

Nru 144

25. 07. 2025

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Gustizzja u r-Riforma tas-Settur tal-Kostruzzjoni, u mogri għall-Ewwel darba fis-Seduta tat-23 ta' Lulju, 2025.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice and Reform of the Construction Sector, and read the First time at the Sitting of the 23rd July, 2025.

ATT sabiex jistabbilixxi tribunal bil-għan li jirrevedi deċiżjonijiet tal-Awtorità tal-Ippjanar u tal-Awtorità għall-Ambjent u r-Rizorsi, biex jipprovdi għall-mod kif għandhom isiru l-proċeduri quddiem it-tribunal, u biex jipprovdi għal appelli minn deċiżjonijiet tat-tribunal.

AN ACT to establish a tribunal for the purpose of reviewing decisions of the Planning Authority and the Environment and Resources Authority, to provide for the conduct of proceedings before the tribunal, and to provide for appeals from decisions of the tribunal.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jistabbilixxi tribunal bil-għan li jirrevedi deċiżjonijiet tal-Awtorità tal-Ippjanar u tal-Awtorità għall-Ambjent u r-Riżorsi, biex jipprovdi għall-mod kif għandhom isiru l-proċeduri quddiem it-tribunal, u biex jipprovdi għal appelli minn deċiżjonijiet tat-tribunal.

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

TAQSIMA I Dispożizzjonijiet preliminari

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att 2025 dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar. Titolu fil-qosor u bidu fis-sehħ.

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

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

"applikazzjoni għall-ippjanar" tfisser applikazzjoni għall-iżvilupp komplet, applikazzjoni għall-iżvilupp ġenerali, applikazzjoni sommarja, applikazzjoni għal proġett ta' interess komuni, talba għall-screening jew applikazzjoni għall-kontroll tal-ippjanar għall-modifiki fl-allinjament ta' toroq u bini fi pjan lokali;

"Awtorità għall-Ambjent u r-Riżorsi" għandu jkollha l-istess tifsira kif mogħti lilha fl-Att dwar il-Protezzjoni tal- Kap. 549.

Ambjent;

Kap. 552.

"Awtorità tal-Ippjanar" għandu jkollha l-istess tifsira kif mogħti lit-terminu "Awtorità" fl-artikolu 2 tal-Att dwar l-Ippjanar tal-Iżvilupp;

"Chairperson" tfisser kwalunkwe Chairperson tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar mahtur skont dan l-Att;

L.S. 552.13.

"konsulent estern" għandu jkollha l-istess tifsira kif mogħti lilha fir-Regolament 2 tar-Regolamenti dwar l-Ippjanar tal-Iżvilupp (Proċedura ta' Applikazzjonijiet u d-Deċiżjoni Relattiva) u għandha tirreferi għal dawk li jkunu pprezentaw rappreżentazzjonijiet bil-miktub fiż-żmien statutorju;

Kap. 552.

"permess għall-iżvilupp" għandu jkollha l-istess tifsira kif mogħti lilha fl-Att dwar l-Ippjanar tal-Iżvilupp;

"rakkomandazzjoni" tfisser ir-risposta pprezentata minn konsulent estern li tista' tindika li ma hemm l-ebda oġġezzjoni għal applikazzjoni, jew approvazzjoni tal-applikazzjoni soġġetta għall-kondizzjonijiet indikati mill-konsulent estern jew li l-applikazzjoni tkun oġġezzjonabbli għar-raġunijiet indikati mill-konsulent estern;

"Segretarju" tfisser is-Segretarju għat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar;

Kap. 552.

"terza parti interessata" tfisser kwalunkwe persuna li, bis-saħħa ta' dispożizzjoni espressa tal-liġi, hija intitolata li tissottometti u ssottomettiet rappreżentazzjonijiet bil-miktub fir-rigward ta' applikazzjoni għall-iżvilupp fiż-żmien statutorju stabbilit skont l-Att dwar l-Ippjanar tal-Iżvilupp jew kwalunkwe regolamenti magħmula tahtu;

"Tribunal" tfisser it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar imwaqqaf bl-artikolu 3.

"uffiċjal mahtur" tfisser persuna mahtura skont l-artikolu 6;

TAQSIMA II

Twaqqif u Għan tat-Tribunal

Twaqqif tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar.

3. Għandu jitwaqqaf skont id-dispożizzjonijiet ta' dan l-Att, tribunal indipendenti u imparzjali, li jkun magħruf bħala t-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar, bil-għan li jirrevedi d-deċiżjonijiet tal-Awtorità tal-Ippjanar u d-deċiżjonijiet tal-Awtorità għall-Ambjent u r-Rizorsi, riferuti lilu skont dan l-Att jew kwalunkwe liġi oħra, u bil-

għan li jeżerċita kwalunkwe ġurisdizzjoni u funzjoni oħra mogħtija lit-Tribunal minn jew taħt din il-liġi, kemm qabel kif ukoll wara d-dhul fis-seħħ ta' dan l-Att.

4. (1) Il-President għandu, filwaqt li jaġixxi fuq il-parir tal-Prim Ministru, jahtar membri sabiex joqogħdu fuq it-Tribunal.

Membri tat-Tribunal u l-ġurament tal-kariga.

(2) Membru tat-Tribunal għandu, meta jinħatar, jiehu l-ġurament li ġej quddiem l-Avukat tal-Istat:

"Jiena..... (isem u kunjom) wara li ġejt mahtur bħala membru għall-finijiet tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, naħlef li se nwettaq fedelment, b'mod sħiħ, imparzjali u bl-aħjar mod possibbli u nwettaq id-dmirijiet fdati lili bis-saħħa tal-ħatra msemija. Hekk Alla jgħinni".

(3) L-imsemmi ġurament għandu jiġi ffirmat mill-membri tat-Tribunal u mill-Avukat tal-Istat u għandu jiġi ddepożitat għand is-Segretarju tat-Tribunal.

5. (1) Il-Prim Ministru jista' b'avviż fil-Gazzetta jistabbilixxi panels tat-Tribunal li jikkonsistu fi tliet (3) membri, u jista' jindika l-kategoriji ta' każijiet li għandhom jiġu assenjati lil kull panel u jista' b'ordni sussegwenti jemenda, jirrevoka jew jissostitwixxi tali ordni.

Kompożizzjoni tat-Tribunal.

(2) Fuq kull panel, tnejn mill-membri tiegħu huma meħtieġa li jkollhom għarfien b'saħħtu fl-ippjanar tal-iżvilupp u materji ambjentali filwaqt li l-membri l-ieħor għandu jkun avukat li jkun ipprattika l-professjoni ta' avukat għal mill-inqas erba' (4) snin.

(3) Kull panel għandu jkollu Chairperson, li għandu jippresjedi fuq il-panel. Fin-nuqqas ta' Chairperson għal raġuni valida, membru ieħor li jkun fuq il-panel għandu jwettaq il-funzjonijiet ta' Chairperson:

Izda t-Tribunal jista' jipproċedi biss bil-każ jekk mill-inqas żewġ membri jkunu preżenti, minkejja l-assenza ta' membru wieħed għal raġuni ġustifikata.

(4) Is-Segretarju tat-Tribunal għandu jistabbilixxi l-lista tal-każijiet ta' kull panel, wara li jikkunsidra l-ammont ta' każijiet pendenti assenjati quddiem kull panel.

(5) Il-membri tat-Tribunal għandhom jibqgħu fil-kariga għal terminu ta' għaxar (10) snin u jistgħu jerggħu jinħatru mill-ġdid għal terminu ieħor ta' ħames (5) snin.

(6) Fl-eżerċizzju tal-funzjonijiet tagħhom taħt dan l-Att, iċ-

Chairperson u l-membri tat-Tribunal ma għandhomx ikunu soġġetti għall-kontroll jew id-direzzjoni ta' kwalunkwe persuna jew awtorità oħra, u jistgħu biss jitneħħew mill-kariga mill-President li jaġixxi fuq il-parir tal-Prim Ministru minhabba xi waħda mir-raġunijiet li ġejjin:

(a) inabbiltà ppruvata li ma jkunux jistgħu jwettqu l-funzjonijiet tal-kariga tagħhom, kemm jekk jirriżultaw minn mard fiżiku jew mentali jew xi raġuni oħra;

(b) imġiba hażina ppruvata;

(ċ) negligenza serja.

Uffiċjali
mahtura.

6. (1) L-Chairperson ta' panel assenjat għal każ għandu jkollu s-setgħa li jahtar persuni sabiex iwettqu l-funzjonijiet preskritti taht dan l-Att.

(2) L-uffiċjali mahtura għandhom iwettqu l-funzjonijiet tagħhom skont tali ordnijiet li t-Tribunal jista' joħroġ.

(3) L-Chairperson għandu jkollu s-setgħa li jahtar lill-nnifsu jew lil xi membru tat-Tribunal biex jaġixxi bħala uffiċjal mahtur.

Segretarjat
amministrattiv.

7. (1) It-Tribunal għandu jkollu segretarjat amministrattiv indipendenti minn kwalunkwe awtorità, li jkun magħmul minn Segretarju u tali uffiċjali jew impjegati oħra kif jista' jkun meħtieġ għall-immaniġġar spedjenti u effiċjenti ta' kwistjonijiet amministrattivi fil-funzjonijiet tat-Tribunal.

(2) Is-Segretarju għandu jinħatar mill-Prim Ministru, u bla ħsara għad-dispożizzjonijiet l-oħra tal-Att, l-impjeg u l-hatra ta' uffiċjali u impjegati oħra għandhom isiru mis-Segretarju u t-termini u l-kondizzjonijiet tal-impjeg u l-hatra tagħhom għandhom isiru bi qbil mal-Prim Ministru.

(3) Is-Segretarju għandu jaqdi kwalunkwe dmir li jista' jaqa' fuqu taht dan l-Att jew taht kwalunkwe regolamenti magħmula tahtu.

Spejjeż inkorsi
mit-Tribunal.

8. L-ispejjeż inkorsi b'rabta mal-amministrazzjoni tat-Tribunal, inkluż il-ħlas tal-onorarju li-Chairperson u lill-membri tat-Tribunal u s-salarju tas-Segretarju tat-Tribunal u tal-persunal tat-Tribunal, għandhom jiġihallu mill-Fond Konsolidat mingħajr il-htieġa ta' xi approprjazzjoni ulterjuri.

Reġistru tat-
Tribunal.

9. (1) Għandu jkun hemm reġistru tat-Tribunal li għandu jiġi stabbilit f'post indikat mill-Prim Ministru.

(2) L-atti kollha tat-Tribunal għandhom jinżammu fir-Reġistru.

(3) Is-Segretarju tat-Tribunal għandu jkun responsabbli għat-tmexxija tar-Reġistru.

(4) Meta att jiġi ppreżentat b'mezzi elettronici barra mill-hinijiet tal-ftuħ tar-reġistru, tali att għandu jitqies li ġie ppreżentat fl-ewwel jum ta' wara tal-ftuħ tal-imsemmi reġistru.

(5) Salv kif provdut xort'oħra f'regolamenti magħmula taħt dan l-Att, ir-Reġistru tat-Tribunal għandu jkun aċċessibbli għall-pubbliku, inkluż għas-sottomissjoni ta' dokumenti mit-8:00 a.m. sa 12:00 p.m. u mis-1:30 p.m. sat-3:15 p.m. fil-granet kollha tal-gimgha, esklużi s-Sibtijiet, il-Hdud u l-festi pubblici kif indikati taħt l-Att dwar il-Festi Nazżjonali u Btajjel Pubblici oħra: Kap. 252.

Iżda matul ix-xhur ta' Lulju, Awwissu u Settembru, ir-Reġistru għandu jkun miftuħ għas-sottomissjonijiet biss mit-8:00 a.m. sa 12:00 p.m.

(6) Il-Prim Ministru jista' jagħmel regolamenti sabiex jirregola tali kwistjonijiet oħra li jistgħu jkun meħtieġa għall-operat effettiv tar-Reġistru, inkluż id-determinazzjoni tal-perijodi li matulhom ir-Reġistru għandu jitqies magħluq, inattiv jew sospiż.

10. (1) Fin-nuqqas ta' kwalunkwe regola dwar kwalunkwe kwistjoni, it-Tribunal jista' jirregola l-proċedura tiegħu stess. Tmexxija tal-proċedimenti.

(2) It-Tribunal jista' jieħu dawk il-miżuri kollha u joħroġ dawk l-ordnijiet kollha li jidhirlu xierqa sabiex jiżgura t-tmexxija adegwata tas-seduti tat-Tribunal u l-għoti tad-deċiżjonijiet tiegħu b'mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni. Huwa jista' jippermetti wkoll li l-preżentata tal-atti fil-proċedimenti mressqa quddiemu, issir b'mezzi elettronici f'tali format kif iquis xieraq.

(3) It-Tribunal għandu jkollu d-dritt li jikkomunika mal-partijiet permezz ta' mezzi elettronici jew permezz ta' posta konvenzjonali, fid-diskrezzjoni tiegħu.

(4) Ir-reġistru tat-Tribunal jista' jirċievi l-atti kollha inkluż ir-rikorsi tal-appell u r-risposti għalihom, permezz tat-trażmissjoni tal-att originali debitament iffirmit, permezz ta' mezzi elettronici u jirċievi d-dritt preskritt mir-Regolamenti dwar Drittijiet li jithallsu għal Appelli tal-Ambjent u l-Ippjanar permezz ta' hlas elektroniku jew mezzi oħra: L.S. 551.01.

Iżda fejn l-indirizz elektroniku pprovdut minn kwalunkwe parti ma jkunx korrett jew meta għal kwalunkwe raġuni ma jibqax jiffunzjona jew jirċievi korrisspondenza u ma jiġix debitament rettifikat sad-data tal-ewwel smigh, l-istess parti għandha titqies li tkun abbandunat l-appell, irrispettivament mill-istadju milhuq fil-proċeduri.

(5) It-Tribunal jista' jzomm u jmexxi s-smigh tas-seduti tieghu u jaghti d-deċiżjonijiet tieghu permezz ta' tali mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif jidhirlu xieraq. It-tmexxija tas-smigh tas-seduti u l-ġhoti ta' deċiżjonijiet tat-Tribunal permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni għandu jkollhom l-istess effett fil-liġi daqslikieku saru b'mezzi tradizzjonali.

(6) Kwalunkwe nuqqas jew ħsara fil-mezzi elettronici jew mezzi oħra ta' komunikazzjoni, inkluż sistemi ta' vidjokonferenzi, ma għandhomx irendu s-seduta nulla u bla effett.

(7) Salv kif provdut xort'oħra f'dan l-Att, in-notifika bil-posta elettronika għandha titqies li tkun saret fid-data meta l-att ikun ġie trażmess permezz ta' mezzi elettronici.

Preżentazzjoni
ta' dokumenti
permezz ta'
mezzi
elettronici.

11. (1) L-atti ppreżentati permezz ta' mezzi elettronici għandhom, għall-finijiet u effetti kollha tal-liġi, jitqiesu bħallikieku ġew ippreżentati direttament fir-reġistru tat-Tribunal.

(2) Għal kull appell ippreżentat quddiem it-Tribunal, is-Segretarju tat-Tribunal għandu jzomm reġistru bl-indirizzi tal-posta elettronika tal-persuni kollha li jipparteċipaw fil-proċedimenti tal-appell u tali reġistru għandu jkun disponibbli għall-persuni kollha li jipparteċipaw fl-imsemmi appell.

(3) Kwalunkwe att, dokument u sottomissjoni bil-miktub ippreżentati quddiem it-Tribunal minn kwalunkwe parti fil-proċedimenti tal-appell għandhom jiġu nnotifikati minn dik il-parti lill-partijiet l-oħra kollha fil-proċedimenti permezz tal-posta elettronika, fl-istess ħin li fih kwalunkwe tali att, prova dokumentarja jew sottomissjoni bil-miktub jiġu ppreżentati quddiem it-Tribunal, jew sa mhux aktar tard minn jumejn (2) tax-xogħol meta l-att, il-prova dokumentarja jew is-sottomissjoni bil-miktub ma jiġux ippreżentati b'mod elektroniku:

Iżda t-Tribunal jista' jordna li kwalunkwe att, dokument jew sottomissjoni bil-miktub li ma jiġux notifikati lill-partijiet l-oħra kif intqal qabel, jiġu eżentati mill-atti tal-proċedimenti tal-appell.

(4) Ir-reġistru tat-Tribunal għandu joħroġ kopja tal-atti ppreżentati permezz ta' mezzi elettronici kif intqal qabel u l-imsemmija kopja mahruga mir-reġistru tat-Tribunal għandha, għall-finijiet u effetti kollha tal-liġi, titqies bħala l-original.

(5) Ma għandha tirriżulta l-ebda nullità minhabba n-nuqqas ta' osservanza ta' xi dispożizzjoni taħt dan l-artikolu, inkluż dwar it-tmexxija tal-proċedimenti jew l-ġhoti ta' deċiżjonijiet tat-Tribunal b'mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni

minhabba n-nuqqas tal-mezzi elettronici jew mezzi oħra ta' komunikazzjoni użati.

12. (1) It-Tribunal għandu jżomm seduti f'Malta u, jew f'Għawdex, f'dawk l-intervalli regolari li jistgħu jkunu meħtieġa sabiex iħaffef il-ħidma tiegħu.

Seduti tat-Tribunal.

(2) It-Tribunal għandu jiżgura li s-smigh tas-seduti kollha tiegħu u l-ġoti tad-deċiżjonijiet kollha tiegħu jkunu miftuħa u aċċessibbli għall-pubbliku permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif jidhirlu xieraq.

13. (1) It-Tribunal għandu jkollu s-setgħa li jisma' u jiddeċiedi appelli kemm fuq il-fatti kif ukoll fuq punti ta' liġi.

Setgħat tat-Tribunal.

(2) Id-determinazzjonijiet fattwali magħmula mit-Tribunal għandhom ikunu finali u ma għandhomx ikunu soġġetti għal reviżjoni minn l-ebda qorti, hlief kif provdut fit-Taqsimiet V u VI. Il-korrettezza legali ta' deċiżjonijiet ibbażati fuq dawk il-fatti, kif stabbilit mit-Tribunal, għandha tkun soġġetta għal reviżjoni ġudizzjarja skont it-Taqsimiet V u VI.

(3) It-Tribunal għandu jkollu s-setgħa li johroġ dawk l-ordnijiet kollha, inkluż l-impożizzjoni ta' tali limiti ta' żmien li jistgħu jkunu meħtieġa sabiex jiġi żgurat li d-deċiżjonijiet jistgħu jingħataw fil-limiti ta' żmien stabbiliti f'dan l-Att.

14. (1) It-Tribunal għandu:

Prinċipji ta' mġiba amministrattiva tajba.

(a) iħares id-dispożizzjonijiet tal-artikolu 742 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u fejn membru jaqa' taħt xi waħda mill-kategoriji speċifikati, tali membru għandu jirrikuża ruħu u jiġi sostitwit minn membru ieħor;

Kap. 12.

(b) jiżgura l-ugwaljanza proċedurali bejn il-partijiet fil-proċedimenti billi jagħti lil kull parti opportunità ġusta u adegwata sabiex tippreżenta l-każ tagħha, kemm jekk bil-miktub, oralment, jew it-tnejn, mingħajr ma tkun żvantaġġata;

(c) jindika b'mod ċar ir-raġunijiet li huma determinanti għall-eżitu tal-appell;

(d) josserva r-rekwiżiti proċedurali kollha bil-miktub, li n-nuqqas tagħhom jista' jirriżulta fi preġudizzju għal kwalunkwe parti kkonċernata;

(e) jiżgura li l-istrumenti legali identifikati bħala l-bażi

għad-deċiżjoni jkunu validi u fis-seħħ fiż-żmien meta l-Awtorità tal-Ippjanar tagħti d-deċiżjoni tagħha:

Iżda f'każijiet fejn applikazzjoni tal-ippjanar, applikazzjoni ta' regolarizzazzjoni jew ordni ta' żvilupp ma jkunux għew deċiżi b'mod favorevoli mill-Awtorità tal-Ippjanar, l-istrumenti legali identifikati bħala l-bażi għad-deċiżjoni għandhom ikunu validi u fis-seħħ fiż-żmien meta t-Tribunal jagħti d-deċiżjoni tiegħu;

(f) jiżgura li d-deċiżjoni tkun ibbażata fuq il-fatti stabbiliti minnha;

(g) kif soġġett għad-dispożizzjonijiet ta' kwalunkwe ligi oħra, jiżgura li l-Awtorità tal-Ippjanar tpoġġi għad-dispożizzjoni tal-partijiet fil-proċedimenti d-dokumenti u l-informazzjoni kollha rilevanti għall-appell, sabiex b'hekk ikunu jistgħu jipprezentaw argumenti kuntrarji b'mod effettiv;

(h) jiżgura li d-deċiżjoni tkun limitata għal kwistjonijiet inklużi fid-deċiżjoni appellata u fl-appell.

Tahrik tax-xhieda.

15. (1) It-Tribunal għandu jkollu s-setgħa li jharrek xhieda u jagħti l-gurament lil kwalunkwe persuna li tidher quddiemu.

(2) It-Tribunal jista', fi kwalunkwe stadju tal-proċedimenti, jordna li x-xhieda ta' xi persuna, inkluż kwalunkwe kontroezami, tittiehed, jew li s-sottomissjoni ta' kwalunkwe dokumentazzjoni tiġi riċevuta minn uffiċjal mahtur f'tali żmien li t-Tribunal jista' jimponi.

(3) Jekk kwalunkwe xhud debitament notifikat b'tahrira ffirmata miċ-Chairperson tat-Tribunal jew mill-uffiċjal mahtur jonqos milli jidher quddiem it-Tribunal jew quddiem l-uffiċjal mahtur meta jiġi msejjaħ, mingħajr raġuni ġusta, tali persuna għandha tiġi mmultata mit-Tribunal jew mill-uffiċjal mahtur multa ta' mhux anqas minn ħames mitt euro (€500) u mhux aktar minn ħamest elef euro (€5,000):

Iżda t-Tribunal jista', wara li jkun ingħata raġuni tajba għas-sodisfazzjon tiegħu, jirrevoka l-multa imposta.

Applikabbiltà ta' ċerti dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

16. Id-dispożizzjonijiet tal-artikoli 21, 22 u 23 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom japplikaw għall-proċedimenti kollha quddiem it-Tribunal.

Appelli multipli.

17. (1) Meta mill-istess deċiżjoni jiġi pprezentat aktar minn appell wiehed minn appellanti differenti, it-Tribunal għandu jagħmel

hiltu sabiex jiżgura li l-appelli kollha jinstemgħu fl-istess hin u barra minn hekk għandu jagħmel hiltu sabiex jagħti d-deċiżjonijiet kollha tiegħu fl-istess hin.

(2) Appellant ma għandux jithalla jippreżenta aktar minn appell wieħed fir-rigward tal-istess deċiżjoni.

18. It-Tribunal jista' jiddifferixxi għal data oħra kwalunkwe smiġh tal-appell jekk ikun sodisfatt li xi waħda mill-partijiet ma setgħetx tidher quddiemu minhabba mard ippruvat jew assenza minn Malta jew xi raġuni oħra simili valida u raġonevoli:

Differiment tas-smiġh.

Iżda ma għandu jkun hemm l-ebda differiment tas-smiġh tal-appell f'każijiet fejn is-smiġh ikun jista' jipproċedi fir-rigward tal-partijiet l-oħra mingħajr ma jikkawża ħsara għad-drittijiet tal-parti li ma setgħetx tidher quddiem it-Tribunal għar-raġunijiet imsemmija f'dan l-artikolu.

19. (1) It-Tribunal jista' jqis appell bħala deżert jekk l-appellant ma juri l-ebda interess fl-appell ippreżentat minnu.

Appelli meqjusa bħala abbandunati.

(2) In-nuqqas tal-appellant li jidher quddiem it-Tribunal għal żewġ seduti konsekuttivi mingħajr raġuni valida għandu jitqies bħala prova ta' dak in-nuqqas ta' interess u t-Tribunal jista' għalhekk jiddikjara l-appell deżert.

20. Jekk it-Tribunal jiddeċiedi li jwettaq spezzjoni minn jeddu, l-ispejjeż ta' tali spezzjoni għandhom jithallsu mill-appellant, inkella l-ispejjeż għandhom jithallsu mill-parti li titlob l-ispezzjoni.

Drittijiet għal spezzjonijiet fuq il-post.

21. It-Tribunal jista' jimponi multa sa ħamest elef euro (€5,000) fuq l-appellant f'dawk il-każijiet fejn jiddikjara appell bħala frivolu jew vessatorju u f'tali każijiet, id-deċiżjoni tat-Tribunal għandha tkun finali mingħajr ebda rimedju quddiem il-Qorti tal-Appell (Ġurisdizzjoni Inferjuri).

Appelli frivoli jew vessatorji.

22. (1) It-Tribunal jista', fi kwalunkwe stadju tal-proċedimenti, fuq talba ta' xi waħda mill-partijiet, sakemm tingħata d-deċiżjoni, wara li jinstemgħu l-partijiet fejn meħtieġ, jordna s-sostituzzjoni ta' xi att jew jippermetti li kwalunkwe sottomissjoni bil-miktub tiġi emendata, jew billi jiżdied jew jitneħħa l-isem ta' xi parti u jiġi sostitwit isem ieħor flokha, jew billi jiġi kkoreġut xi żball fl-isem jew fil-kapaċità tal-partijiet, jew billi jiġi kkoreġut kwalunkwe żball ieħor, jew billi jippermetti s-sottomissjoni ta' fatti jew argumenti legali addizzjonali, inkluż permezz ta' nota separata, diment li l-ebda tali sostituzzjoni jew emenda ma tbiddel is-sustanza tal-appell, jew irrisposta jew id-difiża tal-parti li qed topponi fuq il-merti tal-każ.

Setgħa tat-Tribunal li jordna jew jippermetti emendi ta' sottomissjonijiet bil-miktub.

(2) Kwalunkwe ommissjoni jew żball amministrattiv f'att tat-Tribunal jista' jiġi kkoreġut mit-Tribunal fuq inizjattiva tiegħu stess sakemm it-Tribunal ma jkunx għadu ta d-deċiżjoni tiegħu.

(3) It-Tribunal jista', permezz ta' rikors ta' waħda mill-partijiet li għandu jiġi notifikat lill-partijiet l-oħra fl-appell, jemenda fi kwalunkwe ħin, permezz ta' digriet, kwalunkwe żball ta' kalkolu li jkun sar fid-deċiżjoni.

(4) It-Tribunal ma għandux jiġi prekluz milli jikkoreġi kwalunkwe żball fil-kliem tad-deċiżjoni jew milli jibdel xi espressjoni li tkun ekwivoka jew li tista' tiġi interpretata b'mod differenti minn dak li jidher ċar li hu maħsub mit-Tribunal, diment li jsir rikors f'dak is-sens fi żmien għoxrin (20) jum mid-data meta d-deċiżjoni tiġi ppubblikata, u f'dak il-każ, iż-żmien mogħti b'dan l-Att sabiex isir appell quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) minn kwalunkwe deċiżjoni hekk emendata, għandu jibda jiddekorri mid-data tan-notifika tad-digriet mogħti fuq it-talba għall-emenda.

Esperti.

23. (1) It-Tribunal jista' jeħtieġ lil kwalunkwe dipartiment jew aġenzija tal-Gvern li tipprovdi lit-Tribunal b'tali informazzjoni kif it-Tribunal jidhirlu meħtieġa għall-eżekuzzjoni xierqa tal-funzjonijiet tiegħu.

(2) It-Tribunal għandu jkollu s-setgħa li jaħtar esperti fi kwalunkwe stadju tal-proċedimenti u tali ħatriet għandhom ikunu regolati mid-dispożizzjonijiet li ġejjin:

(a) it-Tribunal jista' jaħtar espert jew aktar minn espert wieħed sabiex iħejji rapport dwar kwalunkwe kwistjoni li t-Tribunal iqis rilevanti għall-appell;

(b) fejn il-partijiet f'appell jaqblu dwar is-sottomissjoni ta' isem ta' espert, it-Tribunal għandu jaħtar l-espert maqbul bejn il-partijiet;

(c) fejn il-partijiet jonqsu milli jaqblu dwar il-ħatra ta' espert, it-Tribunal għandu jaħtar espert tal-għażla tiegħu stess.

(3) Fid-digriet tat-Tribunal għall-ħatra ta' espert, it-Tribunal għandu:

(a) jiddikjara l-għan tal-ħatra;

(b) jiffissa l-gurnata u l-ħin meta l-espert għandu jagħmel spezzjoni *faciem loci* fejn meħtieġ;

(c) jagħti struzzjonijiet għall-gwida tal-espert fit-twettiq

tal-kompitu tiegħu, fejn meħtieġ;

(d) jistabbilixxi data sa meta l-espert għandu jhejji rapport;

(e) jiddikjara liema parti għandha tħallas l-ispejjeż ta' tali espert.

(4) It-Tribunal jista', fi kwalunkwe hin, jordna lill-espert sabiex jirritorna l-atti tal-appell li jkunu fil-pussess tiegħu. F'każ ta' nuqqas ta' osservanza tal-ordni tat-Tribunal, l-espert għandu, bla ħsara għal xi proċedura oħra li tista' tinfetħ kontri, ikun ħati ta' disprezz tal-ordni tat-Tribunal.

(5) It-Tribunal jista' jordna lill-espert jattendi għas-seduti tal-appell u jagħmel kwalunkwe mistoqsija lix-xhieda li jidhirlu meħtieġa jew rilevanti sabiex ikun jista' jhejji r-rapport tiegħu.

(6) L-espert għandu jiġi nnotifikat b'kopja tad-dokumentazzjoni kollha li tkun tinsab fil-fajl tal-appell.

(7) L-espert jista' jiġi rikuzat minn kwalunkwe waħda mill-partijiet f'appell fuq raġuni tajba li tintwera lit-Tribunal kif provdut fl-artikolu 648 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

(8) Ir-rapport tal-espert għandu jindika l-inkjesti mwettqa minnu u s-sejbiet tiegħu flimkien mar-raġunijiet għal tali sejbiet.

(9) Ir-regoli applikabbli fis-Sub-titolu IV tat-Titolu I tat-Tielet Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom *mutatis mutandis* japplikaw għal esperti maħtura mit-Tribunal. Kap. 12.

24. (1) Il-Prim Ministru jista' jagħmel regolamenti sabiex jimplimenta u jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-Att u jista', bla ħsara għal tali generalità: Setgħa tal-Prim Ministru li jagħmel regolamenti.

(a) jistabbilixxi l-proċedura quddiem it-Tribunal;

(b) jistabbilixxi l-proċedura fl-appelli mid-deċiżjonijiet tat-Tribunal;

(c) jistabbilixxi l-formoli li għandhom jintużaw fil-proċedimenti quddiem it-Tribunal;

(d) jistabbilixxi l-forom li għandhom jintużaw fi proċedimenti fl-appelli mid-deċiżjonijiet tat-Tribunal;

(e) jistabbilixxi r-rati u t-tariffi relatati mal-proċedimenti quddiem it-Tribunal;

(f) jistabbilixxi d-drittijiet li jistgħu jkunu dovuti lir-Registru tat-Tribunal;

(g) jistabbilixxi d-dmirijiet tas-Segretarju tat-Tribunal;

(h) jippreskrivi kwalunkwe haġa li tista', jew li għandha tiġi preskritta skont dan l-Att;

(i) iwettaq dawk l-emendi jew tħassir għal kwalunkwe leġislazzjoni sussidjarja sabiex iġib tali leġislazzjoni sussidjarja konformi mad-dispożizzjonijiet ta' dan l-Att.

Rappreżentanza
legali u
gudizzjarja.

25. Ir-rappreżentanza legali u ġudizzjarja tat-Tribunal għandha tkun vestita fis-Segretarju tat-Tribunal jew fi kwalunkwe persuna oħra li l-Prim Ministru jista' jistabbilixxi għal xi każ speċifiku jew klassi ta' każijiet.

Trasferiment ta'
responsabb-
iltajiet.

26. It-Tribunal imwaqqaf taht id-dispożizzjonijiet ta' dan l-Att għandu jwettaq u jassumi l-funzjonijiet, assi, drittijiet, responsabbiltajiet u l-obbligi kollha tat-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar imwaqqaf taht id-dispożizzjonijiet tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar.

Kap. 551.

Eżenzjoni mill-
ħlas ta' taxxa
fuq l-income.

27. It-Tribunal għandu jkun eżentat minn kwalunkwe obbligu għall-ħlas ta' kull taxxa fuq l-income jew taxxa fuq dokumenti taht il-liġi applikabbli minn żmien għal żmien.

TAQSIMA III

Proċeduri quddiem it-Tribunal relatati ma' deċiżjonijiet mehuda mill-Awtorità tal-Ippjanar

Ġurisdizzjoni.
Kap. 552.

28. (1) Bla ħsara għad-dispożizzjonijiet tal-Att dwar l-Ippjanar tal-Iżvilupp, it-Tribunal għandu jkollu ġurisdizzjoni li jiddeċiedi appelli fiċ-ċirkostanzi li ġejjin:

(a) meta applikant ikun aggravat minn deċiżjoni tal-Awtorità tal-Ippjanar fir-rigward ta' applikazzjoni għall-ippjanar;

(b) meta applikant ikun aggravat minn deċiżjoni li tikkonċerna talba għal regolarizzazzjoni jew talba għal ordni ta' notifikazzjoni ta' żvilupp jew kwalunkwe att amministrattiv ieħor mhux speċifikament imsemmi f'dan l-Att iżda li dwaru l-applikant ikun issottometta talba;

(ċ) meta parti terza interessata jew konsulent estern ikun aggravat minn deċiżjoni tal-Awtorità tal-Ippjanar fir-rigward ta' applikazzjoni għall-ippjanar;

(d) meta l-persuna li titlob modifika jew revoka ta' permess għall-iżvilupp, jew id-detentur tal-permess għall-iżvilupp, tkun aggravata bid-deċiżjoni meħuda f'dak ir-rigward;

(e) meta persuna li tkun giet notifikata b'avviż maħrug taħt id-dispożizzjonijiet tat-Taqsima IX tal-Att dwar l-Ippjanar tal-Iżvilupp jew is-sid tal-proprjetà soġġetta għall-avviż, anke jekk l-avviż ma kienx indirizzat lilu, iħossu aggravat b'tali avviż;

(f) meta kwalunkwe persuna, mingħajr il-htieġa li tipprova interess ġuridiku jew li turi parteċipazzjoni minn qabel fil-proċeduri, tħossu aggravata b'deċiżjoni relatata ma' ordnijiet ta' skedar jew ta' konservazzjoni;

(g) meta kwalunkwe persuna tħossu aggravata b'deċiżjoni li minnha tali persuna jkollha dritt ta' appell taħt kwalunkwe regolament magħmula taħt dan l-Att u taħt l-Att tal-Ippjanar dwar l-Iżvilupp;

(h) meta l-persuni kollha li jkollhom interess suffiċjenti li jhossuhom aggravati mil-legalità sostantiva jew proċedurali ta' kwalunkwe deċiżjoni, att jew ommissjoni fir-rigward ta' studju dwar l-impatt ambjentali (EIA) jew permess dwar il-prevenzjoni u kontroll integrat tat-tniġġis (IPPC).

(2) Il-Gvern jew kwalunkwe awtorità pubblika mwaqqfa bil-ligi, jistgħu jipprezentaw appell fi kwalunkwe ċirkostanza msemmija fis-subartikolu (1)(b) sa (d) mingħajr il-htieġa li juru interess ġuridiku jew li kien parti terza interessata:

Iżda għall-finijiet ta' dan is-subartikolu, "Gvern" għandha teskludi kwalunkwe aġenzija tal-Gvern jew entità tal-Gvern, kif imfissra fl-artikolu 2 tal-Att dwar l-Amministrazzjoni Pubblika

Kap. 595.

(3) Il-Prim Ministru jista' jordna li kwalunkwe deċiżjoni oħra tal-Awtorità tal-Ippjanar tkun soġġetta għall-ġurisdizzjoni tat-Tribunal.

29. (1) Fil-każ ta' deċiżjonijiet tal-Awtorità tal-Ippjanar dwar applikazzjonijiet għall-ippjanar, talbiet ta' regolarizzazzjoni, talbiet għal ordni ta' notifikazzjoni ta' żvilupp jew kwalunkwe att amministrattiv ieħor mhux speċifikament imsemmi f'dan l-Att iżda li dwaru l-applikant ikun issottometta talba, l-appell għandu jiġi pprezentat quddiem it-Tribunal fi żmien għoxrin (20) jum mid-data tal-pubblikazzjoni tad-deċiżjoni fuq is-sit elettroniku tad-Dipartiment tal-Informazzjoni.

Perjodi ta' żmien għall-prezentata tal-appelli.

(2) Fil-każ ta' deċiżjonijiet tal-Awtorità tal-Ippjanar dwar modifika jew revoka ta' permess għall-ippjanar, l-appell għandu jiġi

ppreżentat quddiem it-Tribunal fi żmien għoxrin (20) jum mid-data tas-smiġ pubbliku li matulu d-deċiżjoni tkun ittiehdet.

Kap. 552.

(3) Fil-każ ta' avviż maħruġ taħt id-dispożizzjonijiet tat-Taqsima IX tal-Att dwar l-Ippjanar tal-Iżvilupp, l-appell għandu jiġi ppreżentat quddiem it-Tribunal fi żmien ħmistax (15)-il jum min-notifika ta' tali avviż.

(4) Fil-każ ta' deċiżjonijiet tal-Awtorità tal-Ippjanar dwar l-iskedar ta' proprjetà, inklużi deċiżjonijiet dwar talbiet għat-tneħħija ta' skedar ta' bini jew il-ħruġ ta' ordnijiet ta' konservazzjoni u twaqqif, l-appell għandu jitressaq quddiem it-Tribunal fi żmien għoxrin (20) jum mid-data tal-pubblikazzjoni tad-deċiżjoni fuq is-sit elettroniku tad-Dipartiment tal-Infurmazzjoni.

(5) L-ebda parti ma tista' titlob estensjoni tal-limiti ta' żmien stabbiliti taħt dan l-Artikolu għar-raġuni li tkun qed tippreżenta appell incidentali għal appell li jkun diġà gie ppreżentat.

(6) Meta applikant jissottometti talba għar-rikonsiderazzjoni ta' deċiżjoni dwar applikazzjoni għall-ippjanar skont l-Att dwar l-Ippjanar tal-Iżvilupp, il-limiti ta' żmien stabbiliti taħt dan l-artikolu għandhom jitqiesu li jibdwu jiddekorru mid-data tal-pubblikazzjoni tad-deċiżjoni, li fir-rigward tagħha tkun qed issir it-talba għal rikonsiderazzjoni, fuq is-sit elettroniku tad-Dipartiment tal-infurmazzjoni.

(7) Fejn il-perjodi msemmija f'dan l-artikolu għandhom jingħaddu minn jum speċifikat, tali jum għandu jiġi eskluż mill-għadd taż-żmien. Jekk l-aħħar jum tal-perjodu jaħbat is-Sibt jew il-Ħadd, dan għandu jitqies li jaħbat fil-jum tal-ġimgħa ta' wara li ma jkunx festa pubblika. Jekk l-aħħar jum jaħbat ma' festa pubblika, dan għandu jitqies li jiġi fil-jum li jmiss tal-ġimgħa ta' wara li ma jkunx festa pubblika.

Kontenut ta' ċerti tipi ta' appelli minn applikant.

30. (1) Appell minn applikant fir-rigward ta' deċiżjoni dwar applikazzjoni għall-ippjanar jew applikazzjoni ta' regolarizzazzjoni jew talba għal ordni ta' notifikazzjoni ta' żvilupp jew kwalunkwe att amministrattiv ieħor mhux speċifikament imsemmi f'dan l-Att iżda li dwaru l-applikant ikun issottometta talba għandu:

(a) jagħmel referenza espressa għad-deċiżjoni li tkun qiegħda tiġi appellata, u għandu jkun akkumpanjat b'kopja tal-imsemmija deċiżjoni flimkien mal-pjanta tas-sit rilevanti li tiffirma parti mir-rikors;

(b) jidentifika b'mod ċar l-aspetti speċifiċi tad-deċiżjoni li qegħdin jiġu kkontestati taħt intestaturi separati u taħt kull intestatura, jipprovdi r-raġunijiet li għalihom qiegħed jiġi

ppreżentat l-appell:

Iżda fil-każ ta' raġunijiet għal rifjut, kull raġuni għandha tiġi stabbilita b'mod distint taħt intestatura separata, akkumpanjata minn ġustifikazzjoni li tispjega għaliex ma kellhiex tiġi inkluża;

(ċ) jipprovdi anness intitolat "Lista ta' Xhieda" li fih ikun hemm inklużi l-ismijiet, l-indirizzi u kwalunkwe indirizz elettroniku disponibbli tax-xhieda. Għal kull xhud maħsub sabiex jingieb bħala prova, il-parti għandha tispeċifika l-fatti li tfittex li jiġu stabbiliti permezz tax-xhieda tagħhom u tindika jekk ix-xhud jistax jixhed biss *viva voce*:

Iżda jekk ma tingħata l-ebda indikazzjoni li xhud elenkat jista' jixhed biss *viva voce*, tali xhud għandu jithalla jippreżenta biss affidavit bħala x-xhieda tiegħu:

Iżda wkoll l-ebda talba għall-produzzjoni ta' xhieda hliet daww inklużi fil-Lista ta' Xhieda ma għandha tkun permessa, sakemm it-Tribunal ma jagħtix permess għal tali produzzjoni fuq turija ta' kawża ġusta;

(d) jipprovdi anness intitolat "Lista ta' Dokumenti" li jelenka d-dokumenti fil-pussess tal-parti li huma meħtieġa sabiex isostnu l-appell:

Iżda kwalunkwe dokumenti fil-pussess ta' terzi persuni għandhom jiġu identifikati separatament, flimkien mad-dettalji ta' tali terzi persuni;

(e) jiddikjara b'mod speċifiku l-mod li bih huwa qed jitlob li d-deċiżjoni tiġi varjata.

(2) Malli jirċievi l-appell, is-Segretarju tat-Tribunal għandu, fi żmien tlett (3) ijiem tax-xogħol mid-data li fiha jkun ġie ppreżentat l-appell, jassenja l-appell lil panel tat-Tribunal. It-Tribunal għandu jibgħat ir-rikors tal-appell bid-dokumentazzjoni kollha annessa lill-Awtorità tal-Ippjanar sabiex tippreżenta risposta fi żmien għoxrin (20) jum, li fih għandha:

(a) tagħmel referenza għad-deċiżjoni appellata;

(b) tiddikjara b'mod ċar għaliex għandha tinzamm id-deċiżjoni ikkontestata u għaliex u l-appell għandu jiġi miċhud;

(ċ) jipprovdi anness intitolat "Lista ta' Xhieda" li fih ikun hemm inklużi l-ismijiet, l-indirizzi u kwalunkwe indirizz

elettroniku disponibbli tax-xhieda. Għal kull xhud maħsub sabiex jingieb bħala prova, il-parti għandha tispeċifika l-fatti li tfittex li jiġu stabbiliti permezz tax-xhieda tagħhom u tindika jekk ix-xhud jistax jixhed biss *viva voce*:

Iżda jekk ma tingħata l-ebda indikazzjoni li xhud elenkat jista' jixhed biss *viva voce*, tali xhud għandu jithalla jippreżenta biss affidavit bħala x-xhieda tiegħu:

Iżda wkoll l-ebda talba għall-produzzjoni ta' xhieda hlief dawk inklużi fil-Lista ta' Xhieda ma għandha tkun permessa, sakemm it-Tribunal ma jagħtix permess għal tali produzzjoni fuq turija ta' kawża ġusta;

(d) jipprovdi anness intitolat "Lista ta' Dokumenti" li jelenka d-dokumenti fil-pussess tal-parti li huma meħtieġa sabiex isostnu l-appell:

Iżda wkoll kwalunkwe dokumenti fil-pussess ta' terzi persuni għandhom jiġu identifikati separatament, flimkien mad-dettalji ta' tali terzi persuni.

(3) Wara li jiddetermina liema xhieda huma rilevanti għall-appell, it-Tribunal għandu jappunta l-ewwel seduta ta' smiġġ, li matulha l-appellant u l-Awtorità tal-Ippjanar għandhom ikunu intitolati jipproduċu provi u jwettqu kontroezamijiet, jew quddiem it-Tribunal jew uffiċjal maħtur.

(4) It-Tribunal jista' jordna spezzjoni *in faciem loci* fuq inizjattiva tiegħu stess jew fuq talba ta' kwalunkwe waħda mill-partijiet, iżda tali spezzjoni għandha tkun permessa biss meta t-Tribunal iqis li jkun meħtieġ sabiex jiġi deċiż l-appell. Matul l-ispezzjoni, ir-rappreżentanti tal-Awtorità u konsulenti esterni biss għandu jkollhom id-dritt li jidhlu fil-propjetà taħt spezzjoni. Mal-gheluq tal-produzzjoni tal-provi, it-Tribunal għandu jżomm seduta waħda għall-finijiet tas-sottomissjonijiet orali finali. Partijiet terzi interessati u konsulenti esterni għandu jkollhom id-dritt li jissottomettu wkoll pożizzjoni bil-miktub wara li l-applikant u l-Awtorità jkunu ikkonkludew il-provi tagħhom, sakemm dawn ikunu nnotifikaw lit-Tribunal bl-intenzjoni tagħhom li jagħmlu dan fi żmien ħamest (5) ijiem minn meta jkunu ġew infurmati li l-applikant ikun ippreżenta appell fil-bidu tal-proċedimenti.

(5) Il-komunikazzjonijiet kollha ppreżentati minn kwalunkwe parti lit-Tribunal matul il-proċedimenti għandhom jiġu komunikati wkoll lill-parti l-oħra fl-appell, kif ukoll lil kwalunkwe parti oħra ammissa mit-Tribunal matul il-proċedimenti, permezz tal-indirizzi tal-

posta elettronika rispettivi tagħhom kif provdut mis-Segretarju tat-Tribunal. In-nuqqas ta' osservanza ta' dan ir-rekwiżit għandu jwassal sabiex it-Tribunal jordna t-tneħħija tal-komunikazzjoni rilevanti mill-proċedura.

(6) Fir-rigward ta' appelli li jaqgħu taħt dan l-artikolu, it-Tribunal għandu jagħti d-deċiżjoni finali tiegħu fi żmien sena (1) mid-data tal-preżentata tal-appell. Dan il-perjodu jista' jiġi estiż darba biss, għal perjodu ulterjuri ta' sitt (6) xhur, f'każijiet eċċezzjonali u fl-interess tal-ġustizzja.

31. (1) Meta jiġi ppreżentat appell minn parti terza interessata jew konsulent estern fir-rigward ta' deċiżjoni dwar applikazzjoni għall-ippjanar quddiem it-Tribunal, il-permess għall-iżvilupp għandu jitqies bħala sospiż sal-iskadenza taż-żmien ta' wieħed u għoxrin (21) jum mid-data li fiha t-Tribunal jagħti d-deċiżjoni tiegħu, u jekk jiġi ppreżentat appell minn parti terza interessata jew konsulent estern fuq punt ta' liġi quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) wara d-deċiżjoni tat-Tribunal, sa dak iż-żmien kif stabbilit bl-artikolu 48.

Kontenut tal-appell minn parti terza interessata jew konsulent estern.

(2) Appell minn parti terza interessata jew konsulent estern fir-rigward ta' deċiżjoni dwar applikazzjoni għall-ippjanar għandu:

(a) jagħmel referenza espressa għad-deċiżjoni li qiegħda tiġi appellata, u għandu jkun akkumpanjat b'kopja tal-imsemmija deċiżjoni flimkien mal-pjanta tas-sit rilevanti li tiffirma parti mir-rikors;

(b) jidentifika b'mod ċar l-aspetti speċifiċi tad-deċiżjoni li qegħdin jiġu kkontestati taħt intestaturi separati u taħt kull intestatura, jipprovdi r-raġunijiet li għalihom qiegħed jiġi ppreżentat l-appell:

Iżda l-aggravji tal-appell għandhom ikunu limitati għal dawk ir-raġunijiet tat-tħassib speċifikament imqajma saż-żmien mogħti taħt l-artikolu 71(6) tal-Att dwar l-Ippjanar tal-Iżvilupp, sakemm ma jkunx jista' jintwera li l-kwistjoni ma setgħetx raġonevolment tiġi prevista f'dak l-istadju;

Kap. 552.

(ċ) jipprovdi anness intitolat "Lista ta' Xhieda" li fih ikun hemm inklużi l-ismijiet, l-indirizzi, u kwalunkwe indirizz elettroniku disponibbli tax-xhieda. Għal kull xhud maħsub sabiex jinġieb bħala prova, il-parti għandha tispeċifika l-fatti li tfittex li jiġu stabbiliti permezz tax-xhieda tagħhom u tindika jekk ix-xhud jistax jixhed biss *viva voce*:

Iżda jekk ma tingħata l-ebda indikazzjoni li xhud elenkat jista' jixhed biss *viva voce*, tali xhud għandu jithalla

jippreżenta affidavit bħala x-xhieda tiegħu:

Iżda wkoll l-ebda talba għall-produzzjoni ta' xhieda ħlief dawk inklużi fil-Lista ta' Xhieda ma għandha tkun permessa, sakemm it-Tribunal ma jagħtix permess għal tali produzzjoni fuq turija ta' kawża ġusta;

(d) jipprovdi anness intitolat "Lista ta' Dokumenti" li jelenka d-dokumenti fil-pussess tal-parti li huma meħtieġa sabiex isostnu l-appell:

Iżda kwalunkwe dokumenti fil-pussess ta' terzi persuni għandhom jiġu identifikati separatament, flimkien mad-dettalji ta' tali terzi persuni;

(e) jiddikjara b'mod speċifiku l-mod li bih huwa qed jitlob li d-deċiżjoni tiġi varjata.

(3) Malli jirċievi l-appell, is-Segretarju tat-Tribunal għandu jassenja l-appell lil panel tat-Tribunal fi żmien tlett (3) ijiem tax-xogħol mid-data li fiha jkun ġie ppreżentat l-appell.

(4) It-Tribunal għandu jibgħat ir-rikors tal-appell, flimkien mad-dokumentazzjoni kollha annessa, lill-applikant u lill-Awtorità tal-Ippjanar.

(5) It-Tribunal għandu javża lill-applikant u lill-Awtorità tal-Ippjanar sabiex jippreżentaw risposta fi żmien għoxrin (20) jum, li fiha għandhom:

(a) jiddikjaraw b'mod ċar għaliex għandha tinżamm id-deċiżjoni kkontestata u tiċċad l-appell;

(b) jipprovdu anness intitolat "Lista ta' Xhieda" li fih ikun hemm inklużi l-ismijiet, l-indirizzi, u kwalunkwe indirizz elettroniku disponibbli tax-xhieda. Għal kull xhud maħsub sabiex jinġieb bħala prova, il-parti għandha tispeċifika l-fatti li tfittex li jiġu stabbiliti permezz tax-xhieda tagħhom u tindika jekk ix-xhud jistax jixhed biss *viva voce*:

Iżda jekk ma tingħata l-ebda indikazzjoni li xhud elenkat jista' jixhed biss *viva voce*, tali xhud għandu jithalla jippreżenta biss affidavit bħala x-xhieda tiegħu:

Iżda wkoll l-ebda talba għall-produzzjoni ta' xhieda ħlief dawk inklużi fil-Lista ta' Xhieda ma għandha tkun permessa, sakemm it-Tribunal ma jagħtix permess għal tali produzzjoni fuq turija ta' kawża ġusta;

(ċ) jipprovdu anness intitolat "Lista ta' Dokumenti" li jelenka d-dokumenti fil-pussess tal-parti li huma meħtieġa sabiex isostnu l-appell:

Iżda wkoll kwalunkwe dokumenti fil-pussess ta' terzi persuni għandhom jiġu identifikati separatament, flimkien mad-dettalji ta' tali terzi persuni.

(6) Wara li jiddetermina liema xhieda huma rilevanti għall-appell, it-Tribunal għandu jappunta l-ewwel seduta ta' smiġh, li matulha l-appellant, l-applikant u l-Awtorità għandhom ikunu intitolati sabiex jipproduċu prova u jwettqu kontroezamijiet quddiem uffiċjal maħtur. L-uffiċjal maħtur għandu jagħti lill-partijiet perjodu sabiex ihejju s-sottomissjonijiet finali bil-miktub.

(7) It-Tribunal jista' jordna spezzjoni *in faciem loci* fuq inizjattiva tiegħu stess jew fuq talba ta' xi waħda mill-partijiet, iżda tali spezzjoni għandha tkun permessa biss meta t-Tribunal iqis li tkun meħtieġa sabiex jiġi deċiż l-appell. Matul l-ispezzjoni, ir-rappreżentanti tal-Awtorità tal-Ippjanar u l-konsulenti esterni biss għandu jkollhom id-dritt li jidhlu fil-propjetà taħt spezzjoni:

Iżda l-kameras, apparat li jieħu r-ritratti u apparat ta' registrazzjoni diġitali, inklużi t-telefowns ċellulari kollha, għandhom ikunu pprojbiti fiż-żona ta' spezzjoni, ħlief għal tagħmir użat mit-Tribunal għall-fini li tingabar tali prova li tista' tqis meħtieġa.

(8) Mal-għeluq tal-produzzjoni tal-provi, it-Tribunal għandu jżomm seduta waħda għall-finijiet tas-sottomissjonijiet orali finali.

(9) Il-komunikazzjonijiet kollha pprezentati minn kwalunkwe parti lit-Tribunal matul il-proċeduri għandhom jiġu kkomunikati wkoll lill-parti l-oħra fl-appell, kif ukoll lil kwalunkwe parti oħra ammessa mit-Tribunal matul il-proċeduri, permezz tal-indirizzi tal-posta elettronika rispettivi tagħhom kif provdut mis-Segretarju tat-Tribunal. In-nuqqas ta' konformità ma' dan ir-rekwiżit għandu jirriżulta sabiex it-Tribunal jordna t-tneħħija tal-komunikazzjoni rilevanti mill-proċeduri.

(10) Fir-rigward ta' appelli li jaqgħu taħt dan l-artikolu, it-Tribunal għandu jagħti d-deċiżjoni finali tiegħu fi żmien hames (5) xhur mid-data tal-prezentata tal-appell. Dan il-perjodu jista' jiġi estiż darba biss, għal perjodu ulterjuri ta' xahar (1), f'każijiet eċċezzjonali u fl-interess tal-gustizzja:

Iżda d-detentur ta' permess jista' jitlob estensjoni tal-imsemmija perjodi ta' żmien qabel l-għeluq tal-perjodu sabiex

jippreżenta l-provi tiegħu.

Kontenut ta' appell mhux fuq applikazzjoni tal-ippjanar jew applikazzjoni ta' regolarizzazzjoni jew talba għal notifika ta' żvilupp.

32. (1) Appell magħmul skont l-artikoli 28(1)(d) sa (h) għandu:

(a) jagħmel referenza espressa għad-deċiżjoni li qiegħda tiġi appellata, u għandu jkun akkumpanjat minn kopja ta' dik id-deċiżjoni flimkien mal-pjanta tas-sit rilevanti li tiffirma parti mir-rikors;

(b) jipprovdi anness intitolat "Lista ta' Xhieda" li fih ikun hemm inkluzi l-ismijiet, l-indirizzi u kwalunkwe indirizz elettroniku disponibbli tax-xhieda. Għal kull xhud maħsub sabiex jinġieb bħala prova, il-parti għandha tispeċifika l-fatti li tfittex li jiġu stabbiliti permezz tax-xhieda tagħhom u tindika jekk ix-xhud jistax jixhed biss *viva voce*:

Iżda jekk ma tingħata l-ebda indikazzjoni li xhud elenkat jista' jixhed biss *viva voce*, tali xhud għandu jithalla jippreżenta biss affidavit bħala x-xhieda tiegħu:

Iżda wkoll l-ebda talba għall-produzzjoni ta' xhieda hlief dawk inkluzi fil-Lista ta' Xhieda ma għandha tkun permessa, sakemm it-Tribunal ma jagħtix permess għal tali produzzjoni fuq turija ta' kawża ġusta;

(ċ) jipprovdi anness intitolat "Lista ta' Dokumenti" li jelenka d-dokumenti fil-pussess tal-parti li huma meħtieġa sabiex isostnu l-appell:

Iżda kwalunkwe dokumenti fil-pussess ta' terzi persuni għandhom jiġu identifikati separatament, flimkien mad-dettalji ta' tali terzi persuni;

(d) jiddikjara b'mod speċifiku l-mod li bih huwa qed jitlob li d-deċiżjoni tiġi varjata.

(2) Malli jirċievi l-appell, is-Segretarju tat-Tribunal għandu, fi żmien tlett (3) ijiem tax-xogħol mid-data li fiha jkun gie ppreżentat l-appell, jassenja l-appell lil panel tat-Tribunal.

(3) It-Tribunal għandu jibgħat ir-rikors tal-appell bid-dokumentazzjoni kollha annessa lill-Awtorità tal-Ippjanar sabiex jippreżenta risposta fi żmien għoxrin (20) jum, li fih għandu:

(a) jagħmel referenza għad-deċiżjoni appellata;

(b) jiddikjara b'mod ċar għaliex id-deċiżjoni li qiegħed tiġi kkontestata għandha tiġi konfermata;

(c) tipprovdi anness intitolat "Lista ta' Xhieda" li fih ikun hemm inklużi l-ismijiet, l-indirizzi u kwalunkwe indirizz elettroniku disponibbli tax-xhieda. Għal kull xhud maħsub sabiex jingieb bħala prova, il-parti għandha tispeċifika l-fatti li tfittex li jiġu stabbiliti permezz tax-xhieda tagħhom u tindika jekk ix-xhud jistax jixhed biss *viva voce*:

Iżda jekk ma tingħata l-ebda indikazzjoni li xhud elenkat jista' jixhed biss *viva voce*, tali xhud għandu jithalla jippreżenta biss affidavit bħala x-xhieda tiegħu:

Iżda wkoll l-ebda talba għall-produzzjoni ta' xhieda hlief dawk inklużi fil-Lista ta' Xhieda ma għandha tkun permessa, sakemm it-Tribunal ma jagħtix permess għal tali produzzjoni fuq turija ta' kawża ġusta;

(d) tipprovdi anness intitolat "Lista ta' Dokumenti" li jelenka d-dokumenti fil-pussess tal-parti li huma meħtieġa sabiex isostnu l-appell:

Iżda kwalunkwe dokumenti fil-pussess ta' terzi persuni għandhom jiġu identifikati separatament, flimkien mad-dettalji ta' tali terzi persuni. Fil-każ ta' appell kontra deċiżjoni tal-Awtorità tal-Ippjanar dwar il-modifika jew revoka ta' permess għall-ippjanar, is-subartikolu (3) għandu japplika *mutatis mutandis* għall-applikant, sakemm il-persuna li tagħmel it-talba għal modifika jew revoka tal-permess għall-ippjanar tkun l-appellant, u viċi-versa, jekk l-applikant ikun dak li qiegħed jagħmel l-appell.

(5) Wara li jiddetermina liema xhieda huma rilevanti għall-appell, it-Tribunal għandu jiskeda l-ewwel seduta ta' smiġħ, li matulha l-applikant u l-Awtorità tal-Ippjanar għandhom ikunu intitolati li jipproduċu prova u jwettqu kontroezamijiet, jew quddiem it-Tribunal jew ufficjal maħtur.

(6) It-Tribunal jista' jordna spezzjoni *in faciem loci* fuq inizjattiva tiegħu stess jew fuq talba ta' xi waħda mill-partijiet, iżda tali spezzjoni għandha tkun permessa biss meta t-Tribunal iqis li tkun meħtieġa sabiex jiġi deċiż l-appell. Matul l-ispezzjoni, ir-rappreżentanti tal-Awtorità u l-konsulenti esterni biss għandu jkollhom id-dritt li jidhlu fil-propjeta' taħt spezzjoni:

Iżda il-kameras, apparat li jaqbad l-immaġini, u apparat ta' registrazzjoni digitali, inklużi t-telefowns ċellulari kollha, għandhom ikunu pprojbiti fiż-żona ta' spezzjoni, hlief għal tagħmir użat mit-Tribunal għall-fini li tingabar tali prova kif jista' jqis meħtieġ.

(7) Mal-gheluq tal-produzzjoni tal-provi, it-Tribunal għandu jżomm seduta waħda għall-finijiet tas-sottomissjonijiet orali finali.

(8) Il-komunikazzjonijiet kollha pprezentati minn kwalunkwe parti lit-Tribunal matul il-proċeduri għandhom jiġu kkomunikati wkoll lill-parti l-oħra fl-appell, kif ukoll lil kwalunkwe parti oħra amMESSA mit-Tribunal matul il-proċeduri, permezz tal-indirizzi tal-posta elettronika rispettivi tagħhom kif provdut mis-Segretarju tat-Tribunal. In-nuqqas ta' konformità ta' dan ir-rekwiżit għandu jirriżulta sabiex it-Tribunal jordna t-tneħħija tal-komunikazzjoni rilevanti mill-proċeduri.

(9) Fir-rigward ta' appelli li jaqgħu taħt dan l-artikolu, it-Tribunal għandu jagħti d-deċiżjoni finali tiegħu fi żmien sena (1) mid-data tal-preżentata tal-appell. Dan il-perjodu jista' jiġi estiż darba biss, għal perjodu ulterjuri ta' sitt (6) xhur, f'każijiet eċċezzjonali u fl-interess tal-ġustizzja.

Setgħa li
tikkonferma,
tirrevoka jew
tibdel
deċiżjonijiet u li
toħroġ ordnijiet.

33. (1) It-Tribunal għandu jkollu s-setgħa li jikkonferma, jirrevoka jew ibiddel id-deċiżjoni appellata u jagħti tali ordnijiet kif jista' jqis xierqa.

(2) It-Tribunal għandu jagħti deċiżjoni waħda li tindirizza l-kwistjonijiet kollha involuti f'appell quddiemu, kemm jekk ta' natura preliminari, sostantiva jew proċedurali:

Iżda meta jitressqu eċċezzjonijiet ta' natura perentorja, it-Tribunal jista', qabel ma jikkunsidra kwalunkwe kwistjoni oħra, jiddeċiedi li jisma' x-xhieda tal-partijiet u jagħti deċiżjoni limitata għal dik il-kwistjoni. Deċiżjoni mogħtija mit-Tribunal f'dan ir-rigward għandha titqies finali u tista' tiġi appellata quddiem il-Qorti skont it-Taqsima V.

(3) Jekk it-Tribunal jiddeċiedi li jagħti permess jew jimmodifika deċiżjoni meħuda mill-Awtorità tal-Ippjanar, l-Awtorità tal-Ippjanar għandha toħroġ il-permess skont it-termini u l-kondizzjonijiet stabbiliti fid-deċiżjoni tat-Tribunal.

(4) Jekk it-Tribunal jiddeċiedi li jagħti permess jew li jemenda deċiżjoni meħuda mill-Awtorità, huwa jista' jimponi penali amministrattivi, il-ħlas ta' drittijiet u kontribuzzjonijiet u, jew kondizzjonijiet oħra li t-Tribunal iqis xierqa. Il-fondi akkumulati minn tali penali, drittijiet u kontribuzzjonijiet għandhom jingabru u jiġu amministrati mill-Awtorità tal-Ippjanar.

(5) Meta permezz tad-deċiżjoni tat-Tribunal, id-deskrizzjoni proposta tal-iżvilupp f'applikazzjoni tibqa' l-istess jew l-intensità tal-użu u, jew l-iskala tax-xogħlijiet titnaqqas, it-Tribunal għandu jkollu s-setgħa li joħroġ tali ordnijiet kif jidhirlu meħtieġa jew xierqa, inkluż

izda mhux limitat għal, li jordna lill-applikant sabiex jissottometti pjanijiet riveduti li jinkorporaw modifiki għad-disinn u l-forma tal-proposta. Tali modifiki jistgħu jinkludu, fost l-oħrajn, tibdiliet fil-konfigurazzjoni, il-post, iż-żona, il-volum, l-għadd ta' sulari, l-għoli, il-punti ta' aċċess u l-użu. It-Tribunal jista' joħroġ tali ordnijiet mingħajr l-obbligu li jikkonsulta mill-ġdid lill-partijiet interessati jew lill-konsulenti esterni:

Izda fejn it-Tribunal jitlob lill-applikant jissottometti dokumenti jew pjanijiet godda, huwa għandu jispeċifika perjodu ta' żmien li fih tali dokumenti jew pjanijiet għandhom jiġu sottomessi:

Izda wkoll jekk il-perjodu ta' żmien speċifikat jiskadi mingħajr is-sottomissjoni tad-dokumenti jew pjanijiet meħtieġa u ma jkun gie pprezentat l-ebda appell mid-deċiżjoni tat-Tribunal, l-Awtorità tal-Ippjanar tista' tipproċedi sabiex tiċhad l-applikazzjoni għall-ippjanar.

(6) It-Tribunal għandu jkollu s-setgħa li jibgħat lura l-atti tal-proċeduri lill-Awtorità tal-Ippjanar kull meta jqis meħtieġ, jew fi kwalunkwe stadju tal-proċeduri jew bħala parti mid-deċiżjoni finali tiegħu.

(7) It-Tribunal għandu jkollu s-setgħa li jibgħat lura l-atti tal-proċeduri lill-Awtorità tal-Ippjanar jekk l-applikant jissottometti talba sabiex issir bidla materjali fid-deskrizzjoni proposta tal-applikazzjoni taht appell, sakemm tali talba ssir mill-applikant qabel l-għeluq tal-provi. It-Tribunal jista' joħroġ tali ordnijiet mingħajr l-obbligu li jikkonsulta mill-ġdid partijiet interessati jew konsulenti esterni. L-applikazzjoni għall-ippjanar għandha tiġi pproċessata mill-ġdid, miċ-Chairperson Eżekuttiv tal-Awtorità tal-Ippjanar li jwassal sabiex il-proposta emendata inkluża fl-applikazzjoni tiġi ppubblikata fuq is-sit elettroniku tad-Dipartiment tal-Infurmazzjoni u reklamata permezz ta' avviż imwahhal fuq is-sit.

(8) Fil-każ ta' deċiżjoni fir-rigward ta' appell kontra avviż maħruġ taht id-dispożizzjonijiet tat-Taqsima IX tal-Att dwar l-Ippjanar tal-Iżvilupp, it-Tribunal għandu jilqa' l-appell jekk ikun sodisfatt li l-iżvilupp li għalih jirreferi l-avviż ikun skont il-liġi u li kwalunkwe kondizzjonijiet marbuta mal-permess rilevanti jkunu ġew imħarsa: Kap. 552.

Izda meta t-Tribunal isib li mhux l-irregolaritajiet kollha elenkati fl-avviż jikkostitwixxu illegalitajiet, jew li ċerti illegalitajiet ġew debitament rettifikati, huwa għandu jordna lill-Awtorità tal-Ippjanar sabiex timmodifika l-avviż kif xieraq.

(9) It-Tribunal jista' jannulla l-avviż ta' infurzar parzjalment jew totalment, għar-raġunijiet stipulati fid-dispożizzjonijiet tal-Att dwar l-

Ippjanar tal-Iżvilupp:

(10) Fi kwalunkwe deċiżjoni mogħtija, it-Tribunal għandu jippubblika lista tal-ismijiet u l-indirizz elettroniku tal-appellant, tal-applikant u tal-partijiet terzi interessati u konsulenti esterni kollha li jkunu issottomettew il-pożizzjoni bil-miktub wara li jkun ta n-notifika tal-intenzjoni tiegħu għal dan skont l-artikolu 30(3), skont il-każ.

Dispożizzjonijiet applikabbli għad-deċiżjonijiet kollha. Kap. 445.

34. Bla ħsara għall-Poteri Speċjali tal-Istat taht it-Taqsima IX tal-Att dwar il-Patrimonju Kulturali, id-deċiżjonijiet tat-Tribunal għandhom ikunu vinkolanti fuq l-Awtorità tal-Ippjanar, konsulenti esterni, partijiet terzi interessati u kwalunkwe persuna oħra u, jew entità affettwata mid-deċiżjoni, jekk ikunu sostnuti bil-fehma ta' tnejn (2) mill-membri tagħha, u l-membru li ma jaqbilx, jekk ikun hemm, jista' jesprimi l-opinjoni tiegħu separatament.

TAQSIMA IV

Proċeduri quddiem it-Tribunal fir-rigward ta' deċiżjonijiet mehuda mill-Awtorità għall-Ambjent u r-Riżorsi

Appell lit-Tribunal skont id-dispożizzjonijiet tal-Att dwar il-Protezzjoni tal-Ambjent. Kap. 549.

35. (1) Kwalunkwe parti aggravata tista' tappella quddiem it-Tribunal skont id-dispożizzjonijiet tal-Att dwar il-Protezzjoni tal-Ambjent u r-regolamenti magħmula tahtu, u kwalunkwe persuna tista' tappella kwalunkwe deċiżjoni tal-Awtorità għall-Ambjent u r-Riżorsi fir-rigward biss ta' valutazzjonijiet ambjentali, aċċess għal informazzjoni ambjentali u l-prevenzjoni u r-rimedju ta' ħsara ambjentali.

(2) Appell lit-Tribunal jista' jiġi pprezentat għar-raġunijiet segwenti:

- (a) li jkun sar żball materjali dwar il-fatti;
- (b) li kien hemm żball proċedurali materjali;
- (ċ) li jkun sar żball ta' liġi;

(d) li kien hemm xi illegalitajiet materjali, nuqqas ta' raġonevolezza, konsiderazzjoni ineffettiva jew insuffiċjenti tal-effetti negattivi, jew nuqqas ta' proporzjonalità.

(3) L-effett ta' deċiżjoni li dwarha jkun hemm appell ma għandux, ħlief meta t-Tribunal jew il-Qorti tal-Appell, skont il-każ, hekk jordnaw, jiġi sospiż b' konsegwenza tal-preżentata tal-appell:

Iżda fil-każ ta' appell mill-approvazzjoni jew approvazzjoni parzjali ta' azzjoni potenzjalment irriversibbli jew azzjoni li tista' potenzjalment tkun ta' ħsara sinifikanti għall-ambjent, l-approvazzjoni

tista' tigi sospiża mit-Tribunal sakemm tittiehed deċiżjoni finali mit-Tribunal jekk l-imsemmi Tribunal iqis li dan ikun fl-interess li jigu evitati kwalunkwe effetti jew implikazzjonijiet potenzjalment sinifikanti jew irriversibbli fuq l-ambjent jew għal raġunijiet ġustifikati.

(4) Id-dritt ta' appell quddiem it-Tribunal għandu jkun disponibbli lil kwalunkwe parti aggravata bid-deċiżjoni mingħajr il-htieġa li ttipprova l-interess tagħha fil-kwistjoni.

(5) Id-dispożizzjonijiet fir-rigward tal-pubblikazzjoni u l-komunikazzjoni ta' rikorsi, sottomissjonijiet u deċiżjonijiet mill-Awtorità għall-Ambjent u r-Riżorsi għandhom japplikaw *mutatis mutandis* għad-deċiżjoni tat-Tribunal, lil hinn mill-proċeduri stabbiliti f'dan l-artikolu.

(6) Sabiex tiżdied l-effettività tad-dispożizzjonijiet ta' dan l-artikolu, l-Awtorità għall-Ambjent u r-Riżorsi għandha tiżgura li l-informazzjoni Prattika dwar l-aċċess għall-proċeduri rilevanti tkun disponibbli għall-pubbliku.

(7) Il-partijiet kollha involuti fl-appell jistgħu jipprezentaw talba quddiem it-Tribunal sabiex jaraw l-atti tal-Awtorità fi kwalunkwe waqt qabel is-seduta tat-Tribunal.

(8) Jekk ikun ġie pprezentat appell quddiem it-Tribunal minn kwalunkwe parti għajr l-applikant u l-applikant jipprezenta talba għal konsiderazzjoni mill-ġdid, il-proċeduri quddiem it-Tribunal għandhom jigu sospiżi sakemm it-talba għal konsiderazzjoni mill-ġdid tkun giet deċiża u kopja tad-deċiżjoni tkun giet ipprezentata lit-Tribunal mill-Awtorità, u kwalunkwe perjodu ta' żmien stabbilit skont id-dispożizzjonijiet ta' dan l-Att fir-rigward tal-proċeduri quddiem it-Tribunal għandu jibda jiddekorri mid-data li fiha t-Tribunal ikun irċieva d-deċiżjoni dwar it-talba għal konsiderazzjoni mill-ġdid, u l-appellant għandu, fi żmien tletin (30) jum min-notifika tad-deċiżjoni dwar it-talba għal konsiderazzjoni mill-ġdid, jemenda l-appell tiegħu jew jagħmel sottomissjonijiet ulterjuri lit-Tribunal, jekk iqis meħtieġ.

(9) Meta jkun ġie pprezentat appell lit-Tribunal minn kwalunkwe parti għajr l-applikant skont dan l-Att, tali persuna ma għandhiex għalfejn ttipprova li għandha interess ġuridiku f'dak l-appell u d-duttrina tal-interess ġuridikuma għandhiex tapplika għal tali proċeduri, iżda tali persuna għandha tissottometti raġunijiet motivati bbażati fuq konsiderazzjonijiet ambjentali sabiex tiġġustifika l-appell tagħha.

(10) It-Tribunal għandu, fi żmien xahrejn (2) mill-prezentata tar-rikors tal-appell, hlief fil-każijiet fejn l-appell ikun akkumpanjat minn

talba għas-sospensjoni tal-eżekuzzjoni, jappunta jum għall-ewwel seduta biex il-partijiet jidhru quddiemu, sabiex juri għaliex għandhom jintlaqgħu t-talbiet, l-eċċezzjonijiet u x-xhieda elenkati fir-rikors u r-risposta rispettivi tagħhom. It-Tribunal għandu fl-istess seduta, jiddeċiedi liema xhieda elenkati fir-rikors għall-appell u fir-risposta għall-appell, iqis rilevanti għall-finijiet tal-ġoti tax-xhieda:

Iżda meta ma jkunx hemm talba għal sospensjoni tal-eżekuzzjoni kif provdut fl-artikoli imsemmija fis-subartikolu (13), għandu jingħata avviż bil-quddiem ta' mhux anqas minn erbatax (14)-il jum, b'tali mod li t-Tribunal iqis xieraq, tal-ewwel seduta tat-Tribunal lill-partijiet, lill-partijiet interessati u lill-konsulenti esterni li jkun għamlu r-rakkomandazzjonijiet tagħhom:

Iżda wkoll f'każijiet ta' urġenza l-imsemmi terminu ta' żmien ta' erbatax (14)-il jum jista' jigi abbrevjat b'ordni tat-Tribunal, jekk it-Tribunal ikun sodisfatt li l-parti li titlob l-urġenza tkun tat raġuni valida bil-miktub għal dan.

(11) Meta l-appell ikun akkumpanjat minn talba għal sospensjoni tal-eżekuzzjoni, it-Tribunal għandu jinnotifika lill-partijiet, iżomm l-ewwel seduta tiegħu u jiddeċiedi t-talba għal sospensjoni fi żmien tletin (30) jum minn meta jirċievi r-rikors.

(12) Meta t-Tribunal jilqa' talba għas-sospensjoni ta' permess, it-Tribunal ma għandux jissospendi l-eżekuzzjoni ta' tali permess għal aktar minn sitt (6) xhur.

(13) Sakemm ma jkunux inkonsistenti mad-dispożizzjonijiet ta' din it-Taqsima tal-Att, id-dispożizzjonijiet tal-artikoli 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, u 22 għandhom japplikaw *mutatis mutandis* għall-appelli ppreżentati taht din it-Taqsima, u r-referenzi kollha għall-Awtorità tal-Ippjanar fl-imsemmija artikoli għandha tinftiehem bħala referenza għall-Awtorità tal-Ambjent u r-Riżorsi.

Appelli minn ordnijiet ta' waqfien u ordnijiet ta' konformità. Kap. 549.

36. (1) Meta jiġu ppreżentati appelli minn kwalunkwe persuna li tħossha aggravata b'ordni notifikat lilha skont l-artikolu 76 tal-Att dwar il-Protezzjoni tal-Ambjent, it-Tribunal:

Kap. 549.

(a) jekk ikun sodisfatt li l-permess ikun ingħata taht l-Att dwar il-Protezzjoni tal-Ambjent jew taht kwalunkwe liġi oħra li kienet fis-seħh qabel l-Att dwar il-Protezzjoni tal-Ambjent u li kienet tirregola l-attività inkwistjoni, fir-rigward tal-attività li għaliha jirreferi l-ordni, jew li l-ebda awtorizzazzjoni ma kienet meħtieġa dwarha, skont il-każ, u li l-kondizzjonijiet li għalihom tkun ingħatat tali awtorizzazzjoni

jkunu ġew imħarsa, għandu jhassar l-ordni li għaliha jirreferi l-appell jew dik il-parti minnu li dwarha t-Tribunal ikun sodisfatt kif intqal qabel;

(b) fi kwalunkwe każ ieħor, l-appell għandu jiġi miċhud:

Iżda t-Tribunal għandu jordna lill-Awtorità għall-Ambjent u r-Riżorsi sabiex timmodifika l-ordni jekk iqis li mhux l-illegalitajiet kollha elenkati fid-deskrizzjoni dettaljata fl-ordni huma illegali jew jekk xi wħud mill-illegalitajiet ikunu tnehhew.

(2) Jekk qabel ma jiġi ppreżentat appell jew matul is-sospensjoni ta' tali appell, l-appellant jew xi persuna oħra jissottomettu lill-Awtorità għall-Ambjent u r-Riżorsi applikazzjoni għal awtorizzazzjoni dwar l-attività msemmija fl-ordni, it-Tribunal għandu jiċċad l-appell jekk ikun sodisfatt li tali applikazzjoni tkun maħsuba sabiex tirregolarizza l-attività deskritta fl-ordni.

(3) Meta appell jiġi miċhud skont is-subartikolu (2), għandhom japplikaw id-dispożizzjonijiet tal-artikolu 76(12) tal-Att dwar il-Protezzjoni tal-Ambjent. Kap. 549.

(4) It-Tribunal jista' jikkoreġi kwalunkwe difett jew żball fl-ordni ta' waqfien anke li kieku ma kienx għall-korrezzjoni, dan jirrendih invalidu, iżda l-appellant għandu jingħata żmien biżżejjed sabiex jipprepara u jressaq il-każ tiegħu.

37. (1) Meta appell jiġi ppreżentat minn xi persuna li tħossha aggravata b'deċiżjoni tal-Awtorità għall-Ambjent u r-Riżorsi, skont id-dispożizzjonijiet tal-artikolu 69 tal-Att dwar il-Protezzjoni tal-Ambjent, it-Tribunal għandu jirrevoka jew jimmodifika l-ordni, jew jiċċad l-appell. Appelli minn deċiżjonijiet ta' protezzjoni u ordnijiet ta' konservazzjoni. Kap. 549.

(2) Meta t-Tribunal jiddeċiedi li jneħhi d-dikjarazzjoni ta' protezzjoni minn zona protetta jew li jnaqqas il-livell ta' protezzjoni mogħti lil zona li tkun ġiet identifikata bħala protetta, it-Tribunal għandu jitlob l-approvazzjoni tal-Ministru responsabbli għall-ambjent u t-terminu għall-preżentata ta' appell mid-deċiżjoni tat-Tribunal lill-Qorti tal-Appell għandu jkompli jiddekorri mid-data li fiha t-Tribunal jinforma lill-appellant bl-approvazzjoni tal-Ministru.

38. (1) Fil-każ ta' deċiżjonijiet dwar permessi ambjentali meħuda mill-Awtorità għall-Ambjent u r-Riżorsi, appell għandu jiġi ppreżentat quddiem it-Tribunal fi żmien tletin (30) jum mill-pubblikazzjoni tad-deċiżjoni fuq is-sit web tal-imsemmija Awtorità. Perjodu ta' żmien għall-preżentata ta' appelli.

(2) Fil-każ ta' deċiżjonijiet tal-Awtorità għall-Ambjent u r-Riżorsi dwar permess ta' valutazzjoni dwar l-impatt ambjental (EIA)

jew fuq permess dwar il-prevenzjoni u kontroll integrat tat-tniġġis (IPPC), għandu jiġi ppreżentat appell quddiem it-Tribunal fi żmien tletin (30) jum mid-data tas-smiġh pubbliku li matulu tkun ittiehdet id-deċiżjoni mill-istess Awtorità.

Kap. 549.

(3) Fil-każ ta' ordni maħruġ skont id-dispożizzjonijiet tat-Taqsima VII tal-Att dwar il-Protezzjoni tal-Ambjent, appell għandu jiġi ppreżentat quddiem it-Tribunal fi żmien għoxrin (20) jum min-notifika ta' tali ordni skont l-artikolu 86 tal-Att dwar il-Protezzjoni tal-Ambjent.

(4) Fil-każ ta' deċiżjonijiet relatati mal-aċċess għal informazzjoni ambjentali u l-prevenzjoni u r-rimedju ta' ħsara ambjentali, għandu jiġi ppreżentat appell fi żmien għoxrin (20) jum mid-data tad-deċiżjoni meħuda mill-Awtorità għall-Ambjent u r-Riżorsi.

(5) Meta l-perjodi msemija f'dan l-artikolu għandhom jingħaddu minn jum speċifikat, dak il-jum għandu jiġi eskluż mill-komputazzjoni taż-żmien. Jekk l-aħħar jum tal-perjodu jaħbat is-Sibt jew il-Hadd, għandu jitqies li jaħbat fl-ewwel jum tal-ġimgħa ta' wara li ma jkunx festa pubblika. Jekk l-aħħar jum ikun jum ta' festa pubblika, dan għandu jitqies li jaqa' fl-ewwel jum tal-ġimgħa ta' wara li ma jkunx jum ta' festa pubblika.

Kontenut tar-rikors għal appell.

39. (1) Appell minn deċiżjoni tal-Awtorità għall-Ambjent u r-Riżorsi għandu jkun fil-forma ta' rikors, u għandu:

(a) jagħmel referenza għad-deċiżjoni tal-Awtorità għall-Ambjent u r-Riżorsi li qed tiġi appellata;

(b) jiddikjara b'mod distint il-partijiet tad-deċiżjoni li dwarhom ikun sar l-ilment taht intestaturi differenti, flimkien mar-raġunijiet taht kull intestatura li għaliha jkun sar l-appell;

(ċ) jiddikjara b'mod speċifiku l-mod li bih huwa qed jitlob li d-deċiżjoni tiġi varjata taht kull intestatura;

(d) jinkludi d-dokumentazzjoni kollha li hija rilevanti għar-raġunijiet tal-appell;

(e) jinkludi fih anness intitolat "Lista ta' Xhieda", li fih hemm inkluzi l-ismijiet, l-indirizzi, u kwalunkwe indirizz elettroniku disponibbli tax-xhieda. Għal kull xhud maħsub sabiex jingiebb bħala prova, il-parti għandha tispeċifika l-fatti mfittxija sabiex jiġu stabbiliti permezz tax-xhieda tagħhom u tindika jekk ix-xhud jistax jixhed biss *viva voce*:

Iżda jekk ma tingħata l-ebda indikazzjoni li xhud

elenkat jista' jixhed biss *viva voce*, tali xhud għandu jithalla jippreżenta biss affidavit bħala x-xhieda tiegħu:

Iżda wkoll l-ebda talba għall-produzzjoni ta' xhieda hliet daww inklużi fil-Lista ta' Xhieda ma għandha tkun permessa, sakemm it-Tribunal ma jagħtix permess għal dik il-produzzjoni wara li tiġi muriġa raġuni valida; u

(f) jinkludi anness intitolat "Lista ta' Dokumenti", li jelenka d-dokumenti fil-pussess tal-parti li huma meħtieġa sabiex isostnu l-appell.

(2) Bla ħsara għas-subartikolu (1), appell minn ordni maħruġ skont it-Taqsima VII tal-Att dwar il-Protezzjoni tal-Ambjent għandu jinkludi wkoll kopja tal-ordni li tkun qed tiġi appellata. Kap. 549.

40. Kopja tar-rikors tal-appell flimkien mad-dokumentazzjoni anċillari kollha sottomessa quddiem it-Tribunal għandhom minnufih jiġu kkomunikati lill-Awtorità għall-Ambjent u r-Riżorsi fi żmien hamest (5) ijiem tax-xogħol minn meta s-Segretarju jkun assenja l-każ sabiex jinstema' minn panel speċifiku. L-Awtorità għall-Ambjent u r-Riżorsi għandha tippreżenta r-risposta tagħha fi żmien għoxrin (20) jum min-notifika tagħha. Notifika ta' rikors ta' appell tal-Awtorità għall-Ambjent u r-Riżorsi.

41. Il-komunikazzjonijiet kollha sottomessi minn kwalunkwe parti lit-Tribunal matul il-proċeduri għandhom jiġu kkupjati lill-parti jew partijiet l-oħra fl-appell, permezz tal-indirizzi tal-posta elettronika rispettivi tagħhom kif provdut mis-Segretarju. In-nuqqas ta' osservanza ta' dan ir-rekwiżit jista' jwassal sabiex it-Tribunal jordna t-tneħħija tal-komunikazzjoni rilevanti mill-proċeduri. Komunikazzjonijiet.

42. (1) It-Tribunal għandu jkollu s-setgħa li jikkonferma, jirrevoka jew ibiddel id-deċiżjoni appellata u jagħti tali ordnijiet li jidhirlu xierqa. Setgħat tat-Tribunal.

(2) It-Tribunal għandu jagħti deċiżjoni waħda (1) li tindirizza l-kwistjonijiet kollha involuti f'appell quddiemu, kemm jekk ta' natura preliminarjari, sostantiva jew proċedurali:

Iżda meta jitressqu eċċezzjonijiet ta' natura perentorja, it-Tribunal jista', qabel ma jikkunsidra kwalunkwe kwistjoni oħra, jiddeċiedi li jisma' x-xhieda tal-partijiet u jagħti deċiżjoni limitata għal dik il-kwistjoni. Deċiżjoni mogħtija mit-Tribunal f' dan ir-rigward għandha titqies finali u tista' tiġi appellata quddiem il-Qorti skont it-Taqsima VI.

(3) Jekk it-Tribunal jiddeċiedi li jagħti permess jew jimmodifika deċiżjoni meħuda mill-Awtorità għall-Ambjent u r-Riżorsi, l-

imsemmija awtorità għandha toħroġ il-permess skont it-termini u l-kundizzjonijiet stabbiliti fid-deċiżjoni tat-Tribunal.

(4) Jekk it-Tribunal jiddeċiedi li jagħti permess, jew li jimmodifika deċiżjoni meħuda mill-Awtorità għall-Ambjent u r-Riżorsi, huwa jista' jimponi penali amministrattivi, il-ħlas ta' drittijiet u kontribuzzjonijiet u, jew kondizzjonijiet oħra li t-Tribunal jidhirlu xierqa. Il-fondi akkumulati minn tali penali amministrattivi, drittijiet u kontribuzzjonijiet għandhom jingabru u jiġu amministrati mill-Awtorità għall-Ambjent u r-Riżorsi.

(5) It-Tribunal għandu s-setgħa li jibgħat lura l-atti tal-proċeduri lill-Awtorità għall-Ambjent u r-Riżorsi kull meta jidhirlu meħtieġ, jew fi kwalunkwe stadju tal-proċeduri jew bħala parti mid-deċiżjoni finali tiegħu.

Perjodu ta' żmien għal deċiżjonijiet ta' appell.

43. Sakemm ma tintlaqax talba għal sospensjoni, it-Tribunal għandu jagħti d-deċiżjoni finali tiegħu dwar il-merti tal-appell fi żmien tmintax-il (18) xahar mid-data tal-preżentata tal-appell.

TAQSIMA V

Appelli minn deċiżjonijiet tat-Tribunal relatati ma' deċiżjonijiet meħuda mill-Awtorità tal-Ippjanar

Dritt ta' appell.

44. L-appellant u l-Awtorità tal-Ippjanar, bħala partijiet għal appell quddiem it-Tribunal, kif ukoll partijiet terzi interessati u konsulenti esterni li jkunu nnotifikaw l-intenzjoni tagħhom skont l-artikolu 30(4), għandu jkollhom id-dritt li jappellaw deċiżjonijiet tat-Tribunal quddiem il-Qorti tal-Appell (Kompetenza Inferjuri), kostitwita skont l-artikolu 41(9) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, fuq punti ta' liġi biss:

Kap. 12.

Iżda meta l-kwistjoni appellata minn deċiżjoni tat-Tribunal tikkonċerna avviż sugġett għal penali amministrattivi kkontestati taħt l-artikolu 27(1)(e), l-appell inkwantu jikkonċerna l-penali amministrattivi, jista' jsir kemm fuq punt ta' fatt kif ukoll fuq punt ta' liġi.

Appell.

45. Appellant li jippreżenta appell skont l-artikolu 44 għandu jispeċifika taħt piena ta' nullità l-prinċipju tad-dritt allegatment miksur u jispjega kif it-Tribunal, abbażi tal-fatti determinati minnu u li mhumix soġġetti għal sħarriġ ġudizzjarju, applika b'mod żbaljat dak il-prinċipju.

Funzjonijiet tal-Qorti tal-Appell (Kompetenza Inferjuri).

46. (1) (a) Il-Qorti tal-Appell (Kompetenza Inferjuri) għandu jkollha s-setgħa li tikkonferma jew tannulla d-deċiżjoni tat-Tribunal.

(b) Meta l-Qorti tal-Appell (Kompetenza Inferjuri)

tannulla d-deċiżjoni tat-Tribunal, hija għandha tibgħat lura l-proċeduri quddiem it-Tribunal għal deċiżjoni mill-ġdid, skont il-parametri legali stabbiliti mill-Qorti.

(2) Meta l-Qorti tal-Appell (Kompetenza Inferjuri) tannulla deċiżjoni tat-Tribunal u tibgħat lura l-atti għal deċiżjoni mill-ġdid, it-Tribunal għandu jerga' jeżamina l-appell u jagħti deċiżjoni mill-ġdid skont il-parametri legali stabbiliti mill-Qorti.

(3) Meta d-deċiżjoni oriġinali tat-Tribunal tkun ikkonfermat l-għoti ta' permess jew tkun ordnat li joħroġ permess, tali permess għandu jibqa' sospiż sakemm tingħata d-deċiżjoni finali tal-appell wara li jkun gie mibgħut lura.

(4) It-Tribunal għandu jagħti d-deċiżjoni mill-ġdid tiegħu fl-istess perjodu ta' żmien applikabbli kif stabbilit f'dan l-Att, li għandu jibda jiddekorri mid-data li fiha tingħata d-deċiżjoni tal-Qorti.

47. Il-proċedura li ġejja għandha tiġi osservata fir-rigward tal-appelli kollha minn deċiżjonijiet tat-Tribunal lill-Qorti tal-Appell (Kompetenza Inferjuri):

Il-Proċedura
quddiem il-
Qorti tal-Appell
(Kompetenza
Inferjuri)

(a) ir-rikors tal-appell għandu jiġi ppreżentat fi żmien għoxrin (20) jum minn meta d-deċiżjoni tat-Tribunal tingħata fil-pubbliku u kwalunkwe risposta għalih għandha tiġi ppreżentata fi żmien għoxrin (20) jum mid-data tan-notifika tar-rikors tal-appell lill-persuna intitolata li twieġeb għalih, it-tnejn bl-użu tal-mekkanizmu online approvat mir-Registratur, Qrati Ċivili u Tribunali, mal-hlas tad-dritt preskritt skont l-iskedi relattivi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kwalunkwe att ippreżentat b'mezzi elettronici għandu jitqies, għall-finijiet legali kollha, li ġie ppreżentat direttament fir-Registru tal-Qorti. Ir-Registratur, Qrati Ċivili u Tribunali, jew kull persuna debitament delegata minnu, għandu joħroġ kopja fiżika tal-appell u tar-risposta jew risposti, li għandhom, għall-finijiet u effetti kollha tal-liġi, jitqiesu bħala l-orijinal:

Kap.12.

Izda meta rikors jew risposta għal appell jiġu ppreżentati bil-mod provdut f'dan il-paragrafu barra mill-hinijiet uffiċjali tal-ftuħ tar-registru tal-qorti kif stabbilit bil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, tali att għandu jitqies li jkun gie ppreżentat fl-ewwel jum li jiġi wara dak li fih ir-Registru jkun miftuħ;

Kap. 12.

(b) avviż tal-appell għandu minnufih jingħata mir-Registratur tal-Qrati Ċivili u Tribunali lis-Segretarju;

(ċ) flimkien mal-appell, l-appellant għandu jipprovdi lir-

Reġistratur bl-indirizzi tal-posta elettronika tal-persuni kollha li pparteċipaw fil-proċeduri quddiem it-Tribunal u li ġew reġistrati mas-Segretarju;

(d) fi żmien għaxart (10) ijiem mid-data tal-preżentata tar-rikors għall-appell, kopja tal-appell flimkien mal-avviż tad-data tal-ħatra tal-appell għas-smiġh għandhom jiġu notifikati mir-Reġistratur tal-Qrati Ċivili u Tribunali, jew minn kwalunkwe persuna delegata minnu, lill-persuni kollha li jkunu pparteċipaw fil-proċeduri quddiem it-Tribunal b'mezzi elettronici permezz tal-indirizz elettroniku rreġistrat mas-Segretarju. In-notifika b'mezzi elettronici għandha għall-finijiet u effetti kollha tal-ligi titqies bħala notifika valida u għandu jitqies li n-notifika tkun saret fid-data meta l-kopja tal-appell flimkien mal-avviż tad-data tas-smiġh tal-appell ikunu ntbagħtu b'mezzi elettronici. Ir-reġistratur għandu joħroġ kopja tat-trażmissjoni elettronika u jippreżentaha fl-atti tal-proċeduri tal-appell;

(e) malli jirċievi l-avviż imsemmi fil-paragrafu (d), is-Segretarju għandu jippubblika avviż fuq is-sit web tat-Tribunal li jindika li jkun ġie ppreżentat appell kontra d-deċiżjoni tat-Tribunal. Il-persuni kollha li jipparteċipaw fil-proċeduri quddiem it-Tribunal għandhom ikunu responsabbli li jaċċertaw jekk ikunx ġie ppreżentat appell, li jivverifikaw id-data li fiha l-appell ikun ġie skedat għas-smiġh quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) u jekk ikunu jixtiequ jippreżentaw risposta għall-appell, li jiżguraw li dik ir-risposta tiġi ppreżentata fil-perjodu msemmi fil-paragrafu (a);

(f) fi żmien għaxart (10) ijiem mid-data tal-preżentata tar-rikors tal-appell, il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tappunta seduta għas-smiġh li għandha ssir sa mhux aktar tard minn xahrejn (2) mid-data tal-preżentata tal-appell. F'din is-seduta, il-partijiet kollha għandu jkollhom il-jedd li jippreżentaw sottomissjonijiet orali finali:

Iżda l-ebda differiment ma għandu jingħata hlief għal raġunijiet eċċezzjonali, li għandhom jiġu determinati fid-diskrezzjoni esklussiva tal-Qorti;

(g) wara li tisma' s-sottomissjonijiet orali magħmula mill-partijiet, il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tiddeċiedi l-appell, u għandha tagħti deċiżjoni dwar dan sa mhux aktar tard minn xahrejn (2) mid-data tal-ewwel seduta ta' smiġh:

Iżda l-Qorti tista', għal raġuni valida, testendi l-imsemmi perjodu darba waħda biss, għal mhux aktar minn xahar (1) ieħor. F'tali

każ, il-Qorti għandha ssemmi r-raġuni għall-estensjoni fid-digriet li jordna l-estensjoni tat-terminu;

(h) il-perjodi msemmija f'dan l-artikolu għandhom japplikaw ukoll għal appelli minn deċiżjonijiet tat-Tribunal meta l-każ ikun intbagħat lura lit-Tribunal b'deċiżjoni preċedenti tal-Qorti tal-Appell (Kompetenza Inferjuri);

(i) l-ispejjeż u d-drittijiet legali u ġudizzjarji fl-imsemmija proċeduri għandhom jiġu intaxxati skont il-paragrafu (7) tal-partita 3 tat-Tariffa A u skont il-paragrafu (a) tal-partita 15 Tariffa E fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni Kap. 12. u Proċedura Ċivili;

(j) għall-finijiet ta' dan l-artikolu, l-Awtorità tal-Ippjanar, l-appellant, l-applikant u l-partijiet terzi interessati u konsulenti esterni kollha li jkunu ssottomettew il-pożizzjoni tagħhom bil-miktub, wara li jkunu taw notifika tal-intenzjoni tagħhom fir-rigward skont l-artikolu 30(3), skont il-każ, għandhom jitqiesu li ipparteċipaw fil-proċeduri quddiem it-Tribunal.

48. (1) Meta terza parti interessata jew konsulent estern jipprezentaw appell quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) kontra deċiżjoni dwar applikazzjoni għall-ippjanar li fiha l-għoti ta' permess ikun ġie kkonfermat minn, jew ikun ġie maħruġ fuq ordni tat-Tribunal, tali permess għandu jibqa' sospiż sakemm id-deċiżjoni tat-Tribunal ssir finali:

Sospensjoni f'każ ta' appell minn terza parti interessata jew konsulent estern.

Izda jekk appell jiġi pprezentat quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) u l-Qorti tonqos milli tagħti deċiżjoni finali fi żmien hames (5) xhur mid-data tal-prezentata tar-rikors għal appell, il-permess ma għandux jibqa' jitqies bħala sospiż, kif soġġett għall-osservanza ta' dawk ir-rekwiziti li jistgħu jew li kienu jiġu imposti mill-Awtorità tal-Ippjanar:

Izda wkoll kwalunkwe xogħol eżegwit skont tali permess wara l-iskadenza tal-imsemmi perjodu ta' hames (5) xhur u qabel id-deċiżjoni finali tal-appell mill-Qorti tal-Appell (Kompetenza Inferjuri) ma għandux jiġi affettwat jew invalidat minhabba r-riżultat ta' dak l-appell. Dan il-proviso ma għandux japplika fejn l-applikazzjoni li tkun soġġetta għall-appell tkun waħda li tinvolvi talba għal sanzjonar.

(2) Meta l-Qorti tal-Appell (Kompetenza Inferjuri) tibgħat lura l-atti tal-proċeduri lit-Tribunal, il-perjodu ta' hames (5) xhur imsemmi fl-artikolu 48 għandu jieqaf jiddekorri mid-data tal-għoti tas-sentenza tal-Qorti.

(3) Jekk, wara li l-appell jintbagħat lura lit-Tribunal, u wara li tingħata deċiżjoni ġdida mit-Tribunal, jiġi ppreżentat appell ġdid quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) kontra d-deċiżjoni l-ġdida tat-Tribunal, il-perjodu ta' ħames (5) xhur stabbilit fl-artikolu 48 għandu jerga' jibda jiddekorri b'mod shiħ mid-data tal-preżentata ta' tali appell ġdid:

Iżda sabiex jiġi evitat kull dubju, l-ebda żmien li jkun għadda matul is-smiġħ tal-ewwel appell quddiem il-Qorti ma għandu jiġi riportat jew aggregat mal-perjodu applikabbli għall-appell il-ġdid.

TAQSIMA VI

Appelli minn deċiżjonijiet tat-Tribunal relatati ma' deċiżjonijiet mehuda mill-Awtorità għall-Ambjent u r-Riżorsi

Dritt ta' appell. **49.** L-appellant u l-Awtorità għall-Ambjent u r-Riżorsi, bhala partijiet f'appell quddiem it-Tribunal, kif ukoll terzi partijiet interessati u konsulenti esterni għandu jkollhom id-dritt li jappellaw deċiżjonijiet tat-Tribunal quddiem il-Qorti tal-Appell (Kompetenza Inferjuri), kostitwita skont l-artikolu 41(9) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, fuq punti ta' liġi biss.

Kap. 12.

Kif għandu jsir appell.

50. Appellant li jippreżenta appell skont l-artikolu 35 għandu jispeċifika taht piena ta' nullità l-prinċipju legali allegatament miksur u jispjega kif it-Tribunal, abbażi tal-fatti determinati minnu li mhumiex soġġetti għal sħarriġ ġudizzjarju, applica b'mod żbaljat dak il-prinċipju.

Funzjonijiet tal-Qorti tal-Appell (Kompetenza Inferjuri).

51. (1) (a) Il-Qorti tal-Appell (Kompetenza Inferjuri) għandu jkollha s-setgħa li tikkonferma jew tannulla d-deċiżjoni tat-Tribunal.

(b) Meta l-Qorti tal-Appell (Kompetenza Inferjuri) tannulla d-deċiżjoni tat-Tribunal, hija għandha tibgħat lura l-proċeduri quddiem it-Tribunal għal deċiżjoni ġdida, skont il-parametri legali stabbiliti mill-Qorti.

(2) Meta l-Qorti tal-Appell (Kompetenza Inferjuri) tannulla deċiżjoni tat-Tribunal u tirrinwija l-atti għal deċiżjoni ġdida, it-Tribunal għandu jerga' jeżamina l-appell u jagħti deċiżjoni ġdida skont il-parametri legali stabbiliti mill-Qorti.

52. Il-proċedura li ġejja għandha tiġi osservata fir-rigward tal-appelli kollha minn deċiżjonijiet tat-Tribunal lill-Qorti tal-Appell (Kompetenza Inferjuri):

Il-Proċedura quddiem il-Qorti tal-Appell (Kompetenza Inferjuri).

(a) ir-rikors tal-appell għandu jiġi ppreżentat fi żmien għoxrin (20) jum minn meta d-deċiżjoni tat-Tribunal tingħata fil-pubbliku, u kwalunkwe risposta għalih għandha tiġi ppreżentata fi żmien għoxrin (20) jum mid-data tan-notifika tar-rikors tal-appell lill-persuna intitolata li twieġeb għalih, it-tnejn bl-użu tal-mekkaniżmu online approvat mir-Registratur, Qrati Ċivili u Tribunali, mal-hlas tad-dritt preskritt skont l-iskedi relattivi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kwalunkwe att ippreżentat b'mezzi elettronici għandu jitqies, għall-finijiet legali kollha, li ġie ppreżentat direttament fir-Registru tal-Qorti. Ir-Registratur tal-Qrati Ċivili u Tribunali, jew kwalunkwe persuna debitament delegata minnu, għandu joħroġ kopja fiżika tal-appell u tar-risposta jew risposti, li għandhom, għall-finijiet u effetti kollha tal-liġi, jitqiesu bħala l-orijinal:

Kap. 12.

Iżda meta rikors jew risposta għal appell jiġu ppreżentati bil-mod provdut f'dan il-paragrafu barra mill-hinijiet uffiċjali tal-ftuħ tar-Registru tal-Qorti kif stabbilit bil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, tali att għandu jitqies li jkun ġie ppreżentat fl-ewwel jum li jiġi wara dak li fih ir-registru jkun miftuħ;

Kap. 12.

(b) avviż tal-appell għandu minnufih jingħata mir-Registratur tal-Qrati Ċivili u Tribunali lis-Segretarju;

(ċ) flimkien mal-appell, l-appellant għandu jipprovdi lir-Registratur bl-indirizzi tal-posta elektronika tal-persuni kollha li pparteċipaw fil-proċeduri quddiem it-Tribunal u li ġew registrati mas-Segretarju;

(d) fi żmien għaxart (10) ijiem mid-data tal-preżentata tar-rikors għall-appell, kopja tal-appell flimkien mal-avviż tad-data tal-hatra tal-appell għas-smiġ għandhom jiġu notifikati mir-Registratur tal-Qrati Ċivili u Tribunali, jew minn kwalunkwe persuna delegata minnu, lill-persuni kollha li jkunu pparteċipaw fil-proċeduri quddiem it-Tribunal b'mezzi elettronici permezz tal-indirizz elektroniku rreġistrat mas-Segretarju. Notifika b'mezzi elettronici għandha għall-finijiet u effetti kollha tal-liġi titqies bħala notifika valida u għandu jitqies li n-notifika tkun saret fid-data meta kopja tal-appell flimkien mal-avviż tad-data tas-smiġ tal-appell ikunu ntbagħtu b'mezzi elettronici. Ir-Registratur għandu joħroġ kopja tat-trażmissjoni elektronika u jippreżentaha fl-atti tal-proċeduri tal-appell;

(e) malli jirċievi l-avviż imsemmi fil-paragrafu (d) is-Segretarju għandu jippubblika avviż fuq is-sit web tat-Tribunal li jindika li jkun gie ppreżentat appell kontra d-deċiżjoni tat-Tribunal. Il-persuni kollha li jipparteċipaw fil-proċeduri quddiem it-Tribunal għandhom ikunu responsabbli li jaċċertaw jekk ikunx gie ppreżentat appell, li jivverifikaw id-data li fiha l-appell ikun gie skedat għas-smiġh quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) u jekk ikunu jixtiequ jippreżentaw risposta għall-appell, li jiżguraw li tali risposta tiġi ppreżentata fil-perjodu msemmi fil-paragrafu (a);

(f) fi żmien tlett (3) ijiem tax-xogħol mid-data tal-preżentata tar-rikors tal-appell, il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tappunta seduta ta' smiġh li għandha ssir sa mhux aktar tard minn xahrejn (2) mid-data tal-preżentata tal-appell. F'din is-seduta, il-partijiet kollha għandu jkollhom il-jedd li jippreżentaw sottomissjonijiet orali finali:

Iżda l-ebda differiment ma għandu jingħata hliet għal raġunijiet eċċezzjonali, li għandhom jiġu deċiżi fid-diskrezzjoni esklussiva tal-Qorti;

(g) wara li tisma' s-sottomissjonijiet orali magħmula mill-partijiet, il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tiddeċiedi l-appell, u dan sa mhux aktar tard minn xahrejn (2) mid-data tal-ewwel seduta ta' smiġh:

Iżda l-Qorti tista', għal raġuni valida, testendi l-imsemmi perjodu darba waħda biss, għal mhux aktar minn xahar (1) ieħor. F'dak il-każ, il-Qorti għandha ssemmi r-raġuni għall-estensjoni fid-digriet li jordna l-estensjoni tat-terminu;

(h) il-perjodi msemmija f'dan l-artikolu għandhom japplikaw ukoll għal appelli minn deċiżjonijiet tat-Tribunal meta l-każ ikun intbagħat lura lit-Tribunal b'deċiżjoni preċedenti tal-Qorti tal-Appell (Kompetenza Inferjuri);

(i) l-ispejjeż u d-drittijiet legali u ġudizzjarji fl-imsemmija proċeduri għandhom jiġu intaxxati skont il-paragrafu (7) tal-partita 3 tat-Tariffa A u skont il-paragrafu (b) tal-partita 15 Tariffa E fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

TAQSIMA VII

Dispożizzjonijiet tranzitorji

53. (1) Mad-dhul fis-seħh tal-Att tal-2025 dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, il-Prim Ministru jista', permezz ta' avviż jew avviżi fil-Gazzetta, jistabbilixxi d-data tat-tħassir tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar:

Thassir u
riżervi.
Abbozz Nru.
144 tal-2025.
Kap. 551.

Iżda l-Prim Ministru jista' permezz ta' tali avviż jew avviżi fil-Gazzetta jistabbilixxi dati differenti għat-tħassir ta' dispożizzjonijiet differenti u, jew għal għanijiet differenti tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar.

(2) Mad-dhul fis-seħh ta' dan l-Att, il-kliem u l-frażijiet imsemmija fit-tielet kolonna tal-Ewwel Skeda, liema kliem u frażijiet jinsabu fid-dispożizzjonijiet speċifikati fit-tieni kolonna tal-istess Skeda, liema dispożizzjonijiet jinsabu fil-liġijiet imsemmija fl-ewwel kolonna tal-istess Skeda, għandhom jiġu emendati skont l-emendi msemmija fir-raba' kolonna ta' dik l-Iskeda.

(3) Mad-dhul fis-seħh ta' dan l-Att, il-leġiżlazzjoni sussidjarja elenkata fl-ewwel kolonna tat-Tieni Skeda, li l-enumerazzjoni preżenti tagħha hija elenkata fit-tieni kolonna tal-istess Skeda, għandha titqies li saret taħt id-dispożizzjonijiet korrispondenti ta' dan l-Att, u għandha tiġi enumerata mill-ġdid skont kif speċifikat fit-tielet kolonna tal-imsemmija Skeda.

(4) Kwalunkwe proċediment li jkunu ġew imressqa quddiem it-Tribunal qabel id-data tad-dhul fis-seħh ta' dan l-Att għandu jibqa' regolat mid-dispożizzjonijiet tal-Att kif kien fis-seħh u r-regolamenti magħmula tahtu:

Iżda kwalunkwe referenza għall-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar f'regolamenti taħt dan l-Att, taħt l-Att dwar l-Ippjanar tal-Iżvilupp u taħt l-Att dwar il-Protezzjoni tal-Ambjent għandha titqies li tirreferi għall-Att tal-2025 dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, u kwalunkwe referenza għat-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar għandha titqies li tirreferi għat-Tribunal kif kostitwit bl-artikolu 3 tal-Att tal-2025 dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, kif applikabbli *mutatis mutandis*.

Kap. 551.
Kap. 552.
Kap. 549.
Abbozz nru. 144
tal-2025.

L-Ewwel Skeda
Emendi konsegwenzjali ghal legizlazzjoni ohra

Liġi	Dispożizzjoni	Test li għandu jiġi emendat	Emendi
Att dwar il-Protezzjoni tal-Ambjent – Kap. 549	nota marginali fl-artikolu 2	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 63(1)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 63(2)	"Kap. 551"	"(Kap. __)"
Regolamenti dwar il-Valutazzjoni tal-Impatti Ambjentali.– L.S. 549.46	nota marginali fir-regolament 2	"Kap. 551"	"(Kap. __)"
	nota marginali fir-regolament 34	"Kap. 551"	"(Kap. __)"
Regolamenti dwar Drittijiet li jithallsu għal Appelli tal-Ambjent u l-Ippjanar – L.S. 551.01	nota marginali fl-artikolu 2	"Kap. 551"	"(Kap. __)"
Regolamenti dwar il-Proċeduri tal-Appelli dwar l-Ambjent u l-Ippjanar – L.S. 551.02	nota marginali fl-artikolu 2	"Kap. 551"	"(Kap. __)"
Att dwar l-Ippjanar tal-Iżvilupp - Kap. 552	nota marginali fl-artikolu 2	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 54(4)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 57(11)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 57(12)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 72(3)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 77(1)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 77(2)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 77(3)	"Kap. 551"	"(Kap. __)"
	nota marginali fl-artikolu 97(11)	"Kap. 551"	"(Kap. __)"

Regolamenti dwar l-Ippjanar tal-Iżvilupp (Proċedura ta' Applikazzjonijiet u d-Deċiżjoni Relattiva) – L.S. 552.13	nota marginali fir-regolament 2	"Kap. 551"	"(Kap. __)"
	nota marginali fir-regolament 3(6)	"Kap. 551"	"(Kap. __)"
	nota marginali fir-regolament 13(8)	"Kap. 551"	"(Kap. __)"
	regolament 13(8)	"Iż-żmien stabbilit fl-artikolu 13 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar għandu jibda għaddej mid-data tal-pubblikazzjoni tal-avviż tad-deċiżjoni fuq is-sit elettroniku tad-Dipartiment tal-Infurmazzjoni skont id-dispożizzjonijiet tar-regolament 6(6)"	"Iż-żmien stabbilit fl-artikolu 29 tal-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar għandu jibda jiddekorri mid-data tal-pubblikazzjoni tal-avviż tad-deċiżjoni fuq is-sit elettroniku tad-Dipartiment tal-Infurmazzjoni skont id-dispożizzjonijiet tar-regolament 6(6)"
	nota marginali fir-regolament 14(5)	"Kap. 551"	"(Kap. __)"
	nota marginali fir-regolament 21(5)	"Kap. 551"	"(Kap. __)"
Regolamenti dwar Drittijiet li jithallsu għal Appelli tal-Ambjent u l-Ippjanar – L.S. 552.21	nota marginali fir-regolament 2	"Kap. 551"	"(Kap. __)"

It-Tieni Skeda

Legiżlazzjoni Sussidjarja meqjusa bħala maghmula taht dan l-Att

Legiżlazzjoni Sussidjarja	Enumerazzjoni preżenti	Enumerazzjoni mill-ġdid
Regolamenti dwar Drittijiet li jithallsu għal Appelli tal-Ambjent u l-Ippjanar	L.S. 551.01	L.S. ____.01
Regolamenti dwar il-Proċeduri tal-Appelli dwar l-Ambjent u l-Ippjanar	L.S. 551.02	L.S. ____.02

Ghanijiet u Ragunijiet

L-ghanijiet u r-ragunijiet ta' dan l-Abbozz ta' liġi huma sabiex jistabbilixxu mill-ġdid it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar bħala aġġudikatur verament indipendenti u imparzjali, li jipprovdi għal garanzija ta' kariga, kriterji definiti b'mod ċar għall-ħatra u t-tneħħija ta' membri u garanziji ta' awtonomija istituzzjonali skont standards kostituzzjonali u Ewropej ta' ġustizzja amministrattiva, billi jintroduċi u jistabbilixxi proċeduri ġodda, sospensjoni ta' permessi meta appell jiġi ppreżentat minn terza persuna interessata jew konsulent estern fir-rigward ta' applikazzjoni għall-ippjanar, standards vinkolanti għat-teħid ta' deċiżjonijiet, jagħti finalità lid-determinazzjonijiet fattwali, u jintroduċi skadenzi obligatorji sabiex jagħti effiċjenza lill-proċess. Barra minn hekk, dan l-Abbozz jipprovdi għas-simplifikazzjoni tal-proċessi, kuncett ta' preżentazzjoni u notifika diġitali, kontroll kontra abbużi u setgħat korrettivi wesgħin biex jiżgura ġustizzja effettiva u moderna.

**A BILL
entitled**

AN ACT to establish a tribunal for the purpose of reviewing decisions of the Planning Authority and the Environment and Resources Authority, to provide for the conduct of proceedings before the tribunal, and to provide for appeals from decisions of the tribunal.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this Parliament assembled and by the Authority of the same, as follows:-

**PART I
Preliminary provisions**

1. (1) The short title of this Act is the Environment and Planning Review Tribunal Act, 2025. Short title and coming into force.

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

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

"appointed officer" means a person appointed in accordance with article 6;

"Chairperson" means any Chairperson of the Environment and Planning Review Tribunal appointed under this Act;

"development permission" shall have the same meaning assigned to it in the Development Planning Act;

Cap. 552.

Cap. 549. "Environment and Resources Authority" shall have the same meaning assigned to it in the Environment Protection Act;

S.L. 552.13. "external consultant" shall have the same meaning assigned to it in regulation 2 of the Development Planning (Procedure for applications and the relative Decision) Regulations;

Cap. 552. "interested third party" means any person who, by virtue of an express provision of law, is entitled to submit representations in writing in respect of a development application within the statutory time limit established in terms of the Development Planning Act or any regulations made thereunder;

"planning application" means a full development application, an outline development application, a summary application, an application for a project of common interest, a screening request or a planning control application for modifications to the alignment of roads and buildings in a local plan;

Cap. 552. "Planning Authority" shall have the same meaning as assigned to the term "Authority" in article 2 of the Development Planning Act;

"recommendation" means the response submitted by an external consultant which may indicate that there is no objection to an application, or approval of the application subject to the conditions indicated by the external consultant or that the application is objectionable on the grounds indicated by the external consultant;

"Secretary" means the Secretary to the Environment and Planning Review Tribunal;

"Tribunal" means the Environment and Planning Review Tribunal established by Article 3.

PART II

Establishment and Scope of the Tribunal

Establishment
of the
Environment
and Planning
Review
Tribunal.

3. There shall be established in accordance with the provisions of this Act, an independent and impartial tribunal to be known as the Environment and Planning Review Tribunal, for the purpose of reviewing the decisions of the Planning Authority and the decisions of the Environment and Resources Authority, referred to it under this Act or any other law, and for the purpose of exercising any jurisdiction and other function vested in the Tribunal by or under this law, both before

and after the coming into force of this Act.

4. (1) The President shall, acting on the advice of the Prime Minister appoint members to sit on the Tribunal. Members of the Tribunal and oath of office.

(2) A Member of the Tribunal shall on appointment, take the following oath before the State Advocate:

"I..... (name and surname) after being appointed as a Member for the purposes of the Environment and Planning Review Tribunal Act, swear that I shall faithfully, fully, impartially and to the best of my ability carry out the duties incumbent upon me by virtue of the said appointment. So help me God."

(3) The said oath shall be signed by the Member of the Tribunal and by the State Advocate and shall be deposited with the Secretary of the Tribunal.

5. (1) The Prime Minister may by notice in the Gazette establish panels of the Tribunal consisting of three (3) members, and may indicate the categories of cases to be assigned to each panel and may by subsequent order amend, revoke or substitute such order. Composition of the Tribunal.

(2) On each panel, two of its members shall be required to have a strong knowledge in development planning and environmental matters while the other member shall be an advocate who has practised the profession of advocate for at least four (4) years.

(3) Each panel shall have a Chairperson, who shall preside over the panel. In the absence of the Chairperson for a justifiable reason, another Member on the panel shall perform the functions of Chairperson:

Provided that the Tribunal may proceed with the case only if at least two members are present, notwithstanding the absence of one Member for a justified reason.

(4) The Secretary of the Tribunal shall draw up the list of cases of each panel having regard to the amount of pending cases assigned before each panel.

(5) The members of the Tribunal shall hold office for a term of ten (10) years and may be reappointed for a further term of five (5) years.

(6) In the exercise of their functions under this Act, the Chairperson and the members of the Tribunal shall not be subject to the control or direction of any other person or authority, and may only

be removed from office by the President acting on the advice of the Prime Minister for any of the following reasons:

- (a) proven inability to perform the functions of their office, whether resulting from a disease of the body or mind or any other reason;
- (b) proven misconduct;
- (c) serious negligence.

Appointed
officers.

6. (1) The Chairperson of a panel assigned to a case shall have the power to appoint persons to perform the functions prescribed under this Act.

(2) The appointed officers shall carry out their functions in accordance with such directions as the Tribunal may issue.

(3) the Chairperson shall have the power to appoint himself or any Member of the Tribunal to act as an appointed officer.

Administrative
secretariat.

7. (1) The Tribunal shall have an administrative secretariat independent of any authority, composed of a Secretary and such officials or other employees as may be necessary for the speedy and efficient management of administrative matters relating to the functions of the Tribunal.

(2) The Secretary shall be appointed by the Prime Minister, and subject to the other provisions of the Act, the employment and appointment of officers and other servants shall be made by the Secretary and the terms and conditions of employment and their appointment shall be made in agreement with the Prime Minister.

(3) The Secretary shall discharge any duties incumbent upon him under this Act or any regulations made thereunder.

Expenses
incurred by the
Tribunal.

8. Expenses incurred in connection with the administration of the Tribunal, including the payment of the fee to the Chairperson and to the members of the Tribunal and the salary of the Secretary of the Tribunal and of the staff of the Tribunal, shall be borne by the Consolidated Fund without any further appropriation being required.

Registry of the
Tribunal.

9. (1) There shall be a Registry of the Tribunal that shall be established at a place indicated by the Prime Minister.

(2) All acts of the Tribunal shall be kept in the Registry.

(3) The Secretary of the Tribunal shall be responsible for the running of the Registry.

(4) Where an act is filed by electronic means outside the Registry's opening hours, such an act shall be deemed to have been filed on the first day following the opening of such registry.

(5) Save as otherwise provided in regulations under this Act, the Registry of the Tribunal shall be accessible to the public, including for the submission of documents from 8.00 a.m. to 12.00 p.m. and from 1.30 p.m. to 3.15 p.m. on all days of the week, excluding Saturdays, Sundays and public holidays as provided under the National holidays and other Public holidays Act: Cap. 252.

Provided that during the months of July, August and September, the Registry shall be open for submissions only from 8.00 a.m. till 12.00 p.m.

(6) The Prime Minister may make regulations to regulate such other matters as may be necessary for the effective operation of the Registry, including the determination of the periods during which the Registry shall be deemed closed, inactive or suspended.

10. (1) In the absence of any rules on any matter, the Tribunal may regulate its own procedure. Conduct of proceedings.

(2) The Tribunal may take all such measures and issue all such orders as it deems appropriate to ensure the proper conduct of the sittings of the Tribunal and the delivery of its decisions by electronic or other viable means of communication. It may also allow the filing of documents in proceedings before it to take place by electronic means in such format as it deems appropriate.

(3) The Tribunal shall have the right to communicate with the parties by electronic means or by conventional mail, at its discretion.

(4) The Registry of the Tribunal may receive all acts including appeals and replies thereto, by the transmission of the original duly signed act, by electronic means and receive the fee prescribed by the fees payable in terms of the Environment and Planning Appeals (Fees) Regulations, by electronic payment or other means: S.L. 551.01.

Provided that where the email address provided by either party is incorrect or where for any reason it ceases to function or receive correspondence and this default is not duly rectified by the date of the first hearing, the said party shall be deemed to have abandoned the appeal, irrespective of the stage reached in the proceedings.

(5) The Tribunal may hold and conduct the hearing of its sittings and give its decisions by such electronic or other viable means of

communication, as it deems appropriate. The conduct of hearings and the award of decisions of the Tribunal by electronic or other viable means of communication shall have the same effect in law as though they followed the traditional means.

(6) Any failure or damage to electronic or other means of communication, including video-conferencing systems, shall not render the hearing null and void.

(7) Save as otherwise provided in this Act, service by electronic mail shall be deemed to have been effected on the date on which the act was transmitted by electronic means.

Filing of
documents by
electronic
means.

11. (1) Acts filed by electronic means shall, for all intents and purposes of law, be deemed to have been filed directly in the Registry of the Tribunal.

(2) For each appeal filed with the Tribunal, the Secretary of the Tribunal shall keep a register with the e-mail addresses of all persons participating in the appeal proceedings and such register shall be available to all persons participating in the said appeal.

(3) Any written act, document and submission submitted to the Tribunal by any party to the appeal proceedings shall be served by such party on all other parties to the proceedings by email at the same time as any such written act, documentary evidence or submission is submitted to the Tribunal, or at the latest within two (2) working days when the act, documentary evidence or written submission shall not be submitted electronically:

Provided that the Tribunal may order that any written act, document or submission not served on the other parties as aforesaid be exempted from the acts of the appeal proceedings.

(4) The Registry of the Tribunal shall issue a copy of the acts filed by electronic means as aforesaid and the said copy issued by the registry of the Tribunal shall, for all intents and purposes of law, be deemed to be the original.

(5) No nullity shall result in the non-observance of any provision under this article, including as regards the conduct of proceedings or the delivery of decisions of the Tribunal by electronic or other viable means of communication due to the lack of the electronic or other means of communication used.

Sittings of the
Tribunal.

12. (1) The Tribunal shall hold sittings in Malta and, or Gozo at such regular intervals as may be necessary to facilitate its work.

(2) The Tribunal shall ensure that the hearing of all its sittings and the delivery of all its decisions are open and accessible to the public by electronic or other viable means of communication, as it deems appropriate.

13. (1) The Tribunal shall have the power to hear and determine appeals on both matters of fact and points of law. Powers of the Tribunal.

(2) The factual determinations made by the Tribunal shall be final and shall not be subject to review by any court, except as provided in Part V and VI. The legal correctness of decisions based on those facts, as established by the Tribunal, shall be subject to judicial review in accordance with Parts V and VI.

(3) The Tribunal shall have the power to issue all such orders, including the imposition of such time limits as may be necessary to ensure that decisions may be given within the time limits established in this Act.

14. The Tribunal shall:

Principles of good administrative behaviour.

(a) comply with the provisions of article 742 of the Code of Organization and Civil Procedure, and where a Member falls within any of the specified categories, such Member shall recuse himself and be substituted by another Member; Cap. 12.

(b) ensure procedural equality between the parties to the proceedings by giving each party a fair and adequate opportunity to present its case, whether in writing, orally or both, without being disadvantaged;

(c) clearly indicate the reasons which are decisive for the outcome of the appeal;

(d) observe all written procedural requirements, the absence of which could result in prejudice to any party concerned;

(e) ensure that the legal instruments identified as the basis for the decision are valid and in force at the time when the Planning Authority gives its decision:

Provided that in cases where a planning application, regularisation application or development order have not been favourably decided by the Planning Authority, the legal instruments identified as the basis for the decision shall be valid

and in force at the time when the Tribunal gives its decision;

(f) ensure that the decision is based on the facts established by it;

(g) subject to the provisions of any other law, ensure that the Planning Authority makes available to the parties to the proceedings all documents and information relevant to the appeal, in order that they can effectively submit contrary arguments;

(h) ensure that the decision is limited to matters included in the contested decision and in the appeal.

Summoning of witnesses.

15. (1) The Tribunal shall have the power to summon witnesses and administer the oath to any person appearing before it.

(2) The Tribunal may, at any stage of the proceedings, order that the evidence of any person, including any cross-examination be taken, or that the submission of any documentation be received, by an officer appointed at such time, as the Tribunal may impose.

(3) If any witness duly served with a summons signed by the Chairperson of the Tribunal or by the appointed officer fails to appear before the Tribunal or before the appointed officer when summoned without good cause, such person shall be fined by the Tribunal or the appointed officer not less than five hundred euro (€500) and not more than five thousand euro (€5,000):

Provided that the Tribunal may, upon good cause being shown to its satisfaction, revoke the fine imposed.

Applicability of certain provisions of the Code of Organization and Civil Procedure. Cap. 12.

16. The provisions of articles 21, 22 and 23 of the Code of Organization and Civil Procedure shall apply to all proceedings before the Tribunal.

Multiple appeals.

17. (1) Where more than one appeal is filed by a different appellant from the same decision, the Tribunal shall endeavour to ensure that all appeals are heard concurrently and in addition shall endeavour to deliver all its decisions at the same time.

(2) An appellant shall not be allowed to file more than one appeal in respect of the same decision.

Sitting adjournment.

18. The Tribunal may adjourn to another date any hearing of the appeal if it is satisfied that either party could not appear before it

due to proven illness or absence from Malta or any other reasonable and valid reason:

Provided that there shall be no adjournment of the hearing of the appeal in cases where the hearing may proceed with respect to the other parties without prejudice to the rights of the party who was not able to appear before the Tribunal for the reasons mentioned in this article.

19. (1) The Tribunal may consider an appeal to be abandoned if the appellant shows no interest in the appeal filed by him. Appeals deemed abandoned.

(2) Failure of the appellant to appear before the Tribunal for two consecutive sittings without due cause shall be considered as proof of such lack of interest and the Tribunal may consequently declare the appeal deserted.

20. If the Tribunal decides to carry out an inspection of its own motion, the costs of such an inspection shall be borne by the appellant or by the party requesting the inspection. Fees for on-site inspections.

21. The Tribunal may impose a fine of up to five thousand euro (€5,000) on the appellant in those cases where he declares an appeal frivolous or vexatious and in such cases, the decision of the Tribunal shall be final without any remedy before the Court of Appeal (Inferior Jurisdiction). Frivolous or vexatious appeals.

22. (1) The Tribunal may, at any stage of the proceedings, at the request of either party, pending the decision, after hearing the parties where necessary, order the replacement of any act or permit any written submission to be amended, or by adding or removing the name of any party and substituting another name for it, either by correcting an error in the name or capacity of the parties, or by correcting any other error, or by allowing the submission of additional facts or legal arguments, including by means of a separate note, provided that no such substitution or amendment alters the substance of the appeal, or the opposing party's response or defence on the merits of the case. Power of Tribunal to order or permit amendments of written submissions.

(2) Any omission or administrative error in an act of the Tribunal may be corrected by the Tribunal on its own initiative until the Tribunal has rendered its decision.

(3) The Tribunal may, by application of one of the parties to be served on the other parties to the appeal, amend at any time by order, any errors of calculation made in the decision.

(4) The Tribunal shall not be precluded from correcting any mistake in the wording of the decision or from changing any

expression which is equivocal or may be interpreted differently from that which is clearly intended by the Tribunal, provided that an application to that effect is made within twenty (20) days from the date on which the decision is published, and in such case, the time allowed by this Act for the filing of an appeal before the Court of Appeal (Inferior Jurisdiction) against any decision so amended shall run from the date of service of the decree given on the request for amendment.

Experts.

23. (1) The Tribunal may require any Government department or agency to provide the Tribunal with such information as the Tribunal may deem necessary for the proper execution of its functions.

(2) The Tribunal shall have the power to appoint experts at any stage of the proceedings and such appointments shall be governed by the following:

(a) the Tribunal may appoint one or more experts to draw up a report on any matter which the Tribunal considers relevant to the appeal;

(b) where the parties to an appeal agree on the submission of an expert's name, the Tribunal shall appoint the expert agreed between the parties;

(c) where the parties fail to agree on the appointment of an expert, the Tribunal shall appoint an expert of its own choice.

(3) In the Tribunal's decree appointing an expert, the Tribunal shall:

(a) declare the scope of the appointment;

(b) appoint the day and time when the expert shall carry out a *faciem loci* inspection where necessary;

(c) give instructions for the guidance of the expert in carrying out his task, where necessary;

(d) set a date by which the expert shall draw up a report;

(e) state which party shall bear the costs of such expert.

(4) The Tribunal may, at any time, order the expert to return the acts of appeal in its possession. In the event of non-compliance with the order of the Tribunal, the expert shall, subject to any other proceedings which may be instituted against him, be guilty of contempt of the order of the Tribunal.

(5) The Tribunal may order the expert to attend the hearings of the appeal and put any questions to witnesses it deems necessary or relevant to enable him to prepare his report.

(6) The expert shall be served with a copy of all documentation contained in the appeal file.

(7) An expert may be challenged by any of the parties in an appeal upon good cause being shown to the Tribunal as provided in article 648 of the Code of Organization and Civil Procedure. Cap. 12.

(8) The expert's report shall indicate the inquiries carried out by him and his findings together with the reasons for such findings.

(9) The rules applicable in Sub-title IV of Title I of Book Three of the Code of Organization and Civil Procedure shall *mutatis mutandis* apply to experts appointed by the Tribunal. Cap. 12.

24. The Prime Minister may make regulations to implement and give better effect to the provisions of this Act and may, subject to the generality above: Power of Prime Minister to make regulations.

- (a) establish the procedure before the Tribunal;
- (b) establish the procedure in appeals against decisions of the Tribunal;
- (c) establish the forms to be used in proceedings before the Tribunal;
- (d) establish the forms to be used in proceedings in appeals against decisions of the Tribunal;
- (e) determine the rates and fees relating to proceedings before the Tribunal;
- (f) establish the fees that may be due to the Registry of the Tribunal;
- (g) determine the duties of the Secretary of the Tribunal;
- (h) prescribe anything that may or, is to be prescribed under this Act;
- (i) carry out such amendments or deletions to any subsidiary legislation in order to bring such subsidiary legislation into conformity with the provisions of this Act.

Legal and
judicial
representation.

25. The legal and judicial representation of the Tribunal shall vest in the Secretary of the Tribunal or in any other person as the Prime Minister may determine for any specific case or class of cases.

Transfer of
responsibilities.

26. The Tribunal set up under the provisions of this Act shall perform and assume all the functions, assets, rights, responsibilities and obligations of the Environment and Planning Review Tribunal set up under the provisions of the Environment and Planning Review Tribunal Act.

Cap. 551.

Exemption from
payment of
income tax.

27. The Tribunal shall be exempt from any obligation to pay any income tax or document duty under the applicable law from time to time.

PART III

Proceedings before the Tribunal related to decisions taken by the Planning Authority

Jurisdiction.
Cap. 552.

28. (1) Subject to the provisions of the Development Planning Act, the Tribunal shall have jurisdiction to rule on appeals in the following circumstances:

(a) where an applicant is aggrieved by a decision of the Planning Authority in relation to a planning application;

(b) where an applicant is aggrieved by a decision concerning a request for regularisation or a development notification order request or any other administrative act not specifically mentioned in this Act but in respect of which the applicant has submitted a request;

(c) where an interested third party or external consultant is aggrieved by a decision of the Planning Authority in relation to a planning application;

(d) where the person requesting modification or revocation of a development permission, or the holder of the development permission, is aggrieved by the decision taken in that regard;

(e) where a person who has been served with a notice issued under the provisions of Part IX of the Development Planning Act or the owner of the property subject to the notice, even if the notice was not addressed to him, feels aggrieved by such notice;

(f) where any person, without the need to prove an interest in bringing proceedings or to demonstrate prior

participation in the proceedings, feels aggrieved by a decision relating to scheduling or conservation orders;

(g) where any person feels aggrieved by a decision from which such person has a right of appeal under any regulation made under this Act, and under the Development Planning Act;

(h) where all persons having a sufficient interest in feeling aggrieved by the substantive or procedural legality of any decision, act or omission with regard to an environmental impact assessment (EIA) or integrated pollution prevention and control (IPPC) permit.

(2) The Government or any public authority established by law, may file an appeal in any of the circumstances referred to in sub-article (1)(b) to (d) without the need to demonstrate a legal interest or that they were an interested third party:

Provided that for the purposes of this sub-article, "Government" or "public authority" shall exclude any agency of the Government or entity of the Government as defined in article 2 of the Public Administration Act.

Cap. 595.

(3) The Prime Minister may direct that any other decision of the Planning Authority be subject to the jurisdiction of the Tribunal.

29. (1) In the case of Planning Authority decisions on planning applications, regularisation requests, requests for a development notification order or any other administrative act not specifically mentioned in this Act but in respect of which the applicant has submitted a request, an appeal shall be filed before the Tribunal within twenty (20) days from the date of publication of the decision on the website of the Department of Information.

Time periods for filing appeals.

(2) In the case of Planning Authority decisions on the modification or revocation of a planning permission, an appeal shall be filed before the Tribunal within twenty (20) days from the date of the public hearing during which the decision was taken.

(3) In the case of a notice issued under the provisions of Part IX of the Development Planning Act, an appeal shall be lodged before the Tribunal within fifteen (15) days from the service of such notice.

Cap. 552.

(4) In the case of Planning Authority decisions on the scheduling of property, including decisions on requests for the removal of the scheduling of buildings or the issuing of conservation and confinement orders, an appeal shall be filed before the Tribunal within twenty (20) days from the date of publication of

the decision on the website of the Department of Information.

(5) Neither party may request an extension of the time limits set under this article on the ground that it is filing a cross-appeal against an appeal already filed.

(6) Where an applicant submits a request for reconsideration of a decision on a planning application in accordance with the Development Planning Act, the time limits established under this article shall be deemed to start to run from the date of publication of the decision, in respect of which the request for reconsideration is made, on the website of the Department of Information.

(7) Where the periods referred to in this article are to be counted from a specified day, such day shall be excluded from the time count. If the last day of the period falls on a Saturday or Sunday, it shall be deemed to fall on the next week which is not a public holiday. If the last day coincides with a public holiday, it shall be deemed to fall on the next day of the following week which is not a public holiday.

Content of
certain types of
appeal by an
applicant.

30. (1) An appeal by an applicant in respect of a decision on a planning application or regularisation application or for a development notification order request or any other administrative act not specifically mentioned in this Act but in respect of which the applicant has submitted a request shall:

(a) make express reference to the decision under appeal, and shall be accompanied by a copy of the said decision together with the site plan forming part of the application;

(b) clearly identify the specific aspects of the decision which are contested under separate headings, and under each heading, provide the grounds on which the appeal is filed:

Provided that in the case of grounds for refusal, each ground shall be set out separately under a separate heading, accompanied by a justification explaining why it should not have been included;

(c) provide an Annex entitled "List of Witnesses" containing the names, addresses, and any available email addresses of witnesses. For each witness intended to be produced as evidence, the party shall specify the facts which it seeks to establish through their evidence and indicate whether the witness can only give evidence *viva voce*:

Provided that if no indication is given that a listed

witness may testify only *viva voce*, such witness shall be allowed to file an affidavit only as his evidence:

Provided further that no request for the production of evidence other than those included in the list of Witnesses shall be permitted, unless the Tribunal grants permission for such production upon good cause being shown;

(d) provide an Annex entitled "List of documents" listing the documents in the party's possession which are necessary in support of the appeal:

Provided that any documents in the possession of third parties shall be identified separately, together with the details of such third parties;

(e) state specifically the manner in which he is requesting that the decision be varied.

(2) On receipt of the appeal, the Secretary of the Tribunal shall, within three (3) working days from the date on which the appeal is filed, assign the appeal to a panel of the Tribunal. The Tribunal shall send the appeal application with all the attached documentation to the Planning Authority to file a reply within twenty (20) days, in which it shall:

(a) make reference to the contested decision;

(b) clearly state why the contested decision should be confirmed and why the appeal should be dismissed;

(c) provide an Annex entitled "List of Witnesses" containing the names, addresses and any available email addresses of witnesses. For each witness intended to be produced as evidence, the party shall specify the facts which it seeks to establish through their evidence and indicate whether the witness can only give evidence *viva voce*:

Provided that if no indication is given that a listed witness may testify only *viva voce*, such witness shall be allowed to file an affidavit only as his evidence:

Provided further that no request for the production of evidence other than those included in the list of Witnesses shall be permitted, unless the Tribunal grants permission for such production upon good cause being shown;

(d) provide an Annex entitled "List of Documents"

listing the documents in the party's possession which are necessary in support of the appeal:

Provided further that any documents in the possession of third parties shall be identified separately, together with the details of such third parties;

(3) After determining which witnesses are relevant to the appeal, the Tribunal shall appoint the first hearing, during which the appellant and the Planning Authority shall be entitled to produce evidence and conduct cross-examinations, either before the Tribunal or an appointed officer.

(4) The Tribunal may order an inspection *in faciem loci* on its own initiative or at the request of any of the parties, but such inspection shall be permitted only where the Tribunal deems it necessary for the determination of the appeal. During the inspection, only representatives of the Authority and external consultants shall have the right to enter the property under inspection. On the closure of the production of evidence, the Tribunal shall hold a single hearing for the purposes of the final oral submissions. Interested third parties and external consultants shall also have the right to submit a written position after the applicant and the Authority have concluded their evidence, provided that they have notified the Tribunal of their intention to do so within (five) 5 days of being informed that the applicant has filed an appeal at the beginning of the proceedings.

(5) All communications submitted by either party to the Tribunal during the proceedings shall also be communicated to the other party to the appeal, as well as to any other party admitted by the Tribunal during the proceedings, through their respective email addresses as provided by the Secretary of the Tribunal. Failure to comply with such requirement shall lead the Tribunal to order the removal of the relevant communication from the proceedings.

(6) With regard to appeals falling under this article, the Tribunal shall deliver its final decision within one (1) year from the date of filing of the appeal. This period may only be extended once, for a further period of six (6) months in exceptional cases and in the interest of justice.

Content of an appeal by an interested third party or external consultant.

31. (1) Where an appeal is filed by an interested third party or an external consultant in respect of a decision on a planning application before the Tribunal, the development permission shall be deemed to be suspended until the expiry of the period of twenty-one (21) days from the date on which the Tribunal gives its decision, and if an appeal is filed by an interested third party or an external consultant

on a point of law before the Court of Appeal (Inferior Jurisdiction) following the decision of the Tribunal, until such time as established by article 48.

(2) An appeal by an interested third party or external consultant in respect of a decision on a planning application shall:

(a) make express reference to the decision under appeal, and shall be accompanied by a copy of the said decision together with the site plan forming part of the application;

(b) clearly identify the specific aspects of the decision which are contested under separate headings, and under each heading, provide the grounds on which the appeal is filed:

Provided that the grounds of appeal shall be limited to those grounds of concern specifically raised until the time allowed under article 71(6) of the Development Planning Act unless it can be shown that the matter could not reasonably have been foreseen at that stage; Cap. 552.

(c) provide an Annex entitled "List of Witnesses" containing the names, addresses, and any available email addresses of witnesses. For each witness intended to be produced as evidence, the party shall specify the facts which it seeks to establish through their evidence and indicate whether the witness can only give evidence *viva voce*:

Provided that if no indication is given that a listed witness may testify only *viva voce*, such witness shall be allowed to file an affidavit only as his evidence:

Provided further that no request for the production of evidence other than those included in the list of Witnesses shall be permitted, unless the Tribunal grants permission for such production upon good cause being shown;

(d) provide an Annex entitled "List of Documents" listing the documents in the party's possession which are necessary in support of the appeal:

Provided that any documents in the possession of third parties shall be identified separately, together with the particulars of such third parties;

(e) state specifically the manner in which he is requesting that the decision be varied.

(3) On receipt of the appeal, the Secretary of the Tribunal shall assign the appeal to a panel of the Tribunal within three (3) working days from the date on which the appeal was filed.

(4) The Tribunal shall send the application of appeal, together with all the attached documentation, to the applicant and to the Planning Authority.

(5) The Tribunal shall inform the applicant and the Planning Authority to file a reply within twenty (20) days, in which they shall:

(a) clearly state why the contested decision should be confirmed and why the appeal should be rejected;

(b) provide an Annex entitled "List of Witnesses" containing the names, addresses, and any available email addresses of witnesses. For each witness intended to be produced as evidence, the party shall specify the facts which it seeks to establish through their evidence and indicate whether the witness can only give evidence *viva voce*:

Provided that if no indication is given that a listed witness may testify only *viva voce*, such witness shall be allowed to file an affidavit only as his evidence:

Provided further that no request for the production of evidence other than those included in the list of Witnesses shall be permitted, unless the Tribunal grants permission for such production upon good cause being shown;

(c) provide an Annex entitled "List of Documents" listing the documents in the party's possession which are necessary in support of the appeal:

Provided further that any documents in the possession of third parties shall be identified separately, together with the particulars of such third parties.

(6) After determining which evidence is relevant to the appeal, the Tribunal shall appoint a first hearing, during which the appellant, the applicant and the Authority shall be entitled to produce evidence and conduct cross-examinations before a designated officer. The designated official shall give the parties a time period during which to prepare final written submissions.

(7) The Tribunal may order an inspection *in faciem loci* on its own initiative or at the request of either party, but such inspection shall be permitted only where the Tribunal deems it necessary for the

determination of the appeal. During the inspection, only representatives of the Planning Authority and external consultants shall have the right to enter the property under inspection:

Provided that cameras, photo-capturing devices and digital recording devices, including all mobile phones shall be prohibited in the inspection area, except for equipment used by the Tribunal for the purpose of gathering such evidence, as it may deem necessary.

(8) On the closure of the production of evidence, the Tribunal shall hold a single hearing for the purposes of the final oral submissions.

(9) All communications submitted by either party to the Tribunal during the proceedings shall also be communicated to the other party to the appeal, as well as to any other party admitted by the Tribunal during the proceedings, by means of their respective e-mail addresses as provided by the Secretary of the Tribunal. Failure to comply with that requirement shall result in the Tribunal ordering the removal of the relevant communication from the proceedings.

(10) With regard to appeals falling under this article, the Tribunal shall deliver its final decision within five (5) months from the date of filing of the appeal. This period may only be extended once, for a further period of 1 month in exceptional cases and in the interest of justice:

Provided that the permit holder may request an extension of the said time periods before the expiry of the period in order to submit his evidence.

32. (1) An appeal made under article 28(1)(d) to (h) shall:

(a) make express reference to the decision being appealed and shall be accompanied by a copy of such decision together with the site plan forming part of the application;

(b) provide an Annex entitled "List of Witnesses" containing the names, addresses and any available email addresses of witnesses. For each witness intended to be produced as evidence, the party shall specify the facts which it seeks to establish by means of their evidence and indicate whether the witness can only give evidence *viva voce*:

Provided that if no indication is given that a listed witness may testify only *viva voce*, such witness shall be allowed to file an affidavit only as his evidence:

Content of an appeal not on a planning application or a regularisation application or a development notification request.

Provided further that no request for the production of evidence other than those included in the list of Witnesses shall be permitted, unless the Tribunal grants permission for such production upon good cause being shown;

(c) provide an Annex entitled "List of Documents" listing the documents in the party's possession which are necessary in support of the appeal:

Provided that any documents in the possession of third parties shall be identified separately, together with the details of such third parties;

(d) state specifically the manner in which it is requesting that the decision be varied.

(2) On receipt of the appeal, the Secretary of the Tribunal shall, within three (3) working days from the date on which the appeal is filed, assign the appeal to a panel of the Tribunal.

(3) The Tribunal shall send the appeal application with all the attached documentation to the Planning Authority to file a reply within twenty (20) days, in which it shall:

(a) make reference to the contested decision;

(b) clearly state why the contested decision should be confirmed;

(c) provide an Annex entitled "List of Witnesses" containing the names, addresses and any available email addresses of witnesses. For each witness intended to be produced as evidence, the party shall specify the facts which it seeks to establish through their evidence and indicate whether the witness can only give evidence *viva voce*:

Provided that if no indication is given that a listed witness may testify only *viva voce*, such witness shall be allowed to file an affidavit only as his evidence:

Provided further that no request for the production of evidence other than those included in the list of Witnesses shall be permitted, unless the Tribunal grants permission for such production upon good cause being shown;

(d) provide an Annex entitled "List of Documents" listing the documents in the party's possession which are necessary in support of the appeal:

Provided that any documents in the possession of third parties shall be identified separately, together with the details of such third parties. In the case of an appeal against a decision of the Planning Authority on the modification or revocation of a planning permission, sub-article (3) shall apply *mutatis mutandis* to the applicant, provided that the person making the request for modification or revocation of the planning permission is the appellant, and vice versa, if the applicant is the appellant.

(4) After determining which evidence is relevant to the appeal, the Tribunal shall appoint the first hearing, during which the applicant and the Planning Authority shall be entitled to produce evidence and carry out cross-examinations, either before the Tribunal or an appointed officer.

(5) The Tribunal may order an inspection *in faciem loci* on its own initiative or at the request of either party, but such inspection shall be permitted only where the Tribunal deems it necessary for the determination of the appeal. During the inspection, only representatives of the Authority and external consultants shall have the right to enter the property under inspection:

Provided that cameras, image capturing devices and digital recording devices, including all mobile phones shall be prohibited in the inspection area, except for equipment used by the Tribunal for the purpose of gathering such evidence, as it may deem necessary.

(6) Upon the closure of the production of evidence, the Tribunal shall hold a single hearing for the purposes of the final oral submissions.

(7) All communications submitted by either party to the Tribunal during the proceedings shall also be communicated to the other party to the appeal, as well as to any other party admitted by the Tribunal during the proceedings, by means of their respective email addresses as provided by the Secretary of the Tribunal. Failure to comply with this requirement shall result in the Tribunal ordering the removal of the relevant communication from the proceedings.

(8) In respect of appeals falling under this article, the Tribunal shall deliver its final decision within one (1) year from the date of filing of the appeal. This period may only be extended once, for a further period of six (6) months in exceptional cases and in the interest of justice.

Power to confirm, revoke or alter decisions and to issue orders.

33. (1) The Tribunal shall have the power to confirm, revoke or vary the contested decision and give such directions, as it may deem appropriate.

(2) The Tribunal shall issue a single decision addressing all the issues involved in an appeal before it, whether of a preliminary, substantive or procedural nature:

Provided that where pleas of a peremptory nature are raised, the Tribunal may, before considering any other matter, decide to hear the evidence of the parties and deliver a decision limited to such matter. A decision given by the Tribunal in this regard shall be deemed final and may be appealed to the Court in terms of Part V.

(3) If the Tribunal decides to grant a permit or modify a decision taken by the Planning Authority, the Planning Authority shall issue the permit in accordance with the terms and conditions established in the decision of the Tribunal.

(4) If the Tribunal decides to grant permission or to amend a decision taken by the Authority, it may impose administrative penalties, the payment of fees and contributions and, or other conditions which the Tribunal shall deem appropriate. The funds accumulated from such penalties, fees and contributions shall be collected and administered by the Planning Authority.

(5) Where by decision of the Tribunal, the proposed description of the development in an application remains the same or the intensity of use and, or the scale of the works are reduced, the Tribunal shall have the power to issue such orders as it deems necessary or appropriate, including but not limited to, ordering the applicant to submit revised plans incorporating modifications to the design and form of the proposal. Such modifications may include, *inter alia*, changes in configuration, location, area, volume, storey number, height, access points, and use. the Tribunal may issue such orders without the obligation to re-consult interested parties or external consultants:

Provided that where the Tribunal requests the applicant to submit new documents or plans, it shall specify a time period within which such documents or plans shall be submitted:

Provided further that if the specified period of time expires without the submission of the required documents or plans and no appeal from the decision of the Tribunal has been filed, the Planning Authority may proceed to reject the planning application.

(6) The Tribunal shall have the power to refer the records of the

proceedings to the Planning Authority whenever it deems it necessary, either at any stage of the proceedings or as part of its final decision.

(7) The Tribunal shall have the power to refer the records of the proceedings to the Planning Authority if the applicant submits a request to make a material change to the proposed description of the application under appeal, provided that such a request is made by the applicant before the closure of the evidence. The Tribunal may issue such orders without the obligation to re-consult interested parties or external consultants. The planning application shall be reprocessed, starting with the Executive Chairperson of the Planning Authority leading to the amended proposal included in the application being published on the website of the Department of Information and advertised by means of a notice posted on site.

(8) In the case of a decision in respect of an appeal against a notice issued under the provisions of Part IX of the Development Planning Act, the Tribunal shall consider the appeal if it is satisfied that the development to which the notice relates is in accordance with the law and that any conditions attached to the relevant permit have been complied with: Cap. 552.

Provided that where the Tribunal finds that not all irregularities listed in the notice constitute illegalities, or that certain illegalities have been duly rectified, it shall order the Planning Authority to modify the notice accordingly.

(9) The Tribunal may annul the enforcement notice in part or totally, for reasons stipulated in the provisions of the Development Planning Act. Cap. 552.

(10) In any decision rendered, the Tribunal shall publish a list of the names and e-mail address of the appellant, the applicant and all interested third parties and external consultants who have submitted the position in writing after giving notice of its intention to do so in accordance with article 30(3), as the case may be.

34. Without prejudice to the special powers of the State under Part IX of the Cultural Heritage Act, the decisions of the Tribunal shall be binding on the Planning Authority, external consultants, interested third parties and any other person and, or entity affected by the decision, if supported by the opinion of two (2) of its members and the dissenting Member, if any, may express his opinion separately. Provisions
applicable to all
decisions.
Cap. 445.

PART IV
**Proceedings before the Tribunal in respect of decisions taken
by the Environment and Resources Authority**

Appeal to the
Tribunal in
accordance with
the provisions
of the
Environment
Protection Act.
Cap. 549.

35. (1) Any aggrieved party may appeal to the Tribunal in accordance with the provisions of the Environment Protection Act and the regulations made thereunder, and any person may appeal any decision of the Environment and Resources Authority only in relation to environmental assessments, access to environmental information and the prevention and remedying of environmental damage.

(2) An appeal to the Tribunal may be filed on the following grounds:

(a) that a material error has been made as to the facts;

(b) that there was a material procedural error;

(c) that an error of law has been committed;

(d) that there were some material illegalities, lack of reasonableness, ineffective or insufficient consideration of negative effects, or lack of proportionality.

(3) The effect of a decision appealed against shall not, except where the Tribunal or the Court of Appeal, as the case may be, so direct, be suspended as a consequence of the filing of the appeal:

Provided that in the case of an appeal from the approval or partial approval of a potentially irreversible action or an action which could potentially cause significant harm to the environment, the approval may be suspended by the Tribunal pending a final decision by the Tribunal if the said Tribunal considers that this would be in the interest of avoiding any potentially significant or irreversible effects or implications on the environment or on justified grounds.

(4) The right of appeal before the Tribunal shall be available to any party aggrieved by the decision without the need to prove its interest in the matter.

(5) The provisions regarding the publication and communication of applications, submissions and decisions by the Environment and Resources Authority shall apply *mutatis mutandis* to the decision of the Tribunal, in addition to the procedures established in this article.

(6) In order to increase the effectiveness of the provisions of this article, the Environment and Resources Authority shall ensure that the practical information on access to the relevant procedures is made

available to the public.

(7) All parties involved in the appeal may submit a request to the Tribunal to view the acts of the Authority at any time before the Tribunal's sitting.

(8) If an appeal has been filed with the Tribunal by any party other than the applicant and the applicant submits a request for reconsideration, proceedings before the Tribunal shall be suspended until the request for reconsideration has been decided and a copy of the decision has been filed with the Tribunal by the Authority, and any period of time established in accordance with the provisions of this Act in respect of proceedings before the Tribunal shall start to run, from the date of receipt by the Tribunal of the decision on the request for reconsideration, and the appellant shall, within thirty (30) days of service of the decision on the request for reconsideration, amend his appeal or make further submissions to the Tribunal, if he deems it necessary.

(9) Where an appeal has been filed with the Tribunal by any party other than the applicant in terms of this Act, such person shall not need to prove that he has an interest in such appeal in accordance with the juridical interest doctrine, which doctrine shall not apply to such proceedings, but such person shall submit reasoned reasons based on environmental considerations to justify his appeal.

(10) The Tribunal shall, within two (2) months from the filing of the appeal, except in cases where the appeal is accompanied by a request for suspension of operation, appoint the day to hold the first hearing for the parties to appear before it, in order to demonstrate why the requests, pleas and witnesses listed in the application and their respective replies should be granted. The Tribunal shall at the same sitting, decide which witnesses listed in the application for appeal and in the reply to the appeal, it deems relevant for the purposes of submitting evidence:

Provided that where there is no request for suspension of execution as provided for in the articles referred to in sub-article (13), advance notice of not less than fourteen (14) days, in such manner as the Tribunal deems appropriate, of the first sitting of the Tribunal shall be given to the parties, interested parties and external consultants who made their recommendations:

Provided further that in cases of urgency the said time limit of fourteen (14) days may be abbreviated by order of the Tribunal, if the Tribunal is satisfied that the party requesting urgency has given a valid reason in writing for so doing.

(11) Where the appeal is accompanied by a request for suspension of operation, the Tribunal shall notify the parties, hold its first hearing and decide the request for suspension within thirty (30) days of receipt of the application.

(12) Where the Tribunal grants a request for the suspension of a permit, the Tribunal shall not suspend the execution of such permit for more than six (6) months.

(13) Unless inconsistent with the provisions of this Part, the provisions of articles 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 shall apply *mutatis mutandis* to appeals filed under this Part, and all references to the Planning Authority in the said articles shall be construed as a reference to the Environment and Resources Authority.

Appeals from
stop orders and
compliance
orders.
Cap. 549.

36. (1) Where appeals are filed by any person who feels aggrieved by an order served on him in terms of article 76 of the Environment Protection Act, the Tribunal:

(a) if it is satisfied that a permit has been granted under the Environment Protection Act or under any other law which was in force prior to the Environment Protection Act, and which regulated the activity in question, for the activity to which the order relates, or for which no authorisation was required, as the case may be, and that the conditions for which such authorization has been granted have been complied with, shall cancel the order to which the appeal relates or that part thereof in respect of which the Tribunal is satisfied as aforesaid;

(b) in any other case, the appeal shall be dismissed:

Provided that the Tribunal shall order the Environment and Resources Authority to modify the order if it considers that not all the illegalities listed in the detailed description in the order are illegal or if some of the illegalities have been removed.

(2) If before an appeal is filed or during the suspension of such appeal, the appellant or any other person submits to the Environment and Resources Authority an application for authorisation in respect of the activity referred to in the order, the Tribunal shall dismiss the appeal if it is satisfied that such application is intended to regularise the activity described in the order.

Cap. 549.

(3) Where an appeal is dismissed in terms of sub-article (2), the provisions of article 76 (12) of the Environment Protection Act shall apply.

(4) The Tribunal may correct any defect or error in the cease order, even if had it not been for the correction, such would render it invalid, however the appellant shall be given sufficient time to prepare and bring his case.

37. (1) Where an appeal is filed by any person who feels aggrieved by a decision of the Environment and Resources Authority, in accordance with the provisions of article 69 of the Environment Protection Act, the Tribunal shall revoke or modify the order, or reject the appeal.

Appeals from protection decisions and conservation orders.
Cap. 549.

(2) Where the Tribunal decides to remove the declaration of protection from a protected area or to reduce the level of protection granted to an area which has been identified as protected, the Tribunal shall seek the approval of the Minister responsible for the environment and the time limit for filing an appeal against the decision of the Tribunal to the Court of Appeal shall continue to run from the date on which the Tribunal informed the appellant of the approval of the Minister.

38. (1) In the case of environmental permit decisions taken by the Environment and Resources Authority, an appeal shall be filed with the Tribunal within thirty (30) days from the publication of the decision on the website of the said Authority.

Time period for filing appeals.

(2) In the case of decisions of the Environment and Resources Authority on an environmental impact assessment (EIA) permit or integrated pollution prevention and control (IPPC) permit, an appeal shall be filed with the Tribunal within thirty (30) days from the date of the public hearing during which the decision was taken by the said Authority.

(3) In the case of an order issued in accordance with the provisions of Part VII of the Environment Protection Act, an appeal shall be filed with the Tribunal within twenty (20) days from the service of such order in accordance with article 86 of the Environment Protection Act.

Cap. 549.

(4) In the case of decisions relating to access to environmental information and the prevention and remedying of environmental damage, an appeal shall be filed within twenty (20) days from the date of the decision taken by the Environment and Resources Authority.

(5) Where the periods referred to in this article are to be counted from a specified day, such day shall be excluded from the time computation. If the last day of the period falls on a Saturday or Sunday, it shall be deemed to fall on the first day of the following week which is not a public holiday. If the last day is a public holiday, it

shall be deemed to fall on the first day of the following week other than on a day which is a public holiday.

Content of the appeal.

39. (1) An appeal against a decision of the Environment and Resources Authority shall take the form of an application, and shall:

(a) make reference to the decision of the Environment and Resources Authority which is being appealed;

(b) declare separately the heads of the decision complained of under different headings, together with the reasons under each heading appealed against;

(c) specifically state the manner in which it is being requested to vary the decision under each heading;

(d) include all documentation that is relevant to the grounds of appeal;

(e) include an Annex entitled "List of Witnesses", which includes the names, addresses and any available email addresses of witnesses. For each witness intended to be produced as evidence, the party shall specify the facts sought to be established by their evidence and indicate whether the witness may give evidence only *viva voce*:

Provided that if no indication is given that a listed witness may testify only *viva voce*, such witness shall be allowed to file an affidavit only as his evidence:

Provided further that no request for the production of evidence other than those included in the List of Witnesses shall be permitted, unless the Tribunal grants permission for such production upon good cause being shown; and

(f) contain an Annex entitled "List of Documents", listing the documents in the party's possession which are required in support of the appeal.

Cap. 549.

(2) Subject to sub-article (1), an appeal against an order issued in terms of Part VII of the Environment Protection Act shall also include a copy of the order under appeal.

Notification of an appeal application of the Environment and Resources Authority.

40. A copy of the appeal application together with all ancillary documentation submitted to the Tribunal shall forthwith be communicated to the Environment and Resources Authority within five (5) working days from when the Secretary has assigned the case to be heard by a specific panel. The Environment and Resources

Authority shall file its reply within twenty (20) days of its notification.

41. All communications submitted by either party to the Tribunal during the proceedings shall be copied to the other party or parties to the appeal, by means of their respective email addresses as provided by the Secretary. Failure to comply with such requirement may lead the Tribunal to order the removal of the relevant communication from the proceedings. Communications.

42. (1) The Tribunal shall have the power to confirm, revoke or vary the contested decision and give such directions as it deems appropriate. Powers of the Tribunal.

(2) The Tribunal shall deliver one (1) decision addressing all the issues involved in an appeal before it, whether of a preliminary, substantive or procedural nature:

Provided that where pleas of a peremptory nature are raised, the Tribunal may, before considering any other matter, decide to hear the evidence of the parties and issue a decision limited to such matter. A decision delivered by the Tribunal in this regard shall be deemed final and may be appealed to the Court in terms of Part VI.

(3) If the Tribunal decides to grant a permit or modify a decision taken by the Environment and Resources Authority, the said authority shall issue the permit in accordance with the terms and conditions established in the decision of the Tribunal.

(4) If the Tribunal decides to grant a permit, or to modify a decision taken by the Environment and Resources Authority, it may impose administrative penalties, the payment of fees and contributions and, or other conditions which the Tribunal deems appropriate. Funds accumulated from such administrative penalties, fees and contributions shall be collected and administered by the Environment and Resources Authority.

(5) The Tribunal shall have the power to return the records of the proceedings to the Environment and Resources Authority whenever it deems it necessary, either at any stage of the proceedings or as part of its final decision.

43. Unless a request for suspension is granted, the Tribunal shall deliver its final decision on the merits of the appeal within eighteen (18) months from the date of filing of the appeal. Time period for appeal decisions.

PART V
**Appeals from decisions of the Tribunal relating to decisions taken
by the Planning Authority**

Right of appeal. **44.** The appellant and the Planning Authority, as parties to an appeal before the Tribunal, as well as interested third parties and external consultants who shall have notified their intention in terms of article 30(4), shall have the right to appeal decisions of the Tribunal before the Court of Appeal (Inferior jurisdiction), constituted in terms of article 41(9) of the Code of Organization and Civil Procedure, on points of law only:

Cap. 12.

Provided that where the matter appealed against by a decision of the Tribunal concerns a notice subject to administrative penalties contested under article 27(1)(e), the appeal as far as administrative penalties are concerned, may be made on both a point of fact and a point of law.

Appeal. **45.** An appellant filing an appeal under article 44 shall specify on pain of nullity the principle of law allegedly infringed and explain how the Tribunal, on the basis of facts determined by him not amenable to judicial review, wrongly applied that principle.

Functions of the Court of Appeal (Inferior Jurisdiction). **46.** (1) (a) The Court of Appeal (Inferior Jurisdiction) shall have the power to confirm or annul the decision of the Tribunal.

(b) Where the Court of Appeal (Inferior Jurisdiction) annuls the Tribunal's decision, it shall refer back the acts of the proceedings to the Tribunal for a fresh decision, in accordance with the legal parameters established by the Court.

(2) Where the Court of Appeal (Inferior Jurisdiction) annuls a decision of the Tribunal and refers back the acts of the proceedings for a fresh decision, the Tribunal shall re-examine the appeal and deliver a fresh decision within the legal parameters established by the Court.

(3) Where the original decision of the Tribunal has confirmed the granting of a permit or has ordered the issuance of a permit, such permission shall remain suspended until the final decision of appeal is delivered after it has been so referred back.

(4) The Tribunal shall deliver a fresh decision within the same applicable period of time as established in this Act, commencing from the date on which the Court's decision is delivered.

Procedure before the Court of Appeal (Inferior Jurisdiction). **47.** The following procedure shall be observed in respect of all appeals from decisions of the Tribunal to the Court of Appeal (Inferior Jurisdiction):

(a) the appeal application shall be filed within twenty (20) days from when the Tribunal's decision is delivered in public, and any reply thereto shall be filed within twenty (20) days from the date of service of the appeal application on the person entitled to reply thereto, using the online mechanism approved by the Registrar, Civil Courts and Tribunals, upon payment of the prescribed fee according to the relative Schedules of the Code of Organisation and Civil Procedure. Any act filed by electronic means shall be deemed, for all legal purposes, to have been filed directly at the Court Registry. The Registrar, Civil Courts and Tribunals, or any person duly delegated by him, shall issue a physical copy of the appeal and of the reply or replies which shall, for all intents and purposes of law, be deemed to be the original: Cap. 12.

Provided that where an application or a reply to an appeal is filed in the manner provided for in this paragraph outside the official opening hours of the Registry of the court as established by the Code of Organization and Civil Procedure, such act shall be deemed to have been filed on the first day following that on which the Registry is open; Cap. 12.

(b) notice of appeal shall forthwith be given by the Registrar, Civil Courts and Tribunals to the Secretary;

(c) together with the appeal, the appellant shall provide the Registrar with the e-mail addresses of all persons who participated in the proceedings before the Tribunal and who have been registered with the Secretary;

(d) within ten (10) days from the date of filing of the application for appeal, a copy of the appeal together with the notice of the date of appointment of the appeal for hearing shall be served by the Registrar, Civil Courts and Tribunals, or by any person delegated by him, on all persons who participated in the proceedings before the Tribunal by electronic means by means of the e-mail address registered with the Secretary. Service by electronic means shall for all intents and purposes of law be deemed to be valid service and shall be deemed to have been effected on the date on which a copy of the appeal together with the notice of the date of the hearing of the appeal were sent by electronic means. The Registrar shall issue a copy of the electronic transmission and submit it in the records of the appeal proceedings;

(e) upon receipt of the notice referred to in paragraph (d), the Secretary shall publish a notice on the website of the

Tribunal specifying that an appeal has been filed against the decision of the Tribunal. All persons participating in proceedings before the Tribunal shall be responsible for ascertaining whether an appeal has been filed, for verifying the date on which the appeal has been scheduled for hearing before the Court of Appeal (Inferior Jurisdiction) and, if they intend to file a response to the appeal, for ensuring that a reply is filed within the period referred to in paragraph (a);

(f) within ten (10) days from the date of filing of the appeal application, the Court of Appeal (Inferior Jurisdiction) shall appoint a hearing which shall be held by not later than two (2) months from the date of filing of the appeal. At this hearing, all parties shall have the right to make final oral submissions:

Provided that no adjournment shall be granted except for exceptional reasons, which shall be determined at the exclusive discretion of the Court;

(g) after hearing the oral submissions made by the parties, the Court of Appeal (Inferior Jurisdiction) shall decide the appeal, and shall deliver its decision by not later than two (2) months from the date of the first hearing:

Provided that the Court may, for a valid reason, extend the said period only once, for not more than one (1) month. In such a case, the Court shall state the reason for the extension in the order ordering the extension of the time limit;

(h) the periods referred to in this article shall also apply to appeals from decisions of the Tribunal where the case has been referred back to the Tribunal by a previous decision of the Court of Appeal (Inferior Jurisdiction);

(i) legal and judicial expenses and fees related to the said proceedings shall be taxed in accordance with paragraph (7) of item 3 of Tariff A and with paragraph (a) of item 15 Tariff E in Schedule A to the Code of Organization and Civil Procedure;

Cap. 12.

(j) for the purposes of this article, the Planning Authority, the appellant, the applicant and all interested third parties and external consultants who have submitted their position in writing after giving notice of their intention to do so in accordance with article 30(3), as the case may be, shall be deemed to have participated in the proceedings before the Tribunal.

48. (1) Where an interested third party or an external consultant files an appeal before the Court of Appeal (Inferior Jurisdiction) against a decision on a planning application in which the granting of a permit has been confirmed by, or issued on the order of the Tribunal, such permission shall remain suspended until the decision of the Tribunal becomes final:

Suspension in case of an appeal by an interested third party or external consultant.

Provided that if an appeal is filed with the Court of Appeal (Inferior Jurisdiction) and the Court fails to deliver a final decision within five (5) months from the date of filing of the application for appeal, the permit shall no longer be deemed to be suspended, subject to observance of such requirements as may or would have been imposed by the Planning Authority:

Provided further that any work carried out under such permission after the expiration of the said period of five (5) months and before the final decision of the appeal by the Court of Appeal (Inferior Jurisdiction) shall not be affected or invalidated by the result of such appeal. This proviso shall not apply where the application subject to appeal is one involving a request for sanctioning.

(2) Where the Court of Appeal (Inferior Jurisdiction) refers back the records of the proceedings to the Tribunal, the period of five (5) months referred to in article 48 shall cease to run from the date of delivery of the judgment of the Court.

(3) If following the referral of the appeal back to the Tribunal, and following a fresh decision by the Tribunal, a fresh appeal is filed before the Court of Appeal (Inferior Jurisdiction) against the Tribunal's latest decision, the 5-month period established in article 48 shall resume in full from the date of filing of such fresh appeal:

Provided that for the avoidance of doubt, no time elapsed during the hearing of the first appeal before the Court shall be carried over or aggregated with the period applicable to the fresh appeal.

PART VI

Appeals from decisions of the Tribunal relating to decisions taken by the Environment and Resources Authority

49. The appellant and the Environment and Resources Authority, as parties to an appeal before the Tribunal, as well as third parties interested and external consultants shall have the right to appeal decisions of the Tribunal before the Court of Appeal (Inferior Jurisdiction), constituted in terms of article 41(9) of the Code of Organization and Civil Procedure on points of law only.

Right of appeal.

Cap. 12.

50. An appellant filing an appeal pursuant to article 35 shall

How to appeal.

specify on pain of nullity the alleged legal principle infringed and explain how the Tribunal, on the basis of facts determined by it not amenable to judicial review, misapplied that principle.

Functions of the Court of Appeal (Inferior Jurisdiction).

51. (1) (a) The Court of Appeal (Inferior Jurisdiction) shall have the power to confirm or annul the decision of the Tribunal.

(b) Where the Court of Appeal (Inferior Jurisdiction) annuls the Tribunal's decision, it shall refer the acts of the proceedings back to the Tribunal for a fresh decision, in accordance with the legal parameters established by the Court.

(2) Where the Court of Appeal (Inferior Jurisdiction) annuls a decision of the Tribunal and refers the acts of the proceedings for a fresh decision, the Tribunal shall re-examine the appeal and deliver a fresh decision within the legal parameters established by the Court.

Procedure before the Court of Appeal (Inferior Jurisdiction).

52. The following procedure shall be observed in respect of all appeals from decisions of the Tribunal to the Court of Appeal (Inferior Jurisdiction):

Cap. 12.

(a) the appeal application shall be filed within twenty (20) days of the Tribunal's decision being made public, and any reply thereto shall be filed within twenty (20) days of the date of notification of the appeal application to the person entitled to reply thereto, using both the online mechanism approved by the Registrar, Civil Courts and Tribunals, on payment of the prescribed fee according to the relative Schedules of the Code of Organization and Civil Procedure. Any document filed by electronic means shall be deemed, for all legal purposes, to have been filed directly at the Court Registry. The Registrar of Civil Courts and Tribunals, or any person duly delegated by him, shall issue a physical copy of the appeal and of the reply or replies, which shall, for all intents and purposes of law, be deemed to be the original:

Cap. 12.

Provided that where an application or a reply to an appeal is filed in the manner provided for in this paragraph outside the official opening hours of the Registry of the Court as established by the Code of Organization and Civil Procedure, such act shall be deemed to have been filed on the first day following that on which the Registry is open;

(b) notice of appeal shall forthwith be given by the Registrar Civil Courts and Tribunals to the Secretary;

(c) together with the appeal, the appellant shall provide the Registrar with the e-mail addresses of all the persons who

participated in the proceedings before the Tribunal and who have been registered with the Secretary;

(d) within ten (10) days from the date of filing of the application for appeal, a copy of the appeal together with the notice of the date of appointment of the appeal for hearing shall be served by the Registrar of Civil Courts and Tribunals, or by any person delegated by him, on all persons who participated in the proceedings before the Tribunal by electronic means by means of the e-mail address registered with the Secretary. Service by electronic means shall for all intents and purposes of law be deemed to be valid service and shall be deemed to have been effected on the date on which a copy of the appeal together with the notice of the date of the hearing of the appeal were sent by electronic means. The Registrar shall issue a copy of the electronic transmission and submit it in the records of the appeal proceedings;

(e) upon receipt of the notice referred to in paragraph (d) the Secretary shall publish a notice on the website of the Tribunal indicating that an appeal has been filed against the decision of the Tribunal. All persons participating in proceedings before the Tribunal shall be responsible for ascertaining whether an appeal has been filed, for verifying the date on which the appeal has been scheduled for hearing before the Court of Appeal (Inferior Jurisdiction) and, if they intend to file a reply to the appeal, for ensuring that such reply is filed within the period referred to in paragraph (a);

(f) within three (3) working days from the date of filing of the appeal application, the Court of Appeal (Inferior Jurisdiction) shall appoint a hearing which shall take place not later than two (2) months from the date of filing of the appeal. At this hearing, all parties shall have the right to make final oral submissions:

Provided that no adjournment shall be granted except for exceptional reasons, which shall be decided at the exclusive discretion of the Court;

(g) after hearing the oral submissions made by the parties, the Court of Appeal (Inferior Jurisdiction) shall decide the appeal, deciding thereon not later than 2 months from the date of the first hearing:

Provided that the Court may for a valid reason, extend the said period only once, for not more than one (1)

month. In that case, the Court shall state the reason for the extension in the order ordering the extension of the time limit;

(h) the periods referred to in this article shall also apply to appeals from decisions of the Tribunal where the case has been referred back to the Tribunal by a previous decision of the Court of Appeal (Inferior Jurisdiction);

Cap. 12.

(i) legal and judicial expenses and fees related to the said proceedings shall be taxed in accordance with paragraph (7) of item 3 of Tariff A and with paragraph (b) of item 15 Tariff E in Schedule A to the Code of Organization and Civil Procedure.

PART VII

Transitional provisions

Write-offs and
reservations.
Bill No. 144
2025.

Cap. 551.

53. (1) Upon the coming into force of the Environment and Planning Review Tribunal Act, 2025 the Prime Minister may, by means of a notice or notices in the Gazette, establish the date of the repeal of the Environment and Planning Review Tribunal Act:

Provided that the Prime Minister may by such notice or notices in the Gazette establish different dates for the repeal of different provisions and, or for different purposes of the Environment and Planning Review Tribunal Act.

(2) Upon the coming into force of this Act, the words and phrases referred to in the third column of the First Schedule, which words and phrases are contained in the provisions specified in the second column of the said Schedule, which provisions are contained in the laws referred to in the first column of the said Schedule, shall be amended in accordance with the amendments referred to in the fourth column of that Schedule.

(3) Upon the coming into force of this Act, the subsidiary legislation listed in the First column of the Second Schedule, the present numbering of which is listed in the Second column of the said Schedule, shall be deemed to have been made under the corresponding provisions of this Act, and shall be renumbered as specified in the third column of the said Schedule.

(4) Any proceedings brought before the Tribunal before the said date of entry into force of this Act shall remain governed by the provisions of the Act as it was in force and any regulations made thereunder:

Provided that any reference to the Environment and Planning Review Tribunal Act in regulations under this Act, under the Development Planning Act, and under the Environment Protection Act shall be deemed to refer to the Environment and Planning Review Tribunal Act, 2025 and any reference to the Environment and Planning Review Tribunal shall be deemed to refer to the Tribunal as constituted by article 3 of the Environment and Planning Review Tribunal Act, 2025 as applicable *mutatis mutandis*.

Cap. 551.
Cap. 552.
Cap. 549.
Bill No. 144 of
2025.

First Schedule
Consequential amendments to other legislation

Law	Provision	Text to be amended	Amendments
Environment Protection Act – Cap. 549	marginal note in Article 2	"Cap. 551"	"(Cap. __)"
	marginal note in Article 63 (1)	"Cap. 551"	"(Cap. __)"
	marginal note in Article 63 (2)	"Cap. 551"	"(Cap. __)"
Environmental Impact Assessment Regulations – S.L. 549.46	marginal note in regulation 2	"Cap. 551"	"(Cap. __)"
	marginal note in regulation 34	"Cap. 551"	"(Cap. __)"
Environment and Planning Appeals (Fees) Regulations – S.L. 551.01	marginal note in Article 2	"Cap. 551"	"(Cap. __)"
Environment and Planning Appeals (Procedure) Regulations – S.L. 551.02	marginal note in Article 2	"Cap. 551"	"(Cap. __)"

Development Planning Act - Cap. 552	marginal note in Article 2	"Cap. 551"	"(Cap. __)"
	marginal note in Article 54 (4)	"Cap. 551"	"(Cap. __)"
	marginal note in Article 57 (11)	"Cap. 551"	"(Cap. __)"
	marginal note in Article 57 (12)	"Cap. 551"	"(Cap. __)"
	marginal note in Article 72(3)	"Cap. 551"	"(Cap. __)"
	marginal note in article 77(1)	"Cap. 551"	"(Cap. __)"
	marginal note in article 77(2)	"Cap. 551"	"(Cap. __)"
	marginal note in article 77(3)	"Cap. 551"	"(Cap. __)"
	marginal note in article 97(11)	"Cap. 551"	"(Cap. __)"
Development Planning (Procedure of Applications and their Determination) Regulations – S.L. 552.13	marginal note in regulation 2	"Chapter 551"	"(Cap. __)"
	marginal note in regulation 3 (6)	"Cap. 551"	"(Cap. __)"
	marginal note in regulation 13 (8)	"Cap. 551"	"(Cap. __)"
	regulation 13 (8)	"The term mentioned in article 13 of the Environment and Planning Review Tribunal Act shall commence from the date of publication of the notice of the decision on the website of the Department of Information in accordance with the provisions of regulation 6(6)"	"The term mentioned in article 29 of the Environment and Planning Review Tribunal Act shall commence to run from the date of publication of the notice of the decision on the website of the Department of Information in accordance with the provisions of regulation 6(6)"
	marginal note in regulation 14 (5)	"Cap. 551"	"(Cap. __)"
	marginal note in regulation 21 (5)	"Cap. 551"	"(Cap. __)"
Environment and Planning Appeals (Fees) Regulations – S.L. 552.21	marginal note in regulation 2	"Cap. 551"	"(Cap. __)"

Second Schedule
Subsidiary legislation deemed to be made under this Act

Subsidiary legislation	Current numbering	Renumbering
Environment and Planning Appeals (Fees) Regulations	S.L. 551.01	L.S. ____ .01
Environment and Planning Appeals (Procedure) Regulations	S.L. 551.02	L.S. ____ .02

Objects and reasons

The objects and reasons of this Bill are to re-establish the Environment and Planning Review Tribunal as a truly independent and impartial adjudicator, providing for security of tenure, clearly defined criteria for the appointment and removal of members, and guarantees of institutional autonomy in accordance with constitutional and European standards of Administrative Justice, by introducing and establishing new procedures, suspending permits when an appeal is filed by an interested third party or an external consultant in relation to a planning application, binding standards for decision-making, finalising factual determinations and introducing mandatory deadlines in order to give efficiency to the process. Furthermore, this Bill provides for the simplification of processes, filing of documents by electronic means control against abuses, and wide corrective powers to ensure effective and modern justice.

