

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,972, 3 ta' April, 2018

Taqsim A

MALTA

ATT Nru IX tal-2018

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

ATT biex jemenda l-Ordinanza dwar l-Esplożivi, Kap. 33.

ACT No. IX of 2018

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Explosives Ordinance, Cap. 33.

Nagħti l-kunsens tiegħi.

(L.S.)

DOLORES CRISTINA
Agent President

3 ta' April, 2018

ATT Nru IX tal-2018

ATT biex jemenda l-Ordinanza dwar l-Esplożivi, Kap. 33.

Il-PRESIDENT, bil-parir u bil-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-2018 li jemenda l-Ordinanza dwar l-Esplożivi u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar l-Esplożivi, hawn iżjed 'il quddiem msejha "l-Ordinanza prinċipali".

Titolu fil-qosor.
Kap. 33.

2. Is-subparagrafi (ii) u (iii), inkluż il-proviso tal-paragrafu (a) tal-artikolu 4 tal-Ordinanza prinċipali għandhom jiġu sostitwiti b'dan li ġej:

Emenda tal-artikolu 4 tal-Ordinanza prinċipali

"(ii) kull triq li tkun tintuża b'mod regolari minn vetturi bil-mutur li ma tkunx triq rurali jew triq jew mogħdija li tintuża prinċipalment biex tagħti aċċess għall-għelieqi jew triq jew mogħdija prinċipalment intiża biex tagħti aċċess għal fabbrika tal-porvli; jew

A 212

(iii) kull triq oħra li sa mija u tlieta u tmenin metru minnha ma jkunx rakkomandabbli, fil-fehma tal-Kummissarju tal-Pulizija wara li jkun ikkonsulta mal-Awtorità tal-Ippjanar u mal-Awtorità dwar it-Trasport f'Malta, li tinfetaħ fabbrika bħal dik:

Id-distanza ta' mija u tlieta u tmenin metru msemmija f'dan il-paragrafu għandha dejjem titkejjel miċ-ċentru tal-maħżen għad-depożitu;".

Emenda tal-artikolu 22 tal-Ordinanza prinċipali.

3. Fis-subartikolu (1) tal-artikolu 22 tal-Ordinanza prinċipali, il-kliem "regolamenti dwar il-kontroll" għandhom jiġu sostitwiti bil-kliem "regolamenti għall-aħjar twettiq tad-dispożizzjonijiet ta' din l-Ordinanza u għat-tneħħija ta' diffikultajiet fit-twettiq tad-dispożizzjonijiet ta' din l-Ordinanza u dwar il-kontroll".

Emenda tal-artikolu 26Ċ tal-Ordinanza prinċipali.

4. Minflok il-paragrafu (b) tal-artikolu 26Ċ tal-Ordinanza prinċipali għandu jidhol dan il-paragrafu ġdid li ġej:

"(b) ikollha:

(i) storja personali ta' dipendenza fuq il-mediċinali jew abbuż minnhom; jew

(ii) ċertifikat ta' tabib li ma jiċċertifikax lill-persuna fiżikament jew mentalment abbli li taħdem jew tidhol f'fabbrika tal-porvli;".

Żjieda ta' artikolu 26D ġdid tal-Ordinanza.

5. Minnufih wara l-artikolu 26Ċ tal-Ordinanza prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Esklużjonijiet mill-ghoti ta' liċenza.

26D. (1) Mingħajr preġudizzju għad-dispożizzjonijiet ta' kull liġi oħra, il-Kummissarju tal-Pulizija m'għandux joħroġ ebda liċenza taħt din l-Ordinanza jew ir-regolamenti taħt din l-Ordinanza lil kwalunkwe persuna li f'xi żmien matul il-hames snin minnufih qabel id-data meta tagħmel l-applikazzjoni tagħha għal-liċenza:

(a) tkun instabet haġja:

(i) ta' reat li jinvolvi l-vjolenza jew tentattiv jew theddid ta' vjolenza kontra l-persuna; jew

(ii) ta' xi reat taħt din l-Ordinanza jew taħt l-Att dwar l-Armi; jew

Kap. 480

(iii) ta' reati fuq il-persuna b'armi regolari jew b'xi strument ieħor jew li tkun qabdet xi arma regolari jew strument ieħor kontra persuni oħra; jew

(iv) ta' serq; jew

(v) ta' reat kontra l-liġijiet li għandhom x'jaqsmu mal-kummerċ fil-prostituzzjoni jew mat-traffikar ta' persuni; jew

(vi) ta' reat li jkollu x'jaqsam mat-traffikar ta' mediċinali; jew

(vii) ta' reati oħra li l-Ministru jista' b'regolamenti jistipula minn żmien għal żmien:

Kap. 446

Iżda, minkejja kull haġa li hemm fl-Att dwar il-*Probation* għall-finijiet ta' dan il-paragrafu, persuna titqies li tkun giet misjuba hatja wkoll jekk tkun giet applikata fil-konfront tagħha xi dispożizzjoni ta' dak l-Att; jew

(b) ikollha:

(i) storja personali ta' dipendenza fuq il-mediċinali jew abbuż minnhom; jew

(ii) ċertifikat ta' tabib li ma jiċċertifikax lill-persuna fiżikament jew mentalment abbli li taħdem jew tidhol f'fabbrica tal-porvli.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), liċenza taħt din l-Ordinanza tista' tingħata bl-awtorità speċjali tal-Ministru fiċ-ċirkostanzi li hemm provdut dwarhom f'dawk is-subartikoli.

(3) Tista' tiġi rifjutata li tingħata liċenza lil xi persuna fl-interess tal-ordni pubbliku, jew fl-interess tas-sigurtà ta' dik il-persuna nnifisha jew tal-pubbliku b'mod ġenerali.

(4) Kull min iħoss ruħu aggravat b'deċiżjoni tal-Kummissarju li tkun ittiegħdet skont id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu jista' jappella quddiem il-Ministru fi żmien sebat ijiem minn meta jingħata avviż bil-miktub tar-rifjut mill-Kummissarju u l-Ministru għandu, fil-qadi ta' dmirijietu taħt dan is-subartikolu, jikseb il-parir tal-Kumitat tal-Esplożivi. Id-deċiżjoni tal-Ministru tkun waħda finali u konkluziva."

A 214

Dispożizzjoni
transitorja.

6. Kull fabbrika tal-porvli li fid-data tad-dhul fis-seħh ta' dan l-Att tkun ilha teżisti minn, jew qabel, is-sena 1994 u li tkun għadha teżisti skont kif jidher mir-ritratti rilevanti tal-awtorità responsabbli mill-ippjanar, għandha titqies bħala eliġibbli biex, jekk ikun hemm il-ħtieġa, jinhareġ permess għall-ftuħ ta' fabbrika tal-porvli dwarha jekk dik il-fabbrika tkun konformi mad-dispożizzjonijiet tal-Ordinanza principali kif emendati b'dan l-Att minkejja d-dispożizzjonijiet ta' kull liġi oħra.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 96 tal-21 ta' Marzu, 2018.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Skriivan tal-Kamra tad-Deputati

I assent.

(L.S.)

DOLORES CRISTINA
Acting President

3rd April, 2018

ACT No. IX of 2018

AN ACT to amend the Explosives Ordinance, Cap. 33.

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 title of this Act is the Explosives Ordinance (Amendment) Act, 2018 and this Act shall be read and construed as one with the Explosives Ordinance, hereinafter referred to as the "principal Ordinance".

Short title.
Cap.33.

2. Sub-paragraphs (ii) and (iii), including the proviso of paragraph (a) of article 4 of the principal Ordinance shall be substituted with the following:

Amendment of
article 4 of the
principal
Ordinance.

"(ii) any street which is used regularly for the passage of motor vehicles not being a rural street or a street or path used principally to provide access to fields or a street or path used principally to provide access to a gunpowder factory; or

A 216

(iii) any other street within one hundred and eighty-three metres of which it would not be advisable, in the opinion of the Commissioner of Police after consultation with the Planning Authority and the Authority for Transport in Malta, to establish such a factory:

The distance of one hundred and eighty three metres referred to in this paragraph shall always be measured from the centre of the magazine;"

Amendment of article 22 of the principal Ordinance.

3. In sub-article (1) of article 22 of the principal Ordinance the words "regulations for the control" shall be substituted by the words "regulations for the better implementation of the provisions of this Ordinance, for the removal of difficulties in the implementation of the provisions of this Ordinance and for the control".

Amendment of article 26C of the principal Ordinance.

4. Paragraph (b) of article 26C of the principal Ordinance shall be substituted with the following:

"(b) has:

(i) a history of drug dependence or abuse; or

(ii) a medical certificate which does not certify the person physically or mentally able to work or enter into a gunpowder factory:"

Addition of new article 26D to the Ordinance.

5. Immediately after article 26C of the principal Ordinance there shall be added the following new article:

"Exclusion from holding a licence.

26D. (1) Saving the provisions of any other law, the Commissioner of Police shall not issue a licence under this Ordinance or under regulations made under this Ordinance to any person who, in the preceding five years of his application for a licence, has:

(a) been convicted of:

(i) an offence involving violence or attempted or threatened violence against the person; or

(ii) an offence under this Ordinance or the Arms Act; or

(iii) an offence of bodily harm with an arms proper or other instrument or of taking up any arm proper or other instrument against other persons; or

Cap. 480.

(iv) an offence of theft; or

(v) an offence against the laws relating to white slave traffic or traffic of persons; or

(vi) an offence relating to trafficking in drugs; or

(vii) any other offence that the Minister may by regulation prescribe from time to time:

Cap. 446

Provided that, notwithstanding anything contained in the Probation Act, for the purposes of this paragraph a person shall be deemed to have been convicted even if any of the provisions of the said Act may have been applied in his regard; or

(b) has:

(i) a history of drug dependence or abuse; or

(ii) a medical certificate which does not certify the person physically or mentally able to work or enter into a gunpowder factory.

(2) Notwithstanding the provisions of sub-article (1) a licence under this Ordinance may be granted by special authority of the Minister in the circumstances provided in those sub-articles.

(3) A licence may be refused to any person in the interest of public order or in the interest of the safety of such person or of the general public.

(4) Any person aggrieved by a decision of the Commissioner in accordance with sub-article (1) of this article may appeal to the Minister within seven days from the notification in writing of the refusal by the Commissioner and the Minister, in the exercise of his functions under this sub-article, may seek the advice of the Explosives Committee. The decision of the Minister shall be final and conclusive."

6. All gunpowder factories which on the coming into force of this Act shall have been in existence since, or before, the year 1994 and are still currently in existence as evident from the relevant photography of the authority responsible for planning, shall be considered as eligible, should the need arise, for the issue of a permit for the establishment of a gunpowder factory if that factory is in conformity with the provisions of

Transitory provision.

A 218

the principal Ordinance as amended by this Act notwithstanding any provision of any other law.

Passed by the House of Representatives at Sitting No. 96 of the 21st March, 2018.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

