

MALTA

ATT Nru. XVI ta' l-1977

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

ATT biex jipprovdi għat-twaqqif ta' korp magħqud li jkun magħruf bħala Enemalta, u għall-eżerċizzju u l-qadi minn jew f'isem dak il-korp ta' funzjonijiet dwar l-akkwist, trasformazzjoni, manifattura, tqassim u bejgħ ta' ghejjun ta' enerġija u l-produzzjoni, generazzjoni, tqassim u bejgħ ta' enerġija; biex jipprovdi għat-trasferiment lill-imsemmi korp ta' ċerti stazzjonijiet, tagħmir jew proprjetà oħra; u biex jipprovdi dwar ħwejjeġ anċillari ma' dawn jew konnessi magħhom.

ACT No. XVI of 1977

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the establishment of a body corporate to be known as Enemalta, and for the exercise and performance by or on behalf of such body of functions relating to the acquisition, transformation, manufacture, distribution and sale of sources of energy and the production, generation, distribution and sale of energy; to provide for the transfer to the said body of certain installations, equipment or other property; and to make provision in respect of matters ancillary thereto or connected therewith.

ATT TA' L-1977 DWAR LENEMALTA
Arrangament ta' Artikoli

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Nagħti l-kunsens tiegħi.

John Fenech
President

6 ta' Mejju, 1977

ATT Nru. XVI ta' l-1977

ATT biex jipprovdi għat-twaqqif ta' korp magħqud li jkun magħruf bħala Enemalta, u għall-eżercizzju u l-qadi minn jew f'isem dak il-korp ta' funzjonijiet dwar l-akkwist, trasformazzjoni, manifattura, tqassim u bejgħ ta' ghejjun ta' enerġija u l-produzzjoni, generazzjoni, tqassim u bejgħ ta' enerġija; biex jipprovdi għat-trasferiment lill-imsemmi korp ta' ċerti stallazzjonijiet, tagħmir 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'ligi dan li ġej:—

TAQSIMA I

Preliminari

Titolu fil-qosor
u bidu
fis-sehh.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1977 dwar l-Enemalta.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru b'avviz fil-Gazzetta jstabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti dwar disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

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

“apparat”, dwar enerġija elettriċa, tinkludi l-makni, l-apparati ta' konsum u l-fittings kollha li fihom ikunu wżati kondutturji jew li jiffurmaw parti minnhom;

“Awtorità ta' l-Ilma” tfisser l-Awtorità ta' l-Ilma kif imfisser bl-Ordinanza dwar il-Provvista ta' l-Ilma, jew, jekk mhux provdut xort'oħra, kull awtorità oħra li tissostitwixxi dik l-Awtorità;

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

“Bord ta’ l-Elettriku ta’ Malta” tfisser il-Bord ta’ l-Elettriku ta’ Malta mwaqqaf bl-Att ta’ l-1963 dwar l-Elettriku;

Att Nru. XXIV
ta’ l-1963

“Bord tal-Gass” tfisser il-Bord tal-Gass imwaqqaf bl-Att ta’ l-1952 dwar il-Gass;

Att Nru. XXVI
ta’ l-1952

“*Chairman*”, “*Deputat Chairman*” u “*membri*” jfissru *Chairman*, id-*Deputat Chairman* u membru, rispettivament, tal-Bord;

“Enemalta” tfisser il-korporazzjoni magħrufa b’dak l-isem u mwaqqfa bl-artikolu 3 ta’ dan l-Att;

“enerġija elettrika” tfisser enerġija elettrika meta tkun generata, trasmessa, provduta jew użata għal kull għan hlief it-trasmissjoni ta’ xi komunikazzjoni jew sinjal;

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

“Fond tal-Helsien tat-Tezorerija” tfisser il-Fond stabbilit bl-artikolu 32 ta’ l-Att ta’ l-1962 dwar l-Amministrazzjoni Finanzjarja u l-Verifika;

Att Nru. I
ta’ l-1962

“gass” tfisser kull idrokarburi f’forma gassuża sew jekk fl-istat naturali tagħhom kemm jekk jinkisbu minn pitrolju jew jiġu prodotti kimikament;

“gurnata stabbilita”, dwar id-disposizzjonijiet tat-Taqsima IV ta’ dan l-Att, tfisser il-gurnata li fiha l-artikolu 25 ta’ dan l-Att jibda jseħh;

“impriza trasferita” tfisser impriza li għaliha japplika l-artikolu 25 ta’ dan l-Att skond id-disposizzjonijiet ta’ dak l-artikolu;

“konduttur” tfisser konduttur elettriku rranġat biex ikun imwahhal ma’ sistema;

“konsumatur”, dwar enerġija elettrika, tfisser persuna li lilha jew akkont tagħha tingħata enerġija elettrika minn Enemalta;

“Korporazzjoni” tfisser il-korporazzjoni magħrufa bħala Enemalta mwaqqfa bl-artikolu 3 ta’ dan l-Att;

“linja ta’ provvista” tfisser konduttur jew kondutturi jew mezzji oħra ta’ għoti, trasmissjoni jew tqassim ta’ enerġija elettrika, flimkien ma’ kull *casing*, *coating*, għata, tubu, insulatur ta’ kanna jew parti li tagħlaq, tħaddan jew issaħħaħ lil dawn jew xi parti minnhom, jew kull bini jew apparat imqabbad miegħu, sabiex jittrasforma, jagħti, jittrasmetti jew iqassam l-enerġija elettrika;

“*main*” tfisser linja ta’ provvista li minnha l-enerġija elettrika tista’ tghaddi jew tista’ tiġi provduta, sew jekk dik il-linja tkun qed tintuża u sew jekk le;

“materjali ta’ l-elettriku” tinkludi apparati ta’ l-elettriku;

“Ministru” tfisser il-Ministru responsabbli għall-enerġija, u safejn tingħata xi awtorità, tinkludi kull persuna awtorizzata mill-imsemmi Ministru għal hekk;

“pitrolju” tfisser kull idrokarburi naturali sew f’forma likwida jew gassuża, magħdud żejt mhux raffinat u gass naturali, u sew jekk fi stat mhux raffinat jew naturali kemm f’forma proċessata jew raffinata;

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

“sena finanzjarja” tfisser kull perijodu ta' tnax-il xahar li jispiċċa fil-wieħed u tletin ta' Marzu:

Iżda l-ewwel sena finanzjarja ta' Enemalta tkun magħmula mill-perijodu li jgħaddi bejn il-bidu fis-sehħ ta' dan l-Att u l-wieħed u tletin ta' Marzu ta' dik is-sena li l-Ministru jispeċifika b'avviż bil-miktub lill-Korporazzjoni;

“sigurtà privata” tfisser it-tneħħija ta' periklu lil individwi jew lil proprjetà privata;

“sigurtà pubblika” tfisser it-tneħħija ta' periklu lill-pubbliku ġenerali, lill-proprjetà pubblika, u lit-toroq, tarzni, mollijiet, bankini, pontijiet, impjanti tal-gass, impjanti ta' l-ilma u l-apparati tagħhom u linji ta' sinjali telegrafici, telefonici jew linji oħra ta' sinjali elettrici;

“sistema”, dwar enerġija elettrika, tfisser sistema elettrika li fiha l-kondutturi u l-apparati kollha jkun qabbdha elettrikament jew manjetikament;

“stallazzjoni” tfisser l-intier ta' kull impjant jew apparat, maħsub għall-akkwist, provvista, hażna, użu jew tqassim ta' kull enerġija elettrika jew ta' pitrolju, flimkien ma' kull impjant, bini, art u kanen meħtieġa dwarhom, u dwar l-enerġija elettrika, tinkludi *prime movers*, kanen ta' provvista u apparat għall-konsum, jekk ikun hemm;

“triq” tinkludi kull triq, sqaq, misraħ, mogħdija, triq dejqa, bitħa, passagġ, spazju fil-beraħ jew post ieħor ta' mogħdija pubblika;

“ufficjal” u “impjegat” dwar Enemalta tinkludi kull ufficjal pubbliku li jkun ġie mqabbd biex jaqdi dmirijiet mal-Korporazzjoni.

(2) Kull riferenza f'dan l-Att għal regolamenti, regoli jew ordnijiet magħmula skond dan l-Att għandhom jinkludu riferenza għal regolamenti, regoli jew ordnijiet miżmuma fis-sehħ b'dan l-Att.

TAQSIMA II

Twaqqif, Funzjonijiet u Kompożizzjoni ta' Enemalta

Twaqqif u
funzjonijiet
ta' Enemalta.

3. (1) Qed tiġi b'dan imwaqqfa korporazzjoni li tkun magħrufa bħala Enemalta.

(2) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, Enemalta jkollha l-awtorità waħdanija u esklużiva —

(a) li timporta, takkwista, timmanifattura, iżzomm, taħžen, tqassam, tbiegħ, tesporta jew xort'oħra tneħhi pitrolju jew xi għamla tiegħu;

(b) li tiġġenera, tixtri, tittrasmetti, tittrasferixxi, tqassam u tagħti enerġija elettrika għal għanijiet domestiċi, kummerċjali, industrijali u l-għanijiet l-oħra kollha.

(3) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, ikun idmir ta' Enemalta —

(a) li tiżviluppa u żżomm sistema effiċjenti, bl-iktar mod ekonomiku possibbli, it-talbiet xierqa kollha għal pitrolju u enerġija elettriċa;

(b) li tmexxi u tħaddem l-imprizi kollha u stallazzjonijiet oħra u l-proprjetà kollha, trasferiti lil Enemalta u vestiti fiha bis-saħħa ta' dan l-Att jew xort'oħra akkwistati mill-Korporazzjoni għall-ghanijiet ta' xi funzjonijiet tagħha;

(ċ) tistabbilixxi, tmexxi u tħaddem dawk l-istallazzjonijiet, magħduda l-istallazzjonijiet għall-bidla ta' ilma baħar, kif Enemalta jidhrilha spedjenti li tistabbilixxi, tmexxi jew tħaddem;

(d) tippromwovi u tteġġeg l-użu ta' pitrolju u enerġija elettriċa u l-harnessing, generazzjoni u l-użu ta' ghejjen oħra u xortiet oħra ta' enerġija, bil-ħsieb ta' l-iżvilupp ekonomiku ta' Malta;

(e) tipprovdi bi kwantità lill-Awtorità ta' l-Ilma ilma miksub minn xi stallazzjoni mwaqqfa għall-bidla ta' ilma baħar;

(f) tagħti pariri lill-Ministru fuq il-ħwejjeġ kollha li għandhom x'jaqsmu ma' xi funzjonijiet tagħha skond dan l-Att.

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

(a) takkwista, tibni, tibni mill-ġdid, iżżomm u tħaddem l-istallazzjonijiet kollha xierqa;

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

(ċ) tagħmel kull għemil jew ħwejjeġ meħtieġa sabiex taqdi l-funzjonijiet tagħha skond dan l-Att, magħdud il-ftuħ u t-tkissir tal-wiċċ ta' kull triq:

Iżda l-ftuħ u t-tkissir tal-wiċċ ta' kull triq għal xi wieħed mill-imsemmija għanijiet m'għandhomx isiru mingħajr l-approvazzjoni tal-Ministru responsabbli għax-xogħlijiet pubbliċi;

(d) tagħmel, sew bħala prinċipal jew aġent jew kuntrattur, dawk l-attivitajiet kollha li fil-fehma ta' Enemalta jkunu meħtieġa, vantaġġużi jew konvenjenti li jsiru għal jew dwar il-qadi ta' xi waħda mill-funzjonijiet tal-Korporazzjoni skond dan l-Att jew sabiex isir l-aħjar użu mill-attiv tal-Korporazzjoni;

(e) tiftaħ ferġat u tinnomina aġenti u korrispondenti f'Malta u barra minn Malta;

(f) tagħmel regolamenti u ordnijiet skond id-disposizzjonijiet ta' dan l-Att;

(g) teżerċita 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, Enemalta għandha tqabbel il-politika u l-attivitajiet tagħha ma' l-ghanijiet u l-iskopijiet ta' ippjanar ekonomiku nazzjonali li minn żmien għal żmien ikun fis-seħħ.

(6) Id-disposizzjonijiet ta' dan l-artikolu m'għandhom jolqtu ebda dritt, setgħa jew awtorità mogħtija b'licenza maħruġa bis-saħħa ta' l-Att ta' l-1958 dwar il-Produzzjoni tal-Pitrolju jew bis-saħħa ta' dak l-Att u dak l-Att kif applikat bl-Att ta' l-1966 dwar il-Blata Kontinentali.

Att Nru. IV
ta' l-1958
Att Nru. XXXV
ta' l-1966

Personalità
ġuridika u
rappreżentanza
ta' Enemalta.

4. (1) Enemalta tkun korp magħqud b'personalità ġuridika distinta u tkun tista', bla ħsara għad-disposizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tneħhi kull xorta ta' proprjeta' għall-ghanijiet tal-funzjonijiet tagħha, tħarrek, tiġi mharrka, u tagħmel kull haġa u tidhol f'kull negozju li jkunu inċidentali jew iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha taht dan l-Att, magħdud li tislef jew tissetlef flus.

(2) Ir-rappreżentanza ġuridika ta' Enemalta tkun vestita fiċ-*Chairman*:

Iżda l-Korporazzjoni tista' tahtar wiehed jew aktar mill-membri l-oħra tal-Bord jew mill-uffiċjali jew mill-impjegati tal-Korporazzjoni biex jidhru f'isem u għal Enemalta f'kull proċedimenti ġudizzjarji u f'kull att, kuntratt, kitba jew dokument ieħor ikun li jkun.

(3) Kull dokument li jidher li jkun kitba magħmula jew maħruġa minn Enemalta u li jkun iffirmit miċ-*Chairman* għall-Korporazzjoni għandu jiġi milqugh bħala prova u għandu, sakemm ma jiġix ippruvat il-kuntrarju, jitqies li hu kitba magħmula jew maħruġa minn Enemalta.

Twaqqif u
kompożizzjoni
tal-Bord
tad-Diretturi.

5. (1) Għandu jkun hemm Bord tad-Diretturi li jkun responsabbli għall-politika u għall-amministrazzjoni ġenerali ta' l-affarijiet u tax-xogħol ta' Enemalta.

(2) Il-Bord ikun magħmul minn mhux inqas minn tliet membri u mhux iktar minn sebgha maħtura mill-Ministru, li wiehed minnhom ikun imsemmi mill-Ministru bħala *Chairman*. Il-Ministru jista' wkoll isemmi membru ieħor bħala Deputat *Chairman* u dak il-membri jkollu s-setgħat kollha u għandu jaqdi l-funzjonijiet kollha taċ-*Chairman* matul in-nuqqas tiegħu jew sakemm jiġi maħtur *Chairman* ġdid wara r-riżenja, temm ta' hatra jew mewt taċ-*Chairman*.

(3) Il-Ministru għandu jagħzel lill-membri minn fost persuni li fil-fehma tiegħu jkunu kwalifikati minhabba li kellhom esperjenza ta', u jkunu wrew hila fi, hwejjeġ li għandhom x'jaqsmu ma', l-akkwist, il-produzzjoni jew il-bejgħ ta' enerġija jew ta' għejjun ta' enerġija, jew fl-organizzazzjoni ta' haddiema, fl-industrja, fil-kummerċ, fil-finanzi jew fl-amministrazzjoni. Il-membri għandhom jirċievu, mill-fondi tal-Korporazzjoni, dik ir-rimunerazzjoni li l-Ministru jista' minn żmien għal żmien jistabbilixxi.

Tul tal-hatra
għall-Bord
tad-Diretturi.

6. Bla ħsara għad-disposizzjonijiet ta' l-artikoli 7 u 9 ta' dan l-Att, il-membri tal-Bord iżommu l-kariga għal dak iż-żmien u fuq dawk il-pattijiet u l-kondizzjonijiet li l-Ministru jidhirlu xierqa; u membru jista', wara li jispiċċa minn membru, jerġa' jinhatar mill-ġdid:

Iżda l-Ministru jista' f'kull żmien itemm il-hatra ta' xi membru 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.

Skwalifika
għal membru
tal-Bord
tad-Diretturi.

7. Persuna tkun skwalifikata milli tiġi maħtura, jew milli tibqa', membru tal-Bord jekk —

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

(b) ikollha xi interess finanzjarju jew xi interess ieħor f'xi mprezza jew attività li x'aktarx ma jhallihix taqdi sewwa l-funzjonijiet tagħha bħala membru tal-Bord.

8. Kull membru li jkollu interess dirett jew indirett f'xi kuntratt magħmul jew li jkun maħsub li jsir minn Enemalta, 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 ġie 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.

Irtir
temporanju
mil-laqgħat
tal-Bord
tad-Diretturi.

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

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

(2) Il-hatra ta' kull persuna bħala membru tal-Bord u tmiem tal-kariga ta' kull membru bħal dak għandhom jiġu avżati fil-Gazzetta.

10. (1) Il-laqgħat tal-Bord jissejhu miċ-*Chairman*, jew minn jeddu jew fuq it-talba ta' tnejn mill-membri l-oħra. Bla ħsara għall-*ħtiġiet* l-oħra ta' dan l-Att, ebda deċiżjoni ma tkun valida jekk ma jkollhiex l-appoġġ ta' għall-anqas żewġ membri tal-Bord jew li tittiehed f'laqgħa tal-Bord li fiha *ċ-Chairman*, jew fin-nuqqas tiegħu d-Deputat *Chairman*, ma jkunx preżenti.

Disposizzjonijiet
dwar
proċedimenti
tal-Bord.

(2) Nofs in-numru ta' membri li għal dak iż-żmien jikkostitwixxi l-Bord jiffurmaw *quorum* f'kull laqgħa. Id-deċiżjonijiet jittieħdu b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Iċ-*Chairman*, jew fin-nuqqas tiegħu d-Deputat *Chairman*, ikollu vot oriġinali u, fil-każ ta' voti ndaq, vot deċiżiv.

(3) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċedura tiegħu stess.

(4) Bla ħsara għad-disposizzjonijiet ta' qabel ta' dan l-artikolu, ebda għemil jew proċediment tal-Bord ma jkun invalidat minhabba biss il-fatt li jkun hemm vakanza fost il-membri.

(5) Kull haġa li ssir minn xi persuna li taġixxi *bona fide* bħala membru tal-Bord tkun valida daqslikieku kienet membru minkejja xi difett li jista' jiġi mikxuf wara fil-kariga jew fil-kwalifika tagħha. Ebda kwistjoni ma tista' titqajjem dwar xi għemil jew proċediment tal-Bord minhabba ksur, minn direttur, tad-disposizzjonijiet ta' l-artikolu 8 ta' dan l-Att.

11. Bla ħsara għad-disposizzjonijiet tal-Kostituzzjoni ta' Malta u ta' kull liġi oħra li tapplika għalihom, u bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, in-nomina ta' uffiċjali u mpjegati oħra ta' Enemalta ssir mill-Bord. Il-pattijiet u l-kondizzjonijiet ta' l-impieg ikunu jipparagunaw ma' dawk ta' l-impjegati fis-servizz tal-Gvern u għandhom jiġu stabbiliti mill-Bord wara li jkun qabel magħhom il-Ministru:

Ħatriet ta'
persunal.

Iżda 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.

12. (1) Il-Ministru jista', dwar hwejjeġ li fil-fehma tiegħu jkun jolqtu l-interess pubbliku, minn żmien għal żmien jagħti lill-Korporazzjoni direttivi ta' xorta ġenerali jew speċifika, li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, fuq il-*policy* li għandha tiġi segwita jew l-għemil iehor li għandu jsir fil-qadi tal-funzjonijiet mogħtija lil Enemalta b'dan l-Att jew taħtu, u l-Bord għandu, malajr kemm ikun prattikabbli, jagħti effett lil dawk id-direttivi kollha.

Setgħat
tal-Ministru
dwar
il-Korporazzjoni
u d-dmirijiet
tal-Bord lejn
il-Ministru.

(2) Il-Bord ghandu jaghti lill-Ministru faċilitajiet biex jik-seb taghrif dwar il-proprjeta u l-attivitajiet ta' Enemalta u jaghtih dawk il-prospetti, kontijiet u taghrif iehor dwar hekk, u jaghtih il-faċilitajiet biex jivverifika t-taghrif moghti, b'dak il-mod u f'dawk iż-żminijiet li jkun jehtieg b'mod raġonevoli.

Eżenzjoni
minn ċerti
taxxi.

13. Enemalta tkun eżentata minn kull obbligu għall-ħlas ta' taxa tal-boll u ta' taxa tad-dwana barra minn taxa tad-dwana fuq pitrolju, li għandha tithallas taht kull liġi li tkun fis-seħh f'dak iż-żmien.

Dmirijiet ta'
Enemalta dwar
il-provvista ta'
pitrolju u
enerġija
elettrika.

14. (1) Bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull direttivi mogħtija bis-saħħa tiegħu, Enemalta għandha, safejn tkun tista' tagħmel hekk —

(a) tipprovdi pitrolju għal dawk il-persuni, b'dak il-mod u taht dawk il-kondizzjonijiet li, fil-fehma tal-Korporazzjoni, ikunu meqjusa li jaqdu talbiet xierqa għal pitrolju;

(b) tipprovdi enerġija elettrika lil kull persuna li tintrabat li tagħmel kuntratt ma' Enemalta, u tagħti dik il-garanzija li l-Korporazzjoni tista' tehtieg, li tieħu jew tkompli tieħu, u li thallas għall-provvista ta' l-enerġija elettrika fuq dawk il-pattijiet u l-kondizzjonijiet u għal dak iż-żmien li l-Korporazzjoni tista' tistabbilixxi:

Iżda kull persuna li minnufih qabel it-tħassir ta' l-Att ta' l-1963 dwar l-Elettriku b'dan l-Att kienet reġistrata bħala konsumatur ma', jew xort'oħra kienet tirċievi enerġija minghand, il-Bord ta' l-Elettriku ta' Malta, għandha tibqa', bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull regolamenti magħmula bis-saħħa tiegħu, hekk reġistrata ma', jew tirċievi enerġija minghand, Enemalta, skond il-każ, daqslikieku kienet oriġinarjament reġistrata ma', jew irċeviet enerġija minghand, il-Korporazzjoni.

(2) Dwar il-provvista ta' enerġija elettrika minn Enemalta, għandu jkollhom effett id-disposizzjonijiet li ġejjin —

(a) Enemalta tista' tnaqqas kif jidhrilha xieraq il-kwantità ta' enerġija provduta lil xi konsumatur, jekk, minħabba xi ċirkostanzi mhux previsti li ma jkunux fil-kontroll tal-Korporazzjoni, ikun jidher li l-provvista ta' enerġija elettrika ġenerata ma tkunx biżżejjed biex il-kwantità kollha tkun tista' tiġi provduta b'mod konvenjenti;

(b) meta l-kwantità ta' l-enerġija provduta tkun giet innaqqsas kif intqal qabel, ma jkun hemm ebda responsabbiltà fuq Enemalta dwar kull telf jew ħsara li tiġġarrab b'dak it-tnaqqis;

(ċ) Enemalta ma tkun responsabbli għal ebda ħsara lil persuna jew proprjeta jew għal xi twaqqif fil-provvista ta' l-enerġija li jkunu graw minħabba inċident li ma setax jiġi evitat, tqabir u kedd bl-użu xieraq jew tagħbija żejda minħabba konnessjoni ta' apparat mhux awtorizzat, jew minħabba l-htigiet raġonevoli tas-sistema elettrika, jew minħabba xi difetti f'xi stallazzjoni elettrika mhux provduta mill-Korporazzjoni.

Enemalta u
l-Awtorità
ta' l-Ilma.

15. (1) Id-disposizzjonijiet ta' l-Iskeda li tinsab ma' dan l-Att għandu jkollhom effett dwar it-tħaddim mill-Awtorità ta' l-Ilma ta' servizz għall-qari tal-meter, tiżmim ta' kontijiet u ġbir ta' kontijiet komuni għall-Awtorità ta' l-Ilma u ta' Enemalta, u fl-interess tat-tejn u dwar l-eżerċizzju u l-qadi mill-Awtorità ta' l-Ilma f'isem

Enemalta ta' dawk il-funzjonijiet li jkunu jew li jistgħu minn żmien għal żmien ikunu legalment vestiti f'Enemalta dwar l-egħmil u l-ħwejjeġ speċifikati fil-paragrafu 1 ta' l-imsemmija Skeda.

(2) Il-Ministru jista', jekk, wara konsultazzjoni ma' Enemalta, ikun sodisfatt li ma jkunx iżjed meħtieġ jew spedjenti li jkompli dak is-servizz flimkien kif intqal qabel, b'ordni jirrevoka l-Iskeda li tinsab ma' dan l-Att; u kull ftehim li jkun sar bejn l-Awtorità ta' l-Ilma u Enemalta bis-saħħa tal-paragrafu 6 ta' dik l-Iskeda jew miżmum fis-seħħ b'dan l-Att daqslikieku hekk kien sar (hawnhekk iżjed 'il quddiem f'dan l-artikolu msejjaħ "il-ftehim") għandu meta jsir dan jieqaf mis-seħħ.

(3) Il-Ministru jista' minn żmien għal żmien, bi ftehim ma' Enemalta, b'ordni jibdel id-disposizzjonijiet 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 jseħħ id-disposizzjonijiet tal-ftehim ikollhom effett suġġetti għal dawk il-modifiki li jkunu meħtieġa biex tiġi evitata kull inkonsistenza bejn id-disposizzjonijiet tal-ftehim u d-disposizzjonijiet ta' l-imsemmija Skeda kif mibdula bl-ordni.

(4) Il-Ministru jista' wkoll, bi ftehim mal-Ministru responsabbli għall-provvista ta' l-ilma u wara konsultazzjoni ma' Enemalta, b'ordni jibdel il-ftehim imsemmi fis-subartikolu (2) ta' dan l-artikolu b'mod illi s-servizz flimkien għall-qari tal-meter, tiżmim ta' kontijiet u ġbir ta' kontijiet, jiġi mħaddem minn Enemalta f'isimha u f'isem l-Awtorità ta' l-Ilma; u malli jsir dan id-disposizzjonijiet ta' dan l-artikolu u ta' l-imsemmija Skeda jkollhom seħħ kif provdut f'dak l-ordni u b'dak it-tibdil li jkun jixraq għal dak il-ghan.

(5) Kull ordni magħmul skond dan l-artikolu jista' jkollu dawk id-disposizzjonijiet tranżitorji, supplimentari u inċidentali kif il-Ministru, wara konsultazzjoni jew bi ftehim mal-Korporazzjoni, jew bi ftehim mal-Ministru responsabbli għall-provvista ta' l-ilma, skond il-każ, jidhirlu meħtieġa jew spedjenti għall-ghanijiet ta' l-ordni.

TAQSIMA III

Disposizzjonijiet Finanzjarji

16. (1) Enemalta tista', bl-approvazzjoni bil-miktub tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef, tiżgura jew tiġbor flus bil-ħruġ ta' obligazzjonijiet, obligazzjoni ta' *stock*, jew sigurtà oħra, għal għan wiehed jew iktar minn dawn li ġejjin tal-Korporazzjoni:

Setgħa ta' self jew ġbir ta' kapital.

- (a) il-provvista ta' kapital biex taħdem bih;
- (b) il-qadi tal-funzjonijiet ta' Enemalta skond dan l-Att;
- (ċ) il-provvista ta' kapital għat-*tkabbir* ta', u zieda ma', l-attiv fiss ta' Enemalta;
- (d) il-fidwa ta' kull obligazzjonijiet jew obligazzjoni ta' *stock* jew sigurtà oħra illi Enemalta tkun teħtieġ jew ikollha jedd tiffdi;
- (e) kull infieq iehor li għandu jithallas mill-kont kapitali.

(2) Enemalta tista', minn żmien għal żmien, tissellef permezz ta' *overdraft* jew xort'ohra, għal perijodi ta' mhux iżjed minn tna-x-il xahar, dawk is-somom li l-Korporazzjoni tista' teħtieġ għall-qadi tal-funzjonijiet tagħha skond dan l-Att:

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

Self b'avvanzi
mill-Gvern u
twaqqif ta'
Fond ta' Self
dwar
Enemalta.

17. (1) Kull meta Enemalta jkollha l-ħtieġa li tissellef permezz ta' avvanzi mingħand il-Gvern xi somom li jistgħu jkunu meħtieġa għall-qadi ta' xi funzjonijiet ta' Enemalta skond dan l-Att, il-Ministru responsabbli għall-finanzi wara konsultazzjoni mal-Ministru jista', b'*warrant* iffirmit minnu u mingħajr approprjazzjoni oħra ħlief dan l-Att, jawtorizza lill-*Accountant General* biex jagħmel dawk l'avvanzi lill-Korporazzjoni jew mid-dhul ta' xi self kuntrattat jew miġbur għal hekk jew mill-Fond Konsolidat; u dawk l'avvanzi għandhom isiru fuq dawk il-pattijiet u l-kondizzjonijiet li l-Ministru responsabbli għall-finanzi jista' jordna.

(2) Il-Ministru responsabbli għall-finanzi jista', għal kull waħda mill-ħtiġiet ta' Enemalta ta' xorta kapitali jikkuntratta jew jiġbor self, jew jidhol f'obligazzjonijiet, għal dawk iż-żminijiet u fuq dawk il-pattijiet u l-kondizzjonijiet 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-disposizzjonijiet ta' qabel ta' dan l-artikolu għandu jingħata lill-Kamra tad-Deputati kemm jista' jkun malajr.

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

(5) Dak li jidhol minn kull self miġbur sabiex isiru avvanzi lil Enemalta u kull flejjes oħra li jkunu ser jiġu avvanzati lill-Korporazzjoni skond dan l-artikolu għandhom jithallsu f'fond li jiġi mwaqqaf apposta għal hekk u li jkun magħruf bhala "il-Fond ta' Self dwar Enemalta".

(6) Somom riċevuti mill-*Accountant General* mingħand Enemalta dwar avvanzi magħmula mill-Korporazzjoni skond is-subartikolu (1) ta' dan l-artikolu għandhom jithallsu fil-Fond ta' Self dwar Enemalta.

(7) Somom riċevuti mill-*Accountant General* mingħand Enemalta dwar avvanzi magħmula mill-Korporazzjoni skond is-subartikolu (4) ta' dan l-artikolu għandhom jithallsu, dwar ammonti riċevuti bhala hlas lura fil-Fond ta' Helsien tat-Teżorerija, u, dwar ammonti riċevuti bhala mgħax, fil-Fond Konsolidat.

Applikazzjoni
tad-dhul.

18. (1) Id-dhul ta' Enemalta għal kull sena finanzjarja għandu jiġi applikat biex jithallsu d-drittijiet li ġejjin:

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

(b) is-salarji jew pagi, drittijiet, rimunerazzjoni, pensjonijiet, *superannuation allowances*, gratifikazzjonijiet u *allowances* oħra ta' uffiċjali, impjegati, aġenti u konsulenti tekniċi jew kon-

sulenti oħra ta' Enemalta, u hlasijiet biex tinzamm xi skema ta' pensjoni jew skema oħra mwaqqfa skond id-disposizzjonijiet ta' dan l-Att, u kull hlas lill-Gvern akkont ta' pensjonijiet jew gratifikazzjonijiet skond l-artikolu 31 jew 32 ta' dan l-Att;

(ċ) l-ispejjeż għat-twaqqif u għall-ħdim tal-Korporazzjoni u n-nefqa jew il-provvediment għal manutenzjoni ta' kull waħda mill-istallazzjonijiet ta' Enemalta, u l-qadi tal-funzjonijiet ta' Enemalta 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 minn Enemalta;

(e) is-somom meħtieġa li jiġu trasferiti għal 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 dwar deprezzament fuq il-proprjetà ta' Enemalta meta jitqies l-ammont imwarrab mid-dhul skond il-paragrafu (e) ta' dan is-subartikolu;

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

(2) Bla ħsara 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-infieq għandu jiġi applikat minn Enemalta biex jinholqu fondi ta' riżerva biex jiffinanzjaw espansjoni futura tal-Korporazzjoni; u bla ħsara għall-ġeneralità tas-setgħat mogħtija lill-Ministru b'dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif intqal qabel tista' tordna t-trasferiment lill-Gvern jew l-applikazzjoni b'dak il-mod li jiġi speċifikat fid-direttiva ta' kull parti minn dak l-eċċess, b'mod partikolari ta' dik il-parti li tkun ġejja mill-bejgħ ta' pitrolju.

19. Il-fondi ta' Enemalta li ma jkunux immedjatament meħtieġa li jintefqu biex jithallsu xi obligazzjonijiet jew biex jinqdew xi funzjonijiet ta' Enemalta jistgħu jiġu investiti minn żmien għal żmien b'dak il-mod li jiġi approvat mill-Ministru.

Investiment ta' fondi.

20. (1) Il-prezzijiet li Enemalta għandha teħtieġ għall-provvista ta' enerġija elettrika u servizzi li għandhom x'jaqsmu magħha għandhom ikunu skond dawk it-tariffi li, minn żmien għal żmien, jiġu preskritti.

Prezzijiet, drittijiet u hlasijiet oħra minn Enemalta.

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

(3) Meta tippreskrivi t-tariffi u tagħmel xi ftehim dwar il-prezzijiet li għandhom jithallsu għal enerġija elettrika u għal servizzi dwar hekk provduti minn Enemalta, il-Korporazzjoni għandha tiżgura li l-prezzijiet mitluba jkunu biżżejjed biex jagħtu dhul biżżejjed f'kull sena finanzjarja —

(a) biex jithallsu l-ispejjeż ta' tmexxija, magħduda taxxi, jekk ikun hemm, u biex jiġi provdut għal manutenzjoni xierqa, għal deprezzament, għal hlasijiet ta' mghax fuq self u għal hlasijiet oħra ta' mghax;

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

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

u kull tariffa u ftehim bħal dawk m'għandhomx jagħtu preferenza mhux xierqa bejn konsumaturi li jkunu f'sitwazzjoni simili u m'għandhomx jagħmlu diskriminazzjoni mhux xierqa bejn persuni f'sitwazzjoni simili meta jitqiesu l-post u l-hin tal-provvista, il-kwantità ta' enerġija elettrika provduta, it-tagħbija tal-konsum u l-fattur tal-power, l-għan li għalih il-provvista tkun qed tittiehed u kull ċirkostanza oħra li tkun tiġġustifika trattament preferenzjali jew diskriminatorju.

(4) Il-prezzijiet li Enemalta għandha teħtieġ għall-provvista ta' pitrolju (inkluż iċ-charge li għandha tagħmel Enemalta, għall-għanijiet tas-subartikolu (3) ta' dan l-artikolu u għanijiet li għandhom x'jaqsmu ma' hekk, għall-użu ta' pitrolju mill-Korporazzjoni fil-produzzjoni ta' enerġija elettrika u l-provizjon ta' servizzi relatati) għandhom ikunu skond dawk ir-rati li l-Ministru, bi ftehim mal-Korporazzjoni u wara li jqis l-aspetti rilevanti soċjali u ekonomiċi, jista' jistabbilixxi minn żmien għal żmien.

Estimi ta'
Enemalta.

21. (1) Enemalta għandha tiegħu hsieb li ttejjji f'kull sena finanzjarja, u mhux iktar tard minn sitt ġimgħat wara li tispicċa kull sena bħal dik tadotta, estimi tad-dhul u nfieq tal-Korporazzjoni għas-sena finanzjarja li jkun imiss wara.

(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 għandha, malli jiġu adottati mill-Korporazzjoni, tintbagħat minnufih mill-Bord lill-Ministru.

(4) Il-Ministru għandu, ma' l-ewwel opportunità u mhux iktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' l-estimi ta' Enemalta, jew jekk, f'xi żmien f'dak il-perijodu l-Kamra ma tkunx qed tilitaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jieħu hsieb li dawk l-estimi jitqieghdu quddiem il-Kamra tad-Deputati flimkien ma' mozzjoni li l-Kamra tapprova dawk l-estimi. Għandhom jingħataw żewġ seduti biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi tal-Kamra jistgħu jkunu b'emendi għall-estimi jew mingħajr emendi.

(5) Ma jista' jsir ebda nfieq minn Enemalta jekk dan ma jkunx approvat mill-Kamra tad-Deputati:

Iżda:

(a) sakemm iġhadu sitt xhur mill-bidu ta' sena finanzjarja jew sakemm ikun hemm l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra, skond liema tkun l-ewwel data, il-Korporazzjoni tista' tagħmel infieq biex taqdi l-funzjonijiet tagħha skond dan l-Att ta' mhux iktar b'kolloxx minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

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

(c) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat mill-Kamra ma jkunx biżżejjed jew tinqala' l-htieġa għal infieq li ma jkunx provdut għalih fl-estimi, Enemalta tista' tadotta

estimi supplementari għall-approvazzjoni tal-Kamra, u sakemm tinghata dik l-approvazzjoni, iżda bil-kondizzjoni li din tinghata, Enemalta tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru, tagħmel l-infieq relattiv; barra hekk f'każ bħal dan id-disposizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom safejn ikun prattikabbli japplikaw għall-estimi supplementari:

Iżda wkoll dwar l-ewwel sena finanzjarja ta' Enemalta dan l-artikolu għandu japplika daqslikieku kien jehtieg lill-Korporazzjoni li tadotta l-estimi għal dik is-sena mhux aktar tard minn tnaax-il gimgħa mill-bidu fis-sehħ ta' dan l-artikolu, u daqslikieku, sakemm tinghata l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra tad-Deputati, u bla ħsara li l-infieq totali għal dik is-sena ma jkunx iżjed mill-ammont approvat mill-Kamra, ebda limitu ma tqegħdu fuq dik is-setgħa tal-Korporazzjoni biex tagħmel infieq.

(6) L-estimi u l-estimi supplementari kollha approvati mill-Kamra tad-Deputati għandhom, malajr kemm jista' jkun, jiġu pubblikati fil-Gazzetta.

22. (1) Enemalta għandha tiehu ħsieb li jinżammu kontijiet xierqa u *records* oħra dwar ix-xogħol tagħha, u għandha tiehu ħsieb li tittejjja stqarrija ta' kontijiet dwar kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet tal-Korporazzjoni għandhom jiġu verifikati minn uditur jew udituri li jiġu maħtura minnha u approvati mill-Ministru:

Iżda l-Ministru jista' jehtieg li l-kotba u l-kontijiet ta' Enemalta jiġu verifikati jew eżaminati mid-Direttur tal-Verifika li jkollu għal dan l-ghan is-setgħa li jagħmel verifiki fiżiċi u verifiki oħra kif jidhirlu xieraq.

(3) Wara t-tmiem ta' kull sena finanzjarja, fl-istess hin li kopja ta' estimi ta' Enemalta jintbagħtu lill-Ministru skond l-artikolu 21 ta' dan l-Att, il-Bord għandu jiehu ħsieb li kopja ta' l-istqarrija tal-kontijiet verifikata kif imiss tintbagħat lill-Ministru flimkien ma' kopja ta' kull rapport magħmul mill-uditur jew mill-udituri fuq dik l-istqarrija jew fuq il-kontijiet tal-Korporazzjoni.

(4) Il-Ministru għandu jiehu ħsieb li kopja ta' kull stqarrija u rapport bħal dawk jitqiegħdu quddiem il-Kamra tad-Deputati flimkien mal-mozzjoni mqiegħda quddiem il-Kamra skond l-artikolu 21 ta' dan l-Att.

23. (1) Il-flejjes kollha ta' Enemalta li jkunu gejjin minn kull haġa li ssir taħt dan l-Att għandhom jithallsu f'bank jew f'banek maħtura b'rizoluzzjoni tal-Bord u approvati mill-Ministru. Dawk il-flejjes għandhom, safejn ikun prattikabbli, jithallsu f'dak il-bank minn jum għall-ieħor, hliet dik is-somma li l-Bord jawtorizza li tinzamm biex jithallsu spejjeż żgħar u hliet immedjati. Depożiti ta' flus u hliet.

(2) Il-hliet kollha mill-fondi ta' Enemalta, hliet spejjeż żgħar li ma jkunux iktar minn ammont stabbilit mill-Bord, għandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali tal-Korporazzjoni li l-Bord jaħtar jew isemmi għal hekk.

(3) Cekkijiet fuq jew żbanki minn xi kont ta' bank ta' Enemalta għandhom jiġu ffirmati minn dak l-uffiċjal tal-Korporazzjoni li jkun imsemmi mill-Bord għal hekk u għandhom ikunu kontrofirmati miċ-*Chairman* jew minn dak il-membru l-ieħor tal-Bord jew minn dak l-uffiċjal l-ieħor tal-Korporazzjoni li jkunu ġew awtorizzati mill-Bord għal hekk.

(4) Enemalta ghandha tipprovdi għal —

(a) il-mod li bih u l-uffiċjali li minnhom il-hlasijiet għandhom jiġu approvati;

(b) l-isem ta' kull kont miżmum mal-bank jew banek li fihom il-flejjes tal-Korporazzjoni għandhom jithallsu, u t-trasferiment ta' fondi minn kont għal ieħor;

(ċ) il-metodu li għandu jintuża meta jsiru hlasijiet mill-fondi tal-Korporazzjoni;

(d) b'mod ġenerali dwar il-ħwejjeġ kollha meħtieġa għat-tizim u l-kontroll xieraq tal-kontijiet u l-kotba u l-kontroll tal-finanzi tal-Korporazzjoni.

Rapport
annwali.

24. (1) Il-Bord għandu, mhux iktar tard minn sitt ġimgħat wara l-egħluq ta' kull sena finanzjarja, jagħmel u jibgħat lill-Ministru rapport li jittratta b'mod ġenerali dwar l-attivitajiet ta' Enemalta 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.

(2) Il-Ministru għandu jieħu hsieb li kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra tad-Deputati malajr kemm jista' jkun.

TAQSIMA IV

Trasferiment li Enemalta ta' ċerti Imprizi

Trasferiment
li Enemalta
ta' ċerti
imprizi.

25. (1) B'seħħ mill-ġurnata stabbilita 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 fi, Enemalta taħt l-istess titolu li bih kienu miżmuma mill-Gvern jew mill-Bord ta' l-Elettriku ta' Malta jew mill-Bord tal-Gass minnufih qabel dik il-ġurnata.

(2) Dak it-trasferiment ikun jestendi għall-intier ta' dawk l-imprizi u għandu jinkludi kull impjant, artijiet, xogħlijiet, *stocks* u proprjetà oħra mobbli jew immobbli, attiv, setgħat, jeddijiet, privileġġi u karigi miżmuma jew posseduti dwarhom jew li huma tagħhom, kif ukoll kull passiv u obligazzjonijiet kollha li jolqtu jew li għandhom x'jaqsmu ma' xi waħda mill-imsemmija mprizi jew haġ'oħra inkluża fihom kif intqal qabel.

(3) Dan l-artikolu japplika għal kull impriza jew stallazzjoni, u għal kull apparat, strument jew impjant, u għal kull haġa aċċessorja għalihom jew li għandha x'taqsam magħhom li, minnufih qabel il-ġurnata stabbilita kienu vestiti fi, jew kienu proprjetà ta', il-Bord ta' l-Elettriku ta' Malta jew il-Bord tal-Gass jew kienu vestiti fi, jew kienu proprjetà ta', il-Gvern u kienu mhaddmin mill-Gvern għall-provvista tal-pitrolju.

Ftehim ta'
liġijiet,
kuntratti, eċċ.
eżistenti.

26. Bla hsara għad-disposizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, deċiżjoni, att, obligazzjoni, avvanz, kuntratt, ftehim, kitba, dokument, mandat u arranġament dwar xogħol, li kien jeżisti minnufih qabel il-ġurnata stabbilita, li jolqot jew li għandu x'jaqsam ma' xi waħda mill-imprizi trasferiti jew mal-Bord ta' l-Elettriku ta' Malta jew mal-Bord tal-Gass, jew li fih

xi wieħed minn dawk il-Bordijiet kien parti, għandu jkollu saħħa u effett shiħ kontra jew favur Enemalta, u għandu jiġi eżegwit għal kollox u effettivament bħallikieku minflok il-Gvern, jew il-Bord ta' l-Elettriku ta' Malta, jew il-Bord tal-Gass, skond il-każ, Enemalta kienet imsemmija fihom jew kienet parti għalihom.

27. (1) Meta xi haġa tkun bdiet bis-saħħa jew taħt l-awtorità tal-Gvern, jew tal-Bord ta' l-Elettriku ta' Malta jew tal-Bord tal-Gass qabel il-ġurnata stabbilita u dik il-haġa jkollha x'taqsam ma' xi waħda mill-imprizi trasferiti b'dan l-Att jew bis-saħħa tiegħu, dik il-haġa tista' titkompla u tiġi komplita bis-saħħa jew bl-awtorità ta' Enemalta.

Disposizzjonijiet
tranzitorji.

(2) Meta minnufih qabel il-ġurnata stabbilita jkun hemm xi proċedimenti legali pendenti li fihom il-Gvern jew il-Bord ta' l-Elettriku ta' Malta jew il-Bord tal-Gass 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, Enemalta għandha, fil-ġurnata stabbilita, tkun sostitwita f'dawk il-proċedimenti minflok il-Gvern, jew il-Bord ta' l-Elettriku ta' Malta jew il-Bord tal-Gass skond il-każ, jew għandha ssir parti fihom bl-istess mod kif il-Gvern jew il-Bord ta' l-Elettriku ta' Malta jew il-Bord tal-Gass skond il-każ, kien isir u dawk il-proċedimenti m'għandhomx jintemmu minhabba s-sostituzzjoni.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-disposizzjonijiet incidentali, konsegwenzjali u supplementari li jistgħu jkunu meħtieġa jew spedjenti sabiex jiġi żgurat u biex jingħata effett shiħ lit-trasferiment ta' xi mpriża jew xi jedd jew responsabbiltà ta' Enemalta 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, jew mill-Bord ta' l-Elettriku ta' Malta jew mill-Bord tal-Gass, dwar xi waħda mill-imprizi trasferiti, jistgħu jiġu eżerċitati f'isem Enemalta.

TAQSIMA V

Kumitatj ta' Amministrazzjoni u Uffiċjali u Impjegati ta' Enemalta

28. (1) Enemalta għandha taħtar u timpjega, b'dik ir-rimunezzjoni u fuq dawk il-pattijiet u l-kondizzjonijiet li tista' tistabbilixxi skond l-artikolu 11 ta' dan l-Att, dawk l-uffiċjali u mpjegati l-oħra tal-Korporazzjoni li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet tal-Korporazzjoni:

Hatra u
funzjonijiet ta'
uffiċjali u
mpjegati ta'
Enemalta u
hatra u
funzjonijiet ta'
kumitati ta'
amministrazzjoni.

Izda meta jiġi maħtur *general manager* dan għandu jiġi magħżul bl-approvazzjoni tal-Ministru.

(2) B'effett minn dik il-ġurnata jew minn dawk il-ġranet li l-Ministru jista' b'ordni jstabbilixxi, għandu jkun hemm dwar kull waħda minn dawk it-taqsimiet tax-xogħol ta' Enemalta li l-Ministru f'xi ordni bħal dak jispeċifika (hawnhekk iżjed 'il quddiem imsejha "settur tan-negożju") kumitat ta' amministrazzjoni li għandu, bla hsara għad-disposizzjonijiet ta' dan l-Att ikun responsabbli għat-tmexxija u l-amministrazzjoni ta' kuljum tas-settur tan-negożju rispettiv tagħhom u biex jiġu eżegwiti malajr u b'mod xieraq il-*policy* u d-deċiżjonijiet l-oħra tal-Bord dwaru. Kull kumitat ta' amministrazzjoni jkollu wkoll dawk il-funzjonijiet l-oħra li jistgħu jiġu mogħtija jew delegati lil mill-Bord.

(3) Kull kumitat ta' amministrazzjoni għandu jkun magħmul mill-*general manager* jew mill-*manager* tas-settur tan-negozju li għalih ikun jirreferi, li jkun iċ-*chairman* tal-kumitat, u minn dak in-numru ta' membri oħra li jirrappreżentaw b'mod indaqgħ l-amministrazzjoni tal-Korporazzjoni u l-impjegati tagħha. L-amministrazzjoni tkun rappreżentata mill-persuni li jkollhom il-karigi msemmija mill-Ministru għall-fini ta' dan is-subartikolu; u l-haddiema jiġu rappreżentati minn impjegati tal-Korporazzjoni mahtura għal hekk mill-organizzazzjoni jew mill-organizzazzjonijiet tal-haddiema li jirrappreżentaw il-maġġoranza ta' l-impjegati fis-settur tan-negozju li għalih jirreferi l-kumitat. Il-membri tal-kumitat jispiċċaw minn membri meta ma jibqax ikollhom il-kariga li tikkwalifikahom bħala membri jew matmjem tal-hatra tagħhom mill-organizzazzjoni li minnha jkunu ġew mahtura.

(4) Kull kumitat ta' amministrazzjoni għandu jzomm minuti tal-laqgħat kollha tiegħu u għandu jibgħat kopji ta' dawk il-minuti lill-Bord u lill-Ministru.

(5) Il-membri tal-Bord u l-uffiċjali u l-impjegati kollha ta' Enemalta għandhom jitqiesu li huma uffiċjali u mpjegati pubbliċi skond it-tifsira tal-Kodiċi Kriminali.

Kap. 12

Proġetti ta' *superannuation* eċċ. għal uffiċjali u mpjegati ta' Enemalta.

29. (1) Bla ħsara għall-approvazzjoni tal-Ministru, u safejn ikun jaqbel mad-disposizzjonijiet ta' din it-taqsimha dwar uffiċjali pubbliċi li jaċċettaw impieg permanenti ma' Enemalta u dwar impjegati oħra tal-Gvern jew tal-Bord ta' l-Elettriku ta' Malta jew tal-Bord tal-Gass trasferiti għas-servizz tal-Korporazzjoni, il-Bord jista' jstabbilixxi proġett jew proġetti għall-ħlas ta' *superannuation allowances*, pensjonijiet jew gratifikazzjonijiet lil uffiċjali jew impjegati tal-Korporazzjoni li jirtiraw mis-servizz tal-Korporazzjoni jew li xort'oħra ma jibqgħux iżommu l-kariga mal-Korporazzjoni minħabba l-età, jew mard tal-ġisem jew tal-moħħ, jew abolizzjoni ta' kariga.

(2) Ebda assikurazzjoni fuq il-ħajja ta' xi kontributor skond xi proġett bħal dak, u ebda flejjes jew benefiċċji oħra li jithallsu skond xi assikurazzjoni bħal dik, u ebda pensjoni, gratifikazzjoni jew *allowance* oħra mogħtija skond xi proġett lil xi persuna li tkun ġiet impjegata ma' Enemalta, ma tista' tiġi ċeduta jew trasferita, jew ma tkun tista' tiġi sekwestrata jew maqbuda għal jew dwar xi dejn jew pretensjoni oħra tkun li tkun, hliet dejn dovut lill-Korporazzjoni jew lill-Gvern.

Allokazzjoni ta' uffiċjali pubbliċi għal dmirijiet ma' Enemalta.

30. (1) L-uffiċjali pensjonabbli kollha, u l-uffiċjali kollha mhux pensjonabbli tal-fergħa tas-servizz ġenerali tas-servizz pubbliku, allokati fuq dmirijiet mal-Bord ta' l-Elettriku ta' Malta minnufih qabel il-bidu fis-seħħ ta' dan l-artikolu għandhom, minn dak il-bidu fis-seħħ, ikunu allokati għal dmirijiet ma' Enemalta, u kull direttiva mogħtija skond l-Att ta' l-1963 dwar l-Elettriku, li talloka xi uffiċjal hekk kif intqal qabel għal dmirijiet mal-Bord ta' l-Elettriku ta' Malta għandha, minkejja t-tħassir ta' dak l-Att, tibqa' fis-seħħ daqslikieku dak l-uffiċjal kien allokati għal dmirijiet ma' Enemalta b'direttiva tal-Prim Ministru mogħtija skond dan l-Att:

Izda kull perijodu ta' dmirijiet fis-servizz tal-Bord ta' l-Elettriku ta' Malta għandu, għall-finijiet ta' kemm iddum kull direttiva bħal dik, jitqies li hu perijodu ta' dmirijiet fis-servizz ta' Enemalta.

(2) Il-Prim Ministru jista', fuq it-talba ta' Enemalta, minn żmien għal żmien jordna li xi persuna li jkollha kariga pensjonabbli fis-servizz pubbliku jew xi kariga oħra fil-fergħa tas-servizz ġenerali tas-servizz pubbliku tibqa' allokata għal dmirijiet ma' Enemalta f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru.

(3) Il-perijodu li matulu direttiva kif intqal qabel għandha tapplika għal xi 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 perijodu differenti ma jiġix speċifikat f'dik id-direttiva, għandu jintemm malli tiġri xi waħda mill-ġrajjet li ġejjin, jiġifieri —

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u mpieg permanenti ma', Enemalta skond id-disposizzjonijiet ta' l-artikolu 32 ta' dan l-Att; jew

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

(4) Meta direttiva kif intqal qabel tiġi revokata mill-Prim Ministru dwar xi uffiċjal, il-Prim Ministru jista', b'direttiva oħra, jal-loka lil dak l-uffiċjal għal dmirijiet ma' Enemalta f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u d-disposizzjonijiet tas-subartikolu (4) ta' dan l-artikolu għandhom malli jsir dan japplikaw dwar il-perijodu ta' tul ta' kull direttiva oħra bħal dik dwar dak l-uffiċjal.

31. (1) Meta xi uffiċjal jiġi allokat fuq dmirijiet ma' Enemalta skond xi waħda mid-disposizzjonijiet ta' l-artikolu 30 ta' dan l-Att, dak l-uffiċjal għandu, matul dak iż-żmien li fih dik id-direttiva tkun isseħħ dwaru, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Korporazzjoni, iżda dan għandu għall-finijiet u effetti kollha jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

Stat ta' uffiċjali pubbliċi allokati fuq dmirijiet ma' Enemalta.

(2) Bla ħsara għall-ġeneralità ta' dak li ntqal, uffiċjal allokat fuq dmirijiet kif intqal qabel —

(a) m'għandux matul iż-żmien li dwaru jkun hekk allokat —

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

(ii) ikun hekk impjegat illi r-rimunerazzjoni tiegħu u l-kondizzjonijiet tas-servizz ikunu inqas favorevoli minn dawk marbuta mal-hatra mal-Gvern li hu jkollu fl-imsem-mija data, kieku dak l-uffiċjal ma kienx imqabbad fuq dmirijiet ma' Enemalta; u

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

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

(4) Enemalta għandha tħallas 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 uffiċjal allokat għal dmirijiet mal-Korporazzjoni kif intqal qabel matul iż-żmien li fih ikun hekk allokat.

Offerta ta' mpieg permanenti ma' Enemalta ta' uffiċjali pubbliċi allokat għal dmirijiet ma' Enemalta.

32. (1) Enemalta tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal allokat għal dmirijiet mal-Korporazzjoni skond xi waħda mid-disposizzjonijiet ta' l-artikolu 30 ta' dan l-Att impieg permanenti ma' Enemalta b'rimunerazzjoni u fuq dawk il-pattijiet u l-kondizzjonijiet mhux anqas favorevoli minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet 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 oghla minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, meħuda flimkien, fil-fehma tal-Prim Ministru joffru b'mod sostanzjali benefiċċji li jkunu ndaqs jew akbar.

(3) Kull uffiċjal li jaċċetta mpieg permanenti ma' Enemalta offert lillu skond id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandu, għall-finijiet kollha hlied dawk ta' l-Ordinanza dwar il-Pensjonijiet u ta' l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla hsara għad-disposizzjonijiet tas-subartikolu (5) ta' l-artikolu 28 ta' dan l-Att, jitqies li temm milli jkun fis-servizz tal-Gvern u li daħal fis-servizz ta' Enemalta fid-data ta' l-aċċettazzjoni tiegħu, u għall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, safejn japplikaw għalih, servizz ma' Enemalta 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 mpieg permanenti ma' Enemalta, kien kontributor skond l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema għandu jibqa' jkompli iikkontribwixxi u jibbenefika minnhom għall-finijiet kollha bħallikieku s-servizz tiegħu mal-Korporazzjoni kien servizz mal-Gvern.

(5) Enemalta 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 mpieg permanenti mal-Korporazzjoni kif intqal qabel matul il-perijodu li jibda fid-data ta' l-aċċettazzjoni ta' dak l-uffiċjal.

Trasferiment ta' mpjegati tal-Bord ta' l-Elettriku ta' Malta u tal-Bord tal-Gass għal ma' Enemalta.

33. (1) Kull persuna fl-impieg tal-Bord ta' l-Elettriku ta' Malta jew tal-Bord tal-Gass minnufih qabel il-bidu fis-seħh ta' dan l-artikolu għandha, b'effett minn dak il-bidu fis-seħh, titqies li ġiet trasferita għas-servizz ta', u għandha ssir impjegat ta', Enemalta bl-istess rata ta' paga, u, kemm jista' jkun qrib, taħt l-istess kondizzjonijiet, bħal dawk li taħthom kull impjegat bħal dak kien impjegat ma' xi wieħed mill-imsemmija Bordijiet minnufih qabel dik id-data:

Iżda, dwar kull impjegat bħal dak li għalih kien japplika l-artikolu 29 ta' l-Att ta' l-1963 dwar l-Elettriku, id-disposizzjonijiet ta' l-artikolu 32 ta' dan l-Att għandhom japplikaw daqslikieku dawk l-impjegati kienu aċċettaw impieg permanenti ma' Enemalta u s-servizz mal-Bord ta' l-Elettriku ta' Malta għandu, għall-finijiet ta' l-imsemmi artikolu 32, jitqies li hu servizz ma' Enemalta.

(2) Ebda haġa f'dan l-artikolu ma għandha titqies li tolqot il-jedd ta' Enemalta li ttejjem l-impjeg ta' xi mpjegat bħal dak li jkun trasferit għas-servizz ta' Enemalta, jew li tibdel ir-rata tal-paga jew il-kondizzjonijiet tas-servizz tiegħu.

(3) Meta mpjegat li jkun ġie trasferit għas-servizz ta' Enemalta skond dan l-artikolu jkun ukoll impjegat li jkun ġie trasferit għall-Bord ta' l-Elettriku ta' Malta skond l-artikolu 30 ta' l-Att ta' l-1963 dwar l-Elettriku, u dik il-persuna wara tiġi maħtura għal kariga pensjonabbli fis-servizz pubbliku, is-servizz tiegħu ma' Enemalta (flimkien mas-servizz tiegħu mal-Bord ta' l-Elettriku ta' Malta) għandu jitqies li kien servizz mal-Gvern.

34. (1) Meta mpjegat trasferit għas-servizz ta' Enemalta skond l-artikolu 33 ta' dan l-Att ikun ukoll impjegat li jkun ġie trasferit għall-Bord ta' l-Elettriku ta' Malta skond l-artikolu 30 ta' l-Att ta' l-1963 dwar l-Elettriku, u dik il-persuna tmut, tirtira minn jew xort'oħra ma tibqax fis-servizz ta' Enemalta f'ċirkostanzi li, kieku s-servizz tiegħu ma' Enemalta u ma' l-imsemmi Bord kien servizz mal-Gvern, setgħet tingħata gratifikazzjoni dwar dak is-servizz, Enemalta tista', bi ftehim mal-Ministru responsabbli għall-finanzi, tagħti dwar is-servizz kollu tagħha gratifikazzjoni li ma tkunx iżjed minn dik li kienet tingħata kieku s-servizz tagħha ma' Enemalta u ma' l-imsemmi Bord kien servizz mal-Gvern.

Irtir ta' mpjegati trasferiti għas-servizz tal-Bord.

(2) Il-Gvern għandu jhallas lil Enemalta, dwar kull gratifikazzjoni mogħtija skond is-subartikolu (1) ta' dan l-artikolu, kontribuzzjoni li jkollha l-istess proporzjon mal-gratifikazzjoni li l-perijodu ta' servizz ta' l-impjegat mal-Gvern ikollu mal-perijodu kollu tas-servizz tiegħu mal-Gvern u ma' Enemalta.

(3) Ebda haġa f'dan l-artikolu ma għandha titqies li ttejjem lil Enemalta milli tagħti, skond xi proġett stabbilit skond l-artikolu 29 ta' dan l-Att, xi somma jew somom lil xi mpjegat bħal dak bħala pensjoni, gratifikazzjoni jew *allowance* oħra b'zieda ma' kull gratifikazzjoni mogħtija skond id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, iżda l-Gvern ma jkun meħtieġ li jagħmel ebda kontribuzzjoni għal xi somma addizzjonali hekk mogħtija.

(4) Id-disposizzjonijiet tas-subartikolu (2) ta' l-artikolu 29 ta' dan l-Att għandhom japplikaw għal kull pensjoni, gratifikazzjoni jew *allowance* oħra mogħtija skond dan l-artikolu.

TAQSIMA VI

Kuntratti u Setgħa għal Ksib jew Tneħħija ta' Proprjetà

35. (1) Hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali, Enemalta ma għandha tagħmel ebda kuntratt għall-provvista ta' oġġetti jew materjali, barra minn pitrolju, jew għall-eżekuzzjoni ta' xogħlijiet li huwa stmat mill-Bord li jinvolvu nefqa ta' iktar minn tlejt elef lira kemm-il darba avviz tal-ħsieb ta' Enemalta li tagħmel il-kuntratt ma jkunx ġie pubblikat u jkunu nħarġu offerti kompetittivi.

Kuntratti ta' provvista jew ta' xogħlijiet.

(2) Enemalta għandha tikseb pitrolju b'dak il-mod u taħt dawk il-pattijiet u l-kondizzjonijiet li tista', bil-qbil tal-Ministru, tiddeċiedi jew tiftiehem.

Setgħa għal ksib u tneħħija ta' proprjetà.

36. (1) Bla ħsara għad-disposizzjonijiet ta' l-aħħar artikolu qabel dan, Enemalta tista', għall-fini tal-qadi xieraq u effiċjenti tal-funzjonijiet tagħha skond dan l-Att —

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

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

(2) Enemalta tista', bl-awtorità bil-miktub tal-Prim Ministru, tittrasferixxi jew tipoteka kull art jew proprjetà oħra immobbli jew interess fihom vestiti f'Enemalta 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.

(3) Enemalta tista', mingħajr l-imsemmi kunsens, tagħti b'kiri kull art jew proprjetà immobbli oħra tal-Korporazzjoni għal żmien ta' mhux iżjed minn tmien snin, iżda dan jista' jsir biss jekk il-valur sħiħ tal-kera jiġi riżervat għal sena wara l-oħra u ma jithallas ebda rigal dwaru.

TAQSIMA VII

Disposizzjonijiet Mixxellanji

Liċenzi għall-generazzjoni ta' enerġija, provvista ta' pitrolju eċċ.

37. (1) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, ebda persuna ma għandha f'Malta, hliet għal jew f'isem Enemalta, jew bi ftehim jew skond arrangamenti mal-Korporazzjoni, jew bis-saħħa ta' liċenza tal-Korporazzjoni jew skond regolamenti magħmula taħt dan l-Att —

(a) tiġġenera enerġija elettrika, jew tagħmel xi xogħol jew twaħħal xi apparat jew oġġett ieħor maħsub għall-generazzjoni ta' enerġija elettrika;

(b) timporta, tikseb, timmanifattura, iżzomm, taħzen, tqasam, tbiegħ, tbiegħ fit-toroq, tesporta jew xort'oħra tneħħi pitrolju jew xi forma tiegħu, tibni, ittella', jew iżzomm jew tuża xi tank, pompa jew apparat mekkaniku ieħor sabiex jiġi maħżun, mibjugħ jew provdut pitrolju;

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

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

Għoti ta' liċenzi minn Enemalta u arrangamenti oħra.

38. (1) Enemalta tista', fid-diskrezzjoni tagħha u taħt dawk il-pattijiet u l-kondizzjonijiet li jidhrilha xierqa, tagħti liċenza lil kull persuna —

(a) għall-generazzjoni ta' enerġija elettrika għall-użu biss ta' dik il-persuna jew għall-użu ta' dik il-persuna u 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;

(b) għall-importazzjoni, ksib, manifattura, hażna, tqassim, bejgħ, esportazzjoni jew tneħħija oħra ta' pitrolju, jew għal xi attività waħda minn dawk jew għal iktar, magħduda, iżda bla ħsara għall-generalità ta' dak li ntqal qabel, il-kostruzzjoni jew

il-bini ta' tankijiet jew strutturi oħra, jew pompi jew apparat mekkaniku ieħor, għall-ħażna, bejgħ jew provvista ta' pitrolju;

u tista' wkoll tagħmel kull arrangament u tagħmel kull ftehim ma' xi persuna għal kull wieħed mill-imsemmija għanijiet, jew xort'oħra dwar xi waħda mill-funzjonijiet tagħha skond dan l-Att, kif jidhrilha xieraq jew spedjenti.

(2) Liċenzi maħruġa skond is-subartikolu (1) ta' dan l-artikolu u kull 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 liċenza, arrangament jew ftehim bħal dawk jibqgħu validi sal-31 ta' Diċembru tas-sena li fiha jkunu ngħataw, ġew magħmula jew imġedda.

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

(4) Liċenza maħruġa skond dan l-artikolu, 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 minn Enemalta bil-qbil tal-Ministru, jekk ikun hemm ċirkostanzi fejn, fil-fehma tal-Korporazzjoni, xi liċenza, arrangament jew ftehim bħal dawk għandu jiġi sospiż jew revokat.

(5) Meta xi persuna taġixxi bi ksur ta' xi patt jew kondizzjoni ta' liċenza mogħtija minn, jew ta' arrangament jew ftehim li jsir ma', Enemalta, għandha titqies li kienet qed taġixxi mingħajr dik il-liċenza, jew dak l-arrangament jew ftehim.

(6) Il-ħruġ ta' liċenza minn, jew l-egħmil ta' xi arrangament jew ftehim ma', Enemalta, ma jeżentax lil ebda persuna mill-ħtiġiet ta' kull liġi oħra.

39. Enemalta tista', bl-approvazzjoni tal-Ministru, tagħmel regolamenti, li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, biex tippreskrivi u xort'oħra tipprovdi dwar —

Setgħa għall-egħmil ta' regolamenti.

(a) id-dmirijiet ta' kull uffiċjali tal-Korporazzjoni dwar l-ispezzjon ta' kull stallazzjoni, tagħmir, impjant, apparat, xoghlijiet u proprjetà oħra tal-Korporazzjoni, f'liema intervalli u hinijiet u b'liema mod kull stallazzjonijiet, apparat u proprjetà oħra bħal dawk ta' Enemalta għandhom jiġu spezzjonati, u l-avviż (jekk għandu jkun hemm) li għandu jingħata dwar l-ispezzjonijiet;

(b) il-kondizzjonijiet li taħthom kull stallazzjoni, apparat jew proprjetà oħra tal-Korporazzjoni għandhom jiġu installati, maħduma, imħaddma, issirilhom manutenzjoni, jiġu protetti, kontrollati jew b'xi mod ieħor imħarsa u l-projbizzjoni ta' l-użu ta' kull stallazzjoni, apparat jew tagħmir perikolużi;

(c) l-istandard li jiġi wżat għall-kejl ta' qisien ta' stallazzjonijiet u apparat;

(d) kull tariffa ta' prezzijiet, drittijiet u hlasijiet oħra li jistgħu jew li huma meħtieġa li jiġu preskritti bid-disposizzjonijiet jew skond id-disposizzjonijiet 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, drittijiet jew hlasijiet u l-mod tal-ġbir u t-neħhija tagħhom;

(e) kull haġa dwar xi hidma, funzjoni jew haġ'oħra li dwarhom Enemalta hi l-awtorità esklużiva jew li dwarhom liċenza

minn, jew ftehim jew arrangament ma', Enemalta hu mehtieg b'dan l-Att, maghduda l-pattijiet u l-kondizzjonijiet li tahtom xi hidma jew funzjoni bhal dawk jistghu jsiru jew xi ezenzjoni ssir jew tinghata, u kull haġa oħra li tkun mehtiega jew spedjenti li tiġi provduta dwar kull waħda mill-imsemmija hwejjeġ;

(f) il-kwalifiki li persuni għandu jkollhom qabel ma jiġu mqabba biex jibnu, isewwu, jibdlu jew jikkontrollaw xi apparat jew stallazzjoni u x-xorta ta' provi li għandhom isiru sabiex jiġi żgurat jekk dawk il-persuni jkollhomx dawk il-kwalifiki;

(g) il-mizuri li għandhom jittiehdu u t-tagħmir li għandu jiġi provdut u wżat dwar l-installazzjonijiet sabiex tiġi żgurata s-sigurtà pubblika u s-sigurtà privata;

(h) il-mezzi li għandhom jintużaw, sew bi projbizzjoni sew xort'oħra, biex jiġu evitati u mnaqqsqa kull periklu, ħsara jew tfixkil li x'aktarx jinqalghu jew li jinqalghu mit-thaddim ta' xi stallazzjonijiet jew apparat;

(i) il-metodi li għandhom jintużaw għall-provvista ta' servizzi mogħtija mill-Korporazzjoni, il-garanzija li għandha tinghata minn persuni li jkunx jixtiequ jiksbu dawk is-servizzi, il-kondizzjonijiet biex ma jitkomplewx dawk is-servizzi f'każijiet fejn il-ħtiġiet ta' dan l-Att jew ta' xi regolament magħmul bis-saħħa tiegħu ma jkunx ġew imharsa, jew meta persuna tkun qiegħda lura fil-ħlasijiet ta' xi prezzijiet, ħlasijiet jew drittijiet xierqa jew meta tuża apparat, strumenti jew tagħmir difettużi, kif ukoll f'każijiet oħra fejn ikun mehtieg jew aħjar li ma jitkomplewx dawk is-servizzi;

(j) il-pattijiet u l-kondizzjonijiet li tahtom dipartimenti tal-Gvern jew korpi jew awtoritajiet pubbliċi jista' jkollhom, flimkien ma' Enemalta, faċilitajiet li dwarhom il-Korporazzjoni jkollha l-jeddijiet esklużivi kif provdut skond l-artikolu 3 ta' dan l-Att;

(k) dawk il-hwejjeġ dwar il-ħruġ ta' obligazzjonijiet jew *debenture stock* skond dan l-Att kif il-Bord jidhirlu mehtieg jew spedjenti li jippreskrivi, u, b'mod partikolari, biex jiġi regolat il-metodu tal-ħruġ, trasferiment, fidwa jew xogħol iehor dwar dawk l-obbligazzjonijiet jew *debenture stock*;

(l) kull haġa oħra li skond dan l-Att tista' jew hi mehtiega li tiġi preskritta; u

(m) kull haġa oħra li fil-fehma ta' Enemalta tkun mehtiega jew spedjenti sabiex jinghata effett aħjar lid-disposizzjonijiet ta' dan l-Att jew biex tiġi żgurata s-sigurtà pubblika, jew biex tiġi żgurata provvista xierqa u biżżejjed ta' enerġija elettrika u ta' pitrolju jew it-tmexxija xierqa ta' dak is-servizz.

Lampi pubbliċi.

40. (1) Enemalta, meta tirċievi avviz xieraq minghand il-Gvern, li jeħtiġilha li twaħħal lampi pubbliċi jew li tipprovdi enerġija elettrika għal lampi pubbliċi, għandha tipprovdi u twaħħal dawk il-lampi pubbliċi u, safejn tkun tista' tagħmel hekk, tagħti u tkompli tagħti provvista ta' enerġija elettrika lil dawk il-lampi f'dawk il-kwantitajiet li l-Gvern jista' jeħtiġ minn żmien għal żmien.

(2) Il-prezz li għandu jiġi mitlub minn, u mħallas lil, Enemalta għall-provvista u twaħħil ta' lampi pubbliċi u għall-enerġija elettrika provduta lil dawk il-lampi, u l-hwejjeġ kollha li għandhom x'jaqsmu magħhom, għandu jiġi ffixsat bi ftehim bejn il-Gvern u l-Korporazzjoni, wara li jiġu meqjusa l-fatturi kollha rilevanti.

(3) F'dan l-artikolu "lampa pubblica" tfisser lampa elettrika wżata biex tinxteghel xi triq.

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

Eżenzjoni mid-disposizzjonijiet ta' dan l-Att.

42. Kull persuna awtorizzata mill-Bord tista', f'kull hinijiet xierqa, tidhol f'kull post li fih l-enerġija elettrika tkun, kienet jew se tiġi provduta, jew li fih xi stallazzjoni, apparat, strument, impjant jew aċċessorji jkunu qegħdin, jew ikunu ġew jew ikunu se jiġu mgħammra, jew xort'oħra jkunu hemm, għal jew dwar il-provvista, hażna, tqassim, bejgħ jew tneħħija oħra ta' enerġija elettrika jew ta' pitrolju, għall-fini ta' —

Setgħa għal dħul biex tiġi żgurata kondizzjoni ta' stallazzjonijiet, eċċ.

(a) spezzjon, manutenzjoni u, jekk ikun htejga, tiswija ta' kull wiehed mill-oġġetti hawn fuq imsemmija kif ukoll linji, arloggi, tagħmir, xogħlijiet jew apparat proprjetà ta' Enemalta, jew li jkunu mgħammra f'dak il-post;

(b) tikseb dawk il-fatti jew dik l-informazzjoni li l-Bord jista' jeħtieġ dwar is-servizzi mogħtija minn Enemalta;

(c) it-tneħħija ta' kull jew uħud mill-installazzjonijiet, apparat, strumenti, impjanti jew aċċessorji li jkunu proprjetà tal-Korporazzjoni, kull meta xi servizz provdut mill-Korporazzjoni ma jkunx għadu meħtieġ jew meta l-Korporazzjoni tkun awtorizzata li tirtira s-servizzi tagħha:

Iżda Enemalta għandha ssewwi kull hsara li tiġġarrab b'kull dħul, spezzjon jew tneħħija bħal dawk.

43. (1) L-eżekuzzjoni tax-xogħol kollu li għandu x'jaqsam mas-servizzi mogħtija minn Enemalta għandha ssir b'dak il-mod li jista' jiġi preskritt u mingħajr hsara għas-sigurtà pubblika jew sigurtà privata.

Reati dwar prekawzjoni waqt xogħlijiet.

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

44. (1) Ebda persuna ma għandha tuża xi enerġija elettrika jew xi stallazzjoni, apparat, strument jew l-aċċessorji tagħhom, provduti minn Enemalta, jew xi pitrolju provdut għall-bejgħ jew tneħħija oħra minn jew f'isem Enemalta, sew direttament jew indirettament, għal għanijiet hliet dawk li għalihom ikun provdut; u kull dikjarazzjoni jew turija ċara minn Enemalta dwar l-għan li għalih xi oġġett kif isemma qabel ikun ġie provdut tkun prova konkluziva ta' dak l-għan.

Reati dwar stallazzjonijiet eċċ., provduti.

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

45. Kull persuna li —

Reati oħra.

(a) tfixkel jew ma tħallix lil xi membru tal-Bord jew lil xi uffiċjal, aġent jew impjegat ta' Enemalta 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-disposizzjonijiet ta' dan l-Att jew xi waħda mill-imsemmija regolamenti jew xi ordni leġittimu mogħti skond id-disposizzjonijiet ta' dan l-Att jew ta' dawk ir-regolamenti; jew

(ċ) meta liċenza jew permess ieħor ikun meħtieġ skond id-disposizzjonijiet ta' dan l-Att jew skond xi regolamenti kif intqal qabel, għall-użu tas-servizzi jew faċilitajiet ta' Enemalta, tagħmel użu minn dawk is-servizzi jew faċilitajiet mingħajr dik il-liċenza jew dak il-permess jew tikser jew tonqos li tħares il-kondizzjonijiet ta' liċenza bħal jew permess bħal dak,

tkun hatja ta' reat kontra dan l-Att.

Pieni għal reati.

46. (1) Kull persuna hatja ta' reat kontra dan l-Att jew kontra xi regolamenti, regoli jew ordnijiet magħmula bis-saħħa ta' dan l-Att, teħel, bla ħsara għar-responsabbiltà tagħha skond il-Kodiċi Kriminali jew xi liġi oħra, meta tinsab hatja, priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew multa ta' mhux iżjed minn ħames mitt lira, jew dik il-priġunerija u multa flimkien.

(2) Meta jkun sar reat kontra dan l-Att kif imsemmi fl-artikolu 38 jew fil-paragrafu (ċ) ta' l-artikolu 45 ta' dan l-Att, kull stallazzjoni, apparat, strument, impjant jew tagħmir jew haġ'ohra wżata sabiex isir ir-reat tkun konfiskata favur il-Gvern.

Thassir u riżerva.

47. (1) Bla ħsara għad-disposizzjonijiet ta' dan l-Att —

(a) il-liġijiet li ġejjin, jiġifieri —

(i) l-Ordinanza dwar il-Pompi tal-Petrol u taz-Żejt;

(ii) l-Att ta' l-1952 dwar il-Gass;

(iii) l-Att ta' l-1954 dwar il-Kumpens minhabba t-Tibdil tas-Sistema fl-Elettriku;

(iv) l-Att ta' l-1955 dwar il-Kumpens Speċjali għall-Istallazzjonijiet tad-Dawl Elettriku;

(v) l-Att ta' l-1963 dwar l-Elettriku; huma b'dan imħassra;

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Att Nru. VI ta' l-1954

Att Nru. XXV ta' l-1955

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(b) l-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' Pitrolju, għandu jkollha effett skond l-emendi li ġejjin:

(i) l-artikolu 11 tagħha għandu jithassar;

(ii) l-artikolu 12 tagħha għandu jithassar;

(iii) fl-artikolu 13 tagħha, minnufih wara l-kliem "regolamenti magħmulin bis-saħħa ta' din l-Ordinanza" għandhom jidhlu l-kliem "jew ta' l-Att ta' l-1976 dwar l-Enemalta, jew miżmuma fis-seħħ b'dak l-Att".

(2) Ir-regolamenti, ir-regoli jew l-ordnijiet kollha magħmula taħt, jew miżmuma fis-seħħ bi, l-Att ta' l-1952 dwar il-Gass jew l-Att ta' l-1963 dwar l-Elettriku jew magħmula taħt xi disposizzjoni ta' l-Ordinanza dwar l-Importazzjoni, Magazzinaġġ u Bejgħ ta' Pitrolju mħassra jew emendati b'dan l-Att, jekk kienu u kif kienu fis-seħħ minnufih qabel il-bidu fis-seħħ ta' dan l-artikolu, għandhom jibqgħu fis-seħħ wara daqslikieku kienu saru taħt dan l-Att, jew taħt id-disposizzjonijiet xierqa emendati b'dan l-Att, skond il-każ, suġġetti għal dawk il-modifiki, adattamenti u limitazzjonijiet li jkun meħtieġa jew spedjenti biex jagħtuhom effett bħallikieku jkun hekk saru, u jistgħu jiġu revokati, mibdula jew emendati f'dan skond hekk; u bla ħsara għall-ġeneralità ta' dak li ntqal qabel ikollhom effett skond l-emendi li ġejjin:

(a) minflok il-kliem "Bord ta' l-Elettriku ta' Malta" jew "Bord tal-Gass", kull fejn jinsabu, u minflok kull riferenza għal dawk il-Bordijiet, għandha tidhol il-kelma "Enemalta" jew riferenza għaliha;

(b) fir-Regolamenti ta' l-1955 dwar il-Magazzinaġġ ta' Petrolju — G.N. Nru. 337
ta' l-1955

(i) minflok il-kliem "Kummissarju tal-Pulizija" u "Direttur tax-Xoghlijiet Pubbliċi" kull fejn jinsabu fihom, għandha tidhol il-kelma "Enemalta";

(ii) fir-Regolament 4 tagħhom, minnufih wara t-tifsira ta' "Petrolju" għandha tiżdied it-tifsira li ġejja:

"Pitrolju" tinkludi żżomm, sew għal użu privat jew għall-bejgħ;

(iii) fir-Regolament 7 tagħhom, minflok il-kliem "Jista' jkun permess" għandhom jidhlu l-kliem "Jista' jkun permess"; u

(iv) ir-Regolament 12 tagħhom għandu jithassar.

(3) Mingħajr hsara għad-disposizzjonijiet l-oħra ta' dan l-Att, kull fejn il-kliem "Bord ta' l-Elettriku ta' Malta" jew "Bord tal-Gass", jew dawk il-kliem flimkien ma' kliem ieħor li jirreferi għall-Att li bihom jew wiehed jew l-ieħor ġie mwaqqaf, jinsabu f'xi legislazzjoni, għandha tidhol minflokhom il-kelma "Enemalta" jew, meta l-każ ikun hekk jeħtieġ, għandhom jidhlu l-kliem "Enemalta mwaqqfa bl-Att ta' l-1976 dwar l-Enemalta".

(4) Kull liċenza, permess jew awtorità mogħtija skond xi liġi, jew xi disposizzjoni tagħha, imħassra jew emendata b'dan l-Att, u li kienet għadha fis-seħħ minnufih qabel dak it-thassir jew dik l-emenda, għandhom jibqgħu fis-seħħ wara bħallikieku kienu liċenza, permess jew awtorità mogħtija taħt disposizzjoni korrispondenti ta' dan l-Att, jew, skond il-każ, disposizzjoni emendata b'dan l-Att; u kull liċenza, permess jew awtorità hekk kif intqal qabel għandhom jiġu trattati u jsiru dwarhom f'dan is-sens.

SKEDA

Artikolu 15

Disposizzjonijiet dwar servizz komuni ta' qari ta' *meter*, tiżmim ta' kontijiet u ġbir ta' kontijiet u dwar l-eżerċizzju ta' ċerti funzjonijiet mill-Awtorità ta' l-Ilma f'isem Enemalta.

1. L-Awtorità ta' l-Ilma hija hawn maħtura fl-isem u għannom ta' Enemalta biex teżerċita u taqdi kemm jista' jkun fl-intier u b'mod effettiv fl-aspetti kollha bħala Enemalta stess dawk il-funzjonijiet kollha li huma jew jistgħu minn żmien għal żmien ikunu legalment mogħtija lil Enemalta dwar l-attijiet u l-ħwejjeg li ġejjin, jiġifieri:

(a) li titlob, teħtieġ, tirċievi, taċċetta, thassar, tirrinunzja u b'mod ġenerali tittratta ma' garanzija, sigurtà, depożitu jew impriża dwar somom dovuti lil Enemalta għall-fornitura ta' enerġija elettrika, kirj ta' *meter* u servizzi (hawnhekk iżjed 'il quddiem f'din l-Iskeda msemija bħala "somom dovuti lil Enemalta");

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

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

(d) li tieġu ħsieb il-kalkolu, servizz u ġbir ta' kontijiet dwar somom dovuti lil Enemalta;

(e) li tirċievi mingħand il-konsumaturi ta' enerġija elettri-ka kull avviż dwar —

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

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

(f) li tara li l-fornitura ta' enerġija elettri-ka lil kull konsumatur tiġi sospiżta fil-każ ta' nuqqas ta' ħlas ta' somom dovuti lil Enemalta wara t-temm tal-perijodu preskritt, jew ta' każda m'ħux 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-ħlas ta' somom dovuti lil 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 ħlas ta' somom dovuti lil Enemalta;

(i) li tidhol f'kull fond u li tesegwixxi u tagħmel hemm-hekk kull att jew haġa li tkun fl-awtorità ta' Enemalta;

(j) li tistma, permezz ta' dak il-kriterju li jkun fid-diskrezzjoni ta' Enemalta, il-konsum ta' enerġija elettri-ka f'kull fond li fih ikun ġie miċħud id-dħul għall-fini ta' qari ta' meters wara li jkun ingħata avviż xieraq;

(k) b'mod ġenerali li tagħmel kull att ieħor, incidentali jew supplementari għal dak li ngħad qabel, li Enemalta, kieku ma kienx għad-disposizzjonijiet ta' din l-Iskeda, kien ikollha dritt li tagħmel dwar u għall-finijiet ta' qari ta' meters, tiżmim ta' kontijiet u ġbir ta' kontijiet kif applikabbli għall-fornitura ta' enerġija elettri-ka.

2. Jekk xi somom dovuti lil Enemalta ma jithallsux jew jekk xi oġġetti jew materjali li jkunu ta' Enemalta ma jiġux mogħtija lura minn xi konsumatur ta' l-enerġija elettri-ka, l-Awtorità ta' l-Ilma tista', b'dak kollu li hemm fid-disposizzjonijiet ta' l-artikolu 1968 tal-Kodiċi Ċivili, tagħmel kull proċedura legali jew proċedura oħra awtorizzata bil-liġi għall-ġbir jew teħid lura tagħhom fl-isem u għan-nom ta' Enemalta; u għall-finijiet ta' l-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili l-Awtorità ta' l-Ilma għandha titqies li tkun taġixxi bħala Kap ta' Dipartiment dwar daqstant minn dawk il-proċeduri li jittieħdu għan-nom ta' Enemalta.

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

4. L-Awtorità ta' l-Ilma tista', dwar il-kontijiet ta' Enemalta u somom dovuti lil Enemalta, tkompli fis-seħħ kull arrangamenti li jkunu saru ma' xi Dipartiment ieħor tal-Gvern għall-kalkolar ta' kontijiet u tiżmim ta' kontijiet u għall-provvediment ta' għajjnuna legali jew għajjnuna oħra.

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

6. Minn żmien għal żmien skond ma jista' jkun meħtieġ, Enemalta u l-Awtorità ta' l-Ilma 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-ħwejjeġ kolha jew xi waħda mill-ħwejjeġ li ġejjin:

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

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

(ċ) il-perijodi li fihom u l-mod li bih l-Awtorità ta' l-Ilma għandha tibgħat lil Enemalta somom miġbura mill-Awtorità ta' l-Ilma f'isem Enemalta jew, safejn ikunu saru arrangamenti għat-tpaċija fil-ftehim, dawk il-bilanċi tagħhom li jkunu pendentji wara li xi ammonti dovuti lill-Awtorità ta' l-Ilma skond l-aħħar sub-paragrafu ta' qabel dan ikunu ġew imnaqqsa;


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

(e) il-proċeduri finanzjarji, bankarji, ta' verifika u amministrattivi li għandhom isiru miż-żewġ naħiet għall-ħdim regolari u effiċjenti ta' l-arrangamenti eżistenti bejniethom magħduda, mingħajr ħsara għall-ġeneralità ta' l-fuq imsemmi, il-forom li għandhom jintużaw, id-dokumenti li għandhom jiġu merfugħa, il-kotba li għandhom jinżammu, ir-reżokonti li għandhom isiru, l-avviżi li għandhom jiġu mogħtija jew komunikati u l-kontijiet li għandhom jintpogħtu;

(f) dawk il-ħwejjeġ l-oħra inċidentali u supplementari għal dak li ngħad qabel li għalihom, bl-approvazzjoni tal-Ministru, jistgħu jqisu meħtieġ u xieraq li jipprovdu.

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

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 54 tat-3 ta' Mejju, 1977.


Skrivan tal-Kamra tad-Deputati


Speaker

ENEMALTA ACT, 1977
Arrangement of Sections

Section

PART I
Preliminary

1. Short title and commencement.
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I assent.

Dante Apthorp
President

6 May, 1977

ACT No. XVI of 1977

AN ACT to provide for the establishment of a body corporate to be known as Enemalta, and for the exercise and performance by or on behalf of such body of functions relating to the acquisition, transformation, manufacture, distribution and sale of sources of energy; to provide for the transfer to the said body 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

Short title and commencement.

1. (1) This Act may be cited as the Enemalta Act, 1977.

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

Interpretation.

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

“apparatus” in relation to electrical energy, includes all machines, consuming devices and fittings in which conductors are used or of which they form a part;

“appointed day”, in relation to the provisions of Part IV of this Act, means the day on which section 25 of this Act comes into force;

"Board" means the Board of Directors established by section 5 of this Act;

"Chairman", "Deputy Chairman" and "members" mean the Chairman, the Deputy Chairman and a member, respectively, of the Board;

"conductor" means an electrical conductor arranged to be electrically connected to a system;

"consumer", in relation to electrical energy, means a person to whom or to whose account electrical energy is supplied by Enemalta;

"Corporation" means the corporation known as Enemalta established by section 3 of this Act;

"electrical energy" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;

"electrical materials" includes electrical apparatus;

"Enemalta" means the corporation known by that name and established by section 3 of this Act;

"financial year" means any period of twelve months ending on the thirty-first day of March:

Provided that the first financial year of Enemalta shall consist of the period intervening between the commencement of this Act and the thirty-first day of March of such year as the Minister shall by notice in writing to the Corporation specify;

"gas" means all hydrocarbons in gaseous form whether in their natural state or obtained from petroleum or produced chemically;

"Gas Board" means the Gas Board established by the Gas Act, 1952; Act No. XXVI
of 1952

"installation" means the whole of any plant or apparatus, designed for the acquisition, supply, storage, use or distribution of any electrical energy or of petroleum, together with all necessary plant, buildings, land and pipe-lines in connection therewith, and, in relation to electrical energy, includes prime movers, supply lines and consuming apparatus, if any;

"main" means a supply line through which electrical energy is or can be supplied, whether such line is in use or not;

"Malta Electricity Board" means the Malta Electricity Board established by the Electricity Act, 1963; Act No. XXIV
of 1963

"Minister" means the Minister responsible for energy, and to the extent of any authority given, includes any person authorized by the said Minister in that behalf;

"officer" and "servant" in relation to Enemalta includes any public officer detailed for duty with the Corporation;

"petroleum" means all natural hydrocarbons whether in liquid or gaseous form, including crude oil and natural gas, and whether in a crude or natural state or in a processed or refined form;

"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;

“private safety” means the obviation of danger to individuals or to private property;

“public safety” means the obviation of danger to the general public, to public property, and to streets, docks, wharves, piers, bridges, gas-works, water-works and their appurtenances and telegraphic, telephonic or other electrical signalling lines;

“street” includes any road, alley, square, path, lane, court, passage, open space or other place of public thoroughfare;

“supply line” means a conductor or conductors or other means of conveying, transmitting or distributing electrical energy, together with any casing, coating, covering, tube, pipe insulator or part enclosing, surrounding or supporting the same or any part thereof, or any building or apparatus connected therewith, for the purpose of transforming, conveying, transmitting or distributing electrical energy;

“system” in relation to electrical energy means an electrical system in which all the conductors or apparatus are electrically or magnetically connected;

“transferred undertaking” means an undertaking to which section 25 of this Act applies in accordance with the provisions of that section;

“Treasury Clearance Fund” means the Fund established by section 32 of the Financial Administration and Audit Act, 1962;

“Water Authority” means the Water Authority as defined by the Water Supply Ordinance, or, unless otherwise provided, any other authority replacing that Authority.

(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.

Act No. I
of 1962

Cap. 36

PART II

Constitution, Functions and Composition of Enemalta

Establishment
and functions
of Enemalta.

3. (1) There is hereby established a corporation to be known as Enemalta.

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

(a) to import, acquire, manufacture, keep, store, distribute, sell, export or otherwise dispose of petroleum or any form thereof;

(b) to generate, purchase, transmit, transfer, distribute and supply electrical energy for domestic, commercial, industrial and all other purposes.

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

(a) to develop and maintain an efficient system in order to satisfy, as economically as possible, all reasonable demands for petroleum and electrical energy;

(b) to manage and operate all undertakings and other installations and all property, transferred to and vested in Ene-

malta by virtue of this Act or otherwise acquired by the Corporation for the purposes of any of its functions;

(c) establish, manage and operate such installations, including installations for the conversion of sea-water, as Enemalta may consider expedient to establish, manage or operate;

(d) promote and encourage the use of petroleum and electrical energy and the harnessing, generation and use of other sources and other forms of energy, with a view to the economic development of Malta;

(e) supply in bulk to the Water Authority water obtained from any installation established for the conversion of sea-water;

(f) advise the Minister on all matters relating to any of its functions under this Act.

(4) For the purposes of any of its functions, Enemalta may, subject to the provisions of this Act —

(a) acquire, construct, reconstruct, maintain and operate all appropriate installations;

(b) acquire any property which the Corporation considers necessary or expedient for the purpose 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, including the opening and breaking up of the surface of any street:

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 Minister responsible for public works;

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

(e) open branches and appoint agents and correspondents in Malta and abroad;

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

(g) 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, Enemalta shall conform its policies and activities with the aims and objectives of national economic planning from time to time in force.

(6) The provisions of this section shall not affect any right, power or authority conferred by a licence issued pursuant to the Petroleum (Production) Act, 1958 or pursuant to that Act and to that Act as applied by the Continental Shelf Act, 1966.

4. (1) Enemalta 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 for the purposes of its functions, of suing and being sued, and of doing all such things and entering into

Act No. IV
of 1958
Act No. XXXV
of 1966

Legal
personality
and
representation
of Enemalta.

all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(2) The legal representation of Enemalta shall vest in the Chairman:

Provided that the Corporation may appoint any one or more of the other members of the Board or of the officers or servants of the Corporation to appear in the name and on behalf of Enemalta in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by Enemalta and signed by the Chairman on behalf of the Corporation shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by Enemalta.

Establishment
and composition
of Board of
Directors.

5. (1) There shall be a Board of Directors, which shall be responsible for the policy and general administration of the affairs and business of Enemalta.

(2) The Board shall consist of not less than three and not more than seven members appointed by the Minister, one of whom shall be designated by the Minister as Chairman. The Minister shall also designate another member as Deputy Chairman and such member 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.

(3) The Minister shall choose the members from among persons who appear to him to be qualified by reason of having had experience of, and shown capacity in matters relating to the acquisition, production or marketing of energy or sources of energy, or to the organization of workers, industry, trade, finance or administration. The members shall receive, out of the funds of the Corporation, such remuneration as the Minister may from time to time determine.

Duration of
appointment
to Board of
Directors.

6. Subject to the provisions of sections 7 and 9 of this Act, the 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 re-appointment:

Provided that the Minister may at any time terminate the appointment of any 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.

Disqualification
from being
member of the
Board of
Directors.

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

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

(b) 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
of Directors.

8. Any member who has a direct or indirect interest in any contract made or proposed to be made by Enemalta, 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.

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

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

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

10. (1) 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. 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.

Provisions with respect to proceedings of the Board.

(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 the members present and voting. The Chairman, or in his absence the Deputy Chairman, shall have an initial vote and, in the event of an equality of votes, a casting vote.

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

(4) Subject to the foregoing provisions of this section, no act or proceeding of the Board shall be invalidated merely by reason of the existence of any vacancy among the members.

(5) 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 director, of the provisions of section 8 of this Act.

11. Subject to the provisions of the Constitution of Malta and of any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the appointment of officials and other employees of Enemalta 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.

Provided that 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.

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

Powers of the Minister in relation to the Corporation and duties of the Board towards Minister.

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

Exemption from certain duties.

13. Enemalta shall be exempt from any liability for the payment of stamp duty and of customs duty, other than customs duty on petroleum, that may be due under any law for the time being in force.

Duties of Enemalta in relation to the supply of petroleum and electrical energy.

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

(a) supply petroleum to such persons, in such manner and under such conditions as, in the opinion of the Corporation, are calculated to satisfy reasonable demands for petroleum;

(b) supply electrical energy to any person who undertakes to enter into a contract with Enemalta, giving such security as the Corporation may require, to take or continue to receive, and to pay for a supply of electrical energy upon such terms and conditions and for such period as the Corporation may determine:

Provided that any person who immediately before the repeal of the Electricity Act, 1963 by this Act was registered as a consumer with, or otherwise receiving energy from, the Malta Electricity Board, shall continue, subject to the provisions of this Act and of any regulations made thereunder, to be so registered with, or to receive energy from, Enemalta, as the case may be, as if he originally were registered with, or received energy from, the Corporation.

(2) With respect to the supply of electrical energy by Enemalta, the following provisions shall have effect —

(a) Enemalta may reduce as it thinks fit the quantity of energy supplied to any consumer, if, by reason of any unforeseen circumstances beyond the control of the Corporation, it appears that the supply of electrical energy generated is insufficient to enable the full quantity to be conveniently supplied;

(b) where the quantity of energy supplied has been reduced as aforesaid no liability shall be incurred by Enemalta in respect of any loss or damage caused by such reduction;

(c) Enemalta shall not be liable for any damage to person or property or for any cessation of the supply of energy which may be due to unavoidable accident, fair wear and tear or overloading due to unauthorised connection of apparatus, or to the reasonable requirements of the electrical system, or to defects in any electrical installation not provided by the Corporation.

Enemalta and Water Authority.

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

(2) The Minister may, if, after consultation with Enemalta, he is satisfied that it is no longer necessary or expedient for a joint service to be maintained as aforesaid, by order revoke the Schedule to this Act; and any agreement entered into between the Water Authority 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 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 the order.

(4) The Minister may also, with the concurrence of the Minister responsible for water supply, and after consultation with Enemalta, by order vary the provisions of the Schedule to this Act and of any agreement as is referred to in subsection (2) of this section, in such way that the joint service for meter-reading, account-keeping and bill-collection, shall be operated by Enemalta on its own behalf and on behalf of the Water Authority and thereupon the provisions of this section and of the said Schedule shall have effect as provided in such order and with such modifications as may be appropriate to the purpose.

(5) Any order made under this section may contain such transitoral, supplementary and incidental provisions as the Minister, after consultation with, or with the concurrence of, the Minister responsible for water supply, or the Corporation, as the case may require, may deem to be necessary or expedient for the purpose of the order.

PART III

Financial Provisions

16. (1) Enemalta 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:

Power to borrow or raise capital.

- (a) the provision of working capital;
- (b) the carrying out of the functions of Enemalta under this Act;
- (c) the provision of capital for the expansion of, and addition to, the fixed assets of Enemalta;
- (d) the redemption of any debentures or debenture stock or other security that Enemalta is required or entitled to redeem;
- (e) any other expenditure properly chargeable to capital account.

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

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

Borrowing by advances from Government and establishment of the Enemalta Loan Fund.

17. (1) Whenever it may be necessary for Enemalta to borrow by way of advances from the Government any sums which may be required for carrying out any of the functions of Enemalta 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.

(2) The Minister responsible for finance may, for any of the requirements of Enemalta 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 sums 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 Enemalta 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 Enemalta under such terms as shall be specified by the said Minister upon the making thereof.

(5) The proceeds of any loan raised for the purpose of making advances to Enemalta and any other moneys to be advanced to the Corporation under this section shall be paid into a fund which shall be specially established for the purpose and which shall be known as "Enemalta Loan Fund".

(6) Sums received by the Accountant General from Enemalta in respect of advances made to the Corporation under subsection (1) of this section shall be paid into the Enemalta Loan Fund.

(7) Sums received by the Accountant General from Enemalta 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.

18. (1) The revenue of Enemalta 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, servants, agents and technical or other advisers of Enemalta, 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 31 or 32 of this Act;

(c) the establishment and working expenses of the Corporation and expenditure on, or the provision for, the maintenance of any of the installations of Enemalta, 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 Enemalta;

(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 it may be deemed appropriate to set aside in respect of depreciation on the property of Enemalta 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 Enemalta 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 may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of such excess, in particular such part thereof which derives from the sale of petroleum.

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

Investment
of funds.

20. (1) The prices to be charged by Enemalta for the supply of electrical energy and related services shall be in accordance with such tariffs as may, from time to time, be prescribed.

Prices, fees
and other
charges by
Enemalta.

(2) Nothing in subsection (1) of this section or in any such tariff as aforesaid shall prevent Enemalta from charging other prices by special agreement.

(3) In prescribing tariffs and entering into agreements relating to prices to be paid for electrical energy and related services supplied by Enemalta, the Corporation shall ensure that the prices charged are adequate to provide sufficient revenue in any financial year —

(a) to cover operating expenses, including taxes, if any, 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 provisions 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 relating to electrical energy;

and any such tariffs and agreements shall not give undue preference as between consumers similarly situated or make undue discrimination as between persons similarly situated having regard to the place and time of supply, the quantity of electrical energy supplied, the consumer load and power factor, the purpose for which the supply is taken and any other circumstance which could justify a preferential or discriminatory treatment.

(4) The prices to be charged by Enemalta for the supply of petroleum (including the charges to be made by Enemalta, for the purposes of subsection (3) of this section and other related purposes, for the use of petroleum by the Corporation in the generation of electrical energy and the provision of related services) shall be in accordance with such rates as the Minister, with the concurrence of the Corporation and after taking into account the relevant social and economic aspects, may from time to time determine.

Estimates of
Enemalta.

21. (1) Enemalta shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Corporation for the next following financial year.

(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 Enemalta shall, upon their adoption by the Corporation, be sent forthwith by the Board to the Minister.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of Enemalta, or, if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid before the House of Representatives together with a motion that the House approve the said estimates. Two sitting days 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 Enemalta 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 sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head 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, Enemalta may adopt supplementary estimates for approval by the House, and pending such approval, but subject to its being given, 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 near as practicable apply to the supplementary estimates:

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

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

22. (1) Enemalta shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year. 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 Enemalta 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) After the end of each financial year, at the same time as a copy of the estimates of Enemalta is forwarded to the Minister under section 21 of this Act, the Board shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Corporation.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House of Representatives together with the motion laid before the House under section 21 of this Act.

23. (1) All moneys of Enemalta 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 moneys shall, as far as practicable, be paid into that bank from day to day, except 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 Enemalta, 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 Enemalta 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) Enemalta shall also provide for —

(a) the manner in which and the officers by whom payments are to be approved;

(b) the title of any account held with the bank or banks into which the moneys of the Corporation are to be paid, and the transfer of funds from one account to another;

(c) the method to be adopted in making payments out of the funds of the Corporation;

(d) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finances of the Corporation.

Annual report.

24. (1) The Board shall, not later than six weeks after the end of each financial year, make and transmit to the Minister a report dealing generally with the activities of Enemalta 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.

(2) The Minister shall cause a copy of every such report to be laid on the Table of the House of Representatives as soon as practicable.

PART IV

Transfer to Enemalta of certain Undertakings

Transfer to
Enemalta of
certain
undertakings.

25. (1) With effect from the appointed day all the undertakings to which this section applies shall, by virtue of this Act and without further assurance, be transferred to, and shall vest in, Enemalta under the same title by which they were held by the Government or by the Malta Electricity Board or by the Gas Board immediately before such day.

(2) Such transfer shall extend to the whole of such undertakings and shall include all plant, lands, works, stocks and other property movable or immovable, assets, powers, rights, privileges and causes of action held or enjoyed in connection therewith or appertaining thereto, as well as all liabilities and obligations affecting or relating to any of the aforesaid undertakings or other thing included therein as aforesaid.

(3) This section applies to any undertaking or installation, and any apparatus, instrument or plant, and all things accessory or ancillary thereto, which, immediately before the appointed day were vested in or belonged to the Malta Electricity Board or the Gas Board or were vested in or belonged to the Government and were operated by the Government for the supply of petroleum.

26. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgments, decrees, awards, deeds, bonds, advances, contracts, agreements, instruments, documents, warrants and working arrangements, subsisting immediately before the appointed day, affecting or relating to any of the transferred undertakings or the Malta Electricity Board or the Gas Board, or to which either of the said Boards was a party, shall be of as full force and effect against or in favour of Enemalta, and shall be enforceable as fully and effectually as if, instead of the Government, or the Malta Electricity Board or the Gas Board, as the case may require, Enemalta had been named therein or had been a party thereto.

Construction of existing laws, contracts, etc.

27. (1) Where anything has been commenced by or under the authority of the Government, or the Malta Electricity Board or the Gas Board 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 Enemalta.

Transitory provisions.

(2) Where immediately before the appointed day any legal proceeding is pending to which the Government or the Malta Electricity Board or the Gas Board is 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, Enemalta shall, on the appointed day, be substituted in such proceeding for the Government or the Malta Electricity Board or the Gas Board as the case may require, or shall be made a party thereto in like manner as the Government or the Malta Electricity Board or the Gas Board as the case may be, would have become, and such proceeding shall not abate by reason of the substitution.

(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 Enemalta by or under this Act and may make such orders as may be necessary to make any powers and duties exercised by the Government, or the Malta Electricity Board or the Gas Board, in relation to any of the transferred undertakings, exercisable by and on behalf of Enemalta.

PART V

Management Committees and Officers and Servants of Enemalta

28. (1) Enemalta shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with section 11 of this Act, determine, such officers and servants of the Corporation as may from time to time be necessary for the due and efficient discharge of the functions of the Corporation:

Appointment and functions of officers and servants of Enemalta and appointment and functions of management committees.

Provided that where a general manager is appointed he shall be selected with the approval of the Minister.

(2) With effect from such day or days as the Minister may by order determine, there shall be in respect of each of such parts of the business of Enemalta as the Minister may in any such

order specify (hereinafter referred to as "business sector") a management committee which shall, subject to the provisions of this Act and to the directions of the Board, be responsible for the day to day management and administration of their respective business sector and for the prompt and due execution of the policy and other decisions of the Board relating thereto. Each management committee shall also have such other functions, as may be assigned or delegated to it by the Board.

(3) Each management committee shall consist of the general manager or of the manager of the business sector to which it relates, who shall be the chairman of the committee, and such number of other members as represent equally the management of the Corporation and its employees. The management shall be represented by the persons holding the offices designated by the Minister for the purpose of this subsection; and the workers shall be represented by employees of the Corporation appointed for the purpose by the organization or organizations of workers representing the majority of the employees in the business sector to which the committee relates. The members of the committee shall cease to be members upon ceasing to hold the office qualifying them for membership or upon the termination of their appointment by the organization by which they were appointed.

(4) Each management committee shall keep minutes of all its meetings and shall forward copies of such minutes to the Board and to the Minister.

(5) The members of the Board and all officers and servants of Enemalta shall be deemed to be public officers or servants within the meaning of the Criminal Code.

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Superannuation schemes, etc. for officers and servants of Enemalta.

29. (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 Enemalta and to other Government employees or employees of the Malta Electricity Board or the Gas Board transferred to the service of the Corporation, the Board may establish a scheme or schemes for the payment of superannuation allowances, pensions or gratuities to officers and servants of the Corporation who retire from the service of the Corporation or otherwise cease to hold office with the Corporation by reason of age, or of infirmity of body or mind, or of abolition of office.

(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 Enemalta, shall be assignable or transferable, or liable to be garnished or seized for or in respect of any debt or claim whatsoever, other than a debt due to the Corporation or the Government.

Detailing of public officers for duty with Enemalta.

30. (1) All pensionable officers, and all non-pensionable officers of the general service branch of the public service, detailed for duty with the Malta Electricity Board immediately before the commencement of this section shall, as from such commencement, be detailed for duty with Enemalta, and any direction given under the Electricity Act, 1963, detailing any such officer as aforesaid for duty with the Malta Electricity Board, shall, notwithstanding the repeal of that Act, have effect as if such officer were detailed for duty with Enemalta by a direction of the Prime Minister given under this Act:

Provided that any period of duty in the service of the Malta Electricity Board shall for the purposes of the duration of any such direction be deemed to be a period of duty in the service of Enemalta.

(2) The Prime Minister may, at the request of Enemalta, from time to time direct that any person holding a pensionable office in the public service or any other office in the general service branch of the public service shall be detailed for duty with Enemalta in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(3) The period during which a direction as aforesaid 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, Enemalta made in accordance with the provisions of section 32 of this Act; or

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

(4) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with Enemalta 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.

31. (1) Where any officer is detailed for duty with Enemalta under any of the provisions of section 30 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.

Status of
public officers
detailed for
duty with
Enemalta.

(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 Enemalta; and

(b) shall be entitled to have his service with Enemalta 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

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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 Enemalta.

(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 Enemalta.

(4) Enemalta 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 as aforesaid during the period in which he is so detailed.

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

32. (1) Enemalta may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Corporation under any of the provisions of section 30 of this Act permanent employment with Enemalta at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(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 Enemalta 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, and saving the provisions of subsection (5) of section 28 of this Act, be deemed to have ceased to be in service with the Government and to have entered into service with Enemalta 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 Enemalta 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 Enemalta, was a contributor under the Widows' and Orphans' Pensions Act shall continue to contribute and to benefit thereunder to all intents as if his service with the Corporation were service with the Government.

(5) Enemalta 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.

Transfer of Malta Electricity Board and Gas Board employees to Enemalta.

33. (1) Every person in the employment of the Malta Electricity Board or of the Gas Board immediately before the commencement of this section shall, with effect from such commencement, be deemed to be transferred to the service, and shall become an employee of Enemalta at the same rate of pay, and, as near as may be,

on the same conditions, as those on which each such employee was employed with either of the aforesaid Boards immediately before such date:

Provided that, in respect of any such employees to which section 29 of the Electricity Act, 1963 applied, the provisions of section 32 of this Act shall apply as if they had accepted permanent employment with Enemalta and service with the Malta Electricity Board shall, for the purposes of the said section 32, be deemed to be service with Enemalta.

(2) Nothing in this section shall be deemed to affect the right of Enemalta to terminate the employment of any such employee transferred to the service of Enemalta, or to vary his rate of pay or conditions of service.

(3) Where an employee who has been transferred to the service of Enemalta under this section is also an employee who had been transferred to the Malta Electricity Board under section 30 of the Electricity Act, 1963, and such person is subsequently appointed to a pensionable office in the public service, his service with Enemalta (together with his service with the Malta Electricity Board) shall be deemed to have been service with the Government.

34. (1) Where an employee transferred to the service of Enemalta under section 33 of this Act is also an employee who had been transferred to the Malta Electricity Board under section 30 of the Electricity Act, 1963, and such person dies, retires from or otherwise ceases to be in the service with Enemalta in circumstances in which, if his service with Enemalta and with the Board aforesaid had been service with the Government, a gratuity could have been granted in respect of such service, Enemalta may, with the concurrence of the Minister responsible for finance, grant in respect of his whole service a gratuity not exceeding that which could have been granted if his service with Enemalta and with the Board aforesaid had been service with the Government.

Retirement of employees transferred to the service of Enemalta.

(2) The Government shall pay to Enemalta, in respect of any gratuity granted under subsection (1) of this section, a contribution equal to such proportion of the gratuity as the term of service of the employee with the Government bears to the total term of his service with the Government and Enemalta.

(3) Nothing in this section shall be deemed to prevent Enemalta from granting, in accordance with any scheme established under section 29 of this Act, any sum or sums to any such employee by way of pension, gratuity or other allowance in addition to any gratuity granted under the provisions of subsection (1) of this section, but the Government shall not be required to make any contribution towards any additional sum so granted.

(4) The provisions of subsection (2) of section 29 of this Act shall apply to any pension, gratuity or other allowance granted under this section.

PART VI

Contracts and Power to Acquire or Dispose of Property

35. (1) Except with the approval of the Minister granted for special reasons, Enemalta shall not enter into any contract for the supply of goods or materials, other than petroleum, or for the execution

Contracts of supply or works.

of works which is estimated by the Board to involve an expenditure exceeding three thousand pounds except after notice of the intention of Enemalta to enter into the contract has been published and competitive tenders have been issued.

(2) Enemalta shall obtain petroleum in such manner and under such terms and conditions as it may, with the concurrence of the Minister, determine or agree.

Power to acquire and dispose of property.

36. (1) Subject to the provisions of the last preceding section, Enemalta 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) Enemalta may, with the written authority of the Prime Minister, alienate or hypothecate any lands or other immovable property or interest therein vested in Enemalta 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.

(3) Enemalta may, without the consent aforesaid, grant a lease of any land or other immovable property of the Corporation for a term not exceeding eight years, provided the full rental value in respect of the same be reserved year by year on such lease and no premium be payable in respect of the same.

PART VII

Miscellaneous Provisions

Licence for generation of energy, supply of petroleum etc.

37. (1) Subject to the provisions of this Act, no person shall in Malta, except for or on behalf of Enemalta, 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 —

(a) generate electrical energy, or do any work or install any apparatus or other thing intended for the generation of electrical energy;

(b) import, acquire, manufacture, keep, store, distribute, sell, hawk, export or otherwise dispose of petroleum or any form thereof, construct, erect, or keep or use any tank, pump or other mechanical device for the purpose of storage, sale or supply of petroleum;

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

(2) Any person contravening any of the provisions of subsection (1) of this section shall be guilty of an offence against this Act.

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

Grant of licences by Enemalta and other arrangements.

(a) for the generation of electrical energy either for the sole use of such person or for the use of such person and that of such other persons, whether specified by name or by reference to any area or locality, as may be permitted by the Corporation;

(b) for the importation, acquisition, manufacture, storage, distribution, sale, exportation or other disposal of petroleum, 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 tanks or other structures, or of pumps or other mechanical devices, for the storage, sale or supply of petroleum;

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.

(2) Licences issued under subsection (1) of this section and any arrangement or agreement 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 any arrangement or agreement to which the proviso to subsection (2) of this section applies, may at any time be suspended or revoked by Enemalta 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.

(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, Enemalta, 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, Enemalta, shall not exempt any person from the requirements of any other enactment.

39. Enemalta may, with the approval of the Minister, make regulations, not inconsistent with the provisions of this Act, to prescribe and otherwise make provision with respect to —

Power to make regulations.

(a) the duties of any officers of the Corporation relating to the inspection of any installation, equipment, plant, apparatus, works and other property of the Corporation, the intervals, times and manner in which any installations, apparatus or other property of Enemalta shall be inspected, and the notice (if any) to be given in relation to inspections;

(b) the conditions under which any installation, apparatus or other property of the Corporation shall be installed, worked, operated, maintained, protected, controlled or in any way safe-

guarded and the prohibition of the use of any dangerous installation, apparatus or fittings;

(c) the standards to be adopted for measurement of dimensions of installations and apparatus;

(d) any tariff of prices, fees 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 prices, fees or charges and the mode of collecting and disposal thereof;

(e) any matter relating to any activity, function or other thing in respect of which Enemalta is the exclusive authority or in respect of which a licence of, or an agreement or arrangement with, Enemalta 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;

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

(g) the measures to be taken and the fittings to be supplied and used in connection with installations in order to secure public safety and private safety;

(h) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any danger, damage or nuisance likely to arise or arising from the working of any installations or apparatus;

(i) the methods to be adopted for the provision of services provided 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;

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

(k) 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;

(l) any other matter which may be or is required to be prescribed by this Act; and

(m) any other matter which may appear to Enemalta necessary or expedient for the better carrying out of the provisions of this Act or for securing the safety of the public, or for ensuring a proper and sufficient supply of electrical energy and of petroleum or the proper management of such service.

40. (1) Enemalta, upon receiving reasonable notice from the Government, requiring it to fix public lamps or to supply electrical energy to public lamps, shall supply and fix such public lamps and, in so far as it is able to do so, give and continue to give a supply of electrical energy to such lamps in such quantities as the Government may from time to time require.

Public lighting.

(2) The price to be charged by and paid to Enemalta for the supply and fixing of public lamps and for all electrical energy supplied to such lamps, and all matters relating thereto, shall be settled by agreement between the Government and the Corporation, after allowance is made for all relevant factors.

(3) In this section "public lamp" means an electrical lamp used for the lighting of any street.

41. The Prime Minister may, by a 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 or vary any exemption so given or any conditions thereof.

Exemption from the provisions of this Act.

42. Any person authorized by the Board may, at all reasonable times, enter any premises to which electrical energy is, has been or is to be supplied, or in which any installation, apparatus, instrument, plant or accessories are, have been or are to be installed, or otherwise exist, for or in connection with the supply, storage, distribution, sale or other disposal of electrical energy or of petroleum, for the purpose of —

Power of entry for ascertaining condition of installations etc.

(a) inspecting, maintaining and, if need be, repairing any of the items mentioned above, as well as any electric lines, meters, fittings, works or apparatus belonging to Enemalta or installed therein;

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

(c) removing all or any installations, apparatus, instruments, plant or accessories belonging to the Corporation, whenever any service provided by the Corporation is no longer required or where the Corporation is authorized to withdraw its services:

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

43. (1) The execution of all work in connection with the services given by Enemalta shall be carried out in such manner as may be prescribed and without prejudice to the public safety or private safety.

Offences relating to precautions in execution of works.

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

44. (1) No person shall use any electrical energy or any installation, apparatus, instrument or their accessories, supplied by Enemalta, or any petroleum supplied for sale or other disposal by or on behalf of Enemalta, whether directly or indirectly, for purposes other than that for which it is supplied; and any de-

Offences relating to installations etc., supplied.

claration or clear indication by Enemalta 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.

45. Any person who —

(a) obstructs or impedes any member of the Board or any officer, agent or servant of Enemalta 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 permission is required under the provisions of this Act or under any regulations as aforesaid, for the use of the services of facilities of Enemalta, makes use of such services or facilities without such a licence or permission or contravenes or fails to comply with the conditions of any such licence or permission,

shall be guilty of an offence against this Act.

Penalty for offences.

46. (1) Any person guilty of an offence against this Act or against any regulations, rules or orders made under this Act, shall, without prejudice to his liability under the Criminal Code or any other law, be liable, on conviction, to imprisonment for a term not exceeding six months, or to a fine (*multa*) not exceeding five hundred pounds, or to both such imprisonment and fine.

(2) Where an offence against this Act as is referred to in section 38 or in paragraph (c) of section 45 of this Act has been committed, any installation, apparatus, instrument, plant, equipment or other thing used in or for the purpose of the commission of the offence shall be forfeited to the Government.

Repeal and saving.

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Act No. VI of 1954

Act No. XXV of 1955

Cap. 39

47. (1) Subject to the provisions of this Act —

(a) the following enactments, that is to say —

(i) the Petrol and Oil Pumps Ordinance;

(ii) the Gas Act, 1952;

(iii) the Change of Electrical System (Compensation) Act, 1954;

(iv) the Electric Lighting Installations (Special Compensation) Act, 1955;

(v) the Electricity Act, 1963;

are hereby repealed;

(b) the Petroleum (Importation, Storage and Sale) Ordinance, shall have effect subject to the following amendments:

(i) section 11 thereof shall be repealed;

(ii) section 12 thereof shall be repealed;

(iii) in section 13 thereof, immediately after the words "regulations made in pursuance of this Ordinance" there shall be inserted the words "or of the Enemalta Act, 1976, or kept in force by that Act".

(2) All regulations, rules or orders made under, or kept in force by, the Gas Act, 1952 or the Electricity Act, 1963 or made under any provision of the Petroleum (Importation, Storage and Sale) Ordinance repealed or amended by this Act, if and as in force immediately before the commencement of this section, shall so continue in force thereafter as if they had been made under this Act, or under the appropriate provisions amended by this Act, as the case may require, subject to such modifications, adaptations and limitations as may be necessary or expedient to give them effect as if they had been so made, and may be revoked, altered or amended accordingly; and without prejudice to the generality of the aforesaid they shall have effect subject to the following amendments:

(a) for the words "Malta Electricity Board" or "Gas Board", wherever they appear, and for every reference to those Boards, there shall be substituted the words "Enemalta" or a reference thereto;

(b) in the Petroleum Storage Regulations, 1955 —

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of 1955

(i) for the words "Commissioner of Police" and "Director of Public Works" wherever they appear therein, there shall be substituted the words "Enemalta";

(ii) in Regulation 4 thereof, immediately after the definition of "Petroleum" there shall be added the following definition —

"to store" includes to keep, whether for private use or for sale;

(iii) in Regulation 7 thereof, for the words "shall be permitted" there shall be substituted the words "may be permitted"; and

(iv) Regulation 12 thereof shall be repealed.

(3) Without prejudice to the other provisions of this section, whenever the words "Malta Electricity Board" or "Gas Board", or such words together with other words relating to the Act whereby either of those Boards were established, appear in any enactment, there shall be substituted therefor the word "Enemalta" or, as the case may require, the words "Enemalta established by the Enemalta Act, 1976".

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

SCHEDULE

Section 15

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

1. The Water Authority 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-rent 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 or electrical energy, the Water Authority may, notwithstanding the provisions of section 1968 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 Organization and Civil Procedure the

Water Authority 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 Water Authority by or under the provisions of this Schedule the officers and servants of the Water Authority 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 Water Authority 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 Water Authority in relation to the activities of Enemalta and shall have the right to keep at the offices of the Water Authority such number of representatives as may from time to time be agreed between Enemalta and the Water Authority.

6. From time to time as occasion may require, Enemalta and the Water Authority 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 charges properly met or incurred by the Water Authority) to be paid to, or to be retained by, the Water Authority in respect of the exercise and performance by the Water Authority of the functions vested in it by this Schedule;

(c) the periods at which and the manner in which the Water Authority shall remit to Enemalta sums collected by the Water Authority 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 Water Authority 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 Water Authority for the better execution in their joint interest of the provisions of this Schedule and of the agreement;

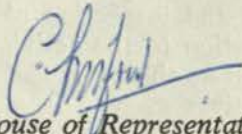
(e) the financial, banking, auditing and administrative procedures to be followed by both sides for the regular and efficient working of the arrangements existing between them including, without prejudice to the generality of the foregoing, the forms to be used, the documents to be preserved, the books

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. 54 of the 3rd May, 1977.



Clerk to the House of Representatives


Speaker