ABBOZZ TA' LIĠI
msejjaħ

ATT biex iħassar l-Att dwar ir-Radjokomunikazzjoni u biex jemenda diversi liġijiet li għandhom x'jaqsmu mal-komunikazzjonijiet u biex jipprovdi dwar materji li huma inċidentali għalihom jew li għandhom x'jaqsmu magħhom.

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 :-

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2009 li jemenda l-Liġijiet dwar il-Komunikazzjonijiet. Titolu fil-qosor u bidu fis-seħħ.

(2) Dan l-Att għandu jibda jseħħ f'dik id-data li l-Ministru responsabbli għall-komunikazzjonijiet jista' jappunta b'avviż fil-Gazzetta, u jistgħu jiġu hekk appuntati dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' l-Att.

TAQSIMA I

TĦASSIR TA' L-ATT DWAR IR-RADJOKOMUNIKAZZJONI

2. (1) Din it-Taqsima tħassar l-Att dwar ir-Radjokomunikazzjoni: Tħassir ta' l-Att dwar ir-Radjokomunikazzjoni.

Iżda kull regolamenti u leġislazzjoni sussidjarja

Kap. 49.

oħra magħmula taħt xi disposizzjoni ta' l-Att dwar ir-Radjokomunikazzjoni għandhom, sakemm issir xi disposizzjoni oħra taħt jew bis-saħħa ta' xi Att, jibqgħu fis-seħħ u jkollhom effett bħallikieku saru taħt it-Taqsima IV ta' l-Att biex jirregola Komunikazzjonijiet Elettroniċi.

Kap. 399.

Liċenzi u awtorizzazzjonijiet taħt l-Att dwar ir-Radjokomunikazzjoni.

(2) Kull liċenza jew awtorizzazzjoni tkun kif tkun deskritta maħruġa jew li tkun tapplika taħt l-Att dwar ir-Radjokomunikazzjoni, qabel id-dħul fis-seħħ ta' dan l-artikolu, jibqa' jkollha effett kif hemm fid-disposizzjonijiet li japplikaw tat-Taqsima IV ta' l-Att biex jirregola Komunikazzjonijiet Elettroniċi:

Iżda kull dritt ikun kif ikun deskritt dovut dwar xi liċenza jew awtorizzazzjoni maħruġa kif hemm fl-Att dwar ir-Radjokomunikazzjoni, qabel id-dħul fis-seħħ ta' dan l-artikolu, għandu jkun jista' jibqa' jinġabar, wara d-dħul fis-seħħ ta' dan l-artikolu, bħallikieku kien dovut kif hemm fid-disposizzjonijiet li japplikaw tat-Taqsima IV ta' l-Att biex jirregola Komunikazzjonijiet Elettroniċi.

Azzjoni regolatorja taħt l-Att dwar ir-Radjokomunikazzjoni.

(3) Minkejja d-disposizzjonijiet l-oħra ta' dan l-artikolu, l-Att dwar ir-Radjokomunikazzjoni għandu jibqa' fis-seħħ għall-fini ta' kull proċediment mibdi jew li għad irid jinbeda dwar kull ksur ta' dak l-Att jew ta' kull regolamenti magħmulin taħtu meta jidħol fis-seħħ dan l-artikolu.

(4) Din it-Taqsima għandha tidħol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-komunikazzjonijiet jista' jistabbilixxi b'avviż fil-Gazzetta.

TAQSIMA II

EMENDA TA' L-ATT BIEX JIRREGOLA KOMUNIKAZZJONIJIET ELETTRONIĊI

Emenda ta' l-Att biex jirregola Komunikazzjonijiet Elettroniċi.

Kap. 399.

3. (1) Din it-Taqsima temenda l-Att biex jirregola Komunikazzjonijiet Elettroniċi, u għandha tinqara u tiftiehem ħaġa waħda ma' l-Att biex jirregola Komunikazzjonijiet Elettroniċi, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

(2) Din it-Taqsima għandha tidħol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-komunikazzjonijiet jista' jistabbilixxi b'avviż fil-Gazzetta u u jistgħu jiġu hekk appuntati dati differenti għal dispożizzjonijiet u għanijiet differenti ta' l-Att.

4. L-artikolu 10 ta' l-Att prinċipali għandu jitħassar .

Tħassir ta' l-artikolu 10 ta' l-Att prinċipali.

5. (1) Taqsimiet IV, V, VI u VII ta' l-Att prinċipali għandhom jiġu enumerati mill-ġdid bħala t-Taqsimiet V, VI, VII u VIII, u l-artikoli 28 sa 43 għandhom jiġu enumerati mill-ġdid bħala l-artikoli 38 sa 53 rispettivament.

Enumerazzjoni mill-ġdid tat-Taqsimiet IV, V, VI u VII u żjieda ta' Taqsima IV ġdida ma' l-Att prinċipali.

(2) Minnufih wara l-artikolu 27 ta' l-Att prinċipali, għandha tiżdied din it-Taqsima IV ġdida li ġejja:

"TAQSIMA IV

RADJOKOMUNIKAZZJONI

Tifsir.

28. (1) F'din it-Taqsima kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

"apparat" tfisser kull apparat, inkluż kull tagħmir jew makkinarju ikun kif ikun deskritt, intiż għar-radjokomunikazzjoni u tinkludi kull parti komponenti ta' apparat bħal dak;

"apparat għar-riċezzjoni tax-xandir" tfisser kull apparat użat jew li jista' jintuża għar-riċezzjoni ta' trażmissjonijiet ta' smigħ jew ta' stampa viżwali jew ta' smigħ u stampa viżwali maħsuba għar-riċezzjoni diretta mill-pubbliku in ġenerali;

"awtorizzazzjoni" tinkludi awtorizzazzjoni individwali jew liċenza tkun kif tkun deskritta maħruġa taħt din it-Taqsima, jew kull awtorizzazzjoni ġenerali tkun kif tkun deskritta li tkun tapplika għal xi apparat ta' radjokomunikazzjoni hekk kif jista' jiġi provdut b'din jew taħt din it-Taqsima;

"awtorizzazzjoni ġenerali" tfisser il-qafas stabbilit b'din jew taħt din it-Taqsima li jistipula d-drittijiet u l-obbligazzjonijiet ta' persuni li jkunu qegħdin jużaw xi apparat ta' radjokomunikazzjoni bħal dak li l-Ministru jista' minn żmien għal żmien u kif hemm fid-dispożizzjonijiet ta' din it-Taqsima isemmi b'ordni fil-Gazzetta li jkunu koperti b'awtorizzazzjoni ġenerali;

"liċenza individwali ta' radjokomunikazzjoni" tfisser liċenza individwali li tingħata kif hemm fl-artikolu 30 jew fl-artikolu 32 kif jista' jkun il-każ;

"radjokomunikazzjoni" tfisser l-emissjoni jew ir-riċezzjoni, fuq passaġġi li m'humiex provduti b'xi ħaġa materjali mibnija jew irranġata għal dak l-għan, ta' enerġija elettro-manjetika li sservi sabiex jintbagħtu messaġġi, smigħ jew stampi viżwali (sew jekk il-messaġġi, is-smigħ jew l-istampi jkunu attwalment riċevuti minn xi persuna sew jekk ma jkunux), jew tintuża f'dak li għandu x'jaqsam mad-determinazzjoni tal-pożizzjoni, direzzjoni jew distanza, jew biex tinkiseb informazzjoni dwar il-preżenza, assenza, pożizzjoni jew moviment, ta' xi ħaġa jew ta' diversi oġġetti ta' kull klassi u riferenza għal apparat jew installazzjoni għar-radjokomunikazzjoni tkun kif tkun deskritta għandhom jiftiehmu bħala riferenzi għal apparat jew installazzjonijiet għall-emissjoni jew ir-riċezzjoni ta' dik l-enerġija elettro-manjetika kif hawn qabel imsemmi:

Iżda meta xi apparat ikun elettrikament akkoppjat ma' xi installazzjoni li tagħti bidu, tittrażmetti jew twassal stampi viżwali għall-fini li xi persuna tkun tista' tirċievi xi waħda minn dawn l-istampi viżwali (sew jekk dik l-istallazzjoni tkun istallazzjoni għar-radjokomunikazzjoni sew jekk ma tkunx) l-apparat hekk akkoppjat għandu fih innifsu jitqies għall-fini ta' din it-Taqsima li jkun apparat għar-radjokomunikazzjoni;

"Taqsima" tfisser din it-Taqsima ta' l-Att u tinkludi kull regolamenti magħmulin taħtha kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra.

(2) Għall-fini ta' din it-Taqsima kull apparat li ordinarjament jintuża bħala parti komponenti distintiva ta' apparat għar-radjokomunikazzjoni għandu jitqies li jkun maħsub li hekk jintuża, kemm-il darba ma tinġiebx prova kuntrarja.

Delega ta' setgħat taħt din it-Taqsima.

29. (1) Il-Ministru jista' b'ordni fil-Gazzetta jiddelega kull waħda mis-setgħat jew funzjonijiet tiegħu taħt din it-Taqsima minbarra s-setgħa li jagħmel regolamenti lill-Awtorità jew lil kull korp ieħor stabbilit bil-liġi jew lil xi aġenzija tal-Gvern, u meta jkun qiegħed jagħmel delega bħal dik il-Ministru jista' jiddelega setgħat differenti u, jew funzjonijiet lil korpi differenti kif hawn qabel imsemmi:

Iżda meta jkun qiegħed jiddelega setgħat u, jew funzjonijiet bħal dawk il-Ministru jista' jispeċifika l-għan u l-limiti, jekk ikun hemm, ta' delega bħal dik.

(2) L-Awtorità tista' toħroġ kull awtorizzazzjoni ġenerali dwar apparat ta' radjokomunikazzjoni hekk kif il-Ministru jista' minn żmien għal żmien b'ordni fil-Gazzetta jistabbilixxi li jkunu koperti minn dawk l-awtorizzazzjonijiet ġenerali:

Iżda kull dritt li jista' jitħallas dwar awtorizzazzjonijiet ġenerali bħal dawk għandu jiġi stabbilit mill-Ministru:

Iżda wkoll il-fakultà li tinħareġ awtorizzazzjoni ġenerali għandha tkun tinkludi l-fakultà li jiġu emendati d-drittijiet, il-kundizzjonijiet u l-ispeċifikazzjonijiet imsemmija f'dawk l-awtorizzazzjonijiet ġenerali.

(3) Meta tkun qegħda toħroġ jew temenda awtorizzazzjoni ġenerali l-Awtorità għandha l-ewwel tippubblika fuq il-website tagħha u, jew fuq kull mezz ieħor ta' komunikazzjoni, dikjarazzjoni dwar l-awtorizzazzjoni ġenerali li tkun qegħda tiġi proposta jew ta' kull emenda li tkun qegħda ssirilha, fejn il-partijiet interessati jingħataw l-opportunità jikkummentaw fuq l-awtorizzazzjoni ġenerali li tkun qegħda tiġi proposta jew fuq kull emenda li tkun qegħda ssirilha f'dak iż-żmien li l-Awtorità tqis li jkun raġonevoli.

(4) L-Awtorità għandha tiżgura li kull awtorizzazzjoni ġenerali jew emendi li jkunu qegħdin isirulha jingħataw pubbliċità.

(5) Il-Ministru jkollu jedd jirrevoka jew ibiddel kull awtorizzazzjoni magħmula taħt is-subartikolu (1) u jew kull awtorizzazzjoni magħmula taħt is-subartikolu (2) b'ordni fil-Gazzetta.

Awtorizzazzjonijiet mill-Ministru ta' apparat ta' radjokomunikazzjoni.

30. (1) Ebda persuna m'għandha, mingħajr ma jkollha liċenza individwali tar-radjokomunikazzjoni mogħtija bil-miktub mill-Ministru jinstalla jew juża apparat elenkat fl-Iskeda li tinsab ma' dan l-Att:

Iżda l-Ministru jista', wara konsultazzjoni ma' l-Awtorità, b'ordni fil-Gazzetta jemenda l-lista ta' l-apparat li hemm fl-Iskeda.

(2) Il-Ministru jista' jeħtieġ lil xi persuna li –

(a) tkun qegħda tuża xi apparat li japplika għalih dan l-artikolu bi ksur ta' xi disposizzjoni ta' din it-Taqsima u, jew ta' xi kundizzjonijiet ta' awtorizzazzjoni li jistgħu jkunu japplikaw għal dak l-apparat, jew

(b) tkun qegħda tuża jew tippermetti li jintuża dak l-apparat għal frekwenzi mhux awtorizzati,

li tieqaf milli tuża apparat bħal dak u, jew teħtieġ lil dik il-persuna tikkonsenja l-apparat lill-Ministru:

Iżda l-Ministru jista' jissekwestra u, jew iżomm apparat bħal dak u, jew jara li l-użu ta' apparat bħal dak ikun ristrett b'kull mod, taħt dawk il-kundizzjonijiet u għal dak il-perjodu ta' żmien hekk kif il-Ministru jista' jispeċifika meta l-Ministru jsib li dak l-apparat ikun qiegħed jiġi użat bi ksur ta' din it-Taqsima jew ta' xi kundizzjonijiet ta' awtorizzazzjoni li jistgħu jkunu japplikaw għal dak l-apparat;

Iżda wkoll spejjeż imġarrba mill-Ministru fit-twettiq tal-funzjonijiet tiegħu taħt dan is-subartikolu inklużi s-sekwestru, tiżmim, jew ħażna tkun kif tkun deskritta ta' dak l-apparat, jistgħu jiġu rkuprati bħala dejn ċivili mill-Ministru mingħand kull persuna li taġixxi bi ksur ta' dan l-artikolu.

(3) Liċenza individwali tar-radjokomunikazzjoni mogħtija taħt dan l-artikolu tista' tinħareġ bla ħsara għal dawk il-pattijiet, kundizzjonijiet u limitazzjonijiet hekk kif il-Ministru jista' jqis li jkunu adatti, partikolarment inklużi limitazzjonijiet dwar l-apparat li jista' jiġi installat jew użat taħt dik il-liċenza individwali u l-postijiet fejn, il-finijiet li dwarhom, iċ-ċirkostanzi li fihom u l-persuni li jista' jintuża l-apparat minnhom:

Iżda liċenza bħal dik tista' tiġi revokata, jew il-pattijiet, il-kundizzjonijiet jew limitazzjonijiet tagħha jiġu mibdula b'avviż bil-miktub mill-Ministru li jiġi notifikat lid-detentur tal-liċenza individwali jew b'avviż ġenerali, li jkun japplika għal liċenzi individwali tal-klassi li l-liċenza individwali in kwistjoni tkun tappartjeni għalihom, li jiġi pubblikat fil-Gazzetta.

(4) Liċenza individwali tar-radjokomunikazzjoni mogħtija taħt dan l-artikolu għandha, kemm-il darba ma jkunx ġiet qabel revokata mill-Ministru, tibqa' fis-seħħ għal dak il-perjodu li jista' jiġi speċifikat fil-liċenza.

(5) Kull persuna li tikser id-dispożizzjonijiet ta' dan l-artikolu jew li taġixxi bi ksur ta' xi pattijiet, kundizzjonijiet jew limitazzjonijiet, ikunu kif ikunu deskritti, mehmuża ma' liċenza individwali maħruġa kif hemm f'dan l-artikolu tista', meta tinsab ħatja, teħel multa ta' mhux inqas minn tliet mitt euro (€300) u mhux iżjed minn għaxart elef euro (€10,000) għal kull apparat; u fuq talba tal-prosekuzzjoni l-Qorti tista' tordna li l-apparat jiġi konfiskat u konsenjat lill-Ministru.

Infurzar.

31. (1) Kull persuna li tkun awtorizzata kif imiss mill-Ministru li taġixxi f'ismu meta jkun qed jeżerċita xi setgħa taħt din it-Taqsima, għandha, meta tintalab minn xi persuna involuta b'dan kollu, turi lil dik il-persuna biex tkun tista' tispezzjonah ċertifikat maħruġ mill-Ministru li jkun jgħid li huwa jkun awtorizzat kif imiss li jaġixxi għal u f'isem il-Ministru.

(2) Fl-eżerċizzju ta' xi setgħa mogħtija taħt din it-Taqsima, il-Ministru jista' jitlob l-għajnuna tal-Pulizija.

(3) Id-diretturi u l-managers, jissejħu kif jissejħu, jew kull persuna oħra li jkunu jew li kienu responsabbli għall-operazzjonijiet jew l-attivitajiet li jaqgħu taħt il-funzjonijiet superviżorji jew regolatorji tal-Ministru, għandhom jassistu u jikkollaboraw mal-Ministru sabiex huwa jkun jista' jwettaq il-funzjonijiet tiegħu, u għandhom jiġbru u jwasslu mingħajr ebda dewmien żejjed dik l-informazzjoni u d-dokumentazzjoni hekk kif il-Ministru jista' raġonevolment jitlob minn żmien għal żmien.

(4) Kull persuna li tostruwixxi, timpedixxi jew tattakka lil xi persuna li tkun awtorizzata kif imiss mill-Ministru li taġixxi f'ismu fit-twettiq ta' xi setgħa taħt din it-Taqsima, jew li tonqos jew tirrifjuta milli tħares xi ħtieġa taħt din it-Taqsima tista', meta tinsab ħatja, teħel multa ta' mhux inqas minn erba' mitt euro (€400) u mhux iżjed minn tnax-il elf euro (€12,000).

Awtorizzazzjonijiet ta' apparat ta' radjokomunikazzjoni mill-Awtorità.

32. (1) Id-dispożizzjonijiet ta' dan l-artikolu għandhom ikunu japplikaw għal kull apparat minbarra dak li japplika għalih l-artikolu 30.

(2) Ebda persuna m'għandha, mingħajr liċenza individwali tar-radjokomunikazzjoni mogħtija bil-miktub mill-Awtorità, tinstalla jew tuża xi apparat.

(3) L-Awtorità tista' teħtieġ lil xi persuna li –

(a) tkun qegħda tuża apparat bi ksur ta' xi disposizzjoni ta' din it-Taqsima u, jew ta' xi kundizzjonijiet ta' awtorizzazzjoni li jistgħu jkunu japplikaw għal dak l-apparat, jew

(b) tkun qegħda tuża jew tippermetti li jintuża dak l-apparat għal frekwenzi mhux awtorizzati,

li tieqaf milli tuża apparat bħal dak u, jew teħtieġ lil dik il-persuna li tikkonsenja l-apparat lill-Awtorità:

Iżda l-Awtorità tista' tissekwestra u, jew iżomm apparat bħal dak u, jew tara li l-użu ta' apparat bħal dak ikun ristrett b'kull mod, taħt dawk il-kundizzjonijiet u

għal dak il-perjodu ta' żmien li l-Awtorità tispeċifika meta l-Awtorità jirriżultalha li dak l-apparat ikun qiegħed jiġi użat bi ksur ta' din it-Taqsima jew ta' xi kundizzjonijiet ta' awtorizzazzjoni li jistgħu jkunu japplikaw għal dak l-apparat;

Iżda wkoll spejjeż imġarrba mill-Awtorità fit-twettiq tal-funzjonijiet tagħha taħt dan is-subartikolu inklużi s-sekwestru, tiżmim, jew ħażna jkunu kif ikunu deskritti ta' dak l-apparat, jistgħu jiġu rkuprati bħala dejn ċivili mill-Awtorità mingħand kull persuna li taġixxi bi ksur ta' dan l-artikolu.

(4) Liċenza individwali tar-radjokomunikazzjoni mogħtija taħt dan l-artikolu tista' tinħareġ bla ħsara għal dawk il-pattijiet, kundizzjonijiet u limitazzjonijiet hekk kif l-Awtorità tista' tqis li jkunu adatti, partikolarment inklużi limitazzjonijiet dwar l-apparat li jista' jiġi installat jew użat taħt dik il-liċenza individwali u l-postijiet fejn, il-finijiet li dwarhom, iċ-ċirkostanzi li fihom u l-persuni li jista' jintuża l-apparat minnhom:

Iżda liċenza bħal dik tista' tiġi revokata, jew il-pattijiet, kundizzjonijiet jew limitazzjonijiet tagħha jiġu mibdula b'avviż bil-miktub mill-Awtorità li jiġi notifikat lid-detentur tal-liċenza individwali jew b'avviż ġenerali, li jkun japplika għal liċenzi individwali tal-klassi li l-liċenza individwali in kwistjoni tkun tappartjeni għalihom, li jiġi pubblikat fil-Gazzetta.

(5) Liċenza individwali tar-radjokomunikazzjoni għandha, kemm-il darba ma jkunx ġiet qabel revokata mill-Awtorità tibqa' fis-seħħ għal dak il-perjodu li jista' jiġi speċifikat fil-liċenza.

(6) Id-dispożizzjonijiet tas-subartikolu (2) m'għandhomx ikunu japplikaw għal xi apparat li jkun regolat b'awtorizzazzjoni ġenerali maħruġa kif hemm fid-dispożizzjonijiet ta' din it-Taqsima.

Pieni.

33. Kemm-il darba ma jiġix provdut xort'oħra f'din it-Taqsima, kull persuna li tikser xi disposizzjoni ta' din it-Taqsima, jew ta' kull regolamenti magħmulin taħtha, jew li taġixxi bi ksur ta' xi pattijiet, kundizzjonijiet jew limitazzjonijiet, ikunu kif ikunu

deskritti, meħmuża ma' liċenza individwali jew ma' awtorizzazzjoni ġenerali, tista', meta tinsab ħatja, teħel multa ta' mhux inqas minn tliet mitt euro (€300) u mhux iżjed minn għaxart elef euro (€10,000) għal kull apparat: u fuq talba tal-prosekuzzjoni l-Qorti tista' tordna li l-apparat jiġi konfiskat u konsenjat lill-Awtorità kif jista' jkun il-każ.

Riċevituri tax-xandir għas-smigħ biss.

34. M'hi meħtieġa ebda awtorizzazzjoni għal riċevituri tax-xandir għas-smigħ biss.

Il-Ministru jista' jeżenta lil ċerti kategoriji mill-ħtiġiet ta' l-artikolu 32.

35. Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, b'ordni fil-Gazzetta jeżenta lil ċerti kategoriji ta' apparat mill-ħtiġiet ta' l-artikolu 32.

Setgħa li jagħmel regolamenti.

36. Il-Ministru jista' jagħmel regolamenti għall-aħjar twettiq ta' xi disposizzjoni ta' din it-Taqsima u mingħajr preġudizzju għall-ġeneralità tas-setgħa hawn qabel imsemmija, dawk ir-regolamenti jistgħu partikolarment jipprovdu:

(a) dwar il-mod kif apparat ta' radjokomunikazzjoni jkun kif ikun deskritt għandu jiġi installat, mibjugħ, mikri, operat, miżmum, protett jew kontrollat, u fil-każ ta' xi apparat sekwestrat kif hemm fl-artikoli 30 jew 32, il-mod kif dan għandu jsir minnu u, jew il-ħażna ta' apparat bħal dak;

(b) dwar standards jew speċifikazzjonijiet tekniċi li għandhom jiġu osservati fir-rigward ta' kull apparat ta' radjokomunikazzjoni;

(ċ) dwar kull aspett li għandu x'jaqsam ma' l-użu tar-radjokomunikazzjoni minn bastimenti merkantili, bastimenti tal-gwerra barranin u inġenji ta' l-ajru li jagħtu servizz inklużi ħtiġiet fuq il-ġarr u l-provdiment ta' installazzjonijiet ta' radjokomunikazzjoni, iż-żamma ta' servizz ta' radjokomunikazzjoni suffiċjenti biex jitħarsu l-finijiet ta' din it-Taqsima u d-dispożizzjonijiet ta' Att dwar il-Bastimenti Merkantili jew ta' kull regolamenti magħmulin taħtu, l-għamla,

Kap. 234.

is-sustanza jew it-tul ta' żmien ta' kull liċenza biex jinżammu u jintużaw installazzjonijiet ta' radjokomunikazzjoni, ix-xorta ta' l-installazzjonijiet ta' radjokomunikazzjoni li għandhom jiġu provduti, is-servizzi li għandhom jibqgħu jingħataw, u fil-każ ta' bastimenti merkantili l-għadd, il-grad u kwalifiki ta' l-operaturi u persuni li jissorveljaw li għandhom jinġarru u li jkunu jipprovdu għall-eżamijiet ta' operaturi u persuni li jissorveljaw f'każijiet li jkunu neċessarji u għal drittijiet li jitħallsu għal eżamijiet bħal dawk, il-kundizzjonijiet għall-ħruġ jew ir-rikonoxximent ta' ċertifikati għal operaturi u persuni li jissorveljaw u l-kundizzjonijiet għas-sostituzzjoni, sospensjoni, tħassir, u tibdil fiċ-ċertifikati ta' operaturi u persuni li jissorveljaw:

Iżda ebda bastiment m'għandu jenħtieġ li jġorr iżjed minn operatur wieħed kemm-il darba kienu meħtieġa iżjed minn operatur wieħed taħt id-dispożizzjonijiet ta' l-Att dwar il-Bastimenti Merkantili:

Iżda wkoll il-Ministru jista' jeżenta, għal kollox jew biss f'parti, mill-obbligazzjonijiet imposti b'din jew taħt din it-Taqsima lil kull bastiment jew klassi ta' bastimenti jekk ikun tal-fehma li, fil-qies tax-xorta ta' vjaġġi li l-bastimenti jagħmlu, jew ċirkostanzi oħra tal-każ, ikun adatt li jsir dan;

(d) li kull persuna li tikser xi disposizzjoni ta' regolamenti magħmulin taħt dan l-artikolu jew -

(i) tkun ħatja ta' reat li meta tinsab ħatja tiegħu tista' teħel multa ta' mhux iżjed minn għaxart elef euro (€10,000), jew

(ii) tkun ħatja ta' ksur li dwaru tkun tapplika piena amministrattiva iżda dawk il-pieni m'għandhomx ikunu jeċċedu l-ħamsa u għoxrin euro (€25,000) għal kull ksur u, jew ħames mitt euro (€500) għal kull ġurnata li matulha jibqa' għaddej dak il-ksur;

Iżda:

(A) il-proċedura li biha jiġu imposti pieni amministrattivi bħal dawk għandha tkun tippermetti li jiġi eżerċitat id-dritt ta' smigħ qabel ma' jiġu imposti pieni bħal dawk;

(B) il-proċedura li biha jiġu imposti u kontestati pieni bħal dawk għandha tkun dik stabbilita għal pieni imposti mill-Awtorità taħt it-Taqsima VII u t-Taqsima VIII ta' l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, u d-disposizzjonijiet rilevanti ta' dak l-Att u ta' kull regolamenti magħmulin taħtu dwar proċedura bħal dik għandhom ikunu *mutatis mutandis* japplikaw għal penali amministrattivi imposti mill-Ministru taħt din it-Taqsima hekk li kull riferenza għall-Awtorità għandha tiftiehem bħala riferenza għall-Ministru;

Kap. 418.

(Ċ) fil-każijiet kollha meta l-Ministru jimponi jew l-Awtorità jimponi multa amministrattiva dwar xi ħaġa li ssir jew li tibqa' ma ssirx minn xi persuna u dak l-att jew ommissjoni jkunu jikkostitwixxu wkoll reat kriminali, ma jistgħu jittieħdu jew jitkomplew ebda proċeduri kriminali kontra dik il-persuna dwar dak ir-reat kriminali;

(e) dwar kull aspett tal-forma, sustanza u kemm iddum valida liċenza individwali ta' radjokomunikazzjoni, il-kundizzjonijiet meta għandha tinħareġ u tinżamm liċenza bħal dik, id-drittijiet li jitħallsu għaliha u u n-natura u x-xorta ta' l-apparat awtorizzat mil-liċenza li bastiment Malti li jbaħħar jista' jkun meħtieġ li jikseb biex iżomm u juża installazzjoni ta' radjokomunikazzjoni;

(f) dwar kull dritt u, jew ħlas, ikun kif ikun deskritt, li jista' jkollu jitħallas għal xi ħaġa regolata minn din it-Taqsima inkluż il-ħruġ jew it-tiġdid ta' liċenzi jew awtorizzazzjonijiet individwali ta' radjokomunikazzjoni ikunu kif ikunu deskritti, u l-ispezzjoni ta' bastiment għall-fini li jiġi verifikat li dan ikun provdut kif imiss b'installazzjoni ta' radjokomunikazzjoni u b'operaturi attestati u persuni li jissorveljaw konformement ma' din it-Taqsima;

(g) dwar kull ħaġa li tagħti setgħa lill-Ministru jirregola u jipprovdi għal awtorizzazzjonijiet ġenerali dwar apparat ta' radjokomunikazzjoni;

(h) dwar kull proċedura li jkollha x'taqsam mat-tpaċija ta' tilwimiet li jistgħu jqumu, inkluż kull ftehim bil-miktub li jista' jsir ma' persuna akkużata b'reat taħt din it-Taqsima, u kull ftehim dwar il-ħlas ta' penali minflok prosekuzzjoni għal reat taħt din it-Taqsima, u dan minkejja kull dispożizzjoni ta' din it-Taqsima;

(i) dwar kull ħaġa li tista' tkun meħtieġa għall-fini ta' konformità ma' kull obbligazzjoni internazzjonali li Malta jista' jkollha dwar ir-radjokomunikazzjoni inklużi dawk dwar standards f'Malta:

Iżda il-Ministru jista', meta jkun qiegħed jagħmel xi regolamenti taħt dan l-artikolu li jkollhom x'jaqsmu ma' standards, speċifikazzjonijiet jew ħwejjeġ ta' xorta strettament teknika, jagħmel dawk ir-regolamenti bl-ilsien Ingliż biss.

Eżenzjoni mid-dispożizzjonijiet ta' din it-Taqsima.

37. Il-Prim Ministru jista' b'ordni fil-Gazzetta jeżenta mid-dispożizzjonijiet ta' din it-Taqsima kull apparat ta' radjokomunikazzjoni użat mill-Istat biex jissodisfa l-eżiġenzi tal-ħtiġiet tad-difiża, tas-sigurtà pubblika jew tal-protezzjoni ċivili:

Iżda l-Prim Ministru jista' meta jkun qiegħed jagħmel Ordni taħt dan l-artikolu, jimponi dawk il-

kundizzjonijiet hekk kif jista' jqis li jkunu xierqa. Meta jkun qiegħed jagħmel dawk il-kundizzjonijiet il-Prim Ministru għandu l-ewwel jikkonsulta ruħu ma' l-Awtorità." .

Żjieda ta' Skeda ma' l-Att prinċipali.

6. Minnufih wara l-artikolu 52 kif enumerat mill-ġdid ta' l-Att prinċipali, għandha tiżdied din l-Iskeda li ġejja:

"SKEDA

(Artikolu 30(1))

Apparat elenkat taħt l-artikolu 30(1) fejn hi meħtieġa liċenza individwali mill-Ministru:

"(1) Liċenza għar-riċezzjoni tax-xandir użat għar-riċezzjoni ta' stampi viżwali bil-kulur trażmessi bit-televiżjoni.".

TAQSIMA III

EMENDA TA' L-ATT GĦAT-TWAQQIF TA' AWTORITÀ TA' MALTA DWAR IL-KOMUNIKAZZJONI

Emenda ta' l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni.
Kap. 418.

7. (1) Din it-Taqsima temenda l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, u għandha tinqara u tiftiehem ħaġa waħda ma' l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

(2) Din it-Taqsima għandha tidħol fis-seħħ f'dik id-data li il-Ministru responsabbli għall-komunikazzjonijiet jista' jistabbilixxi b'avviż fil-Gazzetta u u jistgħu jiġu hekk appuntati dati differentii għal dispożizzjonijiet u għanijiet differentii ta' l-Att.

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

8. Fl-artikolu 2 ta' l-Att prinċipali minnufih wara t-tifsira "utent" għandha tiżdied din it-tifsira ġdida li ġejja:

" "utent finali" tfisser kull persuna minbarra impriża li tuża jew teħtieġ servizz ta' komunikazzjoni.".

Żjieda ta' l-artikolu 4A ġdid ma' l-Att prinċipali.

9. Minnufih wara l-artikolu 4 ta' l-Att prinċipali għandu jiżdied dan l-artikolu 4A ġdid li ġej:-

“Konsultazzjoni u mekkaniżmu ta’ trasparenza.

4A. (1) Ħlief dwar –

(a) xi tilwima jew ilment ikunu kif ikunu deskritti li jkunu qegħdin jiġu ttrattati kif hemm f’dan l-Att jew f’xi liġi oħra li l-Awtorità jkollha jedd li tinforza; jew

(b) l-eżerċizzju ta’ xi setgħat ta’ infurzar ta’ l-Awtorità taħt dan l-Att, jew taħt kull liġi oħra li l-Awtorità jkollha jedd li tinforza; jew

(c) dawk il-każijiet fejn l-Awtorità tqis li jkun hemm ħtieġa urġenti ta’ azzjoni biex titħares il-kompetizzjoni u jiġu protetti l-interessi ta’ utenti kif hemm fil-liġijiet Komunitarji,

meta l-Awtorità tkun bi ħsiebha tiddeċidi kif hemm f’xi liġi li hija jkollha jedd tinforza, u meta dik id-deċiżjoni jkollha impatt sinifikanti f’suq għal networks jew servizzi ta’ komunikazzjonijiet, hija għandha tagħmel disponibbli lill-partijiet interessati, dikjarazzjoni tad-deċiżjoni proposta u tagħti lil dawk il-partijiet l-opportunità li jikkumentaw fuq id-deċiżjoni proposta f’dak iż-żmien li l-Awtorità tista’ tqis li jkun raġonevoli.

(2) L-Awtorità għandha tippubblika l-proċeduri ta’ konsultazzjoni tagħha u tistabbilixxi sorsi ta’ informazzjoni unika minn fejn kull konsultazzjoni korrenti tkun tista’ tiġi evalwata.

(3) Ir-riżultat ta’ kull konsultazzjoni taħt dan l-artikolu għandha tkun disponibbli pubblikament mill-Awtorità permezz ta’ dawk il-mezzi li l-Awtorità tqis li jkunu xierqa fiċ-ċirkostanzi, ħlief fil-każ ta’ informazzjoni li l-Awtorità tqis li tkun kunfidenzjali.”.

10. L-artikolu 29 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 29 ta’ l-Att prinċipali.

(a) wara paragrafu (f) tas-subartikolu (1) tiegħu għandu jiżdied dan il-paragrafu ġdid li ġej:

(g) teħtieġ lil kull persuna titfi, tbiddel, jew tieqaf milli tkompli tuża, xi apparat ta’ radjokomunikazzjoni li ma jkunx konformi ma’ standards ta’ emissjoni

ta' radjazzjoni adottati u li jiġu pubblikati mill-Kummissjoni Internazzjonial għall-Protezzjoni minn Radjazzjoni Non-Jonizzanti (ICNIRP) jew kull standard internazzjonali ieħor li jista' jiġi adottat minn żmien għal żmien, jew li jista' jikkaġuna interferenza dannuża, jew li jsir bi ksur ta' xi ħtieġa stabbilita minn jew taħt l-Att biex jirregola Komunikazzjonijiet Elettroniċi jew ta' kull awtorizzazzjoni jew kundizzjoni ta' liċenza dwar ir-radjokomunikazzjoni:

Kap. 418.

Iżda meta l-persuna involuta tonqos milli tħares il-ħtiġiet mitlubin minnha mill-Awtorità taħt dan il-paragrafu, l-Awtorità tista' mbagħad tieħu dawk il-miżuri li hija tista' tqis adatti fiċ-ċirkostanzi inklużi dawk li jintefa jew li jiġi modifikat l-użu ta' xi apparat bħal dak." ;

(b) fis-subartikolu (2) tiegħu l-kliem "meta tkun qed teżerċita setgħa mogħtija b'dan l-artikolu" għandu jiġi sostitwit bil-kliem "meta tkun qed teżerċita setgħa mogħtija b'dan l-Att jew b'xi liġi oħra li l-Awtorità jkollha jedd li tinforza";

(ċ) fis-subartikolu (3) tiegħu l-kliem "l-eżerċizzju ta' xi waħda mis-setgħat taħt dan l-artikolu" għandu jiġi sostitwit bil-kliem "l-eżerċizzju ta' xi waħda mis-setgħat mogħtija b'dan l-Att jew b'kull liġi oħra li l-Awtorità jkollha jedd li tinforza"; u

(d) is-subartikolu (5) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (a) tiegħu l-kliem "fl-eżerċizzju ta' xi setgħa taħt dan l-artikolu;" għandu jiġi sostitwit bil-kliem "fl-eżerċizzju ta' xi waħda mis-setgħat mogħtija b'dan l-Att jew b'kull liġi oħra li l-Awtorità jkollha jedd li tinforza;"; u

(ii) wara l-paragrafu (d) tiegħu għandu jiżdied dan il-paragrafu ġdid li ġej:

"(e) tipprovdi xi informazzjoni lill-Awtorità li hija tista' tkun teħtieġ fl-eżerċizzju tal-funzjonijiet tagħha taħt xi liġi li jkollha jedd li tinforza, li hija

tkun taf, jew ikollha tassew għaliex raġonevolment taħseb li din tkun falza jew qarrieqa;".

Emenda ta' l-artikolu 31 ta' l-Att prinċipali.

11. Fis-subartikolu (1) ta' l-artikolu 31 ta' l-Att prinċipali, minflok il-kliem "jew li tonqos milli tħares xi direttiva jew deċiżjoni mogħtija mill-Awtorità:" għandhom jidħlu l-kliem "jew li tonqos milli tħares xi direttiva jew deċiżjoni mogħtija mill-Awtorità jew xi kundizzjoni ta' awtorizzazzjoni:".

Żjieda ta' l-artikolu 37A ġdid ma' l-Att prinċipali.

12. Wara l-artikolu 37 ta' l-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

"Osservanza tal-prinċipji ta' mġieba amministrattiva tajba.

Kap. 490.

37A. Il-Bord tal-Appelli għandu jirrispetta u japplika l-prinċipji ta' mġieba amministrattiva tajba stabbiliti fl-artikolu 3 ta' l-Att dwar il-Ġustizzja Amministrattiva.".

Emenda ta' l-artikolu 44 ta' l-Att prinċipali.

13. L-artikolu 44 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marġinali li hemm miegħu minflok il-kelma "konsumaturi" għandhom jidħlu l-kliem "utenti finali";

(b) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:

"(1) Utent finali jista' jirriferixxi tilwima ma' impriża lill-Awtorità jekk dik it-tilwima jkollha x'taqsam ma' allegazzjoni ta' nuqqas ta' osservanza minn dik l-impriża ma' xi liġi, deċiżjoni, direttiva jew kundizzjoni ta' awtorizzazzjoni li l-Awtorità jkollha jedd li tinforza:

Iżda meta tilwima tkun qegħda tiġi riferita lill-Awtorità kif hemm f'dan l-artikolu, l-utent finali għandu juri prima facie illi huwa jkun sofra preġudizzju bħala riżultat dirett ta' l-att allegat ta' nuqqas ta' konformità jew ta' l-ommissjoni ta' l-impriża."; u

(ċ) minflok il-kelma "utent" fis-subartikolu (5) għandhom jidħlu l-kliem "utent finali".

TAQSIMA IV

EMENDA TA' L-ATT DWAR IS-SERVIZZI POSTALI

Emenda ta' l-Att dwar is-Servizzi Postali.

Kap. 254.

14. (1) Din it-Taqsima temenda l-Att dwar is-Servizzi Postali, u għandha tinqara u tiftiehem ħaġa waħda ma' l-Att dwar is-Servizzi Postali, hawn iżjed 'il quddiem imsejjaħ f'din it-Taqsima bħala "l-Att prinċipali".

(2) Din it-Taqsima għandha tidħol fis-seħħ f'dik id-data li il-Ministru responsabbli għall-komunikazzjonijiet jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk appuntati dati differentii għal dispożizzjonijiet u għanijiet differentii ta' l-Att.

Emenda tat-Taqsim ta' l-Att.

15. It-"TAQSIM TA' L-ATT" fl-Att prinċipali għandu jitħassar.

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

16. Is-subartikolu (2) ta' L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok it-tifsira "awtorizzazzjoni" għandu jidħol dan li ġej:

" "awtorizzazzjoni" tfisser kull permess ikun kif ikun deskritt maħruġ kif hemm f'dan l-Att, li jistipula drittijiet u obbligazzjonijiet speċifiċi għas-settur postali u li jippermetti lil operaturi jipprovdu servizzi postali u, meta jkun japplika, jistabbilixxu u, jew joperaw in-networks tagħhom biex jipprovdu dawk is-servizzi fl-għamla ta' awtorizzazzjoni ġenerali jew liċenza individwali kif imfissra taħt dan l-artikolu;";

(b) minflok it-tifsira "awtorizzazzjoni ġenerali" għandu jidħol dan li ġej:

" "awtorizzazzjoni ġenerali" tfisser awtorizzazzjoni bla ma jittieħed kont ta' jekk tkunx regolata minn 'liċenza ta' klassi' u bla ma jittieħed kont ta' jekk dak ir-regolament ikunx jeħtieġ registrazzjoni jew proċeduri ta' dikjarazzjoni, li ma tkunx teħtieġ li l-operatur postali involut jikseb xi deċiżjoni espliċita mill-Awtorità qabel ma jeżerċita d-drittijiet li joriġinaw mill-awtorizzazzjoni;";

(ċ) fit-tifsira "drittijiet finali" minflok il-kliem "tal-provditur ta' servizz universali" għandhom jidħlu l-kliem "tal-provditur jew provdituri ta' servizz universali";

(d) minflok it-tifsira "ġbir ta' oġġetti postali" għandu jidħol dan li ġej:

" "ġbir ta' oġġetti postali" tfisser il-ħidma ta' ġbir ta' oġġetti postali minn provditur ta' servizz postali;";

(e) minflok it-tifsira "ħtiġiet essenzjali" għandu jidħol dan li ġej:

" "ħtiġiet essenzjali" tfisser raġunijiet ġenerali mhux ekonomiċi li jistgħu jwasslu lill-Awtorità timponi kundizzjonijiet għall-provvista ta' servizzi postali. Dawk ir-raġunijiet huma l-kunfidenzjalità tal-korrispondenza, is-sigurtà tan-network dwar it-trasport ta' oġġetti perikolużi, rispett lejn il-pattijiet u l-kundizzjonijiet ta' l-impjieg, skemi tas-sigurtà soċjali stipulati bil-liġi jew permezz ta' disposizzjonijiet amministrattivi, jew permezz ta' ftehim kollettiv bejn imseihba soċjali nazzjonali, kif hemm fil-liġi Komunitarja u dik nazzjonali, u meta dan ikun ġustifikat, il-protezzjoni ta' data, il-protezzjoni tal-ambjent u l-ippjanar reġjonali;";

(f) minflok it-tifsira "kaxxa ta' l-ittri" għandu jidħol dan li ġej:

" "kaxxa ta' l-ittri" tinkludi kull kaxxa fl-għamla ta' kolonna, kaxxa mdaħħla fil-ħajt, u kull kaxxa jew milqgħa oħra provduti f'post aċċessibbli għall-pubbliku bil-permess ta' l-Awtorità bil-għan li fiha jintlaqgħu oġġetti postali biex jinġabru minn operatur postali u jiġu kunsinnati lil persuna indirizzata;";

(g) minnufih wara t-tifsira "kaxxa ta' l-ittri" għandha tiżdied din it-tifsira ġdida li ġejja:

" "kaxxa ta' l-ittri privata" tfisser kull kaxxa, milqgħa jew fetħa li s-sid jew l-okkupant ta' xi fond ikun ipprovda biex fiha jirċievi oġġetti postali indirizzati lejn fond partikolari;";

(h) minflok it-tifsira "liċenza individwali" għandu jidħol dan li ġej:

" "liċenza individwali" tfisser awtorizzazzjoni mogħtija mill-Awtorità u li tagħti lil operatur postali drittijiet speċifiċi, jew li tkun tassoġġetta l-operazzjonijiet ta' dak l-operatur għal obbligazzjonijiet speċifiċi li jissupplementaw l-awtorizzazzjoni ġenerali meta dan ikun japplika, meta l-operatur postali ma jkollux jedd jeżerċita d-drittijiet qabel ma jirċievi d-deċiżjoni mill-Awtorità wara li l-operatur ikun applika għal dik l-awtorizzazzjoni;";

(i) minnufih qabel it-tifsira "network postali pubbliku" għandha tidħol din it-tifsira ġdida li ġejja:

" "network postali" tfisser is-sistema ta' organizzazzjoni u riżorsi ta' kull xorta użata mill-provditur jew provdituri ta' servizz universali partikolarment għall-għanijiet:

(i) tal-ġbir ta' oġġetti postali koperti minn obbligazzjoni ta' servizz universali minn postijiet ta' dħul ma' Malta kollha,

(ii) ta' direzzjoni u maniġġar ta' dawk l-oġġetti postali mill-post ta' dħul tan-network postali saċ-ċentru ta' distribuzzjoni,

(iii) tad-distribuzzjoni fl-indirizzi murijin fuq l-oġġett postali;";

(j) it-tifsira "network postali pubbliku" għandha titħassar;

(k) fit-tifsira "oġġett reġistrat" minflok il-kliem "bi prova li l-oġġett postali jkun wasal jew ġie konsenjat lil min kien indirizzat;" għandhom jidħlu l-kliem "bi prova li l-oġġett postali jkun wasal u, jew tqassam lill-persuna indirizzata;";

(l) fit-tifsira "operatur postali" minflok il-kliem "kull min ikollu liċenza biex jipprovdi servizzi postali f'Malta" għandhom jidħlu l-kliem "kull min ikollu liċenza biex jipprovdi xi servizz jew servizzi postali kif imfissra f'dan l-Att f'Malta";

(m) minflok it-tifsira “parcel” għandu jidħol dan li ġej:

“ “parcel” tfisser oġġett postali li ma jkunx oġġett ta’ korrispondenza, li ma jkunx jiżen aktar minn għoxrin kilogramma u li jkollu qisien fil-parametri ta’ daqs stipulati f’kull Ftehim dwar Parcels Postali adottat mill-Unjoni Postali Universali hekk kif jista’ jkun emendat minn żmien għal żmien, jew b’kull konvenzjoni oħra li l-Awtorità tista’ tordna;”;

(n) fit-tifsira “posta diretta” għandu jiżdied magħha dan il-proviso li ġej:

“Iżda l-Awtorità għandha tinterpreta l-frażi “għadd sinifikattiv ta’ persuni indirizzati” f’dak li għandu x’jaqsam mal-posta diretta u tippubblika b’avviż fil-Gazzetta u fuq il-website ta’ l-Awtorità, tifsira adatta minn żmien għal żmien;”;

(o) minflok it-tifsira “postijiet ta’ dħul” għandu jidħol dan li ġej:

“ “postijiet ta’ dħul” tfisser faċilitajiet fiżiċi, inklużi kaxxi postali provduti għall-pubbliku sew fit-toroq, postijiet pubbliċi, toroq prinċipali pubbliċi jew fil-fondi tal-provditur jew provdituri ta’ servizz postali fejn oġġetti postali jistgħu jiġu depożitati man-network postali minn mittenti;”;

(p) fit-tifsira “provditur ta’ servizz universali” minflok il-kliem “tfisser l-enti pubblika jew privata li tkun qed tipprovdi s-servizz postali universali fil-medda ta’ Malta” għandhom jidħlu l-kliem “tfisser l-operatur postali pubbliku jew privat li jkun qed jipprovdi s-servizz postali universali jew partijiet minnu ma’ Malta kollha”;

(q) minflok it-tifsira “servizzi postali” għandu jidħol dan li ġej:

“ “servizzi postali” tfisser servizzi li jinvolvu l-ġbir ta’ oġġetti postali, sortjar, trasport u tqassim ta’ oġġett postali:

Iżda l-għoti ta’ servizz ta’ trasport waħdu m’għandux jitqies bħala servizzi postali;”;

(r) minnufih wara t-tifsira "servizzi postali" għandha tiżdied din it-tifsira ġdida li ġejja:

" "servizzi provduti b'tariffa għal kull servizz" tfisser servizzi postali li jkollhom tariffa stabbilita taħt il-pattijiet u l-kundizzjonijiet ġenerali ta' provditur jew provdituri ta' servizz universali għal oġġett postali individwali;";

(s) it-tifsira "skambju ta' dokumenti" għandha titħassar;

(t) minnufih wara t-tifsira "skambju ta' dokumenti" għandha tiżdied din it-tifsira ġdida li ġejja:

" "skema" kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra, tfisser skema ta' servizzi postali li ssir kif hemm fi l-artikolu 76A ta' dan l-Att;";

(u) fit-tifsira "utenti" il-kliem "li tikseb benefiċċju mill-provdiment ta' servizz universali" għandhom jidħlu jidħlu l-kliem "li tikseb benefiċċju mill-provdiment ta' servizz postali".

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

17. Is-subartikoli (2) sa (4) ta' l-artikolu 3 ta' l-Att prinċipali għandhom jitħassru u s-subartikolu (1) għandu jiġi enumerat mill-ġdid bħala l-artikolu kollu.

Tħassir ta' l-artikoli 4 u 4A ta' l-Att prinċipali.

18. L-artikoli 4 u 4A ta' l-Att prinċipali għandhom jitħassru.

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

19. Minflok is-subartikolu (1) ta' l-artikolu 7 ta' l-Att prinċipali għandu jidħol dan li ġej:

"(1) Għandha persuna biss tipprovdi jew tħaddem servizz postali f'Malta jekk tkun awtorizzata bħala operatur postali kif hemm f'dan l-Att:

Iżda mingħajr preġudizzju għal kull ġeneralità tar-rekwiżit preċedenti, persuna għandha titqies li tkun marret kontra dan is-subartikolu jekk hija -

(a) twettaq xi servizz inċidentali għall-ġarr ta' oġġett postali bi ksur ta' dan is-subartikolu; jew

(b) tibgħat, tgħaddi jew tikkunsinna, bil-għan li jintbagħat, xi oġġett postali bi ksur ta' dan is-subartikolu; jew

(ċ) tiġbor u tgħaqqad oġġetti postali għall-fini li tibgħathom bi ksur ta' dan is-subartikolu.".

20. L-artikolu 8 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 8 ta' l-Att prinċipali.

(a) minflok is-subartikolu (2) tiegħu għandu jidħol dan li ġej:

"(2) L-għoti ta' awtorizzazzjonijiet jista':

(a) jsir fil-każ ta' provditur ta' servizz universali bla ħsara għal obbligazzjonijiet ta' servizz universali, u

(b) f'kull każ, inkluż dak ta' provditur ta' servizz universali:

(i) jekk ikun hekk meħtieġ u ġustifikat, jimponi ħtiġiet li jkunu jirrigwardaw il-kwalità, disponibilità u twettiq tas-servizzi rilevanti,

(ii) meta jkun adatt, ikun bla ħsara għal obbligazzjoni li ssir kontribuzzjoni finanzjarja lejn il-mekkaniżmi parteċipattivi hekk kif jista' jiġi stabbilit kif hemm f'dan l-Att jekk l-għoti tas-servizz universali jkun jinvolvi spiża netta u jkun jirrappreżenta piż xejn ġust fuq il-provditur jew provdituri ta' servizz universali hekk kif jista' jiġi msemmi kif hemm f'dan l-Att,

(iii) meta jkun adatt, ikun bla ħsara għal obbligazzjoni li ssir kontribuzzjoni finanzjarja lill-Awtorità għall-ispejjeż operattivi tagħha,

(iv) ikun bla ħsara għall-kundizzjonijiet li jimponu l-obbligazzjonijiet li ma jinkisrux id-drittijiet esklużivi jew speċjali

mogħtija lill-provditur jew provdituri ta' servizz universali għas-servizzi postali riservati kif imfissra fl-artikolu 20, sakemm l-obbligazzjonijiet taħt it-Tieni Skeda jibqgħu jseħħu.";

(b) is-subartikolu (3) tiegħu għandu jiġi emendat kif ġej:

(i) il-paragrafu (ċ) tiegħu għandu jitħassar ;

(ii) il-paragrafi (d), (e), (f) u (g) tiegħu għandhom jiġu enumerati mill-ġdid bħala l-paragrafi (ċ), (d), (e) u (f);

(iii) fil-paragrafu (ċ) tiegħu kif enumerat mill-ġdid minflok il-kliem "biex iħares kull direttiva mogħtija mill-Awtorità" għandhom jidħlu l-kliem "biex iħares kull direttiva u, jew deċiżjoni maħruġa mill-Awtorità";

(iv) fil-paragrafu (f) tiegħu kif enumerat mill-ġdid minflok il-kliem "li jistgħu jiġu preskritti." għandhom jidħlu l-kliem "li jistgħu jiġu ordnati mill-Awtorità minn żmien għal żmien."; u

(ċ) minnufih wara s-subartikolu (3) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:

"(4) Il-proċeduri stipulati fis-subartikoli (1), (2) u (3) ta' dan l-artikolu għandhom ikunu trasparenti, aċċessibli, mhux diskriminatorji, proporzjonati, preċiżi u mhux ambigwi u għandhom jintgħamlu pubbliċi bil-quddiem u jkunu ibbażati fuq kriterji oġġettivi.".

Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

21. L-artikolu 9 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:

"(1) L-Awtorità għandha tipproċessa l-applikazzjonijiet kollha għal liċenza individwali kemm jista' jkun malajr u, f'kull każ, għandha tgħarraf lill-applikant bid-deċiżjoni tagħha li tagħti jew tiċħad applikazzjoni fi żmien xahar mid-data meta tirċievi

l-applikazzjoni sħiħa kif imiss u mimlija b'mod konformi mad-dispożizzjonijiet ta' dan l-Att:

Iżda dak il-perjodu jista' jittawwal mill-Awtorità sa żmien massimu ta' tliet xhur meta applikazzjoni tkun teħtieġ konsultazzjoni bejn l-Awtorità u xi korp governattiv jew awtorità pubblika oħra lokali jew barranija dwar xi aspett ta' l-għoti tas-servizzi postali li tkun saret applikazzjoni għalihom.";

(b) is-subartikoli (2) sa (6) tiegħu għandhom jiġu mħassra;

(c) is-subartikolu (7) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2) tiegħu;

(d) minnufih wara s-subartikolu (2) tiegħu kif enumerat mill-ġdid għandhom jiżdiedu dawn is-subartikoli ġodda li ġejjin:

"(3) Meta tiġi riċevuta applikazzjoni għall-ħruġ ta' liċenza individwali, l-Awtorità għandha tagħmel pubbliku l-fatt, kif tqis li jkun meħtieġ, li tkun saret dik l-applikazzjoni, filwaqt li tagħti dawk id-dettalji li tista' tqis li jkunu meħtieġa biex kull min ikun irid iressaq xi ilment ikun jista' jagħmel dan f'dak il-perjodu li l-Awtorità tista' tistabbilixxi:

Iżda fil-każijiet kollha, l-Awtorità għandha tagħmel dik l-applikazzjoni pubblika mill-inqas f'żewġ ġurnali lokali u fuq il-website tagħha.

(4) L-applikant għandu, fl-applikazzjoni tiegħu għal liċenza individwali, jispeċifika liema servizz postali jew servizzi jkun qiegħed japplika għalihom u għandu jinkludi flimkien ma' l-applikazzjoni tiegħu kull informazzjoni bħal dik li l-Awtorità tista' tkun teħtieġ:

Iżda f'kull każ l-applikant għandu jipprovdi dik l-informazzjoni li tkun biżżejjed biex turi li huwa jkun qiegħed iwettaq il-kundizzjonijiet għall-għoti tal-liċenza.

(5) L-Awtorità għandha twassal bil-miktub lill-applikant id-deċiżjoni tagħha li tagħti jew li tiċħad

applikazzjoni għal liċenza individwali u fil-każ ta' ċħid bħal dak l-Awtorità għandha ssemmi xi jkunu l-motivi għaldaqstant.".

Emenda ta' l-artikolu 10 ta' l-Att prinċipali.

22. Is-subartikolu (3) ta' l-artikolu 10 ta' l-Att prinċipali għandu jitħassar.

Tħassir ta' l-artikoli 11 u 12 ta' l-Att prinċipali.

23. L-artikoli 11 u 12 ta' l-Att prinċipali għandhom jiġu mħassra.

Sostituzzjoni ta' l-artikolu 13 ta' l-Att prinċipali.

24. Minflok l-artikolu 13 ta' l-Att prinċipali għandu jidħol dan li ġej:

"(1) Ebda liċenza individwali ma tista' tiġi trasferita jew assenjata mill-provditur awtorizzat lil xi persuna oħra mingħajr il-kunsens bil-miktub mogħti bil-quddiem ta' l-Awtorità:

Iżda l-Awtorità għandha twassal id-deċiżjoni tagħha fi żmien xahar minn meta l-provditur awtorizzat jirrikorri lejha bil-miktub għall-kunsens tagħha u, meta jkun qed jagħmel dan, l-Awtorità għandha tiddikjara r-raġunijiet għad-deċiżjoni tagħha.

(2) Meta l-provditur awtorizzat ikun korp magħqud jew korp ieħor ta' persuni, bdil fil-kontroll tal-proprjetà jew tat-tmexxija ta' dak il-korp tkun tiswa daqs it-trasferiment tal-liċenza individwali, u din għandha sseħħ wara li jingħata l-kunsens ta' l-Awtorità kif hawn qabel imsemmi.

(3) It-trasferiment jew l-assenjament ta' awtorizzazzjoni ġenerali, jew il-bdil fil-kontroll tal-proprjetà jew fit-tmexxija ta' korp magħqud awtorizzat jew ta' xi korp ta' persuni ieħor li jkollu awtorizzazzjoni ġenerali, għandu jiġi minnufih avżat bil-miktub lill-Awtorità.".

Tħassir ta' l-artikolu 14 ta' l-Att prinċipali.

25. L-artikolu 14 ta' l-Att prinċipali għandu jiġi mħassar.

Emenda ta' l-artikolu 15 ta' l-Att prinċipali.

26. L-artikolu 15 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Fl-għoti ta' liċenza taħt dan l-Att, jew f'kull waqt li matulu dik il-liċenza tibqa' valida, il-Ministru jista' wkoll b'avviż legali" għandhom jidħlu l-kliem "Dwar liċenza individwali mogħtija

taħt dan l-Att jew f'kull waqt li matulu dik il-liċenza tibqa' valida, il-Ministru jista' wkoll b'avviż legali"; u

(b) fis-subartikolu (4) tiegħu l-kliem "Fl-għoti ta' liċenza taħt dan l-Att, jew f'kull waqt li matulu dik il-liċenza tibqa' valida, il-Ministru jista' b'avviż legali" għandhom jidħlu l-kliem "Dwar liċenza individwali mogħtija taħt dan l-Att jew f'kull waqt li matulu dik il-liċenza tibqa' valida, il-Ministru jista' b'avviż legali".

27. L-artikolu 16 ta' l-Att prinċipali għandu jiġi mħassar. Tħassir ta' l-artikolu 16 ta' l-Att prinċipali.

28. L-artikolu 17 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 17 ta' l-Att prinċipali.

(a) il-paragrafi (b) u (ċ) tas-subartikolu (1) tiegħu għandhom jiġu mħassra u l-paragrafu (a) tiegħu għandu jiġu enumerat mill-ġdid bħala s-subartikolu kollu;

(b) is-subartikolu (2) tiegħu għandu jiġi mħassar;

(ċ) is-subartikoli (3), (4), (5), (6) u (7) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (2), (3), (4), (5) u (6);

(d) minflok is-subartikolu (2) tiegħu kif enumerat mill-ġdid għandu jidħol dan li ġej:

"(2) Il-Ministru għandu, wara konsultazzjoni ma' l-Awtorità, b'avviż fil-Gazzetta isemmi lil xi operatur jew diversi operaturi postali biex jipprovdu elementi differenti tas-servizz universali u, jew biex ikopru partijiet differenti tat-territorju nazzjonali, u meta jkun qed jagħmel dan il-Ministru għandu wkoll filwaqt li jikkonsulta lill-Awtorità jistabbilixxi l-obbligazzjonijiet u d-drittijiet li jiġu lilhom assenjati:

Iżda l-Ministru jista', wara konsultazzjoni ma' l-Awtorità, b'avviż fil-Gazzetta jirtira, jemenda jew jissospendi kull tismija magħmula taħt dan is-subartikolu, iżda qabel ma jidħol fis-seħħ xi rtirar, emenda jew sospensjoni bħal dawk, il-Ministru għandu, meta jkun hekk japplika u wara konsultazzjoni ma'

l-Awtorità, isemmi operatur postali ieħor għar-rigward tas-servizz milqut minn irtirar, emenda jew sospensjoni bħal dawk.";

(e) fis-subartikolu (3) tiegħu kif enumerat mill-ġdid, il- paragrafu (b) tiegħu għandu jiġi mħassar u l-paragrafu (a) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu kollu;

(f) fis-subartikolu (4) tiegħu kif enumerat mill-ġdid il-kelma "u" fil-paragrafu (d) tiegħu għandu jiġi mħassar;

(g) minflok is-subartikolu (5) tiegħu kif enumerat mill-ġdid għandu jidħol dan li ġej:

"(5) L-inqas u l-ogħla daqsijiet ta' dawk l-oġġetti postali jkunu dawk stipulati fid-disposizzjonijiet rilevanti adottati mill-Unjoni Postali Universali."; u

(h) minnufih wara s-subartikolu (6) tiegħu kif enumerat mill-ġdid għandu jiżdied dan is-subartikolu ġdid li ġej:

"(7) il-Ministru jista' jassikura l-provdiment ta' servizzi universali billi jipprokura dawk is-servizzi kif hemm fir-regoli u r-regolamenti li japplikaw għall-akkwist pubbliku, bi djalogu kompetittiv jew bi proċeduri negozjati permezz tal-pubblikazzjoni, jew mingħajrha, ta' avviż ta' kuntratt.".

Tħassir ta' l-artikolu 19 ta' l-Att prinċipali.

29. L-artikolu 19 ta' l-Att prinċipali għandu jiġi mħassar.

Emenda ta' l-artikolu 20 ta' l-Att prinċipali.

30. Fl-artikolu 20 ta' l-Att prinċipali minflok il-kliem "ir-Raba' Skeda" kull fejn dawn jidhru għandhom jidħlu l-kliem "it-Tieni Skeda" u l-kliem "sabiex din tkun tikkonforma ma' l-obbligi internazzjonali ta' Malta" għandhom jitħassru.

Emenda ta' l-artikolu 21 ta' l-Att prinċipali.

31. L-artikolu 21 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jiġi mħassar u s-subartikolu (1) għandu jiġi enumerat mill-ġdid bħala l-artikolu kollu;

(b) l-artikolu 21 kif enumerat mill-ġdid għandu jiġi emendat kif ġej:

(i) minflok il-paragrafu (b) tiegħu għandu jidħol dan li ġej:

"(b) il-prezzijiet għandhom jiġu orjentati fil-kost tagħhom u jagħtu inċentivi għall-provdiment ta' servizz universali effiċjenti;";

(ii) minflok il-paragrafu (ċ) tiegħu għandu jidħol dan li ġej:

"(ċ) bil-kunsens tal-Ministru, l-Awtorità tista' tiddeċidi li għandha tkun tapplika tariffa uniformi ma' Malta kollha għal servizzi provduti b'tariffa għal kull servizz u għal oġġetti postali oħra;"

(iii) minflok il-paragrafi (f) u (g) tiegħu għandu jidħol dan li ġej:

"(f) kull meta provdituri ta' servizz universali japplikaw tariffi specjali, per eżempju għal servizzi għan-negozji, ġesturi tal-posta bil-grossa jew konsolidaturi tal-posta minn utenti differenti, dawn għandhom japplikaw il-prinċipji ta' trasparenza u ta' ebda diskriminazzjoni kemm għar-rigward tat-tariffi kif ukoll ta' kundizzjonijiet assoċjati:

Iżda t-tariffi flimkien mal-kundizzjonijiet assoċjati għandhom ikunu japplikaw bl-istess mod kemm għal terzi differenti bejniethom kemm bejn terzi u l-provditur tas-servizz universali li jkun qiegħed jipprovdi servizzi ekwivalenti:

Iżda kull tariffa ta' dik ix-xorta għandha tkun ukoll disponibbli għal utenti, partikolarment utenti individwali, impriżi żgħar u ta' daqs medju li jaqgħu taħt kundizzjonijiet simili;

(g) sal-31 ta' Diċembru 2012 sussidjar reċiproku tas-servizzi universali li joħorġu 'l barra mis-settur riservat mid-dħul minn servizzi fis-settur riservat, ikunu projbiti ħlief sal-limitu li jiġi muri

li jkun strettament neċessarju sabiex jiġu onorati l-obbligi speċifiċi ta' servizz universali imposti fl-oqsma kompetittivi.".

Emenda ta' l-artikolu 22 ta' l-Att prinċipali.

32. L-artikolu 22 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jiġi mħassar.

(b) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2).

Emenda ta' l-artikolu 23 ta' l-Att prinċipali.

33. Fl-artikolu 23 ta' l-Att prinċipali minflok il-kliem "it-Tielet Skeda" kull fejn dawn jinsabu għandhom jidħlu l-kliem "l-Ewwel Skeda".

Tħassir ta' l-artikolu 24 ta' l-Att prinċipali.

34. L-artikolu 24 ta' l-Att prinċipali għandu jiġi mħassar.

Emenda ta' l-artikolu 25 ta' l-Att prinċipali.

35. L-artikolu 25 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:

"(1) L-Awtorità għandha tistipula livelli ta' kwalità għall-posta interna u dawk il-livelli għandhom ikunu kompatibbli ma' dawk tal-posta intra-Kommunitarja transkonfini stabbiliti mill-Parlament u l-Kunsill Ewropew.";

(b) minflok is-subartikolu (3) tiegħu għandu jidħol dan li ġej:

"(3) L-Awtorità tista' tipprovdi għal eżenzjonijiet minn kull livell ta' kwalità li jista' jiġi stipulat kif hemm f'dan l-Att, jekk hija tkun sodisfatta li jkun hemm sitwazzjonijiet eċċezzjonali dwar l-infrastruttura jew ta' xorta ġeografika li jkunu hekk jeħtieġu.".

Tħassir ta' l-artikoli 26 sa 28 u 30 ta' l-Att prinċipali.

36. L-artikoli 26 sa 28 u l-artikolu 30 ta' l-Att prinċipali għandhom jiġu mħassra.

Tħassir ta' l-artikoli 31 u 32 u intestaturi fl-Att prinċipali.

37. L-artikoli 31 u 32 u l-intestaturi "Taqsima III Posta Lokali" u "Taqsima IV Posta Barranija" ta' l-Att prinċipali għandhom jiġu mħassra.

38. Minnufih qabel l-artikolu 33 ta' l-Att prinċipali għandha tiżdied l-intestatura ġdida "Taqsima III Dwana". Żjieda ta' intestatura ġdida.

39. Minnufih wara l-artikolu 35 ta' l-Att prinċipali għandhom jiżdiedu dawn l-artikoli ġodda li ġejjin: Żjieda ta' l-artikoli 35A u 35B ġodda ma' l-Att prinċipali.

"Rkupru ta' dazji tad-dwana.

35A. Meta oġġett postali, li fuqu jitħallas xi dazju tad-dwana, ikun ġie riċevut bil-posta minn xi mkien barra minn Malta, l-ammont ta' dak id-dazju għandu, mingħajr preġudizzju għat-tħaddim ta' xi liġi li taħtha jkun dovut dak id-dazju, ikun jista' jiġi ukoll irkuprat bħallikieku kien xi rata postali taħt dan l-Att.

Dover li għandhom il-kaptani ta' bastimenti li ma jkunx bastimenti tal-valiġġa li jġorru xkejjer tal-valiġġa.

35B. (1) Kull kaptan ta' bastiment, li ma jkunx bastiment tal-valiġġa, li jkun ser jitlaq minn xi port jew post f'Malta lejn xi port jew post lil hinn minn Malta għandu jirċievi abbord kull xkora tal-valiġġa li tingħatalu biex iġorr minn uffiċjal ta' operatur postali, filwaqt li jagħti riċevuta għaliha lil dak l-uffiċjal, u mingħajr ebda dewmien u wara li jkun ħa kull miżura u prekawzjoni meħtieġa għas-sigurtà ta' l-ixkejjer tal-valiġġa, jikkunsinnha lill-awtoritajiet postali tal-port jew tal-post fejn ikollu jasal il-bastiment.

(2) Kaptan ta' bastiment li jirċevi abbord xi xkora tal-valiġġa taħt id-disposizzjonijiet ta' qabel ta' dan l-artikolu jkollu dritt għal ħlas immedjat ta' dak l-ammont li soltu jitħallas għas-servizz li jingħata taħt dawk il-provvedimenti kif hemm fir-rati stabbiliti mill-Awtorità u li jiġu pubblikati fil-Gazzetta.

(3) Id-dispożizzjonijiet tas-subartikolu (1) u (2) għandhom ikunu *mutatis mutandis* japplikaw ukoll għall-ġarr ta' xkejjer tal-valiġġa minn post għall-ieħor ma' Malta kollha.".

40. It-Taqsima V ta' l-Att prinċipali għandha tiġt enumerata mill-ġdid bħala t-Taqsima IV tiegħu. Enumerazzjoni mill-ġdid tat-Taqsima V ta' l-Att prinċipali.

41. L-artikolu 36 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 36 ta' l-Att prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:

"(1) Il-Ministru jkun responsabbli għall-approvazzjoni ta' ħruġ ta' bolli u l-għemil ta' programm dwar il-ħruġ ta' bolli:

Iżda meta jkun qiegħed jagħmel dan il-Ministru għandu jikkonsulta bord konsultattiv dwar il-bolli li jkun kompost minn *chairman* u mhux inqas minn erba' sa tmien membri oħra appuntati mill-Ministru għal żmien mhux iżjed minn tliet snin, hekk li dik il-ħatra tkun tista' tiġġedded. Bla ħsara għall-ħruġ ta' regolamenti magħmulin taħt dan l-Att, il-Bord għandu jirregola l-proċedura tiegħu nnifsu dwar kif imexxi xogħlu:

Iżda wkoll il-Ministru jista' b'ordni fil-Gazzetta jiddelega l-funzjonijiet tiegħu taħt dan l-artikolu lil uffiċjal pubbliku li ma jkollux grad inqas minn dak ta' direttur fil-Ministeru tiegħu."; u

(b) is-subartikolu (3) tiegħu għandu jiġi mħassar.

Tħassir ta' l-artikoli 37 u 38 ta' l-Att prinċipali.

42. L-artikoli 37 u 38 ta' l-Att prinċipali għandhom jiġu mħassra.

Enumerazzjoni mill-ġdid tat-Taqsima VI ta' l-Att prinċipali.

43. It-Taqsima VI ta' l-Att prinċipali għandha tiġi enumerata mill-ġdid bħala t-Taqsima V tiegħu.

Tħassir ta' l-artikolu 39 ta' l-Att prinċipali.

44. L-artikolu 39 ta' l-Att prinċipali għandu jiġi mħassar.

Emenda ta' l-artikolu 40 ta' l-Att prinċipali.

45. L-artikolu 40 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:

"(1) Kull fond għandu jkun mgħammar mis-sid rispettiv tiegħu jew mill-okkupant b'kaxxa ta' l-ittri privata adegwata sabiex ikunu jistgħu jiġu kunsinnati minn operatur postali ġo fiha oġġetti postali li jkunu indirizzati lejn dak il-fond:

Iżda għall-għanijiet ta' dan l-artikolu, il-frażi "sid" għandha tinkludi, għal kull proprjetà, lill-amministratur ta' dik il-proprjetà u meta l-proprjetà tkun soġġetta għal xi użufrutt, jew inkella tingħata b'enfitewsi jew sub-enfitewsi, il-frażi għandha titqies li tkun tirreferi għall-

użufruttwarju, l-enfitewta jew is-subenfitewta hekk kif jista' jkun jeħtieġ il-każ." ;

(b) minflok is-subartikolu (2) tiegħu għandu jidħol dan li ġej:

"(2) Kull sid li jonqos milli jħares d-dispożizzjonijiet ta' dan l-artikolu jkun ħati ta' reat u jista', meta jinsab ħati, jeħel ammenda ta' mhux iżjed minn mitt euro (€100):

Iżda l-Awtorità tista', f'ċirkostanzi speċjali, teżenta bil-miktub lil persuni milli jħarsu d-dispożizzjonijiet ta' dan l-artikolu.";

(ċ) minflok is-subartikolu (3) tiegħu għandu jidħol dan li ġej:

"(3) L-operatur postali jista' jirrifjuta milli jikkonsenja xi oġġett postali meta l-fond li dan ikun indirizzat lejh ma jkunx provdut b'kaxxa ta' l-ittri privata kif meħtieġ mis-subartikolu (1) jew il-kaxxa ta' l-ittri privata provduta tkun hekk li l-oġġett postali ma jkunx jista' jitqiegħed fil-kaxxa mill-fetħa fil-kaxxa li tkun biżżejjed wiesgħa għal dak l-għan; u f'każ bħal dak l-operatur postali jista' jreġġa' lura l-oġġett postali lill-mittent, taħt dawk il-kundizzjonijiet li huwa jista' jqis li jkunu xierqa, jew xort'oħra jittratta b'dan hekk kif jista' jqis li jkun adatt.";

(d) minflok is-subartikolu (4) tiegħu għandu jidħol dan li ġej:

"(4) Operatur postali jista' wkoll jirrifjuta jikkonsenja xi oġġett postali meta l-fond fejn dan ikun indirizzat lejh jista' jkun ta' theddida għas-saħħa u għas-sigurtà personali tal-uffiċjal ta' operatur postali." ; u

(e) is-subartikoli (5) sa (10) tiegħu għandhom jiġu mħassra.

46. L-artikolu 41 ta' l-Att prinċipali għandu jiġi mħassar. Tħassir ta' l-artikolu 41 ta' l-Att prinċipali.

Emenda ta' l-artikolu 42 ta' l-Att prinċipali.

47. Fit-test Ingliż tal-paragrafu (b) ta' l-artikolu 42 ta' l-Att prinċipali, minflok il-kelma "*letterbox*" għandha tidħol il-kelma "*letter-box*".

Tħassir ta' l-artikoli 44 to 46 fl-Att prinċipali.

48. L-artikoli 44 sa 46 ta' l-Att prinċipali għandhom jiġu mħassra.

Tħassir ta' l-intestatura tat-Taqsima VII ta' l-Att prinċipali.

49. L-intestatura "Taqsima VII Projbizzjoni" fl-Att prinċipali għandha tiġi mħassra.

Tħassir ta' l-artikoli 47 sa 49 ta' l-Att prinċipali.

50. L-artikoli 47 sa 49 ta' l-Att prinċipali għandhom jiġu mħassra.

Tħassir ta' l-intestatura tat-Taqsima VIII u ta' l-artikoli 50 to 53 ta' l-Att prinċipali.

51. L-intestatura "Taqsima VIII Ġbir tal-pustaġġ li jkollu jitħallas" u l-artikoli 50 sa 53 ta' l-Att prinċipali għandhom jiġu mħassra.

Tħassir tat-Taqsima IX u ta' l-artikoli 54 u 55 ta' l-Att prinċipali.

52. L-intestatura "Taqsima IX Valiġġi bil-baħar jew bl-ajru" u l-artikoli 54 u 55 ta' l-Att prinċipali għandhom jiġu mħassra.

Tħassir ta' l-intestatura tat-Taqsima X u l-artikoli 57 sa 60 ta' l-Att prinċipali.

53. L-intestatura "Taqsima X Money u postal orders" u l-artikoli 57 sa 60 ta' l-Att prinċipali għandhom jiġu mħassra.

Enumerazzjoni mill-ġdid u emenda ta' l-artikolu 61 ta' l-Att prinċipali.

54. (1) L-artikolu 61 ta' l-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 77A ta' l-Att.

(2) Fil-paragrafu (a) ta' l-artikolu 77A kif enumerat mill-ġdid, minflok il-kliem "bis-saħħa tad-dispożizzjonijiet ta' l-artikolu 57 u 59;" għandhom jidħlu l-kliem "bis-saħħa tad-dispożizzjonijiet ta' l-artikolu 81;".

Enumerazzjoni u tismija mill-ġdid tat-Taqsima XI ta' l-Att prinċipali.

55. It-Taqsima XI ta' l-Att prinċipali għandha tiġi enumerata mill-ġdid bħala t-Taqsima VI u għandha tissemma' mill-ġdid "Reati u Infurzar".

Sostituzzjoni ta' l-artikolu 62 ta' l-Att prinċipali.

56. Minflok l-artikolu 62 ta' l-Att prinċipali għandu jidħol dan li ġej -

"Reati li għandhom x'jaqsmu mar-regolamentazzjoni u l-għoti ta' servizzi postali.

62. Kull persuna li -

(a) tattakka jew tostruwixxi jew ma tħallix lil xi uffiċjal, impjegat jew aġent ta' operatur postali fit-twettiq ta' dmirijietu ma' dak l-operatur;

(b) tuża xi servizzi postali, u bħala riżultat ta' dan tagħmel ħsara jew tikkaġuna biża jew inkella tista' tagħti lok għal xi ħsara jew biża;

(ċ) bil-għan li tibgħat xi oġġett postali bil-posta, tuża xi bolla fittizja jew tagħmel ħlas għal dak l-oġġett postali b'bolla li tkun intużat qabel għall-ħlas ta' xi oġġett postali ieħor, jew li tkun xort'oħra ġiet qabel użata għal xi skop ieħor;

(d) mingħajr ebda awtorità leġittima tuża xi siġill, strument jew marka użata mill-Awtorità jew minn operatur postali għat-timbrar ta' xi bolla postali jew biex titwaħħal xi marka oħra;

(e) tqiegħed ġo jew maġenb xi kaxxa ta' l-ittri provduta minn operatur postali għar-riċezzjoni ta' oġġett postali, xi nar jew splussiv, xi sustanza fluwida perikoluża, maħmuġa, noċiva jew li tikkaġuna ħsara, jew tqiegħed xi oġġett ta' fastidju ġo jew maġenb xi kaxxa ta' l-ittri bħal dik, jew tagħmel xi ħaġa li x'aktarx tagħmel ħsara lil kaxxa ta' l-ittri bħal dik jew dak kollu li jkollu x'jaqsam magħha jew il-kontenut ta' ġo fiha;

(f) mingħajr awtorità dovuta twaħħal xi tabella, riklam, avviz, lista, dokument, injama jew ħaġ'oħra f'xi uffiċċju tal-posta jew fuqu, jew tiżbogħ, tgħarraq jew b'kull mod ieħor tisfigura xi uffiċċju tal-posta;

(g) iżżomm bil-forza, ħlief bl-awtorità ta' dan l-Att jew f'konformità ma' ordni mogħtija mill-Awtorità jew minn qorti jew tribunal kompetenti, xi oġġett postali waqt li dan ikun qiegħed jitwassal bil-posta, jew lil xi uffiċjal ta' operatur postali jew xi vettura li tkun qegħda ġġorr xkejjer tal-valiġġa jew oġġetti postali, jew għal xi raġuni, tkun li tkun, tiftaħ xkora tal-valiġġa waqt li din tkun qegħda titwassal bil-posta, jew tonqos milli treġġa' lura xi oġġett postali lil operatur postali kif meħtieġ bil-proviso mal-artikolu 42(d);

(h) tiftaħ b'għemil doluż jew iġġiegħel li jinfetaħ xi oġġett postali li kellu jiġi kunsinnat, jew

b'għemil doluż tagħmel xi att li bih il-kunsinna dovuta ta' oġġett postali, ma titħalliex issir jew tiġi mdewwma milli ssir, jew tikkomunika jew tagħmel użu minn informazzjoni li tikseb minn oġġett postali li jkun ġie hekk miftuħ;

tkun ħatja ta' reat taħt dan l-Att u tista', meta tinsab ħatja, teħel multa ta' bejn elf euro (€1,000) u ħamsa u għoxrin elf euro (€25,000), jew priġunerija għal żmien bejn xahar u tnax-il xahar, jew dik il-multa u priġunerija flimkien.".

Tħassir ta' l-artikolu 63 ta' l-Att prinċipali.

57. L-artikolu 63 ta' l-Att prinċipali għandu jiġi mħassar.

Emenda ta' l-artikolu 64 ta' l-Att prinċipali.

58. L-artikolu 64 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:

"(1) Għandhom biss jinbdew proċedimenti għal reat taħt dan l-Att li jsir minn operatur postali jew minn persuna li tipprovdi servizzi postali:

(a) wara talba bil-miktub mill-Awtorità; jew

(b) wara li jingħata avviż bil-quddiem u bil-miktub mill-awtorità prosekutriċi lill-Awtorità u wara li tingħata risposta bil-miktub mill-Awtorità li għandha tiġi kkunsidrata kif imiss."; u

(b) fis-subartikolu (3) tiegħu l-kliem "jew taħt regolamenti magħmulin taħtu" għandhom jiġu mħassra.

Tħassir ta' l-artikolu 65 ta' l-Att prinċipali.

59. L-artikolu 65 ta' l-Att prinċipali għandu jiġi mħassar.

Sostituzzjoni ta' l-artikolu 66 ta' l-Att prinċipali.

60. Minflok l-artikolu 66 ta' l-Att prinċipali għandu jidħol dan li ġej:

"Projbizzjoni ta' twassil bil-posta ta' certi oġġetti.

66. (1) Kull persuna li tibgħat jew tippreżenta, jew tittrasferixxi sabiex jiġu mibgħuta bil-posta xi annimal, jew xi oġġett jew ħaġa ta' liema xorta tkun, jew xi strument li jaqta', inkluż iżda mhux limitat għal xi sustanza splussiva, infjammabbli, perikoluża, maħmuġa, noċiva jew li tikkaġuna ħsara, li x'aktarx tgħarraq jew

tagħmel ħsara lil oġġetti postali oħra waqt li dawn ikunu qegħdin jitwasslu bil-posta jew li jikkaġunaw ħsara fiżika u, jew jheddu b'kull mod lil xi persuna jew persuni tista', meta tinsab ħatja, teħel multa ta' bejn elf euro (€1,000) u ħamsa u għoxrin elf euro (€25,000), jew priġunerija għal żmien bejn xahar u tnax-il xanar, jew dik il-multa u priġunerija flimkien:

Iżda dik il-piena m'għandhiex tkun tapplika għal oġġetti postali li jkun fihom affarijiet li jkunu ġeneralment jew speċifikament permessi mill-operatur postali involut.

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, meta operatur postali jkollu tassew għaliex jaħseb li xi oġġett postali jkun ġie impustat jew intbagħat bil-posta bi ksur tas-subartikolu (1), l-operatur postali għandu jżomm milli jikkunsinna xi oġġett postali suspettuż lill-persuna indirizzata u għandu jirriferixxi l-oġġett postali lill-Pulizija minnufih. L-operatur postali jista', bil-kunsens tal-Pulizija, ireġġa' lura l-oġġett postali lill-mittent jew iwasslu sal-post fejn ikun mibgħut jew jeqirdu jew xort'oħra jiddisponi minn dak l-oġġett kif jista' jkun il-każ. F'kull każ, l-operatur postali għandu jgħarraf lill-Awtorità b'kull oġġett postali suspettuż u b'kull azzjoni mittieħda fir-rigward tiegħu fiż-żmien il-ġurnata tax-xogħol li jmiss.

(3) Minkejja d-dispożizzjonijiet tas-subartikolu (2), kull oġġett postali li jista' jkun raġonevolment suspettat li fih xi splussiv, xi sustanza splussiva, infjammabbli, noċiva, perikoluża jew li tikkaġuna ħsara jew xi ħaġ'oħra li tista' tesponi lil xi persuna għal ħsara fil-persuna għandha tiġi minnufih riferita lill-awtoritajiet kompetenti kif jista' jkun il-każ. L-operatur postali għandu wkoll jgħarraf lill-Awtorità b'dan minnufih.

(4) Meta oġġett postali jkun inżamm milli jiġi kunsinnat taħt is-subartikoli (2) u (3), il-mittent ta' dak l-oġġett jista' jitressaq il-qorti bħallikieku dak l-oġġett ġie ikkunsinnat kif dovut bil-posta.

(5) Fil-każ ta' oġġett postali indirizzat lil xi persuna li legalment ikollha jedd tipprovdi servizzi

ta' xandir tat-televiżjoni f'Malta li jkun jikkonsisti f'materjal awdjoviżiv li jkun ġie impustat jew mibgħut bil-posta biss għall-fini li dan ikun jista' jiġi trażmess bit-televiżjoni kif hemm fid-dispożizzjonijiet tal-liġijiet dwar ix-xandir, l-operatur postali għandu minnufih jirriferi l-kwistjoni lill-Awtorità li, jekk din tkun sodisfatta li dak l-oġġett ikun ġie impustat jew mibgħut bil-posta għal dak l-għan, għandha tordna lill-operatur postali jikkunsinna dak l-oġġett postali lill-persuna indirizzata mingħajr ebda verifika oħra.".

Tħassir ta' l-artikolu 67 sa 70 ta' l-Att prinċipali.

61. L-artikoli 67 sa 70 ta' l-Att prinċipali għandhom jiġu mħassra.

Emenda ta' l-artikolu 71 ta' l-Att prinċipali.

62. L-artikolu 71 ta' l-Att prinċipali għandu jidħol dan li ġej:

"Reati li għandhom x'jaqsmu mal-valiġġa bil-baħar jew bl-ajru.

71. (1) Kull kaptan ta' bastiment jew pilota ta' inġenju ta' l-ajru li jkollu abbord xi oġġett postali jew xkora tal-valiġġa li jkollha titwassal Malta, għandu, minnufih malli jasal Malta, jara li dak l-oġġett postali jew xkora tal-valiġġa jiġi kunsinnati lil operatur postali li jkkollu jedd jirċevihom:

Iżda jekk l-agent ta' bastiment jew inġenju ta' l-ajru ikun jaf bil-preżenza abbord ta' oġġett postali jew xkora tal-valiġġa bħal dawk, jew li dak l-oġġett jew dik l-ixkora jkunu tneħħew minn fuq dak il-bastiment jew inġenju ta' l-ajru, huwa għandu, mingħajr ebda dewmien, jgħarraf lill-operatur postali involut b'dak il-fatt.

(2) Persuna li taġixxi bi ksur ta' xi disposizzjoni ta' dan l-artikolu tista', meta tinsab ħatja, teħel multa ta' bejn mitejn euro (€200) u elfejn euro (€2,000).".

Sostituzzjoni ta' l-artikolu 73 ta' l-Att prinċipali.

63. Minflok l-artikolu 73 ta' l-Att prinċipali għandu jidħol dan li ġej:

"Sekwestru ta' oġġetti postali.

73. Jista' uffiċjal tad-Dwana jew tal-Pulizija jissekwestra xkora tal-valiġġa jew xi oġġett postali li jinsab abbord xi bastiment jew inġenju ta' l-ajru f'xi post f'Malta, li fil-konfront tiegħu tkun inkisret xi disposizzjoni ta' dan l-Att, u f'dak il-każ l-uffiċjal għandu wkoll jgħarraf lill-Awtorità b'dak is-sekwestru.".

64. L-artikolu 74 ta' l-Att prinċipali għandu jiġi mħassar.

Tħassir ta' l-artikolu 74 ta' l-Att prinċipali.

65. L-artikolu 76A ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 76A ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "toħroġ dawk id-direttivi li l-Awtorità tqis" għandhom jidħlu l-kliem "toħroġ dawk id-direttivi lil xi operatur postali hekk kif hija tista' tqis";

(b) is-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (3) tiegħu;

(ċ) minnufih wara s-subartikolu (1) għandu jiżdied dan is-subartikolu ġdid li ġej:

"(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1) l-Awtorità tista' partikolarment toħroġ direttivi lil provditur ta' servizz universali dwar kull ħaġa minn dawn li ġejjin:

(a) il-kwalità ta' servizzi postali li għandhom jiġu provduti, inkluża l-konformità ma' kull livell ta' kwalità li l-Awtorità tista' tistabbilixxi u kull azzjoni korrettiva li l-Awtorità tista' tqis li tkun meħtieġa f'dan l-aspett;

(b) tiżgura li d-densità tal-postijiet ta' dħul tieħu kont tal-ħtiġiet ta' l-utenti;

(ċ) konformità ma' kull ħtieġa tas-servizzi universali li jistgħu jkunu ta' piż fuq dak il-provditur;

(d) konformità mal-prinċipji msemmija taħt l-artikoli 21 u 22 ta' dan l-Att;

(e) il-mod u ż-żmien li bihom oġġetti postali jistgħu jiġu impustati u kunsinnati, inklużi s-sigħat ewlenin li matulhom l-uffiċċji tal-posta għandhom ikunu miftuħa għall-pubbliku;

(f) it-tneħħija u, jew tiżmim ta' oġġetti postali li għal xi raġuni ma jkunux jistgħu jiġu kunsinnati;

(g) skemi li jappartjenu għas-servizzi postali:

Iżda qabel ma toħroġ xi direttiva taħt dan is-subartikolu l-Awtorità għandha tikkonsulta lill-provditur jew provdituri ta' servizz universali li jkunu involuti u lil stakeholders oħra bħal dawk li l-Awtorità tista' fiċ-ċirkostanzi tqis li jkunu adatti."; u

(d) fis-subartikolu (3) tiegħu kif enumerat mill-ġdid, minflok il-kliem "ta' mhux iżjed minn ammont ta' tlieta u għoxrin elf, mitejn u tlieta u disgħin euro u tlieta u sebgħin ċenteżmu (€23.293.73) u, jew erba' mija u ħamsa u sittin euro and u sebgħa u tmenin ċenteżmu (€465.87)" għandhom jidħlu l-kliem "li ma tkunx ta' iżjed minn ħamsa u għoxrin elf euro (€25,000), u, jew li ma tkunx ta' iżjed minn ħames mitt euro (€500) għal kull ġurnata li matulha l-ħtiġiet ta' direttiva jew deċiżjoni bħal dawk jibqgħu bla ma jiġu osservati.".

Żjieda ta' l-artikolu 76B ġdid ma' l-Att prinċipali.

66. Minnufih wara l-artikolu 76A ta' l-Att prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Sanzjonijiet amministrattivi.

Kap. 418.

76B. Kemm-il darba ma jiġix provdut xort'oħra taħt dan l-Att, l-Awtorità tista', kif hemm fid-dispożizzjonijiet tat-Taqsima VII ta' l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, timponi dawk is-sanzjonijiet li tista' tqis adatti kif hemm fl-Att hawn qabel imsemmi, fuq kull persuna li taġixxi bi ksur ta' xi disposizzjoni ta' dan l-Att:

Iżda kull penali amministrattiva li l-Awtorità tista' tiddeċidi li timponi għall-ksur ta' xi disposizzjoni ta' dan l-Att m'għandha f'ebda każ tkun ta' iżjed minn ħamsa u għoxin elf euro (€25,000) għal kull ksur, u, jew ħames mitt euro (€500) għal kull ġurnata li matulha dak il-ksur tibqa' sseħħ.".

Enumerazzjoni mill-ġdid tat-Taqsima XII ta' l-Att prinċipali.

67. Taqsima XII ta' l-Att prinċipali għandha tiġi enumerata mill-ġdid bħala t-Taqsima VII.

Tħassir ta' l-artikoli 77 sa 79 ta' l-Att prinċipali.

68. L-artikoli 77, 78 u 79 ta' l-Att prinċipali għandhom jiġu mħassra.

69. Minflok is-subartikolu (2) ta' l-artikolu 80 ta' l-Att prinċipali għandu jidħol dan li ġej: Emenda ta' l-artikolu 80 ta' l-Att prinċipali.

"(2) Minkejja kull emenda fl-Att, kull modifikazzjoni, adattament u limitazzjoni f'xi liċenza individwali maħruġa mill-Ministru għandha tibqa' tintgħamel mill-Ministru wara li jikkonsulta ruħu ma' l-Awtorità u għandha tkun ordnata kif hemm fi l-artikolu 81:

Iżda kull modifikazzjoni, adattament u limitazzjoni f'xi liċenza individwali maħruġa wara l-1 ta' Jannar 2010 għandha ssir kif hemm fid-dispożizzjonijiet ta' l-artikoli 8 u 9 ta' dan l-Att.".

70. Minflok is-subartikolu (2) ta' l-artikolu 81 ta' l-Att prinċipali għandu jidħol dan li ġej: Emenda ta' l-artikolu 81 ta' l-Att prinċipali.

"(2) Mingħajr preġudizzju għall-ġeneralità tas-setgħa hawn qabel imsemmija, dawk ir-regolamenti jistgħu partikolarment jipprovdu:

(a) għal kull ħaġa fuq awtorizzazzjonijiet taħt dan l-Att, inkluż li jiġu stabbiliti ħlasijiet u proċeduri ta' registrazzjoni u ta' dikjarazzjoni, u biex ikun jista' jsir kull depożitu jew tingħata kull garanzija li tassikura t-twettiq ta' xi obbligazzjoni imposta bħala kundizzjoni għal xi awtorizzazzjoni bħal dik;

(b) għall-inqas livelli li għandhom jiġu adottati fl-għoti ta' servizzi postali inkluża l-aċċessibilità u d-daqsijiet ta' kaxxi ta' l-ittri privati u materji li għandhom x'jaqsmu mas-saħħa u s-sigurtà, u fil-kuntest ta' servizzi bażiċi li jingħataw għall-varjazzjoni fil-ħtiġiet konnessi mas-servizzi postali universali li għandhom jiġu provduti;

(ċ) għall-aħjar protezzjoni ta' l-interessi ta' utenti tas-servizzi postali u għat-twaqqif ta' kull kriterju jew proċedura li għandhom jiġu segwiti minn operaturi postali fit-trattament ta' lmenti;

(d) għall-iżgurar ta' kompetizzjoni ġusta f'kull prattika, operazzjoni u attività dwar servizzi postali;

(e) għall-impriża ta' investigazzjoni fuq kull ħaġa dwar servizzi postali regolati minn jew taħt dan l-Att u l-għoti u, jew it-tiżmim ta' kull informazzjoni, il-ħruġ ta' direttivi jew linji gwida għall-pubbliku, lil operaturi postali, u lil entitajiet kummerċjali fuq materji dwar servizzi postali;

(f) għat-tħaris ta' kull obbligazzjoni internazzjonali li jidħol fiha l-Gvern dwar kull aspett ta' servizzi postali regolati minn jew taħt dan l-Att inkluż li jinġiebu fis-seħħ id-dispożizzjonijiet ta' kull konvenzjoni, ftehim jew regolament, ikunu kif ikunu deskritt, tal-Unjoni Postali Universali jew ta' xi amministrazzjoni postali barra minn Malta u li jistgħu jkunu japplikaw għal Malta;

(g) biex jiġi regolamentat kull aspett tas-servizzi postali dwar is-servizzi universali fuq il-ħin, il-mod, il-post u l-kundizzjoni li bihom jew taħthom għandhom jiġu provduti dawk is-servizzi u inkluż kull mekkaniżmu ta' finanzjar sabiex jiġi żgurat l-għoti ta' dawk is-servizzi;

(h) fil-każ ta' servizzi riżervati, għar-rati ta' pustaġġ u l-ħlasijiet postali li għandhom jitħallsu, il-klassifikazzjoni, l-iskala ta' piżijiet, id-dimensjonijiet, u l-pattijiet u l-kundizzjonijiet l-oħra, li l-oġġetti postali jkunu ser jitwasslu permezz tagħhom jew kif soġġetti għalihom;

(i) fil-każ ta' servizzi universali, għall-ħlas bil-quddiem ta' pustaġġ u ta' ħlasijiet postali fuq oġġetti postali u jipprovdu l-mod kif għandu jsir dak il-ħlas bil-quddiem;

(j) fil-każ ta' servizzi universali, għall-pustaġġ u l-ħlasijiet postali li għandhom jitħallsu fuq oġġetti postali meta l-pustaġġ u l-ħlasijiet postali ma jkunux imħallsa bil-quddiem jew ikunu mħallsa bil-quddiem mhux biżżejjed;

(k) biex oġġetti postali jkunu jistgħu jingħataw direzzjoni mill-ġdid, u t-twassil bil-posta ta' l-oġġetti li jkunu ġew hekk diretti mill-ġdid, sew bla ebda ħlas

sew jekk soġġetti għal dak il-ħlas ulterjuri li jista’ jiġi speċifikat fir-regolamenti;

(l) dwar il-pattijiet u l-kundizzjonijiet li oġġetti postali jkunu soġġetti għalihom biex ikunu jistgħu jiġu reġistrati u assigurati, u l-kumpens li għandu jitħallas għat-telfien ta’ dawk l-oġġetti jew il-ħsara li ssir fihom;

(m) għat-twassil bil-posta bla ħlas ta’ dawk in-notamenti jew informazzjoni oħra li tista’ tiġi speċifikata permezz ta’ regolamenti;

(n) għall-mod u l-kundizzjonijiet li jkun hemm fi, u li soġġett għalihom, money orders, postal orders, credit cards u strumenti simili, ikunu kif ikunu deskritti, biex permezz tagħhom jintbagħtu l-flus jistgħu jiġu maħruġin, jiġu mħallsa u mħassra, ir-rati ta’ kummissjoni li għandhom jinġabru fuqhom u l-ġbir ta’ rati addizzjonali ta’ kummissjoni jew ħlasijiet;

(o) wara konsultazzjoni mal-Ministru responsabbli għad-Dwana, għall-modifika jew eċċezzjoni, bla ħsara għad-dispożizzjonijiet ta’ dan l-Att, ta’ l-applikazzjoni għal oġġetti postali li jiġu riċevuti minn barra l-pajjiż ta’ kull liġi jew regolamenti li jkunu f’dak iż-żmien iseħħu dwar id-Dwana, għall-fini li tiġi żgurata, fil-każ ta’ dawk l-oġġetti postali, l-osservanza ta’ dawk il-liġijiet u regolamenti;

(p) biex l-uffiċjali ta’ operatur postali jkunu jistgħu jwettqu, għall-fini tal-liġijiet tad-dwana, id-dmirijiet kollha jew xi dmirijiet ta’ l-importatur u l-esportatur;

(q) għall-Awtorità biex ikollha s-setgħa li timponi penali amministrattivi jew sanzjonijiet oħra fuq operatur postali li jaġixxi bi ksur ta’ xi disposizzjoni ta’ dan l-Att jew ta’ kull regolamenti jew direttivi magħmulin taħtu u biex jipprovdu dwar il-proċedura għall-imposizzjoni u l-infurzar ta’ dawk il-penali u dawk il-proċeduri jistgħu jinkludu provvedimenti li jkunu jistipulaw li dawk il-penali għandhom jikkostitwixxu titolu eżekuttiv għall-effetti u l-finijiet tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili:

Iżda l-penali amministrattivi li jkun hemm provdut dwarhom b'regolamenti jew direttivi magħmulin taħt dan l-artikolu m'għandhomx ikunu jaqbżu l-ammont ta' ħamsa u għoxrin elf euro (€25,000) għal kull reat u ħames mitt euro (€500) għal kull ġurnata li matulha d-dispożizzjonijiet ta' dan l-Att jew ta' kull regolamenti magħmulin taħtu jew ta' xi awtorizzazzjoni jibqgħu bla ma jiġu osservati;

(r) għall-kustodja, provvista, bejgħ u użu ta' bolol u kartolerija postali, inkluż il-bejgħ ta' dawk il-bolol u kartolerija postali għal għanijiet filateliċi u l-ġbir ta' ħlasijiet adatti konnessi magħhom, u għall-użu ta' franking machines għall-fini li jiġi mmarkat il-ħlas bil-quddiem ta' pustaġġ minflok ma jitwaħħlu l-bolol, u sabiex tiġi ordnata l-proċedura li għandha tiġi użata għall-approvazzjoni ta' dak kollu li għandu x'jaqsam mal-bolol għall-ħatra ta' kull Bord relatat ma' dan kollu;

(s) biex jiġi ordnat li kull persuna li taġixxi bi ksur ta' regolamenti magħmulin taħt dan l-Att tkun ħatja ta' reat u biex jiġu stabbiliti l-pieni li persuna bħal dik tista' teħel:

Iżda piena bħal dik m'għandha tkun akbar minn multa ta' iżjed minn għaxart elef euro (€10,000);

(t) biex jiġi ordnat il-mod kif avviż, strument, att jew dokument meħtieġa jew awtorizzati b'dan jew taħt dan l-Att jistgħu jiġu notifikati jew mogħtija;

(u) biex jiġi ordnat kull ma jista' jew hu meħtieġ li jiġi ordnat b'dan l-Att.".

Tħassir ta' l-Ewwel u t-Tieni Skedi, enumerazzjoni mill-ġdid tat-Tielet u r-Raba' Skedi li jinsabu ma' l-Att prinċipali.

71. L-Ewwel u t-Tieni Skedi li jinsabu ma' l-Att prinċipali għandhom jiġu mħassra filwaqt li t-Tielet u r-Raba' Skedi li jinsabu ma' l-Att prinċipali għandhom jiġu enumerati mill-ġdid bħala l-Ewwel u t-Tieni Skedi li jinsabu miegħu.

Emenda ta' l-Ewwel Skeda kif enumerata mill-ġdid li tinsab ma' l-Att prinċipali.

72. L-Ewwel Skeda kif enumerata mill-ġdid li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

(a) minflok l-artikolu 1 tiegħu għandu jidħol dan li ġej:

“1. (a) Sal-31 ta’ Diċembru 2012 u bla ħsara għall-artikolu 23 ta’ dan l-Att u kif jista’ jkun hemm fid-direttivi li l-Awtorità tista’ toħroġ, il-provditur jew provdituri ta’ servizz universali għandhom iżommu kontijiet separati fis-sistema ta’ kontijiet tagħhom, għal kull wieħed mis-servizzi u l-prodotti li jaqgħu fis-settur riżervat min-naħa waħda u s-settur mhux riżervat min-naħa l-oħra. Dawk is-sistemi ta’ kontijiet interni għandhom joperaw biss abbażi ta’ prinċipji ta’ kontijiet tal-kost li jkunu konsistentement applikati u oġġettivament ġustifikabbli.

(b) Bla ħsara għall-artikolu 23 ta’ dan l-Att u kif hemm f’kull direttiva li l-Awtorità tista’ toħroġ, il-provditur jew provdituri ta’ servizz universali għandu jżomm kontijiet separati fis-sistema ta’ kontijiet li jkollu, għal kull wieħed mis-servizzi u l-prodotti li jiffurmaw parti mis-servizz universali min-naħa waħda u dawk li m’humiex min-naħa l-oħra. Dik is-sistema ta’ kontijiet interna għandha topera abbażi ta’ prinċipji ta’ kontijiet tal-kost li jkunu konsistentement applikati u oġġettivament ġustifikabbli.” ;

(b) l-artikolu 2 tiegħu għandu jiġi emendat kif ġej:

i) fis-subparagrafu (iii) tal-paragrafu (b) tiegħu minflok il-kliem “għas-servizzi l-oħra.” għandhom jidħlu l-kliem “għas-servizzi l-oħra sal-31 ta’ Diċembru 2012 u għal kull wieħed mis-servizzi universali u, min-naħa l-oħra għas-servizzi l-oħra mill-1 ta’ Jannar 2013.”;

ii) minnufih wara s-subparagrafu (iii) tal-paragrafu (b) tiegħu għandu jiżdied dan is-subparagrafu ġdid li ġej:

“(iv) spejjeż komuni, li huma meħtieġa għall-provdiment ta’ kemm servizzi universali u servizzi mhux universali, għandhom jiġu allokat hekk kif ikun adatt; għandhom jiġu applikati l-istess cost drivers kemm għal servizzi universali u għal servizzi mhux universali.” ;

(ċ) l-artikolu 7 tiegħu għandu jiġi enumerat mill-ġdid bħala l-artikolu 8 tiegħu; u

(d) minnufih wara l-artikolu 6 tiegħu għandu jiżdied dan l-artikolu ġdid li ġej:

"7. L-Awtorità tista' teħtieġ lil provdituri ta' servizz postali li jkunu obbligati jikkontribwixxu lejn fond ta' kumpens jintroduċu separazzjoni ta' kontijiet adatta li tkun tiżgura li l-fond jiffunzjona.".

Emenda tat-Tieni Skeda kif enumerata mill-ġdid li tinsab ma' l-Att prinċipali.

73. L-artikolu 3 tat-Tieni Skeda kif enumerata mill-ġdid li tinsab ma' l-Att prinċipali għandu jiġi mħassar.

TAQSIMA V

EMENDA TA' L-ATT DWAR IL-KOMUNIKAZZJONIJIET U TRANSAZZJONIJIET ELETTRONIĊI

Emenda ta' l-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi.

Kap. 426.

74. (1) Din it-Taqsima temenda l-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi, u għandha tinqara u tiftiehem ħaġa waħda ma' l-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

(2) Din it-Taqsima għandha tidħol fis-seħħ f'dik id-data li il-Ministru responsabbli għall-komunikazzjonijiet jista' jistabbilixxi b'avviż fil-Gazzetta u jistgħu jiġu hekk appuntati dati differenti għal dispożizzjonijiet u għanijiet differentii ta' l-Att.

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

75. Fl-artikolu 2 ta' l-Att prinċipali t-tifsira "provditur ta' servizz" għandha tiġi mħassra.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu biex iħassar l-Att dwar ir-Radjokomunikazzjoni, u jemenda diversi liġijiet oħra dwar is-setturi tal-komunikazzjoni infurzati mill-Awtorità ta' Malta dwar il-Komunikazzjoni, inkluż l-Att dwar is-Servizzi Postali, l-Att biex jirregola Komunikazzjonijiet Elettroniċi, u l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni.

A BILL
entitled

AN ACT to repeal the Radiocommunications Act and to amend various laws relating to communications and to make provision with respect to matters ancillary thereto or connected therewith.

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 and commencement.

1. (1) The short title of this Act is the Communications Laws (Amendment) Act, 2009.

(2) This Act shall come into force on such date as the Minister responsible for communications may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

PART I

REPEAL OF THE RADIOCOMMUNICATIONS ACT

Repeal of the Radiocommunications Act.

2. (1) This Part repeals the Radiocommunications Act:

Provided that any regulations and other subsidiary legislation made under any of the provisions of the

Cap. 49.

Radiocommunications Act, shall, until other provision is made under or by virtue of any Act, continue in force and have effect as if they were made under Part IV of the Electronic Communications (Regulation) Act.

Cap. 399.

Licences and authorisations under the Radiocommunications Act.

(2) Any licence or authorisation however so described issued or applicable under the Radiocommunications Act before the coming into force of this article, shall continue to have effect in accordance with the applicable provisions of Part IV of the Electronic Communications (Regulation) Act:

Provided that any fees however so described due in respect of any licence or authorisation issued in accordance with the Radiocommunications Act before the coming into force of this article, shall after the coming into force of this article, remain recoverable as though they were due in accordance with the applicable provisions of Part IV of the Electronic Communications (Regulation) Act.

Regulatory action under the Radiocommunications Act.

(3) Notwithstanding the other provisions of this article, the Radiocommunications Act shall remain in force for the purpose of any proceedings taken or still to be taken in respect of any breach of the said Act or of any regulations made thereunder at the time of the coming into force of this article.

(4) This Part shall come into force on such date as the Minister responsible for communications may by notice in the Gazette appoint.

PART II

AMENDMENT OF THE ELECTRONIC COMMUNICATIONS (REGULATION) ACT

Amendment of the Electronic Communications (Regulation) Act.

Cap. 399.

3. (1) This Part amends the Electronic Communications (Regulation) Act, and it shall be read and construed as one with the Electronic Communications (Regulation) Act, hereinafter in this Part referred to as “the principal Act”.

(2) This Part shall come into force on such date as the Minister responsible for communications may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes thereof.

Deletion of article 10 of the principal Act.

4. Article 10 of the principal Act shall be deleted.

Renumbering of Parts IV, V, VI and VII and addition of a new Part IV to the principal Act.

5. (1) Parts IV, V, VI and VII of the principal Act shall be renumbered as Parts V, VI, VII and VIII, and articles 28 to 43 shall be renumbered as articles 38 to 53 respectively.

(2) Immediately after article 27 of the principal Act, there shall be added the following new Part IV:

"PART IV

RADIOCOMMUNICATIONS

Interpretation.

28. (1) In this Part unless the context otherwise requires:

"apparatus" means any apparatus, including any equipment or machinery however so described, intended for radiocommunications and includes any component part of any such apparatus;

"authorisation" includes an individual authorisation or licence however so described issued under this Part, or any general authorisation however so described applicable to any radiocommunications apparatus as may be provided by or under this Part;

"broadcast receiving apparatus" means any apparatus used or capable of being used for the reception of sound or visual image or of sound and visual image transmissions intended for direct reception by the general public;

"general authorisation" means the framework established by or under this Part laying down the rights and obligations of persons making use of any such radiocommunications apparatus as the Minister may from time to time in accordance with the provisions of this Part designate by order in the Gazette as being covered by a general authorisation;

"Part" means this Part of the Act and includes any regulations made thereunder unless the context otherwise requires;

"radiocommunications" means the emitting or receiving, over paths which are not provided by any material substance constructed or arranged for that purpose, of electro-magnetic energy which serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not), or is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion, of any object or of any objects of any class and references to apparatus or installations for radiocommunications however so described shall be construed as references to apparatus or installations for the emitting or receiving of such electro-magnetic energy as aforesaid:

Provided that where any apparatus is electrically coupled with any installation originating, transmitting or relaying visual images for the purpose of enabling any person to receive any of the said visual images (whether or not such installation is an installation for radiocommunications) the apparatus so coupled shall itself be deemed for the purpose of this Part to be an apparatus for radiocommunications;

"radiocommunications individual licence" means an individual licence given in accordance with article 30 or article 32 as the case may be.

(2) For the purpose of this Part any apparatus ordinarily used as a distinctive component part of an apparatus for radiocommunications shall be deemed to be intended to be so used, unless the contrary is proved.

Delegation of powers under this Part.

29. (1) The Minister may by order in the Gazette delegate any of his powers or functions under this Part other than the power to make regulations to the Authority or to any other body established by law or to

a Government agency, and in making such a delegation the Minister may delegate different powers and, or functions to different bodies as stated above:

Provided that in delegating any such powers and, or functions the Minister may specify the purpose and limits, if any, of such delegation.

(2) The Authority may issue any general authorisations relating to any radiocommunications apparatus as the Minister may from time to time by order in the Gazette determine as being covered by any such general authorisations:

Provided that any fees that may be payable in relation to any such general authorisations shall be established by the Minister:

Provided further that the faculty to issue a general authorisation shall include the faculty to amend the rights, conditions and specifications stated in any such general authorisations.

(3) In issuing or amending a general authorisation the Authority shall first publish on its website and, or any other means of communication a statement of the proposed general authorisation or of any amendments thereto, giving any interested parties the opportunity to comment on the proposed general authorisation or amendments thereto within a period the Authority considers reasonable.

(4) The Authority shall ensure that any general authorisations or amendments thereto are given publicity.

(5) The Minister shall be entitled to revoke or vary any designation made in terms of subarticle (1) and or any designation made in terms of subarticle (2) by order in the Gazette.

Radiocommunications apparatus authorisations by the Minister.

30. (1) No person shall, without a radiocommunications individual licence given in writing by the Minister install or use any apparatus listed in the Schedule to this Act:

Provided that the Minister may, after consultation with the Authority, by order in the Gazette amend the list of apparata in the Schedule.

(2) The Minister may require any person who –

(a) is using any apparatus to which this article applies in breach of any of the provisions of this Part and, or of any authorisation conditions as may be applicable to that apparatus, or

(b) is using or allowing such apparatus to be used for unauthorised frequencies,

to desist from the use of any such apparatus and, or require such a person to deliver the apparatus to the Minister:

Provided that the Minister may seize and, or retain any such apparatus and, or cause the use of any such apparatus to be restricted in any manner, under such conditions and for such period of time as the Minister may specify where it results to the Minister that such apparatus is being used in breach of this Part or of any authorisation conditions that may apply in relation to the said apparatus;

Provided further that any expenses incurred by the Minister in the exercise of his functions under this subarticle including in the seizure, retention, or storage however so described of the said apparatus, shall be recoverable as a civil debt by the Minister from any person acting in breach of this article.

(3) A radiocommunications individual licence granted under this article may be issued subject to such terms, conditions and limitations as the Minister may think fit, including in particular limitations as to the apparatus which may be installed or used under such individual licence and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used:

Provided that any such licence may be revoked, or

the terms, conditions or limitations thereof varied by a notice in writing of the Minister served on the holder of the individual licence or by a general notice, applicable to individual licences of the class to which the individual licence in question belongs, published in the Gazette.

(4) A radiocommunications individual licence granted under this article shall, unless previously revoked by the Minister, continue in force for such period as may be specified in the licence.

(5) Any person who contravenes the provisions of this article or who acts in breach of any terms, conditions or limitations, however so described, attached to an individual licence issued in accordance with this article shall be liable on conviction to a fine (*multa*) of not less than three hundred euro (€300) and not more than ten thousand euro (€10,000) in respect of each apparatus; and upon the demand of the prosecution the Court may order the apparatus to be forfeited and delivered to the Minister.

Enforcement.

31. (1) Any person duly authorised by the Minister to act on his behalf when exercising a power under this Part, shall, if requested by any person thereby affected, produce to that person for inspection a certificate issued by the Minister stating that he is duly authorised to act for and on behalf of the Minister.

(2) In the course of the exercise of any of the powers under this Part the Minister may request the assistance of the Police.

(3) The directors and managers, by whatever name designated, or any other persons who are or have been in charge of the operations or activities falling under the supervisory or regulatory functions of the Minister, shall assist and shall collaborate with the Minister in order to enable him to discharge his functions, and shall collate and transmit without any undue delay such information and documentation as the Minister may reasonably request from time to time.

(4) Any person who obstructs, impedes or assaults any person duly authorised by the Minister to

act on his behalf in the exercise of any power under this Part, or fails or refuses to comply with a requirement under this Part shall, on conviction, be liable to a fine (*multa*) of not of less than four hundred euro (€400) and not more than twelve thousand euro (€12,000).

Radiocommunications apparatus authorisations by the Authority.

32. (1) The provisions of this article shall apply to all apparata other than those to which article 30 applies.

(2) No person shall, without a radiocommunications individual licence given in writing by the Authority, install or use an apparatus.

(3) The Authority may require any person who –

(a) is using an apparatus in breach of any of the provisions of this Part and, or of any authorisation conditions as may be applicable to that apparatus, or

(b) is using or allowing such apparatus to be used for unauthorised frequencies,

to desist from the use of any such apparatus and, or require such a person to deliver the apparatus to the Authority:

Provided that the Authority may seize and, or retain any such apparatus and, or cause the use of any such apparatus to be restricted in any manner, under such conditions and for such period of time as the Authority may specify where it results to the Authority that such apparatus is being used in breach of this Part or of any authorisation conditions that may apply in relation to the said apparatus:

Provided further that any expenses incurred by the Authority in the exercise of its functions under this subarticle including in the seizure, retention, or storage however so described of the said apparatus, shall be recoverable as a civil debt by the Authority from any person acting in breach of this article.

(4) A radiocommunications individual licence granted under this article may be issued subject to such terms, conditions and limitations as the Authority may think fit, including in particular limitations as to the apparatus which may be installed or used under such individual licence and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used:

Provided that any such licence may be revoked, or the terms, conditions or limitations thereof varied by a notice in writing of the Authority served on the holder of the individual licence or by a general notice, applicable to individual licences of the class to which the individual licence in question belongs, published in the Gazette.

(5) A radiocommunications individual licence shall, unless previously revoked by the Authority continue in force for such period as may be specified in the licence.

(6) The provisions of subarticle (2) shall not apply in relation to any apparatus regulated by a general authorisation issued in accordance with the provisions of this Part.

Penalties.

33. Unless otherwise provided in this Part, any person who contravenes any of the provisions of this Part, or of any regulations made thereunder, or who acts in breach of any terms, conditions or limitations, however so described, attached to an individual licence or to a general authorisation, shall be liable on conviction to a fine (*multa*) of not less than three hundred euro (€300) and not more than ten thousand euro (€10,000) in respect of each apparatus: and upon the demand of the prosecution the Court may order the apparatus to be forfeited and delivered to the Authority as the case may be.

Sound only broadcast receivers.

34. No authorisation is required for sound only broadcast receivers.

Minister may exempt certain categories from requirements of article 32.

35. The Minister may, after consultation with the Authority, by Order in the Gazette exempt certain categories of apparatus from the requirements of article 32.

Power to make regulations.

36. The Minister may make regulations for the better carrying out of any of the provisions of this Part and without prejudice to the generality of the aforesaid power, such regulations may in particular provide:

(a) for the manner in which radiocommunications apparatus however so described is to be installed, sold, hired, operated, maintained, protected or controlled, and in the case of any apparatus seized in accordance with articles 30 or 32, the manner as to the disposal and, or storage of any such apparatus;

(b) for the technical standards or specifications to be observed with respect to any radiocommunications apparatus;

(c) for any aspect relating to the use of radiocommunications by merchant ships, foreign warships and service aircraft including requirements on the carriage and provision of radiocommunications installations, the maintenance of a radiocommunications service sufficient to comply with the purposes of this Part and with the provisions of the Merchant Shipping Act or with any regulations made thereunder, the form, substance or duration of any licence to keep and use radiocommunications installations, the nature of the radiocommunications installations to be provided, the services to be maintained, and in the case of merchant ships the number, grade and qualifications of the operators and watchers to be carried and providing for the examination of operators and watchers in cases where necessary and for fees payable in respect of such examination, the conditions for the issue or recognition of certificates for operators and watchers and the conditions for the replacement, suspension, cancellation, and alteration of certificates for operators and watchers:

Cap. 234.

Provided that no ship shall be required to carry more than one operator unless more than one operator would have been required under the provisions of the Merchant Shipping Act:

Provided further that the Minister may exempt, in whole or in part, from the obligations imposed by or under this Part any ships or classes of ships if he is of the opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, it is appropriate to do so;

(d) that any person who contravenes any provision of any regulations made under this article shall either -

(i) be guilty of an offence punishable on conviction of a fine (*multa*) not exceeding ten thousand euro (€10,000), or

(ii) be guilty of an infringement punishable as an administrative fine provided that such fines do not exceed twenty five thousand euro (€25,000) for each infringement and, or five hundred euro (€500) for each day during which such infringement persists;

Provided that:

(A) the procedure for the imposition of such administrative fines shall allow for the right to be heard to be respected before any such fines are imposed;

(B) the procedure for the imposition and contestation of such fines shall be that established in respect of fines imposed by the Authority under Part VII and Part VIII of the Malta Communications Authority Act, and the relevant provisions of the said Act and of any regulations made thereunder in respect of any such procedure shall apply *mutatis mutandis* to administrative fines imposed by the Minister under this Part in such a manner that any reference to the Authority shall be construed as a reference to the Minister;

Cap. 418.

(C) in all cases where the Minister or the Authority imposes an administrative fine in respect of anything done or omitted to be done by any person and such act or omission also constitutes a criminal offence, no proceedings may be taken or continued against the said person in respect of such criminal offence;

(e) for any aspect relating to the form, substance and duration of any radiocommunications individual licence, the conditions on which such a licence is to be issued and held, the fees payable thereon and the nature and character of the apparatus authorised by the licence which a sea-going Maltese ship may be required to obtain to keep and use a radiocommunications installation;

(f) for any fees and, or charges, however so described, that may be payable in relation to any matters regulated by this Part including the issue or renewal of any individual radiocommunications licences or authorisations however so described, and the inspection of any ship for the purpose of seeing that she is properly provided with a radiocommunications installation and certified operators and watchers in conformity with this Part;

(g) for any matter enabling the Minister to regulate and provide for general authorisations relating to radiocommunications apparatus;

(h) for any procedures for the out-of-court settlement of disputes that may arise, including any agreement in writing that may be entered into with a person accused of an offence under this Part, and any agreement for the payment of a fine in lieu of prosecution for an offence under this Part, this notwithstanding any provisions of this Part;

(i) for any matter that may be required for the purpose of complying with any international obligations of Malta relating to

radiocommunications including those relating to standards in Malta:

Provided that the Minister may, when making any regulations under this article which relate to standards, specifications or to matters of a strictly technical nature, make such regulations in the English language only.

Exemption from the provisions of this Part.

37. The Prime Minister may by order in the Gazette exempt from the provisions of this Part any radiocommunications apparatus used by the State to satisfy the exigencies of defence, public security or civil protection requirements:

Provided that the Prime Minister may in making an order under this article, impose any such conditions as he may consider appropriate. In imposing such conditions the Prime Minister shall first consult the Authority.".

Addition of a Schedule to the principal Act.

6. Immediately after article 52 as renumbered of the principal Act, there shall be added the following Schedule:

"SCHEDULE

(Article 30(1))

Apparata listed under article 30(1) whereby an individual licence by the Minister is required:

" (1) Broadcast receiving licence used for the reception of visual images in colour sent by television.".

PART III

AMENDMENT OF THE MALTA COMMUNICATIONS AUTHORITY ACT

Amendment of the Malta Communications Authority Act.

Cap. 418.

7. (1) This Part amends the Malta Communications Authority Act, and it shall be read and construed as one with the Malta Communications Authority Act, hereinafter in this Part referred to as "the principal Act".

(2) This Part shall come into force on such date as the Minister responsible for communications may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes thereof.

Amendment of article 2 of the principal Act.

8. In article 2 of the principal Act immediately after the definition "employee" there shall be added the following new definition:

" "end-user" means any person other than an undertaking who uses or requests a communications service;".

Addition of new article 4A in the principal Act.

9. Immediately after article 4 of the principal Act there shall be added the following new article 4A:-

"Consultation and transparency mechanism.

4A. (1) Except in relation to –

(a) any dispute or complaint however so described being dealt with in accordance with this Act or any other law which the Authority is entitled to enforce; or

(b) the exercise of any enforcement powers of the Authority under this Act, or under any other law which the Authority is entitled to enforce; or

(c) cases where the Authority considers that there is an urgent need to act to safeguard competition and protect the interests of users in accordance with Community law,

where the Authority intends to take a decision in accordance with any law which it is entitled to enforce, and which decision has a significant impact in a market for communications networks or services, it shall make available to interested parties, a statement of the proposed decision and give such parties the opportunity to comment on the proposed decision within a period which the Authority considers reasonable.

(2) The Authority shall publish its consultation procedures and shall establish a single information point through which all current consultations can be assessed.

(3) The result of any consultations under this article shall be made publicly available by the Authority through such means as the Authority considers appropriate in the circumstances, except in the case of information which the Authority considers to be confidential.".

Amendment of article 29 of the principal Act.

10. Article 29 of the principal Act shall be amended as follows:

(a) after paragraph (f) of subarticle (1) thereof there shall be added the following new paragraph:

"(g) require any person to switch off, modify, or desist from the use of, any radiocommunications apparatus which does not comply with any radiation emission standards adopted and published by the International Commission for Non-Ionising Radiation Protection (ICNIRP) or any other international standards as may be adopted from time to time, or which may cause harmful interference, or is in breach of any requirement established by or under the Electronic Communications (Regulation) Act or of any radiocommunications authorisation or licence condition:

Cap. 418.

Provided that where the person concerned fails to abide with any requirements made by the Authority under this paragraph, the Authority may then take any such measures as it may consider appropriate in the circumstances including the switching off or modification of the use of any such apparatus.";

(b) in subarticle (2) thereof the words "when exercising a power conferred by this article" shall be substituted with the words "when exercising a power conferred by this Act or by any other law which the Authority is entitled to enforce";

(c) in subarticle (3) thereof the words "in the exercise of any of the powers under this article" shall be substituted with the words "in the exercise of any of the powers conferred by this Act or by any other law which the Authority is entitled to enforce"; and

(d) subarticle (5) thereof shall be amended as follows:

(i) in paragraph (a) thereof the words "in the exercise of a power under this article;" shall be substituted with the words "in the exercise of any of the powers conferred by this Act or by any other law which the Authority is entitled to enforce;"; and

(ii) after paragraph (d) thereof there shall be added the following new paragraph:

"(e) furnishes any information to the Authority which it may require in the exercise of its functions under any law it is entitled to enforce, which he knows, or has reasonable cause to believe to be false or misleading;".

Amendment of article 31 of the principal Act.

11. In subarticle (1) of article 31 of the principal Act, the words "or who fails to comply with any directive or decision given by the Authority:" shall be substituted with the words "or who fails to comply with any directive or decision given by the Authority or with any authorization condition:".

Addition of new article 37A to the principal Act.

12. After article 37 of the principal Act there shall be added the following new article:

"Observance of the principles of good administrative behaviour. Cap. 490.

37A. The Appeals Board shall respect and apply the principles of good administrative behaviour laid down in Article 3 of the Administrative Justice Act.".

Amendment of article 44 of the principal Act.

13. Article 44 of the principal Act shall be amended as follows:

(a) in the marginal note thereof the word "consumer" shall be substituted with the word "end-user";

(b) subarticle (1) thereof shall be substituted with the following:

"(1) An end-user may refer a dispute with an undertaking to the Authority if such dispute relates to an allegation of non-compliance by that undertaking with any law, decision, directive or authorisation condition which the Authority is entitled to enforce:

Provided that in referring a dispute to the Authority in accordance with this article, the end-user shall show prima facie that he has suffered prejudice as a direct result of the alleged non-compliant act or omission of the undertaking." ; and

(c) the word "user" in sub-article (5) there shall be substituted the word "end-user".

PART IV

AMENDMENT OF THE POSTAL SERVICES ACT

14. (1) This Part amends the Postal Services Act and it shall be read and construed as one with the Postal Services Act hereinafter referred to in this Part as "the principal Act". Amendment of the Postal Services Act. Cap. 254.

(2) This Part shall come into force on such date as the Minister responsible for communications may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes thereof.

15. The "ARRANGEMENT OF ACT" of the principal Act shall be deleted. Amendment of Arrangement of Act.

16. Subarticle (2) of article 2 of the principal Act shall be amended as follows: Amendment of article 2 of the principal Act.

(a) for the definition "access points" there shall be substituted the following:

" "access points" means physical facilities, including letter boxes provided for the public either on streets, public ways, public highways or at the premises of the postal service provider or providers where postal articles may be deposited with the postal network by senders;";

(b) for the definition "authorisation" there shall be substituted the following:

" "authorisation" means any permission however so described issued in accordance with this Act, setting out rights and obligations specific to the postal sector and allowing operators to provide postal services and,

where applicable, to establish and, or operate their networks for the provision of such services in the form of a general authorisation or an individual licence as defined under this article;";

(c) for the definition "clearance" there shall be substituted the following:

" "clearance" means the operation of collecting postal articles by a postal service provider;";

(d) in the definition "direct mail" there shall be added thereto the following proviso:

"Provided that the Authority shall interpret the term "significant number of addressees" in relation to direct mail and publish by notice in the Gazette and on the website of the Authority, an appropriate definition from time to time;";

(e) the definition "document exchange" shall be deleted;

(f) for the definition "essential requirements" there shall be substituted the following:

" "essential requirements" means general non-economic reasons which can induce the Authority to impose conditions on the supply of postal services. These reasons are the confidentiality of correspondence, security of the network as regards the transport of dangerous goods, respect for the terms and conditions of employment, social security schemes laid down by law or administrative provision and, or by collective agreement between national social partners, in accordance with Community and national law, and where justified, data protection, environmental protection and regional planning;";

(g) for the definition "general authorisation" there shall be substituted the following:

" "general authorisation" means an authorisation regardless of whether it is regulated by a 'class licence' and regardless of whether such regulation requires

registration or declaration procedures, which does not require the postal operator concerned to obtain an explicit decision by the Authority before exercising the rights stemming from the authorisation;";

(h) for the definition "individual licence" there shall be substituted the following:

" "individual licence" means an authorisation which is granted by the Authority and which gives a postal operator specific rights, or which subjects the operations of that operator to specific obligations supplementing the general authorisation where applicable, where the postal operator is not entitled to exercise the rights until it has received the decision by the Authority further to the operator's application for such authorisation;";

(i) for the definition "letter-box" there shall be substituted the following:

" "letter-box" includes every pillar box, wall box, and every other box or receptacle provided in a place accessible to the public under the permission of the Authority for the purpose of receiving postal articles for collection by a postal operator and delivery to the addressee;";

(j) the definition "parcel" shall be substituted with the following:

" "parcel" means a postal article which is not an item of correspondence, the weight of which does not exceed twenty kilograms and the dimensions of which fall within the limits of size laid down in Agreements concerning Postal Parcels adopted by the Universal Postal Union as may be amended from time to time, or by any other convention as the Authority may prescribe;";

(k) immediately before the definition "postal operator" there shall be inserted the following new definition:

" "postal network" means the system of organization and resources of all kinds used by the universal service provider or providers for the purposes in particular of:

(i) The clearance of postal articles covered by a universal service obligation from access points throughout Malta,

(ii) The routing and handling of those postal articles from the postal network access point to the distribution centre,

(iii) Distribution to the addresses shown on postal articles;";

(l) in the definition "postal operator" the words "any person licensed to supply postal services in Malta" shall be substituted with the words "any person licensed to supply one or more postal services as defined in this Act in Malta";

(m) for the definition "postal services" there shall be substituted the following:

" "postal services" means services involving the clearance, sorting, transport and distribution of postal articles:

Provided that the provision of a service of transport alone shall not be considered as a postal service;";

(n) immediately before the definition "prohibited" there shall be inserted the following new definition:

" "private letter-box" means any box, receptacle or slot which the owner or occupier of any premises has provided for the receipt of postal articles addressed to those premises;.";

(o) the definition "public postal network" shall be deleted;

(p) in the definition "registered article" the words "with proof of the handing in of the postal article or of its delivery to the addressee;" shall be substituted with the words

"with proof of the handing in of the postal article and, or of its distribution to the addressee;";

(q) immediately before the definition "sender" there shall be added the following new definition:

" "scheme" unless the context otherwise requires, means a postal services scheme made in accordance with article 76A of this Act;";

(r) immediately before the definition "terminal dues" there shall be added the following new definition:

" "services provided at single piece tariff" means postal services for which the tariff is set in the general terms and conditions of universal service provider or providers for individual postal articles;";

(s) in the definition "terminal dues" the words "the universal service provider" shall be substituted with the words "the universal service provider or providers";

(t) in the definition "universal service provider" the words "means the public or private entity providing the universal postal service within Malta" shall be substituted with the words "means the public or private postal operator providing the universal postal service or parts thereof within Malta";

(u) in the definition "users" the words "benefitting from universal service provision" shall be substituted with the words "benefitting from postal service provision".

Amendment of article 3 of the principal Act.

17. Subarticles (2) to (4) of article 3 of the principal Act shall be deleted and subarticle (1) shall be renumbered as the whole article thereof.

Deletion of articles 4 and 4A of the principal Act.

18. Articles 4 and 4A of the principal Act shall be deleted.

Amendment of article 7 of the principal Act.

19. Subarticle (1) of article 7 of the principal Act shall be substituted with the following:

"(1) A person shall only provide or operate a postal service in Malta if he is authorized as a postal operator in accordance with this Act:

Provided that without prejudice to the generality of the above requirement, a person shall be deemed to have acted contrary to this subarticle if he -

(a) performs any service incidental to the conveyance of a postal article in breach of this subarticle; or

(b) sends, tenders or delivers, in order to be sent, any postal article in breach of this subarticle; or

(c) makes a collection of postal articles for the purpose of sending them in breach of this subarticle."

Amendment of article 8 of the principal Act.

20. Article 8 of the principal Act shall be amended as follows:

(a) subarticle (2) thereof shall be substituted with the following:

"(2) The granting of authorisations may:

(a) In the case of universal service providers be made subject to universal service obligations, and

(b) In all cases including of universal service providers:

(i) If necessary and justified, impose requirements concerning the quality, availability and performance of the relevant services,

(ii) Where appropriate, be subject to an obligation to make a financial contribution to the sharing mechanisms as may be established in accordance with this Act if the provision of the universal service entails a net cost and represents an unfair burden on the universal service provider or providers as may be designated in accordance with this Act,

(iii) Where appropriate, be subject to an obligation to make a financial contribution to the Authority's operational costs,

(iv) Be subject to conditions imposing obligations not to infringe the exclusive or special rights granted to the universal service provider or providers for the reserved postal services as defined in article 20, until such time as such obligations under the Second Schedule subsist.";

(b) subarticle (3) thereof shall be amended as follows:

(i) paragraph (c) thereof shall be deleted;

(ii) paragraphs (d), (e), (f) and (g) thereof shall be renumbered as paragraphs (c), (d), (e) and (f);

(iii) in paragraph (c) thereof as renumbered the words "to comply with any directives given by the Authority" shall be substituted with the words "to comply with any directives and, or decisions issued by the Authority";

(iv) in paragraph (f) thereof as renumbered the words "as may be prescribed." shall be substituted by the words "as may be prescribed by the Authority from time to time."; and

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

"(4) The procedures stipulated in subarticles (1), (2) and (3) of this article shall be transparent, accessible, non-discriminatory, proportionate, precise and unambiguous and shall be made public in advance and based on objective criteria.".

21. Article 9 of the principal Act shall be amended as follows: Amendment of article 9 of the principal Act.

(a) subarticle (1) thereof shall be substituted with the following:

"(1) The Authority shall process all applications for an individual licence in a timely manner and, in any case, shall inform the applicant of its decision to grant or to refuse the application within one month from the date when it receives the application in a complete state and drawn up in a manner that complies with the provisions of this Act:

Provided that such period may be extended by the Authority up to a maximum period of three months where an application requires consultation between the Authority and any government body or other local or foreign public authority with regard to any aspect of the provision of postal services applied for. ";

(b) subarticles (2) to (6) thereof shall be deleted;

(c) subarticle (7) thereof shall be renumbered as subarticle (2) thereof; and

(d) immediately after subarticle (2) thereof as renumbered there shall be added the following new subarticles:

"(3) Upon receipt of any application for the granting of an individual licence, the Authority shall publicise, as it deems necessary, that such an application has been made, giving such details as it may deem necessary to enable any persons wishing to make representations within such period as the Authority may establish:

Provided that in all cases, the Authority shall publicise such application in at least two local newspapers and on its website.

(4) The applicant in his application for an individual licence shall specify the postal service or services being applied for and shall include with his application any such information as the Authority may require:

Provided that in any case the applicant should provide such information as is sufficient to demonstrate that he fulfils the conditions for the grant of the licence.

(5) The Authority shall communicate in writing to the applicant its decision to grant or to refuse an application for an individual licence and in the case of a refusal the Authority shall set out the reasons thereof.”.

Amendment of article 10 of the principal Act.

22. Subarticle (3) of article 10 of the principal Act shall be deleted.

Deletion of articles 11 and 12 of the principal Act.

23. Articles 11 and 12 of the principal Act shall be deleted.

Substitution of article 13 of the principal Act .

24. Article 13 of the principal Act shall be substituted with the following:

“(1) No individual licence may be transferred or assigned by the authorized provider to another person without the prior consent in writing of the Authority:

Provided that the Authority shall communicate its decision within one month from when the authorized provider applies in writing to it for its consent and, in so doing, the Authority shall state the reasons for the decision.

(2) Where the authorized provider is a body corporate or another body of persons, a change in the control of ownership or management of that body shall be equivalent to the transfer of the individual licence, and shall be subject to the prior consent of the Authority as aforesaid.

(3) The transfer or assignment of a general authorisation, or the change in the control of the ownership or management of an authorized body corporate or other body of persons enjoying a general authorisation, shall be immediately notified in writing to the Authority.” .

Deletion of article 14 of the principal Act.

25. Article 14 of the principal Act shall be deleted.

Amendment of article 15 of the principal Act.

26. Article 15 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof the words “In granting a licence under this Act, or at any time during the validity of such licence, the Minister may also by legal notice” shall be substituted with the words “In relation to any individual

licence granted under this Act or at any time during the validity of any such licence, the Minister may also by legal notice"; and

(b) in subarticle (4) thereof the words "In granting a licence under this Act, or at any time during the validity of such licence, the Minister may by legal notice" shall be substituted with the words "In relation to any individual licence granted under this Act or at any time during the validity of any such licence, the Minister may by legal notice";

Deletion of article 16 of the principal Act.

27. Article 16 of the principal Act shall be deleted.

Amendment of article 17 of the principal Act.

28. Article 17 of the principal Act shall be amended as follows:

(a) paragraphs (b) and (c) of subarticle (1) thereof shall be deleted and paragraph (a) thereof shall be renumbered as the whole subarticle thereof;

(b) subarticle (2) thereof shall be deleted;

(c) subarticles (3), (4), (5), (6) and (7) thereof shall be renumbered as subarticles (2), (3), (4), (5) and (6);

(d) subarticle (2) thereof as renumbered shall be substituted with the following:

"(2) The Minister shall, after consultation with the Authority, by notice in the Gazette designate one or more postal operators to provide different elements of the universal service and, or cover different parts of the national territory, and in so doing the Minister shall also in consultation with the Authority determine the obligations and rights assigned to them:

Provided that the Minister may, after consultation with the Authority, by notice in the Gazette withdraw, amend or suspend any designation made under this subarticle, provided that prior to the effective date of any such withdrawal, amendment or suspension, the Minister shall, where applicable and after consultation with the Authority, designate another postal operator in respect of

the service affected by any such withdrawal, amendment or suspension.";

(e) in subarticle (3) thereof as renumbered paragraph (b) thereof shall be deleted and paragraph (a) thereof shall be renumbered as the whole subarticle thereof;

(f) in subarticle (4) thereof as renumbered the word "and" in paragraph (d) thereof shall be deleted;

(g) subarticle (5) thereof as renumbered shall be substituted with the following:

"(5) The minimum and maximum dimensions for postal articles in question shall be those laid down in the relevant provisions adopted by the Universal Postal Union."; and

(h) immediately after subarticle (6) thereof as renumbered there shall be added the following new subarticle:

"(7) The Minister may ensure the provision of universal services by procuring such services in accordance with the applicable public procurement rules and regulations, by competitive dialogue or negotiated procedures with or without publication of a contract notice.".

Deletion of article 19 of the principal Act.

29. Article 19 of the principal Act shall be deleted.

Amendment of article 20 of the principal Act.

30. In article 20 of the principal Act for the words "the Fourth Schedule" wherever they appear there shall be substituted the words "the Second Schedule", and the words "in order to comply with the international obligations of Malta" shall be deleted.

Amendment of article 21 of the principal Act.

31. Article 21 of the principal Act shall be amended as follows:

(a) subarticle (2) thereof shall be deleted and subarticle (1) shall be renumbered as the whole article thereof; and

(b) article 21 as renumbered shall be amended as follows:

(i) paragraph (b) thereof shall be substituted with the following:

"(b) prices must be cost-oriented and give incentives for an efficient universal service provision;";

(ii) paragraph (c) thereof shall be substituted with the following:

"(c) with the consent of the Minister, the Authority may decide that an uniform tariff shall be applied throughout Malta to services provided at single piece tariff and to other postal articles;" and

(iii) Paragraphs (f) and (g) thereof shall be substituted with the following:

"(f) whenever universal service providers apply special tariffs, for example for services for businesses, bulk mailers or consolidators of mail from different users, they shall apply the principles of transparency and non-discrimination with regard both to the tariffs and to the associated conditions:

Provided that the tariffs together with the associated conditions, shall apply equally both as between different third parties and as between third parties and the universal service provider supplying equivalent services:

Provided further that any such tariffs shall also be available to users, in particular individual users, small and medium sized enterprises who post under similar conditions;

(g) until 31st December 2012 cross-subsidisation of universal services outside the reserved sector out of revenues from services in the reserved sector shall be prohibited except to the extent to which it is shown to be strictly necessary to fulfil specific universal service obligations imposed in the competitive areas.".

32. Article 22 of the principal Act shall be amended as follows:

Amendment of article 22 of the principal Act.

(a) subarticle (2) thereof shall be deleted; and

(b) subarticle (3) thereof shall be renumbered as subarticle (2).

33. In article 23 of the principal Act the words "the Third Schedule" wherever they occur shall be substituted with the words "the First Schedule".

Amendment of article 23 of the principal Act.

34. Article 24 of the principal Act shall be deleted.

Deletion of article 24 of the principal Act.

35. Article 25 of the principal Act shall be amended as follows:

Amendment of article 25 of the principal Act.

(a) subarticle (1) thereof shall be substituted with the following:

"(1) The Authority shall prescribe quality standards for inland mail which standards shall be compatible with those for Intra-Community cross-border mail as established by the European Parliament and Council."; and

(b) subarticle (3) thereof shall be substituted with the following:

"(3) The Authority may provide for exemptions from any quality standards as may be prescribed in accordance with this Act, if it is satisfied that exceptional situations relating to infrastructure or geography so require.".

36. Articles 26 to 28 and article 30 of the principal Act shall be deleted.

Deletion of articles 26 to 28 and 30 of the principal Act.

37. Articles 31 and 32 and the headings "Part III Inland Post" and "Part IV Foreign Post" of the principal Act shall be deleted.

Deletion of articles 31 and 32 and headings in the principal Act.

38. Immediately before article 33 of the principal Act there shall be inserted the new heading "Part III Customs".

Insertion of a new heading.

Addition of new articles 35A and 35B to the principal Act.

39. Immediately after article 35 of the principal Act there shall be added the following new articles:

"Recovery of customs duty.

35A. Where a postal article, on which any customs duty is payable, has been received by post from any place outside Malta, the amount of such duty shall, without prejudice to the operation of any law in terms of which such duty is due, also be recoverable as if it were postage under this Act.

Duty of masters of ships not being mail ships to carry mail bags.

35B. (1) Every master of a ship, not being a mail ship, which is about to depart from any port or place in Malta to any port or place beyond Malta shall receive on board any mail bags tendered to him for conveyance by any officer of a postal operator, shall grant a receipt therefor to the said officer, and shall without delay and after taking all necessary measures and precautions for the safety of the mail bags, deliver the same to the postal authorities at the port or place of destination of the ship.

(2) The master of any ship receiving on board any mail bag under the foregoing provisions of this article shall be entitled to the immediate payment of such gratuity as may be payable for the service to be given under those provisions in accordance with the rates established by the Authority and published in the Gazette.

(3) The provisions of subarticle (1) and (2) shall *mutatis mutandis* apply also to the conveyance of mail bags from one place to another within Malta.".

Renumbering of Part V of the principal Act.

40. Part V of the principal Act shall be renumbered as Part IV thereof.

Amendment of article 36 of the principal Act.

41. Article 36 of the principal Act shall be amended as follows:

(a) subarticle (1) thereof shall be substituted with the following:

"(1) The Minister shall be responsible for the approval of postage stamp issues and the formulation of a programme in respect of postage stamp issues:

Provided that in doing so the Minister shall consult a stamp advisory board consisting of a chairman and not less than four and more than eight other members appointed by the Minister for a term of not more than three years, which term may be renewed. Subject to the issue of any regulations made under this Act, the Board shall regulate its own procedure in the conduct of its business:

Provided further that the Minister may be order in the Gazette delegate his functions under this article to a public officer not below the grade of director within his Ministry."; and

(b) subarticle (3) thereof shall be deleted.

Deletion of articles 37 and 38 of the principal Act.

42. Articles 37 and 38 of the principal Act shall be deleted.

Renumbering of Part VI of the principal Act.

43. Part VI of the principal Act shall be renumbered as Part V thereof.

Deletion of article 39 of the principal Act.

44. Article 39 of the principal Act shall be deleted.

Amendment of article 40 of the principal Act.

45. Article 40 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted with the following:

"(1) All premises shall be provided by their respective owner or occupier with an adequate private letter-box so as to enable the delivery by a postal operator of postal articles addressed to his premises:

Provided that for the purposes of this article, the term "owner" shall include, in respect of any property, the administrator of such property and where the property is subject to a usufruct, or is given on emphyteusis or sub-emphyteusis, the expression shall be deemed to refer to the usufructuary, the emphyteuta or the subemphyteuta as the case may require." ;

(b) sub-article (2) thereof shall be substituted with the following:

"(2) Every owner who fails to comply with the provisions of this article shall be guilty of an offence and shall be liable, on conviction, to a fine (ammenda) not exceeding one hundred euro (€100):

Provided that the Authority in special circumstances may in writing exempt persons from complying with the provisions of this article.";

(c) sub-article (3) thereof shall be substituted with the following:

"(3) The postal operator may refuse to deliver any postal article where the premises to which it is addressed is not provided with a private letter-box as required in subarticle (1) or the private letter-box provided is such that the postal article cannot be placed in the box through an opening in the box adequate for the purpose; and in any such case the postal operator may return the postal article to the sender, under such conditions as he may deem fit, or otherwise deal with it as he may deem appropriate.";

(d) sub-article (4) thereof shall be substituted with the following:

"(4) A postal operator may also refuse to deliver any postal article where the premises to which it is addressed may be of threat to the health and personal safety of the officer of a postal operator." ; and

(e) sub-articles (5) to (10) thereof shall be deleted.

Deletion of article 41 of the principal Act.

46. Article 41 of the principal Act shall be deleted.

Amendment of article 42 of the principal Act.

47. In paragraph (b) of article 42 of the principal Act the word "letterbox" shall be replaced by "letter-box".

Deletion of articles 44 to 46 of the principal Act.

48. Articles 44 to 46 of the principal Act shall be deleted.

49. The heading "Part VII Prohibition" of the principal Act shall be deleted.

Deletion of the heading of Part VII of the principal Act.

50. Articles 47 to 49 of the principal Act shall be deleted.

Deletion of articles 47 to 49 of the principal Act.

51. The heading "Part VIII Recovery of postage due" and articles 50 to 53 of the principal Act shall be deleted.

Deletion of heading Part VIII and of articles 50 to 53 of the principal Act.

52. The heading "Part IX Ship or air mails" and articles 54 and 55 of the principal Act shall be deleted.

Deletion of Part IX and of articles 54 and 55 of the principal Act.

53. The heading "Part X Money and postal orders" and articles 57 to 60 of the principal Act shall be deleted.

Deletion of heading Part X and articles 57 to 60 of the principal Act.

54. (1) Article 61 of the principal Act shall be renumbered as article 77A thereof.

Renumbering and amendment of article 61 of the principal Act.

(2) In paragraph (a) of article 77A as renumbered the words "by virtue of the provisions of articles 57 and 59;" shall be substituted "by virtue of the provisions of article 81;".

55. Part XI of the principal Act shall be renumbered as Part VI thereof and shall be renamed "Offences and Enforcement".

Renumbering and renaming of Part XI of the principal Act.

56. Article 62 of the principal Act shall be substituted with the following -

Substitution of article 62 of the principal Act.

"Offences related to the regulation and provision of postal services.

62. Any person who -

(a) assaults or obstructs or impedes any officer, employee or agent of a postal operator in the exercise of his duties with such an operator;

(b) uses any postal service, and as a result causes any injury or alarm or is likely to cause any injury or alarm;

(c) for the purpose of sending a postal article by post, uses a fictitious stamp or purports to prepay such postal article with any stamp which has been previously used to prepay any other postal article, or which has otherwise been previously used for any other purpose;

(d) without any lawful authority makes use of any seal, instrument or mark used by the Authority or by a postal operator for marking any postage stamp or for affixing any other mark;

(e) places in or against any letter-box provided by a postal operator for the reception of postal articles, any fire or any explosive, dangerous, dirty, noxious or deleterious substance of any fluid, or commits a nuisance in or against any such letter-box, or does anything likely to injure any such letter-box or its appurtenances or contents;

(f) without due authority affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office;

(g) detains, except under the authority of this Act or in obedience to an order by the Authority or by the competent court or tribunal, any postal article in course of transmission by post, or any officer of a postal operator or any vehicle carrying mails bags or postal articles, or on any pretence opens a mail bag in course of transmission by post, or fails to return a postal article to the postal operator as required by the proviso to article 42(d);

(h) maliciously opens or causes to be opened any postal article which ought to have been delivered, or maliciously does any act whereby the due delivery of a postal article, is prevented or delayed, or communicates or makes use of any information obtained from a postal article so opened;

shall be guilty of an offence under this Act and shall, on conviction, be liable to a fine (*multa*) of between one thousand euro (€1,000) and twenty-five thousand euro (€25,000), or to imprisonment for a term from one to twelve months, or to both such fine and imprisonment.".

57. Article 63 of the principal Act shall be deleted.

Deletion of article 63 of the principal Act.

58. Article 64 of the principal Act shall be amended as follows:

Amendment of article 64 of the principal Act.

(a) subsarticle (1) thereof shall be substituted with the following:

"(1) Proceedings for an offence under this Act committed by a postal operator or a person providing postal services shall only be undertaken:

(a) at the written request of the Authority; or

(b) after prior notification in writing by the prosecuting authority to the Authority and following the written reply of the Authority which shall be given due consideration."; and

(b) in subarticle (3) thereof the words "or under any regulations made thereunder" shall be deleted.

59. Article 65 of the principal Act shall be deleted.

Deletion of article 65 of the principal Act.

60. Article 66 of the principal Act shall be substituted with the following:

Substitution of article 66 of the principal Act.

"Prohibition of transmission by post of certain articles.

66. (1) Any person who sends or tenders, or makes over in order to send by post any creature, or any article or thing of any kind, or any sharp instrument, including but not limited to any explosive, inflammable, dangerous, dirty, noxious or deleterious substance, which is likely to soil or damage other postal articles in the course of their transmission by post or to physically injure and, or threaten in any manner any person or persons shall, on conviction, be liable to a fine (*multa*)

of between one thousand euro (€1,000) and twenty-five thousand euro (€25,000), or imprisonment for a term from one to twelve months, or to both such fine and imprisonment:

Provided that such a penalty shall not apply to postal articles which contain items generally or specifically permitted by the postal operator concerned.

(2) Subject to the provisions of this Act, if a postal operator has reason to believe that any postal article has been posted or sent by post in breach of subarticle (1), the postal operator shall withhold delivery of any suspect postal article to the addressee and shall refer the postal article to the Police forthwith. The postal operator may, with the consent of the Police, return the postal article to its sender or forward it to its destination or destroy or otherwise dispose of such article as the case may be. In all cases, the postal operator shall inform the Authority of any suspect postal article and of any action taken in relation to it within the next working day.

(3) Notwithstanding the provisions of subarticle (2), any postal article which is reasonably believed to contain any explosive, inflammable, noxious, dangerous or deleterious substance or other thing which may expose any person to injury shall be immediately referred to the competent authorities as the case may be. The postal operator shall also inform the Authority thereof forthwith.

(4) Where a postal article has been detained under subarticles (2) and (3), the sender of such article shall be liable to prosecution as if such article has been delivered in due course by post.

(5) In case of a postal article addressed to a person legally entitled to provide television broadcasting services in Malta which consists of audiovisual material which has been posted or sent by post only for the purpose of its being broadcast on television according to the provisions of the broadcasting legislation, the postal operator shall immediately refer the matter to the Authority which, if satisfied that the said article has been posted or sent by post for such purpose, shall direct

the postal operator to deliver such postal article to the addressee without further examination.”.

Deletion of article 67 to 70 of the principal Act.

61. Articles 67 to 70 of the principal Act shall be deleted.

Amendment of article 71 of the principal Act.

62. Article 71 of the principal Act shall be substituted with the following:

“Offences related to ship or air mails.

71. (1) Every master of a ship or a pilot of an aircraft having on board any postal article or mailbag which is directed to Malta, shall, immediately on arriving in Malta, cause such postal article or mail bag to be delivered to the postal operator entitled to receive the same:

Provided that if the agent of a ship or aircraft is aware of the presence on board of any such postal article or mail bag, or that any such article or bag has been removed from such ship or aircraft, he shall, without delay, bring such fact to the notice of the postal operator concerned.

(2) A person acting in breach of any of the provisions of this article shall, on conviction, be liable to a fine (*multa*) of between two hundred euro (€200) and two thousand euro (€2,000).”.

Substitution of article 73 of the principal Act.

63. Article 73 of the principal Act shall be substituted with the following:

“Seizure of postal articles.

73. It shall be lawful for any Customs or Police officer to seize any mail bag or postal article found on board any ship or aircraft in any place in Malta, in respect of which any provision of this Act has been infringed, and in any such case such officer shall also inform the Authority of any such seizure.”.

Deletion of article 74 of the principal Act.

64. Article 74 of the principal Act shall be deleted.

Amendment of article 76A of the principal Act.

65. Article 76A of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof the words "issue any such directives as the Authority considers" shall be substituted with the words "issue any such directives to any postal operator as it may consider";

(b) subarticle (2) thereof shall be renumbered as subarticle (3) thereof;

(c) immediately after subarticle (1) there shall be added the following new subarticle:

"(2) Without prejudice to the generality of subarticle (1) the Authority may in particular issue directives to an universal service provider in respect of any of the following:

(a) the quality of the postal services to be provided, including compliance with any quality standards that the Authority may establish and any corrective action as the Authority may consider necessary in this regard;

(b) to ensure that the density of access points takes account of the needs of users;

(c) compliance with any requirements of the universal services as may be onerous on that provider;

(d) compliance with the principles as stated under articles 21 and 22 of this Act;

(e) the manner and time in which postal articles may be posted and delivered, including the core hours during which post offices are to be open to the public;

(f) the disposal and, or detention of postal articles which for any reason cannot be delivered;

(g) schemes pertaining to postal services:

Provided that before issuing any directives under this subarticle the Authority shall consult with the universal service provider or providers

concerned and with any such other stakeholders as the Authority may in the circumstances consider appropriate."; and

(d) in subarticle (3) thereof as renumbered, the words "not exceeding the sum of twenty-three thousand, two hundred and ninety-three euro and seventy-three cents (€23.293.73) and, or four hundred and sixty-five euro and eighty-seven cents (€465.87)" shall be substituted by the words "of up to twenty-five thousand euro (€25,000), and, or up to five hundred euro (€500) for each day during which failure to observe the requirements of any such directive or decision persists.".

Addition of new article 76B to the principal Act.

66. Immediately after article 76A of the principal Act there shall be added the following new article:

"Administrative sanctions.

Cap. 418.

76B. Unless otherwise provided under this Act, the Authority may, in accordance with the provisions of Part VII of the Malta Communications Authority Act, impose such sanctions as it may consider appropriate in accordance with the aforesaid Act, upon any person who acts in breach of any provision of this Act:

Provided that any administrative fine that the Authority may decide to impose for the breach of any provision of this Act shall in no case exceed twenty-five thousand euro (€25,000) for each breach, and, or five hundred euro (€500) for each day during which any such breach continues.".

Renumbering of Part XII of the principal Act.

67. Part XII of the principal Act shall be renumbered as Part VII.

Deletion of articles 77 to 79 of the principal Act.

68. Articles 77, 78 and 79 of the principal Act shall be deleted.

Amendment of article 80 of the principal Act.

69. Subarticle (2) of article 80 of the principal Act shall be substituted as follows:

"(2) Notwithstanding any amendments to the Act, any modifications, adaptations and limitations to any individual licence granted by the Minister shall continue to be made by

the Minister after consultation with the Authority and shall be prescribed in accordance with article 81:

Provided that any modifications, adaptations and limitations to any individual licence granted after 1st January 2010 shall be made in accordance with the provisions of articles 8 and 9 of this Act.".

Amendment of article 81 of the principal Act.

70. Subarticle (2) of article 81 of the principal Act shall be substituted as follows:

"(2) Without prejudice to the generality of the aforesaid power, such regulations may in particular provide:

(a) for any matters in respect of authorisations under this Act, including the establishment of fees and of registration and declaration procedures, and for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation imposed as a condition to any such authorisation;

(b) for the minimum standards to be adopted in the provision of postal services including the accessibility and dimensions of private letter-boxes and matters relating to health and safety, and in the context of basic counter services for the variation of the requirements with regard to the universal postal services that are to be provided;

(c) for the better protection of the interests of users of the postal services and for the establishment of any criteria or procedures to be followed by postal operators in the handling of complaints;

(d) for ensuring fair competition in all practices, operations and activities relating to postal services;

(e) for the undertaking of investigation on any matter relating to postal services regulated by or under this Act and the provision and, or retention of any information, the issue of directives or guidelines to the public, to postal operators, and to commercial entities on matters relating to postal services;

(f) for the compliance with any international obligation entered into by Government in relation to any aspect of postal services regulated by or under this Act including giving effect to the provisions of any convention, agreement or regulations, however so described, of the Universal Postal Union or any postal administration outside Malta as may be applicable to Malta;

(g) for regulating any aspect of postal services relating to universal services with regard to the time, manner, place and condition in which or under which such services are to be provided and including any funding mechanism in to order to ensure the provision of such services;

(h) in the case of reserved services, for the rates of postage and the postal fees to be charged, the classification, the scale of weights, the dimensions, and the other terms and conditions, according or subject to which postal articles shall be transmitted;

(i) in the case of universal services, for the prepayment of postage and postal fees on postal articles and prescribe the manner in which prepayment is to be made;

(j) in the case of universal services, for the postage and the postal fees to be charged on postal articles when the postage or the postage fees are not prepaid or are insufficiently prepaid;

(k) for the re-direction of postal articles, and the transmission by post of articles so re-directed, either free of charge or subject to such further charge as may be specified in the regulations;

(l) for the terms and conditions subject to which postal articles may be registered and insured, and the compensation payable for the loss of or damage to such articles;

(m) for the free transmission by post of such returns or other information as may be specified in the regulations;

(n) for the manner and conditions in and subject to which money orders, postal orders, payment cards and similar instruments, however so described, for the remittance of money may be issued, paid and cancelled, the rates of commission leviable thereon and the levy of additional rates of commission or fees;

(o) after consultation with the Minister responsible for Customs, for the modification or exception, subject to the provisions of this Act, of the application to postal articles received from abroad of any laws or regulations for the time being in force relating to the Customs, for the purpose of securing, in the case of such postal articles, the observance of such laws or regulations;

(p) for enabling officers of a postal operator to perform, for the purpose of the customs laws, all or any of the duties of the importer and exporter;

(q) for the Authority to be empowered to impose administrative fines or other sanctions upon any postal operator acting in contravention of any provisions of this Act or of any regulations or directives made thereunder and provide for the procedure for the imposition and enforcement of such fines which procedures may include provisions to the effect that any such fines shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure:

Provided that the administrative fines provided for by regulations or directives made under this article shall not exceed the sum of twenty-five thousand euro (€25,000) for each offence and five hundred euro (€500) for each day during which failure to observe the provisions of this Act or of any regulations made thereunder or of any authorisation persists;

(r) for the custody, supply, sale and use of postage stamps and postal stationery, including the sale of such stamps and postal stationery for philatelic purposes and the levying of appropriate charges connected therewith, and for the use of franking machines for the purpose of denoting the prepaying of postage in place of postage

stamps, and for prescribing the procedure to be used for the approval of postage stamp issues and for the appointment of any Board relating thereto;

(s) for prescribing that any person who acts in contravention of any regulation made under this Act shall be guilty of an offence and for establishing the penalties to which such person may be liable:

Provided that no such penalty shall be greater than a fine (*multa*) exceeding ten thousand euro (€10,000);

(t) for prescribing the manner as to how any notice, instrument, act or document which is required or authorised by or under this Act may be served or given;

(u) for prescribing anything which may be or is required to be prescribed by this Act.".

Deletion of the First and Second Schedules, renumbering of the Third and Fourth Schedules of the principal Act.

71. The First and Second Schedule to the principal Act shall be deleted whereas the Third and Fourth Schedules of the principal Act shall be renumbered as the First and Second Schedules thereof.

Amendment of the First Schedule as renumbered to the principal Act.

72. The First Schedule as renumbered to the principal Act shall be amended as follows:

(a) article 1 thereof shall be substituted with the following:

"1. (a) Until 31st December 2012 and subject to article 23 of this Act and in accordance with any directives as the Authority may issue, the universal service provider or providers shall keep separate accounts within their accounting system, for each of the services and products within the reserved sector on the one hand and the non-reserved sector on the other. Such internal accounting systems shall operate on the basis of consistently applied and objectively justifiable cost accounting principles.

(b) Subject to article 23 of this Act and in accordance with any directives as the Authority may issue, the universal service provider or providers shall keep separate accounts within their accounting system,

for each of the services and products which are part of the universal service on the one hand and those which are not on the other. Such internal accounting system shall operate on the basis of consistently applied and objectively justifiable cost accounting principles.";

(b) article 2 thereof shall be amended as follows:

i) in subparagraph (iii) of paragraph (b) thereof the words "to the other services." shall be substituted with the words "to the other services until 31st December 2012 and to each of the universal services and, on the other hand to the other services from 1st January 2013.";

ii) immediately after subparagraph (iii) of paragraph (b) thereof there shall be added the following new sub-paragraph:

"(iv) common costs, which are necessary for the provision of both universal services and non-universal services, shall be allocated appropriately; the same cost drivers must be applied to both universal services and non-universal services.";

(c) article 7 thereof shall be renumbered as article 8 thereof; and

(d) immediately after article 6 thereof, there shall be added the following new article:

"7. The Authority may require postal service providers which are obliged to contribute to a compensation fund to introduce an appropriate accounting separation to ensure the functioning of the fund.".

Amendment of the Second Schedule as renumbered to the principal Act.

73. Article (3) of the Second Schedule as renumbered to the principal Act shall be deleted.

PART V

AMENDMENT OF THE ELECTRONIC COMMERCE ACT

74. (1) This Part amends the Electronic Commerce Act and shall be read and construed as one with the Electronic Commerce Act, hereinafter in this Part referred to as "the principal Act". Amendment of the Electronic Commerce Act. Cap. 426.

(2) This Part shall come into force on such date as the Minister responsible for communications may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes thereof.

75. In article 2 of the principal Act, the definition "service provider" shall be deleted. Amendment of article 2 of the principal Act.

Objects and Reasons

The object of this Bill is to repeal the Radiocommunications Act and amend various other laws relating to communications sectors enforced by the Malta Communications Authority including the Postal Services Act, the Electronic Communications (Regulation) Act, and the Malta Communications Authority Act.