

MALTA

ATT Nru. XVI ta' l-1982

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

ATT biex jemenda jew iħassar ċerti liġijiet.

ACT No. XVI 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

22 ta' Novembru, 1982

ATT Nru. XVI 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, ħareġ b'liġi dan li ġej:—

- Titolu fil-qosor **1.** Dan l-Att jista' jissejjah l-Att ta' l-1982 dwar Emendi u Thassir ta' Liġijiet (Nru. 2).
- Emenda ta' liġijiet **2.** Il-liġijiet murija fl-Ewwel Kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandu jkollhom effett sugġetti għall-emendi murija fit-Tieni Kolonna tagħha.
- Thassir tal-Kap. 79. **3.** L-Att dwar id-Dikjarazzjoni tar-Reliġjon ta' Malta (Kapitolu 79) huwa mħassar.

SKEDA

(Artikolu 2)

L-Ewwel Kolonna

It-Tieni Kolonna

Liġi emendata

Estensjoni ta' Emenda

Kodiċi ta' Organizzazzjoni u
Proċedura Ċivili (Kap. 15)

Fit-test Ingliż ta' l-artikolu 882, minflok il-kliem "on the next following day, not being a public holiday," għandhom jidhlu l-kliem "on the next following working day".

Fit-test Ingliż ta' l-artikolu 885, minflok il-kliem "not later than the first day, not being a public holiday," għandhom jidhlu l-kliem "not later than the first working day".

L-Ewwel Kolonna

It-Tieni Kolonna

Liġi emendata

Estensjoni ta' Emenda

Kodiċi tal-Kummerċ (Kap. 17)

Fl-artikolu 44, minflok il-kliem "kopja legali ta' l-estratt ta' l-att tas-soċjetà kif maħruġ fil-Gazzetta tal-Gvern" għandhom jidhlu l-kliem "kopja tad-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-reġistrazzjoni tas-soċjetà u d-data li fiha ċ-ċertifikat tar-reġistrazzjoni relattiv ikun inhareġ."

Fl-artikolu 69, minflok il-kliem "tat-*Titlu II* ta' dan il-Kodiċi" għandhom jidhlu l-kliem "tat-*Titolu II* ta' din it-Taqsima ta' dan il-Kodiċi".

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

Fis-subartikolu (3) ta' l-artikolu 87J, minflok il-kliem "li tkun qed taġixxi bħala *Chairman*" għandhom jidhlu l-kliem "li tkun qed taġixxi bħala *chairman*".

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

Fis-subartikolu (1) ta' l-artikolu 2, it-tifsira ta' "Malta" għandha tithassar.

"Minnufih wara s-subartikolu (14) ta' l-artikolu 25, għandhom jidhlu s-subartikoli ġodda li ġejjin:

"(15) Minkejja kull disposizzjoni oħra ta' dan l-Att ebda kuntratt ta' servizz ma għandu jintemm mill-prinċipal u ebda mpjegat ma jista' jiġi mibgħut jew jiġi sospiż u ebda kondizzjoni f'dak il-kuntratt ma tista' issir anqas ta' vantaġġ għall-impjegat, mingħajr il-kunsens bil-miktub tad-Direttur; u jekk dak il-kuntratt jintemm jew l-impjegat jiġi mibgħut jew sospiż mill-impiegat jew jekk dik il-kondizzjoni ssir anqas ta' vantaġġ għall-impjegat mingħajr dak il-kunsens l-impjegat iżomm id-drittijiet kollha tiegħu taht il-kuntratt daqsli-ekieku l-kuntratt ma jkunx ġie mitmum jew l-impjegat ma jkunx ġie mibgħut jew sospiż mill-impiegat jew il-kondizzjoni ma tkunx saret anqas ta' vantaġġ għall-impjegat:

Iżda l-kunsens tad-Direttur jkun bla ħsara għal kull jedd ta' l-impjegat li jikseb rimedju kontra l-prinċipal taht din il-liġi jew taht xi liġi oħra,

(16) Ebda prinċipal ma għandu jzomm in-numru ta' persuni fl-impieg tiegħu inqas minn numru ta' persuni mpjegati minnu fis-16 ta' Novembru, 1982, mingħajr il-kunsens bil-miktub tad-Direttur.

(17) Id-disposizzjonijiet tas-subartikoli (15) u (16) ta' dan l-artikolu għandhom japplikaw għal —

(i) kull prinċipal li għalih japplikaw id-disposizzjonijiet ta' l-Att ta' l-1947 dwar il-Provvisti u Servizzi;

(ii) kull persuna oħra li, fis-16 ta' Novembru, 1982, kellha iktar minn tliet persuni mpjegati,

u biss dwar persuni li kienu mpjegati fis-16 ta' Novembru, 1982.

(18) Id-disposizzjonijiet tas-subartikoli (15), (16) u (17) ta' dan l-artikolu għandu jkollhom effett mis-16 ta' Novembru, 1982 u għandhom jibqgħu jseħħu sal-31 ta' Diċembru, 1983:

Iżda, jekk f'xi żmien fil-waqt li d-disposizzjonijiet ta' l-imsemmija subartikoli jkunu fis-seħħ il-Kamra tghaddi Riżoluzzjoni illi l-imsemmija disposizzjonijiet għandhom jibqgħu jseħħu għal żmien ieħor miż-żmien li xort' oħra jtemm, l-imsemmija disposizzjonijiet għandhom jibqgħu fis-seħħ għal dak iż-żmien l-ieħor."

Is-subartikolu (3) ta' l-artikolu 30 għandu jiġi emendat biż-żieda tal-proviso li ġej fit-tarf tiegħu:

"Iżda, meta r-reat ikun wieħed kif provdut fis-subartikoli (15) u (16) ta' l-artikolu 25, min jagħmel ir-reat jista' jehel multa ta' mhux inqas minn ħamsin lira u mhux iżjed minn ħames mitt lira, u il-Qorti tista', u iekk hekk mitluba mill-prosekuzzjoni għandha, b'żieda ma' kull piena oħra tordna s-sospenzjoni jew it-tħassir ta' kull liċenża miżmuma minn min jagħmel ir-reat u li jkollha x'taqsam ma' xi kummerċ jew negozju u kull liċenża li ikollha x'taqsam mal-post fejn l-impjegat ikun qiegħed impjegat: u d-disposizzjonijiet ta' l-Att ta' l-1957 dwar il-*Probation* ta' Ħatiin ma japplikawx dwar xi reat kontra d-disposizzjonijiet ta' l-imsemmija subartikoli (15) u (16) ta' l-artikolu 25." "

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 64 tat-22 ta' Novembru, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

22nd November, 1982

ACT No. XVI 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) (No. 2) Act, 1982. Short title.

2. The enactments shown in the First Column of the Schedule to this Act shall have effect subject to the amendments shown in the Second Column thereof. Amendment of laws.

3. The Religion of Malta (Declaration) Act (Chapter 79) is hereby repealed. Repeal of Cap. 79.

SCHEDULE

(Section 2)

First Column	Second Column
Enactment	Extent of Amendment

Code of Organization and Civil Procedure (Cap. 15)

In the English text of section 882, for the words "on the next following day, not being a public holiday," there shall be substituted the words "on the next following working day".

In the English text of section 885, for the words "not later than the first day, not being a public holiday," there shall be substituted the words "not later than the first working day".

First Column Enactment	Second Column Extent of Amendment
Commercial Code (Cap. 17)	<p>In section 44, for the words "a certified copy of the abstract of the act of its constitution as published in the Government Gazette" there shall be substituted the words "a copy of 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."</p> <p>In section 69, for the words "in Title II of this Code" there shall be substituted the words "in Title II of this Part of this Code".</p>
Medical and Kindred Professions Ordinance (Cap. 51)	<p>In subsection (3) of section 87J, for the words "acting as Chairman" there shall be substituted the words "acting as chairman".</p>
Conditions of Employment (Regulation) Act, 1952 (Act No. XI of 1952)	<p>In subsection (1) of section 2, the definition of "Malta" shall be deleted.</p> <p>"Immediately after subsection (14) of section 25, there shall be added the following new subsections:—</p> <p>"(15) Notwithstanding any other provision in this Act no contract of service shall be terminated by the employer and no employee shall be dismissed or suspended and no condition in such contract shall be rendered less favourable to the employee, without the consent given in writing by the Director; and if such contract is terminated or employee dismissed or suspended from employment or if such condition is rendered less favourable to the employee without such consent the employee shall retain all his rights under the contract as if the contract was not terminated or the employee dismissed or suspended from employment or the condition was not rendered less favourable to the employee:</p> <p>Provided that the consent of the Director shall not be of prejudice to any right of the employee to seek redress against the employer under this or any other law.</p> <p>(16) No employer shall keep the number of persons in his employment below the number of persons employed by him on November 16, 1982, without the consent given in writing by the Director.</p> <p>(17) The provisions of subsections (15) and (16) of this section shall apply to —</p>

(i) any employer to whom the provisions of the Supplies and Services Act, 1947 apply;

(ii) to any other person who, on November 16, 1982, employed more than three persons,

and only in respect of persons who were in employment on November 16, 1982.

(18) The provisions of subsections (15), (16) and (17) of this section shall have effect from the 16th day of November, 1982 and shall continue in force up to the 31st day of December, 1983:

Provided that if at any time while the provisions of the said subsections are in force a Resolution is passed by the House that the said provisions should be continued in force for a further period from the time at which they would otherwise expire, the said provisions shall continue in force for that further period."

Subsection (3) of section 30 shall be amended by the addition of the following proviso at the end thereof:—

"Provided that where the offence is one as is provided in subsections (15) and (16) of section 25, the offender shall be liable to a fine (*multa*) of not less than fifty pounds but not exceeding five hundred pounds, and the Court may, and if requested by the prosecution shall, in addition to any other punishment order the suspension or cancellation of any licence held by the offender and relating to any trade or business, and of any licence relating to the premises where the employee is employed; and the provisions of the Probation of Offenders Act, 1957, shall not be applicable in respect of any offence against the provisions of the said subsections (15) and (16) of section 25." "

Passed by the House of Representatives at Sitting No. 64 of the 22nd November, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives