

**Nru. 168**

26. 12. 86

**MALTA**

---

**KAMRA TAD-DEPUTATI**

---

ABBOZZ ta' Liġi mressaq mill-Onorevoli Karmenu Mifsud Bonnici, Prim Ministru u Ministru ta' l-Intern u moqri għall-Ewwel Darba fis-Seduta tat-22 ta' Diċembru, 1986.

ATT biex ikompli jemenda l-Kostituzzjoni ta' Malta.

---

**P. MUSCAT TERRIBILE**  
*Agent Skrivani tal-Kamra tad-Deputati*

**HOUSE OF REPRESENTATIVES**

---

A BILL introduced by the Honourable Karmenu Mifsud Bonnici, Prime Minister and Minister for the Interior and read the First time at the Sitting of the 22nd December, 1986.

AN ACT further to amend the Constitution of Malta.

---

**P. MUSCAT TERRIBILE**  
*Acting Clerk to the House of Representatives*

## ABBOZZ TA' LIGI

### msejjah

*ATT biex ikompli jemenda l-Kostituzzjoni ta' Malta.*

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

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1986 li jemenda l-Kostituzzjoni ta' Malta, u għandu jinqara u jftiehem haġa waħda mal-Kostituzzjoni ta' Malta, hawnhekk iżjed 'il quddiem imsejjaħ "il-Kostituzzjoni".

Titolu fil-qosor u bidu fis-seħħ.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jibdew isehhu fl-14 ta' Frar, 1987.

2. Minnufih wara s-subartikolu (2) ta' l-artikolu 1 tal-Kostituzzjoni għandu jżded dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 1 tal-Kostituzzjoni.

"(3) Malta hija stat newtrali li jrid attivament jilhaq il-paċi, is-sigurtà u l-progress soċjali fost in-nazzjonijiet kollha billi jhaddan politika ta' non-allineament u jirrofta li jipparteċipa f'kull alleanza militari. Dan l-istatus jimplika b'mod partikolari, illi:

(a) l-ebda bażi militari barranija ma tithalla fuq territorju Malti;

(b) l-ebda faċilitajiet militari f'Malta ma jithallew jiġu wżati minn xi forzi barranin hlief fuq talba tal-Gvern ta' Malta, u biss fil-każi li ġejjin:

(i) fl-eżerċizzju tal-jedd naturali ta' difiża legittima f'każ ta' vjolazzjoni armata ta' l-area li fuqha r-Repubblika ta' Malta għandha sovranià, jew biex tiegħu miżuri jew azzjonijiet deċiżi mill-Kunsill tas-Sigurtà tal-Għus Magħquda; jew

(ii) kull meta jkun hemm theddida għas-sovranià, indipendenza, in-newtralità, l-unità jew l-integrità territorjali tar-Repubblika ta' Malta;

(c) minbarra fil-każi msemmija hawn fuq, l-ebda faċilitajiet oħra f'Malta ma jithallew jintużaw b'tali mod u b'tali miżura li jwasslu għall-preżenza f'Malta ta' konċentrazzjoni ta' forzi barranin;

(d) minbarra fil-każi msemmija hawn fuq, l-ebda personal militari barrani ma jithalla fuq territorju Malti, hlief dak il-personal militari li jkun qed jagħmel, jew jgħin biex jitwettqu, xogħlijiet jew attivitajiet ċivili, u hlief għadd raġonevoli ta' personal tekniku militari li jgħin fid-difiża tar-Repubblika ta' Malta;

(e) it-tarznari tar-Repubblika ta' Malta jintużaw għal skopijiet kummerċjali ċivili, iżda jistgħu wkoll jintużaw, f'limiti raġonevoli ta' żmien u għadd, għat-tiswija ta' bastimenti militari li jkunu tpoġġew f'qagħda li ma jistgħux jiġġieldu jew għall-bini ta' vapuri; u skond il-prinċipji ta' non-alignment l-imsemmija tarznari jiġu mcaħħda lill-bastimenti militari taż-żewġ superpotenzi.”.

Emenda ta'  
l-artikolu 53 tal-  
Kostituzzjoni.

3. L-artikolu 53 tal-Kostituzzjoni għandu jiġi emendat billi fi tmien tas-subartikolu (1) tiegħu jiżdied dan il-proviso li ġej:

“Izda meta f'xi elezzjoni ġenerali, partit politiku wieħed jikseb fit-total kollu iktar minn hamsin fil-mija tal-voti validi kollha mitfugħin f'dik l-elezzjoni, kif akkreditati lill-kandidati tiegħu mill-Kummissjoni Elettorali fl-ewwel għadd tal-voti kollha, iżda n-numru tal-kandidati tiegħu eletti f'dik l-elezzjoni ikun inqas minn hamsin fil-mija tan-numru totali tal-membri li jiffurmaw il-Parlament li għandu jiġu eletti, in-numru ta' membri tal-Kamra tad-Deputati għandu jiżdied b'daqstant membri daqskemm ikun meħtieġ, sabiex il-Partit li hekk jikseb iżjed mill-hamsin fil-mija kif imsemmi qabel għandu jkollu membru wieħed iktar mit-total tal-membri l-oħra eletti minn kull partit ieħor jew partiti oħra: u f'kull każ bhal dan, dawk il-kandidati għandhom jiġu dikjarati mill-Kummissjoni Elettorali b'hala eletti biex jimlew il-postijiet li jiġu miżjuda taht dan il-proviso, illi, billi jkunu kandidati tal-partit li jkun kiseb aktar minn hamsin fil-mija tal-voti validi kif imsemmi qabel, kienu ġew akkreditati mill-Kummissjoni Elettorali fl-aħħar għadd bl-oghla jew l-eqreb oghla numru ta' voti mingħajr ma jkunu ġew eletti, irrispettivament minn liema jkun id-distrett elettorali li fih jokkorri dak l-oghla jew l-eqreb oghla numru ta' voti.”.

Emenda ta'  
l-artikolu 57 tal-  
Kostituzzjoni.

4. L-artikolu 57 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, minnufih wara l-kliem “attijiet illegali jew ta' korruzzjoni” għandhom jidhlu l-kliem “u indhil barrani”;

(b) fis-subartikolu (3) tiegħu, minflok il-kliem “li jkunu saru attijiet illegali jew ta' korruzzjoni jew reati oħra li għandhom x'jaqsmu mal-elezzjonijiet u jkunu” għandhom jidhlu l-kliem “li jkunu saru attijiet illegali jew ta' korruzzjoni jew reati oħra li għandhom x'jaqsmu mal-elezzjonijiet jew kien hemm indhil barrani u dawk l-attijiet, reati jew indhil ikunu”;

(c) fis-subartikolu (5) tiegħu, minnufih wara l-kliem “jew reati oħra” għandhom jidhlu l-kliem “jew indhil barrani”;

(d) fil-paragrafu (a) tas-subartikolu (8) tiegħu, minnufih wara l-kliem "Kamra tad-Deputati" għandhom jidhlu l-kliem "jew indhil barrani";

(e) fil-paragrafu (b) tas-subartikolu (8) tiegħu, minnufih wara l-kliem "jew reat ieħor" għandhom jidhlu l-kliem "jew indhil";

(f) fil-paragrafu (ċ) tas-subartikolu (8) tiegħu, minnufih wara l-kliem "jew reat ieħor" għandhom jidhlu l-kliem "jew indhil";

(g) minnufih wara s-subartikolu (12) tiegħu, għandu jidhol dan is-subartikolu ġdid li ġej:

"(13) Għall-finijiet ta' dan l-artikolu il-kliem "att illegali jew ta' korruzzjoni", "reati li għandhom x'jaqsmu ma' l-elezzjoni ta' membri tal-Kamra tad-Deputati" u "indhil barrani" għandhom it-tifsir mogħti lilhom b'liġi li f'dak iż-żmien tkun fis-seħħ u li tkun tirregola t-tmexxija ta' elezzjonijiet jew indhil barrani dwar elezzjonijiet jew relazzjonijiet barranin."

### Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jdañhal fil-Kostituzzjoni b'mod li jkun jista' biss jinbidel b'magġoranza kwalifikata l-Istatus ta' Newtralita' a bażi tal-Prinċipju ta' Non-Allineament skond il-Proklama tal-15 ta' Mejju, 1981, depożitata mal-Ġnus Magħquda u dispożizzjonijiet oħra dwar votazzjoni f'elezzjonijiet ġenerali u ndhil barrani politiku.

**A BILL**

**entitled**

*AN ACT further to amend the Constitution of Malta.*

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

Short title and commencement.

1. (1) This Act may be cited as the Constitution of Malta (Amendment) Act, 1986, and shall be read and construed as one with the Constitution of Malta, hereinafter referred to as "the Constitution".

(2) The provisions of this Act shall come into force on the 14th February, 1987.

Amendment of section 1 of the Constitution.

2. Immediately after subsection (2) of section 1 of the Constitution there shall be added the following new subsection:

"(3) Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance. Such a status will, in particular, imply that:

(a) no foreign military base will be permitted on Maltese territory;

(b) no military facilities in Malta will be allowed to be used by any foreign forces except at the request of the Government of Malta, and only in the following cases:

(i) in the exercise of the inherent right of self-defence in the event of any armed violation of the area over which the Republic of Malta has sovereignty, or in pursuance of measures or actions decided by the Security Council of the United Nations; or

(ii) whenever there exists a threat to the sovereignty, independence, neutrality, unity or territorial integrity of the Republic of Malta;

(c) except as aforesaid, no other facilities in Malta will be allowed to be used in such manner or extent as will amount to the presence in Malta of a concentration of foreign forces;

(d) except as aforesaid, no foreign military personnel will be allowed on Maltese territory, other than military personnel performing, or assisting in the performance of, civil works or activities, and other than a reasonable number of military technical personnel assisting in the defence of the Republic of Malta;

(e) the shipyards of the Republic of Malta will be used for civil commercial purposes, but may also be used, within reasonable limits of time and quantity, for the repair of military vessels which have been put in a state of non-combat or for the construction of vessels; and in accordance with the principles of non-alignment the said shipyards will be denied to the military vessels of the two superpowers."

3. Section 53 of the Constitution shall be amended by the insertion, at the end of subsection (1) thereof, of the following proviso: Amendment of section 53 of the Constitution

"Provided that where at any general election, a single political party obtains in the aggregate more than fifty per centum of all valid votes cast at that election, as credited to its candidates by the Electoral Commission at the first count of all the votes, but the number of its candidates elected at such election is less than fifty per centum of the total number of members composing the Parliament to be elected, the number of members of the House of Representatives shall be increased by as many members as may be necessary, so that the Party obtaining more than fifty per centum as aforesaid shall have one member more than the total of the other members elected from any other party or parties; and in any such case, such candidates shall be declared by the Electoral Commission to be elected to fill the additional seats created under this proviso, who, being candidates of the party obtaining more than fifty per centum of the valid votes as aforesaid, were credited by the Electoral Commission at the last count with the highest or next higher number of votes without being elected, irrespective of the electoral division in which such highest or higher number of votes occurs."

4. Section 57 of the Constitution shall be amended as follows: Amendment of section 57 of the Constitution.

(a) in subsection (2) thereof, immediately after the words "corrupt practices" there shall be inserted the words "and foreign interference";

(b) in subsection (3) thereof, for the words "have been committed and have" there shall be substituted the words "have been committed or there has been foreign interference and such practices, offences or interference have";

(c) in subsection (5) thereof, immediately after the words "or other offences" there shall be inserted the words "or foreign interference";

(d) in paragraph (a) of subsection (8) thereof, immediately after the words "House of Representatives" there shall be inserted the words "or foreign interference";

(e) in paragraph (b) of subsection (8) thereof, immediately after the words "or other offence" there shall be inserted the words "or foreign interference";

(f) in paragraph (c) of subsection (8) thereof, immediately after the words "or other offence" there shall be inserted the words "or interference";

(g) immediately after subsection (12) thereof, there shall be added the following new subsection:

"(13) For the purposes of this section the expressions "corrupt practice", "offences connected with the election of members of the House of Representatives" and "foreign interference" have the meaning assigned to them by a law for the time being in force regulating the conduct of elections or foreign interference with respect to elections or foreign relations."

---

### **Objects and Reasons**

The Object of this Bill is to entrench in the Constitution the Status of Neutrality on the basis of the principle of Non-alignment in accordance with the Proclamation of the 15th May, 1981, deposited with the United Nations, and other provisions relating to voting at general elections and to political foreign interference.