

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

20 ta' Lulju, 2007

ATT Nru. XII ta' l-2007

Att biex jemenda l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi

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 huwa l-Att ta' l-2007 li jemenda l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi. Titolu fil-qosor.

2. (1) Dan l-abbozz jemenda l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi u għandu jinqara u jinftiehem bħala waħda ma' l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali". Emenda ta' l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi, Kap. 423.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għar-rizorsi jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti.

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

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

“awtorizzazzjoni” tinkludi kull liċenza jew permess ikunu kif ikunu deskritti mahruġin minn jew taht dan l-Att biex topera, tipprovdi jew tagħmel kull attività jew operazzjoni jew servizz ikunu kif ikunu deskritti li għandu x’jaqsam mar-rizorsi;”;

(b) minnufih wara t-tifsira ġdida “awtorizzazzjoni” għandha tidhol din it-tifsira ġdida li ġejja:

“Bord ta’ l-Appell” tfisser il-Bord ta’ l-Appelli dwar ir-Rizorsi stabbilit bl-artikolu 33 ta’ dan l-Att;”;

(ċ) minnufih wara t-tifsira ġdida “Bord ta’ l-Appell” għandha tidhol din it-tifsira ġdida li ġejja:

“deċiżjoni” tinkludi kull determinazzjoni, miżura, ordni, hteġa, jew speċifikazzjoni tkun kif tkun deskritta li ssir mill-Awtorità u l-kelma “deċiżjoni” għandha tiftiehem skond dan;”;

(d) minnufih wara t-tifsira ġdida “deċiżjoni” għandha tidhol din it-tifsira ġdida li ġejja:

“direttiva” tfisser direttiva mahruġa mill-Awtorità skond il-proċeduri preskritti b’reġolamenti magħmulin taht dan l-Att;”;

(e) minnufih wara t-tifsira “President” għandha tidhol din it-tifsira ġdida li ġejja:

“provditur awtorizzat” tfisser kull persuna li għandha awtorizzazzjoni valida biex topera, tipprovdi jew tagħmel kull attività jew operazzjoni jew li tipprovdi kull servizz li għandu x’jaqsam mar-rizorsi;”.

Emenda ta’
l-artikolu 4
ta’ l-Att prinċipali.

4. L-artikolu 4 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) fil-paragrafu (*k*) tas-subartikolu (1), minflok il-kliem “fil-prattiki,” għandhom jidhlu l-kliem “u biex tippromwovi l-użu effiċjenti tar-rizorsi fil-prattiċi”;

(b) il-paragrafu (*p*) tas-subartikolu (1) għandu jiġi enumerat mill-ġdid bhala l-paragrafu (*r*); u minnufih wara l-paragrafu (*o*) tas-subartikolu (1) għandhom jiġu miżjudaw dawn il-paragrafi ġodda li ġejjin:

“(p) tippromwovi l-interessi tal-konsumaturi u ta’ utenti ohra f’ Malta, partikolarment konsumaturi vulnerabbli, speċjalment għar-rigward tal-prezzijiet li jithallsu, u l-kwalità u l-varjetà tas-servizzi u, jew prodotti regolati minn jew taht dan l-Att;

(q) li tiddetermina kwistjonijiet li għandhom x’jaqsmu ma’ hwejjeg regolati minn jew taht dan l-Att;”;

(ċ) fil-paragrafu (ċ) (i) tas-subartikolu (2) minflok il-kliem “Prim Ministru” għandha tidhol il-kelma “Ministru” u minflok il-kliem “u ta’ l-Att dwar il-Blata Kontinentali” jidhlu l-kliem “u mill-Prim Ministru skond u għall-għanijiet ta’ l-Att dwar il-Blata Kontinentali;” u

(d) minnufih wara s-subartikolu (3), għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

“(4) L-Awtorità tista’ tehtieg lil kull provdatur awtorizzat biex jipprovdiha kull informazzjoni, inkluża informazzjoni finanzjarja, li l-Awtorità tqis bħala neċessarja b’għan li tiżgura konformità mad-disposizzjonijiet ta’ dan l-Att, ta’ regolamenti magħmula taht l-Att u deċiżjonijiet jew direttivi magħmulin skond dan l-Att, regolamenti magħmula taht l-Att jew ta’ kull liġi ohra li l-Awtorità jkollha jedd tinforza. Kull persuna li tonqos jew tirrifjuta li tagħti din l-informazzjoni tkun qegħda tikser dan l-Att u tista’ tehel multa amministrattiva skond ma’ jiġi preskritt mill-Awtorità.”.

5. L-artikolu 26 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta’
l-artikolu 26
ta’ l-Att prinċipali.

(a) fil-proviso tas-subartikolu (1) minflok il-kliem “Prim Ministru” għandha tidhol il-kelma “Ministru”; u

(b) minnufih wara s-subartikolu (4), għandu jiġi miżjud dan is-subartikolu ġdid li ġej: -

“(5) Awtorizzazzjoni mogħtija lil persuna taht dan l-Att m’għandhiex teżonera lil dik il-persuna mill-obbligu li għandha taht il-liġi li tapplika għal kull awtorizzazzjoni ohra tkun kif tkun deskritta, jew minn kull obbligu iehor li johrog minn xi liġi ohra.”

6. Is-subartikolu (2) ta’ l-artikolu 28 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:-

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

(a) il-paragrafu (a) ghandu jiġi sostitwit b'dan li ġej: -

“(a) ghal kull aspett li ghandu x'jaqsam mal-proċedura u l-kondizzjonijiet li jistgħu jiġu imposti fir-rigward ta' kull awtorizzazzjoni taht dan l-Att inkluż, fejn ikun japplika, dwar l-ghoti, tiġdid, trasferiment, sospensjoni, thassir u kemm ghandha ddum tali awtorizzazzjoni, dwar il-mod kif l-applikazzjonijiet ghal dawk l-awtorizzazzjonijiet ghandhom isiru, dwar il-kontenut u l-forma ta' dawk l-applikazzjonijiet, u dwar il-mod kif dawn jistgħu jingħataw, jiġġeddu jew jiġu trasferiti, id-drittijiet li jithallsu ghalihom, u l-mod li bih it-tiġdid jew it-trasferiment tagħhom ghandu jiġi indikat;”;

(b) il-paragrafu (b) ghandu jiġi sostitwit b'dan li ġej: -

“(b) għar-regolament ta' kull aspett li ghandu x'jaqsam ma' l-impożizzjoni ta' obligazzjonijiet ta' servizz pubbliku u, jew universali, jiġu kif jiġu deskritti, għar-rigward ta' kull operazzjoni, attività jew servizz regolat b'dan l-Att;”;

(ċ) il-paragrafu (ċ) ghandu jiġi sostitwit b'dan li ġej:-

“(ċ) dwar ir-regolament ta' strutturi ta' prezz għar-rizorsi u fejn ikun adatt sabiex jiġu regolati u stabbiliti t-tariffi, żjidiet permessi fil-prezz (*mark-ups*) u l-hlasijiet għall-provvista, il-ħażna u d-distribuzzjoni tar-rizorsi u għall-użu ta' kull sistema li tintuża fid-distribuzzjoni u t-trasmissjoni tar-rizorsi;”;

(d) il-paragrafu (d) ghandu jiġi mhassar u l-paragrafi (e), (f) u (g) ghandhom jiġu enumerati mill-ġdid bhala (d), (e) u (f) rispettivament;

(e) minnufih wara l-paragrafu (f) kif enumerat mill-ġdid, ghandu jizdied dan il-paragrafu ġdid li ġej:-

“(g) għat-tnidija ta' għanijiet ta' servizz ta' kwalità u t-twaqqif u l-manteniment ta' servizz għall-konsumaturi effiċjenti minn provdituri awtorizzati lill-konsumaturi;”;

(f) fil-paragrafu (h), minflok il-kelma “enerġija;” ghandha tidhol il-kelma “rizorsi”;

(g) fil-paragrafu (i), minflok il-kliem “l-enerġija, l-ilma u r-rizorsi naturali” ghandha tidhol il-kelma “r-rizorsi”;

(h) fil-paragrafu (o) , minflok il-kliem “id-detenturi ta’ licenzja” ghandhom jidhlu l-kliem “il-provdituri awtorizzati” u minflok il-kliem “minn dawk id-detenturi ta’ licenza” ghandhom jidhlu l-kliem “minn dawk il-provdituri awtorizzati, u dwar kull haġa li ghandha x’ taqsam mal-provdiment ta’ informazzjoni minn provdituri awtorizzati lill-Awtorità;” u

(i) minflok il-paragrafi (q) sa (t), ghandhom jidhlu l-paragrafi ġodda li ġejjin:–

“(q) dwar li tiġi preskritta kull Prattika li ghandha tiġi adottata ghar-rigward tas-sigurezza u l-harsien ta’ l-ambjent ghar-rigward ta’ kull haġa regolata minn dan l-Att, inklużi n-normi relatati mar-responsabbiltà ta’ kull persuna li taghmel hsara lill-ambjent bħala konsegwenza ta’ kull attività regolata minn jew taht dan l-Att magħmula minn dik il-persuna;

(r) dwar pjan ta’ kontinġenza f’każ ta’ xi krizi li ghandha x’ taqsam ma’ xi haġa regolata minn dan l-Att;

(s) dwar proċeduri ta’ pproċessar ta’ lmenti li ghandhom jiġu implimentati minn provditur awtorizzat, u dwar kull haġa li ghandha x’ taqsam mar-riżoluzzjoni ta’ kull vertenza u, jew ilment, jiġu kif jiġu deskritti, relatati ma’ kull haġa regolata minn dan l-Att;

(t) ghar-rigward ta’ kontravvenzjonijiet u multi amministrattivi;

(u) ghar-rigward ta’ kooperazzjoni ma’ awtoritajiet ohra u r-relazzjoni bejn l-Awtorità u awtoritajiet pubbliċi ohra inklużi konsultazzjonijiet, għoti ta’ informazzjoni u dwar kull haġa ohra ta’ interess reċiproku;

(v) dwar il-proċedura li ghandha tiġi segwita quddiem il-Bord ta’ l-Appelli u dwar l-iffissar ta’ dawk il-hlasijiet li jitqiesu meħtieġa ghar-rigward ta’ xi proċedimenti quddiem il-Bord ta’ l-Appelli;

(w) dwar il-proċeduri li ghandhom jiġu segwiti ghar-rigward ta’ riżoluzzjoni ta’ kwistjonijiet;

(x) dwar is-setgħat ta’ infurzar meħtieġa mill-Awtorità biex taqdi l-funzjonijiet tagħha taht dan l-Att;

(y) dwar li tiġi preskritta kull haġa li tista' tkun jew li tkun mehtieġa li tiġi preskritta b'dan l-Att."

Thassir ta' l-artikoli 30 u 31.

7. L-artikoli 30 u 31 ta' l-Att prinċipali ghandhom jiġu mhassrin.

Enumerazzjoni mill-ġdid u emenda ta' l-artikolu 32.

8. (1) L-artikolu 32 ta' l-Att prinċipali ghandu jiġi enumerat mill-ġdid b'haġa artikolu 33.

(2) Fl-artikolu 33 hekk kif enumerat mill-ġdid, kull fejn tidher il-kelma "Bord" ghandu jidhol il-kliem "Bord ta' l-Appelli".

Żieda ta' artikoli ġodda 30, 31 u 32 fl-Att prinċipali.

9. Minnufih wara l-artikolu 29 ta' l-Att prinċipali ghandhom jidhlu l-artikoli l-ġodda li ġejjin: -

"Setghat ta' infurzar ta' l-Awtorità.

30. (1) Kull ufficċjal jew impjegat ta' l-Awtorità hekk awtorizzat jista', f'kull żmien raġonevoli, jidhol f'kull fond, vettura jew f'kull post iehor, bil-għan li -

(a) jagħmel spezzjonijiet, testijiet, kejl, tehid ta' kampjuni jew sabiex jiġi żgurat li ebda haġa kontra l-provvedimenti ta' dan l-Att, tar-regolamenti li jsiru tahtu jew il-pattijiet u l-kondizzjonijiet ta' xi liċenza, permess jew awtorizzazzjoni mahruġa taht dan l-Att ma tkun qegħda ssehh;

(b) tiġi aċċertata jew riprodotta dawk id-*data* jew informazzjoni li l-Awtorità tkun tista' tehtieġ.

(2) Kull min jostakola jew jimpedixxi lil xi ufficċjal jew impjegat ta' l-Awtorità fl-eżerċizzju ta' dmirijietu taht dan l-Att jista', meta jinsab hati, jehel priġunerija għal perjodu ta' mhux iżjed minn tmintax-il xahar jew multa ta' mhux iżjed minn tletin elf lira (disgħa u sittin elf tmien mija u wiehed u tmenin ewro), jew dik il-multu u priġunerija flimkien.

Impożizzjoni ta' penali amministrattivi

31. (1) L-Awtorità tista' timponi penali amministrattiva fuq persuna li tikkommetti ksur ta' xi disposizzjoni ta' dan l-Att, ta' regolamenti magħmulin taht l-Att jew ta' kull liġi oħra li l-Awtorità jkollha jedd tinforza, jew li tonqos milli tikkonforma ruhha ma' xi direttiva jew deċiżjoni mogħtija mill-Awtorità kemm jekk taht dan l-Att, kemm b'regolamenti magħmulin taht l-Att jew taht kull liġi oħra li l-Awtorità jkollha jedd tinforza, jew li tonqos milli tosserva l-kondizzjoni ta' xi awtorizzazzjoni mogħtija taht dan l-Att.

(2) Penali amministrativa imposta taht is-subartikolu (1) ta' dan l-artikolu ma ghandhiex, kemm-il darba ma jkunx provdut xort'ohra b'dan l-Att, b'regolamenti maghmulin taht l-Att jew b'kull ligi ohra li l-Awtorità jkollha jedd tinforza, tkun ta' iżjed mill-valuri indikattivi (indikati fl-Iskeda tar-regolamenti li jinharġu taht l-artikolu 28(t)) ghal kull ksur jew ghal kull nuqqas milli wiehed jikkonforma.

Setgħa tal-Ministru li jagħmel regolamenti dwar reati kriminali.

32. Mingħajr preġudizzju ghal kull disposizzjoni ohra ta' dan l-Att, il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti li jordnaw pieni ghal reati kriminali kontra kull regolamenti li jsiru taht dan l-Att, u dawn ir-regolamenti jistgħu:

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

(b) jippreskrivu multi kkalkulati skond it-tul taż-żmien ta' l-ghemil tar-reat:

Izda dawk ir-regolamenti m'ghandhomx ikunu jipprovdu ghal:

(i) perjodu ta' prigunerija ta' iktar minn tmintax-il-xahar jew ghal-multa ta' aktar minn tletin elf lira (disgħa u sittin elf tmien mija u wiehed u tmenin ewro), jew

(ii) ta' sitt mitt lira Maltija (elf tlett mija u tmienja u disgħin ewro) ghal kull jum li fih jibqa għaddej r-reat.”.

10. (1) L-artikolu 33 ta' l-Att principali għandu jiġi enumerat mill-ġdid bħala artikolu 34.

Enumerazzjoni mill-ġdid u emenda ta' l-artikolu 33.

(2) Fl-artikolu 34 hekk kif enumerat mill-ġdid, kull fejn tidher il-kelma “Bord” għandu jidhol il-kliem “Bord ta' l-Appelli”.

(3) Fl-artikolu 34 hekk kif enumerat mill-ġdid, minflok is-subartikolu (4) għandu jidhol dan is-subartikolu ġdid li ġej:

“(4) Fid-determinazzjoni ta' appell il-Bord ta' l-Appelli għandu jqis il-merti ta' l-appell, u jista' għal kollox jew f'parti, jikkonferma jew jannulla d-deciżjoni appellata, fejn jagħti bil-miktub ir-raġunijiet għad-deciżjoni tiegħu u għandu jara li dik id-

deċiżjoni tkun wahda pubblika u li din tiġi ikkomunikata lill-partijiet fl-appell.”.

Enumerazzjoni mill-
ġdid u emenda ta' l-
artikolu 34.

11. (1) L-artikolu 34 ta' l-Att prinċipali ghandu jiġi enumerat mill-ġdid bħala artikolu 35.

(2) Fin-nota marginali ta' l-artikolu 35 hekk kif enumerat mill-ġdid, minflok il-kelma “Bord” ghandu jidhol il-kliem “Bord ta' l-Appelli”.

(3) Fl-artikolu 35 hekk kif enumerat mill-ġdid, kull fejn tidher il-kelma “Bord” ghandhom jidhlu il-kliem “Bord ta' l-Appelli”.

Enumerazzjoni mill-
ġdid u emenda ta' l-
artikolu 35.

12. (1) L-artikolu 35 ta' l-Att prinċipali ghandu jiġi enumerat mill-ġdid bħala artikolu 36.

(2) Fl-artikolu 36 hekk kif enumerat mill-ġdid, kull fejn tidher il-kelma “Bord” ghandhom jidhlu l-kliem “Bord ta' l-Appelli”.

Enumerazzjoni mill-
ġdid u emenda ta' l-
artikolu 36.

13. (1) L-artikolu 36 ta' l-Att prinċipali ghandu jiġi enumerat mill-ġdid bħala artikolu 37.

(2) Fis-subartikolu (3) ta' l-artikolu 37 hekk kif enumerat mill-ġdid, kull fejn jidhru l-kliem “artikolu 31” ghandhom jidhlu l-kliem “artikolu 32”.

Dhul ta' l-artikolu
ġdid 38 fl-Att
prinċipali.

14. Wara l-artikolu 37 hekk kif enumerat mill-ġdid ta' l-Att prinċipali, ghandu jidhol dan l-artikolu ġdid li ġej:

“Eżenzjoni
minn
responsab-
biltà.

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

Emenda tat-Tieni
Skeda ta' l-Att
prinċipali.

15. Fit-Tieni Skeda li tinsab ma' l-Att prinċipali minflok il-kliem “artikolu 36” ghandom jidhlu l-kliem “artikolu 37”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 552 tas-17 ta' Lulju, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

20th July, 2007

ACT No. XII of 2007

AN ACT to amend the Malta Resources Authority Act

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.

1. (1) The short title of this Act is the Malta Resources Authority (Amendment) Act, 2007.

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

2. (1) This Act amends the Malta Resources Authority Act, and it shall be read and construed as one with the Malta Resources Authority Act, hereinafter referred to as “the principal Act”.

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

Amendment of
article 2 of the
principal Act.

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

(a) immediately after the definition “advisory committee” there shall be inserted the following new definition:

““Appeals Board” means the Resources Appeals Board established by article 33 of this Act”;

(b) immediately after the new definition “Appeals Board” there shall be inserted the following new definition:

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

(c) immediately after the new definition “authorisation” there shall be inserted the following new definition:

““authorised provider” means any person who has a valid authorisation to operate, provide or carry out any activity or operation or to provide any service relating to resources;”;

(d) immediately after the definition “contractor” there shall be inserted the following new definition:

““decision” includes any determination, measure, order, requirement or specification however so described made by the Authority and the word “decision” shall be construed accordingly;”;

(e) immediately after the new definition “decision” there shall be inserted the following new definition:

““directive” means a directive issued by the Authority in accordance with the procedures as prescribed by regulations made under this Act;”;

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

Amendment of article 4 of the principal Act.

(a) in paragraph (k) of subarticle (1) thereof, immediately before the words “in the practices, operations” there shall be added the words “and to promote the efficient use of resources”;

(b) paragraph (p) of subarticle (1) shall be renumbered as paragraph (r) thereof, and immediately after paragraph (o) of subarticle (1) thereof, there shall be added the following new paragraphs:

“(p) promote the interests of consumers and other users in Malta, particularly vulnerable consumers, especially in

respect of the prices charged for, and the quality and variety of the services and, or products regulated by or under this Act;”;

“(q) to determine disputes in relation to matters regulated by or under this Act;”;

(c) in paragraph (c)(i) of subarticle (2) thereof the words “Prime Minister” shall be substituted by the word “Minister” and for the words “and the Continental Shelf Act” shall be substituted by “and the Prime Minister in terms and for the purposes of the Continental Shelf Act;” and

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

“(4) The Authority may require any authorised provider to provide it with any information, including financial information that the Authority considers necessary for the purpose of ensuring compliance with the provisions of this Act, regulations prescribed thereunder and decisions or directives made in accordance with this Act, regulations prescribed thereunder or any other law which the Authority is entitled to enforce. Any person who fails or refuses to provide such information shall be in contravention of this Act and shall be liable to the imposition of an administrative fine as may be prescribed by the Authority.”.

Amendment of article 26 of the principal Act.

5. Article 26 of the principal Act shall be amended as follows:

(a) in the proviso to subarticle (1) thereto the words “Prime Minister” shall be substituted by the word “Minister”; and

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

“(5) An authorisation granted to a person under this Act shall not relieve such a person from the requirement at law to apply for any other authorisation however so described, or from any other obligation arising under any other law.”.

Amendment of article 28 of the principal Act.

6. Subarticle (2) of article 28 of the principal Act shall be amended as follows:

(a) for paragraph (a) thereof, there shall be substituted the following:-

“(a) for any aspect relating to the procedure and conditions that may be imposed in relation to any authorisation under this Act including where applicable the grant, renewal, transfer, suspension, cancellation and duration of any such authorisation, the manner in which applications for such authorisations is to be made, the content and form of such applications and how they may be granted, renewed or transferred, the fees payable, and the manner in which renewals or transfers thereof is to be indicated;”;

(b) for paragraph (b) thereof, there shall be substituted the following:-

“(b) for the regulation of any aspect relating to imposition of public and, or universal service obligations, however so described, in respect of any operation, activity or service regulated by this Act;”;

(c) for paragraph (c) thereof, there shall be substituted the following:-

“(c) for the regulation of price structures for resources and where appropriate for the regulation and determination of tariffs, price mark-ups and charges for the supply, storage and distribution of resources and for the use of any systems used in the distribution and transmission of resources;”;

(d) paragraph (d) thereof shall be deleted and paragraphs (e), (f) and (g) thereof shall be renumbered as paragraphs (d), (e) and (f) respectively;

(e) immediately after paragraph (f) thereof as renumbered, there shall be inserted the following new paragraph:-

“(g) for the quality of service targets and the establishment and maintenance of an efficient customer service by authorised providers for consumers;”;

(f) in paragraph (h) thereof, for the word “energy;” there shall be substituted with the word “resources”;

(g) in paragraph (i) thereof, the words “energy, water and mineral resources” there shall be substituted the word “resources”;

(h) in paragraph (o) thereof, for the word “licensees” there shall be substituted the words “authorised providers” and for the words “by such licensees;” there shall be substituted the words “by such authorised providers, and on any other matter relating to provision of information by authorised providers to the Authority;”; and

(i) for paragraphs (q) to (t) thereof, there shall be substituted the following new paragraphs:–

“(q) for prescribing the practices to be adopted in regard to safety, and the protection of the environment in relation to any matter regulated by this Act, including any norms in relation to the liability of any person who causes damage to the environment as a result of any activities regulated by or under this Act undertaken by that person;

(r) regarding a contingency plan in the event of any crisis relating to any matter regulated by this Act;

(s) for complaint processing procedures to be implemented by an authorised provider, and for any matter relating to the resolution of any disputes and, or complaints, however so described, relating to any matter regulated by this Act;

(t) in regard to administrative infringements and fines;

(u) regarding cooperation with other authorities and the relationship between the Authority and other public authorities including consultations, provision of information and any other matter of mutual interest;

(v) for the procedure to be followed before the Appeals Board and for the establishment of any such fees as are considered to be necessary in relation to any proceedings before the Appeals Board;

(w) for the procedures to be followed in regard to the settlement of disputes;

(x) for the enforcement powers required by the Authority to perform its functions under this Act;

(y) for prescribing anything which may be or is required to be prescribed by this Act.”.

7. Articles 30 and 31 of the principal Act shall be deleted.

Deletion of articles 30 and 31 of the principal Act.

8. (1) Article 32 of the principal Act shall be renumbered as article 33 thereof.

Renumbering and amendment of article 32 of the principal Act.

(2) In article 33 as renumbered, wherever the word “Board” appears there shall be substituted the words “Appeals Board”.

9. Immediately after article 29 of the principal Act there shall be inserted the following new articles:-

Insertion of new articles 30, 31 and 32 to the principal Act

“Enforcement powers of the Authority.

30. (1) Any officer or employee of the Authority so authorised may, at all reasonable times, enter any premises, vehicle, vessel or any other place, for the purposes of:-

(a) the making of such inspections, tests, measurements, lifting of samples or to ascertain that nothing contrary to the provisions of this Act, to the regulations made thereunder or to any term or condition attached to any licence, permit or authorisation issued under this Act is being carried out;

(b) ascertaining or reproducing such data or information as the Authority may require.

(2) Any person who obstructs or impedes any officer or employee of the Authority in the exercise of his duties under this Act shall be guilty of an offence and shall, on conviction, be liable to imprisonment not exceeding eighteen months or to a fine (*multa*) of not more than thirty thousand liri (sixty nine thousand eight hundred eighty one euros) or to both such fine and imprisonment.

Imposition of administrative fines.

31. (1) The Authority may impose an administrative fine upon any person who infringes any provision of this Act, regulations prescribed thereunder or of any other law which the Authority is entitled to enforce, or who fails to comply with any directive or decision given by the Authority whether under this Act, regulations prescribed thereunder or under any other law which the Authority is entitled to enforce, or who fails to comply with any condition of any authorisation granted under this Act.

(2) An administrative fine imposed under subarticle (1) of this article shall not, unless provided

otherwise under this Act, regulations prescribed thereunder or under any other law which the Authority is entitled to enforce, exceed the indicative values (indicated in the Schedule to the regulations issued under article 28(*t*)) for each infringement or failure to comply.

Power of Minister to make regulations in relation to criminal offences.

32. Without prejudice to any other provision of this Act the Minister may, after consultation with the Authority, make regulations prescribing penalties for criminal offences against any regulations made under this Act, and such regulations may:

(a) prescribe imprisonment and different fines (*multi*) for different offences;

(b) prescribe fines (*multi*) calculated in accordance with the duration of the commission of the offence:

Provided that any such regulations as may be made shall not provide for:

(i) imprisonment for more than eighteen months, or a fine (*multa*) of more than thirty thousand liri, (sixty nine thousand eight hundred eighty one euros) or

(ii) six hundred Maltese liri (one thousand three hundred ninety eight euros) for each day during which the offence persists.”.

Renumbering and amendment of article 33 of the principal Act.

10. (1) Article 33 of the principal Act shall be renumbered as article 34 thereof.

(2) In article 34 as renumbered, wherever there appears the word “Board” there shall be substituted the words “Appeals Board”.

(3) For subarticle (4) of article 34 as renumbered, there shall be substituted the following new subarticle:

“(4) In determining an appeal the Appeals Board shall take into account the merits of the appeal, and may in whole or in part, confirm annul or vary the decision appealed from, giving in writing the reasons for its decision and shall cause such decision to be made public and communicated to the parties to the appeal.”.

11. (1) Article 34 of the principal Act shall be renumbered as article 35 thereof. Renumbering and amendment of article 34 of the principal Act.

(2) In the marginal note to article 35 as renumbered the word “Board” shall be substituted by the words “Appeals Board”.

(3) In article 35 as renumbered, wherever there appears the word “Board” there shall be substituted the words “Appeals Board”,

12. (1) Article 35 of the principal Act shall be renumbered as article 36 thereof. Renumbering and amendment of article 35 of the principal Act.

(2) In article 36 as renumbered, wherever there appears the word “Board” there shall be substituted the words “Appeals Board”.

13. (1) Article 36 of the principal Act shall be renumbered as article 37 thereof. Renumbering and amendment of article 36 of the principal Act.

(2) In subarticle (3) of article 37 as renumbered, wherever there appear the words “article 31” there shall be substituted the words “article 32”.

14. Immediately after article 37 as renumbered of the principal Act there shall be inserted the following new article: Insertion of new article 38 to the principal Act.

“Exemption from liability. 38. The members, officers and employees of the Authority in the performance of their functions under this Act or any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.”.

15. In the Second Schedule to the principal Act, for the words “article 36” there shall be substituted the words “article 37”. Amendment of the Second Schedule to the principal Act.

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Passed by the House of Representatives at Sitting No. 552 of 17th July, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives