VERŻJONI ELETTRONIKA

L.N. 124 of 2015

ENVIRONMENT AND DEVELOPMENT PLANNING ACT (CAP. 504)

Daily Penalty (Amendment) Regulations, 2015

IN EXERCISE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change and the Parliamentary Secretary for Planning and Simplification of Administrative Processes, after consultation with the Malta Environment and Planning Authority and with the concurrence of the Minister responsible for Finance, have made the following regulations:-

Citation.

1. The title of these regulations is the Daily Penalty (Amendment) Regulations, 2015, and these regulations shall be read and construed as one with the Daily Penalty Regulations, hereinafter referred to as "the principal regulations".

S.L. 504.111

Adds new regulation to the principal regulations.

2. Immediately after regulation 5 of the principal regulations, there shall be added the following new regulation:

"Requests to the Authority to pay compromise penalties.

6. (1) The Authority shall examine formal written requests from persons served with a notice under article 86 or article 88 of the Act who have become liable to a penalty established by the notice, to pay a compromise penalty instead. Any such request shall specify the impelling reason or reasons why the penalty established in the notice should not be paid, as well as the manner in which the fine is to be varied.

(2) The Authority may accede to the request in part or in whole when there are impelling reasons for it to do so and may establish different periods for the applicability of the daily penalty from that specified in the notice.

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(3) When an agreement on a compromise penalty has been reached between the Authority and the person making the request to pay the compromise penalty, the Tribunal shall not consider petitions submitted under regulation 5 in relation to the same penalty.

(4) The Authority may, with the approval of the Minister, delegate the examination of the formal written requests described under sub-regulation (1) to a sub-committee composed of three of its members, one of whom shall be either the Chairman of the Authority or one of the chairpersons of the Environment and Planning Commission, who shall chair the sub-committee. The provisions of Schedule 1 of the Act shall *mutatis mutandis* apply to this sub-committee and its decisions shall be construed as decisions of the Authority for the purposes of the Act and any subsidiary legislation made thereunder. The sub-committee shall report to the Authority at least every three months.".

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