- REVIEWED -
JUSTICE UNIT
MINISTRY FOR JUSTICE

Abbozz ta' Liġi
msejjaħ

ATT biex jipprovdi għall-protezzjoni tal-ambjent u biex titwaqqaf awtorità b'setgħat għal dan il-għan u għal ħwejjeġ konnessi jew anċillari ma' dan.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħareġ b'liġi dan li ġej:-

TAQSIMA I

Preliminari

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 dwar il-Protezzjoni tal-Ambjent. Titolu fil-qosor u bidu fis-seħħ.

(2) Dan l-Att għandu jidħol fis-sehh f'dik id-data li l-Ministru jista' jistabbilixxi b'avviż fil-Gażżetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

(3) Avviż taħt is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet transitorji li l-Ministru jidhirlu li jkunu meħtieġa jew spedjenti f'konnessjoni mad-dispożizzjonijiet li jkunu hekk inġiebu fis-seħħ.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra: Tifsir.

"ambjent" tfisser it-totalità tal-elementi u l-kundizzjonijiet, naturali jew magħmulin mill-bniedem, sew jekk flimkien u sew jekk iżolati minn xulxin, u b'mod partikolari:

(a) l-arja, l-ilma, l-art, il-ħamrija u l-baħar, inklużi s-sodda tal-blat, il-ħażniet tal-ilma tal-pjan u l-karatteristiċi li jinsabu taħt wiċċ l-art;

(b) kull saff tal-atmosfera;

(ċ) il-biodiversità kollha; u

(d) il-pajsaġġ u l- karatteristiċi tiegħu;

"applikazzjoni" tfisser applikazzjoni għal permess jew għal awtorizzazzjoni sottomessa skont il-mod stabbilit mill-Awtorità;

"art" tinkludi l-arja, l-ilma, l-art, il-baħar u l-ħamrija, inklużi s-sodda tal-blat, il-ħażniet tal-ilma tal-pjan u l-karatteristiċi li jinsabu taħt wiċċ l-art, u testendi għall-użu xieraq ta' riżorsi misjuba fihom sabiex ikunu żgurati l-protezzjoni tal-ambjent b'mod ġenerali u l-użu tal-arja, l-ilma u l-ħamrija b'mod sostenibbli;

"l-Awtorità" tfisser l-Awtorità ta' Malta dwar l-Ambjent imwaqqfa taħt l-artikolu 6 u tinkludi kull korp jew persuna oħra li taġixxi f'isimha bis-saħħa ta' setgħat delegati mill-Awtorità taħt dan l-Att, u l-Ministru jista', b'ordni fil-Gazzetta, jaħtar korpi jew persuni differenti bħala awtorità kompetenti għal dispożizzjonijiet differenti u għanijiet differenti ta' dan l-Att jew għal xi regolamenti magħmula taħthom;

"baħar" tinkludi l-kolonna tal-ilma, il-qiegħ tal-baħar, is-sottoswol sedimentarju marin, in-naqal u s-sodda tal-blat;

"*Chairperson*" tfisser iċ-*Chairperson* tal-Awtorità maħtur skont l-artikolu 6;

"diversità bioloġika" jew "biodiversità" tfisser il-varjabilità fost ħlejjaq ħajjin minn kull sors, inklużi fost oħrajn, ekosistemi tal-art, tal-baħar u oħrajn akwatiċi u l-kumplessi ekoloġiċi li jagħmlu parti minnhom, u tinkludi d-diversità fl-ispeċi nnifisha, bejn l-ispeċi u ta' ekosistemi;

"enti tal-Gvern" tfisser enti morali mwaqqaf b'liġi jew kumpannija li fiha l-Gvern jew enti bħal dak, jew it-tnejn flimkien, għandhom sehem dominanti jew li hija sussidjarja ta' kumpannija bħal dik;

"fawna" tfisser kull tip ta' annimal jew ħlejqa oħra, inklużi akarjoti, prokarjoti u ewkarjoti, mejta jew ħajja, sħaħ jew parti minnhom, u d-derivati tagħhom;

"flora" tfisser kull tip ta’ pjanta jew ħlejqa oħra, inklużi akarjoti, prokarjoti u ewkarjoti, mejta jew ħajja, sħaħ jew parti minnhom, u d-derivati tagħhom;

"funzjonijiet" tinkludi responsabiltajiet, setgħat u dmirijiet;

"Kumitat Permanenti" tfisser il-Kumitat Permanenti għall-Ippjanar u għall-Ambjent stabbilit skont l-artikolu 31;

"kunsill lokali" tfisser kunsill lokali mwaqqaf taħt l-Att dwar il-Kunsilli Lokali; Kap. 363.

"il-Ministru" tfisser il-Ministru responsabbli għall-ambjent;

"persuna" tfisser persuna fiżika jew korp azjendali;

"pjan" tfisser pjan approvat skont id-dispożizzjonijiet ta’ dan l-Att;

"pjanijiet sussidjarji" tinkludi strateġiji, pjanijiet, programmi u gwida taħt dan l-Att;

"*policy*" tfisser *policy* approvata skont id-dispożizzjonijiet ta’ dan l-Att;

"preskritt" tfisser preskritt b’regolament, regola, ordni jew strument ieħor magħmula kif previst f’dispożizzjoni ta’ dan l-Att li tagħti s-setgħa li jsir dak l-istrument;

"prinċipju kawtelativ" tfisser il-prinċipju li bih jittieħdu miżuri xierqa li jħarsu l-ambjent u li jiżguraw ġestjoni sostenibbli ta’ riżorsi naturali fin-nuqqas ta’ prova xjentifika assoluta jew konkluživa tal-ħtieġa għal dawk il-miżuri;

"rapport dwar l-applikazzjoni" tfisser ir-rapport dwar applikazzjoni għall-permess finali jew ir-rapport dwar applikazzjoni għal awtorizazzjoni;

"rimi" tinkludi kull emissjoni, depożitar, rimi barra, żmaltiment, żjieda jew tfigħ ġo l-ambjent ta’ xi sustanza jew enerġija direttament jew indirettament minn xi post wieħed jew minn sors imferrex, kemm jekk stazzjonarju u kemm jekk mobbli, u sew jekk ikkaġunata jew permessa bil-ħsieb jew xort’oħra, u sew jekk kontinwa jew intermittenti jew ta’ darba biss;

"sustanzi" tfisser kull ħaġa, kimika, taħlita, kompost jew prodott, u tinkludi karburanti, kumbinazzjonijiet ta’ elementi, taħlitiet jew komposti ta’ xi reazzjoni kimika, kif ukoll it-taħlita ta’ sustanzi

ta' identitajiet molekolari differenti;

"tniġġis" tfisser l-introduzzjoni diretta jew indiretta mill-bniedem, jew minħabba proċessi naturali, fl-ambjent ta' sustanzi, enerġija, organiżmi jew materjal ġenetiku li jikkaġunaw jew x'aktarx jikkaġunaw periklu għal saħħet il-bniedem, jew ħsara lil riżorsi ħajjin jew lill-ambjent;

"Tribunal" tfisser it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar imsemmi fl-artikolu 3 ta' l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar;

"uffiċċjal" tinkludi kull impjegat jew membru tal-istaff tal-Awtorità;

"uffiċċjal pubbliku" għandha t-tifsira mogħtija lilha bl-artikolu 124 tal-Kostituzzjoni;

"żona protetta" tfisser iż-żoni kollha li huma mogħtija protezzjoni taħt dan l-Att.

TAQSIMA II

Dmir li jitħares l-ambjent

Dmir ta' kulħadd u ta' kull enti li jħares l-ambjent.

3. Għandu jkun id-dmir ta' kulħadd u ta' kull enti, kemm jekk pubbliku kif ukoll jekk privat, li jħares l-ambjent u li jgħin fit-teħid ta' miżuri preventivi u ta' rimedju biex jitħares l-ambjent u biex ir-riżorsi naturali jkunu ġestiti b'mod sostenibbli.

Dmir tal-Gvern li jħares l-ambjent.

4. Għandu jkun id-dmir tal-Gvern li jħares l-ambjent għall-benefiċċju tal-ġenerazzjonijiet preżenti u futuri, u li għalhekk:

(a) jiġġestixxi l-ambjent b'mod sostenibbli billi jintegra u jikkunsidra kif dovut l-interessi ambjentali f'deċiżjonijiet u *policies* dwar l-użu tal-art, u dwar materji soċjo-ekonomiċi, edukattivi u oħrajn;

(b) jieħu kull miżura preventiva u rimedjali li tista' tkun meħtieġa biex tindirizza u tnaqqas il-problema tat-tniġġis u kull għamla oħra ta' degradazzjoni tal-ambjent f'Malta kif ukoll 'il hinn minnha, skont il-prinċipju li min iniġġes għandu jħallas u l-prinċipju kawtelativ;

(ċ) jikkollabora ma' gvernijiet u entijiet oħra fil-ħarsien tal-ambjent globali;

(d) ixerred informazzjoni dwar l-ambjent u jiffaċilita l-

parteċipazzjoni tal-pubbliku f'deċiżjonijiet li jolqtu l-ambjent;

(e) japplika tagħrif u riżorsi xjentifiċi u teknoloġiċi biex jiddeċiedi l-kwistjonijiet li jolqtu l-ambjent;

(f) jiżgura l-ġestjoni sostenibbli tal-iskart, jippromwovi t-tnaqqis tal-iskart u l-użu tajjeb, l-użu mill-ġdid u l-irkuprar xieraq tal-materja;

(g) iħares id-diversità bioloġika;

(h) jeħodha kontra kull għamla ta' tniġġis u degradazzjoni ambjentali;

(i) jikkunsidra l-ambjent bħala l-wirt komuni u interess komuni tal-umanità;

(j) jipprovdi inċentivi li jwasslu għal livell ogħla ta' ħarsien tal-ambjent; u

(k) jippromwovi riċerka u żvilupp fil-qasam ambjentali minn istituzzjonijiet differenti.

(2) Fil-qadi tar-responsabbiltajiet tagħhom ta' kuljum, għandu jkun id-dmir ta' kull enti tal-Gvern li jwettaq l-għanijiet u d-dispożizzjonijiet ta' dan l-Att u l-leġislazzjoni sussidjarja tiegħu. Meta jagħmlu dan, l-entijiet tal-Gvern għandhom iqisu wkoll il-miri ambjentali nazzjonali meta jwettqu l-pjanijiet, programmi u proġetti rispettivi tagħhom.

5. Id-dispożizzjonijiet tal-artikoli 3 u 4 m'għandhomx ikunu direttament esegwibbli f'ebda qorti, imma l-prinċipji li jinsabu fihom huma minkejja kollox fondamentali għall-Gvern ta' Malta u dawk il-prinċipji għandhom jitħaddmu fl-interpretazzjoni tad-dispożizzjonijiet l-oħra ta' dan l-Att jew ta' kull liġi oħra dwar materji regolati b'dan l-Att.

Applikazzjoni tal-artikoli 3 u 4 ta' dan l-Att.

TAQSIMA III

1. Amministrazzjoni

6. (1) Qiegħda b'dan titwaqqaf awtorità, li tkun magħrufa bħala l-Awtorità ta' Malta dwar l-Ambjent, li tkun magħmula minn mhux anqas minn tmien u mhux aktar minn għaxar membri, li wieħed minnhom ikun iċ-*Chairperson* tal-Awtorità.

Twaqqif tal-Awtorità ta' Malta dwar l-Ambjent.

(2) Ħlief kif provdut xort'oħra hawn aktar 'il quddiem, il-membri tal-Awtorità għandhom jinħatru mill-Ministru kif ġej:

(a) mhux aktar minn zewġ uffiċjali pubbliċi li jirrappreżentaw lill-Gvern, li wieħed minnhom għandu esperjenza jew kwalifiki f'materji li jolqtu l-ambjent, u ieħor li għandu esperjenza jew kwalifiki f'materji li jolqtu s-saħħa ambjentali jew il-politika soċjali;

(b) mhux aktar minn sitt membri (hawn aktar 'il quddiem imsejħa "il-membri indipendenti") li għandhom jintgħażlu minn fost persuni ta' integrità magħrufa u li għandhom għarfien u esperjenza fil-qasam ta':

(i) l-Organizzazzjonijiet Volontarji fis-settur tal-Ambjent u, jew fis-soċjetà ċivili;

(ii) u l-bqija huma persuni b'għarfien u esperjenza fil-kwistjonijiet relatati ma' funzjonijiet tal-Awtorità, għal governanza tajba.

(3) Iċ-*Chairperson* tal-Awtorità għandu jintgħażel mill-Ministru minn fost il-membri indipendenti tal-Awtorità.

(4) Ħlief kif previst fis-subartikolu (2), ebda persuna ma tikkwalifika biex tiġi nominata, jew biex tibqa', membru tal-Awtorità jekk hija:

(a) tkun uffiċjal pubbliku:

Iżda ċ-*Chairperson* tal-Awtorità ma għandux jitqies bħala uffiċjal pubbliku għall-finijiet ta' dan is-subartikolu;

(b) tkun uffiċjal ta' xi dipartiment, enti, korporazzjoni jew Awtorità tal-Gvern, iżda esklużi l-membri tal-korp akkademiku tal-Università għall-finijiet ta' dan il-paragrafu;

(ċ) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati jew tal-Parlament Ewropew, jew ta' Kunsill Lokali;

(d) tkun imħallef jew maġistrat tal-qrati tal-ġustizzja; jew

(e) ikollha interess finanzjarju jew xi interess ieħor f'xi impriża jew attività li x'aktarx ma jħallihiex taqdi sewwa l-funzjonijiet tagħha bħala membru tal-Awtorità:

Iżda l-Ministru jista' jiddeċiedi li l-interess li jkollha dik il-persuna aktarx ma jkunx ser jaffettwa t-twettiq tal-funzjonijiet tagħha u skont dik id-deċiżjoni dik il-persuna

għandha tikkwalifika għall-kariga bħala membru tal-Awtorità dment li l-interess li jkun ġie dikjarat u d-deċiżjoni tal-Ministru għandhom jiġu pubblikati fil-Gazzetta; jew

(f) tkun interdetta jew inkapaċitata; jew

(g) tinsab ħatja ta' reat li jkollu effett fuq il-fiduċja pubblika, jew ta' serq jew ta' frodi jew ta' riċettazzjoni ta' proprjetà miksuba b'serq jew bi frodi jew ta' tixħim jew ta' ħasil ta' flus; jew

(h) tkun soġġetta għal skwalifika taħt l-artikolu 320 tal-Att dwar il-Kumpanniji. Kap. 386.

(5) Il-membri indipendenti għandhom jibqgħu fil-kariga għal dak iż-żmien, li ma jkunx anqas minn tliet snin, li jkun speċifikat fl-ittra li biha jkunu nħatru, u jekk ebda żmien ma jiġi speċifikat, għandhom jibqgħu fil-kariga għal tliet snin. Meta jiffissa ż-żmien tal-kariga, il-Prim Ministru għandu, kemm jista' jkun, jara li jkun hemm element ta' rotazzjoni.

(6) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (4), il-membri indipendenti jistgħu jirriżenjaw b'ittra indirizzata lill-Prim Ministru iżda ma jistgħux jitneħħew mill-kariga ħlief b'riżoluzzjoni tal-Kamra tad-Deputati minħabba f'kondotta ħażina jew inkapaċità li jaqdu d-dmirijiet tal-kariga tagħhom.

(7) Il-membri l-oħra tal-Awtorità jibqgħu fil-kariga sakemm jiġu sostitwiti mill-Prim Ministru u sakemm jibqgħu uffiċjali pubbliċi.

(8) Persuna li ma tibqax membru tal-Awtorità tista', jekk tkun kwalifikata għal hekk, terġa' tinħatar; iżda ebda persuna m'għandha, b'kollox, tibqa' membru tal-Awtorità għal iktar minn seba' snin wara xulxin.

(9) Il-Ministru jista' jistabilixxi b'regolamenti l-mod li bih il-proċedimenti tal-Awtorità għandhom jiġu regolati.

(10) L-Awtorità għandha tibgħat kopja tal-aġenda, minuti u dokumenti relattivi tal-laqgħat tagħha lill-Ministru għall-informazzjoni tiegħu.

Personalità ġuridika u rappreżentanza tal-Awtorità.

7. (1) L-Awtorità tkun enti morali b'personalità ġuridika distinta u tkun tista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżżomm u tiddisponi minn kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, tħarrek, tiġi mħarrka, u tagħmel kull ħaġa u tidħol f'kull operazzjoni li jkunu inċidentali

jew iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha taħt dan l-Att, magħdud li tislef jew tissellef il-flus.

(2) Ir-rappreżentanza legali u ġuridika tal-Awtorità tkun vestita fiċ-*Chairperson*:

Iżda l-Awtorità tista' taħtar lil xi wieħed jew aktar mill-membri l-oħra tagħha jew lil xi wieħed jew aktar mill-uffiċjali tagħha biex jidhru f'isimha u għaliha f'xi proċediment ġudizzjarju u f'xi att, kuntratt, strument jew dokument ieħor, ikun li jkun, jew fil-każ li l-kariga ta' *Chairperson* tkun vakanti.

(3) Fl-assenza taċ-*Chairperson*, jew jekk iċ-*Chairperson* ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk taħt din id-dispożizzjoni kif ukoll jekk taħt xi dispożizzjoni oħra ta' dan l-Att, wieħed mill-viċi-*chairpersons* għandu jaqdi dawk il-funzjonijiet u għandhom jalternaw ċ-*chairpersonship* tal-Awtorità bejniethom safejn ikun prattiku.

Funzjonijiet tal-Awtorità.

8. (1) L-Awtorità għandha tkun il-mezz prinċipali li bih il-Gvern jaqdi dmirijietu taħt dan l-Att.

(2) Il-funzjonijiet tal-Awtorità għandhom ikunu dawk elenkati fl-Ewwel Skeda.

(3) Fit-twettiq tal-funzjonijiet tagħha taħt is-sub-artikolu (2) l-Awtorità għandha:

(a) tara li tikkopera jew li tagħmel arranġamenti ma' entijiet jew persuni oħra sabiex hija tkun tista' twettaq jew tissorvelja aħjar it-twettiq u t-tħaris tad-dispożizzjonijiet ta' dan l-Att;

(b) tistabbilixxi għanijiet u strateġiji fit-tul u għal żmien qasir;

(ċ) tagħti pariri lill-Ministru fuq il-ħolqien ta' normi ambjentali, linji direttivi u l-ħruġ ta' regolamenti, pjanijiet u *policies* taħt dan l-Att kif ukoll tagħti pariri fuq il-formulazzjoni u t-twettiq ta' pjanijiet ta' kontinġenza u pjanijiet ta' emerġenza, immexxija minn Awtoritajiet oħra, biex jitħares l-ambjent;

(d) toħroġ jew iżżomm kull awtorizzazzjoni jew tmexxi jew tissorvelja kull valutazzjoni, monitoraġġ jew azzjoni oħra li tista' tenħtieġ minn jew taħt dan l-Att taħt dawk il-kundizzjonijiet li tista', bla ħsara għal kull dispożizzjoni oħra ta' din il-liġi jew ta' kull liġi oħra, tqis bħala meħtieġa biex

tikkontrolla u tiġġestixxi dawk l-attivitajiet li għandhom impatt fuq l-ambjent jew li jistgħu jkollhom impatt fuq l-ambjent;

(e) tistabbilixxi limiti dwar ir-rimi mill-produzzjoni, ġestjoni, użu, pussess jew kull attività oħra li tinvolvi prodotti u sustanzi, il-prodotti tal-iskart tagħhom u t-tniġġis;

(f) tissorvelja l-kwalità tal-ambjent u għal dak il-għan tistabilixxi indikaturi u metodoloġiji, u żżomm u xxerred informazzjoni dwar l-ambjent; u

(g) tippubblika, f'intervalli li ma jaqbżux erba' snin, rapport dwar l-istat tal-ambjent.

(4) Għal dawn il-finijiet, u bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-Awtorità għandha tkun responsabbli:

(a) li tiżgura li verifiki dwar l-ambjent, valutazzjonijiet tal-impatt fuq l-ambjent u monitoraġġ tal-ambjent kif jistgħu jiġu preskritti, isiru sew u kif dovut;

(b) għat-tħejjija tal-pjanijiet u l-*policies* inkluż kull kwistjoni oħra anċillari, inċidentali jew li twassal għalihom, u l-aġġornar tagħhom wara l-approvazzjoni tagħhom skont dan l-Att;

(ċ) għat-twettiq ta' konsultazzjonijiet mal-Gvern, ma' entijiet pubbliċi, ma' Kunsilli Lokali, ma' organizzazzjonijiet mhux governattivi, ma' organizzazzjonijiet privati u organizzazzjonijiet internazzjonali u ma' persuni oħra dwar il-ħarsien tal-ambjent u l-ġestjoni sostenibbli tal-ambjent u ta' riżorsi naturali u li tagħmel u tippromwovi riċerka dwar dawn il-materji;

(d) li tipprovdi servizzi ta' appoġġ u konsultattivi dwar il-ħarsien tal-ambjent, lill-Gvern u lil awtoritajiet lokali fit-twettiq tal-funzjonijiet tagħhom;

(e) li tippromwovi, sew weħidha u sew f'kollaborazzjoni ma' oħrajn, programmi ta' edukazzjoni, taħriġ u għarfien pubbliku dwar il-ħarsien tal-ambjent, u l-ġestjoni sostenibbli u monitoraġġ tal-ambjent;

(f) għall-pubblikazzjoni u l-aġġornar, skont ma jeħtieġu ċ-ċirkostanzi, ta' librett uffiċjali li jkun fih dawk il-ħwejjeġ li l-Ministru jista' jordna u li għandu jkun disponibbli għall-pubbliku, iżda:

(i) l-ebda *policy* jew emenda għal tali *policy* approvata skont il-Tieni Skeda ma għandha tiġi fis-seħħ jekk ma tkunx ġiet approvata skont id-dispożizzjonijiet ta' dan l-Att u ppubblikata fil-librett uffiċċjali;

(ii) *policy* jew emenda għaliha, skont kif ikun il-każ, għandha tiġi ppubblikata fil-librett uffiċċjali fi żmien xahar mid-data tal-approvazzjoni tagħha skont dan l-Att;

(iii) il-librett uffiċjali jista' jiġi ppubblikat u aġġornat f'forma elettronika jew f'kull format ieħor li l-Awtorità tista' tapprova;

(g) li twettaq kull funzjoni oħra li tista' minn żmien għal żmien tiġi assenjata lilha mill-Ministru, inklużi l-funzjonijiet meħtieġa sabiex jagħtu seħħ lil xi obbligu internazzjonali, inklużi obbligi Ewropej u ftehim bilaterali li Malta jkollha dwar affarijiet regolati b'dan l-Att.

(5) Fit-twettiq tal-funzjonijiet tagħha taħt it-Taqsima III u t-Taqsima V, l-Awtorità għandha tikkonsulta mal-Ministru, u għandu jkollha u tista' teżerċita xi wieħed jew aktar mill-poteri mogħtijin lilha jew fdati lilha b'dan l-Att.

(6) L-Awtorità tista' wkoll teżerċita dawk is-setgħat ta' kontroll fuq l-ambjent li jistgħu jiġu delegati lilha minn żmien għal żmien bil-miktub mill-Ministru f'isem xi dipartiment jew enti tal-Gvern.

(7) Għandha tkun il-funzjoni tal-Ministru li jiżgura li l-Awtorità tkun infurmata bis-sħiħ bid-direzzjonijiet strateġiċi tal-Gvern dwar l-ambjent, u biex twettaq monitoraġġ fuq it-twettiq xieraq ta' tali *policies*.

(8) L-Awtorità għandha tesegwixxi d-dmirijiet, il-funzjonijiet u r-responsabbiltajiet tagħha skont id-direzzjonijiet strateġiċi tal-Gvern li għandhom x'jaqsmu mal-ambjent kif ukoll il-*policies* dwar l-ambjent li huma applikabbli għal Malta.

(9) Fit-twettiq tal-funzjonijiet tagħha taħt dan l-Att, l-Awtorità għandha, sa fejn hu possibbli, tagħmel riferenza għall-aħjar prattiċi fl-Unjoni Ewropea u ssegwihom.

(10) L-Awtorità għandha wkoll tiżgura illi żżomm traċċa ta' verifika tal-proċessi kollha tagħha, inkluż ta' kull dokumentazzjoni u rapport.

(11) L-Awtorità tista' tesiġi li kwalunkwe detentur ta'

informazzjoni ambjentali jipprovdilha kull informazzjoni, inkluża informazzjoni finanzjarja li l-Awtorità tqis bħala meħtieġa biex tassigura konformità mad-dispożizzjonijiet ta' dan l-Att, ma' regolamenti preskritti taħtu u ma' deċiżjonijiet jew direttivi magħmula skond dan l-Att, skont regolamenti prrskritti taħtu jew skont xi liġi oħra li l-Awtorità jkollha jedd tinforza. Kull persuna li tonqos jew tirrifjuta li tipprovdi l-imsemmija informazzjoni tkun qed taġixxi b'kontravvenzjoni ta' dan l-Att u tkun soġġetta għall-impożizzjoni ta' multa amministrattiva kif jista' jiġi stabbilit mill-Awtorità.

Delega tal-poter.

9. Bla ħsara għaż-żamma tal-kontroll u superviżjoni ġenerali, u dment li xorta tkun qed tħares id-dispożizzjonijiet ta' dan l-Att, l-Awtorità tista', bl-approvazzjoni tal-Ministru, tiddelega xi waħda jew iżjed mill-funzjonijiet tagħha skont dan l-Att taħt dawk il-kondizzjonijiet li jidhrilha xierqa. B'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak li ssemma qabel, l-Awtorità tista' tiddelega kif imsemmi lil, jew teżerċita flimkien ma', il-Kummissarju tal-Pulizija, jew xi kunsill lokali jew xi korp ieħor, awtorità oħra jew kuntrattur ieħor, kull waħda mill-funzjonijiet vestiti fiha skont it-Taqsima VII u l-Awtorità jkollha wkoll is-setgħa li tiddelega xi poteri tagħha ta' infurzar, inkluż il-ġbir ta' penali msemmija f'dan l-Att, lill-gwardjani lokali maħtura skont id-dispożizzjonijiet tal-Att dwar il-Gwardjani Privati u Lokali, jew lil awtoritajiet oħra minbarra dawk imsemmija, skont kif meħtieġ, skont dik il-proċedura li l-Ministru jista' bi ftehim mal-Ministru responsabbli għall-kunsilli lokali jippreskrivi. Avviż ta' kull delega bħal dik għandu jiġi pubblikat fil-Gazzetta. L-Awtorità jkollha d-dritt li tirtira din id-delega kif jidhrilha b'effett immedjat.

Kap. 389.

Ħatra ta' Bordijiet u ta' Kumitati Konsultattivi.

10. L-Awtorità tista' bl-approvazzjoni tal-Ministru taħtar bordijiet u kumitati konsultattivi sabiex jgħinuha fil-qadi tal-funzjonijiet tagħha taħt din il-liġi jew taħt xi liġi oħra. Il-funzjonijiet ta' dawn il-bordijiet u kumitati għandhom jiġu prrskritti mill-Awtorità bl-approvazzjoni tal-Ministru.

Tmexxija tax-xogħol tal-Awtorità.

11. Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-ħidma u l-attività tal-Awtorità għandhom ikunu r-responsabbiltà tal-Awtorità, iżda ħlief kif issemma qabel, it-tmexxija eżekuttiva tal-Awtorità, u l-amministrazzjoni u l-organizzazzjoni tagħha għandhom jitwettqu kif jiġi deċiż minn żmien għal żmien mill-Awtorità, sew direttament u sew permezz ta' xi uffiċċjali tagħha li jkunu awtorizzati għal dan l-iskop.

Ħatriet ta' uffiċjali.

12. (1) Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tgħodd għalihom, u bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, l-impjieg u l-ħatra ta' uffiċjali

tal-Awtorità jsiru mill-Awtorità u l-patti u l-kundizzjonijiet tal-impjieg u tal-ħatra għandhom jiġu stabbiliti mill-Awtorità wara li jkun qabel magħhom il-Ministru.

(2) L-Awtorità tista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, twaqqaf skema jew skemi b'arranġamenti kontributorji jew mhux kontributorji jew b'taħlita tat-tnejn li huma, għall-ħlas lill-uffiċjali tagħha, jew lid-dipendenti tagħhom, meta jirtiraw, imutu jew ikorru, ta' pensjonijiet, gratifikazzjonijiet u benefiċċji oħra bħalhom.

Żvelar ta' interessi.

13. (1) Meta xi membru tal-Awtorità, jew xi uffiċjal tal-Awtorità, jew konsulent jew xi persuna oħra ingaġġata mill-Awtorità, ikollu interess fi, jew li jkollu x'jaqsam ma' xi ħaġa li tkun ser tiġi kkunsidrata mill-Awtorità, huwa għandu -

(a) jiżvela lill-Awtorità n-natura tal-interess waqt l-ewwel laqgħa tal-Awtorità wara li jkun akkwista dak l-interess jew inkella qabel kull kunsiderazzjoni ta' dik il-ħaġa, skont ma jiġi l-ewwel, u skont dawk id-direttivi li toħroġ l-Awtorità kull tant żmien;

(b) la jinfluwenza lanqas jipprova jinfluwenza l-ipproċessar u d-deċiżjoni dwar dik il-ħaġa;

(ċ) ma jieħux sehem waqt li dik il-ħaġa tkun qiegħda tiġi kkunsidrata; u

(d) la jattendi u lanqas jipparteċipa fl-ebda laqgħa fuq dik il-ħaġa.

(2) Meta jkun hemm xi kwistjoni dwar jekk ċertu kondotta ta' xi persuna tkunx tikkostitwixxi jew le nuqqas minn dik il-persuna li tosserva r-rekwiżiti tas-subartikolu (1), il-kwistjoni għandha tiġi deċiża mill-Awtorità u d-deċiżjoni u l-motivazzjoni tagħha għandhom jiġu reġistrati fil-minuti tal-laqgħa li fiha tkun ittieħdet id-deċiżjoni u l-persuna tkun hekk infurmata.

(3) Meta ssir dikjarazzjoni lill-Awtorità skont is-subartikolu (1), id-dettalji tad-dikjarazzjoni għandhom jiġu reġistrati fil-minuti tal-laqgħa li fiha tkun saret dik id-dikjarazzjoni.

(4) Meta persuna li għaliha jkun japplika s-subartikolu (1) tonqos milli tagħmel id-dikjarazzjoni meħtieġa, l-Awtorità għandha tiddeċiedi dwar l-azzjoni xierqa li għandha tittieħed, li tista' tinkludi t-tneħħija mill-kariga jew it-tmiem tal-kuntratt tal-persuna involuta.

14. L-Awtorità għandha taħtar u timpjega, b'dik ir-rimunerazzjoni u taħt dawk il-patti u kundizzjonijiet li tista' tistabbilixxi skont l-artikolu 12, dawk l-uffiċjali tal-Awtorità li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet tal-Awtorità.

Ħatra u funzjonijiet ta' uffiċjali tal-Awtorità.

15. (1) Il-Prim Ministru jista', b'talba tal-Awtorità, minn żmien għal żmien jordna li xi uffiċjal pubbliku jiġi assenjat għal dmirijiet mal-Awtorità f'dik il-kariga u taħt dawk il-kundizzjonijiet u b'seħħ minn dik id-data li huwa jista' jispeċifika.

Assenjazzjoni ta' uffiċjali pubbliċi għal dmirijiet mal-Awtorità.

(2) Kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku u ma jieqafx b'xi mod ieħor milli jokkupa l-kariga f'data li tkun ġiet qabel, u dment li ma jiġix speċifikat żmien differenti f'dik id-direttiva, iż-żmien li matulu direttiva kif hawn qabel imsemmi għandha tapplika għal xi uffiċjal speċifikat fiha għandu jintemm malli tiġri xi waħda mill-ġrajjiet li ġejjin:

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u impjieg permanenti ma', l-Awtorità skond id-dispożizzjonijiet tal-artikolu 17; jew

(b) ir-revoka ta' dik id-direttiva mill-Prim Ministru, jew mill-Ministru.

(3) Meta direttiva dwar xi uffiċjal kif imsemmi hawn aktar qabel tiġi revokata mill-Prim Ministru jew mill-Ministru, il-Prim Ministru jista' b'direttiva oħra, jassenja lil dak l-uffiċċjal għal dmirijiet mal-Awtorità f'dik il-kariga u b'seħħ minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u malli jsir hekk id-dispożizzjonijiet tas-subartikolu (2) għandhom jibdew igħoddu dwar iż-żmien tal-assenjazzjoni ta' dak l-uffiċjal permezz ta' kull direttiva oħra bħal dik.

16. (1) Meta xi uffiċjal pubbliku jiġi assenjat fuq dmirijiet mal-Awtorità skont xi waħda mid-dispożizzjonijiet tal-artikolu 15, dak l-uffiċjal għandu, matul dak iż-żmien li fih dik id-direttiva dwaru tkun fis-seħħ, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Awtorità, iżda dan għandu għall-finijiet u effetti kollha jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

Stat ta' uffiċjali pubbliċi assenjati fuq dmirijiet mal-Awtorità.

(2) Mingħajr preġudizzju għall-ġeneralità ta' dak li ssemma hawn aktar qabel, uffiċjal assenjat fuq dmirijiet kif hawn aktar qabel imsemmi -

(a) m'għandux matul iż-żmien li dwaru jkun hekk assenjat -

(i) ikun imċaħħad milli japplika għal trasferiment f'dipartiment tal-Gvern skont il-patti u l-kundizzjonijiet tas-servizz marbutin mal-ħatra tal-Gvern li hu jkollu fid-data li fiha jkun ġie hekk assenjat; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u kundizzjonijiet tas-servizz tiegħu jkunu anqas favorevoli minn dawk tal-ħatra mal-Gvern li hu jkollu f'dik id-data jew li jistgħu jkunu marbuta ma' dik il-ħatra matul iż-żmien imsemmi, kieku dak l-uffiċċjal ma kienx imqabbad jaqdi dmirijiet mal-Awtorità:

Iżda t-termini u l-kundizzjonijiet m'għandhomx jitqiesu bħala anqas favorevoli għax ma jkunux fid-dettalji kollha l-istess bħal, jew aħjar minn, dawk li diġà għandu dak l-uffiċċjal fid-data ta' meta ġie assenjat, jekk fil-fehma tal-Prim Ministru, dawk il-patti u l-kundizzjonijiet, meħuda flimkien, joffru benefiċċji li b'mod sostanzjali jkunu indaqs jew akbar; u

(b) ikollu l-jedd li s-servizz tiegħu mal-Awtorità jkun meqjus bħala servizz mal-Gvern għall-finijiet ta' xi pensjoni,
Kap. 93. gratifikazzjoni, jew benefiċċju taħt l-Ordinanza dwar il-
Kap. 58. Pensjonijiet, u l-Att dwar il-Pensjonijiet lin-Nisa Romol u Tfal Iltiema, u għall-finijiet ta' kull jedd jew privileġġ ieħor li jkollu dritt għalih, u jkun soġġett għal kull responsabbiltà li jkun responsabbli għaliha kieku ma kienx ġie assenjat għal dmirijiet mal-Awtorità:

Iżda fil-valutazzjoni tal-emolumenti pensjonabbli tal-uffiċjal għall-finijiet ta' kull liġi relatata mal-pensjonijiet tas-servizzi tal-gvern, l-ebda konsiderazzjoni m'għandha tittieħed ta' kwalunkwe konċessjoni, bonus jew gratifikazzjonijiet imħallsa lil dak l-uffiċċjal mill-Awtorità li jeċċedi dak li hu intitolat għalih bħala uffiċjal pubbliku.

(3) Meta ssir applikazzjoni kif previst fis-subartikolu (2)(a)(i), din għandha tiġi kkunsidrata daqslikieku l-applikant ma ġiex assenjat għal servizz mal-Awtorità.

(4) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa minħabba l-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjal assenjat għal dmirijiet mal-Awtorità kif hawn aktar qabel imsemmi matul iż-żmien li fih ikun hekk assenjat.

17. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru jew tal-Ministru, toffri lil kull uffiċjal assenjat għal dmirijiet mal-Awtorità skont xi waħda mid-dispożizzjonijiet tal-artikolu 15, impjieg permanenti mal-Awtorità b'rimunerazzjoni, patti u kundizzjonijiet mhux anqas favorevoli minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta, f'kull każ li jkollu esperjenza adegwata fil-qasam tal-operat. Offerta ta' impjieg permanenti mal-Awtorità lil uffiċjali pubbliċi assenjati għal dmirijiet mal-Awtorità.

(2) Il-patti u l-kundizzjonijiet inklużi f'kull offerta magħmula kif imfisser hawn qabel m'għandhomx jitqiesu bħala anqas favorevoli minħabba biss li ma jkunux fid-dettalji kollha bħal, jew aħjar minn, dawk li diġà għandu l-uffiċjal fid-data ta' dik l-offerta, jekk fil-fehma tal-Prim Ministru jew tal-Ministru dawk il-patti u l-kundizzjonijiet, meħuda flimkien, joffru benefiċċji li b'mod sostanzjali jkunu indaqs jew akbar.

(3) Kull uffiċjal li jaċċetta impjieg permanenti mal-Awtorità li jiġi offrut lilu skont id-dispożizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha ħlief dawk tal-Ordinanza dwar il-Pensjonijiet u tal-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla ħsara għad-dispożizzjonijiet tal-artikolu 35, jitqies li jkun temm is-servizz mal-Gvern u li jkun beda s-servizz mal-Awtorità fid-data tal-aċċettazzjoni tiegħu, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, safejn jgħoddu għalih, servizz mal-Awtorità għandu jitqies bħala servizz mal-Gvern fit-tifsiriet li hemm fihom rispettivament. Kap.93. Kap.58.

(4) Kull uffiċjal kif hawn qabel imsemmi li, minnufih qabel ma aċċetta impjieg permanenti mal-Awtorità kellu dritt jibbenefika taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqagħlu d-dritt li jibbenefika taħtu għall-finijiet kollha bħallikieku s-servizz tiegħu mal-Awtorità kien servizz mal-Gvern. Kap. 58.

(5) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa għall-pensjonijiet u gratifikazzjonijiet dovuti lil uffiċjal li jkun aċċetta impjieg permanenti mal-Awtorità kif hawn qabel imsemmi matul il-perijodu li jibda fid-data tal-aċċettazzjoni ta' dak l-uffiċjal.

(6) Għall-finijiet tal-Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli mal-irtirar ta' dak l-uffiċjal pubbliku għandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jitħallsu lil xi uffiċjal fis-servizz tal-Gvern fi grad u f'livell inkrementali li jikkorrispondi għall-kariga u livell inkrementali li jkollu l-uffiċjal fid-data meta jirtira minn mal-Awtorità. Kap. 93.

(7) (a) Għall-finijiet ta' dan l-artikolu, karigi u gradi ta'

salarju mal-Awtorità għandhom jiġu klassifikati fil-gradi u fil-livelli inkrementali li l-aktar jikkorrispondu fis-servizz mal-Gvern b'referenza għad-deskrizzjoni tax-xogħol, il-ħiliet, ir-responsabbiltajiet u fatturi oħra analogi.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir minn bord magħmul minn *chairman* li jinħatar mill-Ministru responsabbli għall-finanzi u minn żewġ membri oħra, wieħed maħtur mill-Ministru responsabbli b'mod ġenerali għall-affarijiet li għandhom x'jaqsmu mal-persunal fis-servizz pubbliku u wieħed maħtur mill-Awtorità. Il-klassifikazzjoni tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Dik il-klassifikazzjoni għandha issir fi żmien tliet xhur minn kull aġġustament ta' salarji ta' uffiċjali fis-servizz tal-Gvern u, jew ta' uffiċjali tal-Awtorità.

(d) L-ebda kariga m'għandha tiġi kklassifikata fi grad ogħla minn dak ta' Grad 3 fis-servizz tal-Gvern jew tali grad ieħor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jiddetermina b'avviż fil-Gazzetta.

(e) Mingħajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, ħadd ma jista', wara klassifikazzjoni bħal dik imsemmija, ikollu jedd għal xi dritt taħt l-imsemmija Ordinanza dwar il-Pensjonijiet li jkun anqas favorevoli minn dawk li kieku kien ikollu jedd għalihom qabel dik il-klassifikazzjoni.

Kap. 93.

Ingaġġ ta' konsulenti u ta' persuni oħra.

18. L-Awtorità tista' tingaġġa konsulenti skont ma tqis li jkun meħtieġ sabiex jgħinuha twettaq il-funzjonijiet tagħha.

L-Awtorità tħallas l-infiq mid-dħul tagħha.

19. (1) Mingħajr preġudizzju għad-dispożizzjonijiet segwenti ta' dan l-artikolu, il-Kunsill Eżekuttiv għandu hekk imexxi l-affarijiet tal-Awtorità li n-nefqa meħtieġa għat-twettiq xieraq tal-funzjonijiet tagħha għandhom jitħallsu, daqskemm ikun prattikabbli, mid-dħul tagħha.

(2) Għall-finijiet tas-subartikolu (1) l-Awtorità għandha tiġbor kull dritt, rata u ħlas ieħor preskritt jew meqjus li jkun preskritt minn jew taħt dan l-Att jew taħt xi liġi oħra li tkun tipprovdi għal ħwejjeġ li jkollhom x'jaqsmu mas-setgħat u l-funzjonijiet vestiti fl-Awtorità b'dan l-Att jew taħt dan l-Att.

(3) L-Awtorità għandha wkoll tiġi mħallsa mill-Gvern mill-Fond Konsolidat dawk l-ammonti ta' flus li l-Parlament jista' minn żmien għal żmien jawtorizza li jiġu approprijati biex minnhom jitħallsu l-ispejjeż ta' xogħlijiet speċifikati jew attivitajiet li għandhom jitkomplew jew inkella jsiru mill-Awtorità.

(4) Bla ħsara għal dawk id-direttivi li l-Ministru jista' jagħti minn żmien għal żmien, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, kull eċċess ta' dħul fuq l-infiq għandu ikun jintuża mill-Awtorità għall-formazzjoni ta' fondi ta' riserva li jintużaw għall-għanijiet tal-Awtorità. Mingħajr preġudizzju għall-ġeneralità tas-setgħat mogħtija lill-Ministru li jagħti direttivi taħt dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif imsemmi hawn aktar qabel tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod li jista' jiġi speċifikat fid-direttiva, ta' xi sehem mid-drittijiet, rati u ħlasijiet oħra miġbura skont is-subartikolu (2).

(5) Kull fond tal-Awtorità li ma jkunx minnufih meħtieġ għall-ħlas tal-infiq jista' jiġi investit mill-Awtorità b'dak il-mod li jista' minn żmien għal żmien jiġi approvat mill-Ministru.

Setgħa ta' self jew ġbir ta' kapital.

20. (1) Biex taqdi kull funzjoni tagħha taħt dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef, inkluż permezz ta' ġbid skopert ta' fondi jew xort'oħra, jew tiġbor flus b'dak il-mod, mingħand dik il-persuna, korp jew awtorità, u taħt dawk il-patti u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn qabel imsemmi, jista' japprova bil-miktub.

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef, b'*overdraft* jew xort'oħra, dawk l-ammonti ta' flus li tista' tkun teħtieġ għat-twettiq tal-funzjonijiet tagħha taħt dan l-Att:

Iżda għal kull ammont li jkun jeċċedi miljun euro (€1,000,000) għandha tkun meħtieġa l-approvazzjoni tal-Ministru bil-miktub.

Avvanzi mill-Gvern.

21. Il-Ministru reponsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jgħaddi lill-Awtorità dawk is-somom li huwa jaqbel li jkunu meħtieġa mill-Awtorità biex taqdi waħda jew aktar mill-funzjonijiet tagħha taħt dan l-Att, u jista' jgħaddi dawk is-somom taħt dawk il-patti u kundizzjonijiet li, wara l-imsemmija konsultazzjoni, jidhrulu xierqa. Is-somom kollha bħal dawk jistgħu jiġu mgħoddija mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr approprjazzjoni oħra ħlief dan l-Att, b'mandat iffirmat minnu li jawtorizza lill-*Accountant General* biex jgħaddi dawk is-somom.

Self mingħand il-Gvern.

22. (1) Il-Ministru responsabbli għall-finanzi jista', għal kwalunkwe ħtieġa tal-Awtorità ta' xorta kapitali, jappalta jew joħloq self, jew jinkorri obbligi, għal dawk il-perjodi u b'dawk il-patti u kundizzjonijiet li huwa jqis xierqa; u kull ammont ta' flus dovut għal jew b'rabta ma' xi self jew obbligu bħal dawn għandu jinħareġ mill-

Fond Konsolidat.

(2) Kemm jista' jkun malajr, il-Kamra tad-Deputati għandha tiġi avżata dwar kull self jew obbligu magħmul jew somom li jiġu mgħoddija taħt id-dispożizzjonijiet ta' qabel ta' dan l-artikolu.

(3) Sakemm jinħoloq xi self bħal dak imsemmi fis-subartikolu (1), jew bil-għan li l-Awtorità tiġi provduta b'kapital finanzjarju, il-Ministru responsabbli għall-finanzi jista', permezz ta' ordni li jkun iġġib il-firma tiegħu, u mingħajr ebda approprijazzjoni oħra ħlief dan l-Att, jawtorizza lill-*Accountant General* li jgħaddi flus lill-Awtorità mill-Fond ta' Ħelsien tat-Teżor taħt dawk il-patti li jistgħu jiġu speċifikati mill-Ministru meta dawn isiru.

(4) Ir-rikavat ta' kull self maħluq għall-għanijiet li jiġu mgħoddija flus lill-Awtorità, u l-flejjes oħra li jridu jiġu mgħoddija lill-Awtorità taħt dan l-artikolu, għandhom jitħallsu ġo fond imwaqqaf apposta għalhekk u li jkun magħruf bħala "il-Fond ta' Self għall-Awtorità".

(5) L-ammonti ta' flus li l-*Accountant General* jirċievi mill-Awtorità bħala ħlas lura ta' flus li mgħoddija lill-Awtorità taħt is-subartikolu (3) għandhom jitħallsu fil-Fond ta' Ħelsien tat-Teżor u l-ammonti ta' flus li jkun irċieva l-*Accountant General* bħala mgħax fuq dawk l-avvanzi għandhom jitħallsu lill-Fond Konsolidat.

Estimi tal-Awtorità.

23. (1) L-Awtorità għandha tieħu ħsieb tħejji f'kull sena finanzjarja, u għandha taddotta mhux aktar tard minn erba' ġimgħat qabel tmiem dik is-sena, estimi ta' dħul u nfiq tal-Awtorità għas-sena finanzjarja li jmiss:

Iżda l-estimi għall-ewwel sena finanzjarja tal-Awtorità għandhom jitħejjew u jiġu adottati sa dak iż-żmien li l Ministru jista' jispeċifika b'avviż bil-miktub lill-Awtorità.

(2) Fit-tħejjija ta' dawk l-estimi, l-Awtorità għandha tikkunsidra kull fond u flejjes oħra li jkollhom jitħallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, kemm jekk bis-saħħa ta' dan l-Att kif ukoll jekk b'att ta' approprjazzjoni jew b'xi liġi oħra; u l-Awtorità għandha wkoll tħejji l-imsemmija estimi b'tali mod li tiżgura li d-dħul totali tal-Awtorità jkun għall-anqas biżżejjed biex jitħallsu s-somom kollha li għandhom jitħallsu mill-kont tad-dħul tagħha, magħdud, iżda bla ħsara għall-ġeneralità ta' dik it-tifsira, id-deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni mas-snin ta' qabel kif jista' jordna l-Ministru responsabbli għall-finanzi.

(4) Kopja tal-estimi għandha, malli dawn jiġu addottati mill-Awtorità, tintbagħat minnufih lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità, u mhux aktar tard minn sitt ġimgħat wara li jkun irċieva kopja tal-estimi mingħand l-Awtorità, japprova dawk l-estimi, b'xi emendi jew mingħajr emendi, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

24. (1) M'għandu jsir ebda nfiq mill-Awtorità kemm-il darba ma jkunx sar provvediment għalih fl-estimi approvati kif previst fl-artikolu 23.

L-infiq ikun skont l-estimi approvati.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) -

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni tal-estimi għal dik is-sena mill-Kamra, skont liema tkun l-ewwel data, l-Awtorità tista' tagħmel infiq biex taqdi l-funzjonijiet tagħha skont dan l-Att li b'kollox ma jkunx aktar minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

(b) infiq approvat dwar kap jew sottokap tal-estimi jista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, isir dwar kap jew sottokap ieħor tal-estimi;

(ċ) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat fl-estimi ma jkunx biżżejjed jew tinqala' l-ħtieġa għal infiq li ma jkunx provdut għalih fl-estimi, l-Awtorità tista' tadotta estimi supplementari għall-approvazzjoni tal-Ministru u f'kull każ bħal dak id-dispożizzjonijiet ta' dan l-Att li jgħoddu għall-estimi għandhom jgħoddu kemm jista' jkun prattikabbli għall-estimi supplementari;

(d) dan m'għandux jgħodd għal ċerti azzjonijiet ta' emerġenza li l-Awtorità jista' jkollha bżonn tieħu, jekk l-ebda dispożizzjoni għal tali azzjoni ma tkun disponibbli fl-estimi finanzjarji.

25. Il-Ministru għandu, mal-ewwel opportunità, iżda mhux aktar tard minn tmien ġimgħat wara li hu jkun irċieva kopja tal-estimi u tal-estimi supplementari tal-Awtorità, jew jekk f'xi żmien matul dak il-perijodu l-Kamra tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jieħu ħsieb li dawk l-estimi jitqiegħdu fuq il-Mejda tal-Kamra tad-Deputati, flimkien ma' mozzjoni li l-Kamra tapprova dawk l-estimi. Għandha tingħata ġurnata għad-diskussjoni ta' dik il-mozzjoni fil-Kamra; u

Pubblikazzjoni ta' estimi approvati.

kemm il-mozzjoni kif ukoll l-approvazzjoni tal-estimi mill-Kamra jistgħu jkunu b'emendi għall-estimi jew mingħajrhom.

Kontijiet u verifika.

26. (1) L-Awtorità għandha tieħu ħsieb li żżomm kontijiet xierqa u dokumentazzjoni oħra dwar ix-xogħol tagħha, u għandha tieħu ħsieb li tħejji dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet tal-Awtorità għandhom jiġu verifikati minn awditur jew awdituri nominati mill-Awtorità u approvati mill-Ministru:

Iżda l-Ministru reponsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jesiġi li l-kotba u l-kontijiet tal-Awtorità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jagħmel kull verifika fiżika u verifiki oħra li jidhirlu meħtieġa.

(3) L-Awtorità għandha, skont regolamenti pubblikati mill-Ministru, tara li kopja tad-dikjarazzjoni tal-kontijiet verifikati kif imiss tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awditur fuq dak il-prospett jew il-kontijiet tal-Awtorità.

(4) Il-Ministru għandu jieħu ħsieb li kopja ta' kull dikjarazzjoni u rapport bħal dawk jitqiegħdu quddiem il-Kamra kemm jista' jkun malajr.

Depożitu ta' dħul u ħlasijiet mill-Awtorità.

27. (1) Il-flejjes kollha miġbura mill-Awtorità għandhom jitqiegħdu f'bank jew f'banek maħtura bħala bankiera tal-Awtorità b'riżoluzzjoni tal-Awtorità. Dawk il-flejjes għandhom, safejn dan jista' jsir, jitħallsu f'dak il-bank minn ġurnata għall-oħra, ħlief dik is-somma li l-Awtorità tista' tawtorizza li tinżamm biex jitħallsu l-ispejjeż żgħar u l-ħlasijiet fil-pront.

(2) Il-ħlasijiet kollha mill-fondi tal-Awtorità, ħlief spejjeż żgħar li ma jaqbżux ammont stabbilit mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali tal-Awtorità li l-Awtorità tista' taħtar jew tinnomina għal dak il-għan.

(3) Ċekkijiet maħruġin fuq, u rtirar minn, kull kont tal-Awtorità fil-bank għandhom ikunu ffirmati minn dak l-uffiċjal tal-Awtorità li jista' jinħatar jew ikun nominat mill-Awtorità għal dak il-għan u għandhom ikunu kontrofirmati miċ-*Chairperson* jew minn dak il-membru jew uffiċjal ieħor tal-Awtorità skond ma jkun awtorizzat mill-Awtorità għal hekk.

(4) L-Awtorità għandha wkoll tipprovdi dwar -

(a) il-mod li bih jiġu awtorizzati jew approvati l-ħlasijiet, u l-uffiċjal jew l-uffiċjali li għandhom jawtorizzaw jew japprovaw il-ħlasijiet;

(b) it-titlu ta' kull kont fil-bank jew banek li għal ġo fihom għandhom jitħallsu l-flus tal-Awtorità, u t-trasferiment ta' fondi minn kont għall-ieħor;

(ċ) il-metodu li għandu jintuża fil-ħlasijiet mill-fondi tal-Awtorità, u b'mod ġenerali dwar kull ħaġa li għandha x'taqsam maż-żamma u l-kontroll xieraq tal-kontijiet u tal-kotba, u l-kontroll tal-finanzi, tal-Awtorità.

28. L-Awtorità ma għandhiex tagħti jew tidħol f'xi kuntratt għall-provvista ta' oġġetti jew materjali jew għat-twettiq ta' xogħlijiet, jew għall-għoti ta' servizzi, lill-Awtorità jew għall-benefiċċju tagħha, ħlief skont ir-regolamenti fis-seħħ dwar l-akkwist tal-oġġetti u servizzi fis-settur pubbliku. Kuntratti ta' provvista jew xogħlijiet.

29. L-Awtorità għandha, skont regolamenti magħmulin mill-Ministru, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun jittratta b'mod ġenerali dwar l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja u li jkun fih dak it-tagħrif dwar il-proċedimenti u l-linja tal-politika tal-Awtorità skont ma xi wieħed mill-Ministri msemmija jesiġi minn żmien għal żmien. Il-Ministru għandu jara li titqiegħed kopja ta' kull rapport bħal dan fuq il-Mejda tal-Kamra malajr kemm jista' jkun. Rapport annwali.

30. L-Awtorità għandha tkun ħielsa minn kull obbligu għall-ħlas ta' taxxa fuq id-dħul jew taxxa tal-boll li tkun fis-seħħ f'dak iż-żmien f'Malta. Eżenzjoni mit-taxxa.

2. Kumitati, Bordijiet u Fondi

31. Il-Ministru għandu jirreferi dawn li ġejjin lill-Kumitat Permanenti għall-Ippjanar u l-Ambjent: Kumitat Permanenti għall-Ippjanar u l-Ambjent.

(a) kull pjan li jitressaq quddiem il-Kamra tad-Deputati skont id-dispożizzjonijiet ta' dan l-Att. Il-Kumitat Permanenti għall-Ippjanar u l-Ambjent għandu jirrakkomanda lill-Kamra jekk dak il-pjan għandux jiġi approvat, approvat b'emendi jew skartat;

(b) l-Istrateġija dwar l-Ambjent u r-Rapport dwar l-Istat tal-Ambjent;

(ċ) kull rapport, pjan jew *policy* oħra skont ma l-Ministru jqis li hu meħtieġ.

Il-Fond dwar l-Ambjent u Fondi oħra.

32. (1) L-Awtorità għandha twaqqaf fond, li jkun magħruf bħala l-Fond għall-Ambjent.

(2) Il-Fond għall-Ambjent għandu jkun amministrat mill-Awtorità.

(3) Il-Fond għall-Ambjent għandu jintuża biex jiffinanzja proġetti, programmi u skemi relatati mal-għanijiet u l-objettivi ta' dan l-Att, spejjeż sabiex dawn l-għanijiet u objettivi jintlaħqu u jiġu ġestiti, studji, kif ukoll xogħlijiet li jistgħu jinħtieġu għal dak l-għan jew biex tiġi rimedjata ħsara kaġunata lill-ambjent, kif jista' jordna l-Ministru f'konsultazzjoni mal-Awtorità:

Iżda, bla ħsara għal dak li jingħad f'dan is-subartikolu, il-Fond għall-Ambjent m'għandux jintuża biex jiffinanzja spejjeż oħra tal-Awtorità:

Iżda wkoll l-Awtorità tista' titlob ħlas mill-Fond għall-Ambjent għal servizzi mogħtija minnha lill-istess Fond.

(4) Għandu jitħallas fil-Fond:

(a) kull ammont approprijat mill-Parlament għal dak il-għan;

(b) kull donazzjoni jew għotja magħmula lill-Fond għall-Ambjent minn individwi jew istituzzjonijiet;

(ċ) ammonti li l-Awtorità tirċevi bil-għan li jitqiegħdu fil-Fond għall-Ambjent;

(d) dawk l-ammonti jew flejjes oħra li jistgħu minn żmien għal żmien jiġu provduti minn, jew taħt, din il-liġi jew xi liġi jew regolamenti oħra:

Iżda l-Awtorità għandha tapplika s-salvagwardji rilevanti kollha biex tiżgura li t-twettiq ta' dan is-subartikolu ma jwassal għal ebda kunflitt ta' interessi reali jew perċepit fil-qadi tal-funzjonijiet regolatorji tagħha, u lanqas ma jtebba' l-fama tagħha jew il-fiduċja pubblika fiha. Dawn is-salvagwardji għandhom jinkludu, fost oħrajn u skont kif jitqies bħala l-aktar rilevanti:

(a) separazzjoni funzjonali u operattiva xierqa;

(b) barrikati amministrattivi interni; u

(ċ) rifjut ta' donazzjonijiet jew għotjiet offruti lilha, finanzjarjament jew xort'oħra, li jistgħu jintroduċu kunflitt ta'

interessi probabbli jew prevedibbli.

(5) Il-Fond għall-Ambjent għandu jżomm kont kif dovut tad-dħul u l-infiq tiegħu u l-Awtorità għandha, mingħajr preġudizzju għall-poteri tal-Awditur Ġenerali u tal-Ministru responsabbli għall-finanzi taħt kull liġi, ta' kull sena tara li l-kontijiet tal-Fond għall-Ambjent jiġu verifikati minn awdituri u *accountants* kwalifikati kif imiss u maħturin minnha bi ftehim mal-Ministru.

(6) Il-Fond għall-Ambjent għandu ta' kull sena finanzjarja jibgħat lill-Ministru, permezz tal-Awtorità, kopja tal-karta tal-bilanċ tiegħu verifikata kif imiss, flimkien ma' rapport dwar l-attivitajiet tiegħu matul is-sena finanzjarja preċedenti. Il-Ministru għandu jqiegħed kopja tal-karta tal-bilanċ u tar-rapport fuq il-Mejda tal-Kamra fi żmien xahar minn meta jirċevih mill-Awtorità.

(7) Id-dħul tal-Fond għall-Ambjent ma jkun soġġett għal ebda taxxa taħt l-Att dwar it-Taxxa fuq l-*Income*, u l-Fond għall-Ambjent Kap. 123.
m'għandu jeħel ebda taxxa taħt l-Att dwar it-Taxxa fuq Dokumenti u Kap. 364.
Trasferimenti.

(8) Il-Ministru jista', wara li jikkonsulta lill-Awtorità, jagħmel regolamenti li jistabbilixxu l-proċedura li għandha tiġi segwita mill-Awtorità u li b'xi mod ieħor jirregolaw l-istess Fond.

(9) L-Awtorità tista' twaqqaf fondi oħra u tordna x'għandu jitħallas għal ġo fihom u kif dawn il-fondi għandhom jiġu amministrati u użati. Id-dispożizzjonijiet tas-subartikoli (4), (5), (6), (7) u (8) għandhom jgħoddu *mutatis mutandis* għal dawn il-fondi oħra.

33. (1) Għandu ikun hemm Bord ta' Reġistrazzjoni li l-funzjoni tiegħu għandha tkun li jqis l-applikazzjonijiet għar-reġistrazzjoni fir-Reġistru tal-Konsulenti eliġibbli biex iwettqu valutazzjonijiet, verifiki, monitoraġġ u studji ambjentali kif meħtieġ mill-Awtorità. Il-Bord ta' Reġistrazzjoni.

(2) Il-Bord għandu jkun magħmul minn mhux inqas minn tliet membri u mhux aktar minn ħames membri, maħturin mill-Ministru, li wieħed minnhom għandu jinħatar biex jippresjedi l-Bord.

(3) Il-membri tal-Bord għandhom ikunu membri indipendenti li ma jkunux involuti b'xi mod fit-tħejjija ta' valutazzjonijiet ambjentali jew oħrajn li jaqgħu taħt il-ġurisdizzjoni tal-Bord.

(4) Il-Bord għandu jitlob l-opinjoni tal-Awtorità, li għandha tagħmel riferenza xierqa għan-normi u r-regolamenti applikabbli dwar il-kwalità tal-valutazzjonijiet u l-informazzjoni ambjentali

marbuta magħhom kif meħtieġa mill-Awtorità biex taqdi l-funzjoni tagħha, imbagħad iqis l-applikazzjonijiet għal dawk ir-reġistrazzjonijiet u japprova dawk li jissoddisfaw ir-rekwiżiti għar-reġistrazzjoni. Il-Bord għandu jagħti r-raġunijiet għad-deċiżjonijiet tiegħu.

(5) Id-deċiżjoni tal-Bord li jagħti jew li jiċħad applikazzjoni għar-reġistrazzjoni fir-Reġistru miżmum mill-Awtorità għandha tkun notifikata bil-miktub lill-applikant mingħajr dewmien.

(6) Il-Bord jista' jordna lill-Awtorità taġġorna r-Reġistru kull tant żmien kif jidhirlu xieraq, billi jiddaħħlu oqsma oħra fir-Reġistru, ġaladarba dawk l-oqsma jistgħu jkunu evolvew fil-frattemp.

(7) Id-deċiżjonijiet tal-Bord jkunu finali. Jista' jsir appell lit-Tribunal biss għar-raġunijiet li l-Bord ikun, fid-deċiżjoni tiegħu, applika b'mod żbaljat id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin taħtu, jew li d-deċiżjoni tal-Bord tkun tikkostitwixxi abbuż ta' diskrezzjoni jew li din tkun manifestament inġusta, u mingħajr preġudizzju għal dak li ssemma qabel, id-diskrezzjoni tal-Bord ma tistax, sakemm tkun ġiet eżerċitata b'mod xieraq, tiġi dubitata mit-Tribunal. Appell minn deċiżjoni parzjali tal-Bord jista' jiġi ppreżentat biss flimkien ma' appell mid-deċiżjoni finali tal-Bord.

(8) Id-deċiżjoni tal-Bord għandha tkun vinkolanti jekk tkun appoġġata mill-opinjoni tal-maġġoranza tal-membri tiegħu, u l-membru jew membri li ma jaqblux, jekk ikun hemm, jistgħu jesprimu l-opinjoni tagħhom separatament; u d-deċiżjonijiet kollha tal-Bord għandhom ikunu mogħtija fil-pubbliku u għandhom jiġu pubblikati kemm jista' jkun malajr wara s-seduta li fiha jkunu mogħtija.

(9) Il-Ministru jista', wara konsultazzjoni mal-Bord, jagħmel regolamenti sabiex jagħti effett aħjar għad-dispożizzjonijiet ta' dan l-artikolu u, mingħajr preġudizzju għall-ġeneralità ta' dak li ssemma hawn qabel, huwa jista':

(a) jistabbilixxi l-kriterji li l-applikanti huma mistennija li jissodisfaw sabiex jikkwalifikaw għar-reġistrazzjoni;

(b) jistabbilixxi l-proċedura li għandha tiġi segwita mill-Bord;

(ċ) jippreskrivi tariffa ta' miżati għar-reġistrazzjoni mal-Bord.

Setgħat tal-Bord ta' Reġistrazzjoni.

34. (1) Il-Bord ta' Reġistrazzjoni jista', minn jeddu jew fuq talba tal-Awtorità, jikkanċella kwalunkwe ċertifikat mogħti skont id-

dispożizzjonijiet tal-artikolu 33 jew jirrifjuta kwalunkwe applikazzjoni għal tiġdid tar-reġistrazzjoni, meta d-detentur ta' dak iċ-ċertifikat:

(a) jinstab ħati minn qorti ta' ġurisdizzjoni kriminali ta' reat li jkun sar permezz ta' frodi, korruzzjoni, dikjarazzjoni falza, imprudenza, traskuraġni, nuqqas ta' ħila fl-arti jew professjoni, jew nuqqas ta' osservanza ta' regolamenti; jew

(b) jinstab ħati minn qorti ta' ġurisdizzjoni kriminali ta' xi reat taħt id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin taħtu; jew

(ċ) fl-opinjoni tal-Awtorità u l-Bord, ikun ippreżenta xogħol ta' kwalità skadenti jew intenzjonalment qarrieqi bħala parti minn valutazzjoni ambjentali ; jew

(d) ikun ipparteċipa fil-preparazzjoni ta' valutazzjoni ambjentali fi rwol ta' konsulent meta ma kienx reġistrat fir-Reġistru; jew

(e) kien il-benefiċjarju ta' ċertifikat maħruġ taħt id-dispożizzjonijiet tal-artikolu 33 abbażi ta' informazzjoni li tkun falza jew qarrieqa, jew

(f) jonqos milli jħallas il-miżata annwali għat-tiġdid tar-reġistrazzjoni.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), il-Bord jista' jagħżel is-sospensjoni, minflok il-kanċellazzjoni taċ-ċertifikat, fiċ-ċirkostanzi speċifikati fis-subartikolu (1)(d) u (f).

(3) Minkejja d-dispożizzjonijiet tas-subartikolu (1), jekk persuna tipparteċipa fi rwol ta' konsulent fil-preparazzjoni ta' valutazzjoni ambjentali mingħajr ma tkun reġistrata fir-Reġistru, għandha sussegwentement tiġi miżmuma milli tirreġistra jew tipparteċipa f'xi valutazzjonijiet f'Malta għal tul ta' żmien li għandu jiġi deċiż mill-Bord u li f'ebda każ m'għandu jkun inqas minn tliet snin.

3. Dispożizzjonijiet Komuni

Membri tal-Awtorità, eċċ., għandhom jitqiesu bħala uffiċjali pubbliċi għal ċerti finijiet. Kap. 9.

35. (1) Għall-finijiet tal-Kodiċi Kriminali u ta' kull dispożizzjoni ta' natura penali f'kull liġi oħra, il-membri tal-Awtorità u ta' kull kumitat, bord, jew korp jew uffiċċju ieħor imwaqqaf b'dan l-Att, u kull uffiċjal tagħhom, għandu jitqies, u jiġi trattat, bħala uffiċjal pubbliku.

(2) Il-membri u l-uffiċjali tal-Awtorità fil-qadi tal-funzjonijiet tagħhom taħt dan l-Att jew taħt kull liġi oħra amministrata mill-Awtorità, ma jkunu responsabbli għal ebda telf jew ħsara mġarrba minn xi persuna minħabba f'xi ħaġa magħmula, jew ommessa milli ssir, bonafidi fl-amministrazzjoni ta' dan l-Att jew ta' xi liġi oħra.

Konsultazzjonijiet.

36. L-Awtorità, kif ukoll kull kumitat jew bord, tista' jikkonsulta ma' kwalunkwe uffiċjal tal-Awtorità jew persuna jew enti ieħor li l-parir tagħhom ikun meqjus bħala rilevanti għal xi materja li qed titqies mill-Awtorità. Dawn il-konsultazzjonijiet għandhom ikunu debitament reġistrati.

Dikjarazzjoni ta' assi, kodiċi ta' kondotta u pubblikazzjoni tal-ismijiet.

37. (1) Kull membru tal-Awtorità u kull uffiċjal ieħor tal-Awtorità kif stabbilit mill-Ministru fi proċeduri stabbiliti għal dan il-għan, għandu jagħmel dikjarazzjoni tal-assi tiegħu skont dawn il-proċeduri.

(2) Il-Ministru għandu, wara li jikkonsulta mal-Awtorità, iħejji, jippubblika u jirrevedi kodiċi dwar il-kondotta mistennija minn kull membru tal-Awtorità u ta' kull kumitat, bord jew korp ieħor imwaqqaf b'dan l-Att, u mill-uffiċjali tal-Awtorità, fil-qadi tal-funzjonijiet tal-Awtorità.

(3) Id-dispożizzjonijiet tal-kodiċi ta' kondotta għandhom jittieħdu f'kunsiderazzjoni meta jkun qed jiġi stabbilit jekk xi membru jew uffiċjal huwiex inadegwat biex jaqdi l-funzjonijiet tiegħu taħt dan l-Att jew inkella jekk it-terminu tal-ingaġġ tiegħu għandux jiġġedded.

(4) L-ismijiet tal-membri kollha tal-Awtorità, u ta' kull kumitat, bord jew korp ieħor imwaqqaf b'dan l-Att, u kull tibdil f'dawk il-membri, għandhom jiġu pubblikati fil-Gazzetta.

TAQSIMA IV

Trasferiment ta' Uffiċċjali u Assi lill-Awtorità

Trasferiment ta' uffiċjali u assi lill-Awtorità.

38. (1) L-uffiċjali, il-proprjetà u l-impenji li huma tal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar u li se jkunu trasferiti lil jew vestiti fl-Awtorità għandhom jiġu trasferiti lil u vestiti fl-Awtorità skond ir-regolamenti preskritti mill-Ministru.

(2) It-trasferiment u l-vestiment fl-Awtorità kif issemma hawn qabel għandu jestendi għat-totalità ta' dik il-proprjetà u impenji u, mingħajr preġudizzju għall-ġeneralità msemmija hawn qabel, għandu jinkludi l-impjanti, it-tagħmir, l-apparat, l-istrumenti, il-vetturi, il-bini, l-istrutturi, l-istallazzjonijiet, l-art, ix-xogħlijiet, il-ħażniet u l-proprjetà, l-assi mobbli u immobbli, is-setgħat, id-drittijiet u l-

privileġġi kollha u l-affarijiet kollha meħtieġa jew anċillari tagħhom li huma miżmuma jew gawduti in konnessjoni magħhom jew li jappartjeni lilhom, kif ukoll l-obbligi kollha li jaffettwaw jew li jirrigwardaw kwalunkwe mill-proprjetà jew impenji hawn fuq imsemmija jew xi ħaġa oħra inkluża fihom kif imsemmi hawn fuq.

Kostruzzjoni ta' liġijiet, eċċ.

39. Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-liġijiet, regoli, regolamenti, ordnijiet, sentenzi, digrieti, deċiżjonijiet atti, obbligi, kuntratti, ftehim, strumenti, dokumenti, mandati u arranġamenti oħra kollha, eżistenti immedjatament qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att li jaffettwaw jew li jirrigwardaw kwalunkwe mill-proprjetajiet jew impenji trasferiti lill-Awtorità permezz ta', jew taħt, dan l-Att u li fihom il-Gvern jew awtorità tal-gvern huwa parti tagħhom jew huwa msemmi fihom għandu jkollhom il-forza u l-effett sħiħ kontra jew favur tal-Awtorità, u għandhom ikunu infurzabbli liberament u effikaċement, daqslikieku minflok il-Gvern jew awtorità governattiva l-Awtorità tkun ġiet imsemmija fihom jew kienet imsieħba fihom minflok il-Gvern jew l-awtorità governattiva inkwistjoni.

Dispożizzjonijiet transitorji.

40. (1) Kull ħaġa li tolqot kwalunkwe mill-proprjetajiet jew impenji jew kwalunkwe jedd jew obbligu trasferit lill-Awtorità permezz ta' jew taħt dan l-Att, li tkun inbdiet minn jew taħt l-awtorità tal-Gvern jew l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att, tista' tkompli ssir u titlesta minn jew kif awtorizzat mill-Awtorità f'dik id-data jew wara.

(2) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenti u supplementari kif jidhirlu meħtieġa jew xierqa sabiex jistabbilixxi, kif dovut, l-assi trasferiti lill-Awtorità b'dan l-Att u jiżgura u jagħti effett sħiħ lit-trasferiment ta' kull proprjetà jew impenn jew lil kwalunkwe dritt jew obbligu lill-Awtorità b'dan l-Att u jagħmel dawk l-ordnijiet li jistgħu jkunu meħtieġa biex jagħmel kwalunkwe setgħat u dmirijiet eżerċitabbli mill-Gvern jew mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, fir-rigward ta' kwalunkwe mill-proprjetà jew impenji trasferiti, eżerċitabbli minn jew f'isem l-Awtorità.

TAQSIMA V

Ħarsien tal-Ambjent

1. Pjanijiet u *Policies*

Pjanijiet, *policies* u regolamenti.

41. Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, il-protezzjoni u l-ġestjoni effettiva tal-ambjent għandhom ikunu regolati minn pjanijiet, *policies* u regolamenti, li jitħejjew u jiġu

emendati minn żmien għal żmien skont id-dispożizzjonijiet ta' dan l-Att.

Talba mill-Ministru għall-Awtorità biex tħejji pjan jew *policy.*

42. (1) L-Awtorità għandha, sew minn jeddha iżda wara li tikkonsulta mal-Ministru, jew jekk tintalab mill-Ministru, tagħmel pjan jew *policy* dwar kull kwistjoni li tolqot l-ambjent.

(2) L-Awtorità tista' wkoll, sew minn jeddha iżda wara li tikkonsulta mal-Ministru, jew jekk tintalab mill-Ministru, tirrevedi pjan jew *policy* li hija diġà fis-seħħ.

(3) Il-Ministru għandu, meta jagħmel talba bħal din bil-miktub, jibgħat lill-Awtorità r-raġunijiet għaliex huwa jkun qed jagħmel dik it-talba flimkien ma' stqarrija tal-għanijiet u objettivi li għandhom jintlaħqu mill-pjan jew *policy* jew minn reviżjoni tal-pjan jew *policy.*

(4) It-tħejjija u r-reviżjoni tal-Istrateġija Nazzjonali għall-Ambjent għandhom ikunu regolati mid-dispożizzjonijiet tal-artikoli 45 sa 47, filwaqt li t-tħejjija jew ir-reviżjoni ta' xi pjan jew *policy* ieħor għandhom ikunu regolati mid-dispożizzjonijiet tal-artikolu 51:

Iżda l-Ministru jista', mingħajr preġudizzju għad-dispożizzjonijiet tal-artikoli 45 sa 47 u l-artikolu 51, jistabbilixxi xi proċedura addizzjonali li l-Awtorità għandha ssegwi, fosthom it-twettiq ta' valutazzjonijiet, u jista' wkoll iwettaq kull valutazzjoni u, jew konsultazzjonijiet inklużi konsultazzjonijiet pubbliċi, li jidhirlu meħtieġa.

(5) Jekk l-Awtorità, fuq talba mill-Ministru skont is-subartikolu (1), tinforma lill-Ministru, fi żmien tletin ġurnata mid-data li fiha tirċievi t-talba, illi ma tistax, għal xi raġuni, tħejji dak il-pjan jew *policy*, il-Ministru għandu jordna lill-Awtorità li tiddelega din il-funzjoni skont l-artikolu 9 għall-finijiet ta' dak il-pjan jew *policy* partikolari u, meta tagħmel dan, hija għandha tiżgura li jiġu osservati d-dispożizzjonijiet ta' din it-Taqsima.

Il-Ministru jista' jitlob lil kull persuna li tħejji pjan, *policy* jew reviżjoni tagħhom.

43. (1) Meta l-Awtorità ma tkunx tista' tħejji pjan jew *policy* jew tonqos milli tiddelega dik il-funzjoni skont l-artikolu 42(5), il-Ministru jista' jitlob lil kull persuna, inkluż xi enti tal-gvern għajr l-Awtorità, li tipprepara f'ismu pjan jew *policy* jew reviżjoni ta' dak il-pjan jew dik il-*policy.*

(2) Il-Ministru għandu jikkonsulta lill-Awtorità dwar it-termini ta' referenza li għandhom jiffurmaw il-bażi tat-tħejjija ta' pjan jew *policy* jew ta' reviżjoni ta' dak il-pjan jew *policy* mill-persuna msemmija. Il-Ministru għandu mbagħad jagħti t-termini ta' referenza relattivi lill-persuna msemmija u għandu jindikalha d-

dokumentazzjoni li għandha tiġi ppreżentata lill-Ministru meta jitħejja l-pjan, *policy* jew reviżjoni ta' dak il-pjan jew *policy*. Meta l-Ministru jirċievi din id-dokumentazzjoni, għandu jibgħat kopja tagħha lill-Awtorità.

(3) Il-Ministru għandu wkoll jitlob lill-persuna msemmija biex iżżomm mad-dispożizzjonijiet tat-Tieni Skeda. Għall-finijiet tal-paragrafi msemmija, l-espressjoni "l-Awtorità" għandha tinftiehem bħala riferenza għal dik il-persuna u dik il-persuna għandha tirrevedi, jekk ikun meħtieġ, il-pjan, il-*policy* jew ir-reviżjoni tagħhom wara li tqis il-kummenti li tkun irċeviet.

(4) Jekk l-Awtorità tkun qegħda taqbel ma' dak il-pjan, *policy* jew reviżjoni, għandha taddottah biex tippreżentah lill-Ministru għall-approvazzjoni tiegħu; u d-dispożizzjonijiet tat-Tieni Skeda għandhom jgħoddu *mutatis mutandis*.

(5) Jekk l-Awtorità ma taqbilx ma' dak il-pjan, *policy* jew reviżjoni tal-pjan jew *policy*, hija għandha tifformula stqarrija ta' pożizzjoni li tindika l-bidliet li għandhom isiru lill-pjan, *policy* jew reviżjoni tagħhom, u għandha tirreferi kemm il-pjan, *policy* jew reviżjoni kif ukoll l-istqarrija ta' pożizzjoni tagħha lill-Ministru; u d-dispożizzjonijiet tat-Tieni Skeda għandhom jgħoddu *mutatis mutandis*.

(6) Il-pjan, *policy* jew reviżjoni għandhom jitħejjew biss minn jew taħt id-direzzjoni ta' espert fl-ambjent li jkollu l-kwalifiki li l-Ministru jista' jistabbilixxi wara li jikkonsulta mal-Awtorità.

Valutazzjoni Ambjentali Strateġika u valutazzjonijiet oħra.

44. Mingħajr preġudizzju għas-setgħat tiegħu skont id-dispożizzjonijiet ta' dan l-Att, il-Ministru jista' jordna li l-Awtorità jew xi dipartiment, enti, korporazzjoni jew awtorità stabbilita bil-liġi li jissoġġettaw kull pjan, *policy* jew strateġija li addottaw, jew li beħsiebhom jaddottaw, għal Valutazzjoni Ambjentali Strateġika jew għal xi valutazzjoni oħra, u permezz ta' regolamenti jista' jistabbilixxi u jirregola l-proċeduri u l-metodi li għandhom ikunu segwiti f'tali valutazzjonijiet.

2. L-Istrateġija Nazzjonali għall-Ambjent

L-Istrateġija Nazzjonali għall-Ambjent u l-preparattivi għaliha u reviżjoni tagħha.

45. (1) Il-Ministru għandu jipprepara dokument ta' *policy* li jinkwadra l-Istrateġija Nazzjonali għall-Ambjent. Fit-tħejjija ta' dan id-dokument il-Ministru għandu jikkonsulta mal-entijiet kollha mwaqqfa taħt dan l-Att u dawk l-entitajiet l-oħra, kemm jekk pubbliċi jew xort'oħra, li l-Ministru jidhrulu xierqa. Ladarba lest, il-Ministru għandu jara li kopja ta' dan id-dokument jitqiegħed quddiem il-Kamra tad-Deputati u din għandha tiddedika seduta waħda biex tiddiskuti dan id-dokument.

(2) Il-Ministru għandu jirrevedi l-istrateġija msemmija kemm-il darba jkun meħtieġ, u fi kwalunkwe każ mhux inqas minn darba kull erba' snin:

Iżda l-ewwel Dokument ta' Strateġija għandu jitfassal fi żmien erbgħa u għoxrin xahar mid-dħul fis-seħħ ta' dan l-Att.

(3) L-Istrateġija Nazzjonali għall-Ambjent hija dokument ta' governanza strateġika li jistabbilixxi l-qafas ta' *policy* għall-preparazzjoni ta' pjanijiet, *policies* u programmi maħruġa taħt dan l-Att jew taħt xi Att ieħor għall-ħarsien u l-ġestjoni sostenibbli tal-ambjent, magħdudin ir-riżorsi tal-art u tal-baħar.

(4) Meta jkun qed iħejji jew jirrevedi l-Istrateġija Nazzjonali għall-Ambjent, il-Ministru għandu jqis -

(a) il-*policies* ambjentali u r-Rapport dwar l-Istat tal-Ambjent;

(b) il-*policies* ekonomiċi u finanzjarji tal-mument;

(ċ) il-*policies* soċjali kurrenti;

(d) il-*policies* tal-Gvern;

(e) il-kwistjonijiet ambjentali u l-interessi li għandhom rilevanza materjali għall-istrateġija;

(f) ir-riżorsi li aktarx ikun hemm fl-entijiet kollha rilevanti tal-Gvern biex l-istrateġija tiwettaq.

(5) Waqt it-tħejjija jew reviżjoni tal-Istrateġija Nazzjonali għall-Ambjent, il-Ministru għandu jgħarraf lill-pubbliku b'dawk il-materji li hemm il-ħsieb li jkunu kkunsidrati u għandu jagħti opportunità xierqa lill-individwi u organizzazzjonijiet biex iressqu l-kummenti tagħhom.

Pubblikazzjoni tal-Istrateġija Nazzjonali għall-Ambjent jew reviżjonijiet tagħha.

46. (1) Meta l-Istrateġija Nazzjonali għall-Ambjent jew reviżjoni tagħha titlesta, il-Ministru għandu jippubblika l-istrateġija flimkien ma' stqarrija tal-kummenti riċevuti u r-reazzjoni għal dawk il-kummenti.

(2) Il-kummenti dwar l-istrateġija għandhom isiru sat-tmiem ta' żmien speċifikat li mhux anqas minn sitt ġimgħat.

Kunsiderazzjoni finali u approvazzjoni ta' strateġija jew reviżjoni.

47. (1) Meta jkunu ngħalqu l-proċeduri stabbiliti mid-dispożizzjonijiet imsemmija fl-artikoli ta' qabel, l-Istrateġija Nazzjonali għall-Ambjent għandha tiġi kkunsidrata mill-Kabinett tal-

Ministri flimkien mal-istqarrija ta’ pożizzjoni tal-Ministru u l-kummenti li jkunu saru dwar l-istrateġija jew reviżjoni tagħha.

(2) Il-Ministru għandu mbagħad jara li l-Istrateġija Nazzjonali għall-Ambjent jew reviżjoni tagħha kif oriġinarjament imħejjija, jew kif riveduta, flimkien mal-istqarrija ta’ pożizzjoni tal-Ministru, jitqiegħdu quddiem il-Kamra flimkien ma’ mozzjoni għal riżoluzzjoni li l-Istrateġija Nazzjonali għall-Ambjent tiġi approvata mill-Kamra, b’dawk l-emendi, jekk ikun hemm, li jiġu speċifikati fir-riżoluzzjoni.

(3) L-Istrateġija Nazzjonali għall-Ambjent, u kull reviżjoni tagħha kif approvati mill-Kamra, jibdew iseħħu minn dik id-data li tista’ tiġi speċifikata għal dak il-għan mill-Ministru b’ordni fil-Gazzetta; u għall-finijiet ta’ dan l-Att, għajr għal dawk li għandhom x’jaqsmu mat-tħejjija, u kunsiderazzjoni u preżentazzjoni tal-Istrateġija Nazzjonali għall-Ambjent jew ir-reviżjoni tagħha, l-espressjoni "l-Istrateġija Nazzjonali għall-Ambjent" u kull riferenza għar-reviżjoni tagħha tfisser l-Istrateġija Nazzjonali għall-Ambjent, u kull reviżjoni tagħha, kif approvati mill-Kamra tad-Deputati.

3. Pjanijiet Sussidjarji u l-*Policy*

48. (1) Pjan sussidjarju huwa pjan li jittratta dwar *policy* ambjentali speċifika, jew dwar materja li tistabbilixxi l-ispeċifi dettaljati dwar kif għandha titwettaq. Pjanijiet sussidjarji.

(2) Pjan sussidjarju għandu jkun magħmul minn stqarrija bil-miktub megħjuna b’dokumenti, mapep u diagrammi skont ma jitqies li hu meħtieġ.

(3) Ħlief kif jingħad xort’oħra fil-pjan, pjan sussidjarju għandu jgħodd għal kull qasam rilevanti tal-ambjent u tal-Istrateġija Nazzjonali għall-Ambjent, sew jekk it-tali oqsma huma koperti minn pjan jew *policy* oħra u sew jekk le.

49. (1) Pjan sussidjarju jsir mill-Awtorità għal kull materja, suġġett, jew kull żona li jaqa’ fil-kompetenza tal-Awtorità u fejn l-Awtorità jidhrilha illi għandha tagħti attenzjoni partikolari biex tiġġestih aħjar jew fejn għandhom jitqiesu fatturi speċjali li nkella ma jkunux jistgħu jitqiesu. Pjanijiet sussidjarji.

(2) Dan il-pjan jista’ jinkludi dettalji dwar il-mezzi għat-twettiq u l-miżuri li huma meħtieġa sabiex jintlaħqu l-objettivi tal-pjan, u jistgħu jinkludu wkoll dispożizzjonijiet intiżi għall-infurzar ta’ tali mezzi, u f’dak il-każ id-dispożizzjonijiet għandhom jitqiesu bħala infurzabbli bl-istess mod bħal kull dispożizzjoni ta’ kull regolament magħmul taħt l-Att.

Policies jew pjanijiet oħra.

50. (1) Fejn l-Awtorità tqis li għall-ġestjoni u l-ħarsien xierqa u effikaċi tal-ambjent jew għall-ħarsien xieraq tal-art u l-baħar jinħtieġ li tħejji *policies*, pjanijiet jew gwidi aktar dettaljati minn dawk li diġà jinsabu f'xi pjan jew *policy*, l-Awtorità tista' tipprepara u taddotta dawk il-*policies*, pjanijiet jew gwidi li tqis xierqa, bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu.

(2) *Policies* jew pjanijiet bħal dawn għandhom ikunu f'forma li l-Awtorità tqis adatta għas-suġġett, u jistgħu jkunu sostnuti minn dokumenti, valutazzjonijiet ambjentali jew oħrajn, mapep, diagrammi, disinji u stampi skond ma l-Awtorità tqis li hu meħtieġ.

(3) Meta l-Awtorità taddotta *policies* jew pjanijiet (kemm jekk ikunu *policies* jew pjanijiet ġodda jew reviżjoni ta' *policy* jew pjan eżistenti), għandha tirreferiha lill-Ministru għall-approvazzjoni tiegħu, u l-proċeduri msemmija fit-Tieni Skeda għandhom jgħoddu *mutatis mutandis*.

Proċedura għall-pjan u *policies* sussidjarji.

51. Fit-tħejjija jew reviżjoni ta' pjan jew *policy* sussidjarju, għandha tiġi segwita l-proċedura stabbilita fit-Tieni Skeda.

Reviżjoni ta' pjan jew *policies* sussidjarji.

52. (1) Kull pjan jew *policy* sussidjarju għandu jiġi rivedut kemm-il darba jkun meħtieġ, jew meta tinqala' din l-esiġenza minħabba reviżjoni tal-Istrateġija Nazzjonali għall-Ambjent.

(2) Meta bħala riżultat tar-reviżjoni l-Awtorità tipproponi li jsir tibdil sinifikattiv fi pjan jew *policy*, jew meta jiġi propost li pjan jew *policy* jiġu rtirati, kull proposta bħal dik għandha tkun soġġetta għall-istess proċeduri bħal, u tiġi trattata bħala, pjan jew *policy* ġdid.

4. Regolamenti u Ordnijiet

Setgħa li jsiru regolamenti tinkludi setgħa li jiġu revokati, eċċ.
Kap. 249.

53. Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 6 tal-Att dwar l-Interpretazzjoni, kull setgħa mogħtija b'dan l-Att biex isiru regolamenti, regoli, ordnijiet, listi, skedi u strumenti oħra bħalhom, tinkludi s-setgħa li minn żmien għal żmien kull strument bħal dak imsemmi jitħassar, jiġi sostitwit, jiġi emendat, jinbidel jew isirulu żidiet.

Setgħa li jsiru regolamenti.

54. (1) Il-Ministru jista', filwaqt li jaġixxi skont id-dispożizzjonijiet tal-artikolu 55, jagħmel regolamenti għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att u b'mod partikolari jista' permezz ta' dawk ir-regolamenti jaħtar lill-Awtorità jew lil xi persuna jew korp biex tkun l-awtorità kompetenti għall-finijiet ta' kull obbligu internazzjonali li Malta tista' tkun imsieħba fih.

(2) Mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet tas-subartikolu (1), dawk ir-regolamenti jistgħu, b'mod partikolari:

(a) jistabbilixxu l-ħlasijiet u prezzijiet li jistgħu jinġabru mill-Awtorità għal servizzi li tagħti taħt dan l-Att, jew għal kwalunkwe ħaġa li għaliha huwa meqjus li għandu jkun hemm ħlas;

(b) jipprovdu għall-proċedura li għandha tiġi segwita mill-Awtorità, mill-applikant u minn partijiet oħra rilevanti qabel u wara li ssir xi applikazzjoni għal awtorizzazzjoni taħt dan l-Att, jew inkella xi applikazzjoni li tkun tinvolvi xi valutazzjoni taħt dan l-Att; kif ukoll il-proċeduri għal *inter alia* reklamar, komunikazzjoni, verifikar u tgħarbil ta', u konsultazzjonijiet, rappreżentazzjonijiet u teħid ta' deċiżjonijiet dwar, l-imsemmija applikazzjoni jew valutazzjoni, kif ukoll il-kundizzjonijiet ġenerali dwar meta għal xi attività li teħtieġ awtorizzazzjoni jew valutazzjoni taħt dan l-Att l-Awtorità tista' tesiġi li jingħataw garanziji finanzjarji jew oħrajn jew li tiġi provduta assigurazzjoni, sabiex:

(i) tipprevjeni, tiskoraġġixxi, ittaffi jew tirrimedja ħsara lill-ambjent jew taħsir tal-kwalità ambjentali;

(ii) tpatti għal xi dannu li jista' jiġi kaġunat lill-ambjent; u

(iii) tassigura l-osservanza ta' kull impenn magħmul lejn titjib ambjentali jew lejn benefiċċji ambjentali;

(ċ) jipprovdu għal kwalunkwe aspett li għandu x'jaqsam mal-kundizzjonijiet li jistgħu jiġu imposti b'rabta ma' xi awtorizzazzjoni li nħarġet taħt dan l-Att jew inkella li kienet tinvolvi xi valutazzjoni taħt dan l-Att, inklużi kull fejn huma applikabbli kull għotja, tiġdid, trasferiment, sospensjoni, tħassir u dewmien fis-seħħ, il-mod kif għandhom isiru s-sottomissjonijiet u l-applikazzjonijiet, il-kontenut u l-forma ta' tali applikazzjonijiet u sottomissjonijiet u kif dawn jistgħu jintlaqgħu, ikunu miċħuda, jiġġeddu jew jiġu trasferiti, it-tariffi li għandhom jitħallsu u l-mod ta' kif it-tiġdid jew it-trasferimenti tagħhom għandhom iisiru;

(d) jistabbilixxu liema tip ta' informazzjoni miżmuma mill-Awtorità jew inkella li taqa' taħt l-ambitu ta' dan l-Att għandha tkun aċċessibbli għall-pubbliku kif ukoll jistabbilixxu l-proċedura dwar l-aċċess għaliha u l-ħlasijiet dovuti biex jinkisbu kopji ta' tali informazzjoni;

(e) jagħtu seħħ għal kwalunkwe trattat jew strument internazzjonali li jkollu x'jaqsam ma' xi ħaġa regolata b'dan l-Att, inklużi direttivi, regolamenti u deċiżjonijiet, li Malta tista' minn żmien għal żmien tkun imsieħba fihom jew soġġetta għalihom, u biex iwaqqfu strutturi u jagħmlu dispożizzjonijiet oħra dwar it-twettiq tagħhom;

(f) jistabilixxu u jikkordinaw sistemi ta' kontroll tal-kwalità ambjentali u jagħmlu dispożizzjonijiet biex ikunu jistgħu jsiru valutazzjonijiet tal-impatti u r-riskji ambjentali minn stabbiliment ġodda jew diġà eżistenti kif ukoll biex jipprovdu għall-prevenzjoni effikaċi u r-rimedjar tal-ħsara ambjentali;

(g) jipprovdu għall-ġbir, l-ipproċessar, l-ipparagunar, il-ġestjoni u l-interpretazzjoni ta' *data* li għandha x'taqsam mal-ambjent u jipprovdu wkoll li dawk il-persuni li jwettqu attivitajiet li jistgħu jolqtu l-ambjent kif jista' jiġi preskritt, jagħtu dik l-informazzjoni u *data* lill-Awtorità fuq bażi regolari jew b'mod ieħor hekk kif jista' jiġi preskritt sabiex l-Awtorità tkun tista' tissorvelja u tissalvagwardja l-kwalità tal-ambjent;

(h) jistabbilixxu l-metodi jew il-parametri li għandhom jintużaw fil-monitoraġġ tal-ambjent;

(i) jistabbilixxu, b'kollaborazzjoni mad-Dipartiment għall-Protezzjoni Ċivili jew ma' xi enti pubbliku ieħor rilevanti, iċ-ċirkostanzi li taħthom tista' tiġi dikjarata emerġenza ambjentali, u l-effett li dik id-dikjarazzjoni jista' jkollha fuq xi attività li tkun teħtieġ awtorizzazzjoni taħt dan l-Att;

(j) jistabbilixxu objettivi, joħorġu direttivi u jistabilixxu kodiċi ta' prattika, ilkoll b'rabta mal-ambjent, mar-riduzzjoni, l-użu mill-ġdid, l-irkuprar, it-trattament, il-ħżin u t-tneħħija ta' kull materjal kif jista' jiġi preskritt, u ma' kull attività tal-bniedem li tolqot l-ambjent, u dawk ir-regolamenti jistgħu b'mod partikolari:

(i) jifformulaw objettivi li jistipulaw f'termini kwantitattivi u kwalitattivi, l-għanijiet li għandhom jintlaħqu fl-isforzi biex jiġi kontrollat l-ambjent;

(ii) jagħtu direttivi dwar użi tal-ambjent kif jista' jiġi preskritt;

(iii) jistabilixxu l-ogħla kwantitajiet jew konċentrazzjonijiet ta' rimi jew emissjonijiet, jew l-użu ta'

dawk is-sustanzi kif jista' jiġi preskritt filwaqt li jkunu qed isiru xogħlijiet, ħidmiet jew attivitajiet ta' kull xorta u jiżguraw l-infurzar u s-sorveljar ta' dawk in-normi; u

(iv) jistabilixxu kodiċi ta' prattika li jirregolaw proċeduri, metodi, limiti ta' rimi u emissjonijiet ta' sustanzi li jgħoddu għal xogħlijiet u attivitajiet kif jista' jiġi preskritt sew dwar iż-żmien meta dawk ix-xogħlijiet u attivitajiet ikunu qegħdin isiru kif ukoll dwar il-waqt meta x-xogħlijiet u l-attivitajiet ikunu tlestew;

(k) b'rabta mal-kontroll u l-prevenzjoni tat-tniġġis u l-kwalità ambjentali:

(i) jistabilixxu sistemi li jiżguraw tali prevenzjoni u kontroll;

(ii) jordnaw miżuri ta' kontroll, jipprevjenu, jiġġestixxu, inaqqsu jew jirrimedjaw it-tniġġis u d-degradazzjoni tal-ambjent;

(iii) jikkontrollaw iż-żamma, il-ġestjoni, il-kummerċ jew l-użu ta' sustanzi u attivitajiet oħra li jistgħu jikkaġunaw jew jiffaċilitaw it-tniġġis u d-degradazzjoni tal-ambjent;

(iv) jistabbilixxu normi, inklużi l-ogħla livelli permessi f'termini kwantitattivi jew kwalitattivi, ta' rimi u emissjoni fl-ambjent ta' kull materjal, sustanzi u disturbi u għar-rigward tal-użu ta' xi teknoloġija, tagħmir, materja, sustanza, metodu jew proċedura marbutin magħhom;

(v) jistabilixxu metodoloġiji li għandhom jintużaw fis-sorveljar ta' rimi u emissjonijiet fl-ambjent u biex jirregolaw l-użu ta' informazzjoni miġbura waqt dak is-sorveljar;

(vi) jipprevjenu, jikkontrollaw, inaqqsu, itaffu, jirrimedjaw jew b'xi mod ieħor jiġġestixxu sitwazzjonijiet li jistgħu jwasslu għal xi emerġenzi ambjentali u jipprevjenu, jikkontrollaw, inaqqsu, itaffu, jirrimedjaw jew b'xi mod ieħor jiġġestixxu kull effett ħażin fuq l-ambjent li jirriżulta minnhom;

(l) b'rabta mal-ġestjoni tal-iskart:

(i) jikklassifikaw l-iskart u jistabbilixxu regoli dwaru skont it-tip u l-kategorija tiegħu;

(ii) jirregolaw il-ġestjoni, ir-riċiklaġġ u l-iżmaltiment tiegħu;

(iii) jistabbilixxu kwoti, f'termini kwantitattivi u kwalitattivi, ta' kemm jista' jitħalla jinħoloq skart, kif ukoll li jipprovdu b'xi mod ieħor għall-prevenzjoni u t-tnaqqis tal-iskart;

(iv) jipprovdu għar-reġistrazzjoni, kontroll u, jew, liċenzjar ta' operati għall-ġestjoni tal-iskart;

(m) b'rabta mal-ħarsien ta' biodiversità u karatteristiċi naturali oħra:

(i) jipprovdu għas-sorveljar, il-valutazzjoni, il-ġestjoni, il-konservazzjoni u l-protezzjoni tagħhom;

(ii) jiddikjaraw kwalunkwe speċi, ekosistema jew karatteristika bħala protetta u jistabbilixxu regoli għall-kontroll, protezzjoni, ġestjoni, introduzzjoni mill-ġdid tagħha u, jew ir-ritorn tagħha fl-ambjent naturali;

(iii) jiddikjaraw xi speċi bħala waħda invażiva, u jistabbilixxu regoli għall-valutazzjoni, monitoraġġ, kontroll u, jew qrid tagħha kif ukoll mekkaniżmi oħra ta' prevenzjoni u ġestjoni sabiex jikkontrollaw l-introduzzjoni u t-tixrid ta' speċi bħal dawn;

(iv) jirregolaw it-teħid, l-isfruttament u l-użu ieħor ta' kampjuni jew eżemplari ta' fawna, flora u, jew karatteristiċi naturali; u b'mod partikolari jipprojbixxu u, jew, jikkontrollaw il-pussess, il-kollezzjoni, il-wiri, it-trasport, il-kummerċ, it-tkattir jew it-tnissil u t-trobbija kontrollata ta' dawk il-kampjuni jew eżemplari kif jista' jiġi prrskritt;

(v) jipprovdu għall-konservazzjoni, protezzjoni u ġestjoni ta' siti protetti, ambjenti partikolari jew kategoriji tagħhom, u karatteristiċi naturali oħra sabiex titħares id-diversità bioloġika;

(vi) jiddikjaraw żoni jew siti fuq l-art jew fl-ibħra interni jew territorjali, jew 'l hinn mill-ibħra fejn Malta jista' jkollha ġurisdizzjoni għall-fini tal-ħarsien u l-kontroll tal-ambjent, bħala żoni protetti u jipprovdu għall-protezzjoni tagħhom u biex jirregolaw il-ġestjoni tagħhom;

(vii) jikkontrollaw u jirregolaw kull attività li tista'

tinterferixxi mal-istat ta' ħarsien tad-diversità bioloġika;

(viii) jirregolaw il-kummerċ u l-ġarr minn post għall-ieħor, l-importazzjoni jew esportazzjoni ta' kampjuni jew eżemplari ta' flora, fawna u karatteristiċi naturali oħra kif jista' jiġi preskritt;

(ix) jiddikjaraw mezzi ipprojbiti ta' qbid, isfruttament u qtil ta' speċi jew kampjuni u jipprovdu regoli għall-monitoraġġ u l-kontroll tagħhom;

(x) jirregolaw l-aċċess għar-riżorsi ġenetiċi u l-qsim tal-benefiċċji tagħhom;

(xi) jipprovdu miżuri għall-konservazzjoni, protezzjoni, il-ġestjoni u r-regolamentazzjoni ta' karatteristiċi ġeoloġiċi, ġeomorfoloġiċi, idroloġiċi, tal-ħamrija u oħrajn u ta' żoni li jikkontjenuhom;

(xii) jipprovdu miżuri għall-protezzjoni, il-ġestjoni u l-konservazzjoni ta' pajsaġġi, karatteristiċi tal-pajsaġġ u d-diversità tal-pajsaġġ;

(xiii) jipprovdu miżuri għall-prevenzjoni, il-ġestjoni u l-kontroll ta' deżertifikazzjoni, id-degradazzjoni tal-art u l-ħsara lil jew deterjorament ta' karatteristiċi naturali;

(n) jikkontrollaw, jiġġestixxu u jirregolaw it-trasport, l-introduzzjoni, l-użu (inkluż l-użu mrażżan) jew ir-rilaxx ta' organiżmi ġenetikament modifikati jew it-tqegħid tagħhom fis-suq jew fl-ambjent;

(o) b'rabta ma' valutazzjonijiet, verifiki u monitoraġġ ambjentali:

(i) jipprovdu għat-twettiq ta' valutazzjonijiet ambjentali, tgħarbil, verifiki u monitoraġġ, għar-reviżjoni ta' sottomissjonijiet, rapporti u dokumentazzjoni anċillari, u għat-tgħarbil u l-valutazzjoni ta' kwalunkwe attività jew żvilupp li jista' jaffettwa l-ambjent;

(ii) jirregolaw il-proċeduri li għandhom jiġu segwiti, u jesiġu li kwalunkwe persuna twettaq jew tikkummissjona u tissottometti lill-Awtorità kwalunkwe studju, investigazzjoni teknika, valutazzjoni, verifika, monitoraġġ, rapport jew dokumentazzjoni kif jista' jkun meqjus xieraq; u

(iii) jipprovdu għall-formulazzjoni ta' pjanijiet u miżuri sabiex jipprevjenu, jiskoraġġixxu, inaqqsu, itaffu, ipaċu, jew jirrimedjaw kwalunkwe effett ħażin fuq l-ambjent u riskju ambjentali;

(p) b'rabta mal-funzjonijiet tal-Awtorità inkluż monitoraġġ, osservanza u infurzar:

(i) wara konsultazzjoni mal-Awtorità, jagħmlu regolamenti biex jagħtu effett aħjar lid-dispożizzjonijiet tal-artikolu 75(1)(a);

(ii) jawtorizzaw u jirregolaw l-ikklampjar, l-irmonk, it-tneħħija, is-sekwestru, il-konfiska, il-qbid u l-ħżin mill-Awtorità ta' kull oġġett użat għal jew b'rabta ma' xi ħaġa li tikser id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolament magħmul taħtu;

(iii) jeħilsu lill-Awtorità minn kull responsabbiltà għal danni, għajr responsabbiltà dovuta għal negliġenza kbira, imġarrba b'rabta mal-qadi ta' dmirijietha skont l-imsemmija regolamenti;

(iv) jipprovdu għat-tneħħija ta' oġġetti mingħajr responsabbiltà, meta l-imsemmija oġġetti ma jitteħdux lura minn sidhom fiż-żmien li jista' jiġi stabbilit;

(v) jistabilixxu ħlasijiet pagabbli lill-Awtorità għat-tneħħija ta' xi morsa, għall-irmonk, għall-ħżin ta' oġġetti u għall-bejgħ b'irkant jew tneħħija tal-imsemmija oġġetti b'xi mod ieħor;

(vi) jistabbilixxu ċ-ċirkostanzi meta l-oġġetti jkunu jistgħu jiġu konfiskati u jistabbilixxu l-proċedura relattiva għall-konfiska u għat-tneħħija tagħhom;

(vii) jippreskrivu r-rijabilitazzjoni tas-sit jew tas-sitwazzjoni għall-istat oriġinali;

(viii) jistabbilixxu reati u l-pieni relattivi b'rabta mal-ħwejjeġ li jissemmew fis-subparagrafi (i) sa (vii), basta l-pieni ma jkunux ogħla minn multa massima ta' mitejn u ħamsin elf euro (€250,000):

Kap. 9.
Kap. 446.

Iżda l-artikolu 21 tal-Kodiċi Kriminali u d-dispożizzjonijiet tal-Att dwar il-*Probation* ma għandhomx jgħoddu għal ebda reat stabbilit taħt dan il-paragrafu;

(q) jemendaw, jissostitwixxu, iżidu jew b'xi mod ieħor jibdlu xi ħaġa li tinsab fl-Iskedi;

(r) jipprovdu għal kull għan ieħor li għalih hemm awtorizzazzjoni jew ħtieġa li jsiru regolamenti minn xi ħadd ieħor għajr l-Awtorità;

(s) jipprrskrivu l-forma ta' kwalunkwe avviż, ordni jew dokument ieħor li dan l-Att jawtorizza jew jesiġi li jsir, jiġi sottomess, jiġi notifikat jew jingħata;

(t) jirregolaw kif kull avviż jew komunikazzjoni lill-Awtorità jew mill-Awtorità, li skont dan l-Att għandu jkun bil-miktub, jista' jsir jew jiġi sottomess f'forma elettronika;

(u) jipprovdu li kull min jaġixxi b'kontravvenzjoni ta' xi regolament taħt dan l-Att ikun ħati ta' reat kontra dan l-artikolu, u jistabilixxu dik il-piena, li ma tkunx iktar minn multa ta' mitejn u ħamsin elf euro (€250,000) jew priġunerija għal żmien li mhux iktar minn sentejn, jew dik il-multa u priġunerija flimkien, li kull min jinsab hekk ħati jista' jeħel:

Iżda dawk ir-regolamenti jistgħu jipprovdu li persuna, li wara li tkun ingħatat sentenza għal reat kontra l-istess regolament b'deċiżjoni li tkun għaddiet f'ġudikat, terġa' tagħmel reat ieħor bi ksur tal-istess regolament fi żmien li jista' jiġi stabbilit, tista' teħel multa ogħla, li ma tkunx aktar minn darbtejn daqs il-multa li kieku kienet teħel, u għall-fini ta' din id-dispożizzjoni l-ogħla multa li tista' tiġi stabbilita b'dawk ir-regolamenti għandha tkun dik ta' ħames mitt elf euro (€500,000):

Iżda wkoll, dik il-multa għandha f'kull każ tkun dovuta lill-Awtorità bħala dejn ċivili, u meta l-persuna ħatja tar-reat tkun direttur, segretarju, jew diriġent ta' persuna ġuridika li r-reat ikun sar għall-benefiċċju ekonomiku tagħha, dik il-persuna ġuridika għandha tkun responsabbli solidalment mal-ħati għall-ħlas ta' dak id-dejn ċivili;

(v) jintroduċu miżuri dwar ir-responsabbiltà li għandha tinġarr minn kwalunkwe individwu li għandu jitqies responsabbli, bi kwalunkwe mod, għal kwalunkwe azzjoni li tista' tikkawża ħsara ambjentali. Dawn ir-regolamenti jistgħu jinkludu wkoll miżuri relatati mal-prevenzjoni u r-rimedjar ta' ħsara ambjentali bħal din;

(w) jipprovdu għall-egħmil ta' kull depożitu jew l-għoti

ta’ kwalunkwe garanzija sabiex ikun żgurat it-twettiq ta’ kull obbligu minn kwalunkwe persuna skont ma jkun ġie impost bħala kundizzjoni ta’ xi permess, awtorizzazzjoni jew liċenza taħt dan l-Att;

(x) jistabbilixxu l-proċeduri li għandhom jiġu addottati dwar is-sikurezza u l-ħarsien tal-ambjent b’rabta ma’ kull materja regolata minn dan l-Att, inkluża kwalunkwe regola li għandha x’taqsam mar-responsabbiltà li għandha ġġorr persuna li tikkawża ħsara lill-ambjent bħala riżultat ta’ kwalunkwe attività li tkun twettqet minn dik il-persuna u li tkun regolata minn jew taħt dan l-Att;

(y) jagħmlu provvedimenti dwar pjan ta’ kontinġenza f’każ ta’ xi kriżi marbuta ma’ xi ħaġa regolata minn dan l-Att;

(z) jipprovdu għal reati u multi amministrattivi, inklużi arranġamenti għal ftehim barra l-qorti;

(aa) jipprovdu għal strumenti u skemi ekonomiċi li jippromovu imġieba ambjentali pożittiva;

(bb) jagħmlu provvedimenti dwar il-kollaborazzjoni ma’ awtoritajiet oħra u dwar ir-relazzjonijiet bejn l-Awtorità u awtoritajiet pubbliċi oħra inklużi konsultazzjonijiet, għoti ta’ informazzjoni u kwalunkwe kwistjoni oħra ta’ interess reċiproku;

(ċċ) jipprovdu li tiġi preskritta xi ħaġa li tista’, jew li għandha, tiġi preskritta minn dan l-Att.

(3) Minkejja d-dispożizzjonijiet l-oħra ta’ dan l-Att u ta’ kull liġi oħra, l-Awtorità tirriserva d-dritt li tippubblika ċertu Skedi li jkunu jinsabu ma’ regolamenti magħmula taħt dan l-Att bl-ilsien Malti biss, bl-ilsien Ingliż biss jew bit-tnejn.

Proċedura għall-għemil ta’ regolamenti.

55. (1) Regolamenti taħt dan l-Att għandhom isiru mill-Ministru wara konsultazzjoni mal-Awtorità u, ħlief għal regolamenti taħt l-artikolu 54(2)(a), (b) u (u), u fil-każijiet imsemmija fis-subartikolu (2), dawn m’għandhomx isiru jekk l-abbozz tar-regolamenti msemmija ma jkunx inħareġ għall-konsultazzjoni pubblika hekk li kull persuna jkollha żmien ta’ mill-anqas erba’ ġimgħat biex tagħmel kummenti lill-Ministru jew lill-Awtorità, jew lit-tnejn li huma, fejn tiddikjara kif fil-fehma tagħha r-regolamenti proposti jistgħu jittejjbu biex jilħqu l-għan aħħari tagħhom.

(2) Id-dispożizzjonijiet tas-subartikolu (1) dwar il-pubblikazzjoni tal-abbozz tar-regolamenti fil-Gazzetta ma jgħoddux

għal dawk ir-regolamenti li l-Ministru jiddikjara li jkunu urġenti, jew fejn tkun saret xi forma ta’ konsultazzjoni pubblika qabel id-dħul fis-seħħ ta’ dan l-Att.

(3) Kull persuna tista’, fiċ-ċirkostanzi msemmija fis-subartikolu (1) dwar abbozzi ta’ regolamenti, mhux aktar tard minn xahar wara l-ħruġ ta’ regolamenti magħmulin skont is-subartikolu (2), tagħmel il-kummenti lill-Ministru u, jew lill-Awtorità fejn tiddikjara għaliex u kif dawk ir-regolamenti għandhom jiġu revokati jew emendati.

(4) L-Awtorità għandha tqis kull kumment li jsirilha taħt is-subartikoli (1) u (3) u għandha tagħmel rapport fuqhom, wara li tisma’ lil dawk il-persuni jew tieħu dak il-parir espert li tikkonsidra xieraq, lill-Ministru flimkien ma’ kull opinjoni oħra li jista’ jkollha dwar l-abbozz ippubblikat skond is-subartikolu (1) jew dwar ir-regolamenti magħmula skond is-subartikolu (2), u l-Ministru jista’ meta jirċievi r-rapport mingħand l-Awtorità u kull kumment riċevut minnu jipproċedi biex jirrevedi l-abbozz tar-regolamenti u joħroġ dawk ir-regolamenti skont dik ir-reviżjoni, jew jemenda regolamenti diġà maħruġa; iżda meta l-Awtorità ma tkunx għamlet ir-rapport, jew ma tkunx tat l-opinjonijiet tagħha, lill-Ministru minkejja li jkunu skadew erba’ ġimgħat wara tmiem il-perjodu ta’ skadenza għall-kummenti msemmija fis-sub-artikolu (1), il-Ministru jista’ jipproċedi biex joħroġ ir-regolamenti li jkunu jinsabu fl-abbozz b’xi bidliet jew mingħajrhom skont ma jqis xieraq, mingħajr preġudizzju għall-possibilità li jagħmel xi bidliet malli jirċievi r-rapport u l-opinjonijiet meta dawn isiru.

(5) Meta l-Ministru jagħmel regolamenti dwar il-proċedura quddiem l-Awtorità jew quddiem xi bord jew korp ieħor stabbilit taħt dan l-Att, huwa għandu jikkonsulta lill-Awtorità jew lill-bord jew korp:

Iżda r-regolamenti dwar il-proċedura quddiem il-Qorti tal-Appell u appelli quddiemha skont dan l-Att għandhom isiru mill-Ministru responsabbli għall-Ġustizzja bi ftehim mal-Ministru:

Iżda regolamenti dwar l-istabbiliment jew varjazzjoni ta’ kwalunkwe tariffa għandha ssir mill-Ministru bi ftehim mal-Ministru responsabbli għall-finanzi.

56. (1) Bla ħsara għal kull dispożizzjoni oħra ta’ dan l-Att, l-Awtorità tista’ tagħmel ordnijiet li jirregolaw attivitajiet li nkella jistgħu jeħtieġu li tkun sottomessa applikazzjoni qabel ma jsiru, dment li l-attivitajiet ikunu jaqgħu fl-ambitu ta’, u ma jmorrux kontra, xi pjan jew *policy* approvat skont dan l-Att, u li jinkludu xi Ordnijiet.

notifikazzjoni dwar l-attività jew ta’ xi aspett tagħha f’dawk iċ-ċirkostanzi u taħt dawk il-kundizzjonijiet li jiġu speċifikati fl-ordni stess.

(2) L-Ordni għandu jiġi pubblikat fil-Gazzetta u għandu jibda jseħħ fil-ġurnata msemmija fih. L-attività jew kull aspett tagħha regolat mill-ordni għandha tissejjaħ "attività eżenti" u l-ordni li jirregola l-attività għandu jissejjaħ "ordni dwar attività".

(3) L-ordni jista’ jippermetti lill-Awtorità li tipprojibixxi l-bidu ta’ attività, jew li tesiġi l-waqfien ta’ attività li tkun saret bi ksur tad-dispożizzjonijiet ta’ dan l-Att u bi ksur ta’ xi ordni jew dispożizzjoni msemmija qabel, u li japplika kwalunkwe mid-dispożizzjonijiet ta’ dan l-Att fir-rigward tal-infurzar bl-addattamenti u modifiki kif jista’ jkun speċifikat fl-ordni stess, jew inkella tipprovdi għall-infurzar tal-ordni u ta’ kull avviż maħruġ taħtu.

(4) L-Awtorità għandha minn żmien għal żmien tirrevedi l-ordnijiet.

(5) Ordni jista’ jirregola:

(a) attività imsemmija fl-ordni bħala permessa mingħajr il-ħtieġa li l-Awtorità tingħatalha notifika bil-miktub dwar dik l-attività;

(b) attività msemmija fl-ordni bħala permessa, dment li tingħata notifika bil-miktub dwar dik l-attività lill-Awtorità;

(ċ) attività imsemmija fl-ordni bħala permessa, dment li tingħata notifika bil-miktub dwar dik l-attività lill-Awtorità u l-Awtorità tkun aċċettat dik l-attività bħala attività permessa:

Iżda l-Awtorità għandu jkollha d-dritt li:

(i) tirrifjuta kull notifika mogħtija taħt il-paragrafi (b) u (ċ), *inter alia* abbażi ta' nuqqas ta' konformità ma’ kwalunkwe dispożizzjoni tal-ordni jew ta’ dan l-Att, jew fil-każ ta’ kwalunkwe kontenut żbaljat, mhux komplet jew qarrieqi, jew minħabba f’xi konsiderazzjoni oħra materjali u ġeneralment simili għal dawn li għandha rabta mal-kuntest usa’ tal-każ; u

(ii) fejn tkun meħtieġa l-approvazzjoni tagħha, li tirrifjuta, tapprova parzjalment jew tapprova kondizzjonalment l-attività, kif ikun xieraq.

(6) Ebda attività ġdida skont ordni ma tista’ ssir f’sit jekk fuq is-sit imsemmi tkun saret attività bi ksur tad-dispożizzjonijiet ta’ dan

l-Att, sakemm dik l-attività ma tkunx waħda kif tista' tistabbilixxi l-Awtorità u li tkun koperta b'ordni kif imsemmi fis-subartikolu (5).

Dritt għal informazzjoni.

57. (1) Il-Ministru għandu, b'konsultazzjoni mal-Awtorità, permezz ta' regolamenti taħt dan l-artikolu jipprovdi li l-membri tal-pubbliku jew dawk il-kategoriji ta' persuni li jistgħu jiġu stabbiliti għal dan il-għan ikollhom il-jedd li jitolbu minn dawk id-dipartimenti tal-Gvern, awtoritajiet, korporazzjonijiet pubbliċi jew persuni oħra kif jista' jiġi stabbilit dik l-informazzjoni li dawn jista' jkollhom fil-pussess tagħhom u li jkollha rabta mal-ambjent. Mingħajr preġudizzju għall-ġeneralità ta' dak li ssemma hawn aktar qabel, dawk ir-regolamenti jistgħu jippreskrivu:

(a) ix-xorta ta' informazzjoni li tista' tintalab;

(b) iċ-ċirkostanzi li fihom tista' tintalab dik l-informazzjoni;

(ċ) iċ-ċirkostanzi li fihom dik l-informazzjoni tista' ma tingħatax mill-enti li ssirlu t-talba u l-pubblikazzjoni tar-raġunijiet għaliex dik l-informazzjoni tkun hekk inżammet;

(d) il-ħlasijiet li jistgħu jintalbu għal tali informazzjoni; u

(e) iż-żmien li fih għandha tingħata dik l-informazzjoni.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1), l-Awtorità għandha żżomm u tagħmel disponibbli għall-ispezzjoni pubblika fil-ħinijiet raġonevoli li tista' tistabbilixxi, reġistru jew reġistri:

(a) tal-applikazzjonijiet kollha għal awtorizzazzjoni li tkun irċeviet u li jkun fihom l-isem tal-applikant u d-dettalji tal-proposta inklużi dokumenti u pjanti dettaljati; u

(b) tad-deċiżjonijiet kollha, inklużi d-dokumenti u l-pjanti dettaljati, meħudin dwar dawn l-applikazzjonijiet.

TAQSIMA VI

Ħtiega ta' Awtorizzazzjonijiet

Awtorizzazzjo-nijiet.

58. (1) Sakemm ma jiġix preskritt mod ieħor, ebda persuna m'għandha twettaq kwalunkwe attività jew operat li għandha x'taqsam mal-ambjent jew li tolqot l-ambjent, jew tkun involuta f'tali attività jew operat, sakemm dik il-persuna m'għandhiex fil-pussess

tagħha awtorizzazzjoni mill-Awtorità taħt dan l-Att.

(2) L-attivitajiet u l-operati msemmija fis-subartikolu (1) jinkludu, fost oħrajn, l-attivitajiet u l-operati elenkati fit-Tielet Skeda.

(3) Awtorizzazzjoni mogħtija lil xi persuna taħt dan l-Att m'għandhiex teħles dik il-persuna mill-ħtieġa bil-liġi li tapplika għal kull awtorizzazzjoni oħra tkun kif tkun deskritta, jew minn xi obbligu ieħor li joħroġ taħt xi liġi oħra, jew inkella minn xi obbligu li joħroġ minn kundizzjoni marbuta ma' xi awtorizzazzjoni.

Talba għal awtorizzazzjoni.

59. (1) Kull persuna, inkluż dipartiment tal-gvern jew korp azjendali stabbilit bil-liġi, li tkun trid twettaq xi attività msemmija fl-artikolu 58, għajr attività li tkun awtorizzata b'ordni u li trid titwettaq skont id-dispożizzjonijiet tal-ordni, għandha tapplika lill-Awtorità għal awtorizzazzjoni, b'tali mod, fuq tali formola u bl-għoti ta' tali informazzjoni inkluż valutazzjonijiet u studji ambjentali, bħalma tista' tordna l-Awtorità.

(2) Kulħadd jista' wkoll jissottometti talba bil-miktub lill-Awtorità sabiex jiġi deċiż jekk proposta tkunx teħtieġ awtorizzazzjoni, valutazzjoni ambjentali jew sottomissjoni oħra rilevanti.

Deċiżjoni dwar awtorizzazzjonijiet.

60. (1) Ebda applikazzjoni jew awtorizzazzjoni m'għandha tiġi pproċessata jew approvata sakemm l-applikant jew min kellu t-titolu qablu ma jkunx ħallas dawk il-multi, djun ċivili lill-Awtorità, jew pagamenti oħra dovuti fuq is-sit jew operat li huwa soġġett għall-applikazzjoni.

(2) Meta l-Awtorità tieħu deċiżjoni dwar applikazzjoni, għandha tapplika dawk il-pjanijiet, *policies* u regolamenti magħmula taħt dan l-Att li tqis rilevanti u xierqa.

(3) Fid-deċiżjoni tagħha dwar applikazzjoni, l-Awtorità għandha wkoll tqis kull ħaġa oħra ta' sustanza, li l-Awtorità jidhrilha li tkun relevanti.

(4) L-Awtorità għandu jkollha s-setgħa li tapprova, jew li tapprova parzjalment, jew li tirrifjuta awtorizzazzjoni, u meta tapprova dik l-awtorizzazzjoni jew inkella tapprovaha parzjalment, l-Awtorità jkollha l-jedd li timponi dawk it-termini, kundizzjonijiet, limitazzjonijiet u speċifiki approvati li jidhrilha xierqa:

Iżda mar-rifjut l-Awtorità għandha tagħti raġunijiet speċifiċi għal dak ir-rifjut.

(5) L-Awtorità għandu jkollha s-setgħa li twettaq

spezzjonijiet, b'rabta mal-proċess ta' applikazzjoni għal permess jew ma' kwalunkwe valutazzjoni jew monitoraġġ anċillari, għat-tipi kollha ta' awtorizzazzjoni, inklużi spezzjonijiet qabel ma ssir is-sottomissjoni, matul l-ipproċessar tal-applikazzjonijiet u wara t-teħid tad-deċiżjoni.

(6) Awtorizzazzjoni għandha tingħata għal żmien limitat iżda l-Awtorità tista', wara li ssir applikazzjoni mill-persuna li jkollha f'idejha dik l-awtorizzazzjoni, testendi l-awtorizzazzjoni għal żmien jew żminijiet ulterjuri skond ma tqis li jkun raġonevoli.

(7) Meta tagħti awtorizzazzjoni jew awtorizzazzjoni parzjali, l-Awtorità tista' tesiġi li l-attività titlesta fi żmien stabbilit, basta l-Awtorità tagħti r-raġunijiet li jiġġustifikaw dik il-ħtieġa.

61. (1) Id-deċiżjonijiet dwar applikazzjonijiet għandhom jittieħdu bla dewmien. Deċiżjonijiet jittieħdu bla dewmien.

(2) Il-Ministru jista', wara li jikkonsulta mal-Awtorità, jagħmel regolamenti biex jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-artikolu u jista' bla ħsara għall-generalità ta' dak li ssemma qabel:

(a) jistabilixxi l-proċeduri li għandhom jintuzaw mill-Awtorità u mill-applikant fis-sottomissjoni, fl-ipproċessar u fit-teħid tad-deċiżjonijiet dwar l-applikazzjonijiet;

(b) jistabilixxi l-proceduri li għandu juża l-applikant qabel is-sottomissjoni tal-applikazzjoni;

(ċ) jistabilixxi limiti minimi jew massimi ta' żmien, jew it-tnejn li huma, li fihom għandhom isiru s-sottomissjonijiet, konsultazzjonijiet u rappreżentazzjonijiet u jittieħdu u jigu kkomunikati d-deċiżjonijiet kif ikun rilevanti.

62. Kull persuna li jkollha awtorizzazzjoni eżistenti għandha d-dritt li titlob modifika ta' tali awtorizzazzjoni biex tinkludi iktar operazzjonijiet, jew bidliet fil-parametri operattivi kif jista' jkun meħtieġ. Talbiet bħal dawn għandhom jiġu kkunsidrati u pproċessati bħala applikazzjoni ġdida, li bl-ebda mod ma tkun ikkundizzjonata mill-awtorizzazzjonijiet preċedenti maħruġa mill-Awtorità. Kunsiderazzjoni mill-ġdid.

63. Kull parti aggravata tista' tappella minn kull deċiżjoni tal-Awtorità lit-Tribunal skont id-dispożizzjonijiet ta' dan l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar u kull regolament magħmul taħtu. Appelli.

64. (1) Obbligu ambjentali jista' jsir f'dawk il-każijiet meta Obbligi.

l-Awtorità, meta tiġi biex toħroġ awtorizzazzjoni, tagħżel li timponi fuq l-applikant xi obbligu:

(a) biex jagħmel attività għall-benefiċċju tal-ambjent skont l-għanijiet ta' dan l-Att; jew

(b) biex jagħmel xi pagament, finanzjarju jew xort'oħra, lejn għan ambjentali, jew jagħti xi dritt jew benefiċċju estranju lill-ambjent, kif l-Awtorità jidhrilha li jkun l-aktar xieraq fl-interess pubbliku u skont l-għanijiet ta' dan l-Att. L-Awtorità għandha tiżgura li tikseb dawn il-benefiċċji jew gwadanji permezz ta' kundizzjonijiet li jiġu inklużi fl-awtorizzazzjoni jew permezz ta' obbligu ambjentali li jsir b'kuntratt pubbliku bejn l-applikant u l-Awtorità.

(2) Kull persuna tista', bi ftehim mal-Awtorità, tidħol f'obbligu ambjentali, li jista' jinkludi:

(a) termini mifthiema reċiprokament b'rabta mal-aċċess għar-riżorsi ġenetiċi u l-qsim tal-benefiċċji tagħhom;

(b) restrizzjoni fuq l-użu ta' dik l-art jew operat b'xi mod partikolari;

(ċ) esiġenza li jsiru operazzjonijiet jew attivitajiet speċifiċi fi, fuq, taħt jew fuq dik l-art jew żona;

(d) esiġenza li dik l-art jew żona tintuża b'xi mod partikolari; jew

(e) esiġenza li titħallas somma jew somom lill-Awtorità f'data jew dati partikolari jew inkella perjodikament.

(3) Il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti biex jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-artikolu u jista', bla ħsara għall-ġeneralità ta' dak li ssemma qabel:

(a) jistabbilixxi l-proċedura dwar kif obbligu ambjentali għandu jsir, jiġi infurzat, jinbidel u jintemm; u

(b) jistabbilixxi xi restrizzjonijiet jew kundizzjonijiet jew il-ħlas ta' somom ta' flus li jistgħu jiġu imposti fl-obbligi ambjentali.

(4) L-impożizzjoni ta', jew il-ftehim li wieħed jidħol fi, obbligu ambjentali:

(a) m'għandux jikkostitwixxi intitolament għal xi awtorizzazzjoni, liċenza jew permess li kieku, meta wieħed iqis il-merti tal-każ, ma tingħatax jew inkella tingħata biss parzjalment; u

(b) fil-każ tal-għoti ta' awtorizzazzjoni, liċenza jew permess, għandu jkun addizzjonali u mingħajr preġudizzju għall-impożizzjoni ta' kwalunkwe kundizzjoni, limitazzjoni u speċifika approvata rilevanti.

2. Revoka ta' awtorizzazzjonijiet jew bdil fihom, u Ordnijiet għal waqfien jew tneħħija

65. (1) L-Awtorità tista' - Revoka u tibdil.

(a) fil-każijiet ta' frodi; jew

(b) fejn hemm kwistjoni dwar is-sigurtà pubblika jew dwar ħsara jew riskju ambjentali sinifikattivi; jew

(ċ) fejn ikun hemm żball f'dokument li jidher minn eżami tal-istess dokument; jew

(d) fejn ikun hemm ksur ta' kundizzjoni materjali li tinsab f'awtorizzazzjoni,

b'deċiżjoni tirrevoka jew tibdel xi awtorizzazzjoni mogħtija skont dan l-Att, inkluża kull awtorizzazzjoni maħruġa mill-Awtorità skont xi Ordni, filwaqt li fid-deċiżjoni tagħti r-raġunijiet tagħha għal dik id-deċiżjoni; u qabel ma tiddeċiedi li tirrevoka jew tibdel awtorizzazzjoni kif previst f'dan is-subartikolu, l-Awtorità għandha tgħarraf lil dik il-persuna li tkun se tintlaqat minn dik id-deċiżjoni bid-data u bil-ħin tal-laqgħa tagħha fejn l-Awtorità għandha tisma' s-sottomissjonijiet ta' dik il-persuna jekk din tagħżel li tattendi, u s-sottomissjonijiet ta' kull persuna oħra.

(2) Għall-finijiet tas-subartikolu (1):

"frodi" tfisser is-sottomissjoni lill-Awtorità ta' xi informazzjoni jew dikjarazzjoni li abbażi tagħha l-Awtorità tkun ħarġet awtorizzazzjoni, meta dik l-informazzjoni jew dikjarazzjoni hija falza, qarrieqa jew mhux korretta, sew jekk dak l-ingann ikun ir-riżultat ta' att doluż jew negligenti:

Iżda l-Awtorità m'għandhiex tirrevoka jew tibdel awtorizzazzjoni abbażi ta' frodi jekk:

(a) l-informazzjoni frawdolenti ma kellha l-ebda

inċidenza materjali fuq il-ħruġ tal-awtorizzazzjoni; u

(b) l-awtorizzazzjoni tal-Awtorità ma tagħti ebda benefiċċju eċċessiv jew frawdolenti lill-applikant taħt xi liġi jew regolament ieħor, u lanqas ma tista' timplika lill-Awtorità f'xi ksur ta' tali liġi jew regolament;

"żball f'dokument li jidher minn eżami tal-istess dokument" tfisser żball f'dokument li jidher minn eżami tal-istess dokument li jkun qed jikser il-liġi; u

"kundizzjoni materjali" tfisser kwalunkwe kundizzjoni li hija ta' rilevanza speċifika għall-attività koperta mill-awtorizzazzjoni.

(3) L-applikant għandu, jekk id-deċiżjoni tittieħed mill-Awtorità, jkollu dritt ta' appell mid-deċiżjoni tal-Awtorità fi żmien tletin jum mid-data tan-notifika tad-deċiżjoni ta' revoka jew tad-deċizjoni ta' tibdil.

(4) M'għandu jingħata l-ebda kumpens mill-Awtorità meta hija taġixxi skont id-dispożizzjonijiet tas-subartikolu (1) fejn ir-raġuni għar-revoka jew għat-tibdil tal-awtorizzazzjoni tkun minħabba frodi, jew minħabba żball legali li jidher minn eżami tal-istess dokument, jew minħabba ksur ta' kundizzjoni materjali li tinsab f'awtorizzazzjoni.

Raġunijiet għal revoka.

66. (1) Meta l-unika raġuni għar-revoka jew tibdil ta' awtorizzazzjoni hija s-sigurtà pubblika u, jew ħsara ambjentali sinifikattiva, għandhom jgħoddu r-regoli li ġejjin:

(a) kull attività li tkun meħtieġa biex l-ordni jiġi osservat għandha ssir mill-Awtorità, u bi spejjeż tagħha;

(b) jekk issir talba lill-Awtorità fi żmien tnax-il xahar mill-ordni ta' revoka, deċizjoni jew mid-deċizjoni ta' tibdil u jiġi ppruvat li persuna interessata tkun daħlet fi spejjeż li jsiru inutili minħabba r-revoka jew it-tibdil, jew tkun sofriet telf jew ħsara li jkunu direttament attribwibbli għar-revoka jew għat-tibdil, l-Awtorità għandha, bla ħsara għall-paragrafu (ċ), tħallas lil dik il-persuna kumpens għal dik l-ispiża, telf jew ħsara;

(ċ) ebda kumpens ma jkun dovut skont dan l-artikolu:

(i) għal telf jew ħsara li jikkonsistu fid-deprezzament tal-valur minħabba r-revoka jew it-tibdil; jew

(ii) għal xogħol li jkun sar qabel l-għoti tal-

awtorizzazzjoni revokata jew mibdula, jew għal telf jew ħsara li jkunu ġejjin minn xi ħaġa magħmula, jew li wieħed ikun naqas li jagħmel, qabel l-għoti ta' dik l-awtorizzazzjoni, jew għal xogħlijiet li mhumiex skont l-ispeċifikazzjonijiet awtorizzati jew bi ksur tat-termini, kundizzjonijiet u limitazzjonijiet mehmuża mal-awtorizzazzjoni;

(d) meta kumpens ikun dovut skont dan l-artikolu għal spiża għal xogħol li jkun sar fuq xi art, jekk l-awtorità kompetenti taħt l-Ordinanza dwar l-Akkwist tal-Artijiet għal Skopijiet Pubbliċi takkwista xi interess f'dik l-art, kull kumpens dovut għal dak l-akkwist għandu jitnaqqas b'ammont ugwali għall-valur tax-xogħlijiet li għalihom ikun dovut kumpens skont dan l-artikolu. Kap. 88.

3. Ħlasijiet u Kontribuzzjonijiet

Ħlasijiet u kontribuzzjonijiet.

67. (1) L-Awtorità għandu jkollha s-setgħa li tiġbor ħlas għal kull awtorizzazzjoni biex isir attività, jew għal valutazzjonijiet ambjentali, verifiki ambjentali jew monitoraġġ ambjentali, li għandu jkun magħruf bħala ħlas għall-ipproċċessar, u għal kull applikazzjoni għal hekk, skont skeda ta' ħlasijiet stabbilita minnha bil-kunsens tal-Ministru u tal-Ministru responsabbli għall-finanzi, wara li tqis in-natura tal-attività, iż-żmien meta ssir l-attività, il-kundizzjonijiet marbutin mal-awtorizzazzjoni u kunsiderazzjonijiet oħra rilevanti.

(2) L-Awtorità għandu jkollha s-setgħa li timponi kontribuzzjoni għal kull applikazzjoni oħra għal awtorizzazzjoni magħmula lilha.

(3) L-iskeda ta' ħlasijiet u r-rati ta' kontribuzzjonijiet stabbilita taħt dan l-artikolu, kif emendata minn żmien għal żmien fis-seħħ, għanda tiġi pubblikata bħala regolamenti u jkollha seħħ kif hekk pubblikata.

Ħlas tad-drittijiet u kontribuzzjonijiet.

68. Ebda awtorizzazzjoni m'għandha tingħata, u ebda attività awtorizzata b'ordni m'għandha ssir, jekk u sakemm d-drittijiet u kontribuzzjonijiet dovuti skont l-artikolu 67 ma jkunux saru u waslu għand l-Awtorità; u kull attività li ssir mingħajr ma jkun sar u riċevut dak il-ħlas għandha titqies bħala attività magħmula mingħajr il-permess tal-Awtorità.

4. Protezzjoni u Konservazzjoni

Ordnijiet ta' konservazzjoni.

69. (1) L-Awtorità għandha tħejji, u minn żmien għal żmien tirrevedi, lista ta' żoni protetti li għandhom jiġu protetti għall-konservazzjoni u tista' għaż-żoni protetti kollha, jew għal waħda jew

aktar fosthom, tagħmel ordnijiet ta' protezzjoni u konservazzjoni biex tirregola l-protezzjoni, konservazzjoni u ġestjoni tagħhom. Dawn l-ordnijiet għandhom jiġu pubblikati fil-Gazzetta u fuq is-sit tal-web tal-Awtorità.

(2) Żoni protetti, ordnijiet ta' protezzjoni u konservazzjoni, u kull żieda magħhom jew bidla fihom, għandhom jiġu pubblikati mill-Awtorità fuq is-sit tal-internet tal-Awtorità. L-Awtorità għandha twaqqaf mekkaniżmu biex tavża lil imqar wieħed mill-proprjetarji ta' kwalunkwe proprjetà soġġetta għal ordni ta' konservazzjoni li l-proprjetà ġiet inkluża fil-lista u dwar kull ordni għal konservazzjoni magħmul dwarha.

(3) It-twettiq ta' kwalunkwe attività u, jew xogħolijiet f'kull żona protetta jista' jiġi projibit jew ristrett kif previst f'regolamenti rilevanti jew f'ordni ta' konservazzjoni.

(4) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, proċeduri dettaljati oħra li jirregolaw l-applikazzjoni ta' dan l-artikolu għandhom jiġu stabbiliti f'regolamenti maħruġa taħt dan l-Att.

(5) Dwar kull sit f'żona protetta, l-Awtorità għandu jkollha wkoll is-setgħa li tesiġi permezz ta' avviż bil-miktub li s-sid jagħmel dawk ix-xogħlijiet jew azzjonijiet, b'mod ġenerali jew inkella kif speċifikati fl-avviż, li jkunu meħtieġa biex jiġi żgurat li ma jkunx hemm aktar deterjorament. Jekk is-sid jonqos milli jagħmel dan, l-Awtorità tista' terġa' tavżah biex jagħmel u jlesti x-xogħlijiet jew l-azzjonijiet fi żmien stabbilit, u jekk is-sid jibqa' ma jwettaqx dak li għandu jagħmel, l-Awtorità tista' taqbad u tagħmel ix-xogħolijiet jew azzjonijiet meħtieġa hi stess jew inkella tqabbad lil min jagħmilhom, u tirkupra l-ispejjeż mingħand is-sid.

(6) Sid ta' art f'żona protetta għandu dritt jitlob li tkun ikkunsidrata mill-ġdid kull protezzjoni tal-art tiegħu. Dik it-talba għandha ssir bil-miktub quddiem l-Awtorità fi żmien tletin jum min-notifika dwar il-protezzjoni jew mill-pubblikazzjoni tagħha fil-Gazzetta, skond liema ġrat l-aħħar, u l-Awtorità għandha tiddeċiedi fi żmien tliet xhur minn meta tkun irċeviet it-talba għall-ikkunsidrar mill-ġdid.

(7) Għandha tintalab l-approvazzjoni tal-Ministru meta l-Awtorità tiddeċiedi li tneħħi l-protezzjoni jew tbaxxi l-livell ta' protezzjoni mogħti liż-żona u l-ebda tneħħija jew tbaxxija bħal din ma tkun valida jekk ma tkunx ġiet approvata mill-Ministru.

(8) Kull min iħossu aggravat b'deċiżjoni tal-Awtorità taħt dan l-artikolu jista' jappella lit-Tribunal għar-revoka jew għat-tibdil ta'

dik id-deċiżjoni skont il-proċedura stabbilita taħt l-artikolu 63.

(9) Appell li jsir quddiem it-Tribunal kontra l-protezzjoni ta' żona jew kontra l-ħruġ ta' ordni ta' protezzjoni jew konservazzjoni ma jissospendix is-seħħ ta' tali ordni.

(10) Jekk sit jew area li mhix protetta taħt id-dispożizzjonijiet ta' dan l-Att jew taħt regolamenti magħmula taħt dan l-Att, iżda li l-Awtorità temmen li jista' jkollha importanza jew valur hekk li jistħoqqilha tiġi protetta, tkun f'periklu li ssirilha ħsara jew tinqered, l-Awtorità tista' tagħmel ordni ta' emerġenza għall-konservazzjoni u tieħu iżjed passi biex tipproteġi dak is-sit jew area kif jidhrilha li hu meħtieġ:

Iżda f'każ ta' urġenza ċ-*Chairperson* tal-Awtorità jista' jagħmel ordni ta' emerġenza għal konservazzjoni mingħajr il-ħtieġa li jikkonsulta lill-membri l-oħra tal-Awtorità.

(11) Ordni ta' emerġenza għal konservazzjoni għandu jiġi pubblikat fil-Gazzetta u jkollu effett minnufih malli jiġi pubblikat.

(12) Ordni ta' emerġenza għal konservazzjoni għandu, għal żmien ta' sitt xhur minn mindu jiġi pubblikat fil-Gazzetta, ikollu l-istess effett daqslikieku l-art li għaliha jirreferi ddaħħlet fil-lista ta' żoni protetti. L-effett tiegħu jintemm malli jiskadi ż-żmien imsemmi, iżda l-Awtorità għandha matul dak iż-żmien twettaq l-istudji jew l-investigazzjonijiet ulterjuri li jidrulha meħtieġa u mbagħad tiddeċiedi jekk tħassarx jew temendax l-ordni jew inkella minfloku tagħmel ordni ta' protezzjoni jew konservazzjoni aktar definittiv skont is-subartikolu (1). Kull fejn dawn l-istudji jew l-investigazzjonijiet u t-teħid ta' deċiżjonijiet ma jistgħux jitlestew b'mod sodisfaċenti fis-sitt xhur imsemmija, l-Awtorità tista' ġġedded l-ordni ta' emerġenza għal konservazzjoni għal perjodi ulterjuri li jidhrulha raġjonevoli jew indispensabbli, filwaqt li tiġġustifika d-deċiżjoni tagħha.

(13) Appell quddiem it-Tribunal kontra ordni ta' emerġenza għall-konservazzjoni, jew minn estensjoni ta' żmien skont is-subartikolu (12), ma jissospendix is-seħħ ta' dak l-ordni.

Responsabbiltà għall-ħsara ambjentali.

70. Il-Ministru jista', minn żmien għal żmien, permezz ta' regolamenti jintroduċi miżuri dwar ir-responsabbiltà li għandu jġorr kull individwu li, b'xi mod jew ieħor jitqies responsabbli għal kwalunkwe azzjoni li tista' tikkaġuna ħsara ambjentali, kemm jekk fuq żona protetta kif ukoll jekk b'mod ġenerali. Dawn ir-regolamenti jistgħu jinkludu wkoll miżuri dwar il-prevenzjoni u r-rimedjar tat-tali ħsara ambjentali.

TAQSIMA VII

Setgħat tal-Awtorità, Monitoraġġ, Azzjoni dwar Konformità u Infurzar tal-Kontroll

Dritt ta' Aċċess, Spezzjonijiet u Monitoraġġ

Dritt ta' aċċess.

71. (1) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, għall-finijiet tat-twettiq tal-funzjonijiet tagħhom taħt dan l-Att, il-Bord tal-Awtorità, kif ukoll kull uffiċjal, kumitat jew persuna oħra kif jista' jkun awtorizzat mill-Awtorità għal dan il-għan, u bl-assistenza tal-Korp tal-Pulizija jekk din tkun meħtieġa mill-Awtorità, jista' jidħol f'kull fond pubbliku jew privat, vettura, bastiment jew kwalunkwe post ieħor, għall-finijiet ta':

(a) twettiq ta' investigazzjonijiet, spezzjonijiet, sondaġġi, testijiet, kejl, jew teħid ta' kampjuni;

(b) aċċertament li ma jkun qed iseħħ jew ma jkun seħħ xejn li jikser id-dispożizzjonijiet ta' dan l-Att, jew ir-regolamenti magħmulin taħtu jew kwalunkwe terminu, kundizzjoni, limitazzjoni jew speċifika mehmuża ma' xi awtorizzazzjoni maħruġa skond dan l-Att, u biex tittieħed kwalunkwe azzjoni kif ikun xieraq;

(ċ) verifikar jew riproduzzjoni ta' tali *data* jew informazzjoni li l-Awtorità tista' tkun teħtieġ;

(d) l-għemil ta' pjanti ta' xi fond, vettura jew bastiment u t-teħid ta' ritratti tagħhom wara li jkun sar dħul jew imbark skont dan l-artikolu; jew

(e) xi ħaġa li tkun anċillari jew konsegwenzjali għalihom.

(2) Fil-każ ta' dar, dan id-dritt ta' aċċess, spezzjoni u monitoraġġ kif previst f'dan l-artikolu, ikun soġġett għal avviż bil-quddiem ta' mill-inqas tmienja u erbgħin siegħa u m'għandux igħodd qabel is-sebgħa u nofs ta' filgħodu jew wara s-sebgħa ta' filgħaxija.

(3) Kull persuna li tfixkel, thedded, tattakka jew timpedixxi lil xi uffiċjal tal-Awtorità fil-qadi ta' dmirijietu taħt dan l-Att tkun ħatja ta' reat u għandha, meta tinsab ħatja, teħel priġunerija għal mhux iżjed minn tliet snin jew multa ta' mhux aktar minn mitt elf euro (€100,000) jew dik il-multa u priġunerija flimkien.

Monitoraġġ ta' konformità.

72. (1) L-Awtorità għandu jkollha s-setgħa li twettaq spezzjonijiet u investigazzjonijiet f'kull okkażjoni u għal kwalunkwe

skop li għandu x'jaqsam mar-responsabbiltajiet li għandha l-Awtorità taħt dan l-Att u taħt il-leġislazzjoni sussidjarja magħmula taħtu.

(2) Fil-qadi tad-dmirijiet indikati fis-subartikolu (1), l-Awtorità għandha tingħata d-dritt ta' dħul kif imfisser fl-artikolu 71.

(3) F'każ li jiġi ppruvat nuqqas ta' konformità, l-Awtorità għandha tieħu aktar azzjoni taħt dan l-Att u taħt il-leġislazzjoni sussidjarja magħmula taħtu kif jitqies li huwa meħtieġ.

Monitoraġġ, Azzjoni dwar Konformità u Infurzar tal-Kontroll

73. (1) L-Awtorità tista' tgħasses kull aspett u, jew attività li jaqgħu fl-ambitu ta' dan l-Att għall-finijiet ta' stħarriġ u verifiki ambjentali u biex tiżgura konformità mad-dispożizzjonijiet ta' dan l-Att u mad-deċiżjonijiet meħuda legalment taħt dan l-Att. Monitoraġġ.

(2) Għal dan il-għan, l-Awtorità tista' taħtar uffiċjali sabiex, fost materji oħra, jiġbru *data*, jistħarrġu, jissorveljaw u, jew jimmonitorjaw kwalunkwe attività, aspett jew awtorizzazzjoni għall-finijiet ta' stħarriġ u verifiki ambjentali u għall-konformità mal-leġislazzjoni u l-awtorizzazzjonijiet.

74. L-Awtorità tista' wkoll tagħmel rassenja ta' attivitajiet li saru qabel ma daħal fis-seħħ dan l-Att, jew kull Att ieħor li kien hemm qablu, u li mhumiex konformi mar-regoli, regolamenti, pjanijiet, *policies* jew awtorizzazzjonijiet li kienu fis-seħħ fiż-żmien meta saret l-attività; u fil-konfronti ta' kull attività tali l-Awtorità jkollha s-setgħat kollha li għandha fil-konfronti ta' attività li ssir wara li dan l-Att daħal fis-seħħ, sabiex jiġi żgurat li r-regoli, regolamenti, pjanijiet u *policies* imsemmija qabel jitħarsu jew biex attività tali tkun regolarizzata safejn l-Awtorità tqis li jkun xieraq fiċ-ċirkostanzi, jew, jekk dan ma jistax raġonevolment isir, biex tinforza tali konformità. Rassenja ta' attivitajiet.

75. (1) L-Awtorità tista' taħtar uffiċjali għall-finijiet ta' dan l-Att, u dawk l-uffiċjali jistgħu, hekk kif juru prova tal-identità tagħhom, sabiex jiżguraw it-tħaris ta' dan l-Att jew ta' kull regolament magħmul bis-saħħa tiegħu - Uffiċjali.

(a) jitolbu informazzjoni minn kull persuna b'rabta ma' xi attività, pussess jew materja oħra regolata minn dan l-Att;

(b) jordnaw it-twaqqif ta' vetturi jew bastimenti li jkunu mexjin u jiftħu kull tagħbija jew area ta' merkanzija u jċaqalqu merkanzija skont l-istruzzjonijiet li ngħataw sabiex l-uffiċjali jkunu jistgħu jwettqu spezzjonijiet, investigazzjonijiet u monitoraġġ fuq il-post b'mod immedjat;

(ċ) jieħdu azzjoni dwar konformità inkluż il-ħruġ ta' ordnijiet ta' waqfien jew għal konformità lil kull persuna skont id-dispożizzjonijiet tal-artikolu 76 u l-ħruġ ta' multi;

(d) f'konformità mal-prinċipju kawtelativ, joħorġu ordnijiet ta' waqfien temporanji, għal massimu ta' għaxart ijiem kalendarji f'kull sena kalendarja, għal investigazzjonijiet dwar il-legalità ta' kull attività jew għal kull monitoraġġ meħtieġ.

(2) Id-dispożizzjonijiet tas-subartikolu (1) għandhom ikunu mingħajr preġudizzju għas-setgħat tal-Pulizija, tal-Gwardjani Lokali, tal-Kontrullur tad-Dwana jew ta' xi awtorità oħra taħt il-Kodiċi Kriminali, l-Ordinanza tad-Dwana jew xi liġi oħra.

Kap.9.
Kap. 37.

(3) L-uffiċjali maħtura taħt dan l-artikolu għandu jkollhom, minkejja kull liġi oħra, id-dritt li jgħinu lill-pulizija fil-prosekuzzjoni ta' reati taħt dan l-Att u li jidhru fil-każ f'isem il-prosekuzzjoni.

(4) L-Awtorità tista' titlob l-assistenza tal-Korp tal-Pulizija, tal-Forzi Armati ta' Malta, ta' Transport Malta u ta' kull enti ieħor kompetenti tal-gvern, u meta wieħed minn dawn jagħti l-kunsens tiegħu għal xi talba bħal din, għandu għal dan il-għan jeżerċita dawk is-setgħat mogħtija lilu bil-liġi.

Proċedura ta' konformità.

76. (1) Jekk l-Awtorità jidhrilha li qed titwettaq attività mingħajr l-awtorizzazzjoni meħtieġa taħt dan l-Att, jew inkella li hemm ksur ta' xi kundizzjonijiet li l-awtorizzazzjoni għal xi attività hija soġġetta għalihom, jew jekk xi attività qed tikser id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti li saru taħtu, jew jekk xi attività tkun qed tikkaġuna ħsara ambjentali jew ma tkunx skond il-leġislazzjoni sussidjarja ambjentali, l-Awtorità tista' toħroġ ordnijiet ta' waqfien lil kull min ikun qed iwettaq l-attività, jew lis-sid jew l-okkupant tal-art jew lilhom ilkoll, skont ma l-Awtorità jidhrilha l-aktar xieraq, u tesiġi li l-attività titwaqqaf minnufih:

Iżda l-Awtorità tista' biss toħroġ avviż li jesiġi li parti mix-xogħol jew attività tieqaf minnufih fil-konfront ta' dik il-parti tal-attività li għaliha jkun jirreferi l-avviż, u mhux fil-konfront tal-attività sħiħa;

Iżda wkoll uffiċjal jista' jordna verbalment li l-attivitajiet jieqfu, u dawn l-ordnijiet verbali għal waqfien għandhom jitqiesu bħala legalment validi u fis-seħħ għal tlett ijiem kalendarji wara xulxin minn meta jinħareġ l-ordni verbali għal waqfien. Ordnijiet għal waqfien bħal dawn ma jibqgħux aktar validi jekk l-Awtorità ma tkunx jew bagħtet kopja ffirmata ta' ordni għal waqfien f'indirizz (postali jew diġitali) li għandu jingħata lill-uffiċjal tal-konformità mill-persuna responsabbli għall-attività jew inkella waħħlet l-ordni

għal waqfien fil-post tal-attivitajiet, sa tmiem it-tielet ġurnata wara l-ħruġ tal-ordni verbali għal waqfien;

Iżda wkoll jekk eventwalment jirriżulta li l-attività ma kellhiex titwaqqaf, l-Awtorità u l-uffiċjali tagħha m'għandhomx jinżammu responsabbli għal kwalunkwe ħsarat imġarrba, sakemm it-tali twaqqif ma kienx *prima facie* u manifestament mhux ġustifikat:

Iżda wkoll l-Awtorità m'għandhiex tistenna li jilħqu jgħaddu tlett ijiem qabel ma tinforma lis-sid jew okkupant jew lill-persuna responsabbli, jekk l-ordni għal waqfien jista' jitneħħa u l-attività tista' tkompli għaddejja.

(2) Kopja tal-ordni jew avviż imsemmi fis-subartikolu (1) li jinkludi attività relatata ma' sit, tista' wkoll tiġi notifikata lil kull rappreżentant fuq is-sit u l-Awtorità tista' wkoll twaħħal dan l-avviż f'pożizzjoni prominenti f'punt tad-dħul għal fuq is-sit.

(3) Jekk l-Awtorità jidhrilha li wara li dan l-Att daħal fis-seħħ twettqet xi attività mingħajr l-għoti ta' awtorizzazzjoni meħtieġa taħt dan l-Att, jew inkella li nkisru xi kundizzjonijiet li l-awtorizzazzjoni għal xi attività hija soġġetta għalihom, l-Awtorità tista', wara li tqis id-dispożizzjonijiet tal-leġislazzjoni u kull kunsiderazzjoni materjali oħra, toħroġ kontra s-sid jew l-okkupant tal-art jew kontra min kien responsabbli għall-attività li mhix awtorizzata jew fuqhom ilkoll kif l-Awtorità jidhrilha l-aktar xieraq, ordni ta' konformità li jkun jesiġi li jittieħdu l-passi speċifikati fl-ordni, f'terminu ta' żmien li wkoll jista' jiġi speċifikat, għal azzjoni ta' rimedju biex ireġġgħu lura s-sitwazzjoni u, jew l-art għall-kundizzjoni ta' qabel ma saret l-attività jew biex jitneħħew il-konsegwenzi tal-attività jew biex jiżguraw konformità mal-kundizzjonijiet imsemmija qabel, skond il-każ; u b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak li ssemma qabel, avviż bħal dan jista', għall-għan imsemmi qabel, jesiġi t-tneħħija ta' oġġetti u sustanzi, it-twaqqigħ jew tibdil ta' xogħlijiet jew bini, it-twaqqif ta' operati jew użi, u azzjoni ta' rimedju biex ixejnu l-effetti tal-attivitajiet li mhumiex awtorizzati.

(4) L-Awtorità għandha tirreġistra l-ordnijiet kollha ta' waqfien u l-ordnijiet kollha ta' konformità skont dan l-Att u d-dispożizzjonijiet tal-imsemmi artikolu dwar l-indiċi ta' ordnijiet għall-konservazzjoni għandhom ikunu jgħoddu *mutatis mutandis* għal ordnijiet ta' waqfien u ordnijiet ta' konformità oħrajn skont dan l-Att.

(5) Kull ordni magħmul taħt dan l-artikolu għandu jkun fih deskrizzjoni dettaljata tal-ksur, u fejn jitqies xieraq, għandha tinhemeż miegħu pjanta li tindika l-art li hi soġġetta għall-ordni.

(6) Ordni mogħtij skont xi waħda mid-dispożizzjonijiet ta' qabel dan l-artikolu għandu:

(a) fil-każ ta' ħtieġa li jwaqqaf jew jipprojbixxi aktar attività jew li jkun jesiġi l-waqfien tal-użu, ikollu seħħ minnufih malli l-avviż jiġi notifikat skont is-subartikolu (1) minkejja li tkun saret xi applikazzjoni għal awtorizzazzjoni għall-attività imsemmija fl-ordni jew ikun ġie ippreżentat xi appell kontra l-ordni; u

(b) fil-każ ta' kull ħtieġa oħra, jiġi fis-seħħ mal-iskadenza ta' dak iż-żmien (li ma jkunx anqas minn ħmistax-il ġurnata u mhux aktar minn tletin ġurnata min-notifika) li jkun speċifikat fl-avviż.

(7) Kull applikazzjoni biex tirregolarizza l-attività tista' tiġi miċħuda minnufih jekk l-uffiċjali jistabilixxu li xi esiġenza fl-ordni li jwaqqaf jew jipprojbixxi aktar attività jew li jkun jesiġi l-waqfien ta' xi użu, ma jkunx ġie mħares, sew jekk qabel u sew jekk waqt li tkun għadha qegħda tiġi trattata l-applikazzjoni, jew f'kull każ fejn ma jkunux tħallsu xi penali jew ħlas ieħor li persuna tkun weħlet taħt dan l-Att b'rabta mal-attività rilevanti.

(8) L-Awtorità tista' teżerċita s-setgħat tagħha skont l-artikolu 77(1) minkejja li tkun saret lill-Awtorità t-tieni applikazzjoni jew applikazzjoni sussegwenti maħsuba biex tirregolarizza l-attività illegali, li tkun tolqot l-istess attività jew parti minnha, sew jekk l-applikazzjoni tkun saret mill-istess applikant u sew jekk minn xi applikant ieħor.

(9) Kull persuna li thoss ruħha aggravata minn xi ordni notifikat lilha tista', fi żmien ħmistax-il ġurnata min-notifika tal-ordni, tappella quddiem it-Tribunal u, meta jsir appell bħal dak, it-Tribunal:

(a) jekk ikun sodisfatt li l-awtorizzazzjoni tkun ingħatat taħt dan l-Att, jew taħt xi liġi oħra li kienet tirregola l-attività inkwistjoni qabel dan l-Att, għall-attività li l-ordni jkun jirreferi għaliha, jew li ebda awtorizzazzjoni ma kienet meħtieġa fir-rigward tagħha, skont il-każ, u li l-kundizzjonijiet li l-awtorizzazzjoni hija soġġetta għalihom jkunu tħarsu, għandu jħassar l-ordni li kontrih ikun sar l-appell jew dik il-parti tiegħu li dwarha t-Tribunal ikun soddisfatt kif imsemmi qabel;

(b) f'kull każ ieħor, għandu jiċħad l-appell.

(10) L-appellant għandu jippreżenta lit-Tribunal, flimkien mal-

appell tiegħu taħt is-subartikolu (9), kopja tal-awtorizzazzjonijiet kollha rilevanti, permessi oħra jew informazzjoni oħra rilevanti li abbażi tagħhom tkun ingħatat awtorizzazzjoni għall-attività msemmija fl-ordni notifikat lilu u li hu soġġett għall-proċeduri ta' appell; u jekk it-Tribunal ikun soddisfatt li ma teżisti ebda awtorizzazzjoni tali, li abbażi tagħha u tal-kundizzjonijiet tagħha setgħet issir l-attività, jew li xi awtorizzazzjoni kienet skadiet, it-Tribunal għandu minnufih jiċħad l-appell.

(11) Jekk qabel ma jsir l-appell taħt is-subartikolu (9) jew waqt li jkun għadu pendenti dan l-appell, l-appellant jippreżenta lill-Awtorità applikazzjoni għal awtorizzazzjoni dwar l-attività imsemmija fl-ordni, it-Tribunal għandu jiċħad l-appell jekk ikun soddisfatt illi dik l-applikazzjoni tkun intiża biex tissana l-attività imsemmija fl-ordni.

(12) Meta appell taħt is-subartikolu (9) jiġi miċħud, it-Tribunal jista' jordna li, dwar kull esiġenza għajr esiġenza li twaqqaf jew tipprojbixxi xi attività oħra jew li tkun tesiġi l-waqfien ta' xi użu, l-ordni ma jibdiex iseħħ qabel data li ma tkunx aktar kmieni minn ħmistax-il ġurnata mid-deċiżjoni tal-appell, skont ma t-Tribunal jidhirlu xieraq.

(13) It-Tribunal jista' jikkorreġi kull difett jew żball fl-ordni ta' konformità basta l-appellant jingħata żmien biżżejjed biex jipprepara u jressaq il-każ tiegħu.

(14) Meta l-attività illegali tkun qed jitwettaq fil-baħar, id-dispożizzjonijiet ta' dan l-artikolu għandhom jgħoddu bl-istess mod bħallikieku kull riferenza fihom għal sid l-art jew għall-okkupant tal-art qed tirreferi għall-persuna li tagħmel l-attività, u kull riferenza għall-art għandha titqies bħala riferenza għal dik iż-żona tal-baħar fejn isseħħ l-attività.

Setgħat ta' nfurzar.

77. (1) Jekk xi passi jew azzjoni oħra mitluba minn ordni ta' waqfien jew ordni ta' konformità jew dispożizzjonijiet oħra ta' dan l-Att jew regolamenti magħmulin taħtu, fosthom xi sospensjoni, twaqqif, tneħħija, rimedjar jew miżuri oħra bħalhom, ma jkunux ittieħdu fiż-żmien speċifikat hemmhekk, l-Awtorità jkollha s-setgħa li tinforza l-ordni ta' waqfien jew l-ordni ta' konformità jew id-dispożizzjonijiet oħra ta' dan l-Att jew tar-regolamenti magħmulin taħtu skond ma jkun rilevanti, u li għal dan il-għan tidħol fl-art, jew fiż-żona tal-baħar u tieħu dawk il-passi jew azzjoni oħra kif imsemmija, inklużi d-diżabilitazzjoni jew it-tneħħija ta' xi tagħmir, makkinarju, għodod, beni, vetturi jew oġġetti oħra li jistgħu jkunu fis-sit u t-twettiq ta' kull xogħol meħtieġ biex jonora dak mitlub fl-ordni ta' konformità, jew l-issiġillar, konfiska jew sekwestru ta' oġġetti li l-

pussess tagħhom huwa illegali skont id-dispożizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin taħtu, u għal dan il-għan tista' titlob l-għajnuna tal-Korp tal-Pulizija, tal-Forzi Armati ta' Malta, tad-Dipartiment tad-Dwana, ta' kull kunsill lokali, kull dipartiment tal-Gvern jew kull entità tal-Gvern.

(2) L-Awtorità m'għandhiex tinżamm responsabbli għal ebda danni li jirriżultaw mill-eżerċitar tas-setgħat tagħha taħt dan l-artikolu, sakemm ma jiġix ippruvat illi dawk id-danni kienu r-riżultat ta' negliġenza kbira mill-Awtorità, mill-uffiċjali tagħha u mill-aġenti tagħha.

(3) Fid-diskrezzjoni tagħha, l-Awtorità tista' ma tagħtix lura lis-sidien kwalunkwe oġġett li huwa l-kaġun tal-attività soġġetta għall-ordni ta' konformità, u li jiġi kkonfiskat, issekwestrat, maqbud jew b'xi mod imneħħi mill-Awtorità. L-Awtorità tista' wkoll tiddisponi minn dawn l-oġġetti, fejn applikabbli bi spejjeż tal-persuna li kkontraveniet, skont ir-regolamenti li l-Ministru jista' jagħmel.

(4) Meta l-infurzar mill-Awtorità tal-ordni ta' waqfien jew l-ordni ta' konformità jeħtieġ il-passaġġ ukoll fuq proprjetà ta' terzi, u, jew it-tneħħija ta' żvilupp jew il-waqfien jew it-tħarbit ta' attività li ma tkunx fiha nnifisha illegali, jew kwalunkwe impatt ieħor fuq l-imsemmija attività, l-Awtorità tista', taħt ċirkostanzi eċċezzjonali, tibqa' għaddejja minn fuq tali proprjetà u, jew tneħħi t-tali żvilupp jew tisforza l-waqfien ta' jew tħarbat jew inkella li tinċidi b'xi mod ieħor fuq din l-attività oħra wkoll.

(5) Minkejja d-dispożizzjonijiet ta' kull liġi oħra għajr id-dispożizzjonijiet tal-artikolu 46 tal-Kostituzzjoni u l-artikolu 4 tal-Att dwar il-Konvenzjoni Ewropea, ebda att kawtelatorju jew att ieħor ta' trażżin m'għandu jinħareġ kontra l-Awtorità biex iżommha milli teżerċita b'mod xieraq is-setgħat mogħtija lilha b'dan l-artikolu.

Kap. 319.

(6) L-Awtorità tista' toħroġ ordnijiet għal azzjoni biex tirrimedja ħsara ambjentali mingħajr il-ħtieġa li tapplika għal awtorizzazzjoni mingħand l-Awtorità.

(7) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (3), kwalunkwe oġġett li b'mod leġittimu ġie konfiskat, issekwestrat, maqbud jew b'xi mod imneħħi waqt l-eżerċitar tas-setgħat li jinsabu f'dan l-artikolu, jistgħu jiġu rilaxxjati mill-Awtorità biss wara li jsir il-ħlas dovut għal dawn id-djun li jirriżultaw mill-azzjoni, u biss meta dan il-ħlas isir fi żmien ħames xhur kalendarji mid-data meta l-partijiet responsabbli ġew notifikati mill-Awtorità b'dan il-ħlas dovut, jew skond it-termini ta' ħlas kif miftiehma mill-Awtorità fi żmien disgħin ġurnata minn din id-data tan-notifika tad-ħlas dovut.

(8) Jekk il-ħlas lill-Awtorità tad-djun li jirriżultaw minn azzjonijiet kif stabbilit f'dan l-artikolu ma jsirx fit-terminu ta' żmien stabbilit fis-subartikolu (7), kwalunkwe oġġett konfiskat, issekwestrat, maqbud jew b'xi mod imneħħi waqt l-imsemmija azzjoni isir proprjetà tal-Awtorità u l-Awtorità tista' tiddisponi minnu, fejn applikabbli bi spejjeż tal-persuna li kkontraveniet, skond ir-regolamenti li l-Ministru jista' jagħmel għal dan il-għan.

Impożizzjoni ta' multi għal kull ġurnata.

78. Bla ħsara għad-dispożizzjonijiet tar-regolamenti magħmula taħt dan l-Att, u għas-setgħat tal-Awtorità stabbiliti fl-artikolu 77, meta operat jew sit ikun soġġett għal ordni għal waqfien jew ordni ta' konformità, u d-dispożizzjonijiet tal-imsemmi ordni għal waqfien jew ordni ta' konformità ma jiġux osservati, l-operat jew is-sit għandu jkun soġġett għal multa ta' kuljum li tibda takkumula mid-data meta l-ordni għal waqfien jew l-ordni ta' konformità ġew notifikati għall-ewwel darba lil xi waħda mill-partijiet skond id-dispożizzjonijiet tal-artikolu 76. Kull persuna soġġetta għal ordni għal waqfien li tonqos milli tobdi l-imsemmi ordni, jew inkella meta ma jkunx sar appell kontra ordni ta' konformità jew ikun sar appell minn ordni ta' konformità iżda dan ikun ġie kkonfermat, skond il-każ, u l-persuna li hi soġġetta għall-ordni ta' konformità tonqos milli tobdi dak l-ordni fiż-żmien stabbilit fl-ordni stess, dik il-persuna għandha teħel penali li ma taqbiżx il-mija u ħamsin euro (€150) għal kull ġurnata li matulha jissokta dak in-nuqqas wara l-iskadenza taż-żmien li jista' jigi stabbilit mill-Awtorità taħt ir-regolamenti msemmija; u l-Awtorità tista' tirkupra dik il-penali mill-imsemmija persuna bħala dejn ċivili dovut lilha.

Irkuprar ta' ammonti dovuti lill-Awtorità.

79. (1) L-ispejjeż kollha li raġonevolment isiru mill-Awtorità biex tesegwixxi s-setgħat tagħha skont dan l-artikolu, jew kull ammont ieħor dovut lill-Awtorità skont xi dispożizzjoni oħra ta' dan l-Att jew ta' xi regolamenti magħmulin taħt l-istess Att, ikunu jistgħu jinġabru lura mill-Awtorità bħala dejn ċivili mingħand il-persuna li kontriha nħareġ l-ordni, jew li b'xi mod tkun responsabbli għall-għemil indikat fl-ordni, inkluż ordni għal ħlas, jew applikant, bla ħsara għal kull jedd ta' dik il-persuna li tirkuprahom mingħand xi persuna oħra.

(2) Meta l-Awtorità tkun tixtieq tħarrek biex tirkupra dejn dovut lilha taħt xi liġi jew regolamenti li hija jkollha jedd li tinforza, iċ-*Chairperson* tal-Awtorità jew kull uffiċjal ieħor tal-Awtorità li jkun awtorizzat kif imiss mill-Awtorità biex jaġixxi f'isimha jista' jagħmel dikjarazzjoni bil-ġurament quddiem ir-Reġistratur tal-Qrati jew quddiem uffiċjal awtorizzat li jamministra l-ġurament għal skopijiet ġudizzjarji, fejn huwa jiddikjara xi tkun ix-xorta tad-dejn u l-isem tad-debitur u jikkonferma li dan huwa dovut.

(3) Id-dikjarazzjoni msemmija fis-subartikolu (2) għandha tiġi notifikata lid-debitur permezz ta' att ġudizzjarju u għandu jkollha l-istess effett bħal sentenza finali tal-qorti kompetenti kemm-il darba d-debitur, fi żmien għoxrin ġurnata minn meta ssirlu n-notifika ta' dik id-dikjarazzjoni, ma jopponix dik it-talba billi jippreżenta rikors fejn jitlob li l-qorti tiddikjara l-pretensjoni bħala waħda infondata.

(4) Ir-rikors ippreżentat skont ma hemm fis-subartikolu (3) għandu jiġi notifikat lill-Awtorità, li jkollha jedd tippreżenta risposta fi żmien għoxrin ġurnata. Il-qorti għandha mbagħad tiffissa r-rikors għas-smigħ f'data li tiġi wara l-iskadenza ta' dak il-perjodu.

(5) Kull dejn dovut lill-Awtorità jaqa' bi preskrizzjoni meta jiskadi l-perjodu ta' ħames snin mid-data meta d-dejn kien dovut.

Proċedura speċjali.

80. (1) L-Awtorità tista' timponi multa amministrattiva fuq kull persuna li:

(a) tikser xi dispożizzjoni ta' dan l-Att, ta' regolamenti magħmulin taħtu jew ta' xi liġi oħra li l-Awtorità jkollha l-jedd li tiżgura l-osservanza tagħha u li tinforza; jew

(b) tonqos milli tosserva xi direttiva jew deċiżjoni mogħtija mill-Awtorità, kemm jekk taħt dan l-Att, taħt regolamenti magħmulin taħtu jew taħt xi liġi oħra li l-Awtorità jkollha jedd li tiżgura l-osservanza tagħha u li tinforza; jew

(ċ) tonqos milli tobdi xi ordni għal waqfien jew ordni ta' konformità u d-dispożizzjonijiet li fihom; jew

(d) tonqos milli tħares xi kundizzjoni ta' kwalunkwe awtorizzazzjoni mogħtija taħt dan l-Att, inkluż in-nuqqas li tipprovdi f'waqthom u, jew b'mod xieraq *data* jew informazzjoni li jesiġu l-kundizzjonijiet tal-awtorizzazzjoni:

Iżda jekk il-ksur jitwettaq minn korp azjendali u jiġi ppruvat li jkun twettaq bil-kunsens, jew bl-involviment ta', jew li jkunu attribwibbli għal, kwalunkwe traskuraġni grassa min-naħa ta' persuna li tkun direttur, diriġent, segretarju jew uffiċjal ieħor, ikun kif ikun deskritt, ta' tali korp azjendali jew persuna li wriet li qed taġixxi f'xi kariga bħal dawn, kemm dik il-persuna kif ukoll dak il-korp azjendali għandhom jinżammu responsabbli għall-imsemmi ksur u għandhom ikunu responsabbli flimkien u solidalment għall-ħlas ta' kull penali amministrattiva imposta mill-Awtorità bħala konsegwenza ta' dan.

(2) Multa amministrattiva imposta taħt is-subartikolu (1) m'għandhiex taqbeż il-mitt elf euro (€100,000) għal kull

kontravvenzjoni jew l-elf u ħames mitt euro (€1,500) għal kull ġurnata ta' nuqqas ta' konformità, mid-data meta l-Awtorità tat l-avviż dwar l-impożizzjoni tal-multa amministrattiva.

Proċedimenti meta jiġu imposti multi amministrattivi. Kap. 12.

81. (1) L-Awtorità, qabel ma timponi penali amministrattiva fuq xi persuna li tikser jew li tonqos li tħares -

(a) kwalunkwe dispożizzjoni ta' dan l-Att;

(b) regolamenti magħmulin taħtu;

(ċ) xi liġi oħra li l-Awtorità jkollha l-jedd li tiżgura l-osservanza tagħha u li tinforza;

(d) xi direttiva jew deċiżjoni mogħtija mill-Awtorità kemm jekk taħt dan l-Att, taħt regolamenti magħmulin taħtu jew taħt xi liġi oħra li l-Awtorità jkollha l-jedd li tiżgura l-osservanza tagħha u li tinforza;

(e) kwalunkwe dispożizzjoni jew terminu ta' żmien inkluż f'xi ordni għal waqfien jew ordni ta' konformità; jew

(f) kwalunkwe kundizzjoni, limitazzjoni jew speċifika approvata ta' xi awtorizzazzjoni mogħtija taħt dan l-Att,

għandha permezz ta' avviż lill-persuna involuta -

(i) tavża dwar il-penali amministrattiva li tista' tiġi imposta mill-Awtorità;

(ii) tavża dwar ir-raġuni speċifika għaliex dik il-penali tista' tiġi imposta;

(iii) tavża dwar l-ammont tal-penali; u

(iv) tesiġi li l-persuna involuta tirranġa l-għemejjel jew nuqqasijiet imwettqa minn dik il-persuna u, jew tagħmel sottomissjonijiet lill-Awtorità fi żmien speċifikat:

Iżda dan iż-żmien ma jistax ikun ta' aktar minn għoxrin jum jew anqas minn ħamest ijiem mid-data tan-notifika tal-avviż:

Iżda wkoll il-persuna, li kontriha tista' tiġi imposta penali amministrattiva, għandha tingħata opportunità raġonevoli sabiex tagħmel is-sottomissjonijiet tagħha lill-Awtorità matul dak iż-żmien li

jista' jiġi stipulat fl-avviż u tipproponi rimedji li jirranġaw l-għemejjel jew nuqqasijiet li l-Awtorità tkun esiġiet li jitranġaw.

(2) Fl-avviż imsemmi fis-subartikolu (1), l-Awtorità tista'' timponi dawk il-kundizzjonijiet li jidhrilha li huma raġonevoli fiċ-ċirkostanzi.

(3) Jekk il-persuna involuta tirrimedja l-ksur għas-sodisfazzjon tal-Awtorità fiż-żmien stabbilit mill-Awtorità skont is-subartikolu (1), u taqbel bil-miktub li żżomm mal-kundizzjonijiet li l-Awtorità tista' timponi, u tħallas il-multi akkumulati ta' kuljum li l-imsemmi ksur kien soġġett għalihom skont l-artikolu 78, l-Awtorità għandha tieqaf milli tipproċedi ulterjorment:

Iżda jekk il-persuna involuta, wara li tkun intrabtet bil-miktub kif iddikjarat hawn fuq, tonqos milli tirrimedja l-ksur għas-soddisfazzjon tal-Awtorità fiż-żmien stabbilit mill-Awtorità skont is-subartikolu (1) jew inkella tonqos milli tonora xi termini u kundizzjonijiet miftiehma bil-miktub, l-Awtorità għandha timponi kontra dik il-persuna penali amministrattiva għal tali nuqqas, minbarra l-piena amministrattiva li tista' tiġi imposta għall-ksur innifsu.

(4) Jekk, wara li jiskadi ż-żmien imsemmi fis-subartikolu (1), l-Awtorità tikkunsidra li l-persuna involuta ma tkun tat l-ebda raġuni valida biex turi għaliex m'għandha tiġi imposta ebda penali amministrattiva kontra dik il-persuna, l-Awtorità għandha tipproċedi biex timponi tali penali amministrattiva.

(5) Minkejja kull dispożizzjoni oħra ta' dan l-artikolu, fejn l-Awtorità jkollha evidenza *prima facie* li l-ksur jirrappreżenta theddida immedjata u serja għall-ambjent, jew għas-sikurezza pubblika jew sigurtà pubblika jew saħħa pubblika, l-Awtorità tista' tqassar iż-żminijiet imsemmijin fis-subartikolu (1):

Iżda l-persuna li kontriha dik il-penali amministrattiva tiġi imposta għandha tingħata opportunità raġonevoli biex tiddikjara kwalunkwe fehma u tipproponi rimedji li jkunu possibbli:

Iżda wkoll jekk il-persuna, li kontriha l-ittra uffiċċjali tkun inħarġet, tintavola appell quddiem it-Tribunal, u fl-istess ħin jew qabel l-intavolar tal-appell titlob lit-Tribunal li jissospendi s-seħħ tal-ittra uffiċjali, allura l-Awtorità għandha tieqaf milli toħroġ att ġudizzjarju kif imsemmi f'dan is-subartikolu sakemm it-talba ta' sospensjoni tiġi deċiża, irtirata jew inkella trattata:

Iżda wkoll it-Tribunal għandu jieħu deċiżjoni fuq kull talba

għal sospensjoni msemmija f'dan is-subartikolu malajr. Qabel ma jieħu deċiżjoni fuq xi talba bħal din, it-Tribunal għandu jagħti lill-Awtorità opportunità raġonevoli biex twieġeb u tagħmel is-sottomissjonijiet tagħha, fi żmien ta' mhux inqas minn tlett ijiem tax-xogħol.

(6) Malli jiskadi t-terminu ta' żmien għall-appell minnu, u malli tiġi notifikata kopja tiegħu permezz ta' att ġudizzjarju lill-persuna li għandha tħallas il-penali amministrattiva, l-avviż imsemmi fis-subartikolu (1) għandu jikkostitwixxi titolu eżekuttiv għall-effetti u l-finijiet kollha tal-artikolu 253(a) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

(7) L-Awtorità għandha tagħti r-raġunijiet tagħha għal kull deċiżjoni meħuda taħt dan l-artikolu.

(8) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, ebda mandat kawtelatorju jew ordni m'għandu jinħareġ minn xi qorti li timpedixxi l-Awtorità milli teżerċita kwalunkwe waħda mis-setgħat mogħtija lilha taħt dan l-Att b'rabta mal-penali amministrattivi.

(9) Fil-każijiet kollha fejn l-Awtorità timponi penali amministrattiva u kwalunkwe azzjoni dwar xi ħaġa li tkun saret jew li naqset milli ssir minn xi persuna u dak l-għemil jew nuqqas jikkostitwixxi wkoll reat kriminali, ebda proċedimenti ma jistgħu jittieħdu jew jitkomplew kontra l-imsemmija persuna għal dak ir-reat kriminali jekk il-persuna tħallas il-penali u twettaq kull azzjoni li tkun ġiet imposta:

Iżda l-ħlas tal-penali amministrattiva u t-twettiq ta' kwalunkwe azzjoni imposta m'għandu jneħħi ebda responsabbiltà ċivili biex tirrimedja xi danni lil kwalunkwe persuna jew awtorità jew lill-ambjent f'termini ta' responsabbiltà għal dannu ambjentali.

(10) Penali amministrattiva imposta mill-Awtorità fuq kwalunkwe persuna għandha titqies bħala dejn ċivili dovut lill-Awtorità.

(11) Il-miżuri li permezz tagħhom il-valur likwidat ta' ħsara lill-ambjent, jew ta' kwalunkwe ksur li jaqa' fl-ambitu ta' dan l-Att, jista' jiġi mħallas, iddebitat jew paċut, fost oħrajn permezz ta' ħlasijiet dovuti għas-servizzi pubbliċi, beni pubbliċi jew proġetti pubbliċi.

82. Uffiċjali tal-Awtorità maħtura għal dan l-iskop, jistgħu jimponu multi fuq il-post, li ma jaqbżux ammont massimu ta' elf euro (€1,000), għal reati u għal ammonti li għandhom jiġu stabbiliti f'regolamenti magħmula mill-Ministru. Multi fuq il-post.

Ftehim barra l-Qorti.

83. Minkejja kull liġi oħra li tipprovdi għall-proċessi u l-pieni dwar reati, meta l-Awtorità temmen li persuna kkommettiet reat kontra dan l-Att, l-Awtorità tista' tidħol fi ftehim bil-miktub ma' dik il-persuna fejn tiddeskrivi r-reat li l-persuna hija akkużata bih, tindika l-passi li għandhom jittieħdu biex jirrimedjaw ir-reat u l-penali miftiehma li għandha titħallas għal dak ir-reat kif jiġi preskritt fir-regolamenti magħmula mill-Ministru.

TAQSIMA VIII

Reati

Reati.

84. (1) Kull min -

(a) jagħmel xi attività mingħajr l-awtorizzazzjoni li tkun meħtieġa fiż-żmien meta ssir l-attività, jew, jekk l-attività ssir b'awtorizzazzjoni, jonqos milli jħares jew milli jiżgura l-ħarsien ta' xi kundizzjoni, restrizzjoni jew limitazzjoni oħra li għaliha tkun soġġetta l-awtorizzazzjoni; jew

(b) jaġixxi bi ksur ta' xi waħda mid-dispożizzjonijiet tal-artikolu 70 dwar xi żona protetta, jew dwar ordni ta' emerġenza għall-konservazzjoni; jew

(ċ) wara li jkun ġie notifikat b'ordni għal waqfien jew ordni ta' konformità jew ordni ieħor taħt l-artikolu 76, jonqos milli jħares xi waħda mill-esiġenzi ta' dak l-avviż fiż-żmien speċifikat fih; jew

(d) iżomm, jostakola, jhedded, jagħti fastidju jew ifixkel, inkella jipprova jżomm, jostakola, jhedded, jagħti fastidju jew ifixkel, lil xi uffiċjal tal-Awtorità, jew lil qrabatu, jew lil uffiċjal tal-pulizija jew uffiċjal pubbliku, jew uffiċjal ta' xi dipartiment tal-Gvern jew ta' xi enti tal-Gvern jew ta' xi kunsill lokali, fil-qadi ta' dmirijietu skond il-liġi, jew jonqos milli jagħmel dak li raġonevolment jintalab jagħmel minn dik il-persuna kif imsemmi jew milli jgħinha fil-qadi ta' dmirijietha, jew xjentement jagħti lil dik il-persuna informazzjoni falza jew jonqos jew jirrifjuta li jagħti xi informazzjoni meħtieġa għall-għanijiet imsemmija hawn qabel; jew

(e) jagħmel dikjarazzjoni għal xi fini ta' dan l-Att li tkun falza, qarrieqa jew mhux korretta f'xi aspett materjali,

ikun ħati ta' reat kontra dan l-Att u meta jinsab ħati jeħel multa ta' mhux inqas minn elf u ħames mitt euro (€1,500) u mhux aktar minn mitt elf euro (€100,000), u dwar reat taħt il-paragrafu (d) jew reat taħt il-paragrafu (ċ), jekk ir-reat ikompli għal aktar minn tliet xhur, jeħel

ukoll priġunerija għal żmien ta' mhux inqas minn tliet xhur u mhux iżjed minn tliet snin:

Iżda, u mingħajr preġudizzju għad-dispożizzjonijiet tal-artikoli 69(6) u l-artikolu 78 u mingħajr preġudizzju għall-ogħla multa stabbilita hawn qabel, l-inqas multa li min jikkommetti reat jista' jeħel taħt dan l-artikolu m'għandhiex tkun inqas mill-valur tax-xogħlijiet li jkunu saru mingħajr awtorizzazzjoni jew bi ksur tal-kundizzjonijiet li għalihom kienet soġġetta dik l-awtorizzazzjoni.

(2) Il-Qorti, minbarra l-għoti tal-piena msemmija fis-subartikolu (1), tista' fejn ikun applikabbli tikkonfiska l-*corpus delicti* u għandha tordna lill-ħati biex ineħħi l-kawżi tar-reat u li jreġġa' lura kull ħaġa li tkun saret mingħajr awtorizzazzjoni jew li jħares il-kundizzjonijiet imposti fl-awtorizzazzjoni, skont il-każ, fi żmien li jkun biżżejjed għal hekk, iżda f'kull każ mhux aktar minn tliet xhur mid-data tas-sentenza, kif jiġi stabbilit mill-qorti; u, jekk il-ħati jonqos milli jħares xi ordni bħal dak fiż-żmien hekk stabbilit, jeħel multa ta' mhux inqas minn ħamsin euro (€50) u mhux iżjed minn mija u tletin euro (€130), skond ma tistabbilixxi l-qorti, għal kull ġurnata li n-nuqqas jitkompla wara li jiskadi l-imsemmi żmien; u l-Qorti tista' tordna wkoll it-tibdil, sospensjoni jew revoka ta' kull awtorizzazzjoni.

(3) Il-proċedimenti kontra kull persuna għal xi reat kif imsemmi fis-sub-artikolu (1) għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skont il-każ, bħala qrati ta' ġudikatura kriminali skont id-dispożizzjonijiet tal-Kodiċi Kriminali: Kap. 9.

Iżda, minkejja d-dispożizzjonijiet tal-artikolu 376(1)(b) tal-Kodiċi Kriminali, il-Qorti għandha, fuq talba tal-prosekuzzjoni Kap. 9. jew tal-akkużat, tieħu l-provi mogħtija mix-xhieda bil-mod previst jew fl-artikolu 390(6) tal-imsemmi Kodiċi jew inkella f'xi liġi li tkun fis-seħħ f'dak iż-żmien.

(4) L-artikolu 21 tal-Kodiċi Kriminali u d-dispożizzjonijiet Kap. 9. tal-Att dwar il-*Probation*, ma għandhomx jgħoddu għar-reati li Kap. 446. jissemmew f'dan l-artikolu.

(5) La s-sottomissjoni ta' applikazzjoni intiża biex tirregolarizza xi attività li dwarha jkun hemm proċeduri kriminali pendenti, u lanqas l-intavolar ta' appell kontra rifjut ta' dik l-applikazzjoni jew kontra approvazzjoni parzjali tagħha, m'għandhom jitqiesu li jimpedixxu t-tkomplija ta' dawk il-proċeduri kriminali, u l-qorti għandha tkompli tisma' l-każ u għandha tagħti s-sentenza dwaru u għandha toħroġ ordni skont is-subartikolu (2) bħallikieku dik l-applikazzjoni jew dak l-appell qatt ma kienu saru:

Iżda meta dik l-attività tkun ġiet regolarizzata m'għandha titħallas l-ebda multa taħt is-subartikolu (2) fir-rigward taż-żmien li jiġi wara li l-attività tkun diġà ġiet regolarizzata u l-multi kollha jkunu diġà tħallsu lill-Awtorità.

Kap. 9.

(6) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell quddiem il-Qorti tal-Appelli Kriminali kontra kull sentenza mogħtija fi proċedimenti li jirriżultaw minn dan l-Att jew minn regolamenti, regoli jew ordnijiet magħmulin taħtu.

(7) Kull azzjoni meħuda taħt id-dispożizzjonijiet ta' dan l-artikolu għandha tkun mingħajr preġudizzju għal kwalunkwe azzjoni li tista' tittieħed kontra xi persuna taħt ir-regolamenti magħmula skont id-dispożizzjonijiet tal-artikolu 69(6).

Kopji ċertifikati ta' dokumenti.

85. F'kull proċediment jew prosekuzzjoni taħt dan l-Att, kopja ta' kull ordni, avviż, deċiżjoni jew dokument ieħor li turi li sar taħt dan l-Att u li ġie ffirmat miċ-*Chairperson* tal-Awtorità jew minn wieħed mid-diretturi, għandu jiġi aċċettat bħala prova tal-ordni, avviż, deċiżjoni jew dokument ieħor, u tal-fatti li jidhru fih, mingħajr il-ħtieġa ta' aktar provi.

TAQSIMA XI

Mixxellanji

Notifiki taħt dan l-Att.

86. (1) Meta xi avviż jew att jew dokument ieħor, ikun x'ikun, huwa meħtieġ jew awtorizzat li jiġi notifikat jew mogħti skont jew taħt dan l-Att, dan jista' jiġi notifikat jew mogħti b'xi wieħed mill-modi li ġejjin:

(a) billi jingħata lill-persuna li għandha tiġi notifikata jew li lilha għandu jingħata; jew

(b) billi jitħalla fil-post ta' abitazzjoni fejn soltu toqgħod dik il-persuna jew fejn l-aħħar kienet toqgħod, jew jekk dik il-persuna tkun tat indirizz għal notifika, f'dak l-indirizz; jew

(ċ) billi jintbagħat b'ittra reġistrata indirizzata lil dik il-persuna fil-post ta' abitazzjoni jew fl-indirizz għal notifika hawn qabel imsemmi; jew

(d) f'każ ta' korp azjendali jew għaqda oħra ta' persuni, billi jingħata f'idejn uffiċjal jew impjegat tagħhom fl-uffiċċju reġistrat jew f'dak prinċipali, jew inkella billi jintbagħat b'ittra reġistrata indirizzata lill-korp jew għaqda f'dak l-uffiċċju; jew

(e) f'kull każ li fih ma jkunx raġonevolment possibbli li ssir notifika b'xi wieħed mill-modi li ssemmew qabel, kemm jekk lil kull waħda mill-persuni li għandhom jiġu notifikati jew avżati kif ukoll jekk lil xi waħda jew aktar minnhom, billi d-dokument li għandu jiġi notifikat jew mogħti jitwaħħal f'post prominenti fuq l-art li għaliha jirreferi u jinżamm hekk imwaħħal għal mhux anqas minn sebat ijiem; jew

(f) fi kwalunkwe każ fejn ma jkunx raġonevolment possibbli li ssir in-notifika b'ebda mill-modi preskritti fil-paragrafi (a) sa (e), kemm jekk lil kull waħda mill-persuni li għandhom jiġu notifikati jew avżati kif ukoll jekk lil xi waħda jew aktar minnhom, permezz ta' pubblikazzjoni f'gazzetta lokali.

(2) Meta jinħtieġ, jew ikun awtorizzat, li avviż jew dokument ieħor jiġi notifikat jew mogħti lil xi persuna li jkollha interess f'xi art, u l-isem ta' dik il-persuna ma jkunx jista' jiġi aċċertat minkejja stħarriġ raġonevoli; jew inkella jekk jinħtieġ jew ikun awtorizzat li dan jiġi notifikat lil min jokkupa art, l-avviż għandu jitqies li jkun ġie notifikat jew mogħti kif imiss ġaladarba jiġi notifikat jew mogħti b'xi wieħed mill-modi msemmija fis-subartikolu (1) u jkun indirizzat lill-persuna li għandha interess fl-art deskritta bħala "sid" jew "okkupant", jew "sidien" jew " okkupanti", skont il-każ.

87. (1) Il-Ministru jista' b'seħħ minn dik id-data li tista' tiġi stabbilita b'avviż fil-Gazzetta jħassar l-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp u jistgħu jiġu hekk stabbiliti dati, regoli u proċeduri differenti għat-tħassir u, jew għas-seħħ tad-dispożizzjonijiet differenti tagħhom. Riservi. Kap. 504

(2) Il-Ministru jista', permezz ta' regolamenti magħmula taħt dan l-Att, jipprovdi illi minflok il-kliem "Direttur" u "Direttur għall-Protezzjoni tal-Ambjent", kull fejn dawn jinsabu f'regolamenti magħmulin taħt l-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, Kap. 504. għandhom jidħlu l-kliem "Awtorità", u kull tifsira ta' "Direttur" u "Direttur għall-Protezzjoni tal-Ambjent" f'regolamenti magħmulin taħt l-istess Att għandha titħassar.

(3) Kull ordni, regola, regolament, ordinament, avviż, pjan, *policy* jew strument ieħor li jkollu saħħa ta' liġi li saret jew inżammet fis-seħħ bl-awtorità ta' xi dispożizzjoni l-Att dwar l-Ambjent u l-Kap. 504. Ippjanar tal-Iżvilupp għandha tkompli sseħħ u għandu jibqa' jkollha effett bħallikieku saret taħt dan l-Att u tista' tiġi emendata, sostitwita jew revokata bl-istess mod.

(4) Kull liċenza, permess, awtorità, ordni, avviż jew ċertifikat, jew kull prosekuzzjoni jew akkuża mogħtija jew magħmula jew
Kap. 504. miżmuma fis-seħħ taħt xi dispożizzjoni tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp u li jkun għadu fis-seħħ minnufih qabel id-data li fiha jidħol fis-seħħ dan l-Att, għandu minn dik id-data jibqa' fis-seħħ jitqies bħallikieku kien liċenza, permess, awtorità, ordni, avviż jew ċertifikat, jew prosekuzzjoni jew akkuża mogħtija jew magħmula taħt dispożizzjoni pariġġħa ta' dan l-Att, u kull liċenza, permess, awtorità, ordni, avviż jew ċertifikat, jew prosekuzzjoni jew akkuża bħal dawn għandu jitqies u jiġi trattat bl-istess mod:

Iżda fil-każ ta' kull liċenza, permess, awtorità, ordni, avviż jew ċertifikat li nħarġet għal żmien speċifiku, tali liċenza, permess, awtorità, ordni, avviż jew ċertifikat għandu jibqa' operattiv għal dak iż-żmien mid-data tal-ħruġ tal-istess liċenza, permess, awtorità, ordni, avviż jew ċertifikat.

(5) Il-Fond għall-Ambjent stabbilit taħt id-dispożizzjonijiet tal-artikolu 32, għandu jaqdi u jissuċċedi fil-funzjonijiet, assi, jeddijiet, passiv u obbligi kollha tal-Fond Ambjentali stabbilit taħt id-
Kap. 504. dispożizzjonijiet tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp.

(6) Il-Ministru jista' permezz ta' regolamenti magħmulin taħt dan l-Att jipprovdi li l-Awtorità għandha titqies bħala l-Awtorità kompetenti għal kwalunkwe kwistjoni elenkata f'dan l-artikolu.

L-EWWEL SKEDA

Artikolu 8(2)

Il-funzjonijiet tal-Awtorità huma:

(a) li taqdi, u tissuċċedi fi, il-funzjonijiet, assi, jeddijiet, passiv u obbligi kollha tal-awtorità kompetenti stabbiliti taħt id-dispożizzjonijiet tal-artikolu 6 tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp sakemm dawn il-funzjonijiet, assi, jeddijiet, passiv u obbligi jirreferu għar-rwol tal-awtorità kompetenti stabbilit taħt l-imsemmi Att fir-rigward tal-protezzjoni u l-ġestjoni tal-ambjent u l-ġestjoni sostenibbli tar-riżorsi naturali, u l-prevenzjoni, taffija, tpaċija jew rimedjar ta' effetti ħżiena fuq l-ambjent;

(b) li tagħmel u twettaq *policies* dwar il-ħarsien u l-ġestjoni tal-ambjent u l-ġestjoni sostenibbli ta' riżorsi naturali, u dwar dawk l-affarijiet l-oħra li jistgħu jkunu meħtieġa għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att;

(ċ) li twettaq u, jew tikkummissjona sondaġġi, studji, valutazzjonijiet, investigazzjonijiet, verifiki u monitoraġġ, u tippromwovi r-riċerka, dwar kull kwistjoni li għandha rabta mal-ambjent u mar-riżorsi naturali regolati minn jew taħt dan l-Att;

(d) li tipprovdi informazzjoni u toħroġ linji gwida lill-pubbliku u lil entitajiet kummerċjali u oħrajn dwar kwistjonijiet ambjentali u dwar l-imsemmijin riżorsi naturali;

(e) li tistabbilixxi miżuri għall-ħarsien tal-ambjent u li tippromwovi l-użu effiċjenti tar-riżorsi naturali fi, u permezz ta', il-prattiċi, operati, attivitajiet u funzjonijiet regolati minn jew taħt dan l-Att;

(f) li tiżgura li l-obbligi nazzjonali u internazzjonali dwar kwistjonijiet regolati minn jew taħt dan l-Att jiddaħħlu fis-seħħ u jitħarsu;

(g) li tawtorizza, tivvaluta, tinvestiga, tivverifika, tissorvelja, u tieħu azzjoni fuq, xi attività, intervent, proġett, operat jew użu tal-art li jistgħu jkollhom effett fuq l-ambjent;

(h) li tagħti pariri lill-Ministru fuq leġislazzjoni internazzjonali u fuq il-formulazzjoni ta' *policy* nazzjonali dwar affarijiet regolati minn dan l-Att u fuq affarijiet li għandhom effett fuq dan l-Att;

(i) li tagħti pariri oħra lill-Ministru dwar kull ħaġa li għandha x'taqsam mal-funzjonijiet tagħha taħt dan l-Att;

(j) li twettaq, tirrevedi jew titlob lil oħrajn sabiex iwettqu valutazzjonijiet ambjentali, verifiki ambjentali u monitoraġġi ambjentali għal attivitajiet u xogħlijiet li jkollhom impatt fuq l-ambjent;

(k) li taqdi dawk il-funzjonijiet oħra li minn żmien għal żmien jistgħu jiġu assenjati lilha mill-Ministru.

IT-TIENI SKEDA

Artikolu 51(1)

Fit-tħejjija jew fir-reviżjoni ta’ pjan sussidjarju jew *policy*, għandha tiġi segwita l-proċedura li ġejja:

Meta l-Awtorità tħejji *policy* jew pjan sussidjarju jew reviżjoni tiegħu kif issemma hawn aktar qabel, hija għandha titlob l-approvazzjoni tal-Ministru skont il-proċedura li ġejja:

(a) waqt it-tħejjija jew reviżjoni ta’ *policy* jew pjan sussidjarju, l-Awtorità għandha tgħarraf lill-pubbliku b’dawk il-materji li bi ħsiebha tqis u għandha tagħti opportunità xierqa lill-individwi u lill-organizzazzjonijiet biex jagħmlu l-kummenti tagħhom lill-Awtorità;

(b) meta l-*policy* jew pjan sussidjarju jew reviżjoni tiegħu jitlestew, l-Awtorità għandha tippubblika l-*policy* jew pjan flimkien ma’ stqarrija tal-kummenti li tkun irċeviet u r-reazzjoni tagħha dwarhom. L-Awtorità għandha tistieden li jsirulha kummenti dwar il-pjan jew *policy* fi żmien stabbilit ta’ mhux anqas minn xahar;

(ċ) l-Awtorità għandha taddotta l-pjan jew *policy* sussidjarju wara li tqis il-kummenti li tkun irċeviet kif imsemmi hawn qabel;

(d) l-Awtorità għandha tirreferi il-pjan jew *policy* sussidjarju lill-Ministru. L-Awtorità għandha wkoll tibgħat lill-Ministru:

(i) id-dikjarazzjoni tal-kummenti;

(ii) it-tweġibiet u l-emendi li għamlet bħala riżultat ta’ dawk il-kummenti;

(iii) indikazzjoni preċiża tal-emendi kollha l-oħra li saru lill-pjan jew *policy*; u

(iv) id-dokumentazzjoni u l-istudji kollha li għandhom x’jaqsmu mat-tħejjija tal-pjan sussidjarju;

(e) l-Awtorità għandha tippubblika l-pjan jew *policy* u tistieden li jsirulha kummenti dwar il-materji indikati fil-paragrafu (d)(iii) sa żmien stabbilit ta’ mhux anqas minn xahar;

(f) l-Awtorità għandha taddotta l-pjan jew *policy*

sussidjarju wara li tqis il-kummenti kollha li jsirulha kif issemma hawn qabel u għandha tirreferi l-pjan jew *policy* sussidjarju lill-Ministru għall-approvazzjoni tiegħu. Għandha wkoll tibgħat lill-Ministru:

(i) id-dikjarazzjoni tal-kummenti; u

(ii) it-tweġibiet u l-emendi li għamlet bħala riżultat ta' dawk il-kummenti;

(g) meta l-Ministru jaqbel mal-pjan sussidjarju huwa għandu japprovah kif ippreżentat mill-Awtorità, u meta tingħata din l-approvazzjoni l-Awtorità għandha tippubblikaha flimkien mad-dikjarazzjonijiet, ir-risposti, id-dokumentazzjoni u l-istudji msemmija fil-paragrafi (d) u (f);

(h) meta l-Ministru ma jaqbilx mal-pjan sussidjarju kif addottat mill-Awtorità skont il-paragrafu (f), għandu jħejji stqarrija ta' pożizzjoni fejn isemmi t-tibdiliet li huwa jkun qed jissuġġerixxi jew ir-reazzjonijiet tiegħu dwar il-pjan sussidjarju tal-Awtorità u għandu jibgħat lura l-pjan sussidjarju lill-Awtorità flimkien mal-istqarrija tal-pożizzjoni tiegħu;

(i) meta l-Awtorità ma taqbilx mal-Ministru wara li l-pjan sussidjarju jkun intbagħat lura għandha mill-Ministru, għandha tħejji stqarrija ta' pożizzjoni u għandha tirreferiha lura lill-Ministru;

(j) il-Ministru għandu mbagħad iħejji stqarrija ta' pożizzjoni finali, u għandu minnufih jgħarraf lill-Awtorità biha;

(k) l-Awtorità għandha minnufih temenda l-pjan sussidjarju skont l-istqarrija ta' pożizzjoni finali tal-Ministru u tippreżentah lill-Ministru għall-approvazzjoni finali tiegħu;

(l) wara tali approvazzjoni mill-Ministru, l-Awtorità għandha tippubblika l-pjan sussidjarju flimkien mal-istqarrijiet ta' pożizzjoni tagħha u dawk tal-Ministru u flimkien mal-istqarrijiet, reazzjonijiet, dokumentazzjoni u studji msemmija fil-paragrafi preċedenti;

(m) meta l-pjan sussidjarju jew xi parti minnu jwessa' l-ambitu tal-Istrateġija Nazzjonali għall-Ambjent jew ma jkunx jaqbel magħha, il-Ministru għandu jsegwi d-dispożizzjonijiet tal-artikoli 45 sa 47 fil-każ ta' dak il-pjan sussidjarju jew parti minnu, iżda dawk il-partijiet tal-pjan sussidjarju li ma jewssgħux l-ambitu tal-Istrateġija Nazzjonali għall-Ambjent u

mhumiex f'kunflitt magħha, għandhom jiġu fis-seħħ fid-data ta' meta jiġu approvati mill-Ministru.

IT-TIELET SKEDA

Artikolu 58(2)

L-attivitajiet u l-operati msemmija fil-artikolu 58(1) jinkludu, fost oħrajn, dawn li ġejjin:

(a) b'rabta mal-biodiversità u karatteristiċi naturali oħra:

(i) il-kummerċ, bejgħ, xiri, tpartit, trasferiment jew żmaltiment, estrazzjoni jew teħid, trasportar, importazzjoni jew esportazzjoni jew esportazzjoni mill-ġdid, ta' dawk il-kampjuni u eżemplari ta' flora, fawna jew karatteristiċi naturali oħra kif jista' jiġi ordnat, sew mejtin sew ħajjin, u kemm sħaħ kif ukoll jekk biċċa minnhom, inklużi d-derivati tagħhom u għal kwalunkwe skop;

(ii) il-pussess ta' kampjuni jew eżemplari, kif jista' jiġi stabbilit, waqt li jkunu qed jinġarru;

(iii) il-pussess ta' kampjuni jew eżemplari, kif jista' jiġi preskritt;

(iv) il-maneġġjament ta' kampjuni jew eżemplari, kif jista' jiġi stabbilit, b'kull mod inkluż it-tqegħid ta' ċrieket u l-immarkar b'tikketti;

(v) l-immuntar, ibbalzmar, insib, sparar lejn, jew qbid ta' kampjuni kif jista' jiġi preskritt;

(vi) il-ġbir, żamma, qtugħ, distruzzjoni, qtil, insegwiment, teħid, danneġġjament jew qbid intenzjonat ta' kampjuni jew eżemplari, kif jista' jiġi preskritt;

(vii) il-qlugħ, tqaċċit, żbir jew it-twettiq ta'interventi kirurġiċi jew interventi oħra fuq dawk il-kampjuni jew eżemplari, kif jista' jiġi preskritt;

(viii) l-użu ta' metodi projbiti għall-qbid u l-qtil, kif jista' jiġi preskritt;

(ix) il-ġestjoni ta' speċi invażivi jew barranin kif

jista’ jiġi preskritt;

(x) l-introduzzjoni, jew introduzzjoni mill-ġdid, ta’ speċi kif jista’ jiġi preskritt;

(xi) attivitajiet f’żoni protetti, li jitqiesu bħala li għandhom effett fuq id-diversità u l-integrità tas-sit jew il-karatteristiċi ambjentali tiegħu;

(xii) kwalunkwe attività li tmur kontra l-prinċipji tar-restawr ekoloġiku, ġeoloġiku, ġeomorfoloġiku, idroloġiku u tal-pajsaġġ, jew tal-prattika tajba fil-konservazzjoni ta’ u fil-ġestjoni tal-biodiversità, tal-karatteristiċi naturali, tal-pajsaġġi u taż-żoni protetti, kif jista’ jiġi preskritt, inkluż iżda mhux biss għal:

1. attivitajiet li jkun mistenni li se jikkaġunaw tibdil dejjiemi, jew fit-tul jew inkella sinifikattiv;

2. afforestazzjoni, tħawwil, deforestazzjoni u tneħħija ta' veġetazzjoni naturali;

3. attivitajiet li jkun mistenni li se jiġġeneraw, jintensifikaw jew jimmodifikaw l-istorbju ambjentali, il-vibrazzjonijiet, it-tniġġis minħabba d-dawl, il-kurrenti jew disturbi oħra lill-ambjent;

4. attivitajiet li jinvolvu nirien, logħob tan-nar, perikli ta’ tixrid, jew fatturi oħrajn li jisgħu jkunu perikolużi;

5. attivitajiet meqjusa bħala li għandhom effett fuq id-diversità bioloġika, fuq l-aspett fiżiku tas-sit, jew fuq l-integrità tas-sit u l-pajsaġġ;

6. attivitajiet jew avvenimenti relatati mal-*off-roading*;

7. tindif jew tħammil tal-widien;

(xiii) interventi li jibdlu, jipperikolaw l-istabilità ta’ jew iġarrfu kwalunkwe karatteristiċi fiżiċi naturali, jew strutturi rurali li jipprovdu ambjent għall-flora jew għall-fawna jew inkella li jikkontribwixxu għall-integrità tal-pajsaġġ jew tal-ambjent fiżiku, kif jista’ jiġi preskritt;

(xiv) il-ġestjoni tad-diversità bioloġika kif jista' jiġi preskritt;

(xv) l-aċċess għar-riżorsi ġenetiċi u l-qsim tal-benefiċċji tagħhom;

(b) b'rabta mal-ġestjoni tal-iskart:

(i) il-ħżin, ġbir, trasferiment, irkuprar jew ġestjoni jew maneġġjament tal-iskart hekk kif jista' jiġi preskritt;

(ii) l-aġir bħala aġent intermedjarju għat-twettiq tal-funzjonijiet imsemmija fis-subparagrafu (i);

(iii) il-kummerċ fi, u l-importazzjoni jew esportazzjoni ta', l-iskart;

(iv) il-pussess tal-iskart, kif jista' jiġi preskritt, waqt li jkun qed jinġarr;

(v) it-tħaddim ta' faċilitajiet għall-ġestjoni tal-iskart;

(ċ) b'rabta mal-kontroll tat-tniġġis, it-twettiq ta' operati li jarmu, iwasslu għar-rimi ta', jew jippermettu li tintrema xi sustanza kif jista' jiġi ordnat fl-ambjent;

(d) b'rabta mal-użu mrażżan ta' organiżmi ġenetikament modifikati:

(i) ir-rilaxx intenzjonat ta' organiżmi ġenetikament modifikati għal ġo l-ambjent;

(ii) il-kummerċ f'organiżmi ġenetikament modifikati;

(iii) il-ġestjoni jew pussess ieħor ta' organiżmi ġenetikament modifikati;

(e) kull attività oħra li tista' tiġi preskritta permezz ta' regolamenti.

Objects and Reasons

L-għan ta' dan l-Abbozz ta' Liġi hu biex jipprovdi għall-protezzjoni tal-ambjent u biex titwaqqaf awtorità b'setgħat għal dan il-għan u għal ħwejjeġ li għandhom x'jaqsmu mal-imsemmija objettivi.

A Bill
entitled

AN ACT to make provision for the protection of the environment and for the establishment of an authority with powers to that effect and for matters connected therewith or ancillary thereto.

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:-

PART I

Preliminary

Short title and commencement.

1. (1) The short title of this Act is the Environment Protection Act, 2015.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Interpretation.

2. In this Act, unless the context otherwise requires:

"application" means a permission application or authorisation application submitted in the manner prescribed by the Authority;

"application report" means the final permission application report or authorisation application report;

"the Authority" means the Malta Environment Authority established under article 6 and includes any body or other person acting on its behalf under powers delegated by the Authority under this Act, and the Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of this Act or any regulations made thereunder;

"biological diversity" or "biodiversity" means the variability among living organisms from all sources, including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes diversity within species, between species and of ecosystems;

"the Chairperson" means the Chairperson of the Authority appointed in terms of article 6;

"discharge" includes emission, deposit, dumping, disposal, addition or introduction into the environment of a substance or energy directly or indirectly from any point source or diffuse source, whether stationary or mobile, and whether caused or permitted intentionally or otherwise and whether continuous or intermittent or once only;

"entity of Government" means a body corporate established by law or a company in which the Government or such body corporate, or a combination thereof has a controlling interest or which is a subsidiary of such a company;

"environment" means the whole of the elements and conditions, natural or man-made, whether together or in isolation, and in particular:

(a) the air, water, land, soil and sea, including their bedrock, aquifers and subsurface features;

(b) all the layers of the atmosphere;

(c) all biodiversity; and

(d) the landscape and its features;

"fauna" means all types of animals and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

"flora" means all types of plants and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

"functions" includes responsibilities, powers and duties;

"land" includes the air, water, land, sea and soil, including their bedrock, aquifers and subsurface features, and extends to the proper use of resources found in such so as to ensure protection of the environment in general and use of the air, water and soil in a sustainable manner;

"local council" means a local council established under the Local Councils Act;

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"the Minister" means the Minister responsible for the environment;

"officer" includes any employee or member of staff of the Authority;

"person" means a physical or juridical person;

"plan" means a plan approved in accordance with the provisions of this Act;

"policy" means a policy approved in accordance with the provisions of this Act;

"pollution" means the direct or indirect introduction by man, or due to natural processes, into the environment of substances, energy, organisms or genetic material that cause or are likely to cause hazard to human health, or harm to living resources or to the environment;

"precautionary principle" means the principle whereby appropriate measures are taken to protect the environment and to ensure sustainable management of natural resources in the absence of absolute or conclusive scientific proof of the need for such measures;

"prescribed" means prescribed by regulation, rule, order or other instrument made as provided in the provisions of this Act empowering the making of any such instrument;

"protected area" means all areas that are afforded protection under this Act;

"public officer" has the meaning assigned to it by article 124 of the Constitution;

"sea" includes the water column, seabed, marine sedimentary subsoil, sediment and bedrock;

"Standing Committee" means the Standing Committee for the Planning and the Environment established in terms of article 31;

"subsidiary plans" includes strategies, plans, programmes and guidance under this Act;

"substances" means any matter, chemical, mixture, compound or product, and includes fuels, combinations of elements, mixtures or compounds of a chemical reaction, as well as the mixture of substances of different molecular identities;

"Tribunal" means the Environment and Planning Review Tribunal referred to in article 3 of the Environment and Planning Review Tribunal Act.

PART II

Duty to Protect the Environment

Duty of every person and entity to protect the environment.

3. It shall be the duty of every person and entity, whether public or private, to protect the environment and to assist in the taking of preventive and remedial measures to protect the environment and manage natural resources in a sustainable manner.

Duty of Government to protect the environment.

4. (1) It shall be the duty of the Government to protect the environment for the benefit of the present and future generations and to that effect:

(a) to manage the environment in a sustainable manner by integrating and giving due consideration to environmental concerns in decisions and policies on land use, socio-economic, educational and other matters;

(b) to take such preventive and remedial measures as may be necessary to address and abate the problem of pollution and any other form of environmental degradation in Malta and beyond, in accordance with the polluter pays principle and the precautionary principle;

(c) to collaborate with other governments and entities in the protection of the global environment;

(d) to disseminate information on the environment and to facilitate the participation of the public in decisions that affect the environment;

(e) to apply scientific and technical knowledge and resources in determining matters that affect the environment;

(f) to ensure the sustainable management of wastes, to promote the reduction of waste and the proper use, re-use and recovery of matter;

(g) to safeguard biological diversity;

(h) to combat all forms of pollution and environmental degradation;

(i) to consider the environment as the common heritage and common concern of mankind;

(j) to provide incentives leading to a higher level of environmental protection; and

(k) to promote research and development in the environmental field by different institutions.

(2) In the course of its daily responsibilities, it shall be the duty of every Government entity to implement the objectives and provisions of this Act and its subsidiary legislation. In doing so, Government entities shall also have regard to national environmental targets when carrying out their respective plans, programmes and projects.

Application of articles 3 and 4.

5. The provisions of articles 3 and 4 shall not be directly enforceable in any court, but the principles therein contained are this notwithstanding fundamental to the Government of Malta and those principles shall be employed in the interpretation of the other provisions of this Act or of any other law relating to matters governed by this Act.

PART III

1. Administration

Establishment of the Malta Environment Authority.

6. (1) There is hereby established an authority, to be known as the Malta Environment Authority, which shall consist of not less than eight and not more than ten members, of whom one shall be the Chairperson of the Authority.

(2) Save as hereinafter provided, the members of the Authority shall be appointed by the Minister as follows:

(a) not more than two public officers representing the

Government, one of whom has experience or qualifications in matters concerning the environment, and another who has experience or qualifications in matters concerning environmental health or social policy;

(b) not more than six members (hereinafter called the "independent members") shall be chosen from amongst persons of known integrity and with knowledge of and experience in:

(i) the Environmental Voluntary Organisations sector and, or civil society; and

(ii) the rest being persons with knowledge of and experience in matters relating to the functions of the authority, for good governance.

(3) The Chairperson of the Authority shall be chosen by the Minister from amongst the independent members of the Authority.

(4) Save as provided in sub-article (2), no person shall be qualified to be appointed as, or remain, a member of the Authority if he:

(a) is a public officer:

Provided that the Chairperson shall not be considered as a public officer for the purposes of this sub-article; or

(b) is an officer of any department, entity, Corporation or Authority of the Government, provided that for the purposes of this paragraph a member of the academic staff of the University shall be excluded; or

(c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament, or of a local council; or

(d) is a judge or magistrate of the courts of justice; or

(e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may determine that the person's interest is not likely to affect the discharge of his functions and upon such determination that person shall be qualified to hold the office of member of the Authority provided

that the declared interest and the Minister's determination are published in the Gazette; or

(f) is interdicted or incapacitated; or

(g) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering; or

(h) is subject to disqualification under article 320 of the Companies Act.

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(5) The independent members shall hold office for such period, being not less than three years, as may be specified in the letter appointing them and if no such period is specified shall remain in office for three years. In determining such period of office the Prime Minister shall, as far as practicable, ensure a measure of rotation.

(6) Without prejudice to the provisions of sub-article (4), the independent members may resign by letter addressed to the Prime Minister but may not be removed from office except by a resolution of the House of Representatives on the ground of misconduct or inability to perform the duties of their office.

(7) The other members of the Authority shall hold office until they are replaced by the Prime Minister, and as long as they remain public officers.

(8) A person who has ceased to be a member of the Authority shall if he is otherwise qualified, be eligible for reappointment; but no person shall in the aggregate be a member of the Authority for more than seven consecutive years.

(9) The Minister may by regulations establish the manner in which the proceedings of the Authority shall be regulated.

(10) The Authority shall transmit a copy of the agenda, minutes and relative enclosures of its meetings to the Minister for his information.

Authority to be body corporate.

7. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including

the lending or borrowing of money.

(2) The legal and judicial representation of the Authority shall vest in the Chairperson:

Provided that the Authority may appoint any one or more of its other members or any one or more of its officers to appear in the name and on behalf of the Authority in any proceedings and in any act, contract, instrument or other document whatsoever, or in the case of any vacancy in the post of Chairperson.

(3) In the absence of the Chairperson, or if the Chairperson is unable to perform the functions of his office, whether under this or any other provision of this Act, any one of the deputy chairpersons shall perform those functions and shall rotate the chairpersonship of the Authority between them as far as practical.

Functions of the Authority.

8. (1) The Authority shall be the principal means whereby the Government shall implement its duties under this Act.

(2) The functions of the Authority shall be those listed in the First Schedule.

(3) In carrying out its functions under sub-article (2) the Authority shall:

(a) seek to co-operate or to make arrangements with other entities or persons to enable it to better implement or monitor the implementation of and compliance with the provisions of this Act;

(b) establish long and short term objectives and strategies;

(c) make or advise the Minister on the making of environmental standards, guidelines and the making of regulations, plans and policies under this Act as well as advise on the formulation and implementation of contingency and emergency plans, led by other Authorities, to safeguard the environment;

(d) issue or withhold any authorisation or conduct or oversee any assessment, monitoring or other action that may be required by or under this Act under such conditions as it may, subject to any other provision of this or any other law, deem necessary to control and manage activities having an impact on the environment or which may potentially impact the environment;

(e) establish threshold levels of discharge from production, management, use, possession or any other activity involving products and substances, their waste products and pollution;

(f) monitor the quality of the environment and for such purpose establish indicators and methodologies, and maintain and disseminate information related to the environment; and

(g) publish, at intervals not less than four years, a report on the state of the environment.

(4) For these purposes, and subject to the provisions of this Act, the Authority shall be responsible for:

(a) ensuring that environmental audits, environmental assessments and environmental monitoring as may be prescribed are properly carried out;

(b) the preparation of the plans and policies including any other matter ancillary, incidental or conducive thereto, and the updating thereof following their approval in terms of this Act;

(c) the conduct of consultations with Government, public entities, Local Councils, non-governmental organizations, private organizations and international organizations and other persons relating to environmental protection and the sustainable management of the environment and natural resources, and to undertake and promote research on such matters;

(d) the provision of support and advisory services relating to environment protection, to Government and local authorities in relation to the performance of their functions;

(e) the provision of, either alone or in collaboration with others, education, training and public awareness programs relating to environmental protection, and the sustainable management and monitoring of the environment;

(f) the publication and updating, as circumstances may warrant, of an official manual containing such matters as the Minister may prescribe and which shall be made available to the public, provided that:

(i) no policy or amendment thereto approved in terms of the Second Schedule shall have effect unless it is

approved in accordance with the provisions of this Act and published in the official manual;

(ii) a policy or an amendment thereto, as the case may be, shall be published in the official manual within one month from the date of its approval in terms of this Act;

(iii) the official manual may be published and updated in electronic form or in any other format as the Authority may approve;

(g) the performance of such other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation, including European obligations and bilateral agreements entered into by Malta relative to matters regulated by this Act.

(5) In the execution of its functions under this Part and Part V, the Authority shall consult with the Minister, and it shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

(6) The Authority may also exercise all powers of control over the environment as may from time to time be delegated to it in writing by the Minister on behalf of any department or entity of Government.

(7) It shall be the Minister's function to ensure that the Authority is fully informed of Government's strategic directions relative to the environment, and to monitor the proper execution of such policies.

(8) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic directions relating to the environment as well as such policies relating to the environment as are applicable to Malta.

(9) In the pursuance of its functions under this Act, the Authority shall, as far as possible, make reference to European best practices and emulate them.

(10) The Authority shall also ensure that it keeps an audit trail of all its processes, including all documentation and reports.

(11) The Authority may require any holder of environmental information to provide it with any information, including financial information that the Authority considers necessary for the purpose of ensuring compliance with the provisions of this Act, regulations

prescribed thereunder and decisions or directives made in accordance with this Act, regulations prescribed thereunder or any other law which the Authority is entitled to enforce. Any person who fails or refuses to provide such information shall be in contravention of this Act and shall be liable to the imposition of an administrative fine as may be prescribed by the Authority.

Delegation of power.

9. Subject to retaining overall control and supervision, and otherwise observing the provisions of this Act, the Authority may, with the approval of the Minister, delegate any one or more of its functions under this Act under such conditions as it may deem appropriate. In particular, but without prejudice to the generality of the foregoing, the Authority may delegate as aforesaid to, or exercise concurrently with, the Commissioner of Police, or any local council, or any other body, authority or contractor, any of the functions vested in it in terms of Part VII and the Authority shall also have the power to delegate any of its enforcement powers, including the levying of penalties established in this Act, to local wardens appointed in terms of the provisions of the Private Guards and Local Wardens Act, or to other authorities besides those mentioned, as may be required, in terms of such procedure as the Minister may in agreement with the Minister responsible for local councils prescribe. Notice of any such delegation shall be published in the Gazette. The Authority shall have the right to retract such delegation at its sole discretion with immediate effect.

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Appointment of advisory boards and committees.

10. The Authority may, with the approval of the Minister, appoint advisory boards and committees to assist it in the performance of its functions under this or any other law. The functions of the said boards and committees shall be prescribed by the Authority with the approval of the Minister.

Conduct of the affairs of the Authority.

11. Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority, but save as aforesaid, the executive conduct of the Authority, its administration and its organisation shall be carried out as determined from time to time by the Authority, either directly or through any of its officers authorised for the purpose.

Appointment of officers.

12. (1) Subject to the provisions of the Constitution, any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other officers of the Authority shall be made by the Authority and the terms and conditions of their employment and appointment shall be established by the Authority with the concurrence of the Minister.

(2) The Authority may, with the approval of the Minister given

after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or a mix of both, for the payment of pensions, gratuities and other like benefits to its officers on their retirement, death or injury, or to their dependants.

Disclosure of interests.

13. (1) Where any member of the Authority, or an officer of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in, or material to, any matter which falls to be considered by the Authority, he shall -

(a) disclose to the Authority the nature of his interest at the first meeting of the Authority after such interest is acquired or in advance of any consideration of the matter, whichever is the earlier, and in accordance with directives issued from time to time by the Authority;

(b) neither influence nor seek to influence the processing and the decision in relation to such matter;

(c) take no part in any consideration of such matter; and

(d) not attend nor participate in any meeting on such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be determined by the Authority and the decision and its motivation shall be recorded in the minutes of the meeting during which the decision was taken and such person to be duly informed.

(3) Where a disclosure is made to the Authority pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom sub-article (1) applies fails to make the required disclosure, the Authority shall decide the appropriate action to be taken which may include the removal from office or termination of the contract of the person concerned.

Appointment and functions of officers of the Authority.

14. The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 12, determine, such officers of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers for duty with the Authority.

15. (1) The Prime Minister may, upon request by the Authority, from time to time, direct that any public officer shall be detailed for duty with the Authority in such capacity and under such conditions and with effect from such date as he may prescribe.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service or otherwise ceases to hold office at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events:

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 17; or

(b) the revocation of such direction by the Prime Minister or line Minister.

(3) Where a direction as aforesaid is revoked by the Prime Minister or line Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of sub-article (2) shall thereupon apply to the duration of such detailing by any such further direction in relation to such officer.

Status of public officers detailed for duty with the Authority.

16. (1) Where any public officer is detailed for duty with the Authority under any of the provisions of article 15, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the Government appointment held by him at a date on which he is so detailed; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which

are attached to the Government appointment held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority:

Provided that such terms and conditions shall not be deemed to be less favourable because they are not in all respects identical or superior to those enjoyed by the officer concerned at the date of such detailing, if in the opinion of the Prime Minister, such terms and conditions, taken as a whole, offer substantially equivalent or greater benefits; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and for the purpose of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority:

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Provided that in assessing the pensionable emoluments of such officer for the purposes of any law relating to government service pensions, no account shall be taken of any allowances, bonuses or gratuities paid to such officer by the Authority in excess of what he is entitled to as a public officer.

(3) Where an application is made as provided in sub-article (2)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

17. (1) The Authority may, with the approval of the Prime Minister or line Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 15, permanent employment with it at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer, in either case the officer needs to have adequate experience in the area of operation.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because

they are not in all respects identical with or superior to those enjoyed by the officer concerned on the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister or line Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of article 35, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority was service with the Government.

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(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

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(6) For the purposes of the Pensions Ordinance, the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer retires from the Authority.

(7) (a) For the purposes of this article, posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a Chairman appointed by the Minister responsible for finance and two other members, one appointed by the Minister responsible in general for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister

responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of officers in Government service and, or of officers of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification. Cap. 93.

Engagement of consultants and advisers.

18. The Authority may engage such consultants or advisers, as it may consider necessary to assist it in the fulfilment of its functions.

Authority to meet expenditure out of revenue.

19. (1) Without prejudice to the following provisions of this article, the Executive Council shall so conduct the affairs of the Authority that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For the purposes of sub-article (1) the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested by the Authority in such manner as

may from time to time be approved by the Minister.

Power to borrow or raise capital.

20. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, including by way of overdraft or otherwise, or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one million euro (€1,000,000) there shall be required the approval of the Minister in writing.

Advances from Government.

21. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Borrowing from Government.

22. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the Authority.

23. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be according to approved estimates.

24. (1) No expenditure shall be made or incurred by the Authority unless provision therefore had been made in the estimates approved as provided in article 23.

(2) Notwithstanding the provisions of sub-article (1) -

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or subhead of the estimates;

(c) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates;

(d) this shall not apply to certain emergency actions that may need to be taken by the authority, if no provision for such action is available in the budget.

Publication of approved estimates.

25. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives, together with a motion that the House approve the said estimates. One sitting day shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Accounts and audit.

26. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may,

after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall, in accordance with regulations published by the Minister, cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House as soon as practicable.

Deposit of revenues and payments by the Authority.

27. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

(a) the manner in which, and the officer or officers by whom, payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Contracts of supply or works.

28. The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

Annual Report.

29. The Authority shall, in accordance with regulations made by the Minister, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Exemption from tax.

30. The Authority shall be exempt from any liability for the payment of any tax on income or duty on documents for the time being in force in Malta.

2. Committees, Boards and Funds

Standing Committee for the Planning and the Environment

31. (1) The Minister shall refer the following to the Standing Committee for the Planning and the Environment:

(a) any plan referred to the House of Representatives in terms of this Act. The Standing Committee for the Planning and the Environment shall also recommend to the House whether the plan should be approved, with or without amendments, or rejected;

(b) the Environment Strategy and the State of the Environment Report;

(c) any other report, plan or policy as the Minister may deem necessary.

The Environment Fund and other funds.

32. (1) The Authority shall set up a fund, hereinafter referred to as the Environment Fund.

(2) The Environment Fund shall be administered by the Authority.

(3) The Environment Fund shall be used to finance projects, programs and schemes related to, and costs intended to achieve and manage, the aims and objectives of this Act, studies, as well as works which may be needed for that purpose or to remedy any harm caused to the environment, as the Minister in consultation with the Authority may prescribe:

Provided that, without prejudice to the aforesaid, the Environment Fund shall not be used to finance other costs of the Authority:

Provided further that the Authority may charge the Environment Fund for any services rendered by it to the Environment Fund.

(4) There shall be paid into the Environment Fund:

(a) any sums appropriated by Parliament for the purpose;

(b) any donations or grants made to the Environment Fund by individuals or institutions;

(c) sums received by the Authority for the purpose of being placed in the Environment Fund;

(d) such other sums or monies as may from time to time be provided by or under this or any other law or regulations:

Provided that the Authority shall implement all relevant safeguards to ensure that the implementation of this sub-article does not result in any actual or perceived conflict of interests in the performance of its regulatory functions, and does not otherwise tarnish its reputation or public trust. Such safeguards shall include, *inter alia* and as deemed most relevant:

(i) appropriate functional and operational separation;

(ii) internal administrative firewalling; and

(iii) rejection of donations or grants offered to it, financially or in kind, which may introduce a likely or foreseeable conflict of interests.

(5) The Environment Fund shall keep a proper account of its revenue and expenditure and the Authority shall, without prejudice to the powers of the Auditor General and of the Minister responsible for finance under any law, each year cause the accounts of the Environment Fund to be audited by suitably qualified public auditors and accountants appointed by it with the concurrence of the Minister.

(6) The Environment Fund shall every financial year deliver to the Minister, through the Authority, a copy of its duly audited balance sheet together with a report of its activities during the previous financial year. The Minister shall lay a copy of the balance sheet and

of the report on the Table of the House within a month of the receipt of the same from the Authority.

(7) The revenue of the Environment Fund shall not be subject to tax under the Income Tax Act and the Environment Fund shall not be liable to tax under the Duty on Documents and Transfers Act.

Cap. 123.
Cap. 364.

(8) The Minister after consulting the Authority may make regulations prescribing the procedure to be followed by the Authority and otherwise regulating the Environment Fund.

(9) The Authority may set up other funds and prescribe what shall be paid into such funds and how the said funds shall be administered and used. The provisions of sub-articles (4), (5), (6), (7) and (8) shall apply *mutatis mutandis* to such other funds.

The Registration Board.

33. (1) There shall be a Registration Board whose function shall be to evaluate applications for registration in the Register of Consultants eligible to carry out environmental assessments, audits, monitoring and studies as required by the Authority.

(2) The Board shall be composed of a minimum of three members and a maximum of five members, appointed by the Minister one of whom shall be appointed to chair the board.

(3) The members of the Board shall be independent members who are not involved in any way in the preparation of environmental or other assessments falling within the jurisdiction of the Board.

(4) The Board shall seek the opinion of the Authority, which shall make appropriate reference to applicable standards and regulations regarding the quality of assessments and associated environmental information required by the Authority to fulfill its function, following which it will assess applications for such registrations and approve those that meet the requirements for registration. The Board shall give reasons for its decisions.

(5) The decision of the Board to grant or to refuse an application for registration in the Register kept by the Authority shall be notified in writing to the applicant without delay.

(6) The Board may direct the Authority to update the Register at such regular intervals as it may deem fit by the inclusion of other disciplines in the Register, which disciplines might have in the meantime evolved.

(7) The decisions of the Board shall be final. An appeal shall lie to the Tribunal only on the grounds that the Board has, in its

decision, wrongly applied the provisions of this Act or any regulations issued thereunder, or the decision of the Board constitutes an abuse of discretion or is manifestly unfair, and without prejudice to the aforesaid, the discretion of the Board may not, so long as it has been exercised properly, be queried by the Tribunal. An appeal from a partial decision of the Board may only be filed together with an appeal from the final decision of the Board.

(8) The decision of the Board shall be binding if it is supported by the opinion of a majority of its members, and the dissenting member or members, if any, may express his opinion separately; and all decisions of the Board shall be delivered in public and shall be published as soon as practicable after the sitting at which they are given.

(9) The Minister may, after consultation with the Board, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

(a) establish criteria that applicants are expected to meet in order to qualify for registration;

(b) establish the procedure to be followed by the Board;

(c) prescribe a tariff of fees for registration with the Board.

Powers of the Registration Board.

34. (1) The Registration Board may, out of its own motion, or at the request of the Authority, cancel any certificate granted under the provisions of article 33 or refuse any application for a renewal of the registration, when the holder of that certificate:

(a) is found guilty by a court of criminal jurisdiction of a crime committed through fraud, corruption, false declaration, imprudence, carelessness, unskillfulness in an art or profession, or non-observance of regulations; or

(b) is found guilty by a court of criminal jurisdiction of any offence under the provisions of this Act or of any regulations made there under; or

(c) has, in the opinion of the Authority and the Board, submitted sub-standard or deliberately misleading work in an environmental assessment; or

(d) has participated in the preparation of an environmental assessment in a consultant role when he was not registered in the Register; or

(e) was the recipient of a certificate issued under the provisions of article 33 based on information which is false or misleading; or

(f) fails to pay the yearly renewal fee.

(2) Notwithstanding the provisions of sub-article (1), the Board may opt for a suspension, rather than cancellation of the certificate, in the circumstances specified in sub-article (1)(d) and (f).

(3) Notwithstanding the provisions of sub-article (1), if a person participates in a consultant role in the preparation of an environmental assessment without being registered in the Register, he shall subsequently be barred from registering or participating in any assessments in Malta for a period to be decided by the Board which period shall in no case be less than three years.

3. Common Provisions

Members of the Authority, etc., to be deemed public officers for certain purposes. Cap. 9.

35. (1) For the purposes of the Criminal Code and of any provision of a penal nature in any other law, the members of the Authority and of any committee, board, or other body or office established by this Act, and every officer thereof, shall be deemed to be and be treated as a public officer.

(2) The members and officers of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

Consultations.

36. The Authority, or any committee or Board, may consult with any officer of the Authority or any other person or entity whose advice is considered relevant to any matter under its consideration. Such consultations shall be duly recorded.

Declaration of assets, code of conduct and publication of names.

37. (1) Every member of the Authority and any other such officer of the Authority as determined by the Minister in procedures established for this purpose, shall submit a declaration of assets in accordance with such procedures.

(2) The Minister shall in consultation with the Authority, issue, publish and review a code about the conduct expected of the members of the Authority and any other committee, board or other body established by this Act, and of officers of the Authority, in connection with the performance of the Authority's functions.

(3) The provisions of the code of conduct shall be taken into account in deciding whether any such member or officer is unfit to perform the duties assigned to him under this Act or whether his term of office is to be renewed.

(4) The names of all the members of the Authority, and of any committee, board or other body established by this Act, and any other change in such membership shall be published in the Gazette.

PART IV

Transfer of Officers and Assets to the Authority

Transfer of officers and assets to the Authority.

38. (1) The officers, property and undertakings owned by the Malta Environment and Planning Authority and which are to be transferred to or vested in the Authority shall be transferred to and vested in the Authority in accordance with regulations prescribed by the Minister.

(2) The transfer and vesting in the Authority as aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality of the aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, buildings, structures, installations, land, works, stocks and other property, movable and immovable assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid.

Construction of laws, etc.

39. Subject to other provisions of this Act, all laws, rules, regulations, orders, judgments, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act and in which the Government or a government authority is a party thereto or is named therein shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, in such manner as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto in substitution of the Government or governmental authority in question.

Transitory provisions.

40. (1) Anything relating to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act which has been commenced by or under the authority of the Government or the Malta Environment and Planning Authority

before the date of the coming into force of this Part of this Act may continue to be carried on and completed by or as authorised by the Authority on or after such date.

(2) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government or the Malta Environment and Planning Authority in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

PART V

Environment Protection

1. Plans and Policies

Plans, policies and regulations.

41. Without prejudice to the provisions of this Act, the protection and effective management of the environment shall be regulated by plans, policies and regulations, which are prepared and amended from time to time in accordance with the provisions of this Act.

Request by the Minister to the Authority to prepare a plan or policy.

42. (1) The Authority shall, either out of its own motion but after consultation with the Minister, or if so requested by the Minister, make a plan or a policy on any matter relating to the environment.

(2) The Authority may also, either out of its own motion but after consultation with the Minister, or if so requested by the Minister, review a plan or a policy which is already in force.

(3) The Minister shall, upon making such a request in writing, send to the Authority the reasons for making such a request together with a statement of goals and objectives to be attained by the plan or policy or a revision of such plan or policy.

(4) The preparation and review of the National Strategy for the Environment shall be regulated by the provisions of articles 45 to 47 whereas the preparation or review of any other plan or policy shall be regulated by the provisions of article 51:

Provided that the Minister may, without prejudice to the provisions of articles 45 to 47 and article 51, set out any additional procedure that the Authority ought to follow, including the carrying

out of assessments, and may also carry out any assessments and, or consultations, including public consultations, he may deem necessary.

(5) If the Authority, upon a request by the Minister in terms of sub-article (1), informs the Minister, within thirty days of receipt of such a request, that it is unable, for whatever reason, to prepare such a plan or policy, the Minister shall instruct the Authority to delegate such function in terms of article 9 with regard to that particular plan or policy and in so doing it shall ensure that the provisions of this Part are complied with.

Minister may request the preparation by any person of a plan, policy or revision thereof.

43. (1) Where the Authority is unable to prepare a plan or policy or fails to delegate such function as is envisaged in article 42(5), the Minister shall request any person, including any government entity other than the Authority, to prepare on his behalf a plan or policy or a revision of such a plan or such policy.

(2) The Minister shall consult the Authority on the terms of reference which are to form the basis of the preparation of a plan or a policy or a revision of such plan or policy by the said person. The Minister shall then furnish the said person with the relative terms of reference and shall also indicate to the said person the documentation which shall be presented to the Minister when the plan, policy or a revision of such plan or policy is drawn up. On receipt of such documentation, the Minister shall forward a copy of such documentation to the Authority.

(3) The Minister shall also request the said person to comply with the provisions of the Second Schedule. For the purposes of the said paragraphs, the expression "the Authority" shall be construed as a reference to the said person and such person shall revise, if necessary, the plan, policy or a revision thereof after taking into consideration the representations he may have received.

(4) If the Authority agrees with such a plan, policy or revision thereof, it shall adopt it for submission to the Minister for his approval; and the provisions of the Second Schedule shall, *mutatis mutandis*, apply.

(5) If the Authority does not agree with the said plan, policy or revision of such plan or such policy, it shall draw up a position statement indicating the changes to be made to the said plan, policy or revision thereof and shall refer both the said plan, policy or revision of such plan or such policy and its position statement to the Minister; and the provisions of the Second Schedule shall *mutatis mutandis* apply.

(6) The plan, policy or the revision of such plan or policy shall only be prepared by or under the direction of an expert in the environment having such qualifications as the Minister may prescribe in consultation with the Authority.

Strategic Environment Assessment and other assessments.

44. Without prejudice to his powers under the provisions of this Act, the Minister may direct that the Authority or any department, entity, corporation or authority established by law to subject any plan, policy or strategy adopted or planned to be adopted by it to a Strategic Environment Assessment or any other assessment, and may by regulations prescribe and regulate the procedures and methods to be adopted in such assessments.

2. The National Strategy for the Environment

The National Environment Strategy and its preparation and review.

45. (1) The Minister shall prepare a policy document outlining the National Strategy for the Environment. In preparing such document the Minister shall consult with all the entities set up under this Act and those other entities, whether public or otherwise, as the Minister may deem proper. Once prepared, the Minister shall cause a copy of such document to be laid before the House of Representatives and the same shall dedicate one sitting to discuss such document.

(2) The Minister shall review the said strategy as often as may be necessary, and in any case not less than once every four years:

Provided that the first Strategy Document shall be drawn up within twenty four months from the coming into force of this Act.

(3) The National Strategy for the Environment is a strategic governance document which sets the policy framework for the preparation of plans, policies and programs issued under this Act or under any other Act for the protection and sustainable management of the environment, including land and sea resources.

(4) In preparing or reviewing the National Strategy for the Environment, the Minister shall have regard to:

(a) the environmental policies and the State of the Environment Report;

(b) the current economic and financial policies;

(c) the current social policies;

(d) the policies of the Government;

(e) the environmental issues and concerns of material relevance to the strategy; and

(f) the resources likely to be available in all relevant government entities for the implementation of the strategy.

(5) During the preparation or review of the National Strategy for the Environment the Minister shall make known to the public the matters intended for consideration and shall provide adequate opportunities for individuals and organisations to make representations.

46. (1) When the National Strategy for the Environment or a review thereof has been completed, the Minister shall publish the strategy together with a statement of the representations received and the responses made to those representations.

Publication of the National Strategy for the Environment or its reviews.

(2) Representations on the strategy are to be submitted to it within a specified period of not less than six weeks.

47. (1) At the conclusion of the procedures set out in the foregoing provisions, the National Strategy for the Environment, shall be considered by the Cabinet of Ministers together with the Minister's position statement and the representations made with respect to the strategy or its review.

Final consideration and approval of strategy or review.

(2) The Minister shall then cause the National Strategy for the Environment, or a review thereof as originally prepared, or as revised, together with the Minister's position statement, to be laid before the House together with a motion for a resolution that the National Strategy for the Environment be approved by the House, with such amendments, if any, as may be specified in the resolution.

(3) The National Strategy for the Environment, and any review thereof as approved by the House shall have effect as from such date as may be specified for that purpose by the Minister by order in the Gazette; and for the purposes of this Act, other than those provisions relative to the preparation, consideration and presentation of the National Strategy for the Environment or its review, the expression "National Strategy for the Environment" and any reference to a review thereof means the National Strategy for the Environment, and any review thereof, as approved by the House of Representatives.

3. Subsidiary Plans and Policies

48. (1) A subsidiary plan is a plan that deals with a specific environmental policy or matter setting out detailed specifications for its implementation.

Subsidiary plans.

(2) A subsidiary plan shall consist of a written statement supported by such documents, maps and diagrams as may be considered necessary.

(3) Except as otherwise stated in the plan, a subsidiary plan shall apply to all relevant areas of the environment and of the National Strategy for the Environment, whether or not such areas are also covered by another plan or policy.

Effect of subsidiary plans.

49. (1) A subsidiary plan is made by the Authority for any matter or subject or any area that falls under the remit of the Authority and where the Authority considers that it has to pay particular attention in order to better manage it or where special factors have to be taken into account which otherwise cannot be taken.

(2) Such a plan may include details on the implementation tools and measures that are required to reach the objectives of the plan, and may also include provisions intended for the enforcement of such tools, in which case, such provisions shall be construed as enforceable in the same manner as any provision of any Regulation issued under the Act.

Other policies or plans.

50. (1) Where the Authority considers that for the proper and effective management and protection of the environment or for the proper protection of land and sea it is necessary to prepare more detailed policies, plans or guidance other than those already contained in a plan or policy, the Authority may prepare and adopt such policies, plans or guidance as it considers appropriate subject to the provisions of this article.

(2) Such policies or plans shall be in a form which the Authority considers appropriate to the subject matter, and may be supported by such documents, environmental or other assessments, maps, diagrams, drawings and illustrations as may be considered necessary by the Authority.

(3) When the Authority adopts a policy or plan (be it a new policy or plan or a revision of an existing policy or plan), it shall refer it to the Minister for his approval and the procedure mentioned in the Second Schedule shall *mutatis mutandis* apply.

Procedure for subsidiary plan and policies.

51. In the preparation or review of a subsidiary plan or policy, the procedure set out in the Second Schedule to this Act shall be followed.

Review of subsidiary plan or policy.

52. (1) Every subsidiary plan or policy shall be reviewed as frequently as may be necessary or as may be made necessary by a

review of the National Strategy for the Environment.

(2) Where as a result of such a review the Authority proposes to alter a plan or policy in any significant respect, or where it is proposed that a plan or policy be withdrawn, any such proposal shall be subject to the same procedures, and shall be treated, as a new plan or policy.

4. Regulations and Orders

Power to make regulations, etc., to include power to revoke, etc. Cap. 249

53. Without prejudice to the provisions of article 6 of the Interpretation Act, any power conferred by this Act to make regulations, rules, orders, lists, schedules and any other instrument of like nature, includes the power from time to time to revoke, replace, amend, alter or add to any such instrument as aforesaid.

Power to make regulations.

54. (1) The Minister may, acting in accordance with the provisions of article 55, make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations appoint the Authority or any person or body to be the designated authority for the purposes of any international obligation to which Malta may be a party.

(2) Without prejudice to the generality of the provisions of sub-article (1) such regulations may, in particular:

(a) prescribe the charges and fees that may be levied by the Authority for services rendered by it under this Act, or in respect of any matter for which it is considered that a fee should be payable;

(b) provide for the procedure to be followed by the Authority, the applicant and any other relevant parties before and after the submission of an application for authorisation under this Act, or otherwise involving any assessment under this Act; as well as the procedures for, *inter alia*, advertising, communication, vetting and screening of, and consultations, representations and decision-making on, the said application or assessment, and the general conditions under which the Authority may in relation to any activity which may require an authorisation or assessment under this Act require the giving of financial or other guarantees or the provision of assurance to:

(i) prevent, deter, mitigate or remedy any damage to the environment or deterioration of environmental quality;

(ii) make good for any damage that may be

caused to the environment; and

(iii) secure adherence to any commitments made toward environmental improvement or environmental benefits;

(c) provide for any aspect relating to the conditions that may be imposed in relation to any authorisation under this Act or otherwise involving any assessment under this Act including where applicable any grant, renewal, transfer, suspension, cancellation and duration, the manner in which submissions and applications are to be made, the content and form of such applications and submissions and how they may be granted, rejected, renewed or transferred, the fees payable, and the manner in which renewals or transfers thereof are to be indicated;

(d) prescribe what type of information held by the Authority or otherwise falling within the scope of this Act shall be accessible to the public as well as to establish the procedure concerning access thereto and the relative fees to be paid to obtain copies of such information;

(e) give effect to any international treaty or instrument, including directives, regulations and decisions, relating to any matter governed by this Act to which Malta may from time to time be a party or subject and to set up structures and make other provisions for the implementation thereof;

(f) establish, co-ordinate and enforce environment quality control systems and make provisions for the carrying out of assessments of environmental impacts and risks of both new and existing establishments as well as to provide for the effective prevention and remedying of environmental damage;

(g) provide for the collection, processing, comparison, management and interpretation of data related to the environment and to provide that such persons carrying out such activities that may affect the environment as may be prescribed give such information and data to the Authority in a regular or other basis as may be prescribed in order to enable the Authority to monitor and safeguard the quality of the environment;

(h) prescribe the techniques or the parameters in the monitoring of the environment;

(i) prescribe, in collaboration with the Civil Protection

Department, or any other relevant public entity, the circumstances in which an environmental emergency may be declared, and the effect that such a declaration may have on any activity requiring an authorisation under this Act;

(j) set objectives, issue directives and establish codes of practice, all in relation to the environment, to the reduction, reuse, recovery, treatment, storage and disposal of materials as may be prescribed, to all human activity which effects the environment, and such regulations may in particular:

(i) formulate objectives laying down in quantitative and qualitative terms, the goals to be achieved in the effort to control the environment;

(ii) give directives with regard to such uses of the environment as may be prescribed;

(iii) establish the maximum quantities or concentrations of discharge or emission, or use of such substances as may be prescribed during works, undertakings or activities of any nature and ensure the enforcement and monitoring of these standards; and

(iv) establish codes of practice determining procedures, methods, limits of discharge and emission of substances applicable to works and activities as may be prescribed both with regard to the time when such works and activities are taking place as well as with regard to the time when the works and activities have been completed;

(k) in relation to pollution prevention, control and environmental quality:

(i) establish systems which ensure such prevention and control;

(ii) prescribe measures to control, prevent, manage, reduce or remedy pollution and degradation of the environment;

(iii) control the keeping, management, trading in or use of substances and other activities which may cause or facilitate pollution and degradation of the environment;

(iv) set standards including maximum permitted levels in quantitative or qualitative terms, of discharge and emissions into the environment of materials, substances

and disturbances and with regard to the use of any technology, equipment, matter, substance, method or procedure in relation thereto;

(v) establish methodologies to be used in the monitoring of discharges and emissions into the environment and to regulate the use of information gathered during such monitoring;

(vi) prevent, control, reduce, mitigate, remedy or otherwise manage situations which may lead to environmental emergencies and to prevent, control, reduce, mitigate, remedy or otherwise manage any adverse effects on the environment resulting therefrom;

(l) in relation to waste management:

(i) classify waste and prescribing rules in relation thereto in accordance with the type and category thereof;

(ii) regulate the management, recycling and disposal thereof;

(iii) establish quotas, in quantitative and qualitative terms, of permitted generation of waste, as well as otherwise provide for the prevention and reduction of waste;

(iv) provide for the registration, control and, or, licensing of waste management operations;

(m) in relation to the protection of biodiversity and other natural features:

(i) provide for the monitoring, assessment, management, conservation and protection thereof;

(ii) declare any species, ecosystem or feature to be protected and establish rules for its control, protection, management, reintroduction and, or its return into the natural environment;

(iii) declare any species to be an invasive species and establish rules for its assessment, monitoring, control and/or eradication, and other prevention and management mechanisms to control the introduction and spread of such species;

(iv) regulate the taking, exploitation and other use of specimens of fauna, flora and, or natural features; and in particular prohibit and, or, control possession, collection, exhibition, transport, trade, propagation or captive breeding of such specimens as may be prescribed;

(v) provide for the conservation, protection and management of protected sites and particular habitats or categories thereof and other natural features in order to safeguard biological diversity;

(vi) declare any areas or sites on land or in the internal or territorial waters, or beyond such waters where Malta may have jurisdiction for the purpose of the protection and control of the environment, to be protected areas and to provide for their protection and to regulate their management;

(vii) control and regulate any activity that may interfere with the conservation status of biological diversity;

(viii) regulate trade in and the transit, import or export of specimens of flora, fauna and other natural features as may be prescribed;

(ix) declare prohibited means of capture, exploitation and killing of species or specimens and provide rules for their monitoring and control;

(x) regulate access to genetic resources and their benefit-sharing;

(xi) provide measures for the conservation, protection, management and regulation of geological, geomorphological, hydrological, edaphic and other features and areas containing them;

(xii) provide measures for the protection, management and conservation of landscapes, landscape features and landscape diversity;

(xiii) provide measures for the prevention, management and control of desertification, land degradation and damage to or deterioration of natural features;

(n) control, manage and regulate the transport,

introduction of, use (including contained use), release or placing on the market or in the environment of genetically modified organisms;

(o) in relation to environmental, assessments, audits and monitoring:

(i) provide for the carrying out of environmental assessments, screenings, audits and monitoring, for the review of ancillary submissions, reports and documentation, and for the screening and evaluation of any activities or development that may affect the environment;

(ii) regulate the procedures to be followed, and require any person to undertake or commission and to submit to the Authority any studies, technical investigations, assessments, audits, monitoring, reports or documentation as may be deemed appropriate; and

(ii) provide for the formulation of plans and measures to prevent, deter, reduce, mitigate, offset or remedy any adverse environmental effects and risks;

(p) in relation to the Authority's functions, including monitoring, compliance and enforcement:

(i) after consultation with the Authority, make regulations to give better effect to the provisions of article 75(1)(a);

(ii) authorise and regulate clamping, towing, removal, impounding, confiscation, seizure and storage by the Authority of any object used for or in connection with anything contrary to the provisions of this Act or any regulation made thereunder;

(iii) exclude the Authority from any liability, other than liability for gross negligence, incurred in connection with the execution of its duties under the said regulations;

(iv) provide for the disposal of objects without liability, when the said objects are not claimed by their owners within such time as may be prescribed;

(v) establish fees payable to the Authority for the removal of clamps, for towing, for the storage of objects and for the auction or other form of disposal of such objects;

(vi) establish the circumstances where objects can be confiscated and establish the relative procedure for their confiscation and disposal;

(vii) order remediation of site or situation to original state;

(viii) establish offences and the relative punishments in relation to matters referred to in sub-paragraphs (i) to (vii), which punishments shall not exceed a maximum fine (*multa*) of two hundred and fifty thousand euro (€250,000):

Provided that article 21 of the Criminal Code and the provisions of the Probation Act shall not apply to any offence established under this sub-paragraph; Cap. 9. Cap. 446.

(q) amend, substitute, add to or otherwise alter anything contained in the Schedules;

(r) provide for any other purpose for which regulations are authorized or required to be made otherwise than by the Authority;

(s) prescribe the form of any notice, order or other document authorised or required by this Act to be made, submitted, served or given;

(t) regulate how any notice or communication to or from the Authority which in terms of this Act shall be in writing may be made or submitted in electronic form;

(u) provide that any person who acts in contravention of any regulation under this Act shall be guilty of an offence against this article, and establishing such penalty, being a penalty not greater than a fine (*multa*) of two hundred and fifty thousand euro (€250,000) or to imprisonment for a term not exceeding two years, or both such fine and imprisonment, to which any person so guilty may be liable:

Provided that such regulations may provide that a person, who having been sentenced for an offence against the same regulation by a judgement which has become absolute, commits a further offence in contravention of the same regulation within such time as may be prescribed, shall be liable to pay a higher fine (*multa*), not exceeding double the fine (*multa*) which

would otherwise have been inflicted, and for the purpose of this proviso the maximum fine that may be established by such regulations shall be five hundred thousand euro (€500,000):

Provided further that such fine shall in all cases be due to the Authority as a civil debt, and that where the person guilty of the offence is a director, secretary or manager of a body corporate for the economic benefit of whom the offence was committed, such body corporate shall be liable *in solidum* with the offender for the payment of the said civil debt;

(v) introduce measures relative to the liability to be incurred by any individual who shall, in any manner be deemed responsible for any action that may cause environmental damage. Such regulations may also include measures relating to the prevention and remedying of such environmental damage;

(w) provide for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person as imposed as a condition of any permit, authorisation or licence under this Act;

(x) prescribe the practices to be adopted in regard to safety, and the protection of the environment in relation to any matter regulated by this Act, including any norms in relation to the liability of any person who causes damage to the environment as a result of any activities regulated by or under this Act undertaken by that person;

(y) make provisions regarding a contingency plan in the event of any crisis relating to any matter regulated by this Act;

(z) provide for administrative infringements and fines, including out of court settlement arrangements;

(aa) provide for economic instruments and schemes to promote positive environmental behaviour;

(bb) make provisions regarding cooperation with other authorities and the relationship between the Authority and other public authorities including consultations, provision of information and any other matter of mutual interest;

(cc) provide for prescribing anything which may be or is required to be prescribed by this Act.

(3) Notwithstanding the other provisions of this Act or of any other law, the Authority reserves the right to publish certain Schedules annexed to regulations made under this Act in the Maltese language only, the English language only or both.

Procedure for making of regulations.

55. (1) Regulations under this Act shall be made by the Minister after consultation with the Authority and, except for regulations under article 54(2)(a), (b) and (u) and in the cases referred to in sub-article (2) hereof, shall not be made unless a draft of the said regulations has been issued for public consultation thereby allowing any person a period of at least four weeks to make representations to the Minister or to the Authority or to both stating how in his opinion the proposed regulations could be improved to reach their ultimate aim.

(2) The provisions of sub-article (1) with regard to the publication of a draft of the regulations for public consultation shall not apply in respect to any regulations, which the Minister declares to be urgent, or when a form of public consultation was carried out before the date of coming into force of this Act.

(3) Any person may, in the circumstances referred to in sub-article (1) in respect of draft regulations, not later than one month after the promulgation of any regulations made in accordance with sub-article (2) make submissions to the Minister and, or to the Authority stating why and how the regulations should be revoked or amended.

(4) The Authority shall consider any representations made to it under sub-articles (1) and (3) and shall report thereon, after hearing such persons or taking such expert advice as it considers expedient, to the Minister together with any other views it may have on the draft published under sub-article (1) or the regulations made under sub-article (2), and the Minister may, upon receipt of the report by the Authority and any representations received by him, proceed to revise the draft regulations and to promulgate such regulations in accordance with such revision, or to amend any regulations already promulgated; provided that where the Authority has not after the lapse of four weeks after the end of the period for representation referred to in sub-article (1) has elapsed, not made the report or has not given its views to the Minister, the Minister may proceed to promulgate the regulations contained in the draft with or without changes as he may deem expedient, without prejudice to the possibility of making any changes upon the receipt of such report and

views when made.

(5) When the Minister makes regulations concerning the procedure before the Authority or any board or other body established under this Act, he shall also consult the Authority or such board or body:

Provided that regulations concerning the procedure before the Court of Appeal and appeals before it under this Act shall be made by the Minister responsible for Justice in concurrence with the Minister:

Provided further that regulations concerning the establishment or variation of any fee shall be made by the Minister with the concurrence of the Minister responsible for finance.

Orders.

56. (1) Without prejudice to any other provisions of this Act, the Authority may make orders regulating activities which may otherwise require the submission of an application prior to their carrying out, including any notification thereof, or any aspect thereof, in such circumstances and under such conditions as may be specified in the order, being activities within the scope of, and not in conflict with any plan or policy approved under this Act.

(2) An order shall be published in the Gazette and shall have effect from the date specified or indicated therein. The activity or any aspect thereof regulated by such an order shall be called "exempt activity" and an order regulating activity shall be called "activity order".

(3) The order may enable the Authority to prohibit the commencement of an activity, or require the discontinuance of an activity that has been carried out in breach of the provisions of this Act and in contravention of any order or provision aforesaid, and for applying any of the provisions of this Act with respect to enforcement, subject to such adaptations and modifications as may be specified in the order, or otherwise provide for the enforcement of the order and of any notices issued thereunder.

(4) The Authority shall periodically review the orders.

(5) An order may regulate:

(a) an activity described as permitted in an order which does not require that written notification of such activity be given to the Authority;

(b) an activity described as permitted in an order

provided that written notification of such activity is to be given to the Authority;

(c) an activity described as permitted in an order provided that written notification of such activity is to be given to the Authority and the Authority has endorsed such activity as being permitted:

Provided that the Authority shall have the right to:

(i) reject any such notification given under paragraphs (b) and (c), *inter alia* on grounds of non-compliance with any provisions of the order or of this Act, or in the event of any incorrect, incomplete or misleading content, or other broadly similar material consideration relating to the wider case context; and

(ii) where its endorsement is required, to refuse, partially endorse or conditionally endorse the activity, as appropriate.

(6) No activity in terms of an order may be carried out on a site if on the said site an activity has been carried out in breach of the provisions of this Act, unless that activity is one which the Authority may prescribe and which is covered by an order as mentioned in sub-article (5).

57. (1) The Minister shall, in consultation with the Authority, by regulations under this article provide that members of the public or such categories of persons as may be prescribed shall be entitled to request from such Government departments, authorities, public corporations or other persons as may be prescribed such information that they may have in their possession and relating to the environment. Without prejudice to the generality of the foregoing, such regulations may prescribe: Access to information.

(a) the nature of the information that may be requested;

(b) the circumstances in which such information may be requested;

(c) the circumstances in which such information may be withheld by the requested entity and the publication of the reasons for which such information is withheld;

(d) the fees that may be charged in respect of any such information; and

(e) the time within which such information is to be supplied.

(2) Without prejudice to the generality of sub-article (1), the Authority shall keep and make available for public inspection at such reasonable times as it may determine, a register or registers:

(a) of all applications for an authorisation received by it containing the name of the applicant and details of the proposal including documents and detailed plans; and

(b) of all decisions, including documents and detailed plans, made on such applications.

PART VI

1. Requirement of Authorisations

Authorisations.

58. (1) Save as may otherwise be prescribed, no person shall carry out any activity or operation, or be engaged in such activity or operation, relating to or affecting the environment, unless such person is in possession of an authorisation from the Authority under this Act.

(2) The activities and operations referred to in sub-article (1) include, amongst others, the activities and operations listed in the Third Schedule.

(3) An authorisation granted to a person under this Act shall not relieve such a person from the requirement at law to apply for any other authorisation however so described, or from any other obligation arising under any other law, or any obligation arising from a condition emanating from an authorisation.

Application for authorisation.

59. (1) Any person, including a department of government or a body corporate established by law, wishing to carry out any activity referred to in article 58, not being an activity for which an authorisation is given in an order and to be carried out in accordance with the provisions thereof, shall apply to the Authority for such authorisation, in such manner, on such form and giving such information including environmental assessments and studies, as the Authority may prescribe.

(2) Any person may also submit a written request to the Authority for a determination as to whether a proposal requires an authorisation, environmental assessment or other relevant submission.

60. (1) Any application or authorisation shall not be processed or granted unless the applicant or his predecessor in title would have paid such fines, or civil debts to the Authority, or made such other payments as may be due on the site or operation subject to the application.

Determination of authorisations.

(2) In its determination upon an application the Authority shall apply such plans, policies and regulations issued under this Act as it may deem relevant and appropriate.

(3) In its determination upon an application the Authority shall also have regard to any other material consideration which the Authority may deem relevant.

(4) The Authority shall have power to grant, partially grant, or to refuse an authorisation, and in granting or partially granting such an authorisation the Authority shall be entitled to impose such terms, conditions, limitations and approved specifications which it may deem appropriate:

Provided that upon a refusal, the Authority shall give specific reasons for such refusal.

(5) The Authority shall have the power to carry out inspections, in connection with the permit application process or any ancillary assessment or monitoring, for all authorisation types, including inspections preceding submission, during the processing of applications and after the decision-taking.

(6) An authorisation shall be granted for a limited period provided that the Authority may, on the application of the person holding the authorisation, extend the said authorisation to such further period or periods as it may consider reasonable.

(7) In granting or partially granting an authorisation, the Authority may require the activity to be completed within a specified period of time as it may establish provided that the Authority shall state the reasons justifying such requirement.

61. (1) Decisions on applications shall be taken without delay.

Decisions to be taken without delay.

(2) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

(a) establish the procedures to be used by the Authority and the applicant in the submission, processing and

determination of applications;

(b) establish the procedures to be used by an applicant prior to the submission of an application;

(c) establish minimum or maximum time limits or both within which submissions, consultations and representations have to be made and decisions have to be taken and communicated as relevant.

Reconsideration

62. Any person holding an existing authorization has the right to request a modification to such authorization to include further operations, or changes in operational parameters as may be required. Such requests shall be considered and processed as a new application, not in any way conditioned by previous authorizations issued by the Authority.

Appeals.

63. Any aggrieved party may appeal from any decision of the Authority to the Tribunal in accordance with the provisions of the Environment and Planning Review Tribunal Act and any regulations made thereunder.

Obligations.

64. (1) An environment obligation may be entered into in those cases where the Authority, in connection with a grant of an authorisation, seeks to impose on the applicant an obligation:

(a) to carry out an activity benefitting the environment in line with the objectives of this Act; or

(b) to make some payment, financial or in kind, toward an environmental purpose, or confer some extraneous right or benefit to the environment, as the Authority considers it to be more appropriate in the public interest and in line with the objectives of this Act. The Authority shall seek to obtain these benefits or gains by means of conditions attached to a grant of the authorisation or by means of an environment obligation entered into by a public deed made by the applicant for the authorisation with the Authority.

(2) Any person may, by agreement with the Authority, enter into an environment obligation, which may include:

(a) mutually agreed terms in relation to the access of genetic resources and benefit-sharing;

(b) restricting the use of that land or operation in any specified way;

(c) requiring specified operations or activities to be carried out, in, on, under or over that land or area;

(d) requiring that land or area to be used in any specified way; or

(e) requiring a sum or sums to be paid to the Authority on a specified date or dates or periodically.

(3) The Minister may, in consultation with the Authority, make regulations for giving better effect to the provisions of this article and may, without prejudice to the generality of the foregoing:

(a) prescribe the procedure how an environmental obligation may be entered into, enforced, modified and discharged; and

(b) establish any restrictions, conditions or the payment of any sums of money which may be imposed in such environment obligations.

(4) The imposition of, or agreement to enter into, an environmental obligation shall:

(a) not constitute an entitlement to an authorisation, licence or permit which would otherwise, considering the merits of the case, not be granted or would only be partly granted; and

(b) in the case of the granting of an authorization, licence or permit, be additional and without prejudice to the imposition of any relevant conditions, limitations and approved specifications.

2. Revocation or modification of authorisations and Discontinuance or removal orders

65. (1) The Authority may - Revocation and modification.

(a) in the cases of fraud; or

(b) where public safety or significant environmental damage or risk is concerned; or

(c) where there is an error on the face of the record; or

(d) where there is a breach of a material condition contained in an authorization,

by a decision revoke or modify any authorisation granted under this

Act, including any clearance issued by the Authority under an Order, stating in such decision its reasons for so doing; and, prior to deciding to revoke or modify an authorisation in terms of this sub-article, the Authority shall inform the person who will be affected by its decision of the date and time of its meeting where the Authority shall also hear the said person's submissions if the latter opts to attend, and any other person's submissions.

(2) For the purposes of sub-article (1):

"fraud" means the submission to the Authority of any information or declaration on the basis of which the Authority has approved an authorisation, where such information or declaration is false, misleading or incorrect, irrespective of whether such deceit is the result of a wilful or negligent act:

Provided that the Authority shall not revoke or modify an authorisation on the basis of fraud as long as:

(a) the fraudulent information did not have a material bearing on the issuing of the authorisation; and

(b) the Authority's authorisation does not confer any undue or fraudulent benefit to the applicant under any other law or regulation, or potentially implicate the Authority in any breach of such law or regulation;

"error on the face of the record" means an error on the face of a record which offends against the law; and

"material condition" means any condition which is of specific relevance to the activity covered by the authorisation.

(3) The applicant shall, if the decision is taken by the Authority, have a right to appeal the Authority's decision within thirty days from the date of service of a revocation decision or a modification decision.

(4) No compensation shall be payable by the Authority when it acts under the provisions of sub-article (1) where the reason for the revocation or a modification of an authorisation is based on fraud, or error of law on the face of the record, or breach of a material condition contained in an authorisation.

Reasons for revocation.

66. (1) Where the sole reason for revocation or modification of an authorisation is public safety and, or significant environmental damage, the following rules shall apply:

(a) any activity that may be necessary for compliance with the order shall be carried out by, or at the expense of, the Authority;

(b) if on a claim made to the Authority within twelve months of the date of the revocation decision or the modification decision, it is shown that any such interested person has incurred expenditure that is rendered useless by the revocation or modification, or has otherwise sustained loss or damage that is directly attributable to the revocation or modification, the Authority shall, subject to paragraph (c), pay to that person compensation in respect of that expenditure, loss or damage;

(c) no compensation shall be payable under this article:

(i) in respect of loss or damage consisting of the depreciation in value by virtue of the revocation or modification; or

(ii) in respect of any work carried out before the grant of the authorisation that is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that authorisation, or in respect of any works that are not in accordance with the authorized specifications or in breach of the terms, conditions and limitations attached to the authorisation;

(d) where compensation is payable under this article in respect of expenditure incurred in carrying out any work on land, if the competent authority under the Land Acquisition (Public Purposes) Ordinance acquires any interest in that land, any compensation payable in respect of the acquisition of that interest shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this article. Cap. 88.

3. Charges and contributions

67. (1) The Authority shall have power to levy a charge in respect of any authorisation to carry out an activity, or environmental assessments, environmental auditing or environmental monitoring, to be known as the processing fee, including any application therefor, in accordance with a schedule of charges established by it with the concurrence of the Minister and of the Minister responsible for finance, taking account of the nature of the activity, the timing of the activity, of the conditions attaching to the authorisation and of any Charges and contributions.

other relevant consideration.

(2) The Authority shall have power to levy a charge in respect of any other application for an authorisation made to it.

(3) The schedule of charges and the rates of contributions established under this article, as from time to time in force, shall be published as regulations and shall have effect as so published.

Payment of fees and contributions.

68. No authorisation shall be granted, and no activity authorised by an order shall be carried out, unless and until any fee or contribution payable under article 67 has been paid to and received by the Authority; and any activity carried out without such payment having been made and received shall be deemed to be an activity carried out without the permission of the Authority.

4. Protection and Conservation

Conservation orders.

69. (1) The Authority shall prepare, and from time to time review, a list of protected areas which are to be protected for conservation and may in respect of all or any one or more of the protected areas make protection and conservation orders to regulate their protection, conservation and management. Such orders shall be published in the Gazette and on the Authority's website.

(2) Protected areas, protection and conservation orders, and any additions or amendments thereto, shall be published by the Authority on the Authority's website. The Authority shall set up a mechanism to notify any one of the owners of any property subject of a conservation order of the fact of its inclusion in the list and of any conservation order made with respect to it.

(3) The carrying out of any activity and/or works in any protected area may be prohibited or restricted as provided in relevant regulations or in a conservation order.

(4) Subject to the provisions of this article, further detailed procedures regulating the application of this article shall be established in regulations issued under this Act.

(5) In respect of any site in a protected area, the Authority shall also have power to require the owner, by notice in writing, to undertake such works or actions generally, or as may be specified in the notice, as may be necessary to ensure that no further deterioration occurs. In default, the Authority may give a further notice to the owner to carry out and complete the works or actions within a specified time, and if the owner is still in default it may itself carry out, or cause to be carried out, the necessary works or actions and

recover the cost thereof from the owner.

(6) An owner of a site in a protected area has a right to request the reconsideration of any protection of his land. Such request shall be entered in writing with the Authority within thirty days of notification or publication in the Gazette, whichever is the later, of the protection and the Authority shall decide within three months of receipt by it of the request for reconsideration.

(7) The Minister's endorsement shall be sought when the Authority decides to remove or downgrades the protection afforded to a protected area, and no such removal of protection or downgrading shall be valid before it is endorsed by the Minister.

(8) Any person who feels aggrieved by a decision of the Authority under this article may appeal to the Tribunal for a revocation or modification of such a decision in accordance with the procedure established under article 63.

(9) An appeal to the Tribunal from the protection of an area or the issue of a protection or conservation order shall not stay the execution of such an order.

(10) If a site or area which is not protected under the provisions of this Act or any regulations made thereunder, but which the Authority believes could have an importance or value sufficient to have it protected, is at risk of being damaged or destroyed, the Authority may make an emergency conservation order and take such further steps for the protection of such site or area as it may deem necessary:

Provided that in case of urgency the Chairperson of the Authority may make an emergency conservation order without the need of consulting the other members of the Authority.

(11) An emergency conservation order shall be published in the Gazette and shall have effect immediately on its publication.

(12) An emergency conservation order shall, for a period of six months from its publication in the Gazette, have the same effect as the inclusion of the area to which it refers in the list of protected areas. It shall cease to have any effect on the expiration of the period aforesaid, provided that the Authority shall within such period undertake any further studies or investigations as it deems necessary and thereupon decide to revoke or amend the order or replace it with a more definitive protection or conservation order in line with sub-article (1). Where such studies or investigations and decision-making

cannot be satisfactorily completed within the aforesaid six-month period, the Authority may renew the emergency conservation order for further periods as it deems reasonable or indispensable, justifying its decision.

(13) An appeal to the Tribunal from an emergency conservation order, or from an extension of time in line with sub-article (12), shall not stay the execution of such order.

Liability for environmental damage.

70. The Minister may, from time to time, by means of regulations introduce measures relative to the liability to be incurred by any individual who is, in any manner deemed responsible for any action that may cause environmental damage, whether in relation to a protected area, or in general. Such regulations may also include measures relating to the prevention and remedying of such environmental damage.

PART VII

Powers of the Authority, Monitoring, Compliance Action and Enforcement of Control

1. Right of Entry, Inspections and Monitoring

Right of entry.

71. (1) Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Board of the Authority, and such officer or committee or any other person as may be authorised by the Authority for this purpose, and if so required by the Authority with the assistance of the Police Force, may enter any premises, public or private, vehicle, vessel or any other place, for the purposes of:

(a) the making of investigations, inspections, surveys, tests or measurements, or lifting of samples;

(b) ascertaining that nothing contrary to the provisions of this Act, to the regulations made thereunder or to any term, condition, limitation or specification attached to any authorisation issued under this Act is taking or has taken place, and taking any action accordingly;

(c) ascertaining or reproducing such data or information as the Authority may require;

(d) making plans of any premises, vehicle or vessel and taking photographs of the same after entry or boarding in accordance with this article; or

(e) doing anything that is ancillary or consequential thereto.

(2) In the case of a dwelling house, such right of entry, inspection and monitoring as provided for in this article, will be subject to giving previous notice of at least forty-eight hours and shall not apply before half past seven in the morning or after seven o'clock in the evening.

(3) Any person who obstructs, threatens, attacks or impedes any officer of the Authority in the exercise of his duties under this Act shall be guilty of an offence and shall, on conviction, be liable to imprisonment not exceeding three years or to a fine (*multa*) of not more than one hundred thousand euro (€100,000) or to both such fine and imprisonment.

Compliance monitoring.

72. (1) The Authority shall have the power to carry out inspections and investigations on any occasion and for any purpose related to the responsibilities pertaining to the Authority under this Act and subsidiary legislation made thereunder.

(2) In exercising the duties in sub-article (1), the Authority shall be granted the right of entry as defined in article 71.

(3) In the event that non-compliance is proven, further action under this Act and subsidiary legislation made thereunder shall be undertaken by the Authority as considered necessary.

2. Monitoring, Compliance Action and Enforcement of Control

Monitoring.

73. (1) The Authority may monitor any aspect and, or activity falling within the scope of this Act, particularly for the purposes of environmental surveys, audits and assessments and of ensuring compliance with the requirements of this Act and with the decisions lawfully taken under this Act.

(2) For this purpose, the Authority may appoint officers to, amongst other matters, collect data, survey, surveil and, or monitor any activity, aspect or authorisation for the purposes of environmental surveys and audits and of compliance with legislation and authorisations.

Review of activities.

74. The Authority may also undertake a review of any such activities carried out before the coming into force of this Act, or any other Act preceding this Act, not in compliance with rules, regulations, plans, policies or authorisations in force at the time the activity took place; and in respect of any such an activity the Authority shall have such powers as it has in respect of an activity

carried out after the coming into force of this Act in order to ensure that the rules, regulations, plans and policies aforesaid are complied with or to regularise any such an activity to the extent the Authority deems adequate in the circumstances, or, if this is not reasonably possible, to enforce said compliance.

Officers.

75. (1) The Authority may appoint officers for the purposes of this Act, and such officers may upon production of proof of their identity, in order to ensure compliance with this Act or any regulations made thereunder:

(a) enquire from any person information in connection with any activity, ownership or other matter regulated by this Act;

(b) order moving vehicles or vessels to stop and open any cargo or goods area and displace goods as instructed to enable the officers to carry out immediate, on the spot inspections, investigations and monitoring;

(c) take compliance action including the issuing of stop or compliance orders to any person in accordance with the provisions of article 76 and the issuing of fines;

(d) in line with the precautionary principle, issue temporary stop orders, for a maximum of ten calendar days every calendar year, for investigations as to the legality of any activity or for any necessary monitoring.

(2) The provisions of sub-article (1) shall be without prejudice to the powers of the Police, Local Wardens, the Comptroller of Customs or of any other authority under the Criminal Code, the Customs Ordinance or any other law.

Cap. 9.
Cap. 37.

(3) Officers appointed under this article shall notwithstanding any other law have the right to assist the police in the conduct of prosecution for offences under this Act and to plead the case on behalf of the prosecution.

(4) The Authority may request the assistance of the Police Force, of the Armed Forces of Malta, of Transport Malta and any other competent government entity, and in acceding to such requests, each of these shall for such purpose exercise such powers as are vested in them at law.

Compliance procedure.

76. (1) If it appears to the Authority that an activity is being carried out without the grant of an authorisation required under this Act or that any conditions subject to which such authorisation was

granted in respect of any such activity are not being complied with or such activity is in contravention to this Act or regulations made under this Act, or if an activity is causing environmental damage or is contrary to subsidiary environmental legislation, the Authority may issue stop orders to any such person carrying out such an activity, or on the owner of the land or on the occupier of the land, or on all, as the Authority deems most expedient, requiring the activity to be stopped forthwith:

Provided that the Authority may issue a partial stop order requiring work or activity to be stopped forthwith only in relation to that part of the activity to which the order applies and not in relation to the whole activity:

Provided further that an official may verbally order activities to stop, and such verbal stoppage orders are to be considered as legally valid and effective for the successive three calendar days following the issuing of the verbal stoppage order. Such stoppage orders would cease to be valid if the Authority does not either deliver a copy of a signed stop order at an address (postal or digital) that would have to be given to the compliance officer by the person responsible for the activity or affix the stop order at the site of the activities, by the end of the third day following the issuing of the verbal stoppage order:

Provided further that if it eventually transpires that the activity should not have been stopped, the Authority or any of its officers shall not be liable for any damages incurred, unless such stoppage was prima facie and manifestly unjustified:

Provided also that the Authority is not to await the passage of three days prior to informing the owner or occupier or person responsible, if the stoppage order can be lifted and the activity can continue.

(2) A copy of the order or notice mentioned in sub-article (1) which includes an activity relating to a site, may also be served on any representative on the site and the Authority may also affix such notice in a prominent position at a point of entry onto the site.

(3) If it appears to the Authority that any activity has been carried out after coming into force of this Act without the grant of authorisation required in that behalf under this Act, or that any conditions subject to which such authorisation was granted in respect of any activity have not been complied with, the Authority may, having regard to the provisions of legislation and any other material consideration, serve on the owner of the land or on the occupier of the

land or on who was responsible for the unauthorised activity or on all as the Authority deems most expedient a compliance order, requiring such steps as may be specified in the compliance order to be taken within such time as may also be specified for remedial action to restore the situation and, or the land to its condition before the activity took place or for removing the resultant consequences of the activity or for securing compliance with the conditions aforesaid, as the case may be; and in particular, but without prejudice to the generality of the aforesaid any such notice may, for the purpose aforesaid, require the removal of objects and substances, the demolition or alteration of any works or buildings, the discontinuance of any operations or uses, and remedial action to counteract the effects of the unauthorised activities.

(4) The Authority shall register all stop orders and all compliance orders in terms of this Act and the provisions of the said article concerning indexing of conservation orders shall *mutatis mutandis* apply to stop and other compliance orders in terms of this Act.

(5) Any order made under this article shall contain a detailed description of the infringements and where deemed appropriate, a site plan indicating the land which is the subject of such an order shall be annexed thereto.

(6) An order given under any of the foregoing provisions of this article shall:

(a) in respect of any requirement stopping or prohibiting further activity or requiring the cessation of a use, take effect immediately upon service of the notice in terms of sub-article (1) notwithstanding that an application for an authorisation for the activity referred to in the order has been submitted or an appeal has been lodged against the order; and

(b) in respect of any other requirement, shall take effect at the expiration of such period (being not less than fifteen days and not more than thirty days after service thereof) as may be specified therein.

(7) Any application to regularise an activity may be dismissed forthwith if officers establish that a requirement in the order stopping or prohibiting further activity or requiring the cessation of a use, has not, both prior or during the pendency of the application, been complied with or in all cases where any penalty or other payment for which any person has become liable under this Act in respect of the relevant activity has not been paid.

(8) The Authority may exercise its powers under article 77(1) notwithstanding that a second or subsequent application intended to regularize the illegal activity may have been filed with the Authority concerning the same or part of the same activity, irrespective of whether the said application is filed by the same applicant or by another applicant.

(9) Any person who feels aggrieved by any order served on him may, within fifteen days from the service of the order, appeal before the Tribunal and on any such appeal the Tribunal:

(a) if satisfied that an authorisation was granted under this Act, or under any other law which preceded this Act regulating the activity in question, for the activity to which the order relates, or that no such authorisation was required in respect thereof, as the case may be, and that the conditions subject to which such authorisation was granted have been complied with, shall quash the order to which the appeal relates or such part thereof in respect of which the Tribunal is satisfied as aforesaid;

(b) in any other case, shall dismiss the appeal.

(10) The appellant shall submit to the Tribunal together with his appeal under sub-article (9) a copy of all relevant authorisations, other permits or other relevant information in terms of which an authorisation has been granted to carry out the activity mentioned in the order served on him which is the subject of the appeal proceedings; and if the Tribunal is satisfied that no such authorisation exists, in terms of which and in terms of the conditions of which the activity could have been carried out, or that any authorisation had expired, the Tribunal shall forthwith dismiss the appeal.

(11) If before an appeal under sub-article (9) is lodged or during the pendency of such appeal, the appellant submits to the Authority an application for an authorisation regarding the activity mentioned in the order, the Tribunal shall dismiss the appeal if it is satisfied that the said application is intended to regularize the activity mentioned in the order.

(12) Where an appeal under sub-article (9) is dismissed, the Tribunal may direct that, in respect of any requirement, other than a requirement stopping or prohibiting any further activity or requiring the cessation of a use, the order shall not come into force until such date, being a date not earlier than fifteen days after the determination of the appeal, as the Tribunal thinks fit.

(13) The Tribunal may correct any defect or error in the compliance order provided that the appellant shall be given sufficient time to prepare and put forward his case.

(14) Where the illegal activity is being carried out at sea the provisions of this article shall apply in such manner that any reference therein to the owner of the land or the occupier of the land shall be deemed to be a reference to the person carrying out the activity, and any reference to land shall be deemed to be a reference to the area at sea where the activity occurs.

Powers of enforcement.

77. (1) If any steps or other action, including any discontinuance, stoppage, removal or remediation or similar requirement, required to be taken by a stop order or a compliance order or other provisions of this Act or regulations made thereunder have not been taken within the time specified therein, the Authority will have the power to take enforcement action so as to enforce the relevant stop order or compliance order or other provision of this Act or regulations made thereunder and for this purpose enter on the land, or the area at sea and take such steps or other action as aforesaid, including the disabling or removal of any equipment, machinery, tools, belongings, vehicles or other objects that may be on site and the carrying out of any works necessary to comply with what is requested in the compliance order, or the sealing, confiscation or impoundment of items whose possession is illegal according to provisions of this Act or regulations made thereunder, and may for such purpose request the assistance of the Police Force, the Armed Forces of Malta, the Department of Customs, any local council, any department of Government or any entity of Government.

(2) The Authority shall not be liable for any damages as a result of the exercise of its powers under this article unless it is proved that such damage resulted from gross negligence on the part of the Authority, its officers and agents.

(3) At its discretion, the Authority may not return to their owners any objects whatsoever which are the cause of the activity subject to the compliance order, and which are confiscated, impounded, seized or in any way removed by the Authority. The Authority may also dispose of such objects, where applicable at the contravenor’s expense, in line with regulations that the Minister may make.

(4) Where the enforcement by the Authority of the stop order or the compliance order involves by necessity the passage also over third party property, and, or the removal of a development or the cessation or disruption of an activity that is not itself illegal, or any

other impact on the said activity, the Authority may, under exceptional circumstances, proceed to pass over such property and, or to remove such development or to force the cessation of or to disrupt or to otherwise impact also such other activity.

(5) Notwithstanding the provisions of any other law and saving the provisions of article 46 of the Constitution and Article 4 of the European Convention Act, no precautionary act or other restraining act may be issued against the Authority hindering it from the proper exercise of the powers conferred to it by this article. Cap. 319.

(6) The Authority may issue orders for action to remedy environmental damage without the need to apply for authorisation from the Authority.

(7) Subject to the provisions of sub-article (3), any items legitimately confiscated, impounded, seized or in any way removed during the exercise of the powers contained in this article, may only be released by the Authority following the payment of any dues from these debts resulting from the said action, and only when such payment happens within five calendar months from the date when the responsible parties were notified by the Authority of these dues, or according to payment terms as agreed by the Authority within ninety days from this date of notification of dues.

(8) If the payment of debts to the Authority resulting from actions as set out in this article does not take place within the time frame stipulated in sub-article (7), any objects whatsoever confiscated, impounded, seized or in any way removed during the said action will become the property of the Authority and may be disposed of, where applicable at the contravenor's expense, according to regulations that the Minister may make to this effect.

Imposition of daily fines.

78. Subject to the provisions of regulations made under this Act, and without prejudice to the Authority's powers set out in article 77, when an operation or a site is subject to a stop order or to a compliance order, and the provisions of the said stop order or compliance order are not abided with, the operation or site may be subject to a daily fine that starts accruing from the date of the first notification of the stop order or compliance order to any of the parties to whom the order is served according to the provisions of article 76. Any person subject to a stop order who fails to comply with the said order, or when a compliance order has not been appealed or where a compliance order has been appealed but has been confirmed, as the case may be, and the person concerned subject to a compliance order fails to comply with the said order within the period therein prescribed, such person shall be liable to a maximum penalty of not

more than one hundred and fifty euro (€150) for every day the default continues after the expiration of the said period as the Authority may prescribe under the said regulations; and the Authority may recover such penalty from the said person as a civil debt owing to it.

Recovery of amounts due to the Authority.

79. (1) All expenses reasonably incurred by the Authority in the exercise of its powers under article 77, or any other amount due to the Authority under any other provision of this Act or regulations made thereunder shall be recoverable as a civil debt by the Authority from the person against whom the order has been issued, or from any person responsible for the acts mentioned in the order, including an order for payment, or an applicant, subject to such right of recovery such person may have against any other person.

(2) Where the Authority desires to sue for the recovery of a debt due to the Authority under any law or regulation which it is entitled to enforce, the Chairperson or an officer of the Authority duly authorised by the Authority to act on its behalf may make a declaration on oath before the Court registrar or before any other officer authorised to administer the oath in judicial matters, wherein he states the nature of the debt and the name of the debtor and confirm that it is due.

(3) The declaration referred to in sub-article (2) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of twenty days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declare the claim unfounded.

(4) The application filed in terms of sub-article (3) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period.

(5) Any debts due to the Authority shall be prescribed by the lapse of the period of five years from the date on which the debt was due.

Special procedure.

80. (1) The Authority may impose an administrative fine upon any person:

(a) who infringes any provision of this Act, regulations prescribed thereunder or of any other law with which the Authority is entitled to secure compliance and to enforce; or

(b) who fails to comply with any directive or decision given by the Authority whether under this Act, regulations

prescribed thereunder or under any other law with which the Authority is entitled to secure compliance and to enforce; or

(c) who fails to abide by any stop order or compliance order and the provisions therein; or

(d) who fails to comply with any condition of any authorisation granted under this Act, including with failure to provide data or information required in authorization conditions in a timely and/or appropriate manner:

Provided that if the infringement is committed by a body corporate and is proved to have been committed with the consent, or involvement of, or to be attributable to, any gross negligence on the part of a person being a director, manager, secretary or other officer, however so described, of such body corporate or a person who was purporting to act in any such capacity then such person and such body corporate, shall be responsible for the said infringement and shall be jointly and severally liable for the payment of any administrative penalty imposed by the Authority as a consequence thereof.

(2) An administrative fine imposed under sub-article (1) shall not exceed one hundred thousand euro (€100,000) for each contravention or one thousand five hundred euro (€1,500) for each day of non-compliance, from the date of the notice of the imposition of the administrative fine given by the Authority.

Proceedings when imposing administrative fines.

81. (1) The Authority, before imposing an administrative penalty upon any person who infringes or fails to comply with -

(a) any provision of this Act;

(b) regulations made thereunder;

(c) any other law with which the Authority is entitled to secure compliance and to enforce;

(d) any directive or decision given by the Authority whether under this Act, regulations made thereunder or under any other law with which the Authority is entitled to secure compliance and to enforce;

(e) any provisions or timeframes included in any stop order or compliance order; or

(f) any condition, limitation or approved specification of any authorisation granted under this Act,

shall by notice to the person concerned -

(i) give notice of the administrative penalty that may be imposed by the Authority;

(ii) give notice of the specific reason why such penalty may be imposed;

(iii) give notice of the amount of the penalty; and

(iv) demand that the person concerned rectify the acts or omissions committed by such person and, or make submissions to the Authority within a specified time:

Provided that such time may not be more than twenty days or less than five days from the date of service of the notice:

Provided further that the person, against whom an administrative penalty may be imposed, shall be given a reasonable opportunity during such period of time as may be stipulated in the notice to make submissions to the Authority and to propose any remedies that rectify the acts or omissions required by the Authority to be so rectified.

(2) In the notice mentioned in sub-article (1), the Authority may impose such conditions as it may consider reasonable in the circumstances.

(3) If the person concerned remedies the infringement to the Authority's satisfaction within the period established by the Authority in accordance with sub-article (1), and agrees in writing to abide with any conditions that the Authority may impose and pays any accrued daily fines to which the said infringement was subjected in terms of article 78, the Authority shall desist from proceeding any further:

Provided that if the person concerned, after having been bound in writing as stated above, fails to remedy the infringement to the Authority's satisfaction within the period established by the Authority in accordance with sub-article (1) or fails to abide with any terms or conditions agreed to in writing, the Authority shall impose against such person an administrative penalty for such failure, in addition to the administrative penalty which may be imposed for the infringement itself.

(4) If, after the lapse of the period mentioned in sub-article (1), the Authority considers that the person concerned has not given any valid reasons to demonstrate why no administrative penalty should be

imposed against such person, the Authority shall proceed to impose such administrative penalty.

(5) Notwithstanding any other provision of this article, where the Authority has *prima facie* evidence that the infringement represents an immediate and serious threat to the environment, or to public safety or public security or public health, the Authority may shorten the periods mentioned in sub-article (1):

Provided that the person against whom such administrative penalty is imposed shall be given a reasonable opportunity to state any views and propose any possible remedies:

Provided further that if the person, against whom the notice has been issued, files an appeal before the Tribunal, and concurrently with or before the filing of the appeal requests the Tribunal to suspend the effects of the notice, then the Authority shall desist from issuing a judicial act as referred to in this sub-article until the request of suspension has been determined, withdrawn or otherwise dealt with:

Provided further that the Tribunal shall determine any requests for suspension referred to in this sub-article expeditiously. Before determining any such request the Tribunal shall give the Authority a reasonable opportunity to reply and make its submissions, within a period not less than three working days.

(6) The notice referred to in sub-article (1), upon the expiry of the time limit for appeal therefrom, and upon the service of a copy thereof by means of a judicial act on the person liable to the payment of the administrative penalty, shall constitute an executive title for all effects and the purposes of article 253(a) of the Code of Organization and Civil Procedure: Cap. 12.

(7) The Authority shall give its reasons for any decision taken under this article.

(8) Notwithstanding the provisions of any other law, no precautionary warrant or order shall be issued by any court restraining the Authority from the exercise of any of the powers conferred upon it under this Act in relation to administrative penalties.

(9) In all cases where the Authority imposes an administrative penalty and any action in respect of anything done or omitted to be done by any person and such act or omission also constitutes a criminal offence, no proceedings may be taken or continued against the said person in respect of such criminal offence if such person

settles the penalty and any imposed action:

Provided that payment of the administrative penalty and the carrying out of any imposed action shall not extinguish any civil liability to make good any damages to any person or authority or to the environment in terms of environmental liability.

(10) An administrative penalty imposed by the Authority upon any person shall be considered a civil debt owing to the Authority.

(11) Measures whereby the liquidated value of damage to the environment, or of any infringement falling within the scope of this Act, can be settled, debited or offset, inter alia against payments due for public services, public goods or public projects.

On-the-spot fines.

82. Officers of the Authority appointed for such purpose, may impose on-the-spot fines, not exceeding a maximum amount of one thousand euro (€1,000), for offences and to amounts as shall be prescribed in Regulations issued by the Minister.

Out of court settlement.

83. Notwithstanding any other law providing for the trial and punishment of offences, where the Authority believes that a person has committed an offence against this Act, the Authority may enter into an agreement in writing with such person describing the offence of which the person is accused, indicating the steps to be taken to remedy the offence and a penalty which is agreed to be paid in respect of that offence as shall be prescribed in regulations made by the Minister.

PART VIII

Offences

Offences.

84. (1) Any person who -

(a) carries out any activity without an authorisation as in force at the time of such activity, or, if the activity is carried out with an authorisation, fails to comply or to cause compliance with any condition, restriction or other limitation to which the authorisation is subject; or

(b) acts in contravention of any of the provisions of article 70 in respect of any protected area, an emergency conservation order; or

(c) having been served with a stop or compliance order or other order under article 76 fails to comply with any of the requirements of such notice within the time therein specified; or

(d) attempts to hinder, obstruct, threaten, molest or interfere with, any officer of the Authority, or relatives thereof, or any police officer, or any public officer, or any officer of any department of Government or of any entity of Government or of any local council, in the execution of his duties under the law or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise to assist him in the carrying out of the said duties, or knowingly furnishes such person with false information or neglects or refuses to give any information required for the purpose aforesaid; or

(e) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) of not less than one thousand five hundred euro and not exceeding one hundred thousand Euro, and in respect of an offence under paragraph (d) or, in the case of an offence under paragraph (c) if the offender persists in the offence for more than three months, also to imprisonment for a term of not less than three months and not exceeding three years:

Provided that, and without prejudice to the provisions of articles 69(6) and article 78 and without prejudice to the maximum fine above established, the minimum fine (*multa*) to which an offender is liable under this article shall not be less than the value of any work carried out without an authorisation or in violation of any conditions to which such authorisation was subject.

(2) The Court, besides awarding the punishment referred to in sub-article (1), may confiscate the *corpus delicti* where applicable and shall order the offender to remove the causes of the offence and to undo anything which was done without an authorisation or to comply with the conditions imposed in the authorisation, as the case may be, within a time sufficient for the purpose, but in any case not exceeding three months from the date of the judgment, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not less than fifty euro and not more than one hundred and thirty euro, as the court may fix, for every day the default continues after the expiration of the said time and the Court may also order the modification, suspension or revocation of any authorisation.

(3) Proceedings against any person for any offence as is mentioned in sub-article (1) shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the Criminal Code:

Cap. 9.

Provided that, notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the Court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for either in article 390(6) of the said Code or in any law for the time being in force.

Cap. 9.

Cap. 9.
Cap. 446.

(4) Article 21 of the Criminal Code and the provisions of the Probation Act shall not apply to any offences referred to in this article.

(5) Neither the filing of an application intended to regularize any activity to which a prosecution refers, nor the filing of an appeal against a refusal or partial approval of such an application shall be a bar to the continuation of such a prosecution and the court shall continue to hear such a case and shall give judgment and shall issue an order in terms of sub-article (2) as if such an application or such an appeal had never been filed:

Provided that where such an activity has been regularised no fine under sub-article (2) shall be due in respect of the time after the activity has been regularised and all fines paid to the Authority.

Cap. 9.

(6) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given in proceedings arising out of this Act or of any regulations, rules or orders made thereunder.

(7) Any action taken under the provisions of this Article shall be without prejudice to any action that may be taken against any person under regulations made in accordance with the provisions of article 69(6).

Certified copies of documents.

85. In any proceeding or prosecution under this Act, a copy of any order, notice, decision or other document purporting to have been made under this Act and purporting to have been signed by the Chairperson of the Authority or any Director, shall be accepted as evidence of the order, notice, decision or other document, and of the facts appearing therein, without further proof.

PART IX

Miscellaneous

86. (1) Where any notice or other instrument or document whatsoever is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners: Service of notices, etc., under this Act.

(a) by delivering it to the person on whom it is to be served or to whom it is to be given; or

(b) by leaving it at the usual or last known place of abode of that person or, if such person has furnished an address for service, at that address; or

(c) by sending it in a registered letter addressed to that person at the place of abode or the address for service aforesaid; or

(d) in the case of a body corporate or other body of persons, by delivering it to an officer or servant thereof at the registered or principal office, or sending it in a registered letter addressed to the body aforesaid at that office; or

(e) in any case in which it is not reasonably possible to effect service in any of the foregoing manners whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the document to be served or given in a conspicuous place on the land to which it relates and keeping it so affixed for a period of not less than seven days; or

(f) in any case in which it is not reasonably possible to effect service in any of the manners prescribed in (a) to (e) whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by publication in a local newspaper.

(2) Where the notice or other document is required or authorised to be served or given to any person as having an interest in land, and the name of that person cannot be ascertained after reasonable inquiry, or is required or authorised to be served on an occupier of land, the notice shall be deemed to be duly served or given if it is served or given in any of the manners indicated in sub-article (1) and addressed to the person having an interest in the land by the description of "owner" or "occupier", or "owners" or "occupiers", as the case may require.

87. (1) The Minister may with effect from such date as may be established by notice in the Gazette repeal the Environment and Development Planning Act and different dates, rules and procedures may be so established for the revocation and, or applicability of Saving. Cap. 504.

different provisions thereof.

(2) The Minister may by regulations made under this Act, provide that for the words "Director" and "Director Environment Protection", wherever they may occur in regulations made under the
Cap. 504. Environment and Development Planning Act, there shall be substituted the word "Authority" and any definition of "Director" and "Director Environment Protection" in regulations made under the same Acts shall be deleted.

(3) Any order, rule, regulation, bye-law, notice, plan or policy or other instrument having the force of law made under the authority
Cap. 504. or kept in force under any of the provisions of the Environment and Development Planning Act shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly.

(4) Any licence, permission, authority, order, notice or certificate, or any prosecution or charges granted or made under or
Cap. 504. kept in force under any of the provisions of the Environment and Development Planning Act and still in force immediately before the date of coming into force of this Act, shall as from such date continue in force as if it were a licence, permission, authority, order, notice or certificate, or prosecution or charges granted or made under a corresponding provision of this Act, and any such licence, permission, authority, order, notice or certificate, or prosecution or charges as aforesaid shall be treated and dealt with accordingly:

Provided that in the case of any such licence, permission, authority, order, notice or certificate issued as operative for a specific period, such licence, permission, authority, order, notice or certificate shall remain operative for such a period from the date such licence, permission, authority, order, notice or certificate was issued.

(5) The Environment Fund established under the provisions of article 32, shall perform and succeed all the functions, assets, rights, liabilities and obligations of the Environment Fund established under
Cap. 504. the provisions of the Environment and Development Planning Act.

(6) The Minister may by regulations made under this Act provide that the Authority shall be considered as the competent Authority for any matters listed in this article.

FIRST SCHEDULE

Article 8(2)

The functions of the Authority are:

(a) to perform and succeed in the functions, assets, rights, liabilities and obligations of the competent authority established under the provisions of article 6 of the Environment and Development Planning Act in so far as such functions, assets, rights, liabilities and obligations refer to the role of the competent authority established under the said Act in relation to the protection and management of the environment and sustainable management of natural resources, and the prevention, mitigation, offsetting or remediation of adverse effects on the environment;

(b) to formulate and implement policies relating to the protection and management of the environment and the sustainable management of natural resources, and on such other matters as may be necessary for the better carrying out of the provisions of this Act;

(c) to carry out and or commission surveys, studies, assessments, investigations, audits, monitoring and promote research on any matter relating to the environment and the natural resources regulated by or under this Act;

(d) to provide information and issue guidelines to the public and to commercial and other entities on matters relating to the environment and the said natural resources;

(e) to establish measures for the protection of the environment and to promote the efficient use of natural resources in, and through, the practices, operations, activities and functions regulated by or under this Act;

(f) to ensure that national and international obligations relative to the matters regulated by or under this Act are entered into force and complied with;

(g) to permit, assess, investigate, audit, monitor, and take action on, any activity, intervention, project, operation or land use that may have an effect on the environment;

(h) to advise the Minister on international legislation and on the formulation of national policy in relation to matters regulated by this Act and on matters having a bearing on this

Act;

(i) otherwise to advise the Minister on any matter connected with its functions under this Act;

(j) to carry out, review or request others to carry out environmental assessments, environmental audits and environmental monitoring of activities and works having an impact on the environment;

(k) to perform such other functions as may from time to time be assigned to it by the Minister.

SECOND SCHEDULE

Article 51(1)

In the preparation or review of a subsidiary plan or policy, the following procedure shall be followed:

Where the Authority prepares a subsidiary plan or policy or review thereof as aforesaid, it shall seek the Minister's approval in terms of the following procedure:

(a) during the preparation or review of a subsidiary plan or policy, the Authority shall make known to the public the matters it intends to take into consideration and shall provide adequate opportunities for individuals and organisations to make representations to the Authority;

(b) when the subsidiary plan or policy or a revision thereof has been prepared, the Authority shall publish the plan or policy together with a statement of the representations it has received and the responses it has made to those representations. The Authority shall invite representations on the plan or policy to be submitted to it within a specified period of not less than one month;

(c) the Authority shall adopt the subsidiary plan or policy after taking into consideration all the representations submitted to it as aforesaid;

(d) the Authority shall refer the subsidiary plan or policy to the Minister. It shall also forward to the Minister:

(i) the statement of representations;

(ii) the responses and amendments it has made as a result of those representations;

(iii) a precise indication of all other amendments it has made to the plan or policy; and

(iv) all the documentation and studies relative to the preparation of the subsidiary plan;

(e) the Authority shall also publish the plan or policy and invite representations on the matters indicated in paragraph (d)(iii) to be submitted within a specified period of not less than one month;

(f) the Authority shall adopt the subsidiary plan or policy after taking into consideration all the representations submitted to it as aforesaid and shall refer the subsidiary plan or policy to the Minister for his approval. It shall also forward to the Minister:

(i) the statement of representations; and

(ii) the responses and amendments it has made as a result of those representations;

(g) where the Minister agrees with the subsidiary plan he shall approve it as submitted by the Authority and the Authority shall upon such approval publish the same together with the statements, responses, documentation and studies referred to in paragraphs (d) and (f);

(h) where the Minister does not agree with the subsidiary plan as adopted by the Authority in accordance with paragraph (f), he shall prepare a position statement stating his proposed changes or his reactions to the Authority's subsidiary plan and shall refer back the subsidiary plan to the Authority together with his position statement;

(i) where the Authority does not agree with the Minister following the referral back to it of the subsidiary plan by the Minister, it shall draw up a position statement and shall refer it back to the Minister;

(j) the Minister shall then issue a final position statement. He shall forthwith communicate it to the Authority;

(k) the Authority shall forthwith amend the subsidiary plan in accordance with the Minister's final position statement

and submit the same for the Minister's final approval;

(l) upon such approval by the Minister, the Authority shall publish the subsidiary plan together with its own position statements and those of the Minister and together with the statements, responses, documentation and studies referred to in the preceding paragraphs;

(m) where the subsidiary plan or any part thereof extends the scope of or is in conflict with the National Strategy for the Environment, the Minister shall comply with the provisions of articles 45 to 47 with regard to such subsidiary plan or any part thereof, provided that those parts of the subsidiary plan that do not extend the scope of or are not in conflict with the National Strategy for the Environment shall come into force on the date of approval by the Minister.

THIRD SCHEDULE

Article 58(2)

The activities and operations referred to article 58(1) include, amongst others, the following:

(a) in relation to biodiversity and other natural features:

(i) for whatever purpose, trade in, sell, buy, exchange, transfer or dispose, extract or abstract, transport, import, export or re-export such specimens of flora, fauna or other natural features, as may be prescribed whether dead or alive in whole or in part, including any derivatives thereof;

(ii) have such specimens as may be prescribed in transit;

(iii) have in his possession such specimens as may be prescribed;

(iv) handle such specimens as may be prescribed, in any manner including the ringing and tagging thereof;

(v) mount, stuff, trap, shoot or capture such specimens as may be prescribed;

(vi) deliberately pick, collect, cut, destroy, kill,

pursue, take, damage, capture such specimens as may be prescribed;

(vii) uproot, fell, prune or carry out any surgical or other interventions on such specimens as may be prescribed;

(viii) use prohibited means of capture and killing as may be prescribed;

(ix) manage invasive and alien species as may be prescribed;

(x) introduce or reintroduce species as may be prescribed;

(xi) carry out activities in protected areas considered to have an effect on the diversity and the integrity of the site or its environmental characteristics;

(xii) carry out any activity which goes counter to the principles of ecological, geological, geomorphological, hydrology and landscape restoration or of good-practice conservation and management of biodiversity, natural features, landscapes and protected areas, as may be prescribed, including but not limited to:

1. activities which are expected to cause permanent or prolonged or otherwise significant alterations,

2. afforestation, planting, deforestation and removal of natural vegetation,

3. activities expected to generate, intensify or modify ambient noise, vibrations, light pollution, currents or other disturbances to the environment,

4. activities involving fires, fireworks, spillage hazards or other potentially hazardous factors,

5. activities considered to have an effect on biological diversity, on the physical aspect of the site, or on the integrity of the site and the landscape,

6. off-roading activities or events,

7. cleaning or dredging of valleys.

(xiii) modify, endanger the stability of or demolish any natural physical features, or any rural structures affording a habitat for flora and fauna or otherwise contributing to the integrity of the landscape or the physical environment, as may be prescribed;

(xiv) manage biological diversity as may be prescribed;

(xv) for the access to genetic resources and their benefit-sharing;

(b) in relation to waste management:

(i) store, treat, collect, transfer, recover or otherwise manage or handle such waste as may be prescribed;

(ii) act as broker for the carrying out of the functions mentioned in sub-paragraph (i);

(iii) trade in, import or export waste;

(iv) have such waste as may be prescribed in transit;

(v) operate waste management facilities;

(c) in relation to pollution control, conduct operations that discharge or cause or permit to be discharged such substance as may be prescribed into the environment;

(d) in relation to the contained use of genetically modified organisms:

(i) deliberate release into the environment of genetically modified organisms;

(ii) trade in genetically modified organisms;

(iii) manage or otherwise have in his possession genetically modified organisms;

(e) any other activity as may be prescribed by

regulations.

Objects and Reasons

The object of this Bill is to make provision for the protection of the environment and for the establishment of an Authority with powers to that effect and for matters relating to the afore-mentioned objects.