

Nru. 152

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Lulju, 1986.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 23rd July, 1986.

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

AN ACT further to amend the Foreign Interference Act, 1982.

P. MUSCAT TERRIBILE

Agent Skrivani tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE

Acting Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjah

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

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:-

1. Dan l-Att jista' jissejjah l-Att ta' l-1987 li jemenda l-Att dwar Indhil Barrani, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1982 dwar Indhil Barrani, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.
Att XI ta' l-1982

2. Minflok it-Titolu ta' l-Att prinċipali għandu jidhol dan li ġej:

"ATT biex jirregola l-limitazzjonijiet fuq l-attivitajiet politiċi ta' barranin, u dan skond l-Artikolu 16 tal-Konvenzjoni tad-Drittijiet tal-Bniedem u Libertajiet Fundamentali."

Sostituzzjoni tat-Titolu ta' l-Att prinċipali.

3. Minflok l-artikolu 2 ta' l-Att prinċipali għandu jidhol dan li ġej:-

Sostituzzjoni ta' l-artikolu 2 ta' l-Att prinċipali.
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"2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra —

"agent intermedjarju" tfisser kull persuna jew grupp ta' persuni illi, minkejja l-għanijiet mistqarra tagħhom, ikunu involuti f'attività politika, u tinkludi kull ċittadin ta' Malta li jkun residenti barra minn Malta li jaġixxi b'dan il-mod;

"Awtorità tax-Xandir" tfisser l-Awtorità tax-Xandir imwaqqfa bl-artikolu 118 tal-Kostituzzjoni;

"barrani" meta tirreferi għal individwu tfisser persuna li ma tkunx ċittadin ta' Malta; meta tirreferi għal għaqda ta' persuni, jkun liema jkun il-mod ta' kostituzzjoni ġuridika, tfisser kull għaqda ta' persuni bħal din li tkun direttament jew indirettament kontrollata minn persuni li ma jkunux ċit-

tadini ta' Malta, u tinkludi kull Stat jew Gvern; u meta tirreferi għal xandira tfisser kull xandira bħal din imxandra minn stazzjon jew stallazzjoni li jkunu jinsabu barra mit-territorju ta' Malta u li ma tkunx awtorizzata mill-Awtorità tax-Xandir;

“Kumitat ta' Kontroll” tfisser il-Kumitat imwaqqaf taht dan l-Att;

“Malta” għandha t-tifsira mogħtija lilha fl-artikolu 124 tal-Kostituzzjoni;

“Ministru” tfisser il-Ministru responsabbli għall-affarijiet barranin;

“persuna” tinkludi kull partit politiku, u kull organizzazzjoni politika jew xort'ohra, istituzzjoni jew għaqda li tkun;

“programm” tinkludi reklam;

“xandira” tfisser xandira b'telegrafija mingħajr fili jew bil-fili jew bit-tnejn, u tinkludi xandira kemm ta' smiegh kif ukoll ta' televiżjoni.”.

Sostituzzjoni ta' l-artikolu 3 ta' l-Att prinċipali.

4. Minflok l-artikolu 3 ta' l-Att prinċipali għandu jidhol dan li ġej:

“Attivitajiet ristretti.

3. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, ebda barrani ma jista' jwettaq, jagħmel, iżomm, jieħu parti fi, jgħin jew jassisti, jew jippermetti, xi attività ristretta f'Malta.

(2) Għall-finijiet ta' dan l-Att, “attività ristretta” tfisser —

(a) kull attività, jew parteċipazzjoni f'xi attività, ta' xorta politika jew li jkollha għan politiku f'kull żmien waqt il-perjodu li jibda minn disa' xhur qabel id-data meta l-Parlament kien ikun, sakemm ma jkunx gie xolt qabel, xolt bis-saħħa tas-subartikolu (2) ta' l-artikolu 76 tal-Kostituzzjoni u d-data tal-pubblikazzjoni tar-riżultati ta' elezzjoni, jew f'kull żmien bejn ix-xoljiment tal-Parlament skond is-subartikolu (1) ta' l-artikolu 76 tal-Kostituzzjoni u d-data tal-pubblikazzjoni tar-riżultati ta' l-elezzjoni,

(b) l-għoti f'kull żmien, lil jew għal beneficiċċju ta' partit, persuna, każin jew istituzzjoni simili, ilkoll politiċi, sew direttament jew permezz ta' agent intermedjarju, ta' xi flus, tagħmir jew materjal ieħor, bħala rigal jew mod ieħor li ma jkunx kumpens ekwivalenti ta' valur, bl-esklużjoni ta' kotba u pubblikazzjonijiet ohra maħsuba għall-bejgh jew għat-tqassim mhux b'mod esklużiv jew prinċipalment għal Malta, hlief jekk dan l-għoti jkun awtorizzat mill-Kumitat ta' Kontroll skond dan l-Att.

(3) Attività kif imfissra fil-paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu ma għandhiex tkun attività ristretta f'kull żmien ieħor hlief dak imsemmi fl-istess paragrafu, sakemm min ikun bi ħsiebu li jwettaq jew jorganizza dik l-attività javża bil-miktub minn hamest ijiem qabel lis-Segretarju tal-Kumitat ta' Kontroll imwaqqaf taht dan l-Att.

(4) Ebda dispożizzjoni f'dan l-artikolu ma għandha titqies bħala li għandha xi effett fuq l-attivitajiet diplomatiċi normali.

(5) Ebda dispożizzjoni f'dan l-artikolu ma għandha tkun tapplika għal xi attività li tkun organizzata minn organizzazzjoni internazzjonali li tagħha l-Istat ta' Malta jkun membru, bla ħsara madankollu għall-kundizzjoni li l-attività politika ma tkunx organizzata minn grupp politiku partikulari li jkun jagħmel parti minn dik l-organizzazzjoni.”.

5. Fl-artikolu 4 ta' l-Att prinċipali, fis-subartikolu (1) tiegħu, minflok il-kliem “Meta programm” għandhom jidhlu l-kliem “Meta programm barrani ta' xorta politika”.

Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

6. L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “Kull persuna li taġixxi bi ksur ta' xi waħda mid-dispożizzjonijiet ta' l-artikoli ta' qabel ta' dan l-Att” għandhom jidhlu l-kliem “Kull persuna barranija u kull persuna oħra li tgħin jew tassisti lil xi persuna barranija bħal dik, u kull persuna li tkun agent intermedjarju, li taġixxi bi ksur ta', jew tonqos li tikkonforma ma', xi waħda mid-dispożizzjonijiet ta' l-artikoli msemmija qabel ta' dan l-Att, jew li tagħmel xi haġa li ma tistax tagħmel tahtu”;

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “ħidma barranija” għandhom jidhlu l-kliem “attività ristretta”; u

(c) minnufih wara s-subartikolu (2) tiegħu għandu jidhol dan is-subartikolu (3) ġdid li ġej:

“(3) Għall-finijiet ta' l-artikolu 56 ta' l-Kostituzzjoni “indhil barrani” tfisser kull reat li jsir kontra xi waħda mid-dispożizzjonijiet imsemmija qabel ta' dan l-Att.”.

7. Minflok l-artikolu 6 ta' l-Att prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 6 ta' l-Att prinċipali.

“Kumitat ta' Kontroll.

6. (1) Għall-finijiet ta' l-artikolu 3 ta' dan l-Att, għandu jitwaqqaf Kumitat, li jkun magħruf bħala l-“Kumitat ta' Kontroll”, li jkun magħmul mill-Ministru, u żewġ membri li għandhom ikunu membri tal-Parlament u li wieħed minhom ikun nominat mill-Prim Ministru u l-iehor mill-Kap ta' l-Oppożizzjoni.

(2) Dawk il-membri hekk nominati għandhom jibqgħu membri tal-Kumitat minkejja li l-Parlament jista' jkun ġie xolt, u dan sakemm jinhatru membri godda minflok.

(3) L-Iskrivan tal-Kamra tad-Deputati għandu jkun is-Segretarju tal-Kumitat.

(4) Il-Kumitat għandu jkollu l-funzjonijiet mogħtija lilu b'dan l-Att.

(5) Il-Kumitat ma għandux jawtorizza li jiġu riċevuti xi flus, tagħmir jew materjal ieħor minn xi partit politiku hliet jekk dawn ikunu bilanċjati b'mod sew b'kontribuzzjoni simili jew ekwivalenti lill-partiti politiċi l-oħrajn,

meta wiehed iqis id-daqs ta' rappreżentanza tagħhom fil-Parlament, u d-deċiżjoni għandha tittiehed b'vot unanimu.

(6) Il-Kumitat jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu, iżda ma għandux jaġixxi sakemm ma jkunx hemm mill-anqas żewġ membri li jzommu l-kariga u mill-anqas żewġ membri jkunu preżenti waqt il-laqgħa li matulha tittiehed id-deċiżjoni.

(7) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu imsemmija qabel il-Kumitat jista' jirregola l-proċedura tiegħu stess.

(8) Kull partit politiku jew korp ieħor jew għaqda, u kull persuna indikata għall-finijiet ta' dan l-artikolu minn xi membru tal-Kumitat għandhom, fil-każ ta' persuna hekk indikata mhux aktar tard minn xahrejn mill-avviż mogħti mill-Kumitat li dik il-persuna tkun giet hekk indikata, u f'kull każ ieħor mhux aktar tard mill-aħħar ta' Marzu ta' kull sena, jagħtu prospett lill-Ministru li fih juru kull ammont ta' flus, tagħmir jew materjal ieħor jew kull haġa tkun li tkun li jkunu rċevew minghand xi persuna minn barra minn Malta, sew jekk b'mod dirett jew indirett, matul is-sena ta' qabel jew dak il-perjodu ieħor li l-Kumitat jista' jindika, u għandhom jagħtu wkoll lill-Ministru kull informazzjoni oħra dwar dawn il-hwejjeġ hekk kif il-Ministru jista' raġonevolment jehtieg.

(9) Meta f'xi prospett jew informazzjoni oħra murija jew mogħtija lill-Ministru taht is-subartikolu (6) ta' dan l-artikolu, tinghata xi informazzjoni li tkun falza jew qarrieqa dwar xi haġa materjali, jew tithalla barra xi informazzjoni oħra rilevanti, kull persuna li hi meħtieġa bil-liġi li tagħti dak il-prospett jew li tagħti dik l-informazzjoni tkun hatja ta' reat u meta tinsab hatja tehel multa ta' mhux iżjed minn Lm500 jew priġunerija għal żmien ta' mhux iżjed minn sena, jew għal dik il-multa u priġunerija flimkien.”.

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

8. L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-paragrafu (a) tiegħu għandu jiġi mhassar;

(b) il-paragrafi (b) u (ċ) tiegħu għandhom jiġu indikati mill-ġdid bl-ittri (a) u (b) rispettivament.

Revoka.
A.L. 52 ta' l-1982.

9. Ir-Regolamenti ta' l-1982 dwar Hidma Barranija huma b'dan revokati.

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz huwa li jemenda l-Att ta' l-1982 dwar Indhil Barrani sabiex jagħmel dispożizzjonijiet godda li jirregolaw il-limitazzjonijiet ta' l-attivitajiet politiċi ta' barranin, u hwejjeġ oħra li għandhom x'jaqsmu ma' dan.

A BILL
entitled

AN ACT further 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:—

1. This Act may be cited as the Foreign Interference (Amendment) Act, 1987, and shall be read and construed as one with the Foreign Interference Act, 1982, hereinafter referred to as "the principal Act". Short title.
Act No. XI
of 1982.

2. For the Title of the principal Act there shall be substituted the following: Substitution of
the Title of the
principal Act.

"AN ACT to regulate the limitations on the political activities of aliens, and this in accordance with Article 16 of the Convention of Human Rights and Fundamental Freedoms."

3. For section 2 of the principal Act there shall be substituted the following:— Substitution of
section 2 of the
principal Act.

"2. In this Act, unless the context otherwise requires —

"alien" where it refers to an individual means a person who is not a citizen of Malta; where it refers to a body of persons, in whatever manner constituted juridically, means any such body of persons directly or indirectly controlled by persons who are not citizens of Malta, and includes any State or Government; and where it refers to a broadcast means any such broadcast transmitted from a station or installation situate outside the territory of Malta and which is not authorised by the Broadcasting Authority;

"broadcast" means broadcast by wireless telegraphy or wire or both, and includes both sound and television broadcast;

“Broadcasting Authority” means the Broadcasting Authority established by section 118 of the Constitution;

“intermediary agent” means any person or group of persons who, irrespective of the proclaimed objectives, is involved in political activity, and includes any citizen of Malta resident outside Malta who so acts;

“Malta” has the meaning assigned to it in section 124 of the Constitution;

“Monitoring Committee” means the Committee established under this Act;

“Minister” means the Minister responsible for foreign affairs;

“person” includes any political party, and any political or other organisation, institution or body whatsoever;

“programme” includes an advertisement.”.

Substitution of section 3 of the principal Act.

4. For section 3 of the principal Act there shall be substituted the following:

“Restricted activities.

3. (1) Subject to the provisions of this Act, it shall not be lawful for an alien to perform, do, hold, take part in, aid or abet, or allow, any restricted activity in Malta.

(2) For the purposes of this Act, “a restricted activity” means —

(a) any activity, or participation in any activity, of a political nature or having a political purpose at any time during the period commencing nine months prior to the date on which Parliament would, unless sooner dissolved, stand dissolved by virtue of subsection (2) of section 76 of the Constitution and the date of the publication of the results of an election, or at any time between the dissolution of Parliament according to subsection (1) of section 76 of the Constitution and the date of the publication of the results of an election,

(b) the provision at any time to or for the benefit of a political party, person, club or similar institution, whether directly or through an intermediary agent, of any money, equipment or other material, by way of gift or otherwise not against equivalent valuable consideration, excluding books and other publications intended for sale or distribution not exclusively or mainly for Malta, unless such provision is authorised by the Monitoring Committee in accordance with this Act.

(3) An activity as defined in paragraph (a) of subsection (2) of this section shall not be a restricted activity at any time other than that mentioned in the same paragraph, provided that the person intending to hold or organising such an activity notifies in writing five days in advance the Secretary of the Monitoring Committee established under this Act.

(4) Nothing in this section shall be construed as affecting normal diplomatic activities.

(5) Nothing in this section shall apply to any activity organised by an international organisation of which the State of Malta is a member, subject however to the condition that the political activity is not organised by a particular political group within any such organisation.”.

5. In section 4 of the principal Act, in subsection (1) thereof, for the words “Where a programme” there shall be substituted the words “Where an alien programme of a political nature”.

Amendment of section 4 of the principal Act.

6. Section 5 of the principal Act shall be amended as follows:

Amendment of section 5 of the principal Act.

(a) in subsection (1) thereof, for the words “Any person acting in contravention of any provisions of the foregoing sections of this Act” there shall be substituted the words “Any alien, and any other person who aids or abets any such alien, and any intermediary agent, acting in contravention of, or failing to comply with, any of the provisions of the foregoing sections of this Act, or who does anything which is not lawful thereunder”;

(b) in subsection (2) thereof, for the words “foreign activity” there shall be substituted the words “restricted activity”;

(c) immediately after subsection (2) thereof there shall be inserted the following new subsection (3):

“(3) For the purposes of section 56 of the Constitution “foreign interference” means any offence against any of the foregoing provisions of this Act.”.

7. For section 6 of the principal Act there shall be substituted the following:

Substitution of section 6 of the principal Act.

“Monitoring Committee.” 6. (1) For the purposes of section 3 of this Act, there shall be a Committee, to be known as the “Monitoring Committee”, which shall consist of the Minister, and two members who shall be members of Parliament and of whom one shall be designated by the Prime Minister and the other by the Leader of the Opposition.

(2) Such designated members shall remain members of the Committee notwithstanding that Parliament may stand dissolved, and this until new members are appointed in their stead.

(3) The Clerk of the House of Representatives shall be the Secretary of the Committee.

(4) The Committee shall have the functions assigned to it by this Act.

(5) The Committee shall not authorise the receipt of any money, equipment or other material by any political party unless it is appropriately balanced by similar or equivalent contribution to the other political parties, taking into account the size of their representation in Parliament, and the decision shall be taken by a unanimous vote.

(6) The Committee may act notwithstanding any vacancy in its membership, but shall not act unless there are at least two members in office and at least two members are present at the meeting at which the decision is taken.

(7) Subject to the foregoing provisions of this section the Committee may regulate its own procedure.

(8) Every political party or other entity or body, and any person named for the purposes of this section by any member of the Committee shall, in the case of a person so named not later than two months from the notice by the Committee that he has been so named, and in any other case not later than the end of March in each year, make a return to the Minister indicating any money, equipment or other material or thing whatsoever received from any person outside Malta, whether directly or indirectly, during the preceding year or such other period as may be indicated by the Committee, and shall also furnish the Minister with such further information concerning such matters as the Minister may reasonably require.

(9) Where in any return or further information submitted or given to the Minister under subsection (6) of this section, any information is given which is false or misleading in any material respect, or any other relevant information is omitted, every person required by law to submit such return or to give such information shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding Lm500 or to imprisonment not exceeding one year, or to both such fine and imprisonment.”.

Amendment of section 7 of the principal Act.

8. Section 7 of the principal Act shall be amended as follows:

- (a) paragraph (a) thereof shall be deleted;
- (b) paragraphs (b) and (c) thereof shall be re-lettered (a) and (b) respectively.

Repeal.

L.N. 52 of 1982.

9. The Foreign Activity Regulations 1982 are hereby repealed.

Objects and Reasons

The Object of the Bill is to amend the Foreign Interference Act, 1982, in order to make new provisions for regulating the limitations of the political activities of aliens, and matters connected therewith.