

Purpose of Reform

- Provides a modernized legal framework to replace Cap. 551.
- Streamlines the Tribunal's operations, enhances procedural integrity, and improves clarity in appeal processes.

Tribunal Structure

- Replaces the existing structure under Cap. 551 with a new, streamlined model.
- Administrative Secretariat established to support electronic procedures and tribunal functions – something which is already in place in practice.

Article 29 – Filing of appeals

- Enables filing and communications to be conducted electronically under Registry Rules.
- One of the key changes introduced in Article 29 is the standardisation of appeal timeframes to 20 days, replacing the previous 30-day period. This 20-day window now applies uniformly to most planning-related decisions.
- Importantly, this change mirrors other procedural timeframes:
- It also reflects the 20-day limit to appeal a decision of the Environment and Planning Review Tribunal (EPRT) before the Court of Appeal.
- This harmonisation creates greater procedural consistency and predictability, reducing ambiguity and helping to streamline the overall appeal process.
- Timeframe for appeals against Enforcement Notices remains unchanged – with a 15 day deadline.

Tribunal Powers and Decision-Making (Article 33)

- Can confirm, revoke, or amend decisions and issue appropriate orders.
- Must address all appeal issues; can issue limited final decisions on peremptory pleas.
- May grant permits that must be implemented by the Planning Authority.
- Can impose fines and conditions for regulatory body decisions.
- Can order revised plans (layout, access, height, etc.) without reconsulting third parties unless necessary.

Procedural Innovations

- Tribunal may set deadlines for submission of new plans; dismissal of application possible if this deadline is not adhered to by the applicant.
- May refer cases back to the Planning Authority for material changes.
- Appeals against enforcement require verification of legality and permit compliance.

- All decisions must include full identification and email address of involved parties – this to ensure proper notification if decision is appealed in Court.

Right of Appeal (Article 44)

- Appeals to Court of Appeal allowed only on points of law – same as current Cap 551.
- Exception: Appeals involving administrative penalties may also include points of fact.

Court of Appeal Powers (Article 46)

- Court may confirm or annul Tribunal decisions.
- Annulled cases are remitted to the Tribunal, which must follow court instructions.
- This ensures that the technical aspects of the case are handled by the technical and competent Tribunal established by law, but which will be bound to decide on the Court's decision. It is always important to remember that the EPRT decision after a Court's decision is also appealable before the Court.

Effects of Annulment

- Tribunal must issue a new decision within the set timeframe after remittal.
- Permits granted are suspended until a final decision is made.
- Timeframes start from date of court judgment.

Court Procedure (Article 47)

- Appeal must be filed within 20 days; response due within another 20 days.
- Electronic filing is mandatory and considered legally submitted.
- Registrar must notify all parties; hearing must be scheduled within 10 days and heard within 2 months.

Suspension of Permit During Appeals (Article 48)

- Permit is suspended if appealed by third parties or external consultants.
- Suspension expires if Court does not rule within 5 months.
- Work done after 5 months remains valid unless the case involves sanctioning.

Restarting the Suspension Period

- 5-month period pauses if the decision is remitted.
- New appeal triggers a new 5-month suspension window.

Repeal and Transition (Draft Law 2025 – Cap. 551)

- The 2025 Act repeals Cap. 551 via Gazette notices issued by the Prime Minister.
- Phased repeal possible for different provisions or purposes.

Conclusion

- The reform enhances legal clarity, digital transition, accountability, and operational efficiency of the Tribunal process.