

Nru. 116

2. 11. 79

MALTA**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorvoli Joseph Brincat, M.P., Ministru tal-Ġustizzja, Artijiet, Djar u Affarijiet tal-Parlament, u moqri għall-Ewwel Darba fis-Seduta tal-15 ta' Ottubru, 1979.

A BILL introduced by the Honourable Joseph Brincat, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, and read the First time at the Sitting of the 15th October, 1979.

ATT biex jipprovdj għat-thejjija, stampar u pubblikazzjoni ta' edizzjonijiet riveduti tal-liġijiet ta' Malta, u għal kull haġa li għandha x'taqsam magħhom jew ancillari għalihom.

AN ACT to provide for the preparation, printing and publication of revised editions of the laws of Malta, and for matters connected therewith or ancillary thereto.

C. MIFSUD*Skrivan tal-Kamra tad-Deputati***C. MIFSUD***Clerk to the House of Representatives*

ABBOZZ TA' LIĠI

msejjah

ATT biex jipprovdi għat-tnejjija, stampar u pubblikazzjoni ta' edizzjonijiet riveduti tal-liġijiet ta' Malta, u għal kull haġa li għandha x'taqsam magħhom jew anċillari għalihom.

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-1979 dwar ir-Revizjoni tal-Liġijiet Statutarji.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'oħra —

“edizzjoni riveduta” tfisser edizzjoni tal-Liġijiet ta' Malta mhejjija taħt dan l-Att;

“il-Kummissjoni” tfisser il-Kummissjoni tal-Liġijiet mwaqfa taħt l-artikolu 3 ta' dan l-Att;

“liġi statutarja” tinkludi kull dokument li għandu s-saħħa ta' liġi;

“il-Ministru” tfisser il-Ministru responsabbli għall-ġustizzja.

Il-Kummissjoni
tal-Liġijiet.

3. (1) Sabiex tithejja, minn żmien għal żmien f'intervalli ta' mhux inqas minn għaxar snin, edizzjoni riveduta tal-liġijiet statutarji ta' Malta, u sabiex jithejja test Malti tal-liġijiet statutarji kollha magħmula jew ippubblikati mingħajr test Malti, il-Ministru jista' jaħtar Kummissarju, jew korp ta' Kummissarji magħmul minn dak in-numru ta' Kummissarji li jistgħu jkunu f'dik il-kariga għal dak iż-żmien, li jkunu magħrufa f'kull każ bhala l-Kummissjoni tal-Liġijiet:

Iżda meta l-Parlament ikun ipprova li liġi tista' ssir jew bil-Malti jew bl-Ingliż biss, u jkun sar hekk, il-Kummissjoni tista' thejji l-edizzjoni riveduta ta' dik il-liġi b'dak l-ilsien biss.

(2) Meta jkun hemm fil-kariga korp ta' Kummissarji, il-Ministru għandu jahtar wieħed minnhom sabiex ikun il-President tal-Kummissjoni.

(3) Persuna maħtura bhala Kummissarju tista' tinħatar għal dak iż-żmien u skond dawk il-kondizzjonijiet li jiġu stabbiliti mill-Ministru; iżda Kummissariju jista', f'kull żmien, jirriżenja mill-kariga tiegħu u jista' wkoll, għal raġuni tajba, jitneħħa mill-kariga; u persuna li ma tibqax Kummissarju tkun tista' tinħatar mill-ġdid.

(4) Persuna li tokkupa kariga ġudizzjarja tista' tinħatar bhala Kummissarju minkejja d-disposizzjonijiet ta' l-artikolu 17 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili iżda ma tkunx meħtieġa, kemm-il darba ma jkunx provdut xort'ohra, li taqdi d-dmirijiet tagħha bhala Mħallef jew Maġistrat fil-waqt li tkun membru tal-Kummissjoni.

Kap. 15

(5) Għandha tithallas lill-Kummissarji dik ir-rimunerazzjoni, jekk ikun hemm, li l-Ministru jista' jistabbilixxi bl-approvazzjoni tal-Ministru responsabbli għall-finanzi, u tista' tithallas rimunerazzjoni differenti lill-Kummissarji skond iċ-ċirkostanzi.

(6) Tkun ukoll funzjoni tal-Kummissjoni li taqdi dawk id-dmirijiet l-oħra li jistgħu, wara konsultazzjoni magħha, jingħatawliha mill-Ministru.

4. (1) Fil-qadi tal-funzjonijiet tagħha taħt dan l-Att, il-Kummissjoni jkollha s-setgħa —

Setgħat tal-Kummissjoni.

(a) li tħalli barra —

(i) il-liġijiet statutarji kollha jew partijiet mil-liġijiet statutarji li ikunu ġew espressament imħassra, jew li ikun għalaq iż-żmien tagħhom, iew li jkun spiċċa l-iskop tagħhom jew li kellhom l-effett tagħhom;

(ii) id-disposizzjonijiet kollha li jhassru liġijiet oħra u li jinsabu f'xi liġi statutarja;

(iii) il-preambli kollha ta' liġijiet statutarji, meta, fil-fehma tal-Kummissjoni, ikunu jistgħu jithallew barra mingħajr tfixkil;

(iv) il-kliem kollu ta' introduzzjoni tad-disposizzjoni f'xi artikolu, regolament iew paragrafu ta' liġi statutarja li jkun fiha iżjed minn artikolu, regolament jew paragrafu wieħed;

(v) il-liġijiet kollha li jstabbilixxu d-data li fiha liġi statutarja għandha tibda sseħħ, kemm-il darba dawn, fil-fehma tal-Kummissjoni, jistgħu jithallew barra mingħajr tfixkil;

(vi) id-disposizzjonijiet kollha li jemendaw li jkun hemm f'liġi statutarja meta l-emendi li jsiru b'dawk id-disposizzjonijiet u li għadhom isehħu jkunu ġew imdahħlin mill-Kummissjoni fil-liġi statutarja li għaliha jirreferixxu;

(b) li tikkonsolida f'liġi statutarja wahda żewġ liġijiet statutarji jew iżjed f'*pari materia*, u tagħmel dak it-tibdil tal-kliem fil-liġi ikkonsolidata li minhabba f'hekk isir meħtieġ;

(ċ) li tibdel l-ordni ta' l-artikoli jew ta' sotto-diviżjonijiet oħra ta' liġi statutarja u, kull meta jkun meħtieġ, li tenumera mill-ġdid dawk l-artikoli jew dawk is-sotto-diviżjonijiet l-oħra;

(d) li tibdel il-forma jew it-taqsim ta' xi artikolu jew ta' sotto-diviżjoni oħra ta' liġi statutarja, sew billi tgħaqqdu, kollu jew biċċa minnu, ma' artikolu ieħor jew sotto-diviżjoni oħra, jew ma' artikoli jew sotto-diviżjonijiet oħra, jew billi taqsmu f'żewġ partijiet jew sotto-diviżjonijiet jew f'ijed;

(e) li tqassam kull liġi statutarja, sew ikkonsolidata jew le, f'partijiet jew f'taqsimiet oħra;

(f) li żżid titolu fil-qosor f'xi liġi statutarja, li fil-fehma tal-Kummissjoni, ikun meħtieġ u, iekk ikun hekk meħtieġ, li tibdel it-titolu fil-qosor ta' xi liġi statutarja;

(g) li tipprovdi jew tibdel in-noti tal-ġenb;

(h) li tqassar jew tagħmel aktar sempliċi l-kliem ta' kull liġi statutarja;

(i) li sewwi żbalji tal-grammatika, ta' l-istampar u żbalji oħra fil-kopji eżistenti tal-liġijiet statutarji, u għal dak il-għan iżżid, thalli barra jew tbiddel kliem li ma jolqotx is-sens ta' xi disposizzjoni;

(j) li tagħmel kull haġ'oħra li għandha x'taqsam mal-forma u mal-metodu biex l-edizzjoni riveduta tkun aħjar.

(2) Meta xi liġi statutarja għandha jkollha effett jew għandha tinqara jew tiftiehem, jew tinqara u tiftiehem, kif provdut f'liġi statutarja oħra, il-Kummissjoni tista' tqis dik id-disposizzjoni bl-istess mod bħal ma tqis emenda ta' l-ewwel liġi mit-tieni liġi.

(3) Is-setgħat mogħtija b'dan l-artikolu ma għandhomx jiftiehem li jagħtu s-setgħa lill-Kummissjoni li tagħmel xi tibdil jew emenda fil-materja jew sustanza ta' xi liġi statutarja; iżda l-Kummissjoni jkollha s-setgħa li tagħmel kull tibdil jew emenda li jistgħu jkunu meħtieġa sabiex l-edizzjoni riveduta tkun iktar taqbel mat-test originali.

Setgħa biex
jithallew
barra xi
liġijiet.

5. Il-Kummissjoni tista' ma ddaħħalx f'edizzjoni riveduta xi liġi statutarja li tkun thalliet barra taħt l-Ordinanza ta' l-1936 dwar ir-Revizzjoni tal-Liġijiet Statutarji ta' Malta; il-Kummissjoni tista' wkoll ma ddaħħalx f'edizzjoni riveduta kull liġi li, għalkemm fis-sehħ f'Malta minnufih qabel il-21 ta' Settembru, 1964, kienet hekk fis-sehħ bis-saħħa ta' jew taħt xi Att tal-Parlament tar-Renju Unit tal-Gran Brittanja u ta' l-Irlanda ta' Fuq; iżda dan in-nuqqas ta' dħul ta' liġijiet ma jolqotx il-validità jew it-thaddim ta' daww il-liġijiet.

Stampar ta'
l-edizzjoni
riveduta.

6. (1) Edizzjoni riveduta għandha tithejja f'dak l-ordni, f'dik il-forma u b'dak il-mod, u għandu jkun fiha daww it-tabelli, indicijiet u tagħrif ieħor li l-Kummissjoni jidhrilha xierqa jew spedjenti.

(2) Edizzjoni riveduta għandha tiġi stampata taħt daww l-arranġamenti li l-Kummissjoni tista', bl-approvazzjoni tal-Ministru responsabbli għall-finanzi, tapprova.

Tifsir ta'
riferenza għal
liġijiet.

7. Meta f'xi liġi jew f'xi dokument ta' kull xorta, ikun hemm riferenza għal xi liġi li hi milquta b'dan l-Att jew tahtu, jew għal xi disposizzjoni ta' xi liġi bħal dik, dik ir-riferenza għandha, meta meħtieġ u jista' jsir, tgħodd ukoll u tiswa għal-liġi, jew disposizzjoni tagħha, li tikkorrispondi għaliha fl-edizzjoni riveduta li tkun fis-sehħ għal dak iż-żmien.

8. (1) Edizzjoni riveduta għandha tibda seħh f'dik id-data li l-Ministru jista' jstabbilixxi b'avviż fil-Gazzetta.

Meta tibda sseħh edizzjoni riveduta u validità tagħha.

(2) Mid-data tal-bidu fis-seħh ta' edizzjoni riveduta, dik l-edizzjoni titqies li hija u tkun, bla ma jista' jkun hemm kwistjoni fuq daqshekk, fil-qrati kollha tal-gustizzja u għall-finijiet kollha, it-test waħdieni, tajjeb u awtentiku tal-liġijiet statutarji mdahhlin fl-edizzjoni kif ikunu jseħhu f'dik id-data li l-Ministru jispeċifika fil-Gazzetta, iżda bla ħsara għal kull emendi li jkun saru għalihom jew xi tħassir tagħhom li jkun sar wara dik id-data.

(3) Jekk ikun hemm konflitt bejn it-test Malti u t-test Ingliż ta' xi edizzjoni riveduta, it-test Malti għandu jipprevali.

9. Kopja ta' kull volum ta' l-edizzjoni riveduta għandha tkun iffirmita mill-President tal-Kummissjoni jew, jekk ikun hemm Kummissarju wieħed biss, minn dak il-Kummissarju, u għandha tkun issigillata bis-Siġill Pubbliku ta' Malta. Dawk il-kopji għandhom imbagħad jintbagħtu lir-Registatur tal-Qrati Superjuri sabiex jiġu irregistrati u jinżammu fl-uffiċċju tiegħu.

Kopji li għandhom jiġu iffirmiti, issigillati u iddepożitati.

10. Dan l-Att għandu jiġi stampat fil-bidu ta' l-edizzjoni riveduta.

Post ta' dan l-Att fl-edizzjoni riveduta.

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jipprovdi għat-thejjija u għall-pubblikazzjoni ta' edizzjonijiet riveduti tal-liġijiet ta' Malta.

A BILL
entitled

AN ACT to provide for the preparation, printing and publication of revised editions of the laws of Malta, and for matters connected therewith or ancillary thereto.

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 Statute Law Revision Act, 1979.

Interpretation.

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

“the Commission” means the Law Commission appointed under section 3 of this Act;

“the Minister” means the Minister responsible for justice;

“revised edition” means an edition of the Laws of Malta prepared under this Act;

“statute law” includes any instrument having the force of law.

The Law Commission.

3. (1) For the purpose of preparing, from time to time at intervals of not less than ten years, a revised edition of the statute laws of Malta, and for the purpose of preparing a Maltese text of all statute laws enacted or published without a Maltese text, the Minister may appoint a Commissioner, or a body of Commissioners consisting of such number of Commissioners as may for the time being be in office, to be known in either case as the Law Commission:

Provided that where Parliament has provided that a law may be enacted or made in either the Maltese or the English language only, and is so enacted or made, the Commission may prepare the revised text of that law in that language only.

(2) When there is in office a body of Commissioners, the Minister shall appoint one of them to be the Chairman of the Commission.

(3) A person appointed to be a Commissioner may be appointed for such term and subject to such conditions as may be determined by the Minister; but a Commissioner may, at any time, resign his office and may also, for a good cause, be removed from office; and a person who ceases to be a Commissioner shall be eligible for re-appointment.

(4) A person who holds judicial office may be appointed as a Commissioner notwithstanding the provisions of section 17 of the Code of Organisation and Civil Procedure but shall not, unless otherwise provided by the terms of his appointment, be required to perform his duties as a Judge or Magistrate while he remains a member of the Commission. Cap. 15

(5) There shall be paid to the Commissioners such remuneration, if any, as the Minister may, with the approval of the Minister responsible for finance, determine; and different remuneration may be paid to the Commissioners according to circumstances.

(6) It shall also be the function of the Commission to perform such other duties as may, after consultation with it, be assigned to it by the Minister.

4. (1) In carrying out its functions under this Act, the Commission shall have power — Powers of
Commission.

(a) to omit —

(i) all statute laws or parts of statute laws which have been expressly repealed, or which have expired, or have become spent or have had their effect;

(ii) all repealing provisions contained in any statute law;

(iii) all preambles to statute laws where such omission can, in the opinion of the Commission, be conveniently made;

(iv) all introductory words of enactment in any section, regulation or paragraph of a statute law which consists of more than one section, regulation or paragraph;

(v) all enactments prescribing the date on which a statute law is to come into force, where such omission can, in the opinion of the Commission, be conveniently made;

(vi) all amending provisions contained in a statute law where the amendments effected thereby and which are still in force have been embodied by the Commission in the statute law to which they relate;

(b) to consolidate into one statute law any two or more statute laws in *pari materia*, making such verbal alterations in the consolidated law as may thereby become necessary;

(c) to alter the order of sections or other sub-divisions of a statute law and, wherever necessary, to re-number those sections or other sub-divisions;

(d) to alter the form or arrangement of any section or other sub-division of a statute law, either by combining it in whole or in part with another section or sub-division, or other sections or sub-divisions, or by dividing it into two or more parts or sub-divisions.

(e) to divide any statute law, whether consolidated or not, into parts or other divisions;

(f) to add a short title to any statute law which may, in the opinion of the Commission, require it and, if necessary, to alter the short title of any statute law;

(g) to supply or alter marginal notes;

(h) to shorten and simplify the phraseology of any statute law;

(i) to correct grammatical, typographical and other mistakes in the existing copies of the statute laws, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any provision;

(j) to do all other things relating to form and method which may improve the revised edition.

(2) Where any statute law is to have effect or is to be read or construed, or to be read and construed, as provided in another statute law, the Commission may treat such a provision in the same manner as an amendment of the former by the latter enactment.

(3) The powers conferred by this section shall not be construed as empowering the Commission to make any alteration or amendment in the matter or substance of any statute law; but the Commission shall have power to make any alteration or amendment which might be necessary to make revised edition more faithful to the original text.

Power to omit certain laws.

5. It shall not be necessary for the Commission to include in a revised edition any statute law omitted under the authority of the Malta Statute Law Revision Ordinance, 1936; nor shall it be necessary for the Commission to include in a revised edition any law which, though in force in Malta immediately before 21st September, 1964, was so in force by virtue of or under any Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland; but any such omission shall not affect the validity or operation of any law so omitted.

Printing of revised edition.

6. (1) A revised edition shall be prepared in such order, form and manner, and shall contain such tables, indices and other information as the Commission may deem necessary or expedient.

(2) A revised edition shall be printed under such arrangements as the Commission may, with the approval of the Minister responsible for finance, approve.

Construction of references to enactments.

7. Where in any enactment or in any document of whatever kind, reference is made to any enactment affected by or under the operation of this Act, or to any provision of such enactment, such reference shall, where necessary and practicable, extend and apply to the corresponding enactment, or provision thereof, in the revised edition then in force.

Bringing into force and validity of revised edition.

8. (1) A revised edition shall come into force on such day as the Minister may by notice in the Gazette appoint.

(2) From the date of the coming into force of a revised edition, that edition shall be without any question whatever in all

courts of justice and for all purposes whatsoever, the sole and only proper and authentic text of the statute laws included in it as in force on such date as the Minister shall by notice in the Gazette specify, but subject to any amendments thereto or any repeal thereof made after such date.

(3) If there is any conflict between the Maltese and the English texts of any revised edition, the Maltese text shall prevail.

9. One copy of each volume of a revised edition shall be signed by the Chairman of the Commission or, if there is only one Commissioner, by that Commissioner, and shall be sealed with the public Seal of Malta. Such copies shall then be transmitted to the Registrar of the Superior Courts to be enrolled on record in his office.

Copies to
be signed,
sealed and
deposited.

10. This Act shall be printed at the commencement of a revised edition.

Place of
this Act
in the
revised edition.

Objects and Reasons

The purpose of the Bill is to make provision for the preparation and publication of revised editions of the laws of Malta.