

L.N. 375 of 2005

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

Building Levy Rates (Amendment) Regulations, 2005

BY VIRTUE of the powers conferred by articles 41, 42 and 60 of the Development Planning Act, the Malta Environment and Planning Authority, with the concurrence of the Minister for Rural Affairs and the Environment and the Prime Minister and Minister of Finance, has made the following regulations:-

Citation.

L.N. 112 of 1996.

Amends the First
Schedule to the
principal
regulations.

1. The title of these regulations is the Building Levy Rates (Amendment) Regulations, 2005 and they shall be read and construed as one with the Building Levy Rates Regulations, 1996, hereinafter referred to as “the principal regulations”.

2. The First Schedule to the principal regulations shall be amended as follows:-

(a) immediately after paragraph (b) of sub-article (3) of article 1, there shall be added the following:

“except that applications submitted by the 31st December, 2005 for the relocation of air conditioning units from the facade of buildings in Valletta, which may also include alterations or changes in the façade, in accordance with the guidelines issued by the Authority Nil”;

(b) in the paragraph immediately after subparagraph (b) of sub-article (3) of article 1, instead of the words “submitted by the 30th June, 2005” there shall be substituted the words “submitted by the 30th November, 2005”;

(c) immediately after paragraph (bb) of sub-article (5) of article 1, there shall be added the following:

“(cc) applications submitted in accordance with the provisions of subparagraph (d) of article 6 of this Schedule Lm50.00

(dd) applications submitted for the amendment of a condition in a permit issued by the Authority in relation to the payment due by the applicant in the Commuted Parking Payment Scheme (CPPS) Lm50.00

Provided that the fee mentioned in paragraph (dd) above shall be refunded to the applicant if it is established that the amendment requested in the application was actually justified.”; and

(d) for paragraph (d) of article 6, there shall be substituted the following:

“(d) (i) Where an application is submitted for new development on a site (described as the new application for the purpose of this subparagraph) and the applicant states in writing that –

(a) an application for development of the same type had previously been submitted by the applicant on another site (described as the original site for the purpose of this paragraph) in the vicinity of the new site and had been approved, and

(b) the applicant has no interest in the development of the original site and will not exercise the permission,

the permit on the original site shall be cancelled by the Authority.

(ii) Unless the development permit fee paid on the original application has been previously refunded, in part or in full to the applicant or to any third party, such a fee shall be retained by the Authority in addition to any such other fee payable by the applicant together with the submission of the new application.

(iii) The provisions of this paragraph shall apply only if:

(a) there is no difference whatsoever in the designation of the original site and the new application;

(b) the permit on the original site has not been utilized in any manner whatsoever; and

(c) this application is limited to the change of the site of the previously approved development permit.

(iv) Any variations from the previously approved permit (except for the wrong indication of the site) shall not prejudice the new application.

(v) Where the new application is withdrawn by the applicant prior to its determination, the development permit fee shall not be refunded.”.

Amends the Second
Schedule to the
principal
regulations.

2. Paragraph 12 of the Second Schedule to the principal regulations shall be amended as follows:-

(a) the words “and there shall be paid an additional fee of Lm10 in respect of the administrative expenses incurred by the Authority in relation to the application” shall be deleted; and

(b) in the proviso thereto, the words “made within six months of the date on which these regulations come into force” shall be deleted.