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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Austin Gatt, M.P., Ministru tal-Gustizzja u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Lulju, 2002.

ATT biex jemenda l-Kostituzzjoni.

RICHARD J. CAUCHI
Skriwan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Austin Gatt, M.P., Minister of Justice and Local Government, and read the First time at the Sitting of the 5th July, 2002.

AN ACT to amend the Constitution.

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ
msejjah

ATT biex jemenda l-Kostituzzjoni

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2002 biex jemenda l-Kostituzzjoni. Emenda ta' l-artikolu 57 tal-Kostituzzjoni.

(2) Dan l-Att għandu jinqara' u jiftiehem haġa wahda mal-Kostituzzjoni u għandu jibda jsehh f'dik id-data li l-Prim Ministru jista' jstabbilixxi permezz ta' Ordni fil-Gazzetta.

2. L-artikolu 57 tal-Kostituzzjoni għandu jiġi emendat kif ġej: Titolu fil-qosor u biċċu fis-sehh.

(a) id-disposizzjonijiet preżenti għandhom jiġu enumerati mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) fis-subartikolu (1) tiegħu kif enumerat mill-ġdid, minflok il-kliem "għal sitt xhur:" fil-paragrafu (ċ) li hemm fih, għandhom jidhru l-kliem "għal sitt xhur."; u l-proviso li hemm mal-istess paragrafu għandu jithassar;

(ċ) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandhom jiżdiedu s-subartikoli li ġejjin:

“(2) Minkejja d-disposizzjonijiet tal-paragrafu (ċ) tas-subartikolu (1) ta’ dan l-artikolu, persuna li tkun kwalifikata kif imiss biex tirreġistra bhala votant skond l-imsemmi subartikolu u li tkun giet reġistrata bhala votant ma tigix skwalifikata milli hekk tkompli tibqa’ tigi reġistrata jekk ma tkunx residenti f’Malta għal perjodu kontinwu ta’ sitt xhur, jew għal perjodi li jammontaw fit-total globali għal sitt xhur, matul it-tmintax-il xahar li jigu minnufih qabel ir-reġistrazzjoni tagħha minhabba;

(a) servizz barra minn Malta fis-servizz pubbliku, magħdud servizz fil-karigi msemmija fis-subartikolu (3) ta’ l-artikolu 124 ta’ din il-Kostituzzjoni; jew

(b) servizz barra minn Malta f’korp, jew bhala membru ta’ korp, dixxiplinat kif imfisser fl-artikolu 47 ta’ din il-Kostituzzjoni; jew

(ċ) servizz barra minn Malta fl-interess ta’ xi Awtorita`, Korporazzjoni jew Aġenzija jew bhala impjegat tagħha li tkun imwaqqfa skond il-liġi jew ta’ xi kumpannija jew soċjeta` li fiha l-Gvern ta’ Malta ikun l-azzjonist parteċipattiv maġġoritarju; jew

(d) servizz barra minn Malta bhala l-persuna nominata mill-Gvern ta’ Malta f’xi korp internazzjonali li Malta tkun membru fih jew bhala impjegata ta’ xi korp bħal dak; jew

(e) servizz barra minn Malta fl-interess ta’ xi korp ta’ persuni, soċjeta` jew kumpannija li f’kull każ ikunu meħtieġa li jkunu u attwalment ikunu reġistrati taħt xi liġi ta’ Malta; jew

(f) servizz barra minn Malta fl-interess ta’ xi organizzazzjoni volontarja, religjuża jew ta’ karità mwaqqfa f’Malta; jew

(g) għax għal xi żmien tkun hadet kura medika barra minn Malta fi sptar jew f’xi istituzzjoni medika oħra simili; jew

(h) għax għal xi żmien tkun għamlet kors ta’ studji barra minn Malta f’xi stabbiliment edukattiv.

(3) Id-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandhom ikunu wkoll japplikaw għall-konjuġi, l-iben jew il-bint ta' xi persuna li jkun japplika għaliha s-subartikolu (2) u li f'kull każ tkun qegħda tghix ma' dik il-persuna:

Izda kull min ikun l-iben jew il-bint ta' dik il-persuna, li jkun cittadin ta' Malta u jagħlaq l-eta` ta' tmintax-il sena meta jkun qiegħed jghix barra minn Malta ma' dik il-persuna waqt li dik il-persuna tkun qegħda barra minn Malta għal xi waħda mir-raġunijiet elenkati fis-subartikolu (2), ma jkunx meħtieġ li jiġi reġistrat bħala votant qabel ma jsir hekk residenti barra minn Malta u jkun kwalifikat li jkun u jibqa' reġistrat bħala votant minkejja li ma kienx reġistrat bħala votant qabel ma jkun sar hekk residenti barra minn Malta.

(4) Il-Parlament jista' b'ligi jeħtieġ li persuni li jkollhom jedd li jkunu jew li jibqgħu jkunu reġistrati bħala votanti taħt is-subartikoli (2) u (3) ta' dan l-artikolu, għandhom jirreġistraw lilhom infushom mal-Kummissjoni Elettorali mwaqqfa taħt l-artikolu 60 ta' din il-Kostituzzjoni u b'dik il-ligi jipprovdi dwar il-proċedura għal dik ir-reġistrazzjoni u mingħajr preġudizzju għad-disposizzjonijiet tas-subartikolu (1) ta' l-artikolu 121 ta' din il-Kostituzzjoni, il-Kummissjoni Elettorali tista' tagħmel regolamenti li jistabbilixxu:

(a) il-kriterji li għandhom jintużaw sabiex jiġi stabbilit jekk xi persuna li tippretendi li jkollha jedd li tkun jew li tkompli tkun reġistrata bħala votant taħt id-disposizzjonijiet tas-subartikoli (2) u (3) ta' dan l-artikolu fil-fatt ikollha dak il-jedd;

(b) id-dokumenti li għandhom jingiebu biex tinghata prova ta' dak il-jedd;

(c) il-mod kif daww id-dokumenti għandhom jiġu awtentikati;

(d) il-kriterji li għandhom jiġu segwiti minn organizzazzjonijiet volontarji, reliġjużi jew ta' karità sabiex jikkwalifikaw għall-finijiet tal-paragrafu (f) tas-subartikolu (2) ta' dan l-artikolu;

(e) il-kriterji li għandhom jiġu segwiti minn istituzzjoni sabiex jikkwalifikaw bħala sptar jew

istituzzjoni simili għall-finijiet tal-paragrafu (h) tas-subartikolu (2) ta' dan l-artikolu;

(f) il-kriterji li għandhom jiġu segwiti waqt kors ta' studju u minn istituzzjonijiet edukattivi sabiex persuna tikkwalifika għall-finijiet tal-paragrafu (h) tas-subartikolu (1) ta' dan l-artikolu.

(5) Regolamenti li jsiru mill-Kummissjoni Elettorali taħt is-subartikolu (4) ta' dan l-artikolu ma jkollhom ebda seħħ kemm-il darba u sakemm ma jkunux irċevew l-approvazzjoni bil-quddiem tal-Kamra tar-Rappreżentanti mogħtija b'rizoluzzjoni.”.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu biex jemenda l-Kostituzzjoni biex xi persuni li joqogħdu barra minn Malta għal xi raġunijiet partikolari jkunu jistgħu jiġu reġistrati bħala votanti.

**A BILL
entitled**

AN ACT to amend the Constitution

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 Constitution (Amendment) Act, 2002. Short title and commencement.

(2) This Act shall be read and construed as one with the Constitution and shall come into force on such date as the Prime Minister may by Order in the Gazette establish.

2. Article 57 of the Constitution shall be amended as follows: Amendment of article 57 of the Constitution.

(a) the present provisions shall be renumbered as subarticle (1) thereof;

(b) in subarticle (1) thereof as renumbered, for the words "to six months:" in paragraph (c) therein, shall be substituted by the words "to six months."; and the proviso to the same paragraph shall be deleted;

(c) immediately after subarticle (1) thereof as renumbered there shall be added the following sub-articles:

“(2) Notwithstanding the provisions of paragraph (c) of subarticle (1) of this article, a person who is duly qualified to register as a voter in accordance with the said subarticle and who has been registered as a voter shall not become disqualified to continue being so registered if he is not resident in Malta for a continuous period of six months, or for periods amounting in the aggregate to six months, during the eighteen months immediately preceding his registration by reason of:

(a) service abroad in the public service, including service in the offices referred to in sub-article (3) of article 124 of this Constitution; or

(b) service abroad in, or as a member of a disciplined force as defined in article 47 of this Constitution; or

(c) service abroad in the interest of or as an employee of any Authority, Corporation or Agency set up by law or a company or partnership in which the Government of Malta has a majority shareholding; or

(d) service abroad as a nominee of the Government of Malta with any international body of which Malta is a member or as an employee of such body; or

(e) service abroad in the interest of any body of persons, partnership or company that in each case is required to be and is registered under any law in Malta; or

(f) service abroad in the interest of any voluntary, religious or charitable organisation established in Malta; or

(g) his undergoing medical treatment abroad in a hospital or other similar medical institution; or

(h) his undergoing a course of studies abroad in any educational establishment.

(3) The provisions of subarticle (2) of this article shall also apply to the spouse, son or daughter of any person to

which subarticle (2) applies and who in each case is living with such person:

Provided that any person being the son or daughter of such a person, who is a citizen of Malta and attains the age of eighteen years when he is living abroad with such person while such person is abroad for any of the reasons listed in subarticle (2), shall not be required to be registered as a voter before becoming so resident abroad and shall be qualified to be and remain registered as a voter notwithstanding that he was not registered as a voter before becoming so resident abroad.

(4) Parliament may by law require that any person entitled to be or to continue to be registered as a voter under subarticles (2) and (3) of this article, to register themselves with the Electoral Commission established under article 60 of this Constitution and by such law to provide for the procedure for such registration and without prejudice to the provisions of sub-article (1) of article 121 of this Constitution, the Electoral Commission may make regulations establishing:

(a) the criteria that are to be used to determine whether any person who claims to be entitled to be or to continue to be registered as a voter under the provisions of subarticles (2) and (3) of this article is so entitled;

(b) the documents that are to be produced to prove such entitlement;

(c) the manner in which such documents are to be authenticated;

(d) the criteria that are to be met by any voluntary, religious or charitable organisation to qualify for the purposes of paragraph (f) of subarticle (2) of this article;

(e) the criteria that are to be met by an institution to qualify as a hospital or similar institution for the purposes of paragraph (g) of subarticle (2) of this article;

(f) the criteria that are to be met by a course of study and by educational institutions in order to qualify for the purposes of paragraph (h) of subarticle (1) of this article.

(5) Regulations made by the Electoral Commission under subarticle (4) of this article shall not have effect unless and until they have received prior approval by the House of Representatives signified in a resolution.”

Objects and Reasons

The object of the Bill is to amend the Constitution to allow certain persons residing abroad for particular reasons to be registered as voters.

