

Naghti l-kunsens tieghi.

(L.S.)

GEORGE ABELA
President

19 ta' April, 2011

ATT Nru. V tal-2011

ATT biex jemenda diversi ligijiet.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2011 li jemenda Titolu fil-qosor.
Diversi Ligijiet.

TAQSIMA I

Emendi għall-Ordinanza dwar ir-Regolament tat-Traffiku

2. (1) Din it-Taqsima temenda l-Ordinanza dwar ir-Regolament tat-Traffiku, u għandha tinqara u tinftiehem haġa wahda mal-Ordinanza dwar ir-Regolament tat-Traffiku, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejha "il-ligi principali". Emendi għall-Ordinanza dwar ir-Regolament tat-Traffiku. Kap. 65.

(2) Id-disposizzjonijiet ta' din it-Taqsima għandhom jidhlu fis-seħħ f'dik id-data li l-Ministru responsabbli għat-trasport jista' jstabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal għanijiet differenti ta' din it-Taqsima.

Emenda tal-artikolu 2 tal-ligi prinċipali.

3. L-artikolu 2 tal-ligi prinċipali għandu jigi emendat kif ġej:

(a) it-tifsira "*motor-car*" għandha tithassar, u minflok il-kelma "*motor car*" jew "*motor-cars*" kull fejn dawn jinsabu fil-ligi prinċipali għandhom jidhlu l-kliem "vettura bil-mutur" jew "vetturi bil-mutur" rispettivament;

(b) fit-tifsira "sid" il-kliem "jew lanċa" għandhom jithassru; u

(ċ) minnufih wara t-tifsira "vettura" għandha tidhol it-tifsira ġdida li ġejja:

"il-kliem "vettura bil-mutur" ifissru vettura mmexxija b'forza mekkanika;"

Thassir tal-artikoli 5 sa 11 u l-artikoli 13 u 14 tal-ligi prinċipali.

4. L-artikoli 5 sa 11 u l-artikoli 13 u 14 tal-ligi prinċipali għandhom jigu mħassra.

Emenda tal-artikolu 16A tal-ligi prinċipali.

5. Is-subartikolu (6) tal-artikolu 16A tal-ligi prinċipali għandu jigi sostitwit b'dan li ġej:

"(6) Kull persuna li tikser xi waħda mid-dispożizzjonijiet ta' dan l-artikolu tkun hatja ta' reat u tehel meta tinsab hatja -

(a) għall-ewwel reat multa ta' mhux aktar minn hamest elef euro (€5,000); għat-tieni reat multa ta' mhux aktar minn sebat elef euro (€7,000) jew prġunerija għal perjodu ta' mhux aktar minn tliet xhur; u għat-tielet reat jew kull reat sussegwenti, multa ta' mhux aktar minn għaxart elef euro (€10,000) jew prġunerija għal perjodu ta' mhux iżjed minn sitt xhur, jew dik il-multa u l-prġunerija flimkien;

(b) is-sospensjoni jew revoka immedjata ta' xi permess, liċenza jew awtorizzazzjoni li jista' jkollha;

(ċ) il-punti ta' penali preskritti; u

(d) il-konfiska tat-*taxi-car* għal perjodu ta':

(i) mhux inqas minn xahar iżda mhux iżjed minn tliet xhur għall-ewwel reat;

(ii) mhux inqas minn tliet xhur iżda mhux iżjed minn sitt xhur għat-tieni reat; u

(iii) mhux inqas minn sitt xhur iżda mhux iżjed minn tnax-il xahar għat-tielet u kull reat sussegwenti."

6. L-artikolu 34 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 34 tal-liġi prinċipali.

(a) minflok in-nota marginali li hemm miegħu, għandhom jidhlu l-kliem "Sewwieq ta' vettura tal-passiġġieri użata b'kiri jew b'kumpens għandu jkollha fil-pussess tagħha tag ta' identifikazzjoni"; u

(b) fis-subartikolu (1) tiegħu, minflok il-kliem "vettura tat-trasport pubbliku" għandhom jidhlu l-kliem "vettura tal-passiġġieri użata b'kiri jew b'kumpens", u minnufih wara l-kliem "fuq sidru," għandhom jidhlu l-kliem "sakemm ma jkunx preskritt xort'oħra,".

7. Fl-artikolu 37 tal-liġi prinċipali, minflok il-kliem "taħt l-artikolu 32" għandhom jidhlu l-kliem "taħt l-artikolu 43". Emenda tal-artikolu 37 tal-liġi prinċipali.

8. L-artikoli 38, 42, 46 u 47 tal-liġi prinċipali għandhom jiġu mħassra. Thassir tal-artikoli 38, 42, 46 u 47 tal-liġi prinċipali.

9. Fil-paragrafu (i) tas-subartikolu (2) tal-artikolu 54 tal-liġi prinċipali, minflok il-kliem "u *ferry-boats*" għandhom jidhlu l-kliem "fuq *ferry-boats*". Emenda tal-artikolu 54 tal-liġi prinċipali.

10. Is-subartikoli (5) u (6) tal-artikolu 55 tal-liġi prinċipali għandhom jiġu mħassra. Emenda tal-artikolu 55 tal-liġi prinċipali.

11. L-artikolu 58 tal-liġi prinċipali għandu jiġi mħassar. Thassir tal-artikolu 58 tal-liġi prinċipali.

12. L-artikolu 62 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 62 tal-liġi prinċipali.

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

"(2) Kull uffiċjal tal-Pulizija jew gwardjan lokali li fil-fehma tiegħu tkun saret kontravvenzjoni, jista' jagħti lis-sid jew xufier, jew iwahħal mal-*windscreen*, tal-vettura bil-mutur użata fl-għemil tal-kontravvenzjoni, avviż li jkun fih deskrizzjoni ġenerali tal-kontravvenzjoni u kull informazzjoni jew htieġa oħra hekk kif il-Ministru jista' jistabbilixxi b'regolamenti magħmulin taħt dan is-subartikolu."; u

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

"(3) Meta xi avviż ikun inġhata jew twaħhal kif provdut fis-subartikolu (2), is-sid jew ix-xufier tal-vettura bil-mutur, skond ma jkun il-każ, jew kull persuna oħra li taċċetta r-responsabbiltà għall-kontravvenzjoni imsemmija f'dak l-avviż, tista' fi żmien għaxart ijiem mid-data tal-avviż, tmur fil-post imsemmi fl-avviż, tiegħu magħha dawk id-dokumenti msemmi fih u tħallas il-multa murija fit-tieni kolonna tal-imsemmija Skeda dwar dik il-kontravvenzjoni, jew dik il-persuna tista' tibgħat dawk id-dokumenti u l-ħlas tal-multa permezz tal-posta reġistrata jew b'kull mezz ieħor hekk kif dak l-avviż ikun juri."

Emenda tat-Tieni Skeda li tinsab mal-liġi prinċipali.

13. Fit-Tieni Skeda li tinsab mal-liġi prinċipali, il-kliem "Nuqqas ta' għemil ta' *trip* minn *motor bus* 23.29" u "Nuqqas ta' għoti ta' biljett lil passigġier li juri n-nol li tħallas jew għoti ta' biljett hażin 11.65" għandhom jithassru.

TAQSIMA II

Emendi għall-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi

Emenda tal-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi. Kap. 88

14. Din it-Taqsima temenda l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi u għandha tinqara u tiftiehem haġa waħda mal-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, hawn iżjed 'il quddiem f'din it-Taqsima msejha "il-liġi prinċipali".

Emenda tal-artikolu 2 tal-liġi prinċipali.

15. L-artikolu 2 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) il-kliem " "bini storiku" tfisser art li" għandhom jiġu sostitwiti bil-kliem " "bini storiku" tfisser art, barra minn art li tikkonsisti minn proprjetà kulturali li tikkostitwixxi wirt kulturali reliġjuż tat-tip imsemmi fl-artikolu 52 tal-Att dwar il-Patrimonju Kulturali, li:"; u

(b) fil-paragrafu (b) tiegħu, il-kliem "ħlief proprjetà kulturali tat-tip imsemmija fl-artikolu 52 tal-imsemmi Att" għandhom jithassru.

TAQSIMA III

Emendi għall-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa

16. Din it-Taqsima temenda l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa u għandha tinqara u tiftiehem haġa waħda mal-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa, hawn iżjed 'il quddiem f'din it-Taqsima msejja "il-liġi prinċipali".

Emenda tal-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa. Kap. 94

17. Artikolu 4 tal-liġi prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 4 tal-liġi prinċipali.

"4. (1) Il-Kap tad-Dipartiment tas-Saħħa huwa t-Tabib Prinċipali tal-Gvern.

(2) Għandu jkun hemm ukoll Suprintendent tas-Saħħa Pubblika li għandu jwettaq dawk id-dmirijiet mogħtija lilu skont l-Att dwar is-Saħħa Pubblika jew xi liġi oħra."

18. Fl-artikolu 5 tal-liġi prinċipali minflok il-kliem "L-uffiċjali tad-dipartiment huma dawn" għandhom jidhlu l-kliem "L-uffiċjali tad-dipartiment huma dawn ukoll".

Emenda tal-artikolu 5 tal-liġi prinċipali.

TAQSIMA IV

Thassir tal-Att li Jirregola l-Impiegi fit-Trasport Pubbliku

19. Din it-taqsima tħassar l-Att li Jirregola l-Impiegi fit-Trasport Pubbliku.

Thassir tal-Att li Jirregola l-Impiegi fit-Trasport Pubbliku. Kap. 214.

20. L-Att li Jirregola l-Att dwar l-Impiegi fit-Trasport Pubbliku huwa b'dan imħassar.

Thassir tal-Att li Jirregola l-Impiegi fit-Trasport Pubbliku.

TAQSIMA V

Emendi għall-Att dwar Ġieh ir-Repubblika

21. Din it-Taqsima temenda l-Att dwar Ġieh ir-Repubblika, u għandha tinqara u tinftehem haġa waħda mal-Att dwar Ġieh ir-Repubblika, hawn iżjed 'il quddiem f'din it-Taqsima msejja "l-Att prinċipali".

Emenda għall-Att dwar Ġieh ir-Repubblika. Kap. 251.

22. Is-subartikolu (1) tal-artikolu 29 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 29 tal-Att prinċipali.

(a) minnufih wara l-kliem "relazzjonijiet diplomatiċi

ma' Malta" għandhom jidhlu l-kliem "jew ma' xi organizzazzjoni internazzjonali li Malta hija membru tagħha"; u

(b) minflok il-kliem "minn xi Stat jew Ordni Sovran bħal ma ntqal qabel wara l-bidu fis-seħħ" għandhom jidhlu l-kliem "minn xi Stat, Ordni Sovran jew organizzazzjoni internazzjonali wara l-bidu fis-seħħ".

TAQSIMA VI

Emendi għall-Att dwar Kunsilli Lokali

Emendi għall-Att dwar Kunsilli Lokali. Kap. 363.

23. (1) Din it-Taqsima temenda l-Att dwar Kunsilli Lokali, u għandha tinqara u tintfiehemi haġa waħda mal-Att dwar Kunsilli Lokali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

(2) Din it-Taqsima għandha tidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għal Kunsilli Lokali jista' jstabbilixxi b'avviz fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal skopijiet differenti ta' din it-Taqsima.

Emenda tal-artikolu 31 tal-Att prinċipali.

24. L-artikolu 31 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, il-kliem "jew ta' Viċi Sindku" għandhom jiġu mħassra;

(b) is-subartikoli (2) u (4) tiegħu għandhom jiġu mħassra; u

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

Emenda tal-artikolu 37 tal-Att prinċipali.

25. Is-subartikolu (4) tal-artikolu 37 tal-Att prinċipali għandu jiġi mħassar.

Żjieda ta' artikolu ġdid 37A mal-Att prinċipali.

26. Minnufih wara l-artikolu 37 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Kumitati Reġjonali.

37A. (1) Għandu jkun hemm hames reġjuni skond kif stabbilit fil-Idax-il Skeda.

(2) (a) Kull Kumitat Reġjonali għandu jiġi mmexxi minn President li jiġi elett minn fost il-Kunsillieri kollha tal-lokalitajiet li jiffurmaw dak ir-Reġjun.

(b) Kull Kunsill Lokali li jiffirma parti minn dak ir-Reġjun għandu jahtar rappreżentant tiegħu biex jiffirma parti mill-Kumitat Reġjonali.

(ċ) Il-Viċi President Reġjonali għandu jinħatar minn fost il-membri tal-Kumitat Reġjonali kif hekk maħtura mill-Kunsilli Lokali.

(3) Il-Kumitat Reġjonali għandu jahtar persuna biex taġixxi bħala Segretarju Eżekuttiv għall-istess kumitat minn fost dawk il-persuni li jkunu jiffirmaw parti mill-*pool* imsemmi fl-artikolu 49.

(4) Kull bidla ta' lokalita` minn reġjun għal ieħor tista' ssir mill-Ministru wara li jkun ikkonsulta mal-Assoċjazzjoni tal-Kunsilli Lokali u għandha ssir wara li jkunu ġew ikkunsidrati l-aspett ġeografiku, it-total tal-popolazzjoni f'kull reġjun u n-numru ta' Kunsilli Lokali f'kull reġjun.

(5) Il-funzjonijiet tal-Kumitati Reġjonali għandhom ikunu dawk stabbiliti mill-Ministru permezz ta' regolamenti u dan wara li jkun ikkonsulta mal-Assoċjazzjoni tal-Kunsilli Lokali.

(6) Il-Kumitati Reġjonali jistgħu wkoll jagħmlu *bye-laws* skond l-artikoli 34, 35, 36 u 36A li għandhom *mutatis mutandis* ikunu japplikaw għall-għemil ta' dawk il-*bye-laws*.

(7) Il-Kumitati Reġjonali jigu maħtura għal dak iż-żmien li l-Ministru jista' b'ordni jistabbilixxi.

(8) Il-Ministru jista' wkoll b'regolamenti jistabbilixxi l-prattika u l-proċedura dwar l-operat tal-Kumitati Reġjonali."

TAQSIMA VII

Emendi għall-Att dwar it-Taxxa fuq il-Valur Miżjud

27. (1) Din it-Taqsima temenda l-Att dwar it-Taxxa fuq il-Valur Miżjud, u għandha tinqara u tintfiehmed haġa waħda mal-Att dwar it-Taxxa fuq il-Valur Miżjud, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar it-Taxxa fuq il-Valur Miżjud. Kap. 406.

(2) Id-disposizzjonijiet tal-paragrafu (b) tal-artikolu 28 u tal-paragrafu (a) tal-artikolu 29 għandhom jidhlu fis-sehħ f'dik id-data li l-Ministru responsabbli għall-finanzi jista' jstabbilixxi b'avviż fil-Gazzetta.

Emenda tal-artikolu 21 tal-Att prinċipali.

28. L-artikolu 21 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-proviso għas-subartikolu (4) tiegħu minflok il-kliem "sentenza finali mill-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri), skond il-każ." għandhom jidhlu l-kliem "sentenza finali mill-Qorti tal-Appell (Ġurisdizzjoni Inferjuri), skond il-każ:", u minnufih wara l-proviso għandu jżied il-proviso ġdid li ġej:

"Izda wkoll il-Ministru jista' b'regolamenti jippreskrivi kundizzjonijiet li permezz tagħhom parti mill-imghax jew l-imghax kollu dovut taht dan is-subartikolu jista' jitneħha. Dawn ir-regolamenti jistgħu jipprovdu wkoll għat-tneħhija ta' imghax dovut skont l-Att tal-1994 dwar it-Taxxa fuq il-Valur Miżjud u skont l-Att dwar it-Taxxa tad-Dwana u tas-Sisa."; u

(b) minnufih wara s-subartikolu (4) tiegħu għandu jidhol is-subartikolu ġdid li ġej:

"(4A) Bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-artikolu, ma jkun dovut ebda mghax meta denunzja li għandha tintbagħat skont l-artikolu 27 tiġi mibgħuta b'mezz elettroniku permezz tal-portal elettroniku hekk indikat għal dan il-għan mill-Kummissarju, flimkien mal-ħlas dovut fuq id-denunzja, mhux aktar tard minn sebghat ijiem mid-data li tali denunzja kellha tkun mibgħuta skont id-disposizzjonijiet ta' dan l-Att."

Emenda tal-artikolu 42 tal-Att prinċipali.

29. L-artikolu 42 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tas-subartikolu (1) tiegħu, minflok il-kliem "mill-penali amministrattiva għal dak in-nuqqas." għandhom jidhlu l-kliem "mill-penali amministrattiva għal dak in-nuqqas:" u minnufih wara l-paragrafu (ċ) għandu jżied il-paragrafu ġdid li ġej:

"(d) l-ebda penali amministrattiva ma għandha tkun dovuta skont l-artikolu 38 meta denunzja meħtieġa li ssir skont l-artikolu 27 jew dikjarazzjoni meħtieġa li ssir skont l-artikolu 30(1) tkun mibgħuta b'mezz elettroniku

permezz tal-portal elettroniku hekk indikat għal dan il-ghan mill-Kummissarju, flimkien mal-hlas dovut fuq id-denunzja, mhux aktar tard minn sebghat ijiem mid-data li tali denunzja jew dikjarazzjoni kellha tkun mibghuta skont id-disposizzjonijiet ta' dan l-Att."; u

(b) minnufih wara s-subartikolu (3) tiegħu, għandu jiżdied is-subartikolu gdid li ġej:

"(4) Il-Ministru jista' b'regolamenti jippreskrivi kundizzjonijiet li permezz tagħhom parti mill-penali amministrattiva jew il-penali amministrattiva kollha dovuta taht l-artikoli 37 sa 41 tista' titneħha. Dawn ir-regolamenti jistgħu jipprovdu wkoll għat-tneħhija ta' penali amministrattiva dovuta skont l-Att tal-1994 dwar it-Taxxa fuq il-Valur Miżjud u skont l-Att dwar it-Taxxa tad-Dwana u tas-Sisa."

TAQSIMA VIII

Emendi għall-Att dwar Awtorità ta' Malta dwar ir-Rizorsi

30. Din it-Taqsima temenda l-Att dwar Awtorità ta' Malta dwar ir-Rizorsi, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Awtorità ta' Malta dwar ir-Rizorsi, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar Awtorità ta' Malta dwar ir-Rizorsi. Kap. 423.

31. L-artikolu 5 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 5 tal-Att prinċipali.

(a) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) L-Awtorità għandha, b'konsultazzjoni mal-Ministru, tistabbilixxi Direttorati, Unitajiet, Diviżjonijiet u Sezżjonijiet, kif xieraq, u li jkollhom dawk ir-responsabbiltajiet li tista' tiddeċiedi li tagħtihom u li tista' tibdel minn żmien għal żmien kif jidrilha li jkun xieraq.";

(b) fis-subartikoli (3), (4), (5), (6) u (7) tiegħu, minflok il-kelma "Direttorati", kull fejn tinsab, għandhom jidhlu l-kliem "Direttorati, Unitajiet, Diviżjonijiet u Sezżjonijiet"; fis-subartikolu (3) tiegħu, minflok il-kliem "dak id-Direttorat ikun jista' jagħti" għandhom jidhlu l-kliem "dak id-Direttorat, Unità, Diviżjoni u Sezżjoni jkunu jistgħu jagħtu" u minflok il-kliem "bix-xort'ohra jkun jista' jwettaq" għandhom jidhlu l-kliem "biex xort'ohra jkunu jistgħu jwettqu"; fis-subartikolu (6) minflok il-kliem "lid-Direttorat li l-haġa tkun tinkwadra taht il-ġurisdizzjoni tiegħu" għandhom jidhlu l-kliem "lid-Direttorat,

Unità, Diviżjoni u Sezzjoni li l-ħaġa tkun taqa' taħt il-
għurisidizzjoni tagħhom", minflok il-kliem "lil dak id-Direttorat"
għandha tidhol il-kelma "lilhom" u minflok il-kliem "għad-
Direttorat idoneu" għandhom jidhlu l-kliem "għad-Direttorati,
Unitajiet, Diviżjonijiet u Sezzjonijiet idoneji"; u

(ċ) fis-subartikolu (9) tiegħu, minflok il-paragrafi (a),
(b) u (ċ) għandu jidhol dan li ġej:

"(a) jassumi kull responsabbiltà għas-sorveljanza
u l-kontroll totali tad-Direttorati, Unitajiet, Diviżjonijiet u
Sezzjonijiet;

(b) jassenja lil kull Direttorat, Unità, Diviżjoni u
Sezzjoni dawk id-dmirijiet li huwa jqis meħtieġa jew
spedjenti;

(ċ) jikkordina l-operat tad-Direttorati, Unitajiet,
Diviżjonijiet u Sezzjonijiet;"

Żjieda ta'
artikoli godda
mal-Att
prinċipali.

32. Minnufih wara l-artikolu 31 tal-Att prinċipali għandhom
jiżdiedu l-artikoli godda li ġejjin:

"Proċeduri
meta jiġu
imposti multi
amministrattivi.

31A. (1) L-Awtorità, qabel ma timponi
penali amministrattiva fuq xi persuna li tikser
jew tonqos milli tosserva -

(a) xi disposizzjoni ta' dan l-Att;

(b) regolamenti magħmulin taħt
dan l-Att;

(ċ) xi liġi oħra li l-Awtorità
għandha l-jedd li tenforza; jew;

(d) xi direttiva jew deċiżjoni
mogħtija mill-Awtorità kemm jekk taħt
dan l-Att, regolamenti magħmulin taħt
dan l-Att jew taħt kull liġi oħra li l-
Awtorità jkollha l-jedd li tenforza; jew

(e) xi kundizzjoni ta' xi
awtorizzazzjoni mogħtija taħt dan l-Att,
għandha permezz ta' ittra ufficjali lill-persuna
involuta -

(i) tagħti avviż lil dik il-
persuna tal-penali amministrattiva li
tista' tiġi imposta mill-Awtorità;

(ii) tagħti avviż tar-raġuni
specifika għaliex tkun qegħda tiġi
imposta dik il-penali;

(iii) tagħti avviż dwar l-ammont tal-penali;

(iv) titlob lil dik il-persuna biex issewwi l-atti jew l-ommissjonijiet li jkunu saru minn dik il-persuna u, jew li tressaq is-sottomissjonijiet tagħha lill-Awtorità fi żmien speċifikat:

Iżda dak iż-żmien ma' jistax ikun ta' aktar minn għoxrin gurnata u mhux anqas minn hamest ijiem mid-data tan-notifika tal-ittra uffiċjali:

Iżda wkoll il-persuna, li kontriha tista' tiġi imposta penali amministrattiva, għandha tingħata opportunità raġonevoli matul dak il-perjodu ta' żmien li jista' jkun stipulat fl-ittra uffiċjali biex tagħmel is-sottomissjonijiet tagħha lill-Awtorità u biex tipproponi kull rimedju li jsewwi l-attijiet jew l-ommissjonijiet hekk kif ikunu meħtieġa mill-Awtorità li jiġu hekk imsewwija.

(2) Fl-ittra uffiċjali msemmija fis-subartikolu (1), l-Awtorità tista' timponi dawk il-kundizzjonijiet li tista' tikkunsidra raġonevoli fiċ-ċirkostanzi.

(3) Jekk il-persuna involuta tirrimedja l-ksur fiż-żmien stabbilit mill-Awtorità skond is-subartikolu (1), u taqbel bil-miktub li tosserva l-kundizzjonijiet li l-Awtorità tista' timponi, l-Awtorità għandha tieqaf milli tkompli tipproċedi:

Iżda jekk il-persuna involuta, wara li tkun intrabtet bil-miktub, kif imsemmi hawn qabel, tonqos milli tirrimedja l-ksur fiż-żmien stabbilit mill-Awtorità skond is-subartikolu (1) jew tonqos milli tħares il-kundizzjonijiet li jkunu ġew miftiehma bil-miktub, l-Awtorità għandha timponi penali amministrattiva kontra dik il-persuna għal dak in-nuqqas, flimkien mal-penali amministrattiva li tista' tiġi imposta għall-ksur innifsu.

(4) Jekk wara li jiskadi l-perjodu imsemmi fis-subartikolu (1), l-Awtorità tikkunsidra li l-persuna involuta ma tkun tat ebda raġuni valida biex turi għaliex m'għandha tiġi imposta ebda penali amministrattiva kontra dik il-persuna, l-Awtorità għandha tgħaddi biex timponi dik il-multa amministrattiva.

(5) Minkejja kull disposizzjoni oħra ta' dan l-artikolu, meta l-Awtorità jkollha prova *prima facie* li l-ksur -

(a) jirrappreżenta theddida immedjata u gravi għas-sigurtà pubblika jew għas-sigurezza pubblika jew għas-saħħa pubblika; jew

(b) joħloq jew jista' joħloq problemi serji ekonomiċi jew operattivi għal provdituri oħra ta' riżorsi jew għal konsumaturi,

l-Awtorità tista tqassar il-perjodi msemmija fis-subartikolu (1):

Izda l-persuna li kontriha tkun qegħda tiġi imposta dik il-penali amministrattiva, għandha tingħata opportunità raġonevoli biex tagħti l-fehma tagħha u tipproponi kull rimedju possibbli.

(6) L-ittra uffiċjali msemmija fis-subartikolu (1), meta jiskadi t-terminu li fih jista' jsir appell minnha, u meta ssir notifika ta' kopja tagħha permezz ta' att ġudizzjarju lill-persuna li wehlet il-penali amministrattiva, għandha tikkostitwixxi titolu eżekuttiv għall-effetti u l-għanijiet kollha tal-paragrafu (a) tal-artikolu 253 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili:

Izda jekk il-persuna li kontriha tkun inħarġet l-ittra uffiċjali, tagħmel appell quddiem il-Bord tal-Appelli, u flimkien mal-appell jew qabel ma tagħmel l-appell tkun talbet li l-Bord tal-Appelli jissospendi l-effetti tal-ittra uffiċjali, għaldaqstant l-Awtorità għandha tieqaf milli toħroġ att ġudizzjarju kif imsemmi f'dan is-subartikolu sakemm tkun ġiet deċiża, miċhuda jew mod ieħor ittrattata t-talba għal sospensjoni:

Izda wkoll il-Bord tal-Appelli għandu jiddeċiedi kull talba għas-sospensjoni msemmija f'dan is-subartikolu mill-aktar fis. Qabel ma tiġi deċiża talba bħal dik, il-Bord tal-Appelli għandu jagħti lill-Awtorità opportunità raġonevoli biex twieġeb u tressaq is-sottomissjonijiet tagħha, fi żmien mhux anqas minn tliet ijiem tax-xogħol.

(7) Mgħax bir-rata ta' tmienja fil-mija fis-sena għandu jibda għaddej mid-data li l-Awtorità tistabilixxi għall-pagament ta' xi penali amministrattiva imposta minnha. Fil-każijiet meta l-Bord tal-Appelli jew il-Qorti tal-Appell, skond ma jkun il-każ, wara li jkun intlaqa' favorevolment rikors biex jissospendi l-penali sakemm isiru l-proċedimenti, fl-aħħar jiddeċiedu li l-penali amministrattiva kif imposta mill-Awtorità tkun dovuta, dik il-penali amministrattiva għandha tkun dovuta flimkien ma' kull mgħax li jkun akkumula fuq il-penali sa minn dik id-data li l-Awtorità tkun oriġinarjament stabbiliet għall-ħlas u li tkun tinkludi l-perjodu li matulu l-ħlas ta' dik il-penali jkun ġie sospiż.

(8) L-Awtorità għandha tagħti r-raġunijiet tagħha għal kull deċiżjoni li tittiehed taħt dan l-artikolu.

(9) Minkejja d-disposizzjonijiet ta' kull liġi oħra, ebda mandat jew ordni kawtelatorju m'għandhom jinħarġu minn xi qorti li jkunu jirrestringu lill-Awtorità milli teżerċita xi setgħa mogħtija lilha taħt dan l-Att dwar penalitajiet amministrattivi.

(10) Fil-każijiet kollha li l-Awtorità timponi xi penali amministrattiva fir-rigward ta' xi ħaġa li tkun saret jew li tkun naqset milli ssir minn xi persuna u dak l-att jew ommissjoni jkunu wkoll jikkostitwixxu reat kriminali, ebda proċediment ma jkun jista' jinbeda jew jitkompla kontra dik il-persuna dwar dak ir-reat kriminali.

(11) Penali amministrattiva imposta mill-Awtorità għandha titqies bħala dejn ċivili.

(12) Jekk xi persuna xjentement tevita, tfixkel jew tirrifjuta n-notifika ta' xi att ġudizzjarju mahruġ taht dan l-artikolu, dik il-persuna tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn sebgħin elf euro (€ 70,000).

Ksur amministrattiv minn korpi magħqudin.

31B. Meta ksur amministrattiv ikun jirrigwarda -

(a) xi disposizzjoni ta' dan l-Att;

(b) regolamenti magħmulin taht dan l-Att;

(c) kull liġi oħra li l-Awtorità jkollha jedd tenforza;

jew kull min -

(i) jonqos milli josserva xi direttiva jew deċiżjoni mogħtija mill-Awtorità kemm jekk taht dan l-Att, regolamenti magħmulin taht l-Att jew taht kull liġi oħra li l-Awtorità jkollha l-jedd li tenforza; jew

(ii) jonqos milli josserva xi kundizzjoni ta' xi awtorizzazzjoni mogħtija taht dan l-Att, u l-ksur jkun sar minn korp magħqud u jkun ġie ippruvat li twettaq bil-kunsens, jew l-involviment ta', jew li jkun attribwibbli għal, xi negliġenza gravi min-naħa ta' persuna li tkun direttur, *manager*, segretarju jew ufficjal ieħor, tkun kif tkun deskritta l-kariga, ta' dak il-korp magħqud jew persuna li kienet qegħda taġixxi f'dik il-kariga,

dik il-persuna u dak il-korp magħqud, għandhom ikunu responsabbli għal dak il-ksur u għandhom jkunu responsabbli *in solidum* għall-ħlas ta' dik il-penali amministrattiva imposta mill-Awtorità bħala konsegwenza ta' dan."

Emenda tal-artikolu 34 tal-Att prinċipali.

33. Minnufih wara s-subartikolu (5) tal-artikolu 34 tal-Att prinċipali għandhom jizdiedu s-subartikoli ġodda li ġejjin:

"(6) Id-dritt ta' appell quddiem il-Bord tal-Appelli jkun jista' jsir mill-persuna li tħoss ruħha aggravata bid-deċiżjoni:

Iżda f'kull każ, persuna li tagħmel appell quddiem il-Bord tal-Appelli għandu jkollha wkoll interess dirett meta tkun qegħda tikkontesta d-deċiżjoni jew l-ordni li jkun qed isir appell minnha.

(7) Mingħajr preġudizzju għad-disposizzjonijiet tal-artikolu 31A -

(a) appell minn deċiżjoni jew ordni tal-Awtorità għandu jsir b'rikors u għandu jiġi ppreżentat quddiem is-segretarju tal-Bord tal-Appell fi żmien tletin ġurnata mid-data meta dik id-deċiżjoni jew ordni tkun giet notifikata bil-miktub lill-parti li tkun qegħda tappella, jew tiġi pubblikata fil-Gazzetta, skond dak li jiġi l-ewwel, kif ikun il-każ; u

(b) ir-rikors tal-appell għandu jiġi notifikat lill-Awtorità, li għandha mhux aktar tard minn għoxrin ġurnata minn dik in-notifika tippreżenta r-risposta tagħha għal dak ir-rikors quddiem is-segretarju tal-Bord tal-Appell."

34. Fis-subartikoli (1) u (2) tal-artikolu 37 tal-Att prinċipali, minflok il-kliem "fit-Tieni Skeda", kull fejn dawn jinsabu, għandhom jidhlu l-kliem "fl-Iskeda".

Emenda tal-artikolu 37 tal-Att prinċipali.

35. Minnufih wara l-artikolu 39 tal-Att prinċipali għandu jizjed l-artikolu ġdid li ġej:

Żjieda ta' artikolu ġdid mal-Att prinċipali.

"Proċedimenti
dwar djun
dovuti.
Kap. 12.

40. Id-disposizzjonijiet tal-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom japplikaw għall-Awtorità bl-istess mod kif japplikaw għad-Dipartimenti tal-Gvern."

36. L-Ewwel Skeda li tinsab mal-Att prinċipali għandha tiġi mħassra, u t-Tieni Skeda għandha tissemma' mill-ġdid bħala "L-ISKEDA".

Thassir tal-Ewwel Skeda li tinsab mal-Att prinċipali.

TAQSIMA IX

Emendi għall-Att dwar il-Kwarantina tal-Pjanti

37. Din it-Taqsima temenda l-Att dwar il-Kwarantina tal-Pjanti, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Kwarantina tal-Pjanti, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Kwarantina tal-Pjanti.
Kap. 433.

38. Fl-artikolu 2 tal-Att prinċipali, minnufih wara t-tifsira "prodott veġetali" għandha tidhol it-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

"Servizz tal-Ħarsien tal-Pjanti" tfisser l-uffiċċju li għandu s-setgħa sabiex jagħmel l-ispezzjonijiet u l-analizi dwar il-ħarsien tas-saħħa tal-pjanti u biex jimplementa d-disposizzjonijiet ta' dan l-Att;

Emenda tal-artikolu 4 tal-Att prinċipali.

39. L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (d) tas-subartikolu (1) tiegħu, minflok il-kliem "rappreżentant mill-qasam ta' l-edukazzjoni" għandhom jidhlu l-kliem "rappreżentant mill-Università ta' Malta", u minflok il-kliem "u l-Korporazzjoni għas-Servizzi ta' l-Ilma" għandhom jidhlu l-kliem ", id-Dipartiment tal-Agricoltura u l-Awtorità ta' Malta dwar ir-Riżorsi";

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

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

"(2) Il-Ministru għandu jahtar uffiċjal mid-Dipartiment biex jaġixxi bħala Segretarju tal-Bord."

Emenda tal-artikolu 10 tal-Att prinċipali.

40. Fl-artikolu 10 tal-Att prinċipali minflok il-kliem "mill-Pulizija" għandhom jidhlu l-kliem "minn spetturi jew persuni awtorizzati".

Emenda tal-artikolu 26 tal-Att prinċipali.

41. Fl-artikolu 26 tal-Att prinċipali minflok il-kliem "Prim Ministru" għandhom jidhlu l-kliem "Ministru".

Sostituzzjoni tal-artikolu 27 tal-Att prinċipali.

42. L-artikolu 27 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Għajnuna mill-Korp tal-Pulizija.

27. Bil-għan li jiġu infurzati d-disposizzjonijiet ta' dan l-Att, id-Direttur jista' jitlob l-għajnuna tal-membri tal-Korp tal-Pulizija jew ta' xi uffiċjal awtorizzat, u d-disposizzjonijiet tal-artikolu 10 għandhom japplikaw għal kull haġa maqbuda fl-eżekuzzjoni ta' dawk is-setgħat."

Żjieda ta' artikolu ġdid mal-Att prinċipali.

43. Minnufih wara l-artikolu 29 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Pieni amministrattivi..

29A. Meta d-Direttur jkollu tabilhaqq għaliex jifhem li -

(a) jkun sar xi reat kontra dan l-Att minn xi persuna; u

(b) filwaqt li jqis il-kondotta preċedenti tal-persuna inkwistjoni, ikun iktar xieraq li tinghata piena taħt dan l-artikolu,

huwa jista' jara dik il-persuna tigi notifikata b'avviż bil-miktub skond ma hemm fis-subartikolu (2) fl-għamla xierqa.

(2) Avviż taħt is-subartikolu (1) għandu jispeċifika -

(a) d-data u x-xorta tar-reat;

(b) sunt tal-fatti li fuqhom tkun imsejsa l-allegazzjoni li jkun sar reat (li jkun sunt suffiċjenti biex b'mod komplet u ġust jgħarraf lill-persuna bl-allegazzjoni kontrih);

(ċ) kull haġa oħra (li ma tkunx dwar xi sejbien ta' htija preċedenti) li d-Direttur jikkunsidra rilevanti biex tkun tista' tinghata piena; u

(d) l-ammont ta' piena dovut, u meta l-piena dovuta tkun tiddependi fuq xi sejbien ta' hija preċedenti, d-data ta' dak is-sejbien ta' htija,

u dan it-tagħrif għandu jkun kontrofirmat fuq dikjarazzjoni li ssemmi d-disposizzjonijiet ta' dan l-artikolu.

(3) Kull min jiġi notifikat b'avviż taħt is-subartikolu (1) jista', fi żmien tletin ġurnata minn dik in-notifika, b'avviż bil-miktub f'għamla xierqa li jiġi notifikat lid-Direttur, jitlob li l-proċeduri għar-rigward tar-reat allegat isiru quddiem il-Qorti, f'liema każ għandhom japplikaw id-disposizzjonijiet li ġejjin:

(a) ma jittieħdu ebda proċeduri oħra taħt dan l-artikolu mid-Direttur; u

(b) ebda haġa f'dan l-artikolu m'għandha tiftiehem bħala li tipprevjeni l-istituzzjoni ta' proċeduri għar-rigward tar-reat allegat jew tas-sejbien ta' htija tal-persuna għar-reat mill-Qorti jew l-impożizzjoni ta' xi piena jew konfiska taħt dan l-Att meta persuna tinsab hekk hatja.

(4) Kull min ikun ingħatalu avviż taht is-subartikolu (1) u ma jkunx irid li l-proċeduri għar-rigward tar-reat allegat isiru quddiem il-Qorti jista' b'avviż bil-miktub li jiġi notifikat lid-Direttur -

(a) jammetti r-reat, u

(b) jhallas l-ammont tal-penali lid-Direttur fi żmien tletin ġurnata wara li jkun ġie lilu notifikat l-avviż tal-penali jew wara kull perjodu sussegwenti hekk kif id-Direttur jista' jispeċifika.

(5) Meta taht dan l-artikolu persuna tammetti reat, id-Direttur jawhhal lil dik il-persuna piena ta' flus għar-rigward tar-reat li tkun tammonta għal wiehed minn tlieta tal-ogħla piena li dik il-persuna kienet kieku tehel li kienet insabet haġja tar-reat mill-Qorti.

(6) Il-penali imposta taht is-subartikolu (5) tkun dovuta bhala dejn ċivili eżegwibbli mill-Qorti ta' ġurisdizzjoni ċivili kompetenti favur il-Gvern u d-dikjarazzjoni mill-persuna li tkun wehlet il-penali li tkun tammetti l-akkuża għandha tikkostitwixxi titolu eżekuttiv għall-finijiet tal-artikolu 253 tal-Kodiċi ta' Organizazzjoni u Proċedura Ċivili bl-istess mod bhallikieku kienet sentenza tal-Qorti ta' ġurisdizzjoni ċivili kompetenti.

Kap. 12.

(7) Minkejja kull disposizzjoni oħra ta' dan l-Att jew ta' kull liġi oħra, meta tkun saret l-ammissjoni ta' reat taht dan l-artikolu, ma tista' ssir ebda akkuża għar-rigward ta' dak ir-reat kontra min ikun għamel dik l-ammissjoni.

(8) Meta persuna li lilha jkun ġie notifikat avviż taht is-subartikolu (1) ma tammettix ir-reat fi żmien tletin ġurnata wara li tkun ġiet notifikata bl-avviż, id-Direttur għandu jibda proċeduri jew jara li jinbdew proċeduri quddiem il-Qorti għar-rigward tar-reat allegat."

Emenda tal-artikolu 30 tal-Att prinċipali.

44. Is-subartikolu (1) tal-artikolu 30 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(1) Kull persuna li tikser id-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu, meta tinsab haġja -

(a) fuq l-ewwel kundanna, tehel multa ta' mhux inqas minn mitejn euro (€200) žda mhux aktar minn elfejn euro (€2,000);

(b) mat-tieni kundanna jew kundanna sussegwenti, tehel multa ta' mhux inqas minn elf euro (€1,000) žda mhux aktar minn għoxrin elf euro (€20,000),

jew priġunerija għal perijodu ta' mhux iżjed minn sena, jew dik il-multa u l-priġunerija flimkien."

45. Is-subartikolu (1) tal-artikolu 32 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 32 tal-Att prinċipali.

(a) fil-paragrafu (s) tiegħu, minflok il-kliem "f'dawn iż-żoni protetti; u", għandhom jidhlu l-kliem "f'dawn iż-żoni protetti;";

(b) fil-paragrafu (t) tiegħu, minflok il-kliem "li jagħmlu l-ħsara u mardiet partikolari.", għandhom jidhlu l-kliem "li jagħmlu l-ħsara u mardiet partikolari; u"; u

(ċ) minnufih wara l-paragrafu (t) tiegħu, għandu jżied il-paragrafu ġdid li ġej:

"(u) biex jistabbilixxi laboratorju nazzjonali għas-saħħa tal-pjanti u jirregola l-analizi tal-laboratorju nazzjonali għas-saħħa tal-pjanti."

TAQSIMA X

Emendi għall-Att dwar il-Harsien tal-Animali

46. Din it-Taqsima temenda l-Att dwar il-Harsien tal-Animali, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Harsien tal-Animali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Harsien tal-Animali. Kap. 439.

47. Is-subartikolu (1) tal-artikolu 45 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 45 tal-Att prinċipali.

"(1) Kull persuna li tikser id-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu, meta tinsab hatja:

(a) fuq l-ewwel kundanna, tehel multa ta' mhux inqas minn ħames mitt euro (€500) žda mhux aktar minn tletin elf euro (€30,000);

(b) mat-tieni kundanna jew kundanna sussegwenti, tehel multa ta' mhux inqas minn erbat elef euro (€4,000) žda mhux aktar minn ħamsin elf euro (€50,000),

jew prigunerija għal perijodu ta' mhux iżjed minn sena, jew dik il-multa u l-prigunerija flimkien."

TAQSIMA XI

Emendi għall-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali

Emendi għall-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali. Kap. 452.

48. Din it-Taqsima temenda l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 43 tal-Att prinċipali.

49. Is-subartikolu (1) tal-artikolu 43 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(1) Il-Ministru għandu jahtar dawk l-uffiċjali tad-dipartiment responsabbli għall-impiegi u relazzjonijiet industrijali jew persuni oħra li jaġixxu f'isem id-Direttur li l-Ministru jidhirlu xieraq sabiex ikunu spetturi għall-finijiet ta' dan l-Att."

Emenda tal-artikolu 64 tal-Att prinċipali.

50. Is-subartikolu (6) tal-artikolu 64 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (f) tiegħu, minflok il-kliem "essenzjali lill-komunità:" għandhom jidhlu l-kliem "essenzjali lill-komunità;" u minnufih wara l-paragrafu (f) għandu jidhol il-paragrafu ġdid li ġej:

"(g) dak l-għadd ta' persuni f'dawk il-karigi li l-Ministru responsabbli għat-trasport jista' b'avviż fil-Gazzetta jstabilixxi, li jkun meħtieġ biex jipprovdi servizz fil-livell ta' nofs is-servizzi tat-trasport pubbliku għall-passiġġieri f'Malta u Għawdex u nofs is-servizzi bil-baħar pubbliċi bi skeda bejn Malta u Għawdex u dan għandu jitqies li jkun kondizzjoni impliċita tal-kuntratt tal-impieg ta' kull haddiem impjegat fis-servizzi tat-trasport għall-passiġġieri pubbliku u fis-servizzi ta' trasport bil-baħar bi skeda li dak l-impjegat ikollu l-obbligu li jwettaq id-doveri tiegħu skond ma jordna l-prinċipal tiegħu biex jintlaħaq in-numru msemmi hawn aktar qabel u meta impjegat jonqos milli jwettaq id-doveri tiegħu mingħajr ġustifikazzjoni huwa jista' jitkeċċa:"; u

(b) minnufih wara l-proviso tal-artikolu għandu jizdied dan il-proviso ġdid li ġej:

"Izda wkoll għall-fini tal-paragrafu (g) il-frazi "servizzi tat-trasport pubbliku għall-passiġġieri" ikollha l-istess tifsira mogħtija lilha fl-Att dwar l-Awtorità għat-

Trasport f'Malta."

TAQSIMA XII

Emendi għall-Att dwar l-Awtorità għat-Trasport f'Malta

51. Din it-Taqsima temenda l-Att dwar l-Awtorità għat-Trasport f'Malta, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Awtorità għat-Trasport f'Malta, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar l-Awtorità għat-Trasport f'Malta. Kap. 499.

52. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira "Ministru" għandha tidhol it-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

" *motor route bus*" tfisser vettura M2 jew M3 li, permezz tat-tip ta' kostruzzjoni u tagħmir tagħha, hija tkun adatta għall-ġarr ta' passiġġieri, u tkun maħsuba għal dak l-għan u li jkollha liċenza biex topera servizz ta' trasport pubbliku għall-passiġġieri skond kull regolament li jsir taħt dan l-Att;"

(b) fit-tifsira "servizzi għat-trasport pubbliku ta' passiġġieri" minflok il-kliem "tfisser servizzi għat-trasport ta' passiġġieri" għandhom jidhlu l-kliem "tfisser servizzi regolari tat-trasport ta' passiġġieri;" u

(ċ) minnufih wara t-tifsira "vettura" għandhom jidhlu t-tifsiriet ġodda li ġejjin:

"vettura M2" tfisser vettura bil-mutur li jkollha aktar minn tmien sedili minbarra s-sedil tax-xufier, u li jkollha l-ogħla massa ta' mhux aktar minn 5 tunnelli metriċi;

"vettura M3" tfisser vettura bil-mutur li jkollha aktar minn tmien sedili minbarra s-sedil tax-xufier, u li jkollha massa ta' aktar minn 5 tunnelli metriċi;"

53. Fil-paragrafu (g) tal-artikolu 7 tal-Att prinċipali minflok il-kliem minn "tidhol f'kuntratt" sal-kliem "dawk is-servizzi" għandhom jidhlu l-kliem "tidhol f'kuntratt ta' servizz jew ta' xi strument ieħor li jkun jorbot ma' operatur wieħed jew aktar operaturi biex jipprovdu dawk is-servizzi, kemm jekk fuq bażi esklużiva kemm xort'oħra, kif l-Awtorità tista' tiddeciedi".

Emenda tal-artikolu 7 tal-Att prinċipali.

54. Minflok il-paragrafu (b) tas-subartikolu (1) tal-artikolu 36 tal-Att prinċipali għandu jidhol dan li ġej:

Emenda tal-artikolu 36 tal-Att prinċipali.

"(b) L-attiv mobbli li minnufih qabel id-data tal-bidu fis-seħħ ta' dan l-Att kienu proprjetà tal-Gvern u li kienu qegħdin

jintużaw biex tkun eżerċitata xi waħda mill-funzjonijiet li b'dan l-Att qegħdin jiġu trasferiti lil jew vestiti fl-Awtorità għandhom bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni oħra jiġu trasferiti lill-Awtorità jew jiġu vestiti fiha taħt l-istess titolu li kienu miżmuma bih mill-Gvern qabel id-dhul fis-seħħ ta' dan l-Att."

Emenda tal-artikolu 43 tal-Att prinċipali.

55. Minnufih wara s-subartikolu (7) tal-artikolu 43 tal-Att prinċipali, għandu jizdied is-subartikolu ġdid li ġej:

"(8) Regolamenti, regoli u ordnijiet li jsiru taħt xi waħda mid-disposizzjonijiet ta' dan l-Att jistgħu jsiru bl-ilsien Inġliż biss."

Emenda tal-artikolu 46 tal-Att prinċipali.

56. L-artikolu 46 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikoli (4) u (5) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (5) u (6) rispettivament; u

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

"(4) Meta kuntratt ta' servizz tat-trasport pubbliku għall-passiġġieri jingħata lil persuna jew persuni fuq bażi esklużiva, kull liċenza ta' *motor route bus* hliet dik tal-persuna li tkun ingħatat il-kuntratt jew sottokuntratturi tagħha magħrufin u approvati mill-Awtorità għandha tiġi rtirata minn dik id-data li l-Ministru responsabbli għat-trasport jista' jistabbilixxi."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 339 tat-13 ta' April, 2011.

MICHAEL FRENDU
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

19th April, 2011

ACT No. V of 2011

AN ACT to amend various laws.

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:-

1. The short title of this Act is the Various Laws Short title.
(Amendment) Act, 2011.

PART I

Amendments to the Traffic Regulation Ordinance

2. (1) This Part amends the Traffic Regulation Ordinance, and shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter in this Part referred to as "the principal law".

Amendment of
the Traffic
Regulation
Ordinance.
Cap. 65.

(2) The provisions of this Part shall come into force on such date as the Minister responsible for transport may by notice in the Gazette establish, and different dates may be so established for different purposes of this Part.

Amendment of article 2 of the principal law.

3. Article 2 of the principal law shall be amended as follows:

(a) the definition "motor-car" shall be deleted, and for the words "motor-car" or "motor-cars" wherever they appear in the principal law there shall be substituted the words "motor vehicle" or "motor vehicles" respectively;

(b) immediately after the definition "motor bus" there shall be inserted the following new definition:

"the words "motor vehicle" mean any vehicle propelled by mechanical power;"; and

(c) in the definition "owner" the words "or a ferry-boat" shall be deleted.

Deletion of articles 5 to 11 and articles 13 and 14 of the principal law.

4. Articles 5 to 11 and articles 13 and 14 of the principal law shall be deleted.

Amendment of article 16A of the principal law.

5. Subarticle (6) of article 16A of the principal law shall be substituted by the following:

"(6) Every person who contravenes any of the provisions of this article shall be guilty of an offence and shall on conviction be liable -

(a) for a first offence, to a fine (*multa*) not exceeding five thousand euro (€5,000); for a second offence, to a fine (*multa*) not exceeding seven thousand euro (€7,000) or to imprisonment for a period of not more than three months; for a third or subsequent offence, to a fine (*multa*) not exceeding ten thousand euro (€10,000) or to imprisonment for a period of not more than six months or to both such fine and imprisonment;

(b) to the immediate suspension or revocation of any prescribed permit, licence or authorisation;

(c) any prescribed penalty points; and

(d) the confiscation of the taxi-car for a period of:

(i) not less than one month but not exceeding three months for a first offence;

(ii) not less than three months but not exceeding six months for a second offence; and

(iii) not less than six months but not exceeding twelve months for a second and subsequent offence."

6. Article 34 of the principal law shall be amended as follows: Amendment of article 34 of the principal law.

(a) for the marginal note thereto, there shall be substituted the words "Driver of passenger vehicle used for hire or reward to be in possession of identification tag"; and

(b) in subarticle (1) thereof, for the words "a public transport vehicle" there shall be substituted the words "a passenger vehicle used for hire or reward", and immediately after the words "that it may be easily seen," there shall be inserted the words "unless otherwise prescribed,".

7. In article 37 of the principal law, for the words "under article 32" there shall be substituted the words "under article 43". Amendment of article 37 of the principal law.

8. Articles 38, 42, 46 and 47 of the principal law shall be deleted. Deletion of articles 38, 42, 46 and 47 of the principal law.

9. In paragraph (i) of subarticle (2) of article 54 of the principal law, for the words "and ferry-boats" there shall be substituted the words "on ferry-boats". Amendment of article 54 of the principal law.

10. Subarticles (5) and (6) of article 55 of the principal law shall be deleted. Amendment of article 55 of the principal law.

11. Article 58 of the principal law shall be deleted. Deletion of article 58 of the principal law.

12. Article 62 of the principal law shall be amended as follows: Amendment to article 62 of the principal law.

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

"(2) Any Police officer or a local warden in whose opinion any such contravention has been committed, may hand over to the owner or driver, or affix to the windscreen, of the motor vehicle used in the commission of the contravention, a notice containing a general description of the contravention and such other information or requirements as the Minister may prescribe by regulations made under this subarticle."; and

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

"(3) Where any notice has been handed over or affixed as is provided in subarticle (2), the owner or driver of the motor vehicle, as the case may be, or any other person who accepts responsibility for the contravention referred to in the said notice, may, within ten days of the notice, call at the place referred to in the notice, produce all such documents therein referred to and pay the fine set out in the second column of the said Schedule in respect of that contravention, or such person shall send those documents and payment of the fine by registered post or by any other means shown in that notice."

Amendment of the Second Schedule to the principal law.

13. In the Second Schedule to the principal law, the words "Failure to perform trip by motor bus 23.29" and "Non-issue of ticket to passenger showing fare paid or issue of wrong ticket 11.65" shall be deleted.

PART II

Amendments to the Land Acquisition (Public Purposes) Ordinance

Amendment to the Land Acquisition (Public Purposes) Ordinance. Cap. 88

14. This Part amends the Land Acquisition (Public Purposes) Ordinance and it shall be read and construed as one with the Land Acquisition (Public Purposes) Ordinance, hereinafter in this Part referred to as "the principal law".

Amendment of article 2 of the principal law.

15. Article 2 of the principal law shall be amended as follows:

(a) the words " "historical building" means land which" shall be substituted by the words " "historical building" means land, other than land consisting of cultural property constituting religious cultural heritage of the type referred to in article 52 of the Cultural Heritage Act, which:"; and

(b) in paragraph (b) thereof the words "other than cultural property of the type referred to in article 52 of the said Act" shall be deleted.

PART III

Amendments to the Department of Health (Constitution) Ordinance

16. This Part amends the Department of Health (Constitution) Ordinance and it shall be read and construed as one with the Department of Health (Constitution) Ordinance, hereinafter in this Part referred to as "the principal law".

Amendment to the Department of Health (Constitution) Ordinance. Cap. 94

17. Article 4 of the principal law shall be substituted by the following:

Substitution of article 4 of the principal law.

"4. (1) The Head of the Department of Health shall be the Chief Government Medical Officer.

(2) There shall also be a Superintendent of Public Health who shall carry out those functions assigned to him under the Public Health Act or any other law."

18. In article 5 of the principal law for the words "shall belong to the department" there shall be substituted the words "shall also belong to the department".

Amendment of article 5 of the principal law.

PART IV

Repeal of the Public Transport (Regulation of Employment) Act

19. This Part repeals the Public Transport (Regulation of Employment) Act.

Repeal of the Public Transport (Regulation of Employment) Act. Cap. 214.

20. The Public Transport (Regulation of Employment) Act is hereby repealed.

Repeal of the Public Transport (Regulation of Employment) Act.

PART V

Amendments to the *Ġieħ ir-Repubblika* Act

21. This Part amends the *Ġieħ ir-Repubblika* Act and it shall be read and construed as one with the *Ġieħ ir-Repubblika* Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the *Ġieħ ir-Repubblika* Act. Cap. 251.

22. Subarticle (1) of article 29 of the principal Act shall be amended as follows:

Amendment of article 29 of the principal Act.

(a) immediately after the words "diplomatic relations with Malta", there shall be added the words "or any international organisation of which Malta is a member"; and

(b) for the words "by any such State or Sovereign Order after the commencement", there shall be substituted the words "by any such State, Sovereign Order or any international organisation after the commencement".

PART VI

Amendments to the Local Councils Act

Amendment of the Local Councils Act. Cap. 363.

23. (1) This Part amends the Local Councils Act and it shall be read and construed as one with the Local Councils Act, hereinafter in this Part referred to as "the principal Act".

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

Amendment of article 31 of the principal Act.

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

(a) in the marginal note thereof, the words "and Deputy Mayor" shall be deleted;

(b) subarticles (2) and (4) thereof shall be deleted; and

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

Amendment of article 37 of the principal Act.

25. Subarticle (4) of article 37 of the principal Act shall be deleted.

Addition of new article 37A to the principal Act.

26. Immediately after article 37 of the principal Act, there shall be added the following new article:

"Regional Committees.

37A. (1) There shall be five regions as established in the Eleventh Schedule.

(2) (a) Each Regional Committee shall be chaired by a Chairman to be elected from among all Councillors of the localities forming that Region.

(b) Each Local Council forming part of that Region shall appoint its representative to form part of the Regional Committee.

(c) The Regional Deputy Chairman shall be appointed from among the members of the Regional Committee as appointed by the Local Councils.

(3) The Regional Committee shall appoint a person to act as Executive Secretary to the same committee from among those persons forming part of the pool mentioned in article 49.

(4) Any change of a locality from one region to another may be made by the Minister after consultation with the Local Councils Association and shall be effected after considering the geographical aspect, the total population in each region and the number of Local Councils in each region.

(5) The functions of Regional Committees shall be those established by the Minister by regulations to be made following consultation with the Local Councils Association.

(6) The Regional Committees may also make bye-laws according to articles 34, 35, 36 and 36A which shall *mutatis mutandis* apply to the making of such bye-laws.

(7) The Regional Committees shall be appointed for such time as the Minister may by order establish.

(8) The Minister may also by regulations establish the practice and procedure relating to the working of the Regional Committees."

PART VII

Amendments to the Value Added Tax Act

27. (1) This Part amends the Value Added Tax Act and it shall be read and construed as one with the Value Added Tax Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
the Value Added
Tax Act.
Cap. 406.

(2) The provisions of paragraph (b) of article 28 and paragraph (a) of article 29 shall come into force on such a date as the Minister responsible for finance may by notice in the Gazette establish.

Amendment of
article 21 of the
principal Act.

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

(a) in the proviso to subarticle (4) thereof, for the words "judgement is delivered by the Court of Appeal (Inferior Jurisdiction), as the case may be." there shall be substituted the words "judgement is delivered by the Court of Appeal (Inferior Jurisdiction), as the case may be:" and immediately thereafter there shall be added the following new proviso:

"Provided further that the Minister may by regulations prescribe conditions under which part or all the interest incurred under this subarticle may be remitted. Such regulations may also make provision for the remission of any interest due under the Value Added Tax Act, 1994, and under the Customs and Excise Tax Act."; and

(b) immediately after subarticle (4) thereof, there shall be added the following new subarticle:

"(4A) Notwithstanding the other provisions of this article, no interest shall be due where a return required to be furnished under article 27 is furnished in an electronic format through the established web portal designated for the purpose by the Commissioner, together with payment of the tax due on the return, not later than seven days following the date on which the tax becomes payable under the provisions of this Act."

Amendment of
article 42 of the
principal Act.

29. Article 42 of the principal Act shall be amended as follows:

(a) in paragraph (c) of subarticle (1) thereof, for the words "the administrative penalty for that default." there shall be substituted the words "the administrative penalty for that default;" and immediately thereafter there shall be added the following new paragraph:

"(d) no administrative penalty under article 38 shall be due where a return required to be made in terms of article 27 or a declaration required to be made in terms of article 30(1) is furnished in an electronic format through the established web portal designated for the purpose by the Commissioner, together with payment of the tax due on the return, not later than seven days from the date on which the said return or declaration should have been submitted under the provisions of this Act."; and

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

"(4) The Minister may by regulations prescribe other conditions under which part of, or all, the administrative penalty incurred under articles 37 to 41 may be remitted. Such regulations may also make provision for the remission of any administrative penalties due under the Value Added Tax Act, 1994, and under the Customs and Excise Tax Act."

PART VIII

Amendments to the Malta Resources Authority Act

30. This Part amends the Malta Resources Authority Act and it shall be read and construed as one with the Malta Resources Authority Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
the Malta
Resources
Authority Act.
Cap. 423.

31. Article 5 of the principal Act, shall be amended as follows:

Amendment of
article 5 of the
principal Act.

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

"(2) The Authority shall, in consultation with the Minister, establish Directorates, Units, Divisions and Sections as appropriate, and vested with such responsibilities as it may decide and which it may vary from time to time, as it deems appropriate.";

(b) in subarticles (3), (4), (5), (6) and (7) thereof, for the word "Directorates" wherever it appears, there shall be substituted the words "Directorates, Units, Divisions and Sections", and for the word "Directorate" wherever it appears, there shall be substituted the words "Directorate, Unit, Division and Section"; and

(c) in subarticle (9) thereof, for paragraphs (a), (b) and (c) there shall be substituted the following:

"(a) assume full responsibility for the overall supervision and control of the Directorates, Units, Divisions and Sections;

(b) assign to each Directorate, Unit, Division and Section such duties which he considers necessary or expedient;

(c) co-ordinate the workings of the Directorates, Units, Divisions and Sections;".

Addition of new articles to the principal Act.

32. Immediately after article 31 of the principal Act, there shall be added the following new articles:

"Proceedings when imposing administrative fines.

31A. (1) The Authority, before imposing an administrative penalty upon any person who infringes or fails to comply with -

- (a) any provision of this Act;
- (b) regulations made thereunder;
- (c) any other law which the Authority is entitled to enforce;
- (d) any directive or decision given by the Authority whether under this Act, regulations made thereunder or under any other law which the Authority is entitled to enforce; or
- (e) any condition of any authorisation granted under this Act,

shall by judicial letter to the person concerned -

(i) give notice of the administrative penalty that may be imposed by the Authority;

(ii) give notice of the specific reason why such penalty may be imposed;

(iii) give notice of the amount of the penalty;

(iv) demand that the person concerned rectify the acts or omissions committed by such person and, or make submissions to the Authority within a specified time:

Provided that such time may not be of more than twenty days and of not less than five days from the date of service of the judicial letter:

Provided further that the person, against whom an administrative penalty may be imposed, shall be given a reasonable opportunity during such period of time as may be stipulated in the judicial letter to make submissions to the Authority and to propose any remedies that rectify the acts or omissions required by the Authority to be so rectified.

(2) In the judicial letter mentioned in subarticle (1), the Authority may impose such conditions as it may consider reasonable in the circumstances.

(3) If the person concerned remedies the infringement within the period established by the Authority in accordance with subarticle (1), and agrees in writing to abide with any conditions that the Authority may impose, the Authority shall desist from proceeding any further:

Provided that if the person concerned, after having been bound in writing as stated above, fails to remedy the infringement within the period established by the Authority in accordance with subarticle (1) or fails to abide with any conditions agreed to in writing, the Authority shall impose against such person an administrative penalty for such failure, in addition to the administrative penalty which may be imposed for the infringement itself.

(4) If, after the lapse of the period mentioned in subarticle (1), the Authority considers that the person concerned has not given any valid reasons to demonstrate why no administrative penalty should be imposed against such person, the Authority shall proceed to impose such administrative penalty.

(5) Notwithstanding any other provision of this article, where the Authority has *prima facie* evidence that the infringement -

(a) represents an immediate and serious threat to public safety or public security or public health; or

(b) creates or may create serious economic or operational problems for other providers of resources or for consumers,

the Authority may shorten the periods mentioned in subarticle (1):

Provided that the person against whom such administrative penalty is imposed shall be given a reasonable opportunity to state any views and propose any possible remedies.

(6) The judicial letter referred to in subarticle (1), upon the expiry of the time limit for appeal therefrom, and upon the service of a copy thereof by means of a judicial act on the person liable to the payment of the administrative penalty, shall constitute an executive title for all effects and the purposes of paragraph (a) of article 253 of the Code of Organization and Civil Procedure:

Cap. 12

Provided that if the person, against whom the judicial letter has been issued, files an appeal before the Appeals Board, and concurrently with or before the filing of the appeal requests the Appeals Board to suspend the effects of the judicial letter, then the Authority shall desist from issuing a judicial act as referred to in this subarticle until the request of suspension has been determined, withdrawn or otherwise dealt with:

Provided further that the Appeals Board shall determine any requests for suspension referred to in this subarticle expeditiously. Before determining any such request the Appeals Board shall give the Authority a reasonable opportunity to reply and make its submissions, within a period not less than three working days.

(7) Interest at the rate of eight per cent per annum shall run as from the date set by the Authority for the payment of any administrative penalty imposed by it. In cases where the Appeals Board or the Court of Appeal, as the case may be, after having upheld an application to suspend the penalty pending proceedings, finally decides that the administrative penalty as imposed by the Authority is due, such administrative penalty shall be due together with any interests accrued thereon as from the date originally set by the Authority for payment including the period during which the payment of the said penalty was suspended.

(8) The Authority shall give its reasons for any decision taken under this article.

(9) Notwithstanding the provisions of any other law, no precautionary warrant or order shall be issued by any court restraining the Authority from the exercise of any of the powers conferred upon it under this Act in relation to administrative penalties.

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

(11) An administrative penalty imposed by the Authority upon any person shall be considered a civil debt.

(12) If any person knowingly avoids, obstructs or refuses service of any judicial act issued under this article, such person shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not more than seventy thousand euro (€ 70,000).

Administrative
infringements
by bodies
corporate.

31B. Where an administrative infringement breaches -

- (a) any provision of this Act;
- (b) regulations made thereunder;

(c) any other law which the Authority is entitled to enforce;

or any person -

(i) fails to comply with any directive or decision given by the Authority whether under this Act, regulations made thereunder or under any other law which the Authority is entitled to enforce; or

(ii) fails to comply with any condition of any authorisation granted under this Act, and the infringement is committed by a body corporate and is proved to have been committed with the consent, or involvement of, or to be attributable to, any gross negligence on the part of a person being a director, manager, secretary or other officer, however so described, of such body corporate or a person who was purporting to act in any such capacity,

such person and such body corporate, shall be responsible for the said infringement and shall be jointly and severally liable for the payment of any administrative penalty imposed by the Authority as a consequence thereof."

Amendment of article 34 of the principal Act.

33. Immediately after subarticle (5) of article 34 of the principal Act, there shall be added the following new subarticles:

"(6) The right of appeal to the Appeals Board shall be competent to any person aggrieved by the decision:

Provided that in any case, a person making an appeal to the Appeals Board shall also require a direct interest in impugning the decision or directive appealed from.

(7) Without prejudice to the provisions of article 31A -

(a) an appeal from a decision or directive of the Authority shall be made by application and shall be filed with the secretary of the Appeals Board within thirty days from the date on which the said decision or directive has been notified in writing to the party appealing or published in the Gazette whichever is the earlier, as the case may be; and

(b) the application of appeal shall be served on the Authority, which shall not later than twenty days from such service file its reply thereto with the secretary of the Appeals Board."

34. In subarticles (1) and (2) of article 37 of the principal Act, for the words "Second Schedule", wherever they occur, there shall be substituted the word "Schedule".

Amendment of article 37 of the principal Act.

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

Addition of new article to the principal Act.

"Debt
recovery
procedure.
Cap. 12.

40. The provisions of article 466 of the Code of Organisation and Civil Procedure shall apply to the Authority in the same manner as they apply to Government Departments."

36. The First Schedule to the principal Act shall be deleted, and the Second Schedule thereto shall be restyled as the "SCHEDULE".

Deletion of First Schedule to the principal Act.

PART IX

Amendments to the Plant Quarantine Act

37. This Part amends the Plant Quarantine Act and it shall be read and construed as one with the Plant Quarantine Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the Plant Quarantine Act. Cap. 433.

38. In article 2 of the principal Act, immediately after the definition "phytosanitary certificate" there shall be added the following new definition:

Amendment of article 2 of the principal Act.

"Plant Health Service" means the office empowered to carry out plant health inspections and examinations and to implement the provisions of this Act;"

39. Article 4 of the principal Act shall be amended as follows:

Amendment of article 4 of the principal Act.

(a) in paragraph (d) of subarticle (1) thereof, for the words "a representative from the educational sector" there shall be substituted the words "a representative from the University of Malta", and for the words "and the Water Services Corporation" there shall be substituted the words ", the Department of Agriculture and the Malta Resources Authority";

(b) subarticle (2) thereof shall be renumbered as subarticle (3) thereof; and

(c) immediately after subarticle (1) thereof, there shall be added the following new subarticle:

"(2) The Minister shall designate an officer of the Department to act as Secretary of the Board."

Amendment of article 10 of the principal Act.

40. In article 10 of the principal Act for the words "the Police" there shall be substituted the words "inspectors or any authorised officer".

Amendment of article 26 of the principal Act.

41. In article 26 of the principal Act for the words "the Prime Minister" there shall be substituted the words "the Minister".

Substitution of article 27 of the principal Act.

42. Article 27 of the principal Act shall be substituted by the following:

"Assistance of members of the Police Force.

27. For the purpose of enforcing the provisions of this Act, the Director may request the assistance of members of the Police Force or any authorised officer, and the provisions of article 10 shall apply to anything seized in the execution of such powers."

Addition of new article to the principal Act.

43. Immediately after article 29 of the principal Act, there shall be added the following new article:

"Administrative penalties.

29A. Where the Director has reasonable cause to believe that -

(a) an offence against this Act has been committed by any person; and

(b) having regard to the previous conduct of the person concerned, it would be appropriate to impose a penalty under this article,

he may cause a notice in writing in accordance with subarticle (2) in the appropriate form to be served on that person.

(2) A notice under subarticle (1) shall specify -

(a) the date and nature of the offence;

(b) a summary of the facts upon which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against him);

(c) any other matter (not being previous convictions) that the Director considers relevant to the imposition of a penalty; and

(d) the amount of the penalty due, and, where the penalty due depends on a previous conviction, the date of such conviction,

and shall be endorsed on a statement setting out the provisions of this article.

(3) Any person on whom a notice under subarticle (1) is served may, within thirty days after such service, by notice in writing in the appropriate form served on the Director, require that proceedings in respect of the alleged offence shall be dealt with by the Court, in which case the following provisions shall apply:

(a) no further proceedings shall be taken under this article by the Director; and

(b) nothing in this article shall be construed as preventing the institution of any proceedings in respect of the alleged offence or the conviction of the person for the offence by the Court or the imposition of any penalty or forfeiture under this Act upon such conviction.

(4) Any person on whom a notice under subarticle (1) is served who does not wish that proceedings in respect of the alleged offence shall be dealt with by the Court may by notice in writing served on the Director -

(a) admit the offence, and

(b) pay the amount of the penalty to the Director within thirty days after the notice of the penalty is served or after such subsequent period as the Director may determine.

(5) Where under this article a person admits an offence, the Director shall impose a monetary penalty on that person in respect of the offence amounting to one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the Court.

Cap. 12.

(6) The penalty imposed under subarticle (5) shall be due as a civil debt enforceable by the competent Court of civil jurisdiction in favour of the Government and the declaration by the person on whom the penalty is imposed that he admits the charge shall constitute an executive title for the purposes of article 253 of the Code of Organization and Civil Procedure in the same manner as if it were a judgement of the competent Court of civil jurisdiction.

(7) Notwithstanding any other provision of this Act or of any other enactment, where an offence has been admitted under this article no charge may be laid in respect of the offence against any person by whom it has been admitted.

(8) Where a person on whom a notice under subarticle (1) is served does not, within thirty days after the notice is served on him, admit the offence, the Director shall institute proceedings or cause proceedings to be instituted before the Court in respect of the alleged offence."

Amendment of article 30 of the principal Act.

44. Subarticle (1) of article 30 of the principal Act shall be substituted by the following:

"(1) Any person who acts in violation of this Act or in breach of any regulations made thereunder, shall -

(a) on a first conviction, be liable to a fine (*multa*) of not less than two hundred euro (€200) but not exceeding two thousand euro (€2,000);

(b) on a second or subsequent conviction be liable to a fine (*multa*) of not less than one thousand euro (€1,000) but not exceeding twenty thousand euro (€20,000),

or to a term of imprisonment for a period not exceeding one year, or to both such fine and imprisonment."

45. Subarticle (1) of article 32 of the principal Act shall be amended as follows: Amendment of article 32 of the principal Act.

(a) in paragraph (s) thereof, for the words "within such protected zones; and", there shall be substituted the words "within such protected zones;"

(b) in paragraph (t) thereof, for the words "to particular pests and diseases.", there shall be substituted the words "to particular pests and diseases; and"; and

(c) immediately after paragraph (t) thereof, there shall be added the following new paragraph:

"(u) to establish a national plant health laboratory and regulate plant health laboratory analysis."

PART X

Amendments to the Animal Welfare Act

46. This Part amends the Animal Welfare Act and it shall be read and construed as one with the Animal Welfare Act, hereinafter in this Part referred to as "the principal Act". Amendment of the Animal Welfare Act. Cap. 439.

47. Subarticle (1) of article 45 of the principal Act shall be substituted by the following: Amendment of article 45 of the principal Act.

"(1) Any person who acts in violation of this Act or in breach of any regulations made thereunder, shall:

(a) on a first conviction, be liable to a fine (*multa*) of not less than five hundred and euro (€500) but not exceeding thirty thousand euro (€30,000);

(b) on a second or subsequent conviction be liable to a fine (*multa*) of not less than four thousand euro (€4,000) but not exceeding fifty thousand euro (€50,000),

or to a term of imprisonment for a period not exceeding one year, or to both such fine and imprisonment."

PART XI

Amendments to the Employment and Industrial Relations Act

Amendment of the Employment and Industrial Relations Act. Cap. 452.

48. This Part amends the Employment and Industrial Relations Act and it shall be read and construed as one with the Employment and Industrial Relations Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 43 of the principal Act.

49. Subarticle (1) of article 43 of the principal Act shall be substituted by the following:

"(1) The Minister shall appoint such officers of the department responsible for employment and industrial relations or other persons acting on behalf of the Director as the Minister may think fit to be inspectors for the purposes of this Act."

Amendment of article 64 of the principal Act.

50. Subarticle (6) of article 64 of the principal Act shall be amended as follows:

(a) in paragraph (f) thereof, for the words "the community:" there shall be substituted the words "the community;" and immediately after paragraph (f) there shall be added the following new paragraph:

"(g) such number of persons in such posts as the Minister responsible for transport may by notice in the Gazette prescribe, as being necessary to provide service at the level of one-half of the public passenger transport services in Malta and Gozo and one-half of the scheduled public ferry services between Malta and Gozo and it shall be deemed to be an implied condition of the contract of employment of any employee employed in the public passenger transport services and scheduled ferry transport services that the said employee shall be obliged to perform duties as directed by the employer thereof in order to constitute the number designated as aforesaid and any employee failing to perform such duties without justification shall be liable to dismissal:"; and

(b) immediately after the proviso thereto there shall be added the following new proviso:

"Provided further that for the purpose of paragraph (g) the term "public passenger transport services" shall have the same meaning as that assigned to it in the Authority for Transport in Malta Act."

PART XII

Amendments to the Authority in Malta for Transport Act

51. This Part amends the Authority in Malta for Transport Act and it shall be read and construed as one with the Authority in Malta for Transport Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
the Authority in
Malta for
Transport Act.
Cap. 499.

52. Article 2 of the principal Act shall be amended as follows:

Amendment of
article 2 of the
principal Act.

(a) immediately after the definition "loss or damage" there shall be inserted the following new definitions:

" "M2 vehicle" means a motor vehicle comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes;

"M3 motor vehicle" means a motor vehicle comprising more than eight seats in addition to the driver's seat, and having a mass exceeding 5 tonnes;;

(b) immediately after the definition "master" there shall be added the following new definition:

" "motor route bus" means an M2 or M3 vehicle which, by virtue of its type of construction and equipment, is suitable for carrying passengers, and is intended for that purpose and which is licensed to operate a public passenger transport service in terms of any regulation made under this Act;; and

(c) in the definition "public passenger transport services" for the words "means passenger transport services" there shall be substituted the words "means regular passenger transport services".

53. In paragraph (g) of article 7 of the principal Act for the words from "enter into" to the words "such services" there shall be substituted the words "enter into a contract of service or other binding instrument with one or more operators to provide such services, whether on an exclusive basis or otherwise, as the Authority may determine".

Amendment of
article 7 of the
principal Act.

54. For paragraph (b) of subarticle (1) of article 36 of the principal Act there shall be substituted the following:

Amendment of
article 36 of the
principal Act.

"(b) The immovable assets which immediately before the coming into force of this Act were owned by the Government

and used for the exercise of any of the functions which by this Act are being transferred to or vested in the Authority shall 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 the coming into force of this Act."

Amendment of article 43 of the principal Act.

55. Immediately after subarticle (7) of article 43 of the principal Act, there shall be added the following new subarticle:

"(8) Regulations, rules and orders made under any of the provisions of this Act may be made in the English language only."

Amendment of article 46 of the principal Act.

56. Article 46 of the principal Act shall be amended as follows:

(a) subarticles (4) and (5) thereof shall be renumbered as subarticles (5) and (6) respectively; and

(b) immediately after subarticle (3) thereof there shall be inserted the following new subarticle:

"(4) Where a public passenger transport service contract is awarded to a person or persons on an exclusive basis, any motor route bus licence other than that of the person to whom the contract is awarded or any subcontractors thereof known and approved by the Authority shall be withdrawn as from such date as the Minister responsible for transport may prescribe."

Passed by the House of Representatives at Sitting No. 339 of the 13th April, 2011.

MICHAEL FRENDON

Speaker

PAULINE ABELA
Clerk to the House of Representatives