

Naghti l-kunsens tieghi.

(L.S.)

GEORGE ABELA
President

28 ta' Marzu, 2014

ATT Nru. VII tal-2014

ATT biex jemenda l-Kostituzzjoni ta' Malta u Diversi Ligijiet dwar l-Elezzjonijiet.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2014 li Jemenda l-Kostituzzjoni ta' Malta u Diversi Ligijiet dwar l-Elezzjoni. Titolu fil-qosor.

TAQSIMA I

Emenda għall-Kostituzzjoni ta' Malta

2. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw il-Kostituzzjoni ta' Malta u għandhom jinqraw u jinftehmha waħda mal-Kostituzzjoni ta' Malta, hawn iżjed 'il quddiem f'din it-Taqsima msejha "il-Kostituzzjoni". Emendi għall-Kostituzzjoni ta' Malta.

3. Fil-paragrafu (b) tal-artikolu 58 tal-Kostituzzjoni, il-kliem ", jew ikun taħt kundanna bħal dik ta' prigunerija li l-esekuzzjoni tagħha tkun ġiet sospiza" għandhom jiġu mhassra. Emenda tal-artikolu 58 tal-Kostituzzjoni.

TAQSIMA II

Emenda għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili

Emendi għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap.12.

Żjieda ta' artikoli godda mal-Kodiċi.

4. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u għandhom jinqraw u jinftiehm u haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

5. Minnufih wara l-artikolu 181B tal-Kodiċi għandhom jiżiedu l-artikolu godda li ġejjin:

"Trasferiment ta' atti ġudizzjarji u skritturi bejn il-qorti f'Malta u l-qorti f'Għawdex.

181Ċ. (1) Bla ħsara għad-dispożizzjonijiet tal-artikolu 181D, kull att ġudizzjarju jew kull skrittura jistgħu jiġu preżentati fir-reġistru tal-Qrati Ċivili u Tribunali, Malta, sabiex jintbagħtu mir-reġistratur ta' dik il-qorti lir-reġistratur tal-qorti ċivili jew tat-tribunal kompetenti li jzomm is-seduti f'Għawdex kif ikun indikat fl-att ġudizzjarju jew fl-iskrittura.

(2) Għandu jkun biżżejjed għall-finijiet tal-liġi li kopja vera tal-att ġudizzjarju jew tal-iskrittura tiġi *scanned* fir-reġistru tal-Qrati Ċivili u Tribunali, Malta, u tinbagħat bil-posta elettronika lir-reġistratur tal-qorti ċivili jew tat-tribunal kompetenti f'Għawdex kif ikun indikat fl-att ġudizzjarju jew fl-iskrittura.

(3) Ir-reġistratur li jirċievi l-kopja *scanned* kif intqal qabel għandu jiċċertifika li jkun irċeviha billi jibgħat risposta bil-posta elettronika lir-reġistratur li jkun bagħat il-kopja vera *scanned* tal-att ġudizzjarju jew tal-iskrittura.

(4) L-uffiċjal li jagħmel in-notifika tal-kopja *scanned* tal-att ġudizzjarju jew tal-iskrittura kif imsemmi qabel għandu jikkonsenja lir-reġistratur tal-Qrati Ċivili u Tribunali, Għawdex, ir-riferta tan-notifika, konfermata kif imiss bil-ġurament quddiem ir-reġistratur stess li għandu jibgħatha lir-reġistratur tal-qorti ċivili jew tribunal kompetenti f'Malta kif ikun indikat fl-att ġudizzjarju jew fl-iskrittura u viceversa. Din il-konsenja tista' ssir ukoll bil-posta elettronika u r-reġistratur li jkun irċieva r-riferta tan-notifika, kif intqal qabel, għandu jiċċertifika li rċeviha billi jibgħat posta elettronika lura lir-reġistratur li jkun bagħatlu r-riferta tan-notifika.

(5) Id-dispożizzjonijiet tas-subartikoli (1) sa (4), it-tnejn inklużi, għandhom *mutatis mutandis* japplikaw fil-każ fejn att ġudizzjarju jew skrittura jiġu preżentati fir-reġistru tal-Qrati Ċivili u Tribunali, Għawdex, sabiex jintbagħtu lill-qorti ċivili jew lit-tribunal kompetenti f'Malta kif ikun indikat fl-att jew fl-iskrittura.

(6) Id-data tal-preżentata għandha tkun id-data ta' meta l-att ġudizzjarju jew l-iskrittura ġiet ippreżentata l-ewwel darba fir-reġistru tal-Qrati Civili u Tribunali, Malta u mhux id-data ta' meta l-att ġudizzjarju jew l-iskrittura waslet fir-reġistru tal-Qrati Ċivili u Tribunali, Għawdex, u viċeversa.

Trasferiment u eżekuzzjoni ta' mandati u ordnijiet bejn il-qrati f'Malta u l-qrati f'Għawdex.

181D. (1) Kull talba għall-ħruġ ta' mandat jew mandat ta' sekwestru minn qorti ċivili jew minn tribunal f'Għawdex tista' tiġi preżentata fir-reġistru tal-Qrati Civili u Tribunali, Malta.

(2) Ir-reġistratur tal-Qrati Civili u Tribunali, Malta, għandu jibgħat dik it-talba lir-reġistratur tal-qorti ċivili jew lit-tribunal kompetenti f'Għawdex kif ikun indikat fit-talba.

(3) Ir-reġistratur tal-Qorti Civili u Tribunali, Għawdex għandu jibgħat dik it-talba lill-qorti ċivili jew lit-tribunal kompetenti f'Għawdex kif ikun indikat fit-talba sabiex tiġi eżegwita skont il-liġi.

(4) Jekk il-qorti ċivili jew tribunal kompetenti f'Għawdex tiddikjara li dak il-mandat jew ordni jiġi eżegwit f'Għawdex jew Kemmuna, kopja *scanned* tiegħu għandha tintbagħat mir-reġistratur tal-Qorti Ċivili u Tribunali, Għawdex indikati fit-talba lir-reġistratur tal-qorti ċivili jew tat-tribunal kompetenti f'Malta minn fejn originat it-talba. Kopja tad-digriet għandha tiġi notifikata lill-persuna li tkun qed titlob il-ħruġ ta' dak il-mandat jew dak il-mandat ta' sekwestru.

(5) L-uffiċjal li jeżegwixxi n-notifika għandu jikkonsenja lir-reġistratur tal-qorti ċivili jew tat-tribunal kompetenti f'Għawdex kif ikun indikat fit-talba r-riferta dwar in-notifika jew l-eżekuzzjoni, konfermata kif imiss bil-ġurament quddiem ir-reġistratur stess li għandu jibgħatha lir-reġistratur tal-qorti ċivili jew lit-tribunal kompetenti f'Malta minn fejn it-talba tkun originat.

(6) Id-dispożizzjonijiet tas-subartikoli (1) sa (4), it-tnejn inklużi, għandhom *mutatis mutandis* japplikaw meta att għudizzjarju jiġi preżentat fir-reġistru ta' qorti ċivili kompetenti jew tribunal f'Għawdex biex jintbagħat lil qorti ċivili kompetenti jew tribunal f'Malta.

(7) Id-data tal-preżentata għandha tkun id-data ta' meta l-mandat jew il-mandat ta' sekwestru ġie ippreżentat l-ewwel darba fir-reġistru tal-Qrati Civili u Tribunali, Malta u mhux id-data ta' meta l-mandat jew il-mandat ta' sekwestru wasal fir-reġistru tal-Qrati Ċivili u Tribunali, Għawdex, u viceversa."

TAQSIMA III

Emenda għall-Att dwar l-Elezzjonijiet Ġenerali

Emendi għall-Att dwar l-Elezzjonijiet Ġenerali. Kap. 354.

6. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar l-Elezzjonijiet Ġenerali u għandhom jinqraw u jinftiehm u haġa waħda mal-Att dwar l-Elezzjonijiet Ġenerali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 20 tal-Att prinċipali.

7. Fis-subartikolu (4) tal-artikolu 20 tal-Att prinċipali, il-kliem "jew kundanna ta' priġunerija bħal dik li l-esekuzzjoni tagħha tkun ġiet sospiza" għandhom jiġu mħassra.

Emenda tal-artikolu 77 tal-Att prinċipali.

8. L-artikolu 77 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (c) tas-subartikolu (3) tiegħu, minflok il-kliem "u fl-Isptar Ġenerali Għawdex." għandhom jidhru l-kliem "u fl-Isptar Ġenerali Għawdex;", u minnufih wara għandhom jidher l-paragrafu u l-provisos godda li ġejjin:

"(d) f'dawk il-postijiet oħra msemmija biex jintefgħu l-voti minn eletturi li jkunu residenti fi djar tal-anzjani kif imfisser fl-artikolu 80 fil-jum tas-Sibt ta' qabel il-jum tal-votazzjoni, kif il-Kummissjoni tista', b'avviż fil-Gazzetta ppubblikat fi żmien għaxart ijiem mill-pubblikazzjoni tar-*writ* għall-elezzjoni, tistabbilixxi:

Iżda l-Kummissjoni għandha, kull fejn ikun possibbli, tistabbilixxi dawk il-postijiet tal-votazzjoni mħallta fid-djar tal-anzjani stess:

Iżda wkoll, għall-finijiet ta' dan il-paragrafu, kull persuna li tkun toqgħod f'dar tal-anzjani erbatax-il jum qabel il-jum tal-votazzjoni għandha titqies li tkun persuna residenti fid-dar tal-anzjani:

Izda wkoll l-artikolu 83 għandu *mutatis mutandis* japplika għall-postijiet tal-votazzjoni mhallta stabbiliti b'dan il-paragrafu.";

(b) fil-paragrafu (a) tas-subartikolu (3A) tiegħu minnufih wara l-kliem "li hija m'hijiex se tkun Malta" għandhom jizdiedu l-kliem "jew li hija ser tkun rikoverata fi sptar";

(c) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (c) tiegħu, minflok il-kliem "sebat ijiem qabel il-jum tal-elezzjoni" għandhom jidhlu l-kliem "erbatax-il gurnata qabel il-jum tal-votazzjoni";

(ii) fil-paragrafu (d) tiegħu, minflok il-kliem "tliet ijiem qabel il-votazzjoni" għandhom jidhlu l-kliem "erbat ijiem qabel il-jum tal-votazzjoni"; u

(iii) il-paragrafu (e) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(e) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att:

(i) eletturi li jivvutaw fi sptar skont il-paragrafu (d) għandhom jivvutaw fil-jum tal-Ħamis qabel il-jum tal-votazzjoni bejn is-7.00 am u l-10.00 pm;

(ii) eletturi -

(aa) li huma residenti f'San Vincenz de Paule; jew

(bb) li huma residenti fi djar tal-anzjani kif imfisser fl-artikolu 80 u li għandhom id-dritt jivvotaw f'dawk il-postijiet imsemmija fis-subartikolu (3)(d),

għandhom jivvotaw fil-jum tas-Sibt qabel il-jum tal-votazzjoni bejn is-7.00 am u l-10.00 pm."; u

(d) fis-subartikolu (6) tiegħu l-kliem "(3)(a) u (b)"

għandhom jiġu sostitwiti bil-kliem "(3)(a), (b) u (d)".

Emenda tal-artikolu 82 tal-Att prinċipali.

9. Fis-subartikolu (2) tal-artikolu 82 tal-Att prinċipali, minflok il-kliem "Fi żmien tliet ijiem mill-pubblikazzjoni tar-*Writ*" għandhom jidhlu l-kliem "Erbatax-il ġurnata qabel il-jum tal-votazzjoni"; u fil-paragrafu (a) tiegħu minflok il-kliem "l-elezzjoni" għandhom jidhlu l-kliem "il-jum tal-Ħamis ta' qabel il-jum tal-elezzjoni".

TAQSIMA IV

Emendi għall-Att dwar Kunsilli Lokali

Emendi għall-Att dwar Kunsilli Lokali. Kap. 363.

10. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar Kunsilli Lokali u għandhom jinqraw u jinftiehm u haġa waħda mal-Att dwar Kunsilli Lokali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 12 tal-Att prinċipali.

11. Fil-paragrafu (h) tal-artikolu 12 tal-Att prinċipali, il-kliem "jew ikun taħt sentenza bħal dik ta' prigrunerija li l-esekuzzjoni tagħha tkun ġiet sospiza" għandhom jiġu mħassra.

TAQSIMA V

Emendi għall-Att dwar Elezzjonijiet għall-Parlament Ewropew

Emendi għall-Att dwar Elezzjonijiet għall-Parlament Ewropew. Kap. 467.

12. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar Elezzjonijiet għall-Parlament Ewropew u għandhom jinqraw u jinftiehm u haġa waħda mal-Att dwar Elezzjonijiet għall-Parlament Ewropew, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 12 tal-Att prinċipali.

13. Fil-paragrafu (b) tal-artikolu 12 tal-Att prinċipali, il-kliem ", jew ikun taħt kundanna bħal dik ta' prigrunerija li l-eżekuzzjoni tagħha tkun ġiet sospiza" għandhom jiġu mħassra.

Emenda tal-artikolu 19 tal-Att prinċipali.

14. Fil-paragrafu (e) tas-subartikolu (1) tal-artikolu 19 tal-Att prinċipali, il-kliem "jew ikun taħt sentenza bħal dik ta' prigrunerija li l-esekuzzjoni tagħha tkun ġiet sospiza" għandhom jiġu mħassra.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 134 tal-26 ta' Marzu, 2014.

ANĠLU FARRUĠIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

A 92

I assent.

(L.S.)

GEORGE ABELA
President

28th March, 2014

ACT No. VII of 2014

AN ACT to amend the Constitution of Malta and Various Electoral laws.

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

Short title.

1. The short title of this Act is the Constitution of Malta and Various Electoral Laws (Amendment) Act, 2014.

PART I

Amendment of the Constitution of Malta

Amendment of the Constitution of Malta.

2. The provisions of this Part amend the Constitution of Malta and they shall be read and construed as one with the Constitution of Malta, hereinafter in this Part referred to as "the Constitution".

Amendment of article 58 of the Constitution.

3. In paragraph (b) of article 58 of the Constitution, the words ", or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

PART II
Amendment of the Code of Organization and Civil Procedure

4. The provisions of this Part amend the Code of Organization and Civil Procedure and they shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as "the Code".

Amendment of the Code of Organization and Civil Procedure. Cap. 12

5. Immediately after article 181B of the Code there shall be added the following new articles:

Addition of new articles to the Code.

"Transfer of judicial acts and written pleadings between Courts in Malta and Courts in Gozo.

181C. (1) Saving the provisions of article 181D, a judicial act or a written pleading may be filed in the registry of the Civil Courts and Tribunals, Malta, for onward transmission by the registrar of that court to the registrar of the competent civil court or tribunal sitting in Gozo indicated in the judicial act or written pleading.

(2) It shall be sufficient for all purposes of law for a true copy of a judicial act or written pleading to be scanned in the registry of the Civil Courts and Tribunals, Malta, and e-mailed to the registrar of the competent civil court or tribunal in Gozo indicated in the judicial act or written pleading.

(3) The registrar receiving the scanned copy as aforesaid shall acknowledge its receipt by return e-mail to the registrar sending the scanned true copy of the judicial act or written pleading.

(4) The officer effecting service of the scanned copy of a judicial act or written pleading as aforesaid shall deliver to the registrar of the Civil Courts and Tribunals, Gozo, the certificate of service, duly confirmed on oath before the registrar himself who shall transmit it to the registrar of the competent civil court or tribunal in Malta indicated in the judicial act or written pleading and vice-versa. Such delivery may also be made by electronic mail and the registrar receiving the certificate of service as aforesaid shall acknowledge its receipt by return e-mail to the registrar sending the certificate of service.

(5) The provisions of sub-articles (1) to (4), both inclusive, shall *mutatis mutandis* apply when a judicial act or a written pleading is filed in the registry of the Civil Courts and Tribunals, Gozo, for onward transmission to the competent civil court or tribunal in Malta indicated in the judicial act or written pleading.

Transfer and execution of warrants and orders between courts in Malta and courts in Gozo.

(6) The date of filing shall be the date when the judicial act or written pleading was first filed in the registry of the Civil Courts and Tribunals, Malta and not when the judicial act or written pleading was received by the registry of the Civil Courts and Tribunals, Gozo and vice-versa.

181D. (1) A request for the issue of a warrant or garnishee order by a civil court or tribunal in Gozo may be filed in the Registry of the Civil Courts and Tribunals, Malta.

(2) The registrar of the Civil Courts and Tribunals, Malta, shall transmit such a request to the registrar of the competent civil court or tribunal in Gozo indicated in the request.

(3) The registrar of the Civil Courts and Tribunals, Gozo shall forward such a request to the competent civil court or tribunal in Gozo indicated in the request to deal with it in terms of law.

(4) If the competent civil court or tribunal in Gozo decrees that such warrant or order is to be executed in Gozo or Comino, a copy thereof shall be transmitted by the registrar of the Civil Courts and Tribunals, Gozo indicated in the request to the registrar of the competent civil court or tribunal in Malta from where the request originated. A copy of the decree shall be served on the person requesting the issue of such warrant or order.

(5) The officer effecting execution shall deliver to the registrar of the competent civil court or tribunal in Gozo indicated in the request the certificate of service or execution, duly confirmed on oath before the registrar himself who shall transmit it to the registrar of the competent court or tribunal in Malta from where the request originated.

(6) The provisions of sub-articles (1) to (4), both inclusive, shall *mutatis mutandis* apply when a judicial act is filed in the registry of a competent civil court or tribunal in Gozo for onward transmission to the competent civil court or tribunal in Malta.

(7) The date of filing shall be the date when the warrant or a garnishee order was first filed in the registry of the Civil Courts and Tribunals, Malta and not when the warrant or garnishee order was received by the registry of the Civil Courts and Tribunals, Gozo and vice-versa."

PART III
Amendment of the General Elections Act

6. The provisions of this Part amend the General Elections Act and they shall be read and construed as one with the General Elections Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the General Elections Act. Cap. 354.

7. In sub-article (4) of article 20 of the principal Act, the words "or to such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

Amendment of article 20 of the principal Act.

8. Article 77 of the principal Act shall be amended as follows:

Amendment of article 77 of the principal Act.

(a) in paragraph (c) of sub-article (3) thereof, for the words "and Gozo General Hospital." there shall be substituted the words "and Gozo General Hospital;", and immediately thereafter there shall be added the following new paragraph and provisos:

"(d) at such places designated for the casting of votes by voters who are resident at retirement homes as defined in article 80 on the Saturday prior to polling day, as the Commission may, by notice in the Gazette published within ten days from the publication of the writ for the election, establish:

Provided that the Commission shall, wherever possible, designate as such mixed polling places the retirement homes themselves:

Provided further that for the purposes of this paragraph every person who is resident in a retirement home fourteen days before polling day shall be deemed to be a resident at the retirement home:

Provided further that article 83 shall *mutatis mutandis* apply to mixed polling places designated in terms of this paragraph.";

(b) in paragraph (a) of sub-article (3A) thereof immediately after the words "that he will not be in Malta" there shall be added the words "or that he will be hospitalised in a hospital";

(c) sub-article (4) thereof shall be amended as follows:

A 96

(i) in paragraph (c) thereof, for the words "seven days before polling day" there shall be substituted the words "fourteen days before polling day";

(ii) in paragraph (d) thereof, for the words "three days before polling" there shall be substituted the words "four days prior to polling day"; and

(iii) paragraph (e) thereof shall be substituted by the following:

"(e) Notwithstanding the other provisions of this Act:

(i)voters who vote in a hospital in accordance with paragraph (d) shall vote on the Thursday prior to polling day between 7.00 am and 10.00 pm;

(ii)voters -

(aa)who are residing at Saint Vincent de Paule; or

(bb)who are residing in retirement homes as defined in article 80 and who are entitled to vote at such places designated in accordance with subarticle (3)(d),

shall vote on the Saturday prior to polling day between 7.00 am and 10.00 pm."; and

(d) in sub-article (6) thereof the words "(3)(a) and (b)" shall be substituted with the words "(3)(a), (b) and (d)".

Amendment of article 82 of the principal Act.

9. In sub-article (2) of article 82 of the principal Act, for the words "Within three days of the publication of the Writ" there shall be substituted the words "Fourteen days prior to polling day"; and in paragraph (a) thereof for the words "the election" there shall be substituted the words "the Thursday prior to polling day".

PART IV

Amendment of the Local Councils Act

Amendment of the Local Councils Act. Cap. 363.

10. The provisions of this Part amend the Local Councils Act and they shall be read and construed as one with the Local Councils

Act, hereinafter in this Part referred to as "the principal Act".

11. In paragraph (h) of article 12 of the principal Act, the words "or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

Amendment to article 12 of the principal Act.

PART V

Amendment of the European Parliament Elections Act

12. The provisions of this Part amend the European Parliament Elections Act and they shall be read and construed as one with the European Parliament Elections Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the European Parliament Elections Act. Cap. 467.

13. In paragraph (b) of article 12 of the principal Act, the words ", or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

Amendment to article 12 of the principal Act.

14. In paragraph (e) of sub-article (1) of article 19 of the principal Act, the words "or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

Amendment of article 19 of the principal Act.

Passed by the House of Representatives at Sitting No. 134 of the 26th March, 2014.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA
Clerk to the House of Representatives
