

**Nru. 39**

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**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Marzu, 1983.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 2nd March, 1983.

ATT biex ikompli jemenda l-Ordinanza dwar il-Privileġġi u s-Setgħat tal-Kunsill tal-Gvern, Kap. 179.

AN ACT further to amend the Council of Government (Privileges and Powers) Ordinance, Cap. 179.

C. MIFSUD

*Skrivan tal-Kamra tad-Deputati*

C. MIFSUD

*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex ikompli jemenda l-Ordinanza dwar il-Privileġġi u s-setgħat tal-Kunsill tal-Gvern, Kap. 179.*

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

Titolu fil-qosor.

**1.** Dan l-Att jista' jissejjaħ l-Att ta' l-1983 li jemenda l-Ordinanza dwar il-Privileġġi u s-setgħat tal-Kamra tad-Deputati, u għandu jinqara u jftiehem haġa waħda ma' l-Ordinanza dwar il-Privileġġi u s-setgħat tal-Kunsill tal-Gvern, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Thassir tal-kliem "Kunsill tal-Gvern" u sostituzzjoni minflokhom tal-kliem "Kamra tad-Deputati".

**2.** Il-kliem "Kunsill tal-Gvern" u l-kelma "Kunsill" kull fejn jinsabu fil-liġi prinċipali, magħduda t-titolu fit-tul u fil-qosor u n-noti marginali tagħha, għandhom jithassru u minflok jidhlu f'kull każ il-kliem "Kamra tad-Deputati" u l-kelma "Kamra" rispettivament.

Thassir tal-kelma "President" u sostituzzjoni minflokha tal-kelma "Speaker".

**3.** Il-kelma "President" kull fejn tinsab fil-liġi prinċipali għandha tithassar u minflokha tidhol il-kelma "Speaker".

Emenda ta' l-artikolu 11 tal-liġi prinċipali.

**4.** L-artikolu 11 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "mhux iżjed minn mitt" għandhom jidhlu l-kliem "mhux iżjed minn ħames mitt";

(b) minnufih wara l-paragrafu (j) tas-subartikolu (1) tiegħu għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

“(k) il-pubblikazzjoni ta’ kull libell li jagħti malafama lill-Ispeaker jew lil xi membru li tolqot xi haġa magħmula minnu jew li ntqalet minnu bħala Speaker jew bħala Membru fil-Kamra jew f’Kumitat tagħha;

(l) il-pubblikazzjoni volontarja jew bi traskuraġni ta’ xi rapport falz jew mgħawweġ ta’ xi dibattitu jew proċeduri tal-Kamra jew Kumitat tagħha, jew rappreżentanza hażina volontarja jew bi traskuraġni ta’ xi diskors magħmul minn Membru fil-Kamra jew f’Kumitat tagħha.”;

(ċ) minnufih wara s-subartikolu (3) tiegħu għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

“(4) Għall-finijiet ta’ dan l-artikolu —

“pubblikazzjoni” tfisser kull att li bih kull stampat jiġi jew jista’ jiġi kkomunikat jew imgħarraf lil xi persuna jew li bih kliem jew imaġini viżwali jiġu mxandra; u “xandir” tfisser xandir ta’ kliem jew imaġini viżwali bil-mezz ta’ telegrafija mingħajr fili jew bil-fili jew bit-tnejn, sew jekk dawk il-kliem jew l-imaġini jkunu fil-fatt riċevuti minn xi persuna sew jekk le.

(5) Fil-każ ta’ persuna hatja ta’ għemil imsemmi fil-paragrafu (k) tas-subartikolu (1) ta’ dan l-artikolu l-Kamra tista’ b’zieda mal-pieni stabbiliti bis-subartikolu (1) ta’ dan l-artikolu, tordna fil-każ ta’ gazzetta li f’haġa ta’ wara li ma tkunx iżjed tard mit-tieni waħda, u fil-każ ta’ mezz tax-xandir fil-ġurnata li tiġi minnufih wara dik li fiha jingħata l-ordni, li l-mozzjoni li l-akkużat ikun instab hati ta’ dak l-egħmil, approvata mill-Kamra tiġi ppubblikata jew imxandra, skond il-każ, mingħajr h̄las fl-istess ilsien li fih ikun sar ir-reat; u jekk fil-h̄in ta’ l-approvazzjoni ta’ dik il-mozzjoni, jew minnufih wara, il-gazzetta tkun waqfet mill-pubblikazzjoni jew il-mezz tax-xandir ma jkunx baqa’ jaħdem, jew fil-każ ta’ xi xandir ieħor, il-Kamra tista’ fl-ordni jew f’ordni ieħor li tagħti wara, tordna li l-mozzjoni tiġi ppubblikata jew imxandra għas-spejjeż tal-persuna hekk misjuba hatja f’gazzetta oħra jew fuq mezz ieħor ta’ xandir fi żmien li ma jkunx iktar minn xahar.

(6) Fil-każ ta’ persuna misjuba hatja ta’ għemil imsemmi fil-paragrafu (l) tas-subartikolu (1) ta’ dan l-artikolu l-Kamra tista’ b’zieda mal-pieni stabbiliti fis-subartikolu (1) ta’ dan l-artikolu tordna lil min jagħmel ir-reat li jipubblika mingħajr h̄las, f’dik id-data u f’dak il-h̄in li l-Kamra tista’ tistabbilixxi, fl-istess gazzetta jew fuq l-istess mezz tax-xandir, skond il-każ, dikjarazzjoni bħala kontradizzjoni jew spjegazzjoni.

(7) In-nuqqas ta' tharis ta' ordni magħmul taħt is-sub-artikolu (5) jew (6) ta' dan l-artikolu jitqies li hu disprezz tal-Kamra u jkun sugġett għall-istess pjeni kif provdut fis-sub-artikolu (1) ta' dan l-artikolu.”.

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### **Għanijiet u Ragunijiet**

L-Għan ta' dan l-Abbozz huwa biex jimla' ċerti lakuni mportanti li l-esperjenza wriet li jeżistu fil-liġi principali. L-Abbozz jagħti s-setgħa lill-Kamra li tista' timxi kontra min jippubblika reżokont mgħawweġ jew falz fil-proċeduri tagħha jew verżjonijiet mgħawwga ħafna ta' diskorsi tal-Membri. Dawn il-pubblikazzjonijiet huma ta' preġudizzju kbir għall-interess pubbliku u għad-dinjità u prestigju tal-Kamra u tal-Membri tagħha.

L-Abbozz jagħti s-setgħa lill-Kamra li barra milli tagħti l-pieni, li tordna l-pubblikazzjoni ta' dikjarazzjonijiet korrettivi bl-istess mezz li fih ikunu ġew ippubblikati dawk ir-reżokonti mgħawwgin jew foloz.

L-Abbozz ukol iżid il-pieni pekunjarji li jistgħu jingħataw mill-Kamra biex dawn ikunu aktar jaqblu maż-żminijiet tal-lum.

**A BILL**  
**entitled**

*AN ACT further to amend the Council of Government (Privileges and Powers) Ordinance, Cap. 179.*

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. This Act may be cited as the House of Representatives (Privileges and Powers) (Amendment) Act, 1983, and shall be read and construed as one with the Council of Government (Privileges and Powers) Ordinance, hereinafter referred to as “the principal law”. .

Short title.

2. The words “Council of Government” and the word “Council” wherever they occur in the principal law, including the long and the short titles and the marginal notes thereof, shall be deleted and the words “House of Representatives” and the word “House” respectively shall in each case be substituted therefor.

Deletion of words “Council of Government” and substitution of the words “House of Representatives” therefor.

3. The word “President” wherever it occurs in the principal law shall be deleted and the word “Speaker” shall in each case be substituted therefor.

Deletion of the word “President” and substitution therefor of the word “Speaker”.

Amendment of  
section 11 of  
the principal law.

4. Section 11 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words “not exceeding one hundred” there shall be substituted the words “not exceeding five hundred”;

(b) immediately after paragraph (j) of subsection (1) thereof there shall be added the following new paragraphs:

“(k) the publication of any defamatory libel on the Speaker or any Member touching anything done or said by him as Speaker or as a Member in the House or in a Committee thereof;

(l) the wilful or reckless publication of any false or perverted report of any debate or proceedings of the House or a Committee thereof, or the wilful or reckless misrepresentation of any speech made by a Member in the House or in a Committee thereof.”;

(c) immediately after subsection (3) thereof there shall be added the following new subsections:

“(4) For the purposes of this section —

“publication” means any act whereby any printed matter is or may be communicated to or brought to the knowledge of any person or whereby any words or visual images are broadcast; and “broadcast” means the broadcast of words or of visual images by means of wireless telegraphy or wire or both, whether or not such words or images are in fact received by any person.

(5) In the case of a person guilty of an act mentioned in paragraph (k) of subsection (1) of this section the House may in addition to the punishments established in subsection (1) of this section, order in the case of a newspaper that in a subsequent issue thereof not later than the next but one, and in the case of a broadcasting medium that on the day immediately following that on which the order is given, the motion that the accused be found guilty of such act, approved by the House be published or broadcast as the case may be free of charge in the same language in which the offence was committed; and if at the time of approval of such motion or immediately thereafter the newspaper has ceased publication or the broadcasting medium has ceased to operate, or in the case of any other broadcasting medium, the House may in the order or in a subsequent order, order that the motion be published or broadcast at the expense of the person so found guilty in another newspaper or on another medium within a period not exceeding one month.

(6) In the case of a person found guilty of an act mentioned in paragraph (l) of subsection (1) of this section the House may in addition to the punishments established in subsection (1) of this section order that the offender publish, at such date and time as the House may establish, free of charge, in the same newspaper or on the same broadcasting medium, as the case may be, a statement by way of contradiction or explanation.

(7) Default of compliance with an order made under subsection (5) or (6) of this section shall be deemed to be contempt of the House and subject to the same penalties as provided in subsection (1) of this section.”.

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### **Objects and Reasons**

The purpose of this Bill is to fill certain important lacunae which experience has shown to exist in the principal law. The Bill empowers the House to take action against the publication of perverted or false accounts of its proceedings or grossly garbled versions of Members' speeches. These publications are highly prejudicial to the public interest and to the dignity and prestige of the House and its Members.

The Bill empowers the House to order in addition to the imposition of penalties, the publication of corrective statements in the medium wherein such perverted or false accounts have been published.

The Bill also increases the pecuniary penalties that may be inflicted by the House making them more consonant to today's values.