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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Michael Refalo, M.P., Ministru ghat-Turiżmu, f'isem il-Ministru ghas-Servizzi Ekonomiċi u moqri ghall-Ewwel darba fis-Seduta ta' l-20 ta' Marzu, 2000.

ATT biex jipprovdi ghat-twaqqif ta' Awtorità li tkun maghrufa bhala l-Awtorità ta' l-Istatistika ta' Malta, u ghat-twettiq minn jew f'isem dik l-Awtorità ta' funzjonijiet regolatorji dwar riżorsi li ghandhom x'jaqsmu mal-ġbir, kompilazzjoni u publikazzjoni ta' statistiċi uffiċjali, u biex jipprovdi ghall-hwejjeġ li huma anċillari ghalihom jew li ghandhom x'jaqsmu magghom.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Michael Refalo, M.P., Minister for Tourism on behalf of the Minister for Economic Services and read the First time at the Sitting of the 20th March, 2000.

AN ACT to provide for the establishment of an Authority to be known as the Malta Statistics Authority, and for the exercise by or on behalf of that Authority of regulatory functions regarding resources relating to the collection, compilation and publishing of official statistics, and to make provision with respect to matters ancillary thereto or connected therewith.

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovi ghat-twaqqif ta' Awtorità li tkun maghrufa bhala l-Awtorità ta' l-Istatistika ta' Malta, u ghat-twettiq minn jew f'isem dik l-Awtorità ta' funzjonijiet regolatorji dwar rizorsi li ghandhom x'jaqsmu mal-ġbir, kompilazzjoni u pubblikazzjoni ta' statistiċi uffiċjali, u biex jipprovi għall-hwejjeġ li huma anċillari għalihom jew li ghandhom x'jaqsmu magħhom.

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:-

Taqsimha I Preliminari

1. (1) It-titolu ta' dan l-Att hu l-Att ta' l-2000 dwar l-Awtorità ta' l-Istatistika ta' Malta.

Titolu u bidu
fis-sehh.

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

2. F'dan l-Att sakemm ir-rabta tal-kliem ma tehtieġx xort'ohra -

Tifsir.

"Awtorità" tfisser l-Awtorità ta' l-Istatistika ta' Malta stabbilita bl-artikolu 3;

"awtorità pubblika" tfisser kull dipartiment tal-gvern, kunsill lokali, bord jew kumitat uffiċjali u kull korp ieħor pubbliku stabbilit bil-liġi;

"*Chairperson*" tfisser iċ-*Chairperson* ta' l-Awtorità u tinkludi, fiċ-ċirkostanzi msemmija fl-artikolu 5(2), id-Deputat *Chairperson* jew kull persuna oħra nominata bhala *chairperson*:

Iżda, għar-rigward ta' l-artikolu 34, "*Chairperson*" tfisser iċ-*Chairperson* ta' kumitat konsultattiv;

"*data* konfidenzjali" tfisser *data* miġbura mill-Uffiċċju Nazzjonali ta' l-Istatistika biex isiru statistiċi uffiċjali meta dik id-*data* tippermetti li unitajiet statistiċi jiġu identifikati direttament jew indirettament, u b'hekk tiġi żvelata informazzjoni ndividwali;

"Direttur Ġenerali" tfisser il-persuna hekk mahtura bis-sahha ta' l-artikolu 9;

"direttorati" tfisser dawk id-direttorati li huma jew jistgħu jkunu stabbiliti taht l-artikolu 42;

"funzjonijiet" tinkludi setgħat u dmirijiet;

"imparzjalità" tfisser il-metodu oġġettiv u indipendenti li tipproduċi statistiċi uffiċjali b'mod li jkun hieles minn kull pressjoni minn gruppi politiċi jew gruppi oħra nteressati, partikolarment f'dak li għandu x'jaqsam ma' l-għażla ta' metodi ta' teknika, tifsiriet u metodoloġiji li huma l-aktar adatti biex jintlahqu l-finijiet kif ikunu ġew stabbiliti; timplika wkoll li l-istatistiċi jkunu disponibbli għal kull min jużahom;

"impjegat" tfisser persuna mpjegata mill-Awtorità;

"impriża" tfisser kull unità ekonomika u tinkludi istituzzjonijiet, gruppi ta' impriži u assoċjati tagħhom, kemm jekk privati kif ukoll pubbliċi;

"kopja" tfisser ir-riproduzzjoni ta' notament jew ta' xi parti tiegħu permezz ta' kitba, kopja fotostatika, mezzi elettronici jew mezzi oħra;

"kredibilità" tfisser li l-istatistiċi jirriflettu b'mod l-iktar eżatt possibbli r-realtà li huma intiżi li jirrapreżentaw; timplika li jiġu wżati kriterji xjentifiċi għall-għażla ta' sorsi, metodi u proċeduri;

"kumitat konsultattiv" jew "kumitat" tfisser kumitat ta' konsultazzjoni stabbilit skond ma hemm fl-artikolu 33;

"kunsill lokali" tfisser kunsill stabbilit skond l-Att dwar il-Kunsilli Lokali;

"Malta" ghandha l-istess tifsir kif moghti lilha bl-artikolu 124 tal-Kostituzzjoni;

"Ministru" tfisser il-Ministru responsabbli għall-istatistika;

"notament" tinkludi kull karta, metodu fotografiku, metodu elettroniku jew metodu ieħor biex tiġi reġistrata u maħżuna informazzjoni u kull formula, skeda, kwestjonarju, jew xi dokument ieħor bħal dawn;

"popolazzjoni" tfisser kull grupp jew sotto-grupp ta' unitajiet ta' statistika, kemm jekk dawk l-unitajiet ikunu persuni naturali, persuni legali jew xi unità ekonomika oħra;

"preskritt" tfisser preskritt b'regolamenti jew ordnijiet magħmulin taħt dan l-Att;

"produzzjoni ta' statistiċi uffiċjali" tfisser l-attivitajiet kollha meħtieġa għall-preparazzjoni, ġbir, hażna, proċessar, kompilazzjoni, analiżi u xandir ta' informazzjoni statistika;

"sena finanzjarja" tfisser perjodu ta' tnax-il xahar li jispicċa fit-30 ta' Settembru:

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

"stabbiliment" tinkludi kull abitazzjoni, bini, post, bastiment jew inġenji ta' l-ajru fit-territorju jew fuq it-territorju li jaqa' taħt il-ġuridizzjoni ta' Malta;

"statistiċi" tinkludi, b'zieda għal *data* numerika, kull informazzjoni oħra li tkun meħtieġa għall-ġbir, kompilazzjoni, analiżi u interpretazzjoni ta' *data*;

"statistiċi uffiċjali" tfisser informazzjoni miksuba billi tiġi proċessata *data* biex jiġu kategorizzati fenomeni kollettivi f'parti definita tal-popolazzjoni fl-isfond ta' l-implimentazzjoni ta' pjan ta' dhuł u nefqa ta' l-Uffiċċju;

"trasparenza" tfisser id-drittijiet ta' persuni li jagħtu twegibiet għall-għanijiet ta' l-istatistika li jingħataw informazzjoni dwar il-bażi legali li taħtha d-*data* tkun meħtieġa u l-miżuri protettivi li jittiehdu biex jiproteġu l-identità ta' min iwieġeb;

"Uffiċċju" tfisser l-Uffiċċju Nazzjonali ta' l-Istatistika stabbilit bl-artikolu 9;

"uffiċjal pubbliku" ghandha l-istess tifsir kif mogħti lilha bl-artikolu 124 tal-Kostituzzjoni, iżda ma tinkludix Imhalled tal-Qrati Superjuri jew Maġistrat tal-Qrati Inferjuri.

Taqsimha II

Twaqqif, Funzjonijiet u Tmexxija ta' l-Affarijiet ta' l-Awtorità

Twaqqif ta' l-Awtorità ta' l-Istatistika ta' Malta.

3. (1) Ghandu jkun hemm korp, li jkun magħruf bhala l-Awtorità ta' l-Istatistika ta' Malta, li jeżerċita u jwettaq il-funzjonijiet assenjati lilu b'dan l-Att.

(2) L-Awtorità ghandha tkun korp ġuridiku li jkollu personalità ġuridika distinta u tkun kapaċi, bla ħsara għad-disposizzjonijiet ta' dan l-Att, li tagħmel kull kuntratt, li takkwista, iżzomm u tiddisponi minn kull xorta ta' proprjetà għall-ghanijiet tal-funzjonijiet tagħha, jew li tharrek u li tiġi mħarrka, u li tagħmel dawk l-affarijiet kollha u li tidhol f'dawk l-operazzjonijiet kollha li jkunu inċidentali jew li jwasslu għall-eżerċizzju jew twettiq tal-funzjonijiet tagħha skond dan l-Att, inkluż is-self jew it-tisliet ta' flus.

Rappreżentanza legali u ġuridika.

4. Ir-rappreżentanza legali u ġuridika ta' l-Awtorità tkun vestita fiċ-*Chairperson* ta' l-Awtorità:

Iżda l-Awtorità tista' minn żmien għal żmien tinnomina wiehed jew aktar mill-membri tagħha, jew wiehed jew aktar mill-uffiċjali jew impjegati tagħha, biex jidhru f'isimha u f'lokha f'xi proċedimenti ġudizzjarji jew f'xi att, kuntratt, kitba jew dokument ieħor ikun liema jkun.

Għamla ta' l-Awtorità.

5. (1) L-Awtorità tkun magħmula kif ġej:

- (a) *Chairperson* mahtur mill-Ministru;
- (b) id-Direttur Ġenerali *ex officio*;

(ċ) sitt membri oħra li jkollhom il-kompetenza teknika meħtieġa fil-kamp ta' l-istatistika, li jiġu mahtura mill-Ministru u li jkunu -

(i) membru wiehed, wara konsultazzjoni mal-Bank Ċentrali ta' Malta;

(ii) membru wiehed, wara konsultazzjoni mal-moviment trejd unjonistiku, kif rappreżentat fuq il-Kunsill Malti għall-Iżvilupp Ekonomiku;

(iii) membru wiehed, wara konsultazzjoni ma' l-Università ta' Malta;

(iv) membru wiehed, wara konsultazzjoni mal-komunità ta' negozjanti, kif rappreżentata fuq il-Kunsill Malti għall-Iżvilupp Ekonomiku;

(v) żewġ membri oħra, li jkunu professjonisti fil-qasam ta' l-istatistika, u li jkunu mahtura mill-Ministru.

(2) Il-Ministru jista' jinnomina wiehed mill-membri mahtura ta' l-Awtorità bhala Deputat *Chairperson* u l-membru hekk nominat ikollu s-setgħat kollha u jwettaq il-funzjonijiet kollha ta-*Chairperson* fl-assenza tiegħu jew meta *Chairperson* ma jkunx jista' jaġixxi bhala tali, jew meta *Chairperson* ikun bil-leave jew jekk ikun hemm vakanza fil-kariga ta' *chairperson*; u l-Ministru jista' wkoll f'kull waħda miċ-ċirkostanzi msemmija hawn qabel, jinnomina persuna oħra biex taġixxi bhala *chairperson* u f'dan il-każ id-disposizzjonijiet ta' hawn qabel japplikaw rigward dik il-persuna.

(3) Il-membri ta' l-Awtorità, minbarra d-Direttur Ġenerali, għandhom jiġu mahtura mill-Ministru għall-perjodu ta' sena jew għal dak il-perjodu itwal kif jista' jiġi speċifikat fl-istrument tal-hatra, sugġett għal massimu ta' tliet snin, iżda l-membri hekk mahtura jistgħu jiġu mahtura mill-ġdid meta jispiċċa l-perjodu tal-kariga tagħhom.

(4) (a) L-Awtorità għandha tinnomina wiehed mill-uffiċjali tagħha biex jaġixxi bhala segretarju għal dak il-perjodu li jidhrilha xieraq.

(b) Ikun id-dmir tas-segretarju li jagħmel il-preparamenti meħtieġa għall-laqgħat ta' l-Awtorità u li jzomm minuti ta' dawg il-laqgħat.

(5) (a) Ebda persuna ma tkun eliġibbli biex tiġi nominata jew biex tibqa' *Chairperson* jew membru ta' l-Awtorità jekk hija:

(i) tkun Ministru, Segretarju Parlamentari, membru tal-Kamra tad-Deputati jew membru ta' xi Kunsill Lokali; jew

(ii) tkun Imballef jew Maġistrat tal-Qrati tal-Ġustizzja; jew

(iii) tkun legalment inkapaċitata; jew

(iv) tkun giet dikjarata falluta jew tkun ghamlet kompożizzjoni jew arrangament mal-kredituri taghha; jew

(v) tkun ghamlet reat li jinvolvi frodi jew xi haġa diżonestà oħra, jew tkun kisret xi dispożizzjoni tal-liġi li jkollha l-iskop li tipproteġi l-membri tal-pubbliku kontra telf finanzjarju li jiġi kawżat minn diżonestà, inkompetenza jew ghemil hażin minn persuni nvoluti f'attività tan-negozju jew fit-twettiq ta' professjoni, jew tkun hadet sehem f'xi prattika tan-negozju li l-Ministru jidhirlu tkun oppressiva jew qarrieqa (kemm jekk tkun kontra l-liġi jew le) jew li mod ieħor turi diskreditu fil-metodi ta' kif tmexxi n-negozju jew il-professjoni taghha; jew

(vi) ikollha nteress finanzjarju jew interess ieħor f'xi mpriża jew attività li x'aktarx taffettwa t-twettiq tal-funzjonijiet taghha 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; jew

(vii) ma tkunx mod ieħor adatta u xierqa biex iżzomm dik il-kariga.

(b) Biex jistabbilixxi jekk persuna tkunx adatta u xierqa skond il-paragrafu (a)(vii), il-Ministru għandhu jqis l-integrità ta' dik il-persuna, il-kompetenza taghha u l-kapaċità taghha biex twettaq ir-responsabbiltajiet ta' dik il-kariga, id-diligenza li biha dik il-persuna tkun qed twettaq jew x'aktarx twettaq dawk ir-responsabbiltajiet u jekk l-interessi ta' xi persuna huma, jew x'aktarx ikunu, mhedda bil-fatt li dik il-persuna jkollha dik il-kariga.

(ċ) Kull persuna li l-Ministru jahtar jew bi hsiebu jahtar bħala membru ta' l-Awtorità għandha, kull darba li tkun hekk mitluba mill-Ministru, taghtih dik l-informazzjoni li l-Ministru jidhirlu mehtieġa għat-twettiq tad-dmirijiet tal-Ministru skond il-paragrafi (a) u (b).

(d) Membru ta' l-Awtorità jista' jitneħħa mill-kariga mill-Ministru għar-raġuni li ma jkunx kapaċi jwettaq il-funzjonijiet tal-kariga tiegħu kemm jekk dan ikun dovut għal inkapaċità mentali jew fizika, jew għal xi raġuni oħra, jew għal kondotta hażina; u għall-finijiet ta' dan il-paragrafu assenja ripetuta u mhux gustifikata minn laqgħat tista' titqies bħala kondotta hażina.

(e) L-ismijiet tal-membri kollha ta' l-Awtorità u kull tibdil fil-kompożizzjoni ta' dawn il-korpi għandhom jiġu pubblikati fil-Gazzetta.

(f) Kull membru ta' l-Awtorità, minbarra d-Direttur Ġenerali, jista' jirriżenja mill-kariga permezz ta' ittra ndirizzata lill-Ministru.

(6) Membru ta' l-Awtorità li għandu nteress dirett jew indirett f'xi kuntratt magħmul jew li hu maħsub li jsir mill-Awtorità, li ma jkunx interess li jiskwalifika dak il-membru milli jibqa' membru għandu, mhux aktar tard minn l-ewwel laqgħa li tinzamm wara li jkun sar jaf biċ-ċirkostanzi rilevanti, jiżvela n-natura ta' l-interess tiegħu, u l-membru li għandu nteress għandu jirtira mill-laqgħa li fiha dak il-kuntratt ikun qed jiġi diskuss. Dan it-tagħrif għandu jingħata lill-Ministru mingħajr dewmien. Meta l-interess ta' dak il-membru jkun tali li jiskwalifikah milli jibqa' membru, hu għandu jirrapporta dan il-fatt lill-Ministru minnufih u joffri r-riżenja tiegħu.

(7) Jekk membru jirriżenja jew jekk il-kariga ta' membru ta' l-Awtorità tkun mod iehor vakanti jew jekk membru jkun għal xi raġuni inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jinnomina persuna li tkun kwalifikata biex tiġi nominata bhala membru biex tkun membru temporanju ta' l-Awtorità; u kull persuna hekk nominata għandha, bla ħsara għad-disposizzjonijiet tas-subartikolu (5), tieqaf milli tibqa' membru meta tiġi mahtura persuna biex timla l-vakanza jew, kif ikun il-każ, meta l-membru li ma kienx kapaċi jwettaq il-funzjonijiet tal-kariga tiegħu jerġa' jibda jwettaq dawk il-funzjonijiet.

(8) Iċ-*Chairperson* u l-membri ta' l-Awtorità, minbarra d-Direttur Ġenerali, għandhom jithallsu dawk l-onorarja li l-Ministru jistabbilixxi.

6. (1) Mingħajr ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, l-Awtorità tista' tirregola l-proċedura tagħha stess.

Proċeduri ta' l-Awtorità.

(2) L-Awtorità għandha tiltaqa' għall-inqas darbtejn kull tliet xhur.

(3) L-Awtorità tista' teżerċita l-funzjonijiet tagħha minkejja xi vakanza fil-kompożizzjoni tal-membri tagħha, sakemm dawn il-vakanzi ma jkunux iżjed minn tlieta.

(4) Il-laqgħat ta' l-Awtorità għandhom jissejhu miċ-*Chairperson* jew, fl-assenza tiegħu, mid-Deputat *Chairperson*, jew fuq inizjattiva tiegħu stess jew fuq talba bil-miktub minn xi tlieta

mill-membri ta' l-Awtorità.

(5) Id-deċiżjonijiet għandhom jittiehdu b'maġġoranza sempliċi tal-voti tal-membri li jkunu preżenti u li jivvotaw. L-*Chairperson* jew, fl-assenza tiegħu, id-Deputat *Chairperson*, jew kull persuna li tagħmilha ta' *chairperson*, ikollu vot oriġinali u, f'każ ta' voti ndaqs, vot deċiżiv. Mingħajr hsara għal htigiet l-oħra ta' dan l-Att, l-ebda deċiżjoni ma tkun valida jekk ma tkunx sostnuta minn għall-inqas tliet membri ta' l-Awtorità.

(6) Bla hsara għad-disposizzjonijiet ta' qabel ta' dan l-artikolu, ebda att jew proċedura ta' l-Awtorità ma jiġu nvalidati għar-raġuni biss li jkun hemm vakanza fost il-membri.

(7) Kull att magħmul minn persuna bona fidi, bħala 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 tagħha. Ebda att jew proċedura ta' l-Awtorità ma jiġu nvestigati minhabba l-kontravenzjoni, minn xi membru, tad-disposizzjonijiet ta' l-artikolu 5(6).

Funzjonijiet ta'
l-Awtorità.

7. (1) L-Awtorità jkollha dawn il-funzjonijiet li ġejjin:

(a) li teżamina u tissottometti għall-approvazzjoni tal-Ministru l-pjan ta' dħul u nefqa u l-estimi finanzjarji mhejjija mid-Direttur Ġenerali għall-amministrazzjoni ta' l-Uffiċċju;

(b) li tirregola u tissorvelja b'mod ġenerali fuq il-produzzjoni ta' statistiċi uffiċjali skond htigiet u *standards* internazzjonali;

(ċ) li tiddiskuti u tagħti parir dwar hwejjeġ ta' statistika, inklużi l-metodoloġija meħtieġa rigward il-ġbir, kompilazzjoni u xandir ta' statistiċi;

(d) li tistabbilixxi prijoritajiet fil-waqt li tirrispondi għad-domanda ta' statistiċi uffiċjali;

(e) li żzomm kuntatt bejn l-Uffiċċju u korpi pubbliċi oħra li għandu x'jaqsam ma' l-għoti ta' *data* u l-koordinament ta' attivitajiet b'implikazzjonijiet statistiċi;

(f) li tippubblika l-pjan ta' dħul u nefqa wara l-approvazzjoni tiegħu mill-Ministru u mill-Ministru tal-Finanzi;

(g) li xxandar t-tagħrif ta' statistiċi uffiċjali;

(h) li tikkonsidra u tikkumenta fejn mehtieg fuq ir-rapport annwali sottomess mid-Direttur Ġenerali dwar ix-xoghol ta' l-Uffiċċju kif mehtieg bl-artikolu 9(5)(g).

(2) Bil-ghan li jiġu mwettqa ahjar il-funzjonijiet tagħha, l-Awtorità tista' tistabbilixxi kuntatti u forom ta' kollaborazzjoni u ftehim ma' korpi ohra statutorji lokali jew ta' barra, dipartimenti tal-gvern, organizzazzjonijiet internazzjonali, u entijiet ohra li jeżerċitaw setgħat regolatorji, ta' sorveljanza jew ta' liċenzjar, taht xi liġi f'Malta jew barra jew li huma mod ieħor involuti fil-ġbir ta' statistiċi, li jistghu jkunu direttament jew indirettament ta' benefiċċju lill-Awtorità.

(3) Il-membri ta' l-Awtorità, minbarra d-Direttur Ġenerali, ma jkollhomx aċċess għal informazzjoni konfidenzjali li tirrigwarda xi persuna individwali, familja jew impriża, sakemm ma jkunux mahtura bhala uffiċjali ta' l-istatistika kif imfisser fl-artikolu 11.

(4) Xejn fis-subartikolu (1) ma għandu jiġi miftiehem bhala li jagħti lill-Awtorità d-dritt li teżerċita xi setgħa jew funzjoni diġà assenjata lid-Direttur Ġenerali taht dan l-Att.

(5) Il-membri ta' l-Awtorità m'għandhomx jiehdu iSTRUZZJONIJET mill-Gvern jew minn xi awtorità ohra, partiti politiċi jew gruppi nteressati ohra, fl-għażla ta' sorsi ta' *data*, metodi u proċeduri ta' l-istatistika, fil-kontenut, il-forma u z-żmien li tiġi mxandra l-informazzjoni, u fl-applikazzjoni tal-konfidenzjalità ta' l-istatistiċi.

8. (1) Il-Ministru jista', għar-rigward ta' dawk l-affarijiet li jkunu jidhrulu li jolqtu l-interess pubbliku, minn żmien għal żmien, jagħti lill-Awtorità direttivi bil-miktub ta' xorta ġenerali, li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, dwar il-*policy* li għandha tiġi segwita fit-twettiq tal-funzjonijiet vestiti fl-Awtorità minn jew taht dan l-Att, u l-Awtorità għandha, kemm jista' jkun malajr, iġġib fis-sehh dawk id-direttivi kollha.

Relazzjonijiet
bejn il-Ministru
u l-Awtorità.

(2) L-Awtorità għandha tagħti lill-Ministru faċilitajiet biex jakkwista informazzjoni rigward il-proprjetà u l-attivitajiet tagħha u għandha tagħtih dawk il-prospetti, kontijiet u informazzjoni ohra dwarhom u tagħtih il-faċilità li jkun jista' jivverifika l-informazzjoni mogħtija, b'dak il-mod u f'dawk iż-żminijiet li jista' raġonevolment jehtieg.

(3) Jekk l-Awtorità tonqos mill-thares xi direttiva mahruġa skond dan l-artikolu, il-Prim Ministru jista' jagħmel ordni li biha

jitransferixxi lill-Ministru, ghal kollox jew f'parti, xi funzjoni jew funzjonijiet ta' l-Awtorità.

Twaqqif ta' l-Uffiċċju Nazzjonali ta' l-Istatistika u batra tad-Direttur Ġenerali.

9. (1) Ghandu jiġi mwaqqaf uffiċċju, li jkun maghruf bhala l-Uffiċċju Nazzjonali ta' l-Istatistika, hawnhekk iżjed 'il quddiem imsejjah "l-Uffiċċju".

(2) Ghandu jkun hemm Direttur Ġenerali li jkun il-kap ta' l-Uffiċċju u li jkollu r-rappreżentanza legali ta' dak l-Uffiċċju.

(3) Id-Direttur Ġenerali ghandu jkun persuna bi kwalifiki professjonali, kompetenza rikonoxxuta u reputazzjoni fil-kamp ta' l-istatistika, u ghandu jiġi mahtur mill-Awtorità wara konsultazzjoni mal-Ministru ghal perjodu ta' tliet snin; dan il-perjodu jista' jiġi mtawwal ghal perjodi oħra ta' tliet snin kull wiehed:

Izda l-ewwel Direttur Ġenerali ghandu jiġi mahtur mill-Ministru ghal perjodu inizjali ta' hames snin.

(4) Id-Direttur Ġenerali jkun responsabbli ghal, u ghandu jwettaq, it-tmexxija ta' kuljum ta' l-Uffiċċju fi hdan l-Awtorità skond il-linji ġenerali ta' *policy* stabbiliti mill-Awtorità minn żmien ghal żmien.

(5) Id-Direttur Ġenerali ghandu jwettaq id-dmirijiet tiegħu li ghandhom x'jaqsmu ma' l-Uffiċċju b'mod awtonomu. Fit-tweqqif tad-dmirijiet tiegħu, id-Direttur Ġenerali ghandu -

(a) jara li tinżamm l-integrità u l-validità ta' l-istatistiċi uffiċjali u li tinżamm il-fiduċja pubblika fihom;

(b) jiddeċiedi, skond konsiderazzjonijiet professjonali u etiċi, l-iskop u l-għan ta' l-istatistiċi provduti fil-pjan ta' dhul u nefqa, u dwar il-metodi u l-proċeduri għall-ġbir, kompilazzjoni, hażna, preżentazzjoni u publikazzjoni ta' *data*;

(ċ) jkun responsabbli biex jiġu mharsa d-disposizzjonijiet ta' dan l-Att dwar konfidenzjalità;

(d) jiżgura li l-uffiċċju jkun mghammar bil-facilitajiet mehtieġa ta' teknoloġija ta' l-informatika biex tiġi proċessata b'mod effiċjenti l-informazzjoni ta' l-istatistika;

(e) jhejji abbozzi ta' pjanijiet ta' dhul u nefqa skond ir-regoli u proċeduri tal-Gvern;

(f) jirrappreżenta l-Uffiċċju f'agenziji u organizzazzjonijiet internazzjonali;

(g) jissottometti rapport annwali dwar ix-xoghol ta' l-Uffiċċju lill-Awtorità;

(h) jiżviluppa l-istrategiji mehtieġa għall-implimentazzjoni ta' l-għanijiet ta' l-Awtorità;

(i) jaghti parir lill-Awtorità dwar kull haġa li l-Awtorità tista' tibghat lilu jew dwar kull haġa li hu jikkonsidra mehtieġa jew espedjenti; u

(j) jwettaq dawk id-dmirijiet kollha li l-Awtorità tista' minn żmien għal żmien tassenzjali.

10. (1) Il-funzjonijiet ta' l-Uffiċċju jkunu l-ġbir, il-kompilazzjoni, il-kisba u r-rilaxx ta' statistiċi uffiċjali li għandhom x'jaqsmu ma' attivitajiet u kondizzjonijiet demografiċi, soċjali, ambjentali, ekonomiċi u attivitajiet u kondizzjonijiet ġenerali ta' Malta kif imfisser fl-Ewwel Skeda.

Funzjonijiet ta' l-Uffiċċju.

(2) L-Uffiċċju għandu -

(a) jipprovdi fuq bażi mparzjali, informazzjoni kwantitattiva u rappreżentattiva dwar is-sitwazzjoni ekonomika, demografika, soċjali u ambjentali f'Malta, lill-utenti kollha inkluż il-Gvern, istituzzjonijiet, operaturi soċjali u ekonomiċi, istituzzjonijiet u korpi akkademiċi u l-pubbliku ġenerali;

(b) jipproduċi *d-data* u jkun sugġett għall-prinċipji ta' kredibilità, oġġettività, rilevanza, konfidenzjalità ta' l-istatistika, trasparenza, speċifiċità, u proporzjonalità. L-Uffiċċju jista' wkoll jipproduċi statistiċi li jimmiraw biex jirriflettu b'mod eżatt kemm ikun possibbli s-sitwazzjonijiet reali, ixandar ir-riżultati lill-utenti ta' dawk ir-riżultati b'mod newtrali u imparzjali, jiffoka fuq il-fenomini li huma essenzjali għal min jiehu deċiżjoni u jonora d-dritt ta' ċittadini għall-informazzjoni pubblika. Informazzjoni ndividwali li tkun f'forma identifikabbli, miġbura għal għanijiet ta' statistika, ma għandhiex tintuża għal għanijiet oħra blief għal dawk stabbiliti b'dan l-Att;

(ċ) jipprovdi l-informazzjoni neċessarja biex tiġi eżaminata l-kwalità ta' statistiċi uffiċjali, u li jaghti aċċess lill-pubbliku għall-metodi wżati għall-produzzjoni tagħhom u kif il-prinċipji, li taħthom l-istatistiċi huma miġbura, ġew imharsa;

(d) jipprovdi dawk l-ispjegazzjonijiet tekniċi tar-riżultati biex tiġi evitata interpretazzjoni żbaljata;

(e) jagħmel riċerka dwar u jiżviluppa aktar il-metodoloġija u t-teknoloġija ta' l-istatistika;

(f) jissorvelja u jikkoordina t-tweġġ ta' biċċiet ta' xogħol b'implikazzjonijiet statistiċi mposti fuq korpi oħra pubbliċi;

(g) jikkoordina l-produzzjoni ta' sistemi ta' statistiċi uffiċjali, inklużi l-metodoloġiji meħtieġa, biex jiżgura li l-informazzjoni tkun adatta u ta' livell *standard*, l-effiċjenza u li jintlaħqu il-htigiet ta' l-utenti; kif ukoll li jipprovdi klassifikazzjonijiet xierqa u konformità ma' htigiet u *standards* internazzjonali;

(h) jiġbor l-informazzjoni meħtieġa, jikklassifika r-riżultati skond livelli xierqa u sezzjonijiet, u jxandar dawn ir-riżultati lill-utenti.

Taqsimha III

Uffiċjali u Impjegati ta' l-Awtorità

Hatra ta' persunal.

11. Minghajr preġudizzju għad-disposizzjonijiet l-oħra ta' dan l-Att, il-hatra ta' uffiċjali u ta' impjegati oħra ta' l-Awtorità għandha ssir mill-Awtorità. Il-pattijiet u l-kondizzjonijiet ta' l-impieg għandhom jiġu stabbiliti mill-Awtorità bi ftehim mal-Ministru.

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

12. (1) L-Awtorità għandha tahtar u timpjega, b'dik ir-rimunerazzjoni u skond dawk il-pattijiet u kondizzjonijiet li tista', skond l-artikolu 11, tistabilixxi, lil dawk l-uffiċjali u impjegati ta' l-Awtorità li jistgħu minn żmien għal żmien ikunu meħtieġa għat-tweġġ xieraq u effiċjenti tal-funzjonijiet ta' l-Awtorità.

Kap. 9.

(2) Il-membri ta' l-Awtorità, l-uffiċjali u l-impjegati kollha ta' l-Awtorità u l-membri ta' kumitati konsultattivi għandhom jitqiesu bhala uffiċjali pubbliċi skond it-tifsir li hemm fil-Kodiċi Kriminali.

(3) Il-Ministru u l-membri ta' l-Awtorità u l-uffiċjali tagħha, għal perjodu ta' sena minn meta tkun intemmet il-hatra tagħhom, ma għadhom jagħmlu ebda attività li, skond id-disposizzjonijiet ta' l-artikolu 5(5)(a)(vi), tiskwalifika persuna milli jkollha l-kariga ta' membru ta' l-Awtorità.

13. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità, minn żmien għal żmien, jordna li xi uffiċjal pubbliku jiġi assenjat biex jaqdi dmirijietu ma' l-Awtorità f'dik il-kariga u b'seħħ minn dik id-data li jiġu speċifikati f'dak l-ordni.

Assenjament ta' uffiċjali pubbliċi biex jaqdu dmirijiet ma' l-Awtorità.

(2) Il-perjodu li għalih ordni bħal dik hawn aktar qabel imsemmija għandha tapplika għal xi uffiċjal li jkun speċifikat fiha għandu, kemm-il darba l-uffiċjal ma jkunx irtira mis-servizz pubbliku, jew xort'ohra temm milli jibqa' fil-kariga f'data li tiġi qabel, jew kemm-il darba ma tiġix speċifikata data differenti f'dik l-ordni, jtemm milli jibqa' jseħħ wara sena mid-data effettiva ta' dik l-ordni, kemm-il darba l-ordni ma tiġix aktar kmieni revokata mill-Prim Ministru.

14. (1) Meta uffiċjal jiġi assenjat għal dmirijiet ma' l-Awtorità skond xi waħda mid-disposizzjonijiet ta' l-artikolu 13, dak l-uffiċjal għandu, matul iż-żmien li fih dik l-ordni jkollha effett dwaru, jkun taht l-awtorità u l-kontroll amministrattiv ta' l-Awtorità, iżda huwa għandu għal kull għan u raġuni oħra jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

Status ta' uffiċjali pubbliċi assenjati biex jaqdu dmirijiet ma' l-Awtorità.

(2) Minghajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi, uffiċjal li jkun assenjat għal dmirijiet kif hawn aktar qabel imsemmi -

(a) ma għandux, waqt iż-żmien li matulu huwa jkun hekk assenjat -

(i) ikun prekluz milli japplika għal trasferiment f'xi dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet tas-servizz konnessi mal-hatra tiegħu mal-Gvern li jkollu fid-data meta huwa jiġi hekk assenjat għal dmirijietu; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet tas-servizz tiegħu jkunu inqas favorevoli minn dawk li jkunu konnessi mal-hatra tiegħu mal-Gvern li jkollu fid-data hawn aktar qabel imsemmija jew li kienu jkunu konnessi ma' dik il-hatra, matul dak iż-żmien, li kieku dak l-uffiċjal ma jkunx ġie assenjat biex jaqdi dmirijietu ma' l-Awtorità; u

(b) ikollu jedd li s-servizz tiegħu ma' l-Awtorità jiġi meqjus bħala servizz mal-Gvern għall-ghanijiet ta' xi pensjoni, gratifikazzjoni jew benefiċċju skond l-Ordinanza dwar il-Pensjonijiet, jew l-Att dwar il-Pensjonijiet lil Nisa' Romol u Tfal Iltiema, u ta' kull dritt jew privileġġ iehor li huwa jkollu jedd għalih, u jkun responsabbli għal kull responsabbiltà li

Kap. 93.

Kap. 58.

dwarha huwa jkun responsabbli, hlief għall-fatt li huwa jkun gie assenjat biex iwettaq dmiru ma' l-Awtorità.

(3) Meta ssir applikazzjoni kif stabbilit fis-subartikolu (2)(a)(i), għandha tingħatalha l-istess konsiderazzjoni daqslikieku l-applikant ma jkunx gie assenjat għal servizz ma' l-Awtorità.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu, minn żmien għal żmien, jiġu stabbiliti mill-Ministru tal-Finanzi dwar l-ispiza ta' pensjonijiet u gratifikazzjonijiet li għandhom jithallsu lil xi uffiċjal li jkun assenjat għal dmirijiet ma' l-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li fih huwa jkun hekk assenjat.

Offerta ta' impieg permanenti ma' l-Awtorità lil uffiċjali pubbliċi assenjati biex jaqdu dmirijiet ma' l-Awtorità.

15. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal assenjat għal dmirijiet ma' l-Awtorità skond xi waħda mid-disposizzjonijiet ta' l-artikolu 13, impieg permanenti ma' l-Awtorità b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk li jgawdi dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet f'xi offerta magħmula kif hawn aktar qabel imsemmi ma għandhomx jitqiesu bħala inqas favorevoli għar-raġuni biss li ma jkunux għal kollox identiċi jew superjuri għal dawk li l-uffiċjal konċernat ikun qed igawdi fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, meta kkunsidrati flimkien, fil-fehma tal-Prim Ministru joffru benefiċċji sostanzjalment ekwivalenti jew akbar.

(3) Kull uffiċjal pubbliku li jaċċetta impieg permanenti ma' l-Awtorità li jiġi offert lilu, skond id-disposizzjonijiet tas-subartikolu (1), għandu għall-ghanijiet kollha minbarra dawk ta' l-Ordinanza dwar il-Pensjonijiet, u ta' l-Att dwar il-Pensjonijiet lil Nisa' Romol u Tfal Iltiema, u b'riżerva għad-disposizzjonijiet tas-subartikolu (6), jitqies li temm milli jkun fis-servizz mal-Gvern u li jkun dahal fis-servizz ma' l-Awtorità fid-data meta huwa jaċċetta, u għall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, sakemm applikabbli għalih, servizz ma' l-Awtorità għandu jitqies bħala servizz mal-Gvern fi hdan it-tifsiriet tagħhom rispettivament.

(4) Kull uffiċjal bħal dak hawn aktar qabel imsemmi li, minnufih qabel ma jaċċetta impieg permanenti ma' l-Awtorità, kellu jedd jikseb benefiċċju taht l-Att dwar il-Pensjonijiet 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.

Kap. 93.
Kap. 58.

Kap. 58.

(5) L-Awtorità ghandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistghu, minn zmien ghal zmien, jiġu stabbiliti mill-Ministru tal-Finanzi għar-rigward ta' l-ispiza ta' pensjonijiet u gratifikazzjonijiet li għandhom jithallsu lil xi uffiċjal li jkun aċċetta impieg permanenti ma' l-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li jibda' fid-data meta dak l-uffiċjal hekk jaċċetta.

(6) Għall-ghanijiet ta' l-Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli ta' dak l-uffiċjal pubbliku meta huwa jirtira għandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jithallsu lil uffiċjal fis-servizz tal-Gvern fi grad u f'livelli inkrementali li jikkorrispondu għall-kariga u l-livell inkrementali li bih l-uffiċjal jirtira mill-Awtorità. Kap. 93.

(7) (a) Għall-ghanijiet ta' dan l-artikolu il-karigi u l-grad tas-salarji ma' l-Awtorità għandhom jiġu klassifikati fi gradi u livelli inkrementali li jkunu l-iktar jikkorrispondu mill-qrib ma' dawk fis-servizz mal-Gvern ta' Malta b'riferenza għat-tip ta' xogħol, senġha, responsabbiltajiet u fatturi oħra bħallhom.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir minn bord li jkun magħmul minn *chairperson* mahtur mill-Ministru tal-Finanzi u minn żewġ membri oħra, wiehed mahtur mill-Ministru ċentralment responsabbli għal *policies* dwar persunal fis-servizz pubbliku u wiehed li jiġi mahtur mill-Awtorità. Il-klassifikazzjoni tkun sugġetta għall-approvazzjoni finali tal-Ministru tal-Finanzi.

(ċ) Din il-klassifikazzjoni għandha ssehh fi zmien tliet xhur minn kull aġġustament tas-salarji ta' impjegati fis-servizz mal-Gvern, u, jew, ta' impjegati ta' l-Awtorità.

(d) Ebda kariga ma għandha tiġi klassifikata fi grad oghla minn dik ta' Grad 3 fis-servizz mal-Gvern jew dak il-grad ieħor li l-Ministru tal-Finanzi jista' minn zmien għal zmien jistabbilixxi b'avviż fil-Gazzetta.

(e) Minghajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara li ssir klassifikazzjoni kif hawn aktar qabel imsemmi, jkollu jedd għal drittijiet skond l-Ordinanza dwar il-Pensjonijiet li jkunu inqas favorevoli minn dawk li kien ikollu jedd għalihom qabel dik il-klassifikazzjoni. Kap. 93.

16. (1) L-Awtorità tista, bil-miktub, tahtar persuni għal perjodu speċifikat biex iwettqu xogħol ta' statistika ta' kull xorta li jista' jehtieg aċċess għal *data* miġbura skond id-disposizzjonijiet ta' dan l-Att. Hatra ta' persuni għal perjodu temporanju

(2) Persuna hekk mahtura skond dan l-artikolu ghandha twettaq kull dmir u funzjoni speċifiċi li jistgħu jiġu assenjati lilha taht dan l-artikolu u mill-Awtorità fl-ittra tal-hatra tagħha.

Ġurament ta' segretezza.

17. Kull persuna mahtura bhala uffiċjal ta' l-istatistika ghandha, qabel ma tidhol ghad-dmirijiet tagħha dwar din il-kariga, tiegħu l-ġurament imsemmi fit-Tieni Skeda.

Ċertifikat ta' hatra.

18. (1) Kull uffiċjal ta' l-istatistika li, taht dan l-Att, ghandu d-dritt li -

(a) jitlob li jitlesta u jintbagħat lura xi dokument jew li tingħata xi informazzjoni verbalment jew bil-miktub minn xi persuna jew impriża; jew

(b) jispezzjona, jikkopja jew jiehu estratti minn, jiġbor jew jirċievi xi dokument li ghandu x'jaqsam ma' xi persuna jew impriża; jew

(ċ) jidhol f'xi stabbiliment,

ghandu jiġi provdut b'ċertifikat tal-hatra ffirmat minn, ittimbrat minn jew stampat bl-isem ta', id-Direttur Ġenerali.

(2) Uffiċjal ta' l-istatistika li jaġixxi skond dan l-artikolu ghandu, meta jiġi mitlub, juri ċ-ċertifikat tal-hatra tiegħu għal spezzjoni.

Taqsimha IV Disposizzjonijiet Finanzjarji

L-infieq ta' l-Awtorità isir mid-dhul tagħha.

19. (1) Minghajr hsara ghad-disposizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità ghandha hekk tmexxi l-affarijiet tagħha li daqstant mill-ispiza mehtieġa ghat-twettiq xieraq tal-funzjonijiet tagħha ghandha, daqskemm dan ikun possibbli, tinhareġ mid-dhul tagħha.

(2) Għal dan il-ghan, l-Awtorità ghandha tiġbor kull dritt, rata u hlas ieħor preskritti jew meqjusa li huma preskritti b'dan l-Att jew tahtu jew kull liġi oħra li ghandha x'taqsam mas-setgħat u l-funzjonijiet ta' l-Awtorità.

(3) L-Awtorità ghandha wkoll tithallas mill-Gvern, mill-Fond Konsolidat, dawk l-ammonti li l-Kamra tad-Deputati, hawnhekk iżjed 'il quddiem imsejha "il-Kamra", tista', minn żmien għal żmien, tawtorizza li jiġu approprijati sabiex minnhom isiru kull nefqa li l-Awtorità jista' jkollha tagħmel u li ma tkunx tista' tinhareġ mid-dhul tagħha u l-ispejjeż ta' xogħlijiet speċifikati biex dawn jitkomplew jew

xort'ohra jsiru mill-Awtorità, li jkunu xoghlijiet ta' infrastruttura jew ta' xorta kapitali simili.

(4) Kull eċċess ta' dhul fuq l-infieq għandu, bla hsara għal dawk l-ordnijiet li l-Ministru, wara konsultazzjoni mal-Ministru tal-Finanzi, jista' jagħmel minn żmien għal żmien, jiġi applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riżerva sabiex dawn jintużaw għall-għanijiet ta' l-Awtorità; u minghajr preġudizzju għall-generalità tas-setgħat mogħtija lill-Ministru b'dan is-subartikolu, kull ordni li ssir mill-Ministru kif hawn aktar qabel imsemmi tista' tkun tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod kif jista' jiġi speċifikat fl-ordni, ta' xi parti mid-drittijiet, rati jew hlasijiet ohra miġbura skond is-subartikolu (2) jew ta' kull eċċess kif hawn aktar qabel imsemmi.

(5) Il-flus kollha ta' l-Awtorità li ma jkunux meħtieġa minnufih biex minnhom ssir l-ispiza jistgħu jiġu nvestiti b'dak il-mod li jista' jkun approvat minn żmien għal żmien mill-Ministru.

20. (1) Bil-għan li tkun tista' taqdi kull funzjoni tagħha skond dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru, li tinghata wara konsultazzjoni mal-Ministru tal-Finanzi, tissellef jew tiġbor flus b'dak il-mod, minn dik il-persuna, dak il-korp jew dik l-awtorità, u taht dawk il-pattijiet u l-kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn aktar qabel imsemmija, jista' japprova bil-miktub.

Setgħa li
tissellef jew
torigina kapital.

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef, permezz ta' *overdraft* jew xort'ohra, dawk l-ammonti li tista' teħtieġ sabiex twettaq il-funzjonijiet tagħha skond dan l-Att:

Iżda għal kull ammont li jkun jeċċedi l-hamsin elf lira, għandha tinghata l-approvazzjoni tal-Ministru bil-miktub.

21. Il-Ministru tal-Finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Awtorità ta' dawk l-ammonti li huwa jista' jaqbel li jkunu meħtieġa mill-Awtorità biex din twettaq kull funzjoni tagħha skond dan l-Att, u jista' jagħmel dawk l-avvanzi skond dawk il-pattijiet u l-kondizzjonijiet li huwa jista', wara dik il-konsultazzjoni hawn aktar qabel imsemmija, iqis li tkun xierqa. Avvanz bħal dak jista' jsir mill-Ministru tal-Finanzi mill-Fond Konsolidat, u minghajr ebda approprazzjoni ohra hlief dan l-Att, b'ordni bil-miktub, li jawtorizza lill-*Accountant General* biex jagħmel dak l-avvanz.

Avvanzi mill-
Gvern.

22. (1) Il-Ministru tal-Finanzi jista', għal kull htieġa ta' l-Awtorità ta' xorta kapitali, jikkuntratta jew jiġbor kull self, jew jidhol f'passiv, għal dawk il-perjodi u skond dawk il-pattijiet u

Self mingħand
il-Gvern.

kondizzjonijiet hekk kif huwa jista' iqis li jkun xieraq; u kull ammont dovut ghar-rigward ta' jew konness ma' xi self jew passiv bhal dak ghandu jkun piż fuq il-Fond Konsolidat.

(2) Ghandu jinghata avviż dwar kull self, passiv jew avvanz maghmul jew li jsir skond id-disposizzjonijiet tas-subartikolu (1) lill-Kamra kemm jista' jkun prattikament malajr.

(3) Sakemm ma jibda jsir jsir il-gbid ta' xi self bhal dak imsemmi fis-subartikolu (1), jew sabiex l-Awtorità tiġi pprovduta b'kapital funzjonali, il-Ministru tal-Finanzi jista', b'ordni bil-miktub u minghajr ebda approprijazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* biex jagħmel avvanzi lill-Awtorità mit-*Treasury Clearance Fund* skond dawk il-pattijiet li jistghu jiġu speċifikati mill-Ministru meta jsiru dawn l-avvanzi.

(4) Ir-rikavat minn kull self li jingabar bil-għan li jsiru avvanzi lill-Awtorità, u kull flus oħra li għandhom jiġu avvanzati lill-Awtorità skond dan l-artikolu, għandhom jitqieghdu ġewwa fond speċifikament stabbilit għal dak l-għan u li jkun magħruf bhala "il-Fond għal Self ta' l-Awtorità ta' l-Istatistika".

(5) L-ammonti li l-*Accountant General* jirċievi mill-Awtorità ghar-rigward ta' avvanzi maghmulin lill-Awtorità skond is-subartikolu (3) għandhom jithallsu, f'dawk li huma ammonti riċevuti bhala hlas lura, billi jitqieghdu fit-*Treasury Clearance Fund*, u f'dawk li huma ammonti riċevuti bhala mgħax, billi jitqieghdu fil-Fond Konsolidat.

Estimi ta' l-Awtorità.

23. (1) L-Awtorità għandha tara li f'kull sena finanzjarja jithejjew, u għandha mhux aktar tard minn sitt ġimgħat wara tmiem kull sena bhal dik tadotta, estimi tad-dhul u l-infieq ta' l-Awtorità għas-sena finanzjarja li tiġi minnufih wara:

Iżda l-estimi għall-ewwel sena finanzjarja ta' l-Awtorità għandhom jiġu mhejjija u adottati f'dak iż-żmien li l-Ministru jista' jispeċifika lill-Awtorità permezz ta' avviż bil-miktub.

(2) Fit-thejjija ta' dawk l-estimi l-Awtorità tqis kull fond u flus oħra li jistghu jkunu dovuti li jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew bis-sahħa ta' dan l-Att jew ta' Att ta' approprijazzjoni jew ta' kull liġi oħra; u l-Awtorità għandha hekk thejji l-estimi msemmija b'mod li tiżgura li d-dhul totali ta' l-Awtorità huwa mill-inqas suffiċjenti biex minnu jithallas kull ammont li sewwasew għandu jiġi addebitat lill-kont tad-dhul tagħha inkluż id-deprezzament, iżda minghajr preġudizzju għall-generalità ta' dik il-frazi.

(3) L-estimi għandhom isiru f'dik l-ghamla u għandu jkun fihom dik l-informazzjoni u dak it-tqabbil ma' estimi ta' qabel hekk kif il-Ministru tal-Finanzi jista' jordna.

(4) Kopja ta' l-estimi għandha, malli dawn jiġu adottati mill-Awtorità, tintbagħat minnufih mill-Awtorità lill-Ministru u lill-Ministru tal-Finanzi.

(5) Il-Ministru għandu, ma' l-ewwel opportunità, u mhux iktar tard minn sitt ġimgħat wara li jkun irċieva kopja ta' l-estimi mingħand l-Awtorità, japprovahom bl-emendi jew mingħajrom, wara konsultazzjoni mal-Ministru tal-Finanzi.

24. (1) Ma għandha ssir jew tiġġarrab ebda nefqa mill-Awtorità kemm-il darba ma jkunx sar provvedimenti għaldaqshekk fl-estimi approvati kif provdut fl-artikolu 23.

L-infiq għandu jkun skond l-estimi approvati.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1) -

(a) sa l-iskadenza ta' sitt xhur mill-bidu ta' sena finanzjarja jew sa l-approvazzjoni ta' l-estimi għal dik is-sena, skond liema data tiġi l-ewwel, l-Awtorità tista' tagħmel jew iġġarrab spiża għat-twettiq tal-funzjonijiet tagħha skond dan l-Att li b'kollox ma tkunx teċċedi nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

(b) in-nefqa approvata għar-rigward ta' intestatura jew sotto-intestatura ta' l-estimi tista', bl-approvazzjoni tal-Ministru, li tingħata wara konsultazzjoni mal-Ministru tal-Finanzi, issir jew tiġġarrab għar-rigward ta' xi intestatura jew sotto-intestatura oħra ta' l-estimi;

(c) għar-rigward ta' l-ewwel sena finanzjarja, l-Awtorità tista' tagħmel jew iġġarrab nefqa li ma tkunx b'kollox teċċedi dawk l-ammonti li l-Ministru tal-Finanzi jista', wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk għar-rigward ta' xi sena finanzjarja jinstab li l-ammont approvat fl-estimi ma jkunx suffiċjenti jew inkella tkun inqalghet hteġa għal nefqa għal għan li ma jkunx hemm provdut dwaru fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Ministru, u f'kull każ bhal dak id-disposizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom, kemm jistghu, jkunu japplikaw għall-estimi supplimentari.

25. Il-Ministru għandu, ma' l-ewwel opportunità u mhux iktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' l-estimi u ta' l-

Pubblikazzjoni ta' l-estimi approvati.

estimi supplimentari ta' l-Awtorità, jew, jekk f'xi żmien waqt dak il-perjodu l-Kamra ma tkunx qed tiltaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li minnufih imiss wara, jara li dawk l-estimi jitqieghdu fuq il-Mejda tal-Kamra.

Kontijiet u
verifika.

26. (1) L-Awtorità għandha tara li jinżammu kontijiet u *records* ohra xierqa għar-rigward ta' l-operazzjonijiet tagħha, u għandha tara li jithejja prospett ta' kontijiet għar-rigward ta' kull sena finanzjarja.

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

Izda l-Ministru tal-Finanzi jista', wara konsultazzjoni mal-Ministru, jehtieg li l-kotba u l-kontijiet ta' l-Awtorità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li, għal dan il-ghan, għandu jkollu s-setgħa li jagħmel dik il-verifika fiżika u ċertifikazzjonijiet ohra, li jqis li jkun mehtieġa.

(3) Wara tmiem kull sena finanzjarja, u mhux aktar tard mid-data meta l-estimi ta' l-Awtorità jintbagħatu lill-Ministru skond l-artikolu 23, l-Awtorità għandha tara li kopja tal-prospett tal-kontijiet debitament verifikat għandu jintbagħat lill-Ministru u lill-Ministru tal-Finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awdituri dwar dak il-prospett jew dwar il-kontijiet ta' l-Awtorità.

(4) Il-Ministru għandu, ma' l-ewwel opportunità u mhux iktar tard minn tmien ġimgħat wara li jkun rċieva kopja ta' kull prospett u rapport bhal dak, jew, jekk f'xi żmien waqt dak il-perjodu l-Kamra ma tkunx qed tiltaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li minnufih imiss wara, jara li kopja ta' kull prospett u rapport bhal dak jitqieghdu fuq il-Mejda tal-Kamra.

Depożitu tad-
dħul u hlasijiet
li jsiru mill-
Awtorità.

27. (1) Il-flus kollha li jingabru mill-Awtorità għandhom jitqieghdu f'bank jew banek li jinhatru bhala bankiera ta' l-Awtorità permezz ta' riżoluzzjoni ta' l-Awtorità. Dawn il-flus għandhom, skond kemm ikun prattikabbli, jitqieghdu f'dawk il-banek minn jum għall-iehor, hliet dak l-ammont li l-Awtorità tista' tawtorizza li għandu jinżamm sabiex isiru nefqiet zghar minnu u hlasijiet ta' flus likwidi ta' minnufih.

(2) Kull hlas mill-fondi ta' l-Awtorità, minbarra nefqiet zghar li ma jkunux jeċċedu ammont stabbilit mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali ta' l-Awtorità li l-Awtorità tahtar jew tinnomina għal dak il-ghan.

(3) Ċekkijiet li jinbargu fuq, u zbanki li jsiru minn, xi kont tal-bank ta' l-Awtorità għandhom ikunu ffirmati minn dak l-uffiċjal ta' l-Awtorità hekk kif jista' jiġi mahtur jew nominat mill-Awtorità għal dak il-ghan u għandhom ikunu kontrosenjati miċ-*Chairperson*, jew minn dak il-membri jew uffiċjal ieħor ta' l-Awtorità li jista' jiġi awtorizzat mill-Awtorità għal dak il-ghan.

(4) L-Awtorità għandha wkoll tagħmel provvedimenti għar-rigward ta' -

(a) il-mod kif il-hlasijiet għandhom jiġu awtorizzati jew approvati u l-uffiċjal jew l-uffiċjali li għandhom jawtorizzawhom jew japprovawhom;

(b) it-titolu ta' kull kont miżmum f'bank jew banek fejn jiġu depożitati l-flus ta' l-Awtorità, u t-trasferiment ta' fondi minn kont għal ieħor;

(ċ) il-metodu li għandu jiġi adottat meta jkunu qed jithallsu flus mill-fondi ta' l-Awtorità;

u b'mod ġenerali għar-rigward ta' kull haġa li hija rilevanti għat-tiżmim u kontroll xieraq tal-kontijiet u l-kotba, u l-kontroll fuq il-finanzi, ta' l-Awtorità.

28. Mingħajr preġudizzju għal kull direttiva mogħtija mill-Ministru skond l-artikolu 8(1), l-Awtorità m'għandhiex, hliet bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali u wara konsultazzjoni mal-Ministru tal-Finanzi, tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-ghoti ta' servizzi, lil jew għall-benefiċċju ta' l-Awtorità, li jkun stmat mill-Awtorità li jeċċedi tliet elef lira, jew kull ammont ieħor bħal dak li l-Ministru tal-Finanzi jista' b'regolamenti jippreskrivi, hliet wara li jkun ġie ppublikat avviz dwar l-intenzjoni ta' l-Awtorità li tidhol fil-kuntratt u jkunu nbarġu s-sejhiet għall-offerti relattivi.

Kuntratti ta' provvista u ta' xogħlijiet.

29. L-Awtorità għandha, mhux aktar tard minn sitt ġimghat wara tmiem kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru tal-Finanzi rapport li jittratta b'mod ġenerali dwar l-attivitajiet ta' l-Awtorità matul dik is-sena finanzjarja, u li jkun fih dik l-informazzjoni dwar il-proċeduri u l-*policy* ta' l-Awtorità b'dak il-mod li xi wiehed mill-Ministri msemmija jista' minn żmien għal żmien ikun jeħtieġ. Il-Ministru għandu, ma' l-ewwel opportunità u mhux iktar tard minn tmien ġimghat wara li jkun irċieva kopja ta' kull rapport bħal dak, jew, jekk f'xi żmien waqt dak il-perjodu l-Kamra ma tkunx qed tiltaqa', fi żmien tmien ġimghat mill-bidu tas-sessjoni li minnufih imiss wara, jara li kopja ta' kull rapport bħal dak titqiegħed

Rapport annwali.

fuq il-Mejda tal-Kamra.

Taqsimu V Trasferiment ta' Ċertu Assi lill-Awtorità

Trasferiment ta' assi lill-Awtorità.

30. (1) (a) L-assi u l-impriża li l-Gvern ikollu bi proprjetà u li huwa juża, minnufih qabel id-data tal-bidu fis-sehħ ta' din it-Taqsimu ta' dan l-Att, u li huwa juża għat-thaddim ta' xi waħda mill-funzjonijiet li qegħdin jiġu trasferiti lil jew vestiti fl-Awtorità permezz ta' dan l-Att għandhom, fid-data hawn aktar qabel imsemmija, bis-saħħa ta' dan l-Att u mingħajr ebda sigurtà oħra, jiġu hekk trasferiti lil u vestiti fl-Awtorità bl-istess titolu li bih kienu nżammu mill-Gvern minnufih qabel l-imsemmija data. Id-disposizzjonijiet ta' dan il-paragrafu ma japplikawx għal proprjetà immobbli.

(b) L-assi immobbli li minn żmien għal żmien ikunu speċifikati f'ordni magħmul mill-President ta' Malta u ppublikat fil-Gazzetta (hawnhekk iżjed 'il quddiem imsejha "l-assi immobbli") li jkunu assi immobbli li minnufih qabel id-data tal-bidu fis-sehħ ta' din it-Taqsimu ta' dan l-Att kienu proprjetà tal-Gvern u li huwa kien juża għat-thaddim ta' xi waħda mill-funzjonijiet li b'dan l-Att qegħdin jiġu trasferiti lil jew vestiti fl-Awtorità għandhom, b'seħħ minn dik id-data li tista' tiġi speċifikata f'xi ordni bħal dak, u bis-saħħa ta' dan l-Att u mingħajr ebda sigurtà oħra, jiġu trasferiti lil u vestiti fl-Awtorità taht l-istess titolu li bih huma kienu nżammu mill-Gvern qabel id-data msemmija.

(2) It-trasferiment u l-vestment hawn aktar qabel imsemmija għandhom jestendu għal dik il-proprjetà u dawk l-impriži kollha u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi, għandhom jinkludu kull impjant, tagħmir, apparat, strumenti, vetturi, inġenji, bini, strutturi, stallazzjonijiet, art, toroq, xogħlijiet, hażniet u proprjetà oħra, sew mobbli sew immobbli, assi, setgħat, jeddijiet u privileġġi u kull haġa mehtieġa jew anċillari għalihom jew li lilhom tappartjeni, kif ukoll kull obligazzjoni li tolqot jew ikollha x'taqsam ma' xi proprjetà jew impriża minn dawk hawn aktar qabel imsemmija, jew haġa oħra nkluża fihom kif imsemmi hawn aktar qabel.

Kif jiftehmu l-ligijiet, eċċ.

31. Bla hsara għad-disposizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, deċiżjoni, rabta, *bonds*, kuntratt, ftehim, strument, dokument, mandat u arrangament iehor, li kienu jeżistu minnufih qabel id-dhul fis-sehħ ta' din it-Taqsimu ta' dan l-Att u li kienu jolqtu jew għandhom x'jaqsmu ma' xi proprjetà jew impriża trasferita lill-Awtorità b'dan l-Att jew tahtu għandu jkollhom saħħa u effett shiħ kontra jew favur l-Awtorità, u għandhom

jìgu eżegwiti għal kolloxx liberament u effettivament, bħalliekieku minflok il-Gvern jew awtorità tal-gvern, l-Awtorità kienet imsemmija fihom jew kienet parti fihom, u xort'ohra b'sostituzzjoni tal-Gvern jew l-awtorità tal-gvern.

32. (1) Meta xi haġa tkun inbdiet minn jew taht l-awtorità tal-Gvern qabel id-data tad-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att u dik il-haġa tkun dwar xi proprjetà jew impriża jew xi dritt jew obligazzjoni trasferiti lill-Awtorità b'dan l-Att jew tahtu, dik il-haġa tista' titkompla u tintemm mill-Awtorità jew kif jiġi awtorizzat minnha.

Disposizzjonijiet transitorji.

(2) Meta minnufih qabel id-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att, ikun hemm pendenti xi proċedimenti legali li fihom il-Gvern ikun, jew ikollu jedd li jkun, parti, u dawk il-proċedimenti jkunu dwar xi proprjetà jew impriża, jew xi dritt jew obligazzjoni trasferiti b'dan l-Att jew tahtu, l-Awtorità għandha, mid-data hawn aktar qabel imsemmija, tiġi sostitwita f'dawk il-proċedimenti minflok il-Gvern, jew issir parti fihom bl-istess mod li kieku kien il-Gvern isir parti, u dawk il-proċedimenti ma għandhomx jiġu effettwati minhabba f'sostituzzjoni bħal dik.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-disposizzjonijiet inċidentali, konsegwenzjali u supplimentari kif jista' iqis li jkunu xierqa jew spedjenti sabiex jiġi stabbilit, kif xieraq, x'ikunu l-assi trasferiti lill-Awtorità b'dan l-Att u sabiex jiżgura u jagħti effett shih lit-trasferiment ta' kull proprjetà jew impriża, jew kull dritt jew obligazzjoni lill-Awtorità skond dan l-Att u jista' jagħmel dawk l-ordnijiet li jistgħu jkunu mehtieġa biex jagħmel kull setgħa u dmir eżerċitabbli mill-Gvern għar-rigward ta' xi proprjetà jew impriża trasferita eżerċitabbli mill-Awtorità jew f'isimha.

Taqsimha VI Kumitati Konsultattivi

33. (1) B'seħħ minn dik id-data jew dawk id-dati li l-Ministru jista' b'ordni jistabbilixxi, jistgħu jinhatru għar-rigward ta' dak is-settur jew setturi li l-Ministru f'ordni bħal dak jispeċifika, kumitati konsultattivi.

Hatra u funzjonijiet ta' kumitati konsultattivi.

(2) Kumitat konsultattiv għandu, għall-ahjar twettiq tad-disposizzjonijiet ta' dan l-Att, jagħti parir lill-Awtorità dwar dawk l-affarijiet u jwettaq dawk il-funzjonijiet li l-Ministru jista' jispeċifika fl-ordni.

(3) Il-membri tal-kumitat għandhom jinhatru mill-Ministru u għandhom jibqgħu f'dik il-kariga għal dak il-perjodu u b'dawk il-

pattijiet u kondizzjonijiet li l-Ministru jista' iqis li jkunu xierqa.

(4) Kull kumitat ikun jikkonsisti f'membri wiehed li jirrapprezenta lill-Awtorità bhala *Chairperson* u dawk il-membri l-oħra li l-Ministru jista' jqis li jkun xieraq li jahtar.

(5) Id-disposizzjonijiet ta' l-artikoli 5(5)(a) u (d) u 5(6) għandhom, *mutatis mutandis*, japplikaw għall-membri tal-kumitati konsultattivi.

(6) Kull kumitat konsultattiv għandu jzomm il-minuti tal-laqgħat kollha li jagħmel u għandu jibgħat kopji ta' dawk il-minuti lill-Awtorità.

34. (1) Il-laqgħat tal-kumitati konsultattivi għandhom jissejju miċ-*Chairperson* daqstant daqskemm ikun meħtieġ iżda għall-inqas darba fix-xahar jew b'inizjattiva tiegħu jew fuq talba ta' xi tnejn mill-membri l-oħra.

(2) Nofs l-għadd tal-membri li f'dak iż-żmien ikunu jkkostitwixxu kumitat konsultattiv għandhom jagħmlu *quorum*. Id-deċiżjonijiet għandhom jiġu adottati minn maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Iċ-*Chairperson* jew, fl-assenza tiegħu, d-Deputat *Chairperson* jew persuna oħra maħtura biex tagħmilha ta' *chairperson*, għandu jkollhom vot oriġinali u, fil-każ li jkun hemm voti ndaqs, vot deċiżiv. Mingħajr preġudizzju għall-htigiet l-oħra ta' dan l-Att, ebda deċiżjoni ma tkun valida jekk din ma jkollhiex l-appoġġ ta' mill-inqas żewġ membri tal-kumitat konsultattiv.

(3) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, kumitat konsultattiv jista' jirregola l-proċedura tiegħu stess.

(4) Bla ħsara għad-disposizzjonijiet ta' qabel ta' dan l-artikolu, ebda att jew proċediment ta' kumitat konsultattiv ma għandu jiġi invalidat unikament minħabba f'li jkun hemm xi vakanza fost il-membri.

(5) Membru ta' kumitat konsultattiv li għandu nteress dirett jew indirett f'xi kuntratt maġmul jew li hu maħsub li jsir mill-Awtorità, li ma jkunx interess li jiskwalifika dak il-membri milli jibqa' membru għandu, mhux aktar tard minn l-ewwel laqgħa li tinzamm wara li jkun sar jaf biċ-ċirkostanzi rilevanti, jiżvela n-natura ta' l-interess tiegħu, u l-membri li għandu nteress għandu jirtira mill-laqgħa li fiha dak il-kuntratt ikun qed jiġi diskuss. Dan it-tagħrif għandu jingħata lill-Ministru mingħajr dewmien. Meta l-interess ta' dak il-membri jkun tali li jiskwalifikah milli jibqa' membru, hu għandu jirrapporta dan il-fatt lill-Ministru minnufih u

Disposizzjonijiet rigward il-proċeduri ta' kumitati konsultattivi.

joffri r-riżenja tieghu.

(6) Kull att magħmul minn xi persuna li tkun qed taġixxi bonafidi, bhala membru ta' kumitat konsultattiv, għandu jkun validu bhallikieku kienet membru minkejja li wara jiġi skopert li kien hemm xi difett fil-hatra jew fil-kwalifiki tagħha. Ebda att jew proċediment ta' kumitat konsultattiv ma għandu jiġi kontestat minhabba fil-ksur, minn xi membru, tad-disposizzjonijiet tas-subartikolu (5).

Taqsim VII

Ġbir ta' Informazzjoni u Aċċess għan-Notamenti

35. Id-Direttur Ġenerali jista' jipprepara formuli, kwestjonarji u notamenti oħra għall-ġbir ta' informazzjoni skond dan l-Att u l-istruzzjonijiet meħtieġa biex jintlew kif xieraq, u għandu jindika d-data jew il-perjodu li fih il-formuli mlestija, il-kwestjonarji u n-notamenti oħra jew l-informazzjoni meħtieġa għandhom jintbagħtu lura lill-Awtorità.

Ġbir ta' informazzjoni.

36. (1) Minkejja kull haġa li hemm f'xi liġi oħra li timponi s-segretezza, id-Direttur Ġenerali jew uffiċjal ta' l-istatistika jista', għall-għan biex jiġbor informazzjoni ta' statistika li għandha x'taqsam ma' xi haġa speċifikata fl-Ewwel Skeda, jordna xi persuna jew impriża biex -

Għoti ta' informazzjoni.

- (a) timla formula, kwestjonarju jew notament ieħor;
- (b) twieġeb xi mistoqsijiet; u
- (ċ) tipprovdi xi informazzjoni jew notamenti,

u kull informazzjoni hekk miksuba tkun suġġetta għar-restrizzjonijiet dwar l-użu u l-projbizzjoni dwar xandir ta' informazzjoni kif speċifikat fl-artikoli 40 u 41.

(2) Meta tiġi mposta hteġa fuq persuni jew impriži biex jipprovdu informazzjoni skond is-subartikolu (1), id-Direttur Ġenerali għandu jispeċifika partikolarment -

- (a) ix-xorta ġenerali ta' l-informazzjoni meħtieġa;
- (b) in-numru ta' drabi li għandha tiġi mogħtija; u
- (ċ) il-persuni jew impriži, jew klassijiet ta' persuni jew impriži, li huma meħtieġa li jipprovduha.

(3) Ghandu jsir ordni separat mill-Prim Ministru, li jaġixxi skond il-parir ta' l-Awtorità, biex isir ċensiment tal-popolazzjoni u djar.

Talbiet ghal informazzjoni.

37. (1) Ghall-ghanijiet ta' l-artikolu 36, talba biex tinghata informazzjoni tkun bizzejjed -

(a) fil-każ ta' persuna individwali, jekk in-notifika ndirizzata lil dik il-persuna tiġi mwassla fl-aħħar indirizz magħruf ta' residenza, impieg jew negozju;

(b) f'każ ta' impriża, jekk in-notifika tiġi mwassla għand dik l-impriża f'xi stabbiliment li minnu topera jew tmexxi n-negozju tagħha taht l-isem li bih tikkumerċja, jew lil xi persuna individwali li tkun tifforma parti mill-amministrazzjoni, inkluż riċevitur jew likwidatur jew amministratur, fil-post tax-xogħol tiegħu jew residenza.

(2) Meta l-informazzjoni li persuna jew impriża tallega li tkun ipprovdiet skond talba mid-Direttur Ġenerali ma tkunx fil-pussess ta' l-Uffiċċju, id-Direttur Ġenerali jista', billi tiġi mibgħuta notifika oħra, jordna lil dik il-persuna jew impriża biex tagħti dik l-informazzjoni.

Aċċess għan-notamenti.

38. Mingħajr hsara għal dak kollu li hemm f'xi liġi oħra li timponi s-segretezza, kull persuna jew impriża li jkollha fil-pussess tagħha notamenti li minnhom, fl-opinjoni tad-Direttur Ġenerali, tista' tittiehed informazzjoni li għandha x'taqsam ma' hwejjeġ speċifikati fl-Ewwel Skeda, għandha tagħti lid-Direttur Ġenerali jew uffiċjal ta' l-istatistika, aċċess għal dawk in-notamenti biex tittiehed l-informazzjoni msemmija.

Taqsim VIII

Użu ta' Notamenti ta' Awtoritajiet Pubbliċi u Protezzjoni ta' Informazzjoni Miġbura

Aċċess għan-notamenti.

39. (1) Id-Direttur Ġenerali jista' -

(a) wara li jibgħat avviż, jitlob lil xi awtorità pubblika biex tippermetti aċċess lill-uffiċjali ta' l-istatistika f'kull hin raġonevoli, biex jispezzjonaw u jieħdu kopji ta' jew estratti minn xi notamenti fil-pussess tagħha;

(b) jitlob lil xi awtorità pubblika biex tikkonsulta u tikkooopera miegħu biex jiġi stabbilit il-potenzjal tan-notamenti ta' l-awtorità bhala bazi ta' informazzjoni statistika u, fejn ikun xieraq u prattikabbli, biex tiżviluppa l-metodi u s-sistemi ta' ġbir ta' notamenti għall-ghanijiet ta' l-istatistika, u l-awtorità

pubblika ghandha thares din it-talba, safejn ir-rizorsi taghha jippermettu.

(2) Jekk xi awtorità pubblika jkollha l-hsieb li twettaq attivitajiet li jkollhom implikazzjonijiet ta' statistika, ghandha tikkonsulta, ghal ghanijiet ta' koordinazzjoni, ma' l-Uffiċċju u ghandha taċċetta kull rakkomandazzjoni li l-Uffiċċju jista' jagħmel.

40. Kull informazzjoni li tingħata minn xi persuna, impriża jew awtorità pubblika skond dan l-Att ghandha tintuża biss għall-ghanijiet ta' kompilazzjoni ta' statistika u għall-analiżi.

Restrizzjoni fuq l-użu ta' informazzjoni.

41. (1) Ebda informazzjoni miksuba b'kull mod skond dan l-Att li tista' tiġi assoċjata ma' xi persuna jew impriża li tista' tiġi identifikata ma ghandha, hlief bil-kunsens bil-miktub ta' dik il-persuna jew impriża jew ir-rappreżentant personali jew l-eqreb qraba ta' dik il-persuna, jekk dik il-persuna tkun mejta, tixxandar, tiġi murija jew tiġi komunikata lil xi persuna jew enti hlief -

Projbizzjoni ta' xandir ta' informazzjoni.

(a) għall-finijiet ta' prosekuzzjoni għal reat skond dan l-Att, jew

(b) lil uffiċjali ta' l-istatistika fil-qadi tad-dmirijiet tagħhom skond dan l-Att.

(2) Il-Ministru jista', bi ftehim ma' l-Awtorità, b'regolamenti minn żmien għal żmien jippreskrivi dawk il-projbizzjonijiet l-oħra dwar ix-xandir ta' notamenti jew informazzjoni, li jistgħu jidentifikaw persuna jew impriża, miksuba skond dan l-Att, kif jidhirlu xieraq.

42. (1) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, b'ordni iżid, ibiddel jew jemenda l-Ewwel Skeda.

Setgħa biex isiru regolamenti.

(2) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti dwar kull waħda mill-funzjonijiet ta' l-Awtorità, biex jiġu mwaqqfa direttorati li jistgħu jkunu meħtieġa li jitwaqqfu skond dan l-Att, u għall-aħjar twettiq ta' xi waħda mid-disposizzjonijiet ta' dan l-Att.

Taqsim IX Reati u pieni

43. (1) L-Awtorità tista' timponi penalitajiet amministrattivi li jammontaw għal mitt lira -

Penalitajiet amministrattivi.

(a) fuq kull persuna li tonqos milli thares iż-żmien mogħti lilha biex tagħti informazzjoni skond l-artikolu 36; u

(b) fuq kull persuna li tonqos, jew tirrifjuta li taghti, jew li taghti xi informazzjoni falza f'xi informazzjoni mitluba bi twegiba għal talba mid-Direttur Ġenerali skond id-disposizzjonijiet ta' l-artikoli 36 jew 39.

(2) (a) Kull persuna li, wara li tkun giet mitluba li timla kwestjonarju għal perjodu partikolari, ma tibghatx lura dak il-kwestjonarju fiż-żmien mogħti fil-kwestjonarju rilevanti, tkun sugġetta għal penali ta' hamsin lira, għal kull xahar jew parti minnu li jgħaddi mid-data li fiha il-kwestjonarju kellu jintbagħat lura.

(b) Kull persuna li tirċievi kwestjonarju, iżda li ma tkunx aktar sugġetta li twieġeb għal dak il-kwestjonarju, għandha tinforma lill-Uffiċċju dwar dan. In-nuqqas milli tinforma lill-Uffiċċju kif intqal qabel jirrendi lil dik il-persuna sugġetta għal penali amministrattiva ta' hamsin lira, għal kull xahar jew parti minnu li jgħaddi mid-data li fiha il-kwestjonarju kellu jintbagħat lura.

(3) Kull penali amministrattiva li persuna tista' tehel skond dan l-Att tkun dovuta u tithallas minn dik il-persuna, u dik il-persuna ma tkunx mehlusa minn xi penali ohra jew oghla li tista' tkun wehlet jew tista' tehel skond id-disposizzjonijiet rilevanti ta' dan l-Att.

(4) Penali taht is-subartikolu (1) terġa' tkun dovuta meta jingħata żmien mill-ġdid, mill-Uffiċċju, għat-tharis. Penalitajiet taht is-subartikolu (2) għandhom ikompli jiżdiedu sakemm l-informazzjoni meħtieġa tiġi provduta.

(5) F'każijiet speċjali fejn ikun hemm raġunijiet konvinċenti biex isir hekk, l-Awtorità tista' tnaqqas penalitajiet obligatorji, għal kollox jew f'parti.

(6) Il-penalitajiet amministrattivi jkunu dovuti lill-Awtorità bhala dejn ċivili, u d-disposizzjonijiet ta' l-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom japplikaw dwarhom.

Kap. 12.

Reati.

44. Minghajr hsara għal xi responsabbiltà ohra skond xi liġi ohra, kull persuna li -

(a) volontarjament tostakola jew tfixkel lid-Direttur Ġenerali jew lil xi uffiċjal ta' l-istatistika milli jaqdi d-dmirijiet tiegħu skond id-disposizzjonijiet ta' dan l-Att; jew

(b) tuża b'mod hażin xi informazzjoni miksuba taht dan l-Att jew volontarjament tiżvela informazzjoni konnessa ma' persuna jew impriża li tista' tiġi identifikata; jew

(c) meta ma tkunx uffiċjal ta' l-istatistika, tippreżenta ruhha bhala uffiċjal ta' l-istatistika; jew

(d) volontarjament teqred, thassar jew tiffalsifika xi dokument jew notament mahruġ għall-ġbir ta' statistika skond hteġa maghmula taht l-artikolu 35,

tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux inqas minn elf lira, jew prigunerija għal mhux aktar minn sitt xhur, jew dik il-multa u l-prigunerija flimkien.

45. Minghajr hsara għal xi responsabbiltà ohra skond xi liġi ohra, kull uffiċjal ta' l-istatistika li -

Twettiq illegali ta' funzjoni pubblika.

(a) jaġixxi bi ksur tal-ġurament imsemmi fl-artikolu 17; jew

(b) waqt li jkun jidher li qed iwettaq il-funzjonijiet tiegħu bhala uffiċjal ta' l-istatistika, jikseb jew jittanta li jikseb, minn xi persuna jew impriża, informazzjoni li mhux legalment intitolat li jikseb minn dik il-persuna jew impriża; jew

(c) volontarjament jonqos milli jibgħat lura lill-Uffiċċju dokument jew notament miġbur minn persuna jew impriża skond dan l-Att, jew jonqos li jzomm xi dokument jew notament li jkun fih informazzjoni, miġbura skond dan l-Att, fil-kustodja tiegħu b'dak il-mod li jiżgura li persuni mhux awtorizzati ma jkollhomx aċċess għalih,

ikun hati ta' reat u jehel, meta jinstab hati, multa ta' mhux inqas minn elf lira, jew prigunerija għal mhux aktar minn sena, jew dik il-multa u l-prigunerija flimkien.

Taqsim X **Thassir u riżerva**

46. (1) L-Att dwar l-Istatistika, hawnhekk iżjed 'il quddiem imsejjah "l-Att revokat", huwa b'dan imhassar.

Thassir u riżerva. Kap. 142.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1), kull legiżlazzjoni sussidjarja maghmula taht xi wahda mid-disposizzjonijiet ta' l-Att revokat għandha, sakemm ma jsirux disposizzjonijiet ohra taht jew skond dan l-Att, tibqa' ssehh u jkollha effett bhallikieku saret taht dan l-Att.

(3) Kull awtorità mogħtija jew ordni magħmul taht xi wahda mid-disposizzjonijiet ta' l-Att revokat, u li jkunu għadhom fis-sehh

minnufih qabel ma dan l-Att jiġi fis-sehh, għandhom jibqgħu jseħhu bħallikieku kienu awtorità mogħtija jew ordni magħmul taħt disposizzjoni korrispondenti ta' dan l-Att, u kull awtorità jew ordni kif intqal qabel għandhom jiġu ttrattati u jsir minnhom skond hekk.

(4) Id-*data* kollha miġbura taħt l-Att revokat għandha titqies bħala *data* miġbura taħt id-disposizzjonijiet korrispondenti ta' dan l-Att, u tkun suġġetta għar-restrizzjonijiet dwar l-użu u l-projbizzjonijiet dwar tikxif ta' informazzjoni stipulati fl-artikoli 40 u 41.

L-EWWEL SKEDA

(Artikoli 10(1), 36(1), 38 u 42(1))

Hwejjeġ li dwarhom tista' tingabar, tiġi preparata u pubblikata statistika

- (a) Popolazzjoni u djar.
- (b) Immigrazzjoni u emigrazzjoni, moviment intern u estern ta' passiġġieri u turizmu.
- (ċ) Okkorrenzi vitali, mard, saħħa u nutrizzjoni.
- (d) Hwejjeġ soċjali inklużi l-edukazzjoni, divertiment pubbliku, sigurtà u ġid soċjali, hwejjeġ kriminali u ġudizzjarji, delinkwenza fost iż-żgħażaġħ, informazzjoni pubblika, l-amministrazzjoni pubblika u l-Gvern.
- (e) Pussess ta' art, okkupazzjoni u kondizzjoni ta' art u l-prodotti tagħha, okkupazzjoni u stat ta' manutenzjoni ta' bini, kera li jista' jithallas jew jiġi riċevut għall-art u bini u l-valur annwali ta' art u bini.
- (f) Statistika dwar l-ambjent u affarijiet konnessi miegħu.
- (g) Produzzjoni primarja u sekondarja li tinkludi l-kostruzzjoni, il-bini, servizzi personali u oħrajn, enerġija, makkinarju, armar għat-trasport, ilma u elettriku.
- (h) L-industrija u n-negozju ta' merkanzija.
- (i) Hażniet ta' merkanzija manifatturata u mbux manifatturata.

- (j) Annimali.
 - (k) Importazzjoni u esportazzjoni.
 - (l) Negozju u kummerċ.
 - (m) Trasport u komunikazzjoni ta' kull ghamla bl-art, bil-baħar u bl-ajru, li tinkludi l-posta, telefoni, telegrafu, radju u trasmissjoni elettronika.
 - (n) Xogħol, impiegi, qagħad u nefqa fil-pagi.
 - (o) Salarji, pagi, hinijiet u kondizzjonijiet tax-xogħol.
 - (p) Tfixkil u kwistjonijiet industrijali.
 - (q) Korrimenti, inċidenti u kompensazzjoni.
 - (r) Prezzijiet bl-ingrossa u bl-immnut, u għoli tal-ħajja.
 - (s) Attivitajiet bankarji u finanzjarji, li jinkludu l-bilanċ tal-pagamenti ta' debitu.
 - (t) Għaqdiet, soċjetajiet jew korporazzjonijiet għall-profitt jew haġ'ohra.
 - (u) Sigurtà għal fuq il-baħar, hruq, ħajja, disgrazzji u sigurtajiet ohra.
 - (v) Dhul ta' flus, qligh ta' flus, profitti, imghax, drittijiet u hlasijiet ohra għal servizzi mogħtija.
 - (w) Dhul, hruġ u spiża nazzjonali u l-formazzjoni ta' kapitali.
 - (x) Kull haġa ohra stabbilita mid-Direttur Ġenerali wara konsultazzjoni ma' l-Awtorità.
-

IT-TIENI SKEDA

(Artikolu 17)

Forma tal-Ġurament

Jiena nahlef/solennement niddikjara illi bil-fedeltà u onestà kollha naqdi d-dmir tiegħi bhala uffiċjal ta' l-istatistika, skond il-htigiet ta' l-Att ta' l-2000 dwar l-Awtorità ta' l-Istatistika ta' Malta, u ta' l-ordnijiet kollha mahruġa tahtu, u li, hlief fil-qadi tad-dmirijiet tiegħi taht dak l-Att u dawk l-ordnijiet, ma nixx u ma nxandarx, waqt l-impieg tiegħi bhala uffiċjal ta' l-istatistika jew f'xi żmien wara, xi haġa li nsir naf biha li ghandha x'taqsam ma' xi persuna, familja jew impriża minhabba fl-impieg tiegħi bhala uffiċjal ta' l-istatistika. (Hekk Alla jghini).

Għanijiet u Raġunijiet.

L-għanijiet ta' dan l-Abbozz huma biex titwaqqaf Awtorità, u għat-twettiq minn jew f'isem dik l-Awtorità ta' funzjonijiet regolatorji dwar riżorsi li għandhom x'jaqsmu mal-ġbir, kompilazzjoni u pubblikazzjoni ta' statistiċi uffiċjali.

**A BILL
entitled**

AN ACT to provide for the establishment of an Authority to be known as the Malta Statistics Authority, and for the exercise by or on behalf of that Authority of regulatory functions regarding resources relating to the collection, compilation and publishing of official statistics, and to make provision with respect to matters ancillary thereto or connected therewith.

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**

1. (1) The title of this Act is the Malta Statistics Authority Act, 2000. Title and commencement

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

2. In this Act unless the context otherwise requires - Interpretation.

“advisory committee” or “committee” mean an advisory committee established in accordance with article 33;

“Authority” means the Malta Statistics Authority established by article 3;

“Chairperson” means the Chairperson of the Authority and includes, in the circumstances mentioned in article 5(2), the

Deputy Chairperson or other person appointed to act as chairperson:

Provided that in relation to article 34, "Chairperson" means the Chairperson of an advisory committee;

"confidential data" means data obtained by the National Statistics Office for the production of official statistics when such data allows statistical units to be identified directly or indirectly, thereby disclosing individual information;

"copy" means the reproduction of a record or any part thereof by writing, photocopying, electronic or any other means;

"Director General" means the person so appointed by virtue of article 9;

"directorates" means any such directorates as may be established by regulations made under article 42;

"employee" means a person employed by the Authority;

"financial year" means any period of twelve months ending on the 30th September:

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

"functions" includes powers and duties;

"impartiality" means the objective and independent manner of producing official statistics free from any pressure from political or other interest groups, particularly as regards the selection of techniques, definitions and methodologies best suited to the attainment of the objectives as set out; it implies the availability of statistics to all users;

Cap. 363.

"local council" means a council set up under the Local Councils Act;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution;

"Minister" means the Minister responsible for statistics;

"Office" means the National Statistics Office established by article 9;

“official statistics” means information obtained by processing data in order to characterize collective phenomena in a considered population in the framework of implementation of the business plan of the Office;

“population” means any set or subset of statistical units, whether such units are natural persons, legal persons or any other economic unit;

“premises” includes any dwelling, building, place, vessel or aircraft within or on territory which falls under the jurisdiction of Malta;

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

“production of official statistics” means all the activities necessary for the preparation, collection, storage, processing, compilation, analysis and dissemination of statistical information;

“public authority” means any government department, local council, official board or committee and any other public body established by law;

“public officer”, in relation to article 12, has the same meaning as is 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;

“record” includes any paper, photographic, electronic, or other mode of recording or storing information and any form, schedule, questionnaire, or any other such document;

“reliability” means that the statistics shall reflect as faithfully as possible the reality which they are designed to represent; it implies that scientific criteria are used for the selection of sources, methods and procedures;

“statistics” includes, in addition to numerical data, all other information which is necessary for the collection, compilation, analysis and interpretation of data;

“transparency” means the rights of respondents to have information on the legal basis under which the data is required and the protective measures adopted to protect the identity of the respondent;

“undertaking” means any economic unit and includes institutions, groups of undertakings and associates, whether private or public.

Part II

Establishment, Function and Conduct of Affairs of the Authority

Establishment
of the Malta
Statistics
Authority.

3. (1) There shall be a body, to be known as the Malta Statistics Authority, which shall exercise and perform the functions assigned to it by this Act.

(2) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

Legal and
judicial
representation.

4. The legal and judicial representation of the Authority shall be vested in the Chairperson of the Authority:

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

Composition of
the Authority.

5. (1) The Authority shall be composed as follows:

(a) a chairperson appointed by the Minister,

(b) the Director General *ex officio*;

(c) six other members, who shall have the necessary technical competence in the domain of statistics, to be appointed by the Minister, being -

(i) one member, after consultation with the Central Bank of Malta;

(ii) one member, after consultation with the trade union movement, as represented on the Malta Council for Economic Development;

(iii) one member, after consultation with the University of Malta;

(iv) one member, after consultation with the business community, as represented on the Malta Council for Economic Development; and

(v) two members, being professionals in the field of statistics, so appointed by the Minister.

(2) The Minister may designate one of the appointed members of the Authority as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as chairperson or while the Chairperson is on vacation or during any vacancy in the office of chairperson; and the Minister may also, in any circumstances aforesaid, appoint another person to act as Chairperson and in such case the foregoing provisions shall apply in respect of such person.

(3) The members of the Authority, other than the Director General, shall be appointed by the Minister for a term of one year or for such longer period as may be specified in the instrument of appointment, subject to a maximum of three years, but the members so appointed may be re-appointed on the expiration of their term of office.

(4) (a) The Authority shall appoint one of its officers to act as secretary for such period as it shall deem appropriate.

(b) It shall be the duty of the secretary to make the necessary preparations for the meetings of the Authority and to keep minutes of those meetings.

(5) (a) A person shall not be eligible to be appointed or to hold office as Chairperson or as a member of the Authority if he -

(i) is a Minister, Parliamentary Secretary, a member of the House of Representatives, or a member of any Local Council; or

(ii) is a Judge or a Magistrate of the Courts of Justice; or

(iii) is legally incapacitated; or

(iv) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(v) has committed an offence involving fraud or other dishonesty, or has contravened any provision of law

designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons involved in business activities or in carrying on a profession, or has engaged in any business practice appearing to the Minister to be deceitful or oppressive or otherwise improper (whether unlawful or not) or which otherwise reflects discredit on his method of conducting business or his profession; or

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

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest and such declaration and waiver are published in the Gazette; or

(vii) is otherwise not a fit and proper person to hold that office.

(b) In determining whether a person is a fit and proper person under paragraph (a)(vii), the Minister shall have regard to that person's probity, to his competence and soundness of judgment for fulfilling the responsibilities of that office, to the diligence with which he is fulfilling or is likely to fulfil those responsibilities and to whether the interest of any person are, or are likely to be in any way threatened, by his holding that office.

(c) Any person whom the Minister has appointed or proposes to appoint as a member of the Authority shall, whenever requested by the Minister to do so, furnish to him such information as the Minister considers necessary for the performance of the Minister's duties under paragraphs (a) and (b).

(d) A member of the Authority may be relieved from office by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or of body, or to any other cause, or of misbehaviour; and for the purposes of this paragraph repeated and unjustified non-attendance at meetings may be deemed to amount to misbehaviour.

(e) The names of all the members of the Authority and any change in such membership shall be published in the

Gazette.

(f) Any member of the Authority, other than the Director General, may resign from office by letter addressed to the Minister.

(6) 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, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest, 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 him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

(7) 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 his 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 subarticle (5), 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 his office resumes those functions.

(8) The Chairperson and members of the Authority, except the Director General, shall be paid such *honoraria* as the Minister may determine.

6. (1) Subject to any other provisions of this Act, the Authority may regulate its own procedure.

Conduct of the
affairs of the
Authority.

(2) The Authority shall meet at least twice every calendar quarter.

(3) The Authority may exercise its functions notwithstanding any vacancy in its membership, as long as such vacancies do not exceed three in number.

(4) Meetings of the Authority shall be convened by the Chairperson or, in his absence, by the Deputy Chairperson, either on his own initiative or at the written request of any three of the other members of the Authority.

(5) Decisions shall be taken by a simple majority of votes of the members present and voting. The Chairperson or, in his 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 unless it is supported by at least three members of the Authority.

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

(7) All acts done by any person acting in good faith, as a member of the Authority, shall be valid as if he were a member notwithstanding that some defect in his appointment or 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 5(6).

Functions of
the Authority.

7. (1) The Authority shall have the following functions:

(a) to examine and submit, for the approval of the Minister, the business plan and financial estimates drawn up by the Director General for the administration of the Office;

(b) to regulate and to generally supervise the production of official statistics in accordance with international requirements and standards;

(c) to discuss and advise on statistical matters, including methodologies, relating to the collection, compilation and dissemination of statistics;

(d) to establish priorities in responding to the demand for official statistics;

(e) to liaise between the Office and other public bodies concerning the supply of data and the coordination of activities with statistical implications;

(f) to publish the business plan after its approval by the Minister and the Minister of Finance;

(g) to disseminate the knowledge of official statistics;

(h) to consider and comment where necessary on the yearly report submitted by the Director General on the work of the Office as required by article 9(5)(g).

(2) For the better performance of its functions, the Authority may establish contacts and forms of collaboration and understandings with other local and foreign statutory bodies, government departments, international organisations, and other entities which exercise regulatory, supervisory or licensing powers, under any law in Malta or abroad or which are otherwise engaged in gathering statistics, which could be directly or indirectly beneficial to the Authority.

(3) The members of the Authority, other than the Director General, shall not have access to confidential information pertaining to any individual person, household or undertaking unless they are appointed officers of statistics as defined in article 11.

(4) Nothing in subarticle (1) shall be construed as enabling the Authority to exercise any power or function already assigned to the Director General under this Act.

(5) The members of the Authority shall not take instructions from the Government or any other authority, political parties or any other interest groups, in the selection of data sources, statistical methods and procedures, in the contents, form and time of dissemination, and in the application of statistical confidentiality.

8. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority, by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

Relations
between the
Minister and
the Authority.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority.

9. (1) There shall be established an office to be designated as the National Statistics Office, hereinafter referred to as the "Office".

(2) There shall be a Director General who shall head the Office and who shall have the legal representation thereof.

(3) The Director General shall be a person with professional qualifications, recognised competence and reputation in the domain of statistics, and shall be appointed by the Authority following consultation with the Minister for a period of three years; such period may be extended for further periods of three years each:

Provided that the first Director General shall be appointed by the Minister for an initial period of five years.

(4) The Director General shall be responsible for and shall carry out the day-to-day operations of the Office within the Authority in accordance with the general lines of policy established by the Authority from time to time.

(5) The Director General shall discharge his duties relating to the Office autonomously. In the performance of his duties, the Director General shall -

(a) maintain the integrity and validity of official statistics and public confidence in them;

(b) decide, on the basis of professional and ethical considerations, the scope and purpose of the statistics provided for in the business plan, and on the methods and procedures for the collection, compilation, storage, presentation and publication of data;

(c) be responsible for the observance of the provisions of this Act relating to confidentiality;

(d) ensure that the Office is equipped with the necessary information technology facilities for the efficient processing of statistical information;

(e) draw up draft business plans in accordance with Government norms and procedures;

(f) represent the Office in international agencies and organisations;

(g) submit an annual report on the work of the Office to the Authority;

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

(i) advise the Authority on any matter it may refer to him or on any matter which he considers necessary or expedient; and

(j) carry out such other duties as the Authority may assign to him from time to time.

10. (1) The functions of the Office shall be the collection, compilation, extraction and release of official statistics relating to demographic, social, environmental, economic and general activities and conditions of Malta as specified in the First Schedule.

Functions of
the Office.

(2) The Office shall -

(a) provide on an impartial basis, quantitative and representative information about the economic, demographic, social and environmental situation in Malta, to all users including the Government, institutions, social and economic operators, academic institutions and bodies and the general public;

(b) produce the data, and shall be subject to the principles of reliability, objectivity, relevance, statistical confidentiality, transparency, specificity, and proportionality. Moreover, the Office shall produce statistics which shall aim to mirror as faithfully as possible the real situations, disseminate the results to the users thereof in a neutral and impartial way, focus on the phenomena which are essential for decision makers and honour the citizens' right to public information. Individual information in identifiable form, collected for statistical purposes, shall not be used for other purposes than as provided for in this Act;

(c) supply the information necessary to evaluate the quality of official statistics, and make accessible to the public the methods used for their production, and how the principles, under which such statistics are gathered, are complied with;

(d) provide such technical explanations of the result so as to avoid erroneous interpretation;

(e) conduct research on and further develop statistical methodology and technology;

(f) monitor and coordinate the carrying out of tasks with statistical implications imposed on other public bodies;

(g) coordinate the production of official statistics' systems, including the necessary methodologies, with a view to ensuring timelines and standardisation of information, efficiency and to meeting users' requirements; as well as to provide appropriate classifications and conformity with international requirements and standards;

(h) collect the necessary information, compile the results at appropriate levels and break-downs, and disseminate them to users.

Part III

Officers and Employees of the Authority

Staff appointments.

11. Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

Appointment and functions of officers and employees of the Authority.

12. (1) The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 11, 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.

Cap. 9.

(2) The members of the Authority, all officers and employees of the Authority and the members of advisory committees shall be deemed to be public officers within the meaning of the Criminal Code.

(3) The Minister and the members of the Authority and its officers shall not, for a period of one year following the termination of their appointment or office, engage in any activity which, in accordance with the provisions of article 5(5)(a)(vi), would disqualify a person from holding office as a member of the Authority.

Detailing of public officers for duty with the Authority.

13. (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 such 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.

14. (1) Where any officer is detailed for duty with the Authority under any of the provisions of article 13, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority, but he shall for all other intents and purposes remain and be considered and treated as a public officer.

Status of public officers detailed for duty with the Authority.

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

(a) shall not, during the time in respect of which he 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 him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date 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 his service with the authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and under the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

Cap. 93.

Cap. 58.

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

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister of 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 he is so detailed.

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

15. (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 13 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.

(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.

Cap. 93.
Cap. 58.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of subarticle (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act and, saving the provisions of subarticle (6), be deemed to have ceased to be in the service of the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 58.

(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 his 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 of 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.

Cap. 93.

(6) For the purpose of the Pensions Ordinance, the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level

corresponding to the post and incremental level at which the officer retires for the Authority.

(7) (a) For the purposes of this article, 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 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 of Finance and two other members, one appointed by the Minister 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 of Finance.

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

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

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification. Cap. 93.

16. (1) The Authority may, in writing, appoint persons for a specified duration to perform statistical work of any nature which may necessitate access to data collected under the provisions of this Act. Appointment of temporary persons.

(2) The person so appointed in pursuance of this article shall discharge any specific duties and function as may be assigned to him under this article and by the Authority in his letter of appointment.

17. Every person appointed as an officer of statistics shall, before assuming such duties, subscribe to the oath contained in the Second Schedule. Oath of secrecy.

18. (1) Every officer of statistics who, under this Act, is entitled - Certificate of appointment.

(a) to require the completion and return of any document or the provision of any information orally or in

writing from any person or undertaking; or

(b) to inspect, copy or take extracts from, collect or receive any documents relating to any person or undertaking; or

(c) to enter any premises,

shall be provided with a certificate of appointment signed by, stamped or printed with, the name of the Director General.

(2) An officer of statistics acting under this article shall on demand produce his certificate of appointment for inspection.

Part IV Financial Provisions

Authority to meet expenditure out of revenue.

19. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that so much of the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its 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 the Government out of the Consolidated Fund such sums as the House of Representatives, hereinafter referred to as the "House", may from time to time authorise to be appropriated to meet any of its expenditure that cannot be met out of its revenue and the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or of a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister of 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 subarticle, 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 subarticle (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.

20. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister, given after consultation with the Minister of Finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

Power to borrow or raise 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 written approval of the Minister.

21. The Minister of Finance may, after consultation with the Minister, make advances to the Authority of such sums as he 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 he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister of Finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Advances from the Government.

22. (1) The Minister of Finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he 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.

Borrowing from the Government.

(2) Notice of any loans, liabilities or advances made or incurred under subarticle (1) shall be given to the House as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1), or for the purpose of providing the Authority with working capital, the Minister of Finance may, by warrant under his hand, 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 "Statistics Authority Loan Fund".

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

Estimates of the Authority.

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

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by 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 out in such form and shall contain such information and such comparison with previous estimates as the Minister of Finance 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 of Finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister of Finance.

Expenditure to be according to approved estimates.

24. (1) No expenditure shall be made or incurred by the Authority unless provision therefor has been made in the estimates approved as provided in article 23

(2) Notwithstanding the provisions of subarticle (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, whichever is the earlier date, the Authority may make or incur expenditure for carrying on 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, given after consultation with the Minister of Finance, be made or 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 not exceeding in the aggregate such amounts as the Minister of Finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or 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 Minister, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

25. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House.

Publication of approved estimates.

26. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit.

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

Provided that the Minister of Finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under article 23, the Authority shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister of Finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such statement and report, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause every such statement and report to be laid on the Table of the House.

Deposit of
revenues and
payments by
the Authority.

27. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that 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 to the other,

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

and generally with respect to any matter which is relevant to the

proper keeping and control of the accounts and books, and the control of the finances, of the Authority.

28. Without prejudice to any directions communicated by the Minister under article 8(1), the Authority shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister of Finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed three thousand liri or such other amount as the Minister of Finance may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

Contracts of supply or works.

29. 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 of 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 the Authority as either of the said Ministers may from time to time require. The Minister shall, at the earliest opportunity, and not later than eight weeks after he has received a copy of every such report, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House.

Annual report.

Part V

Transfer of Certain Assets to the Authority

30. (1) (a) The property and undertakings owned by the Government and used by it, immediately before the date of the coming into force of this Part of this Act, and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and be vested in the Authority under the same title by which they were held by the Government immediately before the said date. The provisions of this paragraph shall not apply to immovable property.

Transfer of assets to the Authority.

(b) The immovable assets from time to time specified in an order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which, immediately before the coming into force of this Part of this Act, were owned by the Government

and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, with effect from such day as may be specified in any such order, and by virtue of this Act and without any further assurance, be transferred to and vested in the Authority under the same title by which they were held by the Government before such day.

(2) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality of the aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid.

Construction of laws, etc.

31. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act, affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act, shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority the Authority had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Transitory provisions.

32. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act, and such thing relates to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

(2) Where, immediately before the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

Part VI Advisory Committees

33. (1) The Minister may from time to time appoint advisory committees in respect of such sector or sectors as he may determine. Appointment and functions of advisory committees.

(2) An advisory committee shall, for the better carrying out of the provisions of this Act, advise the Authority on such matters and perform such other functions as the Minister may specify in the instrument of appointment.

(3) The members of the committee shall be appointed by the Minister and shall hold office for such period and on such terms and conditions as the Minister may deem appropriate.

(4) Each committee shall consist of one member representing the Authority as Chairperson and such other members as the Minister may deem fit to appoint.

(5) The provisions of articles 5(5)(a) and (b) and 5(6) shall, *mutatis mutandis*, apply to the members of the advisory committees.

(6) Each advisory committee shall keep minutes of all meetings and shall forward copies of such minutes to the Authority.

34. (1) The meetings of advisory committees shall be called by the Chairperson as often as may be necessary but at least once a month either on his own initiative or at the request of any two of the other members. Provisions with respect to proceedings of advisory committees.

(2) Half the number of members for the time being constituting an advisory committee 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 his 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 advisory committee.

(3) Subject to the provisions of this Act, an advisory committee may regulate its own procedure.

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

(5) Any member of an advisory committee 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, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest, 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 him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

(6) All acts done by any person acting in good faith, as a member of an advisory committee shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of an advisory committee shall be questioned on the ground of the contravention, by a member, of the provisions of subarticle (5).

Part VII

Collection of information and access to records.

Collection of information.

35. The Director General may prepare forms, questionnaires and other records for the collection of information under this Act and the instructions necessary for their proper completion, and shall specify the date or period within which these completed forms, questionnaires and other records or the required information shall be returned to the Authority.

Provision of information.

36. (1) Notwithstanding anything contained in any other law enjoining secrecy, the Director General or an officer of statistics may, for the purposes of obtaining statistical information relating to any matter specified in the First Schedule, require any person or undertaking to -

- (a) complete a form, questionnaire or other record;
- (b) answer any questions; and
- (c) provide any information or records,

and any information so obtained shall be subject to the restrictions on use and prohibition on disclosure of information specified in articles 40 and 41.

(2) In prescribing a requirement on persons and undertakings to provide information under subarticle (1), the Director General shall specify in particular -

- (a) the general nature of the information required;
- (b) the frequency with which it is to be provided; and
- (c) the persons or undertakings, or classes of persons or undertakings, required to provide it.

(3) In the case of the holding of any census of population and housing, the relevant order shall be prescribed by the Prime Minister, acting on the advice of the Authority.

37. (1) For the purposes of article 36, a request to provide information shall be sufficient -

Requests for information.

(a) in the case of an individual person, if a notice addressed to that person is delivered to his last known place of residence, employment or business;

(b) in the case of an undertaking, if a notice is delivered to the premises from which it operates or conducts its affairs using its trading name, or to any individual person involved in its management, including a receiver or liquidator or administrator, at his place of business or residence.

(2) Where the information which a person or undertaking claims to have provided in compliance with a request by the Director General is not in possession of the Office, the Director General may by delivery of a further notice direct that person or undertaking to provide that information.

38. Notwithstanding anything contained in any other law enjoining secrecy, any person or undertaking who holds records from which, in the opinion of the Director General, information relating to matters specified in the First Schedule can be obtained, shall grant to

Access to records.

the Director General or an officer of statistics access to such records for obtaining the said information.

Part VIII
Use of Records of Public Authorities and
Protection of Collected Information

Access to records.

39. (1) The Director General may -

(a) on delivery of a notice, request any public authority to allow officers of statistics at all reasonable times to access, to inspect and to take copies of or extracts from any records in its charge; and

(b) request any public authority to consult and cooperate with him for the purpose of assessing the potential of the records of the authority as a source of statistical information and, where appropriate and practicable, developing its recording methods and systems for statistical purposes, and the public authority shall comply with any such request, in so far as resources permit.

(2) If any public authority intends to carry out activities with statistical implications, it shall consult, for coordination, with the Office and accept any recommendations the Office may make.

Restrictions on use of information.

40. All information furnished by any person, undertaking or public authority under this Act shall be used only for the purpose of statistical compilation and analysis.

Prohibition of disclosure of information.

41. (1) No information obtained in any way under this Act which can be related to an identifiable person or undertaking shall, except with the written consent of that person or undertaking or the personal representative or next-of-kin of that person, if he be deceased, be disseminated, shown or communicated to any person or body except -

(a) for the purposes of a prosecution for an offence under this Act, or

(b) to officers of statistics in the course of their duties under this Act.

(2) The Minister may, with the concurrence of the Authority, by regulations, from time to time, prescribe such further prohibition on the disclosure of identifiable records or information obtained under this Act, as he may deem appropriate.

42. (1) The Minister may, after consultation with the Authority, by order add to, vary, or amend the First Schedule. Power to make regulations.

(2) The Minister may, after consultation with the Authority, make regulations in respect of any of the functions of the Authority, for the establishment of directorates which may be required to be established under this Act, and for the better carrying out of any of the provisions of this Act.

Part IX Offences and Penalties

43. (1) The Authority may impose administrative penalties amounting to one hundred liri - Administrative penalties.

(a) on any person for failure to respect the deadline for the provision of information laid down pursuant to article 36; and

(b) on any person who fails, refuses to provide, or provides incorrect information, on any requested information in response to a request from the Director General under the provisions of article 36 or 39.

(2) (a) Any person who, being required to furnish a questionnaire for a particular period, does not furnish that questionnaire within the time laid down in the relevant questionnaire shall be liable to an administrative penalty of fifty liri, for every month or part thereof that elapses from the date by which the questionnaire should have been furnished.

(b) Any person who receives a questionnaire, but is no longer subject to answering that questionnaire, shall so inform the Office. Failure to inform the Office as aforesaid will render such person liable to an administrative penalty of fifty liri, for every month or part thereof that elapses from the date by which the questionnaire should have been furnished.

(3) Any administrative penalty to which a person becomes liable in terms of this Act shall be due and payable by that person, and that person shall not be relieved from a higher or from a further penalty to which he may have become or may become liable in terms of the relevant provisions of this Act.

(4) A penalty under subarticle (1) shall again become due when a new deadline is set by the Office for compliance. Penalties under subarticle (2) shall accrue until the information required is provided.

(5) In special cases, where there are very compelling reasons to do so, the Authority may waive compulsory penalties wholly or in part.

Cap. 12.

(6) Administrative penalties shall be due to the Authority as a civil debt, and the provisions of article 466 of the Code of Organization and Civil Procedure, shall, *mutatis mutandis*, apply thereto.

Offences.

44. Without prejudice to any other liability under any other law, any person who -

(a) wilfully prevents or obstructs the Director General or any other officer of statistics from carrying out his duties under the provisions of this Act; or

(b) misuses information provided under this Act or wilfully discloses information relating to any identifiable person or undertaking; or

(c) not being an officer of statistics, represents himself as being an officer of statistics; or

(d) wilfully destroys, damages or falsifies any document or record issued for the collection of statistics in compliance with a requirement made under article 35,

shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than one thousand liri, or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Unlawful
exercise of
public function.

45. Without prejudice to any other liability under any other law, any officer of statistics who -

(a) acts in contravention of the oath referred to in article 17; or

(b) in the pretended performance of his functions as such officer, obtains or attempts to obtain, from a person or undertaking, any information which he is not lawfully entitled to obtain from that person or undertaking; or

(c) wilfully fails to return to the Office a document or record collected from a person or undertaking under this Act, or fails to keep any document or record containing information, collected under this Act, in his custody in such manner as to ensure that unauthorised persons will not have

access thereto,

shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand liri or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Part X **Repeals and savings**

46. (1) The Statistics Act, hereinafter referred to as "the repealed Act", is hereby repealed.

Repeal and
saving.
Cap. 142.

(2) Notwithstanding the provisions of subarticle (1), any subsidiary legislation made under any of the provisions of the repealed Act shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if made under this Act.

(3) Any authority or order granted or made under any of the provisions of the repealed Act, and still in force immediately before the coming into force of this Act, shall continue in force thereafter as if it were an authority or order granted or made under a corresponding provision of this Act, and any such authority or order as aforesaid shall be treated and dealt with accordingly.

(4) All data collected under the repealed Act shall be construed as data collected under the corresponding provisions of this Act, and shall be subject to the restrictions on use and prohibition on disclosure of information specified in articles 40 and 41.

FIRST SCHEDULE

(Articles 10(1), 36(1), 38, and 42(1))

Matters in respect of which statistics may be collected, prepared and published

- (a) Population and housing.
- (b) Immigration and emigration, internal and external passenger movement and tourism.
- (c) Vital occurrences, morbidity, health and nutrition.

- (d) Social matters including education, public entertainment, social security and welfare, criminal and judicial matters, juvenile delinquency, public information, public administration and government.
- (e) Land tenure, occupation and condition of land and the produce thereof, occupation and condition of buildings, rent payable or receivable in respect of land and buildings and the annual value of land and buildings.
- (f) Environmental and related statistics.
- (g) Primary and secondary production, including construction, building, personal and other services, power, machinery, transport equipment, water and electricity.
- (h) Industry and merchandising.
- (i) Stocks of manufactured and unmanufactured goods.
- (j) Livestock.
- (k) Imports and exports.
- (l) Trade and commerce.
- (m) Transport and communication in all forms by land, water and air, including post, telephones, telegraph, radio and electronic transmission.
- (n) Occupations, employment, unemployment and payrolls.
- (o) Salaries, wages, hours and conditions of work.
- (p) Industrial disturbances and disputes.
- (q) Injuries, accidents and compensation.
- (r) Wholesale and retail prices and cost of living.
- (s) Banking and finance, including external balance of payments.
- (t) Associations, societies or corporations for profit or otherwise.
- (u) Marine, fire, life, accident and other insurance.
- (v) Incomes, earnings, profits, interests, fees and other

payments for services rendered.

- (w) National income, output and expenditure and capital formation.
- (x) Any other matter so determined by the Director General after consultation with the Authority.

SECOND SCHEDULE

(Article 17)

Form of Oath

I, swear/solemnly affirm that I will fully and honestly fulfil my duties as an officer of statistics in conformity with the requirements of the Malta Statistics Authority Act, 2000, and of all orders made thereunder, and that I will not, except in the performance of my duties under that Act and such orders, disclose or make known during my service as an officer of statistics or at any time thereafter, any matter which comes to my knowledge relating to any person, household or undertaking by reason of my service as an officer of statistics. (So help me God.)

Objects and reasons

The objects of the Bill are to provide for the establishment of an Authority and for the exercise by or on behalf of that Authority of regulatory functions regarding resources relating to the collection, compilation and publication of official statistics.