

Nagħti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO
President

24 ta' Diċembru, 2002

ATT Nru. XXVII ta' l-2002

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'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2002 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 u bidu
fis-sehh.
Kap. 254.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għas-servizzi postali jista' jstabilixxi b'avviż fil-Gazzetta u dati differenti jistgħu hekk jiġu 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 mhassrin.

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

		Artikoli
Taqsima I	Preliminari	1 - 2
Taqsima II	Regolament u Amministrazzjoni tas-Servizzi Postali	3 - 30
Taqsima III	Posta Lokali	31
Taqsima IV	Posta Barranija	32 - 35
Taqsima V	Bolli	36 - 38
Taqsima VI	Tragitt u kunsinna ta' oġġetti postali	39 - 46
Taqsima VII	Projbizzjoni	47 - 49
Taqsima VIII	Ġbir tal-Pustagġ	50 - 53
Taqsima IX	Valiġġi bil-Baħar jew bl-Ajru	54 - 56
Taqsima X	Money u Postal Orders	57 - 61
Taqsima XI	Reati u Pieni	62 - 76
Taqsima XII	Disposizzjonijiet Ġenerali	77 - 81

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 jiżdedu dawn it-tifsiriet ġodda li ġejjin:

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

"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 jescrċita d-drittijiet li joriġinaw 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' reġistrazzjoni jew dikjarazzjoni;"

(b) minflok it-tifsira ta' "bastiment tal-valiġġa", ghandu jidhol dan li ġejj:

"'bastiment tal-valiġġa" tfisser vapur jew ajruplan li jithaddem għall-ġarr 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" ghandhom jiżdicdu dawn it-tifsiriet ġodda 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" ghandhom jiżdicdu dawn it-tifsiriet ġodda li ġejjin:

"'ġbir ta' oġġetti postali" tfisser il-hidma ta' ġbir ta' oġġetti postali maqgħdin f'postijiet ta' dhul;

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

(c) minnufih wara t-tifsira ta' "Gvern" ghandha tizzied din it-tifsira għdida li ġejja:

"'htigiet essenzjali' tfisser raġunijiet ġenerali mhux ekonomiċi li jistgħu jwasslu lill-Gvern jimpone kondizzjonijiet għall-provvista ta' servizzi postali. Dawk ir-raġunijiet huma 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" ghandha tithassar;

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

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

"licenza 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 jinġhataw meta l-persuna involuta ma tissejjahx biex tescrċita dawk id-drittijiet qabel ma tinghata deċiżjoni mill-Awtorità";

(h) minnufih wara t-tifsira ta' "Malta" ghandha tizzied din it-tifsira għdida 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" ghandhom jiżdeddu dawn it-tifsiriet godda li ġejjin:

"'mittent' tfisser persuna ġuridika jew naturali responsabbli għall-oriġinar 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 obbligazzjoni 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 jew hsara;

"oġġett postali" tfisser oġġett indirizzat fl-ghamla finali kif ghandu jitwassal minn operatur postali. B'zieda ma' oġġetti ta' korrisondenza, 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 reġistrat" 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' korrisondenza" 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 ohra 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 aċċessibbli għal servizzi postali;"

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

""partijiet interessati" tinkludi operaturi 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 rikonoxxuti bhala tali mill-Awtorità, liema gruppi għandhom jissodisfaw il-kriterji li l-Awtorità bil-kunsens tal-Ministru tista' b'avviż fil-Gazzetta tippreskrivi;"

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

""posta diretta" tfisser komunikazzjoni li tikkonsisti biss f'reklamar, promozzjoni fis-suq jew materjal ta' pubbliċità u li jkun fih ukoll messaggġ identiku, hlief għal isem-il persuna indirizzata, indirizz u numru ta' identifikazzjoni kif ukoll xi modifikazzjonijiet ohra li ma jibdlux ix-xorta tal-messaggġ, li jintbagħat 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. Kontinġent, irċevuti, dikjarazzjonijiet finanzjarji jew messaggġi mhux identiċi ohra u komunikazzjonijiet li jgħaqqdu flimkien il-posta diretta ma' xi artikoli ohra fl-istess tisrir m'għandhomx ikunu inklużi bhala posta diretta;

"posta transkonfini" tfisser posta lejn jew minn xi pajjiż iċhor;"

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

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

""postijiet ta' dhul" tfisser faċilitajiet fiżiċi, inklużi 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 u b'regolamenti magħmulin taht dan l-Att;"

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

""protezzjoni ta' data" tinkludi protezzjoni ta' data

personali, il-konfidenzjalità ta' informazzjoni mibghuta, kondiżiżna 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;

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

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

(q) minnufih wara t-tifsira ta' "pustaġġ" għandhom jiżdedu 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, reġistrazzjoni 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;

"servizzi riservati" jfissru s-servizzi kif deskritti fl-artikolu 20;

"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 jiġi 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 jintuża 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 jiżdidu 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 bħala mittent jew persuna li lilha jkun qed jiġi indirizzat oġġett;

Sostituzzjoni ta' ċertu 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 "uffiċjal 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 "uffiċjal 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 qegħda tissemma bħala 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 jipprovdri kull informazzjoni hekk kif l-Awtorità tista' tkun tehtieg;

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

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

8. L-artikolu 4 ta' l-Att prinċipali ghandu 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 wiehed 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 jistghu jerġghu 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' mhallef 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 kicku kienu jiskwalifikaw imhallef f'kawża ċivili; u f'kull tali każ ghandu jkun sostitwit minn xi hadd ieħor li jinhatar għal dak l-ghan mill-Prim Ministru.

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

(6) Il-Ministru ghandu jahtar persuna biex taqdi d-dmir ta' segretarju fil-Bord ta' l-Appelli u dik il-persuna ghandha taqdi dmirijetha f'dik il-kariga skönd *standards* etiċi li jikkonformaw mal-valuri tas-servizz pubbliku.

(7) Membru tal-Bord ma ghandu jaghmel ebda attivita' ghal perijodu ta' sena minn meta tintemm il-hatra tieghu illi li kicku kien membru tal-Bord kienet tkun inkompatibbli ma' l-eżerċizzju tal-funzjonijiet tieghu."

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

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:

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

5. (1) Kull min ikun aggravat minn deċiżjoni finali mogħtija mill-Awtorità fil-qadi tal-funzjonijiet tagħha minn jew taht dan l-Att, jista' jappella minn dik id-deċiżjoni quddiem il-Bord ta' l-Appelli:

Izda deċiżjoni ta' l-Awtorità li timponi penali amministrattiva taht dan l-Att tista' biss tiġi kontestata skond il-proċedura kif jista' jiġi stipulat taht dan l-Att.

(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;

(ċ) li jkun sar żball tal-liġi;

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

Izda meta taghmel l-appell tagħha quddiem il-Bord ta' l-Appelli, parti għandha tispjega x'ikun l-interess ġuridiku tagħha li tikkontesta d-deċiżjoni appellata.

(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 taht dan l-artikolu l-Bord ta' l-Appelli jista':

(a) jiċhad 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'direzzjoni li jerġa' 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 jahtar esperti biex jagħtuh pariri fuq kull punt tekniku li jista' jkun rilevanti għad-deċiżjoni tiegħu.

(7) Għall-fini 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 fih u l-mod li bih għandu jsir appell lill-Bord għandha tkun tali skond ma jista' jiġi preskritt; u bla hsara 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 ruħha aggravata b'deċiżjoni tal-Bord, jew l-Awtorità jekk din thoss ruħha 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-reġistru ta' dik il-qorti fi żmien tletin ġurnata mill-ġurnata meta d-deċiżjoni tingħata mill-Bord ta' l-Appelli.

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

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 jipprovi servizzi postali f'Malta kemm-il darba ma jkunx provditur awtorizzat.

(2) Awtorizzazzjoni mogħtija lil persuna taht dan l-Att m'għandhiex teħles 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 individwali u awtorizzazzjonijiet generali.

8. (1) Tista' tingħata awtorizzazzjoni biex persuna topera jew tipprovi servizz postali:

(a) b'liċenza individwali mogħtija mill-Awtorità skond dan l-Att -

(i) fir-rigward ta' servizzi riservati kif imfissra fl-artikolu 20; u

(ii) sa fejn ikun meħtieġ biex jiggarantixxi l-osservanza mar-rekwiziti essenzjali u biex iħares is-servizz universali, fir-rigward ta' servizzi li ma humiex servizzi riservati imma li jagħmlu parti mis-servizzi universali kif imfissra fl-artikolu 17(5);

(b) skond awtorizzazzjoni generali mahruġa mill-Awtorità għar-rigward tas-servizzi mhux riservati li ma jagħmlux parti mis-servizzi universali kif imfissra fl-artikolu 17(5).

(2) L-ghoti ta' awtorizzazzjonijiet taht dan l-Att jista' jkun soġġett għal kundizzjonijiet li jimponu:

(i) obbligi ta' servizzi universali;

(ii) htigiet fir-rigward tal-kwalità, provvista u twettiq tas-servizzi postali li jistghu jkunu inklużi f'tali awtorizzazzjoni;

(iii) obbligi biex wicied ma jiksirx id-drittijiet esklussivi jew speċjali moghtija lil provditur jew provdituri ta' servizzi universali ghas-servizzi postali riservati kif imfissra fl-artikolu 20.

(3) Liċenza individwali moghtija taht dan l-Att tista' tinkludi -

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

(b) kondizzjonijiet li jehtiegu l-hlas ta' dritt lill-Awtorità meta tinghata l-liċenza individwali jew il-hlasijiet matul iż-żmien li tkun ghadha ghaddeja l-liċenza individwali jew it-tnejn li huma, liema dritt jew hlasijiet għandhom ikunu f'dak l-ammont jew dawk l-ammonti. (li jista' wkoll ikun deċiż b'riferenza għall-qligh tad-detentur ta' liċenza individwali, il-bejgh jew *turnover* tieghu) kif jista' jkun deċiż fil-liċenza individwali;

(c) fil-każ ta' liċenza individwali moghtija lil kull persuna jew lil persuni f'xi kategorija, l-kondizzjonijiet mehtiega minn kull persuna jew minn kull min ikun jinkwadra fil-kategorija ta' persuni li dwarhom tkun il-liċenza individwali, biex javżaw lill-Awtorità bl-intenzjoni tagħhom li jiġġestixxu servizzi postali taht dik il-liċenza individwali;

(d) kondizzjonijiet li jkunu jehtiegu lid-detentur ta' liċenza individwali biex ihares kull direttiva moghtija mill-Awtorità dwar dak li hemm imsemmi fil-liċenza individwali;

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

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

Għoti jew chid ta' awtorizzazzjoni.

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

9. (1) L-Awtorità għandha ttejjem 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 tinghata jew le.

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

(3) Meta l-Awtorità tkun tal-fehma li l-applikazzjoni għandha tiġi miċhuda għal xi wahda 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 dawk 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-dispożizzjonijiet 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 aspekt tal-provdiment ta' servizzi postali li tkun saret applikazzjoni għaliha.

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

Raġunijiet ghal
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 liġi oħra, jew ma' kull rabta internazzjonali eżistenti jew li tkun fil-proċess li tibda ssehh min-naha ta' Malta;

(c) jikkawza periklu jew fastidju għall-pubbliku jew hsara f'xi proprjetà, jew jostruwixxi jew jinterferixxi ma' xi servizzi postali mhaddma skond il-liġi;

(d) jawtorizza lil xi applikant li jkun qed japplika ghal 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 idonca biex ikollu l-awtorizzazzjoni li tkun saret applikazzjoni għaliha, jew inkella li ma jkunx qiegħed f'pożizzjoni, minhabba fiċ-ċirkostanzi finanzjarji u ċirkostanzi oħra speċifiċi ta' l-applikant, biex ihares 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 tgħid fil-qosor bil-miktub x'ikunu r-raġunijiet għal tali deċiżjoni.

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

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

(2) L-Awtorità għandha fl-istess hin tagħti lil dik il-persuna imsemmija fis-subartikolu (1) opportunità raġonevoli biex tiddikjara l-opinjoni 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 għingha minn meta tiġi adottata.

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 tagħti l-benefiċjarju involut opportunità raġonevoli biex jiddikjara l-opinjoni tagħha dwar l-applikazzjoni tal-kondizzjoni u, hlief fil-każ ta' kontravvenzjonijiet mtennija minn dak il-benefiċjarju (f'liema każ l-Awtorità tista' minnufih tiegħu miżuri adattati), biex tirrimedja 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 bhalma tkun tqis adatt u għandha tagħti 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 tagħti r-raġunijiet tagħha għad-deċiżjoni li tkun hadet. Dik id-deċiżjoni għandha titwassal fi żmien għingha 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 wieħed jaġixxi taht awtorizzazzjoni ġenerali ma tista' tiġi trasferita jew assenjata mill-provditur awtorizzat lil xi persuna oħra minghajr 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 tagħti 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 meħtieġ mill-Awtorità, u għandu jipprova lill-Awtorità dik l-informazzjoni kollha li tista' tiġi preskritta u hekk kif l-Awtorità tista' tmeħtieġ biex tkun tista' tiffli 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 ghandha tara li l-fatt li tkun saret applikazzjoni, ghandu jkun pubblikat fil-Gazzetta, u li jinghataw tali dettalji bhalma jistghu jitqiesu xierqa sabiex kull min ikun jixtieq jagħmel ilmenti dwar l-applikazzjoni jkun jista' jagħmilhom.

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

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

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

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

(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 ghandu jithassar.

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

11. Dawn l-artikoli godda li ġejjin 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 u 28 għandhom jiżdidu wara l-artikolu 16 ta' l-Att 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 ghandha tohroġ direttivi lill-provditur ta' servizz universali dwar il-kwalità tas-servizz postali li jkun provdut kif hawn iktar 'il quddiem indikat. Qabel ma tohroġ tali direttivi, l-Awtorità tista' tikkonsulta tali partijiet interessati bhalma tkun tqis li jkun adatt fiċ-ċirkostanzi.

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

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

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

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

(4) (a) Il-provditur ta' servizz universali ghandu jiggarrantixxi, f'kull ġurnata tax-xoghol u mhux inqas minn hamest ijiem fil-ġimgħa, blief f'ċirkostanzi li jitqiesu eċċezzjonali mill-Awtorità, li mill-inqas:

(i) ikun hemm ġbir wicied 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 ghandu 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;

(ċ) servizzi għal oġġetti reġistrati;

(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-ogħla 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.

Htiġiet ta' servizz universali.

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

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

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

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

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

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

Informazzjoni fuq is-servizz universali.

19. (1) Il-provditur ta' servizz universali għandu 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) għandha 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-gbir, 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:

Iżda 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 jistgħu jkunu provduti mill-provditur ta' servizz universali.

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

(3) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti biex jemenda jew iħassar ir-restrizzjonijiet ta' piż jew ta' prezz kif imsemmija fis-subartikolu (1).

Prinċipji tariffarji u trasparenza ta' kontijiet.

21. (1) It-tariffi għal kull wieħed 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;

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

(f) kull meta provditur ta' servizz universali japplika tariffi speċjali, per eżempju għal servizzi għan-negozji, *bulk mailers* jew *consolidators of mail* minn klijenti differenti, għandhom japplikaw il-prinċipji ta' trasparenza u ta' ebda diskriminazzjoni kemm għar-rigward tat-tariffi kif ukoll tal-kundizzjonijiet assoċjati. It-tariffi għandhom iqisu l-ispejjeż iffrankati, kif komparati mas-servizz *standard* li jkopri l-firxa kompleta ta' l-aspetti offruti għall-ġbir, trasport, ipproċessar u konsenja ta' oġġetti postali individwali u flimkien mal-kundizzjonijiet assoċjati, għandhom japplikaw bl-istess mod kemm għal terzi bejniethom kemm bejn terzi u l-provditur tas-servizz universali li jissupplixxi servizzi ekwivalenti. Kull tariffa ta' din ix-xorta għandha tapplika wkoll għal klijenti privati li jaqghu taht kundizzjonijiet simili; u

(g) sussidjar reċiproku tas-servizzi universali li huma barra mis-settur riservat mid-dhul minn servizzi fis-settur riservat, għandhom ikunu projbiti hliet sa fejn jiġi muri li jkun strettament neċessarju sabiex jiġu onorati l-obbligi speċifiċi ta' servizz universali imposti fil-qasam kompetittiv.

(2) Meta l-Awtorità tkun tal-fehma li l-provditur ta' servizz universali ma jkunx qed ihares il-prinċipji stipulati fis-subartikolu (1), l-Awtorità tista', wara li tikkonsulta lill-Ministru u fil-każ tas-subartikolu (1)(c) bil-kunsens tal-Ministru, tohrog direttivi lill-provditur għall-finijiet li jiġu sodisfatti l-htigiet 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-istrutturi 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 diċhla,

(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' tohrog direttivi lill-provditur ta' servizz universali, wara li jsiru dawk il-konsultazzjonijiet ma' tali partijiet interessati bhalma 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.

Kontijiet.

23. Il-proċeduri ta' kontijiet 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' tqegħid 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 ghandha tissorvelja it-twettiq 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' twettiq tal-provditur ta' servizz universali ma jkunux konformi jew ma kienux konformi mal-livelli mehtieġa stipulati taht is-subartikolu (1), l-Awtorità ghandha taghti dawk id-direttivi jew ordnijiet sabiex tiżgura li l-provditur jagħmel dawk it-tiswijiet li jkunu mehtieġa.

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 jehlieġu.

(2) L-Awtorità tista' taghti direttivi lill-provditur ta' servizz universali biex jagħmel dawk it-tiswijiet li jkunu mehtieġa 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 jabbazza proċeduri trasparenti, sempliċi u li ma jiswewx, dwar kif għandhom jiġu ttrattati l-ilmenti ta' l-utenti, partikolarment f'kazijiet li jkunu jinvolvu li ma jkunx hemm konformità ma' livelli tas-servizz ta' kwalità. Dawn il-proċeduri għandhom jagħmluha possibbli li t-tilwimiet jkunu rrangati b'mod ġust u ta' malajr u hekk li ma jsirux spejjez kbār.

(2) Il-provditur ta' servizz universali għandu ta' mill-inqas darba fis-sena kalendarja jippubblika informazzjoni fuq l-ghadd 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 ghandha 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-ghan.

(2) Meta l-Awtorità tistabbilixxi proċeduri bħal dawk imsemmija fis-subartikolu (1), hija ghandha 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 ikun 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 hsara bhal dawk, kemm-il darba dawn ma jkunux ġew kaġunati b'malfidi jew bi traskuraġni."

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 30 ta' l-Att prinċipali.

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

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

(a) fil-paragrafu (a) tiegħu l-kliem "jistabbilixxi r-rati ta' pustagġ u drittijiet postali" għandhom jiġu sostitwiti bil-kliem "jistabbilixxi għas-servizzi riservati r-rati ta' pustagġ u drittijiet postali";

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

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

15. L-artikolu 32 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

(a) fil-paragrafu (a) tas-subartikolu (2) tiegħu, il-kliem "jippreskrivu r-rati ta' pustagġ u drittijiet postali," għandhom jiġu sostitwiti bil-kliem "jippreskrivu għas-servizzi riservati r-rati ta' pustagġ u drittijiet postali.";

(b) fil-paragrafu (b) tas-subartikolu (2) tiegħu, il-kliem

"jehtieġu l-hlas bil-quddiem ta' pustaġġ u drittijiet postali" ghandhom jiġu sostitwiti bil-kliem "jehtieġu għas-servizzi riservati l-hlas bil-quddiem ta' pustaġġ u drittijiet postali"; u

(ċ) fil-paragrafu (ċ) tas-subartikolu (2) tiegħu, il-kliem "jippreskrivu l-pustaġġ u d-drittijiet postali" ghandhom jiġu sostitwiti bil-kliem "jippreskrivu għas-servizzi riservati l-pustaġġ u d-drittijiet postali."

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

ġej:

16. L-artikolu 34 ta' l-Att prinċipali għandu jkun emendat kif

(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:

Izda 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 jgharrfu 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:

Izda 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 jgharrfu 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".

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

ġej:

17. L-artikolu 35 ta' l-Att prinċipali għandu jkun emendat kif

(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 jiddied dan il-proviso li ġej:

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

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

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

"Provviŝta ta' bolli.

36. (1) Il-Ministru jkun responsabbli għall-approvazzjoni ta' hruġ ta' bolli u l-ghemil ta' programm dwar il-hruġ ta' bolli. F'dan l-ghemil il-Ministru għandu jikkonsulta bord konsultattiv dwar il-bolli li jkun kompost minn *chairman* u mhux inqas minn erba' u mhux aktar minn tmien membri oħra appuntati mill-Ministru għal hatra ta' mhux aktar minn tliet snin, licma hatra tkun tista' tiġġedded. Il-Bord għandu jirregola l-proċedura tiegħu nnifsu dwar kif imexxi xogħlu.

(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 jinhareġ dak l-avviż, m'għandhomx jibqgħu validi għall-hlas bil-quddiem ta' pustaġġ, 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 jibdilhomlu ma' bolli oħra validi ta' l-istess valur.

(3) Il-Ministru jista', wara li jikkonsulta lill-Awtorità, jagħmel regolamenti dwar il-hidma u l-funzjonijiet tal-Bord."

19. L-artikolu 37 ta' l-Att prinċipali għandu jkun emendat kif ġej:

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

(a) fis-subartikolu (1) tiegħu l-kliem "*il-Postmaster-General* għandu jittratta b'dak l-oġġett postali b'dak il-mod li, fiċ-ċirkostanzi, jidhiru xiċraġ," għandhom jiġu sostitwiti bil-kliem "l-operatur postali għandu jittratta b'dak l-oġġett postali

b'dak il-mod li l-Awtorità, fiċ-ċirkostanzi, jidhrilha 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.

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

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

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

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

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

22. L-artikolu 40 ta' l-Att prinċipali għandu jkun emendat kif ġej:

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

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

(ċ) minnufih wara s-subartikolu (9) tiegħu għandu jidhol dan is-subartikolu ġdid li ġej:

"(10) Operatur postali jista' wkoll jirrifjuta li jikkunsinna xi oġġett postali meta l-post li jkun indirizzat lejha jista' jkun ta' theddida għas-saħħa u s-sigurtà personali ta' l-uffiċċjal ta' operatur postali."

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

23. Fil-paragrafu (d) ta' l-artikolu 42 ta' l-Att prinċipali l-frazi "*Postmaster-General*" għandha tiġi sostitwita bil-frazi "operatur postali".

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

24. L-artikolu 43 ta' l-Att prinċipali għandu jkun emendat kif ġej:

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

(b) il-proviso li ġej għandu jidded wara s-subartikolu

(2) tiegħu:

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

25. L-artikolu 44 ta' l-Att prinċipali għandu 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 għal xi raġuni jistgħu ma jkunux ġew konsenjati."

26. L-artikolu 46 ta' l-Att prinċipali għandu jkun emendat kif ġej:

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

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

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

"Izda meta persuna tkun ġiet nominata skond l-Att dwar il-Kummerċ Bankarju biex tiegħu 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, soċjeta jew ditta li dwarhom dik il-persuna tkun mogħtija poteri taht dak l-Att, għandu jiġi konsenjat lil dik il-persuna."

27. L-artikolu 47 ta' l-Att prinċipali għandu jkun emendat kif ġej:

Emenda ta' l-artikolu 47 ta' l-Att prinċipali.

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

(b) is-subartikolu (3) tiegħu għandu 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 jibgħatx barra mill-pajjiż xi oġġett postali għar-rigward ta' xi lotterija bħal 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' jregġa' lura l-oġġett lill-mittent jew xort'ohra jagħmel minnu skond id-direttivi ta' l-Awtorità."

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

28. L-artikolu 48 ta' l-Att prinċipali għandu jkun emendat kif ġej:

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

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

Iżda meta l-Awtorità tkun sodisfatta li oġġett 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 miqiegħut 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-oġġett postali lill-persuna indirizzata mingħajr ebda eżami iehor jew eżensura ohra.";

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

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

"(2) Kull oġġett postali li jkun hemm suspett serju dwaru li jkun ta' xorta sedizzjuża għandu hekk jinżamm, jinfetħ 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 oġġett postali li jkun hemm suspett serju dwaru li jkun fih xi esploziv, sustanza perikoluża jew xi haġ oħra li tista' tesponi lil xi hadd għal feriment jista' jinżamm u jinfetħ mill-operatur postali u, jekk dan jinsab li jkun fih xi haġa kif hawn aktar qabel imsemmi, din għandha, bl-approvazzjoni ta' l-Awtorità, tiġi meqruda.

(4) Meta l-operatur postali jkollu tasew għaliex jahseb li xi oġġett postali jkun ġie impustat jew mibghut 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."

29. 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.

30. 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 bhala dejn ċivili".

Emenda ta' l-artikolu 51 ta' l-Att prinċipali.

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

Emenda ta' l-artikolu 52 ta' l-Att prinċipali.

32. 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.

33. 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

39. Fl-artikolu 61 ta' l-Att prinċipali l-kliem "ma tkun tista' tittiehed ebda azzjoni kontra l-Gvern jew xi uffiċjal tal-Posta" għandhom 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.

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

"62. (1) Kull min jipprovi jew ihaddem 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 clef lira u fil-każ ta' reat kontinwat ta' mhux aktar minn mitt lira għal kull gurnata li matulha jkompli r-reat:

l-izda persuna wkoll titqies li tkun kisret id-

disposizzjonijiet ta' dan is-subartikolu jekk dik il-persuna -

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

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

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

(2) Kull min jonqos milli jipprovdi dik l-informazzjoni li l-Awtoritá tista' tehtieg skond dan l-Att, jew li jissupplixxi informazzjoni lill-Awtoritá jew lill-Ministru li jkun jaf, jew ikollu, tassew għaliex jahseb, li tkun falza jew qarriega, jew jimpedixxi jew jostruwixxi lill-Awtoritá 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 elf 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 bhal dak ikun hati ta' reat taht dan l-Att, u għandu meta jinsab hati jehel multa ta' mhux akjar minn elf lira jew prigunerija għal żmien mhux iżjed minn xahar, jew dik il-multa u prigunerija flimkien.

(4) Kull min juża xi servizz, inkluż il-garr ta' oġġett postali provdut minn xi operatur postali, u bħala riżultat ta' dan jagħmel hsara jew jikkaguna biża' jew inkella jista' jagħti lok għal xi hsara jew biża', jista', meta jinsab hati, jehel multa ta' mhux inqas minn mitejn lira u mhux iżjed minn elfejn lira.

(5) Minghajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, kull min jikser jew jonqos milli jhars 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."

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

41. Dawn l-artikoli godda li ġejjin 63 u 64 ghandhom jiżdedu wara l-artikolu 62 ta' l-Att prinċipali:

"L-Awtorità tista' tissorpendi jew tirrevoka liċenza. eċċ.

63. B'zieda u minghajr preġudizzju ghal kull picna fi tista' tiġi moghtija taht id-disposizzjonijiet ta' dan l-Att, l-Awtorità tista' tissorpendi jew tirrevoka liċenza jew awtorizzazzjoni mahruġa favur xi operatur postali skond dan l-Att jew regolamenti maghmulin tahtu, meta l-operatur postali jkun kiser ghal diversi drabi xi disposizzjoni ta' dan l-Att jew xi regolament jew direttiva maghmulin tahtu.

Proċedimenti ghal reati.

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

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 tinghata 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 maghmulin tahtu."

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

42. Fl-artikolu 65 ta' l-Att prinċipali l-kliem "hamsin lira" ghandhom jiġu sostitwiti bil-kliem "mtejn lira".

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

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

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

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

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

45. L-artikolu 68 ta' l-Att prinċipali ghandu jiġi sostitwit b'dan li ġejj:

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

46. 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 69 ta' l-Att prinċipali.
47. Fl-artikolu 70 ta' l-Att prinċipali l-kliem "hamsin lira" għandhom jiġu sostitwiti bil-kliem "mitejn lira". Emenda ta' l-artikolu 70 ta' l-Att prinċipali.
48. Fl-artikolu 71 ta' l-Att prinċipali l-kliem "mitt lira" għandhom jiġu sostitwiti bil-kliem "hames mitt lira". Emenda ta' l-artikolu 71 ta' l-Att prinċipali.
49. 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 teħel, 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". Emenda ta' l-artikolu 72 ta' l-Att prinċipali.
50. 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.
51. 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.
52. 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.
53. 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.
54. Dawn l-artikoli godda li ġejjin 80 u 81 għandhom jidiedu 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-hruġ 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 daww 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-schh 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 maħruġa skond xi disposizzjoni ta' dan l-Att u fis-schh fl-1 ta' Mejju, 1998 għandhom minkejja t-tħassir ta' xi disposizzjonijiet ta' dan l-Att, ikomplu fis-schh 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 wahda mill-funzjonijiet ta' l-Awtorità jew sabiex id-disposizzjonijiet ta' dan l-Att ikunu jistghu jitwettqu ahjar.

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

(a) dwar kull haġa dwar liċenzi u awtorizzazzjonijiet ohra taħt dan l-Att, inkluż l-għemil ta' drittijiet u ta' proċeduri ta' registrazzjoni 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 hwicnet" għall-bdil tal-htigiet rigward l-inqas servizzi postali li għandhom jiġu provduti;

(c) dwar l-ahjar 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 ghandha ssir ir-ricerka jew l-investigazzjoni fuq kull haġa ghar-rigward ta' servizzi postali regolati minn jew taht dan l-Att u l-provdiment ta' informazzjoni, l-hruġ ta' direttivi jew linji direttivi ghall-pubbliku, ghall-operaturi, u ghal 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 aspekk tas-servizzi postali regolati minn jew taht dan l-Att;

(g) dwar kif jiġi regolat xi aspekk tas-servizzi postali fir-rigward tas-servizzi riservati dwar il-hin, il-mod, il-post u l-kondizzjonijiet li bihom jew tahtom daww is-servizzi ghandhom ikunu pprovduti;

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

(i) dwar kif ghandu jsir xi depożitu jew l-ghoti ta' xi garanzija li tiżgura t-tweqqif ta' xi obligazzjoni minn kull min ikollu dik l-obbligazzjoni imposta bhal-kondizzjoni ta' xi liċenza jew awtorizzazzjoni taht dan l-Att;

(j) 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;

(k) 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 u jipprovdur ghal proċedura ghall-impożizzjoni u l-infurzar ta' multi bhal-dawn liema proċedura ghall-infurzar tista' tinkludi disposizzjonijiet li penalitajiet bhal-dawn jikkostitwixxu titolu eżekuttiv ghal finijiet u effetti tat-Title VII tat-Taqsima I fit-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;

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

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

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

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

(n) 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.

55. 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.

56. 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 "kemma 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" ghandhom 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";

(c) fil-paragrafu (7) tar-regola 4 l-kliem "*il-Postmaster-General* ghandu minnufih jehles l-istampat" ghandhom jigu sostitwiti bil-kliem "l-Awtorità ghandha minnufih tordna l-helsien ta' l-istampat";

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

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

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

"IT-TIELET SKEDA

(Artikolu 23)

Proċeduri ta' kontijiet

1. Bla hsara għall-artikolu 23 ta' dan l-Att u skond direttivi stipulati mill-Awtorità, l-provditur ta' servizz universali għandu jzomm kontijiet separati fis-sistema ta' kontijiet li juża, għal kull wiehed mis-servizzi fis-settur riservat min-naha waħda u fis-settur mhux riservat min-naha 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 interni 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, jigifieri daww l-ispejjeż li jistgħu ma jkunux direttament assenjati lil xi servizz partikolari, għandhom ikunu allokatu kif ġej:

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

(ii) meta ma tkunx possibbli l-analiż diretta, ghandhom 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 ghandha 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 ghandha tkun allokata abbażi ta' allokatur ġenerali li jiġi komputat billi jintuża l-proporzjon ta' l-ispejjeż kollha direttament jew indirettament assenjati jew allokati, min-naha waħda, għal kull wieħed mis-servizzi riservati u , min-naha l-oħra, għas-servizzi l-oħra.

3. Sistemi oħra ta' kontijiet ta' l-ispejjeż jistghu 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 ghandu jhares xi wahda mis-sistemi ta' kontijiet ta' l-ispejjeż deskritti fil-paragrafi 1 u 2 li jkunu verifikati minn awdituri mqabbdha mill-provditur u l-provditur ghandu jipubblika dikjarazzjoni li tkun firrigwarda l-konformità f'żewġ gazzetti ta' kuljum mill-inqas darba fis-sena kalendarja.

5. L-Awtorità ghandha żżomm 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 jipprovi, b'mod konfidenzjali, informazzjoni dwar il-kontijiet dettaljata li toriġina minn dawk is-sistemi ta' kontijiet ta' l-ispejjeż."

58. L-Att biex Jirregola t-Telekomunikazzjoni, ghandu jiġi emendat kif ġej:

(a) fit-test Inġliż il-kelma "it" ghandha tissostitwixxi l-kelma "him" kif ġej: fis-subartikolu (1) ta' l-artikolu 13, fis-subartikolu (1) ta' l-artikolu 26 u fis-subartikolu (3) ta' l-artikolu 27;

(b) fit-test Inġliż il-kelma "its" ghandha tissostitwixxi l-kelma "his" fis-subartikoli (1) u (2) ta' l-artikolu 14;

(ċ) fit-test Inġliż il-kelma "it" ghandha tissostitwixxi l-kelma "he" fis-subartikolu (1) ta' l-artikolu 15 u fl-artikolu 37;

(d) fit-test Malti fis-subartikolu (2) ta' l-artikolu 14 il-kelma "tieghu." ghandha tiġi sostitwita bil-kelma "taghha.";

(e) l-artikolu 34 ghandu jiġi emendat kif ġej:

(i) is-subartikolu (5) tiegħu ghandu jiġi enumerat mill-ġdid bħala s-subartikolu (7);

(ii) wara s-subartikolu (4) tiegħu ghandhom jiġu miżjuda dawn is-subartikoli ġodda li ġejjin:

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

(6) Membru tal-Bord ma ghandu jagħmel ebda attività għal perjodu ta' sena minn meta tintemm il-hatra tiegħu illi li kieku kien membru tal-Bord kienet tkun inkompatibbli ma' l-eżerċizzju tal-funzjonijiet tiegħu.";

(f) minnufih wara s-subartikolu (2) ta' l-artikolu 35 ghandu jiżdied dan li ġej:

"Izda f'kull każ, persuna li tagħmel appell quddiem il-Bord ta' l-Appelli ghandha tispjega x'ikun l-interess ġuridiku taghha biex tikkontesta d-deċiżjoni appellata.";

(g) fis-subartikolu (5) ta' l-artikolu 39 il-kliem "ta' mhux iżjed minn mitt lira" ghandhom jiġu sostitwiti bil-kliem "ta' mhux iżjed minn elf lira" u l-kliem "ta' mhux iżjed minn ghoxrin lira għal kull jum" ghandhom jiġu sostitwiti bil-kliem "ta' mhux iżjed minn mitejn lira għal kull jum";

(h) fil-paragrafu (g) tas-subartikolu (2) ta' l-artikolu 38 wara l-kliem "tar-regolamenti magħmulin tahtu" ghandhom jiġu miżjuda l-kliem "u jipprovdu għall-impozizzjoni u l-infurzar ta' multi bħal dawn, liema proċedura għall-infurzar tista' tinkludi disposizzjonijiet li penalitajiet bħal dawn jikkostitwixxu titolu eżekutiv għal finijiet u effetti tat-Titolu VII tat-Taqsima I fit-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili";

u

(i) is-subartikolu (1) ta' l-artikolu 40 ghandu jigi sostitwit b'dan li ġej:

"(1) Ma ghandu jinbeda ebda proċediment taht dan l-Att, hief ghal reati taht il-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 39, minghajr il-kunsens bil-miktub ta' l-Awtorità jew fuq talba taghha."

Emenda ta' l-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettronici, Kap. 426.

59. L-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettronici ghandu jigi emendat kif ġej:

(a) fl-artikolu 2 tiegħu, fid-definizzjoni ta' "Awtorità kompetenti", il-kliem "skond l-artikolu 20;" ghandhom jigu sostitwiti bil-kliem "skond l-artikolu 17;";

(b) is-subartikolu (1) ta' l-artikolu 5 ghandu jigi emendat kif ġej:

(i) il-paragrafu (ċ) tas-subartikolu (1) tiegħu ghandu jigi rinumerat bhala paragrafu (d);

(ii) wara l-paragrafu (b) tas-subartikolu (1) tiegħu ghandu jigi miżjud il-paragrafu l-ġdid li ġej:

"(ċ) jekk l-informazzjoni tkun mehtieġa biex tinghata lil xi persuna li la hi korp pubbliku jew li la qed tagixxi ghan-nom ta' xi korp pubbliku, dik il-persuna li l-informazzjoni qed tinghata jew li qed jigi permess li tinghata lilha, trid taghti l-kunsens taghha biex l-informazzjoni tinghata jew tigi prodotta lilha permezz ta' komunikazzjoni elettronika;" u

(ċ) is-subartikolu (1) ta' l-artikolu 7 ghandu jigi emendat kif ġej:

(i) il-paragrafu (ċ) tas-subartikolu (1) tiegħu ghandu jigi enumerat mill-ġdid bhala paragrafu (d);

(ii) wara l-paragrafu (b) tas-subartikolu (1) tiegħu ghandu jigi miżjud il-paragrafu il-ġdid li ġej:

"(ċ) jekk id-dokument ikun mehtieġ li jinghata lil xi persuna li la hi korp pubbliku jew li hi qed tagixxi ghan-nom ta' xi korp pubbliku, dik il-persuna li d-dokument lilha hu mehtieġ li jigi prodott, trid taghti l-kunsens taghha ghal produzzjoni tad-dokument permezz ta' komunikazzjoni elettronika f'forma elettronika tad-dokument;"

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

Enumerazzjoni mill-ġdid ta' l-artikoli

Kif fis-schh 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
22	43
23	44
24	45
25	46
26	47
27	48
28	49
29	50
30	51
31	52
32	53
33	54
34	55
35	56
36	57
37	58
38	59
39	60
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

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 841 tas-17
ta' Diċembru, 2002

ANTON TABONE
Speaker

RICHARD J. CAUCII
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

24th December, 2002

ACT No. XXVII of 2002

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 the present Parliament assembled and by the authority of the same as follows:

Title and
commencement.

Cap. 254.

1. (1) The short title of this Act is the Post Office (Amendment) Act, 2002, and this Act shall be read and construed as one with the Post Office Act hereinafter referred to as the "principal Act".

(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.

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

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

(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.

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

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

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

Amendment of article 2 of the principal Act.

(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;

Cap. 418.

"Authority" means the Malta Communications Authority established under the Malta Communications Authority Act;

"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:";

(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 "Postmaster-General" 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:

"reserved services" means the services so described in article 20:

"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:

Substitution of certain words in the principal Act.

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".

(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".

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

Substitution of heading to Part II of the principal Act.

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

Substitution of article 3 of the principal Act.

"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."

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

Substitution of article 4 of the principal Act.

"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.

(7) A member of the Board shall not, for a period of one year following the termination of his appointment, engage in any activity which would have been incompatible with the exercise of his function had he been a member of the Board."

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

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:

"Functions and procedure of the Postal Services Appeal Board.

5. (1) An aggrieved person may appeal any final decision given by the Authority in the exercise of its functions by and under this Act, before the Appeals Board:

Provided that a decision of the Authority to impose an administrative fine under this Act may only be contested in accordance with the procedure as may be stipulated under this Act.

(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;

Provided that a party in making an appeal to the Appeals Board shall also explain its juridical interest in impugning the decision appealed from.

(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):

Cap. 12.

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.

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

Requirement of authorisation for postal services.

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.

Individual licences and general authorisations.

8. (1) An authorisation to operate or provide postal services may be granted:

(a) by individual licence granted by the Authority in accordance with this Act -

(i) in respect of reserved services as defined in article 20; and

(ii) to the extent necessary in order to guarantee compliance with essential requirements and to safeguard the universal service, in respect of services which are not reserved services but which are within the scope of the universal services as defined in article 17(5);

(b) in accordance with a general authorisation issued by the Authority in respect of non-reserved services which are outside the scope of the universal services as defined in article 17(5).

(2) The granting of authorisations under this Act may be made subject to conditions imposing:

(i) universal service obligations;

(ii) requirements concerning the quality, availability and performance of the postal services as may be included in such authorisation; and

(iii) obligations not to infringe the exclusive or special rights granted to the universal service provider or providers for the reserved postal services as defined in article 20.

(3) An individual licence granted under this Act may include

(a) such conditions (whether relating to the postal services to which the individual 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 individual licence or of payments during the currency of the individual 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 individual licence;

(c) in the case of an individual 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 individual licence relates, to notify the Authority of his intention to run postal services under that individual licence;

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

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

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

Non-compliance
with conditions of
general
authorisations.

II. (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.

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."

Amendment of article 15 of the principal Act.

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

(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.

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

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:

"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.

(3) The Minister may, after consultation with the Authority, by regulation amend or revoke the weight or price restrictions stated in subarticle (1).

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;

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

(f) whenever a universal service provider applies special tariffs, for example for services for business, bulk mailers or consolidators of mail from different customers, it shall apply the principles of transparency and non-discrimination with regard both to the tariffs and to the associated conditions. The tariffs shall take account of the avoided costs, as compared to the standard service covering the complete range of features offered for the clearance, transport, sorting and delivery of individual postal articles and together with the associated conditions, shall apply equally both as between different third parties and as between third parties and the universal service provider when supplying equivalent services. Any such tariffs shall also be available to private customers who post under similar conditions; and

(g) cross-subsidisation of universal services outside the reserved sector out of revenues from services in the reserved sector shall be prohibited except to the extent to which it is shown to be strictly necessary to fulfil specific universal service obligations imposed in the competitive areas.

(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."

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

"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 (a) thereof, the words "establish the rates of postage and the postal fees" shall be substituted by the words "establish for the reserved services the rates of postage and the postal fees";

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

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

15. Article 32 of the principal Act shall be amended as follows: Amendment of article 32 of the principal Act.

(a) in paragraph (a) of subarticle (2) thereof, the words "prescribe the rates of postage and postal fees," shall be substituted with the words "prescribe for the reserved services the rates of postage and postal fees,";

(b) in paragraph (b) of subarticle (2) thereof, the words "require the prepayment of postage and postal fees" shall be substituted with the words "require for the reserved services the

prepayment of postage and postal fees"; and

(c) in paragraph (c) of subarticle (2) thereof, the words "prescribe the postage and postal fees" shall be substituted with the words "prescribe for the reserved services the postage and postal fees".

Amendment of
article 34 of the
principal Act.

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

(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.

17. 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."

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

Substitution of article 36 of the principal Act.

"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 shall consult a stamp advisory board consisting of a chairman and not less than four and not more than eight other members appointed by the Minister for a term of not more than three years, which term may be renewed. The Board shall regulate its own procedure in the conduct of its business.

(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.

(3) The Minister may, after consultation with the Authority, make regulations with regard to the activity and functions of the Board."

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

Amendment of article 37 of the principal Act.

(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."

Amendment of article 38 of the principal Act.

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

Substitution of article 39 of the principal Act.

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

"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."

Amendment of article 40 of the principal Act.

22. Article 40 of the principal Act shall be amended as follows:

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

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

(c) immediately after subarticle (9) thereof there shall be inserted the following new subarticle:

"(10) A postal operator may also refuse to deliver any postal article where the premises to which it is addressed may be of threat to the health and personal safety of the officer of a postal operator."

Amendment of article 42 of the principal Act.

23. 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 43 of the principal Act.

24. Article 43 of the principal Act shall be amended as follows:

(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."

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

Substitution of article 44 of the principal Act.

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

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

Amendment of article 46 of the principal Act.

(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."

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

Amendment of article 47 of the principal Act.

(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."

Amendment of
article 48 of the
principal Act.

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

(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."

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

30. 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 51 of the principal Act.

31. 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 52 of the principal Act.

32. 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 53 of the principal Act.

33. Article 54 of the principal Act shall be amended as follows: Amendment of article 54 of the principal Act.

(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."

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

Amendment of article 57 of the principal Act.

35. 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 58 of the principal Act.

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

(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."

Amendment of article 59 of the principal Act.

37. 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 60 of the principal Act.

38. 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 61 of the principal Act.

39. 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".

Substitution of article of 62 of the principal Act.

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

"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) Any person who uses any service, including the conveyance of any postal article provided by a postal operator, and as a result causes any injury or alarm or is likely to cause any injury or alarm, shall, on conviction, be liable to a fine (*multa*) of not less than two hundred liri and not more than two thousand liri.

(5) 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.

41. 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."

Amendment of article 65 of the principal Act.

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

Amendment of article 66 of the principal Act.

43. 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 67 of the principal Act.

44. 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."

Substitution of article 68 of the principal Act.

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

"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."

46. 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.
47. 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.
48. 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.
49. 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 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."
50. 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 73 of the principal Act.
51. In article 75 of the principal Act the words "one hundred liri" shall be substituted by the words "five hundred liri".
Amendment of article 75 of the principal Act.
52. 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 77 of the principal Act.
53. 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".
Amendment of article 78 of the principal Act.
54. The following new articles 80 and 81 shall be added after article 79 of the principal Act:
Addition of new articles 80 and 81 to 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 relating to reserved services with regard to 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 criteria on the basis of which postal services users' groups may be recognised in accordance with the provisions of this Act;

(k) 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 and provide for the procedure for the imposition and enforcement of such fines which enforcement procedures may include provisions to the effect that any such fines shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure:

Provided that the administrative fines provided for by regulations or directives made under this article shall not exceed the sum of five thousand liri for each offence and two 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;

(l) 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;

(m) 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;

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

Amendment of
the First
Schedule to the
principal Act.

55. 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 Second
Schedule to the
principal Act.

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

(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".

57. 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."

Amendment of
the Tele-
communications
(Regulation)
Act,
Cap. 399.

58. The Telecommunications (Regulation) Act, shall be amended as follows:

(a) in the English text the word "it" shall replace the word "him" as follows: in subarticle (1) of article 13, subarticle (1) of article 26 and subarticle (3) of article 27;

(b) in the English text, the word "its" shall replace the word "his" in subarticles (1) and (2) of article 14;

(c) in the English text, the word "it" shall replace the word "he" in subarticle (1) of article 15 and in article 37;

(d) in the Maltese text, in subarticle (2) of article 14 the word "ticghu." shall be substituted by the word "taghha.";

(e) article 34 shall be amended as follows:

(i) subarticle (5) thereof shall be renumbered as subarticle (7);

(ii) after subarticle (4) there shall be added the following new subarticles:

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

(6) A member of the Board shall for a period of one year following the termination of his appointment not engage in any activity which would have been incompatible with the exercise of his functions as a member of the Board.";

(f) immediately after subarticle (2) of article 35 there shall be added the following:

"Provided that in any case, a person in making an appeal to the Appeals Board shall also explain its juridical interest in impugning the decision appealed from.";

(g) in subarticle (5) of article 39 the words "not exceeding one hundred liri" shall be substituted by the words "not exceeding one thousand liri" and the words "not exceeding twenty liri for every day" shall be substituted by the words "not exceeding two hundred liri for every day";

(h) in paragraph (g) of subarticle (2) of article 38 after the words "any regulations made thereunder" there shall be added the words "and provide for the procedure for the imposition and enforcement of such fines which enforcement procedures may include provisions to the effect that any such fines shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organisation and Civil Procedure:"; and

(i) subarticle (1) of article 40 shall be substituted by the following:

"(1) No proceedings for any offence under this Act other than offences under paragraph (d) of subarticle (1) of article 39 shall be instituted without the consent of the Authority or at its request."

59. The Electronic Commerce Act shall be amended as follows:

Amendment of
the Electronic
Commerce Act,
Cap. 426.

(a) in article 2 thereof, in the definition of "competent authority", the words "of article 20;" shall be substituted by the words "of article 17:";

(b) subarticle (1) of article 5 shall be amended as follows:

(i) paragraph (c) of subarticle (1) thereof shall be renumbered as paragraph (d);

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

"(c) if the information is required to be given to a person who is neither a public body nor to a person acting on behalf of a public body, then the person to whom the information is required or permitted to be given, consents to the information being given by means of an electronic communication;" and

(c) subarticle (1) of article 7 shall be amended as follows:

(i) paragraph (c) of subarticle (1) thereof shall be renumbered as paragraph (d);

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

"(c) if the document is required to be produced to a person who is neither a public body nor to a person acting on behalf of a public body, then the person to whom the document is required to be produced, consents to the production by means of an electronic communication of an electronic form of the document;"

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
-	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
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-	64
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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

Passed by the House of Representatives at Sitting No. 841 of the
17th December, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives