

Nru 71

11. 10. 2023

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Alison Zerafa Civelli, M.P., Segretarju Parlamentari għall-Gvern Lokali f'isem il-Ministru għall-Wirt Nazzjonali, l-Arti u l-Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tal-10 ta' Lulju 2023.

ATT sabiex jemenda l-Att dwar Gvern Lokali, Kap. 363.

A BILL introduced by the Honourable Alison Zerafa Civelli, M.P., Parliamentary Secretary for Local Government on behalf of the Minister for the National Heritage, the Arts and Local Government, and read the First time at the Sitting of the 10th July 2023.

AN ACT to amend the Local Government Act, Cap. 363.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda l-Att dwar Gvern Lokali, Kap. 363.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda l-Att dwar Gvern Lokali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar Gvern Lokali, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.
Kap. 363.

2. L-artikolu 3B tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 3B tal-Att prinċipali.

"Kandidatura ta' persuni li jagħlqu sittax (16)-il sena. 3B. Il-persuni li jagħlqu l-età ta' sittax (16)-il sena għandhom id-dritt li jikkontestaw l-elezzjonijiet tal-kunsill lokali."

3. Is-subartikolu (1) tal-artikolu 25 tal-Att prinċipali għandu

Emenda tal-artikolu 25 tal-Att prinċipali.

jigi sostitwit b'dan is-subartikolu ġdid li ġej:

"Elezzjoni ta' Sindku u Viċi Sindku.

(1) Bla hsara għad-dispożizzjonijiet tal-artikolu 29, fil-kariga ta' Sindku ta' xi Kunsill Lokali għandu joqgħod dak il-kunsillier elett li fl-aħħar elezzjoni lokali ta' dik il-lokalità jkun kiseb l-ogħla għadd ta' voti mal-ewwel għadd minn fost il-kandidati tal-partit politiku li f'dawk l-elezzjonijiet ikun kiseb il-maġġoranza assoluta ta' kunsillieri ta' dak il-Kunsill. Dak il-kunsillier għandu jieħu l-kariga ta' Sindku fl-ewwel laqgħa tal-Kunsill wara dik l-elezzjoni lokali. Jekk għal xi raġuni dak il-kunsillier jirrifjuta milli jokkupa l-kariga ta' Sindku, ikun il-kunsillier li jkun ġab it-tieni l-ogħla għadd ta' voti minn fost dak il-partit politiku hawn qabel imsemmi li għandu jieħu l-kariga, u hekk sussegwentement, sakemm xi hadd jieħu l-kariga ta' Sindku:

Izda f'każ li s-Sindku jispiċċa mill-kariga matul it-terminu tal-Kunsill, il-post ta' Sindku għandu jimtela' minn dik il-persuna tal-istess partit politiku li tkun ġabet l-akbar ammont ta' voti fl-ewwel għadd wara s-Sindku li jkun qed jispiċċa mill-kariga:

Izda wkoll f'każ li l-liġi ma tkunx tipprovdi xort'ohra, is-Sindku għandu jintgħażel minn fost il-kunsillieri."

Sostituzzjoni tal-artikolu 25A tal-Att prinċipali.

4. L-artikolu 25A tal-Att prinċipali għandu jigi sostitwit b'dan l-artikolu ġdid li ġej:

"Persuna eliġibbli li tikkontesta skont l-artikolu 3B hija eliġibbli li tokkupa l-kariga ta' Sindku u Viċi Sindku.

25A. (1) Kwalunkwe persuna li tikkontesta elezzjoni lokali, tiġi eletta kunsillier, u ġġib l-ogħla għadd ta' voti minn fost il-kandidati tal-partit li jkun ġab l-ogħla ammont ta' voti fl-ewwel għadd, anke jekk din il-persuna għandha età ta' inqas minn tmintax (18)-il sena, hija eliġibbli li tkun dikjarata Sindku u hija eliġibbli sabiex tokkupa l-kariga ta' Sindku, u dan għandu japplika *mutatis mutandis* għall-kariga ta' Viċi Sindku.

(2) Minkejja dak stipulat fi kwalunkwe liġi, meta persuna li għandha età ta' inqas minn tmintax (18)-il sena tiġi dikjarata Sindku, dik il-persuna għandu jkollha l-kapaċità li tagħmel l-atti kollha tal-ħajja ċivili limitatament għal meta dik il-persuna tkun qed taġixxi fil-kariga ta' Sindku, u dan għandu japplika *mutatis mutandis* f'dawk iċ-ċirkostanzi meta il-persuna li għandha età ta' inqas minn tmintax (18)-il sena u tkun qed tokkupa l-kariga ta' Viċi Sindku tkun qed taġixxi fl-irwol ta' Sindku skont il-liġi.

(3) Meta tinholq vakanza fil-kariga ta' Sindku jew Viċi Sindku, kunsillier, anke li għandu età ta' inqas minn tmintax (18)-il sena, għandu jkun eliġibbli li jokkupa l-kariga ta' Sindku jew Viċi Sindku jekk dak il-kunsillier jikkwalifika li jokkupa l-kariga ta' Sindku jew Viċi Sindku skont dan l-Att."

5. L-artikolu 26 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 26 tal-Att prinċipali.

"L-irwol tas-Sindku.

26. (1) Is-Sindku għandu jkun ir-rappreżentant tal-Kunsill għall-finijiet kollha taht dan l-Att u għandu jippresjedi l-laqgħat kollha tal-Kunsill u jissorvelja l-funzjonijiet kollha tal-Kunsill.

(2) Is-Sindku għandu jkun responsabbli sabiex jitwettqu l-għanijiet u d-dispożizzjonijiet ta' dan l-Att fil-lokalità u s-Sindki għandhom jikkoperaw bejniethom għall-ġid tal-lokalitajiet li huma jirrapreżentaw.

(3) Fit-twettiq ta' dan l-irwol, is-Sindku għandu jkun assistit mis-Segretarju Eżekuttiv."

6. L-artikolu 27 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 27 tal-Att prinċipali.

"Rappreżentanza legali u ġuridika.

27. Ir-rappreżentanza legali u ġuridika tal-Kunsill għandha tkun vestita b'mod kongunt fis-Sindku u fis-Segretarju Eżekuttiv, li jistgħu jharrku u jkunu mharrka f'isem il-Kunsill anke meta l-każ jirreferi għal atti magħmula qabel iż-żmien tal-kariga jew hatra tagħhom skont il-każ."

C 1572

Ghanijiet u Raġunijiet

L-ghanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi hu sabiex persuni li jagħlqu l-età ta' sittax (16)-il sena li jiġu eletti bħala kunsilliera jkunu eliġibbli jokkupaw il-karigi ta' Sindku u Viċi Sindku.

**A BILL
entitled**

AN ACT to amend the Local Government Act, Cap. 363.

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. The short title of this Act is the Local Government (Amendment) Act, 2023 and this Act shall be read and construed as one with the Local Government Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 363.

2. Article 3B of the principal Act shall be substituted by the following new article:

Substitution of article 3B of the principal Act.

"Candidature of sixteen (16) year old persons.

3B. Persons who attain sixteen (16) years of age shall have the right to contest local council elections."

3. Sub-article (1) of article 25 of the principal Act shall be

Amendment of article 25 of the principal Act.

C 1574

substituted by the following new sub-article:

"Election of Mayor and Deputy Mayor.

(1) Without prejudice to the provisions of article 29, the office of Mayor in any Local Council shall be occupied by such elected councillor who at the last local election of that locality shall have obtained the highest number of votes in the first count amongst the candidates of the political party which at such elections obtained the absolute majority of councillors in such Council. Such councillor shall assume the office of Mayor at the first sitting of the Council after such local election. If for any reason such councillor refuses to occupy the office of Mayor, the councillor with the second highest number of votes from the aforesaid political party shall assume office, and so on, until the office of Mayor is filled:

Provided that if the Mayor vacates office during the Council's term, the office of Mayor shall be occupied by such person belonging to the same political party who had obtained the highest number of votes in the first count after the Mayor who is vacating office:

Provided further that where the law does not provide otherwise, the Mayor shall be chosen from amongst the councillors."

Substitution of article 25A of the principal Act.

4. Article 25A of the principal Act shall be substituted by the following new article:

"A person eligible to contest in accordance with article 3B is eligible to occupy the post of Mayor and Deputy Mayor.

25A. (1) Any person who contests a local election, is elected a councillor, and gets the highest number of votes from among the candidates of the party that has obtained the highest number of votes in the first count, even if this person is under eighteen (18) years of age, is eligible to be declared Mayor and is eligible to hold the office of Mayor, and this shall apply *mutatis mutandis* to the office of Deputy Mayor.

(2) Notwithstanding that stipulated in any law, when a person who is under eighteen (18) years of age is declared Mayor, that person shall have the capacity to do all acts of civil life limitedly to when that person is acting in the office of Mayor, and this shall apply *mutatis mutandis* in those circumstances when the person who is under eighteen (18) years of age and is occupying the office of Deputy Mayor is acting in the role of Mayor according to law.

(3) When a vacancy in the office of Mayor or Deputy Mayor arises, a councillor, even if he is under eighteen (18) years of age, shall be eligible to hold the office of Mayor or Deputy Mayor if that councillor qualifies to hold the office of Mayor or Deputy Mayor in accordance with this Act."

5. Article 26 of the principal Act shall be substituted by the following new article:

Substitution of article 26 of the principal Act.

"The role of the Mayor.

26. (1) The Mayor shall be the representative of the Council for all effects under this Act and shall preside over all meetings of the Council and supervise all functions of the Council.

(2) The Mayor shall be responsible for the furtherance of the objects and provisions of this Act in the locality and Mayors shall co-operate between themselves for the better welfare of the localities which they represent.

(3) In fulfilling this role, the Mayor shall be assisted by the Executive Secretary."

6. Article 27 of the principal Act shall be substituted by the following new article:

Substitution of article 27 of the principal Act.

"Legal and juridical representation.

27. The legal and juridical representation of the Council shall be jointly vested in the Mayor and the Executive Secretary, who may sue and be sued on behalf of the Council even when the case refers to acts done before the commencement of their term of office or appointment as the case may be."

Objects and Reasons

The objects and reasons of this Bill is in order that persons who attain sixteen (16) years of age who are elected as councillors become eligible to occupy the offices of Mayor and Deputy Mayor.

VERŻJONI ELETTRONIKA