

Clause No.	Text of Bill	Remarks
1	<p style="text-align: center;">A Bill entitled</p> <p>An Act to amend the Utilities and Services (Regulation of Certain Works) Act, to implement measures to reduce the cost of deploying gigabit electronic communications networks, to make provision with respect to matters ancillary thereto or connected therewith and to provide for certain measures relating to electronic communications.</p> <p>Be it enacted by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-</p> <p>Short title and commencement.</p> <p>1. (1) The short title of this Act is the Infrastructure Laws (Amendment) Act, 2025.</p> <p>(2) Unless stated otherwise in this Act, this Act shall come into force on such date or dates as the Minister responsible for infrastructure after consulting with the Minister responsible for communications and the Minister responsible for the construction industry, may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes thereof.</p>	<p><i>The Bill is divided into six parts each of which amend current legislation.</i></p>
2	<p>Scope</p> <p>2. The scope of this Act is to amend the Utilities and Services (Regulation of Certain Works) Act, to implement various measures consequential to Regulation (EU) 2024/1309 of the European Parliament and of the Council of 29 April 2024 on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act), the regulation of certain works</p>	<p><i>Scope is to effectively implement the EU Gigabit Infrastructure Act (hereafter the 'GIA'). This necessitates amending or repealing different laws.</i></p>

	in connection with utilities and other services, and to amend other laws that relate to such measures and to the provision of electronic communications services.	
3	<p style="text-align: center;">PART I</p> <p style="text-align: center;">AMENDMENTS TO THE UTILITIES AND SERVICES (REGULATION OF CERTAIN WORKS) ACT</p> <p>Amendments to the Utilities and Services (Regulation of Certain Works) Act. Cap. 81.</p> <p>3. (1) This Part amends the Utilities and Services (Regulation of Certain Works) Act and it shall be read and construed as one with the Utilities and Services (Regulation of Certain Works) Act, hereinafter referred to as “the principal Act”.</p> <p>(2) Unless provided otherwise in this Part, the articles of this Part shall come into force on such date or dates as the Minister responsible for infrastructure after consulting with the Minister responsible for communications and the Minister responsible for the construction industry, may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes thereof.</p>	<i>Part I proposes various amendments to Cap. 81.</i>
4	<p>General amendment to the principal Act.</p> <p>4. Unless provided otherwise in the principal Act the following words wherever they occur shall be substituted as follows:</p> <p>(a) the words “Dispute Resolution Board” with the words “Dispute Settlement Body”; and</p> <p>(b) the word “Board” with the word “Body”.</p>	
5	<p>Amendment of article 2 of the principal Act.</p> <p>5. Article 2 of the principal Act shall be amended as follows:</p> <p>(a) article 2 thereof shall be renumbered as sub-article (1) of article 2 thereof;</p> <p>(b) the definitions of “access points”, “associated facilities”, “associated service”, “bodies governed by public law” and “civil works” shall be deleted;</p>	<i>Some of the current definitions are being deleted as these are reflected in Article 2 of the GIA which article applies directly (e.g., “access point”, “bodies governed by public law” and “civil works”).</i>

(c) the definition of “competent authority for permit granting” or “competent authorities for permit granting” shall be substituted with the following:

“competent authority for permit granting” means such public sector body or bodies responsible for the granting of civil works, and includes the competent infrastructure regulator in relation to its powers under Part II of the Act to grant rights of way however so described;”;

(d) the definition of “competent infrastructure regulator” or “competent infrastructure regulators” shall be substituted with the following:

“competent infrastructure regulator” means such public sector body or bodies responsible for the infrastructure regulation as may be listed in the First Schedule, which Schedule may from time to time be amended by the Minister responsible for infrastructure by order in the Gazette;”;

(e) the definition of “competent utility regulator” or “competent utility regulators” shall be substituted with the following:

“competent utility regulator” means any such public sector body or bodies responsible at law for the regulation of those utility services listed in accordance with the Second Schedule, which list shall state the authority responsible for the regulation of each of the different utility services and, where applicable, the networks therein listed:

Provided that this Schedule may from time to time be amended by the Prime Minister by order in the Gazette;”;

(f) immediately after the definition of “competent utility regulator” there shall be added the following new definitions:

“Dispute Settlement Body” means the public body or bodies as may from time to time be listed under Fourth Schedule designated to undertake the functions of a Dispute Settlement Body for the purposes of this Act;

	<p>Cap. 623.</p> <p>“Building and Construction Authority” means the Building and Construction Authority as established under the Building and Construction Authority Act. The provisions of Part VI of the Building and Construction Authority Act shall apply in relation to exercise of the powers of the Building and Construction Authority where it is empowered to ensure compliance with any provisions of the Utilities and Services (Regulation of Certain Works) Act;”;</p> <p>(g) the definitions “Dispute Resolution Board” or “Board””, “electronic communications network” and “electronic communications services” shall be deleted;</p> <p>(h) immediately after the definition of “facilities” there shall be inserted the following new definition:</p> <p>“Gigabit Infrastructure Act” means Regulation (EU) 2024/1309 of the European Parliament and of the Council of 29 April 2024 on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act);”;</p> <p>(i) the definitions of “high-speed electronic communications network”, “high-speed-ready in-building physical infrastructure”, “in-building physical infrastructure”, and “major renovation works” shall be deleted;</p> <p>(j) the definitions “network operator” and “network termination point” shall be deleted;</p> <p>(k) the definition “permit” shall be substituted by the following:</p> <p>“permit” means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or more competent authorities for permit granting that are required under national law for an undertaking to carry out building or civil works necessary for the deployment of very high capacity networks (VHCNs);</p>	<p><i>Reference is made to Part VI entitled “Enforcement” of Cap. 623 so that the enforcement powers of the BCA under that Part apply also in relation to the BCA’s role under Cap. 81.</i></p>
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	<p>(l) after the definition of the word “permit” there shall be inserted the following new definition:</p> <p>“public authority” means any public body which under this Act is empowered to exercise any regulatory functions however so described;”;</p> <p>(m) the definitions of “physical infrastructure” and “public sector body” shall be deleted; and</p> <p>(n) after the definition of the word “undertaking” there shall be added the following new definition:</p> <p>“ “Union” means the European Union”; and</p> <p>(o) immediately after sub-article (1) as renumbered there shall be added the following new sub-article:</p> <p>“Cap. 399, Gigabit Infrastructure Act.</p> <p>(2) In this Act unless the context otherwise requires, the provisions of article 2 of the Electronic Communications (Regulation) Act, and of Article 2 of the Gigabit Infrastructure Act shall apply.”</p>	<p><i>Definitions provided for as per article 2 of Cap 399 and per article 2 of the GIA apply unless stated otherwise in the Act (namely Cap. 81 as is being amended).</i></p>
<p>6</p>	<p>Amendment of article 4 of the principal Act.</p> <p>6. Article 4 of the principal Act shall be amended as follows:</p> <p>(a) In sub-article (1) thereof the words “For the purposes of this Act” shall be substituted with the words “Subject to the provisions of article 18, for the purposes of this Act”.</p> <p>(b) In sub-article (2) thereof the words “the applicable provisions of this Part.” shall be substituted with the words “the applicable provisions of this Act.”.</p>	<p><i>Article 18 referred in the amendment as per clause 6 regulates the procedure for granting permits and rights of way.</i></p>
<p>7</p>	<p>Amendment of article 4A of the principal Act.</p>	

	<p>7. Sub-article (4) of article 4A of the principal Act shall be substituted with the following:</p> <p>“(4) The competent infrastructure regulator shall notify any order made under sub-article (1) to the provider of the utility service impacted by the order of collocation, and to any other persons as it may consider appropriate in the circumstances where it considers that such persons may have an interest in knowing about the issue of the order, at least ten (10) days prior to the carrying out of the works as aforesaid.”</p>	
<p>8</p>	<p>Amendment of article 4C of the principal Act.</p> <p>8. In sub-article (2) of article 4C of the principal Act the words:</p> <p>“Provided that if the provider collocating or making such use disagrees with such charges it may, within twenty days of receipt of the same, make a dispute before the Dispute Resolution Board which Board shall resolve any such dispute within the shortest time frame and in any case within two months from the date of receipt of the dispute except in exceptional circumstances in accordance with the provisions of article 32.”</p> <p>shall be substituted with the words:</p> <p>“Provided that if the provider collocating or making such use disagrees with such charges, it may, within one (1) month of receipt of the same, file a dispute before the Dispute Settlement Body.”.</p>	
<p>9</p>	<p>Amendment of article 4D of the principal Act.</p> <p>Gigabit Infrastructure Act.</p> <p>9. Article 4D(1) of the principal Act shall be amended as follows:</p> <p>(a) the words “The competent infrastructure regulator in the exercise of its functions” shall be substituted with the words “Unless provided otherwise in this Act or in the</p>	<p><i>Timeframe has been amended to reflect timeframes as per Article 13 of the GIA.</i></p>

	<p>Gigabit Infrastructure Act, the competent infrastructure regulator in the exercise of its functions”; and</p> <p>(b) in paragraph (a) thereof the words “within six months” shall be substituted with the words “within four (4) months”.</p>	
<p>10</p>	<p>Addition of new article 4F to the principal Act .</p> <p>10. After article 4E of the principal Act there shall be added the following new article: “Registration of Servitudes for Underground Infrastructure Cap. 296.</p> <p>4F. (1) Where the competent infrastructure regulator has issued an order in accordance with article 4(1) for the installation of ducts, culverts, conduits, pipes, or any other form of underground infrastructure under public or private property, or where such infrastructure is already in place, the network operator or utility service provider may apply to the Lands Registrar for the registration of a servitude related thereto.</p> <p>(2) The servitude shall refer to the right of access, maintenance, use, and operation of the underground infrastructure, and such right shall be registerable in accordance with the provisions of the Land Registration Act, irrespective of whether the land lies in a compulsory or declaratory registration area.</p> <p>(3) The Land Registrar shall, upon application, register the servitude over the land affected and annotate it in the appropriate register, including the nature, extent, and limitations of the right, the precise location and dimensions of the infrastructure, and the identity of the holder of the servitude.</p> <p>(4) The servitude shall be binding on successors in title and enforceable against third parties upon registration.</p> <p>(5) For the purposes of registration, the competent infrastructure regulator shall provide the applicant and the Land Registrar with a copy of the installation order or</p>	

	<p>relevant documentation attesting to the existence of the infrastructure, together with a site plan or survey map, as prescribed.</p> <p>(6) The Minister responsible for infrastructure may after consultation with the competent infrastructure regulator make regulations to prescribe the forms, fees, procedures, and technical specifications required for the registration of servitudes in terms of this article.</p> <p>(7) The provisions of this article shall apply equally to public and private entities owning or operating underground infrastructure, including government agencies and utility providers.</p> <p>(8) The provisions of article 2 of the Land Registration Act shall apply in relation to the interpretation of any terms in this article.”.</p>	
11	<p>Amendment of article 5 of the principal Act.</p> <p>11. In article 5 of the principal Act the word “praying” shall be deleted.</p>	
12	<p>Amendment of article 9 of the principal Act.</p> <p>12. In article 9 of the principal Act the words “not exceeding five thousand euro (€5,000).” shall be substituted with the words “not exceeding ten thousand euro (€10,000).”</p>	<i>The maximum amount was last amended in 2016. It is being proposed that the amount be increased given the passage of time and the nature of the offence.</i>
13	<p>Amendment of article 10.</p> <p>13. In article 10 of the principal Act the words “not exceeding five thousand euro (€5,000).” shall be substituted with the words “not exceeding ten thousand euro (€10,000).”</p>	<i>The maximum amount was last amended in 2016. It is being proposed that the amount be increased given the passage of time and the nature of the offence.</i>
14	<p>Substitution of the title to Part III of the principal Act.</p>	

	<p>14. The title to Part III of the principal Act shall be substituted with the following: “Facilitating Very High Capacity Networks”.</p>	
<p>15</p>	<p>Substitution of article 14 of the principal Act.</p> <p>15. Article 14 of the principal Act shall be substituted with the following: “Consultation by the competent infrastructure regulator and by the Malta Communications Authority when exercising their functions under this Part.</p> <p>14. (1) The competent infrastructure regulator when exercising its functions under this Part, shall consult the competent utility regulator or regulators, as the case may be, and such public sector bodies including the Utilities Committee as it may consider necessary.</p> <p>(2) The Malta Communications Authority when exercising its functions under this Part, shall consult the competent utility regulator or regulators as the case may be, and such public sector bodies including the Utilities Committee as it may consider necessary.</p>	
<p>16</p>	<p>Addition of new articles 14A and 14B to the principal Act.</p> <p>16. After article 14 of the principal Act there shall be added the following new article: “Access to existing physical infrastructure. Gigabit Infrastructure Act.</p> <p>14A. (1) The Malta Communications Authority may determine the detailed requirements relating to the administrative aspects of requests that may be made in accordance with paragraph 1 of Article 3 of the Gigabit Infrastructure Act.</p> <p>(2) The Malta Communications Authority may from time to time provide written guidance on the terms and conditions, including price, in order to facilitate the</p>	<p><i>Implements Article 3(1) to (3), (8) and (10) of the GIA.</i></p> <p><i>Other paragraphs of Article 3 of the GIA apply directly.</i></p>

conclusion of agreements made in accordance with paragraph 2 of Article 3 of the Gigabit Infrastructure Act.

(3) The Malta Communications Authority may determine that owners of private commercial buildings which are not owned or controlled by a network operator are to meet, upon the written request of an operator, reasonable requests for access to those buildings, including their rooftops, with a view to installing elements of VHCNs or associated facilities under fair and reasonable terms and conditions, and at a price reflecting market conditions.

(4) Prior to such a request from the access seeker made under sub-article (3), the following conditions shall be met, namely that:

- (a) the building is located in a rural or remote area as determined by the competent infrastructure regulator;
- (b) there is no VHCN of the same type, fixed or mobile, as that the access seeker intends to deploy available in the area for which the request for access is made, and that there is no plan to deploy such a network according to the information collected through the Single Information Point available at the date of the request; and
- (c) there is no physical infrastructure in the area for which the request for access is made that is owned or controlled by network operators or public sector bodies and that it is technically suitable to host elements of VHCNs:

Provided that the Malta Communication Authority may determine a list of categories of commercial buildings that may be exempt from the obligation to meet any such access request, for reasons of public security, defence, safety and health:

Provider further that in doing so the Malta Communication Authority shall consult the Utilities Committee:

	<p>Provided further that such a list and the criteria to be applied to identify those categories shall be published through the Single Information Point.</p> <p>(5) The Minister for infrastructure may after consultation with any such competent public bodies as he may consider appropriate, establish or designate a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide legal and technical advice through the negotiation of access terms and conditions, and facilitate the provision of information through the Single Information Point.</p> <p>Gigabit Infrastructure Act.</p> <p>(6) For the purposes of paragraph 10 of Article 3 of the Gigabit Infrastructure Act, the competent infrastructure regulator after consulting with the Utilities Committee and any other public sector body as it may consider necessary, shall identify the physical infrastructure or those categories of physical infrastructure in Malta for reasons of architectural, historical, religious or environmental value or for reasons of public security, defence, safety and health:</p> <p>Provided that in doing so, the competent infrastructure regulator shall give duly justified and proportionate reasons and shall ensure that the list of categories of physical infrastructure and the criteria applied to identify them are made available through the Single Information Point.</p>	
<p>16 cont'd</p>	<p>Publication of a reference offer.</p> <p>14B. The competent infrastructure regulator may require a public sector body owning or controlling physical infrastructure to publish a reference offer for access to its physical infrastructure:</p> <p>Provided that the public sector body in publishing any such offer shall ensure that it includes a description of the associated terms and conditions, including prices:</p>	

	<p>Provided further that the competent infrastructure regulator may specify the precise information to be made available, the level of detail required and the manner of publication.”</p>	
<p>17</p>	<p>Substitution of article 15 of the principal Act.</p> <p>17. Article 15 of the principal Act shall be substituted with the following: “Transparency on physical infrastructure. Gigabit Infrastructure Act.</p> <p>15. (1) Where applicable, the Single Information Point shall ensure that the Malta Communications Authority has access to the minimum information on existing physical infrastructure listed in paragraph 1 of Article 4 of the Gigabit Infrastructure Act and where applicable to any additional information on existing physical infrastructure referred to in paragraph 2 of Article 4 of the Gigabit Infrastructure Act.</p> <p>(2) In addition to the information listed under paragraph 1 of Article 4 of the Gigabit Infrastructure Act, the Malta Communications Authority may require information on existing physical infrastructure such as information on the occupancy level of the physical infrastructure and indicative information regarding the availability of dark fibre:</p> <p>Provided that the Malta Communications Authority shall provide a transition period as it may consider reasonable for the provision of such information.</p> <p>(3) If network operators and, or public sector bodies fail to make available at least the minimum information referred to in paragraph 1 of Article 4 of the Gigabit Infrastructure Act and where applicable the additional information referred to in paragraph 2 of Article 4 of the Gigabit Infrastructure Act through the Single Information Point in electronic format or any update to that information, then the competent utility</p>	<p><i>Implements Article 4(3) of the GIA.</i></p> <p><i>Other paragraphs of Article 4 of the GIA apply directly.</i></p> <p><i>Article 4(3) of the GIA shall apply from 12 May 2026.</i></p>

	<p>regulator may require that the missing information is made available through the Single Information Point within ten (10) working days from the receipt of such request.</p> <p>(4) The Malta Communications Authority may specify the requirements relating to the administrative aspects of any requests made for the purposes of paragraph 5 of Article 4 of the Gigabit Infrastructure Act.</p> <p>(5) The Malta Communications Authority may identify the national critical infrastructure as defined under in national law, or parts thereof, which infrastructure shall not be subject to the obligations laid down in paragraphs 1, 3 and 5 of Article 4 of the Gigabit Infrastructure Act. In doing so the Malta Communications Authority shall give justified and proportionate reasons.</p> <p>(6) Any cost-benefit analysis that may need to be taken for the purposes of point (b) of paragraph 7 of Article 4 of the Gigabit Infrastructure Act shall be undertaken by the Malta Communications Authority after consultation by it with stakeholders.</p> <p>(7) The provisions of sub-articles (2) and (3) shall come into force on the 12 May 2026.”.</p>	
<p>18</p>	<p>Substitution of article 16 of the principal Act.</p> <p>18. Article 16 of the principal Act shall be substituted with the following: “Coordination of civil works. Gigabit Infrastructure Act.</p> <p>16. (1) The competent infrastructure regulator may specify detailed requirements relating to the administrative aspects of requests made for the purposes of paragraph 2 of Article 5 of the Gigabit Infrastructure Act.</p> <p>(2) The competent infrastructure regulator may provide that requests to coordinate civil works made by an undertaking that provides, or is authorised to provide, public electronic communications networks to an undertaking owned or controlled by</p>	<p><i>Implements Article 5(2), (3), and (5) of GIA.</i></p> <p><i>Other paragraphs of Article 5 of the GIA apply directly.</i></p>

	<p>public sector bodies and providing, or authorised to provide, public electronic communications networks, may be deemed to be unreasonable in the event that the civil works contribute to the deployment of VHCNs, provided that those VHCNs are located in rural or remote areas, are owned or controlled by public sector bodies, and are operated on a wholesale-only basis.</p> <p>(3) The competent infrastructure regulator may identify, based on duly justified and proportionate reasons, the types of civil works considered to be limited in scope, such as in terms of value, size or duration, or related to national critical infrastructure that could be exempt from the obligation to coordinate civil works pursuant to paragraph 2 of Article 5 of the Gigabit Infrastructure Act:</p> <p>Provided that the justification, criteria and conditions for applying exceptions to such types of civil works shall be published through the Single Information Point:</p> <p>Provided further that the competent infrastructure regulator may decide that public sector bodies owning or controlling physical infrastructure and network operators shall not apply paragraphs 2 and 4 of Article 5 of the Gigabit Infrastructure Act to types of civil works that relate to national critical infrastructure or for reasons of national security identified by the competent infrastructure regulator pursuant to the first paragraph of this sub-article.”.</p>	
<p>19</p>	<p>Substitution of article 17 of the principal Act.</p> <p>19. Article 17 of the principal Act shall be substituted with the following: “Transparency on planned civil works Gigabit Infrastructure Act.</p> <p>17. (1) The competent infrastrcuture regulator may identify, based on duly justified and proportionate reasons, the types of civil works considered to be limited in scope, such as in terms of value, size or duration, or related to national critical infrastructure, as well as the emergencies or the reasons of national security that would</p>	<p><i>Implements Article 6(2) of the GIA</i></p> <p><i>Other paragraphs of Article 6 of the GIA apply directly.</i></p> <p><i>Article 6(1) of the GIA shall apply from 12 May 2026.</i></p>

	<p>justify not being subject to the obligation to make the minimum information available pursuant to paragraph 1 of Article 6 of the Gigabit Infrastructure Act:</p> <p>Provided that the justification, criteria and conditions for applying exceptions to such types of civil works shall be published through the Single Information Point.</p> <p>(2) The competent infrastructure regulator may decide that public sector bodies owning or controlling physical infrastructure and network operators shall not apply paragraph 1 of Article 6 of the Gigabit Infrastructure Act to types of civil works that relate to national critical infrastructure or for reasons of national security identified by the competent authority pursuant to sub-article (1).</p> <p>(3) The provisions of this article shall come into force on the 12 May 2026.”.</p>	
<p>20</p>	<p>Substitution of article 18 of the principal Act.</p> <p>20. Article 18 of the principal Act shall be substituted with the following: “Procedure for granting permits and rights of way. Gigabit Infrastructure Act.</p> <p>18. (1) The competent authority for permit granting shall not unduly restrict or hinder the deployment of any element of VHCNs or associated facilities.</p> <p>(2) The competent authority for permit granting shall make its best efforts to facilitate that any rules governing the conditions and procedures applicable for granting permits and rights of way, required for the deployment of elements of VHCNs or associated facilities are consistent across Malta.</p> <p>(3) The competent authority for permit granting shall make available, through the Single Information Point in electronic format, all information on the conditions and procedures applicable for granting permits, and for rights of way, which are granted through administrative procedures, including any information on exemptions on some or all permits or rights of way required under Union or national</p>	<p><i>Implements Article 7(3), (4), (5) and (7) of the GIA.</i></p> <p><i>Other paragraphs of Article 7 of the GIA apply directly.</i></p> <p><i>Article 7(2) and (3) of the GIA shall apply from 12 May 2026.</i></p>

law, and ways to submit applications in electronic format and retrieve information on the status of the application:

Provided that the provisions of this sub-article shall come into force on the 12 May 2026.

(4) The competent authority for permit granting may within fifteen (15) working days of receipt of an application for a permit, reject such an application including an application for rights of way, for which the minimum information has not been made available through the Single Information Point pursuant to the first subparagraph of paragraph 1 of Article 6 of the Gigabit Infrastructure Act, by the same operator which applies for that permit.

(5) The competent authority for permit granting shall grant or refuse permits and rights of way within four (4) months of the date of receipt of a complete permit application.

(6) The competent authority for permit granting shall determine the completeness of the application for permits or for rights of way within twenty (20) working days of receipt of the application. In doing so competent authority for permit granting shall invite the applicant to provide any missing information within that period:

Provided that the determination by the competent authority for permit granting that the permit application is complete, shall not result in any suspension or interruption of the overall period for the examination of the permit application, starting from the date of receipt of the complete application.

(7) The provisions of sub-articles (5) and (6) shall be without prejudice to other specific deadlines or obligations laid down for the proper conduct of the procedure that are applicable to the permit-granting procedure, including appeal proceedings however so described in accordance with Union law or national law in compliance with Union law, and without prejudice to rules that grant the applicant additional rights or aim to ensure the fastest possible granting of permits.

(8) The competent authority for permit granting shall set out and publish, in advance, through the Single Information Point, the grounds on which it can, in exceptional and duly substantiated cases, acting on its own motion, extend the deadlines referred to in the first paragraph of paragraph 5, and paragraph 6 of Article 7 of the Gigabit Infrastructure Act:

Provided that any extension shall be the shortest possible and shall not exceed four (4) months, except where required to meet other specific deadlines or obligations laid down for the proper conduct of the procedure that are applicable to the permit-granting procedure, including appeal proceedings however so described in accordance with Union law or with national law in compliance with Union law:

Provided further that an extension shall not be requested in order to obtain missing information which the competent authority for permit granting failed to request from the applicant pursuant sub-article (6).

(9) The competent authority for permit granting may renew the permit granted to an operator for civil works necessary for the deployment of elements of VHCNs or associated facilities where for objectively justified reasons the civil works could not start or be concluded before the expiration of the validity of the permit:

Provided that the renewal of the permit shall be granted without additional procedural requirements for the operators.

(10) The competent authority for permit granting following consultation in writing with the competent utility regulator as the case may be and with any public sector body or bodies as it may consider necessary may, *inter alia*, require permits for the deployment of elements of VHCNs or associated facilities on buildings or sites of architectural, historical, religious or environmental value protected in accordance with national law or where necessary for public safety, security of critical infrastructure or environmental reasons.

	(11) The provisions of Article 7 of the Gigabit Infrastructure Act shall be without prejudice to the possibility that the competent authority for permit granting may introduce further provisions for it to speed up the permit-granting procedure.”.	
21	<p>Addition of new articles 18A, 18B, 18C, 18D and 18E to the principal Act.</p> <p>21. After article 18 of the principal Act there shall be added the following new articles:</p> <p>“Absence of a decision on the application for permit.</p> <p>Gigabit Infrastructure Act.</p> <p>18A. (1) The competent authority for permit granting may derogate from paragraph 1 of Article 8 of the Gigabit Infrastructure Act where at least one of the following remedies is available for the relevant permit-granting procedure:</p> <p>(a) the operator which suffered damage as a result of non-compliance by the competent authority for permit granting with the applicable deadline set out in accordance with paragraph 5 of Article 7 of the Gigabit Infrastructure Act is entitled to claim compensation for damage, in accordance with national law; or</p> <p>(b) the operator may refer the case to the Tribunal:</p> <p>Provided that upon expiry of the deadline set in accordance with paragraph 5 of Article 7 of the Gigabit Infrastructure Act without prejudice to the right of the operator to immediately seek remedies in accordance with this article, the competent authority for permit granting shall invite the applicant, without undue delay, upon request of the operator, or on its own motion, to a meeting to facilitate the adoption of a decision on the permit application, which meeting shall be convened by the competent authority for permit granting no later than two (2) months after the submission of the request:</p> <p>Provided that without undue delay after the meeting, the competent authority for permit granting shall provide the written account of the discussion, including the</p>	<i>Implements Article 8 of the GIA.</i>

	views of the parties involved and indicating to the operator a date when a decision on the permit application is to be issued.	
<p>21 cont'd</p>	<p>Exemption from permit granting procedures. Gigabit Infrastructure Act.</p> <p>18B. (1) Based on duly justified and proportionate reasons, the competent authority for permit granting shall identify the types of civil works to which paragraph 1 of Article 9 of the Gigabit Infrastructure Act applies:</p> <p>Provided that information on such types of civil works shall be published through the Single Information Point, which shall forthwith communicate such information to the Utilities Committee.</p> <p>(2) By way of derogation from paragraph 1 of Article 9 of the Gigabit Infrastructure Act and subject to the procedure laid down in sub-article (1) of article 18B, the competent authority for permit granting may require permits for the deployment of elements of VHCNs or associated facilities in the following situations:</p> <p>(a) for physical infrastructure or certain categories of physical infrastructure protected for reasons of architectural, historical, religious or environmental value, or otherwise protected in accordance with national law; or</p> <p>(b) where necessary for reasons of public security, defence, safety, environmental or public health reasons, or to protect the security of critical infrastructure.</p> <p>(3) The competent infrastructure regulator may require operators which plan to carry out civil works covered by Article 9 of the Gigabit Infrastructure Act or by this article, where applicable to notify the competent authorities for permit granting, before the start of the works, of their intention to commence the civil works. This notification shall consist of a declaration by the operator of its intention to start the civil works and the submission of such minimum information which is required to allow</p>	<p><i>Implements Article 9(2), (3) and (4) of the GIA.</i></p> <p><i>Other paragraphs of Article 9 of the GIA apply directly.</i></p>

	<p>competent authorities to assess whether those works are covered by the derogation set out in sub-article (2):</p> <p>Provided that the minimum information shall include at least the date when the civil works are expected to start, their duration, contact details of the person responsible for undertaking the works and the area concerned by the works.</p> <p>(4) In the performance of its functions under this article the competent authority for permit granting shall consult in writing with the competent utility regulator, as the case may be, and with any public sector body or bodies as it may consider necessary.</p>	
<p>21 cont'd</p>	<p>In-building physical infrastructure and fibre wiring. Gigabit Infrastructure Act.</p> <p>18C. (1) The Building and Construction Authority shall by not later than such date as the Minister for the industry construction may establish by order in the Gazette, adopt the relevant standards or technical specifications that are necessary for the implementation of paragraphs 1, 2 and 3 of Article 10 of the Gigabit Infrastructure Act. In doing so, the Building and Construction Authority shall consult with all interested parties, and on the basis of industry best practices shall ensure that such standards or technical specifications shall easily allow ordinary maintenance activities for the individual fibre wirings used by each operator to provide VHCN services and shall set at least:</p> <ul style="list-style-type: none"> (a) the building access point specifications and fibre interface specifications; (b) cable specifications; (c) socket specifications; (d) specifications of conduits or micro-ducts; 	<p><i>Implements Article 10(4), 10(5), 10(7) and 10(8) of the GIA</i></p> <p><i>Other paragraphs of Article 10 of the GIA apply directly.</i></p> <p><i>Article 10(1), (2) and (3) of the GIA shall apply from 12 February 2026.</i></p>

(e) technical specifications needed to prevent interference with electrical cabling;

(f) the minimum bend radius; and

(g) technical specifications for the cabling installation.

(2) The Building and Construction Authority shall ensure compliance with the standards or technical specifications referred to in sub-article (1). In doing so, the Building and Construction Authority shall set up procedures which include on-site inspection of the buildings or a representative sample of them.

(3) Paragraphs 1, 2 and 3 of Article 10 of the Gigabit Infrastructure Act shall not apply to certain categories of buildings, where compliance with those sub-articles is disproportionate, in terms of costs for individual or joint owners based on objective elements. Such categories of buildings shall be identified by the Building and Construction Authority which shall do so based on duly justified and proportionate reasons.

(4) The Building and Construction Authority shall identify, on the basis of duly substantiated and proportionate reasons, the types of buildings, such as specific categories of monuments, historic buildings, military buildings and buildings used for national security purposes, as defined under national law, that are to be exempt from the obligations provided for in paragraphs 1, 2 and 3 of Article 10 of the Gigabit Infrastructure Act, or to which these obligations are to apply with proper technical adaptations:

Provided that in doing so the Building and Construction Authority shall consult with the Utilities Committee and such public sector entities as it may consider necessary:

	<p>Provided further that information on such categories of buildings shall be published through the Single Information Point who shall in turn forthwith communicate such information to the Utilities Committee.</p> <p>(5) The provisions of this article shall come into force on the 12 February 2026.</p>	
21 cont'd	<p>Access to in-building physical infrastructure Gigabit Infrastructure Act.</p> <p>18D. (1) The Malta Communications Authority may specify detailed requirements relating to the administrative aspects of a request made in accordance paragraph 3 of Article 11 of the Gigabit Infrastructure Act where such request is made to any holder of a right to use the access point and the in-building infrastructure, by a provider of public electronic communications networks for access to the access point and the in-building physical infrastructure.</p> <p>(2) An undertaking providing or authorised to provide public electronic communications networks shall to the extent possible remove the elements of its network such as obsolete cable or equipment and restore the affected area upon the termination of the contract with its subscriber.</p>	<p><i>Implements Article 11(3) of the GIA.</i></p> <p><i>Other paragraphs of Article 11 of the GIA apply directly.</i></p>
21 cont'd	<p>Digitalisation of single information points.</p> <p>18E. The Single Information Point shall have access to adequate technical, financial and human resources to support its roll-out and digitalisation.”.</p>	<p><i>Implements Article 12(4) of the GIA.</i></p> <p><i>Other paragraphs of Article 12 of the GIA apply directly.</i></p> <p><i>Article 12(1), (2) and (3) of the GIA shall apply from 12 May 2026.</i></p> <p><i>The functions of a Single Information Point referred to in Articles 3 to 10, 12 and 13 of the GIA will be performed by the Competent</i></p>

		<i>Infrastructure Regulator in line with article 19 of Cap.81.</i>
22	Amendment of article 19 of the principal Act. 22. Sub-article (3) of article 19 of the principal Act shall be deleted.	
23	Addition of a new article to the principal Act. 23. After article 19 of the principal Act there shall be added the following new article: “Non-compliance with this Part. 19A. Any public authority which under this Part is empowered to ensure compliance with a requirement under this Part or under the Gigabit Infrastructure Act or with a regulatory decision issued in accordance with this Part, may in accordance with its powers at law undertake regulatory measures conducive to the imposition of administrative penalties against any person who acts in breach of such a requirement or decision: Provided that any such administrative penalty shall not exceed twenty-five thousand euros (€25,000) for each breach and, or a daily administrative penalty not exceeding one thousand euros (€1,000) for each day of non-compliance.	<i>Caps administrative penalties that may be imposed. The maximum administrative penalties currently is € 10,000 for one off non-compliance, whereas the maximum daily administrative penalty is of €500. These penalties were introduced in 2016. It is being proposed given the passage of time, that the maximum penalties be increased as proposed.</i>
24	Amendment of article 20 of the principal Act. 24. In article 20 of the principal Act the words “or body” shall be deleted.	
25	Amendment of article 21 of the principal Act. 25. In article 21 of the principal Act the words “by notice” shall be substituted by the words “by order”.	

<p>26</p>	<p>Amendment of article 22 of the principal Act.</p> <p>26. Sub-articles (2) and (3) of article 22 of the principal Act shall be substituted with the following:</p> <p style="padding-left: 40px;">“(2) The Utilities Committee shall perform any function that it may be required to undertake in accordance with this Act and, or that the Minister for infrastructure may from time to time assign to it in accordance with the purposes of this Act. Such functions shall include the making of guidelines relating to:</p> <p style="padding-left: 40px;">(a) the application of Article 3 of the Gigabit Infrastructure Act;</p> <p style="padding-left: 40px;">(b) the format of the provision of information to the Single Information Point; and</p> <p style="padding-left: 40px;">(c) the determination of disputes before the dispute settlement body.</p> <p style="padding-left: 40px;">(3) Nothing in this article shall be construed as precluding any public sector body from making any guidelines however so described with respect to any matters referred to in sub-article (2).”.</p>	<p><i>Retains the Utilities Committee reflected in Cap. 81.</i></p>
<p>27</p>	<p>Amendment of the heading of Part V of the principal Act.</p> <p>27. The heading of Part V of the principal Act shall be substituted with the following;</p> <p style="text-align: center;">“PART V Dispute Settlement”</p>	
<p>28</p>	<p>Substitution of article 23 of the principal Act.</p> <p>28. Article 23 of the principal Act shall be substituted with the following:</p> <p style="padding-left: 40px;">“Assignment of the functions of the Dispute Settlement Body.</p>	<p><i>The role of Dispute Settlement Body is being assigned to the MCA.</i></p> <p><i>It may also be assigned by the Prime Minister to other public entities to</i></p>

	<p>23. (1) The functions of the Dispute Settlement Body under this Act shall be undertaken by the public body or bodies listed under the Fourth Schedule.</p> <p>(2) The Prime Minister may by order, after consultation with the Minister responsible for infrastructure and with the Minister or Ministers responsible for the regulation of the utilities regulated by this Act, amend the list under the Fourth Schedule, and in doing so may designate any public body to perform the functions of a Dispute Settlement Body in relation to all or some of the disputes as stated under article 4C and sub-article (1) of article 24.”</p>	<p><i>carry out the tasks in accordance with Article 13(1) of the GIA.</i></p>
<p>29</p>	<p>Substitution of article 24 of the principal Act.</p> <p>29. Article 24 of the principal Act shall be substituted with the following: “Dispute settlement cases and their determination. Gigabit Infrastructure Act.</p> <p>24. (1) Without prejudice to any other provisions at law assigning the determination of disputes to the Dispute Settlement Body, the following disputes may be referred to the Dispute Settlement Body namely:</p> <ul style="list-style-type: none"> (a) where access to existing infrastructure is refused or agreement on specific terms and conditions, including price, has not been reached within one (1) month of the date of receipt of the request for access under Article 3 of the Gigabit Infrastructure Act; (b) in connection to the rights and obligations set out in Articles 4 and 6 of the Gigabit Infrastructure Act, including where the information requested is not provided within the applicable deadlines; (c) where an agreement on the coordination of civil works pursuant to paragraph 2 of Article 5 of the Gigabit Infrastructure Act has not been reached within one 	<p><i>Implements Article 13 of the GIA.</i></p>

(1) month of the date of receipt of the formal request to coordinate civil works;
or

(d) where an agreement on access to in-building physical infrastructure referred to in paragraphs 2 or 3 of Article 11 of the Gigabit Infrastructure Act has not been reached within one (1) month of the date of receipt of the formal request for access.

(2) Any person shall be entitled to refer a dispute that may arise as provided for under this Part and, or article 4C of this Act provided that when doing so, the person demonstrates that he has the required juridical interest in making such dispute.

(3) The Dispute Settlement Body shall issue a binding decision to resolve a dispute that may be referred to it in accordance with the provisions of this Act within the following timeframes:

(a) within four (4) months of the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph (a) of sub-article (1) and in article 4C;

(b) within one (1) month of the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraphs (b), (c) and (d) of sub-article (1).

(4) The Dispute Settlement Body may extend any of the deadlines referred to in sub-article (3) only in those circumstances as it may consider to be exceptional. In making any such extension, the Dispute Settlement Body shall in writing notify all the parties to the dispute giving its reasons for such extension and providing for a date when it envisages the issue of a binding decision subsequent to the extension communicated by it to the parties.

	<p>(5) The Dispute Settlement Body in deciding any disputes referred to in paragraphs (a), (c) and, or (d) of sub-article (1), may provide for fair and reasonable terms and conditions, including price, where appropriate.</p> <p>(6) The Dispute Settlement Body shall publish its decisions on its website. In doing so it shall respect the principles of confidentiality and protection of business secrets. The Single Information Point shall ensure access to any such decisions.</p> <p>Cap. 399.</p> <p>(7) Where the dispute relates to access to the infrastructure of an operator and such dispute is referred to the Malta Communications Authority in its role as a Dispute Settlement Body, then the Malta Communications Authority shall, where appropriate, take into account the objectives as listed in sub-article (1) of article 4 of the Malta Communications Authority Act.</p> <p>(8) The Dispute Settlement Body when determining any dispute, shall in each instance determine the final amount of the fees due by each party in relation to the costs incurred by it in dealing with the dispute. In doing so, the Dispute Settlement Body may determine that the fees initially paid by the person filing the dispute may in whole or in part be refunded to that person by the other party or parties to the dispute.”.</p>	
<p>30</p>	<p>Amendment of article 25 of the principal Act.</p> <p>30. Article 25 of the principal Act shall be amended as follows:</p> <p>(a) sub-article (4) thereof shall be substituted with the following:</p> <p>“(4) The Dispute Settlement Body may at its discretion whether of its own initiative or following a request of a party to the dispute if it considers such a request as being reasonable given the specific circumstances of the dispute, assist the parties in arriving at an amicable settlement on all or some of the issues in dispute before proceeding or continuing with the determination of the dispute:</p>	

	<p>Provided that in doing so the Dispute Settlement Body shall in all instances factor the need to settle the dispute in the shortest time possible and any negative impact that a party may suffer if there is a delay in resolving the dispute.”</p> <p>(b) In sub-article (6) thereof:</p> <p>(i) the words “within two working days” shall be substituted with the words “within two (2) working days”, and</p> <p>(ii) the words “exceed twenty days.” shall be substituted with the words “exceed five (5) working days.”; and</p> <p>(c) In sub-article (7) thereof the words “within three working days” shall be substituted with the words “within two (2) working days.</p> <p>(d) After sub-article (7) thereof there shall be added the following new sub-article: ”.</p> <p>“(8) The Dispute Settlement Body may require any person, including any public body however so described, to provide it with any such information as it may reasonably require in order to determine any dispute referred to it. In doing so the Dispute Settlement Body may establish the timeframe by when such information shall be provided to it:</p> <p style="padding-left: 40px;">Provided that if such information is not provided, then the Dispute Settlement Body may take such regulatory measures in accordance with its powers at law to enable it to acquire such information.”</p>	
<p>31</p>	<p>Repeal of articles 26 and 27 of the principal Act.</p> <p>31. Articles 26 and 27 of the principal Act shall be repealed.</p>	
<p>32</p>	<p>Substitution of article 28 of the principal Act.</p> <p>32. Article 28 of the principal Act shall be substituted with the following:</p>	

	<p>“Power to make regulations relating to the Dispute Settlement Body.</p> <p>28. The Minister responsible for justice may make regulations in relation to the following:</p> <p>(a) establish or amend the fees under the Fifth Schedule to this Act charged in relation to the dispute settlement procedure under this Act in order to cover the costs of the Dispute Settlement Body;</p> <p>(b) fees that may be due to any advocate, legal procurator or other person assisting a party to a dispute before the Dispute Settlement Body; and</p> <p>(c) rules not inconsistent with this Act, prescribing the procedures and forms to be followed before the Dispute Settlement body:</p> <p>Provided that in the absence of rules as aforesaid the Dispute Settlement Body shall regulate its own procedure.”.</p>	
33	<p>Amendment of article 29 of the principal Act.</p> <p>33. Sub-article (2) of article 29 of the principal Act shall be deleted.</p>	
34	<p>Substitution of article 30 of the principal Act.</p> <p>34. Article 30 of the principal Act shall be substituted with the following: “Appeal from a decision by the Dispute Settlement Body.</p> <p>30. Any party to a dispute referred to the Dispute Settlement Body who feels aggrieved with any decision given by the Body following its determination of any dispute referred to it, may on a point of law and, or of fact appeal such a decision before the Tribunal by means of an application filed within twenty (20) days from the date of the decision of the Dispute Settlement Body.”</p>	<p><i>Right of appeal from a decision of the Dispute Settlement Body to the Administrative Review Tribunal (“ART”).</i></p>
35	<p>Addition of a new article to the principal Act.</p>	

	<p>35. After article 30 of the principal Act there shall be added the following new article:</p> <p>“Determination of fees paid to the Dispute Settlement Body if an appeal is filed before the Tribunal or the Court of Appeal.</p> <p>30A. The Tribunal or the Court of Appeal as the case may be, shall when determining any appeal from a decision taken by the Dispute Settlement Body, also determine which party to the dispute shall be responsible for the payment of any fees paid in accordance with the Fifth Schedule of this Act when the dispute was made before the Dispute Settlement Body.”.</p>	
<p>36</p>	<p>Substitution of article 31 of the principal Act.</p> <p>36. Article 31 of the principal Act shall be substituted with the following:</p> <p>“Appeal from a decision of the Tribunal to the Court of Appeal.</p> <p>Cap. 490.</p> <p>31. Any party to an appeal to the Tribunal, who feels aggrieved by a decision of the Tribunal, may on a point of law appeal to the Court of Appeal in terms of the Administrative Justice Act.”</p>	<p><i>Further right of appeal from decisions by ART to the Court of Appeal on a point of law.</i></p>
<p>37</p>	<p>Substitution of article 32 of the principal Act.</p> <p>37. Article 32 of the principal Act shall be substituted with the following:</p> <p>“Decision if contested to stand unless the Tribunal or the Court of Appeal decides otherwise.</p> <p>32. (1) The decision of a Dispute Settlement Body pending an appeal before the Tribunal or before the Court of Appeal as the case may be, shall stand and shall be adhered to by all the parties to whom the decision applies.</p>	

	<p>(2) The Tribunal or the Court of Appeal as the case may be, where it considers it to be appropriate, may, on the application of a party to the appeal, suspend in whole or in part the decision which is the subject of the appeal pending the final determination of the appeal. The Tribunal or the Court of Appeal as the case may be, in deciding whether or not to suspend the decision, shall state its reasons and shall take into account all the relevant circumstances, including:</p> <p>(a) the urgency of the matter,</p> <p>(b) the effect on the party making the request if the application for suspension is not upheld, and</p> <p>(c) the effect on competition and, or on end-users if the application is upheld:</p> <p>Provided that a party, in making an application under this article, shall state the factual and legal grounds establishing a <i>prima facie</i> case for the suspension of the decision. The Tribunal or the Court of Appeal, as the case may be, shall on receipt of any such application order the notification thereof to the other party or parties to the appeal affording them reasonable opportunity to make their response thereto:</p> <p>Provided further that the Tribunal or the Court of Appeal, as the case may be, in determining any such application may include such conditions as it considers necessary in the circumstances.”.</p>	
<p>38</p>	<p>Substitution of article 32A of the principal Act.</p> <p>38. Article 32A of the principal Act shall be substituted with the following:</p> <p>“Time frame by when a dispute should be submitted.</p> <p>32A. Unless stated otherwise in this Act, a party which intends to refer a dispute to the Dispute Settlement Body in accordance with this Act or any other law, shall submit its dispute to the Body within six (6) months or any shorter period as may</p>	

	<p>be established by law from when the cause giving rise to the dispute arose. Failure to do so within such a period, shall render the reference of any such dispute to the Body null and void.”.</p>	
39	<p>Deletion of article 34 of the principal Act.</p> <p>39. Article 34 of the principal Act shall be deleted.</p>	<p><i>This article is being deleted since the role of the current Dispute Resolution Board to deal with dispute will be undertaken by the Dispute Settlement Body as per new article 23 being proposed under clause 27.</i></p>
40	<p>Substitution of article 35 of the principal Act.</p> <p>40. Article 35 of the principal Act shall be substituted with the following: “Notification of disputes to the competent infrastructure regulator.</p> <p>35. Any person who files a dispute before the Dispute Settlement Body shall forthwith notify in writing the competent infrastructure regulator with such dispute.”</p>	
41	<p>Deletion of article 36 of the principal Act.</p> <p>41. Article 36 of the principal Act shall be deleted.</p>	<p><i>Article 36 is being deleted as the role of the Dispute Resolution Board is now being superseded by that of the Dispute Settlement Body which role will be undertaken by the Malta Communications Authority.</i></p>
42	<p>Amendment of article 37 of the principal Act.</p>	<p><i>The maximum amount was introduced in 2016. It is being proposed that the amount be increased as proposed given the</i></p>

	<p>42. In sub-article (2) of article 37 of the principal Act the words “to a fine (<i>multa</i>) not exceeding ten thousand euro (€10,000)” shall be substituted with the words “to a fine (<i>multa</i>) not exceeding twenty-five thousand euro (€25,000)”.</p>	<p><i>passage of time and the wide-ranging instances of non-compliance of the regulations that may be made under article 37.</i></p>
43	<p>Amendment of article 38 of the principal Act.</p> <p>43. In paragraph (e) of article 38 of the principal Act the words “before the Tribunal, the Dispute Resolution Board or any Court however so described.” shall be substituted with the words “before the Tribunal or any court however so described.”.</p>	
44	<p>Substitution of article 39 of the principal Act.</p> <p>44. Article 39 of the principal Act shall be substituted with the following: “Minister may vary certain time frames.</p> <p>39. The Minister responsible for infrastructure may, where appropriate, on the advice of or after consultation with the competent infrastructure regulator and, or with the competent utility regulator, by order in the Gazette change any of the time frames stated in article 24:</p> <p>Provided that before doing so the Minister shall undertake a public consultation and consider any such submissions as may be made in the course of such a consultation:</p> <p>Provided further that any changes to such time frames shall be in compliance with applicable Union legislation.”.</p>	
45	<p>Substitution of the Fourth Schedule</p> <p>45. The Fourth Schedule to the principal Act shall be substituted with the following: “FOURTH SCHEDULE</p>	<p><i>Designates the MCA as a Dispute Settlement Body (DSB).</i></p>

	(Article 23)	
	<p>In accordance with the provisions of article 23 of this Act, the following public body is designated as a Dispute Settlement Body:</p> <ul style="list-style-type: none"> • The Malta Communications Authority in relation to all the disputes listed under articles 4C and sub-article (1) of article 24 of this Act.” 	
46	<p>Addition of a new Schedule to the principal Act.</p> <p>46. After the Fourth Schedule to the principal Act there shall be added the following new Schedule:</p> <p style="text-align: center;">“FIFTH SCHEDULE</p> <p style="text-align: center;">[Article 28(a)]</p> <p>On the filing of a dispute in accordance with article 24 of this Act the following fees shall be paid to the Dispute Settlement Body:</p> <p>In the case of a dispute as per article 4C and, or paragraph (a) of article 24(1) of this Act €1,500.00c</p> <p>In the case of a dispute a per paragraphs (b), (c) or (d) of article 24(1) of this Act €500.00c.”</p>	<p><i>The proposed fees are intended to cover the expenses incurred by the Dispute Settlement Body in relation to any disputes as may be referred to it.</i></p>
47	<p>PART II</p> <p>AMENDMENT OF THE ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES (GENERAL) REGULATIONS</p>	

	<p>Amendment of the Electronic Communications Networks and Services (General) Regulations. S.L. 399.48.</p> <p>47. (1) This Part amends the Electronic Communications Networks and Services (General) Regulations and shall be read and construed as one with the Electronic Communications Networks and Services (General) Regulations, hereinafter referred to as “the principal regulations”.</p> <p>(2) This Part shall come into force on such date as the Minister responsible for communications after consulting with the Minister responsible for infrastructure and the Minister responsible for the construction industry, may by notice in the Gazette appoint.</p>	<p><i>Is being deleted as Article 11 of the GIA (“Access to in-building physical infrastructure”) applies directly.</i></p>
<p>48</p>	<p>Repeal of regulation 49 of the principal regulations.</p> <p>48. Regulation 49 of the principal regulations shall be repealed.</p>	<p><i>Reg. 49 of SL 399.48 on access to in-building physical infrastructure is superseded by Article 11 of the GIA regulating the same subject which article applies directly.</i></p>
<p>49</p>	<p style="text-align: center;">PART III</p> <p style="text-align: center;">AMENDMENT OF THE MALTA COMMUNICATIONS AUTHORITY ACT</p> <p>Amendment of the Malta Communications Authority Act.</p> <p>Cap. 418</p> <p>49. (1) This Part amends the Malta Communications Authority Act and it shall be read and construed as one with the Malta Communications Authority Act, hereinafter referred to as “the principal Act”.</p> <p>(2) This Part shall come into force on such date or dates as the Minister responsible for communications after consulting with the Minister responsible for infrastructure and the Minister responsible for the construction industry, may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes thereof.</p>	

50

Amendment of article 31 of the principal Act.

50. Article 31 of the principal Act shall be amended as follows:

(a) in the marginal note to subarticle (1) thereof the words:

“Other sanctions that the Authority may Impose.”

shall be substituted with the following:

“Other sanctions whereby the Authority may undertake regulatory measures.

Cap. 81.”;

(b) in sub-article (1) thereof the words “or with any decision given by the Utilities Networks Dispute Resolution Board” shall be substituted with “or with a decision given by the Dispute Settlement Body in accordance with the applicable provisions under the Utilities and Services (Regulation of Certain Works) Act”;

(c) in paragraph (a) of sub-article (1) thereof the words “the imposition of an administrative penalty” shall be substituted with “undertake regulatory measures with regard to the imposition of an administrative penalty ”;

(d) in paragraph (d) of sub-article (1) thereof the words:

“Provided that a reference to a decision given by the Utilities Networks Dispute Resolution Board includes any decision of the aforesaid Board which is appealed from before the Court of Appeal, but has not been suspended by the Court of Appeal, and any decision of the Court of Appeal following an appeal from any decision of the aforesaid Board.”

shall be substituted with:

“Provided that a reference to a decision given by the Dispute Settlement Body in accordance with the applicable provisions under the Utilities and Services (Regulation of Certain Works) Act includes any decision of the

	<p>aforesaid Body which is appealed before the Tribunal or the Court of Appeal as the case may be, but has not been suspended by the Tribunal or Court of Appeal, and any decision of the Tribunal or the Court of Appeal following an appeal from a decision of the aforesaid Body.”; and</p> <p>(e) in sub-article (3) thereof the words “where the Authority imposes an administrative penalty” shall be substituted with “where the Authority undertakes regulatory measures with regard to the imposition of an administrative penalty”.</p>	
51	<p>Amendment of article 35 of the principal Act.</p> <p>51. In article 35 of the principal Act the words “the initiation of proceedings to impose an administrative penalty or other sanctions” shall be substituted with “the initiation of proceedings with regard to the imposition of administrative penalties or other sanctions”.</p>	
52	<p>Amendment of article 37 of the principal Act.</p> <p>52. In sub-article (3) of article 37 of the principal Act the words “shall be filed with the Secretary of the Tribunal” shall be substituted with “shall be filed before the Tribunal”.</p>	
53	<p>Amendment of article 40 of the principal Act.</p> <p>53. Article 40 of the principal Act shall be amended as follows:</p> <p>(a) sub-article (1) thereof shall be substituted with the following:</p> <p>“(1) The Tribunal shall endeavour to deliver its final decision within sixty (60) days from when the parties declare that they have concluded with their evidence and made their final submissions before the Tribunal.”</p> <p>(b) in sub-article (4) thereof the words “amend any of the periods” shall be substituted “amend the period”.</p>	
54	<p>Amendment of article 44 of the principal Act.</p>	

	<p>54. In sub-article (1) of article 44A of the principal Act the words “a person” shall be substituted with “a party”.</p>	
<p>55</p>	<p>Amendment of article 46 of the principal Act.</p> <p>55. Sub-article (1) of article 46 of the principal Act shall be substituted with the following:</p> <p>“(1) The Minister may, after consultation with the Authority, make regulations in respect of:</p> <p style="padding-left: 40px;">(a) such functions as may be assigned to the Authority under this Act and, or in compliance with any international obligations of Malta;</p> <p style="padding-left: 40px;">(b) alternative dispute resolution, or any other dispute or complaint handling procedures, however so described, relating to any of the communications sectors regulated by the Authority; and</p> <p style="padding-left: 40px;">(c) the procedure to be followed by the Authority in the investigation of any infringements and, or the taking of regulatory measures that the Authority may undertake in relation to the imposition of any sanctions however so described under the laws that the Authority enforces:</p> <p>Provided that the Minister may in making any such regulations provide for any such fees and, or charges however so described that may be payable to the Authority in relation to any of the above.”</p>	
<p>56</p>	<p style="text-align: center;">PART IV</p> <p style="text-align: center;">AMENDMENT OF THE ADMINISTRATIVE JUSTICE ACT</p> <p>Amendment of the Administrative Justice Act.</p> <p>Cap. 490.</p>	

	<p>56. (1) This Part amends the Administrative Justice Act and shall be read and construed as one with the Administrative Justice Act, hereinafter referred to as “the principal Act”.</p> <p>(2) This Part shall come into force on such date or dates as the Minister responsible for justice after consulting with the Minister responsible for communications, the Minister responsible for infrastructure and the Minister responsible for the construction industry, may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes thereof.</p>													
<p>57</p>	<p>Amendment of the First Schedule to the principal Act.</p> <p>57. The First Schedule of the principal Act shall be amended follows:</p> <p>(a) In Part A thereof the following items shall be deleted:</p> <table border="0" data-bbox="353 810 1512 1225"> <tr> <td data-bbox="353 810 504 882">“81</td> <td data-bbox="504 810 929 882">Utilities & Services (Regulation of certain works) Act</td> <td data-bbox="929 810 1019 882">4</td> <td data-bbox="1019 810 1512 882">Refers to the Communications Appeal Board established by the Malta Communications Authority Act</td> </tr> <tr> <td data-bbox="353 1023 504 1050">254</td> <td data-bbox="504 1023 929 1050">Post Office Act</td> <td data-bbox="929 1023 1019 1050">28</td> <td data-bbox="1019 1023 1512 1050">Communications Appeals Board</td> </tr> <tr> <td data-bbox="353 1150 504 1177">399</td> <td data-bbox="504 1150 929 1225">Electronic Communications (Regulation) Act</td> <td data-bbox="929 1150 1019 1177">16</td> <td data-bbox="1019 1150 1512 1177">Communications Appeals Board”</td> </tr> </table> <p>(b) In Part B thereof the following item shall be deleted:</p>	“81	Utilities & Services (Regulation of certain works) Act	4	Refers to the Communications Appeal Board established by the Malta Communications Authority Act	254	Post Office Act	28	Communications Appeals Board	399	Electronic Communications (Regulation) Act	16	Communications Appeals Board”	<p><i>Amends references to adjudicative fora which no longer operate.</i></p>
“81	Utilities & Services (Regulation of certain works) Act	4	Refers to the Communications Appeal Board established by the Malta Communications Authority Act											
254	Post Office Act	28	Communications Appeals Board											
399	Electronic Communications (Regulation) Act	16	Communications Appeals Board”											

	<p>“SL 254.12 Postal Services Appeals Board (Rules of Procedures) Regulations - Postal Services Appeals Board”</p>	
58	<p>Amendment of the Second Schedule to the principal Act.</p> <p>58. In the Second Schedule to the principal Act immediately after the item:</p> <p>“Spirits Ordinance Cap. 41 Inferior Competence”</p> <p>There shall be added the following new item:</p> <p>“Utilities and Services (Regulation of Certain Works) Act Cap. 81 Inferior Competence”</p>	
59	<p style="text-align: center;">PART V</p> <p style="text-align: center;">AMENDMENT OF THE BUILDING AND CONSTRUCTION AUTHORITY ACT</p> <p>Amendment of the Building and Construction Authority Act.</p> <p>Cap. 623.</p> <p>59. (1) This Part amends the Building and Construction Authority Act and shall be read and construed as one with the Building and Construction Authority Act, hereinafter referred to as “the principal Act”.</p> <p>(2) This Part shall come into force on such date or dates as the Minister responsible for the construction industry after consulting with the Minister responsible infrastructure and the</p>	

	Minister responsible for communications, may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes thereof.	
60	<p>Amendment of article 22 of the principal Act.</p> <p>60. Article 22 of the principal Act shall be amended as follows:</p> <p>(a) the words “with this Act or any regulations made under this Act” shall wherever they occur in article 22 be substituted with the words “with this Act, any regulations made thereunder or any other law which the Authority is empowered by law to enforce”;</p> <p>(b) the words “set out in this Act or under this Act” in paragraph (a) of sub-article (5) thereof shall be substituted with the words “set out in this Act, under this Act or any other law which the Authority is by law empowered to enforce”; and</p> <p>(c) the words “under this Act” in sub-article (7) thereof shall be substituted with the words “under this Act or any other law which the Authority is empowered by law to enforce”.</p>	
61	<p>Amendment of article 23 of the principal Act.</p> <p>61. In article 23 of the principal Act the words “with this Act or any regulations made thereunder” shall wherever they occur be substituted with the words “with this Act, any regulations thereunder or any other law which the Authority is empowered by law to enforce”.</p>	
62	<p>Amendment of article 25 of the principal Act.</p> <p>62. In paragraph (c) of sub-article (1) article 25 of the principal Act the words “authorised by this Act” shall be substituted by the words “authorised by this Act or any other law which the Authority is empowered by law to enforce”.</p>	

<p>63</p>	<p style="text-align: center;">PART VI</p> <p style="text-align: center;">REPEAL OF THE IN-BUILDING PHYSICAL INFRASTRUCTURE (ACCESS TO ELECTRONIC COMMUNICATIONS SERVICES) REGULATIONS</p> <p>Scope of this Part: Repeal of the In-Building Physical Infrastructure (Access to Electronic Communications Services) Regulations</p> <p>S.L. 623.05.</p> <p>63. (1) This Part repeals the In-Building Physical Infrastructure (Access to Electronic Communications Services) Regulations.</p> <p>(2) This Part shall come into force on such date as the Minister responsible for the construction industry after consulting with the Minister responsible for infrastructure and the Minister responsible for communications, may by notice in the Gazette appoint.</p>	<p><i>Matters dealt with under these Regulations are now regulated by Article 10 of the GIA.</i></p>
<p>64</p>	<p>Repeal of the In-Building Physical Infrastructure (Access to Electronic Communications Services) Regulations</p> <p>S.L. 623.05.</p> <p>64. The In-Building Physical Infrastructure (Access to Electronic Communications Services) Regulations shall be repealed.</p>	