Verżjoni Elettronika

I assent.

(L.S.) **GEORGE VELLA**
President

30th April, 2020

ACT No. XXIII of 2020

AN ACT to amend the Environment and Planning Review Tribunal Act, Cap. 551.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title.

1. The short title of this Act is the Environment and Planning Review Tribunal (Amendment) Act, 2020, and this Act shall be read and construed as one with the Environment and Planning Review Tribunal Act, hereinafter referred to as "the principal Act".

Cap. 551.

Addition of new articles to the principal Act.

2. Immediately after article 32 of the principal Act there shall be added the following new articles:

"Holding of sittings and delivery of decisions through electronic or other viable means of communication.

32A. (1) Notwithstanding any provision of this Act or any other law regulating the proceedings before the Tribunal, the Tribunal may hold and conduct the hearing of its sittings and deliver its decisions, through such electronic or other viable means of communication as it deems appropriate.

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(2) The Tribunal shall, in all cases, ensure that the hearing of any of its sittings and the delivery of any of its decisions, in the manner set out in sub-article (1), be open and accessible to the public through such electronic or other viable means of communication as it deems appropriate. The Tribunal may take all such measures and issue all such orders it deems appropriate to ensure the proper conduct of the sittings of the Tribunal and delivery of its decisions by electronic or other viable means of communication. It may also allow the filing of acts, in the proceedings brought before it, to be made by electronic means in such format as it deems appropriate.

(3) The provisions contained in the Act relative to the conduct of proceedings and the delivery of decisions by the Tribunal shall, as far as is reasonably practicable, apply in the same manner to sittings held and conducted and decisions delivered, in the manner set out in this article:

Provided that no nullity shall ensue for non-observance of any provision of the Act relative to the conduct of the proceedings or the delivery of decisions of the Tribunal by electronic or other viable means of communication due to the failure of the electronic or other means of communication used.

(4) The conduct of the hearing of the sittings and the delivery of decisions of the Tribunal by electronic or other viable means of communication shall have the same effect at law as those held without such means.

(5) Notwithstanding the above sub-articles, the use of electronic means or other viable means of communication shall take place after a pre-notice of five (5) days is given to all persons concerned.

Filing of appeals by electronic means.

32B. (1) Notwithstanding any provision of this Act or any other law, the registry of the Tribunal may receive all acts including applications of appeal and replies thereto, by transmission of the original act duly signed, by electronic means and by electronic payment or other means the fee prescribed by law.

(2) The registry of the Tribunal shall issue a copy of the acts filed through electronic means as aforesaid and the said copy issued by the registry of the Tribunal shall, for all intents and purposes of law, be considered as the original.

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(3) Acts filed by electronic means shall, for all intents and purposes of law, be deemed as if they have been filed directly in the registry of the Tribunal:

Provided that when an act is filed by electronic means outside registry opening hours, such act shall be deemed to have been filed on the first following day of the opening of the said registry.".

Passed by the House of Representatives at Sitting No. 322 of the 28th April, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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