

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI
President

2 ta' Awissu, 1996

ATT Nru. XIX ta' l-1996

ATT biex jemenda l-Att dwar il-Bord ta' 'Standards' ta' Malta biex jipprovi għal twaqqif ta' awtorità awtonoma għal 'Standards' u hwejjeg oħra ancillari.

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1996 li jemenda l-Att dwar il-Bord ta' *Standards* ta' Malta, u għandu jinqara u jftiehem haġa wahda ma' l-Att dwar il-Bord ta' *Standards* ta' Malta, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 187.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-industrija jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

2. Fit-titolu li għandu l-Att prinċipali minflok il-kliem "Bord ta' *Standards* ta' Malta" għandhom jidhlu l-kliem "Awtorità ta' Malta għall-Ghemil ta' *Standards*"; u minflok il-kliem "Att dwar il-Bord ta' *Standards* ta' Malta" għandhom jidhlu l-kliem "Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*".

Emenda tat-titolu.

3. Fl-artikolu 1 ta' l-Att prinċipali, minflok il-kliem "l-Att dwar il-Bord ta' *Standards* ta' Malta" għandhom jidhlu l-kliem "Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*".

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

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

4. Fl-artikolu 2 ta' l-Att prinċipali:—

(a) minflok it-tifsira ta' "Bord" ghandu jidhol dan li ġejj:

“ “Awtorità” tfisser l-Awtorità ta' Malta għall-Ghemil ta' *Standards*;”;

(b) fit-tifsira ta' "liċenza" minflok il-kliem "mill-Bord" ghandhom jidhlu l-kliem "mill-Awtorità"; u

(c) minnufih wara t-tifsira ta' "persuna" ghandha tiżdied din it-tifsira li ġejja:

“ “*standard*” tfisser definizzjoni, klassifika, speċifikazzjoni jew deskrizzjoni ta' prodott jew proċess, inkluża meta jkun possibbli referenza għall-proċedura, htieġa ta' sigurezza, mod ta' manifattura, xorta, materjal, metodi ta' analiżi jew qjies, piż, grad, purità, origini, żmien, kompożizzjoni, kwantità, dimensjonijiet, propertajiet, tikkettar, sarr, adempjenza, *bio availability* jew kull karatteristika oħra jew kombinazzjoni tagħhom ta' dak il-prodott jew proċess;”.

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

5. L-artikolu 3 ta' l-Att prinċipali ghandu jiġi emendat kif ġejj:

(a) minflok is-subartikoli (1) sa (4) tiegħu, ghandu jidhol dan li ġejj:

“(1) Ghandha titwaqqaf Awtorità, li tissejjaħ l-Awtorità ta' Malta għall-Ghemil ta' *Standards*, li teżercita u taqdi l-funzjonijiet lilha mogħtija b'dan l-Att.

(2) L-Awtorità titmexxa minn Kunsill li jkun magħmul kif ġejj:—

(a) *Chairman*, li jinhatar mill-Prim Ministru;

(b) id-Direttur ta' l-Industrija *ex officio* li jkun *Vici-Chairman*;

(c) il-Kontrollur tad-Dwana *ex officio*;

(d) id-Direttur ta' l-Agrikoltura *ex officio*;

(e) id-Direttur għall-Affarijiet tal-Konsumatur *ex officio*;

(f) id-Direttur għall-Protezzjoni ta' l-Ambjent *ex officio*;

(g) id-Direttur tas-Sahha Pubblika *ex officio*;

(h) tliet membri li jinhatru mill-Ministru -

(i) wiehed wara konsultazzjoni mal-Kamra tal-Periti,

(ii) wiehed wara konsultazzjoni mal-Kamra ta' l-Inġinieri Professionali, u

(iii) wiehed wara konsultazzjoni mal-Kamra ta' l-Ispizjara;

(i) membru li jinhatar mill-Kunsill ta' l-Università ta' Malta;

(j) rappreżentant tal-Kunsill Malti għax-Xjenza u t-Teknoloġija, li jinhatar mill-Prim Ministru;

(k) membru li jinhatar mill-Kamra tal-Kummerċ; u

(l) membru li jinhatar mill-Federazzjoni ta' l-Industriji.

(3) Il-membri tal-Kunsill li ma jkunux daww imsemmija fil-paragrafi (b) sa (g) tas-subartikolu (2) għandhom jinhatru għal żmien ta' mhux iktar minn tliet snin u jistgħu jerġgħu jġu hekk mahtura.

(4) Il-membri tal-Kunsill għandhom jirċievu dik ir-rimunerazzjoni li l-Ministru jista' jordna.”;

(b) fis-subartikoli (5) u (6) tiegħu minflok il-kliem “Bord” kull fejn tidher għandha tidhol il-kelma “Awtorità”, u fis-subartikolu (7) minflok il-kliem “il-Bord għandu jirregola l-proċeduri tiegħu” għandhom jidhlu l-kliem “l-Awtorità għandha tirregola l-proċeduri tagħha”;

(c) fis-subartikolu (6) tiegħu minflok il-kliem “erba' membri” għandhom jidhlu l-kliem “sitt membri”; u

(d) minnufih wara s-subartikolu (7) tiegħu għandhom jiżiedu dawn is-subartikoli li ġejjin:

“(8) Il-Kunsill jista’ jaġixxi minkejja kull vakanza fih sakemm ikun hemm preżenti *quorum*.

(9) Iċ-*Chairman* ikollu vot originali u fil-każ ta’ voti ndaqs, vot iehor jew *casting vote*.

(10) L-Awtorità tkun l-awtorità f’Malta li tkun fdata bil-koordinazzjoni ta’ l-ghemil ta’ *standards* u attivitajiet li ghandhom x’jaqsmu ma’ dan, u fit-tweqqi tal-funzjonijiet taghha taht din il-liġi jew xi liġi ohra, din m’ghandhiex tkun, kemm-il darba ma jinghadx xort’ ohra espressament, taht id-direzzjoni jew kontroll ta’ xi persuna jew awtorità.

(11) L-Awtorità tista’, bi ftehim mal-Ministru, taghmel kull ftehim ma’ xi persuna jew awtorità li bihom dik il-persuna jew awtorità ghandha f’isem l-Awtorità twettaq dawk il-funzjonijiet u servizzi bhalma huma b’din il-liġi jew kull liġi ohra assenjati lill-Awtorità.

(12) L-Awtorità ikollha personalità ġuridika distinta minn dik tal-Gvern, u r-rappreżentanza ġuridika taghha tkun tvesti fiċ-*Chairman*. L-assi u kull proprjetà li l-Awtorità jkollha ghandhom madankollu jkunu proprjetà tal-Gvern u l-Awtorità tkun biss responsabbli għall-amministrazzjoni taghhom waqt li tkun qed tiehu hsiebhom, u ghandha tiddisponi minnhom skond dawk id-direttivi li l-Ministru jista’ minn żmien għal żmien jaghti lill-Awtorità.

(13) L-Awtorità tista’ titlob kull hlas għal kull servizz li jiġi provdut minnha skond dan l-Att jew xi liġi ohra.

(14) Il-kontijiet ta’ l-Awtorità ghandhom jiġu verifikati minn awditur indipendenti li jinhatar minnha bi ftehim mal-Ministru, b’dan illi d-Direttur tal-Verifika jista’ f’kull waqt jispezzjona ir-*records* u l-kontijiet ta’ l-Awtorità u jirrapporta dwarhom lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(15) L-Awtorità tista’ bl-approvazzjoni tal-Ministru timpjega dak il-*personnel* li tista’ tkun tehtieg għat-tweqqi xieraq tal-funzjonijiet taghha skond dan l-Att b’dawk il-patti u kondizzjonijiet li l-Ministru jista’ japprova.”.

"Allokazzjoni ta' uffiċjali pubbliċi għal xogħol ma' l-Awtorità.

3A. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità, minn żmien għal żmien jordna li xi uffiċjal pubbliku jkun allokat għal xogħol ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fl-ordni.

(2) Il-perijodu li matulu ordni kif intqal qabel għandu japplika għal kull uffiċjal speċifikat fih, kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku, jew xort'ohra ma jtemmx qabel milli jzomm kariga, jew kemm-il darba ma tkunx speċifikata fl-ordni data differenti, għandu jtemm malli ssehh xi wahda mill-grajjiet li ġejjin, jiġifieri -

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u impieg permanenti ma', l-Awtorità li ssir skond is-subartikolu (8) ta' dan l-artikolu; jew

(b) ir-revoka mill-Prim Ministru ta' xi ordni magħmul minnu taht dan l-artikolu dwar dak l-uffiċjal.

(3) Meta ordni dwar xi uffiċjal kif imsemmi qabel ikun revokat mill-Prim Ministru, il-Prim Ministru jista', b'ordni iehor, jalloka lil dak l-uffiċjal jagħmel xogħol ma' l-Awtorità, f'dik il-kariga u b'effett minn dik id-data li tista' tkun speċifikata fl-ordni l-iehor, u d-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandhom ma' dan japplikaw sakemm idum issehh l-ordni l-iehor dwar dak l-uffiċjal.

(4) Meta uffiċjal pubbliku jkun allokat għal xogħol ma' l-Awtorità skond xi wahda mid-dispożizzjonijiet ta' dan l-artikolu, dak l-uffiċjal għandu, matul iż-żmien li fih l-ordni jkollu effett dwaru, ikun taht l-awtorità amministrattiva u l-kontroll ta' l-Awtorità, iżda għandu għall-finijiet u effetti ohra jibqa', u jitqies u jiġi trattat bħala uffiċjal pubbliku.

(5) Bla hsara għall-generalità ta' dak li msemmi qabel, uffiċjal allokat għal xogħol kif inghad qabel -

(a) m'għandux matul iż-żmien li dwaru jkun hekk allokat -

(i) ikun prekluz milli japplika għal trasferiment għal Dipartiment tal-Gvern skond il-pattijiet u l-

kondizzjonijiet ta' servizz annessi mal-hatra tieghu li kellu mal-Gvern fid-data li fiha jkun gie allokat ghal xoghol;

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet tas-servizz tieghu jkunu anqas vantaġġjużi minn dawk annessi mal-hatra tieghu li kellu mal-Gvern fid-data li fiha jkun gie allokat ghal xoghol kif imsemmi qabel jew li kienu jkunu annessi ma' dik il-hatra, matul dak il-perijodu, kieku dak l-uffiċjal ma kienx allokat ghal xoghol ma' l-Awtorità; u

Kap. 93.

Kap. 58.

(b) ikollu l-jedd li s-servizz tieghu ma' l-Awtorità jitqies bhala servizz mal-Gvern ghall-fini ta' kull pensjoni, gratifikazzjoni taht Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltima, u ta' kull jedd jew privileġġ ieħor li ghalih kien ikollu dritt, u suġġett ghal kull responsabbiltà li ghalha kien ikun suġġett, kieku mhux ghall-fatt li hu kien allokat ghal xoghol ma' l-Awtorità.

(6) Meta ssir applikazzjoni kif provdut fis-subparagrafu (i) tal-paragrafu (a) tas-subartikolu (5) ta' dan l-artikolu, din ghandha tinghata l-istess konsiderazzjoni bhallikieku l-applikant ma kienx allokat ghal xoghol ma' l-Awtorità.

(7) L-Awtorità ghandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistghu minn żmien ghal żmien ikunu stabbiliti mill-Ministru responsabbli ghall-finanzi ghal kemm jiswew il-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjal allokat ghal xoghol ma' l-Awtorità kif imsemmi qabel matul il-perijodu li fih ikun hekk allokat.

(8) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal pubbliku allokat ghal xoghol ma' l-Awtorità taht is-subartikolu (2) ta' dan l-artikolu impieg permanenti ma' l-Awtorità b'rimunerazzjoni u b'pattijiet u kondizzjonijiet speċifikati fl-offerta.

(9) Kull uffiċjal li jaċċetta impieg permanenti ma' l-Awtorità li jkun offrut lilu taht dan l-artikolu ghandu, ghall-finijiet kollha jitqies li spiċċa mis-servizz tal-Gvern u li jkun dahal f'servizz ma' l-Awtorità fid-data ta' l-aċċettazzjoni tieghu."

7. Minflok l-artikolu 4 ta' l-Att prinċipali għandu jidhol dan li
 ġej:
 "Funzjonijiet ta' l-Awtorità".

Sostituzzjoni ta' l-artikolu 4 ta' l-Att prinċipali.

4. Il-funzjonijiet ta' l-Awtorità jkunu:

(a) li tippreskrivi, dwar kull klassi, kategorija jew tip ta' prodott, *standards* li jkunu konformi ma' *standards* rikonoxxuti kemm reġjonalment kemm internazzjonalment u li kull prodott li jkun jaqa' f'dik il-klassi, kategorija jew tip ikollu jissodisfa;

(b) li tikkordina, tissorvelja u ġgib 'il quddiem l-għemil ta' *standards* u attivitajiet li għandhom x'jaqsmu ma' dan fid-diversi livelli korporattivi, nazzjonali, reġjonali u internazzjonali, u biex tipprovdi u/jew tiżgura li jkun hemm servizzi relatati sussidjarji xierqa;

(c) li tikkonsidra kull applikazzjoni li ssir għal liċenza biex tintuża *standard mark* u għall-ghoti ta' liċenzi għal dan il-ghan;

(d) li tagħmel dak kollu li jkun mehtieg u li jista' jsir mill-Awtorità skond id-dispożizzjonijiet ta' dan l-Att jew ta' kull liġi ohra."

8. Fl-artikoli 5, 6, 7 u 17 ta' l-Att prinċipali, minflok il-kelma "Bord" kull fejn tinsab, għandha tidhol il-kelma "Awtorità", u fit-test Malti ta' l-istess artikoli l-ġens għandu jiġi emendat kif hekk mehtieg.

Emenda ta' l-artikoli 5, 6, 7 u 17 ta' l-Att prinċipali.

9. L-artikolu 18 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) fil-paragrafu (b) tiegħu minflok il-kliem "mill-Bord" għandhom jidhlu l-kliem "mill-Awtorità";

(b) il-paragrafu (e) tiegħu għandu jiġi enumerat mill-ġdid bhala l-paragrafu (f); u

(c) minnufih wara l-paragrafu (d) tiegħu, għandu jidhol dan li ġej:

"(e) li jippreskrivu kull haġa li tkun jew li tista' tiġi preskritta skond dan l-Att; u".

Emendi
konsegwenzjali
f'ligijiet ohra.
Kap. 10.

10. (1) Fis-subartikolu (1) ta' l-artikolu 189 tal-Kodiċi tal-Ligijiet tal-Pulizija, minflok il-kliem "fl-uffiċċju tad-Direttur għall-Affarijiet tal-Konsumatur" għandhom jidhlu l-kliem "fl-uffiċċju ta' l-Awtorità ta' Malta għall-Ghemil ta' *Standards*".

Kap. 39.

(2) L-Ordinanza dwar l-Użu u l-Kejl, għandha tiġi emendata kif ġej:

(a) minnufih qabel it-tifsira ta' "imbullar" fl-artikolu 2 ta' l-Ordinanza għandha tiżdied din it-tifsira li ġejja:

“ “Awtorità” tfisser l-Awtorità ta' Malta għall-Ghemil ta' *Standards* imwaqqfa bl-artikolu 3 ta' l-Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*;”;

(b) l-artikolu 6 ta' l-Ordinanza għandu jiġi emendat kif ġej:

(i) id-dispożizzjoni li hemm għandha tiġi enumerata mill-ġdid bhala s-subartikolu (1) tagħha; u

(ii) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandu jiżdied dan is-subartikolu (2) ġdid li ġej:

“(2) L-Awtorità tista' minn żmien għal żmien tistabbilixxi *standards* ta' kejl, użin jew tiqjis iehor li jidhol minflok jew b'żieda ma' dawk stabbiliti taht is-subartikolu (1) ta' dan l-artikolu, u meta jkun għew hekk stabbiliti dawk l-*standards* mill-Awtorità il-qjies u l-piż ta' kull kejl u użin f'Malta għandu jiġi stabbilit skondhom.”;

(ċ) minflok il-kliem “Direttur għall-Affarijiet tal-Konsumatur” fl-artikoli 7, 13, 14, 15 u 19 ta' l-Ordinanza, għandha tidhol il-kelma “Awtorità”;

(d) minflok il-kliem “l-President ta' Malta” fl-artikolu 8 ta' l-Ordinanza għandhom jidhlu l-kliem “l-Awtorità”; u

(e) minflok il-kliem “il-Ministru responsabbli għall-affarijiet tal-konsumatur” fl-artikoli 15, 18, 26 u 28, għandhom jidhlu l-kliem “il-Ministru responsabbli għall-industrija”.

(3) L-Att dwar il-Kontroll fuq il-Kwalità (Esportazzjonijiet, Kap. 225. Importazzjonijiet u Ogġetti Lokali), ghandu jiġi emendat kif ġej:

(a) fit-titolu tiegħu, minflok il-kliem “lill-Bord ta’ *Standards* ta’ Malta li jistabbilixxi” għandhom jidhlu l-kliem “lill-Awtorità ta’ Malta għall-Ghemil ta’ *Standards* li tistabbilixxi”;

(b) minflok it-tifsira ta’ “Bord” fl-artikolu 2 tiegħu, ghandu jidhol dan li ġej:

“ “Awtorità tfisser l-Awtorità ta’ Malta għall-Ghemil ta’ *Standards* imwaqqfa bl-artikolu 3 ta’ l-Att dwar l-Awtorità ta’ Malta għall-Ghemil ta’ *Standards*”;

(ċ) minflok il-kelma “Bord” kull fejn tidher fl-Att, għandha tidhol il-kelma “Awtorità”, u fit-test Malti fl-istess Att il-ġens ghandu jiġi emendat kif hekk mehtieg;

(d) fl-artikolu 3 ta’ l-Att minflok il-kliem “d-Direttur ta’ l-Industrija” għandhom jidhlu l-kliem “il-Ministru”;

(e) fl-artikoli 6, 9 u 11 ta’ l-Att minflok il-kliem “d-Direttur ta’ l-Industrija” kull fejn jinsabu għandhom jidhlu l-kliem “l-Awtorità”; u

(f) l-artikolu 14 ta’ l-Att ghandu jithassar.

(4) L-Att dwar Hwejjeġ ta’ l-Ikel, Mediċinali u Ilma tax-Xorb, Kap. 231. ghandu jiġi emendat kif ġej: —

(a) fl-artikolu 2 ta’ l-Att —

(i) minnufih qabel il-frazi “awtorità” sanitarja” għandha tidhol din it-tifsira ġdida li ġejja:

“ “Awtorità” tfisser l-Awtorità ta’ Malta għall-Ghemil ta’ *Standards* imwaqqfa bl-artikolu 3 ta’ l-Att dwar l-Awtorità ta’ Malta għall-Ghemil ta’ *Standards*”;
u

(ii) it-tifsira ta' "Bord dwar *Standards* ta' Hwejjeġ ta' l-Ikel" ghandha tithassar;

(b) l-artikolu 3 ta' l-Att ghandu jithassar; u

(c) fis-subartikolu (2) ta' l-artikolu 4 ta' l-Att minflok il-kliem "tal-Bord dwar *Standards* ta' hwejjeġ ta' l-Ikel" ghandhom jidhlu l-kliem "ta' l-Awtorità".

Att Nru. XXVIII
ta' l-1994.

(5) Fl-artikolu 43 ta' l-Att ta' l-1994 dwar l-Affarijiet tal-Konsumatur, il-kliem "l-Ordinanza dwar l-Użin u l-Kejl," u "Kap. 39." fil-margni biswit l-artikolu, ghandhom jithassru.

Kif jinftehm
liġijiet ohra.

11. Kull referenza f'xi ligi ohra ghall-Bord ta' *Standards* ta' Malta u ghall-Att dwar il-Bord ta' *Standards* ta' Malta, ghandha titqies u tinftihem bhala referenza ghall-Awtorità ta' Malta ghall-Ghemil ta' *Standards* u ghall-Att dwar l-Awtorità ta' Malta ghall-Ghemil ta' *Standards* rispettivament.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 565 tas-16 ta' Lulju, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

2nd August, 1996

ACT No. XIX of 1996

AN ACT to amend the Malta Board of Standards Act to provide for the establishing of an autonomous authority for Standards and ancillary matters.

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. (1) This Act may be cited as the Malta Board of Standards (Amendment) Act, 1996, and shall be read and construed as one with the Malta Board of Standards Act, hereinafter referred to as “the principal Act”. Short title and commencement.
Cap. 187.

(2) This Act shall come into force on such date as the Minister responsible for industry, may by notice in the Gazette appoint and different dates may be so appointed for different provisions and purposes of this Act.

2. In the title to the principal Act for the words “Malta Board of Standards”, there shall be substituted the words “Malta Standardisation Authority”; and for the words “Malta Board of Standards Act” there shall be substituted the words “Malta Standardisation Authority Act”. Amendment of title.

3. In section 1 of the principal Act, for the words “Malta Board of Standards Act” there shall be substituted the words “Malta Standardisation Authority Act”. Amendment of section 1 of the principal Act.

Amendment of
section 2 of the
principal Act.

4. In section 2 of the principal Act:—

(a) for the definition of “Board” there shall be substituted the following:

“ “Authority” means the Malta Standardisation Authority;”;

(b) in the definition of “licence” for the word “Board” there shall be substituted the word “Authority”; and

(c) immediately after the definition of “person” there shall be added the following definition:

“standard” means definition, classification, specification or description of a product or process, including wherever possible reference to its procedure, safety requirement, mode of manufacture, nature, material, methods of test or measurement, weight, grade, purity, origin, age, composition, quantity, dimensions, properties, labelling, packaging, performance, *bio availability* or other characteristics or any combination of the same.

Amendment of
section 3 of the
principal Act.

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

(a) for subsections (1) to (4) thereof, there shall be substituted the following:

“(1) There shall be established an Authority, to be called the Malta Standardisation Authority, which shall exercise and perform the functions assigned to it by this Act or by any other law.

(2) The Authority shall be governed by a Council which shall be composed as follows:—

(a) A Chairman, appointed by the Prime Minister;

(b) the Director of Industry *ex officio* who shall be Deputy Chairman;

(c) the Comptroller of Customs *ex officio*;

(d) the Director of Agriculture *ex officio*;

(e) the Director of Consumer Affairs *ex officio*;

(f) the Director (Environment Protection) *ex officio*;

(g) the Director (Public Health) *ex officio*;

(h) three members appointed by the Minister -

(i) one after consultation with the Chamber of Architects,

(ii) one after consultation with the Chamber of Professional Engineers, and

(iii) one after consultation with the Chamber of Pharmacists;

(i) a member appointed by the Council of the University of Malta;

(j) a representative of the Malta Council for Science and Technology, appointed by the Prime Minister;

(k) a member appointed by the Chamber of Commerce; and

(l) a member appointed by the Federation of Industries.

(3) The members of the Council other than those referred to in paragraphs (b) to (g) of subsection (2) shall be appointed for a period not exceeding three years and shall be eligible to be reappointed.

(4) The members of the Council shall receive such remuneration as the Minister may prescribe.”;

(b) in subsections (5), (6) and (7) thereof for the word “Board” wherever it appears, there shall be substituted the word “Council”;

(c) in subsection (6) thereof for the word “four members” there shall be substituted the words “six members”; and

(d) immediately after subsection (7) thereof there shall be added the following subsections:

“(8) The Council may act notwithstanding any vacancy as long as a quorum is present.

(9) The Chairman shall have an original and in the case of equality of votes a second or casting vote.

(10) The Authority shall be the authority in Malta entrusted with the coordination of standardisation and related activities, and in the exercise of its functions under this or any other law, it shall, unless otherwise expressly provided, not be under the direction or control of any person or authority.

(11) The Authority may with the concurrence of the Minister, enter into agreements with any person or authority whereby such person or authority shall on behalf of the Authority carry out such functions and services as are by this or any other law assigned to the Authority.

(12) The Authority shall have a legal personality distinct from that of the Government, its legal representation shall vest in the Chairman. The assets and other properties held by the Authority shall however be the property of the Government and the Authority shall only have their administration during such tenure, and shall dispose of them in accordance with such directions as the Minister may from time to time give to the Authority.

(13) The Authority may charge fees for any service provided by it under this Act.

(14) The accounts of the Authority shall be audited by an independent auditor appointed by it with the concurrence of the Minister, provided that the Director of Audit may at any time inspect the records and accounts of the Authority and report thereon to the Minister and the Minister responsible for finance.

(15) The Authority may with the approval of the Minister recruit such personnel as it may require for the proper discharge of its functions under this Act under such terms and conditions as the Minister may approve.”.

Addition of new section 3A to the principal Act.

6. Immediately after section 3 of the principal Act, there shall be added the following new section 3A:

“Detailing of public officers for duty with Authority.

3A. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity

and with effect from such date as may be specified in the direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or a different date is specified in the direction, end on the happening of any of the following events, that is to say -

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with the Authority made in pursuance of subsection (8) of this section; or

(b) the revocation by the Prime Minister of any direction made by him under this section in relation to such officer.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the further direction, and the provisions of subsection (2) of this section shall thereupon apply to the period of duration of such further direction in relation to such officer.

(4) When a public officer is detailed for duty with the Authority under any of the provisions of this section, such officer shall, during the time the direction has effect in relation to him, be under the administrative authority and control of the Authority, but he shall for other intents and purposes remain, and be considered and treated as, a public officer.

(5) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

(a) shall not during the time while such officer is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at the date on which he was detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date he was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

Cap. 93.
Cap. 58. (b) shall be entitled to have his service with the Authority considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pension Act, and of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

(6) Where an application is made as provided in subparagraph (i) of paragraph (a) of subsection (5) of this section, the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(7) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

(8) The Authority may, with the approval of the Prime Minister, offer to any public officer detailed for duty with the Authority under subsection (2) of this section permanent employment with the Authority at a remuneration and on terms and conditions specified in the offer.

(9) Every officer who accepts permanent employment with the Authority offered to him under this section shall, for all purposes be deemed to have ceased to be in the service of the Government and to have entered into service with the Authority on the date of his acceptance.”.

Substitution of section 4 of the principal Act.

7. For section 4 of the principal Act there shall be substituted the following:

"Functions
of the
Authority.

4. The functions of the Authority shall be:

(a) to prescribe, in relation to any class, category or type of products, standards which are in accordance with regionally and internationally recognised standards and which any product falling within that class, category or type is to satisfy;

(b) to co-ordinate, monitor and promote standardisation and related activities at the various corporate, national, regional and international levels, and to supply and/or ensure the existence of adequate supporting related services;

(c) to consider all applications for a licence to use the standard mark and to grant licences for the purpose;

(d) to do all such other things as may be done by the Authority under the provisions of this Act or any other law."

8. For the word "Board" wherever it appears in sections 5, 6, 7 and 17 of the principal Act, there shall be substituted the word "Authority", and in the Maltese text of the same sections the gender is to be amended accordingly. Amendment of sections 5, 6, 7 and 17 of the principal Act.

9. Section 18 of the principal Act shall be amended as follows: Amendment of section 18 of the principal Act.

(a) in paragraph (b) thereof for the word "Board" there shall be substituted the word "Authority";

(b) paragraph (e) thereof shall be renumbered as paragraph (f), and

(c) immediately after paragraph (d) thereof, there shall be inserted the following:

"(e) prescribing anything that is or may be prescribed under this Act; and"

10. (1) In subsection (1) of section 189 of the Code of Police Laws, for the words "at the office of the Director of Consumer Affairs" there shall be substituted the words "at the office of the Malta Standardisation Authority". Consequential amendments to other laws. Cap. 10.

(2) The Weights and Measures Ordinance, shall be amended as follows: Cap. 39.

(a) immediately before the definition of “stamping” in section 2 thereof there shall be added the following definition:

“ “Authority” means the Malta Standardisation Authority established by section 3 of the Malta Standardisation Authority Act;”;

(b) section 6 thereof shall be amended as follows;

(i) the present provision shall be renumbered as subsection (1) thereof; and

(ii) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection (2):—

“(2) The Authority may from time to time determine standards of size, weight or other mensuration in substitution of, or in addition to, those established under subsection (1) of this section, and when such standards have been so determined by the Authority the size and weight of all measures and weights in Malta shall be determined thereby.”;

(c) for the words “Director of Consumer Affairs” in sections 7, 13, 14, 15 and 19 thereof, there shall be substituted the word “Authority”;

(d) for the words “President of Malta” in section 8 thereof there shall be substituted the word “Authority”; and

(e) for the words “Minister responsible for consumer affairs” in sections 15, 18, 26 and 28, there shall be substituted the words “Minister responsible for industry”.

Cap. 225.

(3) The Quality Control (Exports, Imports and Local Goods) Act, shall be amended as follows:

(a) in the title thereof for the words “Malta Board of Standards” there shall be substituted the words “Malta Standardisation Authority”;

(b) for the definition of “Board” in section 2 thereof, there shall be substituted the following:

“ “Authority” means the Malta Standardisation Authority established by section 3 of the Malta Standardisation Authority Act;”;

(c) for the word “Board” wherever it appears in the Act, there shall be substituted the word “Authority”, and in the Maltese text of the same sections the gender is to be amended accordingly;

(d) in section 3 thereof for the words “Director of Industry” there shall be substituted the word “Minister”;

(e) in sections 6, 9 and 11 thereof for the words “Director of Industry” wherever they appear there shall be substituted the word “Authority”; and

(f) section 14 thereof shall be deleted.

(4) The Food, Drugs and Drinking Water Act, shall be amended as follows: Cap. 231.

(a) in section 2 thereof —

(i) immediately after the definition of “Authorised officer” there shall be inserted the following new definition:

“ “Authority” means the Malta Standardisation Authority established by section 3 of the Malta Standardisation Authority Act;”;

(ii) the definition of “Food Standards Board” shall be deleted;

(b) section 3 thereof shall be deleted; and

(c) for the words “Food Standards Board” in subsection (2) of section 4 thereof there shall be substituted the word “Authority”.

(5) In section 43 of the Consumer Affairs Act 1994 the words “the Weights and Measures Ordinance,” and the words “Cap. 39” in the marginal note thereto, shall be deleted. Act. XXVIII
of 1994.

Construction of
other laws.

11. Any reference in any other law to the Malta Board of Standards and to the Malta Board of Standards Act, shall be deemed and construed as a reference to the Malta Standardisation Authority and the Malta Standardisation Authority Act, respectively.

Passed by the House of Representatives at Sitting No. 565 of the 16th July, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives