

L.N. 258 of 2002

**DEVELOPMENT PLANNING ACT
(CAP. 356)**

Development (Removal of Danger) Order, 2002

IN VIRTUE of the powers conferred on it by article 31 of the Development Planning Act, the Malta Environment and Planning Authority, in consultation with the Kamra tal-Periti, has made the following Order:—

- Title. **1. The title of this Order is the Development (Removal of Danger) Order, 2000.**
- Emergency works. **2. The Authority may authorise emergency remedial works to mitigate or remove existing danger, without the requirement of a development permit, provided that:**
- Cap. 390. (a) such works are notified to the Authority by a person who holds a warrant to practise as an architecture and civil engineering professional (Perit) as provided under Chapter 390 of the Laws of Malta, prior to the commencement of any work. Such notification shall be accompanied by at least two good-quality colour photographs of the site, and by other relevant documentation as may be necessary, so that the details submitted to the Authority shall clearly and correctly identify:
- (i) the architecture and civil engineering professional (Perit) in charge;
 - (ii) the applicant;
 - (iii) the precise location and full extent of the applicant's site, shown on a map base as published by the Authority;
 - (iv) the degree of danger;
 - (v) the full nature, methodology and extent of the proposed works;
 - (vi) the structures or building elements that are to be removed or altered;

(vii) the access to the site from the nearest such street, on the site location plan, where the site does not directly abut onto a street that is accessible to vehicular traffic; and

provided further that such communication shall be made in writing to the Authority in an envelope clearly marked with the wording "DANGEROUS STRUCTURE"; and

(b) the Authority is satisfied that:

(i) the danger exists and is serious enough to warrant immediate remedial works;

(ii) the works as proposed are fully justified to remove such danger;

(iii) the works are limited only to the removal of such danger;

(iv) all appropriate safeguards are taken to minimise any adverse impact of the proposed works;

(v) the danger cannot be removed by temporary shoring of the building or dangerous structure as provided in the Development Notification Order; and

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(vi) the proposed remedial works do not affect the integrity of a historic, listed or scheduled building.

3. (1) The Authority shall communicate its decision, to grant or refuse such authorisation, within two working days of receipt of the notification, provided that the requirements of article 2 of the Order have been fully complied with.

Decision of the Authority.

(2) Where the requirements of article 2 of the Order have not been fully complied with, the period of two working days shall commence to run from such time as such conditions are fully complied with and notified to the Authority.

4. Any authorisation granted by the Authority in accordance with article 2 of this Order shall:

Authorisation of the Authority.

(1) be limited to the minimum emergency works required to remove the source of danger until any required permission for more lasting interventions is obtained;

(2) be notified by the Authority in writing, and shall only have effect in accordance with the terms stipulated in such notification;

(3) only be issued on the basis of detailed site inspection by an architecture and civil engineering professional (Perit) appointed by the Authority;

(4) be without prejudice to any requirement for development permission or for any other authorisation required by the Authority, and shall not dispense from the requirement of any other permission, including any permit for trenching operations, any permit from the sanitary authorities, any other permit or licence from any Government department or agency, and any consent from third parties, that may be required by law;

(5) be without prejudice to the eventual decision taken in respect of an application, notification or request submitted for the purposes of subregulation (4) above; and

(6) not preclude the Authority or other entity from taking enforcement action or other action according to law, in respect of any illegality existing on site.

Nullity of
authorisation of the
Authority.

5. Any authorisation issued by the Authority in accordance with article 2 of this Order shall be null and void if it is subsequently discovered that:

(1) one or more of the qualifying conditions for authorisation did not exist at the time that the original request to the Authority was made; or

(2) the Authority's assessment of the case was influenced by insufficient or incorrect information, or by unjustified limitation of access to the site or to parts thereof; or

(3) the works are not being carried out in strict compliance with the terms of the authorisation.