

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO
President

9 ta' Lulju, 2002

ATT Nru. X ta' l-2002

ATT biex jemenda l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika, Kap. 90, biex titwaqqaf il-kariga ta' Prosekutur Ġenerali, u sabiex tagħmel provvedimenti oħra, inklużi emendi għall-Kostituzzjoni u għal liġijiet oħra, konsegwenzjali u incidentali għal dan.

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:-

TAQSIMA I

1. (1) It-titolu fil-qosor ta' dan l-Att huwa Att ta' l-2002 li jemenda l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika.

Titolu fil-qosor u bidu fis-sehh.

(2) Id-disposizzjonijiet ta' dan l-Att jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistghu jigu hekk stabbiliti għal disposizzjonijiet u għanijiet differenti ta' dan l-Att.

TAQSIMA II

2. (1) Din il-parti temenda l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika, Kap. 90, hawnhekk iżjed 'il quddiem f'din it-taqsima msemmija bhala "l-Ordinanza".

Emenda ta' l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika, Kap. 90.

(2) Din il-parti ghandha tinqara' u tiftichem bhala parti mill-Ordinanza.

Sostituzzjoni tat-
titolu
ta' l-Ordinanza.

3. Minflok it-titolu ta' l-Ordinanza ghandu jidhol dan li ġej:

“Biex tipprovdi dwar il-karigi ta' Avukat Ġenerali u ta' Prosekutur Ġenerali u biex tipprovdi ghal affarijiet konsegwenzjali u incidentalni ghalihom.”.

Emenda ta' l-
artikolu
1 ta' l-Ordinanza.

4. Fl-artikolu 1 ta' l-Ordinanza minflok il-kliem “l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika” ghandhom jidhlu l-kliem “l-Att dwar L-Avukat Ġenerali u l-Prosekutur Ġenerali”.

Sostituzzjoni ta'
l-artikolu 2 ta'
l-Ordinanza.

5. Minflok l-artikolu 2 ta' l-Ordinanza ghandu jidhol dan li ġej:

“Avukat
Ġenerali u
Prosekutur
Ġenerali.

2. (1) L-Avukat Ġenerali jkun il-konsulent legali ewlieni tal-Gvern u ghandu jkollu r-rappreżentanza ġudizzjarja tal-Gvern f'attijiet u azzjonijiet ġudizzjarji fejn il-liġi ma tkunx tipprovdi li dik ir-rappreżentanza tkun tvesti f'xi persuna jew awtorità oħra. Meta l-Avukat Ġenerali jkollu jaġixxi jew jeżercita xi poter taht xi liġi skond il-ġudizzju individwali tieghu, huwa ma jkunx sugġett għall-ebda ordni jew kontroll ta' xi persuna jew awtorità oħra.

(2) L-Avukat Ġenerali jeżercita l-poteri tieghu biex jistitwixxi, imexxi jew iwaqqaf proċeduri kriminali permezz tal-Prosekutur Ġenerali li ghandu jkun l-ufficjal tal-prosekuzzjoni ewlieni f'Malta u li jkollu dawk il-poteri f'dak li ghandu x'jaqsam mal-proċeduri kriminali li jista' jiġi provdut dwarhom bil-liġi minn żmien għal żmien; fl-eżercizzju tal-poteri tieghu, il-Prosekutur Ġenerali jaġixxi taht id-direzzjoni ġenerali ta' l-Avukat Ġenerali u ma jkunx sugġett għall-ebda ordni jew kontroll ta' xi persuna jew awtorità oħra hlief l-Avukat Ġenerali.

(3) L-ufficjali ta' l-Avukat Ġenerali u tal-Prosekutur Ġenerali ghandhom, meta jaġixxu taht id-direzzjoni ta' l-Avukat Ġenerali jew tal-Prosekutur Ġenerali, skond il-każ, f'kull haga li fiha l-Avukat Ġenerali jew il-Prosekutur Ġenerali jkollhom jaġixxu skond il-ġudizzju individwali tagħhom, ikollhom l-istess protezzjoni skond il-liġi daqs li kieku l-att magħmul jew mhux magħmul kien att ta' l-Avukat Ġenerali jew tal-Prosekutur Ġenerali.”.

6. L-artikolu 3 ta' l-Ordinanza għandu jiġi emendat kif ġej:

Emenda
ta' l-artikolu 3
ta' l-Ordinanza.

(a) minflok in-nota marginali ta' dak l-artikolu għandu jidhol dan li ġej:

“Uffiċjali ta' l-Avukat Ġenerali u Uffiċjali tal-Prosekutur Ġenerali”;

(b) is-subartikoli (1) u (2) għandhom jiġu enumerati mill-ġdid bhala s-subartikoli (3) u (4) rispettivament;

(ċ) Minnufih qabel is-subartikolu (3) tiegħu kif enumerat mill-ġdid għandu jiddaħhal dan is-subartikolu li ġej:

“(1) Ikun hemm dawk l-uffiċjali li jissejju “Uffiċjali ta' l-Avukat Ġenerali” li għandhom jeserċitaw u jwettqu dawk il-poteri, funzjonijiet u dmirijiet kollha li jistgħu jiġu delegati jew assenjati lilhom mill-Avukat Ġenerali.

(2) Fl-eserċizzju u t-twettiq tal-poteri, l-funzjonijiet u d-dmirijiet delegati jew assenjati lilhom kif hawn qabel imsemmi, l-Uffiċjali ta' l-Avukat Ġenerali għandu jkollhom, kemm-il darba ma jkunx jidher li hemm fehma kuntrarja, l-istess protezzjoni u privileġġi kif inhuma bil-liġi imposti jew mogħtija lill-Avukat Ġenerali.”;

(d) fis-subartikolu (3) tiegħu kif enumerat mill-ġdid, minflok il-kliem “uffiċjal li jissejjah” sal-kliem “u “Avukat tar-Repubblika”” għandhom jidhlu l-kliem “dawk l-uffiċjali li jissejju “Uffiċjali tal-Prosekutur Ġenerali””;

(e) fis-subartikolu (4) tiegħu kif enumerat mill-ġdid minflok il-kliem “id-Deputat Avukat Ġenerali, l-Assistenti għall-Avukat Ġenerali, l-Avukti tar-Repubblika Anzjani u l-Avukati tar-Repubblika” għandhom jidhlu l-kliem “l-Uffiċjali tal-Prosekutur Ġenerali”;

(f) minnufih wara s-subartikolu (4) tiegħu kif enumerat mill-ġdid għandhom jiżdiedu dawn is-subartikoli li ġejjin:

“(5) L-Uffiċċju ta' l-Avukat Ġenerali u l-Uffiċċju tal-Prosekutur Ġenerali qegħdin b'dan jissemmew bhala Aġenziji tal-Gvern u d-disposizzjonijiet tas-subartikoli (7) sa (11) ta' dan l-artikolu għandhom japplikaw għal dawk l-aġenziji.

(6) L-Avukat Ġenerali u l-Prosekutur Ġenerali jistghu ukoll jaġixxu permezz ta' dawk il-kuntratturi li kull wiehed minnhom jista' jahtar minn żmien għall-iehor:

Iżda dawk il-kuntratturi għandhom f'kull żmien jaġixxu skond dawk l-istruzzjonijiet li jistghu jinghatawllhom mill-Avukat Ġenerali jew mill-Prosekutur Ġenerali, skond kif ikun il-każ.

(7) (a) L-Uffiċċju ta' l-Avukat Ġenerali u l-Uffiċċju tal-Prosekutur Ġenerali għandhom, bħala aġenziji tal-gvern, rispettivament ikollhom bħala kap lill-Avukat Ġenerali u lill-Prosekutur Ġenerali u għandhom rispettivament ikunu l-mezz li bih l-Avukat Ġenerali u l-Prosekutur Ġenerali jwettqu l-funzjonijiet tagħhom skond il-liġi.

(b) Dawk l-aġenziji għandhom kull wiehed minnhom ikun korp magħqud li jkollu personalità legali distinta u li jkun kapaċi li jagħmel kuntratti, li jimpjega persunal, li jikseb, iżomm għandu u jiddisponi minn kull xorta ta' proprjetà għall-finijiet tal-hidmiet li jagħmel u li jharrek u li jiġi mharrek.

(ċ) Ir-rappreżentanza legali u ġuridika ta' l-Uffiċċju ta' l-Avukat Ġenerali u ta' l-Uffiċċju tal-Prosekutur Ġenerali tvesti fl-Avukat Ġenerali u fil-Prosekutur Ġenerali rispettivament.

(d) Kull waħda minn dawk l-aġenziji għandha tagħmel ftehim dwar it-twettiq ta' dik l-aġenzija mal-Gvern li permezz tiegħu jiġu stabbiliti l-finanzjament ta' l-aġenzija kif ukoll il-hidmiet li għandhom jiġu indirizzati u miksubin minn kull aġenzija minn dawk imsemmija:

Iżda l-Ministru responsabbli għal kull waħda mill-aġenziji għandu, bla ħsara għad-disposizzjonijiet ta' xi liġi kuntrarja, jkollu jedd f'kull każ li jagħti ordnijiet bil-miktub lill-aġenzija, u l-aġenzija u l-kap rispettiv tagħha jkunu marbuta li josservaw dawk id-direttivi:

Iżda wkoll id-disposizzjonijiet tal-proviso hawn qabel imsemmi m'għandhomx japplikaw meta l-Avukat Ġenerali jew il-Prosekutur Ġenerali, skond il-każ, ikollhom skond il-Kostituzzjoni jew kull liġi oħra jaġixxu skond il-ġudizzju individwali tagħhom infushom, f'liema każ l-aġenzija għandha taġixxi skond l-uniċi direttivi ta' l-Avukat Ġenerali u tal-Prosekutur Ġenerali, skond il-każ.

(8) L-Avukat Ġenerali u l-Prosekutur Ġenerali u l-impjegati ta' dawk l-aġenziji għandhom jikkonformaw ma' kull Kodiċi ta' Etika li jkun japplika għal uffiċjali pubbliċi u għandu, bla hsara għal kull liġi kuntrarja, ikollhom l-istess obbligi tahtu:

Iżda l-Avukat Ġenerali u l-Prosekutur Ġenerali għandu bi ftehim mal-Ministru responsabbli għall-aġenzija rispettiva jabbozza valuri ta' servizz u Kodiċijiet ta' Etika dwar l-aġenziji rispettivi tagħhom biex jissupplimentaw kull Kodiċi ta' Etika tas-servizz pubbliku.

(9) (a) L-Avukat Ġenerali u l-Prosekutur Ġenerali għandhom iżommu kotba bil-kontijiet kif imiss b'dak il-mod li l-Ministru tal-Finanzi jista' minn żmien għal żmien jordna. Dawk il-kontijiet għandhom jiġu verifikati minn awditur li jinhatar għal dak l-ghan minn kap rispettiv ta' l-aġenzija bi ftehim mal-Ministru tal-Finanzi u għandu iktar minn hekk ikun sugġett għall-verifika li ssir mill-Awditur Ġenerali.

(b) L-Avukat Ġenerali u l-Prosekutur Ġenerali għandhom, kull wiehed minnhom u mhux iktar tard minn sitt ġimgħat wara tmiem kull sena finanzjarja jipprezenta lill-Ministru responsabbli għall-aġenzija rispettiva, il-kontijiet verifikati flimkien ma' rapport fuq l-operat ta' kull aġenzija rispettiva, f'liema rapport għandu jiġi dikjarat il-mod li bih tkun operat l-aġenzija sabiex twettaq il-funzjonijiet tagħha u l-pjanijiet tagħha għall-futur.

(ċ) Ir-rapporti msemmija fis-subartikolu (2) għandhom jitqeghdu fuq il-Mejda tal-Kamra mill-Ministru mhux iktar tard minn sitt ġimgħat minn meta jaslu, jew inkella jekk f'dak iż-żmien il-Kamra ma tkunx qeghda tiltaqa', mhux iktar tard mit-tieni ġimgħa wara li l-Kamra tkompli bis-seduti tagħha.

(10) (a) Mingħajr preġudizzju għad-disposizzjonijiet jew ta' kull liġi oħra li tkun kuntrarja, kull aġenzija jista' jkollha, bi ftehim mal-Ministru responsabbli għall-aġenzija, Bord ta' Tmexxija li jkun magħmul mill-Kap ta' l-aġenzija bhala president u mhux inqas minn żewġ, iżda mhux iżjed minn erba', membri hekk kif il-Ministru responsabbli għall-aġenzija jista' b'ordni jistabilixxi u jahtar:

Iżda l-Avukat Ġenerali jkollu d-dritt li jattendi f'kull laqgħa tal-Bord ta' Tmexxija ta' l-Uffiċċju tal-Prosekutur Ġenerali.

(b) Kull ordni hekk magħmula tista' tiġi emendata, sostitwita jew revokata b'ordni oħra.

(ċ) Fejn jeżisti Bord ta' Tmexxija, il-kap ta' l-aġenzija għandu, bla hsara għal xi liġi għall-kuntrarju u għal kull direttiva mahruġa mill-Ministru tiegħu, jaġixxi skond id-direzzjoni ġenerali u l-kontroll ta' dak il-Bord.

(11) (a) Il-Prim Ministru jista' b'ordni jinkariga lil xi uffiċjal pubbliku biex jaqdi dmirijietu ma' xi wahda minn dawk l-aġenziji għal dak iż-żmien u taht dawk il-kondizzjonijiet li jistgħu jiġu stabbiliti fir-rigward ta' dak l-uffiċjal li jkun gie hekk inkarigat.

(b) Il-Prim Ministru jista' f'kull żmien jirrevoka kull ordni bħal dik.

(ċ) Meta uffiċjal jiġi inkarigat iwettaq dmirijiet ma' xi aġenzija, dak l-uffiċjal għandu, f'dak iż-żmien li matulu dik l-ordni tkun fis-sehh, jkun taht id-direzzjoni amministrattiva u l-kontroll tal-kap ta' l-aġenzija, iżda għandu xort'oħra jibqa', u jzomm id-drittijiet u d-dmirijiet kollha bħala, uffiċjal pubbliku u għall-finijiet ta' kull liġi li għandha x'taqsam mal-pensjonijiet tal-gvern, is-servizz ma' aġenzija bħal dik jitqies li jkun servizz mal-Gvern:

Iżda m'għandu jittiehed ebda kont fl-istima ta' l-emolumenti pensjonabbli ta' dak l-uffiċjal għall-finijiet ta' xi liġi li jkollha x'taqsam mal-pensjonijiet tas-servizz tal-gvern dwar kull allowance, bonus jew gratwità mħallsa lil dak l-uffiċjal mill-aġenzija b'eċċess għal dak li għandu jedd għalih bħala uffiċjal pubbliku:

Iżda wkoll matul iż-żmien li dwaru huwa jiġi hekk inkarigat biex iwettaq dmirijiet ma' l-aġenzija, il-pattijiet u l-kondizzjonijiet tas-servizz tiegħu m'għandhomx ikunu inqas favorevoli minn dawk relattivi għall-hatra tiegħu taht il-Gvern matul il-perjodu hawn qabel imsemmi. Dawk il-pattijiet u l-kondizzjonijiet m'għandhomx jitqiesu li jkunu inqas favorevoli sempliċement għaliex ma jkunux f'kull rigward identiċi ma', jew superjuri għal, dawk gawduti mill-uffiċjal involut fid-data ta' dik l-offerta, jekk il-pattijiet u l-

kondizzjonijiet, mehudin flimkien, fil-fehma tal-Prim Ministru jkunu joffru benefiċċji sostanzjalment ekwivalenti jew ta' xorta ahjar.”.

7. Fl-artikolu 4 ta' l-Ordinanza minflok il-kliem minn “L-Avukat Ġenerali” sal-kliem “u l-Avukati tar-Repubblika” ghandhom jidhlu l-kliem “L-Avukat Ġenerali, l-Uffiċjali ta' l-Avukat Ġenerali, il-Prosekutur Ġenerali u l-Uffiċjali tal-Prosekutur Ġenerali”.

Emenda ta' l-artikolu 4 ta' l-Ordinanza.

TAQSIMA III

8. (1) Din il-parti temenda d-diversi Liġijiet imsemmija fid-diversi artikoli li jinsabu fiha.

Emendi konsegwenzjali ghal diversi Liġijiet.

(2) Kull artikolu f'din it-taqsimha ghandu jinqara u jiftiehem bhala haġa wahda mal-Kodiċi, l-Att, l-Ordinanza jew liġi ohra li tkun qed tiġi emendata b'dak l-artikolu.

9. Il-Kodiċi Kriminali ghandu jiġi emendat kif ġej:

Emenda tal-Kodiċi Kriminali, Kap. 9.

(a) minflok il-kliem “Avukat Ġenerali” kull fejn jinsabu f'artikolu 93 tiegħu, inkluż fin-nota marginali ghalih, ghandhom jidhlu l-kliem “Avukat Ġenerali, il-Prosekutur Ġenerali”;

(b) fin-nota marginali ghal artikolu 94 tiegħu, minflok il-kliem “Avukat Ġenerali” ghandhom jidhlu l-kliem “Avukat Ġenerali, il-Prosekutur Ġenerali”; u

(ċ) f'subartikolu (3) ta' artikolu 516 tiegħu, minflok il-kliem “l-Avukat Ġenerali” ghandhom jidhlu l-kliem “l-Avukat Ġenerali, il-Prosekutur Ġenerali”.

10. Il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili ghandu jiġi emendat kif ġej:

Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.

(a) fis-subartikolu (1) ta' l-artikolu 29 minflok il-kliem “mill-Avukat Ġenerali” ghandhom jidhlu l-kliem “mill-Avukat Ġenerali, mill-Prosekutur Ġenerali”;

(b) fl-artikolu 521 u fis-subartikolu (2) ta' l-artikolu 611, minflok il-kliem “Avukat Ġenerali” ghandhom jidhlu l-kliem “Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tiegħu”;

u

(ċ) fis-subartikolu (2) ta' l-artikolu 786, minflok il-kliem "l-Avukat Ġenerali fil-każijiet li fihom huwa awtorizzat b'mod speċjali mil-liġi li jidher, jew meta huwa awtorizzat", ghandhom jidhlu l-kliem "l-Avukat Ġenerali jew il-Prosekutur Ġenerali fil-każijiet li fihom huma awtorizzati b'mod speċjali mil-liġi li jidhru, jew l-Avukat Ġenerali meta huwa awtorizzat".

Emenda tal-Kodiċi tal-Kummerċ, Kap. 13.

11. Fl-artikoli 29, 47 (2), 71 (6) u 91 (1) tal-Kodiċi tal-Kummerċ, minflok il-kliem "Avukat Ġenerali" kulfejn jinsabu, ghandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tiegħu".

Emenda tal-Kodiċi Ċivili, Kap. 16.

12. Fl-artikoli 299 (1) u 661 (1) tal-Kodiċi Ċivili, minflok il-kliem "Avukat Ġenerali" kulfejn jinsabu, ghandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tiegħu".

Emenda ta' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kap. 55.

13. Minflok il-kliem "Avukat Ġenerali" f'artikolu 13 ta' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili ghandhom jidhlu l-kliem "Prosekutur Ġenerali" u minflok il-kliem "Avukat Ġenerali" f'artikoli 112, 115 u 125 ta' l-istess Att ghandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tiegħu nnifsu".

Emenda ta' l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, Kap. 79.

14. L-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, ghandha tiġi emendata kif ġej:

(a) is-subartikolu (1A) ta' l-artikolu 3 tiegħu għandu jithassar; u

(b) minflok l-artikolu 6 tiegħu, għandu jidhol dan li ġej:

"Kummissjunarji b'setgħa li jagħtu Ġurament *ex officio*.

6. (1) L-Avukat Ġenerali u l-Prosekutur Ġenerali u dawk l-uffiċjali tagħhom li l-Avukat Ġenerali u l-Prosekutur Ġenerali, skond il-każ, jista' minn żmien għal żmien jinnomina b'avviż fil-Gazzetta, kif ukoll il-maġistrati, ghandhom *ex officio* jkunu Kummissjunarji għall-ġuramenti.

(2) In-nomina msemmija fis-subartikolu (1) tista' ssir b'riferenza għal xi persuna jew persuni jew billi tisemma l-kariga jew il-grad li wiehed għandu jkollu."

Emenda ta' l-Ordinanza dwar il-Pensjonijiet, Kap. 93.

15. L-Ordinanza dwar il-Pensjonijiet, ghandha tiġi emendata kif ġej:

(a) fis-subartikolu (1) ta' l-artikolu 9 tagħha:

(i) minflok il-kliem “minbarra mhallef” ghandhom jidhlu l-kliem “minbarra mhallef jew l-Avukat Ġenerali jew il-Prosekutur Ġenerali jew maġistrat”;

(ii) minflok il-kliem “ minbarra mhallef, Avukat Ġenerali jew maġistrat” fil-paragrafu (i) tal-proviso ghalih ghandhom jidhlu l-kliem “ minbarra mhallef, Avukat Ġenerali, Prosekutur Ġenerali jew maġistrat”; u

(b) fil-paragrafi (3) u (4) tar-regolament 3 li hemm fl-Iskeda relattiva minflok il-kliem “Avukat Ġenerali” kulfejn jinsabu, ghandhom f’kull każ jidhlu l-kliem “Avukat Ġenerali jew Prosekutur Ġenerali”;

(ċ) fil-proviso għall-paragrafu (1) tar-regolament 4 li hemm fl-Iskeda relattiva, minflok il-kliem “Izda jekk ufficjal” ghandhom jidhlu l-kliem “Izda jekk ufficjal, minbarra mhallef jew l-Avukat Ġenerali jew il-Prosekutur Ġenerali, jew maġistrat”.

16. Minflok ir-riferenza għal “Avukat Ġenerali” fl-ewwel kolonna ta’ l-Iskeda li tinsab ma’ l-Att dwar is-Salarji tal-President ta’ Malta u ta’ Ufficjali ohra, ghandhom jidhlu r-riferenzi “Avukat Ġenerali u Prosekutur Ġenerali”.

Emenda ta’ l-Att dwar is-Salarji tal-President ta’ Malta u ta’ Ufficjali ohra, Kap. 185.

17. Fis-subartikolu (5) ta’ l-artikolu 8 ta’ l-Att dwar il-Habs minflok il-kliem “il-Prim Imhallef, l-Imhallfin, il-Maġistrati u l-Avukat Ġenerali” ghandhom jidhlu l-kliem “il-Prim Imhallef, l-Avukat Ġenerali, il-Prosekutur Ġenerali, l-Imhallfin u l-Maġistrati”.

Emenda ta’ l-Att dwar il-Habs, Kap. 260.

18. Fis-subartikolu (2) ta’ l-artikolu 4 ta’ l-Att dwar it-Trasferiment ta’ Artijiet tal-Gvern, minflok il-kliem “Avukat Ġenerali” ghandhom jidhlu l-kliem “Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tieghu”.

Emenda ta’ l-Att dwar it-Trasferiment ta’ Artijiet tal-Gvern, Kap. 268.

19. Fis-subparagrafu (6) tal-paragrafu 1 tad-Disa’ Skeda li tinsab ma’ l-Att dwar Taxxa fuq il-Valur Miżjud, minflok il-kliem “Avukat Ġenerali” ghandhom jidhlu l-kliem “Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tieghu”.

Emenda ta’ l-Att dwar Taxxa fuq il-Valur Miżjud, Kap. 406.

20. (1) Minflok il-kliem “Avukat Ġenerali” kull fejn jinsabu f’kull liġi minbarra l-artikoli (jew partijiet minn xi liġi jissejhu kif jissejhu) elenkati fis-subartikolu (2), ghandhom jidhlu l-kliem “Prosekutur Ġenerali”.

Emenda ġenerali.

(2) L-artikoli ta’ liġi msemmija fis-subartikolu (1) huma dawk emendati bl-artikoli precedenti ta’ dan l-Att u dawn li ġejjin:

- (i) l-artikoli 91 u 101A tal-Kostituzzjoni;
- (ii) l-artikoli 77, 181B, 436, 437, 440(1), 441, 443(1), 445(1), 446, 447, 461, 462 u l-Formula Nru. 18 li tinstab fl-Iskeda B tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12;
- (iii) l-artikolu 4 ta' l-Ordinanza dwar il-Projbizzjoni ta' Esportazzjoni ta' xi Ogġetti, Kap. 24;
- (iv) l-artikolu 9 ta' l-Ordinanza dwar l-Importazzjoni, Magazzinagg u Bejgh ta' Petroleum, Kap. 25;
- (v) l-artikolu 18 ta' l-Ordinanza dwar il-Haddiema d-Deheb u Haddiema l-Fidda, Kap. 46;
- (vi) l-artikoli 10, 89, 90, 100, 111, 144 u 150 ta' l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55;
- (vii) l-artikolu 6(2) ta' l-Ordinanza dwar il-Qirda tal-Kummerċ fil-Prostituzzjoni, Kap. 63;
- (viii) l-artikolu 3 ta' l-Ordinanza dwar il-Kummissjunarji b'Setgha li jaghtu Ġurament, Kap. 79;
- (ix) l-artikolu 24 ta' l-Ordinanza dwar l-Akkwist ta' Artijiet ghal Skopijiet Pubbliċi, Kap. 88;
- (x) l-artikolu 7(2)(b) ta' l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Sahha, Kap. 94;
- (xi) l-artikolu 2 ta' l-Att dwar l-Istampar mill-Ġdid ta' Liġijiet Eżistenti, Kap. 180;
- (xii) l-artikolu 5(6) ta' l-Att dwar it-Tiġdid ta' Kiri ta' Raba', Kap. 199;
- (xiii) l-Att dwar il-Manumorta, Kap. 201 (l-artikoli kollha kull fejn jinstabu);
- (xiv) l-artikoli 37(7) u 38(2) ta' l-Att dwar il-Bank Ċentrali ta' Malta, Kap. 204;
- (xv) l-artikolu 9(5) ta' l-Att dwar l-Avjazzjoni Ċivili (Ċertifikati ta' Operaturi ta' l-Ajru), Kap. 218;
- (xvi) l-artikolu 32D(1) ta' l-Att dwar ir-Referendi, Kap. 237;

(xvii) l-artikolu 6(3) ta' l-Att dwar l-Akkwist ta' Proprietà Immobbli minn Persuni mhux Residenti, Kap. 246;

(xviii) l-artikolu 37 ta' l-Att dwar l-Istampa, Kap. 248;

(xix) l-artikolu 29(3) ta' l-Att dwar ir-Relazzjonijiet Industrijali, Kap. 266;

(xx) l-artikolu 5(2) ta' l-Att dwar l-Inkjesti, Kap. 273;

(xxi) l-artikoli 5(2)(a) u (3) ta' l-Att li jhassar l-Ordinanza dwar il-Hsarat tal-Gwerra, Kap. 289;

(xxii) l-artikolu 4(9) ta' l-Att dwar il-Kummissarju għall-Gustizzja, Kap. 291;

(xxiii) l-artikolu 2(5) ta' l-Att dwar il-Kuratur Pubbliku, Kap. 299;

(xxiv) l-artikolu 107(2) ta' l-Att dwar is-Sigurtà Soċjali, Kap. 318;

(xxv) l-artikolu 6(1) ta' l-Att dwar il-Konvenzjoni Ewropea, Kap. 319;

(xxvi) l-artikoli 28(3) u 33(1)(a) ta' l-Att dwar il-Promozzjoni ta' Negozji, Kap. 325;

(xxvii) l-artikolu 14(2) ta' l-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni, Kap. 326;

(xxviii) l-artikoli 18(3) u 37(3) ta' l-Att dwar it-Trusts, Kap. 331;

(xxix) l-artikolu 3(4) ta' l-Att dwar is-Servizzi ta' Impieg u Tahrig, Kap. 343;

(xxx) l-artikolu 8 ta' l-Att dwar l-Elezzjonijiet Ġenerali, Kap. 354;

(xxxi) l-artikolu 4 ta' l-Att dwar Kunsilli Lokali, Kap. 363;

(xxxii) l-artikolu 3(2)(a)(ii) ta' l-Att dwar Kummissjoni għall-Amministrazzjoni tal-Gustizzja, Kap. 369;

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(xxxiii) l-artikolu 19 ta' l-Att dwar l-Affarijiet tal-Konsumatur, Kap. 378;

(xxxiv) l-artikolu 6 ta' l-Att dwar Tribunal għal Talbiet Żgħar, Kap. 380;

(xxxv) l-artikolu 7(2) ta' l-Att dwar Kumpanniji Kontrollati (Proċedura ta' Stralċ), Kap. 383;

(xxxvi) l-artikoli 260, 320 u 411 ta' l-Att dwar il-Kumpanniji, Kap. 386;

(xxxvii) l-artikolu 4(3) ta' l-Att dwar l-Arbitraġġ, Kap. 387;

(xxxviii) l-artikolu 3(4)(ċ) ta' l-Att dwar Atti Nutarili (Provvedimenti Temporanji), Kap. 408;

(xxxix) l-artikolu 45(5) ta' l-Att dwar id-Drittijiet ta' l-Awtur, Kap. 415;

(xl) l-artikolu 10(4) ta' l-Att dwar il-Kontroll tal-Pesticidi, Kap. 430; u

(xli) l-artikolu 19(5) ta' l-Att dwar il-Kodiċi ta' Kondotta għal Sistema ta' Riservazzjoni Komputerrizzata, Kap. 434".

Disposizzjoni
transitorja.

21. Kull att magħmul minn jew għar-rigward ta' l-Avukat Ġenerali qabel il-bidu fis-sehh ta' dan l-Att, li skond dan l-Att għandu jsir minn jew għar-rigward ta' l-Avukat Ġenerali jew il-Prosekutur Ġenerali, skond il-każ, għandu jitqies li jkun sar bi jew għar-rigward ta' l-Avukat Ġenerali jew il-Prosekutur Ġenerali rispettivament.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 764 tat-2 ta' Lulju, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

9th July, 2002

ACT No. X of 2002

AN ACT to amend the Attorney General and Counsel for the Republic (Constitution of Office) Ordinance, Cap. 90, setting up the office of Prosecutor General, and to make other provision, including amendment to the Constitution and other laws, consequential and incidental thereto.

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:-

PART I

1. (1) The short title of this Act is The Attorney General and Counsel for the Republic (Constitution of Office) (Amendment) Act, 2002.

Short title and commencement.

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

PART II

2. (1) This part amends the Attorney General and Counsel for the Republic (Constitution of Office) Ordinance, Cap. 90, hereinafter in this part referred to as "the Ordinance".

Amendment of the Attorney General and Counsel for the Republic (Constitution of Office) Ordinance, Cap. 90.

(2) This part shall be read and construed as part of the Ordinance.

Substitution of the title of the Ordinance.

3. For the title of the Ordinance there shall be substituted the following:

“To provide for the offices of Attorney General and Prosecutor General and to provide for matters consequential and incidental thereto.”.

Amendment of article 1 of the Ordinance.

4. In article 1 of the Ordinance for the words “Attorney General and Counsel for the Republic (Constitution of Office) Ordinance” there shall be substituted the words “The Attorney General and Prosecutor General Act”.

Substitution of article 2 of the Ordinance.

5. For article 2 of the Ordinance, there shall be substituted the following:

“Attorney General and Prosecutor General.

2. (1) The Attorney General shall be the chief legal advisor to the Government and shall have the judicial representation of the Government in judicial acts and actions where the law does not provide that such representation shall vest in some other person or authority. Where under any law the Attorney General is to act or exercise any power on his individual judgement he shall not be subject to the direction or control of any other person or authority.

(2) The Attorney General shall exercise his powers to institute, undertake or discontinue criminal proceedings through the Prosecutor General who shall be the chief prosecuting officer in Malta having such powers in connection with criminal proceedings as may from time to time be by law provided; in the exercise of his powers, the Prosecutor General shall act under the general direction of the Attorney General and shall not be subject to any direction or control of any other person or authority, save the Attorney General.

(3) The officers of the Attorney General and of the Prosecutor General shall when acting under the direction of the Attorney General or of the Prosecutor General, as the case may be, in anything in which the Attorney General or the Prosecutor General are to act in their own individual judgement, shall have the same protection at law as if the action done or omitted to be done were an act of the Attorney General or of the Prosecutor General.”.

6. Article 3 of the Ordinance shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following:

“Officers of the Attorney General and Officers of the Prosecutor General”;

(b) subarticles (1) and (2) shall be renumbered as subarticles (3) and (4) respectively;

(c) Immediately before subarticle (3) thereof as renumbered there shall be inserted the following subarticle:

“(1) There shall be such officers to be styled “Officers of the Attorney General” who shall exercise and perform all such powers, functions and duties as may be delegated or assigned to them by the Attorney General.

(2) In the exercise and performance of the powers, functions and duties delegated or assigned to them as aforesaid the Officers of the Attorney General shall, unless the contrary intention appears, have the same protection and privileges as are by law imposed or given to the Attorney General.”;

(d) in subarticle (3) thereof as renumbered, for the words “an officer to be styled” to the words “and “Counsel for the Republic” ” there shall be substituted the words “such officers to be styled “Officers of the Prosecutor General” ”;

(e) in subarticle (4) thereof as renumbered for the words “the Deputy Attorney General, the Assistants to the Attorney General, the Senior Counsel for the Republic and the Counsel for the Republic” there shall be substituted the words “the Officers of the Prosecutor General”;

(f) immediately after subarticle (4) thereof as renumbered there shall be added the following subarticles:

“(5) The Office of the Attorney General and the Office of the Prosecutor General are hereby designated as Government Agencies and the provisions of subarticles (7) to (11) of this article shall apply to the said agencies.

(6) The Attorney General and the Prosecutor General may also act through such contractors as each may from time to time appoint:

Provided that such contractors shall at all times act in accordance with such instructions as may be given to them by the Attorney General or the Prosecutor General, as the case may be.

(7) (a) The Office of the Attorney General and the Office of the Prosecutor General shall as government agencies respectively be headed by the Attorney General and the Prosecutor General and shall respectively be the medium through which the Attorney General and the Prosecutor General carry out their functions according to law.

(b) The said agencies shall each be a body corporate having a distinct legal personality and shall be capable of entering into contracts, of employing personnel, of acquiring, holding and disposing of any kind of property for the purposes of its operations and of suing and of being sued.

(c) The legal and judicial representation of the Office of the Attorney General and of the Office of the Prosecutor General shall lie in the Attorney General and the Prosecutor General respectively.

(d) The said agencies shall each enter into an agency performance agreement with the Government whereby the funding of the agency as well as the tasks to be addressed and achieved by each said agency are determined:

Provided that the Minister responsible for each of the agencies shall, subject to the provisions of any law to the contrary, be entitled in each case to give directions in writing to the agency and the agency and its respective head shall be bound to observe such directives:

Provided further that the provisions of the above proviso shall not apply where the Attorney General or the Prosecutor General, as the case may be, are in accordance with the Constitution or any other law to act in accordance with their own individual judgement, in which case the agency is to act according to the sole directions of the Attorney General and the Prosecutor General, as the case may be.

(8) The Attorney General and the Prosecutor General and the employees of the said agencies shall abide by any Code of Ethics applicable to public officers and shall, subject to any law to the contrary, have the same obligations thereunder:

Provided that the Attorney General and the Prosecutor General shall with concurrence of the Minister responsible for the respective agency draw up service values and Codes of Ethics in respect of their respective agencies to supplement any public service Code of Ethics.

(9) (a) The Attorney General and the Prosecutor General shall keep proper books of account in such manner as the Minister of Finance may from time to time direct. Such accounts shall be audited by an auditor appointed for the purpose by the respective head of the agency with the concurrence of the Minister of Finance and shall moreover be subject to audit by the Auditor General:

(b) The Attorney General and the Prosecutor General shall each not later than six weeks after the end of each financial year present to the Minister responsible for the respective Agency the audited accounts together with a report on the workings of each respective agency which report shall state the manner in which the agency has operated to fulfil its functions and its plans for the future.

(c) The reports referred to in subarticle (2) shall be laid on the Table of the House by the Minister not later than six weeks after its receipt, or where the House is during the period not in session not later than the second week after the House resumes its sittings.

(10) (a) Without prejudice to the provisions or any other law to the contrary each agency may, with the concurrence of the Minister responsible for the agency, have a Management Board which shall consist of the Head of the agency as chairman and not less than two but not more than four members as the Minister responsible for the agency may by direction establish and appoint:

Provided that the Attorney General shall have the right to be present at any meeting of the Management Board of the Office of the Prosecutor General.

(b) Any direction so made may be amended, substituted or revoked by another direction.

(c) Where such a Management Board exists, the head of the agency shall, subject to a law to the contrary and to any directives issued by his Minister, act in accordance with the general direction and control of that Board.

(11) (a) The Prime Minister may by direction detail a public officer for duty with any of the said agencies for such term and under such conditions as may be established in relation to the officer so detailed.

(b) The Prime Minister may at any time revoke any such direction.

(c) Where any officer is detailed for duty with an agency such officer shall, during the time in which such direction is in force, be under the administrative direction and control of the head of the agency, but shall otherwise remain and retain all rights and duties as a public officer and for the purposes of any law relating to government service pensions, service with such agency shall be deemed to be service with the Government:

Provided that no account shall be taken in assessing the pensionable emoluments of such officer for the purposes of any law relating to government service pensions of any allowances, bonuses or gratuities paid to such officer by the agency in excess to what he is entitled to as a public officer:

Provided further that during the time in respect of which he is so detailed to perform duties with the agency the terms and conditions of his service shall not be less favourable than those which are attached to his appointment under the Government during the period aforesaid. Such terms and conditions shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits."

Amendment
of article 4 of
the Ordinance.

7. In article 4 of the Ordinance for the words from "The Attorney General" to the words "and the Counsel for the Republic" there shall be substituted the words "The Attorney General, the Officers of the

Attorney General, the Prosecutor General and the Officers of the Prosecutor General”.

PART III

8. (1) This Part amends the various Laws referred to in the various articles contained therein.

Consequential amendment to various Laws.

(2) Each article of this part shall be read and construed as one with the Code, Act, Ordinance or other law amended by the said article.

9. The Criminal Code shall be amended as follows:

Amendment of the Criminal Code, Cap. 9.

(a) for the words “Attorney General” wherever they appear in article 93 thereof, including the marginal note thereto, there shall be substituted the words “Attorney General, the Prosecutor General”;

(b) for the words “Attorney General” in the marginal note to article 94 thereto, there shall be substituted the words “Attorney General, the Prosecutor General”; and

(c) in subarticle (3) of article 516 thereof, for the words “the Attorney General” there shall be substituted the words “the Attorney General, the Prosecutor General”.

10. The Code of Organization and Civil Procedure shall be amended as follows:

Amendment of the Code of Organization and Civil Procedure, Cap. 12.

(a) in subarticle (1) of article 29 for the words “the Attorney General” there shall be substituted the words “the Attorney General, the Prosecutor General”;

(b) in article 521 and in subarticle (2) of article 611, for the words “Attorney General” there shall be substituted the words “the Attorney General acting in his individual judgement”; and

(c) in subarticle (2) of article 786, for the words “the Attorney General in any action in which he is specially authorised by law to appear or where he is authorised”, there shall be substituted the words “the Attorney General or the Prosecutor General in any action in which they are specially authorised to appear, or the Attorney General where he is authorised”.

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Amendment of the Commercial Code, Cap. 13.

11. In articles 29, 47 (2), 71 (6) and 91 (1) of the Commercial Code, for the words "Attorney General" wherever they occur, there shall be substituted the words "Attorney General acting in his individual judgement".

Amendment of the Civil Code, Cap.16.

12. In articles 299 (1) and 661 (1) of the Civil Code, for the words "Attorney General" wherever they occur, there shall be substituted the words "Attorney General in his individual judgement".

Amendment of the Notarial Profession and Notarial Archives Act, Cap. 55.

13. For the words "Attorney General" in article 13 of the Notarial Profession and Notarial Archives Act, there shall be substituted the words "Prosecutor General" and for the words "Attorney General" in articles 112, 115 and 125 of the same Act there shall be substituted the words "Attorney General acting in his own individual judgement".

Amendment of the Commissioners for Oaths Ordinance, Cap. 79.

14. The Commissioners for Oaths Ordinance shall be amended as follows:

(a) subarticle (1A) of article 3 thereof shall be deleted; and

(b) for article 6 thereof, there shall be substituted the following:

"Commissioners for Oaths *ex officio*."

6. (1) The Attorney General and the Prosecutor General and such of their officers as the Attorney General and the Prosecutor General, as the case may be, may from time to time designate by notice in the Gazette, as well as the magistrates, shall *ex officio* be Commissioners for Oaths.

(2) The designation referred to in subarticle (1) may be made by reference to a person or persons or by designation of the office or ranks held."

Amendment of the Pensions Ordinance, Cap. 93.

15. The Pensions Ordinance shall be amended as follows:

(a) in subarticle (1) of article 9 thereof:

(i) for the words "other than a judge" there shall be substituted the words "other than a judge or the Attorney General or the Prosecutor General or a magistrate";

(ii) for the words "other than a judge, Attorney General or magistrate" in paragraph (i) to the proviso thereto there shall be substituted the words "other than a judge, Attorney General, Prosecutor General or magistrate"; and

(b) in paragraph (3) and (4) of regulation 3 contained in the Schedule thereto for the words "Attorney General" wherever they appear, there shall be substituted in each case the words "Attorney General or Prosecutor General";

(c) in the proviso to paragraph (1) of regulation 4 contained in the Schedule thereto, for the words "Provided that if an officer" there shall be substituted the words "Provided that if an officer, other than a judge or the Attorney General or the Prosecutor General, or a magistrate".

16. For the reference to "Attorney General" in the first column of the Schedule to the President of Malta and other Officers (Salaries) Act, there shall be substituted the references "Attorney General and Prosecutor General".

Amendment of the President of Malta and other Officers (Salaries) Act, Cap. 186.

17. In subarticle (5) of article 8 of the Prisons Act for the words "the Chief Justice, the judges, the magistrates and the Attorney General" there shall be substituted the words "the Chief Justice, the Attorney General, the Prosecutor General, the Judges and the Magistrates".

Amendment of Prisons Act, Cap. 260.

18. In subarticle (2) of article 4 of the Disposal of Government Land Act, for the words "Attorney General" there shall be substituted the words "the Attorney General acting in his individual judgement".

Amendment of the Disposal of Government Land Act, Cap. 268.

19. In subparagraph (6) of paragraph 1 of the Ninth Schedule to the Value Added Tax Act, for the words "Attorney General" there shall be substituted the words "Attorney General acting in his individual judgement".

Amendment of the Value Added Tax, Cap. 406.

20. (1) For the words "Attorney General" wherever they appear in any law other than in the articles of law (or parts of law however called) listed in subarticle (2), there shall be substituted the words "Prosecutor General".

General amendment.

(2) The articles of law referred to in subarticle (1) are those amended by the foregoing articles of this Act and the following:

(i) articles 91 and 101A of the Constitution;

(ii) articles 77, 181B, 436, 437, 440(1), 441, 443(1), 445(1), 446, 447, 461, 462 and Form No. 18 contained in Schedule B of the Code of Organization and Civil Procedure, Cap. 12;

(iii) article 4 of the Exportation of Certain Articles (Prohibition) Ordinance, Cap. 24;

(iv) Article 9 of the Petroleum (Importation, Storage and Sale) Ordinance, Cap. 25;

(v) article 18 of the Goldsmiths and Silversmiths Ordinance, Cap. 46;

(vi) articles 10, 89, 90, 100, 111, 114 and 150 of the Notarial Profession and Notarial Archives Act, Cap. 55;

(vii) article 6(2) of the White Slave Traffic (Suppression) Ordinance, Cap. 63;

(viii) article 3 of the Commissioners for Oaths Ordinance, Cap. 79;

(ix) article 24 of the Land Acquisition (Public Purposes) Ordinance, Cap. 88;

(x) article 7(2)(b) of the Department of Health (Constitution) Ordinance, Cap. 94;

(xi) article 2 of the Existing Laws (Reprint) Act, Cap. 180;

(xii) article 5(6) of the Agricultural Leases (Reletting) Act, Cap. 199;

(xiii) the Mortmain Act, Cap. 201, (all articles wherever they appear);

(xiv) articles 37(7) and 38(2) of the Central Bank of Malta Act, Cap. 204;

(xv) article 9(5) of the Civil Aviation (Air Operators' Certificates) Act, Cap. 218;

(xvi) article 32D(1) of the Referenda Act, Cap. 237;

(xvii) article 6(3) of the Immovable Property (Acquisition by Non-Residents) Act, Cap. 246;

(xviii) article 37 of the Press Act, Cap. 248;

(xix) article 29(3) of the Industrial Relations Act, Cap. 266;

(xx) article 5(2) of the Inquiries Act, Cap. 273;

- (xxi) articles 5(2)(a) and (3) of the War Damage (Repeal) Act, Cap. 289;
- (xxii) article 4(9) of the Commissioners for Justice Act, Cap. 291;
- (xxiii) article 2(5) of the Public Curator Act, Cap. 299;
- (xxiv) article 107(2) of the Social Security Act, Cap. 318;
- (xxv) article 6(1) of the European Convention Act, Cap. 319;
- (xxvi) article 28(3) and 33(1)(a) of the Business Promotion Act, Cap. 325;
- (xxvii) article 14(2) of the Permanent Commission Against Corruption Act, Cap. 326;
- (xxviii) article 18(3) and article 37(3) of the Trusts Act, Cap. 331;
- (xxix) article 3(4) of the Employment and Training Services Act, Cap. 343;
- (xxx) article 8 of the General Elections Act, Cap. 354;
- (xxxi) article 4 of the Local Councils Act, Cap. 363;
- (xxxii) article 3(2)(a)(ii) of the Commission for the Administration of Justice Act, Cap. 369;
- (xxxiii) article 19 of the Consumer Affairs Act, Cap. 378;
- (xxxiv) article 6 of the Small Claims Tribunal Act, Cap. 380;
- (xxxv) article 7(2) of the Controlled Companies (Procedure for Liquidation) Act, Cap. 383;
- (xxxvi) articles 260, 320 and 411 of the Companies Act, Cap. 386;
- (xxxvii) article 4(3) of the Arbitration Act, Cap. 387;

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(xxxviii) article 3(4)(c) of the Notarial Acts (Temporary Provisions) Act, Cap. 408;

(xxxix) article 45(5) of the Copyright Act, Cap. 415;

(xl) article 10(4) of the Pesticides Control Act, Cap. 430;
and

(xli) article 19(5) of the Code of Conduct for Computerised Reservation Systems Act, Cap. 434.”

Transitory
provision.

21. Any act made by or with respect to the Attorney General before the coming into force of this Act, which in accordance with this Act should be made by or with respect to the Attorney General or the Prosecutor General, as the case may be, shall be deemed to have been made by or with respect to the Attorney General or the Prosecutor General respectively.

Passed by the House of Representatives at Sitting No. 764 of 2nd July, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives