoni fuq aggravju wieħed tkun waħedha suffiċjenti sabiex tannulla jew tvarja d-deċiżjoni appellata sabiex, safejn ikun possibbli, jiġu evitati rinviji jew appelli ulterjuri dwar kwistjonijiet li jkunu diġà tqajmu quddiemha:

Iżda meta l-Qorti thalli xi aggravju mhux deċiż, għandha tindika fis-sentenza r-raġunijiet għal dan."

26. Minnufih wara l-artikolu 52 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Preżentata elettronika quddiem il-Qorti tal-Appell.

52A. (1) Ir-rikors tal-appell quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) u r-risposti għalih għandhom jiġu ppreżentati b'mezzi elettronici, skont dawk is-sistemi jew indirizzi elettronici li jiġu approvati jew indikati mir-Registratur, Qrati Ċivili u Tribunali.

(2) Kull avukat jew prokuratur legali li jippreżenta rikors ta' appell jew risposta taht dan l-Att għandu jagħmel dan permezz tas-sistema elettronika approvata u għandu jhallas id-dritt preskritt b'mod elettroniku jew b'xi mod ieħor li r-Registratur jista' jippermetti.

(3) Att ippreżentat b'mezzi elettronici għandu, għall-finijiet u effetti kollha tal-liġi, jitqies daqslikieku ġie ppreżentat fir-registru tal-qorti fil-ħin li fih jiġi riċevut mis-sistema elettronika approvata:

Iżda meta l-att jiġi riċevut barra mill-ħinijiet tal-ftuħ tar-registru tal-qorti, dan għandu jitqies li ġie ppreżentat fl-ewwel jum sussegwenti li fih ir-registru jkun miftuħ.

(4) Meta jkun impossibbli għal persuna li tippreżenta att b'mezzi elettronici, dik il-persuna tista' tippreżenta l-att fir-registru tal-qorti, kemm-il darba tiddikjara bil-gurament fl-istess att ir-raġuni li għaliha l-preżentata elettronika ma setgħetx titwettaq.

(5) Mar-rikors tal-appell għandha tiġi ppreżentata wkoll l-iskeda ċċertifikata msemija fl-artikolu 38A.

(6) Meta għal xi raġuni, dik l-iskeda ma tkunx disponibbli, ir-Reġistratur għandu jitlobha minnufih lis-Segretarju, u s-Segretarju għandu jittrażmettiha sa mhux aktar tard minn jum wiehied ta' xogħol minn meta jirċievi t-talba."

Żieda ta' artikolu ġdid fl-Att prinċipali.

27. Minnufih wara l-artikolu 52A tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Appell quddiem il-Qorti tal-Appell f'każ ta' permess li l-eżekuzzjoni tiegħu tkun sospiża.

52B. (1) Meta deċiżjoni tat-Tribunal tkun tikkonċerna permess li l-eżekuzzjoni tiegħu tkun sospiża taht l-artikolu 33, kull appell minn dik id-deċiżjoni quddiem il-Qorti tal-Appell għandu jitqies bħala appell urġenti u għandu jitmexxa skont id-dispożizzjonijiet ta' dan l-artikolu, bla ħsara għad-dispożizzjonijiet ġenerali dwar appelli minn deċiżjonijiet tat-Tribunal.

(2) Bla ħsara għall-artikolu 52A(6), ir-rikors tal-appell għandu jiġi ppreżentat fiż-żmien stabbilit fl-artikolu 52 u għandu jkun akkumpanjat bl-iskeda ċċertifikata msemija fl-artikolu 38A.

(3) Fi żmien hamest (5) ijiem ta' xogħol mill-preżentata tar-rikors tal-appell, il-Qorti tal-Appell għandha tappunta l-appell għas-smiġh f'data li ma tkunx aktar tard minn xahrejn mill-preżentata tal-istess rikors.

(4) Kopja tar-rikors tal-appell, flimkien mal-avviż tad-data tas-smiġh, għandha tiġi notifikata lill-partijiet, lill-Awtorità tal-Ippjanar, lill-applikant jew lid-detentur tal-permess, lit-terzi persuni interessati u lil kull persuna oħra indikata fl-iskeda ċċertifikata msemija fl-artikolu 38A.

(5) In-notifika tista' ssir fl-indirizz elettroniku għan-notifika li jidher fl-iskeda ċċertifikata u tali notifika għandha, għall-finijiet u effetti kollha tal-liġi, titqies bħala valida mid-data tat-trażmissjoni elettronika tagħha. Għall-finijiet tal-komputazzjoni ta' kull terminu li jibda jiddekorri minn dik in-notifika, il-jum li fih issir in-notifika ma għandux jittiehed inkonsiderazzjoni u t-terminu għandu jibda jiddekorri mill-jum sussegwenti.

(6) Meta n-notifika elettronika ma tkunx tista' ssir b'mod raġonevoli, jew meta l-Qorti tqis li dan ikun meħtieġ fl-interess tal-ġustizzja, il-Qorti tista' tordna notifika alternattiva jew addizzjonali b'kull mezz permess mil-liġi.

(7) Ir-risposta għall-appell għandha tiġi ppreżentata fi żmien għoxrin (20) jum min-notifika tar-rikors tal-appell, kemm-il darba l-Qorti ma tagħtix, għal raġuni tajba, direzzjoni oħra.

(8) Ir-Reġistratur, Qrati Ċivili u Tribunali, għandu minnufih jgħarraf lis-Segretarju tat-Tribunal bil-preżentata tal-appell, u s-Segretarju għandu, sa mhux aktar tard minn hamest (5) ijiem ta' xogħol minn dak l-avviż, jittrażmetti lir-Reġistratur l-atti kollha tal-proċeduri quddiem it-Tribunal.

(9) Il-Qorti tal-Appell għandha tagħti s-sentenza tagħha sa mhux aktar tard minn erba' (4) xhur mill-preżentata tar-rikors tal-appell:

Iżda l-Qorti tista', għal raġuni ġusta u b'digriet motivat, testendi dan it-terminu darba waħda biss għal perjodu li ma jeċċedix xahrejn.

(10) In-nuqqas tal-Qorti tal-Appell li tagħti s-sentenza fit-terminu stabbilit fis-subartikolu (9) ma jtemmx, ma jinterrompix u ma jnaqqasx l-effett tas-sospensjoni taht l-artikolu 33.

(11) L-eżekuzzjoni tal-permess għandha tibqa' sospiża sakemm id-deċiżjoni li tiddetermina b'mod finali l-appell quddiem il-Qorti tal-Appell tkun saret *res judicata*.

(12) Meta l-Qorti tal-Appell tannulla d-deċiżjoni tat-Tribunal u tibgħat l-atti lura lit-Tribunal, is-sospensjoni tal-eżekuzzjoni tal-permess għandha tkompli mingħajr interruzzjoni sakemm il-proċeduri wara r-rinviju, u kull appell ordinarju minnhom, jiġu determinati b'mod finali u d-deċiżjoni relattiva tkun saret *res judicata*.

(13) Meta wara rinviju, tingħata deċiżjoni mit-Tribunal li minnha jiġi ppreżentat appell quddiem il-Qorti tal-Appell, id-dispożizzjonijiet ta' dan l-artikolu għandhom japplikaw mill-ġdid."

28. L-Att tal-2026 sabiex jemenda Varji Liġijiet dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar għandu japplika għall-appelli dwar permessi li d-deċiżjoni dwarhom tkun ittiedet fid-data tad-dhul fis-seħh tal-imsemmi Att jew wara dik id-data.

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TAQSIMA II

Emendi għall-Att dwar l-Ippjanar tal-Iżvilupp

Emendi għall-Att dwar l-Ippjanar tal-Iżvilupp. Kap. 552.

29. Din it-Taqsima temenda l-Att dwar l-Ippjanar tal-Iżvilupp u għandha tingara u tinftiehem haġa waħda mal-Att dwar l-Ippjanar tal-Iżvilupp, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

30. Fl-artikolu 2 tal-Att prinċipali, minnufih wara t-tifsira "permess għall-iżvilupp" għandha tiżdied it-tifsira ġdida li ġejja:

Kap. 551.

" "sospensjoni tal-eżekuzzjoni ta' permess" tfisser is-sospensjoni, taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, tal-eżekuzzjoni, l-operazzjoni, l-implimentazzjoni u l-effett ġuridiku ta' permess għall-iżvilupp, awtorizzazzjoni, approvazzjoni, deċiżjoni jew direzzjoni mogħtija taht dan l-Att jew kwalunkwe regolamenti magħmula tahtu, mingħajr ma tali sospensjoni, minnha nnifisha, tolqot il-validità tal-permess, awtorizzazzjoni, approvazzjoni, deċiżjoni jew direzzjoni;"

Emenda tal-artikolu 71 tal-Att prinċipali.

31. L-artikolu 71 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (6) tiegħu, minnufih wara l-kliem "għandha ssir bil-miktub" għandhom jiġumizjuda l-kliem "u għandha tinkludi indirizz elettroniku għan-notifika u n-numru tal-karta tal-identità jew numru ieħor uffiċjali ta' identifikazzjoni tal-persuna li tagħmilha jew, fil-każ ta' organizzazzjoni volontarja registrata, in-numru tar-registrazzjoni tagħha jew numru uniku ieħor li jidentifikaha, kif ukoll indirizz elettroniku għan-notifika";

(b) minnufih wara s-subartikolu (6) tiegħu, kif emendat, għandu jiġi miżjud is-subartikolu ġdid li ġej:

Kap. 551.

"(6a) Kull persuna li tagħmel dikjarazzjoni ta' interess jew rappreżentazzjonijiet taht is-subartikolu (6) għandha tipprovdi indirizz elettroniku għan-notifika u għandha żżomm dak l-indirizz aġġornat. Notifika jew komunikazzjoni magħmula f'dak l-indirizz għandha titqies li tikkostitwixxi notifika valida għall-finijiet ta' dan l-Att u tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar:

Iżda meta persuna tonqos milli tipprovdi indirizz elettroniku għan-notifika, dik il-persuna ma tistax tinvoka nuqqas ta' notifika individwali fi proċeduri quddiem it-Tribunal, kemm-il darba t-Tribunal, għal raġuni tajba u fl-interess tal-ġustizzja, ma jordnax mod ieħor."

32. L-artikolu 72 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 72 tal-Att prinċipali.

(a) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) Hlief għal żvilupp li fil-fehma tal-Ministru huwa ta' importanza strateġika jew ta' interess nazzjonali, konness ma' xi obbligu li jirriżulta minn leġiżlazzjoni tal-Unjoni Ewropea, jaffettwa s-sigurtà nazzjonali jew jaffettwa l-interessi ta' pajjiżi oħra iżda li mhux suġġett għal Studju dwar l-Impatt Ambjentali u, jew hwejjeg relatati ma' IPPC, l-eżekuzzjoni, l-operazzjoni u l-implimentazzjoni ta' permess għandhom awtomatikament jiġu sospiżi temporanjament u l-ebda xogħlijiet kif approvati mill-imsemmi permess għall-iżvilupp ma jistgħu jibdwu qabel l-iskadenza tal-perjodi ta' żmien stabbiliti fl-artikolu 13 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar. Meta qabel l-iskadenza ta' tali perjodu, jiġi ppreżentat appell fit-terminu stabbilit mill-igi li għalih tapplika s-sospensjoni tal-eżekuzzjoni taht l-artikolu 33 tal-imsemmi Att, dik is-sospensjoni għandha tkompli mingħajr interruzzjoni u għandha tkun regolata mill-imsemmi artikolu 33 u minn kull ordni, direzzjoni jew deċiżjoni mogħtija taht dak l-Att jew taht l-artikolu 78 ta' dan l-Att.";

Kap. 551.

(b) minnufih wara s-subartikolu (4) tiegħu għandhom jiġu miżjuda s-subartikoli ġodda li ġejjin:

"(4a) Matul kwalunkwe perjodu li fih l-eżekuzzjoni ta' permess tkun sospiża taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, l-ebda avviż ta' bidu relattiv għal dak il-permess ma għandu jiġi ppreżentat, milqugħ jew ikollu effett u kull avviż ta' bidu li jkun ġie ppreżentat qabel ma s-sospensjoni tkun saret effettiva ma għandu jawtorizza l-ebda xogħol, użu, operazzjoni jew implimentazzjoni oħra tal-permess matul iż-żmien tas-sospensjoni.

Kap. 551.

(4b) L-ebda żmien stabbilit f'permess għall-iżvilupp, f'kondizzjoni ta' permess, jew taht dan l-Att jew kwalunkwe regolamenti magħmula tahtu, għall-bidu, validità, twettiq, tlestija, użu jew implimentazzjoni ta' permess, ma għandu jiddekorri matul iż-żmien li fih l-eżekuzzjoni tal-permess tkun sospiża taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar.

Kap. 551.

(4c) Is-subartikoli (4a) u (4b) bl-ebda mod ma għandhom jimpedixxu milli jittiehdu miżuri temporanji u strettament neċessarji kif imsemmija fl-artikolu 33(11) tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, jew milli tingħata deċiżjoni jew direzzjoni mill-Kabinett tal-Ministri taht l-artikolu 78."

Kap. 551.

Żieda ta' artikolu ġdid fl-Att prinċipali.

33. Minnufih wara l-artikolu 72 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Annotazzjoni fil-fajl diġitali tal-permess.

Kap. 551.

72A. (1) Meta l-Awtorità tiġi infurmata li ġie ppreżentat appell li għalih tapplika s-sospensjoni tal-eżekuzzjoni taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, l-Awtorità għandha, mingħajr dewmien u f'kull każ mhux aktar tard minn tlett (3) ijiem ta' xogħol minn meta tirċievi dak l-avviż, tagħmel annotazzjoni fil-fajl diġitali tal-permess relattiv.

(2) Meta l-Awtorità tiġi infurmata b'deċiżjoni tat-Tribunal, b'appell quddiem il-Qorti tal-Appell, b'deċiżjoni tal-Qorti tal-Appell, b'deċiżjoni jew direzzjoni tal-Kabinett tal-Ministri taht l-artikolu 78, jew b'kull fatt ieħor li jolqot il-kontinwazzjoni, il-varjazzjoni, it-tneħħija jew it-tmiem tas-sospensjoni tal-eżekuzzjoni, l-Awtorità għandha tagħmel jew taggorna l-annotazzjoni fil-fajl diġitali tal-permess relattiv.

(3) L-annotazzjoni msemmija f'dan l-artikolu hija ta' natura amministrattiva u informattiva biss. Innuqqas li ssir jew tiġi aġġornata tali annotazzjoni, jew kull żball jew ommissjoni fiha, ma għandu bl-ebda mod jaffetwa l-validità, il-bidu, il-kontinwazzjoni jew l-effett ta' sospensjoni tal-eżekuzzjoni taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar."

Kap. 551.

Emenda tal-artikolu 73 tal-Att prinċipali.

34. Fl-artikolu 73 tal-Att prinċipali, minnufih wara s-subartikolu (2) tiegħu għandu jiġi miżjud is-subartikolu ġdid li ġej:

Kap. 551.

"(2a) Minkejja d-dispożizzjonijiet tas-subartikoli (1) u (2), l-ebda xogħol, żvilupp, użu, operazzjoni jew attività mwettqa bi ksur ta' sospensjoni tal-eżekuzzjoni taħt l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar ma għandha titqies bħala li toħloq jedd kweżit, aspettattiva legittima, impenn ta' ppjanar, vantaġġ għall-finijiet ta' sanzjonar jew regolarizzazzjoni, jew kwalunkwe benefiċċju iehor favur l-applikant, id-detentur tal-permess jew kull persuna oħra."

35. L-artikolu 78 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 78 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, il-kliem "fi żmien hmistax-il gurnata minn mindu jiġi ppreżentat" għandhom jiġu sostitwiti bil-kliem "fi żmien tliet (3) ijiem ta' xogħol minn mindu jiġi ppreżentat";

(b) minnufih wara s-subartikolu (7) tiegħu għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

Kap. 551.

"(8) Meta appell imsemmi f'dan l-artikolu jkun jikkonċerna permess li jkun, jew li jista' jkun, milqut minn sospensjoni taħt l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, il-Ministru jista', unikament meta l-appell ikun jirrigwarda deċiżjoni li taqa' taħt waħda jew aktar mir-raġunijiet imsemmija fis-subartikolu (2), u meta jirreferi l-appell lill-Kabinett tal-Ministri, jitlob ukoll lill-Kabinett tal-Ministri sabiex jagħti deċiżjoni jew direzzjoni dwar l-applikazzjoni jew il-modalitajiet tas-sospensjoni.

Kap. 551.

(9) Il-Kabinett tal-Ministri jista', fuq talba magħmula taht is-subartikolu (8), u b'deċiżjoni jew direzzjoni motivata, jiddeċiedi jew jordna li s-suspensjoni taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar ma tapplikax, jew li l-effett tagħha jiġi varjat, limitat jew sugġett għal kundizzjonijiet, u jista' jistabbilixxi l-modalitajiet li għandhom japplikaw sakemm ikun pendent l-appell, għall-eżekuzzjoni, l-operazzjoni jew l-implimentazzjoni tal-permess, jew ta' xi parti minnu, safejn ikun sodisfatt li dan huwa meħtieġ u proporzjonat sabiex jiġi mħares l-interess pubbliku li abbażi tiegħu l-appell ikun ġie riferit lill-Kabinett tal-Ministri taht is-subartikolu (2), u safejn tali deċiżjoni, direzzjoni jew modalitajiet ma jmorru lil hinn minn dak li huwa strettament meħtieġ sabiex jiġi mħares dak l-interess u ma jagħtux vantaġġ mhux ġustifikat lil persuna partikolari u, għall-finijiet u effetti kollha tal-liġi, u bla ħsara għas-setgħa tal-Qorti tal-Appell taht is-subartikolu (13), kull deċiżjoni jew direzzjoni mogħtija mill-Kabinett tal-Ministri taht dan is-subartikolu għandha tipprevali, safejn tkun espressa, motivata u limitata għal dak li huwa meħtieġ u proporzjonat, fir-rigward ta' kull suspensjoni li tkun daħlet fis-seħħ taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar, iżda biss sal-limitu tal-inkonsistenza u mingħajr preġudizzju għad-determinazzjoni finali tal-appell.

(10) Talba magħmula taht is-subartikolu (8), u kull deċiżjoni jew direzzjoni mogħtija taht is-subartikolu (9), għandhom jidentifikaw b'mod espress ir-raġuni jew ir-raġunijiet taht is-subartikolu (2) li fuqhom ikunu msejsa, u għandhom jispeċifikaw ir-raġunijiet li għalihom il-miżura mitluba jew adottata hija meħtieġa u proporzjonata sabiex jiġi mħares l-interess pubbliku relattiv.

(11) Deċiżjoni jew direzzjoni taht is-subartikolu (9) ma għandhiex titqies bħala deċiżjoni fuq il-mertu tal-appell u ma għandhiex tippreġudika s-setgħa tat-Tribunal jew tal-Qorti tal-Appell li jiddeċiedi l-appell skont il-liġi.

(12) Fejn id-deċiżjoni jew direzzjoni tkun tinvolvi tagħrif sensittiv dwar sigurtà nazzjonali, difiża jew sigurtà pubblika, ir-raġunijiet jistgħu jingħataw b'mod li ma jiżvelax dak it-tagħrif, iżda għandhom, safejn ikun kompatibbli ma' dawk ir-raġunijiet, jindikaw in-natura ġenerali tal-interess pubbliku li jiġġustifika d-deċiżjoni jew direzzjoni.

(13) Deċiżjoni jew direzzjoni tal-Kabinett tal-Ministri taht is-subartikolu (9) tista' tiġi kontestata quddiem il-Qorti tal-Appell fil-kompetenza superjuri tagħha, permezz ta' rikors li għandu jiġi pprezentat fi żmien għaxart (10) ijiem mid-data li fiha dik id-deċiżjoni jew direzzjoni tiġi komunikata lill-persuna li tkun qiegħda tikkontestaha jew, meta tali komunikazzjoni ma tkunx meħtieġa jew ma tkunx tista' ssir b'mod raġonevoli, mid-data tal-pubblikazzjoni tagħha, minn kull parti fl-appell, mill-applikant jew mid-detentur tal-permess, minn kull terza persuna interessata u registrata li tkun ipparteċipat jew kellha jedd tipparteċipa fl-appell, jew minn organizzazzjoni mhux governattiva ambjentali registrata taht l-Att dwar l-Organizzazzjonijiet Volontarji u tali kontestazzjoni għandha tkun limitata għal kwistjonijiet ta' legalità sostantiva jew proċedurali, inklużi l-kompetenza, il-proċedura, ir-raġonevolezza, il-proporzjonalità, il-motivazzjoni u l-osservanza tas-subartikoli (8) sa (12), liema rikors għandu jiġi deċiż mill-Qorti tal-Appell sa mhux aktar tard minn xahar mid-data tal-preżentata tiegħu:

Iżda l-preżentata ta' rikors taht dan is-subartikolu ma għandhiex, minnha nnifisha, tissospendi d-deċiżjoni jew id-direzzjoni tal-Kabinett tal-Ministri. Madankollu, il-Qorti tal-Appell tista', fuq talba magħmula fl-istess rikors jew b'rikors separat, tordna s-sospensjoni, il-varjazzjoni jew il-limitazzjoni provviżorja tagħha jekk tkun sodisfatta li dan ikun meħtieġ sabiex jiġi evitat preġudizzju serju jew ħsara serja u irreversibbli, jew fl-interess tal-amministrazzjoni tajba tal-ġustizzja, u l-Qorti tal-Appell għandha tittratta tali rikors b'urġenza."

Kap. 492.

36. Fl-artikolu 97 tal-Att prinċipali, minnufih wara s-subartikolu

Emenda tal-artikolu 97 tal-Att prinċipali.

(1) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

Kap. 551.

"(1a) Mingħajr preġudizzju għall-generalità tas-subartikolu (1), kull attività jew żvilupp li jibda, jitkompla, jitlesti, jitwettaq jew jithalla jsir taht permess li l-eżekuzzjoni tiegħu tkun sospiża, bi ksur ta' sospensjoni tal-eżekuzzjoni taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, għandu jitqies bħala attività jew żvilupp li jmur kontra dan l-Att, u l-Kunsill Eżekuttiv jista' joħroġ avviż ta' waqfien, avviż ta' twettiq, jew avviż ta' waqfien u twettiq, skont il-każ, sabiex iwaqqaf, jipprojbixxi, ineħhi jew jirregola dak l-att, attività jew żvilupp."

Emenda tal-artikolu 102 tal-Att prinċipali.

37. Fl-artikolu 102 tal-Att prinċipali, minnufih wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

Kap. 551.

"(2a) L-ebda ċertifikat ta' konformità jew ċertifikat ieħor imsemmi fis-subartikolu (2) ma għandu jinħareġ fuq il-bażi ta' xogħol, żvilupp, użu jew operazzjoni mwettqa bi ksur ta' sospensjoni tal-eżekuzzjoni taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, kemm-il darba l-Awtorità ma tkunx sodisfatta li l-ksur ġie rimedjat, li kull miżura jew kondizzjoni imposta mill-Awtorità jew mit-Tribunal ġiet imħarsa, u li ma hemmx avviż ta' waqfien jew twettiq pendenti li jolqot dak l-iżvilupp."

Emenda tal-artikolu 103 tal-Att prinċipali.

38. Fil-paragrafu (e) tas-subartikolu (1) tal-artikolu 103 tal-Att prinċipali l-kliem "f'xi aspekk importanti," għandhom jiġu sostitwiti bil-kliem "f'xi aspekk importanti; jew" u minnufih wara għandu jiġi miżjud il-paragrafu ġdid li ġej:

Kap. 551.

"(f) jibda, jkompli, iwettaq, jikkawża, jippermetti jew iħalli li jsir żvilupp, xogħol, użu jew operazzjoni taht permess li l-eżekuzzjoni tiegħu tkun sospiża, bi ksur ta' sospensjoni tal-eżekuzzjoni taht l-artikolu 33 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, hliet safejn dak l-att ikun jikkonsisti f' miżura temporanja u strettament neċessarja skont l-artikolu 33(11) tal-imsemmi Att, jew ikun espressament awtorizzat b'deċiżjoni jew direzzjoni tal-Kabinett tal-Ministri taht l-artikolu 78 ta' dan l-Att."

Dispożizzjoni tranżitorja.
Att Nru ____ tal-2026.

39. (1) L-Att tal-2026 sabiex jemenda Varji Ligijiet dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar għandu japplika għall-

appelli dwar permessi li d-deċiżjoni dwarhom tkun ittiehdet fid-data tad-dhul fis-seħh tal-imsemmi Att jew wara dik id-data.

(2) Meta qabel id-data tad-dhul fis-seħh tal-artikolu 71(6A) tal-Att prinċipali, kif miżjud bl-Att tal-2026 sabiex jemenda Varji Ligijiet dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, persuna tkun għamlet dikjarazzjoni ta' interess jew rappreżentazzjonijiet taht l-artikolu 71(6) tal-Att prinċipali mingħajr ma tkun indikat indirizz elettroniku għan-notifika, l-Awtorità tista' titlob lil dik il-persuna tipprovdi tali indirizz fi żmien li jiġi indikat fit-talba u, jekk dik il-persuna tonqos milli tipprovdi indirizz elettroniku għan-notifika f'dak it-terminu, kwalunkwe notifika jew komunikazzjoni ulterjuri magħmula permezz tal-pubblikazzjoni jew tas-sistema elettronika tal-Awtorità, jew b'mezz ieħor li l-Awtorità jew it-Tribunal iqisu xieraq, għandha titqies bħala suffiċjenti għall-finijiet ta' dan l-Att u tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, kemm-il darba t-Tribunal ma jordnax mod ieħor fl-interess tal-gustizzja.

Att Nru ____ tal-2026.

Kap. 551.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huwa li jiġi żgurat li appell minn permess mogħti taht il-liġi dwar l-ippjanar ma jiġix reż ineffettiv minhabba l-eżekuzzjoni jew l-implimentazzjoni tal-permess qabel ma l-appell ikun gie deċiż b'mod finali. Għal dan il-għan, l-Abbozz jistabbilixxi sospensjoni awtomatika tal-eżekuzzjoni tal-permess meta jiġi ppreżentat appell, u jipprovdi li dik is-suspensjoni tibqa' fis-seħh sakemm il-proċeduri relattivi jiġu determinati b'modfinali u d-deċiżjoni tkun saret *res judicata*.

L-Abbozz ifittex ukoll li jżomm bilanċ bejn il-htieġa ta' rimedju effettiv u l-htieġa ta' ċertezza għal min ikun kiseb permess, billi jipprovdi għal termini speċifiċi quddiem it-Tribunal u quddiem il-Qorti tal-Appell, għal notifika u preżentata elettronika, għal digriet ta' tmexxija tal-proċeduri, u għal setgħat proċedurali li għandhom jippermettu determinazzjoni aktar speditiva tal-appelli.

Dan l-Abbozz jipprovdi wkoll għal emendi konsegwenzjali fl-Att dwar l-Ippjanar tal-Iżvilupp (Kap. 552) sabiex dan ikun konsistenti mas-sistema ta' sospensjoni awtomatika tal-eżekuzzjoni ta' permessi meta jiġi ppreżentat appell taht l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar (Kap. 551).

Barra minn hekk, l-Abbozz jipprovdi wkoll għal reġistrazzjoni u annotazzjoni ta' permessi li l-eżekuzzjoni tagħhom tkun sospiża, għal kontroll fuq avvizi ta' bidu u ċertifikati ta' konformità matul perjodi

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ta' sospensjoni, għal konsegwenzi ta' infurzar u reati f'każ ta' xogħlijiet jew użu bi ksur tas-sospensjoni, u għal mekkaniżmu limitat u motivat fejn il-Kabinett tal-Ministri jista' jagħti deċiżjoni jew direzzjoni dwar is-sospensjoni f'każijiet ta' interess pubbliku prevalenti.

**A BILL
entitled**

AN ACT to amend the Environment and Planning Review Tribunal Act, Cap. 551, and the Development Planning Act, Cap. 552, and to provide for the automatic suspension of the execution of permits when an appeal is filed, for expedited proceedings, for consequential amendments and for ancillary matters.

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:-

1. (1) The short title of this Act is the Various Laws relating to the Environment and Planning Review Tribunal (Amendment) Act, 2026.

Short title and commencement.

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

**PART I
Amendments to the Environment and Planning Review Tribunal Act**

2. This Part amends the Environment and Planning Review Tribunal Act and shall be read and construed as one with the Environment and Planning Review Tribunal Act, hereinafter in this Part referred to as the "principal Act".

Amendments to the Environment and Planning Review Tribunal Act. Cap 551.

3. Article 2 of the principal Act shall be amended as follows:

(a) immediately before the definition "Chairperson" there shall be added the following new definition:

Amendment of article 2 of the principal Act.

" "Tribunal judicial assistant" means a person appointed by the Tribunal to assist in the preparation, conduct and procedural organisation of the appeal and, under the authority and direction of the Tribunal, to receive, record or organise evidence, receive documents, administer oaths where so authorised, prepare minutes, conduct or assist in the taking of evidence and the cross-examination of witnesses, and perform such other procedural functions as the Tribunal may assign to him under this Act:

Provided that a Tribunal judicial assistant shall not exercise any adjudicative function on the merits of the appeal or on any contentious issue between the parties, but may take such immediate procedural decisions and give such purely procedural directions as may be necessary for the conduct of the sitting or the performance of the assignment entrusted to him by the Tribunal and any issue concerning admissibility, relevance, privilege, nullity, or any other contentious issue requiring a decision shall forthwith be referred to the Tribunal for determination;"

(b) immediately after the definition "Chairperson" there shall be added the following new definition:

" "decision which has become *res judicata*" means a decision which is no longer subject to an ordinary appeal and in respect of which no ordinary appeal is pending:

Provided that where a decision of the Tribunal is annulled by the Court of Appeal and the acts are remitted to the Tribunal, the decision shall not be deemed to have become *res judicata* until the proceedings following the remission and any ordinary appeal which may be filed from the decision delivered following such remission have been finally determined;"

(c) immediately after the definition "Government" there shall be added the following new definition:

" "electronic address for service" means an electronic mail address or other electronic means approved or prescribed for the filing, receipt, transmission or service of acts, notices, decrees, orders, decisions and communications under this Act;"

(d) immediately after the definition "development

permission" there shall be added the following new definition:

Cap. 552. " "permit" solely for the purposes of articles 33, 33A, 34, 52B means any permit, approval, authorisation, decision or direction granted or issued under the Development Planning Act or under any regulations made thereunder which may be the subject of an appeal under article 11 and which grants, confirms or entails any planning right, entitlement, benefit or advantage, including any right to commence, continue or carry out development, works, demolition, excavation, change of use, the continuation of use, sanctioning, or any other form of implementation of development, whether such right may be exercised immediately or is subject to conditions, requirements, approvals or further steps;".

4. Immediately after sub-article (3) of article 6 of the principal Act there shall be added the following new sub-articles: Amendment of article 6 of the principal Act.

"(4) The Tribunal may, where it considers this necessary to ensure that proceedings are conducted efficiently, expeditiously and without undue delay, appoint a Tribunal judicial assistant to perform such procedural functions as the Tribunal may specify in the decree of appointment.

(5) A Tribunal judicial assistant shall act only under the authority and direction of the Tribunal and shall not exercise any adjudicative function in relation to the merits of the appeal or on any contentious issue between the parties. The said Tribunal judicial assistant may however, take such immediate procedural decisions and give such directions of a procedural nature as may be necessary for the conduct of the sitting or the performance of the assignment entrusted to him by the Tribunal. Any issue concerning admissibility, relevance, privilege, nullity, or any other contentious issue requiring a decision shall be referred to the Tribunal for determination.".

5. Paragraph (g) of sub-article (1) of article 11 of the principal Act shall be deleted. Amendment of article 11 of the principal Act.

6. Immediately after article 15 of the principal Act there shall be Addition of a new article to the principal Act.

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added the following new article:

"List of parties and electronic addresses for service.

15A. (1) Every application of appeal shall be accompanied by a schedule entitled "List of Parties and Electronic Addresses for Service", containing only the full name of the appellant and one electronic address for service.

(2) The Planning Authority shall, within five (5) working days from being informed of the filing of the appeal, file with the Secretary a certified list containing the full name and electronic address for service of the applicant or permit holder, where such person is not the appellant, and of every registered interested third party, as appearing from the application file.

(3) Every person filing a reply, note, document or submission before the Tribunal shall indicate and confirm his electronic address for service. Any change to such address shall be made only by means of a separate note filed in the acts of the appeal and served on the Secretary and the other parties and, until such note has been so filed and served, the last electronic address indicated or confirmed in the acts shall continue to be deemed to be the valid address for service.

(4) The Secretary shall keep an official electronic register for service in every appeal. Service effected at the electronic address appearing in that register shall, for all purposes and effects of law, be deemed to be valid service. For the purpose of computing any period which commences to run from such service, the day on which service is effected shall not be considered and the period shall commence to run on the following day:

Provided that the Tribunal may order fresh service, additional service or service by another means.

(5) A person who, without good reason, fails to provide, confirm or update his electronic address for service may not plead lack of service where the act, notice, decree or decision has been transmitted to the last electronic address of such person appearing in the official register.

(6) The Tribunal may, at any stage, order the correction or completion of the electronic register for service, but such correction shall not affect the validity of any act which was filed or served in accordance with the register as it appeared at the time of filing or service.

(7) Where, while an appeal is pending, there is a change in the applicant or permit holder, the Planning Authority shall, not later than three (3) working days from being informed of or recording such change, inform the Secretary and provide the name and electronic address for service of the new applicant or permit holder. The Secretary shall forthwith update the electronic register for service and, where necessary, the title of the appeal. Such change shall not, of itself, suspend or stay the proceedings."

7. Immediately after article 15A of the principal Act there shall be added the following new article:

Addition of a new article to the principal Act.

"Directions by the Tribunal.

15B. (1) The Tribunal may, at any time before or after the first sitting, establish time limits and give such orders, directions or procedural measures as it considers necessary for the proper preparation and conduct of the appeal, so as to avoid delay, expense or unnecessary appearances and to ensure that the proceedings are conducted fairly, orderly and efficiently.

(2) The Tribunal may, at any stage of the proceedings, amend, substitute or add to any order, direction or measure given under this article.

(3) Where a party fails, without good reason, to comply with a time-limit or direction given under this article, the Tribunal may make such orders as it considers appropriate.

(4) An appeal from a decree or direction given under this article, where such decree or direction are appealable according to law, may only be filed together with an appeal from the final decision of the Tribunal, unless the law expressly provides otherwise."

8. Sub-article (2) of article 17 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 17 of the principal Act.

"(2) The Tribunal, and any Tribunal judicial assistant duly authorised by the Tribunal, shall have the power to summon witnesses and to administer the oath to any person appearing before the Tribunal or judicial assistant, as the case may be."

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Amendment of
article 20 of the
principal Act.

9. In article 20 of the principal Act shall be amended as follows:

(a) the existing text shall be renumbered as sub-article (1) thereof;

(b) immediately after sub-article (1), as renumbered, there shall be added the following new sub-article:

"(2) Without prejudice to articles 21 and 22, the applicant, every interested third party and every external consultee entitled to participate in the appeal may, as the case may be and where they are not themselves appellants, file their reply within twenty (20) days from the date on which they are informed that the appeal has been filed.".

Amendment of
article 21 of the
principal Act.

10. Article 21 of the principal Act shall be amended as follows:

(a) immediately after the words "within five working days from such notification." there shall be added the following words:

"Any person requesting to be registered as an interested third party in accordance with this article may file his reply within the period established in article 20."; and

(b) the words "Provided that such person shall not be entitled to attend site inspections when the Tribunal enters the property of the appellant, if the appellant objects to the presence of such interested third party on his property." shall be deleted.

Substitution of
article 23 of the
principal Act.

11. Article 23 of the principal Act shall be substituted by the following new article:

"First sitting of the
appeal.

23. (1) Without prejudice to sub-article (3), the Tribunal shall appoint and hold the first sitting of the appeal within two months from the filing of the application of appeal.

(2) Without prejudice to sub-article (3), where the Court of Appeal remits the acts to the Tribunal for a fresh decision, the Tribunal shall appoint and hold the first sitting following the remission within two months from the date on which the judgment and the acts are transmitted to the Secretary.

(3) Where the appeal concerns a permit to which article 33(1) applies, the first sitting shall be held within the period established in article 34(2), both where the appeal is being heard for the first time and where the appeal is being heard following a remission by the Court of Appeal.

(4) At the first sitting, the Tribunal may decide any preliminary or procedural issue requiring determination at that stage, including whether the appeal was filed within the period established by law.

(5) Notice of the first sitting shall be given to the parties and to those persons entitled to participate in the appeal not less than fourteen (14) days before the date of the sitting, unless the Tribunal, for good reason and by a reasoned decree, orders a shorter period.

(6) This article shall not limit the power of the Tribunal, before the first sitting or at any other stage of the proceedings, to give, amend or supplement directions under article 15B."

12. Article 24 of the principal Act shall be substituted by the following new article:

Amendment of article 24 of the principal Act.

"Procedure before the Tribunal or a Tribunal judicial assistant.

24. On the date and at the time established by the Tribunal, the parties shall appear before the Tribunal or, where so ordered, before a Tribunal judicial assistant, and shall produce such evidence, documents and submissions as the Tribunal may have ordered or authorised."

13. Article 25 of the principal Act shall be substituted by the following new article:

Substitution of article 25 of the principal Act.

"Multiple appeals from the same decision or permit.

25. (1) Where more than one appeal has been filed from the same decision by different persons or entities entitled to file an appeal under this Act, the Tribunal shall, as far as possible, ensure that such appeals are heard together and that the relative decisions are delivered together or on the same day.

(2) Where the appeals referred to in sub-article (1) concern the same permit and article 33(1) applies thereto, the Secretary shall, as far as possible, allocate such appeals to the same panel. Unless there is good reason for the Tribunal to order otherwise by a reasoned decree, the Tribunal shall order that such appeals be heard together and be decided jointly or by decisions delivered on the same day.

(3) For the purposes of sub-article (2), the Tribunal may issue a single decree under article 15B, establish a single procedural timetable, and order that any documents, evidence, reports, submissions or acts filed in one of the appeals be deemed, insofar as relevant, to form part of the acts of the other appeals.

(4) Where a further appeal from the said decision or concerning the same permit is filed after a decree under article 15B has already been issued, the Tribunal may amend or substitute the directions given and make any order necessary to ensure that the appeals are dealt with together without delay.

(5) Without prejudice to article 13(2), where sub-article (2) applies, every reference in article 34 to the filing of the appeal shall be construed as a reference to the filing of the last appeal validly filed from the same decision or concerning the same permit.

(6) This article shall not prevent the Tribunal from separating an appeal from other appeals where this is necessary in the interests of justice, to avoid unjustified delay, or to avoid prejudice to any of the parties."

Amendment of
article 29 of the
principal Act.

14. In article 29 of the principal Act, the words "by the Chairperson of the Tribunal" shall be substituted by the words "by the Chairperson of the Tribunal or by a Tribunal judicial assistant duly authorised by the Tribunal".

Amendment of
article 31 of the
principal Act.

15. Article 31 of the principal Act shall be amended as follows:

(a) the existing text thereof shall be renumbered as sub-article (1);

(b) immediately after sub-article (1), as renumbered, there shall be added the following new sub-articles:

"(2) Where the Court of Appeal remits the acts to the Tribunal, the Tribunal shall, notwithstanding any other provision of this Act, have the power to give such orders and directions and take such measures as may be necessary or ancillary to give full effect to the judgment or order of the Court and to determine the matter in accordance with the parameters established therein.

(3) For the purposes of sub-article (2), the applicant or permit holder shall, at his request and within such time and in such manner as the Tribunal may establish, be entitled to submit such plans, documents,

reports, technical information or other material as may be necessary or relevant for the examination and determination of the matter in accordance with the parameters established in the judgment or order of the Court and, the Tribunal shall have all the powers necessary to examine fully and determine any issue, aspect or consideration identified in such judgment or order, including by carrying out or ordering the carrying out of any step necessary for that purpose.

(4) In the exercise of its powers under sub-articles (2) and (3), the Tribunal shall safeguard the rights of the parties and afford them an adequate opportunity to be heard on any matter which is to be taken into consideration before the decision is delivered.

(5) The powers conferred by this article shall be exercised only insofar as necessary to enforce or give effect to the judgment or order of the Court."

16. Article 33 of the principal Act shall be substituted by the following new article:

Substitution of article 33 of the principal Act.

"Automatic suspension of the execution of a permit.

33. (1) Where an appeal is filed before the Tribunal, within the period established in article 13 or within any other period applicable according to law, requesting that a permit, or any right, entitlement, benefit or advantage granted thereby, be cancelled, annulled, revoked, reduced or limited, the execution, operation, implementation and legal effect of such permit shall be deemed to be suspended by operation of law from the time when the appeal is filed or is deemed to have been filed in accordance with this Act:

Provided that where an application of appeal is transmitted electronically outside the opening hours of the registry, solely for the purposes of the commencement of the suspension under this article, such suspension shall take effect from the time of the electronic transmission, notwithstanding that, for all other procedural purposes, the application shall be deemed to have been filed in accordance with article 32B(3):

Provided further that, for the purposes of this sub-article, an appeal from a decision on a request for the revocation or modification of a permit under article 80 of the Development Planning Act shall not trigger any suspension of execution of such permit under this article.

(2) Where, in an appeal not falling within sub-article (1), the Tribunal grants a permit or orders the issue or modification of a permit, the execution, operation, implementation and legal effect of such permit shall be deemed to be suspended by operation of law from the date of the decision of the Tribunal until such decision has become *res judicata*.

(3) The suspension under this article shall affect every right, entitlement, benefit or advantage arising from a permit the grant, confirmation, modification or authorisation of which is subject to a right of appeal, including any works, development, demolition, excavation, change of use, continuation of use, sanctioning, or any other form of implementation or enjoyment of the permit.

(4) During any period of suspension under this article, no person shall commence, continue, complete, cause, permit or rely upon any work, use, operation, sanctioning, advantage or authorisation dependent upon the permit the execution of which is suspended.

(5) The suspension under this article shall remain in force until the proceedings concerning that permit have been determined in a final manner and the relative decision has become *res judicata*.

(6) Where an appeal is filed before the Court of Appeal from a decision of the Tribunal concerning a permit, the suspension shall continue automatically, without the need for any further request, decree or order, until the decision of the Court of Appeal, or any subsequent decision following a remission has become *res judicata*.

(7) Where the Court of Appeal remits the acts to the Tribunal, the suspension shall continue without interruption until the decision of the Tribunal after remission, and any ordinary appeal therefrom, have been determined in a final manner and the relative decision has become *res judicata*.

(8) The suspension under this article shall not terminate by reason of the lapse of time, delay in the proceedings, failure to deliver a decision within a prescribed period, or any other procedural delay.

(9) Any act, work, use or operation carried out in breach of this article shall not create any acquired right, legitimate expectation, planning commitment, advantage for the purposes of sanctioning, or any other benefit in favour of the permit holder or any other person.

(10) Any period established in a permit, in a condition of a permit or by law for the commencement, validity, carrying out, completion, use or implementation of a permit shall not run during the period in which the execution of that permit is suspended under this article.

(11) This article shall not prevent the taking of temporary and strictly necessary measures to avert imminent danger to life, health, public safety, property or the environment, provided that such measures are limited to what is indispensable and are notified forthwith to the Planning Authority, the Tribunal, and the parties who participated in the appeal.

(12) The suspension referred to in this article shall also terminate in the cases and in accordance with the periods established in article 42 where the appeal is discontinued, withdrawn or declared abandoned.

(13) Notwithstanding the provisions of this article, where a permit is affected by a decision or direction given by the Cabinet of Ministers under article 78 of the Development Planning Act, and such decision or direction expressly provides that the suspension under this article shall not apply, be varied, limited or made subject to conditions, the suspension under this article shall not apply, be varied, limited or made subject to such conditions, as the case may be, only to the extent expressly provided in such decision or direction.

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(14) Where the decision or direction of the Cabinet of Ministers is given after the suspension under this article has already taken effect, such suspension shall terminate, be varied, limited or made subject to conditions only from the date and to the extent indicated in the said decision or direction and, in the absence of an express indication of the date, from the time when such decision or direction is communicated in accordance with article 78 of the Development Planning Act."

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Addition of a new article to the principal Act.

17. Immediately after article 33 of the principal Act there shall be added the following new article:

"Notification of suspension of execution.

33A. (1) Where an appeal to which article 33(1) applies is filed, the Secretary of the Tribunal shall, not later than three (3) working days from the filing of the appeal, send an electronic notice to the Planning Authority, the appellant, and the applicant or permit holder, insofar as these appear from the application of appeal or from the acts available to the Tribunal at that stage.

(2) Where the certified list or the electronic register for service is filed, completed or updated in accordance with article 15A, the Secretary shall, not later than three (3) working days from such filing, completion or updating, send the notice referred to in sub-article (1) to the other persons appearing in such list or register.

(3) The notice shall:

(a) indicate the number and names of the parties to the appeal;

(b) indicate the date of filing of the appeal;

(c) have attached thereto a copy of the application of appeal or include an electronic means providing access thereto;

(d) contain a statement that, by virtue of article 33, the execution of the relative permit is deemed to be suspended from the time when the appeal was filed or is deemed to have been filed in accordance with this Act.

(4) The Planning Authority shall, not later than three (3) working days from receipt of the notice under this article, make an electronic annotation in the relative permit file or system indicating that an appeal has been filed and that the permit is subject to a suspension under article 33.

(5) Failure to send the notice referred to in this article, any delay in its transmission, any error or omission in the notice, or any failure to make the annotation referred to in sub-article (4), shall not affect the validity, commencement, continuation or effect of the suspension under article 33.

(6) The Tribunal may, at any stage, order that a corrective, additional or alternative notice be given by any means it considers appropriate, where this is necessary to give practical effect to the suspension or to avoid any doubt as to the persons who are to be notified."

18. Article 34 of the principal Act shall be substituted by the following new article:

Substitution of article 34 of the principal Act.

"Decision on the merits where the execution of a permit is suspended.

34. (1) Where article 33(1) applies, the Tribunal shall treat the appeal as an urgent appeal concerning a permit the execution of which is suspended.

(2) Without prejudice to article 13(2), the Tribunal shall appoint and hold the first sitting not later than thirty (30) days from the filing of the appeal or, where the Court of Appeal remits the acts to the Tribunal, from the date on which the judgment and the acts are transmitted to the Secretary, as the case may be.

(3) Without prejudice to article 13(2), the Tribunal shall deliver its final decision on the merits of the appeal not later than six (6) months from the filing of the appeal.

(4) Where the proceedings have been suspended under article 13(2), the periods referred to in sub-articles (2) and (3) shall commence to run from the date on which the appellant files an amended appeal or further submissions under the proviso to that sub-article or in such absence, from the expiry of the period allowed for that purpose.

(5) Where in an appeal to which this article applies, the Court of Appeal remits the acts to the Tribunal, the Registrar, Civil Courts and Tribunals, shall transmit to the Secretary a copy of the judgment together with the acts of the proceedings not later than five (5) working days from the date on which the judgment is delivered. The Tribunal shall deliver its final decision on the merits not later than six (6) months from the date on which the judgment and the acts are transmitted to the Secretary.

(6) Notwithstanding sub-articles (3) and (5), the period within which the Tribunal is to deliver its final decision may be extended where there is the express agreement of all the parties who participated in the proceedings, which agreement shall be given in writing or declared at the sitting and recorded in the acts. Any extension under this sub-article shall be for such period as the Tribunal considers appropriate in the circumstances and shall not, of itself, terminate, interrupt or reduce the effect of the suspension under article 33.

(7) Failure by the Tribunal to deliver a decision within the period established in this article shall not terminate, interrupt or reduce the effect of the suspension under article 33.

(8) If the Tribunal fails to deliver a decision within the established period, the Secretary shall forthwith place the matter before the Chairperson responsible for the relative panel, who shall give all such directions as may be necessary for the appeal to be determined as a matter of urgency.

(9) Where an appeal falling under this article is referred to the Cabinet of Ministers under article 78 of the Development Planning Act, the provisions of this article shall apply only insofar as they are compatible with the procedure under that article.

(10) In a case referred to in sub-article (9), the Tribunal shall, without prejudice to any direction given under article 78 of the Development Planning Act, hold the first sitting within the period established in sub-article (2) and give all such directions as may be necessary to ensure that its recommendation under the said article 78 is prepared and transmitted without undue delay:

Cap. 552. Provided that the Tribunal shall not be required to deliver a final decision on the merits of the appeal within the period referred to in sub-article (3) for so long as the appeal is being dealt with under the procedure established in article 78 of the Development Planning Act:

Cap. 552. Provided further that this sub-article shall not terminate, interrupt or reduce the effect of the suspension under article 33, except to the extent that the Cabinet of Ministers decides or directs otherwise in accordance with article 78 of the Development Planning Act and article 33(13) and (14) of this Act."

19. Article 35 of the principal Act shall be substituted by the following new article: Substitution of article 35 of the principal Act.

"Decision on the merits in other appeals.

35. (1) In appeals which do not fall under article 34, the Tribunal shall deliver its final decision on the merits of the appeal within one year from the date of the first sitting.

(2) Notwithstanding sub-article (1), in respect of an appeal from an application under the special summary procedure, the Tribunal shall deliver its final decision on the merits of the appeal within three (3) months from the date of the first sitting.

(3) The period referred to in sub-article (1) may be extended only once for a further period of six (6) months in exceptional cases and in the interests of justice.

(4) Where an extension is granted under sub-article (3), no further evidence or submissions shall be produced during the period of extension, except with the leave of the Tribunal for a serious reason and in the interests of justice, and provided that the other parties are afforded an adequate opportunity to reply.

(5) Where the Court of Appeal remits the acts to the Tribunal, every reference in this article to the first sitting shall be construed as a reference to the first sitting following the remission.

(6) If a final decision is not delivered within the periods indicated in this article, the provisions of article 34(8) shall apply *mutatis mutandis*."

20. Immediately after article 38 of the principal Act there shall be Addition of a new article to the principal Act.

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added the following new article:

"Certified schedule for service following the decision of the Tribunal.

38A. (1) Every final decision of the Tribunal and every partial decision which may be subject to an appeal under this Act shall be accompanied by a schedule certified by the Secretary, which shall form part of the acts of the proceedings.

(2) The schedule shall include the name, procedural capacity and electronic address for service of:

- (a) the appellant;
- (b) the applicant or permit holder, if not the appellant;
- (c) the Planning Authority or the Environment and Resources Authority, as the case may be;
- (d) every registered interested third party;
- (e) every external consultee who participated in the proceedings;
- (f) every advocate or legal procurator who appeared for any of the persons referred to in this sub-article.

(3) The certified schedule shall be available at the request of any person who participated in the proceedings and shall be available to the Registrar, Civil Courts and Tribunals, for the purposes of any appeal before the Court of Appeal.

(4) In an appeal before the Court of Appeal, the Registrar may rely on the certified schedule for all purposes of notification and service.

(5) Service effected at the electronic address appearing in the certified schedule shall be deemed to be valid service for all purposes and effects of law.

(6) A person who, without good reason, has failed to provide, confirm or update his electronic address for service before the Tribunal may not plead the invalidity of service where the act was sent to the last electronic address which he provided or confirmed and which appears in the certified schedule:

Provided that the Court may order fresh, alternative or additional service where this is necessary in the interests of justice."

Amendment of article 42 of the principal Act.

21. Article 42 of the principal Act shall be amended as follows:

(a) the existing text thereof shall be renumbered as sub-article (1);

(b) immediately after sub-article (1), as renumbered, there shall be added the following new sub-articles:

"(2) Where an appeal to which the suspension under article 33 applies is discontinued, withdrawn or declared abandoned by the Tribunal, the suspension of the execution of the permit shall remain in force until the relative declaration or decision has become *res judicata*.

(3) From the time when the declaration or decision that the appeal has been discontinued, withdrawn or abandoned has become *res judicata*, the suspension under article 33 shall be deemed to be terminated for all purposes and effects of law, and the permit shall no longer be suspended by reason of that appeal.

(4) This article shall not affect any other suspension which is in force by reason of another appeal, another order of the Tribunal or of the Court, or any other provision of law."

22. Article 44 of the principal Act shall be substituted by the following new article:

Substitution of article 44 of the principal Act.

"Site inspection.

44. (1) The Tribunal may, on the request of a party or of its own motion, order that a site inspection be held where it considers such inspection necessary or useful for the proper determination of the appeal.

(2) When ordering a site inspection, the Tribunal shall give such directions as it considers appropriate concerning the persons who may be present, the manner in which the inspection is to be carried out, and any condition necessary to safeguard order, safety, privacy and the rights of the parties.

(3) The Tribunal may impose such fees or costs as it considers appropriate on the party who requested the site inspection however, where the inspection is carried out on the initiative of the Tribunal, the Tribunal shall determine the costs according to the circumstances of the case."

23. Article 47 of the principal Act shall be amended as follows:

Amendment of article 47 of the principal Act.

(a) immediately after sub-article (10) thereof there shall be added the following new sub-article:

"(10a)Where a request is made for the effect of the

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decision to be suspended under sub-article (3), such request shall be made by a separate application, entitled as such, and shall be filed together with the application of appeal or within such other period as the Tribunal may allow for good reason. Where such a request is made, the Tribunal shall notify the parties, hold the first sitting and decide such request within thirty (30) days from receipt thereof.";

(b) sub-article (11) thereof shall be amended as follows:

(i) immediately after the reference to article "15" there shall be added the references "15A" and "15B";

(ii) immediately after the reference to article "32" there shall be added the reference "38A".

Substitution of article 51 of the principal Act.

24. Article 51 of the principal Act shall be substituted by the following new article:

"Appeals from partial decisions of the Tribunal.

51. Without prejudice to article 9(2)(b), an appeal from a partial decision of the Tribunal may only be filed together with an appeal from the final decision of the Tribunal, unless the law expressly provides otherwise."

Substitution of article 52 of the principal Act.

25. Article 52 of the principal Act shall be substituted by the following new article:

"Period for filing an appeal from a decision of the Tribunal.

52. (1) An appeal from a decision of the Tribunal shall be filed before the Court of Appeal (Inferior Jurisdiction) within twenty (20) days from the date on which the decision of the Tribunal is delivered in public.

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(2) Without prejudice to the special provisions of this Act, the appeal shall be regulated by the Code of Organization and Civil Procedure and by the applicable court rules.

(3) In case of any inconsistency between the provisions of this Act and any other procedural provision concerning an appeal from a decision of the Tribunal, the provisions of this Act shall prevail.

(4) Where the Court of Appeal annuls or varies the decision of the Tribunal and remits the acts to it, the Court shall, insofar as the acts permit, consider and determine every ground of appeal duly raised before it, notwithstanding that the determination of one ground alone would be sufficient to annul or vary the decision appealed from, so as to avoid, insofar as possible, further remissions or appeals concerning issues which have already been raised before it:

Provided that where the Court leaves any ground of appeal undetermined, it shall state in the judgment the reasons therefor."

26. Immediately after article 52 of the principal Act there shall be added the following new article:

Addition of a new article to the principal Act.

"Electronic filing before the Court of Appeal.

52A. (1) The application of appeal before the Court of Appeal (Inferior Jurisdiction) and the replies thereto shall be filed by electronic means, in accordance with such systems or electronic addresses as may be approved or indicated by the Registrar, Civil Courts and Tribunals.

(2) Every advocate or legal procurator who files an application of appeal or a reply under this Act shall do so through the approved electronic system and shall pay the prescribed fee electronically or in such other manner as the Registrar may allow.

(3) An act filed by electronic means shall, for all purposes and effects of law, be deemed to have been filed in the court registry at the time when it is received by the approved electronic system:

Provided that where the act is received outside the opening hours of the court registry, it shall be deemed to have been filed on the next day on which the registry is open.

(4) Where it is impossible for a person to file an act by electronic means, such person may file the act in the court registry, provided that he declares on oath in the said act the reason why electronic filing was not possible.

(5) The certified schedule referred to in article 38A shall also be filed together with the application of appeal.

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(6) Where for any reason, such schedule is not available, the Registrar shall forthwith request it from the Secretary, and the Secretary shall transmit it not later than one working day from receipt of the request."

Addition of a new article to the principal Act.

27. Immediately after article 52A of the principal Act there shall be added the following new article:

"Appeal before the Court of Appeal where the execution of a permit is suspended.

52B. (1) Where a decision of the Tribunal concerns a permit the execution of which is suspended under article 33, any appeal from such decision before the Court of Appeal shall be treated as an urgent appeal and shall be conducted in accordance with the provisions of this article, without prejudice to the general provisions concerning appeals from decisions of the Tribunal.

(2) Without prejudice to article 52A(6), the application of appeal shall be filed within the period established in article 52 and shall be accompanied by the certified schedule referred to in article 38A.

(3) Within five (5) working days from the filing of the application of appeal, the Court of Appeal shall appoint the appeal for hearing on a date not later than two months from the filing of the said application.

(4) A copy of the application of appeal, together with notice of the date of the hearing, shall be served on the parties, the Planning Authority, the applicant or permit holder, the interested third parties and any other person indicated in the certified schedule referred to in article 38A.

(5) Service may be effected at the electronic address for service appearing in the certified schedule, and such service shall, for all purposes and effects of law, be deemed valid from the date of its electronic transmission. For the purpose of computing any period which commences to run from such service, the day on which service is effected shall not be considered and the period shall commence to run on the following day.

(6) Where electronic service cannot reasonably be effected, or where the Court considers this necessary in the interests of justice, the Court may order alternative or additional service by any means permitted by law.

(7) The reply to the appeal shall be filed within twenty (20) days from the service of the application of appeal, unless the Court, for a good reason, directs otherwise.

(8) The Registrar, Civil Courts and Tribunals, shall forthwith inform the Secretary of the Tribunal of the filing of the appeal, and the Secretary shall, not later than five (5) working days from such notice, transmit to the Registrar all the acts of the proceedings before the Tribunal.

(9) The Court of Appeal shall deliver its judgment not later than four (4) months from the filing of the application of appeal:

Provided that the Court may, for just cause and by a reasoned decree, extend such period once only for a period not exceeding two months.

(10) Failure by the Court of Appeal to deliver its judgment within the period established in sub-article (9) shall not terminate, interrupt or reduce the effect of the suspension under article 33.

(11) The execution of the permit shall remain suspended until the decision determining the appeal in a final manner before the Court of Appeal has become *res judicata*.

(12) Where the Court of Appeal annuls the decision of the Tribunal and remits the acts to the Tribunal, the suspension of the execution of the permit shall continue without interruption until the proceedings following the remission, and any ordinary appeal therefrom, have been determined in the final manner and the relative decision has become *res judicata*.

(13) Where following a remission, the Tribunal delivers a decision from which an appeal is filed before the Court of Appeal, the provisions of this article shall apply anew."

28. The Various Laws relating to the Environment and Planning Review Tribunal (Amendment) Act, 2026 shall apply to appeals concerning permits the decision in respect of which was taken on, or after the date of the coming into force of the said Act.

Transitory provision.
Act No. ___ of 2026.

PART II

Amendments to the Development Planning Act

29. This Part amends the Development Planning Act and shall be read and construed as one with the Development Planning Act, hereinafter in this Part referred to as the "principal Act".

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30. In article 2 of the principal Act, immediately after the definition "development permission" there shall be added the

Amendment of article 2 of the principal Act.

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following new definition:

Cap. 551 "suspension of the execution of a permit" means the suspension, under article 33 of the Environment and Planning Review Tribunal Act, of the execution, operation, implementation and legal effect of a development permission, authorisation, approval, decision or direction granted under this Act or any regulations made thereunder, without such suspension, of itself, affecting the validity of the permit, authorisation, approval, decision or direction;"

Amendment of article 71 of the principal Act.

31. Article 71 of the principal Act shall be amended as follows:

(a) in sub-article (6) thereof, immediately after the words "shall be made in writing" there shall be added the words "and shall include an electronic address for service and the identity card number or other official identification number of the person making it or, in the case of a registered voluntary organisation, its registration number or other unique number identifying it, as well as an electronic address for service";

(b) immediately after sub-article (6) thereof, as amended, there shall be added the following new sub-article:

Cap. 551. "(6a) Every person making a declaration of interest or representations under sub-article (6) shall provide an electronic address for service and shall keep such address updated. A notice or communication made at such address shall be deemed to constitute a valid service for the purposes of this Act and the Environment and Planning Review Tribunal Act:

Provided that where a person fails to provide an electronic address for service, such person may not plead lack of individual service in proceedings before the Tribunal, unless the Tribunal, for good reason and in the interests of justice, orders otherwise."

Amendment of article 72 of the principal Act.

32. Article 72 of the principal Act shall be amended as follows:

(a) sub-article (3) thereof shall be substituted by the following new sub-article;

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"(3) Saving for development which in the opinion of the Minister, is of strategic importance or of national interest, is connected with an obligation arising from European Union legislation, affects national security or affects the interests of other countries, but which is not subject to an Environmental Impact Assessment and, or matters related to IPPC, the execution, operation and implementation of a permit shall automatically be temporarily suspended, and no works approved by the said development permission may commence before the expiry of the periods established in article 13 of the Environment and Planning Review Tribunal Act. Where before the expiry of any such period, an appeal is filed within the period established by law to which the suspension of execution under article 33 of the said Act applies, such suspension shall continue without interruption and shall be regulated by the said article 33 and by any order, direction or decision given under that Act or under article 78 of this Act.";

(b) immediately after sub-article (4) thereof there shall be added the following new sub-articles:

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"(4a) During any period in which the execution of a permit is suspended under article 33 of the Environment and Planning Review Tribunal Act, no commencement notice relating to such permit shall be filed, accepted or have any effect and, any commencement notice filed before the suspension took effect shall not authorise any work, use, operation or other implementation of the permit during the period of suspension.

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(4b) Any period established in a development permission, in a condition of a permit, or under this Act or any regulations made thereunder, for the commencement, validity, carrying out, completion, use or implementation of a permit, shall not run during the period in which the execution of a permit is suspended under article 33 of the Environment and Planning Review Tribunal Act.

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Cap. 551. (4c) Sub-articles (4a) and (4b) shall not prevent the taking of temporary and strictly necessary measures as referred to in article 33(11) of the Environment and Planning Review Tribunal Act or the giving of a decision or direction by the Cabinet of Ministers under article 78."

Addition of a new article to the principal Act.

33. Immediately after article 72 of the principal Act there shall be added the following new article:

"Annotation in the digital permit file.

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72A. (1) Where the Authority is informed that an appeal has been filed to which the suspension of execution under article 33 of the Environment and Planning Review Tribunal Act applies, the Authority shall, without delay and in any case not later than three (3) working days from receipt of such notice, make an annotation in the digital file of the relative permit.

(2) Where the Authority is informed of a decision of the Tribunal, an appeal before the Court of Appeal, a decision of the Court of Appeal, a decision or direction of the Cabinet of Ministers under article 78, or any other fact affecting the continuation, variation, removal or termination of the suspension of execution, the Authority shall make or update the annotation in the digital file of the relative permit.

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(3) The annotation referred to in this article is administrative and informative in nature only. Failure to make or update such annotation, or any error or omission therein, shall in no way affect the validity, commencement, continuation or effect of a suspension of execution under article 33 of the Environment and Planning Review Tribunal Act."

Amendment of article 73 of the principal Act.

34. In article 73 of the principal Act, immediately after sub-article (2) thereof there shall be added the following new sub-article:

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"(2a) Notwithstanding the provisions of sub-articles (1) and (2), no work, development, use, operation or activity carried out in breach of a suspension of execution under article 33 of the Environment and Planning Review Tribunal Act shall be deemed to create an acquired right, legitimate expectation, planning commitment, advantage for the purposes of sanctioning or regularisation, or any other benefit in favour of the applicant, the permit holder or any other person."

35. Article 78 of the principal Act shall be amended as follows:

Amendment of
article 78 of the
principal Act.

(a) in sub-article (1) thereof the words "within fifteen days from when it is filed" shall be substituted by the words "within three (3) working days from when it is filed";

(b) immediately after sub-article (7) thereof there shall be added the following new sub-articles:

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"(8) Where an appeal referred to in this article concerns a permit which is, or may be, subject to a suspension under article 33 of the Environment and Planning Review Tribunal Act, the Minister may, when referring the appeal to the Cabinet of Ministers, also request the Cabinet of Ministers to give a decision or direction concerning the application or modalities of the suspension, only where the appeal concerns a decision falling within one or more of the grounds referred to in sub-article (2).

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(9) The Cabinet of Ministers may, upon a request made under sub-article (8), and by reasoned decision or direction, decide or direct that the suspension under article 33 of the Environment and Planning Review Tribunal Act shall not apply, or that its effect be varied, limited or made subject to conditions, and may establish the modalities which shall apply while the appeal is pending to the execution, operation or implementation of the permit, or any part thereof, insofar as it is satisfied that this is necessary and proportionate to protect the public interest on the basis of which the appeal was referred to the Cabinet of Ministers under sub-article (2), and insofar as such decision, direction or modalities do not go beyond what is strictly necessary to protect that interest and do not confer an unjustified advantage on any particular person and, for all purposes and effects of law, and without prejudice to the power of the Court of Appeal under sub-article (13), any decision or direction given by the Cabinet of Ministers under this sub-article shall prevail, insofar as it is express, reasoned and limited to what is necessary and proportionate, over any suspension which has taken effect under article 33 of the Environment and Planning Review Tribunal Act, but only to the extent of any inconsistency and without prejudice to the final determination of the appeal.

(10) A request made under sub-article (8), and any decision or direction given under sub-article (9), shall expressly identify the ground or grounds under sub-article (2) on which it is based, and shall specify the reasons why the measure requested or adopted is necessary and proportionate to protect the relevant public interest.

(11) A decision or direction under sub-article (9) shall not be deemed to be a decision on the merits of the appeal and shall not prejudice the power of the Tribunal or of the Court of Appeal to determine the appeal according to law.

(12) Where the decision or direction involves sensitive information concerning national security, defence or public security, the reasons may be given in a manner which does not disclose such information, but shall, insofar as compatible with those reasons, indicate the general nature of the public interest justifying the decision or direction.

(13) A decision or direction of the Cabinet of Ministers under sub-article (9) may be challenged before the Court of Appeal in its superior jurisdiction, by means of an application to be filed within ten (10) days from the date on which such decision or direction is communicated to the person challenging it or, where such communication is not required or cannot reasonably be effected, from the date of its publication, by any party to the appeal, the applicant or permit holder, any registered interested third party who participated or was entitled to participate in the appeal, or an environmental non-governmental organisation registered under the Voluntary Organisations Act and, such challenge shall be limited to issues of substantive or procedural legality, including competence, procedure, reasonableness, proportionality, reasons and compliance with sub-articles (8) to (12), which application shall be determined by the Court of Appeal not later than one month from the date of its filing:

Provided that the filing of an application under this sub-article shall not, of itself, suspend the decision or direction of the Cabinet of Ministers. The Court of Appeal may however, upon a request made in the said application or by a separate application, order its provisional suspension, variation or limitation if it is satisfied that this is necessary to avoid serious prejudice or serious and irreversible harm, or in the interests of the proper administration of justice, and the Court of Appeal shall deal with such application as a matter of urgency."

- 36.** In article 97 of the principal Act, immediately after sub-article (1) thereof there shall be added the following new sub-article: Amendment of article 97 of the principal Act.

Cap. 551. "(1a) Without prejudice to the generality of sub-article (1), any activity or development commenced, continued, completed, carried out or allowed to be carried out under a permit the execution of which is suspended, in breach of a suspension of execution under article 33 of the Environment and Planning Review Tribunal Act, shall be deemed to be an activity or development contrary to this Act, and the Executive Council may issue a stop notice, enforcement notice, or stop and enforcement notice, as the case may be, in order to stop, prohibit, remove or regulate such act, activity or development."

- 37.** In article 102 of the principal Act, immediately after sub-article (2) thereof there shall be added the following new sub-article: Amendment of article 102 of the principal Act.

Cap. 551. "(2a) No compliance certificate or other certificate referred to in sub-article (2) shall be issued on the basis of any work, development, use or operation carried out in breach of a suspension of execution under article 33 of the Environment and Planning Review Tribunal Act, unless the Authority is satisfied that the breach has been remedied, that every measure or condition imposed by the Authority or the Tribunal has been complied with, and that there is no pending stop or enforcement notice affecting such development."

- 38.** In paragraph (e) of sub-article (1) of article 103 of the principal Act the words "in any material respect," shall be substituted by the words "in any material respect; or" and immediately thereafter there shall be added the following new paragraph: Amendment of article 103 of the principal Act.

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Cap. 551. "(f) commences, continues, carries out, causes, permits or allows to be carried out any development, work, use or operation under a permit the execution of which is suspended, in breach of a suspension of execution under article 33 of the Environment and Planning Review Tribunal Act, except insofar as such act consists of a temporary and strictly necessary measure in accordance with article 33(11) of the said Act, or is expressly authorised by a decision or direction of the Cabinet of Ministers under article 78 of the said Act."

Transitory
provision.
Act No. ____ of
2026.

39. (1) The Various Laws relating to the Environment and Planning Review Tribunal (Amendment) Act, 2026 shall apply to appeals concerning permits the decision in respect of which was taken on, or after the date of the coming into force of this Act.

Act No. ____ of
2026.

(2) Where before the date of the coming into force of article 71(6A) of the principal Act as added by the Various Laws relating to the Environment and Planning Review Tribunal (Amendment) Act, 2026, a person made a declaration of interest or representations under article 71(6) of the principal Act without indicating an electronic address for service, the Authority may request that person to provide such address within a period specified in the request; and, if that person fails to provide an electronic address for service within such period, any further service or communication made by means of publication or the electronic system of the Authority, or by such other means as the Authority or the Tribunal considers appropriate, shall be deemed sufficient for the purposes of this Act and of the Environment and Planning Review Tribunal Act, unless the Tribunal orders otherwise in the interests of justice.

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Objects and Reasons

The objects and reasons of this Bill is to ensure that an appeal from a permit granted under planning law is not rendered ineffective by the execution or implementation of the permit before the appeal has been determined in a final manner. For this purpose, the Bill establishes an automatic suspension of the execution of the permit upon the filing of an appeal and provides that such suspension shall remain in force until the relative proceedings have been determined in a final manner and the decision has become *res judicata*.

The Bill also seeks to maintain a balance between the need for an effective remedy and the need for certainty for a person who has obtained a permit, by providing for specific time-limits before the Tribunal and before the Court of Appeal, for electronic service and filing, for case-management decrees, and for procedural powers intended to allow a more expeditious determination of appeals.

Also the Bill provides for consequential amendments to the Development Planning Act (Cap. 552) so as to make it consistent with the system of automatic suspension of the execution of permits when an appeal is filed under the Environment and Planning Review Tribunal Act (Cap 551).

Furthermore, the Bill also provides for the registration and annotation of permits the execution of which is suspended, for controls on commencement notices and compliance certificates during periods of suspension, for enforcement consequences and offences in cases of works or use in breach of the suspension, and for a limited and reasoned mechanism whereby the Cabinet of Ministers may give a decision or direction concerning the suspension in cases of overriding public interest.

