

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO
President

8 ta' Novembru, 2002

ATT Nru. XXIII ta' l-2002

ATT biex jemenda l-Att dwar l-Immigrazzjoni, Kap. 217.

Il-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati imlaqqgħa f'dan il-Parlament u bl-awtorità ta' l-istess, hareg b'ligi dan li ġej:-

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-2002 li jemenda l-Att dwar l-Immigrazzjoni, u għandu jinqara u jiftiehem haga wahda ma l-Att dwar l-Immigrazzjoni, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u
bidu fis-sch.
Kap. 217.

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

2. Minflok it-tabella intitolata "Taqsim ta' l-Att" li tidher ma' l-Att prinċipali għandu jidhol dan li ġej:

Emenda għat-
Taqsim ta' l-Att.

"Taqsim ta' l-Att

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3. L-artikolu 2 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira "bastiment", ghandha tidhol din it-tifsira ġdida li ġejja:

"Bord" tfisser il-Bord ta' l-Appelli dwar l-Immigrazzjoni, mwaqqaf bl-artikolu 25A;"

(b) minnufih wara l-paragrafu (c) tat-tifsira "dependent" ghandu jidhol il-paragrafu ġdid li ġej:

"(d) kull membru iehor tal-familja li jista' jiġi preskritt mill-Ministru;"

(c) minnufih wara t-tifsira ta' "dependent" ghandhom jidhlu t-tifsiriet ġodda li ġejjin:

"Ftehim" tfisser ftehim li fih Malta tkun parti milhuq minn grupp ta' stati li bih jinghataw reċiprokament liċ-ċittadini ta' dawk l-istati jew id-dipendenti tagħhom, id-dritt li jidhlu, joqogħdu u jirrisjedu fih, u jitolqu mit-territorju ta' dak l-istat, li jkollhom libertà ta' moviment ġewwa dawk l-istati għal dak il-perjodu li jista' jiġi stabbilit fil-ftehim, u li jahdmu jew jistabbilixxu, jipprovdu jew jirċievu servizzi ġewwa fihom; u "Stat tal-Ftehim" u "ċittadin ta' Stat tal-Ftehim" ghandhom jiftiehm skond hekk; u fejn għall-iskopijiet tat-Taqsima III, stat ikun jagħmel parti minn dak il-Ftehim kif soġġett għal modifikazzjonijiet u adattamenti, ċittadin ta' Stat ta' Ftehim ikun soġġett għal dawk il-modifikazzjonijiet jew adattamenti li jistgħu jiġu preskritti;

"Ftehim dwar Fruntiera" ifisser ftehim li fih Malta tkun parti milhuq minn grupp ta' stati, li jipprovdi għal kontroll komuni tal-fruntiera u għad-dhul u l-hruġ hieles ta' persuni li jkunu jinsabu legittimament got-territorju 'l ġewwa u 'l barra minn kull territorju ta' dawk l-istati; u "Stat tal-Ftehim tal-Fruntiera" u "ċittadin ta' Stat tal-Ftehim tal-Fruntiera" ghandhom jiftiehm skond hekk;"

(d) it-tifsira "ordni ta' tnehhija" ghandha tiġi sostitwita b'dan li ġej:

" "ordni ta' tnehhija" tfisser ordni magħmula mill-Uffiċjal Prinċipali ta' l-Immigrazzjoni jew mill-Bord ta' l-Appelli dwar l-Immigrazzjoni, skond l-artikolu 14, jew mill-Qorti ta' l-Appell skond l-artikolu 25A, skond il-kaz;"

(e) fit-tifsira "persuna ezenti" il-kliem "Taqsimha III" ghandhom jigu sostitwiti bil-kliem "Taqsimha IV"; u

(f) minnufih wara t-tifsira ta' "Ufficjal Principali ta' l-Immigrazzjoni" ghandha tidhol it-tifsira li ghejja:

"Trasportatur" tfisser kull min xoghlu jkun li jipprovdi trasport bl-ajru, bl-art jew bil-bahar ghal passigghieri."

4. L-artikolu 4 ta' l-Att principali ghandu jigi emendat kif ghej:

Emenda ta' l-artikolu 4 ta' l-Att principali.

(a) minflok il-kliem "Taqsimha III" kull fejn jinsabu l-artikolu, ghandhom jidhlu l-kliem "Taqsimha IVx";

(b) il-paragrafi (d) u (e) tas-subartikolu (1) ghandhom jigu mhassra, u l-paragrafi (f), (g) u (h) tieghu ghandhom jigu enumerati mill-gdid (d), (e) u (f) tieghu rispettivament;

(c) il-proviso mas-subartikolu (1) tieghu ghandu jigi mhassar; u

(d) fis-subartikolu (2) tieghu minflok il-kliem (f), (g), (h) kull fejn jinsabu, ghandhom jidhlu l-kliem (d), (e) u (f) rispettivament.

5. Minflok l-intestatura "Taqsimha III" li tidher qabel l-artikolu 5 ta' l-Att principali ghandha tidhol l-intestatura "Taqsimha IV".

Enumerazzjoni mill-gdid tat-Taqsimha III ta' l-Att principali.

6. Minnufih wara Taqsimha II ta' l-Att principali, ghandha tidhol it-Taqsimha gdida li ghejja:

Zieda ta' Taqsimha III gdida ma' l-Att principali.

"Taqsimha III

Disposizzjonijiet Speċjali

Disposizzjonijiet speċjali.

4A. Minkejja kull disposizzjoni ohra ta' dan l-Att, il-Ministru jista' jaghmel regolamenti sabiex iwettaq kull Ftehim jew Ftehim dwar Fruntiera, li tieghu Malta tista' tkun parti; u minghajr pregudizzju ghall-generalita' ta' dak hawn qabel imsemmi, jista' jaghmel regolamenti biex:

(a) jaghti u jirregola d-dritt ta' kull cittadin ta' Stat tal-Ftehim jew id-dipendenti taghhom, li jidhlu, jibqghu joqoghdu u jirrisjedu fi, u jitilqu minn, Malta;

(b) jaghti u jirregola d-dritt ta' persuni msemmija fil-paragrafu precedenti li jfittxu impjeg u jahdmu f'Malta u li jistabbilixxu u, jew jiprovdu jew jircievu servizzi f'Malta;

(c) li jaghti u jirregola d-drittijiet imsemmija fil-paragrafi precedenti lil kull persuna u d-dipendenti

taghha li, ghalkemm ma tkunx persuna msemija fil-paragrafu (a) ta' dan l-artikolu, tkun legittimament qeghda fit-territorju ta' xi stat li jkun marbut bi Ftehim dwar Fruntiera.

(2) Kull dritt moghti taht din it-Taqsima ikun dejjem soġġett ghal dawk il-limitazzjonijiet li jistgħu jkunu raġonevolment ġustifikati minhabba fil-politika pubblika, is-sigurtà pubblika u s-saħħa pubblika.”

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

7. L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

“(1) Kull persuna, li tkun waħda li ma jkollhiex id-dritt ta' dhul, jew ta' dhul u residenza, jew ta' moviment jew transitu taht it-Taqsimiet preċedenti, tista' tiġi rifjutata milli tidhol, u jekk hija tiżbarka jew tkun qeghda f' Malta minghajr il-permess ta' l-Uffiċjal Prinċipali ta' l-Immigrazzjoni, hija tkun immigrant projbit.” ; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem “persuna tkun immigrant projbit ukoll” għandhom jiġu sostitwiti l-kliem “persuna tkun, kemm-il darba ma tkunx eżentata taht dan l-Att minn xi waħda minn dawn il-kondizzjonijiet li ġejjin jew ikunu japplikaw dwaru regoli speċjali taht id-disposizzjonijiet ta' qabel ta' dan l-Att, immigrant projbit ukoll”.

Emenda ta' l-artikolu 6 ta' l-Att prinċipali.

8. Fis-subartikolu (1) ta' l-artikolu 6 ta' l-Att prinċipali minflok il-kliem “Għall-finijiet ta' dan l-Att” għandhom jiġu sostitwiti l-kliem “Minghajr preġudizzju għal kull dritt li joriġina mit-Taqsimiet preċedenti, għall-finijiet ta' dan l-Att”.

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

9. L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem “Il-Ministru jista' johroġ” għandhom jidhlu l-kliem “Minghajr preġudizzju għal kull dritt li joriġina mit-Taqsimiet preċedenti, il-Ministru jista' johroġ”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandhom jidhlu dawn is-subartikoli godda li ġejjin:

“(3) Kull permess għal residenza mahruġ taht dan l-Att jista' jiġi revokat mill-Ministru għar-raġunijiet li ġejjin:

(a) meta l-permess ikun inkiseb abbażi ta' frodi, jew xi ommissjoni daparti tar-resident filwaqt li jkun qiegħed japplika għal permess għal residenza ta' xi fatt materjali li, li kieku dan kien magħruf f'dak il-waqt, kien raġonevolment jiġġustifika lill-Ministru li jiċhad l-applikazzjoni għal dak il-permess;

(b) meta, wara l-ghoti ta' permess għal residenza, dak ir-resident jagħmel, kemm f'Malta kemm barra minn Malta, xi delitt serju li, li kieku jkun ġie magħmul qabel l-ghoti ta' dak il-permess, kien ikun jiġġustifika raġonevolment iċ-ċahda ta' dak il-permess mill-Ministru.

(4) Kull min ihoss ruħu aggravat b'dik id-deċizjoni jkollu dritt jappella quddiem il-Bord fi żmien għaxart ijiem minn meta jiġi avżat b'dik ir-revoka.

(5) Il-Ministru jista' jagħmel regolamenti għall-implimentazzjoni tad-disposizzjonijiet ta' dan l-artikolu inkluż, mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, biex jirregola kull dritt ta' appell quddiem il-Bord li persuna aggravata jkollha minn deċizjoni tal-Ministru, u dwar applikazzjonijiet biex residenti f'Malta jgħibu f'Malta d-dipendenti tagħhom sabiex jibdew joqogħdu magħhom."

10. Minflok l-artikolu 8 ta' l-Att prinċipali għandu jidhol l-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 8 ta' l-Att prinċipali.

"Vizi.

8. (1) Mingħajr preġudizzju għal kull dritt ta' dħul u residenza previst mit-Taqsimiet preċedenti, u għall-poteri ta' l-Uffiċjal Prinċipali ta' l-Immigrazzjoni li johroġ viża fil-fruntiera taht dan l-Att u f'regolamenti magħmulin tahtu, l-Uffiċjal Prinċipali ta' l-Immigrazzjoni għandu jirrifjuta l-permess għad-dħul f'Malta ta' xi persuna li tkun qed titlob li tidhol f'Malta u li, skond id-disposizzjonijiet ta' dan l-Att, għandu jkollha viża u li fil-fatt ma jkollhiex tali viża kif hemm provdut dwar dan f'dan l-artikolu.

(2) Il-Ministru jista' jagħmel regolamenti sabiex -

(a) jelenka l-pajjiżi li ċ-ċittadini tagħhom ikunu meħtieġa li jkollhom viża għal kull permanenza għal dak il-perjodu ta' żmien li jista' jiġi ordnat, jew li ċ-ċittadini tagħhom ikunu eżentati minn dik il-ħtieġa;

(b) jirregola l-aspetti kollha tal-hruġ ta' viżi jew ta' ghamliet oħra ta' awtorizzazzjoni u jipprovdi dwar kull xorta differenti ta' viża inklużi viżi b'riferenza għal dħul, jew dħul mill-ġdid, singlu jew multiplu;

(c) jipprovdi dwar u jirregola l-hruġ ta' viżi fil-fruntiera;

(d) jipprovdi dwar u jirregola r-revoka ta' viżi;

(e) jirregola l-hruġ u r-revoka ta' dokument ta' l-ivvjaġġar ta' emerġenza lil persuni li jkollhom in-nazzjonalità ta' dawk l-istati li jistgħu jiġu preskritti."

Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

11. Fis-subartikolu (1) ta' l-artikolu 9 ta' l-Att prinċipali minflok il-kliem "Permess biex wiehed jinzel" għandhom jidhru l-kliem "Minghajr preġudizzju għal regolamenti li jistgħu jsiru taht Taqsima III ta' dan l-Att, permess biex wiehed jinzel".

Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

12. Fis-subartikolu (1) ta' l-artikolu 11 ta' l-Att prinċipali minflok il-kliem "jew ta' permess għal residenza" għandhom jidhru l-kliem "jew, salvi d-disposizzjonijiet tat-Taqsima III, ta' permess għal residenza".

Sostituzzjoni ta' l-artikoli 14 u 15 ta' l-Att prinċipali.

13. Minflok l-artikoli 14 u 15 ta' l-Att prinċipali għandu jidhrol dan li ġejj:

"Ordni ta' tnehhija.

14. (1) Jekk xi persuna titqies mill-Ufficjal Prinċipali ta' l-Immigrazzjoni li tista' titneħħa bħala immigrant projbit taht xi waħda mid-disposizzjonijiet ta' l-artikolu 5, dak l-Ufficjal jista' johrog ordni ta' tnehhija kontra dik il-persuna li jkollha dritt tappella kontra dik l-ordni skond id-disposizzjonijiet ta' l-artikolu 25A:

Izda fir-rigward ta' xi tali persuna kif jista' jiġi ordnat b'regolamenti magħmula taht l-artikolu 4A ta' dan l-Att u li tkun dahlet f'Malta jew tkun qeghda f'Malta, ordni ta' tnehhija għandha tkun biss mahruġa wara li ssir applikazzjoni għaldaqshekk mill-Ufficjal Prinċipali ta' l-Immigrazzjoni lill-Bord li għandu mbagħad johrog dik l-ordni meta jkun sodisfatt li dik il-persuna tista' tiġi mkeċċija taht dan l-Att. Id-disposizzjonijiet ta' l-artikolu 25A għandhom *mutatis mutandis* ikunu japplikaw għal ordni mahruġa minn dak il-Bord taht dan il-proviso.

(2) Malli ssir ordni bhal dik, dik il-persuna li kontriha ssir dik l-ordni, ghandha tinzamm taht kustodja sakemm hija titnehha minn Malta:

Izda jekk il-persuna li dwarha tkun saret ordni ta' tnehhija tkun soggetta ghal proceduri kriminali ghal delitt punibbli bi prigunerija jew tkun qed isservi sentenza ta' prigunerija, il-Ministru jista' jaghti dawk l-ordnijiet dwar jekk is-sentenza kollha jew parti minnha ghandhiex tigi servuta qabel it-keccija ta' dik il-persuna minn Malta, u, fin-nuqqas ta' ordnijiet bhal dawk, dik il-persuna ghandha titnehha wara li tkun giet servuta s-sentenza.

(3) Ebda haga f'dan l-artikolu ma ghandha tolqot l-obbligu ta' xi persuna li ma twettaqx jew li ma tibqax twettaq aktar il-kondizzjonijiet ta' dhul, residenza jew moviment liberu biex titlaq minn Malta volontarjament minghajr dewmien.

(4) It-tnehhija ta' persuna ghandha tkun lejn il-pajjiż ta' origni ta' dik il-persuna jew lejn xi Stat iehor li fih tkun tista' tidhol, b'mod partikolari taht id-disposizzjonijiet rilevanti ta' kull ftehim ta' dhul mill-gdid li jkun japplika u li jkun sar minn Malta u skond l-obbligi internazzjonali li Malta tista' tkun parti fihom.

(5) Ebda haga f'dan l-artikolu ma ghandha tipprekludi jew tippregudika l-applikazzjoni tal-ligi ta' Malta fuq id-dritt ta' asil u d-drittijiet ta' rifugjati u dwar l-obbligi internazzjonali ta' Malta f'dan ir-rigward.

(6) Meta ssir applikazzjoni mill-Ufficjal Principali ta' l-Immigrazzjoni lill-Bord, jekk il-Bord ikun sodisfatt li jkunu saru jew li jkunu se jsiru xi spejjeż mill-Gvern f'dak li ghandu x'jaqsam mal-manutenzjoni, mal-kura medika jew mat-keccija ta' immigrant projbit jew id-dipendenti tieghu, jista' johroġ mandat esekuttiv kontra l-immigrant projbit u jista' wkoll jordna l-konfiska ta' dak l-ammont minn flejjes li jkunu fil-pussess tieghu skond ma jkollu jigi rkuprat. Mandat mahruġ taht dan is-subartikolu jista' jigi esegwit bl-istess mod bhal ma jkun mandat mahruġ bis-sahha ta' titolu esekuttiv ghal debitu civili mahruġ minn xi Qorti fl-esercizzju tal-gurisdizzjoni civili taghha. L-irkupru parzjali ta' spejjeż taht dan is-subartikolu ma ghandux jippregudika r-responsabbiltà ta' kull garanzija ghall-bilanc, u lanqas ma ghandu l-hruġ jew l-esekuzzjoni ta' mandat taht dan l-artikolu jkun kondizzjoni precedenti li tinkombi fuq il-garanzija.

(7) Il-Ministru jista' jagħmel regolamenti bil-ghan li jimplimenta d-disposizzjonijiet ta' dan l-artikolu u b' mod partikolari biex jirregola ahjar il-mod u l-proċedura u l-ispejjeż tat-tkeċċija.

Responsabbiltà
tat-
trasportaturi.

15. (1) Trasportatur bil-baħar jew bl-arju jkun obligat li jiehu l-miżuri kollha meħtieġa sabiex jiżgura li persuna li huwa jkun garr lejn Malta jkollha d-dokumenti ta' l-ivvjaġġar u kull viża jew awtorizzazzjoni oħra li jistgħu jkunu meħtieġa għad-dhul ġewwa, jew passagġ minn, it-territorju ta' Malta qabel ma dik il-persuna tingarr lejn Malta.

(2) Fuq talba ta' l-Uffiċjal Prinċipali ta' l-Immigrazzjoni t-trasportatur għandu jreġġa lura lil xi persuna li lilha jkun ġie rifjutat id-dhul minhabba li ma jkollhiex viża jew dokument imsemmi fis-subartikolu ta' qabel dan, jew lejn l-Istat li minnu tkun ġiet trasportata, jew lejn l-Istat li jkun hareġ id-dokument ta' l-ivvjaġġar li tkun ivvjaġġat bih, jekk ikun il-każ, jew lejn xi Stat iehor li tkun garantita d-dhul fih.

(3) Trasportatur ma jistax igorr minn xi Stat lejn Malta persuna li ma jkollha ebda dokument ta' l-ivvjaġġar, viża jew xi awtorizzazzjoni speċjali oħra skond ma jkun meħtieġ taħt dan l-Att, għad-dhul tagħha legittimu ġewwa Malta u meta jkun hemm dak in-nuqqas dak it-trasportatur ikun soġġett li jhallas lill-Uffiċjal Prinċipali ta' l-Immigrazzjoni dik il-penali li l-Uffiċjal jista' jistabbilixxi, li ma tkunx iktar minn hamest elef lira jew kull somma oghla oħra li l-Ministru jista' jippreskrivi. Dik il-penali għandha tingabar mill-Uffiċjal Prinċipali ta' l-Immigrazzjoni, wara li jkun skada t-terminu għall-appell quddiem il-Bord bla ma jkun sar appell jew wara deċiżjoni tal-Bord, bhala dejn ċivili dovut lill-Gvern, u d-disposizzjonijiet ta' l-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jkunu, minkejja kull disposizzjoni oħra kuntrarja, japplikaw *mutatis mutandis* għal dak id-dejn."

Emenda ta' l-
artikolu 16 ta' l-Att
prinċipali.

14. Il-proviso li hemm ma' l-artikolu 16 ta' l-Att prinċipali għandu jiġi mhassar.

Thassir ta' l-artikolu
18 ta' l-Att
prinċipali.

15. L-artikolu 18 ta' l-Att prinċipali għandu jiġi mhassar.

Emenda ta' l-
artikolu 22 ta' l-Att
prinċipali.

16. Is-subartikolu (1) ta' l-artikolu 22 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(1) Mingħajr preġudizzju għad-disposizzjonijiet speċjali li jistgħu jsiru taħt it-Taqsima III ta' dan l-Att, il-Ministru jista', jekk ikun iqis li dan iwassal għall-ġid pubbliku, jagħmel ordni ta' deportazzjoni kontra kull persuna."

Thassir ta' l-artikolu
23 ta' l-Att
prinċipali.

17. L-artikolu 23 ta' l-Att prinċipali għandu jiġi mhassar.

18. Fl-artikolu 24 ta' l-Att prinċipali minflok il-kliem "minhabba biss dak in-nuqqas" ghandhom jidhlu l-kliem "minhabba biss dak in-nuqqas bla preġudizzju għal hruġ ta' ordni ta' tnehhija jew deportazzjoni taht dan l-Att".

Emenda ta' l-artikolu 24 ta' l-Att prinċipali.

19. Minufih qabel l-artikolu 26 ta' l-Att prinċipali għandu jidhol dan l-artikolu ġdid li ġej:

Żieda ta' l-artikolu 25A ġdid ma' l-Att prinċipali.

"Bord ta' l-Appell dwar l-Immigrazzjoni.

25A. (1) (a) Għandu jkun hemm Bord, li jkun magħruf bhala l-Bord ta' l-Appell dwar l-Immigrazzjoni, hawn aktar 'il quddiem imsejjah "il-Bord", li jkun jikkonsisti minn avukat li jippresjedi, persuna li tkun tifhem f' materji konnessi ma' l-immigrazzjoni u persuna oħra, li kull wiehed minnhom ikun mahtur mill-President li jaġixxi fuq il-parir tal-Ministru:

Izda l-Ministru jista' b' regolamenti jordna li l-Bord ikun kompost minn iktar minn diviżjoni waħda, kull waħda kostitwita minn President u żewġ membri oħra kif hawn aktar qabel imsemmi.

(b) Il-Ministru jista' jagħmel regolamenti li jkunu jirregolaw id-distribuzzjoni skond it-tip ta' appelli jew applikazzjonijiet fost id-diviżjonijiet tal-Bord.

(2) Membru tal-Bord ikun skwalifikat milli jisma appell f' dawk iċ-ċirkostanzi li kieku jistgħu jiskwalifikaw lil xi mhallef skond ma hemm fis-Sub-Titolu II tat-Titolu II tat-Tielet Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili; u f' kull każ bhal dak jew il-membru jiġi sostitwit minn xi persuna oħra mahtura għal dak l-ghan mill-President li jaġixxi bil-parir tal-Ministru, jew inkella l-appell, meta jkun hemm iżjed minn diviżjoni waħda tal-Bord fil-kariga, jista' jiġi riferut b' ordni tal-Bord minn diviżjoni waħda tal-Bord lil xi diviżjoni oħra.

(3) Il-membri tal-Bord għandhom jibqgħu fil-kariga għal perjodu ta' tliet snin, u jkunu jistgħu jergħu jiġu mahtura mill-ġdid.

(4) Membru tal-Bord jista' jitneħħa mill-kariga mill-President li jaġixxi fuq il-parir tal-Prim Ministru, minhabba f' negligenza gravi, konflitt ta' interessi, inkompetenza, jew atti jew ommissjonijiet li ma jkunux jixirqu lil membru tal-Bord.

(5) Kull persuna li thoss ruhha aggravata b'xi deċiżjoni ta' l-awtorità kompetenti taht regolamenti maghmula taht it-Taqsima III, jew bis-saħħa ta' l-artikolu 7, l-artikolu 14 jew l-artikolu 15 tista' tappella minn dik id-deċiżjoni u l-Bord ikollu ġurisdizzjoni jisma' u jiddeċiedi dawk l-appelli.

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(6) Filwaqt li jkunu qeghdin isiru proċedimenti quddiem il-Bord, dan jista', ukoll fuq talba verbali, jagħti l-libertà provvizorja lil kull persuna li tkun tinsab arrestata jew taht detenzjoni u li tkun parti fi proċedimenti quddiemu, taht dawk il-pattijiet u kondizzjonijiet li jistgħu jidhru xierqa u d-disposizzjonijiet tat-Titolu IV tat-Taqsima II tat-Tieni Ktieb tal-Kodiċi Kriminali għandhom *mutatis mutandis* ikunu japplikaw għal talba bhal dik.

(7) Kull appell għandu jiġi pprezentat fir-Registru tal-Bord fi żmien tliet ijiem tax-xogħol mid-deċiżjoni li tkun soġġetta għal appell.

(8) Id-deċiżjonijiet tal-Bord għandhom ikunu finali hief għar-rigward ta' punti ta' dritt deċizi mill-Bord rigward deċiżjonijiet li jkunu jolqtu persuni bhal dawk imsemmija fit-Taqsima III, li minnhom jista' jkun hemm appell fi żmien għaxart ijiem quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri). Il-Bord tar-Regoli mwaqqaf taht l-artikolu 29 tal-Kodiċi ta' l-Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jkunu jirregolaw appell bhal dak."

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

20. Is-subartikolu (7) ta' l-artikolu 31 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(7) Kull persuna li tonqos milli tikkonforma ruhha ma' xi disposizzjoni ta' dan l-artikolu tkun hatja ta' reat u tista' tehel, meta tinsab hatja, multa ta' mhux inqas minn hames mitt lira iżda mhux iżjed minn elfejn lira jew prigunerija għal żmien ta' mhux aktar minn sena, jew dik il-multa u prigunerija flimkien."

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

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

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

"(a) tghin jew tassisti lil xi persuna biex tinzel l-art jew tittanta tinzel l-art f'Malta, jew li toqghod gewwa Malta, kontra d-disposizzjonijiet ta' dan l-Att, jew lil xi persuna biex tinzel l-art jew tittanta tinzel l-art, jew li

toqghod gewwa, jew li titlaq minn xi Stat iehor bi ksur tal-ligi dwar id-dhul, ir-residenza u l-hrug ta' dak l-Istat, jew taħbi jew taghti kenn lil xi persuna li tkun taf, jew ikollha tassew ghax tahseb, li tkun qieghda f'Malta kontra d-disposizzjonijiet ta' dan l-Att; jew”;

(b) fis-subartikolu (1) tieghu, minflok il-kliem “multa ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux aktar min sitt xhur” għandhom jidhlu l-kliem “multa ta' mhux iżjed minn hamest elef lira jew prigunerija għal żmien ta' mhux aktar minn sentejn”; u

(c) minnufih wara s-subartikolu (2) tieghu, għandu jżidded dan is-subartikolu gdid li ġej:

“(3) Meta l-awtorità kompetenti f'Malta tigi mitluba minn xi Stat iehor li tmexxi dwar xi reat taħt il-paragrafu (a) tas-subartikolu (1), l-awtorità kompetenti għandha l-ewwel titlob lill-awtorità kompetenti ta' l-Istat li jkun qed jagħmel it-talba għall-prosekuzzjoni li jispeċifika, permezz ta' denunzja jew ċertifikat uffiċjali, d-disposizzjonijiet tal-ligi li l-Istat li jkun qed jagħmel it-talba jkun qed jikkunsidra bhala li jkunu gew miksura.”.

22. Fis-subartikolu (1) ta' l-artikolu 35 ta' l-Att prinċipali, minflok il-kliem “B'dak kollu li jinsab f'dan l-Att jew li hemm f'xi ligi ohra,” għandhom jidhlu l-kliem “B'dak kollu li jinsab f'dan l-Att jew li hemm f'xi ligi ohra, iżda bla ħsara għal disposizzjonijiet magħmula taħt it-Taqsima III ta' dan l-Att.”.

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

23. L-artikolu 36 ta' l-Att prinċipali għandu jiġi sostitwit kif ġej:

Emenda għall-artikolu 36 ta' l-Att prinċipali.

“Regolamenti.

36. (1) Minghajr preġudizzju għal xi disposizzjoni ta' dan l-Att li tkun tvesti l-poter għall-għemil ta' regolamenti fil-Ministru, il-Ministru jista' jagħmel regolamenti biex jippreskrivi kull haġa li għandha b'dan l-Att tigi preskritta u ġeneralment sabiex il-finijiet jew id-disposizzjonijiet ta' dan l-Att ikunu jistgħu jingiebu fis-sehh.

(2) B'mod partikolari il-Ministru jista' jagħmel regolamenti li jkunu jirregolaw:

(a) il-verifiki li jistgħu jiġu ordnati fuq il-fruntiera, l-iskop, ix-xorta u l-frekwenza tagħhom, il-klassifikazzjoni ta' fruntieri differenti, it-tismija ta' postijiet uffiċjali ta' dhul fi,

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u hrug minn, Malta, u l-hinijiet meta jista' jsir dak id-dhul jew hrug;

(b) il-posizzjoni ta' detenturi ta' passporti diplomatici, ta' servizz u ufficjali ohra kif ukoll ta' kategoriji ohra ta' persuni f'kull haqa li tkun taghmel parti minn dan l-Att."

Provvediment
transitorju.

24. (1) Il-provvedimenti ta' l-artikolu 13 ta' dan l-Att safejn jissostitwixxu l-artikolu 14 ta' l-Att principali ma japplikawx ghal procedimenti istitwiti kontra immigrant projbit qabel id-dhul fi sehh ta' dan l-Att u dawk il-procedimenti jibqghu regolati mill-provvedimenti ta' l-Att principali kif ikunu fis-sehh qabel ma jidhol fis-sehh dan l-Att.

(2) Il-provvedimenti ta' l-artikolu 13 ta' dan l-Att sa fejn jissostitwixxu l-artikolu 15 ta' l-Att principali ma japplikawx ghal kull avveniment li jkun gara qabel id-dhul fis-sehh ta' dan l-Att.

Emenda ta' l-Att ta'
l-2002 dwar il-
Probation, Att VII
ta' l-2002.

25. Minnufih wara l-klawsola 28 ta' l-Att ta' l-2002 dwar il-*Probation*, ghandu jizdied dan l-artikolu gdid li gej:

"Riferenzi
f'ligijiet ohra.

29. Kull riferenza f'xi ligi ghall-Att dwar il-*Probation* ta' Hatjin, jew ghall-Kapitolu 125 ta' l-Edizzjoni Riveduta tal-Ligijiet ta' Malta, ghandha titqies bhala riferenza ghal dan l-Att, u kull riferenza ghal artikoli 5, 9, 12 jew ghal xi disposizzjoni ohra ta' l-Att dwar il-*Probation* ta' Hatjin f'xi ligi ghandha titqies bhala riferenza ghal artikoli 7, 22, 25 rispettivament jew ghad-disposizzjoni li tikkorrispondi f'dan l-Att."

Emenda ta' l-Att
dwar il-Pulizija, Att
XIII ta' l-2002.

26. L-Att dwar il-Pulizija ghandu jigi emendat kif gej:

(a) fis-subartikolu (2) ta' l-artikolu 35 tieghu:

(i) minflok il-kliem "l-artikolu 121" ghandhom jidhlu l-kliem "l-artikolu 110"; u

(ii) minflok il-kliem "il-Kummissarju ghandu jsegwi l-proceduri" ghandhom jidhlu l-kliem "il-Kummissarju ghandu, kemm-il darba ma jigix dikjarat xort'ohra fl-istrument ta' delega, isegwi l-proceduri"; u

(b) fis-subartikolu (1) ta' l-artikolu 48 tieghu, minflok il-kliem "mahtura ta' kull sena" ghandha tidhol il-kelma "mahtura".

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 809 ta' 1-4 ta' Novembru, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

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I assent

(L.S.)

GUIDO DE MARCO
President

8th November, 2002

ACT No. XXIII of 2002

An Act to amend the Immigration Act, Cap. 217

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

Short title and commencement.

Cap. 217.

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

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

Amendment of the Arrangement of the Act.

2. For the table entitled "Arrangement of the Act" appearing with the principal Act there shall be substituted the following:

"Arrangement of Act

	Articles
Part I Preliminary	1-3
Part II Exempt Persons	4
Part III Special Provisions	4A
Part IV Prohibited Immigrants	5-25
Part V General	25A-36".

Amendment of article 2 of the principal Act.

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

(a) immediately before the definition "dependant" there shall be added the following new definitions:

" "Agreement" means an agreement to which Malta is a party entered into by a group of states reciprocally granting to citizens of such states or their dependants the right to enter, remain and reside in and leave the country of such state, to move freely within such states for such period as may be established in the agreement and to work or establish, provide or receive services therein; and "Agreement State" and "citizen of an Agreement State" shall be construed accordingly; and where for the purposes of Part III, a state is a party to such an Agreement subject to modifications and adaptations, a citizen of an Agreement State shall be subject to such modifications or adaptations as may be prescribed;

"Board" means the Immigration Appeals Board constituted by article 25A;

"Border Agreement" means an agreement to which Malta is a party entered into by a group of states, providing for common border controls and the free entry and exit of persons lawfully within the territory, into and from each of their territories, and "Border Agreement State" and "citizen of a Border Agreement State" shall be construed accordingly;

"carrier" means any person whose occupation is to provide passenger transport by air, sea or land;"

(b) in the definition "dependant", immediately after paragraph (c) thereof, there shall be added the following new paragraph:

"(d) any other member of the family as may be prescribed by the Minister;"

(c) in the definition "exempt person" the words "Part III" shall be substituted by the words "Part IV"; and

(d) for the definition of "removal order" there shall be substituted the following:

" "removal order" means an order issued by the Principal Immigration Officer or the Immigration Appeals Board in accordance with article 14, or the Court of Appeal under article 25A as the case may be;"

Amendment of article 4 of the principal Act.

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

(a) for the words "Part III" wherever they occur therein, there shall be substituted the words "Part IV";

(b) paragraphs (d) and (e) of sub-article (1) thereof shall be deleted, and paragraphs (f), (g) and (h) thereof shall be renumbered as paragraphs (d), (e) and (f) thereof respectively;

(c) the proviso to sub-article (1) thereof shall be deleted; and

(d) in sub-article (2) thereof for the words "(f)", "(g)" and "(h)" wherever they occur, there shall be substituted the words "(d)", "(e)" and "(f)" respectively.

Renumbering of Part III of the principal Act.

5. The heading "Part III" appearing before article 5 of the principal Act, shall be substituted by the heading "Part IV".

Addition of new Part III to the principal Act.

6. Immediately after Part II of the principal Act there shall be added the following new Part:

"Part III

Special Provisions

Special provisions.

4A. (1) Notwithstanding any other provisions of this Act, the Minister may make regulations to give effect to any Agreement or Border Agreement to which Malta may be a party and without prejudice to the generality of the foregoing, may make regulations in order to:

(a) grant and regulate the right of any citizens of Agreement States or their dependants to enter, remain and reside in, and leave Malta;

(b) grant and regulate the right of persons mentioned in the preceding paragraph to seek employment and work in Malta and to establish services and, or provide or receive such services in Malta;

(c) grant and regulate the rights mentioned in the preceding paragraphs to any person and his dependants who, though not being a person mentioned in paragraph (a) of this article, is lawfully in the territory of any state which is bound by a Border Agreement.

(2) Any right granted under this Part shall always be subject to such limitations as may be reasonably justified on grounds of public policy, public security and public health.”.

7. Article 5 of the principal Act shall be amended as follows: Amendment of article 5 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following:

“(1) Any person, other than one having the right of entry, or of entry and residence, or of movement or transit under the preceding Parts, may be refused entry, and if he lands or is in Malta without leave from the Principal Immigration Officer, he shall be a prohibited immigrant.”; and

(b) in sub-article (2) thereof for the words “a person shall be a prohibited immigrant also” there shall be substituted the words “a person shall, unless he is exempted under this Act from any of the following conditions or special rules applicable to him under the foregoing provisions of this Act, be a prohibited immigrant also”.

8. In sub-article (1) of article 6 of the principal Act for the words “For the purposes of this Act” there shall be substituted the words “Without prejudice to any rights arising from the preceding Parts, for the purposes of this Act”. Amendment of article 6 of the principal Act.

9. Article 7 of the principal Act shall be amended as follows:- Amendment of article 7 of the principal Act.

(a) in sub-article (1) thereof, for the words “The Minister may issue” there shall be substituted the words “Without prejudice to the provisions of the preceding Parts, the Minister may issue”; and

(b) immediately after sub-article (2) thereof, there shall be added the following new sub-articles:

“(3) Any residence permit issued under this Act may be revoked by the Minister for the following reasons:

(a) when the permit was obtained on the basis of fraud, or omission on the part of the resident at the time of his application for a residence permit of a material fact which, had it been known then, would have reasonably justified the Minister to refuse the application for such permit;

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(b) when, following the grant of a residence permit, the said resident, commits, whether in Malta or outside Malta, a serious crime which, had it been committed prior to the granting of such permit, would have reasonably justified the refusal of such permit by the Minister.

(4) Any person aggrieved by such decision shall have a right to appeal to the Board within ten days from when he is notified of such revocation.

(5) The Minister may make regulations to implement the provision of this article, including, without prejudice to the generality of the foregoing, to regulate any right of appeal to the Board appertaining to a person aggrieved by a decision of the Minister, and any application for residents in Malta to bring to Malta any of their dependants to reside with them."

Substitution of
article 8 of the
principal Act.

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

"Visas.

8. (1) Without prejudice to the rights of entry and residence envisaged by the preceding Parts, and to the powers of the Principal Immigration Officer to issue a visa at the border under this Act and in regulations made thereunder, the Principal Immigration Officer shall refuse leave to enter Malta to any person seeking to enter Malta who, in accordance with the provisions of this Act, must be in possession of a visa and who is not in possession of such a visa as is provided for in this article.

(2) The Minister may make regulations in order to -

(a) list the countries whose nationals will be required to be in possession of a visa for any stay for such period of time as may be prescribed, or whose nationals will be exempted from such requirement;

(b) regulate all aspects of the issue of visas or other forms of authorisation and make provision for different types of visa including visas for single or multiple entry or re-entry;

(c) make provision for and regulate the issue of visas at the border;

(d) make provision for and regulate the revocation of visas;

(e) regulate the issue and revocation of emergency travel documents to persons who hold the nationality of such states as may be prescribed.”.

11. In sub-article (1) of article 9 of the principal Act for the words “Leave to land” there shall be substituted the words “Without prejudice to any regulations made under Part III of this Act, leave to land”.

Amendment of article 9 of the principal Act.

12. In subarticle (1) of article 11 of the principal Act for the words “or of a residence permit” there shall be substituted the words “or, saving the provisions of Part III, of a residence permit”.

Amendment of article 11 of the principal Act.

13. Articles 14 and 15 of the principal Act shall be substituted by the following: -

Substitution of articles 14 and 15 of the principal Act.

“Removal Orders.

14. (1) If any person is considered by the Principal Immigration Officer to be liable to removal as a prohibited immigrant under any of the provisions of article 5, the said Officer may issue a removal order against such person who shall have a right to appeal against such order in accordance with the provisions of article 25A:

Provided that in relation to any such person as may be prescribed by regulations made under article 4A of this Act and who entered Malta or is in Malta, a removal order shall only be issued following an application to that effect by the Principal Immigration Officer to the Board which shall make such order upon being satisfied that such person is liable to expulsion under this Act. The provisions of article 25A shall mutatis mutandis apply to any order issued by the said Board under this proviso.

(2) Upon such order being made, such person against whom such order is made, shall be detained in custody until he is removed from Malta:

Provided that if the person in respect of whom an expulsion order has been made is subject to criminal proceedings for a crime punishable with imprisonment or is serving a sentence of imprisonment, the Minister may give such directions as to whether the whole or part of the sentence is to be served before the expulsion of such person from Malta, and, in default of such directions, such person shall be removed after completion of the sentence.

(3) Nothing in this article shall affect the obligation of any person who does not fulfil or who no longer fulfils the conditions of entry, residence or free movement to leave Malta voluntarily without delay.

(4) Removal of a person shall be to that person's country of origin or to any other State to which he may be permitted entry, in particular under the relevant provisions of any applicable re-admission agreement concluded by Malta and in accordance with international obligations to which Malta may be party.

(5) Nothing in this article shall preclude or prejudice the application of Maltese law on the right to asylum and the rights of refugees and of Malta's international obligations in this regard.

(6) On an application made by the Principal Immigration Officer to the Board, the Board, if satisfied that any expenses have been or will be incurred by the Government in connection with the maintenance, medical treatment or expulsion of a prohibited immigrant or his dependants, may issue an executive warrant against a prohibited immigrant and may also order the forfeiture of such amount of any moneys in his possession as is to be recovered. A warrant issued under this sub-article may be enforced in the same manner as a warrant issued in virtue of an executive title for a civil debt by a Court in the exercise of its civil jurisdiction. The partial recovery of expenses under this sub-article shall not prejudice the liability of any surety for the balance, nor shall the issue or execution of a warrant under this article be a condition precedent to the liability of a surety.

(7) The Minister may make regulations for the purpose of implementing the provisions of this article and in particular for further regulating the manner and procedure for, and the costs of, expulsion.

Responsibility
of carriers.

15. (1) A carrier by sea or air shall be obliged to take all necessary measures to ensure that a person carried by it to Malta is in possession of the travel documents and any visa or other authorisation required for entry into, or transit through, Maltese territory before transporting such person to Malta.

(2) At the request of the Principal Immigration Officer the carrier shall return a person refused entry on the

grounds of not being in possession of any visa or document mentioned in the preceding sub-article, either to the State from which he was transported, or to the State which issued the travel document on which he travelled, if any, or to any other State to which he is guaranteed entry.

(3) A carrier may not carry from any State to Malta a person who is not in possession of any travel document, visa or other special authorisation where required under this Act, required for his lawful entry into Malta and in case of such default such carrier shall be liable to pay to the Principal Immigration Officer such penalty as may be established by him, not being more than five thousand liri or such other maximum sum as may be prescribed by the Minister. Such penalty shall be recoverable by the Principal Immigration Officer, after the term within which an appeal to the Board may be entered, has elapsed without an appeal having been entered, or after the decision of such Board as a civil debt due to the Government and the provisions of article 466 of the Code of Organisation and Civil Procedure shall, notwithstanding any other provision to the contrary, mutatis mutandis apply to such debt."

14. In article 16 of the principal Act, the proviso thereto shall be deleted. Amendment of article 16 of the principal Act.
15. Article 18 of the principal Act shall be deleted. Repeal of article 18 of the principal Act.
16. Sub-article (1) of article 22 of the principal Act shall be substituted by the following: Amendment of article 22 of the principal Act.
- “(1) Without prejudice to special provisions which may be made under Part III of this Act, the Minister may, if he deems it to be conducive to the public good, make a deportation order against any person.”
17. Article 23 of the principal Act shall be deleted. Repeal of article 23 of the principal Act.
18. In article 24 of the principal Act for the words “by reason only of such omission” there shall be substituted the words “by reason only of such omission and without prejudice to the issue of a removal order or a deportation order under this Act”. Amendment of article 24 of the principal Act.
19. Immediately before article 26 of the principal Act there shall be added the following new article:- Addition of new article 25A to the principal Act.
- 25A. (1) (a) There shall be a board, to be known as the Immigration Appeals Board, hereinafter referred to as the Board consisting of a lawyer who shall preside, a person

versed in immigration matters and another person, each of whom shall be appointed by the President acting on the advice of the Minister:

Provided that the Minister may by regulations prescribe that the Board shall consist of more than one division each composed of a Chairman and two other members as aforesaid.

(b) The Minister may make regulations to regulate the distribution by types of appeals or applications amongst the divisions of the Board.

(2) A member of the board shall be disqualified from hearing an appeal in such circumstances as would disqualify a judge in terms of Sub-Title II of Title II of Book Third of the Code of Organization and Civil Procedure; and in any such case either the member shall be substituted by another person appointed for the purpose by the President acting on the advice of the Minister, or the appeal, when there is more than one division of the Board in office, may be referred by order of the Board from one division of the Board to another.

(3) The members of the Board shall hold office for a period of three years, and shall be eligible for re-appointment.

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

(5) Any person aggrieved by any decision of the competent authority under any regulations made under Part III, or in virtue of article 7, article 14 or article 15 may enter an appeal against such decision and the Board shall have jurisdiction to hear and determine such appeals.

(6) During the course of any proceedings before it, the Board, may, even on a verbal request, grant provisional release to any person who is arrested or detained and is a party to proceedings before it, under such terms and conditions as it may deem fit, and the provisions of Title IV of Part II of Book Second of the Criminal Code shall, *mutatis mutandis* apply to such request.

(7) Any appeal has to be filed in the Registry of the Board within three working days from the decision subject to appeal. Cap. 9.

(8) The decisions of the Board shall be final except with respect to points of law decided by the Board regarding decisions affecting persons as are mentioned in Part III, from which an appeal shall lie within ten days to the Court of Appeal (Inferior Jurisdiction). The Rule Making Board established under article 29 of the Code of Organisation and Civil Procedure may make rules governing any such appeal.”

20. Sub-article (7) of article 31 of the principal Act shall be substituted by the following: Amendment of article 31 of the principal Act.

“(7) Any person who fails to comply with any of the provisions of this article shall be guilty of an offence and shall be liable, on conviction, to a fine (multa) of not less than five hundred liri but not exceeding two thousand liri or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.”

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

(a) paragraph (a) of sub-article (1) thereof shall be substituted by the following:-

“(a) aids or assists any person to land or attempt to land in Malta, or to reside in Malta, contrary to the provisions of this Act, or any person to land or attempt to land, or to reside in, or to leave any other State contrary to the law on entry, residence and exit of that State, or conceals or harbours any person whom he knows, or has reasonable ground for believing, to be in Malta contrary to the provisions of this Act; or”;

(b) in sub-article (1) thereof, for the words “fine (multa) of not less than five hundred liri, or imprisonment for a term not exceeding six months” there shall be substituted the words “fine (multa) not exceeding five thousand liri or to imprisonment for a term not exceeding two years”; and

(c) immediately after sub-article (2) thereof, there shall be added the following new sub-article:

“(3) Where the competent authority in Malta is requested by another State to prosecute for an offence under paragraph (a) of sub-article (1), the competent authority shall first request the competent authority of the State making the request for prosecution to specify, by means of an official denunciation or a certificate, the provisions of law which the latter State considers to have been infringed.”.

Amendment of article 35 of the principal Act.

22. In sub-article (1) of article 35 of the principal Act for the words “Notwithstanding anything in this Act or in any other law contained” there shall be substituted the words “Notwithstanding anything in this Act or in any other law contained, but subject to any provisions made under Part III of this Act”.

Substitution of article 36 of the principal Act.

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

“Regulations. 36. (1) Without prejudice to any provision of this Act vesting the power to make regulations in the Minister, the Minister may make regulations for prescribing anything which is by this Act to be prescribed and generally for carrying the purposes or provisions of this Act into effect.

(2) In particular, the Minister may make regulations to regulate:

(a) any border checks which may be ordered, their scope, nature and frequency, the classification of different borders, the designation of official points of entry in, and exit from, Malta, and the hours when such entry or exit may take place;

(b) the position of the holders of diplomatic, service and other official passports as well as of other categories of persons in all matters which are the subject of this Act.”.

Transitory provision.

24. (1) The provisions of article 13 of this Act in so far as they substitute article 14 of the principal law shall not apply to any proceedings instituted against any prohibited immigrant prior to the coming into force of this Act and such proceedings shall be governed by the provisions of the principal law as in force prior to the coming into force of this Act.

(2) The provisions of article 13 of this Act in so far as they substitute article 15 of the principal law shall not apply to any event which occurred prior to the coming into force of this Act.

25. Immediately after article 28 of the Probation Act, 2002, there shall be added the following new article.

Amendment of the Probation Act, 2002, Act VII of 2002.

^{References in other laws.}

29. Any reference in any law to the Probation of Offenders Act, or to Chapter 125 of the Revised Edition of the Laws of Malta shall be deemed to be a reference to this Act, and any reference to articles 5, 9, 12 or to any other provision of the Probation of Offenders Act in any law shall be deemed to be a reference to articles 7, 22, 25 respectively or to the corresponding provision of this Act."

26. The Police Act shall be amended as follows:

Amendment of the Police Act, Act XIII of 2002.

(a) in subarticle (2) of article 35 thereof:

(i) for the words "article 121" there shall be substituted the words "article 110"; and

(ii) for the words "the Commissioner shall follow the procedures" there shall be substituted the words "the Commissioner shall, unless otherwise stated in the instrument of delegation, follow the procedures"; and

(b) in subarticle (1) of article 48 thereof for the words "appointed annually" there shall be substituted the word "appointed".

Passed by the House of Representatives at Sitting No. 809 of 4th November, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives