

**MALTA**

**ATT Nru. I ta' l-1997**

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

ATT ta' l-1997 li jemenda l-Att dwar it-Tarzna ta' Malta, Kap. 207.

**ACT No. I of 1997**

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Malta Dockyard Act, Cap. 207.

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI  
President

4 ta' Frar, 1997

**ATT Nru. I ta' l-1997**

*ATT ta' l-1997 li jemenda l-Att dwar it-Tarzna ta' Malta, Kap. 207.*

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1997 li jemenda l-Att dwar it-Tarzna ta' Malta, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar it-Tarzna ta' Malta, hawnhekk aktar 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.  
Kap. 207.

2. L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 5 ta'  
l-Att prinċipali.

(a) minflok is-subartikolu (2) tiegħu għandu jidhol dan li ġej:

“(2) Il-Kunsill ikun magħmul minn *chairman* mahtur mill-Prim Ministru u tmien membri oħra, li erbgħa minnhom (hawnhekk iżjed 'il quddiem imsejja l-membri eletti) ikunu eletti mill-impjegati tal-korporazzjoni bil-mod provdut b'dan l-Att, u l-erba' membri l-oħra (hawnhekk iżjed 'il quddiem imsejja l-membri mahtura) jkunu mahtura mill-Prim Ministru.”;

(b) minflok is-subartikoli (4) sa (9) tiegħu għandu jidhol dan li ġej:

“(4) Kull impjegat tal-korporazzjoni, barra mill-*General Manager*, id-*Deputy General Manager*, il-*Financial Controller*, il-*Managers* fil-*Personnel Office* u s-*security guards*, jista’ jkun membru elett tal-Kunsill; iżda impjegat jista’ jikkontesta l-elezzjoni għall-hatra ta’ membru elett tal-Kunsill biss jekk ikun hekk impjegat fil-jum li toħroġ is-sejha għan-nomini, u n-nomina tiegħu għall-elezzjoni tkun sostnuta bil-miktub b’mhux inqas minn mitt impjegat li jkollhom il-jedd li jivvotaw f’dik l-elezzjoni.

(5) Bla hsara għad-dispożizzjonijiet ta’ dan l-Att, il-membri eletti tal-Kunsill għandhom jibqgħu fil-kariga għal żmien ta’ erba’ snin li jibdeu fl-1 ta’ April tas-sena li fiha jiġu eletti jew mahtura u jagħlqu fil-31 ta’ Marzu ta’ erba’ snin wara:

Iżda meta persuna tiġi eletta biex timla vakanza li tinholoq minn membru elett tal-Kunsill li ma jibqax hekk membru għal xi raġuni li ma tkunx li spicċa ż-żmien tal-kariga, dik il-persuna għandha tibqa’ fil-kariga għaż-żmien tal-kariga li ma jkunx spicċa tal-membri li tkun dahlet minflok.

(6) (a) Meta jkun hemm vakanza fost il-membri eletti tal-Kunsill, din għandha timtela mill-impjegati tal-korporazzjoni billi ssir elezzjoni għal dak l-għan.

(b) Meta jkun hemm vakanza fost il-membri mahtura tal-Kunsill, din għandha timtela b’persuna ohra mahtura mill-Prim Ministru.

(c) Meta l-kariga ta’ *chairman* tal-Kunsill tkun vakanti, din għandha timtela minn persuna mahtura mill-Prim Ministru.

(7) Kull membru tal-Kunsill, meta ma jibqax membru u jekk ikun xort’ohra kwalifikat, jista’ jiġi elett jew mahtur mill-ġdid skond ma jkun il-każ.

(8) Iċ-*chairman* u l-membri mahtura jiġu mahtura b’dawk il-pattijiet u kondizzjonijiet kif jista’ jiġi muri fl-ittra tal-hatra rispettiva tagħhom. Ir-rimunerazzjoni tal-membri tal-Kunsill għandha tiġi stabbilita mill-Prim Ministru.

(9) Kull membru tal-Kunsill jista’ jirriżenja l-kariga tiegħu b’ittra indirizzata lill-Prim Ministru b’kopja indirizzata lill-Kunsill. Il-membri eletti tal-Kunsill għandhom ukoll jieqfu mill-kariga jekk issir talba bil-miktub lill-Prim Ministru għall-elezzjoni ta’ membri eletti godda li tkun iffirmata minn mhux inqas minn żewġ terzi ta’ l-impjegati tal-korporazzjoni. Meta

ssir talba u tkun iffirmata kif intqal qabel, il-Prim Ministru ghandu jgharraf bit-talba lil kull wiehed mill-membri eletti tieghu u l-membri eletti ghandhom jieqfu minnufih mill-kariga. F'kull każ bhal dak il-membri mahtura tal-Kunsill ghandhom jibqgħu jaqdu l-funzjonijiet, is-setghat u d-dmirijiet kollha tal-Kunsill minghajr membri eletti sakemm dawn jigu eletti kif provdut fis-subartikolu (2) ta' dan l-artikolu. Membru elett tal-Kunsill ukoll jieqaf milli jzomm il-kariga jekk ikollu dak l-interess finanzjarju jew interess iehor f'xi kuntratt, impriża jew attività li, fil-fehma tal-Kunsill imfissra b'decizjoni li tittiehed b'vot sigriet, x'aktarx ma jhallihx jaqdi sewwa l-funzjonijiet tieghu bhala membru tal-Kunsill.”;

(c) fis-subartikolu (10) tieghu minflok il-kliem “Kull meta jkollha ssir elezzjoni tal-membri tal-Kunsill” ghandhom jidhlu l-kliem “Kull meta jkollha ssir elezzjoni tal-membri eletti tal-Kunsill”; u

(d) fis-subartikolu (11) tieghu minflok il-kliem “kariga tal-membri tal-Kunsill” ghandhom jidhlu l-kliem “kariga tal-membri eletti tal-Kunsill”.

3. L-artikolu 6 ta' l-Att principali ghandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 6 ta'  
l-Att principali.

(a) minflok is-subartikolu (2) tieghu ghandu jidhol li ġej:

“(2) Il-*quorum* tal-laqgħat kollha tal-Kunsill ikun nofs il-membri li jkunu fil-kariga f'dak iż-żmien u wiehed.”; u

(b) fis-subartikolu (3) tieghu minflok il-kliem “wiehed minnhom” ghandhom jidhlu l-kliem “wiehed mill-membri mahtura”.

4. L-elezzjonijiet tal-membri tal-Kunsill tat-Tarzna ta' Malta, li ghandhom isiru fi Frar 1997 ghandhom isiru skond id-dispożizzjonijiet ta' l-Att principali kif emendat b'dan l-Att, u l-membri eletti f'dik l-elezzjoni ghandhom, minkejja kull dispożizzjoni oħra ta' dan l-Att jew ta' l-Att principali, flimkien maç-*chairman* u l-membri l-oħra mahtura mill-Prim Ministru, jidhlu fil-kariga fid-19 ta' Frar, 1997 u jikkostitwixxu l-Kunsill tat-Tarzna ta' Malta, u ż-żmien tal-kariga tal-membri eletti ghandu jtemm fil-31 ta' Marzu, 2001.

Dispożizzjoni  
transitorja.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 22 tas-Sibt, l-1 ta' Frar, 1997.

MYRIAM SPITERI DEBONO  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

UGO MIFSUD BONNICI  
President

4th February, 1997

**ACT No. I of 1997**

*AN ACT to amend the Malta Dockyard Act, Cap. 207.*

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

Short title.

1. This Act may be cited as the Malta Dockyard (Amendment) Act, 1997, and shall be read and construed as one with the Malta Dockyard Act, hereinafter referred to as “the principal Act”.

Cap. 207.

Amendment of  
section 5 of the  
principal Act.

2. Section 5 of the principal Act shall be amended as follows:

(a) for subsection (2) thereof there shall be substituted the following:

“(2) The Council shall consist of a chairman appointed by the Prime Minister and eight other members, of whom four (hereinafter referred to as the elected members) shall be elected by the employees of the corporation in the manner provided by this Act, and the four other members (hereinafter referred to as the appointed members) shall be appointed by the Prime Minister.”;

(b) for subsections (4) to (9) thereof there shall be substituted the following:

“(4) Every employee of the corporation, other than the General Manager, the Deputy General Manager, the Financial Controller, the Managers in the Personnel Office and security guards, may be an elected member of the Council, but an

employee may contest the election for the post of elected member of the Council only if he is employed on the day that the call for nominations is issued, and his nomination for election is supported in writing by not less than one hundred employees entitled to vote at that election.

(5) Subject to the provisions of this Act, the elected members of the Council shall hold office for a period of four years commencing on 1st April of the year in which they are elected or appointed and ending on 31st March, four years later:

Provided that where a person is elected to fill a vacancy caused by an elected member of the Council ceasing to be such a member for any reason other than the expiration of the period of office, such person shall hold office for the unexpired period of office of the member he replaces.

(6) (a) Where a vacancy occurs among the elected members of the Council, it shall be filled by the employees of the corporation by means of an election held for the purpose.

(b) where a vacancy occurs among the appointed members of the Council, it shall be filled by another person appointed by the Prime Minister.

(c) where the office of chairman of the Council is vacant, it shall be filled by a person appointed by the Prime Minister.

(7) Every member of the Council shall, on ceasing to be a member and if he is otherwise qualified, be eligible for re-election or re-appointment, as the case may be.

(8) The chairman and the appointed members shall be appointed on such terms and conditions as may be set out in their respective letters of appointment. The remuneration of the members of the Council shall be determined by the Prime Minister.

(9) Any member of the Council may resign his office by letter addressed to the Prime Minister with a copy addressed to the Council. The elected members of the Council shall cease to hold office if a request in writing is made to the Prime Minister for the election of elected members signed by not less than two-thirds of the employees of the corporation. Where a request is made and signed as aforesaid, the Prime Minister shall inform each of the elected members of the request and the elected members shall thereupon cease to hold

office. In any such case the appointed members of the Council shall continue to exercise all the functions, powers and duties of the Council without elected members until these are elected as provided in subsection (2) of this section. A member of the Council shall also cease to hold office if he has such financial or other interest in any contract, enterprise or activity as, in the opinion of the Council expressed as a decision taken by a secret vote, is likely to affect prejudicially the discharge by him of his functions as a member of the Council.”;

(c) in subsection (10) thereof for the words “Whenever an election of the members of the Council” there shall be substituted the words “Whenever an election of the elected members of the Council”; and

(d) in subsection (11) thereof for the words “office of the members of the Council” there shall be substituted the words “office of the elected members of the Council”.

Amendment of section 6 of the principal Act.

3. Section 6 of the principal Act shall be amended as follows:

(a) for subsection (2) thereof there shall be substituted the following:

“(2) The quorum at all meetings of the Council shall be half the members in office at the time plus one.”; and

(b) in subsection (3) thereof, for the words “any of their number” there shall be substituted the words “any one of the appointed members”.

Transitory provision.

4. The elections for the members of the Council of Malta Drydocks to be held in February 1997 shall be held in accordance with the provisions of the principal Act as amended by this Act, and the members elected in that election shall, notwithstanding any other provision of this Act or the principal Act, together with the chairman and other members appointed by the Prime Minister, take office on the 19th February, 1997 and constitute the Council of Malta Drydocks, and the term of office of the elected members shall expire on the 31st March, 2001.

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Passed by the House of Representatives at Sitting No. 22 of the 1st February, 1997.

MYRIAM SPITERI DEBONO  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*