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**Nru. 15**

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14. 5. 82.

**MALTA**

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**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

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**ABBOZZ** ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel Darba fis-Seduta tas-26 ta' April, 1982.

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A **BILL** introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 26th April, 1982.

**ATT** biex jemenda jew iħassar ċerti liġijiet.

**AN ACT** to amend or repeal certain laws.

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**C. MIFSUD**  
*Skrivan tal-Kamra tad-Deputati*

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**C. MIFSUD**  
*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jemenda jew iħassar ċerti liġijiet.*

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

Titolu  
fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 dwar Emendi u Tħassir ta' Liġijiet.

Emenda ta'  
liġijiet.

2. Il-liġijiet murija fl-Ewwel Kolonna ta' l-Ewwel Skeda li tinsab ma' dan l-Att għandu jkollhom effett suġġetti għall-emendi murija fit-Tieni Kolonna tagħha.

Tħassir  
ta' liġijiet.

3. Il-liġijiet murija fit-Tieni Skeda li tinsab ma' dan l-Att għandhom jithassru.

### L-EWWEL SKEDA

#### Artikolu 2

L-Ewwel Kolonna  
*Liġi emendata*

It-Tieni Kolonna  
*Estensjoni ta' Emenda*

Kodiċi Kriminali  
(Kap. 12)

Is-subartikolu (2) ta' l-artikolu 77 għandu jithassar.

Is-subartikolu (2) ta' l-artikolu 154 għandu jithassar.

Minflok l-artikolu 186 għandu jidhol dan li ġej:

“186. Kull persuna ħatja ta' xi wiehed mid-delitti msemmija fl-artikoli mill-174 sal-185, it-tnejn inklużi, tkun eżentata mill-piena jekk, qabel ma jsir dak id-delitt u qabel ma jinbdew xi proċedimenti, tagħti l-ewwel tagħrif dwaru u tikxef lill-awturi ma' l-awtoritajiet kompetenti.”

L-Ewwel Kolonna  
*Ligi emendata*

It-Tieni Kolonna  
*Estensjoni ta' Emenda*

Fit-test Malti ta' l-artikolu 271, minflok il-kliem “jeqred jew jiddistruġġi” għandhom jidhlu l-kliem “ma jhallix tasal jew jeqred”.

Il-paragrafu (ċ) ta' l-artikolu 356 għandu jithassar.

Fis-subartikolu (4) ta' l-artikolu 418, minflok il-kliem “fl-artikolu 452” għandhom jidhlu l-kliem “fl-artikolu 450”.

Fis-subartikolu (1) ta' l-artikolu 449, minflok il-kliem “Qabel il-prezentata ta' l-att ta' l-akkuza” għandhom jidhlu l-kliem “Wara l-prezentata ta' l-att ta' l-akkuza”.

Fit-test Inġliż tas-subartikolu (3) ta' l-artikolu 450, minflok il-kliem “from the date of service of the notice filed by the accused”, għandhom jidhlu l-kliem “from the date of service of the note filed by the accused”.

Fis-subartikolu (2) ta' l-artikolu 458, minflok il-kliem “bi ħsara tiegħu, ta' martu, jew ta' xi ħadd li jiġi minnu mid-demmm jew imħallat miegħu bi żwieġ” għandhom jidhlu l-kliem “bi ħsara tiegħu, ta' żewġ jew mart l-akkużat, jew ta' xi ħadd li jiġi minnu mid-demmm jew imħallat miegħu bi żwieġ”.

Fis-subartikolu (4) ta' l-artikolu 466, minflok il-kliem “jekk l-ebda eċċezzjonijiet ma jkunu ingħataw kif provdut fl-artikolu 450 jew xort'oħra, wara li jiġu deċiżi daww l-eċċezzjonijiet” għandhom jidhlu l-kliem “jekk l-ebda eċċezzjonijiet ma jkunu ingħataw kif provdut fl-artikolu 450, jew wara li jiġu deċiżi daww l-eċċezzjonijiet”.

Kodiċi tal-Liġijiet  
tal-Pulizija (Kap. 13)

Fis-subartikolu (1) ta' l-artikolu 91, il-kliem minn “Izda” sa “jibqa' sħiħ” għandhom jithassru.

Minflok is-subartikolu (5) ta' l-artikolu 280 għandu jidhol dan li ġej:

“(5) Il-Ministru responsabbli għall-portijiet jista' jagħmel, u meta hekk jagħmel jemenda jew jissostitwixxi, tariffa tan-nolijiet tad-dgħajjes tal-pass.”.

Kodiċi tal-Kummerċ  
(Kap. 17)

Fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 75, minflok il-kliem “għall-estratt mill-att tas-soċjetà maħruġ fil-Gazzetta tal-Gvern skond l-artikoli 134, 152 u 160 ta' dan il-Kodiċi;” għandhom jidhlu l-kliem “għad-dikjarazzjoni pubblikata fil-Gazzetta tal-Gvern skond is-subartikolu (1) ta' l-artikolu 191 ta' l-Ordinanza ta' l-1962 dwar is-Soċjetajiet Kummerċjali, li turi d-data tar-registrazzjoni tas-soċjetà u d-data li fiha ċ-ċertifikat tar-registrazzjoni relattiv ikun inħareġ;”.

Kodiċi Ċivili  
(Kap. 23)

L-artikoli 49 u 61 għandhom jithassru.

Ordinanza dwar  
id-Dfin (Kap. 24)

L-artikoli mit-3 sal-25, 27 u 29, is-subartikolu (1) ta' l-artikolu 30 u l-artikolu 37 għandhom jithassru.

Minflok is-subartikolu (1) ta' l-artikolu 26 għandu jidhol dan li ġej:

“(1) Kull persuna tista' tapplika bil-miktub, għand is-Suprintendent tas-Saħħa Pubblika, għall-konċessjoni ta' sit, ta' estensjoni ta' żewġ metri u nofs tul u metru u ħames ċentimetri wisa', f'dik il-parti ta' kull ċimiterju tal-Gvern li, skond pjanta magħmula mis-Suprintendent tas-Saħħa Pubblika, ikun stabbilit għall-bini ta' oqbra privati, sabiex jinbena fuqu, għas-spejjeż tiegħu, qabar, bi ħlas dwar dak is-sit tas-somma ta' ħamsa u għoxrin lira.”.

Minflok l-artikolu 28 għandu jidhrol dan li ġej:

“Konċes-  
sjoni  
ta' arei.

28. Is-Suprintendent tas-Saħħa Pubblika jista', meta ssir applikazzjoni għal hekk, u mal-ħlas ta' dak id-dritt kif jista' jiġi stabbilit mill-imsemmi Suprintendent, jagħti konċessjoni, flimkien ma' sit, area, ta' mhux iżjed minn sitta u għoxrin metru kejl superfiċjali, kontigwa għall-imsemmi sit, għall-bini ta' oqbra addizzjonali jew għall-bini ta' kappella.”.

Fis-subartikolu (2) ta' l-artikolu 30, minflok il-kliem “Kull qabar ieħor f'partijiet oħra ta' ċimiterju” għandhom jidhru l-kliem “Kull qabar f'xi parti ta' ċimiterju”.

Fis-subartikolu (1) ta' l-artikolu 35, minflok il-kliem “għall-pjanta msemmija fl-artikolu 4” għandhom jidhru l-kliem “għall-pjanta msemmija fl-artikolu 26”.

Fis-subartikolu (1) ta' l-artikolu 39 —

(a) il-kliem “għewwa l-limiti tal-postijiet imsemmijin fl-artikolu 3” għandhom jithassru, u

(b) minflok il-kliem “għad-dfin 'il barra mil-limiti ta' dawg il-postijiet” għandhom jidhru l-kliem “għad-dfin f'post awtorizzat skond il-liġi”.

Il-formuli A, B u D għandhom jithassru.

Ordinanza dwar  
il-Professjoni Medika u  
l-Professjonijiet li  
għandhom x'jaqsmu  
magħha (Kap. 51)

Fil-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 17, minflok il-kliem “li jibdeu fid-data li fiha l-kandidat u spizjar registrat ikunu avżaw lill-imsemmi Bord dwar il-bidu ta' dak it-taħriġ” għandhom jidhru l-kliem “li jibdeu fid-data li fiha l-imsemmi Bord jirċievi avviz iffirmit mill-kandidat u minn spizjar registrat dwar il-bidu ta' dak it-taħriġ”.

Ordinanza ta' l-1962  
dwar is-Sočjetajiet  
Kummerċjali  
(Ordinanza Nru X ta'  
l-1962)

It-tifsira ta' “Malta” li hemm fl-artikolu 195 għandha tithassar.

## IT-TIENI SKEDA

## Artikolu 3

L-Ordinanza ta' 1-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi ma' l-Italja (Ordinanza Nru. II ta' 1-1948).

L-Ordinanza ta' 1-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi mar-Rumenija (Ordinanza Nru. III ta' 1-1948).

L-Ordinanza ta' 1-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi ma' l-Ungerija (Ordinanza Nru. IV ta' 1-1948).

L-Ordinanza ta' 1-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi mal-Bulgarja (Ordinanza Nru. V ta' 1-1948).

L-Ordinanza ta' 1-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi mal-Finlandja (Ordinanza Nru. VI ta' 1-1948).

Att ta' 1-1949 dwar it-Twettiq ta' Xogħol ta' Arkitetti (Att Nru. XIV ta' 1-1949).

Att ta' 1-1950 dwar l-Approprjazzjoni ta' xi Dazji tad-Dwana (Att Nru. XIV ta' 1-1950).

Att ta' 1-1951 dwar is-Self Temporanju (Att Nru. VII ta' 1-1951).

Att ta' 1-1953 dwar il-Pensjonijiet (Disposizzjonijiet Speċjali) (Att Nru. V ta' 1-1953).

Ordinanza ta' 1-1953 li tapplika t-Trattat tal-Paċi mal-Ġapan (Ordinanza Nru. II ta' 1-1953).

Att ta' 1-1955 dwar it-Twettiq ta' Hatriet fil-Pulizija (Att Nru. XVI ta' 1-1955).

Ordinanza ta' Emergenza ta' 1-1959 li Tħassar l-Ordinanza dwar il-Fond ta' Garanzija ta' Uffiċċjali Pubbliċi (Ordinanza ta' Emergenza Nru. XVI ta' 1-1959).

Ordinanza ta' 1-1962 dwar il-Korp tal-Pulizija (Disposizzjonijiet Speċjali) (Ordinanza Nru. II ta' 1-1962).

Att ta' 1-1965 dwar Tibdil ta' l-Isem ta' Ordinanze ta' Emergenza (Att Nru. XXIX ta' 1-1965).

Att ta' 1-1966 dwar il-Forzi Viżitatriċi (Att Nru. XVIII ta' 1-1966).

Att ta' 1-1967 dwar l-Elettriku (Validazzjoni ta' Hlasijiet) (Att Nru. VIII ta' 1-1967).

Att ta' 1-1973 li Jerrevoka l-Ordinanza dwar il-Gvern Lokali ta' Għawdex (Att Nru. XLIII ta' 1-1973).

Att ta' 1-1975 għal Provvediment ta' Emergenza dwar is-Servizzi ta' Xandir (Att Nru. IX ta' 1-1975).

Att ta' 1-1976 dwar Pjan ta' Żvilupp (Att Nru. XXXIV ta' 1-1976).

Att ta' 1-1978 dwar Supplement għall-Pjan ta' Żvilupp (Att Nru. XXV ta' 1-1978).

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### Ghanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jirrevoka u jemenda diversi liġijiet kif instab meħtieġ mill-Kummissjoni dwar ir-Revizjoni tal-Liġijiet.

**A BILL**

**entitled**

*AN ACT to amend or repeal certain laws.*

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:—

- Short title.           **1.** This Act may be cited as the Laws (Amendment and Repeal) Act, 1982.
- Amendment of laws.       **2.** The enactments shown in the First Column of the First Schedule to this Act shall have effect subject to the amendments shown in the Second Column thereof.
- Repeal of laws.       **3.** The enactments shown in the Second Schedule to this Act shall be repealed.

**FIRST SCHEDULE**

**Section 2**

First Column  
*Enactment*

Second Column  
*Extent of Amendment*

Criminal Code (Cap. 12)

Subsection (2) of section 77 shall be repealed.

Subsection (2) of section 154 shall be repealed.

For section 186 there shall be substituted the following:

“186. Any person guilty of any of the crimes referred to in sections 174 to 185, inclusively, shall be exempted from punishment if, before the completion of such crime and previously to any proceedings, he shall

First Column  
*Enactment*

Second Column  
*Extent of Amendment*

have given the first information thereof and revealed the offenders to the competent authorities.”.

In the Maltese text of section 271, for the words “jeqred jew jiddistruggi” there shall be substituted the words “ma jhallix tasal jew jeqred”.

Paragraph (c) of section 356 shall be repealed.

In subsection (4) of section 418, for the words “in section 452” there shall be substituted the words “in section 450”.

In subsection (1) of section 449, for the words “Before the filing of the indictment”, there shall be substituted the words “After the filing of the indictment”.

In the English text of subsection (3) of section 450, for the words “from the date of service of the notice filed by the accused”, there shall be substituted the words “from the date of service of the note filed by the accused”.

In subsection (2) of section 458, for the words “against himself, his wife, or any person related to him by consanguinity or affinity”, there shall be substituted the words “against himself, his spouse, or any person related to him by consanguinity or affinity”.

In subsection (4) of section 466, for the words “if no pleas have been raised as provided in section 450 or otherwise, after the determination of such pleas”, there shall be substituted the words “if no pleas have been raised as provided in section 450, or after the determination of such pleas”.

Code of Police Laws  
(Cap. 13)

In subsection (1) of section 91, the words from “Provided that” to “shall remain unimpaired” shall be deleted.

For subsection (5) of section 280 there shall be substituted the following:

“(5) The Minister responsible for ports may make, and when made amend or substitute, a tariff of fares for passage boats.”.

Commercial Code  
(Cap. 17)

In paragraph (a) of subsection (2) of section 75, for the words “to the extract from the deed of partnership published in the Government Gazette in accordance with sections 134, 152 and 160 of this Code;” there shall be substituted the words “to the statement published in the Government Gazette in terms of subsection (1) of section 191 of the Commercial Partnerships Ordinance, 1962, showing the date of registration of the partnership and the date on which the relative certificate of registration was issued;”.

Civil Code (Cap. 23)

Sections 49 and 61 shall be repealed.

Burials Ordinance  
(Cap. 24)

Sections 3 to 25, 27 and 29, subsection (1) of section 30 and section 37 shall be repealed.

First Column  
*Enactment*

Second Column  
*Extent of Amendment*

For subsection (1) of section 26 there shall be substituted the following:

“(1) It shall be lawful for any person to apply, in writing, to the Superintendent of Public Health for the grant of a site, of the extent of two and one-half metres in length and one metre and five centimetres in width, in such part of any cemetery belonging to the Government as, according to a plan made by the Superintendent of Public Health, is appointed for the construction of private graves, for the purpose of constructing thereon, at his expense, a grave, upon payment in respect of such site of the sum of twenty-five pounds.”.

For section 28 there shall be substituted the following:

“Grant  
of  
areas.

28. The Superintendent of Public Health may, upon an application to this effect, and upon the payment of such fee as may be fixed by the said Superintendent, grant, together with a site, an area, not exceeding twenty-six metres in surface, contiguous to the said site, for the construction of additional graves or for the erection of a chapel.”.

In subsection (2) of section 30, for the words “Any other grave in other parts of the cemetery” there shall be substituted the words “Any grave in any part of a cemetery”.

In subsection (1) of section 35, for the words “to the plan mentioned in section 4” there shall be substituted the words “to the plan mentioned in section 26”.

In subsection (1) of section 39 —

(a) the words “within the limits of the places indicated in section 3” shall be deleted, and

(b) for the words “for burial beyond the limits of such place” there shall be substituted the words “for burial in a place authorised according to law”.

Forms A, B and D shall be deleted.

Medical and Kindred  
Professions Ordinance  
(Cap. 51)

In paragraph (d) of subsection (1) of section 17, for the words “commencing on the date on which the candidate and a registered apothecary have notified the said Board of the commencement of such training” there shall be substituted the words “commencing on the date on which the said Board shall receive a notification signed by the candidate and a registered apothecary regarding the commencement of such training”.

Commercial Partner-  
ships Ordinance, 1962  
(Ordinance No. X of  
1962)

The definition of “Malta” in section 195 shall be deleted.

## SECOND SCHEDULE

## Section 3

Treaty of Peace (Italy) (Application) Ordinance, 1948 (Ordinance No. II of 1948).

Treaty of Peace (Roumania) (Application) Ordinance, 1948 (Ordinance No. III of 1948).

Treaty of Peace (Hungary) (Application) Ordinance, 1948 (Ordinance No. IV of 1948).

Treaty of Peace (Bulgaria) (Application) Ordinance, 1948 (Ordinance No. V of 1948).

Treaty of Peace (Finland) (Application) Ordinance, 1948 (Ordinance No. VI of 1948).

Architects (Validation of Work) Act, 1949 (Act No. XIV of 1949).

Customs Duties (Appropriation) Act, 1950 (Act No. XIV of 1950).

Temporary Borrowing Act, 1951 (Act No. VII of 1951).

Pensions (Special Provisions) Act, 1953 (Act No. V of 1953).

Japanese Treaty of Peace (Application) Ordinance, 1953 (Ordinance No. II of 1953).

Police Appointments (Validation) Act, 1955 (Act No. XVI of 1955).

Public Officers' Guarantee Fund (Repeal) Emergency Ordinance, 1959 (Emergency Ordinance No. XVI of 1959).

Police Force (Special Provisions) Ordinance, 1962 (Ordinance No. II of 1962).

Emergency Ordinances (Change of Designation) Act, 1965 (Act No. XXIX of 1965).

Visiting Forces Act, 1966 (Act No. XVIII of 1966).

Electricity (Validation of Payments) Act, 1967 (Act No. VIII of 1967).

Gozo Local Government (Repeal) Act, 1973 (Act No. XLIII of 1973).

Broadcasting Services (Emergency Provision) Act, 1975 (Act No. IX of 1975).

Development Plan Act, 1976 (Act No. XXXIV of 1976).

Development Plan (Supplement) Act, 1978 (Act No. XXV of 1978).

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### Objects and Reasons

The Object of this Bill is the revocation and amendment of several laws which have been found necessary by the Law Revision Commission.