

## **Nru. 140**

10. 10. 2001

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

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**ABBOZZ** ta' Ligi mressaq mill-Onorevoli Austin Gatt, M.P., Ministru tal-Gustizzja u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Ottubru, 2001.

**ATT** biex jemenda l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika, Kap. 90, biex titwaqqaf il-kariga ta' Prosekutur Ġenerali, u sabiex tagħmel provvedimenti oħra, inklużi emendi għall-Kostituzzjoni u għal ligijiet oħra, konsegwenzjali u inċidentali għal dan.

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

#### **HOUSE OF REPRESENTATIVES**

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A **BILL** introduced by the Honourable Austin Gatt, M.P., Minister for Justice and Local Government, and read the First time at the Sitting of the 8th October, 2001.

**AN ACT** to amend the Attorney General and Counsel for the Republic (Constitution of Office) Ordinance, Cap. 90, setting up the office of Prosecutor General, and to make other provision, including amendment to the Constitution and to make other laws, consequential and incidental thereto.

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**RICHARD J. CAUCHI**  
*Clerk of the House of Representatives*

## ABBOZZ TA' LIĠI msejjah

*ATT biex jemenda l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika, Kap. 90, biex titwaqqaf il-kariga ta' Prosekutur Ġenerali, u sabiex tagħmel provvedimenti oħra, inklużi emendi għall-Kostituzzjoni u għal liġijiet oħra, konsegwenzjali u incidentalijiet għal dan.*

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:-

### TAQSIMA I

1. (1) It-titolu fil-qosor ta' dan l-Att huwa Att ta' l-2001 li jemenda l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika. Titolu fil-qosor u bidu fis-sehh.

(2) Id-disposizzjonijiet ta' dan l-Att jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistghu jiġu hekk stabbiliti għal disposizzjonijiet u għanijiet differenti ta' dan l-Att.

### TAQSIMA II

2. (1) Din il-parti temenda l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika, Kap. 90, hawnhekk iżjed 'il quddiem f'din it-taqsimha msemmija bhala "l-Ordinanza". Emenda ta' l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika, Kap. 90.

(2) Din il-parti ghandha tinqara' u tiftiehem bhala parti mill-Ordinanza.

Sostituzzjoni tat-  
titolu  
ta' l-Ordinanza.

3. Minflok it-titolu ta' l-Ordinanza ghandu jidhol dan li ġej:

“Biex tippovdi dwar il-karigi ta' Avukat Ġenerali u ta' Prosekutur Ġenerali u biex tippovdi ghal affarijiet konsegwenzjali u incidentalni ghalihom.”.

Emenda ta' l-  
artikolu  
1 ta' l-Ordinanza.

4. Fl-artikolu 1 ta' l-Ordinanza minflok il-kliem “l-Ordinanza dwar il-Kostituzzjoni tal-Kariga ta' Avukat Ġenerali u dik ta' Avukat tar-Repubblika” ghandhom jidhlu l-kliem “l-Att dwar L-Avukat Ġenerali u l-Prosekutur Ġenerali”.

Sostituzzjoni ta'  
l-artikolu 2 ta'  
l-Ordinanza.

5. Minflok l-artikolu 2 ta' l-Ordinanza, ghandu jidhol dan li ġej:

“Avukat  
Ġenerali u  
Prosekutur  
Ġenerali.

2. (1) L-Avukat Ġenerali u l-Prosekutur Ġenerali ghandu, kull wiehed minnhom rispettivament, ikollu l-poteri d-dmirijiet u l-funzjonijiet li huma bil-Kostituzzjoni jew taħtha jew b'kull liġi oħra konferiti fuqhom.”.

Emenda  
ta' l-artikolu 3  
ta' l-Ordinanza.

6. L-artikolu 3 ta' l-Ordinanza ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali ta' dak l-artikolu ghandu jidhol dan li ġej:

“Uffiċjali ta' l-Avukat Ġenerali u Uffiċjali tal-Prosekutur Ġenerali”;

(b) is-subartikoli (1) u (2) ghandhom jiġu enumerati mill-ġdid bhala s-subartikoli (3) u (4) rispettivament;

(ċ) Minnufih qabel is-subartikolu (3) tiegħu kif enumerat mill-ġdid ghandu jiddahhal dan is-subartikolu li ġej:

“(1) Ikun hemm dawk l-uffiċjali li jissejju “Uffiċjali ta' l-Avukat Ġenerali” li ghandhom jeserċitaw u jwettqu dawk il-poteri, funzjonijiet u dmirijiet kollha li jistgħu jiġu delegati jew assenjati lilhom mill-Avukat Ġenerali.

(2) Fl-esercizzju u t-twettiq tal-poteri, l-funzjonijiet u d-dmirijiet delegati jew assenjati lilhom kif hawn qabel imsemmi, l-Uffiċjali ta' l-Avukat Ġenerali ghandu jkollhom, kemm-il darba ma jkunx jidher li hemm fehma kuntrarja, l-istess protezzjoni u privileġġi kif inhuma bil-ligi imposti jew moghtija lill-Avukat Ġenerali.”;

(d) fis-subartikolu (3) tieghu kif enumerat mill-ġdid, minflok il-kliem “uffiċjal li jissejjah” sal-kliem “u “Avukat tar-Repubblika” ” ghandhom jidhlu l-kliem “dawk l-uffiċjali li jissejjhu “Uffiċjali tal-Prosekutur Ġenerali” ”;

(e) fis-subartikolu (4) tieghu kif enumerat mill-ġdid minflok il-kliem “id-Deputat Avukat Ġenerali, l-Assistenti għall-Avukat Ġenerali, l-Avukti tar-Repubblika Anzjani u l-Avukati tar-Repubblika” ghandhom jidhlu l-kliem “l-Uffiċjali tal-Prosekutur Ġenerali”;

(f) minnufih wara s-subartikolu (4) tieghu kif enumerat mill-ġdid ghandhom jiżdiedu dawn is-subartikoli li ġejjin:

“(5) L-Uffiċċju ta' l-Avukat Ġenerali u l-Uffiċċju tal-Prosekutur Ġenerali qeghdin b'dan jissemmew bhala Aġenziji tal-Gvern u d-disposizzjonijiet tas-subartikoli (7) sa (11) ta' dan l-artikolu ghandhom japplikaw għal dawk l-aġenziji.

(6) L-Avukat Ġenerali u l-Prosekutur Ġenerali jistghu ukoll jaġixxu permezz ta' dawk il-kuntratturi li kull wiehed minnhom jista' jahtar minn żmien għall-iehor:

Iżda dawk il-kuntratturi ghandhom f'kull żmien jaġixxu skond dawk l-istruzzjonijiet li jistghu jinghatawllhom mill-Avukat Ġenerali jew mill-Prosekutur Ġenerali, skond kif ikun il-każ.

(7) (a) L-Uffiċċju ta' l-Avukat Ġenerali u l-Uffiċċju tal-Prosekutur Ġenerali ghandhom, bhala aġenziji tal-gvern, rispettivament ikollhom bhala kap lill-Avukat Ġenerali u lill-Prosekutur Ġenerali u ghandhom rispettivament ikunu l-mezz li bih l-Avukat Ġenerali u l-Prosekutur Ġenerali jwettqu l-funzjonijiet tagħhom skond il-ligi.

(b) Dawk l-aġenziji ghandhom kull wiehed minnhom ikun korp magħqud li jkollu personalità legali distinta u li jkun kapaċi li jagħmel kuntratti, li jimpjega persunal, li jikseb, iżomm għandu u jiddisponi minn kull xorta

ta' proprjetà għall-finijiet tal-hidmiet li jagħmel u li jharrek u li jiġi mharrek.

(ċ) Ir-rappreżentanza legali u ġuridika ta' l-Uffiċċju ta' l-Avukat Ġenerali u ta' l-Uffiċċju tal-Prosekutur Ġenerali tvesti fl-Avukat Ġenerali u fil-Prosekutur Ġenerali rispettivament.

(d) Kull waħda minn dawk l-aġenziji għandha tagħmel ftehim dwar it-tweqqif ta' dik l-aġenzija mal-Gvern li permezz tiegħu jiġu stabbiliti l-finanzjament ta' l-aġenzija kif ukoll il-hidmiet li għandhom jiġu indirizzati u miksubin minn kull aġenzija minn dawk imsemmija:

Izda l-Ministru responsabbli għal kull waħda mill-aġenziji għandu, bla ħsara għad-disposizzjonijiet ta' xi liġi kuntrarja, jkollu jedd f'kull każ li jagħti ordnijiet bil-miktub lill-aġenzija, u l-aġenzija u l-kap rispettiv tagħha jkunu marbuta li josservaw dawk id-direttivi:

Izda wkoll id-disposizzjonijiet tal-proviso hawn qabel imsemmi m'għandhomx japplikaw meta l-Avukat Ġenerali jew il-Prosekutur Ġenerali, skond il-każ, ikollhom skond il-Kostituzzjoni jew kull liġi oħra jaġixxu skond il-ġudizzju individwali tagħhom infushom, f'liema każ l-aġenzija għandha taġixxi skond l-uniċi direttivi ta' l-Avukat Ġenerali u tal-Prosekutur Ġenerali, skond il-każ.

(8) L-Avukat Ġenerali u l-Prosekutur Ġenerali u l-impjegati ta' dawk l-aġenziji għandhom jikkonformaw ma' kull Kodiċi ta' Etika li jkun japplika għal uffiċjali pubbliċi u għandu, bla ħsara għal kull liġi kuntrarja, ikollhom l-istess obbligi tahtu:

Izda l-Avukat Ġenerali u l-Prosekutur Ġenerali għandu bi ftehim mal-Ministru responsabbli għall-aġenzija rispettiva jabbozza valuri ta' servizz u Kodiċijiet ta' Etika dwar l-aġenziji rispettivi tagħhom biex jissupplimentaw kull Kodiċi ta' Etika tas-servizz pubbliku.

(9) (a) L-Avukat Ġenerali u l-Prosekutur Ġenerali għandhom iżommu kotba bil-kontijiet kif imiss b'dak il-mod li l-Ministru tal-Finanzi jista' minn żmien għal żmien jordna Dawk il-kontijiet għandhom jiġu verifikati minn awditur li jinhatar għal dak l-ghan minn kap rispettiv ta' l-aġenzija bi

ftehim mal-Ministru tal-Finanzi u ghandu iktar minn hekk ikun suggett ghall verifika li ssir mill-Awditur Ġenerali.

(b) L-Avukat Ġenerali u l-Prosekutur Ġenerali ghandhom, kull wiehed minnhom u mhux iktar tard minn sitt ġimghat wara tmiem kull sena finanzjarja jipprezenta lill-Ministru responsabbli ghall-aġenzija rispettiva, il-kontijiet verifikati flimkien ma' rapport fuq l-operat ta' kull aġenzija rispettiva, f'liema rapport ghandu jiġi dikjarat il-mod li bih tkun operat l-aġenzija sabiex twettaq il-funzjonijiet taghha u l-pjanijiet taghha ghall-futur.

(ċ) Ir-rapporti msemmija fis-subartikolu (2) ghandhom jitqeghdu fuq il-Mejda tal-Kamra mill-Ministru mhux iktar tard minn sitt ġimghat minn meta jaslu, jew inkella jekk f'dak iż-żmien il-Kamra ma tkunx qeghda tiltaqa', mhux iktar tard mit-tieni ġimgha wara li l-Kamra tkompli bis-seduti taghha.

(10) (a) Minghajr preġudizzju ghad-disposizzjonijiet jew ta' kull liġi oħra li tkun kuntrarja, kull aġenzija jista' jkollha, bi ftehim mal-Ministru responsabbli ghall-aġenzija, Bord ta' Tmexxija li jkun magħmul mill-Kap ta' l-aġenzija bħala president u mhux inqas minn żewġ, iżda mhux iżjed minn erba', membri hekk kif il-Ministru responsabbli ghall-aġenzija jista' b'ordni jistabbilixxi u jahtar.

(b) Kull ordni hekk magħmula tista' tiġi emendata, sostitwita jew revokata b'ordni oħra.

(ċ) Fejn jeżisti Bord ta' Tmexxija, il-kap ta' l-aġenzija ghandu, bla hsara għal xi liġi għall-kuntrarju u għal kull direttiva mahruġa mill-Ministru tiegħu, jaġixxi skond id-direzzjoni ġenerali u l-kontroll ta' dak il-Bord.

(11) (a) Il-Prim Ministru jista' b'ordni jinkariga lil xi uffiċjal pubbliku biex jaqdi dmirijietu ma' xi wahda minn dawk l-aġenziji għal dak iż-żmien u taħt dawk il-kondizzjonijiet li jistghu jiġu stabbiliti fir-rigward ta' dak l-uffiċjal li jkun ġie hekk inkarigat.

(b) Il-Prim Ministru jista' f'kull żmien jirrevoka kull ordni bħal dik.

(ċ) Meta uffiċjal jiġi inkarigat iwettaq dmirijiet ma' xi aġenzija, dak l-uffiċjal ghandu, f'dak iż-żmien li matulu dik

l-ordni tkun fis-sehh, jkun taht id-direzzjoni amministrattiva u l-kontroll tal-kap ta' l- aġenzija, iżda għandu xort'ohra jibqa', u jzomm id-drittijiet u d-dmirijiet kollha bhala, uffiċjal pubbliku u għall-finijiet ta' kull liġi li għandha x'taqsam mal-pensjonijiet tal-gvern, is-servizz ma' aġenzija bhal dik jitqies li jkun servizz mal-Gvern:

Iżda m'għandu jittiehed ebda kont fl-istima ta' l-emolumenti pensjonabbli ta' dak l-uffiċjal għall-finijiet ta' xi liġi li jkollha x'taqsam mal-pensjonijiet tas-servizz tal-gvern dwar kull allowance, bonus jew gratwità mhallsa lil dak l-uffiċjal mill-aġenzija b'eċċess għal dak li għandu jedd għalih bhala uffiċjal pubbliku:

Iżda wkoll matul iż-żmien li dwaru huwa jiġi hekk inkarigat biex iwettaq dmirijiet ma' l-aġenzija, il-pattijiet u l-kondizzjonijiet tas-servizz tiegħu m'għandhomx ikunu inqas favorevoli minn dawk relattivi għall-hatra tiegħu taht il-Gvern matul il-perjodu hawn qabel imsemmi. Dawk il-pattijiet u l-kondizzjonijiet m'għandhomx jitqiesu li jkunu inqas favorevoli sempliċement għaliex ma jkunux f'kull rigward identiċi ma', jew superjuri għal, dawk gawduti mill-uffiċjal involut fid-data ta' dik l-offerta, jekk il-pattijiet u l-kondizzjonijiet, mehudin flimkien, fil-fehma tal-Prim Ministru jkunu joffru benefiċċji sostanzjalment ekwivalenti jew ta' xorta ahjar.”.

Emenda ta' l-artikolu 4 ta' l-Ordinanza.

7. Fl-artikolu 4 ta' l-Ordinanza minflok il-kliem minn “L-Avukat Ġenerali” sal-kliem “u l-Avukati tar-Repubblika” għandhom jidhlu l-kliem “L-Avukat Ġenerali, l-Uffiċjali ta' l-Avukat Ġenerali, il-Prosekutur Ġenerali u l-Uffiċjali tal-Prosekutur Ġenerali”.

### TAQSIMA III

Emenda tal-Kostituzzjoni.

8. (1) Din it-taqsimha temenda l-Kostituzzjoni, hawnhekk iżjed 'il quddiem f'din it-taqsimha msemmija “l-Kostituzzjoni”.

(2) Din it-taqsimha għandha tinqara u tiftiehem bhala parti mill-Kostituzzjoni.

Emenda ta' l-artikolu 91 tal-Kostituzzjoni.

9. L-artikolu 91 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali għandu jidhol dan li ġej:

“Avukat Ġenerali u Prosekutur Ġenerali”;

(b) fis-subartikolu (1) tieghu minflok il-kliem “Avukat Ġenerali li l-kariga tieghu tkun kariga pubblika” ghandhom jidhlu l-kliem “Avukat Ġenerali u Prosekutur Ġenerali li l-karigi taghhom ikunu karigi pubbliċi”;

(ċ) minflok il-kliem “Avukat Ġenerali” fis-subartikolu (2) tieghu ghandhom jidhlu l-kliem “Avukat Ġenerali jew Prosekutur Ġenerali”;

(d) is-subartikoli (3), (4) u (5) tieghu ghandhom jiġu enumerati mill-ġdid bhala s-subartikolu (4), (6) u (7) rispettivament;

(e) minnufih wara s-subartikolu (2) tieghu ghandu jidhol dan is-subartikolu li ġej:

“(3) L-Avukat Ġenerali jkun il-konsulent legali ewlieni tal-Gvern u ghandu jkollu r-rappreżentanza ġudizzjarja tal-Gvern f’attijiet u azzjonijiet ġudizzjarji fejn il-liġi ma tkunx tipprovdi li dik ir-rappreżentanza tkun tvesti f’xi persuna jew awtorità oħra. Meta l-Avukat Ġenerali ikollu jaġixxi jew jesercita xi poter taht xi liġi skond il-ġudizzju individwali tieghu, huwa ma jkun sugġett għal ebda ordni jew kontroll ta’ xi persuna jew awtorità oħra.

(f) fis-subartikolu (4) kif enumerat mill-ġdid, minnufih qabel il-kliem “Fl-eżercizzju tas-setghat tieghu” ghandhom jidhlu l-kliem “Il-Prosekutur Ġenerali ghandu jkun l-uffiċjal tal-prosekuzzjoni ewlieni f’Malta li jkollu dawk il-poteri f’dak li ghandu x’jaqsam mal-proċeduri kriminali li jista’ jiġi pprovdut dwarhom bil-liġi minn żmien għal żmien.”; u minflok il-kliem “Avukat Ġenerali” ghandhom jidhlu l-kliem “Prosekutur Ġenerali”;

(g) minnufih wara s-subartikolu (4) kif enumerat mill-ġdid ghandu jiżdied dan is-subartikolu li ġej:

“(5) L-Avukat Ġenerali jinhatar għal żmien fiss ta’ mhux inqas minn seba’ snin, u jkun jista’ jerga’ jinhatar f’dik il-kariga, iżda huwa ghandu jivvaka l-kariga tieghu meta jaghlaq l-età ta’ hamsa u sittin sena.”;

(h) fis-subartikolu (6) kif enumerat mill-ġdid minflok il-kliem “tas-subartikolu (5) ta’ dan l-artikolu, l-Avukat Ġenerali ghandu jivvaka” ghandhom jidhlu l-kliem “tas-subartikoli (5) u (7) ta’ dan l-artikolu, kull wiehed mill-Avukat Ġenerali u l-Prosekutur Ġenerali ghandu jivvaka”; u minflok il-kliem “sittin sena” ghandhom jidhlu l-kliem “hamsa u sittin sena”; u

(i) fis-subartikolu (7) kif enumerat mill-ġdid minflok il-kliem “għall-Avukat Ġenerali” għandhom jidhlu l-kliem “għall Avukat Ġenerali u għall-Prosekutur Ġenerali”.

Emenda ta' l-  
l-artikolu 100  
tal-Kostituzzjoni.

**10.** Fis-subartikolu (3) ta' l-artikolu 100 tal-Kostituzzjoni, minflok il-kliem “sittin sena” għandhom jidhlu l-kliem “hamsa u sittin sena”.

Emenda ta' l-  
l-artikolu 101A  
tal-Kostituzzjoni.

**11.** L-artikolu 101A tal-Kostituzzjoni għandu jiġi emendat kif ġej:

(a) paragrafi (b) sa (f) tas-subartikolu (1) tiegħu għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (ċ) sa (g) tiegħu rispettivament;

(b) minnufih wara l-paragrafu (b) tas-subartikolu (1) tiegħu għandu jidhol dan il-paragrafu ġdid li ġej:

“(b) l-Avukat Ġenerali *ex officio*;”

(ċ) minflok paragrafu (ċ) kif enumerat mill-ġdid għandu jidhol dan li ġej:

“(ċ) Il-Prosekutur Ġenerali *ex officio*;” u

(d) fil-paragrafu (ċ) tas-subartikolu (5) tiegħu, minflok il-kliem “il-paragrafi (ċ) u (d)” għandhom jidhlu l-kliem “il-paragrafi (d) u (e)”, u minflok il-kliem “il-paragrafu (e)” għandhom jidhlu l-kliem “il-paragrafu (f)”.

#### TAQSIMA IV

Emendi  
konsegwenzjali  
għal diversi Liġijiet.

**12.** (1) Din il-parti temenda d-diversi Liġijiet imsemmija fid-diversi artikoli li jinsabu fiha.

(2) Kull artikolu f'din it-taqsimha għandu jinqara u jiftiehem bhala haġa wahda mal-Kodiċi, l-Att, l-Ordinanza jew liġi oħra li tkun qed tiġi emendata b'dak l-artikolu.

Emenda tal-  
Kodiċi Kriminali,  
Kap. 9.

**13.** Fis-subartikolu (3) ta' l-artikolu 516 tal-Kodiċi Kriminali, minflok il-kliem “mill-Avukat Ġenerali” għandhom jidhlu l-kliem “mill-Avukat Ġenerali, mill-Prosekutur Ġenerali”.

14. Il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandu jiġi emendat kif ġej:

Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.

(a) fis-subartikolu (1) ta' l-artikolu 29 minflok il-kliem "mill-Avukat Ġenerali" għandhom jidhlu l-kliem "mill-Avukat Ġenerali, mill-Prosekutur Ġenerali";

(b) fit-test Inġliż ta' l-artikoli 77, 181B, 436, 437, 440(1), 441, 443(1), 445(1), 446, 447, 461, 462 u fil-formola Nru 18 li tinsab fi Skeda B mal-Kodiċi minflok il-kliem "Attorney General" kulfejn jinsabu, għandhom jidhlu l-kliem "Advocate General";

(ċ) fl-artikolu 521 u fis-subartikolu (2) ta' l-artikolu 611, minflok il-kliem "Avukat Ġenerali" għandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tiegħu";  
u

(d) fis-subartikolu (2) ta' l-artikolu 786, minflok il-kliem "l-Avukat Ġenerali fil-każijiet li fihom huwa awtorizzat b'mod speċjali mil-liġi li jidher, jew meta huwa awtorizzat", għandhom jidhlu l-kliem "l-Avukat Ġenerali jew il-Prosekutur Ġenerali fil-każijiet li fihom huma awtorizzati b'mod speċjali mil-liġi li jidhru, jew l-Avukat Ġenerali meta huwa awtorizzat".

15. Fl-artikoli 29, 47 (2), 71 (6) u 91 (1) tal-Kodiċi tal-Kummerċ, minflok il-kliem "Avukat Ġenerali" kulfejn jinsabu, għandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tiegħu".

Emenda tal-Kodiċi tal-Kummerċ, Kap. 13.

16. Fl-artikoli 299 (1) u 661 (1) tal-Kodiċi Ċivili, minflok il-kliem "Avukat Ġenerali" kulfejn jinsabu, għandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tiegħu".

Emenda tal-Kodiċi Ċivili, Kap. 16.

17. Fit-test Inġliż ta' l-artikolu 4 ta' l-Ordinanza dwar il-Projbizzjoni ta' Esportazzjoni ta' xi Ogġetti, minflok il-kliem "Attorney Ġenerali" għandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Ordinanza dwar il-Projbizzjoni ta' Esportazzjoni ta' xi Ogġetti, Kap. 24.

18. Fit-test Inġliż ta' l-artikolu 9 ta' l-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' Pitrolju, minflok il-kliem "Attorney General" għandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' Pitrolju, Kap. 25.

Emenda ta' l-Ordinanza dwar il-Haddiema d-Deheb u l-Haddiema l-Fidda (Argentiera), Kap. 46.

**19.** Fit-test Inġliż ta' l-artikolu 18 ta' l-Ordinanza dwar il-Haddiema d-Deheb u l-Haddiema l-Fidda (Argentiera), minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kap. 55.

**20.** Fl-artikoli 10, 13, 19, 51, 89 sa 100, 111, 112, 115, 125, 144 u 150 ta' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, minflok il-kliem "Avukat Ġenerali" kulfejn jinsabu, ghandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-ġudizzju individwali tieghu nnifsu".

Emenda ta' l-Ordinanza dwar il-Qirda tal-Kummerċ fil-Prostituzzjoni, Kap. 63.

**21.** Fit-test Inġliż tas-subartikolu (2) ta' l-artikolu 6 ta' l-Ordinanza dwar il-Qirda tal-Kummerċ fil-Prostituzzjoni, minflok il-kliem "Attorney General", ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Ordinanza dwar il-Kummissjunarji b'setgha li jaghtu Ġurament, Kap. 79.

**22.** L-Ordinanza dwar il-Kummissjunarji b'setgha li jaghtu Ġurament, ghandha tiġi emendata kif ġej:

(a) is-subartikolu (1A) ta' l-artikolu 3 tieghu ghandu jithassar;

(b) minflok il-kliem "Attorney General" kulfejn jinsabu fit-test Inġliż tas-subartikolu (4) ta' l-artikolu 3 tieghu ghandhom jidhlu l-kliem "Advocate General", u

(ċ) minflok l-artikolu 6 tieghu, ghandu jidhol dan li ġej:

"Kummissjunarji b'setgha li jaghtu Ġurament *ex officio*.

6. (1) L-Avukat Ġenerali u l-Prosekutur Ġenerali u dawk l-uffiċjali taghhom li l-Avukat Ġenerali u l-Prosekutur Ġenerali, skond il-każ, jista' minn żmien ghal żmien jinnomina b'avviż fil-Gazzetta, kif ukoll il-maġistrat, ghandhom *ex officio* jkunu Kummissjunarji ghall-ġuramenti.

(2) In-nomina msemmija fis-subartikolu (1) tista' ssir b'riferenza ghal xi persuna jew persuni jew billi tisemma l-kariga jew il-grad li wiehed ghandu jkollu."

Emenda ta' l-Ordinanza dwar l-Akkwist ta' Artijiet ghal Skopijiet Pubbliċi, Kap. 88.

**23.** Fit-test Inġliż tas-subartikolu (1) ta' l-artikolu 24 ta' l-Ordinanza dwar l-Akkwist ta' Artijiet ghal Skopijiet Pubbliċi, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

24. L-Ordinanza dwar il-Pensjonijiet, ghandha tigi emendata kif ġej:
- (a) fis-subartikolu (1) ta' l-artikolu 9 tagħha:
- (i) minflok il-kliem “minbarra mhallef” ghandhom jidhlu l-kliem “minbarra mhallef jew l-Avukat Ġenerali jew il-Prosekutur Ġenerali jew maġistrat”;
- (ii) minflok il-kliem “ minbarra mhallef, Avukat Ġenerali jew maġistrat” fil-paragrafu (i) tal-proviso ghalih ghandhom jidhlu l-kliem “ minbarra mhallef, Avukat Ġenerali, Prosekutur Ġenerali jew maġistrat”; u
- (b) fil-paragrafi (3) u (4) tar-regolament 3 li hemm fl-Iskeda relattiva minflok il-kliem “Avukat Ġenerali” kulfejn jinsabu, ghandhom f'kull każ jidhlu l-kliem “Avukat Ġenerali jew Prosekutur Ġenerali”;
- (ċ) fil-proviso għall-paragrafu (1) tar-regolament 4 li hemm fl-Iskeda relattiva, minflok il-kliem “Izda jekk uffiċjal” ghandhom jidhlu l-kliem “Izda jekk uffiċjal, minbarra mhallef jew l-Avukat Ġenerali jew il-Prosekutur Ġenerali, jew maġistrat”.
25. Minflok it-test Ingliż tal-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 7 ta' l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa, ghandu jidhol dan li ġej:
- “(b) l-Avukat Ġenerali jew ir-rappreżentant tiegħu;”.
26. Fis-subartikolu (7) ta' l-artikolu 22 u fis-subartikolu (8) ta' l-artikolu 24D ta' l-Ordinanza dwar il-Mediċini Perikolużi, minflok il-kliem “Avukat Ġenerali” ghandhom f'kull każ jidhlu l-kliem “Avukat Ġenerali jew Prosekutur Ġenerali”.
27. Fit-test Ingliż ta' l-artikolu 2 ta' l-Att dwar l-Istampar mill-Ġdid ta' Liġijiet Eżistenti, minflok il-kliem “Attorney General” kulfejn jinsabu, ghandhom jidhlu l-kliem “Advocate General”.
28. Minflok ir-riferenza għal “Avukat Ġenerali” fl-ewwel kolonna ta' l-Iskeda li tinsab ma' l-Att dwar is-Salarji tal-President ta' Malta u ta' Uffiċjali ohra, ghandhom jidhlu r-riferenzi “Avukat Ġenerali u Prosekutur Ġenerali”.

Emenda ta' l-Ordinanza dwar il-Pensjonijiet, Kap. 93.

Emenda ta' l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa, Kap. 94.

Emenda ta' l-Ordinanza dwar il-Mediċini Perikolużi, Kap. 101.

Emenda ta' l-Att dwar l-Istampar mill-Ġdid ta' Liġijiet Eżistenti, Kap. 180.

Emenda ta' l-Att dwar is-Salarji tal-President ta' Malta u ta' Uffiċjali ohra, Kap. 186.

Emenda ta' l-Att  
dwar it-Tigdid ta'  
Kiri ta' Raba',  
Kap. 199.

**29.** Fit-test Inġliż tas-subartikolu (6) ta' l-artikolu 5 ta' l-Att dwar it-Tigdid ta' Kiri ta' Raba', minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att  
dwar il-Manumorta,  
Kap. 201.

**30.** Minflok il-kliem "Attorney General" kulfejn jinsabu fit-test Inġliż ta' l-Att dwar il-Manumorta, ghandhom f'kull każ jidhlu l-kliem "Advocate General".

Emenda ta' l-Att  
dwar il-Bank  
Ċentrali  
ta' Malta, Kap. 204.

**31.** Fit-test Inġliż tas-subartikolu (7) ta' l-artikolu 37 u tas-subartikolu (2) ta' l-artikolu 38 ta' l-Att dwar il-Bank Ċentrali ta' Malta, minflok il-kliem "Attorney General" ghandhom f'kull każ jidhlu l-kliem "Advocate General".

Emenda ta' l-Att  
dwar l-Avjazzjoni  
Ċivili  
(Ċertifikati ta'  
Operaturi ta' l-  
Ajru),  
Kap. 218.

**32.** Fit-test Inġliż tas-subartikolu (5) ta' l-artikolu 9 ta' l-Att dwar l-Avjazzjoni Ċivili (Ċertifikati ta' Operaturi ta' l-Ajru), minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate Ġenerali".

Emenda ta' l-Att  
dwar ir-Referendi,  
Kap. 237.

**33.** Fit-test Inġliż tas-subartikolu (1) ta' l-artikolu 237 ta' l-Att dwar ir-Referendi, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att  
dwar l-Akkwist ta'  
Proprietà  
Immobbli minn  
Persuni mhux  
Residenti, Kap. 246.

**34.** Fit-test Inġliż tas-subartikolu (3) ta' l-artikolu 6 ta' l-Att dwar l-Akkwist ta' Proprietà Immobbli minn Persuni mhux Residenti, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda  
ta' l-Att dwar l-  
Istampa,  
Kap. 248.

**35.** Minflok il-kliem "Attorney General" fit-test Inġliż ta' l-artikolu 37 ta' l-Att dwar l-Istampa, ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att  
dwar il-Habs,  
Kap. 260.

**36.** Fis-subartikolu (5) ta' l-artikolu 8 ta' l-Att dwar il-Habs minflok il-kliem "il-Prim Imhalled, l-Imhallfin, il-Maġistrati u l-Avukat Ġenerali" ghandhom jidhlu l-kliem "il-Prim Imhalled, l-Avukat Ġenerali, il-Prosekutur Ġenerali, l-Imhallfin u l-Maġistrati".

Emenda ta' l-Att  
dwar  
ir-Relazzjonijiet  
Industrijali,  
Kap. 266.

**37.** Fit-test Inġliż tas-subartikolu (3) ta' l-artikolu 29 ta' l-Att dwar ir-Relazzjonijiet Industrijali, minflok il-kliem "Attorney Ġenerali" ghandhom jidhlu l-kliem "Advocate General".

- 38.** Fis-subartikolu (2) ta' l-artikolu 4 ta' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, minflok il-kliem "Avukat Ġenerali" ghandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-gudizzju individwali tieghu". Emenda ta' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, Kap. 268.
- 39.** Fit-test Inġliż tas-subartikolu (2) ta' l-artikolu 5 ta' l-Att dwar l-Inkjesti, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar l-Inkjesti, Kap. 273.
- 40.** Fit-test Inġliż tal-paragrafu (a) tas-subartikolu (2) u fis-subartikolu (3) ta' l-artikolu 5 ta' l-Att li jhassar l-Ordinanza dwar il-Hsarat tal-Gwerra, minflok il-kliem "Attorney General" ghandhom f'kull każ jidhlu l-kliem "Advocate General". Emenda ta' l-Att li jhassar l-Ordinanza dwar il-Hsarat tal-Gwerra, Kap. 289.
- 41.** Fit-test Inġliż tas-subartikolu (9) ta' l-artikolu 4 ta' l-Att dwar il-Kummissarji għall-Ġustizzja, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar il-Kummissarji għall-Ġustizzja, Kap. 291.
- 42.** Fit-test Inġliż tas-subartikolu (5) ta' l-artikolu 2 ta' l-Att dwar il-Kuratur Pubbliku, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar il-Kuratur Pubbliku, Kap. 299.
- 43.** Fit-test Inġliż tas-subartikolu (2) ta' l-artikolu 107 ta' l-Att dwar is-Sigurtà Soċjali, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar is-Sigurtà Soċjali, Kap. 318.
- 44.** Fit-test Inġliż tas-subartikolu (1) ta' l-artikolu 6 ta' l-Att dwar il-Konvenzjoni Ewropea, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar il-Konvenzjoni Ewropea, Kap. 319.
- 45.** Fit-test Inġliż tas-subartikolu (3) ta' l-artikolu 28 u fil-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 33 ta' l-Att dwar l-Iżvilupp Industrijali, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar l-Iżvilupp Industrijali, Kap. 325.
- 46.** Fit-test Inġliż tas-subartikolu (2) ta' l-artikolu 14 ta' l-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni, Kap. 326.
- 47.** Fit-test Inġliż tas-subartikolu (3) ta' l-artikolu 18 u fis-subartikolu (3) ta' l-artikolu 37 ta' l-Att dwar it-Trusts, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar it-Trusts, Kap. 331.

Thassir ta' l-artikolu 28 ta' l-Att dwar Awtorità dwar it-Trasport Pubbliku, Kap. 332.

**48.** L-artikolu 28 ta' l-Att dwar Awtorità dwar it-Trasport Pubbliku, ghandu jithassar.

Emenda ta' l-Att dwar is-Servizzi ta' Impieg u Tahrig, Kap. 343.

**49.** Fit-test Inqliż tas-subartikolu (4) ta' l-artikolu 3 ta' l-Att dwar is-Servizzi ta' Impieg u Tahrig, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att dwar l-Elezzjonijiet Ġenerali, Kap. 354.

**50.** Fit-test Inqliż ta' l-artikolu 8 ta' l-Att dwar l-Elezzjonijiet Ġenerali, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att dwar Kunsilli Lokali, Kap. 363.

**51.** Fit-test Inqliż ta' l-artikolu 4 ta' l-Att dwar Kunsilli Lokali, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att dwar Kummissjoni ghall-Amministrazzjoni tal-Ġustizzja, Kap. 369.

**52.** Minflok is-subparagrafu (ii) tal-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 3 ta' l-Att dwar Kummissjoni ghall-Amministrazzjoni tal-Ġustizzja, ghandu jidhol dan li ġej:

“(ii) żewġ avukati, wiehed mahtur mill-Avukat Ġenerali ghal perjodu ta' erba' snin u wiehed mahtur mill-Prosekutur Ġenerali ghal perjodu ta' erba' snin;”.

Emenda ta' l-Att dwar l-Affarijiet tal-Konsumatur, Kap. 378.

**53.** Fit-test Inqliż ta' l-artikolu 19 ta' l-Att dwar l-Affarijiet tal-Konsumatur, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att dwar Tribunal ghal Talbiet Żghar, Kap. 380.

**54.** Fit-test Inqliż ta' l-artikolu 6 ta' l-Att dwar Tribunal ghal Talbiet Żghar, minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

Emenda ta' l-Att dwar Kumpanniji Kontrollati (Proċedura ta' Stralċ), Kap. 383.

**55.** Fit-test Inqliż tas-subartikolu (2) ta' l-artikolu 7 ta' l-Att dwar Kumpanniji Kontrollati (Proċedura ta' Stralċ), minflok il-kliem "Attorney General" ghandhom jidhlu l-kliem "Advocate General".

- 56.** Fit-test Inġliż ta' l-artikoli 260, 320 u 411 ta' l-Att dwar il-Kumpanniji, minflok il-kliem "Attorney General" kulfejn jinsabu, għandhom f'kull każ jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar il-Kumpanniji, Kap. 386.
- 57.** Fit-test Inġliż tas-subartikolu (3) ta' l-artikolu 4 ta' l-Att dwar l-Arbitraġġ, minflok il-kliem "Attorney General" għandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar l-Arbitraġġ, Kap. 387.
- 58.** Fis-subparagrafu (6) tal-paragrafu 1 tad-Disa' Skeda li tinsab ma' l-Att dwar Taxxa fuq il-Valur Miżjud, minflok il-kliem "Avukat Ġenerali" għandhom jidhlu l-kliem "Avukat Ġenerali li jaġixxi skond il-gudizzju individwali tiegħu". Emenda ta' l-Att dwar Taxxa fuq il-Valur Miżjud, Kap. 406.
- 59.** Fit-test Inġliż tal-paragrafu (ċ) tas-subartikolu (4) ta' l-artikolu 3 ta' l-Att dwar Atti Nutarili (Provvedimenti Temporari), minflok il-kliem "Attorney General" għandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att dwar Atti Nutarili (Provvedimenti Temporari) Kap. 408.
- 60.** Fit-test Inġliż tas-subartikolu (5) ta' l-artikolu 45 ta' l-Att ta' l-2000 dwar id-Drittijiet ta' l-Awtur, minflok il-kliem "Attorney General" għandhom jidhlu l-kliem "Advocate General". Emenda ta' l-Att ta' l-2000 dwar id-Drittijiet ta' l-Awtur, Att XIII ta' l-2000.
- 61.** Minflok il-kliem "Avukat Ġenerali" kulfejn jinsabu f'xi liġi minbarra l-artikoli (jew partijiet minn xi liġi jissejju kif jissejju) emendati (kemm fit-testi bil-Malti u bl-Inġliż jew fit-testi bil-Malta biss tiegħu) bl-artikoli 2 sa 7, 9, 11 u 13 sa 60 ta' dan l-Att, għandhom jidhlu l-kliem "Prosekutur Ġenerali". Emenda ġenerali.
- 62.** (1) Kull att magħmul minn jew għar-rigward ta' l-Avukat Ġenerali qabel il-bidu fis-seħh ta' dan l-Att, li skond dan l-Att għandu jsir minn jew għar-rigward ta' l-Avukat Ġenerali jew il-Prosekutur Ġenerali, skond il-każ, għandu jitqies li jkun sar bi jew għar-rigward ta' l-Avukat Ġenerali jew il-Prosekutur Ġenerali rispettivament. Disposizzjoni transitorja.

### Għanijiet u Raġunijiet

L-għan ewlieni ta' l-Abbozz hu biex jissepara l-funzjonijiet ta' prosekutur li jappartjenu lill-Avukat Ġenerali mill-funzjonijiet l-oħra li għandhom jiġu trasferiti lill-kariga l-ġdida li se tinholq ta' Prosekutur Ġenerali, li għandha tkun kariga ekwivalenti li se tinghata l-istess protezzjoni Kostituzzjonali bħal dik ta' l-Avukat Ġenerali. L-Abbozz jagħmel ukoll emendi oħra konsegwenzjali u incidentali għal dak hawn qabel imsemmi.

**A BILL  
entitled**

*AN ACT to amend the Attorney General and Counsel for the Republic (Constitution of Office) Ordinance, Cap. 90, setting up the office of Prosecutor General, and to make other provision, including amendment to the Constitution and other laws, consequential and incidental thereto.*

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:-

**PART I**

Short title and commencement.

1. (1) The short title of this Act is The Attorney General and Counsel for the Republic (Constitution of Office) (Amendment) Act, 2001.

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

**PART II**

Amendment of the Attorney General and Counsel for the Republic (Constitution of Office) Ordinance, Cap. 90.

2. (1) This part amends the Attorney General and Counsel for the Republic (Constitution of Office) Ordinance, Cap. 90, hereinafter in this part referred to as "the Ordinance".

(2) This part shall be read and construed as part of the Ordinance.

3. For the title of the Ordinance there shall be substituted the following: Substitution of the title of the Ordinance.

“To provide for the offices of Advocate General and Prosecutor General and to provide for matters consequential and incidental thereto.”.

4. In article 1 of the Ordinance for the words “Attorney General and Counsel for the Republic (Constitution of Office) Ordinance” there shall be substituted the words “The Advocate General and Prosecutor General Act”. Amendment of article 1 of the Ordinance.

5. For article 2 of the Ordinance, there shall be substituted the following: Substitution of article 2 of the Ordinance.

“Advocate General and Prosecutor General.

2. (1) The Advocate General and the Prosecutor General shall each respectively have the powers, duties and functions which are by or under the Constitution or any other law conferred on them.”.

6. Article 3 of the Ordinance shall be amended as follows: Amendment of article 3 of the Ordinance.

(a) for the marginal note thereto there shall be substituted the following:

“Officers of the Advocate General and Officers of the Prosecutor General”;

(b) subarticles (1) and (2) shall be renumbered as subarticles (3) and (4) respectively;

(c) Immediately before subarticle (3) thereof as renumbered there shall be inserted the following subarticle:

“(1) There shall be such officers to be styled “Officers of the Advocate General” who shall exercise and perform all such powers, functions and duties as may be delegated or assigned to them by the Advocate General.

(2) In the exercise and performance of the powers, functions and duties delegated or assigned to them as aforesaid the Officers of the Advocate General shall, unless the contrary intention appears, have the same protection and privileges as are by law imposed or given to the Advocate General.”;

(d) in subarticle (3) thereof as renumbered, for the words “an officer to be styled” to the words “and “Counsel for the Republic” ” there shall be substituted the words “such officers to be styled “Officers of the Prosecutor General” ”;

(e) in subarticle (4) thereof as renumbered for the words “the Deputy Attorney General, the Assistants to the Attorney General, the Senior Counsel for the Republic and the Counsel for the Republic” there shall be substituted the words “the Officers of the Prosecutor General”;

(f) immediately after subarticle (4) thereof as renumbered there shall be added the following subarticles:

“(5) The Office of the Advocate General and the Office of the Prosecutor General are hereby designated as Government Agencies and the provisions of subarticles (7) to (11) of this article shall apply to the said agencies.

(6) The Advocate General and the Prosecutor General may also act through such contractors as each may from time to time appoint:

Provided that such contractors shall at all times act in accordance with such instructions as may be given to them by the Advocate General or the Prosecutor General, as the case may be.

(7) (a) The Office of the Advocate General and the Office of the Prosecutor General shall as government agencies respectively be headed by the Advocate General and the Prosecutor General and shall respectively be the medium through which the Advocate General and the Prosecutor General carry out their functions according to law.

(b) The said agencies shall each be a body corporate having a distinct legal personality and shall be capable of entering into contracts, of employing personnel, of acquiring, holding and disposing of any kind of property for the purposes of its operations and of suing and of being sued.

(c) The legal and judicial representation of the Office of the Advocate General and of the Office of the Prosecutor General shall lie in the Advocate General and the Prosecutor General respectively.

(d) The said agencies shall each enter into an agency performance agreement with the Government whereby the funding of the agency as well as the tasks to be addressed and achieved by each said agency are determined:

Provided that the Minister responsible for each of the agencies shall, subject to the provisions of any law to the contrary, be entitled in each case to give directions in writing

to the agency and the agency and its respective head shall be bound to observe such directives:

Provided further that the provisions of the above proviso shall not apply where the Advocate General or the Prosecutor General, as the case may be, are in accordance with the Constitution or any other law to act in accordance with their own individual judgement, in which case the agency is to act according to the sole directions of the Advocate General and the Prosecutor General, as the case may be.

(8) The Advocate General and the Prosecutor General and the employees of the said agencies shall abide by any Code of Ethics applicable to public officers and shall, subject to any law to the contrary, have the same obligations thereunder:

Provided that the Advocate General and the Prosecutor General shall with concurrence of the Minister responsible for the respective agency draw up service values and Codes of Ethics in respect of their respective agencies to supplement any public service Code of Ethics.

(9) (a) The Advocate General and the Prosecutor General shall keep proper books of account in such manner as the Minister of Finance may from time to time direct. Such accounts shall be audited by an auditor appointed for the purpose by the respective head of the agency with the concurrence of the Minister of Finance and shall moreover be subject to audit by the Auditor General.

(b) The Advocate General and the Prosecutor General shall each not later than six weeks after the end of each financial year present to the Minister responsible for the respective Agency the audited accounts together with a report on the workings of each respective agency which report shall state the manner in which the agency has operated to fulfil its functions and its plans for the future.

(c) The reports referred to in subarticle (2) shall be laid on the Table of the House by the Minister not later than six weeks after its receipt, or where the House is during the period not in session not later than the second week after the House resumes its sittings.

(10) (a) Without prejudice to the provisions or any other law to the contrary each agency may, with the concurrence of the Minister responsible for the agency, have a Management Board which shall consist of the Head of the agency as chairman and not less than two but not more than four members as the Minister responsible for the agency may by direction establish and appoint.

(b) Any direction so made may be amended, substituted or revoked by another direction.

(c) Where such a Management Board exists, the head of the agency shall, subject to a law to the contrary and to any directives issued by his Minister, act in accordance with the general direction and control of that Board.

(11) (a) The Prime Minister may by direction detail a public officer for duty with any of the said agencies for such term and under such conditions as may be established in relation to the officer so detailed.

(b) The Prime Minister may at any time revoke any such direction.

(c) Where any officer is detailed for duty with an agency such officer shall, during the time in which such direction is in force, be under the administrative direction and control of the head of the agency, but shall otherwise remain and retain all rights and duties as a public officer and for the purposes of any law relating to government service pensions, service with such agency shall be deemed to be service with the Government:

Provided that no account shall be taken in assessing the pensionable emoluments of such officer for the purposes of any law relating to government service pensions of any allowances, bonuses or gratuities paid to such officer by the agency in excess to what he is entitled to as a public officer:

Provided further that during the time in respect of which he is so detailed to perform duties with the agency the terms and conditions of his service shall not be less favourable than those which are attached to his appointment under the Government during the period aforesaid. Such terms and conditions shall not be deemed to be less favourable merely because they are not in all respects identical with or superior

to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.”.

7. In article 4 of the Ordinance for the words from “The Attorney General” to the words “and the Counsel for the Republic” there shall be substituted the words “The Advocate General, the Officers of the Advocate General, the Prosecutor General and the Officers of the Prosecutor General”.

Amendment  
of article 4 of  
the Ordinance.

### PART III

8. (1) This part amends the Constitution, hereinafter in this part referred to “the Constitution”.

Amendment of  
the Constitution.

(2) This part shall be read and construed as part of the Constitution.

9. Article 91 of the Constitution shall be amended as follows:

Amendment  
of article 91  
of the Constitution.

(a) the marginal note thereto shall be substituted by the following:

“Advocate General and Prosecutor General”;

(b) in subarticle (1) thereof for the words “an Attorney General whose office shall be a public office” there shall be substituted the words “an Advocate General and a Prosecutor General whose office shall be public offices”;

(c) for the words “Attorney General” in subarticle (2) thereof there shall be substituted the words “Advocate General or Prosecutor General”;

(d) subarticles (3), (4) and (5) thereof shall be renumbered as subarticle (4), (6) and (7) respectively;

(e) immediately after subarticle (2) thereof there shall be inserted the following subarticle:

“(3) The Advocate General shall be the chief legal advisor to the Government and shall have the judicial representation of the Government in judicial acts and actions where the law does not provide that such representation shall

vest in some other person or authority. When under any law the Advocate General is to act or exercise any power in his individual judgement he shall not be subject to the direction or control of any other person or authority.”;

(f) in subarticle (4) as renumbered, immediately before the words “In the exercise of his powers” there shall be inserted the words “The prosecutor General shall be the chief prosecuting officer of Malta having such powers in connection with criminal proceedings as may from time to time be by law provided.” ; and for the words “Attorney General” there shall be substituted the words “Prosecutor General”;

(g) immediately after subarticle (4) as renumbered there shall be added the following subarticle:

“(5) The Advocate General shall be appointed for a fixed term being of not less than seven years, and shall be eligible for reappointment, but shall vacate his office on attaining the age of sixty five years.”;

(h) in subarticle (6) as renumbered for the words “subarticle (5) of this article, the Attorney General shall vacate” there shall be substituted the words “subarticles (5) and (7) of this article, the Advocate General and the Prosecutor General shall each vacate”; and for the words “sixty years” there shall be substituted the words “sixty five years”; and

(i) in subarticle (7) as renumbered for the words “to the Attorney General” there shall be substituted the words “to the Advocate General and to the Prosecutor General”.

Amendment of  
article 100 of  
the Constitution.

**10.** In subarticle (3) of Article 100 of the Constitution, for the words “sixty years” there shall be substituted the words “sixty five years”.

Amendment of  
article 101A  
of the Constitution.

**11.** Article 101A of the Constitution shall be amended as follows:

(a) paragraphs (b) to (f) of subarticle (1) thereof shall be renumbered as paragraphs (c) to (g) thereof respectively;

(b) immediately after paragraph (b) of subarticle (1) thereof there shall be inserted the following new paragraph:

“(b) the Advocate General *ex officio*.”;

(c) for paragraph (c) as renumbered there shall be substituted the following:

“(c) The Prosecutor General *ex officio*”; and

(d) in paragraph (c) of subarticle (5) thereof, for the words “paragraph (c) and (d)” there shall be substituted the words “paragraph (d) and (e)”, and for the words “paragraph (e)” there shall be substituted the words “paragraph (f)”.

#### PART IV

**12.** (1) This Part amends the various Laws referred to in the various articles contained therein.

Consequential amendment to various Laws.

(2) Each article of this part shall be read and construed as one with the Code, Act, Ordinance or other law amended by the said article.

**13.** In subarticle (3) of article 516 of the Criminal Code, for the words “the Attorney General” there shall be substituted the words “the Advocate General, the Prosecutor General”.

Amendment of the Criminal Code, Cap. 9.

**14.** The Code of Organization and Civil Procedure shall be amended as follows:

Amendment of the Code of Organization and Civil Procedure, Cap. 12.

(a) in subarticle (1) of article 29 for the words “the Attorney General” there shall be substituted the words “the Advocate General, the Prosecutor General”;

(b) in the English text of articles 77, 181B, 436, 437, 440(1), 441, 443(1), 445(1), 446, 447, 461, 462 and in form No 18 contained in Schedule B thereto for the words “Attorney General” wherever they occur, there shall be substituted the words “Advocate General”;

(c) in article 521 and in subarticle (2) of article 611, for the words “Attorney General” there shall be substituted the words “the Advocate General acting in his individual judgement”; and

(d) in subarticle (2) of article 786, for the words “the Attorney General in any action in which he is specially authorised by law to appear or where he is authorised”, there shall be substituted the words “the Advocate General or the Prosecutor General in any action in which they are specially authorised to appear, or the Advocate General where he is authorised”.

Amendment  
of the  
Commercial,  
Code, Cap. 13.

**15.** In articles 29, 47 (2), 71 (6) and 91 (1) of the Commercial Code, for the words "Attorney General" wherever they occur, there shall be substituted the words "Advocate General acting in his individual judgement".

Amendment of  
the Civil  
Code, Cap.16.

**16.** In articles 299 (1) and 661 (1) of the Civil Code, for the words "Attorney General" wherever they occur, there shall be substituted the words "Advocate General in his individual judgement".

Amendment of  
the Exportation of  
Certain Articles  
(Prohibition)  
Ordinance, Cap. 24.

**17.** In the English text of article 4 of the Exportation of Certain Articles (Prohibition) Ordinance, for the words "Attorney General" there shall be substituted the words "Advocate General".

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

**18.** In the English text of article 9 of the Petroleum (Importation, Storage and Sale) Ordinance, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of  
the Goldsmiths  
and Silversmiths  
Ordinance,  
Cap. 46.

**19.** In the English text of article 18 of the Goldsmiths and Silversmiths Ordinance, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of  
the Notarial  
Profession and  
Notarial Archives  
Act,  
Cap. 55.

**20.** In articles 10, 13, 19, 51, 89 to 100, 111, 112, 115, 125, 144 and 150 of the Notarial Profession and Notarial Archives Act, for the words "Attorney General" wherever they occur, there shall be substituted the words "Advocate General acting in his own individual judgement".

Amendment of  
the White  
Slave Traffic  
(Suppression),  
Ordinance, Cap. 63.

**21.** In the English text of subarticle (2) of article 6 of the White Slave Traffic (suppression) Ordinance, for the words "Attorney General", there shall be substituted the words "Advocate General".

Amendment of the  
Commissioners  
for Oaths  
Ordinance,  
Cap. 79.

**22.** The Commissioners for Oaths Ordinance shall be amended as follows:

(a) subarticle (1A) of article 3 thereof shall be deleted;

(b) for the words "Attorney General" wherever they occur in the English text of Subarticle (4) of article 3 thereof there shall be substituted the words "Advocate General", and

(c) for article 6 thereof, there shall be substituted the following:

\*Commissioners  
for  
Oaths *ex*  
*officio*.

6. (1) The Advocate General and the Prosecutor General and such of their officers as the Advocate General and the Prosecutor General, as the case may be, may from time to time designate by notice in the Gazette, as well as the magistrates, shall *ex officio* be Commissioners for Oaths.

(2) The designation referred to in subarticle (1) may be made by reference to a person or persons or by designation of the office or ranks held.”.

23. In the English text of subarticle (1) of article 24 of the Land Acquisition (Public Purposes) Ordinance, for the words “Attorney General” there shall be substituted the words “Advocate General”.

Amendment of the  
Land Acquisition  
(Public Purposes)  
Ordinance, Cap. 88.

24. The Pensions Ordinance shall be amended as follows:

Amendment of  
the Pensions  
Ordinance, Cap. 93.

(a) in subarticle (1) of article 9 thereof:

(i) for the words “other than a judge” there shall be substituted the words “other than a judge or the Advocate General or the Prosecutor General or a magistrate”;

(ii) for the words “other than a judge, Attorney General or magistrate” in paragraph (i) to the proviso thereto there shall be substituted the words “other than a judge, Advocate General, Prosecutor General or magistrate”; and

(b) in paragraph (3) and (4) of regulation 3 contained in the Schedule thereto for the words “Attorney General” wherever they appear, there shall be substituted in each case the words “Advocate General or Prosecutor General”;

(c) in the proviso to paragraph (1) of regulation 4 contained in the Schedule thereto, for the words “Provided that if an officer” there shall be substituted the words “Provided that if an officer, other than a judge or the Advocate General or the Prosecutor General, or a magistrate”.

25. For the English text of paragraph (b) of subarticle (2) of article 7 of the Department of Health (Constitution) Ordinance, there shall be substituted the following:

Amendment of the  
Department of  
Health  
(Constitution)  
Ordinance, Cap. 94.

“(b) the Advocate General or his representative;”.

Amendment of the Dangerous Drugs Ordinance, Cap. 101.

**26.** In subarticle (7) of article 22 and in subarticle (8) of article 24D of the Dangerous Drugs Ordinance, for the words “Attorney General” there shall be substituted in each case the words “Advocate General or Prosecutor General”.

Amendment of the Existing Laws (Reprint) Act, Cap. 180.

**27.** In the English text of article 2 of the Existing Laws (Reprint) Act, for the words “Attorney General” wherever they appear, there shall be substituted the words “Advocate General”.

Amendment of the President of Malta and other Officers (Salaries) Act, Cap. 186.

**28.** For the reference to “Attorney General” in the first column of the Schedule to the President of Malta and other Officers (Salaries) Act, there shall be substituted the references “Advocate General and Prosecutor General”.

Amendment of the Agricultural Leases (Reletting) Act, Cap. 199.

**29.** In the English text of subarticle (6) of article 5 of the Agricultural Leases (Reletting) Act, for the words “Attorney General” there shall be substituted the words “Advocate General”.

Amendment of Mortmain Act, Cap. 201.

**30.** For the words “Attorney General” wherever they appear in the English text of the Mortmain Act, there shall be substituted in each case the words “Advocate General”.

Amendment of Central Bank of Malta Act, Cap. 204.

**31.** In the English text of subarticle (7) of article 37 and subarticle (2) of article 38 of the Central Bank of Malta Act, for the words “Attorney General” there shall be substituted in each case the words “Advocate General”.

Amendment of the Civil Aviation (Air Operators' Certificates) Act, Cap. 218.

**32.** In the English text of subarticle (5) of article 9 of the Civil Aviation (Air Operators' Certificates) Act, for the words “Attorney General”, there shall be substituted the words “Advocate General”.

Amendment of the Referenda Act, Cap. 237.

**33.** In the English text of subarticle (1) of article 237 of the Referenda Act, for the words “Attorney General” there shall be substituted the words “Advocate General”.

Amendment of the Immovable Property (Acquisition by Non-Residents) Act, Cap. 246.

**34.** In the English text of subarticle (3) of article 6 of the Immovable Property (Acquisition by non-Residents) Act, for the words “Attorney General” there shall be substituted the words “Advocate General”.

Amendment of the Press Act, Cap. 248.

**35.** For the words “the Attorney General” in the English text of article 37 of the Press Act, there shall be substituted the words “the Advocate General”.

Amendment of Prisons Act, Cap. 260.

**36.** In subarticle (5) of article 8 of the Prisons Act for the words “the Chief Justice, the judges, the magistrates and the Attorney General” there shall be substituted the words “the Chief Justice, the Advocate General, the Prosecutor General, the Judges and the Magistrates”.

- 37.** In the English text of subarticle (3) of article 29 of the Industrial Relations Act, for the words “Attorney General” there shall be substituted the words “Advocate General”. Amendment of the Industrial Relations Act, Cap. 266.
- 38.** In subarticle (2) of article 4 of the Disposal of Government Land Act, for the words “Attorney General” there shall be substituted the words “the Advocate General acting in his individual judgement”. Amendment of the Disposal of Government Land Act, Cap. 268.
- 39.** In the English text of subarticle (2) of article 5 of the Inquiries Act, for the words “Attorney General” there shall be substituted the words “Advocate General”. Amendment of the Inquiries Act, Cap. 273.
- 40.** In the English text of paragraph (a) of subarticle (2) and in subarticle (3) of article 5 of the War Damage (Repeal) Act, for the words “Attorney General” there shall be substituted in each case the words “Advocate General”. Amendment of War Damage (Repeal) Act, Cap. 289.
- 41.** In the English text of subarticle (9) of article 4 of the Commissioners for Justice Act, for the words “Attorney General” there shall be substituted the words “Advocate General”. Amendment of Commissioners for Justice Act, Cap. 291.
- 42.** In the English text of subarticle (5) of article 2 of the Public Curator Act, for the words “Attorney General” there shall be substituted the words “Advocate General”. Amendment of Public Curator Act, Cap. 299.
- 43.** In the English text of subarticle (2) of article 107 of the Social Security Act, for the words “Attorney General” there shall be substituted the words “Advocate General”. Amendment of the Social Security Act, Cap. 318.
- 44.** In the English text of subarticle (1) of article 6 of the European Convention Act, for the words “Attorney General” there shall be substituted the words “Advocate General”. Amendment of the European Conventions Act, Cap. 319.
- 45.** In the English text of subarticle (3) of article 28 and in paragraph (a) of subarticle (1) of article 33 of the Industrial Development Act, for the words “Attorney General” there shall be substituted in each case the words “Advocate General”. Amendment of the Industrial Development Act, Cap. 325.
- 46.** In the English text of subarticle (2) of article 14 of the Permanent Commission against Corruption Act, for the words “Attorney General” there shall be substituted the words “Advocate General”. Amendment of Permanent Commission against Corruption Act, Cap. 326.
- 47.** In the English text of subarticle (3) of article 18 and in subarticle (3) of article 37 of the Trusts Act, for the words “Attorney General” there shall be substituted in each case the words “Advocate General”. Amendment of the Trusts Act, Cap. 331.

Deletion of article 28 of the Public Transport Authority Act, Cap. 332.

**48.** Article 28 of the Public Transport Authority Act, shall be deleted.

Amendment of Employment and Training Services Act, Cap. 343.

**49.** In the English text of subarticle (4) of article 3 of the Employment and Training Services Act, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of the General Elections Act, Cap. 354.

**50.** In the English text of article 8 of the General Elections Act, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of the Local Councils Act, Cap. 363.

**51.** In the English text of article 4 of the Local Councils Act, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of Commission for the Administration of Justice Act, Cap. 369.

**52.** For subparagraph (ii) of paragraph (a) of subarticle (2) of article 3 of the Commission for the Administration of Justice Act, there shall be substituted the following:

"(ii) two advocates, one appointed by the Advocate General for a period of four years and one appointed by the Prosecutor General for a period of four years;"

Amendment of the Consumer Affairs Act, Cap. 378.

**53.** In the English text of article 19 of the Consumer Affairs Act, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of the Small Claims Tribunal Act, Cap. 380.

**54.** In the English text of article 6 of the Small Claims Tribunal Act, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of Controlled Companies (Procedure for Liquidation) Act, Cap. 383.

**55.** In the English text of subarticle (2) of article 7 of the Controlled Companies (Procedure for Liquidation) Act, for the words "Attorney General" there shall be substituted the words "Advocate General".

Amendment of the Companies Act, Cap. 386.

**56.** In the English text of articles 260, 320 and 411 of the Companies Act, for the words "Attorney General" wherever they occur, there shall be substituted in each case the words "Advocate General".

Amendment of the Arbitration Act, Cap. 387.

**57.** In the English text of subarticle (3) of article 4 of the Arbitration Act, for the words "Attorney General" there shall be substituted the words "Advocate General".

**58.** In subparagraph (6) of paragraph 1 of the Ninth Schedule to the Value Added Tax Act, for the words “Attorney General” there shall be substituted the words “Advocate General acting in his individual judgement”.

Amendment of the Value Added Tax, Cap. 406.

**59.** In the English text of paragraph (c) of subarticle (4) of article 3 of the Notarial Acts (Temporary Provisions) Act, for the words “Attorney General” there shall be substituted the words “Advocate General”.

Amendment of the Notarial Acts (Temporary Provisions) Act, Cap. 408.

**60.** In the English text of subarticle (5) of article 45 of the Copyright Act, 2000 for the words Attorney General there shall be substituted the words “Advocate General”.

Amendment of the Copyright Act, 2000. Act XIII of 2000.

**61.** For the words “Attorney General” wherever they appear in any law other than in the articles (or parts of law however called) amended (whether in the Maltese and English texts or in the Maltese texts only thereof) by articles 2 to 7, 9, 11 and 13 to 61 of this Act, there shall be substituted the words “Prosecutor General”.

General amendment.

**62.** (1) Any act made by or with respect to the Attorney General before the coming into force of this Act, which in accordance with this Act should be made by or with respect to the Advocate General or the Prosecutor General, as the case may be, shall be deemed to have been made by or with respect to the Advocate General or the Prosecutor General respectively.

Transitory provision.

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## Objects and Reasons

The main purpose of the Bill is to separate the prosecuting functions of the Attorney General from his other functions which are to be transferred to the newly created post of Prosecutor General, which is to be an equivalent post granted the same constitutional protection as the Attorney General. The Bill also makes other amendments consequential and incidental to the above.

