Nagħti l-kunsens tiegħi.

(L.S.)

EDWARD FENECH ADAMI
President

7 ta' Lulju, 2006

ATT Nru. IX ta' l-2006

ATT biex jemenda Att dwar il-Konvenzjoni Ewropea, Kap. 319.

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

Titolu fil-qosor.

1. It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2006 li jemenda l-Att dwar il-Konvenzjoni Ewropea, u għandu jiftiehem u jinqara ħaġa waħda ma' l-Att dwar il-Konvenzjoni Ewropea, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Żjieda ta' artikolu ġdid ma' l-Att prinċipali.

2. Minnufih wara l-artikolu 6 ta' l-Att prinċipali għandu jiżdied dan l-artikolu li ġej:

"Setgħa tal-Ministru li jagħmel regolamenti.

6A. Meta permezz ta' sentenza finali f'kawża kontra Malta jirriżulta lill-Qorti Ewropea tad-Drittijiet tal-Bniedem li xi strument li jkollu l-forza ta' liġi f'Malta jew xi disposizzjoni tiegħu jkunu inkonsistenti mad-Drittijiet u Libertajiet Fundamentali ta' l-Individwu, il-Prim Ministru jista', matul il-perjodu ta' sitt xhur mid-data meta s-sentenza tgħaddi f'ġudikat u sakemm meħtieġ fil-fehma tiegħu sabiex titneħħa l-inkonsistenza, jagħmel regolamenti li jkunu jħassru strument bħal dak jew disposizzjoni bħal dik li jirriżultaw li jkunu inkonsistenti kif imsemmi hawn qabel.".

Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap 12.

3. L-arikolu 242 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandu jiġi emendat kif ġej:

(a) id-disposizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) ta' l-artikolu u minflok il-kliem "xi disposizzjoni ta' xi liġi" għandhom jidħlu l-kliem "xi strument li jkollu l-forza ta' liġi f'Malta jew xi disposizzjoni tiegħu";

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jidħol dan is-subartikolu ġdid li ġej:

"(2) Meta jkun hemm sentenza bħal dik imsemmija fis-subartikolu (1), il-Prim Ministru jista', matul il-perjodu ta' sitt xhur mid-data meta s-sentenza tkun għaddiet f'ġudikat u sakemm ikun meħtieġ fil-fehma tiegħu jneħħi kull inkonsistenza mal-Kostituzzjoni ta' Malta jew mad-dritt jew libertà fundamentali ta' l-individwu rilevanti stabbiliti fl-Ewwel Skeda li tinsab ma' l-Att dwar il-Konvenzjoni Ewropea skond ma jkun ġie dikjarat f'dik is-sentenza, jagħmel regolamenti li jkunu jħassru l-istrument jew id-disposizzjoni rilevanti li tkun ġiet dikjarata bħala li tmur kontra l-Kostituzzjoni jew l-Ewwel Skeda li tinsab ma' l-Att dwar il-Konvenzjoni Ewropea kif imsemmi fis-subartikolu (1).".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 408 ta' l-4 ta' Lulju, 2006.

Anton Tabone
Speaker

Richard J. Cauchi
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

7th July, 2006

ACT No. IX of 2006

An Act to amend the European Convention Act, Cap. 319.

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 European Convention (Amendment) Act, 2006 and it shall be read and construed as one with the European Convention Act, hereinafter referred to as "the principal Act".

Addition of new article to the principal Act.

2. Immediately after article 6 of the principal Act there shall be added the following new article:

"Power of Minister to make regulations.

6A. Where by a final judgment in a case against Malta the European Court of Human Rights finds that any instrument having the force of law in Malta or any provision thereof is inconsistent with the Human Rights and Fundamental Freedoms, the Prime Minister may, within the period of six months from the date that the judgment becomes final and to the extent necessary in his opinion to remove the inconsistency, make regulations deleting any such instrument or provision found to be inconsistent as aforesaid .

Amendment of the Code of Organization and Civil Procedure, Cap. 12.

3. Article 242 of the Code of Organization and Civil Procedure shall be amended as follows:

(a) the present provision shall be re-numbered as sub-article (1) and for the words "any provision of any law" therein there shall be substituted the words "any instrument having the force of law or any provision thereof"; and

(b) immediately after sub-article (1) as renumbered there shall be inserted the following new sub-article:

"(2) Where there has been a judgment as is mentioned in sub-article (1) the Prime Minister may, within the period of six months from the date that the judgment has become *res judicata* and to the extent necessary in his opinion to remove any inconsistency with the Constitution of Malta or with the relevant human right or fundamental freedom set out in the First Schedule to the European Convention Act as declared in the said judgment, make regulations deleting the relevant instrument or any provision thereof declared to run counter to the Constitution or the First Schedule to the European Convention Act as mentioned in sub-article (1).".

Passed by the House of Representatives at Sitting No. 408 of 4th July, 2006.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives