

Nru. 24

11. 6. 99

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Austin Gatt, M.P., Ministru tal-Ġustizzja u Gvern Lokali u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Ġunju, 1999.

A BILL introduced by the Honourable Austin Gatt, M.P., Minister of Justice and Local Government and read the First time at the Sitting of the 8th June, 1999.

ATT biex jemenda l-Att ta' l-1980 dwar ir-Revizjoni tal-Liġijiet Statutarji.

AN ACT to amend the Statute Law Revision Act, 1980.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att ta' l-1980 dwar ir-Revizjoni tal-Liġijiet Statutarji.

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) Dan l-Att jista' jissejjah l-Att ta' l-1999 li jemenda l-Att dwar ir-Revizjoni tal-Liġijiet Statutarji, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1980 dwar ir-Revizjoni tal-Liġijiet Statutarji, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

Att IX ta' l-1980.

(2) Id-dispożizzjonijiet ta' dan l-Att, minbarra l-artikolu 6 tiegħu sakemm dan jirreferi għas-subartikolu (4) ta' l-artikolu 12 ġdid miżjud ma' l-Att prinċipali, għandhom jitqiesu li bdew isehhu fl-1 ta' Mejju, 1999.

2. Minflok it-tifsira ta' "il-Ministru" fl-artikolu 2 ta' l-Att prinċipali, għandu jidhol dan li ġej:

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

" "Ministru" tfisser il-Ministru responsabbli għall-Kummissjoni tal-Liġijiet;"

3. L-artikolu 4 ta' l-Att prinċipali għandu jiġi emendat billi jiddaħhal, minnufih wara s-subparagrafu (vi) tal-paragrafu (a) tas-subartikolu (1) tiegħu, dan is-subparagrafu ġdid li ġej:-

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

“(vii) il-legislazzjoni sussidjarja kollha li tkun, jew hi intiża li tkun, ta’ xorta temporanja jew li tkun sugġetta għal bidliet relattivi jew frekwenti jew li tkun xort’ohra hekk li, fil-fehma tal-Kummissjoni, tista’ sewsew tithalla barra:

Iżda dak kollu li jithalla barra ma ghandux jolqot it-komplija ta’ l-operat ta’ xi legislazzjoni sussidjarja bħal dik għaldaqskemm dik tibqa’ xort’ohra fis-sehh;”.

Emenda ta’
l-artikolu 6 ta’
l-Att prinċipali.

4. Fis-subartikolu (3) ta’ l-artikolu 6 ta’ l-Att prinċipali minflok il-kliem “tal-Ministru responsabbli għall-finanzi, tapprova” ghandhom jidhlu l-kliem “tal-Ministru, tistabbilixxi”.

Emenda ta’
l-artikolu 8 ta’
l-Att prinċipali.

5. Minnufih fi tmiem is-subartikolu (2) ta’ l-artikolu 8 ta’ l-Att prinċipali ghandu jżied dan il-proviso li ġej:-

“Iżda meta tiġi pubblikata edizzjoni riveduta f’format elettroniku, dik l-edizzjoni ghandha tkun it-test uniku u biss idoneu u awtentiku tal-liġijiet statutarji inklużi fiha, b’dan illi kopja ta’ dik l-edizzjoni jew ta’ xi parti minnha, stampata fuq il-karta jew f’xi għamla oħra u mahruġa mill-Kummissjoni, ghandha, sakemm din tkun tikkonforma ma’ l-edizzjoni riveduta stampata f’format elettroniku, ukoll tkun test awtentiku tal-liġijiet inklużi f’ dik il-kopja.”.

Żieda ta’ l-
artikoli 11 u 12
għodda ma’ l-Att
prinċipali.

6. Minnufih wara l-artikolu 10 ta’ l-Att prinċipali, ghandhom jidhlu dawn l-artikoli li ġejjin:

“Pubblikazzjoni
ta’ edizzjoni
riveduta
f’format
elettroniku.

11. (1) Il-Kummissjoni tista’, bi ftehim mal-Ministru, tistabbilixxi li ghandha ssir edizzjoni riveduta f’format elettroniku fuq CD-ROM; u meta ssir edizzjoni riveduta f’format elettroniku kif imsemmi qabel, id-dispożizzjonijiet ta’ qabel ta’ dan l-Att ghandu jkollhom sehh bla hsara għad-dispożizzjonijiet li ġejjin ta’ dan l-artikolu.

(2) Żewġ kopji stampati ta’ l-Edizzjoni Riveduta ghandhom isiru f’format elettroniku u ghandhom jiġu llegati f’dak l-ghadd ta’ volumi li l-Kummissjoni tista’ tistabbilixxi. Dawk iż-żewġ kopji stampati hekk magħmulin ghandhom jiġu ffirmati u ssiġillati kif provdut fl-artikolu 9 ta’ dan l-Att.

(3) Wahda minn dawk il-kopji stampati hekk magħmula ghandha tiġi mibghuta flimkien ma’ kopja ta’ l-Edizzjoni Riveduta f’format elettroniku, lir-Registatur tal-Qrati sabiex din tiġi registrata u tinzamm fl-uffiċċju tiegħu

kif provdut fl-artikolu 9, u kopja stampata ohra ghandha tinzamm fl-uffiċċju tal-Kummissjoni u tkun disponibbli ghal kull spezzjon mill-pubbliku wara li jsir kull hlas dovut hekk kif il-Kummissjoni, bi ftehim mal-Ministru, tista' tistabbilixxi.

(4) Il-Kummissjoni tista' fuq talba ta' xi persuna u wara li jsir il-hlas ta' dawk id-drittijiet hekk kif hi tista', bi ftehim mal-Ministru, tistabbilixxi, tohroġ kopji stampati ta' ligijiet partikolari f'edizzjoni riveduta, u ghandha tara li dawk il-kopji jigu awtentikati minn dak l-uffiċjal tal-Kummissjoni hekk kif il-Kummissjoni tista' b'avviż fil-Gazzetta minn żmien ghal żmien tistabbilixxi. Dawk il-kopji awtentikati ghandhom, kemm-il darba ma tingiebx prova xort'ohra, jigu aċċettati bi prova quddiem qorti tal-gustizzja bhala vera kopja ta' dik il-ligi hekk kif tidher fl-edizzjoni riveduta.

(5) Edizzjoni riveduta li ssir f'format elettroniku ma ghandhiex tibda ssehh qabel ma l-kopji taghha jkunu ġew mibghuta lir-Registatur tal-Qrati kif hemm provdut fis-subartikolu (3) ta' dan l-artikolu.

Applikazzjoni
ta' l-Att dwar
id-Drittijiet ta'
l-Awtur,
Kap. 196.

12. (1) Hadd ma jista' jagħmel, minghajr il-permess tal-Gvern, jew jordna li jsiru kopji jew riproduzzjonijiet f'xi format materjali li jkun, ta' xi edizzjoni riveduta jew xi parti minnha kif publikata mill-Kummissjoni.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma ghandhomx japplikaw għall-istampar jew il-pubblikazzjoni ta' xi ligi li tkun tinsab f'edizzjoni riveduta, b'kull mezz li jkun, sakemm ebda parti minnha ma tkun giet fotokopjata, *scanned*, mahruġa bi *print out* elettroniku jew xort'ohra prodotta bir-riproduzzjoni materjali ta' edizzjoni riveduta, kollha kemm hi jew f'parti minnha, u sakemm ukoll li publikazzjoni bhal dik ikun fiha dikjarazzjoni li fiha jinghad li dik mhijiex publikazzjoni uffiċjali ta' xi ligi partikolari.

(3) Id-dispożizzjonijiet tal-proviso li hemm mas-subartikolu (1) ta' l-artikolu 7 ta' l-Att dwar id-Drittijiet ta' l-Awtur ghandhom ikunu japplikaw *mutatis mutandis* ghas-subartikolu (1) ta' dan l-artikolu.

(4) Kull min jagixxi bi ksur tad-dispożizzjonijiet ta' dan l-artikolu ikun hati ta' reat u jista', meta jinsab hati, jehel piena ta' prigunerija ghal żmien sena jew multa ta' mhux iżjed minn hamest elef lira jew dik il-multu u prigunerija flimkien.

(5) Id-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu ghandhom ikunu bla ebda preġudizzju għal kull jedd ta' azzjoni għad-danni li l-Gvern ikollu kontra kull min jagħmel dak ir-reat.”.

Emenda ta' l-Att dwar id-Drittijiet ta' l-Awtur, Kap. 196.

7. Fl-artikolu 2 ta' l-Att dwar id-Drittijiet ta' l-Awtur, fit-tifsira tal-frażi “xogħol letterarju”, minflok il-kliem “iżda ma tinkludix” ghandhom jidhlu l-kliem, “iżda, bla hsara u bla ebda preġudizzju għall-Att ta' l-1980 dwar ir-Revizjoni tal-Liġijiet Statutarji, ma tinkludi”.

Għanijiet u Raġunijiet

L-għan ewlieni ta' l-Abbozz hu sabiex jipprovdi għall-publikazzjoni ta' l-Edizzjoni Riveduta tal-Liġijiet ta' Malta f' format elettroniku.

**A BILL
entitled**

AN ACT to amend the Statute Law Revision Act, 1980.

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) This Act may be cited as the Statute Law Revision (Amendment) Act, 1999 and shall be read and construed as one with the Statute Law Revision Act 1980, hereinafter referred to as "the principal Act".

Short title and commencement.
Act IX of 1980.

(2) The provisions of this Act, other than section 6 thereof in so far as it refers to subsection (4) of the new section 12 added to the principal Act, shall be deemed to have come into force on 1st May, 1999.

2. For the definition of "the Minister" in section 2 of the principal Act, there shall be substituted the following:

Amendment of section 2 of the principal Act.

“ “Minister” means the Minister responsible for the Law Commission;”.

3. Section 4 of the principal Act shall be amended by the insertion, immediately after subparagraph (vi) of paragraph (a) of subsection (1) thereof, of the following new subparagraph:-

Amendment of section 4 of the principal Act.

“(vii) all subsidiary legislation that is, or is intended to be, of a temporary nature or is subject to relative or frequent changes or is otherwise such that, in the opinion of the Commission, may be properly omitted:

Provided that any such omission shall not affect the continued operation of any such subsidiary legislation for as long as it otherwise remains in force;”.

Amendment of section 6 of the principal Act.

4. In subsection (3) of section 6 of the principal Act for the words “Minister responsible for finance, approve” there shall be substituted the words “Minister, determine”.

Amendment of section 8 of the principal Act.

5. Immediately at the end of subsection (2) of section 8 of the principal Act there shall be added the following proviso:-

“Provided that where a revised edition is published in electronic format, that edition shall be the sole and only proper and authentic text of the statute laws included in it, so however that any copy thereof or of any part thereof, printed on paper or in any other form and issued by the Commission, shall, in so far as it conforms to the revised edition printed in electronic format, also be an authentic text of the laws included in the said copy.”.

Addition of new sections 11 and 12 to the principal Act.

6. Immediately after section 10 of the principal Act, there shall be added the following sections:

“Publication of revised edition in electronic format.

11. (1) The Commission may, with the concurrence of the Minister, determine that a revised edition shall be made in electronic format on CD-ROM; and where a revised edition is made in electronic format as aforesaid, the foregoing provisions of this Act shall have effect subject to the following provisions of this section.

(2) Two hard copies of the Revised Edition shall be made in printed form and shall be bound in such number of volumes as the Commission may determine. The hard copies so made shall be signed and sealed as provided in section 9 of this Act.

(3) One of the copies so made shall be transmitted, together with a copy of the Revised Edition in electronic format to the Registrar of Courts to be enrolled on record in his office as provided in section 9, and another shall be placed at the office of the Commission and shall be open for inspection by the public on the payment of such fees as the

Commission, with the concurrence of the Minister, may determine.

(4) The Commission may at the request of any person and on the payment of such fees as it may with the concurrence of the Minister determine, issue hard copies of particular laws in a revised edition, and shall cause such copies to be authenticated by such officer of the Commission as the Commission may by notice in the Gazette from time to time determine. Such authenticated copies shall, unless the contrary is proved, be accepted in evidence before any court of law as a true copy of such law as it appears in the revised edition.

(5) A revised edition made in electronic format shall not come into force before copies thereof have been transmitted to the Registrar of Courts as provided in subsection (3) of this section.

Application of
Copyright
Act,
Cap. 196.

12. (1) No person may without the permission of the Government make, or cause to be made copies or reproductions in any material form of any revised edition or any part thereof as published by the Commission.

(2) The provisions of subsection (1) of this section shall not apply to the printing or publication of any law contained in a revised edition, by whatever means, provided that no part thereof is photocopied, scanned, electronically printed out or otherwise produced by the material reproduction of a revised edition, in whole or in part, and provided further that any such publication contains a declaration stating that it is not an official publication of the law in question.

(3) The provisions of the proviso to subsection (1) of section 7 of the Copyright Act shall apply *mutatis mutandis* to subsection (1) of this section.

(4) Any person who acts in breach of the provisions of this section shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of one year or to a fine (*multa*) not exceeding five thousand liri or to both such fine and imprisonment.

(5) The provisions of subsection (4) of this section shall be without prejudice to any right of action for damages pertaining to the Government against any person committing the offence.”.

Amendment of
Copyright Act,
Cap. 196.

7. In section 2 of the Copyright Act, in the interpretation of the phrase “literary work”, for the words “but does not include” there shall be substituted the words “but, subject and without prejudice to the Statute Law Revision Act, 1980, shall not include”.

Objects and Reasons

The main purpose of the Bill is to provide for the publication in electronic form of the Revised Edition of the Laws of Malta.