

L.N. 294 of 2016

**DEVELOPMENT PLANNING ACT
(CAP. 552)**

Daily Penalties (Amendment) Regulations, 2016

IN EXERCISE of the powers conferred by articles 85(2)(a) of the Development Planning Act, the Parliamentary Secretary for Planning and the Simplification of Administrative Processes, in consultation with the Planning Authority, has made the following regulations:-

1. The title of these regulations is the Daily Penalty (Amendment) Regulations, 2016, and these regulations shall be read and construed as one with the Daily Penalty Regulations, hereinafter referred to as "the principal regulations". Citation.
S.L. 552.24

2. In regulation 1 and in the title of the principal regulations, immediately after the words "Daily Penalty" there shall be added the words "and Administrative Fines". Amends
regulation 1 and
the title of the
principal
regulations.

3. Regulation 2 of the principal regulations shall be amended as follows: Amends
regulation 2 of
the principal
regulations.
 - (a) for the definition "the Act" there shall be substituted the following:

" "the Act" means the Development Planning Act;"
and
 - (b) for the definition "the Authority" there shall be substituted the following:

" "the Authority" means the Planning Authority
established under the Development Planning Act;"

4. Immediately after the second proviso to sub-regulation (2) of regulation 3 of the principal regulations, there shall be added the following new sub-regulation: Amends
regulation 3 of
the principal
regulations.

"(3) (a) Where the Planning Authority gives notice in writing to a person in accordance with articles 97 or 99 of the Act in relation to an infringement regarding development at sea, it may also notify such person that he shall be liable to an administrative fine in terms of article 103(6) of the Act, up to but not exceeding two thousand euro (€2000) per day, as determined by the Authority in terms of article 97(7) of the Act.

(b) This administrative fine may be levied without prejudice to any penalties which may be imposed under the provisions of sub-regulations (1) and (2) of this regulation and to any sanctioning penalty which may be due following the approval by the Authority of a permit covering the development at sea in respect of which a notice has been issued, and shall be subject to a maximum fine of two hundred thousand euro (€200,000) in the aggregate."

