

Nru. 121

24. 3. 2020

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Chris Fearne, M.P., Deputat Prim Ministru u Ministru għas-Saħħa, u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Marzu 2020.

A BILL introduced by the Honourable Chris Fearne, M.P., Deputy Prime Minister and Minister for Health, and read the First time at the Sitting of the 23rd March 2020.

**ATT sabiex jemenda l-Att dwar is-Saħħa
Pubblika, Kap. 465.**

**AN ACT to amend the Public Health Act,
Cap. 465.**

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jemenda l-Att dwar is-Saħħa Pubblika, Kap. 465.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Att dwar is-Saħħa Pubblika, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar is-Saħħa Pubblika, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali." Titolu fil-qosor.
Kap. 465.

2. Fis-subparagrafu (v) tal-paragrafu (ċ) tal-artikolu 27 tal-Att prinċipali, il-kliem "ta' xi marda;" għandu jiġi sostitwit bil-kliem "ta' xi marda:" u minnufih wara għandu jizjed il-proviso ġdid li ġej: Emenda tal-
artikolu 27 tal-
Att prinċipali.

"Izda s-setgħa tas-Suprintendent biex tippreskrivi kwistjoni oħra bħal din kif is-Suprintendent tista' tqis spedjenti għal prevenzjoni jew il-mitigazzjoni ta' tali marda għandha tinkludi u għandha titqies li dejjem kienet tinkludi s-setgħa li tipprowdi għan kwalunkwe kwistjoni li hija anċillari jew konsegwenzjali għal ordni maħruġa taht dan il-paragrafu inkluż is-sospensjoni ta' limiti taż-żmien inkluż izda mhux limitat għal limiti ta' żmien legali u ġudizzjarji, li għandhom jitqiesu li jinkludu perjodi ta' preskrizzjoni, u kwalunkwe limiti ta' żmien perentorji provduti fi kwalunkwe liġi oħra bħala konsegwenza ta' ordni għall-għeluq ta' dipartimenti tal-gvern jew postijiet oħra li minnhom jiġi provduti servizzi pubbliċi jew ta' kwalunkwe ordni maħruġa taht dan il-paragrafu kif is-Suprintendent tqis spedjenti.".

3. Minnufih wara l-artikolu 44 tal-Att prinċipali, għandu jizjed l-artikolu ġdid li ġej: Żieda ta'
artikolu ġdid fl-
Att prinċipali.

"Applikazzjoni tal-Att dwar il-Kummissarji tal-Ġustizzja. Kap. 291.

44A. (1) Fejn akkuża ta' ksur tad-dispożizzjonijiet ta' dan l-Att tikkonsisti f'akkuża ta' ksur ta' xi ordni mogħtija mis-Suprintendent elenkata fl-Iskeda tal-Att dwar il-Kummissarji għall-Ġustizzja il-persuna akkużata għandha tkun soġġetta għal proċess skont l-Att dwar il-Kummissarji għall-Ġustizzja, u għandha, tehel meta tinstab hatja mill-Kummissarju għall-Ġustizzja, hawn iżjed 'il quddiem imsejjaħ "il-Kummissarju", penali bejn l-elf euro (€1, 000) u l-għaxart elef euro (€10, 000).

(2) Fejn il-persuna akkużata b'reat kif provdut fis-subartikolu (1) hija persuna li mhijiex abitwalment residenti f'Malta, kwalunkwe penali dovuta skont id-dispożizzjonijiet tal-imsemmi subartikolu għandha, sakemm l-akkuża mhijiex kontestata, tiġi mħallsa fil-minimu tagħha permezz ta' mezzi elettronici u mingħajr proċedimenti quddiem il-Kummissarju, fi kwalunkwe post u fi kwalunkwe manjiera li jista' jiġi stabbilit mill-Ministru. Tali hłas jista' jsir biss permezz ta' karta ta' kreditu jew trasferiment bankarju ieħor fi żmien tnax-il siegħa mill-ħin li l-imsemmija persuna tkun għet notifikata dwar l-akkuża li matul dak il-ħin il-Pulizija Eżekuttiva għandu jkollha s-setgħa li żżomm l-imsemmija persuna f'detenzjoni sakemm isir il-hłas:

Iżda fejn akkuża li għaliha japplika dan is-subartikolu hija kontestata jew fejn ebda hłas tal-penali kif provdut hawn fuq f'dan is-subartikolu ma jsir, id-dispożizzjonijiet ta' dan is-subartikolu għandhom jiefqu japplikaw fir-rigward tal-persuna li għandha tiġi akkużata u l-każ għandu jkompli skont id-dispożizzjonijiet ta' dan l-Att."

Emenda konsegwenzjali tal-Att dwar il-Kummissarji għall-Ġustizzja. Cap. 291.

4. Fl-ewwel kolonna tal-Iskeda li tinsab fl-Att dwar il-Kummissarji għall-Ġustizzja għandhom jizdiedu l-partiti li ġejjin:

A.L. 39 tal-2020.

"Regolamenti tal-2020 dwar l-Infurzar ta' Ordnijiet li jirrigwardaw il-Kwarantina

A.L. 83 tal-2020.

Regolamenti tal-2020 dwar l-Infurzar ta' Ordni ta' Infurzar li jirrigwardaw l-Għeluq ta' Postijiet Miftuħa għall-Pubbliku

A.L. 96 tal-2020.

Regolamenti tal-2020 dwar l-Infurzar tal-Ordni li jirrigwarda l-Għeluq ta' Hwienet ta' Bejgħ Mhux Essenzjali u Hwienet li Jipprovdu Servizzi Mhux Essenzjali

Regolamenti tal-2020 dwar l-Infurzar tal-Ordni li jirrigwarda is-Sospensjoni ta' Avvenimenti Organizzati A.L. 100 tal-2020.

Regolamenti tal-2020 dwar l-Infurzar tal-Ordni li jirrigwarda l-Izolament Personali ta' Persuni li Ghandhom Dijanjosi". A.L. 98 tal-2020.

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jikkjarifika u jevita dubju dwar l-estent tal-awtorità mogħtija lis-Suprintendent tas-Saħħa Pubblika biex toħroġ ordnijiet kif is-Suprintendent tista' tqis spedjenti għal prevenzjoni jew mitigazzjoni tal-mard li huma anċillari jew konsegwenzjali ta' kwalunkwe ordnijiet mogħtija għal prevenzjoni tat-tixrid ta' mard infettiv fil-kuntast ta' emergenza relatata mas-saħħa. Din il-kjarifikazzjoni qiegħda ssir fid-dawl tal-importanza tal-ordnijiet anċillari konsegwenzjali li mingħajrhom l-ordnijiet prinċipali ma jilhqax l-iskop tagħhom jew ma jkunux jistgħu jiġu implimentati. Dan l-Abbozz jipprovdi ukoll għad-dekriminalizzazzjoni ta' reati relatati mal-ksur ta' ordnijiet mogħtija mis-Suprintendent tas-Saħħa Pubblika.

C 3980

**A BILL
entitled**

AN ACT to amend the Public Health Act, Cap. 465.

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

Short title.

1. The short title of this Act is the Public Health (Amendment) Act, 2020, and this Act shall be read and construed as one with the Public Health Act, hereinafter referred to as "the principal Act".

Cap. 465.

Amendment of article 27 of the principal Act.

2. In sub-paragraph (v) of paragraph (c) of article 27 of the principal Act, the words "of such disease;" shall be substituted by the words "of such disease:" and immediately thereafter there shall be added the following new proviso:

"Provided that the power of the Superintendent to prescribe such other matter as the Superintendent may deem expedient for the prevention or mitigation of such disease shall include and shall be deemed to have always included the power to provide for any matter which is ancillary or consequential to an order issued under this paragraph including the suspension of any time limits including but not limited to legal or judicial time limits, which shall be deemed to include periods of prescription, and any peremptory time limits provided for in any other law as a consequence of the order for the closure of government departments or other places from where public services are provided or of any other order issued under this paragraph as the Superintendent deems expedient."

Addition of new article to the principal Act.

3. Immediately after article 44 of the principal Act, there shall

be added the following new article:

"Application of the Commissioners for Justice Act. Cap. 291.

44A. (1) Where a charge for breach of the provisions of this Act consists of a charge of a breach of any order given by the Superintendent listed in the Schedule to the Commissioners for Justice Act, the person charged shall be tried in accordance with the Commissioners for Justice Act and shall be liable, on conviction by the Commissioner for Justice, hereinafter referred to as "the Commissioner", to a penalty of between one thousand euro (€1, 000) and ten thousand euro (€10, 000).

(2) Where a person charged with an offence as provided for in sub-article (1) is a person not habitually resident in Malta any penalty due in terms of the provisions of the said sub-article shall, unless the charge is contested, be paid in its minimum through electronic means and without proceedings before the Commissioner, at any place and in such manner as may be established by the Minister. Such payment may only be made through credit card or other bank transfer within twelve hours from the time when the said person is notified of the charge during which time the Executive Police shall have the power to keep the said person in detention until payment is made:

Provided that where a charge to which this sub-article applies is contested or where no payment of the penalty as provided above in this sub-article is made, the provisions of this sub-article shall cease to apply in respect of the person to be charged and the case shall proceed in accordance with the provisions of this Act."

4. In the first column of the Schedule to the Commissioners of Justice Act, there shall be added the following items:

Consequential amendment to the Commissioners for Justice Act. Cap. 291.

"Enforcement of Directions relating to Quarantine Regulations, 2020 L.N. 39 of 2020.

Enforcement of the Order relating to the Closure of Places Open to the Public Regulations, 2020 L.N. 83 of 2020.

Enforcement of the Order relating to the Closure of Non-Essential Retail Outlets and Outlets Providing Non-Essential Services Regulations, 2020 L.N. 96 of 2020.

C 3982

L.N. 100 of
2020.

Enforcement of the Order relating to the Suspension of
Organised Events Regulations, 2020

L.N. 98 of 2020.

Enforcement of the Order relating to Self-Isolation of
Diagnosed Persons Regulations, 2020."

Objects and Reasons

The objects and reasons of this Bill are to clarify and avoid doubt about the extent of authority given to the Superintendent of Public Health to issue orders as the Superintendent may deem expedient for the prevention or mitigation of disease which are ancillary or consequential to other orders given for the prevention of spreading of infectious disease in the context of a health related emergency. This clarification is being made in view of the importance of the ancillary and consequential orders without which the principal orders would not achieve their purpose or would not be capable of implementation. The Bill also provides for the decriminalisation of offences relating to breaches of orders given by the Superintendent of Public Health.