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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Censu Galea, M.P., Ministru għat-Trasport u Komunikazzjoni, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' April, 2001.

A BILL introduced by the Honourable Censu Galea, M.P., Minister for Transport and Communications, and read the First time at the Sitting of the 2nd April, 2001.

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

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

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIGI
msejjah

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 ġejj:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2001 li jemenda l-Att dwar l-Uffiċċju tal-Posta, u dan l-Att għandu jiftiehem u jinqara haġa waħda ma' l-Att dwar l-Uffiċċju tal-Posta, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

(2) Dan l-Att għandu jibda' jsehh f'dik id-data li l-Ministru responsabbli għas-servizzi postali jista' b'avviż fil-Gazzetta jstabbilixxi, u dati differenti jistghu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. (1) L-artikoli 5, 5A, 5B, 8, 54 u 56 ta' l-Att prinċipali, kif fis-sehh fl-1 ta' Lulju, 2001, huma mħassrin.

Thassir u
enumerazzjoni
mill-ġdid ta' l-
artikoli ta' l-Att
prinċipali kif
emendat sa, u
fis-sehh fl-1 ta'
Lulju, 2001.

(2) L-artikoli l-oħra ta' l-Att prinċipali kif emendat sa, u fis-sehh fl-1 ta' Lulju, 2001, għandhom jiġu enumerati mill-ġdid skond ma hemm fl-Iskeda li tinsab ma' dan l-Att.

(3) Kull riferenza għal xi artikolu fl-Att prinċipali kif kien fis-sehh fl-1 ta' Lulju, 2001, għandha titqies u tiftiehem bħala riferenza għall-artikolu kif enumerat mill-ġdid b'dan l-Att, u l-Att prinċipali qiegħed b'dan jiġi emendat skond hekk.

(4) Kull riferenza f'dan l-Att għal xi artikolu hija riferenza għall-artikolu relattiv kif enumerat mill-ġdid bis-saħħa tas-subartikolu (2) ta' dan l-artikolu.

Emenda ta' titolu fil-qosor u partijiet oħra ta' l-Att prinċipali.

3. (1) It-titolu fil-qosor ta' l-Att prinċipali għandu jithassar u jiġi sostitwit bil-kliem "Att dwar is-Servizzi Postali".

(2) Fit-titolu twil ta' l-Att prinċipali, il-kliem "ma' l-Uffiċċju tal-Posta u" għandhom jithassru.

(3) It-Taqsim ta' l-Att ta' l-Att prinċipali għandu jithassar u jiġi sostitwit b'dan li ġej:

"TAQSIM TA' L-ATT

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SKEDI

L-Ewwel Skeda	Dikjarazzjoni
It-Tieni Skeda	Bord ta' Appelli dwar Stampat
It-Tielet Skeda	Proċeduri ta' kontijiet".

(4) Fl-artikolu 1 ta' l-Att prinċipali, minflok il-kliem "Att dwar l-Uffiċċju tal-Posta" għandhom jiġu sostitwiti l-kliem "Att dwar is-Servizzi Postali".

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

4. L-artikolu 2 ta' l-Att prinċipali għandu jkun emendat kif ġej:-

(a) minnufih qabel it-tifsira ta' "barrani" għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

"Awtorità" tfisser l-Awtorità dwar il-Komunikazzjoni ta' Malta mwaqqfa taht l-Att dwar il-Komunikazzjonijiet ta' Malta;

Kap. 418.

"awtorizzazzjoni" tinkludi liċenza mahruġa taht dan l-Att biex jiġu operati jew provduti servizzi postali u tinkludi awtorizzazzjonijiet ġenerali u liċenzi individwali kif imfissra taht dan l-artikolu;

"awtorizzazzjoni ġenerali" tfisser awtorizzazzjoni li ma tkunx tehtieg li l-operatur postali involut jikseb xi deċiżjoni espliċita mill-Awtorità qabel ma jesercita d-drittijiet li joriginaw mill-awtorizzazzjoni, irrispettivament minn jekk dik l-awtorizzazzjoni tinghatax lil kulhadd jew lil xi persuna f'xi kategorija u minn jekk l-awtorizzazzjoni tkunx tehtieg proċedura ta' registrazzjoni jew dikjarazzjoni;"

(b) minflok it-tifsira ta' "bastiment tal-valigġa", għandu jidhol dan li ġej:

""bastiment tal-valigġa" tfisser vapur jew ajruplan li jithaddem għall-garr tal-posta, b'mod konformi ma' kuntratt jew arrangament magħmul minn operatur postali jew minn xi enti li tkun qed taqdi funzjonijiet bhal dawk f'xi pajjiż ieħor;"

(ċ) minnufih wara t-tifsira ta' "bolla falza" għandhom jizdiedu dawn it-tifsiriet godda li ġejjin:

""Bord ta' l-Appelli dwar Servizzi Postali" u "Bord ta' l-Appelli" tfisser il-Bord ta' l-Appelli dwar Servizzi Postali mwaqqaf taht l-artikolu 4;

"dazju" tinkludi taxxa fuq il-valur miżjud jew xi taxxa oħra li tithallas ma' l-importazzjoni;

"distribuzzjoni" tfisser il-proċess mill-issortjar fiċ-ċentru ta' distribuzzjoni sal-konsenja ta' oġġetti postali lil kull min ikun indirizzat;

"drittijiet finali" tfisser ir-rimunerazzjoni tal-provditur ta' servizz universali għad-distribuzzjoni ta' posta transkonfini li tkun diehla u li tinkludi oġġetti postali minn xi pajjiż ieħor;"

(d) minnufih wara t-tifsira ta' "Gazzetta" għandhom jizdiedu dawn it-tifsiriet godda li ġejjin:

"għbir ta' oġġetti postali" tfisser il-hidma ta' għbir ta' oġġetti postali mqegħdin f'postijiet ta' dhul;

"gurnata tax-xogħol" tfisser gurnata li ma tkunx il-Hadd jew vakanza pubblika;"

(e) minnufih wara t-tifsira ta' "Gvern" għandha tiżdied din it-tifsira għida li ġejja:

""htigiet essenzjali" tfisser raġunijiet ġenerali mhux ekonomiki li jistgħu jwasslu lill-Gvern jimponi kondizzjonijiet għall-provvista ta' servizzi postali. Dawk ir-raġunijiet jistgħu jinkludu l-konfidenzjalità tal-korrispondenza, is-sigurtà tan-*network* dwar it-trasport ta' oġġetti perikolużi u, meta dan ikun ġustifikat, protezzjoni ta' *data*, protezzjoni ta' l-ambjent u ppjannar reġjonali;"

(f) it-tifsira ta' "kaxxa ta' l-ittri ta' l-uffiċċju tal-posta" għandha tithassar;

(g) minnufih qabel t-tifsira ta' "lokali" għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

"kaxxa ta' l-ittri" tinkludi kull kaxxa fil-ghamla ta' kolonna, kaxxa mdahhla fil-hajt, u kull kaxxa jew milqgħa oħra pprovduti bil-permess ta' l-Awtorità bil-ghan li fiha jiġu riċevuti oġġetti postali;

"liċenza individwali" tfisser awtorizzazzjoni mogħtija mill-Awtorità u li tagħti drittijiet speċifiċi lil xi persuna jew li tkun tissoġġetta l-operazzjonijiet ta' dik il-persuna għal obbligi speċifiċi li jingħataw meta l-persuna involuta ma tissejjahx biex taserċita dawk id-drittijiet qabel ma tingħata deċiżjoni mill-Awtorità;"

(h) minnufih wara t-tifsira ta' "Malta" għandha tiżdied din it-tifsira għada li ġejja:

"materjal stampat" tinkludi kull gazzetta u kull *record*, *tape*, film jew mezz ieħor li bih ikunu jistgħu jinstemgħu, jiġu perċepiti jew riprodotti kliem jew xbihat viżivi;"

(i) minnufih wara t-tifsira ta' "Ministru" għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

"mittent" tfisser persuna ġuridika jew naturali responsabbli għall-originar ta' oġġetti postali;

"*network* postali pubbliku" tfisser is-sistema ta' organizzazzjoni u riżorsi ta' kull xorta li jintużaw mill-provditur ta' servizz universali għall-finijiet b'mod partikolari li:

(i) jsir il-ġbir ta' oġġetti postali koperti minn obligazzjoni ta' servizz universali minn postijiet ta' dhul fil-medda ta' Malta,

(ii) dawk l-oġġetti jinghataw rotta u jiġu maniġġati mill-post tad-dhul tan-*network* postali saċ-ċentru ta' distribuzzjoni,

(iii) ssir id-distribuzzjoni fl-indirizzi murija fuq l-oġġetti;"

(j) minflok it-tifsira tal-kliem "oġġett postali" ghandu jiġi sostitwit dan li ġej:

"oġġett assigurat" tfisser servizz li jassigura oġġett postali sal-valur dikjarat mill-mittent fil-każ ta' telfien, serq or hsara;

"oġġett postali" tfisser oġġett indirizzat fl-ghamla finali kif ghandu jitwassal minn operatur postali. B'zieda ma' oġġetti ta' korrispondenza, dawk l-artikoli jinkludu wkoll kotba, katalogi, gazzetti, perjodiċi u pakki postali li jkun fihom kommoditajiet li jista' jkollhom jew ma jkollhomx valur kummerċjali;

"oġġett registrat" tfisser servizz li jkun jipprovdi garanzija bi hlas wiehed kontra riskji ta' telf, serq jew hsara u li jkun jipprovdi lill-mittent, meta jkun hekk adatt fuq talba li jagħmel, bi prova li l-oġġett postali jkun wasal jew ġie konsenjat lil min kien indirizzat;

"oġġett ta' korrispondenza" tfisser xi komunikazzjoni f'ghamla miktuba fuq kull xorta ta' mezz fiżiku sabiex tingarr u titwassal fl-indirizz indikat mill-mittent fuq l-oġġett innifsu jew fuq it-tisrir tiegħu imma ma tinkludix kotba, katalogi, gazzetti u perjodiċi;

"operatur postali" tfisser kull min ikollu liċenza biex jipprovdi servizzi postali f'Malta u bejn Malta u pajjiżi oħra u tinkludi kull min iwettaq ġewwa Malta jew barra minn Malta xi negozju jew attività li jkollhom x'jaqsmu ma' servizzi postali inklużi servizzi li huma anċillari għal servizzi postali;"

(k) minnufih wara t-tifsira ta' "pakk" ghandha tiżdied din it-tifsira ġdida li ġejja:

"partijiet interessati" tinkludi operatori tas-servizz postali li jkollhom liċenza, manufatturi, assoċjazzjonijiet ta' konsumaturi registrati skond l-Att dwar l-Affarijiet tal-Konsumatur u kull grupp ta' utenti postali debitament rikonnoxxuti bhala tali mill-Awtorità, liema gruppi

ghandhom jissodisfaw il-kriterji li l-Awtorità bil-kunsens tal-Ministru tista' b'avviz fil-Gazzetta tippreskrivi,";

(l) minnufih wara t-tifsira ta' "persuna" ghandhom jizdiedu dawn it-tifsiriet godda li ġejjin:

"posta diretta" tfisser komunikazzjoni li tikkonsisti biss f'reklamar, promozzjoni fis-suq jew materjal ta' pubblicità u li jkun fih ukoll messagg identiku, hlief ghal isem-il persuna indirizzata, indirizz u numru ta' identifikazzjoni kif ukoll xi modifikazzjonijiet oħra li ma jibdlux ix-xorta tal-messagg, li jintbaghat lil għadd sinifikattiv ta' persuni indirizzati, sabiex jitwassal u jiġi kunsinnat fl-indirizz indikat mill-mittent fuq l-oġġett innifsu jew fuq it-tisrir tiegħu u tinkludi l-posta sew transkonfini sew interna. Kontijiet, irċevuti, dikjarazzjonijiet finanzjarji jew messaggi mhux identiċi oħra u komunikazzjonijiet li jgħaqqdu flimkien il-posta diretta ma' xi artikoli oħra fl-istess tisrir m'ghandhomx ikunu inkluzi bhala posta diretta;

"posta transkonfini" tfisser posta lejn jew minn xi pajjiż ieħor,";

(m) it-tifsira ta' "*Postmaster-General*" għandha tithassar;

(n) minnufih qabel t-tifsira ta' "projbit" ghandhom jizdiedu dawn it-tifsiriet godda li ġejjin:

"postijiet ta' dhul" tfisser faċilitajiet fiżiċi, inkluzi kaxxi postali provduti għall-pubbliku sew fit-toroq, postijiet pubbliċi jew f'postijiet ta' l-operatur postali, fejn oġġetti postali jistgħu jiġu depożitati man-*network* postali pubbliku mill-klijenti;

"preskritt" tfisser preskritt b'regolamenti magħmulin taħt dan l-Att,";

(o) minnufih wara t-tifsira ta' "projbit" ghandhom jizdiedu dawn it-tifsiriet godda li ġejjin:

"protezzjoni ta' *data*" tinkludi protezzjoni ta' *data* personali, il-konfidenzjalità ta' informazzjoni mibgħuta, kondiviża jew maħżuna, u l-protezzjoni tal-privatezza;

"provditur awtorizzat" tfisser kull min ikun detentur ta' liċenza jew awtorizzazzjoni valida biex jopera

jew jipprovdi servizzi postali;

"provvidur ta' servizz universali" tfisser l-enti pubblika jew privata li tkun qed tipprovdi s-servizz postali universali fil-medda ta' Malta kif jista' jigi msemmi mill-Ministru b'avviż fil-Gazzetta;"

(p) fit-tifsira tal-kelma "pustagġ" il-kliem "id-dritt" għandhom jigu sostitwiti bil-kliem "kull dritt";

(q) minnufih wara t-tifsira ta' "pustagġ" għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

""servizz bażiku minn hanut" tfisser *network* ta' postijiet ta' dhul imqassma ma' Malta kollha li jipprovdu servizzi postali inkluż il-bejgħ ta' bolol, registrazzjoni tal-posta, ġbir ta' pakki u konsenja;

"servizzi postali" tfisser servizzi li jinvolvu l-ġbir ta' oġġetti postali, sortjar, trasport u konsenja ta' oġġetti postali;

"skambju ta' dokumenti" tfisser il-provdiment ta' mezzi, inkluża l-provvista ta' postijiet *ad hoc* kif ukoll it-trasportazzjoni minn terza persuna, li tkun tippermetti l-konsenja lil persuna nnifisha bi skambju reċiproku ta' oġġetti postali bejn l-utenti li jissottoskrivu għal dak is-servizz;"

(r) minflok it-tifsira ta' "Uffiċċju tal-Posta", għandu jigi sostitwit dan li ġej:

""uffiċċju tal-posta" tinkludi kull fergħa jew sottodivizjoni ta' operatur postali, u kull fond, bini, kamra, vettura, post jew apparat li jintuza għall-finijiet ta' l-operatur postali, u kull kaxxa ta' l-ittri;"

(s) it-tifsira ta' "uffiċjal ta' l-Uffiċċju tal-Posta" għandha tithassar;

(t) minnufih qabel t-tifsira ta' "xkora tal-valiġġa" għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

""uffiċjal ta' operatur postali" tinkludi kull min ikun impjegat f'xi attività ġestita minn operatur postali jew ikun qed jaġixxi għal jew f'isem xi operatur postali;

"utenti" tfisser persuna ġuridika jew naturali li

tikseb benefiċċju mill-provdiment ta' servizz universali bhala mittent jew persuna li lilha jkun qed jiġi indirizzat oġġett;"

Sostituzzjoni ta' certu kliem fl-Att prinċipali.

5. (a) Il-frazi "Postmaster-General" kull fejn din tinsab fl-Att prinċipali, sakemm ma jkunx provdut xort'ohra f'dan l-Att, għandha tkun sostitwita bil-kelma "Awtorità".

(b) Il-kliem "l-Uffiċċju tal-Posta" kull fejn dawn jinsabu fl-Att prinċipali, sakemm ma jkunx provdut xort'ohra f'dan l-Att, għandhom jiġu sostitwiti bil-kliem "uffiċċju tal-posta", u l-kliem "uffiċċjal ta' l-Uffiċċju tal-Posta" kull fejn dawn jinsabu fl-Att prinċipali, sakemm ma jkunx provdut xort'ohra f'dan l-Att, għandhom jiġu sostitwiti bil-kliem "uffiċċjal ta' operatur postali".

Sostituzzjoni ta' l-intestatura għal Taqsima II ta' l-Att prinċipali.

6. L-intestatura għal Taqsima II ta' l-Att prinċipali għandha tiġi sostitwita b'dan li ġej: "REGOLAMENT U AMMINISTRAZZJONI TAS-SERVIZZI POSTALI".

Sostituzzjoni ta' l-artikolu 3 ta' l-Att prinċipali.

7. L-artikolu 3 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Awtorità regolatorja.

3. (1) L-awtorità qeghda tissemma bhala l-awtorità regolatorja kompetenti għas-settur postali u għandha tissorvelja u tiżgura konformità ma' dan l-Att u regolamenti magħmulin tahtu.

(2) L-Awtorità għandha tinterpreta il-frazi "għadd sinifikattiv ta' persuni indirizzati" dwar posta diretta u tippubblika b'avviż fil-Gazzetta tifsira adatta minn żmien għal żmien.

(3) Għall-finijiet tal-funzjonijiet tagħha taht dan l-Att jew ta' regolamenti magħmulin tahtu l-Awtorità tista':

(a) tehtieg lil operatur postali li jipprovdi kull informazzjoni hekk kif l-Awtorità tista' tkun tehtieg;

(b) tidhol u tfittex kull post fejn ikunu jistgħu jsiru hidmiet postali li ma jkunux postijiet li jintużaw b'mod esklużiv bhala post ta' residenza. Ebda dhul u tfittxija ma jistgħu jsiru bejn is-sebgha ta' filghaxija u s-sebgha ta' filghodu:

Iżda l-uffiċjal ta' l-Awtorità li jkun qed iwettaq dawk il-funzjonijiet għandu, meta jiġi hekk mitlub jagħmel, jipproduċi awtorizzazzjoni bil-miktub iffirmata miċ-*Chairman* ta' l-Awtorità. L-Awtorità tista' iktar minn hekk teħtieġ l-għajnuna tal-Pulizija fit-twettiq ta' dawk il-funzjonijiet."

8. L-artikolu 4 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 4 ta' l-Att prinċipali.

"Bord ta' Appelli
dwar Servizzi
Postali.

4. (1) Ikun hemm Bord ta' l-Appelli dwar Servizzi Postali, magħmul minn tliet membri, li wieħed minnhom, li jkun il-president, ikun persuna li tkun eserċitat bhala avukat għal mhux anqas minn seba' snin.

(2) Il-membri tal-Bord ta' l-Appelli jinhatru mill-Prim Ministru għal-perjodu ta' mhux iktar minn tliet snin, u jkunu jistgħu jerġgħu jinhatru mill-ġdid.

(3) Hadd ma jkun kwalifikat li jinhatar bhala, jew li jibqa' membru tal-Bord ta' l-Appelli jekk ikun jokkupa l-kariga ta' mħallef jew magistrat jew membru tal-Kamra tad-Deputati jew ta' xi Kunsill Lokali jew uffiċjal pubbliku.

(4) Membru tal-Bord ta' l-Appelli jkun skwalifikat milli jisma xi appell f'dawk iċ-ċirkostanzi li kieku kienu jiskwalifikaw imħallef f'kawża ċivili; u f'kull tali każ għandu jkun sostitwit minn xi hadd iehor li jinhatar għal dak l-għan mill-Prim Ministru.

(5) Membru tal-Bord ta' l-Appelli jista' jitneħħa mill-kariga mill-Prim Ministru minhabba f'negligenza gravi, interessi konfliġġenti, inkompetenza, jew attijiet jew ommissjonijiet li ma jkunux jixierqu lil membru tal-Bord ta' l-Appelli.

(6) Il-Ministru għandu jahtar persuna biex taqdi d-dmir ta' segretarju fil-Bord ta' l-Appelli u dik il-persuna għandha taqdi dmirjietha f'dik il-kariga skond *standards* etici li jikkonformaw mal-valuri tas-servizz pubbliku."

9. Dawn l-artikoli godda li ġejjin 5, 6, 7, 8, 9, 10, 11, 12, 13 u 14 għandhom jiżdedu wara l-artikolu 4 ta' l-Att prinċipali:

Zieda ta' artikoli godda 5, 6, 7, 8, 9, 10, 11, 12, 13 u 14 ma' l-Att prinċipali.

"Funzjonijiet u
proċedura tal-Bord
ta' l-Appelli dwar
Servizzi Postali.

5. (1) Il-Bord ta' l-Appelli jkollu ġurisdizzjoni jisma u jiddeċiedi kull appell li jsirulu skond id-disposizzjonijiet ta' dan l-Att u f'dawk il-każijiet li jistgħu jiġu preskritti.

(2) Appell lill-Bord ta' l-Appelli jista' jiġi pprezentat għal xi raġuni minn dawn li ġejjin -

(a) li jkun sar żball materjali rigward il-fatti;

(b) li kien hemm żball ta' proċedura ta' xorta materjali;

(c) li jkun sar żball tal-liġi;

(d) li kien hemm xi illegalità materjali, inklużi nuqqas ta' raġonevolezza jew nuqqas ta' proporzjonalità.

(3) Il-Bord ta' l-Appelli għandu jagħti r-raġunijiet tiegħu għad-deċiżjoni li jkun ha u għandu jara li dawk id-deċiżjonijiet isiru pubbliċi.

(4) Meta jkun qed jiddeċiedi xi appell taħt dan l-artikolu l-Bord ta' l-Appelli jista':

(a) jiċċad l-appell;

(b) jhassar id-deċiżjoni,

u meta l-Bord ta' l-Appelli jannulla d-deċiżjoni jista' jirreferi l-każ lill-Awtorità jew lill-Ministru (skond il-każ) b'ordni li jerga' jikkunsidrah u jasal għal deċiżjoni skond ir-riżultanzi tal-Bord ta' l-Appelli.

(5) L-effett ta' deċiżjoni li appell ikun jirrigwardaha m'għandux, hliet meta l-Bord ta' l-Appelli jew il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri) skond il-każ hekk tordna, ikun sospiż minhabba f'li jkun sar l-appell.

(6) Fl-eserċizzju tal-funzjonijiet tiegħu, il-Bord ta' l-Appelli jista' jharrek lil persuna biex tidher quddiemu u tixhed u ġġib magħha dokumenti; u l-president ikollu s-setgħa li jagħti ġuramenti. Il-Bord ta' l-Appelli jista' wkoll jaħtar esperti biex jagħtuh pariri fuq kull punt tekniku li jista' jkun rilevanti għad-deċiżjoni tiegħu.

(7) Għall-ġuristi hawn aktar qabel imsemmi l-Bord ta' l-Appelli għandu jkollu l-istess poteri bħalma għandha l-Prim'Awla tal-Qorti Ċivili skond il-liġi.

(8) Il-proċedura li għandha tiġi segwita quddiem il-Bord ta' l-Appelli, it-terminu li fiha u l-mod li biha għandu jsir appell lill-Bord għandha tkun tali skond ma jista' jiġi preskritt; u bla ħsara għal dan u għal kull disposizzjoni applikabbli oħra ta' dan l-Att, il-Bord jista' jistabbilixxi il-proċedura tiegħu nnifsu.

Appell fil-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri).

6. (1) Meta parti f'appell quddiem il-Bord ta' l-Appelli thoss ruhha aggravata b'deċiżjoni tal-Bord, jew l-Awtorità jekk din thoss ruhha mhux sodisfatta b'xi tali deċiżjoni, tista' fuq punt ta' dritt tappella lill-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri) permezz ta' rikors li jiġi pprezentat fir-registru ta' dik il-qorti fi żmien tletin ġurnata mill-ġurnata meta d-deċiżjoni tinghata mill-Bord ta' l-Appelli.

(2) Il-Ministru responsabbli għal ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi id-drittijiet li jithallsu fir-registru tal-qorti sabiex jiġu pprezentati attijiet ġudizzjarji taht dan l-artikolu fil-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri):

Kap. 12.

Izda sakemm dawk id-drittijiet ikunu hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fi Skeda A li tinsab fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(3) Il-Bord mwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw rikorsi li jsiru taht dan l-artikolu.

Htieġa ta' awtorizzazzjoni għal servizzi postali.

7. (1) Hadd m'għandu jipprovdni servizzi postali f'Malta kemm-il darba ma jkunx provditur awtorizzat.

(2) Awtorizzazzjoni mogħtija lil persuna taht dan l-Att m'għandhiex tehles lil dik il-persuna mill-htieġa ta' xi liċenza jew awtorizzazzjoni oħra, jew minn xi obligazzjoni li toriġina taht xi liġi oħra.

(3) Id-disposizzjonijiet ta' dan l-artikolu ma jinkisrux b'attivitajiet elenkati bhala li huma eżenti mid-disposizzjonijiet imsemmija f'regolamenti li l-Ministru wara li jikkonsulta lill-Awtorità jista' minn żmien għal żmien jippreskrivi.

Liċenzi u awtorizzazzjonijiet ġenerali.

8. (1) Liċenza biex persuna topera jew tipprovdni servizzi postali tista' tinghata -

(a) mill-Awtorità; jew

(b) skond awtorizzazzjoni ġenerali maħruġa mill-Awtorità u bla ħsara għal verifika mill-Awtorità li l-kondizzjonijiet ta' l-awtorizzazzjoni ġenerali jkunu ġew sodisfatti, għat-thaddim ta' servizzi postali kif speċifikat fil-liċenza jew ikun ta' xorta hekk speċifikata.

(2) Liċenza mogħtija taħt dan l-artikolu għandha tkun bil-miktub u, sakemm ma tiġix revokata minn qabel skond xi patt li jkun hemm fiha, għandha tkompli ssehh għal dak il-perijodu li jista' jiġi speċifikat jew deċiż mill-liċenza jew taħtha.

(3) Liċenza mogħtija taħt dan l-Att tista' tingħata jew fl-ghamla ta' awtorizzazzjoni ġenerali lil kulhadd jew lil persuni f'xi kategorija jew fl-ghamla ta' liċenza individwali lil xi persuna partikolari.

(4) Skond id-disposizzjonijiet ta' dan l-Att liċenza mogħtija taħt dan l-artikolu tista' tawtorizza il-provdiment ta' kull għamla jew forma ta' servizzi postali kif jista' jkun speċifikat jew deskritt fil-liċenza.

(5) Liċenza mogħtija taħt dan l-Att tista' tinkludi -

(a) dawk il-kondizzjonijiet (sew jekk dawn jirrigwardaw is-servizzi postali li dwarha tkun il-liċenza sew jekk xort'oħra) bħalma jidher lill-Awtorità li jkun meħtieġ jew spedjenti fil-qies tad-dmirijiet ta' l-Awtorità u għall-obbligazzjonijiet internazzjonali ta' Malta;

(b) kondizzjonijiet li jeħtieġu l-ħlas ta' dritt lill-Awtorità meta tingħata l-liċenza jew il-ħlasijiet matul iż-żmien li tkun għadha għaddejja l-liċenza jew it-tnejn li huma, liema dritt jew ħlasijiet għandhom ikunu f'dak l-ammont jew dawk l-ammonti (li jista' wkoll ikun deċiż b'riferenza għall-qliġ tad-detentur ta' liċenza, il-beiġ jew turnover tiegħu) kif jista' jkun deċiż fil-liċenza;

(ċ) fil-każ ta' liċenza mogħtija lil kull persuna jew lil persuni f'xi kategorija, l-kondizzjonijiet meħtieġa minn kull persuna jew minn kull min ikun jinkwadra fil-kategorija ta' persuni li dwarhom tkun il-liċenza, biex janzaw lill-Awtorità bl-intenzjoni tagħhom li jiġġestixxu servizzi postali taħt dik il-liċenza;

(d) kondizzjonijiet li jkunu jeħtieġu lid-detentur ta' liċenza biex iħares kull direttiva mogħtija mill-Awtorità dwar dak li hemm imsemmi fil-liċenza;

(e) kondizzjonijiet li jeħtieġu d-detentur ta' liċenza li jagħmel jew li ma jagħmilx dawk l-affarijiet li jistgħu jkunu speċifikati fil-liċenza;

(f) kondizzjonijiet li jobbligaw lid-detentur ta' liċenza li jirreferi għad-deċiżjoni ta' l-Awtorità daww il-kwistjonijiet li joriġinaw taht il-liċenza kif ikunu speċifikati fil-liċenza;

(g) daww il-kondizzjonijiet l-oħra li jistgħu jiġu preskritti.

Għoti jcw dħid ta' awtorizzazzjoni.

9. (1) L-Awtorità għandha ttemm l-investigazzjonijiet tagħha fi żmien raġonevoli jew f'dak iż-żmien li jista' jiġi preskrit u għandha dwar dan tagħmel rapport lill-Ministru fejn tirrakkomanda jekk l-awtorizzazzjoni li tkun saret applikazzjoni għaliha għandhiex tingħata jew le.

(2) Meta jkun hemm rakkomandazzjoni li għandha tingħata awtorizzazzjoni, u l-Ministru ikun jaqbel mar-rakkomandazzjoni, l-Awtorità għandha tapprova l-applikazzjoni u tagħti l-liċenza li tinhareg bil-firma tal-Ministru.

(3) Meta l-Awtorità tkun tal-fehma li l-applikazzjoni għandha tiġi miċhuda għal xi waħda mir-raġunijiet imsemmija fl-artikolu 10, għandha tinforma lill-Ministru skond hekk u tiċhad l-awtorizzazzjoni.

(4) Meta l-Awtorità tirrakkomanda li l-applikazzjoni tkun approvata imma l-Ministru ma jkunx jaqbel ma' tali rakkomandazzjoni minhabba xi raġuni minn daww indikati fl-artikolu 10, l-applikazzjoni għandha tiġi miċhuda.

(5) Id-deċiżjonijiet ta' l-Awtorità u tal-Ministru li jsiru b'mod konformi ma' dan l-artikolu għandhom jinkludu raġunijiet għad-deċiżjoni u għandhom ikunu ppubblikati fil-Gazzetta.

(6) L-Awtorità għandha tgharraf lill-applikant bid-deċiżjoni tagħha li tagħti jew tiċhad awtorizzazzjoni fi żmien tnax-il ġimgħa mid-data meta tirċievi l-applikazzjoni kollha kemm hi u magħmula b'mod konformi mad-disposizzjonijiet ta' dan l-Att:

Izda dak il-perjodu jista' jittawwal sa sitt xhur f'dawn il-każijiet li ġejjin:

(a) meta jkun hemm nuqqas ta' qbil bejn id-deċiżjoni ta' l-Awtorità u dik tal-Ministru dwar jekk għandhiex tinhareg awtorizzazzjoni; jew

(b) meta applikazzjoni tkun tehtieg konsultazzjoni bejn l-Awtorità u xi dipartiment tal-Gvern jew awtorità oħra għar-rigward ta' xi aspett tal-provdiment ta' servizzi postali li tkun saret applikazzjoni għaliha.

(7) It-termini li hemm provdut dwarhom f'dan l-artikolu għandhom ikunu minghajr preġudizzju għal kull qbil internazzjonali li jkun japplika għar-rigward ta' servizzi postali.

Ragunijiet għal
chid.

10. (1) L-Awtorità tista' tiċhad li tawtorizza lil xi hadd biex jopera jew jipprovdi servizzi postali, jekk hija tkun tal-fehma li l-ghoti ta' l-awtorizzazzjoni -

(a) ikun imur kontra l-interess pubbliku, jew ikun inkonsistenti mal-politika tal-Gvern, u l-Ministru jkun jaqbel ma' dan;

(b) ikun inkonsistenti mad-disposizzjonijiet ta' dan l-Att jew ta' kull ligi oħra, jew ma' kull rabta internazzjonali ezistenti jew li tkun fil-proċess li tibda ssehh min-naħa ta' Malta;

(ċ) jikkawża periklu jew fastidju għall-pubbliku jew hsara f'xi proprjetà, jew jostruwixxi jew jinterferixxi ma' xi servizzi postali mhaddma skond il-ligi;

(d) jawtorizza lil xi applikant li jkun qed japplika għal liċenza individwali, meta huwa ma jurix lill-Awtorità li jkun qed iwettaq il-kondizzjonijiet għall-ghoti ta' tali liċenza.

(2) L-Awtorità tista' wkoll tiċhad li tagħti l-awtorizzazzjoni li tkun saret applikazzjoni għaliha jekk ikollha tassew għaliex taħseb li l-applikant ma jkunx persuna adatta u idonea biex ikollu l-awtorizzazzjoni li tkun saret applikazzjoni għaliha, jew inkella li ma jkunx qieghed f'pożizzjoni, minhabba fiċ-ċirkostanzi finanzjarji u ċirkostanzi oħra speċifiċi ta' l-applikant, biex iħares id-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu jew il-kondizzjonijiet tal-liċenza jekk jiġi li din tinghata.

(3) L-Awtorità għandha tikkomunika bil-miktub lill-applikant d-deċiżjoni li tiċhad applikazzjoni u għandha tghid fil-qosor bil-miktub x'ikunu r-ragunijiet għal tali deċiżjoni.

(4) Kull min iħoss ruġu aggravat b'deċiżjoni ta' l-Awtorità li tkun tiċhad li tawtorizza lil tali persuna milli topera jew tipprovdi servizzi postali taht dan l-artikolu jista' jappella mid-deċiżjoni quddiem il-Bord ta' l-Appelli.

Nuqqas ta' konformità mal-kondizzjonijiet ta' awtorizzazzjonijiet generali.

11. (1) Meta persuna li tkun tgawdi awtorizzazzjoni generali ma tkunx tikkonforma ma' xi kondizzjoni marbuta ma' awtorizzazzjoni generali l-Awtorità tista' tgħarraf lil dik il-persuna li ma jkollhiex il-jedd li tagħmel użu mill-awtorizzazzjoni generali u tista' timponi fuq dik il-persuna dawk il-miżuri li jistgħu jkunu meħtieġa sabiex jiġi żgurat li tkun qed tikkonforma ruħha mal-kondizzjonijiet ta' l-awtorizzazzjoni generali.

(2) L-Awtorità għandha fl-istess hin tagħti lil dik il-persuna imsemmija fis-subartikolu (1) opportunità raġonevoli biex tiddikjara l-opinjonijiet tagħha dwar l-applikazzjonijiet tal-kondizzjonijiet u tirrimedja kull kontravvenzjoni fi żmien xahar mill-intervent ta' l-Awtorità.

(3) Jekk il-persuna imsemmija fis-subartikolu (1) tirrimedja l-kontravvenzjonijiet għas-sodisfazzjon ta' l-Awtorità, l-Awtorità għandha, fi żmien xahrejn mill-ewwel intervent tagħha, tirrevoka jew timmodifika d-deċiżjoni tagħha hekk kif tista' tikkonsidra xieraq u għandha tagħti r-raġunijiet tagħha għad-deċiżjoni li tkun hadet.

(4) Jekk il-persuna msemmija fis-subartikolu (1) ma tirrimedjax il-kontravvenzjonijiet, l-Awtorità għandha, fi żmien xahrejn mill-ewwel intervent tagħha, tikkonferma d-deċiżjoni u tagħti r-raġunijiet tagħha għad-deċiżjoni li tkun hadet. Id-deċiżjoni ta' l-Awtorità għandha titwassal lill-persuna involuta fi żmien ġimgħa minn meta tiġi adottata .

(5) Jista' jsir appell minn deċiżjonijiet ta' l-Awtorità li jittiehdu b'mod konformi mas-subartikoli (3) jew (4) lill-Bord ta' l-Appelli.

Nuqqas ta' konformità ta' liċenzi individwali.

12. (1) Meta l-benefiċjarju ta' xi liċenza individwali ma jkunx jikkonforma ma' xi kondizzjoni marbuta mal-liċenza, l-Awtorità tista' tirtira, temenda jew tissospendi l-liċenza individwali jew timponi dawk il-miżuri bħalma tista' tikkonsidra xieraq biex tiżgura li jkun hemm konformità.

(2) L-Awtorità għandha fl-istess hin taghti l-benefiċjarju involut opportunità raġonevoli biex jiddikjara l-opinjoni tiegħu dwar l-applikazzjoni tal-kondizzjoni u, hliet fil-każ ta' kontravvenzjonijiet mtennija minn dak il-benefiċjarju (f'liema każ l-Awtorità tista' minnufih tiegħu miżuri adatti), biex tirmiedja l-kontravvenzjonijiet fi żmien xahar li jibda għaddej mid-data ta' l-intervent ta' l-Awtorità.

(3) Jekk il-benefiċjarju involut jirrimedja l-kontravvenzjonijiet, l-Awtorità għandha fi żmien xahrejn mill-ewwel intervent tirrevoka jew timmodifika d-deċiżjoni tagħha bħalma tkun tqis adatt u għandha taghti r-raġunijiet tagħha għad-deċiżjoni li tkun hadet.

(4) Jekk il-benefiċjarju involut ma jirrimedjax il-kontravvenzjonijiet l-Awtorità għandha, fi żmien xahrejn mill-ewwel intervent, tikkonferma d-deċiżjoni tagħha u taghti r-raġunijiet tagħha għad-deċiżjoni li tkun hadet. Dik id-deċiżjoni għandha titwassal fi żmien gimgħa minn meta tiġi adottata, lill-benefiċjarju involut.

(5) Jista' jsir appell mid-deċiżjonijiet ta' l-Awtorità li jittiehdu b'mod konformi mas-subartikoli (3) u (4) lill-Bord ta' l-Appelli.

Awtorizzazzjoni
tista' tiġi trasferita.

13. (1) Ebda liċenza jew awtorizzazzjoni oħra jekk din tkun liċenza individwali jew jedd li wiehed jaġixxi taht awtorizzazzjoni ġenerali ma tista' tiġi trasferita jew assenjata mill-provditur awtorizzat lil xi persuna oħra mingħajr il-kunsens bil-quddiem bil-miktub ta' l-Awtorità. Id-deċiżjoni ta' l-Awtorità f'dan ir-rigward għandha titwassal bil-miktub, u l-Awtorità għandha taghti r-raġunijiet tagħha għad-deċiżjoni li tkun hadet.

(2) Meta l-provditur awtorizzat ikun korp magħqud jew xi korp ieħor ta' persuni, bidla fil-kontroll tal-proprjetà jew tmexxija ta' dak il-korp tkun tiswa daqs it-trasferiment ta' l-awtorizzazzjoni, u tkun bla ħsara għall-kunsens bil-quddiem ta' l-Awtorità kif hawn aktar qabel imsemmi.

Applikazzjoni għal awtorizzazzjoni.

14. (1) Kull min ikun qed ifittex li jikseb awtorizzazzjoni permezz ta' awtorizzazzjoni individwali għandu japplika lill-Awtorità fuq dik il-formola u b'dak il-mod li jistgħu jiġu preskritti, jew kif jista' jkun provdut jew mehtieg mill-Awtorità, u għandu jipprova lill-Awtorità dik l-informazzjoni kollha li tista' tiġi preskritta u hekk kif l-Awtorità tista' tehtieg biex tkun tista' tifli l-applikazzjoni.

(2) L-applikazzjoni għandha b'mod partikolari tispeċifika s-servizz postali li ssir dwaru u għandha tinkludi tali informazzjoni li tista' tiġi preskritta jew, fin-nuqqas ta' tali preskrizzjoni, tali informazzjoni li tkun biżżejjed biex turi li l-applikant ikun jadempixxi l-kondizzjonijiet għall-ghoti ta' l-awtorizzazzjoni.

(3) Meta tirċievi xi applikazzjoni kif hawn aktar qabel imsemmi l-Awtorità għandha tara li l-fatt li tkun saret applikazzjoni, għandu jkun pubblikat fil-Gazzetta, u li jingħataw tali dettalji bħalma jistgħu jitqiesu xierqa sabiex kull min ikun jixtieq jagħmel ilmenti dwar l-applikazzjoni jkun jista' jagħmilhom.

(4) L-Awtorità għandha tikkonsidra l-applikazzjoni wara li tmexxi l-investigazzjonijiet mehtieġa u tikkonsidra kull ilment li jsir dwar dan, u tista' għal dan l-għan tehtieg minn kull persuna kull informazzjoni ulterjuri li tista' tqis li tkun mehtieġa.

(5) Kull ma jsir taht dan l-artikolu għandu jsir f'dik l-għamla u b'dak il-mod u f'dak iż-żmien li jistgħu jiġu preskritti."

10. L-artikolu 15 ta' l-Att prinċipali għandu jkun emendat kif ġej:

Emenda ta' l-artikolu 15 ta' l-Att prinċipali.

(a) il-kliem "taht l-artikolu 5A" kull fejn dawn jinsabu għandhom jiġu sostitwiti bil-kliem "taht dan l-Att"; u

(b) is-subartikolu (5) tiegħu għandu jithassar.

11. Dawn l-artikoli godda li ġejjin 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 u 28 għandhom jiżiedu wara l-artikolu 16 ta' l-Att

Żieda ta' artikoli godda 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 u 28 ma' l-Att prinċipali.

prinċipali:

"Servizzi
universali.

17. (1) (a) Utenti li jkunu fejn ikunu f'Malta għandhom igawdu il-jedd għal servizz universali li jkun jinvolvi il-provdiment permanenti ta' xi servizz postali ta' xi kwalità li tista' tiġi preskritta u, bla hsara għall-artikolu 21(1), bi prezzijiet li jkun jista' jlahhaq magħhom kull utent.

(b) L-Awtorità għandha tohrog direttivi lill-provditur ta' servizz universali dwar il-kwalità tas-servizz postali li jkun provdut kif hawn iktar 'il quddiem indikat. Qabel ma tohrog tali direttivi, l-Awtorità tista' tikkonsulta tali partijiet interessati bħalma tkun tqis li jkun adatt fiċ-ċirkostanzi.

(c) L-Awtorità għandha tippubblika dettalji ta' kull direttiva taht il-paragrafu (b) fil-Gazzetta.

(2) L-Awtorità għandha tohrog direttivi lill-provditur ta' servizz universali, wara li tagħmel tali konsultazzjoni mal-partijiet interessati bħalma tista' tikkonsidra xieraq, biex tiżgura li d-densità ta' postijiet ta' dhul tkun skond il-htigiet ta' l-utenti.

(3) (a) Il-Ministru għandu wara li jikkonsulta lill-Awtorità b'avviż fil-Gazzetta jsemmi operatur postali bħala l-provditur ta' servizz universali li jkollu obbligazzjoni li jipprovi kull servizz universali.

(b) Il-Ministru jista' wara li jikkonsulta lill-Awtorità, b'avviż fil-Gazzetta jirtira, jemenda jew jissospendi kull tismija magħmula taht il-paragrafu (a) iżda, qabel id-data effettiva ta' xi tali tnehhija, il-Ministru għandu jkun semma lil xi operatur postali iehor taht dan l-artikolu dwar is-servizz involut milqut b'dik it-tnehhija.

(4) (a) Il-provditur ta' servizz universali għandu jggarantixxi, f'kull gurnata tax-xogħol u mhux inqas minn hamest ijiem fil-gimgha, hlief f'ċirkostanzi li jitqiesu eċċezzjonali mill-Awtorità, li mill-inqas:

(i) ikun hemm gbir wiehed ta' oġġetti postali,

(ii) issir konsenja wahda fid-djar jew il-fond ta' kull persuna jew, b'deroga, taht kondizzjonijiet fid-diskrezzjoni ta' l-Awtorità, konsenja wahda f'istallazzjonijiet adatti.

(b) L-Awtorità tista' tohrog direttivi lil provditur ta' servizz universali, wara tali konsultazzjoni mal-partijiet interessati bhalma jistghu jitqiesu xierqa, bil-ghan li tigi żgurata konformità mill-provditur ma' l-obbligazzjonijiet tiegħu taht il-paragrafu (a) u mal-htigiet stipulati fl-artikolu 18.

(5) Servizz universali għandu jinkludi dawn l-inqas faċilitajiet li ġejjin:

(a) il-ġbir ta' oġġetti postali, sortjar, trasport u distribuzzjoni ta' oġġetti postali sa żewġ kilogrammi;

(b) il-ġbir ta' oġġetti postali, sortjar, trasport u distribuzzjoni ta' pakki postali sa għaxar kilogrammi;

(c) servizzi għal oġġetti registrati;

(d) servizzi għal oġġetti assigurati fil-medda ta' Malta u lejn u mill-pajjiżi kollha li, bhala firmatarji tal-Konvenzjoni ta' l-Unjoni Postali Universali, jiddikjaraw li jkunu lesti jaċċettaw dawk l-oġġetti kemm reċiprokament kemm f'direzzjoni wahda biss; u

(e) servizz bażiku minn hanut fil-medda ta' Malta.

(6) L-inqas u l-oghla dimensjonijiet ta' oġġetti postali inkwistjoni jkunu dawk stipulati fil-Konvenzjoni ta' l-1994 ta' Seoul u l-Ftehim dwar Pakki Postali adottat mill-Unjoni Postali Universali jew minn kull konvenzjoni oħra li l-Ministru jista' jippreskrivi.

(7) Is-servizz universali kif imfisser f'dan l-artikolu jkopri sew servizzi interni u transkonfini.

Htigiet ta' servizz universali.

18. Il-provditur ta' servizz universali għandu jhars il-htigiet li ġejjin dwar il-provdiment tas-servizz universali:

(a) is-servizz għandu jggarantixxi konformità mal-htigiet essenzjali;

(b) għandu jiġi offrut servizz identiku lill-utenti taht kondizzjonijiet li jipparagunaw sew;

(ċ) is-servizz ghandu jintgħamel disponibbli mingħajr ebda għamla ta' diskriminazzjoni ta' liema xorta tkun, speċjalment mingħajr diskriminazzjoni li toriġina minn konsiderazzjonijiet politiċi, reliġjużi jew ideoloġiċi;

(d) is-servizz ma jkunx interrott jew imwaqqaf hlief f'każijiet ta' forza maġġuri; u

(e) is-servizz ghandu jevolvi b'risposta għall-esiġenzi tekniċi, ekonomiċi u soċjali u għall-ħtiġiet ta' l-utenti.

Informazzjoni fuq is-servizz universali.

19. (1) Il-provditur ta' servizz universali ghandu jipprovdi l-utenti b'informazzjoni regolari, dettaljata u aġġornata fuq il-fattizzi partikolari tas-servizz universali, b'riferenza speċjali għall-kondizzjonijiet ġenerali ta' aċċess għas-servizz, kif ukoll dwar prezzijiet u livelli uniformi ta' kwalità.

(2) L-informazzjoni imsemmija fis-subartikolu (1) ghandha tkun ippubblikata ta' mill-anqas darba fis-sena mill-provditur ta' servizz universali b'mod li jkun għas-sodisfazzjon ta' l-Awtorità.

Servizzi riservati.

20. (1) Is-servizzi li jkunu riservati għall-provditur ta' servizz universali msemmi skond dan l-Att, jkunu l-ġbir ta' oġġetti postali, sortjar, trasport u konsenja ta' xi oġġetti ta' korrisondenza interna, transkonfini u posta diretta, sew jekk b'konsenja aċċellerata sew jekk le, li l-prezz tagħha ikun inqas minn hames darbiet it-tariffa pubblika interna għal xi oġġett ta' korrisondenza fl-ewwel kategorija ta' piżijiet tal-livell l-iktar aċċellerat fil-kategorija, iżda dawn ikunu jiżnu inqas minn 350 gramma:

Izda dawk ir-restrizzjonijiet ta' piż jew ta' prezz m'għandhomx japplikaw għar-rigward ta' servizz postali bla hlas għall-ghomja jew dawk b'vista batuta li jtistgħu jkunu provduti mill-provditur ta' servizz universali.

(2) L-iskambju ta' dokumenti m'għandux ikun riservat.

Prinċipji tariffarji u trasparenza ta' kontijiet.

21. (1) It-tariffi għal kull wiehed mis-servizzi provduti minn provditur ta' servizz universali li jagħmlu parti mis-servizz universali tiegħu għandhom ikunu jharsu l-prinċipji li ġejjin:

(a) il-prezzijiet għandhom ikunu jistgħu jithallsu minn kulhadd u għandhom ikunu tali li kull utent ikollu aċċess għas-servizzi provduti;

(b) il-prezzijiet għandhom ikunu konformi ma' l-ispejjeż;

(ċ) bil-kunsens tal-Ministru, l-Awtorità tista' tiddeċiedi li għandha tiġi applikata tariffa uniformi fil-medda ta' Malta;

(d) l-applikazzjoni ta' tariffa uniformi ma teskludix il-jedd tal-provditur ta' servizz universali li jagħmel kull ftehim individwali fuq il-prezzijiet mal-klijenti; u

(e) it-tariffi għandhom ikunu trasparenti u mhux diskriminatorji.

(2) Meta l-Awtorità tkun tal-fehma li l-provditur ta' servizz universali ma jkunx qed iħares il-prinċipji stipulati fis-subartikolu (1), l-Awtorità tista', wara li tikkonsulta lill-Ministru u fil-każ tas-subartikolu (1)(ċ) bil-kunsens tal-Ministru, tohrög direttivi lill-provditur għall-finijiet li jiġu sodisfatti l-ħtiġiet speċifikati fis-subartikolu (1).

Patti ta' ftehim fuq drittijiet finali.

22. (1) Sabiex jiġi żgurat il-provdiment transkonfini tas-servizz universali, l-provditur ta' servizz universali għandu, meta l-iżstrutturi legali internazzjonali adatti hekk jippermettu, jirringa fil-patti ta' ftehim li jagħmel dwar drittijiet finali għal posta transkonfini li l-prinċipji li ġejjin ikunu rispettati:

(a) id-drittijiet finali għandhom jiġu stabbiliti dwar l-ispejjeż ta' l-ipproċessar u l-konsenja ta' posta transkonfini li tkun diehla,

(b) il-livelli ta' remunerazzjoni għandhom ikunu relatati mal-kwalità tas-servizz miksub, u

(ċ) id-drittijiet finali għandhom ikunu trasparenti u mhux diskriminatorji.

(2) L-Awtorità tista' tohrög direttivi lill-provditur ta' servizz universali, wara li jsiru dawk il-konsultazzjonijiet ma' tali partijiet interessati bħalma jistgħu jitqiesu xierqa, bil-għan li tiġi żgurata konformità mill-provditur mal-prinċipji stipulati fis-subartikolu (1).

(3) L-implimentazzjoni tal-prinċipji stipulati fis-subartikolu (1) tista' tinkludi kull ftehim transitorju, maħsub biex jevita kull ksur mhux mixtieq fis-swieq postali jew implikazzjonijiet mhux favorevoli għall-provdituri ekonomiċi ta' servizzi postali, sakemm ikun hemm qbil bejn l-operaturi ta' l-origini u tal-konsenja. Tali arrangamenti għandhom, madankollu, jkunu ristretti għal dak li jkun l-inqas meħtieġ biex jinkisbu dawk l-għanijiet.

Kontinġent.

23. Il-proċeduri ta' kontinġent tal-provditur ta' servizz universali għandhom jitmexxew skond it-Tielet Skeda. Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, b'avviż fil-Gazzetta jemenda it-Tielet Skeda.

Kwalità tas-servizz.

24. (1) Il-livelli ta' kwalità tas-servizz dwar is-servizz universali, fil-qies b'mod partikolari, tal-hinijiet ta' tqeghid f'rotot u għar-regolarità u l-affidabilità ta' servizzi, għandhom jiġu stabbiliti u pubblikati minn żmien għal żmien mill-Awtorità, wara li tkun qieset l-opinjoni tal-partijiet interessati hekk kif tista' tqis li jkunu meħtieġa. L-Awtorità tista' b'regolamenti tistabbilixxi livelli ta' kwalità dwar posta transkonfini.

(2) Il-konformità ma' livelli fil-kwalità tas-servizz mill-provditur ta' servizz universali għandha tiġi sorveljata mill-Awtorità li għandha minn żmien għal żmien tagħmel rapport fuq ir-riżultati ta' l-eserċizzju ta' sorveljanza.

Adozzjoni ta' livelli ta' kwalità.

25. (1) L-Awtorità għandha tippreskrivi livelli ta' kwalità għall-posta interna. Il-Ministru jista' wara li jikkonsulta lill-Awtorità jeħtieġ illi dawk il-livelli jkunu kompatibbli ma' dawk il-livelli internazzjonali li l-Ministru jista' b'ordni fil-Gazzetta jistabbilixxi.

(2) L-Awtorità għandha tissorvelja it-tweġiq minn provditur ta' servizz universali tas-servizz universali skond il-livelli ta' kwalità għall-posta interna.

(3) Meta l-Awtorità tkun tal-fehma li l-livelli ta' tweġiq tal-provditur ta' servizz universali ma jkunux konformi jew ma kienux konformi mal-livelli meħtieġa stipulati taħt is-subartikolu (1), l-Awtorità għandha tagħti dawk id-direttivi jew ordnijiet sabiex tiżgura li l-provditur jagħmel dawk it-tiswijiet li jkunu meħtieġa.

Eżenzjonijiet mill-livelli ta' kwalità.

26. (1) Eżenzjonijiet minn livelli ta' kwalità li jistgħu jiġu preskritti skond jew taht dan l-Att jistgħu jkunu deċiżi mill-Awtorità meta l-Awtorità tkun sodisfatta li sitwazzjonijiet eċċezzjonali għar-rigward ta' l-infrastruttura jew il-ġeografija ikunu hekk jeħtieġu.

(2) L-Awtorità tista' tagħti direttivi lill-provditur ta' servizz universali biex jagħmel dawk it-tiswijiet li jkunu meħtieġa meta tkun tqis li l-livelli ta' kwalità li jagħmlu parti mis-servizz universali ma jkunux qegħdin jiġu mharsa.

Ilmenti u risoluzzjoni ta' tilwimiet.

27. (1) Skond linji direttivi li jkunu stipulati mill-Awtorità, l-provditur ta' servizz universali għandu jabbozza proċeduri trasparenti, sempliċi u li ma jiswewx dwar kif għandhom jiġu ttrattati l-ilmenti ta' l-utenti, partikolarment f'każijiet li jkunu jinvolvu li ma jkunx hemm konformità ma' livelli tas-servizz ta' kwalità. Dawn il-proċeduri għandhom jagħmluha possibbli li t-tilwimiet jkunu rranġati b'mod ġust u ta' malajr u hekk li ma jsirux spejjeż kbar.

(2) Il-provditur ta' servizz universali għandu ta' mill-inqas darba fis-sena kalendarja jippubblika informazzjoni fuq l-għadd ta' ilmenti li jkunu dahlu, bid-dettalji kollha dwar is-sugġett tagħhom u x'ikun sar minnhom.

Konsultazzjoni mal-partijiet interessati.

28. (1) L-Awtorità għandha tqis il-fehmiet tal-partijiet interessati hekk kif tista' tikkonsidra xieraq dwar il-funzjonijiet tagħha taht dan l-Att jew regolamenti magħmulin tahtu, skond kull proċedura li l-Awtorità tista' tagħmel għal dak l-għan.

(2) Meta l-Awtorità tistabbilixxi proċeduri bħal dawk imsemmija fis-subartikolu (1), hija għandha tippubblika avviż dwarhom fil-Gazzetta."

12. L-artikolu 29 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 29 ta' l-Att prinċipali.

"29. L-operatur postali m'għandu jinkombi ebda responsabbiltà għal kumpens minhabba f'xi telf, nuqqas ta' konsenja, jew dewmien ta', jew hsara lil, xi oġġett postali fil-kors tat-trasmissjoni bil-posta, sakemm dak il-kumpens -

(a) ikun hemm qbil dwaru bejn l-operatur postali u l-mittent, jew

(b) ikun ġie stabbilit b'regolamenti kif jistgħu

minn żmien għal żmien ikunu preskritti taht dan l-Att, irrispettivament mill-valur ta' l-oġġett:

Iżda la l-Awtorità u lanqas xi wiehed mill-uffiċjali tagħha jew xi uffiċjal ta' l-operatur postali m'għandhom jinkorru ebda responsabbiltà minhabba f'xi telf, nuqqas ta' konsenja, dewmien jew ħsara bħal dawk, kemm-il darba dawn ma jkunux ġew kaġunati b'malafidi jew bi traskuraġni."

Emenda ta' l-
artikolu 30 ta' l-
Att prinċipali.

13. Fl-artikolu 30 ta' l-Att prinċipali l-kliem "ta' *Postmaster-General* jew ta' uffiċjal ta' l-Uffiċċju tal-Posta" għandhom jiġu sostitwiti l-kliem "ta' uffiċjal ta' operatur postali".

Emenda ta' l-
artikolu 31 ta' l-
Att prinċipali.

14. L-artikolu 31 ta' l-Att prinċipali għandu jkun emendat kif ġej:

(a) fil-paragrafu (ċ) tiegħu l-kelma "jordna" għandha tkun sostitwita bil-kelma "jirregola"; u

(b) il-paragrafu (f) tiegħu għandu jithassar u l-paragrafi (g) sa (i) għandhom jiġu enumerati mill-ġdid rispettivament (f) sa (h).

Emenda ta' l-
artikolu 34 ta' l-
Att prinċipali.

15. L-artikolu 34 ta' l-Att prinċipali għandu jkun emendat kif ġej:

(a) fis-subartikolu (4) tiegħu l-kliem "għandhom jiġu konfiskati mill-*Postmaster-General*." għandhom jiġu sostitwiti bil-kliem "għandhom jiġu konfiskati mill-Kontrullur tad-Dwana:

Iżda meta l-operatur postali jew l-Awtorità jkollhom għaliex jaħsbu li xi disposizzjoni ta' dan is-subartikolu tista' tkun ġiet miksura huma għandhom iwaqqfu l-konsenja ta' l-oġġett postali lill-persuna indirizzata u għandhom jgħarrfu lill-Kontrullur tad-Dwana b'dan kollu.";

(b) fis-subartikolu (5) tiegħu l-kliem "jistgħu jiġu konfiskati, flimkien ma' dak li jkun fihom, mill-*Postmaster-General*." għandhom jiġu sostitwiti bil-kliem "jistgħu jiġu konfiskati, flimkien ma' dak li jkun fihom, mill-Kontrullur tad-Dwana:

Iżda meta l-operatur postali jew l-Awtorità jkollhom għaliex jaħsbu li xi disposizzjoni ta' dan is-subartikolu tista' tkun ġiet miksura huma għandhom iwaqqfu l-konsenja ta' l-oġġett postali lill-persuna indirizzata u għandhom jgħarrfu lill-Kontrullur tad-Dwana b'dan kollu.";

(ċ) fis-subartikolu (6) tiegħu l-kliem "jaġixxi kontra l-*Postmaster-General*" għandhom jiġu sostitwiti bil-kliem "jaġixxi kontra l-Kontrullur tad-Dwana".

16. L-artikolu 35 ta' l-Att prinċipali għandu jkun emendat kif ġej:

Emenda ta' l-artikolu 35 ta' l-Att prinċipali.

(a) fis-subartikolu (4) tiegħu l-kliem "li jidhirlu xieraq" għandhom jiġu sostitwiti bil-kliem "li l-Awtorità jidhrilha xieraq";

(b) minnufih wara s-subartikolu (4) tiegħu għandu jiżdied dan il-proviso li ġej:

"Izda meta operatur postali jkollu tassew għaliex jissuspetta li d-disposizzjonijiet tas-subartikolu (4) ikunu ġew miksura, l-operatur postali m'għandux jikkonsenja l-oġġett postali lill-persuna indirizzata u għandu javża lill-Kontrullur tad-Dwana b'dan kollu sal-ġurnata tax-xogħol li jkun imiss."

17. L-artikolu 36 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 36 ta' l-Att prinċipali.

"Provviista ta' bolli.

36. (1) Il-Ministru jkun responsabbli għall-approvazzjoni ta' hrug ta' bolli u l-għemil ta' programm dwar il-hrug ta' bolli. F'dan l-għemil il-Ministru jista' jikkonsulta kull bord konsultattiv dwar il-bolli li jista' jkun hemm imwaqqaaf skond id-disposizzjonijiet ta' dan l-Att.

(2) Il-Ministru jista' wara li jikkonsulta ma' l-operaturi postali involuti, b'avviż pubblikat fil-Gazzetta, jordna li bolli, li jkunu qed jiġu wżati meta jinhareg dak l-avviż, m'għandhomx jibqgħu validi għall-hlas bil-quddiem ta' pustagg, u mill-jum u wara l-jum stabbilit f'dak l-avviż, kull oġġett postali li jkollu fuqu bolli li jkunu ġew hekk dikjarati mhux validi, għandu jitqies li ma jkollux bolli fuqu kif imiss għall-finijiet ta' dan l-Att u ta' kull direttiva jew regolament magħmulin tahtu:

Izda kull min ikollu fil-pussess tiegħu xi bolli invalidati mill-Ministru kif hawn aktar qabel imsemmi, jista' f'kull żmien sa xahrejn wara d-data msemmija f'dak l-avviż, jikkunsinnahom lill-istess operatur postali, li għandu jibdilhom ma' bolli oħra validi ta' l-istess valur."

Emenda ta' l-
artikolu 37 ta' l-
Att prinċipali.

18. L-artikolu 16 ta' l-Att prinċipali għandu jkun emendat kif
gej:

(a) fis-subartikolu (1) tiegħu l-kliem "*il-Postmaster-General*" għandu jittratta b'dak l-oġġett postali b'dak il-mod li, fiċ-ċirkostanzi, jidhirlu xieraq." għandhom jiġu sostitwiti bil-kliem "l-operatur postali għandu jittratta b'dak l-oġġett postali b'dak il-mod li l-Awtorità, fiċ-ċirkostanzi, jidhriha xieraq."; u

(b) fis-subartikolu (3) tiegħu l-kliem "hekk kif jordna l-*Postmaster-General*," għandhom jiġu sostitwiti bil-kliem "mill-operatur postali hekk kif tordna l-Awtorità,".

Emenda ta' l-
artikolu 38 ta' l-
Att prinċipali.

19. Fl-artikolu 38 ta' l-Att prinċipali wara l-kliem "Il-Ministru" għandhom jidhlu l-kliem "wara li jikkonsulta ma' l-Awtorità".

Sostituzzjoni ta'
l-artikolu 39 ta'
l-Att prinċipali.

20. L-artikolu 39 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"39. L-Awtorità tista' tagħti direttivi li jistabbilixxu kull mod u hin li skondhom għandhom jiġu impustati u konsenjati oġġetti postali u b'mod partikolari jista' wkoll jistabbilixxi s-siġhat ċentrali li matulhom l-uffiċċji tal-posta jiftaħ għall-pubbliku."

Emenda ta' l-
artikolu 40 ta' l-
Att prinċipali.

21. L-artikolu 40 ta' l-Att prinċipali għandu jkun emendat kif
gej:

(a) fis-subartikolu (8) tiegħu l-kliem "ghoxrin lira" u "tliet liri" għandhom ikunu sostitwiti rispettivament bil-kliem "hamsin lira" u "ghaxar liri"; u

(b) fis-subartikolu (9) tiegħu l-frażi "*Postmaster-General*" kull fejn tinsab għandha tiġi sostitwita bil-kliem "operatur postali".

Emenda ta' l-
artikolu 42 ta' l-
Att prinċipali.

22. Fil-paragrafu (d) ta' l-artikolu 42 ta' l-Att prinċipali l-frażi "*Postmaster-General*" għanda tiġi sostitwita bil-frażi "operatur postali".

Emenda ta' l-
artikolu 43 ta' l-
Att prinċipali.

23. L-artikolu 43 ta' l-Att prinċipali għandu jkun emendat kif
gej:

(a) il-frażi "*Postmaster-General*" kull fejn tinsab f'dan l-artikolu għandha tiġi sostitwita bil-kliem "operatur postali"; u

(b) il-proviso li ġej għandu jidjed wara s-subartikolu (2) tiegħu:

"Izda kull azzjoni li tittiehed mill-operatur postali b'mod konformi mad-disposizzjonijiet ta' dan l-artikolu ghandha tkun tehtieg l-approvazzjoni bil-quddiem u bil-miktub ta' l-Awtorità."

24. L-artikolu 44 ta' l-Att prinċipali ghandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 44 ta' l-Att prinċipali.

"44. L-Awtorità tista' b'regolamenti tipprovdi dwar u xort'ohra tirregola t-tnehhija ta' oġġetti postali li ghal'xi raġuni jistghu ma jkunux ġew konsenjati."

25. L-artikolu 46 ta' l-Att prinċipali ghandu jkun emendat kif ġej:

Emenda ta' l-artikolu 46 ta' l-Att prinċipali.

(a) il-frazi "Kap. 215." fin-nota marginali għall-proviso tiegħu ghandha tkun sostitwita bil-frazi "Kap. 371."; u

(b) il-proviso tiegħu ghandu jiġi sostitwit b'dan li ġej:

"Izda meta persuna tkun giet nominata skond l-Att dwar il-Kummerċ Bankarju biex tiehu hsieb l-attiv ta' bank jew biex tassumi kontroll ta' l-attività ta' xi bank jew hekk kif tista' tkun ordnata mill-awtorità kompetenti skond l-Att dwar il-Kummerċ Bankarju, kull oġġett postali li jkun indirizzat lill-bank, soċjetà jew ditta li dwarhom dik il-persuna tkun mogħtija poteri taht dak l-Att, ghandu jiġi konsenjat lil dik il-persuna."

26. L-artikolu 47 ta' l-Att prinċipali ghandu jkun emendat kif ġej:

Emenda ta' l-artikolu 27 ta' l-Att prinċipali.

(a) fil-paragrafu (f) tas-subartikolu (2) tiegħu l-kliem "*mill-Postmaster-General*" ghandhom jiġu sostitwiti bil-kliem "mill-operatur postali bl-approvazzjoni minn qabel ta' l-Awtorità"; u

(b) is-subartikolu (3) tiegħu ghandu jiġi sostitwit b'dan li ġej:

"(3) Minkejja d-disposizzjonijiet tas-subartikolu (2)(g) għar-rigward ta' lotteriji li jsiru jew li huma permessi mill-Gvern, l-Awtorità tista' tordna lil xi operatur postali biex ma jibghatx barra mill-pajjiż xi oġġett postali għar-rigward ta' xi lotterija bhal dik kif hawn aktar qabel imsemmi jekk dak l-oġġett ma jkunx konformi ma' l-istruzzjonijiet li ghandhom x'jaqsmu ma' dan mahruġa minn awtorità kompetenti u komunikati lill-Awtorità; u

f'dak il-kaz l-operatur postali jista' jregga' lura l-oggett lill-mittent jew xort'ohra jagħmel minnu skond id-direttivi ta' l-Awtorità."

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

gej:

27. L-artikolu 48 ta' l-Att prinċipali għandu jkun emendat kif

(a) is-subartikolu (1) tiegħu għandu jkun sostitwit b'dan li ġej:

"(1) Bla hsara għad-disposizzjonijiet ta' dan l-Att, jekk l-Awtorità ikollha tassew taħseb li xi oggett postali li ma jkunx ittra magħluqa jkun ġie impustat jew mibgħut bil-posta bi ksur tad-disposizzjonijiet ta' l-artikolu 47, l-Awtorità tista' tordna li tali oggett postali jinżamm u jinfetaħ u jekk tkun sodisfatta li xi disposizzjonijiet ta' dak l-artikolu jkunu gew miksura, dak l-oggett jista' jiġi meqrud:

Izda meta l-Awtorità tkun sodisfatta li oggett postali li jkun indirizzat lil persuna legalment mahtura biex tipprovdi servizzi ta' xandir televiżiv f'Malta jkun jikkonsisti f'materjal awdjoviżiv li jkun ġie impustat jew mibgħut bil-posta unikament bil-ghan li jiġi mxandar fuq it-televiżjoni skond id-disposizzjonijiet ta' l-Att dwar ix-Xandir u ta' regolamenti magħmulin jew liċenza mahruġa kif hawn iktar 'il quddiem indikat, hija għandha, minkejja d-disposizzjonijiet ta' dan l-artikolu u ta' l-artikolu 47, tordna lill-operatur postali biex jikkonsenja dak l-oggett postali lill-persuna indirizzata mingħajr ebda eżami ieħor jew ċensura oħra.";

(b) is-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (5); u

(ċ) wara s-subartikolu (1) tiegħu għandhom jizdiedu dawn is-subartikoli ġodda li ġejjin:

"(2) Kull oggett postali li jkun hemm suspett serju dwaru li jkun ta' xorta sedizzjuża għandu hekk jinżamm, jinfetaħ u jsir minnu mill-operatur postali bl-approvazzjoni ta' l-Awtorità. Meta jagħmel dan l-operatur postali għandu wkoll jimxi skond kull liġi li tirrigwarda s-sedizzjoni f'dawk il-kazijiet, u d-disposizzjonijiet ta' dik il-liġi għandhom ikunu japplikaw.

(3) Kull oggett postali li jkun hemm suspett serju dwaru li jkun fih xi esploziv, sustanza perikoluża jew

xi haġ'ohra li tista' tesponi lil xi hadd għal feriment jista' jinżamm u jinfetħ mill-operatur postali u, jekk dan jinsab li jkun fib xi haġa kif hawn aktar qabel imsemmi, din għandha, bl-approvazzjoni ta' l-Awtorità, tiġi meqruda.

(4) Meta l-operatur postali jkollu tassew għaliex jahseb li xi oġġett postali jkun ġie impustat jew mibgħut bil-posta bi ksur tad-disposizzjonijiet ta' l-artikolu 47, l-operatur postali għandu jwaqqaf milli ssir il-konsenja ta' l-oġġett postali li jkollu suspett dwaru lill-persuna indirizzata u għandu jgħarraf lill-Awtorità b'dan kollu sal-ġurnata tax-xogħol li tiġi minnufih wara."

28. Fis-subartikolu (1) ta' l-artikolu 49 ta' l-Att prinċipali l-kliem ", magħduda kull gazzetta ," għandhom jithassru. Emenda ta' l-artikolu 49 ta' l-Att prinċipali.

29. Fl-artikolu 51 ta' l-Att prinċipali l-kliem "fuq it-talba tal-*Postmaster-General*, tingabar kif provdut fl-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili" għandhom jiġu sostitwiti bil-kliem "fuq it-talba ta' l-operatur postali, tingabar bħala dejn ċivili". Emenda ta' l-artikolu 51 ta' l-Att prinċipali.

30. Fl-artikolu 52 ta' l-Att prinċipali l-kliem "għandu jingabar daqslikieku kien pustagġ li kellu jithallas skond dan l-Att" għandhom jiġu sostitwiti bil-kliem "għandu minghajr preġudizzju għall-effett ta' xi ligi li skondha dak id-dazju kellu jithallas, jingabar ukoll daqslikieku kien pustagġ taht dan l-Att". Emenda ta' l-artikolu 52 ta' l-Att prinċipali.

31. Fl-artikolu 53 ta' l-Att prinċipali l-kliem "lill-Uffiċċju tal-Posta f'Malta," għandhom jiġu sostitwiti bil-kliem "lill-operatur postali". Emenda ta' l-artikolu 53 ta' l-Att prinċipali.

32. L-artikolu 54 ta' l-Att prinċipali għandu jkun emendat kif ġej: Emenda ta' l-artikolu 54 ta' l-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"33. (1) Kull kaptan ta' bastiment jew pilota ta' ajruplan li jkollu abbord xi oġġett postali jew valigġa postali li tkun mibgħuta lejn Malta għandu, minnufih kif jaasal f'xi port jew post f'Malta, jara li dak l-oġġett postali jew valigġa postali jiġu kkonsenjati lill-operatur postali li jkollu jedd jirċievi dak l-oġġett jew dik il-valigġa"; u

(b) fis-subartikolu (2) tiegħu l-kliem "il-fatt lill-*Postmaster-General*" għandhom jiġu sostitwiti bil-kliem "il-fatt lill-operatur postali involut".

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

33. Fl-artikolu 55 ta' l-Att prinċipali l-kliem "lill-Uffiċċju tal-Posta" ghandhom ikunu sostitwiti bil-kliem "lill-Awtorità".

Emenda ta' l-artikolu 57 ta' l-Att prinċipali.

34. Fis-subartikolu (1) ta' l-artikolu 57 ta' l-Att prinċipali wara l-kliem "Il-Ministru" ghandhom jidhlu l-kliem "wara li jikkonsulta ma' l-Awtorità".

Emenda ta' l-artikolu 58 ta' l-Att prinċipali.

35. L-artikolu 58 ta' l-Att prinċipali, ghandu jkun emendat kif ġej:

(a) fis-subartikolu (1) tiegħu il-kliem "bil-posta" ghandhom jiġu sostitwiti l-kliem "permezz ta' operatur postali"; u

(b) fis-subartikolu (2) tiegħu, l-kliem "minghand il-Gvern." ghandhom jiġu sostitwiti bil-kliem "minghand l-operatur postali".

Emenda ta' l-artikolu 59 ta' l-Att prinċipali.

36. Fl-artikolu 59 ta' l-Att prinċipali wara l-kliem "Il-Ministru" ghandhom jidhlu l-kliem "wara li jikkonsulta ma' l-Awtorità".

Emenda ta' l-artikolu 60 ta' l-Att prinċipali.

37. Fl-artikolu 60 ta' l-Att prinċipali l-kliem "dak l-ammont jista' jinhabar lura fuq it-talba tal-*Postmaster-General*, kif provdut fl-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili" ghandhom jiġu sostitwiti bil-kliem "dak l-ammont jista' jinġabar lura bhala dejn ċivili fuq it-talba ta' l-operatur postali".

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

38. Fl-artikolu 61 ta' l-Att prinċipali l-kliem "ma tkun tista' tittiehed ebda azzjoni kontra l-Gvern jew xi uffiċjal tal-Posta" ghandhom jiġu sostitwiti bil-kliem "ma tkun tista' tittiehed ebda azzjoni kontra l-Gvern, l-Awtorità jew xi uffiċjali tagħha, operatur postali jew xi uffiċjal ta' operatur postali".

Sostituzzjoni ta' l-artikolu 62 ta' l-Att prinċipali.

39. L-artikolu 62 ta' l-Att prinċipali ghandu jiġi sostitwit b'dan li ġej:

"62. (1) Kull min jipprovdi jew iħaddem xi servizzi postali mingħajr awtorizzazzjoni taht u skond id-disposizzjonijiet ta' dan l-Att jew bi ksur ta' xi kondizzjoni, restrizzjoni jew limitazzjoni imposta minn jew taht dan l-Att jew fl-istrument fejn ikun hemm l-awtorizzazzjoni jkun hati ta' reat taht dan l-Att u jehel multa ta' mhux aktar minn għaxart elef lira u fil-każ ta' reat kontinwat ta' mhux aktar minn mitt lira għal kull ġurnata li matulha jkompli r-reat:

Izda persuna wkoll titqies li tkun kisret id-disposizzjonijiet ta' dan is-subartikolu jekk dik il-persuna -

(a) twettaq xi servizz inċidentali għat-trasportazzjoni ta' oġġett postali bi ksur ta' dan is-subartikolu; jew

(b) tibgħat, tghaddi jew tikkonsenja sabiex jintbagħat, xi oġġett postali bi ksur ta' dan is-subartikolu; jew

(c) tiġbor flimkien għadd ta' oġġetti postali bil-ghan li tibgħathom bi ksur ta' dan is-subartikolu.

(2) Kull min jonqos milli jipprovdi dik l-informazzjoni li l-Awtorità tista' tehtieg skond dan l-Att, jew li jissupplixxi informazzjoni lill-Awtorità jew lill-Ministru li jkun jaf, jew ikollu tassew għaliex jahseb, li tkun falza jew qarrieqa, jew jimpedixxi jew jostruwixxi lill-Awtorità jew lill-Ministru, fil-qadi ta' xi funzjoni taht dan l-Att ikun hati ta' reat taht dan l-Att u jehel multa ta' mhux aktar minn għaxart elef lira jew prigunerija għal żmien mhux iżjed minn sitt xhur, jew sew għal dik il-multa u dik il-prigunerija flimkien.

(3) Kull min jattakka jew jostruwixxi jew jostakola lil xi ufficjal, impjegat jew agent ta' provditur awtorizzat fil-qadi ta' dmirijietu ma' provditur awtorizzat bħal dak ikun hati ta' reat taht dan l-Att, u għandu meta jinsab hati jehel multa ta' mhux aktar minn elf lira jew prigunerija għal żmien mhux iżjed minn xahar, jew dik il-multa u prigunerija flimkien.

(4) Mingħajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, kull min jikser jew jonqos milli jħares xi disposizzjoni ta' dan l-Att jew ta' regolamenti mghmulin jew direttivi mogħtijin tahtu ikun hati ta' reat kontra dan l-Att, u għandu meta jinsab hati jehel multa ta' mhux aktar minn elf lira u fil-każ ta' reat kontinwat multa ulterjuri ta' mhux iżjed minn mitt lira għal kull gurnata li matulha jkompli r-reat."

40. Dawn l-artikoli godda li ġejjin 63 u 64 għandhom jiżdiedu wara l-artikolu 62 ta' l-Att prinċipali:

"L-Awtorità tista' tissoġġendji jew tirrevoka liċenża, eċċ.

63. B'żieda u mingħajr preġudizzju għal kull piena li tista' tiġi mogħtija taht id-disposizzjonijiet ta' dan l-Att, l-Awtorità tista' tissoġġendji jew tirrevoka liċenża jew awtorizzazzjoni maħruġa favur xi operatur postali skond dan l-Att jew regolamenti magħmulin tahtu, meta l-operatur postali jkun kiser għal diversi drabi xi disposizzjoni ta' dan l-Att jew xi regolament jew direttiva magħmulin tahtu.

Żieda ta' artikoli godda 63 u 64 ma' l-Att prinċipali.

Proċedimenti għal reati.

64. (1) M'għandhom jinbdew ebda proċedimenti għal xi reat taht dan l-Att minghajr il-kunsens bil-miktub ta' l-Awtorità jew fuq talba tagħha.

Kap. 9.

(2) Minkejja kull haġa li tinsab fil-Kodiċi Kriminali, jkun jista' jsir appell quddiem il-qorti ta' ġurisdizzjoni kompetenti mill-prosekuzzjoni kontra sentenza li tingħata fi proċedimenti dwar xi reat taht dan l-Att.

(3) L-Awtorità tista' tassisti jew tmexxi fil-prosekuzzjoni ta' reati taht dan l-Att jew taht regolamenti magħmulin tahtu."

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

41. Fl-artikolu 65 ta' l-Att prinċipali l-kliem "hamsin lira" għandhom jiġu sostitwiti bil-kliem "mitejn lira".

Emenda ta' l-artikolu 66 ta' l-Att prinċipali.

42. Fis-subartikolu (1) ta' l-artikolu 66 ta' l-Att prinċipali l-kliem "mitt lira" għandhom jiġu sostitwiti bil-kliem "hames mitt lira".

Emenda ta' l-artikolu 67 ta' l-Att prinċipali.

43. Fl-artikolu 67 ta' l-Att prinċipali l-kliem "hatja, prigunerija għal żmien ta' mhux iżjed minn tliet xhur jew multa jew dik il-prigunerija u multa" għandhom jiġu sostitwiti bil-kliem "hatja, multa ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux iżjed minn tliet xhur jew dik il-multa u prigunerija."

Sostituzzjoni ta' l-artikolu 68 ta' l-Att prinċipali.

44. L-artikolu 68 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"68. Kull min minghajr ebda awtorità legittima juża xi sigill jew strument li jintuża mill-Awtorità jew minn operatur postali biex jimmarka xi bolla għandu meta jinsab hati jehel multa ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux iżjed minn tliet xhur jew dik il-multa u prigunerija flimkien."

Emenda ta' l-artikolu 69 ta' l-Att prinċipali.

45. Fl-artikolu 69 ta' l-Att prinċipali l-kliem "mill-Uffiċċju tal-Posta" għandhom jiġu sostitwiti bil-kliem "minghand operatur postali".

Emenda ta' l-artikolu 70 ta' l-Att prinċipali.

46. Fl-artikolu 70 ta' l-Att prinċipali l-kliem "hamsin lira" għandhom jiġu sostitwiti bil-kliem "mitejn lira".

Emenda ta' l-artikolu 71 ta' l-Att prinċipali.

47. Fl-artikolu 71 ta' l-Att prinċipali l-kliem "mitt lira" għandhom jiġu sostitwiti bil-kliem "hames mitt lira".

Emenda ta' l-artikolu 72 ta' l-Att prinċipali.

48. Fl-artikolu 72 ta' l-Att prinċipali l-kliem "lill-Uffiċċju tal-Posta, xi oġġett postali fil-jedd esklużiv mogħti lill-Postmaster-General bl-artikolu 5 tehel, meta tinsab hatja, multa ta' mhux iżjed

minn mitt lira" għandhom jiġu sostitwiti bil-kliem "lill-operatur postali involut, xi oġġett postali jehel, meta jinsab hati, multa ta' mhux iżjed minn hames mitt lira".

49. Fl-artikolu 73 ta' l-Att prinċipali l-kliem "lill-*Postmaster-General*" u "mitt lira" għandhom ikunu sostitwiti rispettivament bil-kliem "lill-operatur postali" u "hames mitt lira".

Emenda ta' l-artikolu 73 ta' l-Att prinċipali.

50. Fl-artikolu 75 ta' l-Att prinċipali l-kliem "mitt lira" għandhom jiġu sostitwiti bil-kliem "hames mitt lira".

Emenda ta' l-artikolu 75 ta' l-Att prinċipali.

51. Fl-artikolu 77 ta' l-Att prinċipali l-kliem "dmirijietu fl-Uffiċċju tal-Posta" għandhom jiġu sostitwiti bil-kliem "dmirijietu ma' l-operatur postali".

Emenda ta' l-artikolu 77 ta' l-Att prinċipali.

52. Fl-artikolu 78 ta' l-Att prinċipali l-kliem "ta' l-Uffiċċju tal-Posta" għandhom jiġu sostitwiti bil-kliem "tal-provditur ta' servizz universali".

Emenda ta' l-artikolu 78 ta' l-Att prinċipali.

53. Dawn l-artikoli godda li ġejjin 80 u 81 għandhom jiżdedu wara l-artikolu 79 ta' l-Att prinċipali:

Zieda ta' artikoli godda 80 u 81 ma' l-Att prinċipali.

*Disposizzjonijiet transitorji.

80. (1) Il-liċenza mahruġa mill-Ministru lil Maltapost p.l.c. b'seħħ mill-1 ta' Mejju, 1998 taht dan l-Att għandha, minkejja t-thassir ta' xi disposizzjonijiet ta' dan l-Att fis-seħħ fil-waqt tal-ħruġ ta' dik il-liċenza, tkompli fis-seħħ bla hsara għad-disposizzjonijiet ta' dan l-Att kif dawn jistgħu jiġu emendati minn żmien għal żmien u sakemm isiru dwar il-liċenza dawk il-modifiki, adattamenti u limitazzjonijiet hekk kif il-Ministru, wara li jikkonsulta ma' l-Awtorità, jista' jqis li jkunu meħtieġa jew xierqa għal dak il-ghan.

(2) Kull modifika, adattament u limitazzjoni għall-liċenza mogħtija lil Maltapost p.l.c. fis-seħħ mill-1 ta' Mejju, 1998 għandhom isiru mill-Ministru, wara li jikkonsulta ma' l-Awtorità, u għandhom ikunu preskritti skond l-artikolu 81.

(3) Kull ordni, regolament jew avviż legali mahruġa skond xi disposizzjoni ta' dan l-Att u fis-seħħ fl-1 ta' Mejju, 1998 għandhom minkejja t-thassir ta' xi disposizzjonijiet ta' dan l-Att, ikomplu fis-seħħ u jkollhom effett sakemm jiġu emendati jew imħassrin skond l-artikolu 81.

Setgħa li jsiru
regolamenti.

81. (1) Il-Ministru jista', wara li jikkonsulta ma' l-Awtorità, jagħmel regolamenti dwar xi waħda mill-funzjonijiet ta' l-Awtorità jew sabiex id-disposizzjonijiet ta' dan l-Att ikunu jistgħu jitwettqu aħjar.

(2) Mingħajr preġudizzju għall-generalità tal-poter hawn aktar qabel imsemmi dawk ir-regolamenti jistgħu b'mod partikolari jkunu jipprovdu -

(a) dwar kull haġa dwar liċenzi u awtorizzazzjonijiet oħra taħt dan l-Att, inkluż l-għemil ta' drittijiet u ta' proċeduri ta' reġistrazzjoni u dikjarazzjoni;

(b) dwar l-inqas livelli li għandhom jiġu adottati fil-provdiment ta' servizzi postali inklużi l-qisien ta' kaxxi postali u xquq li minnhom isir l-impustar u dak kollu li jirrigwarda s-saħħa u s-sigurezza, u fil-kuntest ta' "servizz bażiku minn hwienet" għall-bdil tal-htigiet rigward l-inqas servizzi postali li għandhom jiġu provduti;

(c) dwar l-aħjar protezzjoni ta' l-interessi ta' utenti tas-servizzi postali u sabiex jiġu stabbiliti l-kriterji jew il-proċeduri li għandhom jiġu segwiti mill-operaturi postali fit-trattament ta' l-ilmenti;

(d) dwar kif tiġi żgurata l-kompetizzjoni ġusta f'kull pratka, hidma u attività għar-rigward ta' servizzi postali;

(e) dwar kif għandha ssir ir-riċerka jew l-investigazzjoni fuq kull haġa għar-rigward ta' servizzi postali regolati minn jew taħt dan l-Att u l-provdiment ta' informazzjoni, l-ħruġ ta' direttivi jew linji direttivi għall-pubbliku, għall-operaturi, u għal entijiet kummerċjali dwar kwistjonijiet li jirrigwardaw is-servizzi postali;

(f) dwar kif ikun hemm konformità ma' xi obligazzjoni internazzjonali li jkollu l-Gvern dwar xi aspett tas-servizzi postali regolat minn jew taħt dan l-Att;

(g) dwar kif jiġi regolat xi aspett tas-servizzi postali inklużi l-hin, il-mod, il-post u l-kondizzjonijiet li bihom jew taħthom dawk is-servizzi għandhom ikunu pprovduti;

(h) dwar kif għandha tiġi preskritta l-informazzjoni li għandha tinzamm minn xi operatur postali taht dan l-Att u l-provdiment ta' informazzjoni statistika minn dawk l-operaturi;

(i) dwar kif għandu jsir xi depożitu jew l-ghoti ta' xi garanzija li tiżgura t-twettiq ta' xi obbligazzjoni minn kull min ikollu dik l-obbligazzjoni imposta bħala kondizzjonj ta' xi liċenza jew awtorizzazzjoni taht dan l-Att;

(j) dwar kif jiġi stabbilit bord biex jaġhti pariri lill-Ministru fuq dak kollu li jirrigwarda s-servizzi postali, inkluża kull haġa għar-rigward tal-hruġ, id-disinn jew kull haġ'ohra li tirrigwarda l-bolli postali;

(k) dwar kif jiġu stabbiliti l-kriterji li abbażi tagħhom gruppi ta' utenti ta' servizzi postali jistghu jiġu rikonoxxuti skond id-disposizzjonijiet ta' dan l-Att;

(l) dwar kif l-Awtorità ikollha l-poter li timponi penali amministrattivi jew sanzjonijiet fuq operatur postali li jaġixxi bi ksur ta' xi disposizzjoni ta' dan l-Att jew ta' regolamenti jew direttivi magħmulin tahtu:

Izda l-penali amministrattivi li jkun hemm provdut dwarhom b'regolamenti jew direttivi magħmulin taht dan l-artikolu m'għandhomx jeċċedu l-ammont ta' elf lira għal kull reat u mitt lira għal kull gurnata li matulha jibqa' għaddej in-nuqqas li jiġu osservati d-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu jew ta' xi awtorizzazzjoni;

(m) dwar kif jiġi preskritt li kull min jaġixxi bi ksur ta' xi regolament magħmul taht l-Att ikun hati ta' reat u biex isiru l-pieni li dik il-persuna tkun tista' tehel:

Izda ebda piena bħal dik m'għandha tkun ikbar minn multa ta' iżjed minn elf lira;

(n) dwar kif jiġi preskritt il-mod li bih avviż, strument, att jew dokument li jkunu meħtieġa jew awtorizzati minn jew taht dan l-Att jistghu jiġu notifikati jew mogħtija;

(o) dwar kif tiġi preskritta kull haġa li tista' tkun jew tkun meħtieġa li tkun preskritta b'dan l-Att."

Emenda għall-Ewwel Skeda li tinsab ma' l-Att prinċipali.

54. Fil-paragrafu (a) ta' l-Ewwel Skeda li tinsab ma' l-Att prinċipali, il-kliem "fl-Uffiċċju tal-Posta" għandhom jiġu sostitwiti bil-kliem "fis-servizz postali".

Emenda tat-Tieni Skeda li tinsab ma' l-Att prinċipali.

55. It-Tieni Skeda li tinsab ma' l-Att prinċipali għandha tkun emendata kif ġej:

(a) fil-paragrafu (2) tar-regola 1 il-kliem "uffiċjal tad-Dipartiment tal-Posta" għandhom jiġu sostitwiti bil-kliem "uffiċjal fis-servizz pubbliku";

(b) fil-paragrafu (3) tar-regola 4 l-kliem "fl-Uffiċċju Ġenerali tal-Posta, il-Belt Valletta" u "għad-disposizzjoni fl-Uffiċċju Ġenerali tal-Posta" għandhom ikunu sostitwiti rispettivament bil-kliem "f'dak l-indirizz li l-Ministru jista' b'avviż fil-Gazzetta jstabbilixxi", u "għad-disposizzjoni f'dak l-indirizz li l-Ministru jista' b'avviż fil-Gazzetta jstabbilixxi";

(ċ) fil-paragrafu (5) tar-regola 4 l-kliem "kemm il-*Postmaster-General* kif ukoll l-appellant" għandhom jiġu sostitwiti bil-kliem "l-Awtorità, l-operatur postali involut skond il-każ u l-appellant";

(d) fil-paragrafu (6) tar-regola 4 l-kliem "lill-*Postmaster-General* u lill-appellant:" u "lill-*Postmaster-General* u lid-destinatarju" għandhom rispettivament ikunu sostitwiti bil-kliem "lill-Awtorità, lill-operatur postali involut skond il-każ u lill-appellant" u "lill-Awtorità, lill-operatur postali skond il-każ u lid-destinatarju";

(e) fil-paragrafu (7) tar-regola 4 l-kliem "il-*Postmaster-General* għandu minnufih jehles l-istampat" għandhom jiġu sostitwiti bil-kliem "l-Awtorità għandha minnufih tordna l-helsien ta' l-istampat";

(f) fil-paragrafu (1) tar-regola 6 l-kliem "il-*Postmaster-General* ma għandux jeżerċita s-setgħat tiegħu li jzommhom" għandhom jiġu sostitwiti bil-kliem "l-Awtorità m'għandhiex teżerċita s-setgħat tagħha meta tkun qed tordna ż-żamma tagħhom".

Żieda tat-Tielet Skeda li tinsab ma' l-Att prinċipali.

56. Wara t-Tieni Skeda li tinsab ma' l-Att prinċipali għandu jiżdied dan li ġej:

"IT-TIELET SKEDA

(Artikolu 23)

Proċeduri ta' kontijiet

1. Bla ħsara għall-artikolu 23 ta' dan l-Att u skond direttivi stipulati mill-Awtorità, l-provditur ta' servizz universali għandu jżomm kontijiet separati fis-sistema ta' kontijiet li juża, għal kull wiehed mis-servizzi fis-settur riservat min-naħa waħda u fis-settur mhux riservat min-naħa l-oħra. Il-kontijiet għas-settur mhux riservat għandu jkun jiddistingwi b'mod ċar bejn servizzi li huma parti mis-servizz universali u servizzi li ma jkunux. Tali sistemi tal-kontijiet internj għandhom joperaw abbażi ta' prinċipji ta' kontijiet msejsa fuq in-nefqa li jkunu applikati konsistentement u ġustifikabbli oggettivament.

2. Is-sistema ta' kontijiet imsemmi fil-paragrafu 1 għandha, mingħajr preġudizzju għall-paragrafu 3, talloka l-ispejjeż lil kull settur tas-servizzi riservat u mhux riservat rispettivament bil-mod li ġej:

(a) l-ispejjeż li jistgħu ikunu direttament assenjati lil xi servizz partikolari għandhom ikunu hekk assenjati;

(b) l-ispejjeż komuni, jiġifieri dawk l-ispejjeż li jistgħu ma jkunux direttament assenjati lil xi servizz partikolari, għandhom ikunu allokati kif ġej:

(i) kull meta jkun possibbli, l-ispejjeż komuni ikunu allokati abbażi ta' l-analiżi diretta ta' l-orijini ta' l-ispejjeż infushom;

(ii) meta ma tkunx possibbli l-analiżi diretta, għandhom jiġu allokati kategoriji ta' spejjeż komuni abbażi ta' rabta indiretta lil xi kategorija ta' spejjeż oħra jew grupp ta' kategoriji ta' spejjeż li dwarhom ikunu possibbli assenjament jew allokazzjoni diretti; ir-rabta indiretta għandha tkun imsejsa fuq strutturi ta' spejjeż komparabbli;

(iii) meta la l-miżuri diretti u lanqas dawk indiretti ta' allokazzjoni ta' spejjeż ma tkun tista' tinsab, il-kategorija ta' spejjeż għandha tkun allokata abbażi ta' allokatur ġenerali li jiġi komputat billi jintuża l-proporzjon ta' l-ispejjeż kollha direttament jew indirettament assenjati jew allokati, min-naħa waħda, għal kull wiehed mis-servizzi riservati u , min-naħa l-oħra, għas-servizzi l-oħra.

3. Sistemi oħra ta' kontijiet ta' l-ispejjeż jistgħu jkunu applikati biss jekk ikunu kompatibbli mal-paragrafu 1 u jkunu ġew

approvati bil-quddiem u bil-miktub mill-Awtorità.

4. Il-provditur ta' servizz universali għandu jhares xi wahda mis-sistemi ta' kontijiet ta' l-ispejjeż deskritti fil-paragrafi 1 u 2 li jkunu verifikati minn awdituri mqabba mill-provditur u l-provditur għandu jippubblika dikjarazzjoni li tkun tirrigwarda l-konformità f'zewġ gazzetti ta' kuljum mill-inqas darba fis-sena kalendarja.

5. L-Awtorità għandha zzomm disponibbli, sa tali livell ta' dettall li jkun adatt, informazzjoni fuq is-sistemi ta' kontijiet ta' l-ispejjeż applikati mill-provditur ta' servizz universali.

6. L-Awtorità tista' titlob lill-provditur ta' servizz universali li jipprova, b'mod konfidenzjali, informazzjoni dwar il-kontijiet dettaljata li toriġina minn dawk is-sistemi ta' kontijiet ta' l-ispejjeż."

SKEDA SKOND L-ARTIKOLU 2(2) TA' DAN L-ATT

Enumerazzjoni mill-ġdid ta' l-artikoli

Kif fis-sehh fl-1 ta' Lulju, 2001 Kif enumerati mill-ġdid b'dan l-Att

1	1
2	2
3	3
4	4
-	5
-	6
-	7
-	8
-	9
-	10
-	11
-	12
-	13
-	14
5	(deleted)
5A	(deleted)
5B	(deleted)
5C	15
6	16

-	17
-	18
-	19
-	20
-	21
-	22
-	23
-	24
-	25
-	26
-	27
-	28
7	29
8	(deleted)
9	30
10	31
11	32
12	33
13	34
14	35
15	36
16	37
17	38
18	39
19	40
20	41
21	42
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40	61
41	62
-	63
-	64
42	65
43	66
44	67
45	68
46	69
47	70
48	71
49	72
50	73
51	74
52	75
53	76
54	(deleted)
55	77
56	(deleted)
57	78
58	79
-	80
-	81

Għanijiet u Raġunijiet.

L-għanijiet ta' dan l-Abbozz huma biex tiġi aġġornata l-leġislazzjoni kurrenti rigward servizzi postali, billi tinholq awtorità regolatorja ġdida biex tissorvelja u tiżgura konformità mad-disposizzjonijiet ta' dan l-Att.

A BILL
entitled

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. (1) The short title of this Act is the Post Office (Amendment) Act, 2001, and this Act shall be read and construed as one with the Post Office Act hereinafter referred to as the "principal Act".

Title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for postal services may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

2. (1) Articles 5, 5A, 5B, 8, 54 and 56 of the principal Act, as in force on 1st July, 2001, shall be deleted.

Deletion and renumbering of articles of the principal Act as amended up to, and in force on, 1st July, 2001.

(2) The articles of the principal Act as amended up to, and in force on, 1st July, 2001, shall be renumbered as appears in the Schedule to this Act.

(3) Any reference to an article in the principal Act as in force on the 1st July, 2001, shall be deemed and construed to be a reference to the article as renumbered by this Act, and the principal Act is hereby amended accordingly.

(4) References in this Act to an article are references to the relative article as renumbered in virtue of subarticle (2) of this article.

Amendment of short title and other parts of the principal Act.

3. (1) The short title of the principal Act shall be deleted and substituted by the words "Postal Services Act".

(2) In the long title of the principal Act, the words "to the Post Office and" shall be deleted.

(3) The Arrangement of Act of the principal Act shall be deleted and substituted by the following:

"ARRANGEMENT OF ACT

		Articles
Part I	Preliminary	1 - 2
Part II	Regulation and Administration of Postal Services	3 - 30
Part III	Inland Post	31
Part IV	Foreign Post	32 - 35
Part V	Postage Stamps	36 - 38
Part VI	Transmission and Delivery of Postal Articles	39 - 46
Part VII	Prohibition	47 - 49
Part VIII	Recovery of Postage Due	50 - 53
Part IX	Ship or Air Mails	54 - 56
Part X	Money and Postal Orders	57 - 61
Part XI	Offences and Penalties	62 - 76
Part XII	General Provisions	77 - 81

SCHEDULES

First Schedule	Declaration
Second Schedule	Printed Matter Appeals Board
Third Schedule	Accounting procedures".

(4) In article 1 of the principal Act, for the words "Post Office Act" there shall be substituted the words "Postal Services Act".

Amendment of article 2 of the principal Act.

4. Article 2 of the principal Act shall be amended as follows:-

(a) immediately before the definition of "fictitious stamp" there shall be inserted the following new definitions:

"access points" means physical facilities, including letter boxes provided for the public either on streets, public way or at the premises of the postal operator, where postal articles may be deposited with the public postal network by customers;

"article of correspondence" means a communication in written form on any kind of physical medium to be conveyed and delivered at the address indicated by the sender on the article itself or on its wrapping but does not include books, catalogues,

newspapers and periodicals;

"authorisation" includes any licence issued under this Act to operate or provide postal services and includes general authorisations and individual licences as defined under this article;

"authorised provider" means any person who holds a valid licence or authorisation to operate or provide postal services;

"Authority" means the Malta Communications Authority established under the Malta Communications Authority Act; Cap. 418.

"basic counter service" means a network of access points distributed throughout Malta providing postal services including the sale of stamps, registration of mail, parcel collection and delivery;

"clearance" means the operation of collecting postal articles deposited at access points;

"cross-border mail" means mail to or from another country;

"customs duty" includes value added tax or any other tax where payable upon importation;

"data protection" includes personal data protection, the confidentiality of information transmitted, shared or stored, and protection of privacy;

"direct mail" means a communication consisting solely of advertising, marketing or publicity material and comprising an identical message, except for the addressee's name, address and identifying number as well as other modifications which do not alter the nature of the message, which is sent to a significant number of addressees, to be conveyed and delivered at the address indicated by the sender on the article itself or on its wrapping and includes cross-border as well as inland mail. Bills, invoices, financial statements or other non-identical messages and communications combining direct mail with other articles within the same wrapping shall not be included as direct mail;

"distribution" means the process from sorting at the

distribution centre to delivery of postal articles to their addressees;

"document exchange" means provision of means, including the supply of *ad hoc* premises as well as transportation by a third party, allowing self-delivery by mutual exchange of postal articles between users subscribing to this service;

"essential requirements" means general non-economic reasons which can induce the Government to impose conditions on the supply of postal services. Such reasons are the confidentiality of correspondence, security of the network as regards the transport of dangerous goods and, where justified, data protection, environmental protection and regional planning;"

(b) immediately after the definition of "Gazette" there shall be inserted the following new definition:

"general authorisation" means an authorisation which does not require that the postal operator concerned obtain an explicit decision by the Authority before exercising the rights stemming from the authorisation, irrespective of whether such authorisation is granted to all persons or persons of a class and of whether the authorisation requires registration or declaration procedure;"

(c) immediately after the definition of "Government" there shall be inserted the following new definition:

"individual licence" means an authorisation which is granted by the Authority and which gives a person specific rights or which subjects that person's operations to specific obligations granted where the person concerned is not entitled to exercise the said rights before a decision is given by the Authority;"

(d) immediately after the definition of "inland" there shall be inserted the following new definitions:

"insured article" means a service insuring a postal article up to the value declared by the sender in the event of loss, theft or damage;

"interested parties" includes licensed postal service operators, manufacturers, registered consumer associations registered in accordance with the Consumer Affairs Act and any postal users' groups duly recognised as such by the Authority which groups must satisfy any criteria that the Authority with the consent of the Minister may by notice in the Gazette prescribe;" Cap. 378.

(e) immediately after the definition of "letter" there shall be added the following new definition:

""letter-box" includes every pillar box, wall box, and every other box or receptacle provided under the permission of the Authority for the purpose of receiving postal articles;"

(f) for the definition of "mail ship", there shall be substituted the following:

""mail ship" means any ship or aircraft employed for the conveyance of mail, pursuant to a contract or arrangement made by a postal operator or by an entity performing similar functions in another country;"

(g) the definition of "officer of the Post Office" shall be deleted;

(h) after the definition of "Minister" there shall be inserted the following new definition:

""officer of a postal operator" includes every person employed in any business carried by a postal operator or is acting for or on behalf of a postal operator;"

(i) for the definition of "Post Office", there shall be substituted the following:

""post office" includes any branch or subdivision of a postal operator, and any house, building, room, vehicle, place or device used for the purposes of the postal operator, and any letter-box;"

(j) the definition of "post office letter box" shall be deleted;

(k) in the definition of the word "postage" the words "the duty" shall be substituted by the words "the fees";

(l) for the definition of the words "postal article" there shall be substituted the following:

"postal article" means an article addressed in the final form in which it is to be carried by a postal operator. In addition to articles of correspondence, such articles also include, books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value;"

(m) after the definition of "postal article" there shall be inserted the following new definitions:

"postal operator" means any person licensed to supply postal services in Malta and between Malta and other countries and includes any person who carries on within or outside Malta any business or activity relating to postal services including any services that are ancillary to postal services;

"postal services" means services involving the clearance, sorting, transport and delivery of postal articles;

"Postal Services Appeals Board" and "Appeals Board" means the Postal Services Appeals Board established under article 4;"

(n) the definition of "Post-Master" shall be deleted;

(o) after the definition of "postcard" there shall be inserted the following new definitions:

"prescribed" means prescribed by regulations made under this Act;

"printed matter" includes any newspaper and any record, tape, film or other means whereby words or visual images may be heard, perceived or reproduced;"

(p) after the definition of "prohibited" there shall be inserted the following new definitions:

"public postal network" means the system of organisation and resources of all kinds used by the universal service provider for the purposes in particular of:

(i) the clearance of postal articles covered by a universal service obligation from access points

throughout Malta,

(ii) the routing and handling of those articles from the postal network access point to the distribution centre,

(iii) distribution to the addresses shown on articles;

"registered article" means a service providing a flat-rate guarantee against risks of loss, theft or damage and supplying the sender, where appropriate upon request, with proof of the handing in of the postal article or of its delivery to the addressee;

"sender" means a legal or natural person responsible for originating postal articles;

"terminal dues" means the remuneration of the universal service provider for the distribution of incoming cross-border mail comprising postal articles from another country;

"universal service provider" means the public or private entity providing the universal postal service within Malta as may be designated by the Minister by notice in the Gazette;

"users" means any legal or natural person benefiting from universal service provision as a sender or an addressee;

"working day" means a day which is not a Sunday or public holiday;"

5. (a) The word "Postmaster-General" wherever it occurs in the principal Act, unless provided otherwise in this Act, shall be substituted by the word "Authority".

Substitution of certain words in the principal Act.

(b) The words "the Post Office" wherever they occur in the principal Act, unless otherwise provided in this Act, shall be substituted by the words "a post office", and the words "officer of the Post Office" wherever they occur in the principal Act, unless provided otherwise in this Act, shall be substituted by the words "officer of a postal operator".

Substitution of heading to Part II of the principal Act.

6. The heading to Part II of the principal Act shall be substituted by the following: "REGULATION AND ADMINISTRATION OF POSTAL SERVICES".

Substitution of article 3 of the principal Act.

7. Article 3 of the principal Act shall be substituted by the following:

"Regulatory authority.

3. (1) The Authority is designated as the competent regulatory authority for the postal sector and shall monitor and ensure compliance with this Act and any regulations made thereunder.

(2) The Authority shall interpret the term "significant number of addressees" in relation to direct mail and publish by notice in the Gazette an appropriate definition from time to time.

(3) For the purposes of its functions under this Act or any regulations made thereunder the Authority may:

(a) require any postal operator to provide any information as the Authority may require;

(b) enter and search any premises where postal operations may be conducted other than premises used exclusively as a place of residence. No entry and search shall be conducted between seven in the evening and seven in the morning;

Provided that when required, the officer of the Authority, in undertaking such functions, shall produce a written authorisation signed by the Chairman of the Authority. The Authority may furthermore request the assistance of the Police in the performance of such functions."

Substitution of article 4 of the principal Act.

8. Article 4 of the principal Act shall be substituted by the following:

"Postal Services Appeal Board.

4. (1) There shall be a Postal Services Appeals Board, consisting of three members, of whom one, who shall be the chairperson, shall be a person who has practised as an advocate for not less than seven years.

(2) The members of the Appeals Board shall be appointed by the Prime Minister for a period not exceeding three years, and shall be eligible for re-appointment.

(3) A person shall not be qualified to be appointed as, or to remain a member of the Appeals Board if he is a serving judge or magistrate or a member of the House of Representatives or of a Local Council or a public officer.

(4) A member of the Appeals Board shall be disqualified from hearing an appeal in such circumstances as would disqualify a judge in a civil suit; and in any such case he shall be substituted by another person appointed for the purpose by the Prime Minister.

(5) A member of the Appeals Board may be removed from office by the Prime Minister on the grounds of gross negligence, conflict of interest, incompetence, or acts or omissions unbecoming a member of the Appeals Board.

(6) The Minister shall designate a person to serve as secretary to the Appeals Board and such person shall serve in such capacity in accordance with ethical standards which conform to public service values."

9. The following new articles 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 shall be added after article 4 of the principal Act:

Addition of new articles 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 to the principal Act.

"Functions and procedure of the Postal Services Appeal Board.

5. (1) The Appeals Board shall have jurisdiction to hear and determine all appeals made to it in accordance with the provisions of this Act and in such cases as may be prescribed.

(2) An appeal to the Appeals Board may be filed on any of the following grounds -

(a) that a material error as to the facts has been made;

(b) that there was a material procedural error;

(c) that an error of law has been made;

(d) that there was some material illegality, including unreasonableness or lack of proportionality.

(3) The Appeals Board shall give reasons for its decision and shall cause such decisions to be made public.

(4) In determining an appeal under this article the Appeals Board may:

(a) dismiss the appeal;

(b) annul the decision,
and where the Appeals Board annuls the decision it may refer the matter to the Authority or the Minister (as the case may be) with a direction to reconsider it and reach a decision in accordance with the findings of the Appeals Board.

(5) The effect of a decision to which an appeal relates shall not, except where the Appeals Board or the Court of Appeal (Inferior Jurisdiction), as the case may be, so orders, be suspended in consequence of the bringing of the appeal.

(6) In the exercise of its functions, the Appeals Board may summon any person to appear before it and give evidence and produce documents; and the chairperson shall have the power to administer the oath. The Appeals Board may also appoint experts to advise it on any technical issue that may be relevant to its decision.

(7) For the purpose aforesaid the Appeals Board shall have the same powers as are competent to the First Hall, Civil Court according to law.

(8) The procedure to be followed before the Appeals Board, the time within which and the manner in which an appeal to the Board is to be made shall be such as may be prescribed; and subject thereto and to any other applicable provision of this Act, the Board may establish its own procedure.

Appeal to the
Court of Appeal
(Inferior
Jurisdiction).

6. (1) Any party to an appeal before the Appeals Board who feels aggrieved by a decision of the Board, or the Authority if it feels dissatisfied with any such decision, may on a question of law appeal to the Court of Appeal (Inferior Jurisdiction) by means of an application filed in the registry of that court within thirty days from the day when the decision is delivered by the Appeals Board.

(2) The Minister responsible for justice may by regulations under this subarticle establish fees payable in the registry of the court for the filing of judicial acts under this article in the Court of Appeal (Inferior Jurisdiction):

Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

Requirement of
authorisation for
postal services.

(3) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing applications under this article.

7. (1) No person shall provide postal services in Malta unless he is an authorised provider.

(2) An authorisation granted to a person under this Act shall not relieve such person from the requirement of any other licence or other authorisation, or from any obligation arising under any other law.

(3) The provisions of this article shall not be contravened by any activities listed as being exempt from the said provisions in regulations which the Minister after consultation with the Authority may from time to time prescribe.

Licences and
general
authorisations.

8. (1) A licence to operate or provide postal services may be granted -

(a) by the Authority; or

(b) in accordance with a general authorisation issued by the Authority and subject to verification by the Authority that the conditions of the general authorisation have been satisfied,

for the operation of any postal services as is specified in the licence or is of a description so specified.

(2) A licence granted under this article shall be in writing and, unless previously revoked in accordance with any term therein contained, shall continue in force for such period as may be specified in or determined by or under the licence.

(3) A licence granted under this Act may be granted either in the form of a general authorisation to all persons or to persons of a class or in the form of an individual licence to a particular person.

(4) In accordance with the provisions of this Act a licence granted under this article may authorise the provision of any type or form of postal services as may be specified or described in the licence.

(5) A licence granted under this Act may include -

(a) such conditions (whether relating to the postal services to which the licence relates or otherwise) as appear to the Authority to be requisite or expedient having regard to the duties of the Authority and to the international obligations of Malta;

(b) conditions requiring the payment to the Authority of a fee on the grant of the licence or of payments during the currency of the licence or both, which fee or payments shall be of such amount or amounts (which may also be determined by reference to the licensee's income, sales or turnover) as may be determined in the licence;

(c) in the case of a licence granted to all persons or to persons of a class, conditions requiring any person or any person who falls within the class of persons to which the licence relates, to notify the Authority of his intention to run postal services under that licence;

(d) conditions requiring the licensee to comply with any directives given by the Authority as to matters stated in the licence;

(e) conditions requiring the licensee to do or not to do such things as may be specified in the licence;

(f) conditions obliging the licensee to refer for determination by the Authority such questions arising under the licence as are specified in the licence;

(g) such other conditions as may be prescribed.

Grant or refusal of
authorisation.

9. (1) The Authority shall complete its investigations within a reasonable time or within such time as may be prescribed and shall thereupon report to the Minister recommending whether the authorisation applied for is to be granted or not.

(2) If the recommendation is that an authorisation is to be granted, and the Minister agrees with the recommendation, the Authority shall approve the application and grant the licence under the Minister's signature.

(3) If the Authority is of the opinion that the application should be refused for any of the reasons set out in article 10, it shall inform the Minister accordingly and refuse the authorisation.

(4) If the Authority recommends that the application be approved but the Minister disagrees with such recommendation on any of the grounds indicated in article 10, the application shall be refused.

(5) Decisions of the Authority and of the Minister made in pursuance of this article shall include reasons for the decision and shall be published in the Gazette.

(6) The Authority shall inform the applicant of its decision to grant or refuse an authorisation within twelve weeks from the date when it receives the application in a complete state and drawn up in a manner that complies with the provisions of this Act:

Provided that such period may be extended to up to six months in the following cases:

(a) where there is disagreement between the decision of the Authority and that of the Minister as to whether an authorisation should be issued; or

(b) where an application requires consultation between the Authority and any Government department or other authority with regard to any aspect of the provision of postal services applied for.

(7) The time limits provided for in this article shall be without prejudice to any applicable international agreements relating to postal services.

Grounds for refusal.

10. (1) The Authority may refuse to authorise a person to operate or provide postal services, if it is of the opinion that the grant of the authorisation would -

(a) be against the public interest, or is inconsistent with Government policy, and the Minister agrees;

(b) be inconsistent with the provisions of this Act or of any other law, or with any international commitment undertaken or in the process of being undertaken by Malta;

(c) pose a danger or nuisance to the public or damage to any property, or obstruct or interfere with any lawfully operated postal services;

(d) authorise an applicant applying for an individual licence, when he does not demonstrate to the Authority that he fulfils the conditions for the grant of such a licence.

(2) The Authority may also refuse to grant the authorisation applied for if it has grounds to believe that the applicant is not a fit and proper person to hold the authorisation applied for, or is not in a position, because of the financial and other specific circumstances of the applicant, to comply with the provisions of this Act or of any regulations made thereunder or with the conditions of the licence if granted:

(3) The Authority shall communicate in writing to the applicant the decision to refuse an application and it shall set out briefly in writing the reasons for such a decision.

(4) Any person aggrieved by a decision of the Authority refusing to authorise such a person to operate or provide postal services under this article may appeal from the decision before the Appeals Board.

Non-compliance
with conditions of
general
authorisations.

11. (1) Where a person enjoying a general authorisation does not comply with a condition attached to a general authorisation, the Authority may inform that person that he is not entitled to avail himself of the general authorisation and it may impose on that person such measures as may be necessary to ensure compliance by him with the conditions of the general authorisation.

(2) The Authority shall at the same time give such person as referred to in subarticle (1) a reasonable opportunity to state his views on the applications of the conditions and to remedy any breaches within one month from the intervention of the Authority.

(3) If the person as referred to in subarticle (1) remedies the breaches to the satisfaction of the Authority, the Authority shall, within two months of its initial intervention, revoke or modify its decision as it may consider appropriate and it shall give the reasons for its decision.

(4) If the person as referred to in subarticle (1) does not remedy the breaches the Authority shall, within two months of its initial intervention, confirm the decision and give the reasons for its decision. The decision of the Authority shall be communicated within one week of its adoption to the person concerned.

(5) Decisions of the Authority taken in pursuance of subarticles (3) or (4) shall be appealable to the Appeals Board.

Non-compliance
of individual
licences.

12. (1) Where the beneficiary of an individual licence does not comply with a condition attached to the licence, the Authority may withdraw, amend or suspend the individual licence or impose such measures as it may consider appropriate to ensure compliance.

(2) The Authority shall at the same time give the beneficiary concerned a reasonable opportunity to state his views on the application of the condition and, except in the case of repeated breaches by the said beneficiary (in which case the Authority can immediately take appropriate measures), to remedy any breaches within one month commencing from the date of the intervention of the Authority.

(3) If the beneficiary concerned remedies the breaches the Authority shall within two months from its initial intervention revoke or modify its decision as it deems appropriate and it shall give the reasons for its decision.

(4) If the beneficiary concerned does not remedy the breaches the Authority shall, within two months from its initial intervention, confirm its decision and give the reasons for its decision. The decision shall be communicated within one week from its adoption to the beneficiary concerned.

(5) Decisions of the Authority taken in pursuance of subarticles (3) and (4) shall be appealable to the Appeals Board.

Transferability of
authorisation.

13. (1) No licence or other authorisation, whether it is an individual licence or an entitlement to act under a general authorisation, may be transferred or assigned by the authorised provider to another person without the prior consent in writing of the Authority. The decision of the Authority in this regard shall be communicated in writing, and the Authority shall give the reasons for its decision.

(2) Where the authorised provider is a body corporate or another body of persons, a change in the control of the ownership or management of that body shall be equivalent to the transfer of the authorisation, and shall be subject to the prior consent of the Authority as aforesaid.

Application for
authorisation.

14. (1) Any person seeking an authorisation by means of an individual authorisation shall apply to the Authority on such form and in such manner as may be prescribed, or as may be provided or required by the Authority, and shall provide to the Authority all such information as may be prescribed and as the Authority may require to enable it to assess the application.

(2) The application shall in particular specify the postal service for which it is made and shall include such information as may be prescribed or, in the absence of such prescription, such information as is sufficient to demonstrate that the applicant fulfils the conditions for the grant of the authorisation.

(3) Upon receipt of an application as aforesaid the Authority shall cause the fact that an application has been made, to be published in the Gazette, giving such details as it may deem appropriate to enable any person wishing to make representations about the application.

(4) The Authority shall consider the application after conducting the necessary investigations and considering any representations made in respect thereof, and may for this purpose require from any person any further information it may deem necessary.

(5) Anything to be done under this article shall be done in such form and manner and within such time as may be prescribed."

10. Article 15 of the principal Act shall be amended as follows:

Amendment of article 15 of the principal Act.

(a) the words "under article 5A" wherever they occur shall be substituted by the words "under this Act"; and

(b) subarticle (5) thereof shall be deleted.

11. The following new articles 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 shall be added after article 16 of the principal Act:

Addition of new articles 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 to the principal Act.

"Universal Services.

17. (1) (a) Users at all points in Malta shall enjoy the right to a universal service involving the permanent provision of a postal service of a quality as may be prescribed and, subject to article 21(1), at affordable prices for all users.

(b) The Authority shall issue directives to the universal service provider in respect of the quality of the postal service to be provided hereunder. Before issuing such directives the Authority may consult such interested parties as it deems appropriate in the circumstances.

(c) The Authority shall publish details of any directives under paragraph (b) in the Gazette.

(2) The Authority shall issue directives to the universal service provider, after such consultation with interested parties as it may consider appropriate, to ensure that the density of access points takes account of the needs of users.

(3) (a) The Minister shall, after consultation with the Authority, by notice in the Gazette designate a postal operator as the universal service provider having an obligation to provide all the universal services.

(b) The Minister may, after consultation with the Authority, by notice in the Gazette withdraw, amend or suspend any designation made under paragraph (a), provided that, prior to the effective date of any such withdrawal, the Minister has designated another postal operator under this article in respect of the service concerned affected by such withdrawal.

(4) (a) The universal service provider shall guarantee, on every working day and not less than five days a week, save in circumstances deemed exceptional by the Authority, as minimum:

- (i) one clearance,
- (ii) one delivery to the home or premises of every person or, by way of derogation, under conditions at the discretion of the Authority, one delivery to appropriate installations.

(b) The Authority may issue directives to a universal service provider, after such consultation with interested parties as it may deem appropriate, for the purpose of ensuring compliance by the provider with its obligations under paragraph (a) and with the requirements set out in article 18.

(5) Universal service shall include the following minimum facilities:

(a) the clearance, sorting, transport and distribution of postal articles up to two kilogrammes;

(b) the clearance, sorting, transport and distribution of postal packages up to ten kilogrammes;

(c) services for registered articles;

(d) services for insured articles within Malta and to and from all countries which, as signatories to the Convention of the Universal Postal Union, declare their willingness to admit such articles whether reciprocally or in one direction only; and

(e) a basic counter service throughout Malta.

(6) The minimum and maximum dimensions for postal articles in question shall be those laid down in the 1994 Seoul Convention and the Agreement concerning Postal Parcels adopted by the Universal Postal Union or by any other convention as the Minister may prescribe.

(7) The universal service as defined in this article shall cover both inland and cross-border services.

Requirements of
universal service.

18. The universal service provider shall meet the following requirements with respect to provision of the universal service:

(a) the service shall guarantee compliance with the essential requirements;

(b) an identical service shall be offered to users under comparable conditions;

(c) the service shall be made available without any form of discrimination whatsoever, especially without discrimination arising from political, religious or ideological considerations;

(d) the service shall not be interrupted or stopped except in cases of *force majeure*; and

(e) the service shall evolve in response to the technical, economic and social environment and to the needs of users.

Information on
universal service.

19. (1) The universal service provider shall provide users with regular, detailed and up to date information on the particular features of the universal service, with special reference to the general conditions of access to the service, as well as to prices and quality standard levels.

(2) Information referred to in subarticle (1) shall be published at least annually by the universal service provider in a manner that is to the satisfaction of the Authority.

Reserved services.

20. (1) The services which shall be reserved for the universal service provider designated in accordance with this Act, shall be the clearance, sorting, transport and delivery of articles of inland correspondence, cross-border and direct mail, whether by accelerated delivery or not, the price of which is less than five times the inland public tariff for an article of correspondence in the first weight step of the fastest standard category, provided that they weigh less than 350g:

Provided that such weight or price restrictions shall not apply with regard to a free postal service for the blind or partially sighted persons that may be provided by the universal service provider.

(2) Document exchange shall not be reserved.

Tariff principles
and transparency
of accounts.

21. (1) The tariffs for each of the services provided by a universal service provider which form part of its universal service shall comply with the following principles:

(a) prices must be affordable and must be such that all users have access to the services provided;

(b) prices must be geared to costs;

(c) with the consent of the Minister, the Authority may decide that a uniform tariff shall be applied throughout Malta;

(d) the application of a uniform tariff shall not exclude the right of the universal service provider to conclude individual agreements on prices with customers; and

(e) tariffs must be transparent and non-discriminatory.

(2) Where the Authority is of the opinion that the universal service provider is not complying with the principles laid down in subarticle (1), the Authority may, after consultation with the Minister and, in the case of subarticle (1)(c), with the consent of the Minister, issue directives to the provider for the purposes of satisfying the requirements specified in subarticle (1).

Agreements on
terminal dues.

22. (1) In order to ensure the cross-border provision of the universal service, the universal service provider shall, where appropriate international legal frameworks so allow, arrange in its agreements on terminal dues for cross-border mail that the following principles are respected:

(a) terminal dues shall be fixed in relation to the costs of processing and delivering incoming cross-border mail,

(b) levels of remuneration shall be related to the quality of service achieved, and

(c) terminal dues shall be transparent and non-discriminatory.

(2) The Authority may issue directives to the universal service provider, after such consultation with such interested parties as it may deem appropriate, for the purpose of ensuring compliance by the provider with the principles set out in subarticle (1).

(3) The implementation of the principles set out in subarticle (1) may include transitional arrangements, designed to avoid undue disruption on postal markets or unfavourable implications for economic providers of postal services, provided there is agreement between the operators of origin and receipt. Such arrangements shall, however, be restricted to the minimum required to achieve these objectives.

Accounting.

23. The accounting procedures of the universal service provider shall be conducted in accordance with the Third Schedule. The Minister may, after consulting the Authority, by notice in the Gazette amend the Third Schedule.

Quality of service.

24. (1) Quality-of-service standards in relation to the universal service, paying attention in particular, to routing times and to the regularity and reliability of services, shall be set and published from time to time by the Authority, having taken into account such views of interested parties as it may deem necessary. The Authority may by regulation establish quality standards in respect of cross-border mail.

(2) Compliance with quality-of-service standards by the universal service provider shall be monitored by the Authority which shall from time to time make a report on the results of the monitoring exercise.

Adoption of quality standards.

25. (1) The Authority shall prescribe quality standards for inland mail. The Minister may after consultation with the Authority require that such standards be compatible with any international standards as the Minister may by order in the Gazette establish.

(2) The Authority shall monitor the performance by a universal service provider of the universal service in accordance with the quality standards for inland mail.

(3) Where the Authority is of the opinion that the performance levels of the universal service provider do not meet or have not met the required standards laid down under subarticle (1), the Authority shall give such directives or orders to ensure that the provider takes corrective action where necessary.

Exemptions from quality standards.

26. (1) Exemptions from any quality standards as may be prescribed in accordance with or under this Act may be determined by the Authority where the Authority is satisfied that exceptional situations relating to infrastructure or geography so require.

(2) The Authority may give directives to the universal service provider to take corrective action where necessary when it considers that quality standards which form part of the universal service are not being met.

Complaints and dispute resolution.

27. (1) In accordance with guidelines which shall be laid down by the Authority, the universal service provider shall draw up transparent, simple and inexpensive procedures to deal with complaints by users, particularly in cases involving non-compliance with service quality standards. These procedures shall enable disputes to be settled fairly and promptly and in an inexpensive manner.

(2) The universal service provider shall at least once every calendar year publish information on the number of complaints received, detailing what they were about and how they were dealt with.

Consultation with interested parties.

28. (1) The Authority shall take into account the views of interested parties as it may consider appropriate in relation to its functions under this Act or any regulations made thereunder, in accordance with any procedures that the Authority may draw up for that purpose.

(2) Where the Authority establishes any procedures as referred to in subarticle (1), it shall publish notice thereof in the Gazette."

Substitution of article 29 of the principal Act.

12. Article 29 of the principal Act shall be substituted by the following:

"29. The postal operator shall not incur any liability for compensation by reason of loss, misdelivery, or delay of, or damage to, any postal article in the course of transmission by post, unless such compensation -

(a) has been agreed to by the postal operator and the sender, or

(b) has been established by regulations as may from time to time be prescribed under this Act, irrespective

of the value of the article:

Provided neither the Authority or any of its officers or any officer of a postal operator shall incur any liability by reason of any such loss, misdelivery, delay, or damage, unless the same has been caused in bad faith or recklessly."

13. In article 30 of the principal Act for the words "of Postmaster-General or of an officer of the Post Office", there shall be substituted the words "of an officer of a postal operator".

Amendment of article 30 of the principal Act.

14. Article 31 of the principal Act shall be amended as follows:

Amendment of the article 31 of the principal Act.

(a) in paragraph (c) thereof the word "require" shall be substituted by the word "regulate"; and

(b) paragraph (f) thereof shall be deleted and paragraphs (g) to (i) shall be renumbered respectively (f) to (h).

15. Article 34 of the principal Act shall be amended as follows:

Amendment of article 34 of the principal Act.

(a) in subarticle (4) thereof the words "shall be confiscated by the Postmaster-General." shall be substituted by the words "shall be confiscated by the Comptroller of Customs:

Provided that where the postal operator or the Authority have reason to believe that the provisions of this subarticle may have been contravened they shall withhold delivery of the postal article to its addressee and shall inform the Comptroller of Customs accordingly.";

(b) in subarticle (5) thereof the words "may be confiscated, together with their contents, by the Postmaster-General." shall be substituted by the words "may be confiscated, together with their contents, by the Comptroller of Customs:

Provided that where the postal operator or the Authority have reason to believe that the provisions of this subarticle may have been contravened they shall withhold delivery of the postal article to its addressee and shall inform the Comptroller of Customs accordingly.";

(c) in subarticle (6) thereof the words "take proceedings against the Postmaster-General" shall be substituted by the words "take proceedings against the Comptroller of Customs".

Amendment of article 35 of the principal Act.

16. Article 35 of the principal Act shall be amended as follows:

(a) in subarticle (4) thereof the words "as he shall think fit" shall be substituted by the words "as the Authority thinks fit";

(b) immediately after subarticle (4) thereof there shall be added the following proviso:

"Provided that where a postal operator has a reasonable cause to suspect that the provisions of subarticle (4) has been contravened, the postal operator shall not deliver the postal article to its addressee and shall notify the Comptroller of Customs accordingly by the next working day."

Substitution of article 36 of the principal Act.

17. Article 36 of the principal Act shall be substituted by the following:

"Provision of postage stamps.

36. (1) The Minister shall be responsible for the approval of stamp issues and the formulation of a programme in respect of stamp issues. In doing so the Minister may consult any stamp advisory board that may be established in accordance with the provisions of this Act.

(2) The Minister may, after consultation with the postal operators concerned, by notice published in the Gazette, direct that any postage stamps, in use at the time of such notice, shall be no longer valid for prepayment of postage, and from and after any day stated in such notice, any postal article stamped with postage stamps so invalidated, shall be deemed to be not duly stamped for the purposes of this Act and of any directives or regulations made thereunder:

Provided that any person, having in his possession any postage stamps invalidated by the Minister as aforesaid, may at any time within two months after the day stated in the said notice, surrender the same to a postal operator, who shall exchange them for other valid postage stamps of an equal value."

Amendment of article 37 of the principal Act.

18. Article 37 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof the words "the Postmaster-

General shall deal with the postal article in such manner as he may deem, in the circumstances, appropriate." shall be substituted by the words "the postal operator shall deal with the postal article in such manner as the Authority may deem, in the circumstances, appropriate.";

(b) in subarticle (3) thereof the words "in such manner as the Postmaster-General may direct," shall be substituted by the words "by the postal operator in such manner as the Authority may direct,".

19. In article 38 of the principal Act after the words "The Minister" there shall be inserted the words "after consultation with the Authority". Amendment of article 38 of the principal Act.

20. Article 39 of the principal Act shall be substituted by the following: Substitution of article 39 of the principal Act.

"39. The Authority may give directives establishing the manner and times in which postal articles shall be posted and delivered and in particular it may also establish the core hours during which post offices shall open to the public."

21. Article 40 of the principal Act shall be amended as follows: Amendment of article 40 of the principal Act.

(a) in subarticle (8) thereof the words "twenty liri" and "three liri" shall be substituted respectively with the words "fifty liri" and "ten liri"; and

(b) in subarticle (9) thereof the word "Postmaster-General" wherever it occurs shall be substituted by the words "postal operator".

22. In paragraph (d) of article 42 of the principal Act the word "Postmaster-General" shall be substituted by the words "postal operator". Amendment of article 42 of the principal Act.

23. Article 43 of the principal Act shall be amended as follows: Amendment of article 43 of the principal Act.

(a) the word "Postmaster-General" wherever it occurs in this article shall be substituted by the words "postal operator"; and

(b) the following proviso shall be added after subarticle (2) thereof:

"Provided that any action taken by the postal

operator in pursuance of the provisions of this article shall require the prior approval in writing of the Authority."

Substitution of article 44 of the principal Act.

24. Article 44 of the principal Act shall be substituted by the following:

"44. The Authority may by regulation make provision for and otherwise regulate the disposal of postal articles which for any reason cannot be delivered."

Amendment of article 46 of the principal Act.

25. Article 46 of the principal Act shall be amended as follows:

(a) the word "Cap. 215" in the marginal note to the proviso thereof shall be substituted with the words "Cap. 371"; and

(b) the proviso thereto shall be substituted by the following:

"Provided that where a person has been appointed in terms of the Banking Act to take charge of the assets of a bank or to assume control of the business of a bank or as may be directed by the competent authority in terms of the Banking Act, any postal article addressed to the bank, partnership or firm in respect of which such person is given powers under the said Act, shall be delivered to such person."

Amendment of article 47 of the principal Act.

26. Article 47 of the principal Act shall be amended as follows:

(a) in paragraph (f) of subarticle (2) thereof the words "by the Postmaster-General" shall be substituted by the words "the postal operator with the prior approval of the Authority"; and

(b) subarticle (3) thereof shall be substituted by the following:

"(3) Notwithstanding the provisions of subarticle (2)(g) relating to lotteries set up or permitted by the Government, the Authority may order a postal operator not to transmit abroad any postal article relating to any such lottery as aforesaid if such article does not conform with instructions relating thereto issued by a competent authority and communicated to the Authority; and in such case the postal operator may return it to the sender or

otherwise deal with it in accordance with the directives of the Authority."

27. Article 48 of the principal Act shall be amended as follows:

Amendment of article 48 of the principal Act.

(a) subarticle (1) thereof shall be substituted by the following:

"(1) Subject to the provisions of this Act, if the Authority has reason to believe that any postal article other than a closed letter has been posted or sent by post in contravention of the provisions of article 47, the Authority may order such postal article to be detained and opened and if it is satisfied that any of the provisions of the said article have been contravened, such article may be destroyed:

Provided that when the Authority is satisfied that a postal article addressed to a person legally entitled to provide television broadcasting services in Malta consists of audiovisual material which has been posted or sent by post only for the purpose of its being broadcast on television according to the provisions of the Broadcasting Act and of any regulations made or licence issued thereunder, it shall, notwithstanding the provisions of this article and of article 47, direct the postal operator to deliver such postal article to the addressee without further examination or censorship.";

(b) subarticle (2) thereof shall be renumbered as subarticle (5); and

(c) after subarticle (1) thereof there shall be added the following new subarticles:

"(2) Any postal article which is reasonably believed to be of a seditious nature shall be so detained, opened and disposed of by the postal operator with the approval of the Authority. In doing so the postal operator shall also act in accordance with any enactment relating to sedition and in such cases the provisions of such enactment shall apply.

(3) Any postal article which is reasonably believed to contain any explosive, dangerous substance or other thing which may expose any person to injury may be detained and opened by the postal operator and, if found to

contain any thing as aforesaid shall, with the approval of the Authority, be destroyed.

(4) Where the postal operator has reason to believe that any postal article has been posted or sent by post in contravention of the provisions of article 47, the postal operator shall withhold delivery of any suspect postal article to the addressee and shall inform the Authority thereof by the next working day."

Amendment of article 49 of the principal Act.

28. In subarticle (1) of article 49 of the principal Act the words ",including any newspaper," shall be deleted.

Amendment of article 51 of the principal Act.

29. In article 51 of the principal Act the words "on the demand of the Postmaster General, be recovered as provided in article 466 of the Code of Organization and Civil Procedure" there shall be substituted the words "on the demand of the postal operator, be recovered as a civil debt."

Amendment of article 52 of the principal Act.

30. In article 52 of the principal Act the words "shall be recoverable as if it were postage due under this Act" shall be substituted by the words "shall, without prejudice to the operation of any law in terms of which such duty is due, also be recoverable as if it were postage under this Act."

Amendment of article 53 of the principal Act.

31. In article 53 of the principal Act the words "the Post Office of Malta," shall be substituted by the words "a postal operator".

Amendment of article 54 of the principal Act.

32. Article 54 of the principal Act shall be amended as follows:

(a) subarticle (1) thereof shall be substituted by the following:

"(1) Every master of a ship or pilot of an aircraft having on board any postal article or mail bag which is directed to Malta shall, immediately on arriving at any port or place in Malta, cause such postal article or mail bag to be delivered to the postal operator entitled to receive the same."; and

(b) in subarticle (2) thereof the words "to the notice of the Postmaster General" shall be substituted by the words "to the notice of the postal operator concerned."

Amendment of article 55 of the principal Act.

33. In article 55 of the principal Act the words "Post Office" shall be substituted by the word "Authority".

34. In subarticle (1) of article 57 of the principal Act after the words "The Minister" there shall be inserted the words "after consultation with the Authority".

Amendment of article 57 of the principal Act.

35. Article 58 of the principal Act shall be amended as follows:

Amendment of article 58 of the principal Act.

(a) in subarticle (1) thereof the words "the Post Office" shall be substituted by the words "the postal operator"; and

(b) in subarticle (2) thereof the words "from the Government." shall be substituted by the words "from the postal operator."

36. In article 59 of the principal Act after the words "The Minister" there shall be inserted by the words "after consultation with the Authority".

Amendment of article 59 of the principal Act.

37. In article 60 of the principal Act the words "such amount shall be recoverable on the demand of the Postmaster-General, as provided in article 466 of the Code of Organization and Civil Procedure." shall be substituted by the words "such amount shall be recoverable as a civil debt on the demand of the postal operator."

Amendment of article 60 of the principal Act.

38. In article 61 of the principal Act the words "no action shall lie against the Government or any officer of the Post Office" shall be substituted by the words "no action shall lie against the Government, the Authority or any of its officers, a postal operator or an officer of a postal operator".

Amendment of article 61 of the principal Act.

39. Article 62 of the principal Act shall be substituted by the following:

Substitution of article 62 of the principal Act.

"62. (1) Any person who provides or operates any postal services without authorisation under and in accordance with any of the provisions of this Act or in breach of any condition, restriction or limitation imposed by or under this Act or in the instrument containing the authorisation shall be guilty of an offence under this Act and shall be liable to a fine (*multa*) not exceeding ten thousand liri and in the case of a continuing offence not exceeding one hundred liri for each day during which the offence continues:

Provided that any person shall also be deemed to have contravened the provisions of this subarticle if such a person -

(a) performs any service incidental to the conveyance of a postal article in contravention of this subarticle; or

(b) sends, tenders or delivers, in order to be sent, any postal article in contravention of this subarticle; or

(c) makes a collection of postal articles for the purpose of sending them in contravention of this subarticle.

(2) Any person who fails to provide any information as the Authority may require in accordance with this Act, or who furnishes information to the Authority or to the Minister which he knows, or has reasonable cause to believe, to be false or misleading, or impedes or obstructs the Authority or the Minister, in the performance of any function under this Act shall be guilty of an offence under this Act and shall be liable to a fine (*multa*) not exceeding ten thousand liri or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(3) Any person who assaults or obstructs or impedes any officer, employee or agent of an authorised provider in the exercise of his duties with such authorised provider shall be guilty of an offence under this Act, and shall on conviction be liable to a fine (*multa*) not exceeding one thousand liri or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

(4) Without prejudice to the provisions of this Act, any person who contravenes or fails to comply with any provisions of this Act or of any regulations made or directives given thereunder shall be guilty of an offence against this Act, and shall on conviction be liable to a fine (*multa*) not exceeding one thousand liri and in case of a continuing offence to a further fine (*multa*) not exceeding one hundred liri for every day during which the offence continues."

Addition of new articles 63 and 64 to the principal Act.

40. The following new articles 63 and 64 shall be added after article 62 of the principal Act:

"Authority may suspend or revoke licence, etc.

63. In addition and without prejudice to any of the penalties that may be inflicted under the provisions of this Act, the Authority may suspend or revoke any licence or authorisation issued in favour of a postal operator in accordance with this Act or any regulations made thereunder, where the postal operator has repeatedly contravened any of the provisions of this Act or any regulations or directives made thereunder.

Proceedings for offences.

64. (1) No proceedings for any offence under this Act shall be instituted without the consent in writing of the Authority or at its request.

Cap. 9.

(2) Notwithstanding anything contained in the Criminal Code, an appeal to the court of competent jurisdiction shall lie to the prosecution against any judgement delivered in any proceedings with respect to an offence under this Act.

(3) The Authority may assist in or conduct the prosecution with respect to any offences under this Act or under any regulations made thereunder."

41. In article 65 of the principal Act the words "fifty liri" shall be substituted by the words "two hundred liri".

Amendment of article 65 of the principal Act.

42. In subarticle (1) of article 66 of the principal Act the words "one hundred liri" shall be substituted by the words "five hundred liri".

Amendment of article 66 of the principal Act.

43. In article 67 of the principal Act the words "be liable to imprisonment for a term not exceeding three months or to a fine (*multa*) or to both such imprisonment and fine" shall be substituted by the words "be liable to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a term not exceeding three months or to both such a fine and imprisonment."

Amendment of article 67 of the principal Act.

44. Article 68 of the principal Act shall be substituted by the following:

Substitution of article 68 of the principal Act.

"68. Any person who without any lawful authority makes use of any seal or instrument used by the Authority or by a postal operator for marking any postage stamp shall, on conviction, be liable to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a term not exceeding three months or to both such a fine and imprisonment."

45. In article 69 of the principal Act the words "by the Post Office" shall be substituted by the words "by a postal operator".

Amendment of article 69 of the principal Act.

46. In article 70 of the principal Act the words "fifty liri" shall be substituted by the words "two hundred liri".

Amendment of article 70 of the principal Act.

47. In article 71 of the principal Act the words "one hundred liri" shall be substituted by the words "five hundred liri".

Amendment of article 71 of the principal Act.

48. In article 72 of the principal Act the words "to the Post Office any postal article within the exclusive right conferred on the Postmaster-General by article 5 shall be liable, on conviction, to a

Amendment of article 72 of the principal Act.

fine (*multa*) not exceeding one hundred liri" shall be substituted by the words "to the postal operator concerned any postal article shall be liable, on conviction, to a fine (*multa*) not exceeding five hundred liri."

Amendment of article 73 of the principal Act.

49. In article 73 of the principal Act the words "the Postmaster-General" and "one hundred liri" shall be substituted respectively by the words "the postal operator" and "five hundred liri".

Amendment of article 75 of the principal Act.

50. In article 75 of the principal Act the words "one hundred liri" shall be substituted by the words "five hundred liri".

Amendment of article 77 of the principal Act.

51. In article 77 of the principal Act the words "his duties in the Post Office" shall be substituted by the words "his duties with a postal operator".

Amendment of article 78 of the principal Act.

52. In article 78 of the principal Act the words "all officers of the Post Office" shall be substituted by the words "all officers of the universal service provider".

Addition of new articles 80 and 81 to the principal Act.

53. The following new articles 80 and 81 shall be added after article 79 of the principal Act:

"Transitory provisions.

80. (1) The licence issued by the Minister to Maltapost p.l.c. with effect from the 1st May 1998 under this Act shall, notwithstanding the repeal of any provisions of this Act in force at the time of issue of the said licence, continue to have effect subject to the provisions of this Act as these may be amended from time to time and until the making in respect thereof of such modifications, adaptations and limitations as the Minister after consulting the Authority may deem necessary or appropriate for the purpose.

(2) Any modifications, adaptations and limitations to the licence granted to Maltapost p.l.c. with effect from the 1st May 1998 shall be made by the Minister after consultation with the Authority and shall be prescribed in accordance with article 81.

(3) Any order, regulation or legal notice issued in terms of any provisions of this Act and in force on the 1st May 1998 shall, notwithstanding the repeal of any provisions of this Act, continue to be in force and to have effect until repealed or amended in accordance with article 81.

Power to make
regulations.

81. (1) The Minister may, after consultation with the Authority, make regulations in respect of any of the functions of the Authority or for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the aforesaid power, such regulations may in particular provide -

(a) for any matters in respect of licences and other authorisations under this Act, including the establishment of fees and of registration and declaration procedures;

(b) for the minimum standards to be adopted in the provision of postal services including the dimensions of letter boxes and posting slots and matters relating to health and safety, and in the context of "basic counter services" for the variation of the requirements with regard to the minimum postal services that are to be provided;

(c) for the better protection of the interests of users of the postal services and for the establishment of any criteria or procedures to be followed by postal operators in the handling of complaints;

(d) for ensuring fair competition in all practices, operations and activities relating to postal services;

(e) for the undertaking of research or investigation on any matter relating to postal services regulated by or under this Act and the provision of information, the issue of directives or guidelines to the public, to postal operators, and to commercial entities on matters relating to postal services;

(f) for the compliance with any international obligation entered into by Government in relation to any aspect of postal services regulated by or under this Act;

(g) for regulating any aspect of postal services including the time, manner, place and condition in which or under which such services are to be provided;

(h) for prescribing the information to be retained by any postal operator under this Act and the provision of statistical information by such operators;

(i) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any licence or authorisation under this Act;

(j) for establishing any board to advise the Minister on any matters relating to the postal services, including any matters relating to the issue, design, or any other matter relating to postal stamps;

(k) for establishing any criteria on the basis of which postal services users' groups may be recognised in accordance with the provisions of this Act;

(l) for the Authority to be empowered to impose administrative fines or sanctions upon any postal operator acting in contravention of any provisions of this Act or of any regulations or directives made thereunder:

Provided that the administrative fines provided for by regulations or directives made under this article shall not exceed the sum of one thousand liri for each offence and one hundred liri for each day during which failure to observe the provisions of this Act or of any regulations made thereunder or of any authorisation persists;

(m) for prescribing that any person who acts in contravention of any regulation made under this Act shall be guilty of an offence and for establishing the penalties to which such person may be liable:

Provided that no such penalty shall be greater than a fine (*multa*) exceeding one thousand liri;

(n) for prescribing the manner as to how any notice, instrument, act or document which is required or authorised by or under this Act may be served or given;

(o) for prescribing anything which may be or is required to be prescribed by this Act."

54. In paragraph (a) of the First schedule to the principal Act, the words "in the Post Office" shall be substituted by the words "in the postal service".

Amendment of the First Schedule to the principal Act.

55. The Second Schedule to the principal Act shall be amended as follows:

Amendment of the Second Schedule to the principal Act.

(a) in paragraph (2) of rule (1) thereof the words "an officer of the Postal Department" shall be substituted by the words "an officer in the public service";

(b) in paragraph (3) of rule 4 thereof the words "at the General Post Office, Valletta" and "make available at the General Post Office" shall be substituted respectively by the words "at such address as the Minister may by notice in the Gazette establish", and "make available at such address as the Minister may by notice in the Gazette establish";

(c) in paragraph (5) of rule 4 thereof the words "by or on behalf of both the Postmaster-General and the appellant" shall be substituted by the words "by or on behalf of the Authority, the postal operator concerned as the case may be and the appellant";

(d) in paragraph (6) of rule 4 thereof the words "to the Postmaster-General and to the appellant:" and "the Postmaster-General and addressee" shall respectively be substituted by the words "to the Authority, to the postal operator concerned as the case may be and to the appellant:" and "the Authority, the postal operator as the case may be and addressee";

(e) in paragraph (7) of rule 4 thereof the words "the Postmaster-General shall forthwith release" shall be substituted by the words "the Authority shall forthwith order the release of";

(f) in paragraph (1) of rule 6 thereof the words "the Postmaster-General shall not exercise his powers of detaining them" shall be substituted by the words "the Authority shall not exercise its powers in ordering their detention".

56. After the Second Schedule to the principal Act there shall be added the following:

Addition of Third Schedule to the principal Act.

"THIRD SCHEDULE

(Article 23)

Accounting procedures

1. Subject to article 23 of this Act and in accordance with directives laid down by the Authority, the universal service provider shall keep separate accounts within its accounting system, for each of the services within the reserved sector on the one hand and the non-reserved sector on the other. The accounts for the non-reserved sector shall clearly distinguish between services which are part of the universal service and services which are not. Such internal accounting systems shall operate on the basis of consistently applied and objectively justifiable cost accounting principles.

2. The accounting system referred to in paragraph 1 shall, without prejudice to paragraph 3, allocate costs to each of the reserved and to the non-reserved services respectively in the following manner:

(a) costs which can be directly assigned to a particular service shall be so assigned;

(b) common costs, that is costs that cannot be directly assigned to a particular service, shall be allocated as follows:

(i) whenever possible, common costs shall be allocated on the basis of direct analysis of the origin of the costs themselves;

(ii) when direct analysis is not possible, common cost categories shall be allocated on the basis of an indirect linkage to another cost category or group of cost categories for which a direct assignment or allocation is possible; the indirect linkage shall be based on comparable cost structures;

(iii) when neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated on the basis of a general allocator computed by using the ratio of all expenses directly or indirectly assigned or allocated, on the one hand, to each of the reserved services and, on the other hand, to the other services.

3. Other cost accounting systems may be applied only if they are compatible with paragraph 1 and have been approved in advance in writing by the Authority.

4. The universal service provider shall comply with one of

the cost accounting systems described in paragraphs 1 and 2 which shall be verified by auditors engaged by the provider and the provider shall publish a statement concerning compliance in two daily newspapers at least once every calendar year.

5. The Authority shall keep available, to an adequate level of detail, information on the cost accounting systems applied by the universal service provider.

6. The Authority may request the universal service provider to provide, in confidence, detailed accounting information arising from such cost accounting systems."

SCHEDULE IN TERMS OF ARTICLE 2(2) OF THIS ACT

Re-numbering of articles thereof

As in force on 1st July, 2001	As renumbered by this Act
1	1
2	2
3	3
4	4
-	5
-	6
-	7
-	8
-	9
-	10
-	11
-	12
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-	14
5	(deleted)
5A	(deleted)
5B	(deleted)
5C	15
6	16
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-	21
-	22
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7	29
8	(deleted)
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13	34
14	35
15	36
16	37
17	38
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48	71
49	72
50	73
51	74
52	75
53	76
54	(deleted)
55	77
56	(deleted)
57	78
58	79
-	80
-	81

Objects and reasons

The objects of the Bill are update existing legislation related to the postal services, by the creation of a new regulatory authority to monitor and ensure compliance with the provisions of the Act.

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