

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI
President

30 ta' April, 1998

ATT Nru. XI ta' l-1998

ATT biex jemenda l-Att dwar l-Uffiċċju tal-Posta, Kap. 254.

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1998 li jemenda l-Att Titolu fil-qosor.
dwar l-Uffiċċju tal-Posta, u għandu jiftiehem u jinqara haġa waħda
ma' l-Att dwar l-Uffiċċju tal-Posta, hawnhekk iżjed 'il quddiem Kap. 254.
imsejjah "l-Att prinċipali".

2. Minnufih wara l-artikolu 5 ta' l-Att prinċipali għandhom Żieda ta' l-artikoli
5A, 5B u 5C
godda ma' l-Att
prinċipali.
jiżdiedu dawn l-artikoli godda li ġejjin:

"Rizerva
dwar dak
li jsir taht
liċenza.

5A. (1) Tista' tingħata liċenza mill-Ministru, mingħajr preġudizzju u soġġett għas-setgħat regolatorji tal-Ministru jew tal-*Postmaster-General* skond il-każ, sew bla ebda kondizzjoni jew suġġett għal xi kondizzjoni li tiġi speċifikata fil-liċenza, u sew b'mod mhux revokabbli jew suġġett għal revoka kif hemm speċifikat, għall-ghemil ta' xi att bħal dak jew it-twertiq ta' xi wiehed minn dawk is-servizzi li jinkwadraw taht is-subartikolu (1) ta' l-artikolu 5 kif ikun hemm speċifikat fil-liċenza; u kull haġa magħmula taht u skond liċenza mogħtija taht dan is-subartikolu ma jkunx jikkostitwixxi ksur ta' dak is-subartikolu.

(2) Liċenża mogħtija taht is-subartikolu (1) għandha, kemm-il darba ma tkunx għet qabel revokata skond xi patt jew kondizzjoni li jkun hemm miktubin fiha, tibqa' ssehh għal dak iż-żmien li jiġi speċifikat fil-liċenża.

(3) Liċenża mogħtija taht is-subartikolu (1) tista', bla preġudizzju għas-setgħa li jiġu imposti kondizzjonijiet mogħtija b'dak is-subartikolu, tinkludi kondizzjonijiet li jkunu jeħtieġu l-ghoti lill-Ministru jew lill-*Postmaster-General* ta' hlas ma' l-ghoti tal-liċenża jew hlasijiet perjodiċi matul iż-żmien ta' sehh tal-liċenża, jew it-tnejn flimkien.

(4) Meta liċenża tinhareġ taht is-subartikolu (1), id-dispożizzjonijiet ta' dan l-Att u ta' kull regolamenti li jsiru jew li minn żmien għal żmien isiru bis-saħħa tiegħu, minbarra d-dispożizzjonijiet li jkunu jikkonċedu xi setgħa ta' għemil jew revoka ta' ordnijiet, hatriet jew regolamenti, jew ta' hrug' jew revoka ta' liċenzi, jew ta' sospensjoni ta' xi monopolju limitament in kwantu jikkonċedu dik is-setgħa, għandhom ikunu japplikaw għad-detentur tal-liċenża u għal uffiċjali tiegħu bl-istess mod bħal ma japplikaw għall-Gvern u għal uffiċjali tal-Uffiċċju tal-Posta.

Sospensjoni
ta'
monopolju.

5B. (1) Il-Ministru jista', b'ordni magħmul b'Avviż Legali, jissospendi l-monopolju mogħti lill-Uffiċċju tal-Posta bis-subartikolu (1) ta' l-artikolu 5 ta' dan l-Att għal dak iż-żmien u sa dak il-limitu li jista' jiġi hekk speċifikat fl-ordni.

(2) Ordni magħmul taht dan l-artikolu jista' jkun fih dawk id-dispożizzjonijiet supplimentari, inċidentali jew konsegwenzjali li l-Ministru jista' jidhirlu li jkunu meħtieġa jew spediti.

(3) Ordni magħmul taht dan l-artikolu jista' jiġi revokat jew emendat b'ordni sussegwenti magħmul b'Avviż Legali mill-Ministru.

Trasferiment
ta' l-assi.

5C. (1) Fl-ghoti ta' liċenża taht l-artikolu 5A, jew f'kull waqt li matulu dik il-liċenża tibqa' valida, il-Ministru jista' wkoll b'Avviż Legali jordna li meta f'xi data hekk kif tista' tiġi speċifikata mill-Ministru xi fond ikun qiegħed jinżamm b'titolu ta' kera, enfitewsi jew xi titolu simili ieħor mill-Gvern ta' Malta u jkun qiegħed jiġi wżat bħala Uffiċċju tal-Posta, dak il-fond għandu minn dik id-data u

ghal dak iż-żmien li jista' jiġi speċifikat mill-Ministru, jinżamm minn dik il-persuna jew korp ta' persuni li jkunu detenturi ta' liċenza taht l-artikolu 5A ta' dan l-Att hekk kif il-Ministru jista' jahtar, taht l-istess titolu li bih kien miżmum mill-Gvern u dak l-ordni għandu jkollu sehh għal dak iż-żmien jew dawk iż-żminijiet li jistgħu jiġu speċifikati fl-ordni jew f'kull estensjoni tiegħu minkejja kull haġa li tinsab f'xi liġi oħra jew f'xi att, strument jew kuntratt iehor li jkun, bhallikieku l-att, l-istrument jew il-kuntratt li jkunu qegħdin jagħtu t-titolu għal dak il-fond kienu saru ma' dik il-persuna jew korp ta' persuni hekk kif imsemmija qabel. Mat-tmiem ta' dak iż-żmien jew dawk iż-żminijiet hekk kif jista' jiġi speċifikat taht dan l-artikolu jew mar-revoka ta' xi ordni kif imsemmi qabel mill-Ministru, il-fond sugġett għal ordni kif imsemmi qabel għandu jerga' lura għal għand il-Gvern bl-istess titolu u kondizzjonijiet li tahtom kienu miżmuma mill-Gvern qabel l-ghemil ta' xi ordni bhal dak.

Għall-ghanijiet ta' dan l-artikolu "kondizzjonijiet" għandha tinkludi kull jedd għal tiġdid perijodu ta' kirja mogħtija taht xi liġi li tkun tapplika għal kirja mill-Gvern qabel l-ghemil ta' ordni taht dan l-artikolu.

(2) Meta xi fond kien f'xi żmien miżmum mill-Gvern taht titolu ta' kiri u kien għadu qed jintuza bhala Uffiċċju tal-Posta fid-data tal-hruġ ta' liċenza taht l-artikolu 5A, dik il-kirja għandha f'kull każ titqies bhala li kompliet favur il-Gvern sad-data tal-hruġ ta' ordni skond id-dispożizzjonijiet tas-subartikolu (1) u dawk id-dispożizzjonijiet għandhom ikunu japplikaw u jkollhom sehh għar-rigward ta' dak il-fond.

(3) Meta l-fond użat bhala Uffiċċju tal-Posta ikun jikkonsisti f'parti minn fond akbar soġġett għal kirja favur il-Gvern, l-imsemmija kirja għandha tibqa' favur il-Gvern u dik il-parti użata bhala Uffiċċju tal-Posta tkun tista', minkejja d-dispożizzjonijiet ta' kull liġi oħra u ta' kull att, strument jew kuntratt li jkun, tiġi sullokata mill-Gvern lil dik il-persuna jew korp ta' persuni li jkunu detenturi ta' liċenza taht l-artikolu 5A ta' dan l-Att għall-użu bhala Uffiċċju tal-Posta.

(4) Fl-ghoti ta' liċenza taht l-artikolu 5A, jew f'kull waqt li matulu dik il-liċenza tibqa' valida, il-Ministru jista' b'Avviz Legali jordna li meta xi fond possedut mill-Gvern jew miżmum mill-Gvern skond id-dispożizzjonijiet

Kap. 268.

ta' xi ligi kien f'xi jum hekk kif jista' jigi speċifikat minnu użat mill-Gvern bhala Uffiċċju tal-Posta, il-Kummissarju ta' l-Artijiet jista', minkejja d-dispożizzjonijiet ta' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, jikri għall-użu bhala Uffiċċju tal-Posta jew f'dak li għandu x'jaqsam ma' l-ogħti ta' servizzi postali sew esklużivament sew xort'ohra jew, meta l-fond ikun proprjetà tal-Gvern, jittrasferixxi taht kull titolu dak il-fond lil xi persuna jew kumpannija li tista' tinhatar mill-Ministru u li tkun detentur ta' liċenza taht l-artikolu 5A ta' dan l-Att taht dawk il-kondizzjonijiet li jistgħu jitqiesu idoneji mingħajr il-htieġa ta' ebda riżoluzzjoni jew proċedura ohra kif meħtieġa bl-imsemmi Att dwar it-Trasferiment ta' Artijiet tal-Gvern.

Att XXXI
ta' l-1994.

(5) Fl-ghoti ta' liċenza taht l-artikolu 5A jew f'kull żmien filwaqt tal-validità ta' xi liċenza bhal dik, il-Ministru jista' b'regolamenti jeżenta lil detentur ta' liċenza mid-dispożizzjonijiet ta' l-Att ta' l-1994 dwar il-Kompetizzjoni, u dik l-eżenzjoni għandha tkun tapplika minkejja d-dispożizzjonijiet ta' l-Att imsemmi.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 211 tad-29 ta' April, 1998.

MYRIAM SPITERI DEBONO
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

30th April, 1998

ACT No. XI of 1998

AN ACT to amend the Post Office Act, Cap. 254.

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. This Act may be cited as the Post Office (Amendment) Act, 1998, and shall be read and construed as one with the Post Office Act, hereinafter referred to as “the principal Act”.

Short title.

Cap. 254.

2. Immediately after section 5 of the principal Act there shall be added the following new sections:

Addition of new sections 5A, 5B and 5C to the principal Act.

“Saving for things done under a licence.

5A. (1) A licence may be granted by the Minister, without prejudice and subject to the regulatory powers of the Minister or the Postmaster-General as the case may be, either unconditionally or subject to any condition specified in the licence, and either irrevocably or subject to revocation as therein specified, for the doing of any such act or the performance of any such services falling within subsection (1) of section 5 as is specified in the licence; and anything done under and in accordance with a licence granted under this subsection shall not constitute an infringement of that subsection.

(2) A licence granted under subsection (1) shall, unless previously revoked in accordance with any term or condition included therein, continue in force for such period as specified in the licence.

(3) A licence granted under subsection (1) may, without prejudice to the power to impose conditions granted by that subsection, include conditions requiring the rendering to the Minister or to the Postmaster-General of a payment on the grant of the licence or periodic payments during the currency of the licence, or both.

(4) Where a licence is issued under subsection (1), the provisions of this Act and of any regulations made or which may from time to time be made thereunder, other than provisions granting any power to make or revoke orders, appointments or regulations, to issue or revoke licences or to suspend any monopoly in so far as they grant such power, shall apply to the licensee and to the officers thereof in the same manner as they apply to the Government and to officers of the Post Office.

Suspension
of
monopoly.

5B. (1) The Minister may, by order made by Legal Notice, suspend the monopoly conferred upon the Post Office by subsection (1) of section 5 of this Act for such period and to such an extent as may be specified in the order.

(2) An order under this section may contain such supplementary, incidental or consequential provisions as may appear to the Minister to be necessary or expedient.

(3) An order made under this section may be revoked or amended by a subsequent order made by Legal Notice by the Minister.

Transfer
of assets.

5C. (1) In granting a licence under section 5A, or at any time during the validity of any such licence, the Minister may also by Legal Notice order that where on any date as may be specified by the Minister any premises are held under a title of lease, emphyteusis or similar title by the Government of Malta and are used as a Post Office,

such premises shall as from a date and or such time as may be specified by the Minister, be held by such person or body of persons holding a licence under section 5A of this Act as the Minister may designate, under the same title under which they were held by the Government and such order shall have effect for such period or periods as may be specified in the order or in any extension thereof notwithstanding anything contained in any other law or in any deed, instrument or contract whatsoever, as if the deed, instrument or contract granting title to said premises were entered into with such person or body of persons as aforesaid. Upon the expiration of such period or periods as may be specified under this section or upon the revocation of any order as aforesaid by the Minister, the premises subject to any order as aforesaid shall revert to Government under the same title and conditions under which they were held by Government prior to the making of any said order.

For the purposes of this section “conditions” shall include any right to periodic renewal of a lease granted under any law applicable to any lease held by Government prior to the making of an order under this section.

(2) Where any premises were at any time held by Government under a title of lease and were still used as a Post Office on the date of issue of a licence under section 5A such lease shall in any case be deemed to have continued in favour of Government up to the date of the making of an order in terms of the provisions of subsection (1) and the said provisions shall apply and shall have effect in respect of such premises.

(3) When the premises used as a Post Office consist of part of larger premises subject to a lease in favour of Government, the said lease shall remain in force in favour of Government and that part of the premises used as a Post Office may, notwithstanding the provisions of any other law or of any deed, instrument or contract whatsoever, be granted on sub-lease by Government to a person or body of persons holding a licence under section 5A of this Act for use as a Post Office.

Cap. 268. (4) In granting a licence under section 5A, or at any time during the validity of any such licence, the Minister may by Legal Notice order that where any premises owned by Government or held by Government in terms of the provisions of any law were on any day as may be specified by him used by the Government as a Post Office, the Commissioner of Land may, notwithstanding the provisions of the Disposal of Government Land Act, lease for use as a Post Office or in connection with the provision of postal services whether exclusively or otherwise or, when the premises are Government property, transfer under any title as the case may be, such premises to any person or company as may be designated by the Minister and holding a licence under section 5A of this Act under such conditions as may be considered suitable without the need of any resolution or other procedure required by the said Disposal of Government Land Act.

Act XXXI of 1994. (5) In granting a licence under section 5A or at any time during the validity of any such licence, the Minister may by regulations exempt a licensee from the provisions of the Competition Act, 1994 and such exemption shall apply notwithstanding the provisions of the said Act.”.

Passed by the House of Representatives at Sitting No. 211 of the 29th April, 1998.

MYRIAM SPITERI DEBONO
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives