

MALTA

ATT Nru. I ta' l-1987

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

ATT biex ikompli jemenda l-Att ta' l-1982 dwar Indhil Barrani.

ACT No. I of 1987

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Foreign Interference Act, 1982.

Naghti l-kunsens tieghi.

(L.S.)

AGATHA BARBARA
President

27 ta' Jannar, 1987

ATT Nru. I ta' l-1987

ATT biex ikompli jemenda l-Att ta' l-1982 dwar Indhil Barrani

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1987 li jemenda l-Att dwar Indhil Barrani, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1982 dwar Indhil Barrani, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu
fil-qosor.

Att XI ta'
l-1982

2. Minflok it-*Titolu* ta' l-Att prinċipali għandu jidhol dan li ġej:

Sostituzzjoni
tat-*Titolu*
ta' l-Att
prinċipali.

"ATT biex jirregola l-limitazzjonijiet fuq l-attivitajiet politiċi ta' barranin, u dan skond l-Artikolu 16 tal-Konvenzjoni ta' Ruma (1950) għall-Protezzjoni tad-Drittijiet tal-Bniedem u Libertajiet Fundamentali."

3. Minflok l-artikolu 2 ta' l-Att prinċipali għandu jidhol dan li ġej:-

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

"2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra —

"agent intermedjarju" tfisser kull persuna jew grupp ta' persuni illi, minkejja l-għanijiet mistqarra tagħhom, ikunu involuti f'attività politika, u tinkludi kull ċittadin ta' Malta li jkun residenti barra minn Malta li jaġixxi b'dan il-mod;

"Awtorità tax-Xandir" tfisser l-Awtorità tax-Xandir imwaqfa bl-artikolu 118 tal-Kostituzzjoni;

"barrani" meta tirreferi għal individwu tfisser persuna li ma tkunx ċittadin ta' Malta; meta tirreferi għal għaqda ta' persuni, jkun liema jkun il-mod ta' kostituzzjoni ġuridika, tfisser kull għaqda ta' persuni bħal din li tkun direttament jew indirettament kontrollata minn persuni li ma jkunux ċit-

tadini ta' Malta, u tinkludi kull Stat jew Gvern; u meta tirreferi ghal xandira tfisser kull xandira bhal din imxandra minn stazzjon jew stallazzjoni li jkunu jinsabu barra mit-territorju ta' Malta u li ma tkunx awtorizzata mill-Awtorità tax-Xandir;

“Kumitat ta' Kontroll” tfisser il-Kumitat imwaqqaf taht dan l-Att;

“Malta” ghandha t-tifsira mogħtija lilha fl-artikolu 124 tal-Kostituzzjoni;

“Ministru” tfisser il-Ministru responsabbli għall-affarijiet barranin;

“persuna” tinkludi kull partit politiku, u kull organizzazzjoni politika jew xort'ohra, istituzzjoni jew ghaqda li tkun;

“politiku” fejn ma tirriferix ghal partit, persuna, każin jew istituzzjoni simili ghandha tifsira ristretta ghal materji konnessi ma' l-elezzjonijiet f'Malta, jew li jistgħu ragonevolment jitqiesu li jinfluwenzaw dawn l-elezzjonijiet, u materji konnessi ma' l-affarijiet interni jew barranin ta' Malta;

“programm” tinkludi reklam;

“xandira” tfisser xandira b'telegrafija mingħajr fili jew bil-fili jew bit-tnejn, u tinkludi xandira kemm ta' smiegh kif ukoll ta' televiżjoni.”

Sostituzzjoni ta' l-artikolu 3 ta' l-Att prinċipali.

4. Minflok l-artikolu 3 ta' l-Att prinċipali għandu jidhol dan li ġej:
- “Attivitajiet ristretti.”
3. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, ebda barrani ma jista' jwettaq, jagħmel, iżomm, jiehu parti fi, jgħin jew jassisti, jew jippermetti, xi attività ristretta f'Malta.
- (2) Għall-finijiet ta' dan l-Att, “attività ristretta” tfisser —

(a) kull attività, jew parteċipazzjoni f'xi attività, ta' xorta politika jew li jkollha għan politiku f'kull żmien waqt il-perjodu li jibda minn disa' xhur qabel id-data meta l-Parlament kien ikun, sakemm ma jkunx gie xolt qabel, xolt bis-sahha tas-subartikolu (2) ta' l-artikolu 76 tal-Kostituzzjoni u d-data tal-pubblikazzjoni tar-riżultati ta' elezzjoni, jew f'kull żmien bejn ix-xoljiment tal-Parlament skond is-subartikolu (1) ta' l-artikolu 76 tal-Kostituzzjoni u d-data tal-pubblikazzjoni tar-riżultati ta' l-elezzjoni,

(b) l-ghoti f'kull żmien, lil jew għal benefiċċju ta' partit, persuna, każin jew istituzzjoni simili, ilkoll politiċi, sew direttament jew permezz ta' aġent intermedjarju, ta' xi flus, tagħmir jew materjal iehor, bhala rigal jew mod iehor li ma jkunx kumpens ekwivalenti ta' valur, bl-esklużjoni ta' kotba u pubblikazzjonijiet ohra maħsuba għall-bejgħ jew għat-tqassim mhux b'mod esklużiv jew prinċipalment għal Malta, hlief jekk dan l-ghoti jkun awtorizzat mill-Kumitat ta' Kontroll skond dan l-Att:

Iżda ebda haġa f'dan is-subartikolu ma għandha titqies li tinkludi xi haġa li meqjus il-valur tagħha u kull ċirkostanzi oħra, tista' tkun raġonevolment meqjusa bħala rigal ta' natura *bona fide* ta' ebda sinjifikat politiku.

(3) Attività kif imfissra fil-paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu ma għandhiex tkun attività ristretta f'kull żmien iehor hlief dak imsemmi fl-istess paragrafu, sakemm min ikun bi hsiebu li jwettaq jew jorganizza dik l-attività javża bil-miktub minn hamest ijiem qabel lis-Segretarju tal-Kumitat ta' Kontroll imwaqqaf taht dan l-Att, iżda s-Segretarju jista' fid-diskrezzjoni tiegħu f'każi urgenti jaċċetta avviz bil-miktub fi żmien iqsar.

(4) Ebda dispożizzjoni f'dan l-artikolu ma għandha titqies bħala li għandha xi effett fuq l-attivitajiet diplomatiċi normali.

(5) Ebda dispożizzjoni f'dan l-artikolu ma għandha tkun tapplika għal xi attività li tkun organizzata minn organizzazzjoni internazzjonali li tagħha l-Istat ta' Malta jkun membru, bla hsara madankollu għall-kundizzjoni li jekk tkun attività politika, din ma tkunx organizzata minn grupp politiku partikulari li jkun jagħmel parti minn dik l-organizzazzjoni.”.

5. Fl-artikolu 4 ta' l-Att prinċipali, fis-subartikolu (1) tiegħu, minflok il-kliem “Meta programm” għandhom jidhlu l-kliem “Meta programm barrani ta' xorta politika”.

Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

6. L-artikolu 5 ta' l-Att prinċipali għandu jigi emendat kif ġej:

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “Kull persuna li taġixxi bi ksur ta' xi waħda mid-dispożizzjonijiet ta' l-artikoli ta' qabel ta' dan l-Att” għandhom jidhlu l-kliem “Kull persuna barranija u kull persuna oħra li tghin jew tassisti lil xi persuna barranija bħal dik, u kull persuna li tkun aġent intermedjarju, li taġixxi bi ksur ta', jew tonqos li tikkonforma ma', xi waħda mid-dispożizzjonijiet ta' l-artikoli msemmija qabel ta' dan l-Att, jew li tagħmel xi haġa li ma tistax tagħmel tahtu”;

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “hidma barranija” għandhom jidhlu l-kliem “attività ristretta”; u

(ċ) minnufih wara s-subartikolu (2) tiegħu għandu jidhol dan is-subartikolu (3) ġdid li ġej:

“(3) Għall-finijiet ta' l-artikolu 56 ta' l-Kostituzzjoni “indhil barrani” tfisser kull reat li jsir kontra xi waħda mid-dispożizzjonijiet imsemmija qabel ta' dan l-Att:

Iżda f'każ ta' xandira barranija, ma għandux jitqies li jkun hemm indhil barrani bħal dan, jekk il-persuna jew il-partit politiku li favur tiegħu jew a beneficiċju tiegħu xandira bħal dik tkun saret jew tkun mahsuba li ssir, jipprova li hu jew

il-partit politiku, kif ikun il-każ, ma jkunx ghamel dik ix-xandira jew ma jkun b'ebda mod għin jew assista, qabel, matul, jew wara t-trasmissjoni, xi persuna f'dik ix-xandira.”.

Sostituzzjoni ta' l-artikolu 6 ta' l-Att prinċipali.

7. Minflok l-artikolu 6 ta' l-Att prinċipali għandu jidhol dan li ġej:

“Kumitat ta' Kontroll. 6. (1) Għall-finijiet ta' l-artikolu 3 ta' dan l-Att, għandu jitwaqqaf Kumitat, li jkun magħruf bħala l-“Kumitat ta' Kontroll”, li jkun magħmul mill-Ministru, u żewġ membri li għandhom ikunu membri tal-Parlament u li wiehed minhom ikun nominat mill-Prim Ministru u l-iehor mill-Kap ta' l-Oppożizzjoni.

(2) Dawk il-membri hekk nominati għandhom jibqgħu membri tal-Kumitat minkejja li l-Parlament jista' jkun ġie xolt, u dan sakemm jinhatru membri godda minflok.

(3) L-Iskrivan tal-Kamra tad-Deputati għandu jkun is-Segretarju tal-Kumitat.

(4) Il-Kumitat għandu jkollu l-funzjonijiet mogħtija lilu b'dan l-Att.

(5) Il-Kumitat ma għandux jawtorizza li jiġu riċevuti xi flus, tagħmir jew materjal ieħor minn xi partit politiku hliet jekk dawn ikunu bilanċjati b'mod sew b'kontribuzzjoni simili jew ekwivalenti lill-partiti politiċi l-oħrajn, meta wiehed iqis id-daqs ta' rappreżentanza tagħhom fil-Parlament, u d-deċiżjoni għandha tittiehed b'vot unanimu.

(6) Il-Kumitat jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu, iżda ma għandux jaġixxi sakemm ma jkunx hemm mill-anqas żewġ membri li jzommu l-kariga u mill-anqas żewġ membri jkunu preżenti waqt il-laqgħa li matulha tittiehed id-deċiżjoni.

(7) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu imsemmija qabel il-Kumitat jista' jirregola l-proċedura tiegħu stess.

(8) Il-Ministru għandu mhux aktar tard mill-ewwel seduta tal-Parlament wara l-ħmistax ta' Jannar ta' kull sena jpoġġi fuq il-Mejda tal-Kamra rapport li fih juri kull awtorizzazzjoni mogħtija mill-Kumitat ta' Kontroll skond id-dispożizzjonijiet ta' dan l-Att matul is-sena preċedenti.”.

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

8. L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-paragrafu (a) tiegħu għandu jiġi mħassar;

(b) il-paragrafi (b) u (ċ) tiegħu għandhom jiġu indikati mill-ġdid bl-ittri (a) u (b) rispettivament.

9. (1) Ir-Regolamenti ta' l-1982 dwar Hidma Barranija huma b'dan revokati. Revoka.
A.L. 52 ta'
l-1982.

(2) Kull proċeduri pendent i quddiem il-Qrati taht jew in konnessjoni ma' xi dispożizzjoni ta' l-Att prinċipali li giet revokata jew sostitwita b'dan l-Att ghandhom jitqiesu bhala irtirati.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 435 tas-26 ta' Jannar, 1987.

PAUL XUEREB
Speaker

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

I assent.

(L.S.)

AGATHA BARBARA
President

27th January, 1987

ACT No. I of 1987

AN ACT further to amend the Foreign Interference Act, 1982

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

Short title.

1. This Act may be cited as the Foreign Interference (Amendment) Act, 1987, and shall be read and construed as one with the Foreign Interference Act, 1982, hereinafter referred to as “the principal Act”.

Act No. XI
of 1982.

Substitution of
the Title of the
principal Act.

2. For the Title of the principal Act there shall be substituted the following:

“AN ACT to regulate the limitations on the political activities of aliens, and this in accordance with Article 16 of the Convention of Rome (1950) for the Protection of Human Rights and Fundamental Freedoms.”.

Substitution of
section 2 of the
principal Act.

3. For section 2 of the principal Act there shall be substituted the following:—

“2. In this Act, unless the context otherwise requires —

“alien” where it refers to an individual means a person who is not a citizen of Malta; where it refers to a body of persons, in whatever manner constituted juridically, means any such body of persons directly or indirectly controlled by persons who are not citizens of Malta, and includes any State or Government; and where it refers to a broadcast means any such broadcast transmitted from a station or installation situate outside the territory of Malta and which is not authorised by the Broadcasting Authority;

“broadcast” means broadcast by wireless telegraphy or wire or both, and includes both sound and television broadcast;

“Broadcasting Authority” means the Broadcasting Authority established by section 118 of the Constitution;

“intermediary agent” means any person or group of persons who, irrespective of the proclaimed objectives, is involved in political activity, and includes any citizen of Malta resident outside Malta who so acts;

“Malta” has the meaning assigned to it in section 124 of the Constitution;

“Monitoring Committee” means the Committee established under this Act;

“Minister” means the Minister responsible for foreign affairs;

“person” includes any political party, and any political or other organisation, institution or body whatsoever;

“political” where it does not refer to a party, person, club or similar institution is restricted in meaning to matters connected with the elections in Malta, or which may be reasonably deemed to influence such elections, and matters connected with the internal or foreign affairs of Malta;

“programme” includes an advertisement.”.

4. For section 3 of the principal Act there shall be substituted the following:

Substitution of section 3 of the principal Act.

“Restricted activities.

3. (1) Subject to the provisions of this Act, it shall not be lawful for an alien to perform, do, hold, take part in, aid or abet, or allow, any restricted activity in Malta.

(2) For the purposes of this Act, “a restricted activity” means —

(a) any activity, or participation in any activity, of a political nature or having a political purpose at any time during the period commencing nine months prior to the date on which Parliament would, unless sooner dissolved, stand dissolved by virtue of subsection (2) of section 76 of the Constitution and the date of the publication of the results of an election, or at any time between the dissolution of Parliament according to subsection (1) of section 76 of the Constitution and the date of the publication of the results of an election,

(b) the provision at any time to or for the benefit of a political party, person, club or similar institution, whether directly or through an intermediary agent, of any money, equipment or other material, by way of gift or otherwise not against equivalent valuable consideration, excluding books and other publications intended for sale or distribution not exclusively or mainly for

Malta, unless such provision is authorised by the Monitoring Committee in accordance with this Act:

Provided that nothing in this subsection shall be deemed to include anything which, taking into account the value and any other circumstances, may be reasonably considered as a bona fide gift of no political significance.

(3) An activity as defined in paragraph (a) of subsection (2) of this section shall not be a restricted activity at any time other than that mentioned in the same paragraph, provided that the person intending to hold or organising such an activity notifies in writing five days in advance the Secretary of the Monitoring Committee established under this Act, but the Secretary may in urgent cases accept, in his discretion, notification at a shorter notice.

(4) Nothing in this section shall be construed as affecting normal diplomatic activities.

(5) Nothing in this section shall apply to any activity organised by an international organisation of which the State of Malta is a member, subject however to the condition that if it is a political activity, this is not organised by a particular political group within any such organisation.”.

Amendment of section 4 of the principal Act.

5. In section 4 of the principal Act, in subsection (1) thereof, for the words “Where a programme” there shall be substituted the words “Where an alien programme of a political nature”.

Amendment of section 5 of the principal Act.

6. Section 5 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “Any person acting in contravention of any provisions of the foregoing sections of this Act” there shall be substituted the words “Any alien, and any other person who aids or abets any such alien, and any intermediary agent, acting in contravention of, or failing to comply with, any of the provisions of the foregoing sections of this Act, or who does anything which is not lawful thereunder”;

(b) in subsection (2) thereof, for the words “foreign activity” there shall be substituted the words “restricted activity”; and

(c) immediately after subsection (2) thereof there shall be inserted the following new subsection (3):

“(3) For the purposes of section 56 of the Constitution “foreign interference” means any offence against any of the foregoing provisions of this Act:

Provided that in the case of an alien broadcast, no such foreign interference shall be deemed to subsist if the person or the political party, in whose favour or to whose benefit such a broadcast is made or intended to be made, proves that he, or the political party, as the case may be, did not make

such broadcast or in any way aid or abet prior to, during, or after the transmission, any person in such broadcast.”.

7. For section 6 of the principal Act there shall be substituted the following:

Substitution of section 6 of the principal Act.

“Monitoring Committee” 6. (1) For the purposes of section 3 of this Act, there shall be a Committee, to be known as the “Monitoring Committee”, which shall consist of the Minister, and two members who shall be members of Parliament and of whom one shall be designated by the Prime Minister and the other by the Leader of the Opposition.

(2) Such designated members shall remain members of the Committee notwithstanding that Parliament may stand dissolved, and this until new members are appointed in their stead.

(3) The Clerk of the House of Representatives shall be the Secretary of the Committee.

(4) The Committee shall have the functions assigned to it by this Act.

(5) The Committee shall not authorise the receipt of any money, equipment or other material by any political party unless it is appropriately balanced by similar or equivalent contribution to the other political parties, taking into account the size of their representation in Parliament, and the decision shall be taken by a unanimous vote.

(6) The Committee may act notwithstanding any vacancy in its membership, but shall not act unless there are at least two members in office and at least two members are present at the meeting at which the decision is taken.

(7) Subject to the foregoing provisions of this section the Committee may regulate its own procedure.

(8) The Minister shall by not later than the first sitting of Parliament after the 15th January of each year lay on the Table of the House a report showing every authorisation given by the Monitoring Committee in accordance with the provisions of this Act during the preceding year.”.

8. Section 7 of the principal Act shall be amended as follows:

- (a) paragraph (a) thereof shall be deleted;
- (b) paragraphs (b) and (c) thereof shall be re-lettered (a) and (b) respectively.

Amendment of section 7 of the principal Act.

Repeal.

L.N. 52 of 1982.

9. (1) The Foreign Activity Regulations 1982 are hereby repealed.

(2) Any pending judicial proceedings under or in connection with any provision of the principal Act which has been repealed or substituted by this Act shall be considered as withdrawn.

Passed by the House of Representatives at Sitting No. 435 of the 26th January, 1987.

PAUL XUEREB
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives