

Nru. 154

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Brincat, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Lulju, 1980.

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 8th July, 1980.

ATT biex jipprovi għall-kontroll tal-prezzijiet fil-kostruzzjoni tal-bini u sabiex jitwaqqaf Tribunal għall-Kontroll ta' Prezzijiet tal-Bini.

AN ACT to make provision for the control on prices in the construction of buildings and for the constitution of the Building Price Control Tribunal.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIGI

msejjah

ATT biex jipprovdi għall-kontroll tal-prezzijiet fil-kostruzzjoni tal-bini u sabiex jitwaqqaf Tribunal għall-Kontroll ta' Prezzijiet tal-Bini.

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

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1980 dwar il-Kontroll tal-Prezzijiet tal-Bini.

Tifsir.

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

“bini” tinkludi kull struttura tal-ġebbla, *brick* jew struttura oħra tal-konkrit u kull struttura magħmula minn xi materjal ieħor, jew taħlita ta' wħud mill-imsemmi materjal, ikun x'ikun l-għan li għalih tkun maħsuba l-istruttura;

“Ministru” tfisser il-Ministru responsabbli għax-xogħlijiet pubbliċi, u sal-limitu li jkun hekk awtorizzat, tinkludi kull uffiċjal pubbliku awtorizzat mill-Ministru għal hekk;

“prezz” tfisser il-prezz stabbilit taħt id-disposizzjonijiet ta' l-artikolu 3 ta' dan l-Att u tinkludi kull rimunerazzjoni oħra jew kumpens ieħor u kull obligazzjoni hekk stabbilita għal jew dwar xi xogħol, servizz jew materjal imsemmi fil-prezz;

“registrat” tfisser registrat taħt l-artikolu 6 ta' dan l-Att;

“Tribunal” tfisser it-Tribunal imwaqqaf bl-artikolu 10 ta' dan l-Att.

Setgħa għall-egħmil ta' regolamenti.

3. Il-Ministru jista' jagħmel regolamenti li jistabbilixxu l-prezz li jista' jintalab għal kull xogħol magħmul jew kull materjal użat fil-kostruzzjoni, servizz, dekorazzjoni jew tlestija ta' bini jew xort'oħra dwar dawn il-ħwejjeg u, bla ħsara għall-ġeneralita' ta' dak li ntqal qabel, jista' —

(a) jistabbilixxi dak il-prezz skond il-kwalità tax-xogħol u l-materjal użat;

(b) jistabbilixxi l-prezz għax-xogħol u għall-materjal jew bħala prezz wieħed jew separatament;

(ċ) jistabbilixxi l-prezz għal kull xogħol jew servizz li hu ancillari għal xi wieħed mix-xogħlijiet imsemmija qabel.

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4. (1) Meta jkun hemm fis-sehħ prezz stabbilit mill-Ministru taħt dan l-Att dwar xi xogħol jew materjal, ebda persuna ma tkun tista' titlob jew tirċievi, dwar xi xogħol hekk magħmul jew materjal hekk provdut matul is-sehħ ta' l-imsemmi prezz, prezz li jkun ogħla mill-imsemmi prezz.

Effetti meta jiġi stabbilit prezz.

(2) Meta l-prezz mitlub jew riċevut għal xi xogħol magħmul jew materjal provdut dwar bini jkun prezz li jkopri kemm xogħol jew materjal li dwaru prezz stabbilit mill-Ministru taħt dan l-Att ikun fis-sehħ kif ukoll xogħol jew materjal li dwaru ma jkun hemm ebda prezz bħal dak fis-sehħ, id-differenza bejn il-prezz mitlub jew riċevut u l-prezz tas-suq tax-xogħol u l-materjal li dwaru ma jkun hemm fis-sehħ ebda prezz stabbilit kif intqal qabel għandha, għall-finijiet kollha ta' din il-liġi, titqies li hi l-prezz mitlub jew riċevut għax-xogħlijiet jew materjal li dwaru jkun fis-sehħ prezz stabbilit taħt dan l-Att kif intqal qabel.

5. Persuna li tikser xi waħda mid-disposizzjonijiet ta' l-artikolu 4 ta' dan l-Att tkun hatja ta' reat u tehel, għal kull reat —

Reati u pieni.

(a) meta tinsab hatja l-ewwel darba, multa ta' mhux inqas minn lira jew daqs l-ammont li jkun tħallas iżjed mill-prezz stabbilit mill-Ministru, skond liema minnhom tkun l-akbar;

(b) meta persuna tinsab hatja t-tieni darba, multa ta' mhux inqas minn mitejn lira jew daqs id-doppju ta' l-ammont imħallas iżjed mill-prezz stabbilit mill-Ministru, skond liema minnhom tkun l-akbar, u l-Qorti għandha wkoll tordna t-tħassir tar-registrazzjoni taħt l-artikolu 6 ta' dan l-Att ta' min jagħmel ir-reat, u tista' wkoll tordna li min jagħmel ir-reat ikun skwalifikat milli jkun hekk registrat għal dak il-perijodu li l-Qorti tista' tispeċifika fis-sentenza.

6. (1) Ebda persuna ma tista' tagħmel xi xogħol jew tipprovdi xi materjal li dwaru jista' jiġi stabbilit prezz mill-Ministru taħt dan l-Att, sew jekk xi prezz bħal dak ikun ġie hekk stabbilit sew jekk le, kemm-il darba dik il-persuna ma tkunx registrata taħt dan l-Att bħala persuna awtorizzata li tagħmel dak ix-xogħol jew li tipprovdi dak il-materjal.

Registrazzjoni ta' persuni li jaħdmu fl-industrja tal-bini.

(2) Kull persuna li tkun trid li tiġi registrata taħt dan l-Att għandha tiġi hekk registrata mill-Ministru, fuq applikazzjoni li ssir fuq il-formula xierqa u li jkun fiha —

(a) l-isem u l-kunjom, l-età, l-indirizz, ix-xogħol, is-sengħa, il-kummerċ, u n-negozju jew il-professjoni ta' l-applikant;

(b) l-isem tal-bankier tiegħu;

(ċ) ix-xorta tax-xogħol jew il-materjal li dwaru tkun qed issir applikazzjoni għal registrazzjoni; u

(d) dawk il-partikolaritajiet l-oħra jew dak it-tagħrif l-iehor li jista' jiġi mitlub fil-formula ta' l-applikazzjoni.

(3) Bla hsara għad-disposizzjoni tal-paragrafu (b) ta' l-artikolu 5 u tal-paragrafu (b) ta' l-artikolu 7 ta' dan l-Att, il-Ministru għan-

du jieħu ħsieb li isem l-applikant jitniżżel fir-reġistru miżmum għal hekk u għandu jieħu ħsieb li l-persuna hekk registrata jinħarġilha Karta ta' Reġistrazzjoni li turi l-isem u l-indirizz tal-persuna registrata u x-xogħol li jista' jsir minnha jew il-materjal li tista' ttipprovdi.

(4) Ir-reġistrazzjoni ta' persuna taħt dan l-artikolu tista' tiffassar:

(a) b'ordni tal-Qorti taħt l-artikolu 5 jew 7 ta' dan l-Att; jew

(b) jekk il-Ministru jkun sodisfatt li l-persuna registrata ma tkunx aktar qed tagħmel xogħol jew ttiprovdi l-materjal li għalih tkun giet registrata.

(5) Ebda persuna ma tkun tista' tagħmel xi xogħol jew ttiprovdi xi materjal li dwaru prezz jista' jiġi stabbilit mill-Ministru taħt dan l-Att, sew jekk dak il-prezz ikun għe stabbilit sew jekk le, kemm-il darba, qabel ma jkun beda x-xogħol jew ipprova dak il-materjal, ma jkunx ta lill-persuna li tqabbdak ix-xogħol jew li takkwista l-materjal, lista dettaljata bil-miktub, jew fattura, li tispeċifika l-prezz ta' kull partita li tirriferi għax-xogħol jew għall-bejgħ.

Reati u pjeni.

7. Persuna li tikser xi waħda mid-disposizzjonijiet tas-subartikolu (1) jew tas-subartikolu (5) ta' l-artikolu 6 ta' dan l-Att tkun haġja ta' reat u teħel, għal kull reat —

(a) meta tinsab haġja l-ewwel darba, multa ta' mhux inqas minn għoxrin lira;

(b) meta tinsab haġja t-tieni darba jew wara, multa ta' mhux inqas minn ħamsin lira u l-Qorti għandha wkoll tordna t-tħassir tar-reġistrazzjoni taħt l-artikolu 6 ta' dan l-Att ta' min jagħmel ir-reat u tista' wkoll tordna li min jagħmel ir-reat ikun skwalifikat milli jiġi reġistrat għal dak iż-żmien, li l-Qorti tista' tispeċifika fis-sentenza.

Azzjoni biex eċċess jittieħed lura tkun preskritta wara sentejn.

8. Meta xi persuna tkun hallset xi prezz li jkun iżjed mill-prezz stabbilit mill-Ministru, dik il-persuna jew kull persuna oħra li jkollha interess legittimu jkollha jedd li tieħu lura dak li jkun tħallas żejjed:

Iżda l-azzjoni biex jintalab lura dak iż-żejjed tkun preskritta meta jgħaddu sentejn mid-data ta' l-aħħar ħlas.

Tribunal għall-Kontroll ta' Prezzijiet tal-Bini.

9. (1) Għandu jkun hemm qorti ta' liġi li tkun magħrufa bħala t-Tribunal għall-Kontroll ta' Prezzijiet tal-Bini, hawnhekk iżjed 'il quddiem imsejjaħ "it-Tribunal", li jkollu ġurisdizzjoni —

(a) li jipproċessa reati taħt dan l-Att, u

(b) jiddeċiedi talbiet u kwistjonijiet oħra dwar kull haġa li tolqot il-prezz li għandu jitħallas u kull ħlas lura li jkollu jsir, skond id-disposizzjonijiet ta' dan l-Att,

u kull haġa inċidentali jew anċillari għal dan.

(2) Sabiex jeżerċita l-funzjonijiet tiegħu taħt dan l-artikolu, it-Tribunal ikollu, skond il-każ, is-setgħat kollha li huma —

Kap. 12

(i) bid-disposizzjonijiet tat-Tieni Ktieb tal-Kodiċi Kriminali mogħtija lill-Qorti tal-Pulizija Ġudizzjarja bħala Qorti ta' Ġudikatura Kriminali, u

Kap. 15

(ii) bil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili mogħtija lill-Qorti Ċivili, Prim'Awla.

(3) Minkejja d-disposizzjonijiet ta' kull liġi oħra t-Tribunal jista' jittratta fl-istess hin l-azzjoni kriminali u l-azzjoni ċivili.

(4) Dwar kull proċedimenti li għandhom x'jaqsmu ma' reat taħt dan l-Att, jew dwar xi parti tal-proċedimenti li għandhom x'jaqsmu ma' reat bħal dak, id-disposizzjonijiet tal-Kodiċi Kriminali għandhom japplikaw għall-ħwejjeġ kollha li jaqgħu taħt il-ġurisdizzjoni tat-Tribunal. Dwar il-ħwejjeġ l-oħra kollha li jaqgħu taħt il-ġurisdizzjoni tat-Tribunal, it-Tribunal għandu, bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull regolamenti magħmula bis-saħħa tiegħu, japplika d-disposizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

10. (1) It-Tribunal għall-Kontroll tal-Prezzijiet tal-Bini għandu jkun magħmul minn —

Twaqqif tat-Tribunal.

(a) Maġistrat, bħala *Chairman*, u

(b) żewġ membri maħtura, wieħed minn fost persuni li jkollhom il-*warrant* ta' Arkitekt u Inġinier Ċivili u ieħor minn fost kuntratturi fl-industrja tal-bini.

(2) Iċ-*Chairman* u l-membri l-oħra tat-Tribunal għandhom jinhatru mill-President li jaġixxi skond il-parir tal-Prim Ministru:

Izda l-President jista' f'kull żmien jahtar iktar minn maġistrat wieħed u iktar minn żewġ membri oħra tat-Tribunal, izda maġistrat wieħed biss u żewġ membri biss minn dawk il-membri għandhom joqogħdu fuq it-Tribunal dwar każ wieħed.

(3) Membru tat-Tribunal għandu, barra miċ-*Chairman*, ma' l-ewwel okkazzjoni li fiha joqgħod fuq it-Tribunal wara l-ħatra tiegħu, jiehu l-ġurament fil-qorti bil-miftuħ li jiddeċiedi kull rikors b'ekwità u b'imparzjalità skond il-liġi, barra minn dan hu jkun ukoll marbut bl-istess obbligi, *mutatis mutandis*, li joħorġu mill-forma tal-ġurament tal-kariga preskritta għal Maġistrati.

(4) Iċ-*Chairman* tat-Tribunal ma jibqax fil-kariga mal-ħatra ta' Maġistrat ieħor bħala *Chairman* jew malli ma jibqax Maġistrat.

Il-kariga taż-żewġ membri l-oħra tat-Tribunal issir vakanti —

(a) meta jgħaddu ħames snin mid-data tal-ħatra jew meta jgħaddi żmien aqsar li jista' jiġi speċifikat fl-att li bih ikun ġie maħtur; jew

(b) jekk jitneħħa mill-kariga bl-istess mod u għall-istess raġunijiet li għalihom Maġistrat jista' jitneħħa mill-kariga.

(5) Id-disposizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili dwar kif imħallfin jastjenu jew jiġu rikuzati għandhom japplikaw għal astensjoni u rikuzi taċ-*Chairman* u tal-membri tat-Tribunal.

11. (1) Il-proċedimenti quddiem it-Tribunal għandhom jinbdew b'rikors.

Proċedimenti.

Ir-rikors għandu jkun fih —

(a) tifsira ċara u sewwa ta' l-oġġett u r-raġuni tat-talba,

(b) it-talba jew it-talbiet, u dak kollu meħtieġ bil-liġi dwar atti bil-miktub.

(2) It-Tribunal jista' f'kull żmien jagħti permess li ssir xi emenda fir-rikors sabiex dan ikun iktar ċar.

(3) In-notifika tar-rikors għandha ssir skond id-disposizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(4) Il-parti li lilha jiġi notifikat rikors għandha tagħmel is-sottomissjonijiet tagħha fi żmien sitt ijiem min-notifika. Jekk ma jsiru ebda sottomissjonijiet it-Tribunal għandu jilqa' r-rikors.

(5) Jekk il-parti tippreżenta risposta fejn tammetti t-talba li jkun hemm fir-rikors, it-Tribunal jista' jilqa' r-rikors *in camera*.

(6) Jekk matul is-smieġ, it-Tribunal isib li r-rikors huwa vesatorju, it-Tribunal jista' jordna lill-parti li tagħmel dan ir-rikors li tħallas lill-parti l-oħra penali ta' mhux iżjed minn għoxrin lira.

(7) Id-deċiżjonijiet tal-Bord jittiehdu b'maġġoranza tal-voti, u għandhom jingħataw miċ-*Chairman* fil-Qorti bil-miftuh:

Izda kull punt ta' liġi jiġi deċiż miċ-*Chairman* waħdu.

(8) L-ispejjeż tal-proċedimenti jithallsu jew mill-partijiet jew minn xi parti minnhom skond kif jordna t-Tribunal.

(9) It-Tribunal ikollu s-setgħat li jeżegwixxi d-deċiżjonijiet tiegħu bil-mod preskritt fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u bil-Kodiċi Kriminali, skond il-każ.

(10) Kull mandat jew ordni mafrug mit-Tribunal ikun iffirmat miċ-*Chairman* u ċertifikat mir-Registatur jew mill-Iskrivan tat-Tribunal.

(11) Ir-Registru tal-Qrati Superjuri f'Malta jew ir-Registru tal-Qrati tal-Maġistrati f'Għawdex, skond il-każ, ikunu r-Registru tat-Tribunal u l-proċessi tat-Tribunal għandhom jiġu depożitati hemmhekk.

Seduti.

12. (1) It-Tribunal għandu jzomm is-seduti tiegħu f'dawk il-jiem u f'dak il-hin kif jiġi stabbilit miċ-*Chairman*.

(2) Is-seduti tat-Tribunal għandhom jinżammu fil-bini fejn il-qrati ordinarji soltu jzommu s-seduti tagħhom kemm-il darba l-Ministru responsabbli għall-gustizzja ma jordnax xort'oħra b'avviż pubblikat fil-Gazzetta.

Appelli.

13. (1) Ikun hemm appell mid-deċiżjonijiet tat-Tribunal —

(a) dwar akkuża kriminali fil-każijiet kollha, u sew mill-akkużat kif ukoll mill-prosekuzzjoni;

(b) dwar kull haġa oħra fuq punt ta' liġi biss deċiż mit-Tribunal.

(2) Appell lill-Qorti ta' l-Appell isir b'rikors fi żmien sitt ijiem tax-xogħol minn meta tingħata s-sentenza tat-Tribunal.

(3) Id-disposizzjonijiet ta' l-artikolu 9 ta' dan l-Att għandhom *mutatis mutandis* japplikaw għall-Qorti ta' l-Appell.

Drittijiet

14. Id-drittijiet li jithallsu fir-Registru tat-Tribunal u lill-konsulenti legali jkunu dawk preskritti għal proċedimenti quddiem il-Qorti Ċivili, Prim'Awla, fit-Tariffi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u fil-Kodiċi Kriminali, skond il-każ.

Rimunerazzjoni ta' membri.

15. Għandha tithallas lill-membri tat-Tribunal, barra miċ-*Chairman*, dik ir-rimunerazzjoni li l-Ministru responsabbli għall-gustizzja jista' jistabbilixxi bl-approvazzjoni tal-Ministru responsabbli għall-finanzi.

16. L-azzjoni kriminali taht id-disposizzjonijiet ta' dan l-Att tkun preskrittta malli jghaddu sentejn. Preskrizzjoni.

17. (1) Il-Ministru responsabbli għall-gustizzja jista' jagħmel regolamenti li jippreskrivu jew ikunu dwar il-proċedura tat-Tribunal, u kull haġa oħra li tista' tkun spedjenti biex dan l-Att ikollu effett aħjar. Setgħa għall-egħmil ta' regolamenti u ordnijiet mill-Ministru tal-gustizzja.

(2) Il-Ministru responsabbli għall-gustizzja jista' wkoll, bi ftehim mal-Ministru responsabbli għall-finanzi jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu dwar kull registrazzjonijiet imsemmija fl-artikolu 6 ta' dan l-Att.

Għanijiet u Ragunijiet

L-Għan ewlieni ta' l-Abbozz huwa li jikkontrolla l-prezzijiet li jithallsu għal xogħol u materjal użat fil-kostruzzjoni tal-bini u sabiex jitwaqqaf Tribunal għall-Kontroll ta' Prezzijiet tal-Bini.

A BILL

entitled

AN ACT to make provision for the control on prices in the construction of buildings and for the constitution of the Building Price Control Tribunal.

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 Building (Price Control) Act, 1980.

Interpretation.

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

“building” means any stone, brick or concrete structure and any structure made of any other material, or of a combination of any of the aforesaid materials, whatever the purpose for which such structure is intended;

“Minister” means the Minister responsible for public works, and, to the extent so authorised, includes any public officer authorised by the Minister in that behalf;

“price” means the price established under the provisions of section 3 of this Act and includes any remuneration or other consideration and any obligation so established for or in respect of any work, service or material therein mentioned;

“registered” means registered under section 6 of this Act;

“Tribunal” means the Tribunal established by section 10 of this Act.

Power to make regulations.

3. The Minister may make regulations establishing the price which may be charged for any work performed or any materials employed in the construction, servicing, decoration or finishing of buildings or otherwise in relation thereto and, without prejudice to the generality of the foregoing, may —

- (a) establish such price according to the quality of the work and materials used;
- (b) establish the price for the work and materials jointly or separately;
- (c) establish the price for any work or service ancillary to any of the foregoing works.

4. (1) Where a price established by the Minister under this Act in respect of any work or material is operative, it shall not be lawful for any person to charge or receive, in respect of any such work or materials done or supplied while the price aforesaid is operative, a price which is in excess of the said price.

Effects of price order.

(2) Where the price charged or received for any work done or materials supplied in relation to a building is a price covering work or materials in respect of which a price established by the Minister under this Act is operative and work or materials in respect of which no such price is operative, the difference between the price charged or received and the market price of the work and materials in respect of which no established price is operative as aforesaid shall, for all purposes of this Act, be deemed to be the price charged or received for the works or materials in respect of which an established price is operative as aforesaid under this Act.

5. A person who contravenes any of the provisions of section 4 of this Act shall be guilty of an offence and shall, for each offence, be liable —

Offences and penalties.

(a) on a first conviction, to a fine (*multa*) of not less than one hundred pounds or the amount charged in excess of the price established by the Minister, whichever is the greater;

(b) on a second or subsequent conviction to a fine (*multa*) of not less than two hundred pounds or twice the amount charged in excess of the price established by the Minister, whichever is the greater, and the Court shall in addition order the cancellation of the registration of the offender under section 6 of this Act, and may further order that the offender shall be disqualified from being registered for such period as it may specify in the sentence.

6. (1) It shall not be lawful for any person to undertake any work or to supply any materials in respect of which a price may be established by the Minister under this Act, whether any such price has been so established or not, unless he is registered under this Act as a person authorised to perform that work or supply those materials.

Registration of persons engaged in the building industry.

(2) Any person desiring to be registered under this Act shall be so registered by the Minister, on an application made in the appropriate form and containing —

(a) the name and surname, age, address, occupation, skill, trade, and the business or profession of the applicant;

(b) the name of his banker;

(c) the nature of the work or of the materials in respect of which the registration is applied for; and

(d) such other particulars or information as may be requested in the application form.

(3) Without prejudice to the provision of paragraph (b) of section 5 and paragraph (b) of section 7 of this Act, the Minister shall

cause the applicant's name to be entered in the register kept for the purpose and shall cause the person so registered to be issued with a Registration Card showing the name and address of the person registered and the work that may be performed or the materials that may be supplied by him.

(4) The registration of a person under this section shall be cancelled:

- (a) by order of the Court under section 5 or 7 of this Act; or
- (b) if the Minister is satisfied that the person registered is no longer performing the work or supplying the materials for which he was registered.

(5) It shall not be lawful for any person to undertake any work or to supply any material in respect of which a price may be established by the Minister under this Act, whether such price has or has not been established, unless he has, before undertaking such work or supplying such materials, delivered to the person commissioning the work or acquiring the material, a detailed statement in writing, or an invoice, specifying the price of each item of which the work is made up or to which the sale refers.

Offences and penalties.

7. A person who contravenes any of the provisions of subsection (1) or of subsection (5) of section 6 of this Act shall be guilty of an offence and shall, for each offence, be liable —

- (a) on a first conviction, to a fine (*multa*) of not less than twenty pounds;
- (b) on a second or subsequent conviction, to a fine (*multa*) of not less than fifty pounds and the Court shall in addition order the cancellation of the registration of the offender under section 6 of this Act and may further order that the offender shall be disqualified from being registered for such period, as it may specify in the sentence.

Action for claiming back excess barred by lapse of two years.

8. Where any person has paid any price in excess of the price established by the Minister, such person or any other person having a lawful interest shall be entitled to have such excess refunded to him:

Provided that the action for claiming back such excess shall be barred by the lapse of two years from the day of the last payment.

Building Price Control Tribunal.

9. (1) There shall be a court of law to be known as the Building Price Control Tribunal, hereinafter referred to as the "Tribunal", which shall have jurisdiction —

- (a) to try offences under this Act, and
- (b) to determine claims or other disputes with respect to any matter concerning the price payable or any refund due, in accordance with the provisions of this Act, and any matter incidental or ancillary thereto.

(2) For the purposes of exercising its functions under this section, the Tribunal shall, as the case may require, have all such powers as are —

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- (i) by the provisions of Book Second of the Criminal Code vested in the Court of Judicial Police sitting as a Court of Criminal Judicature, and

(ii) by the Code of Organization and Civil Procedure vested in the Civil Court, First Hall. Cap. 15

(3) Notwithstanding the provisions of any other law the Tribunal may deal concurrently with the criminal action and with the civil action.

(4) With respect to any proceedings relating to an offence under this Act, or to any part of the proceedings relating to such an offence, the provisions of the Criminal Code shall apply to all matters falling within the jurisdiction of the Tribunal. With respect to all other matters falling within the jurisdiction of the Tribunal, the Tribunal shall, subject to the provisions of this Act and to any regulations made thereunder, apply the provisions of the Code of Organization and Civil Procedure.

10. (1) The Building Price Control Tribunal shall consist of — Constitution of
the Tribunal.

(a) a Magistrate, as Chairman, and

(b) two members appointed, one from among persons holding the warrant of Architect and Civil Engineer and the other from among contractors in the building trade.

(2) The Chairman and the other members of the Tribunal shall be appointed by the President acting in accordance with the advice of the Prime Minister:

Provided that the President may at any time so appoint more than one magistrate and more than two other members of the Tribunal, but only one magistrate and only two of such members shall sit on the Tribunal in respect of any one case.

(3) A member of the Tribunal shall, other than a Chairman, at the first occasion in which he sits on the Tribunal after his appointment, take in open court an oath to decide each application with equity and impartiality according to law; he shall otherwise be bound by the same obligations, *mutatis mutandis*, arising out of the form of the oath of office prescribed for Magistrates.

(4) The Chairman of the Tribunal shall vacate his office upon the appointment of another Magistrate to act as Chairman or upon his ceasing to be a Magistrate.

The office of the other members of the Tribunal shall become vacant —

(a) at the expiration of five years from the date of the appointment or at such earlier time as may be specified in the instrument by which he was appointed; or

(b) if he is removed from office in the same manner and on the same grounds as a Magistrate may be removed from office.

(5) The provisions of the Code of Organization and Civil Procedure regarding the abstention and challenge of judges shall apply to the abstention and challenge of the Chairman and members of the Tribunal.

11. (1) Proceedings before the Tribunal shall be instituted by application. Proceedings.

The application shall contain —

(a) a clear and correct statement of the subject matter and the cause of the claim,

(b) the claim or claims,
and all other contents required by law in respect of written pleadings.

(2) The Tribunal may, at any time, allow any amendment to be made in the application for the purpose of making it clearer.

(3) Service of the application shall be made in accordance with the provisions of the Code of Organization and Civil Procedure.

(4) The party on whom the application is served shall make his submissions in writing within six days from the day on which the service is effected. In default of any submissions the Tribunal shall allow the application.

(5) If the party files a reply whereby he accedes to the request contained in the application, the Tribunal may allow the application *in camera*.

(6) If during the hearing the Tribunal finds that the application is vexatious, the Tribunal may order the offending party to pay to the other party a penalty not exceeding twenty pounds.

(7) The decisions of the Board shall be taken by a majority of votes, and shall be delivered by the Chairman in open Court:

Provided that any point of law shall be decided by the Chairman alone.

(8) The costs of the proceedings shall be borne by the parties or any of the parties as the Tribunal may direct.

(9) The Tribunal shall be vested with the powers to enforce its own decisions in the manner prescribed in the Code of Organization and Civil Procedure and in the Criminal Code, as the case may be.

(10) Any warrant or order issued by the Tribunal shall be signed by the Chairman and certified by the Registrar or Clerk of the Tribunal.

(11) The Registry of the Superior Courts in Malta or the Registry of the Courts of Magistrates in Gozo, as the case may be, shall be the Registry of the Tribunal and the records of the Tribunal shall be deposited therein.

Sittings.

12. (1) The Tribunal shall hold its sittings on such days and at such time as the Chairman may determine.

(2) The sittings of the Tribunal shall be held in the buildings where the ordinary courts normally hold their sittings unless the Minister responsible for justice has, by notice in the Gazette, otherwise directed.

Appeals.

13. (1) From a decision of the Tribunal an appeal shall lie —
(a) in respect of a criminal charge in all cases, and whether by the person accused or by the prosecution;
(b) in respect of all other matters only on a point of law determined by the Tribunal.

(2) The appeal shall be brought before the Court of Appeal by means of an application within six working days from the day on which the decision of the Tribunal is delivered.

(3) The provisions of section 9 of this Act shall *mutatis mutandis* be applicable to the Court of Appeal.

14. The fees payable in the Registry of the Tribunal and to the legal practitioners shall be those prescribed for proceedings before the Civil Court, First Hall, in the Tariffs to the Code of Organization and Civil Procedure and in the Criminal Code, as the case may be.

Fees.

15. There shall be paid to the members of the Tribunal, other than a Chairman, such remuneration as the Minister responsible for justice may, with the approval of the Minister responsible for finance, determine.

Remuneration to members.

16. The criminal action under the provisions of this Act shall be barred by the lapse of two years.

Prescription.

17. (1) The Minister responsible for justice may make regulations prescribing or relating to the procedure to be followed by the Tribunal, and any other matter that may be expedient for the better carrying into effect of this Act.

Power to make regulations and orders by Minister of justice.

(2) The Minister responsible for justice may also, with the concurrence of the Minister responsible for finance, make regulations prescribing the fees payable in respect of any of the registrations referred to in section 6 of this Act.

Objects and Reasons

The main Object of the Bill is to control the prices charged for work and materials employed in the construction of buildings and for the setting up of the Building Price Control Tribunal.