

L.N. 107 of 2016**DEVELOPMENT PLANNING ACT
(CAP. 552)****ENVIRONMENT PROTECTION ACT
(CAP. 549)****Environment and Development Planning Act (Repeal
and Applicability) Regulations, 2016**

IN EXERCISE of the powers conferred by article 35 of the Development Planning Act, and in exercise of the powers conferred by article 87 of the Environment Protection Act, the Minister responsible for Sustainable Development, the Environment and Climate Change and the Parliamentary Secretary responsible for Planning and Simplification of Administrative Processes have made the following regulations with regard to the repeal and applicability of the provisions of the Environment and Development Planning Act, Cap. 504:-

Citation.

1. The title of these regulations is the Environment and Development Planning Act (Repeal and Applicability) Regulations, 2016.

Date of repeal
of articles of,
and Schedules
to, the
Environment
and
Development
Planning Act.
Cap. 504.

2. The 4th of April, 2016 has been established as the date when the provisions of articles 3 to 20, 22 to 40, 44, 45, 46, 50, 54, 55, 60, 61, 63, 68, 83, 84, 85 of, and Schedules 3 to 4 to, the Environment and Development Planning Act shall be repealed.

Applicability of
article 41 of the
Environment
and
Development
Planning Act.
Cap. 504.

3. The provisions of article 41 of the Environment and Development Planning Act shall remain in force and be applicable:

Cap. 551.

(a) to all pending appeals currently before the Tribunal and before the Environment and Planning Review Tribunal which has succeeded in the functions of the Tribunal in terms of the Environment and Planning Review Tribunal Act; and

(b) to any other appeal which may be submitted from all decisions of the Malta Environment and Planning Authority given up to and including the 3rd of April 2016; and

(c) to any other appeals currently before the Court of Appeal (Inferior Jurisdiction) and any appeals which may be submitted from all decisions of the Malta Environment and

Planning Authority given up to and including the 3rd of April 2016.

4. The provisions of articles 47, 48, 49, 51, 52, 53, 56, 57, 58 and 59 of the Environment and Development Planning Act shall remain in force and be applicable in so far as they relate to plans, policies, management plans and regulations in regards to which a draft has been published by the 3rd of April 2016 for public consultation.

Applicability of other articles of the Environment and Development Planning Act. Cap. 504.

5. The provisions of article 62 of the Environment and Development Planning Act shall remain in force and be applicable in so far as it relates to regulations which have been published and have not yet been brought into force by the 3rd of April 2016.

Applicability of article 62 of the Environment and Development Planning Act. Cap. 504.

6. The provisions of article 65 of the Environment and Development Planning Act shall remain in force and be applicable in so far as it relates to requests by applicants for Environment and Development Briefs submitted to the Malta Environment and Planning Authority and which have not been determined by the 3rd of April 2016.

Applicability of article 65 of the Environment and Development Planning Act. Cap. 504.

7. The provisions of articles 69, 78, 81, 82, 86 to 90, 93 and 96 of, and Schedules 1, 2, 6 and 7 to, the Environment and Development Planning Act shall remain in force and be applicable in so far as they relate to:

Applicability of other articles of the Environment and Development Planning Act. Cap. 504.

(a) current pending proceedings and litigation, and

(b) proceedings and litigation from all decisions of the Malta Environment and Planning Authority given up to and including the 3rd of April 2016,

before the Environment and Planning Review Tribunal which has succeeded in the functions of the Tribunal in terms of the Environment and Planning Review Tribunal Act and before any other Court, Tribunal, arbitration and other adjudicating authority.

Cap. 551.

8. The provisions of articles 70 to 76 of, and Schedule 6 to, the Environment and Development Planning Act shall remain in force and be applicable in so far as they relate to development applications which have been validated by the date of the coming into force of the Legal Notice which replaces the Development Planning (Procedure for Applications and their Determination) Regulations, 2010.

Applicability of other articles of the Environment and Development Planning Act. Cap. 504.

Applicability of article 77 of the Environment and Development Planning Act. Cap. 504.

9. The provisions of article 77 shall remain in force and be applicable in so far as it relates to procedures for revocation and modification of permissions, licenses or authorizations, including any clearance issued by the Malta Environment and Planning Authority under an order, which have already commenced by the 3rd of April 2016.

Applicability of other articles of the Environment and Development Planning Act. Cap. 504.

10. The provisions of articles 91 and 92 of, and Schedule 8 to, the Environment and Development Planning Act shall remain in force and be applicable in so far as they relate to notices issued under Category A of the Eighth Schedule and concessions issued under Category B of the Eighth Schedule to the Act and to requests for such notices and concessions which have not been determined by the 3rd of April 2016.

Applicability of other articles of the Environment and Development Planning Act. Cap. 504.

11. The provisions of articles 94 and 95 of the Environment and Development Planning Act shall remain in force and be applicable in so far as they relate to:

(a) current proceedings before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) and the Court of Criminal Appeal in relation to the Environment and Development Planning Act; and

(b) proceedings instituted for offences carried out by the 3rd of April 2016 in breach of the Environment and Development Planning Act.

Further dates for the repeal of the remaining provisions of the Environment and Development Planning Act. Cap. 504.

12. The Minister responsible for Sustainable Development, the Environment and Climate Change and the Parliamentary Secretary responsible for Planning and Simplification of Administrative Processes may establish further dates with regard to the repeal of the remaining provisions of the Environment and Development Planning Act.

