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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Lawrence Gonzi, M.P., Viċi Prim Ministru u Ministru għall-Politika Soċjali, f'isem il-Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tat-30 ta' Gunju, 1999.

A BILL introduced by the Honourable Lawrence Gonzi, M.P., Deputy Prime Minister and Minister for Social Policy, on behalf of the Prime Minister, and read the First time at the Sitting of the 30th June, 1999.

ATT biex jemenda l-Att ta' l-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti.

AN ACT to amend the United Nations (Security Council Sanctions) Act, 1993.

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-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti.

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. Dan l-Att jista' jissejjah l-Att ta' l-1999 li jemenda l-Att ta' l-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.
Att XX ta' l-1993.

2. (1) Minflok l-artikolu 1 ta' l-Att prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 1 u emenda tat-titolu ta' l-Att prinċipali.

"1. Dan l-Att jista' jissejjah l-Att ta' l-1993 dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali."

(2) Fit-titolu ta' l-Att prinċipali, minnufih wara l-kelma "sabiex" għandhom jidhlu l-kliem "issir l-implimentazzjoni ta' ċertu trattati u miżuri u r-restrizzjoni tal-Kummerċ u l-ivvjagġar meta l-interess nazzjonali jkun hekk jehtieg u sabiex".

3. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) minnufih wara t-tifsira ta' "*Charter*" ghandha tidhol din it-tifsira ġdida li ġejja:

“ “kummerċ” tinkludi l-manifattura, assemblaġġ jew ipproċessar ta' oġġetti kif ukoll il-provdiment ta' servizzi inkluż il-moviment ta' kapital, hlasijiet u servizzi finanzjarji ohra, kif ukoll it-trasferiment ta' gharfien teknoloġiku u xjentifiku;”; u

(b) minnufih wara t-tifsira ta' “Nazzjonijiet Uniti” ghandhom jidhlu dawn it-tifsiriet godda li ġejjin:

“ “projbizzjoni” tinkludi r-restrizzjoni u r-regolament inkluż l-obbligu li tiġi rappurtata jew registrata kull attività jew transazzjoni, u l-projbizzjoni tal-kummerċ tinkludi l-interruzzjoni jew ir-riduzzjoni ta' relazzjonijiet ekonomiċi;

“trattat internazzjonali” tinkludi kull trattat bilaterali jew reġjonali.”.

Emenda ta'
l-artikolu 3 ta'
l-Att prinċipali.

4. L-artikolu 3 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem minn “il-Prim Ministru jista’,” sa “ksur ta’ dawk ir-regolamenti” ghandhom jidhlu l-kliem “jew kull meta xi enti jew awtorità kompetenti mahtura jew imwaqqfa taht iċ-*Charter* tagħti parir, direzzjoni jew ordni lill-istati membri tan-Nazzjonijiet Uniti biex jiehdu xi azzjoni hekk kif dwarha jistgħu jinghataw parir, direzzjoni jew ordni minn dik l-enti jew awtorità kompetenti, il-Prim Ministru jista’, bla hsara għad-dispożizzjonijiet tas-subartikoli (3), (7) u (8) ta’ dan l-artikolu, jagħmel regolamenti hekk kif jidhrulu li jkunu mehtieġa jew spedjenti għall-implimentazzjoni ta’ dawk il-miżuri jew ta’ dik l-azzjoni”;

(b) is-subartikoli (3) u (4) tiegħu ghandhom jiġu enumerati mill-ġdid bhala s-subartikoli (7) u (8) rispettivament u f’dawn is-subartikoli minflok il-kliem “is-subartikolu (1) ikunu” kull fejn jinsabu ghandhom jidhlu l-kliem “dan l-artikolu jkunu”; u

(c) minflok is-subartikolu (2) tiegħu ghandhom jidhlu dawn is-subartikoli godda li ġejjin:

“(2) Kull meta l-Kamra tar-Rappreżentanti tirtatfika jew tawtorizza r-ratifika ta’ xi trattat internazzjonali, il-Prim Ministru jista’, bla hsara għad-dispożizzjonijiet tas-subartikoli (3) (7) u (8) ta’ dan l-artikolu, jagħmel regolamenti hekk kif

jidhrulu li jkunu mehtieġa jew spedjenti sabiex jaghti effett lill kull provvediment ta' dak it-trattat jew sabiex jaghti sehh lil xi parir, direzzjoni jew ordni ta' xi enti jew awtorità kompetenti mahtura jew imwaqqfa taht xi trattat internazzjonali bhal dak u regolamenti bhal dawk ghandu jkollhom fihom it-test tar-Riżoluzzjoni tal-Kamra tad-Deputati li tkun tirratifika jew tawtorizza r-ratifika ta' dak it-trattat.

(3) Kull meta l-Prim Ministru jqis li l-interess nazzjonali jew internazzjonali ta' Malta jkun hekk jehtieġ, jew kull meta r-ratifika ta' xi trattat internazzjonali li jipprovdi ghall-projbizzjoni tal-kummerċ f'xi kommodità jew sustanza tkun awtorizzata mill-Kamra tad-Deputati, u l-provvedimenti ta' dak it-trattat ikunu hekk jehtieġu, huwa jista' b'regolamenti maghmula taht dan l-Att u bla hsara ghad-dispożizzjonijiet tas-subartikoli (3), (7) u (8) ta' dan l-artikolu, jordna l-projbizzjoni tal-kummerċ f'xi kommodità jew kommoditajiet partikolari, kemm b'mod ġenerali kemm ma' dak il-pajjiż jew parti minnu, jew il-projbizzjoni ta' l-ivvjagġar lejn u minn dak il-pajjiż jew parti minnu, hekk kif jista' jiġi dikjarat fir-regolamenti.

(4) Regolamenti maghmula taht dan l-artikolu ghandu jkun fihom it-test tar-rakkomandazzjoni, riżoluzzjoni jew deċiżjoni tal-Kunsill tas-Sigurezza jew tal-parir, direzzjoni jew ordni ta' l-enti jew awtorità kompetenti li fihom ikun hemm dawk il-miżuri jew dik l-azzjoni li r-regolamenti jkollhom hsieb li jimplimentaw.

(5) Regolamenti maghmulin taht dan l-artikolu jistghu jkunu japplikaw ghal persuni f'Malta, ghal persuni residenti f'Malta, ghal ċittadini ta' Malta kull fejn jinsabu jew ghal bastimenti, inġenji ta' l-ajru jew mezzi oħra ta' trasport reġistrati f'Malta jew appartenenti lil Malta, jew li jkunu qeghdin jivvjagġaw lejn jew minn dawk il-pajjiżi, hekk kif il-Prim Ministru jista' fir-regolamenti jistabbilixxi.

(6) Regolamenti maghmulin taht dan l-artikolu jistghu jkunu wkoll jipprovdu ghal dawk il-miżuri li jistghu jkunu mehtieġa sabiex dawk ir-regolamenti jkunu jistghu jiġu effettivament applikati, inkluż it-thassir jew is-sospensjoni ta' kull obbligu li jitnissel minn xi ftehim, u minghajr preġudizzju ghal dak imsemmi qabel dawk ir-regolamenti jistghu jipprovdu ghall-arrest, proċedimenti kontra, u għoti ta' piena lil persuni li jiksru dawk ir-regolamenti.”.

5. (1) L-Att ta' l-1997 dwar ir-Ratifika tal-Konvenzjoni dwar Armi Kimiċi, qiegħed b'dan jiġi mħassar.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, id-dispożizzjonijiet ta' l-Att ta' l-1997 dwar ir-Ratifika tal-konvenzjoni dwar Armi Kimiċi, u tar-regolamenti kollha magħmula tahtu, għandhom jibqgħu japplikaw bħallikieku daww id-dispożizzjonijiet u regolamenti kienu magħmulin taht is-setgħat mogħtija bis-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att u jistgħu jiġu emendati, revokati jew sostitwiti skond hekk.

(3) Id-dispożizzjonijiet u r-regolamenti li jkunu għadhom fis-seħħ bis-saħħa tas-subartikolu (2) ta' dan l-artikolu għandhom jibqgħu fis-seħħ minkejja li jista' jkun hemm fihom xi dispożizzjoni li tmur oltre s-setgħat tal-Prim Ministru biex jagħmel regolamenti taht is-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att, jew li l-għamla tagħhom ma tkunx tikkonforma mad-dispożizzjonijiet ta' l-imsemmi subartikolu (2) ta' l-artikolu 3 ta' dan l-Att.

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz hu sabiex jagħti setgħa lill-Gvern li jirrestringi l-kummerċ u servizzi f'ċerti komoditajiet jew ma' ċerti pajjiżi fejn dan ikun jidher meħtieġ fl-interess nazzjonali jew internazzjonali ta' Malta.

**A BILL
entitled**

*AN ACT to amend the United Nations (Security Council Sanctions) Act,
1993.*

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. This Act may be cited as the United Nations (Security Council Sanctions) (Amendment) Act, 1999 and shall be read and construed as one with the United Nations (Security Council Sanctions) Act, 1993 hereinafter referred to as “the principal Act”.

Short title.
Act XX of 1993.

2. (1) For section 1 of the principal Act there shall be substituted the following:

Substitution of
section 1 and
amendment of long
title of the principal
Act.

“1. This Act may be cited as the National Interest (Enabling Powers) Act, 1993.”.

(2) In the long title of the principal Act, immediately after the words “to enable” there shall be inserted the words “the implementation of certain treaties and measures and the restriction of trade and travel where the national interest of Malta so requires and to enable”.

3. Section 2 of the principal Act shall be amended as follows:

Amendment of
section 2 of the
principal Act.

(a) immediately after the definition "Charter" there shall be inserted the following new definitions:

" "international treaty" includes any bilateral or regional treaty;

"prohibition" includes restriction and regulation including the obligation to report or register any activity or transaction, and prohibition of trade includes the interruption or reduction of economic relations;" and

(b) immediately after the definition of "Security Council" there shall be added the following new definition:

" "trade" includes the manufacture, assembly or processing of goods as well as the provision of services including the movement of capital, payments and other financial services, as well as the transfer of technological and scientific knowledge;".

Amendment of
section 3 of the
principal Act.

4. Section 3 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words from "the Prime Minister may" to "against those regulations" there shall be substituted the words "or whenever an entity or competent authority appointed or set up under the Charter advises, directs or orders member states of the United Nations to take such action as may be advised, directed or ordered by that entity or competent authority, the Prime Minister may, subject to the provisions of subsections (3), (7) and (8) of this section, make regulations as appear to him necessary or expedient for the implementation of such measures or action";

(b) subsections (3) and (4) thereof shall be renumbered as subsections (7) and (8) respectively and in these subsections for the words "under subsection (1)" wherever they occur there shall be substituted the words "under this section"; and

(c) for subsection (2) thereof there shall be substituted the following subsections:

"(2) Whenever the House of Representatives ratifies or authorises the ratification of an international treaty the Prime Minister may, subject to the provisions of subsections (3), (7) and (8) of this section, make regulations as appear to him to be necessary or expedient to give effect to any of the

provisions of that treaty or to give effect to any advice, direction or order of any entity or competent authority appointed or set up under any such international treaty and any such regulations shall contain the text of the Resolution of the House of Representatives ratifying or authorising the ratification of that treaty.

(3) Whenever the Prime Minister considers that the national or international interests of Malta so require, or whenever the ratification of any international treaty providing for the prohibition of trade in any commodity or substance is authorised by the House of Representatives, and the provisions of such treaty so require, he may by regulations under this Act and subject to the provisions of subsections (3), (7) and (8) of this section, order the prohibition of trade in any particular commodity or commodities, either in general or with such country or part thereof, or the prohibition of travel to and from such country or part thereof, as may be stated in the regulations.

(4) Regulations made under this section shall contain the text of the recommendation, resolution or decision of the Security Council or of the advice, direction or order of the entity or competent authority containing those measures or action which the regulations are intended to implement.

(5) Regulations made under this section may be made applicable to persons in Malta, persons resident in Malta, to citizens of Malta wherever they may be or to vessels, aircraft or other means of transport registered in or belonging to Malta, or travelling to or from such countries, as the Prime Minister may in the regulations determine.

(6) Regulations made under this section may also provide for such measures as may be necessary for such regulations to be effectively applied including the cancellation or the suspension of any obligation arising under any agreement, and without prejudice to the foregoing such regulations may provide for the apprehension, trial and punishment of persons offending against such regulations.”.

5. (1) The Ratification of Chemical Weapons Convention Act, 1997, is hereby repealed. Transitory provision.
Act V of 1997.

(2) Notwithstanding the provisions of subsection (1) of this section, the provisions of the Ratification of Chemical Weapons

Convention Act, 1997, and any regulations made thereunder, shall continue to apply as if such provisions and regulations were made under the powers conferred by subsection (2) of section 3 of this Act and may be amended, revoked or substituted accordingly.

(3) The provisions and regulations continued in force under subsection (2) of this section shall continue in force notwithstanding that they may contain any provision that goes beyond the powers of the Prime Minister to make regulations under subsection (2) of section 3 of this Act, or that the form thereof does not conform with the provisions of the said subsection (2) of section 3 of this Act.

Objects and Reasons

This object of the Bill is to empower the Government to restrict trade and services in certain commodities or with certain countries where this appears necessary in the national or international interests of Malta.