

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

23 ta' Novembru, 2012

ATT Nru. XX tal-2012

ATT biex jemenda l-Ordinanza dwar l-Esplożivi (Kap. 33).

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2012 li jemenda l-Ordinanza dwar l-Esplożivi, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar l-Esplożivi, hawnhekk iżjed 'il quddiem f'dan l-Att imsejja "l-Ordinanza".

Titolu fil-qosor
u bidu fis-sehh.

Kap. 33.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-Pulizija jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. (1) Fil-paragrafu (f) tal-artikolu 4 tal-Ordinanza minflok il-kliem "fi żmien erbgħa u għoxrin siegħa." għandhom jidhlu l-kliem "fi żmien erbgħa u għoxrin siegħa:", u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

Emenda tal-
artikolu 4 tal-
Ordinanza.

"Izda, indipendentement mill-kondizzjonijiet hawn fuq imsemmija, il-Kummissarju tal-Pulizija jista', kemm waħdu kif ukoll fuq ir-rakkomandazzjonijiet mahruġa speċifikament mill-Kumitat tal-Ispettorat, jimponi kondizzjonijiet differenti u onerużi fosthom li jistabbilixxi post tal-ħażna separata u distinta mill-post fejn in-nar maħdum jiġi maħzun, kif ukoll li l-fabbrika

A 522

tiskeda x-xogħlijiet tagħha skont kif jista' jippreskrivi fl-ammonti, fil-hinijiet u fil-modalitajiet neċessarji, u li sal-15 ta' Diċembru ta' kull sena jkun sottomess pjan ta' hidma dettaljata għas-sena ta' wara.";

(2) Fis-subparagrafu (iii) tal-paragrafu (a) tal-artikolu 4 tal-Ordinanza l-kliem "fabbrica bħal dik;" għandhom jiġu sostitwiti bil-kliem "fabbrica bħal dik:" u minnufih wara l-imsemmi subparagrafu (iii) għandu jidhol il-proviso ġdid li ġej:

"Izda d-distanza ta' mija u tlieta u tmenin metru msemmija f'dan il-paragrafu għandha titkejjel miċ-ċentru tal-maħzen għad-depożitu;".

Emenda tal-artikolu 8 tal-Ordinanza.

3. Fis-subartikolu (1) tal-artikolu 8 tal-Ordinanza, minflok il-kliem "mibjugħa jew ikkunsinnati." għandhom jidhlu l-kliem "mibjugħa jew ikkunsinnati:", u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Izda fabriki tal-esplozivi għandhom ukoll iżommu dawk ir-registri kif jista' jkun preskritt b'regolamenti magħmula mill-Ministru responsabbli għall-Pulizija.".

Thassir tal-artikolu 16 tal-Ordinanza.

4. L-artikolu 16 tal-Ordinanza għandu jiġi mħassar.

Emenda tal-artikolu 19 tal-Ordinanza.

5. Fl-artikolu 19 tal-Ordinanza, minflok il-kliem "lil tfal li jidhru li għandhom anqas minn tmintax-il sena." għandhom jidhlu l-kliem "lil xi persuna li ma jkollhiex liċenza kif preskritt skont din l-Ordinanza jew skont regolamenti magħmulin taht din l-Ordinanza.".

Emenda tal-artikolu 24 tal-Ordinanza.

6. L-artikolu 24 tal-Ordinanza għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jiġi mħassar; u

(b) is-subartikoli (3) u (4) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (2) u (3) tiegħu rispettivament.

Żjieda ta' artikolu ġdid mal-Ordinanza.

7. Minnufih wara l-artikolu 26B tal-Ordinanza għandu jiżdied l-artikolu ġdid li ġej:

"Revoka ta' liċenza.

26Ċ. Mingħajr ħsara għad-dispożizzjonijiet ta' xi liġi oħra, il-Kummissarju tal-Pulizija għandu jirrevoka xi liċenza jew liċenzi, kif ikun il-każ, mahruġin skont din l-Ordinanza jew skont regolamenti magħmulin taht din l-Ordinanza li kull persuna li:

(a) tkun ġiet misjuba hatja ta':

(i) reat gravi kontra d-dispożizzjonijiet ta' din l-Ordinanza jew kontra regolamenti magħmulin taht l-artikolu 22; jew

(ii) reat gravi li jinvolvi l-vjolenza jew tentattiv jew theddid ta' vjolenza kontra l-persuna; jew

Kap. 480.

(iii) reat gravi skont l-Att dwar l-Armi; jew

(iv) offiża gravi b'arma regolari jew b'xi strument ieħor jew li tkun qabdet xi arma regolari jew strument ieħor kontra persuni oħra; jew

(v) serq; jew

(vi) reat gravi kontra l-liġijiet li għandhom x'jaqsmu mas-soppressjoni jew mal-qirda tal-kummerè fil-prostituzzjoni jew it-traffikar ta' persuni; jew

(vii) reat gravi li jkollu x'jaqsam mat-traffikar ta' mediċinali; jew

(viii) reati gravi oħra li l-Ministru jista' b'regolamenti jippreskrivi minn żmien għal żmien:

Kap. 446.

Iżda, minkejja kull haġa li hemm fl-Att dwar il-*Probation*, għall-finijiet ta' dan il-paragrafu, persuna titqies li tkun ġiet misjuba hatja ukoll jekk tkun ġiet applikata fil-konfront tagħha xi dispożizzjoni ta' dak l-Att; jew

(b) ikollha storja personali:

(i) ta' dipendenza fuq il-mediċinali jew abbuż minnhom; jew

(ii) li tkun ġiet ikkurata għal xi marda tal-moħħ fi sptar, istitut mentali, klinika psikjatrika jew xort'oħra, u sew jekk dik il-persuna tkun għamlet xi żmien f'dak l-isptar, istitut jew klinika sew jekk le, meta dik il-marda mentali tkun assoċjata mal-użu ta' vjolenza minn dik il-persuna, jew ma' theddid jew tentattiv ta' użu ta' vjolenza kontra xi persuna oħra:

A 524

Iżda f'dan l-artikolu l-kliem "reat gravi" għandu jfisser reat li jgħib miegħu piena ta' sena habs jew aktar."

Emenda tal-artikolu 40A tal-Ordinanza.

8. Fil-proviso li hemm mal-artikolu 40A tal-Ordinanza l-kliem "is-setgħat tal-Kummissarju tal-Pulizija taht xi ligi oħra" għandhom jiġu sostitwiti bil-kliem "is-setgħat tal-Kummissarju tal-Pulizija taht din il-ligi jew taht xi ligi oħra".

Thassir tal-artikolu 45 tal-Ordinanza.

9. L-artikolu 45 tal-Ordinanza għandu jiġi mhassar.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 523 tad-19 ta' Novembru, 2012.

MICHAEL FRENDU
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

23rd November, 2012

ACT No. XX of 2012

AN ACT to amend the Explosives Ordinance (Cap. 33)

1. (1) The short title of this Act is the Explosives Ordinance (Amendment) Act, 2012, and this Act shall be read and construed as one with the Explosives Ordinance, hereinafter in this Act referred to as "the Ordinance".

Short title and commencement.
Cap. 33.

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

2. (1) In paragraph (f) of article 4 of the Ordinance for the words "within twenty-four hours." there shall be substituted the words "within twenty-four hours:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 4 of the Ordinance.

"Provided that, independently of the conditions above-mentioned, the Commissioner of Police may, whether of his own accord as well as on the recommendations specifically made by the Inspectorate Committee, impose different and onerous conditions, among which that the explosives be stored in a separate and distinct place from the one wherein they are prepared, as well as that the factory schedules its tasks according to the manner in which the Commissioner of Police may prescribe, as to those amounts, times and necessary

A 526

methods, and that by the 15th December of each year, a detailed plan of action be submitted for the following year.";

(2) In sub-paragraph (iii) of paragraph (a) of article 4 of the Ordinance the words "such a factory;" shall be substituted by the words "such a factory:" and immediately thereafter there shall be added the following new proviso:

"Provided that the distance of one hundred and eighty three metres referred to in this paragraph shall be measured from the centre of the magazine;"

Amendment of article 8 of the Ordinance.

3. In sub-article (1) of article 8 of the Ordinance, for the words "delivery is made." there shall be substituted the words "delivery is made:", and immediately thereafter there shall be added the following new proviso:

"Provided that fireworks factories shall also keep such registers as may be prescribed by regulations made by the Minister responsible for the police."

Deletion of article 16 of the Ordinance.

4. Article 16 of the Ordinance shall be deleted.

Amendment of article 19 of the Ordinance.

5. In article 19 of the Ordinance, for the words "any child apparently under the age of eighteen." there shall be substituted the words "any person not in possession of a licence as prescribed under this Ordinance or under regulations made under this Ordinance."

Amendment of article 24 of the Ordinance.

6. Article 24 of the Ordinance shall be amended as follows:

(a) sub-article (2) thereof shall be deleted; and

(b) sub-articles (3) and (4) thereof shall be renumbered as sub-articles (2) and (3) respectively.

Addition of new article to the Ordinance.

7. Immediately after article 26B of the Ordinance there shall be added the following new article:

"Revocation of licence.

26C. Saving the provisions of any other law, the Commissioner of Police shall revoke any licence or licences, as the case may be, issued under this Ordinance or under regulations made under this Ordinance to any person who:

(a) has been convicted of:

(i) a serious offence against the provisions of this Ordinance or against the regulations made under article 22; or

(ii) a serious offence involving violence or attempted or threatened violence against the person; or

Cap. 480.

(iii) a serious offence under the Arms Act; or

(iv) an offence of bodily harm with an arms proper or other instrument or of taking up any arm proper or other instrument against other persons; or

(v) an offence of theft; or

(vi) a serious offence against the laws relating to the suppression of prostitution, white slave traffic or traffic of persons; or

(vii) a serious offence relating to trafficking in drugs; or

(viii) any other serious offence that the Minister may by regulation prescribe from time to time:

Cap. 446.

Provided that, notwithstanding anything contained in the Probation Act, for the purposes of this paragraph a person shall be deemed to have been convicted even if any of the provisions of the said Act may have been applied in his regard; or

(b) has a history:

(i) of drug dependence or abuse; or

(ii) of treatment for mental illness whether in a hospital, mental institute, psychiatric clinic or otherwise, and whether or not such person was confined to such a hospital, institute or clinic where such mental illness is associated with the use by such person of violence, or threatened or attempted use of violence against another person:

A 528

Provided that in this article the words "serious offence" shall be taken to mean an offence subject to a punishment of imprisonment for one year or more."

Amendment of article 40A of the Ordinance.

8. In the proviso to article 40A of the Ordinance the words "any powers of the Commissioner of Police under any other law" shall be substituted by the words "any powers of the Commissioner of Police under this or any other law".

Deletion of article 45 of the Ordinance.

9. Article 45 of the Ordinance shall be deleted.

Passed by the House of Representatives at Sitting No. 523 of the 19th November, 2012.

MICHAEL FRENDU

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives
