

Nru. 192

10. 7. 81

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 tas-6 ta' Lulju, 1981.

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 6th July, 1981.

ATT biex ikompli jemenda l-Att ta' 1-1971 dwar l-Ibhra Territorjali u ż-Zona Kontigwa.

AN ACT further to amend the Territorial Waters and Contiguous Zone Act, 1971.

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

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Att ta' l-1971 dwar l-Ibhra Territorjali u z-Zona Kontigwa.

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1981 li jemenda l-Att dwar l-Ibhra Territorjali u z-Zona Kontigwa, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1971 dwar l-Ibhra Territorjali u z-Zona Kontigwa, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

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

2. L-artikolu 5 ta' l-Att prinċipali għandu jiġi numerat mill-ġdid bħala artikolu 6.

Zieda ta' artikolu ġdid ma' l-Att prinċipali.

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

"Setgħat b'lex jiġi regolat il-passaġġ ta' bastimenti mill-ibhra territorjali.

5. (1) Il-Prim Ministru jista' jagħmel regolamenti li jikkontrollaw u jirregolaw il-passaġġ ta' bastimenti mill-ibhra territorjali ta' Malta, u, bla hsara għall-generalità ta' dak li ntqal qabel, jista' b'dawk ir-regolamenti jipprovdi dwar dawn il-ħwejjeg li ġejjin kollha jew waħda jew wieħed minnhom:

(a) in-navigazzjoni bla perikolu u r-regolazzjoni ta' traffiku tal-baħar, magħduda li jissemmew jew jitwaqqfu passaġġi tal-baħar u skuni ta' separazzjoni tat-traffiku li għandhom jintużaw u jitħarsu għall-passaġġ ta' bastimenti;

(b) it-tħaris ta' għajnuniet u faċilitajiet ta' navigazzjoni u faċilitajiet jew stallazzjonijiet oħra;

(ċ) it-tħaris ta' cables u linji ta' pajpijiet;

(d) it-tħaris ta' dak kollu li jgħix fil-baħar;

(e) it-tħaris mill-ksur ta' xi liġi jew regolament dwar is-sajd;

(f) it-tħaris ta' l-ambjent u biex jiġi evitat, imnaqqas u kontrollat it-tniġġis tiegħu;

(g) riċerki xjentifiċi tal-baħar u *surveys* idrografiċi;

(h) biex jiġi evitat il-ksur ta' xi liġijiet jew regolamenti tad-dwana, fiskali, ta' l-immigrazzjoni jew sanitarji;

(i) l-arrest, id-detenzjoni u l-qbid ta' bastimenti biex jiġi żgurat it-tħaris ta' kull liġi, regola, regolament jew ordni u kull setgħa oħra li tkun meħtieġa biex jiġi żgurat dak it-tħaris;

(j) il-pieni, sew jekk bħala multa jew ammenda jew prigunerija, li għandha tiġi applikata dwar kull ksur jew nuqqas ta' tħaris ta' kull regolament magħmul taħt dan l-artikolu.

(2) Fl-applikazzjoni ta' kull regolament magħmul taħt is-sub-artikolu (1) ta' dan l-artikolu għal bastimenti tal-gwerra jew għal bastimenti li jitmexxew b'enerġija nukleari jew għal bastimenti li jgħorru sustanzi nukleari jew sustanzi oħra li mix-xorta tagħhom ikunu perikolużi jew li jagħmlu ħsara, il-passaġġ tagħhom mill-ibħra territorjali jista', b'kull regolament bħal dak, ikun suġġett għall-kunsens ta', jew għall-avviż bil-quddiem lil, dik l-awtorità li tista' tiġi speċifikata fih."

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jagħti s-setgħa lill-Prim Ministru biex jagħmel regolamenti li jikkontrollaw il-passaġġ ta' bastimenti mill-ibħra territorjali.

A BILL

entitled

AN ACT further to amend the Territorial Waters and Contiguous Zone Act, 1971.

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 Territorial Waters and Contiguous Zone (Amendment) Act, 1981, and shall be read and construed as one with the Territorial Waters and Contiguous Zone Act, 1971, hereinafter referred to as "the principal Act".

Amendment of section 5 of the principal Act.

2. Section 5 of the principal Act shall be re-numbered as section 6.

Addition of new section to the principal Act.

3. Immediately after section 4 of the principal Act there shall be added the following new section:

"Powers to regulate the passage of ships through territorial waters.

5. (1) The Prime Minister may make regulations to control and regulate the passage of ships through the territorial waters of Malta, and, without prejudice to the generality of the foregoing, may by such regulations make provision with respect to all or any one or more of the following matters:

(a) the safety of navigation and the regulation of marine traffic, including the designation or establishment of sea lanes and traffic separation schemes to be used or observed for the passage of ships;

(b) the protection of navigational aids and facilities and other facilities or installations;

(c) the protection of cables and pipelines;

(d) the conservation of the living resources of the sea;

(e) the prevention of infringement of any law or regulation relating to fisheries;

(f) the preservation of the environment and the prevention, reduction and control of pollution thereof;

(g) marine scientific research and hydrographic surveys;

(h) the prevention of infringement of any customs, fiscal, immigration or sanitary laws or regulations;

(i) the arrest, detention and seizure of ships to ensure compliance with any law, rule, regulation or order and such other power as may be necessary for securing such compliance;

(j) the punishments, whether by way of fine (*multa* or *ammenda*) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this section.

(2) In the application of any regulation made under subsection (1) of this section to warships or to nuclear powered ships or to ships carrying nuclear or other inherently dangerous or noxious substances, their passage through territorial waters may, by any such regulation, be made subject to the prior consent of, or prior notification to, such authority as may be specified therein.”.

Objects and Reasons

The Object of this Bill is to empower the Prime Minister to make regulations for the control of passage of ships through the territorial waters.