

ABBOZZ TA' LIĠI msejjaħ

*ATT biex jipprovdi dwar ir-ristrutturar tat-Tarzna ta' Malta u tal-
"Marsa Shipbuilding Yard".*

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 fil-qosor ta' dan l-Att hu Att ta' l-2003 dwar ir-ristrutturar tat-Tarznari.

Titolu fil-qosor
u bidu fis-seħħ.

(2) Dan l-Att għandu jibda jseħħ f'dik id-data li l-Ministru responsabbli għall-investimenti tal-gvern jista' jistabbilixxi b'ordni fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra:

Tifsir.

"il-Korporazzjoni" tfisser it-Tarzna ta' Malta, Korporazzjoni mwaqqfa bl-Att dwar it-Tarzna ta' Malta;

Kap.207.

"il-Kumpannija" tfisser il-*Malta Shipbuilding Company Ltd*, kumpannija kostitwita u registrata kif imiss taħt il-liġijiet ta' Malta;

“il-kumpanniji ta’ trasferiment” tfisser *Malta Shipyards Limited* u *Industrial Projects and Services Limited*;

“il-kuntratt ta’ kiri tat-Tarzna” tfisser il-kuntratt ta’ kiri moghti taht l-awtorità ta’ l-Ordinanza ta’ Emergenza dwar it-Tarzna ta’ Malta, Kap. 157, b’kuntratt datat it-28 ta’ Marzu, 1959, fl-atti tan-Nutar Dottor Paul Pullicino, kif alterat minn żmien għal żmien;

“il-Ministru” tfisser il-Ministru responsabbli għall-investimenti tal-gvern;

“Skema għal min Jirtira Kmieni” tfisser l-iskema mwaqqfa bl-artikolu 16A ta’ l-Att dwar it-Tarzna ta’ Malta.

Kap.207.

Trasferiment ta’
attiv u passiv.

3. (1) B’effett mid-data tal-bidu fis-sehh ta’ dan l-artikolu kull attiv kemm f’Malta kemm barra minn Malta inkluż kull attiv tal-Korporazzjoni u tal-Kumpannija mikri taht il-kuntratt ta’ kiri tat-Tarzna, kull dritt reali jew drittijiet ohra taht xi kuntratt, il-flejjes kollha dovuti minn xi persuna lill-Korporazzjoni jew lill-Kumpannija u l-ishma kollha fi jew stocks ta’ xi korpi ohra fi jew stocks ta’ xi korpi ohra miżmumin minnhom, għandhom minghajr aktar assikurazzjoni hlief dan l-Att ivestu fil-Gvern, u kull passiv tal-Korporazzjoni u tal-Kumpannija inkluż kull passiv u obbligazzjoni taht l-Iskema għal min Jirtira Kmieni għandhom ivestu fil-Gvern u jkunu dovuti minnu.

(2) L-azzjonijiet kollha pendenti quddiem xi qorti jew tribunal li jkunu nbdew minn jew kontra l-Korporazzjoni jew il-Kumpannija għandhom jitkomplew minn jew kontra dak l-uffiċjal pubbliku f’isem il-Gvern hekk kif il-Ministru jista’ b’avviz fil-Gazzetta minn żmien għal żmien jistabbilixxi.

(3) B’effett mid-data li tiġi minnufih wara d-data msemmija fis-subartikolu (1) ta’ dan l-artikolu, il-Kumpannija għandha tkun xolta, likwidata u stralċata minghajr il-htieġa ta’ ebda formalità ohra hlief dan l-Att.

Impjegati tal-
Korporazzjoni
u tal-Kumpannija.

4. (1) Minkejja d-disposizzjonijiet ta’ kull liġi ohra, kull min ikun impjegat mal-Korporazzjoni u mal-Kumpannija minnufih qabel ma jidhol fis-sehh dan l-artikolu għandu jiġi trasferit ma’ u jkun impjegat ta’ xi wahda jew l-ohra mill-kumpanniji ta’ trasferiment kif imwaqqfa b’dan l-artikolu.

(2) Il-kumpanniji ta’ trasferiment għandhom jassumu d-drittijiet u l-obbligazzjonijiet kollha li l-Korporazzjoni jew il-Kumpannija kellhom qabel ma jkun sar it-trasferiment lejn l-impjegati trasferiti magħhom, u kull wiehed minn dawk l-impjegati għandu, għall-

finijiet u l-iskopijiet kollha ta' kull liġi, jitqies li kien impjegat mal-kumpannija ta' trasferiment rispettiva sa mid-data meta kien beda l-impjeg tiegħu mal-Korporazzjoni jew mal-Kumpannija, skond il-każ.

(3) It-trasferiment ta' l-impjegati hawn qabel imsemmija għal kull wahda mill-kumpanniji ta' trasferiment għandu jsir skond l-għażla magħmula mill-Korporazzjoni u mill-Kumpannija.

5. Minkejja d-disposizzjonijiet ta' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, il-Gvern jista' taht dak it-titolu u bla hsara għal dawk il-kondizzjonijiet li jista' jqis li jkunu adatti, jitransferixxi art vestita fil-Gvern taht l-artikolu 3 ta' dan l-Att u kull attiv iehor vestit taht l-istess artikolu lil xi wahda mill-kumpanniji ta' trasferiment għal xi skop tal-kumpanniji ta' trasferiment jew ta' xi korp magħqud imwaqqaf bil-liġi, minghajr ebda awtorizzazzjoni ohra għajr dan l-artikolu:

Trasferiment eċċ.
ta' art lil kumpanniji
ta' trasferiment eċċ.

Iżda d-disposizzjonijiet ta' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern għandhom malli jsir dak it-trasferiment ikomplu japplikaw għal dik l-art bhallikieku t-trasferiment tagħha kien awtorizzat taht id-disposizzjonijiet ta' dak l-Att.

6. Minghajr preġudizzju għal kull haġa li setgħet saret skond il-liġi tahtom, l-Ordinanza ta' Emergenza dwar it-Tarzna ta' Malta, l-Att dwar it-Tarzna ta' Malta (Provvediment Temporanju), u l-Att dwar it-Tarzna ta' Malta, huma b'dan l-Att mhassra.

Thassir ta' liġijiet.
Kap.157.
Kap.177.
Kap.207.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu sabiex ikun jista' jsir it-trasferiment ta' attiv u ta' l-impjegati tal-*Malta Drydocks Corporation* u tal-*Malta Shipbuilding Company Limited* previst fil-Ftehim milhuq bejn il-Gvern u s-Sieħba Soċjali dwar ir-ristrutturar tal-*Malta Drydocks* u tal-*Malta Shipbuilding*.

**A BILL
entitled**

AN ACT to make provision for the restructuring of Malta Drydocks and the Marsa Shipbuilding Yard.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:–

Short title
and
Commencement.

1. (1) The short title of this Act is the Dockyard and Shipbuilding Yard (Restructuring) Act, 2003.

(2) This Act shall come into force on such date as the Minister responsible for government investments may by order in the Gazette establish, and different dates may be so established for different provisions and different purposes thereof.

Interpretation.

2. In this Act unless the context otherwise requires:

Cap 207.

“Early Retirement Scheme” means the scheme established by article 16A of the Malta Dockyard Act;

Cap 157.

“dockyard lease” means the lease granted under the Authority of the Malta Dockyard Emergency Ordinance, by a deed dated 28th March, 1959, in the records of Notary Doctor Paul Pullicino, as varied from time to time;

Cap 207.

“Corporation” means Malta Drydocks, a corporation established by the Malta Dockyard Act;

“Company” means the Malta Shipbuilding Company Ltd, a company duly constituted and registered under the laws of Malta;

“Minister” means the Minister responsible for government investments;

“transferee companies” means the Malta Shipyards Limited and the Industrial Projects and Services Limited.

3. (1) With effect from the date of the coming into force of this Article all assets whether in Malta or abroad including all assets of the Corporation and of the Company leased under the dockyard lease, all real or other rights under any contract, all monies due by any person to the Corporation or the Company and all shares in or stocks of any other bodies in or stocks of any other bodies held by them shall without any further assurance other than this Act vest in the Government, and all liabilities of the Corporation and of the Company including all liabilities and obligations under the Early Retirement Scheme shall vest and be due by the Government.

Transfer of
Assets and
Liabilities.

(2) All actions pending before any court or tribunal instituted by or against the Corporation or the Company shall be continued by or against such public officer in the name of the Government as the Minister may by notice in the Gazette, from time to time, establish.

(3) With effect from the date next following the date referred to in subarticle (1) hereof, the Company shall be dissolved, liquidated and wound up without the need of any further formality other than this Act.

4. (1) Notwithstanding the provisions of any other law all persons in the employment of the Corporation and of the Company immediately before the coming into force of this article shall be transferred to and become employees of one or other of the transferee companies as established by this Article.

Employees of the
Corporation and the
Company.

(2) The transferee companies shall take on all the rights and obligations which the Corporation or the Company had prior to the transfer towards the employees transferred to them, and each of such employees shall, for all intents and purpose of any law, be deemed to have been in the employment of the respective transferee company, since the date on which he took up the employment with the Corporation or the Company, as the case may be.

(3) The transfer of the employees aforesaid to each of the transferee companies shall be made in accordance with the selection made by the Corporation and the Company.

Transfer etc.
of land to transferee
companies etc.

5. Notwithstanding the provisions of the Disposal of Government Land Act, the Government may under such title and subject to such conditions as it may deem fit, transfer any land vested in the Government under article 3 of this Act, and any other asset vested under the same article to either of the transferee companies for any of the purposes of the transferee companies or any body corporate established by law, without any further authorisation other than this article;

Provided that the provisions of the Disposal of Government Land Act shall upon such transfer continue to apply to such land as if its transfer was authorised under the provisions thereof.

Repeal of laws.
Cap 157.
Cap 177.
Cap 207.

6. Without prejudice to anything lawfully done thereunder the Malta Dockyard Emergency Ordinance, the Malta Dockyard (Temporary Provision) Act, and the Malta Dockyard Act, are hereby repealed.

Objects and Reasons

The object of the bill is to enable the transfer of assets and of employees of the Malta Drydocks Corporation and the Malta Shipbuilding Company Limited as envisaged in the Agreement reached by the Government and the Social Partners on the restructuring of the Malta Dockyards and the Malta Shipbuilding.