

227. Il-Kap tal-Oppożizzjoni, l-Onor. Eddie Fenech Adami jipproponi:

Nipproponi li l-Abbozz ta' Liġi imsejjaħ Att biex jemenda l-Att tal-1982 dwar l-Indhli Barrani, meħmuż ma' din il-mozzjoni, jitressaq quddiem il-Kamra tad-Deputati u jgħaddi mill-istadji kollha.

20.05.1985

ABBOZZ TA' LIGI

msejjah

ATT biex jemenda l-Att ta' l-1982 dwar l-Indhil Barrani

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Il-President, bil-parir u l-kunsens tal-Kamra tad-Deputati imlaqqgħa f'dan il-Parlament, u bl-awtorita' ta' l-istess, hareg b'ligi dan li gej:-

Titolu fil-qosor

1. Dan l-Att jista' jissejjah l-Att dwar Indhil Barrani u għandu jinqara u jiftiehem haga wahda ma' l-Att ta' l-1982 dwar Indhil Barrani, hawn hekk izjed il-quddiem imsejjah "l-Att Principali".

Emenda għall-Artikolu 2 ta' l-Att principali

2. L-artikolu 2 ta' l-Att principali għandu jigi emendat kif jidher hawn taht:

i) Hassar id-definizzjoni ta' "barranija" u dahhal flokha dan li gej:

"barranija" dwar persuna li ma tkunx individwu, tinkludi kull persuna li tkun kontrollata, direttament jew indirettament, minn individwi li ma humiex cittadini ta' Malta u, dwar individwu, tfigħer individwu li mhux cittadin Malti.

ii) Hassar id-definizzjoni ta' "hidma barranija" kif ukoll il-proviso għaliha.

Emenda għall-Artikolu 3 ta' l-Att principali

3. Hassar l-artikolu 3 ta' l-Att principali u dahhal floku dan li gej:

3(1) Kull persuna, li f'Malta tircievi mingħand persuna barranija flus, tghamir jew materjal iehor, jew kull oggett iehor in konnessjoni ma' xi attivita' f'Malta, għandha fi zmien xahar minn meta tircievihom tavza lill-Ministru b'dan fil-forma preskritta.

(2) Dak li hu mahsub fl-artikolu (1) ta' dan l-artikolu ma jghoddx meta l-flus, tghamir, jew materjal jew oggett iehor ricevut ikun in konnessjoni ma' attivita' li hija kummercjali jew industrijali, diplomatika, konsolari, kulturali, edukattiva, filantropika, religjusa jew tikkonsisti f'divertiment jew event sportiv.

(3) Mhux aktar tard minn tmient ijiem wara li jkun ircieva l-avviz imsemmi fis-subartikolu wiehed ta' dan l-Artikolu, il-Ministru għandu jippubblika l-avviz bid-dettalji rilevanti kollha fil-Gazzetta tal-Gvern u għandu jqiieghed a dispozizzjoni tal-pubbliku biex jarahom l-original jew foto-kopja ta' kull avviz hekk mogħti.

(4) Kull persuna li tonqos li tagħti avviz kif imsemmi tkun hatja ta' reat.

Artikolu
gdid 3A

4. Wara l-artikolu 3 ta' l-Att principali dahhal l-artikolu li gej:

Reati minn
barranin

3A (1) Tkun hatja ta' reat kull persuna barranija li taghmel xi attivita' f'Malta li, direttament jew indirettament tkun mahsuba biex, b'mezzi mhux demokratici iggib, jew thajjar lil haddiehor biex iggib il-bidla tal-Gvern ta' Malta eletta demokratikament u tkun ukoll hatja ta' reat kull persuna barranija li taghmel f'Malta xi attivita' li direttament jew indirettament tkun mahsuba biex tfixkel jew thajjar lill-ohrajn ifixxklu il-process elettorali demokratiku normali.

(2) Kull persuna li tinstab hatja ta' reat taht is-sub-artikolu wiehed ta' dan l-artikolu jehel meta jinstab hati prigunerija ghall-perjodu ta' mhux aktar minn sentejn.

Emmenda ghall-
Artikolu 4
ta' l-Att
principali

5. Hassar l-artikolu 4 (1) ta' l-Att principali u dahhal floku dan li gej:

4(1) Meta programm imxandar minn xi post barra minn Malta jigi ricevut f'Malta u, minhabba l-lingwa wzata jew il-kontenut tal-programm, dik ix-xandira tista' b'mod ragonevoli titqies li hi mahsuba biex tigi ricevuta primarjament f'Malta, u meta l-kontenut ta' dik ix-xandira jkun dwar materji ta' kontroversja politika jew industrijali jew dwar il-policy pubblika korrenti ta' Malta ebda persuna li tkun cittadin ta' Malta jew li tkun ordinarjament toqghod f'Malta ma tkun tista', sew f'isimha jew f'isem jew ghal xi persuna ohra, tiehu sehem f'xi xandira bhal dik jew b'xi mod ikun li jkun tghin jew tassisti fl-eghmil ta' dik ix-xandira, jew taghmel xi haga li direttament jew indirettament tista' tghin jew thajjar biex issir dik ix-xandira.

B'dan izda li ebda persuna ma titqies li kisret dan l-artikolu jekk tipprowa li, fiz-zmien tax-xandira jew fi zmien il-preparazzjoni taghha, ix-Xandir f'Malta kien qed jikser il-provedimenti kostituzzjonali jew ligijiet ohra fis-sehh dwar ix-Xandir jew jekk l-Awtorita tax-Xandir ma kienitx kostitwita u tahdem skond kif titlob il-Kostituzzjoni ta' Malta.

Ghani jiet u Raguni jiet

L-Abbozz jipprovdi ghall-emendi ta' l-Att tal-1982 dwar Indhil Barrani sa' fejn l-istess Att jikser il-garanziji kostituzzjonali dwar drittijiet fundamentali tal-bniedem.

A BILL

entitled

AN ACT to amend the Foreign Interference Act, 1982.

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 Foreign Interference (Amendment) Act, 1985 and shall be read and construed as one with the Foreign Interference Act, 1982, hereinafter referred to as the principal Act.

Amendment to
Section 2 of
the principal
Act

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

i) Substitute definition of "foreign" by the following:

"foreign" in respect of a person other than an individual, includes any such person which is controlled, directly or indirectly, by individuals who are not citizens of Malta and, in respect of an individual, means an individual who is not a citizen of Malta.

ii) Delete definition of "foreign activity" and the proviso thereto.

Amendment to
Section 3 of
the principal
Act

3. Delete section 3 of the principal Act and substitute by the following:

3 (1) Any person who in Malta receives from a foreigner money, equipment or other material or thing whatsoever in connection with any activity in Malta shall within one month of such receipt give notice thereof to the Minister in the prescribed form.

(2) The provisions of subsection (1) of this section shall not apply if the money, equipment or other material or thing received is in connection with an activity which is commercial or industrial, diplomatic, consular, cultural, educational, philanthropic, religious or consists of an entertainment or of a sporting event.

(3) Within eight days of the receipt of the notice mentioned in sub-section (1) of this section the Minister shall publish the notice with all relevant details in the Government Gazette and shall make available for inspection by the public the original or a photocopy of any notice so filed.

(4) Any person who fails to give notice as aforesaid shall be guilty of an offence.

addition of
new Section
3A to the
principal Act

4. Immediately after Section 3 of the principal Act there shall be added the following new section:-

Offences by foreigners 3A (1) It shall be an offence for any foreigner to indulge in any activity in Malta which directly or indirectly is intended to bring about or to encourage others to bring about the change of the democratically elected Government of Malta other than by democratic means and it shall similarly be an offence for a foreigner to indulge in any activity in Malta which directly or indirectly is intended to hinder or to encourage others to hinder the due electoral democratic process.

(2) Any person guilty of an offence under sub section (1) of this section shall be liable to imprisonment for a term not exceeding two years.

Amendment of
Section 4 of
the principal
Act

5. Delete Section 4 (1) of the principal Act and substitute by the following:-

4(1) Where a programme broadcast from any place outside Malta is received in Malta and, by reason of the language used or of the contents of the programme such broadcast may reasonably be deemed to be intended to be received primarily in Malta and where the contents of such broadcast refer to matters of political or industrial controversy or to current public policy in Malta, it shall not be lawful for any person who is a citizen of Malta or is ordinarily resident in Malta, whether in his own behalf or on behalf or account of any other person, to participate in any such broadcast or in any way to aid or abet the making of such broadcast, or to do anything which may directly or indirectly be of assistance or encouragement to such broadcast or its reception in Malta, and in particular but without prejudice to the generality of the foregoing, to publish the times or other details of any such broadcast.

Provided that no person shall be guilty of contravening this section if he proves that, at the time of the broadcast or of its preparation, broadcasting in Malta was in breach of the Constitutional or other current legal provisions with regard to Broadcasting or if the Broadcasting Authority was not duly constituted and functioning in terms of the Constitution of Malta.

Objects and Reasons

The Bill provides for amendments to the Foreign Interference Act, 1982 in so far as the provisions of the said Act violate the Constitutional guarantees on fundamental human rights.