

Nru. 127

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Frar, 1990.

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister, and read the First time at the Sitting of the 19th February, 1990.

ATT biex jemenda l-Att ta' l-1978 li jirregola l-Użu ta' Ċertu Kliem.

AN ACT to amend the Use of Certain Words (Regulation) Act, 1978.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att ta' l-1978 li jirregola l-Użu ta' Ċertu Kliem.

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1990 li jemenda l-Att li jirregola l-Użu ta' Ċertu Kliem, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1978 li jirregola l-Użu ta' Ċertu Kliem, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Att XXII
ta' l-1978.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) fis-subartikolu (1) tiegħu minflok il-kliem "b'xi lsien il-kelma Malta jew il-kelma nazzjon, jew xi varjazzjoni jew derivattiv ta' dawk il-kliem," għandhom jidhlu l-kliem "xi kelma jew kliem" u minflok il-kliem minn "mingħajr l-awtorità tal-Prim Ministru" sa tmiem il-proviso li tinsab miegħu, għandhom jidhlu l-kliem "li biha jew bihom xi hadd jista' jingħata x'jifhem li dik il-persuna, kumpannija, soċjetà, ditta, negozju, organizzazzjoni jew assoċjazzjoni, tkun qegħda taġixxi għal jew f'isem il-Gvern ta' Malta jew li l-prodott li fuqu t-trade-mark jew haġa bħal dik tkun imwahnha jew l-istampat ikun qieghed isir mill-Gvern ta' Malta.";

(b) minflok is-subartikoli (2) u (3) tiegħu, għandu jidhol dan li ġej:

"(2) Meta l-Prim Ministru jkun jidhirlu li xi isem, *trade-mark* jew haġa bħal dik jew titolu jkun jikser id-dispożizzjoni-jiet tas-subartikolu (1) ta' dan l-artikolu, il-Prim Ministru

jista', minghajr preġudizzju għad-dispożizzjonijiet tas-sub-artikoli (4), (5) u (6) ta' dan l-artikolu, jordna lil xi hadd li jibdel dak l-isem, *trade-mark* jew haġa bħal dik jew titolu fi żmien hmistax-il jum minn meta jinghata dik l-ordni.

(3) Kull min iħoss ruħu aggravat b'ordni li jinħareġ skond is-subartikolu (2) ta' dan l-artikolu jkollu dritt li jappella minn dak l-ordni b'rikors li jsir quddiem il-Qorti ta' l-Appell fiż-żmien imsemmi ta' hmistax-il jum minn meta jinghata dak l-ordni, u meta jippreżenta dak ir-rikors, dik il-Qorti tista' fid-diskrezzjoni tagħha tordna li dak l-ordni li jkun sar appell minnu ma jkunx isehh hlief jekk u sakemm ikun ġie konfermat minn dik il-Qorti.”; u

(ċ) fis-subartikolu (4) tiegħu minflok il-kliem “xi wahda mid-dispożizzjonijiet ta' dan l-artikolu tehel meta tinsab hatja multa” għandhom jidhlu l-kliem “id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu jew tonqos milli tikkonforma ruħha ma' ordni li jinghata mill-Prim Ministru jew ma' deċiżjoni tal-Qorti ta' l-Appell, skond il-każ, tkun hatja ta' reat, u meta tinstab hatja, tista' tehel multa”.

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz huwa sabiex jirrifirma l-Att ta' l-1978 li jirregola l-Użu ta' Ċertu Kliem billi jirriżerva l-użu ta' ċerti kliem biss f'dawk il-każi meta l-użu tagħhom jista' jattribwixxi b'qerq sura uffiċjali Governattiva lil persuna, prodott jew pubblikazzjoni. L-Abbozz jintroduċi wkoll appell minn deċiżjoni tal-Prim Ministru fl-użu tad-diskrezzjoni tiegħu bis-saħħa ta' l-Att.

A BILL
entitled

AN ACT to amend the Use of Certain Words (Regulation) Act, 1978.

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 Use of Certain Words (Regulation) (Amendment) Act, 1990, and shall be read and construed as one with the Use of Certain Words (Regulation) Act, 1978, hereinafter referred to as “the principal Act”.

Short title.

Act XXII
of 1978.

2. Section 2 of the principal Act shall be amended as follows:

Amendment
of section 2
of the
principal Act.

(a) in subsection (1) thereof for the words “in any language the word Malta or the word nation, or any variation or derivative thereof,” there shall be substituted the words “any word or words” and for the words from “without the authority of the Prime Minister” to the end of the proviso thereto, there shall be substituted the words “whereby any person may be led to believe that such person, company, partnership, firm, business, organisation or association, is acting for or on behalf of the Government of Malta or that the product on which the trademark or similar device is affixed or the printed matter emanates from the Government of Malta.”;

(b) for subsections (2) and (3) thereof, there shall be substituted the following:

“(2) Where it appears to the Prime Minister that any name, trademark or similar device or title is in contravention of subsection (1) of this section, the Prime Minister may, without prejudice to the provisions of subsections (4), (5) and

(6) of this section, order any person to change such name, trademark or similar device, or title within fifteen days from the receipt of such order.

(3) Any person aggrieved by an order issued in terms of subsection (2) of this section shall have a right to appeal therefrom by an application to the Court of Appeal within the said period of fifteen days from the receipt of such order, and upon the filing of such application, the said Court may in its discretion direct that the order appealed from shall not have effect unless and until it is confirmed by the said Court.”; and

(c) in subsection (4) thereof for the words “any of the provisions of this section shall be liable on conviction to a fine (*multa*)” there shall be substituted the words “the provisions of subsection (1) of this section or fails to comply with an order by the Prime Minister or the decision of the Court of Appeal, as the case may be, shall be guilty of an offence, and shall on conviction, be liable to a fine (*multa*)”.

Objects and Reasons

The Object of the Bill is to reform the Use of Certain Words (Regulation) Act, 1978, restricting the use of certain words only in those cases where their use can falsely attribute an official Government character to a person, product or publication. The Bill also introduces an appeal from a decision by the Prime Minister in the use of his discretion under the Act.