

MALTA

ATT Nru. XXIII ta' l-1997

ACT No. XXIII of 1997

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

AN ACT enacted by the Parliament of
Malta.

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

AN ACT to amend the Development
Planning Act, 1992.

Naghti l-kunsens tiegħi.

(L.S.)

Ugo Mifsud Bonnici
President

12 ta' Awissu, 1997

ATT Nru. XXIII ta' l-1997

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 waħda ma' l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-
90⁹⁰or.
Att l 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 ġenerali applikabbli mill-Awtorità dwar applikazzjonijiet u dwar l-ipproċessar tagħhom, u ma tinkludix kondizzjonijiet partikolari marbutin mal-hruġ ta' permess partikolari;”;

(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" ghandha tidhol din it-tifsira għda li ġejja:

“xogħlijiet eżenti” (fisser kull xogħol 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 prinċipali.

3. L-artikolu 5 ta' l-Att prinċipali għandu jigi emendat kif ġej:

(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 ġej:

“(a) it-thejjija tal-pjan ta' struttura u d-dokumenti supplementari, inkluża kull haga oħra anċillari jew incidentali għalihom jew li twassal għalihom, u l-manutenzjoni tagħhom wara li 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 jiżdied dan il-paragrafu għid li ġej:

“(ċ) il-pubblikazzjoni u l-aggornar, skond ma jehtiegu ċ-ċirkostanzi, ta' librett ufficjali 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' xogħlijiet eżenti;

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

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

(e) fis-subartikolu (4) tiegħu:

(i) minflok il-kliem "l-Awtorità tista' tiddelega" għandhom jidhlu l-kliem "l-Awtorità tista', bl-approvazzjoni tal-Ministru, tiddelega"; u

(ii) minnufih wara l-kliem "li jidhrilha xierqa." għandhom jidhlu l-kliem "Avviż ta' kull delega bhal dik għandu jiġi pubblikat fil-Gazzetta."; u

(f) minflok is-subartikolu (5) tiegħu għandhom jidhlu dawn is-subartikoli (5) u (6) li ġejjin:

"(5) L-Awtorità tista' wkoll teżerċita dawk is-setgħat ta' kontroll fuq l-iżvilupp li jistgħu jiġu delegati lilha minn żmien għal 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 għal kollox mgħarrfa dwar il-*policies* tal-Gvern li jkollhom x'jaqsmu ma' l-iżvilupp, u li jissorvelja t-tweqqiq sew ta' dawk il-*policies*."

4. Minflok is-subartikoli (1) u (2) ta' l-artikolu 6 ta' l-Att prinċipali, għandu jidhol dan li ġej:

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

"(1) L-Awtorità għandha tinnomina Direttur ta' l-Ippjanar u Direttur għall-Amministrazzjoni u Twestiq ta' Proċeduri li jirrapportaw direttament lill-Bord ta' l-Awtorità u li, huma stess jew ir-rappreżentanti tagħhom, ikollhom il-jedd li jattendu l-laqgħat kollha ta' l-Awtorità kif ukoll il-laqgħat kollha tal-Kummissjoni għall-Kontroll ta' l-Iżvilupp. L-Awtorità għandha wkoll tinnomina dawk l-uffiċjali u impjegati oħra li l-Awtorità tista' minn żmien għal żmien tqis bhala meħtieġa għall-qadi tal-funzjonijiet tagħha taht dan l-Att.

(2) L-Awtorità għandha wkoll tinnomina wiehed mill-uffiċjali tagħha biex jagixxi bhala s-segretarju ta' l-Awtorità. Is-segretarju jkollu d-dmir li jsejjaħ il-laqgħat u li jżomm il-minuti tagħhom kif ukoll dmirijiet oħra li *Chairman* jista' jagħtih b'delega."

5. Fis-subartikolu (3) ta' l-artikolu 12 ta' l-Att prinċipali, minflok il-kliem "jirregola l-proċeduri tiegħu." għandhom jidhlu l-kliem "jirregola l-proċeduri tiegħu. Il-Kumitat għandu jirrapporta bil-miktub lill-Ministru u lill-Awtorità kull tliet xhur dwar ix-xogħol tiegħu."

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

Emenda ta' l-
artikolu 13 ta'
l-Att principali.

6. L-artikolu 13 ta' l-Att principali ghandu jigi emendat kif gej:

(a) fil-paragrafu (b) tas-subartikolu (1) tieghu, minflok il-kliem “nominati mill-Awtorità minn fost il-membri taghha; u” ghandhom jidhlu l-kliem “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 kull votazzjoni, anke jekk b'vot sigriet, trid issir 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) minnufih wara l-kliem “mill-President” fis-subartikolu (1) tieghu, ghandhom jidhlu l-kliem “li jagħxi fuq il-parir tal-Ministru”;

(b) minnufih wara l-kliem “Il-President” fis-subartikolu (2) tieghu ghandhom jidhlu l-kliem “, li jagħxi fuq il-parir tal-Ministru,”;

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

(d) minnufih wara s-subartikolu (3) tieghu ghandhom jizdedu 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 jagħxi bil-parir tal-Ministru, minhabba f'negligenza magguri, konflitt ta' interess, inkompetenza, jew attijiet jew omissjonijiet 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 “inkluz it-twettig ta' dak il-kontroll;” ghandu jidhol dan li gej:

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

Izda dak l-appell jista’ jsir biss mill-applikant jew minn terza persuna li tkun ghamlet xi kummenti meta tkun giet pubblikata l-applikazzjoni għall-għemil ta’ żvilupp u m’għandu jkun hemm ebda appell minn terza persuna 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 mehtiega għar-risolviment mghaggel u effiċjenti ta’ dawk il-hwejjeg li jaqghu taht 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 jiżdidu l-intestatura ġdida u l-artikolu gdid li gejjin:

Zieda ta’ l-artikolu 17A gdid ma’ l-

“6. IL-KUMITAT TA’ L-UTENTI

Twaqqif u funzjonijiet ta’ 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-għan 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-għanijiet

il-Kumitat ta' l-Utenti ghandu jissorvelja t-tregija ta' l-Awtorità u ghandu 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.”.

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

10. Minflok is-subartikolu (3) ta' l-artikolu 18 ta' l-Att prinċipali ghandu jidhol dan li ġej:

“(3) L-Awtorità għandha tissorvelja l-pjan ta' struttura u tirvedih għal daqs kemm-il darba kemm ikun mehtieg sakemm dik ir-reviżjoni ma ssehhx fi żmien inqas minn hames snin. Il-pjan ta' struttura jista' jiġi 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 reviżjoni bħal dik għandha ssir u għandu jkollha sehh kif provdut fid-dispożizzjonijiet li ġejjin ta' din it-Taqsima ta' dan l-Att.”.

Sostituzzjoni ta' l-artikolu 30 ta' l-Att prinċipali.

11. L-artikolu 30 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

“L-iżvilupp jehieg permess. 30. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu, u tad-dispożizzjonijiet li ġejjin ta' din it-Taqsima ta' dan l-Att, ebda żvilupp ma jista' jsir wara li jibda jsehh dan l-Att hlief bil-permess ta' l-Awtorità, f'dan l-Att imsejjah permess għal żvilupp.

(2) Għall-ghanijiet ta' dan l-artikolu, u, sakemm ir-rabta tal-kliem ma tehtiegx xort'ohra, “żvilupp” tfisser l-għemil ta' xogħol ta' bini, inġincrija, xogħol ta' barrieri, thaffir u xogħol iehor għal kostruzzjoni, demolizzjoni jew tibdil f'art jew fil-bahar, jew fuqhom, jew 'il fuq minnhom jew tahtom, jew kull bidla sostanzjali fl-użu ta' l-art jew bini, minbarra:

(a) xogħol ta' manutenzjoni li jolqot biss ġewwa l-bini u ma jolqotx materjalment id-dehra ta' barra tal-bini;

(b) tibdil intern f'bini li ma jolqotx il-konfigurazzjoni u d-dehra ta' barra tal-bini u li jsir skond ir-regolamenti magħmula taht l-artikolu 60 ta' dan l-Att;

(c) l-użu ta' l-art għal agrikoltura, trobbija ta' animali u misġar (inkluż l-afforestament) hlief meta dak l-użu jkun jikkonsisti:

(i) f'erezzjoni ta' bini jew jilhaq it-trobbija intensiva ta' annimali jew frott ta' l-art; jew

(ii) fir-riklamazzjoni ta' l-art għall-agrikoltura permezz tad-depożitu ta' materjal fuq tali art; jew

(iii) fit-tibdil għall-użu agrikolu ta' art li ma tkunx qed tintuża għall-ghanijiet ta' agrikoltura; u

(d) f'każ ta' bini jew art oħra li huma wżati għal skop ta' xi klassi msemmija f'ordni mahruġ mill-Awtorità taħt dan l-Att, l-użu tagħhom għal kull skop ieħor ta' l-istess klassi.

(3) Għall-ghanijiet ta' dan l-artikolu:

(a) l-użu ta' bini li jirrizulta f'zieda jew tnaqqis fin-numru ta' unitajiet ta' abitazzjoni li fih il-bini kien użat qabel; jew

(b) id-depożitu ta' żibel jew ta' materjal skartat fuq art; jew

(c) l-użu għall-wiri ta' reklami ta' xi parti ta' barra ta' bini li ma jkunx normalment użat għal dak l-iskop,

ifisser tibdil sostanzjali fl-użu ta' dak il-bini jew parti minnu, minghajr preġudizzju, fil-każ ta' reklami, għal regolamenti magħmula taħt dan l-Att dwar il-kontroll tagħhom.

(4) Għall-ghanijiet ta' dan l-artikolu, żvilupp li għandu x'jaqsam mal-baħar jinkludi riklamazzjoni ta' l-art mill-baħar, akwakultura u żvilupp ta' xtut u użu relatat ma' tali żvilupp.”.

12. L-artikolu 31 ta' l-Att prinċipali għandu jkun emendat kif
gej: Emenda ta' l-
artikolu 31 ta'
l-Att prinċipali.

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

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “fil-gurnata msemmija fih.” għandhom jidhlu l-kliem “fil-gurnata msemmija fih. L-iżvilupp jew kull aspett tiegħu regolat b’ordni bħal dak għandu jissejjah ‘xogħol eżenti’ ”; u

(c) minnufih wara s-subartikolu (3) tiegħu għandhom jiżiedu dawn is-subartikoli godda li ġejjin:

“(4) Ordni dwar l-iżvilupp għandu jinkludi kull xogħol ta’ xorta relattivament minuri bħalma huma xogħlijiet interni, addizzjonijiet iżgħar ma’ bini eżistenti, varjazzjonijiet minuri waqt il-kostruzzjoni, tiswijiet fuq strutturi perikolużi, u r-rikonstruzzjoni ta’ bini bil-hsara meta dawk it-tiswijiet u r-rikonstruzzjoni jkollhom isiru fl-istil eżistenti jew skond il-policies jew il-kondizzjonijiet permessi.

(5) Kopji ta’ l-ordnijiet dwar l-iżvilupp għandhom 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 għandha perjodikament tirrevedi l-ordnijiet dwar l-iżvilupp sabiex jitnaqqas dak l-iżvilupp li jkun jenhtieg il-permess ta’ l-Awtorità.

(7) Xogħlijiet li jsiru skond l-ordnijiet dwar l-iżvilupp, fejn ikun hekk speċifikat fl-ordnijiet dwar l-iżvilupp, għandhom jitwettqu taht is-sorveljanza ta’ persuna li jkollha l-warrant ta’ arkitett u inginier ċivili u dawn għandhom jigu notifikati bil-miktub lill-Awtorità.”.

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

13. Minnufih wara s-subartikolu (4) ta’ l-artikolu 32 ta’ l-Att prinċipali għandu jiżied dan is-subartikolu gdid li ġej:

“(5) Kull persuna tista’, għal raġunijiet imsejsa fuq kwistjonijiet rilevanti ta’ pjanar, tilmenta u toġġezzjona kontra xi żvilupp. Dik l-oġġezzjoni għandha ssir bil-miktub u jkun fiha espożizzjoni motivata għaliha, u għandha tasal għand l-Awtorità fi żmien hmistax-il jum mill-pubblikazzjoni ta’ l-avviż imsemmi fis-subartikolu (4) ta’ dan l-artikolu. Dak iż-żmien jista’ jitqassar għal sebat ijiem f’kazijiet urġenti kif jista’ jiġi indikat fil-pubblikazzjoni. L-Awtorità għandha tikkonsidra u tiddeċiedi dwar l-oġġezzjoni.”.

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

14. L-artikolu 33 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

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

“(1) Biex l-Awtorità tiddeċiedi dwar applikazzjoni li ssirilha, għandha tqis dan li ġej:

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

(b) il-pjanijiet ta' żvilupp;

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

(d) kull haga oħra ta' sustanza, kompriżi konsiderazzjonijiet estetici, sanitarji u oħrajn 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 akkwiziti li jirriżultaw minn permess ta' żvilupp validu.

(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 mar-rifjut jew ma' l-impożizzjoni ta' kondizzjoni partikolari, l-Awtorità, jew il-Kummissjoni għandhom jagħtu raġunijiet dettaljati bażati fuq il-*policies* eżistenti għal dak ir-rifjut jew għal xi kondizzjonijiet partikolari li jkunu ġew 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-seħħ fil-waqt li ssir dik l-applikazzjoni ġdida;

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

(ċ) 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 ghal 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.” ghandhom jidhlu l-kliem “l-validità jew is-sehh tiegħu. Il-permess ghandu awtomatikament jghaddi għal għand is-sidien godda malli ssir in-notifika tat-trasferiment tal-proprjetà b'ittra sempliċi li tintbagħat lill-Awtorità.”.

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

15. Minnufih wara s-subartikolu (4) ta' l-artikolu 34 ta' l-Att prinċipali ghandu jżied dan is-subartikolu gdid li ġej:

“(5) Meta, wara li jinhareġ permess għall-iżvilupp, l-iżvilupp ma jkunx qed isir skond ma jkun hemm fil-permess, jew ikun qiegħed xort' ohra jikkaguna 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 ttiprovdi 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.

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

“Registru ta' applikazzjonijiet.

35. L-Awtorità għandha 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 pjanti dettaljati; u

(b) tad-deċizzjonijiet kollha inklużi dokumenti u pjanti dettaljati li jkunu ttiehdu dwar dawk l-applikazzjonijiet:

Iżda l-pjanti dettaljati għandhom ikunu biss aċċessibbli lil dawk il-persuni li jkunu detenturi tal-warrant ta' arkitett u inginier ċivili wara li jiddikjaraw bil-miktub l-interess tagħhom li jarawhom.”.

17. Minflok is-subartikolu (1) u (2) ta' l-artikolu 36 ta' l-Att prinċipali ghandu jidhol dan li ġej:

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

“(1) L-Awtorità ghandha tiehu deċiżjoni dwar kull applikazzjoni ghal żvilupp proposta f'konfini ta' skema dwar provvedimenti temporanji jew żvilupp dwar konfini hekk kif indikat fi pjan lokali approvat, mhux aktar tard minn tmax-il ġimgha wara li tkun validat l-applikazzjoni u, jekk tonqos milli tagħmel hekk, ghandu jitqies li jkun inghata permess dejjem jekk l-applikazzjoni tikkonforma mal-*policies* approvati:

Iżda l-Awtorità tista' ttawwal dak iż-żmien bi żmien addizzjonali ta' sitta u għoxrin ġimgha billi timposta ittra reġistrata lill-applikant fejn taghti r-raġunijiet, imsejsa fuq konsiderazzjonijiet ta' pjanar, ghal dik l-estensjoni.

(2) L-Awtorità ghandha tiehu deċiżjoni dwar applikazzjoni li ma taqax taht is-subartikolu (1) ta' dan l-artikolu mhux aktar tard minn sitta u għoxrin ġimgha wara li tkun validat l-applikazzjoni:

Iżda l-Awtorità tista' ttawwal iż-żmien imsemmi bi żmien addizzjonali ta' sitta u għoxrin ġimgha billi timposta ittra reġistrata lill-applikant fejn taghti r-raġunijiet, imsejsa fuq konsiderazzjonijiet ta' pjanar, ghal dik l-estensjoni.

(3) Minkejja d-dispożizzjonijiet fuq imsemmija ta' dan l-artikolu, fejn l-Awtorità, fiż-żmien imsemmi ta' tmax-il ġimgha jew ta' sitta u għoxrin ġimgha, skond kif ikun il-każ, tkun għarrfet lill-applikant li l-applikazzjoni tehtieg jew titlob studju dwar l-impatt ambjentali jew dikjarazzjoni ta' l-ippjanar ambjentali, kemm taht l-Att ta' l-1991 biex Ihares l-Ambjent, jew minhabba xi konsiderazzjoni ohra, jew fejn dikjarazzjoni dwar l-impatt fuq it-traffiku jew fejn studju dwar l-impatt fuq it-traffiku hu mehtieg, jew fejn l-Awtorità tehtieg konsultazzjoni ma' dipartiment jew aġenziji governattivi, il-perijodu mehud biex jiġi sottomess studju jew dikjarazzjoni aċċettabbli mill-applikant jew risposta mid-dipartimenti jew aġenziji governattivi, skond il-każ, m'ghandux jitqies bhala parti mill-perijodu imsemmi ta' tmax jew sitta u għoxrin ġimgha imsemmija fis-subartikolu (1) jew (2) ta' dan l-artikolu.

(4) Dipartimenti jew aġenziji governattivi ghandhom jirrispondu bil-miktub lill-Awtorità mhux aktar tard minn erba' ġimghat mid-data li jirċievu t-talba mill-Awtorità. Jekk jonqsu milli jagħmlu dan, id-dipartimenti jew aġenziji governattivi ghandhom jitqiesu li ma joġġezzjonawx ghal tali applikazzjoni.

(5) Izda wkoll fil-każijiet kollha ż-żmien mehtieg biex l-applikant jissottometti pjanti emendati, taghrif gdid jew raġunijiet ghalfejn l-applikazzjoni ma ghandhiex tiġi miċhuda, m'gandhomx jiġu miftiehma bhala li jaghmlu parti miż-żmien fuq imsemmi ta' tnax-il ġimgha jew ta' sitta u ghoxrin ġimgha.”.

Emenda ta' l-artikolu 37 ta' l-Att principali.

18. Minflok is-subartikolu (2) ta' l-artikolu 37 ta' l-Att principali ghandhom jidhlu dawn is-subartikoli (2) u (3) li ġejjin:

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

Izda meta l-Awtorità tkun mitluba terġa' tqis id-deċizjoni taghha, u dik it-talba ssir fi żmien erbatax-il jum wara li l-applikant tkun waslitlu dik id-deċizjoni, l-Awtorità ghandha taghti risposta dettaljata bil-posta registrata ghal dik it-talba fi żmien tletin jum minn meta taslilha t-talba, u ż-żmien ta' tletin jum li fih jista' jsir appell ghandu jibda ghaddej mid-data minn meta tkun giet riċevuta r-risposta ta' l-Awtorità ghal dik it-talba.

(3) Il-Bord ta' Appell ghandu jappunta l-ewwel smigh ta' l-appell fi żmien tliet xhur mid-data tal-prezentata ta' l-appell.”.

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

19. L-Artikolu 40 ta' l-Att principali ghandu jiġi mhassar.

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

20. L-Artikolu 46 ta' l-Att principali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tieghu, minflok il-kliem “biex tirregola l-konservazzjoni taghhom.” ghandhom jidhlu l-kliem “biex tirregola l-konservazzjoni taghhom:” u minnufih wara s-subartikolu msemmi ghandu jiżdied il-proviso li ġej:

“Izda mal-hruġ ta' ordni ta' konservazzjoni s-sid ikollu l-jedd ta' aċċess minnufih f'kull hin raġonevoli ghal 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 żmien tletin jum mid-data meta l-ordni jiġi lill-notifikat jew jiġi pubblikat fil-Gazzetta.”;

(b) minflok is-subartikolu (2) tieghu ghandu jidhol dan li ġej:

“(2) Il-lista ta' ordnijiet ta' konservazzjoni u ta' proprjeta' skedata, u kull żieda maghha jew bidla fiha,

għandhom jiġu pubblikati fil-Gazzetta. L-Awtorità għandha wkoll tavża lil wiehed mis-sidien maghrufa 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 għandu jżied is-subartikolu (8) li ġej:

“(8) Sid ta' proprjetà skedata għandu dritt jitlob rikonsiderazzjoni dwar kull skedar tal-proprjetà tiegħu. Dik it-talba għandha ssir bil-miktub quddiem l-Awtorità fi żmien tletin jum min-notifika jew mill-pubblikazzjoni fil-Gazzetta, liema jiġi l-aħhar, ta' l-iskedar, u l-Awtorità għandha tiddeċiedi fi żmien tliet xhur minn meta tkun irċeviet it-talba għal rikonsiderazzjoni.”.

21. Fis-subartikolu (1) ta' l-artikolu 47 ta' l-Att prinċipali, minflok il-kliem “li jidhrilha mehtieġa.” għandhom jidhlu l-kliem “li jidhrilha mehtieġa u d-dispożizzjonijiet tal-proviso tas-subartikolu (1) ta' l-artikolu 46 ta' dan l-Att għandhom japplikaw:

Emenda ta' l-artikolu 47 ta' l-Att prinċipali.

Iżda f'każ ta' urġenza ċ-*Chairman* ta' l-Awtorità jista' jagħmel ordni ta' emerġenza għal konservazzjoni minghajr il-htieġa li jikkonsulta lill-membri l-oħra ta' l-Awtorità.”.

22. L-artikolu 52 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 52 ta' l-Att prinċipali.

(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”.

23. 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. Id-

dispożizzjonijiet tas-subartikolu (5) ta' l-artikolu 13 ghandhom ikunu japplikaw *mutatis mutandis* ghall-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-laqghat taghha ghandhom jitfghu l-vot taghhom favur jew kontra mozzjoni li titressaq ghall-votazzjoni.”.

Emenda tat-Tielet Skeda li tinsab ma' l-Att prinċipali.

24. Minnufih f'tarf il-paragrafu 2 tat-Tielet Skeda li tinsab ma' l-Att prinċipali, ghandhom jizdiedu l-kliem “L-Awtorità ghandha tipprezenta r-risposta taghha fi żmien 30 jum minn meta l-applikazzjoni tkun giet notifikata lilha. Ir-risposta trid tigi notifikata lill-appellant.”.

Dispożizzjoniet transitorji.

25. (1) Dawk l-appelli li jkunu ghadhom pendenti quddiem il-Bord ta' Appell dwar l-Ippjanar qabel, id-dhul fis-sehh ta' dan l-Att ghandhom, mal-bidu fis-sehh ta' dan l-Att, jibqghu jinstemghu u jinqatghu mill-Bord ta' Appell dwar l-Ippjanar imwaqqaf taht l-artikolu 14 l-Att prinċipali kif emendat b'dan l-Att u fejn dawn l-appelli gew appuntati ghas-smigh jew differiti ghal xi data partikolari mill-istess Bord kif imwaqqaf qabel huma ghandhom jibqghu hekk appuntati jew differiti mill-Bord kif issa mwaqqaf.

(2) Kull permess li jkun fis-sehh minnufih qabel id-dhul fis-sehh ta' dan l-Att ghandu, malli ssir in-notifika lill-Awtorità; mill-persuna li jkun inhareg il-permess favur taghha li tkun bi hsiebha tużufruwixxi mill-jedd moghti b'dan is-subartikolu, ikun awtomatikament imtawwal ghal żmien tliet snin mid-data minn meta l-permess kien orġinarjament inhareg, u d-dispożizzjonijiet tal-paragrafi (a), (b) u (c) tas-subartikolu (3) ta' l-artikolu 33 ta' l-Att prinċipali kif emendat bl-artikolu 13 ta' dan l-Att ghandhom japplikaw mal-iskadenza ta' dak iż-żmien.

(3) Minghajr hsara ghad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, dawk il-persuni li minnufih qabel il-bidu fis-sehh ta' dan l-Att ikunu membri tal-Bord ta' l-Appell dwar l-Ippjanar ghandhom jibqghu fil-kariga ghal żmien tliet xhur mill-bidu fis-sehh ta' dan l-Att u wara li jghaddi dak iż-żmien in-nomina taghhom ma tibqax fis-sehh iżda jkunu jistghu jerġghu jigu nominati mill-gdid skond u ghal dak iż-żmien provdut bid-dispożizzjonijiet ta' l-Att prinċipali kif emendat b'dan l-Att.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 115 ta' l-Erbgha,
30 ta' Lulju, 1997.

MYRIAM SPITERI DEBONO
Speaker

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

I assent.

(L.S.)

Ugo MIFSUD BONNICI
President

12th August, 1997

ACT No. XXIII of 1997

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:-

Short title.

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".

Act I of 1992.

Amendment of section 2 of the principal Act.

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

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

" "conditions" means general conditions applied by the Authority in respect of applications and in respect of their processing but does not include particular conditions tied to the issue of a particular permit;"

(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;"

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

(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 their approval 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:

(i) for the words "the Authority may delegate" there shall be substituted the words "the Authority may, with the approval of the Minister, delegate"; and

(ii) immediately after the words "as it may deem appropriate." there shall be added the words "Notice of any such delegation shall be published in the Gazette."; 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."

Amendment of
section 6 of the
principal Act.

4. For subsections (1) and (2) of section 6 of the principal Act, there shall be substituted the following:

"(1) The Authority shall appoint a Director of Planning and a Director, Administration and Implementation of Procedures who shall report directly to the Board of the Authority and who shall themselves or their representatives have the right to be present at all meetings of the Authority and of the Development Control Commission. The Authority shall also appoint such other officers and employees as the Authority may from time to time deem necessary to carry out its functions under this Act.

(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."

Amendment of
section 12 of the
principal Act.

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 and to the Authority on a quarterly basis about its operations.”.

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

(a) in paragraph (b) of subsection (1) thereof, for the words “appointed by the Authority from among its members, and” there shall be substituted the words “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 every vote, even if by secret ballot, shall be conducted in public.”.

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

(a) in subsection (1) thereof immediately after the words “the President” there shall be inserted the words “acting on the advice of the Minister”;

(b) in subsection (2) thereof immediately after the words “The President” there shall be inserted the words “, acting on the advice of the Minister,”;

(c) 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

(d) 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 the applicant or by a third party who had submitted comments when the application to carry out the development had been published and no appeal shall lie by a third party 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.”.

Addition of new section 17A to the principal Act.

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

“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."

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

"(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."

11. Section 30 of the principal Act shall be substituted by the following new section: Substitution of section 30 of the principal Act.

<sup>*Develop-
ments to
require
per-
mission.</sup> 30. (1) Subject to the provisions of this section and to the following provisions of this Part of the Act, no development shall be carried out after the coming into force of this Act except with the permission of the Authority, in this Act referred to as development permission.

(2) For the purposes of this section, and, unless the context otherwise requires, for all other purposes in this Act, "development" means the carrying out of building, engineering, quarrying, mining or other operations for the construction, demolition or alterations in, on, over, or under any land or the sea or the making of any material change in use of land or building other than:

(a) maintenance operations, which affect only the interior of a building or do not materially affect the external appearance of the building;

(b) internal alterations to a building which do not affect the external configuration of appearance thereof and comply with any regulations made under section 60 of this Act;

(c) the use of land for agriculture, animal husbandry and forestry (including afforestation), except where such use consists of:

(i) the erection of buildings or amounts to intensive raising of crops or animals; or

(ii) the reclamation of land for agriculture by the deposit of material on such land; or

(iii) the conversion to agricultural use of land which is not currently used for agricultural purposes; and

(d) in the case of buildings or other land that are used for a purpose of any class specified in an order made by the Authority under this Act, the use thereof for any other purpose of the same Class.

(3) For the purpose of this section:

(a) the use of a building resulting in an increase or a reduction in the number of dwelling units in which the building was previously used; or

(b) the deposit of refuse or waste materials on land; or

(c) the use for the display of advertisements of any external part of a building that is not normally used for the purpose,

involves a material change in the use of that building, or part thereof, without prejudice, in the case of advertisements, to any regulations made under this Act with respect to their control.

(4) For the purpose of this section, development in relation to the sea includes land reclamation from the sea, aquaculture and beach developments and their related uses.”.

Amendment of
section 31 of
the principal Act.

12. 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, where so specified in the 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.”.

13. 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 in writing and shall contain a reasoned justification therefor, and 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. Such period may be shortened to seven days in urgent cases as may be indicated in the publication. The Authority shall consider and decide on the objection.”.

14. 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 arising from a valid development permit.

(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 upon a refusal or the imposition of particular conditions, the Authority, or the Commission shall give detailed reasons based on existing policies for such refusal or for any particular conditions that may have been 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 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."

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

"(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."

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

^{"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 detailed plans; and

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

Provided that the detailed plans shall only be accessible to persons holding the warrant of architect and civil engineer upon a declaration in writing about their interest to see the same."

17. 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 take a decision on any application for development proposed within a temporary provisions scheme boundary or a development boundary as indicated in an approved local plan 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 application conforms with approved policies:

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, based on planning issues, for such an extension.

(2) The Authority shall take a decision on an application not falling under subsection (1) of this section not later than twenty-six weeks after it has validated the application:

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, based on planning issues, for such an extension.

(3) Notwithstanding the foregoing provisions of this section, where the Authority, within the said period of twelve weeks or of twenty-six weeks, as the case may be, has informed the applicant that the application requires or calls for a full environmental impact assessment or an environment planning statement, whether under the Environment Protection Act, 1991, or because of any other consideration, or where a traffic impact statement is required, or where the Authority requires consultation with government departments or agencies, the period taken for the submission of an acceptable assessment or statement by applicant or response by government departments or agencies, as the case may be, shall not be taken into consideration for the purpose of the twelve weeks or twenty-six weeks mentioned in subsection (1) or (2) of this section.

(4) Government departments or agencies shall respond in writing to the Authority not later than four weeks from date of receipt of request by the Authority. In default, such government departments or agencies shall be deemed not to object to such application.

(5) In all cases moreover, the period required for the applicant to submit amended plans, new information or reasons why the

application should not be refused, shall not be construed as forming part of the said periods of twelve weeks or of twenty-six weeks aforesaid.”.

18. 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.”.

19. Section 40 of the principal Act is hereby repealed.

Repeal of section 40 of the principal Act.

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

Amendment of section 46 of the principal Act.

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

“Provided 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.”;

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

“(2) The list of conservation orders and of schedule 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 subsection:

“(8) An owner of scheduled property has a right to demand the reconsideration of any scheduling of his property. Such demand shall be entered in writing with the Authority within thirty days of notification or publication in the Gazette, whichever is the later, of the scheduling and the Authority shall decide within three months of receipt by it of the demand for reconsideration.”.

Amendment of section 47 of the principal Act.

21. In subsection (1) of section 47, for the words “as it may deem necessary.” there shall be substituted the words “as it may deem necessary and the provisions of the proviso to subsection (1) of section 46 of this Act shall apply:

Provided that in case of urgency the Chairman of the Authority may make an emergency conservation order without the need of consulting the other members of the Authority.”.

Amendment of section 52 of the principal Act.

22. Section 52 of the principal Act shall be amended as follows:

(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”.

Amendment of the First Schedule to the principal Act.

23. The First Schedule to the principal Act shall be amended as follows:

(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 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.”.

24. Immediately at the end of paragraph 2 of the Third Schedule to the principal Act, there shall be added the words “The Authority shall file its reply within 30 days from service upon it of the application. The reply shall be served on the appellant.”.

Amendment of the
Third Schedule to the
principal Act.

25. (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 and where such appeals have been appointed or put off for any particular date by the said Board as previously constituted they shall remain so appointed or put off by the Board as now constituted.

Transitory
provisions.

(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.

(3) Without prejudice to the provisions of subsection (1) of this section, those persons who immediately before the coming into force of this Act are members of the Planning Appeals Board shall continue to hold office for a period of three months from the coming into force of this Act after which period their appointment shall lapse but they may be reappointed in accordance with and for such period as provided by the provisions of the principal Act as amended by this Act.

A 588

Passed by the House of Representatives at Sitting No. 115
Wednesday, 30th July, 1997.

Myriam Spiteri Debono
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.