

Development Planning Legislation

**Elective
Past
Papers**

LL.B. I



GH AQDA STUDENTI TAL-LIĠI

EXECUTIVE BOARD

2020/2021

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ABOUT GhSL

Għaqda Studenti Tal-Ligi (The Malta Law Students' Society) is a faculty-based, non-profit organisation at the University of Malta that represents all law students within the Faculty of Laws.

The organisation plays a pivotal role in law students' academic and social life at the University of Malta. The organisation has also been responsible for publishing the prestigious *Id-Dritt*, and the *GhSL Online Law Journal*.

Moreover, GhSL boasts its own Thesis Library, located at the GhSL office in the Faculty of Laws. Additionally, GhSL is the only law organisation responsible for the distribution of authoritative law notes and past papers.

For further queries on this set of notes, as well as any other, please feel free to contact our **Resources Officer** at resources@ghsl.org.



Advice from an Alumna

By Dr Priscilla Mifsud Parker

The law course is a long journey, but one that, if well-travelled, will lead to beautiful destinations. In an industry which is today attracting many young individuals looking to develop their career in law, it is important to stay ON the beaten track and remain focused. It may go without saying that it is of great importance for all students to attain good academic grades, to be dedicated to their work, as well as to be determined in this highly-competitive industry in order to fulfil their dream of becoming lawyers one day. However what is crucial is that as students and later on as professionals we are innovative by being sensitive to the changes around us. These changes might be political, economic, environmental, socio-cultural or others; what is for sure is that they all have an impact on the profession of a lawyer. We are members of a dynamic profession which is very sensitive to its surroundings. The type and 'genre' of advice which is required from us is all affected by what is being experienced by the receivers of this advice.

Work experience is considered as a vital part of the staple diet of any prospective lawyer in order to put into practice and refine the knowledge gained from the theoretical reality of the lecture halls and lawbooks into the skills required for a successful career in law. An internship will not only show future recruiters that you have a genuine interest in pursuing a career in this sector, but that you have the practical knowledge and skills to succeed in your role.

Here are some personal suggestions that I feel helped me during my journey:

1. *Being Ambitious*

A powerful trait in any competitive industry, ambition will help you in your law course, in your career as a lawyer, as well as in your life. Whilst the law course can be quite intimidating and challenging, an ambitious individual who is dedicated to learning new things has the potential to understand and realize long-term goals. Do not view the journey as one whole insurmountable mountain but focus on the next small goal and once achieved move on to the next and goal by goal you will reach your final target point.

In this respect, gaining valuable work experience through an internship is an important step taken by an ambitious young lawyer who wants to attain certain skillsets, and remain a step ahead of his/her peers. By being inquisitive, analytical and humble enough to accept guidance and mentoring one is guaranteed a fruitful experience in a law firm. It is also not only a means to start focusing on the direction of your career and to build upon your chosen path, but will undoubtedly expose you to the international world. This is crucial, as most of the traditional legal sectors have been intertwined with new areas of legislation and all these together now present much more opportunity for intra-jurisdictional work.

2. *Networking*

By engaging with counterparty students abroad and in international fora one gains an insight into another reality and is exposed to different cultures, ways of communicating and is able to bridge



the differences between parties to a mundane discussion which will eventually become a transaction or a major project in professional life.

3. Organisational Skills

Organisation is key in any industry. Good organisation skills always stand out to a recruiter when considering potential applicants. Such skills can be obtained by gaining experience either through organising one's own work, study plan, student events or cultural/philanthropic events.

Going hand-in-hand with this, is having a study plan. By planning your studies ahead, one will have a sufficient amount of time to meet all the demands, while also being able to participate in productive outside activities. Reviewing notes or case briefs before class can also help you follow and participate in class discussions better, whilst following case-law allows you to apply them for specific situations. In view of the amount of material involved summarising and carving out the most crucial points is essential to then build your argument in papers.

4. Taking your own class notes

It is always important to take down your own notes as laws are always evolving and passed-down notes would provide the context but are not ideally used for the detail. Researching the particular topic and comparing Malta's law with that of other jurisdiction gives one a completely different outlook and commenting on these variances in an exam paper, dissertation or assignment would distinguish one student from another. Not to be overlooked are also the consultation papers, commentaries and other official public documents that are issued by local authorities from time to time on different areas of law and industry. Being abreast of what is happening in industry will help putting the particular law or regulation in context.

5. Participation

Participation is a main element of the learning process. Being actively involved during seminars and lectures and participating in legal debate sessions, mock trial competitions and moot courts are essential in order to improve your persuasive and presentation skills. If you find this very difficult (all of us have different characters and traits), then try to focus on participation in other events which will expose you to public speaking starting off in smaller groups in a more familiar environment and trying out new experiences and larger audiences as you go along.

6. Practice is the key to success

This leads us to our next point – practice. Attaining good grades is undoubtedly an important part of the law course, however, in themselves, they are not enough to show that you have substantial material to succeed. Working within a law firm introduces you to the world of work, and allows you to gain specific industry-related skills which one will only ever be able to learn in a workplace setting.

Work experience can provide you with valuable insight which will help you decide what your career aspirations are and in which areas you would like to further delve into.

Name and Surname:

UNIVERSITY OF MALTA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
ADMINISTRATIVE LAW - B.A. II YEAR
DEVELOPMENT PLANNING LEGISLATION

Friday, 4th June 2004, 3.30 p.m. – 4.30 p.m.

ANSWER ALL QUESTIONS. UNDERLINE THE TERM "TRUE" IF YOU
THINK THE STATEMENT IS TRUE AND UNDERLINE THE TERM
"FALSE" IF YOU THINK THE STATEMENT IS FALSE.

QUESTIONS 1 TO 33 CARRY THREE (3) MARKS EACH

QUESTION 34 CARRIES ONE (1) MARK

1. The Planning Appeals Board is composed of three planners.

TRUE/FALSE

2. The Planning Authority has, since the 2001 amendments to the Development Planning Act, Chapter 356 of the Laws of Malta, be restyled as 'Malta Environment and Planning Authority.

TRUE/FALSE

3. The Planning Mediator is the product of the 1997 amendments to the Development Planning Act.

TRUE/FALSE

4. The Standing Committee on Development Planning approves the appointment of the Chairman and members of the Malta Environment and Planning Authority.

TRUE/FALSE

5. A planning policy is one of the four subsidiary plans which can be made under the Development Planning Act.

TRUE/FALSE

6. The deemed refusal procedure, as originally contained in the 1992 Development Planning Act, has been replaced – since the 1997 amendments to the said enactment came into force – by a new procedure known as the 'deemed approval procedure'.

Name and Surname:

TRUE/FALSE

7. The development plan includes the structure plan and all the four subsidiary plans contemplated in the Development Planning Act.

TRUE/FALSE

8. An applicant for development permission whose application has been refused cannot lodge a reconsideration before the Development Control Commission and a concurrent appeal before the Planning Appeals Board.

TRUE/FALSE

9. An applicant for development who is aggrieved by a planning obligation cannot appeal from such an obligation before the Planning Appeals Board.

TRUE/FALSE

10. The Malta Environment and Planning Authority is empowered to revoke and modify a development permission in terms of law in only three cases.

TRUE/FALSE

11. Development planning applications are applications which request the Malta Environment and Planning Authority to affect a change in a policy or plan whilst development control applications are applications which request the said Authority to approve the carrying out of development.

TRUE/FALSE

12. The Malta Environment and Planning Authority has no jurisdiction over development which takes place within the internal waters of Malta. Its jurisdiction is limited solely to land.

TRUE/FALSE

13. Following the 2001 amendments to the Development Planning Act, the Development Control Commission can have more than one Division as the Prime Minister may by order prescribe.

TRUE/FALSE

14. The functions of the Inter-departmental Planning Committee have been revisited in the 2001 amendments in order to bring about better coordination of the workings of Government departments and bodies corporate.

TRUE/FALSE

Name and Surname:

15. The Sanitary Authority is entirely independent of the Malta Environment and Planning Authority. Such authority is regulated not by the provisions of the Development Planning Act but by those of the Code of Police Laws.

TRUE/FALSE

16. The Civil Court, First Hall, has held that the Planning Authority (now the Malta Environment and Planning Authority) is not the legal successor of the Planning Areas Permit Board.

TRUE/FALSE

17. When refusing a development permission application, the Malta Environment and Planning Authority has to give specific reasons based on existing development plans and planning policies for such refusal.

TRUE/FALSE

18. The Key Diagram is part and parcel of the Structure Plan.

TRUE/FALSE

19. The Temporary Provisions Schemes were drawn up in terms of the Building Permits (Temporary Provisions) Act, 1988 and not under the Development Planning Act.

TRUE/FALSE

20. The Explanatory Memorandum to the Structure Plan forms part of Maltese subsidiary legislation.

TRUE/FALSE

21. The Planning Consultative Committee is an advisory Committee to the Malta Environment and Planning Authority whilst the National Committee on Development Planning is an advisory Committee to the Minister responsible for planning.

TRUE/FALSE

22. One of the innovations of the 2001 amendments is that the Malta Environment and Planning Authority has to promote sustainable development.

TRUE/FALSE

23. The Environmental Impact Assessment Regulations, 2001 have been made under the Environment Protection Act and not under the Development Planning Act.

TRUE/FALSE

Name and Surname:

24. The Malta Environment and Planning Authority is empowered to issue an order prohibiting the transfer inter vivos by any title whatsoever of any land in respect of which an enforcement notice has been served.

TRUE/FALSE

25. The Malta Environment and Planning Authority may impose an administrative penalty. However, any person aggrieved may appeal directly to the Court of Criminal Appeal sitting in its inferior jurisdiction from any such penalty.

TRUE/FALSE

26. The Assessment Panel, originally established in 1992 by the Development Planning Act, ceased to exist following the 2001 amendments which have done away completely with such administrative organ.

TRUE/FALSE

27. The Malta Environment and Planning Authority may, as it has done, delegate certain of its functions in so far as determination of development permission applications are concerned to the Development Control Commission or to the Director of Planning who heads the Planning Directorate.

TRUE/FALSE

28. The President of Malta appoints the Chairman and Members of the Malta Environment and Planning Authority. On the other hand, the Prime Minister appoints the Chairmen and members of the divisions of the Development Control Commission.

TRUE/FALSE

29. The members of the Planning Appeals Board can be challenged and have to abstain in the same circumstances as those of a judge.

TRUE/FALSE

30. In so far as planning law is concerned, local councils have a consultative role. Local councils give advice to the Malta Environment and Planning Authority with regard to a development falling within the locality of the local council concerned but the said Authority is not bound to agree and implement that advice in its decisions.

TRUE/FALSE

31. Development includes also a material change of use.

TRUE/FALSE

Name and Surname:

32. A site plan has to accompany an enforcement notice.

TRUE/FALSE

33. An interested third party has to make written submissions to the Malta Environment and Planning Authority in order to be able to lodge an appeal from a grant of development permission.

TRUE/FALSE

34. An appeal lies to the Court of Appeal from a decision of the Planning Appeals Board only on a point of law decided by the said Board.

TRUE/FALSE

Name and Surname:

UNIVERSITY OF MALTA

FACULTY OF LAWS

DEPARTMENT OF PUBLIC LAW

ADMINISTRATIVE LAW – LL.B. II YEAR

DEVELOPMENT PLANNING LEGISLATION

Monday, 19th January, 2009, 8.00 a.m. – 9.00 a.m.

**ANSWER ALL QUESTIONS. UNDERLINE THE TERM "TRUE" IF YOU
THINK THE STATEMENT IS TRUE AND UNDERLINE THE TERM
"FALSE" IF YOU THINK THE STATEMENT IS FALSE.**

QUESTIONS 1 TO 33 CARRY THREE (3) MARKS EACH

QUESTION 34 CARRIES ONE (1) MARK

1. The Malta Environment and Planning Authority (MEPA) is composed of three Directorates: the Planning Directorate, the Environment Protection Directorate and the Cultural Heritage Directorate.

TRUE/FALSE

2. The Prime Minister, following consultation with the Leader of the Opposition, appoints the Chairman of the MEPA.

TRUE/FALSE

3. The President of Malta, on the advice of the Prime Minister after the latter has consulted the Leader of Opposition, appoints the Chairman and Members of the Planning Appeals Board.

TRUE/FALSE

4. In the call-in procedure the Minister responsible for planning calls-in, that is, requests the MEPA to send him/her a development permission application (which has not yet been decided by the MEPA, Development Control Commission (DCC) or the Director of Planning, as the case may be) so that the said application is decided by the Cabinet of Ministers.

TRUE/FALSE

5. The Instrument of Delegation made by the MEPA empowers the DCC and the Director of Planning to issue certain preordained classes of development permissions on behalf of the MEPA.

TRUE/FALSE

Name and Surname:

6. An aggrieved third party has a right to appeal before the Planning Appeals Board. He or she can do so only on a point of law.

TRUE/FALSE

7. A party before the Planning Appeals Board may appeal a decision of that Board before the Court of Appeal, both on a point of fact and of law.

TRUE/FALSE

8. The Audit Officer – contrary to the Ombudsman – may only audit the books of account of the MEPA.

TRUE/FALSE

9. The Minister responsible for planning approves all development plans submitted to him/her by MEPA whilst planning policies are approved by the House of Representatives on the recommendation of the MEPA.

TRUE/FALSE

10. The Development Planning Standing Committee of the House of Representatives may approve development permission applications which are referred to it by MEPA for decision only in those cases where applications concern national security.

TRUE/FALSE

11. The Development Control Commission holds its meetings behind closed doors contrary to the Planning Appeals Board which holds its meetings in public.

TRUE/FALSE

12. In the 20 October 2008 *Kunsill Lokali Kirkop vs. Attorney General et* case decided by Mr. Justice Valenzia, the learned judge decided that a local council could not institute constitutional proceedings alleging breach of human rights and fundamental freedoms as a local council forms part of government and is not a person in terms of the European Convention Act.

TRUE/FALSE

13. A local council, although it is consulted by MEPA on development permissions, does not have the final say on development taking place within its locality: it is MEPA which decides whether to authorise or reject such development.

TRUE/FALSE

14. The structure plan is a development plan.

TRUE/FALSE

Name and Surname:

15. One of the functions of the MEPA is to control spatial planning, both on land and at sea.

TRUE/FALSE

16. Development plans comprise the structure plan, the locality plan, the area plan and the locational plan.

TRUE/FALSE

17. Prior to the 2001 amendments to the Development Planning Act, MEPA did not have amongst one of its functions that of regulating land use in conformity with the principle of sustainable development.

TRUE/FALSE

18. The Ombudsman may overrule MEPA decisions which create an injustice to the citizen.

TRUE/FALSE

19. The President of Malta has development planning related duties: he or she (a) appoints the Chairman and Members of the MEPA; (b) is presented with MEPA's annual report; and (c) approves development plans on the advise of the House of Representatives.

TRUE/FALSE

20. According to the Development Planning Act the Minister responsible for planning supervises the workings of the Planning Appeals Board: he or she appoints the Board's Secretary; ensures that the Board has the necessary staff to function and, should the Appeals Board Members decide wrongly development permission applications he or she can draw their attention thereto but cannot dismiss them.

TRUE/FALSE

21. The MEPA can inflict an administrative penalty in order to regularise illegal development without the need to have recourse to the Court of Magistrates sitting as a court of criminal judicature.

TRUE/FALSE

22. A stop and enforcement order may be issued by MEPA to stop illegal development whilst requesting the person served with that notice to comply with the instructions given in the enforcement order.

TRUE/FALSE

Name and Surname:

23. There is a right of appeal to the Planning Appeals Board both from a conservation order and from the scheduling of property.

TRUE/FALSE

24. The MEPA may schedule any property which has got cultural heritage value but before doing so it must pay compensation to the owner of that property.

TRUE/FALSE

25. The Development Planning Act distinguishes between operations – the carrying out of construction works – and use – how a piece of land or building are used. In both cases a development permission is required in terms of law.

TRUE/FALSE

26. No appeal lies to the Planning Appeals Board from a decision of the Sanitary Engineering Officer.

TRUE/FALSE

27. In the determination of a development permission application, the MEPA must apply development plans ad validitatem; but the same cannot be said for written representations submitted by third parties: the MEPA is not required to act on these submissions if it disagrees therewith.

TRUE/FALSE

28. Should there be a conflict between the Structure Plan on the one hand and a subsidiary local plan (action plan, local plan, subject plan and development brief) it is the subsidiary plan which prevails.

TRUE/FALSE

29. MEPA may delegate its enforcement powers to the Commissioner of Police.

TRUE/FALSE

30. The Government may delegate any of its powers to MEPA.

TRUE/FALSE

31. When a property is proposed to be descheduled or downgraded, it requires the permission of the Minister responsible for planning.

TRUE/FALSE

32. The Planning Consultative Committee, the Users Committee and the Minerals Board are all appointed by the MEPA on the advise of the Chamber of Architects.

Name and Surname:

TRUE/FALSE

33. The Development Planning Act is largely influenced by the Italian Law 'Sullo Sviluppo Urbanistico'.

34. The Development Planning Act was enacted in 1992 but has never been amended since then.

TRUE/FALSE

TRUE/FALSE

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UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. - II YEAR

PBL2006 - DEVELOPMENT PLANNING LEGISLATION

MONDAY 25TH JANUARY, 2010

8.00 A.M. - 9.00 A.M.

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ID CARD NO _____

FACULTY OF LAWS
LL.B. - II YEAR

PBL2006 - DEVELOPMENT PLANNING LEGISLATION

MONDAY 25TH JANUARY, 2010

8.00 A.M. - 9.00 A.M.

UNIVERSITY OF MALTA

FACULTY OF LAWS

DEPARTMENT OF PUBLIC LAW

ADMINISTRATIVE LAW – LL.B. II YEAR

FBL2006 - DEVELOPMENT PLANNING LEGISLATION

Monday, 25th January, 2010, 8.00 a.m. – 9.00 a.m.

**ANSWER ALL QUESTIONS. UNDERLINE THE TERM "TRUE" IF YOU
THINK THE STATEMENT IS TRUE AND UNDERLINE THE TERM
"FALSE" IF YOU THINK THE STATEMENT IS FALSE.**

QUESTIONS 1 TO 33 CARRY THREE (3) MARKS EACH

QUESTION 34 CARRIES ONE (1) MARK

1. The Malta Environment and Planning Authority (MEPA) is composed of 7 independent members, 6 public officers, 2 Members of Parliament and one representative of an environmental non-governmental organization.

TRUE / FALSE

2. The MEPA Chairman is appointed from amongst the independent members of the Authority.

TRUE / FALSE

3. The functions of MEPA include spatial and economic planning.

TRUE / FALSE

4. The official manual is available only in electronic format on the MEPA website.

TRUE / FALSE

5. MEPA may delegate its powers – through an instrument of delegation – with the approval of the Minister responsible for planning.

TRUE / FALSE

6. The Director of Planning has the power to approve or reject certain types of development permission applications as set out in the instrument of delegation.

TRUE / FALSE

7. The MEPA annual report is approved on a quarterly basis and it is only when three quarterly reports are approved in a calendar year that the MEPA annual report is laid on the table of the House of Representatives.

TRUE / FALSE

8. The Planning Consultative Committee is also referred to in the Development Planning Act as the Users' Committee.

TRUE / FALSE

9. The Development Control Commission approves all development permission applications submitted to the MEPA whilst the MEPA deals with development planning issues.

TRUE / FALSE

10. The Development Control Commission is not transparent in its workings: the public is not admitted when the Commission is in session; no member of the public may address the DCC; votes are taken behind closed doors and when taken in public any member of the DCC may request a secret vote.

TRUE / FALSE

11. The Prime Minister appoints the chairmen and members of the Planning Appeals Board.

TRUE / FALSE

12. The Planning Appeals Board is a quasi-judicial tribunal composed of a Magistrate, who presides, and two architects and civil engineers, as Members.

TRUE / FALSE

13. The jurisdiction of the Planning Appeals Board is to hear and decide appeals on any matter decided upon by the MEPA and the DCC.

TRUE / FALSE

14. The Court of Appeal has interpreted the words "any aggrieved party" as used in the Development Planning Act to exclude third parties thereby limiting the term to an applicant for development permission whose application has been refused.

TRUE / FALSE

15. There lies an appeal from decision of the Planning Appeals Board to the Court of Appeal both on a point of fact and a point of law.

TRUE / FALSE

16. The Audit Officer audits the books of account held by the MEPA. His task is to ensure that the MEPA spends its money in terms of a pre-established budget.

TRUE / FALSE

17. The Inter-departmental Planning Committee decides those development permission applications of an agency of Government which have been refused by the MEPA or the DCC and, in this respect, is an appellate body parallel to the Planning Appeals Board.

TRUE / FALSE

18. Development plans consist in: the Structure Plan; the subject plan; the area plan; the sector plan; the local plan and the regional plan.

TRUE / FALSE

19. Development plans have to be reviewed at least once every fifty years.

TRUE / FALSE

20. The Structure Plan cannot be reviewed in part but has to be reviewed in whole.

TRUE / FALSE

21. A planning policy is approved by MEPA and enters into force six months from the date of its approval.

TRUE / FALSE

22. A development order can come into effect after it is approved by MEPA after the Chamber of Architects has agreed therewith.

TRUE / FALSE

23. The Auditor General is not by law empowered to audit the accounts of MEPA once this function has been devolved on the Audit Officer.

TRUE / FALSE

24. The Ombudsman does not deal with all the complaints he receives regarding the MEPA but with only those concerning maladministration once the Audit Officer deals with all complaints concerning how MEPA is spending its budget.

TRUE / FALSE

25. To refuse a development permission application MEPA must provide reasons.

TRUE / FALSE

26. The MEPA is the legal successor of the Planning Area Permits Board (PAPB). The principles of natural justice do not apply to MEPA once it is not a judicial or a quasi-judicial tribunal. On the other hand, they apply to both the Planning Appeals Board and to the Court of Appeal when the latter reviews decisions of the said Board.

TRUE / FALSE

27. A request for reconsideration of a MEPA or DCC decision can be lodged concurrent to an appeal before the Planning Appeals Board.

TRUE / FALSE

28. The Prime Minister, in his capacity of Minister responsible for planning, can request MEPA or the DCC, as the case may be, to decide a particular application according to instructions which he might give MEPA or DCC through the Cabinet Secretary.

TRUE / FALSE

29. The MEPA or the DCC are obliged to decide development permissions according to plans and policies as they obtained at the time of submission of the development permission application to the MEPA.

TRUE / FALSE

30. The right to silence in criminal proceedings as contained in the Constitution of Malta does not apply to enforcement action under the Development Planning Act.

TRUE / FALSE

31. A local council has an automatic right to be informed by the MEPA of any development permission application falling within the boundaries of its locality.

TRUE / FALSE

32. Development planning and development control are synonyms: they both require an applicant to submit development permission application to the MEPA.

TRUE / FALSE

33. Immovable property may be scheduled by the MEPA only if that property has first been expropriated by the Government.

TRUE / FALSE

34. The Structure Plan or any amendments made thereto is approved by MEPA and comes into force one month from the date of approval.

TRUE / FALSE

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UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. – II YEAR

PBL2013 – DEVELOPMENT PLANNING LEGISLATION

TUESDAY 25TH JANUARY, 2011 11.45 A.M. – 12.45 P.M.

ANSWER ALL QUESTIONS. UNDERLINE THE TERM "TRUE" IF YOU
THINK THE STATEMENT IS TRUE AND UNDERLINE THE TERM
"FALSE" IF YOU THINK THE STATEMENT IS FALSE.

QUESTIONS 1 TO 33 CARRY THREE (3) MARKS EACH

QUESTION 34 CARRIES ONE (1) MARK

OFFICE NO. _____
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NAME & SURNAME _____

ID CARD NO _____

FACULTY OF LAWS
LL.B. – II YEAR

PBL2013 – DEVELOPMENT PLANNING LEGISLATION

TUESDAY 25TH JANUARY, 2011 11.45 A.M. – 12.45 P.M.

1. The Malta Environment and Planning Authority is established by the Development Planning Act.

TRUE/FALSE

2. The Planning Appeals Board is established by the Code of Organization and Civil Procedure.

TRUE/FALSE

3. The Development Control Commission is composed of more than one division. It is the President of Malta, on the advice of the Prime Minister following consultation with the Leader of the Opposition, who appoints the chairmen and members of the said divisions.

TRUE/FALSE

4. The Audit Officer carries the duties of an auditor and is directly responsible to the Auditor-General.

TRUE/FALSE

5. The Development Planning Act establishes the office of Mediator but no Mediators have been appointed under the said enactment.

TRUE/FALSE

6. The House of Representatives has a Committee of the House called the Standing Committee on Development Planning. This Committee is composed of the Prime Minister, the Minister responsible for planning and the Leader of the Opposition.

TRUE/FALSE

7. The Development Planning Act refers to development planning and development control. The former concerns development permissions whilst the latter refers to the making of planning policy.

TRUE/FALSE

8. The structure plan is a development plan.

TRUE/FALSE

9. Subsidiary plans come in various forms. The action plan, the implementation plan and the enforcement plan are three examples of subsidiary plans.

TRUE/FALSE

10. A planning policy has no legal status at law. It is not considered to be binding but has the status of a guideline.

TRUE/FALSE

11. The official manual, amongst other things, must contain all the decisions taken by MEPA on all development permission applications decided by it.

TRUE/FALSE

12. The Government may delegate any of its powers to MEPA.

TRUE/FALSE

13. An instrument of delegation is required by the Development Planning Act so that the MEPA may delegate any of its powers both to its officers and employees as well as to outside bodies or persons.

TRUE/FALSE

14. One of the functions of MEPA is to advise Government on economic planning.

TRUE/FALSE

15. A function of MEPA is to advise the President of Malta on planning issues when the President acts as Chairman of the Malta Council for Economic and Social Development (MCESD).

TRUE/FALSE

16. The Director of Planning is authorized by law to approve development permissions as an extraordinary measure when the Chairman of the MEPA or the DCC is abroad or sick.

TRUE/FALSE

17. The Development Planning Act empowers interested third parties to lodge an appeal before the Minister responsible for planning with regard to development approved by MEPA where the applicant is the Government.

TRUE/FALSE

18. The Inter-departmental Planning Commission, which is chaired by a Member of Parliament, has the power to revoke a development permission issued by MEPA which is in breach of the Development Planning Act.

TRUE/FALSE

19. Local councils have the right to veto the approval by MEPA of any development permission where the development falls within the boundaries of their locality with which they disagree.

TRUE/FALSE

20. The MEPA is the legal successor of the Planning Area Permits Board.

TRUE/FALSE

21. The Building Permits (Temporary Provisions) Act has, in 2010, repealed the Development Planning Act.

TRUE/FALSE

22. Circulars issued by the MEPA have the force of law and may be used to amend subsidiary legislation made under the Development Planning Act.

TRUE/FALSE

23. The MEPA has the right to revoke any development permission issued by it without the need of giving reasons therefor and within such time from the date of issue of the development permission as the MEPA may determine.

TRUE/FALSE

24. The Planning Appeals Board is composed of five members: a chairperson; two Members of Parliament appointed by the Prime Minister and two Members of Parliament appointed by the Leader of the Opposition.

TRUE/FALSE

25. The Court of Appeal is empowered to review all decisions taken by the MEPA provided that an appeal from a MEPA decision is lodged in the Court's registry within twenty days from the date of the MEPA's decision.

TRUE/FALSE

26. The Chief Justice may give special directions to the MEPA in those cases where the MEPA is found to be in breach of the Development Planning Act. In such cases the Chief Justice may ask MEPA to apologize to an applicant and/or pay him/her moral damages not exceeding one thousand euro.

TRUE/FALSE

27. The Planning Appeals Board has jurisdiction to hear and decide an appeal from an emergency conservation order.

TRUE/FALSE

28. The Structure Plan may be reviewed in parts and it may also be reviewed in whole.

TRUE/FALSE

29. Parliament may give directions to the MEPA as to the approval of development permission applications which relate to development of national importance.

TRUE/FALSE

30. The Development Planning Act authorizes the MEPA to inflict an administrative sanction. In so doing, the MEPA can either inflict a pecuniary fine not exceeding €500,000 or a sentence of imprisonment not exceeding three months imprisonment. The MEPA is not however empowered to inflict both these two penalties concurrently.

TRUE/FALSE

31. The Development Planning Act does not contain any criminal offence. All offences contemplated therein are of an administrative nature.

TRUE/FALSE

32. Interested third parties may submit written objections regarding a development permission application within one month from the date that the Local Council is informed that an application relating to its locality has been submitted to the MEPA.

TRUE/FALSE

33. The Minister responsible for planning has the power to direct the MEPA which classes of development permissions should be approved and which not.

TRUE/FALSE

34. The President of Malta, the Audit Officer and the Ombudsman may dismiss the MEPA chairman where they have unanimously come to the conclusion that s/he is not carrying out his/her duties in terms of the Development Planning Act.

TRUE/FALSE

OFFICE NO. _____
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UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. II
ERL2001 – DEVELOPMENT PLANNING LEGISLATION

FRIDAY, 3RD FEBRUARY 2012 9.15AM – 10.15AM

.....
OFFICE NO. _____
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NAME & SURNAME _____

ID CARD NO _____

UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. II
ERL2001 – DEVELOPMENT PLANNING LEGISLATION

FRIDAY, 3RD FEBRUARY 2012 9.15AM – 10.15AM

UNIVERSITY OF MALTA

FACULTY OF LAWS

ERL 2001 - Development Planning Legislation

Friday 3rd February 2012, 9.15 a.m. – 10.15 a.m.

Answer whether the statement below is True or False

No negative marking is applied

All questions carry 3 marks, apart from the last which carries 1 mark.

1. According to the Environment & Development Planning Act (EDPA) 'development planning' concerns the issuing of development permits and 'development control' refers to the making of planning policy. T/F
2. I need to notify Mepa if I want to paint the outside of my house, which is not situated in a UCA / ODZ. T/F
3. Subsidiary plans come in various forms. They include the action plan, the implementation plan, and the enforcement plan. T/F
4. Planning policies have no status at law. T/F
5. The Planning Directorate approves applications for development permission. T/F
6. Unlike discontinuance orders, there is no appeal to the EPRT, from sanitary issues. T/F
7. The MEPA as we know it today enjoys by far less independence than the Planning Authority initially created by means of Act 1 of 1991. T/F
8. MEPA permits for development are valid for five years. Within this time frame a developer who applied to build a three floor structure, only completes excavations works. The policy changes and the area becomes a two-floor zone. The developer may continue to build his three floor structure. T/F

9. Applications involving Environment Impact Assessments can be decided by the Environment & Planning Commission. T/F
10. The act of scheduling a villa, of its very nature includes the surrounding garden. T/F
11. The Chairpersons of the two Environment and Planning Review Tribunals are Deputy Chairpersons of the MEPA Board of Directors. T/F
12. The office of the Internal Auditor set up under article 17C of the Development Planning Act (Cap 356 of the Laws of Malta) was not included in the Environment & Development Planning Act (Cap 504 of the Laws of Malta). T/F
13. In *Albert Gauci v. Planning Authority* (Planning Appeals Board, 31.01.94) the Board held that to demolish and rebuild garages and stores, no planning permission was required as long as the new structures were identical to those they were replacing. T/F
14. In a *Grey Area*, building is not completely excluded. T/F
15. The possibility of MEPA revoking a permit was first introduced in 2001. T/F
16. Developments falling in the same 'class' do not require MEPA notification under the Development Notification Order. T/F
17. In *Dr Mark Bonello on behalf of the Malta Maritime Authority v. the Planning Authority* (Court of Appeal 28.10.02) the court confirmed that the Maritime Authority was exempt from development planning law. T/F
18. When reinstating an old farmhouse, Carmel Zahra (*Zahra v. Planning Authority*; 15.12.1996) required planning permission. T/F
19. The Planning Mediator's role within development planning has proved crucial to the development planning process. T/F
20. An Emergency Conservation Order is valid for six months, renewable for a further six months. T/F
21. The Court of Appeal, composed of three judges, hears appeals on points of law decided by the Environment and Planning Review Tribunal. T/F

22. The MEPA is empowered to issue orders prohibiting the transfer *inter vivos* by any title whatsoever of any land in respect of which an enforcement notice has been served. This is one of the first provisions of law which was brought into force and implemented back in 1992. T/F

23. Enforcement action under the Environment and Development Planning Act is of an administrative, and not of a criminal, nature. T/F

24. MEPA has to reach expenditure out of revenue collected. T/F

25. MEPA cannot stop a legitimate development. T/F

26. According to Cap. 504, there is a thirty-day time limit within which to request a reconsideration. T/F

27. The MEPA enjoys a right of appeal to the Environment and Planning Review Tribunal. T/F

28. In the *Charles Fino* judgement (Court of Appeal 28.02.97) it was confirmed that an appellant may be represented either by a lawyer, or by an architect before the Planning Appeals Board. T/F

29. Stop Orders and Enforcement Notices take effect as specified in the Order or Notice itself, but the specified period must be not less than fifteen days and not more than thirty days. T/F

30. If you lodge an appeal from an Enforcement Notice, and apply to sanction the illegal development, the Environment and Planning Review Tribunal will dismiss your appeal. T/F

31. The Environment and Planning Review Tribunal is chaired by a lawyer. T/F

32. MEPA has three Directorates. T/F

33. The Court of Appeal cannot *ex officio* point out that an appeal is not one based on a point of law decided by the Board. T/F

34. The Audit Officer's opinions are not binding on the MEPA. T/F

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ERL2001 – DEVELOPMENT PLANNING LEGISLATION

FRIDAY, 25TH JANUARY 2013

9.15AM – 10.15AM

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UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. II
ERL2001 – DEVELOPMENT PLANNING LEGISLATION

FRIDAY, 25TH JANUARY 2013

9.15AM – 10.15AM

UNIVERSITY OF MALTA
FACULTY OF LAWS
JANUARY 2013
LL.B. II

ERL2001 – DEVELOPMENT PLANNING LEGISLATION

FRIDAY, 25TH JANUARY 2013

9.15AM – 10.15AM

Answer whether the statement below is True or False.

*Questions 1 – 33 carry 3 points carry 3 points. Number 34 carries one point only.
There is no negative marking.*

1. MEPA is not obliged by law to take direct action after it issues stop and enforcement notices (T/F)
2. Pre-1967 developments are considered by MEPA to have been built according to law (T/F)
3. MEPA's Enforcement Unit does not act on anonymous reports (T/F)
4. SL504.103 regulation 3(4) allows for appeals from the screening letter sent to prospective developers (T/F)
5. Under Cap. 504 of the Laws of Malta, it is now possible to request a reconsideration from a refusal of an application for development permission (T/F)
6. Affixing a site notice to the wrong site is a strong basis for an article 77 action (T/F)
7. In *Albert Satariano v MEPA* (19.04.2010) the Court refused the plaintiff compensation in spite of the fact that MEPA damaged lawfully constructed property while taking direct action to remove illegalities. (T/F)
8. Scheduling of a property does not amount to amending the local plan for the area (T/F)
9. An Emergency Conservation Order is valid for twelve months during which time MEPA may initiate scheduling (T/F)
10. Scheduled property may be classified as Grade One, Grade Two or Grade Three (T/F)
11. In an ODZ, development is completely prohibited (T/F)
12. There is no right of appeal to the EPRT from decisions of the Sanitary Engineering Officer (T/F)
13. If one fails to lodge an appeal to the EPRT, he can always go to court instead (T/F)
14. The Planning Authority was the legal successor of the Planning Area Permits Board (T/F)

15. SPED stands for Structure Plan for the Environment & Development (T/F)
16. When an appeal is lodged before the EPRT, the developer cannot commence works unless the EPRT authorises him to do so (T/F)
17. Planning circulars are not of a binding nature (T/F)
18. A local plan may not be reviewed before the lapse of two years from its last review (T/F)
19. To deposit material at sea I need to apply for development permission (T/F)
20. The EPC acts under delegated power from the MEPA (T/F)
21. Planning gains are financed by the developer on whom they are imposed, but carried out by the Authority (T/F)
22. When one applies to sanction an illegal development, he is admitting his wrong doing (T/F)
23. When one appeals from an enforcement notice, he is admitting his wrong doing (T/F)
24. According to Cap 504 art. 6(1) the MEPA Board is composed of not less than thirteen and not more than fifteen members (T/F)
25. Out of the three members of the EPRT the lawyer presides (T/F)
26. DC 2007 (Policy & Design Guidance 2007) does not enjoy force of law (T/F)
27. Under Cap. 504 it is no longer possible to apply for an Outline Development Permit (T/F)
28. A person may apply to the MEPA for a determination as to whether a proposal requires a development permission (T/F)
29. Height limitations are 'material considerations' for the purpose of article 69(2) Cap 504 (T/F)
30. An interested third party may request a reconsideration of a condition in an approved development planning permit (T/F)
31. MEPA Enforcement Officers have the power to enter any premises without giving prior notice (T/F)
32. An appellant need not be represented by a lawyer before the EPRT (T/F)
33. The EPRT has the power to order the revocation of a planning permit (T/F)
34. The EPC and EPRT are composed of full time professional persons (T/F)

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.B. HONS I YEAR

ERL1001 – Development Planning Law

TUESDAY 28TH JANUARY, 2014

9.15A.M. – 10.15A.M.

Answer any one (1) question from the following (all questions carry equal marks):

1. Discuss the following statement: 'The bad press which MEPA receives is, for the large part, undeserved'.
2. Describe the concept of 'development' in Maltese Law.
3. Discuss the statement made by Perit Alexander Borg, Director, Enforcement Unit, MEPA, in his presentation of 3.12.2013, here at University: '*Direct action is a last resort*'.

FACULTY OF LAWS

LL.B. Hons. 1st YEAR

ERL 1001 – Development Planning Legislation

Thursday 22nd January 2015

9.15AM – 10.15AM

Answer any one (1) question from the following (all three questions carry equal marks):

1. I want to build or carry out some other form of development. Do I require a permit from MEPA?
How do I go about obtaining this 'permit' or other form of consent on the MEPA's part, so that I can
carry out my (development) in a legal manner?

FACULTY OF LAWS

LL.B. Hons. 1st YEAR

ERL 1001 – Development Planning Legislation

Thursday 22nd January 2015

9.15AM – 10.15AM

Answer any one (1) question from the following (all three questions carry equal marks):

1. I want to build or carry out some other form of development. Do I require a permit from MEPA? How do I go about obtaining this 'permit' or other form of consent on the MEPA's part, so that I can carry out my 'development' in a legal manner?
2. Explain the possible courses of action open to MEPA, when an illegal development has been committed.
3. Describe briefly the different manners in which a decision of the MEPA can be contested.

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.B. HONS I YEAR

ERL1001 – Development Planning Law

Date: Friday 11th September 2015

Reading Time: 8.30am – 8.35am

Duration of Exam: 8.35am – 9.35am

Answer any one (1) question from the following (all questions carry equal marks):

1. Discuss the following statement: 'Once MEPA refuses an application for development permission, its decision is final'.
2. Describe the concept of 'development' in Maltese Law.
3. Perit Paul Borg, in his lecture of 2nd December 2014, when referring to the varied composition of the MEPA Board, stated that the "Aim is to have ... a sample of society at large". What do you think he meant by this?

UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. HONS. 1st YEAR
JANUARY 2016 EXAMINATIONS

EXAMINATION: ERL1001 Development Planning Legislation

DATE: 26th January 2016

READING TIME: 10.00AM – 10.05AM

DURATION OF EXAMINATION: 10.05AM – 11.05AM

INSTRUCTIONS TO STUDENTS:

Choose any one (1) of the following three (3) questions.

ALL QUESTIONS CARRY EQUAL MARKS.

1. Describe the circumstances at law under which no application for development planning is required.
2. Discuss the role of the Environment & Planning Review Tribunal in Development Planning Law.
3. Describe the role of the Minister responsible for the planning authority, in Development Planning Law.