

VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,618, 5 ta' Awwissu, 2016

Taqsim A

MALTA

ATT Nru XLIII tal-2016

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jipprovdi għat-twaqqif tal-Awtorità tal-Artijiet, biex tirregola tali attivitajiet u biex jipprovdi għal ħwejjeg ancillari jew incidental għalihom jew li huma konnessi magħhom.

ACT No. XLIII of 2016

AN ACT enacted by the Parliament of Malta.

AN ACT to make provision for the establishment of the Lands Authority, to regulate such activities and to provide for matters ancillary or incidental thereto or connected therewith.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

5 ta' Awwissu, 2016

ATT Nru XLIII tal-2016

ATT biex jipprovdi għat-twaqqif tal-Awtorità tal-Artijiet, biex tirregola tali attivitajiet u biex jipprovdi għal ħwejjeġ ancillari jew inċidentali għalihom jew li huma konnessi magħhom.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2016 dwar l-Awtorità tal-Artijiet.

Titolu fil-qosor u bidu fis-seħħ.

(2) Dan l-Att għandu jidhol fis-seħħ f'dik id-data li l-Ministru jista' jstabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

(3) Avviż taħt is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet transitorji li l-Ministru jidhirlu li jkunu meħtieġa jew spedjenti f'konnessjoni mad-dispożizzjonijiet li jkunu hekk ingiebu fis-seħħ.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'oħra, il-frazzjonijiet li ġejjin għandhom it-tifsira li qed tingħatalhom hawnhekk:

Tifsir.

"aġenzija tal-Gvern" tfisser enti morali mwaqqaf b'ligi u kumpanija fejn il-Gvern jew dak l-enti morali, jew taħlita tagħhom, għandha interess ta' kontroll jew li hija sussidjarja ta' tali kumpanija;

"art" tinkludi bini u kif ukoll art li tkun ġiet iffurmata wara reklamazzjoni tal-art u wkoll il-baħar u qiegh il-baħar;

"awditur" huwa detentur ta' ċertifikat ta' prattika għall-prattika

fil-qasam tal-verifika;

"Awtorità" tfisser l-Awtorità tal-Artijiet stabbilita skont l-artikolu 5 u tinkludi kull korp jew persuna oħra li taġixxi f'isimha taħt setgħat delegati mill-Awtorità taħt dan l-Att, u l-Ministru jista', b'ordni fil-Gazzetta, jinnomina korpi jew persuni differenti bhala awtorità kompetenti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att jew ta' regolamenti magħmulin taħtu;

"Bord" tfisser il-Bord tal-Gvernaturi tal-Awtorità mwaqqaf bl-artikolu 10;

"*Chairperson*" tfisser iċ-*Chairperson* tal-Bord tal-Gvernaturi li għandu jkun iċ-*Chairperson* tal-Awtorità mahtur skont l-artikolu 10;

"funzjonijiet" tinkludi responsabilitajiet, setgħat u dmirijiet;

"Gazzetta" tfisser il-Gazzetta tal-Gvern;

"jiem" tfisser jiem tal-kalendarju;

Kap. 363.

"kunsill lokali" tfisser kunsill lokali mwaqqaf taħt l-Att dwar Kunsilli Lokali;

"Ministru" tfisser il-Ministru jew Segretarju Parlamentari li taħt il-portafoll tiegħu hija inkluża l-Awtorità;

"politika" tfisser politika approvata skont id-dispożizzjonijiet ta' dan l-Att;

"Prim Ministru" tfisser il-Prim Ministru ta' Malta u tinkludi kull persuna awtorizzata mill-Prim Ministru;

"regolament" tfisser regolament magħmul taħt l-artikolu 58;

"sena finanzjarja" tfisser perjodu ta' tnax-il xahar li jagħlaq fil-31 ta' Diċembru ta' kull sena:

Izda l-ewwel sena finanzjarja għandha tibda mad-dhul fis-seħħ ta' dan l-Att u tintemm fil-31 ta' Diċembru tas-sena ta' wara;

"uffiċjal pubbliku" għandha t-tifsira assenjata lilha bl-artikolu 124 tal-Kostituzzjoni.

Dmir li jippromwovi użu komprensiv u sostenibbli tal-art u l-użu ta' sistema ta' proprjetà.

3. Ikun id-dmir tal-Gvern li jottimizza r-riżorsi tal-art u r-riżorsi tal-bini tagħha għall-iżvilupp ekonomiku u soċjali ta' Malta, permezz ta' sistema komprensiva ta' użu sostenibbli tal-art u l-użu tal-proprjetà, u f'dan is-sens:

(a) jiżgura l-aħjar użu ta' art tal-Gvern;

(b) jipprovdi sistema effettiva u affidabbli għall-ġestjoni tal-art, inkluż il-ħruġ u l-garanzija ta' titoli tal-art u demarkazzjoni ġeo-spazjali tal-art; u

(c) jippermetti l-użu sħiħ ta' art u l-bini ta' informazzjoni għall-użu aħjar tal-art u ġestjoni tal-proprjetà u l-ħolqien ta' opportunitajiet godda ta' negozju.

4. Id-dispożizzjonijiet tal-artikolu 3 m'għandhomx ikunu direttament esegwibbli f'xi qorti, iżda, minkejja dan, il-prinċipji li jinsabu fihom huma fundamentali għall-Gvern ta' Malta u dawn il-prinċipji għandhom jiġu impjegati fl-interpretazzjoni tad-dispożizzjonijiet l-oħra ta' dan l-Att jew ta' kull liġi oħra li għandha x'taqsam ma' materji regolati b'dan l-Att.

Applikazzjoni tal-artikolu 3.

5. Għandu jkun hemm korp li jkun magħruf bħala l-Awtorità tal-Artijiet li t-tħaddim tagħha għandu jitwettaq minn Bord kompost minn *chairperson* u mhux anqas minn disa' u mhux aktar minn ħdax-il membru.

Twaqqif tal-Awtorità tal-Artijiet.

6. (1) L-Awtorità għandha tkun korp li jkollu personalità ġuridika distinta u tkun tista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tiddisponi minn kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet tagħha, tħarrek u tiġi mharrka, u tagħmel dak kollu u tidhol fit-transazzjonijiet kollha li jkunu inċidentali jew li jwasslu għall-eżerċizzju jew it-twettiq tal-funzjonijiet tagħha taħt dan l-Att, inkluż is-self ta' flus.

L-Awtorità tkun enti morali u rappreżentanza tal-Awtorità.

(2) Ir-rappreżentanza legali u ġuridika tal-Awtorità tkun vestita fil-Bord:

Izda l-Bord jista' jahtar xi wiehed jew aktar mill-membri tiegħu jew xi wiehed jew aktar mill-uffiċjali jew impjegati tal-Awtorità biex jidhru f'isem u għan-nom tal-Awtorità fi kwalunkwe proċeduri u f'kull att, kuntratt, kitba jew dokument ieħor ikun li jkun:

Izda wkoll fir-rigward ta' kull kwistjoni li taqa' taħt il-funzjonijiet vestiti f'Direttorat, ir-rappreżentanza legali u ġudizzjarja tal-Awtorità tkun vestita wkoll fl-Uffiċjal Kap tad-Direttorat jew dak il-membri ieħor, uffiċjal jew impjegat tal-Awtorità, li l-Bord jista' jahtar jew jawtorizza għal dak l-iskop.

(3) Kull dokument li jidher li jkun strument magħmul jew maħruġ mill-Awtorità u ffirmat miċ-*Chairperson* tal-Bord, jew dak il-membri ieħor tal-Bord jew uffiċjal tal-Awtorità kif jista' permezz tal-Bord, skont is-subartikolu (2), jingħata ir-rappreżentanza legali tal-

Awtorità, għandu jiġi riċevut bi prova u għandu, sakemm ma tingiebx prova kuntrarja, jitqies li jkun strument magħmul jew mahruġ mill-Awtorità.

Funzjonijiet u
ambitu tal-
Awtorità.

7. (1) L-Awtorità għandha tkun il-mezz prinċipali li bih l-Gvern jimplementa dmirijietu taħt dan l-Att.

(2) Bla hsara għal xi setgħa jew funzjoni oħra mogħtija lilha b'dan l-Att jew ta' xi liġi oħra, għandha tkun il-funzjoni tal-Awtorità:

Kap. 169.

(a) li taret u twestaq il-funzjonijiet li qabel kienu assenjati lill-Kummissarju tal-Artijiet skont id-dispożizzjonijiet tal-Ordinanza tal-Artijiet jew kwalunkwe liġi jew leġislazzjoni sussidjarja oħra u li twestaq u tirnexxi fl-assi, jeddijiet, passiv u obbligi tal-Kummissarju tal-Artijiet skont id-dispożizzjonijiet tal-Ordinanza dwar il-Kummissarju tal-Artijiet jew kwalunkwe liġi jew leġislazzjoni sussidjarja, sal-punt li l-Ministru jista' jippreskrivi b'regolamenti taħt dan l-Att;

Kap. 88.

Kap. 228.
Kap. 268.
Kap. 448.

(b) li taret u twestaq il-funzjonijiet li qabel kienu assenjati lill-Gvern ta' Malta skont id-dispożizzjonijiet tal-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, l-Att dwar Żgumbrament minn Artijiet, l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, l-Att dwar l-Amministrazzjoni tal-Artijiet jew xi liġi oħra jew leġislazzjoni sussidjarja u biex twestaq u tirnexxi fl-assi, jeddijiet, passiv u obbligi tal-Gvern ta' Malta skont id-dispożizzjonijiet tal-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, l-Att dwar Żgumbrament minn Artijiet, l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, l-Att dwar l-Amministrazzjoni tal-Artijiet, jew kwalunkwe liġi jew leġislazzjoni sussidjarja, sal-punt li l-Ministru jista' jippreskrivi b'regolamenti taħt dan l-Att;

(ċ) li tamministra bl-akbar mod assolut sabiex isir l-aħjar użu tal-art kollha tal-Gvern ta' Malta u kull art li tiffirma parti mill-isfera pubblika bħall-perimetru tal-kosta, ix-xtut, portijiet, mollijiet, puntuni, *portbeaches*, postijiet ta' nżul, irmiġġi, kanali, akwadotti, lagi, spieri naturali, irdum, widien, pjazez pubbliċi, toroq, sqaqien, korsiji, rotot ta' aċċess għall-postijiet pubbliċi oħra inkluż dawk li jwasslu għall-perimetru tal-kosta, boskijiet, parki, żoni ta' importanza ekoloġika jew ambjentali u s-siti ta' importanza kulturali, soċjali, jew storiċi;

(d) li twestaq kwalunkwe funzjoni oħra li tista' minn żmien għal żmien tiġi assenjata lilha mill-Ministru, inklużi l-funzjonijiet meħtieġa biex jagħtu effett lil xi obbligu internazzjonali li Malta jkollha dwar affarijiet regolati b'dan l-Att;

(e) li tagħti parir lill-Gvern b'mod generali fuq il-formulazzjoni tar-regolamenti fir-rigward tal-art f'Malta u biex tagħmel rakkomandazzjonijiet lill-Gvern dwar l-azzjoni li fil-fehma tal-Awtorità jkunu spjeganti fir-rigward ta' materji li jaqgħu taħt il-funzjonijiet tagħha;

(f) li tordna investigazzjonijiet dwar kull irregolarità b'konnessjoni ma' xi haġa li taqa' taħt il-kompetenza tal-Awtorità li għandha tkun giet mgħarrfa lill-Uffiċjal Kap tal-Verifika skont l-artikolu 19(7) u li żżomm taħt reviżjoni t-transazzjonijiet kollha magħmula u biex tiegħu miżuri biex irażżnu u jipprevjenu kull Prattika li tista' tkun ingusta, ta' hsara jew inkella ta' detriment; u

(g) li jiġu żgurati livelli għolja ta' kondotta u ġestjoni kontinwament.

(3) L-Awtorità tista' wkoll teżerċita l-poteri kollha ta' kontroll fuq l-art f'Malta li jistgħu minn żmien għal żmien jiġu delegati lilha bil-miktub mill-Ministru f'isem xi dipartiment jew aġenzija tal-Gvern.

(4) Għandha tkun il-funzjoni tal-Ministru li jkun żgurat li l-Bord ikun infurmat b'mod sħiħ dwar direzzjonijiet strateġiċi tal-Gvern relattivi għal dan l-Att, u jkun id-dmir tal-imsemmi Bord li jissorvelja l-eżekuzzjoni korretta ta' din il-politika.

(5) L-Awtorità għandha teżerċita d-dmirijiet, il-funzjonijiet u r-responsabbiltajiet tagħha skont id-direzzjonijiet strateġiċi tal-Gvern dwar l-art.

(6) Fil-qadi tal-funzjonijiet tagħha taħt dan l-Att, l-Awtorità għandha tirregola l-proċedura tagħha stess.

(7) Għall-prestazzjoni aħjar tal-funzjonijiet tagħha, l-Awtorità għandha tikkollabora ma' dipartimenti oħra tal-Gvern u awtoritajiet u għandhom isiru arrangamenti għall-iskambju reċiproku ta' informazzjoni u għal forom oħra ta' assistenza.

(8) L-Awtorità għandha tiżgura wkoll li żżomm rekord ta' verifika tal-proċessi kollha tagħha, inklużi kull dokumentazzjoni u rapporti:

Iżda l-proċessi, dokumentazzjoni u rapporti għandhom jiġu diġitalizzati u l-Awtorità tista' wara d-diġitalizzazzjoni tgħaddi lill-Arkivji Nazzjonali l-kopji stampati tal-proċessi, dokumentazzjoni u rapporti wara perjodu ta' għoxrin (20) sena mid-data tas-

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sottomissjoni lill-Awtorità jew lil kwalunkwe entità preċedenti oħra li kienet twettaq l-istess funzjonijiet.

Tmexxija tax-xogħol tal-Awtorità.

8. (1) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, ix-xogħol imwettaq mill-Awtorità għandu jkun ir-responsabbiltà tal-Bord iżda ħlief kif hawn aktar qabel imsemmi, it-tmexxija eżekuttiva tal-Awtorità, l-amministrazzjoni tagħha u l-organizzazzjoni u l-kontroll amministrattiv tad-Direttorati, Unitajiet, Diviżjonijiet u Sezzjonijiet u tal-uffiċjali u l-impjegati, għandha tkun ir-responsabbiltà tal-Uffiċjal Kap Eżekuttiv, li jkollu wkoll dawk isetgħat kollha li minn żmien għal żmien jiġu delegati lilu mill-Ministru.

(2) L-Awtorità u kull wieħed mid-Direttorati tagħha, Unitajiet, Diviżjonijiet u Sezzjonijiet jistgħu jeżerċitaw xi waħda jew aktar mill-funzjonijiet jew responsabbiltajiet tagħhom jew direttament jew permezz ta' xi wieħed mill-uffiċjali tagħhom jew impjegati awtorizzati għall-iskop.

(3) Meta f'dan l-Att xi haġa jkollha ssir minn jew għar-rigward tal-Awtorità, kull haġa bħal din tista' wkoll ssir mid-Direttorati, Unitajiet, Diviżjonijiet u Sezzjonijiet li l-haġa tkun taqa' taħt il-ġurisdizzjoni tagħhom minhabba f'xi delega ta' funzjoni lil tali Direttorat, Unità, Diviżjoni u Sezzjoni; u għall-finijiet hawn qabel imsemmija kull riferenza f'dan l-Att għall-Awtorità tinkludi riferenza għad-Direttorat, Unità, Diviżjoni u Sezzjoni xierqa.

Twaqqif tal-Bord tal-Gvernaturi.

9. Huwa hawnhekk imwaqqaf il-Bord tal-Gvernaturi.

Kompożizzjoni tal-Bord tal-Gvernaturi.

10. (1) Il-membri tal-Bord tal-Gvernaturi għandhom jikkonsistu f'dan li ġej:

- (a) *Chairperson* mahtur mill-Prim Ministru;
- (b) *Vici Chairperson* mahtur mill-Ministru;
- (ċ) Membru tal-Parlament nominat mill-Kap tal-Oppożizzjoni;
- (d) Membru tal-Parlament nominat mill-Prim Ministru;
- (e) persuna nominata mill-Awtorità tal-Ippjanar;
- (f) persuna nominata mill-Awtorità dwar l-Ambjent u r-Rizorsi;
- (g) persuna ta' reputazzjoni rikonoxxuta fil-professjoni

tal-verifika li ma tkunx uffiċjal pubbliku u li għandha tiġi mahtura mill-Ministru;

(h) perit ta' reputazzjoni rikonoxxuta li ma jkunx uffiċjal pubbliku mahtur mill-Ministru;

(i) avukat ta' reputazzjoni rikonoxxuta li ma jkunx uffiċjal pubbliku mahtur mill-Ministru;

(j) membru indipendenti magħżul minn fost persuni ta' integrità magħrufa u bl-għarfien ta' u esperjenza fl-immaniġġjar korporattiv mahtur mill-Ministru.

(2) Il-membri tal-Bord tal-Gvernaturi għandhom jibqgħu fil-kariga għal dak iż-żmien, li jkun perjodu ta' mhux aktar minn erba' snin, kif jista' jkun speċifikat fl-ittra tal-hatra, u għandhom ikunu eliġibbli għal hatra mill-ġdid; u għandhom jirċievu dik ir-remunerazzjoni li l-Ministru jista', minn żmien għal żmien, jistabbilixxi:

Iżda jekk membru jinħatar fi kwalunkwe żmien wara li l-membri l-oħra diġà jkunu ġew mahtura, it-terminu tal-hatra ta' dak il-membri għandu jintemm fl-istess data bħal dik tal-membri l-oħra.

(3) Meta *Chairperson* ikun assenti jew ma jkunx jista' jeżerċita l-funzjonijiet u s-setgħat tal-kariga tiegħu u l-Prim Ministru ma jkunx hatar persuna oħra biex taġixxi bħala *Chairperson* matul il-perjodu ta' assenza jew diżabilità, allura l-Viċi *Chairperson* għandu jwettaq il-funzjonijiet ta' *Chairperson*. Jekk il-Viċi *Chairperson* ikun assenti jew ma jkunx jista' jeżerċita l-funzjonijiet u s-setgħat tal-kariga tiegħu u l-Prim Ministru ma jkunx hatar persuna oħra biex taġixxi bħala Viċi *Chairperson* matul il-perjodu ta' assenza jew diżabilità allura l-membri tal-Bord tal-Gvernaturi għandhom jaħtru wiehed mill-membri tal-Bord biex iwettaq il-funzjonijiet ta' *Chairperson* matul dak il-perjodu.

11. (1) Persuna ma għandhiex tkun eliġibbli li tinħatar jew li tkun fil-kariga bħala membru tal-Bord jekk -

(a) tkun Ministru, Segretarju Parlamentari jew Membru Parlamentari salv għal dawk il-Membri Parlamentari indikati fil-paragrafi 10(1)(ċ) u 10(1)(d); jew

(b) tkun Imħallef jew Maġistrat tal-Qrati tal-Ġustizzja; jew

(ċ) tkun legalment inkapaċitata jew interdetta; jew

Skwalifika minn hatra bħala *Chairperson*, Viċi *Chairperson* jew membru tal-Bord tal-Gvernaturi.

(d) tkun giet dikjarata falluta jew tkun għamlet kompożizzjoni jew arrangament mal-kredituri tagħha; jew

(e) tkun soġġetta għal skwalifika taht l-artikolu 320 tal-Att dwar il-Kumpanniji jew tkun soġġetta għal *blacklisting* kif previst fir-Regolamenti dwar l-Akkwisti Pubbliċi; jew

(f) ikollha xi interess finanzjarju jew ieħor f'xi impriza jew attività li x'aktarx tolgot it-twettiq tal-funzjonijiet tagħha bħala membru tal-Bord; jew

(g) tkun kisret xi dispożizzjoni magħmula minn jew taht xi liġi li tidher li tkun iddisinjata għall-protezzjoni tal-membri tal-pubbliku kontra t-telf finanzjarju minhabba diżonestà, inkompetenza jew prattika hażina kkonċernata fil-forniment ta' servizzi finanzjarji jew fil-ġestjoni tal-kumpanniji; jew

(h) kienet involuta f'xi prattika tan-negozju li tidher lill-Prim Ministru, fil-każ taç-*Chairperson*, jew lill-Ministru, fil-każ tal-Viçi *Chairperson* jew ta' kull membru ieħor tal-Bord, li tkun qarrieqa jew oppressiva jew xort'oħra improprija (kemm jekk illegali jew xort'oħra), jew li tirrifletti b'mod li tiskredita l-metodu ta' kif tmexxi negozju jew attivitajiet professjonali; jew

(i) ikollha xi interess finanzjarju jew ta' xort'oħra li x'aktarx jippreġudika t-twettiq ta' dmirijietha:

Iżda l-Prim Ministru, fil-każ taç-*Chairperson*, jew il-Ministru, fil-każ tal-Viçi *Chairperson* jew xi membru ieħor tal-Bord, jista' jirrinunzja għall-iskwalifika ta' persuna taht dan il-paragrafu jekk tali persuna tiddikjara l-interess u l-Prim Ministru jew il-Ministru, skont kif ikun il-każ, iqis li hemm raġunijiet validi għal tali rinunzja:

Iżda wkoll jekk il-Prim Ministru, fil-każ taç-*Chairperson*, jew il-Ministru, fil-każ tal-Viçi *Chairperson* jew xi membru ieħor tal-Bord, jiddeciedi li jagħti tali rinunzja, id-dikjarazzjoni tal-persuna li tiddikjara l-interess tagħha, ir-rinunzja u r-raġunijiet għaliha għandhom jiġu ppubblikati fil-Gazzetta; jew

(j) ma tkunx persuna kompetenti u idonea biex iżzomm dik il-kariga.

(2) Biex jiġi stabbilit jekk persuna hijiex persuna kompetenti u idonea, il-Prim Ministru, fil-każ taç-*Chairperson*, jew il-Ministru, fil-każ tal-Viçi *Chairperson* jew xi membru ieħor tal-Bord, għandhom iqisu l-integrità tal-persuna, il-kompetenza tagħha u s-solidità tagħha

biex twettaq ir-responsabbiltajiet ta' dik il-kariga, id-diligenza li biha persuna tkun qed twettaq jew x'aktarx tissodisfa dawk ir-responsabbiltajiet u jekk l-interessi ta' xi persuna huma, jew x'aktarx ikunu, fi kwalunkwe mod ta' theddida għaż-żamma tal-kariga tagħha.

(3) Kull persuna li l-Prim Ministru jew il-Ministru jahtar jew jipproponi li jahtar bħala membru tal-Bord għandha, kull meta tintalab mill-Prim Ministru jew Ministru li tagħmel dan, tforni lilhom dik l-informazzjoni li l-Prim Ministru jew il-Ministru jqisu meħtieġa għall-qadi ta' dmirijietha taħt is-subartikoli (1) u (2).

(4) *Iç-Chairperson*, il-*Viči Chairperson* jew membru tal-Bord jista' jitneħħa mill-kariga mill-Prim Ministru jew mill-Ministru minhabba inkapaċità li jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk minhabba mard mentali jew korporali, jew ta' imġiba ħażina; u għall-finijiet ta' dan is-subregolament nuqqas ta' *attendenza* ripetuta u *ingustifikata* għal laqgħat tista' titqies li tammonta għal imġiba ħażina.

(5) *Iç-Chairperson*, il-*Viči Chairperson* jew kwalunkwe membru tal-Bord, jista' jirriżenja mill-kariga tiegħu b'ittra indirizzata lill-Prim Ministru jew lill-Ministru skont il-każ.

(6) Il-hatra ta' kull persuna bħala membru tal-Bord u t-terminazzjoni tal-kariga jew riżenja ta' kwalunkwe tali persuna inkluża r-raġuni għat-tkeċċija jew riżenja, kif applikabbli, għandhom jiġu notifikati fil-Gazzetta.

(7) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Bord għandha ssir vakanti -

(a) meta jiskadilu ż-żmien tal-kariga; jew

(b) jekk ikun hemm ċirkostanzi li jikkawunaw, li kieku ma kienx membru tal-Bord, li jkun skwalifikat milli jinħatar bħala tali.

(8) Membru tal-Bord jista' jitneħħa biss mill-kariga mill-Prim Ministru jew mill-Ministru għal xi waħda jew aktar mir-raġunijiet li ġejjin:

(a) jekk il-membru minhabba mard tal-moħħ jew tal-gisem jew xi kawża oħra effettivament ma jkunx jista' jkompli jaqdi d-dmirijiet tiegħu bħala membru;

(b) jekk l-imġiba jew il-prestazzjoni tal-membru ġgib fid-dubju l-idoneità jew il-kapaċità li jkompli bħala membru, b'mod partikolari għall-imġiba li taffettwa jew li tista' taffettwa

r-reputazzjoni tiegħu, l-indipendenza jew l-awtonomija, jew ir-reputazzjoni, l-indipendenza jew l-awtonomija tal-Awtorità;

(ċ) jekk il-membri jkun instab ħati ta' reat kriminali li jolqot il-fiduċja pubblika, jew ta' serq jew frodi, jew li jkun xjentement laqa' għandu oġġetti miksubin b'serq jew frodi jew ta' tixħim jew ta' hasil ta' flus, jew ta' xi reat kontra dan l-Att jew jekk hu jkun instab ħati ta' reat punibbli bi prigunerija għal żmien ta' sitt xhur jew aktar; jew

(d) jekk il-membri jonqos milli jaqdi dmirijietu għal perjodu twil mingħajr ebda ġustifikazzjoni valida:

Iżda minkejja dan ta' hawn qabel, għandu jkun kawża għat-tneħħija ta' membri jekk dak il-membri għal xi raġuni jonqos milli jaqdi dmirijietu, inkluż li jattendi għal-laqqgħat tal-Bord.

(9) Jekk membri jirriżenja jew jekk il-kariga ta' membri tal-Bord tkun mod ieħor vakanti jew jekk membri għal xi raġuni ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, il-Prim Ministru jew il-Ministru jista' jahtar persuna li tkun kwalifikata biex tkun mahtura bhala membri biex tkun membri temporanju tal-Bord; u kull persuna hekk mahtura għandha, bla ħsara għad-dispożizzjonijiet tal-artikolu 10(2), ittemm milli tkun tali membri meta persuna tkun giet mahtura biex timla l-vakanza jew, skont kif ikun il-każ, meta l-membri li ma setax jaqdi l-funzjonijiet tal-kariga tiegħu jkompli jwettaq dawk il-funzjonijiet.

(10) Kull membri tal-Bord li għandu interess dirett jew indirett f'xi kuntratt magħmul jew li hu maħsub li jsir mill-Awtorità, li ma jkunx interess li jiskwalifika dak il-membri milli jibqa' membri, għandu jiżvela n-natura tal-interess fl-ewwel laqgħa tal-Awtorità wara li l-fatti rilevanti jkunu ġew għall-konozzenza ta' dak il-membri; dan il-fatt għandu jitniżzel fil-minuti tal-laqqgħa, u l-membri li għandu interess kif hawn aktar qabel imsemmi għandu jirtira minn kull laqgħa li fiha jiġi diskuss dak il-kuntratt. Kwalunkwe żvelar bħal dan għandu jiġi kkomunikat lill-Prim Ministru jew lill-Ministru mingħajr dewmien. Fejn l-interess tal-membri huwa tali li jiskwalifika dak il-membri milli jibqa' membri, dak il-membri għandu jirrapporta l-fatt minnufih lill-Prim Ministru jew lill-Ministru u jagħti r-riżenja tiegħu. Barra minn hekk, il-membri:

(a) għandu jirtira minn kull laqgħa u ma jihux sehem fi kwalunkwe diskussjoni jew deċiżjoni tal-Bord fir-rigward ta' din il-kwistjoni; u

(b) għandu jiġi injorat għall-iskop biex ikun kostitwit

kworum għal kwalunkwe tali diskussjonijiet jew deċiżjonijiet.

(11) Il-ħatra ta' kull persuna bħala membru tal-Awtorità u t-terminazzjoni tal-kariga jew riżenja ta' kwalunkwe tali persuna, kif ukoll kull funzjoni addizzjonali oħra assenjata lill-Awtorità mill-Prim Ministru jew mill-Ministru, għandhom jiġu notifikati fil-Gazzetta, u dan għandu jkollu effett minnufih:

Iżda n-nuqqas ta' pubblikazzjoni tal-ħatra jew tmiem tal-kariga, kif ikun il-każ, m'għandu jkollu l-ebda effett fuq il-validità ta' dik il-ħatra jew tmiem.

(12) Kull att magħmul minn persuna *bona fide* bħala membru tal-Bord għandu jkun validu u effettiv daqslikieku kien membru ukoll jekk wara jinstab xi difett fil-kwalifika għall-ħatra tiegħu.

(13) Id-dispożizzjonijiet tal-artikoli 12, 13, 14, 15 u 16 għandhom japplikaw għall-Bord u għandhom jirregolaw il-proċeduri tiegħu.

(14) Il-Bord għandu jibgħat kopja tal-aġenda, minuti u dokumenti relattivi tal-laqgħat tiegħu lill-Prim Ministru u lill-Ministru għall-informazzjoni tagħhom.

(15) Il-membri li ma baqax ikun membru tal-Bord għandu jkun eliġibbli sabiex jerġa' jinħatar.

12. (1) Il-Bord għandu jiltaqa' spiss kemm ikun meħtieġ jew spedjenti imma mill-anqas darba kull xahar. Il-laqgħat għandhom jissejhu miċ-*Chairperson* fuq inizjattiva tiegħu stess jew fuq talba bil-miktub ta' kwalunkwe żewġ membri.

Laqgħat tal-Bord tal-Gvernaturi.

(2) Il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu sakemm ikun hemm kworum li jikkonsisti minn mhux inqas minn ħames membri preżenti fil-laqgħa.

(3) Il-laqgħa tal-Bord għandha tkun preseduta miċ-*Chairperson*, jew fl-assenza tiegħu mill-Viċi *Chairperson*, jew minn membru elett għal-laqgħa partikolari mill-membri l-oħra preżenti fil-laqgħa.

(4) Id-deċiżjonijiet tal-Bord għandhom jittiehdu b'maġġoranza sempliċi tal-voti tal-membri preżenti, u ċ-*Chairperson*, jew persuna oħra li tkun qed tippresedi l-laqgħa, għandu jkollu vot originali u fil-każ ta' voti ndaq għandu jkollu t-tieni vot jew il-vot deċiżiv. Mingħajr preġudizzju għall-ħtiġiet l-oħra ta' dan l-Att, l-ebda deċiżjoni ma tkun valida sakemm ma tkunx appoġġjata minn għall-inqas tliet membri tal-Bord.

(5) (a) Il-Bord għandu jahtar ufficjal tal-Awtorità biex jagħmilha ta' Segretarju tal-Bord għal dak il-perjodu li l-Bord jidhirlu xieraq.

(b) Ikun id-dmir tas-Segretarju li jagħmel il-preparazzjonijiet neccessarji għal-laqgħat tal-Bord u li jzomm il-minuti ta' dawn il-laqgħat. Is-Segretarju għandu jkollu wkoll dmir li jiżgura li l-kopji originali tal-minuti jiġu ffirmati miċ-*Chairperson*, sa mhux aktar tard mil-laqgħa ta' wara u għandu wkoll jiżgura li dawn il-minuti jinżammu kemm f'format elettroniku u fil-format stampat. Kopji tal-minuti għandhom ikunu disponibbli għal kwalunkwe membru tal-Bord fuq sempliċi talba.

(6) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, ebda att jew proċediment tal-Awtorità ma għandu jitqies invalidu unikament minħabba f'li jkun hemm xi vakanza fost il-membri tal-Bord.

(7) Ebda att jew proċediment tal-Awtorità ma għandu jiġi kontestat minħabba fil-ksur, minn xi membru, tad-dispożizzjonijiet tal-artikolu 11(10) ta' dan l-Att.

(8) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, il-Bord jista' jirregola l-proċedimenti u proċedura tiegħu stess.

(9) Il-Bord jista' jistieden kwalunkwe persuna u jista' jitlob li kull ufficjal jew impjegat tal-Awtorità sabiex jattendi laqgħa tal-Bord u biex jieħu sehem fid-diskussjonijiet.

Dispożizzjonijiet dwar il-Bord tal-Gvernaturi.

13. (a) Meta l-Bord jiġi pprezentat b'rakkomandazzjonijiet jew deċiżjonijiet meħuda jew li għandhom jittieħdu mill-Ufficjal Kap Eżekuttiv, il-Bord għandu jiddiskuti l-imsemmija rakkomandazzjonijiet jew id-deċiżjonijiet u jekk il-Bord ma japprovahomx fil-prinċipju, huwa jista', bi ftehim ta' maġġoranza assoluta, jitlob lill-Ufficjal Kap tal-Verifika biex jinvestiga u jirrapporta lura lill-Ufficjal Kap tal-Verifika b'rabta ma' dan. Dawn is-sejbiet għandhom ikunu disponibbli għall-Bord sa mhux aktar tard minn sebat (7) ijiem mid-data minn meta tkun saret it-talba. Meta ssir talba mill-Bord lill-Ufficjal Kap tal-Verifika sabiex jinvestiga kwalunkwe rakkomandazzjoni jew deċiżjoni, din għandha tiġi notifikata minnufih lill-Ministru.

(b) Il-Bord għandu mbaġħad jiddiskuti s-sejbiet tal-Ufficjal Kap tal-Verifika fir-rigward tar-rakkomandazzjonijiet jew deċiżjonijiet tal-Ufficjal Kap Eżekuttiv u jieħu deċiżjoni dwar jekk għandux japprova jew jħassar l-imsemmija rakkomandazzjoni jew

deċiżjoni tal-Uffiċjal Kap Eżekuttiv.

(c) Meta l-Bord jivvota kontra rakkomandazzjoni jew deċiżjoni meħuda mill-Uffiċjal Kap Eżekuttiv, u b'hekk iħassar l-imsemmija rakkomandazzjoni jew deċiżjoni, il-Bord għandu jirreġistra fil-proċess relattiv ir-raġunijiet speċifiċi magħmula minnu sabiex jiġġustifika l-vot tiegħu. Tali deċiżjoni tal-Bord għandha tiġi notifikata minnufih lill-Ministru. Il-Ministru jista', jekk iqis meħtieġ, u wara li jagħti raġunijiet dettaljati, jibgħat lura lill-Bord id-deċiżjoni għar-rikonsiderazzjoni tiegħu.

Id-deċiżjoni mill-Bord biex iwarrab ir-rakkomandazzjoni jew id-deċiżjoni tal-Uffiċjal Kap Eżekuttiv għandha tkun notifikata wkoll lil kwalunkwe terza parti li tkun affettwata minn tali deċiżjoni u dik it-terza parti għandha d-dritt li tikkontesta d-deċiżjoni meħuda mill-Bord kif previst fl-artikolu 57. Sakemm tinstema' l-proċedura ta' appell, id-deċiżjoni tal-Bord għandha tkun sospiża. Kwalunkwe deċiżjoni mogħtija mit-Tribunal Amministrattiv u mill-Qorti tal-Appell għandha tinkludi fiha dikjarazzjoni jekk tikkonfermax jew le d-deċiżjoni meħuda mill-Bord biex iwarrab id-deċiżjoni. Fl-eventwalità li t-Tribunal jew il-Qorti tikkonferma l-imsemmija deċiżjoni tal-Bord, l-awtorità jew l-uffiċjali tagħha m'għandhomx ikunu responsabbli għal kwalunkwe pretensjoni, inkluża, imma mhux biss, xi talba għad-danni fir-rigward tad-deċiżjoni kif mibdula.

(d) Meta l-Bord jivvota favur rakkomandazzjoni jew deċiżjoni meħuda mill-Uffiċjal Kap Eżekuttiv, il-Bord għandu jirreġistra fil-proċess relattiv ir-raġunijiet speċifiċi magħmula minnu sabiex jiġġustifika l-vot tiegħu. Tali deċiżjoni tal-Bord għandha tiġi notifikata minnufih lill-Ministru. Il-Ministru jista', jekk iqis meħtieġ, u wara li jagħti raġunijiet dettaljati, jibgħat lura lill-Bord id-deċiżjoni għar-rikonsiderazzjoni tiegħu.

(e) Meta l-Bord jivvota favur rakkomandazzjoni jew deċiżjoni meħuda mill-Uffiċjal Kap Eżekuttiv, li kontra tagħha l-Uffiċjal Kap tal-Verifika jagħmel sejbiet ħżiena, il-Bord għandu jirreġistra fil-proċess relattiv ir-raġunijiet speċifiċi magħmula minnu sabiex jiġġustifika tali rakkomandazzjoni jew deċiżjoni meħuda. Deċiżjoni bħal din għandha tkun notifikata minnufih lill-Ministru. Il-Ministru jista', jekk iqis meħtieġ, u wara li jagħti raġunijiet dettaljati, jibgħat lura lill-Bord id-deċiżjoni għar-rikonsiderazzjoni tiegħu.

(f) Il-kworum għandu jikkonsisti miċ-*Chairperson* jew Viċi *Chairperson* u erba' membri tal-Bord.

(g) Iċ-*Chairperson*, jew il-Viċi *Chairperson* li jaġixxi minflok, ikollu vot oriġinali u fil-każ ta' voti ndaq ikollu vot

deċiżiv. Il-membri kollha tal-Bord preżenti fil-laqgħat għandhom jittfgħu l-vot tagħhom favur jew kontra mozzjoni li titressaq għall-vot. Id-deċiżjonijiet għandhom jiġu adottati b'maġġoranza sempliċi tal-membri preżenti bid-dritt tal-vot.

(h) Il-Bord ma jistax jiddelega liċ-*Chairperson* jew lill-membri tiegħu, il-poter li japprova kull dokument jew pjanijiet relatati ma' kwalunkwe kwistjoni taħt il-konsiderazzjoni tiegħu.

(i) L-Uffiċjal Kap Eżekuttiv għandu jkun direttament responsabbli għad-deċiżjonijiet jew ir-rakkomandazzjonijiet tiegħu lill-Bord.

(j) L-Uffiċjal Kap tal-Verifika għandu jkun responsabbli għas-sejbiet tiegħu lill-Uffiċjal Kap Eżekuttiv u lill-Bord.

Funzjonijiet tal-Bord tal-Gvernaturi.

14. (1) Il-funzjonijiet tal-Bord għandhom ikunu dawn li ġejjin:

(a) li jistabbilixxi l-linji regolatorji li għandhom jiġu segwiti mill-Awtorità. Fid-determinazzjoni ta' dawn ir-regoli, il-Bord għandu jsegwi linji gwida li jistgħu jiġu stabbiliti mill-Gvern;

(b) li jipprovdi ufficiċju centralizzat biex jirċievi u jipproċessa l-applikazzjonijiet u d-dokumenti;

(c) li jipprovdi ufficiċju centralizzat għall-ilqugh u l-ipproċessar tal-ilmenti, rapporti u valutazzjoni tal-informazzjoni, relatati ma' allegat ksur tad-dispożizzjonijiet ta' dan l-Att, u jikkoordina l-investigazzjonijiet meħuda mill-awtoritajiet kompetenti kull meta l-Awtorità hija tal-fehma li ksur għandu jiġi investigat;

(d) li jifformula, jimplimenta u jaġġorna l-pjanijiet u r-regoli relatati mal-promozzjoni tal-proprjetà kollha tal-Gvern, u materji oħra li jistgħu jkunu meħtieġa, anċillari, inċidentali jew li jwasslu għat-tweqqig aħjar tad-dispożizzjonijiet ta' dan l-Att;

(e) li jfittex il-kooperazzjoni ta', jew jagħmel arrangamenti ma' entitajiet jew persuni oħra biex ikun jista' jimmonitorja aħjar l-implimentazzjoni u l-konformità mad-dispożizzjonijiet ta' dan l-Att;

(f) biex jistabbilixxi għanijiet u strategiji fit-tul u fil-qosor għall-amministrazzjoni xierqa tal-Awtorità;

(g) li jagħti parir lill-Ministru fuq l-għemil ta' linji

gwida u r-regolamenti taht dan l-Att;

(h) biex jagħmel ordnijiet taht dan l-Att;

(i) li joħroġ dokumenti ta' gwida teknika li jistgħu jkunu meħtieġa minn żmien għal żmien;

(j) li jahtar minn żmien għal żmien sotto-komitati għall-fini ta' ġbir ta' rapporti tekniċi u, jew sabiex jiġu identifikati proċeduri li għandhom ikunu adottati.

(2) Fit-twertiq tal-funzjonijiet tiegħu taht dan l-Att, il-Bord għandu jikkonsulta mal-Ministru, u l-Bord għandu jkollu u jista' jeżerċita kull jew xi waħda jew aktar mis-setgħat mogħtija lilu jew fdati lilu minn dan l-Att.

15. (1) Il-Ministru għandu jahtar Uffiċjal Kap Eżekuttiv wara sejha pubblika. Tali haħra għandha tkun għal perjodu ta' tliet snin li tista' tiġi estiża għal perjodi oħra ta' tliet snin kull wieħed. Il-kundizzjonijiet li jappartjenu għall-kwalifika għall-haħra tal-membri tal-Bord u tal-kariga tagħhom bħala membri tal-awtorità, kif imniżżel fl-artikolu 11, għandhom jappartjenu wkoll għall-haħra tal-Uffiċjal Kap Eżekuttiv.

Haħra ta'
Uffiċjal Kap
Eżekuttiv.

(2) L-Uffiċjal Kap Eżekuttiv għandu fuq talba tal-Bord jattendi l-laqgħat tal-Bord, izda ma għandux jivvota f'dawk il-laqgħat:

Izda l-Awtorità tista', jekk hekk jidhrilha xieraq, tesigi li l-Uffiċjal Kap Eżekuttiv ma jattendix xi seduta jew xi parti ta' laqgħa li matulha s-sejbiet tal-Uffiċjal Kap tal-Verifika huma diskussi fir-rigward tar-rakkomandazzjonijiet u d-deċiżjonijiet meħuda mill-Uffiċjal Kap Eżekuttiv.

(3) L-Uffiċjal Kap Eżekuttiv għandu jkun responsabbli għall-implimentazzjoni tal-oġġettivi tal-Awtorità kif stabbiliti mill-Bord. Fl-eżerċizzju tal-funzjonijiet tiegħu u mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi l-Uffiċjal Kap Eżekuttiv għandu:

(a) jassumi s-superviżjoni u l-kontroll totali tad-Direttorati, inkluż it-twaqqif tal-Unitajiet, Diviżjonijiet u Sezżjonijiet li fil-fehma tal-Uffiċjal Kap Eżekuttiv jistgħu jkunu meħtieġa għall-funzjonament xieraq tal-Awtorità u jassenja lil dawn id-dipartimenti d-dmirijiet rispettivi tagħhom;

(b) jikkordina l-ħidma tad-Direttorati, Unitajiet, Diviżjonijiet u Sezżjonijiet u jassenja lid-Direttorati dmirijiet

bħal dawn li huma minn, jew skont, id-dispożizzjonijiet ta' dan l-Att vestiti f'dawk id-Direttorati, Unitajiet, Diviżjonijiet u Sezzjonijiet;

(ċ) jiżviluppa l-istrategġiji meħtieġa għall-implimentazzjoni kontinwa tal-objettivi tal-Awtorità;

(d) jagħti l-parir tiegħu dwar kull kwistjoni riferita lilu jew fuq xi kwistjoni li fuqha huwa jqis li l-parir tiegħu jkun meħtieġ jew spedjenti;

(e) iwettaq dawk il-funzjonijiet u d-dmirijiet li l-Ministru jista' jassenjalu minn żmien għal żmien;

(f) jistabbilixxi u jikkordina gruppi li jiġu mwaqqfa minn żmien għal żmien biex jifformulaw regolamenti.

(4) L-Uffiċjal Kap Eżekuttiv m'għandu jkollu ebda kariga jew pozizzjoni oħra mingħajr il-kunsens tal-Ministru.

(5) L-Uffiċjal Kap Eżekuttiv jista' jitkeċċa mill-Bord fi kwalunkwe żmien għal kawża ġusta u għandha tiġi meqjusa bħala kawża ġusta jekk il-Bord jiddetermina li huwa ma jkunx kiseb il-miri u l-għanijiet stabbiliti għalih mill-Bord.

(6) Fin-nuqqas tal-Uffiċjal Kap Eżekuttiv, jew jekk l-Uffiċjal Kap Eżekuttiv ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk taht din jew xi dispożizzjoni oħra ta' dan l-Att, iċ-*Chairperson* tal-Bord jista', wara konsultazzjoni mal-Uffiċjal Kap Eżekuttiv, jahtar kull wieħed mill-uffiċjali jew impjegati tal-Awtorità biex jaġixxi bħala Agent Uffiċjal Kap Eżekuttiv.

Hatra tal-Uffiċjal Kap tal-Verifika.

16. (1) Il-Bord għandu jahtar Uffiċjal Kap tal-Verifika li jkun inkarigat mid-Direttorat għall-Awditjar Intern u Investigazzjonijiet. Tali hatra għandha tkun għal perjodu ta' tliet snin li tista' tiġi estiza għal perjodu ieħor ta' tliet snin. Fl-ebda każ m'għandu l-Uffiċjal Kap tal-Verifika jkun f'din il-kariga għal aktar minn sitt snin. Il-kundizzjonijiet li jappartjenu għall-kwalifika għall-hatra tal-membri tal-Bord u għall-kariga tagħhom bħala membri tal-Awtorità kif imniżżel fl-artikolu 11 għandhom ukoll jappartjenu għall-hatra tal-Uffiċjal Kap tal-Verifika.

(2) L-Uffiċjal Kap tal-Verifika għandu jattendi l-laqgħat kollha tal-Bord kull meta jkunu qegħdin jiġu diskussi s-sejbiet tiegħu rigward l-investigazzjoni fuq rakkomandazzjoni jew deċiżjoni tal-Uffiċjal Kap Eżekuttiv.

(3) L-Uffiċjal Kap tal-Verifika għandu jkun responsabbli

għall-implimentazzjoni tal-għanijiet tad-Direttorat għall-Awditjar Intern u Investigazzjonijiet kif stabbilit mill-Bord. Fl-eżerċizzju tal-funzjonijiet tiegħu u mingħajr preġudizzju għall-generalità ta' dak imsemmi l-Uffiċjal Kap tal-Verifika għandu:

(a) iservi bħala persuna indipendenti u oġġettiva, waqt li jħares il-funzjoni interna tal-finanzi tal-Awtorità;

(b) jissalvagwardja l-indipendenza kontinwa tal-Bord u l-uffiċjali tal-Awtorità;

(ċ) japprova jew b'mod ieħor jippjana baġits u l-iskedi magħmula mill-Uffiċjal Kap Eżekuttiv għall-amministrazzjoni xierqa tal-Awtorità;

(d) jinvestiga rakkomandazzjonijiet u deċiżjonijiet magħmula jew li għandhom isiru mill-Uffiċjal Kap Eżekuttiv jew kull uffiċjal ieħor tal-Awtorità jew meta mitlub biex jagħmel dan mill-Bord jew minn jeddu;

(e) jassumi s-sorveljanza generali u l-kontroll tad-Direttorat għall-Awditjar Intern u Investigazzjonijiet, inkluż it-twaqqif tal-Unitajiet, Diviżjonijiet u Sezzjonijiet li fil-fehma tal-Uffiċjal Kap tal-Verifika jistgħu jkunu meħtieġa għall-funzjonament tajjeb tad-Direttorat u jassenja lil dawn id-dipartimenti d-dmirijiet rispettivi tagħhom;

(f) jikkordina l-ħidma ta' dan id-Direttorat u l-Unitajiet, Diviżjonijiet u Sezzjonijiet fl-imsemmi Direttorat u jassenja lill-Unitajiet, Diviżjonijiet u Sezzjonijiet dawk id-dmirijiet li huma minn, jew skont, id-dispożizzjonijiet ta' dan l-Att vestiti f'dak id-Direttorat, Unitajiet, Diviżjonijiet u Sezzjonijiet;

(g) jizviluppa l-istrategiji meħtieġa għall-implimentazzjoni kontinwa tal-oġġettivi tad-Direttorat;

(h) jeħtieġ lill-Awtorità li twettaq il-kompiti speċifiċi kif previst taħt dan l-Att kif u meta jkun meħtieġ;

(i) jagħti l-parir tiegħu dwar kull kwistjoni riferita lilu jew fuq xi kwistjoni li fuqha huwa jqis li l-parir tiegħu jkun meħtieġ jew spedjenti;

(j) jiformula regolamenti, proċeduri u metodi għall-funzjonament tajjeb tal-verifika interna u għat-twettiq ta' investigazzjonijiet finanzjarji fl-Awtorità meta jkun meħtieġ jew spedjenti;

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(k) jistabbilixxi u jikkordina gruppi li jitwaqqfu minn żmien għal żmien biex jiformulaw regolamenti; u

(l) iwettaq dawk il-funzjonijiet u dmirijiet oħra li l-Ministru jew il-Bord jistgħu jassenjawlu minn żmien għal żmien.

(4) L-Uffiċjal Kap tal-Verifika m'għandu jkollu ebda kariga jew pożizzjoni oħra mingħajr il-kunsens tal-Awtorità.

(5) L-Uffiċjal Kap tal-Verifika jista' jitkeċċa mill-Kamra tad-Deputati b'vot tal-maġġoranza assoluta, fi kwalunkwe żmien għal kawża ġusta u għandha tkun kawża ġusta jekk il-Kamra tad-Deputati tiddetermina li hu ma jkunx kiseb il-miri u l-għanijiet stabbiliti għalih mill-Bord.

(6) Fin-nuqqas tal-Uffiċjal Kap tal-Verifika, jew jekk l-Uffiċjal Kap tal-Verifika ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk taht din jew xi dispożizzjoni oħra ta' dan l-Att, iċ-*Chairperson* jista', wara konsultazzjoni mal-Ministru, jahtar kwalunkwe wieħed mill-uffiċjali jew impjegati tal-Awtorità biex jaġixxi bħala Agent Uffiċjal Kap tal-Verifika.

Relazzjonijiet
bejn il-Ministru
u l-Awtorità.

17. (1) Il-Ministru jista', dwar kull haġa li jidhirlu li tolgot l-interess pubbliku, minn żmien għal żmien jagħti lill-Awtorità ordnijiet bil-miktub ta' xorta ġenerali, mhux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, dwar il-politika li għandha tiġi segwita fit-twettiq tal-funzjonijiet vestiti fl-Awtorità minn jew taht dan l-Att, u l-Awtorità għandha, malli tkun tista', tagħti seħħ lil dawk id-direttivi.

(2) L-Awtorità għandha tagħti lill-Ministru faċilitajiet biex jikseb informazzjoni dwar il-proprjetà u l-attivitajiet tagħha u tipprovdilu prospetti, kontijiet u informazzjoni oħra f'dan ir-rigward, u tagħtih kull faċilità biex ikun jista' jivverifika l-informazzjoni li tingħatalu, b'dak il-mod u f'kull waqt li huwa jista' raġonevolment ikun jehtieg.

(3) Jekk l-Awtorità tonqos milli tikkonforma ma' xi direttiva maħruġa taht dan l-artikolu, il-Prim Ministru jista' jagħmel ordni li jittrasferixxi lill-Ministru għal kollox jew parzjalment kwalunkwe funzjoni tal-Awtorità.

(4) L-Awtorità għandha, fuq inizjattiva tagħha stess jew fuq talba tal-Ministru, tagħti parir lill-Ministru fuq kull kwistjoni li tikkonċerna proprjetà tal-Gvern.

(5) L-Awtorità għandha tibgħat kopja tal-minuti tal-laqgħat

tagħha lill-Ministru kemm jista' jkun malajr wara kull laqgħa.

(6) Il-Ministru għandu jfittex il-parir tal-Awtorità, inkluż kwalunkwe wiehed mill-uffiċjali tagħha, qabel ma jagħmel regolamenti:

Izda l-Ministru jista' jstabbilixxi żmien raġonevoli, li ma għandux ikun inqas minn hmistax-il jum, għall-ghoti ta' pariri dwar ir-regolamenti proposti, u jekk l-Awtorità jew l-uffiċjal ma jagħtix il-parir tiegħu f'dak iż-żmien hekk stabbilit, il-Ministru jista' jipproċedi biex jagħmel dawk ir-regolamenti:

Izda wkoll il-Ministru jista', meta huwa jidhirli li l-kwistjoni tkun urgenti, jagħti avviz ta' dan lill-Awtorità jew lill-uffiċjal u f'dan il-każ l-Awtorità jew l-uffiċjal għandu jagħti l-parir tiegħu fi żmien jumejn, u fin-nuqqas il-Ministru jista' jipproċedi biex jagħmel ir-regolamenti.

(7) Meta l-Ministru jirċievi pariri dwar kwistjonijiet relatati mal-proprjetà tal-Gvern minn barra l-Awtorità, il-Ministru għandu jgħaddi dan il-parir lill-Awtorità għall-kummenti tagħha dwar dan.

18. (1) Il-Bord, flimkien mal-Uffiċjal Kap Eżekuttiv, għandhom iwaqqfu Direttorati li għandu jkollhom ir-responsabbiltajiet rispettivi tagħhom. Il-Bord, flimkien mal-Uffiċjal Kap Eżekuttiv, jista' minn żmien għal żmien jabolixxi jew jibdel ir-responsabbiltajiet ta' dawn id-Direttorati, kif jidhirli xieraq. Il-Ministru għandu jiġi infurmat immedjatament dwar kwalunkwe deċiżjoni bħal din:

Twaqqif ta'
Direttorati.

Izda fl-eventwalità li d-Direttorat għall-Awditjar Intern u Investigazzjonijiet jiġi propost li jitneħħa, jew ir-responsabbiltajiet tiegħu varjati jew imneħħija, allura tali deċiżjoni għandha tittiehed b'vot fil-Kamra tad-Deputati b'maġġoranza assoluta.

(2) Il-Bord għandu bil-miktub jagħti lid-Direttorati mwaqqfa taht is-subartikolu (1), u soġġetti għas-supervizjoni u l-kontroll totali tal-Uffiċjal Kap Eżekuttiv, dawk mill-funzjonijiet tal-Awtorità li għandhom x'jaqsmu jew huma anċillari għall-kwistjonijiet li għalihom dawk id-Direttorati jkunu responsabbli. L-imsemmija Direttorati għandhom jagħtu effett lill-istrategiji, regoli u d-direttivi tal-Awtorità u jaqdu b'mod effikaċi u effiċjenti l-funzjonijiet tal-Awtorità fl-oqsma ta' operazzjoni rispettiva tagħhom.

(3) Kull Direttorat imwaqqaf taht is-subartikolu (1) għandu jitmexxa minn persuna, hawn iżjed 'il quddiem imsejjaħ "Uffiċjal Kap", li jkollha esperjenza jew għarfien adegwat fil-qasam rispettiv tal-hidma li għandha li tkun uffiċjal pubbliku li jaqdi dmirijiet mal-

Awtorità jew impjegat tal-Awtorità, jew persuna mqabnda biex tagħmel xogħol fi hdan l-Awtorità skont ftehim bejn l-Awtorità u impriża pubblika jew privata.

(4) Dawk il-Kapijiet Uffiċjali għandhom jinhatru mill-Bord bl-approvazzjoni tal-Ministru għal perjodu ta' tliet snin li jista' jiġi estiż għal perjodu ieħor ta' tliet snin sa massimu ta' sitt snin. Il-kundizzjonijiet li jappartjenu għall-kwalifika għall-ħatra ta' persuni u ż-żamma tal-kariga tagħhom bhala membri tal-Awtorità kif imniżżel fl-artikolu 11 għandhom japplikaw ukoll għall-ħatra tagħhom.

(5) Ikun id-dmir tad-Direttorati tal-Awtorità li jipprovdu lill-Bord l-informazzjoni kollha li tista' tkun meħtieġa għat-tweġġ xieraq tal-funzjonijiet tiegħu u b'mod partikolari biex jiġi żgurat li r-regoli qed jitwettqu kif suppost.

Id-Direttorat
għall-Awditjar
Intern u
Investigazz-
jonijiet.

19. (1) Il-Bord għandu jahtar Uffiċjal Kap tal-Verifika li jkun inkarigat mid-Direttorat għall-Awditjar Intern u Investigazzjonijiet kif stipulat fl-artikolu 16, b'istruzzjonijiet bil-miktub, li jistabbilixxu b'mod ċar l-awtorità, ir-responsabbiltajiet u d-dmirijiet ta' tali Uffiċjal Kap tal-Verifika.

(2) Mingħajr preġudizzju għall-generalità ta' dak li ntqal qabel, l-uffiċjali f'dan id-Direttorat għandhom ikunu uffiċjali pubbliċi.

(3) L-Uffiċjal Kap tal-Verifika għandu jkun responsabbli għall-ġestjoni minn jum għal jum tad-Direttorat.

(4) L-Uffiċjal Kap tal-Verifika għandu immedjatament malli tiġi konkluża investigazzjoni finanzjarja jew verifika interna jittrasmetti r-rapport tiegħu lill-Uffiċjal Kap Eżekuttiv u l-Bord. L-Uffiċjal Kap tal-Verifika għandu jittrasmetti wkoll kopja ta' dak ir-rapport lill-Prim Ministru, lill-Ministru u lill-*Speaker* tal-Kamra tad-Deputati li għandu jqiegħed dan ir-rapport fuq il-Mejda tal-Kamra immedjatament:

Iżda kull kostatazzjoni magħmula mill-Uffiċjal Kap tal-Verifika fir-rigward tal-persuna tal-Uffiċjal Kap Eżekuttiv fl-eżerċizzju tal-funzjonijiet tiegħu għandhom ikunu mibgħuta direttament lill-Bord, lill-Ministru u lill-*Speaker* tal-Kamra tad-Deputati li għandu jqiegħed dawn is-sejbiet fuq il-Mejda tal-Kamra immedjatament.

(5) Fi zmien xahar mill-wasla ta' dak ir-rapport, il-Bord għandu jagħti dawk l-istruzzjonijiet lill-Uffiċjal Kap Eżekuttiv jew lil xi uffiċjal ieħor tal-Awtorità kif jista' jkun meħtieġ biex jirrimedja xi nuqqasijiet u għandu jinforma lill-Uffiċjal Kap tal-Verifika dwar dan.

(6) L-Uffiċjal Kap tal-Verifika għandu jwettaq dawk ir-revizjonijiet li jistgħu jkunu meħtieġa wara verifika interna u investigazzjoni finanzjarja.

(7) Jekk xi persuna għandha raġuni biex tissuspetta xi irregolarità li qiegħda ssehh fl-Awtorità, jew ikollha raġuni biex tissuspetta li ser jiġi kommess reat kriminali fuq fondi jew proprjetà pubblika, allura dik il-persuna għandha, permezz ta' ittra jew mezzi elettronici tinforma lill-Uffiċjal Kap tal-Verifika li għandu mbagħhad, wara li jevalwa l-irregolarità u jikkonkludi li hemm raġunijiet *prima facie* biex jinvestiga, iwettaq verifika interna jew investigazzjoni finanzjarja. L-imsemmija persuna għandha tipprovdi lill-Uffiċjal Kap tal-Verifika l-informazzjoni kollha relatata li jkollha f'idejha. Fi kwalunkwe każ, ukoll meta l-Uffiċjal Kap tal-Verifika jikkonkludi li ma hemmx bażi sabiex jingħata bidu għal investigazzjoni, huwa għandu jirrapporta, fi ktieb ta' ilmenti, l-ilmenti kollha rigward irregolaritajiet li huwa jkun irċieva. L-Uffiċjal Kap tal-Verifika huwa marbut li kull xahar jibgħat lill-Ministru, lill-Bord u lill-Uffiċjal Kap Eżekuttiv, rapport li jikkompila lista tal-ilmenti li saru.

(8) Il-membri tad-Direttorat tal-Awditjar Intern u Investigazzjonijiet għandhom jinhatru taht dawk il-pattijiet u kondizzjonijiet li jistgħu jiġu stabbiliti mill-Bord.

(9) L-Uffiċjal Kap tal-Verifika għandu jirrapporta direttament lill-Bord tal-anqas darba kull tliet xhur u fi kwalunkwe żmien skont kif jista' jiġi ordnat mill-Bord.

(10) Mingħajr preġudizzju għall-generalità tad-dispożizzjonijiet tas-subartikolu (1), id-Direttorat tal-Awditjar Intern u Investigazzjonijiet għandu jkollu l-funzjonijiet li ġejjin:

(a) li jipprovdi sorveljanza tas-sistemi ta' kontroll interni u l-ġestjoni tar-riskji tal-Awtorità u li jassisti u jappoġġja lill-Bord fit-tweqqi tar-responsabbiltajiet tiegħu fir-rigward tagħhom;

(b) li jipprovdi l-konnessjoni ma' awdituri esterni biex jevalwaw u jikkoordina l-proċess tal-verifika u r-rappurtar finanzjarju tal-Awtorità;

(c) li jiskrutinizza u jevalwa kull transazzjoni li tkun dahlet għaliha l-Awtorità b'valur li jeċċedi l-mitt elf euro (€100,000);

(d) li jirrevedi u jevalwa l-effettività tal-ġestjoni tal-Awtorità f'konformità mar-regoli u fit-tweqqi tal-funzjonijiet

regolatorji u ta' konformità tagħha; u

(e) biex jamministra r-riskji kollha l-aktar importanti mwettqa mill-Awtorità.

L-Uffiċjal Kap tal-Verifika għandu jiġi pprovdut bl-aġenda u d-dokumentazzjoni.

20. (1) L-Uffiċjal Kap tal-Verifika għandu jiġi pprovdut bl-aġenda u d-dokumentazzjoni kollha mressqa lill-Bord għad-diskussjoni tagħhom flimkien mal-minuti kollha meħuda matul il-laqgħat tal-Bord. L-Uffiċjal Kap tal-Verifika għandu jkollu d-dritt li jattendi kull laqgħa tal-Bord u jressaq l-fehmiet tiegħu, opinjonijiet, rakkomandazzjonijiet u konkluzjonijiet lill-Bord.

(2) L-Uffiċjal Kap tal-Verifika għandu jkollu d-dritt li jistaqsi għal kwalunkwe dokumentazzjoni u informazzjoni li jidhirlu meħtieġa mill-Awtorità u mill-uffiċjali u l-impjegati tagħha, inkluż mingħand il-konsulenti u dawk li jagħtuha parir. L-Awtorità u l-uffiċjali u l-impjegati, inklużi l-konsulenti u dawk li jagħtuha parir, m'għandhom jirrifjutaw l-ebda talba magħmula mill-Uffiċjal Kap tal-Verifika f'dan ir-rigward.

Suspett ta' irregolarità.

21. Jekk persuna fi ħdan l-Awtorità jkollha raġuni tissuspetta xi irregolarità u, jew ikollha raġuni biex tissuspetta li ser jiġi jew gie kommess reat kriminali fir-rigward ta' fondi pubbliċi jew proprjetà, din għandha tirreferi l-materja minnufih lill-Uffiċjal Kap tal-Verifika, u għandha tipprovdi lill-imsemmi Uffiċjal Kap tal-Verifika l-informazzjoni kollha relatata li jkollha f'idejha.

Konflitt ta' interess.

22. (1) Meta l-Uffiċjal Kap tal-Verifika, l-Uffiċjal Kap Eżekuttiv jew il-Bord jidhirlu li jkun hemm konflitt ta' interess jekk l-Uffiċjal Kap tal-Verifika nnifsu kellu jagħmel verifika interna jew investigazzjoni finanzjarja, il-Bord jista' jahtar uffiċjal pubbliku anzjan minn fost l-uffiċjali tad-Direttorat biex iwettaq dik l-investigazzjoni minflok.

(2) Ikun id-dmir ta' kull uffiċjal tad-Direttorat li jkollu xi forma ta' konflitt ta' interess f'xi awditjar intern jew investigazzjoni finanzjarja, li jiġi lillu assenjat, sew jekk tali konflitt hux dirett jew indirett, li jiżvela minnufih lill-Uffiċjal Kap tal-Verifika, l-Uffiċjal Kap Eżekuttiv u l-Bord l-interess tiegħu u joqgħod lura kompletament milli jinvolvi ruħu f'dik il-kawża partikolari:

Izda kull uffiċjal tad-Direttorat li jaġixxi xjentement kontra dan is-subartikolu jkun haġi ta' reat kontra dan l-Att u, jeħel, meta jinsab haġi, multa ta' mhux iżjed minn elfejn u ħames mitt euro (€2,500), u għandu jkun soġġett ukoll għal proċeduri dixxiplinarji kif previst fir-Regolamenti dwar il-Proċeduri Dixxiplinarji tal-Kummissjoni għas-Servizz Pubbliku.

23. Kull meta, u malli, l-Uffiċjal Kap tal-Verifika jistabbilixxi l-eżistenza ta' kazijiet suspettati ta' irregolaritajiet u, jew f'kazijiet fejn hemm suspett ta' reati kriminali li jikkoncernaw ir-responsabbiltajiet tal-persuna taht verifika, iċ-*Chairperson* tal-Bord, jekk l-Uffiċjal Kap tal-Verifika huwa tal-fehma li l-irregolarità, jekk tiġi ppruvata, tikkostitwixxi reat kriminali, għandu minnufih jinforma lill-Kummissarju tal-Pulizija u lill-Ministru; xort'oħra, jekk l-Uffiċjal Kap tal-Verifika huwa tal-fehma li l-irregolarità hija ta' natura amministrattiva, huwa għandu jinforma liċ-*Chairperson* tal-Bord, lill-Uffiċjal Kap Eżekuttiv u lill-Ministru.

Kazijiet suspettużi ta' irregolarità jew ta' reati kriminali.

24. (1) L-Uffiċjal Kap tal-Verifika għandu, mhux aktar tard mill-ewwel tliet xhur ta' kull sena, iħejji Rapport Annwali tal-Verifika u jittrasmetti dan ir-Rapport Annwali tal-Verifika lill-Bord, lill-Uffiċjal Kap Eżekuttiv, lill-Prim Ministru, lill-Ministru u lill-*Speaker* tal-Kamra tad-Deputati li għandu jqiegħed dan ir-rapport fuq il-Mejda tal-Kamra immedjatement.

Rapport annwali.

(2) Ir-Rapport Annwali tal-Verifika għandu jinkludi:

- (a) lista dettaljata tal-ilmenti kollha magħmula lilu;
- (b) is-sejbiet kollha magħmula minnu;
- (ċ) ir-rapporti kollha magħmula minnu;
- (d) l-attivitajiet kollha u l-informazzjoni relatata magħhom tad-Direttorat matul is-sena preċedenti;
- (e) kwalunkwe informazzjoni oħra li jidhirlu xieraq.

(3) Iċ-*Chairperson* tal-Bord, l-Uffiċjal Kap Eżekuttiv u l-Uffiċjal Kap tal-Verifika jistgħu jkunu mharrka biex jidhru quddiem il-Kumitat tal-Kontijiet Pubbliċi tal-Kamra tad-Deputati biex jirrispondu għal xi mistoqsijiet li l-membri tal-Kumitat iqisu meħtieġa fir-rigward tal-hidma tal-Awtorità.

25. (1) Hlief hekk kif jista' jkun espressament provdut b'xi liġi oħra, l-Uffiċjal Kap tal-Verifika għandu, bil-għan li jwettaq il-funzjonijiet tiegħu taht dan l-Att, ikollu s-setgħa li -

Setgħa ta' dhul.

- (a) jidhol u jispezzjona kull fond tal-Awtorità, uffiċjal jew impjegat sabiex issir verifika interna u, fejn hu jkollu raġuni biex jissuspetta li irregolaritajiet u, jew reati kriminali, seħħew jew qed isehħu, li jidhol f'kull fond tal-Awtorità, l-uffiċjali jew l-impjegati għall-fini li ssir investigazzjoni:

Izda, jekk ikun meħtieġ aċċess għal go xi fond li

jkun kollu kemm hu okkupat jew f'parti użat għal skop ta' abitazzjoni mill-uffiċjal jew mill-impjegat, dan l-aċċess ikun jehtieg minn qabel ordni ffirmata minn Maġistrat:

Iżda wkoll id-dhul għandu jsir matul il-jum u jkun akkumpanjat minn uffiċjal tal-pulizija għaż-żamma tal-bonordni u tal-paċi pubblika;

(b) li jirrikjedi l-uffiċjal jew impjegat tal-Awtorità li jipproduċi kull ktieb, *record*, *file*, kontijiet, dokumenti jew tagħrif inkluż kull *computer data* f'kull għamla u, jew parti minnu inklużi kuntratti, kontijiet, *vouchers* u riċevuti li għandhom x'jaqsmu magħhom, u jekk ikun meqjus mehtieg mill-Uffiċjal Kap tal-Verifika, huwa jista' jzomm dawn id-dokumenti fl-original, u jara li jsiru kopji jew estratti jsiru minnhom mingħajr ma jsir ebda hłas dwarhom minkejja kull ligi jew regolament li jkunu jgħidu mod ieħor.

(2) Bla hłasara għad-dispożizzjonijiet tas-subartikolu (1)(b), u għall-iskop tal-funzjonijiet tiegħu taħt dan l-Att, l-Uffiċjal Kap tal-Verifika jista' jistrieħ fuq kwalunkwe rekords miżmuma jew magħmula minn xi awditjar jew unità investigattiva ta' xi entità inkluża l-persuna jew unità li tkun qiegħda twettaq il-funzjonijiet ta' konformità u assigurazzjoni fi hđan l-Awtorità.

(3) Kull persuna li tonqos milli tikkonforma ma' kwalunkwe rekwizit ta' dan l-artikolu tkun haťja ta' reat kriminali u teħel, meta tinsab haťja, multa ta' mhux aktar minn għoxrin elf euro (€20,000) jew prigunerija għal żmien mhux iżjed minn sentejn, jew dik il-multa u prigunerija flimkien.

Informazzjoni
mogħtija mill-
Awtorità,
uffiċjal jew
impjegat.

26. (1) L-informazzjoni kollha mogħtija mill-Awtorità, uffiċjal jew impjegat matul il-kors ta' xi awditjar intern jew investigazzjoni finanzjarja għandha f'kull waqt tkun ittrattata bħala kunfidenzjali u għandha tintuża biss mid-Direttorat għall-iskop li jitwettqu l-awditjar intern u, jew investigazzjoni finanzjarja.

(2) L-Uffiċjal Kap tal-Verifika għandu jittratta r-rapporti tal-awditjar intern u r-rapporti ta' investigazzjonijiet finanzjarji bħala strettament kunfidenzjali u għandu, hłief għall-finijiet ta' xi investigazzjoni kriminali jew prosekuzzjoni, biss jiżvela l-kontenut tagħhom lill-Bord, lill-Ministru jew lill-Awditur Ġenerali.

(3) Bla hłasara għad-drittijiet tal-Awditur Ġenerali taħt kull ligi, ebda tagħrif li jinkiseb b'kull mod li jkun taħt dan l-Att ma għandu jinkixef hłief:

(a) għall-finijiet tal-investigazzjoni finanzjarja u l-

prosekuzzjoni ta' reat kriminali;

(b) għall-finijiet sabiex tiġi istitwita kawża ċivili;

(ċ) lill-uffiċjali tad-Direttorat fil-kors ta' dmirijietom taħt dan l-Att; u

(d) f'materji li taħt dan l-Att jirrizultaw mill-obbligi internazzjonali ta' Malta, lill-awtoritajiet rilevanti ta' verifika u kontroll barranin.

27. Il-Bord jista' bl-approvazzjoni tal-Ministru jahtar bordijiet u kumitati konsultattivi biex jgħinuh fit-twettiq tal-funzjonijiet tiegħu taħt din il-liġi jew taħt kull liġi oħra. Il-funzjonijiet tal-imsemmija bordijiet u kumitati għandhom ikunu preskritti mill-Bord bl-approvazzjoni tal-Ministru.

Hatra ta' bordijiet u kumitati konsultattivi.

28. L-Awtorità tista', skont id-dispożizzjonijiet ta' dan l-Att u bl-approvazzjoni tal-Ministru, tiddelega xi waħda jew aktar mill-funzjonijiet tagħha skont dan l-Att taħt dawk il-kondizzjonijiet li jidhrilha xierqa. Avviż ta' kull delega bħal dik għandu jiġi ppubblikat fil-Gazzetta.

Delega ta' setghat.

29. (1) Bla ħsara għad-dispożizzjonijiet tal-artikolu 15(2), l-Uffiċjal Kap Eżekuttiv għandu, huwa stess jew ir-rappreżentant tiegħu, id-dritt li jkun preżenti u jiehu sehem fil-laqgħat kollha tal-Bord u l-laqgħat kollha miżmuma mill-bordijiet u kumitati maħtura mill-Bord.

Kwistjonijiet oħra relatati ma' uffiċjali tal-Awtorità.

(2) Il-Ministru, f'konsultazzjoni ma' *Chairperson* tal-Bord, għandu jahtar segretarju biex jgħin lill-entità rispettiva. Is-segretarju għandu jkollu d-dmir li jsejjaħ il-laqgħat u ż-żamma tal-minuti u jassumi dmirijiet oħra skont kif iċ-*Chairperson* tal-Bord jista' jiddelega lilu.

30. (1) Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni, kull liġi oħra li tapplika għalihom, u mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, l-impjeg u l-ħatra ta' uffiċjali u impjegati oħra tal-Awtorità għandu jkun magħmul mill-Bord u t-termini u l-kundizzjonijiet tal-impjeg tagħhom u l-ħatra għandhom jiġu stabbiliti mill-Bord bi qbil mal-Ministru.

Hatriet ta' uffiċjali u impjegati oħra.

(2) Il-Bord jista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, iwaqqaf skema jew skemi sew b'arrangamenti kontributorji jew mhux kontributorji jew f'parti minn wiehed u f'parti mill-iehor, għal ħlas ta' pensjonijiet, gratifikazzjonijiet u benefiċċji simili oħra lill-uffiċjali u l-impjegati fuq l-irtirar tagħhom, mewt jew korriment, jew għal

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dipendenti tagħhom.

Żvelar ta' interessi.

31. (1) Meta l-Uffiċjal Kap Eżekuttiv jew membru tal-Bord, jew membru tal-persunal tal-Awtorità, jew konsulent, persuna li tagħti parir jew xi persuna oħra ingaġġata mill-Awtorità, ikollu xi interess fi kwalunkwe kwistjoni li tkun ser tiġi kkunsidrata mill-Awtorità, huwa għandu, malli jsir konxju ta' tali interess:

(a) jiżvela lill-Bord, skont il-każ, in-natura tal-interess tiegħu;

(b) la jinfluwenza u lanqas jipprova jinfluwenza l-ipproċessar u d-deċiżjoni fir-rigward ta' dik il-ħaġa;

(ċ) ma jieħu sehem fl-ebda kunsiderazzjoni ta' dik il-kwistjoni; u

(d) ma jattendix u lanqas jipparteċipa f'xi laqgħa fuq tali kwistjoni.

(2) Meta jkun hemm xi kwistjoni dwar jekk ċertu kondotta ta' xi persuna tkunx tikkostitwixxi jew le nuqqas minn dik il-persuna li tosserva r-rekwiżiti tas-subartikolu (1), il-kwistjoni għandha tiġi riferita lill-Bord skont il-każ u d-deċiżjoni meħuda u l-motivazzjoni tagħha għandhom jiġu registrati fil-minuti tal-laqgħa li matulha ttiehdet id-deċiżjoni u dik il-persuna għandha tkun informata kif xieraq.

(3) Meta ssir dikjarazzjoni lill-Bord skont il-każ skont is-subartikolu (1), id-dettalji tad-dikjarazzjoni għandhom jiġu registrati fil-minuti tal-laqgħa relattiva.

(4) Meta persuna li għaliha jkun japplika s-subartikolu (1), salv għall-membri tal-Awtorità u l-Uffiċjal Kap Eżekuttiv, tonqos milli tagħmel id-dikjarazzjoni meħtieġa, il-Bord għandu jiddeċiedi dwar l-azzjoni xierqa li għandha tittiehed li tista' tinkludi, wara qbil mill-Ministru, it-tneħħija mill-kariga jew it-tmiem tal-kuntratt tal-persuna kkonċernata.

Hatra u funzjonijiet ta' uffiċjali u impjegati tal-Awtorità.

32. Il-Bord għandu jahtar u jimpjega, b'dik ir-remunerazzjoni u b'dawk il-pattijiet u kondizzjonijiet li jista' jistabbilixxi skont l-artikolu 30, dawk l-uffiċjali u impjegati l-oħra tal-Awtorità li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet tal-Awtorità.

Allokazzjoni ta' uffiċjali pubbliċi u impjegati biex jaqdu dmirijiet mal-Awtorità.

33. (1) Il-Prim Ministru jista', minn żmien għal żmien, jordna li xi uffiċjal pubbliku jew impjegat pubbliku għandu jiġi assenjat biex jaqdi dmirijietu mal-Awtorità f'dik il-kariga u b'effett

minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru.

(2) Il-perjodu li matulu direttiva kif hawn qabel imsemmija għandha tapplika għal kull uffiċjal jew impjegat kif speċifikat fiha, kemm-il darba l-uffiċjal jew impjegat ma jirtirax mis-servizz pubbliku, jew xort'oħra ma jkomplix fil-kariga jew impjieg f'data li tkun giet qabel, jew kemm-il darba ma jiġix speċifikat perjodu differenti f'dik id-direttiva, għandu jintemm malli tiġri xi waħda mill-grajjiet li ġejjin, jiġifieri:

(a) l-aċċettazzjoni minn dak l-uffiċjal jew impjegat ta' offerta ta' trasferiment għas-servizz ta', u impjieg permanenti mal-Awtorità magħmula skont id-dispożizzjonijiet tal-artikolu 32; jew

(b) ir-revoka ta' dik id-direttiva mill-Prim Ministru, fir-rigward ta' dak l-uffiċjal:

Izda għar-rigward ta' uffiċjal pubbliku jew impjegat pubbliku li jiġi inkarigat jagħmel dmirijiet mal-Awtorità b'seħħ minn dik id-data li l-Prim Ministru jista' jstabbilixxi b'direttiva kif imsemmi hawn aktar qabel, l-inkarigu ta' dak l-uffiċjal pubbliku jew impjegat pubbliku għandu jintemm milli jibqa' jseħħ wara sena mid-data effettiva ta' dik id-direttiva, kemm-il darba dik id-direttiva ma tiġix revokata aktar kmieni mill-Prim Ministru.

(3) Meta direttiva kif hawn aktar qabel imsemmi tiġi revokata mill-Prim Ministru dwar xi uffiċjal jew impjegat, il-Prim Ministru jista', b'direttiva oħra, jalloka lil dak l-uffiċjal jew impjegat għal dmirijiet mal-Awtorità f'dik il-kariga u b'seħħ minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u d-dispożizzjonijiet tas-subartikolu (2) għandhom, malli jsir dan, japplikaw dwar il-perjodu ta' durata ta' allokkazzjoni bħal dik b'kull direttiva oħra bħal dik dwar dak l-uffiċjal jew impjegat.

34. (1) Meta xi uffiċjal pubbliku jew impjegat pubbliku jkun allokat fuq dmirijiet mal-Awtorità skont xi waħda mid-dispożizzjonijiet tal-artikolu 33, dak l-uffiċjal jew impjegat għandu, matul iż-żmien li fih dik id-direttiva tkun isseħħ dwaru, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Bord izda huwa għandu għall-finijiet u effetti kollha jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

Status ta' uffiċjali pubbliċi u impjegati pubbliċi assenjati biex jaqdu dmirijiet mal-Awtorità.

(2) Mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, uffiċjal jew impjegat allokat fuq dmirijiet kif hawn aktar qabel imsemmi:

(a) ma għandux matul iż-żmien li dwaru huwa jkun hekk allokat:

(i) ikun imċaħhad milli japplika għal trasferiment f'xi dipartiment tal-Gvern skont il-pattijiet u l-kondizzjonijiet ta' servizz marbuta mal-ħatra mal-Gvern li hu jkollu fid-data li fiha jkun gie hekk allokat fuq dmirijiet; jew

(ii) jirċievi remunerazzjoni u jkun soġġett għal kondizzjonijiet tas-servizz li jkunu anqas favorevoli minn dawk marbuta mal-ħatra mal-Gvern li hu jkollu f'dik id-data kif hawn qabel imsemmi jew li jistgħu jkunu marbuta ma' dik il-ħatra, matul il-perjodi msemmija, kieku dak l-uffiċjal ma kienx imqabbaq jaqdi dmirijiet mal-Awtorità; u

(b) ikollu l-jedd li s-servizz tiegħu mal-Awtorità jkun meqjus bħala servizz mal-Gvern għall-finijiet ta' xi pensjoni, gratifikazzjoni, jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u għall-finijiet ta' kull jedd jew privileġġ ieħor li kien ikollu dritt għalih, u jkun soġġett għal kull responsabbiltà li kien ikun responsabbli għaliha, kieku ma kienx il-fatt li hu gie allokat għal dmirijiet mal-Awtorità.

Kap. 93.

Kap. 58.

(3) Meta ssir applikazzjoni kif previst fis-subartikolu (2)(a)(i) l-istess konsiderazzjoni għandha tingħata daqslikieku l-applikant ma kienx gie allokat għal servizz mal-Awtorità.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa minħabba l-pensjonijiet u gratifikazzjonijiet dovuti lil uffiċjal jew impjegat allokat għal dmirijiet mal-Awtorità kif hawn aktar qabel imsemmi matul iż-żmien li fih ikun hekk allokat.

Offerta ta' impjieg permanenti mal-Awtorità lil uffiċjali pubbliċi jew impjegati pubbliċi assenjati biex jaqdu dmirijiet mal-Awtorità.

35. (1) Il-Bord jista', bl-approvazzjoni tal-Prim Ministru, joffri impjieg permanenti mal-Awtorità lil kull uffiċjal jew impjegat allokat għal dmirijiet mal-Awtorità skont xi waħda mid-dispożizzjonijiet tal-artikolu 33, b' remunerazzjoni u taħt dawk il-pattijiet u l-kondizzjonijiet kif stabbiliti mill-Awtorità.

(2) Kull uffiċjal jew impjegat li jaċċetta impjieg permanenti mal-Awtorità offert lilu skont id-dispożizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha minbarra dawk tal-Ordinanza dwar il-Pensjonijiet u tal-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla ħsara għad-dispożizzjonijiet tal-artikolu 49, jitqies li

Kap. 93.

Kap. 58.

jkun temm milli jkun fis-servizz tal-Gvern u li jkun daħal fis-servizz tal-Awtorità fid-data tal-aċċettazzjoni tiegħu, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, safejn japplikaw għalih, servizz mal-Awtorità għandu jitqies bħala servizz mal-Gvern fit-tifsiriet li hemm fihom rispettivament.

(3) Kull uffiċjal jew impjegat bħal dak kif hawn qabel imsemmi li, minnufih qabel ma jaċċetta impjieg permanenti mal-Awtorità, kellu dritt għall-benefiċċju taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' hekk ikompli jkollu d-dritt jibbenefika taħtu għall-finijiet kollha bħallikieku s-servizz tiegħu mal-Awtorità kien servizz mal-Gvern. Kap. 58.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi fir-rigward tal-ispiza tal-pensjonijiet u gratifikazzjonijiet dovuti lill-uffiċjal jew l-impjegat li jkun aċċetta impjieg permanenti mal-Awtorità kif hawn qabel imsemmi matul il-perjodu li jibda fid-data tal-aċċettazzjoni ta' dak l-uffiċjal jew impjegat.

(5) Fil-każ ta' uffiċjal pubbliku jew impjegat pubbliku inkarigat jagħmel dmirijiet mal-Awtorità b'seħħ mid-data stabbilita skont il-proviso għall-artikolu 33(2) u li sussegwentement jaċċetta impjieg permanenti mal-Awtorità, id-dispożizzjonijiet ta' qabel għandhom jibqgħu japplikaw bla ħsara għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu.

(6) Għall-finijiet tal-Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli mal-irtirar ta' xi uffiċjal pubbliku jew impjegat pubbliku li għalih ikun japplika s-subartikolu (5) għandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jithallsu lil uffiċjal jew impjegat fis-servizz tal-Gvern fi grad u f'livell inkrementali li jikkorrispondu għall-kariga u livell inkrementali li jkollu l-uffiċjal jew impjegat fid-data meta jirtira minn mal-Awtorità. Kap. 93.

(7) (a) Il-klassifikazzjoni msemmija fis-subartikolu (6) għandha ssir minn bord magħmul minn *chairperson* maħtur mill-Ministeru responsabbli għall-finanzi u minn żewġ membri oħra, wiehed maħtur mill-Ministeru responsabbli għall-affarijiet li għandhom x'jaqsmu b'mod ġenerali mal-persunal fis-servizz pubbliku u wiehed maħtur mill-Ministeru responsabbli għall-Awtorità. Il-klassifikazzjoni għandha tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(b) Dik il-klassifikazzjoni għandha ssir fi żmien tliet xhur minn kull aġġustament ta' salarji ta' impjegati fis-servizz tal-

Gvern u, jew ta' impjegati tal-Awtorità.

(ċ) Mingħajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara klassifikazzjoni bħal dik imsemmija, ikollu jedd għal xi dritt taht l-imsemmija Ordinanza dwar il-Pensjonijiet li jkun anqas favorevoli minn dawk li kieku kien ikollu jedd għalihom qabel dik il-klassifikazzjoni.

Kap. 93.

Ingagg ta' konsulenti u dawk li jagħtu parir.

36. Il-Bord jista' jingagga dawk il-konsulenti, u dawk in-nies li jagħtu parir, li jista' jqis necessarji biex jassistuh fit-twertiq tal-funzjonijiet tiegħu.

L-Awtorità għandha tagħmel l-infiq mid-dhul.

37. (1) Bla hsara għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, il-Bord għandu hekk imexxi l-affarijiet tal-Awtorità, sabiex l-ispiza meħtieġa għall-qadi xieraq tal-funzjonijiet tagħha għandhom, sa fejn ikun prattikabbli, jiġu sodisfatti mid-dhul tagħha.

(2) Għall-finijiet tas-subartikolu (1) l-Awtorità għandha tiġbor kull dritt, rati u pagament ieħor preskritt jew meqjus li jkun preskritt minn jew taht dan l-Att jew xi liġi oħra li tipprovdi għal kwistjonijiet li jaqgħu taht is-setgħat u l-funzjonijiet mogħtija lill-Awtorità minn jew taht dan l-Att.

(3) L-Awtorità għandha tithallas ukoll mill-Gvern, mill-Fond Konsolidat, dawk l-ammonti ta' flus li l-Parlament jista' minn żmien għal żmien jawtorizza li jiġu approprjati biex minnhom jithallsu l-ispejjeż ta' xogħlijiet speċifikati jew attivitajiet li għandhom jitkoplew jew xort'oħra u li għandhom isiru mill-Awtorità.

(4) Bla hsara għal dawk id-direttivi li l-Ministru jista' jagħti minn żmien għal żmien, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, kwalunkwe dhul żejjed fuq l-infiq għandu jkun applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riserva li jintuzaw għall-għanijiet tal-Awtorità. Bla hsara għall-generalità tas-setgħat mogħtija lill-Ministru li jagħti direttivi taht dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif hawn aktar qabel imsemmi tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod kif jista' jiġi speċifikat fid-direttiva, ta' xi sehem mid-drittijiet, rati u hlasijiet oħra miġbura skont is-subartikolu (2).

(5) Il-flus kollha tal-Awtorità li ma jkunux meħtieġa immedjatament biex jaqdu l-infiq, jistgħu jiġu investiti mill-Awtorità b'dak il-mod li jista' minn żmien għal żmien jiġi approvat mill-Ministru.

Setgħa ta' self jew għbir ta' kapital.

38. Għall-finijiet tat-twertiq ta' xi funzjoni tagħha taht dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef,

inkluż permezz ta' *overdraft* jew xort' oħra, jew tiġbor flus b'dak il-mod, minn dik il-persuna, korp jew awtorità, u taht dawk il-pattijiet u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn aktar qabel imsemmi, jista' japprova bil-miktub.

39. Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Awtorità ta' dawk l-ammonti li huwa jista' jaqbel li jkun meħtieġa mill-Awtorità biex taqdi kull funzjoni tagħha taht dan l-Att, u jista' jagħmel dawk l-avvanzi taht dawk il-pattijiet u kondizzjonijiet li huwa jista', wara konsultazzjoni kif hawn aktar qabel imsemmi, jidhirlu xierqa. Avvanz bħal dak jista' jsir mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni oħra hlief dan l-Att, b'*warrant* iffirmit minnu li jawtorizza lill-*Accountant General* li jagħmel dak l-avvanz.

Avvanzi mill-Gvern.

40. (1) Il-Ministru responsabbli għall-finanzi jista', għal kull htieġa tal-Awtorità ta' xorta kapitali, jikkuntratta jew johloq kull self, jew jinkorri kull obbligu, għal dawk il-perjodi u b'dawk il-pattijiet u l-kondizzjonijiet li jidhirlu xierqa, u kull somma dovuta għar-rigward jew f'konnessjoni ma' tali self jew obbligu bħal dawk għandha tinhareġ mill-Fond Konsolidat.

Self mingħand il-Gvern.

(2) Għandu jingħata kemm jista' jkun malajr lill-Kamra tad-Deputati avviz ta' kull self, obbligu magħmul jew somom li jiġu mgħoddija taht id-dispożizzjonijiet ta' qabel ta' dan l-artikolu.

(3) Sakemm isir disponibbli xi self bħal dak imsemmi fis-subartikolu (1), jew bil-għan li l-Awtorità tiġi provduta b'kapital finanzjarju, il-Ministru responsabbli għall-finanzi jista', permezz ta' ordni li jkun iġib il-firma tiegħu, u mingħajr ebda approprjazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* li jagħmel avvanzi lill-Awtorità mit-*Treasury Clearance Fund* taht dawk il-pattijiet li jistgħu jiġu speċifikati mill-Ministru meta dawn isiru.

(4) Ir-rikavat ta' kull self maħluq għall-finijiet li jsiru avvanzi lill-Awtorità, u kull flejjes oħra li jridu jiġu avvanzati lill-Awtorità taht dan l-artikolu, għandhom jithallsu go fond speċifikament stabbilit għal dak l-għan u li għandu jkun magħruf bħala l-"Fond ta' Self għall-Awtorità".

(5) L-ammonti ta' flus li l-*Accountant General* jirċievi mill-Awtorità għar-rigward ta' flus li jiġu mgħoddija lill-Awtorità taht is-subartikolu (3) għandhom jithallsu fit-*Treasury Clearance Fund* u ammonti ta' flus li jkun irċieva l-*Accountant General* bħala mgħax fuq dawk l-avvanzi għandhom jithallsu fil-Fond Konsolidat.

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Estimi tal-Awtorità.

41. (1) L-Awtorità għandha tiegħu hsieb thejji f'kull sena finanzjarja, u għandha mhux aktar tard minn erba' gimgħat qabel it-tmiem ta' dik is-sena tadotta, estimi tad-dhul u nfiq tal-Awtorità għas-sena finanzjarja ta' wara:

Izda l-estimi għall-ewwel sena finanzjarja tal-Awtorità għandhom jithejjew u jiġu adottati sa dak iż-żmien li l-Ministru jista' b'avviż bil-miktub lill-Awtorità jispeċifika.

(2) Fit-thejjija ta' dawk l-estimi l-Awtorità għandha tiegħu kont ta' kull fond u flejjes oħra li jkollhom jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew jekk bis-saħħa ta' dan l-Att, sew b'Att ta' Approprjazzjoni jew ta' xi liġi oħra; u l-Awtorità għandha wkoll thejji l-imsemmija estimi hekk li jiġi żgurat li d-dhul totali tal-Awtorità jkun għall-anqas biżżejjed biex jithallsu s-somom kollha li għandhom jithallsu mill-kont tad-dhul tagħha, magħdud, iżda bla hsara għall-generalità ta' dik it-tifsira, id-deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni mas-snin ta' qabel kif jista' jordna l-Ministru responsabbli għall-finanzi.

(4) Kopja tal-estimi għandhom, malli dawn jiġu adottati mill-Awtorità, jintbagħtu minnufih lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn sitt gimgħat wara li jkun irċieva kopja tal-estimi mingħand l-Awtorità, japprova dawk l-estimi sew b'xi emendi sew mingħajr emendi wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

L-infiq ikun skont l-estimi approvati.

42. (1) Ebda nefqa ma għandha ssir jew tiġġarrab mill-Awtorità hlief jekk id-dispożizzjoni tagħha kienet saret fl-estimi approvati kif provdut fl-artikolu 41.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1):

(a) sal-iskadenza ta' sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni tal-estimi għal dik is-sena mill-Kamra, skont liema tkun l-ewwel data, l-Awtorità tista' tagħmel infiq biex taqdi l-funzjonijiet tagħha skont dan l-Att ta' mhux aktar b'kollox minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

(b) infiq approvat dwar kap jew sottokap tal-estimi jista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, isir

dwar kap jew sottokap ieħor tal-estimi;

(ċ) jekk dwar xi sena finanzjarja jinstab li l-ammont approvat fl-estimi mhuwiex biżżejjed jew tkun inqalghet il-htieġa għal nefqa għal għan mhux previst fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Ministru u f'kull każ bħal dak id-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom japplikaw kemm jista' jkun prattikabbli għall-estimi supplimentari.

43. Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tmien gimgħat wara li hu jkun irċieva kopja tal-estimi u tal-estimi supplimentari tal-Awtorità, jew jekk f'xi żmien matul dak il-perjodu l-Kamra tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien gimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jieħu hsieb li daww l-estimi jitqiegħdu fuq il-Mejda tal-Kamra tad-Deputati, flimkien ma' mozzjoni li l-Kamra tapprova daww l-estimi. Għandha tingħata gurnata għad-diskussjoni ta' dik il-mozzjoni fil-Kamra, u kemm il-mozzjoni u kemm l-approvazzjoni tal-estimi mill-Kamra jistgħu jkunu sew b'emendi għall-estimi sew mingħajrom.

Pubblikazzjoni ta' estimi approvati.

44. (1) L-Awtorità għandha tara li jinżammu kontijiet xierqa u *records* oħra dwar l-operat tagħha, u għandha tara li jitlesta prospett ta' kontijiet dwar kull sena finanzjarja.

Kontijiet u verifika.

(2) Il-kontijiet tal-Awtorità għandhom jiġu verifikati minn awditur jew awdituri li jinhatru mill-Awtorità u approvati mill-Ministru:

Izda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jehtieg li l-kotba u l-kontijiet tal-Awtorità jiġu verifikati jew ezaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jagħmel kull verifika fiżika u l-verifiki l-oħra li jidhirlu meħtieġa.

(3) L-Awtorità għandha, mhux aktar tard minn tliet xhur wara t-tmiem ta' kull sena finanzjarja, tara li kopja tad-dikjarazzjoni tal-kontijiet verifikati kif imiss tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awdituri fuq dak il-prospett jew il-kontijiet tal-Awtorità.

(4) Il-Ministru għandu jara li kopja ta' kull dikjarazzjoni u rapport jitqiegħdu fuq il-Mejda tal-Kamra kemm jista' jkun malajr.

45. (1) Il-flus kollha miġbura mill-Awtorità għandhom jitqiegħdu f'bank jew f'banek maħtura bħala bankiera tal-Awtorità b'rizoluzzjoni tal-Awtorità. Daww il-flus għandhom, sa fejn ikun

Depożitu ta' dhul u flasijiet mill-Awtorità.

prattikabbli, jithallsu f'dak il-bank minn jum għal jum, hliet dik is-somma li l-Awtorità tista' tawtorizza li tinzamm sabiex jithallsu l-ispejjeż żgħar u hliet ta' flus kontanti li jsiru fil-pront.

(2) Il-hliet kollha li jsiru mill-fondi tal-Awtorità, minbarra nefqiet żgħar li ma jkunux aktar minn somma stabbilita mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew minn daww l-uffiċjali tal-Awtorità li l-Awtorità tista' tahtar jew issemmi għal dak il-għan.

(3) Ċekkijiet kontra u rtirar minn kwalunkwe kont bankarju tal-Awtorità għandhom ikunu ffirmati minn dak l-uffiċjal tal-Awtorità li jista' jiġi mahtur jew imsemmi għal dak il-għan mill-Awtorità u għandhom ikunu kontrofirmati mill-Uffiċjal Kap Eżekuttiv jew minn dak il-membur jew uffiċjal ieħor tal-Awtorità kif jista' jiġi awtorizzat mill-Awtorità għal dak il-għan.

(4) L-Awtorità għandha wkoll tipprova dwar:

(a) il-mod li bih l-uffiċjal jew uffiċjali li minnhom għandhom jiġu awtorizzati jew approvati l-hliet;

(b) l-isem ta' kull kont miżmum mal-bank jew banek li fihom il-flus tal-Awtorità għandhom jithallsu, u t-trasferiment ta' fondi minn kont għal ieħor;

(c) il-metodu li għandu jiġi adottat fil-hliet mill-fondi tal-Awtorità, u b'mod ġenerali dwar kull haġa li għandha x'taqsam maż-żamma u kontroll xieraq tal-kontijiet u kotba, u l-kontroll tal-finanzi, tal-Awtorità.

Kuntratti ta' servizzi, provvista jew xogħlijiet.

46. L-Awtorità ma għandhiex tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjali jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-ghoti ta' servizzi, lil jew għall-benefiċċju tal-Awtorità, hliet skont ir-regolamenti fis-seħh li jirregolaw l-akkwist tal-oġġetti u servizzi fis-settur pubbliku.

Rapport annwali.

47. L-Awtorità għandha, mhux aktar tard minn tliet xhur wara t-tmiem ta' kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi, rapport li jkun jittratta b'mod ġenerali dwar l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja, li jkun fih dak it-tagħrif dwar it-tmexxija u l-linja tal-politika tal-Awtorità hekk kif xi wieħed mill-Ministri msemmija jista' jkun jehtieg minn żmien għal żmien. Il-Ministri għandhom jaraw li titqiegħed kopja ta' kull rapport bhal dak fuq il-Mejda tal-Kamra bhala parti mill-estimi ppreparati skont l-artikolu 43.

Eżenzjoni mit-taxxa.

48. L-Awtorità tkun hielsa minn kull obbligu għall-hlas ta' taxxa fuq id-dhul jew taxxa tal-boll taht kull liġi li tkun fis-seħh f'dak

iz-żmien f' Malta.

49. (1) Għall-finijiet tal-Kodiċi Kriminali u ta' kull dispożizzjoni ta' xorta penali f' kull liġi oħra, il-membri tal-Awtorità, jiġifieri l-Bord u kull kumitat, bord jew korp jew kariga oħra mwaqqfa b'dan l-Att, u kull uffiċjal jew impjegat tagħhom, għandhom jitqiesu li huma u jiġu trattati bħallikieku kienu uffiċjali pubbliċi.

Il-membri tal-Awtorità, eċċ, jitqiesu uffiċjali pubbliċi għal ċerti għanijiet. Kap. 9.

(2) Il-membri, l-uffiċjali u l-impjegati tal-Awtorità fit-tweġiq tal-funzjonijiet tagħhom taħt dan l-Att jew taħt xi liġi oħra amministrata mill-Awtorità, ma jkunux responsabbli għal ebda telf jew ħsara mgarrba minn xi persuna minhabba f'xi haġa magħmula jew ommessa milli ssir *bona fide* fil-waqt tal-amministrazzjoni ta' dan l-Att jew ta' xi liġi oħra.

50. Il-Bord, l-Uffiċjal Kap tal-Verifika, l-Uffiċjal Kap Eżekuttiv, kull kumitat, jew bord jista' jikkonsulta ma' kwalunkwe uffiċjal tal-Awtorità jew xi persuna oħra jew entità li l-parir tagħhom ikun meqjus bħala rilevanti għal kull materja taħt il-konsiderazzjoni tiegħu.

Konsultazzjonijiet.

51. (1) Kull membru tal-Bord, l-Uffiċjal Kap Eżekuttiv, l-Uffiċjal Kap tal-Verifika u kull Uffiċjal Kap għandu jissottometti dikjarazzjoni tal-assi skont il-proċeduri stabbiliti għal dan l-iskop mill-Ministru.

Dikjarazzjoni tal-assi, kodiċi ta' kondotta u pubblikazzjoni tal-ismijiet.

(2) Il-Ministru għandu, b'konsultazzjoni mal-Awtorità, jipprepara, jippubblika u jirrevedi kodiċi dwar il-kondotta mistennija li tiġi segwita mill-membri tal-Awtorità, il-Bord, l-Uffiċjal Kap Eżekuttiv, l-Uffiċjal Kap tal-Verifika, *chairpersons* u uffiċjali tal-Awtorità b'rabta mat-tweġiq tal-funzjonijiet tal-Awtorità.

(3) Id-dispożizzjonijiet tal-kodiċi ta' kondotta għandhom jittiehdu f'konsiderazzjoni fid-deċiżjoni sabiex jiġi stabbilit jekk xi membru jew uffiċjal ma jkunx f'pożizzjoni li jaqdi l-funzjonijiet tiegħu taħt dan l-Att jew meta t-terminu tal-ingaġġ tiegħu jkun ser jiġi mgedded.

(4) L-ismijiet tal-membri kollha tal-Bord u kull kumitat, bord, jew korp ieħor stabbilit b'dan l-Att, u kull tibdil f'dawk il-membri għandhom jiġu ppubblikati fil-Gazzetta.

52. (1) Il-Ministru għandu, b'konsultazzjoni mal-Bord, b'regolamenti taħt dan l-artikolu jipprovi li l-Awtorità għandha tkun intitolata li titlob mingħand il-pubbliku, id-dipartimenti tal-Gvern, awtoritajiet, korporazzjonijiet pubbliċi jew persuni oħra li jistgħu jiġu preskritti, dik l-informazzjoni li huma jista' jkollhom fil-pussess

Aċċess għall-informazzjoni.

tagħhom u li għandha x'taqsam mal-artijiet. Mingħajr preġudizzju għall-generalità ta' dak li ntqal qabel, dawk ir-regolamenti jistgħu jippreskrivu:

(a) in-natura tal-informazzjoni li tista' tintalab;

(b) iċ-ċirkostanzi li taħthom tista' tintalab dik l-informazzjoni;

(ċ) iċ-ċirkostanzi li taħthom din l-informazzjoni tista' ma tingħatax mill-entità rikjesta u l-pubblikazzjoni tar-raġunijiet li għalihom dik l-informazzjoni tkun miżmuma;

(d) id-drittijiet li jistgħu jintalbu għar-rigward tal-għoti ta' kull informazzjoni bhal din; u

(e) il-perjodu ta' żmien li fih informazzjoni bhal din għandha tingħata.

(2) Bla ħsara għall-generalità tas-subartikolu (1), l-Awtorità għandha żzomm u tagħmel disponibbli għall-ispezzjoni pubblika fil-finijiet raġonevoli li tista' tiddetermina, registru jew registri:

(a) tal-applikazzjonijiet kollha li waslu għandha bl-isem tal-applikant u d-dettalji tat-talba, kif ukoll dokumenti jekk ikun hemm; u

(b) tad-deċizjonijiet kollha inklużi dokumenti fuq dawn l-applikazzjonijiet:

Iżda għall-finijiet ta' dan is-subartikolu, ir-rapport ta' applikazzjoni u kull informazzjoni jew dokumenti li jikkoncernaw l-applikazzjonijiet li għandhom x'jaqsmu mas-sigurtà nazzjonali, id-difiża, il-banek, ħabsijiet, l-ajruport u l-istituzzjonijiet jew postijiet li s-sigurtà tagħhom hi mixtieqa li tigi mharsa kif l-Awtorità tista' tistabbilixxi, ma għandhomx ikunu aċċessibbli għall-pubbliku:

Iżda wkoll għall-finijiet ta' dan l-artikolu, fil-każ ta' fajl miżmum mill-Awtorità, kull persuna għandu jkollha aċċess għal dik il-parti mill-fajl li jkun fiha l-informazzjoni li ġejja:

(i) ir-rapport ta' applikazzjoni tal-applikazzjonijiet kollha;

(ii) id-deċizjonijiet kollha li jirrigwardaw applikazzjonijiet magħmula lill-Awtorità flimkien mad-dokumenti relattivi, inklużi r-raġunijiet għall-għoti ta' tali permessi jew rifjut.

(3) L-Awtorità għandha tiżgura li tkun magħmula disponibbli għall-pubbliku informazzjoni dettaljata li tirrigwarda l-aċċess għal proċeduri ta' appell quddiem xi tribunal u qorti, inkluża informazzjoni dwar id-drittijiet ta' kwalunkwe persuna li tippreżenta rikorsi tal-appell u għandha tagħti informazzjoni dwar il-limiti taż-żmien legali u fuq drittijiet obbligatorji li għandhom jithallsu fir-rigward ta' proċedimenti bħal dawn inklużi permezz ta' pubblikazzjoni fuq is-sit elettroniku tal-Awtorità.

53. (1) Meta xi avviż jew strument jew dokument ikun li jkun huwa meħtieġ jew awtorizzat li jiġi notifikat jew mogħti skont jew taħt dan l-Att, dan jista' jiġi notifikat jew mogħti b'kull wiehed mill-modi li ġejjin:

Notifiki ta' avviżi, eċċ, taħt dan l-Att.

(a) billi jingħata f'idejn il-persuna li għandha tiġi notifikata jew li lilha għandha tingħata; jew

(b) billi jithalla fil-post fejn soltu toqgħod jew fejn l-aħħar kienet toqgħod, dik il-persuna, jew fil-post tax-xogħol, jew jekk dik il-persuna tkun tat indirizz għan-notifika f'dak l-indirizz; jew

(ċ) billi jintbagħat b'ittra reġistrata indirizzata lil dik il-persuna fil-post ta' abitazzjoni jew indirizz għal notifika hawn qabel imsemmi; jew

(d) fil-każ ta' korp ġuridiku jew għaqda oħra ta' persuni, billi jingħata f'idejn uffiċjal jew impjegat tagħhom fl-uffiċċju reġistrat jew prinċipali, jew billi jintbagħat permezz ta' ittra reġistrata indirizzata lill-enti jew korp f'dak l-uffiċċju; jew

(e) f'kull każ li fih ma jkunx raġonevolment possibbli li ssir notifikazzjoni f'xi wiehed mill-modi ta' qabel dan, lil kull waħda mill-persuni li lilha għandha ssir in-notifika jew li l-avviż għandu jingħata, jew lil xi waħda jew aktar minnhom, billi l-avviż jew att jew dokument li għandu jiġi notifikat jew mogħti jitwaħħal f'post prominenti fuq l-art li għaliha jirreferi u jinżamm hekk imwaħħal għal hamest ijiem tax-xogħol u billi jiġi ppubblikat l-avviż, jew l-att jew id-dokument f'gazzetta lokali. Fejn l-avviż, jew strument jew dokument ieħor li għandu jiġi notifikat jew mogħti jitwaħħal fuq l-art iżda jiġi mneħhi qabel ma jiskadi l-perjodu ta' hamest ijiem ta' hidma, it-twaħħil mill-ġdid tal-avviż jew tal-att jew tad-dokument għandu jkun biss għall-perjodu li jkun fadal wara li d-dokument ikun ġie mneħhi.

(2) Meta kwalunkwe avviż jew dokument ieħor huwa meħtieġ

jew awtorizzat li jiġi notifikat jew mogħti lil persuna li jkollha xi interess f'xi art jew bini, u l-isem ta' dik il-persuna ma jkunx jista' jiġi aċċertat, wara riċerka normali, jew ikollu jiġi notifikat jew mogħti lill-okkupant tal-art jew bini, l-avviż għandu jitqies li jkun notifikat jew mogħti jekk ikun notifikat jew mogħti f'xi wiehed mill-modi indikati fis-subartikolu (1) u indirizzat bid-deskrizzjoni ta' "sid", "detentur", "sidien" jew "persuni li jokkupaw", skont il-każ.

(3) Persuna li fi kwalunkwe żmien wara li l-avviż jiġi mwahhal skont is-subartikolu (1)(e), tneħhi, tikkawża ħsara, jew tisfigura l-avviż mingħajr awtorità legittima, tkun haġja ta' reat kontra dan l-Att.

Trasferiment ta' assi lill-Awtorità.

54. (1) (a) Il-proprjetà u l-imprizi li huma proprjetà tad-Dipartiment tal-Artijiet jew tal-Kummissarju tal-Artijiet użati minn kull wiehed minnhom minnufih qabel id-data tad-dhul fis-seħh ta' dan l-Att, għall-operat ta' kwalunkwe waħda mill-funzjonijiet li b'dan l-Att qed jiġu trasferiti lil jew vestiti fl-Awtorità għandhom, fid-data hawn qabel imsemmija, bis-saħħa ta' dan l-Att u mingħajr assikurazzjoni ulterjuri, jiġu trasferiti lil u vestiti fl-Awtorità taħt l-istess titolu li bih kienu użati jew miżmuma mid-Dipartiment tal-Artijiet jew mill-Kummissarju tal-Artijiet immedjatament qabel id-data msemmija.

(b) L-assi li minnufih qabel il-bidu fis-seħh ta' dan l-Att kienu proprjetà tal-Gvern u użati għall-eżerċizzju ta' xi waħda mill-funzjonijiet li b'dan l-Att qed jiġu trasferiti lil jew vestiti fl-Awtorità qegħdin bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni ulterjuri jiġu trasferiti lil u vestiti fl-Awtorità taħt l-istess titolu li bih kienu miżmuma mill-Gvern qabel id-dhul fis-seħh ta' dan l-Att.

(2) It-trasferiment u l-ġhoti lill-Awtorità kif hawn qabel imsemmi għandu jestendi għat-totalità ta' din il-proprjetà u l-imprizi u, mingħajr preġudizzju għall-imsemmija ġeneralità, għandha tinkludi l-pussess, l-amministrazzjoni u d-drittijiet l-oħra tal-makkinarju, tagħmir, apparat, strumenti kollha, il-vetturi u proprjetà oħra, mobbli jew immobbli, attiv, poteri, id-drittijiet u l-privileġġi u kull haġa meħtieġa jew anċillari għalihom jew li tkun lilhom tappartjeni, kif ukoll kull obbligu li jolqot jew ikollu x'jaqsam ma' xi proprjetà jew impriza minn daww hawn aktar qabel imsemmija jew haġa oħra hemm inkluża kif intqal qabel, u għall-finijiet tal-artikoli 55 u 56 tali proprjetà għandha titqies li kienet inkluża fil-proprjetajiet trasferiti lill-Awtorità b'dan jew taħt dan l-Att.

Kif jinftiehm u ligijiet, eċċ.

55. (1) Bla ħsara għal dispożizzjonijiet oħra ta' dan l-Att, il-ligijiet kollha, ir-regoli, ir-regolamenti, ordnijiet, sentenzi, digriet, premijiet, atti, *bonds*, kuntratti, ftehim, strumenti, dokumenti,

mandati u arrangamenti oħra, eżistenti minnufih qabel id-data tal-bidu fis-seħħ ta' dan l-Att li jolqtu jew li għandhom x'jaqsmu ma' xi proprjetà jew impriża trasferita lill-Awtorità b'dan l-Att jew tahtu u li fihom il-Gvern jew awtorità tal-gvern tkun parti minnha jew tkun imsemmija fiha għandhom isehhu u jkollhom effett shih kontra jew favur l-Awtorità, u għandhom ikunu infurzabbli liberament u effettivament, b'mod li bħallikieku minflok il-Gvern jew awtorità tal-gvern, l-Awtorità kienet imsemmija fihom jew kienet parti fihom, u xort'oħra b'sostituzzjoni tal-Gvern jew awtorità tal-gvern.

(2) Kull riferenza f'xi liġi għad-Dipartiment tal-Artijiet jew għall-Kummissarju tal-Artijiet għandhom jinqraw u jinftiehem bħala riferenza għall-Awtorità kif hekk imfissra fl-artikolu 2 u għandhom jinkludu riferenza għal kull Direttorat stabbilit taht dan l-Att, kif jista' jinhtieg il-każ.

56. (1) Kull haġa li għandha x'taqsam ma' xi proprjetajiet jew intrapriži jew xi dritt jew obbligu trasferiti lill-Awtorità b'dan l-Att jew tahtu li tkun inbdiet minn jew taht l-awtorità tal-Gvern, id-Dipartiment tal-Artijiet jew il-Kummissarju tal-Artijiet qabel id-data tad-dħul fis-seħħ ta' dan l-Att tista' titkompla u tintemm mill-Awtorità jew kif jiġi awtorizzat minnha f'dik id-data jew wara dik id-data.

Dispożizzjonijiet transitorji.

(2) Meta minnufih qabel id-data tad-dħul fis-seħħ ta' dan l-Att ikun għad hemm pendenti xi proċedimenti legali relatati ma' xi waħda mill-proprjetajiet jew intrapriži, jew ma' kwalunkwe dritt jew obbligu, trasferiti lill-Awtorità b'dan l-Att jew tahtu u li fihom il-Gvern, id-Dipartiment tal-Artijiet jew il-Kummissarju tal-Artijiet ikun, jew ikollu jedd li jkun parti, l-Awtorità għandha, mid-data hawn aktar qabel imsemmija, tidhol f'dawk il-proċedimenti minflok il-Gvern, jew minflok l-awtoritajiet jew dipartiment kif imsemmija hawn aktar qabel, skont ma jkun il-każ, jew issir parti fihom bl-istess mod li kieku l-Gvern, xi waħda minn dawn l-awtoritajiet jew dipartiment kien isir parti kif imsemmi hawn aktar qabel, u dawk il-proċedimenti ma għandhomx jiġu affettwati minhabba sostituzzjoni bħal dik.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet incidentali, konsegwenzjali u supplimentari li huwa jista' jqis meħtieġa jew spedjenti għall-finijiet tad-determinazzjoni, kif ikun xieraq, tal-attiv trasferit lill-Awtorità b'dan l-Att u sabiex jiżgura u jagħti effett shih għat-trasferiment ta' kull proprjetà jew impriża jew kull dritt jew responsabbiltà tal-Awtorità skont dan l-Att u jista' jagħmel dawk l-ordnijiet li jistgħu jkunu meħtieġa sabiex xi setgħat u dmirijiet eżerċitati mill-Gvern, mid-Dipartiment tal-Artijiet jew mill-Kummissarju tal-Artijiet dwar xi proprjetà jew impriża trasferita jsiru eżerċitabbli minn jew f'isem l-Awtorità.

A 1474

Dritt ta' appell.
Kap. 490.

57. (1) It-Tribunal ta' Revizjoni Amministrattiva mwaqqaf bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva għandu jkun kompetenti biex jisma' u jiddetermina:

(a) l-oġġezzjonijiet magħmula minn kull persuna aggravata b'xi deċiżjoni tal-Awtorità; u

(b) l-oġġezzjonijiet magħmula minn kull persuna aggravata minn xi att amministrattiv jew xi pieni oħra imposti fuq dik il-persuna mill-Awtorità:

Iżda t-Tribunal ta' Revizjoni Amministrattiva ma għandu bl-ebda mod ikun kompetenti biex jisma' u jiddeċiedi kawzi li jaqgħu taħt il-kompetenza tal-Bord ta' Arbitraġġ tal-Artijiet:

Iżda wkoll, sakemm ma jkunx preskritt mil-liġi, oġġezzjoni magħmula skont dan is-subartikolu lit-Tribunal ta' Revizjoni Amministrattiva għandha tiġi pprezentata fi żmien għoxrin ġurnata minn meta dik il-persuna tircievi d-deċiżjoni tal-Awtorità.

Kap. 490.

(2) Minkejja kull haġa li tinsab fl-Att dwar il-Ġustizzja Amministrattiva, it-Tribunal ta' Revizjoni Amministrattiva għandu jinnotifika l-oġġezzjoni, ipprezentata fir-registru tiegħu, fuq il-konvenut jew intimat mingħajr dewmien. Il-konvenut għandu jkollu d-dritt li jipprezenta risposta bil-miktub fi żmien għoxrin ġurnata mid-data tan-notifika. It-Tribunal imbagħhad jiffissa data għas-smiġh fi żmien tmint ijiem tax-xogħol mill-prezentata tar-risposta mill-konvenut fil-limitu ta' żmien imsemmi jew jekk ebda risposta ma tiġi pprezentata mill-iskadenza ta' dak iż-żmien. It-Tribunal għandu, wara li jappunta r-rikors għas-smiġh, jiddeċiedi fuq il-mertu wara li jircievi kull xhieda li jidhirlu xieraq, fl-iqsar żmien possibbli, iżda mhux aktar tard minn sitt xhur mill-jum meta l-applikazzjoni tkun giet debitament notifikata.

Kap. 490.

(3) Għandu jkun hemm dritt ta' appell skont id-dispożizzjonijiet tat-Taqsima IV tal-Att dwar il-Ġustizzja Amministrattiva minn deċiżjonijiet tat-Tribunal ta' Revizjoni Amministrattiva skont is-subartikolu (1) u dak l-appell għandu jkun lill-Qorti tal-Appell (Kompetenza Inferjuri).

(4) Kopja tar-rikors tal-appell għandha tiġi notifikata lill-appellat, li jista' jipprezenta risposta bil-miktub fi żmien għoxrin ġurnata mid-data tan-notifika. Il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tiffissa data għas-smiġh fi żmien hmistax-il ġurnata ta' xogħol mill-prezentata tar-risposta mill-appellat fit-terminu preskritt jew jekk ebda risposta bħal din ma' tiġi prezentata, mill-iskadenza ta' dak iż-żmien. Il-Qorti tal-Appell (Kompetenza Inferjuri) għandha, wara li tappunta r-rikors tal-appell għal smiġh,

tiddeċiedi fuq il-mertu fl-iqsar żmien possibbli, iżda mhux aktar tard minn sitt xhur mill-jum meta l-applikazzjoni tkun giet debitament notifikata.

58. (1) Il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti: Setgħa li jsiru regolamenti.

(a) fir-rigward ta' kwalunkwe waħda mill-funzjonijiet tal-Awtorità u b'rabta ma' kull kwistjoni li għandha x'taqsam mal-funzjoni proprja tagħha;

(b) biex jistabbilixxi tariffi għall-forniment ta' kwalunkwe servizz jew il-ġestjoni ta' servizz mill-Awtorità jew minn xi persuna f'isimha jew taħt l-awtorità tagħha, inkluż, bla ħsara għall-ġeneralità ta' dak li ntqal qabel, kwalunkwe mizata jew ħlasijiet oħra għal kwalunkwe servizz f'konnessjoni mar-regolament ta' xi attività mill-Awtorità;

(c) għall-għemil ta' kull depożitu jew l-għoti ta' kwalunkwe garanzija biex jiżgura l-eżekuzzjoni ta' kwalunkwe obbligu minn xi persuna imposta bħala kundizzjoni tal-permess, awtorizzazzjoni jew liċenza taħt dan l-Att;

(d) għall-poteri u d-dmirijiet ta' uffiċjali, impjegati u, jew tal-kuntratturi mahtura mill-Awtorità;

(e) għar-regolamentazzjoni, il-kontroll, u li tipprojbixxi l-preżenza ta' xi persuna fi kwalunkwe post jew bini li hija għandha dritt fuq jew hija sid ta' jew l-użu minn kull persuna ta' tali post jew bini;

(f) biex jirregola, jiddikjara u jistabbilixxi l-proprjetà tal-Awtorità jew proprjetà li fuqha hija għandha dritt;

(g) jirregola l-użu tal-proprjetà tal-Awtorità jew proprjetà li fuqha għandha d-dritt, kemm jekk mobbli jew immobbli;

(h) biex jippreskrivi liema tip ta' informazzjoni miżmuma mill-Awtorità għandha tkun aċċessibbli għall-pubbliku, kif ukoll li tiġi stabbilita l-proċedura li tikkonċerna l-aċċess għaliha u l-mizati relattivi li għandhom jithallsu biex tinkiseb kopja ta' tali informazzjoni;

(i) biex jeskludi lill-Awtorità minn kull responsabbiltà, barra mir-responsabbiltà għan-negliġenza gravi, imwettqa fl-eżekuzzjoni tad-doveri tagħha taħt l-imsemmija regolamenti;

(j) jistabbilixxi reati u l-pieni relattivi fir-rigward tal-ksur ta' xi dispozizzjoni ta' dan l-Att;

(k) biex jipprovdi u jagħmel skedi għal dan l-Att;

(l) biex jipprovdi li tkun emendata, sostitwita jew mizjuda jew inkella mibdula kull haġa li tinsab fl-Iskedi għal dan l-Att;

(m) biex jipprovdi li kull persuna li tagixxi bi ksur ta' xi regolament taht dan l-Att tkun haġta ta' reat kontra dan l-Att, u biex jistabbilixxi dik il-piena, li tkun piena mhux akbar minn multa ta' mitt elf euro (€100,000) jew prigunerija għal żmien mhux iżjed minn sentejn, jew dik il-multa u prigunerija flimkien, li kull persuna hekk haġta tista' tehel:

Iżda r-regolamenti jistgħu jipprovdu li persuna li, wara li tkun giet ikkundannata għal reat kontra l-istess regolament b'sentenza li tkun saret finali, terġa' tagħmel reat ieħor bi ksur tal-istess regolament f'dak iż-żmien li jista' jiġi preskritt, għandha tehel multa oġhla, li ma tkunx teċċedi darbtejn daqs il-multa li kieku xort'oħra kienet tehel, u għall-fini ta' dan il-proviso l-oġhla multa li tista' tiġi stabbilita b'dawk ir-regolamenti tkun dik ta' mitejn elf euro (€200,000):

Iżda wkoll, dik il-multa għandha f'kull każ tkun dovuta lill-Gvern bhala dejn ċivili, u meta l-persuna haġta tar-reat tkun direttur, segretarju jew *manager* ta' korp ġuridiku li r-reat ikun sar għall-benefiċċju ekonomiku tal-istess korp ġuridiku, dak il-korp ġuridiku għandu jkun responsabbli solidalment mal-ħati għall-ħlas ta' dak id-dejn ċivili;

(n) biex jippreskrivi kull haġa li tista' jew li għandha tiġi preskritta taht dan l-Att jew li tkun marbuta ma' kwalunkwe funzjoni jew dmir tal-Awtorità mogħtija lilha minn jew taht dan l-Att jew bi jew skont xi liġi oħra.

(2) Kull setgħa mogħtija b'dan l-Att biex isiru regolamenti, regoli, ordnijiet, listi, skedi u kull strument ieħor ta' natura simili, tinkludi s-setgħa minn żmien għal żmien biex jiġi revokat, sostitwit, emendat, mibdul jew issir żieda f'kull strument bħal kif intqal qabel.

(3) Regolamenti jew ordnijiet skont is-subartikolu (1) jistgħu, għall-iskop li jiżguraw konformità mad-dispożizzjonijiet tiegħu, jipprovdu għall-impożizzjoni ta' pieni li ma jeċċedux multa ta' mitejn elf euro (€200,000) jew penali ta' mhux iżjed minn elf u ħames mitt euro (€1,500) għal kull jum li r-reat jibqa' jippersisti u prigunerija

għal żmien mhux iżjed minn sentejn.

(4) Regolamenti jew ordnijiet skont dan l-artikolu jistgħu, għall-fini tal-implimentazzjoni u l-infurzar tagħhom kif suppost, jipprovdu għall-għoti tas-setgħa lill-Awtorità biex tidhol u tagħmel tfittxija f'kull fond, li jkollha aċċess għal kwalunkwe dokument rilevanti fi kwalunkwe forma, li tirrikjedi lil kwalunkwe persuna biex tforni kwalunkwe informazzjoni rilevanti, biex twettaq spezzjoni fuq il-post, li toħroġ ordni lil kull persuna biex tieqaf milli tagħmel xi haġa li jikkostitwixxi ksur ta' dan l-Att jew ta' xi regolament jew ordni magħmul tahtu u li titlob minn kull persuna garanzija biex tieqaf milli tagħmel xi haġa bħal din u li tippubblika kull garanzija bħal din u kull deċiżjoni tal-Awtorità relatata mal-imsemmija regolamenti jew ordnijiet.

(5) B'mod ġenerali, il-Ministru jista' wkoll jagħmel regolamenti li jkunu jipprovdu għad-dixxiplina tal-impjegati tal-Awtorità jew tal-kuntrattur, kemm jekk regolari jew każwali, u l-proċeduri li għandhom jiġu segwiti għal dak il-għan, inkluża l-ħatra ta' bord ta' dixxiplina u l-kondotta u l-proċedura tiegħu, u li jipprovdi għall-pieni li jistgħu jingħataw minn dak il-bord.

59. (1) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, għall-finijiet tal-qadi tal-funzjonijiet tagħhom taht dan l-Att, il-Bord u dak l-uffiċjal, impjegat jew kumitat jew xi persuna oħra kif jista' jkun awtorizzat mill-Bord jew l-Uffiċjal Kap Eżekuttiv għal dan il-għan, u jekk ikun hekk meħtieġ mill-Bord bl-assistenza tal-Korp tal-Pulizija, għandu jkollhom:

Dritt ta' aċċess.

(a) id-dritt li jidhlu f'kull fond, pubbliku jew privat, f'kull hin raġonevoli, u fil-każ ta' dar ta' abitazzjoni wara li jagħtu avviż raġonevoli ta' mill-inqas erbgħa u għoxrin siegħa u mhux qabel is-sebgħa ta' filgħodu (07:00) jew aktar tard mis-sebgħa ta' filgħaxija (19:00), u jispezzjonaw jew jagħmlu *survey* tal-art, jew li jieħdu kwalunkwe ritratt wara li jidhlu jew jitolbu kwalunkwe informazzjoni leġittima minn kwalunkwe persuna li tokkupa dak il-post; u

(b) id-dritt li jagħmlu kull haġa li tkun ancillari jew konsegwenzjali għalihom.

(2) Kull persuna awtorizzata skont is-subartikolu (1) għandha tipproduċi mezz ta' identifikazzjoni maħruġ mill-Awtorità u wara tkun awtorizzata biex tidhol fuq l-art.

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Setgħa tal-Ministru li jagħmel regolamenti dwar reati kriminali.

60. Mingħajr preġudizzju għal kull dispożizzjoni speċjali oħra ta' dan l-Att, il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti li jippreskrivu pieni għal reati kriminali kontra kull regolament li jsir taħt dan l-Att, u dawk ir-regolamenti jistgħu:

(a) jippreskrivu prigunerija u multi differenti għal reati differenti;

(b) jippreskrivu multi kalkolati skont it-tul tal-għemil tar-reat:

Izda kwalunkwe regolament li jista' jsir m'għandux jipprovdi għal:

(i) prigunerija għal aktar minn sentejn, jew multa ta' aktar minn mitejn elf euro (€200,000); jew

(ii) multa ta' aktar minn elf u ħames mitt euro (€1,500) għal kull jum li matulu r-reat jippersisti.

L-għan ta' regolamenti jew ordnijiet.

61. Regolamenti jew ordnijiet magħmula taħt dan l-Att jistgħu jagħmlu dispożizzjonijiet differenti dwar klassijiet differenti ta' proprjetà, art jew persuni konnessi magħhom jew dwar ċirkostanzi differenti u fir-rigward ta' partijiet differenti ta' Malta.

Sanzjonijiet amministrattivi.

62. (1) L-Awtorità għandu jkollha s-setgħa li timponi fir-rigward ta' kull persuna li tikser xi dispożizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu, jew li tonqos li tosserva xi direttiva jew deċiżjoni mogħtija mill-Awtorità, sanzjoni amministrattiva taht dawk il-proċeduri kif jista' jiġi stabbilit f'dan l-Att jew regolamenti magħmulin tahtu.

(2) Sanzjoni amministrattiva imposta taht is-subartikolu (1) ma għandhiex taqbeż il-mitejn elf euro (€200,000) għal kull kontravvenzjoni jew elf u ħames mitt euro (€1,500) għal kull jum ta' nuqqas ta' konformità, mid-data tad-deċiżjoni tal-Awtorità.

(3) Meta d-deċiżjoni li timponi sanzjoni amministrattiva tkun giet appellata u d-deċiżjoni kkonfermata mit-Tribunal jew mill-Qorti tal-Appell (Kompetenza Inferjuri), skont kif ikun il-każ, is-sanzjoni ta' kuljum għall-kontinwazzjoni tal-illegalità għandha tiġi kkalkulata mid-data oriġinali notifikata fl-avviż ta' infurzar:

Izda l-Ministru jista' b'regolamenti jippreskrivi dati differenti minn meta multi ta' kuljum għandhom jiġu kalkolati.

Emendi ta' liġijiet.

63. (1) Il-Ministru jista', bla ħsara għad-dispożizzjonijiet tas-subartikolu (2), b'regolamenti jemenda, jissostitwixxi jew iħassar

kull dispożizzjoni ta' xi Att esplicitament imsemmi fil-paragrafu (b) tas-subartikolu (2) tal-artikolu 7 wara li tiġi konsultata l-Awtorità għall-iskop li tiġi eliminata kull diffikultà fl-implimentazzjoni ta' dawk il-ligijiet flimkien ma' dan l-Att.

(2) Il-Ministru jista' b'regolamenti magħmula taht dan is-subartikolu, jipprovdi għal dispożizzjonijiet transitorji.

(3) Ir-regolamenti li jsiru bis-saħħa ta' dan l-artikolu għandhom jidhlu fis-seħħ wara li jiġu approvati b'riżoluzzjoni tal-Kamra tad-Deputati.

64. (1) Il-membri, l-uffiċjali u l-impjegati tal-Awtorità fit-tweqqiq tal-funzjonijiet tagħhom taht dan l-Att jew taht xi ligi oħra amministrata mill-Awtorità, m'għandhomx ikunu responsabbli għal xi telf jew ħsara mgarrba minn xi persuna minhabba xi haġa li saret jew li ma saritx *bona fide* biex jitwettqu d-dispożizzjonijiet ta' dan l-Att jew ta' xi ligi oħra. Lanqas ma għandhom jiġu istitwiti xi proċeduri kriminali kontra tagħhom fit-tweqqiq tal-funzjonijiet tagħhom taht dan l-Att jew ta' xi dispożizzjoni oħra tal-ligijiet elenkati fl-artikolu 7 jew kwalunkwe dispożizzjoni oħra ta' dan l-Att.

Eżenzjoni minn responsabbiltà.

(2) Minkejja d-dispożizzjonijiet ta' kull ligi oħra u bla ħsara għad-dispożizzjonijiet tal-artikolu 46 tal-Kostituzzjoni u l-artikolu 4 tal-Att dwar il-Konvenzjoni Ewropea, l-ebda att kawtelatorju ma jista' jinħareġ mill-Qorti kontra l-Awtorità li jzommha milli teżercita xi setgħat konferiti lilha taht dan l-Att.

65. (1) L-ispejjeż kollha li jintnefqu b'mod raġonevoli mill-Awtorità fl-eżerċizzju tas-setgħat tagħha, jew kull ammont ieħor li jista' jkun dovut taht xi dispożizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu jew taht xi ligi jew ftehim ieħor iffirmit jew xort'oħra magħmula minnha għandhom ikunu rekuperabbli bħala dejn ċivili mill-Awtorità mis-sid preżenti tal-art, jew minn kwalunkwe okkupant tal-art jew bini, jew minn kwalunkwe persuna responsabbli għall-atti msemmija fl-avviż, inkluża talba għall-ħlas, jew applikant, bla ħsara għad-dritt ta' rkupru li dik il-persuna jista' jkollha kontra kull persuna oħra. L-Awtorità m'għandhiex tkun responsabbli għal xi ħsarat bħala riżultat tal-eżerċizzju tas-setgħat tagħha taht dan l-artikolu, sakemm ma jiġix ippruvat li tali ħsara saret minhabba negligenza gravi min-naha tal-Awtorità, l-uffiċjali u l-aġenti tagħha. L-Awtorità, fid-diskrezzjoni tagħha, tista' tiddisponi mill-oġġetti misjuba fuq l-art jew bini, mingħajr ebda formalitajiet oħra jekk l-oġġetti jibqgħu ma ssirx talba dwarhom fi żmien sebat ijiem.

Proċedimenti għal djun dovuti lill-Awtorità.

(2) Meta l-Awtorità tixtieq li tħarrek biex tirkupra dejn dovut

lill-Awtorità taht xi ligi jew regolament li hija intitolata li tinforza, l-Uffiċjal Kap Eżekuttiv jew uffiċjal tal-Awtorità kif awtorizzat mill-Uffiċjal Kap Eżekuttiv biex jaġixxi f'ismu, jista' jagħmel dikjarazzjoni bil-gurament quddiem ir-Registatur tal-Qorti jew quddiem xi uffiċjal ieħor awtorizzat li jamministra l-gurament f'materji ġudizzjarji, fejn huwa jiddikjara n-natura tad-dejn u l-isem tad-debitur u jikkonferma li huwa dovut. Imgħax bir-rata ta' tmienja fil-mija (8%) għandu jibda jiddekorri mid-data li fiha l-ammont imsemmi fid-dikjarazzjoni kien dovut.

(3) Id-dikjarazzjoni msemmija fis-subartikolu (2) għandha tiġi notifikata lid-debitur permezz ta' att ġudizzjarju u għandu jkollha l-istess effett bhal sentenza finali tal-qorti kompetenti sakemm id-debitur fi żmien tletin jum min-notifika lilu tal-imsemmija dikjarazzjoni, ma jopponix it-talba billi jipprezenta rikors fil-Qorti fejn jiddikjara li t-talba hi infondata. L-att ġudizzjarju msemmi għandu, taht piena ta' nullità, ikollu fih intimazzjoni lid-debitur li jekk huwa ma jwegibx fi żmien tletin jum min-notifika li ssirli tal-att ġudizzjarju, tali att ġudizzjarju, jkollu l-istess effett bhal sentenza finali tal-qorti kompetenti. L-intimazzjoni għandha tinkludi wkoll fiha l-informazzjoni li d-debitur jista' jipprezenta rikors fiż-żmien mogħti lilu, iffirmit u pprezentat minnu stess mingħajr il-htieġa ta' firma ta' avukat jew ta' prokuratur legali; dak l-att ġudizzjarju jikkostitwixxi titolu eżekuttiv.

(4) Ir-rikors ipprezentat skont is-subartikolu (3) għandu jiġi notifikat lill-Awtorità, li għandha tkun intitolata li tipprezenta risposta fi żmien għoxrin jum. Il-qorti għandha tappunta r-rikors għas-smiġħ f'data wara l-iskadenza ta' dak il-perjodu u f'ebda każ mhux aktar tard minn xahar mill-prezentata tar-rikors.

(5) Kull djun dovuti lill-Awtorità għandhom jitqiesu preskritti mal-iskadenza ta' għaxar snin mid-data li fiha d-dejn kien dovut.

Riserva.

66. (1) Kull ordni, regola, regolament, ordinament, avviż jew strument ieħor li jkollu l-forza ta' ligi magħmula taht l-awtorità ta' xi waħda mid-dispożizzjonijiet tal-ligijiet elenkati fl-artikolu 7 jew kwalunkwe dispożizzjoni oħra ta' dan l-Att għandhom jibqgħu fis-seħħ u għandhom jibqgħu jkollhom effett daqslikieku magħmula taht dan l-Att u jistgħu jiġu emendati, sostitwiti jew revokati skont il-każ.

(2) Kull permess, awtorità jew ordni mogħtija jew magħmula taht xi waħda mid-dispożizzjonijiet tal-ligijiet elenkati fl-artikolu 7 jew kwalunkwe dispożizzjoni oħra ta' dan l-Att u li jkunu għadhom fis-seħħ minnufih qabel id-data tad-dhul fis-seħħ ta' dan l-Att għandhom minn dik id-data jibqgħu fis-seħħ bhallikieku kienu permess, awtorità jew ordni mogħtija jew magħmula taht

dispożizzjoni korrispondenti ta' dan l-Att u dak il-permess, awtorità jew ordni kif intqal qabel għandhom jiġu ttrattati u jsir minnhom skont hekk.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 422 tal-25 ta' Lulju, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

5th August, 2016

ACT No. XLIII of 2016

AN ACT to make provision for the establishment of the Lands Authority, to regulate such activities and to provide for matters ancillary or incidental thereto or connected therewith.

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 Lands Authority Act, 2016.

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

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Interpretation.

2. In this Act unless the context otherwise requires, the following expressions have the meaning hereby assigned to them:

"agency of Government" means a body corporate established by law and a company in which the Government or such body corporate, or a combination thereof, has a controlling interest or which is a subsidiary of such a company;

"auditor" is a holder of a practising certificate to practise in the field of auditing;

"Authority" means the Lands Authority established under article

5 and includes any body or other person acting on its behalf under powers delegated by the Authority under this Act, and the Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of this Act or any regulations made thereunder;

"Board" means the Board of Governors of the Authority established by article 10;

"Chairperson" means the Chairperson of the Board of Governors who shall be the Chairperson of the Authority appointed in terms of article 10;

"days" means calendar days;

"financial year" means any period of twelve months ending on the 31st December:

Provided that the first financial year shall start on the coming into force of this Act and shall end on the 31st December of the following year;

"functions" includes responsibilities, powers and duties;

"Gazette" means the Government Gazette;

"land" includes a building and also land which has been formed following land reclamation and also the sea and the seabed;

"local council" means a local council established under the Local Councils Act;

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"Minister" means the Minister or Parliamentary Secretary under whose portfolio the Authority is included;

"Prime Minister" means the Prime Minister of Malta and includes any person authorised by the Prime Minister;

"policy" means a policy approved in accordance with the provisions of this Act;

"public officer" has the meaning assigned to it by article 124 of the Constitution;

"regulation" means a regulation made under article 58.

VERŻJONI ELETTRONIKA

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Duty to promote
a
comprehensive
sustainable land
use and property
use system.

3. It shall be the duty of the Government to optimise land resources and its building resources for the economic and social development of Malta, through a comprehensive sustainable land use and property use system, and to that effect:

(a) ensuring the best use of Government land;

(b) providing an effective and reliable land management system, including the issuance and guarantee of land titles and geo-spatial demarcation of land; and

(c) enabling the full use of land and building information for better land and property management and the creation of new business opportunities.

Application of
article 3.

4. The provisions of article 3 shall not be directly enforceable in any court, but, notwithstanding that, the principles therein contained are fundamental to the Government of Malta and these principles shall be employed in the interpretation of the other provisions of this Act or of any other law relating to matters governed by this Act.

Establishment
of the Lands
Authority.

5. There shall be a body to be known as the Lands Authority, the business of which shall be carried out by a Board composed of a chairperson and not less than nine and not more than eleven members.

Authority to be
body corporate
and
representation
of the Authority.

6. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the borrowing of money.

(2) The legal and judicial representation of the Authority shall vest in the Board:

Provided that the Board may appoint any one or more of its members or any one or more of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any proceedings and in any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions vested in a Directorate, the legal and judicial representation of the Authority shall also vest in the Chief Officer of the Directorate or in such other member, officer or employee of the

Authority, as the Board may appoint or authorise for the purpose.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson of the Board, or such other member of the Board or officer of the Authority as may be the Board, in accordance with sub-article (2), be vested with the legal representation of the Authority, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

7. (1) The Authority shall be the principal means whereby the Government shall implement its duties under this Act.

Functions and scope of the Authority.

(2) Without prejudice to any other power or function conferred to it by this Act or any other law, it shall be the function of the Authority:

(a) to succeed and perform in the functions which were previously assigned to the Commissioner of Land under the provisions of the Commissioner of Land Ordinance or any other law or subsidiary legislation and to perform and succeed in the assets, rights, liabilities and obligations of the Commissioner of Land under the provisions of the Commissioner of Land Ordinance or any other law or subsidiary legislation to the extent that the Minister may prescribe by regulations under this Act;

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(b) to succeed and perform in the functions which were previously assigned to the Government of Malta under the provisions of the Land Acquisition (Public Purposes) Ordinance, Land (Compulsory Eviction) Act, the Disposal of Government Land Act, the Administration of Lands Act or any other law or subsidiary legislation and to perform and succeed in the assets, rights, liabilities and obligations of the Government of Malta under the provisions of the Land Acquisition (Public Purposes) Ordinance, Land (Compulsory Eviction) Act, the Disposal of Government Land Act, the Administration of Lands Act, or any other law or subsidiary legislation to the extent that the Minister may prescribe by regulations under this Act;

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(c) to administer in the most ample of manners and make best use of all the land of the Government of Malta and all land that form part of the public domain such as the coastal perimeter, foreshores, harbours, quays, wharfs, pontoons, portbeaches, landing places, berthing places, waterways, aqueducts, lakes, natural springs, cliffs, valleys, public squares, streets, alleys, lanes, access routes to other public places

including those leading to the coastal perimeter, woods, parks, areas of ecological or environmental importance and sites of cultural, social or historical importance;

(d) to perform any other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation entered into by Malta relative to matters regulated by this Act;

(e) to advise the Government generally on the formulation of policies with regard to land in Malta and to make recommendations to Government on action which in the opinion of the Authority would be expedient in relation to matters falling within its functions;

(f) to order investigations about any irregularities in connection with anything falling under the remit of the Authority which shall have been made known to the Chief Audit Officer in accordance with article 19(7) and to keep under review all transactions made and to take measures to suppress and prevent, any practices which may be unfair, harmful or otherwise detrimental; and

(g) to ensure high standards of conduct and management throughout.

(3) The Authority may also exercise all powers of control over land in Malta as may from time to time be delegated to it in writing by the Minister on behalf of any department or agency of Government.

(4) It shall be the Minister's function to ensure that the Board is fully informed of Government's strategic directions relative to this Act, and it shall be the duty of the said Board to monitor the proper execution of such policies.

(5) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic directions relating to land.

(6) In the pursuance of its functions under this Act, the Authority shall regulate its own procedure.

(7) For the better performance of its functions, the Authority shall collaborate with other Government departments and authorities and make arrangements for the mutual exchange of information and for other forms of assistance.

(8) The Authority shall also ensure that it keeps an audit trail

of all its files, including all documentation and reports:

Provided that files, documentations and reports shall be digitised and the Authority may after digitisation forward to the National Archives hard copies of files, documentations and reports after a period of twenty (20) years from date of submission to the Authority or to any other previous entity carrying out the same functions.

8. (1) Subject to the other provisions of this Act, the business of the Authority shall be the responsibility of the Board but, save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its Directorates, Units, Divisions and Sections and of its officers and employees, shall be the responsibility of the Chief Executive Officer, who shall also have such other powers as may from time to time be delegated to him by the Minister.

Conduct of the affairs of the Authority.

(2) The Authority and each of its Directorates, Units, Divisions and Sections may exercise any one or more of their functions or responsibilities either directly or through any of their officers or employees authorised for the purpose.

(3) Where in this Act anything is to be done by or with respect to the Authority, any such thing may also be done by the Directorates, Units, Divisions and Sections under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate, Unit, Division and Section; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate, Unit, Division and Section.

9. There is hereby established the Board of Governors.

Establishment of the Board of Governors.

10. (1) The members of the Board of Governors shall consist of the following:

Composition of the Board of Governors.

- (a) a Chairperson appointed by the Prime Minister;
- (b) a Deputy Chairperson appointed by the Minister;
- (c) a Member of Parliament nominated by the Leader of the Opposition;
- (d) a Member of Parliament nominated by the Prime Minister;
- (e) a person nominated by the Planning Authority;

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(f) a person nominated by the Environment and Resources Authority;

(g) a person of a recognised standing in the auditing profession who is not a public officer and who shall be appointed by the Minister;

(h) a *perit* of a recognised standing who is not a public officer appointed by the Minister;

(i) an advocate of a recognised standing who is not a public officer appointed by the Minister;

(j) an independent member chosen from amongst persons of known integrity and with knowledge of and experience in corporate management appointed by the Minister.

(2) The members of the Board of Governors shall hold office for such term, being a period of not more than four years, as may be specified in the letter of appointment, and shall be eligible for reappointment; and shall receive such remuneration as the Minister may from time to time, determine:

Provided that if a member is appointed at any time after the other members have already been appointed, the term of appointment of such member shall end on the same date as that of the other members.

(3) Where the Chairperson is absent or is unable to exercise the functions and powers of his office and the Prime Minister has not appointed another person to act as Chairperson during the period of absence or disability, then the Deputy Chairperson shall carry out the functions of the Chairperson. If the Deputy Chairperson is absent or is unable to exercise the functions and powers of his office and the Prime Minister has not appointed another person to act as Deputy Chairperson during the period of absence or disability then the members of the Board of Governors shall designate one of the members of the Board to carry out the functions of the Chairperson during such period.

Disqualification from being appointed as Chairperson, Deputy Chairperson or member of the Board of Governors.

11. (1) A person shall not be eligible to be appointed or to hold office as a member of the Board if he -

(a) is a Minister, Parliamentary Secretary or Member of Parliament except for those Members of Parliament indicated in paragraphs 10(1)(c) and 10(1)(d); or

(b) is a Judge or Magistrate of the Courts of Justice; or

- (c) is legally incapacitated or interdicted; or
- (d) has been declared an undischarged bankrupt or has made a composition or arrangement with his creditors; or
- (e) is subject to disqualification under article 320 of the Companies Act or is subject to blacklisting as provided in the Public Procurement Regulations; or
- (f) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Board; or
- (g) has contravened any provision made by or under any law appearing to be designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice concerned in the provision of financial services or in the management of companies; or
- (h) has engaged in any business practice appearing to the Prime Minister, in the case of the Chairperson, or to the Minister, in the case of the Deputy Chairperson or of any other member of the Board, to be deceitful or oppressive or otherwise improper (whether unlawful or otherwise) or which otherwise reflects discredit on his method of conducting business or professional activities; or
- (i) has a financial or other interest as is likely to prejudicially affect the discharge by him of his functions:

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Provided that the Prime Minister, in the case of the Chairperson, or the Minister, in the case of the Deputy Chairperson or any other member of the Board, may waive the disqualification of a person under this paragraph if such person declares the interest and the Prime Minister or the Minister, as the case may be, considers that there are valid reasons for such a waiver:

Provided further that if the Prime Minister, in the case of the Chairperson, or the Minister, in the case of the Deputy Chairperson or any other member of the Board, decides to grant such waiver, the declaration of the person stating his interest, the waiver and reasons therefor shall be published in the Gazette; or

- (j) is otherwise not a fit and proper person to hold that office.

(2) In determining whether a person is a fit and proper person, the Prime Minister, in the case of the Chairperson, or the Minister, in the case of the Deputy Chairperson or any other member of the Board, shall have regard to that person's probity, to his competence and soundness of judgement for fulfilling the responsibilities of that office, to the diligence with which he is fulfilling or is likely to fulfil those responsibilities and to whether the interests of any person are, or are likely to be, in any way threatened by his holding that office.

(3) Any person whom the Prime Minister or the Minister has appointed or proposes to appoint as a member of the Board shall, whenever requested by the Prime Minister or the Minister to do so, furnish to him such information as the Prime Minister or the Minister considers necessary for the performance of his duties under sub-articles (1) and (2).

(4) The Chairperson, the Deputy Chairperson or a member of the Board may be relieved of office by the Prime Minister or by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or body, or of misbehaviour; and for the purposes of this sub-article repeated and unjustified non-attendance of meetings may be deemed to amount to misbehaviour.

(5) The Chairperson, the Deputy Chairperson or any member of the Board, may resign his office by letter addressed to the Prime Minister or to the Minister, as the case may be.

(6) The appointment of any person as a member of the Board and the termination of office or resignation of any such person including the reason for such termination or resignation, as applicable, shall be notified in the Gazette.

(7) Subject to the provisions of this article, the office of a member of the Board shall become vacant -

(a) at the expiration of his term of office; or

(b) if any circumstances arise that, if he were not a member of the Board, would cause him to be disqualified for appointment as such.

(8) A member of the Board may only be removed from office by the Prime Minister or by the Minister for any one or more of the following reasons:

(a) if the member due to infirmity of mind or of body or of any other cause is effectively unable to continue to discharge

his duties as a member;

(b) if the behaviour or performance of the member brings into question his suitability or ability to continue as a member, in particular for behaviour that affects or may affect his reputation, independence or autonomy, or the reputation, independence or autonomy of the Authority;

(c) if the member has been convicted of a criminal offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering, or of any offence against this Act or if he has been convicted of an offence punishable by imprisonment for a period of six months or more; or

(d) if the member fails to perform his duties for a prolonged period without any valid justification:

Provided that notwithstanding the above, it shall be a cause for the removal of a member if that member for any reason fails to perform his duties, including attending for Board meetings.

(9) If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Prime Minister or the Minister may appoint a person, who is qualified to be appointed to be a member, to be a temporary member of the Board; and any person so appointed shall, subject to the provisions of article 10(2), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(10) Any member of the Board who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of the interest at the first meeting of the Authority after the relevant facts have come to that member's knowledge; such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Prime Minister or to the Minister without delay. Where the interest of the member is such as to disqualify that member from remaining a member, such member shall report the fact immediately to the Prime Minister or Minister and tender his resignation. Moreover, the member:

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(a) shall withdraw from any meetings and not take part in any discussions or decisions of the Board with respect to that matter; and

(b) shall be disregarded for the purpose of constituting a quorum for any such discussions or decisions.

(11) The appointment of any person as a member of the Authority and the termination of office or resignation of any such person, as well as any additional functions assigned to the Authority by the Prime Minister or by the Minister, shall be notified in the Gazette, and it shall have effect forthwith:

Provided that failure to publish the appointment or termination of office, as the case may be, shall have no effect on the validity of such appointment or termination.

(12) All acts done by any person in good faith as a member of the Board shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

(13) The provisions of articles 12, 13, 14, 15 and 16 shall apply to the Board and regulate its proceedings.

(14) The Board shall transmit a copy of the agenda, minutes and relative enclosures of its meetings to the Prime Minister and to the Minister for their information.

(15) A member who has ceased to be a member of the Board shall be eligible for reappointment.

Meetings of the
Board of
Governors.

12. (1) The Board shall meet as often as may be necessary or expedient but at least once every month. The meetings shall be convened by the Chairperson either on his own initiative or on the written request of any two members.

(2) The Board may act notwithstanding any vacancy amongst its members provided there is a quorum consisting of not less than five members present at the meeting.

(3) The meeting of the Board shall be chaired by the Chairperson, or in his absence by the Deputy Chairperson, or by a member elected for the particular meeting by the other members present at the meeting.

(4) Decisions of the Board shall be taken by a simple majority of votes of the members present, and the Chairperson or other person

chairing the meeting shall have an original vote and, in the event of an equality of votes, a second or casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid unless it is supported by at least three members of the Board.

(5) (a) The Board shall appoint an officer of the Authority to act as Secretary to the Board for such period and as the Board shall deem appropriate.

(b) It shall be the duty of the Secretary to make the necessary preparations for the meetings of the Board and to keep minutes of those meetings. The Secretary shall also be duty bound to ensure that the original copies of the minutes are signed by the Chairperson, by not later than the following meeting and shall also ensure that these minutes are kept both in electronic format and in hard format. Copies of the minutes are to be made available to any member of the Board upon a simple request.

(6) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy among the members of the Board.

(7) No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of article 11(10).

(8) Subject to the foregoing provisions of this article, the Board may regulate its own proceedings and procedure.

(9) The Board may invite any person and may require any officer or employee of the Authority to attend a meeting of the Board and to take part in the discussions.

13. (a) When the Board is presented with recommendations or decisions taken or to be taken by the Chief Executive Officer, it shall discuss the said recommendations or decisions and if the Board does not approve them in principle, it may, by agreement of an absolute majority, ask the Chief Audit Officer to investigate and report to it his findings in connection therewith. These findings must be made available to the Board by not later than seven (7) days from the date the request was made. When a request is made by the Board to the Chief Audit Officer to investigate any recommendation or decision, it shall immediately notify the Minister.

Provisions with respect to the Board of Governors.

(b) The Board will then discuss the findings of the Chief Audit Officer in relation to the recommendations or decisions of the Chief Executive Officer and take a decision as to whether to approve or overturn the said recommendation or decision of the Chief

Executive Officer.

(c) Where the Board votes against a recommendation or a decision taken by the Chief Executive Officer, and thus overturn the said recommendation or decision, the Board shall register in the relevant file the specific reasons adduced by it justifying its vote. Such decision by the Board shall be immediately notified to the Minister. The Minister may, if he deems necessary, and after giving detailed reasons, send back to the Board said decision for its review.

The decision by the Board to set the recommendation or decision of the Chief Executive Officer aside shall also be notified to any third party who is affected by such overturn and such third party shall have the right to challenge the decision taken by the Board as provided in article 57. Pending the appeal procedure, the decision of the Board shall be suspended. Any decision given by the Administrative Tribunal and Court of Appeal shall include in it a declaration whether it confirms or otherwise the decision made by the Board to overturn such a decision. In the eventuality that the tribunal or court confirms said decision by the Board, the authority or its officers shall not be liable to any claim, including, but not only, any claim for damages with regard to the overturned decision.

(d) Where the Board votes in favour of a recommendation or a decision taken by the Chief Executive Officer, the Board shall register in the relevant file the specific reasons adduced by it justifying its vote. Such decision by the Board shall immediately be notified to the Minister. The Minister may, if he deems necessary, and after giving detailed reasons, send back to the Board the said decision for its review.

(e) Where the Board votes in favour of a recommendation or a decision taken by the Chief Executive Officer, against which the Chief Audit Officer makes adverse findings, the Board shall register in the relevant file the specific reasons adduced by it justifying such recommendation or decision taken. Such decision shall immediately be notified to the Minister. The Minister may, if he deems necessary, and after giving detailed reasons, send back to the Board said decision for its review.

(f) The quorum shall consist of the Chairperson or Deputy Chairperson and another four members of the Board.

(g) The Chairperson, or the Deputy Chairperson acting in his place, shall have an original vote and, in the case of a tie, a casting vote. All members of the Board present at the meetings shall cast their vote in favour or against any motion put to the vote. Decisions shall

be adopted by a simple majority of the members present with the right to vote.

(h) The Board may not delegate, to the Chairperson or any of its members, the power to endorse any documents or plans relating to any matter under its consideration.

(i) The Chief Executive Officer shall be directly answerable for his decisions or recommendations only to the Board.

(j) The Chief Audit Officer shall be answerable for his findings to the Chief Executive Officer and the Board.

14. (1) The functions of the Board shall be the following:

Functions of the
Board of
Governors.

(a) to establish the policies to be pursued by the Authority. In determining such policies the Board shall follow such policy guidelines as may be set out by Government;

(b) to provide a centralized office for the receipt and processing of applications and documents;

(c) to provide a centralized office for the receipt and processing of complaints, reports and assessment of information, related to alleged breaches of the provisions of this Act, and to co-ordinate investigations undertaken by the competent authorities whenever the Authority is of the opinion that a breach should be pursued;

(d) to formulate, implement and update plans and policies relating to the promotion of all Government property, and such other matters as may be necessary, ancillary, incidental or conducive to the better carrying out of the provisions of this Act;

(e) to seek the co-operation of, or make arrangements with, other entities or persons to enable it to better monitor the implementation of, and compliance with, the provisions of this Act;

(f) to establish long and short term objectives and strategies for the proper administration of the Authority;

(g) to advise the Minister on the making of guidelines and regulations under this Act;

(h) to make orders under the provisions of this Act;

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(i) to issue technical guidance documents as may be required from time to time;

(j) to appoint from time to time sub-committees for the purpose of compiling technical reports and, or identifying procedures to be adopted.

(2) In the execution of its functions under this Act, the Board shall consult with the Minister, and it shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

Appointment of
the Chief
Executive
Officer.

15. (1) The Minister shall appoint a Chief Executive Officer after a public call. Such appointment shall be for a period of three years which may be extended for further periods of three years each. The conditions pertaining to the qualification for the appointment of the members to the Board and to their holding office as members of the Authority referred to in article 11 shall also pertain to the appointment of the Chief Executive Officer.

(2) The Chief Executive Officer shall at the request of the Board attend the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may, if it so deems fit, require the Chief Executive Officer not to attend any of the meetings or any part of a meeting during which findings of the Chief Audit Officer are discussed regarding the recommendations and decisions taken by the Chief Executive Officer.

(3) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Authority as set by the Board. In the exercise of his functions, and without prejudice to the generality of the foregoing, the Chief Executive Officer shall:

(a) assume the overall supervision and control of the Directorates, including the establishment of Units, Divisions and Sections as in the opinion of the Chief Executive Officer may be necessary for the proper functioning of the Authority and assign to such departments their respective duties;

(b) co-ordinate the workings of the Directorates, Units, Divisions and Sections and assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates, Units, Divisions and Sections;

(c) develop the necessary strategies for the ongoing implementation of the objectives of the Authority;

(d) give his advice on any matter referred to him or on any matter on which he considers his advice necessary or expedient;

(e) carry out such other functions and duties as the Minister may assign to him from time to time;

(f) establish and co-ordinate working groups that are set up from time to time to formulate regulations.

(4) The Chief Executive Officer shall not hold any other office or position without the consent of the Minister.

(5) The Chief Executive Officer may be dismissed by the Board at any time for a just cause and it shall be a just cause if the Board determines that he has not achieved the targets and objectives set for him by the Board.

(6) In the absence of the Chief Executive Officer, or if the Chief Executive Officer is unable to perform the functions of his office, whether under this or any other provision of this Act, the Chairperson of the Board may, following consultation with the Chief Executive Officer, appoint any one of the officers or employees of the Authority to act as Acting Chief Executive Officer.

16. (1) The Board shall appoint a Chief Audit Officer to be in charge of the Internal Audit and Investigations Directorate. Such appointment shall be for a period of three years which may be extended for a further period of three years. In no case shall the Chief Audit Officer hold office for more than six years. The conditions pertaining to the qualification for the appointment of the members to the Board and to their holding office as members of the Authority referred to in article 11 shall also pertain to the appointment of the Chief Audit Officer.

Appointment of
the Chief Audit
Officer.

(2) The Chief Audit Officer shall attend all the meetings of the Board whenever his findings regarding an investigation on a recommendation or decision of the Chief Executive Officer are being discussed.

(3) The Chief Audit Officer shall be responsible for the implementation of the objectives of the Internal Audit and Investigations Directorate as set by the Board. In the exercise of his functions and without prejudice to the generality of the foregoing the Chief Audit Officer shall:

(a) serve as an independent and objective person, monitoring the internal financial control function of the

Authority;

(b) safeguard the continued independence of the Board and the officers of the Authority;

(c) endorse or otherwise plans, budgets and schedules made by the Chief Executive Officer for the proper administration of the Authority;

(d) investigate recommendations and decisions made or to be made by the Chief Executive Officer or any other officer of the Authority either when asked to do so by the Board or on his own motion;

(e) assume the overall supervision and control of the Internal Audit and Investigations Directorate, including the establishment of Units, Divisions and Sections as in the opinion of the Chief Audit Officer may be necessary for the proper functioning of the Directorate and assign to such departments their respective duties;

(f) co-ordinate the workings of this Directorate and the Units, Divisions and Sections in the said Directorate and assign to the Units, Divisions and Sections such duties which are by, or in accordance with, the provisions of this Act vested in such Directorate, Units, Divisions and Sections;

(g) develop the necessary strategies for the ongoing implementation of the objectives of the Directorate;

(h) require the Authority to carry out specific tasks as provided under this Act as and when necessary;

(i) give his advice on any matter referred to him or on any matter on which he considers his advice necessary or expedient;

(j) set policies, procedures and methods for the proper functioning of internal audit and for the carrying out of financial investigations in the Authority when necessary or expedient;

(k) establish and co-ordinate working groups that are set up from time to time to formulate regulations; and

(l) carry out such other functions and duties as the Minister or Board may assign to him from time to time.

(4) The Chief Audit Officer shall not hold any other office or

position without the consent of the Authority.

(5) The Chief Audit Officer may be dismissed by the House of Representatives by an absolute majority vote, at any time for a just cause and it shall be a just cause if the House of Representatives determines that he has not achieved the targets and objectives set for him by the Board.

(6) In the absence of the Chief Audit Officer, or if the Chief Audit Officer is unable to perform the functions of his office, whether under this or any other provision of this Act, the Chairperson may, following consultation with the Minister, appoint any one of the officers or employees of the Authority to act as Acting Chief Audit Officer.

17. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

Relations
between the
Minister and the
Authority.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its properties and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority.

(4) The Authority shall, either on its own initiative or at the request of the Minister, advise the Minister on any matter concerning Government property.

(5) The Authority shall transmit a copy of the minutes of its meetings to the Minister as soon as may be after each meeting.

(6) The Minister shall seek the advice of the Authority, including any one of its officers, before making regulations:

Provided that the Minister may set a reasonable time, which shall be not less than fifteen days, for the receipt of advice on proposed regulations, and if the Authority or the officer does not give

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its or his advice within that time, the Minister may proceed to make those regulations:

Provided further that the Minister may, when the Minister deems the matter to be urgent, give notice thereof to the Authority or officer and in such case the Authority or Officer shall give its or his advice within two days, failing which the Minister may proceed to make the regulations.

(7) When the Minister receives advice on matters relating to Government property from outside the Authority, the Minister shall pass such advice to the Authority for its comments thereon.

Establishment
of Directorates.

18. (1) The Board, together with the Chief Executive Officer, shall establish Directorates which shall have their respective responsibilities. The Board, together with the Chief Executive Officer, may abolish or vary the responsibilities of such other Directorates, as they may from time to time deem appropriate. The Minister is to be informed immediately of any such decision:

Provided that in the eventuality that the Internal Audit and Investigations Directorate is proposed to be abolished, or its responsibilities varied or removed, then such decision must be taken by a vote in the House of Representatives by an absolute majority.

(2) The Board shall in writing vest in the Directorates established under sub-article (1), and subject to the overall supervision and control of the Chief Executive Officer, any of the Authority's functions that relate or are ancillary to the matters for which such Directorates are made responsible. The said Directorates are to give effect to the strategies, policies and directives of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(3) Each of the Directorates established under sub-article (1) shall be headed by a person, hereinafter referred to as "Chief Officer", having adequate experience or knowledge in the respective area of operation who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking.

(4) Such Chief Officers shall be appointed by the Board with the approval of the Minister for a period of three years which may be extended for a further period of three years up to a maximum of six years. The conditions pertaining to the qualification for the appointment of persons and to their holding office as members of the

Authority referred to in article 11 shall also pertain to their appointment.

(5) It shall be the duty of the Directorates of the Authority to provide the Board with all such information as may be required for the proper performance of its functions and in particular to enable it to ensure that its policies are being properly carried out.

19. (1) The Board shall appoint a Chief Audit Officer to be in charge of the Internal Audit and Investigations Directorate as laid down in article 16, with written terms of reference, which clearly lay down the authority, responsibilities, and duties of such Chief Audit Officer.

The Internal
Audit and
Investigations
Directorate.

(2) Without prejudice to the generality of the foregoing, all the officers in this Directorate shall be public officers.

(3) The Chief Audit Officer shall be responsible for the day-to-day management of the Directorate.

(4) The Chief Audit Officer shall, immediately upon concluding a financial investigation or an internal audit, transmit a report thereof to the Chief Executive Officer and the Board. The Chief Audit Officer shall also transmit a copy of such report to the Prime Minister, to the Minister and to the Speaker of the House of Representatives who is to table such report immediately:

Provided that any findings made by the Chief Audit Officer with regards to the person of the Chief Executive Officer in the exercise of his functions shall be transmitted directly to the Board, to the Minister and to the Speaker of the House of Representatives who is to table such findings immediately.

(5) Within one month of receipt of such report, the Board shall give such instructions to the Chief Executive Officer or to any other officer of the Authority as may be necessary to remedy any shortcomings and shall inform the Chief Audit Officer accordingly.

(6) The Chief Audit Officer shall conduct such follow-up reviews as may be necessary after an internal audit and financial investigation.

(7) If any person has reason to suspect any irregularity taking place in the Authority, or has reason to suspect that a criminal offence is about to be or is committed on public funds or property, then such person shall by means of a letter or electronic means inform the Chief Audit Officer who shall in turn, after evaluating the irregularity, and concluding that there are *prima facie* grounds to investigate, conduct

an internal audit or a financial investigation. The said person shall supply to the Chief Audit Officer all information in his possession relating thereto. In any case, even when the Chief Audit Officer concludes that there are no grounds to commence an investigation, he shall report in a book of complaints all the complaints regarding irregularities his office has received. The Chief Audit Officer will be bound to send, on a monthly basis, to the Minister, to the Board and to the Chief Executive Officer a report compiling a list of the complaints made.

(8) The members of the Internal Audit and Investigations Directorate shall be appointed on such terms and conditions as may be determined by the Board.

(9) The Chief Audit Officer shall report directly to the Board at least once every three months and at any such times as may be directed by the Board.

(10) Without prejudice to the generality of the provisions of sub-article (1), the Internal Audit Directorate shall have the following functions:

(a) to provide oversight of the systems of internal control and risk management of the Authority and to assist and support the Board in discharging its responsibilities in relation thereto;

(b) to provide the communication link with external auditors and to evaluate and coordinate the audit and financial reporting process of the Authority;

(c) to scrutinize and evaluate any transaction to be entered into by the Authority with a value exceeding one hundred thousand euro (€100,000);

(d) to review and assess the effectiveness of the management of the Authority in its compliance with policies and in the discharge of its regulatory and compliance functions; and

(e) to manage all the most important risks undertaken by the Authority.

Chief Audit Officer to be provided with the agenda and documentation.

20. (1) The Chief Audit Officer shall be provided with the agenda and all documentation put forward to the Board for its discussion together with all the minutes taken during the Board meetings. The Chief Audit Officer shall have the right to attend any meetings of the Board and put forward his views, opinion,

recommendations and findings to the Board.

(2) The Chief Audit Officer shall have the right to ask for any documentation and information as he may deem necessary from the Authority and its officers and employees including advisers and consultants. The Authority and its officers and employees including advisers and consultants shall not refuse any request made by the Chief Audit Officer in this regard.

21. If a person within the Authority has reason to suspect any irregularity and, or has reason to suspect that a criminal offence is about to be or is committed on public funds or property, he shall refer the matter forthwith to the Chief Audit Officer, and shall supply to the said Chief Audit Officer all information in his possession relating thereto.

Suspicion of irregularity.

22. (1) Where the Chief Audit Officer, the Chief Executive Officer or the Board considers that there would be a conflict of interest if the Chief Audit Officer himself were to conduct an internal audit or a financial investigation, the Board may appoint a senior public officer from amongst the officers of the Directorate to conduct that investigation in his stead.

Conflict of interest.

(2) It shall be the duty of every officer of the Directorate who has any form of conflict of interest in any internal audit or financial investigation which he is assigned to work upon, whether such conflict is direct or indirect, to immediately disclose to the Chief Audit Officer, the Chief Executive Officer and the Board his interest and refrain completely from involving himself in that particular case:

Provided that any officer of the Directorate who knowingly acts in contravention of this sub-article shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine (*multa*) of not more than two thousand five hundred euro (€2,500), and shall also be subject to disciplinary proceedings as provided for in the Public Service Commission (Disciplinary Procedures) Regulations.

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23. Whenever, and as soon as, the Chief Audit Officer firmly establishes the existence of suspected cases of irregularities and, or suspected cases of criminal offences concerning the responsibilities of the auditee under review, the Chairperson of the Board shall, if the Chief Audit Officer is of the opinion that the irregularity, if proved, would constitute a criminal offence, immediately inform the Commissioner of Police and the Minister; otherwise, if the Chief Audit Officer is of the opinion that the irregularity is of an administrative nature, he shall inform the Chairperson of the Board, the Chief Executive Officer and the Minister.

Suspected cases of irregularity or of criminal offences.

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Annual report.

24. (1) The Chief Audit Officer shall, not later than the first three months of each year, compile an Annual Audit Report and transmit such Annual Audit Report to the Board, the Chief Executive Officer, the Prime Minister, the Minister and the Speaker of the House of Representatives who must table such Annual Audit Report immediately.

(2) The Annual Audit Report shall include:

(a) a detailed list of all the complaints made to him;

(b) all the findings made by him;

(c) all the reports made by him;

(d) all the activities and information relating thereto of the Directorate during the previous year;

(e) any other information he deems fit.

(3) The Chairperson of the Board, the Chief Executive Officer and the Chief Audit Officer may be summoned to attend before the Public Accounts Committee of the House of Representatives to answer any questions which the members of the Committee deem necessary in relation to the workings of the Authority.

Power of entry.

25. (1) Except as may be expressly provided by any law, the Chief Audit Officer shall, for the purpose of carrying out his functions under this Act, have the power -

(a) to enter and inspect any premises of the Authority, officer or employee in order to conduct an internal audit and, where he has reason to suspect that irregularities and, or criminal offences, have occurred or are occurring, to enter any premises of the Authority, its officers or employees for the purpose of conducting an investigation:

Provided that, if access is required to any premises occupied in whole or in part for the purpose of habitation by the officer or employee, such access shall require the prior issue of a warrant signed by a Magistrate:

Provided further that entry shall take place during daytime and be accompanied by a police officer for the keeping of good order and public peace;

(b) to require the officer or employee of the Authority to produce any books, records, files, accounts, documents or

information including any computer data in any form and or part thereof, including contracts, bills, vouchers and receipts relating to them, and if deemed necessary by the Chief Audit Officer, for the latter to retain such documents in the original, and to ensure that copies or extracts are made thereof without paying any fee therefor notwithstanding any law or regulations to the contrary.

(2) Without prejudice to the provisions of sub-article (1)(b), and for the purpose of his functions under this Act, the Chief Audit Officer may rely on any of the records kept or made by any audit or investigative unit of any entity including the person or unit discharging the compliance and assurance functions within the Authority.

(3) Any person who fails to comply with any requirements of this article shall be guilty of a criminal offence and shall, on conviction, be liable to a fine (*multa*) of not more than twenty thousand euro (€20,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

26. (1) All information furnished by the Authority, officer or employee during the course of any internal audit or financial investigation shall at all times be treated as confidential and shall be solely used by the Directorate for the purpose of carrying out the internal audit and, or financial investigation.

Information
furnished by the
Authority,
officer or
employee.

(2) The Chief Audit Officer shall treat internal audit reports and reports of financial investigations as strictly confidential and shall, except for the purpose of any criminal investigation or prosecution, only disclose their contents to the Board, to the Minister or to the Auditor General.

(3) Without prejudice to the rights of the Auditor General under any law, no information obtained in any way under this Act shall be disclosed except:

(a) for the purposes of the financial investigation and the prosecution of a criminal offence;

(b) for the purposes of the institution of a civil action;

(c) to officers of the Directorate in the course of their duties under this Act; and

(d) in matters which under this Act arise out of Malta's international obligations, to the relevant foreign audit and control authorities.

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Appointment of advisory boards and committees.

27. The Board may, with the approval of the Minister, appoint advisory boards and committees to assist it in the performance of its functions under this or any other law. The functions of the said boards and committees shall be prescribed by the Board with the approval of the Minister.

Delegation of power.

28. The Authority may, in accordance with the provisions of this Act and with the approval of the Minister, delegate any one or more of its functions under this Act under such conditions as it may deem appropriate. Notice of any such delegation shall be published in the Gazette.

Other matters relating to officers of the Authority.

29. (1) Without prejudice to the provisions of article 15(2), the Chief Executive Officer shall, himself or his representative, have the right to be present and participate at all meetings of the Board, and all the meetings held by all the boards and committees appointed by the Board.

(2) The Minister shall, in consultation with the Chairperson of the Board, appoint a secretary to assist the respective entity. The secretary shall have the duty of calling meetings and keeping minutes and assume such other duties as the chairperson of the Board may delegate to him.

Staff appointments.

30. (1) Subject to the provisions of the Constitution, and any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Board and the terms and conditions of their employment and appointment shall be established by the Board with the concurrence of the Minister.

(2) The Board may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or partly by one and partly by the other, for the payment of pensions, gratuities and other like benefits to its officers and employees on their retirement, death or injury, or to their dependents.

Disclosure of interests.

31. (1) Where the Chief Executive Officer or a member of the Board, or a member of the staff of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in any matter which is to be considered by the Authority, he shall upon becoming aware of such interest:

(a) disclose to the Board, as the case may be, the nature of his interest;

(b) neither influence nor seek to influence the

processing and the decision in relation to such matter;

(c) take no part in any consideration of such matter; and

(d) not attend nor participate in any meeting on such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be referred to the Board and the decision taken and its motivation shall be recorded in the minutes of the meeting during which the decision was taken and such person is to be duly informed.

(3) Where a disclosure is made to the Board pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom sub-article (1) applies, excluding members of the Authority and the Chief Executive Officer, fails to make the required disclosure, the Board shall decide the appropriate action to be taken which may include, with the concurrence of the Minister, the removal from office or termination of the contract of the person concerned.

32. The Board shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 30, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of officers and employees of the Authority.

33. (1) The Prime Minister may, from time to time, direct that any public officer or public employee shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

Detailing of public officers and employees for duty with the Authority.

(2) The period during which a direction as aforesaid shall apply to any officer or employee specified therein shall, unless the officer or employee retires from the public service, or otherwise ceases to hold office or employment at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events, that is to say:

(a) the acceptance by such officer or employee of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 32; or

(b) the revocation of such direction by the Prime Minister, in relation to such officer:

Provided that in relation to a public officer or public employee detailed for duty with the Authority with effect from such date as the Prime Minister may in a direction as aforesaid establish, the detailing of such public officer or public employee shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer or employee, the Prime Minister may, by further direction, detail such officer or employee for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of sub-article (2) shall thereupon apply to the period of duration of such detailing by any such further direction in relation to such officer or employee.

Status of public officers or public employees detailed for duty with the Authority.

34. (1) Where any public officer or public employee is detailed for duty with the Authority under any of the provisions of article 33, such officer or employee shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Board but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer or employee detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

(ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would have been liable, but for the fact of his being detailed for duty with the Authority.

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(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer or employee detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

35. (1) The Board may, with the approval of the Prime Minister, offer permanent employment with the Authority to any officer or employee detailed for duty with the Authority under any of the provisions of article 33 at remuneration and on terms and conditions as set out by the Authority.

Offer of permanent employment with the Authority to public officers or public employees detailed for duty with the Authority.

(2) Every officer or employee who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of article 49, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(3) Every such officer or employee as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

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(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer or employee who has accepted permanent employment with the Authority as aforesaid during the

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period commencing on the date of such officer's or employee's acceptance.

(5) In the case of a public officer or public employee detailed for duty with the Authority with effect from the date established under the proviso to article 33(2) and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

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(6) For the purposes of the Pensions Ordinance the pensionable emoluments on retirement of any public officer or public employee to whom sub-article (5) applies shall be deemed to be the pensionable emoluments payable to an officer or employee in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer or employee retires from the Authority.

(7) (a) The classification referred to in sub-article (6) shall be carried out by a board composed of a chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible for personnel policies in general in the public service and one appointed by the Ministry responsible for the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(b) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Authority.

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(c) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights, under the said Pensions Ordinance, less favourable than those to which he would have been entitled prior to such classification.

Engagement of consultants and advisers.

36. The Board may engage such consultants or advisers, as it may consider necessary to assist it in the fulfilment of its functions.

Authority to meet expenditure out of revenue.

37. (1) Without prejudice to the following provisions of this article, the Board shall so conduct the affairs of the Authority so that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For the purposes of sub-article (1) the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested by the Authority in such manner as may from time to time be approved by the Minister.

38. For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, including by way of overdraft or otherwise, or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

Power to borrow or raise capital.

39. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Advances from Government.

40. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate, and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from Government.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given

to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the Authority.

41. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an Appropriation Act or of any other law; and the Authority shall so prepare the said estimates so as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

42. (1) No expenditure shall be made or incurred by the Authority unless provision therefor had been made in the estimates approved as provided for in article 41.

Expenditure to be according to approved estimates.

(2) Notwithstanding the provisions of sub-article (1):

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or subhead of the estimates;

(c) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

43. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives, together with a motion that the House approve the said estimates. One sitting day shall be allotted for the debate in the House on such motion, and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Publication of approved estimates.

44. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall not later than three months after the end of each financial year cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid on the Table of the House as soon as practicable.

Deposit of
revenues and
payments by the
Authority.

45. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chief Executive Officer or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to:

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of

funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances, of the Authority.

46. The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

Contracts of services, supply or works.

47. The Authority shall, not later than three months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Ministers shall cause a copy of every such report to be laid on the Table of the House as part of the estimates referred to in article 43.

Annual report.

48. The Authority shall be exempt from any liability for the payment of any tax on income or duty on documents for the time being in force in Malta.

Exemption from tax.

49. (1) For the purposes of the Criminal Code and of any provision of a penal nature in any other law, the members of the Authority, namely the Board and any committee, board or other body or office established by this Act, and every officer or employee thereof, shall be deemed to be and be treated as a public officer.

Members of the Authority etc., to be deemed public officers for certain purposes. Cap. 9.

(2) The members, officers and employees of the Authority in the performance of their functions under this Act or under 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.

50. The Board, the Chief Audit Officer, the Chief Executive Officer, any committee, or board may consult with any officer of the Authority or any other person or entity whose advice is considered relevant to any matter under its consideration.

Consultations.

51. (1) Every member of the Board, the Chief Executive Officer, the Chief Audit Officer and each Chief Officer shall submit a declaration of assets in accordance with the procedures established for this purpose by the Minister.

Declaration of assets, code of conduct and publication of names.

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(2) The Minister shall, in consultation with the Authority, issue, publish and review a code about the conduct expected of the members of the Authority, the Board, the Chief Executive Officer, the Chief Audit Officer, chairpersons and officers of the Authority in connection with the performance of the Authority's functions.

(3) The provisions of the code of conduct shall be taken into account in deciding whether any such member or officer is unfit to perform the duties assigned to him under this Act or whether his term of office is to be renewed.

(4) The names of all the members of the Board and any committee, board, or other body established by this Act, and any other change in such membership shall be published in the Gazette.

Access to
information.

52. (1) The Minister shall, in consultation with the Board, by regulations under this article provide that the Authority shall be entitled to request from the public, Government departments, authorities, public corporations or other persons as may be prescribed, such information that they may have in their possession and relating to lands. Without prejudice to the generality of the foregoing, such regulations may prescribe:

- (a) the nature of the information that may be requested;
- (b) the circumstances under which such information may be requested;
- (c) the circumstances under which such information may be withheld by the requested entity and the publication of the reasons for which such information is withheld;
- (d) the fees that may be charged in respect of the granting of any such information; and
- (e) the time-frame within which such information is to be supplied.

(2) Without prejudice to the generality of sub-article (1), the Authority shall keep and make available for public inspection at such reasonable times as it may determine, a register or registers:

- (a) of all applications received by it containing the name of the applicant and details of the request, including documents if any; and
- (b) of all decisions including documents made on such applications:

Provided that for the purposes of this sub-article the application report and any information or documents concerning applications which relate to national security, defence, banks, prisons, the airport and other institutions or premises whose security it is desirable to safeguard as the Authority may establish shall not be made accessible to the public:

Provided further that for the purposes of this article, in the case of a file held by the Authority, any person shall have access to that part of the file containing the following information:

- (i) the application report of all applications;
- (ii) all decisions relating to applications submitted to the Authority together with the relative documents including the reasons for the grant of such permissions or refusal.

(3) The Authority shall ensure that detailed information is made available to the public concerning access to appeal procedures before any tribunal and court, including information on the rights of any person to institute appeal proceedings and shall give information on legal time limits and on mandatory fees payable in respect of such proceedings including through publication on the electronic website of the Authority.

53. (1) Where any notice or other instrument or document whatsoever is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners:

Service of notices, etc., under this Act.

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or of his place of work, or if such person has furnished an address for service, at that address; or
- (c) by sending it in a registered letter addressed to that person at the place of abode or the address for service aforesaid; or
- (d) in the case of a body corporate or other body of persons, by delivering it to an officer or employee thereof at the registered or principal office, or sending it in a registered letter addressed to the body aforesaid at that office; or
- (e) in any case in which it is not reasonably possible to effect service in any of the foregoing manners whether on all or

on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the notice or other instrument or document to be served or given in a conspicuous place on the land to which it relates and keeping it so affixed for five working days and by publishing the notice, or other instrument or document in a local newspaper. Where the notice, or other instrument or document to be served or given is affixed on the land but is removed before the expiry period of five working days, the re-affixing of the notice, or other instrument or document shall only be for the remaining period after the document was removed.

(2) Where any notice or other document is required or authorised to be served or given to any person as having an interest in land, and the name of that person cannot be ascertained after reasonable inquiry, or is required or authorised to be served on an occupier of land or building, the notice shall be deemed to be duly served or given if it is served or given in any of the manners indicated in sub-article (1) and addressed by the description of "owner", "occupier", or "owners", "occupiers", as the case may require.

(3) A person who at any time after a notice is affixed pursuant to sub-article (1)(e), removes, damages or defaces the notice without lawful authority shall be guilty of an offence against this Act.

Transfer of
assets to the
Authority.

54. (1) (a) The property and undertakings owned by the Lands Department or the Commissioner of Lands and used by any one of them immediately before the date of the coming into force of this Act, for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Authority under the same title by which they were used or held by the Lands Department or the Commissioner of Lands immediately before the said date.

(b) The 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.

(2) The transfer and vesting in the Authority as aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include the ownership, administration and all other rights of all plant, equipment, apparatus,

instruments, vehicles and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid, and keep all such property, and for the purposes of articles 55 and 56 such property shall be deemed to be included in the properties transferred to the Authority by or under this Act.

55. (1) Subject to other provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act and in which the Government or a government authority is a party thereto or is named therein shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, in such manner as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Construction of laws, etc.

(2) Any reference in any law to the Lands Department or the Commissioner of Lands shall be read and construed as a reference to the Authority as so defined in article 2 and shall include a reference to any Directorate established under this Act, as the case may require.

56. (1) Anything relating to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act which has been commenced by or under the authority of the Government, the Lands Department or the Commissioner of Lands before the date of the coming into force of this Act may continue to be carried on and completed by or as authorised by the Authority on or after such date.

Transitory provisions.

(2) Where immediately before the date of the coming into force of this Act there are still pending any legal proceedings relating to any of the properties or undertakings, or to any right or liability, transferred to the Authority by or under this Act and to which the Government, the Lands Department or the Commissioner of Lands is or is entitled to be a party, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or for the aforesaid authorities or department, as the case may be, or shall be made a part thereto in like manner as the Government, any such authority or department could have become a party as aforesaid, and such proceedings shall not abate by reason of the substitution.

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(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government, the Lands Department or the Commissioner of Lands in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

Right of appeal.
Cap. 490.

57. (1) The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall be competent to hear and determine:

(a) objections made by any person aggrieved by any decision of the Authority; and

(b) objections made by any person aggrieved by an administrative or any other penalty imposed on that person by the Authority:

Provided that the Administrative Review Tribunal shall in no way be competent to hear and decide cases which fall under the competence of the Land Arbitration Board:

Provided further that, unless otherwise prescribed by law, an objection lodged in terms of this sub-article to the Administrative Review Tribunal shall be filed within twenty days from the receipt of the Authority's decision.

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(2) Notwithstanding anything contained in the Administrative Justice Act, the Administrative Review Tribunal shall serve the objection filed in its registry on the defendant or the respondent without delay. The respondent shall have the right to file a written reply within twenty days from the date of service. The Tribunal shall then fix a date for hearing within eight working days from the filing of a reply by the respondent within the time limit therefor or if no such reply is filed from the expiry of such time. The Tribunal shall, after appointing the application for hearing, decide on its merits after receiving any evidence it deems fit, within the shortest time possible but not any later than six months from the day when the application has been duly notified.

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(3) There shall be a right of appeal in accordance with the provisions of Part IV of the Administrative Justice Act from decisions of the Administrative Review Tribunal under sub-article (1) and such appeal shall be to the Court of Appeal (Inferior Jurisdiction).

(4) A copy of the appeal application shall be served on the respondent, who may file a written reply within twenty days from the date of service. The Court of Appeal (Inferior Jurisdiction) shall fix a date for hearing within fifteen working days from the filing of a reply by the respondent within the time limit therefor or if no such reply is filed from the expiry of such time. The Court of Appeal (Inferior Jurisdiction) shall, after appointing the appeal application for hearing, decide on its merits within the shortest time possible but not any later than six months from the day when the application has been duly notified.

58. (1) The Minister may, after consultation with the Authority, make regulations: Power to make regulations.

(a) in respect of any of the functions of the Authority and in connection with any matter relating to its proper function;

(b) to establish fees for the provision of any service or the management of a service by the Authority or by any person on its behalf or under its authority, including, without prejudice to the generality of the foregoing, any fees or other charges for any service in connection with the regulation of any activity by the Authority;

(c) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any permit, authorisation or licence under this Act;

(d) for the powers and duties of officers, employees and or of contractors appointed by the Authority;

(e) for regulating, controlling, and prohibiting the presence of any person in any place or building of which it has a right over or the ownership or the use by any person of any such place or building;

(f) for regulating, declaring and defining its property or property over which it has a right;

(g) regulating the use of its property or property over which it has a right, whether movable or immovable;

(h) prescribing what type of information held by the Authority shall be accessible to the public, as well as to establish the procedure concerning access thereto and the relative fees to be paid to obtain copies of such information;

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(i) excluding the Authority from any liability, other than liability for gross negligence, incurred in connection with the execution of its duties under the said regulations;

(j) establishing offences and the relative punishments in relation to the contravention of any of the provisions of this Act;

(k) to provide and prescribe schedules to this Act;

(l) to provide for the amendment, the substitution or the addition or to otherwise the alteration of anything contained in the Schedules to this Act;

(m) to provide that any person who acts in contravention of any regulation under this Act shall be guilty of an offence against this Act, and establishing such penalty, being a penalty not greater than a fine (*multa*) of one hundred thousand euro (€100,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, to which any person so guilty may be liable:

Provided that such regulations may provide that a person who, having been sentenced for an offence against the same regulation by a judgement which has become absolute, commits a further offence against the same regulation within such time as may be prescribed, shall be liable to pay a higher fine (*multa*), not exceeding double the fine (*multa*) which would otherwise have been inflicted, and for the purpose of this proviso the maximum fine that may be established by such regulations shall be two hundred thousand euro (€200,000):

Provided further that such fine shall in all cases be due to the Government as a civil debt, and that where the person guilty of the offence is a director, secretary or manager of a body corporate for the economic benefit of which the offence was committed, such body corporate shall be liable *in solidum* with the offender for the payment of the said civil debt;

(n) prescribing anything that may or is to be prescribed under this Act or which relates to any function or duty of the Authority assigned to it by or under this Act or by or under any other law.

(2) Any power conferred by this Act to make regulations, rules, orders, lists, schedules and any other instrument of like nature, includes the power from time to time to revoke, replace, amend, alter

or add to any such instrument as aforesaid.

(3) Regulations or orders under sub-article (1) may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine (*multa*) of two hundred thousand euro (€200,000) or a penalty of not more than one thousand and five hundred euro (€1,500) for each day that the offence persists and imprisonment for a term not exceeding two years.

(4) Regulations or orders under this article may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Authority to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any regulation or order made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Authority related to the said regulations or orders.

(5) Generally, the Minister may also make regulations providing for the discipline of the employees of the Authority or of the contractor, whether regular or casual, and the procedures to be followed for such purpose, including the appointment of a disciplinary board and the conduct and procedure thereof, and providing for the punishments that may be awarded by such board.

59. (1) Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Board and such officer, employee or committee or any other person as may be authorised by the Board or the Chief Executive Officer for this purpose, and if so required by the Board with the assistance of the Police Force, shall have: Right of entry.

(a) the right to enter any premises, public or private, at all reasonable times, and in the case of a dwelling house after giving previous reasonable notice of at least twenty-four hours and not before seven o'clock in the morning or later than seven o'clock in the evening, and inspect or survey any land, or to take any photographs after entering or request any legitimate information from any occupier of such premises; and

(b) the right to do anything that is ancillary or consequential thereto.

(2) Any person authorised pursuant to sub-article (1) shall

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produce a means of identification issued by the Authority and thereon be authorised to enter the land.

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

60. Without prejudice to any other special 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 (*multa*) for different offences;

(b) prescribe fines (*multa*) 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 two years, or a fine (*multa*) of more than two hundred thousand euro (€200,000); or

(ii) a fine (*multa*) of more than one thousand and five hundred euro (€1,500) for each day during which the offence persists.

Scope of regulations or orders.

61. Regulations or orders made under this Act may make different provisions with respect to different classes of property, land or persons connected therewith or with respect to different circumstances and with respect to different parts of Malta.

Administrative penalties.

62. (1) The Authority shall have the power to impose in respect of any person who infringes any provisions of this Act or of any regulations made thereunder, or who fails to comply with any directive or decision given by the Authority, an administrative fine using such procedures as may be established in this Act or regulations made thereunder.

(2) An administrative fine imposed under sub-article (1) shall not exceed two hundred thousand euro (€200,000) for each contravention or one thousand five hundred euro (€1,500) for each day of non-compliance, from the date of the decision of the Authority.

(3) When the decision to impose an administrative fine has been appealed and the decision confirmed by the Tribunal or the Court of Appeal (Inferior Jurisdiction), as the case may be, the daily fine for the continuation of the illegality shall be calculated from the original date notified in the enforcement notice:

Provided that the Minister may by regulation prescribe different dates from which daily fines shall be calculated.

63. (1) The Minister may, without prejudice to the provisions of sub-article (2), by regulations amend, substitute or repeal any of the provisions of any Act explicitly mentioned in paragraph (b) of sub-article (2) of article 7 after having consulted the Authority for the purpose of eliminating any difficulty in the implementation of those laws together with this Act.

Amendment of laws.

(2) The Minister may by regulations made under this sub-article provide for transitory provisions.

(3) Regulations made in accordance with this article shall come into force following their approval by resolution of the House of Representatives.

64. (1) The members, officers and employees of the Authority in the performance of their functions under this Act or under 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. Neither shall any criminal proceedings be instituted against them in the exercise of their functions under this Act or any other provisions of the enactments listed in article 7 or any other provision of this Act.

Exemption from liability.

(2) Notwithstanding the provisions of any other law and saving the provisions of article 46 of the Constitution and article 4 of the European Convention Act, no precautionary act may be issued by the Court against the Authority restraining it from the exercise of any of the powers conferred upon it under this Act.

65. (1) All expenses reasonably incurred by the Authority in the exercise of its powers, or any other amount which might be due to the Authority under any provision of this Act or regulations made thereunder or under any other law or agreement signed or otherwise made by it shall be recoverable as a civil debt by the Authority from the present owner of the land, or from any occupier of the land or building, or from any person responsible for the acts mentioned in the notice, including a notice of payment, or an applicant, subject to such right of recovery such person may have against any other person. The Authority shall not be liable for any damages as a result of the exercise of its powers under this article, unless it is proved that such damage resulted from gross negligence on the part of the Authority, its officers and agents. The Authority, in its discretion, can dispose of the objects found on the land or building, without any other formalities whatsoever if the objects remain unclaimed within seven

Proceedings for debts due to the Authority.

days.

(2) Where the Authority desires to sue for the recovery of a debt due to the Authority under any law or regulation which it is entitled to enforce, the Chief Executive Officer or an officer of the Authority duly authorised by the Chief Executive Officer to act on his behalf, may make a declaration on oath before the Court Registrar or before any other officer authorised to administer the oath in judicial matters, wherein he states the nature of the debt and the name of the debtor and confirm that it is due. Interest at the rate of eight percent (8%) shall run from the date on which the amount mentioned in the declaration was due.

(3) The declaration referred to in sub-article (2) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of thirty days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declares the claim unfounded. The judicial act shall on pain of nullity contain an intimation to the debtor that if he does not reply within thirty days from service upon him of the said judicial act by filing an application demanding that the court declares the claim unfounded, which application may be signed and presented in court by the debtor himself without the signature of an advocate or of a legal procurator being required; such judicial act shall constitute an executive title.

(4) The application filed in terms of sub-article (3) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period and in no case later than one month from the filing of the application.

(5) Any debts due to the Authority shall be prescribed by the lapse of the period of ten years from the date on which the debt was due.

Saving.

66. (1) Any order, rule, regulation, bye-law, notice or other instrument having the force of law made under the authority of any of the provisions of the enactments listed in article 7 or any other provision of this Act shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly.

(2) Any permission, authority or order granted or made under any of the provisions of the enactments listed in article 7 or any other provision of this Act and still in force immediately before the date of

coming into force of this Act shall as from such date continue in force as if it were a permission, authority or order granted or made under a corresponding provision of this Act, and any such permission, authority or order as aforesaid shall be treated and dealt with accordingly.

Passed by the House of Representatives at Sitting No. 422 of the 25th July, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

