

MALTA

ATT Nru. IX ta' l-1982

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jemenda jew ihassar ċerti liġijiet

ACT No. IX of 1982

AN ACT enacted by the Parliament of Malta.

AN ACT to amend or repeal certain laws

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

9 ta' Lulju, 1982

ATT Nru. IX ta' l-1982

ATT biex jemenda jew iħassar ċerti liġijiet.

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:—

Titolu
fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1982 dwar Emendi u Tħassir ta' Liġijiet.

Emenda ta'
liġijiet.

2. Il-liġijiet murija fl-Ewwel Kolonna ta' l-Ewwel Skeda li tinsab ma' dan l-Att għandu jkollhom effett suġġetti għall-emendi murija fit-Tieni Kolonna tagħha.

Tħassir
ta' liġijiet.

3. Il-liġijiet murija fit-Tieni Skeda li tinsab ma' dan l-Att għandhom jithassru.

L-EWWEL SKEDA

Artikolu 2

L-Ewwel Kolonna
Liġi emendata

It-Tieni Kolonna
Estensjoni ta' Emenda

Kodiċi Kriminali
(Kap. 12)

Is-subartikolu (2) ta' l-artikolu 77 għandu jithassar.

Is-subartikolu (2) ta' l-artikolu 154 għandu jithassar.

Minflok l-artikolu 186 għandu jidhol dan li ġej:

“186. Kull persuna hatja ta' xi wieħed mid-delitti msemmija fl-artikoli mill-174 sal-185, it-tnejn inklużi, tkun eżentata mill-piena jekk, qabel ma jsir dak id-delitt u qabel ma jinbdew xi proċedimenti, tagħti l-ewwel tagħrif dwaru u tikxef l-awturi ma' l-awtoritajiet kompetenti.”.

L-Ewwel Kolonna
Ligi emendata

It-Tieni Kolonna
Estensjoni ta' Emenda

Fit-test Malti ta' l-artikolu 271, minflok il-kliem "jeqred jew jiddistruggi" għandhom jidhlu l-kliem "jissoprimi jew jeqred".

Il-paragrafu (ċ) ta' l-artikolu 356 għandu jithassar.

Fis-subartikolu (4) ta' l-artikolu 418, minflok il-kliem "fl-artikolu 452" għandhom jidhlu l-kliem "fl-artikolu 450".

Fis-subartikolu (1) ta' l-artikolu 449, minflok il-kliem "Qabel il-preżentata ta' l-att ta' l-akkuża" għandhom jidhlu l-kliem "Wara l-preżentata ta' l-att ta' l-akkuża".

Fit-test Ingliz tas-subartikolu (3) ta' l-artikolu 450, minflok il-kliem "from the date of service of the notice filed by the accused", għandhom jidhlu l-kliem "from the date of service of the note filed by the accused".

Fis-subartikolu (2) ta' l-artikolu 458, minflok il-kliem "bi hsara tiegħu, ta' martu, jew ta' xi hadd li jiġi minnu mid-demmi jew imħallat miegħu bi żwieġ" għandhom jidhlu l-kliem "bi hsara tiegħu, ta' żewġ jew mart l-akkużat, jew ta' xi hadd li jiġi minnu mid-demmi jew imħallat miegħu bi żwieġ".

Fis-subartikolu (4) ta' l-artikolu 466, minflok il-kliem "jekk l-ebda eċċezzjonijiet ma jkunu ingħataw kif provdut fl-artikolu 450 jew xort'oħra, wara li jiġu deċiżi daww l-eċċezzjonijiet" għandhom jidhlu l-kliem "jekk l-ebda eċċezzjonijiet ma jkunu ingħataw kif provdut fl-artikolu 450, jew wara li jiġu deċiżi daww l-eċċezzjonijiet".

Kodiċi tal-Liġijiet
tal-Pulizija (Kap. 13)

Fis-subartikolu (1) ta' l-artikolu 91, il-kliem minn "Izda" sa "jibqa' shih" għandhom jithassru.

Minflok is-subartikolu (5) ta' l-artikolu 280 għandu jidhol dan li ġej:

"(5) Il-Ministru responsabbli għall-portijiet jista' jagħmel, u meta hekk jagħmel jemenda jew jissostitwixxi, tariffa tan-nolijiet tad-dgħajjes tal-pass."

Kodiċi tal-Kummerċ
(Kap. 17)

Fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 75, minflok il-kliem "għall-estratt mill-att tas-soċjetà maħruġ fil-Gazzetta tal-Gvern skond l-artikoli 134, 152 u 160 ta' dan il-Kodiċi;" għandhom jidhlu l-kliem "għad-dikjarazzjoni pubblikata fil-Gazzetta tal-Gvern skond is-subartikolu (1) ta' l-artikolu 191 ta' l-Ordinanza ta' l-1962 dwar is-Soċjetajiet Kummerċjali, li turi d-data tar-registrazzjoni tas-soċjetà u d-data li fiha ċ-ċertifikat tar-registrazzjoni relattiv ikun inħareġ".

Kodiċi Ċivili
(Kap. 23)

L-artikoli 49 u 61 għandhom jithassru.

Ordinanza dwar
id-Dfin (Kap. 24)

L-artikoli mit-3 sal-25, 27 u 29, is-subartikolu (1) ta' l-artikolu 30 u l-artikolu 37 għandhom jithassru.

Minflok is-subartikolu (1) ta' l-artikolu 26 għandu jidhol dan li ġej:

“(1) Kull persuna tista' tapplika bil-miktub, għand is-Suprintendent tas-Saħħa Pubblika, għall-konċessjoni ta' sit, ta' estensjoni ta' żewġ metri u nofs tul u metru u hames ċentimetri wisa', f'dik il-parti ta' kull ċimiterju tal-Gvern li, skond pjanta magħmula mis-Suprintendent tas-Saħħa Pubblika, ikun stabbilit għall-bini ta' oqbra privati, sabiex jinbena fuqu, għas-spejjeż tiegħu, qabar, bi hlas dwar dak is-sit tas-somma ta' hamsa u għoxrin lira.”.

Minflok l-artikolu 28 għandu jidhul dan li ġej:

"Konċessjoni ta' arei. 28. Is-Suprintendent tas-Saħħa Pubblika jista', meta ssir applikazzjoni għal hekk, u mal-hlas ta' dak id-dritt kif iista' jiġi stabbilit mill-imsemmi Suprintendent, jagħti konċessjoni, flimkien ma' sit, area, ta' mhux iżjed minn sitta u għoxrin metru kejl superfiċjali, kontigwa għall-imsemmi sit, għall-bini ta' oqbra addizzjonali jew għall-bini ta' kappella.”.

Fis-subartikolu (2) ta' l-artikolu 30, minflok il-kliem “Kull qabar iehor f'partijiet oħra ta' ċimiterju” għandhom jidhlu l-kliem “Kull qabar f'xi parti ta' ċimiterju”.

Fis-subartikolu (1) ta' l-artikolu 35, minflok il-kliem “għall-pjanta msemmija fl-artiklu 4” għandhom jidhlu l-kliem “għall-pjanta msemmija fl-artikolu 26”.

Fis-subartikolu (1) ta' l-artikolu 39 —

(a) il-kliem “għewwa l-limiti tal-postijiet imsemmijin fl-artiklu 3” għandhom jithassru, u

(b) minflok il-kliem “għad-dfin 'il barra mil-limiti ta' dawk il-postijiet” għandhom jidhlu l-kliem “għad-dfin f'post awtorizzat skond il-liġi”.

Il-formuli A, B u D għandhom jithassru.

Minflok l-artikolu 2 għandu jidhul dan li ġej:

“2. F'din l-Ordinanza, “pitrolju” tfisser kull idrokarburi naturali sew f'forma likwida jew gassuża, magħdud żejt mhux raffinat u gass naturali, u sew jekk fi stat mhux raffinat jew naturali kemm f'forma proċessata jew raffinata.”.

L-artikolu 4 għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “bil-mod miġjub fl-Iskeda A ta' din l-Ordinanza, fil-lok u fiż-żmien minnu stabbiliti” għandhom jidhlu l-kliem “bil-mod approvat mill-Ministru responsabbli għall-portijiet, fil-lok u fiż-żmien li l-imsemmi Kontrullur jista' jistabbilixxi,” u

(b) is-subartikolu (2) tiegħu għandu jithassar.

L-Iskeda A għandha tithassar.

Ordinanza dwar
l-Importazzjoni,
Magazzinagg u Bejgħ
ta' Pitrolju (Kap. 39)

Ordinanza dwar
il-Protezzjoni
tal-Proprietà Industrjali
(Kap. 48)

Minflok is-subartikolu (1) ta' l-artikolu 122 għandu
jidhol dan li ġej:

“(1) L-importazzjoni ta' merkanzija illi, jekk mib-
jugħa, tkun, taħt din l-Ordinanza, suġġetta għal konfiska,
u wkoll ta' kull merkanzija maħduma barra minn Mal-
ta, li ġġib isem jew *trade mark* Malti jew li ġġib xi isem
jew *trade mark* ieħor, u li ma turix indikazzjoni biż-
żgur tal-pajjiż fejn din il-merkanzija tkun inħadmet, hija
ipprojbata.”.

Ordinanza dwar
il-Professjoni Medika u
l-Professjonijiet li
għandhom x'jaqsmu
magħha (Kap. 51)

Fil-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 17,
minflok il-kliem “li jibdeu fid-data li fiha l-kandidat u
spizjar reġistrat ikunu avżaw lill-imsemmi Bord dwar il-
bidu ta' dak it-taħriġ” għandhom jidhru l-kliem “li jibdeu
fid-data li fiha l-imsemmi Bord jirċievi avviż iffirmit mill-
kandidat u minn spizjar reġistrat dwar il-bidu ta' dak it-
taħriġ”.

Att ta' l-1952 li
Jirregola l-Kondiz-
zjonijiet ta' l-Impieg
(Att Nru. XI ta' l-1952)

Is-subartikolu (3A) ta' l-artikolu 30 għandu jithassar.

Ordinanza ta' l-1962
dwar is-Socjetajiet
Kummerċjali
(Ordinanza Nru X ta'
l-1962)

It-tifsira ta' “Malta” li hemm fl-artikolu 195 għandha
tithassar.

IT-TIENI SKEDA

Artikolu 3

L-Ordinanza ta' l-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi ma' l-Italja
(Ordinanza Nru. II ta' l-1948).

L-Ordinanza ta' l-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi mar-Rumenija
(Ordinanza Nru. III ta' l-1948).

L-Ordinanza ta' l-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi ma' l-Ungerija
(Ordinanza Nru. IV ta' l-1948).

L-Ordinanza ta' l-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi mal-Bulgarja
(Ordinanza Nru. V ta' l-1948).

L-Ordinanza ta' l-1948 dwar l-Applikazzjoni tat-Trattat tal-Paċi mal-Finlandja
(Ordinanza Nru. VI ta' l-1948).

Att ta' l-1949 dwar it-Twettiq ta' Xogħol ta' Arkitetti (Att Nru. XIV ta' l-1949).

Att ta' l-1950 dwar l-Appropriazzjoni ta' xi Dazji tad-Dwana (Att Nru. XIV ta'
l-1950).

Att ta' l-1951 dwar is-Self Temporanju (Att Nru. VII ta' l-1951).

Att ta' l-1953 dwar il-Pensjonijiet (Disposizzjonijiet Speċjali) (Att Nru. V ta' l-1953).

Ordinanza ta' l-1953 li tapplika t-Trattat tal-Paċi mal-Gapan (Ordinanza Nru. II ta'
l-1953),

Att ta' l-1955 dwar it-Twettiq ta' Hatriet fil-Pulizija (Att Nru. XVI ta' l-1955).

Ordinanza ta' Emergenza ta' l-1959 li Thassar l-Ordinanza dwar il-Fond ta' Garanzija ta' Uffiċċjali Pubbliċi (Ordinanza ta' Emergenza Nru. XVI ta' l-1959).

Ordinanza ta' l-1962 dwar il-Korp tal-Pulizija (Disposizzjonijiet Speċjali) (Ordinanza Nru. II ta' l-1962).

Att ta' l-1965 dwar Tibdil ta' l-Isem ta' Ordinanze ta' Emergenza (Att Nru. XXIX ta' l-1965).

Att ta' l-1966 dwar il-Forzi Vizitatrici (Att Nru. XVIII ta' l-1966.)

Att ta' l-1967 dwar l-Elettriku (Validazzjoni ta' Hlasijiet) (Att Nru. VIII ta' l-1967).

Att ta' l-1973 li Jerrevoka l-Ordinanza dwar il-Gvern Lokali ta' Ghawdex (Att Nru. XLIII ta' l-1973).

Att ta' l-1975 għal Provvediment ta' Emergenza dwar is-Servizzi ta' Xandir (Att Nru. IX ta' l-1975).

Att ta' l-1976 dwar Pjan ta' Żvilupp (Att Nru. XXXIV ta' l-1976).

Att ta' l-1978 dwar Supplement għall-Pjan ta' Żvilupp (Att Nru. XXV ta' l-1978).

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 36 tas-6 ta' Lulju, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skriivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

9th July, 1982

ACT No. IX of 1982*AN ACT to amend or repeal certain laws.*

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 Laws (Amendment and Repeal) Act, 1982. Short title.
2. The enactments shown in the First Column of the First Schedule to this Act shall have effect subject to the amendments shown in the Second Column thereof. Amendment of laws.
3. The enactments shown in the Second Schedule to this Act shall be repealed. Repeal of laws.

FIRST SCHEDULE

Section 2

First Column
Enactment

Second Column
Extent of Amendment

Criminal Code (Cap.
12)

Subsection (2) of section 77 shall be repealed.

Subsection (2) of section 154 shall be repealed.

For section 186 there shall be substituted the following:

“186. Any person guilty of any of the crimes referred to in sections 174 to 185, inclusively, shall be exempted from punishment if, before the completion of such crime and previously to any proceedings, he shall

First Column
Enactment

Second Column
Extent of Amendment

have given the first information thereof and revealed the offenders to the competent authorities.”.

In the Maltese text of section 271, for the words “jeqred jew jiddistruggi” there shall be substituted the words “jissoprimi jew jeqred”.

Paragraph (c) of section 356 shall be repealed.

In subsection (4) of section 418, for the words “in section 452” there shall be substituted the words “in section 450”.

In subsection (1) of section 449, for the words “Before the filing of the indictment”, there shall be substituted the words “After the filing of the indictment”.

In the English text of subsection (3) of section 450, for the words “from the date of service of the notice filed by the accused”, there shall be substituted the words “from the date of service of the note filed by the accused”.

In subsection (2) of section 458, for the words “against himself, his wife, or any person related to him by consanguinity or affinity”, there shall be substituted the words “against himself, his spouse, or any person related to him by consanguinity or affinity”.

In subsection (4) of section 466, for the words “if no pleas have been raised as provided in section 450 or otherwise, after the determination of such pleas”, there shall be substituted the words “if no pleas have been raised as provided in section 450, or after the determination of such pleas”.

Code of Police Laws
(Cap. 13)

In subsection (1) of section 91, the words from “Provided that” to “shall remain unimpaired” shall be deleted.

For subsection (5) of section 280 there shall be substituted the following:

“(5) The Minister responsible for ports may make, and when made amend or substitute, a tariff of fares for passage boats.”.

Commercial Code
(Cap. 17)

In paragraph (a) of subsection (2) of section 75, for the words “to the extract from the deed of partnership published in the Government Gazette in accordance with sections 134, 152 and 160 of this Code;” there shall be substituted the words “to the statement published in the Government Gazette in terms of subsection (1) of section 191 of the Commercial Partnerships Ordinance, 1962, showing the date of registration of the partnership and the date on which the relative certificate of registration was issued;”.

Civil Code (Cap. 23)

Sections 49 and 61 shall be repealed.

Burials Ordinance
(Cap. 24)

Sections 3 to 25, 27 and 29, subsection (1) of section 30 and section 37 shall be repealed.

First Column
Enactment

Second Column
Extent of Amendment

For subsection (1) of section 26 there shall be substituted the following:

“(1) It shall be lawful for any person to apply, in writing, to the Superintendent of Public Health for the grant of a site, of the extent of two and one-half metres in length and one metre and five centimetres in width, in such part of any cemetery belonging to the Government as, according to a plan made by the Superintendent of Public Health, is appointed for the construction of private graves, for the purpose of constructing thereon, at his expense, a grave, upon payment in respect of such site of the sum of twenty-five pounds.”.

For section 28 there shall be substituted the following:

“Grant
of
areas.

28. The Superintendent of Public Health may, upon an application to this effect, and upon the payment of such fee as may be fixed by the said Superintendent, grant, together with a site, an area, not exceeding twenty-six metres in surface, contiguous to the said site, for the construction of additional graves or for the erection of a chapel.”.

In subsection (2) of section 30, for the words “Any other grave in other parts of the cemetery” there shall be substituted the words “Any grave in any part of a cemetery”.

In subsection (1) of section 35, for the words “to the plan mentioned in section 4” there shall be substituted the words “to the plan mentioned in section 26”.

In subsection (1) of section 39 —

(a) the words “within the limits of the places indicated in section 3” shall be deleted, and

(b) for the words “for burial beyond the limits of such place” there shall be substituted the words “for burial in a place authorised according to law”.

Forms A, B and D shall be deleted.

Petroleum
(Importation, Storage
and Sale) Ordinance
(Cap. 39)

For section 2 there shall be substituted the following:

“2. In this Ordinance, “petroleum” means all natural hydrocarbons whether in liquid or gaseous form, including crude oil and natural gas, and whether in a crude or natural state or in a processed or refined form.”.

Section 4 shall be amended as follows:

(a) in subsection (1) thereof, for the words “in the manner set forth in Schedule A hereto, at such place and at such time as he may appoint” there shall be substituted the words “in the manner approved by the Minister responsible for ports, at such place and at such time as the said Comptroller may appoint”, and

(b) subsection (2) thereof shall be deleted.

Schedule A shall be repealed.

Industrial Property
(Protection) Ordinance
(Cap. 48)

For subsection (1) of section 122 there shall be substituted the following:

“(1) The importation of goods which, if sold, would, under this Ordinance, be liable to forfeiture, and also of all goods manufactured out of Malta, bearing any Maltese name or trade mark or bearing any other name or trade mark, and not showing a definite indication of the country in which such goods were produced, is prohibited.”.

Medical and Kindred
Professions Ordinance
(Cap. 51)

In paragraph (d) of subsection (1) of section 17, for the words “commencing on the date on which the candidate and a registered apothecary have notified the said Board of the commencement of such training” there shall be substituted the words “commencing on the date on which the said Board shall receive a notification signed by the candidate and a registered apothecary regarding the commencement of such training”.

Conditions of
Employment
(Regulation) Act, 1952
(Act No. XI of 1952)

Subsection (3A) of section 30 shall be deleted.

Commercial Partners-
hips Ordinance, 1962
(Ordinance No. X of
1962)

The definition of “Malta” in section 195 shall be deleted.

SECOND SCHEDULE

Section 3

Treaty of Peace (Italy) (Application) Ordinance, 1948 (Ordinance No. II of 1948).

Treaty of Peace (Roumania) (Application) Ordinance, 1948 (Ordinance No. III of 1948).

Treaty of Peace (Hungary) (Application) Ordinance, 1948 (Ordinance No. IV of 1948).

Treaty of Peace (Bulgaria) (Application) Ordinance, 1948 (Ordinance No. V of 1948).

Treaty of Peace (Finland) (Application) Ordinance, 1948 (Ordinance No. VI of 1948).

Architects (Validation of Work) Act, 1949 (Act No. XIV of 1949).

Customs Duties (Appropriation) Act, 1950 (Act No. XIV of 1950).

Temporary Borrowing Act, 1951 (Act No. VII of 1951).

Pensions (Special Provisions) Act, 1953 (Act No. V of 1953).

Japanese Treaty of Peace (Application) Ordinance, 1953 (Ordinance No. II of 1953).

Police Appointments (Validation) Act, 1955 (Act No. XVI of 1955).

Public Officers' Guarantee Fund (Repeal) Emergency Ordinance, 1959 (Emergency Ordinance No. XVI of 1959).

Police Force (Special Provisions) Ordinance, 1962 (Ordinance No. II of 1962).
Emergency Ordinances (Change of Designation) Act, 1965 (Act No. XXIX of 1965).
Visiting Forces Act, 1966 (Act No. XVIII of 1966).
Electricity (Validation of Payments) Act, 1967 (Act No. VIII of 1967).
Gozo Local Government (Repeal) Act, 1973 (Act No. XLIII of 1973).
Broadcasting Services (Emergency Provision) Act, 1975 (Act No. IX of 1975).
Development Plan Act, 1976 (Act No. XXXIV of 1976).
Development Plan (Supplement) Act, 1978 (Act No. XXV of 1978).

Passed by the House of Representatives at Sitting No. 36 of the 6th July, 1982.

DANIEL MICALFÉ
Speaker

C. MIFSUD
Clerk to the House of Representatives