

ABBOZZ TA' LIĠI msejjah

ATT sabiex jirregola l-formazzjoni, l-istrutturi interni, il-funzjonament u l-finanzjament, ta' partiti politiċi u l-partecipazzjoni tagħhom f'elezzjonijiet.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2014 dwar il-Finanzjament ta' Partiti Politiċi. Titolu fil-qosor u bidu fis-sehħ.

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

TAQSIMA I Ġenerali

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort' oħra - Tifsir.

"awditor" għandha l-istess tifsira mogħti lilha fl-artikolu 2 tal-Att dwar il-Professjoni tal-*Accountancy*; Kap. 281.

"donazzjoni" tfisser kull benefiċċju riċevut fir-rigward tal-attivitajiet jew il-funzjonijiet ta' partit politiku, minn jew f'isem partit politiku, minn membru ta' partit politiku, minn kandidat jew minn xi organizzazzjoni, kemm jekk tkun korporata jew le li fiha l-partit politiku, direttament jew indirettament jeżerċita amministrazzjoni effettiva u kontroll u għandha tinkludi, sakemm ma jiġix provdut mod ieħor:

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(a) kull rigal ta' flus jew ta' proprjetà oħra;

(b) kull *sponsorship*;

(ċ) kull flus li jkunu ntnefqu minn donatur jew donaturi, skont il-każ, sabiex jiġihallu xi spejjeż li jkunu saru b'mod dirett jew indirett, minn jew f'isem partit politiku, membru ta' partit politiku jew kandidat;

(d) kull self mogħti fuq kondizzjonijiet aktar favorevoli minn dawg il-kondizzjonijiet ordinarji kummerċjali li jkunu fis-seħħ f'dak iż-żmien meta jkun inghata s-self;

(e) il-prezz kemm jiswa lill-persuna li tipprovdi l-proprjetà jew is-servizzi mogħtija mod iehor minn skont kondizzjonijiet kummerċjali jew taħt il-valur tas-suq:

Iżda l-proprjetà ta' kwalunkwe natura li tiġi trasferita lill-partit politiku *causa mortis* u xogħol volontarju u bla ħlas, kemm manwali, klerikali jew professjonali ta' kwalunkwe tip għall-benefiċċju ta' partit politiku mwettaq mill-membri tiegħu stess jew minn persuni involuti fl-attivitajiet jew fil-kampanji tal-partit politiku ma għandhomx jiġu kunsidrati bħala donazzjoni għall-finijiet ta' din it-tifsira;

"elezzjoni" tfisser:

(a) elezzjoni ġenerali ta' membri tal-Kamra tad-Deputati li ssir skont l-artikoli 52 u 56 tal-Kostituzzjoni ta' Malta; jew

Kap. 363.

(b) elezzjoni li ssir skont l-Att dwar il-Kunsilli Lokali; jew

Kap. 467.

(ċ) elezzjoni li ssir skont l-Att dwar Elezzjonijiet għall-Parlament Ewropew;

"formula tan-nomina" tfisser l-applikazzjoni minn partit politiku, membru ta' partit politiku jew kandidat, sabiex jitniżżlu l-ismijiet fil-listi tal-elezzjoni;

"kandidat" tfisser persuna nominata għall-elezzjoni tal-Kamra tad-Deputati, ta' kunsilli lokali jew tal-Parlament Ewropew, kemm jekk dik il-persuna tkun qed tikkontesta l-elezzjoni bħala membru ta' partit politiku jew le;

"Kummissjoni" tfisser il-Kummissjoni Elettorali stabbilita skont l-artikolu 60 tal-Kostituzzjoni;

"membru ta' partit politiku" tfisser kull persuna li tkun registrata bhala membru ta' partit politiku skont il-htigiet u l-formalitajiet kif previst fl-istatut tal-partit politiku;

"Ministru" tfisser il-Ministru responsabbli għall-Ġustizzja;

"partit politiku" tfisser assoċjazzjoni hielsa ta' persuni, li l-għan tagħha tinkludu l-partecipazzjoni fil-formazzjoni tar-rieda politika tal-poplu billi tiżgura l-elezzjoni ta' wiehed jew aktar mill-membri tagħha għall-Kamra tad-Deputati, għall-Parlament Ewropew jew għall-Kunsill Lokali, u li tassigura r-relazzjoni attiva kontinwa bejn il-poplu u l-istituzzjonijiet tal-istat;

"perjodu tal-elezzjoni generali" tfisser il-perjodu:

(a) li jibda fid-data li fiha l-President ta' Malta jxolji l-Parlament, bi Proklama; u

(b) li jintemm fid-data tar-rizultat tal-votazzjoni;

"perjodu tal-elezzjoni għall-Kunsilli Lokali" tfisser il-perjodu ta' sitt gimgħat qabel id-data li tkun giet stabbilita skont l-artikolu 8(6) tal-Att dwar il-Kunsilli Lokali;

Kap. 363.

"perjodu tal-elezzjoni għall-Parlament Ewropew" tfisser il-perjodu ta' sitt gimgħat qabel id-data li tkun giet stabbilita għall-elezzjonijiet tal-Parlament Ewropew skont l-artikolu 5 tal-Att dwar Elezzjonijiet għall-Parlament Ewropew;

Kap. 467

"sena finanzjarja" tfisser perjodu ta' tnax-il xahar b'dati stabbiliti għall-bidu u t-tmiem tagħhom; u

"spiza ta' kampanja elettorali" tfisser l-ispejjeż li jsiru fil-parametri tal-artikolu 46(1) tal-Erbatax-il Skeda tal-Att dwar l-Elezzjonijiet Ġenerali, l-artikolu 97 tat-Tlettax-il Skeda tal-Att dwar il-Kunsilli Lokali u r-regolament 2 tar-Regolamenti dwar l-Ogħla Infiq għall-Elezzjonijiet għall-Parlament Ewropew:

Kap. 354.

Kap. 363.

L.S 467.01.

Izda fil-komputazzjoni ta' spiza ta' kampanja elettorali, meta partit politiku jew kandidat jitlob mizata għall-partecipazzjoni f'attivitajiet politiċi jew għal xi prodott jew servizzi li jkunu disponibbli f'dawn l-attivitajiet l-ammont ta' daww il-mizati mitluba u verifikati kif xieraq għandu jitnaqqas mill-ammont totali tal-ispiza ta' kampanja elettorali.

3. Jistgħu jiġu furmati partiti politiċi sabiex jintlahaq l-ordni demokratika hielsa fil-formazzjoni tar-rieda politika tal-poplu, u l-Istat għandu, bhala kwistjoni ta' interess pubbliku, jiffavorixxi l-

Status
kostituzzjonali u
l-funzjonijiet
tal-partiti
politiċi.

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formazzjoni u l-operat ta' dawn il-partiti politiċi:

Iżda dik il-formazzjoni u l-operat ta' partiti politiċi għandhom ikunu fil-parametri stabbiliti bil-liġi.

Legalità.

4. Partiti politiċi għandu jkollhom għan legittimu u għandhom ikunu konformi mal-Kostituzzjoni u l-liġijiet tal-Istat:

Iżda partiti politiċi jistgħu legalment ikollhom, bhala l-għan tagħhom, li jsiru emendi għall-Kostituzzjoni u għal-liġijiet ta' Malta:

Iżda wkoll kull emenda għandha ssir b'mezzi legali.

Trattament ugwali.

5. Il-partiti politiċi għandhom jirċievu trattament ugwali mingħajr preġudizzju għal kwalunkwe liġi jew regolament ibbażat fuq il-qbil tagħhom mar-rappreżentanza fil-proċess elettorali.

Dritt taċ-
ċittadini Maltin
li jassoċjaw.

6. (1) L-ebda persuna ma għandha tkun imġiegħla tiegħu sehem jew tappartjeni għal partit politiku kontra r-rieda tagħha.

(2) L-ebda persuna ma tista' tigi prekluzi minn sħubija ma' partit politiku fuq il-bażi ta' sess, razza, status finanzjarju, orjentazzjoni sesswali jew klassi.

(3) Ma tista' issir l-ebda diskriminazzjoni kontra persuna fuq il-bażi li l-imsemmija persuna tkun membru ta' partit politiku:

Iżda d-dispożizzjonijiet ta' dan is-subartikolu ma għandhomx japplikaw għal persuni li minhabba l-impieg tagħhom ikunu taht id-dmir ta' diskrezzjoni f'materji politiċi jew ikollhom kariga li tkun inkompatibbli mal-eżerċizzju ta' attività politika, sakemm dawn ir-restrizzjonijiet huma meħtieġa f'soċjetà demokratika.

Drittijiet tal-
membri.

7. (1) Il-partiti politiċi għandhom jiddeċiedu liberament dwar is-sħubija ta' membri skont id-dispożizzjonijiet rilevanti tal-istatuti tagħhom u l-partit politiku m'għandux ikun meħtieġ li jagħti raġunijiet għal kwalunkwe rifjut ta' applikazzjoni għal sħubija.

(2) Kull persuna li tkun giet skwalifikata mid-dritt li toħroġ għall-elezzjoni jew mid-dritt għall-vot m'għandhiex tkun membru ta' partit politiku.

(3) Membru ta' partit politiku għandu, f'kull hin, ikun intitolat li jirtira s-sħubija tiegħu minn dak il-partit politiku u dan l-irtirar għandu jkollu effett immedjat.

(4) L-eżerċizzju tad-dritt tal-vot fi hdan l-istrutturi interni tal-partit jista' jkun soġġett għall-kondizzjoni li l-membri tal-partit politiku jkunu hallsu drittijiet tagħhom tas-sħubija.

(5) L-ebda membru ta' partit politiku ma jista' jiġi mgieghel, b'xi deċiżjoni ta' partit politiku, jaġixxi kontra l-Kostituzzjoni jew kontra l-liġijiet ta' Malta.

8. (1) Il-partiti politiċi għandu jkollhom personalità Status legali. ġuridika u d-dritt li jharrku u li jiġu mharrka. Il-partiti politiċi għandu jkollhom ukoll id-drittijiet kollha ta' espressjoni libera liema drittijiet jappartjentu lill-individwi skont il-Kostituzzjoni.

(2) Partiti politiċi għandu jkollhom statut bil-miktub u l-istatut għandu jinkludi dispożizzjonijiet dwar:

(a) l-isem tal-partit politiku u kull forma qasira użata, l-uffiċċju registrat u l-għanijiet tiegħu;

(b) il-membri li jissiehbu u li jitolqu mill-partit politiku;

(c) id-drittijiet u d-dmirijiet tal-membri tiegħu;

(d) is-sanzjonijiet permissibbli kontra membri, u l-esklużjoni tagħhom mill-partit politiku;

(e) l-istruttura ġenerali tal-partit politiku li għandha tinkludi l-forma u l-kontenut ta' regolament finanzjarju li jikkonforma mad-dispożizzjonijiet rilevanti ta' dan l-Att;

(f) il-kompożizzjoni u s-setgħat tal-Kumitat Eżekuttiv u korpi oħra;

(g) kull materja esklużivament soġġetta għal teħid ta' deċiżjonijiet mill-laqgħat tal-membri tad-delegati kif previst fid-dispożizzjonijiet rilevanti ta' dan l-Att;

(h) ir-raġunijiet, il-forma u l-limitu ta' żmien sabiex isiru l-laqgħat tal-membri u tad-delegati, u r-registrazzjoni uffiċjali tar-riżoluzzjonijiet li jkunu għaddew; u

(i) kwistjonijiet oħra li għandhom x'jaqsmu mal-uffiċjali u mal-membri ta' partiti politiċi u l-htigiet rigward registrazzjoni skont l-artikoli 15 u 16.

(3) L-istatut tal-partiti politiċi għandu jkun ukoll hekk strutturat sabiex jiġi żgurat li:

(a) il-mexxej u l-uffiċjali tal-partiti politiċi, fi hdan il-partit politiku, jiġu eletti bil-vot hieles u ugwali mill-membri, b'mod dirett jew permezz ta' rappreżentanti eletti b'mod demokratiku; u

(b) il-politika tal-partiti politiċi tiġi adottata jew riveduta permezz tal-vot tal-maġġoranza tal-membri, kemm direttament kif ukoll permezz ta' korpi eletti b'mod demokratiku.

(4) Il-partiti politiċi għandhom ukoll jitranżiġu l-istatut tagħhom u xi emendi għalih fl-Atti ta' Nutar Pubbliku.

(5) Il-partiti politiċi għandhom jipubblikaw l-ismijiet tal-uffiċjali tagħhom eletti f'mill-inqas żewġ gazzetti ta' kuljum.

Impenn kontra l-vjolenza.

9. Limitazzjonijiet fuq l-attività tal-partiti politiċi għandhom ikunu ġġustifikati biss mill-ħtieġa sabiex jiġi żgurati l-ordni pubbliku u sabiex tiġi mrażżna l-vjolenza u dawk il-limitazzjonijiet għandhom ikunu proporzjonati mal-għan iddikjarat.

Dixxiplina tal-partit politiku.

10. Il-partiti politiċi għandhom jiżguraw li l-prinċipji tal-ġustizzja naturali jiġu osservati f'kwalunkwe proċeduri dixxiplinarji interni meħuda fir-rigward tal-membri tagħhom.

Xoljiment tal-partiti politiċi.

11. (1) Partit politiku jista' jiġi xolt permezz ta' deċiżjoni, adottata b'mod demokratiku, li tkun għaddiet b'maġġoranza ta' żewġ terzi mill-membri tal-partit politiku.

(2) Partit politiku jista' wkoll jiġi xolt permezz ta' deċiżjoni tal-Prim'Awla, Qorti Ċivili, wara li xi elettur reġistrat jippreżenta rikors u biss meta jiġi aċċertat li l-partit politiku b'mod persistenti u bħala wieħed mill-għanijiet ewlenin tiegħu, jipromwovi l-ksenofobija, l-omofobija jew ir-rażziżmu u fejn huwa previst wara li ċ-ċirkostanzi kollha jkunu ġew ikkunsidrati, miżura bħal din tkun meħtieġa f'soċjetà demokratika.

(3) Malli jiġi proċessat ix-xoljiment, isir disponiment mill-attiv tal-partit politiku:

(a) skont dispożizzjoni speċifika tal-istatut tiegħu; jew

(b) skont deċiżjoni b'maġġoranza sempliċi tal-membri tal-partit politiku:

Iżda meta l-xoljiment tal-partit politiku tiġi deċiża mill-Qorti, l-attiv tal-imsemmi partit politiku għandu jitqassam skont id-deċiżjoni tal-Qorti li ordnat ix-xoljiment:

Iżda wkoll, fil-każ ta' xoljiment permezz ta' deċiżjoni skont is-subartikolu (1), kull membru tal-partit politiku jista' jikkontesta dak id-disponiment, jekk ikun sar sabiex iqarra bil-minoranza jew xi membru tal-partit politiku, permezz ta' rikors fil-Prim'Awla, Qorti Ċivili.

TAQSIMA II Reġistrazzjoni

12. Għandu jkun hemm regjistru ta' partiti politiċi li għandu jinżamm mill-Kummissjoni fil-forma kif il-Kummissjoni tista' tistabbilixxi. Regjistru partiti politiċi.

13. (1) Nomina b'rabta ma' elezzjoni tista' ssir biss:

Nominazzjonijiet għall-elezzjonijiet.

(a) fl-isem ta' partit politiku registrat; jew

(b) minn persuna indipendenti li ma turix li qed tirrappreżenta xi partit politiku:

Izda partiti politiċi registrati biss jistgħu jinnominaw kandidati għall-elezzjoni taht l-isem ta' dak il-partit:

Izda wkoll l-ebda kandidat indipendenti ma jista' jagħmel użu mill-isem ta' partit politiku.

(2) Għall-finijiet tas-subartikolu (1) persuna ma turix li qed tirrappreżenta xi partit politiku jekk:

(a) id-deskrizzjoni tal-kandidat mogħtija fil-formula tan-nomina tagħha, tkun "indipendenti"; kif ukoll jekk

(b) l-ebda deskrizzjoni tal-kandidat ma tkun ingħatat fil-formula tan-nomina.

(3) Għall-finijiet ta' dan l-Att persuna tikkontesta elezzjoni f'isem il-partit politiku registrat jekk il-formula tan-nomina tiegħu tinkludi deskrizzjoni awtorizzata b'ċertifikat maħruġ minn jew f'isem l-uffiċjal nominat registrat tal-partit politiku.

14. (1) Mingħajr ħsara għall-artikolu 8, partit politiku ma jgħix registrat fir-regjistru tal-partiti politiċi sakemm ma jkollux fl-istatut tiegħu, dispożizzjoni għall-elezzjoni ta': Uffiċjali tal-partiti politiċi.

(a) mexxej jew mexxejja tal-partit politiku ikun xi jkun it-titolu jew il-kariga tagħhom li bihom wiehed jirreferi għalihom;

(b) uffiċjal tal-partit politiku inkarigat min-nominazzjonijiet elettorali hawn iżjed 'l quddiem imsejjaħ "l-uffiċjal li jinnomina"; u

(ċ) teżorier tal-partit politiku ikun xi jkun l-isem tal-persuna li tkun qed twettaq il-funzjonijiet ta' teżorier li bih wiehed jirreferi għalih:

Iżda l-partit politiku jista' wkoll jistabbilixxi l-kariga ta' kull uffiċjal iehor jew uffiċjali oħra tal-partit politiku li għandhom jiġu eletti skont id-disposizzjonijiet ta' dan l-Att.

(2) Il-persuna jew il-persuni reġistrati bħala mexxejja tal-partit politiku għandhom ikunu l-mexxejja generali tal-partit.

(3) L-uffiċjal li jinnomina għandu jkunu responsabbli:

(a) għas-sottomissjoni, minn rappreżentanti tal-partit politiku, tal-lista ta' kandidati għall-elezzjoni partikolari; u

(b) għall-approvazzjoni tad-deskrizzjonijiet u l-emblemi wżati fuq il-formula tan-nomina u fuq il-poloż tal-votazzjoni fl-elezzjonijiet.

(4) Id-dmir ta' teżorier tal-partit politiku għandu jkun li:

(a) jamministra l-finanzi tal-partit politiku;

(b) jipprepara il-kontijiet annwali tal-partit politiku għall-verifika u jipprezentahom għall-approvazzjoni tal-partit politiku fil-laqgħa generali annwali ta' korp xieraq tal-partit;

(c) jiżgura l-konformità tal-partit politiku mad-dispożizzjonijiet rilevanti tal-ħtiġiet tal-kontabilità u l-kontroll ta' donazzjonijiet, u kull transazzjoni finanzjarja rilevanti oħra; u

(d) iwettaq kull funzjoni oħra fir-rigward tal-finanzi u r-rappurtaġġ finanzjarju tal-partit politiku.

(5) It-teżorier tal-partit politiku jista' jahtar assistent teżorier wieħed jew aktar sabiex jadqu xi dmirijiet kif previst f'dan l-Att:

Iżda t-teżorier għandhu jkun kompletament responsabbli għax-xogħol tal-assistenti imsemmija.

Ħtiġiet għal reġistrazzjoni.

15. (1) Applikazzjoni lill-Kummissjoni sabiex jiġi reġistrat partit politiku għandha tinkludi:

(a) dikjarazzjoni intiza sabiex tippreżenta kandidati għall-elezzjonijiet;

(b) dikjarazzjoni mill-partit politiku li tindika l-uffiċjali tal-partit politiku meħtieġa skont l-artikolu 14;

(c) pjan ta' deskrizzjoni generali ta' kif il-partit politiku bi ħsiebu jikkonforma mal-ħtiġiet finanzjarji u ta' rappurtar skont id-dispożizzjonijiet rilevanti ta' dan l-Att; u

(d) isem il-partit politiku u l-indirizz registrat:

Iżda meta l-partit politiku registrat ikun bidel il-post tal-uffiċċju prinċipali tiegħu jew jibdel l-indirizz postali tiegħu, huwa għandu, fi żmien erbatax-il jum ta' dik il-bidla, jibgħat avviz ta' dan lill-Kummissjoni.

(2) Il-pjan ta' deskrizzjoni ġenerali msemmi fis-subartikolu (1)(ċ) għandu f'kull każ jinkludi dik l-informazzjoni oħra li tista' tiġi preskritta b'regolamenti magħmula mill-Ministru.

(3) Meta jiġi sottomess abbozz ta' pjan minn partit politiku għall-approvazzjoni tal-Kummissjoni, il-Kummissjoni tista' jew:

(a) tapprova l-pjan; jew

(b) tavża lill-partit politiku fejn titolbu sabiex jissottomettilha pjan rivedut, kif il-Kummissjoni jidhrilha xieraq.

(4) Jekk, skont is-subartikolu (3), il-Kummissjoni titlob lil partit politiku jissottometti pjan rivedut, il-Kummissjoni tista' tispeċifika:

(a) kull haġa oħra li hi tikkonsidra li għandha tiġi ttrattata fil-pjan rivedut; u, jew

(b) kull aġġustament li hija tqis li għandu jiġi inkorporat fih.

16. (1) Applikazzjoni ta' partit politiku għall-finijiet ta' Deskrizzjoni. registrazzjoni tista' tinkludi talba għar-registrazzjoni ta' deskrizzjonijiet li għandhom jintużaw fuq il-formula tan-nomina jew fuq il-karta tal-vot.

(2) Il-Kummissjoni għandha tirreġistra d-deskrizzjoni provduta, sakemm, fl-opinjoni tagħha, din ma tkunx:

(a) l-istess bħal deskrizzjoni registrata ta' partit politiku ieħor, membru ta' partit politiku jew kandidat, li tkun registrata qabel;

(b) x'aktarx li tiġi konfuza mill-eletturi ma' deskrizzjoni registrata ta' partit politiku, membru ta' partit politiku jew kandidat, li tkun giet registrata qabel;

(ċ) oxxena jew offensiva;

(d) ta' natura li l-pubblikazzjoni tagħha x'aktarx tikkostitwixxi l-għemil ta' reat.

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Emblemi.

17. (1) Applikazzjoni ta' partit politiku għall-finijiet ta' reġistrazzjoni tista' wkoll tinkludi talba għar-reġistrazzjoni ta' emblema tal-partit politiku li għandha tintuża mill-partit politiku fuq karti tal-vot.

(2) Meta ssir talba minn partit politiku taħt dan l-artikolu fir-rigward ta' emblema, il-Kummissjoni għandha tirreġistra l-emblema bħala emblema tal-partit politiku, sakemm fil-fehma tagħha, l-emblema ma tkunx:

(a) l-istess bħal emblema reġistrata diġà ta' partit politiku ieħor;

(b) x'aktarx li tiġi konfuża mill-eletturi ma' emblema reġistrata ta' partit politiku, li tkun giet diġà reġistrata;

(c) oxxena jew offensiva;

(d) ta' natura li l-pubblikazzjoni tagħha x'aktarx tikkostitwixxi l-għemil ta' reat; u, jew

(e) x'aktarx, li jekk ikollha tidher fuq polza tal-votazzjoni maħruġa f'elezzjoni:

(i) tirrizulta li elettur jiġi mqarraq fir-rigward tal-effett tal-vot tiegħu;

(ii) tikkontradixxi, jew tfixkel il-fehma ta' elettur rigward kull gwida għall-għajjnuna tiegħu sabiex jivvota li tkun murija fuq il-karta tal-vot jew x'imkien ieħor.

(3) Meta l-Kummissjoni tiċhad talba magħmula minn partit politiku taħt dan l-artikolu fir-rigward ta' emblema, hija għandha tavża lill-partit politiku bil-miktub bir-raġunijiet tagħha għaliex ċaħdet it-talba.

(4) Partiti politiċi li jhossuhom aggravati biċ-ċaħda jew l-aċċettazzjoni ta' emblema jistgħu b'rikors jikkontestaw id-deċiżjoni permezz ta' rikors ġuramentat ipprezentat quddiem il-Prim'Awla tal-Qorti Ċivili.

Tibdil fir-reġistru.

18. Partit politiku jista' japplika lill-Kummissjoni sabiex innotament tiegħu mnizzel fir-reġistru jiġi emendat. Dawn l-emendi jistgħu jinkludu:

(a) tibdil fl-isem tiegħu reġistrat;

(b) l-annotazzjoni, l-emenda, is-sostituzzjoni jew it-

tnehhija ta' deskrizzjoni;

(c) l-annotazzjoni, is-sostituzzjoni jew it-tnehhija ta' emblema; u, jew

(d) l-annotazzjoni ta' kull informazzjoni oħra li tista' tiġi preskritta b'regolamenti magħmulin mill-Ministru, minn meta:

(i) il-partit politiku applika għar-registrazzjoni, jew

(ii) saret l-ahhar notifika, jekk tkun saret notifika qabel għall-konferma tad-dettalji registrati rigward il-partit politiku.

19. Fejn il-Kummissjoni tiċhad applikazzjoni jew parti minnha minn partit politiku taht xi wiehed mill-artikoli ta' qabel din għandha tinnotifika lill-partit politiku bir-raġunijiet tagħha għaċ-ċaħda tal-applikazzjoni jew parti minnha u jekk il-partit politiku jhoss ruhu aggravat minn din iċ-ċaħda, il-partit politiku jista' jikkontesta din iċ-ċaħdat permezz ta' rikors ġuramentat ipprezentat fil-Prim'Awla, Qorti Ċivili:

Appell minn
ċaħda.

Izda l-partit politiku jista' jissottometti mill-ġdid applikazzjoni modifikata.

20. (1) Jekk fi kwalunkwe hin xi dettalji annotati fir-registru tal-partit politiku li għandhom x'jaqsmu ma' xi kwistjoni rilevanti, ma jibqgħux precizi, il-persuna responsabbli għar-registrazzjoni tal-partit politiku għandha tinnotifika lill-Kummissjoni bil-miktub b'din l-imprecizjoni u din in-notifika għandha tispeċifika wkoll id-dettalji precizi fir-rigward ta' dik il-kwistjoni.

Notifika ta'
tibdil
f'annotazzjoni
tar-registru tal-
partit politiku.

(2) Meta l-Kummissjoni tirċievi notifika skont dan l-artikolu, hija għandha tordna li kull bidla meħtieġa li għandha ssir fl-annotazzjoni tar-registru tal-partit, bħala konsegwenza tan-notifika, għandha ssir hekk kif ikun raġonevolment prattikabbli.

21. Ladarba partit politiku jkun registrat, l-annotazzjoni tiegħu tista' biss titneħħa mir-registru jekk -

Partit politiku
ma jibqax
registrat.

(a) il-partit politiku japplika sabiex l-annotazzjoni tiegħu fir-registru titneħħa;

(b) l-applikazzjoni tinkludi dikjarazzjoni f'isem il-partit politiku li m'għandux l-intenzjoni li jkollu xi kandidati f'xi elezzjoni rilevanti; jew

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(ċ) il-partit politiku ma jkunx innomina xi kandidati għal żewġ elezzjonijiet generali konsekuttivi, elezzjonijiet tal-kunsilli lokali jew elezzjonijiet tal-Parlament Ewropew; jew

(d) f'kull każ fejn hemm xoljiment ta' partit politiku skont l-artikolu 11,

u f'każ bħal dan, il-Kummissjoni għandha tikkancella l-annotazzjoni fir-reġistru tal-partit politiku.

Limitu ta' żmien għall-konformità.

22. Partiti politiċi li jeżistu fiż-żmien tal-bidu fis-sehħ ta' dan l-artikolu għandu jkollhom perjodu ta' tliet xhur mill-imsemmi annotazzjoni fis-sehħ sabiex jikkonformaw mal-htigiet stabbiliti f'din it-Taqsima ta' dan l-Att.

TAQSIM III **Htigiet ta' kontabilità**

Prinċipju tat-trasparenza.

23. (1) Il-partiti politiċi għandhom jirrapportaw lill-Kummissjoni fir-rigward tal-kisba u d-disponiment ta' fondi. Il-Kummissjoni tista' tagħmel inkjesti, fuq inizjattiva tagħha stess, dwar il-kisba u d-disponiment ta' dawn il-fondi.

(2) Partiti politiċi li jinstabu mill-Kummissjoni li jkunu kisru xi dispożizzjoni ta' dan l-Att għandhom ikunu soġġetti għal sanzjonijiet:

(a) permezz ta' espożizzjoni biss u osservazzjonijiet negattivi fil-pubbliku; u, jew

(b) bl-impożizzjoni ta' penali amministrattivi.

Dmir li jinżammu rekords tal-kontabilità.

24. (1) It-teżorier ta' partit politiku għandu jiżgura li r-rekords tal-kontabilità jiġu miżmuma, fir-rigward tal-partit politiku, skont l-istandards tal-kontabilità ġeneralment aċċettati u b'dak il-mod li huwa biżżejjed biex juru u jispjegaw it-transazzjonijiet tal-partit politiku.

(2) Ir-rekords tal-kontabilità għandhom jinżammu bil-mod illi:

(a) jiżvelaw, f'kull hin, u bi preċiżjoni raġonevoli, il-pożizzjoni finanzjarja tal-partit politiku f'dak iż-żmien; u

(b) jippermettu lit-teżorier sabiex jiġi żgurat illi kull dikjarazzjoni ta' kontabilità preparata minnu għall-finijiet tad-dikjarazzjonijiet annwali tal-kontijiet jikkonformaw ma' standards ta' kontabilità ġeneralment aċċettati u mad-dispożizzjonijiet rilevanti ta' dan l-Att.

(3) Ir-rekords tal-kontabilità għandhom b'mod partikolari

jkollhom:

(a) dettalji biżżejjed sabiex wiehed ikun jista' jidentifika s-sorsi kollha ta' dhul riċevuti u l-ħlasijiet kollha magħmula mill-partit politiku, u l-affarijiet li dwarhom dawn l-irċevuti u l-infiq ikun sar;

(b) rekord tal-attiv u l-passiv tal-partit politiku; u

(ċ) id-dettalji tal-entitajiet inklużi l-intrapriżi kummerċjali li huma relatati direttament jew indirettament ma' partit politiku jew huma b'xi mod iehor taħt il-ġestjoni jew il-kontroll effettiv tiegħu.

25. (1) It-teżorier ta' partit politiku għandu jhejji prospett annwali tal-kontijiet, fir-rigward ta' kull sena finanzjarja, ta' dak il-partit politiku, liema dikjarazzjoni għandha tinkludi:

Dikjarazzjonijiet annwali tal-kontijiet.

(a) dikjarazzjoni ta' dhul u ta' nfiq;

(b) id-dikjarazzjoni tal-pożizzjoni finanzjarja fit-tmiem tas-sena finanzjarja;

(ċ) id-dikjarazzjoni ta' *cash flows*; u

(d) in-noti supplimentari kollha u l-iskedi relatati mal-paragrafi (a), (b) u (ċ):

Izda għall-finijiet ta' dan is-subartikolu "sena finanzjarja" tfisser dak il-perjodu konsekuttiv ta' tnax-il xahar li jibda mid-data magħzula mill-partit politiku għall-bidu tas-sena finanzjarja tiegħu.

(2) Id-dikjarazzjoni ta' kontijiet taħt dan l-artikolu għandha tikkonforma wkoll ma' dawk il-ħtiġiet fir-rigward tal-forma u l-kontenut tagħha kif jista' jiġi preskritti b'regolamenti magħmulin mill-Ministru, kif rakkomandat mill-Kummissjoni.

(3) Kull membru tal-partit politiku, kandidat, uffiċjal ta' partit ċentrali jew lokali għandu jipprovdi lit-teżorier tal-partit politiku, l-informazzjoni rilevanti skont id-dispożizzjonijiet rilevanti f'dan l-Att, fi żmien raġonevoli, u fin-nuqqas ta' dan, huwa jkun ħati ta' nuqqas amministrattiv punibbli mill-Kummissjoni b'multa amministrattiva li tammonta bejn mitt euro (€100) u elfejn euro (€2000):

Izda jekk xi membru ta' partit politiku, uffiċjal ta' partit ċentrali jew lokali jipprovdi xi informazzjoni falza huwa jehel il-pieni previsti fir-rigward ta' dikjarazzjonijiet foloz skont l-artikolu 188(2) tal-Kodiċi Kriminali.

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Dmir li jiġu
preżervati
rekords tal-
kontabilità.

26. (1) It-teżorier ta' partit politiku għandu jżgura li kull rekord ta' kontabilità u, jew dikjarazzjoni ta' kontijiet imhejjija għall-iskopijiet ta' din it-Taqsima fir-rigward tal-partit politiku jinżammu għal mill-inqas għaxar snin mill-aħħar tas-sena finanzjarja li għaliha d-dikjarazzjoni tirreferi.

(2) Meta partit politiku jiġi xolt fil-perjodu msemmi ta' għaxar snin, l-obbligu, sabiex jiġi żgurat li r-rekords tal-kontabilità u, jew id-dikjarazzjoni ta' kontijiet imhejjija għall-finijiet ta' din it-Taqsima, għandu jibqa' r-responsabbiltà tal-aħħar teżorier tal-partit politiku, sakemm il-Kummissjoni ma tagħtix l-awtorizzazzjoni tagħha sabiex ir-rekords jiġu meqruda, jew li r-registri jinqerdu b'mod ieħor, bla ħsara għal xi kondizzjoni li jidhrilha meħtieġ li tiġi imposta.

Verifiki
annwali.

27. (1) Il-kontijiet ta' partit politiku għandhom jinżammu f'dik il-forma li tista', minn żmien għal żmien, tiġi prevista f'regolamenti magħmula taħt dan l-Att, u kull sena jiġu verifikati minn awditur.

(2) Meta jkun hemm nuqqas li jiġu sottomessi kontijiet verifikati skont id-disposizzjonijiet tas-subartikolu (1), il-Kummissjoni tista' tistabilixxi perijodu ulterjuri ta' żmien għas-sottomissjoni u fin-nuqqas ta' dan taħtar awditur tal-għazla tagħha sabiex jivverifika l-kontijiet tal-partit politiku.

(3) L-ispejjeż ta' kull verifika mwettqa minn awditur maħtur mill-Kummissjoni, inkluża r-remunerazzjoni tal-awditur, għandhom jiġu rkuprati mill-Kummissjoni, bhala dejn ċivili, mill-fondi tal-partit politiku kkonċernat.

Dispożizzjoni-
jiet
supplimentari
dwar l-awdituri.

28. (1) Awditur maħtur biex iwettaq verifika għall-finijiet ta' verifiki annwali:

(a) għandu jkollu dritt ta' aċċess fil-hinijiet kollha raġonevoli għall-kotba tal-partit politiku, dokumenti u rekords oħra; u

(b) għandu jkun intitolat li jitlob mit-teżorier, kull teżorier ta' qabel u minn xi uffiċjal ieħor tal-partit politiku, kif l-awditur jidhirlu xieraq, dik l-informazzjoni u spjegazzjonijiet li jidhirlu meħtieġa għat-twettiq ta' dmirijietu bhala awditur.

(2) Jekk xi persuna tonqos milli tippovdi awditur xi aċċess, informazzjoni jew spjegazzjoni li l-awditur ikun intitolat għalih bis-saħħa tas-subartikolu (1), il-Kummissjoni għandha tagħti lil dik il-persuna dawk l-ordinijiet bil-miktub li tikkunsidra xierqa sabiex tiżgura li tagħmel tajjeb għan-nuqqas.

(3) Persuna hatja ta' nuqqas ta' konformità ma' xi ordni tal-Kummissjoni taht is-subartikolu (2) tkun hatja ta' reat taht dan l-Att u tehel multa amministrattiva ta' bejn elf euro (€1000) u ghaxart-elef euro (€10,000) u sospensjoni mill-kariga taghha mal-partit politiku ghal perjodu ta' mhux aktar minn tliet xhur permezz ta' sanzjoni amministrattiva.

(4) Kull persuna li xjentement jew b'negligenza taghmel dikjarazzjoni, kemm bil-miktub jew bil-fomm, lil awditur mahtur biex iwettaq verifika ghall-finijiet ta' verifiki annwali, li tkun twassal xi informazzjoni jew spjegazzjoni li jistghu materjalment ifixxklu, ikunu foloz jew ikunu qarrieqa, u li l-awditur ikun intitolat ghalihom bis-sahha tas-subartikolu (1), tkun hatja ta' reat u tehel multa amministrattiva ta' bejn elf euro (€1000) u ghaxart elef euro (€10,000) u ghas-sospensjoni li jkollha kariga ma' partit politiku ghal perjodu ta' mhux aktar minn tliet xhur bhala ta' sanzjoni amministrattiva.

29. (1) It-tezorer ta' partit politiku ghandu, fi zmien erba' xhur mit-tmiem ta' dik is-sena finanzjarja, jaghti lill-Kummissjoni l-kontijiet verifikati ppreparati ghal dik is-sena finanzjarja ghall-finijiet ta' dikjarazzjonijiet annwali tal-kontijiet li ghandhom ukoll jinkludu l-kontijiet relatati ma' kampanji elettorali.

L-ghoti ta' dikjarazzjonijiet ta' kontijiet u dokumenti ohra relevanti lill-Kummissjoni.

(2) Meta l-kontijiet ta' partit politiku ghal sena finanzjarja jkunu mehtiega jigu verifikati ghal skopijiet ta' verifika annwali, minn ordni tal-Kummissjoni, it-tezorer tal-partit politiku ghandu, sa mhux aktar tard minn sebat ijiem wara t-tmiem tal-perjodu permess ghall-verifika tal-kontijiet, jaghti lill-Kummissjoni:

- (a) id-dokumenti msemmija fis-subartikolu (1); u
- (b) kopja tar-rapport tal-awditur.

(3) Meta l-Kummissjoni tqis li jezistu ragunijiet speċjali biex taghmel hekk, liema ragunijiet ghandhom jigu elenkati fl-avviz hawn taht imsemmi, hija tista', wara li ssir applikazzjoni ghaliha qabel it-tmiem tal-perjodu permess b'mod iehor taht dan l-artikolu ghall-ghotja ta' dokumenti ta' partit politiku skont is-subartikoli (1) jew (2) ghal kull sena finanzjarja, b'avviz, testendi dak il-perjodu ghal perjodu iehor speċifikat fl-avviz.

(4) Kull dokument moghti lill-Kummissjoni taht dan l-artikolu ghandu jinzamm mill-Kummissjoni ghal perjodu ulterjuri li jidhrilha xierqa.

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L-ispezzjon pubbliku tad-dikjarazzjonijiet tal-kontijiet tal-partiti politiċi.

30. Meta l-Kummissjoni tirċievi xi kontijiet ivverifikati, bhala riżultat tal-obbligu tal-ġhōti lilha ta' dikjarazzjonijiet ta' kontijiet, hija għandha, fi żmien xahar wara li tirċievi d-dikjarazzjoni, tagħmel kopja tad-dikjarazzjoni disponibbli għall-ispezzjon pubbliku u żżommha disponibbli għall-ispezzjon pubbliku għall-perjodu li għalih id-dikjarazzjoni jinżamm minnha.

Penali għannuqqas li tiġi pprezentata dikjarazzjoni xierqa tal-kontijiet.

31. (1) Jekk, fil-każ ta' partit politiku -

(a) xi htigiet ta' regolamenti rigward il-forma u l-kontenut ta' dikjarazzjoni tal-kontijiet huma, mingħajr raġuni valida, mhux osservati fir-rigward ta' xi dikjarazzjoni ta' kontijiet mogħtija lill-Kummissjoni permezz ta' obbligu legali; jew

(b) xi dikjarazzjoni ta' kontijiet, notifika jew rapport tal-awditur meħtieġa li jingħataw lill-Kummissjoni taħt din it-Taqsima, mingħajr raġuni valida, ma jingħatawx lill-Kummissjoni qabel it-tmiem tal-perjodu rilevanti,

il-partit politiku jeħel multa amministrattiva ta' mhux aktar minn għaxart elef euro (€10,000).

(2) Għall-finijiet tas-subartikolu (1) "perijodu rilevanti", tisser il-perjodu permess bil-liġi sabiex tingħata d-dikjarazzjoni, in-notifika jew ir-rapport lill-Kummissjoni jew, jekk dak il-perjodu jiġi estiż, jew jiġi estiż mill-ġdid, skont il-liġi, dak il-perjodu kif hekk estiż.

Dikjarazzjonijiet foloz.

32. Kull persuna li xjentement jew b'negligenza tagħmel dikjarazzjoni lill-Kummissjoni f'isem il-partit politiku, membru ta' partit politiku jew kandidat għal xi għan ta' dan l-Att, liema dikjarazzjoni tkun falza f'xi dettall partikolari li tkun magħmula fiha, jew intenzjonata li ssir, teħel multa amministrattiva ta' mhux aktar minn għaxart elef euro (€10,000) u s-sospensjoni mill-kariga ma' partit politiku għal perjodu li ma jeċċedix tliet xhur bhala sanzjoni amministrattiva.

Reviżjoni ta' dikjarazzjonijiet difettużi tal-kontijiet.

33. (1) Jekk lit-teżorier ta' partit politiku jkun jidhiru li xi dikjarazzjoni tal-kontijiet għal xi sena finanzjarja tal-partit politiku ma tkunx konformi ma' kull htieġa ta' regolamenti li għandhom x'jaqsmu mal-ġhōti ta' dokumenti preskritti, huwa jista' jipprepara dikjarazzjoni riveduta tal-kontijiet.

(2) Meta l-kontijiet verifikati jkunu diġà ngħataw lill-Kummissjoni, ir-reviżjonijiet għandhom ikunu limitati għal:

(a) korrezzjoni ta' dawk il-partijiet li fihom il-kontijiet ma jikkonformawx mal-htigiet preskritti; u

(b) għemil ta' xi modifika konsegwenzjali meħtieġa.

(3) Jekk il-Kummissjoni tkun tidhrilha li hemm, jew jista' jkun hemm kwistjoni jekk xi kontijiet verifikati mogħtija lilha skont il-liġi ma jikkonformawx mal-ħtiġiet preskritti, hi tista' tavża lit-teżorier tal-partit politiku inkwistjoni u tindika fejn jidhrilha li kwistjoni bħal din tinqala' jew tista' tinqala'.

(4) L-avviż għandu jispeċifika perjodu ta' mhux inqas minn xahar sabiex it-teżorier jagħti lill-Kummissjoni spjegazzjoni tad-dikjarazzjoni ta' kontijiet jew jipprepara dikjarazzjoni riveduta.

(5) Jekk fl-aħħar tal-perjodu speċifikat, jew dak il-perjodu itwal kif il-Kummissjoni tista' tippermetti, ikun jidher lill-Kummissjoni -

(a) li ma tkun ingħatat l-ebda spjegazzjoni sodisfaċenti tad-dikjarazzjoni tal-kontijiet; u

(b) li d-dikjarazzjoni ma tkunx ġiet riveduta sabiex tikkonforma mal-ħtiġiet preskritti,

hija tista' tippreżenta rikors fil-Prim'Awla, Qorti Ċivili, skont is-subartikolu (6).

(6) Il-Kummissjoni tista' tippreżenta rikors fil-Prim'Awla, Qorti Ċivili:

(a) għal konferma li d-dikjarazzjoni tal-kontijiet ma tkunx konformi mal-ħtiġiet preskritti; u

(b) għal ordni li jeħtieġ lit-teżorier tal-partit politiku jipprepara dikjarazzjoni riveduta tal-kontijiet.

(7) Jekk il-Prim'Awla, Qorti Ċivili, tordna l-preparazzjoni ta' kontijiet riveduti, hija tista' :

(a) tagħti dik l-ordni kif jidhrilha xieraq; u, jew

(b) tordna li kull jew parti mill-ispejjeż ta', u incidentali għal, ir-rikors, għandhom jithallsu mit-teżorier tal-partit politiku jew mill-assistenti tiegħu.

(8) Meta l-Qorti tagħmel ordni taħt is-subartikolu (7)(b) hija għandha tikkonsidra jekk l-uffiċjal jew l-uffiċjali msemmija f'dak is-subartikolu kienu jafu jew kellhom ikunu jafu li d-dikjarazzjoni ma kenietx konformi mal-ħtiġiet preskritti, u hija tista':

(a) tordna l-ħlas ta' ammonti differenti minn uffiċjali

differenti;

(b) teskludi wiehed mill-uffiċjali mill-ordni; jew

(ċ) teskludi l-uffiċjali kollha mill-ordni u minflok tordna l-ħlas tal-ispejjeż kollha, jew spejjeż, msemmija f'dak is-subartikolu mill-fondi tal-partit politiku.

(9) Il-Ministru jista' b'regolamenti jipprovdi fir-rigward tal-applikazzjoni tad-disposizzjonijiet ta' dan l-Att fir-rigward tal-preparazzjoni u tal-verifika ta' dikjarazzjonijiet tal-kontijiet riveduta, u l-għoti tagħhom lill-Kummissjoni, u jista' b'mod partikolari jipprovdi għal kull haġa li għaliha jistgħu jsiru b'regolamenti fir-rigward:

(a) tal-ħatra ta' awdituri li jwettqu verifiki taħt dan l-artikolu;

(b) tad-dmirijiet tal-awdituri hekk maħtura;

(ċ) tat-tneħħija jew riżenja ta' awdituri u affarijiet konnessi mat-tneħħija jew ir-riżenja tagħhom; u

(d) tan-nuqqas ta' applikabbiltà, sal-limitu jew fiċ-ċirkustanzi bħal dawn, jew it-tnejn, kif regolamenti taħt dan is-subartikolu jistgħu jispeċifikaw, ta' xi dispożizzjoni fir-rigward ta' multi amministrattivi u sanzjonijiet fil-każ ta' nuqqas li jiġu sottomessi dikjarazzjoni xierqa tal-kontijiet.

(10) Id-disposizzjonijiet ta' dan l-Att rigward l-ispezzjon pubbliku tad-dikjarazzjonijiet tal-kontijiet tal-partiti politiċi għandhom japplikaw fir-rigward ta' kull dikjarazzjoni riveduta tal-kontijiet riċevuti mill-Kummissjoni skont ir-regolamenti magħmula taħt is-subartikolu (9) kif japplikaw fir-rigward ta' xi dikjarazzjoni ta' kontijiet riċevuta minnha skont il-liġi.

(11) Id-disposizzjonijiet ta' dan l-artikolu japplikaw ugwalment għal dikjarazzjonijiet ta' kontijiet li diġà ġew riveduti, f'liema każ kull referenza għal dikjarazzjonijiet tal-kontijiet riveduti għandhom jinqraw bħala referenzi għal dikjarazzjonijiet riveduti ulterjuri.

TAQSIMA IV

Kontroll ta' donazzjonijiet lil partiti reġistrati

Finanzjament tal-partiti politiċi.

34. Il-partiti politiċi għandhom ikunu intitolati jaċċettaw donazzjonijiet, li għandhom jinkludu l-kontribuzzjonijiet magħmula mill-membri nfushom.

Donazzjonijiet mhux permessi.

35. Partiti politiċi m'għandhomx jirċievu donazzjonijiet:

(a) li huma evidentement magħmula fl-istennija ta', jew bi tpattija għal, xi vantaġġ politiku jew finanzjarju jew politika speċifiku; u, jew

(b) minn xi korporazzjoni pubblika jew xi korp parastatali, kumpannija, jew entità li fihom l-Istat għandu interess ta' kontroll:

Iżda l-partiti politiċi għandhom jithallew jirċievu servizzi minn sorsi tal-Istat biss taht liġi speċjali li għandha tirregola:

(i) l-assistenza in natura (bħal hin fuq il-midja, l-aċċess għal mezzi ta' komunikazzjoni u affarijiet relatati);

(ii) il-proporzjonijiet fuq il-bażi ta' tagħhom assistenza bħal din għandha tiġi provduta lill-partiti politiċi differenti, u

(iii) il-hin tal-ghajjnuna mogħtija qabel l-elezzjonijiet, wara l-elezzjonijiet, matul il-perjodu tal-elezzjoni tal-Parlament Ewropew, il-perjodu tal-elezzjoni tal-Kunsill Lokali, il-perjodu tal-elezzjoni ġenerali, u matul kampanji referendarji;

(ċ) li jingħataw b'mod anonimu meta l-ammont tad-donazzjoni jaqbeż l-ammont ta' ħamsin euro (€50) mill-istess sors;

(d) li jingħataw b'mod kunfidenzjali u soġġetti għall-kundizzjoni li s-sors ma jiġix zvelat lill-partijiet terzi għalkemm is-sors tad-donazzjoni jkun magħruf mill-partit politiku f'ammont ta' iżjed minn ħames mitt euro (€500) mill-istess sors f'kull sena;

(e) li jkunu aktar minn erbgħin elf euro (€40,000) matul sena kalendarja waħda mill-istess sors:

Iżda għall-finijiet ta' dan il-paragrafu kumpanniji li jiffurmaw parti mill-istess grupp ta' kumpanniji jew li direttament jew indirettament huma kkontrollati minn xulxin jew mill-istess persuna jew grupp ta' persuni, għandhom jitqiesu bħala sors uniku;

(f) f'forma ta' self fuq termini aktar favorevoli minn dawk il-kondizzjonijiet ordinarji kummerċjali li jkunu fis-seħħ f'dak iż-żmien meta jkun ingħata s-self, fejn l-imgħax fir-rigward ta' perijodu ta' tna-x-il xahar li kien ikun pagabbli mill-partit politiku li kieku is-self ittiegħdet fuq termini kummerċjali

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ordinarji kien jaqbeż l-imghax attwalment dovuti għall-istess perjodu mill-partit politiku lill-persuna li tagħmel is-self b'ammont ta' aktar minn erbgħin elf euro (€40,000).

Valur ta'
donazzjoni.

36. (1) Il-valur ta' kull donazzjoni fil-forma ta' rigal lill-partit politiku għajr il-flus, għandu jitqies li jkun il-valur ta' kemm jiswa lid-donatur ir-rigal jew il-proprjetà inkwistjoni.

(2) Fejn, madankollu, kull rigal lill-partit politiku, ikun hekk li:

(a) xi flus jew proprjetà oħra jigu trasferiti lill-partit politiku, skont xi transazzjoni jew arrangament li tinvolvi l-forniment minn jew f'isem il-partit politiku ta' xi proprjetà, servizzi jew faċilitajiet jew korrispettiv ieħor ta' valur monetarju; u

(b) il-valur totali f'termini monetarji tal-korrispettiv hekk provdut minn jew f'isem il-partit politiku ikun inqas mill-ammont trasferit lill-partit politiku jew, skont il-każ, il-valur ta' kemm tiswa lil minn qed jittrasferixxi l-proprjetà trasferita, il-valur tad-donazzjoni għandu jitqies bhala d-differenza bejn:

(i) l-ammont ta' flus ta' kemm tiswa lil minn qed jittrasferixxi l-proprjetà inkwistjoni; u

(ii) il-valur totali f'termini monetarji tal-korrispettiv iprovdut minn jew f'isem il-partit politiku.

(3) Il-valur ta' kull donazzjoni jew servizzi li jsiru permezz ta' kwalunkwe *sponsorship* provduta fir-rigward ta' partit politiku għandu jitqies li jkun l-ammont tal-flus jew, skont il-każ, il-valur ta' kemm tiswa lil minn qed jittrasferixxi l-proprjetà trasferita bhala donazzjoni; u għaldaqstant kull valur f'termini monetarji ta' kull benefiċċju li jingħata lill-persuna li tipprovd i l-*isponsorship* inkwistjoni ma għandux jiġi meqjus.

(4) Il-valur ta' kull donazzjoni li tikkonsisti fil-provvista, barra minn skont termini kummerċjali, ta' kull proprjetà, servizzi, self jew faċilitajiet għall-użu jew il-benefiċċju tal-partit politiku għandu jitqies li jkun l-ammont li jirrappreżenta d-differenza bejn:

(a) il-valur totali f'termini monetarji ta' kemm jiswew għad-donatur il-provvista tal-proprjetà, servizzi jew faċilitajiet; u

(b) il-valur totali f'termini monetarji tal-korrispettiv, jekk ikun hemm, li fil-fatt ikun hekk provdut minn jew f'isem il-

partit politiku.

37. (1) Għall-finijiet ta' dan l-Att *sponsorship* għandha *Sponsorship*. titqies li ssir, fir-rigward ta' partit politiku meta:

(a) xi flus jew proprjetà jiġu trasferiti lill-partit politiku;
u

(b) l-għan jew wiehed mill-għanijiet tat-trasferiment huwa jew jista' jkun, wara li jiġu kkunsidrati ċ-ċirkustanzi kollha, raġonevolment ikun meqjus li hu:

(i) biex jgħin lill-partit politiku biex ilaħħaq, sa ċertu limitu, mal-ispejjeż li jkunu ntnefqu jew ikunu ser jintnefqu mill-partit politiku jew kandidat; jew

(ii) biex jiżguraw li, sa ċertu limitu, kull spiża bħal din ma tkunx hekk saret.

(2) Għall-finijiet tas-subartikolu (1) l-ispejjeż jistgħu jinkludu, fost oħrajn, spejjeż magħmula jew li jridu jsiru b'konnessjoni ma':

(a) kull konferenza, laqgħa jew okkażjoni oħra organizzata minn jew f'isem il-partit politiku;

(b) il-preparazzjoni, il-produzzjoni jew it-tqassim ta' xi pubblikazzjoni minn jew f'isem il-partit politiku jew kandidat; jew

(ċ) kull studju jew riċerka organizzata minn jew f'isem il-partit politiku jew kandidat.

(3) Dawn li ġejjin m'għandhomx, madankollu, jikkostitwixxu *sponsorship* bis-saħħa tas-subartikolu (1):

(a) it-twettiq ta' xi pagament fir-rigward ta':

(i) xi hlas sabiex wiehed jattendi xi konferenza, laqgħa jew okkażjoni oħra; jew

(ii) il-prezz ta' xiri ta', jew xi hlas ieħor għall-aċċess għal, xi pubblikazzjoni;

(b) it-twettiq ta' xi pagament fir-rigward tal-inkluzjoni ta' reklam f'xi pubblikazzjoni meta il-hlas isir bir-rata kummerċjali pagabbli għall-inkluzjoni ta' dak ir-reklam f'xi pubblikazzjoni bħal din; u, jew

(ċ) l-għoti, fuq termini kummerċjali, ta' xi proprjetà,

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servizzi jew faċilitajiet għall-użu jew għall-benefiċċju tal-partit politiku.

Reġistrazzjoni tad-donazzjonijiet.

38. (1) Kull donazzjoni li taqbeż l-ammont ta' hames mitt euro (€500) iżda mhux aktar mill-ammont ta' sebat elef euro (€7,000) mill-istess sors għandha tiġi rreġistrata flimkien mal-ammont tad-donazzjoni, l-isem u l-indirizz tad-donatur, jew id-dettalji tar-reġistrazzjoni tal-kumpannija, fil-każ meta d-donatur ikun kumpannija reġistrata, id-data li fiha l-donazzjoni ingħatat u d-data li fiha l-donazzjoni ġiet aċċettata u kull dettalji oħra rilevanti.

(2) Kull donazzjoni li waħedha ma taqbiżx l-ammont ta' hames mitt euro (€500) iżda li, meta miżjuda ma' xi donazzjonijiet jew benefiċċji oħra miżjuda flimkien lill-partit politiku mill-istess sors fl-istess sena kalendarja, teċċedi l-ammont imsemmi għandha tiġi reġistrata f'dak il-mument li fih l-imsemmi ammont jintlaħaq.

(3) Kull min dolożament, bl-intenzjoni li jaħbi l-orijini u l-ammonti ta' donazzjonijiet, jaqsam donazzjoni f'ammonti iżgħar, jew, sabiex jevita r-reġistrazzjoni u l-ħtiġiet ta' rappurtar stipulati f'dan l-Att ikun ħati ta' reat u jehel multa amministrattiva li ma taqbiżx l-għaxart elef euro (€10,000).

(4) Il-Kummissjoni għandha, fejn jidhrilha li hu meħtieġ għall-infurzar xieraq tad-disposizzjonijiet ta' dan l-Att u bla ħsara għall-obbligu tagħha li taġixxi b'mod proporzjonat, is-setgħa li tinvestiga u titlob sabiex tiġi provduta bl-informazzjoni kollha li tista' teħtieġ minn xi partit politiku, individwu, persuna ġuridika, korp, inkluż xi istituzzjoni finanzjarja u, jew xi fornitur ta' servizz tat-telekomunikazzjoni, li jistgħu jkunu fil-pussess ta' informazzjoni bħal din sabiex jiġi stabbilit s-sors ta' kull donazzjoni riċevuti mill-partit politiku:

Iżda l-partiti politiċi ma għandhomx ikunu obbligati li jiżvelaw lill-Kummissjoni s-sors ta' kull donazzjoni ta' mhux aktar minn hames mitt euro (€500) mogħtija lilhom b'mod kunfidenzjali sakemm il-Kummissjoni ma tipprovdix prova li hemm raġunijiet raġonevoli biex wieħed jemmen li l-ammont attwalment mogħti b'mod kunfidenzjali fil-perjodu ta' sena mill-istess sors jaqbeż is-somma ta' hames mitt euro (€500).

Rapporti li għandhom isiru mill-partijiet politiċi, uffiċjal jew membru ta' partit politiku jew kandidat.

39. (1) It-teżorier ta' partit politiku għandu, kull sena, jhejji rapport ta' donazzjonijiet li juri l-ammont riċevut minn partit politiku permezz ta' donazzjoni, fir-rigward ta' kull wieħed mill-perijodi li ġejjin -

(a) Jannar sa April;

- (b) Mejju sa Awwissu; u
- (c) Settembru sa Dicembru;

li għandu ikun organizzat frapport wiehed pprezentat kull sena lill-Kummissjoni.

(2) Ir-rapporti ta' donazzjonijiet imfassla mit-teżorier tal-partit għal kull sena għandu, fil-każ ta' kull donatur, mingħand min kull donazzjoni giet aċċettata mill-partit politiku jew xi hadd f'ismu matul dik is-sena, jikkonformaw mad-dispożizzjonijiet rilevanti ta' din it-Taqsima safejn dawn jehtiegu li xi donazzjoni bħal din tiġi registrata frapport ta' donazzjonijiet.

(3) Donazzjoni għandha tiġi rapportata b'referenza specifika għas-sors tagħha:

(a) jekk tkun donazzjoni ta' aktar minn sebat elef euro (€7,000); jew

(b) jekk, meta tiġi mizjudha ma' xi benefiċċju jew benefiċċji oħra, l-ammont flimkien jaqbeż sebat elef euro (€7,000), mill-istess sors, f'sena kalendarja waħda.

(4) Donazzjoni li japplika għaliha s-subartikolu (3) għandha:

(a) fil-każ ta' donazzjoni prevista fil-paragrafu (a) tiegħu, tiġi rappurtata fir-rapport ta' donazzjonijiet għall-perjodu ta' rappurtar li fih giet aċċettata; jew

(b) fil-każ ta' donazzjoni prevista fil-paragrafu (b) tiegħu, għandha tiġi rappurtata fir-rapport ta' donazzjoni, flimkien ma' kull donazzjonijiet jew donazzjonijiet oħra rilevanti inklużi fl-ammont shih ta' sebat elef euro (€7,000) mill-istess sors, fir-rapport tad-donazzjoni għall-perjodu ta' rappurtar li fih il-benefiċċju li jwassal għal dak l-ammont shih ikun aktar minn sebat elef euro (€7,000) jakkumula.

(5) Rapport ta' donazzjoni għandu jinkludi wkoll kull donazzjoni li giet rrifjutata skont dan l-Att, matul il-perjodu ta' rappurtar, u r-rapport għandu jkun fih dikjarazzjoni f'dan is-sens, flimkien mal-mod li bih id-donazzjoni ingħatat, id-data li fiha d-donazzjoni giet riċe vuta u d-data li fiha d-donazzjoni ingħatat lura u kull dettal rilevanti.

40. (1) Rapport ta' donazzjonijiet magħmul skont l-artikolu 39 għandu jintbagħat lill-Kummissjoni mit-teżorier tal-partit politiku fil-perjodu tat-tletin jum li jibdev mit-tmiem tal-perjodu ta' rappurtar

Sottomissjoni ta' rapporti ta' donazzjoni lill-Kummissjoni.

annwali li għalih huwa jirreferi.

(2) Kull persuna li tkun teżorier ta' partit politiku li, minghajr skuża raġonevoli, tonqos li tikkonforma mal-htigiet tas-subartikolu (1) tkun hatja ta' reat u tehel multa amministrattiva ta' mhux aktar minn għoxrin elf euro (€20,000).

(3) Kull persuna, li tkun teżorier ta' partit politiku, li, minghajr skuża raġonevoli, tagħti rapport ta' donazzjonijiet lill-Kummissjoni li ma jkunx konformi mal-htigiet tal-artikolu 39 tkun hatja ta' reat u tehel multa amministrattiva ta' għaxart elef (€10,000).

(4) Meta l-Prim'Awla, Qorti Ċivili, tkun sodisfatta, wara li jsir rikors mill-Kummissjoni, li xi nuqqas ta' konformità ma' dawn il-htigiet fir-rigward ta' xi donazzjoni lil partit politiku kien attribwibbli għal intenzjoni min-naħa ta' xi persuna sabiex li tinheba l-eżistenza jew l-ammont veru tal-donazzjoni, il-Qorti tista' tordna l-konfiska favur il-gvern mill-partit politiku ta' ammont ugwali għall-valur tad-donazzjoni.

Dikjarazzjoni minn teżorier fir-rapport ta' donazzjonijiet.

41. (1) Rapport ta' donazzjonijiet taht l-artikolu 39 għandu, meta jingħata lill-Kummissjoni, jkun akkumpanjat b'dikjarazzjoni, magħmula mit-teżorier tal-partit politiku, li tikkonforma mas-subartikoli (2), (3) jew (4).

(2) Fil-każ ta' rapport magħmul skont id-dispożizzjonijiet rilevanti ta' dan l-Att, barra minn wieħed li jiddikjara l-prospett bhala nil, id-dikjarazzjoni għandu jkun fiha, sa l-aħjar tagħrif u twemmin tat-teżorier, li:-

(a) id-donazzjonijiet kollha reġistrati fir-rapport ta' donazzjonijiet bhala li ġew aċċettati mill-partit politiku huma minn donaturi permissibbli; u

(b) matul il-perjodu ta' rappurtar:

(i) l-ebda donazzjoni oħra meħtieġa li tiġu rreġistrata fir-rapport giet aċċettata mill-partit politiku; u

(ii) l-ebda donazzjoni minn xi persuna jew korp minbarra donatur permissibbli giet aċċettata mill-partit politiku.

(3) Fil-każ ta' prospett nil, it-teżorier għandu jipprezenta dikjarazzjoni flimkien mar-rapport li għandu jiddikjara illi, fl-aħjar għarfien u twemmin tat-teżorier, l-ebda donazzjonijiet giet riċevuta u aċċettati mill-partit politiku, matul il-perijodu ta' rappurtar u li d-dikjarazzjoni bħal din hija preċiża.

(4) Kull min xjentement jew bi traskuraġni jagħmel xi dikjarazzjoni mhux eżatta taħt dan l-artikolu jeħel multa amministrattiva ta' għaxart elef euro (€10,000).

42. (1) Meta donazzjoni li tkun iżjed minn ħames mitt euro (€500) tiġi offruta lil partit politiku, membru ta' partit politiku jew kandidat, għandu jkun id-dmir tagħhom li jieħdu l-passi raġonevoli kollha sabiex iwettqu d-diligenza dovuta sabiex jivverifikaw:

Aċċettazzjoni ta' donazzjonijiet.

- (a) l-identità tad-donatur; u
- (b) jekk dan id-donatur huwiex donatur permissibbli.

(2) Jekk id-donazzjoni tiġi offruta minn donatur li mhuwiex donatur permissibbli jew id-donatur ma kienx identifikat b'mod suffiċjenti, wara li jkun ttieħdu passi raġonevoli skont is-subartikolu (1), il-partit politiku, il-membri ta' partit politiku jew kandidat, għandhom jirrifjutaw dik id-donazzjoni.

(3) Fil-każ fejn donazzjoni giet aċċettata mill-partit politiku, il-membri ta' partit politiku jew kandidat u min jirċievi jiskopri li, minkejja li daww il-passi raġonevoli jkunu ttieħdu skont is-subartikolu (1), id-donatur ma kienx donatur permissibbli jew li l-identità kienet falza, min jirċievi għandu fi żmien tletin (30) jum jirritorna d-donazzjoni lid-donatur jew lill-persuna li jagħti x'jifhem li kien id-donatur jew jiddepożita l-ammont tad-donazzjoni fil-Qorti.

(4) Kull meta partit politiku, membru ta' partit politiku jew kandidat, skont il-każ, ma jaġixxux f'konformità mad-dispożizzjonijiet tas-subartikoli (1), (2) jew (3), hu għandu jeħel multa amministrattiva ta' ħames elf euro (€5000).

43. Kull min xjentement jagħmel xi att bi tkompli ta' xi arrangament li jiffaċilita jew x'aktarx jiffaċilita, kemm permezz ta' xi ħabi jew it-travestiment jew mod ieħor, l-għoti ta' donazzjonijiet mogħtija lil partit politiku, membru ta' partit politiku jew kandidat, minn xi persuna jew korp ieħor barra minn donatur permissibbli, mingħajr ħsara għal kull responsabbiltà għall-ħlas ta' multa amministrattiva taħt dan l-Att, ikun ħati ta' reat u jeħel, meta jinsab ħati, il-pieni provduti għal dikjarazzjonijiet foloz skont l-artikolu 188 tal-Kodiċi Kriminali:

Evażjoni tar-ristrizzjonijiet fuq donazzjonijiet.

Kap. 9

Izda meta l-proċeduri rigward multa amministrattiva dovuta skont dan l-Att huma mibdija, l-ebda proċeduri kriminali ma għandhom jittieħdu fir-rigward l-istess att.

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Ispazzjon
pubbliku tar-
rapporti ta'
donazzjoni.

44. Il-Kummissjoni għandha żżomm rekord tar-rapporti kollha ta' donazzjonijiet riċevuti mill-partiti politiċi skont dan l-Att u dawk ir-rapporti għandhom ikunu aċċessibbli għall-pubbliku f'dak iż-żmien u f'dak il-format li l-Ministru jista' jistabbilixxi b'regolamenti minn żmien għal żmien.

Setgħa tal-
Ministru li
jagħmel
regolamenti.

45. (1) Il-Ministru jista', wara konsultazzjoni mal-Kummissjoni, jagħmel regolamenti għall-aħjar twettiq tad-dispożizzjonijiet ta' dan l-Att u, mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, dawk ir-regolamenti jistgħu jagħmlu dispożizzjonijiet, li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att:

(a) biex jippreskrivi kull forma jew proċedura li għaliha ebda proċedura esplicita tinsab f'dan l-Att, u biex jemenda kull formula li tista' tkun meħtieġa taht dan l-Att;

(b) biex jipprovdi għal multi u sanzjonijiet amministrattivi fir-rigward ta' xi ksur tad-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu;

(ċ) biex jipprovdi għall-proċedura għall-impozizzjoni ta' multi u sanzjonijiet amministrattivi, għall-proċedura tal-eżerċizzju ta' drittijiet ta' appell fir-rigward ta' dawn il-multi u sanzjonijiet lill-qrati ta' ġurisdizzjoni ċivili u għall-kondizzjonijiet li tahtom dawk il-multi u sanzjonijiet għandhom isiru titolu eżekuttiv skont id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jew ta' xi liġi oħra fis-seħħ minn żmien għal żmien:

Kap. 12.

Iżda ebda multa amministrattiva jew sanzjonijiet oħra prevista fir-regolamenti magħmula taht dan l-Att ma għandha tammonta għal aktar minn hamsin elf euro (€50,000) fir-rigward ta' kull reat, għal aktar minn hamest elef euro (€5,000) għal kull ġurnata li matulha jkompli r-reat jew għas-sospensjoni ta' kull uffċjal ta' partit politiku għal perjodu ta' aktar minn hames snin;

(d) biex jibdel, minkejja d-disposizzjonijiet ta' dan l-Att jew ta' xi liġi oħra, l-ammont massimu ta' spiża għall-kampanja elettorali permissibbli mill-kandidati f'kull elezzjoni ġenerali, f'kull elezzjoni tal-membri tal-Parlament Ewropew jew f'kull elezzjoni tal-kunsill lokali;

(e) biex jipprovdi l-format li fiha l-ispejjeż tal-kampanja elettorali jiġu verifikati, sabiex jipprovdi għall-formoli li għandhom jintużaw għal dan il-ghan u biex joħroġ linji gwida lill-Kummissjoni Elettorali dwar il-metodoloġija li għandha tintuża u

l-kwistjonijiet li għandhom jiġu kkunsidrati fl-eżami ta' prospetti ta' spejjeż elettorali mill-kandidati f'kull elezzjoni ġenerali, f'elezzjoni ta' membri tal-Parlament Ewropew jew f'elezzjoni tal-kunsill lokali.

(2) Partiti politiċi u persuni oħra interessati jistgħu jirribattu l-argument ta' xi ksur tad-dispożizzjonijiet ta' dan l-Att u l-impożizzjoni ta' multi amministrattivi u sanzjonijiet mill-Kummissjoni fil-Prim' Awla, Qorti Ċivili, permezz ta' rikors ġuramentat ippreżentat fi żmien tletin (30) jum mill-impożizzjoni ta' multa jew sanzjoni bħal dik:

Iżda d-dispożizzjonijiet tal-Kodiċi tal-Organizzazzjoni u Proċedura Ċivili għandhom japplikaw għal dan ir-rikors ġuramentat. Kap. 12.

TAQSIMA V

Twettiq tal-funzjonijiet mill-Kummissjoni.

Cap. 12.

46. Għall-fini tal-eżekuzzjoni tal-funzjonijiet tagħha taht it-Taqsimiet III u IV, il-Kummissjoni għandha timpjega jew tikkuntratta ma' awditur wiehed jew aktar li għandhom, mal-ħatra tagħhom, jieħdu l-ġurament tal-kariga elenkat fl-Iskeda. Awdituri li jassistu lill-Kummissjoni.

TAQSIMA VI

Mixxellanji

47. Minnufih wara l-paragrafu (f) tas-subartikolu (1) tal-artikolu 55 tal-Kostituzzjoni għandu jiżdied il-paragrafu ġdid li ġej: Emenda tal-artikolu 55 tal-Kostituzzjoni.

"(ff) jekk il-Qorti Kostituzzjonali tiddeċiedi li kandidat elett ikun ta informazzjoni li tkun falza fil-prospett tal-ispejjeż elettorali jew li kandidat elett jkun nefaq ammont fi spejjeż elettorali li jaqbeż l-ammont permissibbli mil-liġi;"

48. Minnufih wara l-paragrafu (ċ) tal-artikolu 63 tal-Kostituzzjoni għandu jiżdied il-paragrafu ġdid li ġej: Emenda tal-artikolu 63 tal-Kostituzzjoni.

"(d) il-post ta' Membru tal-Parlament ikun sar vakanti skont il-paragrafu (ff) tas-subartikolu (1) tal-artikolu 55,"

49. Fl-artikolu 2 tal-Att dwar l-Elezzjonijiet Ġenerali, it-tifsira ta' "partit politiku" għandha tiġi sostitwita b'dan li ġej: Emenda tal-artikolu 2 tal-Att dwar l-Elezzjonijiet Ġenerali. Kap. 354.

" "partit politiku" tfisser assoċjazzjoni ħielsa ta' persuni, li l-għan tiegħu jinkludu l-partecipazzjoni fil-formazzjoni tar-rieda politika tal-poplu billi jiżgura l-elezzjoni ta' wiehed jew aktar mill-membri tiegħu għall-Kamra tad-Deputati, għall-Parlament Ewropew jew għall-Kunsill Lokali, u li jassigura r-relazzjoni attiva kontinwa bejn il-poplu u l-istituzzjonijiet tal-

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istat."

Emenda tat-Tnax-il Skeda tal-Att dwar l-Elezzjonijiet Ġenerali. Kap. 354.

50. Fit-Tnax-il Skeda tal-Att dwar l-Elezzjonijiet Ġenerali il-kliem minn "FORMULA TA' DIKJARAZZJONI LI SSIR MINN AĠENT ELETTORALI" sal-kliem "li jagħti Ġurament" li jinsabu minnufih fuq il-kliem "FORMULA TA' DIKJARAZZJONI LI SSIR MINN KANDIDAT" għandhom jithassru.

Sostituzzjoni tal-artikolu 46 tal-Erbatax-il Skeda tal-Att dwar l-Elezzjonijiet Ġenerali. Kap. 354.

51. L-artikolu 46 tal-Ordinanza Elettorali dwar il-Votazzjoni inkluża fil-Erbatax-il Skeda tal-Att dwar l-Elezzjonijiet Ġenerali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"46. (1) Is-somma massima mħallsa u, jew l-ispejjeż imġarrba minn jew f'isem kandidat f'elezzjoni ta' membri tal-Kamra tad-Deputati, u, jew mill-aġent elettorali tiegħu, kemm qabel, matul, jew wara elezzjoni minħabba jew dwar it-tmexxija ta' dik l-elezzjoni, ma għandhiex taqbeż is-somma ta' għoxrin elf euro (€20,000) minn kull distrett elettorali:

Iżda kandidat li jikkontesta żewġ distretti elettorali m'għandux ikun obligat li jonfoq l-ammont totali permissibbli tal-ispiza tal-kampanja kif intqal qabel, ugwalment bejn iż-żewġ distretti, iżda jista' jaqsam l-imsemmija spiza tal-kampanja permissibbli bejn iż-żewġ distretti b'dak il-mod li l-kandidat jidhirlu xieraq:

Iżda wkoll fil-komputazzjoni tal-ispiza tal-kampanja kif intqal qabel, meta kandidat jitlob miżata għall-partecipazzjoni f'attivitajiet politiċi jew għal xi prodotti jew servizzi li jkunu disponibbli f'dawn l-attivitajiet l-ammont ta' dawk il-miżati mitluba u verifikati kif xieraq għandu jitnaqqas mill-ammont totali tal-ispiza ta' kampanja elettorali;

(2) Kull kandidat jew agent elettorali li xjentement jikser dan l-artikolu ikun ħati ta' Prattika illegali."

Emenda tal-artikolu 50 tal-Erbatax Skeda tal-Att dwar l-Elezzjonijiet Ġenerali. Kap. 354.

52. L-artikolu 50 tal-Ordinanza Elettorali dwar il-Votazzjoni, inkluża fil-Erbatax-il Skeda tal-Att dwar l-Elezzjonijiet Ġenerali, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu:

(i) minflok il-kliem "l-aġent elettorali ta' kull kandidat" għandhom jidhlu l-kliem "kull kandidat";

(ii) minflok il-kliem "rapport tal-ispejjeż elettorali ta' dik il-persuna" għandhom jidhlu l-kliem "rapport tal-ispejjeż elettorali tiegħu";

(iii) minflok il-kliem "iffirmat sew mill-kandidat kif ukoll mill-aġent elettoralali tiegħu" għandhom jidhlu l-kliem "iffirmat mill-kandidat";

(iv) il-kliem "minn rappreżentant maħtur għaldaqshekk." għandhom jiġu sostitwiti bil-kliem "minn rappreżentant maħtur għaldaqshekk." u minnufih wara għandu jiżdied dan il-proviso li ġej:

"Iżda fil-każ ta' kandidati li ġew eletti:

(i) il-limitu taż-żmien għat-trasmissjoni tal-prospett tal-ispejjeż elettoralali lill-kummissarji għandu jkun ta' għaxart ijiem mid-data meta l-kandidat ġie dikjarat elett irrispettivament mid-data tal-pubblikazzjoni tar-riżultat uffiċjali fil-Gazzetta;

(ii) il-kummissarji għandhom, minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att jew ta' xi liġi oħra, jipproċedu biex jeżaminaw l-imsemmija prospetti u għandhom jikkonkludu l-eżami imsemmi fi żmien xahar minn meta jirċevuhom u d-dispożizzjonijiet tal-artikolu 52(3) għandhom japplikaw fir-rigward ta' dawn il-prospetti u ta' dawn il-kandidati eletti.";

(b) is-subartikolu (2) tiegħu minflok il-kliem "huwa jew l-aġent elettoralali tiegħu" għandhom jidhlu l-kliem "hu";

(ċ) fis-subartikolu (3) tiegħu l-kliem "u l-aġent elettoralali tiegħu" għandhom jithassru;

(d) fis-subartikolu (4) tiegħu l-kliem "jew agent elettoralali" għandhom jithassru.

53. Minnufih wara s-subartikolu (2) tal-artikolu 52 tal-Ordinanza Elettorali dwar il-Votazzjoni, inkluża fil-Erbatax-il Skeda tal-Att dwar l-Elezzjonijiet Ġenerali, għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 52 tal-Erbatax Skeda tal-Att dwar l-Elezzjonijiet Ġenerali.
Kap. 354.

"(3) Minkejja iżda mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikoli (1) u (2) meta l-kummissarji, wara li jeżaminaw il-prospett tal-ispejjeż elettoralali ta' kandidat elett skont l-artikolu 50, jistabbilixxu li kandidat elett ikun ta *prima facie* informazzjoni falza fil-prospett tal-ispejjeż elettoralali jew li kandidat elett jkun nefaq spejjeż elettoralali b'ammont li jeċċedi l-ammont permissibbli bil-liġi, il-Kummissjoni Elettorali għandha minnufih tippreżenta rikors fil-Qorti Kostituzzjonali fejn titlob lill-Qorti sabiex tiddeċiedi l-

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kwistjoni dwar jekk il-post tal-imsemmi kandidat elett sarx vakanti skont il-paragrafu (ff) tas-subartikolu (1) tal-artikolu 55 tal-Kostituzzjoni. Il-Qorti Kostituzzjonali għandha tisma' u tiddeċiedi każ bħal dan b'urgenza."

Emenda tar-regolament 2 tar-Regolamenti dwar l-Ogħla Infiq għall-Elezzjonijiet għall-Parlament Ewropew. L.S. 467.01.

54. Id-dispożizzjonijiet tar-Regolamenti dwar l-Ogħla Infiq għall-Elezzjonijiet għall-Parlament Ewropew għandhom, minkejja d-disposizzjonijiet ta' kull liġi oħra, jiġu emendati kif ġej bis-saħħa ta' dan l-Att:

minflok il-kliem "tmintax-il elf, sitt mija erbgħa u tletin euro, disgħa u disgħin ċenteżmu (€18,634.99)." fir-regolament 2 tar-Regolamenti dwar l-Ogħla Infiq għall-Elezzjonijiet għall-Parlament Ewropew għandhom jidhlu l-kliem "hamsin elf euro (€50,000)": u minnufih wara għandu jizdied il-proviso li ġej:

"Izda wkoll fil-komputazzjoni tal-ispiza tal-kampanja kif intqal qabel, meta kandidat jitlob miżata għall-partecipazzjoni f'attivitajiet politiċi jew għal xi prodotti jew servizzi li jkunu disponibbli f'dawn l-attivitajiet l-ammont ta' dawk il-miżati mitluba u verifikati kif xieraq għandu jitnaqqas mill-ammont totali tal-ispiza ta' kampanja elettoralali."

Emenda għar-regolament 97 tat-Tielet Skeda li tinsab mal-Att dwar il-Kunsilli Lokali. Kap. 363.

55. Ir-regolament 97 (1) tat-Tielet Skeda li tinsab mal-Att tal-dwar Kunsill Lokali għandu jiġi sostitwit b'dan li ġej:

"(1) Bla ħsara għal dik l-eċċezzjoni li tista' tkun permessa skont dawn ir-regolamenti, l-ebda somma ma għandha titħallas u l-ebda spiza ma għandha tintnefaq minn kandidat f'elezzjoni, kemm qabel, matul, jew wara elezzjoni, minħabba fi jew fir-rigward ta', it-tmexxija jew l-imanniggar ta' elezzjoni bħal din, ta' aktar minn ħamest elef euro (€5,000):

Izda wkoll fil-komputazzjoni tal-ispiza tal-kampanja kif intqal qabel, meta kandidat jitlob miżata għall-partecipazzjoni f'attivitajiet politiċi jew għal xi prodotti jew servizzi li jkunu disponibbli f'dawn l-attivitajiet l-ammont ta' dawk il-miżati mitluba u verifikati kif xieraq għandu jitnaqqas mill-ammont totali tal-ispiza ta' kampanja elettoralali."

SKEDA
(Artikolu 46)

Formola tal-Ġurament tal-Kariga li għandu jittiehed minn
awdituri li jassistu lill-Kummissjoni għall-finijiet ta' dan l-Att

Jiena,, nahlef/niddikjara li naqdi fedelment id-dmirijiet tiegħi bħala awditur li jassisti lill-Kummissjoni Elettorali fl-eżekuzzjoni tal-funzjonijiet tagħha taht l-Att dwar il-Finanzjament ta' Partiti Poliċi skont il-liġi u b'imparzjalità u li jien mhinix se niżvela lil xi parti terza xi informazzjoni li nsir naf biha fil-qadi ta' dmirijiet ħlief kif obligat jew awtorizzat bil-liġi jew kif mehtieġ għall-esekuzzjoni tad-dmirijiet tiegħi. *(Hekk Alla jghini.)*

Għanijiet u Raġunijiet

L-għanijiet ta' dan l-Abbozz huma biex jirregolaw il-mod kif partiti poliċi jiġu ffurmati, il-mod kif jaħdmu u jiġu ffinanzjati u l-mod kif jipparteċipaw fl-elezzjonijiet. L-Abbozz jintroduċi wkoll obbligi u limiti speċifiċi rigward il-finanzjament tal-partiti poliċi, dan iżid l-infiq permissibbli fuq kampanji elettorali tal-kandidati, jimponi kontrolli aktar stretti fuq dan l-infiq u jintroduċi sanzjonijiet aktar effettivi kontra infiq żejjed.

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**A BILL
entitled**

AN ACT to regulate the formation, the inner structures, functioning and financing, of political parties and their participation in elections.

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 and commencement.

1. The short title of this Act is the Financing of Political Parties Act, 2014.

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

**PART I
General**

Interpretation.

2. In this Act, unless the context otherwise requires -

Cap. 281.

"auditor" shall have the same meaning assigned to it in article 2 of the Accountancy Profession Act;

Cap. 354.

Cap. 363.

S.L. 467.01.

"campaign expenditure" means expenses incurred within the parameters of article 46(1) of the Fourteenth Schedule of the General Elections Act, article 97 of the Third Schedule to the Local Councils Act and regulation 2 of the European Parliament Elections (Maximum Expenses) Regulations:

Provided that in the computation of campaign expenditure, where a political party or candidate charges a fee for participation in political activities or for any goods or services made available at such activities the amount of any such fees charged and properly accounted

for shall be deducted from the total amount of campaign expenditure;

"candidate" means a person nominated for election to the House of Representatives, a local council or to the European Parliament, whether such person is standing as a member of a political party or not;

"Commission" means the Electoral Commission established in accordance with article 60 of the Constitution;

"donation" means any benefit received in furtherance of the activities or functions of a political party, by or on behalf of a political party, by a member of a political party, a candidate or by any organisation, whether corporate or otherwise, in which the political party, directly or indirectly exercises effective management and control and shall include, unless otherwise provided:

- (a) any gift of money or other property;
- (b) any sponsorship;
- (c) any money spent by a donor or donors, as the case may be, in paying any expenses incurred directly or indirectly, by or on behalf of a political party, a member of a political party or candidate;
- (d) any loan given on terms more favourable than ordinary commercial terms prevalent at the time when the loan was made;
- (e) the cost price to the provider of property or services given otherwise than on commercial terms or below the market value;

Provided that property of whatever nature devolving to a political party *causa mortis* and voluntary and unpaid work whether manual, clerical or professional of any kind done for the benefit of a political party by its own members or by persons involved in the political party's activities or campaigns, shall not be considered as a donation for the purposes of this definition;

"election" means:

- (a) a general election for members of the House of Representatives held in accordance with articles 52 and 56 of the Constitution of Malta; or

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Cap. 363. (b) an election held in accordance with the Local Councils Act; or

Cap. 467. (c) an election held in accordance with the European Parliament Elections Act;

Cap. 467. "European Parliament election period" means a period of six weeks before the date fixed for the European Parliament elections in accordance with article 5 of the European Parliament Elections Act;

"financial year" means a period of twelve months with fixed dates for their beginning and their completion;

"general election period" means the period:

(a) beginning with the date on which the President of the Malta dissolves Parliament, by Proclamation; and

(b) ending with the date of the result of the poll;

Cap. 363. "local council election period" means a period of six weeks before the date fixed in article 8(6) of the Local Councils Act;

"member of a political party" means a person who is a registered member of a political party in accordance with the requirements and formalities as provided in the statute of the political party;

"Minister" means the Minister responsible for Justice;

"nomination paper" means the application by a political party, a member of a political party or candidate, for names to be inserted in the election lists; and

"political party" means a free association of persons, the aims of which include the participation in the formation of the political will of the people by securing the election of one or more of its members to the House of Representatives, the European Parliament or Local Council, and ensuring a continuing active relationship between the people and the state institutions.

Constitutional status and functions of political parties.

3. There may be formed political parties in order to attain free democratic order in the formation of the people's political will, and the State shall, as a matter of public interest, favour the formation and operation of such political parties:

Provided that such formation and operation of political parties shall be within the parameters established by law.

Legality.

4. Political parties shall have a legitimate aim and shall

conform to the Constitution and the laws of the State:

Provided that political parties may lawfully have, as their aim, amendments to the Constitution and to the laws of Malta:

Provided further that all amendments shall be brought about by legal means.

5. Political parties shall receive equal treatment without prejudice to any law or regulation based on their consistency with regard to representation in the electoral process. Equal treatment.

6. (1) No person shall be forced to join or belong to a political party against his will. Maltese citizens' right to associate.

(2) No person shall be debarred from membership of a political party on the basis of gender, race, financial status, sexual orientation or class.

(3) No person shall be discriminated against on the ground that the said person is a member of a political party:

Provided that the provisions of this sub-article shall not apply to persons, who by reason of their employment, are under a duty of discretion in political matters or who hold offices which are incompatible with the exercise of political activity, so long as such restrictions are necessary in a democratic society.

7. (1) Political parties shall decide freely on the admission of members in accordance with the relevant provisions of their statutes and the political party shall not be required to give reasons for any refusal of an application for membership. Members' rights.

(2) Any person who has been disqualified from the right to stand for election or the right to vote shall not be a member of a political party.

(3) A member of a political party shall, at any times, be entitled to withdraw his membership from that political party and such withdrawal shall have an immediate effect.

(4) The exercise of voting rights within the party structures may be made conditional on members of the political party having paid their membership dues.

(5) No member of a political party may be compelled by any decision of the political party to act against the Constitution or the laws of Malta.

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Legal status.

8. (1) Political parties shall enjoy a legal personality and the right to sue and be sued. Political parties shall also have all the rights of free expression which are competent to individuals according to the Constitution.

(2) Political parties shall have a written statute and the statute shall contain provisions on:

(a) the political party's name and any short form used, its registered seat and its objectives;

(b) members joining and leaving the political party;

(c) the rights and duties of its members;

(d) permissible sanctions against members, and their exclusion from the political party;

(e) the political party's general structure including the form and substance of a financial regulation complying with relevant provisions of this Act;

(f) the composition and powers of the Executive Committee and other bodies;

(g) any matter exclusively subject to decision-making by the assemblies of members of delegates as provided in the relevant provisions of this Act;

(h) the reasons, the form and time limit for convening members' and delegates' assemblies, and official recording of the resolutions passed; and

(i) other matters relating to officials and members of political parties and requisites for registration in accordance with articles 15 and 16.

(3) The statute of political parties shall also be so structured as to ensure that:

(a) the leader and officials of political parties, within the political party are elected by the free and equal vote of the members, directly or through democratically elected representatives; and

(b) the political party policies are adopted or revised through the vote of the majority of the members, either directly or through democratically elected organs.

(4) Political parties shall also enter their statute and any amendments thereto in the Acts of a Notary Public.

(5) Political parties shall publish the names of their elected officials in at least two daily newspapers.

9. Limitations on the activity of political parties shall only be justified by the need of ensuring public order and curbing violence and such limitations shall be proportionate to the declared aim. Commitment to non-violence.

10. Political parties shall ensure that the principles of natural justice are adhered to in any internal disciplinary procedures taken with regard to their members. Political party discipline.

11. (1) Political parties may be dissolved by a decision, democratically adopted, carrying a two-thirds majority of the members of the political party. Dissolution of political parties.

(2) Political parties may also be dissolved by a decision of the First Hall, Civil Court, upon application filed by any registered voter and only when it is ascertained that the political party persistently and as one of its main purposes propagates xenophobia, homophobia or racism and where it is provided that, all the circumstances having been taken into consideration, such a measure is necessary in a democratic society.

(3) On dissolution, the assets of the political party shall be disposed of:

- (a) according to a specific disposition of its statute; or
- (b) according to a decision by simple majority of the members of the political party:

Provided that when the dissolution of the political party is decided upon by the Court, the assets of that political party shall be distributed according to the decision of the Court which ordered dissolution:

Provided further that, in the case of dissolution by a decision in accordance with sub-article (1), any member of the political party may contest such disposition, if made to defraud the minority or any member of the political party, by application to the First Hall, Civil Court.

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PART II Registration

Political parties' register.

12. There shall be a register of political parties to be maintained by the Commission in such form as the Commission may determine.

Nominations for elections.

13. (1) A nomination in relation to an election may only be made:

(a) in the name of a registered political party; or

(b) by an independent person who does not purport to represent any political party:

Provided that only registered political parties may nominate candidates for election under that political party's name:

Provided further that no independent candidate may make use of the name of a political party.

(2) For the purpose of sub-article (1) a person does not purport to represent any political party if either:

(a) the description of the candidate given in his nomination paper, is "independent"; or

(b) no description of the candidate is given in his nomination paper.

(3) For the purposes of this Act a person stands for election in the name of a registered political party if his nomination paper includes a description authorised by a certificate issued by or on behalf of the registered nominating officer of the political party.

Officials of political parties.

14. (1) Without prejudice to article 8, a political party shall not be registered in the register for political parties unless it has, in its statute, provision for the election of:

(a) the political party's leader or leaders by whatever name or designation the leader or leaders are referred to;

(b) a political party's official in charge of electoral nominations hereinafter referred to as the "nominating officer"; and

(c) a political party's treasurer by whatever name the person performing the functions of treasurer is referred to:

Provided that the political party may also establish the post of any other political party official or officials to be elected in accordance with the provisions of this Act.

(2) The person or persons registered as the political party's leaders shall be the overall leader of the party.

(3) The nominating officer shall be responsible for:

(a) the submission, by representatives of the political party, of the list of candidates for the particular election; and

(b) the approval of descriptions and emblems used on nomination and ballot papers at elections.

(4) It shall be the duty of the political party's treasurer to:

(a) manage the political party's finances;

(b) prepare the political party's annual accounts for audit and present them for the political party's approval at the annual general meeting of an appropriate party organ;

(c) ensure the political party's compliance with the relevant provisions of the accounting requirements and control of donations, and any other relevant financial transactions; and

(d) perform any other function in relation to the finances and financial reporting of the political party.

(5) The treasurer of the political party may appoint one or more assistant treasurers to perform any duties as provided in this Act:

Provided that the treasurer shall retain full responsibility for the work of the said assistants.

15. (1) An application to the Commission for registration of a political party shall include: Requisites for registration.

(a) a declaration that it intends to present candidates for elections;

(b) a declaration by the political party indicating the political party's officials required in accordance with article 14;

(c) a general outline plan of how the political party intends to comply with the financial and reporting requirements in accordance with the relevant provisions of this Act; and

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(d) the political party's name and registered address:

Provided that when the registered political party changes the location of its head office or changes its postal address, it shall, within fourteen days of such change, send notice thereof to the Commission.

(2) The general outline plan referred to in sub-article (1)(c) shall in every case include such other information as may be prescribed by regulations made by the Minister.

(3) Where a draft plan is submitted by a political party for the Commission's approval, the Commission may either:

(a) approve the plan; or

(b) give the political party a notice requesting it to submit a revised plan to it, as the Commission may deem fit.

(4) If, under sub-article (3), the Commission requests a political party to submit a revised plan, the Commission may specify:

(a) any matters which it considers should be dealt with in the revised plan; and, or

(b) any modifications which it considers should be incorporated therein.

Description.

16. (1) A political party's application for the purposes of registration may include a request for the registration of descriptions to be used on nomination or ballot paper.

(2) The Commission shall register the description supplied unless in its opinion the description is:

(a) the same as a registered description of another political party, member of a political party or candidate which has been registered before;

(b) likely to be confused by voters with a registered description of a political party, member of a political party or candidate which has been registered before;

(c) obscene or offensive;

(d) of such a character that its publication would be likely to amount to the commission of an offence.

Emblems.

17. (1) A political party's application for the purposes of

registration may also include a request for the registration of the political party's emblem to be used by the political party on ballot papers.

(2) Where a request is made by a political party under this article in relation to an emblem, the Commission shall register the emblem as an emblem of the political party unless in its opinion the emblem is:

(a) the same as an already registered emblem of another political party;

(b) likely to be confused by voters with a registered emblem of a political party which is already registered;

(c) obscene or offensive;

(d) of such a character that its publication would be likely to amount to the commission of an offence; and, or

(e) would be likely, were it to appear on a ballot paper issued at an election:

(i) to result in an elector being misled as to the effect of his vote, or

(ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere.

(3) Where the Commission refuses a request made by a political party under this article in relation to an emblem, it shall notify in writing the political party of its reasons for refusing the request.

(4) Political parties that feel aggrieved by the refusal or acceptance of an emblem, may by application, contest the decision by sworn application filed before the First Hall, Civil Court.

18. A political party may apply to the Commission to have its entry in the register amended. Such amendments may include: Changes to the register.

(a) changing its registered name;

(b) the insertion, alteration, substitution or removal of a description;

(c) the insertion, substitution or removal of an emblem;

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and, or

(d) the insertion of any other information as may be prescribed by regulations made by the Minister, since:

(i) the time when the political party applied for registration, or

(ii) if a notification has been previously given for the confirmation of registered particulars in relation to the political party, the time when the last notification was given.

Appeal from refusal.

19. Where the Commission refuses an application or part thereof by a political party under any of the preceding articles it shall notify the political party of its reasons for refusing the application or part thereof and if the political party feels aggrieved by such refusal, the political party may contest against such refusal by sworn application filed in the First Hall, Civil Court:

Provided that the political party may also re-submit a modified application.

Notification of changes in the political party's entry in the register.

20. (1) If at any time any particulars in a political party's entry in the register which relate to any relevant matter cease to be accurate, the person responsible for registering the political party shall notify the Commission in writing of such inaccuracy and such notification shall also specify the accurate particulars in respect of that matter.

(2) Where the Commission receives a notification under this article, it shall cause any change required as a consequence of the notification to be made in the political party's entry in the register, as soon as is reasonably practicable.

Political party ceasing to be registered.

21. Once a political party is registered, its entry may only be removed from the register if -

(a) the political party applies to have its entry removed from the register;

(b) the application includes a declaration on behalf of the political party that it does not intend to have any candidates at any relevant election; or

(c) the political party shall not have nominated any candidates for two consecutive general elections, local council elections or European Parliament elections; or

(d) in any case where there is dissolution of a political party in accordance with article 11,

and in such case, the Commission shall remove the political party's entry from the register.

22. Political parties which are in existence at the time of the coming into force of this article shall have a period of three months from the said coming into force to comply with the requirements set out in this Part of this Act. Time limit for compliance.

PART III **Accounting requirements**

23. (1) Political parties shall give account to the Commission in respect of the acquisition and disposal of funds. The Commission may make inquiries, on its own initiative, concerning the acquisition and the disposal of such funds. Principle of transparency.

(2) Political parties which are found by the Commission to have infringed any of the provisions of this Act shall be subject to sanction:

(a) by mere exposure and adverse comment being made public; and, or

(b) by the infliction of administrative fines.

24. (1) The treasurer of a political party shall ensure that the accounting records are kept, with respect to the political party, in accordance with generally accepted accounting standards and in such manner which is sufficient to show and explain the political party's transactions. Duty to keep accounting records.

(2) The accounting records shall be kept in such manner that they:

(a) disclose, at any time, and with reasonable accuracy, the financial position of the political party at that time; and

(b) enable the treasurer to ensure that any statement of accounts prepared by him for the purposes of the annual statements of accounts comply with generally accepted accounting standards and with the relevant provisions of this Act.

(3) The accounting records must in particular contain:

(a) sufficient details to be able to identify all sources of

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income received and all disbursements made by the political party, and the matters in respect of which such receipts and expenditure takes place;

(b) a record of the assets and liabilities of the political party; and

(c) the details of entities including commercial enterprises which are related directly or indirectly to a political party or are otherwise under its effective management or control.

Annual
statements of
accounts.

25. (1) The treasurer of a political party shall prepare an annual statement of accounts, in respect of each financial year, of that political party, which statement must include:

(a) a statement of income and expenditure;

(b) the statement of the financial position as at the end of the financial year;

(c) the statement of cash flows; and

(d) all supplementary notes and schedules related to paragraphs (a), (b) and (c):

Provided that for the purposes of this sub-article "financial year" means such a consecutive period of twelve months starting from the date chosen by the political party for the start of its financial year.

(2) The statement of accounts under this article shall also comply with such requirements as to its form and contents as may be prescribed by regulations made by the Minister, as advised by the Commission.

(3) Any member of the political party, candidate, central or local party official shall provide the relevant information in accordance with the relevant provisions in this Act to the political party's treasurer, within a reasonable time, and in default he shall be guilty of an administrative offence punishable by the Commission with an administrative fine in an amount of between one hundred euro (€100) and two thousand euro (€2000):

Provided that if any member of a political party, candidate, central or local party official provides any false information, he shall be liable to the punishments provided for false declarations, in accordance with article 188(2) of the Criminal Code.

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26. (1) The treasurer of a political party shall ensure that any accounting records and, or statement of accounts prepared for the purposes of this Part in respect of the political party are preserved for at least ten years from the end of the financial year to which the statement relates.

Duty to preserve accounting records.

(2) Where a political party is dissolved within the mentioned period of ten years, the obligation to ensure that the accounting records and, or statement of accounts prepared for the purposes of this Part, shall continue to be discharged by the last treasurer of the political party, unless the Commission gives its authorisation for the records to be destroyed, or for the records to be otherwise disposed of, subject to any conditions that it may deem necessary to impose.

27. (1) The accounts of a political party shall be kept in such form as may, from time to time, be provided in regulations made under this Act, and shall each year be audited by an auditor.

Annual audits.

(2) Upon failure to submit audited accounts in accordance with the provisions of sub-article (1), the Commission may establish a further period of time for the submission and in default appoint an auditor of its choice to audit the political party's accounts.

(3) The expenses of any audit carried out by an auditor appointed by the Commission, including the auditor's remuneration, shall be recovered by the Commission, as a civil debt, from the funds of the political party concerned.

28. (1) An auditor appointed to carry out an audit for the purposes of annual audits:

Supplementary provisions regarding auditors.

(a) shall have a right of access at all reasonable times to the political party's books, documents and other records; and

(b) shall be entitled to require from the treasurer, any former treasurer and from any other political party official as the auditor deems fit, such information and explanations as he thinks necessary for the performance of his duty as auditor.

(2) If any person fails to provide an auditor with any access, information or explanation to which the auditor is entitled by virtue of sub-article (1), the Commission shall give that person such written directions as it considers appropriate for securing that the default is made good.

(3) A person guilty of lack of compliance to any directions of the Commission under sub-article (2) shall be guilty of an offence under this Act and shall be liable to an administrative fine of between

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one thousand euro (€1,000) and ten thousand euro (€10,000) and to suspension from holding an office in a political party for a period of not more than three months by way of administrative sanction.

(4) Any person who knowingly or negligently makes a representation, whether written or oral, to an auditor appointed to carry out an audit for the purposes of annual audits, which conveys any information or explanation which is materially misleading, false or deceptive and to which the auditor is entitled by virtue of sub-article (1), shall be guilty of an offence and shall be liable to an administrative fine of between one thousand euro (€1,000) and ten thousand euro (€10,000) and to suspension from holding an office in a political party for a period of not more than three months by way of administrative sanction.

Delivery of statements of accounts and other relevant documents to the Commission.

29. (1) The treasurer of a political party shall, within four months of the end of that financial year, deliver to the Commission the audited accounts prepared for that financial year for the purposes of annual statements of accounts which shall also include accounts related to election campaigns.

(2) When a political party's accounts for a financial year are required to be audited for annual audit purposes by a directive of the Commission, the treasurer of the political party shall, by not later than seven days after the end of the period allowed for the audit of the accounts, deliver to the Commission:

- (a) the documents mentioned in sub-article (1); and
- (b) a copy of the auditor's report.

(3) When the Commission considers that there exist special reasons for doing so, which reasons shall be listed in the notice hereunder referred to, it may, on an application made to it before the end of the period otherwise allowed under this article for delivering a political party's documents according to sub-articles (1) or (2) for any financial year, by notice, extend that period for a further period specified in the notice.

(4) Any documents delivered to the Commission under this article shall be kept by the Commission for such further period as it may deem fit.

Public inspection of political parties' statements of accounts.

30. Where the Commission receives any audited accounts, as a result of the obligation of delivery of statements of accounts to it, it shall, within one month after receiving the statement, make a copy of the statement available for public inspection and keep it available for public inspection for the period for which the statement is kept by it.

31. (1) If in the case of a political party -

Penalty for failure to submit proper statement of accounts.

(a) any requirements of regulations as to the form and contents of a statement of accounts are, without reasonable cause, not complied with in relation to any statement of accounts delivered to the Commission by way of a legal obligation; or

(b) any statement of accounts, notification or auditor's report required to be delivered to the Commission under this Part is, without reasonable cause, not delivered to it before the end of the relevant period,

the political party shall be liable to an administrative fine of not more than ten thousand euro (€10,000).

(2) For the purposes of sub-article (1) "relevant period" means the period allowed by law for delivering the statement, notification or report to the Commission or, if that period has been extended, or further extended, according to law, that period as so extended.

32. Any person who knowingly or negligently makes a statement to the Commission on behalf of a political party, member of a political party or candidate for any purpose of this Act, which statement is false in any material particular in which it is made, or purports to be made, shall be liable to an administrative fine not exceeding ten thousand euro (€10,000) and to suspension from holding office in a political party for a period not exceeding three months by way of administrative sanction.

False statements.

33. (1) If it appears to the treasurer of a political party that any statement of accounts for any financial year of the political party has not complied with any requirements of regulations relating to the delivery of prescribed documents, he may prepare a revised statement of accounts.

Revision of defective statements of accounts.

(2) Where the audited accounts have already been delivered to the Commission, the revisions shall be confined to:

(a) the correction of those parts in which the accounts do not comply with the prescribed requirements; and

(b) the making of any necessary consequential alterations.

(3) If it appears to the Commission that there is, or may be, a question whether any audited accounts delivered to it according to law complies with the prescribed requirements, it may give notice to

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the treasurer of the political party in question indicating where it appears to it that such a question arises or may arise.

(4) The notice shall specify a period of not less than one month for the treasurer to give the Commission an explanation of the statement of accounts or prepare a revised statement.

(5) If at the end of the specified period, or such longer period as the Commission may allow, it appears to the Commission -

(a) that no satisfactory explanation of the statement of accounts has been given; and

(b) that the statement has not been revised so as to comply with the prescribed requirements,

it may make an application to the First Hall, Civil Court, in accordance with sub-article (6).

(6) The Commission may make an application to the First Hall, Civil Court:

(a) for a declaration that the statement of accounts does not comply with the prescribed requirements; and

(b) for an order requiring the treasurer of the political party to prepare a revised statement of accounts.

(7) If the First Hall, Civil Court, orders the preparation of revised accounts, it may:

(a) give such direction as it thinks fit; and, or

(b) order that all or part of the costs of, and incidental to, the application are to be borne by the treasurer of the political party or by his assistants.

(8) When the Court makes an order under sub-article (7)(b) it shall have regard to whether the officer or officers mentioned in that sub-article knew or ought to have known that the statement did not comply with the prescribed requirements, and it may:

(a) order the payment of different amounts by different officers;

(b) exclude one of the officers from the order; or

(c) exclude all officers from the order and instead order

the payment of all the costs, or expenses, mentioned in that sub-article out of the funds of the political party.

(9) The Minister may by regulations make provision with respect to the application of the provisions of this Act in relation to the preparation and auditing of revised statements of accounts, and their delivery to the Commission, and may in particular make provision for any matter for which provision may be made by regulations with respect to:

(a) the appointment of auditors to carry out audits under this article;

(b) the duties of auditors so appointed;

(c) the removal or resignation of such auditors and matters connected with their removal or resignation; and

(d) the non-applicability, to such extent or in such circumstances, or both, as regulations under this sub-article may specify, of any of the provisions with regard to administrative fines and sanctions for failure to submit proper statement of accounts.

(10) The provisions of this Act regarding the public inspection of political parties' statements of accounts shall apply in relation to any revised statement of accounts received by the Commission in accordance with regulations made under sub-article (9) as applied in relation to any statement of accounts received by it according to law.

(11) The provisions of this article apply equally to statements of accounts that have already been revised, in which case the references to revised statements of accounts shall be read as references to further revised statements.

PART IV

Control of donations to registered parties

34. Political parties shall be entitled to accept donations, which shall include contributions made by the members themselves. Funding of political parties.

35. Political parties shall not receive donations: Non-permissible donations.

(a) which are evidently made in the expectation of, or in return for, some specific financial or political advantage; and, or

(b) from any public corporation or any parastatal body, company, or entity in which the State has a controlling interest:

Provided that political parties shall be permitted to receive services from State sources only under a special law which shall regulate:

(i) assistance in kind (such as air-time, access to means of communication and related matters);

(ii) the proportions on the basis of which such assistance is to be provided to different political parties, and

(iii) the timing of the assistance given before elections, after elections, during the European Parliament election period, the Local Council election period, the general election period and during referendum campaigns;

(c) given anonymously when the amount of the donation exceeds the amount of fifty euro (€50) from the same source;

(d) given confidentially and subject to the condition that the source shall not be revealed to third parties although the source of the donation is known to the political party in an amount exceeding five hundred euro (€500) from the same source in any year;

(e) in excess of forty thousand euro (€40,000) during one calendar year from the same source:

Provided that for the purposes of this paragraph companies forming part of the same group of companies or which directly or indirectly are controlled by each other or by the same person or group of persons, shall be considered as a single source

(f) consisting of a loan on more favourable terms than ordinary commercial terms at the time when the loan was made, where the interest in respect of a period of twelve months which would have been payable by the political party had the loan been taken on ordinary commercial terms would have exceeded the interest actually owed for the same period by the political party to the person making the loan by an amount in excess of forty thousand euro (€40,000).

Value of donation.

36. (1) The value of any donation in the form of a gift to the political party, other than money, shall be taken to be the cost price to the donor of the gift or property in question.

(2) Where, however, any gift to the political party, is such that:

(a) any money or other property is transferred to the political party, pursuant to any transaction or arrangement involving the provision by or on behalf of the political party, of any property, services or facilities or other consideration of monetary value; and

(b) the total value in monetary terms of the consideration so provided by or on behalf of the political party, is less than the amount transferred to the political party or, as the case may be, the cost to the transferor of the property transferred, the value of the donation shall be taken to be the difference between:

(i) the amount of money or cost to the transferor of the property in question; and

(ii) the total value in monetary terms of the consideration provided by or on behalf of the political party.

(3) The value of any donation or services made by way of any sponsorship provided in relation to the political party shall be taken to be the amount of the money or, as the case may be, the cost to the donor of the property transferred as a donation; and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.

(4) The value of any donation consisting of the provision, otherwise than on commercial terms, of any property, services, loans or facilities for the use or benefit of the political party, shall be taken to be the amount representing the difference between:

(a) the total value in monetary terms of the cost to the donor in respect of the provision of the property, services or facilities; and

(b) the total value in monetary terms of the consideration, if any, actually so provided by or on behalf of the political party.

37. (1) For the purposes of this Act sponsorship shall be deemed to be made, in relation to a political party where: Sponsorship.

(a) any money or property is transferred to the political party; and

(b) the purpose or one of the purposes of the transfer is or may be, having regard to all the circumstances, reasonably be

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assumed to be:

(i) to help the political party meet, to any extent, any expenses incurred or to be incurred by or on behalf of the political party; or

(ii) to secure that, to any extent, any such expense is not so incurred.

(2) For the purposes of sub-article (1) expenses may include, among others, expenses incurred or to be incurred in connection with:

(a) any conference, meeting or other event organised by or on behalf of the political party;

(b) the preparation, production or dissemination of any publication by or on behalf of the political party; or

(c) any study or research organised by or on behalf of the political party.

(3) The following shall not, however, constitute sponsorship by virtue of sub-article (1):

(a) the making of any payment in respect of:

(i) any charge for admission to any conference, meeting or other event; or

(ii) the purchase price of, or any other charge for access to, any publication;

(b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication; and, or

(c) the provision, on commercial terms, for any property, services or facilities for the use or benefit of the political party.

Recording of donations.

38. (1) Any donation exceeding the amount of five hundred euro (€500) but not exceeding the amount of seven thousand euro (€7,000) from the same source shall be recorded together with the amount of the donation, the donor's name and address, or company registration details, in the case when the donor is a registered company, the date on which the donation was received and the date

on which the donation was accepted and any other relevant details.

(2) Any donation which by itself does not exceed the amount of five hundred euro (€500) but which, when added to any other donations or benefits accruing to the political party from the same source within the same calendar year, exceeds the said amount shall be recorded at that point in which the said amount is reached.

(3) Whosoever maliciously, with intent to conceal the origin and amounts of donations, divides a donation into smaller amounts, or in order to circumvent the recording and reporting requirements provided for in this Act shall be guilty of an offence and shall be liable to an administrative fine not exceeding ten thousand euro (€10,000).

(4) The Commission shall, where it considers it necessary for the proper enforcement of the provisions of this Act and subject to its obligation to act in a proportionate manner, have the power to investigate and demand to be provided with all information as it may require from any political party, individual, legal person, body, including any financial institution and, or any telecommunication service provider, who may be in possession of such information to determine the source of any donation received by political party:

Provided that political parties shall not be under an obligation to reveal to the Commission the source of any donation of not more than five hundred euro (€500) made to them confidentially unless the Commission provides proof that there are reasonable grounds to believe that the amount actually donated confidentially in a period of one year from the same source exceeds the sum of five hundred euro (€500).

39. (1) The treasurer of a political party shall, each year, prepare a donation report showing the amount received by the political party by way of donation, in respect of each of the following periods -

Reports to be made by political parties, an official or member of a political party or candidate.

- (a) January to April;
- (b) May to August; and
- (c) September to December;

which shall be compiled in one report submitted annually to the Commission.

(2) The donation reports drawn up by the party treasurer for any year shall, in the case of each donor from whom any donation is

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accepted by the political party or anyone on its behalf during that year, comply with the relevant provisions of this Part so far as they require any such donation to be recorded in a donation report.

(3) A donation shall be reported with reference to its source:

(a) if it is a donation of more than seven thousand euro (€7,000); or

(b) if, when it is added to any other benefit or benefits, the aggregate amount exceeds seven thousand euro (€7,000), from the same source, in one calendar year.

(4) A donation to which sub-article (3) applies shall:

(a) in the case of a donation provided for in paragraph (a) thereof, be reported in the donation report for the reporting period in which it is accepted; or

(b) in the case of a donation provided for in paragraph (b) thereof, be reported in the donation report, together with any other relevant donation or donations included in the aggregate amount of seven thousand euro (€7,000) from the same source, in the donation report for the reporting period in which the benefit which causes that aggregate amount to be more than seven thousand euro (€7,000) accrues.

(5) A donation report shall also include every donation which has been refused in accordance with this Act, during the reporting period, and the report shall contain a statement to that effect, together with the manner on which the donation was made, the date on which the donation was received and the date in which the donation was returned and any relevant details.

Submission of
donation reports
to Commission.

40. (1) A donation report made in accordance with article 39 shall be delivered to the Commission by the treasurer of the political party within the period of thirty days beginning with the end of the annual reporting period to which it relates.

(2) Any person being a treasurer of a political party who, without reasonable excuse, fails to comply with the requirements of sub-article (1) shall be guilty of an offence and shall be liable to an administrative fine of not more than twenty thousand euro (€20,000).

(3) Any person, being a treasurer of a political party, who, without reasonable excuse, delivers a donation report to the Commission which is not in conformity with the requirements of article 39 shall be guilty of an offence and shall be liable to an

administrative fine of ten thousand euro (€10,000).

(4) Where the First Hall, Civil Court, is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to any donation to a political party was attributable to an intention on the part of any person to conceal the existence or true amount of the donation, the Court may order the forfeiture in favour of the government by the political party of an amount equal to the value of the donation.

41. (1) A donation report under article 39 shall, when delivered to the Commission, be accompanied by a declaration, made by the treasurer of the political party, which complies with sub-articles (2), (3) or (4).

Declaration by treasurer in donation report.

(2) In the case of a report made in accordance with the relevant provisions of this Act, other than one making a nil return, the declaration must state that, to the best of the treasurer's knowledge and belief:

(a) all the donations recorded in the donation report as having been accepted by the political party are from permissible donors; and

(b) during the reporting period:

(i) no other donations required to be recorded in the report have been accepted by the political party; and

(ii) no donation from any person or body other than a permissible donor has been accepted by the political party.

(3) In the case of a nil return, the treasurer shall file a declaration together with the report which shall state that, to the best of the treasurer's knowledge and belief, no donations have been received and accepted by the political party, during the reporting period and that such statement is accurate.

(4) Whosoever knowingly or negligently makes any inaccurate declaration under this article shall be liable to an administrative fine of ten thousand euro (€10,000).

42. (1) Where a donation exceeding five hundred euro (€500) is offered to a political party, a member of a political party or candidate, it shall be their duty to take all reasonable steps to carry out due diligence in order to verify:

Acceptance of donations.

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- (a) the identity of the donor; and
- (b) whether such donor is a permissible donor.

(2) If the donation is offered by a donor who is not a permissible donor or the donor has not been sufficiently identified, after reasonable steps have been taken in accordance with sub-article (1), the political party, the member of a political party or candidate, shall refuse such donation.

(3) In the case where a donation has been accepted by the political party, the member of a political party or candidate and the donee discovers that, notwithstanding that such reasonable steps have been taken in accordance with sub-article (1), the donor was not a permissible donor or that the identity was false, the donee shall within thirty (30) days return the donation to the donor or to the person purporting to be the donor or deposit the amount of the donation in Court.

(4) Whenever a political party, a member of a political party or a candidate, as the case may be, does not act in conformity with the provisions of sub-articles (1), (2) or (3), he shall be liable to an administrative fine of five thousand euro (€5,000).

Evasion of restrictions on donations.

43. Whosoever knowingly does any act in furtherance of any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of donations to a political party or candidate, by any person or body other than by a permissible donor, shall, without prejudice to any liability for the payment of an administrative fine under this Act, be guilty of an offence and shall be liable on conviction to the punishments provided for false declarations in accordance with article 188 of the Criminal Code:

Cap. 9.

Provided that where proceedings in respect of an administrative fine due in terms of this Act are commenced, no criminal proceedings shall be taken in respect of the same act.

Public inspection of donation reports.

44. The Commission shall keep a record of all donation reports received by the political parties in accordance with this Act and such reports shall be made accessible to the public within such time and in such format as the Minister may establish by regulations from time to time.

Power of the Minister to make regulations.

45. (1) The Minister may, after consultation with the Commission, make regulations for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may make provisions, not inconsistent

with the provisions of this Act:

(a) for prescribing any form or procedure for which no express procedure is contained in this Act, and for amending any forms that may be required under this Act;

(b) for providing for administrative fines and sanctions in respect of any breaches of the provisions of this Act or of regulations made thereunder;

(c) to provide for the procedure for the imposition of administrative fines and sanctions, for the procedure for the exercise of rights of appeal in respect of such fines and sanctions to the courts of civil jurisdiction and for the conditions under which such fines and sanctions shall become an executive title in terms of the provisions of the Code of Organization and Civil Procedure or of any other law in force from time to time: Cap. 12.

Provided that any administrative fines or other sanctions provided for in regulations made under this Act shall not amount to more than fifty thousand euro (€50,000) in respect of each offence, to more than five thousand euro (€5,000) for each day during which the offence continues or to the suspension of any official of a political party for a period of more than five years;

(d) to change, notwithstanding the provisions of this Act or of any other law, the maximum amount of permissible campaign expenditure by candidates in any general election, in any election of members of the European Parliament or in any local council election;

(e) to provide for the format in which campaign expenditure is to be accounted for, to provide for the forms to be used for such purpose and to issue guidelines to the Electoral Commission concerning the methodology to be used and the matters to be taken into consideration in the examination of returns of election expenses by candidates at any general election, an election of members of the European Parliament or a local council election.

(2) Political parties and other interested persons may contest the finding of any breach of the provisions of this Act and the infliction of administrative fines and sanctions by the Commission in the First Hall, Civil Court, by means of a sworn application filed within thirty (30) days from the imposition of such fine or sanction:

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Cap. 12. Provided that the provisions of the Code of Organization and Civil Procedure shall apply to such sworn application.

PART V
Performance of functions by the Commission.

Auditors to assist the Commission.

46. For the purpose of the execution of its functions under Parts III and IV, the Commission shall employ or contract one or more auditors who shall, on their appointment, take the oath of office set out in the Schedule.

PART VI
Miscellaneous

Amendment to article 55 of the Constitution.

47. Immediately after paragraph (f) of sub-article (1) of article 55 of the Constitution there shall be added the following new paragraph:

"(ff) if the Constitutional Court decides that an elected candidate has given information which is false in the return of election expenses or that an elected candidate has incurred election expenses in an amount exceeding the amount permissible by law;"

Amendment to article 63 of the Constitution.

48. Immediately after paragraph (c) of article 63 of the Constitution there shall be added the following new paragraph:

"(d) the seat of a Member of Parliament has become vacant in terms of paragraph (ff) of sub-article (1) of article 55,"

Amendment of article 2 of the General Elections Act. Cap. 354.

49. In article 2 of the General Elections Act, the definition of "political party" shall be substituted by the following:

" "political party" means a free association of persons, the aims of which include the participation in the formation of the political will of the people by securing the election of one or more of its members to the House of Representatives, the European Parliament or Local Council, and ensuring a continuing active relationship between the people and the state institutions;"

Amendment of Twelfth Schedule to the General Elections Act. Cap. 354.

50. In the Twelfth Schedule to the General Elections Act the words from "FORM OF DECLARATION BY AN ELECTION AGENT" to the words "Magistrate/Commissioner for Oaths" situated immediately above the words "FORM OF DECLARATION BY CANDIDATE" shall be deleted.

51. Article 46 of the Electoral (Polling) Ordinance included in the Fourteenth Schedule to the General Elections Act shall be substituted by the following new article:

Amendment of
Fourteenth
Schedule to the
General
Elections Act.
Cap. 354.

"46. (1) The maximum sum paid and, or expenses incurred by or on behalf of a candidate at an election of members of the House of Representatives, and, or by his election agent, whether before, during, or after an election on account of or in respect of the conduct of such election, shall not exceed the sum of twenty thousand euro (€20,000) from every electoral district:

Provided that a candidate contesting two electoral districts shall not be obliged to spend the total amount of permissible campaign expenditure as aforesaid, equally between the two districts but may apportion the said permissible campaign expenditure between the two districts in such a manner as the candidate deems fit:

Provided further that in the computation of campaign expenditure as aforesaid, where a candidate charges a fee for participation in political activities or for any goods or services made available at such activities the amount of any such fees charged and properly accounted for shall be deducted from the total amount of campaign expenditure.

(2) Any candidate or election agent who knowingly acts in contravention of this article shall be guilty of an illegal practice."

52. Article 50 of the Electoral Polling Ordinance, included in the Fourteenth Schedule to the General Elections Act, shall be amended as follows:

Amendment of
article 50 of the
Fourteenth
Schedule to the
General
Elections Act.
Cap. 354.

(a) in sub-article (1) thereof:

(i) for the words "the election agent of every candidate" there shall be substituted the words "every candidate";

(ii) for the words "a return of the election expenses of such person" there shall be substituted the words "a return of his election expenses";

(iii) for the words "signed both by the candidate and by his election agent" there shall be substituted the words "signed by the candidate";

(iv) the words "by a duly appointed representative." shall

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be substituted by the words "by a duly appointed representative." and immediately thereafter there shall be added the following proviso:

"Provided that in the case of candidates who have been elected:

(i) the time limit for the transmission of the return of election expenses to the commissioners shall be of ten days from the date when the candidate was declared elected irrespective of the date of publication of the official result in the Gazette;

(ii) the commissioners shall, notwithstanding the other provisions of this Act or of any other law, proceed and shall complete the said examination within one month from when they receive them and the provisions of article 52(3) shall apply in respect of such returns and of such elected candidates.";

(b) in sub-article (2) thereof for the words "he or his election agent" there shall be substituted the word "he";

(c) in sub-article (3) thereof the words "and his election agent" shall be deleted;

(d) in sub-article (4) thereof the words "or election agent" shall be deleted.

Amendment of
article 52 of the
Fourteenth
Schedule to the
General
Elections Act.
Cap. 354.

53. Immediately after sub-article (2) of article 52 of the Electoral Polling Ordinance, included in the Fourteenth Schedule to the General Elections Act there shall be added the following new sub-article:

"(3) Notwithstanding but without prejudice to the provisions of sub-articles (1) and (2) where the commissioners, after examining the return of the election expenses of an elected candidate in terms of article 50, determine that an elected candidate has *prima facie* given information which is false in the return of election expenses or that an elected candidate has incurred election expenses in an amount exceeding the amount permissible by law, the Electoral Commission shall forthwith file an application in the Constitutional Court asking that Court to determine the question as to whether the seat of the said elected candidate has become vacant in terms of paragraph (ff) of sub-article (1) of article 55 of the Constitution, The Constitutional Court shall hear and determine such case with urgency.".

54. The provisions of the European Parliament Elections (Maximum Expenses) Regulations shall, notwithstanding the provisions of any other law, be amended as follows by virtue of this Act:

Amendment of regulation 2 of the European Parliament Elections (Maximum Expenses) Regulations. S.L.467.01.

for the words "eighteen thousand, six hundred and thirty-four euro and ninety-nine cents (€18,634.99)." in regulation 2 of the European Parliament Elections (Maximum Expenses) Regulations there shall be substituted the words "fifty thousand euro (€50,000):" and immediately thereafter there shall be added the following proviso:

"Provided further that in the computation of campaign expenditure as aforesaid, where a candidate charges a fee for participation in political activities or for any goods or services made available at such activities the amount of any such fees charged and properly accounted for shall be deducted from the total amount of campaign expenditure."

55. Regulation 97(1) of the Third Schedule to the Local Council's Act shall be substituted by the following:

Amendment of regulation 97 of the Third Schedule to the Local Councils Act. Cap. 363.

"(1) Subject to such exception as may be allowed in pursuance of these regulations, no sum shall be paid and no expense shall be incurred by a candidate at an election, whether before, during, or after an election on account of or in respect of the conduct or management of such election in excess of five thousand euro (€5,000):

Provided further that in the computation of campaign expenditure as aforesaid, where a candidate charges a fee for participation in political activities or for any goods or services made available at such activities the amount of any such fees charged and properly accounted for shall be deducted from the total amount of campaign expenditure."

SCHEDULE
(Article 46)

Form of Oath of Office to be taken by auditors assisting the
Commission for the purposes of this Act

I,, do swear / affirm that I will faithfully perform my duties as auditor to assist the Electoral Commission in the execution of its functions under the Financing of Political Parties Act according to law and with impartiality and that I will not reveal to any third party any information which comes to my knowledge in the execution of my duties except as obliged or authorised by law or as required for the execution of my duties. *(So help me God.)*

Objects and Reasons

The objects of this Bill are to regulate the way that political parties are formed, the way they function and are financed and the way they participate in elections. The Bill also introduces specific obligations and limits with regard to the financing of political parties, it increases the permissible spending on candidates' electoral campaigns, imposes stricter controls on such spending and introduces more effective sanctions against overspending.

