Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 14,106, 9 ta' Marzu, 1983

Taqsima A

MALTA

ATT Nru. IV ta' l-1983

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

ATT biex ikompli jemenda l-Ordinanza dwar il-Privileġġi u s-setgħat tal-Kunsill tal-Gvern, Kap. 179.

ACT No. IV of 1983

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Council of Government (Privileges and Powers) Ordinance, Cap. 179.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

9 ta' Marzu, 1983

ATT Nru. IV ta' l-1983

ATT biex ikompli jemenda l-Ordinanza dwar il-Privileġġi u s-setgħat tal-Kunsill tal-Gvern, Kap. 179.

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' jissejjaħ l-Att ta' l-1983 li jemenda l-Ordinanza dwar il-Privileġġi u s-setgħat tal-Kamra tad-Deputati, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Ordinanza dwar il-Privileġġi u s-setgħat tal-Kunsill tal-Gvern, hawnhekk iżjed 'il quddiem imsejħa "il-liġi prinċipali"

Tħassir tal-kliem "Kunsill tal-Gvern" u sostituzzjoni minflokhom tal-kliem "Kamra tad-Deputati".

2. Il-kliem "Kunsill tal-Gvern" u l-kelma "Kunsill" kull fejn jinsabu fil-liġi prinċipali, magħduda t-titolu fit-tul u fil-qosor u n-noti marginali tagħha, għandhom jitħassru u minflok jidħlu f'kull każ il-kliem "Kamra tad-Deputati" u l-kelma "Kamra" rispettivament.

Tħassir tal-kelma "President" u sostituzzjoni minflokha tal-kelma "Speaker".

3. Il-kelma "President" kull fejn tinsab fil-liġi prinċipali għandha titħassar u minflokha tidħol il-kelma "Speaker".

Emenda ta' l-artikolu 11 tal-liġi prinċipli.

4. L-artikolu 11 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "mhux iżjed minn mitt" għandhom jidħlu l-kliem "mhux iżjed minn ħames mitt";

(b) minnufih wara l-paragrafu (j) tas-subartikolu (1) tiegħu għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(k) il-pubblikazzjoni ta' kull libell li jagħti malafama lill-Ispeaker jew lil xi membru li tolqot xi ħaġa magħmula minnu jew li ntqalet minnu bħala Speaker jew bħala Membru fil-Kamra jew f'Kumitat tagħha;

(l) il-pubblikazzjoni volontarja jew bi traskuraġni ta' xi rapport falz jew mgħawweġ ta' xi dibattitu jew proċeduri tal-Kamra jew Kumitat tagħha, jew preżentazzjoni ħażina volontarja jew bi traskuraġni ta' xi diskors magħmul minn Membru fil-Kamra jew f'Kumitat tagħha.";

(ċ) minnufih wara s-subartikolu (3) tiegħu għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

"(4) Għall-finijiet ta' dan l-artikolu —

"pubblikazzjoni" tfisser kull att li bih kull stampat jiġi jew jista' jiġi kkomunikat jew imgħarraf lil xi persuna jew li bih kliem jew imaġini viżwali jiġu mxandra; u "xandir" tfisser xandir ta' kliem jew imaġini viżwali bil-mezz ta' telegrafija mingħajr fili jew bil-fili jew bit-tnejn, sew jekk dawk il-kliem jew l-imaġini jkunu fil-fatt riċevuti minn xi persuna sew jekk le.

(5) Persuna titqies ħatja ta' l-attijiet imsemmija fil-paragrafi (k) u (l) tas-subartikolu (1) ta' dan l-artikolu jekk il-pubblikazzjoni msemmija fil-paragrafi (k) u (l) tas-subartikolu (1) ta' dan l-artikolu tikkonsisti fil-pubblikazzjoni ta' dak il-libell li jagħti malafama, rapport falz jew mgħawweġ, jew preżentazzjoni ħażina f'forma stampata f'Malta, jew fid-distribuzzjoni f'Malta ta' stampat li jkun fih dak il-libell li jagħti malafama, rapport falz jew mgħawweġ jew preżentazzjoni ħażina ikun x'ikun il-post li minnu joriġina dak l-istampat, jew kull xandir f'xi post f'Malta jew minn xi post barra minn Malta ta' dak il-libell li jagħti malafama, rapport falz jew mgħawweġ jew preżentazzjoni ħażina.

(6) Fil-każ ta' persuna ħatja ta' att imsemmi fil-paragrafu (k) tas-subartikolu (1) ta' dan l-artikolu l-Kamra tista' b'żieda mal-pieni stabbiliti bis-subartikolu (1) ta' dan l-artikolu, tordna fil-każ ta' gazzetta li f'ħarġa ta' wara li ma tkunx iżjed tard mit-tieni waħda, u fil-każ ta' mezz tax-xandir fil-ġurnata li tiġi minnufih wara dik li fiha jingħata l-ordni, li l-mozzjoni li l-akkużat ikun instab ħati ta' dak l-att, approvata mill-Kamra tiġi ppubblikata jew imxandra, skond il-każ, mingħajr ħlas fl-istess ilsien li fih ikun sar ir-reat; u jekk fil-ħin ta' l-approvazzjoni ta' dik il-mozzjoni, jew minnufih wara, il-gazzetta tkun waqfet mill-pubblikazzjoni jew il-mezz tax-xandir ma jkunx baqa' jaħdem, jew fil-każ ta' xi pubblikazzjoni oħra, il-Kamra tista' fl-ordni jew f'ordni ieħor li tagħti wara, tordna li l-mozzjoni tiġi ppubblikata jew imxandra għas-spejjeż tal-persuna hekk misjuba ħatja f'gazzetta oħra jew fuq mezz ieħor ta' xandir fi żmien li ma jkunx iktar minn xahar.

(7) Fil-każ ta' persuna misjuba ħatja ta' att imsemmi fil-paragrafu (l) tas-subartikolu (1) ta' dan l-artikolu

l-Kamra tista' b'żieda mal-pieni stabbiliti fis-subartikolu (1) ta' dan l-artikolu tordna lil min jagħmel ir-reat li jippubblika mingħajr ħlas, f'dik id-data u f'dak il-ħin li l-Kamra tista' tistabbilixxi, fl-istess gazzetta jew fuq l-istess mezz tax-xandir, skond il-każ, dikjarazzjoni bħala kontradizzjoni jew spjegazzjoni.

(8) In-nuqqas ta' tħaris ta' ordni magħmul taħt is-subartikolu (6) jew (7) ta' dan l-artikolu jitqies li hu disprezz tal-Kamra u jkun suġġett għall-istess pieni kif provdut fis-subartikolu (1) ta' dan l-artikolu.

(9) (i) Kull persuna li tkun kompliċi ta' xi attijiet imsemmija fil-paragrafi (a) sa (l) tas-subartikolu (1) ta' dan l-artikolu titqies li tkun ħatja ta' l-istess attijiet u teħel il-pieni stabbiliti fl-imsemmi subartikolu.

Kap. 12

(ii) Għall-fini ta' dan l-artikolu "kompliċi" għandu jkollha l-istess tifsir kif mogħti lilha bl-artikolu 43 tal-Kodiċi Kriminali:

Iżda kull referenza hemmhekk magħmula għal delitt titqies li hi referenza għall-attijiet imsemmija fil-paragrafi (a) sa (l) tas-subartikolu (1) ta' dan l-artikolu.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 90 tat-8 ta' Marzu, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

9th March, 1983

ACT No. IV of 1983

AN ACT further to amend the Council of Government (Privileges and Powers) Ordinance, Cap. 179.

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 House of Representatives (Privileges and Powers) (Amendment) Act, 1983, and shall be read and construed as one with the Council of Government (Privileges and Powers) Ordinance, hereinafter referred to as "the principal law".

Deletion of words "Council of Government" and substitution of the words "House of Representatives" therefor.

2. The words "Council of Government" and the word "Council" wherever they occur in the principal law, including the long and the short titles and the marginal notes thereof, shall be deleted and the words "House of Representatives" and the word "House" respectively shall in each case be substituted therefor.

Deletion of the word "President" and substitution therefor of the word "Speaker".

3. The word "President" wherever it occurs in the principal law shall be deleted and the word "Speaker" shall in each case be substituted therefor.

Amendment of section 11 of the principal law.

4. Section 11 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words "not exceeding one hundred" there shall be substituted the words "not exceeding five hundred";

(b) immediately after paragraph (j) of subsection (1) thereof there shall be added the following new paragraphs:

"(k) the publication of any defamatory libel on the Speaker or any Member touching anything done or said by him as Speaker or as a Member in the House or in a Committee thereof;

(l) the wilful or reckless publication of any false or perverted report of any debate or proceedings of the House or a Committee thereof, or the wilful or reckless misrepresentation of any speech made by a Member in the House or in a Committee thereof.";

(c) immediately after subsection (3) thereof there shall be added the following new subsections:

"(4) For the purposes of this section —

"publication" means any act whereby any printed matter is or may be communicated to or brought to the knowledge of any person or whereby any words or visual images are broadcast; and "broadcast" means the broadcast of words or of visual images by means of wireless telegraphy or wire or both, whether or not such words or images are in fact received by any person.

(5) A person shall be deemed guilty of the acts mentioned in paragraphs (k) and (l) of subsection (1) of this section if the publication referred to in paragraphs (k) and (l) of subsection (1) of this section consists in the publication of such defamatory libel, false or perverted report, or misrepresentation in printed form in Malta, or in the distribution in Malta of such printed matter containing such defamatory libel, false or perverted report or misrepresentation from whatsoever place such printed matter may originate, or in any broadcast from any place in Malta or any place outside Malta of any such defamatory libel, false or perverted report or misrepresentation.

(6) In the case of a person guilty of an act mentioned in paragraph (k) of subsection (1) of this section the House may in addition to the punishments established in subsection (1) of this section, order in the case of a newspaper that in a subsequent issue thereof not later than the next but one, and in the case of a broadcasting medium that on the day immediately following that on which the order is given, the motion that the accused be found guilty of such act, approved by the House be published or broadcast as the case may be free of charge in the same language in which the offence was committed; and if at the time of approval of such motion or immediately thereafter the newspaper has ceased publication or the broadcasting medium has ceased to operate, or in the case of any other publication, the House may in the order or in a subsequent order, order that the motion be published or broadcast at the expense of the person so found guilty in

another newspaper or on another medium within a period not exceeding one month.

(7) In the case of person found guilty of an act mentioned in paragraph (l) of subsection (1) of this section the House may in addition to the punishments established in subsection (1) of this section order that the offender publish, at such date and time as the House may establish, free of charge, in the same newspaper or on the same broadcasting medium, as the case may be, a statement by way of contradiction or explanation.

(8) Default of compliance with an order made under subsection (6) or (7) of this section shall be deemed to be contempt of the House and subject to the same penalties as provided in subsection (1) of this section.

(9) (i) Any person who is an accomplice in any of the acts mentioned in paragraphs (a) to (l) of subsection (1) of this section shall be deemed to be guilty of the same acts and shall be liable to the penalties laid down in the said subsection.

(ii) For the purpose of this section "accomplice" shall have the same meaning as is assigned to it by section 43 of the Criminal Code: Cap. 12

Provided that any reference therein made to a crime shall be construed to be a reference to the acts referred to in paragraphs (a) to (l) of subsection (1) of this section.".

Passed by the House of Representatives at Sitting No. 90 of the 8th March, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives

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