ABBOZZ TA' LIGI
msejjah
Att biex jemenda l-Kostituzzjoni ta' Malta

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgha f'dan il-Parlament, u bl-awtorita` ta' l-istess, hareg b'ligi dan li gej:

1. Dan l-Att jissejjah l-Att tal-2002 biex jemenda l-Kostituzzjoni ta' Malta, u ghandu jinqara u jiftiehem bhala haga wahda mal-Kostituzzjoni ta' Malta, hawnhekk izjed 'il quddiem imsejha l-ligi principali.

2. L-Artiklu 57 tal-ligi principali ghandu jkun emendat kif gej:
(a) L-Artiklu kif inhu ghandu jkun numerat bhala s-subartiklu (1) ; u fil-paragrafu (a) tieghu jizdedu l-kliem fl-ahhar "u jkollu karta ta' l-identita` valida,u"; u minflok il-proviso li jinsab minnufih wara l-paragrafu (c), ghandu jidhol il-proviso gdid li gej:
"Izda dan il-paragrafu ma japplikax ghall-persuna, il-konjugi u wild ta' dik il-persuna u li jkun ghadu jghix mal-persuna, jekk il-persuna tkun registrata bhala elettur, u ghalkemm ordinarjament residenti f'Malta, izda ma tkunx tirrisjedi f'Malta kif mehtieg b'dan il-paragrafu minhabba :

(i) servizz barra minn Malta fis-servizz pubbliku, maghdud servizz fil-karigi msemmija fis-subartikolu (3) ta' l-artikolu 124 ta' din il-Kostituzzjoni, jew
(ii) servizz barra minn Malta f'korp, jew bhala membru ta' korp, dixxiplinat, kif imfisser fl-artikolu 47 ta' din il-Kostituzzjoni; jew
(iii) servizz f'organizzazzjoni internazzjonali li taghha Malta hija membru; jew
(iv) servizz ma' awtorita` pubblika, korporazzjoni, agenzija tal-gvern, jew kumpanija li fiha l-gvern ikollu l-akbar sehem, jew ma' kumpanija jew socjeta` registrata f'Malta, kemm-il darba il-persuna tkun registrata u soggetta dwar dak is-servizz ghat-taxxa tad-dhul f'Malta u soggetta wkoll ghall-hlas f'Malta tal-kontribuzzjonijiet tas-sigurta` socjali; jew
(v) li jkun qieghed jattendi ghall-kura medika specjalizzata ; jew
(vi) li jkun qed jattendi ghall-kors ta' studji approvat u rikonoxxut."

(b) Minnufih wara is-subartiklu (1) ghandu jidhol is-subartiklu gdid (2) li gej :

"(2) Il-Parlament jista' b'ligi jistabilixxi l-kriterji li ghandhom ikunu applikati l-ezenzjoni imsemmija fil-proviso tas-subartiklu (1) ta' dan l-artiklu, u kull ligi bhal dik titqies li tifforma parti minn dan l-artiklu, kemm ghall-voti mehtiega biex tghaddi mill-Kamra tad-Deputati, u kemm biex l-istess tkun emendata."

(c) Minnufih wara s-subartiklu (2) gdid, ghandu jidhol is-subartiklu (3) gdid li gej :

"(3) Kemm-il darba tissejjah elezzjoni hesrem, il-Prim Ministru jkun jista' jqis biss bhala validi dawk il-karti tal-identita` li jkunu l-ahhar karti ta' l-identita` meqjusa bhala validi sad-data meta jkun ippubblikat ir-*writ* tal-elezzjoni."

Ghanijiet u ragunijiet

L-abbozz jahseb halli jaghti ezenzjonijiet gustifikati lil min ikun qed jahdem, jistudja jew marid barra minn Malta li jibqa' elettur, pero` sakemm verament ikun zamm l-irbit ma' Malta, u li l-gvern li jitla` jkun jaffettwah direttament.

A BILL
Entitled

AN ACT to amend the Constitution of Malta

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

1. This Act may be cited as the Constitution of Malta (Amendment) Act, 2002, and shall be read and construed as one with the Constitution of Malta, hereinafter referred to as the "principal law".

2 Section 57 of the principal law shall be amended as follows :

(a) The present Section shall be numbered as subsection (1); and in paragraph (a) thereof there shall be added at the end the words "and is in possession of a valid identity card,. and," ; and for the proviso immediately following paragraph (c) thereof, there shall be substituted the following new proviso :

"provided that this paragraph shall not apply to a person, his spouse or child, still living with that person, if the person is registered as a voter, and although ordinarily resident in Malta, does not reside in Malta as required by this paragraph, and this on account of :

(i) service abroad in the public service, including service in the office mentioned in subsection (3) of Section 124 of this Constitution, or

(ii) service abroad in, or as a member of, a disciplined force, as defined in Section 47 of this Constitution; or

(iii) service in an international organisation of which Malta is a member; or

(iv) service with a public authority, corporation, government agency, or company in which the governmet is the majority shareholder, or in a company or partnership registered in Malta, provided that person is registered and subject, with reference to such services, to taxes on income in Malta and liable to pay contributions for social security in Malta; or

(v) the person is undergoing specialised medical treatment abroad, or

(vi) the person is attended a course of certified and approved studies."

(b)Immediately after subsection (1) there shall be inserted the following new subsection (2):

"(2) Parliament may by law establish the criteria under which the exemptions mentioned in subsection (1) are to be applied, and any such law shall be considered as forming part of this Section, with reference to the votes required for its approval by the House of Representatives, as well as for any eventual amendment.".

(c)Immediately after the new subsection (2), there shall be inserted the following new subsection (3):

"(3) When an election is called abruptly, the Prime Minister shall only have the power to consider as valid only those identity cards which are currently considered as valid on the day when the writ for the election is published."

OBJECTS AND REASONS

The Bill intends giving justified exemptions to those who are working, studying or seeking treatment abroad, to vote in elections, provided that the person retains effective links with Malta, and that the government which will be elected can affect him directly.