

Naghti l-kunsens tieghi.

(L.S.)

GEORGE HYZLER
Agent President

13 ta' Ġunju, 2000

ATT Nru. XV ta' l-2000

Att biex jemenda l-Att dwar ix-Xandir, Kap. 350

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. It-titolu ta' dan l-Att hu l-Att ta' l-2000 li jemenda l-Att dwar ix-Xandir u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar ix-Xandir, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali" u għandu jibda jsehh f'dik id-data li l-Prim Ministru jista' jstabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispozizzjonijiet u għanijiet differenti ta' dan l-Att.

Titolu fil-qosor u bidu fis-sehh.

Kap. 350.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) minnufih wara t-tifsira ta' l-espressjoni "l-Awtorità" għandha tidhol din it-tifsira ġdida li ġejja:-

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

"Liċenza ta' xandir" tfisser liċenza mahruġa skond l-artikolu 10 ta' dan l-Att mill-Awtorità tax-Xandir u tinkludi wkoll kull liċenza, kuntratt jew dokument iehor mahruġ taht xi ligi oħra li permezz tiegħu persuna tkun awtorizzata ttiprovdi servizz ta' xandir;"

(b) it-tifsira ta' l-espressjoni "reklamar" għandha tiġi sostitwita b'dan li ġej:-

" "reklamar" tfisser kull għamla ta' thabbira mxandra sew jekk issir bi hlas jew għal konsiderazzjoni simili, jew

thabbira mxandra bil-ghan li ġġib 'il quddiem intrapriża pubblika jew privata b'konnessjoni ta' kummerċ, senġha, negozju, jew professjoni bl-ghan li tippromwovi l-provvista ta' prodotti jew servizzi, inklużi proprjetà immobbli, drittijiet u obbligi, bi hlas;”;

(ċ) it-tifsira li ġejja għandha tigi miżjuda wara t-tifsira ta' l-espressjoni “reklamar”:-

“ “reklamar b'habi” tfisser rappreżentazzjoni fi kliem jew immagini ta' prodotti, servizzi, l-isem, *trade mark*, jew attivitajiet ta' manifattur ta' prodotti jew ta' min jipprovdi servizzi fi programmi fejn dik ir-rappreżentazzjoni hi intiża minn min qed ixandar li sservi ta' reklam u tista' tiżvija lill-pubbliku dwar in-natura tagħha. Dik ir-rappreżentazzjoni tkun meqjusa li tkun intenzjonata b'mod partikolari jekk issir in kambju għal pagament jew għal konsiderazzjoni simili;”;

(d) it-tifsira ta' l-espressjoni “*sponsorship*” għandha tigi sostitwita b'dan li ġej:-

“ “*sponsorship*” tfisser kull kontribut minn intrapriża pubblika jew privata li mhix involuta f'attivitajiet ta' xandir jew fil-produzzjoni ta' xoghlijiet awdjo-viżivi għall-iffinanzjar ta' programmi, bil-ghan li jingieb 'il quddiem l-isem, *trade mark*, jew id-dehra, l-attivitajiet jew il-prodotti ta' dik l-intrapriża;”;

(e) it-tifsira li ġejja għandha tigi miżjuda wara t-tifsira ta' l-espressjoni “tekniki subliminari”:-

“ “*teleshopping*” tfisser offerti diretti mxandra lill-pubbliku bl-ghan li jiġu provduti prodotti jew servizzi, inklużi proprjetà immobbli, drittijiet u obbligi, bi hlas;”.

Emenda ta'
l-artikolu 10 ta'
l-Att prinċipali.

3. L-artikolu 10 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) is-subartikoli (1) sa (11) tiegħu għandhom jiġu rinumerati bħala s-subartikoli (2) sa (12) tiegħu;

(b) minnufih qabel is-subartikolu (2) tiegħu kif rinumerat għandu jidhol dan is-subartikolu:

“(1) Bla hsara għal dak li huwa provdut f'dan l-Att jew f'xi liġi oħra, il-libertà li xxandar u li tirċievi xandir hija garantita.”;

(ċ) fis-subartikolu (2) tiegħu kif rinumerat il-kliem “, hawnhekk iżjed ’il quddiem imsejha “licenza tax-xandir” ” għandhom jithassru;

(d) fis-subartikolu (5) tiegħu kif rinumerat minflok il-kliem “Licenza” għandhom jidhlu l-kliem “Bla hsara għal kull obligazzjoni li Malta tkun dahlet fiha li tinkludi sew obligazzjoni ta’ trattament nazzjonali għar-rigward ta’ ċittadini barranin sew klawsola ta’ reċiproċità applikabbli għall-kontroll jew il-proprjetà ta’ mezzi tax-xandir, licenza”; u

(e) fil-paragrafu (a) tas-subartikolu (6) kif rinumerat minflok il-kliem “Ebda organizzazzjoni, persuna jew kumpanija ma tista’ tippossjedi, tikkontrolla jew tkun ukoll responsabbli editorjalment għal iktar minn servizz tax-xandir wieħed bir-radju u servizz ta’ xandir wieħed bit-televiżjoni taħt dan l-Att;” għandu jidhol dan li ġej:

“Ebda organizzazzjoni, persuna jew kumpanija ma tista’ tkun proprjetarja, tikkontrolla jew tkun responsabbli editorjalment għal iżjed minn:

(i) servizz wieħed tax-xandir bir-radju li jkun ixandar b’mezz terrestri jew fuq il-*cable*; u

(ii) servizz wieħed tax-xandir bit-televiżjoni li jkun ixandar b’mezz terrestri jew fuq il-*cable*; u

(iii) servizz wieħed tax-xandir bir-radju jew bit-televiżjoni li jkun dedikat eskklusivament għat-*teleshopping* u li jkun ixandar b’mezz terrestri jew fuq il-*cable*.”; u

(f) fil-paragrafu (b) tas-subartikolu (6) kif rinumerat il-kliem “bil-fili u bil-mewġ fl-arja” għandu jiġi sostitwit bil-kliem “b’mezz terrestri u fuq il-*cable*”.

4. L-artikolu 11 ta’ l-Att principali għandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 11 ta’ l-Att principali.

(a) minnufih wara s-subartikolu (1) tiegħu għandu jidhol is-subartikolu ġdid li ġej:

“(1A) Il-Ministru flimkien mal-Ministru responsabbli għat-telegrafija minghajr fili, jista’ minn żmien għal żmien jemenda jew jissostitwixxi t-Tieni Skeda li tinsab ma’ dan l-Att.”; u

(b) is-subartikolu (4) tieghu ghandu jithassar.

Zieda ta' l-artikolu
12A ma' l-Att
prinċipali.

5. Minnufih wara l-artikolu 12 ta' l-Att prinċipali ghandu jidhol dan li ġejj:

Libertà li
tirċievi u
tirritras-
metti
programmi.

12A. (1) Bla hsara ghal dak li hu provdut f'dan l-Att jew f'xi liġi oħra, il-libertà li tirċievi u li tirritrasmetti programmi tar-radju u tat-televiżjoni hija garantita.

(2) Il-Prim Ministru jista' jagħmel regolamenti li jirregolaw l-eżerċizzju ta' dawn il-libertajiet imsemmija hawn fuq u huwa jkollu s-setgħa li jippreskrivi dawk il-formalitajiet, kundizzjonijiet u restrizzjonijiet li jidhirlu xierqa f'dan ir-rigward u li jkun raġonevolment ġustifikabbli f'soċjetà demokratika.”.

Emenda ta'
l-artikolu 13 ta'
l-Att prinċipali.

6. L-artikolu 13 ta' l-Att prinċipali ghandu jiġi emendat billi l-paragrafu (d) tas-subartikolu (2) tieghu ghandu jiġi sostitwit b'dan li ġejj:-

“(d) li proporzjonijiet xierqa ta' materjal rekordjat u materjal iehor imdahhal fil-programmi jkunu magħmulin bil-lingwa Maltija u jirriflettu l-identità kulturali Maltija;”.

Emenda ta'
l-artikolu 16 ta'
l-Att prinċipali.

7. Minflok is-subartikolu (1) ta' l-artikolu 16 ta' l-Att prinċipali ghandu jidhol dan li ġejj:-

“(1) Dawn l-attijiet li ġejjin ma jistgħux jiġu mwettqin qabel ma jkun hemm il-kunsens bil-quddiem u bil-miktub ta' l-Awtorità, li ma għandux ma jingħatax mingħajr raġuni valida:

- (i) l-assenjazzjoni ta' liċenza tax-xandir;
- (ii) it-trasferiment ta' ishma f'kumpannija li jkollha liċenza tax-xandir;
- (iii) it-trasferiment tal-kontroll effettiv ta' kumpannija li jkollha liċenza tax-xandir;
- (iv) it-trasferiment ta' kontroll manigerjali ta' stazzjon ta' xandir minn detentur ta' liċenza tax-xandir lil persuna oħra;
- (v) it-trasferiment tal-proprjetà benefiċjarja ta' kumpannija li jkollha liċenza tax-xandir;
- (vi) il-fużjoni ta' kumpanniji li jkollhom liċenzi tax-xandir;

Iżda fil-każ ta' xandir imsemmi fil-paragrafi (a) u (b) tas-subartikolu (1) ta' l-artikolu 16A l-funzjonijiet mogħtijin lill-Awtorità taht dan is-subartikolu għandhom jiġu eżercitati mill-Ministru responsabbli għat-telegrafija mingħajr fili jew mill-persuna li tawtorizza dak ix-xandir.”.

8. Minnufih wara l-artikolu 16 ta' l-Att prinċipali għandu jżied dan l-artikolu ġdid li ġej:-

Zieda ta' l-artikolu 16A ġdid ma' l-Att prinċipali.

“Applikabilità tad-dispożizzjonijiet ta' l-Att.

16A. (1) Id-dispożizzjonijiet ta' dan l-Att għandhom japplikaw għax-xandara kollha li jaqgħu taht il-ġurisdizzjoni Maltija kemm kif eżistenti fiż-żmien meta jiġi fis-seħħ dan l-artikolu kif ukoll kif din tista' tiġi definita u estiża minn żmien għal żmien skond regolamenti magħmula bis-saħħa ta' l-artikolu 37 ta' dan l-Att:

Iżda:

(a) id-dispożizzjonijiet tal-paragrafi (1) u (4) ta' l-artikolu 10 ta' dan l-Att ma għandhomx japplikaw:

(i) għall-provdiment ta' servizzi tax-xandir bis-smiġh jew bit-televiżjoni mill-Gvern jew minn kull persuna, korp jew awtorità li jkollhom liċenza minn jew skond arrangamenti li jagħmlu mal-Gvern; u

(ii) liċenza tax-xandir mogħtija qabel l-1 ta' Ġunju, 1991;

(b) id-dispożizzjonijiet ta' l-artikolu 10 minbarra dawk tas-subartikoli (10) u (11) tiegħu, u d-dispożizzjonijiet tal-paragrafu (d) tas-subartikolu (2) u tas-subartikoli (4) u (5) ta' l-artikolu 13, ta' l-artikoli 17 u 18, u tas-subartikolu (2) ta' l-artikolu 23 ta' dan l-Att ma għandhomx ikunu japplikaw għar-rigward tal-provdiment ta' servizzi ta' xandir bis-smiġh jew bit-televiżjoni bis-satellita skond liċenza mahruġa mill-Gvern jew minn persuna, korp jew awtorità li l-Ministru responsabbli għat-telegrafija mingħajr fili jista' b'ordni mahruġ taht dan l-artikolu jawtorizza li tohroġ liċenza bħal dik.

(2) Ix-xandir imsemmi fis-subparagrafu (i) tal-paragrafu (a) u fil-paragrafu (b) tal-proviso għas-subartikolu

(1) ta' dan l-artikolu ghandu jkun sugġett ghal dawk il-kondizzjonijiet li l-Ministru responsabbli ghat-telegrafija minghajr fili jew dik il-persuna, korp jew awtorità bhalma huma imsemmija fil-paragrafu (b) tal-proviso ghas-subartikolu (1) ta' dan l-artikolu, skond il-każ, tista' tqis li jkun xieraq, liema kundizzjonijiet jistgħu ukoll jinkludu kundizzjonijiet simili fil-kontenut ghad-dispożizzjonijiet li jkunu ġew magħmula inapplicabbli ghal dak ix-xandir bis-sahha tal-proviso ghas-subartikolu (1) ta' dan l-artikolu.”.

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

9. Fis-subartikolu (1) ta' l-artikolu 18 ta' l-Att prinċipali minflok il-kliem “dawk is-servizzi.” ghandhom jidhlu l-kliem “dawk is-servizzi.” u minnufih wara ghandu jiżdied il-proviso li ġej:-

“Izda wara li jkun assenja frekwenza tax-xandir skond dan is-subartikolu l-Ministru jkun jista' jvarja minn żmien għal żmien il-kundizzjonijiet dwar l-użu ta' dik il-frekwenza mid-detentur tal-liċenza tax-xandir u dan wara li l-Ministru jkun sema' s-sottomissjonijiet ta' l-istess detentur ta' liċenza fuq il-proposta tal-varjazzjoni. Deċiżjoni tal-Ministru li tittiehed skond dan il-proviso ghandha:

(a) tigi fis-sehh wara li l-imsemmi detentur tal-liċenza jkun inghata avviż raġonevoli tad-data li fiha dik id-deċiżjoni tkun se tigi fis-sehh;

(b) tkun tikkonforma mal-prinċipju tal-proporzjonalità u ma tittehidx b'mod diskriminatorju;

(c) tkun bil-miktub;

(d) tkun tinkludi r-raġunijiet li tkun imsejsa fuqhom; u

(e) tigi notifikata lid-detentur tal-liċenza u pubblikata fil-Gazzetta.”.

Żieda ta' l-artikoli godda 21A u 21B ma' l-Att prinċipali.

10. L-artikoli li ġejjin ghandhom jiżdiedu wara l-artikolu 21 ta' l-Att prinċipali:

“Proċedura ta' l-ilmenti.

21A. (1) Terzi persuni milquta jistgħu jilmentaw ma' l-Awtorità u jitolbuha li tassigura li x-xandara jikkonformaw mad-dispożizzjonijiet ta' dan l-Att.

(2) L-Awtorità ghandha thejji Kodici għall-investigazzjoni u ghad-determinazzjoni ta' ilmenti.

(3) Minkejja d-dispożizzjonijiet ta' xi ligi oħra, l-Awtorità jkollha d-dritt li ttiprovdi kopja ta' kull xandira lil kull persuna li tħoss ruhha aggravata bil-kontenut ta' dik ix-xandira. Dik il-kopja għandha tingħata bi hlas li għandu jkun raġonevoli u bbażat fuq l-ispejjeż inkorsi.

(4) L-Awtorità tista' tagħmel regolamenti li jkunu jipprovdu għal proċedura, terminu u hlasijiet għall-ghoti ta' kopja ta' xi xandira minn stazzjon ta' xandir lil kull persuna li tħoss ruhha aggravata bil-kontenut ta' dik ix-xandira.

Publikazzjoni tal-Kodiċijiet.

21B. L-Awtorità għandha tippubblika fil-Gazzetta l-Kodiċijiet magħmula skond din it-Taqsima ta' dan l-Att.”.

11. (a) L-artikolu 37 ta' l-Att prinċipali għandu jiġi numerat mill-ġdid bħala s-subartikolu (1) tiegħu.

Emenda ta' l-artikolu 37 ta' l-Att prinċipali.

(b) Immedjatament wara l-imsemmi subartikolu (1) għandu jidhul is-subartikolu ġdid li ġej:

“(2) Il-Prim Ministru jista' jagħmel regolamenti:

(a) biex jirriżerva għal dawk ix-xogħlijiet li joriginaw minn dawk il-pajjiżi li l-Prim Ministru jista' b'ordni jippreskrivi u għal xogħlijiet imsemmi fil-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 13 ta' dan l-Att proporzjonijiet jew limiti massimi, ta' hin ta' trasmissjoni bil-mezzi tax-xandir;

(b) biex jirriżerva proporzjon ta' hin ta' trasmissjoni bil-mezzi tax-xandir u tal-*budget* ta' programmi ta' stazzjon għal xogħlijiet ta' produttori indipendenti li jkunu joriginaw minn dawk il-pajjiżi li l-Prim Ministru jista' jiddetermina;

(ċ) biex jipromwovi d-distribuzzjoni u l-produzzjoni ta' xogħlijiet awdjo-viżivi u xandiriet televiżivi;

(d) biex jirregola t-trasmissjoni bit-televiżjoni ta' avvenimenti li huwa jikkunsidra li huma ta' importanza magħgħuri għas-soċjetà u biex jordna li dawk l-avvenimenti għandhom ikunu trasmessi permezz ta' xandiriet diretti jew permezz ta' filmati fuq stazzjonijiet televiżivi riċevibbli mingħajr hlas u aċċessibbli għall-pubbliku in generali;

(e) biex jiddefinixxi min huma dawk ix-xandara bit-televiżjoni u liema huma dawk l-attivitajiet ta' xandir bit-televiżjoni li jaqghu fil-ġurisdizzjoni ta' Malta u biex jestendi l-ġurisdizzjoni Maltija fuq xandara u fuq attivitajiet ta' xandir bit-televiżjoni sabiex jirrendi aktar effettivi d-dispożizzjonijiet ta' dan l-Att u biex jassigura l-implimentazzjoni ta' obligazzjonijiet internazzjonali li Malta tkun assumiet jew li tkun bi hsiebha tassumi;

(f) biex jippreskrivi l-mizuri li jistgħu jittiehdu dwar xandara jew persuni ohra li jonqsu li jharsu xi regolamenti magħmula taht il-paragrafi preċedenti ta' dan is-subartikolu u biex jirrendi l-artikolu 41 ta' dan l-Att applikabbli għal ksur ta' regolamenti magħmula taht dan is-subartikolu.”.

Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

12. Is-subartikolu (4) ta' l-artikolu 39 ta' l-Att prinċipali għandu jithassar.

Sostituzzjoni ta' l-artikolu 40 ta' l-Att prinċipali.

13. L-artikolu 40 ta' l-Att prinċipali għandu jigi sostitwit b'dan li ġej:-

“Obbligu ta' ritrasmissjoni.

40. (1) Kull persuna li jkollha liċenza biex thaddem sistema ta' televiżjoni permezz tal-*cable* jew biex thaddem kull sistema ohra għar-ritrasmissjoni ta' għadd ta' servizzi ta' xandir bit-televiżjoni lill-pubbliku għandha tidistribwixxi fuq dik is-sistema dawk is-servizzi kollha ta' xandir bit-televiżjoni, hlief għal servizzi ta' xandir dedikati kompletament għat-*teleshopping*, liċenzjati f'Malta u li jkunu jistgħu jiġu riċevuti b'mezz terrestri u mingħajr hlas lill-pubbliku f'Malta.

(2) Il-Ministru responsabbli għat-telegrafija mingħajr fili jista' b'regolamenti jipprovdi għal obbligu ta' ritrasmissjoni fuq dawk is-sistemi msemmija fis-subartikolu (1) ta' dan l-artikolu ta' servizzi ohra ta' xandir bit-televiżjoni, inklużi wkoll dawk dedikati kompletament għat-*teleshopping*, taht dawk il-kundizzjonijiet, li jistgħu jinkludu wkoll obbligu ta' hlas ta' kumpens lill-operatur ta' xi sistema kif imsemmija, hekk kif l-istess Ministru jkun jidhirlu xieraq.”.

Zieda ta' artikolu ġdid f'Taqsimha IX ta' l-Att prinċipali.

14. Minnufih wara l-artikolu 40 ta' l-Att prinċipali għandu jidhol dan l-artikolu ġdid li ġej:-

“Proċedura speċjali amministrattiva.

41. (1) Minkejja kull dispożizzjoni ohra ta' dan l-Att, ir-reati msemmija fl-Ewwel Kolonna tal-Hames Skeda

ma' dan l-Att ghandhom ikunu offiżi amministrattivi punibbli mill-Awtorità.

(2) L-impożizzjoni mill-Awtorità ta' sanzjoni ta' natura amministrattiva skond dan l-artikolu ghandha tkun bla hsara ghal kull konsegwenza oħra ta' dak l-att jew dik l-ommissjoni tal-persuna li taghmel dik l-offiża skond il-ligi civili jew il-ligi amministrattiva.

(3) L-Awtorità ghandha tosserva l-garanziji ta' smiegh xieraq u fil-pubbliku meta hija tiddeciedi jekk persuna hix hatja ta' offiża amministrattiva skond dan l-artikolu.

(4) Meta l-Awtorità hi tal-fehma li persuna kkommettiet offiża kontra d-dispożizzjonijiet ta' dan l-Att imsemmija fl-Ewwel Kolonna tal-Hames Skeda ma' dan l-Att, l-Awtorità tista' -

(a) twiddeb bil-miktub lil dik il-persuna; jew

(b) tordna lil dik il-persuna li ma xxandarx ghal perjodu speċifiku ta' hin u, jekk l-Awtorità hekk tordna, hija ghandha tordna lil dik il-persuna li tittrasmetti bla hlas tul il-hin kollu li l-istazzjon ma jkunx qed ixandar avviz fis-sens li l-istazzjon in kwistjoni mhux qed jithalla jxandar għall-perjodu ta' żmien b'ordni ta' l-Awtorità skond dan il-paragrafu; jew

(c) timponi penali amministrattiva fil-konfront ta' dik il-persuna skond il-pieni msemmija fit-Tieni Kolonna tal-Hames Skeda ma' dan l-Att u sugġett għad-dispożizzjonijiet tal-paragrafu 1 ta' dik l-Iskeda:

Izda l-Awtorità ma tistax tehtieg il-hlas ta' penali ta' aktar minn hamest'elef lira jew dak l-ammont iehor li l-Prim Ministru jista' b'ordni jippreskrivi, liema ammont m'għandux jeċċedi hmistax-il elf lira u l-Awtorità ma tkunx tista' timponi fil-konfront ta' dik il-persuna li tinsab hatja ta' aktar minn offiża wahda fl-istess akkuża l-hlas ta' penali li teċċedi l-ammont ta' hamest elef lira jew dak l-ammont l-iehor preskritt mill-Prim Ministru kif inghad hawn fuq:

Izda wkoll l-Awtorità tista' timponi penali sospiza, liema penali ghandha tithallas f'dak il-perjodu li l-Awtorità tista' tistabilixxi. L-Awtorità ukoll tista'

tiddetermina dawk il-kondizzjonijiet, limitazzjonijiet u restrizzjonijiet kemm fir-rigward tal-hlas tal-penali jew tal-penali sospiża li jidhrilha xieraq; jew

(d) tapplika separatament jew flimkien il-mizuri msemija fil-paragrafi (b) u (c) ta' dan is-subartikolu fil-konfront ta' tali persuna.

(5) Meta jkun inghata avviż ta' akkuża skond dan l-artikolu, il-persuna msemija fl-avviż tista' f'dak iż-żmien li l-Awtorità tista' tapprova, mid-data tan-notifika ta' l-avviż taċċetta responsabbiltà għall-offiża speċifikata fl-avviż u, f'dak iż-żmien, jew fiż-żmien ulterjuri li l-Awtorità tista' tippermetti, tirrimedja għall-offiża u thallas, jew tintrabat bil-miktub li thallas, il-penali indikata fl-avviż jew dik il-penali li l-Awtorità tista' taċċetta skond id-dispożizzjonijiet tal-Hames Skeda ma' dan l-Att u f'kull każ bħal dan:—

(a) il-persuna msemija fl-avviż titqies li tkun ghamlet l-offiża u li ammettiet il-htija tagħha dwarha, u l-penali mhallsa, jew li tkun intrabtet li thallas, ghandha tkun il-penali msemija fit-Tielet Kolonna tal-Hames Skeda ma' l-Att;

(b) jekk l-offiża tiġi rimedjata u l-penali tithallas fiż-żmien, jew fiż-żmien ulterjuri, imsemmi qabel, ebda procedimenti ohra ma jkunu jistghu jittiehdu kontra dik il-persuna dwar l-istess fatti;

(c) jekk il-penali ma tithallasx fiż-żmien mogħti fl-avviż, jew fi żmien ulterjuri li l-Awtorità tista' tistabbilixxi, l-Awtorità tista', bla hsara għad-dritt tagħha li tiġbor il-penali, tapplika wkoll id-dispożizzjonijiet tal-paragrafu (b) tas-subartikolu (4) ta' dan l-artikolu.

(6) Id-deċiżjoni ta' l-Awtorità ghandha tkun finali: b'dan illi l-osservanza tad-deċiżjoni ta' l-Awtorità m'għandhiex tiġi interpretata bħala rinunzja għad-dritt li jintalab li l-każ jiġi mistharreg gudidizzjarjament.

(7) Sunt tad-deċiżjoni ta' l-Awtorità skond dan l-artikolu għandu jiġi mxandar fil-bullettin prinċipali ta' l-ahbarijiet ta' l-istazzjon li jkun kiser il-liġi jew f'dak il-hin li l-Awtorità tista' tordna lill-istess stazzjon.

(8) Kull penali amministrattiva inflitta mill-Awtorità jew li l-akkużat ikun aċċetta li jhallas skond id-

dispożizzjonijiet ta' dan l-artikolu ghandha tkun dovuta lill-Awtorità bhala dejn ċivili u tkun tikkostitwixxi titolu eżekuttiv għall-fini ta' Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili bhallikieku l-ħlas ta' l-ammont ta' dik il-penali ġie ordnat b'sentenza ta' qorti ta' ġurisdizzjoni ċivili. Kap. 12.

(9) Id-depenalizzazzjoni ta' l-offiżi msemmija fil-Hames Skeda ma' dan l-Att ghandha tkun bla ħsara għal kull reat kriminali mwettaq qabel il-bidu fis-seħħ ta' dan l-artikolu u għal kull possibiltà ta' prosekuzzjoni jew għal kull piena li tista' tigi inflitta għall-istess offiża skond il-liġi li tkun fis-seħħ meta jkun sar dak ir-reat:

B'dan illi fil-mori ta' dawn il-proċeduri, l-akkuzat jista', f'kull żmien qabel mal-kawża tithalla għas-sentenza, jagħżel li jużufriwixxi mill-possibiltà li jhallas penali amministrattiva mnaqqsa minflok li jitkomplew dawk il-proċeduri skond il-Hames Skeda ma' dan l-Att u, wara li jipprova li huwa ikun hallas dik il-penali, il-proċeduri għandhom jieqfu u l-ebda proċeduri oħra m'għandhom jittiehdu kontra l-akkuzat għar-rigward ta' l-istess fatti.

(10) L-Awtorità tista' flimkien mal-Prim Ministru tagħmel regolamenti sabiex jagħtu effett ahjar lid-dispożizzjonijiet ta' dan l-artikolu u sabiex il-Hames Skeda ta' dan l-Att tigi emendata jew sostitwita f'parti minnha jew kollha kemm hi.”.

15. L-Ewwel Skeda li tinsab ma' l-Att prinċipali għandha tigi emendata kif ġej:-

Emenda ta' l-Ewwel Skeda li tinsab ma' l-Att prinċipali.

(a) minflok is-subparagrafu (h) tal-paragrafu 1 tagħha għandhom jidhlu l-kliem:

“(h) kundizzjonijiet dwar l-apparat ta' trasmissjoni li d-detentur ta' liċenza għandu juża.”; u

(b) minflok is-subparagrafu (d) tal-paragrafu 3 tagħha għandhom jidhlu l-kliem:

“(d) jkollu aktar qawwa ta' trasmissjoni milli huwa raġonevolment meħtieġ għall-fini ta' trasmissjoni. L-Awtorità għandha, flimkien mad-Dipartiment responsabbli għat-telegrafija mingħajr fili, tistabilixxi dak l-ammont raġonevoli ta' qawwa ta' trasmissjoni u, sabiex tagħmel dan, għandha

tiehu in konsiderazzjoni il-varjazzjonijiet li jeżistu f'tali qawwa minn post għall-iehor minhabba t-topografija tal-lokalità involuta;”.

Emendi għat-Tieni Skeda li tinsab ma' l-Att prinċipali.

16. Il-paragrafu 16 tat-Tieni Skeda ma' l-Att prinċipali għandu jithassar u l-paragrafi 17 sa 25 għandhom jiġu rinumerati bhala l-paragrafi 16 sa 24 tagħha.

Żieda ta' Skeda ġdida.

17. L-Iskeda ġdida li ġejja għandha tiżdied wara r-Raba' Skeda ma' l-Att prinċipali:

“IL-HAMES SKEDA

[Artikolu 41]

OFFIŻI LI JAQGHU FIL-ĠURISDIZZJONI TA' L-AWTORITA' TAX-XANDIR

L-EWWEL KOLONNA IT-TIENI KOLONNA IT-TIELET KOLONNA

Dispożizzjoni	Penali	Penali Mnaqqsa
Artikolu 10(5)(a)	Lm 500	Lm 400
Artikolu 10(6)	Lm 200	Lm 150
Artikolu 10(7)	Lm 100	Lm 75
Artikolu 10(9)	Lm 500	Lm 400
Artikolu 13(2)(a)	Lm 200	Lm 150
Artikolu 13(2)(b)	Lm 200	Lm 150
Artikolu 13(2)(c)	Lm 200	Lm 150
Artikolu 13(2)(d)	Lm 200	Lm 150
Artikolu 13(2)(e)	Lm 200	Lm 150
Artikolu 13(2)(f)	Lm 200	Lm 150
Artikolu 13(3)	Lm 100	Lm 75
Artikolu 15	Lm 2,000	Lm 1,800
Artikolu 16	Lm 1,000	Lm 800
Artikolu 16(2)	Lm 500	Lm 400
Artikolu 18(3)	Lm 1,000	Lm 800
Artikolu 18(4)	Lm 1,000	Lm 800

L-EWWEL KOLONNA	IT-TIENI KOLONNA	IT-TIELET KOLONNA
Dispożizzjoni	Penali	Penali Mnaqqsa
Artikolu 19(1)	Lm 200	Lm 150
Artikolu 19(3)	Lm 200	Lm 150
Artikolu 19(4)	Lm 200	Lm 150
Artikolu 19(5)	Lm 200	Lm 150
Artikolu 19(6)	Lm 200	Lm 150
Artikolu 19(7)	Lm 200	Lm 150
Artikolu 19(11)(a)	Lm 1,000	Lm 750
Artikolu 19(11)(b)	Lm 1,000	Lm 750
Artikolu 19(11)(c)	Lm 1,000	Lm 750
Artikolu 20(1)(a) & (2)	Lm 1,000	Lm 750
Artikolu 20(1)(b) & (2)	Lm 1,000	Lm 750
Artikolu 20(3)	Lm 1,000	Lm 750
Artikolu 20(4)	Lm 1,000	Lm 750
Artikolu 21 (1)(a)	Lm 750	Lm 550
Artikolu 21 (1)(b)	Lm 750	Lm 550
Artikolu 21(2)	Lm 750	Lm 550
Artikolu 21(3)(a)	Lm 750	Lm 550
Artikolu 21(3)(b)	Lm 750	Lm 550
Artikolu 22(1)	Lm 1,000	Lm 750
Artikolu 22(2)	Lm 1,000	Lm 750
Artikolu 23(1)	Lm 500	Lm 400
Artikolu 23(2)	Lm 750	Lm 550
Artikolu 23(3)(a)	Lm 750	Lm 550
Artikolu 23(3)(b)	Lm 750	Lm 550
Artikolu 23(4)(a)	Lm 750	Lm 550
Artikolu 23(4)(b)	Lm 750	Lm 550
Artikolu 23(4)(c)	Lm 750	Lm 550
Artikolu 23(5)	Lm 500	Lm 400
Artikolu 25(6)	Lm 500	Lm 400
Artikolu 25(7)	Lm 500	Lm 400
Artikolu 34(1)(a)	Lm 750	Lm 550
Artikolu 34(1)(b)	Lm 750	Lm 550
L-Ewwel Skeda - ghal	Lm 500	Lm 400

kull ksur ta' kull
wiehed mis-sub-
paragrafi tal-para-
grafi 1, 2 u 3 ta'
l-imsemmija Skeda

It-Tielet Skeda – ghal kull ksur tal- paragrafi ta' l- imsemmija Skeda	Lm 500	Lm 400
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Ir-Raba' Skeda – ghal nuqqas ta' installar jew nuqqas ta' użu tad- <i>delay</i> <i>mechanism</i> waqt programmi ta' <i>phone-in</i>	Lm 500	Lm 400
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1. L-Awtorità tista' timponi fuq kull persuna li tikser kull wiehed mid-dispożizzjonijiet imsemmija fl-Ewwel Kolonna ta' din l-Iskeda l-penali korrispondenti li tinsab imsemmija fit-Tieni Kolonna ta' din l-Iskeda: iżda fejn l-Awtorità hi tal-fehma li miċ-ċirkostanzi tal-każ il-gravità ta' l-offiża hija tali li tirrikjedi l-impożizzjoni ta' penali akbar, l-Awtorità tista' timponi penali li ma teċċedix l-ammont stabbilit fl-ewwel proviso għall-paragrafu (ċ) għas-subartikolu (4) ta' l-artikolu 41 ta' dan l-Att.

2. Meta xi persuna li tiġi notifikata b'avviż skond l-artikolu 41 ta' dan l-Att tagħzel li thallas il-penali minghajr ebda kontestazzjoni, hija ghandha tkun obbligata li thallas il-penali indikata fit-Tielet Kolonna ta' din l-Iskeda.

3. F'każ tat-tieni ksur jew ta' ksur ieħor sussegwenti tad-dispożizzjonijiet ta' din l-Iskeda, il-penali msemmija fit-Tieni u fit-Tielet Kolonna ta' din l-Iskeda ghandhom jizjeddu b'ghoxrin

fil-mija ghat-tieni ksur u b'ghoxrin fil-mija ohra ghal kull ksur iehor sussegwenti.”.

18. Il-kelma “nazzjonalità” fl-artikolu 6 ta’ l-Att dwar l-Istampa ghandha tiġi sostitwita bil-kliem “nazzjonalità, sess, dizabilità kif definita fl-artikolu 2 ta’ l-Att dwar Opportunitajiet Indaqgħal Persuni b’Dizabilità, Kap. 413,”.

Emenda
konsegwenzjali.
Kap. 248.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 310 tat-12 ta’ Ġunju, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE HYZLER
Acting President

13th June, 2000

ACT No. XV of 2000

AN ACT to amend the Broadcasting Act, Cap. 350.

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.

Cap. 350.

1. The title of this Act is the Broadcasting (Amendment) Act, 2000, and shall be read and construed as one with the Broadcasting Act, hereinafter referred to as "the principal Act" and shall come into force on such date as the Prime Minister may appoint by notice in the Government Gazette and different dates may be appointed for different provisions and purposes of this Act.

Amendment of section 2 of the principal Act.

2. Section 2 of the principal Act shall be amended as follows:-

(a) the definition of the expression "advertising" shall be substituted by the following:-

" "advertising" means any form of announcement broadcast whether in return for payment or for similar consideration, or broadcast for self-promotional purposes by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;"

(b) immediately after the definition of the expression “broadcast” there shall be added by the following new definition:—

“ “Broadcasting licence” means a licence issued by the Broadcasting Authority in terms of section 10 of this Act and also includes any licence, contract or other document issued under any other law whereby a person is authorised to provide a broadcasting service;”;

(c) the definition of the expression “sponsorship” shall be substituted by the following:—

“ “sponsorship” means any contribution made by a public or private undertaking not engaged in broadcasting activities or in the production of audio-visual works, to the financing of programmes with a view to promoting its name, its trade mark, its image, its activities or its products;”;

(d) the following definitions shall be added after that of “subliminal techniques”:—

“ “surreptitious advertising” means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration;

“teleshopping” means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.”.

3. Section 10 of the principal Act shall be amended as follows:

Amendment of section 10 of the principal Act.

(a) subsections (1) to (11) thereof shall be renumbered as subsections (2) to (12) thereof;

(b) the following shall be added after subsection (2) thereof as renumbered:

“(1) Except as provided in this Act and in any other law, freedom to broadcast and to receive broadcasts is guaranteed.”;

(c) in subsection (2) thereof as renumbered the words ", hereinafter referred to as the "broadcasting licence" " shall be deleted;

(d) in subsection (5) thereof as renumbered for the words "A licence" there shall be substituted the words "Subject to any obligation assumed by Malta including either an obligation of national treatment in respect of foreign nationals or a clause of reciprocity applicable to control or ownership of broadcasting media, a licence";

(e) in paragraph (a) of subsection (6) thereof as renumbered the words "No organisation, person or company may own, control, or be editorially responsible for more than one radio broadcasting service and one television broadcasting service licensed under this Act:" shall be substituted by the following:

"No organisation, person or company may own, control or be editorially responsible for more than:

(i) one terrestrial or cable, radio broadcasting service; and

(ii) one terrestrial or cable, television broadcasting service; and

(iii) one terrestrial or cable, radio or television broadcasting service devoted exclusively to teleshopping:";and

(f) in paragraph (b) of subsection (6) thereof the words "by wire and over the air" shall be substituted by the words "by cable and terrestrially".

Amendment of section 11 of the principal Act.

4. Section 11 of the principal Act shall be amended as follows:

(a) immediately after subsection (1) thereof there shall be inserted the following new subsection:

"(1A) The Minister may in conjunction with the Minister responsible for wireless telegraphy, from time to time, amend or substitute the Second Schedule to this Act."; and

(b) subsection (4) thereof shall be deleted.

5. Immediately after section 12 of the principal Act there shall be added the following:

Addition of section 12A to the principal Act.

“Freedom of reception and retransmission. 12A. (1) Except as provided in this Act and in any other law, freedom of reception and retransmission of radio and television programmes is guaranteed.

(2) The Prime Minister may make regulations to regulate the exercise of the freedoms mentioned aforesaid and he shall have the power to prescribe such formalities, conditions and restrictions as may appear to him to be necessary in this respect and reasonably justifiable in a democratic society.”.

6. Section 13 of the principal Act shall be amended by substituting for paragraph (d) of subsection (2) thereof, the following:—

Amendment of section 13 of the principal Act.

“(d) that proper proportions of the recorded and other matter included in the programmes are in the Maltese language and reflect Maltese cultural identity;”.

7. For subsection (1) of section 16 of the principal Act there shall be substituted the following:—

Amendment of section 16 of the principal Act.

“(1) The following acts may not be carried out without the previous consent in writing of the Authority, which shall not be unreasonably withheld:

- (i) the assignment of a broadcasting licence;
- (ii) the transfer of shares in a company holding a broadcasting licence;
- (iii) the transfer of the effective control of a company holding a broadcasting licence;
- (iv) the transfer of managerial control of a broadcasting station by a broadcasting licensee to another person;
- (v) the transfer of the beneficial ownership of a company holding a broadcasting licence;
- (vi) the merger of companies holding a broadcasting licence:

Provided that in the case of broadcasting referred to in paragraphs (a) and (b) of subsection (1) of section 16A the functions

granted to the Authority under this subsection shall be exercised by the Minister responsible for wireless telegraphy or by the person authorising such broadcasting.”.

Addition of new section 16A to the principal Act.

8. Immediately after section 16 of the principal Act, there shall be added the following new section:—

“Scope of the provisions of this Act.

16A. (1) The provisions of this Act shall apply to all broadcasters under Maltese jurisdiction both as it exists at the time of the coming into force of this section and as it may be defined and extended from time to time by regulations made under section 37 of this Act:

Provided that

(a) the provisions of paragraphs (1) and (4) of section 10 of this Act shall not apply to:

(i) the provision of any sound or television broadcasting services by the Government or by any person, body or authority under licence from or under arrangements with the Government; and

(ii) any broadcasting licence granted prior to the 1st June, 1991;

(b) the provisions of section 10 other than those of subsections (10) and (11) thereof, and the provisions of paragraph (d) of subsection (2) and of subsections (4) and (5) of section 13, of sections 17 and 18, and of subsection (2) of section 23 of this Act shall not apply in respect of the provision of any sound or television broadcasting by satellite under a licence issued by the Government or by any person, body or authority which the Minister responsible for wireless telegraphy may by order made under this section empower to issue such a licence.

(2) Broadcasting referred to in sub-paragraph (i) of paragraph (a) and in paragraph (b) of the proviso to subsection (1) of this section shall be subject to such conditions as the Minister responsible for wireless telegraphy or such person, body or authority as is mentioned in paragraph (b) of the proviso to subsection (1) of this section, as the case may be, may deem appropriate which conditions may also include conditions similar in content to the provisions made inapplicable to such broadcasting by virtue of the proviso to subsection (1) of this section.”.

9. In subsection (1) of section 18 of the principal Act for the words “of those services” there shall be substituted the words “of those services:” and immediately thereafter there shall be added the following proviso:—

Amendment of section 18 of the principal Act.

“Provided that after assigning a broadcasting frequency in accordance with this subsection the Minister may vary from time to time the conditions regarding the use of that frequency by the holder of the broadcasting licence after the Minister has heard the submissions of the said licensee about the proposal for variation. A decision of the Minister taken in terms of this proviso shall:

- (a) come into force after the said licensee is granted reasonable notice of the date of entry into force of the decision;
- (b) comply with the proportionality principle and is not taken in a discriminatory manner;
- (c) be in writing;
- (d) include the reasons upon which it is based; and
- (e) be notified to the holder of the licence and published in the Gazette.”.

10. The following sections shall be added after section 21 of the principal Act:

Addition of new sections 21A and 21B to the principal Act.

“Complaints procedure.

21A. (1) Affected third parties may apply to the Authority seeking effective compliance by broadcasters with the provisions of this Act.

(2) The Authority shall draw up a Code for the investigation and determination of complaints.

(3) Notwithstanding the provisions of any other law, the Authority shall be entitled to provide a copy of any broadcast to any person feeling aggrieved by the content of such broadcast. Such copy shall be provided against payment of such reasonable cost-based fee as the Authority may determine.

(4) The Authority may make regulations providing for the procedure, time limit and fees for the granting of a copy of any broadcast by a broadcasting station to any person feeling aggrieved by the content of such broadcast.

Publication
of Codes.

21B. The Authority shall publish in the Gazette all Codes made in terms of this Part of this Act.”.

Amendment of
section 37 of the
principal Act.

11. (a) Section 37 of the principal Act shall be renumbered as subsection (1) thereof.

(b) After the said subsection (1) there shall be inserted the following new subsection:

“(2) The Prime Minister may make regulations:—

(a) to reserve for works originating in such countries as the Prime Minister may by order prescribe and for works mentioned in paragraph (d) of subsection (2) of section 13 of this Act, proportions or maximum limits of broadcasting transmission time;

(b) to reserve a proportion of broadcasting transmission time or of a station’s programming budget for works of independent producers originating in such countries as the Prime Minister may determine;

(c) to promote the distribution and production of audio-visual works and television broadcasts;

(d) to regulate the television transmission of events which he considers as being of major importance for society and to order that such events be transmitted via live coverage or deferred coverage on free television accessible to the general public;

(e) to define which television broadcasters and which television broadcasting activities fall within the jurisdiction of Malta and to extend the jurisdiction of Malta upon broadcasters and television broadcasting activities so as to render more effective the provisions of this Act or to ensure the implementation of international obligations which Malta assumes or intends to assume;

(f) to prescribe the measures which may be taken in respect of broadcasters or other persons who fail to comply with any regulations made under the preceding paragraphs of this subsection and to render section 41 of this Act applicable to the violation of regulations made under this subsection.”.

12. Subsection (4) of section 39 of the principal Act shall be deleted.

Amendment of section 39 of the principal Act.

13. Section 40 of the principal Act shall be substituted by the following:—

Substitution of section 40 of the principal Act.

““Must carry” obligations.

40. (1) Any person licensed to operate a cable television system or any other system for the retransmission of a number of television broadcasting services to the public shall distribute over such system all television broadcasting services other than services devoted entirely to teleshopping, licensed in Malta and receivable terrestrially and free of charge by the general public in Malta.

(2) The Minister responsible for wireless telegraphy may by regulations provide for an obligation of retransmission over the systems mentioned in subsection (1) hereof of other television broadcasting services, also including services devoted entirely to teleshopping, under such conditions, which may also include an obligation to pay compensation to the operator of any said system, as the said Minister deems appropriate.”.

14. Immediately after section 40 of the principal Act, there shall be added the following new section:—

Additions of new section of Part IX of the principal Act.

“Special administrative procedure.

41. (1) Notwithstanding any other provision of this Act, the offences listed in the First Column of the Fifth Schedule to this Act shall be administrative offences punishable by the Authority.

(2) The imposition by the Authority of an administrative sanction in terms of this section shall be without prejudice to any other consequences of the act or omission of the offender under civil or administrative law.

(3) The Authority shall observe the guarantees of fair and public hearing in its determination as to whether a person is guilty of an administrative offence in terms of this section.

(4) When the Authority is satisfied that a person has committed an offence against any provision of this Act

listed in the First Column of the Fifth Schedule to this Act, the Authority may –

(a) issue a warning in writing to such person; or

(b) direct such person not to broadcast for a specified period of time and, if the Authority so directs, it shall order such person to transmit free of charge during the time within which it is not broadcasting a notice to the effect that the station in question has been put off air for such period of time by order of the Authority in terms of this paragraph; or

(c) impose an administrative penalty on such person in accordance with the penalties established in the Second Column of the Fifth Schedule to this Act and subject to the provisions of paragraph 1 of the said Schedule:

Provided that the Authority may not require the payment of a penalty higher than five thousand liri or such other amount which the Prime Minister may by order prescribe which amount shall not exceed the sum of fifteen thousand liri and the Authority shall not impose on such person who is found guilty of more than one offence in the same charge the payment of a penalty higher than five thousand liri or such other amount which may be prescribed by the Prime Minister as aforesaid:

Provided further that the Authority may also impose a suspended penalty which penalty shall be paid within such period as the Authority may establish. The Authority may also determine such conditions, limitations and restrictions both with regard to the penalty and the suspended penalty as it may deem fit; or

(d) apply separately or concurrently the measures mentioned in paragraphs (b) and (c) of this subsection against such person.

(5) Where a notice of a charge under this section has been given, the person named in the notice may, within such period as the Authority may approve from the date of the service of the notice, accept responsibility for the offence specified in the notice and, within the same period or such further period as the Authority may allow, remedy the offence

and pay, or undertake in writing to pay, the penalty indicated in the notice or such penalty as the Authority may accept in accordance with the provisions of the Fifth Schedule to this Act, and in any such case:—

(a) the person named in the notice shall be deemed to have committed the offence and to have admitted his guilt in respect thereof, and the penalty paid, or agreed to be paid, shall be the penalty mentioned in the Third Column of the Fifth Schedule to this Act;

(b) if the offence is remedied and the penalty is paid within the period, or further period, aforesaid, no further proceedings may be taken against the said person in respect of the same facts;

(c) if the penalty is not paid within the period given in the notice, or further period as the Authority may establish, the Authority may, without prejudice to its right to collect the penalty, also apply the provisions of paragraph (b) of subsection (4) of this section.

(6) The Authority's decision shall be final: provided that compliance with the Authority's decision shall not be interpreted as a renunciation to the right to seek judicial review.

(7) A synopsis of the Authority's decision in terms of this section shall be broadcast in the main news bulletin of the offending broadcasting station or during such time as the Authority may direct.

(8) Any administrative penalty imposed by the Authority or agreed to by the accused in terms of this section shall be due to the Authority as a civil debt, constituting an executive title for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure as if payment of the amount of the fine had been ordered by a judgement of a court of civil jurisdiction. Cap. 12.

(9) The de-penalisation of the offences listed in the Fifth Schedule to this Act shall be without prejudice to any criminal offence committed prior to the coming into force of this section and to liability to prosecution and punishment for the same according to the law in force at the time of the offence:

Provided that in any such proceedings the accused may, at any time before the case is put off for judgement, elect to avail himself of the possibility of paying a reduced administrative penalty in lieu of prosecution in accordance with the Fifth Schedule to this Act and, upon proof of payment of the said penalty, such proceedings shall cease and no further proceedings may be taken against the accused in respect of the same facts.

(10) The Authority may in conjunction with the Prime Minister make regulations to give better effect to the provisions of this section and may also amend or substitute the Fifth Schedule to this Act, whether in part or in whole.”.

15. The First Schedule to the principal Act shall be amended as follows:—

Amendment of the First Schedule to the principal Act.

(a) for subparagraph (h) of paragraph 1 thereof, there shall be substituted the words:

“(h) conditions relating to the broadcasting equipment to be used by the licensee.”; and

(b) for subparagraph (d) of paragraph 3 thereof, there shall be substituted the words:

“(d) having more power than is reasonably required for the purpose of transmission. The Authority shall, in conjunction with the Department responsible for wireless telegraphy, establish such amount of reasonable power and, in doing so, shall take into account the variations which occur from place to place due to the topography of the locality involved;”.

16. Paragraph 16 of the Second Schedule shall be deleted and paragraphs 17 to 25 thereof shall be renumbered as paragraphs 16 to 24 thereof.

Amendment of the Second Schedule to the principal Act.

17. The following new Schedule shall be added after the Fourth Schedule to the principal Act:

Addition of new Schedule.

“FIFTH SCHEDULE**[Section 41]****OFFENCES WHICH ARE COGNIZABLE BY THE
BROADCASTING AUTHORITY**

FIRST COLUMN Provision	SECOND COLUMN Penalty	THIRD COLUMN Reduced Penalty
Section 10(5)(a)	Lm 500	Lm 400
Section 10(6)	Lm 200	Lm 150
Section 10(7)	Lm 100	Lm 75
Section 10(9)	Lm 500	Lm 400
Section 13(2)(a)	Lm 200	Lm 150
Section 13(2)(b)	Lm 200	Lm 150
Section 13(2)(c)	Lm 200	Lm 150
Section 13(2)(d)	Lm 200	Lm 150
Section 13(2)(e)	Lm 200	Lm 150
Section 13(2)(f)	Lm 200	Lm 150
Section 13(3)	Lm 100	Lm 75
Section 15	Lm 2,000	Lm 1,800
Section 16	Lm 1,000	Lm 800
Section 16(2)	Lm 500	Lm 400
Section 18(3)	Lm 1,000	Lm 800
Section 18(4)	Lm 1,000	Lm 800
Section 19(1)	Lm 200	Lm 150
Section 19(3)	Lm 200	Lm 150
Section 19(4)	Lm 200	Lm 150
Section 19(5)	Lm 200	Lm 150
Section 19(6)	Lm 200	Lm 150
Section 19(7)	Lm 200	Lm 150
Section 19(11)(a)	Lm 1,000	Lm 750
Section 19(11)(b)	Lm 1,000	Lm 750
Section 19(11)(c)	Lm 1,000	Lm 750
Section 20(1)(a) & (2)	Lm 1,000	Lm 750
Section 20(1)(b) & (2)	Lm 1,000	Lm 750
Section 20(3)	Lm 1,000	Lm 750
Section 20(4)	Lm 1,000	Lm 750
Section 21 (1)(a)	Lm 750	Lm 550
Section 21 (1)(b)	Lm 750	Lm 550
Section 21(2)	Lm 750	Lm 550
Section 21(3)(a)	Lm 750	Lm 550
Section 21(3)(b)	Lm 750	Lm 550
Section 22(1)	Lm 1,000	Lm 750
Section 22(2)	Lm 1,000	Lm 750

FIRST COLUMN Provision	SECOND COLUMN Penalty	THIRD COLUMN Reduced Penalty
Section 23(1)	Lm 500	Lm 400
Section 23(2)	Lm 750	Lm 550
Section 23(3)(a)	Lm 750	Lm 550
Section 23(3)(b)	Lm 750	Lm 550
Section 23(4)(a)	Lm 750	Lm 550
Section 23(4)(b)	Lm 750	Lm 550
Section 23(4)(c)	Lm 750	Lm 550
Section 23(5)	Lm 500	Lm 400
Section 25(6)	Lm 500	Lm 400
Section 25(7)	Lm 500	Lm 400
Section 34(1)(a)	Lm 750	Lm 550
Section 34(1)(b)	Lm 750	Lm 550
First Schedule - for any violation of any of the subparagraphs of paragraphs 1, 2 and 3 of the said Schedule	Lm 500	Lm 400
Third Schedule - for any violation of any of the paragraphs of the said Schedule	Lm 500	Lm 400
Fourth Schedule - for not installing or for not using a delay mechanism during phone-in programmes	Lm 500	Lm 400

1. The Authority may inflict on any person who has violated any of the provisions listed in the First Column of this Schedule the corresponding penalty listed in the Second Column of this Schedule: provided that where the Authority is of the opinion from the circumstances of the case that the gravity of the offence is one which warrants the imposition of a higher penalty, the Authority may award a penalty which is not in excess of the amount established in the first proviso to paragraph (c) to subsection (4) of section 41 of this Act.

2. Where any person who is served with a notice in terms of section 41 of this Act elects to pay the penalty without any contestation, he shall be liable to pay the penalty indicated in the Third Column of this Schedule.

3. In the case of a second or subsequent violation of any provision of this Schedule, the penalties listed in the Second and Third Columns of this Schedule shall be increased by twenty per centum for a second violation and by a further twenty per centum for each and every subsequent violation.”.

18. The word “nationality” in section 6 of the Press Act shall be substituted by the words “nationality, sex, disability as defined in section 2 of the Equal Opportunities (Persons with Disability) Act, Cap. 413,”.

Consequential
amendment.
Cap. 248.

Passed by the House of Representatives at Sitting No. 310 of the 12th June, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives