Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,497, 9 ta' Ottubru, 2020
Taqsima C

Nru. 166

9. 10. 2020

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Ottubru 2020.

ATT biex ikompli jemenda l-Kostituzzjoni ta' Malta.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 5th October 2020.

AN ACT to further amend the Constitution of Malta.

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT biex ikompli jemenda l-Kostituzzjoni ta' Malta.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2020 li jemenda l-Kostituzzjoni ta' Malta (Emenda Nru 4) u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kostituzzjoni ta' Malta, hawn iżjed 'il quddiem imsejħa "il-Kostituzzjoni". Titolu fil-qosor.

2. Fl-artikolu 39 tal-Kostituzzjoni minnufih wara s-subartikolu (3) tagħha għandu jiżdied is-subartikolu ġdid li ġej: Emenda tal-artikolu 39 tal-Kostituzzjoni.

(3A) Ebda ħaġa f'dan l-artikolu jew fi kwalunkwe liġi oħra ma għandha timpedixxi lil xi awtorità indipendenti amministrattiva jew regolatorja jew lil xi korp ieħor stabbilit mil-liġi, milli jimponu penali amministrattivi jew milli jieħdu miżuri oħra li jista' jkollhom il-karatteristiċi ta' akkuża jew piena ta' natura kriminali fejn tali awtorità amministrattiva jew regolatorja jew korp ieħor għandhom is-setgħa li jagħmlu dan skont il-liġi:

Iżda f'dawk il-każijiet id-deċiżjonijiet tal-imsemmija awtorità indipendenti amministrattiva jew regolatorja sabiex jimponu kwalunkwe penali amministrattiva jew miżuri oħra bħal dawn għandhom ikunu soġġetti għad-dritt ta' appell quddiem Qorti indipendenti u imparzjali jew tribunal stabbiliti bil-liġi.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex tiġi introdotta dispożizzjoni fil-Kostituzzjoni li tirregola l-penalitajiet amministrattivi ta' natura finanzjarja u sabiex timmitiga d-diskrepanza bejn id-dritt għal proċess ġust kif protett mill-artikolu 39 tal-Kostituzzjoni ta' Malta u l-istess dritt protett mill-Artikolu 6 tal-Konvenzjoni Ewropea dwar id-Drittijiet tal-Bniedem u l-ġurisprudenza tal-Qorti Ewropea tad-Drittijiet tal-Bniedem.

A BILL
entitled

AN ACT to further amend the Constitution of Malta.

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. The short title of this Act is the Constitution of Malta (Amendment No. 4) Act, 2020 and this Act shall be read and construed as one with the Constitution of Malta hereinafter referred to as "the Constitution". Short title.

2. In article 39 of the Constitution immediately after sub-article (3) thereof there shall be added the following new sub-article: Amendment of article 39 of the Constitution.

"(3A) Nothing in this article or in any other law shall prevent any independent administrative or regulatory authority or any other body established by law from imposing administrative penalties or taking any other measures which may have the characteristics of a charge or punishment of a criminal nature where such administrative or regulatory authority or other body is empowered to do so by law:

Provided that in such cases the decisions of the said administrative or regulatory authorities or other bodies to impose any such administrative penalties or other measures shall be subject to a right of appeal before an independent and impartial Court or tribunal established by law.".

Objects and Reasons

The objects and reasons of this Bill are to introduce a provision in the Constitution regulating administrative penalties of a financial nature and to reduce the discrepancy between the right to a fair trial as protected by article 39 of the Constitution of Malta and the same right as protected by Article 6 of the European Convention on Human Rights and the case law of the European Court of Human Rights.

VERŻJONI ELETTRONIKA

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