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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Lawrence Gonzi, M.P., Vici Prim Ministru u Ministru għall-Politika Soċjali, u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Marzu, 2000.

A BILL introduced by the Honourable Lawrence Gonzi, M.P., Deputy Prime Minister and Minister for Social Policy and read the First time at the Sitting of the 13th March, 2000.

ATT biex jipprovdi għat-twaqqif ta' Awtorità li tkun maghrufa bhala l-Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol, għat-twaqqif ta' Bord ta' Appelli dwar is-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol, u għall-eżerċizzju minn jew f'isem dik l-Awtorità ta' funzjonijiet regolatorji dwar riżorsi li għandhom x'jaqsmu mas-sahħa u s-sigurtà fuq il-post tax-xogħol, u biex jipprovdi għall-hwejjeġ li għandhom x'jaqsmu magħhom jew li huma anċillari għalihom.

AN ACT to provide for the establishment of an Authority to be known as the Occupational Health and Safety Authority, an Occupational Health and Safety Appeals Board, and for the exercise by or on behalf of that Authority of regulatory functions regarding resources relating to occupational health and safety and to make provision with respect to matters connected therewith or ancillary thereto.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi ghat-twaqqif ta' Awtorità li tkun maghrufa bħala l-Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol, ghat-twaqqif ta' Bord ta' Appelli dwar is-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol, u għall-eżercizzju minn jew f'isem dik l-Awtorità ta' funzjonijiet regolatorji dwar riżorsi li għandhom x'jaqsmu mas-saħħa u s-sigurtà fuq il-post tax-xogħol, u biex jipprovdi għall-hwejjeġ li għandhom x'jaqsmu magħhom jew li huma anċillari għalihom.

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:-

TAQSIMA I

Preliminari

1. It-titolu ta' dan l-Att hu l-Att ta' l-2000 dwar l-Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol, u għandu jibda jseħħ f'dik id-data li l-Ministru jista' jistabbilixxi fil-Gazzetta, u jistgħu jigu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' l-Att.

Titolu u bidu fis-seħh.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtieġx xort'ohra -

Tifsir.

“Awtorità” tfisser l-Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol stabbilita bl-artikolu 8(1);

“Bord ta’ Appelli” tfisser il-Bord ta’ Appelli dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol stabbilit bl-artikolu 21(1);

“*Chairperson*” tfisser iċ-*Chairperson* ta’ l-Awtorità;

“haddiem” tfisser kull persuna impjegata minn min ihaddem biex tagħmel xogħol, jew li tipprovdi servizz lil persuna oħra taħt kuntratt ta’ servizz jew għal servizz, u tinkludi student, apprendist jew persuna li timpjega lilha nnifisha;

“Kodiċi ta’ Prattika” tfisser il-livell, speċifikazzjoni jew xi forma oħra sew miktuba jew bi stampi ta’ xi gwida prattika, istruzzjoni jew kontroll;

“min ihaddem” tfisser il-persuna li għaliha jsir xogħol jew jiġi mogħti servizz minn haddiem jew li jkollha relazzjoni ta’ xogħol ma’ haddiem, u tinkludi kuntrattur jew subkuntrattur li jagħmel xogħol jew jagħti servizz jew jintrabat biex jagħmel xi xogħol jew jagħti xi servizzi, u

(a) għal dak li jirrigwarda xogħol magħmul taħt kuntratt ta’ servizz, tfisser il-kuntrattur jew is-subkuntrattur, iżda ma tinkludix id-diretturi, *managers*, soċji jew sidien, okkupanti jew possessuri li għalihom ikun qed isir ix-xogħol, minbarra fil-każ fejn għodod, materjal jew tagħmir ikun provdut minnhom, dwar xi difetti li dan l-apparat jista’ jkollu, liema difetti jkunu magħrufa u ma ġewx indikati, jew li setgħu ikunu magħrufa;

(b) għal dak li jirrigwarda l-organizzazzjonijiet l-oħra kollha, inklużi dawk volontarji, jew għal dak li jirrigwarda xi forma oħra ta’ impieg taħt kuntratt ta’ servizz, tinkludi kull wahda mill-persuni li tidderieġi fuq kullhadd jew li tiegħu hsieb it-treġija ta’ kuljum;

“Ministru” tfisser il-Ministru responsabbli għas-sahha u s-sigurtà fuq postijiet tax-xogħol;

“persuna” tinkludi korp ta’ persuni u kull enti korporat stabbilit minn jew taħt xi liġi;

“post tax-xogħol” tfisser kull fond, lok, faċilità, bastiment jew post jew imkien iehor fejn isir xogħol jew li għalih il-haddiem ikollu aċċess waqt il-kors ta’ l-impieg tiegħu u, minghajr hsara għall-ġeneralità ta’ dak hawn aktar qabel imsemmi, tinkludi fabbrika, hanut, uffiċċju, lukanda, sptar jew

klinika, tarzna, barriera, sit ta' bini jew kostruzzjoni, triq, razzett, moll, vettura, inġenji ta' l-ajru jew bastiment, iżda ma tinkludix bastiment li jsalpa fl-oċeani;

“President” tfisser il-President tal-Bord ta' Appelli;

“preskritt” tfisser preskritt b'regolamenti magħmula skond dan l-Att;

“Rappreżentant għas-Sahħa u s-Sigurtà tal-Haddiema” tfisser persuna li tkun għiet eletta, magħzula jew nominata biex tirrappreżenta lill-haddiema meta jinjalghu xi problemi dwar il-protezzjoni tas-sahħa jew is-sigurtà tagħha fuq il-post tax-xogħol;

“sena finanzjarja” tfisser perjodu ta' tnax-il xahar li jispicċa fit-30 ta' Settembru;

Iżda l-ewwel sena finanzjarja ta' l-Awtorità għandha tibda meta dan l-Att jiġi fis-sehħ u tispicċa fit-30 ta' Settembru tas-sena ta' wara;

“suffiċjenti” tfisser skond kif preskritt b'regolamenti magħmula taht dan l-Att;

“uffiċjal” tfisser Uffiċjal għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol mahtur skond l-artikolu 15(1), u li jkun għe mogħti ċertifikat tal-hatra mahruġ skond id-disposizzjonijiet ta' dak l-artikolu;

“Uffiċjal Eżekuttiv Ewlieni” tfisser l-Uffiċjal Eżekuttiv Ewlieni mahtur taht l-artikolu 10;

“uffiċjal pubbliku”, għal dak li jirrigwarda l-artikolu 24, għandha l-istess tifsir mogħti lilha bl-artikolu 124 tal-Kostituzzjoni, iżda ma tinkludix imħallef tal-Qrati Superjuri jew maġistrat tal-Qrati Inferjuri;

“xogħol” tfisser kull dmir, attività, hidma jew servizz li jipproduċu prodott jew riżultat, u li ikunu bi skop ta' hlas, għoti ta' oġġetti, servizzi, profitt jew benefiċċju.

(2) F'dan l-Att il-kliem li juru l-ġeneru maskil jinkludu l-ġeneru femminil, u dan għandu japplika għal kull tibdil grammatikali u espressjonijiet imnissla minn dik il-kelma.

3. Dan l-Att japplika għal-postijiet tax-xogħol kollha, għas-setturi kollha ta' kull attività, kemm pubbliċi kif ukoll privati, u għal

Applikabbiltà
ta' l-Att.

kull attività ta' xogħol, iżda ma japplikax fil-każ ta' dawk l-attivitajiet immexxija mill-membri tal-forzi armati, tal-korp tal-pulizija jew tas-servizzi tal-protezzjoni ċivili:

Iżda fil-każ ta' membri tas-servizzi pubbliċi hawn aktar qabel imsemmija, is-saħħa u s-sigurtà tal-haddiema għandha tiġi żgurata sakemm dan ikun raġonevolment possibbli fil-qies ta' l-iskop ġenerali ta' dawk is-servizzi.

TAQSIMA II

Prinċipji u Dmirijiet Ġenerali

Dikjarazzjoni ta' prinċipji.

4. (1) Il-protezzjoni tas-saħħa u tas-sigurtà fuq il-postijiet tax-xogħol għandha titqies bħala materja ta' interess pubbliku.

(2) L-Awtorità stabbilita bis-saħħa ta' dan l-Att tkun responsabbli li tiżgura li jinġieb 'il quddiem u jiġi salvagwardat il-ġid fiżiku, psikoloġiku, u soċjali tal-haddiema kollha fil-postijiet kollha tax-xogħol.

Dmirijiet ġenerali.

5. L-Awtorità għandha tiżgura li jinżammu l-livelli ta' protezzjoni tas-saħħa u tas-sigurtà fuq il-postijiet tax-xogħol kif stabbiliti b'regolamenti magħmulin taht dan l-Att.

Dmirijiet ta' min ihaddem.

6. (1) Min ihaddem għandu dejjem iħares is-saħħa u s-sigurtà tal-persuni kollha li jistgħu jiġu affettwati bix-xogħol li jkunu qegħdin jagħmlu għal dik il-persuna li thaddem:

Iżda meta fit-twettiq ta' dak hawn aktar qabel imsemmi, min ihaddem jagħmel użu minn servizzi jew persuni kompetenti minn barra, min ihaddem ma jkunx meħlus mid-dmirijiet applikabbli li johorġu minn dan l-Att:

Iżda wkoll l-obbligi tal-haddiema fil-qasam tas-saħħa u tas-sigurtà fuq il-postijiet tax-xogħol ma għandhomx jaffettwaw il-prinċipju tar-responsabbiltà ta' min ihaddem.

(2) Il-miżuri li għandhom jittiehdu minn min ihaddem biex jevita dannu fiżiku u psikoloġiku, korriment jew mewt, fuq il-postijiet tax-xogħol, għandhom jittiehdu fuq il-bażi ta' dawn il-prinċipji ġenerali ta' prevenzjoni li ġejjin, jiġifieri -

- (a) li jiġi evitat riskju;
- (b) l-identifikazzjoni ta' perikli assoċjati max-xogħol;

(c) l-evalwazzjoni ta' dawk ir-riskji li ma jistghux jiġu evitati;

(d) il-kontroll mill-bidu ta' dawk ir-riskji li ma jistghux jiġu evitati;

(e) li jittiehdu l-miżuri neċessarji kollha biex jirriduċu r-riskju kemm ikun raġonevolment Prattiku, inkluż li jitbiddel dak li huwa perikoluż b'xi haġa li ma tkunx perikoluża jew li tkun anqas perikoluża;

(f) billi tinghata prijorità lill-miżuri ta' protezzjoni kollettivi fuq miżuri ta' protezzjoni individwali;

(g) li jiġi adattat ix-xogħol għall-haddiem, partikolarment għal dak li għandu x'jaqsam ma' l-iddisinjar ta' postijiet tax-xogħol, l-għażla ta' tagħmir tax-xogħol u l-għażla ta' metodi ta' produzzjoni u ta' xogħol, u partikolarment sabiex jiġi mnaqqas xogħol monotonu u xogħol li jkollu rata ta' xogħol stabbilita minn qabel, u biex jitnaqqas l-effett tagħhom fuq is-saħħa;

(h) billi wiehed jaddatta ruħu għall-progress tekniku fl-interess tas-saħħa u tas-sigurtà fuq il-post tax-xogħol; u

(i) billi tiġi żvilupata *policy* ta' prevenzjoni globali u loġika li tkopri it-teknoloġija, l-organizzazzjoni ta' xogħol, il-kundizzjonijiet ta' xogħol, ir-relazzjonijiet soċjali u l-influenza ta' fatturi li għandhom x'jaqsmu ma' l-ambjent tal-post tax-xogħol.

(3) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (2), min ihaddem għandu jipprovdi dik l-informazzjoni, dak it-tagħlim, dak it-taħriġ u dik is-superviżjoni li huma meħtieġa biex tiġi żgurata s-saħħa u s-sigurtà fuq il-postijiet tax-xogħol.

(4) Min ihaddem għandu jiżgura li f'dawk il-postijiet tax-xogħol fejn jaħdem għadd suffiċjenti ta' haddiema, għandhom jiġu eletti, magħżulin jew mod ieħor nominati, persuna jew persuni bhala r-Rappreżentant jew ir-Rappreżentanti għas-Saħħa u s-Sigurtà tal-Haddiema, u liema rappreżentanti jiġu konsultati minn qabel u fi żmien raġonevoli minn min ihaddem dwar dawk il-hwejjeġ li jistghu jaffettwaw is-saħħa u s-sigurtà fuq il-post tax-xogħol.

7. (1) Huwa d-dmir ta' kull haddiem li jissalvagwardja s-saħħa u s-sigurtà tiegħu nnifsu kif ukoll dik ta' persuni oħra li jistghu jiġu affettwati bix-xogħol li jkun qieghed isir.

Dmirijiet tal-haddiema.

(2) Huwa d-dmir ta' kull haddiem li jikkoopera ma' min ihaddem u mar-Rappreżentant jew Rappreżentanti ghas-Sahha u s-Sigurtà tal-Haddiema fuq il-post tax-xoghol ghal dak li ghandu x'jaqsam mas-sahha u s-sigurtà.

TAQSIMA III

Twaqqif, Funzjonijiet u Proċedura ta' l-Awtorità

Twaqqif u għamla ta' l-Awtorità.

8. (1) Qeghda b'dan titwaqqaf awtorità li tkun maghrufa bhala l-Awtorità ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol.

(2) L-Awtorità tkun magħmula minn disa' membri, kif ġej:

(a) *Chairperson*, nominat mill-Ministru;

(b) id-Direttur tar-Relazzjonijiet Industrijali u Impiegi, *ex officio*, bhala *Vici Chairperson*;

(c) persuna nominata mill-Ministru, kompetenti f' materji dwar is-sahha u s-sigurtà fuq il-postijiet tax-xoghol;

(d) persuna nominata mill-Ministru responsabbli ghas-sahha;

(e) persuna nominata mill-Ministru responsabbli għall-affarijiet ekonomiċi;

(f) żewġ membri nominati mill-Ministru biex jirrapreżentaw l-interessi tal-haddiema, wara konsultazzjoni ma' dak il-korp jew korpijet li l-Ministru jista', minn żmien għal żmien, iqis bhala r-rappreżentanti prinċipali tal-haddiema;

(g) żewġ membri nominati mill-Ministru biex jirrapreżentaw l-interessi ta' min ihaddem, wara konsultazzjoni ma' dak il-korp jew korpijet hekk kif il-Ministru jista', minn żmien għal żmien, iqis bhala r-rappreżentanti prinċipali ta' min ihaddem.

(3) Il-Ministru għandu jahtar uffiċjal għoli tad-Dipartiment tal-Politika Soċjali biex ikun is-Segretarju tal-Bord.

(4) Iċ-*Chairperson* u l-membri l-oħra ta' l-Awtorità għandhom iżommu l-kariga għal perjodu ta' sentejn, iżda l-membri hekk nominati jistgħu jiġu nominati mill-ġdid wara li jispiċċa l-perjodu rispettiv tal-hatra tagħhom:

Iżda jekk membru jiġi nominat f'xi żmien wara li l-membri l-oħra jkunu diġà ġew nominati, il-perjodu tal-ħatra ta' dak il-membru jintemm fl-istess data bħal dik tal-membri l-oħra.

(5) Persuna ma tkunx kwalifikata għall-kariga ta' membru ta' l-Awtorità jekk –

(a) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati; jew

(b) tkun inabilitata skond il-liġi; jew

(ċ) tkun ġiet dikjarata falluta jew tkun ghamlet kompożizzjoni jew arrangament mal-kredituri tagħha; jew

(d) tkun ġiet misjuba hatja ta' reat kontra l-fiduċja pubblika jew serq jew frodi jew li tkun xjentement irċeviet oġġetti miksuba b'serq jew frodi, jew ta' xi reat kontra dan l-Att; jew

(e) ikollha xi interess finanzjarju jew xi interess ieħor f'xi impriża jew f'xi attività li tista' b'xi mod taffettwa it-twettiq tal-funzjonijiet bħala membru ta' l-Awtorità:

Iżda l-iskwalifika ta' persuna skond dan il-paragrafu tista' tiġi rrinunzjata mill-Ministru jekk l-interess jiġi dikjarat u d-dikjarazzjoni tiġi pubblikata fil-Gazzetta.

(6) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, il-kariga ta' membru ta' l-Awtorità issir vakanti -

(a) meta jispiċċa l-perjodu ta' dik il-kariga, jew

(b) jekk jinholqu xi ċirkostanzi li, kieku dik il-persuna ma kienetx membru ta' l-Awtorità, kienu jiskwalifikawha milli tiġi hekk nominata.

(7) Membru ta' l-Awtorità jista' jiġi mneħhi mill-kariga mill-Ministru jekk, fil-fehma tal-Ministru, dak il-membri ma jkunx kompetenti biex ikompli f'dik il-kariga jew ikun sar inkapaċi li jwettaq kif suppost id-dmirijiet ta' membru.

(8) Jekk membru jirriżenja jew jekk il-kariga ta' membru ta' l-Awtorità tkun b'mod ieħor vakanti, jew jekk membru ma jkunx għal kwalunkwe raġuni kapaci li jwettaq id-dmirijiet tal-kariga tiegħu, il-Ministru jista' jahtar persuna li tkun kwalifikata biex tkun nominata bħala membru biex tkun membru temporanju ta' l-Awtorità; u kull persuna hekk nominata għandha, mingħajr ħsara għad-

disposizzjonijiet tas-subartikoli (5) u (6) tieqaf milli tkun membru meta persuna tiġi nominata biex timla l-vakanza jew, kif ikun il-każ, meta l-membri li ma kienx kapaċi jwettaq il-funzjonijiet tal-kariga jerga jibda jwettaq dawk il-funzjonijiet.

(9) Kull membru ta' l-Awtorità li għandu interess dirett jew indirett f'xi kuntratt magħmul jew li hu maħsub li jsir mill-Awtorità, li ma jkunx interess li jiskwalifika dak il-membri milli jibqa membru, għandu jiżvela n-natura ta' l-interess fl-ewwel laqgħa ta' l-Awtorità wara li l-fatti rilevanti jkun għew għall-konozzenza ta' dak il-membri; dan il-fatt għandu jtnizzel fil-minuti tal-laqgħa, u il-membri li għandu l-interess kif hawn aktar qabel imsemmi ma għandux jattendi l-laqgħat li fihom dan il-kuntratt ikun qed jiġi diskuss. Din l-ammissjoni għandha tiġi kkomunikata lill-Ministru mingħajr dewmien. Fejn l-interess tal-membri huwa tali li jiskwalifika dak il-membri milli jibqa' membru, dak il-membri għandu jirrapporta dan il-fatt minnufih lill-Ministru u jagħti ir-riżenja.

(10) In-nomina ta' persuna bħala membru tal-Bord u t-temm mill-kariga jew ir-riżenja ta' persuna tali, kif ukoll xi funzjonijiet addizzjonali li jistgħu jiġu assenjati lill-Bord mill-Ministru, għandhom jiġu notifikati fil-Gazzetta, u għandhom jibdeu isehhu minnufih:

Izda n-nuqqas li tiġi pubblikata n-nomina jew ir-riżenja minn kariga, kif ikun il-każ, ma għandux ikollu effett fuq il-validità ta' dik in-nomina jew dik ir-riżenja.

Funzjonijiet ta'
l-Awtorità.

9. (1) L-Awtorità jkollha l-funzjonijiet għal dak li jirrigwarda l-istrutturi tagħha kif imfissra f'dan l-Att u dawk il-funzjonijiet l-oħra li jistgħu jingħatawliha taħt kull liġi oħra, jew hekk kif jistgħu jiġu lilha assenjati mill-Ministru.

(2) Tkun funzjoni ta' l-Awtorità li -

(a) tapplika d-disposizzjonijiet ta' dan l-Att u tar-regolamenti jew l-ordnijiet kollha magħmula tahtu;

(b) tfassal l-istrategija jew l-istrategija ġenerali dwar is-saħħa u s-sigurtà fuq il-postijiet tax-xogħol kif stabbiliti mill-Ministru;

(c) tagħti parir lill-Ministru dwar l-għemil ta' regolamenti li jgħibu 'l quddiem, iżommu jew jipproteġu livell għoli ta' saħħa u sigurtà fuq il-postijiet tax-xogħol;

(d) tissorvelja l-osservanza ta' legislazzjoni rilevanti dwar is-saħha u s-sigurtà fuq il-post tax-xogħol u tiehu azzjoni eżekuttiva;

(e) thejji regolamenti jew Kodiċijiet ta' Prattika li jkunu meħtieġa biex jingieb 'il quddiem u jiġi mantenut u protett livell għoli ta' saħha u sigurtà fuq il-post tax-xogħol:

Iżda l-Awtorità tista', għal dan il-ghan, tinnomina kumitati u sottokumitati, li *é-Chairperson* tagħhom ikun l-Uffiċjal Eżekuttiv Ewlieni, u tista' tagħzel minn barra fuq dawn il-kumitati jew sottokumitati persuni li ma jkunux membri u li, fil-fehma ta' l-Awtorità jkollhom tagħrif professjonali jew espert dwar kwistjonijiet li jaqghu taħt dan l-Att; b'dan illi dawn il-membri magħżula minn barra ma jkollhomx vot fuq xi haġa li tkun diskussa f'kumitat jew sottokumitat;

(f) iġġib il' quddiem it-tkattir ta' informazzjoni dwar is-saħha u s-sigurtà fuq il-post tax-xogħol, u l-metodi meħtieġa biex jiġu evitati l-korrimenti, ħsara għas-saħha jew mewt fuq il-post tax-xogħol;

(g) iġġib il' quddiem it-tagħlim u t-taħriġ dwar is-saħha u s-sigurtà fuq il-post tax-xogħol, u l-preparazzjoni għal emerġenza jew għall-ewwel għajnuna fuq il-post tax-xogħol;

(h) tiġbor u tanalizza *data* u statistiċi dwar korrimenti, danni għas-saħha u mwiet fuq il-postijiet tax-xogħol, u dwar affarijiet anċillari għas-saħha u għas-sigurtà fuq il-postijiet tax-xogħol:

Iżda l-Awtorità tista' titlob *data* u informazzjoni minn kull dipartiment tal-Gvern, aġenzija jew korporazzjoni dwar kull haġa li għandha x'taqsam mas-saħha u mas-sigurtà fuq il-post tax-xogħol, u din id-*data* jew informazzjoni għandha tinghata minnufih:

Iżda wkoll kull *data* jew informazzjoni bħal din titqies li tkun inghatat jew ġiet riċevuta taħt l-obbligu ta' konfidenzjalità;

(i) iżomm registri ta' impjant, stallazzjonijiet, apparat, makkinarju, oġġetti sustanzi jew kimiċi mportati u maħsuba għall-użu waqt ix-xogħol, kif jidhrilha li jkun meħtieġ;

(j) tagħmel kull investigazzjoni fuq kull haġa li għandha x'taqsam mas-saħha u mas-sigurtà fuq il-postijiet tax-xogħol, inkuża, iżda mhux limitata għal, l-investigazzjoni ta' xi

incident, korriment, mard jew mewt li jiġru bhala riżultat jew minhabba xi haġa konnessa max-xogħol, kif ukoll investigazzjonijiet biex jiġi stabbilit il-livell ta' saħħa u ta' sigurtà fuq il-postijiet tax-xogħol li jkun hemm f'xi post tax-xogħol, u d-dmir ta' l-Awtorità biex tiżgura li tiġi inforzata xi disposizzjoni ta' dan l-Att ma għandux jkun raġuni biex iwaqqaf l-Awtorità milli tagħmel dawn l-investigazzjonijiet:

Izda l-Awtorità tista' tinnomina persuna mill-uffiċjali tagħha jew mod ieħor biex jgħinuha fl-investigazzjonijiet, u fit-tweqqif ta' biċċa xogħol bhal din; din il-persuna tinghatalha s-setgħa li tinghata lil xi uffiċjal skond dan l-Att, kif stabbilita fl-ittra tal-hatra ta' dik il-persuna;

(k) iġġib il' quddiem u twettaq riċerka xjentifika immirata lejn metodi aħjar biex jiġu evitati mard, korrimenti jew mewt fuq il-post tax-xogħol;

(l) izzomm registri ta' persuni li huma kompetenti biex jagħtu pariri fuq hwejjeġ li għandhom x'jaqsmu mas-saħħa u mas-sigurtà fuq il-post tax-xogħol:

Izda l-Awtorità tista' tistabbilixxi l-kwalifiki minimi meħtieġa qabel ma l-isem ta' persuna jiġi mniżżel fir-registru.

(3) L-Awtorità għandha tiehu taht idejha, tikkonsolida u kif ikun meħtieġ, tkattar l-ispettorat u l-funzjonijiet ta' l-infurzar u s-servizzi dwar s-saħħa u s-sigurtà fuq il-post tax-xogħol li jkunu operati mill-Gvern minnufih qabel id-data li fiha jiġi fis-seħħ l-artikolu 8, u għal dan il-għan daww il-hwejjeġ, apparat, materjal, dokumentazzjoni, u dokumenti li għandhom x'jaqsmu ma' dan qed jiġu b'dan l-Att vestiti fl-Awtorità.

(4) L-Awtorità għandha tistabbilixxi kooperazzjoni ma' kull Ministeru, dipartiment tal-Gvern jew organizzazzjoni oħra, kemm lokali kif ukoll barra minn Malta, biex tippromwovi u tiżgura s-saħħa u s-sigurtà tal-persuni kollha fuq il-post tax-xogħol.

(5) L-Awtorità tista' ukoll tintrabat li twettaq xi attività oħra li jidhrilha li tkun neċessarja jew spedjenti għall-funzjonijiet u l-għanijiet tagħha skond dan l-Att.

(6) L-Awtorità tista', bl-approvazzjoni tal-Ministru, taġixxi bhala aġent jew b'mod ieħor għan-nom ta' persuni oħra dwar kull haġa li għandha x'taqsam mas-saħħa u mas-sigurtà fuq il-post tax-xogħol.

10. (1) Minghajr hsara ghad-disposizzjonijiet l-oħra ta' dan l-Att, l-Awtorità nnifisha tkun responsabbli għall-affarijiet u għall-operat tagħha, iżda minghajr hsara għal dak hawn aktar qabel imsemmi, l-Uffiċjal Eżekuttiv Ewlieni jkun responsabbli għax-xogħol eżekuttiv ta' l-Awtorità, l-amministrazzjoni u l-organizzazzjoni tagħha u l-kontroll amministrattiv ta' l-uffiċjali u ta' l-impjegati tagħha; l-Uffiċjal Eżekuttiv Ewlieni jkollu wkoll dawk is-setgħat li jiġu, minn żmien għal żmien, delegati mill-Awtorità.

Tmexxija ta' l-affarijiet ta' l-Awtorità.

(2) L-Uffiċjal Eżekuttiv Ewlieni jiġi nominat mill-Ministru, wara konsultazzjoni ma' l-Awtorità, għal perjodu ta' tliet snin, u dan il-perjodu jista' jiġi mtawwal għal perjodi oħra ta' tliet snin kull wiehed:

Izda jekk l-Uffiċjal Eżekuttiv Ewlieni ikun barra minn Malta jew mod iehor ma jkunx jista' temporanjament jaqdi l-funzjonijiet ta' dik il-kariga, il-Bord, wara konsultazzjoni mal-Ministru, għandu jahtar uffiċjal ta' l-Awtorità biex jassumi d-dmirijiet ta' l-Uffiċjal Eżekuttiv Ewlieni għal dak il-perjodu li l-Uffiċjal Eżekuttiv Ewlieni ikun hekk assenti jew ma jkunx jista' jaqdi dawk il-funzjonijiet, u din il-hatra temporanja għandha tiġi notifikata fil-Gazzetta.

(3) L-Uffiċjal Eżekuttiv Ewlieni għandu jattendi l-laqgħat kollha ta' l-Awtorità iżda ma jistax jivvota f'dawn il-laqgħat.

(4) L-Uffiċjal Eżekuttiv Ewlieni jkun responsabbli għall-implimentazzjoni ta' l-għanijiet ta' l-Awtorità fl-eżerċizzju tal-funzjonijiet tagħha u minghajr hsara għall-ġeneralità ta' dak hawn aktar qabel imsemmi, l-Uffiċjal Eżekuttiv Ewlieni għandu -

(a) jkun responsabbli għall-evalwazzjoni ta' l-implimentazzjoni u t-twettiq ta' l-iskopijiet stabbiliti ta' l-Awtorità, għall-użu effiċjenti ta' riżorsi tagħha, u l-benefiċċi li jirriżultaw, u għandu jirrapporta direttament lill-Awtorità;

(b) jiżviluppa l-istrategiji neċessarji għall-implimentazzjoni ta' l-għanijiet ta' l-Awtorità;

(c) jagħti parir lill-Awtorità fuq kull haġa li l-Awtorità tirreferi lilu jew kull haġa li hi meqjusa neċessarja jew spedjenti; u kull dmir iehor li l-Awtorità tista' tassenjalu minn żmien għal żmien.

11. (1) Fl-eżerċizzju tal-funzjonijiet tagħha, l-Awtorità għandha -

Relazzjonijiet mal-Ministru.

(a) tagħti effett, fl-iqsar żmien possibbli, lil kull direttiva, li tkun konformi ma' xi disposizzjoni ta' dan l-Att, li l-

Ministru jista' jaghti lill-Awtorità ghar-rigward tal-politika li ghandha tigi segwita mill-Awtorità fit-twettiq tal-funzjonijet taghha, u ghar-rigward ta' kull haġ'ohra li tidher lill-Ministru li taffettwa s-saħha u s-sigurtà fuq il-postijiet tax-xogħol;

(b) tagħti lill-Ministru faċilitajiet biex jikseb kull informazzjoni li ghandha x'taqsam mal-ħwejjeg u l-attivitajiet ta' l-Awtorità u għal dan il-għan l-Awtorità ghandha tipprovdi lill-Ministru r-reżokonti, kontijiet u kull informazzjoni oħra li ghandha x'taqsam ma' dan, u tagħti kull faċilità għall-verifika ta' kull informazzjoni mogħtija, f'dak il-mod u f'dawk iż-żminijiet li l-Ministru jista' raġonevolment jeħtieġ.

(2) L-Awtorità ghandha, sew fuq inizzjattiva taghha stess kif ukoll fuq talba tal-Ministru, tagħti parir lill-Ministru fuq kull haġa li ghandha x'taqsam mas-saħha u mas-sigurtà fuq il-postijiet tax-xogħol.

(3) L-Awtorità ghandha tibghat kopja tal-minuti tal-laqgħat taghha lill-Ministru kemm jista' jkun malajr wara kull laqgħa.

(4) Il-Ministru ghandu jitlob il-parir ta' l-Awtorità qabel ma jagħmel regolamenti kif stabbilit fl-artikolu 12:

Iżda l-Ministru jista' jistabbilixxi żmien raġonevoli li ma jkunx inqas minn hmistax-il gurnata, biex jirċievi l-parir dwar ir-regolamenti proposti, u jekk l-Awtorità ma tagħtix il-parir taghha fiż-żmien stipulat, jista' jipproċedi biex jagħmel dawk ir-regolamenti:

Iżda wkoll il-Ministru jista', meta jidhirlu li l-materja tkun urġenti, javża lill-Awtorità dwar dan u f'dan il-każ l-Awtorità ghandha tagħti l-parir taghha fi żmien jumejn, u jekk tonqos il-Ministru jista' jipproċedi biex jagħmel ir-regolamenti.

(5) Meta l-Ministru jirċievi parir fuq hwejjeg li ghandhom x'jaqsmu mas-saħha u mas-sigurtà fuq il-postijiet tax-xogħol li ma jkunx ġej mill-Awtorità, il-Ministru ghandu jgħaddi dan il-parir lill-Awtorità biex tagħti l-kummenti taghha.

12. (1) Il-Ministru jista' jagħmel regolamenti biex jissalvagwardja s-saħha u s-sigurtà fuq il-postijiet tax-xogħol, biex jiddetermina l-prekawzjonijiet li ghandhom jittieħdu għal dan il-għan u ġeneralment biex iġib fis-seħħ xi wahda mid-disposizzjonijiet ta' dan l-Att, u partikolarment, iżda mingħajr ħsara għall-ġeneralità ta' dak hawn aktar qabel imsemmi, il-Ministru jista' jagħmel regolamenti -

(a) biex jippreskrivi kull haġa li hi meħtieġa jew awtorizzata li tkun preskritta skond dan l-Att;

(b) dwar l-ittestjar, l-eżami u ċertifikati jew sigilli ta' approvazzjoni ta' apparat, makkinarju, tagħmir, hwejjeġ jew haġa wżati jew maħsubin biex jiġu wżati f' post tax-xogħol;

(c) dwar l-importazzjoni, preżenza, użu, manigġ, jew li wieħed ikun espost għal xi aġent kimiku, bijoloġiku jew fiżiku, jew iżjed minn wieħed minnhom, li jistgħu jintużaw waqt ix-xogħol;

(d) dwar il-metodi, livell jew proċeduri biex jiġi stabbilit l-ammont, il-konċentrazzjoni jew il-livell ta' xi aġent fiżiku, kimiku jew bijoloġiku f' post tax-xogħol;

(e) dwar il-protezzjoni tal-ħaddiema mir-riskji li jirriżultaw meta wieħed ikun espost għal aġenti kimiċi, fiżiċi u bijoloġiċi fuq ix-xogħol;

(f) dwar in-notifika, ir-rapport u l-investigazzjoni ta' imwiet, mard, korrimenti jew inċidenti oħra fil-post tax-xogħol;

(g) dwar il-ħinijiet li ħaddiem jista' ikun meħtieġ li jaħdem;

(h) dwar is-sigurtà ta' kull apparat, makkinarju, tagħmir, materjal, hwejjeġ jew haġa oħra tkun li tkun li tiġi wżata jew hija maħuba li tkun użata fil-post tax-xogħol;

(i) dwar id-dritt li ħaddiem jista' jirrifjuta xogħol jew li jagħmel xogħol partikolari, dwar iċ-ċirkostanzi u l-kondizzjonijiet li taħthom dan id-dritt hu eżerċitabbli;

(j) dwar kull haġa oħra li għandha x'taqsam mal-protezzjoni tas-saħħa u tas-sigurtà fuq il-postijiet tax-xogħol.

(2) Mingħajr ħsara għal kull haġa hawn fuq imsemmija, regolamenti magħmula taħt dan l-artikolu jistgħu wkoll -

(a) jiddistingwu bejn klassijiet differenti ta' postijiet tax-xogħol, klassijiet differenti ta' xogħol u bejn klassijiet differenti ta' ħaddiema, u jistgħu wkoll jagħmlu distinzjonijiet li jitqiesu xierqa;

(b) jeżentaw kull post tax-xogħol, u kull attività, negozju, xogħol, senġha, hidma jew professjoni mill-applikazzjoni ta' xi regolament jew xi disposizzjoni tiegħu, taħt

dawk il-kondizzjonijiet, jekk ikun hemm, li jitqiesu xierqa;

(ċ) jipprojbixxu, jirregolaw, jirrestringu, jillimitaw jew jikkontrollaw kull haġa li dwarha jkunu saru regolamenti;

(d) jaghtu setgha lill-Awtorità li tehtieg liċenza, ċertifikat jew xi hteiga ohra dwar xi materja li ghaliha jkunu saru regolamenti, u biex timponi drittijiet jew pizijiet ohra dwarhom jew dwar xi servizz moghti mill-Awtorità.

Personalità
guridika u
rappreżentanza.

13. (1) Ir-rappreżentanza legali ta' l-Awtorità tkun vestita fiċ-*Chairperson* u fl-Uffiċjal Eżekuttiv Ewlieni flimkien:

Izda l-Awtorità tista' tinnomina wiehed jew aktar mill-membri taghha, jew wiehed jew aktar mill-uffiċjali jew impjegati taghha, biex jidhru f'isimha u f'lokha f'xi procediment ġudizzjarju jew f'xi att, kuntratt, kitba jew dokument iehor ikun liema jkun.

(2) Kull dokument li jidher li jkun kitba maghmula jew mahruġa mill-Awtorità u li jkun iffirmit miċ-*Chairperson* jew mill-Uffiċjal Eżekuttiv Ewlieni jiġi aċċettat bhala xiehda u, sakemm ma jiġix ippruvat il-kuntrarju, jitqies bhala kitba maghmula jew mahruġa mill-Awtorità.

Disposizzjonijiet
rigward il-
proċeduri ta' l-
Awtorità.

14. (1) Il-laqgħat ta' l-Awtorità jissejhu miċ-*Chairperson* kull darba li jkunu mehtieġa, izda għall-inqas darba fix-xahar, jew fuq inizjattiva personali jew fuq talba ta' għall-inqas tnejn mill-membri l-oħra.

(2) Nofs l-ġhadd tal-membri li f'dak iż-żmien ikunu jiffirmaw l-Awtorità ikun *quorum*. Id-deċiżjonijiet jittiehdu b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Iċ-*Chairperson*, jew fl-assenza taċ-*Chairperson* il-Viċi *Chairperson* jew xi persuna ohra nominata biex taġixxi bhala *chairperson*, ikollu vot oriġinali u, f'każ ta' parità fil-voti, vot deċiżiv. Mingħajr hsara għal-htigiet l-oħra ta' dan l-Att, ebda deċiżjoni ma tkun valida jekk ma jkollhiex l-appoġġ ta' mill-inqas żewġ membri ta' l-Awtorità.

(3) Mingħajr hsara għad-disposizzjonijiet ta' dan l-Att, l-Awtorità tista' tirregola l-proċedura taghha.

(4) Mingħajr hsara għad-disposizzjonijiet ta' qabel ta' dan l-artikolu, l-ebda att jew proċedura ta' l-Awtorità ma għandu jiġi invalidat għar-raġuni biss li tkun teżisti vakanza fost il-membri.

(5) Kull att magħmul minn persuna bona fidi, bhala membru ta' l-Awtorità, jkun validu bħallikieku dik il-persuna kienet membru minkejja li jinkixef wara li kien hemm xi difett fin-nomina jew fil-

kwalifiki. Edda att jew procedura ta' l-Awtorità ma jiġu investigati minhabba l-kontravvenzjoni, minn xi membru, tad-disposizzjonijiet ta' l-artikolu 8(9).

TAQSIMA IV

Uffiċjali ghas-Sahha u ghas-Sigurtà fuq il-Post tax-Xoghol

15. (1) L-Awtorità ghandha tahtar Uffiċjali ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, li jkollhom dawk il-funzjonijiet li ghandhom x'jaqsmu ma' l-implimentazzjoni ġenerali ta' dan l-Att jew ta' xi regolamenti maghmula tahtu, kif ukoll biex iwettqu dak ix-xoghol jew jassumu dawk ir-responsabbiltajiet li jistghu jiġu preskritti jew jistghu jiġu assenjati lilhom mill-Awtorità.

Matra ta' uffiċjali.

(2) Uffiċjal ghandu jinghata mezzi xierqa ta' identifikazzjoni ffirmati mill-Uffiċjal Eżekuttiv Ewlieni, u dak id-dokument ghandu jiġi muri waqt kull eżami, investigazzjoni jew spezzjoni:

Izda l-Uffiċjal Eżekuttiv Ewlieni ghandu jitqies bhala uffiċjal u d-dokument ta' identifikazzjoni bhala uffiċjal ghandu jkun iffirmat miċ-Chairperson.

16. (1) Uffiċjal ikollu s-setghat li ġejjin -

Setghat ta' l-uffiċjali.

(a) li jidhol minghajr xkiel u minghajr preavviz f'kull post tax-xoghol, f'kull hin, bi nhar u bil-lejl;

(b) li jkun assistit minn membru tal-pulizija fl-esekuzzjoni tad-dmirijiet tiegħu;

(ċ) li jagħmel mistoqsijiet, wahdu jew fil-prezenza ta' xhieda, inkluża l-persuna, jekk dan ikun il-każ, li tkun għamlet l-ilment, lil minn ihaddem jew lill-haddiem, inkluża kull persuna li taġixxi għan-nom ta', jew li tkun qed tagħmel xoghol għal, min ihaddem dwar il-hwejjeġ kollha li jaqgħu taht dan l-Att jew taht xi regolamenti maghmula tahtu;

(d) jispezzjona kull dokument li hu preskritt, skond dan l-Att jew skond xi regolament magħmul tahtu, li għandu jinżamm, jew kull ktieb, dokument, disinn, pjanta, jew lista ta' speċifikazzjonijiet tekniċi li jistghu jkunu ta' għajjnuna għal dak li għandu x'jaqsam mas-sahha u mas-sigurtà fuq il-postijiet tax-xoghol f'xi post partikolari ta' xoghol;

(e) li jiehu pussess, billi jagħti riċevuta, ta' kull haġa meħtieġa għal testijiet jew bhala prova f'xi incident, korriment jew mard fuq xi post tax-xoghol;

(f) li jeżamina jew jordna l-eżami ta' postijiet tax-xogħol u ta' kull haġa li jkun hemm fihom, u li jiehu kampjuni għall-eżami ta' kull haġa, sustanza jew materjal li jinstab f'xi post tax-xogħol jew id-dintorni tiegħu bil-ghan li jiġu protetti saħħa u s-sigurtà fuq il-post tax-xogħol, u li jiżgura li dawn il-kampjuni jinżammu biex jintużaw bħala prova f'xi proċeduri li jittiehdu skond dan l-Att;

(g) li jordna li ma jiċcaqlaq xejn f'xi post tax-xogħol għal xi perjodu li jista' jkun mehtieg raġonevolment għall-ghan ta' xi eżami, investigazzjoni jew spezzjon imsemmija fil-paragrafi ta' hawn fuq;

(h) li jehtieg it-thaddim jew il-moviment ta' xi apparat, makkinarju, tagħmir, haġa jew proċess, kif ukoll it-thaddim ta' xi sistema jew proċedura li, fil-fehma ta' l-uffiċjal, tista' tkun rilevanti għal xi eżami, investigazzjoni jew spezzjon imsemmija fil-paragrafi (a) sa (e);

(i) li jehtieg lil min ihaddem biex jipprovdi, bi spejjeż ta' min ihaddem -

(i) ċertifikat iffirmit minn perit u inginier ċivili rigward is-sigurtà ta' xi bini jew struttura, inklużi strutturi temporanji;

(ii) ċertifikat iffirmit minn inginier mekkaniku jew elettriku rigward is-sigurtà ta' xi stallazzjoni mekkanika jew elettrika, kif ikun il-każ, inkluża stallazzjoni temporanja;

(iii) ċertifikat iffirmit minn tabib rigward is-saħħa fuq il-post tax-xogħol ta' xi haddiem jew klassi ta' haddiema, liema ċertifikat għandu jiġi mogħti lit-tabib ta' l-Awtorità;

(iv) kull informazzjoni li għandha x'taqsam mas-saħħa u mas-sigurtà fuq il-postijiet tax-xogħol, inkluża informazzjoni li tirrigwarda miżuri protettivi;

(j) li jehtieg kull min ihaddem, aġent, manifattur, importatur, fornitur, persuna li tuża jew xi persuna oħra biex jipprovdu, bi spejjeż tagħhom, xi dokument, ċertifikat jew lista ta' speċifikazzjonijiet tekniċi rigward kull haġa li għandha x'taqsam mas-saħħa u mas-sigurtà fuq il-postijiet tax-xogħol, il-metodu ta' kif jiġu manigġati jew użati xi impjant, stallazzjoni, apparat, makkinarju, haġa, sustanza jew kimika li tiġi importata,

użata jew maħsuba li tintuża fuq ix-xogħol; u

(k) għall-għanijiet tal-prosekuzzjoni ta' xi reat taht dan l-Att, jew għall-għanijiet ta' xi appell quddiem il-Bord ta' Appelli kontra xi ordni ta' uffiċjal, li jikxef fil-Qorti jew fil-Bord ta' Appelli dawk ir-riżultati jew informazzjoni li jkunu ġew riċevuti jew miġbura waqt il-kors ta' l-investigazzjonijiet.

(2) Uffiċjal ma għandux jidhol f'xi post tax-xogħol li f'dak iż-żmien ikun qed jintuża bħala abitazzjoni mingħajr il-kunsens ta' min jokkupah, jew sakemm dak l-uffiċjal ma jkunx akkompanjat minn uffiċjal tal-pulizija li ma jkunx taht ir-rank ta' spettur.

17. (1) Uffiċjal jista' jagħti ordni, verbalment jew bil-miktub, biex jissalvagwardja s-saħħa u s-sigurtà fuq il-post tax-xogħol u kull persuna għandha tobdi dan l-ordni minnufih sakemm ma jiġix revokat minn uffiċjal jew mill-Bord ta' Appelli:

Ordnijiet minn uffiċjali.

Iżda persuna li tirċievi ordni, kemm jekk dik il-persuna tkun haddiem jew min ihaddem, tista' tiddefendi ruħha mill-akkuża li tkun kisret l-ordni jekk tipprova li kieku ikkonformat ruħha ma' dak l-ordni kien ikun ta' detriment immedjat għas-saħħa u għas-sigurtà fuq il-post tax-xogħol:

Iżda wkoll kull ordni li jingħata verbalment għandu jiġi konfermat bil-miktub u mwassal għand il-persuna li lilha jkun mogħti fi żmien tliet ijiem.

(2) (a) Uffiċjal jista' jordna li post tax-xogħol jiġi mbarrat, u jista' jirrevoka ordni bħal dak.

(b) Meta post tax-xogħol jew parti minnu jiġi mbarrat, ebda persuna ma tista' tidhol fl-area imbarrata mingħajr il-permess ta' uffiċjal.

(3) Meta uffiċjal jagħmel ordni bil-miktub skond dan l-artikolu, jista' jwajhhal kopja tiegħu fil-post tax-xogħol, jew fuq kull apparat, makkinarju, tagħmir, hwejjeġ jew haġa, u ebda persuna hlief uffiċjal ma għandha taqla din il-kopja sakemm ma tkunx awtorizzata minn xi uffiċjal biex tagħmel hekk.

(4) Meta uffiċjal jagħmel ordni bil-miktub skond dan l-artikolu, jew jagħti rapport ta' l-ispezzjoni lil min ihaddem jew lil persuna li tkun inkarigata mix-xogħol, min ihaddem jew il-persuna inkarigata mix-xogħol għandhom minnufih jaraw li kopja jew kopji tiegħu jiġu mwahhla f'post jew f'postijiet fejn jidher fil-post tax-xogħol, fejn x'aktarx jiġbed l-attenzjoni tal-haddiema.

(5) Uffiċjal ma jkunx mehtieg li jisma jew jaghti l-opportunità lil min iħaddem, haddiem jew persuna oħra li jaghtu l-opinjoni tagħhom qabel ma jagħmel ordni.

Uffiċjali jitqiesu
bħala uffiċjali
pubbliċi
Kap. 9.

18. (1) Uffiċjali tas-saħħa u tas-sigurtà fuq il-postijiet tax-xogħol għandhom, għall-għanjiet tal-Kodiċi Kriminali, jitqiesu bħala uffiċjali pubbliċi.

(2) Ebda persuna ma tista' thedded, tinsulta, timmolesta jew tfixkel spetturi waqt it-twettiq tad-dmirijiet tagħhom, jew tagħti lil xi uffiċjal informazzjoni falza, jew tkisser jew tbaġħbas xi sigill li jkun ġie magħmul, jew xi apparat ta' sorveljanza li jkun ġie stallat, li jkun ġie imqiegħed jew thalla min uffiċjal f'xi post tax-xogħol jew, f'każ ta' apparat ta' sorveljanza personali, fuq xi haddiem.

Ebda
responsabbiltà.

19. Ma jkunx hemm, u ma tistax tiġi istitwita, l-ebda azzjoni, dixxiplinarji jew mod ieħor, jew xi proċedura oħra għad-danni, kontra l-Uffiċjal Eżekuttiv Ewlieni jew kontra xi uffiċjali ta' l-Awtorità għal xi att magħmul jew li ma ġiex magħmul minnhom bona fidi fl-eżekuzzjoni jew fl-eżekuzzjoni maħsuba ta' xi setgħa, dritt jew dmir skond dan l-Att jew skond xi regolament magħmul tahtu.

Appelli minn
ordnijiet
mogħtija minn
uffiċjal.

20. Kull persuna, kemm jekk din il-persuna tkun haddiem, min iħaddem jew terza persuna, li thoss ruħha aggravata minn xi ordni mogħti minn xi uffiċjal tista' tappella lill-Bord ta' Appelli.

TAQSIMA V

Bord ta' Appelli dwar is-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol

Twaqqif u
għamla tal-Bord
ta' Appelli.

21. (1) Għandu jkun hemm Bord ta' Appelli li jkun magħruf bħala il-Bord ta' Appelli dwar s-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol biex jisma' u jiddeċiedi dwar appelli minn ordni ta' xi uffiċjal mahtur skond dan l-Att.

(2) Mingħajr ħsara għad-disposizzjonijiet ta' dan l-artikolu, il-Bord ta' Appelli għandu jkun magħmul minn President u żewġ membri oħra li jiġu mahtura kif ġej:

(a) il-President tal-Bord ta' Appelli jkun wiehed minn lista ta' persuni nominati mill-Prim Ministru, li jkunu persuni li huma avukati b'esperjenza ta' għall-inqas seba' snin u dawn il-persuni għandhom iservu bħala President jew wiehed wara l-ieħor jew skond dik id-distribuzzjoni ta' dmirijiet, u suġġetti għal dawk id-disposizzjonijiet dwar inabilità biex wiehed iservi u ċirkostanzi oħra, kif il-persuni fuq din il-lista jistgħu, bl-approvazzjoni tal-Prim Ministru, jistabbilixxu;

(b) iż-żewġ membri l-oħra tal-Bord ta' Appelli għandhom jiġu magħzula mill-President minn żewġ listi ta' persuni li ma jkunux la avukati u l-anqas prokuraturi legali, mahtura mill-Ministru biex iservu bħala membri tal-Bord ta' Appelli kif tkun teħtieġ is-sitwazzjoni:

Iżda l-ebda membru ta' l-Awtorità u l-ebda uffiċjal ta' l-Awtorità ma jistgħu jiġu mahtura fuq il-Bord ta' Appelli.

(3) L-ismijiet tal-persuni mahtura biex jaġixxu bħala Presidenti jew bħala membri tal-Bord ta' Appelli għandhom jiġu notifikati fil-Gazetta.

(4) Il-Bord ta' Appelli għandu jikkonsisti mill-President waħdu f'appelli kontra ordnijiet mogħtija minn uffiċjali, minbarra dawk l-ordnijiet li jittrattaw l-imbarrar shiħ ta' post tax-xogħol, jew ordnijiet li jittrattaw il-projbizzjoni ta' l-użu ta' xi apparat, makkinarju, impjant jew stallazzjoni fuq ix-xogħol li, kieku l-ordni kellu jiġi obdut, jirriżultaw fil-waqfien ta' l-attivitajiet kollha tax-xogħol:

Iżda il-persuna li tircievi ordni minn uffiċjal ikollha d-dmir li titlob li l-appell jinstema' minn Bord ta' Appelli magħmul minn tliet membri fil-każijiet imsemmija hawn aktar qabel, iżda d-deċiżjoni jekk il-każ għandux jiġi deċiż mill-Bord kif hekk kostitwit jew mill-President waħdu għandha dejjem tittiehed mill-President waħdu waqt l-istadji preliminari ta' l-appell.

(5) Il-Prim Ministru u l-Ministru, kif ikun il-każ, jistgħu minn żmien għal żmien, wara konsultazzjoni kif stabbilit f'dan l-artikolu iwarjaw il-kompożizzjoni tal-listi, iżda persuna li tkun fil-fatt qiegħda taġixxi bħala membru tal-Bord ta' Appelli għandha, minkejja it-tħassir ta' isimha mill-lista, tkompli taġixxi fil-proċeduri bħala membru sat-temm ta' dawk il-proċeduri u għall-għanijiet ta' l-interpretazzjoni ta' xi deċiżjoni mogħtija f'dawk il-proċedimenti:

Iżda f'każ ta' mewt jew impossibbiltà oħra li membru jkompli jisma' każ, persuna oħra tiġi surrogata mill-lista eżistenti biex tisma' l-każ.

(6) Il-Ministru jista' wkoll jahtar persuna biex tagħmilha ta' segretarju tal-Bord ta' Appelli.

TAQSIMA VI

Provvedimenti Amministrativi u Finanzjarji

Hatra ta' persunal.

22. Minghajr hsara ghad-disposizzjonijiet tal-Kostituzzjoni ta' Malta u ta' xi ligi ohra li tapplika jew li ghandha x'taqsam, inkluż dan l-Att, il-hatra ta' ufficjali u ta' impjegati ohra ta' l-Awtorità ghandha ssir mill-Ufficjal Eżekuttiv Ewlieni, u approvata mill-Awtorità. Il-pattijiet u l-kundizzjonijiet ta' l-impieg ghandhom jigu stabbiliti mill-Ufficjal Eżekuttiv Ewlieni bl-approvazzjoni ta' l-Awtorità u bi qbil tal-Ministru.

Hatra u funzjonijiet ta' l-ufficjali u l-impjegati ta' l-Awtorità.

23. L-Awtorità ghandha tahtar u timpjega, b'dik ir-rimunerazzjoni u skond dawk il-pattijiet u kundizzjonijiet li tista', skond l-artikolu 22, tistabilixxi, dawk l-ufficjali u impjegati ta' l-Awtorità li jistghu minn zmien ghal zmien ikunu mehtiega ghall-qadi xieraq u efficjenti tal-funzjonijiet ta' l-Awtorità.

Ufficjali pubblici li jigu mqabbdin fuq xoghol ta' l-Awtorità.

24. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità, minn zmien ghal zmien, jordna li xi ufficjal publiku jigi mqabbad fuq xoghol ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data li jigu specifickati f'dak l-ordni.

(2) Il-perjodu li ghalih ordni bhall dak hawn fuq imsemmi ghandu japplika lil xi ufficjal imsemmi f'dak l-ordni ghandu, sakemm l-ufficjal ma jirtirax mis-servizz publiku, jew sakemm ma jieqafx mis-servizz f'data aktar qabel, jew sakemm ma tigix stabbilita data differenti fl-ordni, jieqaf milli jkollu sehħ wara sena mid-data effettiva ta' ordni bhall dak, sakemm l-ordni ma jigix revokat qabel mill-Prim Ministru.

Status ta' ufficjali pubblici mqabbdin fuq xoghol ma' l-Awtorità.

25. (1) Meta ufficjal jigi mqabbad fuq xoghol ma' l-Awtorità skond id-disposizzjonijiet ta' l-artikolu 24, dak l-ufficjal ghandu, fiz-zmien li ordni bhall dak ikollu effett dwaru, ikun taht l-awtorità amministrattiva u kontroll ta' l-Awtorità, izda ghandu ghal kull haġ'ohra jigi kkunsidrat u jitqies bhalla ufficjal publiku.

(2) Minghajr hsara ghall-ġeneralità ta' dak hawn aktar qabel imsemmi, ufficjal publiku mqabbad fuq xoghol kif hawn aktar qabel imsemmi -

(a) ma ghandux waqt il-perjodu li fih l-ufficjal ikun ġie hekk imqabbad -

(i) jigi mwaqqaf milli japplika ghal trasferiment lil dipartiment tal-Gvern skond il-pattijiet u l-kundizzjonijiet ta' servizz konnessi mal-hatra mal-Gvern li l-ufficjal jkollu f'data li jkun hekk ġie mqabbad fuq

xogħol; jew

(ii) ikun impjegat b'tali mod li r-rimunerazzjoni u l-kundizzjonijiet tax-xogħol ikunu inqas favorevoli minn dawk li huma konnessi mal-ħatra mal-Gvern li hu jkollu f'data li hu jkun ġie mqabbad għal xogħol kif hawn aktar qabel imsemmi, jew li setghu jkunu konnessi ma' kariga bħal dik, waqt dak il-perjodu, li kieku l-uffiċjal ma ġiex imqabbad fuq xogħol ma' l-Awtorità; u

(b) ikollu dritt li s-servizz ma' l-Awtorità jiġi meqjus bħala servizz mal-Gvern għall-għan ta' xi pensjoni, gratifikazzjoni jew benefiċċju skond l-Ordinanza dwar il-Pensjonijiet, jew l-Att dwar il-Pensjoni lil Nisa' Romol u Tfal Iltiema, u ta' xi dritt jew privileġġ iehor li għalih dak l-uffiċjal jista' jkun intitolat u jkun taħt kull responsabbiltà li għaliha seta' kien responsabbli, kieku ma kienx għall-fatt li ġie mqabbad fuq xogħol ma' l-Awtorità.

Kap. 93.

Kap. 58.

(3) Fejn tiġi magħmula applikazzjoni kif stabbilit fis-subartikolu (2)(a)(i), għandha tinghata konsiderazzjoni lil din l-applikazzjoni bhallikieku l-applikant ma kienx ġie imqabbad fuq xogħol ma' l-Awtorità.

(4) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu, minn żmien għal żmien, jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar l-ammont ta' pensjonijiet u gratifikazzjonijiet li għandhom jithallsu lil xi uffiċjal imqabbad fuq xogħol ma' l-Awtorità kif hawn aktar qabel imsemmi waqt il-perjodu li jkun ġie hekk imqabbad.

26. (1) L-Awtorità tista', bl-approvazzjoni tal-Ministru, toffri lil kull uffiċjal imqabbad fuq xogħol ma' l-Awtorità skond xi wahda mid-disposizzjonijiet ta' l-artikolu 24, impieg permanenti ma' l-Awtorità b'rimunerazzjoni u taħt pattijiet u kundizzjonijiet li ma jkunux anqas favorevoli minn dawk li jkollu dak l-uffiċjal fid-data ta' l-offerta.

Offerta ta' impieg permanenti ma' l-Awtorità lill-uffiċjali pubbliċi imqabbdin fuq xogħol ma' l-Awtorità.

(2) Il-pattijiet u l-kundizzjonijiet inklużi f'offerta magħmula kif hawn aktar qabel imsemmi ma jitqiesux li jkunu anqas favorevoli għar-raġuni biss li ma jkunux fil-hwejjeġ kollha identiċi jew għola minn dawk li l-uffiċjal konċernat ikollu fid-data ta' l-offerta, jekk dawk il-pattijiet u l-kundizzjonijiet, meta tħares lejhom globalment, fil-fehma tal-Prim Ministru joffru benefiċċji li jkunu sostanzjalment daqshom jew ahjar.

(3) Kull uffiċjal pubbliku li jaċċetta impieg permanenti ma' l-Awtorità offert lilu, skond id-disposizzjonijiet tas-subartikolu (1), għandu għall-finijiet kollha barra minn dawk ta' l-Ordinanza dwar il-Pensjonijiet, u ta' l-Att dwar il-Pensjoni lil Nisa' Romol u Tfal Iltiema, jitqies li jtemm milli jkun fis-servizz mal-Gvern u jidhol fis-servizz ma' l-Awtorità b'seħħ mid-data li fiha aċċetta l-offerta u għall-finijiet ta' l-Ordinanza u ta' l-Att fuq imsemmija, safejn dawn ikunu applikabbli għalih, servizz ma' l-Awtorità jitqies bħala servizz mal-Gvern skond it-tifsiriet tagħhom rispettivament.

(4) Kull uffiċjal bħal dan kif hawn aktar qabel imsemmi li, minnufih qabel ma aċċetta offerta ta' impieg permanenti ma' l-Awtorità, kien intitolat għal benefiċċju taht l-Att dwar il-Pensjoni lil Nisa' Romol u Tfal Iltiema, għandu jkompli jkun intitolat għal dawk il-benefiċċji għar-raġunijiet kollha bħallikieku s-servizz ma' l-Awtorità kien servizz mal-Gvern.

(5) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu, minn żmien għal żmien, ikunu stabbiliti mill-Ministru responsabbli għall-finanzi dwar l-ammont ta' pensjonijiet u gratifikazzjonijiet li għandhom jithallsu lil xi uffiċjal li jkun aċċetta offerta ta' impieg permanenti ma' l-Awtorità kif hawn aktar qabel imsemmi waqt il-perjodu li jibda' mid-data ta' l-aċċettazzjoni ta' l-offerta mill-uffiċjal.

(6) (a) Għall-għanijiet ta' dan l-artikolu il-karigi u l-grad i tas-salarji ma' l-Awtorità għandhom jiġu klassifikati skond dawk il-grad i u livelli ta' żidiet fil-pagi li jikkorrispondu l-iktar ma' dawk fis-servizz mal-Gvern ta' Malta meta jitqies it-tip ta' xogħol, snajja, responsabbiltajiet u fatturi oħra bħalhom.

(b) Il-klassifikazzjoni li hemm riferenza għaliha fil-paragrafu (a) għandha ssir minn bord li jkun magħmul minn *chairperson* nominat mill-Ministru responsabbli għall-finanzi u minn żewġ membri oħra, wieħed nominat mill-Ministeru responsabbli ċentralment għall-politika dwar rizorsi umani fis-settur pubbliku u iehor nominat mill-Awtorità. Il-klassifikazzjoni tkun sugġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Din il-klassifikazzjoni għandha ssir fi żmien tliet xhur minn xi modifika fis-salarji ta' impjegati fis-servizz pubbliku, u, jew, ta' impjegati ta' l-Awtorità.

(d) Ebda kariga ma għandha tiġi klassifikata fi grad oghla minn dik ta' grad 3 fis-servizz tal-Gvern jew xi grad iehor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jordna b'avviż fil-Gazzetta.

(e) Minghajr hsara ghad-disposizzjonijiet ta' l-artikolu 113 tal-Kostituzzjoni, l-ebda persuna ma tista', wara li ssir klassifikazzjoni kif hawn aktar qabel imsemmi, tkun intitolata ghal drittijiet skond l-Ordinanza dwar il-Pensjonijiet li jkunu inqas favorevoli minn dawk li ghalihom kienet tkun intitolata qabel ma saret dik il-klassifikazzjoni.

TAQSIMA VII

Provvedimenti Finanzjarji

27. (1) Minghajr hsara ghad-disposizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha topera b'tali mod li l-ispejjeż meħtieġa għat-tweġiq xieraq tal-funzjonijiet tagħha jithallsu, skond kemm ikun prattikabbli, mid-dhul tagħha.

L-Awtorità għandha thallas l-ispejjeż mid-dhul.

(2) Għal dan il-ghan, l-Awtorità għandha tiġbor id-drittijiet kollha, rati u hlasijiet oħra preskritti jew li huma meqjusa li huma preskritti minn jew skond dan l-Att jew xi liġi oħra li għandha x'taqsam mas-setgħat u l-funzjonijiet ta' l-Awtorità.

(3) L-Awtorità għandha wkoll tithallas mill-Gvern, mill-Fond Konsolidat, dawk l-ammonti li l-Parlament jista', minn żmien għal żmien, jawtorizza li jkunu approprijati biex jithallsu xogħlijiet speċifiċi li għandhom jitkomplew jew mod ieħor għandhom isiru mill-Awtorità, li jkunu xogħlijiet ta' infrastruttura jew ta' xorta kapitali simili.

(4) Kull eċċess ta' dhul fuq spejjeż għandu, suġġett għal dawk id-direttivi li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' jagħti minn żmien għal żmien, jiġi wżat mill-Awtorità biex jinholqu fondi ta' riserva li jintużaw għall-ghanijiet ta' l-Awtorità; u minghajr hsara għall-ġeneralità tas-setgħat mogħtija lill-Ministru b'dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif hawn aktar qabel imsemmi tista' tordna t-trasferiment lill-Gvern, jew li tiġi applikata b'dak il-mod kif stabbilit fid-direttiva, ta' xi parti mid-drittijiet, rati jew hlasijiet oħra miġbura skond is-subartikolu (2) jew ta' xi eċċess kif hawn aktar qabel imsemmi.

(5) Il-fondi ta' l-Awtorità li ma jkunux minnufih meħtieġa biex jagħmlu tajjeb għall-ispejjeż jistghu jiġu investiti b'dak il-mod li jista' jkun approvat mill-Ministru minn żmien għal żmien.

28. (1) Għall-ghanijiet biex twettaq xi wahda mill-funzjonijiet tagħha skond dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru responsabbli għall-finanzi,

Setgħa li tissellef kapital.

tissellef u tiġbor flus b'dak il-mod, minn dik il-persuna, dak il-korp jew dik l-Awtorità, taht dawk il-pattijiet u kundizzjonijiet kif il-Ministru, wara konsultazzjoni kif hawn aktar qabel imsemmi, jista' japprova bil-miktub.

(2) L-Awtorità tista' minn żmien għal żmien tissellef, permezz ta' *overdraft*, jew mod ieħor, dawk is-somom li tista' tehtieg' biex twettaq il-funzjonijiet tagħha skond dan l-Att:

Izda għal kull ammont li jkun iżjed minn hamsin elf lira, jehtieg' li jkun hemm l-approvazzjoni tal-Ministru bil-miktub.

Avvanzi mill-Gvern.

29. Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Awtorità ta' dawk is-somom li l-Ministru responsabbli għall-finanzi jista' jaqbel li huma mehtieġa mill-Awtorità biex twettaq xi waħda mill-funzjonijiet tagħha skond dan l-Att, u jista' jagħmel dawk l-avvanzi skond dawk il-pattijiet u kundizzjonijiet li hu jidhirlu, wara konsultazzjoni kif hawn aktar qabel imsemmi, mehtieġa. Kull avvanz bħal dan jista' jsir mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u minghajr ebda approprjazzjoni oħra hlief dan l-Att, b'ordni bil-miktub, li jawtorizza lill-*Accountant General* biex jagħmel dak l-avvanz.

Self mill-Gvern.

30. (1) Il-Ministru responsabbli għall-finanzi jista', għal xi waħda mill-htigiet ta' xorta kapitali ta' l-Awtorità, jidhol f'kuntratt jew jiġbor flus jew jidhol fi djun, għal dawk il-perjodi u skond dawk il-pattijiet u kundizzjonijiet li l-Ministru responsabbli għall-finanzi jidhrulu xierqa; u kull ammont dovut minhabba jew konness ma' xi self jew dejn bħal dak ikun piż fuq il-Fond Konsolidat.

(2) Avviż ta' xi self, dejn jew avvanz magħmul jew mahluq skond id-disposizzjonijiet tas-subartikolu (1) għandu jinghata mill-Ministru lill-Kamra kemm jista' jkun malajr.

(3) Sakemm jinghata is-self kif imfisser fis-subartikolu (1), jew sabiex jinghata lill-Awtorità kapital biex wiehed jista' jahdem, il-Ministru responsabbli għall-finanzi jista', b'ordni bil-miktub u minghajr ebda approprjazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* biex jagħmel avvanzi lill-Awtorità mit-*Treasury Clearance Fund* skond dawk il-pattijiet li jistgħu jiġu stabbiliti mill-Ministru meta jsir dak l-avvanz.

(4) Ir-rikavat minn xi dejn magħmul biex isiru avvanzi lill-Awtorità, u xi flejjes oħra li jiġu avvanzati lill-Awtorità skond dan l-artikolu, għandhom jithallsu f'fond mwaqqaf apposta għal dan il-ghan u li jkun magħruf bhala "il-Fond ta' Self lill-Awtorità għas-Saħha u s-Sigurtà fuq il-Post tax-Xogħol".

(5) L-ammonti li l-*Accountant General* jirċievi mill-Awtorità għar-rigward ta' avvanzi magħmula lill-Awtorità skond is-subartikolu (3) għandhom jithallsu, għal dak li jirrigwarda l-ammonti ta' hlas lura, fit-*Treasury Clearance Fund*, u għal dak li jirrigwarda l-ammont ta' imghax, fil-Fond Konsolidat.

31. (1) L-Awtorità għandha tara li f'kull sena finanzjarja jitlestew, u mhux aktar tard minn tmien gimgħat qabel l-gheluq ta' kull sena finanzjarja tadotta, estimi tad-dhul u hrug ta' l-Awtorità għas-sena finanzjarja ta' wara:

Estimi ta' l-Awtorità.

Izda dwar l-ewwel sena finanzjarja, l-Awtorità għandha tlesti u tadotta estimi mhux aktar tard minn dak iż-żmien li l-Ministru jista' jispeċifika lill-Awtorità permezz ta' avviż bil-miktub.

(2) Fil-preparazzjoni ta' dawn l-estimi l-Awtorità tiehu in konsiderazzjoni xi fondi jew flejjes oħra li jistgħu jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew permezz ta' dan l-Att jew permezz ta' Att ta' approprijazzjoni jew xi liġi oħra u l-Awtorità għandha tipprepara dawk l-estimi b'tali mod illi tiżgura illi d-dhul totali ta' l-Awtorità ikun għall-inqas suffiċjenti biex jagħmel tajjeb għal kull somma li tiġi addebitata lill-kont tad-dhul tagħha inkluż id-deprezzament, izda mingħajr hsara għall-generalità ta' dik l-espressjoni.

(3) L-estimi għandhom isiru f'dik il-forma u għandhom ikollhom dik l-informazzjoni u dawk il-paraguni ma' estimi ta' qabel kif il-Ministru jista' jordna.

(4) Kopja ta' l-estimi ta' l-Awtorità għandhom, malli jiġu adottati mill-Awtorità, jintbagħtu minnufih mill-Awtorità lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, ma' l-ewwel opportunità, u mhux aktar tard minn sitt gimgħat minn mindu jirċievi kopja ta' l-estimi ta' l-Awtorità, jew, jekk f'xi żmien il-Kamra tad-Deputati ma tkunx qed tiltaqa' f'sessjoni, fi żmien sitt gimgħat mill-bidu ta' l-ewwel sessjoni ta' wara, jara li dawk l-estimi jitqieghdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova dawk l-estimi. Għandha tingħata mhux iktar minn gurnata għad-diskussjoni fil-Kamra ta' dik il-mozzjoni, u kemm il-mozzjoni kemm l-approvazzjoni ta' estimi mill-Kamra jistgħu jkunu sew b'emendi għall-estimi sew mingħajrhom.

32. (1) L-Awtorità ma tista' tidhol għal ebda spiza li ma tkunx giet approvata mill-Kamra skond l-artikolu 31.

Spiza skond l-estimi approvati.

(2) Mingħajr hsara għad-disposizzjonijiet tas-subartikolu (1) -

(a) sakemm jghaddu sitt xhur mill-bidu ta' sena finanzjarja jew sa l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra, liema tkun l-aktar data kmieni, l-Awtorità tista' tidhol għal nefqa biex taqdi l-funzjonijiet tagħha taħt dan l-Att li b'kollox ma tkunx akbar minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

(b) nefqa approvata dwar kap jew sotto-kap ta' l-estimi tista', bl-approvazzjoni tal-Ministru, issir dwar kap jew sotto-kap ieħor ta' l-estimi;

(c) dwar l-ewwel sena finanzjarja, l-Awtorità tista' tidhol għal nefqa sakemm l-estimi għal dik is-sena jiġu approvati mill-Kamra, liema nefqa ma tkunx iżjed fit-total minn dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk f'xi sena finanzjarja jinstab li l-ammont approvat mill-Kamra mhux biżżejjed, jew jekk tinqala' l-ħtieġa ta' nefqa għal għan mhux provdut fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Kamra u, sakemm tingħata dik l-approvazzjoni, l-Awtorità tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru, tidhol għall-ispiza relattiva jew parti minnha kif il-Ministru imsemmi jista' japprova, u f'dan il-każ id-disposizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom, sa fejn hu prattikabbli, japplikaw għall-estimi supplimentari.

Pubblikazzjoni ta' l-estimi approvati.

33. L-estimi kollha u l-estimi supplimentari approvati mill-Kamra għandhom, mill-aktar fis possibbli, jiġu pubblikati fil-Gazzetta.

Kontijiet u vertikali.

34. (1) L-Awtorità għandha tara li jinżammu kotba ta' kontijiet xierqa u dokumentazzjoni oħra dwar il-ħidma tagħha u għandha tara li jitlestha prospett ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet ta' l-Awtorità għandhom jiġu verifikati minn awditur jew awdituri nominati minnha u approvati mill-Ministru:

Izda l-Ministru responsabbli għall-finanzi jista' jeħtieġ li l-kotba u dokumentazzjoni oħra ta' l-Awtorità jiġu verifikati jew ezaminati mill-Awditur Ġenerali li, għal dan il-għan, ikollu s-setgħa li jagħmel dik il-verifika fiżika u verifiki oħra, u li jitlob dik l-informazzjoni li jidhirlu meħtieġa.

(3) Wara l-għeluq ta' kull sena finanzjarja, fl-istess hin li kopja ta' l-estimi ta' l-Awtorità tintbagħat lill-Ministru taħt l-artikolu 31, l-

Awtorità ghandha tara li kopja tal-prospett ta' kontijiet verifikati kif jixraq jiġu moghtija lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awditur jew awdituri dwar dak il-prospett jew dwar il-kontijiet ta' l-Awtorità.

(4) Il-Ministru ghandu jara li titqiegħed quddiem il-Kamra kopja ta' kull prospett u rapport bħal dak flimkien mal-mozzjoni mqiegħda quddiem il-Kamra taħt l-artikolu 31(5).

35. (1) Il-flejjes kollha ta' l-Awtorità għandhom jiġu depożitati f'bank jew banek mahtura bħala il-bankiera ta' l-Awtorità permezz ta' riżoluzzjoni ta' l-Awtorità. Dawn il-flejjes għandhom, skond kemm ikun prattikabbli, jithallsu fil-banek minn ġurnata għall-oħra, minbarra dik is-somma li l-Awtorità tista' tehtieg li żżomm biex tkun tista' thallas ammonti żgħar u hlasijiet ta' minnufih.

Depożitu ta'
dñul u hlasijiet
mill-Awtorità.

(2) Il-hlasijiet kollha mill-fondi ta' l-Awtorità, minbarra hlasijiet żgħar li ma jkunux iżjed minn dak l-ammont li jista' jiġi stabbilit mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali ta' l-Awtorità li jkunu ġew mahtura jew nominati għal dak il-ghan.

(3) Ċekkijiet magħmulin fuq kont tal-bank u flejjes miġbudin minn dak il-kont ta' l-Awtorità għandhom ikunu iffirmati minn dak l-uffiċjal ta' l-Awtorità li jkun ġie mahtur jew nominat mill-Awtorità għal dak il-ghan u għandhom ikunu kontrofirmati miċ-*Chairperson*, jew minn xi membru ieħor jew uffiċjal kif jista' jkun awtorizzat mill-Awtorità għal dak il-ghan.

(4) L-Awtorità għandha tagħmel provvediment għal dak li ghandu x'jaqsam ma' -

(a) il-mod li bih hlasijiet jistgħu jkunu awtorizzati jew approvati u l-uffiċjal jew l-uffiċjali li għandhom jagħmlu dawk il-hlasijiet;

(b) it-titolu ta' kull kont miżmum f'bank jew banek, li fih għandhom jithallsu l-flejjes ta' l-Awtorità, u t-trasferiment ta' fondi minn kont għal ieħor;

(c) il-metodu li ghandu jiġi adottat meta jsiru hlasijiet mill-fondi ta' l-Awtorità; u

(d) b'mod ġenerali għal dak li jirrigwarda kull haġa li hija rilevanti għaż-żamma xierqa u kontroll tal-kontijiet, kotba u dokumentazzjoni oħra, u l-kontroll fuq il-finanzi ta' l-Awtorità.

Kuntratti ta' provvista u xogholijiet.

36. L-Awtorità m'għandhiex tidhol f'kuntratt għal provvista ta' oġġetti jew materjal jew għall-esekuzzjoni ta' xogholijiet jew għall-ghoti ta' servizzi, lil jew favur l-Awtorità, li huwa stmat mill-Awtorità li jkun jinvolti nefqa ta' aktar minn għaxart elef lira, hliet wara li jiġi ppublikat avviz ta' intenzjoni ta' l-Awtorità li tidhol f'kuntratt bħal dak u wara li jkunu harġu offeriti kompetittivi.

Rapport annwali.

37. L-Awtorità għandha, mhux aktar tard minn sitt gimgħat wara t-tmiem ta' kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport ġenerali tal-hidma tagħha matul dik is-sena, li jkun fih dik l-informazzjoni dwar il-proċeduri u l-politika ta' l-Awtorità kif xi wiehed minn dawk il-Ministri jistgħu minn żmien għal żmien jehtieġu. Il-Ministru għandu jara li kopja ta' kull rapport bħal dan titqiegħed fuq il-Mejda tal-Kamra kemm jista' jkun malajr.

Eżenzjoni minn ċerti taxxi u dazji.

38. L-Awtorità tkun eżenti minn kull hlas ta' taxxa fuq l-*income*, taxxa fuq dokumenti u dazju tad-dwana u dazji oħra skond xi liġi.

TAQSIMA VIII

Reati u Pieni

Reati u peni.

39. (1) Kull persuna li tikser xi disposizzjoni ta' l-artikoli 6, 7, 17, 18, 19 jew 20, jew tikser xi disposizzjoni ta' xi regolamenti magħmula skond dan l-Att, u kull persuna li tiftiehem jew tipprova, jew li tgħin, thajjar, tagħti parir jew tqabbad lil xi persuna oħra, biex tikser id-disposizzjonijiet hawn aktar qabel imsemmija, tkun hatja ta' reat kontra dan l-Att.

(2) Kull persuna li, dwar xi haġa skond dan l-Att -

(a) tagħti xi tagħrif li tkun taf li huwa falz f'xi dettall importanti, jew mingħajr ma jimpurtaha tagħti xi tagħrif li jkun falz f'xi dettall importanti; jew

(b) bil-hsieb li tinganna, tipproduci, tagħti, tibgħat jew xort'oħra tagħmel użu minn xi dokument li jkun falz f'xi dettall importanti; jew

(c) għax trid, tirrifjuta li tagħti jew mingħajr raġuni legittima, li l-prova tagħha tkun għall-karigu tagħha, ma tagħtix, xi tagħrif importanti; jew

(d) bi hsieb jew mingħajr ma jimpurtaha tagħmel xi dikjarazzjoni falza jew inseriment falz f'xi dokument jew prospett jew f'xi dokument ieħor, miżmum jew mibgħut skond

dan l-Att jew skond xi regolamenti magħmulin tahtu; jew

(e) bi ksur tal-liġi tirrifjuta jew tonqos milli twieġeb skond l-aħjar tagħrif tagħha għal xi mistoqsija magħmula lilha minn uffiċjal fit-twettiq tad-dmirijiet tiegħu; jew tonqos milli tghin lill-uffiċjal fit-twettiq tad-dmirijiet tiegħu; jew

(f) bi ksur tal-liġi tirrifjuta jew tonqos mill tottempra ruhha ma' xi hteġa stabbilita skond dan l-Att; jew

(g) twaqqaf uffiċjal fit-twettiq tad-dmirijiet tiegħu skond dan l-Att,

tkun hatja ta' reat skond dan l-Att.

(3) Kull persuna li tagħmel xi reat kontra dan l-Att tehel, meta tinstab hatja, il-piena ta' prigunerija għal żmien ta' mhux iżjed minn sentejn jew multa ta' mhux inqas minn mitejn lira iżda mhux iżjed minn hamest elef lira, jew dik il-multu u prigunerija flimkien; u barra minn hekk, il-Qorti tista' wkoll, fuq it-talba tal-prosekuzzjoni, tħassar il-liċenzi kollha, b'ordnijiet bil-miktub jew permessi mahruġa lil jew f'isem il-persuna misjuba hatja in konnessjoni mal-post tax-xogħol fejn ikun sar ir-reat:

Iżda ebda proċedimenti ma jittiehdu kontra xi persuna li, wara li tkun irċeviet avviż mill-Awtorità għall-pagament ta' penali ta' mhux aktar minn mitejn lira għax tkun kisret xi disposizzjoni ta' dan l-Att, tottempra ruhha mad-disposizzjonijiet ta' dan l-artikolu, u tħallas dik il-penali lill-Awtorità, fiż-żewġ każi fi żmien hmistax-il ġurnata minn meta tkun irċeviet dak l-avviż.

(4) Minkejja d-disposizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, proċedimenti għal reat kontra dan l-Att għandhom jittiehdu quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), kif ikun il-każ, bhala qrati ta' ġudikatura kriminali. Kap. 9.

(5) F'kull proċedimenti msemmija fis-subartikolu ta' qabel dan, l-Uffiċjal Eżekuttiv Ewlieni jew kull uffiċjal delegat mill-imsemmi Uffiċjal Eżekuttiv Ewlieni, jista' jeżamina jew jikkontrolla x-xhieda, jipproduci provi, jagħmel sottomissjonijiet biex isostni l-akkuża u b'mod ġenerali jmexxi l-prosekuzzjoni f'isem il-Pulizija, u d-dikjarazzjoni bil-ġurament ta' l-uffiċjal li huwa ġie hekk delegat għal dak il-ghan għandha tkun prova konkluziva ta' dak il-fatt.

(6) Minkejja d-disposizzjonijiet tas-subartikolu ta' qabel dan, l-Uffiċjal Eżekuttiv Ewlieni jew l-uffiċjal delegat skond is-

subartikolu (5) jistghu jingiebu bhala xhieda, izda jekk ix-xiehda taghhom tkun mehtiega bhala parti mill-każ tal-prosekuzzjoni, huma ghandhom jinstemghu qabel ma jibdew jaġixxu kif stabbilit fis-subartikolu (5) sakemm il-htiega tax-xiehda taghhom ma tinqalax sussegwentement.

(7) Minkejja d-disposizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali ghandu dejjem ikollu dritt għal appell minn kull deċizzjoni mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) dwar procedimenti għal reat kontra dan l-Att.

(8) Il-pieni msemmin f'dan l-Att ghandhom japplikaw hliet jekk il-fatt jikkostitwixxi reat aktar gravi skond il-Kodiċi Kriminali jew kull liġi oħra, f'liema każ il-Kodiċi Kriminali jew dik il-liġi l-oħra ghandhom japplikaw.

(9) Minkejja id-disposizzjonijiet tal-Kodiċi Kriminali, il-procedimenti għal reat skond dan l-Att jistghu jinbdew fi żmien sitt snin mill-egħmil tar-reat.

TAQSIMA IX

Revoka

40. (1) L-Att ta' l-1994 għall-Promozzjoni tas-Sahħa u s-Sigurtà fuq ix-Xogħol, hawnhekk iżjed 'l quddiem imsejjah "l-Att revokat", huwa b'dan revokat.

(2) Mingħajr hsara għad-disposizzjonijiet tas-subartikolu (3), ir-regolamenti magħmulin taħt l-Ordinanza dwar il-Fabbriki u li kienu ġew miżmuma fis-sehħ taħt l-Att revokat, kif ukoll ir-regolamenti magħmulin taħt l-Att revokat, ghandhom ikomplu jsehhu u jkollhom effett bhallikieku saru taħt dan l-Att, u jistghu jiġu hekk emendati jew revokati, u d-disposizzjonijiet ta' l-artikolu 39 ghandhom japplikaw għal kull ksur ta' dawk ir-regolamenti bhallikieku kienu regolamenti magħmulin taħt dan l-Att:

Izda l-espressjoni "fabbrika" f'xi regolament magħmul taħt l-Ordinanza dwar il-Fabbriki, jew taħt l-Att revokat, u li jkun miżmum fis-sehħ kif hawn aktar qabel imsemmi ghandha tintfieh bhallikieku kienet l-espressjoni "post tax-xogħol" u għandu jkollha l-istess tifsir mogħti lill-espressjoni "post tax-xogħol" fl-artikolu 2, u kull referenza f'dawk ir-regolamenti għall-Ordinanza jew għall-Att ghandha tiftieh bhala referenza għal dan l-Att.

(3) Ir-Regolamenti ta' l-1995 dwar il-Proċeduri tal-Kumitat Ġudizzjarju għas-Sahħa u s-Sigurtà fuq ix-Xogħol u r-regolamenti 56 u 57 tar-Regolamenti ta' l-1986 dwar il-Fabbriki (Sahħa, Skansar u Hsieb Ġenerali) huma b'dan revokati.

A.L. 197 ta' l-1995.
A.L. 52 ta' l-1986.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet principali ta' dan l-Abbozz huma biex titwaqqaf Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol li jkollha l-funzjoni li ġgħib 'il quddiem u tissalvagwardja l-ġid tal-haddiema kollha f'kull tip ta' xogħol u biex tiżgura li jinżammu l-livelli ta' protezzjoni ta' saħħa u sigurtà fuq il-postijiet tax-xogħol stabbiliti b'regolamenti li jsiru taħtu.

**A BILL
entitled**

AN ACT to provide for the establishment of an Authority to be known as the Occupational Health and Safety Authority, an Occupational Health and Safety Appeals Board, and for the exercise by or on behalf of that Authority of regulatory functions regarding resources relating to Occupational Health and Safety and to make provision with respect to matters connected therewith or ancillary thereto.

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:-

PART I

Preliminary

Title and commencement.

1. The title of this Act is Occupational Health and Safety Authority Act, 2000, and it shall come into force on such date as the Minister may appoint by notice in the Gazette, and different dates may be so appointed for different provisions and different purposes of the Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires:-

“Appeals Board” means the Occupational Health and Safety Appeals Board established by article 21(1);

“Authority” means the Occupational Health and Safety Authority established by article 8(1);

“Chairperson” means the Chairperson of the Authority;

“Chief Executive” means the Chief Executive Officer appointed under article 10;

“Code of Practice” means a standard, specification or any other written or illustrated form of practical guidance, instruction or control;

“employer” means any person for whom work or service is performed by a worker or who has an employment relationship with a worker, and includes a contractor or subcontractor who performs work or supplies a service or undertakes to perform any work or to supply services, and

(a) in relation to work performed under a contract for services means the contractor or subcontractor, but shall not include the directors, managers, partners or owners, occupiers or possessors on behalf of whom work is being carried out, except to such extent as regards any tools, materials or equipment provided by them with regard to any defects thereof or therein which are known and not declared or which could have been known;

(b) in respect of all other organisations including voluntary ones, or in respect of any other form of employment under a contract of service includes any of the persons in overall direction or having day to day management;

“financial year” means any period of twelve months ending on the 30th September;

Provided that the first financial year of the Authority shall commence on the coming into force of this Act and end on the 30th September of the following year;

“Minister” means the Minister responsible for occupational health and safety;

“officer” means an Occupational Health and Safety Officer appointed under article 15(1), and furnished with a certificate of appointment issued according to the provisions of the said article;

“person” includes a body of persons and any body corporate established by or under any law;

“prescribed” means prescribed by regulations made under this Act;

“President” means the President of the Appeals Board;

“public officer” in relation to article 24, has the same meaning assigned to it by article 124 of the Constitution, but does not include a judge of the Superior Courts or a magistrate of the Inferior Courts;

“sufficient” means as prescribed in regulations made under this Act;

“work” means any duty, activity, task or service producing a product or result, and being performed in exchange for money, goods, services, profit or benefit;

“worker” means any person employed by an employer to perform work, or who provides a service to another person under a contract of service or for service, and includes a trainee, an apprentice and a self-employed person;

“Workers’ Health and Safety Representative” means a person, elected, chosen or designated to represent workers when problems arise relating to the protection of their occupational health or safety;

“work place” means any premises, place, facility, vessel or other thing or location where work is carried out or to which the worker has access in the course of his employment, and without prejudice to the generality of the foregoing, shall include a factory, shop, office, hotel, hospital or clinic, shipyard, quarry, building or construction site, road, farm, dock, vehicle, aircraft or vessel but shall not include a vessel on the high seas.

(2) In this Act words importing the masculine gender shall include females, and this inclusion shall extend to all grammatical variations and cognate expressions of the word.

3. This Act shall apply to all work places, to all sectors of activity, both public and private, and to all work activities, but shall not apply in the case of those activities carried out by members of the armed forces, the police force or of the civil protection services:

Provided that in the case of members of the aforementioned public services, the health and safety of workers must be ensured as far as reasonably possible in the light of the overall scope of those services.

PART II

Principles and General Duties

4. (1) The protection of occupational health and safety is to be considered of public interest. Declaration of principles.

(2) The Authority established by virtue of this Act shall be responsible for ensuring that the physical, psychological and social well being of all workers in all work places are promoted and safeguarded.

5. It shall be the duty of the Authority to see that the levels of occupational health and safety protection established by regulations made under this Act are maintained. General duties.

6. (1) It shall be the duty of an employer to ensure the health and safety at all times of all persons who may be affected by the work being carried out for such employer: Duties of employers.

Provided that where in pursuance of the foregoing an employer enlists competent external services or persons, the employer shall not be discharged from such incumbent duties arising out of this Act:

Provided further that the workers' obligations in the field of occupational health and safety shall not affect the principle of the responsibility of the employer.

(2) The measures that need to be taken by an employer to prevent physical and psychological occupational ill-health, injury or death, shall be taken on the basis of the following general principles of prevention, that is by -

- (a) the avoidance of risk;
- (b) the identification of hazards associated with work;
- (c) the evaluation of those risks which cannot be avoided;
- (d) the control at source of those risks which cannot be avoided;
- (e) the taking of all the necessary measures to reduce risk as much as reasonably practicable, including the replacement of the hazardous by the non-hazardous or by the less hazardous;

(f) giving collective protective measures priority over individual protective measures;

(g) adapting the work to the worker, particularly in so far as the design of work places, the choice of work equipment and the choice of working and production methods are concerned, in particular with a view to alleviating monotonous work and work at a predetermined work-rate, and to reducing their effect on health;

(h) by adapting to technical progress in the interest of occupational health and safety; and

(i) by the development of a coherent overall prevention policy which covers technology, the organisation of work, working conditions, social relationships and the influence of factors related to the working environment.

(3) Without prejudice to the generality of the preceding sub-article (2), it shall be the duty of an employer to provide such information, instruction, training and supervision as is required to ensure occupational health and safety.

(4) It shall be the duty of an employer to ensure that at work places wherein a sufficient number of workers are employed, there shall be elected, chosen or otherwise designated a person or persons to act as the Workers' Health and Safety Representative or Representatives, and who shall be consulted in advance and in good time by the employer on matters which may affect occupational health and safety.

Duties of workers.

7. (1) It shall be the duty of every worker to safeguard one's own health and safety and that of other persons who can be affected by reason of the work which is carried out.

(2) It shall be the duty of every worker to co-operate with the employer and with the Health and Safety Representative or Representatives at the work place on all matters relating to health and safety.

PART III

Establishment, Functions and Conduct of the Authority

Establishment and composition of the Authority.

8. (1) There is hereby established an authority which shall be known as the Occupational Health and Safety Authority.

(2) The Authority shall consist of nine members, as follows:

- (a) a Chairperson, appointed by the Minister;
- (b) the Director of Industrial and Employment Relations, *ex officio*, as Deputy Chairperson;
- (c) a person, appointed by the Minister, with competence in occupational health and safety;
- (d) a person appointed by the Minister responsible for health;
- (e) a person appointed by the Minister responsible for economic affairs;
- (f) two members appointed by the Minister to represent the interests of workers, following consultation with such body or bodies as the Minister may from time to time consider to be the principal representatives of workers;
- (g) two members appointed by the Minister to represent the interests of employers, following consultation with such body or bodies as the Minister may from time to time consider to be the principal representatives of employers.

(3) The Minister shall appoint a senior officer in the Department of Social Policy to be the Secretary of the Board.

(4) The Chairperson and the other members of the Authority shall hold office for a period of two years, but the members so appointed may be re-appointed on the expiration of their term of office:

Provided that if a member is appointed at any time after the other members have already been appointed, the term of appointment of such member shall end on the same date as that of the other members.

(5) A person shall not be qualified to hold office as a member of the Authority, if the person:-

- (a) is a Minister, a Parliamentary Secretary or a member of the House of Representatives; or
- (b) is legally incapacitated; or
- (c) has been declared bankrupt or has made a composition or arrangement with his/her creditors; or
- (d) has been convicted of a crime affecting public trust

or theft or fraud or knowingly receiving property obtained by theft or fraud, or of any offence against this Act; or

(e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of the functions as a member of the Authority:

Provided that the disqualification of a person under this paragraph may be waived by the Minister if the interest is declared and the declaration is published in the Gazette.

(6) Subject to the provisions of this article, the office of a member of the Authority shall become vacant –

(a) at the expiration of the term of office, or

(b) if any circumstances arise that, if that person were not a member of the Authority, would cause that person to be disqualified for appointment as such.

(7) A member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is unfit to continue in office or has become incapable of properly performing the duties as a member.

(8) If a member resigns or if the office of a member of the Authority is otherwise vacant or if a member is for any reason unable to perform the functions of the office, the Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Authority; and any person so appointed shall, subject to the provisions of sub-articles (5) and (6), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of the office resumes those functions.

(9) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of the interest at the first meeting of the Authority after the relevant facts have come to that member's knowledge; such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify that member from remaining a member, he/she shall report the fact immediately to the Minister and tender his/her resignation.

(10) The appointment of any person as a member of the Board and the termination of office or resignation of any such person, as well as any additional functions assigned to the Board by the Minister, shall be notified in the Gazette, and it shall have effect forthwith:

Provided that failure to publish the appointment or termination of office, as the case may be, shall have no effect on the validity of such appointment or termination.

9. (1) The Authority shall have such functions in respect of its structures as are set out in this Act and such other functions as may devolve upon it under any other law, or as may be assigned to it by the Minister. Functions of the Authority.

(2) It shall be the function of the Authority to -

(a) apply the provisions of this Act and of any regulations or orders made thereunder;

(b) design the general strategy or strategies relating to occupational health and safety as set out by the Minister;

(c) advise the Minister regarding the making of regulations to promote, maintain and protect a high level of occupational health and safety;

(d) monitor compliance with relevant occupational health and safety legislation and to take enforcement action;

(e) prepare regulations or Codes of Practice required to promote, maintain and protect a high level of occupational health and safety:

Provided that the Authority may appoint for this purpose, committees or sub-committees which shall be chaired by the Chief Executive, and it may co-opt on such committees or sub-committees competent persons from outside its membership, who, in the opinion of the Authority, have professional or expert knowledge on any matter dealt with under this Act; so however that the co-opted members shall not have a vote on any matter before a committee or subcommittee;

(f) promote the dissemination of information regarding occupational health and safety, and the methods required to prevent occupational injury, ill health or death;

(g) promote education and training on occupational

health and safety, and emergency and first aid response at work places;

(h) collate and analyse data and statistics on occupational injuries, ill health and deaths, and on matters ancillary to occupational health and safety:

Provided that the Authority may request data or information from any Government department, agency or corporation on any matter related to occupational health and safety, and such data or information shall be provided forthwith:

Provided further that any such data or information shall be deemed to have been given and received under the obligation of confidentiality;

(i) keep registers of such plant, installations, equipment, machinery, articles, substances, or chemicals imported and intended for use at work, as it may deem appropriate;

(j) carry out any investigation on any matter concerning occupational health and safety, including but not limited to the investigation of any accident, injury, disease or death occurring as a result, or by reason of, any association with work, as well as investigations to ascertain the level of occupational health and safety provided at any work place, and the duty of the Authority to secure the enforcement of any provision of this Act shall not be reason to debar the carrying out of such investigations:

Provided that the Authority may appoint any person from among its officers or otherwise, to assist it in any investigations, and in the discharge of any such assignment; such person shall be given such power as is assigned to any officer under this Act, as may be set out in the letter of appointment of such a person;

(k) promote and carry out scientific research aimed at better methods of preventing occupational ill health, injury, or death;

(l) keep registers of persons competent to give advice on matters related to occupational health and safety:

Provided that the Authority may determine the minimum qualifications required before the name of a person may be entered into the register.

(3) The Authority shall take over, consolidate, and as appropriate, expand the occupational health and safety inspectorate

and enforcement functions and services carried out by the Government immediately before the date of coming into force of article 8, and for this purpose such property, equipment, materials, records and documents ancillary thereto are being hereby vested in the Authority.

(4) The Authority shall establish co-operation with any Ministry, Government department or other organisation, whether local or overseas, to promote and ensure the health and safety of all persons at work.

(5) The Authority may also undertake such other activity it may deem necessary or expedient for the purposes of its functions and objectives under this Act.

(6) The Authority may, with the approval of the Minister, act as an agent or otherwise on behalf of other persons for any matter related to occupational health and safety.

10. (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority itself but save as aforesaid, the executive conduct of the Authority, its administration and organisation, and the administrative control of its officers and employees shall be the responsibility of the Chief Executive of the Authority, who shall also have such other powers as may from time to time be delegated by the Authority.

Conduct of the affairs of the Authority.

(2) The Chief Executive shall be appointed by the Minister in consultation with the Authority, for a period of three years and such period may be extended for further periods of three years each:

Provided that where the Chief Executive is absent from Malta or is otherwise temporarily unable to perform the functions of that office, the Board, in consultation with the Minister, shall appoint an officer of the Authority to assume the duties of Chief Executive for the duration of such period during which the Chief Executive is so absent or otherwise unable to perform those functions, and such temporary appointment shall be notified in the Gazette.

(3) The Chief Executive shall attend all the meetings of the Authority but shall not vote at such meetings.

(4) The Chief Executive shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions and, without prejudice to the generality of the foregoing, the Chief Executive shall:

(a) be responsible for evaluating the implementation and

fulfilment of the Authority's established goals, for the efficient use of its resources, and resultant benefits, and shall report directly to the Authority.

(b) develop the necessary strategies for the implementation of the objectives of the Authority;

(c) advise the Authority on any matter it may refer or on any matter which is considered necessary or expedient; and such other duties as the Authority may assign from time to time.

Relations with
the Minister.

11. (1) In the exercise of its functions, the Authority shall -

(a) give effect, as soon as practicable, to any direction, not inconsistent with any provision of this Act, which the Minister may give to the Authority in relation to the policy to be followed by the Authority in the discharge of its functions, and in relation to any matter which appears to the Minister to affect occupational health and safety;

(b) afford to the Minister facilities for obtaining any information with regard to the property and activities of the Authority and for this purpose the Authority shall furnish the Minister with returns, accounts and other information with respect thereto, and afford facilities for the verification of any information furnished, in such manner and at such times as the Minister may reasonably require.

(2) The Authority shall, either on its own initiative or at the request of the Minister, advise the Minister on any matter concerning occupational health and safety.

(3) The Authority shall transmit a copy of the minutes of its meetings to the Minister as soon as may be after each meeting.

(4) The Minister shall seek the advice of the Authority before making regulations as provided in article 12:

Provided that the Minister may set a reasonable time, which shall be not less than fifteen days, for the receipt of advice on proposed regulations, and if the Authority does not give its advice within that time, the Minister may proceed to make those regulations:

Provided further that the Minister may, when the Minister deems the matter to be urgent, give notice thereof to the Authority and in such case the Authority shall give its advice within two days, failing which the Minister may proceed to make the regulations.

(5) When the Minister receives advice on matters relating to occupational health and safety from outside the Authority, the Minister shall pass such advice to the Authority for its comments thereon.

12. (1) The Minister may make regulations for safeguarding occupational health and safety, for determining the precautions to be taken for this purpose and generally for the purpose of carrying into operation any of the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, the Minister may make regulations -

Power to make Regulations.

(a) prescribing anything that is required or authorised by this Act to be prescribed;

(b) concerning the testing, examination and the certificates or seals of approval of any equipment, machine, device, article or thing used or intended to be used in a work place;

(c) on the importation, presence, use, handling of, or exposure to any chemical, biological or physical agent, or a combination thereof, which may be used at work;

(d) on the methods, standards or procedures for determining the amount, concentration or level of any physical, chemical or biological agent in a work place;

(e) concerning the protection of workers from the risks related to exposure to chemical, physical and biological agents at work;

(f) on the notification, reporting and investigation of deaths, diseases, injuries or other accidents in a work place;

(g) on the hours a worker may be required to work;

(h) relating to the safety of any equipment, machine, device, material, article or thing whatsoever used or intended to be used in a work place;

(i) relating to the right of a worker to refuse to work or to do a particular work, the circumstances in which, and the conditions under which such a right is exercisable;

(j) on any other matter related to the protection of occupational health and safety.

(2) Without prejudice to any matter aforesaid, regulations made under this article may also -

(a) distinguish between different classes of work places, different classes of work and between different classes of workers, and may also make other distinctions as may be deemed appropriate;

(b) exempt any work place, and any activity, business, work, trade, occupation or profession from the application of any regulation or provision thereof, under such conditions, if any, as may be deemed appropriate;

(c) prohibit, regulate, restrict, limit or control any matter in respect of which regulations may be made;

(d) empower the Authority to require a license, certificate or other requirement in respect of any matter for which regulations may be made and to levy fees or other charges in respect thereof, or in respect of any service provided by the Authority.

Legal
personality and
representation.

13. (1) The legal representation of the Authority shall jointly vest in the Chairperson and the Chief Executive:

Provided that the Authority may appoint any one or more of its members or of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(2) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson or by the Chief Executive shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Provisions with
respect to
proceedings of
the Authority.

14. (1) The meetings of the Authority shall be called by the Chairperson as often as may be necessary, but at least once a month, either on his/her own initiative or at the request of any two of the other members.

(2) Half the number of members for the time being constituting the Authority shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson, or in the Chairperson's absence the Deputy Chairperson or other person appointed to act as chairperson, shall have an initial vote and in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no

decision shall be valid which is not supported by at least two members of the Authority.

(3) Subject to the provisions of this Act the Authority may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely be reason of the existence of any vacancy among the members.

(5) All acts done by any person acting in good faith, as a member of the Authority shall be valid as if that person were a member notwithstanding that some defect in the appointment or the qualification be afterwards discovered. No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of article 8(9).

PART IV

Occupational Health and Safety Officers

15. (1) The Authority shall appoint Occupational Health and Safety Officers who shall have such functions relating to the general implementation of this Act or of any regulations made thereunder, as well as for performing such work or assuming such responsibilities as may be prescribed or as may be assigned to them by the Authority.

Appointment of officers.

(2) An officer shall be issued with means of proper identification signed by the Chief Executive, and such document shall be produced at the time of any examination, investigation or inspection:

Provided that the Chief Executive shall be deemed to be an officer, and the document of identification as an officer shall be signed by the Chairperson.

16. (1) An officer shall have the following powers:

Powers of officers.

(a) to enter freely and without previous notice in any work place at any time of day or night;

(b) to be assisted by a member of the Police force in the execution of the member's duties;

(c) to question, alone or in the presence of witnesses, including the person, if such is the case, putting forward the complaint, any employer or worker, including any person acting on behalf of any employer or carrying out work for such

employer, on any of the matters falling under this Act or under any regulations made thereunder;

(d) to inspect any document the keeping of which is prescribed by this Act or by any regulation made thereunder, or any book, document, design, plan, or list of technical specifications which may throw light with regard to occupational health and safety at any particular work place;

(e) to take possession, upon giving receipt therefore, of any object required for tests or evidence of any occupational accident, injury or disease;

(f) to examine or see to the examination of work places and of any object therein, and to take samples for examination of any article, substance or material found in any workplace or within its curtilage for the purpose of protecting occupational health and safety, and to ensure that such samples are preserved for use as evidence in any proceedings taken in accordance with this Act;

(g) to order that nothing be disturbed at a work place for any period which may be reasonably required for the purpose of any examination, investigation or inspection referred to in the foregoing paragraphs;

(h) to require the operation or the setting in motion of any equipment, machine, device, thing or process, as well as the operation of any system or procedure which, in the opinion of the officer, may be relevant to any examination, investigation or inspection referred to in paragraphs (a) to (e);

(i) to require any employer to provide at the employer's expense -

(i) a certificate signed by an architect and civil engineer relating to the safety of any building or structure, including any temporary structures;

(ii) a certificate signed by a mechanical or electrical engineer regarding the safety of any mechanical or electrical installation, as the case may be, including any temporary installation;

(iii) a certificate signed by a medical practitioner relating to the occupational health of any worker or any class of workers, which shall be presented to a medical

officer of the Authority;

(iv) any information relative to occupational health and safety, including information which refers to protective measures;

(j) to require any employer, agent, manufacturer, importer, supplier, user or other person to provide at their expense any document, certificate or list of technical specifications in relation to any matter concerning occupational health and safety, the method of handling or use of any plant, installation, equipment, machinery, article, substance or chemical which is imported, used or intended to be used at work; and

(k) for the purposes of a prosecution for any offence under this Act, or for the purposes of any appeal to the Appeals Board against an order by an officer, to disclose to the Court or to the Appeals Board such results or information received or collected during the course of the investigations.

(2) An officer shall not enter a work place which is at the time used as a dwelling house without the consent of the occupier, or unless that officer is accompanied by a police officer not below the rank of Inspector.

17. (1) An officer may give an order, verbally or in writing, to safeguard occupational health or safety, and every person shall obey such order forthwith until such time as it is revoked by an officer or until it has been revoked by the Appeals Board: Orders by officers.

Provided that the person who receives the order, whether such person is a worker or an employer, may defend oneself from the charge of having disobeyed the order if one proves that compliance with the order would have been of immediate detriment to occupational health and safety:

Provided further that any order given verbally shall be confirmed in writing and served upon the person to whom it was given within three days.

(2) (a) An officer may order that a work place or part of a work place be barred, and may revoke any such order.

(b) When a work place or part thereof is barred, no person shall enter the barred area without an officer's permission.

(3) Where an officer makes an order in writing under this

article, that officer may affix in the work place, or on any equipment, machine, device, article or thing, a copy thereof, and no person except an officer shall remove such copy unless authorised to do so by an officer.

(4) Where an officer makes an order in writing under this article, or issues a report of inspection to an employer or to a person in charge of work, the employer or person in charge of work shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places at the work place where it is most likely to come to the attention of workers.

(5) An officer shall not be required to hold or afford to an employer, worker or other person an opportunity for a hearing before making an order.

Officers to be deemed public officers. Cap. 9.

18. (1) Occupational Health and Safety Officers shall, for the purposes of the Criminal Code, be deemed to be public officers.

(2) No person may threaten, insult, molest or disturb inspectors in the performance of their duties, or knowingly give an officer false information, or break or tamper with any seal made, or with any monitoring equipment installed, put up or left by an officer in a work place or, in the case of personal monitoring equipment, on a worker.

Non-liability.

19. No action, disciplinary or otherwise, or other proceeding for damages, shall lie or be instituted against the Chief Executive Officer, or against an officer of the Authority for an act done or omitted to be done by them in good faith in the execution or intended execution of any power, right or duty under this Act or any regulation made thereunder.

Appeals from orders given by an officer.

20. Any person, whether such person is a worker, an employer or a third person, who deems oneself aggrieved by an order given by an officer, may appeal therefrom to the Appeals Board.

PART V

The Occupational Health and Safety Appeals Board

Establishment and composition of the Appeals Board.

21. (1) There is hereby established an Appeals Board to be known as the Occupational Health and Safety Appeals Board to hear and decide upon appeals from any order of an officer appointed under this Act.

(2) Save as provided in this article, the Appeals Board shall consist of a President and two other members who shall be appointed

as follows:

(a) the President of the Appeals Board shall be one of a panel of persons appointed by the Prime Minister, being persons who are advocates of at least seven years experience, and such persons shall serve as President either in turn or in accordance with such distribution of duties, and subject to such provisions as to inability to serve and other circumstances, as the persons on the said panel may, with the approval of the Prime Minister, establish;

(b) the two other members of the Appeals Board shall be selected by the President from two panels of persons who are neither advocates nor legal procurators, appointed by the Minister to serve as members of the Appeals Board as occasion may require:

Provided that no member of the Authority and no officer of the Authority may be appointed on the Appeals Board.

(3) The names of persons appointed to serve as Presidents or as members of the Appeals Board shall be notified in the Gazette.

(4) The Appeals Board shall consist of the President alone in all appeals against orders given by officers, except those orders relating to the barring in full of a work place, or relating to the prohibition of use of any equipment, machine, plant or installation at work which, were the order to be implemented, results in the cessation of all work activities:

Provided that it shall be incumbent on the person receiving the order by an officer to request that the appeal be heard by an Appeals Board made up of three members in the cases above indicated, but the decision on whether the case is such that it should be decided by the Board as so constituted or by the President alone shall in all cases be taken by the President alone during the preliminary stages of the appeal.

(5) The Prime Minister and the Minister, as the case may be, may from time to time, after consultation as provided in this article, vary the composition of the panels, but a person actually serving as a member of the Appeals Board shall, notwithstanding the removal of one's name from the panel, continue to serve in the proceedings as a member until the conclusion of those proceedings and for the purpose of the interpretation of any decision given therein:

Provided that in the case of the death or other impossibility of such member to continue hearing such a case, another person shall be subrogated from the existing panel to hear the case.

(6) The Minister shall also appoint a person to act as secretary of the Appeals Board.

PART VI

Administrative and Financial provisions

Staff appointments.

22. Subject to the provisions of the Constitution of Malta and of any other enactment applicable to or in connection thereto, including this Act, the appointment of officers and other employees of the Authority shall be made by the Chief Executive, and approved by the Authority. The terms and conditions of employment shall be determined by the Chief Executive with the approval of the Authority and with the concurrence of the Minister.

Appointment and functions of officers and employees of the Authority.

23. The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 22, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers.

24. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in the direction, cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister

Status of public officers detailed for duty with the Authority.

25. (1) Where any officer is detailed for duty with the Authority under any of the provisions of article 24, such officer shall, during the time in which such direction has effect in relation to him/her, be under the administrative authority and control of the Authority but shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

(a) shall not during the time while such officer is so

detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by that public officer at a date on which he/she was detailed for duty; or

(ii) be so employed that the remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by that public officer at the date he/she was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have the service with the Authority considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pension Act, and of any other right or privilege to which that public officer would be entitled, and shall be liable to any liability to which he/she would be liable, but for the fact that he/she is detailed for duty with the Authority.

Cap. 93.

Cap. 58.

(3) Where an application is made as provided in sub-article (2)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which such officer is so detailed.

26. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 24 permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered that officer, under the provisions of sub-article (1), shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of such acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if service with the Authority, were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of this article the posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in the Government service, and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to the provisions of article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which that person would have been entitled prior to such classification.

PART VII

Financial Provisions

27. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue. Authority to meet expenditure out of revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this sub-article, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

28. (1) For the purposes of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve. Power to borrow capital.

(2) The Authority may also from time to time borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

Advances from
Government.

29. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as the Minister responsible for finance may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as the Minister responsible for finance may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant, authorising the Accountant General to make such advance.

Borrowing from
Government.

30. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise money, or incur liabilities, for such periods and on such terms and conditions as the Minister responsible for finance may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the provisions of sub-article (1) shall be given by the Minister to the House as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Occupational Health and Safety Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under sub-article (3) shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amount received by way of interest into the Consolidated Fund.

31. (1) The Authority shall cause to be prepared in every financial year, and shall not later than eight weeks before the end of each financial year adopt, estimates of the income and expenditure of the Authority for the next following financial year: Estimates of the Authority.

Provided that the estimates of the Authority for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may be notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made in such forms and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after the Minister has received a copy of the estimates of the Authority, or, if at any time the House is not in session, within six weeks from the beginning of the next following session, cause such estimates to be laid before the House together with a motion that the House approves the said estimates. Not more than one sitting shall be allotted for the debate in the House on such motion and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

32. (1) No expenditure shall be made or incurred by the Authority unless it has been approved by the House as provided in article 31. Expenditure according to the approved estimates.

(2) Notwithstanding the provisions of sub-article (1) -

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying out its functions

under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure until the approval of the estimates for that year by the House not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the House and, pending such approval, the Authority may in special circumstances and with the approval of the Minister, incur the relative expenditure or part thereof as the said Minister may so approve, and in any such case the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates;

Publication of approved estimates.

33. All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette.

Accounts and audit.

34. (1) The Authority shall cause to be kept proper books of account and other records in respect of the Authority's operations and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of the Authority to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verification, and may require such information, as the Auditor General may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of the Authority is forwarded to the Minister under article 31, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report

made by the auditor or auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House together with the motion laid before the House under article 31(5).

35. (1) All moneys of the Authority shall be paid into a bank or banks appointed as bankers by the Authority by a resolution of the Authority. Such moneys shall, as far as practicable, be paid into the banks from day to day, except for such sum as the Authority may require to retain to meet petty disbursements and immediate payments.

Deposit of revenues and payment by the Authority.

(2) All payments out of the funds of the Authority, except petty disbursements not exceeding such sum as may be fixed by the Authority, shall be made by such officer or officers of the Authority as shall be appointed or designated for the purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account into another;

(c) the method to be adopted in making payments out of the funds of the Authority; and

(d) generally with respect to any matter which is relevant to the proper keeping and control of the accounts, books and other records and the control of the finances of the Authority.

36. The Authority shall not enter into any contract for the supply of goods or materials or for the execution of work or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to involve an expenditure exceeding ten thousand liri, except after notice of the intention of the Authority to enter into such contract has been published and competitive tenders

Contracts of supply and of works.

have been issued.

Annual report.

37. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Exemption from certain taxes and duties.

38. The Authority shall be exempt from any liability for the payment of income tax, duty on documents and customs duty and duties under any law.

PART VIII

Offences and Penalties

Offences and penalties.

39. (1) Any person who acts in contravention of the provisions of articles 6, 7, 17, 18, 19 or 20, or in contravention of any of the provisions of any regulations made under this Act, and any person who conspires or attempts, or aids, abets, counsels or procures any other person, to contravene the provisions aforementioned, shall be guilty of an offence against this Act.

(2) Any person who, in connection with any matter under this Act -

(a) furnishes any information which that person knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular; or

(b) with intent to deceive, produces, furnishes, sends or otherwise makes use of any document which is false in a material particular; or

(c) wilfully refuses or without lawful excuse, the proof whereof shall lie on that person, withholds any material information; or

(d) knowingly or recklessly makes any incorrect statement or entry in any record or return or on any document kept or furnished under this Act or under any regulations made thereunder; or

(e) unlawfully refuses or fails to answer to the best of that person's knowledge any question made to him/her by an

officer in the exercise of that officer's functions; or fails to cooperate fully with an officer in the pursuance of that officer's duties; or

(f) unlawfully refuses or fails to comply with any requirement duly provided under this Act; or

(g) hinders an officer in the performance of that officer's duty under this Act,

shall be guilty of an offence against this Act.

(3) Any person who commits an offence against this Act shall, on conviction, be liable to imprisonment for a period of not more than two years or to a fine (*multa*) of not less than two hundred liri but not exceeding five thousand liri, or to both such fine and imprisonment; and moreover the court may, at the request of the prosecution, cancel all or any licences, warrants or permits issued to or in the name of the person found guilty in connection with the work place where the offence was committed:

Provided that no proceedings shall be taken against any person who, after receiving an intimation by the Authority for the payment of a penalty not exceeding two hundred liri for having contravened the provisions of this Act, and pays such penalty to the Authority in either case within fifteen days from the date of receipt of such intimation.

(4) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against this Act shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, sitting as courts of criminal Cap. 9. judicature.

(5) In any proceedings referred to in the foregoing sub-article it shall be lawful for the Chief Executive, or any officer deputed by the said Chief Executive, to examine or cross-examine witnesses, produce evidence, make submissions in support of the charge and generally conduct the prosecution on behalf of the police, and the sworn statement of the officer that that such officer has been duly deputed for that purpose shall be conclusive evidence of that fact.

(6) Notwithstanding the provisions of the foregoing sub-article the Chief Executive or the officer deputed in accordance with sub-article (5) may be produced as witnesses but should their evidence be required as part of the case for the prosecution they shall be heard before they commence to act as provided in sub-article (5) unless the necessity of their evidence arises subsequently.

(7) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal from any judgement given by the Courts of Magistrates (Malta) or by the Court of Magistrates (Gozo) in respect of proceedings for any offence against this Act.

(8) The punishments provided in this Act shall apply unless the fact constitutes a more serious offence under the Criminal Code or any other law, in which case the provision of the Criminal Code or of such other law shall apply.

(9) Notwithstanding the provisions of the Criminal Code proceedings for an offence under this Act may be commenced at any time within six years from the commission of the offence.

PART IX

Repeal

Repeal and
Saving.
Act VII of 1994.

40. (1) The Occupational Health and Safety Act, 1994 hereinafter called "the repealed Act" is hereby repealed.

(2) Subject to sub-article (3), any regulations made under the Factories Ordinance and saved under the repealed Act as well as any regulations made under the repealed Act, shall continue in force and have effect as if made under this Act, and may be amended or repealed accordingly, and the provisions of article 39 shall apply to any contravention of such regulations as if they were regulations made under this Act:

Provided that any the term "factory" in any such regulation made under the Factories Ordinance or under the repealed Act, and continued in force as aforesaid, shall be construed as if it were the term "workplace" and shall have the same meaning assigned to the term "workplace" in article 2 and any references in the said regulations to the Ordinance or to the Act shall be construed as a reference to this Act.

L.N. 197 of
1995.
L.N. 52 of
1986.

(3) The Occupational Health and Safety (Judicial Committee) (Procedure) Regulations, 1995 and regulations 56 and 57 of the Factories (Health, Safety and Welfare) Regulations 1986 are hereby repealed.

Objects and Reasons

The main objects and reasons of this Bill are to provide for the setting up of an Occupational Health and Safety Authority having the function to promote and safeguard the well-being of all workers in all occupations and to ensure that the levels of occupational health and safety protection established by regulations made thereunder are maintained.