

MALTA

ATT Nru. XIX ta' l-1993

ACT No. XIX of 1993

ATT mahruġ b'liġi mill-Parlament ta' Malta.

AN ACT enacted by the Parliament of Malta.

ATT biex jemenda ċertu liġijiet rigward il-kompożizzjoni ta' ċerti Bordijiet.

AN ACT to amend certain laws in relation to the composition of certain Boards.

Naghti l-kunsens tieghi.

(L.S.)

ĊENSU TABONE
President
3 ta' Awissu, 1993

ATT Nru. XIX ta' l-1993

ATT biex jemenda ċertu ligijiet rigward il-kompożizzjoni ta' ċerti Bordijiet.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1993 dwar Emenda fil-Ligijiet dwar Bordijiet, u għandu jidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' jstabilixxi b'avviż fil-Gazzetta u jistgħu jiġu hekk stabbiliti dati differenti għal għanijiet differenti u dispożizzjonijiet differenti ta' dan l-Att.

Titolu fil-qosor u bidu fis-seħħ.

2. Il-ligijiet murija fl-Ewwel Kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandu jkollhom effett kif soġġetti għall-emendi murija fit-Tieni Kolonna ta' dik l-Iskeda.

Emenda ta' ligijiet.

3. (1) Il-membri tal-Bord li Jirregola l-Kera, tal-Bord ta' Arbitraġġ dwar Artijiet u tal-Bord dwar il-Kontroll tal-Kiri ta' Raba', minbarra *ċ-chairmen* rispettivi ta' dawn il-Bordijiet, li kellhom kariga fuq dawn il-Bordijiet minnufih qabel id-dhul fis-seħħ ta' l-emendi li jolqtu l-kompożizzjoni tal-Bord li fuqu joqogħdu li saru skond l-artikolu 2 ta' dan l-Att, għandhom mad-dhul fis-seħħ ta' l-emenda rispettiva jkomplu jibqgħu jisimghu kull kawża li s-smiegh tagħha nbeda qabel id-dhul fis-seħħ ta' l-emendi rispettivi, bħallikieku dawk il-membri kienu membri tal-lista rispettiva assenjata mi-*ċ-chairman* rispettiv sabiex jagħmlu l-istima meħtieġa jew jagħtu kull fehma teknika oħra li tista' tenhtieg, u *ċ-chairman* rispettiv ta' kull Bord għandu jagħti dawk id-direttivi lil dawk il-membri skond il-htieġa.

Dispożizzjonijiet transitorji.

Kap. 69.
Kap. 88.
Kap. 199.

(2) Kull regola jew regolament dwar il-proċedura quddiem il-Bord li Jirregola l-Kera, il-Bord ta' Arbitraġġ dwar Artijiet jew il-Bord dwar il-Kontroll tal-Kiri ta' Raba', magħmulin taħt il-provvedimenti xierqa ta' l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini, l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, jew l-Att dwar it-Tiġdid ta' Kiri ta' Raba' għandhom jibqgħu jgħoddu kif kienu jgħoddu qabel id-dhul fis-sehh ta' dan l-artikolu, sakemm dawn jiġu revokati jew emendati, b'dawk it-tibdiliet li jistgħu jkunu meħtieġa minhabba fl-emendi magħmulin skond l-artikolu 2 ta' dan l-Att.

SKEDA

(Artikolu 2)

L-Ewwel Kolonna

It-Tieni Kolonna

Ligi

Sa fejn tiġi emendata

A. Ordinanza li Tirregola t-Tiġdid tal-Kiri ta' Bini, Kap. 69.

1. Fil-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 4 tagħha minflok il-kliem "il Bord jista' jistabbilixxi dan il-kera gust bil-mezz ta' zewġ Arkitetti u Inġinieri Ċivili li jkun fil-Bord f'kull każ li jkun." għandhom jidhlu l-kliem "il-Bord jista' jistabbilixxi dan il-kera gust."

2. Minflok l-artikoli 16 sa 18 tagħha għandu jidhol dan li ġej:—

"Kif hu magħmul il-Bord.

16. (1) Għandu jkun hemm Bord li jkun magħruf bhala l-Bord li jirregola l-Kera.

(2) Il-Bord ikun magħmul minn *Chairman* li jinhatar mill-President ta' Malta minn fost l-imhallfin u l-maġistrati.

(3) Il-President ta' Malta jista' jahtar diversi mhallfin jew maġistrati biex joqogħdu fil-Bord, iżda għandu joqgħod imhalled jew maġistrat wiehed biss f'kull każ partikolari.

Hatra ta' Lista ta' Arkitetti u Inġinieri Ċivili.

17. Il-President ta' Malta għandu jahtar ukoll Lista ta' Arkitetti u Inġinieri Ċivili minn fost persuni li jkollhom il-*warrant* biex jaħdmu ta' Arkitett u Inġinier Ċivili skond id-dispożizzjonijiet ta' l-Ordinanza dwar l-Arkitetti u jkunu ilhom fil-prattika ta' dik il-professjoni għal mhux inqas minn seba' snin.

Gurament li jittiehed mill-membri tal-Lista.

18. (1) Il-membri tal-Lista ma għandhomx jibdew iwettqu d-dmirijiet tal-kariga tagħhom sakemm ma jkunux hađu gurament quddiem iċ-*chairman* li jwettqu l-funzjonijiet tagħhom taħt din

L-Ewwel Kolonna

Ligi

It-Tieni Kolonna

Sa fejn tigi emendata

l-Ordinanza bil-ħaq u skond il-ligi.

(2) Il-membri tal-Lista jistgħu jinhatru għal żmien sentejn u jistgħu jerġgħu jinhatru mill-ġdid.”.

3. L-artikolu 19 tagħha għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “tal-Bord” għandhom jidhlu l-kliem “tal-Lista”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “jew ta’ rikuża, u kull kwistjoni li tkun biss dwar punt ta’ ligi,” għandhom jidhlu l-kliem “jew ta’ rikuża”.

4. Minflok l-artikolu 23 tagħha għandu jidhol dan li ġej:

“Rapporti minn membri tal-Lista lill-Bord.

23. (1) Kull meta jkun hemm kwistjoni quddiem il-Bord li tkun tehtieg l-istima ta’ xi fond jew kull fehma teknika oħra dwar każ li jkun qed jittratta l-Bord, iċ-*Chairman* għandu jassenja tnejn mill-membri li jinsabu fuq il-Lista sabiex jeżaminaw il-fond relattiv, jew sabiex jaraw dik il-parti tal-proċess li jkollha x’taqsam mal-kwistjoni li dwarha tinhtieg il-fehma teknika; u dawk iż-żewġ membri għandhom jipprezentaw ir-rapport tagħhom liċ-*Chairman* waqt is-seduta jew jipprezentaw dak ir-rapport fir-reġistru tal-Bord hekk kif iċ-*Chairman* jista’ jordna.

(2) Iċ-*Chairman* jista’ wkoll jehtieg il-membri li jinsabu fuq il-Lista li jiġu assenjati għal xi każ li jattendu għas-seduta tal-Bord meta dak il-każ ikun qiegħed jinstema’ mill-Bord jekk l-imsemmija membri jehtiegu tagħrif iktar mill-partijiet jew jehtiegu jinstemgħu xi xhieda partikolari.

(3) Iċ-*Chairman* ikun biss obligat li joqgħod fuq ir-rapporti tal-membri li jinsabu fuq il-Lista kull meta r-rapporti taż-żewġ membri li jinsabu fuq il-Lista f’xi każ partikolari jkun unanimi; meta dawk iż-żewġ membri ma jkunux unanimi, iċ-*Chairman* għandu fuq il-bażi tar-rapporti magħmulin miż-żewġ membri, jiddeċiedi l-kwistjoni hu nnifsu.”.

5. Fis-subartikolu (1) ta’ l-artikolu 24 tagħha, minflok il-kliem “fil-qorti bil-miftuħ, sew jekk il-membri l-oħra tal-

L-Ewwel Kolonna

Ligi

It-Tieni Kolonna

Sa fejn tiġi emendata

Bord ikunu preżenti sew jekk le,” għandhom jidhlu l-kliem “fil-qorti bil-miftuh”, u fis-subartikolu (2) tiegħu minnufih wara l-kliem “il-Qorti ta’ l-Appell” għandhom jidhlu l-kliem “kif kostitwit skond is-subartikolu (6) ta’ l-artikolu 41 tal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili”.

6. Fl-artikolu 32 u fis-subartikolu (2) ta’ l-artikolu 34 minflok il-kelma “habib” għandhom jidhlu l-kliem “avukat jew prokuratur legali”.

7. Minflok l-artikolu 39 tagħha għandu jidhol dan li ġej:

“Drittijiet dovuti lil membri li jinsabu fuq il-Lista, eċċ.

39. Il-Ministru responsabbli għall-gustizzja jista’ jippreskrivi b’avviż:

(a) id-drittijiet li jithallsu lill-membri li jinsabu fuq il-Lista li jkunu impjegati tal-Gvern; u

(b) id-drittijiet li jithallsu lill-avukati u prokuraturi legali għal kull proċediment quddiem il-bord.”.

B. Ordinanza dwar l-Akkwist ta’ Artijiet għal Skopijiet Pubbliċi, Kap. 88.

1. Minflok l-artikolu 23 tagħha għandu jidhol dan li ġej:

“Kif inhu kostitwit il-Bord u hatra ta’ Lista.

23. (1) Għandu jkun hemm bord li jkun magħruf bħala Bord ta’ Arbitraġġ dwar Artijiet.

(2) Il-Bord ikun magħmul minn *Chairman* li jinhatar mill-President ta’ Malta. Iċ-*Chairman* ikun persuna li jkollha jew kellha l-kariga ta’ mhallef jew persuna li jkollha l-kariga ta’ magistrat.

(3) Il-President ta’ Malta jista’ jahtar diversi mhallfin jew magistrati biex joqoghdu fil-Bord, iżda għandu joqghod imhallef jew magistrat wiehed biss f’kull każ partikolari.

(4) Il-President ta’ Malta għandu jahtar ukoll Lista ta’ Arkitetti u Inġinieri Ċivili minn fost persuni li jkollhom il-*warrant* biex jaħdmu ta’ Arkitett u Inġinier Ċivili skond id-dispożizzjonijiet ta’ l-Ordinanza dwar l-Arkitetti u jkunu ilhom fil-prattika ta’ dik il-professjoni għal mhux inqas minn seba’ snin.

Kap. 44.

Kap. 12.

(5) Id-dispożizzjonijiet ta’ l-artikoli 733, 734, 735 u 739 tal-Kodiċi ta’ Organizzazzjoni u

L-Ewwel Kolonna

Ligi

It-Tieni Kolonna

Sa fejn tiġi emendata

Proċedura Ċivili għandhom iġoddu għaċ-*Chairman* u għall-membri li jinsabu fuq il-Lista u kull eċċezzjoni ta' rikuzi kontra membru li jinsab fuq il-Lista għandha tiġi deċiża miċ-*Chairman* u d-deċiżjoni tiegħu mhix appellabbli.

Gurament li jittiehed miċ-*Chairman* u membri li jinsabu fil-Lista.

24. (1) Meta iċ-*Chairman* ikun persuna li kellha l-kariga ta' mhallfin iżda li ma għadhiex tokkupa dik il-kariga, huwa għandu jiehu quddiem l-Avukat Generali gurament li jwettaq il-funzjonijiet tiegħu taht din l-Ordinanza bil-*haqq* u skond il-ligi.

(2) Il-membri li jinsabu fuq il-Lista ma għandhomx jibdew iwettqu d-dmirijiet tagħhom sakemm ma jkunux hadu gurament quddiem iċ-*Chairman* li jwettqu l-funzjonijiet tagħhom taht din l-Ordinanza bil-*haqq* u skond il-ligi.

(3) Il-membri tal-Lista jistgħu jinhatru għal żmien sentejn u jistgħu jerggħu jinhatru mill-ġdid.”.

2. L-artikolu 25 tagħha għandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tas-subartikolu (2) tiegħu l-kelma “biss” għandha tithassar;

(b) is-subartikolu (4) ta' dan l-artikolu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (7);

(ċ) minflok is-subartikolu (3) tiegħu għandhom jidhlu dawn is-subartikoli ġodda (3), (4), (5) u (6) li ġejjin:

“(3) Kull meta jkun hemm kwistjoni quddiem il-Bord li tkun tehtieg l-istima ta' xi art jew kull fehma teknika oħra dwar każ li jkun qed jittratta l-Bord, iċ-*Chairman* għandu jassenja tnejn mill-membri li jinsabu fuq il-Lista sabiex jeżaminaw l-art relattiva, jew sabiex jaraw dak il-parti tal-proċess li jkollha x'taqsam mal-kwistjoni li dwarha tinhtieg il-fehma teknika; u dawk iż-żewġ membri għandhom jipprezentaw ir-rapport tagħhom liċ-*Chairman* waqt is-seduta jew jipprezentaw dak ir-rapport fir-Registru tal-Bord hekk kif iċ-*Chairman* jista' jordna.

(4) Iċ-*Chairman* jista' wkoll jehtieg il-membri li jinsabu fuq il-Lista li jiġu assenjati għal xi każ li

jattendu għas-seduta tal-Board meta dak il-każ ikun qiegħed jinstema' mill-Bord jekk l-imsemmija membri jehtieġu tagħrif iktar mill-partijiet jew jehtieġu jinstemghu xi xhieda partikolari.

(5) Iċ-*Chairman* ikun biss obligat li joqgħod fuq ir-rapporti tal-membri li jinsabu fuq il-Lista kull meta r-rapporti taż-żewġ membri li jinsabu fuq il-Lista f'xi każ partikolari jkunu unanimi; meta dawk iż-żewġ membri ma jkunux unanimi, iċ-*Chairman* għandu fuq il-bażi tar-rapporti magħmulin miż-żewġ membri, jiddeċiedi l-kwistjoni hu nnifsu.

(6) Il-partijiet għandhom jinstemghu f'jum li jiġi stabbilit mill-Bord.”.

3. L-artikolu 27 tagħha għandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tas-subartikolu (3) tiegħu minflok il-kliem “r-rapport tal-membri tekniċi ta’ dak il-bord” għandhom jidhlu l-kliem “r-rapporti taż-żewġ membri li jinsabu fuq il-Lista li jkunu ġew assenjati dak il-każ minn dak il-Bord jew ir-rapport tal-membri tekniċi ta’ dak il-Bord, skond il-każ,”;

(b) fis-subartikolu (4) tiegħu minflok il-kliem “mill-membri tekniċi ta’ dak il-bord,” għandhom jidhlu l-kliem “miż-żewġ membri li jinsabu fuq il-Lista li jkunu ġew assenjati dak il-każ minn dak il-bord, jew mill-membri tekniċi ta’ dak il-bord, skond il-każ,”; u

(ċ) fis-subartikolu (5) tiegħu minflok il-kliem “mill-membri tekniċi tal-bord” għandhom jidhlu l-kliem “miż-żewġ membri li jinsabu fuq il-Lista li jkunu ġew assenjati dak il-każ minn dak il-bord, jew mill-membri tekniċi ta’ dak il-bord, skond il-każ,”.

4. L-artikolu 35 tagħha għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu u dawn is-subartikoli ġodda għandhom jiżdedu wara s-subartikolu (1) ta’ l-artikolu 35 kif enumerat mill-ġdid:

“(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1) ta’ dan l-artikolu, il-Ministru responsabbli għall-ġustizzja jista’ b'avviż jippreskrivi d-drittijiet li jithallsu lill-membri li jinsabu fuq il-Lista u d-drittijiet dovuti lill-avukati u prokuraturi legali għal kull proċediment quddiem il-Bord jew f'konnessjoni miegħu.

L-Ewwel Kolonna

Ligi

Ċ. Att dwar it-
Tigdid ta' Kiri
ta' Raba', Kap. 199.

"Kif inhu
kostitwit
il-Bord u
hatra ta'
zewg Listi.

Kap. 44.

Kap. 12.

It-Tieni Kolonna

Sa fejn tiġi emendata

(3) Ebda dritt ma jithallas liċ-*Chairman* meta dak iċ-*Chairman* ikollu l-kariga ta' mhallef u lill-membri li jinsabu fuq il-Lista li jkunu impjegati tal-Gvern."

1. Minflok l-artikolu 5 tiegħu għandu jidhol dan li ġej:

5. (1) Għandu jkun hemm Bord li jkun magħruf bħala l-Bord dwar il-Kontroll tal-Kiri ta' Raba'.

(2) Il-Bord ikun magħmul minn *Chairman* li jkun maġistrat jew persuna li tkun hadmet ta' avukat f'Malta għal perijodu, jew perijodi, li b'kollox jammontaw għal mhux anqas minn seba' snin, mahtur mill-Prim Ministru.

(3) Il-Prim Ministru jista' jahtar diversi maġistrati jew persuni li jkollhom il-kwalifiki meħtieġa skond kif hemm fis-subartikolu (2) ta' dan l-artikolu biex joqogħdu fuq il-Bord, iżda għandu joqgħod maġistrat wieħed biss jew persuna oħra bil-kwalifiki kif imsemmi waħda biss f'kull każ partikolari.

(4) Il-Prim Ministru għandu wkoll jahtar zewg Listi kif ġej:

(a) Lista ta' Arkitetti u Inġinieri Ċivili minn fost persuni li jkollhom il-warrant biex jaħdmu ta' Arkitett u Inġinier Ċivili skond id-dispożizzjonijiet ta' l-Ordinanza dwar l-Arkitetti u li jkunu ilhom fil-prattika ta' dik il-professjoni għal mhux inqas minn seba' snin; u

(b) Lista ta' persuni (sew mis-servizz pubbliku sew jekk le) li jkunu kompetenti u jifhmu f'affarijiet tar-raba'.

(5) Iċ-*chairman* jew kull membru li jinsab fuq il-Listi jista' jastjeni ruhu jew jista' jiġi rikuzat minn kull waħda mill-partijiet kontendenti għal kull waħda mir-raġunijiet imsemmija fl-artikolu 739 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u kull kwistjoni li tinqala' dwar jew in konnessjoni ma' xi raġuni ta' rikuzja jew astensjoni għandha tiġi deċiża miċ-*Chairman*.

(6) (a) Meta iċ-*chairman* ma jkunx maġistrat huwa ma għandux jibda jaqdi d-dmirijiet tal-kariga tiegħu qabel ma jieh

L-Ewwel Kolonna

Ligi

It-Tieni Kolonna

Sa fejn tiġi emendata

quddiem l-Avukat Generali gurant li jwettaq il-funzjonijiet tiegħu u li jittratta u jiddeċiedi kull kwistjoni li tingieb quddiemu bil-haq u imparzjalità.

(b) Il-membri li jinsabu fuq il-Listi ma ghandhomx jibdew iwettqu d-dmirijiet tal-kariga tagħhom sakemm ma jkunux hadu gurant quddiem iċ-*chairman* li jwettqu l-funzjonijiet tagħhom taht dan l-Att bl-imparzjalità u skond il-ligi.

(7) Il-membri tal-Listi jistgħu jinhatru għal zmien sentejn u jistgħu jerġgħu jinhatru mill-ġdid.

(8) Kull meta jkun hemm kwistjoni quddiem il-Bord li tkun tehtieg l-istima ta' xi raba' jew kull fehma teknika oħra dwar każ li jkun qed jittratta l-Bord, iċ-*Chairman* għandu jassenja membru minn fuq kull Lista sabiex jeżaminaw ir-raba' relattiva, jew sabiex jaraw dik il-parti tal-proċess li jkollha x'taqsam mal-kwistjoni li dwarha tinhtieg il-fehma teknika, u dawk iż-żewġ membri għandhom jipprezentaw ir-rapport tagħhom liċ-*Chairman* waqt is-seduta jew jipprezentaw dak ir-rapport fir-Registru tal-Bord hekk kif iċ-*Chairman* jista' jordna.

(9) Iċ-*Chairman* jista' wkoll jehtieg lil dawk iż-żewġ membri li jattendu għas-seduta tal-Bord meta dak il-każ ikun qiegħed jinstema' mill-Bord jekk xi wiehed mill-imsemmija żewġ membri jkun jehtieg tagħrif iktar mill-partijiet jew jehtieg li jisma' xi xhieda partikolari.”.

2. L-artikolu 9 tiegħu għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jithassar;

(b) minflok is-subartikolu (3) tiegħu għandu jidhol dan li ġej:

“(3) Iċ-*Chairman* ikun biss obligat li joqgħod fuq ir-rapporti taż-żewġ membri li jinsabu fuq iż-Żewġ Listi li jkunu ġew assenjati każ partikolari skond is-subartikolu (8) ta' l-artikolu 5 ta' dan l-Att kull meta r-rapporti jkunu unanimi; meta dawk iż-żewġ membri ma jkunux unanimi, iċ-*Chairman* għandu fuq il-bażi tar-rapporti

L-Ewwel Kolonna

It-Tieni Kolonna

*Ligi**Sa fejn tigi emendata*

magħmulin miż-żewġ membri imsemmija, jiddeċiedi l-kwistjoni hu nnifsu.”.

3. Fis-subartikolu (2) ta' l-artikolu 10 tiegħu, minnufih wara l-kliem “il-Qorti ta' l-Appell” għandhom jidhlu l-kliem “kif kostitwita skond is-subartikolu (6) ta' l-artikolu 41 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili”.

4. Minflok l-artikoli 17 u 18 tagħhom għandu jidhol dan li ġej:

“Drittijiet dovuti lill-membri li jinsabu fuq il-Listi.

17. Il-Ministru responsabbli għall-gustizzja jista' b'avviż jippreskrivi d-drittijiet li jithallsu li-*Chairman* u lill-membri li jinsabu fuq iż-żewġ Listi:

Iżda ma għandu jithallas ebda dritt lil persuni li jkunu impjegati tal-Gvern.

Nefqa ta' l-amministrazzjoni tal-Bord.

18. L-ispejjeż in konnessjoni ma' l-amministrazzjoni tal-Bord, inklużi d-drittijiet li jithallsu skond regolamenti magħmulin taht l-artikolu 17 ta' dan l-Att, jithallsu mill-Fond Konsolidat minghajr il-htieġa ta' ebda approprjazzjoni oħra.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 172 tas-27 ta' Lulju, 1993.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati.

I assent.

(L.S.)

CENSU TABONE
President

3rd August, 1993

ACT No. XIX of 1993

AN ACT to amend certain laws in relation to the composition of Certain Boards.

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:—

Short title and commencement.

1. This Act may be cited as the Laws (Boards) (Amendment) Act, 1993, and shall come into force on such date as the Minister responsible for justice may by notice in the Gazette establish and different dates may be so established in respect of different purposes and different provisions of this Act.

Amendment of laws.

2. The enactments shown in the First Column of the Schedule to this Act shall have effect subject to the amendments shown in the Second Column thereof.

Transitory provisions.

3. (1) The members of the Rent Regulation Board, of the Land Arbitration and of the Agricultural Leases Control Board other than the respective chairmen of the said Boards, who were in office immediately before the coming into force of the amendments relative to the composition of the Board of which they were members, effected in accordance with section 2 of this Act, shall upon the coming into force of the respective amendment continue to take cognizance of any case the hearing of which had commenced before the coming into force of the respective amendments, as if such members were members of the respective panel assigned by the respective chairman to make the necessary valuation or give such other technical opinion as may be required, and the respective chairman of each Board shall give such directives to such members accordingly.

(2) Any rules or regulations in respect of the procedure before the Rent Regulation Board, the Land Arbitration Board or the Agricultural Leases Control Board, made under the appropriate provision of the Reletting of Urban Property (Regulation) Ordinance, the Land Acquisition (Public Purposes) Ordinance, or the Agricultural Leases (Reletting) Act, shall continue to apply as in force before the coming into force of this section, until revoked or amended, with such modifications as may be necessary in consequence of the amendments effected in accordance with section 2 of this Act.

Cap. 69
Cap. 88
Cap. 199

SCHEDULE

(Section 2)

First Column	Second Column
<i>Enactment</i>	<i>Extent of Amendment</i>
<p>A. Reletting of Urban Property (Regulation) Ordinance, Cap. 69.</p>	<p>1. For the words "the Board may cause such fair rent to be fixed by the two Architects and Civil Engineers sitting on the Board in respect of the particular case." in paragraph (b) of subsection (1) of section 4 thereof there shall be substituted the words "the Board may fix such fair rent."</p> <p>2. Sections 16 to 18 thereof shall be substituted by the following:</p>
<p>"Constitution of the Board.</p>	<p>16. (1) There shall be a Board to be known as the Rent Regulation Board.</p> <p>(2) The Board shall consist of a Chairman who shall be appointed by the President of Malta from among the judges and magistrates.</p> <p>(3) The President of Malta may appoint several judges or magistrates to sit on the Board, but only one judge or magistrate shall sit in any one case.</p>
<p>Appointment of Panel of Architects and Civil Engineers. Cap. 44</p>	<p>17. The President of Malta shall also appoint a Panel of Architects and Civil Engineers from among persons who hold the warrant to practice as Architect and Civil Engineer according to the provisions of the Architects Ordinance and who have practised that profession in Malta for not less than seven years.</p>
<p>Oath to be taken by members of the Panel.</p>	<p>18. (1) The members of the Panel shall not enter upon the duties of their office unless they have taken and subscribed an oath before the</p>

First Column

Second Column

Enactment

Extent of Amendment

chairman to exercise their functions under this Ordinance with impartiality and in accordance with the law.

(2) The members of the Panel shall be appointed for a period of two years and be re-appointed.”.

3. Section 19 thereof shall be amended as follows:

(a) the words “of the Board” in subsection (1) thereof shall be substituted by the words “of the Panel”; and

(b) the words “or challenge, and any question which is a question of law alone” in subsection (2) thereof shall be substituted by the words “or challenge”.

4. Section 23 thereof shall be substituted by the following:

“Reports by members of the Panel to the Board.

23. (1) Whenever a question arises before the Board requiring the valuation of any premises or any other technical opinion in connection with any case before the Board, the Chairman shall assign two of the members of the Panel to examine the premises in question, or to take cognizance of the record of the case relative to the matter in which the technical opinion is requested; and such two members shall present their report to the Chairman during the sitting or file the said report in the registry of the Board as the Chairman may direct.

(2) The Chairman may also require the members of the Panel assigned to a case to attend the sitting of the Board when that case is being considered by the Board if the said members require additional information from the parties or need to hear any particular witnesses.

(3) The Chairman shall only be bound by the reports of the Panel whenever the reports of the two members of the Panel assigned to a particular case are unanimous; where unanimity is not reached by the said two members, the Chairman shall on the basis of the reports submitted by the two members, decide the matter himself.”.

First Column

Second Column

*Enactment**Extent of Amendment*

5. The words "in open court, whether in the presence or in the absence of the other members of the Board," in subsection (1) of section 24 thereof shall be substituted by the words "in open court", and in subsection (2) thereof immediately after the words "Court of Appeal" there shall be inserted the words "as constituted in terms of subsection (6) of section 41 of the Code of Organization and Civil Procedure".

6. The words "a friend." in section 32 and in subsection (2) of section 34 thereof shall be substituted by the words "an advocate or a legal procurator."

7. Section 39 thereof shall be substituted by the following:

"Fees due to members of the Panel, etc.

39. The Minister responsible for justice may be notice prescribe:

(a) the fees payable to the members of the Panel provided that no fees shall be payable to members of the Panel who are in the employment of the Government; and

(b) the fees payable to advocates and legal procurators for any proceedings before the board."

**B. Land Acquisition
(Public Purposes)
Ordinance, Cap. 88.**

1. Section 23 thereof shall be substituted by the following:

"Constitution of the Board and appointment of Panel.

23. (1) There shall be a Board to be known as the Land Arbitration Board.

(2) The Board shall consist of a Chairman who shall be appointed by the President of Malta. The chairman shall be a person who holds or has held the office of judge or a person who holds the office of magistrate.

(3) The President of Malta may appoint several such judges or magistrates to sit on the board, but only one such judge or magistrate shall sit in any one case.

(4) The President of Malta shall also appoint a Panel of Architects and Civil Engineers from among persons who hold the warrant to practice as Architect and Civil Engineer according to the provisions of the Architects Ordinance and who have practised that profession in Malta for not less than seven years

First Column

Enactment

Second Column

Extent of Amendment

(5) The provisions of sections 733, 734, 735, 737 and 739 of the Code of Organisation and Civil Procedure shall apply to the Chairman and to the members of the Panel and any exception to any member of the Panel shall be decided by the Chairman and shall not be subject to appeal.

Oath to be taken by Chairman and members of the Panel.

24. (1) Where the chairman is a person who has held office of judge but no longer holds such office he shall take and subscribe an oath before the Attorney General to exercise his functions under this Ordinance with impartiality and in accordance with the law.

(2) The members of the Panel shall not enter upon the duties of their office unless they have taken and subscribed an oath before the chairman to exercise their functions under this Ordinance with impartiality and in accordance with the law.

(3) The members of the Panel shall be appointed for a period of two years and may be re-appointed.”.

2. Section 25 thereof shall be amended as follows:

(a) the word “alone” in paragraph (c) of subsection (2) thereof shall be deleted;

(b) subsection (4) thereof shall be renumbered as subsection (7);

(c) for subsection (3) thereof there shall be substituted the following subsections (3), (4), (5) and (6):

“(3) Whenever a question arises before the Board requiring the valuation of any land or any other technical opinion in connection with any case before the Board, the Chairman shall assign two of the members of the Panel to examine the land in question, or to take cognizance of the record of the case relative to the matter in which the technical opinion is requested; and such two members shall present their report to the Chairman during the sitting or file the said report in the Registry of the Board as the Chairman may direct.

First Column

Second Column

*Enactment**Extent of Amendment*

(4) The Chairman may also require the members of the Panel assigned to a case to attend the sitting of the Board when that case is being considered by the Board if the said members require additional information from the parties or need to hear any particular witnesses.

(5) The Chairman shall only be bound by the reports of the two members of the Panel assigned to a particular case whenever the reports are unanimous; where unanimity is not reached by the said two members, the Chairman shall on the basis of the reports submitted by the said two members, decide the matter himself.

(6) The parties shall be heard on a day to be fixed by the Board.”.

3. Section 27 thereof shall be amended as follows:

(a) the words “the report of the technical members of that board,” in paragraph (b) of subsection (3) thereof shall be substituted by the words “the reports of the two members of the Panel assigned to that case by that Board or the report of the technical members of that board, as the case may be,”;

(b) the words “by the technical members of that board,” in subsection (4) thereof shall be substituted by the words “by the two members of the Panel assigned to that case by that board, or by the technical members of that board, as the case may be,”; and

(c) the words “by the technical members of the board,” in subsection (5) thereof shall be substituted by the words “by the two members of the Panel assigned to that case by that board, or the technical members of that board, as the case may be,”.

4. Section 35 thereof shall be renumbered as subsection (1) thereof and the following new subsections shall be added after subsection (1) of section 35 as renumbered:

“(2) Without prejudice to the generality of subsection (1) of this section, the Minister responsible for justice may by notice prescribe the fees payable to the members of the Panel and the fees due to advocates and legal procurators for any proceedings before or in connection with the Board.

First Column

Second Column

Enactment

Extent of Amendment

(3) No fees shall be payable to the Chairman where such chairman holds the office of judge and to members of the Panel who are in the employment of the Government.”.

C. Agricultural Leases (Reletting) Act, Cap. 199.

1. Section 5 thereof shall be substituted by the following:

“Constitution of the Board and appointment of two Panels.

5. (1) There shall be a Board to be known as the Rural Leases Control Board.

(2) The Board shall consist of a Chairman who shall be a magistrate or a person who has practised as an advocate in Malta for a period of, or periods amounting in the aggregate to, not less than seven years, appointed by the Prime Minister.

(3) The Prime Minister may appoint several magistrates or persons qualified as in subsection (2) hereof to sit on the Board, but only one magistrate or other person qualified as aforesaid shall sit as chairman in any one case.

(4) The Prime Minister shall also appoint two Panels as follows:

(a) a Panel of Architects and Civil Engineers from among persons who hold the warrant to practise as Architect and Civil Engineer according to the provisions of the Architects Ordinance and who have practised that profession in Malta for not less than seven years; and

(b) a Panel of persons (in the public service or otherwise) who are competent and knowledgeable in agricultural matters.

(5) The chairman or any member of the panels may abstain or may be challenged by any of the contending parties for any of the causes mentioned in section 739 of the Code of Organisation and Civil Procedure and any question arising in regard to or in connection with any cause of challenge or abstention shall be decided by the chairman.

Cap. 44

Cap. 12

First Column

Second Column

*Enactment**Extent of Amendment*

(6) (a) Where the chairman is not a magistrate he shall not enter upon the duties of his office unless he has taken and subscribed before the Attorney General an oath to exercise his functions and to examine and decide any matter referred to him with equity and impartiality.

(b) The members of the Panels shall not enter upon the duties of their office unless they have taken and subscribed an oath before the chairman to exercise their functions under this Act with impartiality and in accordance with the law.

(7) The members of the Panels shall be appointed for a period of two years and may be re-appointed.

(8) Whenever a question arises before the Board requiring the valuation of any agricultural land or any other technical opinion in connection with any case before the Board, the Chairman shall assign one member from each Panel to examine the agricultural land in question or to take cognizance of the record of the case relative to the matter in which the technical opinion is requested, and such two members shall present their report to the Chairman during the sitting or file the said report in the Registry of the Board as the Chairman may direct.

(9) The Chairman may also require the said two members to attend the sitting of the Board when that case is being considered by the Board if any of the said two members require additional information from the parties or need to hear any particular witnesses.”.

2. Section 9 thereof shall be amended as follows:

(a) subsection (2) thereof shall be deleted;

(b) subsection (3) thereof shall be substituted by the following:

“(3) The Chairman shall only be bound by the reports of the two members of the two Panels assigned to a particular case in accordance with

First Column

Enactment

Second Column

Extent of Amendment

subsection (8) of section 5 of this Act whenever their reports are unanimous; where unanimity is not reached by the said two members, the Chairman shall on the basis of the reports submitted by the said two members, decide the matter himself.”.

3. In subsection (2) of section 10 thereof, immediately after the words “Court of Appeal” there shall be added the words “as constituted in terms of subsection (6) of section 41 of the Code of Organization and Civil Procedure”.

4. Sections 17 and 18 thereof shall be substituted by the following:

“Fees due to the members of the Panels.

17. The Minister responsible for justice may be notice prescribe the fees payable to the chairman and the members of the two Panels:

Provided that no fees shall be payable to any person who is in the employment of the Government.

Expenditure in connection with the administration of the Board.

18. The expenses in connection with the administration of the Board, including the fees payable in accordance with regulations made under section 17 of this Act, shall be paid out of the Consolidated Fund without the necessity of any further appropriation.”.

Passed by the House of Representatives at Sitting No. 172 of the 27th July, 1993.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.

