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Att biex jigi emendat l-Att XIII tal-1996 dwar Il-Gwardjani privati u lokali.

1. Dan l-Att jista jissejah L-Att ta' l-2002 li jemenda l-Att XIII tal-1996 dwar il-Gwardjani Privati u Lokali.

2. Wara l-Artikolu 10(c) u precizament wara l-kliem '..b'dan l-Att jew tahtu...' ghandha tizdied is-segwenti proviso:

"Izda taht is-subparagrafu (i), f'kaz illi d-delitt ikun wiehed minn dawk imsemmija hlief ghal delitt kontra is-sigurta tal-Istat, il-Kummissarju m'ghandux jirrifjuta l-applikazzjoni jekk fi zmien meta tkun saret, ir-recediva ghal dak id-delitt skond l-Artikoli 49 u 50 tal-Kap.9 ma tkunx aktar applikabli ghall-finijiet u effetti kollha ta' dik il-ligi jew kwalunkwe ligi ohra."

Ghanijiet u Ragunijiet

Wiehed jista jifhem illi l-Istat ghandu jippretendi u jesigi illi fil-fatt kull persuna li ghandha zzomm licenzja ta' gwardjan sia privat kif ukoll lokali ghandu kemm jista jkun tkun persuna li tissodisfa certi rekwiziti u kriterji precizi li ghandhom ikunu intizi sabiex l-Istat ikun qieghed jaccerta ruhu mill-kondotta retta u gusta kemm prezenti kif ukoll imghodijja ta' kull detentur ta' tali licenzja.

Madankollu dan m' ghandux iffiser illi il-Gvern ghandu b'mod arbitrarju u rragonevoli jaghlaq il-bieb ghall-individwu li jixtieq jottjeni tali licenzja jekk in-neccesita ma' tirrikjedix dan.

Ghaldaqstant huwa ferm preokkupanti il-fatt illi dan l-Artikolu tal-ligi huwa hekk miftuh u minghajr ebda limitazzjoni ta' xejn fis-sens illi wiehed jista facilment jigi rinfaccjat b'sitwazzjoni fejn persuna tkun ghamlet zball darba f'hajjitha tispicca thallas il-konsegwenza ta' tali zball ghall-ghomorha.

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ι Act to amend the Private Guards and Local Wardens Act, ιapter 389.

The short title of this Act is the Private Guards and Local Wardens Act (Amendment) Act, 2001 and shall be read and construed as one with the Private Guards and Local Wardens Act, hereinafter referred to as "the principal law".

Immediately after article 10(c) and precisely after the words "...by or under this Act." There shall be added the following proviso:

"Provided that in the case of sub-paragraph (i), in the instance that the crime is one of those listed, with the exception of Crimes against the Safety of the Government, the Commissioner shall not refuse the application, if at the time of application, Articles 49 and 50 of Chapter 9 are no longer applicable under that Law or any other Law."

Scopes and Reasons

ıne may understand that the State is concerned and hould demand that person holding a license to act as a ırivate Guardian or Local warden should meet certain basic equirements and criteria, which in themselves are aimed to ırovide assurance to the State in respect of the past ːonduct of the License holders.

Iowever, this should not imply that the Authorities may in ι arbitrary manner or unjustifiably preclude any individual

ishing to obtain such license from doing so, unless
cessity so requires.

us, it is of concern that the Article in question is far
aching and without parameters, that is, one could easily
faced with a situation where an individual is sanctioned
r an isolated criminal offence, for the rest of his life.

Jose A. Herrera

12.12.01