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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Guido de Marco, M.P., Viċi Prim Ministru u Ministru ta' l-Affarijiet Barranin, u moqri għall-Ewwel darba fis-Seduta ta' l-20 ta' Lulju, 1993.

ATT sabiex ikun jista' jinghata effett lil ċerti dispozizzjonijiet ta' *Charter* tan-Nazzjonijiet Uniti.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A **BILL** introduced by the Honourable Guido de Marco, M.P., Deputy Prime Minister and Minister of Foreign Affairs, and read for First time at the Sitting of the 20th July, 1993.

AN ACT to enable effect to be given to certain provisions of the Charter of the United Nations.

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjaħ

ATT sabiex ikun jista' jingħata effett lil ċerti dispożizzjonijiet taç-Charter tan-Nazzjonijiet Uniti.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti. Titolu fil-qosor.

2. F'dan l-Att — Tifsir.

“Charter” tfisser iç-Charter tan-Nazzjonijiet Uniti iffirmat f'San Francisco fis-26 ta' Ġunju, 1945;

“Kunsill tas-Sigurezza” tfisser il-Kunsill tas-Sigurezza stabbilit taħt il-Kapitlu V taç-Charter;

“Nazzjonijiet Uniti” tfisser l-organizzazzjoni internazzjonali mwaqqfa biç-Charter.

3. (1) Kull meta l-Kunsill tas-Sigurezza, waqt li jaġixxi skond il-Kapitlu VII taç-Charter, jirrakomanda lill-istati membri tan-Nazzjonijiet Uniti biex jieħdu miżuri sabiex tibqa' tinzamm jew terga' tingieb il-paċi u s-sigurezza internazzjonali, jew jitlob lil dawk l-istati membri biex japplikaw xi miżuri biex jagħtu effett lil xi deċizzjoni ta' l-imsemmi Kunsill tas-Sigurezza (li jkunu miżuri li fihom ma jidholx l-użu ta' forza armata skond l-Artikolu 42 taç-Charter), il-Prim Ministru jista', b'ordni fil-Gazzetta, u bla ħsara għad-dispożizzjonijiet tas-subartikoli (2), (3) u (4), jagħmel regolamenti li jkunu jidhrulu meħtieġa jew spedjenti sabiex dawk il-miżuri jkunu jistgħu jiġu applikati b'mod effettiv, inklużi (mingħajr preġudizzju għall-generalità tal-kliem preċedenti) regolamenti għall-arrest, proċess u punizzjoni ta' persuni haġjin ta' ksur ta' dawk ir-regolamenti.

Setgħa tal-Prim
Ministru li
jagħmel
regolamenti.

(2) Ir-regolamenti li jsiru skond is-subartikolu (1) għandu jkun fihom it-test tar-rakkomandazzjoni, riżoluzzjoni jew deċiżjoni tal-Kunsill tas-Sigurezza li jkun fiha dawk il-miżuri li r-regolamenti jkollhom il-għan li japplikaw.

(3) Meta r-regolamenti li jsiru taħt is-subartikolu (1) ikunu jipprovdu għall-proċess u l-punizzjoni ta' persuni hatjin ta' ksur ta' dawk ir-regolamenti, ir-reati kollha kontra dawk ir-regolamenti jkunu ta' kompetenza tal-Qorti tal-Maġistrati (Malta) u tal-Qorti tal-Maġistrati (Għawdex), bħala qrati ta' gudikatura kriminali, minkejja d-dispożizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali.

Kap. 9.

(4) (a) Meta r-regolamenti magħmula skond is-subartikolu (1) ikunu jipprovdu għall-piena ta' privazzjoni tal-libertà jew għal pieni ta' flus, jew għat-tnejn, dik il-piena ma għandhiex, fil-każ ta' privazzjoni tal-libertà, tkun iżjed minn prigunerija għal hames snin u, fil-każ ta' piena ta' flus, ma għandhiex tkun iżjed minn multa ta' hamsin elf lira Maltija; u

(b) Meta l-fatti li jikkostitwixxu ksur ta' regolament taħt dan l-Att jikkostitwixxu wkoll ksur ta' liġi oħra li tipprojbixxi l-fatti kollha projbiti bir-regolament partikolari, ma jittieħdux proċeduri dwar il-ksur tar-regolamenti taħt dan l-Att iżda biss dwar il-ksur tal-liġi l-oħra.

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa biex il-Gvern ta' Malta jkun jista' jinforza sanzjonijiet kollha imposti minn żmien għal żmien mill-Kunsill tas-Sigurezza ta' l-Organizzazzjoni tan-Nazzjonijiet Uniti.

A BILL

entitled

AN ACT to enable effect to be given to certain provisions of the Charter of the United Nations.

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

1. This Act may be cited as the United Nations (Security Council Sanctions) Act, 1993.

Short title.

2. In this Act —

Interpretation.

“Charter” means the Charter of the United Nations signed at San Francisco on the 26th June, 1945;

“Security Council” means the Security Council established under Chapter V of the Charter;

“United Nations” means the international organisation set up by the Charter.

3. (1) Whenever the Security Council, acting under Chapter VII of the Charter, recommends to member states of the United Nations to take measures to maintain or restore international peace and security, or calls upon such member states to apply any measures to give effect to any decision of the said Security Council (being measures not involving the use of armed force under Article 42 of the Charter), the Prime Minister may, by order in the Gazette, and subject to the provisions of subsections (2), (3) and (4), make regulations as appear to him necessary or expedient for enabling those measures to be effectively applied, including (without prejudice to the generality of the preceding words) regulations for the apprehension, trial and punishment of persons offending against those regulations.

Power of the Prime Minister to make regulations.

(2) Regulations made under subsection (1) shall contain the text of the recommendation, resolution or decision of the Security Council containing those measures which the regulations are intended to apply.

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(3) When regulations made under subsection (1) provide for the trial and punishment of persons offending against those regulations, the Court of Magistrates (Malta) and the Court of Magistrates (Gozo), as courts of criminal judicature, shall, notwithstanding the provisions of section 370 of the Criminal Code, be competent to try all offences against those regulations.

(4) (a) When regulations made under subsection (1) provide for the punishment of deprivation of liberty or for pecuniary punishments, or for both, such punishment shall not, in the case of deprivation of liberty, exceed the term of imprisonment of five years and, in the case of pecuniary punishment, exceed a fine (*multa*) of fifty thousand Maltese liri; and

(b) Where the facts constituting a breach of a regulation under this Act also constitute a breach of any other law prohibiting all the facts prohibited by the particular regulation, proceedings shall not be taken in respect of the breach of the regulations under this Act but only in respect of the breach of the other law.

Objects and Reasons

The aim of this Bill is to enable the Government of Malta to enforce any sanctions imposed from time to time by the Security Council of the United Nations Organisation.