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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru u moqri għall-Ewwel darba fis-Seduta ta' 1-24 ta' Lulju, 1995.

ATT b'leż jissostitwixxi l-artikolu 6 ta' l-Ordinanza dwar is-Sigrietġ Uffiċjali b'dispożizzjonijiet li jipproteġu kategoriji ta' informazzjoni uffiċjali aktar limitati.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister and read for the First time at the Sitting of the 24th July, 1995.

AN ACT to replace section 6 of the Official Secrets Ordinance by provisions protecting more limited classes of official information.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jissostitwixxi l-artikolu 6 ta' l-Ordinanza dwar is-Sigrieti Uffiċjali b' dispożizzjonijiet li jipproteġu kategoriji ta' informazzjoni uffiċjali aktar limitati.

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-1995 li jemenda l-Ordinanza dwar is-Sigrieti Uffiċjali, u għandu jinqara u jiftihem bhala haġa wahda ma' l-Ordinanza dwar is-Sigrieti Uffiċjali, hawnhekk iżjed 'il quddiem imsejha "l-Ordinanza".

Titolu
fil-qosor u
bidu fis-sehh.
Kap. 50.

(2) Dan l-Att għandu jibda jsehh f' dik id-data li l-Prim Ministru jista' jistabbilixxi b' avviż fil-Gazzetta u jistghu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għal għanijiet differenti.

2. (1) Minflok il-kliem "Ordinanza dwar is-Sigrieti Uffiċjali" fit-titolu u fl-artikolu 1 ta' l-Ordinanza għandhom jidhlu l-kliem "Att dwar is-Sigrieti Uffiċjali".

Emendi
generali.

(2) L-artikolu 13 ta' l-Ordinanza għandu jithassar, u l-artikoli 7 sa 12 u 14 sa 18 ta' l-Ordinanza għandhom jiġu rispettivament enumerati mill-ġdid bhala l-artikoli 15 sa 20 u l-artikoli 21 sa 25.

(3) (a) Kull referenza f' xi liġi għall-Ordinanza dwar is-Sigrieti Uffiċjali għandha tinqara bhala referenza għall-Att dwar is-Sigrieti Uffiċjali;

(b) Kull referenza fl-Ordinanza jew f'kull ligi ohra li tkun saret qabel id-dhul fis-sehh ta' dan l-Att, ghal xi wiehed mill-artikoli 7 sa 12 u l-artikoli 14 sa 18 ta' l-Ordinanza ghandha tinqara bhala referenza ghall-artikolu rispettiv kif enumerat mill-gdid b'dan l-Att.

(4) Fl-Ordinanza, minbarra fl-artikoli 19 u 24 kif enumerati mill-gdid bis-subartikolu (2) ta' dan l-artikolu, minflok il-kliem "din l-Ordinanza" kull fejn jinsabu ghandhom jidhlu l-kliem "dan l-Att".

Sostituzzjoni
ta' l-artikolu 2
ta' l-Ordinanza.

3. (1) Minflok l-artikolu 2 ta' l-Ordinanza ghandu jidhol dan li ġej:

"Tifsir

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

"dokument" tinkludi wkoll parti ta' dokument;

"funzjonarju pubbliku" tfisser —

(a) Ministru jew Segretarju Parlamentari;

(b) kull ufficjal pubbliku;

(c) kull membru tal-Forzi Armati ta' Malta kif ukoll kull persuna ohra li tkun impjegata jew mahtura f'dawk il-Forzi jew ghall-ghanijiet taghhom;

(d) kull membru tal-Korp tal-Pulizija ta' Malta kif ukoll ta' kull forza dixxiplinata ta' l-Istat, kif ukoll kull persuna ohra li tkun impjegata jew mahtura f'dak il-Korp jew forza jew ghall-ghanijiet taghhom;

(e) kull min ikun membru jew impjegat ta' korp preskritt jew ta' korp ta' kategorija preskritta u li jew ikun preskritt ghall-ghanijiet ta' dan il-paragrafu jew li jkun jappartjeni ghal kategorija preskritta ta' membri jew ta' impjegati ta' korp bhal dak;

(f) kull min ikun detentur ta' kariga preskritta jew li jkun impjegat ta' detentur bhal dak u li jew ikun preskritt ghall-ghanijiet ta' dan il-paragrafu jew li jkun jappartjeni ghal kategorija preskritta ta' dawk l-impjegati;

“kuntrattat mill-Gvern” tfisser, bla hsara ghas-subartikolu (3) ta’ dan l-artikolu, kull min ma jkunx funzjonarju pubbliku iżda li jkun jipprovdi, jew ikun impjegat fil-provvista ta’, oġġetti jew servizzi —

(a) għall-ghanijiet ta’ Ministru jew ta’ Segretarju Parlamentari, ta’ xi wiehed mis-servizzi, forzi jew korpi msemmija fit-tifsira ta’ funzjonarju pubbliku jew tad-detentur ta’ xi kariga preskritta skond dik it-tifsira; jew

(b) taht ftehim jew arrangament li jiġi ċertifikat mill-Prim Ministru jew mill-Ministru bħala wiehed li għalih ikun parti l-gvern ta’ Stat li ma jkunx Malta jew organizzazzjoni internazzjonali jew li jkun subordinat għal, jew magħmul bil-ghan li jimplementa, xi ftehim jew arrangament bhal dak;

“kxiif” u “tikxef” dwar dokument jew oġġett iehor, tinkludi li wiehed jitlaq minn taht idejh il-pussess tieghu;

“Ministru” tfisser dak il-Ministru li minn żmien għal żmien jiġi speċifikat mill-Prim Ministru bħala responsabbli għas-Servizz ta’ Sigurtà;

“mudell” tinkludi disinn, tip u kampjun;

“munizzjon ta’ gwerra” tinkludi l-intier jew parti ta’ bastiment, sottomarin, ajruplan, tank jew makni bhal dawn, armi u munizzjonijiet, torpedni jew mini magħmulin, jew tajbin għal użu ta’ gwerra, u kull oġġett iehor, materjal jew mezz, maħdum jew li qiegħed jinħadem, u li huwa maħsub għal dak l-użu;

“organizzazzjoni internazzjonali” tfisser, bla hsara għas-subartikoli ta’ wara ta’ dan l-artikolu, organizzazzjoni li tagħha huma membri Stati biss u tinkludi referenza għal kull organu ta’ dik l-organizzazzjoni;

“post ipprojbit” tfisser —

(a) kull opra ta’ difiża, tarzna, stabbiliment jew stazzjon navali, militari jew tal-forzi ta’ l-ajru, bil-baħar li jmiss magħhom, officina, baċil, mina, zona imminata, kamp, bastiment jew ajruplani li

huma ta' proprjeta' ta', jew okkupati minn, jew fl-interess tal-Gvern ta' Malta, jew kull telegrafu, telefon, stazzjon jew ufficju ta' telegrafija minghajr fili jew ta' sinjali, li jkunu ta' proprjeta' jew okkupati kif jinghad hawn fuq, u kull post li hu ta' proprjeta' ta', jew li hu okkupat minn, jew fl-interess tal-Gvern ta' Malta u wzat ghall-bini, tiswija, fabbrikazzjoni jew magazzinagg ta' munizzjonijiet ta' gwerra, jew skizzi, pjanti, mudelli, jew dokumenti dwarhom, jew sabiex jittiehdu metalli, zjut, jew minerali ghal uzu fi zmien ta' gwerra; u

(b) kull post li m'huwix tal-Gvern ta' Malta fejn munizzjonijiet tal-gwerra jew skizzi, mudelli, pjanti jew dokumenti dwarhom jinhadmu, jissewwew, jittiehdu jew jinzammu bis-sahha ta' kuntratti maghmulin mal-Gvern ta' Malta, jew ma' persuna fl-interess tal-Gvern ta' Malta, jew xort'ohra fl-isem tal-Gvern ta' Malta; u

(c) kull post li jappartjeni lil, jew uzat fl-interess tal-Gvern ta' Malta illi, f'dak iz-zmien, jigi mill-Prim Ministru dikjarat bhala post ipprobit ghall-finijiet ta' dan l-artikolu minhabba illi informazzjoni dwar dak il-post, jew il-hsara f'dak il-post, tista' tkun utli ghall-ghadu; u

(d) kull triq, passagg, jew kanal, jew mezz iehor ta' komunikazzjoni bl-art jew bil-bahar (komprizi opri jew kostruzzjonijiet li jaghmlu parti minnhom jew li jkunu mghaqqda maghhom) jew kull post uzat ghal xoghlijiet ta' gass, ilma jew ta' elettriku jew xoghlijiet ohra li ghandhom skopijiet ta' karattru pubbliku, jew post li fih ikunu jsiru, jissewwew jew jinzammu, ghalkemm mhux f'isem tal-Gvern ta' Malta, munizzjonijiet ta' gwerra, jew bastimenti, armi jew materjali ohra jew strumenti ta' uzu fi zmien ta' gwerra, jew skizzi, mudelli, pjanti jew dokumenti dwarhom, u illi jkun, ghal dak iz-zmien, gie iddikjarat mill-Prim Ministru li hu post ipprobit ghall-finijiet ta' dan l-artikolu, minhabba li informazzjoni dwarhom, jew id-distribuzzjoni jew kull tfixkil jew xkiel iehor fihom, jista' jkun utli ghall-ghadu;

“preskritt” tfisser preskritt b'ordni maghmul mill-Prim Ministru;

“reat taht dan l-Att” tinkludi kull att, nuqqas, jew haġ’ohra punibbli taht dan l-Att;

“Servizz ta’ Sigurtà” tfisser is-servizz li hemm imsemmi fl-Att ta’ l-1996 dwar is-Servizz ta’ Sigurtà;

“skizz” tinkludi kull xorta ta’ fotografija jew mod iehor ta’ riproduzzjoni ta’ post jew ta’ haġa;

“stat” tinkludi l-gvern ta’ Stat u kull organu tal-gvern tiegħu.

(2) F’dan l-Att:

kull referenza għal fatt ta’ komunikazzjoni jew riċezzjoni, tfisser ukoll kull komunikazzjoni jew riċezzjoni, sew ta’ kollox kemm ta’ parti, u sew jekk jiġi fil-fatt biss ikkomunikat jew irċevut l-istess skizz, pjanta, mudell, oġġett, nota, dokument, jew informazzjoni, kemm biss is-sustanza, l-effett jew deskrizzjoni tagħhom;

kull referenza għal fatt li wiehed jakkwista jew iżomm skizz, pjanta, mudell, oġġett, nota jew dokument tfisser ukoll il-fatt li wiehed jagħmel kopja jew iġiegħel li ssir kopja, shiha jew ta’ biċċa, ta’ skizz, pjanta, mudell, oġġett, nota jew dokument; u

kull referenza għal komunikazzjoni ta’ skizz, pjanta, mudell, oġġett, nota, jew dokument, tfisser ukoll il-fatt li wiehed jittrasferixxi jew jittrasmetti skizz, pjanta, mudell, oġġett, nota jew dokument.

(3) Meta impjegat jew kategorija ta’ impjegati ta’ korp, jew ta’ detentur ta’ kariga, ikun preskritt b’ordni magħmul għall-ghanijiet tat-tifsira ta’ funzjonarju pubbliku fis-subartikolu (1) ta’ dan l-artikolu —

(a) kull impjegat ta’ dak il-korp, jew tad-detentur ta’ dik il-kariga, li ma jkunx preskritt jew li ma jkunx jaqa’ fi hdan il-kategorija preskritta; u

(b) kull min ma jipprovdi, jew ma jkunx impjegat fil-provvista ta’ oġġetti jew servizzi għall-ghanijiet tat-twettieq ta’ dawk il-funzjonijiet tal-korp jew tad-detentur tal-kariga li magħhom ikunu jahdmu l-impjegati jew kategorija preskritta ta’ impjegati,

ma jkunx kuntrattat mill-Gvern għall-ghanijiet ta’ dan l-Att.

(4) (a) Ir-referenza ghal organizzazzjoni internazzjonali fil-paragrafu (b) tat-tifsira ta' kuntrattat mill-Gvern fis-subartikolu (1) ta' dan l-artikolu tinkludi referenza ghal kull organizzazzjoni li tkun wahda li taghha jkunu membri Stati biss u tinkludi organizzazzjoni kummerċjali.

(b) Sabiex jiġi stabbilit ghall-ghanijiet tas-subartikolu (1) ta' dan l-artikolu jekk il-membri ta' organizzazzjoni jkunux Stati biss, kull membru li hu nnifsu jkun organizzazzjoni li taghha jkunu membri stati biss, jew li jkun organu ta' dak l-organu ta' dik l-organizzazzjoni, ghandu jiġi trattat bhala Stat.

Emenda
ta' l-artikolu 4
ta' l-Ordinanza.

4. Fil-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 4 ta' l-Ordinanza, minflok il-kliem "persuna li ghandha, jew li hija fl-impieg ta' persuna li ghandha kariga taht il-Gvern ta' Malta" ghandhom jidhlu l-kliem "funzjonarju pubbliku jew kuntrattat mill-Gvern".

Sostituzzjoni
ta' l-artikolu 6
ta' l-Ordinanza.

5. Minflok l-artikolu 6 ta' l-Ordinanza ghandhom jidhlu dawn l-artikoli 6 sa 14 li ġejjin:—

"Sigurtà.

6. (1) Persuna li tkun jew li kienet —

(a) membru tas-Servizz tas-Sigurtà, jew

(b) persuna avżata li hija suġġetta ghad-dispożizzjonijiet ta' dan is-subartikolu,

tkun hatja ta' reat jekk minghajr awtorità legittima tikxef xi informazzjoni, dokument jew oġġett ieħor li jkollu x'jaqsam mas-sigurtà li jkunu jew kienu ghandha minhabba fil-kariga taghha ta' membru ta' dak is-servizz jew filwaqt tal-hidma taghha meta l-avviż ikun jew kien fis-sehħ.

(2) Ir-referenza fis-subartikolu (1) ta' dan l-artikolu dwar il-kxif ta' informazzjoni li ghandha x'taqsam mas-sigurtà tinkludi referenza ghall-ghemil ta' kull dikjarazzjoni li jkollha l-intenzjoni li tkun kxif ta' dik l-informazzjoni jew li tkun mahsuba li tinftihem minn dawk li tkun lilhom indirizzata bhala kxif bhal dak.

(3) Persuna li tkun jew li kienet funzjonarju pubbliku jew kuntrattat mill-Gvern tkun hatja ta' reat jekk minghajr awtorità legittima tikxef b'mod li taghmel hsara xi informazzjoni, dokument jew oġġett ieħor li jkollu x'jaqsam mas-sigurtà li jkunu jew kienu ghandha minhabba fil-kariga

taghha bhala tali iżda b'mod differenti minn dak imsemmi fis-subartikolu (1) ta' dan l-artikolu.

(4) Għall-għanijiet tas-subartikolu (3) ta' dan l-artikolu kxif ikun ta' hsara jekk:

(a) jikkaguna hsara fil-hidma ta', jew ta' kull taqsima ta', s-Servizz ta' Sigurtà; jew

(b) dan ikun dwar informazzjoni jew dokument jew oġġett ieħor li jkun tali li l-kxif mhux awtorizzat tagħhom x'aktarx jikkaguna dik il-hsara jew li jkun jaqgħu taht kategorija jew deskrizzjoni ta' informazzjoni, dokumenti jew oġġetti li l-kxif mhux awtorizzat tagħhom x'aktarx ikollu dak l-effett.

(5) Tkun difiża għal persuna li tkun akkużata b'reat taht dan l-artikolu li gġib prova li fil-waqt tar-reat allegat hija ma kienetx taf, u ma kellha ebda raġuni li temmen, li dawk l-informazzjoni, dokument jew oġġett kellhom b'xi mod x'jaqsmu mas-sigurtà jew, fil-każ ta' reat taht is-subartikolu (3), li l-kxif kien se jkun ta' hsara fil-kuntest tat-tifsira ta' dak is-subartikolu.

(6) In-notifika li persuna tkun sugġetta għas-subartikolu (1) ta' dan l-artikolu għandha ssir bil-mezz ta' avviz bil-miktub mahruġ mill-Prim Ministru jew mill-Ministru u li jiġi lilha notifikat; u dak l-avviz jista' jiġi notifikat jekk, fil-fehma tal-Prim Ministru jew tal-Ministru, il-hidma li dik il-persuna tkun qegħda twettaq tkun jew tkun tinkludi hidma li jkollha x'taqsam mas-Servizz ta' Sigurtà u li x-xorta tagħha tkun tali li kull interess ta' sigurtà nazzjonali jkun jehtieg li dik il-persuna għandha tkun sugġetta għad-dispożizzjonijiet ta' dak is-subartikolu.

(7) Bla hsara għas-subartikolu (8) ta' dan l-artikolu, notifika li ssir għall-għanijiet tas-subartikolu (1) ta' dan l-artikolu għandha tibqa' ssehh għal żmien hames snin li jibdew għaddejjin minn dakinhar meta l-avviz jiġi notifikat iżda dan jista' jiġgedded bil-mezz ta' avvizi ohra li jinharġu skond is-subartikolu (6) ta' dan l-artikolu għal perijodi ta' hames snin kull darba.

(8) Notifika li ssir għall-għanijiet tas-subartikolu (1) ta' dan l-artikolu tista' tiġi revokata f'kull żmien bil-mezz ta' avviz ieħor bil-miktub li jinhareġ mill-Prim Ministru jew mill-Ministru u li jiġi notifikat lill-persuna relattiva; u l-Prim Ministru jew il-Ministru għandhom jinnotifikaw dak l-avviz

iehor hekk malli, fil-fehma tagħhom, il-hidma mwettqa minn dik il-persuna ma tibqax dik li hemm imsemmija fis-subartikolu (6) ta' dan l-artikolu.

(9) F'dan l-artikolu, "sigurtà" tfisser il-hidma ta', jew b'ghajnuna ta', is-Servizz ta' Sigurtà jew ta' kull taqsima tiegħu, u kull referenza għal informazzjoni li għandha x'taqsam ma' sigurtà tinkludi referenzi għal informazzjoni li dak is-Servizz jew persuni li jghinuh, jew ta' kull taqsima tiegħu, ikollhom jew li jibagħtu.

Difiża.

7. (1) Persuna li tkun jew li kienet funzjonarju pubbliku jew kuntrattat mill-Gvern tkun hatja ta' reat jekk minghajr awtorità legittima hija tikkax bi hsara xi informazzjoni, dokument jew oġġett iehor li jkollu x'jaqşam mad-difiża li jkunu jew kienu għandha minhabba fil-kariga tagħha bhala tali.

(2) Għall-ghanijiet tas-subartikolu (1) ta' dan l-artikolu kxif ikun ta' hsara jekk—

(a) ikun ta' hsara għall-hila ta', jew ta' xi taqsima ta', il-forzi armati li jwettqu il-hidma tagħhom jew ikun iwassal għall-mewt jew feriment ta' membri ta' dawk il-forzi jew għal hsara serja fit-tagħmir jew stallazzjonijiet ta' dawk il-forzi; jew

(b) xort'ohra minn dak imsemmi fil-paragrafu (a) ta' dan is-subartikolu, ikun jipperikola l-interessi ta' Malta barra minn Malta, ikun serjament jostrowixxi il-promozzjoni jew il-protezzjoni minn Malta ta' dawk l-interessi jew ikun jipperikola l-inkolumità ta' ċittadini Maltin li jkunu jinsabu barra minn Malta; jew

(ċ) ikun kxif ta' informazzjoni, dokument jew oġġett li jkunu tali li l-kxif mhux awtorizzat tagħhom x'aktarx ikollu xi wiehed minn dawk l-effetti.

(3) Tkun difiża għal persuna li tkun akkużata b'reat taht dan l-artikolu li ġġib prova li fil-waqt tar-reat allegat hija ma kienetx taf u ma kellha ebda raġuni li temmen, li dawk l-informazzjoni dokument jew oġġett kellhom b'xi mod x'jaqsmu mad-difiża jew li l-kxif kien se jkun ta' hsara fil-kuntast tat-tifsira tas-subartikolu (1) ta' dan l-artikolu.

(4) F'dan l-artikolu "difiża" tfisser—

(a) il-qies, ghamla, organizzazzjoni, logistika, *order of battle*, *deployment*, operazzjonijiet, stat ta' preparazzjoni u tahrig tal-forzi armati ta' Malta;

(b) l-armamenti, hażniet jew taghmir iehor ta' dawk il-forzi u l-invenzjoni, żvilupp, produzzjoni u thaddim ta' dak it-taghmir u ta' kull ricerka li jkollu x'jaqsam mieghu;

(c) politika ta' difiza u strategija u pjanar militari u *intelligence*;

(d) pjani u miżuri għall-manteniment ta' provvisti essenzjali li jenhtiegu jew jistghu jenhtiegu fi żmien il-gwerra.

Relazzjonijiet
inter-
nazzjonali.

8. (1) Persuna li tkun jew li kienet ufficjal pubbliku jew kuntrattat mill-Gvern tkun hatja ta' reat jekk minghajr awtorità legittima hija tixxef bi hsara xi-

(a) informazzjoni, dokument jew oġġett iehor li jkollu x'jaqsam ma' relazzjonijiet internazzjonali; jew

(b) informazzjoni, dokument jew oġġett iehor konfidenzjali li jkunu inkisbu minghand Stat iehor li ma jkunx Malta jew minghand organizzazzjoni internazzjonali,

li tkun informazzjoni jew dokument jew oġġett li jkunu jew li kienu għandha minhabba fill-kariga tagħha ta' funzjonarju pubbliku jew ta' kuntrattat mill-Gvern.

(2) Għall-ghanijiet tas-subartikolu (1) ta' dan l-artikolu kxif ikun ta' hsara jekk-

(a) ikun jipperikola l-interessi ta' Malta barra minn Malta, serjament jostruwixxi il-promozzjoni jew il-protezzjoni minn Malta ta' dawk l-interessi jew ikun jipperikola l-inkolumità ta' ċittadini Maltin li jkunu jinsabu barra minn Malta; jew

(b) ikun kxif ta' informazzjoni jew dokument jew oġġett li jkunu tali li l-kxif mhux awtorizzat tagħhom x'aktarx ikollu xi wiehed minn dawk l-effetti.

(3) Fil-każ ta' informazzjoni jew ta' dokument jew ta' oġġett li jaqa' fi hdan il-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu—

(a) il-fatt li dawn ikunu konfidenzjali, jew

(b) ix-xorta jew il-kontenut tagħhom,

jistgħu ikunu biżżejjed sabiex jistabbilixxu għall-ghanijiet tal-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu li l-informazzjoni, id-dokument jew l-oġġett ikunu tali li l-kxif mhux awtorizzat tagħhom x'aktarx ikollu xi wiehed minn dawk l-effetti msemmija.

(4) Tkun difiża għal persuna li tkun akkużata b'reat taht dan l-artikolu li ġġib prova li fil-waqt tar-reat allegat hija ma kienetx taf u ma kellha ebda raġuni li temmen, li dawk l-informazzjoni, dokument jew oġġett kienu bħal dawk imsemmija fis-subartikolu (1) ta' dan l-artikolu jew li l-kxif kien se jkun ta' hsara fil-kuntest tat-tifsira ta' dak is-subartikolu.

(5) F'dan l-artikolu "relazzjonijiet internazzjonali" tfisser ir-relazzjonijiet bejn Stati, bejn organizzazzjonijiet internazzjonali jew bejn Stat wiehed jew iktar u organizzazzjoni wahda jew iktar u tinkludi kull haġa li jkollha x'taqsam ma' Stat li ma jkunx Malta jew ma' organizzazzjoni internazzjonali li kapaċi tolqot ir-relazzjonijiet ta' Malta ma' xi Stat iehor jew ma' xi organizzazzjoni internazzjonali ohra.

(6) Għall-ghanijiet ta' dan l-artikolu kull informazzjoni, dokument jew oġġett miksub minn xi Stat jew organizzazzjoni ikunu konfidenzjali f'kull żmien li matulu l-patti li bihom ikunu nkisbu jkunu jehtieġu li dawn għandhom jinżammu b'mod konfidenzjali jew li fiċ-ċirkostanzi li fihom ikunu nkisbu tkun haġa raġonevoli għall-Istat jew għall-organizzazzjoni li jistennew li jkunu hekk se jinżammu.

Delitti u
setgħat
investigattivi
speċjali.

9. (1) Persuna li tkun jew li kienet funzjonarju pubbliku jew kuntrattat mill-Gvern tkun haġa ta' reat jekk hija tikxef mingħajr awtorità legittima xi informazzjoni, dokument jew oġġett iehor li dan l-artikolu japplika għalihom u li jkun jew li kien għandha minhabba fil-kariga tagħha bħala tali.

(2) Dan l-artikolu japplika ghal kull informazzjoni, dokument jew oġġett iehor—

(a) li l-kxif tagħhom —

(i) jirriżulta fl-ghemil ta' reat; jew

(ii) jiffacilita harba minn kustodja legali jew l-ghemil ta' xi att bi preġudizzju għas-salvagwardja ta' persuni li jkunu qed jinżammu f'kustodja legali; jew

(iii) jimpedixxi l-prevenzjoni jew il-kxif ta' reati jew il-qbid jew il-prosekuzzjoni ta' persuni suspetti; jew

(b) li jkunu tali li l-kxif mhux awtorizzat tagħhom x'aktarx ikollu xi wiehed minn dawk l-effetti.

(3) Dan l-artikolu japplika wkoll għall kull informazzjoni miksuba minhabba f'azzjoni awtorizzata b'mandat mahruġ bis-sahha ta' l-artikolu 6 ta' l-Att ta' l-1996 dwar Servizz ta' Sigurtà, jew b'awtorizzazzjoni mogħtija bis-sahha ta' l-artikolu 9 ta' dak l-Att, kull informazzjoni li jkollha x'taqsam mal-ksib ta' informazzjoni minhabba f'kull azzjoni bħal dik u kull dokument jew oġġett iehor li jkun jew li gie użat jew li jinżamm jew inżamm għall-użu fi, jew ikun inkiseb minhabba fi, kull azzjoni bħal dik.

(4) Tkun difiża għal persuna li tkun akkużata b'reat taht dan l-artikolu li gġib prova għar-rigward ta' kxif li jaqa' taht il-paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu li fil-waqt tar-reat allegat hija ma kienetx taf, u ma kellha ebda raġuni li temmen, li l-kxif kien se jkollu xi wiehed mill-effetti hemm imsemmija.

(5) Tkun difiża għal persuna li tkun akkużata b'reat taht dan l-artikolu li gġib prova għar-rigward ta' kull kxif iehor li fil-waqt tar-reat allegat hija ma kienetx taf, u ma kellha ebda raġuni li temmen, li l-informazzjoni, dokument jew oġġett relattivi kienu informazzjoni jew dokument jew oġġett li għalihom japplika dan l-artikolu.

(6) F'dan l-artikolu "kustodja legali" tinkludi detenzzjoni b'konsegwenza ta' xi leġislazzjoni jew ta' xi strument magħmul bis-sahha ta' xi leġislazzjoni.

Informazzjoni
li tirriżulta
minn kxif
mhux
awtorizzat
jew li tkun
inghatat
b'mod
konfidenzjali.

10. (1) Is-subartikolu (2) ta' dan l-artikolu japplika meta –

(a) xi informazzjoni, dokument jew oġġett iehor protetti kontra l-kxif bid-dispożizzjonijiet ta' qabel ta' dan l-Att ikunu ġew fil-pussess ta' persuni billi jkunu –

(i) mikxufin (sew lilu sew lil xi hadd iehor) minn funzjonarju pubbliku jew kuntrattat mill-Gvern minghajr ebda awtorità legittima; jew

(ii) fdati lilu minn funzjonarju pubbliku jew kuntrattat mill-Gvern b'patti li jehtiegu li dawn jibqghu konfidenzjali jew f'ċirkostanzi li fihom il-funzjonarju pubbliku jew kuntrattat mill-Gvern jistgħu b'mod raġonevoli hekk jippretendu li se jinżammu; jew

(iii) mikxufin (sew lilu sew lil xi hadd iehor) minghajr ebda awtorità legittima minn persuna li lilha jkunu ġew fdati kif imsemmi fis-subparagrafu (ii) ta' dan il-paragrafu; u

(b) il-kxif minghajr awtorità legittima ta' l-informazzjoni, dokument jew oġġett mill-persuna li jkunu ġew fil-pusses tagħha mhuwiex reat taht xi wiehed minn dawk id-dispożizzjonijiet.

(2) Bla hsara għas-subartikoli (3) u (4) ta' dan l-artikolu, min ikunu ġew fil-pussess tiegħu l-informazzjoni, id-dokument jew l-oġġett ikun hati ta' reat jekk huwa jikkifhom minghajr awtorità legittima filwaqt li jkun jaf, jew ikollu raġuni biż-żejjed għaliex jemmen, li dawk ikunu protetti kontra l-kxif bid-dispożizzjonijiet ta' qabel ta' dan l-Att u li dawn ikunu ġew għandu kif imsemmi fis-subartikolu (1) ta' dan l-artikolu.

(3) Fil-każ ta' informazzjoni jew ta' dokument jew ta' oġġett protetti kontra l-kxif bl-artikoli 6 sa 8 ta' dan l-Att, persuna ma tagħmilx reat taht is-subartikolu (2) ta' dan l-artikolu kemm-il darba –

(a) il-kxif li jsir minnha ma jkunx wiehed li jagħmel hsara; u

(b) ma taghmilx dan il-kxif konsapevoli, jew filwaqt li jkollha raġuni biż-żejjed temmen, li dan il-kxif se jkun ta' hsara;

u l-kwistjoni dwar jekk kxif ikunx wiehed li jagħmel hsara għandha tinqata' għall-ghanijiet ta' dan is-subartikolu skond ma tinqata' dwar kxif ta' dawk l-informazzjoni, dokument jew oġġett minn funzjonarju pubbliku bi ksur tas-subartikolu (3) ta' l-artikolu 6, tas-subartikolu (1) ta' l-artikolu 7 jew tas-subartikolu (1) ta' l-artikolu 8 ta' dan l-Att.

(4) Persuna ma taghmilx reat taht is-subartikolu (2) ta' dan l-artikolu dwar informazzjoni jew dokument jew oġġett iehor li jkunu ġew fil-pussess tieghu billi jkunu nkixfu –

(a) kif imsemmi fis-subparagrafu (i) tal-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu minn kuntrattat mill-Gvern; jew

(b) kif imsemmi fis-subparagrafu (iii) tal-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu,

kemm-il darba dak il-kxif ikun sar minn ċittadin ta' Malta jew ikun sehħ f'Malta.

(5) Għall-ghanijiet ta' dan l-artikolu, informazzjoni jew dokument jew oġġett ikunu protetti kontra l-kxif bid-dispożizzjonijiet ta' qabel ta' dan l-Att jekk –

(a) dan ikollu x'jaqsam ma' sigurtà, difiża jew relazzjonijiet internazzjonali fil-qies tat-tifsir ta' l-artikoli 6, 7 jew 8 ta' dan l-Att jew ikun tali kif hemm imsemmi fil-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 8 ta' dan l-Att; jew

(b) dan ikun informazzjoni jew dokument jew oġġett li għalihom ikun japplika l-artikolu 9 ta' dan l-Att;

u informazzjoni jew dokument jew oġġett ikunu protetti kontra dak il-kxif bl-artikoli 6 sa 8 ta' dan l-Att jekk dawn ikunu skond ma hemm fil-paragrafu (a) ta' dan is-subartikolu.

(6) Persuna tkun hatja ta' reat jekk minghajr awtorità legittima tikxef xi informazzjoni, dokument jew

oġġett iehor li tkun taf, jew li jkollha raġuni biż-żejjed li temmen, li ġew fil-pussess taghha bi ksur ta' l-artikolu 3 ta' dan l-Att.

Informazzjoni
fdata b'mod
konfidenzjali
lil Stati
ohra jew
organizzazzjonijiet
internazzjonali.

11. (1) Dan l-artikolu japplika meta –

(a) xi informazzjoni, dokument jew oġġett iehor li –

(i) jkollu x'jaqsam ma' sigurtà, difiża jew relazzjonijiet internazzjonali, u

(ii) jkun ġie komunikat b'mod ufficjali minn jew f'isem Malta lil xi Stat iehor jew lil xi organizzazzjoni internazzjonali,

jkun ġie fil-pussess ta' persuna billi jkun inkixef (lilu jew lil xi hadd iehor) minghajr l-awtorità ta' dak l-Istat jew organizzazzjoni jew, fil-każ ta' organizzazzjoni, ta' xi membru taghha; u

(b) il-kxif minghajr awtorità legittima ta' l-informazzjoni, dokument jew oġġett mill-persuna li jkunu ġew fil-pussess taghha ma jkunx reat taht xi wahda mid-dispożizzjonijiet ta' qabel ta' dan l-Att.

(2) Bla hsara ghas-subartikolu (3) ta' dan l-artikolu, il-persuna li jkollha pussess ta' l-informazzjoni, dokument jew oġġett tkun hatja ta' reat jekk hija taghmel kxif taghhom meta tkun taf, jew ikollha raġuni biż-żejjed biex temmen, li dawn huma tax-xorta msemija fis-subartikolu (1) ta' dan l-artikolu, li ġew fil-pussess tieghu kif hemm imsemmi u li l-kxif taghhom ikun ta' hsara.

(3) Persuna ma taghmilx reat taht is-subartikolu (2) ta' dan l-artikolu jekk l-informazzjoni, dokument jew oġġett jinkixfu minnu b'awtorità legittima jew ikunu qabel saru disponibbli ghall-pubbliku bl-awtorità ta' l-Istat jew ta' l-organizzazzjoni involuta jew, fil-każ ta' organizzazzjoni, ta' xi membru taghha.

(4) Ghall-ghanijiet ta' dan l-artikolu "sigurtà", "difiża" u "relazzjonijiet internazzjonali" ghandhom l-istess tifsir bhalma ghandhom fl-artikoli 6, 7 u 8 ta' dan l-Att u l-kwistjoni dwar jekk kxif ikunx ta' hsara jew le ghandha tiġi deċiża bhalma tkun ghar-rigward ta' kxif ta' dik l-

informazzjoni, dak id-dokument jew dak l-oġġett minn funzjonarju pubbliku bi ksur tas-subartikolu (3) ta' l-artikolu 6, tas-subartikolu (1) ta' l-artikolu 7 u tas-subartikolu (1) ta' l-artikolu 8 ta' dan l-Att.

(5) Għall-ghanijiet ta' dan l-artikolu, informazzjoni jew dokument jew oġġett jiġu komunikati b'mod konfidenzjali jekk dawn jiġu komunikati b'patti li jehtiguhom jinżammu b'mod konfidenzjali jew f'ċirkostanzi li fihom min jikkomunikahom jista' b'mod raġonevoli jippretendi li jkun hekk se jinżammu.

Kxif
awtorizzat.

12. (1) Għall-ghanijiet ta' dan l-Att kxif minn –

(a) funzjonarju pubbliku; jew

(b) persuna, li ma tkunx funzjonarju pubbliku jew kuntrattat mill-Gvern, li fil-każ tagħha avviż għall-ghanijiet tas-subartikolu (1) ta' l-artikolu 6 ta' dan l-Att ikun isehh,

isir b'awtorità legittima jekk, u biss jekk, dan isir skond id-dmirijiet uffiċjali tagħha.

(2) Għall-ghanijiet ta' dan l-Att kxif minn kuntrattat mill-Gvern isir b'awtorità legittima jekk, u biss jekk, dan isir –

(a) skond awtorizzazzjoni uffiċjali; jew

(b) għall-ghanijiet tal-funzjonijiet li bis-sahha tagħhom huwa jkun kuntrattat mill-Gvern u minghajr ma jikser xi restrizzjoni uffiċjali.

(3) Għall-ghanijiet ta' dan l-Att kxif magħmul minn xi persuna ohra isir b'awtorità legittima jekk, u biss jekk, dan isir –

(a) lil funzjonarju pubbliku għall-ghanijiet tal-funzjonijiet tiegħu bħala tali; jew

(b) skond awtorizzazzjoni uffiċjali.

(4) Tkun difiża għal persuna li tkun akkużata b'reat taht xi wahda mid-dispożizzjonijiet ta' qabel ta' dan l-Att li ġġib prova li fil-waqt tar-reat allegat hija kienet tal-

fehma li kellha awtorità legittima li taghmel dak il-kxif u li ma kellha ebda kawża raġonevoli li tkun ta' fehma xort'ohra.

(5) F'dan l-artikolu "awtorizzazzjoni uffiċjali" u "restrizzjoni uffiċjali" ifissru, bla hsara għas-subartikolu (6) ta' dan l-artikolu, awtorizzazzjoni jew restrizzjoni debitament mogħtija jew imposta minn funzjonarju pubbliku jew kuntrattat mill-Gvern jew minn jew f'isem korp preskritt jew korp ta' klassi preskritta.

(6) Għar-rigward ta' l-artikolu 11 ta' dan l-Att "awtorizzazzjoni uffiċjali" tinkludi awtorizzazzjoni debitament mogħtija minn jew f'isem l-Istat jew l-organizzazzjoni involuta jew, fil-każ ta' organizzazzjoni, membru tagħhom.

Tharis ta'
informazzjoni.

13. (1) Meta funzjonarju pubbliku jew kuntrattat mill-Gvern, bis-saħħa tal-kariga tiegħu bħala tali, ikollu fil-pussess tiegħu jew taht il-kontroll tiegħu xi dokument jew oġġett iehor li jekk huwa jikxifhom mingħajr awtorità legittima taht xi wahda mid-dispożizzjonijiet ta' qabel ta' dan l-Att huwa jkun qed jagħmel reat, huwa jkun hati ta' reat jekk –

(a) billi jkun funzjonarju pubbliku, iżomm dak id-dokument jew oġġett kontra d-dmirijiet uffiċjali tiegħu; jew

(b) billi jkun kuntrattat mill-Gvern, jonqos milli jħares direttiva uffiċjali biex iragġa' lura jew jiddisponi minn dak id-dokument jew oġġett,

jew jekk huwa jonqos milli jara li ma jsehħx il-kxif mhux awtorizzat tad-dokument jew ta' l-oġġett li bħala persuna fil-kariga tiegħu huwa jista' raġonevolment ikun mistenni li jara li ma jsehħx.

(2) Tkun difiża għal funzjonarju pubbliku li jkun akkużat b'reat taht il-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu li jgħib prova li fil-waqt tar-reat allegat huwa kien qed jaġixxi skond id-dmirijiet uffiċjali tiegħu u li ma kellu ebda kawża raġonevoli għaliex il-fehma tiegħu kellha tkun xort'ohra.

(3) Fis-subartikolu (1) u (2) ta' dan l-artikolu referenzi ghal funzjonarju pubbliku jinkludu kull persuna, li ma tkunx funzjonarju pubbliku jew kuntrattat mill-Gvern, li fil-każ tagħhom ikun hemm fis-seħh avviż għall-ghanijiet tas-subartikolu (1) ta' l-artikolu 6 ta' dan l-Att.

(4) Meta persuna jkollha fil-pussess tagħha jew taht il-kontroll tagħha xi dokument jew oġġett iehor li jkun reat għaliha taht l-artikolu 10 ta' dan l-Att li tikxef mingħajr awtorità legittima, hija tkun hatja ta' reat jekk —

(a) hija tonqos milli thares xi direttiva ufficjali biex titragġa' lura jew tiddisponi minn dak id-dokument jew oġġett; jew

(b) meta hija tkun kisbietu minghand funzjonarju pubbliku jew kuntrattat mill-Gvern b'patti li jkunu jehtiegu li jinżamm b'mod konfidenzjali jew f'ċirkostanzi li fihom dak il-funzjonarju jew persuna kuntrattata jistghu raġonevolment jippretendu li jkunu hekk se jinżammu, hija tonqos milli tiehu dak il-hsieb sabiex tara li kxif mhux awtorizzat ma jsirx hekk bhalma persuna fil-kariga tagħha tista' tkun raġonevolment mistennija li tiehu.

(5) Meta persuna jkollha fil-pussess tagħha jew taht il-kontroll tagħha xi dokument jew oġġett iehor li jkun reat għaliha taht l-artikolu 11 ta' dan l-Att li tikxef mingħajr awtorità legittima, hija tkun hatja ta' reat jekk hija tonqos milli thares direttiva ufficjali sabiex titragġa' lura jew tiddisponi minn dak id-dokument jew oġġett.

(6) Persuna tkun hatja ta' reat jekk hija tikxef xi informazzjoni, dokument jew oġġett iehor ufficjali li jista' jintuza bil-ghan li jinkiseb aċċess għal xi informazzjoni, dokument jew oġġett iehor li jkun protett kontra l-kxif bid-dispożizzjonijiet ta' qabel ta' dan l-Att u ċ-ċirkostanzi li fihom isir il-kxif ikunu tali li jkun raġonevoli li wiehed jistenna li dak se jintuza għal dak l-ghan mingħajr ebda awtorità.

(7) Għall-ghanijiet tas-subartikolu (6) ta' dan l-artikolu persuna tikxef informazzjoni jew dokument jew oġġett ufficjali jekk —

(a) l-informazzjoni, dokument jew oġġett ikun jew kien fil-pussess tagħha bis-sahha tal-kariga tagħha

ta' funzjonarju pubbliku jew ta' kuntrattat mill-Gvern; jew

(b) tkun taf jew ikollha kawza raġonevoli li tkun tal-fehma li funzjonarju pubbliku jew kuntrattat mill-Gvern ikollu jew kellu dan l-informazzjoni, dokument jew oġġett bis-sahha tal-kariga tiegħu bhala tali.

(8) Is-subartikolu (5) ta' l-artikolu 10 ta' dan l-Att japplika għall-ghanijiet tas-subartikolu (6) ta' dan l-artikolu hekk kif japplika għall-ghanijiet ta' dak l-artikolu.

(9) F'dan l-artikolu "direttiva uffiċjali" tfisser direttiva debitament mogħtija minn funzjonarju pubbliku jew minn kuntrattat mill-Gvern jew minn jew f'isem korp preskritt jew korp ta' klassi preskritta.

Penalitajiet. 14. (1) Kull min jiġi akkużat b'reat taht l-artikoli 6 sa 13 ta' dan l-Att minbarra s-subartikoli (1), (4) jew (5) ta' l-artikolu 13 jista' jehel, meta jinsab hati, għar-rigward ta' kull reat, priġunerija għal żmien mhux iżjed minn sentejn jew multa ta' mhux iktar minn hamest elef lira Maltija jew dik il-priġunerija u multa flimkien.

(2) Persuna li tkun hatja ta' reat taht is-subartikoli (1), (4) jew (5) ta' l-artikolu 13 ta' dan l-Att tista' tehel meta tinsab hatja priġunerija għal żmien mhux iktar minn tliet xhur jew multa ta' mhux iktar minn elfejn lira jew dik il-priġunerija u multa flimkien."

Emenda ta' l-artikolu 15 ta' l-Ordinanza.

6. Fl-artikolu 15 ta' l-Ordinanza, kif enumerata mill-ġdid bl-artikolu 2 ta' dan l-Att, minflok il-kliem "għaxar liri" għandhom jidhlu l-kliem "mitt lira".

Emenda ta' l-artikolu 18 ta' l-Ordinanza.

7. Fl-artikolu 18 ta' l-Ordinanza, kif enumerata mill-ġdid bl-artikolu 2 ta' dan l-Att, minflok il-kliem "President ta' Malta" kull fejn jinsabu għandhom jidhlu l-kliem "Avukat Ġenerali".

Emenda ta' l-artikolu 19 ta' l-Ordinanza.

8. Fl-artikolu 19 ta' l-Ordinanza, kif enumerata mill-ġdid bl-artikolu 2 ta' dan l-Att, minflok il-kliem "reat taht din l-Ordinanza" kull fejn jinsabu għandhom jidhlu l-kliem "reat taht dan l-Att, li ma jkunx reat taht is-subartikoli (1), (4) u (5) ta' l-artikolu 13".

Emenda ta' l-artikolu 21 ta' l-Ordinanza.

9. L-artikolu 21 ta' l-Ordinanza kif enumerat mill-ġdid bl-artikolu 2 ta' dan l-Att, għandu jiġi emendat kif ġej:—

(a) minflok il-kliem “telegramm” u “telegrammi” kull fejn jinsabu, għandhom jidhlu l-kliem “komunikazzjoni” u “komunikazzjonijiet” rispettivament;

(b) minflok il-kliem “pakki postali” u “pakk postali” kull fejn jinsabu, għandhom jidhlu l-kliem “pakki” u “pakk” rispettivament;

(ċ) fis-subartikolu (1) tiegħu:

(i) minflok il-kliem “lis-suprintendent tal-Pulizija” u “s-suprintendent tal-Pulizija” kull fejn jinsabu, għandhom jidhlu l-kliem “lill-Kummissarju tal-Pulizija” u “l-Kummissarju tal-Pulizija” rispettivament;

(ii) il-kliem “tad-distrett li fih tkun teżercita dak il-kummerċ” għandhom jithassru; u

(iii) minflok il-kliem “u s-suprintendent tal-Pulizija” għandhom jidhlu l-kliem “u l-Kummissarju tal-Pulizija”;

(d) fis-subartikolu (2) tiegħu:

(i) minflok il-kliem “tniżżel fi ktieb li żżomm għaldaqshekk” għandhom jidhlu l-kliem “tagħmel notament u żżomm”;

(ii) minflok il-kliem “d-data ta’ l-impostazzjoni (li tkun tidher mit-timbru postali)” fil-paragrafu (ċ) tiegħu, għandhom jidhlu l-kliem “d-data meta dawn ikunu ntbagħtu”;

(iii) minflok il-kliem minn “u ma tista’ tikkunsinna ebda ittra” sal-kliem “fil-ktieb hawn fuq imsemmi” għandhom jidhlu l-kliem “u ma tista’ tikkunsinna ebda pakk lil ebda persuna sakemm dik il-persuna ma tiffirmax li tkun irċevietu”;

(e) fis-subartikolu (3) tiegħu, minflok il-kliem minn “Il-kotba hekk miżmuma” sal-kliem “ta’ pakki irċevuti” għandhom jidhlu l-kliem “Ir-records hekk miżmuma”; u

(f) fis-subartikolu (4) tiegħu:

(i) minflok il-kliem “minn Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja” għandhom jidhlu l-kliem “mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) skond il-każ”; u

(ii) minflok il-kliem “ghaxar liri” ghandhom jidhlu l-kliem “mitt lira”.

Emenda ta’
l-artikolu 24
ta’ l-Ordinanza.

10. Fl-artikolu 24 ta’ l-Ordinanza, kif enumerata mill-ġdid bl-artikolu 2 ta’ dan l-Att, minflok il-kliem “reat taht din l-Ordinanza” kull fejn jinsabu ghandhom jidhlu l-kliem “reat taht dan l-Att, li ma jkunx reat taht is-subartikoli (1), (4) jew (5) ta’ l-artikolu 13”, u minflok il-kliem “tal-President ta’ Malta” fis-subartikolu (2) tiegħu, ghandhom jidhlu l-kliem “ta’ l-Avukat Ġenerali”.

Żieda ta’
l-artikoli 26 u 27
godda ma’
l-Ordinanza.

11. Minnufih wara l-artikolu 25 ta’ l-Ordinanza, kif enumerata mill-ġdid bl-artikolu 2 ta’ dan l-Att, ghandhom jiżiedu dawn l-artikoli li ġejjin:

“Ordnijiet. 26. (1) Il-Prim Ministru jista’ b’ordni jippreskrivi kull haġa li skond dan l-Att tista’ tiġi preskritta.

(2) Kull setgha li ghandu l-Prim Ministru jew il-Ministru bis-saħħa ta’ dan l-Att li jagħmel ordnijiet tiġi eżerċitata bil-mezz ta’ avviż legali.

Atti
mwettqin
barra
minn Malta.

27. Att li jsir minn ċittadin ta’ Malta jew minn funzjonarju pubbliku ghandu, li dan kieku jkun reat għar-rigward ta’ dik il-persuna taht kull dispożizzjoni ta’ dan l-Att jekk dan isir minnha f’Malta, jkun reat taht dik id-dispożizzjoni ikun fejn ikun il-post fejn dak ir-reat ikun sar fih.”.

Għanijiet u Raġunijiet

L-għan ta’ l-Abbozz huwa sabiex jissostitwixxi l-artikolu 6 ta’ l-Ordinanza dwar is-Sigrietġi Uffiċjali (Kap. 50) b’dispożizzjonijiet li jkunu jipproteġu klassijiet ta’ informazzjoni uffiċjali iktar limitati. L-Abbozz jipprovdi wkoll biex isiru emendi oħra ta’ xorta amministrattiva.

**A BILL
entitled**

An Act to replace section 6 of the Official Secrets Ordinance by provisions protecting more limited classes of official information.

BE IT ENACTED by the President, by and with 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 Official Secrets (Amendment) Act, 1995 and shall be read and construed as one with the Official Secrets Ordinance, hereinafter referred to as “the Ordinance”. Short title and coming into force. Cap 50.

(2) This Act shall come into force in such date as the Prime Minister may by notice in the Gazette establish and different dates may be so established for different provisions or different purposes.

2. (1) For the words “Official Secrets Ordinance” in the title and in section 1 of the Ordinance there shall be substituted the words “Official Secrets Act”. General amendments.

(2) Section 13 of the Ordinance shall be repealed, and sections 7 to 12 and 14 to 18 of the Ordinance shall be renumbered respectively as sections 15 to 20 and sections 21 to 25.

(3) (a) Any reference in any law to the Official Secrets Ordinance shall be read as a reference to the Official Secrets Act;

(b) Any reference in the Ordinance or in any other law enacted before the coming into force of this Act, to any of sections 7 to 12 and sections 14 to 18 of the Ordinance shall be read as a reference to the respective section as renumbered by this Act.

(4) In the Ordinance other than in sections 19 and 24 as renumbered by subsection (2) of this section, for the words “this Ordinance” wherever they appear there shall be substituted the words “this Act”.

Substitution
of section 2
of the
Ordinance.

3. (1) For section 2 of the Ordinance there shall be substituted the following:

“Interpre-
tation.

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

“disclose” and “disclosure” in relation to a document or other article, include parting with possession of it;

“document” includes part of a document;

“Government contractor” means subject to subsection (3) of this section, any person who is not a public servant but who provides, or is employed in the provision of, goods or services —

(a) for the purposes of any Minister or Parliamentary Secretary, of any of the services, forces or bodies mentioned in the definition of public servant or of the holder of any office prescribed under that definition; or

(b) under an agreement or arrangement certified by the Prime Minister or by the Minister as being one to which the government of a State other than Malta or an international organisation is a party or which is subordinate to, or made for the purposes of implementing, any such agreement or arrangement;

“international organisation” means, subject to the following subsections of this section, an organisation of which only States are members and includes a reference to any organ of such an organisation;

“Minister” means the Minister from time to time designated by the Prime Minister as being responsible for the Security Service;

“model” includes design, pattern, and specimen;

“munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank, or similar engine, arms and ammunition, torpedo or mine intended or adapted for use in war, and any other article, material or device, whether actual or proposed, intended for such use;

“offence under this Act” includes any act, omission, or other thing which is punishable under this Act;

“prescribed” means prescribed by an order made by the Prime Minister;

“prohibited place” means —

(a) any work of defence, arsenal, naval, military or airforce establishment or station, with the water adjacent thereto, factory, dockyard, mine, minefield, camp, ship or aircraft belonging to or occupied by or on behalf of the Government of Malta, or any telegraph, telephone, wireless or signal station or office so belonging or occupied, and any place belonging to or occupied by or on behalf of the Government of Malta and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oils or minerals of use in time of war; and

(b) any place not belonging to the Government of Malta where any munitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired, gotten, or stored under contract with, or with any person on behalf of the Government of Malta or otherwise on behalf of the Government of Malta; and

(c) any place belonging to or used for the purposes of the Government of Malta which is for

the time being declared by the Prime Minister to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or damage thereto, would be useful to any enemy; and

(d) any road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any munitions of war or any ships, arms, or other materials or instruments of use in time of war, or any sketches, models, plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of the Government of Malta, which is for the time being declared by the Prime Minister to be a prohibited place for the purposes of this section, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to any enemy;

“public servant” means —

- (a) a Minister or Parliamentary Secretary;
- (b) any public officer;
- (c) any member of and any other person employed or appointed in or for the purposes of the Armed Forces of Malta;
- (d) any member of and any other person employed or appointed in or for the purposes of the Malta Police Force as well as of any other disciplined force of the State;
- (e) any person who is a member or employee of a prescribed body or a body of a prescribed class and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of members or employees of any such body;
- (f) any person who is the holder of a prescribed office or who is an employee of such a holder and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of such employees;

“Security Service” means the service referred to in the Security Service Act, 1996;

“sketch” includes any photograph or other mode of representing any place or thing;

“State” includes the government of a State and any organ of its government.

(2) In this Act —

expressions referring to communicating or receiving include any communication or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect, or description thereof only be communicated or received;

expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note or document; and

expressions referring to the communication of any sketch, plan, model, article, note, or document, include the transfer or transmission of the sketch, plan, model, article, note or document.

(3) Where an employee or class of employees of any body, or of any holder of an office, is prescribed by an order made for the purposes of the definition of public servant in subsection (1) of this section —

(a) any employee of that body, or of the holder of that office, who is not prescribed or is not within the prescribed class; and

(b) any person who does not provide, or is not employed in the provision of goods or services for the purposes of the performance of those functions of the body or the holder of the office in connection with which the employee or prescribed class of employees is engaged,

shall not be a Government contractor for the purposes of this Act.

(4) (a) The reference to an international organisation in paragraph (b) of the definition of government contractor in subsection (1) of this section includes a reference to any such organisation whether or not one of which only States are members and includes a commercial organisation.

(b) In determining for the purposes of subsection (1) of this section whether only States are members of an organisation, any member which is itself an organisation of which only States are members, or which is an organ of such an organ of such an organisation, shall be treated as a State.

Amendment
of section 4
of the
Ordinance.

4. In paragraph (d) of subsection (1) of section 4 of the Ordinance for the words "a person holding, or in the employment of a person holding office under the Government of Malta" there shall be substituted the words "a public servant or a Government contractor".

Substitution of
section 6
of the
Ordinance.

5. For section 6 of the Ordinance there shall be substituted the following sections 6 to 14.

"Security.

6. (1) A person who is or has been -

(a) a member of the Security Service, or

(b) a person notified that he is subject to the provisions of this subsection,

is guilty of an offence if without lawful authority he discloses any information, document or other article relating to security which is or has been in his possession by virtue of his position as a member of that service or in the course of his work while the notification is or was in force.

(2) The reference in subsection (1) above to disclosing information relating to security includes a reference to making any statement which purports to be a disclosure of such information or is intended to be taken by those to whom it is addressed as being such a disclosure.

(3) A person who is or has been a public servant or government contractor is guilty of an offence if without lawful authority he makes a damaging disclosure of any information, document or other article relating to security which

is or has been in his possession by virtue of his position as such but otherwise than as mentioned in subsection (1) above.

(4) For the purposes of subsection (3) above a disclosure is damaging if:

(a) it causes damage to the work of, or of any part of, the Security Service; or

(b) it is of information or a document or other article which is such that its unauthorised disclosure would be likely to cause such damage or which falls within a class or description of information, documents or articles the unauthorised disclosure of which would be likely to have that effect.

(5) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question related to security or, in the case of an offence under subsection (3), that the disclosure would be damaging within the meaning of that subsection.

(6) Notification that a person is subject to subsection (1) above shall be effected by a notice in writing served on him by the Prime Minister or the Minister; and such a notice may be served if, in the opinion of the Prime Minister or the Minister, the work undertaken by the person in question is or includes work connected with the Security Service and its nature is such that the interests of national security require that he should be subject to the provisions of that subsection.

(7) Subject to subsection (8) below, a notification for the purposes of subsection (1) above shall be in force for the period of five years beginning with the day on which it is served but may be renewed by further notices under subsection (6) above for periods of five years at a time.

(8) A notification for the purposes of subsection (1) above may at any time be revoked by a further notice in writing served by the Prime Minister or the Minister on the person concerned; and the Prime Minister or the Minister shall serve such a further notice as soon as, in his opinion, the work undertaken by that person ceases to be such as is mentioned in subsection (6) above.

(9) In this section “security” means the work of, or in support of, the Security Service or any part of it, and references to information relating to security include references to information held or transmitted by that Service or by persons in support of, or of any part of it.

Defence.

7. (1) A person who is or has been a public servant or Government contractor is guilty of an offence if without lawful authority he makes a damaging disclosure of any information, document or other article relating to defence which is or has been in his possession by virtue of his position as such.

(2) For the purposes of subsection (1) above a disclosure is damaging if —

(a) it damages the capability of, or of any part of, the armed forces to carry out their tasks or leads to loss of life or injury to members of those forces or serious damage to the equipment or installations of those forces; or

(b) otherwise than as mentioned in paragraph (a) above, it endangers the interests of Malta abroad, seriously obstructs the promotion or protection by Malta of those interests or endangers the safety of Maltese citizens abroad; or

(c) it is of information or of a document or article which is such that its unauthorised disclosure would be likely to have any of those effects.

(3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question related to defence or that its disclosure would be damaging within the meaning of subsection (1) above.

(4) In this section “defence” means —

(a) the size, shape, organisation, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces of Malta;

(b) the weapons, stores or other equipment of those forces and the invention, development, production and operation of such equipment and research relating to it;

(c) defence policy and strategy and military planning and intelligence;

(d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war.

International
relations.

8. (1) A person who is or has been a public servant or Government contractor is guilty of an offence if without lawful authority he makes a damaging disclosure of —

(a) any information, document or other article relating to international relations; or

(b) any confidential information, document or other article which was obtained from a State other than Malta or an international organisation,

being information or a document or article which is or has been in his possession by virtue of his position as a public servant or Government contractor.

(2) For the purposes of subsection (1) above a disclosure is damaging if —

(a) it endangers the interests of Malta abroad, seriously obstructs the promotion or protection by Malta of those interests or endangers the safety of Maltese citizens abroad; or

(b) it is of information or of a document or article which is such that its unauthorised disclosure would be likely to have any of those effects.

(3) In the case of information or a document or article within paragraph (b) of subsection (1) above —

(a) the fact that it is confidential, or

(b) its nature or contents,

may be sufficient to establish for the purpose of paragraph (b) of subsection (2) above that the information, document or article is such that its unauthorised disclosure would be likely to have any of the effects there mentioned.

(4) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question was such as is mentioned in subsection (1) above or that its disclosure would be damaging within the meaning of that subsection.

(5) In this section “international relations” means the relations between States, between international organisations or between one or more States and one or more such organisations and includes any matter relating to a State other than Malta or to an international organisation which is capable of affecting the relations of Malta with another State or with an international organisation.

(6) For the purposes of this section any information, document or article obtained from a State or organisation is confidential at any time while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the State or organisation to expect that it would be so held.

Crime and
special
investigation
powers.

9. (1) A person who is or has been a public servant or government contractor is guilty of an offence if without lawful authority he discloses any information, document or other article to which this section applies and which is or has been in his possession by virtue of his position as such.

(2) This section applies to any information, document or other article —

(a) the disclosure of which —

(i) results in the commission of an offence;
or

(ii) facilitates an escape from legal custody or the doing of any other act prejudicial to the safekeeping of persons in legal custody; or

(iii) impedes the prevention or detection of offences or the apprehension or prosecution of suspected offenders; or

(b) which is such that its unauthorised disclosure would be likely to have any of those effects.

(3) This section also applies to any information obtained by reason of action authorised by a warrant issued under section 6 of the Security Service Act, 1996, or by an authorisation given under section 9 of that Act, any information relating to the obtaining of information by reason of any such action and any document or other article which is or has been used or held for use in, or has been obtained by reason of, any such action.

(4) It is a defence for a person charged with an offence under this section in respect of a disclosure falling within paragraph (a) of subsection (2) above to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the disclosure would have any of the effects there mentioned.

(5) It is a defence for a person charged with an offence under this section in respect of any other disclosure to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question was information or a document or article to which this section applies.

(6) In this section “legal custody” includes detention in pursuance of any enactment or any instrument made under an enactment.

Information
resulting from
unauthorised
disclosures or
entrusted
in confidence.

10. (1) Subsection (2) below applies where —

(a) any information, document or other article protected against disclosure by the foregoing provisions of this Act has come into a person’s possession as a result of having been —

(i) disclosed (whether to him or another) by a public servant or government contractor without lawful authority; or

(ii) entrusted to him by a public servant or Government contractor on terms requiring it to be held in confidence or in circumstances in which the public servant or Government contractor could reasonably expect that it would be so held; or

(iii) disclosed (whether to him or another) without lawful authority by a person to whom it was entrusted as mentioned in sub-paragraph (ii) above; and

(b) the disclosure without lawful authority of the information, document or article by the person into whose possession it has come is not an offence under any of those provisions.

(2) Subject to subsections (3) and (4) below, the person into whose possession the information, document or article has come is guilty of an offence if he discloses it without lawful authority knowing, or having reasonable cause to believe, that it is protected against disclosure by the foregoing provisions of this Act and that it has come into his possession as mentioned in subsection (1) above.

(3) In the case of information or a document or article protected against disclosure by sections 6 to 8 above, a person does not commit an offence under subsection (2) above unless —

(a) the disclosure by him is damaging; and

(b) he makes it knowing, or having reasonable cause to believe, that it would be damaging;

and the question whether a disclosure is damaging shall be determined for the purposes of this subsection as it would be in relation to a disclosure of that information, document or article by a public servant in contravention of subsection (3) of section 6, subsection (1) of section 7 or subsection (1) of section 8 above.

(4) A person does not commit an offence under subsection (2) above in respect of information or a document or other article which has come into his possession as a result of having been disclosed —

- (a) as mentioned in sub-paragraph (i) of paragraph (a) of subsection (1) above by a government contractor; or
- (b) as mentioned in sub-paragraph (iii) of paragraph (a) of subsection (1) above,

unless that disclosure was by a Maltese citizen or took place in Malta.

(5) For the purposes of this section information or a document or article is protected against disclosure by the foregoing provisions of this Act if —

- (a) it relates to security, defence or international relations within the meaning of section 6, 7 or 8 above or is such as is mentioned in paragraph (b) of subsection (1) of section 8 above; or
- (b) it is information or a document or article to which section 9 above applies;

and information or a document or article is protected against disclosure by sections 6 to 8 above if it falls within paragraph (a) above.

(6) A person is guilty of an offence if without lawful authority he discloses any information, document or other article which he knows, or has reasonable cause to believe to have come into his possession as a result of a contravention of section 3 of this Act.

Information entrusted in confidence to other States or international organisations.

11. (1) This section applies where -

(a) any information, document or other article which —

(i) relates to security, defence or international relations; and

(ii) has been communicated in confidence by or on behalf of Malta to another State or to an international organisation,

has come into a person's possession as a result of having been disclosed (whether to him or another) without the authority of that State or organisation or, in the case of an organisation, of a member of it; and

(b) the disclosure without lawful authority of the information, document or article by the person into whose possession it has come is not an offence under any of the foregoing provisions of this Act.

(2) Subject to subsection (3) below, the person into whose possession the information, document or article has come is guilty of an offence if he makes a damaging disclosure of it knowing, or having reasonable cause to believe, that it is such as is mentioned in subsection (1) above, that it has come into his possession as there mentioned and that its disclosure would be damaging.

(3) A person does not commit an offence under subsection (2) above if the information, document or article is disclosed by him with lawful authority or has previously been made available to the public with the authority of the State or organisation concerned or, in the case of an organisation, of a member of it.

(4) For the purposes of this section “security”, “defence” and “international relations” have the same meaning as in sections 6, 7 and 8 above and the question whether a disclosure is damaging shall be determined as it would be in relation to a disclosure of the information, document or article in question by a public servant in contravention of subsection (3) of section 6, subsection (1) of section 7 and subsection (1) of section 8 above.

(5) For the purposes of this section information or a document or article is communicated in confidence if it is communicated on terms requiring it to be held in confidence or in circumstance in which the person communicating it could reasonably expect that it would be so held.

Authorised disclosures.

12. (1) For the purposes of this Act a disclosure by —

(a) a public servant; or

(b) a person, not being a public servant or government contractor, in whose case a notification for the purposes of subsection (1) of section 6 above is in force,

is made with lawful authority if, and only if, it is made in accordance with his official duty.

(2) For the purposes of this Act a disclosure by a government contractor is made with lawful authority if, and only if, it is made —

(a) in accordance with an official authorisation;
or

(b) for the purposes of the functions by virtue of which he is a government contractor and without contravening an official restriction.

(3) For the purposes of this Act a disclosure made by any other person is made with lawful authority if, and only if, it is made —

(a) to a public servant for the purposes of his functions as such; or

(b) in accordance with an official authorisation.

(4) It is a defence for a person charged with an offence under any of the foregoing provisions of this Act to prove that at the time of the alleged offence he believed that he had lawful authority to make the disclosure in question and had no reasonable cause to believe otherwise.

(5) In this section “official authorisation” and “official restriction” mean, subject to subsection (6) below, an authorisation or restriction duly given or imposed by a public servant or government contractor or by or on behalf of a prescribed body or a body of a prescribed class.

(6) In relation to section 11 above “official authorisation” includes an authorisation duly given by or on behalf of the State or organisation concerned or, in the case of an organisation, a member of it.

Safeguarding
of
information.

13. (1) Where a public servant or government contractor, by virtue of his position as such, has in his possession or under his control any document or other article which it would be an offence under any of the foregoing provisions of this Act for him to disclose without lawful authority he is guilty of an offence if —

(a) being a public servant, he retains the document or article contrary to his official duty; or

(b) being a Government contractor, he fails to comply with an official direction for the return or disposal of the document or article,

or if he fails to take such care to prevent the unauthorised disclosure of the document or article as a person in his position may reasonably be expected to take.

(2) It is a defence for a public servant charged with an offence under paragraph (a) of subsection (1) above to prove that at the time of the alleged offence he believed that he was acting in accordance with his official duty and had no reasonable cause to believe otherwise.

(3) In subsections (1) and (2) above references to a public servant include any person, not being a public servant or government contractor, in whose case a notification for the purposes of subsection (1) of section 6 above is in force.

(4) Where a person has in his possession or under his control any document or other article which it would be an offence under section 10 above for him to disclose without lawful authority, he is guilty of an offence if —

(a) he fails to comply with an official direction for its return or disposal; or

(b) where he obtained it from a public servant or Government contractor on terms requiring it to be held in confidence or in circumstances in which that servant or contractor could reasonably expect that it would be so held, he fails to take such care to prevent its unauthorised disclosure as a person in his position may reasonably be expected to take.

(5) Where a person has in his possession or under his control any document or other article which it would be an offence under section 11 above for him to disclose without lawful authority, he is guilty of an offence if he fails to comply with an official direction for its return or disposal.

(6) A person is guilty of an offence if he discloses any official information, document or other article which can be used for the purpose of obtaining access to any information, document or other article protected against disclosure by the foregoing provisions of this Act and the circumstances in

which it is disclosed are such that it would be reasonable to expect that it might be used for that purpose without authority.

(7) For the purposes of subsection (6) above a person discloses information or a document or article which is official if —

(a) he has or has had it in his possession by virtue of his position as a public servant or Government contractor; or

(b) he knows or has reasonable cause to believe that a public servant or government contractor has or has had it in his possession by virtue of his position as such.

(8) Subsection (5) of section 10 above applies for the purposes of subsection (6) above as it applies for the purposes of that section.

(9) In this section “official direction” means a direction duly given by a public servant or government contractor or by or on behalf of a prescribed body or a body of a prescribed class.

Penalties.

14. (1) Every person charged with an offence under sections 6 to 13 of this Act other than subsection (1), (4) or (5) of section 13 shall be liable, on conviction, in respect of each offence, to imprisonment for a term not exceeding two years or to a fine (*multa*) not exceeding five thousand liri or to both such imprisonment and fine.

(2) A person guilty of an offence under subsection (1), (4) or (5) of section 13 of this Act shall be liable on conviction to imprisonment for a term not exceeding three months or a fine (*multa*) not exceeding two thousand liri or to both such imprisonment and fine.”.

6. In section 15 of the Ordinance, as renumbered by section 2 of this Act, for the words “ten liri” there shall be substituted words “a hundred liri”. Amendment of section 15 of the Ordinance.

7. In section 18 of the Ordinance as renumbered by section 2 of this Act, for the words “President of Malta” wherever they occur there shall be substituted the words “Attorney General”. Amendment of section 18 of the Ordinance.

Amendment
of section 19 of the
Ordinance.

8. In section 19 of the Ordinance as renumbered by section 2 of this Act for the words "an offence under this Ordinance" wherever they occur there shall be substituted the words "an offence under this Act, other than an offence under subsections (1), (4) and (5) of section 13".

Amendment of
section 21 of the
Ordinance.

9. Section 21 of the Ordinance as renumbered by section 2 of this Act shall be amended as follows:—

(a) for the word "telegram" and the word "telegrams" wherever they occur, there shall be substituted the words "communication" and "communications" respectively;

(b) for the words "postal packets" and the words "postal packet" wherever they occur there shall be substituted the words "packets" and "packet" respectively;

(c) in subsection (1) thereof:

(i) for the words "to the superintendent of police" and the words "by the superintendent of Police" wherever they occur there shall be substituted respectively the words "to the Commissioner of Police" and "by the Commissioner of Police";

(ii) the words "for the district in which such business is carried on" shall be deleted; and

(iii) for the words "each superintendent of Police" there shall be substituted the words "the Commissioner of Police";

(d) in subsection (2) thereof:

(i) for the words "cause to be entered in a book kept for the purpose" there shall be substituted the words "make a record for retention purposes";

(ii) for the words "date of posting (as shown by the postmarking)" in paragraph (c) thereof, there shall be substituted the words "date of sending"; and

(iii) for the words from "and shall not deliver" to the words "in such book as aforesaid", there shall be substituted the words "and shall not deliver a packet to any person until that person has signed a receipt for the same";

(e) in subsection (3) thereof, for the words from “The books so kept” to the words “packets received” there shall be substituted the words “the records so kept”; and

(f) in subsection (4) thereof:—

(i) for the words “of Judicial Police” there shall be substituted the words “(Malta) or the Court of Magistrates (Gozo) as the case may be”; and

(ii) for the words “ten liri” there shall be substituted the words “one hundred liri”.

10. In section 24 of the Ordinance as renumbered by section 2 of this Act, for the words “an offence under this Ordinance” wherever they occur there shall be substituted the words “an offence under this Act, other than an offence under subsections (1), (4) or (5) of section 13”, and for the words “President of Malta” in subsection (2) thereof, there shall be substituted the words “Attorney General”.

Amendment
of section 24
of the
Ordinance.

11. Immediately after section 25 of the Ordinance, as renumbered by section 2 of this Act there shall be added the following sections:

Addition of
new sections
26 and 27
to the
Ordinance.

“Orders. 26. (1) The Prime Minister may by order prescribe anything that in accordance with this Act may be prescribed.

(2) Any power of the Prime Minister or the Minister under this Act to make orders shall be exercisable by legal notice.

Acts done
abroad. 27. Any act done by a Maltese citizen or public servant shall, if it would be an offence by that person under any provision of this Act when done by him in Malta, be an offence under that provision wherever such offence may have been done.”.

Objects and Reasons

The object of the Bill is to replace section 6 of the Official Secrets Ordinance (Cap 50) by the provisions protecting more limited classes of official information. The Bill also provides for other amendments of an administrative nature.