

MALTA

ATT Nru. XXIII ta' l-1991

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

ATT biex jipprovdi ghat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Korporazzjoni għas-Servizzi ta' l-Ilma, u għall-eżerċizzju u l-qadi minn jew f'isem dik il-Korporazzjoni ta' funzjonijiet dwar l-akkwist, trasformazzjoni, manifattura, tqassim u bejgh ta' ilma tax-xorb u ilma iehor, u, skond ma jkun xieraq, għal trattament u rimi jew riċiklaġġ tad-drenaġġ u ta' l-ilma mhux tax-xorb, u għall-użu mill-ġdid ta' l-ilma tax-xita, biex jipprovdi ghat-trasferiment lill-Korporazzjoni ta' ċerti stallazzjonijiet, tagħmir jew proprjetà oħra, u biex jipprovdi dwar hwejjeġ anċillari ma' dawn jew konnessi magħhom.

ACT No. XXIII of 1991

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the establishment of a body corporate to be known as the Water Services Corporation, and for the exercise and performance by or on behalf of the Corporation of functions related to the acquisition, transformation, manufacture, distribution and sale of potable and non-potable water, and, as appropriate, to the treatment and disposal or re-use of sewage and waste water, and re-use of stormwater run-off, to provide for the transfer to the Corporation of certain installations, equipment or other property, and to make provision in respect of matters ancillary thereto or connected therewith.

**ATT TA' L-1991 DWAR IL-KORPORAZZJONI
GHAS-SERVIZZI TA' L-ILMA**

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(L.S.)

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22 ta' Novembru, 1991

ATT Nru. XXIII ta' l-1991

ATT biex jipprovdi għat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Korporazzjoni għas-Servizzi ta' l-Ilma, u għall-eżerċizzju u l-qadi minn jew f'isem dik il-Korporazzjoni ta' funzjonijiet dwar l-akkwist, trasformazzjoni, manifattura, tqassim u bejgh ta' ilma tax-xorb u ilma ieħor, u, skond ma jkun xieraq, għal trattament u rimi jew riċiklaġġ tad-drenaġġ u ta' l-ilma mhux tax-xorb, u għall-użu mill-ġdid ta' l-ilma tax-xita, biex jipprovdi għat-trasferiment lill-Korporazzjoni ta' ċerti stallazzjonijiet, taġġmir jew proprjetà oħra, u biex jipprovdi dwar hwejjeġ anċillari ma' dawn jew konnessi magħhom.

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:—

TAQSIMA I

Preliminari

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1991 dwar il-Korporazzjoni għas-Servizzi ta' l-Ilma.

Titolu fil-qosor
u bidu fis-sehh

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

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort' oħra:—

Tifsir

“apparat” tinkludi vetturi, kull xorta ta' magna, mezz u fittings użati għall-ippompjar, desalinazzjoni, trattament jew trasport ta' ilma u ilma mhux tax-xorb;

“*area* fejn jingabar l-ilma” tfisser il-wiċċ jew l-*area* ta’ artijiet, triqat, spazji, jew bini, fejn ix-xita li taqa’ fuqhom tagħmel jew tgħin jiffurmaw widien ta’ ilma jew depożiti ta’ ilma tal-wiċċ;

“*area* ta’ tisqija” tfisser *area* dikjarata b’ordni tal-Ministru responsabbli mill-Agricoltura;

“Bord” tfisser il-Bord tal-Korporazzjoni mwaqqaf bl-artikolu 5 ta’ dan l-Att;

“*Chairman*”, “Deputat *Chairman*” u “Membru” ifissru ċ-*Chairman*, id-Deputat *Chairman* u membru tal-Bord rispettivament;

“*Chief Executive*” tfisser iċ-*Chief Executive* tal-Korporazzjoni maħtur skond is-subartikolu (5) ta’ l-artikolu 5 ta’ dan l-Att;

“direttur” tfisser direttur tal-Korporazzjoni skond dan l-Att;

“drenagg domestiku” tfisser l-iskart tal-kmamar tal-banju u ilma għat-tisjir jew hasil, u ilma ieħor mhux tax-xorb li ordinarjament jintrema minn fondi domestiċi, iżda ma jinkludix ilma tal-wiċċ li jintrema minn fondi u minn artijiet okkupati bil-fond jew fejn hemm servitù, jew ilma mhux tax-xorb barra mill-iskart tal-kmamar tal-banju u ilma ieħor użat għall-indafa personali u għanijiet simili, li jintrema minn fondi industrijali jew minn xi lavanderija;

“*fittings* ta’ l-ilma” tinkludi kanen barra minn *mains*, viti, valvijiet, vajlori, *meters*, ġwiebi, banjijiet, *water closets* u apparat ieħor simili li għandu x’jaqsam mal-provvista u l-użu ta’ l-ilma;

“fond” tinkludi artijiet, bini, djar u kull struttura oħra tkun li tkun;

“fond industrijali” tfisser kull art jew bini, użati in parti jew kollha kemm huma għat-tmexxija ta’ attività kummerċjali jew industrijali. Għall-finijiet ta’ din id-definizzjoni, tfisser ukoll fond użat kompletament jew prinċipalment (kemm bi profitt jew le) għal skopijiet ta’ agrikoltura jew ta’ ortikoltura jew għal riċerka xjentifika jew esperimentazzjoni;

“ġiebjja” tfisser kull ġiebjun, tank (eskluz dak ta’ fuq il-bejt), vaska, jew reċipjent ieħor, użati jew magħmulin sabiex fihom jingabar jew jinħażen l-ilma, sew jekk ikunu qegħdin jew ġew mibnija fuq jew taħt l-art, sew jekk ikunu mgħottijin jew mikxufin;

“ilma tajjeb” tfisser ilma li l-kwalità tiegħu tkun konformi mal-livelli ta’ kwalità stabbiliti mid-Dipartiment tas-Saħħa fid-dawl taċ-ċirkostanzi ta’ dak iż-żmien;

“ilma tax-xita” tinkludi ilma tax-xita li ma jinxtorobx mill-art jew ma jevaporax u li ma jingabarx fil-ġwiebi;

“impriza pubblika” tfisser kull impriza jew stallazzjoni, u kull apparat, strument, għodda jew impjanti u kull haġ’ oħra aċċessorja jew aċċessorji għaliha li, immedjatement qabel il-jum fis-seħħ, kienu vestiti f’isem jew jappartjenu lill-Gvern taħt kull titolu u li kienu mmexxija minnha jew għal skopijiet ta’ produzzjoni, hażna u distribuzzjoni ta’ l-ilma jew għbir u rimi jew trattament tad-drenagg, ilma mhux tax-xorb u ilma tax-xita;

“ingenji tal-baħar” tinkludi tankijiet fuq il-baħar biex jipprovdu ilma lil kull biċċa tal-baħar;

“jum fis-seħħ”, dwar id-dispożizzjonijiet tat-Taqsima IV ta’ dan l-Att, tfisser il-jum jew jiem li jiġi fis-seħħ fih l-artikolu 32 ta’ dan l-Att dwar dawk l-imprizi pubbliċi li jistgħu jiġu trasferiti bis-saħħa ta’ dak l-artikolu;

“kanal” tfisser kull xorta ta’ kanal, foss, gandott, katusa jew akwedott, magħmulin jew użati biex imexxu l-ilma li għandu jingabar, jinħażen jew b’xi mod ieħor utilizzat;

“kerrejja” tinkludi kull parti minn fond li għandha provvista kontinwa, normalment b’*meter* separat;

“konsumatur” tfisser il-persuna jew korp magħqud li jin-ghatalhom servizz mill-Korporazzjoni;

“Korporazzjoni” tfisser il-Korporazzjoni għas-Servizz ta’ l-Ilma mwaqqfa b’dan l-Att;

“kumnikazzjoni” tfisser kanal magħmul biex jieħu l-ilma mill-opri tax-xoghlijiet ta’ l-ilma għal ġewwa fond, għall-użu biss tas-sid jew detentur tal-fond, jew għal xi użu jew skop ieħor ġewwa dak il-fond;

“liċenzja” tfisser kull permess jew awtorità mogħtija bil-miktub mill-Korporazzjoni skond l-artikolu 44 ta’ dan l-Att;

“*mains*” tfisser kanna mqiegħda bl-iskop li tagħti provvista generali ta’ ilma b’differenza minn dik li tagħti provvista lil konsumaturi individwali u tinkludi kull apparat li għandu x’jaqsam ma’ dik il-kanna;

“mina” tfisser mogħdija taħt l-art magħmula sabiex titfittex nixxiegha, jew biex tiġbor l-ilma ta’ nixxiegha jew li minnha l-ilma ta’ nixxiegha jista’ jgħaddi minn banda għal oħra, fil-kuntest ta’ l-esplojtazzjoni ta’ l-ilma ta’ taħt l-art;

“Ministru” tfisser il-Ministru responsabbli għall-ilma u tinkludi kull persuna awtorizzata minn dak il-Ministru għal daqstant;

“mogħdija ta’ l-ilma” tfisser foss, wied, irdum, gandott, kanal jew katusa, li minnhom jew bil-mezz tagħhom l-ilma tan-nixxigħat jew tal-wiċċ iġħaddi kontinwament jew minn żmien għal żmien;

“nixxiegha” tfisser ilma li jkun hemm jew li jkun miexi wahdu taht l-art, dejjem jew minn żmien għal żmien, sew jekk dan l-ilma jisbokka jew johroġ fuq wiċċ l-art jew le;

“opri ta’ l-ilma” tfisser kull *area* fejn jingabar l-ilma, kanali (minbarra dawk il-kanali li huma “kumnikazzjoni” fis-sens ta’ dan l-Att), ġwiebi, bjar, mini, digi, rampi, magni, pompi, valvijiet, *sluices* u mezzi oħra, li huma wżati jew magħmulin biex jingieb jew jiġi ppompjat, imtella’, miġbur, proċessat, desalinat, raffinat, maħzun jew imexxi l-ilma li għandu jiġi fornut jew imqassam; u jinkludu dawk l-opri li fihom jidhol jew hemm l-ilma jew li bil-mezz tagħhom l-ilma jiġi mmexxi, fornut jew imqassam;

“persuna” tinkludi kull korp ta’ persuni jew kull korp magħqud imwaqqaf bil-liġi;

“pompa ta’ l-ilma” tfisser kull apparat mekkaniku li jtella’, jimbotta u/jew jiċċirkola l-ilma minn kull għajn jew post li jkun; u pompa ta’ l-ilma tiġi meqjusa li tkun stallata f’sit meta l-partijiet li jagħmluha jiġu mgħaqqda flimkien u meqjusa raġonevolment li jkunu f’kundizzjoni li jtellgħu, jimbuttaw u/jew jiċċirkulaw l-ilma minn kull għajn jew post u “stallazzjoni” għandha tiftiehem l-istess;

“preskritt” tfisser preskritt b’regolamenti, regoli jew ordnijiet magħmula b’dan l-Att jew miżmuma fis-seħħ bis-saħħa tiegħu;

“provvista domestika” tfisser provvista ta’ ilma ġewwa fond biex tlaħħaq mal-htigijiet ordinarji u raġonevoli tal-ħajja domestika ta’ kull min ikun joqgħod f’dak il-fond;

“riżorsi ta’ l-ilma” tfisser ilma li għal xi żmien ikun :—

(a) f’xi *mains* jew provvista;

(b) ilma fuq u ġewwa l-art kif fih ikun jinstab bħal għadajjar jew ġibjuni; u

(ċ) kull saff ta’ taht l-art, inkluż l-ilma li għal xi żmien ikun f’bir, fi spiera jew xogħol simili jew thaffir f’saff taht l-art fejn il-livell ta’ l-ilma fit-thaffir jiddependi totalment jew in parti mid-dhul ta’ l-ilma fit-thaffir minn dawk is-saffi;

“sena finanzjarja” tfisser kull perijodu ta’ tnax-il xahar li jispiċċa fit-30 ta’ Settembru ta’ kull sena: iżda l-ewwel sena finanzjarja tal-Korporazzjoni għandha tibda fil-jum li dan l-Att jiġi fis-seħħ u tagħlaq fit-30 ta’ Settembru tas-sena li tiġi minnufih wara;

“skart likwidu industrijali” tfisser kull likwidu (bi jew mingħajr bċejeċ ta’ materjal miżmuma minnu jew mahlula fih) barra mill-ilma tal-wiċċ u drenagġ domestiku, li johroġ minn fondi wżati għat-twettiq ta’ attività kummerċjali jew industrijali;

“uffiċjal” u “impjegat” fejn għandu x’jaqsam mal-Korporazzjoni jinkludu kull uffiċjal pubbliku li jkun għe mqabbad biex jaqdi dmirijiet mal-Korporazzjoni;

“uffiċjal pubbliku” għandha l-istess tifsira kif lilha mogħtija fl-artikolu 126 tal-Kostituzzjoni.

(2) Kull riferenza f’dan l-Att għal regolamenti, regoli jew ordnijiet magħmula bis-saħħa ta’ dan l-Att għandhom jinkludu riferenza għal regolamenti, regoli jew ordnijiet miżmuma fis-seħh b’dan l-Att.

TAQSIMA II

Twaqqif, Funzjonijiet u Kompożizzjoni tal-Korporazzjoni għas-Servizzi ta’ l-Ilma

3. (1) Qed tiġi b’dan imwaqqfa korporazzjoni li tkun magħrufa bhala l-Korporazzjoni għas-Servizz ta’ l-Ilma.

Twaqqif u funzjonijiet tal-Korporazzjoni għas-Servizzi ta’ l-Ilma.

(2) Bla ħsara għad-dispożizzjonijiet ta’ dan l-Att, il-korporazzjoni jkollha l-awtorità waħdanija u esklużiva:—

(a) li takkwista, tipproduċi, taħzen, tqassam, tbiegħ, tesporta jew xort’ohra tiddisponi minn ilma (barra minn ilma tax-xorb fil-flixxkun) għall-finijiet domestiċi, kummerċjali, industrijali jew oħrajn;

(b) li tikkonserva, iżżid u tħaddem ir-rizorsi u l-egħjun tal-provvista ta’ l-ilma;

(ċ) li tassumi u taqdi dmirijiet oħra dwar il-konservazzjoni, provvista u distribuzzjoni ta’ l-ilma kif jidhrilha xieraq;

(d) li tipprovdi għat-trattament u għar-rimi u, fejn meħtieġ, għar-riċiklaġġ tad-drenagg u ta’ l-ilma mhux tax-xorb;

(e) li tipprovdi għall-użu ta’ l-ilma tax-xita mill-arej urbani u rurali kif ikun xieraq.

(3) Bla ħsara għad-dispożizzjonijiet ta’ dan l-Att, ikun id-dmir tal-Korporazzjoni:—

(a) li tiżviluppa, iżżomm u tippromwovi sistema tajba u effiċjenti għal produzzjoni u distribuzzjoni ta’ l-ilma biex tlahhaq mal-htigijiet kollha raġonevoli, bl-akbar mod ekonomiku possibbli;

(b) li tiddetermina l-ghanijiet tal-Korporazzjoni fi zmien qrib u mbieghed dwar il-provvista ta' l-ilma, rimi u riciklagg u biex tizviluppa t-tfassil u l-hsieb mehtiega biex tilhaq dawn l-ghanijiet;

(c) (i) li tipprovdi, ittejjeb u tkabbar dik is-sistema ta' drenagg pubbliku u li tnaddaf u li zzomm fi stat tajjeb din is-sistema sabiex tassigura li din topera u tibqa' topera minghajr perikolu u b'mod effiċjenti;

(ii) li tagħmel provvedimenti għall-ħdim tas-sistema tad-drenagg u provvedimenti oħra li jkunu mehtiega minn zmien għall-iehor sabiex il-materjal ta' dan id-drenagg jiġi trattat effettivament permezz ta' riciklagg u xoghlijiet ta' rimi jew xort'oħra;

(d) fil-qadi tad-dmirijiet tagħha taht dan is-subartikolu thares lejn il-htiega għat-trattament jew li tiddisponi xort'oħra mill-iskart likwidu industrijali;

(e) li tippromwovi l-użu xieraq ta' l-ilma mhux tax-xorb u tax-xita;

(f) li tikkonsidra u tagħti pariri lil kull Ministru fuq kull kwistjoni dwar il-formulazzjoni ta' politika nazzjonali dwar l-ilma u fuq il-kwistjonijiet kollha li għandhom x'jaqsmu ma' xi funzjoni tagħha skond dan l-Att;

(g) li tmexxi u thaddem l-imprizi kollha u stallazzjonijiet oħra u l-propjeta kollha, trasferiti lill-Korporazzjoni u vestiti fiha bis-sahha ta' dan l-Att jew xort'oħra akkwistati mill-Bord għall-ghanijiet ta' xi funzjoni tagħha;

(h) li zzomm u tamministra u, kif u meta jidhrilha xieraq, tbiegh assi li jista' jkollha minn zmien għall-iehor;

(i) li tippromwovi l-użu ragonevoli ta' l-ilma u li tinkoraġġixxi l-konservazzjoni u riciklagg xieraq tar-riżorsi ta' l-ilma;

(j) li tagħmel stharrig u regolamenti dwar *fittings* ta' l-ilma biex ma jsirx hela, konsum żejjed, uzu u kejl hazin jew kontaminazzjoni ta' l-ilma;

(k) li tipprovdi korsijiet ta' tahrig u skemi oħra bil-għan li tkabbar ix-xjenza u t-teknologija ta' l-amministrazzjoni ta' l-ilma;

(l) li tikkollabora ma' organizzazzjonijiet lokali oħra fil-formulazzjoni u koordinament tas-servizzi, inkluzi l-purifikazzjoni ta' l-ilma, il-provvista ta' l-elettriku, telekomunikazzjonijiet, xoghlijiet tat-toroq, biedja u industrija; u

(m) li tippromwovi u tassumi wahedha jew flimkien ma' istituzzjonijiet oħra, ir-ricerka u l-izvilupp ta' teknologija u idejat godda fil-produzzjoni u trattament ta' l-ilma, manutenzjoni f'sistemi tad-distribuzzjoni, fid-desalinazzjoni u raffinar ta' ilma u

fir-rimi, trattament u r-reċiklaġġ tad-drenaġġ, fl-impjant, trasport u apparat, f'amministrazzjoni tar-riżorsi ta' l-ilma, u f'amministrazzjoni ta' l-ilqugh ta' l-ilma.

(4) Għall-finijiet ta' kull waħda mill-funzjonijiet tagħha, l-Korporazzjoni tista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att:—

(a) takkwista, tibni, tibni mill-ġdid, iżzomm u thaddem kull stallazzjoni;

(b) takkwista kull proprjetà li l-korporazzjoni jidhrilha xierqa jew spedjenti għall-finijiet ta' bini, estensjoni jew żamma ta' kull stallazzjoni jew xort' oħra sabiex taqdi l-funzjonijiet tagħha skond dan l-Att;

(c) tagħmel kull eġhmil jew hwejjeġ meħtieġa sabiex taqdi l-funzjonijiet tagħha skond dan l-Att: iżda l-ftuħ u t-tkissir tal-wieċ ta' kull triq għal xi wiehed mill-imsemmija għanijiet m'għandhomx isiru mingħajr l-approvazzjoni tad-Direttur tax-Xoghlijiet;

(d) tagħmel, sew bħala prinċipal jew aġent jew kuntrattur, jew flimkien ma' persuna jew persuni oħra, dawk l-attivitajiet kollha li fil-fehma tal-Korporazzjoni jkunu meħtieġa, vantaġġjuzi jew konvenjenti li jsiru għal jew dwar it-twertieq ta' xi waħda mill-funzjonijiet tagħha skond dan l-Att jew sabiex isir l-aħjar użu mill-kapital tal-Korporazzjoni;

(e) tagħmel regolamenti jew ordnijiet skond id-dispożizzjonijiet ta' dan l-Att;

(f) teżercita kull setgħa oħra vestita fiha b'dan l-Att jew xort'oħra.

(5) Fil-qadi ta' kull waħda mill-funzjonijiet tagħha skond dan l-Att, jew ta' xi haġa jew attività oħra, il-Korporazzjoni għandha thares li l-politika u l-attivitajiet tagħha jkunu konformi mal-miri u għanijiet tal-pjan ekonomiku nazzjonali li jkun fis-seħħ minn żmien għal żmien.

4. (1) Il-Korporazzjoni tkun korp b'personalità ġuridika distinta u tkun tista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tittrasferixxi kull xorta ta' proprjetà u drittijiet għall-għanijiet tal-funzjonijiet tagħha, tharrek u tiġi mharrka, u tagħmel kull haġa u tidhol f'kull negozju li jwasslu jew ikunu incidentali għall-eżercizzju jew għall-qadi tal-funzjonijiet tagħha taht dan l-Att.

Personalità
ġuridika
u rappreżentanza
tal-Korporazzjoni.

(2) Ir-rappreżentanza ġuridika tal-Korporazzjoni tkun vestita fiċ-*Chairman* jew f'xi membru ieħor jew membri tal-Bord tad-Diretturi kif l-istess Bord b'riżoluzzjoni jsemmi. Tali riżoluzzjoni għandha tiġi ppubblikata fil-Gazzetta tal-Gvern mill-aktar fis wara l-approvazzjoni u għandha tkun bla effett sakemm ma tiġix hekk ippubblikata:

Iżda l-Bord jista' jiddelega xi whud mill-poteri lil xi membru jew xi uffiċjal jew impjegat u jawtorizza tali persuna biex tidher fuq kuntratt, kitba jew dokument ieħor f'isem u għan-nom tal-Korporazzjoni u biex jiffirma f'isem jew għan-nom tagħha tali kuntratt, kitba jew dokument ieħor ikun li jkun, inklużi *cheques* jew kambjali oħra, u l-Bord jista' wkoll jirratifika u jaċċetta kull haġa magħmula f'ismu jew għan-nom tiegħu minghajr din l-awtorità.

Twaqqif u kompożizzjoni tal-Bord.

5. (1) Għandu jkun hemm Bord tal-Korporazzjoni, 'il quddiem imsemmi bhala "il-Bord", li jkun responsabbli għall-formulazzjoni tal-politika tal-Korporazzjoni u li lejha iċ-*Chief Executive* ikun responsabbli għall-amministrazzjoni ġenerali ta' l-affarijiet u n-negozju tal-Korporazzjoni.

(2) Il-Bord ikun magħmul minn mhux aktar minn disa' membri. Wiehed minnhom għandu jiġi elett b'vot sigriet mill-haddiema u jkun wiehed mill-istess haddiema tal-Korporazzjoni li jkunu eligibbli li jivvutaw skond il-provvedimenti ta' l-artikolu 6 ta' dan l-Att, il-membri l-oħra tal-Bord, hawn 'il quddiem imsemmija bhala l-membri mahtura, għandhom jiġu hekk mahtura mill-Ministru.

(3) Il-Ministru għandu jsemmi wiehed mill-membri mahtura bhala *Chairman* u membru ieħor bhala Deputat *Chairman*. Id-Deputat *Chairman* jkollu s-setgħat kollha u għandu jaqdi l-funzjonijiet kollha taċ-*Chairman* matul in-nuqqas tiegħu jew sakemm jiġi mahtur *Chairman* ġdid wara r-riżenja, temm ta' hatra jew mewt taċ-*Chairman*.

(4) Iċ-*Chairman* u l-membri l-oħra kollha mahtura tal-Bord għandhom jinhatru mill-Ministru minn fost persuni li fil-fehma tiegħu jkunu kwalifikati minhabba li kellhom esperjenza ta', u jkunu wrew hila fi hwejjeġ li għandhom x'jaqsmu mat-teknoloġija ta' l-ilma, ma' l-amministrazzjoni tal-provvista ta' l-ilma jew ta' l-ilma mhux tax-xorb, jew fl-organizzazzjoni tal-haddiema, jew fil-finanzi jew fl-amministrazzjoni, u wara li jkun ha konjizzjoni ta' l-esperjenza u l-familjarità mal-htigijiet u ċ-ċirkostanzi tal-biedja jew industrija jew kummerċ jew turizmu u mal-problemi li għandhom x'jaqsmu mal-konservazzjoni ta' l-ambjent u l-iżvilupp tal-faċilitajiet pubbliċi.

Il-membri għandhom jirċievu mill-fondi tal-Korporazzjoni dik ir-rimunerazzjoni li l-Ministru jista' minn żmien għal żmien jistabbilixxi.

(5) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, u għal kull direttiva tal-Bord, il-kondotta eżekuttiva tal-Korporazzjoni, l-amministrazzjoni u l-organizzazzjoni tagħha, u l-kontroll amministrattiv ta' l-uffiċjali u l-impjegati tagħha, għandhom ikunu responsabbiltà taċ-*Chief Executive* tal-Korporazzjoni, li għandu jkollu wkoll poteri oħra li jistgħu jiġu fdati lil mill-Bord minn żmien għal żmien.

Iċ-*Chief Executive* għandu jiġi notifikat u jkollu d-dritt li jattendi u li jinstema' fil-laqgħat kollha tal-Bord. B'danakollu, hu m'għandux ikollu vot jew jiġi magħdud għal finijiet ta' *quorum*.

(6) Id-dispożizzjonijiet tal-Kodiċi Kriminali dwar uffiċjali pubbliċi jew impjegati għandhom japplikaw għall-membri tal-Bord, iċ-*Chief Executive* u l-uffiċjali w impjegati l-oħra kollha tal-Korporazzjoni.

6. Il-Ministru jista' jagħmel regolamenti biex jibdw isehhu il-provvedimenti ta' dan l-Att dwar elezzjoni tal-membri tal-Bord biex jiġi elett mill-impjegati tal-Korporazzjoni u partikolarment, imma bla preġudizzju għall-ġeneralità ta' dawn il-provvedimenti, kull regolament jista':—

Regolamenti
dwar
l-elezzjonijiet.

(a) jipprovdi biex isiru elezzjonijiet u għat-tmexxija u s-superviżjoni tagħhom;

(b) jippreskrivi l-kategoriji ta' l-impjegati li jistghu jew ma jistghux jivvutaw jew li jikkontestaw l-elezzjoni għall-Bord;

(ċ) jiddetermina l-perijodu li għalih haddiem għandu jiġi hekk elett;

(d) jippreskrivi ċ-ċirkostanzi li fihom membru għandu jiddimetti;

(e) jiddetermina ż-żmien biex issir elezzjoni wara li tinholoq vakanza;

(f) jippreskrivi kull haġa dwar kull materja oħra li għandha x'taqsam ma' l-elezzjoni kif il-Ministru jidhirlu xieraq u spedjenti.

7. Bla hsara għad-dispożizzjonijiet ta' l-artikoli 8 u 10 ta' dan l-Att, il-membri mahtura tal-Bord għandhom iżommu l-kariga għal dak iż-żmien u b'dawk il-pattijiet u b'kundizzjonijiet li l-Ministru jistghu jidhirlu xierqa; u membru għandu, wara li jispiċċa minn membru, jkun eligibbli li jinhatar mill-ġdid jew li jerga' jiġi elett skond il-każ:

Tul tal-hatra
għall-Bord tad-
Diretturi.

Iżda l-Ministru jista' f'kull żmien itemm il-hatra ta' xi membru mahtur tal-Bord jekk, fil-fehma tiegħu, dak il-membri ma jkunx tajjeb biex ikompli fil-kariga jew ma jkunx baqa' kapaċi li jaqdi b'mod xieraq id-dmirijiet tiegħu bħala membru tal-Bord jew jonqos li jattendi l-laqgħat tal-Bord mingħajr ġustifikazzjoni għall-anqas għal tliet laqgħat wara xulxin.

8. Persuna tkun skwalifikata milli tiġi mahtura jew li tiġi eletta, jew li tibqa' membru tal-Bord jekk:—

Skwalifika milli
persuna tkun
membru tal-Bord
tad-Diretturi.

(a) tkun membru tal-Kamra tad-Deputati, jew

(b) tkun legalment inkapaċitata, jew

(ċ) tkun dikjarata falluta taht liġi ta' xi pajjiż jew tkun għamlet transazzjoni jew ftehim mal-kredituri tagħha, jew

(d) tkun giet misjuba hatja ta' reat li jolqot fondi pubbliċi jew serq jew qerq, jew li xjentement tkun irċeviet proprjetà li ġejja minn serq jew qerq, jew

(e) ikollha xi interess finanzjarju jew xi interess ieħor f'xi impriża jew attività li x'aktarx ma jhallihex taqdi sewwa l-funzjonijiet tagħha bhala membru tal-Bord.

Irtirar temporanju minn laqgħat tal-Bord.

9. Kull membru li jkollu interess dirett jew indirett f'xi kuntratt magħmul jew li jkun maħsub li jsir mill-Korporazzjoni, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' membru, għandu jgħarraf ix-xorta ta' l-interess tiegħu fl-ewwel laqgħa tal-Bord wara li jkun sar jaf bil-fatti rilevanti, u wara li t-tagħrif ikun gie rreġistrat fil-minuti tal-Bord, dak il-membru għandu jirtira minn kull laqgħa li fiha dak il-kuntratt ikun qed jiġi diskuss jew deċiż mill-Bord.

Riżenja mill-Bord u pubblikazzjoni ta' hatra u tmiem ta' kariga.

10. (1) Membru tal-Bord jista' jirriżenja mill-kariga tiegħu b'ittra indirizzata lill-Ministru.

(2) Il-hatra jew elezzjoni ta' kull persuna bhala membru tal-Bord u t-temma tal-Kariga ta' kull membru għandhom jiġu avżati fil-Gazzetta tal-Gvern.

Laqgħat tal-Bord.

11. (1) (a) Il-Bord għandu jiltaqa' kemm drabi jkun meħtieġ jew espedjenti, iżda f'kull każ, mhux anqas minn darba kull tliet xhur. Il-laqgħat tal-Bord għandhom jissejhu miċ-*Chairman* jew minn jeddu jew fuq talba ta' tnejn mill-membri l-oħra.

(b) Bla hsara għall-htigijiet l-oħra ta' dan l-Att, ebda deċiżjoni m'għandha tkun valida jekk ma jkollhiex l-appoġġ ta' mill-anqas żewġ membri tal-Bord jew li tittiehed f'laqgħa tal-Bord li fiha iċ-*Chairman* jew fin-nuqqas tiegħu id-*Deputy Chairman*, ma jkunx preżenti.

(2) Nofs in-numru ta' membri li għal dak iż-żmien jikkostitwixxi l-Bord jiformaw *quorum* f'kull laqgħa. Id-deċiżjonijiet jittiehdu b'maġġoranza sempliċi tal-voti tal-membri preżenti. Fil-każ ta' voti ndaqs, iċ-*Chairman*, jew fin-nuqqas tiegħu id-*Deputy Chairman*, ikollu u għandu jagħti t-tieni vot tiegħu li jkun wiehed deċiżiv.

(3) Għandhom jiġu rreġistrati l-minuti tal-proċedimenti tal-Bord u ta' kull kumitat minnu mwaqqaf.

(4) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċedura tiegħu stess.

Validità ta' l-Atti tal-Bord.

12. (1) Bla hsara għad-dispożizzjonijiet ta' l-artikolu 11 ta' dan l-Att, ebda att jew proċediment tal-Bord ma għandu jkun invalidat minhabba il-fatt biss li jkun hemm vakanza fost il-membri.

(2) Kull att li jsir minn xi persuna li taġixxi *bona fide* bhala membru tal-Bord tkun valida daqslikieku kienet membru, minkejja li wara jista' jinstab xi difett fil-hatra jew fil-kwalifika tagħha. Ebda att jew proċediment tal-Bord ma hu sindakabbli għar-rigward tal-ksur minn membru tad-dispożizzjonijiet ta' l-artikolu 9 ta' dan l-Att.

13. Bla hsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull ligi oħra li tapplika għalihom, in-nomina ta' uffiċjali w impjegati oħra tal-Korporazzjoni għandha ssir mill-Bord. Il-pattijiet u l-kundizzjonijiet ta' l-impjegati għandhom jipparagunaw ma' dawk ta' l-impjegati fis-servizz mal-Gvern u għandhom jiġu stabbiliti mill-Bord wara li jkun qabel magħhom il-Ministru.

Hatriet ta' personnel.

Ebda haġa f'dan l-artikolu ma għandha tiftiehem li ttellef li jitwaqqfu, mill-Korporazzjoni bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, skemi ta' inċentivi dwar produttività jew qadi ta' xogħol.

14. Il-Korporazzjoni għandha ttiprovdi biex tgholli l-livell tal-kapaċità ta' l-impjegati tagħha, b'dan illi dawn id-dispożizzjonijiet ikunu skond kull skema għat-tahriġ u edukazzjoni fis-seħh taħt il-paragrafu (k) tas-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att.

Titjib tal-kapaċità ta' l-impjegati.

15. Il-Ministru jista' dwar hwejjeġ li fil-fehma tiegħu jkunu jolqtu l-interess pubbliku, minn żmien għal żmien jagħti lill-Bord direttivi bil-miktub ta' xorta ġenerali, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, fuq il-*policy* li għandha tiġi segwita fil-qadi tal-funzjonijiet mogħtija lill-Korporazzjoni b'dan jew bis-saħħa ta' dan l-Att, u l-Bord għandu jwettaq dawk id-direttivi kollha kemm jista' jkun malajr.

Setgħat tal-Ministru dwar il-Bord.

16. Il-Bord għandu jagħti lill-Ministru faċilitajiet biex jikseb tagħrif dwar il-proprjetà u l-attivitajiet jew attivitajiet prospettivi tal-Korporazzjoni u jagħtih dawk il-prospetti, kontijiet u tagħrif ieħor dwar hekk, u jagħtih il-faċilitajiet biex jivverifika t-tagħrif mogħti, b'dak il-mod u f'dawk iż-żminijiet li jkun b'mod raġonevoli jeħtieġ.

Dmirijiet tal-Bord lejn il-Ministru.

17. Il-Korporazzjoni għandha tkun eżentata minn kull obbligu għall-ħlas ta' taxxa ta' dazju jew tal-boll taħt kull ligi li tkun fis-seħh.

Eżenzjoni minn tassazzjoni.

18. (1) (a) Bla hsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull direttiva mogħtija bis-saħħa tiegħu, il-Korporazzjoni għandha, safejn tkun tista' tagħmel hekk:—

Dmirijiet tal-Korporazzjoni dwar il-provvista ta' l-ilma.

(i) ttiprovdi ilma lil dawk il-persuni, b'dak il-mod u taħt dawk il-kundizzjonijiet li, fil-fehma tal-Bord, ikunu meqjusa li jaqdu talbiet xierqa għall-ilma;

(ii) tieħu dawk il-passi li jkunu meħtieġa minn żmien għal żmien biex tassigura li l-provvista ta' l-ilma tkun suffiċjenti u bi pressjoni u ta' kwalità tajba;

(iii) tieħu kull azzjoni li minn żmien għal ieħor ikun jidhrilha xieraq jew spedjenti għall-finijiet ta' konservazzjoni, ridistribuzzjoni jew xort'oħra għat-*tkabbir tar-riżorsi ta' l-ilma* u biex tassigura l-użu tajjeb tar-riżorsi ta' l-ilma.

(b) Ir-riferenza f'dan l-artikolu għal azzjoni għall-finijiet ta' *tkabbir ta' riżorsi ta' l-ilma* tinkludi riferenza għal azzjoni għall-finijiet ta' *trattament ta' ilma* mielah b'kull proċess biex jitneħħa l-melħ jew impuritajiet oħra, u biex tagħmel użu mill-aktar teknoloġija adatta biex tissupplimenta r-riżorsi ta' l-ilma naturali.

(2) Bl-awtorità tal-Ministru konċernat, il-Korporazzjoni għandha d-dritt, sabiex iżżomm u ttejjeb il-provvista ta' l-ilma f'dawn il-gżejjer, biex tidhol u teżamina kull art u kull bir u biex tħaffer toqob jew xogħol ieħor għall-finijiet biex tistharreg in-natura tas-subterran jew il-preżenza, kwalità jew kwantità ta' l-ilma ta' taħt l-art u biex jithaffru spieri u biex jinfethu mini taħt l-art mill-artijiet ta' kull persuna b'kull mezz li jidhrilha l-aħjar għal dan l-iskop. Fit-twettiq tad-dritt taħt dan is-subartikolu, il-Korporazzjoni għandha tagħmel tajjeb għal kull ħsara li tista' tagħmel lil terzi persuni.

(3) Il-Korporazzjoni għandha, skond id-dispożizzjonijiet ta' dan l-Att u bl-approvazzjoni tal-Ministru, tipprovdi assistenza teknika lill-proprietarji ta' fondi li jkunu jixtiequ li jħaffru bjar, jgħaddu mini, jibnu kanali jew xort'oħra jtejbu l-provvista ta' ilma fil-fondi tagħhom.

(4) (a) Il-Korporazzjoni tista' tnaqqas kif jidhrilha xieraq il-kwantità ta' ilma provduta lil kull konsumatur, jekk, minhabba xi ċirkostanzi mhux previsti li ma jkunux fil-kontroll tal-Bord, ikun jidher li l-provvista ta' ilma ma tkunx biżżejjed biex il-kwantità kollha tkun tista' tiġi provduta b'mod konvenjenti.

(b) Meta:—

(i) il-provvista ta' ilma lil fondi speċifiċi ma tkunx biżżejjed jew tajba b'mod li tkun ta' periklu għas-saħħa, u

(ii) provvista ta' ilma tajjeb mill-Korporazzjoni għall-użu domestiku tkun meħtieġa għal dawk il-fondi u ma tkunx prattikabbli li twassal dik il-provvista permezz ta' kanen, imma tkun prattikabbli li twassal din il-provvista mod ieħor, bi ħlas raġjonevoli,

il-Korporazzjoni jkollha d-dmir li tipprovdi ilma tajjeb għall-użu domestiku lil dawk il-fondi b'mezzi oħra barra minn kanen.

(c) Meta l-kwantità tal-provvista ta' l-ilma tkun għet imnaqqa kif imsemmi f'dan l-artikolu, ma jkun hemm l-ebda responsabbiltà fuq il-Korporazzjoni dwar kull telf jew ħsara li tiġġarrab b'dak it-tnaqqis.

Dmirijiet
tal-Korporazzjoni
dwar il-provvista
tas-servizzi
tad-drenaġġ.

19. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u għal kull direttiva mogħtija taħtu, il-Korporazzjoni għandha sa fejn tkun tista':—

(a) tipprovdi sistema ta' drenaġġ pubbliku għall-użu tar-rimi tad-drenaġġ domestiku;

(b) tieħu dawk il-miżuri li minn żmien għall-ieħor ikunu meħtieġa biex tħares l-indafa, s-sigurtà u effiċjenza fis-sistema tad-drenaġġ pubbliku;

(c) tagħmel dak kollu li minn żmien għall-ieħor jidhrilha xieraq jew espedjenti biex tkabbar u ttejjeb il-mezzi tar-rimi u l-modi ta' trattament tal-materjal tad-drenaġġ pubbliku;

(d) tiehu dawk il-miżuri li minn żmien għall-iehor jidhrilha xieraq biex tiżgura t-tmexxija bla perikolu, l-ilqugh, it-trattament u r-rimi ta' l-iskart likwidu industrijali;

(e) tagħmel dak kollu li minn żmien għall-iehor jidhrilha xieraq biex jikber l-użu ta' l-ilma tad-drenaġġ li jkun ġie riċiklat;

(f) tistharreg u tagħmel regolamenti dwar komunikazzjonijiet mas-sistema tad-drenaġġ bil-għan li jiġi mħares sewwa u b'mod xieraq ir-rimi ta' l-istess ilma tad-drenaġġ;

(g) tiehu dawk l-azzjonijiet kollha mehtieġa u espedjenti biex jerga' jintuża' l-ilma tax-xita kif inhu xieraq.

20. (1) Jekk isir ilment bil-miktub lill-Ministru illi il-Korporazzjoni tkun naqset —

Dispożizzjonijiet fin-nuqqas.

(a) li tagħti provvista ta' ilma adegwata kemm dwar kwantità jew kwalità kif ukoll li tagħti provvista li bil-liġi kienet mehtieġa li tagħti; jew

(b) li tiehu dawk il-miżuri b'mod raġonevoli prattikabbli bil-għan li tirrimedja għal dan in-nuqqas; jew

(c) li tagħmel dak kollu li għandha tagħmel b'dan l-Att jew bis-saħħa tiegħu;

u meta l-Ministru huwa ta' l-opinjoni li għandu jsir stharrig dwar jekk il-Korporazzjoni għamlitx xi nuqqas f'xi waħda minn dawn il-kwistjonijiet, jista' jġieghel li ssir inkjesta dwar dan il-każ.

(2) Jekk wara li tkun inżammet dik l-inkjesta il-Ministru jkun jidhirlu li jkun sar xi nuqqas skond ma hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu, jista' b'ordni jiddikjara li l-Korporazzjoni tkun naqset u jordnalha li tipprovi rimedju għal dan in-nuqqas u li teżerċita dawk il-funzjonijiet tagħha b'tali mod u fi żmien jew żminijiet speċifikati fl-istess ordni.

21. (1) Il-Korporazzjoni ma tkunx responsabbli għal xi ħsara magħmula lil persuna jew proprjetà konnessa ma' l-istallazzjoni tal-provvista ta' l-ilma li tkun ikkaġunata minn xi inċident li ma setax jiġi evitat, minn deterjorazzjoni raġonevoli jew minn konnessjoni ta' *fittings* ta' l-ilma mhux awtorizzat jew minn xi difetti fl-istallazzjoni mhux provduti mill-Korporazzjoni.

Limiti ta' responsabbiltà.

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 18 il-Korporazzjoni mhux responsabbli, fejn ma jkunx hemm negligenza u skond il-provedimenti ta' dan l-Att, għal xi inkonvenjent jew ħsara attribwibbli għall-qadi ta' xi dmir impost b'dan l-Att.

(3) Il-Korporazzjoni mhix responsabbli partikolarment għal xi inkonvenjent jew ħsara kaġunata minn għarar li ġej minn azzjoni ta' tempesti naturali li jinqalgħu, ilma ta' taħt l-art jew tqallib tal-baħar.

Il-Korporazzjoni
u l-Enemalta.

22. (1) Id-dispożizzjonijiet ta' l-Iskeda li tinsab ma' dan l-Att ghandu jkollhom sehh ghar-rigward ta' l-operazzjoni mill-Korporazzjoni tal-qari ta' *meters*, zamma ta' kontijiet u servizz ta' gbir ta' flus flimkien ma', u fl-interess komuni tal-Korporazzjoni u ta' l-Enemalta u fl-eżerċizzju u qadi mill-Korporazzjoni għan-nom ta' l-Enemalta ta' dawk il-funzjonijiet li huma jew ikunu minn żmien għal żmien legalment vestiti rigward l-atti u materji speċifikati fil-paragrafu 1 ta' l-Iskeda msemmija.

(2) Jekk, wara konsultazzjoni mal-Korporazzjoni u ma' l-Enemalta il-Ministru jkun sodisfatt li ma jkunx iżjed mehtieg jew spedjenti li jitkompla dak is-servizz flimkien kif imsemmi qabel, huwa jista' b'ordni jirrevoka l-Iskeda li tinsab ma' dan l-Att; u kull ftehim li jkun sar bejn il-Korporazzjoni u l-Enemalta bis-saħha tal-paragrafu 6 ta' dik l-Iskeda jew li jkun miżmum fis-sehh bis-saħha ta' dan l-Att daqslikieku hekk kien sar (hawnhekk iżjed 'il quddiem f'dan l-artikolu msejjah "il-ftehim") ghandu, malli jsir dan, jieqaf mis-sehh.

(3) Il-Ministru jista' minn żmien għal żmien, bi ftehim mal-Korporazzjoni u l-Enemalta, b'ordni jibdel id-dispożizzjonijiet ta' l-Iskeda li tinsab ma' dan l-Att safejn u b'dak il-mod li l-Ministru jista' jistabbilixxi; u minn dik id-data li fiha kull ordni bħal dak jibda jsehh, id-dispożizzjonijiet tal-ftehim ikollhom sehh kif sugġetti għal dawk il-modifiki li jkunu mehtieġa biex tiġi evitata kull inkonsistenza bejn id-dispożizzjonijiet tal-ftehim u d-dispożizzjonijiet ta' l-imsemmija Skeda kif mibdula b'dak l-ordni.

(4) Kull ordni magħmul bis-saħha ta' dan l-artikolu jista' jkollu dawk id-dispożizzjonijiet transitorji, supplimentari u incidentali kif il-Ministru, wara konsultazzjoni ma', jew bi ftehim mal-Korporazzjoni u l-Enemalta, jidhirlu mehtieġa jew spedjenti għall-għanijiet ta' l-ordni.

TAQSIMA III

Dispożizzjonijiet Finanzjarji

Setgħa ta' self
jew gbir ta'
kapital.

23. (1) Il-Korporazzjoni tista', bl-approvazzjoni bil-miktub tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef, tiżgura jew tiġbor flus bil-hruġ ta' obligazzjonijiet obligazzjoni ta' *stock*, jew sigurtà ohra, għal xi wiehed jew aktar mis-segwenti għanijiet tal-Korporazzjoni:—

- (a) il-provvista ta' kapital biex taħdem bih;
- (b) il-qadi tal-funzjonijiet tal-Korporazzjoni skond dan Att;

(c) il-provvista ta' kapital ghat-tkabbir ta' u zieda ma' l-assi attivi tal-Korporazzjoni;

(d) il-fidwa ta' kull obligazzjonijiet jew obligazzjoni ta' *stock* jew sigurtà ohra illi l-Korporazzjoni tkun tehtieg jew ikollha jedd li tifti;

(e) kull infiq ieħor li għandu jithallas mill-kont kapitali.

(2) Il-Korporazzjoni tista', minn żmien għal żmien, tissellef permezz ta' *overdraft* jew xort'ohra, għal perijodi ta' mhux iżjed minn tnax-il xahar, dawk is-somom li l-Bord jista' jehtieg għall-qadi tal-funzjonijiet tiegħu skond dan l-Att:

Izda għal kull ammont li jkun 'il fuq minn mitejn elf lira Maltija, tkun mehtieġa l-approvazzjoni bil-miktub tal-Ministru.

24. (1) Kull meta il-Korporazzjoni jkollha l-htieġa li tissellef permezz ta' avvanzi mingħand il-Gvern xi somom li jistgħu jkunu mehtieġa għall-qadi ta' xi funzjonijiet tal-Korporazzjoni skond dan l-Att, il-Ministru responsabbli għall-finanzi wara konsultazzjoni mal-Ministru jista', b'*warrant* iffirmit minnu u mingħajr approprjazzjoni ohra hlief dan l-Att, jawtorizza lill-*Accountant General* biex jagħmel dawk l-avvanzi lill-Korporazzjoni jew mid-dhul ta' xi self kuntrattat jew migbur għal hekk jew mill-Fond Konsolidat; u dawk l-avvanzi għandhom isiru b'dawk il-pattijiet u l-kundizzjonijiet li l-Ministru responsabbli għall-finanzi jista' jordna.

Self b'avvanzi mill-Gvern.

(2) Il-Ministru responsabbli għall-finanzi jista', għal kull waħda mill-htigijiet tal-Korporazzjoni ta' natura kapitali, jikkuntratta jew jiġbor self, jew jidhol f'obligazzjonijiet, għal dawk iż-żminijiet u b'dawk il-pattijiet u l-kundizzjonijiet li jidhirlu xierqa; u kull somom dovuti dwar jew konnessi ma' kull self bħal dak jew obligazzjoni bħal dik ikunu għall-karigu tal-Fond Konsolidat.

(3) Avviż ta' kull self, obligazzjonijiet jew avvanzi magħmula skond id-dispożizzjonijiet ta' qabel dan l-artikolu għandu jingħata lill-Kamra tad-Deputati kemm jista' jkun malajr.

(4) Sakemm jingabar xi self hekk kif imsemmi fis-subartikolu (2) ta' dan l-artikolu jew għall-finijiet biex jiġi provdut lill-Korporazzjoni kapital biex taħdem il-Ministru responsabbli għall-finanzi jista', b'*warrant* iffirmit minnu u mingħajr approprjazzjoni ohra hlief dan l-Att, jawtorizza lill-*Accountant General* biex jagħmel avvanzi mill-Fond tal-Ħelsien tat-Teżor lill-Korporazzjoni taħt dawk il-pattijiet li jkunu speċifikati mill-imsemmi Ministru meta jagħmel dan.

(5) Somom riċevuti mill-*Accountant General* mingħand il-Korporazzjoni dwar avvanzi magħmula mill-Korporazzjoni skond is-subartikolu (4) ta' dan l-artikolu għandhom jithallsu, dwar ammonti riċevuti bhala hlas lura, fil-Fond tal-Ħelsien tat-Teżor u, dwar ammonti riċevut bhala mgħax, fil-Fond Konsolidat.

25. (1) Id-dhul tal-Korporazzjoni għal kull sena finanzjarja għandu jiġi applikat biex jithallsu d-drittijiet li ġejjin:—

(a) ir-rimunerazzjoni, drittijiet u *allowance* tal-membri tal-Bord;

(b) is-salarji jew pagi, drittijiet, rimunerazzjoni, pensjonijiet, *superannuation allowance*, gratifikazzjonijiet u *allowances* oħra ta' uffiċjali, impjegati, aġenti u konsulenti tekniċi jew konsulenti oħra tal-Korporazzjoni u hlasijiet biex tinżamm xi skema oħra mwaqqfa skond id-dispożizzjonijiet ta' dan l-Att, u kull hlas lill-Gvern akkont ta' pensjonijiet jew gratifikazzjonijiet skond l-artikolu 39 jew 40 ta' dan l-Att;

(ċ) l-ispejjeż għat-twaqqif u għall-hidma, u n-nefqa jew il-provvediment għall-manutenzjoni ta' kull waħda mill-installazzjonijiet tal-Korporazzjoni, u l-qadi tal-funzjonijiet tal-Korporazzjoni li jixraq li jiġu addebitati lill-kont tad-dhul;

(d) l-imghax fuq kull obligazzjoni, obligazzjoni ta' *stock* jew sigurtà oħra mahruġa, l-imghax fuq kull *overdraft* u fuq kull self miġbur jew avvanzi riċevuti mill-Korporazzjoni;

(e) is-somom meħtieġa li jiġu trasferiti għall-fond ta' ammortizzament jew xort'oħra mwarrba sabiex jagħmlu provvediment għall-fidwa ta' obligazzjonijiet jew obligazzjonijiet ta' *stock* jew sigurtà oħra jew għall-hlas lura ta' flus oħra mislufa;

(f) dawk is-somom li jidhrilha li jkunu xierqa li jitwarrbu dwar deprezzament fuq il-proprjetà tal-Korporazzjoni meta jitqies l-ammont imwarrab mid-dhul skond il-paragrafu (e) ta' dan is-subartikolu;

(g) il-hlas ta' kull infiq ieħor approvat mill-Bord u hu xieraq li jiġi addebitat lill-kont tad-dhul.

(2) Bla hsara għal dawk id-direttivi li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' jagħti minn żmien għal żmien, kull dhul li jkun jeċċedi l-infiq għandu jiġi applikat mill-Korporazzjoni biex jinholqu fondi ta' riżerva biex jiffinanzjaw espansjoni futura tal-Korporazzjoni; u mingħajr hsara għall-generalità tal-poteri mogħtija lill-Ministru b'dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif intqal hawn fuq, kull parti minn dan l-eċċess tista' tiġi trasferita lill-Gvern, jew tiġi applikata b'tali mod kif ikun speċifikat fid-direttiva.

26. Il-fondi tal-Korporazzjoni li ma jkunux immedjatament meħtieġa li jintefqu biex jithallsu xi obligazzjonijiet jew biex jinqded xi funzjonijiet tal-Korporazzjoni jistgħu jiġu investiti minn żmien għal żmien bil-mod kif jiġi approvat mill-Ministru responsabbli għall-finanzi.

27. (1) Il-prezzijiet li l-Korporazzjoni ghandha taghmel ghal kull servizz jew faċilità provduti jew drittijiet mogħtija minnha għandhom ikunu skond dawk it-tariffi u skemi li, minn żmien għal żmien, jiġu preskritti.

Prezzijiet, drittijiet u hlasijiet oħra mill-Korporazzjoni.

(2) Ebda haġa fis-subartikolu (1) ta' dan l-artikolu jew f'xi tariffa bħal dik kif intqal qabel ma żżomm lill-Korporazzjoni milli tordna prezzijiet oħra bi ftehim speċjali.

(3) Meta tippreskrivi t-tariffi u taghmel xi ftehim dwar il-prezzijiet li għandhom jithallsu għall-ilma, faċilitajiet offruti jew drittijiet mogħtija minnha u għal servizzi dwar hekk, il-Korporazzjoni għandha tiżgura li l-prezzijiet mitluba jkunu biżżejjed biex jagħtu dħul biżżejjed f'kull sena finanzjarja:—

(a) biex jithallsu l-ispejjeż ta' tmexxija, u biex jiġi provvdut għall-manutenzjoni xierqa, għad-deprezzament, għall-hlasijiet ta' imghax fuq self u għal hlasijiet oħra ta' imghax;

(b) biex isiru hlasijiet lura perjodiċi ta' dejn fit-tul sa fejn xi hlas lura bħal dawk jeċċedi l-provvedimenti li jkun hemm għal deprezzament; u

(ċ) biex jinholqu riżervi biex tiġi finanzjata parti xierqa mill-ispiza ta' espansjoni futura, li jkunu spejjeż, hlasijiet lura u riżervi li tkun intrabtet għalihom jew li tkun għamlet il-Korporazzjoni fl-eżerċizzju tal-funzjonijiet tagħha dwar l-ilma,

u kull tariffa u ftehim bħal dawk ma għandhomx jagħtu preferenza mhux xierqa bejn konsumaturi li jkunu f'sitwazzjoni simili u m'għandhomx jagħmlu diskriminazzjoni mhux xierqa bejn persuni f'sitwazzjoni simili dwar il-provvista jew servizz mogħti u kull ċirkostanza oħra li tkun tiġġustifika trattament preferenzjali jew diskriminatorju.

(4) It-tariffi li l-Korporazzjoni għandha taghmel għandhom ikunu skond dawk ir-rati kif il-Korporazzjoni bl-approvazzjoni tal-Ministru, tista' tistabilixxi minn żmien għal żmien.

28. (1) Il-Korporazzjoni għandha tiehu hsieb li thejji f'kull sena finanzjarja, u mhux iktar tard minn sitt ġimgħat qabel li tispicċa kull sena bħal dik, tadotta estimi tad-dħul u nfiq tal-Korporazzjoni għas-sena finanzjarja ta' wara li jkun imiss.

Estimi tal-Korporazzjoni.

(2) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni mas-snin ta' qabel kif jordna l-Ministru.

(3) Kopja ta' l-estimi tal-Korporazzjoni għandha, malli jiġu adottati mill-Bord, tintbagħat minnufih mill-Bord lill-Ministru flimkien mar-rapport ta' l-attività tal-Korporazzjoni li tkun saret fis-sena finanzjarja preċedenti.

(4) Il-Ministru għandu, ma' l-opportunità u mhux iktar tard mill-ewwel seduta tal-Kamra wara erba' ġimgħat li jkun irċieva kopja ta'

l-estimi u r-rapport tal-Korporazzjoni hawn imsemmija fis-subartikolu (3) ta' dan l-artikolu, jiehu hsieb li daww l-estimi u r-rapport jitqieghdu quddiem il-Kamra tad-Deputati flimkien ma' mozzjoni li l-Kamra tapprova daww l-estimi. Ma ghandhomx jinghataw aktar minn zewg seduti biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi mill-Kamra jistghu jkunu b'emendi ghall-estimi jew minghajr emendi.

(5) Ma jista' jsir ebda nfiq mill-Korporazzjoni jekk dan ma jkunx approvat mill-Kamra tad-Deputati:—

Izda:—

(a) sakemm ighaddu sitt xhur mill-bidu ta' sena finanzjarja jew sakemm ikun hemm l-approvazzjoni ta' l-estimi ghal dik is-sena mill-Kamra, skond liema tkun l-ewwel data, il-Korporazzjoni tista' taghmel infiq biex taqdi l-funzjonijiet taghha skond dan l-Att ta' mhux iktar b'kollox minn nofs l-ammont approvat ghas-sena finanzjarja ta' qabel;

(b) infiq approvat dwar kap jew sotto-kap ta' l-estimi jista', bl-approvazzjoni tal-Ministru, isir dwar kap jew sotto-kap iehor ta' l-estimi;

(c) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat mill-Kamra ma jkunx bizzejjed jew tinqala' l-htiega ghal infiq li ma jkunx provdut ghalih fl-estimi, l-Bord jista' jadotta estimi supplimentari ghall-approvazzjoni tal-Kamra, izda bil-kundizzjoni li din tinghata, jista' f'cirkostanzi speċjali u bl-approvazzjoni tal-Ministru, jaghmel l-infiq relattiv; barra minn hekk f'każ bhal dan id-dispożizzjonijiet ta' dan l-Att li japplikaw ghall-estimi ghandhom safejn ikun prattikabbli japplikaw ghall-estimi supplimentari:

Izda wkoll dwar l-ewwel sena finanzjarja tal-Korporazzjoni, dan l-artikolu ghandu japplika daqslikieku kien jehtieg lil Bord li jadotta l-estimi ghal dik is-sena mhux aktar tard minn tnax-il gimgha mill-gurnata fis-sehh, u daqslikieku, sakemm tinghata l-approvazzjoni ta' l-estimi ghal dik is-sena mill-Kamra tad-Deputati, u bla hsara li l-infiq totali ghal dik is-sena ma jkunx iżjed mill-ammont approvat mill-Kamra, ebda limitu ma tqeghdu fuq dik is-setgha tal-Korporazzjoni biex taghmel infiq.

(6) L-estimi u l-estimi supplimentari kollha approvati mill-Kamra tad-Deputati ghandhom, malajr kemm jista' jkun, jigu pubblikati fil-Gazzetta tal-Gvern.

(7) Dan l-artikolu ghandu japplika ghall-ewwel sena finanzjarja, u ghas-snin finanzjarji sussegwenti.

Kontijiet u
verifika.

29. (1) Il-Korporazzjoni ghandha tiehu hsieb li jinżammu kontijiet xierqa u registri ohra dwar ix-xoghol taghha, u ghandha tiehu hsieb li tithejja stqarrija ta' kontijiet *interim* ghall-perjodu ta' l-ewwel sitt xhur u stqarrija ta' kontijiet ghat-tieni perjodu ta' sitt xhur ghal kull

sena finanzjarja, flimkien ma' stqarrija ta' kontijiet tas-sena finanzjarja kollha li juru verament u fedelment l-istat ta' l-affarijiet taghha.

(2) Il-kontijiet tal-Korporazzjoni ghandhom jigu verifikati minn awditur jew awdituri nominati minnha u approvati mill-Ministru:

Izda l-Ministru jista' jehtieg li l-kotba u l-kontijiet tal-Korporazzjonji jigu verifikati jew ezaminati mid-Direttur tal-Verifika li jkollu ghal dan l-ghan is-setgha li jaghmel verifiki fizici u verifiki ohra kif jidhirlu xieraq.

(3) L-istqarrija tal-kontijiet *interim* dwar l-ewwel perjodu ta' sitt xhur ta' kull sena finanzjarja, verifikati kif jixraq, ghandha tigi addottata mill-Bord mhux aktar tard minn sitt gimghat wara t-tmiem ta' dan il-perjodu u ghandha tigi trasmessa immedjatament lill-Ministru flimkien ma' kopja ta' kull rapport maghmul mill-awditur jew awdituri fuq dik l-istqarrija jew fuq il-kontijiet tal-Korporazzjoni.

(4) L-istqarrija tal-kontijiet dwar it-tieni perjodu ta' sitt xhur ta' kull sena finanzjarja flimkien ma' l-istqarrija tal-kontijiet dwar is-sena finanzjarja kollha, it-tnejn verifikati kif jixraq, ghandhom jigu addottati mill-Bord mhux aktar tard minn ghaxar gimghat wara t-tmiem tas-sena finanzjarja u ghandhom jigu trasmessi immedjatament lill-Ministru flimkien ma' kopja ta' kull rapport maghmul mill-awditur jew awdituri fuq dawk l-istqarrijiet jew kontijiet tal-Korporazzjoni.

(5) Qabel it-tmiem ta' kull sena finanzjarja, il-Ministru ghandu jiehu hsieb iqieghed fuq il-Mejda tal-Kamra tad-Deputati, flimkien mal-mozzjoni li tkun giet imqeghda quddiem il-Kamra skond l-artikolu 28, kopja tas-segwenti:—

(a) l-istqarrija tal-kontijiet *interim* u rapport iehor dwar l-ewwel sitt xhur tas-sena finanzjarja kurrenti;

(b) stqarrija ta' kontijiet u kull rapport dwar it-tieni sitt xhur tas-sena finanzjarja immedjatament precedenti; u

(c) stqarrija ta' kontijiet u kull rapport dwar is-sena finanzjarja shiha immedjatament precedenti.

30. (1) Il-flejjes kollha tal-Korporazzjoni, li jkunu gejjin minn kull haqa li ssir taht dan l-Att ghandhom jithallsu f'bank jew f'banek mahtura b'rizoluzzjoni tal-Bord u approvati mill-Ministru. Dawk il-flejjes ghandhom safejn ikun prattikabbli jithallsu f'dak il-bank minn jum ghall-iehor, hliet dik is-somma li l-Bord jawtorizza li tinzamm biex jithallsu spejjez zgħar u hlasijiet immedjati.

Depoziti ta' flus
u hlasijiet.

(2) Il-hlasijiet kollha mill-fondi tal-Korporazzjoni hliet spejjez zgħar li ma jkunux aktar minn ammont stabbilit mill-Bord, ghandhom isiru minn dak l-ufficjal jew minn dawk l-ufficjali tal-Korporazzjoni li l-Bord jahtar jew jinnomina ghal hekk.

(3) Ċekkijiet fuq jew żbanki minn xi kont tal-Korporazzjoni għandhom jiġu ffirmati minn dak l-uffiċjal tal-Korporazzjoni li jkun imsemmi mill-Bord għal hekk u għandhom ikunu kontro-firmati miċ-*Chairman* jew minn dak il-membri l-iehor tal-Bord jew minn dak l-uffiċjal l-iehor tal-Korporazzjoni li jkunu ġew awtorizzati mill-Bord għal hekk.

(4) Il-Korporazzjoni għandha tipprovdi wkoll għal dak kollu li hu meħtieġ għaż-żamma u l-kontroll tal-kontijiet u l-kotba tagħha u għall-kontroll tal-finanzi tagħha.

Rapport
Annwali.

31. Il-Bord għandu, mhux iktar tard minn sitt ġimgħat qabel l-egħluq ta' kull sena finanzjarja, jagħmel u jibgħat lill-Ministru rapport li jitratta b'mod ġenerali dwar l-attivitajiet tal-Korporazzjoni matul dik is-sena u li jkun fih dak it-tagħrif dwar il-ħidma u l-*policy* tal-Korporazzjoni kif il-Ministru jista' jeħtieġ minn żmien għal żmien. Dan ir-rapport għandu jintbagħat lill-Ministru u jitqiegħed quddiem il-Kamra skond l-artikolu 28 ta' dan l-Att.

TAQSIMA IV

Trasferiment lill-Korporazzjoni ta' Imprizi ta' l-Istat

Trasferiment
lill-Korporaz-
zjoni ta' imprizi
ta' l-Istat.

32. (1) B'seħħ mill-jum fis-seħħ l-imprizi kollha li għalihom japplika dan l-artikolu għandhom, bis-saħħa ta' dan l-Att u mingħajr assigurazzjoni oħra, jiġu trasferiti lil, u vestiti fil-Korporazzjoni taħt l-istess titolu li bih kienu miżmuma mill-Gvern minnufih qabel dik il-ġurnata.

(2) Dak it-trasferiment ikun jestendi għall-intier ta' dawk l-imprizi pubbliċi u għandu jinkludi kull impjant, artijiet, xogħlijiet u proprjetà oħra mobbli jew immobbli, attiv, setgħat, jeddijiet, privileggi u kawżi ta' azzjonijiet miżmuma jew posseduti dwarhom jew li huma tagħhom.

Ftehim ta'
liġijiet
kuntratti, eċċ.
eżistenti.

33. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, deċiżjoni, dokument, mandat u arrangament dwar xogħol, li kien jeżisti minnufih qabel il-ġurnata stabbilita, li jolqot jew li għandu x'jaqsam ma' xi waħda mill-imprizi trasferiti, għandu jkollu saħħa u effett shiħ kontra jew favur il-Korporazzjoni u għandu jiġi eżegwit għal kollox u effettivament bħallikieku minflok il-Gvern, il-Korporazzjoni kienet imsemmija fihom jew kienet parti għalihom, skond il-każ.

Dispożizzjoni-
jiet transitorji.

34. (1) Meta xi haġa tkun bdiet bis-saħħa jew taħt l-awtorità tal-Gvern qabel il-ġurnata stabbilita u dik il-haġa jkollha x'taqsam ma' xi waħda mill-imprizi trasferiti jew kull jedd jew responsabbiltà trasferiti b'dan l-Att jew bis-saħħa tiegħu, dik il-haġa tista' titkompla bis-saħħa jew bl-awtorità tal-Korporazzjoni.

(2) Meta minnufih qabel il-ġurnata stabbilita jkun hemm xi proċedimenti legali pendenti li fihom il-Gvern ikun parti jew ikollu jedd li jkun parti, u dawk il-proċedimenti jkunu jirreferu għal xi waħda mill-

imprizi trasferiti jew għal xi jedd jew responsabbiltà trasferita b'dan l-Att jew bis-saħħa tiegħu, il-Korporazzjoni għandha tkun sostitwita f'dawk il-proċedimenti minflok il-Gvern, jew għandha d-dritt li tkun hekk sostitwita.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali u supplimentari li jistgħu jkunu meħtieġa jew spediti sabiex jiġi żgurat u biex jinghata effett shih lit-trasferiment ta' xi impriza jew xi jedd jew responsabbiltà tal-Korporazzjoni b'dan l-Att jew bis-saħħa tiegħu u jista' jagħmel dawk l-ordnijiet li jidhirlu xierqa biex xi setgħat u dmirijiet eżerċitati mill-Gvern dwar xi waħda mill-imprizi trasferiti, jistgħu jiġu eżerċitati f'isem u għan-nom tal-Korporazzjoni.

35. (1) Malli jkun prattikabbli wara li dan l-Att imur fis-seħh, il-Bord għandu jwaqqaf u johroġ favur il-Gvern, rigward il-valur nett ta' l-assi trasferiti lill-Bord mill-Gvern skond il-provvedimenti ta' dan l-Att, obligazzjoni ta' *Stock* permanenti b'imghax ta' sitta fil-mija fis-sena pagabbli f'dawk iż-żminijiet u taht dawk il-kundizzjonijiet li jiġu miftehma bejn il-Gvern u l-Bord.

Twaqqif ta' obligazzjoni ta' *Stock* permanenti favur il-Gvern.

(2) L-imsemmi valur nett għandu jiġi miftiehem bejn il-Gvern u l-Bord.

TAQSIMA V

Uffiċjali u Impjegati tal-Korporazzjoni

36. Il-Korporazzjoni għandha tahtar u timpjega, b'dik irrimunerazzjoni u fuq dawk il-pattijiet u l-kundizzjonijiet li tista' tistabbilixxi skond l-artikolu 13 ta' dan l-Att, dawk l-uffiċjali w impjegati li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet tagħha:

Fl-attura u funzjonijiet ta' *Chief Executive* u ta' uffiċjali w impjegati ohra tal-Korporazzjoni.

Iżda meta jinhatar iċ-*Chief Executive* dan għandu jintgħażel u jinhatar bl-approvazzjoni tal-Ministru.

37. (1) Bla ħsara għall-approvazzjoni tal-Ministru, u safejn ikun jaqbel mad-dispożizzjonijiet ta' din it-Taqsima dwar uffiċjali pubbliċi li jaċċettaw impjeg permanenti mal-Korporazzjoni u dwar impjegati ohra tal-Gvern trasferiti għas-servizz tal-Korporazzjoni, il-Korporazzjoni tista' tistabbilixxi proġetti għall-ħlas ta' *superannuation allowances*, pensjonijiet jew gratifikazzjoni lil uffiċjali jew impjegati tal-Korporazzjoni li jirtiraw mis-servizz tagħha jew li xort'ohra ma jibqgħux iżommu l-kariga magħha minħabba l-età, jew inkapaċità fiżika jew mentali, jew abolizzjoni ta' kariga.

Proġetti ta' *superannuation* eċċ., għal uffiċjali w impjegati tal-Korporazzjoni.

(2) Ebda assikurazzjoni fuq il-hajja ta' xi kontributor skond xi proġett bħal dak, u ebda flejjes jew benefiċċji ohra li jithallas skond xi assikurazzjoni bħal dik, u ebda pensjoni, gratifikazzjoni jew *allowance* ohra mogħtija skond xi proġett lil xi persuna li tkun giet impjegata mal-Korporazzjoni, ma tista' tiġi ċeduta jew trasferita, jew ma tista' tiġi sekwestrata jew maqbuda għal jew dwar xi dejn jew pretensjoni ohra tkun li tkun, hlief dejn dovut lill-Korporazzjoni.

Allokazzjoni ta' uffiċjali pubbliċi għal dmirijiet mal-Korporazzjoni.

38. (1) Dawk l-uffiċjali pubbliċi impjegati fid-Dipartiment tax-Xoghlijiet ta' l-Ilma jew f'xi Dipartimenti oħra tal-Gvern li l-funzjonijiet tagħhom jiġu trasferiti lill-Korporazzjoni minn żmien għall-iehor, minnufih qabel il-bidu fis-seħh ta' dan l-artikolu dwar dak id-Dipartiment skond kif jordna l-Prim Ministru għandhom, minn dak il-bidu fis-seħh ta' dik l-ordni jkunu allokati għal dmirijiet mal-Korporazzjoni b'dawk id-dmirijiet skond id-direttiva tal-Prim Ministru.

(2) Kull ordni mogħti mill-Prim Ministru qabel id-data tal-jum fis-seħh ta' dan l-artikolu bil-ghan li talloka xi uffiċjal hekk kif intqal qabel għal dmirijiet mal-Korporazzjoni hekk ukoll kif intqal qabel, għandu jkun ta' l-istess effett u validità daqsliekeku dak l-ordni kien mogħti wara dak il-jum fis-seħh.

(3) Il-Prim Ministru jista' wkoll, fuq it-talba tal-Korporazzjoni, minn żmien għal żmien jordna li kull uffiċjal pubbliku jibqa' allokati għal dmirijiet mal-Korporazzjoni f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru.

(4) Il-perjodu li matulu id-direttiva kif intqal qabel għandha tapplika għal kull uffiċjal speċifikat fiha, kemm-il darba l-uffiċjal ma jmutx, jew ma jirtirax mis-servizz pubbliku, jew xort'oħra ma jkomplix fil-kariga f'data qabel, jew kemm-il darba perjodu differenti ma jiġix speċifikat f'dik id-direttiva, għandu jintemm malli tiġri xi wahda mill-grajjiet li ġejjin, jiġifieri:—

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u impieg permanenti mal-Korporazzjoni skond id-dispożizzjonijiet ta' l-artikolu 40 ta' dan l-Att; jew

(b) ir-revoka ta' dik id-direttiva dwar dak l-uffiċjal mill-Prim Ministru.

(5) Meta direttiva kif imsemmi qabel f'xi wiehed mis-sub-artikoli (1), (2) jew (3) tiġi revokata mill-Prim Ministru dwar xi uffiċjal, il-Prim Ministru jista', b'direttiva oħra, jalloka lil dak l-uffiċjal għal dmirijiet mal-Korporazzjoni f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u d-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu għandhom malli jsir dan japplikaw dwar il-perjodu ta' tul ta' kull direttiva oħra bħal dik dwar dak l-uffiċjal.

Stat ta' uffiċjali pubbliċi allokati fuq dmirijiet mal-Korporazzjoni.

39. (1) Meta xi uffiċjal jiġi allokati fuq dmirijiet mal-Korporazzjoni skond xi wahda mid-dispożizzjonijiet ta' l-artikolu 38 ta' dan l-Att, dak l-uffiċjal għandu, matul dak iż-żmien li fiha dik id-direttiva tkun isseħh dwaru, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Korporazzjoni, iżda dan għandu għall-finijiet u effetti kollha jibqa' jitqies u jiġi trattat bħala uffiċjal pubbliku.

(2) Bla hsara għall-generalità ta' dak imsemmi qabel, uffiċjal allokati fuq dmirijiet kif intqal qabel:—

(a) ma għandux matul iż-żmien li dwaru jkun hekk allokati:—

(i) ikun imcahhad milli japplika ghal trasferiment f'dipartiment tal-Gvern skond il-pattijiet u l-kundizzjonijiet tas-servizz marbuta mal-hatra mal-Gvern li hu jkollu fid-data li fiha jiġi hekk allokati fuq dmirijiet; jew

(ii) ikun hekk impjegat illi r-rimunerazzjoni tiegħu u l-kundizzjonijiet tas-servizz ikunu inqas favorevoli minn dawk marbuta mal-hatra mal-Gvern li hu jkollu fl-imsemmija data, jew li setgħu jiġu marbuta ma' dik il-hatra, matul dak il-perijodu, kieku dak l-uffiċjal ma kienx imqabba fuq dmirijiet mal-Korporazzjoni;

(b) ikollu l-jedd li s-servizz tiegħu mal-Korporazzjoni jkun meqjus bhala servizz mal-Gvern għall-finijiet ta' xi pensjoni, gratifikazzjoni, jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u għal kull jedd jew privileġġ iehor li kien ikollu dritt għalih, u jkun suġġett għal kull responsabbiltà li kien ikun responsabbli għaliha, kieku ma kienx il-fatt li hu ġie allokati għal dmirijiet mal-Korporazzjoni.

Kap. 93

Kap. 58

(3) Meta ssir applikazzjoni kif provdut fis-sub-paragrafu (i) tal-paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu din għandha tiġi kunsidrata daqslikieku l-applikant ma ġiex allokati għal servizz mal-Korporazzjoni.

(4) Il-Korporazzjoni għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa minhabba l-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjali allokati għal dmirijiet mal-Korporazzjoni kif imsemmi qabel matul iż-żmien li fih ikun hekk allokati.

40. (1) Il-Korporazzjoni tista' bl-approvazzjoni tal-Prim Ministru, u skond pattijiet u kondizzjonijiet li hi tiddetermina skond l-artikolu 13 ta' dan l-Att toffri lil kull uffiċjal allokati għal dmirijiet mal-Korporazzjoni skond xi wahda mid-dispożizzjonijiet ta' l-artikolu 38 ta' dan l-Att impieg permanenti mal-Korporazzjoni b'rimunerazzjoni u fuq dawk il-pattijiet u l-kundizzjonijiet mhux anqas favorevoli minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta.

Offerta ta' mpieg permanenti mal-Korporazzjoni lil uffiċjali pubbliċi allokati fuq dmirijiet mal-Korporazzjoni.

(2) Il-pattijiet u l-kundizzjonijiet kompriżi f'xi offerta magħmula kif intqal qabel m'għandhomx jitqiesu li jkunu anqas favorevoli minhabba biss li ma jkunux fid-dettalji kollha bħal jew oġġha minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kundizzjonijiet mehuda flimkien, fil-fehma tal-Prim Ministru joffru b'mod sostanzjali benefiċċji li jkunu ndaq jew akbar.

(3) Kull uffiċjal li jaċċetta mpieg permanenti mal-Korporazzjoni offert lilu skond id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandu, għall-finijiet kollha barra minn dawk ta' l-Ordinanza dwar il-Pensjonijiet u ta' l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, jitqies li temm milli jkun fis-servizz tal-Gvern u li

daħal fis-servizz tal-Korporazzjoni fid-data ta' l-aċċettazzjoni tiegħu, u għall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, sa fejn japplikaw għalih, servizz mal-Korporazzjoni għandu jitqies li hu servizz mal-Gvern fit-tifsiriet li hemm fihom rispettivament.

(4) Kull uffiċjal bħal dak kif intqal qabel li, minnufih qabel ma jaċċetta impieg permanenti mal-Korporazzjoni, kien kontributor skond l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema għandu jibqa' jkompli jibbenefika minnhom għall-finijiet kollha bħallikieku s-servizz tiegħu mal-Korporazzjoni kien servizz tiegħu mal-Gvern.

(5) Il-Korporazzjoni għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa għall-pensjonijiet u gratifikazzjonijiet dovuti lil uffiċjal li jkun aċċetta impieg permanenti mal-Korporazzjoni kif imsemmi qabel matul il-perijodu li jibda mid-data ta' l-aċċettazzjoni ta' dak l-uffiċjal.

TAQSIMA VI

Kuntratti u Setgħa għal Ksib jew Tneħħija ta' Proprjetà

Kuntratti ta' provvista jew ta' xoghlijiet.

41. Flief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali, il-Korporazzjoni ma għandha tagħmel ebda kuntratt għall-provvista ta' oġġetti jew materjali jew għall-eżekuzzjoni ta' xoghlijiet li huwa smat mill-Bord li jinvolvi nefqa ta' aktar minn tlett elef lira jew somma oħra kif il-Ministru jista', bl-approvazzjoni tal-Ministru responsabbli għall-finanzi, jiddetermina b'avviż, kemm-il darba avviż tal-ħsieb tal-Korporazzjoni li tagħmel il-kuntratt ma jkunx ġie ppubblikat u jkunu nharġu offerti kompetittivi.

Setgħa għal ksib u tneħħija ta' proprjetà.

42. (1) Bla ħsara għad-dispożizzjonijiet ta' l-aħħar artikolu qabel dan, il-Korporazzjoni tista' għall-fini tal-qadi xieraq u effiċjenti tagħha skond dan l-Att —

(a) tixtri jew xort'oħra tikseb u żżomm xi proprjetà mobbli u tneħhi kull proprjetà bħal dik; u

(b) tixtri jew xort'oħra tikseb u żżomm kull art jew proprjetà oħra immobbli jew interess fihom u tiehu kull proprjetà bħal dik b'kiri jew b'kull titlu iehor ikun li jkun.

(2) Il-Korporazzjoni tista' bl-awtorità bil-miktub tal-Prim Ministru, tittrasferixxi jew tipoteka kull art jew proprjetà oħra immobbli jew interess fihom vestiti fil-Korporazzjoni b'dan l-Att jew xort'oħra miksuba mill-Korporazzjoni u tista' wkoll, bil-kunsens tal-Ministru, tagħti b'kiri dawk l-artijiet jew proprjetà għal kull żmien.

TAQSIMA VII

Dispożizzjonijiet Mixxellanji

43. (1) (a) Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, ebda persuna ma ghandha f'Malta, hliet ghal jew f'isem il-Korporazzjoni, jew bi ftehim jew skond arrangamenti mal-Korporazzjoni, jew bis-sahha ta' licenzja tal-Korporazzjoni jew skond regolamenti maghmula taht dan l-Att —

Liċenzji għall-provvista, bejgħ, eċċ., ta' l-ilma, pompi ta' l-ilma jew apparat ieħor li għandu x'jaqsam mal-provvista ta' l-ilma.

(i) ittella' ilma, jew tagħmel xi xogħol ieħor jew tqiegħed xi apparat jew haġa oħra li għandha x'taqsam mal-manifattura, desalinazzjoni, raffinar, trattament, provvista, hażna u distribuzzjoni ta' l-ilma; iżda ebda haġa f'dan l-Att ma għandha żżomm il-bini ta' ġibjun bil-ghan li jiġi konservat l-ilma tal-wiċċ;

(ii) tikseb, timmanifattura, iżżomm, taħzen, tqassam, tbiegħ fit-toroq, tesporta jew xort'oħra tiddisponi minn ilma bil-ghan ta' bejgħ jew provvista ta' ilma;

(iii) tagħmel, tixtri jew xort'oħra takkwista, tbiegħ jew xort'oħra tiddisponi minn jew ikollha fil-pussess tagħha jew taht il-kontroll tagħha xi pompa ta' l-ilma jew xi apparat li għandu x'jaqsam mal-produzzjoni, provvista jew distribuzzjoni ta' l-ilma; u l-ebda persuna ma għandha tbiegħ jew xort'oħra tiddisponi minn xi apparat bhal dak lil xi persuna li ma jkollhiex licenzja biex tixtri jew xort'oħra takkwista dak l-apparat;

(iv) thaffer bir, jew tagħmel spiera, jew thaffer kanal f'area ta' tisqija mingħajr il-permess tal-Korporazzjoni, bil-ghan li jingabar ilma ta' taht l-art jew tagħmel xogħlijiet oħra, huma x'inhuma, li jirriduċu jew jostakolaw il-provvista ta' ilma tal-Korporazzjoni;

(v) tuża jew tiddisponi mill-ilma provdut lilha mill-Korporazzjoni għal skopijiet oħra barra minn dawk li għalihom ikun ġie provdut;

(vi) tiddisponi mid-drenagg, ilma mhux tax-xorb u tax-xita hliet kif ikun preskritt mill-Korporazzjoni;

(vii) b'xi mod ieħor tidhol fuq id-drittijiet esklużivi vestiti fil-Korporazzjoni bl-artikolu 3 ta' dan l-Att.

(b) Id-dispożizzjonijiet tas-sub-paragrafi (i) sa (iii) tal-paragrafu (a) ma japplikawx għal ilma tax-xorb fil-flixxun.

(2) Kull persuna li mingħajr debita ġustifikazzjoni, tikser xi waħda mid-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu tkun hatja ta' reat kontra dan l-Att.

Għoti ta' liċenzji mill-Korporazzjoni u arrangamenti oħra.

44. (1) (a) Il-Korporazzjoni tista', fid-diskrezzjoni tagħha u taħt dawk il-pattijiet u kundizzjonijiet li jidhrilha xierqa, tagħti liċenzja bil-miktub lil kull persuna —

(i) għall-manifattura, proviżjon u hażna u provvista ta' ilma jew għall-użu ta' dik il-persuna biss jew għall-użu ta' dawk il-persuni l-oħra, sew jekk speċifikati bl-isem jew b'riferenza għal xi area jew lokalità, kif jista' jiġi permess mill-Korporazzjoni;

(ii) għall-ksib, manifattura, provvista, hażna, tqassim, bejgħ, esportazzjoni jew tnehhija oħra ta' ilma jew għal xi attività wahda minn dawk jew għal iktar, magħduda, iżda bla hsara għall-ġeneralità ta' dak imsemmi qabel, il-kostruzzjoni jew il-bini ta' bjar, jew strutturi oħra, jew pompi ta' l-ilma jew apparat mekkaniku iehor, għall-manifattura, desalinazzjoni, trattament, raffinar, hażna, provvista, bejgħ jew distribuzzjoni ta' ilma;

(iii) għall-manifattura, xiri jew akkwist, bejgħ jew tnehhija minn, pussess ta' jew kontroll fuq kull pompa ta' l-ilma jew kull apparat iehor li għandu x'jaqsam mal-produzzjoni, provvista jew distribuzzjoni ta' ilma;

(iv) tarmi jew xort'oħra tiddisponi minn skart likwidu industrijali kif ordnat mill-Korporazzjoni u wara dak it-trattament li l-Korporazzjoni jidhrilha xieraq;

(v) tiddisponi mill-ilma tax-xita f'mogħdija, widien jew f'postijiet oħra kif ordnat mill-Korporazzjoni u wara dak it-trattament li l-Korporazzjoni jidhrilha xieraq,

u ma' kull liċenzja kif imsemmi qabel tista' żżid dawk il-pattijiet u kundizzjonijiet li jidhrilha xierqa, u tista' wkoll tagħmel dawk l-arrangamenti u tidhol f'kull ftehim ma' kull persuna għall-finijiet kollha hawn fuq imsemmija, jew xort'oħra in konnessjoni ma' kull attività tagħha skond dan l-Att, kif jidhrilha xieraq u espedjenti.

(b) id-dispożizzjonijiet tas-sub-paragrafi (i) sa (iii) tal-paragrafu (a) ma japplikawx għal ilma tax-xorb fil-flixxun.

(2) Liċenzji mahruġa skond is-subartikolu (1) ta' dan l-artikolu u kull patt u kundizzjoni, arrangament jew ftehim magħmul bis-saħħa tiegħu, għandhom, sakemm jiġgeddu, ikunu validi għaż-żmien li jkunu ngħataw, ġew magħmula jew imġedda:

Iżda jekk ma jiġix speċifikat ebda żmien ta' validità, kull liċenzja, arrangament jew ftehim bħal dawk jibqgħu validi sal-31 ta' Diċembru tas-sena li fiha jkunu ngħataw, intgħamlu jew iġgeddew.

(3) Għandhom jithallsu mal-hruġ u mat-tiġdid ta' kull liċenzja skond dan l-artikolu dawk id-drittijiet li jistgħu jiġu preskritti.

(4) Liċenzja mahruġa skond dan l-artikolu u kull patt u kundizzjoni tagħha, u kull arrangament jew ftehim li għalih japplika l-proviso tas-subartikolu (2) ta' dan l-artikolu, jistgħu f'kull żmien jiġu sospiżi jew revokati mill-Korporazzjoni bi qbil mal-Ministru, jekk ikun hemm ċirkostanzi fejn, fil-fehma tal-Korporazzjoni, xi liċenzja, arrangament jew ftehim bħal dak għandu jiġi sospiż jew revokat. Kull sospensjoni jew revoka għandha tkun bla preġudizzju għal kull piena li għaliha kull min ikollu liċenzja jkun sugġett kif jinstab f'dik il-liċenzja, jew dak l-arrangament jew ftehim.

(5) Meta xi persuna taġixxi bi ksur ta' xi patt jew kundizzjoni ta' liċenzja mogħtija mill-Korporazzjoni jew ta' arrangament jew ftehim li jsir mal-Korporazzjoni, għandha titqies li kienet qed taġixxi mingħajr dik il-liċenzja, jew dak l-arrangament jew ftehim.

(6) Il-ħruġ ta' liċenzja minn, jew l-egħmil ta' xi arrangament jew ftehim mal-Korporazzjoni, ma jeżenta lil ebda persuna mill-ħtigijiet ta' kull ligi oħra.

45. Il-Korporazzjoni tista', bl-approvazzjoni tal-Ministru, tagħmel regolamenti, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, biex tippreskrivi u xort'oħra tipprovdi dwar:—

Setgħa
għall-egħmil
ta' regolamenti.

(a) id-dmirijiet ta' kull uffiċjal tal-Korporazzjoni maħtur skond l-artikolu 36 ta' dan l-Att għall-finijiet li jsiru spezzjonijiet, l-intervalli, il-hinijiet u b'liema mod kull stallazzjoni, apparat u proprjetà oħra bħal dawk tal-Korporazzjoni għandhom jiġu spezzjonati, u l-avviż (jekk għandu jkun hemm) li għandu jingħata dwar l-ispezzjonijiet;

(b) il-kundizzjonijiet li taħthom kull stallazzjoni, apparat, materjal, *fittings* jew proprjetà oħra tal-Korporazzjoni għandhom jiġu mqiegħda, imħaddma, issirilhom manutenzjoni, jiġu protetti, kontrollati jew b'xi mod ieħor imħarsa, il-mod kif jitqiegħdu bla pereklu u l-projbizzjoni ta' l-użu ta' kull stallazzjoni, apparat jew tagħmir perikoluż;

(c) il-kundizzjonijiet li fuqhom, il-mod li bih il-hin u l-kwantità ta' kif l-ilma għandu jiġi provdut;

(d) il-kundizzjonijiet dwar l-użu tal-pompi ta' l-ilma u ta' kull apparat użat fil-produzzjoni, manifattura u distribuzzjoni ta' l-ilma u dwar it-tħaffir, tkabbir jew il-modifikazzjoni u l-użu tal-bjar;

(e) dispożizzjonijiet dwar it-tħaffir u l-użu tal-bjar u tal-pompi ta' ilma f'żoni kontrollati;

(f) il-kundizzjonijiet li taħthom jista' jingħata self ta' flus lill-proprjetarji ta' fondi li jixtiequ jħaffru bjar, jgħaddu mini, jibnu kanali, jew xort'oħra jtejbu l-provvista ta' ilma fil-fondi tagħhom;

(g) l-*standards* li jiġu wżati għall-kejl ta' qisien ta' stallazzjonijiet u apparat, u l-mod li bih il-provvista ta' ilma għandha tittejjel;

(h) il-kundizzjonijiet li taħthom il-provvista ta' ilma tigi maqtugħa jew ristretta;

(i) kull tariffa ta' prezzijiet, kera, u hlasijiet li jistgħu jew li huma meħtieġa li jiġu preskritti bi jew skond id-dispożizzjonijiet ta' dan l-Att, jew xi regolamenti magħmula bis-saħħa tagħhom u l-hin, il-post u l-mod għall-hlas ta' dawk il-prezzijiet, krejjiet, jew hlasijiet u l-mod tal-ġbir u t-tneħħija tagħhom;

(j) il-kwalifiki li persuni għandu jkollhom qabel ma jiġu mqabbdha biex jibnu, iqieghdu, isewwu, jibdlu jew jikkontrollaw xi apparat, *fittings* jew stallazzjoni u x-xorta ta' provi li għandhom isiru sabiex jiġu żgurati jekk dawk il-persuni jkollhomx dawk il-kwalifiki;

(k) il-miżuri li għandhom jittiehdu u n-natura u l-kwalità u *fittings* li għandhom jiġu provduti u wżati dwar l-istallazzjoni sabiex tigi żgurata s-sigurtà pubblika u s-sigurtà privata;

(l) il-kwalità, disinn u l-livell ta' xogħol mitlub f'kull kumnikazzjoni tad-drenagg, ilma mhux tax-xorb jew sistemi ta' l-ilma tax-xita proprjetà tal-Korporazzjoni;

(m) il-metodi li għandhom jintużaw għall-provvista ta' servizzi mogħtija mill-Korporazzjoni, il-garanzija li għandha tingħata minn persuni li jkunx jixtiequ jiksbu dawk is-servizzi, il-kundizzjonijiet biex ma jitkomplux dawk is-servizzi, f'kazijiet fejn il-ħtiġijiet ta' dan l-Att jew ta' xi regolament magħmul bis-saħħa tiegħu ma jkunx ġew imħarsa, jew meta persuna tkun qieghda lura fil-hlasijiet ta' xi prezzijiet, hlasijiet jew drittijiet xierqa, jew meta tuża apparat, strumenti jew *fittings* difettużi, kif ukoll f'kazijiet oħra fejn ikun meħtieġa jew aħjar li ma jitkomplux dawk is-servizzi;

(n) il-pattijiet u l-kundizzjonijiet li taħthom dipartimenti tal-Gvern jew korpi jew awtoritajiet pubbliċi jista' jkollhom, flimkien mal-Korporazzjoni, faċilitajiet li dwarhom il-Korporazzjoni jkollha l-jeddijiet esklużivi kif provdut skond l-artikolu 3 ta' dan l-Att;

(o) dawk il-hwejjeg dwar il-hruġ ta' obligazzjonijiet jew *debenture stock* skond dan l-Att kif il-Bord jidhirlu meħtieġ jew spedjenti li jippreskrivi, u b'mod partikolari, biex jiġi regolat il-metodu tal-hruġ, trasferiment, fidwa jew xogħol ieħor dwar dawk l-obbligazzjonijiet jew *debenture stock*;

(p) kull haġa dwar xi hidma, funzjoni jew haġ'oħra li dwarha l-Korporazzjoni hi l-awtorità esklużiva jew li dwarha liċenzja minn, jew ftehim jew arrangament mal-Korporazzjoni hu meħtieġ b'dan l-Att, magħduda l-pattijiet u l-kundizzjonijiet li taħthom xi hidma jew funzjoni bħal dik jistgħu jsiru, jew xi eżenzjoni ssir jew tingħata, u kull haġa oħra li tkun meħtieġa jew espedjenti li tigi provduta dwar kull waħda mill-imsemmija hwejjeg;

(q) il-pieni, li ma jkunux iktar minn multa ta' ghaxart elef lira Maltija, li persuna li tagħmel reat kontra dan l-Att jew li tikser xi regolament bis-saħħa ta' dan l-Att tista' tehel meta tinsab hatja;

(r) kull haġa oħra li skond dan l-Att tista' jew hi mehtieġa li tigi preskritta.

46. Kull ordni mahruġ taht l-artikolu 22 jew taht is-subartikolu (3) ta' l-artikolu 34 ta' dan l-Att għandu jiġi ppubblikat fil-Gazzetta tal-Gvern. Pubblikazzjoni ta' regolamenti fil-Gazzetta tal-Gvern.

47. Il-provvedimenti ta' dan l-Att ma għandhomx japplikaw għal xi ġiebjja jew bir f'kull fond residenzjali, li għandu jiġi konstruwit skond xi ligi, u l-provvedimenti ta' dan l-Att ma għandhomx jitqiesu li jinhtieġu xi liċenzja jew permess għall-konstruzzjoni jew manteniment għal tali ġiebjja jew bir; iżda dan l-artikolu ma għandux iżomm lill-Korporazzjoni li teżerċita xi waħda mill-funzjonijiet u poteri taht dan l-Att bil-ghan li jiġi assigurat li l-ilma ma jiġix mohli jew użat hażin u li ma ssir ebda ħsara lill-aquifer jew f'imkejjen oħra. Riżerva dwar il-bjar domestiċi.

48. Il-Prim Ministru jista', b'ordni bil-miktub iffirmit minnu, jeżenta lil kull persuna, awtorità, jew istituzzjoni mid-dispożizzjonijiet ta' dan l-Att u għal dak iż-żmien u taht dawk il-kundizzjonijiet li jitniżżlu f'ordni bħal dak, u jista' b'ordni bħal dak iħassar jew jibdel kull eżenzjoni hekk mogħtija. Eżenzjoni mid-dispożizzjonijiet ta' dan l-Att.

49. Kull persuna tal-Korporazzjoni debitament awtorizzata mill-Bord tista', f'kull żmien raġonevoli xieraq, tidhol f'kull post li fih żona fejn jingabar l-ilma, nixxieġha, bir, mogħdija ta' l-ilma, mina, ġiebjja, kanal jew *fittings* ta' l-ilma, drenagġ, ilma mhux tax-xorb jew servizz, apparat, stallazzjoni, strument, impjant jew aċċessorji jkunu qegħdin jew ikunu ġew jew ikunu se jiġu stallati, imqegħda jew imwahnha jew xort'oħra jkunu hemm, għal jew dwar il-manifattura, desalinazzjoni, trattament, raffinar, provvista, hażna u tqassim ta' ilma jew għal fini ta' provvista ta' komunikazzjoni mas-sistema tad-drenagġ, biex isir:— Setgħa ta' dħul biex jiġu żgurati kundizzjonijiet ta' stallazzjonijiet eċċ.

(a) l-ispezzjonar ta' kull haġa qabel imsemmija biex jiġi assigurat li ma jkunx hemm hela ta' ilma mix-xogħlijiet ta' ilma, jew haġ oħra kontra l-provvedimenti ta' dan l-Att jew tar-regolamenti magħmulin tahtu;

(b) il-manutenzjoni u, jekk ikun mehtieġ, tiswija, bdil jew żieda ma' kull wiehed mill-oġġetti hawn fuq imsemmija li ma jkunx fi stat ta' riparazzjoni u li jkun kawża ta' hela ta' ilma, jew li jkun difettuż jew nieqes minn xi haġa preskritta b'dan l-Att jew bir-regolamenti magħmulin tahtu;

(ċ) il-ksib ta' dawk il-fatti jew dik l-informazzjoni li l-Bord jista' jehtieġ dwar is-servizzi mogħtija mill-Korporazzjoni;

(d) it-tneħħija ta' kull jew uħud mill-*fittings* ta' l-ilma jew servizz, apparat, stallazzjoni, strument, impjant jew aċċessorji li jkunu proprjetà tal-Korporazzjoni, kull meta xi servizz provdut

mill-Korporazzjoni ma jkunx għadu mehtieg jew meta l-Korporazzjoni tkun awtorizzata b'dan jew taht dan l-Att, li tirtira s-servizzi tagħha:

(e) l-ispezzjonar, bdil jew tiswija ta' xi parti mis-sistemi tad-drenagg, ilma mhux tax-xorb jew tax-xita tal-Korporazzjoni:

Iżda l-Korporazzjoni għandha ssewwi kull ħsara li tiġġarrab b'kull dhul, spezzjon jew tnehhija bħal dawk.

Reati dwar
prekawzjonijiet
fl-eżekuzzjoni
tax-xogħol.

50. (1) Il-ħidma ta' kull xogħol li għandu x'jaqşam mas-servizzi mogħtija mill-Korporazzjoni għandha ssir b'dak il-mod li jista' jiġi preskritt.

(2) Kull persuna li tikser jew tonqos li tħares id-dispożizzjoni ta' dan l-artikolu, tkun hatja ta' reat skond dan l-Att.

Reati dwar
stallazzjonijiet
eċċ. provduti.

51. (1) Ebda persuna ma għandha tuża ilma jew xi stallazzjoni, apparat, *fittings*, strument jew l-aċċessorji tagħhom, provduti mill-Korporazzjoni, jew ilma provdut għall-bejgħ jew tnehhija oħra minn jew f'isem il-Korporazzjoni, sew direttament jew indirettament, għal għanijiet hliet dawk li għalihom ikun provdut; u kull dikjarazzjoni jew turija ċara mill-Korporazzjoni dwar l-għan li għalih xi oġġett kif imsemmi qabel ikun ġie provdut, tkun prova konkluziva ta' dak l-għan.

(2) Kull persuna li tikser id-dispożizzjoni ta' dan l-artikolu tkun hatja ta' reat kontra dan l-Att.

Reati oħra.

52. Kull persuna li —

(a) tfixkel jew ma thallix lil xi membru tal-Bord jew lil xi ufficjal, aġent jew impjegat tal-Korporazzjoni fil-qadi ta' dmirijietu skond dan l-Att jew skond xi regolamenti magħmula bis-saħħa ta' dan l-Att; jew

(b) tikser jew tonqos li tħares xi waħda mid-dispożizzjonijiet ta' dan l-Att jew xi waħda mill-imsemmija regolamenti jew xi ordni legittimu mogħti skond id-dispożizzjonijiet ta' dan l-Att jew ta' dawk ir-regolamenti; jew

(c) meta liċenzja jew permess ieħor ikun mehtieg skond id-dispożizzjonijiet ta' dan l-Att jew skond xi regolamenti kif imsemmi qabel, għall-użu tas-servizzi jew faċilitajiet tal-Korporazzjoni, tagħmel użu minn dawk is-servizzi jew faċilitajiet mingħajr dik il-liċenzja jew dak il-permess jew tikser jew tonqos li tħares il-kundizzjonijiet ta' liċenzja bħal dik jew permess bħal dak, tkun hatja ta' reat kontra dan l-Att.

Thassir u
riżerva.

53. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-liġijiet li ġejjin, jiġifieri:—

Kap. 22

(a) Ordinanza dwar il-Provvista ta' l-Ilma,

Kap. 105

(b) Ordinanza dwar it-Tisqija ta' Raba',

(ċ) Ordinanza dwar l-Ilma ta' Taht l-Art.

Kap. 114.

huma b'dan imhassra.

(2) It-thassir ta' l-Ordinanzi ta' hawn fuq ghandhom ikunu bla preġudizzju ghal dak li sar jew naqas li jsir taht l-imsemmija Ordinanze, u kull piena mgarrba dwar kull reat kommess kontra kull provvediment taghhom, u kull investigazzjoni, procedura legali jew rimedju jistgħu jiġu inizjati, jitkomplew jew jiġu eżegwiti, u kull penalià, konfiska jew piena tista' tiġi imposta daqslikieku din l-Ordinanza ma thassritx.

(3) Kull regolament, regola jew ordni u kull liċenzja mogħtija taht jew miżmuma bis-sahħa ta' Ordinanza mhassra b'dan l-Att immedjatament qabel dan it-thassir, ghandhom, bil-modifiki, adattazzjonijiet u limitazzjonijiet meħtieġa, u kull regolament, regola jew ordni magħmulin taht jew miżmuma fis-sehħ bir-Regolamenti ta' l-1948 dwar il-Fornitura ta' l-Ilma u safejn dawn ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, ghandhom jibqgħu fis-sehħ u jkollhom effett daqslikieku kienu magħmula jew mogħtija taht dan l-Att u jistgħu jiġu revokati jew emendati skond il-każ.

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ta' l-1948.

(4) Kull riferenza f'xi liġi oħra għall-"Awtorità ta' l-Ilma", il-"Bord ta' l-Ilma", id-"Dipartiment ta' l-Ilma" jew "*Water Department*", għandha tiftiehem bħala riferenza għall-"Korporazzjoni għas-Servizzi ta' l-Ilma" imwaqqfa b'dan l-Att.

(5) Kull liċenzja, permess jew awtorità oħra mogħtija b'kull liġi, jew kull provvediment tagħha, imhassra b'dan l-Att, u li kien fis-sehħ immedjatament qabel dan it-thassir, ghandhom jibqgħu fis-sehħ wara li jiġi hekk imhassar daqslikieku kienet liċenzja mogħtija taht dan l-Att, jew, hekk kif il-każ jista' jeħtieġ, u kull liċenzja, permess jew awtorità kif intqal hawn fuq ghandhom jiġu trattati u jsir minnhom skond dan.

SKEDA

(Artikolu 22)

Dispożizzjonijiet dwar servizz komuni ta' *meters*, żamma u ġbir ta' kontijiet u dwar l-eżerċizzju ta' ċerti funzjonijiet mill-Korporazzjoni f'isem Enemalta.

1. Il-Korporazzjoni hija hawn maħtura f'isem u għan-nom ta' l-Enemalta biex teżerċita u taqdi kemm jista' jkun fl-intier u b'mod effettiv fl-aspetti kollha bħal Enemalta stess dawk il-funzjonijiet kollha li huma jew jistgħu minn żmien ikunu legalment mogħtija lill-Enemalta dwar l-attijiet u l-hwejjeġ li ġejjin:—

(a) li titlob, teħtieġ, tircievi, taċċetta, thassar, tiffinunzja u b'mod ġenerali tittratta ma' garanzija, sigurtà, depożitu jew obbligazzjoni dwar somom dovuti lill-Enemalta għall-fornitura ta' enerġija elettrika, *meter charge* u servizzi (hawnhekk iżjed 'il quddiem f'din l-Iskeda msemmija bħala "somom dovuti lill-Enemalta");

(b) li tiehu l-qari ta' *meters* sabiex tiġi żgurata l-kwantità ta' enerġija elettrika fornita u, meta applikabbli, l-akbar talba;

(ċ) li żżomm kontijiet li juru s-somom dovuti lill-Enemalta u li żżomm kull kotba u dokumenti dwar jew li għandhom x'jaqsmu ma' dawk il-kontijiet;

(d) li tiehu hsieb il-kalkolu, servizz u ġbir ta' kontijiet dwar somom dovuti lill-Enemalta;

(e) li tirċievi minghand il-konsumaturi ta' enerġija elettrika kull avviż dwar:—

(i) il-hsieb tat-twaqqif ta' użu ta' dik l-enerġija;

jew

(ii) it-tmexxija ta' tibdil f'fondi jew fi stallazzjonijiet;

(f) li tara li l-fornitura ta' enerġija elettrika lil kull konsumatur tiġi sospiża fil-każ ta' nuqqas ta' hlas ta' somom dovuti lill-Enemalta wara tmiem il-perijodu preskritt, jew ta' ċaħda mhux ġustifikata ta' aċċess fil-fond; u għal dan l-iskop li tara li l-*main fuses* jiġu mneħħija jew l-istallazzjoni tiġi maqtugħa mill-*mains*, sew fuq l-art sew taħt l-art;

(g) li tara li l-*meter* jiġi mneħħi mill-fond fil-każ ta' dewmien fil-hlas ta' somom dovuti lill-Enemalta għal aktar minn tliet xhur, jew qabel jekk hekk jidhrilha meħtieġ;

(h) li terġa' tikkonnettja l-fornitura u, jekk hemm bżonn, terġa' tqiegħed il-*meter* wara li jkun sar hlas ta' somom dovuti lill-Enemalta;

(i) li tidhol f'kull fond u li tesegwixxi u tagħmel hemmhekk kull att jew haġa li l-Enemalta għandha l-awtorità li tagħmel;

(j) li tistma, permezz ta' dawk il-kriterji li jkunu fid-diskrezzjoni tal-Enemalta, il-konsum ta' enerġija elettrika f'kull fond li fih jkun ġie miċhud għall-fini ta' qari ta' *meters* wara li jkun ingħata avviż xieraq;

(k) b'mod ġenerali li tagħmel kull att ieħor, inċidentalment jew supplementari għal dak li nġad qabel, li l-Enemalta, kieku ma kinux għad-dispożizzjonijiet ta' din l-Iskeda, kien ikollha dritt li tagħmel dwar u għall-finijiet ta' qari ta' *meters*, żamma ta' kontijiet u ġbir ta' kontijiet kif applikabbli għall-fornitura ta' enerġija elettrika.

2. Jekk xi somom dovuti lill-Enemalta ma jithallsux jew jekk xi oġġetti jew materjali li jkunu ta' l-Enemalta ma jiġux mogħtija lura minn xi konsumatur ta' l-enerġija elettrika, il-Korporazzjoni tista', minkejja dak li hemm fid-dispożizzjonijiet ta' l-artikolu 1986 tal-Kodiċi Ċivili, tagħmel kull proċedura legali jew proċedura oħra awtorizzata bil-liġi

biex tiġbor jew tiehu lura f'isem u ghan-nom ta' l-Enemalta; u għall-finijiet ta' l-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, il-Korporazzjoni għandha titqies li tkun taġixxi bhala Kap ta' Dipartiment dwar daqstant minn dawk il-proċeduri li jittiehdu ghan-nom ta' l-Enemalta.

3. Waqt li jkunu qed jaġixxu fil-limiti tas-setgħat mogħtija lill-Korporazzjoni bi jew skond id-dispożizzjonijiet ta' din l-Iskeda, l-uffiċjali u l-impjegati tal-Korporazzjoni għandhom, għall-finijiet ta' kull liġi jew regolament li jkollhom xi riferenza għall-uffiċjali jew impjegati ta' l-Enemalta, jitqiesu li jkunu wkoll uffiċjali jew impjegati ta' l-Enemalta.

4. Il-Korporazzjoni tista', dwar il-kontijiet ta' l-Enemalta u somom dovuti lill-Enemalta, tkompli fis-seħħ kull arrangament li jkun sar ma' xi Dipartiment ieħor tal-Gvern għall-kalkolar u żamma ta' kontijiet u għall-provvediment ta' għajjnuna legali jew għajjnuna oħra.

5. L-Enemalta jkollha dritt ta' aċċess għal u spezzjoni tal-kontijiet miżmuma mill-Korporazzjoni dwar l-attivitajiet ta' l-Enemalta u jkollha dritt li żżomm fl-uffiċċji tal-Korporazzjoni dak in-numru ta' rappreżentanti li jista' minn żmien għal żmien ikun miftiehem bejn l-Enemalta u l-Korporazzjoni.

6. Minn żmien għal żmien skond ma jista' jkun meħtieġ, l-Enemalta u l-Korporazzjoni jistgħu permezz ta' att pubbliku fl-attijiet **tan-Nutar tal-Gvern, li l-pattijiet tiegħu għandhom l-ewwel ikunu** approvati mill-Ministru, jagħmlu ftehim (hawnhekk iżjed 'il quddiem f'din l-Iskeda msejjaħ "il-ftehim") li jirregola l-hwejjeġ kollha jew xi wahda mill-hwejjeġ li ġejjin:—

(a) l-aċċess għal u spezzjoni tal-kontijiet u n-numru u s-setgħat tar-rappreżentanti ta' l-Enemalta msemmija fil-paragrafu 5 ta' din l-Iskeda;

(b) il-kumpens (magħdud il-hlas lura ta' kull spejjeż u drittijiet amministrattivi mħallsa jew magħmula kif imiss mill-Korporazzjoni) li għandu jithallas lil, jew li għandu jiġi miżmum mill-Korporazzjoni dwar l-eżerċizzju u l-qadi mill-Korporazzjoni tal-funzjonijiet mogħtija lilha b'din l-Iskeda;

(c) il-perjodi li fihom u l-mod li bih il-Korporazzjoni għandha tibgħat lill-Enemalta somom miġbura mill-Korporazzjoni f'isem Enemalta jew, safejn ikun saru arrangamenti għat-tpaċija fil-ftehim, dawk il-bilanċi tagħhom li jkunu pendenti wara li xi ammonti dovuti lill-Korporazzjoni skond l-aħħar sub-paragrafu ta' qabel dan ikun ġew imnaqqsqa;

(d) iż-żmien u l-metodu ta' tibdil ta' tagħrif u ta' użu ta' mezzi ta' konsultazzjoni bejn l-Enemalta u l-Korporazzjoni għall-aħjar esekuzzjoni ta' l-interess tagħhom komuni tad-dispożizzjonijiet ta' din l-Iskeda u tal-ftehim;

(e) il-proċeduri finanzjarji, bankarji, ta' verifika u amministrattivi li għandhom isiru miż-żewġ naħat għal thaddim regolari u effiċjenti ta' l-arrangamenti eżistenti bejniethom inklużi, minghajr hsara għall-generalità ta' dak fuq imsemmi, il-forom li għandhom jintużaw, id-dokumenti u l-kotba li għandhom jinżammu, ir-reżokonti li għandhom isiru, l-avviżi li għandhom jiġu mogħtija jew komunikati u l-kontijiet li għandhom jintbagħtu;

(f) dawk il-ħwejjegħ l-oħra inċidentali u supplementari għal dawk li nġhad qabel li għalihom, bl-approvazzjoni tal-Ministru, jistgħu jitqiesu meħtieġa u xierqa li jipprovdu.

7. Il-Ministru għandu jara li kopja tal-ftehim titqiegħed fuq il-Mejda tal-Kamra tad-Deputati.

Mġhoddi mill-Kamra tad-Deputati fis-Seduta Nru. 572 tat-12 ta' Novembru, 1991.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati.

WATER SERVICES CORPORATION ACT, 1991

ARRANGEMENT OF SECTIONS

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SCHEDULE.

I assent.

(L.S.)

CENSU TABONE
President
22nd November, 1991

ACT No. XXIII of 1991

AN ACT to provide for the establishment of a body corporate to be known as the Water Services Corporation, and for the exercise and performance by or on behalf of the Corporation of functions related to the acquisition, transformation, manufacture, distribution and sale of potable and non-potable water, and, as appropriate, to the treatment and disposal or re-use of sewage and waste water, and re-use of stormwater run-off, to provide for the transfer to the Corporation of certain installations, equipment or other property, and to make provision in respect of matters ancillary thereto or connected therewith.

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:—

PART I

Preliminary

1. (1) This Act may be cited as the Water Services Corporation Act, 1991. Short title and commencement.

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

2. (1) In this Act, unless the context otherwise requires:— Interpretation.

“apparatus” includes vehicles, all machines, devices and fittings used in the pumping, desalination, treatment or transport of water and waste water;

“appointed day”, in relation to the provisions of Part IV of this Act, means the day or days on which section 32 of this Act comes into force with respect to such public undertakings as may be transferred by virtue of that section;

“Board” means the Board of the Corporation established by section 5 of this Act;

“Chairman”, “Deputy Chairman” and “Member” mean the Chairman, the Deputy Chairman and a member of the Board respectively;

“Chief Executive” means the Chief Executive of the Corporation appointed in accordance with subsection (5) of section 5 of this Act;

“cistern” means any reservoir, tank (excluding roof tank), pond, or other receptacle, used or intended to be used for collecting or storing water, whether situated or constructed above or below ground, covered or uncovered;

“collecting area” means that surface or area of lands, roads, sites, or buildings, the rain falling upon which causes or contributes to any stream or deposit of surface water;

“conduit” means any channel, ditch, gutter, pipe or aqueduct, made or intended for the conveyance of water which is to be collected, stored, or in any way utilized;

“consumer” means the person or body corporate to whom services are rendered by the Corporation;

“Corporation” means the Water Services Corporation established by this Act;

“director” means a director of the Corporation under this Act;

“domestic sewage” means the contents of lavatories and water which has been used for cooking or washing, and other waste water ordinarily removed from domestic premises, but does not include surface water removed from buildings and from land occupied with, and appurtenant to, the building, nor any waste water other than the contents of lavatories and other water used for personal hygiene and similar purposes, removed from trade premises, or from any laundry;

“domestic supply” means a supply of water made to a tenement to meet the ordinary and reasonable requirements of the domestic life of the person or persons residing in the tenement;

“financial year” means any period of twelve months ending on the thirtieth of September of any year: provided that the first financial year of the Corporation shall commence on the date of the coming into force of this Act and shall end on the thirtieth day of September of the next following year;

“irrigation area” means any area so declared by order of the Minister responsible for Agriculture;

“gallery” means an underground passage made in searching for a spring, or for collecting the waters of a spring or through which the waters of a spring may flow from one point to another, in the context of groundwater exploitation;

“licence” means any permit or authority given in writing by the Corporation mentioned in section 44 hereof;

“mains” means a pipe laid for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus in connection with such pipe;

“Minister” means the Minister responsible for water and includes any person authorised by such Minister in that behalf;

“officer” and “other employees” in relation to the Corporation include any public officer detailed for duty with the Corporation;

“person” includes any body of persons or any body corporate established by the law;

“public officer” has the same meaning as is assigned to it in section 126 of the Constitution;

“public undertaking” means any undertaking or installation, and any apparatus, instrument, device or plant and all things accessory or ancillary thereto which, immediately before the appointed day, were vested in or belonged to the Government by whatever title and were operated by it for the purposes of producing, storing and distributing water or collecting and disposing or treating of sewage, waste water or stormwater run-off;

“premises” includes lands, buildings, houses and any other structure whatsoever;

“prescribed” means prescribed by regulations, rules or orders made under or kept in force by this Act;

“sea-craft” includes floating tanks for the supply of water to any sea vessels;

“service” means a conduit made for the purpose of conveying water from the water works to any tenement, for the exclusive use of the owner or occupier thereof, or for any use or purpose within the same tenement;

“spring” means water existing or flowing naturally underground, continually or from time to time, whether the said water escapes or flows on the surface or not;

“stormwater run-off” shall include rainwater which is not absorbed by the ground or which does not evaporate and which is not collected in cisterns;

“tenement” includes any part of a tenement provided with a constant supply, normally metered separately;

“trade effluent” means any liquid (either with or without particles of matter in suspension or dissolved in it) other than surface water and domestic sewage, which is discharged from premises used for carrying on any commercial or industrial activity;

“trade premises” means any land or building, used partly or in whole for the purpose of undertaking any commercial or industrial activity. For the purpose of this definition, it also means any premises wholly or mainly used (whether for profit or not) for agriculture or horticultural purposes or for scientific research or experiment;

“watercourse” means any ditch, valley, ravine, gutter, channel or pipe, through or along which spring or surface water flows continually or from time to time;

“water fittings” includes pipes other than mains, taps, cocks, valves, ferrules, meters, cisterns, baths, water closets, and other similar apparatus used in connection with the supply and use of water;

“water pump” means any mechanical device for the purpose of raising, boosting and/or circulating water from any source or place whatsoever; and a water pump shall be deemed to have been installed on a site when its component parts have been assembled as to be reasonably deemed to be in a condition to raise, boost, and/or circulate water from any source or place whatsoever and “installation” shall be construed accordingly;

“water resources” means water which for the time being is:—

- (a) contained in any mains or service;
- (b) inland water as is situated therein such as ponds or reservoirs; and
- (c) any underground strata, including water for the time being contained in a well, borehole or similar work or in any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from those strata;

“waterworks” means all collecting areas, conduits (except all such conduits as are “services” within the meaning of this Act), cisterns, wells, galleries, dams, weirs, machines, pumps, valves, sluices, and other appliances which are used or intended to be used for obtaining, pumping, raising, collecting, processing, desalination, polishing, storing or conveying water which is to be supplied or distributed; and includes those works in which water is received or contained or by which water is conveyed, supplied or distributed;

“wholesome water” means water the quality of which is in accordance with standards set by the Department of Health in the light of circumstances prevailing at the time.

(2) Any reference in this Act to regulations, rules or orders made under this Act shall include a reference to regulations, rules or orders kept in force by this Act.

PART II

Constitution, Functions and Composition of the Water Services Corporation

3. (1) There is hereby established a corporation to be known as the Water Services Corporation.

Establishment
and functions
of the
Water Services
Corporation.

(2) Subject to the provisions of this Act the Corporation shall have the sole and exclusive authority:—

(a) to acquire, produce, keep, distribute, sell, export or otherwise dispose of water (other than bottled table water) for domestic, commercial, industrial or other purposes;

(b) to conserve, augment and operate water resources and sources of water supply;

(c) to undertake and perform such other functions relating to water conservation, supply and distribution as it may deem appropriate;

(d) to provide for the treatment and for the disposal or re-use, as appropriate, of sewage and waste water;

(e) to provide as appropriate for the use of stormwater run-off from urban and rural areas.

(3) Subject to the provisions of this Act, it shall be the duty of the Corporation:—

(a) to develop, maintain and promote a safe and efficient production and distribution system in order to satisfy, as economically as possible, all reasonable demands for water;

(b) to determine the short-term and long-term objectives of the Corporation in relation to water supply, disposal and re-use and to develop the necessary strategy and policies to reach these objectives;

(c) (i) to provide, improve and extend such a system of public sewers and to cleanse and maintain these sewers so as to ensure that the drainage system operates and continues to operate safely and effectively;

(ii) to make provisions for the operation of these sewers and such further provisions as are necessary from time to time for effectively dealing with the contents of these sewers by means of sewage treatment and disposal works or otherwise;

(d) to have regard in performing its duty under this subsection of the need to provide for the treatment and disposal or otherwise of trade effluent;

(e) to promote the proper disposal of waste water and stormwater run-off;

(f) to consider and advise any minister on any matter relating to the formulation of an overall national policy for water and on all matters relating to any of its functions under this Act;

(g) to manage and operate all undertakings and other installations and all property, transferred to and vested in the Corporation by virtue of this Act or otherwise acquired by the Board for the purposes of any of its functions;

(h) to hold and administer and, if and when it thinks fit, to realise any assets it may hold from time to time;

(i) to promote the reasonable use of water and encourage the conservation and appropriate re-use of water resources;

(j) to carry out tests and to make regulations relating to water fittings for the purpose of preventing the waste, undue consumption, misuse, erroneous measurement or contamination of water;

(k) to provide training courses and other schemes in connection with the furthering of the science and technology of water management;

(l) to collaborate with other local organisations in placing and coordinating services including water purification, electrical power, telecommunications, road services, agriculture and industry; and

(m) to promote and undertake alone or in collaboration with other institutions, the research and development of new technology and new ideas in the production and treatment of water, in distribution and disposal networks, water desalination and polishing, sewage treatment disposal and re-use, plant, transport and equipment, water resources management and water catchment management.

(4) For the purpose of any of its functions, the Corporation may, subject to the provisions of this Act:—

(a) acquire, construct, reconstruct, maintain and operate any installation;

(b) acquire any property which the Corporation considers necessary or expedient for the purposes of constructing, extending or maintaining any installation or otherwise carrying out its functions under this Act;

(c) do all acts and things necessary for the purpose of carrying out its functions under this Act: provided that the opening and breaking up of the surface of any street for any of the purposes aforesaid shall not be undertaken without the approval of the Director of Works;

(d) carry on, whether as principal or as agent or as a contractor, or in collaboration with any other person or persons, all such other activities as may appear to the Corporation requisite, advantageous or convenient to be carried out for or in connection with the performance of any of its functions under this Act or in order to make the best use of the assets of the Corporation;

(e) make regulations and orders in accordance with the provisions of this Act;

(f) exercise any other power vested in it by this Act or otherwise.

(5) In carrying out any of its functions under this Act, or any other thing or activity, the Corporation shall conform its policies and activities with the aims and objectives of national economic planning from time to time in force.

4. (1) The Corporation shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property or rights for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are conducive or incidental to the exercise or performance of its functions under this Act.

Legal personality
and
representation
of the
Corporation.

(2) The legal representation of the Corporation shall vest in the Chairman or in such other member or members of the Board of Directors as the Board may by resolution designate. Any such resolution shall be published in the Government Gazette as soon as may be after approval and shall not have effect until it is so published:

Provided that the Board may delegate any of its powers to any of its members or to any of its officers or servants and may authorise any such person to appear on any contract, deed or other instrument for or on behalf of the Corporation and to sign for or on its behalf any such contract, deed or instrument, as well as any other document, including cheques and bills of exchange and the Board may also ratify and accept any thing done for and on its behalf without such authority.

Establishment
and composition
of the Board.

5. (1) There shall be a Board of the Corporation, hereinafter referred to as the Board, which shall be responsible for the formulation of the policy of the Corporation and to whom the Chief Executive shall be responsible for the general administration of the affairs and business of the Corporation.

(2) The Board shall consist of not more than nine members. One of the members shall be elected by secret ballot by and from amongst the employees of the Corporation who are eligible to vote in accordance with regulations made under section 6 of this Act; the other members of the Board, hereinafter referred to as the appointed members, shall be appointed by the Minister.

(3) The Minister shall designate one of the appointed members as Chairman and another such member as Deputy Chairman. The Deputy Chairman shall have all the powers and perform all the functions of the Chairman during his absence or until a new Chairman has been appointed following the resignation, termination of appointment or death of the Chairman.

(4) The Chairman and all the other appointed members of the Board shall be appointed by the Minister from amongst persons, appearing to him to have had experience, and shown capacity, in matters relating to water technology, or water or waste water management, or the organisation of workers, or of finance or administration, and after having taken regard of their experience and familiarity with the requirements and circumstances of agriculture, industry, commerce and tourism and with matters related to the conservation of the environment and the development of public amenities.

The members shall receive out of the funds of the Corporation such remuneration as the Minister may from time to time determine.

(5) Subject to the provisions of this Act, and to any directions of the Board, the executive conduct of the Corporation, its administration and organisation and the administrative control of its officers and other employees shall be the responsibility of the Chief Executive of the Corporation, who shall also have such other powers as may from time to time be delegated to him by the Board.

The Chief Executive shall be notified of and shall have the right to attend and be heard at all meetings of the Board. He shall not, however, have a vote or be counted for the purpose of constituting a quorum.

(6) The provisions of the Criminal Code in respect of public officers or servants shall apply to the Members of the Board, the Chief Executive and all other officers and employees of the Corporation.

6. The Minister may make regulations for giving effect to the provisions of this Act regarding the election of the member of the Board to be elected by its employees and in particular but without prejudice to the generality of the provision of the foregoing, any regulation may:—

Regulations regarding elections.

(a) provide for holding the elections, and for the conduct and supervision thereof;

(b) prescribe the category of workers who may or may not vote or stand for election to the Board;

(c) determine the period for which a worker shall be so elected;

(d) prescribe the circumstances wherein a member shall vacate his office;

(e) determine the time for holding an election after a vacancy;

(f) prescribe anything in respect of any other matter relating to such election as the Minister may deem necessary or expedient.

7. Subject to the provisions of sections 8 and 10 of this Act, the appointed members of the Board shall hold office for such period and on such terms and conditions as the Minister may deem appropriate; and a member shall, on ceasing to be a member, be eligible for reappointment or re-election as the case may be:

Duration of appointment to the Board of Directors.

Provided that the Minister may at any time terminate the appointment of any appointed member of the Board if, in his opinion, such member is unfit to continue in office or has become incapable of properly performing his duties as a member of the Board or fails to attend the meetings of the Board without reasonable cause for at least three successive meetings.

8. A person shall be disqualified for appointment or election to, or for remaining a member of, the Board if he:—

Disqualification from being a member of the Board of Directors.

(a) is a member of the House of Representatives, or

(b) is legally incapacitated, or

(c) under the law of any country has been adjudged bankrupt or has made a composition or arrangement with his creditors, or

(d) has been convicted of a crime affecting public trust or theft or fraud or of knowingly receiving property obtained by theft or fraud, or

(e) has any financial or other interest in any enterprise or activity as is likely to affect prejudicially the discharge by him of his functions as a member of the Board.

Temporary retirement from sittings of the Board.

9. Any member who has a direct or indirect interest in any contract made or proposed to be made by the Corporation, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge, and after the disclosure has been recorded in the minutes of the Board, that member shall withdraw from any meeting at which such contract is discussed or decided on by the Board.

Resignation from the Board and publication of appointment and termination of office.

10. (1) A member of the Board may resign his office by letter addressed to the Minister.

(2) The appointment or election of any person as member of the Board and the termination of office of any such member shall be notified in the Government Gazette.

Meetings of the Board.

11. (1) (a) The Board shall meet as often as may be necessary or expedient, but in no case less frequently than once every three months. The meetings of the Board shall be called by the Chairman either on his own initiative or at the request of any two of the other members.

(b) Without prejudice to the other requirements of this Act no decision shall be valid which is not supported by at least two members of the Board or which is taken at a meeting of the Board at which the Chairman, or in his absence the Deputy Chairman, is not present.

(2) Half the number of members for the time being constituting the Board shall form a quorum at any meeting. Decisions shall be adopted by a simple majority of the votes of members present. In the event of an equality of votes, the Chairman, or in his absence the Deputy Chairman, shall have and exercise a second or casting vote.

(3) Minutes must be kept of the proceedings of the Board and of any committee thereof.

(4) Subject to the provisions of this Act, the Board may regulate its own procedure.

Validity of the acts of the Board.

12. (1) Subject to the provisions of section 11 of this Act, no act or proceeding of the Board shall be invalidated merely by reason of any vacancy among the members.

(2) All acts done by any person acting in good faith as a member of the Board shall be valid as if he were a member, notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Board shall be questioned on the ground of the contravention by a member of the provisions of section 9 of this Act.

13. Subject to the provisions of the Constitution and of any other enactment applicable thereto, the appointment of officials and other employees of the Corporation shall be made by the Board. The terms and conditions of employment shall be comparable with those of employees in the service of the Government and shall be established by the Board with the concurrence of the Minister.

Staff appointments.

Nothing in this section shall be construed as precluding the establishment, by the Corporation with the approval of the Minister given after consultation with the Minister responsible for finance, of schemes of incentives related to productivity or performance.

14. The Corporation shall make provision for improving the skill of persons employed by it and in doing so shall comply with any scheme for training and education in force under paragraph (k) of subsection (3) of section 3 of this Act.

Improving the skills of employees.

15. The Minister may in relation to matters that appear to him to affect the public interest, from time to time give to the Board directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Corporation by or under this Act, and the Board shall give effect to all such directions as soon as practicable.

Powers of the Minister in relation to the Board.

16. The Board shall afford to the Minister facilities for obtaining information with respect to the property and activities or prospective activities of the Corporation and furnish him with returns, accounts and other information with respect thereto, and afford him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

Duties of the Board towards the Minister.

17. The Corporation shall be exempt from any liability for the payment of customs duty and stamp duty under any law for the time being in force.

Exemption from taxation.

18. (1) (a) Subject to the provisions of this Act and to any directions given thereunder, the Corporation shall, in so far as it is able to do so:—

Duties of the Corporation in relation to the supply of water.

(i) supply water to such persons, in such manner and under such conditions as, in the opinion of the Board, are calculated to satisfy reasonable demands for water;

(ii) take such steps from time to time as may be necessary for ascertaining the sufficiency, pressure and wholesomeness of water supplies;

(iii) take all such actions as it may from time to time consider necessary or expedient for the purpose of conserving, redistributing or otherwise augmenting water resources and of securing the proper use of water resources.

(b) The reference in this subsection to action for the purpose of augmenting water resources includes a reference to action for the purpose of treating salt water by any process for removing salt or other impurities, or making use of the most appropriate technology for supplementing the natural water resources.

(2) With the authority of the appropriate Minister, the Corporation shall have the right, in order to maintain or to improve the water supply of these islands, to enter upon and survey any land, to inspect any well and to cause the sinking of bores or other works for the purpose of ascertaining the nature of the subsoil or the presence, quality or quantity of underground water in it and to cause the sinking of shafts in and the driving of subterranean galleries through the lands of any person by such means as may seem to it best suited for the purpose. The Corporation shall in the exercise of the rights under this subsection make good any damages it may cause to third parties.

(3) The Corporation must, subject to the provisions of this Act and with the approval of the Minister, provide technical assistance to owners of tenements desirous of sinking wells, driving galleries, constructing conduits or otherwise improving the water supply in their tenements.

(4) (a) The Corporation may reduce as it thinks fit the quantity of water supplied to any consumer, if, by reason of any unforeseen circumstances beyond the control of the Board, it appears that the supply of water is insufficient to enable the full quantity to be conveniently supplied.

(b) Where:—

(i) the supply of water to specified premises is insufficient or unwholesome to the extent of causing a danger to health, and

(ii) a supply of wholesome water by the Corporation for domestic purposes is required for these premises and it is not practicable to provide such a supply in pipes, but is practicable to provide such a supply otherwise, at a reasonable cost,

it shall be the duty of the Corporation to provide a supply of wholesome water otherwise than in pipes for domestic purposes to those premises.

(c) Where the quantity of water supplied has been reduced as aforesaid in this section, no liability shall be incurred by the Corporation in respect of any loss or damage caused by such reduction.

19. Subject to the provisions of this Act and to any directions given thereunder, the Corporation shall in so far as it is able so to do:—

Duties of the Corporation in relation to the provision of sewage services.

(a) provide a public sewer system to be used for the drainage of domestic sewage;

(b) take such steps from time to time as may be necessary for ascertaining the cleanliness, safety and efficiency of public sewers;

(c) take all actions as it may from time to time consider necessary or expedient for augmenting and improving the means of disposal and the ways of treating the contents of public sewers;

(d) take such steps from time to time as may be necessary for ensuring the safe discharge, reception, treatment and disposal of trade effluent;

(e) take all actions as it may from time to time consider necessary to encourage the re-use of treated effluent;

(f) to carry out tests and to make regulations relating to waste and sewage connections for the purpose of ensuring the proper and fit disposal of waste water and sewage;

(g) take all actions necessary or expedient to re-use stormwater run-off as appropriate.

20. (1) Where written complaint is made to the Minister that the Corporation has failed —

Default powers.

(a) to give an adequate supply of water, either as respects quantity or quality, or to give any supply which it has been lawfully required to give; or

(b) to take such steps as are reasonably practicable for the purpose of remedying any such failure; or

(c) to do anything which it is required to do by or under this Act;

and where the Minister is of the opinion that an investigation should be made as to whether the Corporation has failed in any of these matters, he may cause an inquiry to be held into the matter.

(2) If after such an inquiry has been held it appears to the Minister that there has been such a failure, as is referred to in subsection (1) of this section, he may make an order declaring the Corporation to be in default and directing it to remedy the default and to discharge such of its functions in such manner and within such time or times as may be specified in the order.

21. (1) The Corporation shall not be liable for any damage to any person or any property relating to installation of the supply of water which may be due to unavoidable accident, fair wear and tear or to unauthorised connection of water fittings or to defects in any installation not provided by the Corporation.

Limits of Liability.

(2) Without prejudice to the provisions of subsection (2) of section 18, the Corporation is not liable, in the absence of negligence and subject to the provisions of this Act, for any nuisance or any damage attributable to the performance of a duty imposed by this Act.

(3) The Corporation is not liable in particular for any nuisance or damage caused by flooding arising from the action of naturally occurring storms, groundwater or the action of the sea.

The Corporation
and Enemalta.

22. (1) The provisions of the Schedule of this Act shall have effect with respect to the operation by the Corporation of meter-reading, account keeping and bill collecting service common to, and in the joint interest of, the Corporation and Enemalta and to the exercise and performance by the Corporation on behalf of Enemalta of such functions as are or as may from time to time be lawfully vested in relation to the acts and matters specified in paragraph 1 of the said Schedule.

(2) If, after consultation with the Corporation and with Enemalta, the Minister is satisfied that it is no longer necessary or expedient for such joint service to be maintained as aforesaid, he may by order revoke the Schedule to this Act, and any agreement entered into between the Corporation and Enemalta in pursuance of paragraph 6 of that Schedule or kept in force under this Act as if it had been so entered into (hereinafter in this section referred to as "the agreement") shall thereupon cease to have effect.

(3) The Minister may from time to time, with the concurrence of the Corporation and of Enemalta, by order vary the provisions of the Schedule to this Act to such extent and in such manner as the Minister may determine; and as from such date on which any such order comes into force the provisions of the agreement shall have effect subject to such modifications as may be necessary to prevent any inconsistency between the provisions of the agreement and the provisions of the said Schedule as varied by such order.

(4) Any order made under this section may contain such transitorial, supplementary and incidental provisions as the Minister, after consultation with, or with the concurrence of the Corporation and Enemalta, may deem to be necessary or expedient for the purpose of the order.

PART III

Financial provisions

Power to
borrow or
raise capital.

23. (1) The Corporation may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, secure or raise money by debentures, debenture stock, or other security, for any one or more of the following purposes of the Corporation:—

(a) the provision of working capital;

(b) the carrying out of the functions of the Corporation under this Act;

(c) the provision of capital for the expansion of and addition to the fixed assets of the Corporation;

(d) the redemption of any debentures or debenture stock or other security that the Corporation is required or entitled to redeem;

(e) any other expenditure properly chargeable to capital account.

(2) The Corporation may, from time to time, borrow by way of overdraft or otherwise, for periods not exceeding twelve months, such sums as the Board may require for carrying out its functions under this Act:

Provided that for any amount in excess of two hundred thousand Maltese liri, there shall be required the approval in writing of the Minister.

24. (1) Whenever it may be necessary for the Corporation to borrow by way of advances from the Government any sums which may be required for carrying out any of the functions of the Corporation under this Act, the Minister responsible for finance after consultation with the Minister may, by warrant under his hand and without further appropriation other than this Act, authorise the Accountant General to make advances to the Corporation either out of the proceeds of any loan contracted or raised for the purpose or out of the Consolidated Fund; and such advances shall be made on such terms and conditions as the Minister responsible for finance may direct.

Borrowing
by advances
from the
Government.

(2) The Minister responsible for finance may, for any of the requirements of the Corporation of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sum due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(3) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this section shall be given to the House of Representatives as soon as practicable.

(4) Pending the raising of any such loan as is mentioned in subsection (2) of this section or for the purposes of providing the Corporation with working capital the Minister responsible for finance may, by warrant under his hand and without further appropriation other than this Act, authorise the Accountant General to make advances out of the Treasury Clearance Fund to the Corporation under such terms as shall be specified by the said Minister upon the making thereof.

(5) Sums received by the Accountant General from the Corporation in respect of advances made to the Corporation under subsection (4) of this section shall be paid, as respects amounts received by way of repayment into the Treasury Clearance Fund, and, as respects amounts received by way of interest, into the Consolidated Fund.

Application
of revenue.

25. (1) The revenue of the Corporation for any financial year shall be applied in defraying the following charges:—

(a) the remuneration, fees and allowances of the members of the Board;

(b) the salaries or wages, fees, remuneration, pensions, superannuation allowances, gratuities and other allowances of the officers, employees, agents and technical or other advisers of the Corporation, and payments for the maintenance of any pension scheme or other scheme established under the provisions of this Act, and any payment to the Government on account of pensions or gratuities under section 39 or 40 of this Act;

(c) the establishment and working expenses and expenditure on, or the provision for, the maintenance of any of the installations of the Corporation, and the discharge of the functions of the Corporation properly chargeable to revenue account;

(d) interest on any debentures, debenture stock or other security issued, interest on any overdraft and on any loan, raised or advances received by the Corporation;

(e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or for the repayment of other borrowed money;

(f) such sums as may be deemed appropriate to be set aside in respect of depreciation on the property of the Corporation having regard to the amount set aside out of revenue under paragraph (e) of this subsection;

(g) the payment of any other expenditure approved by the Board and properly chargeable to revenue account.

(2) Subject to such directions as the Minister, after consultation with the Minister responsible for finance, may from time to time give, any excess of revenue over expenditure shall be applied by the Corporation to the creation of reserve funds to finance future expansion of the Corporation; and without prejudice to the generality of the powers given to the Minister by this subsection, any direction given by the Minister as aforesaid, any part of such excess may be transferred to the Government, or may be applied in such manner as may be specified in the direction.

26. Any funds of the Corporation not immediately required to be expended in the meeting of any obligations or the carrying out of any functions of the Corporation may be invested from time to time in such manner as may be approved by the Minister responsible for finance.

Investment
of funds.

27. (1) The fees to be charged by the Corporation for any service or facility provided or for rights made available by it shall be in accordance with such tariffs and schemes as may, from time to time, be prescribed.

Prices, fees
and other
charges by
the Corporation.

(2) Nothing in subsection (1) of this section or in any such tariffs as aforesaid shall prevent the Corporation from charging other fees by special agreement.

(3) In prescribing tariffs and entering into agreements relating to fees to be paid for water, facilities provided or rights made available by it and all related services, the Corporation shall ensure that the fees charged are adequate to provide sufficient revenue in any financial year:—

(a) to cover operating expenses and to make provision for adequate maintenance, for depreciation, for interest payments on borrowings and for other interest payments;

(b) to meet periodic repayments on long term indebtedness to the extent that any such repayments exceed the provision for depreciation; and

(c) to create reserves to finance a reasonable part of the cost of future expansion, being expenses, repayments and reserves incurred or made by the Corporation in the exercise of its functions,

and any such tariffs and agreements shall not give undue preference as between consumers in similar circumstances or discriminating between persons in similar circumstances as to the supply or service provided and any other circumstance which could justify a preferential or discriminatory treatment.

(4) The tariffs to be charged by the Corporation shall be in accordance with such rates as the Corporation, with the approval of the Minister, may from time to time determine.

28. (1) The Corporation shall in every financial year cause to be prepared, and shall not later than six weeks before the end of each such year adopt, estimates of the incomes and expenditure of the Water Services Corporation for the next following financial year.

Estimates of
the Corporation.

(2) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister shall direct.

(3) A copy of the estimates of the Corporation shall upon their adoption by the Board be sent forthwith by the Board to the appropriate Minister together with a report of the activities of the Corporation during the previous financial year.

(4) The Minister shall, at the earliest opportunity and not later than the first sitting of the House after four weeks from the receipt of the copy of the estimates and report of the Corporation referred to in subsection (3) of this section, cause such estimates and report to be laid before the House of Representatives together with a motion that the House approve the said estimates. Not more than two sittings shall be allotted for the debate in the House on such a motion; and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates.

(5) No expenditure shall be made or incurred by the Corporation that has not been approved by the House of Representatives:—

Provided that:—

(a) until the expiration of six months from the beginning of a financial year or until the approval of the estimates for that year by the House, whichever is the earlier date, the Corporation may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister, be incurred in respect of another head or subhead of the estimates;

(c) if in respect of any financial year it is found that the amount approved by the House is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Board may adopt supplementary estimates for approval by the House, and pending such approval may in special circumstances and with the approval of the Minister, incur the relative expenditure; moreover in such case the provisions of this Act applicable to the estimates shall as soon as practicable apply to the supplementary estimates:

Provided further that in respect of the first financial year of the Corporation this section shall apply as if it required the Board to adopt estimates for that year not later than twelve weeks from the appointed day, and as if, until the approval of the estimates for that year by the House, and subject to the total expenditure for that year not exceeding the amount approved by the House, no limits were placed on the power of the Corporation to make or incur expenditure.

(6) All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Government Gazette.

(7) This section shall apply to the first and subsequent financial years.

29. (1) The Corporation shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared an interim statement of account for the second period of six months in respect of each financial year, together with a statement of account covering the whole financial year and giving a true and fair view of its state of affairs. Accounts and audit.

(2) The accounts of the Corporation shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister may require the books and accounts of the Corporation to be audited or examined by the Director of Audit who shall for this purpose have power to carry out such physical checking and other verifications as he may deem necessary.

(3) The interim statement of account in respect of the first period of six months of each financial year, duly audited, shall be adopted by the Board not later than six weeks after the end of such period and shall be transmitted forthwith to the Minister together with a copy of any report made by the auditor or auditors on that statement or on the account of the Corporation.

(4) The statement of account in respect of the second period of six months of each financial year together with the statement of account in respect of the whole financial year, both duly audited, shall be adopted by the Board not later than ten weeks after the end of the financial year and shall be transmitted forthwith to the Minister together with a copy of any report made by the auditor or auditors on those statements or on the accounts of the Corporation.

(5) Before the end of each financial year, the Minister shall cause to be laid on the Table of the House of Representatives, together with the motions laid before the House under section 28 of this Act, a copy of the following:—

(a) the interim statement of account and any report in respect of the first six months of the current financial year;

(b) the statement of account and any report in respect of the second six months of the immediately preceding financial year; and

(c) the statement of account and any report in respect of the immediately preceding full financial year.

30. (1) All moneys of the Corporation accruing from any operations under this Act shall be paid into a bank or banks appointed by resolution of the Board and approved by the Minister. Such money shall as far as practicable, be paid into that bank from day to day, except for such sum as the Board may authorise to be retained to meet petty disbursements and immediate payments. Cash deposits and payments.

(2) All payments out of the funds of the Corporation, except petty disbursements not exceeding a sum to be fixed by the Board, shall be made by such officer or officers of the Corporation as the Board shall appoint or designate for that purpose.

(3) Cheques against or withdrawals from any bank account of the Corporation shall be signed by such officer of the Corporation as may be designated by the Board for that purpose and shall be countersigned by the Chairman or such other member of the Board or other officer of the Corporation as may have been authorised by the Board for that purpose.

(4) The Corporation shall also provide for all matters necessary for the proper keeping and control of its accounts and books and for control of its finances.

Annual Report.

31. The Board shall, not later than six weeks before the end of each financial year, make and transmit to the Minister a report dealing generally with the activities of the Corporation during that year and containing such information relating to the proceedings and policy of the Corporation as the Minister may from time to time require. Such report shall be transmitted to the Minister and laid before the House as provided in section 28 of this Act.

PART IV

Transfer to the Corporation of Government Undertakings

Transfer to the Corporation of public undertakings.

32. (1) With effect from the appointed day all public undertakings shall, by virtue of this Act, and without further assurance, be transferred to, and shall vest in, the Corporation under the same title by which they were held by the Government immediately before that day.

(2) Such transfer shall extend to the whole of such public undertakings and shall include all plant, lands, works and other property movable or immovable, assets, powers, rights, privileges and causes of action held or enjoyed in connection therewith or appertaining thereto.

Construction of existing laws, contracts, etc.

33. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, documents, warrants and working arrangements, subsisting immediately before the appointed day, affecting any of the transferred undertakings shall have full force and effect against or in favour of the Corporation and shall be enforceable as fully and effectually as if, instead of the Government, the Corporation had been named therein or had been a party thereto, as the case may be.

Transitory provisions.

34. (1) Where anything has been commenced by or under the authority of the Government prior to the appointed day and such thing is in relation to any of the transferred undertakings or any right or liability transferred by or under this Act, such thing may be carried on and completed by or under the authority of the Corporation.

(2) Where at the appointed day any legal proceeding is pending to which the Government is a party or is entitled to be a party, and such proceeding has reference to any of the transferred undertakings or any right or liability transferred by or under this Act, the Corporation shall be substituted in such proceeding for the Government or shall be entitled to be so substituted.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of securing and giving full effect to the transfer of any undertaking or any right or liability to the Corporation by or under this Act and may make such orders as may be necessary to make any powers and duties exercised by the Government, in relation to any of the transferred undertakings, exercisable by and on behalf of the Corporation.

35. (1) As soon as practicable after the commencement of this Act, the Board shall create and issue in favour of the Government, in respect of the net value of the assets transferred to the Board by the Government under the provisions of this Act, permanent debenture stock bearing interest at six per centum a year payable at such times and under such conditions as shall be agreed to between the Government and the Board.

Creation of permanent debenture stock in favour of the Government.

(2) The said net value shall be agreed upon between the Government and the Board.

PART V

Officers and Other Employees of the Corporation

36. The Corporation shall appoint and employ at such remuneration and upon such terms and conditions as it may, in accordance with section 13 of this Act, determine, such officers and other employees as may from time to time be necessary for the due and efficient discharge of its functions:

Appointment and functions of Chief Executive and of other officers and employees of the Corporation.

Provided that the Chief Executive shall be selected and appointed with the approval of the Minister.

37. (1) Subject to the approval of the Minister, and so far as consistent with the provisions of this Part relating to public officers who accept permanent employment with the Corporation and to other Government employees transferred to the service of the Corporation, the Corporation may establish a scheme or schemes for the payment of superannuation allowances, pensions or gratuities to officers and employees of the Corporation who retire from its service or otherwise cease to hold office with it by reason of age, or of infirmity of body or mind, or of abolition of office.

Superannuation schemes, etc. for officers and employees of the Corporation.

(2) No assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no pension, gratuity or other allowance granted under any such scheme to any person who has been employed by the Corporation, shall be assignable or transferable, or liable to be attached or seized for or in respect of any debt or claim whatsoever, other than a debt due to the Corporation.

Detailing of
public officers
for duty
with the
Corporation.

38. (1) Such public officers, employed in the Water Works Department or such other departments of Government whose functions are from time to time transferred to the Corporation, immediately before the coming into force of this section in relation to such department, as the Prime Minister shall direct, shall as from the date specified in the direction, be detailed for duty with the Corporation in such capacity as may be specified in the Prime Minister's direction.

(2) Any direction given by the Prime Minister before the date of the coming into force of this section for the purpose of detailing any such officers as aforesaid for duty with the Corporation as aforesaid shall be of the same effect and validity as it would have had, had such direction been given after such date.

(3) The Prime Minister may also, at the request of the Corporation, from time to time direct that any public officer shall be detailed for duty with the Corporation in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(4) The period during which a direction given under the preceding provisions of this section shall apply to any officer specified therein, shall, unless the officer dies, or retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events, that is to say:—

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with the Corporation made in accordance with the provisions of section 40 of this Act; or

(b) the revocation of such direction by the Prime Minister, in relation to such officer.

(5) Where a direction given by the Prime Minister under any of the subsections (1), (2) or (3) hereof is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Corporation in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of subsection (4) of this section shall thereupon apply to the period of duration of any such further direction in relation to such officer.

Status of public
officers detailed
for duty with the
Corporation.

39. (1) Where any officer is detailed for duty with the Corporation by any direction given under the provisions of section 38 of this Act, such officer shall, during the time in which such direction has effect in relation to him be under the administrative authority and control of the Corporation but he shall for all other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:—

(a) shall not during the time in respect of which he is so detailed:—

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

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

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

Cap. 93.
Cap. 58.

(3) Where an application is made as provided in subparagraph (i) of paragraph (a) of subsection (2) of this section the same consideration shall be given thereto as if the applicant had not been detailed for service with the Corporation.

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

40. (1) The Corporation may, with the approval of the Prime Minister and upon such terms and conditions in accordance with section 13 of this Act, offer to any officer detailed for duty with the Corporation under any of the provisions of section 38 of this Act permanent employment with the Corporation at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

Offer of permanent employment with the Corporation to public officers detailed for duty with the Corporation.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister, offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Corporation offered to him under the provisions of subsection (1) of this section shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Corporation on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Corporation shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Corporation was a contributor under the Widows' and Orphans' Pensions Act shall continue to benefit thereunder to all intents as if his service with the Corporation were service with the Government.

(5) The Corporation shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Corporation as aforesaid during the period commencing on the date of such officer's acceptance.

PART VI

Contracts and Power to Acquire or Dispose of Property

Contracts of supply or works.

41. Except with the approval of the Minister granted for special reasons, the Corporation shall not enter into any contract for the supply of goods or materials or for the execution of works which is estimated by the Board to exceed three thousand liri in value or such other sum as the Minister may with the concurrence of the Minister responsible for finance by notice determine, unless after notice of the intention of the Corporation to enter into the contract has been published and competitive tenders have been issued.

Power to acquire and dispose of property.

42. (1) Subject to the provisions of the last preceding section the Corporation may for the purpose of the due and efficient discharge of its functions under this Act —

(a) purchase or otherwise acquire and hold any movable property and dispose of any such property; and

(b) purchase or otherwise acquire and hold any lands or other immovable property or interest therein and take any such property on lease or on any other title whatsoever.

(2) The Corporation may, with the written authority of the Prime Minister, alienate or hypothecate any lands or other immovable property or interest therein vested in the Corporation by this Act or otherwise acquired by the Corporation and may also, with the consent of the Minister, grant a lease of such lands or property for any period.

PART VII

Miscellaneous Provisions

43. (1) (a) Subject to the provisions of this Act, no person shall in Malta, except for or on behalf of the Corporation, or by agreement or in pursuance of arrangements with the Corporation or under a licence from the Corporation, or in accordance with regulations made under this Act —

Licences for the supply, sale etc. of water, water pumps and other apparatus related to the supply of water.

(i) pump water, or do any work or install any apparatus or other thing intended for the manufacture, desalination, polishing, treatment, including provision, storage and distribution of water; provided that nothing contained in this Act shall prevent the construction of cisterns for the purpose of conserving surface water;

(ii) acquire, manufacture, keep, store, distribute, sell, hawk, export or otherwise dispose of water for the purpose of sale or water supply;

(iii) make, buy or otherwise acquire, sell or otherwise dispose of or have in his possession or under his control any water pump or any apparatus related to the production, supply or distribution of water; and no person shall sell or in any other way dispose of any such apparatus to any person who has not obtained a licence for buying or otherwise acquiring such apparatus;

(iv) sink any well, or bore any hole, or dig any trench in any irrigation area without the permission of the Corporation, for the purpose of obtaining underground water, or carry out any work whatever which reduces or interferes with the Corporation's supply of water;

(v) consume or dispose of water supplied to him by the Corporation for purposes other than that for which it is supplied;

(vi) dispose of sewage, waste water or stormwater run-off except in the manner prescribed by the Corporation;

(vii) in any other manner encroach upon the exclusive rights vested in the Corporation by section 3 of this Act.

(b) The provisions of subparagraphs (i) to (iii) of paragraph (a) do not apply to bottled table water.

(2) Any person who, without lawful excuse, contravenes or fails to comply with any provision of this section shall be guilty of an offence against this Act.

44. (1) (a) The Corporation may, in its discretion and under such terms and conditions as it may deem appropriate, grant a licence in writing to any person —

Grant of licences by the Corporation and other arrangements.

(i) for the manufacture, provision and storage and supply of water either for the sole use of such person or that of such other persons, whether specified by name or by reference to any area or locality, as may be permitted by the Corporation;

(ii) for the acquisition, manufacture, provision, storage, distribution, sale, exportation or other disposal of water or for any one or more of any such activities, including, but without prejudice to the generality of the aforesaid, the construction or erection of cisterns, or other structures or of water pumps or other devices and apparatus for the manufacture, desalination, treatment, polishing, storage, supply, sale or distribution of water;

(iii) for the manufacture, purchase or acquisition, sale or disposal of, possession of or control over any water pump or any other apparatus related to the production, supply or distribution of water;

(iv) to discharge or otherwise dispose of trade effluent as directed by the Corporation and after such treatment as the Corporation may deem necessary;

(v) to dispose of stormwater run-off to water courses or water bodies as directed by the Corporation and after such treatment as the Corporation may deem necessary,

and may attach to any licence as aforesaid such terms and conditions as it thinks fit and may also make any arrangements and enter into any agreement with any person for any of the purposes aforesaid, or otherwise in connection with any of its functions under this Act, as it may deem appropriate or expedient.

(b) The provisions of subparagraphs (i) to (iii) of paragraph (a) do not apply to bottled table water.

(2) Licences issued under subsection (1) of this section and any terms and conditions, arrangements or agreements made thereunder, shall, subject to their renewal, be valid for such period for which they are granted, made or renewed:

Provided that if no period of validity is so specified, any such licence, arrangement or agreement shall be valid until the 31st December of the year in which they are granted, made or renewed.

(3) There shall be payable on the issue and renewal of any licence under this section such fees as may be prescribed.

(4) A licence issued under this section, and terms and conditions thereof, and any arrangement or agreement to which the proviso to subsection (2) of this section applies, may at any time be suspended or revoked by the Corporation with the concurrence of the Minister, if circumstances exist which, in the opinion of the

Corporation, any such licence, arrangement or agreement should be suspended or revoked. Any such suspension or revocation shall be without prejudice to any liability which the holder of the licence may have incurred under this or any other law.

(5) Where a person acts in breach of any term or condition of a licence granted by, or of an arrangement or other agreement made with the Corporation, he shall be deemed to have acted without such a licence, arrangement or agreement.

(6) The issue of a licence by, or the making of any arrangement or agreement with the Corporation shall not exempt any person from the requirements of any other law.

45. The Corporation may, with the approval of the Minister, make regulations not inconsistent with the provisions of this Act to prescribe:—

Power to
make regulations.

(a) the duties of any officers of the Corporation appointed under section 36 of this Act for the purpose of carrying out inspections, the intervals, times and manner in which any installation, apparatus or other property of the Corporation shall be inspected, and the notice (if any) to be given in relation to inspections;

(b) the conditions under which any installation, apparatus, materials, fittings and other property of the Corporation shall be installed, operated, maintained, protected, controlled or in any way safeguarded, the manner of laying safely and the prohibition of the use of any dangerous installation, apparatus or fittings;

(c) the conditions on which, the manner in which, the time at which and the quantity in which water is to be supplied;

(d) the conditions in respect of the use of water pumps and any apparatus used in the production, manufacture and distribution of water and in respect of the sinking, excavation, enlargement or modification and use of wells;

(e) provisions applying to the sinking of wells, and the use of wells and water pumps in water controlled areas;

(f) the conditions under which money advances may be made to owners of tenements desirous of sinking wells, driving galleries, constructing conduits, or otherwise improving the water supply in their tenements;

(g) the standards to be adopted for measurement of dimensions of installations and apparatus, and the manner in which water supplied shall be measured;

(h) the conditions on which the supply of water may be turned off or restricted;

(i) any tariff of fees, rent, and charges which may be or are required to be prescribed by or under the provisions of this Act, or of any regulations made thereunder and the time, place and manner for the payment of such fees, rent, or charges and the mode of collecting thereof;

(j) the qualifications to be possessed by persons before they may be entrusted with the construction, laying, repair, alteration or control of any apparatus, fittings or installations and the nature of the tests to be employed for ascertaining whether persons possess such qualifications;

(k) the measures to be taken, the nature and quality of materials and the fittings to be supplied and used in connection with installations in order to secure public safety and private safety;

(l) the quality, design and workmanship standards required in all connections to sewers, waste water or stormwater run-off systems owned by the Corporation;

(m) the methods to be adopted for the provisions of services by the Corporation, the security to be furnished by persons who wish to avail themselves of such services, the conditions for the discontinuance of such services in cases where the requirements of this Act or of any regulation made thereunder is not complied with, or where a person is in arrears of his payments of any proper prices, charges or fees or uses defective apparatus, instruments or fittings, and also in other cases where such discontinuance may be deemed necessary or advisable;

(n) the terms and conditions under which Departments of the Government or public bodies or authorities may have, jointly with the Corporation, facilities in respect of which the Corporation has exclusive rights as provided under section 3 of this Act;

(o) such matters in connection with the issue of debentures or debenture stock under this Act as the Board may deem it necessary or expedient to prescribe, and, in particular, for regulating the method of issue, transfer, redemption, or other dealing with such debentures or debenture stock;

(p) any matter relating to any activity, function or other thing in respect of which the Corporation is the exclusive authority or in respect of which a licence of, or an agreement or arrangement with the Corporation is required by this Act, including the terms and conditions under which any such activity or function may be performed, or any exemption may be made or given, and such other matter as may be necessary or expedient to be provided for in relation to any of the aforesaid matters;

(q) the penalties, being not more than a fine (*multa*) of ten thousand Maltese liri, to which a person committing an offence against this Act or contravening any regulation made under this Act may be liable on conviction;

(r) any other matter which may be or is required to be prescribed by this Act.

46. Any order made under section 22 or under subsection (3) of section 34 of this Act shall be published in the Government Gazette.

Publication of regulations in the Government Gazette.

47. The provisions of this Act shall not apply to any cistern or well in any dwelling house, which is required to be constructed under any law, and the provisions of this Act shall not be deemed to require any licence or permit for the construction and maintenance of any such cistern or well; so however that this section shall not preclude the Corporation from exercising any of its functions and powers under this Act for the purpose of ensuring that water is not wasted or misused and that no damage is caused to the aquifer or elsewhere.

Saving as to domestic wells.

48. The Prime Minister may, by written order under his hand, exempt any person, authority or institution from the provisions of this Act for such time and under such conditions as are set down in such an order, and may by similar order cancel any exemption so given.

Exemption from the provisions of this Act.

49. Any officer of the Corporation, duly authorised by the Board may, at all reasonable times, enter any premises in which any collecting area, spring, well, watercourse, gallery, cistern, conduit or any water, sewer, waste water, fittings or service, apparatus, installation, instrument, plant or accessories are, have been or are to be constructed, laid or installed for the manufacture, desalination, treatment, polishing, provision, storage and distribution of water or for the purposes of providing drainage to the sewers, for the purposes of:—

Power of entry for ascertaining conditions of installations etc.

(a) inspecting any of the items mentioned above and ascertaining whether there be any waste of water from the waterworks, or other thing contrary to the provisions of this Act, or to the regulations made thereunder;

(b) maintaining and, if need be, repairing, altering, or making additions to any of the items mentioned above which is so out of repair as to cause waste of water, or which is defective or wanting in any thing prescribed by this Act or any regulations made thereunder;

(c) ascertaining such data or information as the Board may require in connection with the services given by the Corporation;

(d) removing all or any water fittings or service, apparatus, installation, instrument, plant or accessories belonging to the Corporation, whenever any service provided by the Corporation is no longer required or where the Corporation is authorised by or under this Act to withdraw its services;

(e) the inspection, alteration or repair of any part of the sewers, waste water or stormwater run-off systems owned by the Corporation:

Provided that the Corporation shall repair all damage caused by any such entry, inspection or removal.

Offences relating to precautions in the execution of works.

50. (1) The execution of all work in connection with the services given by the Corporation shall be carried out in such a manner as may be prescribed.

(2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence under this Act.

Offences relating to installations etc., supplied.

51. (1) No person shall use any water or any installation, apparatus, fittings, instrument or their accessories, supplied by the Corporation, or any water supplied for sale or disposal by or on behalf of the Corporation, whether directly or indirectly, for purposes other than that for which it is supplied; and any declaration or clear indication by the Corporation as to the purpose for which any thing as aforesaid has been supplied, shall be conclusive evidence of such purpose.

(2) Any person who contravenes the provision of this section shall be guilty of an offence against this Act.

Other offences.

52. Any person who —

(a) obstructs or impedes any member of the Board or any officer, agent or servant of the Corporation in the exercise of his duties under this Act or under any regulations made under this Act; or

(b) contravenes or fails to comply with any of the provisions of this Act or of any such regulations as aforesaid or any order lawfully given under the provisions of this Act or of such regulations; or

(c) where a licence or other permit is required under the provisions of this Act or under any regulations as aforesaid, for the use of the services or facilities of the Corporation, makes use of such services or facilities without such a licence or permit or contravenes or fails to comply with the conditions of any such licence or permit, shall be guilty of an offence against this Act.

Repeal and savings.

53. (1) Subject to the provisions of this Act, the following enactments, that is to say:—

Cap. 22.

(a) Water Supply Ordinance,

Cap. 105.

(b) Irrigation Ordinance,

Cap. 114.

(c) Underground Water Ordinance,

are hereby repealed.

(2) The repeal of the Ordinances aforesaid shall be without prejudice to anything done or omitted to be done under the said Ordinances. Any punishment incurred in respect of any offence committed against any provisions thereof, and any investigation, legal proceeding or remedy may be instituted, continued or enforced, and any penalty, forfeiture or punishment may be imposed as if that Ordinance had not been repealed.

(3) All regulations, rules or orders and all licences made under, or kept in force under the Ordinances repealed by this Act immediately before such repeal shall, with the necessary modifications, adaptations and limitations, and all regulations, rules or orders made under or kept in force by the Water Supply Regulations, 1948, and in so far as these are not inconsistent with the provisions of this Act, continue in force and have effect as if they had been made or granted under this Act and may be revoked or amended accordingly.

G.N. 133
of 1948.

(4) Any reference in any other law to the "Water Authority", the "Water Board" the "Department of Water" or "the Water Department" shall be construed as a reference to the Water Services Corporation constituted under this Act.

(5) Any licence, permit or other authority granted under any enactment, or any provision thereof, repealed by this Act, and still in force immediately before such repeal, shall continue in force thereafter as if it were a licence issued under this Act, or, as the case may require, and any such licence, permit or authority as aforesaid shall be treated and dealt with accordingly.

SCHEDULE

(Section 22)

Provisions to joint meter-reading, account-keeping and bill collection service and as to the exercise of certain functions by the Water Services Corporation on behalf of Enemalta

1. The Corporation is hereby appointed in the name and on behalf of Enemalta to exercise and perform as fully and effectually in all respects as Enemalta itself all such functions as are or may from time to time be lawfully vested in Enemalta in respect of the acts and matters following namely:—

(a) to demand, require, receive, accept, cancel, waive and generally deal with any suretyship, security, deposit or undertaking in respect of sums due to Enemalta for the supply of electrical energy, meter charge and services (hereinafter in this Schedule referred to as "sums due to Enemalta");

(b) to carry out the reading of meters for the purpose of ascertaining the quantity of electrical energy supplied and, where applicable, the maximum demand;

(c) to keep accounts showing the sums due to Enemalta and to preserve any books or documents relating to or connected with such accounts;

(d) to undertake the computation, service and collection of bills in respect of sums due to Enemalta;

(e) to receive from consumers of electrical energy any notice of:—

(i) intention to discontinue the use of such energy;

or

(ii) the carrying out of alterations to premises or to installations;

(f) to cause the supply of electrical energy to any consumer to be suspended in the case of non-payment of sums due to Enemalta after the expiration of the prescribed period, or of unjustified refusal of access to the premises; and for this purpose to cause the main fuses to be removed or the installation to be disconnected at the mains, whether overhead or underground;

(g) to cause the meter to be removed from the premises in the case of delay in the payment of sums due to Enemalta beyond three months, or earlier if so deemed necessary;

(h) to reconnect the supply and, if necessary, replace the meter after payment of sums due to Enemalta has been made;

(i) to enter upon any premises and to carry out and do therein any Act or thing within the authority of Enemalta;

(j) to assess, by means of such criteria as are within the discretion of Enemalta the consumption of electrical energy in any premises to which entry for the purpose of reading the meters has been refused after reasonable notice has been given;

(k) generally to perform any other Act, incidental or supplementary to the foregoing, which Enemalta, but for the provisions of this Schedule, would have been entitled to perform in relation to and for the purposes of meter-reading, account-keeping and bill collection as applicable to the supply of electrical energy.

2. If any sums due to Enemalta shall not be paid or if any goods or materials belonging to Enemalta are not returned by any consumer of electrical energy, the Corporation may, notwithstanding the provision of section 1986 of the Civil Code, take any legal or other proceeding authorised by law for the recovery thereof in the name and on behalf of Enemalta; and for the purposes of section 466 of the Code of Organisation and Civil Procedure, the Corporation shall be deemed to be acting as a Head of Department in respect of so much of any such proceedings as are taken on behalf of Enemalta.

3. While they are acting within the limits of the powers conferred on the Corporation by or under the provisions of this Schedule, the officers and servants of the Corporation shall, for the purposes of any enactment or regulation containing any reference to the officers and servants of Enemalta, be deemed to be also the officers and servants of Enemalta.

4. The Corporation may, in respect of the accounts of Enemalta and of sums due to Enemalta, continue in force any arrangements entered into with any other Government Department for the computing of bills and keeping of accounts and for the provision of legal or other assistance.

5. Enemalta shall have a right of access to and inspection of the accounts kept by the Corporation in relation to the activities of Enemalta and shall have the right to keep at the offices of the Corporation such number of representatives as may from time to time be agreed between Enemalta and the Corporation.

6. From time to time as occasion may require, Enemalta and the Corporation may by means of a public deed in the acts of the Notary to Government, the terms of which shall first be approved by the Minister, enter into an agreement (hereinafter in this Schedule referred to as "the agreement") regulating all or any of the following matters:—

(a) the access to and inspection of the accounts and the number and powers of the representatives of Enemalta referred to in paragraph 5 of this Schedule;

(b) the consideration (including reimbursement of any expenses and administrative charge properly met or incurred by the Corporation) to be paid to, or to be retained by, the Corporation in respect of the exercise and performance by the Corporation of the functions vested in it by this Schedule;

(c) the periods at which and the manner in which the Corporation shall remit to Enemalta sums collected by the Corporation on behalf of Enemalta or, to the extent that arrangements for set-off are made in the agreement, such balances thereof as are outstanding after any amounts due to the Corporation under the last preceding sub-paragraph have been deducted;

(d) the time and method of exchanging information and of using means of consultation between Enemalta and the Corporation for the better execution in their joint interest of the provisions of this Schedule and of the agreement;

(e) the financial, banking, auditing and administrative procedures to be followed by both sides for the regular and efficient working of the arrangements existing between them including, without prejudice to the generality of the foregoing, the forms to be

used, the documents to be preserved, the books to be kept, the returns to be made, the notices to be given or communicated and the accounts to be rendered;

(f) such other matters incidental and supplementary to the foregoing for which, with the approval of the Minister, they may deem it necessary and expedient to provide.

7. The Minister shall cause a copy of the agreement to be laid on the Table of the House of Representatives.

Passed by the House of Representatives at Sitting No. 572 of the 12th November, 1991.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.