

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,374, 25 ta' Marzu, 2020

Taqsim A

MALTA

ATT Nru X tal-2020

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT biex jemenda l-Att dwar is-Sahha Pubblika, Kap. 465.

ACT No. X of 2020

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

25 ta' Marzu, 2020

ATT Nru X tal-2020

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, hareġ b'ligi 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 imsejjaħ "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.

"Iżda s-setgħa tas-Suprintendent biex jippreskrivi kwistjoni oħra bħal din kif is-Suprintendent jista' jqis spedjenti għall-prevenzjoni jew il-mitigazzjoni ta' tali marda għandha tinkludi u għandha titqies li dejjem kienet tinkludi s-setgħa li jipprovdni għal kwalunkwe kwistjoni li hija anċillari jew konsegwenzjali għal ordni maħruġa taħt dan il-paragrafu inkluż is-sospensjoni ta' limiti taż-żmien inkluż, iżda 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 kwlaunkwe liġi oħra bħala konsegwenza ta' ordni għall-għeluq ta' dipartimenti tal-gvern jew postijiet oħra li minnhom jiġu provduti servizzi pubbliċi jew ta' kwalunkwe ordni maħruġa taħt dan il-paragrafu kif is-Suprintendent jqis spedjenti;"

Żieda ta' artikolu ġdid fl-Att prinċipali.

3. Minnufih wara l-artikolu 44 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

"Applikazzjoni tal-Att dwar il-Kummissarji għall-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 haġta 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 hlas jista' jsir biss permezz ta' karta ta' kreditu jew trasferiment bankarju ieħor fi żmien tnax-il siegħa mill-hin li l-imsemmija persuna tkun ġiet notifikata dwar l-akkuża matul liema hin il-Pulizija Eżekuttiva għandu jkollha s-setgħa li żżomm l-imsemmija persuna f'detenzjoni sakemm isir il-hlas:

Iżda fejn akkuża li għaliha japplika dan is-subartikolu hija kontestata jew fejn ebda hlas 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."

Emendi Konsegwenzjali

4. Fis-subartikolu (1) tal-artikolu 4 tal-Att dwar Setgħat ta' Emergenza minnufih wara l-kliem "s-sigurtà pubblika," għandhom jiġu miżjuda l-kliem "is-saħħa pubblika,"
- Emenda tal-artikolu 4 tal-Att dwar Setgħat ta' Emergenza. Kap. 178.
5. Fl-ewwel kolonna tal-Iskeda li tinsab mal-Att dwar il-Kummissarji għall-Gustizzja għandhom jiżdiedu l-partiti li ġejjin:
- Emenda tal-Iskeda li tinsab mal-Att dwar il-Kummissarji għall-Gustizzja. Kap. 291.
- 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
- A.L. 100 tal- 2020. Regolamenti tal-2020 dwar l-Infurzar tal-Ordni li jirrigwarda is-Sospensjoni ta' Avvenimenti Organizzati
- A.L. 98 tal- 2020. Regolamenti tal-2020 dwar l-Infurzar tal-Ordni li jirrigwarda l-Iżolament Personali ta' Persuni li Għandhom Dijanjosi."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 314 tal-24 ta' Marzu, 2020.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Skrivan tal-Kamra tad-Deputati

A 294

I assent.

(L.S.)

GEORGE VELLA
President

25th March, 2020

ACT No. X of 2020

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;"

3. Immediately after article 44 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"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."

A 296

Consequential Amendments

Amendment of article 4 of the Emergency Powers Act. Cap. 178.

4. In sub-article (1) of article 4 of the Emergency Powers Act, immediately after the words "the public safety," there shall be added the words "the public health,".

Amendment of the Schedule to the Commissioners for Justice Act. Cap. 291.

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

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|-------------------|---|
| L.N. 39 of 2020. | "Enforcement of Directions relating to Quarantine Regulations, 2020 |
| L.N. 83 of 2020. | Enforcement of the Order relating to the Closure of Places Open to the Public Regulations, 2020 |
| L.N. 96 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. 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." |

Passed by the House of Representatives at Sitting No. 314 of the 24th March, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives