

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,923, 19 ta' Diċembru, 2017
Taqsim C

Nru. 22

19. 12. 2017

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Silvio Parnis, M.P., Segretarju Parlamentari għall-Gvern Lokali u Komunitajiet, f'isem il-Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Novembru, 2017.

A BILL introduced by the Honourable Silvio Parnis, M.P., Parliamentary Secretary for Local Government and Communities, on behalf of the Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 13 November, 2017.

ATT biex jemenda l-Att dwar Gwardjani Privati u Lokali, Kap. 389.

AN ACT to amend the Private Guards and Local Wardens Act, Cap. 389.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar Gwardjani Privati u Lokali, Kap. 389.

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

1. It-titolu ta' dan l-Att huwa l-Att tal-2017 li jemenda l-Att dwar Gwardjani Privati u Lokali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar Gwardjani Privati u Lokali, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor.
Kap. 389.
2. Fit-titolu fil-qosor tal-Att prinċipali, minflok il-kliem "u Lokali" għandhom jidhlu l-kliem "u Uffiċjali tal-Komunità". Emenda tat-titolu qasir tal-Att prinċipali.
3. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 2 tal-Att prinċipali.
 - (a) it-tifsiriet "aġenzija ta' gwardjani lokali", "gwardjan lokali", "gwardjan lokali pajżan", u "servizzi ta' gwardjan lokali" għandhom jiġu imħassra;
 - (b) minnufih qabel it-tifsira "aġenzija ta' gwardjani privati" għandha tiżdied it-tifsira ġdida li ġejja:

" "aġenzija ta' uffiċjali tal-komunità" tfisser individwu jew għaqda ta' persuni, korporata jew le, li ttipprovdi servizzi ta' uffiċjali tal-komunità";
 - (ċ) minnufih wara t-tifsira "Ministru" għandha tiżdied it-tifsira ġdida li ġejja:

" "servizzi ta' uffiċjali tal-komunità" tfisser dawk is-servizzi li jistgħu jkunu meħtieġa minn Kunsilli Lokali fil-

qadi ta' dmirijiethom u tar-responsabbilitajiet tagħhom biex jikkontrollaw, jirregolaw u jinfurzew *bye-laws*, u tinkludi l-provvista ta' servizzi biex ikun kontrollat aċċess u moviment minn nies jew vetturi, b'mod generali jew f'okkażjonijiet partikolari u l-provvista ta' servizzi simili minn uffiċjal tal-komunità sew li jkun liebes uniformi sew jekk pajżan";

(d) minnufih wara t-tifsira "Tribunal ta' Reviżjoni Amministrattiva" għandhom jiżdiedu it-tifsiriet godda li ġejjin:

" "uffiċjal tal-komunità" tfisser individwu li jagħti s-servizzi tiegħu fil-provvista ta' servizzi ta' uffiċjali tal-komunità";

"uffiċjal tal-komunità pajżan" tfisser uffiċjal tal-komunità li ma jilbisx uniformi u li s-servizzi tiegħu jingħataw fit-twettiq ta' dmirijiet speċifiċi, jew għal partijiet partikolari tal-liġi, li jiġu elenkati fl-Iskeda."

Emenda fl-Intestatura tat-Taqsima III tal-Att prinċipali.

4. Fl-Intestatura tat-Taqsima III tal-Att prinċipali, minflok il-kliem "Gwardjani Lokali" għandhom jidhlu l-kliem "Uffiċjali tal-Komunità".

Sostituzzjoni tal-artikolu 14 tal-Att prinċipali.

5. L-artikolu 14 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Aġenziji ta' uffiċjali tal-komunità u uffiċjali tal-komunità għandu jkollhom liċenza.

14. Ebda persuna ma għandha taħdem bħala aġenzija ta' uffiċjal tal-komunità jew bħala uffiċjal tal-komunità jew hekk toffri s-servizzi tagħha, kemm-il darba dik il-persuna ma jkollhiex liċenza skont id-dispożizzjonijiet ta' dan l-Att."

Sostituzzjoni tal-artikolu 15 tal-Att prinċipali.

6. L-artikolu 15 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Użu ta' servizzi ta' uffiċjali tal-komunità.

15. Ebda persuna ma tista' timpjega, tħaddem jew tippermetti l-użu ta' servizzi ta' uffiċjali tal-komunità kemm-il darba daww is-servizzi ma jkunux provduti minn aġenzija ta' uffiċjali tal-komunità, jew minn uffiċjali tal-komunità, skont il-każ, li jkollhom liċenza skont id-dispożizzjonijiet ta' dan l-Att."

Sostituzzjoni tal-artikolu 16 tal-Att prinċipali.

7. L-artikolu 16 tal-Att prinċipali għandu jiġi sostitwit b'dan li

gej:

"Impjeg ta' uffiċjali tal-komunità.

16. Ebda aġenzija ta' uffiċjali tal-komunità ma tista' tipprovdi lil xi persuna għal dmirijiet fi, jew li għandhom x'jaqsmu ma', servizzi ta' uffiċjali tal-komunità kemm-il darba dik il-persuna ma jkollhiex liċenza bħala uffiċjal tal-komunità skont id-dispożizzjonijiet ta' dan l-Att."

8. L-artikolu 17 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 17 tal-Att prinċipali.

(a) fin-nota marginali tiegħu, minflok il-kliem "aġenziji ta' gwardjani lokali u għal gwardjani lokali" għandhom jidhlu l-kliem "aġenzija ta' uffiċjali tal-komunità u għal uffiċjali tal-komunità".

(b) fis-subartikolu (1) tiegħu, minflok il-kliem "aġenzija ta' gwardjani lokali jew għal gwardjani lokali" għandhom jidhlu l-kliem "aġenzija ta' uffiċjali tal-komunità jew għal uffiċjali tal-komunità";

(c) fis-subartikolu (2) tiegħu, minflok il-kliem "aġenzija ta' gwardjani lokali jew ta' gwardjani lokali" għandhom jidhlu l-kliem "aġenzija ta' uffiċjali tal-komunità jew ta' uffiċjali tal-komunità";

(d) fis-subartikolu (3) tiegħu, minflok il-kliem "mill-gwardjani lokali" għandhom jidhlu l-kliem "mill-uffiċjali tal-komunità";

(e) fil-paragrafu (a) tas-subartikolu (5) tiegħu, minflok il-kliem "ta' gwardjani lokali" għandhom jidhlu l-kliem "ta' uffiċjali tal-komunità";

(f) fil-paragrafu (b) tas-subartikolu (5) tiegħu, minflok il-kliem "gwardjan lokali dwar trattament li dak il-gwardjan" għandhom jidhlu l-kliem "uffiċjal tal-komunità dwar trattament li dak l-uffiċjal".

9. L-artikolu 18 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 18 tal-Att prinċipali.

(a) fin-nota marginali tiegħu, minflok il-kliem "gwardjani lokali", għandhom jidhlu l-kliem "uffiċjali tal-komunità";

(b) fis-subartikolu (1) tiegħu, minflok il-kliem "Gwardjan lokali" għandhom jidhlu l-kliem "Uffiċjal tal-

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komunità";

(ċ) fis-subartikolu (2) tiegħu, minflok il-kliem "Gwardjan lokali" għandhom jidhlu l-kliem "Uffiċjal tal-komunità";

(d) fis-subartikolu (3) tiegħu, minflok il-kliem "gwardjan lokali " għandhom jidhlu l-kliem "uffiċjal tal-komunità".

Emenda tal-artikolu 19 tal-Att prinċipali.

10. L-artikolu 19 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, minflok il-kliem "gwardjani lokali" għandhom jidhlu l-kliem "uffiċjali tal-komunità";

(b) fis-subartikolu (1) tiegħu, minflok il-kliem "gwardjan lokali" għandhom jidhlu l-kliem "uffiċjal tal-komunità".

Emenda tal-artikolu 19A tal-Att prinċipali.

11. L-artikolu 19A tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, minflok il-kliem "Gwardjani lokali pajżana." għandhom jidhlu l-kliem "Uffiċjali tal-komunità pajżana."; u

(b) minflok il-kliem "Gwardjan lokali pajżan" għandhom jidhlu l-kliem "Uffiċjal tal-komunità pajżan".

Emenda tal-artikolu 20 tal-Att prinċipali.

12. Fl-artikolu 20 tal-Att prinċipali, minflok il-kliem "għal gwardjan lokali" għandhom jidhlu l-kliem "għal uffiċjal tal-komunità".

Emenda tal-artikolu 22 tal-Att prinċipali.

13. Fis-subartikolu (1) tal-artikolu 22 tal-Att prinċipali, minflok il-kliem "liċenza ta' gwardjan lokali" għandhom jidhlu l-kliem "liċenza ta' uffiċjal tal-komunità".

Emenda tal-artikolu 23 tal-Att prinċipali.

14. Fl-artikolu 23 tal-Att prinċipali, minflok il-kliem "jew gwardjan lokali" għandhom jidhlu l-kliem "jew uffiċjal tal-komunità".

Emenda tal-artikolu 24 tal-Att prinċipali.

15. Il-proviso tal-artikolu 24 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Iżda fil-każ ta' regolamenti magħmula dwar uffiċjali tal-komunità, servizzi ta' uffiċjali tal-komunità jew aġenziji ta' uffiċjali tal-komunità, dawk ir-regolamenti għandhom isiru bi ftehim mal-Ministru responsabbli għall-gvern lokali".

16. L-artikolu 25 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 25 tal-Att prinċipali.

(a) fil-paragrafu (a) tiegħu minflok il-kliem "aġenzija ta' gwardjani lokali" għandhom jidhlu l-kliem "aġenzija ta' uffiċjali tal-komunità":

(b) fil-paragrafu (b) tiegħu, minflok il-kliem "jew gwardjan lokali" għandhom jidhlu l-kliem "jew uffiċjal tal-komunità", u

(ċ) fil-paragrafu (ċ) tiegħu, minflok il-kliem "jew servizzi ta' gwardjani lokali" għandhom jidhlu l-kliem "jew servizzi ta' uffiċjali tal-komunità".

17. Fit-titolu tal-Iskeda tal-Att prinċipali, minflok il-kliem "minn Gwardjani Lokali Pajżana" għandhom jidhlu l-kliem "minn Uffiċjali tal-Komunità Pajżana".

Emenda fl-Iskeda tal-Att prinċipali.

18. Kull referenza f'xi liġi oħra għal "Gwardjan Lokali", "Gwardjani Lokali", "Aġenzija ta' Gwardjani Lokali", "aġenziji ta' Gwardjani Lokali", "servizzi ta' gwardjani lokali" u "Att dwar Gwardjani Privati u Lokali", għandhom jinqraw u jinftiehm, wara d-dhul fis-seħħ ta' dan l-Att, bħala referenza għall-"Uffiċjal tal-Komunità", "Uffiċjali tal-Komunità", "Aġenzija ta' uffiċjali tal-Komunità", "Aġenziji ta' uffiċjali tal-Komunità", "servizz ta' uffiċjali tal-komunità" u "L-Att dwar Gwardjani Privati u Uffiċjali tal-Komunità" rispettivament.

Emenda Generali fil-Liġijiet ta' Malta.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma biex jemenda n-nomenklatura tal-gwardjani lokali minn gwardjani lokali għall-uffiċjali tal-komunità.

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**A BILL
entitled**

*AN ACT to amend the Private Guards and Local Wardens Act,
Cap. 389.*

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

- | | |
|--|--|
| Short title. | 1. The short title of this Act is the Private Guards and Local Wardens (Amendment), Act, 2017, and this Act shall be read and construed as one with the Private Guards and Local Wardens Act, hereinafter referred to as "the principal Act". |
| Cap. 389. | 2. In the short title of the principal Act for the words "and Local Wardens" there shall be substituted the words "and Community Officers". |
| Amendment to the short title of the principal Act. | 3. Article 2 of the principal Act shall be amended as follows: |
| Amendment of article 2 of the principal Act. | <p style="margin-left: 40px;">(a) the definitions "local warden", "local warden services", "plain clothes local warden" and "warden agency" shall be deleted;</p> <p style="margin-left: 40px;">(b) immediately after the definition "Commissioner" there shall be inserted the following new definitions:</p> <p style="margin-left: 80px;">" "community officer" means an individual whose services are rendered in the provision of community officers' services;</p> <p style="margin-left: 80px;">"community officers agency" means an individual or a body of persons whether corporate or unincorporate, who provide community officers' services";</p> |

"community officers' services" means such services as may be required by local councils in the discharge of their duties and responsibilities for the control, regulation and enforcement of bye-laws, including the provision of services for the control and regulation of access and movement by pedestrians or vehicles, generally or on particular occasions and the provision of similar services whether by uniformed or plain clothes community officers"; and

(c) immediately after the definition "Minister" there shall be inserted the following new definition:

" "plain clothes community officer" means a community officer without uniform whose services are rendered in the provision of specific duties or parts of legislation, which are listed in the Schedule.".

4. In the title 'Part III' of the principal Act, for the words "Local Wardens" there shall be substituted the words "Community Officers".

Amendment of the title of Part III of the principal Act.

5. Article 14 of the principal Act shall be substituted by the following:

Substitution of article 14 of the principal Act.

"Community officers' agencies and community officers to be licensed.

14. No person shall act as a community officers' agency or as a community officer or offer his services as such unless such person is licensed in accordance with the provisions of this Act.".

6. Article 15 of the principal Act shall be substituted by the following:

Substitution of article 15 of the principal Act.

"Use of community officers services.

15. No person shall employ, engage or permit the use of community officers' services unless such services are provided by a community officers' agency or by a community officer, as the case may be, licensed in accordance with the provisions of this Act.".

7. Article 16 of the principal Act shall be substituted by the following:

Substitution of article 16 of the principal Act.

"Employment of community officers.

16. No community officers' agency shall provide any person for duties in, or connected with, community officers' services unless such person is licensed as a community officer in accordance with the provisions of this Act.".

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Amendment of
article 17 of the
principal Act.

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

(a) in the marginal note thereof, for the words "warden agencies and local wardens" there shall be substituted the words "community officers' agencies and community officers";

(b) in sub-article (1) thereof, for the words "warden agency or for a local warden" there shall be substituted the words "community officers' agency or for a community officer";

(c) in sub-article (2) thereof, for the words "warden agency or for a local warden" there shall be substituted the words "community officers' agency or for a community officer";

(d) in sub-article (3) thereof, for the words "local wardens" there shall be substituted the words "community officers";

(e) in paragraph (a) of sub-article (5) thereof, for the words "of local wardens" there shall be substituted the words "of community officers";

(f) in paragraph (b) of sub-article (5) thereof, for the words "by a local warden against a treatment which the local warden" there shall be substituted the words "by a community officer against treatment which the community officer".

Amendment of
article 18 of the
principal Act.

9. Article 18 of the principal Act shall be amended as follows:

(a) in the marginal note thereof, for the words "local wardens" there shall be substituted the words "community officers";

(b) in sub-article (1) thereof, for the words "local warden" there shall be substituted the words "community officer";

(c) in sub-article (2) thereof, for the words "local warden" there shall be substituted the words "community officers";

(d) in sub-article (3) thereof, for the words "local warden" there shall be substituted the words "community officer".

Amendment of
article 19 of the
principal Act.

10. Article 19 of the principal Act shall be amended as follows:

(a) in the marginal note thereof, for the words "local wardens" there shall be substituted the words "community

officers";

(b) in sub-article (1) thereof, for the words "local warden" there shall be substituted the words "community officer".

11. Article 19A of the principal Act shall be amended as follows: Amendment of article 19A of the principal Act.

(a) in the marginal note thereof, for the words "Plain clothes local wardens." there shall be substituted the words "Plain clothes community officers."; and

(b) for the words "plain clothes local warden" there shall be substituted the words "plain clothes community officer".

12. In article 20 of the principal Act, for the words "to a local warden." there shall be substituted the words "to a community officer.". Amendment of article 20 of the principal Act.

13. In sub-article (1) of article 22 of the principal Act, for the words "licensed as a local warden," there shall be substituted the words "licensed as a community officer,.". Amendment of article 22 of the principal Act.

14. In article 23 of the principal Act, for the words "or as a local warden" there shall be substituted the words "or as a community officer". Amendment of article 23 of the principal Act.

15. The proviso to article 24 of the principal Act shall be substituted by the following: Amendment of article 24 of the principal Act.

"Provided that in the case of regulations made in relation to community officers, community officers' services or community officers' agencies, such regulations shall be made with the concurrence of the Minister responsible for local government."

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

(a) in paragraph (a) thereof, for the words "warden agency" there shall be substituted the words "community officers' agency";

(b) in paragraph (b) thereof, for the words "or as a local warden" there shall be substituted the words "or as a community officer"; and

(c) in paragraph (c) thereof, for the words "or of warden services" there shall be substituted the words "or of community officers' services".

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Amendment of
the Schedule to
the principal
Act.

17. In the title of the Schedule to the principal Act, for the words "by Plain Clothes Local Wardens" there shall be substituted the words "by Plain Clothes Community Officers".

General
amendment to
the Laws of
Malta.

18. Any reference in any other law to "Local Warden", "Local Wardens", "warden agency", "warden agencies", "local warden services" and the "Private Guards and Local Wardens Act" shall be read and construed, after the coming into force of this Act, as a references to "Community Officer", "Community Officers", "community officers agency", "community officers agencies", "community officers' services" and the "Private Guards and Community Officers Act" respectively.

Objects and Reasons

The objects and reasons for this Bill are to amend the nomenclature of local wardens from local wardens to community officers.