

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda Att dwar il-Konvenzjoni Ewropea, Kap. 319.

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:-

1. It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2006 li jemenda Att dwar il-Konvenzjoni Ewropea, u għandu jftiehem u jinqara haġa waħda ma' l-Att dwar il-Konvenzjoni Ewropea, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

2. Minnufih wara l-artikolu 6 ta' l-Att prinċipali għandu jżied dan l-artikolu li ġej:

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

“Setgħa tal-Ministru li jagħmel regolamenti.

6A. Meta permezz ta' sentenza finali f'kawża kontra Malta jirrizulta lill-Qorti Ewropea tad-Drittijiet tal-Bniedem li xi strument li jkollu l-forza ta' liġi f'Malta jew xi disposizzjoni tiegħu jkunu inkonsistenti mad-Drittijiet u Libertajiet Fundamentali ta' l-Individwu, il-Prim Ministru jista', matul il-perjodu ta' sitt xhur mid-data meta s-sentenza tghaddi f'gudikat u sakemm meħtieġ fil-fehma tiegħu sabiex titneħħa l-inkonsistenza, jagħmel regolamenti li jkunu jhassru strument bħal dak jew disposizzjoni bħal dik li jirrizultaw li jkunu inkonsistenti kif imsemmi hawn qabel.”.

3. L-arikolu 242 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandu jiġi emendat kif ġej:

(a) id-disposizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) ta' l-artikolu u minflok il-kliem "xi disposizzjoni ta' xi liġi" għandhom jidhlu l-kliem "xi strument li jkollu l-forza ta' liġi f'Malta jew xi disposizzjoni tiegħu";

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jidhol dan is-subartikolu ġdid li ġej:

“(2) Meta jkun hemm sentenza bhal dik imsemmija fis-subartikolu (1), il-Prim Ministru jista', matul il-perjodu ta' sitt xhur mid-data meta s-sentenza tkun għaddiet f'gudikat sakemm ikun mehtieg fil-fehma tiegħu inehhi kull inkonsistenza mal-Kostituzzjoni ta' Malta jew mad-dritt jew liberta' fundamentali ta' l-individwu rilevanti stabbiliti fl-Ewwel Skeda li tinsab ma' l-Att dwar il-Konvenzjoni Ewropea skond ma jkun gie dikjarat f'dik is-sentenza, jagħmel regolamenti li jkunu jhassru l-istrument jew id-disposizzjoni rilevanti li tkun giet dikjarata bħala li tmur kontra l-Kostituzzjoni jew l-Ewwel Skeda li tinsab ma' l-Att dwar il-Konvenzjoni Ewropea kif imsemmi fis-subartikolu (1).”.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu biex jagħti setgħa lill-Ministru tal-Ġustizzja biex jimplimenta kemm jista' jkun malajr, sentenzi tal-Qorti Kostituzzjonali ta' Malta jew tal-Qorti Ewropea tad-Drittijiet tal-Bniedem li jolqtu l-validità ta' xi liġi f'Malta.

**A BILL
entitled**

An Act to amend the European Convention Act, Cap. 319.

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 European Convention (Amendment) Act 2006 and it shall be read and construed as one with the European Convention Act, hereinafter referred to as “the principal Act”.

Short title.

2. Immediately after article 6 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

“Power of Minister to make regulations.

6A. Where by a final judgment in a case against Malta the European Court of Human Rights finds that any instrument having the force of law in Malta or any provision thereof is inconsistent with the Human Rights and Fundamental Freedoms, the Prime Minister may, within the period of six months from the date that the judgment becomes final and to the extent necessary in his opinion to remove the inconsistency, make regulations deleting any such instrument or provision found to be inconsistent as aforesaid .

3. Article 242 of the Code of Organization and Civil Procedure shall be amended as follows:

(a) the present provision shall be re-numbered as sub-article (1) and for the words “any provision of any law” therein there shall be substituted the words “any instrument having the force of law or any provision thereof”; and

(b) immediately after sub-article (1) as renumbered there shall be inserted the following new sub-article:

“(2) Where there has been a judgment as is mentioned in sub-article (1) the Prime Minister may, within the period of six months from the date that the judgment has become *res judicata* and to the extent necessary in his opinion to remove any inconsistency with the Constitution of Malta or with the relevant human right or fundamental freedom set out in the First Schedule to the European Convention Act as declared in the said judgment, make regulations deleting the relevant instrument or any provision thereof declared to run counter to the Constitution or the First Schedule to the European Convention Act as mentioned in sub-article (1).”.

Objects and Reasons

The purpose of this Bill is to empower the Minister for justice to implement as soon as possible, any judgment of the Constitutional Court of Malta or of the European Court of Human Rights which affects the validity of a law in Malta.