# CHAPTER 149

## SPECIAL DEVELOPMENT AREAS ACT

*To make provision for the stabilization of values and the control of land in areas earmarked for special development by the Government.*

(18th May, 1956)*

*ACT IX of 1956, as amended by Legal Notice 4 of 1963; Act XIII of 1983; and Legal Notice 409 of 2007.*

Short title.

**1.** The short title of this Act is the Special Development Areas Act.

Interpretation. *Amended by: L.N. 4 of 1963.*

**2.** In this Act, unless the context otherwise requires -

"building" includes any structure whatsoever;

"Director" means the Director of Public Works;

"Special Development Area" means an area in respect of which a declaration has been made by the Minister under article 3.

Declaration by Minister that area is a Special Development Area. *Amended by: L.N. 4 of 1963.*

**3.** (1) Where the Government has earmarked an area within Malta for public acquisition with a view to its development for a public purpose other than that merely of town planning the Minister responsible for public works may declare such an area to be a Special Development Area for the purposes of this Act.

(2) No person shall require any proof of the purpose referred to in subarticle (1) other than the declaration of the Minister.

(3) Whenever any declaration is made as aforesaid, the Director shall cause a copy of such declaration, together with particulars sufficient for the purpose of identifying the area, to be published in the Government Gazette and to be posted up on the notice-board of the Police Station or each of the Police Stations of the towns or villages where or within the limits of which the area is situated.

(4) A copy of the said declaration together with a plan of the area to which the declaration refers shall also be made available for inspection by the public at the Office of Public Works, Valletta, and in the branch offices, if any, of the towns or villages referred to in subarticle (2).

(5) A declaration made under this article shall continue in force for a period of five years from the date on which it was made unless it is previously revoked.

(6) The Minister may, from time to time, amend, suspend or revoke any declaration previously made by him. Any such amendments, suspension or revocation shall be notified in the Government Gazette.

In the case of amendment of such declaration the provisions of

**See* Government Notice No. 306 of the 21st of May, 1956.

subarticles (3) and (4) shall apply as in the case of a new declaration.

Effects of declaration. *Amended by: L.N. 4 of 1963.*

**4.** (1) As from the date of publication in the Government Gazette of the declaration made by the Minister as provided in the last preceding article and so long as such declaration continues in force the following provisions of this article shall apply in regard to any land or buildings comprised within the Special Development Area.

(2) No person shall lay out or construct any building or increase the height of any existing building or do any other work in, on, over or under the land or building other than ordinary maintenance works in the case of buildings and ordinary cultivation works in the case of agricultural land without the permission in writing of the Director who may refuse to grant any such permission at his discretion:

Provided that in respect of the areas described in paragraphs A and B of the Schedule to this Act the restrictions imposed by this subarticle shall be deemed to have had effect as from the 15th and the 28th of November, 1955, respectively.

(3) The value of any such land or building which the Government acquires by absolute purchase shall, for the purposes of the compensation payable under the Land Acquisition (Public Purposes) Ordinance but notwithstanding anything to the contrary contained in that Ordinance, be the value of the land or building as at the date of the publication in the Government Gazette of the declaration made as provided in article 3 or, in the case of an amendment of such declaration whereby an area to which such declaration refers is extended and in respect of the areas so added, the value at the date of the publication in the Government Gazette of that amendment:

Cap. 88.

Provided that in respect of the areas described in the Schedule to this Act such value of any land or building comprised therein shall be its value as on the 14th of July, 1955.

Director of Public Works may release lands and buildings from the operation of this Act.

**5.** The Director may at any time by writing under his hand release any one or more individual lands or buildings from the operation of this Act either absolutely or subject to such conditions as he may make and thereupon the provisions of this Act shall consistently with the terms of such release cease to apply to those lands, or buildings.

Government may not be compelled to acquire lands or buildings. *Amended by: L.N. 4 of 1963.*

**6.** Nothing in this Act shall be construed as requiring the Government to acquire any land or building comprised in a Special Development Area:

Provided that, unless such land or building is acquired by the Government or released from the operation of this Act within one year from the date of the publication of the Minister's declaration made under the provisions of article 3, the owner shall thereafter and up to the time the land or building is either acquired by the Government or released be entitled to compensation for the loss which he proves to have actually suffered in consequence of the subjection of the land or building to the restrictions imposed by this Act but the amount of such compensation shall in no case exceed an amount equal to five *per centum per annum* on the value of the land or building, to be determined as in the case of acquisition after taking into consideration of article 4(3). The compensation shall in default of agreement be fixed by the Land Arbitration Board established under the provisions of the Land Acquisition (Public Purposes) Ordinance. Cap. 88.

Order to remove unauthorised works. *Amended by: XIII. 1983.4, 5; L.N. 409 of 2007.*

**7.** Any person who lays out or constructs any building or who increases the height of any existing building or does any other work in, on, over or under any land or building comprised in a Special Development Area otherwise than in accordance with article 4(2) shall remove the same within ten days after due notice is given to him for that purpose by the Director; and, in the event of the notice not being complied with, the Director may order the works to be removed at the expense of the person by whom the same was done without any compensation to that person and the expense of such removal shall be recoverable from that person as a civil debt and that person shall moreover be guilty of an offence for non-compliance with the said notice and shall be liable on conviction to a fine (*ammenda*) not exceeding forty-six euro and fifty-nine cents (€46.59).

Provisions of this Act are in addition to those of other laws. Cap. 88.

**8.** This Act shall, except to the extent that it is inconsistent therewith, be in addition to and not in derogation of the provisions of the Land Acquisition (Public Purposes) Ordinance or any other law and nothing herein shall in any way affect the right of the Government to acquire or otherwise deal with any land or property in accordance with those provisions and in particular the right to acquire land or property by any method other than absolute purchase.

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SCHEDULE

A. An area situated between Marsa, Paola and Luqa and bounded:

*On the North* by Marsa Cross Road, Jetties Wharf and Shipwright's Wharf;

*On the East* by Paola Hill, Valletta Street (Paola) and Britannia Street (Paola);

*On the South* by Palm Street, the Addolorata Cemetery, Lane ta' Hal Saflieni and a Government rural tenement known as "Tal-Qtates";

*On the West* by Valletta Road (Luqa), Marsa Racecourse and a

lane leading from Marsa Racecourse to Marsa Cross.

The area is shown edged purple on a plan which may be seen on demand at the Office of Public Works, Valletta.

B. An area situated in Marsa and bounded:

*On the North* by Pinto Road and Spencer Hill;

*On the West* by Marsa Cross Road;

*On the South and on the East* by the Grand Harbour.

The area is shown edged purple on a plan which may be seen on demand at the Office of Public Works, Valletta.