

Naghti l-kunsens.

(L.S.)

GUIDO DE MARCO
President

12 ta' Lulju, 2002

ATT Nru. XII ta' l-2002

ATT biex jemenda l-Att dwar Kunsilli Lokali, Kap.363.

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 Att ta' l-2002 biex jemenda l-Att dwar Kunsilli Lokali, u dan l-Att għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar Kunsilli Lokali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u biġu fis-sebh.

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(2) Dan l-Att għandu jibda jsehh f'dik id-data jew dati li l-Ministru responsabbli għall-Gvern Lokali jista' b'avviż fil-Gazzetta jstabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal għanijiet differenti u disposizzjonijiet differenti ta' dan l-Att.

2. Il-kliem "jew biex tibqa' membru tiegħu" fl-artikolu 11 għandhom jithassru.

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

3. Artikolu 12 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 12 ta' l-Att prinċipali.

(a) paragrafu (j) tiegħu għandu jithassar;

(b) paragrafi (c) sa (i) għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (d) sa (j) rispettivament; u

(c) minnufih wara l-paragrafu (b) tiegħu, għandu jżied dan il-paragrafu ġdid li ġej:

"(c) tkun membru ta' Kunsill Lokali iehor;"

Emenda ta' l-artikolu 48 ta' l-Att prinċipali.

4. Is-subartikolu (2) ta' l-artikolu 48 ta' l-Att prinċipali ghandu jkun enumerat mill-ġdid bħala s-subartikolu (3) tiegħu, u minnufih wara s-subartikolu (1) tiegħu ghandu jiżdied dan is-subartikolu ġdid li ġej:-

“(2) L-uffiċċji amministrattivi tal-Kunsill ghandhom ikunu miftuha għall-pubbliku fil-ġranet kollha tax-xogħol u matul il-hinijiet normali ta' l-uffiċċju.”.

Emenda ta' l-artikolu 53 ta' l-Att prinċipali.

5. Fis-subartikolu (1) ta' l-artikolu 53 ta' l-Att prinċipali, minflok il-kliem “tlett elef” kull fejn dawn jinsabu ghandhom jidhlu l-kliem “elfejn u hames mitt”, u minnufih wara l-proviso tas-subartikolu (1) ta' l-artikolu 53 ta' l-Att dwar Kunsilli Lokali ghandu jiżdied dan il-proviso ġdid kif ġej:

“Izda wkoll Kunsill li skond dan l-artikolu jimpjega persuna wahda biss, jista' minkejja kif provdut f' dan l-artikolu, jimpjega persuna wahda oħra.”.

Emenda ta' l-artikolu 55 ta' l-Att prinċipali.

6. L-artikolu 55 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:-

(a) fis-subartikolu (2) tiegħu, minflok il-kliem “ghandu jkun allokat lil kull Kunsill” ghandhom jidhlu l-kliem “ghandu jkun allokat mill-Ministru lil kull Kunsill”; u

(b) minnufih wara s-subartikolu (2) ghandu jiżdied dan is-subartikolu ġdid li ġej:

“(3) Meta jkun qed jalloka l-ammont approprjat lil Kunsill, il-Ministru jista' jzomm kull porzjon minn dak l-ammont jekk huwa jqis li jkun mehtieg li jzomm dak il-porzjon sabiex jiżgura:

(a) rimedju għal kull bilanċ negattiv jew ta' xi bilanċ taht il-*benchmarks* stabbiltà bir-regolamenti magħmulin taht l-artikolu 67;

(b) li jingiebu kopji tal-minuti tas-seduti tal-Kunsill u tal-Kumitat tal-Finanzi fi żmien tlett ijiem tax-xogħol wara l-approvazzjoni tagħhom;

(ċ) li jingiebu kopji ta' kull dikjarazzjoni finanzjarja jew dokument finanzjarju li l-Att jistabbilixxi li ghandu jiġi pprezentat;

(d) li f'kull waqt jingiebu d-dokumenti li jistgħu jintalbu skond ma' hemm fl-artikolu 64 ta' dan l-Att:

Iżda ż-żamma u, jew ir-rilaxx ta' flejjes f'dak li għandu x'jaqsam mal-paragrafu (a) ta' dan is-subartikolu għandhom ikunu regolati bir-regolamenti magħmulin taht l-artikolu 67:

Iżda wkoll, għal-finijiet tal-paragrafu (b), (ċ) u (d), l-ammont proviżorjament miżmum ma għandux jeċċedi matul xi sena finanzjarja, 1% mill-alokazzjoni finanzjarja għal dik is-sena u l-flus għandhom jinżammu biss wara li jkun hemm ksur persistenti mill-Kunsill.”.

7. L-artikolu 56 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 56 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu minnufih wara l-kliem “ta' kull sena finanzjarja” għandhom jidhlu l-kliem “jew fi żmien hmistax-il jum minn meta l-Kunsill jiġi notifikat bl-allokkazzjoni tiegħu skond liema tiġi l-aktar tard”;

(b) fis-subartikolu (2) tiegħu minnufih wara l-kliem “ta' kull sena finanzjarja” għandhom jidhlu l-kliem “jew mhux aktar tard minn hmistax-il jum minn meta jinghatawlu l-estimi tad-dhul u ta' l-infiq”; u

(ċ) fis-subartikolu (3) tiegħu minnufih wara l-kliem “f'kull sena kalendarja” għandhom jidhlu l-kliem “jew mhux aktar tard minn tletin ġurnata mid-data ta' l-approvazzjoni.”.

8. Fil-proviso li hemm ma' l-artikolu 61 ta' l-Att prinċipali minflok il-kliem “bil-miktub lill-Ministru li għandu,” għandhom jidhlu l-kliem “bil-miktub lill-Ministru, fejn jiġi indikat l-ammont ta' surplus nett ta' flejjes li jirriżultaw mis-snin ta' qabel skond is-subartikolu (3) ta' l-artikolu 62 ta' dan l-Att u minn flejjes ohra ġġenerati mill-istess Kunsill. Il-Ministru għandu,”.

Emenda ta' l-artikolu 61 ta' l-Att prinċipali.

9. Fl-artikolu 63 ta' l-Att prinċipali il-kliem “jew li jagħmel xi donazzjonijiet lil xi organizzazzjoni mhux governattiva li ma hijiex inkluża fit-Tmien Skeda li tinsab ma' dan l-Att” għandhom jithassru.

Emenda ta' l-artikolu 63 ta' l-Att prinċipali.

10. Minnufih wara l-artikolu 63 ta' l-Att prinċipali għandu jżied dan l-artikolu 63A ġdid li ġej:

Iżid l-artikolu 63A ġdid ma' l-Att prinċipali.

“Limitazzjoni dwar ix-xorta ta' donazzjoni.

63A. Il-Kunsill ma għandu jagħmel ebda donazzjoni ta' flejjes jew jagħmel xi donazzjoni mhux bi flus li xi organizzazzjoni nmhux governattiva li ma tkunx inkluża fit-Tmien Skeda li tinsab ma' dan l-Att:

Iżda l-Kunsill jista', f' sena finanzjarja waħda, jagħmel donazzjoni ta' flus jew b'korrispettiv lil xi organizzazzjoni stabbilita fil-lokalità u li ma tkunx elenkata fit-Tmien Skeda, sakemm dik id-donazzjoni ma tkunx teċċedi l-hamsin lira:

Iżda wkoll, il-Kunsill ma jistax f'xi sena finanzjarja jagħmel xi donazzjonijiet f'ammont li jkun jeċċedi 0.5 fil-mija ta' l-allokkazzjoni annwali għal dik is-sena."

Emenda ta' l-artikolu 65 ta' l-Att prinċipali.

11. Fis-subartikolu (6) ta' l-artikolu 65 ta' l-Att prinċipali, minflok il-kliem minn "Il-Ministru responsabbli għall-finanzi għandu jiehu hsieb" sal-kliem "l-artikolu 108 tal-Kostituzzjoni għandhom japplikaw." għandhom jidhlu l-kliem "Għandha titqiegħed kopja ta' dan ir-rapport fuq il-Mejda tal-Kamra mill-Ministru fi żmien sitt ġimgħat minn meta jirċeviha."

Emenda tat-Tmien Skeda li tinsab ma' l-Att.

12. Fit-Tmien Skeda li tinsab ma' l-Att minflok il-kliem "[Artikolu 63]" għandhom jidhlu l-kliem "[Artikolu 63A]".

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 772 tal-10 ta' Lulju, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

12th July, 2002

ACT NO. XII OF 2002

AN ACT to amend the Local Councils Act, Cap. 363.

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 Local Councils (Amendment) Act, 2002, and this Act shall be read and construed as one with the Local Councils Act, hereinafter referred to as “the principal Act”. Short title and commencement. Cap. 363.

(2) This Act shall come into force on such date as the Minister responsible for Local Government may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes of this Act.

✓ 2. The words “or to remain a member thereof” in article 11 of the principal Act shall be deleted. Amendment of article 11 of the principal Act.

3. Article 12 of the principal Act shall be amended as follows: Amendment of article 12 of the principal Act.

(a) paragraph (j) thereof shall be deleted;

(b) paragraph (c) to (i) thereof shall be renumbered as paragraphs (d) to (j) respectively; and

(c) immediately after paragraph (b) thereof there shall be added the following new paragraph;

“(c) if he is a member of another Local Council;”.

Amendment of article 48 of the principal Act.

4. Sub-article (2) of article 48 of the principal Act shall be renumbered as subarticle (3) thereof, and immediately after subarticle (1) thereof there shall be added the following new subarticle:-

“(2) The administrative offices of the Council shall be open to the public on all working days and during normal office hours.”.

Amendment of article 53 of the principal Act.

5. In subarticle (1) of article 53 of the principal Act, for the words “three thousand” wherever they occur there shall be substituted the words “two thousand five hundred” and immediately after the proviso to subarticle (1) of article 53 of the Local Councils Act, there shall be added the following new proviso:

“Provided further that a Council which in terms of this article can only employ one persons, may, notwithstanding the provisions of this article, employ one other person.”.

Amendment of article 55 of the principal Act.

6. Article 55 of the principal Act shall be amended as follows:-

(a) in subarticle (2) thereof, for the words “shall be allocated to each Council” there shall be substituted the words “shall be allocated by the Minister to each Council”; and

(b) immediately after subarticle (2) there shall be added the following new subarticle:

“(3) In allocating the appropriated amount to a Council, the Minister may retain any portion of such amount if he deems it to be necessary to effect such retention in order to ensure:

(a) the redress of any negative balance or any balance below the benchmarks established by the regulations made under article 67;

(b) the production of copies of minutes of Council, and Finance Committee within three working days after their approval;

(c) the production of copies of any financial statement or document the submission of which is determined by the Act;

(d) the production at all times of the documents that may be demanded in terms of article 64 of this Act:

Provided that the retention and, or release of any monies in connection with paragraph (a) of this subarticle shall be governed by regulations made under article 67:

Provided further that for the purposes of paragraphs (b), (c) and (d), the amount provisionally retained shall not exceed during any financial year, 1% of the financial allocation for that year and that the monies shall only be retained following persistent breaches by a Council.”.

7. Article 56 of the principal Act shall be amended as follows:

Amendment of article 56 of the principal Act.

(a) in subarticle (1) thereof immediately after the words “in each financial year” there shall be added the words “or within fifteen days from the date the Council is notified of its allocation whichever is the later”;

(b) in subarticle (2) thereof immediately after the words “in any financial year” there shall be added the words “or not later than fifteen days from the date estimates of income and expenditure are submitted to the Council.”; and

(c) in subarticle (3) thereof, immediately after the words “in any calendar year” there shall be added the words “or not later than thirty days from the date of approval.”.

8. In the proviso to article 61 of the principal Act for the words “in writing to the Minister who shall,” there shall be substituted the words “in writing to the Minister, indicating the amount of net surplus funds resulting from previous years in terms of subarticle (3) of article 62 of this Act and from other funds generated by the same Council. The Minister shall,”.

Amendment of article 61 of the principal Act.

9. In article 63 of the principal Act the words “or donate any sums to any non-government organisation not included in the Eighth Schedule to this Act” shall be deleted.

Amendment of article 63 of the principal Act.

10. Immediately after article 63 of the principal Act there shall be added the following new article 63A:

Addition of new article 63A to the principal Act.

“Limitation as to nature of a donation.

63A. The Council shall not donate any sums or make any donation in kind to any non-government organisation not included in the Eighth Schedule to this Act:

Provided that the Council may, in any one financial year, make one donation in cash or in kind to any organisation

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established in the locality and not listed in the Eighth Schedule, provided that such donation does not exceed fifty liri:

Provided further that the Council may not in any financial year give in donation more than 0.5 per cent of the annual allocation for that year.”

Amendment of
article 65 of the
principal Act.

11. In subarticle (6) of article 65 of the principal Act, for the words from “The Minister responsible for finance shall cause” to the words “article 108 of the Constitution shall apply.” there shall be substituted the words “A copy of this report shall be laid on the Table of the House by the Minister within six weeks after receipt thereof by him.”.

Amendment of
Eight Schedule to
the Act.

12. In the Eighth Schedule to the Act for the words “[Article 63]” there shall be substituted the words “[Article 63A]”.

Passed by the House of Representatives at Sitting No. 772 of 10th July, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives