

Nagħti l-kunsens tiegħi.

(L.S.)

EDWARD FENECH ADAMI
President

13 ta' Novembru, 2007

ATT Nru XXVII ta' l-2007

ATT li jemenda diversi liġijiet dwar ir-riżorsi ta' l-enerġija.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2007 li jemenda Diversi Liġijiet dwar ir-Riżorsi ta' l-Enerġija. Titolu fil-qosor.

TAQSIMA I

2. Din it-Taqsima temenda l-Att dwar l-Enemalta, u għandha tinqara u tiftiehem haġa waħda ma' l-Att dwar l-Enemalta, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjah "l-Att prinċipali". Emendi ta' l-Att dwar l-Enemalta. Kap. 272.

3. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) minnufih wara t-tifsira "*chairman*" għandha tidhol din it-tifsira ġdida li ġejja:

" *effiċjenza fl-enerġija*" tfisser il-proporzjon bejn *output* ta' prestazzjoni, servizz, oġġetti jew enerġija, u *input* ta' enerġija;"

(b) minnufih wara t-tifsira "Enemalta" għandha tidhol din it-tifsira ġdida li ġejja:

" "enerġija" tfisser il-forom kollha ta' enerġija kummerċjalment disponibbli, inkluż l-elettriku, il-gass naturali (inkluż il-gass naturali likwefatt u l-gass *petroleum* likwefatt), kull *fuel* għat-tishin jew għall-iffrikkar, (inkluż it-tishin u l-iffrikkar distrettwali), faham u *lignite*, pit, karburanti tat-trasport (minbarra l-karburanti ta' l-avjazzjoni u l-karburanti minn *bunkers* barranin) u l-massa bijoloġika hekk kif imfissra fid-Direttiva 2001/77/KE tal-Parlament Ewropew u tal-Kunsill tas-27 ta' Settembru 2001 dwar il-promozzjoni ta' l-elettriku prodott minn għejun ta' l-enerġija li jiġġeddu fis-suq intern ta' l-elettriku;"

(ċ) minnufih wara t-tifsira "impriża trasferita" għandha tidhol it-tifsira ġdida li ġejja:

" "Kap Eżekuttiv Prinċipali" tfisser il-Kap Eżekuttiv Prinċipali tal-Korporazzjoni mahtur skond l-artikolu 5;"

(d) minnufih wara t-tifsira "konsumatur" għandha tidhol din it-tifsira ġdida li ġejja:

" "konsumatur aħhari" tfisser il-persuna fiżika jew ġuridika li tixtri l-enerġija għall-użu finali tagħha;"

(e) it-tifsira "Ministru" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "Ministru" tfisser il-Ministru responsabbli għal Enemalta u safejn tinghata xi awtorità, tinkludi kull persuna awtorizzata mill-imsemmi Ministru għaldaqshekk;"

(f) it-tifsira "pirolju" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "pitrolju" tfisser kull idrokarburi naturali sew f'forma likwida jew gassuża magħdud żejt mhux raffinat, gass *petroleum* likwefatt u gass naturali, u sew jekk fi stat mhux raffinat jew naturali kemm f'forma proċessata jew raffinata;"

(g) minnufih wara t-tifsira "preskritt" għandha tidhol din it-tifsira ġdida li ġejja:

" "programmi għat-titjib fl-effiċjenza ta' l-enerġija" tfisser l-attivitajiet li jiffokaw fuq gruppi ta' konsumaturi

ahharin u li normalment iwasslu għal titjib fl-effiċjenza ta' l-enerġija li jista' jiġi verifikat u mkejjeġ jew stmat;"

(h) it-tifsira "sena finanzjarja" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "sena finanzjarja" tfisser perijodu ta' tnax-il xahar li jintemm fil-wiehed u tletin ta' Diċembru;"

(i) minnufih wara t-tifsira "sena finanzjarja" għandha tidhol din it-tifsira ġdida li ġejja:

" "servizz ta' l-enerġija" tfisser il-benefiċċju fiżiku, l-utilità jew il-vantaġġ li jirriżulta minn taħlita ta' enerġija ma' teknoloġija effiċjenti fl-enerġija, u, jew ma' azzjoni, li tista' tinkludi l-operazzjonijiet, il-manutenzjoni u l-kontroll neċessarju għat-twassil tas-servizz, li jkun imwassal abbażi ta' kuntratt u li f' ċirkustanzi normali jkun wera li jwassal għal titjib fl-effiċjenza ta' l-enerġija li jista' jiġi verifikat u mkejjeġ jew stmat u, jew għal tiffidil ta' enerġija primarja;"

(j) it-tifsira "stallazzjoni" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "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, mehtiega għalihom, li jinsabu fuq l-art, taħt l-art jew taħt wiċċ il-baħar, u dwar l-enerġija elettrika, tinkludi l-ewwel kawża ta' kull tali enerġija, kanen ta' provvista u apparat għall-konsum, jekk ikun hemm;"

(k) minnufih wara t-tifsira "stallazzjoni" għandha tidhol din it-tifsira ġdida li ġejja:

" "titjib fl-effiċjenza ta' l-enerġija" tfisser zjieda ta' l-effiċjenza fl-użu aħhari ta' l-enerġija, b'riżultat ta' tibdiliet teknoloġiċi, fl-imġieba u, jew ekonomiċi;" u

(l) minnufih wara t-tifsira "uffiċjal" għandha tidhol din it-tifsira ġdida li ġejja:

" "verifika ta' l-enerġija" tfisser proċedura sistematika biex jinkiseb għarfien adegwat tal-profil tal-konsum eżistenti ta' l-enerġija ta' bini jew ta' grupp ta' binjiet, ta' operazzjoni industrijali u, jew ta' stallazzjoni

jew ta' servizz privat jew pubbliku, li tidentifika u tikkwantifika l-opportunitajiet ta' tiftidil enerġetiku li jkunu vantaġġjużi bhala spiża, u rapporti u riżultanzi."

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

4. L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

"(2) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, u għal kull hteġa li hemm provdut dwarha taht kull liġi oħra, Enemalta għandu jkollha l-funzjonijiet li ġejjin taht dan l-Att:

(a) il-ġenerazzjoni, xiri, akkwist, trasmissjoni, trasferiment, tqassim u provvista ta' enerġija elettrika;

(b) l-importazzjoni, ix-xiri, l-akkwist, il-manifattura, l-ibbottiljar, il-ħażna, iż-żamma, it-tqassim, l-bejgħ, l-esportazzjoni jew kull xorta oħra ta' tneħħija ta' pitrolju jew xi għamla tiegħu, inkluż il-*bunkering*;

(ċ) li twassal servizzi ta' l-enerġija, programmi ta' titjeb fl-effiċjenza ta' l-enerġija u miżuri oħra ta' titjeb fl-effiċjenza ta' l-enerġija lill-konsumatur aħħari; u

(d) li tippromwovi l-effiċjenza fl-użu ta' l-enerġija.";

(b) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(3) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, u għal kull hteġa li hemm provdut dwarha taht xi liġi oħra, għandu ikun id-dmir ta' Enemalta, biex tkun tista' twettaq l-funzjonijiet tagħha taht dan l-Att:

(a) li tiżviluppa u żżomm sistema effiċjenti;

(b) li tmexxi u thaddem l-impriżi 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;

(ċ) li tistabbilixxi, tmexxi u thaddem dawk l-

istallazzjonijiet, skond ma Enemalta jidhrilha li jkun spedjenti li tistabilixxi, tmexxi jew thaddem;

(d) li tipprovdi l-manigġ, il-ġenerazzjoni u l-użu ta' sorsi u forom oħra ta' enerġija;

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

(ċ) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(4) Għall-finijiet ta' kull waħda mill-funzjonijiet tagħha, Enemalta tista', bla hsara għad-disposizzjonijiet ta' dan l-Att u għal kull hteġa oħra li hemm provdut dwarha taht xi liġi oħra:

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

(b) takkwista kull proprjetà li l-Korporazzjoni jidhrilha xierqa jew spedjenti għall-bini, estensjoni jew manutenzjoni ta' kull stallazzjoni;

(ċ) iżżomm u tamministra u, jekk u meta taħseb li jkun hemm bżonn, tikkonverti fi flus l-attiv li jista' jkollha minn żmien għal żmien;

(d) tagħmel kull għemil jew haġa meħtieġa, magħdud il-ftuh u t-tkissir tal-wieċ ta' kull triq:

Iżda l-ftuh u t-tkissir tal-wieċ ta' xi triq għal xi wiehed mill-għanijiet imsemmija m'għandhomx isiru mingħajr l-approvazzjoni ta' l-Awtorità` dwar it-Trasport ta' Malta;

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

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

(g) teżerċita, twettaq, taqdi, u tiddelega kull dritt, setgħa, dmir u funzjoni vestita fiha b'dan jew taħt dan l-Att li jkunu vestiti fil-Korporazzjoni jew assenjati lilha;

(h) tagħmel dawk l-ghemejjel kollha li jistgħu jkunu meħtieġa jew li jwassluha biex taqdi jew twettaq il-funzjonijiet tagħha kif imiss;

(i) tagħmel dawk l-atti l-oħra kollha li huma inċidentali jew konsegwenzjali għall-eżerċizzju, it-twettiq jew il-qadi tas-setgħat, dmirijiet u funzjonijiet taħt dan l-Att jew sabiex jitwettqu l-funzjonijiet tal-Korporazzjoni.";

(d) is-subartikolu (5) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(5) Fit-twettiq tal-funzjonijiet tagħha taħt dan l-Att, u bl-awtorizzazzjoni bil-miktub tal-Ministru, Enemalta tista' tagħti, lil terza persuna li tagħzel hi, id-dritt li tagħmel jew twettaq jew taqdi, kemm fl-intier jew in parti, u sew bħala operatur, konċessjonarju, *manager*, aġent, kuntrattur indipendenti jew xort'oħra, kull funzjoni, attività, operazzjoni, dmir jew transazzjoni li Enemalta tkun awtorizzata jew tkun inġatata is-setgħa jew tkun obbligata li tagħmel jew twettaq jew taqdi taħt jew skond dan l-Att:

Izda dan is-subartikolu m'għandux jiġi interpretat li qieghed b'xi mod jeżenta lil xi persuna hekk awtorizzata mill-Enemalta milli taderixxi mar-rekwiżiti ta' xi liġi oħra.";

(e) is-subartikolu (6) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(6) Fit-twettiq tal-funzjonijiet tagħha skond il-liġi, Enemalta għandha:

(a) tiżgura li għandha l-liċenzi, permessi jew awtorizzazzjonijiet, ikunu kif ikunu imsejha, li tkun meħtieġa li jkollha skond il-liġi, u li timxi ma' kull kondizzjoni li tista' tkun imposta f'dawk il-liċenzi, permessi jew awtorizzazzjonijiet;

Kap. 423. (b) tkun soġġetta u timxi skond kull liġi, ordni, direttiva, standard u kull rekwiżit legali ikun kif ikun deskritt, li jistgħu jiġu imposti minn jew taħt l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi jew kull liġi oħra;

(ċ) twettaq dawk il-funzjonijiet, direttament permezz ta' l-uffiċjali jew impjegati tagħha jew indirettament permezz ta' kuntratturi jew aġenti oħra, ikunu kif ikunu maħtura, sakemm ikollhom l-awtorizzazzjonijiet meħtieġa, u għal dan il-għan il-Korporazzjoni tista' tagħti lil dawn l-aġenti dik l-awtorità li l-Korporazzjoni tqis li tkun meħtieġa b'dan illi din il-hatra ma tkunx inkonsistenti ma' xi haġa meħtieġa taħt xi liġi u, jew awtorizzazzjoni, tkun kif tkun deskritta"; u

(f) minnufih wara s-subartikolu (6) tiegħu, għandhom jiżdiedu dawn is-subartikoli (7) u (8) godda li ġejjin:

Kap. 156. (7) Id-disposizzjonijiet ta' dan l-artikolu m'għandhom jolqtu ebda dritt, setgħa jew awtorità mogħtija b'liċenza maħruġa bis-saħħa ta' l-Att dwar il-Produzzjoni tal-Pitolju, jew bis-saħħa ta' dak l-Att u Kap. 194. għal dak l-Att kif applikat bl-Att dwar il-Blata Kontinentali.

(8) Kull awtorizzazzjoni jew liċenza, tkun liema tkun, li tingħata lil Enemalta skond dan l-artikolu tiskadi meta tidhol fis-seħħ xi hteġa taħt dan l-Att jew taħt jew xi liġi oħra, li tinkiseb xi awtorizzazzjoni jew liċenza oħra, tkun liema tkun, għal kull għan jew għall-għanijiet kollha msemmija fis-subartikolu (2)(a) jew (b) sa fejn dik il-hteġa tkun tirreferi għal xi għan jew għal kull għan minn dawk imsemmija."

5. Is-subartikolu (1) ta' l-artikolu 4 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) minflok il-kliem "għall-għanijiet tal-funzjonijiet tagħha" għandhom jidhlu l-kliem "għall-għanijiet jew twettiq tal-funzjonijiet tagħha"; u

(b) minflok il-kliem "iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha" għandhom jidhlu l-kliem "iwasslu għall-eżerċizzju jew għall-qadi jew twettiq tal-funzjonijiet tagħha".

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

6. L-artikolu 5 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"5. (1) Għandu jkun hemm Bord tad-Diretturi li jkun responsabbli għall-formulazzjoni u l-implimentazzjoni tal-politika u l-istrategija ta' l-Enemalta u li jkun jagħti lill-Kap Eżekuttiv Prinċipali dawk l-istruzzjonijiet li jqis li jkunu meħtieġa.

(2) Il-Bord għandu jkun magħmul minn mhux inqas minn tliet membri u mhux aktar minn disa' membri li jiġu maħtura mill-Ministru. Il-Ministru għandu jinnomina wieħed mill-membri maħtura bħala *chairman* u membru ieħor bħala viċi-*chairman* u dak il-membru l-ieħor ikollu s-setgħat kollha u għandu jaqdi l-funzjonijiet kollha ta' *chairman* meta dan ikun assenti jew sakemm jinħatar *chairman* ġdid wara r-riżenja, temm ta' htra jew mewt taċ-*chairman*.

(3) Il-Ministru għandu jagħżel lill-membri minn fost persuni li fil-fehma tiegħu jkunu kwalifikati minhabba li jkollhom esperjenza ta', u jkunu urew hila fi, hwejjeg li għandhom x'jaqsmu ma' l-akkwist, il-produzzjoni, jew il-bejgħ ta' enerġija jew ta' ghejjun ta' enerġija, jew fl-organizzazzjoni ta' haddiema, fl-industrija, 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.

(4) Bla h̄sara għad-disposizzjonijiet ta' dan l-Att, u għal kull istruzzjoni tal-Bord, il-ġestjoni eżekuttiva tal-Korporazzjoni, l-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv ta' l-uffiċjali u impjegati oħra tagħha jkunu jaqgħu taħt ir-responsabbiltà tal-Kap Eżekuttiv Prinċipali tal-Korporazzjoni li jkollu ukoll dawk is-setgħat li l-Bord jista' minn żmien għal żmien jiddelegalu.

Il-Kap Eżekuttiv Prinċipali jkun responsabbli għall-implimentazzjoni tal-pjan tan-negozju u l-estimi tal-Korporazzjoni.

Il-Kap Eżekuttiv Prinċipali jkun responsabbli lejn il-Bord tad-Diretturi u jista' jiġi mistieden li jattendi u li jinstema' fil-laqgħat kollha tal-Bord. Madankollu huwa ma jkollux jedd għal vot jew li jiġi magħdud għall-finijiet ta' *quorum*.

L.S.452.96 (5) Il-Korporazzjoni għandha tahtar Kunsill tax-Xogħol skond id-disposizzjonijiet tar-Regolamenti dwar Dritt għal Informazzjoni u Konsultazzjoni ma' l-Impjegati u l-Kap Eżekuttiv Prinċipali għandu jiżgura li dan jiltaqa' mill-inqas darba fix-xahar."

7. L-artikolu 5A ta' l-Att prinċipali għandu jithassar. Thassir ta' l-artikolu 5A ta' l-Att prinċipali.
8. Fl-artikolu 6 ta' l-Att prinċipali l-kliem "mhux eletti" għandhom jithassru. Emenda ta' l-artikolu 6 ta' l-Att prinċipali.
9. Fl-artikolu 7 ta' l-Att prinċipali l-kliem "jew eletta," għandhom jithassru. Emenda ta' l-artikolu 7 ta' l-Att prinċipali.
10. L-artikolu 11 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej: Sostituzzjoni ta' l-artikolu 11 ta' l-Att prinċipali.
- "11. Bla ħsara għad-disposizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tapplika dwar dan, u mingħajr preġudizzju għad-disposizzjonijiet l-oħra ta' dan l-Att, il-ħatra ta' uffiċjali u ta' impjegati oħra ta' l-Enemalta għandha ssir skond dawk id-direttivi li jistgħu jiġu stabbiliti minn żmien għal żmien mill-Ministru wara konsultazzjoni mal-Ministru responsabbli għall-finanzi."
11. L-artikolu 13 ta' l-Att prinċipali għandu jithassar. Thassir ta' l-artikolu 13 ta' l-Att prinċipali.
12. L-artikolu 14 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 14 ta' l-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu, minnufih wara l-kliem "kull liġi oħra" għandhom jiżdiedu l-kliem "jew f'xi awtorizzazzjoni, liċenza jew permess ikun kif ikun deskritt"; u
- (b) fil-paragrafu (ċ) tas-subartikolu (2) tiegħu, minnufih wara l-kliem "responsabbli għal ebda" għandhom jiżdiedu l-kliem "telf jew" u minnufih wara l-kelma "ħsara" għandhom jiżdiedu l-kliem "kemm materjali kemm konsegwenzjali".
13. L-artikolu 15 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 15 ta' l-Att prinċipali.
- (a) fis-subartikolu (4) tiegħu, il-kliem "provvista ta' l-ilma" għandhom jiġu sostitwiti bil-kliem "Korporazzjoni għas-Servizzi ta' l-Ilma"; u

(b) fis-subartikolu (5) tiegħu, il-kliem "provvista ta' l-ilma" għandhom jiġu sostitwiti bil-kliem "Korporazzjoni għas-Servizzi ta' l-Ilma".

Emenda ta' l-artikolu 16 ta' l-Att prinċipali.

14. Fil-proviso mas-subartikolu (2) ta' l-artikolu 16 ta' l-Att prinċipali, il-kliem "mitejn elf" għandhom jiġu sostitwiti bil-kliem "miljun".

Emenda ta' l-artikolu 18 ta' l-Att prinċipali.

15. Fis-subartikolu (2) ta' l-artikolu 18 ta' l-Att prinċipali, minflok il-kliem "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", għandhom jidhlu l-kliem "trasferiment lill-Gvern ta' kull parti minn dak l-eċċess".

Sostituzzjoni ta' l-artikolu 20 ta' l-Att prinċipali.

16. L-artikolu 20 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġejj:

"20. (1) Il-prezzijiet li l-Enemalta għandha teħtieġ għall-provvista ta' enerġija elettrika u servizzi li għandhom x'jaqsmu magħha għandhom ikunu skond dawk it-tariffi li jistgħu, minn żmien għal żmien, jiġu preskritti mill-Enemalta wara li tikseb l-approvazzjoni bil-miktub mill-Awtorità ta' Malta dwar ir-Riżorsi.

(2) Ebda haġa fis-subartikolu (1) jew f'xi tariffa bħal dik kif hawn qabel imsemmi m'għandha żżomm lil Enemalta milli titlob prezzijiet oħra bi ftehim speċjali sakemm dawn ikunu iktar baxxi minn dawk stabbiliti bit-tariffa.

(3) Meta tkun qegħda tippreskrivi t-tariffi, l-Enemalta għandha tiżgura li l-prezzijiet mitluba jkunu biżżejjed biex jipprovdu dhul biżżejjed lill-Enemalta f'xi sena finanzjarja -

(a) biex jithallsu l-ispejjeż ta' tmexxija, magħduda t-taxxi, jekk ikun hemm, u biex jiġi provdut għal manutenzjoni xierqa, għad-deprezzament, għal hlasijiet ta' mgħax fuq self u għal hlasijiet oħra ta' mgħax;

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

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

(d) biex tipprovdi dħul raġonevoli fuq investment u spejjeż,

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-ħin tal-provvista, il-kwantità ta' l-enerġija elettriċa provduta, it-tagħbija tal-konsum u l-fattur tal-qawwa, l-għan li għalih tkun qegħda tittiehed il-provvista u kull ċirkostanza oħra li tkun tiġġustifika trattament preferenzjali jew diskriminatorju."

17. L-artikolu 21 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 21 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, il-kelma "sitt" għandha tiġi sostitwita bil-kelma "erba"; u

(b) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(4) Il-Ministru għandu, ma' l-ewwel opportunità li jkun hemm u mhux aktar tard minn tmien ġimgħat minn meta jirċievi kopja ta' l-estimi ta' l-Enemalta, jew jekk dan jiġri f'xi żmien meta l-Kamra tad-Deputati ma tkunx f'sessjoni, fi żmien tmien ġimgħat mill-bidu tas-sessjoni li jmiss, jara li dawk l-estimi jitqiegħdu quddiem il-Kamra tad-Deputati flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Jingħataw mhux aktar minn żewġ seduti biex fihom isir id-dibattitu fil-Kamra fuq dik il-mozzjoni; u kemm il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi mill-Kamra jistgħu jkunu sew b'emendi għall-estimi jew mingħajrom."

18. L-artikolu 22 ta' l-Att prinċipali għandu jiġi sostitwit kif ġej:

Emenda ta' l-artikolu 22 ta' l-Att prinċipali.

"22. (1) L-Enemalta għandha tara li jinżammu kontijiet xierqa u *records* oħra dwar il-ħidma tagħha.

(2) Il-kontijiet ta' l-Enemalta għandhom ikunu verifikati minn awditur jew awdituri li jkunu maħtura minnha u approvati mill-Ministru:

Iżda l-Ministru jista' jeħtieġ li l-kotba u l-kontijiet tal-Korporazzjoni jkunu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jagħmel dik il-verifika fiżika u l-verifiki l-oħra kollha li jidhrulu li jkunu

mehtieġa.

(3) Kopja tal-kontijiet verifikati ta' l-Enemalta għandha, meta dawn jiġu aċċetati mill-Korporazzjoni, tintbagħat minnufih mill-Bord lill-Ministru flimkien ma' rapport tal-Bord li jispjega l-attivitajiet tal-Korporazzjoni f'dik is-sena.

(4) Il-Ministru għandu, ma' l-ewwel opportunità u mhux aktar tard minn l-ewwel seduta tal-Kamra wara erba' ġimgħat minn meta jirċievi kopja tal-kontijiet verifikati u r-rapport ta' l-Enemalta kif imsemmi fis-subartikolu (3), jara li dik il-verifika u dak ir-rapport jitqieghdu quddiem il-Kamra tad-Deputati flimkien mal-mozzjoni li titqieghed quddiem il-Kamra taħt l-artikolu 21."

Emenda ta' l-artikolu 23 ta' l-Att prinċipali.

19. Fis-subartikolu (1) ta' l-artikolu 23 ta' l-Att prinċipali l-kliem "u approvati mill-Ministru" għandhom jithassru.

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

20. L-artikolu 28 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-proviso mas-subartikolu (1) tiegħu għandu jiġi sostitwit bil-proviso li ġej:

"Izda l-Kap Eżekuttiv Prinċipali għandu jiġi magħżul u maħtur bl-aprovazzjoni tal-Ministru"; u

(b) is-subartikoli (3) u (4) tiegħu għandhom jithassru.

Sostituzzjoni ta' l-artikolu 35 ta' l-Att prinċipali.

21. L-artikolu 35 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

L.S.174.06 "35. (1) Enemalta tista' biss tagħmel kuntratt għall-provvista ta' oġġetti, servizzi jew materjali, barra minn pitrolju, jew għall-eżekuzzjoni ta' xogħlijiet skond ir-Regolamenti dwar l-Akkwisti Pubbliċi ta' Entitajiet li joperaw fis-Settur ta' l-Ilma, l-Energija, it-Trasport u s-Servizzi Postali:

Izda l-Ministru ikun jista' jordna aktar limiti għall-proċeduri ta' akkwisti pubbliċi ta' l-Enemalta.

(2) L-Enemalta għandha tikseb il-pitrolju b'dak il-mod u taħt dawk il-pattijiet u kondizzjonijiet li tista', bi ftehim mal-Ministru, tiddeċiedi jew tiftiehem:

Iżda dan is-subartikolu m'għandux japplika għal xi operatur, konċessjonarju, *manager*, aġent, kuntrattur indipendenti jew terza persuna bħal dawk imsemmija fl-artikolu 3(5).".

22. L-artikolu 36 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 36 ta' l-Att prinċipali.

"36. (1) Bla ħsara għad-disposizzjonijiet ta' l-aħħar artikolu ta' qabel dan, Enemalta tista', għall-finijiet tal-qadi jew it-twettiq xieraq u effiċjenti tal-funzjonijiet tagħha taht dan l-Att:

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

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

(2) Enemalta tista', mingħajr ħsara għal kull disposizzjoni oħra fil-liġi u bl-awtorità bil-miktub tal-Ministru, tneħhi, tipoteka, tagħti, jew tbiegħ jew tqiegħed piż taht kull titolu u bla ħsara għal kull kondizzjoni, proprjetà mobbli jew immobbli, dritt, rabta, stallazzjoni jew xi attiv jew interess fihom vestit fil-Korporazzjoni permezz ta' dan l-Att jew xort'oħra miksub mill-Korporazzjoni jkun meta jkun:

Kap. 268. Iżda għall-finijiet ta' kull trasferiment, disponiment jew għoti ta' xi proprjetà immobbli jew xi interess fl-istess proprjetà immobbli, Enemalta għandha tosserva d-disposizzjonijiet stipulati f'xi wiehed mill-paragrafi (a) sa (f) ta' l-artikolu 3(1) ta' l-Att dwar it-Trasferimenti ta' Artijiet tal-Gvern, rigward dik il-proprjetà immobbli jew xi interess fl-istess proprjetà."

23. Il-paragrafu (ċ) ta' l-artikolu 39 ta' l-Att prinċipali għandu jithassar.

Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

24. L-artikolu 40 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 40 ta' l-Att prinċipali.

"40. (1) Meta Enemalta tirċievi avviż kif imiss mingħand il-Ministru, li jkun jehtiegħa li twaħħal lampi pubbliċi jew li tipprovd i enerġija elettrika għal lampi pubbliċi,

għandha tipprowdi u twaħħal dawk il-lampi pubbliċi u, safejn tkun tista' tagħmel dan, tagħti u tkompli tagħti provvista ta' enerġija elettrika lil dawk il-lampi f'dawk il-kwantitajiet skond ma' l-Ministru jista' jkun jeħtieġ minn żmien għal żmien:

Iżda fil-każ ta' dawl pubbliku, l-Enemalta ikollha ssegwi dawk l-istruzzjonijiet ta' natura teknika li taf toħroġ l-Awtorità ta' Malta dwar ir-Riżorsi.

(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-ħwejjegħ kollha li għandhom x'jaqsmu magħhom, għandu jiġi ffissat bi ftehim bejn il-Gvern u l-Korporazzjoni, wara li jiġu meqjusa l-fatturi kollha rilevanti.

(3) F'dan l-artikolu "lampa pubblika" tfisser lampa elettrika li tintuża biex tinxtegħel xi triq."

Emenda ta' l-Iskeda li tinsab ma' l-Att prinċipali.

25. Il-paragrafu 2 fl-Iskeda li tinsab ma' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Kap. 16. "2. Jekk xi ammonti dovuti lil Enemalta ma jithallsux jew jekk xi oġġetti jew materjal li jkunu ta' Enemalta ma jiġux mogħtija lura minn xi konsumatur ta' l-enerġija elettrika, il-Korporazzjoni għas-Servizzi ta' l-Ilma tista', minkejja d-disposizzjonijiet ta' l-artikolu 1866 tal-Kodiċi Ċivili, tistabbilixxi kull proċedura legali jew proċedura oħra awtorizzata bil-liġi għall-gbir jew it-teħid lura ta' dawk l-ammonti jew oġġetti jew materjal f'isem u għan-nom ta' l-Enemalta."

TAQSIMA II

Emenda ta' l-Att dwar il-Korporazzjoni għas-Servizzi ta' l-Ilma. Kap. 355.

26. Din it-Taqsima temenda l-Att dwar il-Korporazzjoni għas-Servizzi ta' l-Ilma u għandha tinqara u tiftiehem haġa waħda ma' l-Att dwar il-Korporazzjoni għas-Servizzi ta' l-Ilma, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

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

27. Minflork it-tifsira "sena finanzjarja" fis-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali, għandu jidhöl dan li ġej:

" "sena finanzjarja" tfisser perjodu ta' tnax-il xahar li jintemm fil-wieħed u tletin ta' Diċembru;"

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

28. L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, il-paragrafu (a) għandu jiġi sostitwit b'dan li ġej:

"(a) li takkwista, tipproduċi, taħzen, tqassam, tbiegħ, tesporta jew xort'ohra tidisponi minn ilma għal finijiet domestiċi, kummerċjali, industrijali jew oħrajn;"

(b) minnufih wara l-paragrafu (e) tas-subartikolu (2) tiegħu, għandu jidhol dan il-paragrafu ġdid li ġej:

"(f) tiġġenera forom u servizzi ġodda ta' dħul, ukoll jekk dawn ma jkollhomx x'jaqsmu, kemm direttament kemm indirettament, ma' l-użu ta' l-ilma għall-finijiet domestiċi, kummerċjali, industrijali jew oħrajn.";

(ċ) il-paragrafi (e) u (f) tas-subartikolu (4) tiegħu għandhom jiġu sostitwiti b'dan li ġej:

"(e) teżerċita, twettaq, taqdi, u tiddelega kull dritt, setgħa, dmir u funzjoni vestita fiha b'dan jew taht dan l-Att jew xort'ohra mogħtija lill-Korporazzjoni;

(f) tagħmel dak kollu li jista' jkun meħtieġ jew li jwassal biex taqdi jew twettaq il-funzjonijiet tagħha kif imiss;"

(d) minnufih wara l-paragrafu (f) tas-subartikolu (4) tiegħu, għandhom jidhlu dawn il-paragrafi ġodda li ġejjin:

"(g) tagħmel dawk l-atti kollha li huma inċidentali jew konsegwenzjali għall-eżerċizzju, twettiq jew qadi tas-setgħat, dmirijiet u funzjonijiet taht dan l-Att jew sabiex jitwettqu l-funzjonijiet tal-Korporazzjoni;

(h) iżżomm u tamministra u, jekk u meta taħseb li jkun hemm bżonn, tikkonverti kull attiv li jista' jkollha minn żmien għal żmien fi flus;"

(e) is-subartikolu (5) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(5) Fit-twettiq tal-funzjonijiet tagħha taht dan l-Att, u bl-awtorizzazzjoni bil-miktub tal-Ministru, il-Korporazzjoni tista' tagħti lil terza persuna li tagħzel hi, id-dritt li tagħmel, jew twettaq, jew taqdi, kemm fl-intier jew in parti, u kemm bħala operatur, konċessjonarju, *manager*, kuntrattur indipendenti jew xort'ohra, kull

funzjoni, attività, operazzjoni, dmir jew transazzjoni li l-Korporazzjoni hija awtorizzata u inghatat is-setgħa, jew li għiet obbligata li teżerçita, jew twettaq, jew taqdi taħt jew skond dan l-Att:

Izda dan is-subartikolu m'għandux jiġi interpretat li qiegħed b'xi mod jeżenta lil xi persuna hekk awtorizzata mill-Korporazzjoni milli taderixxi mar-rekwiżiti ta' xi liġi oħra."; u

(f) minnufih wara s-subartikolu (5) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(6) Fit-twettiq tal-funzjonijiet tagħha skond il-liġi, il-Korporazzjoni għandha:

(a) tiżgura li għandha l-liċenzi, permessi jew awtorizzazzjonijiet, ikunu kif ikunu msejħa, li tista' tkun meħtieġa li jkollha skond il-liġi, u li timxi ma' kull kondizzjoni li tista' tkun imposta f'dawk il-liċenzi, permessi jew awtorizzazzjonijiet;

Kap. 423.

(b) tkun soġġetta u timxi skond kull liġi, ordni, direttiva, *standard* u kull rekwiżit legali ieħor, ikun kif ikun deskritt, li jista' jiġi impost minn jew taħt l-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi, jew kull liġi oħra;

(c) twettaq dawk il-funzjonijiet, direttament permezz ta' l-uffiċjali jew impjegati tagħha, jew indirettament permezz ta' kuntratturi, detenturi ta' liċenza jew aġenti oħra, ikunu kif ikunu maħtura, sakemm ikollhom l-awtorizzazzjonijiet meħtieġa, u għal dak il-għan il-Korporazzjoni tista' toħroġ lil dawk l-aġenti dawk il-liċenzi jew dik l-awtorità oħra li l-Korporazzjoni tqis li jkunu meħtieġa."

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

29. L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (2) tiegħu għandu jidhol dan li ġej:

"(2) Il-Bord ikun magħmul minn mhux iktar minn disa' membri maħtura mill-Ministru. Il-Ministru għandu jinnomina lil wieħed mill-membri maħtura bhala

chairman u membru iehor bħala viċi-*chairman* u dak il-membru iehor ikollu s-setgħat kollha u għandu jaqdi l-funzjonijiet kollha ta' *chairman* meta dan ikun assenti jew sakemm jiġi mahtur *chairman* ġdid wara r-riżenja, temm ta' kariga jew mewt taç-*chairman*."; u

(b) minflok is-subartikolu (5) tiegħu għandu jidhol dan li ġej:

"(5) Bla hsara għad-disposizzjonijiet ta' dan l-Att, u għal kull direttiva tal-Bord, il-ġestjoni eżekuttiva tal-Korporazzjoni, l-amministrazzjoni u l-organizzazzjoni tagħha, u l-kontroll amministrattiv ta' l-uffiċjali u l-impjegati l-oħra tagħha, għandhom ikunu jaqgħu taħt ir-responsabbiltà tal-Kap Eżekuttiv Prinċipali tal-Korporazzjoni, li għandu jkollu wkoll setgħat oħra li jistgħu jiġu fdati lilu mill-Bord minn żmien għal żmien.

Il-Kap Eżekuttiv Prinċipali għandu jkun responsabbli għall-implimentazzjoni tal-pjan ta' negozju u għall-estimi tal-Korporazzjoni.

Il-Kap Eżekuttiv Prinċipali għandu jkun responsabbli lejn il-Bord tad-Diretturi u jista' jiġi mistieden li jattendi u li jinstema' fil-laqgħat kollha tal-Bord. B'danakollu, huwa m'għandux ikollu vot jew inkella jiġi magħdud għal finijiet ta' *quorum*."

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

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

"Kunsill ta' Xoghlijiet.
L.S. 452.96

6. Il-Korporazzjoni għandha twaqqaf Kunsill tax-Xogħol skond id-disposizzjonijiet tar-Regolamenti dwar Dritt għal Informazzjoni u Konsultazzjoni ma' l-Impjegati u l-Kap Eżekuttiv Prinċipali għandu jiżgura li dan jiltaqa' mill-anqas darba fix-xahar."

31. Fl-artikolu 7 ta' l-Att prinċipali l-kliem "jew li jerġa' jiġi elett skond il-każ" għandhom jithassru.

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

32. Fl-artikolu 8 ta' l-Att prinċipali l-kliem "jew li tiġi eletta," għandhom jithassru.

Emenda ta' l-artikolu 8 ta' l-Att prinċipali.

33. Fis-subartikolu (2) ta' l-artikolu 10 ta' l-Att prinċipali l-kliem "jew elezzjoni" għandhom jithassru.

Emenda ta' l-artikolu 10 ta' l-Att prinċipali.

34. L-artikolu 13 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 13 ta' l-Att prinċipali.

"(13) Bla ħsara għad-disposizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tapplika għalihom, u bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, in-nomina ta' uffiċjali u ta' impjegati oħra tal-Korporazzjoni għandha ssir skond dawk id-direttivi li jistgħu jiġu stabbiliti minn żmien għal żmien mill-Ministru wara konsultazzjoni mall-Ministru responsabbli għall-finanzi."

Thassir ta' l-artikolu 17 ta' l-Att prinċipali.

35. L-artikolu 17 ta' l-Att prinċipali għandu jithassar.

Emenda ta' l-artikolu 23 ta' l-Att prinċipali

36. Minflok is-subartikolu (2) ta' l-artikolu 23 ta' l-Att prinċipali għandu jidhol dan li ġej:

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

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

Sostituzzjoni ta' l-artikolu 27 ta' l-Att prinċipali.

37. Minflok l-artikolu 27 ta' l-Att prinċipali għandu jidhol dan li ġej:

"27. (1) Il-prezzijiet li l-Korporazzjoni għandha tithallas għal kull servizz jew faċilità provduti minnha taht dan l-Att għandhom ikunu skond dawk it-tariffi li, minn żmien għal żmien, jiġu preskritti mill-Korporazzjoni wara l-awtorizzazzjoni bil-miktub ta' l-Awtorità ta' Malta dwar ir-Riżorsi.

(2) Ebda haġa fis-subartikolu (1) jew f'xi tariffa bħal dik kif hawn qabel imsemmija m'għandha żżomm lill-Korporazzjoni milli tordna prezzijiet oħra bi ftehim speċjali sakemm dawn ikunu iktar baxxi minn dawk stabbiliti bit-tariffa.

(3) Meta tippreskrivi t-tariffi, il-Korporazzjoni għandha tiżgura li l-prezzijiet mitluba jkunu biżżejjed biex jagħtu dħul biżżejjed lill-Korporazzjoni f'kull sena finanzjarja -

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

(b) biex jithallsu ħlasijiet lura perjodici ta' dejn fit-tul sa fejn xi ħlas lura bħal dak ikun jeċċedi dak li jkun gie pprovdut għad-deprezzament;

(ċ) biex jinholqu riżervi biex tiġi finanzjata parti raġonevoli mill-ispiza ta' espansjoni futura, meta dawn ikunu spejjeż, hlasijiet lura u riżervi li tkun ntrabtet għalihom jew li tkun għamlet il-Korporazzjoni fl-eżerċizzju tal-funzjonijiet tagħha; u

(d) biex tippovdi dħul raġonevoli fuq l-investment u l-ispejjeż."

38. L-artikolu 28 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu l-kelma "sitt" għandha tiġi sostitwita bil-kelma "erba"; u

(b) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(4) Il-Ministru għandu, ma' l-ewwel opportunità li jkun hemm u mhux aktar tard minn tmien ġimgħat minn meta jirċievi kopja ta' l-estimi ta' l-Enemalta, jew jekk dan jiġri f'xi żmien meta l-Kamra tad-Deputati ma tkunx f'sessjoni, fi żmien tmien ġimgħat mill-bidu tas-sessjoni li jmiss, jara li daww l-estimi jitqiegħdu quddiem il-Kamra tad-Deputati flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Jingħataw mhux aktar minn żewġ seduti biex fihom isir id-dibattitu fil-Kamra fuq dik il-mozzjoni; u kemm il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi mill-Kamra jistgħu jkunu sew b'emendi għall-estimi jew mingħajrom."

39. L-artikolu 29 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni ta' l-artikolu 29 ta' l-Att prinċipali.

"29. (1) Il-Korporazzjoni għandha tara li jinżammu kontijiet xierqa u *records* oħra dwar il-hidma tagħha.

(2) Il-kontijiet tal-Korporazzjoni għandhom ikunu verifikati minn awditur jew awdituri li jkunu maħtura minnha u approvati mill-Ministru:

Iżda l-Ministru jista' jehtieg li l-kotba u l-kontijiet tal-Korporazzjoni jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-ghan ikollu s-setgħa li jagħmel dik il-verifika fiżika u l-verifika l-oħra li jidhrulu meħtieġa.

(3) Kopja tal-kontijiet verifikati tal-Korporazzjoni għandha, meta tiġi aċċetata mill-Korporazzjoni, tintbagħat

minnufih mill-Bord lill-Ministru flimkien ma' rapport tal-Bord li jispjega l-attivitajiet tal-Korporazzjoni f'dik is-sena.

(4) Il-Ministru għandu, ma' l-ewwel opportunità u mhux aktar tard mill-ewwel seduta tal-Kamra wara erba' ġimgħat minn meta jirċievi kopja tal-kontijiet verifikati u r-rapport mingħand il-Korporazzjoni kif msemmi fis-subartikolu (3), jara li dawk l-estimi jitqieghdu fuq il-Mejda quddiem il-Kamra tad-Deputati flimkien mal-mozzjoni li titqieghed quddiem il-Kamra taht l-artikolu 28."

Emenda ta' l-artikolu 30 ta' l-Att prinċipali.

40. Fis-subartikolu (1) ta' l-artikolu 30 ta' l-Att prinċipali, il-kliem "u approvati mill-Ministru" għandhom jiġihassru.

Thassir ta' l-artikolu 35 ta' l-Att prinċipali.

41. L-artikolu 35 ta' l-Att prinċipali għandu jiġihassar.

Sostituzzjoni ta' l-artikolu 41 ta' l-Att prinċipali.

42. L-artikolu 41 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

L.S. 174.06
"41. Il-Korporazzjoni tista' biss tagħmel kuntratti għall-provvista ta' oġġetti jew materjal, barra mill-pitrolju, jew għall-eżekuzzjoni ta' xogħlijiet, skond ir-Regolamenti dwar l-Akkwisti Pubbliċi ta' Entitajiet li joperaw fis-Setturi ta' l-Ilma, l-Energija, it-Trasport u s-Servizzi Postali:

Izda l-Ministru jista' dejjem jillimita aktar il-proċeduri ta' akkwisti pubbliċi tal-Korporazzjoni."

Emenda ta' l-artikolu 42 ta' l-Att prinċipali.

43. Is-subartikolu (2) ta' l-artikolu 42 ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(2) Il-Korporazzjoni tista', bla ħsara għal kull ħtieġa oħra fil-liġi u bl-awtorità bil-miktub tal-Ministru, tittrasferixxi, tipoteka, jew tbiegħ jew tqieghed piż taht kull titolu u kif soġġett għal kull kondizzjoni li tkun, proprjetà mobbli jew immobbli, dritt, rabta, stallazzjoni jew xi attiv jew interess vestit fil-Korporazzjoni permezz ta' dan l-Att jew skond kif ikun meħtieġ xort'oħra mill-Korporazzjoni:

Cap. 268. Izda biex ikun hemm trasferiment, disponiment jew għoti ta' xi proprjetà immobbli jew xi interess fl-istess proprjetà immobbli, il-Korporazzjoni għandha tosserva d-disposizzjonijiet stipulati f'xi wiehed mill-paragrafi (a) sa (f) ta' l-artikolu 3(1) ta' l-Att dwar it-Trasferimenti ta' Artijiet tal-Gvern, rigward dik il-proprjetà immobbli jew xi interess fl-istess proprjetà."

44. Il-paragrafu 2 ta' l-Iskeda li tinsab ma' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda ta' l-Iskeda li tinsab ma' l-Att prinċipali.

Kap. 16. "2. Jekk xi ammonti dovuti lil Enemalta ma jithallsux jew jekk xi oġġetti jew materjal li jkunu ta' Enemalta ma jiġux mogħtija lura minn xi konsumatur ta' l-enerġija elettrika, il-Korporazzjoni għas-Servizzi ta' l-Ilma tista', b'dak kollu li hemm fid-disposizzjonijiet ta' l-artikolu 1866 tal-Kodiċi Ċivili, tibda kull proċedura legali jew proċedura oħra awtorizzata skond il-liġi għall-gbir jew it-teħid lura ta' dawk l-ammonti jew oġġetti jew materjal f'isem u għan-nom ta' l-Enemalta."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 586 tas-7 ta' Novembru, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

13th November, 2007

ACT No. XXVII of 2007

AN ACT to amend various laws relating to energy resources.

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

Short title.

1. The short title of this Act is the Various Laws (Energy Resources) (Amendment) Act, 2007.

PART I

Amendment of
the Enemalta
Act.
Cap. 272.

2. This Part amends the Enemalta Act, and it shall be read and construed as one with the Enemalta Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
article 2 of the
principal Act.

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

(a) immediately before the definition "conductor" there shall be added the following new definition:

" "Chief Executive Officer" means the Chief Executive Officer appointed in accordance with article 5;"

(b) immediately before the definition "financial year" there shall be added the following new definitions:

" "energy" means all forms of commercially

available energy, including electricity, natural gas (including liquefied natural gas and liquefied petroleum gas), any fuel for heating and cooling (including district heating and cooling), coal and lignite, peat, transport fuel (excluding aviation and foreign bunker fuels) and biomass as defined in Directive 2001/77/EC of the European Parliament and of the Council of 27th September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market;

"energy audits" means a systematic procedure that obtains adequate knowledge of the existing energy consumption profile of a building or group of buildings, of an industrial operation and, or installation and of a private or public service, that identifies and quantifies cost-effective energy savings opportunities, and reports and findings;

"energy efficiency" means a ratio between an output of performance, service, goods or energy, and an input of energy;

"energy efficiency improvement" means an increase in energy end-use efficiency, due to technological, behavioural and, or economical changes;

"energy efficiency improvement programmes" means activities that focus on groups of final customers and that normally lead to verifiable and measurable or estimable energy efficiency improvement;

"energy service" means the physical benefit, utility or good derived from a combination of energy with energy efficient technology and, or with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to lead to verifiable and measurable or estimable energy efficiency improvement and, or primary energy savings;

"final customer" means a natural or legal person that purchases energy for his own end-use;"

(c) the definition "financial year" shall be substituted by the following:

" "financial year" means the period of twelve

months ending on the thirty first day of December;";

(d) the definition "installation" shall be substituted by the following:

" "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 whether surface, underground or marine in connection therewith, and, in relation to electrical energy, includes prime movers, supply lines and consuming apparatus, if any";

(e) the definition "Minister" shall be substituted by the following:

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

(f) the definition "petroleum" shall be substituted by the following new definition:

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

Amendment of article 3 of the principal Act.

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

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

"(2) Subject to the provisions of this Act, and to any requirement under any other law, Enemalta shall have the following functions under this Act:

(a) the generation, purchase, acquisition, transmission, transfer, distribution and supply of electrical energy;

(b) the importation, purchase, acquisition, manufacture, bottling, holding, storage, distribution, sale, export or any other disposal of petroleum in any form thereof, including bunkering;

(c) the delivery of energy services, energy efficiency improvement programmes and other energy efficiency improvement measures to the final customer; and

(d) the promotion of efficiency in the use of energy.";

(b) sub-article (3) thereof shall be substituted by the following:

"(3) Subject to the provisions of this Act, and to any requirement under any other law, it shall be the duty of Enemalta, for the purpose of carrying out its functions under this Act:

(a) to develop and maintain an efficient system;

(b) to manage and operate all undertakings and other installations and all property, transferred to and vested in Enemalta by virtue of this Act or otherwise acquired by the Corporation;

(c) to establish, manage and operate such installations, as Enemalta may consider expedient to establish, manage or operate;

(d) to provide the harnessing, generation and use of other sources and forms of energy;

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

(c) sub-article (4) thereof shall be substituted by the following:

"(4) For the purposes of any of its functions, Enemalta may, subject to the provisions of this Act, and to any requirement under any other law:

(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;

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

(d) do all acts and things necessary, 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 Malta Transport Authority;

(e) 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 or attainment 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;

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

(g) exercise, perform, discharge and delegate all such rights, powers, duties and functions as are by or under this Act vested in or assigned to the Corporation;

(h) do all such acts as may be necessary or conducive for the proper performance or attainment of its functions;

(i) do all such other acts as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions under this Act or for the attainment of the functions of the Corporation.";

(d) sub-article (5) thereof shall be substituted by the following:

"(5) For the purpose of its functions under this Act, and with the written authority of the Minister, Enemalta may grant to any third party of its choice the right to carry on or engage in or perform, whether in whole or in part, and whether as operator, concessionaire,

manager, agent, independent contractor or otherwise, any functions, activities, operations, duties or transactions which Enemalta is authorised and empowered or obliged to carry on or engage in or perform under or in accordance with the Act:

Provided that this sub-article shall not be interpreted as exempting any person so authorized by Enemalta from complying with the requirements of any other law.";

(e) sub-article (6) thereof shall be substituted by the following:

"(6) In carrying out its functions at law, Enemalta shall:

(a) ensure that it is in possession of any licences, permits or authorisations howsoever described as it is required to have at law and that it abides with any conditions as may be imposed in any such licences, permits or authorisations;

(b) be subject to and abide by any laws, orders, directives, standards, and other legal requirements howsoever described, as may be imposed by or under the Malta Resources Authority Act or any other law;

(c) carry out such functions directly through its officials or employees or indirectly through contractors, or other agents no matter how appointed as long as they are properly authorized and for such purpose the Corporation may issue such agents with such authority that the Corporation may deem necessary, insofar as such appointment is not inconsistent with any requirement imposed by any law and, or authorisation, howsoever described."; and

(f) immediately after sub-article (6) thereof, there shall

be added the following new sub-articles (7) and (8):

Cap. 156. "(7) The provisions of this article shall not affect
any right, power or authority conferred by a licence
issued pursuant to the Petroleum (Production) Act, or
pursuant to that Act and to that Act as applied by the
Cap. 194. Continental Shelf Act.

(8) Any authorisation or licence howsoever described that Enemalta enjoys in virtue of this article shall expire on the coming into force of any requirement under this Act or any other law to obtain any other authorisation or licence howsoever described for any or all the purposes listed in sub-article (2)(a) or (b) insofar as the said requirement refers to one or any of the purposes so listed."

Amendment of
article 4 of the
principal Act.

5. Subarticle (1) of article 4 of the principal Act shall be amended as follows:

(a) for the words "for the purposes of its functions" there shall be substituted the words "for the purposes or attainment of its functions"; and

(b) for the words "conducive to the exercise or performance of its functions" there shall be substituted the words "conducive to the exercise or performance or attainment of its functions".

Substitution of
article 5 of the
principal Act.

6. For article 5 of the principal Act there shall be substituted the following:

"5. (1) There shall be a Board of Directors, which shall be responsible for the formulation and implementation of the policy and strategy of Enemalta and give to the Chief Executive Officer such directions as it deems fit.

(2) The Board shall consist of not less than three and not more than nine members appointed by the Minister. The Minister shall designate one of the appointed members as chairman and another such member as deputy chairman and such other 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 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.

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

The Chief Executive Officer shall be responsible for the implementation of the business plan and budget of the Corporation.

The Chief Executive Officer shall be responsible towards the Board of Directors and may be invited to attend and be heard at all meetings of the Board. He shall not, however, have a vote or be counted for the purpose of constituting a quorum.

S.L.452.96

(5) A Works Council, in terms of the Employee (Information and Consultation) Regulations, shall be set up by the Corporation and the Chief Executive Officer shall ensure that it meets at least once a month."

- | | |
|---|---|
| <p>7. Article 5A of the principal Act shall be deleted.</p> | <p>Deletion of article 5A of the principal Act.</p> |
| <p>8. In article 6 of the principal Act, the word "non-elected" shall be deleted.</p> | <p>Amendment of article 6 of the principal Act.</p> |
| <p>9. In article 7 of the principal Act, the words "or election" shall be deleted.</p> | <p>Amendment of article 7 of the principal Act.</p> |
| <p>10. For article 11 of the principal Act there shall be substituted the following:</p> <p style="margin-left: 40px;">"11. Subject to the provisions of the Constitution and of</p> | <p>Substitution of article 11 of the principal Act.</p> |

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 in accordance with such directives as may be established from time to time by the Minister after consulting the Minister responsible for finance."

Deletion of article 13 of the principal Act.

11. Article 13 of the principal Act shall be deleted.

Amendment of article 14 of the principal Act.

12. Article 14 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, immediately after the words "any other law" there shall be added the words "or in any authorisation, licence or permit howsoever described"; and

(b) in paragraph (c) of sub-article (2) thereof, immediately after the words "liable for any" there shall be added the words "loss or" and immediately after the word "damage," there shall be added the words "whether material or consequential".

Amendment of article 15 of the principal Act.

13. Article 15 of the principal Act shall be amended as follows:

(a) in sub-article (4) thereof, for the words "water supply", there shall be substituted the words "the Water Services Corporation"; and

(b) in sub-article (5) thereof, for the words "water supply", there shall be substituted the words "the Water Services Corporation".

Amendment of article 16 of the principal Act.

14. In the proviso to sub-article (2) of article 16 of the principal Act, for the words "two hundred thousand", there shall be substituted the words "one million".

Amendment of article 18 of the principal Act.

15. In sub-article (2) of article 18 of the principal Act, for the words "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", there shall be substituted the words "transfer to the Government of any part of such excess".

Substitution of article 20 of the principal Act.

16. For article 20 of the principal Act there shall be substituted the following:

"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 by Enemalta following the written approval by the Malta Resources Authority.

(2) Nothing in subarticle (1) or in any such tariff as aforesaid shall prevent Enemalta from charging other prices by special agreement, provided that these are lower than those established by tariff.

(3) In prescribing tariffs, Enemalta shall ensure that the prices charged are adequate to provide sufficient revenue to Enemalta 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 repayment exceed the provisions for depreciation;

(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

(d) to provide a reasonable return on investment and expenditure,

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."

17. Article 21 of the principal Act shall be amended as follows:

Amendment of article 21 of the principal Act.

(a) in sub-article (1) thereof, for the word "six" there shall be substituted the word "four"; and

(b) sub-article (4) thereof shall be substituted by the following:

"(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 the period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives together with a motion that the House approve the said estimates. Not more than two sittings shall be allotted for the debate in the House on such a motion and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates."

Substitution of article 22 of the principal Act.

18. For article 22 of the principal Act there shall be substituted the following:

"22. (1) Enemalta shall cause to be kept proper accounts and other records in respect of its operations.

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

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

(3) A copy of the audited accounts of Enemalta shall, upon their adoption by the Corporation, be sent forthwith by the Board to the Minister together with a report by the Board detailing the activities of the Corporation in that year.

(4) The Minister shall, at the earliest opportunity and not later than the first sitting of the House after four weeks from the receipt of the copy of the audit and report of Enemalta referred to in sub-article (3), cause such audit and report to be laid before the House of Representatives together with the motion laid before the House under article 21."

Amendment of article 23 of the principal Act.

19. In sub-article (1) of article 23 of the principal Act, the words "and approved by the Minister" shall be deleted.

Amendment of article 28 of the principal Act.

20. Article 28 of the principal Act shall be amended as follows:

(a) for the proviso to sub-article (1) thereof, there shall

be substituted the following:

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

(b) sub-articles (3) and (4) thereof shall be deleted.

21. For article 35 of the principal Act there shall be substituted the following:

Substitution of article 35 of the principal Act.

S.L.174.06

"35. (1) Enemalta shall only enter into contracts for the procurement of goods, services or materials, other than petroleum, or for the execution of works, in accordance with the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations:

Provided that the Minister may further limit Enemalta's procurement procedures.

(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:

Provided that this sub-article shall not apply to such operator, concessionaire, manager, agent, independent contractor or other third party as is referred to in article 3(5)."

22. For article 36 of the principal Act there shall be substituted the following:

Substitution of article 36 of the principal Act.

"36. (1) Subject to the provisions of the last preceding article, Enemalta may, for the purpose of the due and efficient discharge or attainment 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, subject to the requirement of any other law and with the written consent of the Minister, dispose, hypothecate, grant or alienate or encumber under any title and subject to any conditions whatsoever, any movable or immovable property, right, undertaking, installation or other asset or interest therein vested in the Corporation by this Act or otherwise acquired by the Corporation at any time:

Cap. 268. Provided that for the purpose of any alienation, disposal or grant of any immovable property or any interest therein, Enemalta shall observe the provisions stipulated in any one of paragraphs (a) to (f) of article 3(1) of the Disposal of Government Land Act, in respect of that immovable property or any interest therein."

Amendment of article 39 of the principal Act.

23. Paragraph (c) of article 39 of the principal Act shall be deleted.

Substitution of article 40 of the principal Act.

24. For article 40 of the principal Act there shall be substituted the following:

"40 (1) Enemalta, upon receiving reasonable notice from the Minister 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 Minister may from time to time require:

Provided that in regard to matters relating to public lighting Enemalta shall follow any directions of a technical nature that might be issued by the Malta Resources Authority.

(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 article "public lamp" means an electrical lamp used for the lighting of any street."

Amendment of the Schedule to the principal Act.

25. For paragraph 2 of the Schedule to the principal Act, there

shall be substituted the following:

Cap. 16. "2. If any sums due to Enemalta shall not be paid or if any goods or materials belonging to Enemalta are not returned by any consumer of electrical energy, the Water Services Corporation may, notwithstanding the provisions of article 1866 of the Civil Code, take any legal or other proceeding authorized by law for the recovery thereof in the name and on behalf of Enemalta."

PART II

26. This Part amends the Water Services Corporation Act, and it shall be read and construed as one with the Water Services Corporation Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the Water Services Corporation Act. Cap. 355.

27. For the definition "financial year" in sub-article (1) of article 2 of the principal Act, there shall be substituted the following:

Amendment of article 2 of the principal Act.

" "financial year" means the period of twelve months ending on the thirty first day of December;"

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

Amendment of article 3 of the principal Act.

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

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

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

"(f) to generate new forms and services of revenue, even if not directly or indirectly related to the use of water for domestic, commercial, industrial or other purposes.";

(c) paragraphs (e) and (f) of sub-article (4) thereof shall be substituted by the following:

"(e) exercise, perform, discharge and delegate all such rights powers, duties and functions as are by or under

this Act vested in or assigned to the Corporation;

(f) do all such acts as may be necessary or conducive for the proper performance or attainment of its functions;"

(d) immediately after paragraph (f) of sub-article (4) thereof, there shall be added the following new paragraphs:

"(g) do all such other acts as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions under this Act or for the attainment of the functions of the Corporation;

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

(e) for sub-article (5) thereof, there shall be substituted the following:

"(5) For the purpose of its functions under this Act, and with the written authority of the Minister, the Corporation may grant to any third party of its choice the right to carry on or engage in or perform, whether in whole or in part, and whether as operator, concessionaire, manager, independent contractor or otherwise, any functions, activities, operations, duties or transactions which the Corporation is authorised and empowered or obliged to carry on or engage in or perform under or in accordance with this Act:

Provided that this sub-article shall not be interpreted as exempting any person so authorized by the Corporation from complying with the requirements of any other law."; and

(f) immediately after sub-article (5) thereof, there shall be added the following new sub-article:

"(6) In carrying out its functions at law, the Corporation shall:

(a) ensure that it is in possession of any licences, permits or authorizations, howsoever described, as it is required to have at law and that it abides with any conditions as may be imposed in any such licences, permits or authorisations;

Cap. 423.

(b) be subject to and abide by any laws, orders, directives, standards, and other legal requirements howsoever described, as may be imposed by or under the Malta Resources Authority Act or any other law;

(c) carry out such functions directly through its officials or employees, or indirectly through contractors, licencees or other agents, no matter how appointed as long as they are properly authorized, and for such purpose the Corporation may issue such agents with such licences or other authority as the Corporation may deem necessary."

29. Article 5 of the principal Act shall be amended as follows:

Amendment of article 5 of the principal Act.

(a) for subarticle (2) thereof, there shall be substituted the following:

"(2) The Board shall consist of not more than nine members appointed by the Minister. The Minister shall designate one of the appointed members as chairman and another such member as deputy chairman and such other 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 resignation, termination of appointment or death of the chairman."; and

(b) for subarticle (5) thereof, there shall be substituted the following:

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

The Chief Executive Officer shall be responsible for the implementation of the business plan and budget of the Corporation.

The Chief Executive Officer shall be responsible towards the Board of Directors and may be invited to attend and be heard at all meetings of the Board. He shall

not, however, have a vote or be counted for the purpose of constituting a quorum."

Substitution of article 6 of the principal Act.

30. For article 6 of the principal Act there shall be substituted by the following:

"Works Council. S.L. 452.96

6. A Works Council, in terms the Employee (Information and Consultation) Regulations, shall be set up by the Corporation and the Chief Executive Officer shall ensure that it meets at least once a month."

Amendment of article 7 of the principal Act.

31. In article 7 of the principal Act the words "or re-election as the case may be" shall be deleted.

Amendment of Article 8 of the principal Act.

32. In article 8 of the principal Act the words "or election to," shall be deleted.

Amendment of article 10 of the principal Act.

33. In sub-article (2) of article 10 of the principal Act the words "or election" shall be deleted.

Substitution of article 13 of the principal Act.

34. For article 13 of the principal Act there shall be substituted the following:

"13. Subject to the provisions of the Constitution 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 the Corporation shall be made in accordance with such directives as may be established from time to time by the Minister after consulting the Minister responsible for finance."

Deletion of article 17 of the principal Act.

35. Article 17 of the principal Act shall be deleted.

Amendment of article 23 of the principal Act.

36. For sub-article (2) of article 23 of the principal Act there shall be substituted the following:

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

Provided that for any amount in excess of one million liri, there shall be required the approval in writing of the Minister."

37. For article 27 of the principal Act there shall be substituted

the following:

"27. (1) The prices to be charged by the Corporation for any service or facility provided by it under this Act shall be in accordance with such tariffs as may, from time to time, be prescribed by the Corporation following the written approval by the Malta Resources Authority.

(2) Nothing in sub-article (1) or in any such tariff as aforesaid shall prevent the Corporation from charging other prices by special agreement, provided that these are lower than those established by tariff.

(3) In prescribing tariffs, the Corporation shall ensure that the prices charged are adequate to provide sufficient revenue to the Corporation 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 repayment exceed the provisions for depreciation;

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

(d) to provide a reasonable return on investment and expenditure."

38. Article 28 of the principal Act shall be amended as follows:

Amendment of article 28 of the principal Act.

(a) in sub-article (1) thereof, for the word "six" there shall be substituted the word "four"; and

(b) for sub-article (4) thereof, there shall be substituted the following:

"(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 the period the House of Representatives is not in session, within eighth weeks from the beginning of the next

following session, cause such estimates to be laid on the Table of the House of Representatives together with a motion that the House approve the said estimates. Not more than two sittings shall be allotted for the debate in the House on such a motion and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates."

Amendment of article 29 of the principal Act.

39. For article 29 of the principal Act there shall be substituted the following:

"29. (1) The Corporation shall cause to be kept proper accounts and other records in respect of its operations.

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

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

(3) A copy of the audited accounts of the Corporation shall, upon their adoption, be sent forthwith by the Board to the Minister together with a report by the Board detailing the activities of the Corporation in that year.

(4) The Minister shall, at the earliest opportunity and not later than the first sitting of the House after four weeks from the receipt of the copy of the audit and report of the Corporation referred to in sub-article (3), cause such audit and report to be laid before the House of Representatives, together with the motions laid before the House under article 28."

Amendment of article 30 of the principal Act.

40. In sub-article (1) of article 30 of the principal Act, the words "and approved by the Minister" shall be deleted.

Deletion of article 35 of the principal Act.

41. Article 35 of the principal Act shall be deleted.

Amendment of article 41 of the principal Act.

42. For article 41 of the principal Act there shall be substituted

the following:

S.L. 174.06 "41. The Corporation shall only enter into contracts for the procurement of goods, services or materials, other than petroleum, or for the execution of works, in accordance with the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations:

Provided that the Minister may further limit the Corporation's procurement procedures."

43. For sub-article (2) of article 42 of the principal Act there shall be substituted the following: Amendment of article 42 of the principal Act.

"(2) The Corporation may, subject to the requirement of any other law and with the written consent of the Minister, dispose, hypothecate, or alienate or encumber under any title and subject to any conditions whatsoever, any movable or immovable property, right, undertaking, installation or other asset or interest vested in the Corporation by this Act or as otherwise required by the Corporation:

Cap. 268. Provided that for the purpose of any alienation, disposal or grant of any immovable property or any interest therein, the Corporation shall observe the provisions stipulated in any one of paragraphs (a) to (f) of article 3(1) of the Disposal of Government Land Act, in respect of that immovable property or any interest therein."

44. For paragraph 2 of the Schedule to the principal Act there shall be substituted the following: Amendment to the Schedule to the principal Act.

Cap. 16. "2. If any sums due to Enemalta shall not be paid or if any goods or materials belonging to Enemalta are not returned by any consumer of electrical energy, the Water Services Corporation may, notwithstanding the provisions of article 1866 of the Civil Code, take any legal or other proceeding authorized by law for the recovery thereof in the name and on behalf of Enemalta."

A 1204

Passed by the House of Representatives at Sitting No. 586 of the
7th November, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives