

## **Nru 8**

8. 07. 2022

### **MALTA**

#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Liġi mressaq mill-Onorevoli Byron Camilleri, M.P., Ministru għall-Intern, is-Sigurtà, ir-Riformi u l-Ugwaljanza, u moqri għall-Ewwel darba fis-Seduta tal-4 ta' Lulju 2022.

A BILL introduced by the Honourable Byron Camilleri, M.P., Minister for Home Affairs, Security, Reforms and Equality, and read the First time at the Sitting of the 4th July 2022.

**ATT sabiex jemenda l-Ordinanza dwar l-Esplożivi, Kap. 33 u l-Liġijiet Varji relatati mal-Protezzjoni Ċivili.**

**AN ACT to amend the Explosives Ordinance, Cap. 33 and Various Laws relating to Civil Protection.**

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT sabiex jemenda l-Ordinanza dwar l-Esplożivi, Kap. 33 u l-Liġijiet Varji relatati mal-Protezzjoni Ċivili.*

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 ġejj:-

**1.** (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2022 li jemenda l-Ordinanza dwar l-Esplożivi u l-Liġijiet Varji dwar il-Protezzjoni Ċivili. Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-pulizija u l-protezzjoni ċivili jista', b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u, jew għal għanijiet differenti ta' dan l-Att.

**TAQSIMA I**

Emendi għall-Ordinanza dwar l-Esplożivi

**2.** Din it-Taqsima temenda l-Ordinanza dwar l-Esplożivi u din l-Ordinanza għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar l-Esplożivi, hawn iżjed 'il quddiem f'din it-Taqsima msejja "l-liġi prinċipali". Emendi tal-Ordinanza dwar l-Esplożivi. Kap. 33.

**3.** Fis-subartikolu (1) tal-artikolu 33 tal-liġi prinċipali l-kliem "taħt l-artikolu 29." għandhom jiġu sostitwiti bil-kliem "taħt l-artikolu 29:" u minnufih wara għandhom jiżdiedu l-provisos godda li ġejjin: Emenda tal-artikolu 33 tal-liġi prinċipali.

"Iżda, fejn ir-reat ikun jikkonsisti fil-ħruq mingħajr il-liċenzja, permess jew l-awtorità meħtieġa ta' xogħlijiet tan-nar li jkunu jikkonsistu fi dwal tal-Bengala jew f'gassijiet bi fjamma kulurita li f'kull każ ma jkollhomx dijametru ta' iżjed minn żewġ centimetri u nofs (2.5cm) jew f'gassijiet tad-duħħan kulurit ta' volum simili, u dak il-ħruq ma kkawżax ħsara fuq il-persuna jew

fuq proprjetà, il-piena applikabbli għandha tkun dik ta' multa ta' mhux inqas minn mija u għoxrin euro (€120) u mhux iżjed minn tliet mija u ħamsin euro (€350):

Kap. 9.  
Kap. 446.

Iżda wkoll, minkejja d-dispożizzjonijiet tal-artikolu 45Ċ ta' din l-Ordinanza, id-dispożizzjonijiet tal-artikoli 21 u 28A tal-Kodiċi Kriminali u tal-Att dwar il-*Probation* jistgħu jiġu applikati fir-rigward ta' kull persuna misjuba haġja ta' reat kontra d-dispożizzjonijiet tal-ewwel proviso."

## TAQSIMA II

### Emendi għall-Kostituzzjoni ta' Malta

Emendi tal-  
Kostituzzjoni.

**4.** Din it-Taqsima temenda l-Kostituzzjoni ta' Malta u din it-Taqsima għandha tinqara u tinftiehem haġa waħda mal-Kostituzzjoni ta' Malta, hawn iżjed 'il quddiem f'din it-Taqsima msejha "l-Kostituzzjoni".

Emenda tal-  
artikolu 47 tal-  
Kostituzzjoni.

**5.** Fis-subartikolu (1) tal-artikolu 47 tal-Kostituzzjoni, fit-tifsira "korp dixxiplinat", minnufih wara l-paragrafu (d) għandu jiżdied il-paragrafu ġdid li ġej:

"(e) il-Forza ta' Għajnuna u Salvataġġ fi ħdan id-Dipartiment tal-Protezzjon Ċivili;"

## TAQSIMA III

### Emendi għall-Att dwar il-Protezzjoni Ċivili

Emendi tal-Att  
dwar il-  
Protezzjoni  
Ċivili.  
Kap. 411.

**6.** Din it-Taqsima temenda l-Att dwar il-Protezzjoni Ċivili u dan l-Att għandu jinqara u jinftiehem bhala haġa waħda mal-Att dwar il-Protezzjoni Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-  
artikolu 2 tal-  
Att prinċipali.

**7.** L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) it-tifsira "id-Direttur" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "Diretturi" tfisser id-Diretturi tad-Dipartiment tal-Protezzjoni Ċivili li għandhom jaqdu kwalunkwe funzjoni jew dmir kif indikat mid-Direttur Ġenerali;" u minnufih warajha għandha tiżdied it-tifsira ġdida li ġejja:

"Direttur Ġenerali" tfisser id-Direttur Ġenerali tad-Dipartiment tal-Protezzjoni Ċivili u tinkludi kull uffiċjal maħtur jew awtorizzat mid-Direttur Ġenerali biex jaġixxi minfloku;" u

(b) it-tifsira "il-Forza" għandha tiġi sostitwita bit-tifsira

ġdida li ġejja:

" "Forza" tfisser il-Forza ta' Għajnuna u Salvataġġ imwaqqfa bl-artikolu 8 li tikkonsisti fid-Direttur Ġenerali, id-Diretturi, id-Deputati Diretturi, l-Uffiċjali Kapijiet tal-Għajnuna u Salvataġġ, l-Uffiċjali tal-Istazzjon, l-Uffiċjali Għolja tal-Għajnuna u Salvataġġ, l-Uffiċjali tal-Għajnuna u Salvataġġ, l-Ispetturi għas-Sigurtà tan-Nirien jew xi uffiċjali fi grad ekwivalenti li jwettqu dmirijiet ekwivalenti;"

**8.** Fl-artikolu 3 tal-Att prinċipali, il-kliem "uffiċjal pubbliku li jkun magħruf bħala d-Direttur tal-Protezzjoni Ċivili" għandhom jiġu sostitwiti bil-kliem "id-Direttur Ġenerali tal-Protezzjoni Ċivili".

Emenda tal-artikolu 3 tal-Att prinċipali.

**9.** L-artikolu 5 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 5 tal-Att prinċipali.

(a) fis-subartikolu (3) tiegħu, il-kliem "d-Direttur tal-Protezzjoni Ċivili" għandhom jiġu sostitwiti bil-kliem "d-Direttur Ġenerali tal-Protezzjoni Ċivili"; u

(b) fis-subartikolu (8) tiegħu, il-kliem "Id-Direttur tal-Protezzjoni Ċivili" għandhom jiġu sostitwiti bil-kliem "Id-Direttur Ġenerali tal-Protezzjoni Ċivili".

**10.** Fis-subartikolu (2) tal-artikolu 6 tal-Att prinċipali, il-kliem "mid-Direttur tad-Dipartiment tal-Protezzjoni Ċivili" għandhom jiġu sostitwiti bil-kliem "mid-Direttur Ġenerali tal-Protezzjoni Ċivili".

Emenda tal-artikolu 6 tal-Att prinċipali.

**11.** L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, il-kliem "mid-Direttur jew minn xi uffiċjal ieħor hekk kif jista' jiġi preskritt mill-Ministru" għandhom jiġu sostitwiti bil-kliem "mid-Direttur Ġenerali jew kwalunkwe uffiċjal mahtur jew awtorizzat mid-Direttur Ġenerali biex jaġixxi minfloku"; u

(b) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) il-paragrafu (a) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(a) li tara li jkun hemm servizz adegwat għal intervent immedjat fil-każ ta' hruq u salvataġġ fuq l-art u l-baħar, għargħar, helsien mill-għarqa, salvataġġ jew f'kull sitwazzjoni oħra ta' diżastru sew naturali sew kaġunat mill-bniedem li tkun teħtieġ l-għajnuna immedjata ta' forza pubblika jew ta' tagħmir

speċjali"; u

(ii) fil-paragrafu (ċ) tiegħu, il-kliem "id-Direttur tal-Protezzjoni Ċivili" għandhom jiġu sostitwiti bil-kliem "id-Direttur Ġenerali tal-Protezzjoni Ċivili"; u

(ċ) minnufih wara s-subartikolu (7) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

(8) Kandidat għall-ħatra bħala uffiċjal fil-Forza ta' Għajnuna u Salvataġġ irid ikun għalaq tmintax (18)-il sena u ma jridx ikun għalaq iktar minn disgħa u tletin (39) sena:

Iżda, kwalunkwe membru tal-Korp tal-Voluntiera tal-Protezzjoni Ċivili li għandu aktar minn disgħa u tletin (39) sena xorta jista' jkun eliġibbli għall-ħatra bħala uffiċjal fil-Forza ta' Għajnuna u Salvataġġ jekk ikun ilu attiv fil-Korp għal mill-inqas sentejn (2).".

Emenda tal-artikolu 9 tal-Att prinċipali.

**12.** Fis-subartikolu (2) tal-artikolu 9 tal-Att prinċipali, il-kliem "id-Direttur" għandhom jiġu sostitwiti bil-kliem "id-Direttur Ġenerali".

Emenda tal-artikolu 20 tal-Att prinċipali.

**13.** Fis-subartikolu (2) tal-artikolu 20 tal-Att prinċipali, il-kelma "Id-Direttur" għandha tiġi sostitwita bil-kliem "Id-Direttur Ġenerali".

#### TAQSIMA IV

##### Emendi konsegwanzjali

Emendi għal Att dwar il-Protezzjoni Ċivili u liġi sussidjarja. Kap. 441. L.S. 411.01. L.S. 411.03. L.S. 411.04. L.S. 499.35.

**14.** Il-kliem "Direttur" u "Direttur tal-Protezzjoni Ċivili" fl-Att dwar il-Protezzjoni Ċivili, fir-Regolamenti tal-Protezzjoni Ċivili (Dixxiplina u Assoċjazzjoni), fir-Regolamenti dwar Korp ta' Voluntieri fil-Protezzjoni Ċivili, fir-Regolamenti dwar il-Pensjonijiet tal-Protezzjoni Ċivili u fir-Regolamenti dwar is-Sigurtà fil-Portijiet, kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "Direttur Ġenerali tal-Protezzjoni Ċivili".

### **Ghanijiet u Raġunijiet**

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu għal pjeni aktar proporzjonati għal reati li jikkonsistu fil-ħruq mhux awtorizzat ta' xogħlijiet tan-nar ta' entità żgħira li ma jkunx jagħmel ħsara u sabiex jinkludu l-Forza ta' Għajnuna u Salvataġġ fi ħdan id-Dipartiment tal-Protezzjoni Ċivili bħala forza dixxiplinata għall-finijiet tal-Kostituzzjoni ta' Malta kif ukoll li jirrevedu d-dispożizzjonijiet legiżlattivi fir-rigward tad-Direttur tad-Dipartiment tal-Protezzjoni Ċivili u kwistjonijiet oħra konnessi magħhom u anċillari għalihom.

**A BILL  
entitled**

*AN ACT to amend the Explosives Ordinance, Cap. 33 and Various Laws relating to Civil Protection.*

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 and commencement.

**1.** (1) The short title of this Act is the Explosives Ordinance and the Various Laws relating to Civil Protection (Amendment) Act, 2022.

(2) This Act shall come into force on such date as the Minister responsible for the police and civil protection may, by notice in the Gazette, establish and different dates may be so established for different provisions and, or purposes of this Act.

**PART I**

**Amendments to the Explosives Ordinance**

Amendments of the Explosives Ordinance. Cap. 33.

**2.** This Part amends the Explosives Ordinance and it shall be read and construed as one with the Explosives Ordinance, hereinafter in this Part referred to as "the principal law".

Amendment of article 33 of the principal law.

**3.** In sub-article (1) of article 33 of the principal law the words "laid down in article 29." shall be substituted by the words "laid down in article 29:" and immediately thereafter there shall be added the following new provisos:

"Provided that, where the offence consists in the discharge without the required licence, permit or authorisation of fireworks consisting of Bengala lights or of lances with a coloured flame having a diameter which in any case does not exceed two and a half centimetres (2.5cm) or of coloured smoke canisters of a similar volume, and such discharge did not cause



bodily harm or damage to property, the applicable punishment shall be of a fine (*multa*) of not less than one hundred and twenty euro (€120) and not more than three hundred and fifty euro (€350):

Provided further that, notwithstanding the provisions of article 45C of this Ordinance, the provisions of articles 21 and 28A of the Criminal Code and of the Probation Act may be applied in respect of any person convicted of an offence against the provisions of the first proviso."

Cap. 9.  
Cap. 446.

## PART II

### Amendments to the Constitution of Malta

4. This Part amends the Constitution of Malta and this Part shall be read and construed as one with the Constitution of Malta, hereinafter in this Part referred to as "the Constitution".

Amendments to  
the Constitution  
of Malta.

5. In sub-article (1) of article 47 of the Constitution, in the definition "disciplined force", immediately after paragraph (d) there shall be added the following new paragraph:

Amendment of  
article 47 of the  
Constitution.

"(e) the Assistance and Rescue Force within the Civil Protection Department;".

## PART III

### Amendments to the Civil Protection Act

6. This Part amends the Civil Protection Act and it shall be read and construed as one with the Civil Protection Act, hereinafter in this Part referred to as "the principal Act".

Amendments of  
the Civil  
Protection Act.  
Cap. 411.

7. Article 2 of the principal act shall be amended as follows:

Amendment of  
article 2 of the  
principal Act.

(a) the definition "Director" shall be substituted by the following new definition:

" "Directors" means the Directors of the Department of Civil Protection who shall be assuming any such function or duty as indicated by the Director General;" and immediately thereafter there shall be added the following new definition:

"Director General" means the Director General of the Department of Civil Protection and includes any officer designated or authorised by the Director General to act on his behalf;"; and

(b) the definition "the Force" shall be substituted by the

following new definition:

"Force" means the Rescue and Assistance Force established by article 8 consisting of the Director General, the Directors, the Deputy Directors, the Chief Assistance and Rescue officers, the Station Officers, the Leading Assistance and Rescue Officers, the Assistance and Rescue Officers and the Fire Safety Inspectors or any officers in equivalent grades;".

Amendment of article 3 of the principal Act.

**8.** In article 3 of the principal Act, the words "a public officer to be styled Director of Civil Protection" shall be substituted by the words "the Director General of Civil Protection".

Amendment of article 5 of the principal Act.

**9.** Article 5 of the principal Act shall be amended as follows:

(a) in sub-article (3) thereof, the words "the Director of Civil Protection" shall be substituted by the words "the Director General of Civil Protection"; and

(b) in sub-article (8) thereof, the words "The Director of Civil Protection" shall be substituted by the words "The Director General of Civil Protection".

Amendment of article 6 of the principal Act.

**10.** In sub-article (2) of article 6 of the principal Act, the words "the Director, Civil Protection Department" shall be substituted by the words "the Director General, Civil Protection".

Amendment of article 8 of the principal Act.

**11.** Article 8 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof, the words "a Chief Assistance and Rescue Officer" shall be substituted by the words "the Director General or any officer designated or authorised by the Director General to act on his behalf"; and

(b) sub-article (4) thereof shall be amended as follows:

(i) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) to maintain an adequate service for prompt intervention in the case of fire and rescue on land and at sea, flooding, sea salvage, rescue and any other natural or man-made disaster situation which requires the immediate assistance of a public force or special equipment;" and

(ii) in paragraph (c) thereof, "the Director of Civil Protection" shall be substituted by the words "the Director

General of Civil Protection"; and

(c) immediately after sub-article (7) thereof there shall be added the following new sub-article:

"(8) A candidate for appointment as an officer in the Assistance and Rescue Force must have attained eighteen (18) years of age and must not be above thirty-nine (39) years of age:

Provided that, any member of the Civil Protection Volunteer Corps who is above thirty-nine (39) years of age may still be eligible for appointment as an officer in the Assistance and Rescue Force if he has been active in the Corps for at least two (2) years."

**12.** In sub-article (2) of article 9 of the principal Act, the words "the Director" shall be substituted by the words "the Director General".

Amendment of article 9 of the principal Act.

**13.** In sub-article (2) of article 20 of the principal Act, the words "The Director" shall be substituted by the words "The Director General".

Amendment of article 20 of the principal Act.

#### PART IV

#### Consequential amendments

**14.** The words "Director" and "Director of Civil Protection" in the Civil Protection Act, the Civil Protection (Discipline and association) Regulations, the Civil Protection (Volunteer Corps) Regulations, the Civil Protection Pensions Regulations, and the Port Security Regulations, wherever they occur, shall be substituted by the words "Director General of Civil Protection".

Amendments to the Civil Protection Act and subsidiary legislation.  
Cap. 411.  
S.L. 411.01.  
S.L. 411.03.  
S.L. 411.04.  
S.L. 499.35.

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#### Objects and Reasons

The objects and reasons of this Bill are to make provision for more proportionate punishments in respect of offences consisting in the unauthorised discharge of minor fireworks where no harm ensues and to include the Assistance and Rescue Force within the Civil Protection Department as a disciplined force for the purposes of the Constitution of Malta as well as to review the legislative provisions in relation to the Director of the Civil Protection Department and other matters connected therewith and ancillary thereto.

