

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,677, 11 ta' Novembru, 2016
Taqsimha C

Nru. 180

11. 11. 2016

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Stefan Buontempo, M.P., Segretarju Parlamentari għall-Gvern Lokali, f'isem il-Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tal-31 ta' Ottubru, 2016.

A BILL introduced by the Honourable Stefan Buontempo, M.P., Parliamentary Secretary for Local Government, on behalf of the Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 31st October, 2016.

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

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

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

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 li jemenda l-Att dwar Kunsilli Lokali, u dan l-Att għandu jinqara u jinftehem haġa waħda mal-Att dwar Kunsilli Lokali, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-seħh.
Kap. 363.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-Gvern Lokali jista', b'avviż fil-Gazzetta, jistabbilixxi.

2. Minnufih wara l-artikolu 71 tal-Att prinċipali għandu jizdied l-artikolu ġdid li ġej:

Żjieda ta'
artikolu ġdid
mal-Att
prinċipali.

"Petizzjoni lill-Kunsill Lokali biex jiltaqa' b'urgenza.

71A. (1) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 71, il-votanti reġistrati ta' kwalunkwe lokalità għandu jkollhom id-dritt li jagħmlu petizzjoni lill-Kunsill Lokali biex jiltaqa' b'urgenza sabiex jiddiskuti u jiddeċiedi dwar petizzjoni prezentata lilu skont id-dispożizzjonijiet stipulati hawn aktar 'il quddiem.

C 1272

(2) Għall-finijiet ta' dan l-artikolu "petizzjoni" tfisser u tirreferi ukoll għal kwalunkwe forma ta' lment jew talba fejn il-votanti reġistrati ta' lokalità jitolbu li deċiżjoni li tkun diġà ttiċhdet jew pjanata li tittiehed mill-Kunsill Lokali tal-lokalità fil-kompetenza statutarja tal-kunsill, tiġi revokata, jew sospiża, jew irtirata, jew emendata, skont kif ikun il-każ għar-raġunijiet imsemmija fil-petizzjoni.

(3) Il-petizzjoni għandha tkun iffirmata minn tal-inqas wieħed minn hamsa tal-eletturi elenkati bħala votanti f'dik il-lokalità fl-aħħar reġistru elettorali tal-Kunsilli Lokali fejn il-popolazzjoni tal-votanti reġistrati hi ta' 3,000 jew aktar, jew minn tal-inqas wieħed minn erbgħa tal-imsemmija eletturi fejn il-popolazzjoni tal-votanti reġistrati hi ta' inqas minn 3,000.

(4) Il-petizzjoni, li għandha tkun iffirmata min-numru tal-eletturi kif indikat fis-subartikolu (3), għandha tkun ipprezentata lis-Segretarju Eżekuttiv tal-Kunsill Lokali u għandha tingħata irċevuta tagħha. Il-petizzjoni għandha tindika s-sugġett hekk li dwaru qed issir il-petizzjoni waqt li tipprovdi deskrizzjoni fil-qosor tal-kawża li wasslet għal dik il-petizzjoni, u l-petizzjoni għandha tindika b'mod ċar l-isem, il-kunjom, in-numru tal-karta tal-identità biswit il-firma ta' min ikun qed jiffirma l-petizzjoni.

(5) Petizzjoni pprezentata skont dan l-artikolu tista' sservi għal xi wieħed mill-għanijiet li ġejjin:

(a) titlob sabiex attività partikolari jew mizura pjanata jew implimentata mill-Kunsill tkun irtirata jekk hemm raġunijiet validi, preferibbilment appoggjati minn prova dokumentata, li l-attività jew mizura x'aktarx ser tohloq thassib jew raġuni għal ilment liċ-ċittadini tal-lokalità f'dak li għandu x'jaqsam ma' saħħa, sigurtà, disturb jew inkonvenjent;

(b) titlob li inizjattiva partikolari tiġi mnedija mill-Kunsill jew minn kwalunkwe korp pubbliku immirata għat-titjib tal-ambjent, jew l-provvista ta' installazzjoni jew immodernizzar ta' xi waħda mill-faċilitajiet pprovduti mill-Kunsill skont il-funzjonijiet elenkati fl-artikolu 33(1)."

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi huwa li jintroduċi mekkaniżmu ġdid ta' petizzjonijiet li jinkoraġġixxi liċ-ċittadini ta' kwalunkwe lokalità sabiex jindirizzaw it-tħassib tagħhom lill-Kunsill Lokali fir-rigward ta' kwalunkwe azzjoni meħuda mill-Kunsill li għandha jew jista' jkollha effett negattiv fuq il-benesseri ġenerali tagħhom jew sabiex jitolbu li l-Kunsill jieħu l-miżuri neċessarji sabiex itejjeb il-benesseri ġenerali tagħhom billi jobbligaw lill-Kunsill sabiex jeżerċita kwalunkwe jew numru ta' funzjonijiet elenkati fl-artikolu 33(1) tal-Att dwar Kunsilli Lokali.

C 1274

**A BILL
entitled**

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

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

Short title and
commencement.
Cap. 363.

1. (1) The short title of this Act is the Local Councils (Amendment) Act, 2016, and this Act shall be read and construed as one with the Local Councils Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister responsible for Local Government may by notice in the Gazette establish.

Addition of new
article to the
principal Act.

2. Immediately after article 71 of the principal Act there shall be added the following new article:

"Petition for
Local Council
to convene
with urgency.

71A. (1) Without prejudice to the provisions of article 71, the registered voters of any locality shall have the right to petition the Local Council to convene with urgency to discuss and decide on a petition presented to it in accordance with the provisions stipulated hereunder.

(2) For the purpose of this article "petition" means and also refers to any form of complaint or request whereby the registered voters of a locality demand that a decision already taken or planned to be taken by the Local Council of the locality within the council's statutory competence, is revoked, or suspended, or withdrawn, or amended, as the case may be, for the reasons mentioned in the petition.

(3) The petition shall be signed by at least one-fifth of the electors listed as voters for that locality in the last Local Councils' Electoral Register where the population of registered voters is of 3,000 or more, or by at least one-fourth of the said electors where the population of registered voters is less than 3,000.

(4) The petition, which shall be signed by the number of electors as indicated in sub-article (3), shall be presented to the Local Council's Executive Secretary and a receipt given thereupon. The petition shall indicate the subject-matter for such petition giving a brief description of the cause leading to such petition, and the petition shall clearly bear the name, surname and identity card number next to the petitioner's signature.

(5) A petition presented in terms of this article may serve any of the following purposes:

(a) to demand that a particular activity or measure planned or implemented by the Council is withdrawn if there are valid reasons, preferably supported by documentary evidence, that the activity or measure is likely to cause concern or grievance to the locality citizens in terms of health, safety, disturbance or inconvenience;

(b) to request that a particular initiative is initiated by the Council or by any public body aimed at the enhancement of the environment, or the provision or installation or upgrading of any of the facilities provided by the Council in terms of the functions listed in article 33(1)."

C 1276

Objects and Reasons

The object of this Bill is to introduce a new petitioning mechanism empowering the citizens of any locality to address their concern to their Local Council in respect of any action taken by the Council which has or may have a negative effect on their general well-being or to demand that the Council takes the necessary measures to improve their general well-being by obliging the Council to exercise any or several of the functions listed in article 33(1) of the Local Councils Act.

