

## **Nru. 33**

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12. 7. 97

### **MALTA**

#### **KAMRA TAD-DEPUTATI**

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**ABBOZZ ta' Ligi mressaq mill-Onorevoli George Vella, M.P., Viċi Prim Ministru u Ministru għall-Affarijiet Barrnin u ta' l-Ambjent u moqri għall-Ewwel Darba fis-Seduta tat-30 ta' Ġunju, 1997.**

**ATT biex jemenda l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp.**

#### **HOUSE OF REPRESENTATIVES**

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**A BILL introduced by the Honourable George Vella, M.P., Deputy Prime Minister and Minister for Foreign Affairs and the Environment and read the First time at the Sitting of the 30th June, 1997.**

**AN ACT to amend the Development Planning Act, 1992.**

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

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**RICHARD J. CAUCHI**  
*Clerk to the House of Representatives*

## ABBOZZ TA' LIGI imsejjah

*ATT biex jemenda l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp.*

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1997 li jemenda l-Att dwar l-Ippjanar ta' l-Iżvilupp, u għandu jinqara u jinftiehem bħala haġa waħda ma' l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".
 

Titolu fil-qosor.  
Att Nru. 1 ta' l-1992.
  
2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
 

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

  - (a) minnufih wara t-tifsira ta' "funzjonijiet" għandha tidhol din it-tifsira ġdida li ġejja:
 

““kondizzjonijiet” tfisser kondizzjonijiet applikati mill-Awtorità dwar applikazzjonijiet u dwar l-ipproċessar tagħhom;”;
  
  - (b) minnufih qabel it-tifsira ta' "il-Kummissjoni" għandha tidhol din it-tifsira ġdida li ġejja:
 

““il-Kumitat tal-Utenti” tfisser il-Kumitat imwaqqaf bl-artikolu 17A ta' dan l-Att;”;

 u
 

(ċ) minnufih wara t-tifsira ta' "sid" għandha tidhol din it-tifsira ġdida li ġejja:

“xoghlijiet eżenti” tfisser kull xoghol jew żvilupp li ma jkunx jehtieg permess għall-iżvilupp taht it-Taqsima IV ta’ dan l-Att.”.

Emenda ta’ l-  
artikolu 5 ta’  
l-Att principali.

3. L-artikolu 5 ta’ l-Att principali għandu jigi emendat kif gej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “skond *policies* u pjanijiet approvati.” għandhom jidhlu l-kliem “skond *policies*, pjanijiet u kondizzjonijiet approvati mill-Gvern u bil-proċeduri kif approvati mill-Ministru.”;

(b) minflok il-paragrafu (a) tas-subartikolu (2) tiegħu għandu jidhol dan li gej:

“(a) it-thejjija tal-pjan ta’ struttura u d-dokumenti supplementari, inkluża kull haga ohra anċillari jew inċidentali għalihom jew li twassal għalihom u l-manutenzjoni tagħhom, wara dawn jigu approvati mill-Gvern.”;

(ċ) fil-paragrafu (b) tas-subartikolu (2) tiegħu minflok il-kliem “dwar l-ippjanar.” għandhom jidhlu l-kliem “dwar l-ippjanar.”;

(d) minnufih wara l-paragrafu (b) tas-subartikolu (2) tiegħu għandu jżidded dan il-paragrafu gdid li gej:

“(ċ) il-pubblikazzjoni u l-aggornar, skond ma jehtiegu ċ-ċirkostanzi, ta’ librett uffiċjali li jkun fih:

(i) *policies*, pjanijiet, kondizzjonijiet u proċeduri li jkunu approvati skond kif provdut fis-subartikolu (1) ta’ dan l-artikolu u li għandhom jitqiesu meta jkunu qed jigu kunsidrati applikazzjonijiet għal permessi għall-iżvilupp;

(ii) il-lista ta’ xoghlijiet eżenti;

(iii) id-data effettiva ta’ dawk il-*policies*, pjanijiet, kondizzjonijiet u proċeduri;

(iv) kull haga ohra relevanti li jkollha x’taqsam ma’ l-applikazzjonijiet għall-iżvilupp u mal-permessi.”;

(e) fis-subartikolu (4) tiegħu, minflok il-kliem “l-Awtorità tista’ tiddelega” għandhom jidhlu l-kliem “l-Awtorità tista’, bl-approvazzjoni tal-Ministru, tiddelega”; u

(f) minflok is-subartikolu (5) tieghu ghandhom jidhlu dawn is-subartikoli (5) u (6) li gejjin:

“(5) L-Awtorità tista’ wkoll teżercita dawk is-setghat ta’ kontroll fuq l-iżvilupp li jistghu jigu delegati lilha minn żmien ghal żmien bil-miktub mill-Ministru f’isem xi dipartiment jew agenzija tal-Gvern.

(6) Tkun il-funzjoni tal-Ministru li jiżgura li l-Awtorità tkun ghal kollox mgħarrfa dwar il-*policies* tal-Gvern li jkollhom x’jaqsmu ma’ l-iżvilupp, u li jissorvelja t-twettiq sew ta’ dawk il-*policies*.”.

4. L-artikolu 6 ta’ l-Att prinċipali ghandu jigi emendat kif gej:

Emenda ta’ l-artikolu 6 ta’ l-Att prinċipali.

(a) minflok is-subartikoli (1) u (2) tieghu ghandu jidhol dan li gej:

“(1) L-Awtorità ghandha tinnomina Direttur ta’ l-Ippjanar u Direttur ta’ l-Amministrazzjoni u l-Verifika, u dawk l-uffiċjali u impjegati ohra li l-Awtorità tista’ minn żmien ghal żmien tqis bhala mehtiega għall-qadi tal-funzjonijiet tagħha taht dan l-Att. Id-Diretturi, jew ir-rappreżentanti tagħhom, ikollhom il-jedd li jattendu l-laqghat kollha ta’ l-Awtorità u tal-Kummissjoni għall-Kontroll ta’ l-Iżvilupp.

(2) L-Awtorità ghandha wkoll tinnomina wiehed mill-uffiċjali tagħha biex jagixxi bhala s-segretarju ta’ l-Awtorità. Is-segretarju jkollu d-dmir li jsejjah il-laqghat u li jzomm il-minuti tagħhom kif ukoll dmir iehor li *c-Chairman* jista’ jaghtih b’delega.”; u

(b) fis-subartikolu (4) tieghu minflok il-kliem “fuq talba ta’ l-Awtorità” ghandhom jidhlu l-kliem “wara li jikkonsulta l-Awtorità,”.

5. Fis-subartikolu (3) ta’ l-artikolu 12 ta’ l-Att prinċipali, minflok il-kliem “jirregola l-proċeduri tieghu.” ghandhom jidhlu l-kliem “jirregola l-proċeduri tieghu. Il-Kumitat ghandu jirrapporta bil-miktub lill-Ministru kull tliet xhur dwar ix-xogħol tieghu.”.

Emenda ta’ l-artikolu 12 ta’ l-Att prinċipali.

6. L-artikolu 13 ta’ l-Att prinċipali ghandu jigi emendat kif gej:

Emenda ta’ l-artikolu 13 ta’ l-Att prinċipali.

(a) minflok il-paragrafi (a) u (b) tas-subartikolu (1) tieghu ghandu jidhol dan li gej:

“(a) *chairman*, li jkun membru *ex officio* ta’ l-Awtorità, nominat mill-Prim Ministru;

(b) tliet persuni nominati mill-Awtorità, u”; u

(b) fis-subartikolu (5) tieghu, minflok il-kliem “b’arrangamenti li jsiru qabel.” ghandhom jidhlu l-kliem “b’arrangamenti li jsiru qabel. Fuq talba ta’ xi membru tal-Kummissjoni, id-deliberazzjonijiet tal-Kummissjoni ghandhom isiru bil-magħluq iżda meta jkun mehtieg vot sigriet, dan ghandu jinghata bit-tfigh tal-voti u fil-pubbliku.”.

Emenda ta’ l-  
artikolu 14 ta’  
l-Att principali.

7. L-artikolu 14 ta’ l-Att principali ghandu jigi emendat kif gej:

(a) minflok is-subartikolu (1) tieghu ghandu jidhol dan li gej:

“(1) Ghandu jkun hemm bord, li jkun magħruf bhala l-Bord ta’ l-Appell dwar l-Ippjanar, magħmul minn persuna esperta fl-ippjanar, li tippresjedi, minn avukat u minn persuna ohra, u kull waħda minnhom tigi nominata mill-President bil-parir tal-Ministru.”;

(b) fis-subartikolu (3) tieghu, minflok il-kliem “il-membri jigu sostitwiti jew b’persuna ohra mahtura mill-President għal hekk” ghandhom jidhlu l-kliem “il-membri jigi sostitwit minn persuna ohra jew mahtura għal hekk mill-President li jagixxi bil-parir tal-Ministru”; u

(ċ) minnufih wara s-subartikolu (3) tieghu ghandhom jiżdiedu dawn is-subartikoli godda li gejjin:

“(4) Il-membri tal-Bord ghandhom jibqgħu fil-kariga għal żmien tliet snin, u jistgħu jerggħu jigu nominati mill-gdid.

(5) Membru tal-Bord jista’ jitnehha mill-kariga mill-President li jagixxi bil-parir tal-Ministru, minhabba f’negligenza magħguri, konflitt ta’ interess, inkompetenza, jew attijiet jew ommissjonijiet li ma jixirqux li jitwettqu minn membru tal-Bord.”.

Emenda ta’ l-  
artikolu 15 ta’  
l-Att principali.

8. L-artikolu 15 ta’ l-Att principali ghandu jigi emendat kif gej:

(a) fil-paragrafu (a) tas-subartikolu (1) tieghu, minflok il-kliem “inkluż it-twettiq ta’ dak il-kontroll;” ghandu jidhol dan li gej:

“inkluż it-twettiq ta’ dak il-kontroll:

Iżda dak l-appell jista’ jsir biss minn persuna li tkun ghamlet xi kummenti meta tkun giet pubblikata l-applikazzjoni għall-għemil ta’ żvilupp u m’għandu jkun hemm ebda appell minn deċiżjonijiet dwar kontroll ta’ żvilupp dwar xi żvilupp li jkun speċifikament awtorizzat fi pjan ta’ żvilupp approvat.”; u

(b) minflok is-subartikolu (7) tiegħu għandu jidhol dan li gej:

“(7) Il-Bord ikollu segretarjat amministrattiv li jkun indipendenti mill-Awtorità u li jkun magħmul minn segretarju u minn dawk l-uffiċjali jew impjegati oħra li jistgħu jkunu meħtiega għar-risolviment mghaggel u effiċjenti ta’ dawk il-hwejjeg li jaqgħu taħt il-kompetenza tal-Bord. Is-segretarju jigi nominat mill-Ministru u l-membri l-oħra tas-segretarjat jintgħażlu u jinhatru mis-Segretarju.”.

9. Minnufih wara l-artikolu 17 ta’ l-Att prinċipali għandhom jiżdiedu l-intestatura ġdida u l-artikolu gdid li gejjin:

Zieda ta’ l-artikolu 17A gdid ma’ l-Att prinċipali.

Twaqqif u funzjonijiet ta’ Kumitat ta’ l-Utenti.

#### “6. IL-KUMITAT TA’ L-UTENTI

17A. (1) Għandu jkun hemm Kumitat, li jkun magħruf bhala l-Kumitat tal-Utenti, magħmul minn mhux inqas minn sebgha u mhux iktar minn hdax-il membru li jkunu mhux iktar minn wiehed rappreżentant ta’ kull wiehed mill-korpi kostitwiti nazzjonali li jkollhom interess kif rikonoxxuti mill-Ministru għall-ghan ta’ dan l-artikolu. Il-Kumitat tal-Utenti jkun awtonomu mill-Awtorità u għandu jinhatar mill-Ministru u jkun responsabbli lejha u jwassallu rapport mill-inqas ta’ kull sitt xhur, jew iktar kmieni skond il-htiega.

(2) Il-Kumitat ta’ l-Utenti għandu jissorvelja l-funzjonament generali ta’ l-Awtorità b’mod partikolari sabiex jigi żgurat, fl-interess tal-pubbliku generali, proċess mghaggel u gust u kull trasparenza u uniformità fid-deċiżjonijiet u l-attijiet ta’ l-Awtorità. Għal dawn l-ghanijiet il-Kumitat ta’ l-Utenti għandu jissorvelja t-tregija ta’ l-Awtorità u għandu jipproponi lill-Awtorità jew lill-Ministru skond il-każ, li jsiru dawk il-bidliet għall-proċessi u għall-għemil amministrattiv hekk kif jidhirlu li jkun xieraq.”.

10. Minflok is-subartikolu (3) ta’ l-artikolu 18 ta’ l-Att prinċipali għandu jidhol dan li gej:

Emenda ta’ l-artikolu 18 ta’ l-Att prinċipali.

“(3) L-Awtorità ghandha tissorvelja l-pjan ta’ struttura u tirrevedih ghal daqs kemm-il darba kemm ikun mehtieg sakemm dik ir-reviżjoni ma ssehx fi żmien inqas minn hames snin. Il-pjan ta’ struttura jista’ jigi rivedut f’partijiet minnu permezz ta’ Riżoluzzjoni Parlamentari, kemm-il darba dik ir-reviżjoni ma tkunx tolqot b’mod kuntrarju d-drittijiet akkwiziti minn persuna qabel id-data effettiva ta’ dik ir-reviżjoni. Kull revizjoni bhal dik ghandha ssir u ghandu jkollha sehh kif provdut fid-dispożizzjonijiet li gejjin ta’ din it-Taqsima ta’ dan l-Att.”.

Emenda ta’ l-  
artikolu 31 ta’  
l-Att principali.

**11.** L-artikolu 31 ta’ l-Att principali ghandu jkun emendat kif  
gej:

(a) fis-subartikolu (1) tieghu, minflok il-kliem “l-Awtorità” ghandhom jidhlu l-kliem “L-Awtorità f’konsultazzjoni u bi ftehim mal-Kamra ta’ l-Arkitetti”;

(b) fis-subartikolu (2) tieghu, minflok il-kliem “fil-gurnata msemija fih.” ghandhom jidhlu l-kliem “fil-gurnata msemija fih. L-iżvilupp jew kull aspett tieghu regolat b’ordni bhal dak ghandu jissejjah ‘xoghol eżenti’ ”; u

(ċ) minnufih wara s-subartikolu (3) tieghu ghandhom jiżdiedu dawn is-subartikoli godda li gejjin:

“(4) Ordni dwar l-iżvilupp ghandu jinkludi kull xoghol ta’ xorta relattivament minuri bhalma huma xoghlijiet interni, addizzjonijiet żghar ma’ bini eżistenti, varjazzjonijiet minuri waqt il-kostruzzjoni, tiswijiet fuq strutturi perikolużi, u r-rikostruzzjoni ta’ bini bil-hsara meta dawk it-tiswijiet u r-rikostruzzjoni jkollhom isiru fl-istil eżistenti jew skond il-*policies* jew il-kondizzjonijiet permessi.

(5) Kopji ta’ l-ordnijiet dwar l-iżvilupp ghandhom ikunu aċċessibbli bla ebda diffikultà għall-pubbliku mill-Awtorità wara li jithallas id-dritt preskritt.

(6) L-Awtorità f’konsultazzjoni mal-Kamra ta’ l-Arkitetti ghandha perjodikament tirrevedi l-ordnijiet dwar l-iżvilupp sabiex jitnaqqas dak l-iżvilupp li jkun jenhtieg il-permess ta’ l-Awtorità.

(7) Xoghlijiet li jsiru skond l-ordnijiet dwar l-iżvilupp ghandhom jitwettqu taht is-sorveljanza ta’ persuna li jkollha l-warrant ta’ arkitett u inginier ċivili u dawn ghandhom jigu notifikati bil-miktub lill-Awtorità.”.

12. Minnufih wara s-subartikolu (4) ta' l-artikolu 32 ta' l-Att prinċipali ghandu jizjed dan is-subartikolu gdid li gej:

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

“(5) Ghar-rigward ta' dak li ghandu x'jaqsam ma' l-ippjanar, kull persuna tista' tilmenta u toggezzjona kontra xi żvilupp. Dik l-oggezzjoni ghandha tasal ghand l-Awtorità fi żmien hmistax-il jum mill-pubblikazzjoni ta' l-avviż imsemmi fis-subartikolu (4) ta' dan l-artikolu, liema żmien jista' jitqassar ghal sebat ijiem f'kazijiet urgenti kif jigi indikat fil-pubblikazzjoni. Flimkien ma' dik l-oggezzjoni ghandu jsir il-hlas tad-dritt dovut u l-Awtorità jkollha d-diskrezzjoni assoluta li tiddeciedi dwar l-oggezzjoni.”.

13. L-artikolu 33 ta' l-Att prinċipali ghandu jigi emendat kif gej:

Emenda ta' l-artikolu 33 ta' l-Att prinċipali.

(a) minflok is-subartikoli (1), (2) u (3) tiegħu ghandu jidhol dan li gej:

“(1) Biex l-Awtorità tiddeciedi dwar applikazzjoni li ssirilha, ghandha tqis dan li gej:

(a) *policies* li johorgu mill-pjan ta' struttura eżistenti u minn kull pjan sussidjarju, jekk ikun hemm;

(b) il-pjanijiet ta' żvilupp;

(ċ) is-sottomissjonijiet li jsiru b'risposta għall-pubblikazzjoni tal-proposta;

(d) kull haga ohra ta' sustanza, kompriżi konsiderazzjonijiet estetici, sanitarji u ohrajn li l-Awtorità tista' tqis li jkunu rilevanti:

Iżda l-*policies* u l-kondizzjonijiet li jsiru b'ligi m'għandhomx ikunu applikati retroattivament b'mod li jkunu jolqtu b'mod kuntrarju jeddijiet akkwiziżiti.

(2) L-Awtorità jkollha s-setgħa li tagħti jew li tirrifjuta permess għall-iżvilupp, u fl-ghoti ta' dak il-permess l-Awtorità jkollha jedd timponi kull kondizzjoni li jidhrilha xierqa:

Iżda meta l-Awtorità u l-Kummissjoni hekk jintalbu jagħmlu mill-parti interessata, huma għandhom jagħtu ragunijiet dettaljati bażati fuq il-*policies* eżistenti għal xi rifjut jew għal xi kondizzjonijiet li jkunu gew imposti.



(3) Il-perjodu ta' validità ta' permess għall-iżvilupp ikun ta' tliet snin mid-data tal-hrug tiegħu u meta jiskadi dak il-perjodu:

(a) jekk is-sit ma jkunx sar minnu skond il-permess, sabiex l-iżvilupp ikun jista' jsir, tkun tenhtieg applikazzjoni ġdida mill-Awtorità li tigi ikkunsidrata skond il-*policies* fis-sehh fil-waqt li ssir dik l-applikazzjoni ġdida;

(b) jekk is-sit ikun sar minnha kif mahsub u jkunu nbdew ix-xoghlijiet fuq is-sit, il-validità tal-permess għandha tittawwal għal perjodu iehor ta' tnax-il xahar;

(c) meta ma' l-iskadenza tal-perjodu kif imtawwal bis-sahha tal-paragrafu (b) ta' dan is-subartikolu, l-iżvilupp ma jkunx ġie mitmum, l-Awtorità tista', wara li ssir applikazzjoni mill-persuna li tkun detentur tal-permess, ittawwal il-permess għal dak il-perjodu jew perjodi ulterjuri hekk kif tista' tqis li jkun raġonevoli.; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "l-validità jew is-sehh tiegħu." għandhom jidhlu l-kliem "l-validità jew is-sehh tiegħu. Il-permess għandu awtomatikament jgħaddi għal għand is-sidien ġodda malli ssir in-notifika tat-trasferiment tal-proprjetà b'ittra sempliċi li tintbagħat lill-Awtorità."

Emenda ta' l-artikolu 34 ta' l-Att prinċipali.

**14.** Minnufih wara s-subartikolu (4) ta' l-artikolu 34 ta' l-Att prinċipali għandu jiżdied dan is-subartikolu ġdid li ġej:

"(5) Meta, wara li jinhareġ permess għall-iżvilupp, l-iżvilupp ma jkunx qed isir skond ma jkun hemm fil-permess, jew ikun qieghed xort' ohra jikkaġuna dannu lill-ambjent jew lill-infrastruttura, l-Awtorità tista' titlob, bhala kondizzjoni għat-tkomplija tal-permess, li l-persuna li jkun inhareġ il-permess favur tagħha għandha tipprovdi garanzija favur l-Awtorità sabiex tiggarrantixxi t-tharis tagħha mal-kondizzjonijiet tal-permess jew sabiex tiggarrantixxi l-hlas dwar id-danni li jistgħu jiġu kaġunati lill-ambjent jew lill-infrastruttura:

Iżda ebda haġa f'dan is-subartikolu m'għandha titfisser bhala li tawtorizza lill-Awtorità li titlob garanzija f'ammont li ma jkunx jikkorrispondi max-xorta tal-proġett."

Sostituzzjoni ta' l-artikolu 35 ta' l-Att prinċipali.

**15.** Minflok l-artikolu 35 ta' l-Att prinċipali għandu jidhol dan li ġej:

“Registru ta’ applikazzjonijiet.

35. L-Awtorità ghandha żżomm, u tara li jkunu jistgħu jiġu spezzjonati mill-pubbliku f’dak iż-żmien raġonevoli li hi tistabbilixxi, registru jew registri:

(a) ta’ kull applikazzjoni għal permess għall-iżvilupp li tkun saritilha, li jkun fiha l-isem ta’ min applika u dettalji tal-proposta inklużi dokumenti u pjanijiet; u

(b) tad-deċizjonijiet kollha inklużi dokumenti u pjanijiet li jkunu ttiehdu dwar dawk l-applikazzjonijiet:

Iżda d-dokumenti u l-pjanijiet imsemmija qabel għandhom ikunu biss aċċessibbli lil dawk il-persuni li jkunu detenturi tal-*warrant* ta’ arkitett u inginier ċivili li jkunu jissodisfaw lill-Awtorità bhala li għandhom interess *bona fide* li jarawhom.”.

16. Minflok is-subartikolu (1) u (2) ta’ l-artikolu 36 ta’ l-Att prinċipali għandu jidhol dan li ġejj:

Emenda ta’ l-artikolu 36 ta’ l-Att prinċipali.

“(1) L-Awtorità għandha tiehu deċiżjoni dwar kull applikazzjoni mhux aktar tard minn tnax-il ġimgħa wara li tkun validat l-applikazzjoni u, jekk tonqos milli tagħmel hekk, għandu jitqies li jkun ingħata permess:

Iżda l-Awtorità tista’ ttawwal dak iż-żmien bi żmien addizzjonali ta’ sitta u għoxrin ġimgħa billi tibgħat ittra indirizzata lill-applikant fejn tagħti r-raġunijiet tagħha, li jkunu raġunijiet imsejsa fuq konsiderazzjonijiet ta’ pjanar, għal dik l-estensjoni.

(2) Minkejja d-dispożizzjonijiet ta’ qabel ta’ dan l-artikolu, meta l-Awtorità tkun, fil-perjodu msemmi ta’ tnax-il ġimgħa, għarrfet lill-applikant li l-applikazzjoni tiegħu tehtieg jew titlob valutazzjoni ta’ l-impatt ambjentali, sew taht l-Att ta’ l-1991 biex ihares l-Ambjent, jew minhabba xi konsiderazzjoni ohra, l-imsemmi perijodu ta’ tnax-il ġimgħa għandu, għall-ghanijiet tas-subartikolu (1) ta’ dan l-artikolu, jibda għaddej mid-data meta l-Awtorità tkun irċeviet dik il-valutazzjoni.”.

Att V ta’ l-1991.

17. Minflok is-subartikolu (2) ta’ l-artikolu 37 ta’ l-Att prinċipali għandhom jidhlu dawn is-subartikoli (2) u (3) li ġejjin:

Emenda ta’ l-artikolu 37 ta’ l-Att prinċipali.

“(2) Appell taht dan l-artikolu għandu jsir fi żmien tletin jum minn mindu tkun waslet id-deċiżjoni ta’ l-Awtorità bil-posta registrata:

Izda meta l-Awtorità tkun mitluba terġa' tqis id-deċizjoni tagħha, u dik it-talba ssir fi zmien erbatax-il jum wara li l-applikant tkun waslitlu dik id-deċizjoni, l-Awtorità għandha tagħti risposta dettaljata bil-posta registrata għal dik it-talba fi zmien tletin jum minn meta tasliha t-talba, u ż-żmien ta' tletin jum li fih jista' jsir appell għandu jibda għaddej mid-data minn meta tkun giet riċevuta r-risposta ta' l-Awtorità għal dik it-talba.

(3) Il-Bord ta' Appell għandu jappunta l-ewwel smigh ta' l-appell fi zmien tliet xhur mid-data tal-preżentata ta' l-appell.”.

Thassir ta' l-artikolu 40 ta' l-Att principali.

18. L-Artikolu 40 ta' l-Att principali għandu jiġi mħassar.

Emenda ta' l-artikolu 46 ta' l-Att principali.

19. L-Artikolu 46 ta' l-Att principali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “biex tirregola l-konservazzjoni tagħhom.” għandhom jidhlu l-kliem “biex tirregola l-konservazzjoni tagħhom.” u minnufih wara s-subartikolu msemmi għandhom jizdiedu dawn il-provisos li ġejjin:

“Izda ordni għal konservazzjoni ta' emerġenza jista' jinhareġ mill-Awtorità fuq ir-rakkomandazzjoni tal-Kumitat li jagħti Pariri dwar il-Patrimonju jew tal-Bord dwar il-Minerali u f'każijiet urġenti dik ir-rakkomandazzjoni tista' ssir miċ-*Chairman* rispettiv ta' dak il-Kumitat jew il-Bord mingħajr il-htieġa li jiġi konsultat il-kumitat jew il-Bord rispettiv u jista' jsir ordni kif imsemmi qabel miċ-*Chairman* ta' l-Awtorità mingħajr il-htieġa li jiġu konsultati l-membri l-oħra ta' l-Awtorità:

Izda wkoll, mal-hruġ ta' ordni ta' konservazzjoni is-sid ikollu l-jedd ta' aċċess minnufih f'kull hin raġonevoli għal kull dokumentazzjoni ta' l-Awtorità li tkun tirrigwarda dak l-ordni bil-ghan li jiġu miflija r-riżultanzi u l-konsiderazzjonijiet relattivi u s-sid jista' jikkontesta dik id-deċizjoni bil-miktub ma' l-Awtorità fi zmien tletin jum mid-data meta l-ordni jiġi lill-notifikat jew jiġi publikat fil-Gazzetta. Malli l-Awtorità tasliha dik il-kontestazzjoni hija għandha tissottometti kopji tagħha lill-Kumitat li jagħti Pariri dwar il-Patrimonju jew lill-Bord dwar il-Minerali, skond il-każ, għall-Konsiderazzjoni u l-għemil ta' rapport dwarhom fi zmien tletin jum minn meta jaslilhom.”;

(b) minflok is-subartikolu (2) tiegħu għandu jidhol dan li ġej:

“(2) Il-lista ta’ ordnijiet ta’ konservazzjoni u ta’ proprjeta’ skedata, u kull żieda magħha jew bidla fiha, għandhom jiġu pubblikati fil-Gazzetta. L-Awtorità għandha wkoll tavża lil wiehed mis-sidien magħrufa ta’ xi propjeta’ skedata bil-fatt li din tkun giet inkluża fil-lista u b’kull ordni għall-konservazzjoni magħmul dwarha. L-avviż ta’ l-ordni għall-konservazzjoni u ta’ l-iskeda għandhom ukoll jitwawhlu fuq is-sit.”; u

(ċ) minnufih wara s-subartikolu (7) tiegħu għandhom jiżiedu dawn is-subartikoli (8) u (9) godda li ġejjin:

“(8) Sid ta’ proprjeta’ skedata għandu jkollu dritt ta’ appell kontra kull skedar tal-proprjeta’ tiegħu. Dak l-appell għandu jsir bil-miktub quddiem l-Awtorità fi żmien tletin jum min-notifika jew mill-pubblikazzjoni fil-Gazzetta ta’ l-iskedar u l-Awtorità għandha taqta’ l-appell fi żmien tliet xhur minn meta tirċevih.

(9) Il-Kumitat li jagħti Pariri dwar il-Patrimonju u l-Bord dwar il-Minerali għandhom jintgħamlu minn daqstant membri u jkollhom dawk il-funzjonijiet li l-Ministru jista’ jordna wara konsultazzjoni ma’ l-Awtorità.”.

**20.** L-Artikolu 52 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta’ l-artikolu 52 ta’ l-Attprinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “għandha tinnotifika avviż” għandhom jidhlu l-kliem “għandha tinnotifika avviż ta’ waqfien” u minflok il-kliem “li x-xogħol jieqaf minnufih.” għandhom jidhlu l-kliem “li x-xogħol jieqaf minnufih. Jekk sid l-art ma jkunx magħruf mill-Awtorità, l-avviż ta’ waqfien għandu jiġi notifikat lill-inkwilin.”; u

(b) fit-test Inġliż tas-subartikolu (2) tiegħu, minflok il-kliem “may also be served” għandhom jidhlu l-kliem “shall also be served”.

**21.** L-Ewwel Skeda li tinsab ma’ l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda ta’ l-Ewwel Skeda li tinsab ma’ l-Att prinċipali.

(a) fil-paragrafu 3 tagħha, minflok il-kliem “li hi stess tiddeċiedi.” għandhom jidhlu l-kliem “li hi stess tiddeċiedi. Is-seduti ta’ l-Awtorità għandhom isiru bil-miftuh u d-dispozzjonijiet tas-subartikolu (5) ta’ l-artikolu 13 għandhom ikunu japplikaw *mutatis mutandis* għall-Awtorità.”; u

(b) fil-paragrafu 4 taghha, minflok il-kliem “vot iehor jew *casting vote*.” ghandhom jidhlu l-kliem “vot iehor jew *casting vote*. Il-membri kollha ta’ l-Awtorità li jkunu prezenti fil-laqgħat taghha ghandhom jitfgħu l-vot tagħhom favur jew kontra mozzjoni li titressaq għall-votazzjoni.”.

Dispożizzjoniet  
transitorji.

**22.** (1) Dawk l-appelli li jkunu għadhom pendenti quddiem il-Bord ta’ Appell dwar l-Ippjanar qabel, id-dhul fis-sehh ta’ dan l-Att għandhom, mal-bidu fis-sehh ta’ dan l-Att, jibqgħu jinstemgħu u jinqatgħu mill-Bord ta’ Appell dwar l-Ippjanar imwaqqaf taht l-artikolu 14 l-Att principali kif emendat b’dan l-Att.

(2) Kull permess li jkun fis-sehh minnufih qabel id-dhul fis-sehh ta’ dan l-Att għandu, malli ssir in-notifika lill-Awtorità; mill-persuna li jkun inhareġ il-permess favur taghha li tkun bi hsiebha tużufriwixxi mill-jedd mogħti b’dan is-subartikolu, ikun awtomatikament imtawwal għal żmien tliet snin mid-data minn meta l-permess kien oriġinarjament inhareġ, u d-dispożizzjonijiet tal-paragrafi (a), (b) u (c) tas-subartikolu (3) ta’ l-artikolu 33 ta’ l-Att principali kif emendat bl-artikolu 13 ta’ dan l-Att għandhom japplikaw mal-iskadenza ta’ dak iż-żmien.

### Għanijiet u Ragunijiet

L-għan ta’ dan l-Abbozz hu biex iwaqqaf makkinarju li għandu b’għan tiegħu li jzid l-*efficjenza*, it-*trasparenza* u l-*accountability* ta’ l-Awtorità ta’ l-Ippjanar u li jizgura servizz aħjar għall-pubbliku generali f’dak li għandu x’jaqsam ma’ l-ippjanar.

**A BILL  
entitled**

*AN ACT further to amend the Development Planning Act, 1992.*

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. This Act may be cited as the Development Planning (Amendment) Act, 1997, and shall be read and construed as one with the Development Planning Act, 1992, hereinafter referred to as "the principal Act".

Short title.

Act 1 of 1992.

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

Amendment of section 2 of the principal Act.

(a) immediately after the definition of "building operations" there shall be inserted the following new definition:

" "conditions" means conditions applied by the Authority in respect of applications and in respect of their processing;";

(b) immediately after the definition of "erection" there shall be inserted the following new definition:

" "exempt works" means any works or development which do not require a development permit under Part IV of this Act;"; and

(c) immediately after the definition of "use" there shall be inserted the following new definition:

““Users’ Committee” means the Committee established under section 17A of this Act;”.

Amendment of section 5 of the principal Act.

3. Section 5 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “with approved policies and plans.” there shall be substituted the words “with policies, plans and conditions approved by Government and with procedures as approved by the Minister.”;

(b) for paragraph (a) of subsection (2) thereof there shall be substituted the following:

“(a) the preparation of the structure plan and the supplementary documents, including any other matter ancillary, incidental or conducive thereto and the maintenance thereof, following then approved by Government.

(c) in paragraph (b) of subsection (2) thereof for the words “relating to planning.” there shall be substituted the words “relating to planning;”;

(d) immediately after paragraph (b) of subsection (2) thereof there shall be added the following new paragraph:

(c) the publication and updating, as circumstances may warrant, of an official manual containing:

(i) policies, plans, conditions and procedures approved as provided in subsection (1) of this section and which will be taken into consideration when applications for permits for development are considered;

(ii) the list of exempt works;

(iii) the effective date of such policies, plans, conditions and procedures;

(iv) all other relevant material pertaining to development applications and permits.”;

(e) in subsection (4) thereof, for the words “the Authority may delegate” there shall be substituted the words “the Authority may, with the approval of the Minister, delegate”; and

(f) for subsection (5) thereof there shall be substituted the following subsections (5) and (6):

“(5) The Authority may also exercise all powers of control over development as may from time to time be delegated to it in writing by the Minister on behalf of any department or agency of Government.

(6) It shall be the Minister’s function to ensure that the Authority is fully informed of Government’s policies relative to development, and to monitor the proper execution of such policies.”.

4. Section 6 of the principal Act shall be amended as follows: Amendment of section 6 of the principal Act.

(a) for subsections (1) and (2) thereof, there shall be substituted the following:

“(1) The Authority shall appoint a Director of Planning and a Director, Administration and Audit, and such other officers and employees as the Authority may from time to time deem necessary to carry out its functions under this Act. The Directors, or their representatives, shall be entitled to be present at all meetings of the Authority and of the Development Control Commission.

(2) The Authority shall also appoint one of its officers to act as secretary of the Authority. The secretary shall have the duty of calling meetings and keeping minutes and such other duties as the Chairman may delegate to him.”; and

(b) in subsection (4) thereof for the words “at the request of the Authority,” there shall be substituted the words “after consultation with the Authority,”.

5. In subsection (3) of section 12 of the principal Act, for the words “may regulate its own proceedings.” there shall be substituted the words “may regulate its own proceedings. The Committee shall report in writing to the Minister on a quarterly basis about its operations.” Amendment of section 12 of the principal Act.

6. Section 13 of the principal Act shall be amended as follows: Amendment of section 13 of the principal Act.

(a) for paragraphs (a) and (b) of subsection (1) thereof, there shall be substituted the following:



“(a) a chairman, who shall be an *ex officio* member of the Authority, appointed by the Prime Minister,

(b) three persons appointed by the Authority, and”; and

(b) in subsection (5) thereof, for the words “prior arrangements.” there shall be inserted the words “prior arrangements. At the request of any member of the Commission, the deliberations of the Commission shall be held in private but where a secret vote is to be taken this shall be taken by ballot and in public.”.

Amendment of section 14 of the principal Act.

7. Section 14 of the principal Act shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following:

“(1) There shall be a board, to be known as the Planning Appeals Board, consisting of a person versed in planning who shall preside, an advocate and another person each of whom shall be appointed by the President on the advice of the Minister.”;

(b) in subsection (3) thereof, for the words “the members shall be substituted either by another person appointed for the purpose by the President” there shall be substituted the words “the member shall be substituted by another person either appointed for the purpose by the President acting on the advice of the Minister”; and

(c) immediately after subsection (3) thereof there shall be added the following new subsections:

“(4) The members of the Board shall hold office for a period of three years, and shall be eligible for reappointment.

(5) A member of the Board may be removed from office by the President acting on the advice of the Minister, on grounds of gross negligence, conflict of interest, incompetence, or acts or omissions unbecoming a member of the Board.”.

Amendment of section 15 of the principal Act.

8. Section 15 of the principal Act shall be amended as follows:

(a) in paragraph (a) of subsection (1) thereof, for the words “including the enforcement of such control;” there shall be substituted the following:

“including the enforcement of such control:

Provided that such an appeal may only be made by a person who had submitted comments when the application to carry out the development had been published and no appeal shall lie from development control decisions concerning a development which is specifically authorised in an approved development plan.”; and

(b) for subsection (7) thereof there shall be substituted the following:

“(7) The Board shall have an administrative secretariat independent from the Authority, consisting of a secretary and such other officers or employees as may be necessary for a prompt and efficient determination of the matters within the Board’s jurisdiction. The secretary shall be appointed by the Minister and the other members of the secretariat shall be chosen and appointed by the secretary.”.

9. Immediately after section 17 of the principal Act there shall be added the following new heading and new section:

Addition of new section 17A to the principal Act.

#### “6. USERS’ COMMITTEE

Establishment and functions of the Users’ Committee.

17A. (1) There shall be a Committee, to be known as the Users’ Committee, which shall consist of not less than seven and not more than eleven members being not more than one representative from each of the interested national constituted bodies recognized by the Minister for the purpose of this section. The Users’ Committee shall be autonomous from the Authority and shall be appointed by and be responsible to the Minister to whom it shall report at least every six months, or earlier as the need arises.

(2) The Users’ Committee shall supervise the general functioning of the Authority particularly to ensure, in the interest of the general public an expeditious and fair process and transparency and uniformity in the Authority’s decisions and acts. For these purposes the Users’ Committee shall monitor the running of the Authority and shall propose, to the Authority or the Minister as the case may be, such changes to administrative processes and practices as it may deem appropriate.”.

Amendment of  
section 18 of the  
principal Act.

**10.** For subsection (3) of section 18 of the principal Act there shall be substituted the following:

“(3) The Authority shall monitor the structure plan and review it as often as may be necessary provided such review shall not take place within a period of less than 5 years. The structure plan can be reviewed in parts by Parliamentary Resolution, provided such review shall not adversely affect the rights acquired by any person prior to the effective date of such review. Every such review shall be made and shall take effect as provided in the following provisions of this Part of this Act.”.

Amendment of  
section 31 of  
the principal Act.

**11.** Section 31 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “The Authority” there shall be substituted the words “The Authority in consultation and agreement with the Chamber of Architects”;

(b) in subsection (2) thereof, for the words “or indicated therein.” there shall be substituted the words “or indicated therein. The development or any aspect thereof regulated by such an order shall be called ‘exempt works’ ”; and

(c) immediately after subsection (3) thereof there shall be added the following new subsections:

“(4) A development order shall include works of a relatively minor nature such as internal works, minor additions to existing buildings, minor variations during construction, repairs to dangerous structures, and reconstruction of damaged buildings which repairs and reconstruction are to be carried out in the existing style or according to permitted policies or conditions.

(5) Copies of development orders shall be readily accessible to the public by the Authority on the payment of the prescribed fee.

(6) The Authority in consultation with the Chamber of Architects shall periodically review development orders to minimise the development requiring the Authority’s permission.

(7) Works carried out under development orders are to be carried out under the supervision of a person holding a warrant of architect and civil engineer and are to be notified in writing to the Authority.”.

- 12.** Immediately after subsection (4) of section 32 of the principal Act there shall be added the following new subsection: Amendment of section 32 of the principal Act.

“(5) Any person may on the basis of issues relevant to planning make representations objecting against the development. Such objection is to be received by the Authority within a period of fifteen days from the publication of the notice referred to in subsection (4) of this section which period may be shortened to seven days in urgent cases as indicated in the publication. The said objection shall be accompanied by the payment of the prescribed fee and the Authority shall have the absolute discretion to decide on the objection.”.

- 13.** Section 33 of the principal Act shall be amended as follows: Amendment of section 33 of the principal Act.

(a) for subsections (1), (2) and (3) thereof there shall be substituted the following:

“(1) In its determination upon an application the Authority shall have regard to the following:

- (a) policies emanating from the existing structure plan and from any subsidiary plans, if any;
- (b) development plans;
- (c) representations made in response to the publication of the proposal;
- (d) any other material consideration including aesthetic, sanitary and other considerations which the Authority may deem relevant.

Provided that legislated policies and conditions shall not be applied retroactively so as to adversely affect acquired rights.

(2) The Authority shall have power to grant or to refuse a development permit, and in granting such permit the Authority shall be entitled to impose such condition which it may deem appropriate:

Provided that the Authority and the Commission shall, when requested by the interested party, give detailed reasons based on the existing policies for any refusal or for any conditions imposed.

(3) The term of validity of a development permit shall be three years from the date of issue and upon the lapse of the said period:

(a) if the site has not been committed in accordance with the permit a new application which shall be presented and shall be considered by the Authority according to the policies in force at the time of the said new application shall be required for the development to take place;

(b) if the site has been committed and works have commenced on the site the validity of the permit shall be extended for a period of a further twelve months;

(c) where at the lapse of the period as extended in virtue of paragraph (b) hereof, the development has not been completed, the Authority may, on the application of the person holding the permit, extend the permit to such further period or periods as it may consider reasonable.”; and

(b) in subsection (4) thereof, for the words “its validity or operation.” there shall be substituted the words “its validity or operation. The permit shall automatically pass on to new owners upon the notification of the transfer of ownership by simple letter to the Authority.”.

Amendment of section 34 of the principal Act.

**14.** Immediately after subsection (4) of section 34 of the principal Act there shall be added the following new subsection:

“(5) Where, after a development permit is issued the development is not being carried out in accordance with the permit, or is otherwise causing damage to the environment or the infrastructure, the Authority may demand, as a condition of the continuance of the permit, that the person in whose favour the permit is issued should provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permit or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure:

Provided that nothing in this subsection shall be interpreted as authorising the Authority to demand a bond in an amount not commensurate with the nature of the project.”.

Substitution of section 35 of the principal Act.

**16.** For section 35 of the principal Act there shall be substituted the following:

“Register of applications.

35. The Authority shall keep and make available for public inspection at such reasonable times as it may determine, a register or registers:

(a) of all applications for development permission received by it containing the name of the applicant and details of the proposal including documents and plans; and

(b) of all decisions including documents and plans made on such applications:

Provided that the documents and plans aforesaid shall only be accessible to persons holding the warrant of architect and civil engineer who satisfy the Authority that they have a *bona fide* interest to view the same.”.

16. For subsections (1) and (2) of section 36 of the principal Act there shall be substituted the following: Amendment of section 36 of the principal Act.

“(1) The Authority shall make a decision on any application not later than twelve weeks after it has validated the application and, in default, permission shall be deemed to have been granted:

Provided that the Authority may extend the said period by an additional period of twenty six weeks by posting a registered letter to the applicant giving the reasons, being reasons based on planning issues, for such an extension.

“(2) Notwithstanding the foregoing provisions of this section, where the Authority has, within the said period of twelve weeks, informed the applicant that the application requires or calls for an environmental impact assessment, whether under the Environment Protection Act, 1991, (Act V of 1991) or because of any other consideration, the said period of twelve weeks shall, for the purposes of subsection (1) of this section, commence to run from the date on which the Authority has received the assessment.”.

17. For subsection (2) of section 37 of the principal Act there shall be substituted the following subsections (2) and (3): Amendment of section 37 of the principal Act.

“(2) An appeal under this section shall be made within thirty days of receipt by registered mail of the decision of the Authority.

Provided that, where the Authority is requested to reconsider its decision, and such request is made within fourteen days after

the receipt of such decision by the applicant, the Authority shall give a detailed reply by registered mail to such a request within thirty days from receipt of the same and the period of thirty days within which an appeal may be entered shall commence to run from the date or which the reply of the Authority to such request is received.

(3) The Appeals Board shall then appoint the first hearing of the appeal within three months from the date of filing of the appeal.”.

Repeal of  
section 40  
of the  
principal Act.

**18.** Section 40 of the principal Act is hereby repealed.

Amendment of  
section 46 of  
the principal Act.

**19.** Section 46 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “to regulate their conservation.” there shall be substituted the words “to regulate their conservation:” and immediately after the said subsection there shall be added the following provisos:

“Provided that an emergency conservation order may be issued by the Authority on the recommendation of the Heritage Advisory Committee or of the Minerals Board and in urgent cases such recommendation may be made by the respective Chairman of the said Committee or Board as the case may be without the need of consulting the respective Committee or Board and an order as aforesaid may be made by the Chairman of the Authority without the need of consulting the other members of the Authority:

Provided further that upon the issue of a conservation order the owner shall have the right to immediate access at reasonable times to all documentation of the Authority concerning the said order for the purpose of studying the relative findings and considerations and the owner may contest the said decision in writing with the Authority within thirty days from the date when the order is notified to him or is published in the Gazette, whichever is the earlier. Upon receipt of such contestation the Authority shall submit copies thereof to the Heritage Advisory Committee or to the Minerals Board, as the case may be, for consideration and report thereon within thirty days from receipt.”;

(b) subsection (2) thereof shall be substituted by the following:

(3) The term of validity of a development permit shall be three years from the date of issue and upon the lapse of the said period:

(a) if the site has not been committed in accordance with the permit a new application which shall be presented and shall be considered by the Authority according to the policies in force at the time of the said new application shall be required for the development to take place;

(b) if the site has been committed and works have commenced on the site the validity of the permit shall be extended for a period of a further twelve months;

(c) where at the lapse of the period as extended in virtue of paragraph (b) hereof, the development has not been completed, the Authority may, on the application of the person holding the permit, extend the permit to such further period or periods as it may consider reasonable.”; and

(b) in subsection (4) thereof, for the words “its validity or operation.” there shall be substituted the words “its validity or operation. The permit shall automatically pass on to new owners upon the notification of the transfer of ownership by simple letter to the Authority.”.

Amendment of section 34 of the principal Act.

**14.** Immediately after subsection (4) of section 34 of the principal Act there shall be added the following new subsection:

“(5) Where, after a development permit is issued the development is not being carried out in accordance with the permit, or is otherwise causing damage to the environment or the infrastructure, the Authority may demand, as a condition of the continuance of the permit, that the person in whose favour the permit is issued should provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permit or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure:

Provided that nothing in this subsection shall be interpreted as authorising the Authority to demand a bond in an amount not commensurate with the nature of the project.”.

Substitution of section 35 of the principal Act.

**16.** For section 35 of the principal Act there shall be substituted the following:



"Register of applications.

35. The Authority shall keep and make available for public inspection at such reasonable times as it may determine, a register or registers:

(a) of all applications for development permission received by it containing the name of the applicant and details of the proposal including documents and plans; and

(b) of all decisions including documents and plans made on such applications:

Provided that the documents and plans aforesaid shall only be accessible to persons holding the warrant of architect and civil engineer who satisfy the Authority that they have a *bona fide* interest to view the same.”.

16. For subsections (1) and (2) of section 36 of the principal Act there shall be substituted the following: Amendment of section 36 of the principal Act.

“(1) The Authority shall make a decision on any application not later than twelve weeks after it has validated the application and, in default, permission shall be deemed to have been granted:

Provided that the Authority may extend the said period by an additional period of twenty six weeks by posting a registered letter to the applicant giving the reasons, being reasons based on planning issues, for such an extension.

“(2) Notwithstanding the foregoing provisions of this section, where the Authority has, within the said period of twelve weeks, informed the applicant that the application requires or calls for an environmental impact assessment, whether under the Environment Protection Act, 1991, (Act V of 1991) or because of any other consideration, the said period of twelve weeks shall, for the purposes of subsection (1) of this section, commence to run from the date on which the Authority has received the assessment.”.

17. For subsection (2) of section 37 of the principal Act there shall be substituted the following subsections (2) and (3): Amendment of section 37 of the principal Act.

“(2) An appeal under this section shall be made within thirty days of receipt by registered mail of the decision of the Authority.

Provided that, where the Authority is requested to reconsider its decision, and such request is made within fourteen days after

the receipt of such decision by the applicant, the Authority shall give a detailed reply by registered mail to such a request within thirty days from receipt of the same and the period of thirty days within which an appeal may be entered shall commence to run from the date or which the reply of the Authority to such request is received.

(3) The Appeals Board shall then appoint the first hearing of the appeal within three months from the date of filing of the appeal.”.

Repeal of  
section 40  
of the  
principal Act.

**18.** Section 40 of the principal Act is hereby repealed.

Amendment of  
section 46 of  
the principal Act.

**19.** Section 46 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “to regulate their conservation.” there shall be substituted the words “to regulate their conservation:” and immediately after the said subsection there shall be added the following provisos:

“Provided that an emergency conservation order may be issued by the Authority on the recommendation of the Heritage Advisory Committee or of the Minerals Board and in urgent cases such recommendation may be made by the respective Chairman of the said Committee or Board as the case may be without the need of consulting the respective Committee or Board and an order as aforesaid may be made by the Chairman of the Authority without the need of consulting the other members of the Authority:

Provided further that upon the issue of a conservation order the owner shall have the right to immediate access at reasonable times to all documentation of the Authority concerning the said order for the purpose of studying the relative findings and considerations and the owner may contest the said decision in writing with the Authority within thirty days from the date when the order is notified to him or is published in the Gazette, whichever is the earlier. Upon receipt of such contestation the Authority shall submit copies thereof to the Heritage Advisory Committee or to the Minerals Board, as the case may be, for consideration and report thereon within thirty days from receipt.”;

(b) subsection (2) thereof shall be substituted by the following:

“(2) The list of conservation orders and of scheduled property, and any additions or amendments thereto, shall be published in the Gazette. The Authority shall also notify any one of the known owners of any scheduled property of the fact of its inclusion in the list and of any conservation order made with respect to it. Notice of the conservation order and scheduling shall also be affixed on site.”; and

(c) immediately after subsection (7) thereof, there shall be added the following new subsections (8) and (9):

“(8) An owner of scheduled property shall have a right of appeal against any scheduling of his property. Such appeal shall be entered in writing with the Authority within thirty days of notification or publication in the Gazette of the scheduling and the Authority shall decide the appeal within three months of its receipt.

(9) The Heritage Advisory Committee and the Minerals Board shall be composed of such members and have such functions as the Minister after consultation with the Authority may direct.”.

**20.** Section 52 of the principal Act shall be amended as follows: Amendment of section 52 of the principal Act.

(a) in subsection (1) thereof, for the words “shall serve a notice” there shall be substituted the words “shall serve a stop notice” and for the words “to be stopped forthwith.” there shall be substituted the words “to be stopped forthwith. If the owner of the land is not known to the Authority the stop notice shall be served on the occupier.”; and

(b) in the English text of subsection (2) thereof, for the words “may also be served” there shall be substituted the words “shall also be served”.

**21.** The First Schedule to the principal Act shall be amended as follows: Amendment of the First Schedule to the principal Act.

(a) in paragraph 3 thereof, for the words “as it may itself decide.” there shall be substituted the words “as it may itself decide. The hearings of the Authority shall be held in public and the provisions of subsection (5) of section 13 shall *mutatis mutandis* apply to the Authority.”; and

(b) in paragraph 4 thereof, for the words “a second or casting vote.” there shall be substituted the words “a second or casting vote. All members of the Authority present at its meetings shall cast their vote in favour or against any motion put to the vote.”.

Transitory provisions.

22. (1) Any appeals pending before the Planning Appeals Board before the coming into force of this Act, shall on the coming into force of this Act continue to be heard and be determined by the Planning Appeals Board constituted under section 14 of the Principal Act, as amended by this Act

(2) Any permit in force immediately before the coming into force of this Act shall upon notification to the Authority by the person in whose favour the permit is issued of his intention to avail himself of the right granted under this subsection, be automatically extended for a period of three years from the date when the permit was originally issued, and the provisions of paragraphs (a), (b) and (c) of subsection (3) of section 33 of the principal Act as amended by section 13 of this Act shall apply upon the lapse of said period.

### **Objects and Reasons**

The purpose of this Bill is the implementation of mechanisms aimed at increasing the efficiency, transparency and accountability of the Planning Authority and to ensure a better service to the general public in planning matters.