

**ENGINEERING SUSTAINABILITY & SUSTAINABLE ENERGY 2018  
(ESSE '18) CONFERENCE**8<sup>th</sup> May 2018, Dolmen Resort Hotel & Spa, St. Paul's Bay, Malta

ISBN: 978-99957-853-2-1

**SOLAR RIGHTS AND MALTESE LEGISLATION**

E.M. Camilleri

Saga Juris Advocates, 58, Old Bakery Street, Valletta

Tel: +356 21250857

Corresponding Author E-mail: edwardcamilleri@sagajuris.com

**ABSTRACT:**

As part of its 2020 Targets, Malta has been tasked by the European Union to reach a share of 10% with regard to its ratio of energy produced through renewable sources of energy. This has resulted in a proliferation of photovoltaic cells and solar water heaters on rooftops. Such investment has been rendered possible through generous Government assistance in the form of advantageous feed-in tariffs, which schemes have proven to be considerably popular with private consumers. Nonetheless, this increase in solar energy systems has not been complemented by the implementation of legislation aimed at protecting investment by private persons, with the risk of development in adjacent tenements and high rise buildings threatening such solar energy systems through shading, which could be of such an extent as to render the solar energy system affected economically unsustainable. This paper shall analyse Maltese legislation and international legislation alike in an attempt to provide solutions as to this issue and ensure that solar rights are made available to all.

Keywords: Solar Rights, Easements, Planning Regulations

**1. AN INTRODUCTION TO THE MALTESE SCENARIO**

Despite the fact that the 2017 National Renewable Energy Action Plan identifies solar energy as Malta's predominant renewable energy resource to fulfil the EU mandated 2020 targets, legislation in Malta has remained conspicuously absent with regard to the protection of solar rights [1]. In fact, the issue has never been addressed at a political level, with only sporadic references made to such legislation during parliamentary debates [2].

The absence of solar rights in Maltese law is rather surprising due to a series of Governmental schemes aimed at encouraging the proliferation of photovoltaic cells and solar water heaters, which systems will be collectively referred to as solar energy systems for the purposes of this paper. This has inevitable led to a clash with property rights, since solar rights have not been promulgated in tandem with the exponential increase in solar energy systems on rooftops. The lack of solar rights in Maltese legislation has resulted in a situation where the owner of an adjacent tenement may develop addition floors in line with existing development policies and shade any solar energy system in its immediate vicinity with impunity. Such a development would not merely cause an inconvenience by shading a portion of the solar

energy system but is capable of causing sufficient shading as to render economically unfeasible the continued operation of these solar energy systems, particularly in cases where space is limited and the solar energy systems cannot be repositioned to ensure increased sunlight.

Such situations are becoming increasingly common due to the building boom which is characterising development in the Maltese islands, with preference being given to high rise buildings to limit urban spread. This can, in itself, pose another problem since high rise buildings do not merely affect other tenements in their immediate vicinity but also affect tenements at a distance.

Nonetheless, it is important to analyse different solutions to this issue in order to identify a series of potential solutions to complement each other. Property laws are among the strongest laws in the Maltese Civil Code and it is unreasonable to assume that the legislator will enact limitations on the development of personal property in order to protect the rights of adjacent tenements with photovoltaic systems. At the same time, it is counterproductive to persist with schemes promoting the use of solar energy systems without guaranteeing that investors will protect their investment against development which may jeopardise their financial investment and consequent return on investment. Inaction to protect the rights of homeowners investing in photovoltaic

cells will result in solar energy being inaccessible to all strata of society and compromise Malta's ability to adhere to its 2020 targets, as well as seriously put progress toward the paradigm shift to renewable sources of energy at risk.

In this regard, it is pertinent to analyse legislation which have successfully promoted solar rights within their respective jurisdictions. In this regard, it is disappointing that discussions concerning the establishment of solar right legislation have lagged behind even at a European level. Perhaps surprisingly, legislation promulgated in the US State of California has been routinely touted as one of the most successful legislation, balancing the rights of the owners of photovoltaic installations and third parties. Nevertheless, given that there is a considerable discrepancy between Californian legislation and Maltese legislation, together with specific geographic considerations, this legislation cannot be wholly adapted into Maltese law, however, its principles may be adapted to complement existing principles in Maltese legislation, such as easements, which shall be discussed in greater detail below.

## 2. SOLAR RIGHTS IN CALIFORNIA

The US State of California heralds some of the most progressive solar laws to date. In fact, laws protecting solar rights date back to 1976, when the California Solar Rights Act was promulgated [3]. This Act attempted to balance the needs of private property owners and photovoltaic owners through the development of solar access rights. This objective proved to be problematic due to the widespread presence of homeowner associations, which operate at a similar, albeit more widespread, remit to condominium administrators in Malta.

One of the fundamental aspects of this Act is the definition of what constitutes a 'solar energy system'. This legislation bestows a widespread interpretation, encompassing devices mounted on buildings with the primary function of collecting, storing and distributing solar energy for space heating or cooling, electric generation or water heating [4]. Thus, this definition effectively applies to photovoltaic systems intended for the generation of electricity, heating and cooling, as well as solar water heaters.

This Act created a right to a solar easement and required local governments to protect and encourage cooling and heating systems powered through renewable energy. Although the law protected the right of the homeowners associations to set parameters with regard to the installation of photovoltaic system, Californian law expressly prohibits the homeowners association from arbitrarily denying one of its members the right to install a photovoltaic system. Accordingly,

homeowners associations may not impose requirements that 'significantly' increase the total cost of installing a photovoltaic system or decreasing its efficiency and performance. This legislation defines the term 'significantly' as any measure which would result in an increase of 20% in the cost of the solar energy system to reposition or decrease its efficiency by 20%. This applies both for photovoltaic systems and solar domestic water heaters, albeit that the monetary benchmark is only applicable with regard to photovoltaic systems [5].

The Solar Right Act defined a solar easement as the right 'to receive sunlight across real property of another for any solar energy system'. This provision ensured that solar easements are protected at law whilst the condition of having a solar energy system served to prevent the invocation of this clause to oppose any development which may affect sunlight [6]. This provision is further supplemented by the California Solar Shade Control Act, which provides protection to energy system owners from shading caused by trees and vegetation [7]. Given that this legislation does not include shade caused by development, the importance of the solar easement is more pronounced since it is the only mechanism available to protect investment in solar energy systems. This definition has become widely accepted within the USA, with multiple states adopting similar provisions.

Although the Solar Rights Act does not specify that a solar easement must be in writing, this view has been upheld by Californian courts, which have established that in order to assert its validity, a solar easement must include a description of the easement in measurable terms, a list of restrictions that would impinge upon the passage of sunlight through the easement and the terms and conditions under which this easement may be revised or terminated [8] [9].

These criteria render solar easements problematic to obtain, particularly in case of neighbourhoods where a large amount of signatories are needed to establish the easement. This can render the prospect of obtaining a solar easement financially burdensome and bureaucratic for a private citizen. Additionally, even if the adjacent homeowners are willing to provide such an easement, the actual design of the neighbourhood may make it impossible for the solar energy system to be installed efficiently and cost-effectively.

## 3. EASEMENTS UNDER MALTESE LAW

The legislation regulating easements has remained practically unchanged since its promulgation in the Maltese Civil Code. Article 400 et. seq. of Chapter 16 of the Laws of Malta establish the operation of easements, with their particular uses and restrictions. Nonetheless, the Civil Code entered into force in the late 19<sup>th</sup> Century, when Malta was

still a largely rural country with very different characteristics. Access to sunlight was a principal feature of most dwellings, particularly outside of the main population areas of Valletta and the Three Cities. The fact that easements have never been revisited in any amendments to the Civil Code raise issues with regard to their adequacy to protect solar rights when compared to other well established easements, despite some similarities. This has also been pointed out in the National Renewable Energy Action Plan, which has singled out the lack of solar rights as a stumbling block toward greater dissemination of solar energy systems [10].

Such lacunae in solar right legislation persist even with regard to European legislation. Despite the fact that this may appear surprising given the dependence on solar energy in Southern Europe, particularly in the Iberian Peninsula as well as regions such as Bavaria, it is worth keeping into consideration that a considerable percentage of solar energy is produced through extensive solar farms which are unencumbered by adjacent developments and high rise buildings.

By definition, easements are 'established for the advantage of a tenement over another tenement belonging to another person for the purpose of making use of such other tenement or of restraining the owner from the free use thereof' [11]. The latter part of this definition is particularly important since it is directly applicable to one of one of the principal effects of solar easements, namely that of restraining the owners of adjacent tenements from freely developing their property in such as way as to severely impact the generation of solar energy through solar energy systems, thereby entrenching the status of these tenements as servient tenements in the creation of the solar easement. Nonetheless, given the obligation to register easements at the Public registry in order for easements to be recognized at law, any such measure in Malta would create considerable difficulties given the strong protection of proprietary rights in Maltese legislation.

Prima facie, the creation of solar easements may be considered an extension of the *altius non tollendi* principle established at Roman law. Through this legal principle, an easement is provided by one tenement (referred to by law as the servient tenement) in favour of another (referred to by law as the dominant tenement) prohibiting the former tenement from being developed over a specified height. The *altius non tollendi* principle is regulated by Article 455(5) of the Civil Code, and this principle has been consistently applied by the Maltese Courts, which have stated that in order to distinguish the *altius non tollendi* easement from a general administrative regulation, it is imperative that the servient tenement and the dominant tenement must be clearly identifiable [12]. It was also held that in order for the *altius non tollendi*

easement to subsist, it is not even necessary that the dominant and servient tenement are in each other's vicinity, echoing established legal authors such as Baudry [13] [14].

These principles are also directly applicable with regard to solar rights, where this easement may subsist even though the dominant and the servient tenement are not in the immediate vicinity, particularly in circumstances where high rise buildings are involved. The similarities between *altius non tollendi* and solar rights may provide a measure of context to the introduction of the latter based on the longstanding principles applicable with regard to the former legal principle, however there are major differences which must be addressed.

In accordance with the relevant provisions in Maltese law, easements are regulated by the Civil Code, which states that all easements must be registered at the Public Registry. The absence of the presence of a servient tenement and a dominant tenement will result in the easement being unrecognised at law. Maltese Courts have been particularly strict on the requirement to register easements at the Public Registry, as well as with regard to the exact wording used to establish such easement. These aspects would greatly increase in importance should solar easements be introduced.

Given the provisions of the Civil Code with regard to easements, it is reasonable to assume that the introduction of solar easements would be effective only if these are voluntary, with the owner of the servient tenement entitled to withhold permission with regard to the creation of such easement. However, it would be incorrect to assume that the creation of a solar easement is akin to the creation of an *altius non tollendi* easement since a solar easement does not overtly concern itself with the height of a proposed development but with its effect on the solar energy system.

Nonetheless, the introduction of a specific easement pertaining to solar rights would introduce additional issues which would need to be catered for by the legislator. It would be obsolete to introduce solar rights as a retroactive blanket measure since this would adversely impact proprietary rights. On the other hand, the introduction of solar easements created by law would place additional burdens on the Planning Authority which would have to broaden its scope when assessing property development permits and include adjacent tenants directly as third party objectors in the eventuality that such development negatively impacts on the rights of the owner of an adjacent solar energy system.

Moreover, other issues may also arise with regard to the applicability of such principle concerning potential solar energy systems. In accordance with the law of California, solar rights are only applicable to existing solar energy systems and may not be extended to cover the potential of installing a solar energy system. Thus, potentiality of

use does not tantamount to the applicability of a solar easement. This principle has served to decrease instances of objections with regard to development which could potentially obstruct sunlight.

#### 4. THE COMMON LAW ELEMENT

In this context, it is worth making reference to the Common Law principle of the 'Right to Ancient Light', a principle which is largely drawn on the principle that no structures may be built obscuring sunlight from windows which have received natural sunlight for an uninterrupted period of twenty years. This principle was upheld by the House of Lords in the case *Colls vs Home and Colonial Stores*, where the plaintiff successfully argued against the construction of a relatively tall building directly opposite his office since this development would have deprived him of natural light. The House of Lords stated that the plaintiff was entitled to *'sufficient light...according to the ordinary notions of mankind...for comfortable use and enjoyment...if it is a dwelling, or for the beneficial use and occupation of the house if it is a warehouse, a shop or other place of business'* [15].

Regardless of the fact that in this case the House of Lords upheld an injunction filed by the plaintiff to prevent the construction of a new building opposite his office, the House of Lords also provided alternative remedies which could be applicable in cases which would not be sufficient to merit a complete cessation in development similar to the case at hand. In this regard, Lord MacNaghten stated that in cases of uncertainty as to whether an obstruction is legal or otherwise, and in cases where the defendant acted 'fairly and not in an un-neighbourly spirit', damages should be awarded. Moreover, Lord MacNaghten opined that *'the Court ought to be very careful not to allow an action for the protection of ancient lights to be used as a means of extorting money. Often a person who is engaged in a large building scheme has to pay money right and left in order to avoid litigation, which will put him to even greater expense by delaying his proceedings. As far as my own experience goes, there is quite as much oppression on the part of those who invoke the assistance of the Court to protect some ancient lights, which they have never before considered of any great value, as there is on the part of those who are improving the neighbourhood by the erection of buildings that must necessarily to some extent interfere with the light of adjoining premises'* [16].

It is worth noting that these considerations, despite the fact that the previous case was decided in 1904, are still relevant in Common Law. In January 2018, it was reported that plans for a new football stadium planned by Chelsea FC were under threat following an injunction filed by a family following

claims that the £1 billion development could plunge parts of their home in permanent shadow [17].

The considerations of the House of Laws are comparatively relevant to the promulgation of solar legislation. The concerns raised by Lord MacNaghten, namely that access to sunlight, or, in this case, solar energy systems, may be used as a pretext for financial gain in instances where solar energy systems are present on a dwelling which may be effected by the development may not be lightly discarded. To this effect, a mutually beneficial relationship between the tenements involved would serve a better purpose than pecuniary gain, particularly since the purpose of installing solar energy systems is to increase the use of renewable energy in tenements and decrease reliance on hydrocarbons as the primary source of energy. Such solutions may also be used regardless of whether a formal easement is in existence should it be incorporated as part of planning policies at a local level.

#### 5. THE PROMULGATION OF SOLAR RIGHTS IN MALTA & AUXILIARY MEASURES

In light of the above, rather than implementing stringent legislation and placing additional burdens on the enjoyment of one's own property, a set of guidelines may be introduced at a planning level outlining the rights and obligations of the respective tenements, both servient and dominant. In accordance with the principles laid down in Californian legislation, in the absence of a formal solar easement, the development of tenements which would provide considerable degree of shading on existing solar energy systems would give rise to new obligations by the developer with regard to the owner of the solar energy system concerned. In instances where the level of shading exceeds a pre-established level and that this issue cannot be rectified by repositioning the solar energy system on the same roof, the developer would be obliged to compensate the owner of the solar energy system. In accordance with Californian legislation, it would be prudent to assign a percentage and monetary value at which the effect on a solar energy system would be deemed to be 'significant' and which would require compensation by the developer of the adjacent property. Such values may be calculated on a case by case basis according to the surface area and generation of energy of the solar energy system concerned.

As has been stated, given that the primary objective of solar energy systems is to assist in the paradigm shift to renewable sources of energy, ideally such compensation should not be that of a pecuniary penalty but compensation in kind. Such compensation may range from the repositioning of solar energy systems and a requirement to install

similar systems on the roof of the new development to compensate for the loss of use of the existing solar energy system to the purchasing of shares in communal solar farms as a measure of compensation equivalent to the amount lost as a result of the development. Such an option could be feasible particularly due to the development of solar farms by the public and private sectors alike as envisioned by the newly enacted Solar Farms Policy [18]. Given that publicly owned solar farms are intended to grant an opportunity to potential investors who do not own or have access to a roof or open space, such a measure could encourage public participation and ensure a constant source of investment. In this way, losses with regard to development would still be offset through investment in solar energy emanating from an alternative location.

In order to avert issues concerning the establishment and implementation of solar rights, the Government may also choose to extend its scope from subsidising exclusively the installation of photovoltaic cells and solar water heaters to other schemes aimed at encouraging the fulfilment of the Energy Performance of Buildings Directive [19] and the Energy Efficiency Directive [20]. A potential investment could be investment in integrated photovoltaic cells, which could become mandatory for new developments. The use of new materials, such as perovskite, could serve to utilise light, both natural and man-made, in a more efficient manner.

Moreover, new buildings would also need to be compliant with the aforementioned Performance of Buildings Directive, which Directive is designated to reduce the consumption of electricity and render buildings more energy efficient as part on an ongoing policy goal to achieve zero energy buildings at a European level. The Directive states that all new buildings have to be nearly zero energy by the end of 2020, a target which is fast approaching together with other important benchmarks at a European level [21]. This is expressly important with regard to high rise buildings since such buildings increase the consumption of energy whilst also affecting other buildings in their surroundings. The implementation of measures aiming to promote the establishment of solar farms on the rooftops of high rise buildings, besides directly complementing loss caused to surrounding solar energy systems due to shading, would also assist toward the implementation of this policy goal.

Nonetheless, in order to establish solar farms on rooftops, rather than individual solar energy systems, the existing Solar Farms Policy must be amended since this policy expressly states that one of the criteria to establish a solar farm is a footprint larger than 1000m<sup>2</sup> [22]. Given advances in technology, smaller solar systems may produce more energy than larger solar systems, however this is not clearly recognized by the existing policy. The amendment of this policy to cater for smaller surface

areas with a greater capacity for generation would undoubtedly incentivise the establishment of such solar farms. This amendment would also render the possibility of private solar farms a more feasible option in densely populated areas, particularly considering the sparse opportunities for development in urban areas and the opportunity cost of developing solar farms within the development zone. This is regardless of the fact that the Solar Farms Policy has identified locations such as disused quarries specifically for the purpose of establishing solar farms [23]. Nonetheless, through the amendment of the surface area criterion, such solar farms may become more accessible and economically viable, also due to the advantageous feed-in tariffs offered by the Maltese Government.

However, a recent report by the National Audit Office (NAO) has indicated that despite investing a total of €144 million on subsidies for photovoltaic cells by 2017, €84 million of which have been invested in feed-in tariffs and €60 million through EU sponsored grants, progress with regard to solar farms has been poorer than expected [24]. In fact, the NAO has remarked that amendments are required to the Solar Farms Policy to render it more competitive, whilst also raising concerns that unresolved planning issues were hindering the establishment of solar farms. Given that investment in communal solar farms is touted as an auxiliary measure in lieu of solar easements, it is imperative that these issues are resolved forthwith.

## 6. CONCLUSION

The creation of solar easements will serve to strengthen investor confidence in solar energy systems, particularly with regard to private citizens who fear that any investment will potentially be offset by construction in their immediate whereabouts.

To this effect, should the legislator enact solar easements as part of Maltese legislation, it is important to include an architect's report when registering a solar easement in order to ascertain immediately the level of permissible development. Nevertheless, the model adopted in California deserves to be analysed at greater length in order to establish whether the implementation of similar legal provisions in Maltese law would serve as a viable method to strengthen solar rights. Additionally, the introduction of solar rights would not only reiterate our commitment as a country towards solar energy as our main source of renewable energy, not only to fulfil Malta's EU2020 targets but also as part of a comprehensive long term strategy as established by the National Renewable Energy Action Plan.

Nevertheless, rather than through an express easement, it would be more viable for solar rights to

be introduced gradually as part of planning guidelines regulating the development of property and its effect with regard to third party tenements. In the same way that reports must be submitted to the Planning Authority outlining the proposed development and its impact on its immediate surroundings, such reports must also make reference to shading caused by the proposed development, the presence or lack of any solar energy systems which may be effected by this development and the percentage by which generation of solar energy is to be affected and devise possible mitigation measures. Should these mitigation measures be unfeasible to implement with regard to third party tenements, such measures should focus on the new development to ensure that this development compensates the decrease in renewable energy caused by solar energy systems affected by the development.

Moreover, despite the similarities between the operations of the *altius non tollendi* principle and solar easements, the promulgation of planning guidelines, enforceable by the Planning Authority, could serve as an improvement in the development of solar legislation which goes beyond what is traditionally associated with easements but which are part and parcel of planning legislation. Such measures could be then enforced with greater legal clarity, without the necessity of prolonged legal argumentation concerning the applicability or otherwise of a purported solar easement. In such manner, the principle of good neighbourliness could be rendered applicable to solar rights, bypassing the institution of easements and focusing instead on established planning guidelines intended to balance the requirements of a potential investor with the protection of the owner of a solar energy system.

However, given the fact that technology is evolving at a promising rate, leading to cheaper, smaller and more efficient solar energy systems which can also be integrated into building materials, it is essential for any consideration toward solar rights to cater for this eventuality. Although such materials are still largely at an experimental phase and are relatively expensive to install and maintain, increased use in such material may result in a high rise building or new development obscuring adjacent solar energy systems to provide compensation to the losses incurred by the owners of solar energy systems in kind through additional production of solar energy through such materials. Such measures would be particularly relevant with regard to the Maltese islands due to the lack of open areas which may be developed into communal or privately owned solar farms, as well as reduce the necessity of relying overtly on rooftops to place solar energy systems.

Thus, in order to protect the investment by the solar energy system owner and the property developer alike, it is important to devise solar rights legislation which is complementary to all parties

involved. It is manifestly unreasonable to prohibit development of one's property on the basis that it will negatively affect a third party's solar rights, however, such new development must be compliant with the target set forth in the Performance of Buildings Directive whilst also compensating in kind for any losses suffered by the shading caused by the development on solar energy systems owned by third parties.

The quantification of such compensation, as well as its nature, remains subject to debate, however potential solutions include an investment by the developer on behalf of the affected third party in a communal solar farm in such manner as to protect the investment undertaken by the third party and investment in integrated solar energy systems embedded within the new development. Ultimately, it is only through complementary legislation and innovation that solar rights may be made available to all without infringing on proprietary rights and introducing additional burdens on developers.

Furthermore, the availability of solar rights also needs to be undertaken with due consideration to the latest proposals at an EU level with regard to the internal energy market aimed at creating an Energy Union. In February 2018, the EU Industry and Energy Committee approved new rules to allow consumers and local communities alike to participate in the electricity market by producing their own electricity and choose whether to consume such energy or sell it directly to third parties. Although such measures still have to be debated at greater length by the Council of the European Union, their adoption would undoubtedly bestow greater importance on securing solar rights as part of an EU-wide legislative initiative to harmonise the internal energy market and ensure greater competition among energy suppliers.

The current proposals would thus allow adjacent tenements and developments with substantial capacity to generate electricity through solar energy systems, both through traditional photovoltaic systems and integrated systems, to emerge as players in the energy market. Moreover, these measures can only be complemented with access to solar rights, further increasing the importance of legislating on this pertinent issue in the near future.

## 7. REFERENCES

- [1] The Energy and Water Agency, Government of Malta 'The National Renewable Energy Action Plan 2015 – 2020' <  
<https://govcms.gov.mt/en/Government/Press%20Releases/Documents/pr162438a.pdf>>  
accessed 11/04/2018.
- [2] Times of Malta 'Malta's Lack of Solar Rights Have Legislators Worried' <  
<https://www.timesofmalta.com/articles/view/2>

- [0161107/local/maltas-lack-of-solar-rights-laws-has-legislators-worried.630284](http://0161107/local/maltas-lack-of-solar-rights-laws-has-legislators-worried.630284)>accessed 11/04/2018.
- [3] The California Solar Rights Act <[http://solar-rights.com/files/THE\\_CALIFORNIA\\_SOLAR\\_RIGHTS\\_ACT2.pdf](http://solar-rights.com/files/THE_CALIFORNIA_SOLAR_RIGHTS_ACT2.pdf)> accessed 12/04/2018.
- [4] Section 801.5 of the California Civil Code.
- [5] Section 714 of the California Civil Code.
- [6] Section 801.5 of the California Civil Code.
- [7] The California Solar Shade Control Act, <[http://solar-rights.com/files/THE\\_SOLAR\\_SHADE\\_CONTROL\\_ACT.pdf](http://solar-rights.com/files/THE_SOLAR_SHADE_CONTROL_ACT.pdf)> accessed 12/04/2018.
- [8] Zipperer v. County of Santa Clara, H028455, 30/10/2005.
- [9] Energy Policy Initiatives Centre, University of San Diego School of Law, Anders et al ‘California’s Solar Rights Act – A Review of the Statutes and Relevant Cases’ <<https://www.sandiego.edu/law/documents/centers/epic/Solar%20Rights%20Act-A%20Review%20of%20Statutes%20and%20Relevant%20Cases.pdf>> accessed 16/03/2018.
- [10] National Renewable Energy Action Plan, vide [1] p.38.
- [11] Chapter 16 of the Laws of Malta, Article 400
- [12] Risiott vs Bajada, First Hall of the Civil Court, 22 May 1998.
- [13] Testaferrata Moroni Viani vs Mifsud, First Hall of the Civil Court 14 November 2000.
- [14] Fenech vs A&R Mercieca, Court of Appeal, 22 May 2008.
- [15] Colls v Home & Colonial Stores [1904] AC 179, 73 LJ Ch 484, 90 LT 687, 53 WR 30, 20 TLR 475, [1904] UKHL 1.
- [16] Swarb Review ‘Colls v Home & Colonial Stores’ <<http://swarb.co.uk/colls-v-home-and-colonial-stores-ltd-hl-2-may-1904/>> accessed 20/04/2018.
- [17] BBC News ‘Chelsea Stadium: £1 billion Stamford Bridge hit by family dispute’ <<https://www.bbc.com/sport/football/42648061>> accessed 20/04/2018.
- [18] Planning Authority ‘Solar Farms Policy, October 2017’<<https://www.pa.org.mt/en/supplementary-guidance-details/file.aspx?f=12083>> accessed 20/04/2018.
- [19] Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the Energy Performance of Buildings (Recast), OJ L 153/13 <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0031&from=EN>> accessed 22/04/2018.
- [20] Directive 12/27/EU of the European Parliament and of the Council of 25 October 2012 on Energy Efficiency, amending Directives 2009/125/EC and 2010/30/EU and Repealing Directives 2004/8/EC and 2006/32/EC, OJ L 315/1, <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0027&from=EN>> accessed 22/04/2018.
- [21] Article 9 (1) of the Performance of Buildings Directive, vide [19].
- [22] Article 4.1 of the Solar Farms Policy, vide [18]
- [23] Article 5.2 of the Solar Farms Policy, vide [18]
- [24] National Audit Office ‘Performance Audit – Evaluation of Feed-In Tariffs Scheme for Photovoltaics, March 2018 <<http://nao.gov.mt/en/press-releases/4/187/performance-audit-evaluation-of-feed-in-tarif>> accessed 25/04/2018.