

Abbozz ta' Liġi msejjah

ATT biex jipprovdi għat-trasferiment tal-attiv, drittijiet, debiti u obbligi kollha tal-Korporazzjoni Enemalta lil Enemalta plc, biex jirregola l-funzjonijiet ta' operaturi ta' sistema ta' distribuzzjoni, biex iħassar l-Att dwar l-Enemalta u biex jipprovdi għal hwejjeġ anċillari jew konnessi ma' dan.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2014 dwar it-Trasferiment tal-Attiv, id-Drittijiet, id-Debiti u l-Obbligi ta' Enemalta". Titolu fil-qosor u bidu fis-sehh.

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

2. F'dan l-Att sakemm ir-rabta tal-kliem ma tehtiegħ xort'oħra: Tifsir.

"apparat", dwar enerġija elettrika, tinkludi l-makni, l-apparati ta' konsum u l-fittings kollha li fihom ikunu wżati kondutturi jew li jiffirmaw parti minnhom;

"Awtorità" tfisser l-Awtorità ta' Malta dwar ir-Rizorsi kif stabbilita bl-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi; Kap. 423.

"enerġija" tfisser kull forma ta' enerġija kummerċjalment

C 652

disponibbli inkluż elettriku, gass naturali (inkluż gass naturali likwifikat u gass likwifikat miż-żejt), kwalunkwe fjuwil sabiex isahhan jew ikessah (inkluż tishin jew tiksieħ distrettwali), faħam, *lignite*, pit, bijomassa kif definita fid-Direttiva 2001/77/KE tal-Parlament Ewropew u tal-Kunsill, tas-27 ta' Settembru 2001, fuq il-promozzjoni ta' elettriku prodott minn sorsi ta' enerġija rinovabbli fis-suq intern tal-elettriku;

"enerġija elettrika" tfisser enerġija elettrika meta tkun iġġenerata, trasmessa, fornita jew użata għal kwalunkwe għan bl-eċezzjoni ta' trasmissjoni ta' xi komunikazzjoni jew sinjal;

"Engineering Resources Ltd" tfisser Engineering Resources Ltd (kumpannija b' responsabbiltà limitata rreġistrata skont il-liġijiet ta' Malta) jew minn żmien għal żmien is-suċċessuri tagħha fit-titlu;

"Gvern" tfisser il-Gvern ta' Malta;

"installazzjoni" tfisser l-intier ta' kull impjant jew apparat, maħsub għall-akkwist, provvista, hażna, użu jew tqassim ta' kull enerġija elettrika, flimkien ma' kull impjant, bini, art u kanen, meħtieġa għalihom, li jinsabu fuq l-art, taħt l-art jew taħt wiċċ il-baħar, u dwar l-enerġija elettrika, tinkludi l-ewwel kawża ta' kull tali enerġija, kanen ta' provvista u apparat għall-konsun, jekk ikun hemm;

"konduttur" tfisser konduttur elettriku rranġat sabiex ikun elettrikament imwahhal ma' sistema;

Kap. 272.

"Korporazzjoni" tfisser il-Korporazzjoni tal-Enemalta kif stabbilita skont l-Att dwar l-Enemalta;

"Kumpannija" tfisser Enemalta plc (kumpannija pubblika b' responsabbiltà limitata rreġistrata skont il-liġijiet ta' Malta) jew minn żmien għal żmien is-suċċessuri tagħha fit-titlu;

"linja tal-provvista tal-fjuwil" tfisser konduttur jew konduttur jew meżzi oħra ta' għoti, trasmissjoni jew tqassim ta' enerġija elettrika, flimkien ma' kull *casing*, *coating*, għata, tubu, insulatur ta' kanna jew parti li tagħlaq, li thaddan jew issaħħaħ lil dawn jew xi parti minnhom, jew kull bini jew apparat imqabbaħ miegħu sabiex jittrasforma, jagħti, jitrasmetti jew iqassam l-enerġija elettrika;

"Ministru" tfisser Ministru responsabbli għall-Enerġija;

L.S. 423.22

"operatur tas-sistema ta' distribuzzjoni" għandu jkollha l-istess tifsira kif mogħti lilha skont ir-Regolamenti dwar is-Suq tal-Elettriku;

Kap. 268.

"trasferiment" għandu jkollha l-istess tifsira kif mogħtija lilha

skont l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern meta uzata fir-rigward ta' kwalunkwe art taht it-Taqsima I ta' dan l-Att.

Taqsima I

Trasferiment tal-Attiv u tad-Debiti tal-Korporazzjoni Enemalta

3. (1) B'effett mid-data tad-dhul fis-sehh ta' dan l-artikolu, l-attiv u d-drittijiet kollha ta' kwalunkwe natura tal-Korporazzjoni kemm f'Malta jew barra minn Malta, u inkluz imma mhux limitat għall-jeddijiet reali jew jeddjiet oħra taht kwalunkwe kuntratt, is-somom ta' flus kollha dovuti minn kwalunkwe persuna lill-Korporazzjoni, u l-ishma kollha fi, *stocks*, jew interessi ta' jew fuq kwalunkwe korp ieħor miżmum minnha fl-imsemmi jum, għandhom mingħajr il-bżonn ta' xi formalità minbarra dan l-Att jmorru fil-kumpannija, u d-debiti u l-obbligi kollha tal-Korporazzjoni fl-imsemmi jum, għandhom bis-saħħa ta' dan l-Att jitqiesu bħala debiti u obbligi tal-Kumpannija mingħajr il-bżonn ta' ebda formalità barra dawk f'dan l-Att.

Trasferiment tal-attiv u d-debiti.

(2) Il-kawzi kollha pendent quddiem kwalunkwe qorti, tribunal, tribunal ta' arbitraġġ, jew kwalunkwe korp ġudizzjarju ieħor, istitwiti minn jew kontra l-Korporazzjoni għandhom jitkomplew minn jew kontra l-Korporazzjoni mingħajr il-bżonn ta' formalitajiet barra dawk ta' dan l-Att.

(3) Minkejja d-dispożizzjonijiet tal-Att dwar il-Kumpanniji, b'effett mid-data msemmija fis-subartikolu (1), il-Korporazzjoni għandha għall-finijiet kollha tal-liġi u bis-saħħa ta' dan is-subartikolu titiqies li giet amalgamata fil-Kumpannija u d-dispożizzjonijiet ta' subartikolu (1) jew l-artikolu 354 tal-Att dwar il-Kumpanniji għandhom, japplikaw *mutatis mutandis*, mingħajr il-bżonn ta' u bl-eskluzjoni ta' kwalunkwe formalitajiet barra dawk f'dan l-Att, u għal dawn l-għanijiet:

Kap. 386.

(a) il-Korporazzjoni għandha tieqaf tezisiti bħala persuna ġuridika separata għall-finijiet legali, u dan mingħajr ħsara għall-kwalunkwe dispożizzjoni oħra f'dan l-Att;

(b) il-Kumpannija għandha titiqies bħala "il-kumpannija li qed takkwista", u l-Korporazzjoni għandha titqies bħala "il-kumpannija li qed tiġi akkwistata" għall-finijiet tal-artikolu 354(1) tal-Att dwar il-Kumpanniji.

Kap. 386.

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Kap. 386.

(4) Fid-data msemija fis-subartikolu (1), il-Kumpanija għandha toħroġ ishma godda favur il-Gvern ta' Malta bħala l-azzjonist tagħha, fuq dawk it-termini u l-kundizzjonijiet u b'dak il-valur kif jista' jiġi speċifikat mill-Ministru permezz ta' avviż fil-Gazzetta, iżda d-dispożizzjonijiet tal-artikoli 73 u 74 tal-Att dwar il-Kumpaniji m'għandhomx japplikaw għall-ħruġ tal-imsemija ishma mill-Kumpanija u għat-trasferiment tal-attiv u d-drittijiet lill-Kumpanija skont is-subartikolu (1).

(5) Id-dispożizzjonijiet ta' dan l-artikolu u l-ġoti tal-attiv u d-debiti, id-drittijiet, l-interessi u l-obbligi kollha fil-Kumpanija mill-Korporazzjoni:

(a) m'għandhomx joperaw bħala novazzjoni fi kwalunkwe dritt, responsabbiltà jew obbligu, u kwalunkwe dritt, responsabbiltà jew obbligu għandhom ikomplu jkollhom effett daqs li kieku ma kien hemm l-ebda bidla fid-detentur, kreditur jew debitor tagħhom, u daqs li kieku dawn minn dejjem kienu drittijiet, responsabbiltajiet jew obbligi tal-Kumpanija;

(b) m'għandhomx japplikaw bħala ksur patt kew kundizzjoni, kemm jekk statutorja jew kuntrattwali jew iwasslu għal xi konfiska;

(c) m'għandhomx jinvalidaw, jirilaxxaw minn jew jehilsu kwalunkwe kuntratt, sigurtà jew obbligu għall-benefiċċju ta' xi terza persuna;

(d) m'għandhomx jagħtu lok għall-ħlas ta' kwalunkwe lawdemju, primjum, penali jew kwalunkwe ħlas ieħor.

(6) Xejn f'dan l-artikolu m'għandu jipprekludi lill-Kumpanija milli tara li titniżzel fir-registru xieraq tar-Registru Pubbliku jew fir-Registru tal-Artijiet, jew fi kwalukwe nota registrata jew iskrizzjoni f'dawk ir-registri, dik ir-referenza jew annotazzjoni oħra kif jista' jitiqies xieraq fiċ-ċirkustanzi.

Impjegati tal-Korporazzjoni.

4. (1) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, il-persuni kollha impjegati fil-Korporazzjoni minnufih qabel id-dhul fis-seħħ ta' dan l-artikolu għandhom, mad-dhul fis-seħħ ta' dan l-artikolu, jiġu trasferiti u jsiru impjegati ta' Engineering Resources Ltd bis-saħħa ta' dan l-artikolu u mingħajr il-bżonn ta' kwalunkwe formalitajiet oħra.

(2) Engineering Resources Ltd għandha tiegħu l-jeddijiet u l-obbligi kollha li l-Korporazzjoni kellha lejn l-impjegati qabel it-trasferiment tal-impjegati bis-saħħa ta' dan l-artikolu u kull wiehed minn dawn l-impjegati għandu, għall-finijiet u l-għanijiet kollha ta' kwalunkwe liġi, jitqies li kien impjegat ta' Engineering Resources Ltd mid-data li fiha huwa gie impjegat mal-Korporazzjoni, u kull wiehed minn dawn l-impjegati għandu, għall-finijiet u l-għanijiet kollha ta' kwalunkwe liġi jkompli jgawdi l-istess jeddijiet u kundizzjonijiet li kellu minnufih qabel id-dhul fis-seħħ ta' dan l-artikolu, inkluż iżda mhux limitat għad-drittijiet tal-pensjoni jew drittijiet relatati mall-kalkolu ta' kwalunkwe pensjoni jew ta' kwalunkwe servizz pensjonabbli taħt l-Ordinanza dwar il-Pensjonijiet jew ta' kwalunkwe liġi oħra. Kap. 93.

5. Minkejja d-dispożizzjonijiet tal-Att dwar it-Trasferiment ta' Artijiet tal-Gvern: Applikabilità tal-Att dwar it-Trasferiment ta' Artijiet tal-Gvern.

(a) it-trasferiment tal-kwalunkwe art favur il-Kumpannija bis-saħħa ta' dan l-Att għandhu jkun validu u għandu jkollu effett mingħajr il-bżonn ta' xi awtorizzazzjoni oħra barra dawk f'dan l-artikolu, u d-dispożizzjonijiet tal-Att dwar it-Trasferiment ta' Artijiet tal-Gvern m'għandhomx japplikaw għal xi trasferiment mill-Kumpannija jew xi wiehed mis-suċċessuri tagħha fit-titlu (inkluż kwaunkwe art trasferita lill-Kumpannija bis-saħħa ta' dan l-Att) lil kull persuna, u dawn it-trasferiment ma għandhom jirrikjedu ebda awtorizzazzjoni oħra skont l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern; Kap. 268.

(b) il-Ministru jista' b'ordni fil-Gazzetta jneħhi kwalunkwe kundizzjoni restrittiva imposta mill-Gvern fuq il-Korporazzjoni fi kull att pubbliku bis-saħħa tat-tħaddim tal-artikolu 3(1)(e) tal-Att dwar it-Trasferiment ta' Artijiet tal-Gvern fir-rigward tat-trasferiment ta' xi art magħmul mill-Gvern favur il-Korporazzjoni fejn din l-art hija sussegwentement trasferita lill-Kumpannija bis-saħħa tal-paragrafu (a); Kap. 268.

(ċ) il-Gvern jista' jagħmel disponibbli kull art użata mill-Korporazzjoni għall-għanijiet ta' generazzjoni tal-elettriku minnufih qabel id-dhul fis-seħħ ta' dan l-artikolu għall-użu tal-Kumpannija jew ta' kull entità oħra li fiha l-Kumpannija għandha xi ishma, skont dawk il-kundizzjonijiet li l-Gvern jista' jqies bħala xierqa.

Taqsimha II

Regolamentazzjoni tal-Operaturi tas-Sistema ta' Distribuzzjoni

Installazzjonijiet

6. Ghall-finijiet ta' kull waħda mill-funzjonijiet tiegħu, operatur tas-sistema ta' distribuzzjoni jista', bla ħsara għad-dispożizzjonijiet u għal kull rekwiżit skont xi liġi oħra, jinstalla kull instalazzjoni fit-toroq pubbliċi, u jiftaħ u jikser il-wiċċ ta' kwalunkwe triq:

Izda ebda waħda minn dawn is-setgħat ma tista' tiġi eżerċitata mingħajr il-kunsens tal-Awtorità għat-Trasport f'Malta.

Dmirijiet tal-operatur tas-sistema ta' distribuzzjoni fir-rigward tal-forniment tal-enerġija elettrika.

7. (1) Operatur tas-sistema ta' distribuzzjoni jista' jnaqqas, kif jaħseb li huwa xieraq, il-kwantità ta' forniment ta' enerġija lil xi konsumatur, jekk, għal raġunijiet ta' ċirkustanzi mhux prevedibbli li mhumiex taħt il-kontroll tal-operatur tas-sistema ta' distribuzzjoni, jidher illi l-forniment tal-enerġija elettrika mhuwiex suffiċjenti sabiex il-kwantità shiha tiġi fornita mingħajr xkiel.

(2) Fejn il-kwantità tal-enerġija fornita għet mnaqqsa kif hawn qabel imsemmi, l-operatur tas-sistema ta' distribuzzjoni m'għandux ikun responsabbli għal xi telf jew ħsara kkaġunata minn dan it-tnaqqis.

Limitu tar-responsabbiltà tal-operatur tas-sistema ta' distribuzzjoni.

8. Operatur tas-sistema ta' distribuzzjoni m'għandhux ikun responsabbli għal xi telf jew ħsara, kemm materjali jew konsegwenzjali, lil xi persuna jew proprjetà għat-twaqqif tal-forniment tal-enerġija li jkun kawżat minn aċċident inevitabbli, tqagħbir bl-użu jew domanda żejda tal-elettriku kkawżat minn konnessjoni ta' apparati mhux awtorizzati, jew htigiet raġonevoli tas-sistema tal-elettriku, jew difetti f'xi installazzjoni tal-elettriku mhux provduta mill-operatur tas-sistema ta' distribuzzjoni.

Prezzijiet, ħlasijiet, u kontribuzzjonijiet oħra mill-operatur tas-sistema ta' distribuzzjoni.

9. Il-prezzijiet imposti mill-operatur tas-sistema ta' distribuzzjoni għal-forniment tal-enerġija elettrika u servizzi relatati għandhom ikunu skont dawk it-tariffi li, min żmien għal żmien, jistgħu jiġu preskritti mill-imsemmi operatur tas-sistema ta' distribuzzjoni wara li jiġu approvati bil-miktub mill-Awtorità.

Kuntratti ta' forniment jew xogħol.
L.S. 174.06

10. (1) Operatur tas-sistema ta' distribuzzjoni jista' biss jidhul f'kuntratti għall-akkwist ta' oġġetti, servizzi jew materjali, minbarra żejt, jew għat-twettieq ta' xogħolijiet, skont ir-Regolamenti dwar l-Akkwisti Pubbliċi ta' Entitajiet li joperaw fis-Settur ta' l-Ilma, l-Enerġija, it-Trasport u s-Servizzi Postali.

(2) Operatur ta' sistema ta' distribuzzjoni jista' jakkwista żejt, għat-twettieq tal-funzjonijiet tiegħu, b'dak il-mod u skont dawk it-

termini u kundizzjonijiet li jqis xieraq.

11. Kull operatur tas-sistema ta' distribuzzjoni jista', sakemm ma jkunx inghata istruzzjonijiet xort'oħra mill-Awtorità, jinnomina kwalunkwe persuna sabiex tidhol f'kull bini, f'kull ħin raġonevoli, li fih l-enerġija elettrika qiegħda, kienet jew ser tiġi fornita mill-operatur tas-sistema ta' distribuzzjoni, jew li fih xi installazzjoni, apparat, strument, impjant jew aċċessorji huma, kienu jew ser jiġu installati, jew jeżistu xort'oħra, għal jew f'konnessjoni mal-forniment, hażna, distribuzzjoni, bejgħ jew użu ieħor tal-enerġija elettrika mill-operatur tas-sistema ta' distribuzzjoni għal-raġunijiet ta':

Setgħa ta' dhul sabiex tiġi aċċertata l-kundizzjoni ta' installazzjoni, eċċ.

(a) spezzjoni, żamma u, jekk ikun hemm bżonn, tiswija ta' xi wieħed mill-oġġetti hawn fuq imsemmija kif ukoll linji tal-elettriku, arloġġi tad-dawl, *fittings*, xogħolijiet u apparati tal-operatur tas-sistema ta' distribuzzjoni jew installati hemm;

(b) l-ivverifikar ta' dik id-*data* jew informazzjoni li l-operatur tas-sistema ta' distribuzzjoni jista' jeħtieġ f'konnessjoni mas-servizzi mogħtija mill-operatur tas-sistema ta' distribuzzjoni;

(ċ) it-tneħħija kollha jew ta' uħud mill-istallazzjonijiet, apparati, strumenti, impjanti jew aċċessorji tal-operatur tas-sistema ta' distribuzzjoni, kull meta xi servizz provdut mill-imsemmi operatur tas-sistema ta' distribuzzjoni ma jkunx aktar meħtieġ jew fejn l-operatur tas-sistema ta' distribuzzjoni huwa awtorizzat jiritira is-servizzi tiegħu:

Iżda l-operatur tas-sistema ta' distribuzzjoni għandu jsewwi kull ħsara kkawżata mid-dhul, spezzjoni jew tneħħija:

Iżda wkoll is-setgħa ta' dhul f'xi proprjetà privata skont dan l-artikolu għandha tiġi eżerċitata biss fil-preżenza ta' uffiċjal tal-Pulizija u taħt is-sorveljanza ta' dak l-uffiċjal tal-Pulizija.

12. (1) It-twertieq tax-xogħol kollu li għandu x'jaqsam mas-servizzi mogħtija mill-operatur tas-sistema ta' distribuzzjoni għandu jsir b'dak il-mod kif jista' jiġi preskritt minn jew skont dan l-Att jew minn jew skont kull liġi oħra, u mingħajr preġudizzju għas-sigurtà pubblika jew is-sigurtà privata.

Reati li għandhom x'jaqsmu ma' prekawzjonijiet fit-twertieq tax-xogħolijiet.

(2) Kull persuna li, mingħajr raġuni legali, tikser jew tonqos milli timxi mad-dispożizzjonijiet ta' dan l-artikolu tkun haġja ta' reat taħt dan l-Att.

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Reati li għandhom x'jaqsmu mal-installazzjoni, eċċ, fornita.

13. (1) L-ebda persuna m'għandha tuża enerġija elettrika jew xi instalazzjoni, apparat, strument jew l-aċċessorji tagħhom, furniti minn operatur tas-sistema ta' distribuzzjoni, jew xi *petroleum* fornit għall-bejgħ jew disponiment mod iehor minn jew f'isem l-operatur tas-sistema ta' distribuzzjoni, kemm direttament kif ukoll indirettament, għal raġunijiet barra dawk li għalihom ġew furniti; u kull dikjarazzjoni jew indikazzjoni ċara minn operatur ta' sistema ta' distribuzzjoni rigward l-għanijiet li għalihom xi oġġett kif imsemmi ġie fornit għandha tkun evidenza konklussiva għal dawn l-għanijiet.

(2) Kull persuna li tikser id-dispożizzjoni ta' dan l-artikolu tkun hatja ta' reat kontra dan l-Att.

Reati oħra.

14. Kull persuna li -

(a) tostakola jew timpedixxi membru ta' operatur tas-sistema ta' distribuzzjoni fit-twertieq ta' dmirijietu skont dan l-Att jew skont xi regolamenti magħmulin taħt dan l-Att; jew

(b) tikser jew tonqos milli tosserva xi waħda mid-dispożizzjonijiet ta' dan l-Att jew ta' xi regolament kif imsemmi qabel jew xi ordni legalment mogħti skont id-dispożizzjonijiet ta' dan l-Att jew ta' dawk ir-regolamenti; jew

(ċ) fejn xi liċenza jew permess ikunu meħtieġa skont id-dispożizzjonijiet ta' dan l-Att jew skont xi regolamenti magħmulin taħt dan l-Att, għall-użu ta' servizzi jew faċilitajiet ta' operatur tas-sistema ta' distribuzzjoni, tagħmel użu minn dawk is-servizzi jew faċilitajiet mingħajr il-liċenza jew permess jew tikser jew jonqos milli tosserva l-kundizzjonijiet ta' xi liċenza jew permessi bħal dawk,

tkun hatja ta' reat kontra dan l-Att.

Pieni għar-reati.
Kap. 9.

15. (1) Kull persuna hatja ta' reat kontra dan l-Att jew kontra xi regolamenti, regoli jew ordinijiet magħmula taħt dan l-Att, teħel, mingħajr preġudizzju għar-responsabbiltà tagħha taħt il-Kodiċi Kriminali u kull liġi oħra, meta tinstab hatja, priġunerija għal żmien mhux iżjed minn sitt xhur, jew multa ta' mhux iżjed minn elf mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (1,164.69) jew dik il-priġunerija u multa flimkien.

(2) Meta jitwettaq ir-reat kontra dan l-Att kif imsemmi fl-artikolu 14(ċ), kull installazzjoni, apparat, strument, impjant, tagħmir jew kwalunkwe haġa oħra użata fi jew għall-għanijiet tat-twertieq tar-reat għandha tiġi kkonfiskata favur il-Gvern.

Taqsimi III

Mixxellanji

16. Il-Ministru jista', jew fuq rakkomandazzjoni tal-Awtorità, jew fuq inizjattiva tiegħu stess wara li jikkonsulta mal-Awtorità, jagħmel regolamenti sabiex jtejbu l-effett tad-dispożizzjonijiet ta' dan l-Att u, mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, b'mod partikolari sabiex:

Setgħa li jsiru regolamenti.

(a) jipprovdi għal materji anċillarji fir-rigward ta' jew f'konnessjoni mat-trasferiment tal-attiv u d-debiti, u d-drittijiet jew l-obbligi tal-Korporazzjoni lill-Kumpanija skont id-dispożizzjonijiet tal-artikolu 3;

(b) jirregola il-mod li bih operatur tas-sistema ta' distribuzzjoni għandu jinstalla installazzjonijiet u kif dawn għandhom jiġu installati, operati, miżmuma, protetti jew ikkontrollati u l-*standards* tekniċi jew speċifikazzjonijiet li għandhom jiġu osservati fir-rigward ta' dawn l-installazzjonijiet;

(c) jipprovdi għal-miżuri li għandhom jittieħdu sabiex tiġi żgurata l-konformità ma *standards* internazzjonali jew *standards* oħra użati fid-distribuzzjoni tal-elettriku u għall-mezzi li għandhom jiġu użati u l-miżuri li għandhom jittieħdu sabiex tiġi żgurata s-sigurtà u l-prevenzjoni ta' periklu, ħsara u inkonvenjenti fir-rigward ta' kull aspett tad-distribuzzjoni tal-elettriku;

(d) jipprovid għall-miżuri transitorji, konsegwenzjali, anċillarji jew relatati.

17. Mingħajr preġudizzju għal kull dispożizzjoni oħra ta' dan l-Att, kull referenza għall-Korporazzjoni f'xi liġi għandha, mid-data msemmija fl-artikolu 3(1), titqies bħala referenza għall-Kumpanija u s-suċċessuri tagħha fit-titolu kif fis-sehħ minn żmien għal żmien.

Referenzi għall-Korporazzjoni Enemalta.

18. Mingħajr preġudizzju għal kull dispożizzjoni oħra ta' dan l-Att, kull referenza għall-Att dwar l-Enemalta f'xi liġi għandha, mid-data msemmija fl-artikolu 3(1), titqies bħala referenza għal dan l-Att kif, minn żmien għal żmien, ikun fis-sehħ.

Referenzi għall-Att dwar l-Enemalta.. Kap. 272.

19. Minkejja d-dispożizzjonijiet ta' xi liġi oħra, l-emendi għall-*legislazzjoni* sussidjarja msemmija fit-Taqsimiet IV, VI, VII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XIX u XXI ta' dan l-Att għandhom jidhlu fis-sehħ bis-saħħa ta' dan l-Att mingħajr il-bżonn ta' formalitajiet oħra.

Emendi għal *legislazzjoni* sussidjarja.

C 660

Taqsimha IV

Emendi għar-Regolamenti dwar il-Pellikoli u l-Palk

Emendi għar-Regolamenti dwar il-Pellikoli u l-Palk. L.S. 10.17

20. Din it-Taqsima temenda r-Regolamenti dwar il-Pellikoli u l-Palk u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar il-Pellikoli u l-Palk, hawn iżjed 'il quddiem f'din it-Taqsima msejha "ir-Regolamenti".

Thassir tar-regolament 31 tar-Regolamenti.

21. Ir-regolament 31 tar-Regolamenti għandu jithassar.

Emenda tar-regolament 35 tar-Regolamenti.

22. Fir-regolament 35 tar-Regolamenti, il-kliem "u mill-*manager* ta' Enemalta" għandhom jithassru.

Taqsimha V

Emendi għall-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' *Petroleum*

Emendi għall-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' *Petroleum*. Kap. 25.

23. Din it-Taqsima temenda l-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' *Petroleum* u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' *Petroleum*, hawn iżjed 'il quddiem f'din it-Taqsima msejha "l-Ordinanza".

Emenda tal-artikolu 11 tal-Ordinanza.

24. Fl-artikolu 11 tal-Ordinanza, il-kliem "jew tal-Att dwar l-Enemalta, jew miżmuma fis-seħh b'dak l-Att" għandhom jithassru.

Taqsimha VI

Emendi għar-Regolamenti dwar il-Liċenzi tal-Pulizija

Emendi għar-Regolamenti dwar il-Liċenzi tal-Pulizija. L.S.128.01

25. Din it-Taqsima temenda r-Regolamenti dwar il-Liċenzi tal-Pulizija u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar il-Liċenzi tal-Pulizija, hawn iżjed 'il quddiem f'din it-Taqsima msejha "ir-Regolamenti".

Emenda tal-partita 89 fl-Ewwel Skeda li tinsab mar-Regolamenti.

26. Fil-partita 89 tal-Ewwel Skeda li tinsab mar-Regolamenti, ir-referenza għall-"Att dwar l-Enemalta" għandha tiġi emendata biex tirreferi għall-"Att dwar Awtorità ta' Malta dwar ir-Rizorsi".

Taqsimha VII

Emendi għall-Att dwar il-Korporazzjoni għas-Servizzi tal-Ilma

- 27.** Din it-Taqsimha temenda l-Att dwar il-Korporazzjoni għas-Servizzi tal-Ilma u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Korporazzjoni għas-Servizzi tal-Ilma, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".
- 28.** L-artikolu 22 tal-Att prinċipali għandu jithassar.
- 29.** Fis-subartikolu (4) tal-artikolu 28 tal-Att prinċipali, minflok il-kliem "mal-ewwel opportunità li jkun hemm u mhux aktar tard minn tmien ġimgħat minn meta jirċievi kopja tal-estimi tal-Enemalta" għandhom jidhru l-kliem "fi żmien tmien ġimgħat minn meta jirċievi kopja tal-estimi".
- 30.** L-Ewwel Skeda li tinsab mal-Att prinċipali għandha tithassar.

Emendi għall-Att dwar il-Korporazzjoni għas-Servizzi tal-Ilma. Kap. 355.

Thassir tal-artikolu 22 tal-Att prinċipali.

Emenda tal-artikolu 28 tal-Att prinċipali.

Thassir tal-Ewwel Skeda li tinsab mal-Att prinċipali.

Taqsimha VIII

Emendi għall-Ordni dwar id-Delega ta' Stallazzjonijiet ta' Tidwil tat-Toroq lil Kunsilli Lokali

- 31.** Din it-Taqsimha temenda l-Ordni dwar id-Delega ta' Stallazzjonijiet ta' Tidwil tat-Toroq lil Kunsilli Lokali u għandha tinqara u tinftiehem haġa waħda mal-Ordni dwar id-Delega ta' Stallazzjonijiet ta' Tidwil tat-Toroq lil Kunsilli Lokali, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Ordni".
- 32.** Fl-artikolu 3 tal-Ordni kull referenza għal "Korporazzjoni Enemalta" jew il-"Korporazzjoni" għandha tiġi sostitwita b'referenza għall-"Awtorità ta' Malta dwar ir-Rizorsi", u kull referenza għall-"Att dwar l-Enemalta" għandha tiġi sostitwita b'referenza għall-"Att dwar Awtorità ta' Malta dwar ir-Rizorsi".

Emendi għall-Ordni dwar id-Delega ta' Stallazzjonijiet ta' Tidwil tat-Toroq lil Kunsilli Lokali. L.S. 363.91

Emenda tal-artikolu 3 tal-Ordni.

Taqsimha IX

Emendi għar-Regoli dwar it-Taxxa fuq Dokumenti u Trasferimenti

- 33.** Din it-Taqsimha temenda r-Regoli dwar it-Taxxa fuq Dokumenti u Trasferimenti u għandha tinqara u tinftiehem haġa waħda mar-Regoli dwar it-Taxxa fuq Dokumenti u Trasferimenti, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "ir-Regoli".
- 34.** Fil-proviso għas-subregola (1) tar-regola 10 tar-Regoli, il-kliem "il-Korporazzjoni tal-Enemalta, jew" għandhom jithassru.

Emendi għar-Regoli dwar it-Taxxa fuq Dokumenti u Trasferimenti. L.S. 364.06

Emenda tar-regola 10 tar-Regoli.

C 662

Taqsimax

Emendi għall-Avviz għall-għanijiet tat-tifsira ta' "kummerċjant" fl-Att dwar l-Affarijiet tal-Konsumatur

Avviz għall-għanijiet tat-tifsira ta' "kummerċjant" fl-Att dwar l-Affarijiet tal-Konsumatur. L.S. 378.06

35. Din it-Taqsimax temenda l-Avviz għall-għanijiet tat-tifsira ta' "kummerċjant" fl-Att dwar l-Affarijiet tal-Konsumatur u għandha tinqara u tinftiehem haġa waħda mal-Avviz għall-għanijiet tat-tifsira ta' "kummerċjant" fl-Att dwar l-Affarijiet tal-Konsumatur, hawn iżjed 'il quddiem f'din it-Taqsimax msejjaħ "l-Avviz".

Emenda tal-artikolu 2 tal-Avviz.

36. Fl-artikolu 2 tal-Avviz, ir-referenza għal "Enemalta" għandha tithassar.

Taqsimax XI

Emendi għar-Regolamenti fuq il-Provvista ta' l-Elettriku

Emendi għar-Regolamenti fuq il-Provvista ta' l-Elettriku. L.S. 423.01

37. Din it-Taqsimax temenda r-Regolamenti fuq il-Provvista ta' l-Elettriku u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti fuq il-Provvista ta' l-Elettriku, hawn iżjed 'il quddiem f'din it-Taqsimax msejjaħ "ir-Regolamenti".

Emenda tar-regolament 2 tar-Regolamenti.

38. Fir-regolament 2 tar-Regolamenti, minnufih wara t-tifsira "membru tal-familja fil-qrib", għandha tizdied it-tifsira ġdida li ġejja:

"operatur tas-sistema ta' distribuzzjoni" għandu jkollha l-istess tifsira bħal ma hemm fir-Regolamenti dwar is-Suq tal-Elettriku;"

Emenda ġenerali u kostruzzjoni ta' referenzi fir-Regolamenti.

39. Fir-Regolamenti kull referenza għal "Enemalta" għandha tiġi emendata biex tirreferi għal "operatur tas-sistema ta' distribuzzjoni" u kull referenza għal-"Chairman" jew "Uffiċċju" għandha tkun referenza għal-"Chairman" tal-operatur tas-sistema ta' distribuzzjoni u l-uffiċċju registrat tal-imsemmi operatur tas-sistema ta' distribuzzjoni.

Taqsimax XII

Revoka tar-Regoli dwar l-Enemalta (Bord tal-Gass)

Revoka tar-Regoli dwar l-Enemalta (Bord tal-Gass). L.S. 423.06

40. Din it-taqsimax tirrevoka r-Regoli dwar l-Enemalta (Bord tal-Gass), hawn iżjed 'il quddiem f'din it-Taqsimax msejjaħ "ir-Regoli".

Revoka tar-Regoli.

41. Ir-Regoli huma b'dan revokati.

Taqsimha XIII

Revoka tar-Regolamenti dwar l-Elezzjoni ta' Direttur Haddiem

42. Din it-taqsimha tirrevoka r-Regolamenti dwar l-Elezzjoni ta' Direttur Haddiem, hawn iżjed 'il quddiem f'din it-Taqsimha msejha "ir-Regolamenti".

Revoka tar-Regolamenti dwar l-Elezzjoni ta' Direttur Haddiem.
L.S. 423.10

43. Ir-Regolamenti huma b'dan revokati.

Revoka tar-Regolamenti.

Taqsimha XIV

Emendi għar-Regolamenti dwar is-Suq tal-Elettriku

44. Din it-Taqsimha temenda r-Regolamenti dwar is-Suq tal-Elettriku u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar is-Suq tal-Elettriku, hawn iżjed 'il quddiem f'din it-Taqsimha msejha "ir-Regolamenti".

Emendi għar-regolamenti dwar is-Suq tal-Elettriku.
L.S. 423.22

45. Fis-subregolament (1) tar-regolament 8 tar-Regolamenti, minflok il-kelma "Enemalta" għandhom jidhlu l-kliem "operatur tas-sistema ta' distribuzzjoni".

Emenda tar-regolament 8 tar-Regolamenti.

46. Ir-regolament 21 tar-Regolamenti għandu jigi emendat kif ġej:

Emenda tar-regolament 21 tar-Regolamenti.

(a) fil-paragrafu (b) tas-subregolament (1) tiegħu, minflok il-kelma "Enemalta" għandhom jidhlu l-kliem "operatur tas-sistema ta' distribuzzjoni"; u

(b) fil-paragrafu (e) tas-subregolament (4) tiegħu, minflok il-kelma "Enemalta" għandhom jidhlu l-kliem "operatur tas-sistema ta' distribuzzjoni".

47. Fir-regolament 26 tar-Regolamenti, minflok il-kliem "Korporazzjoni Enemalta" jew "Enemalta", kull fejn jinsabu, għandhom jidhlu l-kliem "l-operatur tas-sistema ta' distribuzzjoni", u minflok il-kliem "mill-bqija tal-kummerċ ta' Enemalta" għandhom jidhlu l-kliem "mill-bqija tal-kummerċ tiegħu".

Emenda tar-regolament 26 tar-Regolamenti.

48. Fit-Tieni Skeda li tinsab mar-Regolamenti, minflok il-kelma "Enemalta" għandhom jidhlu l-kliem "l-operatur tas-sistema ta' distribuzzjoni".

Emenda tat-Tieni Skeda li tinsab mar-Regolamenti.

C 664

Taqsimha XV

Emendi għar-Regolamenti dwar l-Installazzjonijiet Elettriċi

Emendi għar-Regolamenti dwar l-Installazzjonijiet Elettriċi.
L.S. 423.39

49. Din it-Taqsimha temenda r-Regolamenti dwar l-Installazzjonijiet Elettriċi u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar l-Installazzjonijiet Elettriċi, hawn iżjed 'il quddiem f'din it-Taqsimha msejha "ir-Regolamenti".

Emenda tar-regolament 2 tar-Regolamenti.

50. Fir-regolament 2 tar-Regolamenti, it-tifsira "Enemalta" għandha tithassar.

Emenda tar-regolament 11 tar-Regolamenti.

51. Fil-paragrafu (d) tas-subregolament (1) tar-regolament 11 tar-Regolamenti, minflok il-kelma "Enemalta" għandhom jidhlu l-kliem "operatur tas-sistema ta' distribuzzjoni".

Emenda tar-regolament 22 tar-Regolamenti.

52. Fil-paragrafu (b) tar-regolament 22 tar-Regolamenti, minflok il-kelma "Enemalta" għandhom jidhlu l-kliem "operatur tas-sistema ta' distribuzzjoni".

Emenda tar-regolament 23 tar-Regolamenti.

53. Fir-regolament 23 tar-Regolamenti, minflok il-kelma "Enemalta" għandhom jidhlu l-kliem "operatur tas-sistema ta' distribuzzjoni".

Taqsimha XVI

Emendi għar-Regolamenti dwar Skema ta' Tariffi *Feed-in* (Elettriku Ġenerat minn Stallazzjonijiet Fotovoltajċi tax-Xemx)

Emendi għar-Regolamenti dwar Skema ta' Tariffi *Feed-in* (Elettriku Ġenerat minn Stallazzjonijiet Fotovoltajċi tax-Xemx).
L.S. 423.46

54. Din it-Taqsimha temenda r-Regolamenti dwar Skema ta' Tariffi *Feed-in* (Elettriku Ġenerat minn Stallazzjonijiet Fotovoltajċi tax-Xemx) u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar Skema ta' Tariffi *Feed-in* (Elettriku Ġenerat minn Stallazzjonijiet Fotovoltajċi tax-Xemx), hawn iżjed 'il quddiem f'din it-Taqsimha msejha "ir-Regolamenti".

Emenda tar-regolament 2 tar-Regolamenti.

55. Ir-regolament 2 tar-Regolamenti għandu jiġi emendat kif ġej:

(a) it-tifsira "Enemalta" għandha tithassar; u

(b) minnufih wara t-tifsira "mtella' 'l fuq mill-art", għandha tizzied it-tifsira li ġejja:

" "operatur tas-sistema ta' distribuzzjoni" għandu jkollha l-istess tifsira bħal ma hemm fir-Regolamenti dwar is-Suq tal-Elettriku".

56. Fir-Regolamenti kull referenza għal "Enemalta" jew għall-"Korporazzjoni" għandha tiġi sostitwita b'referenza għall-"operatur tas-sistema ta' distribuzzjonir".

Emenda
ġenerali fir-
Regolamenti.

Taqsimha XVII

Emendi għall-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd

57. Din it-Taqsimha temenda l-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-
Att dwar il-
Konservazzjoni
u l-
Amministrat-
zjoni tas-Sajd.
Kap. 425.

58. Is-subartikolu (4) tal-artikolu 29 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-
artikolu 29 tal-
Att prinċipali.

"(4) F'dan l-artikolu, il-kelma "pitrolju" tfisser l-idrokarburi kollha kemm jekk f'forma likwida jew gassuża, inkluż żejt mhux raffinat, gass tal-pitrolju likwifat u gass naturali, u kemm fi stat mhux raffinat jew naturali je f'forma proċessara jew irfinuta".

Taqsimha XVIII

Emendi għar-Regolamenti dwar l-Użu ta' Materjal Kombustibbli fl-Ifran

59. Din it-Taqsimha temenda r-Regolamenti dwar l-Użu ta' Materjal Kombustibbli fl-Ifran u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar l-Użu ta' Materjal Kombustibbli fl-Ifran, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "ir-Regolamenti".

Emendi għar-
Regolamenti
dwar l-Użu ta'
Materjal
Kombustibbli fl-
Ifran.
L.S. 449.14

60. Fil-paragrafu (a) tar-regolament 3 tar-Regolamenti, minflok il-kliem "mill-Korporazzjoni Enemalta jew minn xi aġent ieħor approvat għal dak l-iskop" għandhom jidhlu l-kliem "minn kull persuna regolata mill-Awtorità ta' Malta dwar ir-Rizorsi".

Amendment of
regulation 3 of
the Regulations.

Taqsimha XIX

Emendi għall-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki

61. Din it-Taqsimha temenda l-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u għandha tinqara u tinftiehem haġa waħda mal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-
Att dwar ir-
Rikonoxximent
Reċiproku ta'
Kwalifiki.
Kap. 451.

C 666

Emenda tal-Iskeda li tinsab mal-Att prinċipali.

62. Fl-Iskeda li tinsab mal-Att prinċipali, minflok il-kliem "Korporazzjoni Enemalta" għandhom jidhlu l-kliem "Awtorità ta' Malta dwar ir-Riżorsi".

Taqsimax XX

Emendi għar-Regolamenti dwar l-Ippjanar tal-Iżvilupp (Proċedura ta' Applikazzjonijiet u d-Deciżjoni Relattiva)

Regolamenti dwar l-Ippjanar tal-Iżvilupp (Proċedura ta' Applikazzjonijiet u d-Deciżjoni Relattiva). L.S. 504.103

63. Din it-Taqsimax temenda r-Regolamenti dwar l-Ippjanar tal-Iżvilupp (Proċedura ta' Applikazzjonijiet u d-Deciżjoni Relattiva) u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar l-Ippjanar tal-Iżvilupp (Proċedura ta' Applikazzjonijiet u d-Deciżjoni Relattiva), hawn iżjed 'il quddiem f'din it-Taqsimax msejja "ir-Regolamenti".

Emenda tal-Iskeda 3 li tinsab mar-Regolamenti.

64. Fl-Iskeda 3 li tinsab mar-Regolamenti, minflok il-kliem "Korporazzjoni Enemalta" għandhom jidhlu l-kliem "Awtorità ta' Malta dwar ir-Riżorsi".

Taqsimax XXI

Thassir tal-Att dwar l-Enemalta

Thassir tal-Att dwar l-Enemalta. Kap. 272.

65. Din it-Taqsimax thassar l-Att dwar l-Enemalta, hawn iżjed 'il quddiem f'din it-Taqsimax msejja "l-Att prinċipali".

Thassir tal-Att prinċipali.

66. L-Att prinċipali hu b'dan imhassar.

Għanijiet u Raġunijiet

L-għanijiet ta' dan l-Abbozz ta' Liġi huma biex jipprovdi għat-trasferiment tal-attiv, drittijiet, debiti u obbligi kollha tal-Korporazzjoni Enemalta lil Enemalta plc, biex jirregola l-funzjonijiet ta' operaturi ta' sistema ta' distribuzzjoni, biex ihassar l-Att dwar l-Enemalta u biex jipprovdi għal hwejjeġ anċillari jew konnessi ma' dan.

**A Bill
entitled**

AN ACT to make provision for the transfer of all the assets, rights, liabilities and obligations of Enemalta Corporation to Enemalta plc, to regulate the functions of distribution system operators, to repeal the Enemalta Act, and to make provision with respect to matters ancillary 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:-

1. (1) The short title of this Act is the Enemalta (Transfer of Assets, Rights, Liabilities and Obligations) Act, 2014. Short title and commencement.

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

2. In this Act, unless the context otherwise requires: Interpretation.

"apparatus" in relation to electrical energy, includes all machines, consuming devices and fittings in which conductors are used or of which they form part;

"Authority" means the Malta Resources Authority established by the Malta Resources Authority Act; Cap. 423.

"conductor" means an electrical conductor arranged to be electrically connected to a system;

"Corporation" means the Enemalta Corporation established by the Enemalta Act; Cap. 272.

C 668

"Company" means Enemalta plc (a public limited liability company registered under the laws of Malta) or its successors in title from time to time;

Cap. 268.

"disposal" shall have the same meaning as under the Disposal of Government Land Act when used with reference to any land under Part I of this Act;

S.L. 423.22

"distribution system operator" shall have the same meaning as under the Electricity Market Regulations;

"electrical energy" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;

"energy" means all forms of commercially available energy, including electricity, natural gas (including liquefied natural gas and liquefied petroleum gas), any fuel for heating and cooling (including district heating and cooling), coal and lignite, peat, and biomass as defined in Directive 2001/77/EC of the European Parliament and of the Council of 27th September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market;

"Engineering Resources Ltd" means Engineering Resources Ltd (a private limited liability company registered under the laws of Malta) or its successors in title from time to time;

"Government" means the Government of Malta;

"installation" means the whole of any plant or apparatus, designed for the acquisition, supply, storage, use or distribution of any electrical energy, together with all necessary plant, buildings, land and pipelines whether surface, underground or marine in connection therewith, and, in relation to electrical energy, includes prime movers, supply lines and consuming apparatus, if any;

"Minister" means the Minister responsible for energy;

"supply line" means a conductor or conductors or other means of conveying, transmitting or distributing electrical energy, together with any casing, coating, covering, tube, pipe insulator or part enclosing, surrounding the same or any part thereof, or any building or apparatus connected therewith, for the purpose of transforming, conveying, transmitting or distributing electrical energy.

Transfer of Assets and Liabilities of Enemalta Corporation

3. (1) With effect from the date of the coming into force of this article, all assets and rights of whatever nature of the Corporation whether in Malta or outside Malta, and including but not limited to all real or other rights under any contract, all monies due by any person to the Corporation, and all shares in, stocks, or other interests of or in any other bodies held by it on the said day, shall, without the need of any formalities other than this Act vest in the Company, and all obligations and liabilities of the Corporation on the said day, shall by virtue of this Act be deemed to be liabilities and obligations of the Company without the need of any formalities other than this Act.

Transfer of assets and liabilities.

(2) All actions pending before any court, tribunal, arbitral tribunal, or any other adjudicating body, instituted by or against the Corporation shall be continued by or against the Company without the need of any formalities other than this Act.

(3) Notwithstanding the provisions of the Companies Act, with effect from the date referred to in sub-article (1), the Corporation shall for all purposes of law and by virtue of this sub-article be deemed to have been amalgamated into the Company and the provisions of sub-article (1) or article 354 of the Companies Act shall, *mutatis mutandis* apply, without the need of and to the exclusion of any formalities other than this Act, and for such purpose:

Cap. 386.

(a) the Corporation shall cease to exist as a separate legal entity at law, and this without prejudice to any other provisions of this Act;

(b) the Company shall be deemed to be the "acquiring company", and the Corporation shall be deemed to be the "company being acquired" for the purposes of article 354(1) of the Companies Act.

Cap. 386.

(4) On the date referred to in sub-article (1), the Company shall issue new shares in favour of the Government of Malta as its shareholder, on such terms and conditions and at a value as may be specified by the Minister by notice in the Gazette, provided that the provisions of articles 73 and 74 of the Companies Act shall not apply to the aforesaid issue of shares by the Company and to the transfer of the assets and rights to the Company contemplated in sub-article (1).

Cap. 386.

(5) The provisions of this article and the vesting of all assets and liabilities, rights, interests and obligations in the Company from the Corporation:

(a) shall not operate as a novation in any right, liability

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or obligation, and any such right liability or obligation shall continue to have effect as if there were no change in the holder, creditor or debtor thereof, and as if they had always been rights, liabilities or obligations of the Company;

(b) shall not operate as a breach of covenant or condition, whether statutory or contractual or give rise to any forfeiture;

(c) shall not invalidate, release from or discharge any contract or security or obligation undertaken for the benefit of any third parties;

(d) shall not give rise to the payment of any laudemium, premium, penalty or other payment whatsoever.

(6) Nothing in this article shall preclude the Company from causing the entry in any appropriate register in the Public Registry or the Land Registry, or in any note registered or enrolled in those registries, such reference or other annotation as may be appropriate in the circumstances.

Employees of
the Corporation.

4. (1) Notwithstanding the provisions of any other law, all persons in the employment of the Corporation immediately before the coming into force of this article shall, upon the coming into force of this article, be transferred to and become employees of Engineering Resources Ltd by virtue of this article and without the need of any other formalities.

(2) Engineering Resources Ltd shall take on all the rights and obligations which the Corporation had towards the employees prior to the transfer of the employees in virtue of this article, and each of such employees shall, for all intents and purposes of any law, be deemed to have been in the employment of Engineering Resources Ltd since the date on which he took up the employment with the Corporation, and each of such employees shall, for all intents and purposes of any law continue to enjoy the same rights and conditions held immediately before the coming into force of this article, including but not limited to pension rights or rights relating to the computation of any pension or of any pensionable service under the Pensions Ordinance or of any other law.

Cap. 93.

5. Notwithstanding the provisions of the Disposal of Government Land Act:

Application of the Disposal of Government Land Act. Cap. 268.

(a) the disposal of any land in favour of the Company in virtue of this Act shall be valid and shall have effect without the need of any further authorisation other than this article, and the provisions of the Disposal of Government Land Act shall not apply to any disposal of any land by the Company or any of its successors in title (including any land transferred to the Company by virtue of this Act) to any person, and such disposals shall not require any further authorisation in terms of the Disposal of Government Land Act;

Cap. 268.

(b) the Minister may by order in the Gazette remove any restrictive conditions imposed by the Government on the Corporation in any public deed by virtue of the application of article 3(1)(e) of the Disposal of Government Land Act in respect of the disposal of any land made by the Government in favour of the Corporation where such land is subsequently transferred to the Company by virtue of paragraph (a);

Cap. 268.

(c) the Government may make available any land used by the Corporation for the purpose of generation of electricity immediately prior to the coming into force of this article for use by the Company or to any other entity in which the Company has any shareholding, as subject to any conditions as the Government may deem fit.

Part II

Regulation of Distribution System Operators

6. For the purposes of any of its functions, a distribution system operator may, subject to the provisions of this Act and to any requirement under any other law, install any installation in public roads, and open and break up the surface of any street:

Installations.

Provided that any of these powers may not be exercised without the approval of the Authority for Transport in Malta.

7. (1) A distribution system operator may reduce, as it thinks fit, the quantity of energy supply to any consumer if, by reason of any unforeseen circumstances beyond the control of the distribution system operator, it appears that the supply of electrical energy generated is insufficient to enable the full quantity to be conveniently supplied.

Duties of a distribution system operator in relation to the supply of electrical energy.

(2) Where the quantity of energy supplied has been reduced as

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aforesaid no liability shall be incurred by the said distribution system operator in respect of any loss or damage caused by such reduction.

Limitation of liability of distribution system operator.

8. A distribution system operator shall not be liable for any loss or damage, whether material or consequential, to any person or property for any cessation of the supply of energy which may be due to unavoidable accident, fair wear and tear or overloading due to unauthorised connection of apparatus, or to the reasonable requirements of the electrical system, or to the defects in any electrical installation not provided by the distribution system operator.

Prices, fees, and other charges by a distribution system operator.

9. The prices to be charged by a distribution system operator for the supply of electrical energy and related services shall be in accordance with such tariffs as may, from time to time, be prescribed by the said distribution system operator following the written approval by the Authority.

Contracts of supply or works.

S.L. 174.06

10. (1) A distribution system operator may only enter into contracts for the procurement of goods, services or materials, other than petroleum, or for the execution of works, in accordance with the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations.

(2) A distribution system operator may obtain petroleum, for the exercise of its functions, in such manner and under such terms and conditions as it may deem fit.

Power of entry for ascertaining condition of installations, etc.

11. Any distribution system operator may, unless otherwise instructed by the Authority, nominate any persons to enter any premises, at all reasonable times, to which electrical energy is, has been or is to be supplied by the distribution system operator, or in which any installation, apparatus, instrument, plant or accessories are, have been or are to be installed, or otherwise exist, for or in connection with the supply, storage, distribution, sale or other disposal of electrical energy by the distribution system operator, for the purpose of:

(a) inspecting, maintaining and, if need be, repairing any of the items mentioned above, as well as any electric lines, meters, fittings, works or apparatus belonging to the distribution system operator or installed therein;

(b) ascertaining such data or information as the distribution system operator may require in connection with the services given by the distribution system operator;

(c) removing all or any installations, apparatus,

instruments, plant or accessories belonging to the distribution system operator, whenever any service provided by the said distribution system operator is no longer required or where the distribution system operator is authorised to withdraw its services:

Provided that the distribution system operator shall repair all damage caused by any such entry, inspection or removal:

Provided further that the power of entry into any private property in terms of this article shall only be exercised in the presence of a Police officer and under the supervision of such Police officer.

12. (1) The execution of all work in connection with the services given by a distribution services operator shall be carried out in such manner as may be prescribed by or under this Act or by or under any other law, and without prejudice to the public safety or private safety.

Offences relating to precautions in execution of works.

(2) Any person who, without lawful excuse, contravenes or fails to comply with the provision of this article shall be guilty of an offence under this Act.

13. (1) No person shall use any electrical energy or any installation, apparatus, instrument or their accessories, supplied by a distribution system operator, or any petroleum supplied for sale or other disposal by or on behalf of the distribution system operator, whether directly or indirectly, for purposes other than that for which it is supplied; and any declaration or clear indication by a distribution system operator as to the purpose for which any thing as aforesaid has been supplied shall be conclusive evidence of such purpose.

Offences relating to installations, etc., supplied.

(2) Any person who contravenes the provision of this article shall be guilty of an offence against this Act.

14. Any person who -

Other offences.

(a) obstructs or impedes a member of a distribution system operator in the exercise of his duties under this Act or under any regulations made under this Act; or

(b) contravenes or fails to comply with any of the provisions of this Act or of any such regulations as aforesaid or any order lawfully given under the provisions of this Act or of such regulations; or

(c) where any licence or permission is required under the provisions of this Act or under any regulations made under

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this Act, for the use of the services or facilities of a distribution system operator, makes use of such services or facilities without such a licence or permission or contravenes or fails to comply with the conditions of any such licence or permissions,

shall be guilty of an offence under this Act.

Penalties for offences.

Cap. 9.

15. (1) Any person guilty of an offence against this Act or against any regulations, rules or orders made under this Act, shall, without prejudice to his liability under the Criminal Code or any other law, be liable, on conviction, to imprisonment for a term not exceeding six months, or to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), or to both such imprisonment and fine.

(2) Where an offence against this Act as is referred to in article 14(c) has been committed, any installation, apparatus, instrument, plant, equipment or other thing used in or for the purpose of the commission of the offence shall be forfeited to the Government.

Part III

Miscellaneous

Power to make regulations.

16. The Minister may, either on the recommendation of the Authority, or on his own initiative after consultation with the Authority, make regulations to give better effect to the provisions of this Act and, without prejudice to the generality of the foregoing, in particular to:

(a) provide for ancillary matters in relation to and in connection with the transfer of assets and liabilities, and the rights and obligations of the Corporation to the Company in accordance with the provisions of article 3;

(b) regulate the manner in which a distribution system operator is to install any installations, and how these are to be installed, operated, maintained, protected or controlled and the technical standards or specifications to be observed with respect to such installations;

(c) provide for the measures to be taken to ensure compliance with international and other standards used in the distribution of electricity and for the means to be used and the measures to be adopted to ensure safety and prevent danger, damage or nuisance in relation to any aspect of the distribution of electricity;

(d) provide for any transitory, consequential, ancillary or related measures.

17. Without prejudice to any other provision of this Act, any reference in any law to the Corporation shall, as from the date referred to in article 3(1), be deemed to be a reference to the Company and any of its successors in title from time to time as the case may be.

References to Enemalta Corporation.

18. Without prejudice to any other provision of this Act, any reference in any law to the Enemalta Act shall, as from the date referred to in article 3(1), be deemed to be a reference to this Act as in force from time to time.

References to the Enemalta Act. Cap. 272.

19. Notwithstanding the provisions of any other law, the amendments to subsidiary legislation in Parts IV, VI, VII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XIX u XXI of this Act shall come into force by virtue of this Act without the need of any further formalities.

Amendment of subsidiary legislation.

Part IV

Amendments to Cinema and Stage Regulations

20. This Part amends the Cinema and Stage Regulations and it shall be read and construed as one with the Cinema and Stage Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of the Cinema and Stage Regulations. S.L. 10.17

21. Regulation 31 of the Regulations shall be deleted.

Deletion of regulation 31 of the Regulations.

22. In regulation 35 of the Regulations, the words "and the manager of Enemalta" shall be deleted.

Amendment of regulation 35 of the Regulations.

Part V

Amendments to Petroleum (Importation, Storage and Sale) Ordinance

23. This Part amends the Petroleum (Importation, Storage and Sale) Ordinance and it shall be read and construed as one with the Petroleum (Importation, Storage and Sale) Ordinance, hereinafter in this Part referred to as "the Ordinance".

Amendment of the Petroleum (Importation, Storage and Sale) Ordinance. Cap. 25.

24. In article 11 of the Ordinance, the words "or of the Enemalta Act, or kept in force by that Act" shall be deleted.

Amendment of article 11 of the Ordinance.

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Part VI

Amendments to Police Licences Regulations

Amendments of the Police Licences Regulations. S.L.128.01

25. This Part amends the Police Licences Regulations and it shall be read and construed as one with the Police Licences Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of item 89 of the First Schedule to the Regulations.

26. In item 89 of the First Schedule to the Regulations, the reference to the "Enemalta Act" shall be amended to refer to the "Malta Resources Authority Act".

Part VII

Amendments to Water Services Corporation Act

Amendment of the Water Services Corporation Act. Cap. 355.

27. This Part amends the Water Services Corporation Act and it shall be read and construed as one with the Water Services Corporation Act, hereinafter in this Part referred to as "the principal Act".

Deletion of article 22 of the principal Act.

28. Article 22 of the principal Act shall be deleted.

Amendment of article 28 of the principal Act.

29. In article 28 of the principal Act, for the words "at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of Enemalta" there shall be substituted the words "within eight weeks from receipt of a copy of the estimates".

Deletion of the First Schedule to the principal Act.

30. The First Schedule of the principal Act shall be deleted.

Part VIII

Amendments to Local Councils (Delegation of Street Lighting Installation) Order

Amendment of the Local Councils (Delegation of Street Lighting Installation) Order. S.L. 363.91

31. This Part amends the Local Councils (Delegation of Street Lighting Installation) Order and it shall be read and construed as one with the Local Councils (Delegation of Street Lighting Installation) Order, hereinafter in this Part referred to as "the Order".

Amendment of article 3 of the Order.

32. In article 3 of the Order any reference to "Enemalta Corporation" or the "Corporation" shall be substituted by a reference to the "Malta Resources Authority", and any reference to the "Enemalta Act" shall be substituted by a reference to the "Malta Resources Authority Act".

Part IX

Amendments to Duty on Documents and Transfers Rules

33. This Part amends the Duty on Documents and Transfers Rules and it shall be read and construed as one with the Duty on Documents and Transfers Rules, hereinafter in this Part referred to as "the Rules".

Amendment of the Duty on Documents and Transfers Rules. S.L. 364.06

34. In the proviso to sub-rule (1) of rule 10 of the Rules, the words "Enemalta Corporation, or" shall be deleted.

Amendment of rule 10 of the Rules.

Part X

Amendments to Notice for the Purposes of the Interpretation of "Trader" in the Consumer Affairs Act

35. This Part amends the Notice for the Purposes of the Interpretation of "Trader" in the Consumer Affairs Act and it shall be read and construed as one with the Notice for the Purposes of the Interpretation of "Trader" in the Consumer Affairs Act, hereinafter in this Part referred to as "the Notice".

Amendment of the Notice for the Purposes of the Interpretation of "Trader" in the Consumer Affairs Act. S.L. 378.06

36. In article 2 of the Notice, the reference to "Enemalta" shall be deleted.

Amendment of article 2 of the Notice.

Part XI

Amendments to Electricity Supply Regulations

37. This Part amends the Electricity Supply Regulations and it shall be read and construed as one with the Electricity Supply Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of the Electricity Supply Regulations. S.L. 423.01

38. In regulation 2 of the Regulations, immediately after the definition "day consumption", there shall be added the following new definition:

Amendment of regulation 2 of the Regulations.

" "distribution system operator" shall have the same meaning as under the Electricity Market Regulations;"

39. In the Regulations any reference to "Enemalta" shall be amended to refer to the "distribution system operator" and any reference to the "Chairman" or "Office" shall be a reference to the Chairman of the distribution system operator and the registered office of the said distribution system operator.

General amendment and construction of references in the Regulations.

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Part XII

Repeal of Enemalta (Gas Board) Rules

Repeal of Enemalta (Gas Board) Rules. S.L. 423.06

40. This Part repeals the Enemalta (Gas Board) Rules, hereinafter in this Part referred to as "the Rules".

Repeal of Rules. **41.** The Rules are hereby repealed.

Part XIII

Repeal of Election of Director-Worker Regulations

Repeal of Election of Director-Worker Regulations. S.L. 423.10

42. This Part repeals the Election of Director-Worker Regulations, hereinafter in this Part referred to as "the Regulations".

Repeal of Regulations. **43.** The Regulations are hereby repealed.

Part XIV

Amendments to Electricity Market Regulations

Amendment of the Electricity Market Regulations. S.L. 423.22

44. This Part amends the Electricity Market Regulations and it shall be read and construed as one with the Electricity Market Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of regulation 8 of the Regulations. **45.** In sub-regulation (1) of regulation 8 of the Regulations, for the word "Enemalta" there shall be substituted by the words "distribution system operator".

Amendment of regulation 21 of the Regulations. **46.** Regulation 21 of the Regulations shall be amended as follows:

(a) in paragraph (b) of sub-regulation (1) thereof, for the word "Enemalta" there shall be substituted the words "the distribution system operator"; and

(b) in paragraph (e) of sub-regulation (4) thereof, for the words "Enemalta Corporation" there shall be substituted the words "a distribution system operator".

Amendment of regulation 26 of the Regulations. **47.** In regulation 26 of the Regulations, for the words "Enemalta Corporation", wherever they occur, there shall be substituted the words "the distribution system operator", and the for words "the rest of Enemalta business" there shall be substituted the words "the rest of its business".

48. In the Second Schedule to the Regulations, for the word "Enemalta" there shall be substituted the words "the distribution system operator".

Amendment of the Second Schedule to the Regulations.

Part XV

Amendments to Electrical Installations Regulations

49. This Part amends the Electrical Installations Regulations and it shall be read and construed as one with the Electrical Installations Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of the Electrical Installations Regulations. S.L. 423.39

50. In regulation 2 of the Regulations, the definition of "Enemalta" shall be deleted.

Amendment of regulation 2 of the Regulations.

51. In paragraph (d) of sub-regulation (1) of regulation 11 of the Regulations, for the word "Enemalta" there shall be substituted the words "a distribution system operator".

Amendment of regulation 11 of the Regulations.

52. In paragraph (b) of regulation 22 of the Regulations, for the word "Enemalta" there shall be substituted the words "a distribution system operator".

Amendment of regulation 22 of the Regulations.

53. In regulation 23 of the Regulations, for the word "Enemalta" there shall be substituted the words "a distribution system operator".

Amendment of regulation 23 of the Regulations.

Part XVI

Amendments to Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) Regulations

54. This Part amends the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) Regulations and it shall be read and construed as one with the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) Regulations. S.L. 423.46

55. Regulation 2 of the Regulations shall be amended as follows:

Amendment of regulation 2 of the Regulations.

(a) the definition "Enemalta" shall be deleted; and

(b) immediately after the definition "distribution system", there shall be added the following definition:

" "distribution system operator" shall have the

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same meaning as under the Electricity Market Regulations;"

General amendment of the Regulations.

56. In the Regulations any reference to "Enemalta" or to the "Corporation" shall be substituted by a reference to the "distribution system operator".

Part XVII

Amendments to Fisheries Conservation and Management Act

Amendment of the Fisheries Conservation and Management Act. Cap. 425.

57. This Part amends the Fisheries Conservation and Management Act and it shall be read and construed as one with the Fisheries and Conservation and Management Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 29 of the principal Act.

58. Sub-article (4) of article 29 of the principal Act shall be substituted by the following:

"(4) In this article, the word "petroleum" means all natural hydrocarbons whether in liquid or gaseous form, including crude oil, liquefied petroleum gas and natural gas, and whether in a crude or natural state or in a processed or refined form."

Part XVIII

Amendments to Use of Fuel in Bakeries Regulations

Amendment of the Use of Fuel in Bakeries Regulations. S.L. 449.14

59. This Part amends the Use of Fuel in Bakeries Regulations and it shall be read and construed as one with the Use of Fuel in Bakeries Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of regulation 3 of the Regulations.

60. In paragraph (a) of regulation 3 of the Regulations, for the words "the Enemalta Corporation or by any other approved agent for such purposes" there shall be substituted the words "any person regulated by the Malta Resources Authority".

Part XIX

Amendments to Mutual Recognition of Qualifications Act

Amendment of the Mutual Recognition of Qualifications Act. Cap. 451.

61. This Part amends the Mutual Recognition of Qualifications Act and it shall be read and construed as one with the Mutual Recognition of Qualifications Act, hereinafter in this Part referred to as "the principal Act".

62. In the Schedule to the principal Act, for the words "Enemalta Corporation" there shall be substituted the words "Malta Resources Authority".

Amendment of the Schedule to the principal Act.

Part XX

Amendments to Development Planning (Procedure for Applications and their Determination) Regulations

63. This Part amends the Development Planning (Procedure for Applications and their Determination) Regulations and it shall be read and construed as one with the Development Planning (Procedure for Applications and their Determination) Regulations, hereinafter in this Part referred to as "the Regulations".

Amendment of Development Planning (Procedure for Applications and their Determination) Regulations. S.L. 504.103

64. In Schedule 3 to the Regulations, for the words "Enemalta Corporation" there shall be substituted the words "Malta Resources Authority".

Amendment of Schedule 3 to the Regulations.

Part XXI

Repeal of the Enemalta Act

65. This Part repeals the Enemalta Act, hereinafter in this Part referred to as "the principal Act".

Repeal of the Enemalta Act. Cap. 272.

66. This principal Act is hereby repealed.

Repeal of principal Act.

Objects and Reasons

The objects of this Bill are to make provision for the transfer of all the assets, rights, liabilities and obligations of Enemalta Corporation to Enemalta plc, to regulate the functions of distribution system operators, to repeal the Enemalta Act, and to make provision with respect to matters ancillary thereto or connected therewith.