

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,534, 15 ta' Jannar, 2010

Taqsimha B

A.L. 29 tal-2010

**ATT DWAR L-AWTORITÀ
GĦAT-TRASPORT F'MALTA
(KAP. 499)**

Regolamenti tal-2010 dwar Toroq Ġodda u Xogħlijiet f'Toroq

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 43 tal-Att dwar l-Awtorità għat-Trasport f'Malta, il-Ministru għall-Infrastruttura, Trasport u Komunikazzjoni, b'konsultazzjoni mal-Awtorità għat-Trasport f'Malta għamel ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2010 dwar Toroq Ġodda u Xogħlijiet f'Toroq. Titolu u dhul fis-sehħ.

(2) Dawn ir-regolamenti għandhom jitqiesu li bdew isehħu fl-1 ta' Jannar, 2010.

TAQSIMA I

DISPOSIZZJONIJIET PRELIMINARI

2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra, l-esspressjonijiet li ġejjin għandhom it-tifsiriet li ġejjin: Tifsiriet.

“applikant” tfisser il-persuna li tikkummissjona x-xogħlijiet f'toroq;

“applikazzjoni” tfisser applikazzjoni għal permess għal xogħlijiet f'toroq;

“l-Awtorità” tfisser l-Awtorità għat-Trasport f'Malta mwaqqfa bl-Att dwar l-Awtorità għat-Trasport f'Malta;

“l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar” tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar imwaqqfa taħt l-Att dwar l-Ippjanar tal-Iżvilupp; Kap. 356.

“bini residenzjali” tfisser struttura użata biex jgħixu fiha persuna jew persuni u tinkludi kull dar, mezzanin, garaxx, kamra, maħżen jew bini ieħor;

“fornitur ta’ servizz tal-komunikazzjonijiet” tfisser operatur li jipprovdi servizz ta’ komunikazzjonijiet elettronici billi juża, għal dak l-għan, faċilitajiet mqiegħda fi triq pubblika jew taħt jew fuq triq pubblika;

“fornitur ta’ servizzi ta’ utilità” tfisser awtorità jew intrapriża, li n-negozju primarju tagħha jkun li tipprovdi l-elettriku jew il-gass jew l-ilma jew id-drenagg lill-pubbliku. Il-fornitur ta’ servizzi ta’ utilità jista’ jkun jappartjeni lill-Gvern, jew ikollu sid pubbliku jew privat;

“impriża” tfisser kull entità, inkluż kull persuna, imdaħħla f’attività ekonomika, ikun x’ikun l-istatus legali tagħha u l-mod li bih tkun finanzjata;

“inħawi abitati” tfisser inħawi fejn ikun hemm gabra ta’ bini residenzjali li fiha ikunu joqogħdu jew jistgħu joqogħdu iżjed minn mitt ruħ;

“Kunsill Lokali” tfisser kunsill ta’ gvern lokali mwaqqaf skont l-Att dwar il-Kunsilli Lokali;

Kap. 363.

“kuntrattur” tfisser impriża li jkollha l-mezzi professjonali u teknici biex twettaq xogħlijiet f’toroq u li kull sena tipprovdi lill-Awtorità b’garanzija bankarja fl-ammont ta’ €15,000;

“manutenzjoni” fir-rigward ta’ toroq pubblici tinkludi t-titjib u l-immaniġġar;

“manutenzjoni ta’ rutina f’toroq” tfisser azzjonijiet li jittieħdu fuq bażi regolari biex triq, triq abitata jew pont jinżammu fi stat sigur u tajjeb għall-użu, azzjonijiet li jittieħdu biex fejn possibbli triq ma tithallix tiddeterjora, u azzjonijiet li jittieħdu biex il-wiċċ ta’ triq u l-għnub tagħha jingiebu lura fi stat tajjeb; hi tinkludi, iżda mhijiex limitata għal, mili ta’ ħofor, traqqiġ tal-wiċċ, l-għeluq u l-mili ta’ xquq, it-tindif ta’ toroq abitati, katusi u kanali għall-ilma; l-istallar ta’ sinjali u sinjalagg tat-traffiku; tibdil ta’ sinjali

u marki fit-toroq li jkunu tħassru, kontroll ta' ħxejjex u veġitazzjoni fil-ġenb tat-triq; tindif tal-ġnub ta' triq; tiswija ta' bankini;

“okkupant” tfisser kull persuna li legittimament ikollha fil-pussess tagħha jew tkun qiegħda teżerċita kontroll fuq art;

“il-Ministru” tfisser il-Ministru responsabbli għat-toroq;

“perijodu ta' tkomplija ” tfisser il-perijodu speċifikat li fih ix-xogħlijiet kollha koperti bil-permess iridu jiġu kompluti;

“permess” tfisser permess għal xogħol fi triq li jkun meħtieġ mingħand l-Awtorità taħt id-disposizzjonijiet ta' dawn ir-regolamenti;

“persuna” tfisser kull persuna naturali jew ġuridika;

“pjan lokali” għandha l-istess tifsira mogħtija lilha fl-Att dwar l-Ippjanar tal-Iżvilupp;

“skemi għall-immaniġġar tat-traffiku” tfisser skemi għall-immaniġġar tat-traffiku f'diversi avvenimenti b'taġħqid u taħlit ta' ippjanar tan-*network* u miżuri ta' inġinerija biex tiżdied is-sigurezza fit-toroq, bil-għan li jonqsu l-effetti avversi mit-traffiku motorizzat inklużi senjaletika għall-kontroll tat-traffiku fejn triq taqsam triq oħra, regolamentazzjoni tal-ipparkjar, ikkalmar tat-traffiku, titjib fir-rotot għal min juża t-triq bil-mixi jew bir-roti, u sinjalagġ anki għal xogħlijiet fit-toroq u sitwazzjonijiet temporanji;

“sid”, użata dwar art u beni immobbli oħra, tfisser kull persuna li jkollha fil-pusses tagħha l-art jew kull persuna li tkun qiegħda tidher għas-sid fl-amministrazzjoni tal-art involuta, jew li tkun qiegħda taġixxi f'isem is-sid jew tkun qiegħda tassumi karattru ta' sid, skont iċ-ċirkostanzi;

“sid il-proġett” tfisser persuna maħtura minn applikant għal permess għal xogħlijiet maġġuri f'toroq, li jkun responsabbli għal kollox għall-applikazzjoni u li l-pożizzjoni tiegħu fi hdan l-entità li tkun qiegħda tapplika tagħti s-setgħa li jieħu deċiżjonijiet waħdu f'hin raġonevolment qasir u jagħti direzzjoni lil dawk li jkollu taħt ir-responsabbiltà tiegħu;

“Stat Membru” tfisser Stat Membru tal-Unjoni Ewropea;

“taħfir” tfisser it-taħfir li jsir taht wiċċ it-triq għall-fini ta’ aċċessar, stallar, tiswija u manutenzjoni ta’ utilitajiet li jkunu jinsabu taht it-triq;

“*tenement*” tfisser kull bini jew art li tkun separata minn triq permezz ta’ ħajt;

“titjib” tinkludi t-twessiegħ, allinjament mill-ġdid u l-ifformar mill-ġdid ta’ toroq;

Kap. 356.

“triq” għandha l-istess tifsira mogħtija lilha fl-Att dwar l-Awtorità għat-Trasport f’Malta;

“triq lokali” tfisser triq pubblika li ma tkunx triq arterjali jew triq distributorja;

“triq privata” tfisser triq li ma tkunx triq pubblika;

“triq pubblika” tfisser triq li l-Awtorità jew Kunsill Lokali għandhom id-dmir li jieħdu ħsieb il-manutenzjoni tagħha;

“l-Unjoni Ewropea” għandha l-istess tifsira mogħtija lilha fl-Att dwar l-Unjoni Ewropea u tinkludi n-Norveġja, l-Islanda u Liechtenstein;

“utilitajiet taht l-art” tfisser servizz tal-elettriku, tal-komunikazzjoni, tal-ilma, tad-drenagg jew mezz ta’ trasmissjoni li jkun installat taht il-wiċċ ta’ triq;

“xogħlijiet ta’ emergenza” tfisser xogħlijiet li jkunu meħtieġa li jsiru wara ħsarat kawżati f’servizzi ta’ utilità jew komunikazzjoni li jkunu taht l-art jew xogħlijiet li jkunu jeħtieġu li jsiru b’urgenza biex jipprevjenu jew iwaqqfu, jew inaqqsu r-riskju ta’ telf, korriment jew ħsara lil persuni jew lil proprjetà;

“xogħlijiet maġġuri” tfisser xogħlijiet f’toroq li la jkunu xogħlijiet minuri u lanqas xogħlijiet ta’ emergenza;

“xogħlijiet minuri” tinkludi xogħlijiet li jkunu jikkonsistu –

(a) fl-għoti lil konsumatur ta' servizz ipprovdut minn, jew li jkun ipprovdut minn, fornitur ta' servizz ta' utilità jew fornitur ta' servizz tal-komunikazzjoni;

(b) l-użu ta' ħofra ta' aċċess għal skop ta' tħaffir ta' kanali, assessjar, tiswija, jew żamma ta' infrastruttura taht triq mingħajr ma jiġi effettwat it-traffiku;

(ċ) l-istallazzjoni, it-tiswija jew il-manutenzjoni ta' oġġetti għall-kontroll tat-traffiku u attrezzaturi f'toroq abitati li ma jkunux jeħtieġu tħfir;

(d) manutenzjoni ta' rutina ta' toroq;

“xogħlijiet f'toroq” tfisser kull intervent fuq toroq eżistenti, inklużi manutenzjoni maġġura ta' toroq, it-tkissir jew ftuħ ta' triq, tħfir ta' toroq, il-kostruzzjoni jew il-kostruzzjoni mill-ġdid ta' bankini jew karreġġati, alterazzjonijiet f'karreġġati u bankini, miżuri biex jikkalmaw it-traffiku, il-kostruzzjoni jew it-tneħħija ta' stoffi tat-toroq, u kull intervent li jbidel jew iwassal biex il-wiċċ ta' triq eżistenti jsir mill-ġdid.

TAQSIMA II

KOSTRUZZJONI U MANUTENZJONI TA' TOROQ

3. (1) L-Awtorità għandha ttiprovdi, jew hi stess jew permezz ta' impriża, u fejn ikun adatt b'konsultazzjoni mal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, għall-kostruzzjoni, kostruzzjoni mill-ġdid, twessieġħ, tiġdid, manteniment, titjib, immaniġġar, manutenzjoni u klassifikazzjoni ta' toroq:

Kostruzzjoni u manutenzjoni ta' toroq.

Iżda fejn triq la tkun triq arterjali lanqas triq distributorja, il-manteniment, it-titjib u l-manutenzjoni tagħha għandu jipprovdi għalihom il-Kunsill Lokali adatt skont l-artikolu 33 tal-Att dwar il-Kunsilli Lokali.

(2) L-Awtorità għandha tagħmel dak kollu li tista' biex tiżgura l-oġġla livelli ta' kwalità u sigurezza fil-kostruzzjoni, kostruzzjoni mill-ġdid, manutenzjoni jew xogħlijiet oħra f'toroq u li dawk ix-xogħlijiet isiru biss minn kuntratturi kif imfissra taht dawn ir-regolamenti.

(3) L-Awtorità għandha żzomm elenku, li jkun disponibbli meta jintalab, tat-toroq kollha kif klassifikati minnha u hi tista', f'kull hin, tħassar jew iżżid toroq f'dak l-elenku.

Informazzjoni dwar toroq ġodda arterjali jew distributorji.

4. Kull meta jkun jidher espendjenti li ssir triq arterjali jew distributorja ġdida jew li titwessa' jew tiġi devjata triq arterjali jew distributorja li diġà tkun teżisti, l-Awtorità għandha tippubblika avviż, akkumpanjat minn pjanta li tkun turi t-triq ġdida li tkun qed tiġi proposta jew il-parti tat-triq li tkun maħsuba li titwessa' jew li tiġi ddevjata, u l-art li minnha dik it-triq tkun se tgħaddi, fil-Gazzetta u f'gazzetta jew ġurnal.

Akkwist ta' art għall-finijiet ta' toroq.

Kap. 88.

5. Art li tkun meħtieġa b'rabta mal-kostruzzjoni, twessieġh jew devjazzjoni ta' triq għandha tiġi akkwistata skont l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi.

Kodiċi ta' Prattika.

6. L-Awtorità tista' tfassal u tippubblika Kodiċi ta' Prattika biex tiggwida lilha nnifisha, lill-Kunsilli Lokali, lill-fornituri ta' servizzi ta' utilità u fornituri ta' servizzi tal-komunikazzjoni fl-aħjar principji ta' prattika tajba b'mod partikolari biex jonqsu t-tfixkil u l-inkonvenjenzi waqt xogħlijiet fit-toroq.

Konformità mal-standards.

7. (1) Kull min ikun qiegħed jiddisinja jew jibni jew jagħmel xi manutenzjoni jew xogħlijiet oħra f'xi triq għandu jħares l-Istandards dwar Xogħlijiet fit-Triq li ġejjin:

(i) Volum 1- Speċifikazzjoni għal Xogħlijiet fit-Triq;

(ii) Volum 2 – Linji direttivi dwar Speċifikazzjoni għal Xogħlijiet fit-Triq;

(iii) Volum 3 – Dettalji dwar Bini ta' Triq;

(iv) Volum 4 – Metodu dwar Qjies għal Xogħlijiet fit-Triq u Linji Direttivi dwar Qjies ta' Xogħlijiet fit-Triq;

(v) Volum 5 - Manwâl ta' Disinn għal Toroq u Pontijiet;

(vi) Volum 6 - Linji Direttivi għat-Thejjija ta' Dokumenti ta' Disinn għall-Bini ta' Triq;

(vii) Volum 7 – Direttivi għall-Istandardizzazzjoni tal-Kostruzzjoni ta' Toroq għall-Użu tat-Traffiku.

(2) Il-pubbliku jista' jara l-imsemmija Standards dwar Xogħlijiet fit-Triq fl-uffiċċji tal-Awtorità matul il-ħinijiet normali tax-xogħol.

(3) Mingħajr preġudizzju għal kull azzjoni li tista' tiġi eżerċitata kontra xi persuna li tiddisinja jew tibni xi triq bi ksur ta' dawn ir-regolament, ebda haġa f'dawn ir-regolamenti ma għandha tiftiehem bħala li tagħti xi jedd lil xi persuna kontra l-Awtorità jew kontra l-Gvern jew xi awtorità pubblika oħra jew kontra xi persuna li taġixxi fil-kariga uffiċjali tiegħu jew tagħha bħala uffiċjal jew impjegat tal-Gvern jew ta' xi awtorità bħal dik hawn qabel imsemmija jekk ikun hemm triq li ma tkunx tikkonforma ma' kull għamil assoċjat mal-Istandards ta' Disinn u Kostruzzjoni għal Xogħlijiet fit-Triq stipulati f'dan ir-regolament.

8. (1) F'azzjoni kontra l-Awtorità jew Kunsill Lokali dwar korriment jew hsara li jirriżultaw min-nuqqas tagħhom li jzommu triq fi stat tajjeb, jista' jiġi ppruvat –

Azzjoni dwar korriment jew hsara.

(a) l-Awtorità jew il-Kunsill Lokali jkunu ħadu ħsieb li fiċ-ċirkostanzi kollha kif kien raġonevolment meħtieġ jiżguraw li l-parti tat-triq li dwarha tkun qed tittieħed l-azzjoni ma kinitx ta' periklu għat-traffiku; jew

(b) il-korriment jew il-ħsara rriżultat –

(i) mix-xogħlijiet li jkunu saru fuq jew taħt dik il-parti tat-triq li dwarha tkun qed tittieħed l-azzjoni; u

(ii) minn xi haġa li seħħet qabel tlesta l-bini mill-ġdid jew it-titjib ta' dik il-parti tat-triq skont xi ħtieġa rilevanti.

(2) Għall-finijiet ta' difiża taħt il-paragrafu (1)(a) il-qorti għandha, b'mod partikolari, tiegħu konjizzjoni tal-materji li ġejjin –

(a) il-kwalità tat-triq, u t-traffiku li raġonevolment kien maħsub li se jużaha;

(b) il-livell ta' manutenzjoni adatta għal triq ta' kwalità bħal dik u l-użu tagħha minn dak it-traffiku;

(ċ) l-istat ta' tiswija li fih persuna raġonevoli kienet tistenna li ssib it-triq;

(d) jekk l-Awtorità jew il-Kunsill Lokali kinux jafu, jew b'mod raġoveli kienx mistenni li jkunu jafu, li l-kundizzjoni tal-parti tat-triq li dwarha tkun qed tittiehed l-azzjoni setgħet tikkawża periklu għall-utenti tat-triq;

(e) fejn l-Awtorità jew il-Kunsill Lokali ma kinux b'mod raġonevoli mistennija li jsewwu dik il-parti tat-triq qabel ma nqalgħet il-kawża tal-azzjoni, liema avvizi ta' twissija dwar il-kundizzjoni tagħha tpoġġew fil-post;

izda, għall-finijiet ta' prova bħal dik, ma għandux ikun rilevanti li jiġi ppruvat li l-Awtorità jew il-Kunsill Lokali, skont ma jkun il-każ, għamlu l-arranġamenti biex kuntrattur awtorizzat jagħmel jew jissorvelja l-manutenzjoni ta' dik il-parti tat-triq li magħha tkun marbuta l-azzjoni, hliet jekk ikun ukoll ippruvat li l-Awtorità jew il-Kunsill Lokali jkunu taw lil dak il-kuntrattur struzzjonijiet kif xieraq dwar il-manutenzjoni tat-triq u li dan ikun wettaq dawk l-istruzzjonijiet.

TAQSIMA III

TOROQ F'POSTIJIET ABITATI

Wisa' ta' toroq
f' postijiet abitati.

9. (1) Kull triq ġdid f' post abitat jew kull triq magħmula biex tagħmel sehem minn post abitat li 'l quddiem jista' jinbena, għandha tkun mill-anqas tmien metri wiesgħa:

Izda l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, b'konsultazzjoni mal-Awtorità, tista' tordna li kull triq bħal dik għandha tkun ta' wisa' iżjed minn tmien metri imma mhux iżjed minn tmintax-il metru.

(2) Fejn triq eżistenti f' post abitat tkun se tiġi estiża, il-wisa' minima tat-triq tista', bil-permess tal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, b'konsultazzjoni mal-Awtorità, titnaqqas għal sitt metri.

Pendil, direzzjoni u
pożizzjoni ta' toroq
ġodda f' postijiet
abitati.

10. Ebda triq ġdida f' post abitat, u lanqas ebda triq magħmula bil-ħsieb li tagħmel sehem minn post abitat li 'l quddiem jista' jinbena, ma tista' ssir mingħajr qabel ma tittiehed l-approvazzjoni għaldaqshekk mingħand l-Awtorità dwar l-Ambjent u l-Ippjanar, b'konsultazzjoni mal-Awtorità, għal dak li hu pendil, direzzjoni u pożizzjoni tagħha, u dwar il-mod li bih id-djar li jmissu magħha għandhom ikunu provduti bid-drenagġ u bl-ilma u kif l-ilma tal-wieċ għandu jittferragħ.

11. Triq ġdida f'post abitat jew f'post li 'l quddiem jista' jinbena jistgħu jinfethu biss bil-permess tal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, b'konsultazzjoni mal-Awtorità, u l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar tista' ma tagħtix permess għall-ftuħ ta' triq bħal dik:

Hu meħtieġ permess għall-ftuħ ta' triq f'post abitat.

Iżda meta ma jingħatax permess bħal dak, il-parti aggravata jkollha dritt tappella minn dik id-deċiżjoni taħt id-dispożizzjonijiet tal-Att dwar l-Ippjanar tal-Iżvilupp.

12. Ebda bini li jmiss ma' triq ġdida f'post abitat ma jista' jinbena qabel ma t-triq tiġi invellata sewwa mal-linja kif mogħtija mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, b'konsultazzjoni mal-Awtorità. It-tul tat-triq li għandha tiġi hekk invellata għandu jibda minn triq li diġà hemm u li tkun diġà miftuħa għall-pubbliku, u għandu jibqa' sejjer sal-aħħar tarf tal-faċċata tal-bini li jkun se jsir.

Tlugh ta' bini f'toroq ġodda.

13. (1) (a) Bla ħsara għad-disposizzjonijiet tar-regolamenti 9, 10, 11 u 12, ebda persuna ma tista' tibda l-konstruzzjoni ta' xi bini li jkollu aċċess għal, jew xi tieqa jew ftuħ ieħor għal fuq, xi triq pubblika qabel ma tħallas lill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, dwar il-formazzjoni ta' dik it-triq, kontribuzzjoni daqs kemm tiġi tiswa, kif fiż-żmien tal-ħlas tal-kontribuzzjoni, tal-formazzjoni ta' dik it-triq (dak il-kost għandu jinkludi l-valur, kif fiż-żmien tal-ħlas tal-kontribuzzjoni, tal-art meħtieġa għall-formazzjoni tat-triq) jew qabel ma tħallas lill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar mill-anqas ħamsa u għoxrin fil-mija ta' dik il-kontribuzzjoni u fl-istess ħin tobbliġa ruħha bil-miktub li tħallas il-bilanċ għeluq perijodu ta' mhux żjed minn tnax-il xahar b'rati ndaqs fix-xahar, li jibdedw fi żmien xahar mid-data ta' dak il-ħlas u obbligu:

Sehem li għandu jithallas minn persuni li jibdedw itellghu bini li jagħti għal fuq triq pubblika.

Iżda meta l-art fuq naħa waħda jew fuq iż-żewġ naħat tat-triq tkun tappartjeni lil sidien differenti l-kontribuzzjoni totali għandha tiġi mqassma bejn daww is-sidien bi proporzjon skont il-faċċata tal-art li tkun tappartjeni lil kull sid fuq dik it-triq, hekk illi l-kost kollu tat-triq jiġi mqassam bi proporzjon għal dik il-faċċata fost id-diversi sidien.

(b) Meta xi rata ta' xahar imsemmi fil-paragrafu (a) ma tithallasx għeluq għaxart ijiem mid-data meta l-ħlas ta' dik ir-rata jkun dovut, l-ammont kollu tal-kontribuzzjoni li ma jkunx għadu tħallas isir u jkun minnufiħ dovut u jkollu jingħata lill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar u l-persuna li

tkun għamlet l-obbligazzjoni msemmija f'dak il-paragrafu għandha titqies li tkun bdiet il-kostruzzjoni tal-bini bi ksur ta' dan ir-regolament.

(2) Kontribuzzjoni dwar il-kost tat-twessigh ta' kull triq, f'kull żmien li jsir, tista' tintalab mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar bħal fil-każ ta' triq ġdida u dik il-kontribuzzjoni tintalab biss lis-sid jew sidien li jkun jew ikunu kisbu benefiċċju minn dak it-twessigh u għandha titqassam bi proporzjon tal-benefiċċju hekk miksub.

(3) Fejn xi triq li għaliha jgħodd dan ir-regolament tkun iżjed minn tmintax-il metru fil-wisa', il-kost tal-formazzjoni jew twessigh tat-triq in eċċess ta' dak il-wisa' ma għandux jittiehed kont tiegħu biex tiġi stabbilita l-kontribuzzjoni li għandha tithallas lill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar.

(4) Kull kontribuzzjoni li għandha tithallas skont id-disposizzjonijiet ta' dan ir-regolament u kull tqassim tagħha fost is-sidien għandha, f'nuqqas ta' ftehim, tiġi stabbilita mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar:

Iżda kull min ikun interessat jista' jattakka l-likwidazzjoni tal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar b'rikors quddiem il-qorti ċivili kompetenti.

(5) Ir-rati tal-kontribuzzjonijiet li għandhom jithallsu għal kull klassi jew tip ta' bini u l-mod kif għandhom jingabru għandhom ikunu dawk stabbiliti bir-regolamenti magħmula skont l-artikolu 42 tal-Att dwar l-Ippjanar tal-Iżvilupp.

(6) Il-kontribuzzjonijiet mħallsa taht id-dispożizzjonijiet ta' dan ir-regolament ikunu favur il-Gvern.

Rati għat-twittija eċċ ta' toroq.

14. (1) Ir-rati li għandhom jintalbu mill-Awtorità għat-twittija, kisi u asfaltar tal-wiċċ jew xort'oħra tat-toroq għandhom ikunu dawk ordnati b'regolamenti taht l-Att dwar l-Awtorità għat-Trasport f'Malta.

(2) Meta persuna tonqos milli tiffirma triq kif provdut skont id-disposizzjonijiet ta' dawn ir-regolamenti, l-Awtorità tista' hi nnifisha tgħaddi biex tiffirma dik it-triq wara li tagħti avviż tal-intenzjoni tagħha li tagħmel dan permezz ta' avviż fil-Gazzetta, u tagħti lil dik il-persuna hmistax-il ġurnata biex tikkonforma ruħha ma' dan. Dik il-formazzjoni ssir bi spejjeż tal-persuna li kieku

kienet xort'oħra tkun obbligata li tiffirma dik it-triq, u l-Awtorità jkollha l-jedd tirkupra kull nefqa hekk magħmulha mingħand dik il-persuna.

TAQSIMA IV

TOROQ PRIVATI

15. L-Awtorità tista', f'kull żmien, tagħmel jew tara li ssir jew tippermetti li ssir f'kull jew taħt kull triq privata, kull xorta ta' xogħol illi jkun jidhrilha meħtieġ jew utli fl-interess pubbliku.

L-Awtorità tista' tagħmel xogħlijiet f'toroq privati.

16. Kull triq privata ġdida għandha tiġi mwittija u miksija kif imiss u magħmula b'mod li tkun tajba għas-sewqan tal-ilma, mill-persuna li tkun fetħet dik it-triq, skont l-ordnijiet tal-Awtorità u b'mod li jkun jogħġob lill-Awtorità. Barra minn dan, kull triq bħal dik għandha tiġi magħmula mill-imsemmija persuna b'bankini b'kurdun u b'dorga tal-ġebel tal-qawwi jew b'materjal ieħor tajjeb għaldaqshekk, li jkun jissodisfa lill-Awtorità.

Twittija, eċċ., ta' triq privata mis-sid.

17. Kull triq privata għandha tinzamm, mill-persuna li tkun fetħitha, fi stat tajjeb ta' tiswija b'mod li jissodisfa lill-Awtorità.

Iż-żamma ta' toroq privati.

18. Is-sidien ta' kull proprjetà li tmiss direttament ma' triq privata jew il-persuni li jkollhom dik il-proprjetà b'enfitewsi, jitqiesu, għall-fini ta' din it-Taqsima ta' dawn ir-regolamenti, li huma l-persuni li fetħu dik it-triq u li huma s-sidien tagħha:

Min jitqies li fetah triq u li huwa s-sid tagħha.

Iżda kull persuna li jkollha l-obbligu li tagħmel xi xogħlijiet fi triq bħal dik għandha l-jedd ta' regress kontra terzi bil-mezz tal-azzjoni ċivili, mogħtija mil-liġi, sabiex tithallas lura ta' kull spiża li tkun għamlet dwar dawk ix-xogħlijiet:

Iżda wkoll, ebda azzjoni ċivili ma tista' iddewwem l-esekuzzjoni tax-xogħlijiet mill-persuna obbligata li tagħmilhom.

19. (1) Mingħajr preġudizzju għal kull ma jista' jsir xort'oħra skont il-liġi, l-Awtorità tkun tista' tagħmel jew, skont il-każ, tissokta tagħmel ix-xogħlijiet kollha jew x'uħud mix-xogħlijiet imsemmija fir-regolamenti 16 u 17 wara li tkun bagħtet avviz lis-sid b'ittra reġistrata li tkun bi ħsiebha tagħmel hekk; dawk ix-xogħlijiet għandhom isiru bi spejjeż tal-persuna li tkun fetħet it-triq.

Kisi, eċċ., ta' toroq privati.

(2) Kull triq privata, kompriża l-bankina f'dik it-triq, għandha, wara li l-Awtorità tkun bagħtet lis-sid avviz b'ittra reġistrata, tiġi asfaltata jew miksija xort'oħra kif tgħid l-Awtorità, mill-imsemmija Awtorità, bi spejjeż tas-sid.

(3) Kull wieħed mill-avvizi msemmija fiż-żewġ subregolamenti ta' qabel dan għandu jissewma fih l-ammont li s-sid għandu jhallas bħala sehm min-nefqa dwar ix-xogħlijiet li jkun hemm il-ħsieb li jsiru.

(4) L-Awtorità għandha tibgħat b'ittra reġistrata avviz tad-data li fiha jkunu ntemmu x-xogħlijiet imsemmija fis-suregolamenti (1) u (2) lis-sidien, li jkollhom iħallsu, kemm-il darba huma ma jkunux laħqu ħallsu qabel, l-ammont mistħoqq minnhom mingħajr imgħax, fi żmien xahar minn mindu jaslilhom l-avviz li x-xogħlijiet intemmu.

(5) Kull avviz mibgħut bil-posta reġistrata skont dan ir-regolament jitqies li jkun wasal għand il-persuna li lilha jintbagħat kif soltu jasal fit-tqassim tal-posta.

(6) It-toroq privati għandhom, meta dawk it-toroq ikunu inklużi fi skema jew fi pjan lokali -

(a) meta jiġu asfaltati jew jitlesta l-kisi xort'oħra tagħhom; u

(b) malli tiġi pubblikata Ordni tal-President fil-Gazzetta li tkun tordna dan,

isiru proprjetà tal-Gvern u minn dak il-waqt is-sidien ikunu meħlusin minn kull dmir ieħor li jieħu ħsieb dawk it-toroq.

(7) B'dak kollu li hemm f'xi disposizzjoni oħra ta' liġi fis-sens kuntrarju, l-art li minn fuqha tgħaddi kull triq, jew parti minn triq, trasferita lill-Gvern skont is-subregolament (6) ta' dan ir-regolament għandha, b'Ordni tal-President, tiġi meħlusa għal kolloxx minn kull privileġġ u ipoteka li sa dak iż-żmien kienu jolqtuha, mingħajr ħsara għall-kreditu sħiħ żgurat b'dak il-privileġġ jew b'dik l-ipoteka li għaliha jibqgħu jagħmlu tajjeb il-fdal tal-proprjetà li minnha dik l-art kienet tagħmel parti u fuq il-proprjetà l-oħra kollha milquta, jekk ikun hemm, tad-debitur. Dwar kull ħelsien bħal dak ma tkun tinhtieg ebda riferenza jew reġistrazzjoni fir-Registru Pubbliku.

(8) (a) Jekk sid it-triq jonqos milli jhallas xi ammont li jkollu jagħti taħt is-subregolament (4) ta' dan ir-regolament u fiż-żmien fih imsemmi, huwa, fuq hekk, ikollu jagħti bi ħlas barra mill-ammont hekk minnu misthoqq l-imgħax bit-tmienja fil-mija fuq dak l-ammont minn meta x-xogħlijiet jintemmu sa dak in-nhar li jsir il-ħlas, u l-ispiza li tkun nefqet l-Awtorità flimkien ma' dak l-imgħax fuqha jkunu kreditu privileġġat favur l-Awtorità fuq il-proprjetà ta' dak is-sid li sew sew tagħti għal fuq it-triq, u dak il-kreditu għandu jithallas bi preferenza għall-krediti l-oħra kollha, sew jekk privileġġati jew ipotekarji, fuq dik il-proprjetà, b'dak kollu li hemm f'xi disposizzjoni oħra ta' liġi fis-sens kuntrarju.

(b) Dak il-jedd ta' preċedenza ma jkunx jista' jittwettaq kemm-il darba l-kreditu ma jkunx gie registrat fir-Registru Pubbliku fi żmien xahrejn minn meta jkunu ntemmu x-xogħlijiet hawn qabel imsemmijin. F'nuqqas ta' xhieda fis-sens kuntrarju d-data tat-temm tax-xogħlijiet għandha titqies li tkun dik li tidher fin-nota tar-registrazzjoni tal-privileġġ.

20. Għall-fini tal-iskrizzjoni u tal-ħlas ta' kull kreditu taħt ir-regolament 19 ta' dawn ir-regolamenti, in-nefqa li tkun saret mill-Awtorità għandha tiġi mqassma mill-Awtorità bejn is-sidien skont il-qies tal-faċċata tal-art jew tal-bini ta' kull wieħed minnhom ma' tul it-triq:

Spejjeż magħmulin mill-Awtorità għandhom jinqasmu bejn is-sidien.

Izda kull wieħed mis-sidien jista' jattakka l-likwidazzjoni magħmula mill-Awtorità b'rikors quddiem il-qorti ċivili kompetenti kontra l-imsemmija Awtorità.

TAQSIMA V

ISMIJET TA' TOROQ

21. L-Awtorità, u sal-limitu ta' kull responsabbiltà ta' Kunsill Lokali skont l-Att dwar Kunsilli Lokali, b'konsultazzjoni mal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, jistgħu jordnaw li l-isem li bih triq għandha tissejjaħ, kif ukoll l-isem tal-belt, subborg jew raħal li fihom it-triq tkun tinsab, u kull avviż jew sinjal ieħor li jkun jitqies utli biex juri fejn tiegħu t-triq jew biex jagħmel twissijiet dwar kantunieri perikolużi, jew għal kull fini ieħor ta' interess pubbliku, jigu impingija jew imwaħħla u miżmuma fi stat li jistgħu jinqraw fuq il-ħitan ta' bini li ma jkunx bini maħsub bħala bini għall-qima ta' kult.

Setgħa dwar it-tpingija ta' ismijiet ta' toroq, eċċ.

Isem mogħti lil triq privata.

22. Meta Kunsill Lokali jiddeċiedi dwar l-isem li bih għandha tkun magħrufa triq privata, dik it-triq għandha tibqa' triq privata.

Tismija ta' toroq.

23. (1) Hadd ma jista' jpingi, jimmarka, jikteb jew iwahhal fi triq miftuħa għall-pubbliku xi isem bhal dak li bih dik it-triq għandha tissejjaħ, jew xi isem ta' belt, subborg jew raħal, jew xi avviż jew sinjal bhal dak impingi jew magħmul skont id-disposizzjonijiet tar-regolament 21 mingħajr l-approvazzjoni tal-Awtorità, jew tal-Kunsill Lokali responsabbli għal-lokalità li fiha tkun tinsab dik it-triq, skont il-każ, għalkemm dik it-triq ma tkunx proprjetà tal-Gvern.

(2) L-isem ta' kull triq għandu jibqa' miżmum sakemm il-Ministru responsabbli għall-Pulizija ma jordnax li jitbiddel.

(3) Kull ordni tal-Ministru responsabbli għall-Pulizija għat-tibdil tal-isem ta' triq jew biex jingħata jew jiġi approvat isem li bih għandha tissejjaħ triq għdida, għandu jiġi publikat fil-Gazzetta.

Qerda, tneħħija jew thassir ta' isem ta' triq, subborg jew raħal.

24. (1) Hadd ma jista' jeqred, ineħħi jew jgħarraq l-isem ta' triq, belt, subborg jew raħal jew iżid xi kelma mal-isem li jkun gie mogħti lit-triq, belt, subborg jew raħal jew jagħmel ħsara fil-materjal li fuqu jkun impingi dak l-isem.

(2) Meta persuna tikser id-disposizzjonijiet tas-subregolament (1), dik il-persuna tkun ħatja ta' kontravvenzjoni u tista', meta tinsab ħatja, tehel ammenda ta' mitt euro (€100).

TAQSIMA VI

XOĠLIJET F'TOROQ

Permess meħtieġ.

25. (1) Mingħajr preġudizzjoni għal obbligi relatati għal xogħlijiet f'toroq taħt xi regolamenti oħra fis-seħħ, ma jistgħu jsiru ebda xogħolijiet fi triq pubblika, jew taħfir taħt triq pubblika mingħajr permess mill-Awtorità kif stipulat hawn iżjed 'l isfel.

(2) L-applikazzjoni għal permess għandha ssir lill-Awtorità mill-persuna li tkun qiegħda tikkummissjona x-xogħol fuq il-formola preskritta u din għandha tkun akkumpanjata minn dik l-informazzjoni u dawk id-dokumenti meħtieġa mill-Awtorità, u mid-dritt li jpplika kif imnizzel fl-Ewwel Skeda li tinsab ma' dawn ir-regolamenti.

(3) Il-permess ikun validu għall-perijodu li jkun indikat fih u x-xogħol kollu jkun irid jitlesta għal kollox fil-perijodu tat-tlestija kif speċifikat fil-permess.

(4) L-Awtorità tista' ggedded kull permess li l-validità tiegħu tkun skadjet malli l-utent ta' dak il-permess jipprezenta applikazzjoni għat-tigdid tal-permess.

(5) Xogħlijiet f'toroq jistgħu jsiru biss minn kuntrattur u Kunsilli Lokali, fornituri ta' servizzi ta' utilità, fornituri ta' servizzi tal-komunikazzjoni u kuntratturi involuti li għandhom f'kull stadju jsegwu l-Kodiċi ta' Prattika.

26. (1) Għandu jkun hemm tliet tipi ta' permessi għal xogħol f'toroq kif ġej: Tipi ta' permessi.

(a) Permess għal Xogħlijiet Maġġuri f'Toroq – RWP 1

(b) Permess għal Xogħlijiet ta' Emergenza f'Toroq – RWP2

(ċ) Permess għal Xogħlijiet Minuri, Manutenzjoni u Tiswija f'Toroq – RWP3.

(2) Permess għal Xogħlijiet Maġġuri f'Toroq ikun ikopri xogħlijiet maġġuri li jinvolvu kull xorta ta' xogħlijiet f'toroq.

(3) Permess għal Xogħlijiet ta' Emergenza ikun ikopri x-xogħlijiet ta' emergenza kollha fit-toroq u jkun validu għal perijodu li ma jkunx jeċċedi tlett ijiem.

(4) Permess għal Xogħlijiet Minuri jkopri xogħlijiet żgħar.

27. (1) Applikazzjonijiet għall-ħruġ jew tigdid ta' xi wieħed mill-permessi msemmija f'dawn ir-regolamenti ma jgħux ipproċessati mill-Awtorità fejn l-applikazzjoni – Ipproċessar ta' applikazzjonijiet għal permessi għal xogħol fi triq.

(a) ma ssirx fuq il-formola ordnata,

(b) ma jkollhiex magħha d-dritt ta' hlas stipulat, jew

(ċ) ma jkollhiex magħha l-informazzjoni u, jew dokumenti mitluba mill-Awtorità, kompriži –

(i) kopja ta' ċertifikat ta' assigurazzjoni li jkun ikopri dawk ix-xogħlijiet,

(ii) pjanta kif xieraq tas-sit (estratt A4 mis-*survey sheet* tal-1988 qies 1.2500), iffirmata minn inġinier ċivili kwalifikat li tkun turi b'mod ċar il-post fejn ikunu ser isiru x-xogħlijiet proposti,

(iii) ftehim bil-miktub biex jitgħatta fejn ikun tħaffer u wiċċ it-triq jingieb fl-istat oriġinali tiegħu skont speċifikazzjonijiet stabbiliti mill-Awtorità u skont il-kundizzjonijiet li jkunu speċifikati fil-permess, u

(iv) dawk ir-rekwiziti li l-Awtorità tista' titlob.

(2) Meta l-applikazzjoni tkun għal xogħolijiet ta' emerġenza f'toroq, il-permess jinħareġ wara li inġinier tal-Awtorità jikkonferma l-emerġenza ta' dawk ix-xogħlijiet u joħroġ il-kundizzjonijiet marbuta ma' dak il-permess:

Izda d-detentur tal-permess għandu jhallas dawk id-drittijiet għas-servizzi mogħtija mill-uffiċjal tal-Awtorità jew il-penalitajiet li hemm fl-Ewwel Skeda li tinsab ma' dawn ir-regolamenti.

Kundizzjonijiet.

28. (1) Meta l-Awtorità toħroġ permess taħt dawn ir-regolamenti, hija tista' tehmeż mal-permess dawk il-kundizzjonijiet li taħseb li jkunu xierqa b'konjizzjoni għaċ-ċirkostanzi kollha tal-każ.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subregolament (1), it-tipi ta' kundizzjonijiet li l-Awtorità tista' tehmeż mal-permess taħt l-imsemmi subregolament jinkludi kundizzjonijiet li għandhom x'jaqsmu ma', izda mhux limitament għal —

(a) ġranet li fihom ma jkunux jistgħu jsiru x-xogħlijiet;

(b) ħinijiet tal-ġurnata li fihom ma jkunux jistgħu jsiru x-xogħlijiet;

(ċ) il-projbizzjoni jew restrizzjoni tat-traffiku;

(d) arrangamenti li jkollhom isiru għall-manigġar tat-traffiku b'rabta max-xogħlijiet kif imsemmi fit-Tieni Skeda;

(e) il-mod li fih ix-xogħlijiet imsemmija għandhom isiru;

(f) konsultazzjoni u pubblicità dwar ix-xogħlijiet imsemmija, kompriż il-wiri ta' informazzjoni fil-post fejn ikunu qegħdin isiru x-xogħlijiet;

(g) konformità sħiħa mal-linji gwida u l-linji ta' politika pubblikati minn żmien għal żmien mill-Awtorità; u

(h) il-kondizzjonijiet dwar kif għandhom isiru x-xogħlijiet u, jew dwar ir-responsabbiltà ta' difetti.

(3) Meta kuntrattur jagħmel xogħlijiet bi ksur ta' xi waħda mill-kundizzjonijiet li jkunu ġew mehmuża mal-permess jew bi ksur ta' xi ordni li l-Awtorità tista' tagħti, l-Awtorità, jekk tħoss li jkun xieraq li tagħmel hekk, tista' tirrevoka jew tissospendi l-permess skont ma jkunx il-każ, u l-kuntrattur jeħel multa amministrattiva ta' €50 għal kull kontravvenzjoni, u dik il-multa tingħbed mill-garanzija bankarja:

Izda fejn il-kontravvenzjoni tkun bi ksur ta' xi kondizzjoni dwar il-manigġar tat-traffiku, il-multa amministrattiva għandha tkun skont dawk li hemm fit-Tieni Skeda li tinsab ma' dawn ir-regolamenti.

29. (1) Meta l-Awtorità tirrifjuta li toħroġ permess, hi għandha permezz ta' avviż bil-miktub, fi żmien sebat ijiem, tgħarraf lill-applikant bid-deċiżjoni tagħha u bir-raġunijiet tagħha għal dik id-deċiżjoni.

Rifjut tal-ghoti ta' permess.

(2) Meta applikazzjoni tiġi rifjutata, l-applikant jista', fi żmien wieħed u għoxrin ġurnata mid-data ta' dak l-avviż, jappella quddiem it-Tribunal ta' Reviżjoni Amministrattiva kif provdut taħt l-Att dwar il-Ġustizzja Amministrattiva.

Kap. 490.

30. (1) L-Awtorità għandha s-setgħa li tikkuntratta xogħlijiet maġġuri f'toroq meta dawk ix-xogħolijiet ikunu se jiġu kommissjonati minn fornitur ta' servizzi ta' utilità li jkun jappartjeni lill-Gvern.

L-Awtorità tista' tikkuntratta xi xogħlijiet maġġuri.

(2) Meta xogħlijiet bħal dawk jiġu kuntrattati mill-Awtorità, dan għandu jsir f'isem u bi spiża ta' dak il-fornitur ta' servizzi ta' utilità.

Tharis tat-traffiku u dawk li jużaw it-triq.

31. (1) L-Awtorità għandha, qabel ma tagħti permess għal xogħlijiet f'toroq, tapprova pjan xieraq u li joffri sigurezza għall-immaniġġar tat-traffiku li jithejja mid-detentur tal-proġett u, jew l-applikant dwar dawk ix-xogħlijiet u tiżgura li dak il-pjan ikun ser jiddaħħal fis-seħħ u jibqa' jithaddem, u dak il-pjan għandu jinkludi izda mhux limitatament għal, barrikati mdawlin, dwal ta' twissija, jew apparat ta' twissija, u senjaletika kif ikun meħtieġ biex ma tithallix li ssir ħsara jew korriment lil persuni, vetturi u proprjetà u biex jitnaqqsu l-inkonvenjent u l-periklu għall-pubbliku mill-imsemmija xogħlijiet f'toroq.

(2) Dak il-pjan għall-immaniġġar tat-traffiku u l-miżuri meħtieġa jsiru bi spiza tal-applikant.

(3) Il-kuntrattur għandu jhaddem il-pjan għall-ġestjoni tat-traffiku matul il-perijodu kollu li fih ikunu qegħdin isiru x-xogħlijiet. Fin-nuqqas ta' dan, il-kuntrattur jeħel il-multa msemmija fit-Tieni Skeda li tinsab ma' dawn ir-regolamenti, u dik il-multa tingibed mill-garanzija bankarja, bla ħsara għal kull azzjoni oħra li l-Awtorità tkun tista' tiegħu, kompriża l-irtirar tal-garanzija bankarja u s-sospensjoni tal-awtorizzazzjoni għal xogħlijiet oħra fit-toroq fil-futur.

Responsabbiltà għal ħsarat.

32. Kuntrattur li jkun qiegħed jagħmel xogħol fi triq għandu jikkumpensa lil partijiet terzi għal xi ħsarat jew telf li t-terzi partijiet jistgħu jsofru kawża tax-xogħlijiet li jkunu qegħdin isiru fit-triq:

Izda dik ir-responsabbiltà ma testendix għal ħsara jew telf li tkun attribwita għal negligenza jew kondotta ħażina min-naħa tal-persuna li ssofri l-ħsara jew telf.

Kisi mill-ġdid ta' toroq wara li jsiru xogħlijiet fihom.

33. Meta fi triq isiru xogħlijiet ta' taħfir, il-kuntrattur ikun meħtieġ jirristawra t-triq skont il-kondizzjonijiet li jkollu mal-permess.

Ċertifikazzjoni ta' xogħlijiet f'toroq.

34. (1) Kuntrattur li jagħmel xogħlijiet f'toroq għandu, meta jlesti dawk ix-xogħlijiet, jippreżenta lill-Awtorità fi żmien ħmistax-il ġurnata minn meta jkun lesta x-xogħol, rapport ta' konformità dwar ix-xogħlijiet.

(2) Xogħlijiet magġuri u ta' emergenza f'toroq għandhom, meta jitlestew, jiġu spezzjonati minn laboratorju indipendenti u akkreditat li jkun rikonoxxut mill-Awtorità.

(3) Minbara t-test li għandu jsir skont ma jissema fis-subregolament (2), u abbażi tal-istess testijiet fejn ikun japplika, xogħlijiet maġġuri u ta' emergenza f'toroq għandhom jiġu ċertifikati minn Perit li jkollu *warrant* fir-rigward tal-konformità tagħhom ma' livelli u speċifikazzjonijiet stabbiliti mill-Awtorità fir-rigward tal-aspetti kollha, kompriżi iżda mhux eskusivament, materjal użat, ħila fix-xogħol, u xi rekwiziti oħra dwar kif ikollu jsir ix-xogħol stipulat f'livelli li jkunu japplikaw. Ikun biss meta tinħareġ ċertifikazzjoni pożittiva b'hal dik li l-Awtorità toħroġ ċertifikat b'konferma li daww ix-xogħlijiet ikunu saru kif mixtieq minnha.

(4) Ix-xogħlijiet biex it-triq tingieb lura għal li kienet għandhom ikunu soġġetti għal garanzija ta' sentejn, sakemm ma jintalabx xort'oħra.

(5) Meta l-Awtorità ma tkunx sodisfatta bir-restawr u l-kisi mill-ġdid tat-triq, il-kuntratt ikollu jagħmel daww ix-xogħlijiet mill-ġdid għas-sodisfazzjon tal-Awtorità, u fejn il-kuntrattur jonqos li jikkonforma ruħu, l-Awtorità għandha tagħmel daww ix-xogħlijiet hi bi spejjeż tal-kuntrattur innifsu.

(6) L-Awtorità teskludi minn xogħlijiet f'toroq, għal perijodi ta' żmien stabbiliti minn qabel ta' mhux anqas minn sitt xhur konsekuttivi, kuntratturi li b'mod konsistenti jonqsu minn dik il-konformità.

35. Kuntratturi għandhom iħallsu bejn €50 u €500 għal kull ġurnata, jew parti minnha, meta ż-żmien li fih idumu biex jitlestew ix-xogħlijiet fi triq jeċċedi mingħajr raġuni ġustifikata l-perijodu tat-tkomplija speċifikat. Daww il-ħlasijiet huma daww preskritti fit-Tieni Skeda li tinsab ma' dawn ir-regolamenti.

ħlasijiet għal xogħlijiet li jtaflu.

36. (1) Ikun reat li persuna tagħmel, jew iġġiegħel jew tippermetti li jsiru, xogħlijiet f'toroq li ma jkunux awtorizzati

Projbizzjoni ta' xogħlijiet li ma jkunux awtorizzati.

(2) F'każ ta' reat taħt is-subregolament (1) ta' dan ir-regolament l-Awtorità għandha, bil-ħruġ ta' avviz ta' twaqqif, tordna lil dik il-persuna biex twaqqaf minnufih daww ix-xogħlijiet u li tieħu l-passi li jkunu jidhru li huma meħtieġa biex, fi żmien mhux aktar minn 24 siegħa, iġib it-triq lura għal li kienet, u jekk tonqos li tagħmel hekk l-Awtorità tagħmel daww ix-xogħlijiet hi bi spiza tal-persuna involuta.

(3) F'każ ta' dewmien aktar mil-limitu impost taht is-subregolament (2) ta' dan ir-regolament biex it-triq tingieb lura għal li kienet, il-persuna li tkun għamlet dawk ix-xogħlijiet mhux awtorizzati kif ukoll il-persuna li f'isimha jew li b'talba tagħha jkunu saru dawk ix-xogħlijiet jehlu piena amministrattiva ta' €500 għal kull gurnata li t-triq iddum ma tingieb lura għal li kienet.

(4) L-Awtorità m'għandhiex tikkunsidra applikazzjoni oħra mingħand dik l-istess persuna jew persuni biex jagħmlu xi xogħlijiet oħra sakemm dik it-triq ma tkunx ingiebet lura għal li kienet mill-persuna jew mill-persuni involuti jew, fejn ix-xogħlijiet biex it-triq tingieb lura għal li kienet isiru mill-Awtorità, sakemm jithallsu l-ispejjeż u l-pieni kollha.

(5) L-Awtorità m'għandhiex tidhol f'negozjati mal-persuna jew persuni konċernati sakemm dik il-persuna jew persuni ma jikkonformawx mal-ordni mogħtija taht is-subregolament (2) ta' dan ir-regolament.

TAQSIMA VII

DISPOSIZZJONIJIET OĦRA

Għeluq ta' toroq waqt tiswijiet.

37. L-Awtorità tista' tagħti ordnijiet u tagħmel dak li jkun meħtieġ biex tingħalaq triq u tinzamm il-mogħdija minnha waqt li tkun qiegħda ssir, titbiddel, tissewwa jew titneħħha, jew waqt li f'dik it-triq ikun qiegħed isir gandott, kanal jew xogħol ieħor pubbliku.

Xogħlijiet li jistgħu jgħibu xkiel jew periklu fit-toroq.

38. Hadd ma jista', minħajr il-permess tal-Awtorità u, jew il-liċenza tal-Kunsill Lokali relattiv, jibni jew jagħmel ebda haġa fit-toroq li tista' għgib xkiel jew periklu jew inkomdu lill-pubbliku, inkella jhalli, wara li jiġi mwissi mill-Pulizija jew minn gwardjan lokali, bini jew opri oħra fi stat ta' tigrif jew ta' periklu għan-nies jew għal hwejjeġ haddieħor.

Irpar waqt tiswija jew bini.

39. Kull min ikun irid iħott, jibni, ibiddel jew isewwi bini b'mod illi jkun meħtieġ li l-materjal tal-bini jitqiegħed fit-triq, jew b'mod illi jista' jkun kaġun ta' ħsara, periklu, jew ta' xkiel, għandu, qabel ma jibda x-xogħol, iqiegħed irpar biżżejjed tajjeb biex jifred mit-triq il-bini li fih kienu sejrini isiru dawk ix-xogħlijiet, u jhalli wisa' biżżejjed għall-mogħdija, u għandu jzomm dak l-irpar u dik il-wisa' fi stat tajjeb għaž-żmien kollu li jkun meħtieġ għas-sigurtà

jew kumdità tal-pubbliku; u għandu, fil-każi kollha, meta meħtieġ sabiex ma jsirux disgrazzji, iquieghed dwal biżżejjed matul il-lejl.

40. Dwal biżżejjed għandhom ukoll jitquieghdu, matul il-lejl, fuq jew hdejn il-materjal poġġut fi triq, mill-persuna li tkun xeħtet hemm dak il-materjal, fiż-żmien li jkun isir xi bini, tiswija jew taħfir.

Dwal bil-lejl fuq jew hdejn materjal fi triq.

41. Hadd ma jista' jhalli fi triq materjal ta' bini jew xkiel ieħor għal żmien aktar milli jkun meħtieġ; u kull meta jigri dan, il-prova illi ma jkunx għadda aktar żmien milli meħtieġ għandha tagħmilha l-persuna li tkun ġieghlet li jinxeħet hemm dak il-materjal jew xkiel ieħor.

Ma jistax jithalla materjal jew xkiel ieħor fi triq għal żmien aktar milli meħtieġ.

42. (1) Kull ftuħ f'wiċċ l-art jew f'bankina ta' triq, li jagħti għal sotterran bil-ħnejjiet, għal kantina, jew għal post ieħor taħt l-art, għandu jitgħatta b'bieb jew b'xi għata ieħor tajjeb, u dak il-bieb jew għata għandhom jinżammu mis-sid fi stat tajjeb.

Ftuħ f'wiċċ l-art jew f'bankina li jagħtu għall-kantini, eċċ., għandu jitgħatta.

(2) Izda, meta dan is-sotterran, kantina, jew post ieħor taħt l-art ikunu ddestinati sabiex joqogħdu n-nies fihom, ikun biżżejjed li jsir, max-xfar tal-ftuħ, irpar tajjeb għas-sigurtà tal-pubbliku, meta dan jista' jsir mingħajr ma jġib xkiel kbir fit-triq.

43. Id-detentur ta' fond għandu jibni mill-ġdid, mingħajr dewmien, il-ħajt ta' dak il-fond li jkun waqa' għal fuq it-triq, jew, il-ħajt diviżorju bejn fond u triq, li, skont il-fehma tal-Awtorità, ikun jeħtieġ illi jerga' jinbena.

Bini mill-ġdid ta' ħajt imwaqqa' fuq triq.

44. (1) Persuna li twettaq reat taħt ir-regolament 35(1) jew taħt ir-regolament 38 tista', meta tinsab ħatja, teħel ammenda ta' €1,000.

Pieni.

(2) Jekk meta jitlesta xogħol li dwaru jkun inħareġ permess, il-kuntrattur ma jergax iġib kollox lura għal li kien fi żmien tmienja u erbgħin siegħa mit-tlestija, jew f'dak iż-żmien itwal li jista' jiġi mħolli fil-permess, jew inkella t-tqegħid ta' kollox lura għal li kien ma jsirx sew, l-Awtorità tista' tregġa' kollox lura għal li kien għas-spejjeż tal-konċedent. Dawk l-ispejjeż biex jitregġa' kollox lura għal li kien jiġu rtirati mill-garanzija bankarja.

(3) Meta t-tqegħid ta' kollox lura għal li kien isir jew jiġi rimedjat mill-Awtorità, il-kuntrattur jibqa' responsabbli għal dak it-tqegħid ta' kollox lura għal li kien.

(4) Min ikunu sarulu xogħlijiet jew għax ikun talabhom hu, ikun solidament responsabbli ma' min ikun għamel dawk ix-xogħlijiet biex jagħmel ix-xogħlijiet li jreggħu jgibu kollox lura għal li kien.

(5) Waqt it-twettiq ta' xogħlijiet, l-Awtorità tista' tagħti struzzjonijiet oħra lill-kuntrattur relatati ma' xi waħda mill-kundizzjonijiet fil-permess billi jizdiedu fil-permess. Fin-nuqqas li ma josservax l-istruzzjonijiet mogħtija mill-Awtorità, il-kuntrattur jista' jeħel piena amministrattiva ta' €50 kull jum, mingħajr preġudizzju għal kull azzjoni oħra li tista' tittieħed mill-Awtorità, kompriż l-irtirar tal-garanzija bankarja u s-sospenzjoni tal-awtorizzazzjoni għal xogħlijiet fit-toroq fil-futur.

(6) Fejn persuna tikser xi disposizzjoni oħra taħt dawn ir-regolamenti hi tista' teħel, meta tinsab ħatja, ammenda li ma tkunx anqas minn €20 iżda li ma tkunx iżjed minn €250.

Ihassar l-A.L. 364 tal-2003.

45. Ir-Regolamenti tal-2003 dwar Standards ta' Disinn u Kostruzzjoni għal Xogħlijiet fit-Triq, huma b'dawn imħassra.

L-EWWEL SKEDA

(Regolament 27)

Il-hlasijiet li għandhom isiru lill-Awtorità għall-ghoti ta' permess huma dawn li ġejjen:

Permess	Drittijiet għall-ipproċessar	
RWP1 Permess għal Xoghlijiet Maġġuri f'Toroq		€120
RWP2 Permess għal Xoghlijiet ta' Emerġenza f'Toroq	Għal kull permess RWP 2 mahruġ Għal servizzi mogħtija mill-uffiċjali tal-Awtorità li jissejjah fil-post, kull siegħa jew parti minnha Piena fejn l-uffiċjal tal-Awtorità jissejjah għal emerġenzi li jkunu foloz	€12 €60 €120
RWP3 Permess għal Xoghlijiet Minuri, Manutenzjoni u Tiswija f'Toroq	Permess għal xoghlijiet f'toroq residenzjali Permess għal xoghlijiet f'toroq arterjali jew distributorji Xoghlijiet f'isem l-Awtorità	€2.50 €24 Xejn

IT-TIENI SKEDA

(Regolamenti 28, 35)

KLASSIFIKAZZJONI TA' IMMANIĠĠAR TAT-TRAFFIKU WAQT XOGĦLIJET FIT-TOROQ				
Nru.	Partita	Rekwiziti minimi	Rekwiziti standard	Piena għall-ksur
1	TM A – Xogħlijiet fit-toroq kollha li bl-ebda mod ma jaffettwaw it-traffiku			
1.1	Xogħlijiet li jsiru f'bankina	1. Tipprovdi aċċess temporanju għal min juża t-triq bil-mixi (Rotta bla periklu għal min juża t-triq bil-mixi) 2. Approvazzjoni mill-Awtorità għat-Trasport f'Malta għal tfixkil fejn in-nies jaqsmu t-triq jew fejn in-nies jużaw it-triq bil-mixi	1. Arranġamenti temporanji għall-Maniġġar tat-Traffiku skont: Sigurezza waqt Xogħlijiet f'Toroq Abitati u Xogħlijiet ta' Toroq – Kodiċi ta' Prattika 2. Manwal dwar Sinjali tat-Traffiku Kapitolu 8 Volum 1 Miżuri dwar Sigurtà tat-Traffiku u Sinjali għal Xogħlijiet fit-Toroq u Sitwazzjonijiet Temporanji 3. Makkinarju tal-Kostruzzjoni li ma jfixkilx il-karreġġata 4. Programm tax-xogħlijiet	€50
1.2	Xogħlijiet li jsiru fl-inħawi ta' kaxxa għall-ipparkjar, li ma jkunux jaffettwaw it-traffiku			
2	TM B – Xogħlijiet fuq karreġġati tat-traffiku fit-toroq KOLLHA li parzjalment ifixklu t-traffiku, għalkemm jibqa' għaddej it-traffiku			
2.1	Xogħlijiet fuq karreġġati tat-traffiku	1. Tipprovdi aċċess temporanju għal min juża t-triq bil-mixi (Rotta bla periklu għal min juża t-triq bil-mixi)	1. Pjan dwar il-Maniġġar tat-Traffiku fejn ikunu se jsiru x-xogħlijiet 2. Ftieġa ta' Infurzar 3. Programm ta' Xogħlijiet 4. Makkinarju tal-Kostruzzjoni li ma jfixkilx il-karreġġata	€100
2.2	Xogħlijiet fuq <i>centre-strips</i> , <i>fix-xifer</i> tat-triq, <i>roundabouts</i> u f'salib it-toroq eċċ.	Arranġamenti temporanji għall-Maniġġar tat-Traffiku skont il-Kodiċi 2. Approvazzjoni mill-Awtorità għat-Trasport f'Malta għal tfixkil fejn in-nies jaqsmu t-triq jew fejn in-nies jużaw it-triq bil-mixi		
3	TM C – Xogħlijiet fit-toroq KOLLHA li jkunu se jaffettwaw it-traffiku, kompriż tfixkil parzjali jew sħiħ, u fejn ikunu meħtieġa devjazzjonijiet tat-traffiku			
3.1	Xogħlijiet fuq karreġġati li jfixklu għal kollox it-traffiku f'toroq arterjali, distributorji, toroq li jorbtu waħda mal-oħra, u toroq oħra (kif meħtieġ)	1. Tipprovdi aċċess temporanju għal min juża t-triq bil-mixi (Rotta bla periklu għal min juża t-triq bil-mixi) Arranġamenti temporanji għall-Maniġġar tat-Traffiku skont il-Kodiċi 2. Approvazzjoni mill-Awtorità għat-Trasport f'Malta għal tfixkil fejn in-nies jaqsmu t-triq jew fejn in-nies jużaw it-triq bil-mixi	1. Pjan dwar il-Maniġġar tat-Traffiku fejn ikunu se jsiru x-xogħlijiet 2. Pjan dwar il-Maniġġar tat-Traffiku tal-inħawi kollha 3. Ftieġa ta' Infurzar 4. Programm tax-Xogħlijiet 5. Makkinarju tal-Kostruzzjoni li ma jfixkilx il-karreġġata	€300

4	TM D – Proġetti ta' Żvilupp (industrijali, residenzjali, kummerċjali) li jkollhom impatt fuq toroq eżistenti li jmissu magħhom			
4.1	Xogħlijiet fuq proġetti ta' żvilupp li jkollhom impatt fuq il-karatteristiċi tat-toroq eżistenti li jmissu magħhom.	<ol style="list-style-type: none"> 1. Tipprovdi aċċess temporanju għal min juża t-triq bil-mixi (Rotta bla periklu għal min juża t-triq bil-mixi) Arranġamenti temporanji għall-Maniġġar tat-Traffiku skont il-Kodiċi 2. Approvazzjoni mill-Awtorità għat-Trasport f'Malta għal tfixkil fejn in-nies jaqsmu t-triq jew fejn in-nies jużaw it-triq bil-mixi 	<ol style="list-style-type: none"> 1. Impatt fuq tibdil fil-volum tat-traffiku, fuq kif jimxi soltu t-traffiku, taħlita ta' vetturi, ambjent tat-triq 2. Pjan dwar il-Maniġġar tat-Traffiku tal-inħawi fejn ikunu se jsiru x-xogħlijiet ta' żvilupp 3. Programm tax-Xogħlijiet 4. Makkinarju tal-Kostruzzjoni li ma jfixkilx il-karreġġata 	€500

L.N. 29 of 2010**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)****New Roads and Road Works Regulations, 2010**

IN exercise of the powers conferred by article 43 of the Authority for Transport in Malta Act, the Minister for Infrastructure, Transport and Communications, in consultation with the Authority for Transport in Malta has made the following regulations:-

Title and commencement.

1. (1) These regulations may be cited as the New Roads and Road Works Regulations, 2010.

(2) These rules shall be deemed to have come into force on the 1st January, 2010.

PART I**PRELIMINARY PROVISIONS**

Interpretation.

2. In these regulations, unless the context otherwise requires, the following expressions have the following meanings:

“the Authority” means the Authority for Transport in Malta established under the Authority for Transport in Malta Act;

“application” means an application for any road works permit;

“applicant” means the person commissioning the road works;

“communications service provider” means an operator who provides an electronic communications service using, for such purpose, facilities placed in or under or on a public road;

“completion period” means the specified period in which all works covered by the permit shall be completed;

“contractor” means an undertaking which has the professional and technical means to carry out any road works

and which shall annually provide the Authority with a bank guarantee for the amount of €15,000;

“emergency works” means works which are required to be executed following failure of underground utility or communications services or works the carrying out of which is urgently required in order to prevent or put an end to, or reduce the risk of loss, injury or damage to persons or property;

“improvement” includes the widening, re-aligning and re-shaping of roads;

“the European Union” has the same meaning as is given to it in the European Union Act and includes Norway, Iceland and Liechtenstein; Cap. 460.

“inhabited area” means any area in which there is an aggregation of residential buildings inhabited or capable of being inhabited by more than one hundred persons;

“Local Council” means a local government council established in terms of the Local Councils Act; Cap. 363.

“local plan” has the same meaning as is given to it in the Development Planning Act; Cap. 365.

“local road” means a public road other than an arterial road or a distributor road;

“maintenance” in relation to public roads includes improvement and management;

“major works” means any road works which are neither minor works nor emergency works;

“Malta Environment and Planning Authority” means the Malta Environment and Planning Authority as established under the Development Planning Act;

“Member State” means a Member State of the European Union;

“the Minister” means the Minister responsible for roads;

“minor works” shall include works consisting of –

(a) the connection of a consumer to a service provided by, or intended to be provided by, a utility service provider or a communications service provider;

(b) using an access hole for the purpose of ducting, accessing, repairing, or maintaining infrastructure under a road without effecting the traffic flow;

(c) the installation, repair or maintenance of traffic control items and inhabited road furniture not requiring excavations;

(d) routine road maintenance;

“new road” includes the extension of an existing road;

“occupier” means any person who is lawfully in possession of or exercising control over any land;

“owner”, in relation to land or other immovable property, means any person who owns the land or any person representing the owner in the administration of the land concerned, or acting on behalf of the owner or assuming the character of owner, according to circumstances;

“permit” means a road works permit required from the Authority under the provisions of these regulations;

“person” means any natural or legal person;

“project owner” means a person appointed by an applicant for major road works permit, who shall be completely responsible for the application and whose position within the applicant entity would allow him to take decisions on his own in a reasonably short time and give direction to his team;

“private road” means any road other than a public road;

“public road” means any road which the Authority or a Local Council have a duty to maintain;

“residential building” means a structure used for the dwelling of a person or persons and includes any house, mezzanine, garage, room, store or other building;

“road” has the same meaning as is given to it in the Authority for Transport in Malta Act;

“road works” means any intervention on existing roads, including major road maintenance, the breaking up or opening of a road, trenching works, the construction or reconstruction of footways or carriageways, alterations in carriageways and footways, traffic calming measures, the construction or removal of road humps, and any intervention that alters or seeks to re-instate the surface of an existing road;

“routine road maintenance” means actions performed on a regular basis in order to keep a road, inhabited road, or bridge safe and fit for travel, actions performed to prevent deterioration where possible, and actions performed to return the appearance of the road surface and roadside to good condition; it includes, but is not limited to, patching pot holes, surface patching, crack sealing and filling, cleaning of inhabited roads, drains and culverts; installing traffic signs and signals; replacing damaged signs and road markings, controlling roadside brush and vegetation; cleaning roadside; repairing sidewalks;

“tenement” means any building or land separated from a road by a wall;

“traffic management schemes” means schemes for the management of traffic in various events with a combination of network planning and engineering measures to enhance road safety, with the aim to alleviate the adverse effects of motorized traffic including traffic signal controlled junctions, parking regulation, traffic calming, pedestrian and cycle route improvements and road signing also for road works and temporary situations;

“trenching” means the construction of an excavation made below the surface of the road for the purpose of accessing, installing, repairing and maintaining of utilities under a road;

“underground utilities” means any electric, communications, water, sewer or drainage service or means of transmission that is installed beneath the surface of a road;

“undertaking” means any entity, including any person, engaged in economic activity, regardless of its legal status and the way in which it is financed;

“utility service provider” means an authority or an enterprise, the primary business of which is to provide electricity or gas or water or sewage to the public. The utility provider may be Government or publicly or privately owned.

PART II

CONSTRUCTION AND MAINTENANCE OF ROADS

Road construction and maintenance.

3. (1) The Authority shall provide, either by itself or through an undertaking, and where appropriate in consultation with the Malta Environment and Planning Authority, for the construction, reconstruction, widening, renewal, upkeep, improvement, management, maintenance and classification of roads:

Provided that where the road is neither an arterial road nor a distributor road, the upkeep, improvement and maintenance thereof shall be provided for by the appropriate Local Council in accordance with article 33 of the Local Councils Act.

(2) The Authority shall endeavour to ensure the highest quality standards and safety in any road construction, reconstruction, maintenance or any other road works and that such works are carried solely by contractors as defined under these regulations.

(3) The Authority shall keep a list, available on request, of all public roads as classified by it and may, at any time, delete from or add roads to that list.

Information on new arterial or distributor road.

4. Whenever it appears expedient to lay out a new arterial or distributor road or to widen or to deviate an existing arterial or distributor road, the Authority shall cause a notice, accompanied by a plan showing the proposed new road or the portion of road intended to be widened or deviated, and the lands through which it is to pass, to be published in the Gazette and in any newspaper.

5. Any land required in connection with the construction, widening or deviating of any road shall be acquired in accordance with the Land Acquisition (Public Purposes) Ordinance.

Acquisition of land for road purposes.

Cap. 88.

6. The Authority may prepare and publish a Code of Practice to guide itself, Local Councils, utility providers and communications service providers in the best principles of good practice in particular to minimize disruption and inconvenience during road works.

Code of Practice.

7. (1) Any person designing or building any road or carrying out maintenance or other work thereon shall comply with the following Design and Construction Standards for Road Works:

Compliance with standards.

(i) Volume 1- Specifications for Road Works;

(ii) Volume 2 – Notes for Guidance on the Specification for Road Works;

(iii) Volume 3 – Road Construction Details;

(iv) Volume 4 – Method of Measurement for Road Works and Notes for Guidance of Measurement of Road Works;

(v) Volume 5 - Design Manual for Roads and Bridges;

(vi) Volume 6 - Guidelines for the Standard Presentation of Design Documents for Road Construction.

(vii) Volume 7 – Directives for the Standardization of Pavements for Traffic Areas.

(2) The said Design and Construction Standards for Road Works shall be accessible to the public at the offices of the Authority, during normal office hours.

(3) Without prejudice to any action that may be exercisable against any person who designs or builds any road in contravention of this regulation, nothing in this regulation shall be construed as granting a right to any person against the Authority or against the Government or other public authority or against any person acting in his or her official capacity as an officer or an employee of Government or of any such aforesaid authority in respect of failure of any road to conform to the performance

associated with the Design and Construction Standards for Road Works stipulated in this regulation.

Action in respect of injury or damage.

8. (1) In an action against the Authority or a Local Council in respect of injury or damage resulting from its failure to maintain a road it shall be a defence to prove that –

(a) the Authority or Local Council had taken such care as in all the circumstances was reasonably required to secure that the part of the road to which the action relates was not dangerous for traffic; or

(b) that the injury or damage resulted –

(i) from works carried out on or under that part of the road to which the action relates; and

(ii) from an event which occurred before the completion of the re-instatement or making good of that part of the road in accordance with any relevant requirement.

(2) For the purposes of a defence under paragraph (1)(a) the court shall in particular have regard to the following matters –

(a) the character of the road, and the traffic which was reasonably expected to use it;

(b) the standard of maintenance appropriate for a road of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the road;

(d) whether the Authority or Local Council knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to users of the road;

(e) where the Authority or Local Council could not reasonably have been expected to repair that part of the road before the cause of action arose, what warning notices of its condition had been displayed:

Provided that for the purposes of such a defence, it shall not be relevant to prove that the Authority or Local Council, as the case may be, had arranged for an authorized contractor to carry out or supervise the maintenance of the part of the road to which the action relates, unless it is also proved that the Authority or Local Council had given that contractor proper instructions with regard to the maintenance of the road and that it had carried out the instructions.

PART III

ROADS IN INHABITED AREAS

9. (1) Every new road in any inhabited area or any road made with a view that it may form part of an inhabited area which may hereafter be built up shall be at least eight metres wide:

Width of new roads in inhabited areas.

Provided that the Malta Environment and Planning Authority, in consultation with the Authority, may require any such road to be of a stated width exceeding eight metres but not exceeding eighteen metres.

(2) Where an existing road in an inhabited area is extended, the minimum width of the road may, with the permission of the Malta Environment and Planning Authority, in consultation with the Authority, be reduced to six metres.

10. No new road in an inhabited area, nor any road made with a view that it may form part of an inhabited area which may hereafter be built up, shall be made without the sanction from the Malta Environment and Planning Authority, in consultation with the Authority, as to its course, direction and position, and as to the manner in which the adjoining residential buildings are to be seweraged and supplied with water and the surface water is to flow off.

Course, direction and position of new roads in inhabited areas.

11. A new road in an inhabited area or an area which may hereafter be built up may only be opened with the permission of the Malta Environment and Planning Authority, in consultation with the Authority, and the Malta Environment and Planning Authority may refuse permission for the opening of a new such road:

Permission required for the opening of a new road in an inhabited area.

Provided that where such permission is refused, the party aggrieved shall have the right to appeal from such a decision under the provisions of the Development Planning Act.

Erection of buildings along new roads.

12. No building abutting on a new road in an inhabited area shall be erected before the road has been levelled to the proper line fixed by the Malta Environment and Planning Authority, in consultation with the Authority. The length of the road to be so levelled shall extend from any existing inhabited road already opened to the public to the extreme end of the frontage of the building to be erected.

Contribution payable by persons commencing the construction of buildings having access to a public road.

13. (1) (a) Subject to the provisions of regulations 9, 10, 11 and 12, no person may commence the construction of any building having access to, or having any window or other opening on to, any public road, before paying to the Malta Environment and Planning Authority, in respect of the formation of the said road, a contribution equal to the cost, as at the time of payment of the contribution, of the formation of such road (such cost to include the value, as at the time of payment of the contribution, of the land required for the formation of the road) or before paying to the Malta Environment and Planning Authority 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 installments, commencing one month from the date of such payment and undertaking:

Provided that where the land on either side or on both sides of the road 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 road, in such manner that the whole cost of the road shall be distributed in proportion to such frontage among the various owners.

(b) Where any monthly installment referred to in paragraph (a) is not paid within ten days from the date when the payment of such installment falls due, the whole amount of the outstanding contribution shall become and be immediately due and owing to the Malta Environment and Planning Authority and the person who made the undertaking referred to in the said paragraph shall be deemed to have commenced the construction of the building in contravention of this regulation.

(2) A contribution in respect of the cost of the widening of any road, at whatever time carried out, may be claimed by the Malta Environment and Planning Authority as in the case of a new road and such contribution shall only be levied from the owner or owners who has or have derived a benefit from such widening and shall be apportioned in proportion to the benefit so derived.

(3) Where any road to which this sub-regulation applies exceeds eighteen metres in width, the cost of the formation or widening of the road in excess of such width shall not be taken into account in fixing the contribution payable to the Malta Environment and Planning Authority.

(4) Any contribution payable under the provisions of this regulation and any apportionment thereof among the owners shall, in default of agreement, be fixed by the Malta Environment and Planning Authority:

Provided that any party interested may impugn the assessment of the Malta Environment and Planning Authority by an application before the competent civil court.

(5) The rates of contributions leviable in respect of any class or type of building and the manner of their collection shall be those established under regulations made in terms of article 42 of the Development Planning Act.

(6) The said contributions shall be collected and levied by the Malta Environment and Planning Authority on account of the Government.

14. (1) The rates to be charged by the Authority for the levelling, metalling and asphaltting of surface otherwise of roads in an inhabited area or an area which may hereafter be built up shall be those as prescribed by regulations under the Authority for Transport in Malta Act.

Rates for levelling,
etc., of roads.

(2) Where any person fails to form any road in an inhabited area or an area which may hereafter be built up in accordance with the provisions of these regulations, the Authority may itself proceed to form such a road after giving notice of its intention so to do by means of a notice in the Gazette, giving such person fifteen days within which to comply. Such formation shall be at the expense of the person who would otherwise have been obliged to form such inhabited road, and the Authority shall have the right to recover any expense so made from such person.

PART IV

PRIVATE ROADS

15. The Authority may, at any time, carry out or cause or allow to be carried out in and under any private road any work

Authority may carry
out works in private
roads.

whatsoever which it considers necessary or useful on grounds of public utility.

Levelling, etc., of private road by owner.

16. Every new private road shall be properly levelled, metalled and put in a proper state as regards its drainage, by the person by whom such road shall have been opened, in accordance with the directions and to the satisfaction of the Authority. Every such road shall, moreover, be provided by the said person with footways with kerb and gutter made of hard stone or other suitable material to the satisfaction of the Authority.

Upkeep of private roads.

17. Every private road shall be kept in a proper state of repair to the satisfaction of the Authority, by the person by whom such road shall have been opened.

Persons deemed to have opened road and to be owners thereof.

18. The owners of any property immediately abutting on any private road or the persons holding such property on emphyteutical lease shall, for the purpose of this Part of the regulations, be deemed to be the persons who opened such road and the owners thereof:

Provided that any person who is bound to carry out any work in any such road shall be entitled to bring against third parties any civil action, admissible according to law, for the recovery of any expenses incurred in the execution of the work:

Provided further that no such civil action shall delay the execution of the work by the person who is bound thereto.

Asphalting, etc., of private roads.

19. (1) Without prejudice to any other action available according to law, the Authority shall be enabled to carry out or, as the case may be, to continue the carrying out of all or any of the works specified in regulations 16 and 17 after having given the owner notice by registered letter of its decision so to do; any such works shall be carried out at the expense of the person who has opened the road.

(2) Every private road, including the footway thereof, shall, on notice by registered letter given by the Authority, be asphalted or surfaced otherwise as indicated by the Authority, by the said Authority, at the owner's expense.

(3) Each of the notices mentioned in the last two preceding sub-regulations shall specify the amount payable by the

owner as his share of the expense in connection with the proposed works.

(4) The Authority shall give notice by registered letter of the date of completion of the works referred to in sub-regulations (1) and (2) to the owners, who shall effect payment, unless they have already done so, of the amount due by them without interest, within a month of the receipt of the notice of completion of the works.

(5) Every notice sent by registered post in terms of this regulation shall be deemed to have reached the addressee in the normal course of postal delivery.

(6) Private roads shall, when such roads are included in a scheme or in a local plan -

(a) on their asphaltting or other surfacing; and

(b) upon the publication in the Gazette of an Order by the President to that effect,

become government property and the owners shall thereafter be relieved of any further obligation of maintaining the roads.

(7) Notwithstanding any other provision of law to the contrary, the site of every road or part of a road transferred to the Government in accordance with sub-regulation (6) shall, on the Order of the President, be freed absolutely from every privilege and hypothec theretofore affecting it, without prejudice to the entire credit secured by that privilege or hypothec continuing to be a charge on the residue of the property of which that site formed part and on all other affected properties, if any, of the debtor. Any such liberation shall not be subject to any requirement of reference or other entry in the Public Registry.

(8) (a) If the owner of the road shall fail to pay any amount due by him under and within the period specified in sub-regulation (4), he shall thereupon become liable to the payment over and above the amount so due of interest at eight per centum thereon as from the date of completion of the works to the date of payment, and the expense incurred by the Authority together with that interest thereon shall constitute a privileged claim in favour of the Authority on that owner's property immediately abutting on the inhabited road, and such claim shall be paid in preference to all

other claims, whether privileged or hypothecary on such property, notwithstanding any other provision of law to the contrary.

(b) Such right of priority may not be enforced unless the claim is registered in the Public Registry within two months from the completion of the works aforesaid. In default of evidence to the contrary the date of the completion of the works shall be deemed to be that indicated in the note for the registration of the privilege.

Expense incurred by Authority to be apportioned among owners.

20. For the purpose of the registration and recovery of any claim under regulation 19, the expense incurred by the Authority shall be apportioned by the Authority among the owners in proportion to the frontage of their respective land or buildings along the inhabited road:

Provided that any owner may impugn the assessment made by the Authority by an application before the competent civil court in contestation with the said Authority.

PART V

ROAD NAMES

Power in connection with painting of names of roads, etc.

21. The Authority, and to the extent of any responsibility of a Local Council in terms of the Local Councils Act, a Local Council, in consultation with the Malta Environment and Planning Authority, may cause the name by which any road is to be called, as well as the name of the town, suburb or village in which the road is situated, and any other notice or mark which may be considered useful for directing routes or giving warnings about dangerous corners, or for any other public purpose, to be painted or affixed and maintained in a legible state on the walls of any building other than a building destined for divine worship.

Name given to a private road.

22. Where a Local Council shall cause the name by which a private road is to be called, that road shall remain to be a private road.

Naming of roads.

23. (1) No person shall paint, mark, write or affix in any road open to the public any name as that by which such road is to be called, or any name of any town, suburb or village, or any notice or mark similar to that painted or made in accordance with the provisions of regulation 21 without the approval of the Authority, or of the Local Council responsible for the locality in which such

road is situated, as the case may be, although such road is a private road.

(2) The name of any road shall be preserved until the Minister responsible for the Police directs the alteration thereof.

(3) Any order of the Minister responsible for the Police for the alteration of the name of any road or for giving or approving a name to a new road shall be published in the Gazette.

24. (1) It is forbidden to destroy, obliterate or deface the name of any road, town, suburb or village or add any word or mark thereto, or damage any slab bearing any such name.

Destruction, obliteration or defacement of name of road, suburb or village.

(2) Where a person contravenes the provisions of sub-regulation (1), such person shall be guilty of a contravention and shall, on conviction, be liable to a fine (ammenda) of one hundred euro (€100).

PART VI

ROAD WORKS

25. (1) Without prejudice to the obligations relating to road works under any other regulations in force, no works shall be executed in, or excavations made under a public road without a permit from the Authority as described hereinafter.

Permit required.

(2) The application for a permit shall be made to the Authority by the person commissioning the works on the prescribed form and shall be accompanied by any information and documents required by the Authority, and by the appropriate fees as prescribed in the First Schedule to these regulations.

(3) The permit shall be valid for the period indicated in it and all work shall be fully completed within the completion period specified in the permit.

(4) The Authority may renew any permit the validity of which has expired upon the submission by the holder thereof of an application for renewal.

(5) Road works may only be executed by a contractor and Local Councils, utility services providers, communications

service providers and contractors involved shall at all stages follow the Code of Practice.

Types of permits.

26. (1) There shall be three types of road works permits as follows:

(a) Major Road Works Permit – RWP 1

(b) Emergency Road Works Permit – RWP2

(c) Minor Road Works, Maintenance and Repairs Permit – RWP3.

(2) A Major Road Works Permit shall cover major works which involve any type of road works.

(3) An Emergency Road Works Permit shall cover any emergency road works and it shall be valid for a period not exceeding three days.

(4) A Minor Road Works Permit shall cover minor works.

Processing of applications for road works permits.

27. (1) An application for the granting or renewal of any of the permits prescribed by these regulations shall not be processed by the Authority where the application –

(a) is not submitted on the prescribed form,

(b) is not accompanied by the prescribed fee, or

(c) is not accompanied by the information and, or documents requested by the Authority, including –

(i) a copy of an insurance certificate covering such works,

(ii) a proper site plan (an A4 extract from the 1988 1:2500 scale survey sheet), endorsed by a qualified civil engineer showing clearly the location of the proposed works,

(iii) a written agreement to back fill and restore the surface of the road to specifications set by the

Authority and in accordance with the conditions specified in the permit, and

(iv) any other requirements as may be stipulated by the Authority.

(2) Where an application is made for an emergency road works permit, the permit shall be issued once an Authority engineer confirms the emergency of such works and issues the relative permit conditions:

Provided that the permit holder shall pay those fees for the services rendered by the Authority official or the penalties as prescribed in the First Schedule to these regulations.

28. (1) Where the Authority issues a permit under these regulations, it may attach such conditions to the permit as seem to it appropriate having regard to all the circumstances of the case. Conditions.

(2) Without prejudice to the generality of sub-regulation (1), the types of conditions which the Authority may attach to a permit under the said sub-regulation include conditions relating but not limited to —

- (a) days on which works may not be carried out;
- (b) times of day during which works may not be carried out;
- (c) the prohibition or restriction of traffic;
- (d) traffic management arrangements to be made in connection with the works as prescribed in the Second Schedule;
- (e) the manner in which the specified works are to be carried out;
- (f) consultation and publicity in relation to the specified works, including the display of information at the location of those works;
- (g) full compliance with the guidelines and policies published from time to time by the Authority; and

(h) performance and, or defects liability conditions.

(3) Where a contractor executes works in contravention of any condition attached to the permit or in contravention to any other direction which the Authority may give, the Authority, if it considers it desirable to do so, may revoke or suspend the permit as the case may be, and the contractor shall be liable to an administrative fine of €50 for each contravention, which fine shall be withdrawn from the bank guarantee:

Provided that where the breach is in contravention of any of the traffic management conditions, the administrative fine shall be in accordance with any of those provided in the Second Schedule hereto.

Refusal to grant an authorisation or a permit.

29. (1) Where the Authority refuses to issue a permit, it shall by notice in writing, within seven days, inform the applicant of its decision and the reasons therefore.

Cap. 490.

(2) Where the issue of such a permit is refused, the applicant may, within twenty-one days starting on the date of such notice, appeal before the Administrative Review Tribunal provided for under the Administrative Justice Act.

The Authority may contract some major works.

30. (1) The Authority shall have the power to contract major road works where such works are to be commissioned by a utility services provider which is Government owned.

(2) Where such works are contracted by the Authority, this shall be done on behalf and at the expense of the utility service provider concerned.

Protection of traffic and commuters.

31. (1) The Authority shall, prior to the granting of a permit for road works, approve a suitable and safe traffic management plan prepared by the project owner and, or the applicant in respect of those works and ensures the putting into effect and maintenance of the said plan, which plan shall include but not limited to lighted barricades, warning lights, or warnings devices, and signage as needed in order to prevent damage or injury to persons, vehicles and property and to minimize the inconvenience and danger to the public by the said road works.

(2) The said traffic management plan and the required measures shall be carried out at the expense of the applicant.

(3) The contractor shall maintain the traffic management plan throughout all the works execution period. Failure to do so shall make the contractor liable to an administrative fine as provided for in the Second Schedule hereto, which fine shall be withdrawn from the bank guarantee, without prejudice to any further action that may be taken by the Authority, including the withdrawal of the bank guarantee and suspension of authorization for future road works.

32. A contractor executing road works shall compensate third parties in respect of any damages or loss suffered by third parties as a result of the execution of those road works: Liability for damage.

Provided that the said liability does not extend to damage or loss which is attributable to negligence or misconduct on the part of the person suffering the damage or loss.

33. Where trenching works are executed in a road, the contractor shall be required to reinstate the road in accordance with the conditions stipulated in the permit. Resurfacing of roads following works.

34. (1) A contractor which undertakes road works shall, upon completion of such works, submit a works compliance report to the Authority within fifteen days from completion. Certification of road works.

(2) Major and emergency road works shall, upon completion, be tested by an independent and accredited laboratory recognised by the Authority.

(3) In addition to the test carried out as provided for in sub-regolament (2), and on the basis of the same tests where applicable, major and emergency road works shall be certified by a warranted architect and civil engineer (*Perit*) in terms of compliance with standards and specifications set by the Authority in respect of all aspects including but not exclusively, material used, workmanship, and any performance requirements stipulated in applicable standards. Only upon such positive certification shall the Authority issue a certificate confirming that those works had been carried out to its satisfaction.

(4) Reinstatement works shall be subject to a two-year guarantee, unless otherwise stated.

(5) Where the Authority is not satisfied with the restoration and resurfacing of the road, the contractor shall redo

the said works to the satisfaction of the Authority, and where the contractor fails to comply, the Authority shall carry out the works itself at the expense of the contractor concerned.

(6) The Authority may exclude from road works, for pre-established period of times of no less than six consecutive months, contractors who consistently fail from such compliance.

Charges for prolonged works.

35. Contractors shall be required to pay a charge of between €50 and €500 for each day, or part thereof, where the duration of road works carried out by that contractor exceeds the prescribed completion period without a justifiable reason. The said charges shall be those prescribed in the Second Schedule thereof.

Prohibition of unauthorised works.

36. (1) It is an offence for a person to execute, or cause or suffer to be executed, any unauthorised road works.

(2) In the case of an offence under sub-regulation (1) hereof the Authority shall, by the issue of a stop notice, direct that person to stop the works immediately and to take such steps as appear to it necessary to reinstate, within a period not exceeding 24 hours, the road, failing which the Authority shall carry out the works itself at the expense of the person concerned.

(3) Any delays in the reinstatement of the works beyond the time limit imposed under sub-regulation (2) hereof shall bear an administrative penalty of €500 per day to be charged to the person who had executed the unauthorised works and to the person on whose behalf or at whose request the works have been carried out.

(4) The Authority shall not entertain any other application by the same person or persons to undertake any other works until such time the road is reinstated by the person or persons concerned or, where the reinstatement works are carried out by the Authority, until such time as all expenses and penalties have been settled.

(5) The Authority shall not enter into negotiations with the person or persons concerned until such time as that person or persons comply with the direction given under sub-regulation (2) hereof.

PART VII

OTHER PROVISIONS

37. The Authority may give orders and take the requisite steps for closing any road and stopping the thoroughfare thereof during the construction, alteration, repair or demolition of such road, or of a conduit, sewer or other public work in such road.

Closing of roads during repairs.

38. It shall not be lawful, without a permit from the Authority and, or a licence from the appropriate Local Council, to construct any work or make any thing in any road, which may cause obstruction or create danger or inconvenience to the public, or, in spite of an intimation by the Police or by a local warden, to leave any building or work which is ruinous or dangerous to persons or to the property of others.

Works causing obstruction or danger in roads.

39. Any person intending to take down, construct, alter, or repair any building in such a manner as will necessitate the deposit of building materials in the road, or may be a source of injury, danger, or inconvenience, shall, before beginning the same, cause sufficient fences to be put up in order to separate the building where the works are to be carried out from the road with a convenient space for the thoroughfare, and shall keep such fences and such space in good condition during such time as the public safety or convenience requires; and shall, in all cases in which it is necessary in order to prevent accidents, cause the same to be sufficiently lighted during the night.

Fences to be set up during repairs.

40. A sufficient light shall also be placed, during the night, on or near the materials lying in the road, by the person who shall have laid there such materials on the occasion of any building, repair or excavation.

Light at night-time to be placed on or near materials in road.

41. It shall not be lawful to leave in any road building materials or other obstructions longer than necessary; and in any such case, the proof that the necessary time has not been exceeded shall lie on the person so causing such materials or other obstructions to be laid.

Prohibition to leave materials or other obstruction in road longer than necessary.

42. (1) Any opening in the surface or footway of any road, leading to a vault, cellar, or other place underground, shall be covered by a door or other proper covering, and such door or covering shall be kept in repair by the owner.

Openings in surface or footway leading to cellars, etc., to be covered.

(2) Nevertheless, where such vault, cellar, or place underground is intended for habitation, it shall suffice to make on the edge of the opening a sufficient fence for the safety of the public, where this is practicable without causing considerable obstruction in the road.

Rebuilding of walls
fallen on the road.

43. The occupier of any tenement shall rebuild, without delay, any wall of such tenement which shall have fallen on the road, or which, being a party-wall between a tenement and a road, shall require, in the opinion of the Authority, to be rebuilt.

Penalties.

44. (1) A person committing an offence under regulations 35(1) and 38 is liable, upon conviction, to a fine (*ammenda*) of €1,000.

(2) If on completion of the work for which a permit has been issued the contractor does not carry out the re-instatement within forty-eight hours of completion, or within such longer period as may be allowed in the permit, or the re-instatement is not properly carried out, the Authority may carry out the re-instatement at the expense of the grantee. Such reinstatement expense shall be withdrawn from the bank guarantee.

(3) Where reinstatement is affected or remedied by the Authority, the contractor is still responsible for such reinstatement.

(4) The person on whose behalf or at whose request the works have been carried out shall be liable in solidum with the contractor which carried out the works to carry out the reinstatement works.

(5) Throughout the carrying out of works, the Authority may give further instructions to the contractor pertaining to any of the conditions in the permit through an addendum to the permit. Failure to immediately comply with the Authority's instructions shall make the contractor liable to an administrative penalty of €50 per day, without prejudice to any further action that may be taken by the Authority, including the withdrawal of the bank guarantee and suspension of authorization for future road works.

(6) Where a person contravenes any other provision under these regulations he shall be liable, on conviction, to a fine (*ammenda*) of not less than €20 but not exceeding €250.

Repeals L.N. 364 of
2003.

45. The Road Works (Design and Construction) Standards Regulations, 2003, are hereby repealed.

FIRST SCHEDULE

(Regulation 27)

The charges payable to the Authority for the grant of a permit shall be as follows:

Permit	Processing Fees	
RWP1 Major Road Works Permit		€120
RWP2 Emergency Road Works Permit	For each RWP 2 permit issued For services rendered by the Authority official called on site, per hour or part thereof Penalty where Authority official is called on false emergencies	€12 €60 €120
RWP3 Minor Road Works, Maintenance and Repairs Permit	Works in residential roads permit Works in arterial/distributor roads permit Works on behalf of the Authority	€2.50 €24 Nil

SECOND SCHEDULE

(Regulations 28, 35)

TRAFFIC MANAGEMENT CLASSIFICATION DURING ROAD WORKS				
No.	Item	Minimum Requirements	Standard Requirements	Fine for breach
1	TM A - Works on ALL roads not affecting traffic in any way			
1.1	Works carried out on footpath	1. Provide temporary pedestrian access (Safe route for pedestrians) 2. Approval by Authority for Transport in Malta for any obstruction to pedestrian crossing and pedestrian areas	1. Temporary Traffic Management Arrangements in line with: Safety at Inhabited Road Works and Road Works - A Code of Practice 2. Traffic Signs Manual Chapter 8 Volume 1 Traffic Safety Measures and Signs for Road Works and Temporary Situations 3. Construction machinery not obstructing carriageway 4. Programme of Works	€50
1.2	Works carried out within the parking bay area, not affecting traffic			
2	TM B - Works on traffic carriageway on ALL roads partially obstructing traffic, however, existing traffic flows retained			
2.1	Works on traffic carriageway	1. Provide temporary pedestrian access (Safe route for pedestrians) Temporary Traffic Management Arrangements in line with Code 2. Approval by Authority for Transport in Malta for any obstruction to pedestrian crossing and pedestrian areas	1. Traffic Management Plan of works area 2. Enforcement required 3. Programme of Works 4. Construction machinery not obstructing carriageway	€100
2.2	Works on centre-strips, side verges, roundabouts and any other road junctions etc.			
3	TM C - Works on ALL roads affecting traffic, including partial and full obstruction, where traffic diversions are required			
3.1	Works on carriageway fully obstructing traffic flow on arterial, distributor, link roads and other roads (as required)	1. Provide temporary pedestrian access (Safe route for pedestrians) Temporary Traffic Management Arrangements in line with Code 2. Approval by Authority for Transport in Malta for any obstruction to pedestrian crossing and pedestrian areas	1. Traffic Management Plan of works area 2. Traffic Management Plan of area-wide 3. Enforcement required 4. Programme of Works 5. Construction machinery not obstructing carriageway	€300
4	TM D - Development Projects (Industrial, Residential, Commercial) which have an impact on existing adjacent roads			
4.1	Works on development projects which have an impact on the characteristics of the existing adjacent roads.	1. Provide temporary pedestrian access (Safe route for pedestrians) Temporary Traffic Management Arrangements in line with Code 2. Approval by Authority for Transport in Malta for any obstruction to pedestrian crossing and pedestrian areas	1. Impact on change in traffic volumes, traffic patterns, vehicle mix, road environment 2. Traffic Management Plan of development works area 3. Programme of Works 4. Construction machinery not obstructing carriageway	€500

