

Nru. 166

15. 5. 96

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Josef Bonnici, Ministru għas-Servizzi Ekonomiċi u moqri għall-Ewwel Darba fis-Seduta tas-27 ta' Marzu, 1996.

A **BILL** introduced by the Honourable Josef Bonnici, Minister for Economic Services and read for the First Time at the Sitting of 27th March, 1996.

ATT biex jemenda l-Att dwar il-Bord ta' *Standards* ta' Malta biex jipprovdni għal twaqqif ta' awtorità awtonoma għal *Standards* u hwejjeġ ohra anċillari.

AN ACT to amend the Malta Board of Standards Act to provide for the establishing of an autonomous authority for Standards and ancillary matters.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

*ATT biex jemenda l-Att dwar il-Bord ta' 'Standards' ta' Malta
biex jipprovdi għal twaqqif ta' awtorità awtonoma għal 'Standards'
u hwejjeġ ohra ancillari.*

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:—

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1996 li jemenda l-Att dwar il-Bord ta' *Standards* ta' Malta, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar il-Bord ta' *Standards* ta' Malta, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 187.

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

2. Fit-titolu li għandu l-Att prinċipali minflok il-kliem "Bord ta' *Standards* ta' Malta" għandhom jidhlu l-kliem "Awtorità ta' Malta għall-Ghemil ta' *Standards*"; u minflok il-kliem "Att dwar il-Bord ta' *Standards* ta' Malta" għandhom jidhlu l-kliem "Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*".

Emenda tat-titolu.

3. Fl-artikolu 1 ta' l-Att prinċipali, minflok il-kliem "l-Att dwar il-Bord ta' *Standards* ta' Malta" għandhom jidhlu l-kliem "Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*".

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

4. Fl-artikolu 2 ta' l-Att prinċipali:—

(a) minflok it-tifsira ta' "Bord" ghandu jidhol dan li ġej:

“ "Awtorità" tfisser l-Awtorità ta' Malta għall-Ghemil ta' *Standards*”; u

(b) fit-tifsira ta' "liċenza" minflok il-kliem "mill-Bord" ghandhom jidhlu l-kliem "mill-Awtorità".

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

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

(a) minflok is-subartikoli (1) sa (4) tiegħu, ghandu jidhol dan li ġej:

“(1) Ghandha titwaqqaf Awtorità, li tissejjah l-Awtorità ta' Malta għall-Ghemil ta' *Standards*, li teżercita u taqdi l-funzjonijiet lilha mogħtija b'dan l-Att.

(2) L-Awtorità titmexxa minn Kunsill li jkun magħmul kif ġej:—

(a) *Chairman*, li jinhatar mill-Prim Ministru;

(b) id-Direttur ta' l-Industrija *ex officio* li jkun Viċi-*Chairman*;

(ċ) il-Kontrollur tad-Dwana *ex officio*;

(d) id-Direttur għall-Affarijiet tal-Konsumatur *ex officio*;

(f) id-Direttur għall-Protezzjoni ta' l-Ambjent *ex officio*;

(g) id-Direttur tas-Sahha Pubblika *ex officio*;

(h) membru li jinhatar mill-Ministru wara konsultazzjoni mal-Kamra tal-Periti, mal-Kamra ta' l-Inġinieri Professionali u mal-Kamra ta' l-Ispizjara;

(i) membru li jinhatar mill-Kunsill ta' l-Università ta' Malta;

(j) rappreżentant tal-Kunsill Malti għax-Xjenza u t-Teknoloġija, li jinhatar mill-Prim Ministru;

(k) membru li jinhatar mill-Kamra tal-Kummerċ; u

(j) membru li jinhatar mill-Federazzjoni ta' l-Industriji.

(3) Il-membri tal-Kunsill li ma jkunux daww imsemmija fil-paragrafi (b) sa (g) tas-subartikolu (2) ghandhom jinhatru ghal żmien ta' mhux iktar minn tliet snin u jistghu jerġghu jigu hekk mahtura.

(4) Il-membri tal-Kunsill ghandhom jirċievu dik ir-rimunerazzjoni li l-Ministru jista' jordna.”;

(b) fis-subartikoli (5) u (6) tieghu minflok il-kliem “Bord” kull fejn tidher ghandha tidhol il-kelma “Awtorità”, u fis-subartikolu (7) minflok il-kliem “il-Bord ghandu jirregola l-proċeduri tieghu” ghandhom jidhlu l-kliem “l-Awtorità ghandha tirregola l-proċeduri taghha”;

(ċ) fis-subartikolu (6) tieghu minflok il-kliem “erba' membri” ghandhom jidhlu l-kliem “sitt membri”;

(d) minnufih wara s-subartikolu (7) tieghu ghandhom jizdiedu dawn is-subartikoli li ġejjin:

“(8) Il-Kunsill jista' jaġixxi minkejja kull vakanza fih sakemm ikun hemm preżenti *quorum*.

(9) Iċ-*Chairman* ikollu vot originali u fil-każ ta' voti ndaq, vot iehor jew *casting vote*.

(10) L-Awtorità tkun l-awtorità f'Malta li tkun fdata bil-koordinazzjoni ta' l-għemil ta' *standards* u attivitajiet li ghandhom x'jaqsmu ma' dan, u fit-twettiq tal-funzjonijiet taghha taht din il-liġi jew xi liġi ohra, din m'għandhiex tkun, kemm-il darba ma jinghadx xort' ohra espressament, taht id-direzzjoni jew kontroll ta' xi persuna jew awtorità.

(11) L-Awtorità tista', bi ftehim mal-Ministru, taghmel kull ftehim ma' xi persuna jew awtorità li bihom dik il-persuna jew awtorità ghandha f'isem l-Awtorità twettaq daww il-funzjonijiet u servizzi bħalma huma b'din il-liġi jew kull liġi ohra assenjati lill-Awtorità.

(12) L-Awtorità ikollha personalità ġuridika distinta minn dik tal-Gvern, u r-rappreżentanza ġuridika tagħha tkun tvesti fiċ-*Chairman*. L-assi u kull proprjetà li l-Awtorità jkollha għandhom madankollu jkunu proprjetà tal-Gvern u l-Awtorità tkun biss responsabbli għall-amministrazzjoni tagħhom waqt li tkun qed tiehu hsiebhom, u għandha tiddisponi minnhom skond dawk id-direttivi li l-Ministru jista' minn żmien għal żmien jagħti lill-Awtorità.”.

Emenda ta' l-artikoli 5, 6, 7 u 17 ta' l-Att prinċipali.

6. Fl-artikoli 5, 6, 7 u 17 ta' l-Att prinċipali, minflok il-kelma “Bord” kull fejn tinsab, għandha tidhol il-kelma “Awtorità”, u fit-test Malti ta' l-istess artikoli l-ġens għandu jiġi emendat kif hekk mehtieg.

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

7. L-artikolu 18 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tiegħu minflok il-kliem “mill-Bord” għandhom jidhlu l-kliem “mill-Awtorità”;

(b) il-paragrafu (e) tiegħu għandu jiġi enumerat mill-ġdid bhala l-paragrafu (f); u

(c) minnufih wara l-paragrafu (d) tiegħu, għandu jidhol dan li ġej:

“(e) li jippreskrivu kull haġa li tkun jew li tista' tiġi preskritta skond dan l-Att; u”.

Emendi konsegwenzjali f'liġijiet oħra. Kap. 10.

8. (1) Fis-subartikolu (1) ta' l-artikolu 189 tal-Kodiċi tal-Liġijiet tal-Pulizija, minflok il-kliem “fl-uffiċċju tad-Direttur għall-Affarijiet tal-Konsumatur” għandhom jidhlu l-kliem “fl-uffiċċju ta' l-Awtorità ta' Malta għall-Ghemil ta' *Standards*”.

Kap. 39.

(2) L-Ordinanza dwar l-Użu u l-Kejl, għandha tiġi emendata kif ġej:

(a) minnufih qabel it-tifsira ta' “imbullar” fl-artikolu 2 ta' l-Ordinanza għandha tiżdied din it-tifsira li ġejja:

“ “Awtorità” tfisser l-Awtorità ta' Malta għall-Ghemil ta' *Standards* imwaqqfa bl-artikolu 3 ta' l-Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*;”;

(b) l-artikolu 6 ta' l-Ordinanza għandu jiġi emendat kif ġej:

(i) id-dispożizzjoni li hemm għandha tiġi enumerata mill-ġdid bhala s-subartikolu (1) tagħha; u

(ii) minnufih wara s-subartikolu (1) tieghu kif enumerat mill-ġdid għandu jiżdid dan is-subartikolu (2) ġdid li ġej:

“(2) L-Awtorità tista’ minn żmien għal żmien tistabbilixxi *standards* ta’ kejl, użin jew tiqjis iehor li jidhol minflok jew b’żieda ma’ dawk stabbiliti taht is-subartikolu (1) ta’ dan l-artikolu, u meta jkunu ġew hekk stabbiliti dawk l-*standards* mill-Awtorità il-qjies u l-piż ta’ kull kejl u użin f’Malta għandu jiġi stabbilit skondhom.”;

(ċ) minflok il-kliem “Direttur għall-Affarijiet tal-Konsumatur” fl-artikoli 7, 13, 14, 15 u 19 ta’ l-Ordinanza, għandha tidhol il-kelma “Awtorità”;

(d) minflok il-kliem “l-President ta’ Malta” fl-artikolu 8 ta’ l-Ordinanza għandhom jidhlu l-kliem “l-Awtorità”; u

(e) minflok il-kliem “il-Ministru responsabbli għall-affarijiet tal-konsumatur” fl-artikoli 15, 18, 26 u 28, għandhom jidhlu l-kliem “il-Ministru responsabbli għall-industrija”.

(3) L-Att dwar il-Kontroll fuq il-Kwalità (Esportazzjonijiet, Kap. 225. Importazzjonijiet u Oġġetti Lokali), għandu jiġi emendat kif ġej:

(a) fit-titolu tieghu, minflok il-kliem “lill-Bord ta’ *Standards* ta’ Malta li jistabbilixxi” għandhom jidhlu l-kliem “lill-Awtorità ta’ Malta għall-Ghemil ta’ *Standards* li tistabbilixxi”;

(b) minflok it-tifsira ta’ “Bord” fl-artikolu 2 tieghu, għandu jidhol dan li ġej:

“ “Awtorità tfisser l-Awtorità ta’ Malta għall-Ghemil ta’ *Standards* imwaqqfa bl-artikolu 3 ta’ l-Att dwar l-Awtorità ta’ Malta għall-Ghemil ta’ *Standards*.”;

(ċ) minflok il-kelma “Bord” kull fejn tidher fl-Att, għandha tidhol il-kelma “Awtorità”, u fit-test Malti fl-istess Att il-ġens għandu jiġi emendat kif hekk mehtieg;

(d) fl-artikolu 3 ta’ l-Att minflok il-kliem “d-Direttur ta’ l-Industrija” għandhom jidhlu l-kliem “il-Ministru”;

(e) fl-artikoli 6, 9 u 11 ta’ l-Att minflok il-kliem “d-Direttur ta’ l-Industrija” kull fejn jinsabu għandhom jidhlu l-kliem “l-Awtorità”.

Kap. 231.

(4) L-Att dwar Hwejjeg ta' l-Ikel, Medicinali u Ilma tax-Xorb, ghandu jigi emendat kif gej: —

(a) fl-artikolu 2 ta' l-Att —

(i) minnufih qabel il-frazi “awtorità” sanitarja” ghandha tidhol din it-tifsira ġdida li ġejja:

“ “Awtorità” tfisser l-Awtorità ta' Malta ghall-Ghemil ta' *Standards* imwaqqfa bl-artikolu 3 ta' l-Att dwar l-Awtorità ta' Malta ghall-Ghemil ta' *Standards*;”
u

(ii) it-tifsira ta' “Bord dwar *Standards* ta' Hwejjeg ta' l-Ikel” ghandha tithassar;

(b) l-artikolu 3 ta' l-Att ghandu jithassar; u

(c) fis-subartikolu (2) ta' l-artikolu 4 ta' l-Att minflok il-kliem “tal-Bord dwar *Standards* ta' hwejjeg ta' l-Ikel” ghandhom jidhlu l-kliem “ta' l-Awtorità”.

Att Nru. XXVIII
ta' l-1994.

(5) Fl-artikolu 43 ta' l-Att ta' l-1994 dwar l-Affarijiet tal-Konsumatur, il-kliem “l-Ordinanza dwar l-Uzin u l-Kejl,” u “Kap. 39.” fil-margni biswit l-artikolu, ghandhom jithassru.

Kif jinftehm
liġijiet oħra.

9. Kull referenza f' xi liġi oħra ghall-Bord ta' *Standards* ta' Malta u ghall-Att dwar il-Bord ta' *Standards* ta' Malta, ghandha titqies u tinftihem bhala referenza ghall-Awtorità ta' Malta ghall-Ghemil ta' *Standards* u ghall-Att dwar l-Awtorità ta' Malta ghall-Ghemil ta' *Standards* rispettivament.

Ghanijiet u Raġunijiet

L-Ghan ta' l-Abbozz hu sabiex iwaqqaf l-Awtorità ta' Malta ghall-Ghemil ta' *Standards* u sabiex jagħmel emendi konsegwenzjali lil għadd ta' liġijiet.

**A BILL
entitled**

AN ACT to amend the Malta Board of Standards Act to provide for the establishing of an autonomous authority for Standards and ancillary matters.

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

1. (1) This Act may be cited as the Malta Board of Standards (Amendment) Act, 1996, and shall be read and construed as one with the Malta Board of Standards Act, hereinafter referred to as “the principal Act”.

Short title and commencement.
Cap. 187.

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

2. In the title to the principal Act for the words “Malta Board of Standards”, there shall be substituted the words “Malta Standardisation Authority”; and for the words “Malta Board of Standards Act” there shall be substituted the words “Malta Standardisation Authority Act”.

Amendment of title.

3. In section 1 of the principal Act, for the words “Malta Board of Standards Act” there shall be substituted the words “Malta Standardisation Authority Act”.

Amendment of section 1 of the principal Act.

Amendment of section 2 of the principal Act.

4. In section 2 of the principal Act:—

(a) for the definition of “Board” there shall be substituted the following:

“ “Authority” means the Malta Standardisation Authority;” and

(b) in the definition of “licence” for the word “Board” there shall be substituted the word “Authority”.

Amendment of section 3 of the principal Act.

5. Section 3 of the principal Act shall be amended as follows:

(a) for subsections (1) to (4) thereof, there shall be substituted the following:

“(1) There shall be established an Authority, to be called the Malta Standardisation Authority, which shall exercise and perform the functions assigned to it by this Act or by any other law.

(2) The Authority shall be governed by a Council which shall be composed as follows:—

(a) A Chairman, appointed by the Prime Minister;

(b) the Director of Industry *ex officio* who shall be Deputy Chairman;

(c) the Comptroller of Customs *ex officio*;

(d) the Director of Agriculture *ex officio*;

(e) the Director of Consumer Affairs *ex officio*;

(f) the Director (Environment Protection) *ex officio*;

(g) the Director (Public Health) *ex officio*;

(h) a member appointed by the Minister after consultation with the Chamber of Architects, the Chamber of Professional Engineers and the Chamber of Pharmacists;

(i) a member appointed by the Council of the University of Malta;

(j) a representative of the Malta Council for Science and Technology, appointed by the Prime Minister;

(k) a member appointed by the Chamber of Commerce; and

(l) a member appointed by the Federation of Industries.

(3) The members of the Council other than those referred to in paragraphs (b) to (g) of subsection (2) shall be appointed for a period not exceeding three years and shall be eligible to be reappointed.

(4) The members of the Council shall receive such remuneration as the Minister may prescribe.”;

(b) in subsections (5), (6) and (7) thereof for the word “Board” wherever it appears, there shall be substituted the word “Council”;

(c) in subsection (6) thereof for the word “four members” there shall be substituted the words “six members”;

(d) immediately after subsection (7) thereof there shall be added the following subsections:

“(8) The Council may act notwithstanding any vacancy as long as a quorum is present.

(9) The Chairman shall have an original and in the case of equality of votes a second or casting vote.

(10) The Authority shall be the authority in Malta entrusted with the coordination of standardisation and related activities, and in the exercise of its functions under this or any other law, it shall, unless otherwise expressly provided, not be under the direction or control of any person or authority.

(11) The Authority may with the concurrence of the Minister, enter into agreements with any person or authority whereby such person or authority shall on behalf of the Authority carry out such functions and services as are by this or any other law assigned to the Authority.

(12) The Authority shall have a legal personality distinct from that of the Government, its legal representation shall vest in the Chairman. The assets and other properties held by the Authority shall however be the property of the Government and the Authority shall only have their administration during such tenure, and shall dispose of them in accordance with such directions as the Minister may from time to time give to the Authority.”.

Amendment of sections 5, 6, 7 and 17 of the principal Act.

6. For the word “Board” wherever it appears in sections 5, 6, 7 and 17 of the principal Act, there shall be substituted the word “Authority”, and in the Maltese text of the same sections the gender is to be amended accordingly.

Amendment of section 18 of the principal Act.

7. Section 18 of the principal Act shall be amended as follows:

(a) in paragraph (b) thereof for the word “Board” there shall be substituted the word “Authority”;

(b) paragraph (e) thereof shall be renumbered as paragraph (f), and

(c) immediately after paragraph (d) thereof, there shall be inserted the following:

“(e) prescribing anything that is or may be prescribed under this Act; and”.

Consequential amendments to other laws. Cap. 10.

8. (1) In subsection (1) of section 189 of the Code of Police Laws, for the words “at the office of the Director of Consumer Affairs” there shall be substituted the words “at the office of the Malta Standardisation Authority”.

Cap. 39.

(2) The Weights and Measures Ordinance, shall be amended as follows:

(a) immediately before the definition of “stamping” in section 2 thereof there shall be added the following definition:

“ “Authority” means the Malta Standardisation Authority established by section 3 of the Malta Standardisation Authority Act;”;

(b) section 6 thereof shall be amended as follows;

(i) the present provision shall be renumbered as subsection (1) thereof; and

(ii) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection (2):—

“(2) The Authority may from time to time determine standards of size, weight or other mensuration in substitution of, or in addition to, those established under subsection (1) of this section, and when such standards have been so determined by the Authority the size and weight of all measures and weights in Malta shall be determined thereby.”;

(c) for the words “Director of Consumer Affairs” in sections 7, 13, 14, 15 and 19 thereof, there shall be substituted the word “Authority”;

(d) for the words “President of Malta” in section 8 thereof there shall be substituted the word “Authority”; and

(e) for the words “Minister responsible for consumer affairs” in sections 15, 18, 26 and 28, there shall be substituted the words “Minister responsible for industry”.

(3) The Quality Control (Exports, Imports and Local Goods) Act, shall be amended as follows: Cap. 225.

(a) in the title thereof for the words “Malta Board of Standards” there shall be substituted the words “Malta Standardisation Authority”;

(b) for the definition of “Board” in section 2 thereof, there shall be substituted the following:

“ “Authority” means the Malta Standardisation Authority established by section 3 of the Malta Standardisation Authority Act;”;

(c) for the word “Board” wherever it appears in the Act, there shall be substituted the word “Authority”, and in the Maltese text of the same sections the gender is to be amended accordingly;

(d) in section 3 thereof for the words “Director of Industry” there shall be substituted the word “Minister”;

(e) in sections 6, 9 and 11 thereof for the words “Director of Industry” wherever they appear there shall be substituted the word “Authority”.

(4) The Food, Drugs and Drinking Water Act, shall be amended as follows:

(a) in section 2 thereof —

(i) immediately after the definition of “Authorised officer” there shall be inserted the following new definition:

“ “Authority” means the Malta Standardisation Authority established by section 3 of the Malta Standardisation Authority Act;”;

(ii) the definition of “Food Standards Board” shall be deleted;

(b) section 3 thereof shall be deleted; and

(c) for the words “Food Standards Board” in subsection (2) of section 4 thereof there shall be substituted the word “Authority”.

(5) In section 43 of the Consumers Affairs Act 1994 the words “the Weights and Measures Ordinance,” and the words “Cap. 39” in the marginal note thereto, shall be deleted.

9. Any reference in any other law to the Malta Board of Standards and to the Malta Board of Standards Act, shall be deemed and construed as a reference to the Malta Standardisation Authority and the Malta Standardisation Authority Act, respectively.

Objects and Reasons

The object of the Bill is to set up the Malta Standardisation Authority and to make consequential amendments to a number of laws.