

I assent.

(L.S.)

AGATHA BARBARA
President

29th January, 1987

ACT No. IV of 1987

AN ACT further 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:—

Short title and
commencement.

1. (1) This Act may be cited as the Constitution of Malta (Amendment) Act, 1987, and shall be read and construed as one with the Constitution of Malta, hereinafter referred to as “the Constitution”.

(2) The provisions of this Act shall come into force on the 14th February, 1987.

Amendment of
section 1 of the
Constitution.

2. Immediately after subsection (2) of section 1 of the Constitution there shall be added the following new subsection:

“(3) Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance. Such a status will, in particular, imply that:

(a) no foreign military base will be permitted on Maltese territory;

(b) no military facilities in Malta will be allowed to be used by any foreign forces except at the request of the Government of Malta, and only in the following cases:

(i) in the exercise of the inherent right of self-defence in the event of any armed violation of the area over which the Republic of Malta has sovereignty, or in pursuance of measures or actions decided by the Security Council of the United Nations; or

(ii) whenever there exists a threat to the sovereignty, independence, neutrality, unity or territorial integrity of the Republic of Malta;

(c) except as aforesaid, no other facilities in Malta will be allowed to be used in such manner or extent as will amount to the presence in Malta of a concentration of foreign forces;

(d) except as aforesaid, no foreign military personnel will be allowed on Maltese territory, other than military personnel performing, or assisting in the performance of, civil works or activities, and other than a reasonable number of military technical personnel assisting in the defence of the Republic of Malta;

(e) the shipyards of the Republic of Malta will be used for civil commercial purposes, but may also be used, within reasonable limits of time and quantity, for the repair of military vessels which have been put in a state of non-combat or for the construction of vessels; and in accordance with the principles of non-alignment the said shipyards will be denied to the military vessels of the two superpowers.”

3. Section 52 of the Constitution shall be amended by the insertion, at the end of subsection (1) thereof, of the following proviso: **Amendment of section 52 of the Constitution**

“Provided that where at any general election, a single political party obtains in the aggregate more than fifty per centum of all valid votes cast at that election, as credited to its candidates by the Electoral Commission at the first count of all the votes, but the number of its candidates elected at such election is less than fifty per centum of the total number of members composing the Parliament to be elected, the number of members of the House of Representatives shall be increased by as many members as may be necessary, so that the Party obtaining more than fifty per centum as aforesaid shall have one member more than the total of the other members elected from any other party or parties; and in any such case, such candidates shall be declared by the Electoral Commission to be elected to fill the additional seats created under this proviso, who, being candidates of the party obtaining more than fifty per centum of the valid votes as aforesaid, were credited by the Electoral Commission at the last count with the highest or next higher number of votes without being elected, irrespective of the electoral division in which such highest or higher number of votes occurs.”

4. Section 56 of the Constitution shall be amended as follows:

Amendment of section 56 of the Constitution.

(a) in subsection (2) thereof, immediately after the words “corrupt practices” there shall be inserted the words “and foreign interference”;

(b) in subsection (3) thereof, for the words “have been committed and have” there shall be substituted the words “have been committed or there has been foreign interference and such practices, offences or interference have”;

(c) in subsection (5) thereof, immediately after the words “or other offences” there shall be inserted the words “or foreign interference”;

(d) in paragraph (a) of subsection (8) thereof, immediately after the words “House of Representatives” there shall be inserted the words “or foreign interference”;

(e) in paragraph (b) of subsection (8) thereof, immediately after the words "or other offence" there shall be inserted the words "or foreign interference";

(f) in paragraph (c) of subsection (8) thereof, immediately after the words "or other offence" there shall be inserted the words "or interference";

(g) immediately after subsection (12) thereof, there shall be added the following new subsection:

"(13) The expressions "corrupt practice", "offences connected with the election of members of the House of Representatives" and "foreign interference" have the meaning assigned to them by a law for the time being in force regulation the conduct of elections of foreign interference with respect to elections, and any such law shall be deemed for the purposes of this section and sections 32 to 47 (inclusive) of this Constitution to be reasonably required in the interests of public order and reasonably justifiable in a democratic society."

Amendment of
section 66 of the
Constitution

5. In paragraph (b) of subsection (2) of section 66 of the Constitution, immediately before the words "subsection (2) of section 2," there shall be inserted the words "section 1,".

Passed by the House of Representatives at Sitting No. 436 of the 27th January, 1987.

PAUL XUEREB
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives