Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 16,254, 18 ta' Marzu, 1996
Taqsima C

Nru. 164

18. 3. 96

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Viċi Prim Ministru u Ministru ta' l-Affarijiet Barranin f'isem l-Onor. Eddie Fenech Adami, M.P., Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Marzu, 1996.

ATT ta' l-1996 li jemenda l-Kostituzzjoni ta' Malta.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Deputy Prime Minister and Minister of Foreign Affairs on behalf of the Hon. Eddie Fenech Adami, M.P., Prime Minister, and read the First time at the Sitting of the 13th March, 1996.

AN ACT to amend the Constitution of Malta.

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT ta' l-1996 li jemenda l-Kostituzzjoni ta' Malta

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

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1996 li jemenda l-Kostituzzjoni ta' Malta, u għandu jinqara u jiftiehem ħaġa waħda mal-Kostituzzjoni ta' Malta, hawnhekk iżjed 'il quddiem imsejħa "il-Kostituzzjoni". Titolu fil-qosor u bidu fis-seħħ.

(2) Dan l-Att għandu jibda fis-seħħ minnufih wara x-xoljiment tal-Parlament li jaħbat wara l-ħruġ tiegħu b'liġi.

2. Minflok il-proviso għas-subartikolu (1) ta' l-artikolu 52 tal-Kostituzzjoni għandu jidħol dan li ġej: Emenda ta' l-artikolu 52 tal-Kostituzzjoni.

"Iżda meta —

(i) f'xi elezzjoni ġenerali, partit politiku wieħed jikseb fit-total kollu aktar minn ħamsin fil-mija tal-voti validi kollha mitfugħin f'dik l-elezzjoni, kif akkreditati lill-kandidati tiegħu mill-Kummissjoni Elettorali fl-ewwel għadd tal-voti kollha, iżda n-numru tal-kandidati tiegħu eletti f'dik l-elezzjoni jkun anqas mit-total tal-kandidati l-oħra li jiġu eletti; jew

(ii) f'elezzjoni ġenerali li tkun kontestata minn aktar minn żewġ partiti politiċi u li fiha kandidati minn tnejn biss minn dawn il-partiti jiġu eletti, partit politiku jġib perċentwali tal-voti validi kollha mitfugħin f'dik l-elezzjoni, kif akkreditati lill-kandidati ta' dak il-partit mill-Kummissjoni Elettorali fl-ewwel għadd tal-voti kollha, li tkun aktar minn dik il-perċentwali li jġib xi partit wieħed ieħor, iżda n-numru tal-kandidati eletti għall-istess partit f'dik l-elezzjoni jkun anqas min-numru tal-kandidati l-oħra hekk eletti,

in-numru tal-membri tal-Kamra tad-Deputati għandu jiżdied bin-numru ta' membri li jkun meħtieġ biex il-partit li jġib aktar minn ħamsin fil-mija, jew il-perċentwali ogħla, tal-voti validi kollha, kif ikun il-każ, ikollu membru wieħed aktar mit-total tal-kandidati l-oħra eletti f'dik l-elezzjoni; u f'kull każ bħal dan, dawk il-kandidati għandhom jiġu dikjarati mill-Kummissjoni Elettorali bħala eletti biex jimlew il-postijiet addizzjonali miżjuda b'dan il-proviso illi, billi jkunu kandidati tal-partit l-aħħar imsemmi f'dik l-elezzjoni, kienu ġew akkreditati mill-Kummissjoni Elettorali fl-aħħar għadd bl-ogħla jew l-eqreb ogħla numru ta' voti mingħajr ma jkunu ġew eletti rrispettivament minn liema jkun id-distrett elettorali li fih jirrikorri dak l-ogħla jew l-eqreb ogħla numru ta' voti.".

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz hu li jissostitwixxi l-proviso għas-subartikolu (1) ta' l-artikolu 52 tal-Kostituzzjoni biex jestendi d-dispożizzjonijiet tiegħu anke għal ċerti każi fejn ebda partit ma jkun ġab ħamsin fil-mija tal-voti mitfugħin f'elezzjoni.

A BILL
entitled

An Act to amend the Constitution of Malta

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 Constitution of Malta (Amendment) Act, 1996, and shall be read and construed as one with the Constitution of Malta, hereinafter referred to as "the Constitution". Short title and commencement.

(2) This Act shall come into force immediately after the dissolution of Parliament next following its enactment.

2. For the proviso to subsection (1) of section 52 of the Constitution there shall be substituted the following: Amendment of section 52 of the Constitution.

"Provided that where —

(i) at any general election, a political party obtains in the aggregate more than fifty per centum of all the valid votes cast at that election, as credited to its candidates by the Electoral Commission at the first count of all the votes, but the number of its candidates elected at such election is less than the total of all the other candidates so elected; or

(ii) at a general election which is contested by more than two political parties and in which only candidates of two of such parties are elected, a political party obtains a percentage of all the valid votes cast at such election, as credited to its candidates by the Electoral Commission at the first count of all the votes, which is greater than that obtained by any one other party, but the number of its candidates elected at such election is less than the number of the other candidates so elected,

the number of members of the House of Representatives shall be increased by as many members as may be necessary in order that the party obtaining more than fifty per centum, or the larger percentage, of all the valid votes, as the case may be, shall have one member more than the total of the other candidates elected at that election; and, in any such case, such persons shall be declared by the Electoral Commission to be elected to fill the additional seats created by this proviso who, being candidates of the party last mentioned at such elections, were credited by the Electoral Commission at the last count, with the highest or next higher number of votes without being elected, irrespective of the division in which such highest or higher number of votes occurs.".

Objects and Reasons

The Object of the Bill is to substitute the proviso to subsection (1) of section 52 of the Constitution making the provisions thereof also applicable in certain cases where no single party has obtained fifty per centum of all the valid votes cast at an election.

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