CHAPTER 600

GOZO REGIONAL DEVELOPMENT AUTHORITY ACT

AN ACT to provide for the establishment of an Authority to be known as the Gozo Regional Development Authority and for the exercise, by or on behalf of that Authority, of regulatory and consultative functions regarding the implementation of the Regional Development Strategy for Gozo and to make provision with respect to matters ancillary thereto or connected therewith.

5th December, 2019*†

ACT XVIII of 2019.

ARRANGEMENT OF THE ACT

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See Legal Notice 332 of 2019.
†Parts V to VIII are not yet in force.

PART I

Preliminary

Short title and commencement.

1. (1) The short title of this Act is the Gozo Regional Development Authority Act.

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

Interpretation.

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

"Authority" means the Gozo Regional Development Authority established by this Act and any reference to the Authority shall, unless the context otherwise requires, be construed as including a reference to any person authorised by the Authority to act for or on its behalf;

"authorization" means any authorization including any general authorization, licence, right to use or permit, however so described, that a person may hold or be granted under any law which the Authority is entitled to enforce or administer;

"Board" means the Board of the Authority composed of the Chairman and members appointed in accordance with article 3;

"Chairman" means the Chairman of the Authority and includes, in the circumstances mentioned in article 3(3), the Deputy Chairman or other person appointed to act as Chairman;

"contractor" means a person acting in pursuance of an agreement entered into with the Authority or in accordance with article 9(3);

"decision" includes any directive, determination, direction, licence condition, measure, requirement or specification however so described made by the Authority and the word "decision" shall be construed accordingly;

"directive" means a directive issued by the Authority;

"employee" means a person employed by the Authority;

"functions" includes responsibilities, powers and duties;

"Minister" means the Minister for Gozo;

"Ministry" means the Ministry for Gozo Affairs;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act;

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"undertaking" means a person providing or authorised to provide works and, or services and, or associated facilities.

PART II

Establishment, Functions and Conduct of Affairs of the Authority

Establishment and composition of the Gozo Regional Development Authority.

3. (1) There shall be a body, to be known as the Gozo Regional Development Authority, the affairs and business of which shall be carried out by a board composed of a Chairman and not less than four and not more than six other members.

(2) (a) The Chairman and three members of the Board shall be appointed by the Minister for a term of one year or for such longer period as may be specified in the instrument of appointment subject to a maximum of three years but the members so appointed may be re-appointed on the expiration of their term of office. Such appointments shall be made in such manner as to ensure an equitable representation of society in Gozo including tourism and commercial sectors.

(b) The three other members of the Board shall be appointed by the Minister on the recommendation of each of the following institutions of the Gozo public community:

(i) one member to represent and be recommended by the Diocese of Gozo;

(ii) one member to represent and be recommended by the local councils in Gozo; and

(iii) one member to represent and be recommended by the Gozo Regional Committee, established under the the Malta Council for Economic and Social Development Act.

Cap. 431.

(3) The Minister may designate one of the members of the Board, other than the Chairman, as Deputy Chairman and the member so designated shall have all the powers and perform all the functions of the Chairman during his absence or inability to act as Chairman or while the Chairman is on vacation or during any vacancy in the office of chairman, and the Minister may also, in any of the circumstances aforesaid, appoint another person to act as chairman and in such case the foregoing provisions shall apply in respect of such person.

(4) A person shall not be qualified to hold office as a member of the Board if he -

(a) is a Minister, Parliamentary Secretary or a member of the House of Representatives; or

(b) was, for a period of up to five years immediately before such nomination, a former Minister, Parliamentary Secretary or a member of the House of Representatives; or

(c) is a judge or magistrate of the courts of justice;

(d) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Board:

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest and the Minister considers that there are valid reasons for such a waiver:

Provided further that if the Minister decides to grant such waiver, the declaration of the person stating his interest, the waiver and reasons therefor shall be published in the Gazette.

(5) Subject to the provisions of this article, the office of a member of the Board shall become vacant:

(a) at the expiration of his term of office; or

(b) if any circumstances arise that, if he were not a member of the Board, would cause him to be disqualified for appointment as such.

(6) A member of the Board may only be removed from office by the Minister for any one or more of the following reasons:

(a) if the member due to infirmity of mind or of body or of any other cause is effectively unable to continue to discharge his duties as a member;

(b) if the behaviour or performance of the member brings into question his suitability or ability to continue as a member, in particular for behaviour that affects or may affect his reputation, independence or autonomy, or the reputation, independence or autonomy of the Authority;

(c) if the member has been convicted of a criminal offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering, provided that the Minister may suspend the member if he is being investigated for a criminal offence; or

(d) if the member fails to perform his duties for a prolonged period without any valid justification:

Provided that notwithstanding the above, it shall be a cause for the removal of a member if that member for any reason fails to perform his duties, including attending for Board meetings, for a continuous period exceeding six months.

(7) If the Minister removes a member of the Board from office, such removal shall be made public by no later than the effective date of removal from office. At the same time, the Minister shall provide the member concerned with a statement of reasons for his removal, and the member shall have the right to request that the statement of reasons for his removal be made public, in which case the Minister shall publish such statement.

(8) If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may, in the case of a member referred to in sub-article (2)(a), appoint a person who is qualified to be appointed to be a member to be a temporary member of the Board, or, in the case of a member referred to in sub-article (2)(b), the Minister shall request the institution which originally recommended such member to recommend another member in substitution thereof; and any person so appointed shall, subject to the provisions of sub-articles (5) and (6), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(9) Any member of the Board who has any direct or indirect interest in any contract made or proposed to be made by the Board, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge; such disclosure shall then be recorded in the minutes of the Board, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

Corporate plan.

4. (1) The Board and Chief Executive Officer of the Authority shall take such steps as are necessary to ensure that they present to the Minister a proposed corporate plan for the Authority for three years of operation, which plan shall be reviewed by the end of October of each year.

(2) The proposed corporate plan shall be in a form approved by the Permanent Secretary for the Ministry for Gozo, and shall

include:

(a) the Authority's strategic objectives together with its broad plans for achieving them;

(b) the Authority's plans for programme management and overseeing the implementation of the Gozo Regional Development Strategy, the carrying out of regional impact assessment studies, and financial and human resources;

(c) the Authority's main undertakings;

(d) the information to be provided by the Authority to the Minister during the three year period;

(e) a business and financial plan containing such information as the Minister may require;

(f) the key performance indicators of the Authority;

(g) the management and application of regulatory powers provided under an instrument of delegation by the Minister; and

(h) such other matters as may be agreed upon by the Permanent Secretary and the Minister from time to time.

(3) The Permanent Secretary shall, within fourteen days of receiving the proposed corporate plan, submit it with any modifications proposed by him to the Minister with a recommendation in writing from him for its approval by the Minister.

(4) The corporate plan may be modified at any time by the Authority with the approval of the Permanent Secretary and the Minister.

(5) The Authority shall act only in accordance with the corporate plan unless it has obtained the written approval of the Minister and the Permanent Secretary to do otherwise.

Procedure for setting key performance indicators.

5. The procedure for setting key performance indicators shall require that such indicators:

(a) are set by the Chief Executive Officer in consultation with the Board;

(b) are related to the core business of the Authority;

(c) are clearly linked to the Authority's goals and objectives;

(d) provide for transparency and are measurable and credible; and

(e) are certified by the Permanent Secretary as being meaningful and relevant to the monitoring of the Authority's performance; and are approved by the Minister.

Strategic review.

6. (1) A strategic review of the operations of the Authority shall be carried out every five years.

(2) The strategic review shall be conducted by such person or persons as are appointed by the Minister on such terms and conditions as are specified in the instrument of appointment.

(3) The purpose of the strategic review shall be to provide -

(a) an evaluation of the Authority's performance against key performance indicators;

(b) an assessment of the efficacy, efficiency, and effectiveness of the surveillance and enforcement framework applied in instances where regulatory powers are delegated;

(c) an assessment of the application of methodologies and industry benchmarks introduced to ensure a standardised approach; and

(d) an assessment of de-bureaucratisation measures introduced.

(4) The findings of the strategic review shall be used to update matters such as, but not limited to, the corporate plan and review of instruments of delegation relating to regulatory powers and standards.

(5) Notwithstanding the provisions of sub-articles (1) to (4), the Minister may at any time request an independent review on one or more aspects of the operation of the Authority.

Instrument of delegation.

7. (1) The Minister may, by means of an instrument of delegation, transfer surveillance and enforcement powers to the Authority.

(2) In accordance with the provisions of article 6(5) the Minister shall, by means of an independent review, monitor the exercise of the power delegated under sub-article (1) in order to ensure that such delegation is being exercised in terms of the instrument of delegation and in terms of the provisions of articles 4 and 5.

(3) If, on the basis of sub-article (2), the Minister finds that the Authority has not exercised its powers under the instrument of delegation in accordance with the provisions of the said delegation and the provisions of this Act, the Minister shall withdraw the relative instrument of delegation.

Functions of the Authority.

8. (1) Subject to the provisions of articles 4 to 7, both inclusive, the functions of the Authority shall be:

(a) to consult with the Government, the private sector, constituted bodies and non-governmental organisations, and private citizens in connection with any work which it intends to carry out with regard to the design of a regional development strategy for Gozo, subsequent to which a report relating to such consultation process is to be presented to the Minister for approval, with or without amendments, or otherwise;

(b) to give its recommendations regarding the setting up of the Standing Committee on Gozo Affairs and regarding discussions which are to be suggested to the Committee once this is set up;

(c) to own and steward the implementation of the regional development strategy for Gozo once this is approved by the Minister;

(d) to draw up performance agreements, as established in Schedule I, with government departments or entities under the responsibility of the Ministry which are assigned responsibility for the implementation of measures and actions identified in the regional development strategy for Gozo;

(e) establish a Working Committee, as well as sub-committees, as it may deem appropriate, with government entities in order to achieve an ongoing functional relationship with such government entities and to ensure that any decisions required for the implementation of the regional development strategy for Gozo are taken without undue delay;

(f) to ensure that a regional impact assessment, as established in Schedule II, is carried out when government ministries intend presenting to Cabinet -

(i) a national strategy;

(ii) a national policy;

(iii) a national action plan;

(iv) major new projects or services; and

(v) regulatory and legislative provisions,

which affects or affect, as the case may be, Gozo in order to achieve an improved joined-up national strategy and policy design, planning and implementation with the regional

development strategy for Gozo;

(g) to monitor the implementation process of the actions and measures under the regional development strategy for Gozo and take actions within parameters of responsibility assigned or recommend action to the Minister to ensure smooth implementation of such measures and actions;

(h) to carry out surveillance as to how measures and actions under the regional development strategy for Gozo are being implemented and how they are performing once implemented;

(i) to carry out enforcement actions, where such authority is provided by the Minister under regulations made in accordance with article 43 to secure and ensure the effective performance of measures and actions under the regional development strategy for Gozo;

(j) to propose to the Minister policy matters with regard to the design and implementation of the regional development strategy for Gozo, and in particular to request the Government, through the Minister, to ring-fence certain central funds to be directed towards Gozo;

(k) to submit to the Minister a monthly formal report on the implementation of actions and measures under the regional development strategy for Gozo;

(l) to formally review the regional development strategy for Gozo every three years, which review is to be placed by the Ministry for Gozo on the Table of the House of Representatives once this is approved by the Minister; and

(m) to perform such other functions as may from time to time be assigned to it by the Minister within the parameters of the provisions of this Act.

(2) (a) In the case of failure, on the part of the government entity or entities concerned, to abide by the provisions of sub-regulation (1)(f) the Authority shall be entitled, after consultation with the Minister, to initiate the relative procedures itself for the carrying out of the regional impact assessment mentioned therein.

(b) For the purposes of this Act, the expression "government entities" shall have the meaning referred to it in article 3 of the Public Administration Act. Cap. 497.

(3) It shall in particular be the duty of the Authority to exercise such regulatory functions in the fields pertaining to it, as may from time to time be assigned to the Authority by or under an Act of Parliament.

(4) The Authority shall also, in accordance with the laws it is entitled to regulate, monitor and keep under review all practices, operations and activities relating to any matter regulated by or under this Act.

(5) It shall be the duty of the Authority to carry out its functions as established by or under this Act in an impartial and transparent and timely manner and to ensure compliance therewith, and without prejudice to the generality of the foregoing, to ensure that persons providing any services, products, operations and activities in or from Gozo relating to any matter regulated by the Authority, comply with the provisions of this Act.

(6) The Authority may, in consultation with the Minister, issue such directives as it may consider to be necessary for the carrying into effect of or compliance with any of the provisions of this Act, or any decisions that the Authority may take in accordance with its functions under this Act, and it may amend or revoke such directives.

(7) Any directive issued by the Authority in accordance with sub-article (6) and any amendment or revocation thereof shall be in writing, state the reasons on which it is based and shall be notified to the person concerned. The Authority may also publish any such directive in such manner as it may consider appropriate in the circumstances due account being taken of the importance of the directive and its impact on the market.

Conduct of the affairs of the Authority.

9. (1) Subject to the provisions of articles 4 to 7, both inclusive, the affairs and business of the Authority shall be the responsibility of the Board which responsibility shall be exercised through the Chairman of the Board:

Provided that the Board may delegate or devolve all or part of the executive conduct of the Authority, its administration and organization and the administrative control of its officers and employees, to any officer or officers of the Authority, who shall also have such other powers as may from time to time be delegated or devolved to him or to them by the Board.

(2) The Authority shall exercise its functions through such officer or officers as the Board may from time to time designate in accordance with sub-article (1).

(3) Subject to the provisions of this Act, the Authority may exercise any one or more of its functions either directly or through any of its officers or employees or through an agency authorized for that purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into.

(4) Without prejudice to the provisions of sub-articles (1) to (3), the Minister shall, in consultation with the Board, appoint a Chief Executive Officer. Such appointment shall be for a period of three years which may be extended for further periods of three years each.

(5) Subject to the provisions of sub-article (4), the Chief Executive Officer shall attend all the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may if it so deems fit, require the Chief Executive Officer not to attend any of the meetings or any part of a meeting.

(6) Subject to the provisions of sub-article (4), the Chief Executive Officer shall be responsible for the implementation of the functions of the Authority and other responsibilities assigned to him under this Act and, without prejudice to the generality of the foregoing, shall -

(a) assume full responsibility for the overall management and control of the day-to-day running of the Authority;

(b) assign to the officers and employees of the Authority such duties which are by, or in accordance with, the provisions of this Act vested in the Authority;

(c) co-ordinate the workings of the Authority;

(d) develop the necessary strategies for the implementation of the objectives of the Authority;

(e) advise the Board on any matter it may refer to him or on any matter on which he considers his advice necessary or expedient; and

(f) carry out such other functions and duties as may be assigned to him from time to time.

(7) The Chief Executive Officer, where appointed under the provisions of sub-article (4), shall not hold any other office or position without the written consent of the Authority.

(8) Subject to the provisions of sub-article (4), the Chief Executive Officer may be dismissed by the Authority at any time for a just cause and it shall be a just cause if the Authority determines that he has not achieved the targets and objectives set for him by the Authority.

Relations between the Minister and the Authority.

10. (1) The Minister shall, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions in writing of a general character, not

inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister, in whole or in part, any of the functions of the Authority.

Legal personality and representation of the Authority.

11. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(2) The legal representation of the Authority shall jointly vest in the Chairman and such other member of the Board or officer of the Authority as the Board may appoint:

Provided that the Authority may appoint one or more members of the Board or one or more officers of the Authority to appear in the name or on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairman, or such other member of the Board or officer of the Authority as may by the Board, in accordance with sub-article (2), be vested with the legal representation of the Authority, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Provisions with respect to proceedings of the Authority.

12. (1) The meetings of the Board shall be called by the Chairman as often as may be necessary but at least once a month either on his own initiative or at the request of any two of the other members of the Board.

(2) Half the number of members for the time being constituting the Board shall form a quorum. Decisions shall be

adopted by a simple majority of the votes of the members present and voting. The Chairman, or in his absence the Deputy Chairman or other person appointed to act as chairman, shall have an initial vote and in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two members of the Board.

(3) Subject to the provisions of this Act the Board may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy among the members of the Board.

(5) All acts done by any person acting in good faith as a member of the Board shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of article 3(9).

PART III

Officers and Employees of the Authority

Staff appointments.

13. Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

Appointment and functions of officers and employees of the Authority.

14. The Authority shall appoint and employ, at such remuneration and upon such time terms and conditions as it may, in accordance with article 13, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers for duty with the Authority.

15. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

Status of public officers detailed for duty with the Authority.

16. (1) Where any officer is detailed for duty with the Authority under any of the provisions of article 15, such officer shall, during the time in which such direction has effect in relation to him,

be under the administrative authority and control of the Authority but he shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

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(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

17. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 15 permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made

as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him, under the provisions of sub-article (1), shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of sub-article (6), be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

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(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted performance of employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of this article posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairman appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by

notice in the Gazette determine.

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

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PART IV

Financial Provisions

Authority to meet expenditure out of revenue.

18. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority:

Provided that any subvention received from Government shall be exempted from any liability for the payment of income tax and duty on documents under any law for the time being.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this sub-article, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow or raise capital.

19. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing

approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one hundred and twenty thousand euro (€120,000), there shall be required the approval of the Minister in writing.

Advances from Government.

20. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Borrowing from Government.

21. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Gozo Regional Development Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under sub-article (3) shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amounts received by way of interest into the Consolidated Fund.

Estimates of the Authority.

22. (1) The Authority shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be according to approved estimates.

23. (1) No expenditure shall be made or incurred by the Authority unless it has been approved by the Minister as provided in article 22.

(2) Notwithstanding the provisions of sub-article (1) -

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the Minister, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

24. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives.

Accounts and audit.

25. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under article 22, the Authority shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such statement and report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause every such statement and report to be laid on the Table of the House of Representatives.

Deposit of revenues and payment by the Authority.

26. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairman, or such other member of the Board or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to-

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority;

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Contracts of supply or works.

27. (1) Without prejudice to any directions communicated by the Minister under article 10(1), the Authority shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed seven thousand euro (€7,000) in value, or such other amount as the Minister responsible for finance may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

S.L. 601.03

(2) The provisions of the Public Procurement Regulations, and other relevant legislation related to procurement in the public sector, shall, *mutatis mutandis*, apply to the contracts referred to in sub-article (1).

Annual Report.

28. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House of Representatives and the said report shall be discussed during a dedicated parliamentary sitting.

PART V*

Transfer of Certain Assets to the Authority

Transfer of assets to the Authority.

29. (1) (a) The property and undertakings owned by the Government and used by it, immediately before the date of the coming into force of this Part of this Act, and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Authority under the same title by which they were held by the Government immediately before the said date. The provisions of this paragraph shall not apply to immovable property.

(b) The immovable assets from time to time specified in an Order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which immediately before the coming into force of this Part of this Act were owned by the Government and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority, shall, with effect from such day as may be specified in any such Order, and by virtue of this Act and without any further assurance be transferred to and vested in the Authority under the same title by which they were held by the Government before such day.

(2) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparata, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included

*Not yet in force.

therein as aforesaid.

Construction of laws, etc.

30. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority the Authority had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Transitory provisions.

31. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act and such thing relates to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

(2) Where immediately before the coming into force of this Part of this Act any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a part thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

PART VI*

Enforcement

Enforcement powers of the Authority.

32. For the purposes of the exercise by the Authority of any of its functions under this Act or any other law the Authority is entitled to enforce, the Authority may be authorised by the Minister to exercise all such powers as may be so delegated to it in pursuance

*Not yet in force.

of the provisions of this Act.

Disclosure of confidential information.

33. (1) Except where otherwise provided by law, a person shall not knowingly disclose confidential information obtained by him while performing the duties of a member of the Board, or of an officer or employee of the Authority or of an adviser or consultant to the Authority, unless he is duly authorised in writing by the Authority to do so:

Provided that any such person shall remain bound by the requirements of this article even after his appointment or employment, howsoever described, with the Authority has come to an end.

(2) In this article "confidential information" means any information however so described which is considered by the Authority to be confidential and in relation to which the Authority has, in writing, notified the persons concerned of their duty of non-disclosure.

(3) A person who contravenes this article shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine (*multa*) not exceeding ten thousand euro (€10,000).

(4) Nothing in this article shall prevent the disclosure of any information to the Authority or, by or on behalf of the Authority to the Minister or as may be required at law.

Administrative infringements by bodies corporate.

34. Where an administrative infringement of any provision of this Act or any other law which the Authority is entitled to enforce is committed by a body corporate and is proved to have been committed with the consent or involvement of or to be attributable to any gross negligence on the part of a person being a director, manager, secretary or other officer, however so described, of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be liable to be proceeded against and punished as if he was responsible for the said infringement.

Prescription for offences and administrative infringements.

35. The prosecution of a criminal offence or the initiation of proceedings to impose any sanction under this Act shall be prescribed by the lapse of two years from the date on which the offence or administrative infringement is alleged to have been committed.

PART VII*

Administrative Review Tribunal

Administrative Review Tribunal.

36. (1) The Administrative Review Tribunal shall be competent to hear and determine appeals from decisions of the

*Not yet in force.

Authority as provided in this Act or in any law or regulations.

Cap. 490.

(2) The provisions of the Administrative Justice Act, in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Tribunal and the words "public administration" in the said enactment shall be construed as a reference to the Authority.

Appeals from decisions of the Authority.

37. (1) The Prime Minister may by Order in the Gazette extend the jurisdiction of the Tribunal to any decisions that the Authority may take under any other law which the Authority is entitled to enforce.

(2) The right of appeal to the Tribunal shall be competent to any person aggrieved by the decision:

Provided that in any case, a person making an appeal to the Tribunal shall also explain his juridical interest in impugning the decision appealed from.

(3) An appeal from a decision of the Authority shall be made by application and shall be filed with the Secretary of the Tribunal within twenty days from the date on which the said decision has been notified.

Decisions of the Tribunal.

38. (1) In determining an appeal the Tribunal shall take into account the merits of the appeal, and may in whole or in part, confirm or annul the decision appealed from, giving in writing the reasons for its decision and shall cause such decision to be made public and communicated to the parties to the appeal.

(2) Where the Tribunal considers that, having regard to its determination of the appeal and all other relevant matters, there are sufficient reasons rendering it equitable to do so, it may, either of its own motion or on application by a party to the appeal, order that the whole or part of the costs of any such party appearing before the Tribunal, relating to the engagement of a lawyer and, or of a technical adviser be refunded to a party or parties in the appeal as may be declared in the order.

Procedure of the Tribunal.

39. (1) The Tribunal shall endeavour to determine an appeal within one hundred and twenty days from the lapse of the period by when the Authority may file its reply to the aforesaid appeal and in any case shall deliver its final decision not later than sixty days from when the parties declare that they have concluded with their evidence and made their final submissions.

(2) The Tribunal in order to assist it in the exercise of its functions may appoint independent and impartial experts to advise it on any issue that may be relevant to any appeal lodged before it. In such cases the Tribunal shall be entitled to make both provisional and final orders in respect of the payment of the costs and fees of such

experts by any of the parties to the appeal.

(3) The Minister may, subject to the provisions of this Act, by regulations prescribe the procedure to be followed before the Tribunal, and subject thereto and to any other provisions of this Act, the Tribunal may regulate its own procedure.

(4) The Minister may by regulation amend any of the periods stated in sub-article (1).

Status of decision pending an appeal before the Tribunal or the Court of Appeal.

40. (1) The decision of the Authority pending an appeal whether before the Tribunal or the Court of Appeal, shall stand and shall be adhered to by all the parties to whom the decision applies.

(2) The Tribunal or the Court of Appeal, as the case may be, where it considers it to be appropriate, may, on the application of a party to the appeal, suspend in whole or in part the decision which is the subject of the appeal pending the final determination of the appeal. The Tribunal or the Court of Appeal in deciding whether or not to suspend the decision shall state its reasons and shall take into account all the relevant circumstances, including -

(a) the urgency of the matter,

(b) the effect on the party making the request if the application for suspension is not upheld, and

(c) the effect on competitors if the application is upheld:

Provided that a party, in making an application under this article, shall state the factual and legal grounds establishing a *prima facie* case for the suspension of the decision:

Provided further that the Tribunal in determining any such application may include such conditions as it considers necessary in the circumstances.

Collection of information regarding appeals.

41. The Authority shall collect information on the general subject matter of appeals, the number of requests for appeal, the duration of the appeal proceedings and the number of decisions to grant interim measures.

PART VIII*

Miscellaneous Provisions

Persons deemed public officers.

Cap. 9.

42. The members of the Board, and all officers and employees of the Authority, shall be deemed to be public officers within the meaning of the Criminal Code.

*Not yet in force.

Power to make regulations.

43. (1) The Minister may, after consultation with the Authority, make regulations in respect of any of the functions of the Authority and the Minister may, in compliance with any international obligations of Malta, make any regulations relating to the imposition of any fees, rates or other payments, howsoever described, that the Authority may levy and in particular may prescribe the manner and the purpose for their imposition.

(2) The Minister may, by regulations made under this Act, amend, substitute or revoke any of the Schedules to this Act.

Exemption from liability.

44. The members of the Board, officers and employees of the Authority in the performance of their functions under this Act or any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or any other law.

Service of notice.

45. Where a notice, however so described, is required to be given by the Authority to any person whether under this Act or under any other law administered by the Authority, the notice shall be addressed to that person and shall be given to the person in any of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or carries on business;

(c) by sending it by registered post to the person at the address at which the person ordinarily resides or carries on business;

(d) if an address for the service of notices has been provided by the person, by leaving it at, or sending it by registered post addressed to the person to that address;

(e) in any case where the Authority considers that the immediate giving of the notice is required, by sending it, by means of a facsimile machine or by electronic mail, to a device or facility for the reception of facsimiles or electronic mail located at the address at which the person ordinarily resides or carries on business or, if an address for the service of notices has been furnished by the person, that address, provided that the facsimile machine of the sender generates a message confirming successful transmission of the total number of pages of the notice or the facility of the sender for the reception of electronic mail generates a message confirming receipt of the electronic mail:

Provided that the provisions of this paragraph shall not apply to the notification of documents filed before the

Tribunal or any Court.

Proceedings for debts due to the Authority.

46. (1) Where the Authority desires to sue for the recovery of a debt due to the Authority under any law which it is entitled to enforce for any licence or authorisation fee or other similar fee or charge, however so described, that may be due, the Chairman or an officer of the Authority duly authorised by the Authority to act on its behalf may make a declaration on oath before the registrar, a judge or a magistrate wherein he states the nature of the debt and the name of the debtor and confirm that it is due.

(2) The declaration referred to in sub-article (1) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of twenty days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declare the claim unfounded.

(3) The application filed in terms of sub-article (2) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period.

(4) Any debts due to the Authority in accordance with this article shall be prescribed by the lapse of the period of five years from the date on which the debt was due.

Name of the Authority not to be used in any advertisement.

47. (1) An undertaking shall not, without the written prior consent of the Authority, make or cause to be made any representation in any visual or aural form, either specifically or by implication, to the effect that:

(a) any goods or services supplied by any undertaking have the approval of the Authority; or

(b) any activity carried out by any undertaking has the approval, or is conducted with the co-operation or assistance of the Authority.

(2) Where the name, tradename, trademark or the designation of any goods or services provided or supplied by an undertaking appears in relation to a representation referred to in sub-article (1), that undertaking shall be deemed for the purposes of this article to have caused the representation to be made unless it proves that the representation was made without its knowledge or connivance.

(3) An undertaking convicted under this article shall be liable to a fine (*multa*) of not less than five hundred euro (€500) and not more than five thousand euro (€5,000).

SCHEDULE I

[Article 8(1)(d)]

Performance Agreement between the Gozo Regional Development Authority and an implementing Government department and, or entity within the Ministry for Gozo

A Performance Agreement is to have the following sections:

01. Actions and measures under the regional development strategy for Gozo delegated to the implementing Government department and, or entity within the Ministry for Gozo.

02. The responsibilities, relationships and accountability parameters between the Gozo Regional Development Authority as the 'purchaser' of the implementation service and the Government department and, or entity within the Ministry for Gozo as the 'supplier' of the implementation service.

03. The planning, reporting and control framework established between the Gozo Regional Development Authority as the 'purchaser' of the implementation service and the Government department and, or entity within the Ministry for Gozo as the 'supplier' of the implementation service.

04. The budget management framework for the specified action and, or measure established between the Gozo Regional Development Authority as the 'purchaser' of the implementation service and the Government department and, or entity within the Ministry for Gozo as the 'supplier' of the implementation service.

05. Key performance indicators and targets.

SCHEDULE II

[Article 8(1)(f)]

Regional Impact Assessment Study

01. Objective

The purpose of the Regional Impact Assessment Study (RIAS) is to ensure that:

(a) Gozo's significant economic, social and environment characteristics are factored in the national strategy, policy design and planning;

(b) the impacts of proposed policies and actions are assessed within the context of the regional development strategy for Gozo;

(c) Gozo is incorporated within the implementation targets and actions of such national strategy, policy design and planning.

02. Implementing the Regional Impact Assessment:

(a) Permanent Secretary or Executive Chairman or Chairman:

(i) When a Ministry, department, authority, agency or any other form of government entity is to undertake any one of the initiatives referred to in article 8(1)(f) of this Act, the responsible Permanent Secretary, Executive Chairman or Chairman of the government department or entity is to ensure that such work is complemented by a RIAS.

(ii) The Office of the responsible Permanent Secretary, Executive Chairman or Chairman of the government department or entity is to inform the Chairman of the Gozo Regional Development Authority that a RIAS is to be carried out.

(iii) The Chairman of the Gozo Regional Development Authority shall appoint the Chief Executive Officer of the Authority to work with the responsible entity on the RIAS and will formally inform the Permanent Secretary, Executive Chairman or Chairman of the government department or entity of the person assigned.

(b) Preparing a Regional Impact Assessment Study:

(i) The RIAS is to demonstrate that appropriate consultation and research took place in relation to the potential impact, on Gozo and on Gozo-related affairs, of a proposal under consideration. The RIAS is to incorporate the central aspects presented in the Table below.

Table 01: Aspects Central to the Regional Impact Assessment Study:

Consideration	Whether the proposal has an impact on Gozo.
Assessment	The significance of the impact on Gozo.
Adjustment	How the proposal is adjusted to ensure that Gozo's needs are addressed in so far that it is possible.

(ii) The RIAS is to assess both the positive and negative impacts on Gozo arising from a proposal under consideration. The assessment is based on three primary factors:

Table 02: Factors and Considerations to be assessed when preparing the Regional Impact Study:

Factor	Checklist of Considerations to be Assessed
Economic	For existing enterprise and industry.
	Employment.
	Business or capital investment.
	Disposable income.
	Cost of business.
	Attracting business and capital to Gozo.
	Infrastructure.
Social	Effect on population numbers and demographics profile.
	Access to education.
	Access to healthcare.
	Poverty alleviation.
	Housing.
	Impact on commuting between Gozo and Malta.
	Impact on culture and heritage.
	Impact on marginal groups.
	Local government facilities and services.
	Central government facilities and services.

Environment	Urban environment.
	Rural environment.
	Waste management.
	Climate change (mitigation and adaptation).
	Transportation.
	Marine, maritime and land resources.

The attributes presented in the checklist above are for the purpose of example and are not intended to be exhaustive.

03. A primary purpose of the RIAS is to provide the opportunity to the Gozo economic operators and social partners to be consulted on changes arising from a proposal under consideration.

Such consultation process will be managed on behalf of the responsible government entity by the Gozo Regional Development Authority and will be carried out in Gozo. This consultation is carried out as part of the process leading to the conceptual articulation of the proposal under consideration and not after its articulation and publication.

04. The RIAS is carried out jointly between the Gozo Regional Development Authority and responsible government entity. This inter-ministerial coordination is of significant importance to ensure joined-up policy design within the context of the understanding and accounting for Gozo's distinct regional economic, social and environment characteristics.

05. The extent of the detail of the RIAS should match the complexity of a proposal under consideration. The level of assessment will vary depending on the size and complexity of the issue, level of controversy, and potential impact on Gozo.

The RIAS is to assess both positive and negative impacts. It should, to the extent possible, be quantitative in its assessment and may include research analysis, modelling, surveys, or specially commissioned research amongst others.

06. Should the RIAS identify negative impacts or flow-on effects, it should present strategies directed to manage them. Solutions to negative impacts or flow-on effects may include any one or more of the categories presented in Table 03.

Table 03: Solutions to Negative Impacts or Negative Flow-on Effects:

Avoidance	Altering the proposal so that the impact does not occur in the first instance.
Minimisation	Modifying the proposal to reduce the severity of the impact.
Mitigation	Alleviating or offsetting the impact.
Enhancement	Adding a desirable or positive feature to the proposal.

07. The RIAS is to be signed by both the Gozo Regional Development Authority and the responsible Ministry.

0.8 On completion of the Regional Impact Assessment Study:

(a) a proposal is to make specific reference to the RIAS setting out:

(i) the conclusions of the RIAS;

(ii) the recommendations of the RIAS which are incorporated within the proposal under consideration;

(iii) the recommendations of the RIAS which are not included within the proposal under consideration and the reasons of why such recommendations are not accepted; and

(b) the RIAS is presented as an appendix of the final proposal documentation.