

ABBOZZ TA' LIĠI msejjah

Att biex jemenda l-Att dwar Kunsilli Lokali, Kap. 363.

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 ġejj:-

1. (1) It-titolu ta' dan l-Att hu Att ta' l-2004 li jemenda l-Att dwar il-Kunsilli Lokali, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar Kunsilli Lokali, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali". Titolu u bidu fis-sehh.

(2) Id-disposizzjonijiet ta' dan l-Att jidhlu fis-sehh f' dik id-data li l-Ministru responsabbli għall-Kunsilli Lokali jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet u għanijiet differenti ta' dan l-Att.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġejj:- Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) minnufih wara t-tifsira "Direttur" għandha tiżdied din it-tifsira ġdida li ġejja:

Kap. 258. " "karta ta' l-identità" tfisser il-karta ta' l-identità mahruġa taht l-Att dwar il-Karti ta' l-Identità;"

(b) minnufih wara t-tifsira “lokalità” ghandha tizdied din it-tifsira ġdida li ġejja:-

“ “partit politiku” tfisser, sakemm mhux xort’ohra provdut f’dan l-Att, kull persuna jew grupp ta’ persuni li jikkontestaw l-elezzjonijiet ta’ Kunsill Lokali bhala grupp wiehed bl-istess isem;”.

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

3. Minnufih wara s-subartikolu (3) ta’ l-artikolu 3 ghandu jidhol dan is-subartiklu ġdid li ġejja:-

“(3A) Kull dipartiment tal-Gvern jew korporazzjoni pubblika, awtorità jew aġenzija ghandhom ikunu jikkonformaw, fil-hidmiet u fl-amministrazzjoni tagħhom, mal-konfini ta’ lokalità skond ma din tkun stabbilita taht dan l-Att.”.

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

4. Fl-ewwel proviso mas-subartikolu (3) ta’ l-artikolu 8 ta’ l-Att prinċipali minflok il-kliem “tax-il” ghandhom jidhlu l-kliem “erbgħa w ghoxrin”.

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

5. Fl-artikolu 11 ta’ l-Att prinċipali minflok il-kliem li jibda minn “Persuna hija kwalifikata” sal-kliem “ghal-lokalità li dik il-persuna tikkontesta:” ghandu jidhol dan li ġejja:-

“Persuna hija kwalifikata biex tkun eletta bhala membru ta’ xi Kunsill jekk dik il-persuna tkun registrata bhala votant fir-Registru Elettorali jew fir-Registru Elettorali ta’ l-Unjoni Ewropea:

Izda ebda persuna ma tista’ tikkontesta l-elezzjoni f’aktar minn lokalità waħda f’xi elezzjoni lokali:”.

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

6. Fl-artikolu 12 ta’ l-Att prinċipali minnufih wara paragrafu (j) tieghu ghandu jizdied dan il-proviso li ġejja:-

“Izda ebda Kunsillier ma ghandu jibqa’ fil-kariga jekk f’xi waqt matul il-kariga tieghu huwa jiġi elett bhala Kunsillier ta’ xi lokalità oħra.”.

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

7. Fis-subartikolu (1) ta’ l-artikolu 14 ta’ l-Att prinċipali minnufih wara l-kliem “qabel ma jintemm iż-żmien” ghandhom jizdiedu l-kliem “jew ikun ġie skwalifikat milli jibqa’ fil-kariga”.

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

8. Fl-ewwel paragrafu ta’ l-artikolu 18 ta’ l-Att prinċipali minnufih wara l-kliem “fi żmien sitt xhur” ghandhom jidhlu l-kliem “u fil-fehma tal-Ministru dik l-assenza ma kienitx ġustifikata”.

9. Il-paragrafu (ċ) ta' l-artikolu 22 ta' l-Att prinċipali ghandu jiġi mħassar.

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

10. Minnufih wara s-subartikolu (3) ta' l-artikolu 24 ghandu jidhol is-subartikolu ġdid li ġej:-

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

“(3) Is-Sindki għandhom jaraw illi l-Kodiċi ta' Etika stabbilit mill-Assoċjazzjoni tal-Kunsilli Lokali, u li jkun fis-sehh minn żmien għal żmien, jiġi osservat mill-Kunsillieri kollha. Is-Sindku jew xi Kunsillier għandu jirraporta kull ksur ta' dak il-Kodiċi minn Kunsillier kemm lill-Kunsill kemm lid-Dipartiment għall-Gvern Lokali.”.

11. Minflok l-artikolu 25 ta' l-Att prinċipali għandu jidhol dan li ġej:-

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

“Elezzjoni ta' Sindku u ta' Viċi Sindku.

25. (1) Bla hsara għad-disposizzjonijiet ta' l-artikolu 29 ta' dan l-Att, fil-kariga ta' Sindku ta' xi Kunsill Lokali għandu joqgħod dak il-Kunsillier elett li fl-elezzjoni lokali preċedenti jkun kiseb l-oghla għadd ta' voti ma' l-ewwel għadd minn fost il-kandidati tal-partit politiku li f'dawk l-elezzjonijiet ikun kiseb il-maġġoranza assoluta ta' sigġijiet ta' dak il-Kunsill. Dak il-Kunsillier jiehu l-kariga ta' Sindku fl-ewwel laqgħa tal-Kunsill wara dik l-elezzjoni lokali. Jekk jiġri li għal xi raġuni dak il-Kunsillier jirrifjuta milli jokkupa l-kariga ta' Sindku, ikun il-Kunsillier li jkun ġab it-tieni l-oghla għadd ta' voti minn fost dak il-partit politiku hawn qabel imsemmi li jiehu l-kariga, u hekk sussegwentement, sakemm xi hadd jiehu l-kariga ta' Sindku.

(2) Fil-kariga ta' Viċi Sindku joqgħod dak il-Kunsillier elett mill-partit politiku msemmi fis-subartikolu preċedenti li, taht il-kondizzjonijiet u skond id-disposizzjonijiet ta' dak is-subartikolu, ikun kiseb, minbarra s-Sindku, l-oghla għadd ta' voti fl-elezzjonijiet lokali u d-disposizzjonijiet ta' dak is-subartikolu għandhom ikunu japplikaw *mutatis mutandis* għall-elezzjoni ta' Viċi Sindku.

(3) Meta ebda partit politiku ma jkiseb maġġoranza assoluta ta' sigġijiet f'dak il-Kunsill jew meta, għal liema raġuni tkun, il-kariga ta' Sindku jew ta' Viċi Sindku ma tiġix okkupata bis-saħħa tad-disposizzjonijiet tas-subartikoli preċedenti ta' dan l-artikolu, il-Kunsill għandu, fl-ewwel laqgħa tiegħu, u wara li l-Kunsilliera jkunu hadu l-ġurament tal-kariga, jgħaddi għall-elezzjoni tas-Sindku u sussegwentement tal-Viċi Sindku minn fost il-membri tiegħu skond ma hemm fis-Seba' Skeda.

(4) L-ewwel laqgħa ta' kull Kunsill għandha tissegħja mill-Kunsillier l-aktar anzjan (jew inkella jekk huwa jirrifjuta, mill-Kunsillier l-aktar anzjan li jmiss u hekk sussegwentement) u dik il-laqgħa ma għandhiex issir aktar tard minn gimgħa minn l-ewwel jum meta l-Kunsillieri jistgħu jidhlu fil-kariga skond l-artikolu 14 ta' dan l-Att. L-aġenda għal din l-ewwel laqgħa għandha tithejja mis-Segretarju Eżekuttiv u għandha tiġi pubblikata mhux iżjed tard minn jumejn tax-xogħol qabel id-data appuntata għal dik il-laqgħa.”.

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

12. Fl-artikolu 28 ta' l-Att prinċipali minnufih wara l-kliem “ikunu tnehhew mill-kariga qabel jintemm iż-żmien tagħhom” għandhom jiżdedu l-kliem “jew ikunu ġew skwalifikati milli jibqgħu jokkupaw dik il-kariga”.

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

13. Minflok is-subartikoli (2) u (3) ta' l-artikolu 29 ta' l-Att prinċipali għandu jidhol dan li ġej:-

“(2) Il-mozzjoni li tkun qegħda tipproponi vot ta' sfiduċja fis-Sindku jew fil-Viċi Sindku għandha tkun iffirmata mill-inqas minn terz tal-Kunsillieri li jkunu fil-kariga u għandha tkun tispeċifika r-raġuni għal dik il-mozzjoni u tipproponi lil xi Kunsillier ieħor sabiex jiġi elett bħala Sindku jew Viċi Sindku skond il-każ.

(3) Il-mozzjoni għandha tiġi diskussa wara li mill-inqas ikunu skadew hamest ijiem minn meta din tkun ġiet ipprezentata kif provdut fis-subartikolu (2) iżda mhux aktar tard minn għaxart ijiem minn dik id-data; b'dan illi jekk għal xi raġuni dik il-laqgħa ma ssirx, jew ma tittiehed ebda deċiżjoni fuq dik il-mozzjoni f'dak iż-żmien, min ikun ippropona dik il-mozzjoni jista' jistabbilixxi data u aġenda biex tinzamm dik il-laqgħa, u wara li l-Kunsillieri kollha jiġu avżati kif imiss, dik il-laqgħa għandha tinzamm f'dik id-data għall-unika raġuni li tiġi diskussa u deċiża dik il-mozzjoni ta' sfiduċja.”.

Żieda ta' l-artikolu 29A ġdid ma' l-Att prinċipali.

14. Minnufih wara l-artikolu 29 ta' l-Att prinċipali għandu jiżded dan l-artikolu ġdid li ġej:-

“Laqgħa mitluba mill-Kunsillieri.

29A. Tista' tintalab laqgħa tal-Kunsill minn mill-inqas nofs il-Kunsillieri li jkunu fil-kariga, hekk li f'dik it-talba għandu jkun hemm aġenda proposta tal-laqgħa, u wara li ssir talba bħal dik jekk il-laqgħa ma ssirx fi żmien gimgħa minn meta taslilhom dik it-talba, dawk il-Kunsillieri jistgħu jsejhu dik il-laqgħa tal-Kunsill huma nfushom u jistabbilixxu l-aġenda, kif proposta flimkien mat-talba tagħhom, għal dik il-

laqgħa, u wara li jingħata avvż kif imiss lill-Kunsillieri kollha, dik il-laqgħa għandha ssir f' dik id-data, f' dak il-hin u b' dik l-aġenda skond ma jiġi stabbilit minn dawk il-Kunsillieri.”.

15. Minnufih wara s-subartikolu (1) ta' l-artikolu 32 ta' l-Att prinċipali għandu jiżdied dan il-proviso li ġej:-

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

Kap. 318. “Izda dik l-*allowance* ma għandhiex tkun soġġetta għal ebda hlas ta' xi kontribuzzjoni tas-sigurtà soċjali taht l-Att dwar ir-Sigurtà Soċjali.”.

16. Is-subartikolu (1) ta' l-artikolu 33 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 33 ta' l-Att prinċipali.

(a) fil-paragrafu (b) tiegħu, fit-test Inġliż biss, il-kelma *establishment* għandha tithassar;

(b) fil-paragrafu (ċ) tiegħu, minnufih wara l-kliem “jew divertiment ieħor” għandhom jidhlu l-kliem “u bhala parti minn skema nazzjonali biex jamministra libreriji lokali”;

(ċ) fil-paragrafu (d) tiegħu, minnufih wara l-kliem “u internazzjonali,” għandhom jidhlu l-kliem, “li jinstalla u jzomm funzjonali *bus shelters* skond *standards* u speċifikazzjonijiet stipulati mill-awtorità tat-trasport kompetenti,”;

(d) minnufih wara paragrafu (o) tiegħu, għandu jidhol dan il-paragrafu ġdid li ġej:-

“(p) l-infurzar tal-liġijiet kollha li l-kontravvenzjoni tagħhom taqa' taht il-ġurisdizzjoni tal-Kummissarji għall-Ġustizzja; izda dak l-infurzar ma għandux ikun ta' kompetenza esklużiva tal-Kunsilli Lokali.”.

17. L-artikolu 49 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 49 ta' l-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minflok il-kliem “jinhatar minn barra s-servizz pubbliku.” għandhom jidhlu l-kliem “jinhatar minn barra s-servizz pubbliku; b'dan illi Kunsillier ta' xi lokalità ma jistax jinhatar Segretarju Eżekuttiv ta' xi Kunsill Lokali.”;

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

“(4) Meta Kunsill jirrifjuta jew jonqos milli jinnomina Segretarju Eżekuttiv jew Deputat Segretarju Eżekuttiv, il-Ministru għandu jinnomina aġent Segretarju Eżekuttiv jew aġent Deputat Segretarju Eżekuttiv rispettivament.”.

Emenda ta' l-artikolu 52 ta' l-Att prinċipali.

18. Minflok il-paragrafu (e) tas-subartikolu (2) ta' l-artikolu 52 ta' l-Att prinċipali ghandu jidhol dan li ġejj:-

“(e) jaqdi kull dmir amministrattiv iehor li jista' jinghatalu mis-Sindku, skond *policies* deċizi u delegati mill-Kunsill;

(f) johroġ kull ordni ohra dwar xi nefqa kif approvata mill-Kunsill.”.

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

19. Fis-subartikolu (6) ta' l-artikolu 65 ta' l-Att prinċipali minflok il-kliem “mhux aktar tard minn tnax-il ġimgha wara l-eghluq tas-sena finanzjarja”, ghandhom jidhlu l-kliem “mhux aktar tard minn tmiem Ġunju ta' kull sena”.

Emenda ta' l-artikolu 72 ta' l-Att prinċipali.

20. Minnufih wara s-subartikolu (3) ta' l-artikolu 72 ta' l-Att prinċipali ghandu jiżdied is-subartikolu ġdid li ġejj:-

“(4) Il-Ministru jista' wkoll, wara konsultazzjoni ma' l-Assoċjazzjoni tal-Kunsilli Lokali, jaghmel regolamenti li jkunu jipprovdu dwar ir-rappreżentazzjoni ta' Kunsillieri Lokali Maltin fil-Kumitat tar-Regġuni tal-Unjoni Ewropea u f'kull forum jew istituzzjoni internazzjonali ohrajn li jirrekjedu r-rappreżentanza ta' Kunsillieri lokali.”.

Emenda ta' l-artikolu 79 ta' l-Att prinċipali.

21. Fit-tieni proviso ta' l-artikolu 79 ta' l-Att prinċipali minnufih wara l-kliem “belt kapitali preċedenti ta' Malta ghandha biss” ghandhom jidhlu l-kliem “kemm jista' jkun”.

Emenda tat-Tielet Skeda li tinsab ma' l-Att prinċipali.

22. It-Tielet Skeda li tinsab ma' l-Att prinċipali ghandha tiġi emendata kif ġejj:-

(a) l-emendi li ġejjin ghandhom jibdew isehhu minnufih:-

(i) minflok is-subregolament (4) tar-regolament 17 ghandu jidhol dan li ġejj:-

“(4) Id-dokument għall-votazzjoni ghandu jinghata lil kull votant bil-posta registrata; b'dan illi f'każijiet urgenti jew eċċezzjonali, il-Kummissjoni Elettorali tista' tordna li xi dokument għall-votazzjoni jew id-dokumenti għall-votazzjoni kollha ghandhom jitqassmu minn ufficjal tal-pulizija jew minn xi persuna ohra approvata għal dak l-ghan mill-Kummissjoni.”;

(ii) fir-regolament 35 tagħha, minflok il-kliem “Kull każin, hanut jew stabbiliment pubbliku iehor” ghandhom

jidhlu l-kliem “Kull każin ta’ partit politiku” u minnufih fi tmiem dak ir-regolament ghandu jizdied dan il-proviso li ġej:-

“Iżda l-Kummissjoni Elettorali u l-Kummissarju tal-Pulizija jistgħu jordnaw l-gheluq ta’ xi każin, hanut jew stabbiliment pubbliku iehor f’dik id-distanza ta’ hamsin metru jekk, fil-fehma tagħhom, ikun mehtieg li jsir dak l-gheluq biex jinżamm l-ordni pubbliku jew sabiex ma tithalliex issir xi influwenza mhux dovuta fuq il-votanti filwaqt li tkun qeghda ssir il-votazzjoni f’xi lokalità.”;

(iii) fit-tieni paragrafu tas-subregolament (2) tar-regolament 57 tagħha, minflok il-kliem “ma jistgħux, għal ebda raġuni,” ghandha tidhol il-kelma “jistgħu”;

(b) l-emendi li ġejjin ghandhom jidhlu fis-seħh f’dik id-data, mhux iżjed tard mill-31 ta’ Diċembru, 2006, skond ma l-Ministru jista’ jstabbilixxi b’avviż fil-Gazzetta:-

(i) fis-subregolament (2) tar-regolament 2 tagħha, it-tifsira “dokument għall-votazzjoni” ghandha tithassar;

(ii) ir-regolamenti 17, 18 u 19 tagħha ghandhom jithassru u minflokhom jidhol dan li ġej:-

“Karta ta’ l-identità.

17. Kull persuna li jkollha jedd tivvota f’elezzjoni għal Kunsill Lokali tista’ teżerċita dak id-dritt billi tmur f’liema kamra tal-votazzjoni trid fid-data ta’ dik l-elezzjoni u hemm tippreżenta l-karta ta’ l-identità tagħha lill-assistenti kummissjonarji li ghandhom jivverifikaw l-identità tal-votant.”;

(iii) fis-subregolament (3) tar-regolament 34 tiegħu, minflok il-kliem “kompartimenti separati fejn kull votant ikun jista’ jikteb il-vot tiegħu” ghandhom jidhlu l-kliem “kompartimenti separati fejn kull votant ikun jista’ jikteb il-vot tiegħu b’mod sigriet u wara purtiera jew mezz iehor li bih ikun jista’ jivvota b’mod sigriet”;

(iv) ir-regolament 39 tiegħu ghandu jiġi emendat kif ġej:-

(a) fis-subregolament (1) tiegħu, minflok il-kliem “speċifikata fid-dokument għall-votazzjoni li huwa jkun irċieva u ghandu jikkonsenja dak id-dokument lill-

assistent kummissjonarju” ghandhom jidhlu l-kliem “spezifikata fl-avviz mahruġ lilu mill-Kummissjoni” ;

(b) minflok is-subregolament (2) tiegħu ghandu jidhol dan li ġej:-

“(2) Hadd ma jithalla jivvota kemm-il darba ma jurix il-karta ta’ l-identità tiegħu lill-assistenti kummissjonarji.”;

(c) fis-subregolament (4) tiegħu minflok il-kliem “mal-produzzjoni u l-konsenja lilhom tad-dokument għall-votazzjoni” ghandhom jidhlu l-kliem “meta jiġu murijin il-karta ta’ l-identità” .

Emenda tas-Sitt Skeda li tinsab ma’ l-Att prinċipali.

23. Fis-Sitt Skeda li tinsab ma’ l-Att prinċipali, fil-paragrafu (a) ta’ l-ordni permanenti 4 tiegħu, minflok il-kliem “Biex jiġi elett is-Sindku” ghandhom jidhlu l-kliem “Biex jiġi dikjarat bhala elett jew biex jiġi elett is-Sindku”.

Emenda tas-Seba’ Skeda li tinsab ma’ l-Att prinċipali.

24. Fis-Seba’ Skeda li tinsab ma’ l-Att prinċipali, fir-regolament 6, minnufih wara l-kliem “il-Kunsillier li jkun l-iktar anzjan fosthom (jew inkella jekk jirrifjuta, min jiġi l-aktar anzjan warajh u tibqa’ nieżel b’dan il-mod)” ghandhom jiżdiedu l-kliem “li jkun jappartjeni lill-partit politiku li jkun kiseb l-oghla għadd ta’ voti fl-ewwel għadd fl-ahhar elezzjonijiet tal-Kunsill Lokali”.

Emenda tal-Kodiċi Kriminali, Kap. 9.

25. Fis-subartikolu (1) ta’ l-artikolu 604 tal-Kodiċi Kriminali, minnufih wara l-kliem “Il-Membri tal-Kamra tad-Deputati,” ghandhom jiżdiedu l-kliem “Sindki u Segretarji Eżekuttivi tal-Kunsilli Lokali,”.

Emenda ta’ l-Att dwar iż-żwieġ, Kap. 255.

26. Fis-subartikolu (1) ta’ l-artikolu 2 ta’ l-Att dwar iż-żwieġ, fit-tifsira “Registratur”, minflok il-kliem “mir-Registratur għal hekk;” ghandhom jidhlu l-kliem “mir-Registratur għal hekk, u għall-finijiet ta’ l-artikolu 15 ta’ dan l-Att ghandha wkoll tinkludi lil kull Sindku ta’ Kunsill Lokali;” .

Għanijiet u Raġunijiet

L-għan ta’ dan l-Abbozz hu sabiex tiġi regolata l-elezzjoni ta’ Sindku u Viċi Sindku permezz ta’ involviment aktar dirett mill-votanti, biex iżid mal-poteri devoluti lill-Kunsilli Lokali u biex jagħti iktar jeddijiet proċedurali lil min ikun fil-minoranza fil-Kunsilli Lokali.

**A BILL
entitled**

AN ACT to amend the Local Councils Act, Cap. 363.

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. (1) This Act may be cited as the Local Councils (Amendment) Act, 2004 and it shall be read and construed as one with the Local Councils Act, hereinafter referred to as “the principal Act”. Title and commencement date.

(2) The provisions of this Act 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 provisions and different purposes thereof.

2. Article 2 of the principal Act shall be amended as follows:- Amendment of article 2 of the principal Act.

(a) immediately after the definition “financial year” there shall be added the following new definition:-

“ “identity card” means the identity card issued under the Identity Card Act.”; Cap. 258.

(b) immediately after the definition of “motion” there shall be added the following new definition:-

“political party” means, except as otherwise provided for in this Act, any person or any group of persons contesting the elections of a Local Council as one group bearing the same name;”.

Amendment of article 3 of the principal Act.

3. Immediately after subarticle (3) of article 3 there shall be added the following new subarticle:-

(3A) Any government department or public corporation, authority or agency shall abide, in its operation and administration, by the boundaries of any locality as determined under this Act.”.

Amendment of article 8 of the principal Act.

4. In the first proviso to subarticle (3) of article 8 of the principal Act for the word “twelve” there shall be substituted the words “twenty four”.

Amendment of article 11 of the principal Act.

5. In article 11 of the principal Act for the words starting from “A person shall be qualified” up to “the locality contested by such person:” there shall be substituted the following:-

“A person shall be qualified to be elected as a member of any Council if such person is registered as a voter in the Electoral Register or the European Union Electoral Register:

Provided that no person may contest the election of more than one locality in any local election:”.

Amendment of article 12 of the principal Act.

6. In article 12 of the principal Act immediately after paragraph (j) thereof there shall be added the following proviso:-

“Provided that no councillor shall remain in office if at any time during his tenure of office he is elected as Councillor of another locality.”.

Amendment of article 14 of the principal Act.

7. In subarticle (1) of article 14 of the principal Act immediately after the words “before the lapse of the term” there shall be added the words “or disqualified from remaining in office”.

Amendment of article 18 of the principal Act.

8. In the first paragraph of article 18 of the principal Act immediately after the words “within a period of six months” there shall be added the words “and in the opinion of the Minister such absence was not justified”.

Amendment of article 22 of the principal Act.

9. Paragraph (c) of article 22 of the principal Act shall be deleted.

10. Immediately after subarticle (2) of article 24 of the principal Act there shall be added the following new sub-article:-

Amendment of article 24 of the principal Act.

“(3) Mayors are to ensure that the Code of Ethics as may be established by the Local Councils Association, and which may be in force from time to time, shall be observed by all Councillors. The Mayor or any Councillor shall report any breach of such Code by a Councillor both to the Council and to the Department for Local Government.”.

11. For article 25 of the principal Act there shall be substituted by the following:-

Substitution of article 25 of the principal Act.

Election of Mayor and Deputy Mayor.

25. (1) Without prejudice to the provisions of article 29 of this Act, the office of Mayor in any Local Council shall be occupied by such elected Councillor who at the previous local election shall have obtained the highest number of votes in the first count amongst the candidates of the political party which at such elections obtained the absolute majority of seats in such Council. Such Councillor shall assume the office of Mayor at the first sitting of the Council after such local election. If for any reason such Councillor refuses to occupy the office of Mayor, the Councillor with the second highest number of votes from the aforesaid political party shall assume office, and so on, until the office of Mayor is filled.

(2) The office of Deputy Mayor shall be occupied by such elected Councillor from the political party mentioned in the preceding subarticle who, under the conditions and in accordance with the provisions of such subarticle, shall have obtained, apart from the Mayor, the highest number of votes in the local elections and the provisions of such subarticle shall *mutatis mutandis* apply to the election of Deputy Mayor.

(3) Where no political party obtains an absolute majority of seats in such Council or where, for any reason whatsoever, the office of Mayor or Deputy Mayor is not filled in virtue of the provisions of the preceding subarticles of this article, the Council shall, at its first sitting, and after the Councillors have taken their oath of office, proceed with the election of the Mayor and subsequently of Deputy Mayor from among its members in accordance with the Seventh Schedule.

(4) The first sitting of each Council shall be summoned by the most senior Councillor (or else if he refuses, by the next senior Councillor and so on) and such meeting shall be held not later than one week from the first day when the

Councillors may hold office under article 14 of this Act. The agenda for this first meeting shall be prepared by the Executive Secretary and shall be published not later than two working days before the date fixed for such meeting.”.

Amendment of article 28 of the principal Act.

12. In article 28 of the principal Act immediately after the words “removed from office before the lapse of their term” there shall be added the words “or disqualified from remaining in office”.

Amendment of article 29 of the principal Act.

13. Subarticles (2) and (3) of article 29 of the principal Act shall be substituted by the following:-

“(2) The motion proposing a vote of no confidence in the Mayor or Deputy Mayor shall be signed by at least one third of the Councillors in office and shall specify the reason for such motion and propose another Councillor to be elected as Mayor or Deputy Mayor as the case may be.

(3) The motion shall be discussed after at least five days have elapsed from its presentation as provided in subarticle (2) but not later than ten days from such date; so however that if for any reason such meeting does not take place, or no decision is taken on such motion within such time, the proponents of such motion may fix a date and agenda for such meeting to be held, and after due notification is made to all Councillors, such meeting shall be held on such date for the sole purpose of debating and deciding such motion of no confidence.”.

Addition of new article 29A of the principal Act.

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

“Meeting at request of Councillors.

29A. A meeting of the Council may be requested by at least half the Councillors in office, which request shall include a proposed agenda of the meeting, and following such request if the meeting is not held within one week from the receipt of such request, such Councillors may summon such meeting of the Council themselves and fix the agenda, as proposed together with their request, for such meeting, and following due notification of all Councillors such meeting shall be held on such date, time and with such an agenda as determined by such Councillors.”.

Amendment of article 32 of the principal Act.

15. Immediately after subarticle (1) of article 32 of the principal Act there shall be added the following proviso:-

Cap. 318. “Provided that such allowance shall not be subject to any payment of social security contribution under the Social Security Act.”

16. Subarticle (1) of article 33 of the principal Act shall be amended as follows:- Amendment of article 33 of the principal Act.

(a) in paragraph (b) thereof, in the English text only, the word “establishment” shall be deleted;

(b) in paragraph (c) thereof immediately after the words “or other leisure centres” there shall be added the words “and as part of a national scheme to administer local libraries”;

(c) in paragraph (d) thereof immediately after the words “and international standards” there shall be added the words “to provide for the installation and maintenance of bus shelters in accordance with standards and specifications laid down by the competent transport authority,”;

(d) immediately after paragraph (o) thereof there shall be added the following new paragraph:-

“(p) the enforcement of all laws the contravention of which falls under the jurisdiction of the Commissioners of Justice; provided that such enforcement shall not be the exclusive competence of Local Councils.”

17. Article 49 of the principal Act shall be amended as follows:- Amendment of article 49 of the principal Act.

(a) in subarticle (2) thereof the words “appointed from outside the public service.” shall be substituted by the words “appointed from outside the public service; so however that no Councillor of any locality may be appointed Executive Secretary of any Local Council.”;

(b) subarticle (4) thereof shall be substituted by the following:-

“(4) Where a Council refuses or fails to appoint an Executive Secretary or Deputy Executive Secretary, the Minister shall appoint an acting Executive Secretary or acting Deputy Executive Secretary respectively.”

Amendment of article 52 of the principal Act.

18. Paragraph (e) of subarticle (2) of article 52 of the principal Act shall be substituted by the following:-

“(e) carry out any other administrative duties as may be detailed by the Mayor, in accordance with policies decided and delegated by the Council;

(f) issue all orders bearing an expense as approved by the Council.”.

Amendment of article 65 of the principal Act.

19. In subarticle (6) of article 65 of the principal Act for the words “not later than twelve weeks from the end of the financial year” there shall be substituted the words “not later than the end of June of each year”.

Amendment of article 72 of the principal Act.

20. Immediately after subarticle (3) of article 72 of the principal Act there shall be added the following new subarticle:

“(4) The Minister may also, after consulting the Local Councils Association, make regulations providing for the representation of Maltese Local Councillors on the Committee of Regions of the European Union and on any other international forum or institution requiring representation of local Councillors.”.

Amendment of article 79 of the principal Act.

21. In the second proviso to article 79 of the principal Act immediately after the words “a former capital city of Malta shall” there shall be added the words “as far as possible”.

Amendment of the Third Schedule to the principal Act.

22. The Third Schedule to the principal Act shall be amended as follows:-

(a) the following amendments shall come into force with immediate effect:-

(i) for subregulation (4) of regulation 17 there shall be substituted the following:

“(4) The voting document shall be served on each voter by registered post; so however that in urgent or exceptional cases, the Electoral Commission may order that any or all voting documents shall be served by a police officer or any other person approved for the purpose by the Commission.”;

(ii) in regulation 35 thereof, for the words “Any club, shop or other public establishment” there shall be substituted

the words “Any political party club” and immediately after such regulation there shall be added the following proviso:-

“Provided that the Electoral Commission and the Commissioner of Police may order the closure of any club, shop or other public establishment within such distance of fifty metres if in their opinion, such closure is necessary to maintain public order or prevent undue influence on voters during voting in any locality.”;

(iii) in the second paragraph of subregulation (2) of regulation 57 thereof, the words “may not, for any reason,” shall be substituted by the word “may”;

(b) the following amendments shall come into force on such date, not later than the 31st December, 2006, as the Minister may by notice in the Gazette establish:-

(i) in subregulation (2) of regulation 2 thereof the definition of “voting document” shall be deleted;

(ii) regulations 17, 18 and 19 thereof shall be deleted and substituted by the following:-

“Identity card. 17. Any person entitled to vote in an election for a Local Council may exercise such right by attending any polling station on the date of such election and present his identity card to the assistant commissioners who shall verify the identity of the voter.”;

(iii) in subregulation (3) of regulation 34 thereof, for the words “cubicles wherein each voter may record his vote” there shall be substituted the words “cubicles wherein each voter may record his vote in secret and behind a curtain or other device to enable him to vote in secret.”;

(iv) regulation 39 thereof shall be amended as follows:-

(a) in subregulation (1) thereof the words “specified in the voting document received by him and shall deliver such document to an assistant commissioner” shall be substituted by the words “specified in the notice issued to him by the Commission”;

(b) subregulation (2) thereof shall be substituted by the following:-

“(2) No person shall be allowed to vote unless he produces his identity card to the assistant commissioners.”;

(c) in subregulation (4) thereof the words “upon the production and delivery to them of the voting document” shall be substituted by the words “upon production to them of the identity card”.

Amendment of the Sixth Schedule to the principal Act.

23. In the Sixth Schedule to the principal Act, in paragraph (a) of standing order (4) thereof, for the words “to elect a Mayor” there shall be substituted the words “to declare as elected or elect a Mayor”.

Amendment of the Seventh Schedule to the principal Act.

24. In the Seventh Schedule to the principal Act, in regulation 6 thereof, immediately after the words “the Councillor most senior in age (or if he refuses the person next senior in age and so on)” there shall be added the words “belonging to the political party which obtained the highest number of votes in the first count at the last Local Council elections”.

Amendment of the Criminal Code, Cap. 9.

25. In subarticle (1) of article 604 of the Criminal Code, immediately after the words “Members of the House of Representatives,” there shall be added the words “Mayors and Executive Secretaries of Local Councils,”.

Amendment of the Marriage Act, Cap. 255.

26. In subarticle (1) of article 2 of the Marriage Act in the definition of “Registrar”, for the words “by the Registrar for that purpose;” there shall be substituted the words “by the Registrar for that purpose, and for the purposes of article 15 of this Act shall also include any Mayor of a Local Council;”.

Objects and Reasons

The object of this Bill is to regulate the election of Mayor and Deputy Mayor through more direct involvement by voters, to add to the powers devolved to Local Councils and to grant further procedural rights to minority parties within Local Councils.