

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO
President

4 ta' Ottubru, 2002

ATT Nru. XIX ta' l-2002

ATT biex jemenda l-Att dwar ir-Referendi, Kap. 237.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2002 li jemenda l-Att dwar ir-Referendi.

Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jiftiehem u jinqara haġa waħda ma' l-Att dwar ir-Referendi, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali", u għandu jibda' jsehh f'dik id-data li l-Prim Ministru jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. (1) L-artikolu 11, it-Taqsima V (artikoli 14 sa 29, it-tnejn inklużi), it-Taqsima VI (artikoli 30 sa 32, it-tnejn inklużi), l-artikoli 34 sa 36, it-tnejn inklużi, u l-Ewwel u t-Tieni Skeda ta' l-Att prinċipali huma mħassrin.

Thassir u enuncrazzjoni mill-ġdid ta' l-artikoli u ta' l-iskedi ta' l-Att prinċipali.

(2) It-Taqsimiet l-oħra, l-artikoli l-oħra u l-iskeda ta' l-Att prinċipali kif jidhru fl-ewwel kolonna ta' l-iskeda ta' dan l-Att, għandhom jiġu enumerati mill-ġdid skond ma hemm fit-tieni kolonna ta' l-iskeda li tinsab ma' dan l-Att.

(3) Kull riferenza għal xi Taqsima, jew għal xi artikolu jew għal xi skeda ta' l-Att prinċipali kif kienu fis-sehh minnufih qabel il-

bidu fis-sehh ta' dan l-Att, ghandha titqies u tiftiehem bhala riferenza ghat-Taqsims, ghall-artikolu jew ghall-iskeda, kif ikun il-każ, kif enumerati mill-ġdid b'dan l-Att, u l-Att prinċipali qiegħed b'dan jiġi emendat skond hekk.

Emenda ta' l-Att ta' l-Att prinċipali.

3. It-Taqsim ta' l-Att ta' l-Att prinċipali ghandu jithassar u jiġi sostitwit b'dan li ġej:

"TAQSIM TA' L-ATT

		Artikoli
Taqsima I	Preliminari	1 - 2
Taqsima II	Għan, Xorta u Data ta' Referendum	3 - 5
Taqsima III	Distretti ta' Votazzjoni u Avviżi u Awtoritajiet tal-Votazzjoni	6 - 10
Taqsima IV	Persuni li jkollhom dritt jivvotaw	11 - 12
Taqsima V	Referendi Abrogattivi	13 - 20
Taqsima VI	Disposizzjonijiet Mixxellanji u Penali	21 - 22

SKEDI

L-Ewwel Skeda	Dikjarazzjoni għaż-Żamma ta' Referendum
It-Tieni Skeda	Disposizzjonijiet speċifiċi li jiehdu prijorità fuq l-Att dwar l-Elezzjonijiet Ġenerali".

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

4. It-tifsiriet ta' "assistenti kummissjonarji", "dimostrazzjoni", u "meetings pubbliċi" fl-artikolu 2 ta' l-Att għandhom jithassru.

Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

5. Is-subartikoli (3) u (4) ta' l-artikolu 4 ta' l-Att prinċipali għandhom jiġu sostitwit bis-subartikoli ġodda li ġejjin:

"(3) L-ispazju fil-polza tal-votazzjoni fejn għandu jiġi reġistrat vot għandu jkollu bordura ikkullurita: il-bordura ta' l-ispazju fejn għandu jiġi reġistrat vot affermattiv għandha tkun f'kulur partikolari u l-bordura ta' l-ispazju fejn għandu jiġi reġistrat vot negattiv għandha tkun kulur ieħor.

(4) Meta l-votanti jkunu mitluba li jivvotaw għal aktar minn mistoqsija waħda fl-istess referendum, il-partijiet tal-polza tal-votazzjoni li jirreferixxu għal kull mistoqsija separata għandhom ikunu stampati b'kulur differenti minn dak li bih ikunu stampati l-partijiet l-oħra tal-polza tal-votazzjoni."

Sostituzzjoni ta' l-artikolu 5 ta' l-Att prinċipali.

6. L-artikolu 5 ta' l-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"5. Il-gurnata ta' referendum tiġi stabbilita mill-President ta' Malta, hekk iżda illi għandhom jgħaddu għallanqas hames ġimgħat bejn il-pubblikazzjoni tar-writ u

d-data tal-votazzjoni."

7. L-artikolu 10 ta' l-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 10 ta' l-Att prinċipali.

"Tmexxija ta' Referendi Kap. 354, Kap. 102.

10. (1) Hlief kif provdut xort'ohra fit-Tieni Skeda ta' dan l-Att, id-disposizzjonijiet ta' l-Att dwar l-Elezzjonijiet Ġenerali u ta' l-Ordinanza Elettorali dwar il-Votazzjoni għandhom jghoddu għat-tmexxija ta' referendi.

(2) Il-Kummissjoni Elettorali tista', minn żmien għal żmien, tohrog direttivi li jfissru, kif ikun mehtieg, id-disposizzjonijiet ta' l-Att dwar l-Elezzjonijiet Ġenerali u ta' l-Ordinanza Elettorali dwar il-Votazzjoni fl-applikazzjoni tagħhom għal referendi taht dan l-Att. Dawn id-direttivi għandhom jiġu ppubblikati fil-Gazzetta kemm jista' jkun malajr wara li jkunu harġu:

Izda kull direttiva hekk mahruġa għandha tidhol fis-sehh minnufih anke jekk tkun għadha mhux pubblikata."

8. Fl-artikolu 11 ta' l-Att prinċipali, s-subartikolu (2) tiegħu għandu jiġi mħassar u l-artikolu preżenti għandu jiġi numerat mill-ġdid bħala l-artikolu kollu.

Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

9. Minnufih wara l-Ewwel Skeda ta' l-Att prinċipali, għandha tiżdied din l-iskeda ġdida li ġejja:

Zjieda ta' skeda ġdida għall-Att prinċipali.

"IT-TIENI SKEDA

(Artikolu 10)

Disposizzjonijiet li jirregolaw it-tmexxija ta' referendi

Tifsir.

1. F'din l-Iskeda:

Kap. 354.

"Att" tfisser l-Att dwar l-Elezzjonijiet Ġenerali; u

Kap. 102.

"Ordinanza" tfisser l-Ordinanza Elettorali dwar il-Votazzjoni.

Applikazzjoni
ta' l-Att.

2. L-Att ghandu japplika ghal referendi
bhallikieku:

(1) sakemm il-Kummissjoni Elettorali ma tiddecidix mod iehor minhabba fil-kuntest li jintuzaw, ir-referenzi kollha fl-Att ghal "elezzjoni" jew ghal "elezzjoni ġenerali" jew ghal "elezzjoni ghall-Membri tal-Kamra" kienu referenzi ghal "referendum";

(2) it-tifsira ta' "partit politiku" fl-artikolu 2(1) kienet imhassra u sostitwita bit-tifsira li ġejja:

" "partit politiku" tfisser kull persuna jew grupp ta' persuni li, wara li jkunu kkontestaw l-elezzjoni ġenerali taht isem wiehed, ikunu rappreżentati fil-Kamra b'mill-inqas membru wiehed.";

(3) ir-referenza ghall-"ghadd ta' distretti elettorali li ghalihom ikun qed jikkontesta" fl-artikolu 61A(1) kienet referenza ghall-ghadd ta' distretti elettorali involuti fir-referendum;

(4) il-kliem "stabbiliti fit-Tmien Skeda (B) ta' dan l-Att" fl-artikolu 68(3) kienu mhasra;

(5) l-artikolu 71 tiegħu kien sostitwit b'dan li ġejj:

"71. (1) Kull votant ghandu jkollu vot wiehed u ghandu juri l-ghazla tiegħu billi jikteb fuq il-karta tal-vot "X" jew xi marka oħra fil-kaxxa li tindika vot affermattiv jew fil-kaxxa li tindika vot negattiv:

Izda il-vot ma jkunx invalidu jekk il-marka ma tkunx fil-kaxxa imma titqiegħed b'dak il-mod li, fl-opinjoni tal-Kummissjoni, tindika b'mod ċar l-ghazla tal-votant.

(2) Il-karta tal-vot tkun invalida:

(a) jekk fuqha ma jkunx hemm il-marka "X" jew xi marka oħra li turi l-ghazla tal-votant; jew

(b) jekk fuqha jkun hemm il-marka "X" jew xi marka ohra li turi l-ghazla tal-votant mqieghda fiż-żewġ kaxxi; jew

(c) jekk ma jkunx jista' jingharaf b'ċertezza f'liema kaxxa giet mqieghda l-marka "X" jew xi marka ohra; jew

(d) jekk fil-karta tal-vot ikun hemm xi kelma miktuba jew xi sinjal iehor, li bih tista' tingharaf il-persuna li tat il-vot; jew

(e) jekk fuqha ma jintghamilx it-timbru ufficjali tal-Kummissjoni.";

(6) fl-artikolu 72(4) il-kliem minn "u skond din il-proċedura li ġejja" sat-tmiem tas-subartikolu kienu sostitwiti bil-kliem "wara li l-Assistent Kummissjonarju jkun qara lill-votant il-mistoqsija maghmula u jkun staqsih jekk iridx jivvota "Iva" jew "Le.";

(7) l-artikolu 77(2) kien sostitwit b'dan li ġej:

"(2) Post ta' votazzjoni mhallat huwa post tal-votazzjoni fejn ikun hemm kaxxa tal-votazzjoni li fiha jivvutaw l-eletturi msemmija fis-subartikolu (4)(a) u (b).";

(8) fl-artikolu 86(10) il-perjodu taż-żamma tal-karti u dokumenti msemmija fis-subartikolu hemmhekk imsemmija kien ta' hames snin mill-pubblikazzjoni tar-riżultati ufficjali;

(9) fl-artikolu 89(2) il-kliem "mill-ghadd ta' kandidati preżentati minnu sabiex jikkontestaw l-elezzjoni" kienu sostitwiti bil-kliem "mill-ghadd ta' persuni li jghoddu li l-Kummissjoni tkun qed tuża f'xi waqt";

(10) fl-artikolu 107(1) il-perjodu tal-konservazzjoni tal-karti kien ta' hames snin mid-data tar-referendum;

(11) fl-artikoli 108 u 115(1) il-kliem minn "il-jedd ta' persuna" sal-kliem "tal-Kamra" kienu sostitwit bil-kliem "il-legalità tar-referendum";

(12) fis-Sitt Skeda, fl-Għaxar Skeda u fil-Hdax-il Skeda il-kliem "elezzjoni ta' Membri tal-Kamra tad-Deputati" kull fejn jinsabu kienu sostitwit bil-kliem "referendum";

(13) it-Tlethtax-il Skeda kienet emendata kif ġej:

(a) ir-regolamenti 2, 7(3) u (4), u 8 sa 22 it-tnejn inkluzi kienu mhassra;

(b) fir-regolament 3 il-kliem "l-ewwel preferenza" kienu sostitwiti bil-kliem "il-marka";

(c) fir-regolament 4(5) il-kliem "li jkun hemm għal kull kandidat li jkun ingħatalu l-ewwel preferenza" kienu sostitwiti bil-kliem "li jkun hemm biex turi l-għażla tal-votant"; u

(d) fir-regolament 7 ir-referenzi għal "kandidati" u "kontenituri" kienu referenzi għall-għażla mogħtija lill-votant bejn vot "Iva" u vot "Le";

(14) l-artikoli 15 sa 44, 45(a), 49(3) sa (8), l-artikoli 51 sa 55, 60, 68(2), 71 (1) sa (3) 104(2) sa (4), 105(2), 106(3), 107(3), 109 u 112(1)(a), u it-Tieni Skeda, it-Tielet Skeda, ir-Raba' Skeda, il-Hames Skeda, it-Tmien Skeda, it-Tmien Skeda B, id-Disa' Skeda, u t-Tnax-il Skeda kienu mhassrin; u

(15) i-referenzi kollha għal "distretti elettoral", "kandidati", "trasferiment ta' voti" u "l-ewwel preferenza" kienu mhassrin.

Applikazzjoni
ta' l-
Ordinanza.

3. L-Ordinanza għandha tapplika bħallikeku l-artikoli 41 sa 52 u 58 sa 62 ta' l-Ordinanza kienu mhassrin, u referenzi fl-Ordinanza għal "elezzjoni" jew "elezzjoni ta' xi hadd bħala membru tal-Kamra" kienu referenzi għal "referendum".

SKEDA SKOND L-ARTIKOLU 2(2) TA' DAN L-ATT

Enumerazzjoni mill-ġdid ta' l-artikoli u l-iskedi

Kif fis-sehh qabel il-bidu fis-sehh ta' dan l-Att	Kif enumerati mill-ġdid b'dan l-Att
Taqsimi I	Taqsimi I
1	1
2	2
Taqsimi II	Taqsimi II
3	3
4	4
5	5
Taqsimi III	Taqsimi III
6	6
7	7
8	8
9	9
10	10
Taqsimi IV	Taqsimi IV
12	11
13	12
Taqsimi VI A	Taqsimi V
32A	13
32B	14
32Ċ	15
32D	16
32E	17
32F	18
32G	19
32H	20
Taqsimi VII	Taqsimi VI
33	21
37	22
It-Tielet Skeda	L-Ewwel Skeda

A 1808

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 794 ta' 1-1
ta' Ottubru, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

4th October, 2002

ACT No. XIX of 2002

AN ACT to amend the Referenda Act, Cap. 237.

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:-

1. (1) The short title of this Act is the Referenda (Amendment) Act, 2002. Title and commencement.

(2) This Act shall be read and construed as one with the Referenda Act hereinafter referred to as the "principal Act", and shall come into force on such date as the Prime Minister may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions thereof. Cap. 237.

2. (1) Article 11, Part V (articles 14 to 29, both inclusive), Part VI (articles 30 to 32, both inclusive), articles 34 to 36, both inclusive, and the First and Second Schedules of the principal Act shall be deleted. Deletion and renumbering of articles and Schedules of the principal Act.

(2) The other Parts, articles and schedule of the principal Act as shown in the first column of the Schedule to this Act shall be renumbered as appears in the second column of the Schedule to this Act.

(3) In the following articles of this Act and in any other law, any reference to a Part of, or to an article of, or to a schedule to the principal Act as in force immediately before the coming into force of this article, shall be deemed and construed to be a reference to the Part, article or schedule, as the case may require, as renumbered by

this article, and the principal Act is hereby amended accordingly.

Substitution of Arrangement of Act of the principal Act.

3. The Arrangement of Act of the principal Act shall be substituted by the following:

"ARRANGEMENT OF ACT

		Articles
Part I	Preliminary	1 - 2
Part II	Object, Nature and Date of a Referendum	3 - 5
Part III	Polling Districts and Notices and Polling Authorities	6 - 10
Part IV	Persons entitles to vote	11 - 12
Part V	Abrogative Referenda	13 - 20
Part VI	Miscellaneous and Penal provisions	21 - 22

SCHEDULES

First Schedule	Declaration for the holding of a referendum
Second Schedule	Specific provisions of this Act which override the General Election Act".

Amendment of article 2 of the principal Act.

4. The definitions of "assistant commissioners", "demonstration" and "public meetings" in article 2 of the principal Act shall be deleted.

Amendment of article 4 of the principal Act.

5. Subarticles (3) and (4) of article 4 of the principal Act shall be substituted by the following new subarticles:

"(3) The space in the ballot paper in which a vote is to be recorded shall have a coloured border: the border of the space in which an affirmative vote is to be recorded shall be coloured in one particular colour, and the border of the space in which a negative vote is to be recorded shall be coloured in a different colour.

(4) Where voters are asked to vote on more than one question in the same referendum, the parts of the ballot paper referring to each separate question shall be printed in a colour different from that in which the other parts of the ballot paper are printed."

Substitution of article 5 of the principal Act.

6. Article 5 of the principal Act shall be substituted by the following new article:

"5. The day of a referendum shall be fixed by the President of Malta, so however that a minimum of five weeks shall lapse between the publication of the Writ and the day of the polling."

7. Article 10 of the principal Act shall be substituted by the following new article:

Substitution of article 10 of the principal Act.

"Conduct of Referenda.

Cap. 354.
Cap. 102.

10. (1) Save as otherwise provided in the Second Schedule to this Act, the provisions of the General Elections Act and of the Electoral Polling Ordinance shall apply to the conduct of referenda.

(2) The Electoral Commission may, from time to time, issue directives interpreting, as may be necessary, the provisions of the General Elections Act and the Electoral Polling Ordinance in their application to referenda under this Act. Such directives shall be published in the Gazette as soon as may be after they are issued:

Provided that any directive so issued shall enter into force immediately even before its publication."

8. Subarticle (2) of article 11 of the principal Act shall be deleted and the present provision shall be renumbered as the whole article.

Amendment of article 11 of the principal Act.

9. Immediately after the First Schedule to the principal Act, there shall be added the following new schedule:

Addition of new Second Schedule to the principal Act.

"SECOND SCHEDULE

(Article 10)

Provisions regulating the Conduct of Referenda

Interpretation.

Cap. 354.

Cap. 102.

Application of Act.

1. In this Schedule:

"Act" means the General Elections Act; and

"Ordinance" means the Electoral Polling Ordinance.

2. The Act shall apply to referenda as if:

(1) unless otherwise determined by the Electoral Commission because of their context, references therein to "election" "general election" or "election of the Members of the House" were references to "referendum";

(2) the definition of "political party" in article 2(1) thereof were substituted by the following:

" "political party" means any person or group of persons who, having contested the general election under one name, is represented in the House by at least one member.";

(3) the reference to "the number of electoral divisions being contested by it" in article 61A(1) thereof were a reference to the number of electoral divisions involved in the referendum;

(4) the words "set out in Schedule 8(B) of this Act" in article 68(3) thereof were deleted;

(5) article 71 thereof were substituted by the following:

"71. (1) Each voter shall have one vote and shall indicate his choice by placing on the ballot paper an "X" or other mark either over the box indicating an affirmative vote or over the box indicating a negative vote:

Provided that a vote shall not be invalid if the mark is not over the box but is placed in such manner that in the opinion of the Commission it clearly indicates the choice of the voter.

(2) A ballot paper shall be invalid in which:

(a) an "X" or other mark indicating the choice of the voter is not placed; or

(b) an "X" or other mark indicating the choice of the voter is placed over both boxes; or

(c) it cannot be determined with certainty over which box the "X" or other mark is placed; or

(d) any writing or mark is placed by which the voter can be identified; or

(e) the official mark of the Commission is not made.";

(6) in article 72(4) thereof the words from "and following the procedure" to the end thereof were substituted by the words "after the Assistant Commissioner has read to the voter the question put and asked him whether he would like to vote "Yes" or "No".";

(7) article 77(2) thereof were substituted by the following:

"(2) A mixed polling place is a polling place which contains a ballot box in which the voters mentioned in subarticle (4)(a) and (b) shall vote.";

(8) in article 86(10) thereof the period of preservation of the papers and documents therein mentioned were five years from the day of publication of the official results;

(9) in article 89(2) thereof the words "the number of candidates presented by it to contest the election" were substituted by the words "the number of counters being used by the Commission at any one time";

(10) in article 107(1) thereof the period for which the papers shall be kept were five years from the date of the referendum;

(11) in articles 108 and 115(1) thereof the words from "the right of any person" to the words "to the House" were substituted by the words "the legality of the referendum";

(12) in the Sixth, Tenth and Eleventh Schedules thereto for the words "an election of Members of the House of Representatives" wherever they occur there were substituted the words "a referendum";

(13) the Thirteenth Schedule were amended as follows:

(a) regulations 2, 7(3) and (4), and 8 to 22, both inclusive, were deleted;

(b) in regulation 3 the words "first preference" were substituted by the word "mark";

(c) in regulation 4(5) the words "indicating the candidate to which the first preference has been given" were substituted by the words "indicating the choice of the voter"; and

(d) in regulation 7 references to "candidates" and "trays" were references to the choice given to the voter between a "Yes" and a "No" vote;

(14) articles 15 to 44, 45(a), 49(3) to (8), 51 to 55, 60, 68(2), 71(1) to (3), 104(2) to (4), 105(2), 106(3), 107(3), 109 and 112(1)(a), and the Second, the Third, the Fourth, the Fifth, the Eighth, the Eighth (B), the Ninth and the Twelfth Schedules thereof were deleted; and

(15) all references therein to "electoral divisions", "candidates", "transfer of votes" and "first preference" were deleted.

Application
of Ordinance.

3. The Ordinance shall apply to referenda as if articles 41 to 52 and 58 to 62 thereof were deleted and references therein to "election" and "election of a Member of the House" were references to "referendum".

SCHEDULE

(Article 2(2))

Numbering of Parts, Articles and Schedules of the Principal Act

As in force before the coming into force of this Act	As renumbered by this Act
Part I	Part I
1	1
2	2
Part II	Part II
3	3
4	4
5	5
Part III	Part III
6	6
7	7
8	8
9	9
10	10
Part IV	Part IV
12	11
13	12
Part VI A	Part V
32A	13
32B	14
32C	15
32D	16
32E	17
32F	18
32G	19
32H	20
Part VII	Part VI
33	21
37	22
Third Schedule	First Schedule

A 1816

Passed by the House of Representatives at Sitting No. 794 of the
1st October, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives