

A.L. 70 ta' l-2009

**ATT DWAR AWTORITÀ TA' MALTA DWAR IR-RIŻORSI
(KAP. 423)**

**Regolamenti ta' l-2009 dwar il-Proċedura tal-Bord ta' l-Appelli
dwar ir-Riżorsi**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 28 ta' l-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi, il-Ministru għar-Riżorsi u Affarijiet Rurali, wara konsultazzjoni ma' l-Awtorità ta' Malta dwar ir-Riżorsi, għamel dawn ir-regolamenti li ġejjin:

1. It-titolu ta' dawn ir-regolamenti huwa *Regolamenti ta' l-2009 dwar il-Proċedura tal-Bord ta' l-Appelli dwar ir-Riżorsi.* Titolu.

2. (1) F'dawn ir-regolamenti, kemm il-darba r-rabta tal-kliem ma teħtiegħ xort'oħra: Tifsir.

“l-Att” tfisser l-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi;

“l-Awtorità” tfisser l-Awtorità ta' Malta dwar ir-Riżorsi;

“il-Bord ta' l-Appelli” tfisser il-Bord ta' l-Appelli dwar ir-Riżorsi;

“iċ-*Chairman*” tfisser iċ-*Chairman* tal-Bord ta' l-Appelli;

“il-Kodiċi” tfisser il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili; Kap. 12.

“il-Ministru” tfisser il-Ministru responsabbli għar-Riżorsi;

“is-Segretarju” tfisser is-Segretarju tal-Bord ta' l-Appelli.

(2) Bla ħsara għad-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament, id-disposizzjonijiet ta' l-artikolu 2 ta' l-Att għandhom japplikaw għal dawn ir-regolamenti.

Tlaqqiegh tal-Bord.

3. Il-Bord għandu jitlaqqa' miċ-Chairman skond ma jkun meħtieġ minn żmien għal żmien.

Astenzjoni mill-membri u r-rikuża tagħhom.

4. Iċ-Chairman għandu jiddeċiedi kull kwistjoni dwar:

(a) kull astenzjoni jew rikuża ta' xi membru tal-Bord ta' l-Appelli skond l-skond l-artikolu 33(3) ta' l-Att; u

(b) il-proċedura li għandha tiġi segwita mill-Bord ta' l-Appelli.

Deċiżjonijiet mill-Bord ta' l-Appelli.

5. (1) Salv kif xort'oħra provdut f'dawn ir-regolamenti, id-deċiżjonijiet tal-Bord ta' l-Appelli għandhom jittieħdu b'maġġoranza tal-voti.

(2) Id-deċiżjonijiet tal-Bord ta' l-Appelli għandhom ikunu bil-miktub u għandhom jiġu ffirmati miċ-Chairman. L-orignal ta' dawk id-deċiżjonijiet għandha tinżamm fir-registru tal-Bord ta' l-Appelli flimkien ma' l-inkartament sħiħ tal-proċedimenti ta' kull appell.

Segretarju tal-Bord ta' l-Appelli.

6. (1) Is-Segretarju għandu jkollu mutatis mutandis, dawk is-setgħat u d-dmirijiet kollha hekk kif inhuma vestiti bil-Kodiċi fir-Registatur tal-Qrati Superjuri.

(2) Hekk kif jiġi notifikat skond l-artikolu 36 ta' l-Att, li jkun sar appell minn deċiżjoni tal-Bord ta' l-Appelli quddiem il-Qorti ta' l-Appell (Ġurisdiżzjoni Inferjuri), is-Segretarju għandu bla ebda dewmien jiżgura li l-atti relattivi tal-Bord ta' l-Appelli jiġu preżentati fir-Registru tal-Qorti ta' l-Appell hawn qabel imsemmija.

Xhieda u provi.

7. Għall-għanijiet -

(a) tas-smiġh u l-eżami tax-xhieda u ta' l-infurzar ta' l-attendenza tax-xhieda,

(b) li jinġiebu kotba u provi dokumentarji oħra,

(c) tal-ħatra ta' periti tekniċi, u

(d) taż-żamma ta' bon ordni matul is-smiġh ta' l-appelli, il-Bord ta' l-Appelli jkollu dawk is-setgħat kollha skond ma huma vestiti bil-Kodiċi fil-Qorti Ċivili, Prim' Awla u l-Bord għandu *mutatis mutandis*, ikun regolat skond ir-regoli adatti li jinsabu stipulati fih.

8. (1) Il-Bord ta' l-Appelli għandu jlaqqa' s-seduti tiegħu f'post li l-Ministru jista' minn żmien għal żmien jiddeċiedi dwaru u l-imkien ta' dak il-post għandu jiġi pubblikat kif dovut b'avviż fil-Gazzetta.

Post fejn il-Bord ta' l-Appelli jiltaqa' u jzomm ir-registru tiegħu.

(2) L-inkartamenti li jkollhom x'jaqsmu mal-proċedimenti tal-Bord ta' l-Appelli għandhom jinżammu fir-registru tal-Bord ta' l-Appelli li għandu jkun lokalizzat f'post stabbilt u notifikat b'avviż fil-Gazzetta.

9. (1) Kull avviż, mandat jew ordni maħruġ mill-Bord ta' l-Appelli għandu jkun iffirmat miċ-Chairman u kontrofirmat mis-Segretarju.

Iffirmar u notifika ta' servizzi eċċ.

(2) In-notifiki ta' servizzi, mandati jew ordnijiet tal-Bord ta' l-Appelli għandha ssir permezz ta' posta registrata jew b'kull mod ieħor li Chairman jista' jistabbilixxi.

10. (1) Appell fil-Bord ta' l-Appelli għandu, skond l-artikolu 34 ta' l-Att, isir permezz ta' rikors iffirmat mill-appellant jew mill-aġent tiegħu. Dan ir-rikors għandu jniżżel:

Appelli fil-Bord ta' l-Appelli.

(a) id-deċiżjoni jew id-direttiva ta' l-Awtorità li tkun qegħda tiġi appellata u li kopja tagħha għandha tiġi annessa mar-rikors,

(b) dikjarazzjoni qasira tal-fatti,

(ċ) ir-raġunijiet ta' l-appell, u

(d) talba li d-deċiżjoni jew id-direttiva ta' l-Awtorità għandha tiġi mħassra jew mibdula.

(2) Ir-rikors ta' l-appell għandu jiġi preżentat għand is-Segretarju f'żewġ kopji u li kopja minnhom għandha tiġi notifikata permezz tas-Segretarju lill-Awtorità.

(3) Il Bord ta' l-Appelli jista' f'kull waqt jippermetti li ssir xi emenda fir-rikors bil-għan li dan ikun aktar ċar:

Iżda l-Bord ta' l-Appelli ma għandux jieħu konjizzjoni ta' raġunijiet oħra li ma jkunux dawk magħmulin fir-rikors ta' l-appell.

11. Meta jiġi notifikat rikors ta' appell lill-Awtorità, l-Awtorità għandha, skond l-artikolu 34 ta' l-Att, tippreżenta risposta f'żewġ

Risposta mill-Awtorità.

kopji lis-Segretarju fejn tiddikjara r-raġunijiet tagħha għaliex tkun qiegħda tikkontesta r-rikors. Kopja ta' dik ir-risposta għandha tkun notifikata mis-Segretarju lill-appellant.

Smigh ta' l-Appelli.

12. (1) Mingħajr preġudizzju għal kull dispozizzjoni oħra li tippovdi l-kontra, il-Bord ta' l-Appelli għandu kemm jista' jkun malajr wara l-prezentata tar-risposta mill-Awtorità jew, fin-nuqqas ta' dan, wara l-iskadenza taż-żmien permess għal dik il-prezentata, jiffissa jum għas-smigh ta' l-appell.

(2) Avviż tal-jum u l-ħin iffissati għas-smigh ta' l-appell għandu jingħata lill-appellant u lill-Awtorità fuq il-Formola A li hemm fl-Iskeda li tinsab ma' dawn ir-regolamenti.

(3) L-appellant u l-Awtorità jistgħu ikunu assistiti matul is-smigh ta' l-appell minn avukat jew prokuratur legali jew minn konsulent tekniku.

(4) L-avviż li għandu jingħata lil persuna biex din tidher quddiem il-Bord ta' l-Appelli biex tagħti x-xieħda tagħha u, jew biex iġġib magħha kotba jew dokumenti oħra, għandu jingħata skond il-Formola B li hemm fl-Iskeda li tinsab ma' dawn ir-regolamenti.

Drittijiet lil membri tal-professjoni legali, eċċ.

13. Id-dritt li jithallas lil kull membru tal-professjoni legali jew lil xi persuna oħra li tkun qiegħda tassisti lil appellant jew lill-Awtorità quddiem il-Bord ta' l-Appelli għandu jiġi intaxxat skond ma hemm fil-paragrafu 15(b) tat-Tariffa E ta' l-Iskeda A li tinsab mal-Kodiċi, u d-dritt li jithallas lil kull perit tekniku taħt id-disposizzjonijiet tar-regolament 7(ċ) ta' dawn ir-regolamenti għandu jiġi intaxxat mill-Bord ta' l-Appelli fuq il-bażi ta' kumpens ġust u raġjonoveli għax-xogħol li jkun twettaq.

Proċedura.

14. Salv kif espressament provdut xort'oħra b'dawn ir-regolamenti, il-Bord ta' l-Appelli għandu jirregola l-proċedura tiegħu nnifsu.

SKEDA

Regolament 12(2)

FORMOLA A

ATT DWAR AWTORITÀ TA' MALTA DWAR IR-RIŻORSI

(KAP. 423)

Avviż tal-jum u l-ħin għas-smiġħ ta' appell quddiem il-Bord ta' l-Appelli dwar ir-riżorsi

Lil

Għandi ngħarrfek li l-Bord ta' l-Appelli dwar ir-Riżorsi ser jisma' nhar

..... fil-ħin ta'

l-appell magħmul minn kontra l-Awtorità ta' Malta
dwar ir-riżorsi.

Data

.....
Chairman tal-Bord ta' l-Appelli dwar ir-riżorsi

.....
Segretarju tal-Bord ta' l-Appelli dwar ir-riżorsi

FORMOLA B

Regolament 12(4)

Każ Numru

ATT DWAR AWTORITÀ TA' MALTA DWAR IR-RIZORSI

(KAP. 423)

Avviż lil persuna biex tixhed u, jew iġġib magħha kotba, eċċ., quddiem il-Bord ta' l-Appelli dwar ir-rizorsi

Lil.....

B'dan int meħtieġ li tattendi quddiem l-Bord ta' l-Appelli dwar ir-rizorsi nhar

..... fil-ħin ta' sabiex

tixhed fl-appell magħmul minn u, jew biex

iġġib miegħek li huma kotba

jew dokumenti fil-kustodja jew taħt il-kontroll tiegħek.

Jekk tonqos milli tattendi kif hawn meħtieġ, int tkun qed tesponi ruħek għas-sanzjonijiet preskritti bil-ligi.

Data

.....
Chairman tal-Bord ta' l-Appelli dwar ir-rizorsi

.....
Segretarju tal-Bord ta' l-Appelli dwar ir-rizorsi

L.N. 70 of 2009

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

Resources Appeals Board (Procedure) Regulations, 2009.

IN exercise of the powers conferred by article 28 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs after consultation with the Malta Resources Authority, has made the following regulations:-

1. The title of these regulations is the Resources Appeals Board (Procedure) Regulations, 2009. Title.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

“the Act” means the Malta Resources Authority Act;

“the Appeals Board” means the Resources Appeals Board;

“the Authority” means the Malta Resources Authority;

“the Chairman” means the Chairman of the Appeals Board;

“the Code” means the Code of Organization and Civil Procedure; Cap. 12.

“the Minister” means the Minister responsible for resources;

“the Secretary” means the Secretary of the Appeals Board.

(2) Subject to the provisions of subregulation (1) hereof, the provisions of article 2 of the Act shall apply to these regulations.

3. The Appeals Board shall be convened by the Chairman as may be required from time to time. Convening of Appeals Board.

Abstention and challenge of members.

4. The Chairman shall decide any question regarding:

(a) any abstention or challenge of any member of the Appeals Board in accordance with article 33(3) of the Act; and

(b) the procedure to be followed by the Appeals Board.

Decisions by the Appeals Board.

5. (1) Save as otherwise provided in these regulations, the decisions of the Appeals Board shall be taken by a majority vote.

(2) The decisions of the Appeals Board shall be in writing and shall be signed by the Chairman. The original of such decisions shall be kept in the registry of the Appeals Board together with the complete record of the proceedings of each appeal.

Secretary to the Appeals Board.

6. (1) The Secretary shall have, *mutatis mutandis*, all such powers and duties as are by the Code vested in the Registrar of the Superior Courts.

(2) On being notified that in accordance with article 36 of the Act an appeal has been lodged from a decision of the Appeals Board before the Court of Appeal (Inferior Jurisdiction), the Secretary shall without any undue delay ensure that the relative records of the Appeals Board are filed in the Registry of the aforesaid Court of Appeal.

Evidence and proof.

7. For the purpose of :

(a) the hearing and examination of evidence and of enforcing the attendance of witnesses,

(b) the production of books and other documentary evidence,

(c) the appointment of technical experts, and

(d) the keeping of good order during the hearing of appeals,

the Appeals Board shall have all such powers as are vested by the Code in the Civil Court, First Hall and it shall, *mutatis mutandis*, be regulated by the appropriate rules set out therein.

8. (1) The Appeals Board shall hold its sittings in any place which may from time to time be decided upon by the Minister and its locality shall be duly published by notice in the Gazette.

Place of sittings and registry of the Appeals Board.

(2) The records relating to the proceedings of the Appeals Board shall be kept in the registry of the Appeals Board which shall be located at a place established and notified by notice in the Gazette.

9. (1) Any notice, warrant or order issued by the Appeals Board shall be signed by the Chairman and counter-signed by the Secretary.

Signing and service of notices etc.

(2) The service of notices, warrants or orders of the Appeals Board shall be made by registered mail or by any other form as the Chairman may determine.

10. (1) An appeal to the Appeals Board shall, in accordance with article 34 of the Act, be made by an application signed by the appellant or his agent. Such application shall state:

Appeals to the Appeals board.

(a) the decision or directive of the Authority being appealed from, a copy of which shall be annexed to the application,

(b) a brief statement of the facts,

(c) the grounds of the appeal, and

(d) a demand that the decision or directive of the Authority be reversed or varied.

(2) The appeal application shall be filed with the Secretary in duplicate, one copy of which shall be served through the Secretary on the Authority.

(3) The Appeals Board may, at any time, allow any amendment to be made in the application for the purpose of making such application more clear:

Provided that the Appeals Board shall not take cognizance of any grounds other than those submitted in the appeal application.

Reply by the Authority.

11. When an application of appeal is served on the Authority, the Authority shall, in accordance with article 34 of the Act, file a reply in duplicate with the Secretary stating its reasons for contesting the application. A copy of such reply shall be served by the Secretary on the appellant.

Hearing of the Appeal.

12. (1) Without prejudice to any other provision prescribing the contrary, the Appeals Board shall as soon as may be after the filing of the reply by the Authority, or, in default, after the lapse of the time allowed for such filing, appoint a day for the hearing of the appeal.

(2) Notice of the day and time appointed for the hearing of the appeal shall be given to the appellant and to the Authority on Form A set out in the Schedule hereto.

(3) The appellant and the Authority may be assisted during the hearing of the appeal by an advocate or a legal procurator or a technical adviser.

(4) The notice to be given to any person to appear before the Appeals Board to give evidence and, or produce books or other documents, shall be given on Form B set out in the Schedule hereto.

Fees payable to members of the legal profession, etc.

13. The fee payable to any member of the legal profession or other person assisting an appellant or the Authority before the Appeals Board shall be taxed on the basis of paragraph 15(b) of Tariff E of Schedule A annexed to the Code, and the fee payable to any technical expert appointed under the provisions of regulation 7(c) hereof shall be taxed by the Appeals Board on the basis of fair and reasonable compensation for work done.

Procedure.

14. Save as otherwise expressly provided by these regulations, the Appeals Board shall regulate its own procedure.

SCHEDULE

Regulation 12(2)

FORM A

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

Notice of the day and time for the hearing of an appeal before the Resources Appeals Board

To

I have to inform you that the Resources Appeals Board will hear on

.....

at the appeal entered by against the Malta Resources Authority.

Date

.....
Chairman of the Resources Appeals Board

.....
Secretary of the Resources Appeals Board

FORM B

Regulation 12(4)

Case No.

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

Notice to a person to give evidence and, or to produce books etc., before the Resources Appeals Board

To

You are hereby required to attend before the Resources Appeals Board on

.....

at in order to give evidence in an appeal made by

.....

and/or to produce

being books or documents in your custody or under your control.

Failure to attend as hereby required will expose you to the sanctions prescribed by law.

Date

.....
Chairman of the Resources Appeals Board

.....
Secretary of the Resources Appeals Board

