VERŻJONI ELETTRONIKA

L.N. 184 of 2012

ADMINISTRATIVE JUSTICE ACT (CAP. 490)

Extension of Jurisdiction of the Administrative Review Tribunal (Resources) Regulations, 2012

IN exercise of the powers conferred by article 21 of the Administrative Justice Act, hereinafter referred to as "the Act", the Minister for Justice, Dialogue and the Family has made the following regulations:-

Title and commencement.

1. (1) The title of these regulations is the Extension of Jurisdiction of the Administrative Review Tribunal (Resources) Regulations, 2012.

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

Amendment of laws in the Schedule.

2. The laws specified in the First Column of the Schedule to these regulations shall have effect subject to the amendments specified in the Second Column thereof.

SCHEDULE
Amendment of Laws

First Column	Second Column
Enactment	*Extent of Amendment*
Malta Resources Authority Act. Cap. 423.	**1.** Article 2 shall be amended as follows: (a) the definition "Appeals Board" shall be deleted; and (b) immediately after the definition "Treaty", there shall be added the following new definition: " "Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act.". Cap. 490. **2.** Paragraph (v) of sub-article (2) of article 28 shall be deleted. **3.** For the words "Appeals Board", wherever they occur in sub-articles (6) and (7) of article 31A, there shall be substituted the words "Administrative Review Tribunal".

VERŻJONI ELETTRONIKA

4. Article 33 shall be substituted by the following new article:

"Adminis-trative Review Tribunal. Cap. 490.

33. (1) 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.

(2) The provisions of article 25 of the Administrative Justice Act shall apply to any proceedings pending before the Resources Appeals Board constituted under article 33, as the said article stood prior to the coming into force of this article, and any such proceedings shall be assigned to the Administrative Review Tribunal in terms of the aforesaid article 25 with effect from 1st July, 2012.".

5. Article 34 shall be amended as follows:

(a) for the words "Appeals Board", wherever they occur in the said article, there shall be substituted the words "Administrative Review Tribunal"; and

(b) for the words "thirty days" in paragraph (a) of sub-article (7) thereof, there shall be substituted the words "twenty days".

6. Articles 35 and 36 shall be substituted by the following new articles:

"Grounds of appeal.

35. (1) The Administrative Review Tribunal shall be competent to hear and decide any appeal made to it in accordance with the provisions of this Act and any regulations made thereunder; and, subject to article 36, the decisions of the said Tribunal shall be final and binding.

(2) In the exercise of its functions, the Tribunal may summon any person to appear before it and give evidence and produce documents; and the chairperson shall have the power to administer the oath. The Tribunal may also appoint experts to advise the Tribunal on any technical issue that may be relevant to its decision.

VERŻJONI ELETTRONIKA

(3) For the purposes aforesaid the Tribunal shall have the same powers as are competent to the First Hall, Civil Court according to law.

(4) The procedure to be followed before the Tribunal, the time within which and the manner in which an appeal to the Tribunal is to be made shall be such as may be prescribed; and subject thereto, and to any other applicable provision of this Act, the Tribunal may establish its own procedure.

Appeal to the Court of Appeal.

36. (1) Any party to an appeal to the Tribunal who feels aggrieved by a decision of the Tribunal, or the Authority if it feels dissatisfied with any such decision, may on a question of law appeal to the Court of Appeal in terms of the Administrative Justice Act. Cap. 490.

(2) The appeal shall be made by means of an application filed in the registry of that court within twenty days from the date on which that decision has been notified.".

7. For the words "Appeals Board", in paragraph (g) of subarticle (6) of article 39, there shall be substituted the words "Administrative Review Tribunal".

Water Supply and Sewerage Services Regulations. S.L. 423.23

For the words "Appeals board" in the second proviso to sub-regulation (1) of regulation 9, there shall be substituted the words "the Administrative Review Tribunal established by article 5 of the Administrative Justice Act". Cap. 490.

Biofuels and Bioliquids Market Regulations. S.L. 423.24

For the words "Appeals Board" in the first proviso to regulation 11, there shall be substituted the words "the Administrative Review Tribunal established by article 5 of the Administrative Justice Act". Cap. 490.

VERŻJONI ELETTRONIKA

Petroleum for the Inland (Wholesale) Fuel Market, Bottling of LPG and Primary Storage Facilities. S.L. 423.28

1. For the words "Appeals Board" in the first proviso to regulation 14, there shall be substituted the words "the Administrative Review Tribunal".

2. Regulation 31 shall be substituted by the following new regulation:

"Administrative Review Tribunal. Cap. 490.

31. The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall have jurisdiction to hear and determine appeals from decisions of the Authority made under these regulations."

Liquefied Petroleum Gas Market Regulations. S.L. 423.31

Regulation 26 shall be substituted by the following new regulation:

"Administrative Review Tribunal. Cap. 490.

26. The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall have jurisdiction to hear and determine appeals from decisions of the Authority made under these regulations."

Energy Performance of Buildings Regulations. S.L. 423.33

Sub-regulation (11) of regulation 20 shall be amended as follows:

(a) for the words "within fourteen days" there shall be substituted the words "within twenty days"; and

(b) for the words "Resources Appeals Board as appointed under the Act", there shall be substituted the words "the Administrative Review Tribunal established by article 5 of the Administrative Justice Act".

Cap. 490.

Resources Appeals Board (Procedure) Regulations. S.L. 423.35

The Resources Appeals Board (Procedure) Regulations are hereby revoked.

VERŻJONI ELETTRONIKA

Petroleum for the Inland (Retail) Fuel Market Regulations. S.L. 423.37

1. For the words "Appeals Board" in the first proviso to regulation 14, there shall be substituted the words "the Administrative Review Tribunal".

2. Regulation 32 shall be substituted by the following new regulation:

"Administrative Review Tribunal. Cap. 490.

32. The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall have jurisdiction to hear and determine appeals from decisions of the Authority made under these regulations."

Bunkering (Authorisation) Regulations. S.L. 423.42

1. For the words "Appeals Board" in the first proviso to regulation 13, there shall be substituted the words "the Administrative Review Tribunal".

2. Regulation 21 shall be substituted by the following new regulation:

"Administrative Review Tribunal. Cap. 490.

21. The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall have jurisdiction to hear and determine appeals from decisions of the Authority made under these regulations."

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — ***Printed at the Government Printing Press on recycled paper***

Prezz/*Price*
€0.45