

Nru 114

15. 10. 2024

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja u r-Riforma tas-Settur tal-Kostruzzjoni, f'isem il-Ministru għall-Ekonomija, l-Intrapriża u Proġetti Strateġiċi, u moqri għall-Ħwel darba fis-Seduta tas-7 ta' Ottubru 2024.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice and Reform of the Construction Sector, on behalf of the Minister for the Economy, Enterprise and Strategic Projects, and read the First time at the Sitting of the 7th October 2024.

ATT sabiex jemenda l-Att dwar is-Servizzi Postali, Kap. 254.

AN ACT to amend the Postal Services Act, Cap. 254.

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda l-Att dwar is-Servizzi Postali, Kap. 254.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 li jemenda l-Att dwar is-Servizzi Postali u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar is-Servizzi Postali, hawn iżjed 'il quddiem imsejjaħ l-"Att prinċipali".

Titolu fil-qosor
u bidu fis-seħħ.
Kap. 254.

(2) Dan l-Att għandu jidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-posta jista' b'avviż fil-Gazzetta jstabilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet jew għanijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-
artikolu 2 tal-
Att prinċipali.

(a) fil-verżjoni bl-Ingliż biss, it-tifsira "article" għandha tiġi mħassra;

(b) fil-verżjoni bl-Ingliż biss, minnufih wara t-tifsira "officer of a postal operator" għandha tiġi miżjuda din it-tifsira ġdida li ġejja:

" "parcel" means a postal article which is not an item of correspondence, the weight of which does not exceed twenty kilograms (20kg) and the dimensions of which fall within the limits of size laid down in Agreements concerning Postal Parcels adopted by the Universal Postal Union as may be amended from time to time, or by any other convention as the Authority may prescribe;" u

(c) fit-tifsira "provditur ta' servizz universali" tiegħu, il-

C 2614

kliem "b'avviż fil-Gazzetta" għandhom jiġu mhassra.

Emenda tal-artikolu 17 tal-Att prinċipali.

3. L-artikolu 17 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(2) Is-servizz universali fil-kuntest tal-provvediment ta' servizzi postali għall-finijiet ta' dan l-Att ifisser is-servizzi elenkati fit-Tieni Skeda, liema servizzi u kwalunkwe tali kundizzjonijiet applikabbli għalihom kif jistgħu jkunu elenkati fl-imsemmija Skeda jistgħu, minn żmien għal żmien jiġu emendati, mill-Ministru wara konsultazzjoni mal-Awtorità permezz ta' ordni."; u

(b) fis-subartikolu (3) tiegħu, il-kliem "kif imfisser f'dan l-artikolu" għandhom jiġu sostitwiti bil-kliem "kif imfisser fit-Tieni Skeda".

Emenda tal-artikolu 17A tal-Att prinċipali.

4. Fl-artikolu 17A tal-Att prinċipali l-kliem "b'avviż fil-Gazzetta", kull fejn jokkorru, għandhom jiġu mhassra.

Emenda tal-artikolu 17B tal-Att prinċipali.

5. Fis-subparagrafu (i) tal-paragrafu (b) tas-subartikolu (1) tal-artikolu 17B tal-Att prinċipali l-kliem "kif meħtieġ fl-artikolu 17(2)(a), jew" għandhom jiġu sostitwiti bil-kliem "kif meħtieġ skont il-paragrafu (a) tat-Tieni Skeda, jew".

Emenda tal-artikolu 43 tal-Att prinċipali.

6. L-artikolu 43 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(2) L-operatur postali jista' wkoll jibgħat lura lil mittent taħt dawk il-kundizzjonijiet li jidhirlu xieraq jew xort'oħra jiddisponi minnu kif jidhirlu xieraq, kwalunkwe oġġett postali li jkun fit-traġitt bil-posta kull meta jkun sodisfatt li tali oġġett postali jkun ġie impustat bi żball jew ġie impustat b'kontenut żbaljat jew nieqes."; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(3) L-operatur postali għandu jzomm registru fejn inizzel kwalunkwe azzjonijiet li huwa jieħu fir-rigward tad-dispożizzjonijiet ta' dan l-artikolu u għandu meta jintalab mill-Awtorità jgħaddilha informazzjoni dwar l-azzjonijiet mehuda".

7. Fl-Iskeda li tinsab mal-Att prinċipali l-kelma "SKEDA" għandha tiġi sostitwita bil-kliem "L-EWWEL SKEDA".

Emenda tal-Iskeda li tinsab mal-Att prinċipali.

8. Minnufih wara l-Ewwel Skeda li tinsab mal-Att prinċipali, kif emendata, għandha tiġi miżjuda din l-Iskeda ġdida li ġejja:

Zieda ta' Skeda ġdida mal-Att prinċipali.

"IT-TIENI SKEDA
(Artikolu 17(2))

Is-servizz universali fil-kuntest tal-provdiment tas-servizzi postali għall-finijiet ta' dan l-Att ifisser:

(a) li f'mhux anqas minn ħamest (5) ijiem tax-xogħol fil-ġimgħa, salv f'ċirkostanzi meqjusa eċċezzjonali mill-Awtorità, għandu jkun hemm minn tal-inqas:

(i) gabra waħda (1) ta' oġġetti postali; u

(ii) konsenja waħda (1) f'dar jew fond ta' kull persuna f'Malta jew, kif l-Awtorità tista' tqis li jkun adatt, taħt dawk il-kondizzjonijiet li hi tista' tistabbilixxi minn żmien għal żmien, f'istallazzjonijiet adatti:

Iżda l-Awtorità tista' tistabbilixxi l-ġranet tax-xogħol meta s-servizz universali għandu jiġi provdut;

(b) li bħala minimu s-servizzi li ġejjin huma provduti:

(i) il-ġbir, l-issortjar, it-trasport u d-distribuzzjoni ta' oġġetti postali sa piż ta' żewġ kilogrammi (2kg);

(ii) il-ġbir, l-issortjar, it-trasport u d-distribuzzjoni ta' parcels sa piż ta' għaxar kilogrammi (10kg):

Iżda parcels li jaslu minn Stati Membri oħra tal-Unjoni Ewropea u pajjiżi oħra li huma firmatarji tal-Konvenzjoni Postali Universali tal-Unjoni Postali Universali, u li jiżnu mhux aktar minn għoxrin kilogrammi (20kg), huma konsenjati madwar Malta;

(iii) servizzi għal oġġetti registrati;

C 2616

(iv) servizzi għal oġġetti assigurati ġewwa Malta u lejn u minn kull pajjiż li, bħala firmatarji tal-Konvenzjoni Postali Universali tal-Unjoni Postali Universali, jiddikjaraw irrieda tagħhom li jhallu jidhlu tali oġġetti kemm reċiprokament jew f'direzzjoni waħda (1) biss;

(v) servizzi mingħajr hlas għall-ghomja jew għal persuni parzjalment b'vista batuta kif jista' jiġi stabbilit mill-Awtorità; u

(vi) servizz bażiku minn hanut madwar Malta kollha."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jiġu aġġornati l-obbligi kurrenti fir-rigward tas-servizz universali kif provdut fl-Att dwar is-Servizzi Postali (Kap. 254)

**A BILL
entitled**

AN ACT to amend the Postal Services Act, Cap. 254.

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

1. (1) The short title of this Act is the Postal Services (Amendment) Act, 2024 and this Act shall be read and construed as one with the Postal Services Act, hereinafter referred to as the "principal Act".

Short title and commencement.
Cap. 254.

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

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

Amendment of article 2 of the principal Act.

(a) the definition "article" thereof shall be deleted;

(b) immediately after the definition "officer of a postal operator" thereof there shall be added the following new definition:

" "parcel" means a postal article which is not an item of correspondence, the weight of which does not exceed twenty kilograms (20kg) and the dimensions of which fall within the limits of size laid down in Agreements concerning Postal Parcels adopted by the Universal Postal Union as may be amended from time to time, or by any other convention as the Authority may prescribe;" and

(c) in the definition "universal service provider" thereof, the words "by notice in the Gazette" shall be deleted.

C 2618

Amendment of article 17 of the principal Act.

3. Article 17 of the principal Act shall be amended as follows:

(a) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) The universal service in the context of the provision of postal services for the purposes of this Act means the services listed in the Second Schedule, which services and any such conditions applicable thereto as may be listed in the said Schedule may, from time to time be amended, by the Minister after consultation with the Authority by means of an order."; and

(b) in sub-article (3) thereof, the words "as defined in this article" shall be substituted by the words "as defined in the Second Schedule".

Amendment of article 17A of the principal Act.

4. In article 17A of the principal Act the words "by notice in the Gazette", wherever they occur, shall be deleted.

Amendment of article 17B of the principal Act.

5. In sub-paragraph (i) of paragraph (b) of sub-article (1) of article 17B of the principal Act the words "as required in article 17(2)(a), or" shall be substituted by the words "as required in accordance with paragraph (a) of the Second Schedule, or".

Amendment of article 43 of the principal Act.

6. Article 43 of the principal Act shall be amended as follows:

(a) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) The postal operator may also return to the sender under such conditions as he may deem fit or otherwise deal with it as he may deem appropriate, any postal article which is in course of transmission by post whenever he is satisfied that such postal article has been posted by mistake or has been posted with wrong or missing contents."; and

(b) immediately after sub-article (2) thereof there shall be added the following new sub-article:

"(3) The postal operator shall keep a register recording any actions he takes in pursuance of the provisions of this article and shall when requested by the Authority forward to it information on the actions taken.".

7. In the Schedule to the principal Act the word "SCHEDULE" shall be substituted by the words "FIRST SCHEDULE".

Amendment of the Schedule to the principal Act.

8. Immediately after the First Schedule to the principal Act, as amended, there shall be added the following new Schedule:

Addition of new Schedule to the principal Act.

"SECOND SCHEDULE
(Article 17(2))

The universal service in the context of the provision of postal services for the purposes of this Act means:

(a) that on not less than five (5) working days a week, save in circumstances deemed exceptional by the Authority, there shall be at least:

(i) one (1) clearance of postal articles; and

(ii) one (1) delivery to the home or premises of every person in Malta or, as the Authority considers appropriate, under such conditions as it may determine from time to time, to appropriate installations:

Provided that the Authority may determine the working days when the universal service is to be provided;

(b) that as a minimum the following services are provided:

(i) the clearance, sorting, transport and distribution of postal articles up to two kilograms (2kg) in weight;

(ii) the clearance, sorting, transport and distribution of parcels up to ten kilograms (10kg) in weight:

Provided that parcels received from other Member States of the European Union and other countries which are signatories to the Universal Postal Convention of the Universal Postal Union, and weighing up to twenty kilograms (20kg), are delivered throughout Malta;

(iii) services for registered articles;

C 2620

(iv) services for insured articles within Malta and to and from all countries which, as signatories to the Universal Postal Convention of the Universal Postal Union, declare their willingness to admit such items whether reciprocally or in one (1) direction only;

(v) services free of charge for the blind or partially sighted persons as may be determined by the Authority; and

(vi) a basic counter service throughout Malta.".

Objects and Reasons

The objects and reasons of this Bill are to update the current obligations in respect of the universal service as provided in the Postal Services Act (Cap. 254).

VERŻJONI ELETTRONIKA