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**K.L.B.L. 04/1/2009****ATT DWAR KUNSILLI LOKALI  
(KAP. 363)*****Bye-Laws* ta' 1-2009 dwar l-Użu ta' Faċilitajiet  
(Kunsill Lokali Isla)**

BIS-SAĦĦA tas-setgħet mogħtija bl-artikoli 33, 34, 35(8) u 60 ta' l-Att dwar Kunsilli Lokali, il-Kunsill Lokali Isla għamel il-*Bye-Laws* li ġejjin:

**1.1** It-titolu ta' dawn il-*Bye-Laws* hu *Bye-Laws* ta' 1-2009 dwar l-Użu ta' Faċilitajiet (Kunsill Lokali Isla). Titolu u bidu fis-seħh.

**1.2** Dawn il-*Bye-Laws* għandhom jibdew isehħu xahar wara l-pubblikazzjoni tagħhom fil-Gazzetta.

**2.** F'dawn il-*Bye-Laws*, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra:- Tifsir.

“l-Amministratur” tfisser il-persuna, każin, għaqda jew soċjetà li tirbaħ offerta mill-Kunsill biex tamministra l-faċilitajiet skond kif provdut fl-artikolu 9.1 ta' dawn il-*Bye-Laws*;

“applikant” tfisser kull persuna, kemm jekk individwu, każin jew għaqda li tapplika biex tagħmel użu mill-faċilitajiet;

“l-Att” tfisser l-Att dwar Kunsilli Lokali;

“attrezzamenti” tfisser kull haġa li hemm mqiegħda jew imwahnha għewwa l-faċilitajiet;

“faċilitajiet” tfisser is-Sala tal-Kunsill li tinsab fl-Uffiċini Amministrattivi tal-Kunsill ta' Isla u Ġnien il-Gardjola fi Triq is-Sur, Isla, li huma taħt ir-responsabbiltà tal-Kunsill;

“il-Kunsill” tfisser il-Kunsill Lokali Isla;

“lokalità” tfisser il-lokalità ta' Isla;

“persuna awtorizzata” tfisser il-persuna, każin, assoċjazzjoni jew soċjetà li tkun giet mogħtija awtorizzazzjoni

mill-Kunsill jew mill-Amministratur skond id-disposizzjonijiet ta' dawn il-*Bye-Laws* sabiex tuża l-faċilitajiet.

Użu ta' faċilitajiet.

**3.** Mingħajr preġudizzju għal kull permiss ieħor meħtieġ minn xi awtorità oħra jew taħt xi liġi oħra, hadd ma jista' jagħmel użu mill-faċilitajiet mingħajr l-awtorizzazzjoni bil-miktub mogħtija minn qabel mill-Kunsill.

Applikazzjoni għall-użu ta' faċilitajiet.

**4.** Il-Kunsill għandu jagħti awtorizzazzjoni għall-użu tal-faċilitajiet wara li ssir applikazzjoni bil-miktub minn applikant fuq il-formula stabbilita fi Skeda A li tinsab ma' dawn il-*Bye-Laws*:

Iżda l-Kunsill ikollu d-dritt li jirrifjuta li jagħti awtorizzazzjoni f'dawk iċ-ċirkostanzi u għal kull raġuni li l-Kunsill jista' jqis li tkun ragonevoli, hekk illi l-Kunsill għandu, fi żmien hmistax-il ġurnata mid-data ta' l-applikazzjoni, jagħti l-awtorizzazzjoni jew jiċhadha, bil-miktub.

Termini għall-applikazzjonijiet.

**5.** L-applikazzjonijiet għandhom jaslu għand il-Kunsill sa mhux aktar tard minn ġimgħa u mhux iżjed kmieni minn xahar mid-data li fiha jkun propost li ssir l-attività. Id-deċiżjoni tal-Kunsill għandha tiġi mgħarrfa lill-applikant bil-miktub kemm jista' jkun malajr.

Prijorità fl-applikazzjonijiet.

**6.** Meta jaslu aktar minn applikazzjoni waħda għal xi attività biex issir fl-istess post u fl-istess jum, l-ewwel applikazzjoni li tkun dahlet għandha tingħata prijorità. Jekk jaslu applikazzjonijiet f'daqqa, l-applikant li jgħix fil-lokalità għandu jingħata preferenza. Jekk l-applikanti huma kollha mil-lokalità, jew jekk hadd minnhom ma hu mil-lokalità, il-Kunsill għandu jtella' bix-xorti fil-preżenza ta' l-applikanti kollha.

Xorta ta' attività.

**7.1.1** Ma għandha tiġi milqugħa ebda applikazzjoni skond kif provdut fis-subartikolu 4 ta' dawn il-*Bye-Laws* jekk ix-xorta ta' attività ma tkunx waħda sportiva, edukattiva, rikreattiva, reliġjuża, kulturali jew filantropika, jew jekk dik l-attività ma tkunx approvata mill-Kunsill.

Awtorizzazzjoni.

**7.1.2** L-awtorizzazzjoni għandha tingħata lill-applikant fuq il-formula stabbilita fi Skeda A u bla ħsara għal dawk il-partijiet u kundizzjonijiet stabbiliti fi Skeda B li tinsab ma' dawn il-*Bye Laws*, u għandha tinkludi kull kumment li l-Kunsill iħoss li jkun meħtieġ. Kopja ta' l-awtorizzazzjoni għandha tinzamm mill-Kunsill jew mill-Amministratur skond il-każ.

**7.1.3** Din il-proċedura għandha tapplika wkoll fil-każ ta' rifjut. F'dak il-każ għandha tinghata r-raġuni għal dak ir-rifjut.

**7.2** Awtorizzazzjoni maħruġa taht dawn il-*Bye-Laws* ma tkunx trasferibbli jekk mhux bil-permess bil-miktub bil-quddiem tal-Kunsill jew ta' l-Amministratur skond il-każ.

L-awtorizzazzjoni mhux trasferibbli.

**8.** L-applikant għandu, meta jippreżenta l-applikazzjoni tiegħu, iħallas dritt kif stipulat fi Skeda Ċ li tinsab ma' dawn il-*Bye-Laws*. Izda l-Kunsill jista' jagħti konċessjoni speċjali li ma jsir ebda ħlas fil-każ ta' attivitajiet li jkollhom għan filantropiku.

Drittijiet għall-użu tal-faċilitajiet.

**9.1** Il-Kunsill jista' jiddelega lil terzi persuni l-amministrazzjoni tal-faċilità, wara li tkun inħarġet sejha pubblika għall-offerti.

Delega ta' l-amministrazzjoni.

**9.2** Il-persuna li tinghata l-offerta għandha taderixxi mal-pattijiet u l-kundizzjonijiet stipulati fi Skeda B li tinsab ma' dawn il-*Bye-Laws* u ma' kull kundizzjoni oħra li l-Kunsill jista' jimponi.

Pattijiet u kundizzjonijiet.

**9.3** Meta applikant iħoss ruħu aggravat minn xi deċiżjoni meħuda mill-Amministratur, huwa jista' jappella minn dik id-deċiżjoni lill-Kunsill u d-deċiżjoni tal-Kunsill għandha tkun waħda finali.

Dritt ta' appell.

**10.** Il-persuna li tinghatalha l-awtorizzazzjoni tinzamm responsabbli għad-danni kollha magħmula lill-faċilitajiet jew fl-attrezzamenti tagħhom jew għal kull dannu ieħor li terzi persuni jistgħu jsofru gewwa l-faċilitajiet matul iż-żmien ta' l-awtorizzazzjoni.

Responsabbiltà għad-danni.

**11.1** Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 9 ta' dawn il-*Bye-Laws*, jekk persuna awtorizzata tagħmel użu ħażin mill-faċilitajiet jew tinkiser xi waħda mill-pattijiet u kundizzjonijiet stipulati fl-awtorizzazzjoni, il-Kunsill jew l-Amministratur, skond il-każ, jista' jirrevoka l-awtorizzazzjoni u d-dritt imħallas ma jingħatax lura.

Użu ħażin tal-faċilitajiet; ksur tal-pattijiet u kundizzjonijiet.

**11.2** Il-Kunsill jista' jitlob depositu ta' mhux aktar minn €233 (mitejn u tlieta u tletin ewro) mill-persuna li tkun qed tuża l-faċilitajiet. Dan id-depositu għandu jintalab sabiex jagħmel tajjeb għal kull ħsara li tista' tiġi kaġunata.

**11.3** Għandu jinżamm inventarju li jiġi registrat u ffirmat mis-Segretarju Eżekuttiv u mill-applikant, ta' dak kollu li jkun hemm fil-faċilità mikrija.

**11.4** Meta tingħata l-awtorizzazzjoni dwar xi faċilità lil xi persuni, għandhom jiġu indikati il-partikolaritajiet tal-persuna responsabbli.

Pieni.

**12.1** Kull persuna li tikser xi waħda mid-disposizzjonijiet ta' dawn il-*Bye-Laws*, jew tonqos milli taderixxi ma' xi kundizzjoni ta' l-awtorizzazzjoni mogħtija bis-saħħa ta' dawn il-*Bye-Laws*, teħel meta tinsab ħatja ammenda ta' mhux aktar minn disgħa u sittin ewro u tmienja u tmenin ċenteżmu (€ 69.88) għal dik il-kontravvenzjoni.

**12.2** Il-Kunsill jista' b'żieda mal-penali stabbiliti fis-subartikolu 12.1 hawn aktar qabel jordna lill-persuna li tinsab ħatja ta' ksur li tagħmel it-tiswijiet meħtieġa li jkunu għas-sodisfazzjon tal-Kunsill. Tista' wkoll teħel ammenda ta' ħdax-il ewro u ħamsa u sittin ċenteżmu (€11.65) għal kull gurnata li matulha ma jsirux it-tiswijiet.

**12.3** Il-Kunsill ikollu dritt li jagħmel it-tiswijiet meħtieġa għas-spejjeż tal-persuna misjuba ħatja.

**Skeda A**

(Artikolu 4.1)

**Applikazzjoni għall-Użu tal-Facilitajiet**

Nru. ta' l-Applikazzjoni: \_\_\_\_\_

Isem u Kunjom ta' l-Applikant: \_\_\_\_\_

Nru. tad-Dokument ta' Identità/ Nru. tal-Passaport: \_\_\_\_\_

Kariga fl-Għaqda (e.ż, President, Segretarju, eċċ.): \_\_\_\_\_

Isem ta' l-Għaqda (jekk dan ikun japplika): \_\_\_\_\_

Indirizz Uffiċjali: \_\_\_\_\_

Nru. tat-Telefon: \_\_\_\_\_ Nru. tal-Fax: \_\_\_\_\_

Il-Facilità li qed tapplika għaliha: \_\_\_\_\_

Granet ta' l-Attività: Minn: \_\_\_\_\_ Sa: \_\_\_\_\_

Žmien (Hin): Minn: \_\_\_\_\_ Sa: \_\_\_\_\_

Kemm nies taħseb li ser jattendu: \_\_\_\_\_

Dritt għad-Dhul (jekk dan ikun japplika): \_\_\_\_\_

Mizuri meħuda biex jindennizzaw lill-Kunsill (ehmeż id-dokumenti): \_\_\_\_\_

(e.ż. Polza ta' Assigurazzjoni, Garanzija Bankarja, eċċ)

Data: \_\_\_\_\_ Firma ta' l-Applikant: \_\_\_\_\_

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**GHALL-UŻU UFFIĊJALI**

Dritt Imħallas: \_\_\_\_\_ Nru. tar-Riċevuta: \_\_\_\_\_

Data u Hin meta waslet l-applikazzjoni: \_\_\_\_\_

Aċċettata/ Mhux Aċċetta (ħassar kif meħtieġ) Data: \_\_\_\_\_

Kummenti mill-Kunsill (jekk meħtieġ): \_\_\_\_\_

Firma: \_\_\_\_\_ Timbru Uffiċjali:

Kariga: \_\_\_\_\_

**SKEDA B**

(Artikolu 6.1)

**Pattijiet u Kundizzjonijiet għall-Awtorizzazzjoni għall-Użu tal-Facilitajiet**

1. L-awtorizzazzjoni hi valida għat-tul ta' żmien skond kif muri fl-applikazzjoni li tinsab fi Skeda A u bla ħsara għal kundizzjonijiet oħra magħmula mill-Kunsill fuq il-formula ta' l-awtorizzazzjoni.
2. Il-Kunsill għandu dritt li jirrevoka l-awtorizzazzjoni f'kul hin għal xi ksur ta' xi waħda minn dawn il-pattijiet u kundizzjonijiet jew xi disposizzjonijiet tal-*Bye-Laws* jew xi kundizzjonijiet oħra magħmula mill-Kunsill fuq il-formula ta' l-awtorizzazzjoni. Il-Kunsill għandu dritt ukoll li jirrevoka l-awtorizzazzjoni jekk l-attività titqies li tkun kontra l-morali jew id-deċenza pubblika.
3. Jekk il-Kunsill jirrevoka l-awtorizzazzjoni għal xi raġuni msemmija f'paragrafu 2 hawn qabel, il-persuna awtorizzata ma jkollhiex jedd li tiegħu lura d-dritt imħallas jew xi parti minnu.
4. L-awtorizzazzjoni tinħareġ bla ħsara għal kull permess jew liċenza meħtieġa taht kull ligi oħra. L-applikant għandu d-dmir li jikseb dawk il-permessi u l-liċenzi meħtieġa.
5. Il-persuna awtorizzata ma tistax tagħmel xi attività li ma tkunx imniżżla fl-awtorizzazzjoni.
6. Il-persuna awtorizzata għandha żzomm il-facilità nadifa f'kull hin matul l-attività u tiżgura li dak il-post għandu jibqa' nadif sakemm jagħlaq iż-żmien ta' l-awtorizzazzjoni.
7. Il-persuna awtorizzata għandha tiżgura li mat-tmiem ta' l-awtorizzazzjoni l-facilità titħalla fl-istat oriġinali li fiha kienet tinsab.
8. Il-persuna awtorizzata għandha tiżgura li ma jinholoq ebda inkonvenjent jew skumdità lill-pubbliku matul iż-żmien ta' l-awtorizzazzjoni.
9. Kull storbju għandu jieqaf sa' l-10.30pm għall-użu tas-Sala tal-Kunsill u sa' l-11.00pm għall-użu ta' Ġnien il-Gardjola.
10. Kopja ta' l-awtorizzazzjoni għandha tiġi esposta għall-informazzjoni tal-pubbliku f'post prominenti f'kull hin fid-daħla tal-facilità.

**SKEDA Ċ**

(Artikolu 8)

**Drittijiet għall-Użu tal-Facilitajiet**

1. Dritt għall-użu tas-Sala tal-Kunsill: €60 għal kull attività
2. Dritt għall-użu ta' Ġnien il-Gardjola fi Triq is-Sur, Isla: mhux aktar minn €815 għal kull attività

**L.C.B.L. 04 /1/ 2009****LOCAL COUNCILS ACT  
(CAP. 363 )****Use of facilities (Isla Local Council) Bye-Laws, 2009**

IN exercise of the powers conferred by articles 33, 34, 35(8) and 60 of the Local Councils Act, the Isla Local Council has made the following Bye-Laws:-

Citation and commencement.

**1.1** The title of these Bye-Laws is Use of Facilities (Isla Local Council), Bye-Laws, 2009.

**1.2** These Bye-Laws shall come into force one month after their publication in the Gazette.

Interpretation.

**2.** In these Bye-Laws, unless the context otherwise requires:-

“the Act” means the Local Councils Act;

“Administrator” means the person, club, association or society awarded the tender by the Council to manage the facilities in terms of subarticle 9.1 of these Bye-Laws;

“applicant” means any person, whether an individual, club, association or society, who applies to use the facilities;

“authorised person” means the person, club, association or society, who has been granted authorisation by the Council or by the Administrator in terms of these Bye-laws for the use of the facility;

“the Council” means the Isla Local Council;

“equipment” means anything put or fixed within the facilities;

“facilities” means the Council Conference Hall within the Isla Local Council Administrative Offices and Gardjola Garden in Bastion Street, Isla, which are under the responsibility of the Council;

“locality” means the Isla locality.

**3.** Without prejudice to any other permit that might be necessary from any authority or under any other law, no person shall make use of the facility without the prior written authorisation of the Council.

Use of facilities.

**4.** The Council shall grant authorisation for the use of the facilities after an application on the form established in Schedule A to these Bye-Laws is submitted:

Application for the use of facilities.

Provided that the Council shall have the right to refuse such application in those circumstances and for any reason that the Council may deem reasonable, and the Council shall within 15 days from the date of application grant or refuse authorisation in writing.

**5.** Applications should reach the Council not later than a week and not earlier than a month from the date of the proposed activity. The decision of the Council shall be notified to the applicant in writing as soon as possible.

Time limits for applications.

**6.** When more than one application is filed requesting that an activity be held at the same place and on the same day, the first application received shall be given priority. If a number of applications are received at the same time, the applicant residing at the locality shall be given priority. If the applicants are all from the same locality or if none of them are from the locality, the Council shall cast lots in the presence of all applicants.

Priority of application.

**7.1.1** No application shall be accepted as provided in subarticle 4 of these Bye-Laws if the nature of the activity is not related to sports, education, recreation, religion, culture or philanthropy or if the activity is not approved by the Council.

Nature of activity.

**7.1.2** Authorisation shall be given to the applicant on the form established in Schedule A and subject to those conditions established in Schedule B to these Bye-Laws, and should include any comments that the Council feels necessary. A copy of the authorisation shall be kept by the Council or the Administrator depending on circumstances.

Authorisation.

**7.1.3** This procedure shall also apply in the case of a refusal. In such case the reason for such refusal shall be included.

**7.2** An authorisation granted under these Bye-laws is not transferable unless with the prior written permission by the Council or the Administrator, as the case may be.

Authorisation not transferable.

Fees for the use of facilities.

**8.** The applicant shall, when submitting an application, pay a fee as stipulated in Schedule C to these Bye-Laws: Provided that the Council may give a special concession renouncing to the fee for activities which have a philanthropic purpose.

Delegation of management.

**9.1** The Council may delegate the management of the facility to third parties after issuing a public call for tenders.

Terms and conditions.

**9.2** The person who is awarded the tender shall abide by the terms and conditions established in Schedule B to these Bye-Laws and any other conditions which the Council may wish to impose.

Right of appeal.

**9.3** Where an applicant feels aggrieved by a decision taken by the Administrator, he may appeal from such decision to the Council, and the Council's decision shall be final.

Responsibility for damages.

**10.** The person to whom the authorisation is granted shall be held responsible for all damages made to the facilities or the equipment or any other damages that third parties may suffer within the facilities during the period of the authorisation.

Improper use of facilities, breach of the terms and conditions.

**11.1** Without prejudice to article 9 of these Bye-Laws if an authorised person makes bad use of the facilities or does not observe the terms and conditions stated in the authorisation, the Council or the Administrator depending on circumstances may revoke the authorisation and the fee paid shall be forfeited.

**11.2** The Council shall demand a deposit of not more than €233 (two hundred and thirty three euro) from the person making use of the facility. This deposit shall be required in order to cater for any damages which may be caused.

**11.3** An inventory, to be registered and signed by the Executive Secretary and by the applicant, shall be kept in the rented premises as relating to every article held therein.

**11.4** When the authorisation about a facility is granted to the persons to whom the use is granted, the particulars of the person responsible shall be indicated.

Penalties.

**12.1** Any person who contravenes any provision of these Bye-Laws or fails to honour any condition in the authorisation granted by virtue of these Bye-Laws shall, on conviction, be liable to a fine (*ammenda*) of not more than sixty-nine euro eighty-eight cents (€69.88) for such contravention.

**12.2** The Council may, in addition to the penalties established in subarticle 12.1 above, order the person found guilty of a contravention to affect the repairs that will be necessary in the Council's opinion. Such person may also be condemned to pay a fine (*ammenda*) of eleven euro sixty-five cents (€11.65) for every day during which the repairs are not carried out.

**12.3** The Council shall have the right to effect the necessary repairs at the expense of the person found guilty.

**SCHEDULE A**

(Article 4.1)

**Application for the Use of Facilities**

Application No: \_\_\_\_\_

Name and Surname of Applicant: \_\_\_\_\_

Identity Card No./ Passport No: \_\_\_\_\_

Position in Organisation (e.g. President, Secretary, etc.): \_\_\_\_\_

Name of Organisation (if applicable)

Official Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_ Fax: \_\_\_\_\_

Facility applied for: \_\_\_\_\_

Days of Activity: From: \_\_\_\_\_ To: \_\_\_\_\_

Duration (time): From: \_\_\_\_\_ To: \_\_\_\_\_

Approx. expected attendance: \_\_\_\_\_

Entrance Fee (if applicable): \_\_\_\_\_

Measures taken to indemnify the Council (attach documents): \_\_\_\_\_  
(e.g. Insurance Policy, Bank Guarantee, etc.)

Date: \_\_\_\_\_ Applicant's Signature: \_\_\_\_\_

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**FOR OFFICIAL USE**

Fee Paid: \_\_\_\_\_ Receipt No: \_\_\_\_\_

Date and Time when application is received: \_\_\_\_\_

Accepted/ Refused (delete as applicable) Date: \_\_\_\_\_

Comments by Council (if applicable): \_\_\_\_\_

Signature: \_\_\_\_\_ Official Rubber Stamp:

Designation: \_\_\_\_\_

**SCHEDULE B**

(Article 6.1)

**Terms and Conditions for the Authorisation of the Use of Facilities**

1. The authorisation is valid for the duration as indicated in the application form prescribed in Schedule A and subject to any further conditions stipulated by the Council on the authorisation form.
2. The Council has the right to revoke the authorisation at any time for any breach of any of these terms and conditions or any provisions of the Bye-Laws or any other conditions as laid down by the Council on the authorisation form. The Council also has the right to revoke the authorisation if the activity is deemed contrary to public decency or morals.
3. If the Council revokes the authorisation for any of the reasons mentioned in paragraph 2 above, the authorised person shall not be refunded the fee paid or any part thereof.
4. The authorisation is subject to any permit or licence necessary under any other law. It is the responsibility of the applicant to obtain such permit or licence.
5. The authorised person shall not carry out any activity which is not indicated in the authorisation.
6. The authorised person shall keep the facility clean at all times during the activity, and ensure that such place remains clean until the expiry of the authorisation.
7. The authorised person shall ensure that at the end of the authorisation the facility be restored to its original state.
8. The authorised person shall ensure that no inconvenience or nuisance is caused to the public during the duration of the authorisation.
9. Any noise shall cease by 10.30pm for the use of Council Hall and by 11.00pm for the use of Gardjola Gardens.
10. A copy of the authorisation shall be prominently displayed at all times at the entrance to the facility for the information of the public.

**SCHEDULE C**

(Article 8)

**Fees for the Use of Facilities**

1. Payment for the use of Council Conference Hall: €60 for each activity
2. Payment for the use of Gardjola Gardens in Bastion Street, Isla: not more than €815 for each activity