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Taqsima C

Nru. 130

22. 5. 2020

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tat-18 ta' Mejju 2020.

ATT biex jemenda l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, Kap. 79.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 18th May 2020.

AN ACT to amend the Commissioners for Oaths Ordinance, Cap. 79.

RAYMOND SCICLUNA
Clerk of the House of Representatives

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ABOZZ TA' LIĠI
msejjaħ

ATT biex jemenda l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, Kap. 79.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, hawn iżjed 'il quddiem imsejħa "l-Ordinanza prinċipali".

Titolu fil-qosor.
Kap. 79.

2. L-artikolu 3 tal-Ordinanza prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Ordinanza prinċipali.

(a) fis-subartikolu (1) tagħha, minnufih wara l-kliem "li jkunu uffiċjali pubbliċi,", għandhom jiżdiedu l-kliem "impjegati pubbliċi,"; u

(b) fis-subartikolu (3) tagħha, minnufih wara l-kliem "uffiċjal pubbliku", għandhom jiżdiedu l-kliem "jew impjegat pubbliku".

3. Minnufih wara s-subartikolu (2) tal-artikolu 5 tal-Ordinanza prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 5 tal-Ordinanza prinċipali.

"(3) Fil-każ eċċezzjonali fejn il-persuna li tkun qiegħda tieħu l-ġurament ma tistax tkun Malta minħabba raġunijiet li dik il-persuna ma għandhiex kontroll fuqhom, il-Kummissjunarju b'setgħa li jagħti ġuramenti jista' jagħti l-ġurament bil-mezzi elettroniċi u l-Kummissjunarju b'setgħa li jagħti ġuramenti għandu, qabel jagħti l-ġurament, jissodisfa ruħu bl-użu ta' mezzi elettroniċi u viżivi mill-identità tal-persuna li qiegħda tieħu l-

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ġurament u li dik il-persuna tifhem sewwa dak li tkun ser taħlef.".

Emenda tal-artikolu 7 tal-Ordinanza prinċipali.

4. Fl-artikolu 7 tal-Ordinanza prinċipali, il-kliem "jew l-*affidavit* ikun sar." għandhom jiġu sostitwiti bil-kliem "jew l-*affidavit* ikun sar:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Iżda kull Kummissjunarju li quddiemu jiġi meħud ġurament skont is-subartikolu (3) tal-artikolu 5 għandu jiddikjara sewwa fil-*jurat* jew fl-attestat il-lok u d-data li fihom il-ġurament ikun ġie meħud u li l-ġurament ġie meħud bil-mezzi elettroniċi.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta’ dan l-Abbozz huma sabiex tipprovdi għall-possibilità li persuni impjegati ma’ aġenziji tal-gvern jew ma entitatjiet governattivi jinħatru bħala kummussjunarji b’setgħa li jagħtu ġurament.

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A BILL
entitled

AN ACT to amend the Commissioners for Oaths Ordinance, Cap. 79.

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

1. The short title of this Act is the Commissioner for Oaths (Amendment) Act, 2020, and this Act shall be read and construed as one with the Commissioner for Oaths Ordinance, hereinafter referred to as "the principal Ordinance". Short title. Cap. 79.

2. Article 3 of the principal Ordinance shall be amended as follows: Amendment of article 3 of the principal Ordinance.

(a) in sub-article (1) thereof, immediately after the words "being public officers," there shall be added the words "public employees,"; and

(b) in sub-article (3) thereof, immediately after the words "a public officer" there shall be added the words "or public employee".

3. Immediately after sub-article (2) of article 5 of the principal Ordinance, there shall be added the following new sub-article: Amendment of article 5 of the principal Ordinance.

"(3) In the exceptional case where the person taking the oath cannot be in Malta for reasons that the person has no control over, the Commissioner for oaths may give the oath by electronic means and the Commissioner for oaths shall, before administering the oath, satisfy himself with the use of electronic and visual means as to the identity of the person taking the oath

and that such person thoroughly understands what he is going to swear to.".

Amendment of article 7 of the principal Ordinance.

4. In article 7 of the principal Ordinance, the words "affidavit is taken or made." shall be substituted by the words "affidavit is taken or made:" and immediately thereafter there shall be added the following new proviso:

"Provided that every Commissioner for Oaths before whom an oath is taken in accordance with sub-article (3) of article 5 shall state truly in the *jurat* or attestation at what place and on what date the oath was taken and that the oath was taken by electronic means.".

Objects and Reasons

The objects and reasons of this Bill are to provide for the possibility that persons employed with government agencies and government entities be appointed as commissioners for oaths.

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