

ATT DWAR L-AWTORITÀ LI TIRREGOLA T-TRASPORT F'MALTA

ARRANĠAMENT TAL-ATT

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SKEDI

L-Ewwel Skeda	Direttorati
It-Tieni Skeda	Proċeduri quddiem il-Bord ta' l-Appelli dwar it-Trasport u appelli minn deċiżjonijiet ta' dak il-Bord
It-Tielet Skeda	Ligijiet
Ir-Raba' Skeda	Emendi ta' Ligijiet

ABBOZZ TA' LIĠI
msejjah

ATT biex jipprovdi għat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Awtorità li Tirregola t-Trasport f'Malta li għandha tassumi l-funzjonijiet li qabel kienu jeżerċitaw l-Awtorità Marittima ta' Malta, l-Awtorità dwar it-Trasport ta' Malta u d-Direttur u d-Direttorat tal-Avjazzjoni Ċivili u għall-eżerċizzju minn u f'isem dik l-Awtorità tal-funzjonijiet li għandhom x'jaqsmu mat-toroq, mat-trasport bl-ajru, ferroviji, trasport stradali, jew baħar miġfuh, fil-portijiet jew ibħra interni, u li għandhom x'jaqsmu mal-bastimenti merkantili; biex jipprovdi għat-trasferiment ta' ċerti assi lill-Awtorità mwaqqfa bl-Att; u biex jipprovdi dwar hwejjeġ anċillari ma' dawn jew konnessi magħhom.

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

TAQSIMA I

PRELIMINARI U ĠENERALI

Titolu fil-qosor
u bidu fis-sehh.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att dwar l-Awtorità li Tirregola t-Trasport f'Malta.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru jista' jstabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għal finijiet differenti ta' dan l-Att.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma tkunx teħtieġ ^{Tifsir.} xort'oħra, il-frażijiet li ġejjin għandhom it-tifsira li qed tingħatalhom hawnhekk:

"ajrudrom" tfisser kull wesgħa ta' art jew baħar maħsuba, mgħammra, imqieghda apparti jew użata ta' kuljum biex tippovdi faċilitajiet għall-inżul u t-tluq ta' inġenji tal-ajru u tinkludi kull wesgħa jew spazju, kemm fuq l-art, fuq is-saqaf ta' bini jew x'imkien ieħor, li jkun maħsub mgħammar, jew imqieghed apparti biex jipprovdi faċilitajiet għall-inżul u t-tluq ta' inġenji tal-ajru li kapaċi jinżlu jew jitilgħu b'mod vertikali;

"l-Awtorità" tfisser l-Awtorità li Tirregola t-Trasport f'Malta mwaqqfa bl-artikolu 5;

"awtorizzazzjoni" tinkludi kull liċenza jew permess, ikunu kif ikunu deskritti, maħruġin minn jew taħt dan l-Att biex topera, tippovdi jew tagħmel kull attività jew operazzjoni jew servizz, ikunu kif ikunu deskritti, li għandu x'jaqsam mat-trasport;

"bdot" tfisser persuna li tingħata liċenza mill-Awtorità biex trieġi bastimenti fl-ibħra Maltin;

"*Chairperson*" tfisser iċ-*Chairperson* tal-Awtorità u tinkludi, fiċ-ċirkostanzi msemmiya fl-artikolu 5(4), id-Deputat *Chairperson*:

Iżda, għar-rigward tal-artikolu 38, "*Chairperson*" tfisser iċ-*Chairperson* tal-Bord tal-Appelli dwar it-Trasport;

"deċiżjoni" tinkludi kull determinazzjoni, miżura, ordni, rekwiżit jew speċifikazzjoni, tkun kif tkun deskritta, li ssir mill-Awtorità;

"Direttorati" tfisser dawk id-direttorati li huma jew jistgħu jiġu mwaqqfa taħt l-artikolu 11(1);

"dghajsa" tfisser opra tal-baħar żghira, li tithaddem bl-imqadef, qluġh, magni, jew b'mezzi oħra;

"drittijiet" tfisser id-drittijiet li jistgħu jingabru taħt dan l-Att jew taħt regolamenti li jsiru taħt dan l-Att;

"garr ta' persuni" tfisser il-garr stradali ta' passiġġieri jew il-garr ta' passiġġieri bil-baħar b'kiri jew b'kumpens;

"Gazzetta" tfisser il-Gazzetta tal-Gvern ta' Malta;

"il-Gvern" tfisser il-Gvern ta' Malta;

"ħlasijiet" tħfisser il-ħlasijiet li jistgħu jingabru taħt dan l-Att jew taħt regolamenti li jsiru taħtu;

"ibħra interni" tinkludi kull port, bajja, qala, daħla tal-baħar jew xatt;

Kap. 226.

"ibħra territorjali" tħfisser il-baħar miftuħ kif imsemmi fl-artikolu 3(1) tal-Att dwar l-Ibħra Territorjali u ż-Żona Kontigwa, u tinkludi l-ibħra magħluqin bejn il-linji bażi hemm imsemmija u l-kosta;

"impjegat tat-trasport pubbliku" tħfisser persuna impjegata fil-garr ta' passiġġieri b'vettura li jkollha liċenza għat-trasport pubbliku;

"inġenji tal-ajru" tħfisser inġenji li jinsaqu weħidhom mekkanikament użati għat-trasport bl-ajru ta' passiġġieri jew merkanzija u tinkludi ajruplani, elikotteru, inġenji tal-ajru ħfief u ajruplani ħfief li ma jgħorrux aktar minn żewġ persuni;

"jott" tħfisser bastiment reġistrat li jbaħħar użat biss għad-divertiment u hekk aċċettat mill-Awtorità;

"kaptan" tħfisser, meta użata dwar xi bastiment, il-persuna li jkollha l-kmand tal-bastiment jew tkun inkarigata minnu għal dak iż-żmien, iżda ma tinkludix bdot;

"kumpens" tinkludi kull xorta ta' korrispettiv riċevut jew li għandu jiġi riċevut għal kollox jew f'parti dwar, jew b'konnessjoni mal-għoti ta' servizz, tkun min tkun il-persuna li tkun tat jew tkun ser tagħti l-korrispettiv jew il-persuna li tkun irċevietu jew li tkun ser tirċevih;

"kumitat ta' tmexxija" jew "kumitat" tħfisser kumitat ta' tmexxija mwaqqaf skont l-artikolu 37;

Kap. 363.

"Kunsilli Lokali" tħfisser il-kunsilli lokali mwaqqfa taħt id-disposizzjonijiet tal-Att dwar il-Kunsilli Lokali;

"kuntrattur" tħfisser persuna li taġixxi bis-saħħa ta' ftehim li tagħmel mal-Awtorità jew ma' Direttorat;

"liċenza" tħfisser u tinkludi kull liċenza jew permess li jkunu meħtieġa taħt dan l-Att jew kull liġi oħra, mill-Awtorità jew minn Direttorat jew li l-Awtorità jew Direttorat huma awtorizzati jew għandhom il-poter jagħtu taħt dak l-Att jew xi liġi oħra;

"maħżen" tħfisser kull tinda, bini, post, vagun, vapur jew vettura meta użati mill-Awtorità, jew minn kuntrattur għall-fini ta' hażna jew depożitu għall-finijiet ta' dan l-Att;

"merkanzija" tinkludi valiġġa, annimali (sew hajjin sew mejtin) u kull proprjetà mobbli oħra, tkun ta' liema xorta tkun;

"Ministru" tfisser il-Ministru responsabbli għat-trasport, u tinkludi kull persuna awtorizzata għal hekk minn dak il-Ministru;

"operatur", dwar inġenji tal-ajru, tfisser persuna li f'dak il-hin ikollha t-tmexxija ta' dawk l-inġenji, u espressjonijiet imnisslin minnha għandhom jiftehmu skont hekk;

"persuna" tinkludi għaqda jew korp ta' persuni, kemm jekk ikollhom personalità ġuridika kemm jekk le;

"port" tfisser post dikjarat bħala port minn jew taħt kull liġi, u tista' tinkludi ċentru tal-jottijiet kemm-il darba jkun dikjarat li hu hekk taħt dan l-Att jew xi liġi oħra;

"preskritt" tfisser preskritt taħt dan l-Att;

"rati" tfisser ir-rati li jistgħu jingabru taħt dan l-Att jew taħt regolamenti li jsiru taħtu;

"sena finanzjarja" tfisser perjodu ta' tnax-il xahar li jagħlaq fil-31 ta' Diċembru ta' kull sena; iżda l-ewwel sena finanzjarja għandha tibda mad-dhul fis-sehh ta' dan l-Att u għandha ttemm fil-31 ta' Diċembru tas-sena ta' wara;

"servizz ta' trasport bl-ajru" tfisser il-ġarr b'kumpens ta' passiġġieri jew ta' posta jew ta' merkanzija bl-ajru;

"servizzi għat-trasport pubbliku ta' passiġġieri" tfisser servizzi għat-trasport ta' passiġġieri ta' interess ekonomiku ġenerali pprovdut lill-pubbliku fuq bażi li ma tkunx tiddiskrimina u kontinwa;

"sid" fir-rigward ta' bastiment tinkludi lil min jikri jew jopera l-bastiment;

"tariffa" tfisser in-nolijiet jew tariffi għall-ġarr ta' merkanzija (inklużi d-drittijiet kollha għall-ġarr ta' posta) li jintalbu u l-kondizzjonijiet li fuqhom jiddependu dawk in-nolijiet jew rati għall-ġarr ta' merkanzija;

"telf jew hsara", dwar persuni, tinkludi telf ta' hajja u korriment tal-persuna;

"trasport" tfisser it-trasport ta' persuni jew merkanzija kemm bl-ajru, bl-art jew bil-baħar;

"trasport pubbliku" tfisser il-garr b'vettura ta' passigġieri f'Malta bi hlas;

"trasport ta' merkanzija" tfisser it-trasport b'kiri jew kumpens ta' merkanzija bl-ajru, bl-art jew bil-baħar;

"triq" tinkludi kull triq, triq prinċipali jew binarju tkun kif tkun kategorizzata u tinkludi għar-rigward ta' xi triq bħal dik -

(a) kull triq diġà mibnija jew li tkun fi stadju ta' ippjanar jew ta' kostruzzjoni;

(b) il-karreġġjata tagħha kif ukoll kull konfini jew spazju apert pubbliku ieħor adjaċenti u anċillari għaliha, inklużi margini laterali, *central strips*, *roundabouts*, *traffic islands*, mogħdijiet pedonali u bankini;

(ċ) is-sisien, livelli taħt il-wiċċ u l-kisi tal-livell tal-wiċċ tagħhom;

(d) sottopassaġġi, sovrappassaġġi, *junctions* u intersezzjonijiet, sew fuq diversi livelli sew xort'ohra;

(e) xogħlijiet fuq kanali ta' dranaġġ u l-aċċess għalihom, gandotti u xogħlijiet ta' thaffir ta' gandotti għal utilitajiet inkluż l-aċċess għalihom, il-mogħdija u t-tqegħid ta' sistemi ta' pajpijiet u tubi u hwejjeġ simili għad-distribuzzjoni ta' utilitajiet jew il-provdiment ta' servizzi, inklużi xogħlijiet konnessi ma' dan jew anċillari għalihom u toqob tal-ispezzjonar jew mezzi ohra ta' aċċess għal dawk l-utilitajiet jew xogħlijiet;

(f) arbli, tagħmir tal-elettriku, *billboards*, strutturi għat-twaħħil ta' reklami, bankijiet, *kiosks* u kull haġ'ohra li tista' titwaħħal mal-wiċċ tagħhom, eskluż il-bini;

(g) sinjali jew tabelli tat-traffiku fit-toroq, marki fit-toroq u miżuri għall-ikkalmar tat-traffiku, apparat għall-kontroll tat-traffiku u apparat relatat li jaħdem bid-dawl, *cameras* tal-veloċità u faċilitajiet ohra tat-traffiku fit-toroq użati għal skopijiet ta' immaniġġar u kontroll tat-traffiku;

"uffiċjal" u "impjegat" għar-rigward tal-Awtorità tinkludi uffiċjal pubbliku mqabba għal xogħol mal-Awtorità;

"l-Uffiċjal Eżekuttiv Ewlieni" tfisser l-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità maħtur taħt l-artikolu 12;

"uffiċjal pubbliku", fir-rigward tal-artikolu 17, għandha l-istess

tifsir kif mogħti lilha bl-artikolu 124 tal-Kostituzzjoni iżda ma tinkludix imħallef tal-Qrati Superjuri jew maġistrat tal-Qrati Inferjuri;

"Unjoni Ewropea" għandha l-istess tifsira mogħtija lilha fl-Att Kap. 460. dwar l-Unjoni Ewropea;

"utilitajiet" tfisser kull servizz ordinarjament użat minn postijiet ta' abitazzjoni jew intrapriża kummerċjali u li jużaw it-triq biex iwasslu s-servizz mingħand il-fornitur tas-servizz lejn il-post ta' abitazzjoni jew intrapriża kummerċjali u tinkludi servizzi bħall-ilma, dranagġ, elettriku, televiżjoni bil-*cable*, telefonija, internet u oħrajn bħalhom;

"vapur" tfisser bastiment jew inġenju ta' kull deskrizzjoni użat fin-navigazzjoni, sew jekk imexxi lilu nnifsu sew jekk le, u tinkludi braken, rigġijiet taż-żejt, pontuni, ajruplani tal-baħar, u kull inġenju ieħor u bastimenti simili;

"vettura" tinkludi kull vettura bil-mutur, karru, karrozzin, karrettun, biċikletta, ċikletta bil-mutur, *trailer*, *semi-trailer*, vettura mgħaqda, tren tat-triq, *bus* mgħaqda, jew mezzi oħra ta' trasport stradali għall-ġarr ta' passiġġieri jew ġarr ta' merkanzija;

"vettura bil-mutur" tfisser vettura stradali li timxi waħedha mekkanikament normalment użata għall-ġarr stradali ta' persuni jew merkanzija jew biex tiġbed, fit-triq, vetturi użati għall-ġarr ta' persuni jew merkanzija iżda ma tinkludix trattur agrikolu;

"vettura għat-trasport pubbliku" tfisser vettura użata jew maħsuba li tintuża għat-trasport pubbliku.

TAQSIMA II

PRINĊIPJI TA' TMEXXIJA

3. Il-Gvern għandu permezz tat-twaqqif tal-Awtorità li Tirregola t-Trasport f'Malta jfittex li jmessi 'l quddiem u jiżviluppa s-settur tat-trasport f'Malta permezz ta' regolamentazzjoni adatta u bit-tmexxija 'l quddiem u l-iżvilupp ta' servizzi, negozji u interessi oħra li għandhom x'jaqsmu miegħu kemm lokalment kemm internazzjonalment.

Promozzjoni u
żvilupp tal-
interessi tal-
Awtorità.

4. (1) Il-Gvern għandu jiddetermina l-linji ta' politika u l-oġettivi ta' Malta fis-settur tat-trasport u għandu jassenja dawk il-fondi u jipprovdi dawk ir-riżorsi li jhoss li jkunu meħtieġa biex jintlaħqu dawk l-għanijiet.

Linji ta' politika
u oġettivi
ewlenin.

(2) Il-Gvern għandu jfittex, permezz tal-Awtorità, li jilhaq l-

objettivi u linji ta' politika ewlenin li ġejjin:

(a) jiżviluppa linji ta' politika dwar trasport integrat li jkun maħsub li jilhaq bidliet modali li jkunu jiffavorixxu t-trasport pubbliku u strateġiji li ma jħammgux l-ambjent;

(b) jiżgura l-iżvilupp ta' sistema ta' trasport pubbliku f'Malta li tkun waħda effiċjenti u soċjalment sostenibbli;

(ċ) imexxi 'l quddiem il-faċilitajiet marittimi u tal-avjazzjoni ċivili ta' Malta u r-registrazzjoni ta' vapuri u ajruplani taħt il-bandiera Maltija;

(d) imexxi 'l quddiem linji ta' politika li jkunu jiffavorixxu l-iżvilupp ta' Malta bħala ċentru ta' interess marittimu fil-Mediterran u bħala port ta' dhul għall-Unjoni Ewropea;

(e) jinkoraġġixxi miżuri għall-iżvilupp tal-avjazzjoni ċivili u b'mod partikolari ta' servizzi ta' trasport bl-ajru kemm tal-passiġġieri kemm tal-merkanzija;

(f) jiżgura li l-amministrazzjoni, is-servizzi u l-operat tal-portijiet u taċ-ċentri tal-jottijiet f'Malta jkunu aktar effiċjenti u bla spejjeż żejda;

(g) jipprovi bażi finanzjarja soda għall-Awtorità biex tkun tista' tilhaq ritorn u investimenti skont ma tkun qed timmira; u

(h) jistandardizza prattiċi fis-settur tat-trasport f'Malta skont normi internazzjonali u dawk tal-Unjoni Ewropea b'mod partikolari.

TAQSIMA III

TWAQQIF, FUNZJONIJIET U TMEXXIJA TAX-XOGHOL TAL-AWTORITÀ

Twaqqif u kompożizzjoni tal-Awtorità li Tirregola t-Trasport f'Malta.

5. (1) Ikun hemm korp, li jkun magħruf bħala l-Awtorità li Tirregola t-Trasport f'Malta, biex iwettaq il-funzjonijiet mogħtija lilu minn jew taħt dan l-Att.

(2) L-Awtorità għandha tkun magħmula minn *Chairperson* u mhux anqas minn sitt u mhux aktar minn għaxar membri oħra.

(3) Il-membri tal-Awtorità jinhatru mill-Ministru għal żmien sena jew għal dak iż-żmien itwal li jista' jiġi speċifikat fid-dokument

li bih huma jkunu ġew maħtura, iżda l-membri hekk maħtura jistgħu jerggħu jiġu maħtura fi tmiem iż-żmien tal-hatra tagħhom.

(4) Il-Ministru jista' jinnomina membru ieħor tal-Awtorità bhala Deputat *Chairperson* u l-membri hekk nominat ikollu s-setgħat kollha u jaqdi dawk il-funzjonijiet kollha taç-*Chairperson* sakemm huwa jkun nieqes jew meta ma jkunx jista' jagħmilha ta' *Chairperson* jew meta jkun bil-vaganzi, jew matul xi żmien li l-kariga ta' *Chairperson* tkun battala.

(5) Persuna ma tkunx kwalifikata li tinħatar membru tal-Awtorità jekk dik il-persuna -

(a) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati jew tal-Parlament Ewropew; jew

(b) tkun imħallef jew maġistrat tal-qrati tal-ġutizzja; jew

(ċ) ikollha interess finanzjarju jew ieħor f'xi impriża jew attività li x'aktarx ma jhallihix taqdi sewwa l-funzjonijiet tagħha bhala membru tal-Awtorità:

Iżda l-Ministru jista' jiddeċiedi li l-interess li jkollha dik il-persuna aktarx ma jkunx ser jaffettwa t-twettiq tal-funzjonijiet tagħha u skont dik id-deċiżjoni dik il-persuna għandha tikkwalifika għall-kariga bhala membru tal-Awtorità iżda l-interess li jkun ġie dikjarat u d-deċiżjoni tal-Ministru għandhom jiġu pubblikati fil-Gazzetta; jew

(d) tkun interdetta jew inkapaċitata; jew

(e) tinstab haġta ta' reat li jkollu effett fuq il-fiduċja pubblika, jew ta' serq jew ta' frodi jew ta' riċettazzjoni ta' proprjetà miksuba b'serq jew bi frodi jew ta' tixhim jew ta' hasil ta' flus; jew

(f) tkun soġġetta għal skwalifika taht l-artikolu 320 tal-Att dwar il-Kumpanniji.

Kap. 386.

(6) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Awtorità għandha ssir vakanti -

(a) fit-tmiem taż-żmien tal-hatra tal-membri; jew

(b) jekk jinholqu xi ċirkostanzi li, kieku ma kienx membru tal-Awtorità, kienu jhiegħluh ikun skwalifikat għal hatra bhala membru.

(7) Membru tal-Awtorità jista' jitneħħa mill-kariga mill-Ministru jekk, fil-fehma tal-Ministru, dak il-membru ma jkunx għadu aktar jixraq li jkompli fil-kariga.

(8) Jekk il-kariga ta' membru mal-Awtorità tkun vakanti jew jekk xi membru għal xi raġuni ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jahtar persuna li tkun kwalifikata biex tkun maħtura bhala membru biex tkun membru temporanju tal-Awtorità; u kull persuna hekk maħtura għandha, bla hsara għad-disposizzjonijiet tas-subartikoli (6) u (7), tispiċċa milli tkun membru bħal dak malli persuna tkun giet maħtura biex timla l-vakanza jew, skont il-każ, malli l-membru li ma setax jaqdi l-funzjonijiet tal-kariga tiegħu jerġa' jibda jwettaq dawk il-funzjonijiet.

(9) Membru tal-Awtorità li jkollu xi interess dirett jew indirett f'xi kuntratt magħmul jew propost li jsir mill-Awtorità, jew f'xi materja li tkun ser tiġi diskussa jew deċiża mill-Awtorità, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' membru, għandu jiżvela x-xorta ta' dak l-interess fl-ewwel laqgħa tal-Awtorità wara li huwa jkun sar jaf bil-fatti rilevanti, u dak il-fatt għandu mbagħhad jiġi reġistrat fil-minuti tal-Awtorità, u l-membru li jkollu interess kif hawn aktar qabel imsemmi għandu jirtira minn kull laqgħa li fiha jkun qed jiġi diskuss dak il-kuntratt. Dak l-interess għandu jiġi mgharraf lill-Ministru mingħajr dewmien. Meta l-interess tal-membru jkun tali li jiskwalifikah milli jibqa' membru, huwa għandu minnufih jirrapporta l-fatt lill-Ministru u jagħti r-riżenja tiegħu.

(10) Membru tal-Awtorità għandu jithallas minn fondi li jkunu għad-dispożizzjoni tal-Awtorità dik ir-remunerazzjoni u, jew dak l-ammont biex ikopri xi spejjeż hekk kif il-Ministru jista' jistabbilixxi.

Funzjonijiet u poteri tal-Awtorità.

6. (1) L-Awtorità għandu jkollha dawn il-funzjonijiet u poteri li ġejjin:

(a) li tagħti parir lill-Ministru dwar l-iżvilupp ta' linji ta' politika għar-rigward tat-trasport li jkunu japplikaw kemm f'livell nazzjonali kemm f'livell lokali u li jiġu proposti jew li jkunu ġew adottati mill-Ministru u li tagħti parir lill-Ministru dwar dak kollu li jkollu x'jaqsam mal-funzjonijiet tagħha jew li jkun regolat b'dan l-Att;

(b) li tiżgura li l-linji ta' politika dwar trasport li jkunu ġew adottati mill-Ministru jiġu implimentati u li skemi ta' trasport lokali jkunu skont linji ta' politika dwar it-trasport nazzjonali u li ma tiddaħhal l-ebda skema ta' trasport nazzjonali mingħajr l-approvazzjoni tal-Awtorità;

(c) li tmexxi 'l quddiem faċilitajiet tat-trasport f'Malta u b'mod partikolari l-użu tal-portijiet u l-faċilitajiet tal-avjazzjoni ċivili tagħha u r-reġistrazzjoni taht il-bandiera Maltija ta' ajruplani, vapuri, dghajjes, jottijiet u bastimenti;

(d) li ttiprovdi jew tiżgura jew tmexxi 'l quddiem il-provdiment ta' sistema ta' trasport integrat sew, mingħajr perikolu, ekonomiku u effiċjenti f'Malta u fl-ibħra interni u territorjali, u li tirregola u tikkontrolla l-ġhoti ta' servizzi marbuta ma' dik is-sistema, inklużi t-tnejjija ta' skedi u l-orarju tal-hinijiet li għandhom jiġu adottati għal servizzi bħal dawk;

(e) li tiżviluppa l-istrategija meħtieġa sabiex tilhaq il-linji ta' politika, strategiji u objettivi stabbiliti mill-Gvern jew mill-Awtorità u li tistabbilixxi l-objettivi għal żmien qasir u dawk għal żmien fit-tul għat-twettiq tal-funzjonijiet tal-Awtorità;

(f) li tilliċenza u tirregola kull ajruplan, dghajsa, vapur, jott, jew vettura u li tirregola l-użu tagħhom bħala operazzjoni kummerċjali;

(g) li ttiprovdi, jew tiżgura jew tmexxi 'l quddiem il-provdiment ta' dawk is-servizzi u faċilitajiet li fil-fehma tal-Awtorità jkunu spedjenti għat-twettiq tal-funzjonijiet tagħha, inkluża s-setgħa li ttiprovdi għall-aċċessibbiltà ta' dawk is-servizzi u faċilitajiet minn kull persuna irrispettivament minn min dawn ikun qed jipprovdihom;

(h) li ttiprovdi jew tiżgura jew tmexxi 'l quddiem il-provdiment ta' taħriġ għal persuni ingaġġati jew li jkunu ser jingagġaw fis-servizzi tat-trasport u li tmexxi 'l quddiem l-istat soċjali ta' dawk il-persuni;

(i) li ttiprovdi għall-użu bla periklu ta' kull inġenju tal-ajru, bastiment, jott jew vettura u li tiżgura li s-sigurtà tal-pubbliku b'mod ġenerali tiġi mħarsa billi jsiru dawk ir-regoli, regolamenti u *standards* li fil-fehma tal-Awtorità jkunu jidhru meħtieġa biex jintlaħaq dan il-għan;

(j) li tiġbor u żżomm *records* aġġornati ta' kull informazzjoni li jidhriha li tkun adatta b'rabta mal-funzjonijiet tagħha;

(k) biex tapplika jew iddahhal fis-seħh kull konvenzjoni internazzjonali jew kull ftehim ieħor internazzjonali li l-Gvern ikun, jew ikun bi ħsiebu jsir, parti minnhom;

(l) li timplimenta kull obbligu tal-Komunità Ewropea li jkollhom x'jaqsmu ma' hwejjeg marbuta mal-funzjonijiet tagħha;

(m) li tagħmel dawk l-attivitajiet, li ma jkunux marbuta mal-funzjonijiet jew kompetenza ta' persuna, korp jew awtorità oħra skont il-liġi, li fil-fehma tal-Awtorità jkunu meħtieġa, vantaġġużi jew konvenjenti biex hi tkun tista' tmexxi jew taqdi jew tagħmel, għall-qadi jew li għandu x'jaqsam mal-qadi ta' xi wahda mill-funzjonijiet l-oħra tal-Awtorità; u

(n) li taqdi dawk il-funzjonijiet jew obbligi oħra u li teżerċita kull setgħa vestita fiha jew dmir u li teżerċita kull setgħa vestita fiha b'dan jew b'konformità ma' dan l-Att jew kull liġi oħra.

(2) L-Awtorità għandu jkollha s-setgħa li:

(a) tagħti, iġġedded, tiċhad, tissospendi jew tirrevoka liċenzi, u li tistabilixxi l-kondizzjonijiet li taħthom dik il-liċenza tista' tiġi mogħtija, imġedda, miċhuda, sospiża jew revokata u d-drittijiet li għandhom jithallsu f'kull kaz;

(b) tistabilixxi d-drittijiet li għandhom jithallsu għall-ħruġ, validazzjoni, tiġdid, estensjoni jew varjazzjoni ta' kull ċertifikat, liċenza jew kull dokument ieħor jew l-għemil ta' kull eżami jew test li jkun meħtieġ taħt dan l-Att jew taħt kull regolament, direttiva jew ordni li ssir taħthom, u fir-rigward ta' kull haġa oħra li fil-fehma tal-Awtorità tkun tidher li hi spedjenti għall-fini ta' dan l-Att, regolamenti, direttiva jew ordni li titlob il-ħlas ta' drittijiet;

(ċ) tirregola l-mod u l-kondizzjonijiet dwar il-ħruġ, validazzjoni, tiġdid, estensjoni jew varjazzjoni ta' kull ċertifikat, liċenza jew kull dokument ieħor li jkun meħtieġ minn dan l-Att jew kull regolament, direttiva jew ordni li jsiru taħtu, u dwar il-forma, il-kustodja, il-produzzjoni, it-tħassir, is-sospensjoni, il-kontrosenjar u l-ghoti lura ta' kull dokument bħal dak;

(d) tirregola l-ħlasijiet, drittijiet jew tariffi li jistgħu jintalbu jew li jsiru għall-użu ta' portijiet u ajrudromi, u għall-użu ta' kull faċilità ta' trasport inklużi mezzi differenti ta' trasport pubbliku, u għal servizzi mogħtija f'dawn il-faċilitajiet;

(e) taħtar l-uffiċjali jew l-impjegati tagħha biex jissorveljaw l-implimentazzjoni ta' u, fejn ikun meħtieġ, li

jinfurzew dan l-Att jew regolamenti li jsiru tahtu jew li jkun hemm il-ħsieb li jsiru tahtu;

(f) tistabilixxi kodiċijiet ta' kondotta għal operaturi tat-trasport u għall-operaturi ta' servizzi oħra li jiġu provduti b'kiri jew bi hlas, liema kodiċijiet ta' kondotta għandu jkollhom il-forza ta' liġi wara li jiġu pubblikati fil-Gazzetta;

(g) tistabilixxi u timponi b'regolamenti tariffi, drittijiet u pieni amministrattivi;

(h) tipprojbixxi, tikkontrolla u xort'oħra tirregola -

(i) l-użu minn kull persuna ta' kull faċilità ta' trasport, inklużi portijiet u ajrudromi;

(ii) il-preżenza ta' kull persuna, inġenju tal-ajru, bastiment, dgħajsa, jott, vettura, merkanzija jew oġġetti f'kull faċilità għat-trasport, inkluż port jew ajrudrom;

(i) tghabbi jew thott kull inġenju tal-ajru jew bastiment, dgħajsa, jott jew vettura f'kull ajrudrom jew port jew triq jew kull fejn dawn jistgħu jkunu;

(j) tordna fejn jista' bastiment isorgi, jirmigga jew jankra f'xi port u l-mod kif jankra fil-port;

(k) tnehhi jew tordna li bastiment jitnehha minn xi rmiġġ, stazzjon jew ankraġġ lejn xi port ieħor, u l-hin li fih għandu jitnehha dak il-bastiment;

(l) tirregola l-moviment ta' bastimenti fil-portijiet u bejniethom, jew fil-viċinanza ta' xi port jew fl-ibħra territorjali;

(m) tagħmel dak ix-xogħol u attivitajiet oħra, li tagħmel dawk il-hwejjeġ kollha u li tagħmel dawk it-transazzjonijiet kollha li fil-fehma tal-Awtorità jkunu meħtieġa, konvenjenti jew vantaġġużi biex hija tkun tista' tmexxi jew taqdi jew tagħmel, għall-qadi jew li għandu x'jaqsam mal-qadi tal-funzjonijiet tagħha, jew li fil-fehma tal-Awtorità jkunu inċidentali għal dan jew li jkunu jwasslu għalih; u

(n) li tiffinanza servizzi u infrastruttura ta' trasport pubbliku, tinvesti f'sistemi ta' trasport u tidhol f'negozjati u arrangamenti ma' korpi oħra biex tiżviluppa, ittejjeb u tikkordina l-għoti ta' servizzi ta' trasport.

(3) L-Awtorità tista', bil-kunsens tal-Ministru, tiehu sehem fil-formazzjoni ta' kumpannija, jew tidhol fi proġetti bi shab jew fi shubija bil-għan li tkun tista' twettaq xi funzjoni minn tagħha.

(4) L-Awtorità għandu jkollha s-setgħat u l-funzjonijiet li ġejjin speċifikament b'konnessjoni mat-toroq u t-trasport stradali:

(a) li tirregola t-trasport stradali, ir-reġistrazzjoni, liċenzjar u l-użu ta' vetturi, il-liċenzjar tal-operazzjonijiet kummerċjali kollha marbuta mat-trasport stradali, u li tipprovi għal kull haġa li hemm provdut dwarha taht dan l-Att dwar it-trasport stradali;

(b) li tokkupa, tippjana, tiddisinja, tibni, tibni mill-ġdid, tamministra, tagħmel manutenzjoni, issewwi u tirstawra toroq u li tipprovi jew tiżgura jew tmexxi 'l quddiem provdiment għal dan kollu u wkoll li tipprovi jew tiżgura provdiment ta' servizzi għal dawk l-għanijiet u timmaniġġa u tikkontrolla kull xogħol meħtieġ, inkluż l-ippjanar u l-ippogrammar relattiv u l-ippjanar u l-ippogrammar għall-bini u l-formazzjoni mill-ġdid ta' toroq eżistenti:

Kap. 363.

Izda meta l-manutenzjoni ta' xi triq tkun taqa' taht ir-responsabbiltà ta' Kunsill Lokali skond l-Att dwar Kunsilli Lokali, il-manutenzjoni ta' dik it-triq ma għandhiex tkun, fil-qies ta' dik ir-responsabbiltà, il-funzjoni tal-Awtorità sakemm ma jkunx intlaħaq ftehim dwar dak bejn il-Kunsill Lokali u l-Awtorità:

Izda wkoll, meta triq tkun ser tiġi fformata minn xi persuna skond xi liġi oħra, ma tkunx il-funzjoni tal-Awtorità li tiffirma dik it-triq;

(ċ) li tistabilixxi *standards* u speċifikazzjonijiet li jkollhom jinżammu u jiħarsu fl-eżekuzzjoni ta' kull xogħol marbut ma' toroq u li tagħmel dak kollu meħtieġ jew spedjenti biex tiżgura li jinżammu *standards* bħal dawk u speċifikazzjonijiet minn Kunsill Lokali jew persuna li tagħmel xogħlijiet fi triq indipendent minn min ikun responsabbli għal dik it-triq u għal dan l-iskop tistabilixxi programmi regolari biex tivverifika kif ukoll biex tiżgura l-implimentazzjoni ta' dawk il-livelli u dettalji;

Kap. 356.

(d) mingħajr preġudizzju għal kull applikazzjoni li tista' tkun meħtieġa li għandha ssir taht l-Att dwar l-Ippjanar ta' l-Iżvilupp, li taġixxi bħala l-unika awtorità biex tagħti permessi għal xogħlijiet fit-toroq;

(e) li tagħti drittijiet ta' mogħdija fit-toroq lil persuni jew fir-rigward ta' persuni;

(f) li tagħmel dak kollu meħtieġ jew spedjenti għall-ittestjar, reġistrazzjoni u liċenzjar ta' vetturi bil-mutur, sidien tal-vetturi, operaturi kummerċjali ta' vetturi, sewwieqa tal-vetturi, jew persuni oħra konnessi mat-trasport stradali;

(g) tiżgura l-provvediment ta' sistemi ta' trasport ta' passiġġieri li jkunu adegwati, effiċjenti u li ma jagħmlux hsara lill-ambjent u għal dan l-iskop tipprovdi hi stess servizzi bħal dawk jew tidhol f'kuntratti ta' servizz jew strumenti oħra li jkunu jorbtu ma' terzi biex ikunu jipprovdu dawk is-servizzi;

(h) li tagħmel dak kollu meħtieġ għar-regolament, maniġġar, sigurtà u kontroll tat-traffiku stradali sew f'livell nazzjonali sew f'livell lokali u għal dan il-għan tadotta strateġiji u livelli li huma milħuqa f'livell Ewropew;

(i) li tippjana, tistalla, tibni u tieħu ħsieb *bus stops, fare stages*, vened tal-karrozzi tal-linja, *taxi stands, stands* tal-karrozzini u faċilitajiet oħra għal min juża s-servizzi tat-trasport u li tirregola l-istallazzjoni ta' *bus shelters*;

(j) li tippjana, tiddisinja, tirregola u tawtorizza s-sinjali jew tabelli tat-traffiku fit-toroq, marki fit-toroq u miżuri għall-ikkalmar tat-traffiku, l-istallazzjoni ta' apparat għall-kontroll tat-traffiku u apparat relatat li jaħdem bid-dawl, il-kostruzzjoni ta' stoffi fit-toroq, u l-istallazzjoni ta' *cameras* tal-veloċità u faċilitajiet oħra tat-traffiku fit-toroq għal skopijiet ta' immaniġġar u kontroll tat-traffiku;

(k) li tipprovdi u tirregola parkeġġi għall-vetturi bil-mutur f'postijiet pubbliċi u f'toroq, u li tirregola u toħroġ liċenzi lil *car park attendants*; u

(l) li tistabbilixxi piżijiet, dimensjonijiet u rekwiżiti dwar l-apparat għall-vetturi bil-mutur.

(5) L-Awtorità għandu jkollha s-setgħat u l-funzjonijiet li ġejjin speċifikament fir-rigward ta' affarijiet marittimi u tat-trasport marittimu:

(a) li tirregola t-trasport bil-baħar, ir-reġistrazzjoni, liċenzjar u l-użu ta' dghajjes, vapuri u jottijiet, il-liċenzjar tal-operazzjonijiet kummerċjali kollha konnessi mat-trasport bil-baħar, il-kostruzzjoni, manutenzjoni u liċenzjar ta' portijiet u

attivitajiet fil-portijiet, ċentri tal-jottijiet u faċilitajiet oħra konnessi mat-trasport bil-baħar u biex tagħmel disposizzjonijiet għal kull materja li jipprovdi dwarha dan l-Att b'konnessjoni mat-trasport bil-baħar;

(b) li tirregola u tikkontrolla n-navigazzjoni fil-limiti ta' kull port u fil-viċinanzi tiegħu;

(ċ) li tipprovdi jew tiżgura l-provdiment ta' servizzi adatti għat-tifi tan-nar fil-portijiet, u għall-provdiment ta' servizzi ta' pilutaġġ u rmiġġ lil bastimenti;

(d) li tipprovdi u żżomm b'mod xieraq u effiċjenti, f'Malta fanali, antenni, u dwal oħra, bagi u għajnuniet u servizzi oħra ta' navigazzjoni f'dawk il-postijiet, inklużi l-ibħra territorjali ta' Malta, hekk kif l-Awtorità jidhrilha li jkun adatt;

(e) li tipprovdi, iżżomm, tiżviluppa, ittejjeb u thaddem portijiet f'Malta u l-faċilitajiet li jmorru magħhom, u li tipprovdi, iżżomm u thaddem fihom u fil-viċinanzi tagħhom servizzi u faċilitajiet adatti u effiċjenti li minn żmien għal żmien jidhrilha meħtieġa jew vantaġġu biex jaħdmu tajjeb, bla perikolu u b'mod effiċjenti, dawk il-portijiet jew hekk kif l-Awtorità jidhrilha xort'oħra adatt biex tipprovdi fl-interess pubbliku u li tnaddaf u tiżbarazza kull port u l-viċinanzi tiegħu;

(f) li tipprovdi u tuża jew tiżgura l-provdiment u l-użu ta' bastimenti, dgħajjes, jottijiet u vetturi u mezzi oħra għas-salvataġġ jew għat-tharis tal-ħajja u tal-proprjetà;

(g) li tipprovdi jew tiżgura l-provdiment ta' *fuel* u htigiet oħra lil bastimenti u li teżerċita kontroll shih fuq ix-xogħol kollu fil-portijiet inkluż il-provdiment ta' ħaddiema għal xogħol tal-port;

(h) li tmexxi 'l quddiem u tavvanza l-hila ta' baħħara u ta' persuni impjegati fil-portijiet u fl-industrija marittima u l-effiċjenza tat-tagħmir użat fihom;

(i) bla ħsara għal dak kollu hawn qabel imsemmi, li tipprovdi jew tiżgura l-provdiment ta' dawk is-servizzi l-faċilitajiet l-oħra li fil-fehma tal-Awtorità jkunu meħtieġa għat-thaddim tal-portijiet;

(j) bla ħsara għad-disposizzjonijiet ta' kull liġi oħra, li teżerċita kontroll shih dwar il-bon ordni fl-ibħra territorjali u interni ta' Malta, f'kull port, u fl-art u fil-baħar li jkun qrib ta'

kull port, u fuq il-mollijiet;

(k) li tirregola, tamministra u tikkontrolla l-*hwejjeġ* kollha li għandhom x'jaqsmu ma' bastimenti merkantili jew li hemm provdut dwarhom taht l-Att dwar il-Bastimenti Merkantili, jew taht xi liġi oħra li għandha x'taqsam ma' dan u li tipprovdi s-servizzi kollha marbuta magħhom; Kap. 234.

(l) bla *hsara* għal xi disposizzjoni tal-Att dwar il-Bastimenti Merkantili, li tagħmel dak kollu meħtieġ jew spedjenti għall-ittestjar, reġistrazzjoni u liċenzjar ta' dgħajjes, bastimenti u jottijiet, sidien jew operaturi kummerċjali tagħhom, baħħara, persuni li jkunu qegħdin jaħdmu f'portijiet jew persuni oħra jew faċilitajiet marbuta mat-trasport bil-baħar; Kap. 234.

(m) bla *hsara* għad-disposizzjonijiet tal-Att biex Iħares l-Ambjent, li tħares u tikkontrolla t-tingiż biż-żejt jew xi sustanza oħra ta' kull port jew fil-viċinanzi tiegħu; u Kap. 435.

(n) li tirregola, tikkontrolla, tiżviluppa u tmexxi 'l quddiem ċentri tal-jottijiet u li tmexxi 'l quddiem il-faċilitajiet marittimi ta' Malta.

(6) L-Awtorità għandu jkollha s-setgħat u l-funzjonijiet li ġejjin speċifikament fir-rigward tal-avjazzjoni ċivili:

(a) li tiżgura ambjent ta' operazzjoni mingħajr periklu f'konformità mal-Konvenzjoni dwar l-Avjazzjoni Ċivili Internazzjonali magħmula f'Chicago fis-7 ta' Diċembru, 1944;

(b) li tirregola t-trasport bl-ajru, ir-reġistrazzjoni, il-liċenzjar u l-użu ta' inġenji tal-ajru, il-liċenzjar tal-operazzjonijiet kummerċjali kollha li għandhom x'jaqsmu mat-trasport bl-ajru, il-bini, manutenzjoni, liċenzjar u spezzjoni ta' ajrudromi u faċilitajiet oħra li għandhom x'jaqsmu mat-trasport bl-ajru u li tipprovdi dwar kull haġa li hemm imsemmija taht dan l-Att u li għandha x'taqsam mat-trasport bl-ajru;

(ċ) li tirregola l-immaniġġar tat-traffiku fl-ajru u l-iddisinjar tal-ispazju tal-ajru, inklużi l-komunikazzjonijiet, in-navigazzjoni, is-sorveljanza, is-sistemi u l-proċeduri għall-immaniġġar tal-ispazju tal-ajru u tat-traffiku fl-ajru, kif ukoll is-servizzi ta' informazzjoni ajrunawtika;

(d) li tirregola kull haġa li għandha x'taqsam mal-avjazzjoni ċivili u li tikkoordina mal-organizzazzjonijiet internazzjonali tal-avjazzjoni ċivili rilevanti u li tressaq 'il quddiem il-kooperazzjoni internazzjonali fl-avjazzjoni ċivili;

(e) li tirreġistra inġenji tal-ajru f'Malta, li tapprova u tissorvelja *standard* ta' sigurtà operazzjonali tal-kumpanniji tal-ajru, u li tirregola, tikkontrolla, tiżviluppa u tmexxi 'l quddiem l-użu tal-faċilitajiet tal-avjazzjoni ċivili f'Malta;

(f) li tipprojbixxi inġenji tal-ajru milli jtiru jekk dawn ma jkollhomx ċertifikati, maħruġa u validati, li huma tajbin biex itiru;

(g) li tipprovdi għad-dhul f'fabbriki tal-inġenji tal-ajru sabiex jiġi spezzjonat xogħol li jsir fihom dwar inġenji tal-ajru jew partijiet minnhom u biex jipprojbixxu jew jirregolaw l-użu ta' ajrudromi mingħajr liċenza;

(h) li jipprojbixxu persuni milli jaħdmu fi, jew milli jkunu impjegati b'konnessjoni ma', navigazzjoni fl-ajru u li tohroġ liċenza lil dawk li jkunu impjegati f'ajrudromi fl-ispezzjonar u fis-sorveljanza ta' inġenji tal-ajru;

(i) li tirregola l-kondizzjonijiet li taħthom, u b'mod partikolari l-ajrudromi li lejhom jew minnhom, jistgħu jtiru inġenji tal-ajru li jaslu jew jitolqu minn Malta, u l-kondizzjonijiet li taħthom inġenji tal-ajru jistgħu jtiru minn parti għall-oħra ta' Malta;

(j) li tirregola l-kondizzjonijiet li taħthom jistgħu jingarru bl-ajru passiġġieri u merkanzija u li taħthom inġenji tal-ajru jkunu jistgħu jintużaw għal skopijiet oħra kummerċjali, industrijali u ta' qligħ, u li tipprojbixxi l-garr bl-ajru ta' merkanzija ta' dawk il-klassijiet li jiġu speċifikati f'regolamenti jew f'xi ordni;

(k) li tnaqqas jew tevita tfixkil fl-użu jew fl-effikaċja ta' apparat użat b'konnessjoni man-navigazzjoni fl-ajru, u li tipprojbixxi jew tirregola l-użu tal-imsemmi apparat u l-wiri ta' sinjali u dwal li x'aktarx jipperikolaw l-inġenji tal-ajru;

(l) b'mod ġenerali li tiżgura s-sigurtà, l-effiċjenza u r-regolarità tan-navigazzjoni fl-ajru u s-sigurtà ta' inġenji tal-ajru u ta' persuni u proprjetà li jingarru fihom, biex jiġi evitat li inġenji tal-ajru johlqu periklu lil persuni oħra u proprjetà u, b'mod partikolari, biex jinżammu inġenji tal-ajru għal kull wiehed mill-għanijiet speċifikati f'dan il-paragrafu;

(m) li tesiġi li persuni li jaħdmu fi, jew huma impjegati fi jew b'konnessjoni ma', in-navigazzjoni fl-ajru, jagħtu informazzjoni meterjoloġika għall-finijiet tan-navigazzjoni fl-

ajru;

(n) li tilliċenzja l-ekwipaġġ tat-titjiriet, kontrolluri tat-traffiku tal-ajru u kontrolluri tal-post fl-ajrudrom fejn isir il-manuvrar tal-ajruplani, u li ssegwi l-mod ta' kif isiru l-eżamijiet mediċi tagħhom;

(o) li tirregola l-għemil ta' sinjali jew komunikazzjonijiet oħra minn jew lil inġenji tal-ajru jew minn persuni li jingarru fihom;

(p) li tistabbilixxi kull distintiv, u li tirregola l-użu ta' kull distintiv li jkun diġà stabbilit sew b'regolamenti sew b'xi ordni jew xort'oħra, għall-finijiet li għandhom x'jaqsmu man-navigazzjoni fl-ajru;

(q) li tipprobixxi inġenji tal-ajru milli jtiru fuq dawk l-inħawi f'Malta li jiġu speċifikati f'regolamenti jew f'xi ordni;

(r) li tagħti l-appoġġ u tassisti fl-investigazzjoni ta' aċċidenti u inċidenti tal-ajru;

(s) li tagħti pariri u tagħmel rakkomandazzjonijiet lill-Ministru dwar l-applikazzjoni, l-adattament u l-modifika tal-liġijiet tad-dwana għall-ajrudromi u għal inġenji tal-ajru u dwar persuni u proprjetà li jingarru fihom u li tiegħu miżuri biex ma thallix li jsir kuntrabandu bl-ajru, u, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, biex thalli b'konnessjoni man-navigazzjoni fl-ajru, taht dawk il-kondizzjonijiet li fil-fehma tal-imsemmi Ministru jkunu mehtieġa jew spedjenti għat-tharis tad-dhul ta' flus, l-importazzjoni ta' merkanzija f'Malta mingħajr hlas ta' dazju.

(7) Fil-qadi tal-funzjonijiet tagħha skond dan l-Att, l-Awtorità għandha tiżgura li l-istrateġija, il-linji ta' politika u l-attivitajiet tagħha jkunu jaqblu mal-għanijiet u l-iskopijiet tal-ippjanar ekonomiku nazzjonali li jkunu fis-seħħ minn żmien għal żmien, u direttivi ġenerali tal-Gvern u tal-Ministeru u tagħti konsiderazzjoni xierqa lill-impatt tat-trasport fuq l-ambjent billi thegġeg linji ta' politika ta' sostenibbiltà ambjentali, bidliet modali u trasport ta' passiġġieri.

(8) L-Awtorità tista' ġġiegħel jew tawtorizza lil kull wiehed mill-uffiċjali jew impjegati tagħha jitla' abbord kull inġenju tal-ajru, bastiment, dgħajsa, jott li jkunu f'port jew barra xi port jew kull vettura kull fejn din tista' tkun jekk hekk jidhrilha mehtieġ li tagħmel fil-qadi ta' xi funzjoni tagħha taht dan l-Att jew taht xi liġi oħra jew

jekk jidhrilha li jkun hemm raġunijiet xierqa li taħseb li jkun sar jew li jkun ser isir xi reat kontra dan l-Att, jew kontra xi liġi oħra, jew xi regolament, regola jew ordni magħmulin bis-saħħa tagħhom.

(9) L-Awtorità tista' gġieghel jew tawtorizza lil kull wieħed mill-uffiċjali jew impjegati tagħha, flimkien ma' dawk il-haddiema li jkunu meħtieġa li -

(a) jidhlu f'kull art jew bini sabiex jibnu jew jieħdu ħsieb xi fanal jew lanterna jew xi għajnuna oħra ta' navigazzjoni għall-bastimenti, jew biex jeżaminaw, isewwu, jibdlu jew inehħu xi wieħed minn dawk il-fanali, antenni jew għajnuniet oħra, u li jibqgħu hemm għal dak iż-żmien xieraq għal dak l-għan;

(b) li jibnu jew jieħdu ħsieb fanali jew għajnuniet oħra msemmija qabel fuq jew f'xi art, bini, xatt, moll, jew fix-xtajta jew f'qiegħ il-ba'ar u li jibdlu jew inehħu kull fanal, antenna jew għajnuna oħra hemm imqieghda:

Iżda -

(i) l-Awtorità għandha, meta tkun tista' tagħti avviz lill-okkupant ta' kull art jew bini li fuqha jkun maħsub li ser isir dhul skont is-setgħat mogħtija b'dan is-subartikolu; u

(ii) l-Awtorità, fl-eżerċizzju tal-imsemmija setgħat, għandha tagħmel l-anqas ħsara possibbli fiċ-ċirkostanzi u għandha thallas kumpens għal kull ħsara li tkun saret u għall-holqien jew rekwizizzjoni ta' xi jeddijiet fuq il-proprjetà.

(10) L-Awtorità tista', minflok ma tuża l-uffiċjali jew l-impjegati tagħha biex tieħu xi azzjoni sanċita minn dan l-Att, tiddeċiedi li tawtorizza lil kuntrattur tal-Awtorità biex jeżerċita dik il-funzjoni u f'dawk il-każi l-kuntrattur tal-Awtorità jkollu dawk is-setgħat, drittijiet u obbligi bħal dawk ta' uffiċjal jew impjegat tal-Awtorità u għandu, għall-finijiet ta' dan l-Att u ta' kull regolament jew ordni magħmulin tahtu, għal kull għan u raġuni jkun meqjus bħala li hu impjegat tal-Awtorità.

(11) L-Awtorità tista' teħtieġ lil xi persuna biex tipprovdilha kull informazzjoni, inkluża informazzjoni finanzjarja, li l-Awtorità tkun tqis bħala meħtieġa b'għan li tiżgura konformità minn dik il-persuna mad-disposizzjonijiet ta' dan l-Att, ta' regolamenti magħmulin taht l-Att u deċiżjonijiet jew direttivi magħmulin skont

dan l-Att jew taht kull liġi oħra li l-Awtorità jkollha jedd tenforza. Kull persuna li tonqos jew tirrifjuta li tagħti din l-informazzjoni tikser id-disposizzjonijiet ta' dan l-Att u tista' tehel multa amministrattiva skont ma jiġi preskritt mill-Awtorità.

(12) Meta tkun saret xi ħsara lil xi xogħlijiet, impjant jew makkinarju f'xi ajrudrom, port, faċilità ta' trasport jew lil xi proprjetà oħra tal-Awtorità minn inġenju tal-ajru, bastiment, dgħajsa, jott jew vettura jew minn xi persuna li tkun qed taħdem xogħol fuq jew li għandu x'jaqsam ma' xi inġenju tal-ajru, bastiment, dgħajsa, jott jew vettura, l-Awtorità tista' żżomm lil dak l-inġenju tal-ajru, bastiment, dgħajsa, jott jew vettura u għandha ma' dan tgharraf lill-bdot, lill-kaptan, lis-sewwieq, lis-sid jew lill-aġent jew rappreżentant ta' dak is-sid, biex fiż-żmien speċifikat fl-avviż, jipprovdi garanzija biżżejjed biex tagħmel tajjeb għall-ħlas tal-ħsarat li jkunu hekk saru, u l-inġenju tal-ajru, bastiment, dgħajsa, jott jew vettura ma jinħelsux sakemm tingħata dik il-garanzija.

7. (1) Bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, il-hidma u l-attività tal-Awtorità jkunu r-responsabbiltà tal-Awtorità, iżda ħlief kif imsemmi aktar qabel, it-tmexxija eżekuttiva tal-Awtorità, l-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv tad-Direttorati u tal-uffiċjali u l-impjegati tagħha, ikunu r-responsabbiltà tal-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità, li jkollu wkoll dawk is-setgħat kollha li minn żmien għal żmien jiġu mogħtija lill-Awtorità.

Tmexxija tax-xogħol tal-Awtorità.

(2) L-Awtorità u kull wiehed mid-Direttorati jistgħu jeżerċitaw xi wiehed jew aktar mill-funzjonijiet jew ir-responsabbiltajiet tagħhom sew direttament sew permezz ta' xi wiehed mill-uffiċjali jew impjegati tagħhom li jkunu awtorizzati għal dak l-iskop, jew permezz ta' kuntrattur jew persuna oħra li magħha jkun sar ftehim għall-għemil ta' xi funzjoni waħda jew aktar minn dawk:

Izda ebda haġa f'dan is-subartikolu ma għandha tawtorizza lill-Awtorità sabiex tagħti b'kuntratt xi funzjonijiet regolatorji jew ta' liċenzjar li hija jkollha.

(3) Meta f'dan l-Att xi haġa għandha ssir minn jew kontra jew dwar l-Awtorità, jew għandu jingħata jew jista' jingħata xi avviż lill-Awtorità, dik il-haġa jew dak l-avviż jistgħu wkoll jintgħamli minn jew kontra jew dwar jew jingħataw lid-Direttorati li l-kwistjoni tkun taqa' taht il-ġurisdizzjoni tagħhom minħabba f'delega ta' funzjoni lil dak id-Direttorat; u għall-għanijiet hawn aktar qabel imsemmija kull riferenza f'dan l-Att għall-Awtorità tinkludi riferenza għad-Direttorat adatt.

8. (1) Il-linji ta' politika li għandhom ikunu segwiti u d-deċiżjoni dwar materji ta' politika għandhom ikunu l-prerogattiva tal-Ministru. Fin-nuqqas ta' qbil bejn il-Ministru u l-Awtorità dwar jekk xi materja partikolari tkun jew ma tkunx materja ta' politika, id-deċiżjoni tal-Ministru għandha tkun finali iżda l-Awtorità tista' titlob li l-Ministru jagħti d-deċiżjoni tiegħu bil-miktub.

(2) Deċiżjoni politika mill-Ministru għandha torbot biss lill-Awtorità jekk tingħatalha bil-miktub u jekk tkun iffirmata mill-Ministru.

(3) Bla preġudizzju għal dak hawn qabel imsemmi, il-Ministru jista', minn żmien għal żmien, jagħti lill-Awtorità direttivi, li ma jkunux kontra d-disposizzjonijiet ta' dan l-Att, li għandhom jiġu segwiti mill-Awtorità fil-qadi tal-funzjonijiet tagħha taht dan l-Att, u l-Awtorità għandha, kemm jista' jkun malajr, tagħti effett lil dawk id-direttivi kollha.

(4) L-Awtorità għandha tagħti lill-Ministru faċilitajiet biex jikseb tagħrif dwar il-proprjetà u l-attivitajiet tagħha jew xi funzjoni jew dover ieħor u tagħtih dawk il-prospetti, kontijiet u tagħrif dwarhom, u għandha wkoll tagħti faċilitajiet għall-verifika ta' tagħrif mogħti, b'dak il-mod u f'dawk iż-żminijiet li l-Ministru jkun bir-raġun jehtieg.

(5) Jekk l-Awtorità tonqos milli thares xi direttiva maħruġa taht dan l-artikolu, il-Prim Ministru jista' jagħmel ordni li jkun jittrasferixxi lill-Ministru, għal kollox jew f'parti, kull wahda mill-funzjonijiet tal-Awtorità f'liema każ dawk il-funzjonijiet jistgħu jiġu eżerċitati mill-Ministru permezz tal-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità u permezz tad-Direttorati, uffiċjali u impjegati ohra tagħha.

9. (1) L-Awtorità tkun enti morali b'personalità ġuridika distinta u tkun tista', bla ħsara għad-disposizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tneħhi kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, tharrek, tiġi mħarrka, u tagħmel kull haġa u tidhol f'kull operazzjoni li jkunu inċidentali jew iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha taht dan l-Att, magħdud li tislef jew tissellef il-flus.

(2) Ir-rappreżentanza legali tal-Awtorità tkun vestita solidalment fiċ-*Chairperson* jew fl-Uffiċjal Eżekuttiv Ewlieni:

Iżda l-Awtorità tista' tahtar lil xi wieħed jew aktar mill-membri l-ohra tagħha jew lil xi wieħed jew aktar mill-uffiċjali jew mill-impjegati tal-Awtorità biex jidhru f'isem u għall-Awtorità f'kull proċediment ġudizzjarju u f'kull att, kuntratt jew dokument ieħor, ikun li jkun.

(3) Kull dokument li jidher li jkun kitba magħmula jew maħruġa mill-Awtorità u li jkun iffirmit miċ-*Chairperson* jew mill-Uffiċjal Ezekuttiv Ewlieni jew minn kap ta' Direttorat dwar kull haġa li tiġi lil delegata f'isem l-Awtorità għandu jiġi milqugh bħala prova u għandu, sakemm ma jiġix ippruvat il-kuntrarju, jitqies li jkun kitba magħmula jew maħruġa mill-Awtorità.

10. (1) Il-laqgħat tal-Awtorità jissejhu miċ-*Chairperson*, ta' kull darba li jkun meħtieġ iżda mill-anqas darba fix-xahar, jew minn jeddu jew b'talba ta' erbgha mill-membri l-oħra tal-Awtorità.

Disposizzjonijiet dwar proċedimenti tal-Awtorità.

(2) Nofs l-għadd ta' membri li f'dak iż-żmien ikunu jikkostitwixxu l-Awtorità jiffirmaw kworum. Id-deċiżjonijiet jittiehdu b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Iċ-*Chairperson*, jew fin-nuqqas tiegħu d-Deputat *Chairperson* jew persuna oħra mahtura biex tagħmilha ta' *chairperson*, ikollu vot oriġinali u, fil-każ ta' voti indaq, vot deċiżiv. Bla ħsara għar-rekwiżiti l-oħra ta' dan l-Att, ebda deċiżjoni ma tkun valida jekk ma jkollhiex l-appoġġ ta' mill-anqas tliet membri tal-Awtorità meta l-Awtorità tkun tikkonsisti f'sitt membri minbarra ċ-*Chairperson* jew ta' mill-anqas erba' membri meta l-Awtorità tkun tikkonsisti f'izjed minn sitt membri minbarra ċ-*Chairperson*.

(3) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, l-Awtorità tista' tirregola l-proċedura tagħha stess.

(4) Bla ħsara għad-disposizzjonijiet ta' qabel ta' dan l-artikolu, għemil jew proċediment tal-Awtorità jkun validu minkejja xi vakanza fost il-membri tagħha.

(5) Kull haġa li ssir minn xi persuna li taġixxi *bona fide* bħala membru tal-Awtorità tkun valida daqslikieku kienet membru minkejja xi difett li jista' jiġi mikxuf wara fil-ħatra jew fil-kwalifika tagħha. Ebda kwistjoni ma tista' titqajjem dwar xi għemil jew proċedimenti tal-Awtorità minhabba xi ksur, minn xi membru, tad-disposizzjonijiet tal-artikolu 5(9).

11. (1) Għandhom jitwaqqfu d-Direttorati elenkati fl-Ewwel Skeda li għandhom ikollhom ir-responsabbiltajiet rispettivi mfissra fl-istess Skeda. Il-Ministru jista', wara li jikkonsulta lill-Awtorità, b'regolamenti jemenda l-imsemmija Skeda, u permezz t'hekk ikun jista' jiġi abolit xi wieħed jew aktar mid-Direttorati msemmija, jew jiġu mibdula r-responsabbiltajiet tagħhom, u jitwaqqfu dawk id-Direttorati l-oħrajn li l-Ministru jista' minn żmien għal żmien iqis li jkunu meħtieġa li jitwaqqfu.

Twaqqif ta' Direttorati.

(2) L-Awtorità għandha bil-mitkub tagħti lid-Direttorati mwaqqfa taht is-subartikolu (1), bla ħsara għas-superviżjoni u l-

kontroll fuq kollox tal-Awtorità u tal-Uffiċjal Eżekuttiv Ewlieni, dawk il-funzjonijiet tagħha li jirrigwardaw jew huma anċillari għal dawk l-affarijiet li jkunu responsabbli għalihom b'mod li dawk id-Direttorati jkunu jistgħu jagħtu seħħ lill-istrateġiji, linji ta' politika u direttivi tal-Awtorità u xort'oħra jwettqu effettivament u effiċjentement il-funzjonijiet tal-Awtorità f'kull qasam rispettiv tal-hidma tagħhom.

(3) Kull Direttorat imwaqqaf taħt is-subartikolu (1) jitmexxa minn persuna li jkollha esperjenza jew konoxxenza adegwata fil-qasam rispettiv tagħha li tkun jew uffiċjal pubbliku bi dmirijiet mal-Awtorità jew impjegat tal-Awtorità jew persuna assenjata biex taħdem mal-Awtorità skond ftehim bejn l-Awtorità u impriża pubblika jew privata.

(4) Il-kapijiet tad-Direttorati għandhom jinhatru mill-Awtorità bl-approvazzjoni tal-Ministru għal perijodu ta' tliet snin u dak il-perijodu jista' jiġi mtawwal għal perijodi oħra ta' tliet snin kull wiehed.

Hatra ta'
Uffiċjal
Eżekuttiv
Ewlieni.

12. (1) L-Awtorità għandha tahtar Uffiċjal Eżekuttiv Ewlieni bl-approvazzjoni tal-Ministru. Dik il-hatra għandha tkun għal perijodu ta' tliet snin u dak il-perijodu jista' jiġi mtawwal għal perijodi oħra ta' tliet snin kull wiehed.

(2) L-Uffiċjal Eżekuttiv Ewlieni għandu jattendi għal-laqgħat kollha tal-Bord iżda huwa ma jivvotax f'dawk il-laqgħat:

Iżda l-Awtorità tista', jekk jidhrilha li jkun hekk xieraq, teħtieġ lill-Uffiċjal Eżekuttiv Ewlieni biex ma jattendix għal xi laqgħat jew għal xi parti ta' xi laqgħa.

(3) L-Uffiċjal Eżekuttiv Ewlieni jkun responsabbli għall-implimentazzjoni tal-iskopijiet tal-Awtorità fit-tweġiq tal-funzjonijiet tagħha u mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi hawn aktar qabel huwa għandu -

(a) jassumi kull responsabbiltà għas-supervizjoni u l-kontroll fuq kollox tad-Direttorati;

(b) bl-approvazzjoni tal-Awtorità jassenja lid-Direttorati dawk id-dmirijiet li huma, bi jew skond id-disposizzjonijiet ta' dan l-Att, vestiti f'dawk id-Direttorati;

(ċ) jikkoordina l-hidma tad-Direttorati;

(d) jiżviluppa l-istrateġiji meħtieġa għall-implimentazzjoni u t-tħaddim kontinwu tal-iskopijiet tal-

Awtorità;

(e) jaghti parir lill-Awtorità dwar kull haġa li din tista' tirriferru jew dwar kull haġa li hu jqis li l-parir tiegħu jkun meħtieġ jew spedjenti; u

(f) iwettaq dawk il-funzjonijiet u dmirijiet l-oħra li l-Awtorità tista' tassenjalu minn żmien għal żmien.

(4) L-Uffiċjal Eżekuttiv Ewlieni m'għandu jkollu ebda kariga jew pożizzjoni oħra mingħajr il-kunsens tal-Awtorità.

(5) L-Uffiċjal Eżekuttiv Ewlieni jista' jitkeċċa mill-Awtorità f'kull żmien għal kawża ġusta u għandha tkun kawża ġusta jekk l-Awtorità tiddeċiedi li huwa ma jkunx lahaq il-miri u l-oġġettivi li jkunu tpoġġewlu mill-Awtorità.

13. (1) L-Awtorità għandha taħtar Kumitat ta' Awditjar Kunitat ta' Awditjar b'termini ta' riferenza miktubin, li bl-aktar mod ċar jistabbilixxu l-awtorità, ir-responsabbiltajiet, u d-doveri ta' dak il-kumitat.

(2) (a) Il-Kumitat ta' Awditjar għandu jiltaqa' sikwit kif meħtieġ iżda mill-anqas sitt darbiet f'sena.

(b) Il-laqgħat tal-Kumitat ta' Awditjar imexxihom id-Deputat *Chairperson* tal-Awtorità, jew fin-nuqqas tiegħu, dak il-membri tal-Awtorità kif jista' jintgħażel għal dan il-ghan miċ-*Chairperson* tal-Awtorità.

(ċ) Il-membri tal-Kumitat ta' Awditjar jinhatru taht dawk il-pattijiet u kondizzjonijiet li tiddeċiedi l-Awtorità.

(3) Bla preġudizzju għall-ġeneralità għad-disposizzjonijiet tas-subartikolu (1), il-Kumitat ta' Awditjar għandu jkollu l-funzjonijiet li ġejjin:

(a) li jipprovdi indukrar tas-sistemi ta' kontroll intern u maniġġar ta' riskju tal-Awtorità u li jassisti u jappoġġa lill-Awtorità fit-tweqqif tar-responsabbiltajiet tagħha dwar dak;

(b) li jipprovdi holqa ta' komunikazzjoni ma' udituri esterni u li jivvaluta u jikkordina l-awditjar u l-proċess ta' rappurtagġ finanzjarju tal-Awtorità;

(ċ) li jiskrutinizza u jevalwa kull transazzjoni li tidhol għaliha l-Awtorità b'valur li jkun aktar minn hames mitt elf euro (€500,000); u

(d) li jeżamina u jistma l-effettività tal-immaniġġar tal-Awtorità skond il-linji ta' politika u fit-twettiq tal-funzjonijiet regolatorji u ta' konformità tagħha.

(4) Il-Kumitat dwar Awditjar jirrapporta direttament lill-Awtorità għall-anqas darba kull sitt xhur u f'kull żmien ieħor meta jintalab jagħmel hekk mill-Awtorità.

TAQSIMA IV

UFFIĊJALI U IMPJEGATI TAL-AWTORITÀ

Hatriet ta' persunal.

14. (1) Bla ħsara għad-disposizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tapplika għalihom, u bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, l-impjeg u l-ħatra ta' uffiċjali u impjegati oħra tal-Awtorità jsiru mill-Awtorità u l-patti u l-kondizzjonijiet tal-impjeg u tal-ħatra għandhom jiġu stabbiliti mill-Awtorità wara li jkun qabel magħhom il-Ministru.

(2) L-Awtorità tista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, twaqqaf skema jew skemi sew b'arranġamenti kontributorji jew mhux kontributorji jew f'parti minn wiehed u f'parti mill-ieħor, għall-ħlas lill-uffiċjali u l-impjegati tagħha, jew lid-dipendenti tagħhom, meta jirtiraw, imutu jew ikorru, ta' pensjonijiet, gratifikazzjonijiet u benefiċċji oħra bħal dawn.

Żvelar ta' interessi.

15. (1) Meta l-Uffiċjal Eżekuttiv Ewlieni jew xi membru tal-persunal tal-Awtorità, jew konsultazzjoni, jew konsulent jew xi persuna oħra ingaġġata mill-Awtorità, ikollu interess fi, jew li jkollu x'jaqsam ma' kull haġa li tkun ser tiġi kkunsidrata mill-Awtorità, huwa għandu -

(a) jiżvela lill-Awtorità n-natura tal-interess waqt l-ewwel laqgħa tal-Awtorità wara li jkun akkwista dak l-interess jew inkella qabel kull konsiderazzjoni ta' dik il-haġa, skond ma jiġi l-ewwel;

(b) la jinfluwenza lanqas jipprova jinfluwenza deċiżjoni dwar dik il-haġa; u

(ċ) ma jichux sehem waqt li dik il-haġa tkun qiegħda tiġi kkunsidrata.

(2) Meta jkun hemm xi kwistjoni dwar jekk ċertu kondotta ta' xi persuna, tkunx tikkostitwixxi jew le nuqqas minn dik il-persuna li tosserva r-rekwiżiti tas-subartikolu (1), il-kwistjoni għandha tiġi deċiża mill-Awtorità u d-deċiżjoni u l-motivazzjoni tagħha għandhom

jigü registrati fil-minuti tal-laqgħa li fiha tkun ittiehdet id-deċiżjoni.

(3) Meta ssir dikjarazzjoni lill-Awtorità skont is-subartikolu (1), dettalji tad-dikjarazzjoni għandhom jigü registrati fil-minuti tal-laqgħa li fiha tkun saret dik id-dikjarazzjoni.

(4) Meta persuna li għalija jkun japplika s-subartikolu (1) tonqos milli tagħmel id-dikjarazzjoni meħtieġa, l-Awtorità għandha tiddeċiedi dwar l-azzjoni xierqa li għandha tittiehed li tista' tinkludi t-tneħħija mill-kariga jew it-tmiem tal-kuntratt tal-persuna konċernata.

(5) Salv għal dak li jkun meħtieġ jew permess għall-finijiet ta' dan l-Att, jew waqt li tkun qed tittiehed azzjoni dwar xi reat li jkun twettaq fir-rigward ta' xi disposizzjoni ta' dan l-Att jew ta' xi liġi oħra jew ta' xi regolamenti li jsiru taħthom, l-Awtorità u l-impjegati tagħha jkunu, waqt it-twettiq tal-funzjonijiet jew id-doveri tagħhom taħt dan l-Att, marbuta bid-disposizzjonijiet tal-Att dwar is-Segretezza Professjonali, u m'għandhom jagħtu ebda informazzjoni dwar xi applikant jew xi benefiċċji li jkunu ngħataw lil xi applikant mingħajr il-kunsens bil-mitkub ta' dak l-applikant jew kif xort'oħra permess bil-liġi.

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16. L-Awtorità għandha tahtar u timpjega, b'dik irrimunerazzjoni u taħt dawk il-pattijiet u l-kondizzjonijiet li tista' tistabbilixxi skont l-artikolu 14, dawk l-uffiċjali u impjegati l-oħra tal-Awtorità li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet tal-Awtorità.

Hatra u funzjonijiet ta' uffiċjali u impjegati tal-Awtorità.

17. (1) Il-Prim Ministru jista', b'talba tal-Awtorità, minn żmien għal żmien jordna li xi uffiċjal pubbliku jiġi allokat għal dmirijiet mal-Awtorità f'dik il-kariga u b'seħħ minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru.

Allokazzjoni ta' uffiċjali pubbliċi għal dmirijiet mal-Awtorità.

(2) Il-perijodu li matulu direttiva kif hawn qabel imsemmi għandha tapplika għal xi uffiċjal speċifikat fiha, kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku, jew xort'oħra ma jkomplix fil-kariga f'data qabel, jew kemm-il darba perijodu differenti ma jiġix speċifikat f'dik id-direttiva, għandu jintemm malli tiġri xi waħda mill-ġrajjet li ġejjin, jiġifieri:

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u impjeg permanenti mal-Awtorità skont id-disposizzjonijiet tal-artikolu 19; jew

(b) ir-revoka ta' dik id-direttiva mill-Prim Ministru, dwar dak l-uffiċjal:

Iżda għar-rigward ta' uffiċjal pubbliku li jiġi inkarigat

jagħmel dmirijiet mal-Awtorità b'seħħ minn dik id-data li l-Prim Ministru jista' jistabbilixxi b'ordni kif imsemmi hawn aktar qabel, l-inkarigu ta' dak l-uffiċjal pubbliku għandu jintemm milli jibqa' jseħħ wara sena mid-data effettiva ta' dik l-ordni, kemm-il darba dik l-ordni ma tiġix revokata aktar kmieni mill-Prim Ministru.

(3) Meta direttiva kif hawn aktar qabel imsemmi tiġi revokata mill-Prim Ministru dwar xi uffiċjal, il-Prim Ministru jista' b'direttiva oħra, jalloka lil dak l-uffiċjal għal dmirijiet mal-Awtorità f'dik il-kariga u b'seħħ minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u d-disposizzjonijiet tas-subartikolu (2) għandhom malli jsir dan japplikaw dwar il-perijodu ta' tul ta' kull direttiva oħra bħal dik dwar dak l-uffiċjal.

Stat ta' uffiċjali
pubbliċi allokat
fuq dmirijiet
mal-Awtorità.

18. (1) Meta xi uffiċjal pubbliku jiġi allokat fuq dmirijiet mal-Awtorità skont xi waħda mid-disposizzjonijiet tal-artikolu 17, dak l-uffiċjal għandu, matul dak iż-żmien li fih dik id-direttiva tkun isseħħ dwaru, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Awtorità, iżda dan għandu għall-finijiet u effetti kollha jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

(2) Bla preġudizzju għall-generalità ta' dak hawn aktar qabel imsemmi, uffiċjal allokat fuq dmirijiet kif hawn aktar qabel imsemmi -

(a) m'għandux matul iż-żmien li dwaru jkun hekk allokat -

(i) ikun imcaħhad milli japplika għal trasferiment f'dipartiment tal-Gvern skont il-pattijiet u l-kondizzjonijiet tas-servizz marbuta mal-ħatra mal-Gvern li hu jkollu fid-data li fiha jkun ġie hekk allokat fuq dmirijiet; jew

(ii) jirċievi rimunerazzjoni u jkun soġġett għal kondizzjonijiet tas-servizz li jkunu anqas favorevoli minn dawk marbuta mal-ħatra mal-Gvern li hu jkollu f'dik id-data jew li jistgħu jkunu marbuta ma' dik il-ħatra matul il-perijodi msemmija, kieku dak l-uffiċjal ma kienx imqabbad jaqdi dmirijiet mal-Awtorità; u

(b) ikollu l-jedd li s-servizz tiegħu mal-Awtorità jkun meqjus bħala servizz mal-Gvern għall-finijiet ta' xi pensjoni, gratifikazzjoni, jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lin-Nisa Romol u Tfal Iltiema, u għall-finijiet ta' kull jedd jew privileġġ ieħor li kien ikollu dritt għalih, u jkun soġġett għal kull responsabbiltà li kien ikun responsabbli għaliha, kieku ma kienx il-fatt li hu ġie

Kap. 93.

Kap. 58.

allokat għal dmirijiet mal-Awtorità.

(3) Meta ssir applikazzjoni kif provdut fis-subartikolu (2)(a)(i) din għandha tiġi kkunsidrata daqslikieku l-applikant ma ġiex allokati għal servizz mal-Awtorità.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa minhabba l-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjali allokati għal dmirijiet mal-Awtorità kif hawn aktar qabel imsemmi matul iż-żmien li fih ikun hekk allokati.

19. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal allokati għal dmirijiet mal-Awtorità skont xi waħda mid-disposizzjonijiet tal-artikolu 17 impjieg permanenti mal-Awtorità b'rimunerazzjoni u taht dawk il-pattijiet u l-kondizzjonijiet mhux anqas favorevoli minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta.

Offerta ta' impjieg permanenti mal-Awtorità lil uffiċjali pubbliċi allokati għal dmirijiet mal-Awtorità.

(2) Il-pattijiet u l-kondizzjonijiet ta' kull impjieg permanenti offruti mill-Awtorità taht id-disposizzjonijiet tas-subartikolu (1) m'għandhomx jitqiesu li jkunu anqas favorevoli minhabba biss li ma jkunux fid-dettalji kollha bħal dawk jew oghla minn dawk, li jkollu dak l-uffiċjal fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, meħuda flimkien, fil-fehma tal-Prim Ministru joffru b'mod sostanzjali benefiċċji li jkunu ndaqqs jew akbar.

(3) Kull uffiċjal li jaċċetta impjieg permanenti mal-Awtorità li jiġi offert lilu skond id-disposizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha hlied dawk tal-Ordinanza dwar il-Pensjonijiet u tal-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla ħsara għad-disposizzjonijiet ta' l-artikolu 39 ta' dan l-Att, jitqies li jkun temm milli jkun fis-servizz tal-Gvern u li jkun daħal fis-servizz tal-Awtorità fid-data ta' l-aċċettazzjoni tiegħu, u għall-finijiet ta' l-imsemmija Ordinanza u tal-imsemmi Att, safejn japplikaw għalih, servizz mal-Awtorità għandu jitqies bħala servizz mal-Gvern fit-tifsiriet li hemm fihom rispettivament.

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Kap. 58.

(4) Kull uffiċjal bħal dak kif hawn qabel imsemmi li, minnufih qabel ma jaċċetta impjieg permanenti mal-Awtorità kellu dritt jibbenefika taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' hekk ikompli jkollu d-dritt jibbenefika tahtu għall-finijiet kollha bħallikieku s-servizz tiegħu mal-Awtorità kien servizz mal-Gvern.

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(5) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-

Ministru responsabbli għall-finanzi dwar in-nefqa għall-pensjonijiet u gratifikazzjonijiet dovuti lil uffiċjal li jkun aċċetta impjeg permanenti mal-Awtorità kif hawn qabel imsemmi matul il-perijodu li jibda fid-data tal-aċċettazzjoni ta' dak l-uffiċjal.

(6) Fil-każ ta' uffiċjal pubbliku inkarigat jagħmel dmirijiet mal-Awtorità b'seħħ mid-data stabbilita taħt il-proviso għall-artikolu 17(2)(b) u li sussegwentement jaċċetta impjeg permanenti mal-Awtorità, id-disposizzjonijiet ta' qabel għandhom jibqgħu japplikaw bla ħsara għad-disposizzjonijiet li ġejjin ta' dan l-artikolu.

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(7) Għall-finijiet tal-Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli mal-irtirar ta' xi uffiċjal pubbliku li għalih ikun japplika s-subartikolu (6) għandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jithallsu lil xi uffiċjal fis-servizz tal-Gvern fi grad u f'livell inkrementali li jikkorrispondi għall-kariga u livell inkrementali li jkollu l-uffiċjal fid-data meta jirtira minn mal-Awtorità.

Klassifika ta' karigi u gradi ta' salarji mal-Awtorità.

20. (a) Il-karigi u l-gradi salarjali tal-Awtorità għandhom ikunu klassifikati kemm jista' jkun b'mod korrispondenti mal-gradi u livelli inkrementali fis-servizz mal-Gvern ta' Malta b'riferenza għad-deskrizzjoni tal-kariga, hila fis-sengħa, responsabbiltà u fatturi oħra bħal dawn.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir minn bord magħmul minn president li jiġi mahtur mill-Ministeru responsabbli għall-finanzi u minn żewġ membri oħra, wiehed mahtur mill-Ministeru responsabbli għall-affarijiet li għandhom x'jaqsmu b'mod ġenerali mal-persunal fis-servizz pubbliku u wiehed mahtur mill-Awtorità. Il-klassifikazzjoni tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Dik il-klassifikazzjoni għandha tintgħamel fi żmien tliet xhur minn kull aġġustament ta' salarji ta' impjegati fis-servizz tal-Gvern u, jew, ta' impjegati tal-Awtorità.

(d) Ebda kariga m'għandha tiġi klassifikata fi grad oġhla minn dak ta' Grad 3 fis-servizz tal-Gvern jew f'dak il-grad li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jistabbilixxi b'avviż fil-Gazzetta.

(e) Mingħajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara klassifikazzjoni bħal dik imsemmija, ikollu jedd għal xi dritt taħt l-imsemmija Ordinanza dwar il-Pensjonijiet li jkun anqas favorevoli minn dawk li kieku kien ikollu jedd għalihom qabel dik il-klassifikazzjoni.

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21. L-Awtorità tista' tingaġġa lil dawk il-konsulenti u persuni hekk kif hija tista' tikkunsidra li jkun meħtieġ biex jgħinuha twettaq il-funzjonijiet tagħha.

Ingaġġ ta' konsulenti u ta' persuni ohra.

TAQSIMA V

DISPOSIZZJONIJIET FINANZJARJI

22. (1) Mingħajr preġudizzju għad-disposizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha hekk tmexxi l-affarijiet tagħha li n-nefqa meħtieġa għat-tweġiq xieraq tal-funzjonijiet tagħha għandhom jithallsu, daqstant kemm ikun prattikabbli, mid-dhul tagħha.

L-Awtorità thallas l-infiq mid-dhul tagħha.

(2) Għall-finijiet tas-subartikolu (1) l-Awtorità għandha tiġbor kull dritt, rata u hlas ieħor ordnat jew meqjus li jkun ordnat minn jew taħt dan l-Att jew kull liġi ohra li tkun tipprovdi għal hwejjeġ li jkollhom x'jaqsmu mas-setgħat u l-funzjonijiet vestiti fl-Awtorità b'dan jew taħt dan l-Att.

(3) L-Awtorità għandha wkoll tiġi mħallsa mill-Gvern mill-Fond Konsolidat dawk l-ammonti ta' flus li l-Parlament jista' minn żmien għal żmien jawtorizza li jiġu approprjati biex minnhom jithallsu l-ispejjeż ta' xogħlijiet speċifikati li għandhom jitkomplew jew inkella jintgħamlu mill-Awtorità, li jkunu xogħlijiet ta' infrastruttura jew ta' xorta kapitali bħal dik.

(4) Bla ħsara għal dawk id-direttivi li l-Ministru jista' jagħti minn żmien għal żmien, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, kull eċċess ta' dhul fuq l-infiq għandu ikun applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riserva li jintużaw għall-għanijiet tal-Awtorità. Bla preġudizzju għall-ġeneralità tas-setgħat mogħtija lill-Ministru li jagħti direttivi taħt dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif imsemmi hawn aktar qabel tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod li jista' jiġi speċifikat fid-direttiva, ta' xi sehem mid-drittijiet, rati u hlasijiet ohra miġbura skond is-subartikolu (2).

(5) Kull fond tal-Awtorità li ma jkunx minnufih meħtieġ għall-hlas tal-infiq jista' jiġi investit b'dak il-mod li jista' minn żmien għal żmien jiġi approvat mill-Ministru.

23. (1) Biex taqdi kull funzjoni tagħha skont dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef jew tiġbor flus b'dak il-mod, mingħand dik il-persuna, korp jew awtorità, u taħt dawk il-patti u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn qabel imsemi, jista' japprova bil-miktub.

Setgħa ta' self jew għbir ta' kapital.

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef, b'*overdraft* jew xort'ohra, dawk l-ammonti ta' flus li tista' tkun teħtieġ għat-twettiq tal-funzjonijiet tagħha taħt dan l-Att:

Iżda għal kull ammont li jkun jeċċedi miljun euro (€1,000,000) għandha tkun meħtieġa l-approvazzjoni tal-Ministru bil-miktub.

Avvanzi mill-Gvern.

24. Il-Ministru reponsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jgħaddi lill-Awtorità dawk is-somom li huwa jaqbel li jkunu meħtieġa mill-Awtorità biex taqdi kull funzjoni tagħha taħt dan l-Att, u jista' jgħaddi dawk is-somom taħt dawk il-pattijiet u kondizzjonijiet li, wara l-imsemmija konsultazzjoni, jidhrulu xierqa. Is-somom kollha bħal dawk jistgħu jiġu mgħoddija mill-Ministru reponsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr approprjazzjoni oħra hlief dan l-Att, b'*warrant* iffirmit minnu li jawtorizza lill-*Accountant General* biex jgħaddi dawk is-somom.

Self minghand il-Gvern.

25. (1) Il-Ministru reponsabbli għall-finanzi jista', għal kull htieġa tal-Awtorità ta' xorta kapitali, jikkuntratta jew johloq kull self, jew jinkorri kull obbligu, għal dawk il-perijodi u b'dawk il-pattijiet u l-kondizzjonijiet li huwa jista' jqis xierqa; u kull ammont ta' flus dovut għar-rigward jew b'konnessjoni ma' xi self jew obbligu bħal dawk għandu jinħareġ mill-Fond Konsolidat.

(2) Għandu jingħata kemm jista' jkun malajr lill-Kamra tad-Deputati avviz ta' kull self jew obbligu magħmul jew somom li jiġu mgħoddija taħt id-disposizzjonijiet ta' qabel ta' dan l-artikolu.

(3) Sakemm jinholoq xi self bħal dak imsemmi fis-subartikolu (1), jew bil-ghan li l-Awtorità tiġi provduta b'kapital finanzjarju, il-Ministru reponsabbli għall-finanzi jista', permezz ta' ordni li tkun iġġib il-firma tiegħu, u mingħajr ebda approprjazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* li jgħaddi flus lill-Awtorità mit-*Treasury Clearance Fund* taħt dawk il-pattijiet li jistgħu jiġu speċifikati mill-Ministru meta dawn isiru.

(4) Ir-rikavat ta' kull self mahluq għall-ghanijiet li jiġu mgħoddija flus lill-Awtorità, u kull flejjes oħra li jridu jiġu mgħoddija lill-Awtorità taħt dan l-artikolu, għandhom jithallsu go fond imwaqqaf speċjalment għaldaqshekk u li jkun magħruf bħala "Fond ta' Self għall-Awtorità li Tirregola t-Trasport".

(5) L-ammonti ta' flus li l-*Accountant General* jirċievi mill-Awtorità għar-rigward ta' flus li jiġu mgħoddija lill-Awtorità taħt isubartikolu (3) għandhom jithallsu fit-*Treasury Clearance Fund* u ammonti ta' flus li jkun irċieva l-*Accountant General* bħala mgħax

fuq dawk l-avvanzi għandhom jithallsu fil-Fond Konsolidat.

26. (1) L-Awtorità għandha tiegħu hsieb thejji f'kull sena finanzjarja, u għandha mhux aktar tard minn erba' ġimgħat qabel it-tmiem ta' dik is-sena tadotta, estimi ta' dhul u nfiq tal-Awtorità għas-sena finanzjarja li tiġi wara, fejn tagħzel, b'mod partikolari, bejn kull wieħed minn dawk id-Direttorati li jkunu ġew imwaqqfa taht id-disposizzjonijiet ta' dan l-Att:

Estimi tal-Awtorità.

Iżda l-estimi għall-ewwel sena finanzjarja tal-Awtorità għandhom jithejjew u jiġu adottati sa dak iż-żmien li l-Ministru jista' b'avviż bil-miktub lill-Awtorità jispeċifika.

(2) Fit-thejjija ta' dawk l-estimi l-Awtorità għandha tikkunsidra kull fond u flejjes oħra li jkollhom jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew bis-saħħa ta' dan l-Att sew b'att ta' approprjazzjoni jew b'xi liġi oħra; u l-Awtorità għandha wkoll thejji l-imsemmija estimi hekk li tiżgura li d-dhul totali tal-Awtorità jkun għall-anqas biżżejjed biex jithallsu s-somom kollha li għandhom jithallsu mill-kont tad-dhul tagħha, magħdud, iżda bla hsara għall-generalità ta' dik it-tifsira, id-deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni mas-snin ta' qabel kif jista' jordna l-Ministru responsabbli għall-finanzi.

(4) Kopja tal-estimi għandha, malli dawn jiġu adottati mill-Awtorità, tintbagħat minnufih lill-Ministru u lill-Ministru reponsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità, u mhux aktar tard minn sitt ġimgħat wara li jkun irċieva kopja tal-estimi mingħand l-Awtorità, japprova dawk l-estimi sew b'xi emendi sew mingħajr emendi wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

27. (1) Ma jista' jsir ebda nfiq mill-Awtorità kemm-il darba ma jkunx sar provediment għalih fl-estimi approvati kif provdut fl-artikolu 26.

L-infiq ikun skont l-estimi approvati.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu -

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni tal-estimi għal dik is-sena mill-Kamra, skont liema tkun l-ewwel data, l-Awtorità tista' tagħmel infiq biex taqdi l-funzjonijiet tagħha skont dan l-Att ta' mhux aktar b'kollox minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

(b) inġenġ approvati dwar kap jew sottokap tal-estimi jista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru reponsabbli għall-finanzi, isir dwar kap jew sottokap ieħor tal-estimi;

(ċ) dwar l-ewwel sena finanzjarja, l-Awtorità tista' tagħmel inġenġ sakemm jiġu approvati l-estimi għal dik is-sena ta' mhux iżjed b'kolloxx mill-ammonti li l-Ministru reponsabbli għall-finanzi jista' wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk dwar xi sena finanzjarja jinsab li l-ammont approvati fl-estimi ma jkunx biżżejjed jew tinqala' l-htieġa għal inġenġ li ma jkunx provdut għalih fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Ministru u f'kull każ bħal dak id-disposizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom japplikaw kemm jista' jkun prattikabbli għall-estimi supplimentari.

Pubblikazzjoni ta' estimi approvati.

28. Il-Ministru għandu, mal-ewwel opportunità, iżda mhux aktar tard minn tmien għingħat wara li hu jkun irċieva kopja tal-estimi u tal-estimi supplimentari tal-Awtorità, jew jekk f'xi żmien matul dak il-perijodu l-Kamra tad-Deputati ma tkunx qed tilitaqa', fi żmien tmien għingħat mill-bidu tas-sessjoni li tiġi minnufih wara, jiehu hsieb li daww l-estimi jitqieghdu fuq il-Mejda tal-Kamra tad-Deputati.

Kontijiet u verifika.

29. (1) L-Awtorità għandha tiehu hsieb li żżomm kontijiet xierqa u *records* oħra dwar ix-xogħol tagħha, u għandha tiehu hsieb li ttejjji dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet tal-Awtorità għandhom jiġu verifikati minn uditur jew udituri nominati mill-Awtorità u approvati mill-Ministru:

Iżda l-Ministru reponsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba u l-kontijiet tal-Awtorità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jagħmel kull verifika fiżika u l-verifiki l-oħra li jidhirlu meħtieġa.

(3) L-Awtorità għandha mhux aktar tard minn tliet xhur wara li tispiċċa kull sena finanzjarja tara li kopja tad-dikjarazzjoni tal-kontijiet verifikata kif imiss tintbagħat lill-Ministru u lill-Ministru reponsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-uditur fuq dak il-prospett jew il-kontijiet tal-Awtorità.

(4) Il-Ministru għandu jiehu hsieb li kopja ta' kull dikjarazzjoni u rapport bħal daww jitqieghdu quddiem il-Kamra kemm jista' jkun prattikament malajr.

30. (1) Il-flejjes kollha miġbura mill-Awtorità għandhom jitqieghdu f'bank jew f'banek maħtura bħala bankiera tal-Awtorità b'rizoluzzjoni tal-Awtorità. Dawk il-flejjes għandhom, safejn dan jista' jsir, jithallsu f'dak il-bank minn ġurnata għall-oħra, hlief dik is-somma li l-Awtorità tista' tawtorizza li tinzamm biex jithallsu l-ispejjeż żgħar u hlasijiet ta' flus li jsiru fil-pront.

Depożitu ta' dhul u hlasijiet mill-Awtorità.

(2) Il-hlasijiet kollha mill-fondi tal-Awtorità, barra minn spejjeż żgħar li ma jkunux aktar minn somma stabbilita mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali tal-Awtorità li l-Awtorità tista' tahtar jew issemmi għal hekk.

(3) Ċekkijiet kontra u rtirar minn kull kont tal-bank tal-Awtorità għandhom ikunu ffirmati minn dak l-uffiċjal tal-Awtorità li jista' jiġi maħtur jew imsemmi għal hekk mill-Awtorità u għandhom ikunu kontrofirmati miċ-*Chairperson* jew minn dak il-membri jew uffiċjal ieħor tal-Awtorità kif jista' jiġi awtorizzat mill-Awtorità għal hekk.

(4) L-Awtorità għandha wkoll tipprovdi dwar -

(a) il-mod li bih u l-uffiċjal jew l-uffiċjali li minnhom għandhom jiġu awtorizzati jew approvati l-hlasijiet;

(b) l-isem ta' kull kont miżmum mal-bank jew banek li fihom il-flus tal-Awtorità għandhom jithallsu, u t-trasferiment ta' fondi minn kont għal ieħor;

(ċ) il-metodu li għandu jintuża fil-hlasijiet mill-fondi tal-Awtorità, u b'mod ġenerali dwar kull haġa li għandha x'taqsam mat-tiżmin u kontroll xieraq ta' kontijiet u kotba, u l-kontroll tal-finanzi, tal-Awtorità.

31. Mingħajr preġudizzju għal kull direttiva mogħtija mill-Ministru taht l-artikolu 8(2), l-Awtorità m'għandhiex tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-esekuzzjoni ta' xogħlijiet, jew għall-prestazzjoni ta' servizzi, għall-Awtorità jew għall-vantaġġ tagħha, hlief skont ir-regolamenti li jkunu fis-seħħ dwar il-ksib tal-oġġetti u s-servizzi kollha fis-settur pubbliku.

Kuntratti għall-provvista ta' oġġetti jew xogħlijiet.

32. L-Awtorità għandha, mhux aktar tard minn tliet xhur wara li tispiċċa kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun b'mod ġenerali jittratta dwar l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja, li jiddistingwi, b'mod partikolari, bejn kull wieħed minn dawk id-Direttorati hekk kif jista' jiġi stabbilit taht id-disposizzjonijiet ta' dan l-Att u li jkun fih dak it-tagħrif dwar it-tmexxija u l-linja tal-politika

Rapport annwali.

tal-Awtorità hekk kif xi wiehed mill-Ministri msemija jista' jkun jehtieg minn zmien għal zmien. Il-Ministru għandu jara li titqieghed kopja fuq il-Mejda tal-Kamra malajr kemm jista' jkun.

Eżenzjoni mit-taxxa.

33. L-Awtorità tkun hielsa minn kull obbligu għall-hlas ta' taxxa fuq id-dhul u taxxa tal-boll taht kull liġi li tkun fis-sehħ f'dak iż-żmien.

TAQSIMA VI

TRASFERIMENT TA' ĊERTI ASSI LILL-AWTORITÀ

Trasferiment ta' assi lill-Awtorità.

34.(1) (a) Il-proprjetà u l-impriża li huma tal-Awtorità Marittima ta' Malta jew tal-Awtorità dwar it-Trasport ta' Malta jew tad-Dipartiment tal-Avjazzjoni Ċivili u li kienu qegħdin jintuzaw minn xi wiehed jew waħda minnhom minnufih qabel id-data tal-bidu fis-sehħ ta' din it-Taqsima ta' dan l-Att, jew li huma tal-Gvern u huma użati minn xi waħda mill-imsemija Awtoritajiet jew mill-imsemmi Dipartiment qabel l-imsemija data, għat-thaddim ta' xi waħda mill-funzjonijiet li b'dan l-Att qegħdin jiġu trasferiti lil jew vestiti fl-Awtorità għandhom, fid-data hawn aktar qabel imsemija, bis-saħħa ta' dan l-Att u mingħajr ebda sigurtà oħra, jiġu hekk trasferiti lil u vestiti fl-Awtorità taht l-istess titolu li bih kienu użati jew inżammu mill-Awtorità Marittima ta' Malta jew mill-Awtorità dwar it-Trasport ta' Malta jew mid-Dipartiment tal-Avjazzjoni Ċivili minnufih qabel id-data msemija.

(b) L-assi immobbli li minn zmien għal zmien ikunu speċifikati f'ordni magħmul mill-President ta' Malta u pubblikat fil-Gazzetta (hawnhekk iżjed 'il quddiem imsejha "l-assi immobbli") li jkunu assi immobbli li minnufih qabel id-data tal-bidu fis-sehħ tal-Att tal-2000 li jemenda l-Att dwar Awtorità dwar it-Trasport ta' Malta kienu proprjetà tal-Gvern u li huwa kien juża biex jeżerċita xi waħda mill-funzjonijiet li b'dan l-Att qegħdin jiġu trasferiti lil jew vestiti fl-Awtorità għandhom b'seħħ minn dik id-data li tista' tiġi speċifikata f'xi Ordni bħal dak, u bis-saħħa ta' dan l-Att u mingħajr ebda sigurtà oħra jiġu trasferiti lil jew jiġu vestiti fl-Awtorità taht l-istess titolu li bih huma kienu nżammu mill-Gvern qabel id-data msemija.

(2) It-trasferiment u l-ghoti lill-Awtorità kif hawn aktar qabel imsemija għandhom jestendu għal dik il-proprjetà u dawk l-impriži kollha u, mingħajr preġudizzju għall-ġeneralità hawn aktar qabel imsemija, għandhom jinkludu kull impjant, tagħmir, apparat, strumenti, vetturi, vapuri, inġenji, xtut, mollijiet, *piers*, bankini, bini, strutturi, stallazzjonijiet, art, toroq, xoghlijiet, hażniet u proprjetà oħra, sew mobbli, sew immobbli, assi, setgħat, jeddijiet u privileġġi u kull haġa meħtieġa jew

anċillari għalihom jew li tkun lilhom tappartjeni, kif ukoll kull obbligu li jolqot jew ikollu x'jaqsam ma' xi proprjetà jew impriża minn dawk hawn aktar qabel imsemmija jew haġa oħra hemm inkluża kif imsemmi aktar qabel:

Iżda fir-rigward ta' ajrudromi, toroq, xtut, mollijiet, *piers* u bankini, l-imsemmija trasferiment u għoti lill-Awtorità kif hawn aktar qabel imsemmija ma jestendux għall-proprjetà tagħhom iżda jkunu limitati għall-użu, amministrazzjoni u thaddim tagħhom, inkluż kull benefiċċju li jinkiseb minn dak l-użu, amministrazzjoni u thaddim, bla ħsara għall-obbligu tal-Awtorità li tagħmel manutenzjoni, safejn dik il-manutenzjoni ma tkunx ir-responsabbiltà tal-Kunsilli Lokali skont l-ewwel proviso għall-artikolu 6(4)(b), u żżomm kull proprjetà bħal dik, u għall-finijiet tal-artikoli 35 u 36 dik il-proprjetà għandha titqies li tkun inkluża f'kull proprjetà trasferita lill-Awtorità b'dan l-Att jew tahtu.

(3) Il-Ministru jista' b'Ordni fil-Gazzetta minn żmien għal żmien ivesti fl-Awtorità kull art li l-Gvern ikollu sabiex l-Awtorità tkun tista' tibni xi ajrudrom, triq, port, xatt, moll, *pier* jew bankina fuqha, u d-disposizzjonijiet tal-proviso għas-subartikolu (2) għandhom japplikaw għal kull art hekk vestita mill-Ministru taht dan is-subartikolu.

35. (1) Bla ħsara għal disposizzjonijiet oħra ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, deċiżjoni, kuntratt, rabta, kuntratt, ftehim, strument, dokument, mandat u kull arrangament ieħor, eżistenti minnufih qabel id-data tal-bidu fis-sehħ ta' din it-Taqsima ta' dan l-Att li jolqtu jew għandhom x'jaqsmu ma' proprjetà jew impriża trasferita lill-Awtorità b'dan l-Att jew tahtu u li fihom il-Gvern jew awtorità tal-gvern tkun parti minnha jew tkun imsemmija fiha għandhom isehħu u jkollhom effett sħiħ kontra jew favur l-Awtorità, u għandhom jiġu esegwiti għal kollox liberament u effettivament, b'mod li bħallikieku minflok il-Gvern jew awtorità tal-gvern, l-Awtorità kienet imsemmija fihom jew kienet parti fihom, u xort'oħra b'sostituzzjoni tal-Gvern jew awtorità tal-gvern.

Kif jiftehmu liġijiet, eċċ.

(2) Kull riferenza f'xi liġi għall-Awtorità dwar it-Trasport ta' Malta jew għall-Awtorità dwar it-Trasport Pubbliku jew għall-Awtorità Marittima ta' Malta jew għad-Dipartiment tal-Avjazzjoni Ċivili għandha tinqara u tiftiehem bħala riferenza għall-Awtorità kif imfissra fl-artikolu 2 u għandha tinkludi riferenza għal kull Direttorat imwaqqaf taht dan l-Att, kif jista' jinhtieg il-każ.

36. (1) Kull haġa relatata ma' xi proprjetà jew impriża jew xi dritt jew obbligu trasferiti lill-Awtorità b'dan l-Att jew tahtu li tkun inbdiet minn jew taht l-awtorità tal-Gvern, tal-Awtorità Marittima ta'

Disposizzjonijiet transitorji.

Malta jew tal-Awtorità dwar it-Trasport ta' Malta jew tad-Dipartiment tal-Avjazzjoni Ċivili qabel id-data tad-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att, dik il-ħaġa tista' titkompla u tintemm mill-Awtorità jew kif jiġi awtorizzat minnha f'dik id-data jew wara dik id-data.

(2) Meta minnufih qabel id-data tad-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att, ikun hemm pendenti xi proċedimenti legali relatati ma' xi proprjetà jew impriża, jew xi dritt jew obbligu trasferiti lill-Awtorità b'dan l-Att jew tahtu u li fihom il-Gvern, l-Awtorità Marittima ta' Malta jew l-Awtorità dwar it-Trasport ta' Malta jew id-Dipartiment tal-Avjazzjoni Ċivili ikun, jew ikollu jedd ikun parti, l-Awtorità għandha, mid-data hawn aktar qabel imsemmija, tidhol f'dawk il-proċedimenti minflok il-Gvern, jew minflok l-Awtoritajiet jew Dipartiment kif imsemmija hawn aktar qabel, skond ma jkun il-każ, jew issir parti fihom bl-istess mod li kieku l-Gvern, xi waħda minn dawk l-Awtoritajiet jew Dipartiment kien isir parti kif imsemmi hawn aktar qabel, u dawk il-proċedimenti ma għandhomx jiġu effettwati minħabba sostituzzjoni bal dik.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali u supplimentari li jidhru meħtieġa jew spedjenti sabiex jistabbilixxi, kif xieraq, l-attiv trasferit lill-Awtorità b'dan l-Att, u sabiex jiżgura u jagħti effett shiħ għat-trasferiment ta' kull proprjetà jew impriża, jew kull dritt jew responsabbiltà tal-Awtorità skont dan l-Att u jista' jagħmel dawk l-ordnijiet li jistgħu jkun meħtieġa sabiex xi setgħat u dmirijiet eżerċitati mill-Gvern, mill-Awtorità Marittima ta' Malta jew mill-Awtorità dwar it-Trasport ta' Malta jew mid-Dipartiment tal-Avjazzjoni Ċivili dwar xi proprjetà jew impriża trasferita jsiru eżerċitabbli minn jew f'isem l-Awtorità.

TAQSIMA VII

KUMITATI TA' TMEXXIJA

Hatra u
funzjonijiet tal-
kumitati ta'
tmexxija.

37. (1) Il-Ministru jista', wara konsultazzjoni mal-Awtorità, b'Ordni pubblikata fil-Gazzetta u b'seħħ minn dik id-data jew dati kif jistgħu jiġu stabbiliti f'dik l-Ordni, jahtar fir-rigward ta' kull Direttorat li jista' jkun twaqqaf taht dan l-Att, Kumitat ta' Tmexxija li jkun magħmul minn *Chairperson* u dawk il-membri l-oħra msemmija fl-Ordni. Il-Kumitat ikollu dawk is-segħat eżekuttivi u, jew konsultattivi kif jista' jingħad fl-Ordni kif jista' jiddeċiedi l-Ministru wara konsultazzjoni mal-Awtorità.

(2) Il-membri tal-Kumitat ta' Tmexxija għandhom jibqgħu fil-kariga għal dak iż-żmien u b'dawk il-pattijiet u kondizzjonijiet li l-Ministru jista' jiddeċiedi fl-Ordni kif imsemmi hawn aktar qabel.

(3) Id-disposizzjonijiet tas-subartikoli (5)(a), (6) u (9) tal-artikolu 5 għandhom ikunu *mutatis mutandis* japplikaw għall-membri tal-kumitati ta' tmexxija.

(4) Kull kumitat ta' tmexxija għandu jżomm il-minuti ta' kull laqgħa li jagħmel u jgħaddi kopja ta' dawk il-minuti lill-Awtorità. Id-disposizzjonijiet tal-artikolu 10 għandhom ikunu *mutatis mutandis* japplikaw għall-kumitat u għall-atti jew għall-proċedimenti tiegħu.

TAQSIMA VIII

BORD TAL-APPELLI DWAR IT-TRASPORT

38. (1) Għandu jitwaqqaf Bord tal-Appelli dwar it-Trasport biex jisma' u jiddeċiedi - Hatra ta' Bord tal-Appelli.

(a) appelli magħmula minn xi persuna li thoss ruħha aggravata b'deċiżjoni tal-Awtorità li tiċhad milli tagħti jew iġġedded, jew li tissospendi jew li tirrevoka liċenza, jew li timponi kondizzjonijiet, limitazzjonijiet jew esklużjonijiet f'liċenza;

(b) appelli magħmula minn xi persuna li thoss ruħha aggravata b'piena amministrattiva jew xort'ohra imposta fuq dik il-persuna mill-Awtorità.

(2) Dwar kull haġa li tkun is-suġġett ta' appell quddiemu l-Bord tal-Appelli jista' jfittex il-parir ta' esperti tekniċi biex jassistuh fit-tweqqif kif xieraq tal-funzjonijiet tiegħu.

(3) Il-Bord tal-Appelli jkun magħmul minn avukat li jkun ilu jipprattika għal mhux anqas minn seba' snin, li għandu jkun iċ-*Chairperson* u jippresjedi l-Bord u minn żewġ persuni esperti f'materji tat-trasport.

(4) Iċ-*Chairperson* u l-membri tal-Bord tal-Appelli jinhatru mill-Ministru.

(5) Persuna ma tikkwalifikax biex tinhatar, jew biex tibqa', membru tal-Bord tal-Appelli jekk dik il-persuna tkun skwalifikata milli tkun maħtura bħala membru tal-Awtorità.

(6) Iċ-*Chairperson* u l-membri tal-Bord tal-Appelli għandhom jibqgħu fil-kariga għal perijodu ta' tliet snin, u jkunu jistgħu jerġgħu jinhatru f'dik il-kariga.

(7) Iċ-*Chairperson* jew membru tal-Bord tal-Appelli jista' jagħti r-riżenja tiegħu b'ittra indirizzata lill-Ministru.

(8) Iċ-*Chairperson* jew membru tal-Bord tal-Appelli jista' jitneħħa mill-kariga mill-Ministru -

(a) jekk iċ-*Chairperson* jew membru jsir inkapaċi, għal raġuni ta' saħħa, li jwettaq effettivament il-funzjonijiet tiegħu, jew

(b) minhabba f'imġiba hażina jew negligenza gravi, jew

(ċ) minhabba konflitt ta' interess, jew

(d) jekk it-tneħħija taċ-*chairperson* jew tal-membru tkun tidher meħtieġa għall-andament effettiv tal-funzjonijiet tal-Bord tal-Appelli.

(9) Il-Bord tal-Appelli għandu jkollu segretarjat amministrattiv indipendenti li jkun magħmul għall-anqas minn segretarju għall-Bord tal-Appelli u dawk l-impjegati l-oħra li jistgħu jkunu meħtieġa biex il-Bord ikun jista' jiffunzjona b' mod effiċjenti.

(10) Is-segretarju u l-persunal amministrattiv li jkun jeħtieġ il-Bord tal-Appelli għandha tipprovdihom l-Awtorità.

(11) Iċ-*Chairperson* u l-membri tal-Bord għandhom jithallsu dawk id-drittijiet għal spejjeż skond kif jista' jistabbilixxi l-Ministru.

(12) Il-Bord tal-Appelli għandu jagħti avviż bil-miktub minn qabel ta' mhux anqas minn sittax-il jum ta' kull smieġh ta' appell minnu.

(13) Il-Bord tal-Appelli għandu jkun indipendenti fit-twettiq tal-funzjonijiet tiegħu.

(14) Id-deċiżjonijiet tal-Bord tal-Appelli jkunu finali hlief dwar punti ta' liġi jew ekwità deċiżi mill-Bord u, jew ksur tal-prinċipji ta' ġustizzja naturali f'liema każi jkun hemm appell quddiem il-Qorti tal-Appell (Kompetenza Inferjuri).

(15) Bla ħsara għal dak hawn aktar qabel imsemmi, appellu lill-Bord tal-Appelli u x-xogħol tal-Bord tal-Appelli għandhom isiru skont ir-regoli li hemm fit-Tieni Skeda, u fin-nuqqas ta' regoli dwar xi materja, il-Bord tal-Appelli jista' jirregola l-proċeduri tiegħu stess.

(16) Id-deċiżjonijiet tal-Bord tal-Appelli jkunu jorbtu jekk jittieħdu skont il-fehma ta' tnejn mill-membri tiegħu, li għandhom jiffirmaw id-deċiżjoni. Id-deċiżjonijiet kollha tal-Bord tal-Appelli għandhom jinqraw fil-pubbliku u għandhom jiġu pubblikati malajr kemm jista' jkun wara s-seduta li jkunu ngħataw fiha.

TAQSIMA IX

MIXXELLANI

39. Il-membri tal-Awtorità, il-membri tal-Kumitati ta' Tmexxija u l-uffiċjali u l-impjegati kollha tal-Awtorità għandhom jitqiesu li huma uffiċjali u impjegati pubbliċi skont it-tifsira tal-Kodiċi Kriminali.

Persuni meqjusa
uffiċjali
pubbliċi.
Kap. 9.

40. (1) Sakemm ma jiġix preskritt mod ieħor, hadd ma għandu jwettaq jew jidhol f'xi operazzjoni kummerċjali jew impriża ta' trasport bl-ajru, bil-baħar jew stradali, jew iwettaq xi attività jew operazzjoni kummerċjali biex jipprovdi servizzi lil dik l-impriża jew operazzjoni kemm-il darba dik il-persuna ma jkollhiex liċenza, permess jew awtorizzazzjoni oħra maħruġa mill-Awtorità taħt dan l-Att.

Liċenzjar ta'
attivitàjiet.

(2) Kull min iwettaq jew jidhol f'xi operazzjoni, impriża jew attività bħal dik mingħajr liċenza jew li jaġixxi bi ksur ta' xi kondizzjoni ta' dik il-liċenza, ikun ħati ta' reat u jista' jehel meta jinsab ħati multa ta' mhux iżjed minn mija u ħamsa u għoxrin elf euro (€125,000) jew prigunerija għal żmien mhux iżjed minn erbgħa u għoxrin xahar, jew għal dik il-multa u prigunerija flimkien.

41. (1) Il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti għar-rigward ta' kull waħda mill-funzjonijiet tal-Awtorità jew b'rabta ma' xi materja li għandha x'taqsam mat-trasport stradali, bil-baħar jew bl-ajru.

Setgħa ta'
għemil ta'
regolamenti.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1), ir-regolamenti taħt dan l-artikolu jistgħu, b'mod partikolari fir-rigward ta' trasport stradali u vetturi, jipprovdu -

(a) għar-reġistrazzjoni ta' vetturi bil-mutur jew vetturi oħra u l-għoti, tiġdid, trasferiment, sospensjoni u thassir ta' liċenzi dwar vetturi bil-mutur jew vetturi oħra, is-sewwieqa tagħhom, l-impjegati tat-trasport pubbliku, garaxxijiet tal-kiri tal-karrozzi, trasport ta' passiġġieri jew merkanzija b'kiri jew bi hłas, u għal dawk il-liċenzi l-oħra dwar vetturi bil-mutur jew vetturi oħra u min jużahom kif jista' jinhtieg;

(b) biex jipprovdu għal kif għandha ssir applikazzjoni għall-għoti, tiġdid jew trasferiment ta' liċenzi jew ta' xi klassi minnhom, jew iżjed minn klassi waħda, għal dak li għandu jkun hemm fl-applikazzjoni, għal kif dawk il-liċenzi għandhom jingħataw, jiġgeddu jew jiġu trasferiti; l-għamla li biha dawn il-liċenzi għandhom jinħarġu, x'għandu jkun fihom, u kif it-tiġdid jew it-trasferiment għandhom jintwerew;

(c) biex jistabbilixxu kemm għandhom idumu jiswew liċenzi jew klassi minnhom jew iżjed minn klassi waħda;

(d) biex jipprovdu sabiex ikun żgurat li liċenzi jew xi klassi minnhom jew iżjed minn klassi waħda jagħlqu f'jum jew fil-jiem imsemmijin;

(e) biex jippreskrivu li xi klassi min-nies bil-liċenza jew iżjed minn klassi waħda għandhom ikollhom fuqhom *badges* li jingħarfu sewwa kif jista' jiġi speċifikat, biex jistabbilixxu d-drittijiet li għandhom jithallsu għal dawk il-*badges* u biex jaħsbu għal hwejjeġ oħra dwar hekk;

(f) biex jippreskrivu s-servizzi li għandhom jingħataw minn vettura tat-trasport pubbliku, il-ħin, il-mod u l-kondizzjonijiet li fihom jew taħthom dawk is-servizzi għandhom jingħataw u l-post minn fejn ordnijiet, ftehim jew arrangamenti oħra għal dawk is-servizzi għandhom jingħataw jew isiru, u biex jeħtieġu t-tqassim fost is-sidien ta' vetturi tat-trasport pubbliku, jew ta' dik il-parti minnhom kif jista' jiġi ordnat fir-regolamenti, tan-nolijiet kollha, drittijiet u riċevuti oħra miġbura minnhom, bil-mod, bil-patti u bil-kondizzjonijiet preskritti fir-regolamenti;

(g) għall-bini, tagħmir, stat u manutenzjoni ta' vetturi bil-mutur jew vetturi oħra u dwar l-eżami kull tant żmien tagħhom minn esperti uffiċjali;

(h) għall-klassifikazzjoni ta' vetturi bil-mutur jew vetturi oħra skont l-użu tagħhom kif approvat mill-Awtorità;

(i) biex jiġi ordnat il-wiri ta' xi tagħrif fil-parti ta' ġewwa ta' vetturi bil-mutur jew vetturi oħra;

(j) biex jiġu stabbiliti r-registri li għandhom jinżammu minn persuni b'liċenza ta' vetturi tat-trasport pubbliku, u t-tagħrif li għandu jingħata minn dawn il-persuni;

(k) għall-kontroll, restrizzjoni jew projbizzjoni tal-passaġġ jew il-waqfien ta' vetturi bil-mutur jew vetturi oħra minn jew fuq xi triq, sqaq, pjazza jew post ieħor ta' mogħdija pubblika;

(l) dwar *pedestrian crossings* u għar-restrizzjoni jew il-kontroll tal-moviment tal-*pedestrians* fi, matul jew min-naħa għall-oħra ta' xi triq, sqaq, pjazza jew post ieħor ta' mogħdija pubblika;

(m) b'mod ġenerali għall-kontroll jew l-użu stradali ta' vetturi bil-mutur jew vetturi oħra u biex jiġi regolat it-traffiku ta' vetturi bil-mutur jew vetturi oħra;

(n) għall-immaniġġar u s-superviżjoni ta' servizzi ta' trasport pubbliku u għaż-żamma u l-infurzar ta' dixxiplina fuq dawk is-servizzi;

(o) għall-kondizzjonijiet ta' xogħol fis-servizzi tat-trasport pubbliku għall-ħarsien tal-interessi ta' impjegati tat-trasport pubbliku;

(p) biex jistabbilixxu liema drittijiet għandhom jingabru dwar l-ghoti, tiġdid jew trasferiment ta' liċenzi jew ta' xi klassi minnhom jew ta' iżjed minn klassi waħda, sew billi jgħidu mill-ewwel kemm għandu jithallas jew billi jgħidu kif l-għadd tal-ħlas għandu jinħadem; u biex jaħsbu għal drittijiet li għandhom jingabru dwar perijodi maqtuġhin:

Izda regolamenti taħt dan il-paragrafu jistgħu jistabbilixxu l-anqas u l-ogħla dritt li għandu jingabar dwar liċenzi jew xi klassi minnhom jew iżjed minn klassi waħda, u meta jsir hekk l-għadd tad-dritt li għandu jingabar f'kull każ għalih għandu jiġi stabbilit mill-Awtorità fid-diskrezzjoni tagħha;

(q) biex jipprovdu dwar ir-radd lura ta' drittijiet, jew ta' xi sehem minnhom, imħallsin bis-saħħa tad-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti li jsiru taħtu;

(r) biex jippreskrivu tariffa ta' nolijiet dwar vetturi u servizzi tat-trasport pubbliku;

(s) biex jistabbilixxu d-drittijiet għall-provdiment ta' xi servizz jew l-immaniġġar ta' servizz mill-Awtorità jew minn xi persuna f'isimha jew taħt l-awtorità, inkluż, mingħajr preġudizzju għall-ġeneralità ta' dak kollu hawn aktar qabel imsemmi, kull dritt jew ħlasijiet oħra għal xi servizz li jkollu x'jaqsam mar-regolament ta' xi attività mill-Awtorità;

(t) għall-għemil ta' xi depożitu jew l-ghoti ta' xi garanzija sabiex jiġi żgurat it-twettiq ta' xi obbligu li xi persuna jista' jkollha impost fuqha bħala kundizzjoni ta' xi permess, awtorizzazzjoni jew liċenza taħt dan l-Att;

(u) biex jirregolaw it-trasport pubbliku u t-trasport ta' merkanzija b'mod ġenerali, inkluż l-għemil ta' kodiċijiet ta'

prattika li għandhom jiġu osservati dwar xi haġa minn persuni involuti f'dawk l-attivitajiet;

(v) għas-setgħat u d-doveri tal-uffiċjali, impjegati u, jew kuntratturi mahtura mill-Awtorità.

(3) Bla preġudizzju għall-ġeneralità tas-subartikolu (1), ir-regolamenti taħt dan l-artikolu jistgħu, b'mod partikolari fir-rigward ta' hwejjeġ marittimi, jipprovdu għall-manutenzjoni, kontroll u tmexxija tal-ibhra territorjali u interni ta' Malta, għall-ġarr ta' passiġġieri u trasport ta' merkanzija bil-baħar, għall-immaniġġar ta' kull port jew ċentru tal-jottijiet u l-art u l-baħar li jkunu fil-viċinanza ta' kull port jew ċentru tal-jottijiet u biex tinzamm il-bon ordni fihom u b'mod partikolari, iżda bla ħsara għall-ġeneralità ta' dak hawn qabel imsemmi, dawk ir-regolamenti jistgħu jsiru għall-għanijiet kollha li ġejjin jew għal xi wieħed minnhom:

(a) għaž-żamma tal-bon ordni f'kull parti tal-ibhra territorjali u interni ta' Malta, f'kull port u fl-art u fil-baħar li jkunu fil-viċinanzi ta' kull port, u fuq il-mollijiet, u għal kull għan ieħor dwar dawn;

(b) biex jiġi regolat t-traffiku fil-limiti ta' port jew l-art u l-baħar fil-viċinanzi tiegħu;

(ċ) biex jiġi regolat l-użu tal-irmiġġi, l-istazzjonijiet u l-ankraġġi li għandhom ikunu okkupati minn bastimenti u t-tneħħija ta' bastimenti minn irmiġġ, stazzjon jew ankraġġ għal ieħor, u ž-żmien li matulu dik it-tneħħija għandha ssir;

(d) biex jiġu regolati bastimenti waqt li jkunu jgħabbu jew iniżżlu ekwipaġġ, passiġġieri, merkanzija jew savorra, skond il-każ, jew waqt li jkunu qegħdin jieħdu l-*fuel* jew hażniet;

(e) biex jinżammu passaġġi liberi ta' dik il-wisa' li titqies meħtieġa, f'xi port u matul, fuq jew hdejn il-*piers*, bankini, postijiet ta' żbark, xtut, mollijiet, baċiri, rmiġġi u xogħlijiet simili li jkunu fihom jew imissu magħhom jew ma' postijiet oħra bħalhom, u biex jimmarkaw sabiex jibqgħu hekk liberi;

(f) biex tiġi regolata, kontrollata u ipprojbita l-preżenza ta' kull persuna f'xi post jew bini f'port jew l-użu minn xi persuna ta' dak il-post jew bini;

(g) biex jiġu regolati l-ankraġġ, l-irbit, l-irmiġġ u t-

tneħħija tal-irmigġ u t-tmexxija bil-ġbid ta' gerlin ta' bastimenti u l-użu ta' gerlini, bażi h'all-irmigġ, ankri, ktajjen u rmiġġi oħra f'xi port;

(h) biex jiġi regolat it-traffiku, l-evitar ta' ingombri u ż-żamma tal-ordni fuq kull arja, pier, bankina, post ta' żbark, xatt, moll u baċir f'port jew fl-art u l-baħar tal-viċinanzi tiegħu u sabiex ikun żgurat ħarsien mill-periklu ta' kull wiehed mill-imsemmija postijiet u xogħlijiet;

(i) biex jiġi regolat l-użu ta' nirien u dwal u s-sinjali li għandhom jintużaw bi nhar u bil-lejl u l-miżuri li għandhom jittieħdu f'każ ta' nar f'port;

(j) biex jiġi regolat l-użu ta' dwal ta' navigazzjoni jew dwal tas-sinjali minn bastimenti, l-użu ta' bnadar u sinjali li jintużaw minn bastimenti li jaslu, ikunu fi jew li jitolqu minn port u l-użu minn bastimenti ta' sfafar tal-istim, sireni tal-istim u strumenti oħra bħal dawn;

(k) biex jiġu projbiti t-tlaqqix, it-tqaxxir, it-thaddim bil-makna jew it-tiswija fuq bastimenti, skond il-każ, ħlief f'dawk l-ankraġġi jew postijiet stabbiliti mill-Awtorità;

(l) biex jiġi regolat il-galleġġar ta' kull haġa f'xi port jew fil-viċinanzi ta' xi port u t-tfiegħ jew id-depożitu ta' xi korp mejjet, savorra, żibel, haġa oħra fl-ibħra territorjali jew interni ta' Malta, jew f'xi port jew viċinanzi ta' xi port;

(m) biex jiġu definiti oġġetti perikolużi, riskjużi, infjammabbli, esplożivi jew ta' ħsara, jiġu regolati l-movimenti u l-ankraġġ ta' bastimenti li jkollhom fuqhom dawk l-oġġetti u biex ikunu preskritti d-dmirijiet ta' kaptani ta' kull bastiment bħal dawn u ta' persuni mqabbdin fi jew li jissorveljaw it-tagħbija, il-ħatt, l-iżbark u t-trasport ta' kull oġġett bħal dawn;

(n) biex ma jithallewx isiru, biex jitneħħew u biex ikunu mmarkati ostakoli f'xi port u l-viċinanzi tiegħu u biex jithares u jkun kontrollat it-tniġġiż miż-żejt u sustanzi oħra, jew b'xi mod ieħor, ta' kull port u l-viċinanzi tiegħu;

(o) biex jiġi regolat it-tqegħid u l-manutenzjoni ta' rmiġġi u baġi f'xi port;

(p) biex jittieħdu miżuri biex bastimenti ma jithallewx jitolqu minn xi port jekk ikunu mgħobbija ż-żejjed, mgħobbija mhux kif imiss, jew jekk xort'oħra mhux tajbin biex ibaħħru,

bla ħsara għad-disposizzjonijiet ta' kull liġi dwar bastimenti merkantili;

(q) biex bastimenti, passiġġieri u merkanzija jiġu protetti, u biex jitnehhew bastimenti u l-merkanzija tagħhom u l-oġġetti li għandhom x'jaqsmu magħhom li jkunu qegħdin jingumbraw jew li x'aktarx jingumbraw xi port, biex jithallsu lura l-ispejjeż li għandhom x'jaqsmu ma' dan, u l-imposizzjoni u l-ġbir ta' kera biex il-buk ta' bastiment jew bastimenti mġarrfa jew fdalitjiet ta' bastiment mġarrfaq jithallew qieghda f'xi port jew fil-viċinanzi tiegħu;

(r) biex jiġu regolati, dikjarati u mfissra x-xtut, il-mollijiet, il-baċiri, *piers* u postijiet fil-portijiet, li minnhom jew fuqhom persuni jitniżżlu jew jitgħabbew u oġġetti jkunu imbarkati jew żbarkati;

(s) biex jiġi regolat il-mod li bih, u l-kondizzjonijiet li taħthom it-tagħbija u l-ħatt ta' bastimenti, u t-tagħbija jew ħatt bi braken, l-immaniġġar u l-ħażna ta' oġġetti, magħduda l-konsenja minn maħżen, għandhom isiru;

(t) biex jiġi regolat l-użu ta' mħażen, xtut, mollijiet, baċiri, *piers* u postijiet oħra fil-portijiet li fuqhom jew minnhom oġġetti jkunu imbarkati jew żbarkati u l-imġiba ta' persuni li jiehdu sehem fl-imbark fuq jew fl-iżbark minn bastiment f'xi port;

(u) biex jeħtieġu u jirregolaw l-użu ta' liċenża lil persuna biex tkun aġent ta' bastiment, il-kondizzjonijiet li taħthom tinhareġ dik il-liċenża u l-ġbir ta' pagament li għandu jsir għall-ħruġ ta' dik il-liċenża, u b'mod ieħor biex jirregolaw u jikkontrollaw l-attivitajiet ta' aġenti tal-bastimenti u persuni li jirrappreżentaw sidien ta' bastimenti safejn daww l-attivitajiet ikunu dwar bastimenti li jistgħu jkunu jew li kienu f'port;

(v) biex jiġi regolat il-mod li bih bastimenti li jithallew qieghda f'port, għal aktar minn dak iż-żmien permess mill-Awtorità, jew li jithallew jew għal kollox waħedhom jew mingħajr ekwipaġġ biżżejjed fuqhom, għandhom ikunu trattati u x'isir minnhom;

(w) biex tiġi regolata kull haġa minn dan li ġej:

(i) it-tnehhija ta' oġġetti li jithassru jew li ma jintalbu biex jintraddu lura u li jkunu jinsabu f'xi port;

(ii) il-projbizzjoni ta' tipjip f'kull parti ta' xi port jew fil-vicinanzi tiegħu;

(iii) il-bejgħ ta' oġġetti f'kull parti ta' xi port;

(x) biex jiġu regolati hwejjeġ li għandhom x'jaqsmu ma' portiera, dawk li jgħorru u haddiema ohra li jkunu impjegati fil-limiti ta' port, il-hruġ ta' liċenzi għat-twettiq ta' dak ix-xogħol u kull haġa ohra li għandha x'taqsam mad-dixxiplina ta' dawk il-haddiema:

Iżda x-xogħol tal-portiera tal-bagalji jkun taħt it-treġija u l-kontroll tal-Awtorità:

Iżda wkoll il-Gvern jew l-Awtorità ma jagħmlu tajjeb għall-ebda telf jew hsara li jsiru waqt it-tagħbija, hatt jew trasbord ta' bagalji minn portier tal-bagalji li jkollu liċenza;

(y) biex jipprovdu għall-ghoti, tiġdid, thassir u sospensjoni ta' liċenzi dwar vapuri użati għall-ġarr ta' passiġġieri u t-trasport ta' merkanzija bil-baħar;

(z) biex jipprovdu dwar l-istabbiliment u r-regolamentazzjoni ta' nolijiet li jistgħu jingabru għall-ġarr ta' passiġġieri u t-trasport ta' merkanzija bil-baħar;

(aa) mingħajr preġudizzju għar-rekwiżiti taħt l-Att dwar il-Bastimenti Merkantili, biex jipprovdu għal htiġiet addizzjonali dwar ir-regolamentazzjoni u l-liċenzjar ta' sewwieqa ta' vapuri li jaħdmu fil-ġarr ta' passiġġieri u t-trasport ta' merkanzija jew persuni ohra impjegati fit-thaddim ta' dawk il-vapuri; Kap. 234.

(bb) wara konsultazzjoni mal-Awtorità ta' Malta dwar il-Komunikazzjoni, biex jiġi regolat kull aspett li jkollu x'jaqşam mal-użu ta' radjukomunikazzjonijiet minn bastimenti merkantili;

(cc) biex tiġi preskritta kull haġa li b'dan l-Att tista' jew għandha tkun preskritta jew li għandha x'taqşam ma' xi funzjoni jew dmir tal-Awtorità mogħtija lilha b'dan l-Att jew taħtu jew b'xi liġi ohra jew taħtha.

(4) Sabiex jilhaq ahjar l-għanijiet ta' dan l-Att fir-rigward ta' materji dwar l-avjazzjoni ċivili, il-Ministru jista', b'regolament jew ordni, jipprovdi kif jidhirlu meħtieġ jew spedjenti -

(a) biex tkun applikata jew tingieb fis-seħħ kull

konvenzjoni internazzjonali jew kull ftehim ieħor internazzjonali dwar l-avjazzjoni ċivili li tiegħu l-Gvern ikun jew ikun bihsiebu jsir parti;

(b) b'mod ġenerali biex tkun regolata n-navigazzjoni fl-ajru;

(ċ) biex tiġi preskritta jew biex jiġi provdut għal kull haġa li għandha jew li tista' tiġi ordnata taħt dan l-Att;

(d) biex jiġi implimentat kull obbligu tal-Komunità Ewropea f'dak li għandu x'jaqsam mat-trasport bl-ajru jew mal-avjazzjoni ċivili;

(e) għar-registrazzjoni tal-inġenji tal-ajru f'Malta;

(f) għall-projbizzjoni ta' inġenji tal-ajru milli jtiru jekk ma jkunx hemm dwarhom ċertifikati li huma tajbin biex itiru maħruġa jew validati skont ir-regolamenti jew l-ordni u hlief bit-tħaris ta' dawk il-kondizzjonijiet dwar manutenzjoni u tiswija li jiġu speċifikati fir-regolamenti jew fl-ordni;

(g) għall-ghoti ta' liċenza, għall-ispezzjonar u għar-regolamentazzjoni ta' ajrudromi, għad-dhul f'fabbriki tal-inġenji tal-ajru sabiex jiġi spezzjonat xogħol li jsir fihom dwar inġenji tal-ajru jew partijiet u għall-projbizzjoni jew regolamentazzjoni tal-użu ta' ajrudromi mingħajr liċenza;

(h) għall-projbizzjoni ta' persuni milli jaħdmu fi, jew milli jkunu impjegati b'konnessjoni ma', navigazzjoni fl-ajru f'dawk il-karigi li jiġu speċifikati fir-regolamenti jew fl-ordni hlief skont id-disposizzjonijiet dwar hekk li jkunu jinsabu fir-regolamenti jew fl-ordni, u għall-ghoti ta' liċenzi lil dawk li jkunu impjegati f'ajrudromi fl-ispezzjonar jew fis-sorveljenza ta' inġenji tal-ajru;

(i) dwar il-kondizzjonijiet li taħthom, u b'mod partikolari l-ajrudromi li għalihom jew minnhom, inġenji tal-ajru li jaslu jew jitolqu minn Malta jistgħu jtiru, u dwar il-kondizzjonijiet li taħthom inġenji tal-ajru jistgħu jtiru minn parti għall-oħra ta' Malta;

(j) dwar il-kondizzjonijiet li taħthom passigġieri u merkanzija jistgħu jingarru bl-ajru u li taħthom inġenji tal-ajru jistgħu jintużaw għal skopijiet oħra kummerċjali, industrijali u ta' qligħ, u dwar il-projbizzjoni ta' ġarr bl-ajru ta' merkanzija ta' dawk il-klassijiet li jiġu speċifikati fir-regolamenti jew fl-

ordni;

(k) biex jitnaqqas jew jiġi evitat tfixkil fl-użu jew fl-effikaċja ta' apparat użat b'konnessjoni man-navigazzjoni tal-ajru u għall-projbizzjoni jew regolamentazzjoni tal-użu tal-imsemmi apparat u l-wiri ta' sinjali u dwal li x'aktarx jipperikolaw l-inġenji tal-ajru;

(l) b'mod ġenerali biex jiġu żgurati l-harsien mill-periklu, l-effiċjenza u r-regolarità tan-navigazzjoni fl-ajru u l-harsien mill-periklu ta' inġenji tal-ajru u ta' persuni u proprjetà u, b'mod partikolari, biex jinżammu inġenji tal-ajru għal kull wiehed mill-għanijiet speċifikati f'dan il-paragrafu;

(m) biex persuni li jaħdmu fi, jew huma impjegati fi jew b'konnessjoni ma', in-navigazzjoni fl-ajru jkunu meħtieġa jagħtu informazzjoni meterjoloġika għall-finijiet tan-navigazzjoni fl-ajru;

(n) biex jiġi regolat l-għemil ta' sinjali jew komunikazzjonijiet oħra minn jew lil inġenji tal-ajru jew minn jew lil persuni li jingarru fihom;

(o) sabiex jiġi stabbilit kull distintiv u biex jiġi regolat l-użu ta' kull distintiv li jkun diġà stabbilit sew b'regolamenti jew b'ordni jew xort'oħra, għall-finijiet li għandhom x'jaqsmu man-navigazzjoni fl-ajru;

(p) għall-projbizzjoni ta' inġenji tal-ajru milli jtiru fuq dawk l-inhawi ta' Malta li jiġu speċifikati fir-regolamenti jew fl-ordni;

(q) dwar il-mod u l-kondizzjonijiet tal-ħruġ, validazzjoni, tiġdid, estensjoni jew tibdil ta' kull ċertifikat, liċenza jew dokument ieħor meħtieġ bir-regolamenti jew bl-ordni (inklużi l-eżamijiet u l-provi li għandhom isiru), u dwar il-forma, il-kustodja, il-produzzjoni, it-thassir, is-sospensjoni, il-kontrosenjar u l-għoti lura ta' kull dokument bħal dak;

(r) biex jiġu regolati d-drittijiet li għandhom jintalbu għall-użu ta' ajrudromi u ta' servizzi mogħtija f'dawk l-ajrudromi;

(s) sabiex jiġu ordnati d-drittijiet li għandhom jithallsu dwar il-ħruġ, il-validazzjoni, it-tiġdid, l-estensjoni jew it-tibdil ta' kull ċertifikat, liċenza jew dokument ieħor jew dwar kull eżami jew test meħtieġ bir-regolamenti jew bl-ordni u dwar il-

hwejjeġ l-oħra kollha li dwarhom fil-fehma tal-Ministru jkun spediti għall-fini tar-regolamenti jew tal-ordni li jintalbu drittijiet;

(t) biex jiġu eżentati mid-disposizzjonijiet tar-regolamenti jew tal-ordni jew ta' xi whud minnhom kull inġenju tal-ajru jew persuni jew xi klassi ta' inġenju tal-ajru jew persuni.

(5) Regolamenti jew ordnijiet magħmulin skont is-subartikolu (4) jistgħu, għall-fini li jiġi żgurat it-tħaris tad-disposizzjonijiet tagħhom, jipprovdu għall-impożizzjoni ta' pieni li ma jkunux aktar minn multa ta' mitt elf euro (€100,000) jew piena ta' aktar minn elf u hames mitt euro (€1,500) għal kull jum li fih jibqa' għaddej ir-reat u prigunerija għal żmien ta' sitt xhur, u, fil-każ ta' xi disposizzjoni li jkollha effett bis-sahħa tas-subartikolu (4)(1), jistgħu wkoll għal dak il-ghan jipprovdu għat-teħid ta' dawk il-miżuri (inklużi l-isparar fuq inġenji tal-ajru) kif jista' jiġi speċifikat fir-regolamenti jew fl-ordni.

(6) Regolamenti jew ordnijiet magħmulin skont dan l-artikolu jistgħu, għall-fini tal-implimentazzjoni u l-infurzar xierqa tagħhom, jipprovdu dwar l-ghoti tas-setgħa lill-Awtorità li tidhol u tagħmel tfitxija f'kull fond, li tkun tista' tara kull dokument rilevanti f'kull forma li jkun, li teħtieġ li kull persuna tipprovdiha kull informazzjoni rilevanti, li tagħmel spezzjonijiet fil-post, li toħroġ ordni lil persuni biex dawn jieqfu milli jagħmlu xi haġa li tikkostitwixxi ksur ta' dan l-Att jew ta' regolament jew ordni magħmulin tahtu, u li jitolbu minghand persuni garanzija li jieqfu milli jkomplu jagħmlu xi haġa minn dawk u li jippubblikaw kull garanzija bħal dik u kull deċiżjoni tal-Awtorità li jkollhom x'jaqsmu ma' dawk ir-regolamenti jew ordnijiet.

(7) B'mod generali, il-Ministru jista' jagħmel regolamenti wkoll biex jipprovdu għad-dixxiplina tal-impjegati tal-Awtorità jew tal-kuntrattur, sew jekk regolari jew każwali, u l-proċeduri li għandhom jitharsu għal dan il-ghan, magħduda l-hatra ta' bord ta' dixxiplina u t-tmexxija u l-proċedura tiegħu, u biex jipprovdu għall-penalitajiet li jistgħu jingħataw minn dak il-bord.

42. Bla preġudizzju għal kull disposizzjoni speċjali oħra ta' dan l-Att, il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti li jippreskrivu pieni għal reati kriminali kontra kull regolament li jsir taht dan l-Att, u dawn ir-regolamenti jistgħu:

(a) jistipulaw pieni ta' prigunerija u multi differenti għal reati differenti;

(b) jippreskrivu multi kalkolati skond it-tul ta' żmien tal-għemil tar-reat:

Iżda dawk ir-regolamenti m'għandhomx ikunu jipprovdu għal:

(i) perijodu ta' prigunerija ta' aktar minn tmintax-il xahar jew għal multa ta' aktar minn mitt elf euro (€100,000), jew

(ii) elf u ħames mitt euro (€1,500) għal kull jum li fih jibqa' għaddej ir-reat.

43. Regolamenti jew ordnijiet taht dan l-Att jistgħu jagħmlu disposizzjonijiet differenti dwar klassijiet differenti ta' inġenji tal-ajru, ajrudromi, portijiet, bastimenti, dgħajjes, jottijiet, persuni jew proprjetà li għandha x'taqsam magħhom jew dwar ċirkostanzi differenti u dwar partijiet differenti ta' Malta.

L-għan ta' regolamenti jew ordnijiet.

44. (1) L-Awtorità tista' tiċhad li tagħti jew iġġedded liċenza, jew, f'kull hin, li tissospendi liċenza għal perijodu speċifiku jew tirrevokaha.

Ċaħda tal-għoti jew tiġdid, sospenzjoni jew revoka ta' liċenza.

(2) L-Awtorità tista' tiċhad li tagħti liċenza jekk tkun sodisfatta għal raġunijiet ġustifikati li -

(a) l-applikant ikun ippreżenta informazzjoni fl-applikazzjoni għal liċenza jew b'konnessjoni ma' dik l-applikazzjoni li tkun falza jew li tiżgwida, jew

(b) l-applikant ikun kiser xi disposizzjoni ta' dan l-Att jew ta' xi Att ieħor li jirregola t-trasport jew traffiku jew regolamenti li jsiru tahtom.

(3) L-Awtorità tista' tiċhad li gġedded liċenza jekk tkun sodisfatta għal raġunijiet ġustifikati li d-detentur tal-liċenza -

(a) ikun għadda informazzjoni fl-applikazzjoni għat-tiġdid tal-liċenza jew b'konnessjoni ma' dik l-applikazzjoni li tkun falza jew li tiżgwida, jew

(b) ikun kiser xi disposizzjoni ta' dan l-Att jew ta' xi Att ieħor li jirregola t-trasport jew traffiku jew regolamenti li jsiru tahtom,

(ċ) ma jkunx għadu persuna kapaċi jew adatta biex tipprovdi servizz li għalih tkun inġhatat liċenza.

(4) Meta l-Awtorità tkun sodisfatta li d-detentur ta' liċenza jkun instab hati ta' kondotta hażina waqt l-ghoti tas-servizz jew li kiser xi disposizzjoni ta' dan l-Att jew ta' xi Att ieħor li jirregola t-trasport u t-traffiku jew regolamenti li jsiru taħthom, hija tista' tissospendi l-liċenza għal perijodu speċifiku jew tista' tirrevokaha.

(5) Meta l-Awtorità tkun qed tipproponi li tiċhad li tagħti jew iġġedded liċenza, jew li tissospendi jew tħassar liċenza, hija għandha tavża b'dan lill-applikant jew lid-detentur tal-liċenza, tagħti r-raġunijiet għal dik iċ-ċaħda, sospensjoni jew revoka u għandha tikkunsidra kull oġservazzjoni li ssir bil-miktub mill-applikant jew mid-detentur tal-liċenza fi żmien erbatax-il jum minn dik in-notifika.

(6) Jekk l-Awtorità, wara li tkun qieset dawk l-ilmenti jew x'uħud minnhom, tiddeċiedi li tiċhad li tagħti jew iġġedded liċenza jew li tissospendi jew tirrevoka l-liċenza, hija għandha tavża lill-applikant jew lid-detentur bid-deċiżjoni tagħha u tagħti r-raġunijiet għal dik id-deċiżjoni li tkun ser twassal għal dik is-sospensjoni jew revoka u tinformah dwar il-proċedura biex ikun jista' jsir appell minn dik id-deċiżjoni.

Pieni
amministrattivi.

45. (1) L-Awtorità jkollha s-setgħa li timponi fir-rigward ta' kull persuna li tikser xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu, jew li tonqos li tosserva xi direttiva jew deċiżjoni mogħtija mill-Awtorità, piena amministrattiva u tuża dawk il-proċedimenti li jistgħu jiġu stabbiliti f'dan l-Att jew regolamenti li jsiru tahtu.

(2) Piena amministrattiva imposta taht is-subartikolu (1) m'għandhiex tkun aktar minn mitt elf euro (€100,000) għal kull kontravvenzjoni jew elf u hames mitt euro (€1,500) għal kull ġurnata li jibqa' ma jissodisfax, mid-data tad-deċiżjoni tal-Awtorità.

Eżenzjoni mill-
Ministru.

46. Il-Ministru jista' jeżenta mid-disposizzjoni ta' dan l-Att jew kull regolament, direttiva jew ordni li ssir tahtu, jew minn xi waħda minnhom, kull inġenju tal-ajru jew bastiment, dgħajsa jew jott jew persuna jew klassijiet ta' inġenju tal-ajru, bastiment, dgħajsa jew jott jew persuni.

Riservi.

47. (1) Il-kliem "Awtorità Marittima ta' Malta" kull fejn dawn jinsabu f'xi liġi jew regolament ieħor għandhom jinbidlu bil-kliem "Awtorità li Tirregola t-Trasport f'Malta" mingħajr il-ħtieġa ta' xi emenda oħra.

(2) Il-kliem "Awtorità dwar it-Trasport ta' Malta" kull fejn dawn jinsabu f'xi liġi jew regolament ieħor għandhom jinbidlu bil-kliem "Awtorità li Tirregola t-Trasport f'Malta" mingħajr il-ħtieġa ta' xi emenda oħra.

(3) Minflok il-kliem "Direttur Eżekuttiv", "Diretturi Eżekuttivi", "Direttur" u "Diretturi", kull fejn dawn jinsabu f'regolamenti magħmulin taħt l-Att dwar l-Awtorità Marittima ta' Malta, għandhom jidhlu l-kliem "Awtorità" u kull tifsira ta' "Uffiċjal Eżekuttiv", "Diretturi Eżekuttivi", "Direttur" u "Diretturi" f'regolamenti magħmulin taħt l-istess Att għandhom jithassru.

(4) Kull ordni, regola, *bye-law*, avviż jew strument ieħor li jkollu forza ta' liġi li jsiru taħt l-awtorità ta' xi disposizzjoni tal-liġijiet elenkati fit-Tielet Skeda għandha tkompli sseħh u għandu jibqa' jkollha effett bħallikieku magħmula taħt dan l-Att u tista' tiġi emendata, sostitwita jew revokata skont hekk.

(5) Kull liċenza, permess, awtorità jew ordni mogħtija jew magħmula taħt xi waħda mid-disposizzjonijiet tal-liġijiet elenkati fit-Tielet Skeda, u li jkunu għadhom fis-seħh minnufih qabel id-data li fiha jidhol fis-seħh dan l-Att, għandhom minn dik id-data jibqgħu fis-seħh bħallikieku kienu xi liċenza, permess, awtorità jew ordni mogħtija jew magħmula taħt disposizzjoni korrispondenti ta' dan l-Att, u kull liċenza, permess, awtorità jew ordni bħal dawk hawn aktar qabel imsemmija għandhom jiġu trattati u jsir minnhom skont hekk.

48. Il-membri, uffiċjali u impjegati tal-Awtorità fl-eżekuzzjoni tal-funzjonijiet tagħhom taħt dan l-Att jew taħt kull liġi oħra amministrata mill-Awtorità, ma jkunu responsabbli għal ebda telf jew ħsara mgarrba minn xi persuna minhabba f'xi haġa magħmula jew ommessa milli ssir bonafidi filwaqt tal-amministrazzjoni ta' dan l-Att jew ta' xi liġi oħra.

Eżenzjoni minn responsabbiltà.

49. Il-Prim Ministru, wara konsultazzjoni mal-Ministru, jista' b'seħh minn dik id-data li tista' tiġi stabbilita b'avviż fil-Gazzetta jhassar l-Att dwar Awtorità dwar it-Trasport ta' Malta, u dati differenti jistgħu jiġu hekk stabbiliti għat-thassir tad-disposizzjonijiet differenti tiegħu.

Thassir tal-Att dwar Awtorità dwar it-Trasport ta' Malta. Kap. 332.

50. Il-liġijiet fl-Ewwel Kolonna tar-Raba' Skeda għandu jkollhom effett bla ħsara għall-emendi li jidhru relattivi għalihom fit-Tieni Kolonna tal-imsemmija Skeda.

Emendi ta' liġijiet oħra.

51. Bla ħsara għal kull liġi oħra, f'xi stampar mill-ġdid ta' dan l-Att, ma hemmx għalfejn tkun riprodotta r-Raba' Skeda u jkun biżżejjed li jiġu riprodotti mit-Taqsima I sat-Taqsima IX u l-Ewwel, it-Tieni u t-Tielet Skeda ta' dan l-Att:

Stampar mill-ġdid.

Izda ebda haġa f'dan l-artikolu ma għandha tiftiehem li tnaqqas il-validità ta' xi haġa li tinsab fir-Raba' Skeda hekk mhux riprodotta.

L-EWWEL SKEDA

(Artikolu 11)

Direttorati

Bla hsara għas-setgħat mogħtija lill-Ministru taħt l-artikolu 11, għandu jkun hemm dawn id-Direttorati li ġejjin:

1. Direttorat għal Strategija dwar Trasport Integrat - li jkollu r-responsabbiltà għal riċerka dwar it-trasport integrat u għall-ippjanar ta' l-infrastruttura, l-iżvilupp u l-koordinament ta' linji tal-politika dwar it-trasport, l-aspetti edukattivi tat-trasport fi hdan l-Awtorità, l-iżvilupp ta' *standards* u l-koordinament ta' affarijiet tal-Unjoni Ewropea.

2. Direttorat għall-Portijiet u l-Jottijiet - li jkollu r-responsabbiltà għall-ħarsien tal-bon ordni fl-ibħra interni u territorjali, is-sigurtà tan-navigazzjoni, il-kontroll shiħ tax-xogħol tal-port, il-provdiment ta' haddiema tal-port, il-prevenzjoni u l-kontroll tat-tingiż, il-provdiment ta' pilutaġġ, faċilitajiet għat-tifi tan-nar, provvisti u ħtiġiet oħra għall-vapuri, għar-regolamentazzjoni, kontroll u t-tmexxija 'l quddiem ta' ċentri tal-jottijiet.

3. Direttorat għall-Bastimenti Merkantili - li jkollu r-responsabbiltà għar-reġistrazzjoni ta' vapuri, dgħajjes u jottijiet, il-provdiment tas-servizzi anċillari kollha u t-tmexxija 'l quddiem ta' Malta bħala ċentru marittimu internazzjonali.

4. Direttorat għat-Trasport Stradali - li jkollu r-responsabbiltà għall-provdiment ta' sistema ta' trasport integrat sew, mingħajr perikolu, ekonomiku u effiċjenti u għal-liċenzjar u r-regolamentazzjoni ta' vetturi u operaturi ta' trasport stradali kummerċjali.

5. Direttorat għat-Toroq u t-Traffiku - li jkollu r-responsabbiltà għall-bini, bini mill-ġdid u manutenzjoni ta' toroq, l-immaniġġar ta' traffiku u t-tmexxija 'l quddiem tas-sigurtà fit-traffiku.

6. Direttorat għall-Avjazzjoni Ċivili - li jkollu r-responsabbiltà għal dak kollu marbut man-navigazzjoni fl-ajru, ir-reġistrazzjoni ta' ajruplani, il-provdiment ta' servizzi anċillari u t-tmexxija 'l quddiem ta' Malta bħala ċentru internazzjonali għar-reġistrazzjoni ta' ajruplani.

7. Direttorat għas-Servizzi Korporattivi - li jkollu r-responsabbiltà għall-provdiment ta' riżorsi legali, finanzjarji u umani komuni u servizzi amministrattivi li jkunu meħtieġa għat-ħaddim xieraq tal-Awtorità.

8. Direttorat għall-Infurzar - li jkollu r-responsabbiltà għall-infurzar shiħ tad-disposizzjonijiet ta' dan l-Att u ta' liġijiet u regolamenti oħra li jirregolaw it-trasport stradali, bil-baħar u bl-ajru.

IT-TIENI SKEDA

[Artikolu 38(15)]

Proċedimenti quddiem il-Bord tal-Appelli dwar it-Trasport
u appelli minn deċiżjonijiet ta' dak il-Bord

1. Kull persuna li thoss ruhha aggravata minn deċiżjoni tal-Awtorità, kif provdut fl-artikolu 38(1), tista' tappella quddiem il-Bord tal-Appell dwar it-Trasport, flimkien mal-ħlas tad-dritt dwar appell ta' mija u hamsa u għoxrin euro (€125), fi żmien tletin ġurnata mid-data meta d-deċiżjoni li dwarha jsir l-appell tigi komunikata lil dik il-persuna.

2. Ir-rikors għandu jkollu r-raġunijiet għal dak l-appell u t-talba tal-appellant, u kopja tiegħu għandha tigi komunikata lill-Awtorità qabel ma jinstema' l-appell.

3. L-appellant jista' jidher quddiem il-Bord tal-Appelli personalment jew permezz ta' aġent fil-ġurnata u l-hin appuntati għas-smiġh biex jagħmel is-sottomissjonijiet tiegħu u jgħib dawk il-provi li l-Bord tal-Appelli jippermetti:

Iżda l-Bord tal-Appelli jista' jipposponi b'eċċezzjoni s-smiġh tal-appell jekk ikun sodisfatt li l-appellant ma setax jidher quddiemu minhabba f'mard jew għax ikun assenti minn Malta jew minhabba f'xi haġ'ohra simili u raġonevoli.

4. L-appellant jew l-aġent tiegħu jkollu d-dritt li jidher quddiem il-Bord tal-Appelli assistit kif xieraq.

5. Il-Bord tal-Appelli għandu jagħti lill-Awtorità l-opportunità li tagħmel is-sottomissjonijiet tagħha biex tiġġustifika d-deċiżjonijiet tagħha, u li jgħib dawk il-provi li l-Bord tal-Appelli jista' jqis li jkunu meħtieġa.

6. Il-Bord tal-Appelli jkollu s-setgħa li jharrek xhieda u li jagħti l-ġurament lil kull min jidher quddiemu.

7. Il-Bord tal-Appelli jkollu s-setgħa li jikkonferma, ihassar jew ibiddel deċiżjoni li kontra tagħha jkun sar l-appell u li jagħti dawk id-direttivi li jidhirlu xierqa.

8. Il-membri kollha tal-Bord għandhom ikunu preżenti għas-smiġh tal-appell.

9. Id-deċiżjonijiet tal-Bord tal-Appelli jkunu finali u ma jkun hemm ebda appell minnhom hliet fuq punt ta' liġi biss.

10. Jekk l-appellant jew l-Awtorità, skond ma jkun il-każ, ma jaqblux ma' xi punt ta' liġi deċiż mill-Bord tal-Appelli, huma jistgħu jappellaw quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri) b'rikors ippreżentat fi żmien hmistax-il

gurnata minn meta tkun ingħatat id-deċiżjoni tal-Bord tal-Appelli.

11. Is-seduti kollha tal-Bord tal-Appelli għandhom isiru bil-miftuħ u d-deċiżjonijiet kollha tal-Bord tal-Appelli għandhom jingħataw bil-miftuħ.

12. Barra minn dawn id-disposizzjonijiet u d-disposizzjonijiet ta' dan l-Att, il-Bord tal-Appelli għandu jirregola l-proċeduri tiegħu nnifsu.

IT-TIELET SKEDA

[Artiklu 47(5)]

Ligijiet

Att dwar l-Avjazzjoni Ċivili, Kap. 232

Att dwar Awtorità dwar it-Trasport ta' Malta, Kap. 332

Att dwar l-Awtorità Marittima ta' Malta, Kap 352

IR-RABA' SKEDA

(Artikolu 45)

Emendi tal-Liġijiet

L-Ewwel Kolonna

It-Tieni Kolonna

Liġi

L-Emendi

Att dwar l-Awtorità
Marittima ta' Malta
Kap. 352.

1. Fl-intestatura għall-Att minflok il-kliem "Awtorità
Marittima ta' Malta" għandhom jidhlu l-kliem "Portijiet u
Bastimenti".

2. Minflok it-titolu twil tal-Att għandu jidhol dan li
ġej:

*"Biex jipprovdi għat-twaqqif ta' portijiet
f'Malta, għar-reġistrazzjoni u liċenzjar ta' dgħajjes
u bastimenti u sabiex jirregola l-użu tagħhom fl-
ibħra territorjali ta' Malta u biex jistabbilixxi
drittijiet u hłasijiet u hwejjeġ oħra anċillari għall-
bastimenti."*

3. Minnufih qabel is-subtitolu "Preliminari"
għandhom jidhlu l-kliem "TAQSIMA I".

4. Fl-artikolu 2 tiegħu -

4.1 minflok it-tifsira "l-Awtorità" għandu
jidhol dan li ġej:

"l-Awtorità" tfisser l-Awtorità li Tirregola
t-Trasport f'Malta mwaqqfa taht l-Att dwar l-
Awtorità li Tirregola t-Trasport f'Malta;"

4.2 minnufih wara t-tifsira "l-Awtorità"
għandhom jidhlu t-tifsiriet godda li ġejjin:

" "bastiment tas-sajd" tfisser bastiment li
jkun qed jintuża jew li jkun reġistrat biex
jintuża jew, fir-rigward ta' applikazzjoni għar-
reġistrazzjoni, li jkun intenzjonat biex jintuża
għal, jew b'konnessjoni ma' sajd;

"dgħajsa" tfisser opra tal-baħar zghira, li
tithaddem bl-imqadef, qluġh, magni, jew
b'mezzi oħra;"

4.3 fit-tifsira "hłasijiet", minflok il-kliem
"artikolu 39" għandhom jidhlu l-kliem "artikolu 15";

4.4 fit-tifsira "kuntrattur", minflok il-kliem
"skond l-artikolu 8(3)" għandhom jidhlu l-kliem
"skont l-artikolu 7(2) tal-Att dwar l-Awtorità li
Tirregola t-Trasport f'Malta";

4.5 fit-tifsira "drittijiet", minflok il-kliem "artikolu 39" għandhom jidhlu l-kliem "artikolu 15";

4.6. it-tifsira "Direttur Eżekuttiv" għandha tithassar;

4.7 fit-tifsira "pagamenti", minflok il-kliem "artikolu 39" għandhom jidhlu l-kliem "artikolu 15";

4.8 it-tifsiriet "sena finanzjarja" u "funzjoni" għandhom jithassru;

4.9 minnufih wara t-tifsira "drittijiet" għandha tidhol it-tifsira ġdida li ġejja:

" "Gazzetta" tisser il-Gazzetta tal-Gvern ta' Malta;"

4.10 it-tifsira "ibhra interni" għandha tithassar;

4.11 fit-tifsira "Ministru", minflok il-kliem "għall-portijiet u għall-bastimenti" għandha tidhol il-kelma "trasport";

4.12 it-tifsira "irmigġatur" għandha tithassar;

4.13 it-tifsira "għajnuna jew servizzi ta' navigazzjoni" għandha tithassar;

4.14 it-tifsira "bdot" għandha tithassar;

4.15 fit-tifsira "port", minflok il-kliem "taħt l-artikolu 27" għandhom jidhlu l-kliem "taħt l-artikolu 3";

4.16 it-tifsira "faċilitajiet tal-port" għandha tithassar;

4.17 fit-tifsira "rati", minflok il-kliem "artikolu 39" għandhom jidhlu l-kliem "artikolu 15";

4.18 fit-tifsira "yacht" fit-test Malti minflok il-kelma "yacht" għandha tidhol il-kelma "jott"; u

4.19 fit-tifsira "ċentru tal-yachting" minflok il-kliem "bl-artikolu 27" għandhom jidhlu l-kliem "bl-artikolu 3" u, fit-test Malti, minflok il-kelma "yachting" għandhom jidhlu l-kliem "tal-jottijiet".

5. It-TAQSIMA I sat-TAQSIMA IV tiegħu għandhom jithassru.

6. It-TAQSIMA V tiegħu għandha tiġi enumerata mill-ġdid bhala TAQSIMA II u l-artikolu 27 tiegħu għandu jiġi enumerat mill-ġdid bhala l-artikolu 3, l-artikolu 28 tiegħu għandu jithassar, u l-artikoli 29 sa 38 tiegħu għandhom jiġu enumerati mill-ġdid bhala l-artikoli 4 sa 14.

7. Minflok is-subartikolu (2) tal-artikolu 3 tiegħu, kif enumerat mill-ġdid, għandu jidhol dan li ġej:

"(2) Minghajr preġudizzju għad-disposizzjonijiet l-oħra ta' dan l-artikolu l-postijiet speċifikati fit-Taqsimiet I u II tal-Iskeda li tinsab ma' dan l-Att qegħdin jiġu b'dan dikjarati bhala portijiet; il-postijiet speċifikati fit-Taqsima III tal-imsemmija Skeda qed jiġu b'dan dikjarati bhala portijiet bl-obbligu li jintuża s-servizz ta' pilutaġġ u l-postijiet speċifikati fit-Taqsima IV tal-imsemmija Skeda qed jiġu b'dan dikjarati bhala ċentri tal-jottijiet."

8. Minflok is-subartikolu (2) tal-artikolu 4 tiegħu, kif enumerat mill-ġdid, għandu jidhol dan li ġej:

"(2) Ebda dgħajsa jew bastiment m'għandhom jintużaw għal jew b'konnessjoni ma' xi kummerċ, negozju jew żjara fl-ibħra territorjali u interni ta' Malta -

(a) jekk dik id-dgħajsa jew bastiment ma jkollhomx liċenza kif meħtieġ mill-Awtorità għal dak il-kummerċ, negozju jew żjarar; jew

(b) jekk, meta dik id-dgħajsa jew bastiment li jkunu qegħdin jintużaw bhala dgħajsa tas-sajd, ma jkollhomx liċenza għal dan l-iskop mill-Ministru reponsabbli għas-sajd."

9. Fl-artikolu 13 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "sakemm dak il-bastiment jibqa' Malta." għandhom jidhlu l-kliem:

"matul iż-żmien li l-bastiment jibqa' Malta:

Iżda l-aġent ta' dak il-bastiment m'għandhux jibqa' jitqies bhala l-aġent tal-bastiment kif hawn qabel imsemmi jekk is-sid tal-bastiment ikun bidel l-aġent ta' dak il-bastiment, u jkun hatar aġent ieħor għall-bastiment biex jirrappreżenta lill-bastiment waqt li l-imsemmi bastiment ikun għadu jinsab Malta, f'liema każ, l-aġent tal-bastiment m'għandhux jitqies aktar bhala l-aġent tal-bastiment mid-data tal-ħatra tal-aġent tal-bastiment sussegwenti, mis-sid tal-bastiment."

10. Minflok il-kliem "TAQSIMA VI" tiegħu għandhom jidhlu l-kliem "TAQSIMA III".

11. L-artikoli 39 sa 53 tiegħu għandhom jiġu enumerati mill-ġdid bhala l-artikoli 14 sa 28 rispettivament.

12. Fl-artikolu 14 tiegħu kif enumerat mill-ġdid -

12.1 fis-subartikolu (1) il-kliem "taht l-artikolu 52" ghandhom jithassru; u

12.2 fil-paragrafu (b) tas-subartikolu (2) minflok il-kliem "akkont ta' dak il-bastiment." ghandhom jidhlu l-kliem:

"akkont ta' dak il-bastiment:

Izda l-obbligu tal-aġent tal-bastiment ghal dawk il-ħlasijiet m'għandhux jeċċedi l-massimu tal-ammont li għalih l-aġent igawdi privileġġ taht l-artikolu 50 tal-Att dwar il-Bastimenti Merkantili."

13. Fl-artikolu 17 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "l-artikolu 40" ghandhom jidhlu l-kliem "l-artikolu 15".

14. Fl-artikolu 18 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "fl-artikoli 40 u 41" ghandhom jidhlu l-kliem "fl-artikoli 15 u 16".

15. Fl-artikolu 21 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "l-artikolu 43" ghandhom jidhlu l-kliem "l-artikolu 18", u minflok il-kliem "l-artikolu 41" ghandhom jidhlu l-kliem "l-artikolu 16".

16. Minflok l-artikolu 21 tiegħu, kif enumerat mill-ġdid, għandu jidhol dan li ġej:

"21. L-Awtorità tista' tawtorizza kull uffiċjal jew impjegat tagħha jekk kull persuna oħra titla' fuq bastiment f'port jew barra minnu, biex tistabbilixxi l-ammont li għandu b'mod xieraq jithallas dwar dak il-bastiment."

17. Fl-artikolu 23 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "l-artikoli 30, 31 u 32" ghandhom jidhlu l-kliem "l-artikoli 5, 6 u 7".

18. Minflok l-artikolu 24 tiegħu, kif enumerat mill-ġdid, għandu jidhol dan li ġej:

"24. (1) Mingħajr preġudizzju għal kull rimedju ieħor li tippermetti l-liġi, jekk il-kaptan ta' bastiment li dwaru għandhom jithallsu drittijiet, rati jew ħlasijiet li għandhom jingabru taht dan l-Att jiċċhad jew jittraskura milli jhallas dawk id-drittijiet, rati jew ħlasijiet meta jigi hekk mitlub, l-Awtorità tista' tohroġ ordni biex dak il-bastiment jinżamm milli jsiefer.

(2) Dawk id-drittijiet, rati jew hlasijiet li huma ċerti, likwidi u dovuti, u li għandhom jithallsu taht dan l-Att għandhom, wara l-hruġ ta' ordni mill-Awtorità biex dak il-bastiment jinżamm milli jsiefer, jikkostitwixxu u jitqiesu li huma titolu eżekuttiv favur l-Awtorità, infurzabbli esklużivament kontra l-imsemmi bastiment, għall-finijiet tal-artikolu 253 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

19. Fil-paragrafu (ċ) tas-subartikolu (1) tal-artikolu 27 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "l-artikolu 39" għandhom jidhlu l-kliem "l-artikolu 14".

20. Il-kliem "TAQSIMA VII" u l-artikoli 54 sa 64 tiegħu għandhom jithassru.

21. Minflok il-kliem "TAQSIMA VIII" tiegħu għandhom jidhlu l-kliem "TAQSIMA IV".

22. L-artikoli 65 sa 67 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 29 sa 31 rispettivament.

23. Fl-artikolu 31 tiegħu, kif enumerat mill-ġdid minnufih wara l-kliem "kif provdut" għandha tidhol il-kelma "għaliha".

24. Minflok il-kliem "TAQSIMA IX" tiegħu għandhom jidhlu l-kliem "TAQSIMA V".

25. L-artikoli 68 sa 80 tiegħu għandhom rispettivament jiġu enumerati mill-ġdid bħala l-artikoli 32 sa 44.

26. Fl-artikolu 32 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "elfejn u tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (2,329.37)" għandhom jidhlu l-kliem "elfejn u ħames mitt euro (€2,500)".

27. Fis-subartikolu (3) tal-artikolu 33 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "elfejn u tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (2,329.37) u multa oħra ta' mhux iżjed minn mitejn u tnejn u tletin euro u erbgħa u disgħin ċenteżmu (232.94)" għandhom jidhlu l-kliem "elfejn u ħames mitt euro (€2,500) u multa oħra ta' mhux iżjed minn mitejn u ħamsin euro (€250)".

28. Fl-artikolu 34 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "erbat elef u sitt mija u tmienja u ħamsin euro ħamsa u sebgħin ċenteżmu (4,658.75)" għandhom jidhlu l-kliem "erbat elef u seba' mija u ħamsin euro (€4,750)".

29. Minflok l-artikolu 35 tiegħu, kif enumerat mill-ġdid, għandu jidhol dan li ġej:

"35. Jekk -

(a) xi bastiment jinnaviga mingħajr bdot f'ċirkostanzi li għandu jitqabbd bdot taht xi waħda mid-disposizzjonijiet ta' dan l-Att jew regolamenti li jsiru tahtu, jew

(b) il-kaptan ta' bastiment jirrifjuta li jhares xi talba magħmula taht dan l-Att, jew jagħmel jew ikun jaf li ikun qed jagħmel stqarrija falza bi tweġiba għal talba bhal dik,

il-kaptan ta' dak il-bastiment ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux aktar minn erbat elef u seba' mija u hamsin euro (€4,750).".

30. Fl-artikolu 36 tiegħu, kif enumerat mill-ġdid -

30.1 fis-subartikolu (1) minflok il-kliem "hdax-il elf u sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87)" għandhom jidhlu l-kliem "hdax-il elf u seba' mija u hamsin euro (€1,750)"; u

30.2 minflok is-subartikolu (2) għandu jidhol dan li ġej:

"(2) Kull bdot li jonqos li jhares id-disposizzjonijiet tal-artikolu 38 ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux iżjed minn elf u mitt euro (€1,100).".

31. Fl-artikolu 37 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "any other person, or pilots" fit-test Inliż għandhom jidhlu l-kliem "any other person, or who pilots"; minnufih wara l-kliem "of an offence and" fit-test Inliż għandha tidhol il-kelma "shall", u minflok il-kliem "hdax-il elf u sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87)" għandhom jidhlu l-kliem "hdax-il elf u seba' mija u hamsin euro (€1,750)".

32. Fl-artikolu 38 tiegħu, kif enumerat mill-ġdid, minnufih wara l-kliem "of an offence and" fit-test Inliż għandha tidhol il-kelma "shall", u minflok il-kliem "elfejn u tliet mija u disgħa u ghoxrin euro u sebgħa u tletin ċenteżmu (2,329.37)" għandhom jidhlu l-kliem "elfejn u hames mitt euro (€2,500)".

33. Fl-artikolu 39 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "l-artikolu 30 jew 31" għandhom jidhlu l-kliem "l-artikolu 5 jew 6", u minflok il-kliem "elf u mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (1,164.69)" għandhom jidhlu l-kliem "elf u mitejn euro (€1,200)".

34. Fl-artikolu 40 tiegħu, kif enumerat mill-ġdid, minnufih wara l-kliem "of an offence and" fit-test Ingliz għandha tidhol il-kelma "shall", u minflok il-kliem "sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6,988.12)" għandhom jidhlu l-kliem "sebat elef euro (€7,000)".

35. Fl-artikolu 41 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "elfejn u tliet mija u disgħa u ghoxrin euro sebgħa u tletin ċenteżmu (2,329.37)" għandhom jidhlu l-kliem "elfejn u tliet mitt euro (€2,300)".

36. Fl-artikolu 42 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "ħdax-il elf u sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87)" għandhom jidhlu l-kliem "ħdax-il elf u sitt mitt euro (€11,600)", u minflok il-kliem "elf u mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (1,164.69)" għandhom jidhlu l-kliem "elf u mitt euro (€1,100)".

37. Fl-artikolu 43 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "taħt l-artikolu 8(3)" għandhom jidhlu l-kliem "taħt l-artikolu 7(2) tal-Att dwar l-Awtorità li Tirregola t-Trasport f'Malta".

38. Minflok il-kliem "TAQSIMA X" tiegħu għandhom jidhlu l-kliem "TAQSIMA VI".

39. L-artikoli 81 sa 82 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 45 sa 46 rispettivament.

40. Fl-artikolu 45 tiegħu, kif enumerat mill-ġdid -

40.1 fis-subartikolu (1) tiegħu, minflok il-kliem "jew bl-Ordinanza dwar id-Drittijiet tal-Portijiet, u" għandhom jidhlu l-kliem "jew bl-Ordinanza dwar id-Drittijiet tal-Portijiet qabel ma ġiet imħassra, jew bl-Att dwar Awtorità Marittima ta' Malta qabel ma dan ġie emendat bl-Att dwar l-Awtorità li Tirregola t-Trasport f'Malta, u";

40.2 fis-subartikolu (4) tiegħu, minflok il-kliem "imħassra b'dan l-artikolu għandhom, minkejja" għandhom jidhlu l-kliem "imsemmija fis-subartikolu (1), minkejja";

40.3 fis-subartikolu (5) tiegħu, minflok il-kliem "imhassra b'dan l-Att u li jkunu għadhom fis-sehħ minnufih qabel dan it-tfassir, għandhom" għandhom jidhlu l-kliem "imsemmija fis-subartikolu (1), u li jkunu għadhom fis-sehħ minnufih qabel id-dhl fis-sehħ ta' dan l-Att, għandhom"; u

40.4. is-subartikoli (4) u (5) fit-test Malti għandhom jiġu enumarti mill-ġdid bħala s-subartikoli (2) u (3).

41. Fl-artikolu 46 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "l-artikolu 81" għandhom jidhlu l-kliem "l-artikolu 45".

42. Fl-Iskeda -

42.1 minflok il-kliem "(Artikoli 27 u 54)" għandhom jidhlu l-kliem "(Artikoli 3 u 30)";

42.2 Fit-Taqsima I tagħha, minnufih wara l-kliem "il-Gvern ta' Malta u" għandhom jidhlu l-kliem "dik li kienet".

Kodiċi tal-Liġijiet
tal-Pulizija
Kap. 10.

1. Fl-artikolu 2 tiegħu -

1.1. minflok it-tifsira "Awtorità Marittima ta' Malta" għandu jidhol dan li ġej:

"il-kelma "l-Awtorità" tfisser l-Awtorità li Tirregola t-Trasport f'Malta mwaqqfa taht l-Att dwar l-Awtorità li Tirregola t-Trasport f'Malta"; u

1.2. it-tifsiriet "dghajsa" u "kaptan" għandhom jithassru

2. L-artikoli 20 sa 37 tiegħu għandhom jithassru.

3. L-artikoli 224, 229, 230, 231, 235, 236, 237 u 238 tiegħu għandhom jithassru.

4. Fl-artikoli 226 u 228 tiegħu, minflok il-kliem "l-Awtorità Marittima ta' Malta" għandhom jidhlu l-kliem "l-Awtorità li Tirregola t-Trasport f'Malta".

Ordinanza dwar il-
Haddiema tal-Port
Kap. 171.

1. Fl-artikolu 2 tiegħu t-tifsira "Direttur" għandha tithassar u l-kliem "Direttur Eżekuttiv" jew "Direttur" kull fejn dawn jinsabu f'regolamenti li saru taht l-imsemmija Ordinanza għandhom jinbidlu bil-kelma "Awtorità":

Izda kull tifsira ta' "Direttur Eżekuttiv" jew "Direttur" fir-regolamenti li saru taht l-imsemmija Ordinanza għandha tithassar.

2. Minflok is-subartikolu (1) tal-artikolu 3 tiegħu għandu jidhol dan li ġej:

"(1) Ebda persuna m'għandha tagħmilha ta' haddiem tal-port jekk ma tkunx reġistrata bħal hekk mal-Awtorità, li għandha żżomm reġistru għal dak l-iskop".

3. Fil-proviso li hemm mas-subartikolu (3) tal-artikolu 3 tiegħu minflok il-kliem "id-Direttur" għandhom jidhlu l-kliem "lill-Awtorità".

4. Fl-artikolu 5 tiegħu minflok il-kliem "mid-Direttur", "id-Direttur" jew "d-Direttur" għandhom jidhlu l-kliem "mill-Awtorità" jew "l-Awtorità".

5. Fil-paragrafu (a) tas-subartikolu (2) tal-artikolu 9 tiegħu minflok il-kliem "mid-Direttur", kull fejn dawn jinsabu f'dak il-paragrafu, għandhom jidhlu l-kliem "mill-Awtorità".

6. Fil-paragrafu (f) tas-subartikolu (1) tal-artikolu 11 tiegħu minflok il-kliem "id-Direttur" għandhom jidhlu l-kliem "l-Awtorità".

7. Fis-subartikolu (1) tal-artikolu 14 tiegħu minflok il-kliem "mid-Direttur" għandhom jidhlu l-kliem "mill-Awtorità".

8. Fil-paragrafu (d) tal-artikolu 17 tiegħu minflok il-kliem "lid-Direttur" għandhom jidhlu l-kliem "lill-Awtorità".

Att dwar il-Bastimenti Merkantili Kap. 234.

1. Fl-artikolu 2 tiegħu -

1.1 minflok it-tifsira "Awtorità" għandu jidhol dan li ġej:

" "l-Awtorità" tfisser l-Awtorità mwaqqfa bl-Att dwar l-Awtorità li Tirregola t-Trasport f'Malta"; u

1.2 fit-tifsira "bastiment" minflok il-kliem "puntuni u *oil rigs*" għandhom jidhlu l-kliem "puntuni, stabbilimenti li jzommu f'wiċċ l-ilma, stallazzjonijiet jew strutturi, *oil rigs*"; u l-kliem "iżda ma tinkludix biċċiet tal-baħar li jitmexxew permezz ta' mqadef" għandhom jithassru.

2. Fl-artikolu 41 tiegħu -

2.1 fis-subartikolu (1) il-kelma "(1)" għandha tithassar; u

2.2 is-subartikolu (2) għandu jithassar.

3. Fl-artikolu 168A tiegħu -

3.1 is-subartikoli (1), (2), (3), (4) u (5) għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (2), (3), (4), (5) u (6) rispettivament;

3.2 minnufih qabel is-subartikolu (2) kif enumerat mill-ġdid għandu jiżdied is-subartikolu ġdid li ġej:

"(1) Mingħajr preġudizzju għal xi tifsira oħra li tista' tinghata, hlief għall-finijiet ta' dan l-artikolu, il-kliem "baħri", "baħrin"; "ekwipaġġ", "membru tal-ekwipaġġ", u "membri tal-ekwipaġġ" għandhom jinkludu kaptan ta' bastiment u kull persuna oħra li tkun qiegħda isservi fuq bastiment.";

3.3 fis-subartikolu (4) kif enumerat mill-ġdid, minflok il-kliem "subartikolu (2)" għandhom jidhlu l-kliem "subartikolu (3)"; u

3.4 fis-subartikolu (5) kif enumerat mill-ġdid minflok il-kliem "subartikoli (2) u (3)" għandhom jidhlu l-kliem "subartikoli (3) u (4)".

4. Fis-subartikolu (1) tal-artikolu 363 tiegħu, minflok il-kliem "Għandu jkun hemm Reġistratur-Ġenerali ta' Bastimenti u Baħrin li l-kariga tiegħu tkun okkupata minn Direttur Eżekuttiv tal-Awtorità, u" għandhom jidhlu l-kliem "Għandu jkun hemm Reġistratur Ġenerali ta' Bastimenti u Baħrin li jinħatar mill- Awtorità".

5. Fl-artikolu 372Ċ tiegħu minflok il-kliem "minn żmien għal żmien jistabbilixxi" għandhom jidhlu l-kliem "minn żmien għal żmien jistabbilixxi, u ekwivalwenzi differenti jistgħu jiġu stabbiliti għal disposizzjonijiet differenti ta' dan l-Att jew għal disposizzjonijiet differenti f'regolamenti li jsiru taħt dan l-Att".

6. Fl-artikolu 374 tiegħu -

6.1 is-subartikoli (4), (5) u (6) għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (5), (6) u (7) rispettivament; u

6.2 minnufih wara is-subartikolu (3) għandu jiżdied is-subartikolu ġdid li ġej:

"(4) Il-Ministru jista' jagħmel regolamenti sabiex jemenda, jissostitwixxi jew iħassar id-disposizzjonijiet kollha jew uħud minnhom tas-subartikoli (4) sa (8) tal-artikolu 3, u tal-artikoli 7, 10 sa 35, u tal-artikoli 84A sa 84Y ta' dan l-Att".

Kodiċi Ċivili
Kap. 16.

Minflok l-artikolu 1996A tiegħu għandu jidhol dan li ġej:

"1996A. (1) Kreditur jista' legalment jgħaddi lil haddiehor, jipposponi, iħassar jew b'xi mod ieħor jimmodifika id-drittijiet eżistenti u tal-futur tal-hlas tiegħu, infurzar, gradazzjoni u drittijiet oħra simili eżistenti jew tal-futur favur persuna oħra.

Dik is-subordinazzjoni, posponiment, tħassir, modifika jew azzjoni simili tkun tista' ssir bi ftehim ma' jew b'dikjarazzjoni unilaterali lil kull persuna, inkluż kreditur ieħor, sew jekk magħruf sew jekk għad irid ikun magħruf meta jibda jsehh dak il-ftehim jew meta ssir dik id-dikjarazzjoni.

Il-kliem "kreditur" u "persuna" kif użati f'dan l-artikolu għandhom jinkludu klassi ta' kredituri jew klassi ta' persuni, skond ma jkun il-każ, sew jekk il-membri ta' xi waħda minn dawk il-klassijiet ikunu magħrufin sew jekk għad iridu jkunu magħrufin.

(2) Minkejja li d-dritt jista' jirriżulta minn kuntratt pubbliku, ikun reġistrat f'reġistru pubbliku jew ikun sugġett għal kull formalità oħra, ftehim jew dikjarazzjoni kif previst minn dan l-artikolu għandhom ikunu validi jew jistgħu jkunu infurzati jekk ikunu ġew magħmula bil-mitkub mingħajr il-ħtieġa ta' xi formalità jew reġistrazzjoni oħra.

(3) Dik is-subordinazzjoni, posponiment, tħassir, modifika jew azzjoni simili fir-rigward ta' drittijiet eżistenti jew tal-futur tista' tkun amministrata minn strument ta' kreditu li permezz tiegħu jkunu regolati d-drittijiet ta' persuni, inklużi kredituri jew debituri.

(4) Kull ftehim jew dikjarazzjoni kif imsemmija fis-subartikolu (1) ta' dan l-artikolu ikun validu jew jista' jiġi infurzat skond il-pattijiet tiegħu, u m'għandux ikun effettwat mill-falliment ta' persuna li tkun marbuta bi, jew intitolata taht, dak il-ftehim jew deċiżjoni unilaterali jew tad-debitur rilevanti."

Att dwar iż-Żwieġ
Kap. 255.

Minflok il-kliem "f'ibhra internazzjonali abbord bastiment tal-passiġġieri reġistrat f'Malta" kull fejn dawn jinsabu fl-Att, għandhom jidhlu l-kliem "abbord vapur reġistrat Malta waqt li dan ma jkunx fl-ibhra internazzjonali ta' xi pajjiż li ma jkunx Malta".

Att dwar il-Portijiet
Hielsa ta' Malta
Kap. 334.

1. Fis-subartikolu (1) tal-artikolu 2 tiegħu -
 - 1.1 it-tifsira "l-Atti dwar it-Taxxi" għandha tithassar;
 - 1.2 it-tifsira "korp ta' persuni" għandha tithassar;
 - 1.3 fit-tifsira "kumpannija b'liċenza" minflok il-kliem "l-artikolu 11" għandhom jidhlu l-kliem "l-artikolu 10";
 - 1.4 minflok it-tifsira "liġijiet tas-sisa" għandu jidhol dan li ġej:

"liġijiet tas-sisa" tfisser l-Att dwar id-Dazju tas-Sisa;"
 - 1.5 it-tifsira "persuna" għandha tithassar; u
 - 1.6 it-tifsira "taxxa fuq l-income" għandha tithassar.
2. Fl-artikolu 3 tiegħu -
 - 2.1 minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

"(1) L-arei ta' Malta kif murija fil-pjanta fl-Iskeda għandhom, għall-finijiet u l-iskopijiet kollha ta' dan l-Att u ta' kull liġi oħra, jikkostitwixxu żoni ta' Port Hieles."; u
 - 2.2 is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:
 - (i) l-ewwel proviso tiegħu għandu jithassar;
 - (ii) fit-tieni proviso tiegħu l-kelma "wkoll" għandha tithassar; u
 - (iii) fit-tielet proviso fit-test Inġliż minflok il-kliem "Provided also" għandhom jidhlu l-kliem "Provided further".
3. Fl-artikolu 5 tiegħu -
 - 3.1 is-subartikolu (5) tiegħu għandu jiġi emendat kif ġej:
 - (i) fil-paragrafu (b) tiegħu, il-kelma "u" għandha tithassar;
 - (ii) il-paragrafu (ċ) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (d); u
 - (iii) minnufih wara l-paragrafu (b) għandu jidhol il-paragrafu (ċ) ġdid li ġej:

"(ċ) Il-Ministru jista' b'avviż fil-Gazzetta -

(i) jinnomina lill-Awtorità li Tirregola t-Trasport f'Malta biex taġixxi bhala l-Awtorità,

(ii) jagħmel dawk l-ordnijiet, jagħti dawk id-direzzjonijiet u jagħmel dawk id-dispożizzjonijiet li jkunu jidhrulu hekk meħtieġa b'rabta ma' jew li jwasslu għal tmexxija aħjar ta', kull nomina bħal dik, u

(iii) jemenda, jissostitwixxi jew jirrevoka kull ordni, direzzjoni jew dispożizzjoni bħal dawk; u"; u

3.2 minflok is-subartikolu (6) tiegħu għandu jidhol dan li ġej:

"(6) (a) L-Awtorità għandha, mhux aktar tard minn sitt xhur wara t-tmiem ta' kull sena finanzjarja, tibgħat lill-Ministru u lill-Ministru reponsabbli għall-finanzi kopja tal-istqarrijiet finanzjarji awditati tagħha flimkien ma' kopja tar-rapport tal-uditor jew udituri dwar dawk l-istqarrijiet finanzjarji.

(b) L-Awtorità għandha, flimkien mal-istqarrijiet finanzjarji awditjati, tagħmel u tfori lill-Ministru rapport li jkun juri b'mod ġenerali l-attivitajiet tal-Awtorità matul is-sena finanzjarja u li jkun jinkludi dik l-informazzjoni li għandha x'taqsam mal-proċedimenti u l-linja ta' politika tal-Awtorità kif il-Ministru jista' minn żmien għal żmien jeħtieġ.

(ċ) Il-Ministru għandu jqiegħed kopja ta' kull rapport bħal dak fuq il-Mejda tal-Kamra tad-Deputati kemm jista' jkun prattikament malajr."

4. Fl-artikolu 6 tiegħu -

4.1 is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) minnufih wara l-kelma "talloka" fil-paragrafu (ċ) tiegħu, għandhom jidhlu l-kliem "b'titolu ta' kera, konċessjoni jew titolu simili";

(ii) minflok l-ewwel proviso li hemm mal-paragrafu (ċ) għandu jidhol il-proviso li ġej:

"Iżda l-Awtorità ma tistax b'titolu ta' bejgh, enfitewsi perpetwa jew enfitewsi temporanja għal żmien li jkun aktar, jew li jista' jsir mill-persuna li ssirilha l-konċessjoni li teċċedi, hamsin sena, tittrasferixxi xi proprjetà immobbli li tkun ġewwa Port Hieles:"; u

(iii) it-tieni proviso li hemm mal-paragrafu (ċ) għandu jithassar.

4.2 Is-subartikoli (2) u (3) għandhom jithassru.

5. Fl-artikolu 7 tiegħu l-kliem "għall-finijiet ta' l-artikolu 27" għandhom jithassru.

6. Fl-artikolu 8 tiegħu -

6.1 minnufih wara l-kelma "Iżda" fil-proviso li hemm mas-subartikolu (1) tiegħu, għandhom jidhlu l-kliem "bla preġudizzju għas-subartikolu (1) tal-artikolu 6,"; u

6.2 is-subartikoli (2) u (3) tiegħu għandhom jithassru.

7. L-artikolu 9 tiegħu għandu jithassar.

8. L-artikoli 10 sa 17 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 9 sa 16 rispettivament.

9. Fl-artikolu 13 tiegħu kif enumerat mill-ġdid -

9.1 fis-subartikolu (1) tiegħu minflok il-kliem "l-artikolu 11" għandhom jidhlu l-kliem "l-artikolu 10"; u

9.2 minflok is-subartikolu (4) tiegħu għandu jidhol dan li ġej:

"(4) L-Awtorità tista' tippermetti lil kull persuna, tkun min tkun, li tidhol u topera f'Port Hieles, ukoll jekk dik il-persuna, għal xi raġuni jew oħra, ma tistax tkun kumpannija b'liċenza għall-finijiet tal-artikolu 10 ta' dan l-Att jekk, fil-fehma tal-Awtorità jkun utli, mehtieg jew li jwassal għal żvilupp jew ffunzjonar aħjar ta' Port Hieles li dik il-persuna tithalla tidhol u topera f'dak il-Port Hieles."

10. Fis-subartikolu (1) tal-artikolu 14 tiegħu kif enumerat mill-ġdid il-kliem "għall-finijiet ta' l-artikolu 24 u" għandhom jithassru.

11. Fl-artikolu 16 tiegħu kif enumerat mill-ġdid -

11.1 fil-paragrafu (ċ) tas-subartikolu (3) tiegħu, minflok il-kliem "l-artikolu 11(1)" għandhom jidhlu l-kliem "l-artikolu 10(1)"; u

11.2 fil-proviso li hemm mas-subartikolu (6) tiegħu minflok il-kliem "l-artikolu 10" għandhom jidhlu l-kliem "l-artikolu 9".

12. L-artikoli 18, 19, 20, 20A, 21, 22, 23 u 24 tiegħu għandhom jithassru.

13. L-artikoli 25 u 26 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 17 u 18 rispettivament.

14. L-artikolu 27 tiegħu għandu jithassar.

15. L-artikoli 29 sa 35 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 20 sa 26 rispettivament.

16. Fl-artikolu 20 tiegħu kif enumerat mill-ġdid -

16.1 fil-paragrafu (a) tas-subartikolu (1) tiegħu minflok il-kliem "l-artikolu 11" għandhom jidhlu l-kliem "l-artikolu 10";

16.2 fis-subartikolu (2) tiegħu minflok il-kliem "l-artikoli 8, 9, 10, 11 u 14" għandhom jidhlu l-kliem "l-artikoli 8, 9, 10 u 13" u minflok il-kliem "l-artikolu 28" għandhom jidhlu l-kliem "l-artikolu 19"; u

16.3 fil-paragrafu (b) tas-subartikolu (5) tiegħu minflok il-kliem "l-artikolu 12(2)" għandhom jidhlu l-kliem "l-artikolu 11(2)".

Att dwar l-Avjazzjoni
Ċivili
Kap. 232.

1. Fl-artikolu 2 tiegħu -

1.1 minnufih qabel it-tifsira "ċertifikat ta' operatur ta' l-ajru" għandha tidhol it-tifsira ġdida li ġejja:

" "Awtorità" tfisser l-Awtorità li Tirregola t-Trasport f'Malta kif imwaqqfa bl-Att dwar l-Awtorità li Tirregola t-Trasport f'Malta;"

1.2. minflok it-tifsira "Direttur" għandha tidhol it-tifsira ġdida li ġejja:

" "Direttur Ġenerali" tfisser id-Direttur Ġenerali responsabbli mill-Avjazzjoni Ċivili f'Malta;"

1.3 fit-tifsira "Ministru", minflok il-kliem "għall-avjazzjoni ċivili" għandhom jidhlu l-kliem "għat-trasport";

1.4 minflok it-tifsira "Stat Membru" ghandu jidhol dan li ġej:

" "Stat Membru" tfisser Stat Membru tal-Unjoni Ewropea;"

1.5 it-tifsira "tariffa" għandha tithassar;

1.6 it-tifsira "it-Trattat" għandha tithassar;

1.7 minflok it-tifsira "Unjoni Ewropea" għandha tidhol it-tifsira ġdida li ġeja:

" "Unjoni Ewropea" għandha l-istess tifsira mogħtija lilha fl-Att dwar l-Unjoni Ewropea;"
u

1.8 is-subartikolu (2) għandu jithassar.

2. Minflok l-artikolu 3 tiegħu għandu jidhol dan li ġej:
"Hatra ta' Direttur Ġenerali għall-Avjazzjoni Ċivili.

3. (1) L-Awtorità għandha tahtar persuna biex tagħmilha ta' Direttur Ġenerali għall-Avjazzjoni Ċivili f'Malta.

(2) Id-Direttur Ġenerali għandu jimplementa l-istrateġiji u l-objettivi tal-Awtorità u għandu jaġixxi skond il-linji ta' politika, strateġiji u direttivi tal-Awtorità.

(3) Id-Direttur Ġenerali jkun soġġett għal dawk id-direzzjonijiet, deċiżjonijiet u kontrolli oħra li l-Awtorità jew dawk l-uffiċjali maħtura tagħha jistgħu johorġu minn żmien għal żmien u għandu jeżerċita dawk is-setgħat li jistgħu jingħatawlu b'liġi jew regolament jew mill-Awtorità."

3. Fis-subartikolu (3) tal-artikolu 4 tiegħu, minflok il-kliem "erba' mija u ħamsa u sittin euro u sebgħa u tmenin ċenteżmu (465.87)" għandhom jidhlu l-kliem "ħames mitt euro (€500)".

4. Fl-artikolu 5 tiegħu -

4.1 fis-subartikolu (1) tiegħu minflok il-kliem "elfejn, tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (2,329.37)" għandhom jidhlu l-kliem "elfejn u ħames mitt euro (€2,500)"; u

4.2 fis-subartikolu (3) tiegħu minflok il-kliem "bl-artikolu 3" għandhom jidhlu l-kliem "jew lill-Awtorità b'xi liġi jew regolament ieħor".

5. Fl-artikolu 7 tiegħu -

5.1 fis-subartikolu (1) tiegħu, minflok il-kliem "fid-Direttur li għandu jagħti lil impriza tat-trasport bl-ajru dik il-liċenza meta huwa jkun" għandhom jidhlu l-kliem "fl-Awtorità li għandha tagħti lil impriza tat-trasport bl-ajru dik il-liċenza meta hija tkun";

5.2 fis-subartikolu (3) tiegħu, minflok il-kliem "lid-Direttur" għandhom jidhlu l-kliem "lill-Awtorità".

5.3 fis-subartikolu (4) tiegħu, minflok il-kliem "tad-Direttur" għandhom jidhlu l-kliem "tal-Awtorità".

5.4 fis-subartikolu (5) tiegħu, minflok il-kliem "Id-Direttur għandu biss jagħti" għandhom jidhlu l-kliem "L-Awtorità għandha biss tagħti";

5.5 fis-subartikolu (6) tiegħu, minflok il-kliem "mid-Direttur" għandhom jidhlu l-kliem "mill-Awtorità" u minflok il-kliem "d-Direttur jista' jehtieg sabiex ikun f'pożizzjoni li jaċċerta ruħu" għandhom jidhlu l-kliem "l-Awtorità tista' tehtieg sabiex tkun f'pożizzjoni li taċċerta ruħha"; u

5.6 fis-subartikolu (7) tiegħu minflok il-kliem "id-Direttur għandu jara" għandhom jidhlu l-kliem "l-Awtorità għandha tara".

6. Fl-artikolu 8 tiegħu -

6.1 fis-subartikolu (1) tiegħu, minflok il-kliem "id-Direttur ma jibqax aktar f'xi żmien sodisfatt" għandhom jidhlu l-kliem "l-Awtorità ma tibqax aktar f'xi żmien sodisfatta", u minflok il-kliem "id-Direttur għandu, skond ma jidhirlu li jkun xieraq fiċ-ċirkostanzi, jirrevoka, jissospendi jew jibdel" għandhom jidhlu l-kliem "l-Awtorità għandha, skont ma jidhrilha li jkun xieraq fiċ-ċirkostanzi, tirrevoka, tissospendi jew tibdel";

6.2 fis-subartikolu (2) tiegħu, minflok il-kliem "id-Direttur ikun sodisfatt" għandhom jidhlu l-kliem "l-Awtorità tkun sodisfatta", u minflok il-kliem "huwa għandu jirrevoka" għandhom jidhlu l-kliem "hija għandha tirrevoka";

7. Fl-artikolu 9 tiegħu, minflok il-kliem "tal-Ministru" għandhom jidhlu l-kliem "tal-Awtorità".

8. Fl-artikolu 10 tiegħu -

8.1 fis-subartikolu (1) tiegħu, minflok il-kliem "erbat elef, sitt mija u tmienja u ħamsin euro u ħamsa u sebghin ċenteżmu (4,658.75)" għandhom jidhlu l-kliem "erbat elef u ħames mitt euro (?4,500)"; u

8.2 fis-subartikolu (2) tiegħu, minflok il-kliem "il-Ministru jkun jidhirlu" għandhom jidhlu l-kliem "l-Awtorità jkun jidhrilha", minflok il-kliem "il-Ministru jista' jiehu" għandhom jidhlu l-kliem "l-Awtorità tista' tiehu", u minflok il-kliem "biex iżomm dawk l-inġenji ta' l-ajru u jista' għal dan il-għan jordna" għandhom jidhlu l-kliem "biex iżzomm dawk l-inġenji tal-ajru u tista' għal dan il-għan tordna".

9. It-Taqsima III tiegħu għandha tithassar.

10. It-Taqsima IV tiegħu għandha tiġi enumerata mill-ġdid bħala t-Taqsima III.

11. L-artikoli 12, 13 u 14 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 11, 12 u 13 rispettivament.

12. It-Taqsima V tiegħu għandha tiġi enumerata mill-ġdid bħala t-Taqsima IV.

13. L-artikoli 15, 16 u 17 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 14, 15 u 16 rispettivament.

14. Fl-artikolu 15 tiegħu, kif enumerat mill-ġdid, minflok il-kliem "id-Direttur" għandhom jidhlu l-kliem "id-Direttur Ġenerali".

15. It-Taqsima VI tiegħu għandha tiġi enumerata mill-ġdid bħala t-Taqsima V.

16. L-artikoli 18 sa 22 tiegħu għandhom jiġu enumerati mill-ġdid bħala l-artikoli 17 sa 21 rispettivament.

17. Is-subartikoli (4) u (5) tal-artikolu 17 tiegħu, kif enumerat mill-ġdid, għandhom jiġihassru.

Għanijiet u raġunijiet

L-għan ta' dan l-Abbozz hu li jipprovdi għat-twaqqif ta' Awtorità responsabbli għat-trasport fuq l-art, għat-trasport bil-baħar u għat-trasport bl-ajru. L-Abbozz jipprovdi wkoll għal emendi konsegwenzjali u relatati f'liġijiet oħra.

MALTA TRANSPORT (REGULATORY) AUTHORITY ACT

ARRANGEMENT OF ACT

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SCHEDULES

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**A BILL
entitled**

AN ACT to provide for the establishment of a body corporate to be known as the Malta Transport (Regulatory) Authority which will assume the functions previously exercised by the Malta Maritime Authority, the Malta Transport Authority and the Director and Directorate of Civil Aviation and for the exercise by or on behalf of that Authority of functions relating to roads, to transport by air, rail, road, or sea, within ports and inland waters, and relating to merchant shipping; to provide for the transfer of certain assets to the Authority established by this Act; 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:-

PART I

PRELIMINARY AND GENERAL

Short title and commencement.

1. (1) The short title of this Act is the Malta Transport (Regulatory) Authority Act.

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

Interpretation.

2. In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them:

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used to provide facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart to provide facilities for the landing and departure of aircraft capable of descending or climbing vertically;

"air transport service" means the carriage of passengers or of mail or of cargo by air for reward;

"aircraft" means any mechanically driven self-propelled device used for transport by air of passengers or cargo and includes aeroplanes, helicopters, light aircraft and microlights;

"authorisation" includes any licence or permit however so described issued by or under this Act to operate, provide or carry out any activity or operation or service however described relating to transport;

"the Authority" means the Malta Transport (Regulatory) Authority established by article 5;

"boat" means a small watercraft, propelled by oars, sails, engines, or other methods;

"the Chairperson" means the Chairperson of the Authority and includes, in the circumstances mentioned in article 5(4), the Deputy Chairperson:

Provided that, in relation to article 38, "Chairperson" means the Chairperson of the Transport Appeals Board;

"charges" means the charges that may be levied under this Act or any regulations made thereunder;

"Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under article 12;

"contractor" means a person acting in pursuance of an agreement entered into with the Authority or with a Directorate;

"conveyance of persons" means the carriage of passengers by road or by sea for hire or reward;

"decision" includes any determination, measure, order, requirement or specification however so described made by the Authority;

"Directorates" means such directorates as are or may be established under article 11(1) this Act;

Cap. 460. "European Union" has the same meaning as is given to it in the European Union Act;

"fees" means the fees that may be levied under this Act or any regulations made thereunder;

"financial year" means any period of twelve months ending on the 31st December; provided that the first financial year shall start on the coming into force of this Act and shall end on the 31st December of the following year;

"Gazette" means the Malta Government Gazette;

"Government" means the Government of Malta;

"goods" includes baggage, animals (whether alive or dead) and other movable property of any kind whatsoever;

"internal waters" includes any harbour, port, bay, cove, creek or seashore;

"licence" means and includes any licence or permit which under this Act or any other law is required from the Authority or a Directorate or which the Authority or a Directorate is authorised or empowered to grant under such Act or other law;

Cap. 363. "Local Councils" means the local councils established under the provisions of the Local Councils Act;

"loss or damage", in relation to persons, includes loss of life and personal injury;

"management committee" or "committee" means a management committee established in accordance with article 37;

"master", when used in relation to any ship, means the person having command or charge of the ship for the time being, but does not include a pilot;

"motor vehicle" means any self-propelled road vehicle which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods but does not include agricultural tractors;

"Minister" means the Minister responsible for transport, and includes any person authorised by such Minister in that behalf;

"officer" and "employee" in relation to the Authority includes a public officer detailed for duty with the Authority;

"operator", in relation to an aircraft, means the person for the time being having the management of that aircraft, and cognate expressions shall be construed accordingly;

"owner" in relation to a ship includes the charterer or operator of the ship;

"person" includes an association or body of persons, whether vested with legal personality or not;

"pilot" means a person licensed by the Authority for the purpose of conducting ships within Maltese waters;

"port" means the place declared to be a port by or under any law, and may include a yachting centre provided it is so declared under this Act or any other law;

"prescribed" means prescribed under this Act;

"public officer", in relation to article 17, has the same meaning assigned to it by article 124 of the Constitution but does not include a judge of the Superior Courts or a magistrate of the Inferior Courts;

"public passenger transport services" means passenger transport services of general economic interest provided to the public on a non-discriminatory and continuous basis;

"public transport" means the conveyance by a vehicle of passengers in Malta against compensation;

"public transport employee" means a person employed in the conveyance of passengers by a licensed public transport vehicle;

"public transport vehicle" means any vehicle used or intended to be used for public transport;

"rates" means the rates that may be levied under this Act or under any regulations made thereunder;

"reward" includes any form of consideration received or to be received wholly or partly in respect of or in connection with the rendering of a service, irrespective of the person by whom or to whom the consideration has been or is to be given;

"road" includes any street, road or railway however categorised

and includes, in relation to any such road -

(a) any road which has already been built or which is in the planning or the construction stage;

(b) the carriageway thereof as well as any border or other public open space adjacent and ancillary thereto, including side margins, central strips, roundabouts, traffic islands, footways and pavements;

(c) the foundations, sub-surfaces and surface dressing thereof;

(d) sub-ways, overpasses, junctions and intersections, whether multi-level or otherwise;

(e) road drainage works and access thereto, trenches and trenching works for utilities including access thereto, ducting, conducting and the like for the distribution of utilities or the provision of services, including works connected therewith or ancillary thereto and manholes or other means of access to such utilities or works;

(f) poles, light fittings, billboards, hoardings, benches, kiosks and any other thing that may be affixed to the surface thereof excluding buildings;

(h) road traffic signs or signals, road markings and traffic calming measures, traffic control equipment and related lighting equipment, speed cameras and other road traffic facilities used for traffic management and control;

"ship" means a vessel or craft of every description used in navigation, whether self-propelled or not, and includes barges, oil rigs, pontoons, seaplanes, and any other craft and similar vessels;

"tariff" means the fares or freight rates (including any charges for the carriage of mails) to be charged and any conditions upon which those fares or freight rates depend;

Cap. 226.

"territorial waters" means the waters described in article 3(1) of the Territorial Waters and Contiguous Zone Act and includes any waters enclosed between the base lines therein mentioned and the coast;

"transport" means the transport of persons or goods whether by air, land or sea;

"transport of goods" means the transport of goods by air, land or by sea for hire or reward;

"utilities" means any service ordinarily used by households or commercial enterprises and which use the road to deliver the service from the service provider to the house or commercial enterprise and includes services such as water, drainage, electricity, cable television, telephony, internet and the like;

"vehicle" includes any motor vehicle, carriage, *karrozzin*, cart, bicycle, motor-cycle, trailer, semi-trailer, articulated vehicle, road train, articulate bus or other means of transport by road for the conveyance of persons or transport of goods;

"warehouse" means any shed, building, place, wagon, ship or vehicle when used by the Authority, or a contractor for the purpose of warehousing or depositing goods for the purposes of this Act;

"yacht" means a registered sea going ship used solely for pleasure and accepted as such by the Authority.

PART II

GUIDING PRINCIPLES

3. The Government shall through the establishment of the Malta Transport (Regulatory) Authority seek to promote and develop the transport sector in Malta by means of proper regulation and by the promotion and development of related services, businesses and other interests both locally and internationally.

Promotion and development of the Authority's interests.

4. (1) The Government shall determine Malta's policies and objectives in the transport sector and shall appropriate such funds and provide such resources, as it considers necessary to achieve such aims.

Main policies and objectives.

(2) The Government shall endeavour, through the Authority, to achieve the following main objectives and policies:

(a) develop integrated transport policies aimed at achieving modal shifts that favour public transport and non-polluting strategies;

(b) ensure the development of an efficient and socially sustainable public transport system in Malta;

(c) promote the maritime and civil aviation facilities of Malta and the registration of ships and aircraft under the

Maltese flag;

(d) promote policies that favour the development of Malta as a maritime hub in the Mediterranean and as an entreport to the European Union;

(e) encourage measures for the development of civil aviation, and in particular of air transport services of both passengers and cargo;

(f) ensure that the administration, services and operations of ports and yachting centres in Malta are more efficient and cost-effective;

(g) provide a sound financial basis for the Authority to be able to achieve target returns and investments; and

(h) standardise practices in the transport sector in Malta in line with international norms and with those of the European Union in particular.

PART III

ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE AUTHORITY

Establishment and composition of the Malta Transport (Regulatory) Authority.

5. (1) There shall be established a body, to be known as the Malta Transport (Regulatory) Authority, to perform the functions assigned to it by or under this Act.

(2) The Authority shall consist of a Chairperson and not less than six and not more than ten other members.

(3) The members of the Authority shall be appointed by the Minister for a term of one year or for such longer period as may be specified in the instrument of appointment, but the members so appointed may be re-appointed on the expiration of their term of office.

(4) The Minister may designate one of the other members of the Authority as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as Chairperson or while he is on vacation or during any vacancy in the office of Chairperson.

(5) A person shall not be qualified to hold office as a member of the Authority if that person -

(a) is a Minister, Parliamentary Secretary or a member of the House of Representatives or of the European Parliament, or

(b) is a judge or magistrate of the courts of justice; or

(c) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may determine that the person's interest is not likely to affect the discharge of his functions and upon such determination that person shall be qualified to hold the office of member of the Authority provided that the declared interest and the Minister's determination are published in the Gazette; or

(d) is interdicted or incapacitated; or

(e) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering; or

(f) is subject to disqualification under article 320 of the Companies Act.

Cap. 386.

(6) Subject to the provisions of this article, the office of a member of the Authority shall become vacant -

(a) on the expiration of the member's term of office; or

(b) if any circumstances arise that, if he were not a member of the Authority, would cause him to be disqualified for appointment as member.

(7) A member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is no longer suitable to continue in office.

(8) If the office of a member of the Authority is vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Authority; and any person so appointed shall, subject to the provisions of sub-articles (6) and (7), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(9) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority or in any matter to be discussed or determined by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge; such disclosure shall then be recorded in the minutes of the Authority, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

(10) A member of the Authority shall be paid out of funds at the disposal of the Authority such remuneration and, or such amount in respect of expenses as the Minister may determine.

Functions and powers of the Authority.

6. (1) The Authority shall have the following functions and powers:

(a) to advise the Minister on the development of transport policies applicable both at a national as well as at a local level and that are proposed or have been adopted by the Minister and to advise the Minister on all other matters concerning its functions or regulated by this Act;

(b) to ensure that transport policies adopted by the Minister are implemented and that local transport schemes are in line with national transport policies and that no local transport scheme is introduced without the approval of the Authority;

(c) to promote the transport facilities of Malta and in particular the use of its ports and civil aviation facilities and the registration under the Malta flag of aircraft, ships, boats, yachts and vessels;

(d) to provide or secure or promote the provision of a properly integrated, safe, economical and efficient transport system within Malta and its internal and territorial waters, and to regulate and control the provision of services related to such system, including the establishment of schedules and time-tables to be adopted for such services;

(e) to develop the necessary strategy to achieve the policies, strategies and objectives set by Government or by the

Authority and to determine the short term and long term objectives for the performance of the functions of the Authority;

(f) to licence and regulate any aircraft, boat, ship, yacht, or vehicle and to regulate the use thereof as a commercial operation;

(g) to provide, or secure or promote the provision of such services and facilities as appear to the Authority to be expedient in the performance of its functions, including the power to provide for the accessibility of such services and facilities by any person irrespective of by whom these are provided;

(h) to provide or secure or promote the provision of training for persons engaged or to be engaged in the transport services and to promote the welfare of such persons;

(i) to provide for the safe use of any aircraft, ship, yacht, or vehicle and to ensure that the safety of the public in general is protected through the making of such rules, regulations and standards as may seem necessary to the Authority in order to achieve this objective;

(j) to compile and keep up-to-date records of such data as it may deem appropriate in connection with its functions;

(k) to carry out or give effect to any international convention or other international agreements relating to which the Government is or intends to become a party;

(l) to implement any European Community obligation relating to any matter falling within its functions;

(m) to carry on all such activities not falling within the functions or competence of another person, body or authority according to law as may appear to the Authority to be requisite, advantageous or convenient to be carried on for or in connection with the performance of any of the other functions of the Authority; and

(n) to perform any other function or duty, and to exercise any power vested, in it by or pursuant to this Act or any other law.

(2) The Authority shall have the power to:

(a) grant, renew, refuse, suspend or revoke licences, and

to establish the conditions under which such licence may be granted, renewed, refused, suspended or revoked and the fees which may be payable in each case;

(b) prescribe the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by this Act or any regulations, directive or order made thereunder and in respect of any other matters in respect of which it appears to the Authority to be expedient for the purpose of the Act, regulations, directive or order to charge fees;

(c) regulate the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by this Act or any regulations, directive or order made thereunder, and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;

(d) regulate the charges, fees or tariffs that may be charged or made for the use of ports and aerodromes, and for the use of any transport facility including different means of public transport, and for services provided at such facilities;

(e) appoint its officers or employees to supervise the implementation of and, where necessary, to enforce this Act or any regulations made thereunder or deemed to be made thereunder;

(f) establish codes of conduct for transport operators and the operators of other services provided for hire or reward which codes of conduct shall have the force of law after publication in the Gazette;

(g) establish and impose, by regulations, tariffs, fees and administrative penalties;

(h) prohibit, control and otherwise regulate -

(i) the use by any person of any transport facility, including ports and aerodromes;

(ii) the presence of any person, aircraft, ship, boat, yacht, vehicle, cargo or goods within any transport facility, including any port or aerodrome;

(i) load or unload any aircraft or ship, boat, yacht or

vehicle in any aerodrome or port or road or wherever it may be;

(j) direct where any ship shall be berthed, moored or anchored in any port and the method of anchoring within the port;

(k) remove or order the removal of any ship from one berth, station or anchorage to another in a port, and the time within which such removal is to be effected;

(l) regulate the movement of ships within or between ports, or within the approaches to a port or within territorial waters;

(m) carry on such business and other activities, do all such things and enter into all such transactions as appear to the Authority to be necessary, convenient or advantageous for it to carry on or perform or enter into, for or in connection with the discharge of its functions, or as appear to the Authority to be incidental or conducive thereto; and

(n) to fund public transport services and infrastructure, invest in transport systems and enter into negotiations and arrangements with other persons to develop, improve, coordinate and secure the provision of public transport services.

(3) The Authority may, with the consent of the Minister, take part in the formation of a company, or enter into joint ventures or partnerships for the purpose of fulfilling any of its functions.

(4) The Authority shall have the following powers and functions specifically in connection with roads and transport by road:

(a) to regulate transport by road, the registration, licensing and use of vehicles, the licensing of all commercial operations connected with road transport, and to make provision for any matter that is provided for under this Act in connection with transport by road;

(b) to occupy, plan, design, construct, re-construct, administer, maintain, repair and restore roads and to provide or secure or promote the provision of the same and also to provide or secure or promote the provision of services for such purposes and to manage and control the necessary works, including the planning and programming thereof and the planning and programming for the rebuilding and restoration of the existing roads:

Provided that where the maintenance of any road is the responsibility of a Local Council in terms of the Local Councils Act, the maintenance of such road shall not, to the extent of such responsibility, be the function of the Authority unless an agreement to that effect is reached between the Local Council and the Authority:

Provided further that where a street or road is to be formed by any other person in accordance with any other law, it shall not be the function of the Authority to form such street or road;

(c) to establish standards and specifications to be maintained and complied with in the execution of any works connected with roads and to do all such things as are necessary or expedient to ensure adherence to such standards and specifications by any Local Council or person who carries out works on a road independently of who is responsible for that road and for this purpose to set up regular programmes to verify as well as to ensure the implementation of such standards and specifications;

(d) without prejudice to any application that may need to be made under the Development Planning Act, to act as the sole authority to grant permits for any work on any road;

(e) to grant rights of way on roads to persons or in respect of;

(f) to do all such things as are necessary or expedient for the testing, registration and licensing of vehicles, owners of vehicles, commercial operators of vehicles, drivers of vehicles, or other persons connected with road transport;

(g) to ensure the provision of adequate, efficient and environmentally friendly public transport systems and for this purpose to either provide such services itself or enter into contracts of service or other binding instruments with third parties to provide such services;

(h) to do all such things as may be necessary for the regulation, management, safety and control of road traffic both at a national as well as at local level and for this purpose to adopt strategies and standards that are benchmarked at a European level;

(i) to plan, install, construct and maintain bus stops, fare stages, bus termini, taxi stands, *karrozzini* stands and other

commuter facilities, and to regulate the installation of bus shelters;

(j) to plan, design, regulate and authorize road traffic signs or signals, road markings and traffic calming measures, the installation of traffic control equipment and related lighting equipment, the construction of road ramps, and the installation of speed cameras and other road traffic facilities for the purposes of traffic management and control;

(k) to provide and regulate parking places for motor vehicles in public areas and streets, and to regulate and issue licences to car park attendants; and

(l) to establish weights, dimensions and equipment requirements for motor vehicles.

(5) The Authority shall have the following powers and functions specifically in connection with maritime affairs and maritime transport:

(a) to regulate transport by sea, the registration, licensing and use of boats, ships and yachts, the licensing of all commercial operations connected with sea transport, the construction, maintenance and licensing of ports and port activities, yachting centres and other facilities connected with sea transport and to make provision for any matter that is provided for under this Act in connection with transport by sea;

(b) to regulate and control navigation within the limits of any port and the approaches thereto;

(c) to provide or ensure the provision of the appropriate fire-fighting services in ports, and the provision of pilotage and moorage services to ships;

(d) to provide and maintain in Malta adequate and efficient lighthouses, beacons and other lights, buoys and other navigational aids and services at such places, including the territorial waters of Malta, as the Authority may deem appropriate;

(e) to provide, maintain, develop, improve and operate ports in Malta and any of their facilities, and to provide, maintain and operate therein and in the approaches thereto adequate and efficient services, and facilities as it may from time to time consider necessary or advantageous for the proper,

safe and efficient functioning of such ports or as the Authority may otherwise deem it proper to provide in the public interest and to clean and clear any port or the approaches thereto;

(f) to provide and use or to ensure the provision and use of ships, boats, yachts and vehicles and other means for the salvage or protection of life and property;

(g) to provide or ensure the provision of fuel and other necessities to ships and to exercise overall control of all port work including the provision of port workers for port work;

(h) to promote and advance the skills of seafarers and of persons employed in ports and in the maritime industry and the efficiency of the equipment used therein;

(i) without prejudice to the above, to provide or ensure the provision of such other services and facilities as are in the opinion of the Authority necessary for the operation of ports;

(j) without prejudice to the provisions of any other law, to exercise overall control for the preservation of good order in the territorial and internal waters of Malta, in any port and in the land and sea approaches to any port, and on wharves;

Cap. 234. (k) to regulate, administer and control all matters related to merchant shipping or provided for under the Merchant Shipping Act or any other related legislation and to provide all services thereto;

Cap. 234. (l) without prejudice to any of the provisions of the Merchant Shipping Act, to do all such things as are necessary and expedient for the testing, registration and licensing of boats, ships and yachts, owners or commercial operators of the same, seafarers, persons working in ports or other persons or facilities connected with transport by sea;

Cap. 435. (m) without prejudice to the provisions of the Environment Protection Act to prevent and control the pollution of any port or the approaches thereto by oil or any other substances; and

(n) to regulate, control, develop and promote the yachting centres and to promote the maritime facilities of Malta.

(6) The Authority shall have the following powers and functions specifically in connection with civil aviation:

(a) to ensure a safe operational environment in accordance with the Convention on International Civil Aviation done at Chicago on the 7th December 1944;

(b) to regulate transport by air, the registration, licensing and use of aircraft, the licensing of all commercial operations connected with air transport, the construction, maintenance, licensing and inspection of aerodromes and other facilities connected with air transport and to make provision for any matter that is provided for under this Act in connection with transport by air;

(c) to regulate air traffic management and airspace design, including communications, navigation, surveillance, airspace and air traffic management systems and procedures, as well as aeronautical information services;

(d) to regulate all matters connected with civil aviation and to coordinate with relevant civil aviation international organizations and to promote international cooperation in civil aviation;

(e) to register aircraft in Malta, to approve and appraise the operational safety standard of locally registered airlines, and to regulate, control, develop and promote the use of the civil aviation facilities of Malta;

(f) to prohibit aircraft from flying unless certificates of airworthiness issued or validated are in force with respect to them;

(g) to provide for access to aircraft factories for the purpose of inspecting work carried on therein in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;

(h) to prohibit persons from engaging in, or being employed in or in connection with, air navigation and to license those employed at aerodromes in the inspection or supervision of aircraft;

(i) to regulate the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Malta may fly, and the conditions under which aircraft may fly from one part of Malta to another;

(j) to regulate the conditions under which passengers

and cargo may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and to prohibit the carriage by air of goods of such classes as may be specified in regulations or order;

(k) to minimise or prevent interference with the use or effectiveness of apparatus used in connection with air navigation, and to prohibit or regulate the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;

(l) generally to secure the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, to prevent aircraft endangering other persons and property and, in particular, to detain aircraft for any of the purposes specified in this paragraph;

(m) to require persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;

(n) to license flight crew, air traffic controllers and apron controllers and to monitor the conduct of their medical examinations;

(o) to regulate the making of signals and other communications by or to aircraft and persons carried therein;

(p) to establish any ensign, and to regulate the use of any ensign already established whether by regulations or order or otherwise, for purposes connected with air navigation;

(q) to prohibit aircraft from flying over such areas in Malta as may be specified in regulations or order;

(r) to support and assist in the investigation of air accidents and incidents;

(s) to advise and make recommendations to the Minister on the application, adaptation and modification of enactments relating to customs in relation to aerodromes and aircraft and in relation to persons and property carried therein and to take measures to prevent smuggling by air, and, after consultation with the Minister responsible for finance, to permit in connection with air navigation, subject to such conditions as appear to the said Minister to be requisite or expedient for the

protection of the revenue, the importation of goods into Malta without payment of duty.

(7) In carrying out its functions under this Act, the Authority shall ensure that its strategy, policies and activities conform with the aims and objectives of national economic planning from time to time in force, general Government and Ministry directives and shall give primary consideration to the impact of transport on the environment encouraging policies of environmental sustainability, modal shifts and passenger transport.

(8) The Authority may cause or authorise any of its officers or employees to board any aircraft, ship, boat, yacht in port or outside port, or any vehicle wherever it may be if it considers it necessary so to do in the discharge of any function under this Act or under any other law or if it considers that there are reasonable grounds to believe that an offence against this Act, or against any other law, or any regulation, rule, directive or order made thereunder, has been or is about to be committed.

(9) The Authority may cause or authorise any of its officers or employees, together with such workmen as may be necessary to -

(a) enter on any land or building for the purpose of erecting or maintaining any lighthouse or beacon or other navigational aid for ships, or of examining, repairing, altering or removing any such lighthouse, beacon or other aid, and there remain for such reasonable time as may be necessary for such purpose;

(b) erect and maintain lighthouses, or other aids as aforesaid upon or in any land, building, wharf, pier, or the shore or bed of the sea and alter or remove any such lighthouse, beacon or other aid:

Provided that:

(i) the Authority shall as far as practicable give notice to the occupier of any land or building upon which it is intended to enter in exercise of the powers conferred by this sub-article; and

(ii) the Authority in the exercise of the said powers shall do as little damage as is practicable in the circumstances and shall pay compensation for any damage done and for the creation or requisition of any rights over property.

(10) The Authority may, instead of using its officers or employees to carry out any action sanctioned by this Act, decide to authorize a contractor of the Authority to exercise such function and in such cases the contractor of the Authority shall have such powers, rights and obligations as an officer or employee of the Authority and shall, for the purposes of this Act and any regulation or directive made thereunder, be for all intents and purposes considered an employee of the Authority.

(11) The Authority may require any person to provide it with any information, including financial information, that the Authority considers necessary for the purpose of ensuring compliance by that person with the provisions of this Act, regulations prescribed thereunder and decisions or directives made in accordance with this Act or any other law which the Authority is entitled to enforce. Any person who fails or refuses to provide such information shall be in contravention of this Act and shall be liable to the imposition of an administrative fine as may be prescribed by the Authority.

(12) Where any damage is done to any works, plant or machinery in any aerodrome, port, transport facility or to any other property of the Authority by an aircraft, ship boat, yacht or vehicle or by any person engaged on any work on or about an aircraft, ship, boat, yacht or vehicle the Authority may restrain such aircraft, ship, boat, yacht or vehicle and shall thereupon notify the pilot, master, driver, owner or agent of such aircraft, ship, boat, yacht or vehicle or the agent or representative of such owner, to provide within the time specified in the notice, sufficient security for the payment of the damages so caused, and the aircraft, ship, boat, yacht or vehicle shall not be released until the security is given.

Conduct of the
affairs of the
Authority.

7. (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority, but save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its Directorates and of its officers and employees, shall be the responsibility of the Chief Executive Officer of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Authority.

(2) The Authority and each of the Directorates may exercise any one or more of their functions or responsibilities either directly or through any of their officers or employees authorised for the purpose, or through a contractor or other person with whom agreement for the performance of any one or more of such functions or responsibilities has been entered into:

Provided that nothing in this sub-article shall authorise the Authority to contract out any of its regulatory or licensing functions.

(3) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorates under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

8. (1) Policy making and the determination of policy matters shall be the exclusive prerogative of the Minister. In the event of disagreement between the Minister and the Authority whether or not a particular matter is a matter of policy, the decision of the Minister shall be final provided that the Authority may request that the Minister delivers his decision in writing.

Relations
between the
Minister and the
Authority.

(2) A policy determination by the Minister shall only be binding on the Authority if it is communicated to it in writing and is signed by the Minister.

(3) Without prejudice to the above, the Minister may, from time to time, give to the Authority directions, not inconsistent with the provisions of this Act, to be followed by the Authority in the carrying out of its functions under this Act, and the Authority shall, as soon as practicable, give effect to all such directions.

(4) The Authority shall afford to the Minister facilities for obtaining information with respect to its property, activities or any other function or duty and furnish him with returns, accounts and other information with respect thereto, and shall also afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(5) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority in which case those functions may be exercised by the Minister through the Chief Executive Officer of the Authority and through its Directorates, officers and other employees.

9. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and

Legal
personality and
representation
of the Authority.

entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(2) The legal representation of the Authority shall jointly vest in the Chairperson and the Chief Executive Officer:

Provided that the Authority may appoint any one or more of its other members or any one or more of its officers or employees to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson or by the Chief Executive Officer or by a head of the Directorate in relation to any matter delegated to him on behalf of the Authority shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Provisions with respect to proceedings of the Authority.

10. (1) The meetings of the Authority shall be called by the Chairperson, as often as may be necessary but at least once a month, either on his own initiative or at the request of any four of the other members of the Authority.

(2) Half the number of members for the time being constituting the Authority shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson, or in his absence the Deputy Chairperson or other person appointed to act as chairperson, shall have an initial vote and, in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least three members of the Authority where the Authority consists of six members other than the Chairperson or by at least four members where the Authority consists of more than six members other than the Chairperson.

(3) Subject to the provisions of this Act, the Authority may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, an act or proceeding of the Authority shall be valid notwithstanding any vacancy among its members.

(5) All acts done by any person acting in good faith as a member of the Authority shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Authority shall

be questioned on the ground of the contravention, by a member, of the provisions of article 5(9).

11. (1) There shall be established the Directorates designated in the First Schedule which shall have the respective responsibilities described in the same Schedule. The Minister may, after consulting the Authority, by regulations amend the said Schedule whereby any one or more of the said Directorates may be abolished, or their responsibilities varied or such other Directorates, as the Minister may from time to time deem appropriate may be established.

Establishment
of Directorates.

(2) The Authority shall in writing vest in the Directorates established under sub-article (1) and subject to the overall supervision and control of the Authority and of the Chief Executive Officer, such of its functions as relate or are ancillary to the matters for which they are responsible as will enable the said Directorates to give effect to the strategies, policies and directives of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(3) Each of the Directorates established under sub-article (1) shall be headed by a person having adequate experience or knowledge in the respective area of operation who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking.

(4) The heads of the Directorates shall be appointed by the Authority following approval by the Minister for a period of three years which may be extended for further periods of three years each.

12. (1) The Authority shall appoint a Chief Executive Officer following the approval of the Minister. Such appointment shall be for a period of three years which may be extended for further periods of three years each.

Appointment of
Chief Executive
Officer.

(2) The Chief Executive Officer shall attend all the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may if it so deems fit, require the Chief Executive Officer not to attend any of the meetings or any part of a meeting.

(3) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions and without prejudice to the generality of the foregoing

shall -

(a) assume full responsibility for the overall supervision and control of the Directorates;

(b) with the approval of the Authority, assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates;

(c) co-ordinate the workings of the Directorates;

(d) develop the necessary strategies for the implementation of the objectives of the Authority;

(e) advise the Authority on any matter it may refer to him or on any matter on which he considers his advice necessary or expedient; and

(f) carry out such other functions and duties as the Authority may assign to him from time to time.

(4) The Chief Executive Officer shall not hold any other office or position without the consent of the Authority.

(5) The Chief Executive Officer may be dismissed by the Authority at any time for a just cause and it shall be a just cause if the Authority determines that he has not achieved the targets and objectives set for him by the Authority.

Audit
Committee.

13. (1) The Authority shall establish an Audit Committee with written terms of reference, which clearly lay down the authority, responsibilities, and duties of such committee.

(2) (a) The Audit Committee shall meet as frequently as necessary but at least six times a year.

(b) Meetings of the Audit Committee shall be chaired by the Deputy Chairperson of the Authority, or in his absence, by such member of the Authority as may be designated for such purpose by the Chairperson of the Authority.

(c) The members of the Audit Committee shall be appointed on such terms and conditions as may be determined by the Authority.

(3) Without prejudice to the generality of the provisions of sub-article (1), the Audit Committee shall have the following functions:

- (a) to provide oversight of the systems of internal control and risk management of the Authority and to assist and support the Authority in discharging its responsibilities in relation thereto;
 - (b) to provide the communication link with external auditors and to evaluate and coordinate the audit and financial reporting process of the Authority;
 - (c) to scrutinize and evaluate any transaction to be entered into by the Authority with a value exceeding five hundred thousand euro (€500,000); and
 - (d) to review and assess the effectiveness of the management of the Authority in its compliance with policies and in the discharge of its regulatory and compliance functions.
- (4) The Audit Committee shall report directly to the Authority at least once every six months and at any such times as may be directed by the Authority.

PART IV

OFFICERS AND EMPLOYEES OF THE AUTHORITY

14. (1) Subject to the provisions of the Constitution, any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Authority and the terms and conditions of their employment and appointment shall be established by the Authority with the concurrence of the Minister. Staff appointments.

(2) The Authority may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or partly by one and partly by the other, for the payment of pensions, gratuities and other like benefits to its officers and employees on their retirement, death or injury, or to their dependants.

15. (1) Where the Chief Executive Officer or a member of the staff of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in, or material to, any matter which falls to be considered by the Authority, he shall - Disclosure of interests.

- (a) disclose to the Authority the nature of his interest at the first meeting of the Authority after such interest is acquired or in advance of any consideration of the matter, whichever is

the earlier;

(b) neither influence nor seek to influence a decision in relation to such matter; and

(c) take no part in any consideration of such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be determined by the Authority and the decision and its motivation shall be recorded in the minutes of the meeting during which the decision was taken.

(3) Where a disclosure is made to the Authority pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom sub-article (1) applies fails to make the required disclosure, the Authority shall decide the appropriate action to be taken which may include the removal from office or termination of the contract of the person concerned.

(5) Save as may be otherwise required or permitted for the purposes of this Act, or in the course of a prosecution for an offence committed against any of the provisions of this Act or of any other law or of any regulations made thereunder, the Authority and its staff shall, in carrying out their functions or duties under this Act, be bound by the provisions of the Professional Secrecy Act and shall not divulge any information about any applicant or any benefits granted to any applicant without the prior written consent of such applicant or as otherwise permitted by law.

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Appointment and functions of officers and employees of the Authority.

16. The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 14, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers for duty with the Authority.

17. (1) The Prime Minister may, from time to time, direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different period is specified in such direction, end on

the happening of any of the following events, that is to say:

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 19; or

(b) the revocation of such direction by the Prime Minister, in relation to such officer:

Provided that in relation to a public officer detailed for duty with the Authority with effect from such date as the Prime Minister may in a direction as aforesaid establish, the detailing of such public officer shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of sub-article (2) shall thereupon apply to the period of duration of such detailing by any such further direction in relation to such officer.

18. (1) Where any public officer is detailed for duty with the Authority under any of the provisions of article 17, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for all intents and purposes remain and be considered and treated as a public officer.

Status of public officers detailed for duty with the Authority.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

(ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on the date aforesaid or which would have become

attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

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(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would have been liable, but for the fact of his being detailed for duty with the Authority.

(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

19. (1) The Authority may, with the approval of the Prime Minister, offer permanent employment with the Authority to any officer detailed for duty with the Authority under any of the provisions of article 17 at remuneration and on terms and conditions not less favourable than those enjoyed by such officer on the date of such offer.

(2) The terms and conditions of any permanent employment offered by the Authority under the provisions of sub-article (1) shall not be deemed to be less favourable merely because they are not in all respects identical or superior to those enjoyed by the officer concerned on the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

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(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of article 39 of this Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government. Cap. 58.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) In the case of a public officer detailed for duty with the Authority with effect from the date established under the proviso to article 17(2)(b) and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

(7) For the purposes of the Pensions Ordinance the pensionable emoluments on retirement of any public officer to whom sub-article (6) applies shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer retires from the Authority. Cap. 93.

20. (a) Posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government by reference to job description, skills, responsibilities and other analogous factors. Classification of posts and salary grades with the Authority.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible for personnel policies in general in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

Cap. 93. (e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

Engagement of consultants and advisers.

21. The Authority may engage such consultants or advisers, as it may consider necessary to assist it in the fulfilment of its functions.

PART V

FINANCIAL PROVISIONS

Authority to meet expenditure out of revenue.

22. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For the purposes of sub-article (1) the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority, being infrastructural works or works of a similar capital nature.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow or raise capital.

23. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person,

body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one million euro (€1,000,000) there shall be required the approval of the Minister in writing.

24. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance. Advances from Government.

25. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund. Borrowing from Government.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Transport Regulation Authority Loan Fund".

(5) Sums received by the Accountant General from the

Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the Authority.

26. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be according to approved estimates.

27. (1) No expenditure shall be made or incurred by the Authority unless provision therefor had been made in the estimates approved as provided in article 26.

(2) Notwithstanding the provisions of sub-article (1) -

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier

date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure until the approval of the estimates for that year not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

28. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives.

Publication of approved estimates.

29. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall not later than three months after the end of each financial year cause a copy of the statement of accounts

duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House as soon as practicable.

Deposit of
revenues and
payments by the
Authority.

30. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Contracts of
supply or works.

31. Without prejudice to any directions communicated by the Minister under article 8(2), the Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

32. The Authority shall, not later than three months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year, distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Annual report.

33. The Authority shall be exempt from any liability for the payment of income tax and stamp duty under any law for the time being in force.

Exemption from taxation.

PART VI

TRANSFER OF CERTAIN ASSETS TO THE AUTHORITY

34.(1) (a) The property and undertakings owned by the Malta Maritime Authority or by the Malta Transport Authority or by the Civil Aviation Department and used by any one of them immediately before the date of the coming into force of this Part of this Act, or owned by the Government and used by any of the said Authorities or by the said Department before the said date, for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Authority under the same title by which they were used or held by Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department immediately before the said date.

Transfer of assets to the Authority.

(b) The immovable assets from time to time specified in an Order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which immediately before the coming into force of the Public Transport Authority (Amendment) Act, 2000, were owned by the Government and used by it for the exercise of any of the functions which by this Act are being transferred to or vested in the Authority shall, with effect from such day as may be specified in any such Order, and by virtue of this Act and without any further assurance be transferred to and vested in the Authority under the same title by which they were held by the Government before such day.

(2) The transfer and vesting in the Authority as aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, ships, craft, wharves,

quays, piers, jetties, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid:

Provided that in respect of aerodromes, roads, wharves, quays, piers and jetties the transfer and vesting in the Authority as aforesaid shall not extend to the ownership thereof but shall be limited to their use, administration and operation including any benefit deriving from such use, administration and operation, subject to the obligation of the Authority to maintain, to the extent that such maintenance is not the responsibility of Local Councils in terms of the first proviso to article 6(4)(b), and keep all such property, and for the purposes of articles 35 and 36 such property shall be deemed to be included in the properties transferred to the Authority by or under this Act.

(3) The Minister may by Order in the Gazette from time to time vest in the Authority any land held by the Government in order that the Authority may construct any aerodrome, road, port, wharve, quay, pier or jetty thereon, and the provisions of the proviso to sub-article (2) shall apply to any land so vested by the Minister under this sub-article.

Construction of laws, etc.

35. (1) Subject to other provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act and in which the Government or a government authority is a party thereto or is named therein shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, in such manner as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

(2) Any reference in any law to the Malta Transport Authority or the Public Transport Authority or the Malta Maritime Authority or the Civil Aviation Department shall be read and construed as a reference to the Authority as so defined in article 2 and shall include a reference to any Directorate established under this Act, as the case may require.

36. (1) Anything relating to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act which has been commenced by or under the authority of the Government, the Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department before the date of the coming into force of this Part of this Act may continue to be carried on and completed by or as authorised by the Authority on or after such date.

Transitory provisions.

(2) Where immediately before the date of the coming into force of this Part of this Act there are still pending any legal proceedings relating to any of the properties or undertakings, or to any right or liability, transferred to the Authority by or under this Act and to which the Government, the Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department is or is entitled to be a party, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or for the aforesaid Authorities or Department, as the case may be, or shall be made a part thereto in like manner as the Government, any such Authority or Department could have become a party as aforesaid, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government, the Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

PART VII

MANAGEMENT COMMITTEES

37. (1) The Minister may, after consultation with the Authority, by Order published in the Gazette and with effect from such date or dates as may be laid down in such Order, appoint in respect of any Directorate that may have been established under this Act, a Management Committee consisting of a Chairperson and such other members named in the Order. The Committee shall have such executive and, or advisory powers as may be laid down in the Order that may be determined by the Minister after consultation with the Authority.

Appointment and functions of management committees.

(2) The members of the Management Committee shall hold office for such period and on such terms and conditions as the Minister may determine in the Order aforesaid.

(3) The provisions of sub-articles (5)(a), (6) and (9) of article 5 shall *mutatis mutandis* apply to the members of the management committees.

(4) Each Management Committee shall keep minutes of all its meetings and shall forward copies of such minutes to the Authority, The provisions of article 10 shall *mutatis mutandis* apply to the committee and its acts or proceedings.

PART VIII

TRANSPORT APPEALS BOARD

Appointment of
Appeals Board.

38. (1) There shall be established a Transport Appeals Board to hear and determine -

(a) appeals made by any person aggrieved by any decision of the Authority not to grant or renew, or to suspend or to revoke a licence, or to impose conditions, limitations or exclusions therein or therefor; and

(b) appeals made by any person aggrieved by an administrative or any other penalty imposed on that person by the Authority.

(2) On any matter which is the subject of an appeal before it the Appeals Board may seek the opinion of technical experts to assist it in the proper execution of its functions.

(3) The Appeals Board shall consist of a lawyer who has been practising for not less than seven years, who shall be the Chairperson and preside over the Board, and two members versed in transport issues.

(4) The Chairperson and members of the Appeals Board shall be appointed by the Minister.

(5) A person shall not be qualified to be appointed as, or to remain, a member of the Appeals Board if that person is disqualified from being appointed a member of the Authority.

(6) The Chairperson and the members of the Appeals Board shall hold office for a period of three years and shall be eligible for re-appointment.

(7) The Chairperson or a member of the Appeals Board may resign by letter addressed to the Minister.

(8) The Chairperson or a member of the Appeals Board may be removed from office by the Minister -

(a) if the Chairperson or member becomes incapable, through ill-health, of effectively performing his or her functions,

(b) for stated misbehaviour or gross negligence, or

(c) for conflict of interest, or

(d) if the chairperson's or member's removal appears to be necessary for the effective performance of the Appeals Board's functions.

(9) The Appeals Board shall have an independent administrative secretariat consisting of at least a secretary to the Appeals Board and any such other employees as may be necessary for the efficient functioning of the Board.

(10) The Secretary and other administrative support required by the Appeals Board shall be provided by the Authority.

(11) The Chairperson and members of the Appeals Board shall be paid such allowances for expenses as the Minister may determine.

(12) The Appeals Board shall give an advance notice in writing of not less than sixteen calendar days of its hearings.

(13) The Appeals Board shall be independent in the performance of its functions.

(14) The decisions of the Appeals Board shall be final except with respect to points of law and equity decided by the Board and, or breaches of principles of natural justice in which cases an appeal shall lie to the Court of Appeal (Inferior Jurisdiction).

(15) Subject to the above, appeals to the Appeals Board and the conduct of the business of the Appeals Board shall be made in accordance with the rules contained in the Second Schedule; and in the absence of such rules on any matter, the Appeals Board may regulate its own procedure.

(16) The decisions of the Appeals Board shall be binding if they are supported by the opinion of two of its members, who shall sign

the decision. All decisions of the Appeals Board shall be delivered in public and shall be published as soon as practicable after the sitting at which they are given.

PART IX

MISCELLANEOUS

Persons deemed public officers.

39. The members of the Authority, the members of the Management Committees and all officers and employees of the Authority shall be deemed to be public officers or employees within the meaning of the Criminal Code.

Cap. 9.

Licensing of activities.

40. (1) Save as may otherwise be prescribed, no person shall carry out or be engaged in any commercial air, sea or road transport operation or undertaking, or carry out any commercial activity or operation providing services to such an undertaking or operation, unless such person is in possession of a licence, permit or other authorisation issued by the Authority under this Act.

(2) Any person who carries out or is engaged in any such operation, undertaking or activity without a licence or who acts in breach of any condition of such licence, shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding one hundred and twenty five thousand euro (€125,000) or to imprisonment for a term not exceeding twenty four months, or to both such fine and imprisonment.

Power to make regulations.

41. (1) The Minister may, after consultation with the Authority, make regulations in respect of any of the functions of the Authority and in connection with any matter relating to transport by road, sea or air.

(2) Without prejudice to the generality of sub-article (1) such regulations under this article may, in particular with respect to road transport and vehicles, provide -

(a) for the registration of motor vehicles or other vehicles and the grant, renewal, transfer, suspension and cancellation of licences in respect of motor vehicles or other vehicles, the drivers thereof, public transport employees, car hire garages, transport of passengers or goods for hire or reward, and for such other licenses in connection with motor vehicles or other vehicles and the users thereof as may be necessary;

(b) for providing for the manner in which application for the grant, renewal or transfer of licences or of any one or

more classes thereof is to be made; for the contents of such application, for the manner in which such licences are to be granted, renewed or transferred, the form in which such licences are to be issued, the contents thereof and the manner in which renewals or transfers thereof are to be indicated;

(c) for fixing the duration of the validity of licences or of any one or more classes thereof;

(d) for making provision to ensure that licences or any one or more classes thereof will lapse on a specified day or on specified days;

(e) for prescribing that any one or more classes of licensees shall wear such distinctive badges as may be specified, for determining the fees payable in respect of such badges and for making other provisions in respect thereof;

(f) for prescribing the services which must be given by a public transport vehicle, the time, manner and conditions in which or under which such services are to be given and the place from which orders, agreements or other arrangements for such services are to be given or made, and for requiring the distribution among the owners of public transport vehicles, or of such part thereof as may be prescribed in the regulations, of all fares, fees and other receipts collected by them, in the manner, terms and conditions prescribed in the regulations;

(g) for the construction, equipment, condition and maintenance of motor vehicles or other vehicles and their periodical examination by official experts;

(h) for the classification of motor vehicles or other vehicles according to their use as approved by the Authority;

(i) for ordering inside motor vehicles or other vehicles the display of any information;

(j) for prescribing the registers to be kept by licensees of public transport vehicles, and the information to be supplied by such licensees;

(k) for the control, restriction or prohibiting the passage or stopping of motor vehicles or other vehicles through or on any road, street, lane, square or other places of public thoroughfare;

(l) for pedestrian crossings and for the restriction or

control of the movement of pedestrians in, through or across any road, street or other places of public thoroughfare;

(m) generally for the control or the use of motor vehicles or other vehicles on the road and for the regulation of traffic of motor vehicles or other vehicles;

(n) for the management and supervision of public transport services and for the maintenance and enforcement of discipline on those services;

(o) for the conditions of work in public transport services for the protection of the welfare of public transport employees;

(p) for establishing the fees leviable in respect of the grant, renewal or transfer of licences or of any one or more classes thereof, either by direct determination or by reference to the manner in which such fees are to be reckoned; and to make provision for fees leviable in respect of broken periods:

Provided that regulations under this paragraph may establish the minimum and the maximum of any fee leviable in respect of licences or of any one or more classes thereof, and in such case the fee leviable in each particular case shall be fixed by and in the discretion of the Authority;

(q) for making provision in respect of the refund of fees or part thereof paid under the provisions of this Act or of any regulations made thereunder;

(r) for prescribing a tariff of fares in respect of public transport vehicles and services;

(s) for establishing the fees for the provision of any service or the management of a service by the Authority or by any person on its behalf or under its authority, including, without prejudice to the generality of the foregoing, any fees or other charges for any service in connection with the regulation of any activity by the Authority;

(t) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any permit, authorisation or licence under this Act;

(u) for the regulation of public transport and the transport of goods in general, including the making of codes of

practices to be observed in any matter by persons involved in such activities;

(v) for the powers and duties of officers, employees and or of contractors appointed by the Authority.

(3) Without prejudice to the generality of sub-article (1) regulations under this article may, in particular with respect to maritime matters, provide for the maintenance, control and management of the territorial and inland waters of Malta, for the conveyance of passengers and transport of goods by sea, for the management of any port or yachting centre and the land and sea approaches to any port or yachting centre and for the maintenance of good order therein and in particular, but without prejudice to the generality of the foregoing, may provide for all or any one or more of the following purposes:

(a) the preservation of good order in any part of the territorial and inland waters of Malta, in any port and the land and the sea approaches to any port, and on wharves, and for any other purpose in respect thereof;

(b) regulating traffic within the limits of a port or the land and sea approaches thereto;

(c) regulating the use of berths, stations and anchorages to be occupied by ships and the removal of ships from one berth, station or anchorage to another, and the time within which such removal is to be effected;

(d) regulating ships while taking in or discharging crews, passengers, cargo or ballast, as the case may be, or while taking in fuel or stores;

(e) keeping free passages of such width as is deemed necessary, within any port and along, on or near to piers, jetties, landing places, wharves, quays, docks, moorings and similar works in or adjoining the same or similar places, and for marking out the places so to be kept free;

(f) regulating, controlling, and prohibiting the presence of any person in any place or building in a port or the use by any person of any such place or building;

(g) regulating the anchoring, fastening, mooring and unmooring and warping of ships and the use of warps, mooring, buoys, anchors, chains and other mooring in any port;

(h) regulating traffic, preventing obstruction and keeping order on any areas, piers, jetties, landing places, wharves, quays and docks in a port or its land and sea approaches and for ensuring the safety of any of the places and works aforesaid;

(i) regulating the use of fires and lights and the signals to be used by day and by night and the measures to be taken in case of fire in a port;

(j) regulating the use of navigation lights or signal lights by ships, the use of flags and signals by ships arriving at, lying in or departing from a port and the use by ships of steam whistles, steam sirens and other like instruments;

(k) prohibiting chipping, scaling, engine runs and repairs on ships, as the case may be, except at such anchorages or places as the Authority may appoint;

(l) regulating the floating of any object in any port or the approaches to a port and the casting or depositing of any dead body, ballast, rubbish or other thing into the territorial and inland waters of Malta, or into any port or the approaches thereto;

(m) defining dangerous, hazardous, inflammable, explosive or offensive goods, regulating the movements and berthing of ships carrying such goods and prescribing the duties of masters of any such ship and of persons engaged in or supervising the loading, unloading, landing and transport of any such goods;

(n) the prevention, removal and marking of any obstruction in any port and the approaches thereto and the prevention and control of pollution by oil and other substances, or in any other way, of any port and the approaches thereto;

(o) regulating the placing and maintaining of moorings and buoys in any port;

(p) the taking of measures for preventing ships from leaving any port if over-loaded, improperly loaded, improperly found, or if otherwise unseaworthy, subject to any provisions of any law relating to merchant shipping;

(q) the protection of ships, passengers and cargo, and the removal of ships and their cargoes and appurtenances which

obstruct or are likely to obstruct any port, the reimbursement of expenses in connection therewith, and the levy and recovery of a rent for permitting a hulk or wreck or wreckage to lie in any port or the approaches thereto;

(r) regulating, declaring and defining the wharves, quays, docks, piers and places in the ports, from or on which persons shall be embarked or disembarked and goods loaded or unloaded;

(s) regulating the manner in which and the conditions under which the loading and unloading of ships, and the lighterage, handling and warehousing of goods, including the delivery of goods from a warehouse, shall be carried out;

(t) regulating the use of warehouses, wharves, quays, docks, piers and other places in ports on or from which goods are loaded or unloaded and the conduct of persons taking part in the loading or unloading of goods on or from a ship in any port;

(u) requiring and regulating the issue of a licence to a person to be a ship agent, the conditions under which such licence is issued and the levying of a fee for the issue of such licence, and otherwise regulating and controlling the activities of ship agents and persons representing owners of ships in so far as such activities relate to ships which may be or have been in a port;

(v) regulating the manner in which ships left idle in a port in excess of such time as may be allowed by the Authority or practically or wholly unattended or insufficiently manned may be dealt with or disposed of;

(w) regulating any of the following:

(i) the disposal of perishable or unclaimed goods found in any port;

(ii) the prohibition of smoking in any part of any port or approaches thereto;

(iii) the sale of goods in any part of any port;

(x) regulating matters concerning porters, carriers and other labourers to be employed within the precincts of a port, the issue of licences for the performance of such occupation and any matter concerning the discipline of such personnel:

Provided that the service of luggage porters shall be subject to the supervision and control of the Authority:

Provided further that no responsibility shall attach to the Government or to the Authority for any loss or damage caused during the embarking, disembarking or transhipment of any luggage by any licensed luggage porter;

(y) providing for the grant, renewal, cancellation and suspension of licences in relation to ships used for the conveyance of passengers and transport of goods by sea;

(z) providing for the establishment and regulation of fares that may be charged for the conveyance of passengers and transport of goods by sea;

Cap. 234. (aa) without prejudice to the requirements under the Merchant Shipping Act, providing for additional requirements in relation to the regulation and licensing of drivers of ships engaged in the conveyance of passengers and transport of goods and other persons employed in the operation of such ships;

(bb) after consultation with the Malta Communications Authority, to regulate any aspect relating to the use of radio communications by merchant ships;

(cc) prescribing anything that may or is to be prescribed under this Act or which relates to any function or duty of the Authority assigned to it by or under this Act or by or under any other law.

(4) In order to achieve further the purposes of this Act with respect to civil aviation matters, the Minister may by regulation or order make such provision as appears to him to be requisite or expedient -

(a) for carrying out or giving effect to any international convention or other international agreements relating to civil aviation to which the Government is or intends to become a party;

(b) generally for regulating air navigation;

(c) for prescribing or making provision for any matter that is to be or may be prescribed under this Act;

(d) for implementing any European Community obligation in matters relating to air transport or civil aviation;

(e) as to the registration of aircraft in Malta;

(f) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the regulations or order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the regulations or order;

(g) for the licensing, inspection and regulation of aerodromes, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;

(h) for prohibiting persons from engaging in, or being employed in or in connection with, air navigation in such capacities as may be specified in the regulations or order except in accordance with provisions in that behalf contained in the regulations or order, and for the licensing of those employed at aerodromes in the inspection or supervision of aircraft;

(i) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Malta may fly, and as to the conditions under which aircraft may fly from one part of Malta to another;

(j) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be specified in the regulations or order;

(k) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;

(l) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;

(m) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological

information for the purpose of air navigation;

(n) for regulating the making of signals and other communications by or to aircraft and persons carried therein;

(o) for establishing any ensign, and for regulating the use of any ensign already established whether by the regulations or order or otherwise, for purposes connected with air navigation;

(p) for prohibiting aircraft from flying over such areas in Malta as may be specified in the regulations or order;

(q) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the regulations or order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;

(r) for regulating the charges that may be made for the use of aerodromes and for services provided at such aerodromes;

(s) for prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by the regulations or order and in respect of any other matters in respect of which it appears to the Minister to be expedient for the purpose of the regulations or order to charge fees;

(t) for exempting from the provisions of the regulations or order or any of them any aircraft or persons or classes of aircraft or persons.

(5) Regulations or orders under sub-article (4) may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine (*multa*) of one hundred thousand euro (€100,000) or a penalty of more than one thousand and five hundred euro (€1,500) for each day that the offence persists and imprisonment for a term not exceeding six months, and, in the case of any provision having effect by virtue of sub-article (4)(1), may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the regulations or order.

(6) Regulations or orders under this article may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Authority to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any regulation or order made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Authority related to the said regulations or orders.

(7) Generally, the Minister may also make regulations providing for the discipline of the employees of the Authority or of the contractor, whether regular or casual, and the procedures to be followed for such purpose, including the appointment of a disciplinary board and the conduct and procedure thereof, and providing for the punishments that may be awarded by such board.

42. Without prejudice to any other special provision of this Act, the Minister may, after consultation with the Authority, make regulations prescribing penalties for criminal offences against any regulations made under this Act, and such regulations may:

Power of Minister to make regulations in respect of criminal offences.

(a) prescribe imprisonment and different fines (*multi*) for different offences;

(b) prescribe fines (*multi*) calculated in accordance with the duration of the commission of the offence:

Provided that any such regulations as may be made shall not provide for:

(i) imprisonment for more than eighteen months, or a fine (*multa*) of more than one hundred thousand euro (€100,000); or

(ii) one thousand and five hundred euro (€1,500) each day during which the offence persists.

43. Regulations or orders made under this Act may make different provisions with respect to different classes of aircraft, aerodromes, ports, ships, boats, yachts, persons or property connected thereto or with respect to different circumstances and with respect to different parts of Malta.

Scope of regulations or orders.

Refusal to grant or to renew, suspend or revoke a licence.

44. (1) The Authority may refuse to grant or renew a licence or, at any time, suspend a licence for a specified period or revoke it.

(2) The Authority may refuse to grant a licence if it is satisfied, on reasonable grounds, that -

(a) the applicant has supplied information in or in connection with the application for the licence that was false or misleading, or

(b) the applicant has contravened any provision of this Act or of any other Act regulating road transport and traffic or regulations thereunder.

(3) The Authority may refuse to renew a licence if it is satisfied, on reasonable grounds, that the licensee -

(a) supplied information in or in connection with the application for the renewal of the licence that was false or misleading, or

(b) has contravened any provision of this Act or of any other Act regulating road transport and traffic or regulations thereunder,

(c) is no longer a fit and proper person to provide a service for which such person is licensed.

(4) Where the Authority is satisfied that a licensee has been guilty of misconduct in the course of providing a service or has contravened any provision of this Act or of any other Act regulating transport and traffic or regulations thereunder, it may suspend the licence for a specified period or revoke the licence.

(5) Where the Authority proposes to refuse to grant or renew a licence, or to suspend or revoke a licence, it shall notify the applicant or licensee of its proposal, giving the reasons for such refusal, suspension or revocation, and shall consider any representations that are made to it in writing by the applicant or licensee within fourteen days after the said notification.

(6) If the Authority, having considered any such representations, decides to refuse to grant or renew a licence or to suspend or revoke it, it shall notify the applicant or licensee of the decision and the ground leading to such suspension or revocation and of the procedure for appealing against it.

45. (1) The Authority shall have the power to impose in respect of any person who infringes any provisions of this Act or of any regulations made thereunder, or who fails to comply with any directive or decision given by the Authority, an administrative fine using such procedures as may be established in this Act or regulations made thereunder. Administrative penalties.

(2) An administrative fine imposed under sub-article (1) shall not exceed one hundred thousand euro (€100,000) for each contravention or one thousand five hundred euro (€1,500) for each day of non-compliance, from the date of the decision of the Authority.

46. The Minister may exempt from the provisions of this Act or any regulations, directive or order made thereunder, or from any of them, any aircraft or ship, boat or yacht or persons or classes of aircraft, ship, boat or yacht or persons. Exemption by Minister.

47. (1) The words "Malta Maritime Authority" wherever they may occur in any law or regulation shall be substituted by the words "Malta Transport (Regulatory) Authority" without the need of any further amendment. Savings.

(2) The words "Malta Transport Authority" wherever they may occur in any law or regulation shall be substituted by the words "Malta Transport (Regulatory) Authority" without the need of any further amendment.

(3) For the words "Executive Director", "Executive Directors", "Director" and "Directors", wherever they may occur in regulations made under the Malta Maritime Authority Act, there shall be substituted the word "Authority" and any definition of "Executive Officer", "Executive Directors", "Director" and "Directors" in regulations made under the same Act shall be deleted. Cap. 352.

(4) Any order, rule, regulation, bye-law, notice or other instrument having the force of law made under the authority of any of the provisions of the enactments listed in the Third Schedule shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly.

(5) Any licence, permission, authority or order granted or made under any of the provisions of the enactments listed in the Third Schedule and still in force immediately before the date of coming into force of this Act shall as from such date continue in force as if it were a licence, permission, authority or order granted or made under a corresponding provision of this Act, and any such licence, permission, authority or order as aforesaid shall be treated and dealt with accordingly.

Exemption from liability.

48. The members, officers and employees of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

Revocation of the Malta Transport Authority Act. Cap. 332.

49. The Prime Minister, after consultation with the Minister, may with effect from such date as may be established by notice in the Gazette repeal the Malta Transport Authority Act and different dates may be so established for the revocation of different provisions thereof.

Amendment of other enactments.

50. The enactments in the First Column of the Fourth Schedule shall have effect subject to the amendments appearing relative thereto in the Second Column of the said Schedule.

Reprint.

51. Without prejudice to any other law, in any reprint of this Act, the Fourth Schedule need not be reproduced and it shall be sufficient to reproduce Parts I to IX and the First, Second and Third Schedules of this Act:

Provided that nothing in this article shall be construed as reducing the validity of anything contained in the Fourth Schedule not so reproduced.

FIRST SCHEDULE

(Article 11)

Directorates

Subject to the Minister's powers under article 7(2), there shall be the following Directorates:

1. Integrated Transport Strategy Directorate - which shall have the responsibility for the integration of transport research and infrastructure planning, the development and coordination of transport policies, the educational aspects of transport within the Authority, the development of standards and the coordination of European Union affairs.
2. Ports and Yachting Directorate - which shall have the responsibility for preserving the good order in internal and territorial waters, safety of navigation, overall control of port work, provision of port workers, prevention and control of pollution, provision of pilotage, fire fighting facilities, supplies and other ship requirements, regulating, controlling and promoting yachting centres.
3. Merchant Shipping Directorate - which shall have the responsibility for ship, boat and yacht registration, the provision of all ancillary services and the promotion of Malta as an international maritime centre.
4. Road Transport Directorate - which shall have the responsibility for the provision of a properly integrated, safe, economical and efficient public transport system and the licensing and regulation of vehicles and commercial road transport operators.
5. Roads and Traffic Directorate - which shall have the responsibility for the construction, re-construction and maintenance of roads, the management of traffic and the promotion of traffic safety.
6. Civil Aviation Directorate - which shall have the responsibility for all matters connected with air navigation, the registration of aircraft, the provision of ancillary services and the promotion of Malta as an international centre for aircraft registration.
7. Corporate Services Directorate - which shall have the responsibility for providing common legal, financial, human resources and administrative services that are required for the proper functioning of the Authority.
8. Enforcement Directorate - which shall have the responsibility for the overall enforcement of the provisions of this Act and other laws and regulations regulating road, sea and air transport.

SECOND SCHEDULE

[Article 38(15)]

Proceedings before the Transport Appeals Board and appeals therefrom

1. Any person who feels aggrieved by a decision of the Authority, as provided in article 38(1), may appeal to the Transport Appeals Board, on payment of an appeal's fee of one hundred and twenty five euro (€125), within thirty days from the date the decision on which the appeal is entered is communicated to the person concerned.

2. The application shall state the grounds for the appeal and the request of the appellant, and a copy of it shall be communicated to the Authority before the appeal is heard.

3. The appellant shall appear before the Appeals Board either in person or through an agent on the day and at the time fixed for the hearing, make his submissions and produce such evidence as the Appeals Board may permit:

Provided that the Appeals Board may exceptionally postpone the hearing of the appeal if it is satisfied that the appellant was prevented from appearing before it owing to illness or absence from Malta or other similar reasonable cause.

4. The appellant or his or her agent shall have the right to appear before the Appeals Board duly assisted.

5. The Appeals Board shall give the Authority an opportunity to make its submissions in justification of its decisions, and bring such evidence as the Appeals Board may consider necessary.

6. The Appeals Board shall have the power to summon witnesses and to administer the oath to any person appearing before it.

7. The Appeals Board shall have power to confirm, revoke or alter the decision appealed against and give such directions as it may deem appropriate.

8. All members of the Appeals Board shall be present for a hearing of an appeal.

9. The decisions of the Appeals Board shall be final and no appeal shall lie therefrom except on a point of law.

10. If the appellant or the Authority, as the case may be, are dissatisfied with any point of law decided by the Appeals Board, they may appeal to the Court of Appeal (Inferior Jurisdiction) by an application filed within thirty days from the day of the decisions is delivered by the Appeals Board.

11. All hearings of the Appeals Board shall be held in public and all decisions of the Appeals Board shall be given in public.

12. Subject to the foregoing provisions and to the provisions of this Act, the Appeals Board shall regulate its own procedure.

THIRD SCHEDULE

[Article 47(5)]

Enactments

Civil Aviation Act, Cap. 232

Malta Transport Authority Act, Cap. 332

Malta Maritime Authority Act, Cap 352

FOURTH SCHEDULE

(Article 45)

Amendments of Laws

First Column	Second Column
Enactment	Extent of Amendments
Malta Maritime Authority Act Cap. 352.	<ol style="list-style-type: none"> 1. In the heading to the Act for the words "Malta Maritime Authority" there shall be substituted the words "Ports and Shipping". 2. For the long title of the Act there shall be substituted the following: <p style="margin-left: 40px;"><i>"To provide for the establishment of ports in Malta, for the registration and licensing of boats and ships and to regulate the use thereof within the territorial waters of Malta and to establish fees and dues and other matters ancillary to shipping."</i></p> 3. Immediately before the sub-title "Preliminary" there shall be inserted the words "PART I". 4. In article 2 thereof -

4.1 for the definition "the Authority" there shall be substituted the following:

" "the Authority" means the Malta Transport (Regulatory) Authority established under the Malta Transport (Regulatory) Authority Act;"

4.2 immediately after the definition "the Authority" there shall be inserted the following new definition:

" "boat" means a small water craft, propelled by oars, sails, engines, or other methods;"

4.3 in the definition "charges", for the words "article 39" there shall be substituted the words "article 15";

4.4 in the definition "contractor", for the words "in pursuance of article 8(3)" there shall be substituted the words "in pursuance of article 7(2) of the Malta Transport (Regulatory) Authority Act";

4.5 in the definition "dues", for the words "article 39" there shall be substituted the words "article 15";

4.6. the definition "Executive Director" shall be deleted;

4.7 in the definition "fees", for the words "article 39" there shall be substituted the words "article 15";

4.8 the definitions "financial year" and "function" shall be deleted;

4.9 immediately after the definition "fees" there shall be inserted the following new definitions:

" "fishing vessel" means a vessel being used or registered to be used or, in the case of an application for registration, intended to be used, for, or in connection with fishing;

"Gazette" means the Malta Government Gazette;"

4.10 the definition "internal waters" shall be deleted;

4.11 in the definition "Minister", for the words "ports and shipping" there shall be substituted the word "transport";

4.12 the definition "mooringman" shall be deleted;

4.13 the definition "navigational aid or services" shall be deleted;

4.14 the definition "pilot" shall be deleted;

4.15 in the definition "port", for the words "under article 27" there shall be substituted the words "under article 3";

4.16 the definition "port facilities" shall be deleted;

4.17 in the definition "rates", for the words "article 39" there shall be substituted the words "article 15";

4.18 in the definition "yacht" in the Maltese text for the word "*yacht*" there shall be substituted the word "jott"; and

4.19 in the definition "yachting centre" for the words "article 27" there shall be substituted the words "article 3" and, in the Maltese text, for the word "*yachting*" there shall be substituted the word "tal-jottijiet".

5. Part I to Part IV thereof shall be deleted.

6. Part V thereof shall be renumbered as Part II and article 27 thereof shall be renumbered as article 3, article 28 thereof shall be deleted, and articles 29 to 38 thereof shall be renumbered as articles 4 to 14.

7. For sub-article (2) of article 3 thereof, as renumbered, there shall be substituted the following:

"(2) Without prejudice to the other provisions of this article the places specified in Part I and II of the Schedule to this Act are hereby declared to be ports; the places specified in Part III of the said Schedule are hereby declared to be compulsory pilotage ports and the places specified in Part IV of the said Schedule are hereby declared to be yachting centres."

8. For sub-article (2) of article 4 thereof, as renumbered, there shall be substituted the following:

"(2) No boat or ship shall be used for or in connection with any trade, business or calling in the territorial and inland waters of Malta -

(a) unless such boat or ship is duly licensed by the Authority for that specific trade, business or calling; or

(b) unless, when such boat or ship is being used as a fishing vessel, it is licensed for such purpose by the Minister responsible for fisheries."

9. In article 13 thereof, as renumbered, for the words "during the time such ship remains in Malta." there shall be substituted the words:

"during the time such ship remains in Malta:

Provided that the said ship agent shall no longer be deemed the agent of the ship as aforesaid if the ship owner has replaced the said ship agent, and has appointed another ship agent to represent the ship whilst the said ship is still in Malta, in which case, the ship agent so replaced shall no longer be deemed to be the agent of the ship from the date of the appointment of the subsequent ship agent by the ship owner."

10. For the words "Part VI" thereof there shall be substituted the words "Part III".

11. Articles 39 to 53 thereof shall be renumbered respectively as articles 14 to 28.

12. In article 14 thereof as renumbered -

12.1 in sub-article (1) the words "under article 52" shall be deleted; and

12.2 in paragraph (b) of sub-article (2) for the words "on account of such ship." there shall be substituted the following words:

"on account of such ship:

Provided that the ship agent's liability for such charges shall not exceed a maximum of the amount up to which the agent enjoys a privilege under article 50 of the Merchant Shipping Act."

13. In article 17 thereof, as renumbered, for the words "article 40" there shall be substituted the words "article 15".

14. In article 18 thereof, as renumbered, for the words "in articles 40 and 41" there shall be substituted the words "in articles 15 and 16".

15. In article 21 thereof, as renumbered, for the words "article 43" there shall be substituted the words "article 18", and for the words "article 41" there shall be substituted the words "article 16".

16. For article 21 thereof, as renumbered, there shall be substituted the following:

"21. The Authority may authorize any of its officers and employees or any other person to board any ship, within or outside a port, to establish the proper amount payable in respect of such ship."

17. In article 23 thereof, as renumbered, for the words "articles 30, 31 and 32" there shall be substituted the words "articles 5, 6 and 7".

18. For article 24 thereof, as renumbered, there shall be substituted the following:

"24. (1) Without prejudice to any other remedy allowed by law, if the master of a ship in respect of which dues, rates or charges leviable under this Act are payable refuses or neglects to pay such dues, rates or charges on demand, the Authority may issue an order restraining such ship from sailing.

(2) Such dues, rates or charges, which are certain, liquid and due, and which are leviable under this Act shall, following the issue of an order by the Authority restraining such ship from sailing, constitute and be deemed to be an executive title in favour of the Authority, enforceable solely against the said ship, for the purposes of article 253 of the Code of Organization and Civil Procedure."

19. In paragraph (c) of sub-article (1) of article 27 thereof, as renumbered, for the words "article 39" there shall be substituted the words "article 14".

20. The words "Part VII" and articles 54 to 64 shall be deleted.

21. For the words "PART VIII" thereof there shall be substituted the words "PART IV".

22. Articles 65 to 67 shall respectively be renumbered as articles 29 to 31.

23. In article 31 thereof, as renumbered immediately after the words "as provided" there shall be inserted the word "for".

24. For the words "PART IX" thereof there shall be substituted the words "PART V".

25. Articles 68 to 80 thereof shall respectively be renumbered as articles 32 to 44.

26. In article 32 thereof, as renumbered, for the words "two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37)" there shall be substituted the words "two thousand and five hundred euro (€2,500)".

27. In sub-article (3) of article 33 thereof, as renumbered, for the words "two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) and to a further fine (*multa*) not exceeding two hundred and thirty-two euro and ninety-four cents (232.94)" there shall be substituted the words "two thousand and five hundred euro (€2,500) and to a further fine (*multa*) not exceeding two hundred and fifty euro (€250)".

28. In article 34 thereof, as renumbered, for the words "four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75)" there shall be substituted the words "four thousand and seven hundred and fifty euro (€4,750)".

29. For article 35 thereof, as renumbered, there shall be substituted the following:

"35. If -

(a) any ship navigates without a pilot in circumstances in which a pilot is to be engaged under any of the provisions of this Act or any regulations made thereunder, or

(b) the master of the ship refuses to comply with any request made under this Act, or makes or is privy to the making of any false statement in answer to such request,

the master of such ship shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding four thousand and seven hundred and fifty euro (€4,750)."

30. In article 36 thereof, as renumbered -

30.1 in sub-article (1) for the words "eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87)" there shall be substituted the words "eleven thousand and seven hundred and fifty euro (€11,750)"; and

30.2 for sub-article (2) there shall be substituted the following:

"(2) Any pilot who fails to comply with the provisions of article 38 shall be guilty of an offence and be liable, on conviction, to a fine (*multa*) not exceeding one thousand and one hundred euro (€1,100)."

31. In article 37 thereof, as renumbered, for the words "any other person, or pilots" in the English text there shall be substituted the words "any other person, or who pilots"; immediately after the words "of an offence and" in the English text there shall be inserted the word "shall", and for the words "eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87)" there shall be substituted the words "eleven thousand and seven hundred and fifty euro (€1,750)".

32. In article 38 thereof, as renumbered, immediately after the words "of an offence and" in the English text there shall be inserted the word "shall", and for the words "two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37)" there shall be substituted the words "two thousand and five hundred euro (€2,500)".

33. In article 39 thereof, as renumbered, for the words "articles 30 or 31" there shall be substituted the words "articles 5 or 6", and for the words "one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69)" there shall be substituted the words "one thousand and two hundred euro (€1,200)".

34. In article 40 thereof, as renumbered, immediately after the words "of an offence and" in the English text there shall be inserted the word "shall", and for the words "six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12)" there shall be substituted the words "seven thousand euro (€7,000)".

35. In article 41 thereof, as renumbered, for the words "two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37)" there shall be substituted the words "two thousand and three hundred euro (€2,300)".

36. In article 42 thereof, as renumbered, for the words "eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87)" there shall be substituted the words "eleven thousand and six hundred euro (€1,600)", and for the words "one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.68)" there shall be substituted the words "one thousand and one hundred euro (€1,100)".

37. In article 43 thereof, as renumbered, for the words "under article 8(3)" there shall be substituted the words "under article 7(5) of the Malta Transport (Regulatory) Authority Act".

38. For the words "PART X" thereof there shall be substituted the words "PART VI".

39. Articles 81 and 82 thereof shall respectively be renumbered as articles 45 and 46.

40. In article 45 thereof, as renumbered -

40.1 in sub-article (1) thereof, for the words "the Port Dues Ordinance and" there shall be substituted the words "the Port Dues Ordinance, before it was repealed or by the Malta Maritime Authority Act before it was amended by the Malta Transport (Regulatory) Authority Act, and";

40.2 in sub-article (2) thereof, for the words "repealed by this article shall, notwithstanding" there shall be substituted the words "referred to in sub-article (1), notwithstanding";

40.3 in sub-article (3) thereof, for the words "repealed by this Act and still in force immediately before such repeal, shall" there shall be substituted the words "referred to in sub-article (1), and still in force immediately before the coming into force of this Act, shall"; and

40.4. sub-articles (4) and (5) in the Maltese text shall be renumbered as sub-articles (2) and (3).

41. In article 46 thereof, as renumbered, for the words "article 81" there shall be substituted the words "article 45".

42. In the Schedule -

42.1 for the words "(Articles 27 and 54)" there shall be substituted the words "(Articles 3 and 30)";

42.2 in Part I thereof, immediately after the words "the Government of Malta and the" there shall be inserted the word "former".

Code of Police Laws
Cap. 10.

1. In article 2 thereof -

1.1. the definitions "boat" and "master" shall be deleted; and

1.2. for the definition "Malta Maritime Authority" there shall be substituted the following:

"the expression "Malta Transport (Regulatory) Authority" means the Malta Transport (Regulatory) Authority established under the Malta Transport (Regulatory) Authority Act;"

2. Articles 20 to 37 thereof shall be deleted.

3. Articles 224, 229, 230, 231, 235, 236, 237 and 238 thereof shall be deleted.

4. In articles 226 and 228 thereof, for the words "the Malta Maritime Authority" there shall be substituted the words "Malta Transport (Regulatory) Authority".

Port Workers
Ordinance
Cap. 171.

1. In article 2 thereof the definition "Director" shall be deleted and for the words "Executive Director" or "Director" wherever they appear in regulations made under the said Ordinance there shall be substituted the word "Authority":

Provided that any definition of "Executive Director" or "Director" in regulations made under the said Ordinance shall be deleted.

2. For sub-article (1) of article 3 thereof there shall be substituted the following:

"(1) No person shall act as a port worker unless he is registered as such with the Authority, for which purpose the Authority shall keep a register."

3. In the proviso to sub-article (3) of article 3 thereof for the word "Director" there shall be substituted the word "Authority".

4. In article 5 thereof for the word "Director", wherever this word appears in this article, there shall be substituted the word "Authority".

5. In paragraph (a) of sub-article (2) of article 9 thereof for the word "Director", wherever this word appears in this paragraph, there shall be substituted the word "Authority".

6. In paragraph (f) of sub-article (1) of article 11 thereof for the word "Director" there shall be substituted the word "Authority".

7. In sub-article (1) of article 14 thereof for the word "Director" there shall be substituted the word "Authority".

8. In paragraph (d) of article 17 thereof for the word "Director" there shall be substituted the word "Authority".

Merchant Shipping
Act
Cap. 234.

1. In article 2 thereof -

1.1 for the definition "Authority" there shall be substituted the following:

" "Authority" means the Malta Transport (Regulatory) Authority established by the Malta Transport (Regulatory) Authority Act"; and

1.2 in the definition "ship" for the words "pontoons and rigs" there shall be substituted the words "pontoons, floating establishments, installations or structures, oil rigs"; and the words "but not including vessels propelled by oars" shall be deleted.

2. In article 41 thereof -

2.1 in sub-article (1) the word "(1)" shall be deleted; and

2.2 sub-article (2) shall be deleted.

3. In article 168A thereof -

3.1 sub-articles (1), (2), (3), (4) and (5) shall respectively be renumbered as sub-articles (2), (3), (4), (5) and (6);

3.2 immediately before sub-article (2) as renumbered there shall be added the following new sub-article:

"(1) Without prejudice to any other interpretation that may be given, other than for the purposes of this article, the terms "seaman", "seamen"; "crew", "member of the crew", "members of the crew", and "crew member" shall include a master of a ship and any other person serving on a ship.";

3.3 in sub-article (4) as renumbered, for the words "sub-article (2)" there shall be substituted the words "sub-article (3)"; and

3.4 in sub-article (5) as renumbered for the words "sub-articles (2) and (3)" there shall be substituted the words "sub-articles (3) and (4)".

4. In sub-article (1) of article 363 thereof, for the words "There shall be a Registrar-General of Shipping and Seamen whose office shall be held by an Executive Director of the Authority, and" there shall be substituted the words "There shall be a Registrar-General of Shipping and Seamen to be appointed by the Authority".

5. In article 372C thereof, for the words "from time to time determine" there shall be substituted the words "from time to time determine, and differed equivalences may be determined for different provisions of this Act or for different provisions in regulations made under this Act".

6. In article 374 thereof -

6.1 sub-articles (4), (5) and (6) shall be renumbered respectively as sub-articles (5), (6) and (7); and

6.2 immediately after sub-article (3) there shall be added the following new sub-article:

"(4) The Minister may make regulations to amend, substitute or delete all or any of the provisions of sub-articles (4) to (8) of article 3, and of articles 7, 10 to 35, and of articles 84A to 84Y of this Act."

Civil Code
Cap. 16.

For article 1996A thereof there shall be substituted the following:

"1996A. (1) It shall be lawful for a creditor to subordinate, postpone, waive or otherwise modify his existing or future rights of payment, enforcement, ranking and other similar existing or future rights in favour of another person.

Such subordination, postponement, waiver, modification or similar action may be made by agreement with or by unilateral declaration to any person, including another creditor, whether determined or yet to be determined at the time of the entry of such agreement or the making of such declaration.

The words "creditor" and "person" as used in this article shall include a class of creditors or a class of persons, as the case may be, whether the members of either such class are determinate or yet to be determined.

(2) Notwithstanding that the right may arise from a public deed, be registered in a public register or be subject to any other formality, an agreement or declaration as contemplated by this article shall be valid and enforceable if made in writing without the need of any other formality or registration.

(3) Such subordination, postponement, waiver, modification or other similar action in respect of any existing or future rights may be governed by a trust instrument in terms of which rights of any persons, including creditors or debtors, present or future, are regulated.

(4) Any agreement or declaration as referred to in sub-article (1) hereof shall be valid and enforceable in accordance with its terms, and shall not be affected by the insolvency of any person bound by or entitled under such agreement or unilateral declaration or of the relevant debtor."

Marriage Act
Cap. 255.

For the words "in international waters on board a passenger vessel registered in Malta" wherever they appear in the Act, there shall be substituted the words "on board a Maltese registered ship while this is not in the internal waters of any country other than Malta".

Malta Freeports Act
Cap. 334.

1. In sub-article (1) of article 2 thereof -
 - 1.1 the definition "body of persons" shall be deleted;
 - 1.2 for the definition "excise laws" there shall be substituted the following:

" "excise laws" means the Excise Duty Act;"
 - 1.3 the definition "income tax" shall be deleted;
 - 1.4 the definition "Income Tax Acts" shall be deleted;
 - 1.5 in the definition "licensed company" for the words "article 11" there shall be substituted the words "article 10"; and
 - 1.6 the definition "person" shall be deleted.
2. In article 3 thereof -
 - 2.1 for sub-article (1) thereof there shall be substituted the following:

"(1) The areas of Malta shown on the plan in the Schedule shall, for all intents and purposes of this Act and of any other law, constitute Freeport zones."; and
 - 2.2 sub-article (2) thereof shall be amended as follows:
 - (i) the first proviso thereof shall be deleted;
 - (ii) in the second proviso thereof the word "further" shall be deleted; and

(iii) in the third proviso in the English text, for the words "Provided also" there shall be inserted the words "Provided further".

3. In article 5 thereof -

3.1 sub-article (5) thereof shall be amended as follows:

(i) in paragraph (b) thereof, the word "and" shall be deleted;

(ii) paragraph (c) thereof shall be renumbered (d); and

(iii) immediately after paragraph (b) there shall be inserted the following new paragraph (c):

"(c) The Minister may by notice in the Gazette -

(i) designate the Malta Transport (Regulatory) Authority to act as the Authority,

(ii) make such other orders, give such directions and make such provisions as appear to him necessary in connection with, or conducive to the better conduct of, any such designation, and

(iii) amend, substitute or revoke any such order, direction or provision; and"; and

3.2 for sub-article (6) thereof there shall be substituted the following:

"(6) (a) The Authority shall, not later than six months after the end of each financial year, cause a copy of its audited financial statements to be sent to the Minister and the Minister responsible for finance together with a copy of the report of the auditor or auditors with respect to such financial statements.

(b) The Authority shall, together with the audited financial statements, make and transmit to the Minister a report dealing generally with the activities of the Authority during the financial year containing such information relating to the proceedings and policy of the Authority as the Minister may, from time to time, require.

(c) The Minister shall cause a copy of every such report to be laid on the Table of the House of Representatives as soon as practicable."

4. In article 6 thereof -

4.1 sub-article (1) thereof shall be amended as follows:

(i) immediately after the word "allocate" in paragraph (c) thereof, there shall be inserted the words "by title of lease, concession or similar title";

(ii) for the first proviso to paragraph (c) there shall be substituted the following proviso:

"Provided that the Authority may not by title of sale, perpetual emphyteusis or temporary emphyteusis for a term that exceeds, or may be made by the grantee to exceed, fifty years, alienate any immovable property situated within a Freeport."; and

(iii) the second proviso to paragraph (c) shall be deleted.

4.2 Sub-articles (2) and (3) thereof shall be deleted.

5. In article 7 thereof the words "for the purposes of article 27" shall be deleted.

6. In article 8 thereof -

6.1 for the words "Provided that" in the proviso to sub-article (1) thereof, there shall be substituted the words "Provided that, without prejudice to sub-article (1) of article 6,"; and

6.2 sub-articles (2) and (3) thereof shall be deleted.

7. Article 9 thereof shall be deleted.

8. Articles 10 to 17 thereof shall be renumbered respectively as articles 9 to 16.

9. In article 13 thereof as renumbered -

9.1 in sub-article (1) thereof for the words "article 11" there shall be substituted the words "article 10"; and

9.2 for sub-article (4) thereof there shall be substituted the following:

"(4) The Authority may permit any person whomsoever to have access to and operate in a Freeport, even if such person cannot, for any reason whatsoever, be a licensed company for the purposes of article 10 of this Act if, in the opinion of the Authority it would be useful, necessary or conducive to the better development or functioning of a Freeport that such person be granted such access and be allowed to operate in the Freeport."

10. In sub-article (1) of article 14 thereof as renumbered the words "for the purposes of article 24 and" shall be deleted.

11. In article 16 thereof as renumbered -

11.1 in paragraph (c) of sub-article (3) thereof, for the words "article 11(1)" there shall be substituted the words "article 10(1)"; and

11.2 in the proviso to sub-article (6) thereof, for the words "article 10" there shall be substituted the words "article 9".

12. Articles 18, 19, 20, 20A, 21, 22, 23 and 24 thereof shall be deleted.

13. Articles 25 and 26 thereof shall be renumbered respectively as articles 17 and 18.

14. Article 27 thereof shall be deleted.

15. Articles 29 to 35 thereof shall be renumbered respectively as articles 20 to 26.

16. In article 20 thereof as renumbered -

16.1 in paragraph (a) of sub-article (1) thereof for the words "article 11" there shall be substituted the words "article 10";

16.2 in sub-article (2) thereof for the words "articles 8, 9, 10, 11 and 14" there shall be substituted the words "articles 8, 9, 10 and 13" and for the words "article 28" there shall be substituted the words "article 19"; and

16.3 in paragraph (b) of sub-article (5) thereof for the words "article 12(2)" there shall be substituted the words "article 11(2)".

Civil Aviation Act
Cap. 232.

1. In article 2 thereof -

1.1 immediately after the definition "air transport undertaking" there shall be inserted the following new definition:

" "Authority" means the Malta Transport (Regulatory) Authority as established by the Malta Transport (Regulatory) Authority Act;"

1.2. for the definition "Director" there shall be substituted the following:

" "Director General" means the Director General responsible for Civil Aviation in Malta;"

1.3 for the definition "European Union" there shall be substituted the following:

" "European Union" has the same meaning as is given to it in the European Union Act;"

1.4 for the definition "Member State" there shall be substituted the following:

" "Member State" means a Member State of the European Union;"

1.5 in the definition "Minister", for the words "civil aviation" there shall be substituted the word "transport";

1.6 the definition "tariff" shall be deleted;

1.7 the definition "the Treaty" shall be deleted; and

1.8 sub-article (2) shall be deleted.

2. For article 3 thereof there shall be substituted the following:

"Appointment of Director General for Civil Aviation.

3. (1) The Authority shall appoint a person to act as Director General for Civil Aviation in Malta.

(2) The Director General shall implement the strategies and objectives of the Authority and shall act in accordance with the policies, strategies and directives of the Authority.

(3) The Director General shall be subject to such directions, decisions or other controls that the Authority or its other designated officials may issue from time to time and shall exercise such powers as may be delegated to him by any law or regulation or by the Authority."

3. In sub-article (3) of article 4 thereof, for the words "four hundred and sixty-five euro and eighty-seven cents (465.87)" there shall be substituted the words "five hundred euro (€500)".

4. In article 5 thereof -

4.1 in sub-article (1) thereof for the words "two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37)" there shall be substituted the words "two thousand and five hundred euro (€2,500)"; and

4.2 in sub-article (3) thereof for the words "by article 3" there shall be substituted the words "or on the Authority by any other law or regulation".

5. In article 7 thereof -

5.1 in sub-article (1) thereof, for the words "the Director who" there shall be substituted the words "the Authority which";

5.2 in sub-articles (3), (4), (5), (6) and (7) thereof, for the word "Director" wherever it appears there shall be substituted the word "Authority".

6. In article 8 thereof, for the word "Director" wherever it appears there shall be substituted the word "Authority".

7. In article 9 thereof, for the words "the Minister" there shall be substituted the words "the Authority".

8. In article 10 thereof -

8.1 in sub-article (1) thereof, for the words "four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75)" there shall be substituted the words "four thousand and five hundred euro (€4,500)"; and

8.2 in sub-article (2) thereof, for the words "the Minister" wherever they appear there shall be substituted the words "the Authority".

9. Part III thereof shall be deleted.

10. Part IV thereof shall be renumbered as Part III.

11. Articles 12, 13 and 14 thereof shall respectively be renumbered as articles 11, 12 and 13.

12. Part V thereof shall be renumbered as Part IV.

13. Articles 15, 16 and 17 thereof shall respectively be renumbered as articles 14, 15 and 16.

14. In article 15 thereof, as renumbered, for the words "the Director" there shall be substituted the words "the Director General".

15. Part VI thereof shall be renumbered as Part V.

16. Articles 18 to 22 thereof shall respectively be renumbered as articles 17 to 21.

17. Sub-articles (4) and (5) of article 17 thereof, as renumbered, shall be deleted.

Objects and Reasons

The object of this Bill is to provide for the establishment of an Authority responsible for land transport, sea transport and air transport. The Bill also makes consequential and related amendments to other legislation.