

Memorandum for Cabinet by the Hon. Minister of Works
and Housing

Town Planning Legislation

By Ordinance XV of 1962, enacted on the 16th February, 1962, just before this Administration took over important amendments were made to Chapter 13 of the Code of Police Laws in so far as it related to planning schemes (key plans) and the erection of buildings.

Inter alia, these amendments empowered the Government to freeze land, by a legal notice, for a period of three years or until a Planning Scheme for that land was definitely approved. Legal Notice No. 11 of 1962, published on the 16th February, 1962, declared the whole of Malta to be a Planning Area.

The erection of buildings on a planning area was subject to permission being granted for such building by the Planning Area Permits Board.

When an area was no longer a planning area, either by prescription of the said legal notice or by the final approval of a planning scheme, whichever was the earlier, no Planning Area Permits Board permit would be required.

Moreover, within two years from the final approval of a planning scheme, Government is bound to pay compensation for land required for open spaces or for streets beyond 60 feet in width.

The objects and reasons behind Ord. XV of 1962 were to enable the Government to prepare a Master Plan for Malta and Gozo and planning schemes within three years without involving the Government in the payment of compensation until such Master Plan and Planning Schemes were prepared.

A Master Plan is now being prepared by the Italconsult Team appointed by U.N.E.S.C.O. but it is expected that this will take between one and two years more to complete. Moreover, planning schemes have been prepared and others are under preparation but it is most inadvisable to publish the completed schemes before the Master Plan is finalised as these may require amendments when fitted in the context of the Master Plan. Besides this objection, serious consideration has to be given to the amount of compensation Government will have to pay within two years from the publication of approved schemes for land earmarked for open spaces as stated above.

/Concurrently

Concurrently with the preparation of the Master Plan, permanent Town Planning Legislation is being prepared to supersede Act XV of 1962 which was only meant as an interim measure.

It is therefore proposed to amend Act XV of 1962 by extending the period of three years allowed for the preparation of schemes by a further two years, before the established time lapses on the 16th February, 1965.

Another amendment to the said Ordinance concerns the payment of road contribution due by owners for erecting buildings along public streets and roads. The said Ordinance in fact increased the rates of contribution from the basis of the actual cost of the said streets and roads to the present day costs of constructing and widening such streets.

Repeated requests have been and are being made to the Ministry of Works and Housing to allow owners of proposed buildings to pay the contribution due during the course of the works and not before these works are started as laid down in the law.

Considering all factors and especially the importance of encouraging and assisting the important building industry, it is suggested that the law be amended in such a way as to allow owners to pay twenty-five per cent of the amount due before building works are taken in hand, the balance being payable by equal monthly instalments, the total contribution being payable within one year.

A draft bill incorporating the amendments proposed above is enclosed for the approval of Hon. Ministers.

9th January, 1965.

M.W.H. 711/62

A BILL
entitled

AN ACT further to amend the Code of Police Laws,
Cap. 13.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title. 1. This Act may be cited as the Code of Police Laws (Amendment) Act, 1965, and shall be read and construed as one with the Code of Police Laws, hereinafter referred to as "the principal law".

Amendment of section 11 of the principal law. 2. In subsection (2) of section 11 of the principal law, for the word "three" there shall be substituted the word "five".

Amendment of section 13 of the principal law. 3. For paragraph (i) of subsection (6) of section 13 of the principal law there shall be substituted the following:-

"(6) (i) (a) Subject to the provisions of this section, no person may commence the construction of any building having access to, or having any window or other opening on to, any street belonging to the Government, before paying to the Director of Public Works, in respect of the formation of the street, a contribution equal to the cost, as at the time of payment of the contribution, of the formation of such street (such cost to include the value as at the time of payment of the contribution, of the land required for the formation of the street) or before paying to the Director of Public Works at least twenty-five per cent of such contribution and at the same time undertaking in writing to pay the balance within a period of not more than twelve months by equal monthly instalments, covering one month from the date of such payment and undertaking:

Provided that where the land on either side or on both sides of the street belongs to different owners the total contribution shall be apportioned among such owners in proportion to the frontage of the land belonging to each owner on to such street, in such a manner that the whole cost of the street shall be distributed in proportion to such frontage among the various owners.

(b) Where any monthly instalment referred to in subparagraph (a) of this paragraph is not paid within ten days from the date when the payment of such instalment falls due, the whole amount of the contribution outstanding shall become and be immediately due and owing to the Director of Public Works and the person who made the undertaking referred to in the said subparagraph shall be deemed to have commenced the construction of the building in contravention of this subsection."

Transitory provisions

4. (1) The amendment of the principal law made by section 2 of this Act shall have effect and shall be deemed always to have had effect also in relation to any order made under subsection (1) of section 11 of the principal law prior to the commencement of this Act.

(2) The amendment of the principal law made by section 3 of this Act shall be without prejudice to anything done or omitted to be done under such law prior to such amendment.

Objects and Reasons

The purpose of this Bill is to extend the duration, specified in section 11 (2) of the Code of Police Laws, of any order made by the Minister responsible for public works under that section and for relaxing the rule contained in section 13 (6) (i) of that Code concerning the payment of road contribution by persons constructing buildings having access to, or having any window or other opening on to, any street belonging to the Government.