Nagħti l-kunsens tiegħi.

(L.S.) GEORGE ABELA
President

25 ta' Marzu, 2014

ATT Nru. VI tal-2014

ATT biex jemenda l-Att dwar l-Affarijiet tal-Konsumatur, Kap. 378 u biex iħassar l-Att dwar Deskrizzjonijiet Kummerċjali, Kap. 313.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2014 li jemenda l-Att dwar l-Affarijiet tal-Konsumatur, u dan l-Att għandu jinqara u jiftiehem ħaġa waħda mal-Att dwar l-Affarijiet tal-Konsumatur, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor. u bidu fis-seħħ Kap. 378.

(2) Dan l-Att għandu jidħol fis-seħħ fid-data li l-Ministru responsabbli għall-affarijiet tal-konsumatur jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu stabbiliti għal dispożizzjonijiet differenti u għall-partijiet differenti tad-dispożizzjonijiet ta' dan l-Att.

2. L-artikolu 4(7)(d)(v) għandu jiġi emendat kif ġej: Emenda tal-artikolu 4 tal-Att prinċipali.

(a) fin-nota marġinali tiegħu l-kliem "Kap. 313" u "Kap. 317" għandhom jitħassru; u

(b) il-kliem "fl-Att dwar Deskrizzjonijiet Kummerċjali" u "fl-Att dwar Kuntratti fuq l-Għatba tal-Bieb," għandhom jitħassru.

Emenda tal-artikolu 12 tal-Att prinċipali.

3. Fl-artikolu 12(1) tal-Att prinċipali l-kliem "jew tad-dispożizzjonijiet tal-Att dwar il-Kuntratti fuq l-Għatba tal-Bieb," għandhom jitħassru.

Emenda tal-artikolu 51A tal-Att prinċipali.

4. Fl-artikolu 51A tal-Att prinċipali, minnufih qabel it-tifsira "kodiċi ta' kondotta" għandha tidħol it-tifsira ġdida li ġejja:

" "kummerċjant" tfisser kwalunkwe persuna fiżika jew ġuridika li, fi prattiċi kummerċjali koperti minn dan it-Titolu, taġixxi għal skopijiet marbuta mal-kummerċ, negozju, sengħa jew professjoni tagħha u kull min jaġixxi f'isem jew fl-interessi ta' kummerċjant;".

Emenda tal-artikolu 51D tal-Att prinċipali.

5. Fis-subartikolu (4) tal-artikolu 51D tal-Att prinċipali, minflok il-kliem "stabbiliti mill-liġi" għandhom jidħlu l-kliem "stabbiliti mil-liġi tal-Unjoni Ewropea".

Tħassir tal-artikoli 52A u 53 tal-Att prinċipali.

6. L-artikoli 52A u 53 tal-Att prinċipali għandhom jitħassru.

Emenda tal-artikolu 55 tal-Att prinċipali.

7. Fl-artikolu 55 tal-Att prinċipali, minflok il-kliem "fil-Kodiċi tal-Kummerċ u fl-Att dwar Deskrizzjonijiet Kummerċjali." għandhom jidħlu l-kliem "fil-Kodiċi tal-Kummerċ.".

Emenda tal-artikolu 107B tal-Att prinċipali.

8. Fl-artikolu 107B tal-Att prinċipali l-kliem "skema ta' *chain letter* skont l-artikolu 52A u" għandhom jitħassru.

Tħassir tat-Taqsima XII tal-Att prinċipali.

9. It-Taqsima XII tal-Att prinċipali għandha titħassar.

Emenda tal-Ewwel Skeda tal-Att prinċipali.

10. L-Ewwel Skeda tal-Att prinċipali għandha tiġi emendata kif ġej:

(a) fil-paragrafu 25 tagħha l-kliem "Dan huwa mingħajr preġudizzju għall-artikolu 5A tal-Att dwar Kuntratti fuq l-Għatba tal-Bieb (Kap. 317)." għandhom jitħassru;

(b) fil-paragrafu 26 tagħha l-kliem "għar-regolamenti 8 u 9 tar-Regolamenti dwar il-Bejgħ mill-Bogħod (L.S.378.08) u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data (Kap.440)" għandhom jiġu sostitwiti bil-kliem "għall-Att dwar il-Protezzjoni u l-Privatezza tad-Data (Kap. 440)".

Emenda tat-Tieni Skeda li tinsab mal-Att prinċipali.

11. Il-paragrafu 2 tat-Tieni Skeda li tinsab mal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fl-intestatura tiegħu, minflok il-kliem "l-artikoli 51F, 52A u 53" għandhom jidħlu l-kliem "l-artikolu 51F"; u

(b) minflok il-kliem "taħt l-artikoli 51F, 52A and 53" għandhom jidħlu l-kliem "taħt l-artikolu 51F".

12. (1) L-Att dwar Deskrizzjonijiet Kummerċjali huwa b'dan imħassar.

Tħassir konsegwenzjali tal-Att dwar Deskrizzjonijiet Kummerċjali. Kap. 313.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), l-Att dwar Deskrizzjonijiet Kummerċjali għandu jibqa' fis-seħħ għall-finijiet ta' kull proċedura li ġiet meħuda fir-rigward ta' ksur tal-imsemmi Att fil-perjodu qabel id-dħul fis-seħħ ta' dan l-artikolu.

13. (1) L-Att dwar Kuntratti fuq l-Għatba tal-Bieb huwa b'dan imħassar.

Tħassir konsegwenzjali tal-Att dwar Kuntratti fuq l-Għatba tal-Bieb. Kap. 317.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), l-Att dwar Kuntratti fuq l-Għatba tal-Bieb għandu jibqa' fis-seħħ għall-finijiet ta' kull proċedura li ġiet meħuda fir-rigward ta' ksur tal-imsemmi Att fil-perjodu qabel id-dħul fis-seħħ ta' dan l-artikolu.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 130 tal-17 ta' Marzu, 2014.

ANĠLU FARRUĠIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.) GEORGE ABELA
President

25th March, 2014

ACT No. VI of 2014

AN ACT to amend the Consumer Affairs Act, Cap. 378, and to repeal the Trade Descriptions Act, Cap. 313.

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

Cap. 378.

1. (1) The short title of this Act is the Consumer Affairs (Amendment) Act, 2014, and this Act shall be read and construed as one with the Consumer Affairs Act, hereinafter referred to as "the principal Act".

(2) The provisions of this Act shall come into force on such date as the Minister may establish by notice in the Gazette, and different dates may be established for different provisions and for different parts of the provisions of this Act.

Amendment of article 4 of the principal Act.

2. Article 4(7)(d)(v) of the principal Act shall be amended as follows:

(a) in the marginal note thereto the words "Cap. 313" and "Cap. 317" shall be deleted; and

(b) the words "the Trade Descriptions Act" and "the Doorstep Contracts Act" shall be deleted.

Amendment of article 12 of the principal Act.

3. In article 12(1) of the principal Act the words "or with the provisions of the Doorstep Contracts Act" shall be deleted.

4. In article 51A of the principal Act, immediately before the definition "transactional decision", there shall be added the following new definition: Amendment of article 51A of the principal Act.

" "trader" means any natural person or any legal person who, in commercial practices covered by this Title, is acting for purposes relating to his trade, business, craft or profession and includes anyone acting in the name or on behalf of a trader;".

5. In subarticle (4) of article 51D of the principal Act, for the words "established by law" there shall be substituted the words "established by European Union law". Amendment of article 51D of the principal Act.

6. Articles 52A and 53 of the principal Act shall be deleted. Deletion of articles 52A and 53 of the principal Act.

7. In article 55 of the principal Act for the words "in the Commercial Code and the Trade Descriptions Act." there shall be substituted the words "in the Commercial Code.". Amendment of article 55 of the principal Act.

8. In article 107B of the principal Act the words "a chain letter scheme in terms of article 52A and" shall be deleted. Amendment of article 107B of the principal Act.

9. Part XII of the principal Act shall be deleted. Deletion of Part XII of the principal Act.

10. The First Schedule to the principal Act shall be amended as follows: Amendment of the First Schedule to the principal Act.

(a) in paragraph 25 thereof the words "This is without prejudice to article 5A of the Doorstep Contracts Act (Cap. 317)." shall be deleted;

(b) in paragraph 26 thereof the words "regulations 8 and 9 of the Distance Selling Regulations (S.L.378.08) and the Data Protection Act (Cap. 440)" shall be substituted by the words "the Data Protection Act (Cap. 440)".

11. Paragraph 2 of the Second Schedule to the principal Act shall be amended as follows: Amendment of the Second Schedule to the principal Act.

(a) in the heading thereof, for the words "articles 51F, 52A and 53" there shall be substituted the words "article 51F"; and

(b) for the words "under articles 51F, 52A and 53" there shall be substituted the words "under article 51F".

Consequential repeal of the Trade Descriptions Act.
Cap. 313.

12. (1) The Trade Descriptions Act is hereby repealed.

(2) Notwithstanding the provisions of sub-article (1), the Trade Descriptions Act shall remain in force for the purpose of any proceedings taken in respect of any breach of the said Act at the time prior to the coming into force of this article.

Consequential repeal of the Doorstep Contracts Act.
Cap. 317.

13. (1) The Doorstep Contracts Act is hereby repealed.

(2) Notwithstanding the provisions of sub-article (1), the Doorstep Contracts Act shall remain in force for the purpose of any proceedings taken in respect of any breach of the said Act at the time prior to the coming into force of this article.

Passed by the House of Representatives at Sitting No. 130 of the 17th March, 2014.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA
Clerk to the House of Representatives