Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 14,576, 25 ta' April, 1986

Taqsima C

Nru. 140

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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Freddie Micallef, M.P., Ministru tax-Xogħol u Servizzi Soċjali u moqri għall-Ewwel darba fis-Seduta tas-17 ta' Marzu, 1986.

ATT biex ikompli jemenda l-Att ta' l-1976 dwar Relazzjonijiet Industrjali.

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Freddie Micallef, M.P., Minister of Labour and Social Services and read the First time at the Sitting of the 17th March, 1986.

AN ACT further to amend the Industrial Relations Act, 1976.

C. MIFSUD
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjaħ

ATT biex ikompli jemenda l-Att ta' l-1976 dwar Relazzjonijiet Industrjali.

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

Titolu fil-qosor. u bidu fis-seħħ.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1986 li jemenda l-Att ta' l-1976 dwar Relazzjonijiet Industrjali, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Att ta' l-1976 dwar Relazzjonijiet Industrjali, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

2. Minnufih wara s-subartikolu (2) ta' l-artikolu 28 ta' l-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

"(3) Fil-każijiet fejn jiġi allegat li saret tkeċċija nġusta, kull avviż jew talba li hemm riferenza għalihom fis-subartikolu ta' qabel dan għandhom isiru lill-Ministru mhux iktar tard minn tliet xhur mid-data effettiva tat-tkeċċija.".

Żieda ta' artikolu ġdid 31A ma' l-Att prinċipali.

3. Minnufih wara l-artikolu 31 ta' l-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Drittijiet.

31A. (1) Il-Ministru jista' jagħmel regolamenti li jkunu jiffissaw id-drittijiet li għandhom jitħallsu lil xi persuna li tkun qed tidher għall-partijiet waqt proċeduri quddiem it-Tribunal.

(2) It-Tribunal għandu fis-sentenza jew fid-deċiżjoni tiegħu jintaxxa d-drittijiet tal-persuna jew persuni illi jkunu qegħdin jidhru għal xi waħda mill-partijiet skond Tariffa li tkun saret taħt il-provvedimenti tas-subartikolu ta' qabel dan.

(3) Ħadd ma jista' jitlob il-ħlas ta' drittijiet li jkunu iktar minn dawk li jiġu ntaxxati mit-Tribunal jew, fejn ma jkunx hemm taxxa simili, iktar mit-tariffa.

(4) Jekk xi parti tintalab tħallas iktar milli hu indikat f'dan l-artikolu, dan jista' jitlob lura kull ħlas żejjed li jkun sar permezz ta' ittra lit-Tribunal, u dan imbagħad igħaddi biex jordna 'l min ikun irċieva l-ħlas żejjed biex jirrifondi dan il-ħlas lill-parti.

(5) Meta t-Tribunal jaqtagħha li l-ħlas żejjed mitlub kien eċċessiv, dan jista' jordna lil min ikun irċieva dak il-ħlas żejjed li jħallas penali ta' mhux iżjed minn elf lira Maltija lis-Segretarju, li meta jirċievi din il-penali għandu jgħaddiha lill-Fond Konsolidat.

(6) Kull ordni li tingħata għar-rifużjoni ta' ħlas skond il-provvedimenti tas-subartikolu (4) ta' dan l-artikolu u kull ordni għall-ħlas ta' penali skond il-provvedimenti tas-subartikolu (5) ta' dan l-artikolu, huwa titolu eżekuttiv għall-finijiet u effetti tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u jkun eżegwibbli bħala tali mill-Prim'Awla tal-Qorti Ċivili bl-istess mod u bl-istess mezzi provduti f'dak il-Kodiċi.

Dispożizzjoni transitorja.

4. Il-perijodu ta' tliet xhur indikat fl-artikolu 2 ta' dan l-Att għandu għar-rigward ta' xi tkeċċija li saret effettiva qabel ma beda jseħħ dan l-Att, jibda għaddej mill-jum minn meta jidħol fis-seħħ dan l-Att.

Għanijiet u Raġunijiet

L-Abbozz jipprovdi għal perijodu ta' żmien li matulu jkunu jistgħu jinbdew proċeduri quddiem it-Tribunal Industrjali fejn jiġi allegat li saret tkeċċija nġusta. L-Abbozz jagħti wkoll is-setgħa lill-Ministru li jagħmel regolamenti li jiffissaw id-drittijiet li jistgħu jintalbu minn min jidher għal xi parti quddiem it-Tribunal Industrjali, u jipprovdi għas-seħħ ta' dawn id-drittijiet u għall-penali f'każi ta' ħlas żejjed.

A BILL

entitled

AN ACT further to amend the Industrial Relations Act, 1976.

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

1. This Act may be cited as the Industrial Relations (Amendment) Act, 1986, and shall be read and construed as one with the Industrial Relations Act, 1976, hereinafter referred to as "the principal Act". Short title and commencement.

2. Immediately after subsection (2) of section 28 of the principal Act there shall be added the following new subsection: Amendment of section 28 of the principal Act.

"(3) In cases of alleged unfair dismissal referred to in this section, any notification or request mentioned in the last preceding subsection shall be made to the Minister not later than three months from the effective date of the dismissal.".

3. Immediately after section 31 of the principal Act there shall be added the following new section: Addition of new section 31A to the principal Act.

"Fees. 31A. (1) The Minister may by regulations prescribe the fees payable to any person representing the parties in proceedings before the Tribunal.

(2) The Tribunal shall in its award or decision tax the fees of the person or persons representing either party in accordance with the Tariff made under the preceding sub-section.

(3) No person shall charge fees in excess of those taxed by the Tribunal or in the absence of such taxation, in excess of the tariff.

(4) Any party who is charged fees in excess of this section may claim back the excess by a written request to the Tribunal, which shall thereupon order the person to whom the excess was paid to refund it to that party.

(5) If the Tribunal finds that there was gross overcharging it may order the person so overcharging to pay a penalty not exceeding one thousand Maltese liri to the Secretary, who shall upon receiving that penalty transmit it to the Consolidated Fund.

(6) An order for reimbursement made in terms of subsection (4) of this section and an order to pay a penalty made in terms of subsection (5) of this section, shall be an executive title for all intents and purposes of the Code of Organization and Civil Procedure and shall be enforceable as such by the Civil Court, First Hall in the same manner and by the same means laid down in that Code.

Transitory provision.

4. The period of three months laid down in section 2 of this Act shall in respect of any dismissal that become effective before the coming into force of this Act, commence to run from the day of the coming into force of this Act.

Objects and Reasons

The Bill provides for a time limit within which proceedings before the Industrial Tribunal for alleged unfair dismissal are to be initiated. The Bill also empowers the Minister to make regulations establishing the fees which may be charged for representation of a party before the Industrial Tribunal, and provides for the enforcement of such fees and the penalty for overcharging.

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