

Naghti l-kunsens tiegħi.

(L.S.)

EDWARD FENECH ADAMI
President

29 ta' Lulju, 2005

ATT Nru. XIII ta' l-2005

Att biex jemenda diversi liġijiet

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 Att ta' l-2005 li jemenda Titolu fil-qosor.
Diversi Liġijiet.

TAQSIMA I

2. (1) Din it-Taqsima temenda l-Kodiċi Kriminali, u għandha Emenda tal-Kodiċi Kriminali, Kap. 9. tinqara u tinftiehem bhala haġa wahda ma' l-istess Kodiċi, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "il-Kodiċi".

(2) Din it-Taqsima għandha tidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għad-disposizzjonijiet differenti u għanijiet differenti tat-Taqsima.

3. Minnufih wara l-artikolu 33 tal-Kodiċi għandu jidhol l-artikolu Żieda ta' l-artikolu 33A ġdid mal-Kodiċi. ġdid li ġej:

“Żieda fil-piena għal reati li jsiru minn priġunieri.

33A. (1) Meta jsir xi reat minn persuna waqt li tkun priġunier il-piena għal dak ir-reat fil-każ ta' sejbien ta' htija għandha tizdied bi grad jew tnejn u d-disposizzjonijiet ta' l-

artikoli 21 u 28A u ta' l-Att dwar il-*Probation* ma ghandhomx japplikaw.

(2) Ghall-ghanijiet ta' dan l-artikolu "prigunier" ghandha l-istess tifsira li nghatatilha fl-artikolu 2 ta' l-Att dwar il-Habs u tinkludi prigunier meqjus li hu miżmum f'habs skond id-disposizzjonijiet tas-subartikolu (3) ta' l-artikolu 3 ta' l-istess Att."

Emenda ta' l-artikolu 533 tal-Kodiċi.

4. Fis-subartikolu (1) ta' l-artikolu 533 tal-Kodiċi, il-kliem "u jekk il-prosekutur jagħmel talba għaldaqshekk" ghandhom jithassru u minnufih wara l-kliem "esperti jew periti fil-proċeduri", ghandhom jiżdidu l-kliem "inkluzi dawk ta' l-esperti li jkunu ġew mahtura fil-istadju tal-proċess verbal ta' l-inkjesta,".

Emenda ta' l-artikolu 650 tal-Kodiċi.

5. Minflok il-proviso mas-subartikolu (2) ta' l-artikolu 650 tal-Kodiċi ghandu jidhol dan li ġej:

"Izda l-Ministru responsabbli għall-ġustizzja jista', wara li jikkonsulta mal-Prim Imhallee, jahtar persuna waħda jew iżjed bhala periti uffiċjali sabiex jagħtu l-fehma tagħhom fuq hwejjeġ li jirrikjedu disposizzjonijiet oħra ta' dan il-Kodiċi u li jridu hila, teknika jew sengħa speċjali, u meta jiġu mahtura dawn il-persuni, il-qorti ghandha tagħzel il-periti minn fost dawk il-persuni fuq sistema ta' rota."

TAQSIMA II

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

6. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bhala haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

Emenda ta' l-artikolu 231 tal-Kodiċi.

7. Fis-subartikolu (1) ta' l-artikolu 231 tal-Kodiċi, minnufih wara l-kliem "fi żmien sitt ijiem minn dik is-sentenza" ghandhom jidhlu l-kliem "u meta jingħata dak il-permess biex isir appell minn dawk is-sentenzi separati, iż-żmien biex jiġi preżentat l-appell relattiv għandu jibda għaddej mill-jum minn meta jingħata dak il-permess fil-qorti bil-miftuh".

TAQSIMA III

Emenda tal-Kodiċi Ċivili, Kap. 16.

8. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bhala haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

9. Minnufih wara s-subartikolu (3) ta' l-artikolu 251 tal-Kodiċi għandu jiżjed dan il-proviso li ġej:

Emenda ta' l-artikolu 251 tal-Kodiċi.

“Iżda l-kliem “missier illeġittimu” kull fejn dawn jinsabu f’att ta’ stat ċivili registrat qabel l-1 ta’ Marzu, 2005 ma għandhom jiġu riprodotti f’ebda kopja jew estratt ta’ dak l-att mahruġ mid-Diretturi msemmija fis-subartikolu (1) ta’ dan l-artikolu, hliet skond ma jista’ jiġi xort’ohra esplicitament ordnat jew awtorizzat mill-qorti.”.

TAQSIMA IV

10. Din it-Taqsima temenda u għandha tinqara u tiftiehem bhala haġa waħda ma’ l-Ordinanza dwar iċ-Ċimiterju ta’ l-Addolorata, hawnhekk iżjed ’il quddiem f’ din it-Taqsima msejja “il-liġi prinċipali.”.

Emenda ta’ l-Ordinanza dwar iċ-Ċimiterju ta’ l-Addolorata, Kap. 18.

11. Artikolu 6 tal-liġi prinċipali għandu jiġi emendat billi minflok il-paragrafu (ċ) tiegħu għandu jidhol dan li ġej:

Emenda ta’ l-artikolu 6 tal-liġi prinċipali.

“(ċ) il-mara jew ir-raġel jistgħu jiġu midfuna fil-qabar tal-familja tiegħu jew tagħha, jew f’dak ta’ wiehed minnhom jew f’dak tal-familja tiegħu jew tagħha.”.

TAQSIMA V

12. Din it-Taqsima temenda u għandha tinqara u tiftiehem bhala haġa waħda ma’ l-Ordinanza tad-Dwana, hawnhekk iżjed ’il quddiem f’ din it-Taqsima msejja “il-liġi prinċipali”.

Emenda ta’ l-Ordinanza tad-Dwana, Kap. 37.

13. Fl-artikolu 18 tal-liġi prinċipali, minflok il-kliem “multa li tkun daqs it-total meta jingħaddu flimkien l-ammont ta’ dazju li jkollu jithallas fuq l-oġġetti li jkunu jinsabu f’dak il-koll u d-doppju tal-valur ta’ dawk l-oġġetti, jew ta’ hamsa u ghoxrin lira, skond liema tkun l-akbar”, għandhom jidhlu l-kliem “multa ekwivalenti għal tliet darbiet l-ammont ta’ dazju li għandu jithallas fuq l-oġġetti li jkunu jinsabu f’dak il-koll jew mitejn u hamsin lira, skond liema jkun l-akbar, hekk li terz minn dak l-ammont għandu jitqies bhala dejn ċivili addebitat u li jithallas lid-dipartiment tad-dwana”.

Emenda ta’ l-artikolu 18 tal-liġi prinċipali.

14. Fl-artikolu 62 tal-liġi prinċipali:

Emenda ta’ l-artikolu 62 tal-liġi prinċipali.

(a) minflok il-kliem “multa li tkun daqs it-total meta jingħaddu flimkien l-ammont tad-dazju li jkollu jithallas fuq l-oġġetti u d-doppju tal-valur ta’ l-oġġetti, jew multa ta’ hamsa u ghoxrin lira, skond liema minnhom tkun l-akbar”, għandhom jidhlu l-kliem “multa ekwivalenti għal tliet darbiet l-ammont ta’ dazju li

għandu jithallas fuq l-oġġetti jew mitejn u hamsin lira, skond liema jkun l-akbar, hekk li terz minn dak l-ammont għandu jitqies bhala dejn ċivili addebitat u li jithallas lid-dipartiment tad-dwana”; u

(b) it-tieni proviso li hemm miegħu għandu jithassar.

Emenda ta' l-
artikolu 63 tal-liġi
prinċipali.

15. Fl-artikolu 63 tal-liġi prinċipali, il-kliem “ta’ importanza żgħira” għandhom jithassru u minnufih wara l-kliem “telf ta’ dazju tad-dwana” għandhom jiżdedu l-kliem “ta’ mhux iżjed minn hames mitt lira”.

TAQSIMA VI

Emenda ta' l-Att
dwar il-Professjoni
Nutarili u Arkivji
Nutarili, Kap. 55.

16. (1) Din it-Taqsima temenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, u għandha tinqara u tiftiehem bhala haġa wahda ma’ l-istess Att, hawnhekk iżjed ’il quddiem f’din it-Taqsima msejjah “l-Att prinċipali”.

(2) Din it-Taqsima għandha tidhol fis-sehh f’dik id-data li l-Ministru responsabbli mill-ġustizzja jista’ b’avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għanijiet differenti tat-Taqsima.

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

17. Fis-subartikolu (1) ta’ l-artikolu 22 ta’ l-Att prinċipali, minflok il-kliem “Nutar tal-Gvern jew tnejn” għandhom jidhlu l-kliem “Nutar tal-Gvern wiehed jew aktar”.

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

18. Fi tmiem ta’ l-artikolu 40 ta’ l-Att prinċipali, għandu jiżded dan il-proviso ġdid li ġej:-

“Iżda, mingħajr preġudizzju għad-drittijiet diġà akkwiziti minn terzi, il-Ministru jista’ b’regolamenti jipprovdi att nutarili li jkun ġie insinwat kif imiss u li jkollu xi wiehed jew iżjed mid-difetti msemmija fil-paragrafi (a) sa (ġ) ta’ dan l-artikolu u li jkun ġie riċevut minn nutar illi ma jkunx għadu haj, għandu jitqies bhala wiehed validu minkejja kull difett bħal dawk li jista’ jkollu, u meta jkun qiegħed jagħmel dawk ir-regolamenti l-Ministru jista’ wkoll jassogġetta dik il-validità għal dawk il-pattijiet u l-kondizzjonijiet bħalma jistgħu jidhrulu xierqa.”.

Emenda ta' l-
artikolu 43 ta' l-Att
prinċipali.

19. Fl-artikolu 43 ta’ l-Att prinċipali, minflok il-kliem “Ir-riċeviment ta’ att ma jitqiesx” għandhom jidhlu l-kliem “Mingħajr preġudizzju għal kull ma jista’ jiġi provdut b’regolamenti magħmulin skond il-proviso li hemm ma’ l-artikolu 40, ir-riċeviment ta’ att ma jitqiesx”.

TAQSIMA VII

20. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bhala haġa wahda ma' l-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali".

Emenda ta' l-Att
dwar l-
Amministrazzjoni
Finanzjarja u l-
Verifika, Kap. 174.

21. Minnufih wara l-artikolu 71 ta' l-Att prinċipali, ghandu jiżjed dan l-artikolu ġdid li ġej:

Żieda ta' artikolu 72
ġdid ma' l-Att
prinċipali.

“72. (1) Il-Ministru responsabbli għall-finanzi, jew kull persuna, korp jew unità delegati f'ismu, jistgħu, minkejja kull liġi oħra, johroġ direttivi kif provdut fis-subartikolu (2) lil kull awtorità, bord, fondazzjoni, korporazzjoni, istitut, aġenzija, kummissjoni, kumpannija jew entità oħra li 51 fil-mija jew iżjed minnha tkun miżmuma bi proprjetà mill-Gvern jew li fuqha l-Gvern ikollu kontroll effettiv, jew meta 51 fil-mija mill-qliegħ relattiv jinkiseb minn flejjes pubbliċi jew minn flejjes li jiġu riċevuti bis-saħħa ta' xi liġi.

(2) Id-direttivi msemmija fis-subartikolu (1) jistgħu jirregolaw:

(a) ir-reklutaġġ ta' impjegati u, jew ir-rimunerazzjoni li jirċievu;

(b) il-ksib ta' attiv fiss, servizzi, konsulenzi, kuntratti ta' liema tip jew xorta jkunu sakemm ikollhom x'jaqsmu ma' l-ispejjeż operattivi u, jew spejjeż amministrattivi,

u, meta jinharġu dawk id-direttivi, il-Bord tad-Diretturi jew xi Bord ieħor responsabbli għall-affarijiet ta' l-entità ghandu jiżgura li d-deċiżjonijiet li jittiehdu mill-Bord jew mit-tmexxija manigerjali, ikunu jirrispettaw dawk id-direttivi.”.

TAQSIMA VIII

22. Din it-Taqsima temenda l-Att dwar l-Immigrazzjoni, u ghandha tinqara u tiftiehem bhala haġa wahda ma' l-istess Att, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali.”

Emenda ta'
l-Att dwar
l-Immigrazzjoni,
Kap. 217.

23. Fl-artikolu 26 ta' l-Att prinċipali, minflok il-kliem "lil uffiċjal pubbliku mhux taht il-grad ta' Kap ta' Dipartiment" ghandhom jidhlu l-kliem

Emenda ta'
l-artikolu 26
ta' l-Att prinċipali.

“lil xi Ministru iehor, uffiċjal pubbliku mhux taht il-grad ta’ Kap ta’ Dipartiment, jew lil xi korp magħqud stabbilit bil-liġi.”.

TAQSIMA IX

Emendi ta’
l-Att dwar il-
Kummissarji għall-
Ġustizzja, Kap. 291.

24. (1) Din it-Taqsima temenda l-Att dwar il-Kummissarji għall-Ġustizzja, u għandha tinqara u tiftiehem bhala waħda ma’ l-istess Att, hawnhekk iżjed ’il quddiem f’ din it-Taqsima msejjah “l-Att prinċipali”.

(2) Din it-Taqsima għandha tidhol fis-seħh f’ dik id-data li l-Ministru responsabbli għall-ġustizzja jista’ b’ avviz fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għanijiet differenti tat-Taqsima.

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

25. L-artikolu 7 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem “jekk xi persuna li tiġi notifikata kif imiss b’ tahrika tonqos li tidher” għandhom jidhlu l-kliem “jekk persuna li tiġi notifikata kif imiss b’ tahrika, jew ir-rappreżentant tagħha kif jista’ jkun minnha awtorizzat bil-miktub, tonqos milli tidher”; u

(b) minflok il-kliem “fin-nuqqas tal-persuna akkużata.” għandhom jidhlu l-kliem “fin-nuqqas tal-persuna akkużata:

Iżda persuna akkużata tista’ tagħzel li minflok ma tidher quddiem il-Kummissarju tibghat fir-Reġistru tal-Kummissarji sottomissjonijiet bil-miktub u, jew dikjarazzjoni dwar il-fatti tal-każ konfermata bil-ġurament li fihom tikkontesta l-akkuża li ssir kontriha, u l-Kummissarju, qabel ma jiddeċiedi l-każ, għandu jiehu in konsiderazzjoni dawk is-sottomissjonijiet u, jew dikjarazzjoni daqslikieku dawn ikunu saru quddiemu *viva voce*.”.

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

26. Fl-artikolu 8 ta’ l-Att prinċipali minnufih wara l-proviso li hemm ma’ l-artikolu għandu jiżdied dan il-proviso ġdid li ġej:

“Iżda wkoll persuna akkużata tista’, minflok ma tidher quddiem il-Kummissarju, tahtar bil-miktub rappreżentant tagħha li għall-finijiet u l-effetti kollha tal-liġi jitqies li jkollu l-istess drittijiet u obbligazzjonijiet bħalma jkollha persuna li tiġi akkużata quddiem il-Kummissarju.”.

Emenda ta’
l-artikolu 11
ta’ l-Att prinċipali.

27. Fis-subartikolu (1) ta’ l-artikolu 11 ta’ l-Att prinċipali, minflok il-kliem “sitt ijiem tax-xogħol mill-jum” għandha tidhol il-kelma “tletin ġurnata mill-jum”.

28. Minnufih wara l-artikolu 11 ta' l-Att prinċipali għandu jidhol dan l-artikolu ġdid li ġej:

Żieda ta' l-artikolu 11A ma' l-Att prinċipali.

“Ritrattazzjoni. 11A. (1) Kull persuna li tinstab haġja ta' ksur taht l-artikolu 10 tista' b'rikors titlob lill-Qorti tal-Maġistrati li ssir ritrattazzjoni ta' dak il-każ minhabba f'li ma tkun ġiet qatt notifikata kif imiss bl-akkuża kontriha skond il-liġi.

(2) Dak ir-rikors għandu jiġi pprezentat fi żmien hmistax-il jum minn meta dik il-persuna tkun saret taf, jew raġonevolment kienet mistennija li ssir taf, bid-deċiżjoni kontriha.”.

29. Is-subartikolu (1) ta' l-artikolu 13 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) il-paragrafi (d) sa (h) tiegħu għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (e) sa (i) rispettivament;

(b) minnufih wara l-paragrafu (ċ) tiegħu għandu jidhol il-paragrafu (d) ġdid li ġej:

“(d) li jistabbilixxu, wara konsultazzjoni ma' l-Assoċjazzjoni tal-Kunsilli Lokali, Bord li jkollu l-kompetenza li jisma' u jiddeċiedi talbiet li jsirulu biex ma jinbdewx jew biex jieqfu proċeduri quddiem Kummissarju tal-Ġustizzja kontra persuna dwar xi ksur, jew biex tiġi mahfura l-piena mogħtija, għal raġunijiet validi taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti;”.

30. Id-disposizzjonijiet ta' l-artikoli 25 sa 29 (it-tnejn inklużi) ta' din it-Taqsima japplikaw ukoll għal proċeduri quddiem il-Kummissarji tal-Ġustizzja li għadhom ma ġewx deċiżi b'mod finali skond il-provvedimenti ta' l-Att dwar il-Kummissarji tal-Ġustizzja.

Disposizzjoni transitorja.

TAQSIMA X

31. (1) Din it-Taqsima għandha tinqara u tiftiehem bhala haġja waħda ma' l-Att dwar is-Sigurtà Soċjali, hawn iżjed 'il quddiem imsejjah “l-Att prinċipali”.

Emenda ta' l-Att dwar is-Sigurtà Soċjali, Kap. 318.

(2) Din it-Taqsima għandha tidhol fis-seħh kif ġej:

(a) dan l-artikolu u l-artikolu 32 għandhom jitqiesu li daħlu fis-seħh fl-1 ta' Marzu, 2005;

(b) l-artikolu 33 ghandu jitqies li dahal fis-sehh fl-1 ta' Mejju, 2004.

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

32. Minflok is-subartikolu (5) ta' l-artikolu 30 ta' l-Att prinċipali, ghandu jidhol dan li ġej:–

“(5) Kap ta familja li jkun –

(a) reġistrat taht it-Tieni Taqsima tar-Reġistru miżmum skond id-disposizzjonijiet ta' l-Att dwar is-Servizzi ta' Impieg u Tahriġ; jew

(b) skond id-disposizzjonijiet ta' l-artikolu 13 (3) ta' l-Att dwar is-Servizzi ta' Impieg u Tahriġ, tilef id-dritt li jkun reġistrat taht it-Tieni Taqsima tar-Reġistru msemmi,

u li, li kieku kien reġistrat taht l-Ewwel Taqsima ta' l-imsemmi Reġistru kien ikun intitolat, skond dan l-artikolu ghal ghajnuna soċjali, ghandu, minkejja dan ikun intitolat biex japplika ghal ghajnuna soċjali u jkollu l-applikazzjoni tiegħu mghoddija mid-Direttur lill-Bord imwaqqaf taht l-artikolu 128 ta' dan l-Att, u jekk il-Bord jiddeċiedi li ghajnuna soċjali hi dovuta lil xi persuna f'isem dik il-familja kif provdut fl-artikolu 129 ta' dan l-Att, allura l-persuna hekk mahtura mill-Bord tkun intitolata ghal ghajnuna soċjali b'dik ir-rata li l-Bord jista' jiddeċiedi, skond id-disposizzjonijiet ta' l-istess artikolu 129:

Iżda ebda talba bhal dik ma tkun aċċettata kemm-il darba l-kap tal-familja ma jġibx prova ghas-sodisfazzjon tad-Direttur, skond ma' d-Direttur jista' xort'ohra jiddeċiedi, li dak il-kap tal-familja ma jkunx qieghed jahdem bi qligh.”.

Emenda ta' l-artikolu 134 ta' l-Att prinċipali.

33. L-artikolu 134 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:–

(a) minflok in-nota marginali li hemm mieghu ghandhom jidhlu l-kliem “Pattijiet ta' ftehim reċiproċi u multilaterali.”; u

(b) minnufih wara s-subartikolu (2) ghandu jidhol dan is-subartikolu ġdid li ġej:

“(3) Il-Ministru jista' jagħmel regolamenti biex jipprovdi dwar it-trasposizzjoni u l-implimentazzjoni ta' kull direttiva jew strument legali ieħor ta' l-Unjoni Ewropea jew dwar kull deċiżjoni tal-Qorti Ewropea tal-Gustizzja fil-qasam tas-sigurtà soċjali.”.

TAQSIMA XI

34. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bhala haġa waħda ma' l-Att dwar id-Dazji ta' Importazzjoni, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali".

Emenda ta' l-Att
dwar id-Dazji ta'
Importazzjoni,
Kap. 337.

35. Fis-subartikolu 18A(5) ta' l-Att prinċipali, minnufih wara l-kliem "taht dan l-artikolu" ghandhom jidhlu l-kliem "u meta d-dazju perikolat ma jkunx jeċċedi l-hames mitt lira,".

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

TAQSIMA XII

36. (1) Din it-Taqsima temenda l-Att dwar Gwardjani Privati u Lokali, u ghandha tinqara u tiftiehem bhala haġa waħda ma' l-istess Att, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali".

Emenda ta' l-Att
dwar Gwardjani
Privati u Lokali,
Kap. 389.

(2) Din it-Taqsima ghandha tidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-intern jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għanijiet differenti tat-Taqsima.

37. 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 "gwardjan lokali" ghandha tidhol it-tifsira ġdida li ġejja:

“gwardjan lokali pajżan” tfisser gwardjan lokali li ma jilbix uniformi u li s-servizzi tiegħu jingħataw fit-twertiq ta' dmirijiet speċifiċi, jew għal partijiet partikolari tal-liġi, li jiġu elenkati fl-Ewwel Skeda li tinsab ma' dan l-Att.”; u

(b) fit-tifsira ta' "servizzi ta' gwardjan lokali" minflok il-kliem "u l-provvista ta' servizzi simili" ghandhom jidhlu l-kliem "u l-provvista ta' servizzi simili minn gwardjan lokali sew li jkun liebes uniformi sew li jkun pajżan".

38. Minnufih wara l-artikolu 19 ta' l-Att prinċipali għandu jidhol l-artikolu ġdid li ġej:

Żieda ta' l-artikolu
19A ma' l-Att
prinċipali.

“Gwardjani
lokali pajżana.

19A. Gwardjan lokali pajżan jista' jinforza biss dawk id-disposizzjonijiet tal-liġi li jiġu elenkati fl-Ewwel Skeda li tinsab ma' dan l-Att, liema skeda tista' tinbidel bis-saħħa ta' avviż mahruġ mill-Ministru.”.

Żieda ta' l-Ewwel Skeda ma' l-Att prinċipali.

39. Minnufih wara l-artikolu 25 ta' l-Att prinċipali, ghandha tizzied din l-iskeda li ġejja:

“L-EWWEL SKEDA

(Artikolu 19A)

Ligijiet jew Regolamenti li jistgħu jiġu inforzati minn Gwardjani Lokali Pajzana

Regolamenti ta' l-2005 dwar l-Abbandun, ir-Rimi u t-Tneħħija ta' Skart fit-Toroq u f'Postijiet jew Żoni Pubbliċi.”.

TAQSIMA XIII

Emenda ta' l-Att dwar Taxxa fuq il-Valur Miżjud, Kap. 406.

40. Din it-Taqsima temenda u ghandha tingara u tiftiehem bhala haġa waħda ma' l-Att ta' l-1998 dwar it-Taxxa fuq il-Valur Miżjud, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah “l-Att prinċipali”.

Emenda ta' l-artikolu 15 ta' l-Att prinċipali.

41. Is-subartikolu (4) ta' l-artikolu 15 ta' l-Att prinċipali ghandu jithassar u s-subartikolu 5 tiegħu ghandu jiġi enumerat mill-ġdid bhala s-subartikolu (4) tiegħu.

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

42. L-artikolu 21 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (3), minflok il-kliem “sa mhux aktar tard mill-hmistax-il jum tax-xahar li jiġi wara dak li matulu tkun meħtieġa li twassal l-avviż speċifikat fl-artikolu 15(4)” ghandhom jiġu sostitwiti l-kliem “sa mhux aktar tard mill-hmistax-il jum tattieni xahar jew li jiġi wara d-data tal-fattura jew ix-xahar li matulu tiġi riċevuta l-kunsinna jew il-provvista ta' servizzi, skond il-każ, skond liema data tkun l-aktar kmieni”; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem “kif jista' jiġi preskritt.” ghandhom jidhlu l-kliem “kif jista' jiġi stabbilit.” u minnufih wara ghandu jizzied dan il-proviso li ġej:

“Izda l-imghax li jkun ghaddej fuq xi ammont ta' taxxa dovut li jkun il-mertu ta' appell quddiem il-Bord ta' l-Appelli, ghandu jiġi sospiż għal perjodu li jeċċedi x-xahrejn mid-data ta' l-ahhar seduta tal-Bord ta' l-Appelli li tirrelata ma' dak l-appell u d-data li fiha tinghata deċiżjoni mill-Bord jew sentenza finali mill-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri), skond il-każ.”.

43. Fis-subartikolu (3) ta' l-artikolu 24 ta' l-Att prinċipali, minflok il-kliem “dik il-persuna lill-Kummissarju.” għandhom jidhlu l-kliem “dik il-persuna lill-Kummissarju:” u minnufih wara għandu jżied dan il-proviso li ġej:

Emenda ta' l-artikolu 24 ta' l-Att prinċipali.

“Izda ma jkun dovut l-ebda mgħax għal xi perjodu li matulu dik il-persuna tonqos milli tipproduċi dik l-informazzjoni u, jew dokumentazzjoni hekk kif il-Kummissarju jista' jitlob, għall-verifika ta' l-ammont mitlub lura.”.

44. Fis-subartikolu (1) ta' l-artikolu 32 ta' l-Att prinċipali, minnufih wara l-kliem “mit-tmiem ta' l-imsemmi żmien ta' taxxa” għandhom jżiedu l-kliem “jew mid-data li fiha tintbagħat id-denunzja ta' taxxa għal dak iż-żmien ta' taxxa, skond liema data tiġi l-aktar tard”.

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

45. Minnufih wara s-subartikolu (3) ta' l-artikolu 37 ta' l-Att prinċipali, għandu jżied dan is-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 37 ta' l-Att prinċipali.

“(4) Meta, matul il-kors ta' xi investigazzjoni, persuna tikkoopera mal-Kummissarju, taċċetta ftehim u fi żmien xahar minn meta jiġi ffirmat il-ftehim thallas l-ammont tat-taxxa dovut, il-penali amministrattiva miftiehma u l-imgħax dovut, dik il-persuna tkun soġġetta għal penali amministrattiva f'ammont ekwivalenti għal għaxra fil-mija ta' l-ammont ta' taxxa dovut.”.

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

Emenda ta' l-artikolu 38 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “din tinghata lill-Kummissarju.” għandhom jidhlu l-kliem “din tinghata lill-Kummissarju:” u minnufih wara għandu jżied dan il-proviso li ġej:

“Izda dik il-penali amministrattiva ma għandha fl-ebda każ teċċedi l-mitejn u hamsin lira għal kull denunzja mibghuta tard.”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “din tinghata lill-Kummissarju.” għandhom jidhlu l-kliem “din tinghata lill-Kummissarju:” u minnufih wara għandu jżied dan il-proviso li ġej:

“Iżda dik il-penali amministrattiva ma ghandha fl-ebda każ teċċedi l-mitejn u hamsin lira ghal kull dikjarazzjoni jew stqarrija bhal dik.”.

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

47. Fis-subartikolu (3) ta' l-artikolu 39 ta' l-Att prinċipali, minflok il-kliem “jinghata lill-Kummissarju.” ghandhom jidhlu l-kliem “jinghata lill-Kummissarju:” u minnufih wara ghandu jiżdied dan il-proviso li ġej:

“Iżda dik il-penali amministrattiva ma ghandha fl-ebda każ teċċedi l-mitejn u hamsin lira ghal kull avviż mibgħut tard.”.

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

48. Fl-artikolu 40 ta' l-Att prinċipali, minflok il-kliem “tiġi mhassra mill-Kummissarju.” ghandhom jidhlu l-kliem “tiġi mhassra mill-Kummissarju:” u minnufih wara ghandu jiżdied dan il-proviso li ġej:

“Iżda dik il-penali amministrattiva ma ghandha fl-ebda każ teċċedi l-hames mitt lira.”.

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

49. Fl-artikolu 42 ta' l-Att prinċipali, minflok il-kliem “penali amministrattiva” ghandhom jidhlu l-kliem “penali amministrattiva, kollha kemm hi jew f’parti minnha,”.

Emenda ta' l-
artikolu 59 ta' l-Att
prinċipali.

50. Minnufih fi tmiem is-subartikolu (2) ta' l-artikolu 59 ta' l-Att prinċipali ghandhom jiżdiedu l-kliem “Meta jiskadi l-perjodu ta' jumejn imsemmi f’dan is-subartikolu, il-Kummissarju jkollu dritt li jirreġistra fir-reġistru pubbliku jew fir-reġistru ta' l-artijiet, skond il-każ, nota ta' privileġġ għall-ammont mitlub fl-att ġudizzjarju u dik in-nota ta' privileġġ tista' tiġi reġistrata minn kull avukat jew nutar.”.

Emenda ta' l-
artikolu 76 ta' l-Att
prinċipali.

51. Fl-artikolu 76 ta' l-Att prinċipali, minflok il-kliem “mhux inqas minn mitt lira u mhux iżjed minn tlett mitt lira” ghandhom jidhlu l-kliem “mhux inqas minn tlett mitt lira u mhux iżjed minn elf u hames mitt lira”.

Emenda ta' l-
artikolu 77 ta' l-Att
prinċipali.

52. L-artikolu 77 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) minnufih wara l-paragrafu (n) ghandu jiżdied dan il-paragrafu li ġej:

“(o) tipprovdi jew toffri li tipprovdi lil persuna ohra u, jew tesponi għall-bejgħ oġġetti, waqt li tkun sprovvista minn *cash register* fiskali jew kotba tar-riċevuta fiskali kif mahruġa jew approvati mill-Kummissarju,”; u

(b) minflok il-kliem “mhux inqas minn mija u hamsin lira u mhux iżjed minn elf lira” ghandhom jidhlu l-kliem “mhux inqas minn tlett mitt lira u mhux iżjed minn elf u hames mitt lira”.

53. L-artikolu 78 ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 78 ta’ l-Att prinċipali.

(a) fis-subartikolu (1), minflok il-kliem “tkun inqas minn tlett mitt lira” ghandhom jidhlu l-kliem “tkun inqas minn hames mitt lira”; u

(b) fis-subartikolu (2), minnufih wara l-kliem “fuq dik l-aħħar sejba ta’ htija” ghandhom jiżdiedu l-kliem “timponi bhala piena multa ta’ mhux inqas minn elf lira”.

54. Fis-subartikolu (1) ta’ l-artikolu 80 ta’ l-Att prinċipali, minflok il-kliem minn “ghat-total meta tghodd flimkien” sal-kliem “skond liema tkun l-akbar” ghandhom jidhlu l-kliem “ghal tlett darbiet it-taxxa li jkollha tithallas jew multa ta’ mija u hamsin lira, skond liema tkun l-akbar, b’dan illi terz minn dak l-ammont ghandu jitqies bhala dejn ċivili dovut lill-Kummissarju”.

Emenda ta’ l-artikolu 80 ta’ l-Att prinċipali.

55. Fis-subartikolu (3) ta’ l-artikolu 84 ta’ l-Att prinċipali, minnufih wara l-kliem “kontra d-dispożizzjonijiet” ghandhom jidhlu l-kliem “tal-paragrafu (b) ta’ l-artikolu 76 jew”, u minflok il-kliem minn “multa ta’ hamsin lira” sal-kliem “fi żmien hmistax-il jum” ghandhom jidhlu l-kliem “multa ta’ mitt lira fil-każ ta’ l-ewwel reat, mitejn lira fil-każ tat-tieni reat u erba’ mitt lira fil-każ tat-tielet reat fi żmien hmistax-il jum”.

Emenda ta’ l-artikolu 84 ta’ l-Att prinċipali.

TAQSIMA XIV

56. Din it-Taqsima temenda l-Att ta’ l-1994 dwar Taxxa fuq il-Valur Miżjud, u ghandha tinqara u tiftiehem bhala haġa wahda ma’ l-Att dwar Taxxa fuq il-Valur Miżjud, hawnhekk iżjed ‘l quddiem imsejjah “l-Att prinċipali”.

Emenda ta’ l-Att ta’ l-1994 dwar Taxxa fuq il-Valur Miżjud, Att Nru. XII ta’ l-1994.

57. Fis-subartikolu (1) ta’ l-artikolu 29 ta’ l-Att prinċipali minnufih wara l-kliem “minn tmiem l-imsemmi żmien ta’ taxxa” ghandhom jiżdiedu l-kliem “jew mid-data li fiha tintbaghat id-denunzja ta’ taxxa għal dak iż-żmien ta’ taxxa, skond liema data tiġi l-aktar tard”.

Emenda ta’ l-artikolu 29 ta’ l-Att prinċipali.

58. Minnufih fi tmiem is-subartikolu (2) ta’ l-artikolu 48 ta’ l-Att prinċipali, ghandhom jiżdiedu l-kliem “Meta jiskadi l-perjodu ta’ jumejn imsemmi f’dan is-subartikolu, il-Kummissarju jkollu dritt li jirreġistra fir-reġistru pubbliku jew fir-reġistru ta’ l-artijiet, skond il-

Emenda ta’ l-artikolu 48 ta’ l-Att prinċipali.

każ, nota ta' privileġġ għall-ammont mitlub fl-att ġudizzjarju u dik in-nota ta' privileġġ tista' tiġi registrata minn kull avukat jew nutar.”.

TAQSIMA XV

Emenda ta' l-Att dwar it-Taxxa tad-Dwana u tas-Sisa, Att Nru. XII ta' l-1997.

59. Din it-Taqsima temenda u għandha tinqara u tiftiehem bhala haġa waħda ma' l-Att ta' l-1997 dwar it-Taxxa tad-Dwana u tas-Sisa, hawnhekk iżjed 'il quddiem imsejjah “l-Att prinċipali”.

Emenda ta' l-artikolu 45 ta' l-Att prinċipali.

60. Fis-subartikolu (1) ta' l-artikolu 45 ta' l-Att prinċipali, minflok il-kliem “li dwaru tkun intbagħtet jew kellha tintbagħat id-denunzja.” għandhom jidhlu l-kliem “ jew sitt snin mid-data li fiha tintbagħat id-denunzja ta' taxxa għal dak iż-żmien ta' taxxa, skond liema data tiġi l-aktar tard.”.

Emenda ta' l-artikolu 50 ta' l-Att prinċipali.

61. Minnufih fi tmiem is-subartikolu (2) ta' l-artikolu 50 ta' l-Att prinċipali, għandhom jiżdiedu l-kliem “Meta jiskadi l-perjodu ta' jumejn imsemmi f'dan is-subartikolu, id-Direttur ikollu dritt li jirreġistra fir-reġistru pubbliku jew fir-reġistru ta' l-artijiet, skond il-każ, nota ta' privileġġ għall-ammont mitlub fl-att ġudizzjarju u dik in-nota ta' privileġġ tista' tiġi registrata minn kull avukat jew nutar.”.

TAQSIMA XVI

Emenda ta' l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, Kap. 418.

62. (1) Din it-Taqsima temenda l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, u għandha tinqara u tiftiehem bhala haġa waħda ma' l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, hawn iżjed 'il quddiem f'din it-Taqsima msejjah “l-Att prinċipali”.

(2) Din it-Taqsima għandha tidhol fis-seħh f'dik id-data li l-Ministru responsabbli għal komunikazzjonijiet jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti tat-Taqsima.

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

63. Fl-artikolu 2 ta' l-Att prinċipali fit-tifsira “deċiżjoni”, minflok il-kliem “tinkludi kull sentenza, direzzjoni” għandhom jidhlu l-kliem “tinkludi kull sentenza, direzzjoni, kundizzjoni ta' liċenzja”.

Emenda ta' l-artikolu 33 ta' l-Att prinċipali.

64. Fis-subartikolu (1) ta' l-artikolu 33 ta' l-Att prinċipali, minflok il-kliem “jibda malli jiskadi” għandhom jidhlu l-kliem “ jeddekorri malli jibda”.

65. Fil-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 36 ta' l-Att prinċipali, minflok il-kliem “minn fost listi ta' persuni” għandhom jidhlu l-kliem “minn fost lista ta' persuni”. Emenda ta' l-artikolu 36 ta' l-Att prinċipali.

TAQSIMA XVII

66. (1) Din it-Taqsima temenda l-Att dwar ir-Rifuġjati, u għandha tinqara u tiftiehem bhala haġa wahda ma' l-istess Att, hawnhekk iżjed 'il quddiem imsejjah “l-Att prinċipali”. Emenda ta' l-Att dwar ir-Rifuġjati, Kap. 420.

(2) Din it-Taqsima għandha tidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-immigrazzjoni jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għanijiet differenti tat-Taqsima.

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

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “jkun magħmul minn President u żewġ membri oħra li jinhatru” għandhom jidhlu l-kliem “jkun magħmul minn Kummissarju dwar l-Appelli li jinhatar”, u l-proviso li hemm miegħu għandu jiġi mhassar;

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “Il-membri tal-Bord għandhom jibqgħu” u “jkunu jistgħu jerġgħu jiġu mahtura” għandhom jidhlu l-kliem “Il-Kummissarju dwar l-Appelli għandu jibqa” u “jkun jista' jerġa' jiġi mahtur” rispettivament;

(ċ) minflok is-subartikolu (3) tiegħu għandu jidhol dan li ġej:

“(3) Il-Ministru jista' wkoll jahtar kummissarju ta' l-appelli sostitut sabiex joqgħod fil-Bord kull meta l-Kummissarju dwar l-Appelli ma jkunx jista', temporanjament għal xi raġuni valida, jattendi u jipparteċipa fis-seduti tal-Bord.”; u

(d) fis-subparagrafu (ċ) tas-subartikolu (4) tiegħu, minflok il-kliem “magħmula minn President u żewġ membri oħra” għandhom jidhlu l-kliem “magħmula minn Kummissarju dwar l-Appelli”.

68. Fl-artikolu 6 ta' l-Att prinċipali minflok il-kliem “membru tal-Bord” kull fejn dawn jinsabu għandhom jidhlu l-kliem “kummissarju ta' l-appelli”. Emenda ta' l-artikolu 6 ta' l-Att prinċipali.

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

69. Fis-subartikolu (8) ta' l-artikolu 7 ta' l-Att prinċipali minflok il-kliem “tal-President” għandhom jidhlu l-kliem “tal-Kummissarju dwar l-Appelli”.

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

70. Fl-artikolu 18 ta' l-Att prinċipali l-kliem “President tal-Bord ta' l-Appelli dwar ir-Rifuġjati”, kull fejn dawn jinsabu, għandhom jidhlu l-kliem “Kummissarju dwar l-Appelli”.

Disposizzjoni
transitorja.

71. Id-disposizzjonijiet ta' l-artikoli 67 sa 70 (it-tnejn inklużi) ta' din it-Taqsima japplikaw ukoll għal proċeduri quddiem il-Bord dwar l-Appell tar-Rifuġjati kif kostitwit qabel il-bidu fis-sehh ta' dan l-Att, jew kull sezzjoni tiegħu, u li għandhom ma ġewx deċiżi b' mod finali skond il-provvedimenti ta' l-Att dwar ir-Rifuġjati; b'dan però li l-Ministru jista' jagħmel regolamenti sabiex jassenja r-rikorsi ta' l-appell mhux deċiżi li ġew prezentati qabel il-bidu fis-sehh ta' dan l-Att, lil sezzjonijiet differenti tal-Bord kif presjeduti minn Kummissarji ta' l-Appell differenti.

TAQSIMA XVIII

Emenda ta' l-Att
dwar il-
Komunikazzjonijiet
u Transazzjonijiet
Elettroniċi, Kap.
426.

72. (1) Din it-Taqsima temenda u għandha tinqara u tiftiehem bħala haġa waħda ma' l-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi, hawnhekk iżjed 'il quddiem imsejjah “l-Att prinċipali”.

(2) Din it-Taqsima għandha tidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-komunikazzjonijiet jista' jstabbilixxi b'avviż fil-Gazzetta u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti tat-Taqsima.

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

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

(a) minnufih wara t-tifsira “apparat ta' verifika ta' firma” għandha tidhol din it-tifsira ġdida li ġejja:

“ “l-Att” tfisser l-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi, u tinkludi, kemm-il darba r-rabta tal-kliem ma tkunx tehtieġ xort'ohra, ir-regolamenti kollha magħmulin tahtu;” u

(b) fit-tifsira “awtorità kompetenti” minflok il-kliem “skond l-artikolu 17” għandhom jidhlu l-kliem “skond is-subartikolu (3) ta’ l-artikolu 25”.

74. L-artikolu 17 ta’ l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 17 ta’ l-Att prinċipali.

(a) is-subartikolu (1) għandu jiġi mħassar;

(b) is-subartikolu (2) għandu jiġi enumerat bħala l-artikolu shih; u

(ċ) minflok il-kliem “Il-Ministru jista’ jippreskrivi dwar kull waħda minn dawn l-affarijiet li ġejjin -” għandhom jidhlu l-kliem “Il-Ministru jista’, fil-kuntest tas-sorveljanza ta’ provdituri ta’ servizz ta’ ċertifikazzjoni ta’ firma stabbiliti f’Malta, jistabbilixxi dwar kull waħda minn dawn li ġejjin -”.

75. Wara s-subartikolu (2) ta’ l-artikolu 25 ta’ l-Att prinċipali għandu jidher dan is-subartikolu ġdid li ġej: Emenda ta’ l-artikolu 25 ta’ l-Att prinċipali.

“(3) Il-Ministru għandu b’Ordni jsemmi awtorità kompetenti li tkun responsabbli biex tissorvelja u tiżgura konformità mad-disposizzjonijiet ta’ dan l-Att u sabiex titwettagħ kull funzjoni oħra skond ma l-Ministru jista’ minn żmien għal żmien iqis li tkun meħtieġa.”.

TAQSIMA XIX

76. Din it-Taqsima temenda u għandha tinqara u tiftiehem bħala haġa waħda ma’ l-Att dwar il-Professjonijiet tas-Sahha, hawnhekk iżjed ‘il quddiem f’din it-Taqsima msejjaħ “l-Att prinċipali”. Emenda ta’ l-Att dwar il-Professjonijiet tas-Sahha, Kap. 464.

77. L-artikolu 29 ta’ l-Att prinċipali għandu jiġi emendat billi minnufih wara s-subartikolu (1) għandu jidher dan il-proviso li ġej: Emenda ta’ l-artikolu 29 ta’ l-Att prinċipali.

“Izda dentist ikollu dritt jipprattika f’kull qasam tad-dentistrija sakemm ikollu liċenzja mahruġa għaldaqstant mill-President ta’ Malta u ismu jkun imnizzel fir-Registru Prinċipali tal-Kunsill tal-Kirurgi Dentali.”.

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

78. Artikolu 30 ta' l-Att prinċipali għandu jiġi emendat billi minflok is-subparagrafu (i) ta' paragrafu (a) tas-subartikolu (6) għandu jidhol dan li ġej:

“(i) li johroġ ċertifikati fi żmien tliet xhur mid-data meta jkun irċieva t-talba, jew mid-data li jkun irċieva d-dokumentazzjoni mitluba mill-Kumitat, skond liema tkun l-aktar tard, li persuna tkun spicċat it-tahriġ speċjalista fl-ispeċjalitajiet elenkati fit-taqsimi rilevanti tal-Hames Skeda, meta jitwettqu l-kriterji rakkomandati mill-assoċjazzjonijiet professjonali rilevanti elenkati fir-Raba' Skeda;”.

Sostituzzjoni ta' l-
artikolu 44 ta' l-Att
prinċipali.

79. Minflok l-artikolu 44 ta' l-Att prinċipali għandu jidhol dan li ġej:

“44. Meta ċittadin ta' Stat Membru, li jkollu diploma, ċertifikat jew kull prova oħra ta' kwalifika formali miksuba barra mill-Unjoni Ewropea li tkun ġiet rikonoxxuta minn Stat Membru u li jkun kiseb esperjenza fi Stat Membru jew f'pajjiżi terzi li jkun ġie wkoll rikonoxxut fi Stat Membru, japplika biex ikun reġistrat taht dan l-Att, il-Kunsill rilevanti għandu fi żmien tliet xhur mid-data meta tiġi riċevuta t-talba, jew mill-ġurnata meta dik id-dokumentazzjoni tkun ġiet ipprezentata għal kollox, skond liema data tkun l-aktar tard, jeżamina dik id-diploma, ċertifikat jew kull prova oħra ta' kwalifika formali qabel ma jirrikonoxxiha, u għandu jgħarraf minnufih lill-applikant bid-deċiżjoni tiegħu bil-posta reġistrata.”.

Emenda ta' l-
artikolu 49 ta' l-Att
prinċipali.

80. L-artikolu 49 ta' l-Att prinċipali għandu jiġi emendat billi s-subartikolu (3) jiġi sostitwit b'dan li ġej:

“(3) Il-Kumitat ta' l-Appelli jkollu l-funzjonijiet li ġejjin:

(a) meta ssir applikazzjoni għaldaqstant mill-persuna involuta, li jisma' u jiddeċiedi dwar deċiżjoni tal-Kunsill rilevanti li biha tiġi miċhuda r-reġistrazzjoni ta' professjonist fil-kura medika fir-reġistru adatt;

(b) meta ssir applikazzjoni għaldaqstant mill-persuna involuta, li jisma' u jiddeċiedi dwar deċiżjoni tal-Kumitat għall-Approvazzjoni dwar Speċjalisti rilevanti li biha jiġi

miċhud l-ghoti ta' ċertifikat ta' speċjalista lil professjonist fil-kura medika;

(ċ) meta ssir applikazzjoni għaldaqstant mill-persuna involuta, li thoss ruhha aggravata minn nuqqas tal-Kunsill rilevanti li jiddeċiedi meta tkun saret applikazzjoni għar-registrazzjoni, fiż-żmien imsemmi fl-artikolu 42;

(d) jiġbor dawk id-drittijiet skond ma jista' jiġi stipulat.”.

81. Artikolu 23 ta' l-Att prinċipali għandu jiġi emendat billi minnufih wara s-subartikolu (3) tiegħu għandu jiddid dan is-subartikolu ġdid li ġej:

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

“(4) Minkejja d-disposizzjonijiet tas-subartikolu (1), il-Kunsill ta' l-Infermiera u Qwiebel għandu jżomm reġistru fejn, wara li ssir applikazzjoni għaldaqstant minn dik il-persuna, jiġu fih reġistrati għal perjodu ta' mhux iżjed minn sena l-ismijiet ta' kull ċittadin ta' Malta jew ta' Stat Membru li jkun ikkwalifika għall-kwalifiki elenkati fil-paragrafi (a) jew (b) jew (ċ) jew, bla hsara għad-disposizzjonijiet tas-subartikolu (2), fil-paragrafi (d), iżda li jkun għadu ma kisibx dik il-kwalifika.”.

82. Artikolu 27 ta' l-Att prinċipali għandu jiġi emendat billi minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

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

“(1) Meta ċittadin ta' Stat Membru, li jkollu diploma, ċertifikat jew kull prova oħra ta' kwalifika formali miksuba barra mill-Unjoni Ewropea li tkun ġiet rikonoxxuta minn Stat Membru li jkun kiseb esperjenza fi Stat Membru jew f'pajjiżi terzi li jkun ġie wkoll rikonoxxut fi Stat Membru, japplika biex ikun reġistrat taħt dan l-Att, il-Kunsill rilevanti għandu fi żmien tliet xhur mid-data meta tasal it-talba, jew mill-ġurnata meta dik id-dokumentazzjoni tkun ġiet ipprezentata għal kollox, skond liema tkun l-aktar tard, jeżamina dik id-diploma, ċertifikat, jew prova oħra ta' kwalifika formali qabel ma jirrikonoxxiha, u għandu jgħarraf minnufih lill-applikant bid-deċiżjoni tiegħu bil-posta reġistrata.”.

A 350

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 292 tat-18 ta' Lulju, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

29th July, 2005

ACT No. XIII of 2005

An Act to amend various laws.

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

1. The short title of this Act is the Various Laws (Amendment) Act, 2005. Short title.

PART I

2. (1) This part amends the Criminal Code and shall be read and construed as one with the same Code, hereinafter in this Part referred to as “the Code”. Amendment of the Criminal Code, Cap. 9.

(2) This Part shall come into force on such date as the Minister responsible for justice may by notice in the Gazzette establish and different dates may be so established for different provisions and different purposes thereof.

3. Immediately after article 33 of the Code there shall be inserted the following new article: Addition of new article 33A to the Code.

“Increase in punishment for offences committed by prisoners in prison.

33A (1) Where an offence is committed by a person who is a prisoner the punishment for the offence shall in case of a conviction be increased by one or two degrees and the provisions of articles 21 and 28 of the Probation Act shall not apply.

(2) For the purposes of this article “prisoner” has the same meaning assigned to it by article 2 of the Prisons Act and includes a prisoner deemed to be confined in a prison

according to the provisions of subarticle (3) of article 3 of the same Act.”.

Amendment of article 533 of the Code.

4. In subarticle (1) of article 533 of the Code the words “and if a request to that effect is made by the prosecutor” shall be deleted and immediately after the words “of any expert or referee,” there shall be added the words “including such experts as would have been appointed in the examination of the process verbal of the inquiry,”.

Amendment of article 650 of the Code.

5. For the proviso to subarticle (2) of article 650 of the Code there shall be substituted the following:

“Provided that the Minister responsible for Justice may, after consultation with the Chief Justice, appoint one or more persons as official experts for the purpose of reporting on matters required by other provisions of this Code requiring special technical skill or knowledge, and when such persons are appointed, the court shall choose such experts from among those persons who may be on a roster system.”.

PART II

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

6. This Part amends, and shall be read and construed as one with, the Code of Organisation and Civil Procedure, hereinafter in this Part referred to as “the Code”.

Amendment of article 231 of the Code.

7. In subarticle (1) of article 231 of the Code, immediately after the words “within six days from such judgement” there shall be inserted the words “and when such leave to appeal from such separate judgements is granted the time for the filing of the appeal in respect thereof shall commence to run from the day on which the said leave is read out in open court”.

PART III

Amendment of the Civil Code, Cap. 16.

8. This Part amends, and shall be read and construed as one with, the Civil Code, hereinafter in this Part referred to as “the Code”.

Amendment of article 251 of the Code.

9. Immediately after subarticle (3) of article 251 of the Code there shall be added the following proviso:

“Provided that the words “illegitimate father” wherever they occur in an act of civil status registered before the 1st March, 2005 shall not be reproduced in any copy or extract of such act issued by the Directors mentioned in subarticle (1) of this article, except as may be otherwise explicitly ordered or authorised by a Court.”.

PART IV

10. This Part amends, and shall be read and construed as one with, the Addolorata Cemetery Ordinance, hereinafter referred to in this Part as “the principal law”.

Amendment of the
Addolorata
Cemetery
Ordinance, Cap. 18.

11. Article 6 of the principal law shall be amended by substituting paragraph (c) thereof as follows:

Amendment of
article 6 of the
principal Act.

“(c) a wife or a husband may be buried in the grave of his or her family, or in that of the respective spouse or of his or her family.”.

PART V

12. This Part amends, and shall be read and construed as one with, the Customs Ordinance, hereinafter referred to in this Part as “the principal law”.

Amendment of the
Customs Ordinance,
Cap. 37.

13. In article 18 of the principal law, for the words “a fine (*multa*) equivalent to the aggregate of the amount of duty payable on the goods contained in such package and double the value of such goods, or to twenty-five liri, whichever is the greater”, there shall be substituted the words “a fine (*multa*) equivalent to three times the amount of duty payable on the goods contained in such package or two hundred and fifty liri, whichever is the greater, so however that one third of the said amount shall be considered as a civil debt owed and payable to the department of customs”.

Amendment of
article 18 of the
principal Act.

14. In article 62 of the principal law:

Amendment of
article 62 of the
principal Act.

(a) for the words “a fine (*multa*) equivalent to the aggregate of the amount of duty payable on the goods and double the value of the goods, or to a fine (*multa*) of twenty-five liri, whichever is the greater”, there shall be substituted the words “a fine (*multa*) equivalent to three times the amount of duty payable on the goods or two hundred and fifty liri, whichever is the greater, so however that one third of this amount shall be deemed as a civil debt owed and payable to the department of customs, ”; and

(b) the second proviso thereof shall be deleted.

15. In article 63 of the principal law, the words “of small importance” shall be deleted and immediately after the words “loss of customs duty” there shall be added the words “not exceeding five hundred liri”.

Amendment of
article 63 of the
principal Act.

PART VI

Amendment to the Notarial Profession and Notarial Archives Act, Cap. 55.

16. (1) This Part amends the Notarial Profession and Notarial Archives Act and shall be read and construed as one with the same Act, hereinafter in this Part referred to as “the principal Act”.

(2) This Part shall come into force on such date as the Minister responsible for justice may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

Amendment of article 22 of the principal Act.

17. In subarticle (1) of article 22 of the principal Act, for the words “one or two Notaries to Government” there shall be substituted the words “one or more Notaries to Government”.

Amendment of article 40 of the principal Act.

18. At the end of article 40 of the principal Act, there shall be added the following proviso:

“Provided that, without prejudice to the rights already acquired by third parties, the Minister may by regulations provide that a notarial act duly enrolled having one or more of the defects mentioned in paragraphs (a) to (g) of this article and which had been received by a Notary who is no longer alive shall be deemed to be valid notwithstanding such defect or defects, and in making such regulations the Minister may also subject the said validity to such terms and conditions as he may consider appropriate.

Amendment of Article 43 of the principal Act.

19. In article 43 of the principal Act, for the words “The execution of an act is not deemed” there shall be substituted the words “Without prejudice to anything that may be provided by regulations made in accordance with the proviso to article 40, the execution of an act is not deemed”.

PART VII

Amendment of the Financial Administration and Audit Act, Cap. 174.

20. This Part amends, and shall be read and construed as one with, the Financial Administration and Audit Act hereinafter in this Part referred to as “the principal Act”.

Addition of new article 72 to the principal Act.

21. Immediately after article 71 of the principal Act, there shall be added the following new article:

“72. (1) The Minister responsible for finance, or any person, body or unit delegated on his behalf, may, notwithstanding any other law, issue directives as provided in subarticle (2) to any authority, board, foundation, corporation, institute, agency, commission, company or any

other entity 51 per cent or more of which is held in ownership by the Government or over which the Government has effective control, or where 51 per cent of its income comes from public monies or from monies it receives by virtue of any law.

(2) The directives referred to in subarticle (1) may regulate:

(a) the recruitment of employees and, or their remuneration;

(b) the procurement of fixed assets, services, consultancies, contracts of whatever type or nature relating to operational and, or administrative expenses,

and, where such directives are issued, the Board of Directors or other Board responsible for the affairs of the entity shall ensure that the decisions taken at Board and at management level respect such directives.”.

PART VIII

22. This Part amends the Immigration Act and shall be read and construed as one with the same Act hereinafter in this Part referred to as “the principal Act”. Amendment of Immigration Act, Cap. 217.

23. In article 26 of the principal Act for the words “a public officer not below the rank of a Head of Department” there shall be substituted the words “another Minister, a public officer not below the rank of a Head of Department, or a body corporate established by law,”. Amendment of article 26 of the principal Act.

PART IX

24. (1) This Part amends the Commissioners for Justice Act and shall be read and construed as one with the same Act hereinafter in this Part referred to as “the principal Act”. Amendment of the Commissioners for Justice Act, Cap. 291.

(2) This Part shall come into force on such date as the Minister responsible for justice may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

25. Article 7 of the principal Act shall be amended as follows: Amendment of article 7 of the principal Act.

(a) for the words “if a person duly served with a summons fails to appear”, there shall be substituted the words “if a person

duly served with a summons or his representative as may be authorised in writing by him, fails to appear”; and

(b) for the words “in the absence of the person charged.” there shall be substituted the words “in the absence of the person charged:

Provided that any person charged may instead of appearing before the Commissioner send to the Registry of the Commissioners representations in writing and, or a declaration on the facts of the case confirmed on oath contesting the charge against him, and the Commissioner shall, prior to deciding the case, take into account such representations and, or a declaration as if they had been made *viva voce* before him.”

Amendment of article 8 of the principal Act.

26. In article 8 of the principal Act immediately after the proviso to the article there shall be added the following new proviso:

“Provided further that the person charged may instead of appearing before the Commissioner, appoint in writing a representative who shall for all intents and purposes of law be deemed to have the same rights and obligations as a person charged before the Commissioner.”.

Amendment of article 11 of the principal Act.

27. In subarticle (1) of article 11 of the principal Act, for the words “six working days”, there shall be substituted the words “thirty days”.

Addition of article 11A to the principal Act.

28. Immediately after article 11 of the principal Act, there shall be added the following new article:

“Re-Trial. 11A. (1) Any person who has been found guilty of an infringement under article 10 may apply to the Court of Magistrates for a re-trial of his case on the ground that he was never duly served with the charge according to law.

(2) Such application shall be filed within fifteen days from the day such person acquired, or should have reasonably be expected to have acquired, knowledge of the decision against him.”.

Amendment of article 13 of the principal Act.

29. Subarticle (1) of article 13 of the principal Act shall be amended as follows:

(a) paragraphs (d) to (h) thereof shall be renumbered as paragraphs (e) to (i) respectively;

(b) immediately after paragraph (c) thereof there shall be added the following new paragraph:

“(d) for the establishment, after consultation with the Local Councils Association, of a Board which shall be competent to hear and decide requests which may be made for the waiving or discontinuance of proceedings against any person for any infringement before a Commissioner for Justice, or for remission of the penalty awarded, for any valid reason under such conditions as may be prescribed;”.

30. The provisions of articles 25 to 29 (both inclusive) of this Part shall also apply to any proceedings before the Commissioners for Justice which have not been finally determined in accordance with the Commissioners for Justice Act. Transitory provision.

PART X

31. (1) This Part shall be read, and construed as one with the Social Security Act, hereinafter referred to as “the principal Act”. Amendment to the Social Security Act, Cap. 318.

(2) This Part shall come into force as follows:

(a) this article and article 32 shall come into force on the 1st March, 2005;

(b) article 33 shall be construed to have come into force on the 1st May, 2004.

32. For subarticle (5) of article 30 of the principal Act, there shall be substituted the following:— Amendment of article 30 of the principal Act.

“(5) A head of household who:—

(a) is registered under Part Two of the Register kept in accordance with the provisions of the Employment and Training Services Act; or

(b) has in terms of article 13 (3) of the Employment and Training Services Act, forfeited his right to register under Part Two of the said Register,

and who, had he been registered under Part One of the said Register, would have been entitled in accordance with this article to social assistance, shall nonetheless be entitled to apply for social assistance and have his application referred by the Director to the

Board established under article 128 of this Act, and if the Board shall determine that social assistance is due to any person on behalf of that household as provided in article 129 of this Act, then the person so designated by the Board shall become entitled to social assistance at such rate as the Board may, in accordance with the provisions of the said article 129, determine:

Provided that, no such claim will be accepted unless the head of household proves to the satisfaction of the Director, in such manner as the Director may determine, that such head of household is not gainfully occupied.”.

Amendment of article 134 of the principal Act.

33. Article 134 of the principal Act shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the words “Reciprocal and multilateral agreements.”; and

(b) immediately after subarticle (2) there shall be added the following new subarticle:

“(3) The Minister may make regulations to provide for the transposition and implimentation of any directive or other legal instrument of the European Union or of any decision of the European Court of Justice on matters of social security.”.

PART XI

Amendment of the Import Duties Act, Cap. 337.

34. This Part amends, and shall be read and construed as one with, the Import Duties Act, hereinafter referred to in this Part as “the principal Act”.

Amendment of article 18A of the principal Act.

35. In subarticle 18A (5) of the principal Act, immediately after the words “under this article,” there shall be inserted the words “and where the duty endangered does not exceed five hundred liri,”.

PART XII

Amendment of the Private Guards and Local Wardens Act, Cap. 389.

36. (1) This Part amends the Private Guards and Local Wardens Act, and shall be read and construed as one with the same Act, hereinafter referred to as “the principal Act”.

(2) This Part shall come into force on such date as the Minister responsible for home affairs may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

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

(a) in the definition “local warden services” for the words “provision of similar services” there shall be substituted the words “provision of similar services whether by uniformed or plain clothes local wardens”; and

(b) immediately after the definition “Minister” there shall be added the following definition:

“ “plain clothes local warden” means a local warden without uniform whose services are rendered in the provision of specific duties, or parts of legislation, which are listed in the First Schedule to this Act.””.

38. Immediately after article 19 of the principal Act there shall be added the following new article. Addition of article 19A to the principal Act.

“Plain clothes local wardens. 19A. A plain clothes local warden shall only be entitled to enforce the provisions of legislation listed in the First Schedule to this Act, which schedule may be amended by virtue of a notice made by the Minister.”.

39. Immediately after article 25 of the principal Act, there shall be added the following schedule:– Addition of First Schedule to the Act.

“FIRST SCHEDULE

(Article 19A)

Laws or Regulations which may be enforced by Plain Clothes Local Wardens

Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations, 2005.”.

PART XIII

40. This Part amends, and shall be read and construed as one with, the Value Added Tax Act, 1998, hereinafter in this Part referred to as “the principal Act”. Amendment of the Value Added Tax Act, Cap. 406.

41. Subarticle (4) of article 15 of the principal Act shall be deleted and subarticle (5) thereof shall be renumbered as subarticle (4) thereof. Amendment of article 15 of the principal Act.

Amendment of article 21 of the principal Act.

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

(a) in subarticle (3) of article 21 thereof, for the words “of the month following that during which he is required to deliver the notice specified in article 15(4)” there shall be substituted the words “of the second month next following either the date of invoice or of the month during which the consignment or the supply of services is received, as the case may be, whichever is the earlier”; and

(b) in subarticle (4) thereof, for the words “as may be prescribed.” there shall be substituted the words “as may be prescribed:” and immediately thereafter there shall be inserted the following proviso:

“Provided that the running of interest on any amount of tax due which is the merit of an appeal before the Board of Appeal, shall be suspended for the period that exceeds two months from the date of the last sitting of the Board of Appeal relating to such appeal and the date when a decision is given by the Board or a final judgement is delivered by the Court of Appeal (Inferior Jurisdiction), as the case may be.”.

Amendment of article 24 of the principal Act.

43. In subarticle (3) of article 24 of the principal Act, for the words “that person by the Commissioner.” there shall be substituted the words “that person by the Commissioner:” and immediately thereafter there shall be inserted the following proviso:

“Provided that no interest shall be due for any period during which such person fails to produce information and, or documentation as may be requested by the Commissioner, for the verification of the amount claimed.”.

Amendment of article 32 of the principal Act.

44. In subarticle (1) of article 32 of the principal Act, immediately after the words “from the end of the said tax period” there shall be inserted the words “or from the date in which the tax return for that tax period is submitted, whichever date is the later”.

Amendment of article 37 of the principal Act.

45. Immediately after subarticle (3) of article 37 of the principal Act, there shall be inserted the following new sub-article:

“(4) Where, during the course of an investigation, a person co-operates with the Commissioner, accepts an agreement and within one month from the signing of the agreement pays the amount of tax due, the agreed administrative penalty and the interest due, that person shall be liable to an administrative penalty in an amount equivalent to 10 per cent of the amount of tax due.”.

46. Article 38 of the principal Act shall be amended as follows: Amendment of article 38 of the principal Act.

(a) in subarticle (1) thereof, for the words “it is furnished to the Commissioner.” there shall be substituted the words “ it is furnished to the Commissioner:” and immediately thereafter there shall be inserted the following proviso:

“Provided that such administrative penalty shall in no case exceed two hundred and fifty liri for every return submitted late.”; and

(b) in subarticle (2) thereof, for the words “it is furnished to the Commissioner.” there shall be substituted the words “ it is furnished to the Commissioner:” and immediately thereafter there shall be inserted the following proviso:

“Provided that such administrative penalty shall in no case exceed two hundred and fifty liri for each such declaration or statement.”

47. In subarticle (3) of article 39 of the principal Act, for the words “given to the Commissioner.” there shall be substituted the words “given to the Commissioner:” and immediately thereafter there shall be inserted the following proviso: Amendment of article 39 of the principal Act.

“Provided that such administrative penalty shall in no case exceed two hundred and fifty liri for each such notice.”.

48. In article 40 of the principal Act, for the words “cancelled by the Commissioner.” there shall be substituted the words “cancelled by the Commissioner:” and immediately thereafter there shall be added the following proviso: Amendment of article 40 of the principal Act.

“Provided that such administrative penalty shall in no case exceed five hundred liri.”.

49. In article 42 of the principal Act, for the words “administrative penalty” there shall be substituted the words “administrative penalty, in whole or in part,”. Amendment of article 42 of the principal Act.

50. Immediately at the end of subarticle (2) of article 59 of the principal Act there shall be added the words “Upon the lapse of the period of two days mentioned in this sub-article the Commissioner shall be entitled to register in the public registry or land registry, as the case may be, a note of privilege for the amount demanded in the judicial act which note of privilege shall be registered by any advocate or notary.”. Amendment of article 59 of the principal Act.

Amendment of article 76 of the principal Act.

51. In article 76 of the principal Act, for the words “not less than one hundred liri and not exceeding three hundred liri” there shall be substituted the words “not less than three hundred liri and not exceeding one thousand five hundred liri”.

Amendment of article 77 of the principal Act.

52. Article 77 of the principal Act, shall be amended as follows:

(a) immediately after paragraph (n) there shall be added the following new paragraph:

“(o) supplies or offers to supply to another person and, or puts up for sale goods, without being in possession of a fiscal cash register or manual fiscal receipt books as issued or approved by the Commissioner;” and

(b) for the words “not less than one hundred and fifty liri and not exceeding one thousand liri” there shall be substituted the words “not less than three hundred liri and not exceeding one thousand five hundred liri”.

Amendment of article 78 of the principal Act.

53. Article 78 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof, for the words “be less than three hundred liri” there shall be substituted the words “be less than five hundred liri”; and

(b) in subarticle (2) thereof, immediately after the words “on the latest of the said convictions” there shall be added the words “impose a fine (*multa*) of not less than one thousand liri”.

Amendment of article 80 of the principal Act.

54. In subarticle (1) of article 80 of the principal Act, for the words from “to the aggregate of the amount of tax” to the words “whichever shall be the greater” there shall be substituted the words “to three times the tax payable or to a fine (*multa*) of one hundred and fifty liri, whichever shall be the greater, so however that one third of the said amount shall be deemed as a civil debt due to the Commissioner”.

Amendment of article 84 of the principal Act.

55. In subarticle (3) of article 84 of the principal Act, immediately after the words “against the provisions” there shall be inserted the words “of paragraph (b) of article 76 or”, and for the words from “a fine (*multa*) of fifty liri” to the words “within fifteen days” there shall be substituted the words “one hundred liri in the case of a first offence, two hundred liri in the case of a second offence and four hundred liri in the case of a third offence, within fifteen days”.

PART XIV

56. This Part amends the Value Added Tax Act, 1994, and shall be read and construed as one with the Value Added Tax Act, hereinafter referred to in this Part as “the principal Act”.

Amendment of the Value Added Tax Act, 1994, Act No. XII of 1994.

57. In subarticle (1) of article 29 of the principal Act, immediately after the words “from the end of the said tax period” there shall be inserted the words “or from the date in which the tax return for that tax period is submitted, whichever date is the later”.

Amendment of article 29 of the principal Act.

58. Immediately at the end of subarticle (2) of article 48 of the principal Act, there shall be added the words “Upon the lapse of the period of two days mentioned in this sub-article the Commissioner shall be entitled to register in the public registry or land registry, as the case may be, a note of privilege for the amount demanded in the judicial act which note of privilege shall be registered by any advocate or notary.”.

Amendment of article 48 of the principal Act.

PART XV

59. This Part amends, and shall be read and construed as one with, the Customs and Excise Tax Act, 1997, hereinafter referred to in this part as “the principal Act”.

Amendment of the Customs and Excise Tax Act, 1997, Act No. XII of 1997.

60. In subarticle (1) of article 45 of the principal regulations, for the words “in respect of which the return was or should have been furnished.” there shall be substituted the words “or six years from the date when the return is furnished for that tax period, whichever date is the later.”.

Amendment of article 45 of the principal Act.

61. Immediately at the end of subarticle (2) of article 50 of the principal Act, there shall be added the words “Upon the lapse of the period of two days mentioned in this sub-article the Director shall be entitled to register in the public registry or land registry, as the case may be, a note of privilege for the amount demanded in the judicial act which note of privilege shall be registered by any advocate or notary.”.

Amendment of article 50 of the principal Act.

PART XVI

62. (1) This Part amends the Malta Communications Authority Act, and it shall be read and construed as one with the Malta Communications Authority Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of the Malta Communications Authority Act, Cap. 418.

(2) This Part shall come into force on such date as the Minister responsible for communications may by notice in the Gazette

appoint and different dates may be so appointed for different provisions and different purposes thereof.

Amendment of article 2 of the principal Act.

63. In article 2 of the principal Act in the definition “decision”, for the words “includes any determination, direction,” there shall be substituted the words “includes any determination, direction, licence condition,”.

Amendment of article 33 of the principal Act.

64. In sub-article (1) of article 33 of the principal Act, for the words “the lapse” there shall be substituted the words “the beginning”.

Amendment of article 36 of the principal Act.

65. In paragraph (b) of sub-article (2) of article 36 of the principal Act, the words “from amongst panels of persons” there shall be substituted the words “from amongst a panel of persons”.

PART XVII

Amendment of the Refugees Act, Cap. 420.

66. (1) This Part amends the Refugees Act and shall be read and construed as one with such Act hereinafter referred to as “the principal Act.”

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

Amendment of article 5 of the principal Act.

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

(a) in subarticle (1) thereof, for the words “consist of a chairperson and two other members” there shall be substituted the words “consist of one Appeals Commissioner”, and the proviso thereto shall be deleted;

(b) in subarticle (2) thereof, for the words “The members of the Board” shall there be substituted the words “The Appeals Commissioner”;

(c) for subarticle (3) thereof there shall be substituted the following:

“(3) The Minister may also appoint a substitute appeal commissioner to sit on the Board whenever the Appeals Commissioner is for some valid reason unable temporarily to attend and participate in the sittings of the Board.”;

(d) in sub-paragraph (c) of subarticle (4) thereof, for the words “composed of a chairperson and two other members” there shall be substituted the words “composed of an Appeals Commissioner”.

68. In article 6 of the principal Act for the words “a member of the Board” wherever they occur there shall be substituted the words “an Appeals Commissioner”. Amendment of article 6 of the principal Act.

69. In subarticle (8) of article 7 of the principal Act for the words “the Chairperson” there shall be substituted the words “the Appeals Commissioner”. Amendment of article 7 of the principal Act.

70. In article 18 of the principal Act the words “the Chairman of the Refugee Appeals Board” wherever they occur, shall be substituted with the words “the Appeals Commissioner”. Amendment of article 18 of the principal Act.

71. The provisions of articles 67 to 70 (both inclusive) of this Part shall also apply to proceedings which are pending before the Refugee Appeals Board, as constituted prior to the coming into force of this Act or any chamber thereof, which have not been finally determined in accordance with the Refugees Act; so however that the Minister may make regulations in order to assign any pending appeal applications which have already been filed before the coming into force of this Act to different chambers of the Board presided over by different Appeal commissioners. Transitory provision.

PART XVIII

72. (1) This Part amends, and shall be read and construed as one with, the Electronic Commerce Act, hereinafter in this Part referred to as “the principal Act”. Amendment of the Electronic Commerce Act, Cap. 426.

(2) This Part shall come into force on such date as the Minister responsible for communications may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes thereof.

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

(a) immediately before the definition “addressee” there shall be inserted the following new definition:

“ “the Act ” means the Electronic Commerce Act and includes, unless the context otherwise requires, any regulations made thereunder;”; and

(b) in the definition “competent authority” for the words “in terms of article 17” there shall be substituted the words “in terms of subarticle (3) of article 25”.

Amendment of article 17 of the principal Act.

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

(a) subarticle (1) thereof shall be deleted;

(b) subarticle (2) thereof shall be renumbered as the whole article; and

(c) for the words “The Minister may prescribe on any of the following matters-” there shall be substituted the words “The Minister may, in the context of the supervision of signature certification service providers established in Malta, prescribe on any of the following matters-”.

Amendment of article 25 of the principal Act.

75. After subarticle (2) of article 25 of the principal Act there shall be added the following new subarticle:

“(3) The Minister shall by Order designate a competent authority which shall be responsible for monitoring and ensuring compliance with the provisions of this Act and for the undertaking of any such other functions as the Minister may from time to time consider necessary.”.

PART XIX

Amendment of the Healthcare Professions Act, Cap. 464.

76. This Part amends and shall be read and construed as one with the Healthcare Professions Act, hereinafter referred to in this Part as “the principal Act.”.

Amendment of article 29 of the principal Act.

77. Immediately after subarticle (1) of article 29 of the principal Act, there shall be inserted the following proviso:

“Provided that a dentist shall be entitled to practice in all fields of dentistry insofar as he holds a licence issued for that purpose by the President of Malta and his name is entered in the Councils Principal Register of Dental Surgeons.”.

Amendment of article 30 of the principal Act.

78. Article 30 of the principal Act shall be amended by substituting for sub-paragraph (i) of paragraph (a) of subarticle (6) the following:—

“(i) to issue certificates of completion of specialist training in the specialities listed in the relevant part of the Fifth Schedule, upon the fulfillment of criteria recommended by the relevant professional associations listed in the Fourth Schedule within three months from the date of receipt of the application or from the day any documentation which the Committee may request, whichever is the later;”.

79. For article 44 of the principal Act there shall be substituted the following:–

Substitution of article 44 of the principal Act.

“44. Where a citizen of a Member State, who holds a diploma, certificate or other evidence of formal qualification obtained outside the European Union which has been recognised by a Member State and who has acquired experience in a Member State or third countries which has also been recognised in a Member State, applies to be registered under this Act, the relevant Council shall within three months from the day the request is received, or from the day the documentation referred to has been fully submitted, whichever is the later, examine such diploma, certificate or other evidence of formal qualification before recognising it, and shall forthwith inform the applicant of its decision by registered post.”.

80. Article 49 of the principal Act shall be amended by substituting subarticle (3) with the following:

Amendment of article 49 of the principal Act.

“(3) The Appeals Committee shall have the following functions:

(a) upon an application to this effect by the person concerned, to hear and decide upon a decision of the relevant Council whereby registration of a healthcare professional in the appropriate register is refused;

(b) upon an application to this effect by the person concerned, to hear and decide upon a decision of the relevant Specialist Accreditation Committee whereby the award of a specialist certificate to a healthcare professional is refused;

(c) upon an application to this effect by the person concerned, aggrieved by a default of the relevant Council to decide upon an application for registration, within the time referred to in article 42;

(d) to levy such fees as may be prescribed.”.

Amendment of
article 23 of the
principal Act.

81. Article 23 of the principal Act shall be amended by adding immediately after subarticle (3) thereof the following new subarticle:

“(4) Notwithstanding the provisions of subarticle (1), the Council for Nurses and Midwives shall keep a register in which, following an application to that effect by the person concerned, these shall be registered for a period not exceeding one year the names of any citizen of Malta or of a Member State who has qualified for the qualifications listed in paragraphs (a) or (b) or (c) or, subject to the provisions of subarticle (2), in paragraph (d), but has not yet obtained such qualification.”.

Amendment of
article 27 of the
principal Act.

82. Article 27 of the principal Act shall be amended by substituting for subarticle (1) thereof the following:

“(1) Where a citizen of a Member State, who holds a diploma, certificate or other evidence of formal qualification obtained outside the European Union which has been recognised by a Member State and who has acquired experience in a Member State or third countries which has also been recognised in a Member State, applies to be registered under this Act, the relevant Council shall within three months from the day the request is received, or from the day the documentation referred to has been fully submitted, whichever is the later, examine such diploma, certificate or other evidence of formal qualification before recognising it, and shall forthwith inform the applicant of its decision by registered post.”.

Passed by the House of Representatives at Sitting No. 292 of 18th July, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives