

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,027, 24 ta' Marzu, 2023*  
*Taqsim A*

---

MALTA

**ATT Nru X tal-2023**

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

**ATT sabiex jemenda l-Att dwar l-Awtorità tad-Djar, Kap. 261 u dispożizzjonijiet anċillari.**

**ACT No. X of 2023**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Housing Authority Act, Cap. 261 and ancillary provisions.**



Nagħti l-kunsens tiegħi.

(L.S.)

**FRANK BEZZINA**  
**Aġent President**

24 ta' Marzu, 2023

**ATT Nru X tal-2023**

*ATT sabiex jemenda l-Att dwar l-Awtorità tad-Djar, Kap. 261 u dispozizzjonijiet ancillari.*

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

**1.** It-titolu ta' dan l-Att hu l-Att tal-2023 li jemenda l-Att dwar l-Awtorità tad-Djar u dan l-Att għandu jinqara u jinftiehem haġa wahda mal-Att dwar l-Awtorità tad-Djar, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 261.

**2.** L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att prinċipali.

(a) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) il-paragrafu (h) tiegħu għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

"(h) twestaq żgumbramenti u spezzjonijiet skont id-dispożizzjonijiet tal-artikolu 29, u tinforza d-drittijiet tagħha fil-ligi jew skont l-iskemi amministrati mill-Awtorità, jew id-drittijiet kuntrattwali tagħha li johorġu mill-kuntratti ta' kiri

tagħha ma' terzi benefiċjarji tal-iskemi tagħha fil-każijiet kollha relatati ma' proprjetà li hija proprjetà tagħha jew amministrata minnha;"

(ii) il-paragrafu (l) tiegħu għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

"(l) tagħmel kwalunkwe xorta ta' investiment u, jew tamministra kwalunkwe flus li tirċievi mingħand entitajiet pubbliċi kif hija tqis xieraq u spedjenti skont il-funzjonijiet tagħha;"

(iii) il-paragrafu (p) tiegħu għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

"(p) talloka proprjetajiet li huma proprjetà tagħha jew amministrati minnha u tittrasferixxi limitament dawk il-proprjetajiet li huma proprjetà tagħha lil persuni, kemm fiżiċi u ġuridiċi, skont iċ-ċirkostanzi, li jikkwalifikaw sabiex jibbenefikaw mill-iskemi attivi ta' akkomodazzjoni soċjali kif ippubblikati, ġestiti, amministrati u riveduti mill-Awtorità minn żmien għal żmien;"

(iv) fil-paragrafu (p) tiegħu l-kliem "mis-setgħat tagħha." għandhom jiġu sostitwiti bil-kliem "mis-setgħat tagħha;" u minnufih wara għandhom jiġu miżjuda dawn il-paragrafi ġodda li ġejjin:

"(q) tirrikonoxxi kwalunkwe persuni fiżiċi u, jew ġuridiċi bħala inkwilini fi proprjetà tagħha jew amministrati minnha;

(r) talloka proprjetajiet li huma proprjetà tagħha jew amministrati minnha u tittrasferixxi limitament dawk il-proprjetajiet li huma proprjetà tagħha lil fondazzjonijiet, assoċjazzjonijiet, għaqdiet volontarji jew persuni ġuridiċi oħra rikonoxxuti bħala hekk mill-Kummissarju għall-Organizzazzjonijiet Volontarji, li jikkwalifikaw bħala benefiċjarji skont l-iskemi attivi ta' akkomodazzjoni speċjalizzata kif ippubblikati, ġestiti, amministrati jew riveduti mill-Awtorità minn żmien għal żmien;

(s) b'mod generali tagħmel kull haġa li tkun inċidentali jew li twassal biex jintlaħqu kwalunkwe funzjonijiet tagħha jew biex teżerċita kwalunkwe

mis-setgħat tagħha."; u

(b) minnufih wara s-subartikolu (6) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"Funzjonijiet tal-Awtorità. (7) L-Awtorità tista', bil-kunsens tal-Ministru, tiegħu sehem fil-formazzjoni ta' kumpanija, fondazzjoni, assoċjazzjoni jew kwalunkwe korp ġuridiku ieħor li jkun rikonoxxut skont id-dispożizzjonijiet tat-Tieni Skeda li tinsab mal-Kodiċi Ċivili, jew tidhol fi proġetti bi sħab jew f'soċjetà bil-għan li tkun tista' twettaq kwalunkwe mill-funzjonijiet tagħha.".

Kap. 16.

3. Minnufih wara l-artikolu 4B tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Ġbir ta' informazzjoni u pubblikazzjoni ta' statistika, indiċi, linji gwida u dokumenti ta' politika. Kap. 604. 4Ċ. L-Awtorità tista' wkoll tiġbor informazzjoni, dettalji u statistika dwar l-attivitajiet u l-kirjiet residenzjali kollha li jaqgħu fil-kamp ta' applikabbiltà tal-Att dwar Kirjiet Residenzjali Privati, sabiex tanalizza sitwazzjonijiet fattwali li jirriżultaw fis-suq tal-kirjiet residenzjali privati u sussegwentament, kemm waħidha kif ukoll b'kollaborazzjoni ma' entitajiet pubbliċi oħra, tista' minn żmien għal żmien wkoll tippubblika statistika, indiċi tal-prezzijiet, linji gwida u dokumenti ta' politika dwar il-kirjiet residenzjali privati f'Malta u Għawdex.".

4. Minnufih wara l-artikolu l-ġdid 4Ċ tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Tnehhija ta' oġġetti li jikkostitwixxu ingombri fil-partijiet komuni. 4D. (1) Fejn persuna tħalli oġġetti li jikkostitwixxu ingombri fil-partijiet komuni, jew fuq kwalunkwe art, jew ġewwa proprjetà tal-Awtorità jew b'xi kwalunkwe mod proprjetà amministrata mill-Awtorità skont id-dispożizzjonijiet ta' dan l-Att, jew li fuqha l-Awtorità teżerċita kwalunkwe jedd li johrog minn ftehim viġenti ma' terzi, u dan mingħajr il-permess espress tal-Awtorità, u tali ingombri jfixkel il-jeddijiet ta' terzi jew tal-Awtorità u dan minkejja n-notifika ta' att ġudizzjarju lill-persuna mill-Awtorità, li jkun fiha ordni sabiex jitneħħa l-oġġett ta' ingombri fi żmien ħmistax (15)-il jum mid-data tan-notifika, iċ-Chairman u, jew uffiċjali tal-Awtorità kif delegati mill-istess Chairman, għandu jkollhom is-setgħa li jneħħu dawn l-oġġetti ta' ingombri.".

(2) Fil-każ tas-subartikolu (1) l-ispejjeż inkorsi mill-Awtorità biex jitneħħew dawn l-oġġetti ta' ingombri għandhom jiġu meqjusa bħala dejn dovut lill-Awtorità u l-Awtorità għandu jkollha l-jedd li tirkupra dan id-dejn skont id-dispożizzjonijiet ta' dan l-Att.

(3) L-Awtorità għandu jkollha l-jedd li tiddisponi mill-oġġetti li jikkostitwixxu ingombri kif jidhrilha xieraq u opportun jekk fi żmien sebat (7) ijiem li tneħħi l-oġġetti skont is-subartikolu (1), is-sid tal-oġġetti ta' ingombri ma jiġborhomx mingħand l-Awtorità.

(4) Fi kwalunkwe każ l-Awtorità ma għandhiex tkun responsabbli għal kwalunkwe danni jew ħsarat, minbarra dawk li jinholqu biss mir-responsabbiltà għan-negliġenza grossolana tagħha."

Żieda ta' artikolu ġdid fl-Att prinċipali.

**5.** Minnufih wara l-artikolu l-ġdid 4D tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Drittijiet tal-Awtorità tad-Djar bħala amministratur tal-proprjetajiet residenzjali pubbliċi.

4E. (1) L-Awtorità tad-Djar għandu jkollha l-jedd tistitwixxi kwalunkwe proċeduri amministrattivi jew ċivili li l-Awtorità tista' tagħmel użu minnhom skont il-liġi f'każ illi jinstab:

(a) illi kwalunkwe persuna jew persuni qegħdin jokkupaw kwalunkwe proprjetà u, jew art li tkun proprjetà tal-Awtorità u, jew amministrata mill-Awtorità mingħajr kwalunkwe titolu validu skont il-liġi jew permezz ta' kwalunkwe pretensjonijiet abbużivi li jmorru kontra d-dispożizzjonijiet ta' dan l-Att, ta' ftehim viġenti bejn l-Awtorità u terzi, jew kwalunkwe regolamenti oħra jew ordni magħmula taħt dan l-Att;

(b) illi twettqet kwalunkwe alterazzjoni jew bidla strutturali ġewwa kwalunkwe proprjetà li l-Awtorità hija s-sid tagħha mingħajr il-kunsens espress tal-Awtorità, jew twettaq xi żvilupp fuq kwalunkwe art jew arja li l-Awtorità hija s-sid tagħha mingħajr il-kunsens espress tal-Awtorità jew jekk kwalunkwe persuna tonqos milli tikkonforma jew li tara li jkun hemm konformità ma' kwalunkwe kondizzjoni, restrizzjoni, jew limitazzjoni oħra imposta mill-Awtorità;

(ċ) illi xi persuna jew persuni biddlu l-użu tal-proprjetà minn dak oriġinarjament stipulat fi kwalunkwe ftehim mal-Awtorità mingħajr il-kunsens bil-miktub tal-istess Awtorità; u

(d) illi xi persuna jew persuni kkawżaw ħsara, danni u distruzzjoni fuq il-proprjetà tal-Awtorità jew ta' terzi minħabba atti jew ommissjonijiet tal-persuna jew persuni u, jew jekk dik il-persuna jew dawk il-persuni kisru wkoll it-termini u, jew kondizzjonijiet tal-ftehim eżegwit mal-Awtorità, kif applikabbli.

(2) Fil-każijiet stipulati f'dan l-artikolu, l-ispejjeż inkorsi mill-Awtorità biex jiġu rimedjati dawn il-vjolazzjonijiet għandhom jiġu meqjusa bħala dejn dovut lill-Awtorità u l-Awtorità għandu jkollha l-jedd li tirkupra dan id-dejn skont id-dispożizzjonijiet ta' dan l-Att.

(3) L-Awtorità għandu jkollha l-jedd li tagħmel talba speċifika lil Qorti jew Tribunal kompetenti sabiex kwalunkwe persuna u, jew persuni li jkunu wettqu kwalunkwe alterazzjoni jew bidla strutturali kontemplata fil-paragrafu (b) tas-subartikolu (1) iregġgħu lura l-proprjetà in kwistjoni fil-kondizzjonijiet li kienet fihom qabel ma giet effettwata l-alterazzjoni jew bidla li tinstab li tkun qieghda tikser id-dispożizzjonijiet ta' dan l-Att jew ta' kwalunkwe ftehim eżegwit mal-Awtorità, u dan l-ordni għandu jitwettaq unikament għas-spejjeż tal-persuna jew persuni li kkawżaw dawn il-bidliet illeċiti.

(4) Fi kwalunkwe każ, l-Awtorità m'għandhiex tkun responsabbli għal kwalunkwe danni jew ħsarat ikkawżati mill-atti u, jew ommissjonijiet tal-okkupanti ta' proprjetajiet residenzjali li huma proprjetà tal-Awtorità jew amministrati minnha, meta tali atti u, jew ommissjonijiet jinstabu li twettqu mill-imsemmija okkupanti mingħajr il-kunsens tal-Awtorità kif kontemplat f'dan l-artikolu."

6. Is-subartikolu (1) tal-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 5 tal-Att prinċipali.

"(1) L-affarijiet, in-negozju u t-twettiq tal-funzjonijiet tal-Awtorità għandhom ikunu r-responsabbiltà tal-Bord:

Iżda bla ħsara għad-dispożizzjonijiet tal-artikolu 7A u għal kwalunkwe direttiva tal-imsemmi Bord, it-tmexxija amministrattiva tal-Awtorità, l-organizzazzjoni u t-tfassil ta' kwalunkwe pjan ta' ħidma tal-Bord, il-komunikazzjoni formali tad-deċiżjonijiet uffiċjali lill-Uffiċjal Kap Eżekuttiv u l-monitoraġġ tal-implimentazzjoni tad-direttivi li jittieħdu mill-istess Bord, għandhom ikunu r-responsabbiltà tač-Chairman tal-Awtorità, li għandu jkollu wkoll dawk is-setgħat l-oħra li jistgħu minn żmien għal żmien jiġu mogħtija lilu mill-Bord."

Emenda tal-artikolu 7 tal-Att prinċipali.

**7.** Fis-subartikolu (1) tal-artikolu 7 tal-Att prinċipali, il-kliem "Il-Bord għandu jiltaqa' kull meta jkun meħtieġ jew espedjenti, iżda f'ebda każ inqas spiss minn darba fix-xahar." għandhom jiġu sostitwiti bil-kliem "Il-Bord għandu jiltaqa' kull meta jkun meħtieġ jew spedjenti, iżda fl-ebda każ mhux inqas minn darba kull sitt (6) ġimghat."

Żieda ta' artikolu ġdid fl-Att prinċipali.

**8.** Minnufih wara l-artikolu 7 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Ħatra ta' Uffiċjal Kap Eżekuttiv.

7A. (1) Il-Ministru għandu, wara konsultazzjoni mač-Chairman tal-Bord tad-Diretturi tal-Awtorità, jahtar Uffiċjal Kap Eżekuttiv. Tali ħatra għandha tkun għal perjodu ta' tliet (3) snin li tista' tiġi estiża għal perjodi oħra ta' tliet (3) snin kull wieħed. Il-kundizzjonijiet li jappartjenu għall-kwalifika għall-ħatra tal-membri tal-Bord u tal-kariga tagħhom bħala membri tal-Awtorità msemija fl-artikolu 6 għandhom jappartjenu wkoll għall-ħatra tal-Uffiċjal Kap Eżekuttiv.

(2) L-Uffiċjal Kap Eżekuttiv għandu fuq talba tal-Bord jattendi l-laqqhat tal-Bord iżda ma għandux jivvota f'tali laqqhat:

Iżda l-Awtorità tista', jekk jidhrilha xieraq, titlob lill-Uffiċjal Kap Eżekuttiv sabiex ma jattendix għal kwalunkwe mil-laqqhat jew xi parti mil-laqqha li matulha jiġu diskussi r-rakkomandazzjonijiet u d-deċiżjonijiet meħuda mill-Uffiċjal Kap Eżekuttiv.

(3) L-Uffiċjal Kap Eżekuttiv għandu jkun responsabbli għall-implimentazzjoni tal-obiettivi tal-Awtorità kif stabbiliti mill-Bord. Fl-eżerċizzju tal-funzjonijiet tiegħu u bla ħsara għall-ġeneralità ta' dak li ntqal qabel, l-Uffiċjal Kap Eżekuttiv għandu:



(a) jassumi s-supervizjoni u l-kontroll generali tad-Dipartimenti mmexxija mill-Kapijiet Eżekuttivi, inkluż it-twaqqif ta' Unitajiet, Diviżjonijiet u Sezzjonijiet li fil-fehma tal-Uffiċjal Kap Eżekuttiv jistgħu jkunu meħtieġa għall-funzjonament xieraq tal-Awtorità u jassenja lill-imsemmija dipartimenti d-dmirijiet rispettivi tagħhom;

(b) jikkoordina l-hidmiet tad-Dipartimenti, l-Unitajiet, id-Diviżjonijiet u s-Sezzjonijiet u jassenja lid-Dipartimenti dawk id-dmirijiet li huma minn, jew skont, id-dispożizzjonijiet ta' dan l-Att vestiti f'dawk id-Dipartimenti, l-Unitajiet, id-Diviżjonijiet u s-Sezzjonijiet;

(c) jiżviluppa l-istrategiji meħtieġa għall-implimentazzjoni kontinwa tal-oġettivi tal-Awtorità;

(d) jagħti l-parir tiegħu dwar kwalunkwe kwistjoni riferuta lil jew dwar kwalunkwe kwistjoni li fuqha huwa jqis li l-parir tiegħu jkun meħtieġ jew spedjenti;

(e) iwettaq dawk il-funzjonijiet u d-dmirijiet l-oħra li l-Bord jista' jassenja lil minn zmien għal zmien;

(f) jistabbilixxi u jikkoordina gruppi ta' ħidma li jiġu mwaqqfa minn zmien għal zmien sabiex jabbozzaw regolamenti.

(4) L-Uffiċjal Kap Eżekuttiv ma għandux ikollu l-ebda kariga jew pożizzjoni oħra mingħajr il-kunsens tal-Bord tal-Awtorità.

(5) L-Uffiċjal Kap Eżekuttiv jista' jitkeċċa mill-Bord fi kwalunkwe zmien għal raġuni ġusta u għandha tiġi meqjusa bħala raġuni ġusta jekk il-Bord jiddetermina li huwa ma jkunx laħaq il-miri u l-oġettivi stabbiliti għalih mill-Bord.

(6) Fin-nuqqas tal-Uffiċjal Kap Eżekuttiv, jew jekk l-Uffiċjal Kap Eżekuttiv ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk skont din jew kwalunkwe dispożizzjoni oħra ta' dan l-Att, iċ-Chairperson tal-Bord jista', wara konsultazzjoni mal-Uffiċjal Kap Eżekuttiv, jahtar kwalunkwe wieħed mill-uffiċjali jew impjegati tal-Awtorità sabiex jaġixxi bħala Agent Uffiċjal Kap Eżekuttiv."

A 176

Emenda tal-artikolu 11 tal-Att prinċipali.

**9.** Fis-subartikolu (1) tal-artikolu 11 tal-Att prinċipali, il-kliem "L-Awtorità għandha, mhux aktar tard minn sitt ġimgħat wara li tispicċa kull sena finanzjarja," għandhom jiġu sostitwiti bil-kliem "L-Awtorità għandha, mhux aktar tard minn tnax (12)-il ġimgħa wara t-tmiem ta' kull sena finanzjarja,".

Żieda ta' artikolu ġdid fl-Att prinċipali.

**10.** Minnufih wara l-artikolu 11 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Setgħat speċjali ta' Chairman tal-Awtorità.

11A. B'żieda mas-setgħat mogħtija lil kwalunkwe waħda jew mid-dispożizzjonijiet kollha ta' qabel ta' dan l-Att jew mid-dispożizzjonijiet ta' xi liġi oħra, iċ-Chairman għandu jkollu wkoll is-setgħa li:

(a) jagħti għuramenti għall-fini tat-twertiq kif suppost tal-funzjonijiet tiegħu, kif ukoll għall-amministrazzjoni u l-eżekuzzjoni xierqa ta' dan l-Att, liema setgħa hu jista' wkoll jiddelega lil kwalunkwe uffiċjal ieħor tal-Awtorità;

(b) wara konsultazzjoni mal-Bord, jordna lil kwalunkwe kerrej li jokkupa kwalunkwe proprjetà jew sit li fuqu l-Awtorità tgawdi kwalunkwe dritt jew li fuqu għandha obbligu ta' tiswijiet jew manutenzjoni, jirriloka temporanjament għewwa proprjetà jew sit ieħor alternattiv li jkun proprjetà tal-istess Awtorità jew li fuqu hija tgawdi kwalunkwe dritt, minhabba preżenza ta' periklu imminenti u sabiex l-Awtorità tkun tista' twettaq tiswijiet strutturali urgenti jew kwalunkwe manutenzjoni jew xogħlijiet oħra urgenti għewwa l-proprjetà jew art tal-Awtorità skont id-dispożizzjonijiet tal-artikolu 4(1)(e) u (3)(a) tal-Att, u l-Awtorità għandu jkollha l-jedd ukoll li titlob l-assistenza tal-Pulizija Eżekuttiva sabiex teżegwixxi tali ordni;

Kap. 586.

(ċ) wara konsultazzjoni mal-Bord, jitlob lil kwalunkwe persuna, inkluż kwalunkwe uffiċjal pubbliku fis-servizz tal-Gvern, kwalunkwe bank jew ditta, soċjetà, kumpanija jew korporazzjoni sabiex jagħtuh l-informazzjoni kollha li jista' jeħtieġ sabiex ikun jista' jasal għal kwalunkwe deċiżjoni jew jirrivedi kwalunkwe deċiżjoni li hu jista' jieħu skont id-dispożizzjonijiet ta' qabel ta' dan l-Att. Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra li jkunu jeħtieġu li tinzamm is-segretezza li dahlu fis-seħħ qabel, fi jew wara d-dhul fis-seħħ ta' dan l-Att, iżda bla ħsara għad-dispożizzjonijiet tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR') u tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data l-imsemmija uffiċjali huma b'dan awtorizzati li jagħtu liċ-Chairman dik l-informazzjoni li jista' jeħtieġ:

Kap. 9.

Iżda ħlief sa fejn ikun meħtieġ għat-twettiq xieraq tal-funzjonijiet u d-dmirijiet tiegħu jew għall-fini ta' prosekuzzjoni, iċ-Chairman għandu jkun marbut li jħares is-segretezza fir-rigward ta' kwalunkwe informazzjoni mogħtija lilu skont dan il-paragrafu, li minbarra dan il-paragrafu, imissu jinżamm bħala sigriet, u d-dispożizzjonijiet tal-artikolu 133 tal-Kodiċi Kriminali għandhom japplikaw għal kwalunkwe ksur volontarju ta' dan id-dmir:

Iżda wkoll id-dispożizzjonijiet tal-proviso li jiġi minnufih qabel dan għandhom japplikaw ukoll għal kwalunkwe uffiċjal jew impjegat ieħor tal-Awtorità involut li, għal kwalunkwe raġuni tkun xi tkun, isir jaf b'din l-informazzjoni waqt il-qadi xieraq ta' dmirijietu;

(d) jitlob lil kwalunkwe persuna li qiegħda tapplika sabiex issir benefiċjarju taħt kwalunkwe skema jew għotja pprovduta, ġestita, amministrata jew riveduta mill-Awtorità, minn żmien għal żmien, jew li tgħix fi proprjetà mikrija mingħand l-Awtorità, li turi l-prospett tagħha tat-taxxa fuq l-income u, jew l-istimi sabiex jiġi stabbilit x'inhu d-dhul nett jew qligħ tagħha."

**11.** Is-subartikolu (1) tal-artikolu 13 tal-Att prinċipali għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 13 tal-Att prinċipali.

"(1) L-Awtorità għandha tiegħu hsieb li tnejji f'kull sena finanzjarja, u għandha mhux aktar tard minn tnax (12)-il gimgħa wara t-tmiem ta' kull sena finanzjarja, tadotta estimi tad-dhul u nfiq tal-Awtorità għas-sena finanzjarja sussegwenti."

Żieda ta' artikoli godda fl-Att prinċipali.

**12.** Minnufih wara l-artikolu 26 tal-Att prinċipali għandhom jiġu miżjuda dawn l-artikoli godda li ġejjin:

"Setgħa tal-Ministru sabiex jagħmel regolamenti.

27. (1) Il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti:

(a) fir-rigward ta' kwalunkwe waħda mill-funzjonijiet tal-Awtorità u b'rabta ma' kull kwistjoni li għandha x'taqsam mal-funzjoni xierqa tagħha;

(b) sabiex jistabbilixxi drittijiet għall-forniment ta' kwalunkwe servizz jew kwalunkwe ġestjoni ta' servizz mill-Awtorità jew minn kwalunkwe persuna f'isimha jew taħt l-awtorità tagħha, inkluż bla ħsara għall-ġeneralità ta' dak li ntqal qabel, kwalunkwe drittijiet jew hlasijiet oħra għal kwalunkwe servizz b'rabta mar-regolamentazzjoni ta' kwalunkwe attività mill-Awtorità;

(ċ) għall-għemil ta' kwalunkwe depożitu jew l-għoti ta' kwalunkwe garanzija sabiex jiżgura t-twettiq ta' kwalunkwe obbligu minn kwalunkwe persuna imposta bħala kondizzjoni ta' kwalunkwe permess, awtorizzazzjoni jew liċenzja skont dan l-Att;

(d) għas-setgħat u d-dmirijiet ta' uffiċjali, impjegati u, jew tal-kuntratturi mahtura mill-Awtorità;

(e) għar-regolamentazzjoni, il-kontroll, u sabiex jipprojbixxi l-preżenza ta' kwalunkwe persuna fi kwalunkwe post jew bini li l-Awtorità għandha dritt fuq jew hija sid ta' jew l-użu minn kwalunkwe persuna ta' tali post jew bini;

(f) sabiex jirregola, jiddikjara u jistabbilixxi l-proprjetajiet li fuqhom l-Awtorità għandha titolu validu ta' proprjetà jew proprjetà li fuqha hija għandha kwalunkwe dritt ieħor validu skont il-liġi;

(g) sabiex jirregola l-użu tal-proprjetà tal-Awtorità jew proprjetà li fuqha għandha dritt, kemm jekk mobbli jew immobbli;

(h) sabiex jippreskrivi liema tip ta' informazzjoni miżmuma mill-Awtorità għandha tkun aċċessibbli għall-pubbliku, kif ukoll li jistabilixxi l-proċedura li tikkonċerna l-aċċess għaliha u d-drittijiet relattivi li għandhom jithallsu sabiex jinkisbu kopji ta' tali informazzjoni;

(i) sabiex jeskludi lill-Awtorità minn kwalunkwe responsabbiltà, minbarra mir-responsabbiltà għan-negligenza grossolana, imġarrba b'rabta mal-eżekuzzjoni tad-dmirijiet tagħha taht l-imsemmija regolamenti;

(j) sabiex jipprovdi u jippreskrivi Skedi għal dan l-Att;

(k) sabiex jipprovdi għall-emendi, is-sostituzzjoni jew iż-żidiet jew il-bidla ta' kwalunkwe haġa li tinsab fl-Iskedi għal dan l-Att;

(l) sabiex jippreskrivi kwalunkwe haġa li tista' jew li għandha tiġi preskritta skont dan l-Att jew li tkun marbuta ma' kwalunkwe funzjoni jew dmir tal-Awtorità assenjata lilha minn jew skont dan l-Att, jew bi jew taht kwalunkwe liġi oħra.

(2) Kwalunkwe setgħa mogħtija b'dan l-Att sabiex isiru regolamenti jew Skedi tinkludi s-setgħa li, minn żmien għal żmien, jiġi revokat, sostitwit, emendat, mibdul jew issir zieda ma' kwalunkwe regolamenti jew Skedi kif imsemmi hawn qabel.

(3) Regolamenti jew ordnijiet magħmula skont dan l-artikolu jistgħu, għall-fini tal-implimentazzjoni u l-infurzar tagħhom kif xieraq, jipprovdu għall-għoti tas-setgħa lill-Awtorità sabiex tidhol u tfittex fi kwalunkwe proprjetà, li jkollha aċċess għal kwalunkwe dokument rilevanti fi kwalunkwe forma, li teħtieġ lil kwalunkwe persuna sabiex tipprovdi kwalunkwe informazzjoni rilevanti, sabiex twettaq spezzjoni fuq is-sit, li toħroġ ordni lil kwalunkwe persuna sabiex tieqaf milli tagħmel kwalunkwe haġa li tikkostitwixxi ksur ta' dan l-Att jew ta' kwalunkwe regolament jew ordni magħmula tahtu u li titlob minn kull persuna garanzija sabiex tieqaf milli tagħmel xi haġa bħal din u li tippubblika tali garanzija u kwalunkwe deċiżjoni tal-Awtorità relatata mal-imsemmija regolamenti.

(4) Il-Ministru jista' wkoll jagħmel regolamenti li jkunu jipprovdu għad-dixxiplina tal-impjegati tal-Awtorità jew tal-kuntrattur, kemm regolari jew casual, u l-proċeduri li għandhom jiġu segwiti għal dak il-għan, inkluż il-ħatra ta' bord ta' dixxiplina u l-kondotta u l-proċedura tiegħu, u li jipprovdi għall-azzjonijiet dixxiplinarji li jistgħu jittieħdu mill-imsemmi Bord.

Jedd ta' dhul.

28. (1) Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, għall-finijiet tat-twertiq tal-funzjonijiet tagħhom skont dan l-Att, il-Bord u tali ufficjal, impjegat jew kumitat jew kwalunkwe persuna oħra kif tista' tkun awtorizzata mill-Bord jew mi-Chairman għal dan il-għan, u jekk ikun hekk meħtieġ mill-Bord bl-assistenza tal-Pulizija Eżekuttiva, għandu jkollhom:

(a) il-jedd li jidhlu fi kwalunkwe proprjetà, pubbliku jew privat, f'kull hin raġonevoli, u fil-każ ta' akkomodazzjoni residenzjali, wara li jagħtu avviż raġonevoli ta' mill-inqas erbgħa u għoxrin (24) siegħa u mhux qabel is-sebgħa ta' filgħodu (7:00am) jew aktar tard mis-sebgħa ta' filgħaxija (7:00pm), sabiex jispezzjonaw jew jistharrġu kwalunkwe art, jew sabiex jieħdu kwalunkwe ritratti wara li jidhlu jew jitolbu kwalunkwe informazzjoni leġittima minn kwalunkwe persuna li tokkupa tali proprjetà jew sabiex jagħmlu tiswijiet strutturali urġenti jew kwalunkwe manutenzjoni jew xogħlijiet oħra urġenti fuq il-proprjetà skont id-dispożizzjonijiet tal-artikolu 4(1)(e) u (3)(a) tal-Att:

B'dan iżda illi fil-każ fejn l-okkupant tal-proprjetà ma jkunx, għal kwalunkwe raġuni, wasallu l-avviż kontemplat taħt dan l-artikolu, l-Awtorità għandha tagħmel tentattiv ta' avviż lill-eqreb familjari tal-okkupant jekk dawn ikunu magħrufa lill-Awtorità, jew fil-każ fejn l-Awtorità jkollha informazzjoni li l-okkupant huwa residenti f'istituzzjoni għandha wkoll tagħmel tentattiv ta' notifika lill-okkupant jew dawk inkarigati mill-kura tiegħu f'din l-istituzzjoni, skont il-każ:

Iżda wkoll fil-każ fejn il-manutenzjoni jew xogħlijiet urgenti kontemplati fis-subartikolu preċedenti jkunu ġew ikkawżati unikament min-negliġenza u, jew nuqqas mill-obbligi tal-kerrej tal-proprjetà inkwistjoni, l-Awtorità għandu jkollha l-jedd li tirkupra l-ispejjeż relatati ma' dawn ix-xogħlijiet permezz tal-proċeduri kkontemplati fl-artikolu 30; u

(b) il-jedd li jagħmlu kwalunkwe haġa li tkun anċillari jew konsegwenzjali għalihom.

(2) Kwalunkwe persuna awtorizzata skont is-subartikolu (1) għandha tipproduċi mezz ta' identifikazzjoni maħruġ mill-Awtorità qabel ma tidhol fil-proprjetà konċernata.

Proċeduri għal  
djun dovuti lill-  
Awtorità.

29. (1) L-ispejjeż kollha inkorsi b'mod raġonevoli mill-Awtorità fl-eżerċizzju tas-setgħat tagħha, jew kwalunkwe ammont ieħor li jista' jkun dovut lill-Awtorità skont kwalunkwe dispożizzjoni ta' dan l-Att jew ta' regolamenti magħmula tahtu jew taht kwalunkwe liġi jew ftehim ieħor iffirmit, jew xort'oħra magħmula minnha għandhom jingabru lura bħala dejn ċivili mill-Awtorità mis-sid preżenti tal-art, jew minn kwalunkwe okkupant tal-art jew proprjetà, jew minn kwalunkwe persuna responsabbli għall-atti msemmija fl-avviż, inkluż avviż għall-hlas, jew applikant, soġġett għad-dritt ta' rkupru li dik il-persuna jista' jkollha kontra kwalunkwe persuna oħra. L-Awtorità ma għandhiex tkun responsabbli għal kwalunkwe ħsarat bħala riżultat tal-eżerċizzju tas-setgħat tagħha skont dan l-artikolu, sakemm ma jiġix ippruvat li tali ħsara rriżultat minn negliġenza grossolana min-naħa tal-Awtorità, l-uffiċjali u l-aġenti tagħha. L-Awtorità, fid-diskrezzjoni tagħha, tista' tiddisponi mill-oġġetti misjuba fuq l-art jew il-bini, mingħajr l-ebda formalitajiet oħra, ikunu xi jkunu, jekk l-oġġetti tibqa' ma ssirx talba għalihom fi żmien sebat (7) ijiem.

(2) Fejn l-Awtorità tixtieq li ttharrek sabiex tirkupra dejn dovut lilha skont kwalunkwe liġi li hija intitolata li tinforza, il-Kap Eżekuttiv jew uffiċjal tal-Awtorità debitament awtorizzat minnu sabiex jaġixxi f'ismu, jista' jagħmel dikjarazzjoni ġuramentata quddiem ir-Registatur tal-Qorti jew quddiem kwalunkwe uffiċjal ieħor awtorizzat li jagħti ġurament f'materji ġudizzjarji, fejn huwa jiddikjara n-natura tad-dejn u d-dettalji tad-debitur u jikkonferma li huwa dovut. Imgħax bir-rata ta' tmienja fil-mija (8%) għandu jibda jiddekorri mid-data li fiha l-ammont imsemmi fid-dikjarazzjoni kien dovut.

(3) Id-dikjarazzjoni msemmija fis-subartikolu (2) għandha tiġi notifikata lid-debitur permezz ta' att ġudizzjarju u għandu jkollha l-istess effett bħal *res judicata* tal-qorti kompetenti sakemm id-debitur, fi żmien tletin (30) jum min-notifika lilu tal-imsemmija dikjarazzjoni, ma jopponix it-talba billi jipprezenta rikors fejn jitlob lit-Tribunal ta' Reviżjoni Amministrattiva jiddikjara li t-talba hi infondata. L-att ġudizzjarju msemmi għandu, taħt piena ta' nullità, ikun fiħ intimazzjoni lid-debitur li jekk huwa ma jwegibx fi żmien tletin (30) jum min-notifika lilu, l-imsemmi att ġudizzjarju għandu jkollu l-istess effett bħal *res judicata* tal-qorti kompetenti. Barra minn hekk, l-intimazzjoni għandha wkoll tinforma lid-debitur li huwa jista' jipprezenta rikors fiż-żmien mogħti lilu, liema rikors jista' jkun iffirmit u pprezentat lit-Tribunal ta' Reviżjoni Amministrattiva mid-debitur innifsu mingħajr il-ħtieġa ta' firma ta' avukat jew ta' prokuratur legali. L-imsemmi att ġudizzjarju għandu jikkostitwixxi titolu eżekuttiv.

(4) Ir-rikors ipprezentat skont is-subartikolu (3) għandu jiġi notifikat lill-Awtorità, li għandha tkun intitolata li tippreżenta risposta fi żmien għoxrin (20) jum. It-Tribunal ta' Reviżjoni Amministrattiva għandu jappunta r-rikors għas-smiġħ f'data wara l-iskadenza ta' dak il-perjodu u fi kwalunkwe każ mhux aktar tard minn xahar (1) mill-prezentata tar-rikors.

(5) Bla ħsara għal kwalunkwe rimedju ieħor provdut minn dan l-Att jew skont kwalunkwe liġi oħra, iċ-Chairman jew kwalunkwe uffiċjal awtorizzat minnu sabiex jirrapprezenta l-Awtorità u jaġixxi f'ismu, jista' jirreġistra d-djun dovuti lill-Awtorità bħala ipoteki, privileġġi jew jista' jirreġistra kwalunkwe garanzija



oħra skont il-liġi mar-Registru tal-Artijiet, mar-Registru Pubbliku jew ma' kwalunkwe entità oħra nkarigata minn tali registrazzjonijiet.

Proċedura speċjali.

30. (1) Minkejja kwalunkwe liġi oħra li tista' tapplika f'dan il-każ, fejn l-Awtorità temmen li persuna wettqet ksur tad-dispożizzjonijiet ta' dan l-Att, l-Awtorità tista' tagħti lil dik il-persuna avviż bil-miktub fejn tispeċifika l-imsemmi ksur li l-persuna qiegħda tiġi akkużata bih u tindika l-passi li għandhom jittieħdu sabiex jiġi rimedjat l-imsemmi ksur u l-penali amministrattiva li għandha tithallas fir-rigward ta' tali ksur:

Iżda kwalunkwe persuna li tħossha aggravata minn deċiżjoni tal-Awtorità skont dan is-subartikolu tista' tappella lit-Tribunal ta' Reviżjoni Amministrattiva għar-revoka jew għat-tibdil tal-imsemmija penali amministrattiva.

(2) Fejn ikun ingħata avviż skont dan l-artikolu, il-persuna msemmija fl-avviż tista', fi żmien wiehed u għoxrin (21) jum min-notifika tal-avviż, taċċetta r-responsabbiltà għall-ksur tad-dispożizzjonijiet ta' dan l-Att kif speċifikat fl-avviż u fil-perjodu stipulat jew f'perjodu ulterjuri kif l-Awtorità tista' tippermetti, tirrimedja l-ksur u tħallas, jew tintrabat bil-miktub li tħallas, il-penali amministrattiva indikata fl-avviż jew dik il-penali amministrattiva li l-Awtorità tista' taċċetta minflokha, u fi kwalunkwe każ bħal dan:

(a) il-persuna msemmija fl-avviż għandha titqies li tkun wettqet il-ksur tad-dispożizzjonijiet ta' dan l-Att u li tkun ammettiet ir-responsabbiltà tagħha dwaru, kif stipulat fis-subartikolu (1);

(b) jekk il-ksur tad-dispożizzjonijiet ta' dan l-Att jiġi rimedjat u l-penali amministrattiva tithallas fil-perjodu stipulat jew f'perjodu ulterjuri kif imsemmi qabel, l-ebda proċeduri oħra ma jkunu jistgħu jittieħdu kontra l-imsemmija persuna fir-rigward tal-istess fatti:

Iżda fil-każ ta' ftehim li wiehed iħallas il-penali amministrattiva, ma għandux ikun hemm estinzjoni ta' kwalunkwe responsabbiltà ċivili sabiex tagħmel tajjeb għal xi danni lil kwalunkwe terza persuna jew entità;

(ċ) jekk il-penali ma tithallasx fil-perjodu stipulat, jew f'perjodu ulterjuri, kif imsemmi qabel, għandha ssir ammont dovut lill-Awtorità bħala dejn ċivili u l-Awtorità tista' tiegħu proċeduri skont il-każ sabiex tirkupra l-istess.

(3) Fejn il-persuna li lilha jingħata avviż skont is-subartikolu (1) ma taċċettax responsabbiltà għall-ksur tad-dispożizzjonijiet ta' dan l-Att jew tkun aċċettat dik ir-responsabbiltà, tonqos milli tirrimedja l-ksur fil-perjodu msemmi qabel, jistgħu jittiegħdu kontriha proċeduri ċivili skont id-dispożizzjonijiet tal-liġi applikabbli għall-istess ksur.

Reati.

31. (1) Bla ħsara għal kwalunkwe reat ieħor li johroġ mil-Liġijiet ta' Malta li huwa direttament jew indirettament marbut mal-atti u l-ommissjonijiet li ġejjin, kwalunkwe persuna li:

(a) tfixxkel, tostakola, timmolesta jew tinterferixxi ma', jew tipprova tfixxkel, tostakola, timmolesta jew tinterferixxi ma', kwalunkwe uffiċjal jew impjegat tal-Awtorità, jew xi uffiċjal tal-pulizija, jew kwalunkwe uffiċjal pubbliku fil-qadi tad-dmirijiet tiegħu skont il-liġi, jew tonqos milli tikkonforma ma' kwalunkwe rekwiżit raġonevoli mitlub minnha minn kwalunkwe mill-persuni msemmija hawn fuq jew b'xi mod ieħor tonqos milli tassistih fit-twettiq tal-istess dmirijiet, jew xjentement tagħti lil dik il-persuna informazzjoni falza jew tittraskura jew tirrifjuta li tagħti kwalunkwe informazzjoni meħtieġa għall-iskop hawn fuq imsemmi; jew

(b) tagħmel dikjarazzjoni, għal kwalunkwe wieħed mill-għanijiet tal-Att, li hija falza, qarrieqa jew mhix korretta fi kwalunkwe haġa materjali,

għandha tkun hatja ta' reat kontra l-Att u għandha tehel, meta tinstab hatja, multa ta' mhux aktar minn għaxart elef euro (€10,000).

(2) Il-Qorti, minbarra l-ghoti tal-piena msemmija fis-subartikolu (1), għandha tordna lill-ħati sabiex inehhi l-kawzi tar-reat u li jregġa' lura kull haġa li tkun saret mingħajr permess jew li jikkonforma mal-kondizzjonijiet imposti fil-ftehim bejn l-Awtorità u l-ħati, skont il-każ, fi żmien biżżejjed għal dak il-għan, iżda fl-ebda każ mhux aktar minn tliet (3) xhur mid-data tas-sentenza, u jekk il-ħati jkun benefiċjarju minn kwalunkwe skema maħruġa mill-Awtorità, il-Qorti għandha tordna wkoll ir-rifużjoni ta' kwalunkwe benefiċċju mogħti lill-istess ħati u, jew it-terminazzjoni *ipso jure* tal-kuntratt tal-kiri ta' akkomodazzjoni residenzjali allokati lilha, skont il-każ.

(3) Proċeduri fil-konfront ta' kwalunkwe persuna għal kwalunkwe reat kif imsemmi fis-subartikolu (1) għandhom jittieħdu quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skont il-każ, bħala qrati ta' ġudikatura kriminali skont id-dispożizzjonijiet tal-Kodiċi Kriminali:

Kap. 9.

Iżda minkejja d-dispożizzjonijiet tal-artikolu 376(1)(b) tal-Kodiċi Kriminali, il-Qorti għandha, fuq talba tal-prosekuzzjoni jew tal-akkużat, tniżżel l-evidenza mogħtija mix-xhieda bil-mod provdut fl-artikolu 390(6) tal-Kodiċi Kriminali jew fi kwalunkwe liġi fis-sehħ dak iż-żmien.

Kap. 9.

Protezzjoni tad-data.

32. (1) L-ebda haġa f'dan l-Att ma għandha tippreġudika l-applikabbiltà tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR') u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data u d-drittijiet u l-libertajiet fundamentali tas-sugġett tad-data.

Kap. 586.

(2) Fejn l-Awtorità fil-kapaċità tagħha ta' kontrollur tad-data tipproċessa data personali dwar l-applikant jew il-benefiċjarju u, jew id-dipendenti tagħhom kif stabbiliti skont dan l-Att, hija għandha:

(a) tikkonforma mal-prinċipji relatati mal-ipproċessar tad-data personali skont l-Artikolu 5 tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR');

(b) tapplika miżuri tekniċi u organizzattivi xierqa sabiex tiżgura livell ta' sigurtà xieraq għar-riskju preżentat, u tipprevjeni abbuż jew aċċess illegali għal jew għat-trasferiment ta' data personali li tappartjeni għall-applikant jew għall-benefiċjarju u, jew id-dipendenti.

(3) Il-kontrollur għandu jżomm id-data personali tal-applikant, benefiċjarju u, jew tad-dipendenti tagħhom sakemm il-benefiċċju, sussidju u, jew servizz mogħti jibqa' fis-seħħ:

Iżda fejn l-applikazzjoni għal benefiċċju, sussidju u, jew servizz tiġi rifjutata, jew fejn dan il-benefiċċju, sussidju u, jew servizz jiġi revokat u, jew jitwaqqaf, tali data personali għandha tinżamm għall-finijiet ta' dan l-Att għal perjodu ta' ħames (5) snin mid-data tar-rifjut tal-applikazzjoni jew tar-revoka tad-deċiżjoni li jitwaqqaf il-benefiċċju, sussidju u, jew servizz tagħhom.

(4) Fejn l-Awtorità skont il-funzjonijiet tagħha skont dan l-Att tipproċessa informazzjoni b'rabta mal-verifikazzjoni u l-analisi ta' data personali fil-kuntest ta' investigazzjoni kontra frodi, l-Awtorità tista' tirrestringi d-drittijiet u l-obbligi provduti fl-Artikoli 14 sa 20 u l-Artikolu 34 tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR') skont l-Artikolu 23 tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR'):

Iżda tali data personali għandha tkun biss ristretta fil-każ li l-Awtorità tirrifjuta l-applikazzjoni jew tirrevoka u, jew ma tkomplix il-benefiċċju, sussidju jew servizz tagħhom:

Iżda wkoll l-Uffiċjal tal-Protezzjoni tad-Data tal-Awtorità maħtur skont l-Artikolu 37 tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR') għandu jkun ikkonsultat kif xieraq f'waqtu fil-proċess kollu tal-applikazzjoni tar-restrizzjoni.

(5) Ir-restrizzjoni skont is-subartikolu (4) għandha tapplika biss fil-każ li din ir-restrizzjoni titqies bħala miżura meħtieġa u proporzjonata sabiex tippoteġi s-sorsi u l-kunfidenzjalità ta' informazzjoni legalment privileġġjata.

(6) L-Awtorità għandha tapplika r-restrizzjoni msemmija fis-subartikolu (4) sakemm ir-raġunijiet li jiġġustifikawhom jibqgħu applikabbli wara test tan-neċessità u proporzjonalità:

Iżda tali raġunijiet li jiġġustifikaw ir-restrizzjonijiet għandhom jiġu dokumentati u magħmula disponibbli lill-Kummissarju għall-Infurmazzjoni u l-Protezzjoni tad-Data meta u kif meħtieġ.

(7) Fejn ir-raġunijiet għar-restrizzjoni ma jibqgħux japplikaw aktar, l-Awtorità għandha tneħħi r-restrizzjoni u tinforma lis-suġġett tad-data kkonċernat kif xieraq u tikkonforma mad-drittijiet u l-obbligi provduti fl-Artikoli 14 sa 20 u l-Artikolu 34 tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR').

(8) L-Awtorità għandha tirrevedi l-applikazzjoni għar-restrizzjonijiet imsemmija f'dan l-Att kull sena u skont ir-rizultat ta' tali reviżjoni tinforma lis-suġġett tad-data kif xieraq.

(9) Għas-salvagwardja tad-drittijiet u l-libertajiet tas-suġġetti tad-data, il-kondizzjonijiet u s-salvagwardji li ġejjin għandhom japplikaw għal dokumenti, rapporti u data personali oħra pproċessati li huma soġġetti għar-restrizzjoni skont is-subartikolu (4):

(a) aċċess għal data ta' verifika u analisi minn awtoritajiet kompetenti għajr l-Awtorità ma għandux ikun permess sakemm ma jkunx provdut mil-liġi;

(b) l-Awtorità għandha żzomm rekord tal-awditjar tal-aċċess għad-data ta' verifika u analisi mill-awtoritajiet kompetenti, li jkun fih mill-inqas id-data tal-aċċess, id-dettalji identifikabbli tal-uffiċjal tal-Awtorità li jkollu aċċess għad-data, l-awtorità kompetenti li tkun qiegħda tagħmel it-talba u l-iskop għall-aċċess. Tali rekord tal-awditjar għandu jinżamm sakemm id-data ta' verifika u analisi tinhażen f'konformità ma' dan l-Att;

(c) l-Uffiċjal tal-Protezzjoni tad-Data tal-Awtorità għandu jzomm reġistru sabiex jirreġistra r-restrizzjonijiet applikati fir-rigward tat-talbiet magħmula mill-applikanti, benefiċjarji u, jew dipendenti tagħhom. Ir-reġistru għandu jinkludi d-dettalji tas-sugġetti tad-data, id-dritt li qed jintalab li jiġi eżerċitat li kien ristrett u l-iskop ta' tali restrizzjoni. Ir-restrizzjoni tad-drittijiet skont l-Artikolu 34 tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (Regolament (UE) 2016/679) ('GDPR') għandha wkoll tiġi mnizzla fir-reġistru; u

(d) l-applikanti, benefiċjarji u, jew dipendenti tagħhom, fil-kapaċità tagħhom bħala sugġetti tad-data għandhom ikunu infurmati bl-applikazzjoni tar-restrizzjonijiet fuq id-drittijiet tagħhom billi jinformaw lis-sugġett tad-data kkonċernat bi twegiba għat-talba sabiex jiġi eżerċitat kwalunkwe wieħed mid-drittijiet li qeghdin jiġu ristretti skont dan l-Att u bil-pubblikazzjoni tal-informazzjoni, sakemm dan ma jkunx ta' preġudizzju għall-fini tar-restrizzjoni:

Iżda l-Awtorità għandha tiġġustifika l-preġudizzju mitlub minnha lill-Kummissarju għall-Infurmazzjoni u l-Protezzjoni tad-Data meta u fejn mitluba."

Emenda  
konsegwenzjali.  
L.S. 601.03.

**13.** Fl-Iskeda 3 li tinsab mar-Regolamenti dwar l-Akkwist Pubbliku, minnufih wara l-kliem "Infrastruttura Malta" għandhom jiġu miżjuda l-kliem "Awtorità tad-Djar".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 104 tal-20 ta' Marzu, 2023.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**FRANK BEZZINA**  
**Acting President**

24th March, 2023

**ACT No. X of 2023**

*AN ACT to amend the Housing Authority Act, Cap. 261 and ancillary provisions.*

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.

Cap. 261.

Amendment of  
article 4 of the  
principal Act.

**1.** The short title of this Act is the Housing Authority (Amendment) Act, 2023 and this Act shall be read and construed as one with the Housing Authority Act, hereinafter referred to as "the principal Act".

**2.** Article 4 of the principal Act shall be amended as follows:

(a) sub-article (2) thereof shall be amended as follows:

(i) paragraph (h) thereof shall be substituted by the following new paragraph:

"(h) carry out evictions and inspections in accordance with article 29, and enforce its rights at law or in terms of the schemes administered by the Authority, or its contractual rights emanating from its lease agreements with third party beneficiaries of its schemes in all cases related to property owned or administered by it;"



(ii) paragraph (l) thereof shall be substituted by the following new paragraph:

"(l) make any form of investment and, or administer any moneys received from public entities as it deems proper and expedient according to its functions;"

(iii) paragraph (p) thereof shall be substituted by the following new paragraph:

"(p) allocate properties owned by it or administered by it and limitedly transfer those properties owned by it to persons, both natural and legal, according to the circumstances, who qualify to benefit from the active schemes of social accommodation as published, managed, administered and reviewed by the Authority from time to time;"

(iv) in paragraph (p) thereof the words "any of its powers." shall be substituted by the words "any of its powers;" and immediately thereafter, there shall be added the following new paragraphs:

"(q) recognize any physical and, or legal person as a tenant within a property owned by it or administered by it;

(r) allocate properties owned by it or administered by it and limitedly transfer those properties owned by it to foundations, associations, voluntary organisations or other juridical persons recognised as such by the Commissioner for Voluntary Organisations, which qualify as beneficiaries under active schemes of specialised accommodation as published, managed, administered or reviewed by the Authority from time to time;

(s) generally do all such things as may be incidental or conducive to any of its functions or to the exercise of any of its powers."; and

(b) immediately after sub-article (6) thereof there shall

A 192

be added the following new sub-article:

"Functions of the Authority. (7) The Authority may, with the consent of the Minister, take part in the formation of a company, foundation, association or any other legal body which is recognised in accordance with the provisions of the Second Schedule to the Civil Code, or enter into joint ventures or partnerships for the purpose of fulfilling any of its functions."

Cap. 16.

Addition of new article to the principal Act.

**3.** Immediately after article 4B of the principal Act there shall be added the following new article:

"Gathering of information and publication of statistics, indexes, guidelines and policy documents. Cap. 604.

4C. The Authority may also gather information, details and statistics about all the activities and private residential leases falling within the scope of applicability of the Private Residential Leases Act, in order to analyse factual situations arising in the private residential lease market and subsequently, both on its own or in collaboration with other public entities, may from time to time also publish statistics, price indexes, guidelines and policy documents about the private residential leases in Malta and Gozo."

Addition of new article to the principal Act.

**4.** Immediately after the new article 4C of the principal Act there shall be added the following new article as follows:

"Removal of objects which constitute an obstruction in the common parts.

4D. (1) Where a person leaves things that constitute an obstruction in common parts, or on any land, or within property owned by the Authority or in any way administered by the Authority in accordance with the provisions of this Act, or upon which the Authority exercises any right emanating from an agreement in force with third parties, without the explicit permission of the Authority, and such obstruction molests the rights of third parties or the Authority and this notwithstanding the service of judicial letters to the person by the Authority, containing an order to remove the obstructive thing within fifteen (15) days from the date of the service, the Chairman and, or officials of the Authority delegated by said Chairman, shall have the power to remove such obstructive things.

(2) In the case of sub-article (1), the expenses incurred by the Authority in removing the obstructive things shall be considered as debts due to the Authority and the Authority shall have the right to recover these debts in accordance with the provisions of this Act.

(3) The Authority shall have the right to dispose of the obstructive things as it deems fit and proper if the owner of the obstructive things fails to pick them up from the Authority within seven (7) days from when the things are removed according to sub-article (1).

(4) In any case the Authority shall not be held liable for any damages or breakages except those arising solely from its responsibility to avoid gross negligence."

5. Immediately after the new article 4D of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Rights of the Housing Authority as administrator of public residential properties.

4E. (1) The Housing Authority shall have the right to institute any administrative or civil procedures which the Authority may avail of in accordance to law if it is found that:

(a) any person or persons occupy any property and, or land owned by the Authority and, or administered by the Authority without any valid legal title or by means of any abusive pretext which is contrary to the provisions of this Act, of an agreement in force between the Authority and third parties, or any other regulations or orders made according to this Act;

(b) any alterations or structural changes are carried out within any property owned by the Authority without the express consent of the Authority, or any development on any land or airspace owned by the Authority is carried out without the express consent of the Authority or if any person fails to comply or to cause compliance with any condition, restriction or other limitation imposed by the Authority;

(c) any person or persons changed the use of the property from that originally stipulated in any agreement entered into with the Authority without the written consent of said Authority; and

(d) any person or persons caused harm, damages and destruction to the Authority's or third parties' property due to acts or omissions of the person or persons and, or if such person or persons also breached the terms and, or conditions of the agreement executed with the Authority, as applicable.

(2) In the cases stipulated in this article, the expenses incurred by the Authority in remedying these violations shall be considered as debts due to the Authority and the Authority shall have the right to recover these debts in accordance with the provisions of this Act.

(3) The Authority shall have the right to make a specific request to the competent Court or Tribunal to order any person and, or persons, who have committed any structural alteration or change as contemplated in paragraph (b) of sub-article (1) to revert the property in question to the conditions it was in prior to the execution of the alteration or change which is found to be in breach of the provisions of this Act or any agreement entered into with the Authority, and such order shall be carried out at the sole expense of the person or persons who caused the illicit changes.

(4) In any case, the Authority shall not be held liable for any damages or harm caused by the acts and, or omissions of occupants of residential properties which are owned by the Authority or administered by it, when such acts and, or omissions are found to have been committed by said occupants without the consent of the Authority as contemplated in this article."

Amendment of  
article 5 of the  
principal Act.

**6.** Sub-article (1) of article 5 of the principal Act shall be substituted by the following new sub-article:

"(1) The affairs, business and the carrying out of the functions of the Authority shall be the responsibility of the Board:

Provided that subject to the provisions of article 7A and to any directions of the said Board, the administrative conduct of the Authority, the organisation and devising of any plan of action of the Board, the formal communication of official decisions to the Chief Executive Officer and the monitoring of implementation of the directions taken by the said Board, shall be the responsibility of the Chairman of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Board."

7. In sub-article (1) of article 7 of the principal Act, the words "The Board shall meet as often as necessary or expedient, but in no case less frequently than once a month." shall be substituted by the words "The Board shall meet as often as necessary or expedient, but in no case less than once every six (6) weeks."

Amendment of article 7 of the principal Act.

8. Immediately after article 7 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Appointment of the Chief Executive Officer.

7A. (1) The Minister, after consultation with the Chairman of the Board of Directors of the Authority, shall appoint a Chief Executive Officer. Such appointment shall be for a period of three (3) years which may be extended for further periods of three (3) years each. The conditions pertaining to the qualification for the appointment of the members of the Board and to their holding office as members of the Authority referred to in article 6 shall also pertain to the appointment of the Chief Executive Officer.

(2) The Chief Executive Officer shall at the request of the Board attend the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may, if it so deems fit, request the Chief Executive Officer not to attend any of the meetings or any part of a meeting during which the recommendations and decisions taken by the Chief Executive Officer are discussed.

(3) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Authority as set by the Board. In the exercise of his functions, and without prejudice to the generality of the foregoing, the Chief Executive Officer shall:

(a) assume the overall supervision and control of the Departments led by Executive Heads, including the establishment of Units, Divisions and Sections which in the opinion of the Chief Executive Officer may be necessary for the proper functioning of the Authority and assign to such departments their respective duties;

(b) co-ordinate the workings of the Departments, Units, Divisions and Sections and assign to the Departments such duties which are by, or in accordance with, the provisions of this Act vested in such Departments, Units, Divisions and Sections;

(c) develop the necessary strategies for the ongoing implementation of the objectives of the Authority;

(d) give his advice on any matter referred to him or on any matter on which he considers his advice necessary or expedient;

(e) carry out such other functions and duties as the Board may assign to him from time to time;

(f) establish and co-ordinate working groups that are set up from time to time to draft regulations.

(4) The Chief Executive Officer shall not hold any other office or position without the consent of the Board of the Authority.

(5) The Chief Executive Officer may be dismissed by the Board at any time for a just cause and it shall be deemed to be a just cause if the Board determines that he has not achieved the targets and objectives set for him by the Board.

(6) In the absence of the Chief Executive Officer, or if the Chief Executive Officer is unable to perform the functions of his office, whether under this or any other provision of this Act, the Chairperson of the Board may, following consultation with the Chief Executive Officer, appoint any one of the officers or employees of the Authority to act as Acting Chief Executive Officer."

Amendment of article 11 of the principal Act.

**9.** In sub-article (1) of article 11 of the principal Act, the words "The Authority shall, not later than six weeks after the end of each financial year," shall be substituted by the words "The Authority shall,

not later than twelve (12) weeks after the end of each financial year." Addition of new article to the principal Act.

**10.** Immediately after article 11 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Special powers of the Chairman of the Authority.

11A. In addition to the powers conferred on him by any or all of the foregoing provisions of this Act or by the provisions of any other law, the Chairman shall also have the power to:

(a) administer oaths for the purpose of the proper performance of his functions, as well as for the proper administration and execution of this Act, which power he may also delegate to any other officer of the Authority;

(b) following consultation with the Board, order any tenant occupying any dwelling or site upon which the Authority enjoys any right or with regard to which it shall be obliged to repair or maintain, to relocate temporarily in another dwelling or an alternative site which is owned by the same Authority or upon which it enjoys any right, due to the presence of imminent danger and in order for the Authority to be able to carry out urgent structural repairs or any maintenance or other urgent works within the Authority's property or land in accordance with the provisions of article 4(1)(e) and (3)(a) of the Act, and the Authority shall also have the right to request the assistance of the Executive Police to execute such order;

(c) following consultation with the Board, request any person, including any public officer in the service of the Government, any bank or any firm, partnership, company or corporation to furnish him with all the information that he may require in order to be able to arrive at any decision or to revise any decision, which he may take under the foregoing provisions of this Act. Notwithstanding the provisions of any other law requiring secrecy in force before, on or after the coming into force of this Act, but without prejudice to the provisions of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') and the Data Protection Act, the said officers are hereby authorised to furnish the Chairman with any such information that he may require:

Cap. 586.

Provided that except insofar as may be necessary for the proper discharge of his functions and duties or for the purpose of a prosecution, the Chairman shall be bound to observe secrecy with respect to any information furnished to him under this paragraph, which apart from this paragraph, ought to be treated as secret, and the provisions of article 133 of the Criminal Code shall apply to any wilful breach of such duty:

Cap. 9.

Provided further that the provisions of the immediately foregoing proviso shall also apply to any officer or other employee of the Authority concerned, who for any reason whatsoever, becomes aware of such information during the proper discharge of his duties;

(d) request any person who is applying to become a beneficiary under any scheme provided, managed, administered or reviewed by the Authority from time to time, or who inhabits a property leased by the Authority, to produce his income tax returns and, or assessments for the purpose of establishing his net income or earnings."

Amendment of article 13 of the principal Act.

**11.** Sub-article (1) of article 13 of the principal Act shall be substituted by the following new sub-article:

"(1) The Authority shall cause to be prepared in every



financial year, and shall not later than twelve (12) weeks after the end of each financial year, adopt estimates of the income and expenditure of the Authority for the subsequent financial year."

**12.** Immediately after article 26 of the principal Act there shall be added the following new articles:

Addition of new articles to the principal Act.

"Power of the Minister to make regulations.

**27.** (1) The Minister may, after consultation with the Authority, make regulations:

(a) in respect of any of the functions of the Authority and in connection with the matter relating to its proper function;

(b) to establish fees for the provision of any service or any management of a service by the Authority or by any person on its behalf or under its authority, including without prejudice to the generality of the foregoing, any fees or other charges for any service in connection with the regulation of any activity by the Authority;

(c) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any permit, authorisation or licence under this Act;

(d) for the powers and duties of officers, employees and, or of contractors appointed by the Authority;

(e) to regulate, control and prohibit the presence of any person in any place or building of which the Authority has a right over, or the ownership of, or the use by any person of such place or building;

(f) to regulate, declare and define the properties over which the Authority has a valid title of ownership or property over which it has any other legally valid right;

(g) to regulate the use of the property of the Authority or property over which it has a right, whether movable or immovable;

(h) to prescribe what type of information held by the Authority shall be accessible to the public, as well as to establish the procedure concerning access thereto and the relative fees to be paid to obtain copies of such information;

(i) to exclude the Authority from any liability, other than liability for gross negligence, incurred in connection with the execution of its duties under the said regulations;

(j) to provide and prescribe Schedules to this Act;

(k) to provide for the amendment, the substitution or the addition or the alteration of anything contained in the Schedules to this Act;

(l) to prescribe anything that may or is to be prescribed under this Act or which relates to any function or duty of the Authority assigned to it by or under this Act, or by or under any other law.

(2) Any power conferred by this Act to make regulations or Schedules includes the power to, from time to time, revoke, substitute, amend, alter or add to any regulations or Schedules as aforesaid.

(3) Regulations or orders made in accordance with this article may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Authority to enter and search any premises, to have access to any relevant document in any form, to request any person to provide any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing anything which constitutes an infringement of this Act or of any regulation or order made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish such undertaking and any decision of the Authority related to the said regulations.

(4) The Minister may also make regulations providing for the discipline of the employees of the Authority or of the contractor, whether regular or casual, and the procedures to be followed for such purpose, including the appointment of a disciplinary board and the conduct and procedure thereof, and providing for disciplinary actions that may be taken by the said Board.

Right of entry.

28. (1) Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Board and such officer, employee or committee or any other person as may be authorised by the Board or the Chairman for this purpose, and if so required by the Board with the assistance of the Executive Police, shall have:

(a) the right to enter any premises, public or private, at all reasonable times, and in the case of a residential accommodation after giving reasonable notice of at least twenty-four (24) hours and not before seven o'clock in the morning (7:00am) or later than seven o'clock in the evening (7:00pm), to inspect or survey any land, or to take any photographs after entering or request any legitimate information from any such occupier of such premises or to carry out any other urgent structural repairs or any maintenance or urgent works on the property in accordance with the provisions of article 4(1)(e) and (3)(a) of the Act:

Provided that in the case that the occupant of the property has not, for any reason whatsoever, received the notice contemplated in this article, the Authority shall attempt to notify the closest family members of the occupant if these are known to the Authority, or in the case that the Authority is informed that the occupant is a resident of an institution it shall also attempt to serve the notice to the occupant or those charged with his care in this institution, as the case may be:

Provided further that in the case where the urgent maintenance or works contemplated in the preceding sub-article were caused solely by the negligence and, or default from the obligations of the tenant of the property in question, the Authority shall have the right to recover the expenses related to these works by means of the procedures contemplated in article 30; and

(b) the right to do anything that is ancillary or consequential thereto.

Proceedings for  
debts due to the  
Authority.

(2) Any person authorised pursuant to sub-article (1) shall produce a means of identification issued by the Authority before entering the premises concerned.

29. (1) All expenses reasonably incurred by the Authority in the exercise of its powers, or any other amount which might be due to the Authority under any provision of this Act or regulations made thereunder or under any other law or agreement signed or otherwise made by it shall be recoverable as a civil debt by the Authority from the present owner of the land, or from any occupier of the land or premises, or from any person responsible for the acts mentioned in the notice, including a notice of payment, or an applicant, subject to such right of recovery such person may have against any other person. The Authority shall not be liable for any damages as a result of the exercise of its powers under this article, unless it is proved that such damage resulted from gross negligence on the part of the Authority, its officers and agents. The Authority, in its discretion, may dispose of the objects found on the land or premises, without any other formalities whatsoever if the objects remain unclaimed within seven (7) days.

(2) Where the Authority desires to sue for the recovery of a debt due to it under any law which it is entitled to enforce, the Chief Executive Officer or an officer of the Authority duly authorised by him to act on his behalf, may make a declaration on oath before the Court Registrar or before any other officer authorised to administer the oath in judicial matters, wherein he states the nature of the debt and the details of the debtor and confirms that it is due. Interest at the rate of eight per cent (8%) shall run from the date on which the amount mentioned in the declaration was due.

(3) The declaration referred to in sub-article (2) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a *res judicata* of the competent court unless the debtor, within a period of thirty (30) days from service upon him of the said declaration, opposes the claim by filing an application requesting that the Administrative Review Tribunal declares the claim unfounded. The said judicial act shall on pain of nullity contain an intimation to the debtor that if he does not reply within thirty (30) days from service upon him, the said judicial act shall have the same effect as a *res judicata* of a competent court. Furthermore, the intimation shall also inform the debtor that he may file an application in the time limit provided to him, which application may be signed and filed in the Administrative Review Tribunal by the debtor himself without the signature of an advocate or of a legal procurator being required. The said judicial act shall constitute an executive title.

(4) The application filed in terms of sub-article (3) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty (20) days. The Administrative Review Tribunal shall appoint the application for hearing on a date after the lapse of that period and in any case not later than one (1) month from the filing of the application.

(5) Without prejudice to any other remedy provided by the Act or under any other law, the Chairman or any other official authorised by him to represent the Authority and act on his behalf, may register the debts due to the Authority as hypothecs, privileges or may register any other guarantee according to law with the Land Registry, the Public Registry or with any other entity tasked with such registrations.

Special procedure.

30. (1) Notwithstanding any other law that may apply in this case, where the Authority believes that a person has committed a breach of the provisions of this Act, the Authority may give notice in writing specifying the breach that the person has committed and indicate the steps to be taken to remedy the breach of the provisions of this Act and the administrative penalty which he is required to pay in respect of such breach:

Provided that any person who feels aggrieved by a decision of the Authority under this sub-article, may appeal to the Administrative Review Tribunal for a revocation or modification of such administrative penalty.

(2) Where a notice in accordance with this article has been given, the person mentioned in the notice may, within twenty-one (21) days of the service of the notice, accept responsibility for the breach of the provisions of this Act specified in the notice and within the same period or such further period as the Authority may allow, remedy said breach and pay, or undertake in writing to pay, the administrative penalty indicated in the notice or such other administrative penalty as the Authority may accept in lieu, and in any such case:

(a) the person mentioned in the notice shall be deemed to have committed the breach of the provisions of this Act and to have admitted his guilt in respect thereof, as stipulated in sub-article (1);

(b) if the breach of the provisions of this Act is remedied and the administrative penalty is paid within the stipulated period or a further period, as aforesaid, no further proceedings may be taken against the said person in respect of the same facts:

Provided that the agreement to pay the administrative penalty shall not extinguish any civil liability to make good any damages to any third party or entity;

(c) if the penalty is not paid within the stipulated period, or a further period, as aforesaid, it shall become an amount due to the Authority as a civil debt and proceedings may be taken accordingly by the Authority to recover the same.

(3) Where the person to whom notice is given under sub-article (1) does not accept responsibility or, having accepted such responsibility, fails to remedy the breach of the provisions of this Act within the period aforesaid, civil proceedings may be taken against him in accordance with the provisions of law applicable to the said breach.

Offences.

31. (1) Without prejudice to any other offence emanating from the Laws of Malta which is directly or indirectly connected with any of the following acts and omissions, any person who:

(a) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer or employee of the Authority, or any police officer, or any public officer in the execution of his duties under the law, or fails to comply with any reasonable requirement demanded of him by any of the persons as aforesaid or otherwise fails to assist him in the carrying out of the said duties, or knowingly furnishes such person with false information or neglects or refuses to give any information for the purpose aforesaid; or

(b) makes a declaration, for any one of the purposes of the Act, which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against the Act and shall be liable, on conviction, to a fine (multa) not exceeding ten thousand euro (€10,000).

(2) The Court, besides awarding the punishment referred to in sub-article (1), shall order the offender to remove the causes of the offence and to undo anything which was done without permission or to comply with the conditions imposed in the agreement entered between the Authority and the offender, as the case may be, within a time sufficient for that purpose, but in no case exceeding three (3) months from the date of the judgment, and if the offender is a beneficiary of any scheme issued by the Authority, the Court shall also order the refund of any benefit granted to said offender and, or the termination *ipso jure* of the lease agreement of the residential accommodation allocated to him, as the case may be.

(3) Proceedings against any person for any offence as is mentioned in sub-article (1) shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the Criminal Code:

Cap. 9.

Provided that notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the Court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for in article 390(6) of the Criminal Code or in any law in force at that time.

Cap. 9.

Data protection.

Cap. 586.

32. (1) Nothing in this Act shall prejudice the applicability of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') and the Data Protection Act and the fundamental rights and freedoms of the data subject.

(2) Where the Authority in its capacity of data controller processes personal data on the applicant or the beneficiary and, or their dependants, as established under this Act, it shall:

(a) comply with the principles relating to processing of personal data pursuant to Article 5 of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR');

(b) apply appropriate technical and organisational measures to ensure a level of security appropriate to the risk posed, and prevent abuse or unlawful access to or transfer of, personal data pertaining to the applicant or the beneficiary and, or their dependants.

(3) The controller shall retain the personal data of the applicant, beneficiary and, or their dependants as long as the granted benefit, subsidy and, or service remains in force:

Provided that where the application for a benefit, subsidy and, or service is refused, or where this benefit, subsidy and, or service is revoked and, or discontinued, such personal data shall be retained for the purposes of this Act for a period of five (5) years from the date of the refusal of the application or the revocation of the decision to discontinue the benefit, subsidy and, or service thereof.



(4) Where the Authority pursuant to its functions under this Act processes information in relation to the verification and analysis of personal data within the context of an investigation against fraud, the Authority may restrict the rights and obligations provided for in Articles 14 to 20 and Article 34 of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') in accordance with Article 23 of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR'):

Provided that such personal data shall only be restricted in case the Authority refuses the application or revokes and, or discontinues the benefit, subsidy and, or service thereof:

Provided further that the Authority's Data Protection Officer designated pursuant to Article 37 of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') shall be consulted as appropriate in a timely manner during the entire process of the application of the restriction.

(5) The restriction under sub-article (4) shall only apply in the event that this restriction is considered as necessary and proportionate measure to protect the sources and confidentiality of legally privileged information.

(6) The Authority shall apply the restriction referred to in sub-article (4) for as long as the reasons justifying them remain applicable following a necessity and proportionality test:

Provided that such reasons justifying the restrictions shall be documented and made available to the Information and Data Protection Commissioner when and as required.

(7) Where the reasons for a restriction no longer apply, the Authority shall lift the restriction and inform the data subject concerned accordingly and comply with the rights and obligations provided for in Articles 14 to 20 and Article 34 of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR').

(8) The Authority shall review the application for the restrictions referred to in this Act every year and depending on the outcome of such review, inform the data subject accordingly.

(9) For the safeguard of the rights and freedoms of the data subjects, the following conditions and safeguards shall apply to documents, reports and other personal data processed which are subject to the restriction in terms of sub-article (4):

(a) access to verification and analysis data by competent authorities other than the Authority shall not be permitted unless provided for by law;

(b) the Authority shall maintain an audit trail record of access to verification and analysis data by the competent authorities, containing at least the date of the access, the identifiable details of the Authority's officer accessing the data, the competent authority making the request and the purpose for the access. Such audit trail record shall be kept for as long as the verification and analysis data is stored in conformity with this Act;

(c) the Authority's Data Protection Officer shall keep a register to record the restrictions applied in relation to the requests made by the applicants, beneficiaries and, or their dependants. The register shall include the details of the data subjects, the right requested to be exercised that was restricted and the purpose for such restriction. Restriction of rights in terms of Article 34 of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') shall also be recorded in the register; and

(d) the applicants, beneficiaries and, or their dependants, in their capacity as data subjects shall be informed of the application of restrictions to their rights by informing the data subject concerned in reply to the request to exercise any of the rights which are being restricted in terms of this Act and the publication of the information, unless this may be prejudicial to the purpose of the restriction:

Provided that the Agency shall justify the prejudice claimed by it to the Information and Data Protection Commissioner when and where requested."

**13.** In Schedule 3 to the Public Procurement Regulations, immediately after the words "Infrastructure Malta" there shall be added the words "Housing Authority".

Consequential  
amendment.  
S.L. 601.03.

---

Passed by the House of Representatives at Sitting No. 104 of the 20th March, 2023.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

