

Nru. 153

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Austin Gatt, M.P., Ministru tal-Ġustizzja u Gvern Lokali, u moqri għall-Ewwel Darba fis-Seduta tat-22 ta' April, 2002.

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 22nd April, 2002.

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

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

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjah

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

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2002 biex jemenda l-Att dwar Kunsilli Lokali, u dan l-Att għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar Kunsilli Lokali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 363.

(2) Dan l-Att għandu jibda jsehh f'dik id-data jew dati li l-Ministru responsabbli għall-Gvern Lokali jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal għanijiet differenti u disposizzjonijiet differenti ta' dan l-Att.

2. Il-kliem "jew biex tibqa' membru tiegħu" fl-artikolu 11 għandhom jithassru.

Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

3. Il-paragrafu (j) ta' l-artikolu 12 ta' l-Att prinċipali għandu jithassar, u minnufih wara l-paragrafu (i) tiegħu għandu jiżdied dan il-proviso li ġej:

Emenda ta' l-artikolu 12 ta' l-Att prinċipali.

"Iżda persuna ma tkunx ikkwalifikata biex tohroġ għall-elezzjoni bhala membru ta' xi Kunsill jekk isimha ma jkunx jidher fir-Registru Elettorali jew fir-Registru Speċjali għal-lokalità li tkun qed tiġi kkontestata minn dik il-persuna."

Emenda ta' l-
artikolu 48 ta' l-Att
prinċipali.

4. Is-subartikolu (2) ta' l-artikolu 48 ta' l-Att prinċipali ghandu jkun enumerat mill-ġdid bhala s-subartikolu (3) tiegħu, u minnufih wara s-subartikolu (1) tiegħu ghandu jiżdied dan is-subartikolu ġdid li ġej:-

“(2) L-uffiċċji amministrattivi tal-Kunsill ghandhom ikunu miftuħa għall-pubbliku fil-ġranet kollha tax-xogħol u matul il-hinijiet normali ta' l-uffiċċju.”.

Emenda ta' l-
artikolu 53 ta' l-Att
prinċipali.

5. Fis-subartikolu (1) ta' l-artikolu 53 ta' l-Att prinċipali, minflok il-kliem “tlett elef” kull fejn dawn jinsabu ghandhom jidhlu l-kliem “elfejn u hames mitt”.

Emenda ta' l-
artikolu 55 ta' l-Att
prinċipali.

6. L-artikolu 55 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:-

(a) fis-subartikolu (2) tiegħu, minflok il-kliem “ghandu jkun allokati lil kull Kunsill” ghandhom jidhlu l-kliem “ghandu jkun allokati mill-Ministru lil kull Kunsill”; u

(b) minnufih wara s-subartikolu (2) ghandu jiżdied dan is-subartikolu ġdid li ġej:

“(3) Meta jkun qed jalloka l-ammont approprjat lil Kunsill, il-Ministru jista' jzomm kull porzjon minn dak l-ammont jekk huwa jqis li jkun meħtieġ li jzomm dak il-porzjon sabiex jiżgura:

(a) rimedju għal kull bilanċ negattiv jew ta' xi bilanċ taht il-*benchmarks* stabbiliti bir-regolamenti magħmulin taht l-artikolu 67;

(b) li jingiebu kopji tal-minuti tas-seduti tal-Kunsill, tal-Kumitat jew tas-Sotto-Kumitat fi żmien għaxart ijiem minn meta jsiru dawki is-seduti;

(ċ) li jingiebu kopji ta' kull dikjarazzjoni finanzjarja jew dokument finanzjarju li l-Att jistabbilixxi li ghandu jiġi ppreżentat;

(d) li f'kull waqt jingiebu d-dokumenti li jistgħu jintalbu skond ma' hemm fl-artikolu 64 ta' dan l-Att:

Iżda ż-żamma u, jew ir-rilaxx ta' flejjes f'dak li ghandu x'jaqsam mal-paragrafu (a) ta' dan is-subartikolu ghandhom ikunu regolati bir-regolamenti magħmulin taht l-artikolu 67:

Iżda wkoll, għall-finijiet tal-paragrafi (b), (ċ) u (d), l-ammont proviżorjament miżmum ma għandux jeċċedi matul xi sena finanzjarja, 1% mill-allokazzjoni finanzjarja għal dik is-sena.”.

7. Fil-proviso li hemm ma' l-artikolu 61 ta' l-Att prinċipali minflok il-kliem “bil-miktub lill-Ministru li għandu,” għandhom jidhlu l-kliem “bil-miktub lill-Ministru, fejn jiġi indikat l-ammont ta' *surplus* nett ta' flejjes li jirriżultaw mis-snin ta' qabel skond is-subartikolu (3) ta' l-artikolu 62 ta' dan l-Att u minn flejjes oħra ġġenerati mill-istess Kunsill. Il-Ministru għandu,”.

Emenda ta' l-artikolu 61 ta' l-Att prinċipali.

8. Fl-artikolu 63 ta' l-Att prinċipali il-kliem “jew li jagħmel xi donazzjonijiet lil xi organizzazzjoni mhux governattiva li ma hijiex inkluża fit-Tmien Skeda li tinsab ma' dan l-Att” għandhom jithassru.

Emenda ta' l-artikolu 63 ta' l-Att prinċipali.

9. Minnufih wara l-artikolu 63 ta' l-Att prinċipali għandu jidher dan l-artikolu 63A ġdid li ġej:

Iżid l-artikolu 63A ġdid ma' l-Att prinċipali.

“Limitazzjoni dwar ix-xorta ta' donazzjoni.

63A. Il-Kunsill ma għandu jagħmel ebda donazzjoni ta' flejjes jew jagħmel xi donazzjoni mhux bi flus lil xi organizzazzjoni mhux governattiva li ma tkunx inkluża fit-Tmien Skeda li tinsab ma' dan l-Att u ma jistax f'xi sena finanzjarja jagħmel xi tali donazzjoni f'ammont li jkun jeċċedi 0.5 fil-mija ta' l-allokazzjoni annwali għal dik is-sena.”.

10. Fis-subartikolu (6) ta' l-artikolu 65 ta' l-Att prinċipali, minflok il-kliem minn “Il-Ministru responsabbli għall-finanzi għandu jieh u hsieb” sal-kliem “l-artikolu 108 tal-Kostituzzjoni għandhom japplikaw.” għandhom jidhlu l-kliem “Għandha titqiegħed kopja ta' dan ir-rapport fuq il-Mejda tal-Kamra mill-Ministru fis-seduta tal-Kamra li jkun imiss wara li jirċeviha.”.

Emenda ta' l-artikolu 65 ta' l-Att prinċipali.

11. Fit-Tmien Skeda li tinsab ma' l-Att minflok il-kliem “[Artikolu 63]” għandhom jidhlu l-kliem “[Artikolu 63A]”.

Emenda tat-Tmien Skeda li tinsab ma' l-Att.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu li jtejjeb il-kontijiet finanzjarji u s-sistemi ta' maniġġar u kontroll tal-Kunsilli Lokali, u sabiex jagħmel xi emendi oħra inkidentalment fl-Att dwar Kunsilli Lokali, Kap. 363.

**A BILL
entitled**

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

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

Short title and commencement.

Cap. 363.

1. (1) The short title of this Act is the Local Councils (Amendment) Act, 2002, and this Act shall be read and construed as one with the Local Councils Act, hereinafter referred to as “the principal Act”.

(2) This Act shall come into force on such date as the Minister responsible for Local Government may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes of this Act.

Amendment of article 11 of the principal Act.

2. The words “or to remain a member thereof” in article 11 of the principal Act shall be deleted.

Amendment of article 12 of the principal Act.

3. Paragraph (j) of article 12 of the principal Act shall be deleted, and immediately after paragraph (i) thereof there shall be added the following proviso:

“Provided that a person shall not be qualified to stand for election as a member of a Council if his name does not appear in the Electoral Register or the Special Register for the locality contested by such person.”.

4. Subarticle (2) of article 48 of the principal Act shall be renumbered as subarticle (3) thereof, and immediately after subarticle (1) thereof there shall be added the following new subarticle:- Amendment of article 48 of the principal Act.

“(2) The administrative offices of the Council shall be open to the public on all working days and during normal office hours.”.

5. In subarticle (1) of article 53 of the principal Act, for the words “three thousand” wherever they occur there shall be substituted the words “two thousand five hundred”. Amendment of article 53 of the principal Act.

6. Article 55 of the principal Act shall be amended as follows:- Amendment of article 55 of the principal Act.

(a) in subarticle (2) thereof, for the words “shall be allocated to each Council” there shall be substituted the words “shall be allocated by the Minister to each Council”; and

(b) immediately after subarticle (2) there shall be added the following new subarticle:

“(3) In allocating the appropriated amount to a Council, the Minister may retain any portion of such amount if he deems it to be necessary to effect such retention in order to ensure:

(a) the redress of any negative balance or any balance below the benchmarks established by the regulations made under article 67;

(b) the production of copies of minutes of Council, Committee or Sub-Committee meetings within ten days from the holding of such meetings;

(c) the production of copies of any financial statement or document the submission of which is determined by the Act;

(d) the production at all times of the documents that may be demanded in terms of article 64 of this Act:

Provided that the retention and, or release of any monies in connection with paragraph (a) of this subarticle shall be governed by regulations made under article 67:

Provided further that for the purposes of paragraphs (b), (c) and (d), the amount provisionally retained shall not exceed during any financial year, 1% of the financial allocation for that year.”.

Amendment of article 61 of the principal Act.

7. In the proviso to article 61 of the principal Act for the words “in writing to the Minister who shall,” there shall be substituted the words “in writing to the Minister, indicating the amount of net surplus funds resulting from previous years in terms of subarticle (3) of article 62 of this Act and from other funds generated by the same Council. The Minister shall,”.

Amendment of article 63 of the principal Act.

8. In article 63 of the principal Act the words “or donate any sums to any non-government organisation not included in the Eighth Schedule to this Act” shall be deleted.

Addition of new article 63A to the principal Act.

9. Immediately after article 63 of the principal Act there shall be added the following new article 63A:

“Limitation as to nature of a donation.

63A. The Council shall not donate any sums or make any donation in kind to any non-government organisation not included in the Eighth Schedule to this Act and may not in any financial year make any such donations in an amount exceeding 0.5 per cent of the annual allocation for that year.”.

Amendment of article 65 of the principal Act.

10. In subarticle (6) of article 65 of the principal Act, for the words from “The Minister responsible for finance shall cause” to the words “article 108 of the Constitution shall apply.” there shall be substituted the words “A copy of this report shall be laid on the Table of the House by the Minister on the next sitting of the House after receipt thereof by him.”.

Amendment of Eight Schedule to the Act.

11. In the Eight Schedule to the Act for the words “[Article 63]” there shall be substituted the words “[Article 63A]”.

Objects and Reasons

The object of the Bill is to improve the financial accounting, management and control systems of Local Councils, and to make other incidental amendments to the Local Councils Act, Cap. 363.