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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joe Mizzi, M.P., Ministru minghajr Portafoll fl-Uffiċċju tal-Prim Ministru u moqri għall-Ewwel darba fis-Seduta tad-29 ta' Ottubru, 1997.

A BILL introduced by the Honourable Joe Mizzi, M.P., Minister without Portfolio in the Office of the Prime Minister and read the First time at the Sitting of the 29th October, 1997.

ATT biex jipprovdi għat-twaqqif ta' Dipartiment tal-Protezzjoni Ċivili u għal Forza ta' Ghajnuna u Salvataġġ, u għal hwejjeġ li għandhom x'jaqsmu ma' dan jew anċillari għall-istess.

AN ACT to provide for the establishment of a Civil Protection Department and an Assistance and Rescue Force, and for matters connected therewith or ancillary thereto.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjaħ

ATT biex jipprovdi għat-twaqqif ta' Dipartiment tal-Protezzjoni Ċivili u għal Forza ta' Għajnuna u Salvataġġ, u għal hwejjeġ li għandhom x'jaqsmu ma' dan jew ancillari għall-istess.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1997 dwar il-Protezzjoni Ċivili u għandu jidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-protezzjoni ċivili jista' jistabbilixxi permezz ta' avviż fil-Gazzetta.

Titolu fil-qosor u bidu fis-seħħ.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieġ xort'ohra:—

Tifsiriet.

“id-Dipartiment” tfisser id-Dipartiment tal-Protezzjoni Ċivili mwaqqaf bl-artikolu 3 ta' dan l-Att;

“id-Direttur” tfisser id-Direttur tad-Dipartiment tal-Protezzjoni Ċivili u tinkludi lil kull uffiċjal mahtur jew awtorizzat mid-Direttur biex jaġixxi għal xi għan jew klassi ta' għanijiet ta' dan l-Att;

“diżastru” tfisser grajja mhux prevedibbli li tikkaguna jew thedded li tikkaguna hsara fil-hajja jew fis-sahha ta' għadd sew ta' persuni, jew lill-proprjetà jew lill-provvista ta' riżorsi vitali tal-popolazzjoni jew lill-ambjent, u l-urgenza

tas-sitwazzjoni tkun tehtieg il-koperazzjoni ta' l-awtoritajiet, istituzzjonijiet u organizzazzjonijiet ghal azzjoni immedjata ta' rimedju;

“il-Forza” tfisser il-Forza ta' Ghajnuna u Salvatagg mwaqqfa bl-artikolu 8 ta' dan l-Att;

“il-Kmandant” tfisser il-kmandant mahtur biex jagixxi bhala tali taht l-artikolu 9 ta' dan l-Att;

“il-Kunsill” tfisser il-Kunsill għall-Protezzjoni Ċivili mwaqqaf taht l-artikolu 5 ta' dan l-Att;

“il-Ministru” tfisser il-Ministru responsabbli għall-Protezzjoni Ċivili u tinkludi, sal-limitu u skond l-awtorità mogħtija, kull persuna jew korp ta' persuni awtorizzati mill-imsemmi Ministru għal xi għan jew klassi ta' għanijiet ta' dan l-Att.

Twaqqif ta' Dipartiment.

3. Għandu jitwaqqaf Dipartiment tal-Protezzjoni Ċivili li jkun dipartiment tal-Gvern li jitmexxa minn uffiċjal pubbliku li jkun magħruf bhala d-Direttur tal-Protezzjoni Ċivili, li jkollu l-funzjonijiet stabbiliti fl-artikolu 4 ta' dan l-Att.

Funzjonijiet tad-Dipartiment.

4. Il-funzjonijiet tad-Dipartiment ikunu:—

(a) sabiex ihejji pjanijiet ta' kontingenza għal kontra xi diżastru kif ukoll dawk l-emergenzi naturali, industrijali jew ohrajn li jistgħu jinqalghu;

(b) sabiex jorganizza u jikkordina faċilitajiet ta' tahrig u korsijiet għall-persunal li jistgħu jenhtiegu f'kaz ta' diżastru nazzjonali jew reġjonali jew ta' emergenza kif imsemmi qabel;

(ċ) sabiex iwaqqaf l-infrastruttura meħtieġa li tkun tiżgura li jkun hemm koordinazzjoni bejn id-diversi dipartimenti tal-Gvern, kunsilli lokali u organizzazzjonijiet mhux governattivi li jistgħu jkunu imsejha biex jagixxu flimkien fil-każ ta' diżastru nazzjonali jew reġjonali jew ta' emergenza kif imsemmi qabel;

(d) sabiex jagħmel riċerka dwar vulnerabbiltà u *risk assessment*;

(e) sabiex iġib 'l quddiem konoxxenza pubblika dwar hwejjeġ li għandhom x'jaqsmu mal-protezzjoni ċivili;

(f) sabiex iżomm u jmessi forza ta' għajjnuna u salvataġġ;

(g) sabiex ihejji regolamenti bis-sahha ta' dan l-Att u ta' l-Att dwar Setgħat ta' Emergenza li jistgħu jenhtieġu f'każ ta' diżastru nazzjonali jew reġjonali jew ta' emergenza kif imsemmi qabel; u (Kap. 178)

(h) b'mod ġenerali, sabiex iwettaq kull funzjoni ohra li jkollha x'taqsam mal-protezzjoni ċivili hekk kif jista' jiġi lilha assenjat mill-Ministru minn żmien għal żmien.

5. (1) Għandu jitwaqqaf Kunsill, li jkun magħruf bhala l-Kunsill għall-Protezzjoni Ċivili, li jkollu dawk il-funzjonijiet u dmirijiet stabbiliti f'dan l-Att. Kunsill għall-Protezzjoni Ċivili.

(2) Il-Kunsill jinhatar mill-Prim Ministru kif ġej:

(a) għadd ta' membri rappreżentattivi li jintagħzlu minn fost uffiċjali pubbliċi li jkollhom kariga għolja u li jkunu qegħdin jaqdu dmirijiet fil-ministeri responsabbli għax-xoghlijiet pubbliċi, ambjent, servizzi ta' telekomunikazzjoni u trasport, servizzi tas-sahha, affarijiet ekonomiċi, affarijiet li għandhom x'jaqsmu ma' karburanti u enerġija, u affarijiet għal Ghawdex;

(b) membru li jintagħzel minn fost persuni li jkollhom għarfien u esperjenza f'dak li għandu x'jaqsam mal-protezzjoni ċivili wara li jiġu konsultati l-organizzazzjonijiet volontarji l-iktar rappreżentattivi f'dawk l-oqsma;

(ċ) membru li jintagħzel biex jirrappreżenta lill-Kunsilli Lokali wara li jiġu konsultati l-assoċjazzjonijiet jew organizzazzjonijiet l-iktar rappreżentattivi tal-Kunsilli Lokali.

(3) *Ic-Chairman* ikun il-Ministru responsabbli għall-Protezzjoni Ċivili u *d-Deputy Chairman* ikun is-Segretarju Permanenti fl-istess Ministeru; u l-Kummissarju tal-Pulizija, il-Kmandant tal-Forzi Armati u *d-Direttur* tal-Protezzjoni Ċivili jkunu membri *ex officio*.

(4) Il-membri mahtura jibqghu f'dik il-kariga għal dak iż-żmien, li ma jkunx ta' iktar minn tliet snin, hekk kif jista' jiġi speċifikat fl-ittra tal-hatra tagħhom.

(5) Meta jiġi vakat il-post ta' xi membru mahtur qabel ma jkun għadda ż-żmien stabbilit fl-ittra tal-hatra tiegħu, il-Prim Ministru għandu jahtar persuna oħra biex tiehu post dak il-membri għal dak iż-żmien, li ma jkunx żmien ta' iktar minn tliet snin, hekk kif il-Prim Ministru jista' jistabbilixxi fl-ittra tal-hatra tiegħu.

Iżda l-Kunsill jista' dejjem jibqa' jaġixxi minkejja li jkun hemm dik il-vakanza.

(6) Id-*Deputy Chairman* għandu jaġixxi minflok id-*Chairman* kull meta id-*Chairman* ikun assenti minn laqgħa tal-Kunsill jew inkella ma jkunx jista' jaġixxi ta' *Chairman* għal kull raġuni li tkun.

(7) Minkejja kull dispożizzjoni oħra ta' dan l-artikolu l-Prim Ministru jista' f'kull żmien itemm il-hatra ta' xi membru, jekk fil-fehma tiegħu dak il-membri, ma jibqax adattat biex ikompli f'dik il-kariga jew ikun sar inkapaċi milli jwettaq dmirijietu sew.

(8) Id-Direttur tal-Protezzjoni Ċivili għandu jagħmilha ta' segretarju tal-Kunsill.

(9) Il-Kunsill għandu jiltaqa' għal kemm il-darba jkun meħtieġ, iżda f'ebda każ inqas minn darba f'kull tliet xhur kalendarji.

(10) Il-Kunsill għandu jirregola l-proċedimenti tiegħu nnifsu.

Funzjonijiet
tal-Kunsill.

6. (1) Tkun il-funzjoni tal-Kunsill:-

(a) li jiformula, imexxi u jikkordina kull kwistjoni u prattika ta' politika nazzjonali dwar il-protezzjoni ċivili;

(b) li jmexxi u jikkordina fi hdan il-kompetenza tiegħu it-tweqqif u t-ttejjija għal hidmiet ta' protezzjoni ċivili meħtieġa fil-każ ta' emerġenza pubblika jew diżastru;

(ċ) li jagħti pariri u jirrakkomanda lill-Ministru dwar kemm persuna tkun addattata, minhabba fil-kwalitajiet personali speċjali tagħha ta' deċiżjoni, kompetenza u esperjenza, li taġixxi ta' kmandant u koordinatur nazzjonali suprem tas-servizzi u miżuri ta' protezzjoni ċivili f'xi emerġenza jew diżastru partikolari;

(d) li japprova pjanijiet ta' kontingenza u linji direttivi u kodiċijiet assoċjati li jkollhom x'jaqsmu ma' emergenzi u diżastri pubbliċi;

(e) li jissorvelja l-hidmiet tad-Dipartiment tal-Protezzjoni Ċivili;

(f) li jaghti pariri lill-Ministru dwar kull miżura li tkun taghti protezzjoni lill-pubbliku fil-każ ta' emergenza pubblika jew diżastru;

(g) li jinkoraġixxi u jaghti support fuq livelli nazzjonali u lokali dwar it-thejjija għal xi emergenza ġenerali li tkun kapaċi li tirrispondi għal kull xorta ta' emergenza, tkun xi tkun il-kawża tagħha;

(h) li jissorvelja u jinkoraġixxi l-iżvilupp ta' organizzazzjonijiet volontarji ta' protezzjoni ċivili.

(2) Il-Kunsill jista' minn żmien għal żmien, bi ftehim mal-Ministru, jistabbilixxi dawk il-kummissjonijiet li jagħtu parir hekk kif jista' jqijs li jkun mehtieġ sabiex jgħinuh fil-funzjonijiet tiegħu; dawk il-kummissjonijiet ikollhom funzjoni konsultattiva u li jagħtu parir, u r-rizultanzi jew ir-rakkomandazzjonijiet tagħhom m'għandhomx ikunu vinkolanti fuq il-Kunsill jew fuq il-Ministru.

7. (1) Il-Ministru responsabbli għall-Protezzjoni Ċivili jista' jipprovdi b'regolamenti: —

Setgħat tal-Ministru li jagħmel regolamenti.

(a) b'mod ġenerali sabiex jirregola dak kollu li għandu x'jaqsam mal-protezzjoni ċivili;

(b) dwar it-twettiq jew it-tishih ta' xi konvenzjoni internazzjonali jew ta' kull ftehim internazzjonali iehor li jkollhom x'jaqsmu mal-protezzjoni ċivili li dwarhom il-Gvern ta' Malta jkun jew ikollu hsieb li jsir membru tagħhom;

(ċ) dwar il-proċeduri li għandhom jittiehdu dwar xi diżastru jew emergenza pubblika li jiġru f'Malta, inkluża kull investigazzjoni li ssir dwarhom; u r-regolamenti li jsiru taht dan il-paragrafu jista' jkollhom dispożizzjonijiet: —

(i) li jkunu jehtieġu l-ghoti ta' avviż dwar diżastri jew emergenza bħal dawk kif imsemmi qabel f'dawk iż-żminijiet, b'dak il-mod u minn dawk il-persuni li jistghu jiġu speċifikati fir-regolamenti;

(ii) li jkunu japplikaw, minghajr tibdil, bil-ghan ta' investigazzjonijiet li jsiru dwar xi inċident bhal dak, xi dispożizzjonijiet ta' xi liġi oħra li jkollha x'taqsam ma' investigazzjonijiet f'każijiet ta' diżastru;

(iii) li jkunu jipprojbixxu, sakemm issir l-investigazzjoni, aċċess għal jew dhul ġewwa ż-żona fejn ikun ġara d-diżastru, u li jkunu jawtorizzaw lil xi persuna, kemm jista' jkun mehtieġ għall-ghanijiet ta' xi investigazzjoni, li jkollha aċċess għal, teżamina, tneħhi minn, tiehu passi sabiex tiġi preservata, jew xort'oħra tittratta ma' dik iż-żona;

(d) sabiex jiġu stabbiliti l-ghanijiet u l-provvedimenti, direttivi, kodiċijiet ta' Prattika u linji direttivi li jkollhom x'jaqsmu ma' kwistjonijiet ta' thejjija u ta' rispons;

(e) sabiex jiġu stabbiliti s-sistema u l-htigijiet għall-ippjanar tal-protezzjoni ċivili;

(f) sabiex jiġi stabbilit, bi ftehim mal-Ministru responsabbli għall-finanzi, il-metodu u l-hlas ta' livelli ta' kumpens għal telf materjali mgarrab minn persuni matul emergenza skond l-Att dwar Setgħat ta' Emergenza u matul diżastru kif imfisser f'dan l-Att;

(g) sabiex jiġi preskritt jew isiru provvedimenti dwar kull haġa li għandha jew tista' tiġi preskritta taht dan l-Att; u

(h) dwar penalitajiet ta' xorta amministrattiva.

(2) Il-hlas ta' kull kumpens taht id-dispożizzjonijiet ta' dawk ir-regolamenti ikun nefqa fuq il-Fond Konsolidat.

8. (1) Qieghda b'dan titwaqqaf forza li tkun maghrufa bhala Forza ta' Ghajnuna u Salvataġġ.

(2) Il-Forza ta' Ghajnuna u Salvataġġ għandha titmexxa minn Uffiċjal Kap ta' l-Ghajjuna u s-Salvataġġ.

(3) Qabel ma uffiċjal jibda jwettaq il-kariga tieghu fil-Forza ta' Ghajnuna u Salvataġġ, huwa għandu jiehu l-ġurament tal-kariga skond ma hemm fl-Iskeda li tinsab ma' dan l-Att.

(4) Il-funzjonijiet tal-Forza ta' Ghajnuna u Salvataġġ Ikunu:

(a) li tara li jkun hemm servizz adegwat ghal intervent immedjat fil-każ ta' hruq u salvataġġ fuq l-art, gharghar, salvataġġ fuq il-baħar u helsien mill-gharqa u appoġġ fuq il-baħar ghal kontra t-tniġġis jew f'kull sitwazzjoni oħra ta' diżastru sew naturali sew kaġunat mill-bniedem li tkun tehtieg l-ghajnuna immedjata ta' forza pubblika jew ta' tagħmir speċjali;

(b) li tintervjeni f'każ ta' emerġenza jew ta' diżastru;

(ċ) li twettaq kull dmir lilha assenjat mid-Direttur tal-Protezzjoni Ċivili.

(5) L-amministrazzjoni u d-dixxiplina tal-Forza jkunu dawk li jistghu jiġu preskritti b'regolamenti magħmulin mill-Ministru taht l-artikolu 7 ta' dan l-Att u dawk ir-regolamenti jista' jkollhom dispożizzjonijiet dwar ir-reklutaġġ fil-Forza u l-patti u l-kundizzjonijiet tas-servizz, l-ghoti ta' sensja mill-Forza u t-tahriġ tagħha, inkluż it-trasferiment ta' kull membru tagħha ghal xi forza oħra, kif ukoll dwar kull haġ'ohra li jkollha x'taqsam mal-Forza.

(6) Ir-regolamenti msemija qabel jistghu jkunu jipprovdu dwar:-

(a) l-applikazzjoni għall-Forza ta' kull jew xi patt u kundizzjoni tas-servizz applikabbli għall-Korp tal-Pulizija ta' Malta;

(b) l-estensjoni għall-membri tal-Forza ta' xi dmir u setgħa, jew dmirijiet u setgħat, ta' l-uffiċjali tal-Korp tal-Pulizija ta' Malta jew li jappartjenu lilhom, kif suġġetti ghal dawk il-modifiki, adattamenti u restrizzjonijiet, u f'dawk iċ-ċirkostanzi li jistghu jiġu speċifikati fir-regolamenti.

(7) (a) Fl-interess tas-sigurezza pubblika, l-ordni pubbliku u s-saħħa pubblika, fl-ingaġġar ta' kull membru tal-Forza jenhtieg il-kunsens ta' dik il-persuna li tkun qed tiġi ingaġġata li ma tifformax, ma tidholx fi, jew tkun membru ta' *trade union*; iżda l-membri tal-Forza jistghu jifformaw assoċjazzjoni għalihom infushom.

(b) Assoċjazzjoni mwaqqfa taht dan is-subartikolu għandha tkun għall-iskop sabiex dawk ta' rank

stabbilit mill-Ministru jew rank tahtu jkunu jistghu jikkunsidraw u jgibu għall-attenzjoni ta' l-awtoritajiet kompetenti dawk il-ħwejjeġ li jkunu jolqtu l-ġid u l-efiċjenza professjonali tal-membri ta' dik l-assoċjazzjoni, inklużi materji li jikkonċernaw is-siġhat ta' xogħol, vakanzi, paga u *allowances*, pensjonijiet u kundizzjonijiet oħra ta' servizz u regoli ta' dixxiplina in generali, u għad-difiża ta' individwi fi proċeduri dixxiplinari.

(ċ) L-istatut u r-regoli li jiggvernaw assoċjazzjoni stabbilita taht dan is-subartikolu u kull emenda tagħhom għandhom ikunu suġġetti għall-approvazzjoni tal-Ministru.

(d) Assoċjazzjoni stabbilita taht dan is-subartikolu għandha tkun għal kollox indipendenti minn, u mhux assoċjata ma', xi korp barra mill-Forza.

(e) Shubija f'assoċjazzjoni stabbilita taht dan is-subartikolu għandha tkun volontarja.

(f) Ebda persuna ma tista' tkun membru ta' din l-assoċjazzjoni li ma tkunx membru tal-Forza.

(g) Minkejja d-dispożizzjonijiet ta' l-aħħar paragrafu, l-assoċjazzjoni stabbilita taht dan is-subartikolu tista' tqabbad impjegati jew konsulenti minn barra l-Forza.

Hatra u
setgħat
tal-Kmandant.

9. (1) Il-Ministru jista' jahtar, f'xi diżastru jew emerġenza nazzjonali jew reġjonali, jew b'antiċipazzjoni ta' dan, persuna biex taġixxi bhala Kmandant suprem kif provdut fil-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 6 ta' dan l-Att.

(2) Fil-każ ta' xi emerġenza, diżastru jew hidma oħra li taqa' taht dan l-Att, il-Kmandant, jekk ikun ġie mahtur, jew id-Direttur, jew l-oghla uffiċjal għall-Għajnuna u Salvataġġ li jkun hemm hekk prezenti, għandu jkollu dawn is-setgħat, b'żieda ma' kull setgħa oħra li jkollu skond il-kariga tiegħu taht dan l-Att jew kull liġi oħra:-

(a) li jordna t-tehid immedjat ta' kull haġa mobbli jew immobbli, li fil-fehma tiegħu tkun b'mod indispensabbilment meħtieġa għal xi hidma;

(b) li jordna l-evakwazzjoni ta' persuni minn kull fond u li ma jhallix persuni jidhlu f'dak il-fond;

(ċ) li jidhol ġewwa fond, inkluża residenza privata, f'kull hin minghajr il-htieġa ta' xi *warrant* minn awtorità superjuri;

(d) li jagħmel hsara fi proprjetà privata meta dan ikun mehtieġ b'mod indispensabbli sabiex tiġi evitata kull theddida għall-hajja ta' l-oħrajn, jew inkella t-tifrix ta' l-effetti ta' xi avveniment.

(3) F'kull wiehed mill-każijiet imsemmija fil-paragrafi (a), (b) u (d) ta' l-artikolu ta' qabel dan, is-sid ikollu jedd għall-kumpens.

(4) It-talba għal dak il-kumpens għandha ssir fi żmien sena minn meta jkun ġara l-avveniment, u l-Qorti tal-Magistrati fil-ġurisdizzjoni ċivili tagħha tkun kompetenti li tittratta u tiddeċiedi dwar kull talba bhal dik, minkejja kull liġi oħra li tkun tillimita l-kompetenza tagħha.

10. (1) Kull min inehhi minn xi post u juża minghajr ebda Reati. dritt għal benefiċċju tiegħu jew dak ta' l-oħrajn xi haġa li tkun ġiet abbandunata minn sidha, minhabba f'xi diżastru, hruq, jew avveniment iehor li matulu hajjet is-sid jew ta' xi persuna oħra kienet fil-periklu, ikun hati ta' reat u jista', meta jinsab hati, jehel prigunerija għal żmien ta' mhux inqas minn sitt xhur u mhux iżjed minn għaxar snin.

Iżda meta l-Qorti tiġi biex tagħti l-piena, hija għandha tqis mhux biss il-valur tal-haġa, iżda wkoll iċ-ċirkostanzi ta' tbatija li s-sid kien jinsab fihom meta abbanduna dik il-haġa.

(2) Meta r-reat isir minn persuna li jkollha x'inkarigu bis-saħha ta' dan l-Att jew ta' xi liġi oħra sabiex tghin lil persuni li jkunu fil-periklu li jtilfu hajjithom jew ġidhom, il-piena għandha dejjem tiżdied b'żewġ gradi.

(3) Kull min, minghajr l-awtorizzazzjoni tad-Direttur tal-Protezzjoni Ċivili, jiġbor jew jipprova jiġbor fondi jew oġġetti oħra bhala għajjuna jew assistenza għall-vittmi ta' xi diżastru jew ta' xi avveniment simili iehor li jkun jhedded il-hajja, il-proprjeta' jew l-attivita' ekonomika ġenerali ta' xi persuna jew persuni, jew li, minkejja dik l-awtorizzazzjoni, jonqos milli jhares xi kundizzjonijiet li jsirulu mid-Direttur, ikun hati ta' reat u jista' jehel, meta jinsab hati, prigunerija għal żmien ta' mhux inqas minn tliet xhur u mhux iżjed minn sena.

(4) Kull min jidhol minghajr awtorizzazzjoni ġewwa xi żona li tkun indikata bhala żona fejn wiehed ma jistax jidhol minn ufficjali tad-Dipartiment tal-Protezzjoni Ċivili, ikun hati, minhabba biss fil-fatt li jkun dahal f'dik iż-żona, ta' reat u jista' jehel, meta jinsab hati, prigunerija ghal żmien ta' mhux inqas minn xahar u mhux iżjed minn sitt xhur.

(5) Kull min jirrifjuta li jhares minnufih ordni ta' tehid ta' xi haġa li ssir skond dan l-Att, ukoll jekk din l-ordni tiġi mogħtija lilu bil-fomm biss, ikun hati ta' reat u jista' jehel, meta jinsab hati, prigunerija ghal żmien ta' mhux iżjed minn tliet xhur.

(6) Kull min jirrifjuta, jew jonqos milli jhares xi ordni li tinghatalu, ukoll jekk bil-fomm biss, minn ufficjal li jkun qed jaġixxi bis-sahha tas-setghat mogħtija b'dan l-Att, jew li jindahal jew jostakola l-hidmiet ta' għajnuna u li ma jieqafx milli jkompli jagħmel dan meta jinghata ordni, ukoll jekk bil-fomm biss, ikun hati ta' reat u jista' jehel, meta jinsab hati, prigunerija ghal żmien ta' mhux iżjed minn tliet xhur.

(7) Kull min jonqos milli jhares xi regolament mahruġ taht dan l-Att ikun hati ta' kontravvenzjoni, kemm-il darba regolament speċifiku ma jimponix piena li tiġi dikjarata bhala piena ta' xorta amministrattiva.

(8) Ma jistax jinghad b'difiża f'każ ta' akkuza taht dan l-artikolu li l-persuna kienet qed twettaq dmirijietha fil-professjoni ta' komunikazzjonijiet tal-massa u li l-aġir tagħha kien biss mahsub bhala twettiq tal-jedd tagħha li tgharraf lill-ohrajn.

11. (1) Il-liġijiet elenkati fis-subartikolu (2) ta' dan l-artikolu qegħdin b'dan jithassru.

(2) Il-liġijiet imħassrin huma:

(a) l-Att dwar Korp tax-Xogħol ta' Emergenza; u

(b) l-Att dwar Għajnuna minhabba Gharghar.

Thassir ta' ċerti liġijiet.

(Kap. 227)

(Kap. 286)

SKEDA

(Artikolu 8)

**Ġurament tal-Kariga ta' Uffiċjal fil-
Forza ta' Ghajnuna u Salvataġġ**

“Jien solennement
nahlef/niddikjara li naqdi fedelment il-kariga ta'
..... * skond il-liġi u minghajr
biża' jew favur”.

** hawnhekk indika xi tkun il-kariga fil-Forza ta' Ghajnuna u
Salvataġġ.*

Għanijiet u Raġunijiet

L-ghan ta' dan l-Abbozz hu sabiex jipprovdi dwar il-protezzjoni ċivili li għandha tinghata kontra diżastri u emergenzi naturali u oħrajn.

**A BILL
entitled**

AN ACT to provide for the establishment of a Civil Protection Department and an Assistance and Rescue Force, and for matters connected therewith or ancillary thereto

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
and
commencement.

1. This Act may be cited as the Civil Protection Act 1997, and shall come into force on such date as the Minister responsible for Civil Protection may by notice in the Gazette appoint.

Interpretations.

2. In this Act, unless the context otherwise requires:—

“the Commander” means the Commander appointed to act as such under section 9 of this Act;

“the Council” means the Civil Protection Council established under section 5 of this Act;

“the Department” means the Department of Civil Protection established by section 3 of this Act;

“the Director” means the Director of the Department of Civil Protection and includes any officer designated or authorised by the Director to act for a purpose or class of purposes of this Act;

“disaster” means an unforeseen event which causes or threatens to cause damage to the lives and health of a significant number of people, or to other property or to vital supply resources of the population or to the environment, and the urgency of the situation requires the co-operation of authorities, institutions, and organisations for prompt remedial action;

“the Force” means the Rescue and Assistance Force established by section 8 of this Act;

“the Minister” means the Minister responsible for Civil Protection and includes, to the extent and authority given, any person or body of persons authorised by the said Minister for any purpose or class of purposes of this Act.

3. There shall be a Civil Protection Department which shall be a department of Government headed by a public officer to be styled Director of Civil Protection and which shall have the functions set out in section 4 of this Act. Establishment of Department.

4. The functions of the Department shall be:— Functions of the Department.

(a) to prepare contingency plans to respond to a disaster as well as to natural, industrial and other emergencies that may occur;

(b) to organise and co-ordinate training facilities and courses for personnel that may be required in a national or regional disaster or in an emergency as aforesaid;

(c) to establish the infrastructural set-up required to ensure co-ordination between the various departments of Government, local councils and non-governmental organisations which could be called upon to respond in a national or regional disaster or in an emergency as aforesaid;

(d) to carry out vulnerability and risk assessment studies;

(e) to promote public awareness of civil protection issues;

(f) to maintain an assistance and rescue force;

(g) to prepare regulations under this Act and under the Emergency Powers Act that may be required to respond to a national or regional disaster or an emergency as aforesaid; and Cap. 178.

(h) in general to perform such other functions in connection with civil protection as the Minister may from time to time assign to it.

Civil
Protection
Council.

5. (1) There shall be established a Council to be designated the "Civil Protection Council" having the functions and duties set out in this Act.

(2) The Council shall be appointed by the Prime Minister as follows:—

(a) a number of representative members who shall be chosen from amongst public officers occupying a senior position and performing duties in the ministries responsible for public works, environment, telecommunication and transport services, health services, economic affairs, fuel and energy affairs, and Gozo affairs;

(b) one member who shall be chosen from amongst persons having knowledge and experience in matters relating to civil protection after consultations with the most representative of voluntary organisations concerned with such matters;

(c) one member who shall be chosen to represent Local Councils after consultations with the most representative associations or organisations of Local Councils.

(3) The Chairman shall be the Minister responsible for Civil Protection and the Deputy Chairman shall be the Permanent Secretary in the same Ministry; and the Commissioner of Police, the Commander Armed Forces and the Director of Civil Protection shall be *ex officio* members.

(4) The appointed members shall hold office for such term, not being more than three years, as may be specified in their letter of appointment.

(5) Where the seat of any appointed member is vacated before the expiration of the term fixed in his letter of appointment, the Prime Minister shall appoint another person to replace such member for such term, not being a term of more than three years, as the Prime Minister may specify in his letter of appointment.

Provided that the Council may act notwithstanding any such vacancy.

(6) The Deputy Chairman shall act instead of the Chairman whenever the Chairman is absent from a meeting of the Council or is unable to act as Chairman for any reason.

(7) Notwithstanding any other provision of this section the Prime Minister may at any time terminate the appointment of an appointed member, if in his opinion such appointed member is unfit to continue in office or has become incapable of properly performing his functions.

(8) The Director of Civil Protection shall act as secretary of the Council.

(9) The Council shall meet as often as necessary but in no case less frequently than once in every three calendar months.

(10) The Council shall regulate its own proceedings.

6. (1) It shall be the function of the Council:-

Functions of
the Council.

(a) to formulate, direct and co-ordinate all national policy issues and practices relating to civil protection;

(b) to direct and co-ordinate within its sphere of competence the carrying out of and preparations for the civil protection tasks required in the event of a public emergency or disaster;

(c) to advise and recommend to the Minister on the appropriate person, based on his special personal qualities of decision making, competencies and experience, to act as Commander and overall national co-ordinator of civil protection services and measures in any particular emergency or disaster;

(d) to approve contingency plans and associated guidelines and codes relating to public emergencies and disasters;

(e) to monitor the workings of the Department of Civil Protection;

(f) to advise the Minister on any measures that afford protection to the public in the event of a public emergency or a disaster;

(g) to encourage and support at national and local level general emergency preparedness capable of responding to all kinds of emergencies, whatever the cause;

(h) to monitor and encourage the development of civil protection voluntary organisations.

(2) The Council may, with the concurrence of the Minister, from time to time establish such advisory commissions as it may consider necessary to assist it in its functions; any such commission shall have an advisory and consultative function, and its findings or recommendations shall not be binding on the Council or the Minister.

Powers of
Minister
to make
regulations.

7. (1) The Minister responsible for Civil Protection may by regulation provide:—

(a) generally for regulating civil protection matters;

(b) for the carrying out or for the giving effect to any international convention or other international agreements relating to civil protection to which the Government of Malta is or intends to become a party;

(c) for the procedures to be adopted with respect to any disaster or public emergency occurring in Malta, including any investigation relating thereto; and regulations under this paragraph may contain provision:—

(i) requiring notice to be given of any such disasters or emergency as aforesaid at such times, in such manner and by such persons as may be specified in the regulations;

(ii) applying, without modification, for the purpose of investigations held with respect to any such accident any of the provisions of any other enactment relating to investigations in cases of disaster;

(iii) prohibiting, pending investigation, access to or interference in the area where a disaster has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such area.

(d) for establishing the objectives and provisions, directives, codes of practice and guidelines relating to preparedness and response issues;

(e) for establishing the system and requirements for civil protection planning;

(f) for determining, with the concurrence of the Minister responsible for finance, of the method and payment of compensation levels for material losses incurred by persons during an emergency in terms of the Emergency Powers Act Cap.178. and during a disaster as defined in this Act;

(g) for prescribing or making provision for any matter that is to be or may be prescribed under this Act; and

(h) for penalties of an administrative nature.

(2) The payment of any compensation under the provision of such regulations shall be a charge upon the Consolidated Fund.

8. (1) There is hereby established a force to be known as the Assistance and Rescue Force. Establishment of an Assistance and Rescue Force.

(2) The Assistance and Rescue Force shall be headed by a Chief Assistance and Rescue Officer.

(3) Before entering upon his duties an officer of the Assistance and Rescue Force shall take the oath of office according to the Schedule to this Act.

(4) The functions of the Assistance and Rescue Force shall be:-

(a) to maintain an adequate service for prompt intervention in the case of fire and rescue on land, flooding, sea salvage, rescue and anti-pollution support at sea, or any other natural or man-made disaster situation which requires the immediate assistance of a public force or special equipment;

(b) to intervene in any emergency or disaster;

(c) to carry out any of the duties assigned to it by the Director of Civil Protection.

(5) the government and discipline of the Force shall be such as may be prescribed by regulations made by the Minister under section 7 of this Act and such regulations may contain provisions concerning the recruitment to the Force and the terms and conditions of service, the discharge from and the training of the Force, including the transfer of any member thereof to any other force, as well as any other matter relating to the Force.

(6) Regulations as aforesaid may provide for:—

(a) the application to the Force of all or any one or more of the terms and conditions of service applicable to the Malta Police Force;

(b) the extension to the members of the Force of any one or more of the duties and powers of or competent to officers of the Malta Police Force, subject to such modifications, adaptations and restrictions, and in such circumstances as may be specified in the regulations.

(7) (a) In the interest of public safety, public order and public health, the enlistment of every member of the Force shall require the consent of the person enlisting not to form, join or be a member of a trade union; but the members of the Force may form their own association.

(b) An association established under this sub-section shall be for the purpose of enabling those of and below a rank established by the Minister to consider and bring to the notice of the competent authorities all matters affecting the welfare and professional efficiency of the members of that association, including matters concerning their hours of work, leave, pay and allowances, pensions and other conditions of service and rules of discipline in general, and for the defence of individuals in disciplinary proceedings.

(c) The statute and rules governing any association established under this sub-section and any amendments thereto, shall be subject to the approval of the Minister.

(d) An association established under this sub-section shall be entirely independent of, and unassociated with, any body outside the Force.

(e) Membership of an association established under this sub-section shall be voluntary.

(f) No person may be a member of any such association unless he is a member of the Force.

(g) Notwithstanding the provisions of the preceding paragraph, an association established under this sub-section may engage employees or advisers from outside the Force.

9. (1) The Minister may, in any national or regional disaster or emergency, or in anticipation thereof, appoint a person to act as overall Commander as provided in paragraph (c) of subsection (1) of section 6 of this Act. Appointment and powers of the Commander.

(2) In any emergency, disaster or other operation covered by this Act, the Commander, if one has been appointed, or the Director or the highest ranking officer of the Assistance and Rescue Force present on the scene shall have the following powers, in addition to all other powers pertaining to his office under this Act or any other law:—

(a) to order the immediate requisition of any movable or immovable thing, which is indispensably necessary in his judgement for any operation;

(b) to order the evacuation from any premises of persons and to debar any person from entering on any such premises;

(c) to enter any premises, including a private residence, at any time without the need of a warrant from any higher authority;

(d) to cause damage to private property where this is indispensably necessary to avoid any threat to the life of others, or the spreading of the effects of any event.

(3) In any of the cases mentioned in paragraphs (a), (b) and (d) of the preceding section, the owner shall have the right for compensation.

(4) The demand for any such compensation shall be made within one year from the date of the occurrence, and the Court of Magistrates in its civil jurisdiction shall be competent to hear and decide any such claim, notwithstanding any other law delimiting its jurisdiction.

10. (1) Any person who removes and applies for his own benefit or that of any other person any thing which is abandoned by Offences.

its owner on account of any disaster, fire, or other event when the life of the owner of any other person was in jeopardy, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period of not less than six months and not more than ten years.

Provided that in assessing punishment, the Court shall take into consideration not only the value of the thing, but also the circumstances of hardship to which the owner was exposed in abandoning the thing.

(2) When the offence is committed by any person who is lawfully entrusted under this Act or any other law to assist persons in danger of losing their life or their property, the punishment shall be increased by two degrees.

(3) Any person who without the authorisation of the Director for Civil Protection collects or attempts to collect funds or other goods by way of aid or relief to victims of any disaster or any other similar event which threatens the life, property, or general economic activity of a person or persons, or who, notwithstanding such authorisation, fails to comply with any conditions imposed by the Director, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period of not less than three months and not more than one year.

(4) Any person who enters without due authorisation any area delimited by officers of the Department of Civil Protection shall, for the mere fact of entering, be guilty of an offence, and shall be liable on conviction to imprisonment for a period of not less than one month and not more than six months.

(5) Any person who refuses to comply immediately with a requisition of any thing ordered under any power conferred to by this Act, even if verbally communicated to him, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months.

(6) Any person who refuses or fails to comply with any order, even if verbally given by an officer acting within the powers of this Act, or who interferes or obstructs with operations of assistance and does not desist from his actions when warned, even verbally, shall be guilty of an offence, and shall be liable on conviction to imprisonment for a term not exceeding three months.

(7) Any person who fails to comply with any regulation issued under this Act shall be guilty of a contravention, unless the

specific regulation imposes a penalty which is stated to be of an administrative nature.

(8) It shall not be a defence to a charge under this section that the person was acting as a professional person in mass communications and that the acts were intended as an exercise of the right to inform.

11. (1) The enactments listed in subsection (2) of this section are hereby repealed. Repeal of
certain laws.

(2) The repealed enactments are:—

(a) The Emergency Labour Corps Act; and (Cap. 227)

(b) The Floods Relief Act. (Cap. 286)

Schedule

(Section 8)

Oath of Office of Officer in the Assistance and Rescue Force

“I..... solemnly swear/affirm
that I shall faithfully execute the office of*
according to Law and without fear or favour”.

* *specify here the name of the office in the Assistance and Rescue Force.*

Objects and Reasons

The object of this bill is to make provision with respect to civil protection against natural and other disasters and emergencies.