

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,025, 13 ta' Lulju, 2018

Taqsim A

MALTA

ATT Nru XXVIII tal-2018

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

ATT biex jipprovdi għat-twaqqif ta' Aġenzija għal Infrastruttura Malta u biex jirregola dawk l-attivitajiet u jipprovdi għal kwistjonijiet anċillari jew inċidentali jew konnessi magħhom.

ACT No. XXVIII of 2018

AN ACT enacted by the Parliament of Malta.

AN ACT to make provision for the establishment of the Agency for Infrastructure Malta and to regulate such activities and provide for matters ancillary or incidental thereto or connected therewith.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

13 ta' Lulju, 2018

ATT Nru XXVIII tal-2018

ATT biex jipprovdi għat-twaqqif ta' Aġenzija għal Infrastruttura Malta u biex jirregola dawk l-attivitajiet u jipprovdi għal kwistjonijiet ancillari jew incidentalijiet jew konnessi magħhom.

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:-

ARRANĠAMENT TAL-ATT

	Artikoli
TAQSIMA I Preliminari	1
TAQSIMA II Aġenzija għal Infrastruttura Malta	2-29
Taqsim I	
Kostituzzjoni u funzjonijiet tal-Aġenzija għal Infrastruttura Malta	4-21
Taqsim II	
Dispożizzjonijiet finanzjarji	22-25
Taqsim III	
Responsabbiltà għal korriment u danni	26
Taqsim IV	
Dispożizzjonijiet transitorji	27-29
TAQSIMA III Emendi fl-Att dwar l-Awtorità għat-Trasport f'Malta	30-37
TAQSIMA IV Emendi fl-Att dwar Kunsilli Lokali	38-40
TAQSIMA V Emenda fl-Att dwar l-Amministrazzjoni Pubblika	41-42
TAQSIMA VI Emendi fil-Legizlazzjoni Sussidjarja	43-44

A 1072

TAQSIMA I Preliminari

Titolu fil-qosor
u bidu fis-seħh.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-infrastruttura jista' b'ordni fil-Gazzetta jistabbilixxi u jistgħu jiġu stabbiliti dati differenti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

TAQSIMA II Aġenzija għal Infrastruttura Malta

Għan.

2. Id-dispożizzjonijiet ta' din it-Taqsima jipprovdu għat-twaqqif tal-Aġenzija għal Infrastruttura Malta.

Tifsir.
Kap. 499.

3. (1) Sakemm dan l-Att ma jipprovdi xort'oħra, għandhom japplikaw id-dispożizzjonijiet tal-artikolu 2 tal-Att dwar l-Awtorità għat-Trasport f'Malta.

(2) F'dan l-Att, kemm-il darba l-kuntest ma jitlobx xort'oħra, il-frazzjonijiet li ġejjin għandu jkollhom t-tifsira li ġejja:

"Aġenzija" tfisser l-Aġenzija għal Infrastruttura Malta stabbilita taħt l-artikolu 4 u tinkludi kull persuna li tagħxi għannom tagħha taħt is-setgħat delegati mill-Aġenzija lil dik il-persuna, skont id-dispożizzjonijiet ta' dan l-Att;

"Att" jew "dan l-Att" tfisser dan l-Att u tinkludi kwalunkwe regolamenti magħmulin taħtu, sakemm il-kuntest ma jitlobx xort'oħra;

"bankina" tfisser iż-żona pavimentata jew miksija li tiffirma parti minn triq, li tinsab fuq bordura waħda jew fuq iż-żewġ borduri ta' karreggata, intiza għall-użu bir-riġel;

"Bord" tfisser il-Bord tal-Aġenzija appuntat skont l-artikolu 8;

"*Chairperson*" tfisser iċ-*Chairperson* tal-Aġenzija u tinkludi, fiċ-ċirkostanzi msemmija fl-artikolu 8, lid-Deputat *Chairperson*;

"fornitur ta' servizz utilitarju" tfisser awtorità jew impriża, li n-negozju primarju tagħha huwa li ttipprovi l-elettriku, il-gass jew ilma li huwa tajjeb għax-xorb jew ilma tat-tieni grad, inkluż ir-rimi jew it-trattament tad-drenagg u servizzi tad-drenagg lill-pubbliku;

"karreggata" tfisser dik il-parti tat-triq prinċipalment intiża għat-traffiku ta' vetturi;

"Kunsill Lokali" tfisser kunsill lokali stabbilit taħt l-Att dwar Kunsilli Lokali;

Kap. 363.

"Ministru" tfisser il-Ministru responsabbli għall-Infrastruttura kif jista' jiġi vestit bir-responsabbiltà għall-Aġenzija;

"persuna konnessa" tfisser persuna konnessa ma' persuna oħra, li f'din it-tifsira tissejjah "Membru tal-Bord", minhabba li:

(a) hija l-mara jew ir-raġel jew is-sieħeb jew is-sieħba ta' membru tal-Bord, wild jew wild tar-rispett, ġenitur, koabitant ta' kwalunkwe natura skont l-Att dwar il-Koabitazzjoni u kull persuna oħra li hija dipendenti ta' dak il-membru tal-Bord; jew

Kap. 571.

(b) hija korp ġuridiku li fih il-membru tal-Bord jew xi persuna msemmija fil-paragrafu (a) aktar 'il fuq, jew it-tnejn li huma:

(i) għandu jew għandhom ishma ta' valur nominali li huwa ugwali għall-inqas għal għoxrin fil-mija (20%) tal-kapital azzjonarju ta' dak il-korp ġuridiku; jew

(ii) huwa jew huma intitolati għall-kontroll tal-eżerċizzju ta' aktar minn għoxrin fil-mija (20%) tal-poter ta' votazzjoni fi kwalunkwe laqgħa generali ta' dak il-korp ġuridiku; jew

(ċ) taġixxi fil-kapaċità ta' *trustee* fir-rigward ta' xi *trust*, li l-benefiċjarji tagħha jinkludu:

(i) il-membru tal-Bord, jew kwalunkwe persuna oħra msemmija fil-paragrafu (a) aktar 'il fuq; jew

(ii) korp ġuridiku kif imsemmi fil-paragrafu (b) aktar 'il fuq; jew

(d) taġixxi fil-kapaċità ta' sieħeb fin-negozju ta' dak il-membru tal-Bord jew ta' xi persuna li skont il-paragrafi (a), (b) jew (ċ) hija konnessa mal-membru tal-Bord;

A 1074

"sena finanzjarja" tfisser perjodu ta' tnax-il xahar li jibda fl-1 ta' Jannar u jintemm fil-31 ta' Dicembru ta' kull sena;

"toroq arterjali u distributorji" tfisser kull triq li giet klassifikata u identifikata bhala tali mill-Awtorità ghat-Trasport f'Malta, liema klassifikazzjoni u identifikazzjoni tista' tigi emendata minn żmien għal żmien mill-Awtorità ghat-Trasport f'Malta;

"triq" tfisser kwalunkwe mogħdija fuq l-art, ikun xi jkun l-isem li bih tissejjaħ, li fuqha hemm dritt pubbliku ta' passaġġ (bi kwalunkwe mezz) u tikkonsisti f'karregġati u bankini, u tinkludi t-tarf tat-triq, u kwalunkwe pont (kemm jekk permanenti kif ukoll jekk temporanju) li minn fuqu, jew mina li minnha, tghaddi t-triq, u kwalunkwe referenza għal triq tinkludi kull parti minnha, inklużi:

(a) il-pedamenti, il-livelli ta' taħt il-wiċċ u l-kisi tal-livell tal-wiċċ tagħha;

(b) *central strips, roundabouts, traffic islands*, bankini u mogħdijiet għar-roti; u

(c) xogħlijiet fuq kanali tad-drenaġġ u l-aċċess għalihom, trinek u xogħlijiet ta' skavar ta' trinek għall-utilitajiet inkluż l-aċċess għalihom, il-mogħdija u t-tqegħid ta' sistemi ta' pajpijiet u tubi u ħwejjeġ simili għad-distribuzzjoni tal-utilitajiet jew għall-provvista ta' servizzi, inklużi xogħlijiet konnessi ma', jew anċillari għalihom u toqob għall-ispezzjonar jew mezzi oħra ta' aċċess għal dawn l-utilitajiet jew xogħlijiet;

"triq lokali" tfisser triq li mhix identifikata bhala triq arterjali jew distributorja u li mhix triq privata, u tinkludi kull triq li giet klassifikata u identifikata bhala tali mill-Awtorità ghat-Trasport f'Malta, liema klassifikazzjoni u identifikazzjoni tista' tigi emendata minn żmien għal żmien mill-Awtorità ghat-Trasport f'Malta;

"triq privata" tfisser kwalunkwe mogħdija fuq l-art, ikun xi jkun l-isem li bih tissejjaħ, li mhix proprjeta' tal-Gvern u li fuqha generalment, fl-ebda ħin tal-ġurnata ma hemm dritt pubbliku ta' passaġġ, iżda li hija aċċessibbli għal vetturi u, jew bir-riġel, kemm jekk intiża għall-użu minn vetturi u, jew bir-riġel u anke jekk mhix;

"Uffiċjal Kap Eżekuttiv" tfisser l-Uffiċjal Kap Eżekuttiv

tal-Aġenzija, appuntat taħt l-artikolu 8.

**Taqsima I: Kostituzzjoni u funzjonijiet tal-Aġenzija għal
Infrastruttura Malta**

4. L-Aġenzija għandha tkun korp ġuridiku b'personalità ġuridika distinta u għandu jkollha l-kapaċità li tidhol f'kuntratti, li takkwista, iżzomm u tiddisponi permezz ta' kwalunkwe titolu kull tip ta' proprjetà għall-finijiet tal-funzjonijiet tagħha, li tharrek u tiġi mħarrka, u li twettaq dawk il-ħwejjeġ kollha u tidhol f'dawk it-tranzazzjonijiet li huma inċidentali jew li jwasslu għall-eżerċizzju tal-funzjonijiet tagħha taħt dan l-Att, inkluż is-self ta' flus.

L-Aġenzija
għandha tkun
korp ġuridiku.

5. (1) Bla ħsara għal kwalunkwe setgħa jew funzjoni oħra mogħtija lilha b'dan l-Att jew b'xi liġi oħra, għandha tkun il-funzjoni tal-Aġenzija li:

Funzjonijiet.

(a) timplimenta pjanijiet nazzjonali għall-kostruzzjoni tat-toroq u strategiji għall-infrastruttura tat-toroq;

(b) timplimenta, kemm wehidha kif ukoll permezz ta' xi persuna jew grupp ta' persuni, skont id-dispożizzjonijiet ta' dan l-Att, strategiji applikabbli jew pjanijiet diriġenti, irrispettivament mid-deskrizzjoni tagħhom, relatati mal-kostruzzjoni u l-infrastruttura tat-toroq;

(ċ) tokkupa, tippjana, tiddisinja, tikkostruwixxi, tikkostruwixxi mill-ġdid, issewwi, twessa' u tirrenova kull triq, tieġu ħsieb iż-żamma ta', ittejjeb, timmaniġġa, tamministra u tirrestawra kwalunkwe triq u timmaniġġa u tikkontrolla kwalunkwe xogħlijiet stradali meħtieġa, twettaq kull tip ta' xogħlijiet ikunu kif ikunu deskritti, inklużi iżda mhux limitatament l-ippjanar u l-iprogrammar tal-istess u l-ippjanar u l-iprogrammar tal-bini mill-ġdid u r-restawr ta' kwalunkwe triq eżistenti:

Iżda fejn il-manutenzjoni ta' kwalunkwe triq lokali taqa', skont il-liġi, taħt ir-responsabbiltà ta' kunsill lokali, il-manutenzjoni ta' dik it-triq m'għandhiex, inkwantu tikkonċerna dik ir-responsabbiltà, tkun il-funzjoni tal-Aġenzija:

Iżda wkoll l-Aġenzija ma għandu jkollha l-ebda obbligi relatati ma' toroq privati;

(d) ittella', tikkostruwixxi, tiżviluppa u żzomm fuq kwalunkwe triq, is-segwenti:

(i) arbli u tagħmir tad-dawl;

A 1076

(ii) faċilitajiet għas-sigurtà tat-traffiku stradali u għall-immaniġġar, inklużi tabelli jew sinjali, marki tat-toroq u miżuri għat-trażżin tat-traffiku, tagħmir għall-kontroll tat-traffiku u għall-immaniġġar, tagħmir tad-dawl relatat u faċilitajiet oħra tat-traffiku stradali użati għall-immaniġġar u l-kontroll:

Iżda l-operat u l-manutenzjoni ta' tabelli jew sinjali tat-traffiku stradali permanenti u elettronici, miżuri elettronici tat-traffiku, tagħmir elettroniku għall-kontroll tat-traffiku u tagħmir tad-dawl relatat u kwalunkwe tagħmir elettroniku ieħor għall-kontroll tat-traffiku użat għas-sigurtà stradali u għall-immaniġġar tat-traffiku, għandhom ikunu vestiti fi, u għandhom ikunu r-responsabbiltà unika tal-Awtorità għat-Trasport f'Malta;

(e) tagħti parir lill-Gvern dwar it-tnejn ta' politiki relatati mal-infrastruttura tat-toroq f'Malta u tagħmel rakkomandazzjonijiet lill-Gvern dwar azzjoni li fil-fehma tal-Aġenzija tkun effettiva għal dak li għandu x'jaqsam ma' kwistjonijiet li jaqgħu taħt il-funzjonijiet tagħha.

(2) Bla ħsara għal dak stabbilit aktar 'il fuq, il-Ministru jista', minn żmien għal żmien, jaqgħi direzzjonijiet lill-Aġenzija, li ma jkunux inkonsistenti ma' dan l-Att, li għandhom jiġu segwiti mill-Aġenzija fit-tweġiq tal-funzjonijiet tagħha taħt dan l-Att, u l-Aġenzija għandha, hekk kif ikun prattikabbli, tagħti effett lil dawk id-direzzjonijiet kollha.

(3) Għandha tkun ir-responsabbiltà tal-Ministru li jaċċerta li l-Aġenzija tkun informata kompletament dwar id-direzzjonijiet strateġiċi tal-Gvern relatati ma' dan l-Att, u jkun id-dover tal-Aġenzija permezz tal-organi rispettivi tagħha li teżegwixxi kif jixraq dawn il-politiki.

(4) Għat-tweġiq adegwat tal-funzjonijiet tagħha taħt dan l-Att, l-Aġenzija għandha tikkonsulta mal-kunsill lokali rispettiv u għandu jkollha s-setgħa li tikkollabora ma' kwalunkwe persuna oħra, inklużi aġenziji oħra, awtoritajiet pubbliċi u dipartimenti tal-Gvern, u li tagħmel arrangamenti għall-iskambju reċiproku ta' informazzjoni u għal forom oħra ta' assistenza.

(5) L-Aġenzija għandha, għat-tweġiq tal-funzjonijiet tagħha taħt dan l-Att, tirregola l-proċeduri tagħha.

Setgħat.

6. (1) L-Aġenzija għandu jkollha s-setgħat li jistgħu jkunu meħtieġa jew li jistgħu jwasslu għat-tweġiq adegwat u għall-milja tal-

funzjonijiet kollha tagħha taht dan l-Att, u mingħajr limitazzjoni għal din il-ġeneralità, iżda soġġett għal kwalunkwe rekwiżiti taht xi liġi oħra, għandu jkollha s-setgħa u l-awtorità li:

(a) takkwista, tikkostruwixxi, tikkostruwixxi mill-ġdid, iżzomm u topera istallazzjonijiet stradali u tagħmir;

(b) takkwista, tieġu dawk il-passi meħtieġa *ai termini* tal-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi u tal-Att dwar l-Awtorità tal-Artijiet sabiex tiġi akkwistata, kwalunkwe proprjetà taht kwalunkwe titolu li l-Aġenzija tqis li hija meħtieġa għall-finijiet tal-kostruzzjoni, estensjoni u manutenzjoni ta' kwalunkwe triq jew istallazzjoni stradali skont il-funzjonijiet tal-Aġenzija stabbiliti b'dan l-Att;

Kap. 88.
Kap. 563.

(ċ) iżzomm u tamministra kwalunkwe assi minn żmien għal żmien;

(d) tagħmel l-atti u l-hwejjeġ kollha li huma meħtieġa għall-ftuħ u, jew għall-ksur tal-wiċċ ta' kwalunkwe triq;

(e) twettaq, kemm bhala prinċipal, aġent jew kuntrattur, dawk l-attivitajiet kollha li l-Aġenzija jista' jidhrilha li huma meħtieġa, ta' vantaġġ jew konvenjenti li jitwettqu, għal, jew b'rabta mat-twettiq adegwat jew mal-milja ta' kwalunkwe mill-funzjonijiet tal-Aġenzija taht dan l-Att jew sabiex tagħmel użu ottimu mill-assi tal-Aġenzija;

(f) tidhol fi ftehim għal xogħlijiet tat-toroq, fejn dawn ix-xogħlijiet għandhom jiġu kkummissjonati minn fornitur ta' servizzi utilitarji, mill-Gvern jew minn kwalunkwe awtorità:

Izda meta dawn ix-xogħlijiet jiġu miftiehma mill-Aġenzija, dan għandu jsir għan-nom u għall-ispejjeż tal-fornitur tas-servizz utilitarju, tal-Gvern jew ta' kwalunkwe awtorità kkonċernata;

(g) teżercita, twettaq, tħaddem, u tiddelega kull dritt, setgħa, dmir u funzjoni li bis-saħħa ta', jew taht dan l-Att huma vestiti jew assenjati lill-Aġenzija;

(h) twettaq dawk l-atti l-oħra kollha li huma incidentali jew li jwasslu għall-eżercizzju, għat-twettiq adegwat u għat-tħaddim tas-setgħat, doveri u funzjonijiet, jew għall-milja tal-funzjonijiet tagħha, taht dan l-Att.

(2) Għall-finijiet tat-twettiq adegwat jew tal-milja tal-funzjonijiet tal-Aġenzija taht dan l-Att, l-Aġenzija tista' tagħti lil kwalunkwe terza

A 1078

persuna d-dritt li teżerċita, li tidhol għal, li twettaq, kemm totalment kif ukoll parzajment, u kemm bhala operatur, konċessjonarju, maniger, aġent, kuntrattur indipendenti jew xort'oħra, kwalunkwe funzjonijiet, attivitajiet, operati, doveri jew tranżazzjonijiet li l-Aġenzija hija awtorizzata u għandha s-setgħa jew hija obbligata li teżerċita, tidhol għal, jew twettaq taħt jew skont dan l-Att:

Iżda dan is-subartikolu m'għandux jinftiehem li jeżenta lill-Aġenzija milli tikkonforma ruħha mar-rekwiziti ta' kwalunkwe liġi applikabbli, direttiva, awtorizzazzjoni, liċenzja jew permiss.

(3) Fit-twettiq tal-funzjonijiet tagħha, l-Aġenzija għandha:

(a) taċċerta li għandha fil-pussess tagħha kwalunkwe liċenzji, permessi jew awtorizzazzjonijiet, ikunu kif ikunu deskritti, li jistgħu jkunu rikjesti mil-liġi, u li tosserva kwalunkwe kundizzjonijiet li jistgħu jiġu imposti f'dawn il-liċenzji, permessi jew awtorizzazzjonijiet, ikunu kif ikunu deskritti;

(b) tkun sugġetta għal u tosserva kwalunkwe liġijiet, ordnijiet, direttivi, standards u kwalunkwe rekwiziti legali oħra, ikunu kif ikunu deskritti, li jistgħu jkunu imposti bis-saħħa ta', jew taħt dan l-Att jew xi liġi oħra.

(4) Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, l-użu, l-amministrazzjoni u l-operat tat-toroq kollha li skont dan l-Att jaqgħu taħt ir-responsabbiltà tal-Aġenzja, huma vestiti esklussivament fl-Aġenzija.

(5) L-Aġenzija għandha, fit-twettiq tal-funzjonijiet tagħha, tikkonsulta ma' kwalunkwe awtorità pubblika, inkluż kunsilli lokali, u ma' entitajiet privati rilevanti u tistabilixxi proċessi u proċeduri kif ukoll prattici ta' hidma sabiex tiżgura proċessi effiċjenti għal kwalunkwe xogħlijiet stradali li għandhom jitwettqu mill-Aġenzija u għall-ħruġ ta' kwalunkwe permessi minn kwalunkwe awtorità pubblika rilevanti fir-rigward ta' xogħlijiet stradali skont il-liġi applikabbli.

Twettiq ta'
hidma.

7. (1) L-Aġenzija għandha titmexxa minn Bord appuntat skont id-dispożizzjonijiet ta' dan l-Att.

(2) Il-Bord għandu jkun responsabbli mill-hidma tal-Aġenzija u għat-tnejjija u l-implimentazzjoni tal-politika u tal-istrategija tal-Aġenzija, u għandu jagħti lill-Uffiċjal Kap Eżekuttiv dawk id-direzzjonijiet li jidhirlu li huma xierqa għat-twettiq adegwat mill-Aġenzija tal-funzjonijiet tagħha.

(3) B'mod partikolari u bla ħsara għal kwalunkwe dover ieħor assenjat lill-membri tal-Bord, kemm jekk individwalment kif ukoll jekk kollettivament permezz ta' dan l-Att jew kwalunkwe liġi oħra, il-membri tal-Bord għandhom:

(a) jaġixxu onestament u bil-*bona fide* u jippromwovu l-aħjar interessi tal-Aġenzija;

(b) ikunu obbligati jeżerċitaw grad ta' kura, diligenza u ħila, eżerċitat minn persuna li hija raġonevolement diligenti u li jkollha:

(i) l-għarfien, il-ħila u l-esperjenza li wieħed jista' raġonevolment jistenna minn persuna li qed twettaq l-istess funzjonijiet bħal dawk imwettqa jew fdati lil dak il-membri tal-Bord b'rabta mal-Aġenzija; u

(ii) l-għarfien, il-ħila u l-esperjenza li dak il-membri tal-Bord għandu;

(ċ) jonqsu milli jagħmlu profitt mill-pożizzjoni tagħhom, lanqas ma jagħmlu gwadann personali jew jagħtu xi vantaġġ lil xi terza persuna mill-informazzjoni kunfidenzjali tal-Aġenzija;

(d) jaċċertaw li l-interessi personali tagħhom mhumiex f'kunflitt mal-interessi tal-Aġenzija;

(e) jonqsu milli jużaw kwalunkwe proprjetà jew informazzjoni tal-Aġenzija għall-benefiċċju tagħhom jew għall-benefiċċju ta' persuni oħra, kif lanqas ma għandhom, b'xi mod ieħor, jiksbu benefiċċju b'rabta mal-eżerċizzju tas-setgħat tagħhom;

(f) jeżerċitaw is-setgħat li għandhom unikament għall-finijiet li għalihom is-setgħat huma konċessi u ma jagħmlux użu hażin minn dawk is-setgħat.

8. (1) Il-Bord għandu jkun magħmul minn seba' (7) membri appuntati mill-Ministru, inkluż l-Uffiċjal Kap Eżekuttiv.

Kompożizzjoni
tal-Bord tal-
Aġenzija.

(2) Il-Ministru għandu jahtar wieħed mill-membri appuntati bħala *Chairperson* u membru ieħor bħala deputat *Chairperson*. Id-deputat *Chairperson* għandu jkollu s-setgħat kollha u jwettaq il-funzjonijiet kollha taċ-*Chairperson* fin-nuqqas tiegħu jew fl-eventwalità li l-pożizzjoni ta' *Chairperson* issir battala.

(3) Il-Ministru għandu jagħżel il-membri minn fost persuni li jidhirlu li huma kkwalfikati minħabba l-esperjenza li għandhom u l-

A 1080

kapaċità li wrew fi kwistjonijiet relatati mal-funzjonijiet tal-Aġenzija taht dan l-Att.

(4) Il-membri għandhom jirċievu r-remunerazzjoni li tista' minn żmien għal żmien tiġi ddeterminata mill-Ministru.

Segretarju tal-Bord.

9. (1) Għandu jiġi appuntat segretarju fuq il-Bord, li għandu jiġi appuntat għal perjodu ta' tliet (3) snin u li għandu mal-iskadenza tat-terminu tal-ħatra, ikun eliġibbli sabiex jiġi appuntat mill-ġdid. Jekk is-segretarju jiġi appuntat fi kwalunkwe mument wara li xi membru jew membri jkunu diġà ġew appuntati, it-terminu tal-ħatra tas-segretarju għandu jintemm f'għeluq it-tliet (3) snin mid-data tal-ħatra tal-ewwel membru bħala membru tal-Bord. Is-segretarju għandu jkun appuntat mill-Bord.

(2) Is-segretarju tal-Bord appuntat skont is-subartikolu (1) aktar 'il fuq, m'għandux ikun membru tal-Bord, iżda għandu jkollu d-dritt li jattendi l-laqgħat tal-Bord.

(3) Is-segretarju tal-Bord għandu jkun responsabbli għaž-żamma tal-minuti tal-laqgħat tal-Bord u għaž-żamma u l-aġġornament ta' dawk ir-registri u rekords li s-segretarju jista' jiġi rikjest mill-Bord li jzomm.

(4) Is-segretarju tal-Bord għandu jaċċerta li:

(a) jingħata avviz adegwat qabel il-laqgħat kollha lill-membri kollha tal-Bord; u

(b) il-prospetti kollha u d-dokumenti l-oħra tal-Aġenzija jithejjew u jiġu kkonsenjati skont ir-rekwiziti ta' kwalunkwe liġi u regolamenti applikabbli.

(5) Id-dispożizzjonijiet tal-artikolu 12 għandhom japplikaw għas-segretarju tal-Bord.

Tul tal-ħatra fuq il-Bord.

10. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (3) u tal-artikolu 12, il-membri tal-Bord għandhom jibqgħu fil-kariga sa perjodu massimu ta' tliet (3) snin u abbażi ta' dawk it-termini u l-kundizzjonijiet li l-Ministru jista' jidhirlu li huma xierqa:

Iżda mal-iskadenza tat-terminu tal-ħatra tiegħu, il-membri għandu jkun eliġibbli sabiex jiġi appuntat mill-ġdid.

(2) Il-Ministru jista' fi kwalunkwe hin jittermina l-ħatra ta' kwalunkwe membru tal-Bord jekk il-Ministru jidhirlu li dak il-membri mhux idoneu sabiex ikompli fil-kariga jew m'għadux kapaċi li jwettaq kif jixraq id-dmirijiet ta' membru tal-Bord.

(3) Jekk membru jinħatar fi kwalunkwe ħin wara li xi membru jew membri oħra jkunu diġà ġew maħtura, it-terminu tal-ħatra tal-membri kollha għandu jintemm f'għeluq it-tliet (3) snin mid-data tal-ħatra tal-ewwel membru bħala membru tal-Bord.

11. (1) Persuna naturali għandha tkun skwalifikata milli tiġi appuntata jew milli tibqa' membru tal-Bord jekk dik il-persuna:

Skwalifika milli wiehed jaġixxi bħala membru tal-Bord tal-Aġenzija.

(a) hija Ministru jew Segretarju Parlamentari; jew

(b) hija Mħallf jew Maġistrat tal-Qrati tal-Ġustizzja; jew

(ċ) hija legalment inabilitata jew interdetta; jew

(d) ġiet dikjarata falluta u naqset milli tonora l-obbligi tagħha jew għamlet kompożizzjoni jew arrangament mal-kredituri tagħha; jew

(e) hija suġġetta għal skwalifika taħt l-artikolu 320 tal-Att dwar il-Kumpanniji jew hija suġġetta għal *black-listing* kif provdut fir-Regolamenti dwar l-Akkwist Pubbliku; jew

Kap. 386.
L.S. 174.04.

(f) għandha xi interess finanzjarju personali jew kummerċjali f'xi negozju, impriża, jew attività li hija relatata ma' kwalunkwe mill-funzjonijiet tal-Aġenzija u li x'aktarx taffettwa l-indipendenza tagħha jew l-oġġettività fit-tweqqif xieraq tal-funzjonijiet tagħha bħala membru tal-Bord; jew

(g) hija persuna konnessa mal-persuna msemmija fis-subartikolu (f) aktar 'il fuq.

(2) Minkejja dak stabbilit aktar 'il fuq, jew kwalunkwe dispożizzjoni oħra ta' dan l-Att jew ta' xi liġi oħra, l-ebda persuna li tokkupa kariga pubblika jew xi kariga fi kwalunkwe aġenzija jew korp stabbilit bil-liġi jew kumpannija li fiha l-Gvern għandu kontroll effettiv, ma għandha tkun skwalifikata milli tokkupa l-kariga ta' *Chairperson* tal-Aġenzija, ta' Membru tal-Bord tal-Aġenzija jew ta' Uffiċjal Kap Eżekuttiv tal-Aġenzija.

12. (1) Kwalunkwe membru li għandu interess dirett jew indirett f'xi kuntratt, kuntratt propost jew f'xi tranżazzjoni jew arrangament (kemm jekk jikkostitwixxi kuntratt u anke jekk le) li ġew konklużi jew huma proposti għall-konklużjoni minn, jew mal-Aġenzija, li mhux interess li jiskwalifika lil dak il-Membru taħt l-artikolu 11 aktar 'il fuq milli jkun jew milli jibqa' membru, għandu jiżvela n-natura ta' dak l-interess, jew jekk applikabbli, in-natura tal-interess tal-persuna konnessa, fl-ewwel laqgħa tal-Bord wara li l-fatti

Kunflitti ta' interessi.

rilevanti jkunu saru magħrufa minn dak il-membru.

(2) Wara li l-iżvelar ikun ġie rreġistrat fil-minuti tal-laqgħa tal-Bord, dak il-membru għandu jirtira minn dik il-parti jew partijiet tal-laqgħa li fiha jew fihom dak il-kuntratt, kuntratt propost, tranżazzjoni jew arrangament, ikun kif ikun imsejjaħ, ikunu qed jiġu diskussi jew il-Bord ikun qed jieħu deċiżjoni dwarhom u fi kwalunkwe każ, dak il-membru għandu jkun projbit milli jivvota fuq dak il-kuntratt, kuntratt propost, tranżazzjoni jew arrangament.

(3) Jekk il-Bord ikun tal-fehma li l-interess żvelat lilu taħt l-artikolu 12(1) ikun tali li jissodisfa r-raġunijiet għall-iskwalifika ta' persuna milli tkun membru tal-Bord abbażi tal-artikolu 11(1)(f) jew (g) aktar 'il fuq, il-Bord għandu jinnotifika lill-Ministru bil-miktub, u l-Ministru għandu jieħu dawk il-passi li jista' jidhirlu li huma meħtieġa fiċ-ċirkostanzi, inkluż jew (i) li jinnotifika lill-Bord li ma jaqbilx miegħu u jagħti r-raġunijiet tiegħu għall-istess jew (ii) li jgħid li l-ħatra ta' dak il-membru skont l-artikolu 10(2).

Riżenja mill-Bord u pubblikazzjoni tal-ħatra u tat-terminazzjoni tal-kariga.

13. (1) Membru tal-Bord jista' jirriżenja mill-kariga tiegħu fi kwalunkwe mument, permezz ta' ittra indirizzata liċ-*Chairperson* u kkupjata lill-Ministru.

(2) Il-ħatra ta' kwalunkwe persuna bħala membru tal-Bord u t-terminazzjoni tal-kariga ta' kwalunkwe membru għandhom jiġu nnotifikati fil-Gazzetta.

Dispożizzjonijiet fir-rigward ta' proċedimenti tal-Bord.

14. (1) Il-laqgħat tal-Bord għandhom jissejju miċ-*Chairperson*, jew fuq inizzjattiva tiegħu jew fuq talba ta' żewġ (2) membri oħra tal-Bord.

(2) Il-kworum għal kwalunkwe laqgħa għandu jkun magħmul mill-inqas minn erba' (4) membri tal-Bord. Id-deċiżjonijiet għandhom jiġu adottati permezz ta' magġoranza sempliċi tal-voti tal-membri preżenti u votanti. Iċ-*Chairperson* għandu jkollu vot inizjali u, meta l-voti jkunu indaqs, għandu jkollu vot deċiżiv.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċedura tiegħu.

(4) Bla ħsara għad-dispożizzjonijiet preċedenti ta' dan l-artikolu, l-ebda att jew proċediment tal-Bord ma għandu jiġi invalidat sempliċiment minħabba l-eżistenza ta' post battal fost il-membri tal-Bord, kemm-il darba n-numru minimu ta' membri tal-Bord skont is-subartikolu (2) ikun ġie sodisfatt.

(5) Minkejja xi difett fil-ħatra jew fil-kwalifika għall-ħatra bħala membru tal-Bord, l-atti kollha magħmula minn persuna li tkun

aġixxiet *in bona fide* bħala membru tal-Bord, għandhom ikunu validi daqslikieku dik il-persuna kienet appuntata u kkwalifikata kif suppost.

15. (1) Il-Ministru jista', minn żmien għal żmien, għal dak li għandu x'jaqsam ma' kwistjonijiet li jidhirlu li jaffettwaw l-interess pubbliku, jagħti lill-Aġenzija direzzjonijiet ta' natura ġenerali jew speċifika, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, dwar il-politika li għandha tiġi segwita jew azzjoni oħra li għandha tittiehed fit-twertiq tal-funzjonijiet vestiti fl-Aġenzija bis-saħħa jew taħt dan l-Att, u l-Bord għandu, hekk kif ikun prattikabbli, jagħti effett lil dawn id-direzzjonijiet kollha.

Setgħat tal-Ministru b'konnessjoni mal-Aġenzija u d-doveri tal-Bord lejn il-Ministru.

(2) Il-Bord għandu jpoġġi għad-dispożizzjoni tal-Ministru l-facilitajiet għall-kisba tal-informazzjoni fir-rigward tal-proprjetà u l-attivitajiet tal-Aġenzija u jipprovdi l-prospetti, il-kontijiet u informazzjoni oħra relatata mal-istess, u jpoġġi għad-dispożizzjoni tiegħu l-facilitajiet għall-verifika tal-informazzjoni pprovduta, bil-mod u kull meta huwa jista' raġonevolment jirrikjedi.

16. (1) Ir-rappreżentanza legali u ġuridika tal-Aġenzija għandha tkun vestita fiċ-*Chairperson*:

Rappreżentanza legali u ġuridika.

Iżda l-Aġenzija tista' tappunta lil kwalunkwe persuna jew persuni sabiex jidhru f'isem u għan-nom tal-Aġenzija fi kwalunkwe proċedimenti u f'kull att, kuntratt, strument jew xi dokument ieħor, b'dawk is-setgħat, awtoritajiet u taħt dawk it-termini u kundizzjonijiet li l-Bord jista' minn żmien għal żmien jiddetermina, liema setgħat għandhom jinkludu s-setgħa tad-delega.

(2) Kwalunkwe dokument li jidher li huwa strument magħmul jew maħruġ mill-Aġenzija u ffirmat miċ-*Chairperson* jew minn kwalunkwe uffiċjal li jingħata d-delega mill-Bord għan-nom tal-Aġenzija, għandu jiġi ammess bħala evidenza u għandu, sakemm ma jiġix pruvat xort'oħra, jitqies li huwa strument magħmul jew maħruġ mill-Aġenzija.

17. (1) L-Uffiċjal Kap Eżekuttiv għandu jkun membru tal-Bord u l-oġġla membru tal-eżekuttiv u għandu jkun responsabbli u jwieġeb direttament lill-Bord għat-tmexxija eżekuttiva tal-Aġenzija.

Tmexxija eżekuttiva tal-Aġenzija.

(2) Mingħajr limitazzjoni għall-ġeneralità tad-dispożizzjonijiet preċedenti, ir-responsabbiltajiet tal-Uffiċjal Kap Eżekuttiv għandhom jinkludu:

- (i) l-amministrazzjoni u l-organizzazzjoni tal-Aġenzija;
- (ii) il-kontroll amministrattiv tal-uffiċjali u impjegati oħra tal-Aġenzija;

A 1084

(iii) l-implimentazzjoni tal-pjan tan-negozju tal-Aġenzija, l-għanijiet tagħha u l-baġit;

(iv) iż-żamma, il-promozzjoni u t-trawwim fost l-Aġenzija, l-uffiċjali tagħha u l-impjegati tagħha, tal-valuri tas-servizz pubbliku u ta' dawk li huma speċifiċi għar-rwol tal-Aġenzija; u

(v) funzjonijiet oħra li jistgħu minn żmien għal żmien jiġu mogħtija jew delegati lil mill-Bord.

(3) L-Uffiċjal Kap Eżekuttiv għandu jkollu dawk is-setgħat li huma minn żmien għal żmien meħtieġa għat-twettiq tal-funzjonijiet vestiti fih permezz ta' dan l-Att, u setgħat oħra li jistgħu jiġu mogħtija jew delegati lil mill-Bord.

Hatriet tal-persunal.

18. (1) Mingħajr ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-ħatra ta' uffiċjali u impjegati oħra tal-Aġenzija għandha ssir mill-Uffiċjal Kap Eżekuttiv, skont il-politiki u d-direzzjonijiet tal-Bord minn żmien għal żmien.

(2) L-Uffiċjal Kap Eżekuttiv għandu jahtar u jimpjega, bir-remunerazzjoni u skont dawk it-termini u l-kundizzjonijiet li jistgħu jiġu ddeterminati mill-Bord, dawk l-uffiċjali u impjegati tal-Aġenzija li jistgħu minn żmien għal żmien ikunu meħtieġa għat-twettiq effiċjenti u mistħoqq tal-funzjonijiet tal-Aġenzija.

(3) Minkejja d-dispożizzjonijiet ta' dan l-artikolu, il-Prim Ministru jista', minn żmien għal żmien fuq rakkomandazzjoni tal-Uffiċjal Kap Eżekuttiv tal-Aġenzija, jordna li xi uffiċjal pubbliku jiġi inkarigat sabiex iwettaq dmirijietu mal-Aġenzija f'dik il-kapaċità u b'effett minn dik id-data li tista' tiġi speċifikata fid-direzzjoni mogħtija mill-Prim Ministru.

Status ta' uffiċjali pubbliċi inkarigati sabiex iwettqu dmirijiethom mal-Aġenzija.

19. (1) Meta xi uffiċjal pubbliku jiġi inkarigat sabiex iwettaq dmirijietu mal-Aġenzija skont l-artikolu 18(3) aktar 'il fuq, dak l-uffiċjal għandu, fiż-żmien li matulu d-direzzjoni tkun effettiva fil-konfront tiegħu, ikun taħt l-awtorità amministrattiva u l-kontroll tal-Aġenzija, iżda għandu għall-intenzjonijiet u l-finijiet kollha jibqa' u jiġi meqjus u ttrattat bħala uffiċjal pubbliku.

(2) Mingħajr ħsara għall-generalità tad-dispożizzjonijiet preċedenti, uffiċjal inkarigat sabiex iwettaq dmirijietu kif stabbilit:

(a) m'għandux fiż-żmien li matulu jkun hekk inkarigat:

(i) jiġi prekluz milli japplika għal trasferiment f'dipartiment tal-Gvern, ikun kif ikun deskritt, skont it-

termini u l-kundizzjonijiet tas-servizz mehmuża mal-ħatra governattiva miżmuma minnu, fid-data li fiha kien hekk inkarigat sabiex iwettaq dmirijietu; jew

(ii) jirċievi remunerazzjoni u jkun suġġett għal kundizzjonijiet tas-servizz li huma anqas favorevoli minn dawk mehmuża mal-ħatra governattiva fid-data msemmija preċedentement, jew li kienu jiġu mehmuża ma' dik il-ħatra, matul l-imsemmi perjodu, li kieku dak l-uffiċjal ma kienx inkarigat sabiex iwettaq dmirijietu mal-Aġenzija; u

(b) għandu jkun intitolat sabiex ikollu s-servizz tiegħu mal-Aġenzija meqjus bhala servizz mal-Gvern għall-finijiet ta' kwalunkwe pensjoni, gratwità, jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet jew l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u għall-finijiet ta' kwalunkwe dritt ieħor jew privileġġ li għalih kien ikun intitolat, u responsabbli għal kull oneru li kien ikun jgħajjat lilu, li kieku ma kienx għall-fatt li gie inkarigat sabiex iwettaq dmirijietu mal-Aġenzija.

Kap. 93.
Kap. 58.

(3) Meta ssir applikazzjoni kif provdut fis-subartikolu (2)(a)(i) aktar 'il fuq, din għandha titqies bl-istess mod daqslikieku l-applikant ma kienx inkarigat sabiex iwettaq dmirijietu mal-Aġenzija.

(4) L-Aġenzija għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jstgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi fir-rigward tal-ispiza tal-pensjonijiet u ta' kwalunkwe gratwità li jkun irċieva l-uffiċjal li jkun inkarigat mal-Aġenzija fit-twettiq ta' dmirijietu, kif diġà stabbilit, matul il-perjodu li matulu jkun hekk inkarigat.

20. (1) L-Aġenzija tista', bl-approvazzjoni tal-Prim Ministru, toffri impjieg permanenti mal-Aġenzija lil kwalunkwe uffiċjal inkarigati mal-Aġenzija sabiex iwettaq dmirijietu magħha skont l-artikolu 18(3), b' remunerazzjoni u skont it-termini u l-kundizzjonijiet li mhumiex anqas favorevoli minn dawk li jkun igawdi dak l-uffiċjal fid-data ta' dik l-offerta.

Offerta ta' impjieg permanenti mal-Aġenzija lil uffiċjali pubbliċi inkarigati sabiex iwettqu dmirijiethom mal-Aġenzija.

(2) It-termini u l-kundizzjonijiet ta' kwalunkwe impjieg permanenti offrut mill-Aġenzija taħt id-dispożizzjonijiet tas-subartikolu (1), m'għandhomx jitqiesu li huma anqas favorevoli sempliċiment għaliex mhumiex, fl-aspetti kollha, identiċi jew superjuri għal dawk li kien igawdi l-uffiċjal pubbliku kkonċernat fid-data ta' dik l-offerta, jekk dawk it-termini u l-kundizzjonijiet, meħuda flimkien, fl-opinjoni tal-Prim Ministru joffru benefiċċji li huma sostanzjalment ekwivalenti jew iprem.

A 1086

Kap. 93.
Kap. 58

(3) Kull uffiċjal pubbliku li jaċċetta impjieg permanenti offrut lilu mal-Aġenzija taht id-dispożizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha minbarra dawk tal-Ordinanza dwar il-Pensjonijiet jew tal-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla ħsara għad-dispożizzjonijiet tal-artikolu 21, jitqies li jkun waqaf mis-servizz tiegħu mal-Gvern u li jkun daħal fis-servizz mal-Aġenzija fid-data tal-aċċettazzjoni, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, inkwantu applikabbli għalih, is-servizz mal-Aġenzija għandu jitqies li huwa servizz mal-Gvern, fil-kuntest tat-tifsiriet rispettivi tagħhom.

Kap. 58.

(4) Kull uffiċjal pubbliku kif imsemmi preċedentement li, minnufih qabel ma aċċetta l-impjieg permanenti mal-Aġenzija kien intitolat li jibbenefika taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jkompli jkun intitolat sabiex jibbenefika tahtu għall-finijiet kollha, daqslikieku s-servizz tiegħu mal-Aġenzija kien servizz mal-Gvern.

(5) L-Aġenzija għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi fir-rigward tal-ispiza tal-pensjonijiet u ta' kwalunkwe gratwità li jkun irċieva l-uffiċjal li aċċetta impjieg permanenti mal-Aġenzija kif stabbilit preċedentement, matul il-perjodu li jibda fid-data tal-aċċettazzjoni ta' dak l-uffiċjal.

Persuni meqjusa
bhala uffiċjali
pubbliċi.

Kap. 9.

21. Il-membri tal-Bord tal-Aġenzija u l-uffiċjali u l-impjegati kollha inkarigati sabiex iwettqu dmirijiethom mal-Aġenzija skont l-artikolu 18(3), bl-esklużjoni iżda ta' kwalunkwe uffiċjal li jaċċetta impjieg permanenti mal-Aġenzija skont id-dispożizzjonijiet tal-artikolu 20, għandhom jitqiesu li huma uffiċjali pubbliċi jew impjegati fl-ambitu tat-tifsira tal-Kodiċi Kriminali.

Taqsim II: Dispożizzjonijiet Finanzjarji

Finanzi.

22. (1) L-Aġenzija għandha tiegħu ħsieb tnejn f'kull sena finanzjarja u għandha, mhux aktar tard minn erba' (4) gimgħat wara li tintemm dik is-sena, tadotta stimi tad-dħul u tal-infiq tal-Aġenzija għas-sena finanzjarja sussegwenti u tissottomettihom għall-kunsiderazzjoni tal-Ministru skont in-normi u l-prattiki stabbiliti mill-Ministru responsabbli għall-finanzi.

(2) L-Aġenzija għandha tiġi ffinanzjata mill-Gvern mill-Fond Konsolidat permezz ta' ammonti li l-Kamra tista', minn żmien għal żmien tawtorizza u permezz ta' dawk l-ammonti li jistgħu jiġu awtorizzati taht xi ligi oħra, sabiex jiġu allokati għall-ispiza operazzjonali u kapitali tagħha kif identifikat fil-pjan finanzjarju kummerċjali jew fil-baġit.

(3) Kull dħul li jeċċedi l-infiq għandu, bla ħsara għal dawk id-direttivi li l-Ministru jista', wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jagħti minn żmien għal żmien, jiġi applikat mill-Aġenzija għall-formazzjoni tal-fondi ta' riżerva li għandhom jiġu użati għall-finijiet tal-Aġenzija u bla ħsara għall-ġeneralità tas-setgħat mogħtija lill-Ministru permezz ta' dan is-subartikolu, kwalunkwe direttiva mogħtija mill-Ministru, kif intqal preċedentement, tista' tordna t-trasferiment lill-Gvern, jew l-użu ta' dawk il-fondi bil-mod speċifikat fid-direttiva.

(4) Kwalunkwe fondi tal-Aġenzija li mhumiex immedjatament meħtieġa għan-nefqa, jistgħu jiġu investiti b'tali mod li jista' minn żmien għal żmien jiġi determinat mill-Bord.

23. (1) L-Aġenzija għandha żżomm kontijiet xierqa u rekords oħra fir-rigward tal-operat tagħha u għandha tiegħu ħsieb li thejji prospett ta' kontijiet għal kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet tal-Aġenzija għandhom jiġu vverifikati minn awditur jew awdituri li għandhom jiġu appuntati mill-Aġenzija u approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jordna li l-kotba u l-kontijiet tal-Aġenzija jiġu vverifikati jew eżaminati mill-Awditur Ġenerali li għandu, għal dan il-għan, ikollu s-setgħa li jwettaq dik il-verifika fizika u ċertifikazzjonijiet oħra li jista' jidhirlu li jkunu meħtieġa.

(3) Wara t-tmiem ta' kull sena finanzjarja, u sa mhux aktar tard minn sitt (6) xhur, l-Aġenzija għandha tiegħu ħsieb li kopja tal-prospett tal-kontijiet verifikati tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi, flimkien ma' kopja ta' kull rapport magħmul mill-awdituri dwar dak il-prospett jew il-kontijiet tal-Aġenzija.

(4) Il-Ministru għandu jiegħu ħsieb li kopja ta' kull prospett u rapport titqiegħed fuq il-Mejda tal-Kamra hekk kif ikun prattikabbli.

24. (1) L-Aġenzija għandha, sa mhux aktar tard minn sitt (6) xhur mit-tmiem ta' kull sena finanzjarja, thejji u tittrasmetti lill-Ministru u lill-Ministru responsabbli għall-finanzi, rapport annwali li jittratta b'mod ġenerali l-attivitajiet tal-Aġenzija matul dik is-sena finanzjarja u li għandu jkun fih dikjarazzjoni verifikata tal-kontijiet flimkien ma' dik l-informazzjoni relatata mal-proċedimenti u mal-ħidma tal-Aġenzija kif il-Ministri jistgħu minn żmien għal żmien jirrikjedu. Il-Ministru għandu jiegħu ħsieb li kopja ta' kull rapport ta' dik ix-xorta, titqiegħed fuq il-Mejda tal-Kamra hekk kif ikun prattikabbli. Rapporti Annwali.

A 1088

Eżenzjoni mit-taxxa.

25. L-Aġenzija għandha tkun eżentata minn kwalunkwe responsabbiltà għall-ħlas tat-taxxa fuq id-dhul u taxxa fuq dokumenti taħt kwalunkwe ligi preżentement fis-seħh.

Taqsimha III: Responsabbiltà għal korriment u danni

Responsabbiltà għal korriment u danni.

26. (1) F'azzjoni għal korriment jew danni mgarrba minn kwalunkwe persuna jew proprjeta li tirriżulta minn nuqqas fil-manutenzjoni ta' xi triq, dawn l-azzjonijiet għandhom jiġu istitwiti kontra:

(i) l-Awtorità għat-Trasport f'Malta fir-rigward ta' kwalunkwe korriment jew danni mgarrba minn kwalunkwe persuna jew proprjeta fiż-żmien meta t-triq rilevanti qabel l-ordni f'artikolu 27 (1) kienet taqa' taħt ir-responsabbiltà tagħha skont il-leġiżlazzjoni applikabbli;

(ii) l-Aġenzija fir-rigward ta' kwalunkwe korriment jew danni mgarrba minn kwalunkwe persuna jew proprjeta fiż-żmien meta t-triq rilevanti wara l-ordni fl-artikolu 27(1) tkun taħt ir-responsabbiltà tagħha skont il-leġiżlazzjoni applikabbli; u

(iii) kunsill lokali fir-rigward ta' kwalunkwe korriment jew danni mgarrba minn kwalunkwe persuna jew proprjeta fiż-żmien meta t-triq rilevanti tkun taħt ir-responsabbiltà tagħha skont il-leġiżlazzjoni u l-ordnijiet fl-artikolu 27(2) u (3) rispettivament skont il-każ applikabbli:

Kap. 363.

Iżda meta triq hija kklassifikata bħala triq lokali skont il-leġiżlazzjoni applikabbli u taqa', fi kwalunkwe miżura, taħt ir-responsabbiltà ta' kunsill lokali skont l-Att dwar Kunsilli Lokali, ir-responsabbiltà għal dik it-triq lokali m'għandhiex, fil-miżura ta' dik ir-responsabbiltà, tkun il-funzjoni tal-kunsill lokali rispettiv jekk il-ħsarat fiha huma ta' natura straordinarja u għaldaqstant taqa' taħt ir-responsabbiltà tal-Aġenzija.

(2) F'kull wieħed mill-każijiet imsemmijin fis-subartikolu (1) aktar 'il fuq, fir-rigward tal-Awtorità għat-Trasport f'Malta, l-Aġenzija jew kunsill lokali, skont il-każ, għandha tkun difiża li jiġi ppruvat li:

(a) l-Awtorità għat-Trasport f'Malta, l-Aġenzija jew kunsill lokali, skont il-każ, kienu hađu ħsieb skont kif kien raġonevolment meħtieġ fiċ-ċirkostanzi, sabiex jiżguraw li dik il-parti tat-triq li magħha hija relatata l-azzjoni ma kenitx perikoluża għat-traffiku; jew

(b) li l-korriment jew id-dannu rriżultaw:

(i) minn xogħlijiet li saru fuq jew taħt dik il-parti tat-triq li magħha hija relatata l-azzjoni; u

(ii) minn avveniment li seħħ qabel it-tlestija tar-riintegrazzjoni jew tranger ta' dik il-parti tat-triq skont kwalunkwe rekwiżit rilevanti.

(3) Għall-finijiet tad-difiża skont is-subartikolu (2)(a) aktar 'il fuq, il-qorti għandha b' mod partikolari tqis is-segwenti:

(a) in-natura tat-triq, u t-traffiku li kien raġonevolment mistenni li jużaha;

(b) il-livell adegwat ta' manutenzjoni għal triq ta' dak it-tip u użata minn traffiku ta' dik ix-xorta;

(ċ) l-istat ta' tiswija li fih persuna raġonevoli kienet tistenna li ssib it-triq;

(d) jekk l-Awtorità għat-Trasport f'Malta, l-Aġenzija jew kunsill lokali, skont il-każ, kinux jafu jew kinux raġonevolment mistennija li jkunu jafu li l-kundizzjoni tal-parti tat-triq li magħha hija relatata l-azzjoni x'aktarx li kienet ser tkun ta' periklu għall-utenti tat-triq;

(e) fejn l-Awtorità għat-Trasport f'Malta, l-Aġenzija jew kunsill lokali, skont il-każ, ma setgħux ikunu raġonevolment mistennija li jsewwu dik il-parti tat-triq qabel ma nqalgħet il-kawża għall-azzjoni, x'tip ta' avvizi ta' twissija tpoġġew dwar il-kundizzjoni tagħha:

Iżda għall-finijiet ta' din id-difiża m'għandux ikun rilevanti li jiġi ppruvat li l-Awtorità għat-Trasport f'Malta, l-Aġenzija jew kunsill lokali, skont il-każ, kienu għamlu arranġamenti ma' kuntrattur awtorizzat għat-twertiq jew għas-sorveljanza tal-manutenzjoni ta' dik il-parti tat-triq li magħha l-azzjoni hija relatata, sakemm ma jiġix pruvat ukoll li l-Awtorità għat-Trasport f'Malta, l-Aġenzija jew kunsill lokali, skont il-każ, kienu taw lill-kuntrattur struzzjonijiet bil-miktub fir-rigward tal-manutenzjoni tat-triq u li dawk l-istruzzjonijiet ġew segwiti.

Taqsimu IV: Dispożizzjonijiet Transitorji

27. (1) Il-Ministru għandu, b'ordni fil-Gazzetta, idahħal fis-seħħ l-artikoli 5, 6 u t-Taqsimu III ta' dan l-Att u b'hekk jittrasferixxi awtomatikament dawk il-funzjonijiet u setgħat stabbiliti fl-artikoli 5 u

Trasferiment tal-funzjonijiet u tas-setgħat lill-Aġenzija.

A 1090

6 li huma preżentement vestiti fl-Awtorità għat-Trasport f'Malta lill-Aġenzija, skont id-dispożizzjonijiet ta' dan l-Att. Mid-data li fiha l-funzjonijiet u s-setgħat kif trasferiti mill-Awtorità għat-Trasport f'Malta lill-Aġenzija jsiru effettivi, l-Awtorità għat-Trasport f'Malta ma għandu jkollha l-ebda oneru ulterjuri jew responsabbiltà għall-qadi jew għat-twettiq ta' dawk il-funzjonijiet jew setgħat.

Kap. 363.

(2) Il-Ministru għandu, b'ordni fil-Gazzetta, u wara li l-artikoli 5 u 6 u t-Taqsima IV ta' dan l-Att ikunu saru effettivi, jittrasferixxi lill-Aġenzija dawk il-funzjonijiet u s-setgħat fir-rigward ta' toroq li huma vestiti fil-kunsilli lokali taħt l-Att dwar Kunsilli Lokali, skont id-dispożizzjonijiet ta' dan l-Att. Il-Ministru jista' jagħmel dan it-trasferiment jew fi skema jew f'sensiela ta' skemi fir-rigward ta' dawk it-toroq li għandhom jiġu identifikati fl-ordni fil-Gazzetta u b'dak il-mod li l-Ministru jqis l-aktar adatt u spedjenti sabiex ikunu jistgħu jintlaħqu aħjar l-għanijiet ta' dan l-Att:

Iżda sakemm tiġi trasferita r-responsabbiltà għal triq partikolari lill-Aġenzija, skont id-dispożizzjonijiet ta' dan l-artikolu, ir-responsabbiltà fir-rigward ta' dik it-triq għandha tibqa' tgħajjat lill-kunsill lokali vestit b'dik ir-responsabbiltà, skont il-legiżlazzjoni applikabbli.

(3) Il-Ministru jista', minn żmien għal żmien, permezz ta' avviż legali, jittrasferixxi mill-ġdid ċerti funzjonijiet u setgħat għall-manutenzjoni u ż-żamma tat-toroq lokali lill-kunsilli lokali, jekk il-Ministru jidherli li dak it-trasferiment mill-ġdid ta' dawk il-funzjonijiet u setgħat ikun idoneu jew spedjenti għall-manutenzjoni u għaż-żamma iprem ta' dawn it-toroq lokali:

Kap. 363.

Iżda meta triq hija kklassifikata bħala triq lokali skont il-legiżlazzjoni applikabbli u taqa', fi kwalunkwe miżura, taħt ir-responsabbiltà ta' kunsill lokali skont l-Att dwar Kunsilli Lokali, ir-responsabbiltà għal dik it-triq lokali m'għandhiex, fil-miżura ta' dik ir-responsabbiltà, tkun il-funzjoni tal-kunsill lokali rispettiv hekk kif iseħħ it-trasferiment mill-Aġenzija, sa dik id-data preskritta mill-Ministru permezz ta' avviż legali li jittrasferixxi mill-ġdid dawk ir-responsabbiltajiet taħt dan l-Att.

Dispożizzjonijiet
transitorji.

28. Fejn qabel id-dhul fis-seħħ ta' kwalunkwe taqsima ta' dan l-Att, hemm xi kuntratti pendenti konklużi mill-Awtorità għat-Trasport f'Malta ma' partijiet terzi, relatati ma' kwalunkwe mill-funzjonijiet trasferiti lill-Aġenzija skont jew taħt dan l-Att, tali kuntratt għandu jiġi trasferit lill-Aġenzija li għandha, mid-data tad-dhul fis-seħħ ta' dan l-Att, kif preċedentement imsemmi, tissostitwixxi lill-Awtorità għat-Trasport f'Malta bħala parti fil-kuntratt rispettiv.

29. Fejn qabel id-dhul fis-seħħ ta' kwalunkwe Taqsima ta' dan l-Att hemm xi kawżi pendenti, pretensjonijiet, deċiżjonijiet tal-qorti finali, danni, penali, multi, responsabbiltajiet, talbiet u, jew telf, kontra l-Awtorità għat-Trasport f'Malta, relatati ma' kwalunkwe mill-funzjonijiet trasferiti lill-Aġenzija skont jew taħt dan l-Att, mid-data tad-dhul fis-seħħ ta' dan l-Att, kif preċedentement imsemmi, l-Awtorità għat-Trasport f'Malta għandha tibqa' unikament responsabbli għall-istess, mingħajr kwalunkwe responsabbiltà min-naħa tal-Aġenzija:

Kawżi pendenti, pretensjonijiet, deċiżjonijiet tal-qorti finali, eċċ.

Iżda, salv għad-dispożizzjonijiet tal-artikolu 26, jekk ikun hemm pretensjoni, sanzjoni, jew ordni ta' rkupru fir-rigward ta' proġett b'raba ma' kwalunkwe triq li tkun ħadet taħtha l-Awtorità għat-Trasport f'Malta, f'dak il-każ kwalunkwe responsabbiltà, spiża, jew nefqa li jista' eventwalment ikun hemm fir-rigward ta' dak il-proġett, għandha tibqa' għall-inkarigu tal-Awtorità għat-Trasport f'Malta.

TAQSIMA III

Emendi fl-Att dwar l-Awtorità għat-Trasport f'Malta

30. (1) Din it-Taqsima temenda l-Att dwar l-Awtorità għat-Trasport f'Malta u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Awtorità għat-Trasport f'Malta, hawn aktar 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi fl-Att dwar l-Awtorità għat-Trasport f'Malta. Kap. 499.

(2) Id-dispożizzjonijiet ta' din it-Taqsima għandhom jidhlu fis-seħħ f'dik id-data li l-Ministru responsabbli għat-Trasport jista' b'ordni fil-Gazzetta jistabbilixxi u jistgħu jiġu stabbiliti dati differenti għal dispożizzjonijiet differenti ta' din it-Taqsima.

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

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minnufih wara t-tifsira "impjegat tat-trasport pubbliku" għandha tiżdied it-tifsira ġdida li ġejja:

" "Infrastruttura Malta" tfisser l-Aġenzija għal Infrastruttura Malta stabbilita permezz tal-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta;"

Att Nru XXVIII tal-2018.

(b) minnufih wara t-tifsira "telf jew ħsara" għandha tiżdied it-tifsira ġdida li ġejja:

A 1092

Att Nru XXVIII
tal-2018.

" "toroq privati" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta;"

(ċ) it-tifsira "triq" għandha tiġi sostitwita b'dan li ġej:

Att Nru XXVIII
tal-2018.

" "triq" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta;"

Emenda tal-
artikolu 5 tal-
Att prinċipali.

32. Fil-paragrafu (ċ) tas-subartikolu (5) tal-artikolu 5 tal-Att prinċipali, il-kliem "fil-Gazzetta; jew" għandhom jiġu sostitwiti bil-kliem "fil-Gazzetta:", u minnufih wara għandu jidid dan il-proviso ġdid li ġej:

"Izda wkoll minkejja d-dispożizzjonijiet ta' dan l-Att jew ta' xi liġi oħra, l-ebda persuna li tokkupa kariga pubblika jew xi kariga fi kwalunkwe aġenzija jew korp stabbilit bil-liġi jew kumpannija li fiha l-Gvern għandu kontroll effettiv, ma għandha tkun skwalifikata milli tokkupa l-kariga ta' *Chairperson* tal-Awtorità, ta' membru tal-Awtorità jew ta' Uffiċjal Kap Eżekuttiv tal-Awtorità; jew".

Emenda tal-
artikolu 6 tal-
Att prinċipali.

33. Fil-paragrafu (m) tas-subartikolu (1) tal-artikolu 6 tal-Att prinċipali, minflok il-kliem "tal-Awtorità; u" għandhom jidhlu l-kliem "tal-Awtorità:" u minnufih wara għandu jidhlo dan il-proviso ġdid li ġej:

"Izda sakemm kwalunkwe mill-politiki, skemi jew strateġiji tal-Awtorità kif imfisser f'dan is-subartikolu (1), jikkoncernaw jew huma relatati, fi kwalunkwe miżura, mal-funzjonijiet ta' Infrastruttura Malta, l-Awtorità għandha tikkonsulta ma' Infrastruttura Malta qabel l-implimentazzjoni ta' kwalunkwe politika, skema jew strateġija skont is-subartikolu (1); u".

Emenda tal-
artikolu 7 tal-
Att prinċipali.

34. L-artikolu 7 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Setgħat u
funzjonijiet
fir-rigward
ta' toroq u
ferroviji u t-
trasport
stradali u
ferrovjarju.

7. Bla ħsara għas-setgħat u l-funzjonijiet mogħtija lill-Awtorità skont l-artikolu 6, l-Awtorità għandu jkollha s-setgħat u l-funzjonijiet segwenti, speċifikament fir-rigward ta' toroq u ferroviji u t-trasport stradali u ferrovjarju:

(a) li tirregola t-trasport stradali, ir-reġistrazzjoni, il-liċenzjar u l-użu ta' vetturi, il-liċenzjar tal-operati kummerċjali kollha relatati mat-trasport stradali, u li ttiprovdi għal kwalunkwe kwistjoni regolata minn dan l-Att b'rabta mat-trasport stradali;

(b) li tagħmel dawk il-ħwejjeġ kollha li jistgħu jkunu meħtieġa għar-regolament, immaniġġar, sigurtà u kontroll tat-traffiku stardali, kemm fuq livell nazzjonali kif ukoll lokali u għal dan il-għan li tadotta strateġiji u standards li għandhom valur referenzjarju Ewropew;

(c) li tippjana, tiddisinja, tirregola u tawtorizza tabelli jew sinjali tat-traffiku stradali, marki tat-toroq u miżuri għat-trażzin tat-traffiku, l-istallazzjoni ta' tagħmir għall-kontroll tat-traffiku u tagħmir tad-dawl relatat, il-kostruzzjoni ta' stoffi fit-toroq, u l-istallazzjoni ta' *cameras* tal-veloċità u faċilitajiet oħra tat-traffiku stradali, għall-finijiet tat-traffiku, tal-immaniġġar u tal-kontroll;

(d) li tamministra, topera u żżomm tabelli u sinjali elettronici għat-traffiku stradali u għas-sigurtà, marki elettronici għat-traffiku stradali u tagħmir għall-kontroll tat-traffiku u tagħmir tad-dawl relatat;

(e) li tistabbilixxi standards u speċifikazzjonijiet li għandhom jinżammu u jiġu osservati fl-eżekuzzjoni ta' kwalunkwe xogħlijiet marbuta mat-toroq u li tagħmel dawk il-ħwejjeġ kollha li jistgħu jkunu meħtieġa u spedjenti sabiex taċċerta l-osservanza ta' dawn l-istandards u speċifikazzjonijiet mill-kunsilli lokali, mill-Aġenzija għal Infrastruttura Malta jew mill-persuna li twettaq xogħlijiet fuq xi triq, indipendentement minn min huwa responsabbli għal dik it-triq u għal dan il-

A 1094

għan li tistabbilixxi programmi regolari sabiex tivverifika kif ukoll tiżgura l-implimentazzjoni ta' dawn l-istandards u speċifikazzjonijiet;

L.S. 499.57.

(f) li twettaq verifiki tas-sigurtà stradali, valutazzjoni tas-sigurtà stradali u kwalunkwe funzjonijiet oħra relatati mat-toroq stabbiliti fir-Regolamenti dwar Toroq Ġodda u Xogħlijiet f'Toroq u kwalunkwe liġi oħra;

Kap. 552.

(g) bla ħsara għal kwalunkwe applikazzjoni li tista' tkun meħtieġa taħt l-Att dwar l-Ippjanar tal-Iżvilupp, li tagħxi bhala l-unika awtorità sabiex toħroġ il-permessi għal kwalunkwe xogħol fi kwalukwe triq;

(h) li tagħti d-dritt ta' passaġġ fuq it-toroq, għajr toroq privati, lil persuni;

(i) li tistabbilixxi l-klassifikazzjoni jew ir-rikklassifikazzjoni tat-toroq kif l-Awtorità jista' jidhrilha l-aktar idoneu jew spedjenti u li żżomm u tiehu ħsieb il-pubblikazzjoni tal-lista ta' dawn il-klassifikazzjonijiet;

(j) li tagħmel dawk il-ħwejjeġ kollha li huma meħtieġa jew spedjenti għall-verifika, registrazzjoni u liċenzjar ta' vetturi, propjetarji ta' vetturi, operaturi kummerċjali ta' vetturi, sewwieqa ta' vetturi, jew persuni oħra konnessi mat-trasport stradali;

(k) li taċċerta l-provvista ta' sistemi tat-trasport pubbliku li huma adegwati, effiċjenti u ma jagħmlux ħsara lil ambjent u għal dan il-għan jew tipprovdi hija stess dawn is-servizzi jew tidhol f'kuntratt ta' servizz jew strument ieħor vinkolanti ma' operatur wieħed jew aktar għall-provvista ta' dawn is-servizzi, kemm fuq bażi esklussiva jew xort'oħra, skont kif jista' jiġi determinat mill-Awtorità;

Att Nru
XXVII tal-
2018.

(l) li tippjana, tistalla, tibni u tieġu ħsieb *bus stops, fare stages*, vened tal-karrozzi tal-linja, *taxi stands, stands* tal-karrozzini u faċilitajiet oħra għall-passiġġieri, u li tirregola l-istallazzjoni ta' xelters tal-linja;

(m) li tippjana, tiddisinja, tibni, tikkonstruwixxi, tikkonstruwixxi mill-ġdid, tawtorizza, tippermetti, tirregola, tamministra, iżżomm, issewwi u tirrestawra skont il-ħtieġa, *billboards*, bankijiet, *kiosks* u kwalunkwe ħaġa oħra li tista' tehel fuq wiċċ it-triq, salv dak vestit f'Infrastruttura Malta skont l-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta jew kwalunkwe liġi oħra;

(n) li tipprovi u tirregola postijiet ta' parkeġġ għal vetturi bil-mutur f'postijiet pubbliċi u fit-toroq, u li tirregola u toħroġ liċenzji lil *car park attendants*; u

(o) li tistabbilixxi r-rekwiziti għall-piżijiet, dimensjonijiet u tagħmir għal vetturi bil-mutur."

35. Fis-subartikolu (3) tal-artikolu 31 tal-Att prinċipali, il-kliem "tliet xhur" għandhom jiġi sostitwiti bil-kliem "sitt xhur".

Emenda tal-artikolu 31 tal-Att prinċipali.

36. Fl-artikolu 34 tal-Att prinċipali, il-kliem "tliet xhur" għandhom jiġi sostitwiti bil-kliem "sitt xhur".

Emenda tal-artikolu 34 tal-Att prinċipali.

37. Fl-Ewwel Skeda tal-Att prinċipali:

Emenda tal-Ewwel Skeda tal-Att prinċipali.

(a) il-paragrafu 5 għandu jiġi mħassar;

(b) il-paragrafi 6, 7, 8 u 9 għandhom jiġu enumerati mill-ġdid bħala l-paragrafi 5, 6, 7 u 8 rispettivament;

(ċ) il-paragrafu 7 kif enumerat mill-ġdid, għandu jiġi sostitwit b'dan li ġej:

"7. Direttorat għall-Infurzar – li jkollu r-responsabbiltà għall-infurzar generali tad-dispożizzjonijiet ta' dan l-Att u ta' kwalunkwe liġijiet u regolamenti li jirregolaw it-trasport bit-triq, bil-baħar u bl-ajru, inkluż b'mod partikolari l-immaniġġar tat-traffiku u l-promozzjoni tas-sigurtà tat-traffiku."

A 1096

TAQSIMA IV
Emendi fl-Att dwar Kunsilli Lokali

Emendi fl-Att
dwar Kunsilli
Lokali
Kap. 363.

38. (1) Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar Kunsilli Lokali u din it-Taqsima għandha tinqara u tinftiehem haġa waħda mal-Att dwar Kunsilli Lokali, hawn aktar 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

(2) Id-dispożizzjonijiet ta' din it-Taqsima għandhom jidhlu fis-seħħ f'dik id-data li l-Ministru responsabbli għat-Trasport jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu stabbiliti dati differenti għal dispożizzjonijiet differenti ta' din it-Taqsima.

Emenda tal-
artikolu 2 tal-
Att prinċipali.

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

(a) minnufih wara t-tifsira "dokument ta' identifikazzjoni" għandha tidhol it-tifsira ġdida li ġejja:

" "Infrastruttura Malta" tfisser l-Aġenzija għal Infrastruttura Malta kif stabbilita bl-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta;"

(b) fil-verżjoni Ingliża, it-tifsira "street" għandha tiġi mħassra u l-kliem "street" jew "streets" kull fejn jidher fl-Att prinċipali għandhom jiġu sostitwiti bil-kliem "road" jew "roads" rispettivament;

(ċ) it-tifsira "triq" għandha tiġi sostitwita b'dan li ġej:

" "triq" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta u għall-finijiet ta' dan l-Att, fejn applikabbli, għandha tinkludi wkoll kwalunkwe triq lokali, sqaq, misraħ, pont, xatt il-baħar, moll, jew xi post ieħor ta' passaġġ pubbliku jew aċċess;"

(d) minnufih wara t-tifsira "triq" kif sostitwita, għandha tidhol it-tifsira ġdida li ġejja:

" "triq lokali" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta;"

(e) minnufih wara t-tifsira "triq lokali" kif miżjuda, għandha tidhol it-tifsira ġdida li ġejja:

" "triq privata" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att tal-2018 dwar l-

Att Nru XXVIII
tal-2018.

Att Nru XXVIII
tal-2018.

Att Nru XXVIII
tal-2018.

Att Nru XXVIII
tal-2018.

Aġenzija għal Infrastruttura Malta;".

40. L-artikolu 33 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 33 tal-Att prinċipali.

(1) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(a) il-paragrafu (a) għandu jiġi sostitwit b'dan li ġej:

"(a) li tipprovdi, fir-rigward ta' kwalunkwe triq, għajr triq li r-responsabbiltà fir-rigward tagħha hija vestita f'Infrastruttura Malta skont it-termini tal-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta jew kwalunkwe regolamenti magħmula taħtha, iż-żamma u l-manutenzjoni, jew it-titjib tal-istess, u li tipprovdi u żżomm sinjali stradali u marki stradali adegwati, skont standards nazzjonali u internazzjonali:

Att Nru XXVIII tal-2018.

Iżda l-manutenzjoni relatata ma' kwalunkwe triq imsemmija f'dan il-paragrafu, tinkludi t-tiswija tal-irqajja' u l-kisi mill-ġdid tal-wiċċ tagħha, iżda ma tinkludix ir-rikostruzzjoni tagħha;";

(b) il-paragrafu (b) għandu jiġi sostitwit b'dan li ġej:

"(b) fir-rigward ta' kwalunkwe triq, li tipprovdi l-knis, tindif u qtugħ ta' ħaxix ħażin, tindif ta' sinjali stradali u dwal stradali, il-ġbir u t-tneħħija ta' kull skart, iż-żamma tal-indafa u l-manutenzjoni u ż-żamma tal-konvenjenzi pubbliċi kollha, tal-bramel taż-żibel u ta' reċipjenti oħra għad-depożitu temporanju u għall-ġbir ta' skart u li taċċerta li dawn huma kollha aċċessibbli għal kulhadd, inklużi persuni li jagħmlu użu mis-siġġu tar-roti;";

(ċ) il-paragrafu (d) għandu jiġi sostitwit b'dan li ġej:

"(d) li tipproponi miżuri relatati mal-manutenzjoni u t-tiswija ta' toroq lokali, żoni pedonali, żoni ta' parkeġġ, sinjali stradali u marki stradali fil-lokalità, li tipprovdi l-installazzjoni u l-manutenzjoni ta' xelters tal-linja skont standards u speċifikazzjonijiet stabbiliti mill-awtorità kompetenti għat-trasport, żoni pedonali u ta' parkeġġ u li tipprovdi protezzjoni għat-tfal tal-iskola fil-viċinanza tal-

A 1098

iskejjel;"

(d) il-paragrafu (e) għandu jiġi sostitwit b'dan li ġej:

"(e) li tippromponi u fejn applikabbli, li tiġi konsultata minn kwalunkwe awtorità kompetenti jew aġenzija, qabel ma l-awtorità kompetenti jew aġenzija jwettqu xi tibdil fl-iskemi tat-traffiku li jkunu jaffettwaw direttament lil-lokalità;"

(e) il-paragrafu (f) għandu jiġi sostitwit b'dan li ġej:

"(f) li tagħmel rakkomandazzjonijiet lil kwalunkwe awtorità kompetenti jew aġenzija għal, jew fir-rigward ta' kwalunkwe skema tal-ippjanar jew ta' bini u li tippartecipa bis-sħiħ fi kwalunkwe deċiżjonijiet dwar l-ghoti jew l-ghoti mill-ġdid ta' ismijiet tat-toroq;"

(f) il-paragrafu (w) għandu jiġi sostitwit b'dan li ġej:

"(w) li tidhol f'arrangamenti ma' kwalunkwe aġenzija jew korp pubbliku jew dipartiment tal-Gvern għad-delega lill-kunsill lokali ta' kwalunkwe funzjonijiet ta' dik l-aġenzija, dak il-korp pubbliku jew dipartiment:

Izda tali delega għandha biss tidhol fis-seħħ wara li l-Ministru jkun għamel l-ordni rilevanti fil-Gazzetta;"

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

"(2) Monumenti nazzjonali, *parks* jew ġonna nazzjonali, *estates* industrijali, portijiet, ajruporti u territorji nazzjonali oħra, stabbilimenti, bini u hwejjeġ inniżżla fir-Raba' Skeda ta' dan l-Att għandhom ikunu r-responsabbiltà tal-Gvern, hliet kif provdut fis-subartikolu (1)(w) jew (x), u huma totalment esklużi mill-kompetenza tal-kunsilli lokali.";

(3) minnufih wara s-subartikolu (3) tiegħu, għandu jidhol dan is-subartikolu ġdid li ġej:

"(4) Il-Ministru responsabbli għat-trasport iżomm id-dritt li, fi kwalunkwe hin, kif jista' jiġi determinat mill-Ministru għat-Trasport, jittrasferixxi d-drittijiet kollha jew xi wħud minnhom, li preċedement kienu jappartjenu lil Infrastruttura Malta b'rabta ma' xi triq lokali skont it-termini tal-Att tal-2018 dwar l-Aġenzija għal Infrastruttura Malta jew xi liġi oħra, lil xi kunsill lokali."

Att Nru XXVIII tal-2018.

TAQSIMA V

Emenda fl-Att dwar l-Amministrazzjoni Pubblika

41. (1) Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar l-Amministrazzjoni Pubblika u din it-Taqsima għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Amministrazzjoni Pubblika, hawn aktar 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda fl-Att dwar l-Amministrazzjoni Pubblika. Kap. 497.

(2) Id-dispożizzjonijiet ta' din it-Taqsima għandhom jidhlu fis-seħħ f'dik id-data li l-Ministru responsabbli għall-infrastruttura jista' b'ordni fil-Gazzetta jistabbilixxi.

42. Fir-Raba' Skeda tal-Att dwar l-Amministrazzjoni Pubblika, minnufih wara "Aġenzija għal Għajnuna Legali" għandha tidhol is-segwent:

Emenda fir-Raba' Skeda tal-Att prinċipali. Kap. 497.

"Aġenzija għal Infrastruttura Malta Sabiex twettaq kwalunkwe funzjonijiet, ikunu kif ikunu deskritti, relatati mad-disinn, tiswija, manutenzjoni u mal-operat ta' proġetti infrastrutturali, inklużi t-tnejn u l-implimentazzjoni ta' strategiji u politiki relatati mal-istess".

TAQSIMA VI

Emendi fil-Legizlazzjoni Sussidjarja

43. Ir-Regolamenti dwar l-Akkwist Pubbliku għandhom jiġu emendati kif ġej:

Emendi fir-Regolamenti dwar l-Akkwist Pubbliku. L.S 174.04.

(a) fl-Iskeda 1 tagħhom, minnufih wara l-kliem "Gozo Heliport Limited" għandhom jidhlu l-kliem "Infrastruttura Malta";

(b) fl-Iskeda 3 tagħhom, minnufih wara l-kliem "Kunsilli Lokali" għandhom jidhlu l-kliem "Infrastruttura Malta".

A 1100

Emenda tal-
Iskeda 1 tar-
Regolamenti
dwar Kuntratti
ta' Konċessjoni.
L.S. 174.10.

44. Fl-Iskeda 1 tar-Regolamenti dwar Kuntratti ta' Konċessjoni, minnufih wara l-kliem "Institute for Education" għandhom jidhlu l-kliem "Infrastruttura Malta".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 137 tal-4 ta' Lulju, 2018.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

13th July, 2018

ACT No. XXVIII of 2018

AN ACT to make provision for the establishment of the Agency for Infrastructure Malta and to regulate such activities and provide for matters ancillary or incidental thereto or connected therewith.

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:-

ARRANGEMENT OF THE ACT

		Articles
PART I	Preliminary	1
PART II	Agency for Infrastructure Malta	2-29
	Part I	
	Constitution and functions of the Agency for Infrastructure Malta	4-21
	Part II	
	Financial Provisions	22-25
	Part III	
	Liability for injury and damage	26
	Part IV	
	Transitory provisions	27-29
PART III	Amendments to the Authority for Transport in Malta Act	30-37
PART IV	Amendments to the Local Councils Act	38-40
PART V	Amendment to the Public Administration Act	41-42
PART VI	Amendments to Subsidiary Legislation	43-44

A 1102

PART I
Preliminary

Short title and commencement. **1.** (1) The short title of this Act is the Agency for Infrastructure Malta Act, 2018.

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

PART II
Agency for Infrastructure Malta

Objective. **2.** The provisions of this Part provide for the establishment of the Agency for Infrastructure Malta.

Interpretation. Cap. 499. **3.** (1) Unless otherwise provided in this Act, the provisions of article 2 of the Authority for Transport in Malta Act shall apply.

(2) In this Act unless the context otherwise requires, the following expressions have the meaning hereby assigned to them:

"Act" or "this Act" means this Act and includes any regulations made thereunder unless the context otherwise requires;

"Agency" means the Agency for Infrastructure Malta established under article 4 and includes any person acting on its behalf under powers delegated by the Agency to that person in accordance with the provisions of this Act;

"arterial and distributor road" means any road which has been classified and designated as such by the Authority for Transport in Malta, which classification and designation may be amended by the Authority for Transport in Malta from time to time;

"Board" means the Board of the Agency appointed in terms of article 8;

"carriageway" means that part of a road which is principally intended for vehicular traffic;

"Chairperson" means the Chairperson of the Agency and includes, in the circumstances mentioned in article 8, the deputy Chairperson;

"Chief Executive Officer" means the Chief Executive

Officer of the Agency appointed under article 8;

"connected person" means a person who is connected to another person, in this definition referred to as a "Board member", by virtue of:

(a) being a Board member's spouse or partner, child or step-child, parent, cohabitant of whatever nature in terms of the Cohabitation Act and any other dependent of that Board member; or Cap. 571.

(b) being a body corporate in which the Board member or any of the persons mentioned in paragraph (a) above or both:

(i) holds or hold shares of a nominal value equal to at least twenty per cent (20%) of the share capital of that body corporate; or

(ii) is or are entitled to control the exercise of more than twenty per cent (20%) of the voting power at any general meeting of that body corporate; or

(c) acting in a capacity as trustee of any trust, the beneficiaries of which include:

(i) the Board member, or any other person mentioned in paragraph (a) above; or

(ii) a body corporate as set out in paragraph (b) above; or

(d) acting in a capacity as a business partner of that Board member or of any person who, by virtue of paragraphs (a), (b) or (c) is connected with the Board member;

"financial year" means a period of twelve months beginning on the 1st day of January and ending on the 31st day of December of each year;

"footway" means the paved or surfaced area forming part of a road at one or both borders of a carriageway and which is intended for pedestrian traffic;

"Local Council" means a local council established under the Local Councils Act;

Cap. 363.

A 1104

"local road" means a road which is not designated as an arterial or distributor road and which is not a private road, and includes any road which has been classified and designated as such by the Authority for Transport in Malta, which classification and designation may be amended by the Authority for Transport in Malta from time to time;

"Minister" means the Minister responsible for Infrastructure as may be vested with responsibility for the Agency;

"private road" means any way on land, by whatever name called, which is not the property of the Government and over which there is generally no public right of passage at all times of the day but which is accessible to vehicles and, or pedestrians, whether intended for vehicular and, or pedestrian traffic or not;

"road" means any way on land, by whatever name called, over which there is a public right of passage (by whatever means) and consists of carriageways and footways, and includes the road's verge, and any bridge (whether permanent or temporary) over which, or tunnel through which, the road passes, and any reference to a road includes any part thereof, including:

(a) the foundations, sub-surfaces and surface dressing thereof;

(b) central strips, roundabouts, traffic islands, footways and bicycle lanes; and

(c) road drainage works and access thereto, trenches and trenching works for utilities including access thereto, ducting, conducting and the like for the distribution of utilities or the provision of services, including works connected therewith or ancillary thereto and manholes or other means of access to such utilities or works;

"utility service provider" means an authority or an enterprise, the primary business of which is to provide electricity, gas or water, potable or second class water, including disposal or treatment of sewage, and drainage services to the public.

**Part I: Constitution and functions of the Agency
for Infrastructure Malta**

4. The Agency shall be a body corporate having a distinct legal personality and shall be capable of entering into contracts, of acquiring, holding and disposing by whatever title any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise of its functions under this Act, including the borrowing of money.

Agency to be a body corporate.

5. (1) Without prejudice to any other power or function conferred to it by this Act or by any other law, it shall be the function of the Agency:

Functions.

(a) to implement national plans for road construction and road infrastructure strategies;

(b) to implement, whether by itself or through any person or group of persons, in accordance with the provisions of this Act, applicable strategies or master plans however so described, relating to road construction and road infrastructure;

(c) to occupy, plan, design, construct, re-construct, repair, widen and renew any road, maintain the upkeep of, improve, manage, administer restore any road and to manage and control any necessary road works, to do any works however so described, including but not limited to the planning and programming thereof and the planning and programming for the rebuilding and restoration of any existing roads:

Provided that where the maintenance of any local road is by law the responsibility of a local council, the maintenance of such road shall not, to the extent of such responsibility, be the function of the Agency:

Provided further that the Agency shall have no obligations in relation to any private roads;

(d) to erect, construct, develop and maintain on any road, the following:

(i) poles and light fittings;

(ii) road traffic safety and management facilities, including signs or signals, road markings and traffic calming measures, traffic control and management equipment, related lighting equipment and other road

A 1106

traffic facilities used for traffic management and control:

Provided that the operation and maintenance of permanent electronic road traffic signs or signals, electronic traffic measures, electronic traffic control equipment and related lighting equipment and any other electronic road traffic facilities used for road safety and traffic management shall be vested in, and shall be the sole responsibility of, the Authority for Transport in Malta;

(e) to advise the Government on the formulation of policies relating to road infrastructure in Malta and to make recommendations to the Government on action which in the opinion of the Agency would be expedient in relation to matters within its functions.

(2) Without prejudice to the above, the Minister may, from time to time, give to the Agency directions, not inconsistent with the provisions of this Act, to be followed by the Agency in the carrying out of its functions under this Act, and the Agency shall, as soon as practicable, give effect to all such directions.

(3) It shall be the responsibility of the Minister to ensure that the Agency is fully informed of strategic directions of Government in relation to this Act, and it shall be the duty of the Agency through its proper organs to properly execute such policies.

(4) For the proper performance of its functions under this Act, the Agency shall consult with the relevant local council and be empowered to collaborate with any other person, including other agencies, public authorities and Government departments, and to make arrangements for mutual exchange of information and for other forms of assistance.

(5) In pursuance of its functions under this Act, the Agency shall regulate its own procedure.

Powers.

6. (1) The Agency shall have such powers as may be necessary or conducive for the proper performance and attainment of all its functions under this Act, and without limitation to the generality of the foregoing, but subject to any requirements under any other law, shall have the power and authority to:

(a) acquire, construct, reconstruct, maintain and operate road installations and equipment;

(b) acquire, take the necessary measures in terms of the Land Acquisition (Public Purposes) Ordinance and the Lands Authority Act to acquire, any property under any title which the Agency considers necessary for the purposes of constructing, extending or maintaining any road or road installation in accordance with the functions of the Agency in terms of this Act;

Cap. 88.
Cap. 563.

(c) hold and administer any assets from time to time;

(d) do all acts and things necessary for the opening and, or breaking up of the surface of any road;

(e) carry on, whether as principal, as agent or as a contractor, all such activities as may appear to the Agency necessary, advantageous or convenient to be carried on for, or in connection with the proper performance or attainment of any of the functions of the Agency under this Act or in order to make the best use of the assets of the Agency;

(f) contract road works where such road works are to be commissioned by a utility services provider, the Government or any authority:

Provided that where such works are contracted by the Agency, this shall be done on behalf and at the expense of the utility service provider or the Government or any authority concerned;

(g) exercise, perform, discharge and delegate all such rights, powers, duties and functions as are by or under this Act vested in or assigned to the Agency;

(h) do all such other acts as are incidental to or consequential upon the exercise, proper performance and discharge of its powers, duties and functions, or for the attainment of its functions, under this Act.

(2) For the purposes of the proper performance or attainment of the functions of the Agency under this Act, the Agency may grant to any third party the right to carry on, engage in, perform, whether in whole or in part, and whether as operator, concessionaire, manager, agent, independent contractor or otherwise, any functions, activities, operations, duties or transactions which the Agency is authorised and empowered or obliged to carry on or engage in or perform under or in accordance with this Act:

Provided that this sub-article shall not be construed as exempting the Agency from complying with the requirements of any

A 1108

applicable law, directive, authorisation, licence or permit.

(3) In carrying out its functions, the Agency shall:

(a) ensure that it is in possession of any licences, permits or authorisations howsoever described as may be required by law and that it complies with any conditions as may be imposed in any such licences, permits or authorisations however so described;

(b) be subject to and abide by any laws, orders, directives, standards and any other legal requirements however so described, as may be imposed by or under this Act or any other law.

(4) Notwithstanding the provisions of any other law, the use, administration and operation of all roads falling under the responsibility of the Agency in terms of this Act are vested exclusively in the Agency.

(5) The Agency shall, in the carrying out of its functions, consult with any relevant public authority, including local councils, and any private entities and establish processes and procedures as well as working practices, to ensure efficient processes for any road works that are to be undertaken by the Agency and for any permits to be issued by any relevant public authority for road works in accordance with the applicable law.

Conduct of
affairs.

7. (1) The Agency shall be governed by a Board appointed in accordance with the provisions of this Act.

(2) The Board shall be responsible for the business of the Agency and for the formulation and implementation of the policy and strategy of the Agency, and shall give to the Chief Executive Officer such directions as it deems proper for the proper performance by the Agency of its functions.

(3) In particular, but without prejudice to any other duty assigned to the members of the Board, whether individually or collectively by this Act or any other law, the members of the Board shall:

(a) act honestly and in good faith and promote the best interests of the Agency;

(b) be obliged to exercise the degree of care, diligence and skill which would be exercised by a reasonably diligent person having both:

(i) the knowledge, skill and experience that may reasonably be expected of a person carrying out the same functions as are carried out by or entrusted to that Board member in relation to the Agency; and

(ii) the knowledge, skill and experience that that Board member has;

(c) not make any profit from their position, nor make personal gain or give any advantage to any third party from confidential Agency information;

(d) ensure that their personal interests are not in conflict with the interests of the Agency;

(e) not use any property or information of the Agency for their own benefit or for the benefit of any other persons, nor obtain benefit in any other way in connection with the exercise of their powers;

(f) exercise the powers they have only for the purposes for which the powers are conferred and not misuse such powers.

8. (1) The Board shall consist of seven (7) members appointed by the Minister, including the Chief Executive Officer.

Composition of
Board of the
Agency.

(2) The Minister shall designate one of the appointed members as Chairperson and another member as deputy Chairperson. The deputy Chairperson shall have all the powers and perform all the functions of the Chairperson during his absence or in the event that the office of the Chairperson becomes vacant.

(3) The Minister shall select the members from among persons who appear to him to be qualified by reason of having had experience of, and shown capacity in, matters relating to the functions of the Agency under this Act.

(4) The members shall receive such remuneration as the Minister may from time to time determine.

9. (1) There shall be appointed a secretary to the Board, who shall be appointed for a period of three (3) years and shall, on the expiry of the term of appointment, be eligible for re-appointment. If the secretary is appointed at any time after any one or more members have already been appointed, the term of appointment of the secretary shall end on the date being three (3) years after the appointment of the first member appointed as a member of the Board. The secretary shall be appointed by the Board.

Secretary to the
Board.

A 1110

(2) The secretary to the Board appointed in terms of sub-article (1) above shall not be a member of the Board, but shall have the right to attend Board meetings.

(3) The secretary to the Board shall be responsible for maintaining the minutes of meetings of the Board and for keeping and maintaining such registers and records as the secretary may be required to keep by the Board.

(4) The secretary to the Board shall ensure that:

(a) adequate prior notice of all meetings is given to all members of the Board; and

(b) all returns and other documents of the Agency are prepared and delivered in accordance with the requirements of any applicable law and regulations.

(5) The provisions of article 12 shall apply to the secretary of the Board.

Duration of
appointment to
Board.

10. (1) Subject to the provisions of sub-article (3) and article 12, the members of the Board shall hold office for a period of up to three (3) years and on such terms and conditions as the Minister may deem appropriate:

Provided that a member shall, on the expiry of this term of appointment, be eligible for re-appointment.

(2) The Minister may at any time terminate the appointment of any member of the Board if the Minister considers that such member is unfit to continue in office or has become incapable of properly performing the duties of a member of the Board.

(3) If a member is appointed at any time after any one or more other members have already been appointed, the term of appointment of all members shall end on the date being three (3) years after the appointment of the first member appointed as a member of the Board.

Disqualification
from being a
member of the
Board of the
Agency.

11. (1) A natural person shall be disqualified for appointment to, or to remain a member of the Board if such person:

(a) is a Minister or Parliamentary Secretary; or

(b) is a Judge or Magistrate of the Courts of Justice; or

(c) is legally incapacitated or interdicted; or

(d) has been declared an undischarged bankrupt or has

made a composition or arrangement with his creditors; or

(e) is subject to disqualification under article 320 of the Companies Act or is subject to black-listing as provided in the Public Procurement Regulations; or

Cap. 386.
S.L. 174.04.

(f) has any personal financial or business interests in any business, enterprise or activity which is connected to any of the functions of the Agency and which is likely to affect his independence or objectivity in the proper discharge of his functions as a member of the Board; or

(g) is a connected person to the person mentioned in sub-article (f) above.

(2) Notwithstanding the above or any other provision of this Act or of any other law, no person occupying a public office or any office in any agency or body established by law or a company in which the Government has a controlling interest, shall be disqualified from occupying the office of Chairperson of the Agency, member of the Board of the Agency or Chief Executive Officer of the Agency.

12. (1) Any member who has a direct or indirect interest in any contract, proposed contract or in any transaction or arrangement (whether or not constituting a contract) made or proposed to be made by or with the Agency, not being an interest which disqualifies such member under article 11 above from being or remaining a member, shall disclose the nature of such interest, or, if applicable, the nature of the interest of a connected person, at the first meeting of the Board after the relevant facts have come to the knowledge of such member.

Conflicts of
interests.

(2) After the disclosure has been recorded in the minutes of the meeting of the Board, that member shall withdraw from that part or parts of the meeting at which such contract, proposed contract, transaction or arrangement however so described is discussed or decided on by the Board and, in any event, that member shall be prohibited from voting on such contract, proposed contract, transaction or arrangement.

(3) If the Board is of the view that an interest disclosed to it under article 12(1) is such that it satisfies the grounds for disqualification of a person from being a member of the Board in terms of article 11(1)(f) or (g) above, the Board shall notify the Minister in writing, and the Minister shall take such steps as he may deem necessary in such circumstances, including either (i) notifying the Board that he disagrees with the Board giving his reasons therefor or (ii) terminating the appointment of such member pursuant to article 10(2).

A 1112

Resignation from the Board and publication of appointment and termination of office.

13. (1) A member of the Board may resign from office at any time, by letter addressed to the Chairperson and copied to the Minister.

(2) The appointment of any person as member of the Board and the termination of office of any such member shall be notified in the Gazette.

Provisions with respect to proceedings of the Board.

14. (1) The meetings of the Board shall be called by the Chairperson, either on his own initiative or at the request of any two (2) other members of the Board.

(2) A minimum of four (4) members of the Board shall constitute a quorum at any meeting. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson shall have an initial vote and, in the event of an equality of votes, a casting vote.

(3) Subject to the provisions of this Act, the Board may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, no act or proceeding of the Board shall be invalidated merely by reason of the existence of any vacancy among the members, provided that the minimum number of Board members in terms of sub-article (2) has been satisfied.

(5) Notwithstanding that there occurs some defect in the appointment of or qualification to be appointed as a member of the Board, all acts done by a person acting in good faith as a member of the Board shall be valid as if he were a member duly appointed and, or qualified.

Powers of the Minister in relation to the Agency and duties of the Board towards the Minister.

15. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time, give to the Agency directions of a general or of a specific character, not inconsistent with the provisions of this Act, on the policy to be followed or other action to be taken in the carrying out of the functions vested in the Agency by or under this Act, and the Board shall, as soon as practicable, give effect to all such directions.

(2) The Board shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Agency and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

16. (1) The legal and judicial representation of the Agency shall vest in the Chairperson: Legal and judicial representation.

Provided that the Agency may appoint any one (1) or more persons to appear in the name and on behalf of the Agency in any proceedings and in any act, contract, instrument or other document whatsoever, with such powers, authorities and under such terms and conditions as the Board may determine from time to time, which powers shall include the power of delegation.

(2) Any document purporting to be an instrument made or issued by the Agency and signed by the Chairperson or by any officer delegated by the Board on behalf of the Agency shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Agency.

17. (1) The Chief Executive Officer shall be a member of the Board and shall be the most senior executive of the Agency and shall be responsible and accountable directly to the Board for the executive conduct of the Agency. Executive conduct of Agency.

(2) Without limitation to the generality of the foregoing, the responsibilities of the Chief Executive Officer shall include:

- (i) the administration and organisation of the Agency;
- (ii) the administrative control of the officers and other employees of the Agency;
- (iii) the implementation of the business plan of the Agency, its objectives and budget;
- (iv) upholding, promoting and fostering among the Agency, its officers and its employees, the public service values and those specific to the role of the Agency; and
- (v) such other functions as may from time to time be conferred or delegated to him by the Board.

(3) The Chief Executive Officer shall have such powers as are necessary from time to time for the performance of the functions vested in him by this Act, and such other powers as may be conferred or delegated to him by the Board.

18. (1) Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Agency shall be made by the Chief Executive Officer, in accordance with the policies and directions of the Board from time to time. Staff appointments.

A 1114

(2) The Chief Executive Officer shall appoint and employ, at such remuneration and upon such terms and conditions as may be determined by the Board, such officers and employees of the Agency as may from time to time be necessary for the due and efficient discharge of the functions of the Agency.

(3) Notwithstanding the provisions of this article, the Prime Minister may, from time to time on the recommendation of the Chief Executive Officer of the Agency, direct that any public officer shall be detailed for duty with the Agency in such capacity and with effect from such date as may be specified in the direction of the Prime Minister.

Status of public officers detailed for duty with the Agency.

19. (1) Where any public officer is detailed for duty with the Agency under article 18(3) above, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Agency but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a Government department however so described in accordance with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

(ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Agency; and

(b) shall be entitled to have his service with the Agency considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and for the purpose of any other right or privilege to which he would have been entitled, and responsible for any liability for which he would

Cap. 93.
Cap. 58.

have been answerable, but for the fact of his being detailed for duty with the Agency.

(3) Where an application is made as provided in sub-article (2)(a)(i) above, the same consideration shall be given thereto as if the applicant had not been detailed for service with the Agency.

(4) The Agency shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Agency as aforesaid during the period in which he is so detailed.

20. (1) The Agency may, with the approval of the Prime Minister, offer permanent employment with the Agency to any officer detailed for duty with the Agency under article 18(3) at the remuneration and on terms and conditions not less favourable than those enjoyed by such officer on the date of such offer.

Offer of permanent employment with the Agency to public officers detailed for duty with the Agency.

(2) The terms and conditions of any permanent employment offered by the Agency under the provisions of sub-article (1) shall not be deemed to be less favourable merely because they are not in all respects identical or superior to those enjoyed by the public officer concerned on the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every public officer who accepts permanent employment with the Agency offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of article 21, be deemed to have ceased to be in service with the Government and to have entered into service with the Agency on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Agency shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.
Cap. 58.

(4) Every such public officer as aforesaid who, immediately before accepting permanent employment with the Agency was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder for all intents as if his service with the Agency were service with the Government.

Cap. 58.

(5) The Agency shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Agency

A 1116

as aforesaid during the period commencing on the date of such officer's acceptance.

Persons deemed
to be public
officers.

Cap. 9.

21. The members of the Board of the Agency and all officers and employees detailed with the Agency under the provisions of article 18(3), but excluding any officer who accepts permanent employment with the Agency in accordance with the provisions of article 20, shall be deemed to be public officers or employees within the meaning of the Criminal Code.

Part II: Financial Provisions

Finance.

22. (1) The Agency shall cause to be prepared in every financial year, and shall not later than four (4) weeks after the end of each such year adopt, estimates of the income and expenditure of the Agency for the next following financial year and submit them for the consideration of the Minister in accordance with norms and practices established by the Minister responsible for finance.

(2) The Agency shall be funded by the Government out of the Consolidated Fund through such sums as the House may from time to time authorise and through such sums as may be authorised by any other law, to be appropriated to meet the cost of its operational and capital expenditure identified in its financial business plan or budget.

(3) Any excess of revenue over expenditure shall, subject to such directives as the Minister may, after consultation with the Minister responsible for finance, from time to time give, be applied by the Agency to the formation of reserve funds to be used for the purposes of the Agency, and without prejudice to the generality of the powers given to the Minister by this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application of such funds in such manner as may be specified in the directive.

(4) Any funds of the Agency not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Board.

Accounts and
audit.

23. (1) The Agency shall keep proper accounts and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Agency shall be audited by an auditor or auditors to be appointed by the Agency and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require that the books and accounts of

the Agency be audited or examined by the Auditor General who shall for this purpose have the power to carry out such physical checking and any other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than six (6) months, the Agency shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance, together with a copy of any report made by the auditors on that statement or on the accounts of the Agency.

(4) The Minister shall cause a copy of every such statement and report to be laid on the Table of the House as soon as practicable.

24. (1) The Agency shall, not later than six (6) months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance, a report dealing generally with the activities of the Agency during that financial year and containing an audited statement of accounts together with such information relating to the proceedings and working of the Agency as either of the Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable. Annual reports.

25. The Agency shall be exempt from any liability for the payment of income tax and duty on documents under any law for the time being in force. Exemption from taxation.

Part III: Liability for injury or damage

26. (1) In any action in respect of injury or damage sustained by any person or property resulting from the failure to maintain a road, such actions shall be instituted against: Liability for injury or damage.

(i) the Authority for Transport in Malta in relation to any injury or damage sustained by any person or property at the time when before the order in article 27(1) the relevant road fell within its responsibility in terms of applicable legislation;

(ii) the Agency in relation to any injury or damage sustained by any person or property at the time when after the order in article 27(1) the relevant road is within its responsibility in terms of applicable legislation; and

(iii) a local council in relation to any injury or damage sustained by any person or property at the time when the relevant road is within its responsibility in terms of applicable legislation and the orders in article 27(2) and (3) respectively as applicable:

A 1118

Cap. 363.

Provided that where a road is classified as a local road in accordance with applicable legislation and is to any extent the responsibility of a local council in terms of the Local Councils Act, the responsibility for such local road shall not, to the extent of such responsibility, be the function of the respective local council if the works are of an extraordinary nature and in such case the Agency will be responsible thereof.

(2) In either of the cases mentioned in sub-article (1) above in relation to the Authority for Transport in Malta, the Agency or local council as the case may be, it shall be a defence to prove that:

(a) the Authority for Transport in Malta, the Agency or local council, as the case may be, had taken such care as in the circumstances was reasonably required to secure that the part of the road to which the action relates was not dangerous for traffic; or

(b) that the injury or damage resulted -

(i) from works carried out on or under that part of the road to which the action relates; and

(ii) from an event which occurred before the completion of the re-instatement or making good of that part of the road in accordance with any relevant requirement.

(3) For the purposes of a defence under sub-article (2)(a) above, the court shall in particular have regard to the following:

(a) the character of the road, and the traffic which was reasonably expected to use it;

(b) the standard of maintenance appropriate for a road of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the road;

(d) whether the Authority for Transport in Malta, Agency or local council, as the case may be, knew or could reasonably have been expected to know that the condition of the part of the road to which the action relates was likely to cause danger to users of the road;

(e) where the Authority for Transport in Malta, the Agency or local council, as the case may be, could not

reasonably have been expected to repair that part of the road before the cause of action arose, what warning notices of its condition had been displayed:

Provided that for the purposes of such a defence, it shall not be relevant to prove that the Authority for Transport in Malta, the Agency or local council, as the case may be, had arranged for an authorised contractor to carry out or supervise the maintenance of the part of the road to which the action relates, unless it is also proved that the Authority for Transport in Malta, the Agency or local council as the case may be, had given that contractor written instructions with regard to the maintenance of the road and that it had carried out the instructions.

Part IV: Transitory Provisions

27. (1) The Minister shall by order in the Gazette, bring into effect articles 5, 6 and Part III of this Act and thereby automatically transfer such functions and powers set out in articles 5 and 6 which are currently vested in the Authority for Transport in Malta to the Agency in accordance with the provisions of this Act. As of the date upon which the functions or powers so transferred from the Authority for Transport in Malta to the Agency become effective, the Authority for Transport in Malta shall have no further liability or responsibility for the discharge or carrying out of such functions or powers.

Transfer of functions and powers to the Agency.

(2) The Minister shall, by order in the Gazette and after articles 5 and 6 and Part IV of this Act become effective, transfer to the Agency such functions and powers with respect to roads which are vested in local councils under the Local Councils Act, in accordance with the provisions of this Act. The Minister may affect such transfer in either one or a series of schemes with respect to such roads as are to be set out in the order in the Gazette, and in such manner as the Minister considers most appropriate and expedient for the better attainment of the objectives of this Act:

Cap. 363.

Provided that until such time as the responsibility for a road is transferred to the Agency in accordance with the provisions of this article, the responsibility for that road shall remain with the local council vested with that responsibility in accordance with applicable legislation.

(3) The Minister may, from time to time by legal notice, re-transfer certain functions and powers for the maintenance and upkeep of local roads to local councils if it appears to the Minister that such re-transfer of those functions and powers is appropriate or expedient for

A 1120

the better maintenance and upkeep of those local roads:

Cap. 363.

Provided that where a road is classified as a local road in accordance with applicable legislation and is to any extent the responsibility of a local council in terms of the Local Councils Act, the responsibility for such local road shall not, to the extent of such responsibility, be the function of the respective local council upon the transfer thereof by the Agency, until such date as the Minister so prescribes pursuant to a legal notice re-transferring such responsibilities under this Act.

Transitory provisions.

28. Where before the date of the coming into force of any part of this Act there are any pending contracts concluded by the Authority for Transport in Malta with third parties relating to any of the functions transferred to the Agency by or under this Act, any such contract shall be transferred to the Agency who shall, as from the date of coming into force of this Act as aforesaid, substitute the Authority for Transport in Malta as a party to the respective contract.

Pending lawsuits, claims, final court judgments, etc.

29. Where before the date of the coming into force of any part of this Act there are any pending lawsuits, claims, final court judgments, damages, penalties, fines, liabilities, demands and, or losses, against the Authority for Transport in Malta relating to any of the functions transferred to the Agency by or under this Act as from the date of the coming into force of this Act as aforesaid, the Authority for Transport in Malta shall remain solely responsible therefor, without any liability on the part of the Agency:

Provided that, save for the provisions of article 26, if a claim, sanction, or recovery order is made with respect to a project in connection to any road that was undertaken by the Authority for Transport in Malta, then any liability, cost, or expense that may eventually arise with respect to such project shall remain at the charge of the Authority for Transport in Malta.

PART III:

Amendments to the Authority for Transport in Malta Act

Amendments to the Authority for Transport in Malta Act. Cap. 499.

30. (1) This Part amends the Authority for Transport in Malta Act and this Part shall be read and construed as one with the Authority for Transport in Malta Act, hereinafter in this Part referred to as the "principal Act".

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

31. Article 2 of the principal Act shall be amended as follows: Amendment of article 2 of the principal Act.

(a) immediately after the definition "goods" there shall be added the following new definition:

" "Infrastructure Malta" means the Agency for Infrastructure Malta established by the Agency for Infrastructure Malta Act, 2018;"; Act No. XXVIII of 2018.

(b) immediately after the definition "prescribed" there shall be added the following new definition:

" "private roads" shall have the same meaning assigned to it by article 2 of the Agency for Infrastructure Malta Act, 2018;"; Act No. XXVIII of 2018.

(c) the definition "road" shall be substituted by the following:

" "road" shall have the same meaning assigned to it by article 2 of the Agency for Infrastructure Malta Act, 2018;". Act No. XXVIII of 2018.

32. In paragraph (c) of sub-article (5) of article 5 of the principal Act for the words "in the Gazette; or" there shall be substituted the words "in the Gazette:", and immediately thereafter there shall be added the following new proviso: Amendment of article 5 of the principal Act.

"Provided further that notwithstanding the provisions of this Act or of any other law, no person occupying a public office or any office in an agency or body established by law or a company in which the Government has a controlling interest, shall be disqualified from occupying the office of Chairperson of the Authority, member of the Authority or Chief Executive Officer of the Authority; or".

33. In paragraph (m) of sub-article (1) of article 6 of the principal Act, for the words "Authority; and" there shall be substituted the words "Authority:" and immediately thereafter there shall be added the following new proviso: Amendment of article 6 of the principal Act.

"Provided that, in so far as any of the policies, schemes or strategies of the Authority as set out in this sub-article (1) concern or relate, to any extent, to the functions of Infrastructure Malta, the Authority shall consult Infrastructure Malta prior to the implementation of any policy, scheme or strategy in terms of sub-article (1); and".

A 1122

Amendment of
article 7 of the
principal Act.

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

"Powers and functions in connection with roads and railways and transport by road and by rail.

7. Without prejudice to the powers and functions granted to the Authority in terms of article 6, the Authority shall have the following powers and functions specifically in connection with roads and railways and transport by road and by rail:

(a) to regulate transport by road, the registration, licensing and use of vehicles, the licensing of all commercial operations connected with road transport, and to make provision for any matter that is provided for under this Act in connection with transport by road;

(b) to do all such things as may be necessary for the regulation, management, safety and control of road traffic both at a national as well as at local level and for this purpose to adopt strategies and standards that are benchmarked at a European level;

(c) to plan, design, regulate and authorise road traffic signs or signals, road markings and traffic calming measures, the installation of traffic control equipment and related lighting equipment, the construction of road ramps, the installation of speed cameras and other road traffic facilities for the purposes of traffic, management and control;

(d) to administer, operate and maintain electronic road traffic and safety signs or signals, electronic road traffic markings and traffic control equipment and related lighting equipment;

(e) to establish standards and specifications to be maintained and complied with in the execution of any works connected with roads and to do all such things as are necessary or expedient to ensure adherence to such standards and specifications by any local council, the Agency for Infrastructure Malta or person who carries out works on a road independently of who is responsible for that road and for this purpose to set up regular programmes to verify as well as to ensure the implementation of such standards and specifications;

S.L. 499.57.

(f) to carry out road safety audits, road safety assessments and any other functions relating to roads set out in the New Roads and Road Works Regulations and any other law;

Cap. 552.

(g) without prejudice to any application that may have to be made under the Development Planning Act, to act as the sole authority to grant permits for any work on any road;

(h) to grant rights of way on roads, other than private roads, to persons;

(i) to determine the classification or re-classification of roads as the Authority may consider most appropriate or expedient and to keep and cause to be published a list of such classifications;

(j) to do all such things as are necessary or expedient for the testing, registration and licensing of vehicles, owners of vehicles, commercial operators of vehicles, drivers of vehicles, or other persons connected with road transport;

A 1124

(k) to ensure the provision of adequate, efficient and environmentally friendly public transport systems and for this purpose to either provide such services itself or enter into a contract of service or other binding instrument with one or more operators to provide such services, whether on an exclusive basis or otherwise, as the Authority may determine;

(l) to plan, install, construct and maintain bus stops, fare stages, bus termini, taxi stands, *karrozzini* stands and other commuter facilities, and to regulate the installation of bus shelters;

(m) to plan, design, construct, reconstruct, authorise, permit, regulate, administer, maintain, repair and restore accordingly, billboards, benches, kiosks and any other thing that may be affixed to the surface of a road, save as has been vested in Infrastructure Malta in terms of the Agency for Infrastructure Malta Act, 2018 or any other law;

(n) to provide and regulate parking places for motor vehicles in public areas and roads, and to regulate and issue licences to car park attendants; and

(o) to establish weights, dimensions and equipment requirements for motor vehicles."

Act No.
XXVII of
2018.

Amendment of
article 31 of the
principal Act.

35. In sub-article (3) of article 31 of the principal Act, for the words "three months" there shall be substituted the words "six months".

Amendment of
article 34 of the
principal Act.

36. In article 34 of the principal Act, for the words "three months" there shall be substituted the words "six months".

Amendment of
the First
Schedule of the
principal Act.

37. In the First Schedule of the principal Act:

(a) paragraph 5 shall be deleted;

(b) paragraphs 6, 7, 8 and 9 shall be renumbered as paragraphs 5, 6, 7 and 8 respectively;

(c) paragraph 7 as renumbered shall be substituted by the

following:

"7. Enforcement Directorate - which shall have the responsibility for the overall enforcement of the provisions of this Act and other laws and regulations regulating road, sea and air transport, including in particular the management of traffic and the promotion of traffic safety."

PART IV

Amendments to the Local Councils Act

38. (1) The provisions of this Part amend the Local Councils Act and this Part shall be read and construed as one with the Local Councils Act, hereinafter referred to in this Part as the "principal Act".

Amendments to the Local Councils Act. Cap. 363.

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

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

Amendment of article 2 of the principal Act.

(a) immediately after the definition "Information and Data Protection Commissioner", there shall be added the following new definition:

"Infrastructure Malta" means Agency for Infrastructure Malta as established by the Agency for Infrastructure Malta Act, 2018;"

Act No. XXVIII of 2018.

(b) immediately after the definition "locality", there shall be added the following new definition:

"local road" shall have the same meaning assigned to it in article 2 of the Agency for Infrastructure Malta Act, 2018;"

Act No. XXVIII of 2018.

(c) immediately after the definition "population of a locality" there shall be added the following new definition:

"private road" shall have the same meaning assigned to it in article 2 of the Agency for Infrastructure Malta Act, 2018;"

Act No. XXVIII of 2018.

(d) immediately after the definition "resolution", there shall be added the following new definition:

A 1126

Act No. XXVIII
of 2018.

" "road" shall have the same meaning assigned to it under article 2 of the Agency for Infrastructure Malta Act, 2018 and for the purposes of this Act, where applicable, it shall also include any local road, alley, square, bridge, shore front, quay, or other place of public passage or access;"

(e) the definition "street" shall be deleted and the words "street" or "streets" wherever they occur in the principal Act, shall be substituted by the words "road" or "roads" respectively.

Amendment of
article 33 of the
principal Act.

40. Article 33 of the principal Act shall be amended as follows:

(1) sub-article (1) thereof shall be amended as follows:

(a) paragraph (a) shall be substituted by the following:

Act No. XXVIII
of 2018.

"(a) to provide, with respect to any road, other than any road the responsibility for which vests in Infrastructure Malta in terms of the Agency for Infrastructure Malta Act, 2018 or any regulations made thereunder, for its upkeep and maintenance, or improvements therein, and to provide and maintain proper road signs and road markings, in conformity with national and international standards:

Provided that maintenance in relation to any road referred to under this paragraph includes the patching and resurfacing thereof, but does not include its reconstruction;"

(b) paragraph (b) shall be substituted by the following:

"(b) with respect to any road, to provide for sweeping, cleaning and weed cutting, cleaning of road signs and road lights, the collection and removal of all refuse, for the maintenance of cleanliness and for the upkeep and maintenance of all public conveniences, dustbins and other receptacles for the temporary deposit and collection of waste and to ensure that these are all accessible to all persons, including persons using a wheel-chair;"

(c) paragraph (d) shall be substituted by the following:

"(d) to propose measures which relate to the maintenance and repair of local roads, pedestrian areas, parking areas, road signs and road markings within the locality, to provide for the installation and maintenance of bus shelters in accordance with standards and specifications laid down by the competent transport authority, pedestrian and parking areas and provide for the protection of school children in the vicinity of schools;"

(d) paragraph (e) shall be substituted by the following:

"(e) to propose to and, where applicable be consulted by, any competent authority or agency prior to the competent authority or agency making any changes in traffic schemes directly affecting the locality;"

(e) paragraph (f) shall be substituted by the following:

"(f) to make recommendations to any competent authority or agency for or in relation to any planning or building scheme and to be a full participant in any decisions on the naming or renaming of streets;"

(f) paragraph (w) shall be substituted by the following:

"(w) to enter into agreements with any agency or public body or Government department for the delegation to the local council of any of the functions of that agency, public body or department:

Provided that any such delegation shall only come into effect after the Minister has made the relevant order in the Gazette;"

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

"(2) National monuments, national parks or gardens, industrial estates, ports, airports and other national territories, establishments, buildings and items listed in the Fourth Schedule to this Act are the responsibility of the Government, except as provided in

A 1128

terms of sub-article (1)(w) or (x), and are totally excluded from the competence of local councils.";

(3) immediately after sub-article (3) thereof, there shall be added the following new sub-article:

"(4) The Minister responsible for transport retains the right to, at any point in time as may be determined by the Minister responsible for transport, transfer all and any rights previously pertaining to Infrastructure Malta in relation to a local road in terms of the Agency for Infrastructure Malta Act, 2018 or any other law, to a local council."

Act No. XXVIII of 2018.

PART V

Amendments to the Public Administration Act

Amendments to the Public Administration Act. Cap. 497.

41. (1) The provisions of this Part amend the Public Administration Act and this Part shall be read and construed as one with the Public Administration Act, hereinafter referred to in this Part as the "principal Act".

(2) The provisions of this Part shall come into force on such date as the Minister responsible for Infrastructure may by notice in the Gazette establish.

Amendment of the Fourth Schedule of the principal Act. Cap. 497.

42. In the Fourth Schedule of the Public Administration Act, immediately before "Aġenzija Żgħażaġh" there shall be added the following:

"Agency for Infrastructure Malta To perform any functions however so described relating to the design, construction, repair, maintenance and operation of infrastructural projects including the setup and implementation of strategies and policies related thereto".

PART VI

Amendments to Subsidiary Legislation

Amendments to the Public Procurement Regulations. S.L. 174.04.

43. The Public Procurement Regulations shall be amended as follows:

(a) in Schedule 1 thereof, immediately after the words "Gozo Heliport Limited" there shall be added the words "Infrastructure Malta";

(b) in Schedule 3 thereof, immediately after the words "Local Councils" there shall be added the words "Infrastructure Malta".

44. In Schedule 1 of the Concession Contracts Regulations, immediately after the words "Institute for Education" there shall be added the words "Infrastructure Malta".

Amendment of
Schedule 1 of
the Concession
Contracts
Regulations.
S.L. 174.10.

Passed by the House of Representatives at Sitting No. 137 of the 4th July, 2018.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

