

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,430, 26 ta' Mejju, 2015

Taqsim A

MALTA

ATT Nru. XIV tal-2015

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ACT No. XIV of 2015

AN ACT enacted by the Parliament of Malta.

**ATT biex jemenda l-Att dwar il-
Produzzjoni tal-*Petroleum*, Kap. 156.**

**AN ACT to amend the *Petroleum
(Production) Act*, Cap. 156.**

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

26 ta' Mejju, 2015

ATT Nru XIV tal-2015

ATT biex jemenda l-Att dwar il-Produzzjoni tal-Petroleum, Kap. 156.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 li jemenda l-Att dwar il-Produzzjoni tal-*Petroleum*, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Produzzjoni tal-*Petroleum*, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 156.

2. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "u t-thaffir għal pitrolju u t-teħid ta' dak il-pitrolju", għandhom jidhlu l-kliem "jew thaffir jew titqib għal jew estrazzjoni ta' tali *petroleum*"; u

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

"(2) Kull persuna li, mingħajr jew bi ksur ta' xi kondizzjoni ta' licenza mogħtija taħt dan l-Att, tfitteż jew tħaffer jew ittaqqab għal jew testratta *petroleum* fuq, taħt jew minn Malta tkun haġja, minħabba fir-raġuni li tkun għamlet dan u mingħajr preġudizzju għal prosekuzzjoni taħt xi dispożizzjoni oħra tal-liġi, ta' reat u tehel, meta tinsab haġja, multa ta' mhux anqas minn għaxart elef euro (€10,000) u mhux iżjed minn żewġ miljun euro (€2,000,000) jew priġunerija għal mhux iżjed minn ħames snin, jew dik il-multa u l-priġunerija flimkien:

Iżda meta l-att li jikkostitwixxi r-reat ikompli għal aktar minn għurnata waħda, il-Qorti tista' wkoll timponi multa ta' mhux aktar minn għaxart elef euro (€10,000) għal kull għurnata li fiha r-reat ikompli, liema multa għandha tkun applikata wkoll għall-finijiet tal-artikolu 377(3) tal-Kodiċi Kriminali:

Kap. 9.

Iżda wkoll il-*petroleum* kollu hekk estratt għandu jiġi kkonfiskat favur il-Gvern ta' Malta u ebda haġa f'dan l-Att, tkun kif tkun imfissra, ma għandha tintfiehemi li timponi xi piena fuq xi persuna meta waqt li tkun qed tħaffer legalment għall-ilma jew waqt xi xogħlijiet oħra li jkun skont il-liġi, joħroġ xi *petroleum*."

Emenda tal-artikolu 5 tal-Att prinċipali.

3. L-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

(a) l-artikolu preżenti għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) fis-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minflok il-kelma "tfitteż" għandha tidhol il-kelma "tiftix";

(ċ) fis-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minnufih wara l-kliem "tar-rizorsi tal-*petroleum* ta' Malta," għandhom jidiedu l-kliem "regolamenti li jnaqqsu kemm jista' jkun l-okkorrenza ta' inċidenti kbar relatati ma' operazzjonijiet taż-żejt u l-gass *offshore* u biex ikunu limitati l-konsegwenzi tagħhom matul din l-esplorazzjoni, tiftix u estrazzjoni,";

(d) minnufih wara l-paragrafu (e) tas-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minflok il-kliem minn "u jista'

jipprovdi biex jiġu stabbiliti" sal-kliem "għall-finijiet tal-artikolu 377(3) tal-Kodiċi Kriminali." għandu jidhol dan li ġej:

"u jista' jipprovdi biex jiġu stabbiliti pieni minimi u massimi, kemm jekk permezz ta' multa jew permezz ta' prigunerija, li għandhom jiġu applikati fir-rigward ta' kull nuqqas ta' osservanza ta' xi regolament magħmul taħt dan l-artikolu:

Iżda kull piena preskritta fir-regolamenti magħmula taħt dan l-artikolu m'għandhiex tkun anqas minn multa ta' għaxart elef euro (€10,000) u m'għandhiex tkun aktar minn multa ta' żewġ miljun euro (€2,000,000), jew prigunerija għal mhux aktar minn hames snin, jew dik il-multa u l-prigunerija flimkien, għal kull nuqqas ta' osservanza ta' dak ir-regolament:

Iżda wkoll meta l-att li jikkostitwixxi r-reat ikompli għal aktar minn ġurnata waħda, il-Qorti tista' wkoll timponi multa ta' mhux aktar minn għaxart elef euro (€10,000) għal kull ġurnata li fiha r-reat ikompli, liema multa għandha tkun applikata wkoll għall-finijiet tal-artikolu 377(3) tal-Kodiċi Kriminali:

Iżda wkoll il-Ministru jista' jistabbilixxi regolamenti differenti għal tipi differenti ta' licenzi u jipprovdi kundizzjonijiet li jorbtu d-detenturi tal-licenzi biex ikunu finanzjarjament responsabbli għal kull prevenzjoni u rimedju ta' kull ħsara, inkluż ħsara lill-ambjent, kawżata bl-esplorazzjoni, tiftix u estrazzjoni tal-*petroleum* f'Malta."; u

(e) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jizdied is-subartikolu ġdid li ġej:

"(2) Regolamenti, regoli u ordnijiet magħmula taħt kull dispożizzjoni ta' dan l-Att jistgħu jsiru bil-lingwa Ingliża biss."

A 606

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 266 tal-20 ta' Meju, 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skriivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

26th May, 2015

ACT No. XIV of 2015

AN ACT to amend the Petroleum (Production) Act, Cap. 156.

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

1. The short title of this Act is the Petroleum (Production) (Amendment) Act, 2015 and this Act shall be read and construed as one with the Petroleum (Production) Act, hereinafter referred to as "the principal Act".

Short title.
Cap. 156.

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

(a) in sub-article (1) thereof, for the words "and boring for and getting such petroleum", there shall be substituted the words "or drilling or boring for or extracting such petroleum"; and

Amendment of
article 3 of the
principal Act.

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

"(2) Any person who, without or in breach of any of the conditions of a licence granted under this Act, searches or drills or bores for or extracts petroleum on, under or from Malta shall be guilty, by reason merely of having done so and without prejudice to prosecution under any other provision of law, of an offence and shall be liable, on conviction to a fine (*multa*) of not less than ten thousand euro (€10,000) and not exceeding two million euro (€2,000,000) or imprisonment which shall not exceed a term of five years, or to both such fine and imprisonment:

Provided that where the act constituting the offence subsists for more than one day, the Court may in addition impose a fine (*multa*) not exceeding ten thousand euro (€10,000) for each day during which such act subsists which fine (*multa*) shall also be applicable for the purposes of article 377(3) of the Criminal Code:

Cap. 9.

Provided further that all petroleum so extracted shall be forfeited to the Government of Malta and that nothing in this Act, howsoever referred to, shall be construed as imposing any penalty on any person where in the course of lawful boring in search of water or of other lawful operations, petroleum is set free."

Amendment of article 5 of the principal Act.

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

(a) the present article shall be renumbered as sub-article (1) thereof;

(b) in the Maltese version of sub-article (1) thereof, as renumbered, for the word "tfittix" there shall be substituted the word "tiftix";

(c) in sub-article (1) thereof, as renumbered, immediately after the words "petroleum resources of Malta," there shall be added the words "regulations which reduce as far as possible the occurrence of major accidents relating to offshore oil and gas operations and to limit their consequences during such exploration, prospecting and mining,";

(d) immediately after paragraph (e) of sub-article (1)

thereof, as renumbered, for the words from "and may provide for establishing" to the words "for the purposes of article 377(3) of the Criminal Code.", there shall be substituted the following:

"and may provide for the minimum and maximum punishments, whether by way of fine (*multa*) or of imprisonment, to be applied in respect of any non-observance of any regulation made under this article:

Provided that any punishment prescribed in the regulations made under this article shall not be less than a fine (*multa*) of ten thousand euro (€10,000) and shall not exceed a fine (*multa*) of two million euro (€2,000,000), or imprisonment which shall not exceed a term of five years, or both such fine and imprisonment, in respect of any non-observance of any such regulation:

Provided further that where the act constituting the offence subsists for more than one day, the Court may in addition impose a fine (*multa*) not exceeding ten thousand euro (€10,000) for each day during which such act subsists which fine (*multa*) shall also be applicable for the purposes of article 377(3) of the Criminal Code:

Provided further that the Minister may establish different regulations for different kinds of licences and provide conditions that bind licensees to be financially liable for any prevention and remediation of any damage, including damage to the environment, cause of exploration, prospecting and extraction of petroleum in Malta."; and

(e) immediately after sub-article (1) thereof, as renumbered, there shall be added the following new sub-article:

"(2) Regulations, rules and orders made under any of the provisions of this Act may be made in the English language only."

A 610

Passed by the House of Representatives at Sitting No. 266 of the
20th May, 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

