

**Nru. 6**

23. 4. 82

**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament, u moqri għall-Ewwel Darba fis-Seduta ta' l-10 ta' Marzu, 1982.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs, and read the First time at the Sitting of the 10th March, 1982.

**ATT** biex ikompli jemenda l-Att ta' l-1981 dwar il-Kummissarji għall-Gustizzja.

**AN ACT** further to amend the Commissioners for Justice Act, 1981.

C. MIFSUD  
*Skrivan tal-Kamra tad-Deputati*

C. MIFSUD  
*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex ikompli jemenda l-Att ta' l-1981 dwar il-Kummissarji għall-Gustizzja.*

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:—

Titolu fil-qosor  
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1982 li jemenda l-Att dwar il-Kummissarji għall-Gustizzja, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1981 dwar il-Kummissarji għall-Gustizzja, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-gustizzja jista' jistabilixxi b'avviż fil-Gazzetta.

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

2. Fis-subartikolu (3) ta' l-artikolu 5 ta' l-Att prinċipali minflok il-kliem "fil-mandat" għandhom jidhlu l-kliem "fil-mandat, u tista' tehel penali ta' mhux inqas minn £1 u mhux iżjed minn £5".

Zieda ta'  
artikoli ġodda  
5A u 5B ma'  
l-Att prinċipali.

3. Minnufih wara l-artikolu 5 ta' l-Att prinċipali għandhom jiżdiedu l-artikoli ġodda li ġejjin:

"Notifika  
ta'  
tahrika.

5A. (1) Tahrika tiġi notifikata mill-Pulizija Eżekutiva billi kopja tagħha tiġi konsenjata lill-persuna mharrka jew billi dik il-kopja tithalla fil-post tar-residenza jew tan-negozju jew fil-post tax-xogħol jew fl-indirizz postali ta' dik il-persuna ma' xi membru tal-familja jew tad-dar tagħha jew ma' xi persuna oħra fl-impieg tagħha, jew mal-prokuratur tagħha jew xi persuna awtorizzata li tirċievi l-posta tagħha:

Izda dik il-kopja ma tkunx tista' tithalla ma' xi persuna taht l-età ta' erbatax-il sena, jew ma' xi persuna li, minhabba mard tal-moħħ, ma tkunx tista' tixhed dwar dik in-notifika. Persuna titqies li tista' tixhed sakemm ma jiġix

ippruvat kuntrarju; u ma tista' titqajjem ebda oġġezzjoni dwar irregolarità tan-notifika għal xi waħda minn dawk ir-ragunijiet, jekk jiġi muri li fil-fatt il-kopja tkun waslet għand il-persuna li għandha tiġi notifikata biha.

(2) Notifika tista' ssir ukoll minn uffiċjali ta' l-uffiċċju tal-posta, b'dak il-mod u taħt dawk ir-regoli skond regolamenti tal-posta kif il-Ministru jista' jordna b'avviz fil-Gazzetta.

(3) Meta n-notifika ssir bil-posta l-persuna mħar-rka titqies li tkun giet notifikata kif imiss bit-taħrika jekk il-prosekutur jikkonferma bil-ġurament li t-taħrika tkun intbagħtet b'ittra registrata ndirizzata fl-indirizz laħħar magħruf tal-persuna akkużata u jipproduċi quddiem il-Kummissarju n-nota tar-riċevuta mill-awtoritajiet postali, u d-data tan-notifika għandha titqies li hi d-data meta tkun konsenjata l-ittra registrata.

Nuqqas ta' persuna li tidher meta tkun imħarrka.

5B. (1) Jekk xi persuna li tiġi notifikata kif imiss b'taħrika tonqos li tidher quddiem il-Kummissarju, il-Kummissarju għandu, sakemm dik il-persuna ma tkunx iddepożitat xorta ta' kunsens kif provdut fis-subartikolu (4) ta' l-artikolu 5 ta' dan l-Att, jordna li dik il-persuna biex tħallas penali ta' mhux inqas minn £1 u mhux iżjed minn £5 u jagħmel ordni kif provdut fis-subartikolu (2) ta' dan l-artikolu:

Izda l-Kummissarju jista', fuq rikors għal hekk jaħfer il-penali jekk ikun sodisfatt li kien hemm raġuni tajba għax dik il-persuna ma tkunx dehret.

(2) Il-Kummissarju jista' wkoll jordna li dik il-persuna tiġi arrestata u tingieb quddiemu fil-ġurnata speċifikata fil-mandat jew jista' jordna li avviz ta' differiment jiġi notifikat lil dik il-persuna, u jekk dik il-persuna terġa' tonqos li tidher, titqies li tkun ammettiet l-akkuża u l-Kummissarju jista' jipproċedi bis-smiegħ kif provdut fl-artikolu 6 ta' dan l-Att.

(3) Id-disposizzjonijiet tas-subartikoli (3), (5) u (6) ta' l-artikolu 8 ta' dan l-Att japplikaw għall-penali ordnata li tiffallas taħt is-subartikolu (1) ta' dan l-artikolu.

(4) In-notifika ta' avviz għal differiment imsem-mija fis-subartikolu (2) ta' dan l-artikolu tista' ssir mill-Pulizija Eżekuttiva jew bil-posta registrata kif provdut fl-artikolu 5A ta' dan l-Att."

### Għanijiet u Ragunijiet

L-Att jipprovdni għall-proċedura li għandha tiffares dwar in-notifika ta' taħrika dwar proċedimenti quddiem il-Kummissarji għall-Gustizzja.

**A BILL**

**entitled**

*AN ACT, further to amend the Commissioners for Justice Act, 1981.*

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. (1) This Act may be cited as the Commissioners for Justice (Amendment) Act, 1982, and shall be read and construed as one with the Commissioners for Justice Act, 1981, hereinafter referred to as “the principal Act”.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint.

Amendment of section 5 of the principal Act.

2. In subsection (3) of section 5 of the principal Act for the words “in the warrant” there shall be substituted the words “in the warrant, and shall become liable to a penalty of not less than £1 and not more than £5”.

Addition of new sections 5A and 5B to the principal Act.

3. Immediately after section 5 of the principal Act there shall be added the following new sections:

“Service of summons.

5A. (1) A summons shall be served by the Executive Police by the delivery of a copy thereof to the person to be summoned or by leaving such copy at the place of residence or business or place of work or postal address of such person with some member of his family or household or with some person in his service, or his attorney or person authorised to receive his mail:

Provided that it shall not be lawful to leave such copy with any person under the age of fourteen years, or with any person who, on account of infirmity of mind, is unable to give evidence of such service. A person shall be presumed to be able to give such evidence unless the contrary

is proved; and no objection may be raised on the ground of irregularity of the service for any of those reasons, if it is shown that the copy has actually reached the person to be served therewith.

(2) Service may also be effected by officers of the post office, in such manner and under such rules in conformity with postal regulations as the Minister may order by notice in the Gazette.

(3) Where service is effected by post the person summoned shall be presumed to be duly served with the summons if the prosecuting officer confirms on oath that the summons was sent by registered letter addressed at the last known address of the person charged and produces before the Commissioner the relative advice of receipt from the postal authorities, and the date of service shall be presumed to be the date of the delivery of the registered letter.

Failure  
to appear  
when  
summoned.

5B. (1) If any person duly served with a summons fails to appear before a Commissioner, the Commissioner shall, unless such person shall have deposited a form of consent as provided in subsection (4) of section 5 of this Act, order such person to pay a penalty of not less than £1 and not more than £5 and make an order as is provided in subsection (2) of this section:

Provided that the Commissioner may, on an application to that effect remit the penalty if he is satisfied that there was good cause for the non-appearance.

(2) The Commissioner shall also order such person to be arrested and brought before him on the day specified in the warrant or shall direct that a notice of adjournment be served on such person, and if such person shall again fail to appear, he shall be deemed to have admitted the charge and the Commissioner may proceed with the hearing as is provided in section 6 of this Act.

(3) The provisions of subsections (3), (5) and (6) of section 8 of this Act shall apply to the penalty ordered to be paid under subsection (1) of this section.

(4) Service of the notice of adjournment referred to in subsection (2) of this section may be effected by the Executive Police or by registered post as is provided in section 5A of this Act.”.

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### Objects and Reasons

The Act provides for the procedure to be followed in the notification of summons relating to proceedings before Commissioners for Justice.



**Nru. 9**

23. 4. 82

**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament, f'isem il-Ministru tal-Finanzi, u moqri għall-Ewwel Darba fis-Seduta tad-29 ta' Marzu, 1982.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs, on behalf of the Minister of Finance, and read the First time at the Sitting of the 29th March, 1982.

**ATT biex jemenda l-Att ta' l-1981 dwar it-Taxxa fuq Dokumenti.**

**AN ACT to amend the Duty on Documents Act, 1981.**

C. MIFSUD  
*Skrivan tal-Kamra tad-Deputati*

C. MIFSUD  
*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jemenda l-Att ta' l-1981 dwar it-Taxxa fuq Dokumenti.*

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 li jemenda l-Att dwar it-Taxxa fuq Dokumenti, u għandu jinqara u jiftiehem hekk waħda ma' l-Att ta' l-1981 dwar it-Taxxa fuq Dokumenti, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Emenda ta' l-artikolu 17 ta' l-Att prinċipali.

2. Fis-subartikolu (3) ta' l-artikolu 17 ta' l-Att prinċipali, minflok il-kliem "in-nuqqas ikun ġie penalizzat biżżejjed" għandhom jidhlu l-kliem "in-nuqqas ma jkun penalizzat biżżejjed".

Emenda ta' l-artikolu 45 ta' l-Att prinċipali.

3. Minnufih wara l-artikolu 45 ta' l-Att prinċipali għandu jizzied il-proviso li ġej:

"Iżda ma jingħatax avviż meta ma jkollha titħallas ebda taxxa taħt xi waħda mid-disposizzjonijiet ta' dan l-Att."

Emenda ta' l-artikolu 52 ta' l-Att prinċipali.

4. Minnufih wara s-subartikolu (1) ta' l-artikolu 52 ta' l-Att prinċipali għandu jizzied il-proviso li ġej:

"Iżda ma jingħata ebda avviż meta l-Gvern jew l-Awtorità tad-Djar ikunu parti fil-bejgħ."

Emenda ta' l-artikolu 53 ta' l-Att prinċipali.

5. Fit-test Malti tas-subartikolu (8) ta' l-artikolu 53 ta' l-Att prinċipali, minflok il-kliem "il-Kumitat jista' jagħmel rakkomandazzjoni" għandhom jidhlu l-kliem "il-Kumitat għandu jagħmel rakkomandazzjoni".

6. Minflok it-test Malti tal-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 60 ta' l-Att prinċipali għandu jidhol dan li ġej:

Emenda ta'  
l-artikolu 60  
ta' l-Att  
prinċipali.

“(b) tirrifjuta li tagħti riċevuta meta din l-irċevuta tkun suġġetta għat-taxxa; jew”.

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### Għanijiet u Ragunijiet

Il-Għan ta' dan l-Abbozz huwa li jeżenta nutara u persuni oħra milli jagħtu avviż lill-Kummissarju f'ċerti każijiet, u jipprovdi għal emendi oħra żgħar għall-Att dwar it-Taxxa fuq Dokumenti.

**A BILL**  
**entitled**

*AN ACT to amend the Duty on Documents Act, 1981.*

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 Duty on Documents (Amendment) Act, 1982, and shall be read and construed as one with the Duty on Documents Act, 1981, hereinafter referred to as “the principal Act”.

Amendment of section 17 of the principal Act.

2. In subsection (3) of section 17 of the principal Act, for the words “the default would be adequately punished” there shall be substituted the words “the default would not be adequately punished”.

Amendment of section 45 of the principal Act.

3. Immediately after section 45 of the principal Act there shall be added the following proviso:

“Provided that notice shall not be given where duty is not chargeable under any of the provisions of this Act.”.

Amendment of section 52 of the principal Act.

4. Immediately after subsection (1) of section 52 of the principal Act there shall be added the following proviso:

“Provided that no notice shall be given where the Government or the Housing Authority is a party to the sale.”.

Amendment of section 53 of the principal Act.

5. In the Maltese text of subsection (8) of section 53 of the principal Act, for the words “il-Kumitat jista’ jagħmel rakkomandazzjoni” there shall be substituted the words “il-Kumitat għandu jagħmel rakkomandazzjoni”.

6. For the Maltese text of paragraph (b) of subsection (2) of section 60 of the principal Act there shall be substituted the following: Amendment of section 60 of the principal Act.

“(b) tirrifjuta li tagħti riċevuta meta din l-irċevuta tkun suġġetta għat-taxxa; jew”.

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### Objects and Reasons

The Bill aims at exempting notaries and other persons from giving notice to the Commissioner in certain cases, and provides for other minor amendments to the Duty on Documents Act.

1. *[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*