

MALTA

Att Nru. XI ta' l-1995

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

ATT biex jemenda l-Ordinanza dwar il-Privileġġi u s-Setghat tal-Kamra tad-Deputati, Kap. 113.

Act No. XI of 1995

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the House of Representatives (Privileges and Powers) Ordinance, Cap. 113.

Naghti l-kunsens tiegħi.

(L.S.)

UGO MIFSUD BONNICI
President

19 ta' Mejju, 1995

Att Nru. XI ta' l-1995

ATT biex jemenda l-Ordinanza dwar il-Privileġġi u s-Setgħat tal-Kamra tad-Deputati, Kap. 113.

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. Dan l-Att jista' jissejjah l-Att ta' l-1995 biex jemenda l-Ordinanza dwar il-Privileġġi u s-Setgħat tal-Kamra tad-Deputati, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Privileġġi u s-Setgħat tal-Kamra tad-Deputati, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Titolu
fil-qosor.

2. Minflok l-artikolu 7 tal-liġi prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta'
l-artikolu 7 tal-
liġi prinċipali.

"7. Il-Kamra tista' tagħti s-setgħat tagħha dwar is-smiġh ta' xhieda u ta' periti, iżda mhux dwar l-ġhoti ta' pjeni, lill-Kumitat Permanenti dwar il-Privileġġi msemmi fl-Ordni Permanenti tal-Kamra 120D."

3. Minflok l-artikolu 11 tal-liġi prinċipali għandu jidhol dan l-artikolu ġdid li ġej:

Sostituzzjoni ta'
l-artikolu 11 tal-
liġi prinċipali.

"Pieni.

11. (1) Meta l-*Speaker* ikun *prima facie* jidhirli li persuna, sew jekk tkun Membru tal-Kamra sew jekk le, tkun għamlet xi wiehed mill-attijiet imsemmijin fis-subartikolu (4) ta' dan l-artikolu, huwa għandu jirrifiri l-kwistjoni lil kumitat imwaqqaf skond l-artikolu 7 ta' dan l-Att u li jkun magħruf bħala l-Kumitat tal-Privileġġi. L-espressjoni "*prima facie*"

tfisser li lment li jkun sar ikun jallega ksur ta' xi regola stabbilita b'din l-Ordinanza jew fl-*Standing Orders* tal-Kamra tad-Deputati jew ta' xi rizzoluzzjoni approvata mill-Kamra tad-Deputati dwar attijiet imsemmija fis-subartikolu (4) ta' dan l-artikolu, u ma għandha f'ebda każ tkun tfisser jew timplika xi stqarrija ta' htija jew ta' innoċenza.

(2) Jiġu delegati setgħat lill-Kumitat sabiex dan jeżamina l-provi kif hemm fl-artikolu 6 ta' dan l-Att dwar l-eżami tax-xhieda u periti, dokumenti jew rapporti u *chairman* ikollu jedd jagħti għurament jew jirċievi l-affermazzjoni skond is-subartikolu 7 ta' dan l-Att.

(3) Il-Kumitat għandu, wara li jkun għamel dawk l-eżamijiet li jidhrulu xierqa u, meta jkun possibbli, wara li jkun sema' lill-persuna li tkun allegatament qegħda twettaq l-attijiet, jagħmel rapport lill-Kamra fejn jirrakkomanda illi:

(a) il-Kamra tawtorizza lill-*Speaker* sabiex jordna lill-pulizija eżekuttiva biex tressaq lill-persuna li tkun allegatament għamlet dawk l-attijiet quddiem il-Qorti tal-Maġistrati (Malta), li għandu jkollha għuridizzjoni skond hekk; u dik il-Qorti ma għandux ikollha għuridizzjoni bħal dik sakemm ma tkunx saret ordni kif imsemmija mill-*Speaker*; jew

(b) il-Kamra tirisolvi li għall-attijiet hekk magħmulin tkun tista' adegwatament tingħata piena ta' twiddiba, u f'dak il-każ dik il-persuna għandha titwiddeb mill-*Speaker*.

(4) Dawn li ġejjin ikunu r-reati kontra dan l-Att, jiġifieri —

(a) kull att ta' nuqqas ta' qima lill-awtorità tal-Kamra bi kliem jew b'għesti minn xhud jew persuna oħra quddiem il-Kamra jew Kumitat tal-Kamra;

(b) kull insult jew nuqqas ta' qima lill-persuna li tkun tippresjedi laqgħa tal-Kamra jew ta' xi kumitat tagħha u kull insult jew nuqqas ta' qima lil wiehed mill-Membri tal-Kamra, ukoll jekk dak il-Membru ma jkunx preżenti fil-waqt ta' l-insult jew tan-nuqqas ta' qima, meta fil-każ il-wiehed jew l-ieħor l-insult jew in-nuqqas ta' qima jsiru quddiem il-Kamra jew ta' xi kumitat tagħha waqt xi laqgħa tagħhom;

(ċ) kull ksur ta' regolamenti, ordnijiet jew direzzjonijiet magħmulin jew mogħtijin mill-Kamra dwar id-dhul ta' barranin fis-Sala tal-Kamra u l-imġieba tagħhom hemm ġew;

(d) kull min jahbat għal Membru, ifixklu jew jinsultah fil-waqt li jkun sejjer jew ġej lura mill-Kamra jew minhabba d-dmirijiet tiegħu fil-Kamra, jew kull min,

b'forza, b'insult jew b'tehdid, ifittex li jgħieghel Membru illi jiddikjara ruhu favur jew kontra proposta jew xi haġa li tkun għadha miexja jew li tkun sejra tingieb quddiem il-Kamra;

(e) kull min jibgħat ittra ta' tehdid lil Membru tal-Kamra dwar id-dmirijiet tiegħu fil-Kamra;

(f) kull min jaħbat għal uffiċjal tal-Kamra, jew jindahal fid-dmirijiet tiegħu jew jagħmillu rezistenza fil-waqt li dan ikun qiegħed jaqdi jew minhabba li jkun qeda d-dmirijiet tiegħu;

(g) kull min iqajjem jew jiehu sehem fi storbu fil-Kamra jew fil-qrib tas-Sala tal-Kamra, jew ġewwa fiha stess, filwaqt ta' laqgħa tal-Kamra, b'mod li minhabba f'hekk il-proċedimenti tal-Kamra jitwaqqfu jew x'aktarx ikollhom jitwaqqfu;

(h) kull min jikkorrompi, ibeżża', ihedded, iqarraq xhud jew b'xi mod mhux xieraq jinfluwenzah dwar ix-xieħda li jkun imissu jagħti quddiem il-Kamra jew Kumitat tagħha;

(i) kull min iġib quddiem il-Kamra jew Kumitat tagħha dokument falz, mhux veru, maħluq jew iffalsifikat bil-ħsieb li jqarraq lill-Kamra jew lil dak il-Kumitat;

(j) il-pubblikazzjoni ta' kull libell li jagħti malafama lill-*Speaker* jew lil xi membru li tolqot xi haġa magħmula minnu jew li ntqalet minnu bħala *Speaker* jew bħala Membru fil-Kamra jew f'kumitat tagħha;

(k) il-pubblikazzjoni volontarja jew bi traskuraġni ta' xi rapport falz jew mgħawweġ ta' xi dibattitu jew proċedimenti tal-Kamra jew ta' xi Kumitat tagħha.

(5) Bla ħsara għal kull piena oghla li tista' tkun maħsuba skond id-dispożizzjonijiet ta' xi liġi oħra, kull min jikkommetti xi wieħed mir-reati msemmija fis-subartikolu (4) ta' dan l-artikolu jkun ħati ta' reat kontra dan l-Att u jehel, meta jinsab ħati, il-piena ta' twiddiba, jew ta' prigunerija għal żmien mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn hames mitt lira Maltija jew għal dik il-multa u prigunerija flimkien.

(6) Għall-finijiet ta' dan l-artikolu —

“pubblikazzjoni” tfisser kull att li bih kull stampat jiġi jew jista' jiġi kkomunikat jew imgharraf lil xi persuna jew li bih kliem jew immaġni viżwali jiġu mxandra; u

“xandir” tfisser xandir ta' kliem jew immaġni viżwali bil-mezz ta' telegrafija mingħajr fili jew bil-fili jew bit-tnejn, sew jekk dawk il-kliem jew l-immaġni jkunu fil-fatt riċevuti minn xi persuna sew jekk le.

(7) Persuna titqies hatja ta' l-attijiet imsemmija fil-paragrafi (j) u (k) tas-subartikolu (4) ta' dan l-artikolu jekk il-pubblikazzjoni msemmija fil-paragrafi (j) u (k) tas-subartikolu (4) ta' dan l-artikolu tikkonsisti fil-pubblikazzjoni ta' dak il-libell li jagħti malafama, rapport falz jew mghawweġ, f'forma stampata f'Malta, jew fid-distribuzzjoni f'Malta ta' stampat li jkun fih dak il-libell li jagħti malafama, rapport falz jew mghawweġ ikun x'ikun il-post li minnu jorigina dak l-istampat, jew kull xandir f'xi post f'Malta jew minn xi post barra minn Malta ta' dak il-libell li jagħti malafama jew ta' dak ir-rapport falz jew mghawweġ.

(8) Fil-każ ta' persuna hatja ta' reat imsemmi fil-paragrafu (j) tas-subartikolu (4) ta' dan l-artikolu l-Qorti tista' b'zieda mal-pieni stabbiliti bis-subartikolu (3) ta' dan l-artikolu, tordna fil-każ ta' gazzetta li, f'harga ta' wara li ma tkunx iżjed tard mit-tieni wahda, u fil-każ ta' mezz tax-xandir fil-ġurnata li tiġi minnufih wara li fiha jingħata l-ordni, li s-sentenza li biha l-akkużat ikun instab hati ta' dak l-att għandha tiġi publikata jew imxandra, skond il-każ, mingħajr hlas fl-istess ilsien li fih ikun sar ir-reat; u jekk sa dak iż-żmien ta' dik is-sentenza, jew minnufih wara, il-gazzetta tkun waqfet mill-pubblikazzjoni jew il-mezz tax-xandir ma jkunx baqa' jxandar, jew fil-każ ta' xi publikazzjoni oħra, il-Qorti tista' fl-ordni jew f'ordni ieħor li tagħti wara, tordna li s-sentenza tiġi publikata jew imxandra għas-spejjeż tal-persuna hekk misjuba hatja f'gazzetta oħra jew fuq mezz ieħor ta' xandir fi żmien li ma jkunx iktar minn xahar.

(9) Fil-każ ta' persuna misjuba hatja ta' reat imsemmi fil-paragrafu (k) tas-subartikolu (4) ta' dan l-artikolu l-Qorti tista', b'zieda mal-pieni stabbiliti fis-subartikolu (5) ta' dan l-artikolu, tordna lil min jagħmel ir-reat li jippubblika mingħajr hlas, f'dik id-data u f'dak il-hin li l-Qorti tista' tistabilixxi, fl-istess gazzetta jew fuq l-istess mezz tax-xandir, skond il-każ, dikjarazzjoni bħala kontradizzjoni jew spjegazzjoni.

(10) In-nuqqas ta' tharis ta' ordni magħmul taħt is-subartikoli (8) u (9) ta' dan l-artikolu jitqies li jikkostitwixxi reat kontra dan l-Att u jkun sugġett għall-istess peni kif provdut fis-subartikolu (5) ta' dan l-artikolu.

(11) Kull persuna li tkun komplici ta' xi attijiet imsemmija fil-paragrafi (a) sa (k) tas-subartikolu (4) ta' dan l-artikolu titqies li tkun hatja ta' l-istess attijiet u tehel il-pieni stabbiliti fl-imsemmi subartikolu.

(12) Minkejja d-dispożizzjonijiet ta' qabel ta' dan l-artikolu l-Kamra tista' tagħti piena ta' twiddiba lil kull min fil-preżenza tal-Kamra jikkommetti att ta' nuqqas ta' dixxiplina u jista' jordna li dik il-persuna ma għandhiex titħalla tattendi għal seduta tal-Kamra bħala barranija għal dak iż-żmien li l-Kamra tista' tiddeciedi dwaru li jkun perijodu li ma jtulx iktar mill-aħħar jum tas-seduta tal-Kamra li matulha jkun ingħata dak l-ordni.

(13) Id-dispożizzjonijiet ta' dan l-artikolu ghandhom ikunu minghajr preġudizzju għad-dispożizzjonijiet ta' kull *standing order* jew riżoluzzjoni li l-Kamra tad-Deputati tista' tagħmel minn żmien għal żmien sabiex tirregola l-kondotta tal-membri tagħha u l-ordni filwaqt tal-proċedimenti tagħha.”.

4. L-artikoli 13 u 14 tal-liġi prinċipali ghandhom jithassru.

Thassir ta' l-artikoli 13 u 14 tal-liġi prinċipali.

5. Minnufih wara l-artikolu 15 tal-liġi prinċipali għandu jiżjed dan l-artikolu ġdid li ġej:

Zieda ta' l-artikolu 16 ġdid mal-liġi prinċipali.

“Kodiċi ta' Etika.

16. (1) Il-Kamra tad-Deputati tista', permezz ta' riżoluzzjoni, tadotta Kodiċi ta' Etika li jirregola l-imġieba tal-membri tagħha u jkun id-dmir tal-membri kollha tal-Kamra li jgħibu ruħhom skond dak il-Kodiċi ta' Etika li jkun fis-seħh.

(2) Sa dak iż-żmien meta l-Kamra tad-Deputati tadotta Kodiċi ta' Etika bil-mezz ta' riżoluzzjoni skond is-subartikolu (1) ta' dan l-artikolu, il-Kodiċi ta' Etika li hemm fl-Iskeda li tinsab ma' dan l-Att għandu jitqies bħala kodiċi ta' etika li ġie adottat b'riżoluzzjoni tal-Kamra skond is-subartikolu (1) ta' dan l-artikolu u jista' jiġi emendat jew isir ieħor minflok skond hekk.”.

6. Minnufih wara l-artikolu 16 ġdid tal-liġi prinċipali miżjud b'dan l-Att għandha tiżjed din l-Iskeda li ġejja:

Zieda ta' Skeda mal-liġi prinċipali.

“SKEDA

(Artikolu 16)

Kodiċi ta' Etika tal-Membri tal-Kamra tad-Deputati

1. Membru tal-Kamra tad-Deputati għandu f'kull waqt, sew jekk ġewwa jew barra l-Kamra, iġib ruħu b'mod li jkun jixhed għall-*istatus* u dinjità tal-Kamra tad-Deputati.

2. Membru tal-Kamra tad-Deputati għandu jkun konformi ma' l-ispirtu u l-ittra tar-Regoli tal-Kamra tad-Deputati u mar-regoli tal-kumitati tagħha kif debitament imwaqqfin li jinsabu fl-*Standing Orders* tal-Kamra jew ma' kull riżoluzzjoni li tiġi approvata mill-Kamra tad-Deputati.

3. Membru tal-Kamra tad-Deputati ma jista' jirċievi ebda hlas jew kumpens ta' liema xorta tkun għax-xogħol tiegħu bħala Membru tal-Kamra tad-Deputati, hlief ir-rimunerazzjoni uffiċjali tiegħu bħala Membru.

4. Filwaqt li membru tal-Kamra tad-Deputati għandu d-dmir li jwassal l-ilmenti tal-kostitwenti tiegħu u li jagħmel rappreżentanzi f'isimhom lill-awtoritajiet tal-Gvern, mhuwiex mistenni li l-Membru jagħmel xi influwenza mhux xierqa, theddid jew pressjoni li m'għandhiex issir fit-twettiq ta' dmirijietu.

5. Kull membru tal-Kamra tad-Deputati għandu ta' kull sena fiż-żmien stabbilit mill-*Speaker* tal-Kamra tad-Deputati jindika f'registru li jinżamm għal dan l-għan mill-*Speaker*, u liema registru jkun miftuħ għall-ispezzjon tal-pubbliku:

a. x'ikun ix-xogħol jew il-professjoni tiegħu, u jekk ikun impjegat, x'jismu min jimpjegah;

b. il-proprietà immobbli tiegħu, dik tal-konjuġi jekk ikun hemm il-komunjoni ta' l-akkwisti, dik ta' l-ulied tiegħu ta' taħt l-età kif ukoll, jekk ikun hekk jixtieq, il-mod kif din tkun inkisbet u kif tkun qegħda tiġi użata;

ċ. azzjonijiet f'investimenti ta' kumpanniji kummerċjali inklużi flus depożitati fil-banek u kull xort'oħra ta' interess finanzjarju;

d. pożizzjonijiet ta' direttur u dawk oħra f'kumpanniji kummerċjali, assoċjazzjonijiet, *boards*, soċjetajiet kooperattivi jew kull grupp iehor ukoll jekk dawn ikunu għaqdiet volontarji;

e. Membru tal-Kamra tad-Deputati, li jkollu interess professjonali, inklużi konsulenza dwar interessi ta' xogħol, tmexxija jew kull għamla ta' konnessjoni, sew finanzjarja jew mod iehor, ma' persuni, gruppi jew kumpanniji li għandhom interess dirett f'xi legiżlazzjoni li l-Kamra jkollha quddiemha, għandu jiddikjara l-interess tiegħu fil-Kamra, ma' l-ewwel opportunità, qabel ma jittiehed vot fit-Tieni Qari ta' l-Abbozz;

f. Membru tal-Kamra tad-Deputati ma għandux jaċċetta rigali mingħand persuni, gruppi jew kumpanniji li kellhom xi interess dirett jew indirett f'legiżlazzjoni li tkun quddiem il-Kamra tad-Deputati;

g. Membru tal-Kamra tad-Deputati ma għandu jaċċetta ebda onorarju għal xi diskors, kitba jew pubblikazzjoni, jew attività oħra bħal dawk mingħand xi persuna, organizzazzjoni jew kumpannija b'żieda iktar fuq il-valur li s-soltu u b'konswetudni jingħata għal dawk is-servizzi;

h. Membru tal-Kamra tad-Deputati, li jkun għamel żjara barra minn Malta, li tkun giet imħallsa kollha kemm hi jew f'parti minnha minn xi persuna, grupp jew kumpannija li jkollha interess dirett f'legiżlazzjoni li tkun quddiem il-Kamra, għandu jiddikjara dak il-fatt f'registru miżmum mill-*Speaker* għal dak l-għan u li jkun miftuħ għall-ispezzjon tal-pubbliku;

i. huwa mistenni li Membru tal-Kamra tad-Deputati jirraporta lill-*Speaker* u lill-awtoritajiet kompetenti kull tentattiv ta' korruzzjoni, pressjoni jew influwenza li m'għandhiex issir, minn terzi u li tkun maħsuba biex tinfluwenza l-imġieba tiegħu bħala membru.

6. Filwaqt ta' xogħol professjonali, okkupazzjonali jew kummerċjali ma għandha ssir ebda riferenza għal shubija bħala membru tal-Kamra tad-Deputati li b'xi mod tista' tagħti lil xi membru vantaġġ mhux xieraq.”.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 418 tad-9 ta' Mejju, 1995.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

LAWRENCE GONZI
Speaker

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

19th May, 1995

Act No. XI of 1995

AN ACT to amend the House of Representatives (Privileges and Powers) Ordinance, Cap. 113.

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.

1. This Act may be cited as the House of Representatives (Privileges and Powers) (Amendment) Act, 1995, and shall be read and construed as one with the House of Representatives (Privileges and Powers) Ordinance, hereinafter referred to as “the principal law”.

Substitution of section 7 of the principal law.

2. For section 7 of the principal law there shall be substituted the following:

“7. The House may delegate its power in respect of the examination of witnesses and experts, but not in respect of the infliction of punishment, to the Standing Committee on Privileges mentioned in the Standing Order of the House 120D. ”.

Substitution of section 11 of the principal law.

3. For section 11 of the principal law there shall be substituted the following new section:

“Penalties.

11. (1) Where it appears prima facie to the Speaker that a person, whether a Member of the House or not, has committed any of the acts referred to in subsection (4) of this section, he shall, refer the matter to a committee set up in accordance with section 7 of this Act and to be styled Committee of Privileges. The term “prima facie” shall mean that a complaint raised alleges a breach of a rule set out in this Ordinance or in the Standing Orders of the House of Representatives or any resolution approved by the House of Representatives in relation to the acts referred to in the said subsection (4) of this section, and shall in no case mean or imply an expression of guilt or innocence.

(2) The Committee shall be delegated with powers to examine the evidence contained in section 6 of this Act with respect to the examination of witnesses and experts, documents or reports and the chairman shall be empowered to administer the oath or affirmation in accordance with section 7 of this Act.

(3) The Committee shall, after having made such examinations as it deems fit and, where possible, after hearing the person allegedly committing the acts, report to the House recommending that:

(a) the House authorizes the Speaker to order the executive police to bring the person who allegedly has committed such acts before the Court of Magistrates (Malta), which shall have jurisdiction accordingly; and that Court shall have no such jurisdiction unless an order as aforesaid has been made by the Speaker; or

(b) the House resolves that the acts so committed would be adequately punished with an admonition, and in such case such person shall be admonished by the Speaker.

(4) The following shall constitute offences against this Act, that is to say:—

(a) any act or contempt of the authority of the House by words or gestures committed by any witness or by any other person in the presence of the House or of a Committee of the House;

(b) any insult or disrespect to the person of the person presiding the meeting of the House or any of its committees and any insult or disrespect to a Member of the House even if such Member be not present at the time of the insult or disrespect, when in either case the insult or disrespect is proffered or committed in the presence of the House or any of its committees when sitting;

(c) any infringement of any regulations, order, or directions made or given by the House relating to the admission of strangers to the Chamber of the House and their behaviour therein;

(d) any assault upon, obstruction or insult of a Member while on his way to or from the House or on account of his conduct in the House, or any endeavour to compel a Member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the House;

(e) the sending to a Member of the House of any threatening letter respecting his conduct in the House;

(f) any assault upon, interference with, or resistance to an officer of the House while in the act of performing, or on account of having performed his duty;

(g) the creation of or participation in any disturbance in the House or in the vicinity of, or within the precincts of the Chamber of the House while the House is sitting, whereby the proceedings of the House are or are likely to be interrupted;

(h) any tampering with, deterring, threatening, beguiling or in any way unduly influencing any witness in regard to evidence to be given by him before the House or any Committee thereof;

(i) the presenting to the House or to any Committee thereof of any false, untrue, fabricated or falsified document with intent to deceive the House or that Committee;

(j) the publication of any defamatory libel on the Speaker or any Member touching anything done or said by him as Speaker or as a Member in the House or in a Committee thereof;

(k) the wilful or reckless publication of any false or perverted report of any debate or proceedings of the House or a Committee thereof.

(5) Without prejudice to any higher punishment laid down in the provisions of any other law, any person who commits any of these acts referred to in subsection (4) of this section, shall be guilty of an offence against this Act and shall on conviction, be liable to the punishment of admonition or to imprisonment for a term not exceeding six months or to a fine (*multa*) of not more than five hundred Maltese liri or to both such fine and imprisonment.

(6) For the purposes of this section:—

“publication” means any act whereby any printed matter is or may be communicated, to or brought to the knowledge of any person or whereby any words or visual images are broadcast; and

“broadcast” means the broadcast of words or of visual images by means of wireless telegraphy or wire or both, whether or not such words or images are in fact received by any person.

(7) A person shall be deemed guilty of the acts mentioned in paragraphs (j) and (k) of subsection (4) of this section if the publication referred to in paragraphs (j) and (k) of subsection (4) of this section consists in the publication of such defamatory libel, false or perverted report, in printed

form in Malta, or in the distribution in Malta of such printed matter containing such defamatory libel, false or perverted report from whatsoever place such printed matter may originate, or in any broadcast from any place in Malta or any place outside Malta of any such defamatory libel, false or perverted report.

(8) In the case of a person guilty of an act mentioned in paragraph (j) of subsection (4) of this section, the Court may in addition to the punishments established in subsection (3) of this section, order in the case of a newspaper that in a subsequent issue thereof, not later than the next but one, and in the case of a broadcasting medium that on the day immediately following that on which the order is given, the judgement whereby the accused is found guilty of such act, be published or broadcast as the case may be, free of charge in the same language in which the offence was committed; and if at the time such judgement or immediately thereafter the newspaper has ceased publication or the broadcasting medium has ceased to operate, or in the case of any other publication, the court may in the order or in a subsequent order, order that the judgement be published or broadcast at the expense of the person so found guilty in another newspaper or on another medium within a period not exceeding one month.

(9) In the case of persons found guilty of an act mentioned in paragraph (k) of subsection (4) of this section, the Court may in addition to the punishments established in subsection (5) of this section order that the offender publish, at such date and time as the Court may establish, free of charge, in the same newspaper or on the same broadcasting medium as the case may be, a statement by way of contradiction or explanation.

(10) Default of compliance with an order made under subsections (8) and (9) of this section shall be deemed to constitute an offence against this Act and subject to the same penalties as provided in subsection (5) of this section.

(11) Any person who is an accomplice in any of the acts mentioned in paragraphs (a) to (k) of subsection (4) of this section shall be deemed to be guilty of the same acts and shall be liable to the penalties laid down in the said subsection.

(12) Notwithstanding the foregoing provisions of this section, the House may punish with an admonition any person who in the presence of the House commits any act of indiscipline and may order that such person shall not be allowed to attend meetings of the House as a stranger for such period as the House may determine, being a period not beyond the last day of the session of the House in which such order shall have been given.

(13) The provisions of this section shall be without prejudice to the provisions of any standing orders or resolutions which the House of Representatives may from time to time make to regulate the conduct of its members and order during its proceedings.”.

Repeal of sections 13 and 14 of the principal law.

4. Sections 13 and 14 of the principal law shall be repealed.

Addition of new section 16 to the principal law.

5. Immediately after section 15 of the principal law there shall be added the following new section:

“Code of Ethics.

16. (1) The House of Representatives may, by resolution, adopt a Code of Ethics to regulate the conduct of its members and it shall be the duty of all members of the House to adhere by any Code of Ethics in force.

(2) Until such time as the House of Representatives shall by resolution adopt a Code of Ethics by resolution in accordance with subsection (1) of this section, the Code of Ethics contained in the Schedule to this Act shall be deemed to be a code of ethics adopted by a resolution of the House in accordance with subsection (1) of this section and may be amended or substituted accordingly.”.

Addition of Schedule to the principal law.

6. Immediately after new section 16 of the principal law added by this Act there shall be added the following Schedule:

“SCHEDULE

(Section 16)

Code of Ethics of Members of the House of Representatives

1. A member of the House of Representatives shall at all times, both inside and outside the House, conduct himself in a manner which reflects the status and dignity of the House of Representatives.

2. A member of the House of Representatives shall adhere to the spirit and letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof as contained in the Standing Orders of the House or any resolution approved by the House of Representatives.

3. A member of the House of Representatives may not receive any remuneration or compensation under whatever form for his work as a Member of the House of Representatives, except for his official remuneration as a Member.

4. While a member of the House of Representatives is in duty bound to relay the complaints of his constituents and to make representations in their name to Government authorities the

Member is expected not to use any improper influence, threats or undue pressure in the course of his duties.

5. Every member of the House of Representatives will annually at the time established by the Speaker of the House of Representatives indicate in a register which will be purposely kept by the Speaker, which register shall be open to inspection by the public:

a. his work or profession, and if he is employed, the identity of his employer;

b. his own immovable property, that of his spouse if the community of acquests applies, that of his minor children as well as, if he so wishes, the manner of its acquisition and of its use;

c. shares in commercial companies investments including money deposited in banks and any other form of pecuniary interest;

d. directorships or other official positions in commercial companies, associations, boards, co-operatives or other groups, even if voluntary associations.

e. a member of the House of Representatives, who has a professional interest, including work interest consultancy, management or any form of connection, pecuniary or otherwise, with persons, groups or companies, that have a direct interest in legislation before the House, shall declare his interest in the House, at the first opportunity, before a vote is taken on the Second Reading of a Bill;

f. a Member of the House of Representatives, shall not accept gifts from persons, groups or companies that had any direct or indirect intent in legislation before the House of Representatives.

g. a Member of the House of Representatives shall accept no honorarium for a speech, writing or publication, or other similar activity from any person, organisation or companies in excess of the usual and customary value for such services;

h. a Member of the House of Representatives, who has made a visit outside Malta, financed in whole or in part by one person, group or company which has a direct interest in legislation before the House, shall declare the fact in a register purposely kept by the Speaker, and accessible to the public;

i. a Member of the House of Representatives is expected to report to the Speaker and to the competent authorities any attempt at corruption, pressure or undue influence by third persons, aimed at influencing his conduct as a member.

6. Reference shall not be made in professional, occupational or business matters to membership of the House of Representatives which in any way can give undue advantage to a member.

Passed by the House of Representatives at Sitting No. 418 of 9th May, 1995.

RICHARD J. CAUCHI
Clerk to the House of Representatives

LAWRENCE GONZI
Speaker