

**L.N. 229 of 2012****ENVIRONMENT AND DEVELOPMENT PLANNING ACT  
(CAP. 504)****Environment and Development Planning Act (Amendment of  
Eighth Schedule) Regulations, 2012**

BY VIRTUE of the powers conferred by articles 61(2)(q) and 62 of the Environment and Development Planning Act, the Minister for Tourism, Culture and the Environment, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

Title and  
commencement.

**1.** (1) The title of these regulations is the Environment and Development Planning Act (Amendment of Eighth Schedule) Regulations, 2012, and they shall be read and construed as one with the Eighth Schedule of the Environment and Development Planning Act, hereinafter referred to as “the Eighth Schedule”.

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(2) These regulations shall come into force on the 1st August, 2012.

Amends the Eighth  
Schedule.

**2.** In Category B of the Eighth Schedule of the Environment and Development Planning Act, there shall be added the following:-

“1. The provisions of this sub-category shall apply to development in existence within a development zone on the coming into force of these regulations and which development shall include the following:

i) Size of internal yards of any dwelling

(a) if the length of any side of the internal yard is up to 65% of that required by law and the overall area of the yard is more than 65% of what it should have otherwise been;

(b) if the length of any side of the internal yard is between 50% and 65% of that required by law and the overall area of the yard is within the same range, subject to an engineer’s report stating that the habitable rooms in the dwelling

have adequate lighting and ventilation aided, if necessary, but not exclusively limited to artificial lighting and forced mechanical ventilation respectively;

(c) dwellings which have internal yards that are less than half the size of what they should have otherwise been are not included.

ii) Size of back yard of any dwelling

(a) if the depth of any back yard is up to 65% of that required by law and the overall area of the yard is more than 65% of what it should have otherwise been;

(b) if the depth of any back yard is between 50% and 65% of that required by law and the overall area of the yard is within the same range, subject to an engineer's report stating that the habitable rooms in the dwelling have adequate lighting and ventilation;

(c) plans for dwellings which have a back yard less than half the size of what it should have otherwise been are not included.

iii) Internal height of structure of any dwelling

(a) plans for dwellings with a clear floor to ceiling internal height of more than 2.6 metres;

(b) plans for dwellings with a clear floor to ceiling height of less than 2.6 metres but more than 2.4 metres subject to an engineer's report stating that the habitable rooms in the dwelling have adequate lighting and ventilation;

(c) plans for dwellings with a clear floor to ceiling height which is less than 2.4 metres are not included.

iv) Room in the back yard of any dwelling

Ground level rooms in the back yard of any

dwelling as long as the size of the back yard prior to the erection of the room is in conformity with sanitary regulations, provided that the room has natural ventilation and natural lighting, does not occupy more than 35% of the required back yard area, and is not higher than ten (10) courses:

Provided that if a request under the provisions of article 91 of the Act in respect of any of the above developments is made to the Authority within six months from the coming into force of these regulations, it shall be presumed that the development to which the request refers to existed prior to such date as long as the architect submitting the request certifies that the development to which the request relates to had existed prior to the coming into force of these regulations, and the same request includes photographic evidence that shows that same development as existing on site, and as long as there is no evidence to the contrary, or that no such evidence to the contrary subsequently emerges:

Provided further that if such a request is not submitted within six months from the coming into force of these regulations, the onus of proof that the development in question existed before the coming into force of these regulations shall lie with the applicant or his architect.”.



