

Nru. 77

26. 2. 2019

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Chris Fearn, M.P., Deputat Prim Ministru u Ministru għas-Saħħa, f'isem is-Segretarju Parlamentari għas-Servizzi Finanzjarji, Ekonomija Diġitali u Innovazzjoni, u moqri għall-Ewwel darba fis-Seduta tat-18 ta' Frar 2019.

A BILL introduced by the Honourable Chris Fearn, M.P., Deputy Prime Minister and Minister for Health, on behalf of the Parliamentary Secretary for Financial Services, Digital Economy and Innovation, and read the First time at the Sitting of the 18th February 2019.

ATT biex jemenda l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, Kap. 418.

AN ACT to amend the Malta Communications Authority Act, Cap. 418.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex jemenda l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, Kap. 418.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2019 biex jemenda l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni u dan l-Att għandu jinqara u jinftiehem bħala ħaga waħda mal-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, hawn iżjed 'l quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-seħh.

Kap. 418.

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

2. Is-subartikolu (3) tal-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att prinċipali.

(a) il-paragrafu (u) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (v); u

(b) minnufih wara l-paragrafu (t) għandu jiżdied il-paragrafu ġdid li ġej:

"(u) twettaq monitoraġġ u tassigura l-aċċessibilità ta' siti elettronici u tal-applikazzjonijiet mobbli skont id-dispożizzjonijiet ta' dan l-Att;"

3. Fis-subartikolu (1) tal-artikolu 6 tal-Att prinċipali il-kliem "fuq affarijiet li jkollhom x'jaqsmu mar-regolament tas-suq *ex-ante* u mar-riżolviment ta' tilwimiet bejn l-impriżi skont l-artikolu 43 u 44A."

Emenda tal-artikolu 6 tal-Att prinċipali.

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għandhom jiġu sostitwiti bil-kliem "fuq kull haġa li għandha x'taqsam mal-eżercizzju ta' kull funzjoni statutorja tagħha, ikun kif ikun deskritt, kif provdut skont il-liġi."

Emenda tal-artikolu 32 tal-Att prinċipali.

4. Fis-subartikolu (1) tal-artikolu 32 tal-Att prinċipali l-kliem "L-Awtorità għandha qabel ma tgħaddi biex tiegħu xi waħda mill-miżuri taħt l-artikolu 31" għandhom jiġu sostitwiti bil-kliem "Sakemm mhux provdut mod ieħor skont jew taħt dan l-Att, l-Awtorità għandha qabel ma tgħaddi biex tiegħu xi waħda mill-miżuri taħt l-artikolu 31".

Emenda tal-artikolu 38 tal-Att prinċipali.

5. Is-subartikolu (7) tal-artikolu 39 tal-Att prinċipali għandu jiġihassar.

Żieda ta' artikolu ġdid mal-Att prinċipali.

6. Minnufih wara l-artikolu 40A tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Appell lill-Qorti tal-Appell.
2019
Kap. 490.

41. Kull parti f'appell quddiem it-Tribunal, li tħoss ruħha aggravata b'deċiżjoni tat-Tribunal tista' tappella lil Qorti tal-Appell skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva."

Emenda tal-artikolu 46 tal-Att prinċipali.

7. Is-subartikolu (1) tal-artikolu 46 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(1) Il-Ministru jista', wara li jikkonsulta mal-Awtorità, jagħmel regolamenti fir-rigward ta' kull funzjoni assenjata lill-Awtorità, inkluż dawk il-funzjonijiet li jistgħu jiġu assenjati skont l-obbligi internazzjonali ta' Malta:

Iżda l-Ministru jista' jistabbilixxi l-proċedura li l-Awtorità għandha isegwi fl-investigazzjoni ta' kull ksur, u l-infurzar ta' kull sanzjoni li l-Awtorità tista' tkun awtorizzata skont il-liġi biex timponi."

Ghanijiet u Raġunijiet

L-għan prinċipali ta' dan l-Abbozz hu sabiex jemenda l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni sabiex, fost l-oħrajn, jipprovdni għal funzjonijiet ġodda tal-Awtorità ta' Malta dwar il-Komunikazzjoni.

A BILL
entitled

AN ACT to amend the Malta Communications Authority Act, Cap. 418.

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. (1) The short title of this Act is the Malta Communications Authority (Amendment) Act, 2019 and this Act shall be read and construed as one with the Malta Communications Authority Act hereinafter referred to as the "principal Act".

Title and commencement.
Cap. 418.

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

2. Sub-article (3) of article 4 of the principal Act shall be amended as follows:

Amendment of article 4 of the principal Act.

(a) paragraph (u) thereof shall renumbered as paragraph (v); and

(b) immediately after paragraph (t) there shall be added the following new paragraph:

"(u) monitor and ensure the accessibility of websites and mobile applications in accordance with the provisions of this Act;"

3. In sub-article (1) of article 6 of the principal Act the words "on matters related to ex-ante market regulation and the resolution of

Amendment of article 6 of the principal Act.

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disputes between undertakings in accordance with articles 43 and 44A." shall be substituted by the words "on any matters related to the exercise of any of its statutory functions however so described as provided for by law."

Amendment of article 32 of the principal Act.

4. In sub-article (1) of article 32 of the principal Act the words "The Authority shall before proceeding to take any of the measures under article 31" shall be substituted by the words "Unless otherwise provided by or under this Act, the Authority shall before proceeding to take any of the measures under article 31".

Amendment of article 38 of the principal Act.

5. Sub-article (7) of article 38 of the principal Act shall be deleted.

Addition of a new article 41 to the principal Act.

6. Immediately after article 40A of the principal Act there shall be added the following new article:

"Appeal to the Court of Appeal

41. Any party to an appeal to the Tribunal, who feels aggrieved by a decision of the Tribunal may appeal to the Court of Appeal in terms of the Administrative Justice Act."

Cap. 490.

Amendment of article 46 of the principal Act.

7. Sub-article (1) of article 46 shall be substituted by the following:

"(1) The Minister may, after consultation with the Authority, make regulations in respect of any functions assigned to the Authority including such functions as may be assigned in compliance with any international obligations of Malta:

Provided that the Minister may establish the procedure to be followed by the Authority in the investigation of any infringements, and the enforcement of any sanctions that the Authority may be empowered by law to impose."

Object and Reasons

The main object of this Bill is to amend the Malta Communications Authority Act in order for, amongst other matters, to provide for new functions of the Malta Communications Authority.

VERŻJONI ELETTRONIKA