

MALTA RESOURCES AUTHORITY ACT, 2000

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I assent.

(L.S.)

GUIDO DE MARCO
President

13th October, 2000

ACT No. XXV of 2000

AN ACT to provide for the establishment of an Authority to be known as the Malta Resources Authority and for the exercise by or on behalf of that Authority of regulatory functions regarding resources relating to water, energy and mineral resources, and to make provision with respect to matters ancillary thereto or connected therewith.

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:–

PART I – PRELIMINARY

Short title and
commencement.

1. This Act may be cited as the Malta Resources Authority Act, 2000 and shall come into force on such date or dates as the Minister may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and different provisions of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires –

“advisory committee” or “committee” means an advisory committee established in accordance with article 25 of this Act;

“Authority” means the Malta Resources Authority established by article 3 of this Act;

“Chairman” means Chairman of the Authority and includes, in the circumstances mentioned in subarticle (3) of article 3 of this Act, the Deputy Chairman or other person appointed to act as Chairman:

Provided that, in relation to article 25 of this Act, “Chairman” means the Chairman of an advisory committee;

“Chief Executive” means the Chief Executive appointed under article 5 of this Act;

“contractor” means a person acting in pursuance of an agreement entered into with the Authority or in accordance with subarticle (5) of article 5 of this Act;

“Directorates” means such directorates as are or may be established under article 5 of this Act;

“distribution” in relation to electrical energy, means the transport of electricity on the medium - voltage and low - voltage distribution systems with a view to its delivery to customers;

“electrical energy” means electrical energy when generated, transmitted, distributed, supplied or used for any purpose except the transmission of any communication or signal;

“employee” means a person employed by the Authority;

“energy” includes electrical energy, fuels, heat when transmitted as a commercial activity, and energy derived from renewable sources;

“fuel” includes coal, all hydrocarbons or hydrocarbon derivatives normally used as fuels, including crude oil, fuels based on hydrocarbons or coal, gaseous fuel, petroleum substitutes in liquid form, liquids or gases produced from fermentation or similar processes when intended for use as fuels, fuels produced from solid waste; but does not include petroleum for the purposes of the Petroleum (Production) Act;

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“financial year” means any period of twelve months ending on the 30th September:

Provided that the first financial year of the Authority shall begin with the coming into force of this Act and shall end on the 30th September of the next following year;

“gas” means all hydrocarbons in gaseous form whether in their natural state or obtained from petroleum or produced chemically;

“mineral resources” means any mineral, rock or sediment constituted of organic or inorganic compounds or substances extracted, mined or otherwise derived from the earth, including the seabed and the subsoil thereof, but does not include water;

“Minister” means the Minister responsible for resources;

“petroleum” means all natural hydrocarbons whether in liquid or gaseous form, including crude oil, and whether in a crude or natural state or in a processed or refined form and when used in

relation to petroleum exploration and production it shall have the same meaning as is assigned to it by article 2 of the Petroleum (Production) Act;

“public officer” in relation to article 11 of this Act, has the same meaning assigned to it by article 124 of the Constitution but does not include a judge of the Superior Courts or a magistrate of the Inferior Courts;

“resources” means the resources relating to water, energy and mineral resources regulated by or under this Act;

“transmission” in relation to electrical energy, means the transport of electricity on the high-voltage interconnected system with a view to its delivery to final customers or distributors;

“water” when used in relation to any practice, operation or activity which is regulated by this Act shall include drainage and sewage services, but shall not include bottled table water.

PART II - ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE AUTHORITY

Establishment and composition of the Malta Resources Authority.

3. (1) There shall be a body, to be known as the Malta Resources Authority, which shall consist of a Chairman and not less than four and not more than six other members.

(2) The members of the Authority shall be appointed by the Minister for a term of one year or for such longer period as may be specified in the instrument of appointment subject to a maximum of three years but the members so appointed may be re-appointed on the expiration of their term of office.

(3) The Minister may designate one of the other members of the Authority as Deputy Chairman and the member so designated shall have all the powers and perform all the functions of the Chairman during his absence or inability to act as Chairman or while the Chairman is on vacation or during any vacancy in the office of chairman; and the Minister may also, in any of the circumstances aforesaid, appoint another person to act as chairman and in such case the foregoing provisions shall apply in respect of such person.

(4) A person shall not be qualified to hold office as a member of the Authority if he -

(a) is a Minister, Parliamentary Secretary or a member of the House of Representatives;

(b) is a judge or magistrate of the courts of justice; or

(c) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest and such declaration and waiver are published in the Gazette.

(5) Subject to the provisions of this article, the office of a member of the Authority shall become vacant -

(a) at the expiration of his term of office; or

(b) if any circumstances arise that, if he were not a member of the Authority, would cause him to be disqualified for appointment as such.

(6) A member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is unfit to continue in office or has become incapable of properly performing his duties as a member.

(7) If a member resigns or if the office of a member of the Authority is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Authority; and any person so appointed shall, subject to the provisions of subarticles (5) and (6) of this article, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge, such disclosure shall then be recorded in the minutes of the Authority, and the member having an interest as aforesaid shall withdraw from any meeting at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

4. (1) The Authority shall have the following functions:-

(a) to regulate, monitor and keep under review all practices, operations and activities relating to energy, water and mineral resources;

(b) to grant any licence, permit or other authorisation, for the carrying out of any operation or activity relating to energy, water and mineral resources;

(c) to regulate and secure interconnectivity for the production, transmission and distribution of the services or products regulated by or under this Act;

(d) to ensure fair competition in all such practices, operations and activities;

(e) to establish minimum quality and security standards for any of the said practices, operations and activities and to regulate such measures as may be necessary to ensure public and private safety;

(f) to secure and regulate the development and maintenance of efficient systems in order to satisfy, as economically as possible, all reasonable demands for the provision of the resources regulated by or under this Act;

(g) to carry out studies, research or investigation on any matter relating to the resources regulated by or under this Act;

(h) to provide information and issue guidelines to the public and to commercial and other entities on matters relating to the said resources;

(i) to regulate the price structure for any activity regulated by this Act and where appropriate to establish the mechanisms whereby the price to be charged for the acquisition, production, manufacture, sale, storage and distribution thereof is determined;

(j) to establish the minimum qualifications to be possessed by any person who is engaged or employed in any activity regulated by or under this Act;

(k) to establish measures for the protection of the environment in the practices, operations and activities regulated by or under this Act;

(l) to ensure that international obligations entered into by the Government relative to the matters regulated by or under this Act are complied with;

(m) to advise the Minister on the formulation of policy in relation to matters regulated by this Act, and in particular in relation to such international obligations;

(n) otherwise to advise the Minister on any matter connected with its functions under this Act;

(o) to formulate and implement the policies and strategies with short-term and long-term objectives, in relation to the activities regulated by this Act;

(p) to perform such other functions as may from time to time be assigned to it by the Minister.

(2) The Authority shall also:-

(a) in relation to energy -

(i) promote, encourage and regulate the harnessing, generation and use of all forms of energy; and

(ii) encourage the use of alternative sources of energy and for such purpose in accordance with such regulations as may be prescribed, to impose levies on energy produced by non renewable sources and grant subsidies in connection with the production of energy from renewable sources;

(b) in relation to water -

(i) secure and regulate the acquisition, production, storage, distribution or other disposal of water for domestic, commercial, industrial or other purposes;

(ii) secure and regulate the conservation, augmentation and operation of water resources and the sources of water supply;

(iii) secure and regulate the treatment, storage, disposal, use or re-use, as appropriate, of sewage, waste water, sludge and storm water run-off;

(iv) secure and regulate the provision of adequate systems of public sewers and to ascertain their cleanliness, safety and efficiency;

(v) ensure the safe discharge, reception, treatment and disposal of trade effluent;

(vi) encourage and regulate the re-use of treated effluent;

(vii) ensure the proper and fit disposal of waste water sewage;

(viii) maximise the use of storm water run-off;

(c) in relation to mineral extraction -

(i) carry out such functions as may be authorised by the Prime Minister in terms and for the purposes of the Petroleum (Production) Act and the Continental Shelf Act;

(ii) subject to the provisions of sub-paragraphs (i) of this paragraph, regulate all matters relating to petroleum extraction;

(iii) subject to the provisions of sub-paragraphs (i) and (ii) of this paragraph regulate all matters relating to the extraction of mineral resources;

(iv) ensure the optimum utilisation of mineral resources and regulate the quality and quantity of minerals extracted;

(d) in relation to petroleum -

(i) secure that adequate provision and reserve stocks of petroleum and gas is available at all times;

(ii) regulate the distribution, sale, exportation or disposal in any other manner of fuels supplied for bunkering; for the purposes of this paragraph "bunkering" and "fuel" shall have the same meaning assigned to them by article 2 of the Bunkering (Fuels) Tax Act.

(3) The provisions of this article shall be without prejudice to the exercise of the functions of any authority established by or under

any law in relation to public health, the environment or any other matter falling within the functions of any such authority.

5. (1) Subject to the other provisions of this Act the affairs and business of the Authority shall be the responsibility of the Authority itself but save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its officers and employees, shall be the responsibility of the Chief Executive of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Authority.

Conduct of the
affairs of the
Authority.

(2) There shall be established the Directorates as listed in the First Schedule to this Act, which shall have the responsibilities as described therein. The Minister may, after consulting the Authority, by Order in the Gazette, abolish any one or more of the said Directorates vary their responsibilities and establish such other Directorate as he may from time to time deem appropriate.

(3) The Authority shall exercise its functions through the Directorates so established and for such purpose it shall vest in each of the Directorates so established and subject to the overall supervision and control of the Chief Executive, such of its functions as relate or are ancillary to the matters for which it is responsible so as to enable the said Directorate to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in its respective area of operation.

(4) Each of the Directorates so established shall be headed by an individual who shall either be a public officer detailed for duty with the Authority or an employee of the Authority or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking, in either case having adequate experience or knowledge in the respective area of operation.

(5) The Authority and each of the Directorates may exercise any one or more of their functions either directly or through any of their officers or employees or through an agency authorised for the purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into:

Provided that nothing in this subarticle shall authorise the Authority to contract out any of its regulatory or licensing functions.

(6) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given

to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorate under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

(7) The Chief Executive and the heads of the Directorates shall be appointed by the Authority following consultation with the Minister for a period of three years and such period may be extended for further periods of three years each:

Provided that the first Chief Executive and the first head of each Directorate shall be appointed by the Minister.

(8) The Chief Executive shall attend all the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may if it so deems fit require the Chief Executive not to attend any of the meetings or any part of a meeting.

(9) The Chief Executive shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions and without prejudice to the generality of the foregoing he shall -

(a) assume full responsibility for the overall supervision and control of the Directorates;

(b) assign to each Directorate such duties which are by, or in accordance with, the provisions of this Act vested in such Directorate;

(c) co-ordinate the workings of the Directorates;

(d) develop the necessary strategies for the implementation of the objectives of the Authority;

(e) advise the Authority on any matter it may refer to him or on any matter which he considers necessary or expedient; and

(f) such other duties as the Authority may assign to him from time to time.

6. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

Relations between
the Minister and the
Authority.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority.

7. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

Legal personality
and representation
of the Authority.

(2) The legal representation of the Authority shall jointly vest in the Chairman and the Chief Executive:

Provided that the Authority may appoint any one or more of its members or of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions vested in a Directorate, the legal and judicial representation of the Authority shall also vest in the head of the Directorate or in such other member, officer or employee of the Authority, as the Authority may appoint or authorise for the purpose.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairman or by the Chief Executive or by a head of a Directorate in relation to any matter vested in the relative Directorate by the Authority shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Provisions with respect to proceedings of the Authority.

8. (1) The meetings of the Authority shall be called by the Chairman as often as may be necessary but at least once a month either on his own initiative or at the request of any two of the other members.

(2) Half the number of members for the time being constituting the Authority shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairman, or in his absence the Deputy Chairman or other person appointed to act as chairman, shall have an initial vote and in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two members of the Authority.

(3) Subject to the provisions of this Act the Authority may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy among the members.

(5) All acts done by any person acting in good faith, as a member of the Authority shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of subarticle (8) of article 3 of this Act.

PART III - OFFICERS AND EMPLOYEES OF THE AUTHORITY

Staff appointments.

9. Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

Appointment and functions of officers and employees of the Authority.

10. The Authority shall appoint and employ, at such remuneration and upon such time terms and conditions as it may, in accordance with article 9 of this Act determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers for duty with the Authority.

11. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

12. (1) Where any officer is detailed for duty with the Authority under any of the provisions of article 11 of this Act, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for other intents and purposes remain and be considered and treated as a public officer.

Status of public officers detailed for duty with the Authority.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

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Cap. 58.

(3) Wherean application is made as provided in subparagraph (i) of paragraph (a) of subarticle (2) of this article the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

13. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 11 of this Act permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him, under the provisions of subarticle (1) of this article shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of subarticle (6) of this article, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) For the purposes of the Pensions Ordinance the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the Authority.

(7) (a) For the purposes of this article posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) of this subarticle shall be carried out by a board composed of a chairman appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

PART IV - FINANCIAL PROVISIONS

14. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that so much of the expenditure required for the proper performance of its functions shall, as far as possible, be met out of its revenue.

Authority to meet expenditure out of revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet any of its expenditure that cannot be met out of its revenue and the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subarticle (2) of this article or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow or
raise capital.

15. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

Advances from
Government.

16. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

17. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable and, in any case, not later than eight weeks after such loan, liability or advance is made, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session.

(3) Pending the raising of any such loan as is mentioned in subarticle (1) of this article, or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Malta Resources Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority, in respect of advances made to the Authority under subarticle (3) of this article shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amounts received by way of interest into the Consolidated Fund.

18. (1) The Authority shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Estimates of the
Authority.

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all

sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be
according to
approved estimates.

19. (1) No expenditure shall be made or incurred by the Authority unless provision therefor been made in the estimates approved as provided in article 18 of this Act.

(2) Notwithstanding the provisions of subarticle (1) of this article –

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

20. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives.

Publication of
approved estimates.

21. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under article 18 of this Act, the Authority shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such statement and report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause every such statement and report to be laid on the Table of the House of Representatives.

22. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

Deposit of revenues
and payments by the
Authority.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority,

shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairman, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to –

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority;

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Contracts of supply
of works.

23. Without prejudice to any directions communicated by the Minister under subarticle (1) of article 6 of this Act, the Authority shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed three thousand liri or such other amount as the Minister responsible for finance may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

Annual Report.

24. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such report, or if at any time during that period the

House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House of Representatives.

PART V - MISCELLANEOUS

25. (1) The Minister may from time to time appoint advisory committees in respect of such sector or sectors as he may determine.

Appointment and functions of advisory committees.

(2) An advisory committee shall, for the better carrying out of the provisions of this Act, advise the Authority on such matters and perform such other functions as the Minister may specify in the instrument of appointment.

(3) The members of the committee shall be appointed by the Minister and shall hold office for such period and on such terms and conditions as the Minister may deem appropriate.

(4) Each committee shall consist of one member representing the Authority as Chairman and such other members as the Minister may deem fit to appoint.

(5) The provisions of paragraph (a) of subarticle (4), and subarticles (5) and (8) of article 3 of this Act shall *mutatis mutandis* apply to the members of the advisory committees.

(6) Each advisory committee shall keep minutes of all its meetings and shall forward copies of such minutes to the Authority. The provisions of article 8 of this Act shall *mutatis mutandis* apply to the committee and its members.

26. (1) Save as may otherwise be prescribed, no person shall carry out any activity or operation, or be engaged in such activity or operation, relating to energy, water and mineral resources unless such person is in possession of a licence, permit or other authorisation of the Authority under this Act:

Licensing, etc of activities.

Provided that in relation to the exploration and production of hydrocarbons, power to exercise the issue of a licence under this Act shall be subject to an authorisation of the Prime Minister in terms of the Petroleum (Production) Act.

(2) Any person who carries out any such activity without a licence or who acts in breach of any condition of such licence, shall be guilty of an offence and shall be liable on conviction to a fine (multa)

not exceeding Lm50,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

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(3) Saving the provisions of article 469A of the Code of Organization and Civil Procedure no appeal shall lie from any decision of the Authority under subarticle (1) of this article.

(4) The provisions of this article shall not apply to any cistern or well in any dwelling house, which is required to be constructed under any law, and the provisions of this article shall not be deemed to require any licence or permit for the construction and maintenance of any such cistern or well, so however this construction shall not preclude the Authority from exercising any of its functions and powers under this Act for the purpose of ensuring that water is not wasted or misused and that no damage is caused to the aquifer or elsewhere.

Persons deemed
public officers.

Cap. 9.

27. The members of the Authority, the members of the advisory committees and all officers and employees of the Authority shall be deemed to be public officers within the meaning and for the purposes of the Criminal Code.

Power to make
regulations.

28. (1) The Minister may, after consultation with the Authority make regulations in respect of any of the functions of the Authority or for the better carrying out of any of the provisions of this Act.

(2) Without prejudice to the generality of the aforesaid power such regulations may, in particular provide -

(a) for the grant, renewal, transfer, suspension and cancellation of licences, permits or other authorisations in respect of any operation or activity regulated by or under this Act;

(b) for the manner in which applications for the grant, renewal or transfer of licences, permits or other authorisations or of any one or more classes thereof is to be made; for the contents of such application; for the manner in which such licences are to be granted, renewed or transferred; the form in which such licences are to be issued, the contents thereof, the fees payable therefor or in connection therewith and the manner in which renewals or transfers thereof are to be indicated;

(c) for establishing the duration of the validity of licences, permits or other authorisations or of any one or more classes thereof;

(d) for the regulation of price structures for energy, water and mineral resources and where appropriate for the determination of tariffs and charges for the supply, storage and distribution of electricity and any of the said resources and for the use of grids and other systems used in the transmission and distribution of any of the said resources;

(e) for securing adequate reserves, where applicable, and for securing the adequate provision of the resources regulated by or under this Act;

(f) for the compulsory acquisition and distribution of any such resources during periods of scarcity;

(g) for the minimum standards to be adopted in, and any other matter related to the conservation, acquisition, supply, sale, storage, generation, distribution, transmission, export, treatment, re-use or disposal and any other practices, operations and activities, regulated by or under this Act including the means by which such resources are to be protected, acquired, supplied, sold, stored, generated, distributed, transmitted, exported, treated, re-used or disposed of;

(h) to secure and regulate the conservation, augmentation, operation and use of sources of energy, water and mineral resources as well as the promotion and the harnessing, generation and use of all forms of energy;

(i) for ensuring fair competition in all practices, operations and activities related to energy, water and mineral resources;

(j) for the undertaking of studies, research or investigation on any matter relating to the resources regulated by or under this Act and the provision of information, the issue of guidelines to the public and to commercial entities on matters relating to the said resources;

(k) to give effect to any international obligation entered into by Government in relation to the resources regulated by or under this Act;

(l) for regulating the services that may be required in relation to energy, water or mineral resources and the time, manner, place and condition in which or under which such services are to be provided;

(m) for the regulation of the qualifications to be possessed by persons who are employed in any activity regulated by or under this Act;

(n) for matters concerning the construction, condition and maintenance of any facilities, apparatus and other equipment utilised in the provision of any of the said resources or services related thereto;

(o) for prescribing the information to be retained by licensees under this Act and the provision of statistical data by such licensees;

(p) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any permit, authorisation or licence under this Act;

(q) for prescribing that any person who acts in contravention of any regulation made under this article shall be guilty of an offence and for establishing the penalties to which such person may be liable;

Provided that no such penalty shall be greater than a fine (multa) not exceeding Lm10,000 or imprisonment for a term not exceeding six months or to both such fine and imprisonment;

(r) for prescribing the practices to be adopted with regards to safety and the protection of the environment in relation to any activity by or under this Act;

(s) regarding a contingency plan in the event of an international crisis in the sources of energy;

(t) for prescribing anything which may be or is required to be prescribed by this Act.

Powers of service provider.

29. (1) The execution of all works in connection with any services provided under a licence issued under this Act shall be carried out in such manner as may be agreed between the service provider and the person receiving such services.

(2) The provider of any service for which a licence is required under this Act and any employee duly authorised by him may at all reasonable times enter any premises for the purpose of:-

(a) ascertaining that the services are being used in accordance with the conditions under which they are supplied;

(b) maintaining or repairing any equipment supplied by him in relation to such service;

(c) ascertaining such data or information that may be required in connection with the provision of such service:

Provided that any such service provider shall repair all damage caused by such entry.

(3) Any person who obstructs or impedes any person in the exercise of his duties under subarticle (1) hereof shall be guilty of an offence against this Act.

30. (1) Any officer or employee of the Authority so authorised may, at all reasonable times, enter any premises in which any collecting area, spring, well, borehole, watercourse, gallery, cistern, conduit or any water, sewer, waste water, fittings or service, apparatus, installation, instrument, plant or accessories are, have been or are to be constructed, laid or installed for the manufacture, desalination, treatment, polishing, provision, storage and distribution of water or for the purposes of providing drainage to the sewers or in which any activity requiring a licence under this Act is required for the purposes of:

Power of entry for ascertaining conditions of installations etc.

(a) inspecting any of the items or activities mentioned above and ascertaining whether there be any waste of resources, or other thing contrary to the provisions of this Act, to the regulations made thereunder or to any term or condition attached to any licence, permit or authorisation issued under this Act;

(b) ascertaining such data or information as the Authority may require in connection with its functions under this Act.

(2) Any person who obstructs or impedes any officer or employee of the Authority in the exercise of his duties under this Act shall be guilty of an offence against this Act.

31. The Minister may, after consultation with the Authority, make regulations not inconsistent with this Act prescribing where a penalty is not otherwise prescribed under this Act, the penalties being not more than a fine (multa) of ten thousand Maltese liri or imprisonment for a term of not more than six months or to both such fine and imprisonment to which a person committing an offence against this Act may be liable on conviction.

Penalties for offences against this Act.

32. (1) There shall be a Resources Appeals Board, consisting of three members, of whom one, who shall be the chairperson, shall be a person who has practised as an advocate for not less than seven years.

Resources Appeals Board.

(2) The members of the Board shall be appointed by the Minister for a period indicated in their letter of appointment, and may be so appointed for further periods as the Minister may deem appropriate.

Cap. 12

(3) A member of the Board may be challenged or abstain for any of the reasons for which a judge may be challenged or abstain in accordance with Article 734 of the Code of Organisation and Civil Procedure. In any such case the Minister shall appoint a person, having the qualifications of the member challenged or abstaining, to sit as a member of the Board in substitution of the said member.

(4) A member of the House of Representatives or of a Local Council shall be disqualified from being appointed or continuing to be a member of the Board for so long as he holds that office.

(5) The Minister shall also designate a person to serve as secretary to the Board.

Appeals.

33. (1) An appeal shall lie to the Resources Appeals Board on any decision of the Authority in accordance with the provisions of this Act and any regulations made thereunder, and the right to appeal shall be competent to any person aggrieved by such decision.

(2) An appeal to the Board may be filed on any of the following grounds:

- (a) that a material error as to the facts has been made;
- (b) that there was a material procedural error;
- (c) that an error of law has been made;

(d) that there was some material illegality, including unreasonableness or lack of proportionality.

(3) The Board shall give reasons for its decision and shall cause such decisions to be made public omitting, if it deems it appropriate for reasons of confidentiality, the names of the persons involved.

(4) In determining an appeal under this article the Board may:

(a) dismiss the appeal;

(b) annul the decision, and where the Board annuls the decision it may refer the matter to the Authority with a direction to

reconsider it and reach a decision in accordance with the findings of the Board.

(5) The effect of a decision to which an appeal relates shall not, except where the Board or the Court of Appeal, as the case may be, so orders, be suspended in consequence of the bringing of the appeal.

34. (1) The Board shall be competent to hear and decide any appeal made to it in accordance with the provisions of this Act and any regulations made thereunder; and subject to article 36 of this Act, the decisions of the Board shall be final and binding.

Powers and
procedure of the
Board.

(2) For the exercise of its functions, the Board may summon any person to appear before it and give evidence and produce documents; and the chairperson shall have the power to administer the oath. The Board may also appoint experts to advise the Board on any technical issue that may be relevant to its decision.

(3) For the purposes aforesaid the Board shall have the same powers as are competent to the First Hall, Civil Court according to law.

(4) The procedure to be followed before the Board, the time within which and the manner in which an appeal to the Board is to be made shall be such as may be prescribed; and subject thereto, and to any other applicable provision to this Act, the Board may establish its own procedure.

35. Any party to an appeal to the Board who feels aggrieved by a decision of the Board, or the Authority if it feels dissatisfied with any such decision, may on a question of law appeal to the Court of Appeal as constituted in accordance with subarticle (6) of article 41 of the Code of Organisation and Civil Procedure by means of an application filed in the registry of that court, in the case of an appeal by the Authority within thirty days from the date of the Board's decision, and in the case of any person within thirty days from the date on which that decision has been notified to him.

Appeal to the Court
of Appeal.

36. (1) With effect from the coming into force of this article the enactments shown in the First Column of the Second Schedule to this Act shall have effect subject to the amendments shown in the Second Column of the said Schedule.

Amendments and
saving.

(2) Any subsidiary legislation prescribed under any of the provisions of the enactments being amended shall continue in force and any such subsidiary legislation other than the subsidiary legislation

made under the Petroleum (Production) Act, shall have effect as if made under this Act and may be amended, substituted or revoked accordingly.

(3) Any licence, permission, authority or order granted or made under any of the provisions of the enactments being amended, and still in force immediately before such amendment, shall continue in force thereafter as if it were a licence, permission, authority or order granted or made under a corresponding provision of this Act, and any such licence, permission, authority or order as aforesaid shall be treated and dealt with accordingly.

(4) The penalties prescribed under paragraph (q) of article 45 of the Water Services Corporation Act, 1991, which article is being deleted by this Act, shall, until regulations are prescribed under article 31 of this Act, be deemed to be the penalties prescribed under this said article 31.

FIRST SCHEDULE

(Article 5(2))

Directorates

Subject to the Minister's powers under subarticle (2) of article 5 of this Act, there shall be the following Directorates -

1. Directorate for Energy Resources Regulation with responsibility for the regulation of all practices, relating to the generation, transmission, distribution, supply and use of energy, whatever the sources of any such energy.
2. Directorate for Water Resources Regulation with responsibility for the regulation of all practices relating to water resources, drainage and sewage.
3. Directorate for Minerals Resources Regulation with responsibility for the regulation of all practices relating to mineral resources.

SECOND SCHEDULE

(Article 36)

First Column Enactment	Second Column Extent of Amendments
Petroleum (Importation, Storage and Sale) Ordinance, Cap. 25	1. In the Maltese text thereof for the word “pitrolju” wherever it occurs, including the Title and marginal notes, there shall be substituted the word “<i>petroleum</i>”. 2. Article 12 shall be amended as follows:- (a) for the words “would not be applicable.” there shall be substituted the words “would not be applicable.”; and (b) the following proviso shall be added at end thereof: “Provided that such power shall not extend to the making of regulations concerning the importation, storage and hawking of any explosive or inflammable substance in relation to which the power to make regulations is vested in the Malta Resources Authority under the Malta Resources Authority Act, 2000.”.
Petroleum (Production) Act Cap.156	1. In the Maltese text of the Act including the Title and the marginal notes, for the word “pitrolju” wherever it appears there shall be substituted the word “<i>petroleum</i>”. 2. In the definition of “Minister” in article 2, for the words “Minister or Officer” these shall be substituted the words “Minister, public officer or authority”. 3. In subarticle (1) of article 3 for the words “and the Maltese Government shall have the exclusive right of searching and boring for and getting such petroleum” there shall be substituted the words “and the right of searching and boring for and getting such petroleum shall be subject to a licence granted under the provisions of this Act”. 4. Article 4 shall be amended as follows:-

(a) in subarticle (1) for the words “to grant to such persons as he thinks fit licences” there shall be substituted the words “to grant to the successful applicant, a licence”;

(b) in subarticle (2) for the words “as the Minister thinks fit” there shall be substituted the words “as may be stipulated in the call for applications”;

(c) in subarticle (3) for the words “may in particular, if the Minister so determines, include” there shall be substituted the words “may in particular include”;

(d) in paragraph (v) of subarticle 3, for the words “operations or otherwise.” there shall be substituted the words “operations or otherwise;”;

(e) immediately after paragraph (v) there shall be added the following new paragraph:

“(vi) such other terms and conditions as may be specified in the call for applications;”;

(f) in subarticle 4 immediately after the words “published in the Government Gazette” there shall be inserted the words “and in any such other manner as may be required under international obligations entered into by the Government”;

(g) immediately after subarticle (4) there shall be added the following new subarticles:-

“(5) The public call for applications referred to in this article shall be published in the Government Gazette and in any such other manner as may be prescribed, at least ninety days prior to the closing date for such applications.

(6) The issue of the call for applications and the granting of a licence under this article shall also be subject to the following criteria:-

(a) the technical and financial capability of an applicant;

(b) the manner in which an applicant proposes to prospect, explore or to bring into production the geographical area which is the subject of the call for applications; and

(c) economic and financial considerations.

(7) The issue of a public call for applications and the granting of a licence under this Act shall comply to any provision of law regulating procurement and competition rules which may from time to time be in force.”.

5. Subarticle (1) of article 5 shall be amended as follows:-

(a) for the words “The Minister” there shall be substituted the words “Subject to the provisions of this Act and to any international obligation entered into by Government, the Minister”; and

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

“(e) anything which is required or may be prescribed under this Act;”.

Enemalta Act,
Cap. 272

1. article 3 shall be amended as follows:-

(a) in subarticle (2) thereof, for the words “Enemalta shall have the sole and exclusive authority” there shall be substituted the words “and to any requirement provided under any other law, Enemalta is authorised”;

(b) subarticle (3) thereof shall be amended as follows:-

(i) immediately after the words “Subject to the provisions of this Act” there shall be added the words “and to any other requirement provided under any other law;” and

(ii) for paragraph (a) thereof there shall be substituted the following:-

“(a) to develop and maintain an efficient system in order to carry out its functions under this Act;”

(iii) for paragraph (d) thereof there shall be substituted the following:-

“(d) to provide the harnessing, generation and use of other sources and forms of energy;”;

(iv) paragraph (e) thereof shall be deleted;
and

(c) subarticle (4) thereof shall be amended as follows:-

(i) immediately after the words “subject to the provisions of this Act” there shall be added the words “and to any other requirement provided under any other law”;

(ii) in the proviso to paragraph (c) thereof, for the words “approval of the Minister responsible for public works” there shall be substituted the words “approval of the Malta Transport Authority”; and

(iii) paragraph (f) thereof shall be deleted;

(d) for subarticle (5) thereof there shall be substituted the following:-

“(5) In carrying out its functions under this Act, Enemalta shall:-

(a) be in possession of such licences, permits or other authorisations;

(b) be subject to such regulations, rules, orders, directions, standards and other regulatory provisions,

as may be required from time to time be required by or under the Malta Resources Authority Act, 2000, or any other law.”.

2. Subarticle (1) of article 14 shall be amended as follows:-

(a) for the words "Subject to the provisions of this Act and to any directions given thereunder, Enemalta shall in so far as it is able to do so" there shall be substituted the words "Subject to the provisions of this Act and to any other requirement provided under any other law Enemalta may";

(b) in paragraph (a) thereof, for the words "as in the opinion of the Corporation, are calculated to satisfy reasonable demands for petroleum;" there shall be substituted the words "as are deemed by the Corporation to be most advantageous".

3. Immediately after subarticle (4) of article 20 there shall be added the following new subarticle:-

"(5) Notwithstanding the foregoing subarticles of this article, when price structures are established for the supply of electrical energy by or under the provisions of the Malta Resource Authority Act, 2000, the prices that may be charged by Enemalta for the supply of electrical energy and related services shall, to the extent that these are applicable, be regulated by such price structures."

4. Articles 37 and 38 shall be deleted.

5. Article 39 shall be amended as follows:-

(a) immediately after the words "not inconsistent with the provisions of this Act," there shall be added the words "or the provisions in or under any other law regulating the functions of Enemalta,";

(b) in paragraphs (d) immediately before the words "any tariff of prices" there shall be inserted the words "subject to the provisions of subarticle (5) of article 20 of this Act";

(c) paragraphs (e), (f), (g), (h) and (j) thereof shall be deleted; and

(d) in paragraph (m) thereof, the words “or for securing the safety of the public, or for ensuring a proper and sufficient supply of electrical energy and of petroleum or the proper management of such service” shall be deleted.

6. Article 41 shall be deleted.

7. In Article 42, immediately after the words “or is to be supplied” and immediately after the words “or of petroleum there shall be added in each case the words “by Enemalta”.

8. In subarticle (1) of article 43, immediately after the words “as may be prescribed” there shall be added the words “by or under this Act or by or under any other law”.

Water Services
Corporation Act,
Cap. 355

1. Article 3 shall be amended as follows:-

(a) in subarticle (2) thereof, for the words “the Corporation shall have the sole and exclusive authority” there shall be substituted the words “and to any requirement provided under any other law, the Corporation may”;

(b) subarticle (3) thereof shall be amended as follows:-

(i) immediately after the words “Subject to the provisions of this Act” there shall be added the words “and to any requirement provided under any other law”;

(ii) for paragraph (f) thereof, there shall be substituted the following:-

“(f) to advise the Minister on any matter relating to any of its functions under this Act;”;
and

(iii) in paragraph (j) the words “and to make regulations” shall be deleted;

(c) subarticle (4) thereof shall be amended as follows:-

(i) in paragraph (c) for the words “Director of Works” there shall be substituted the words “Malta Transport Authority”; and

(ii) paragraph (e) shall be deleted; and

(d) for subarticle (5) thereof, there shall be substituted the following:—

“(5) In carrying out its functions under this Act, the Corporation shall:—

(a) be in a possession of such licences, permits or other authorisations;

(b) be subject to such regulations, rules, orders, directions, standards and other regulatory provisions,

as may from time to time be required by or under the Malta Resources Authority Act, 2000 or any other law.”.

2. For article 18 there shall be substituted the following:—

“18 (1) Subject to the provisions of this Act and to any requirement under any other law, the Corporation may:—

(a) supply water to such persons, in such manner and under such conditions as may be authorised by the Malta Resource Authority;

(b) ensure the sufficiency, pressure and wholesomeness of water supplies;

(c) in so far as it is able to do so, augment water resources and for such purpose to treat salt water by any process for removing salt or other impurities, or make use of the most appropriate technology for supplementing the natural water resources;

(d) to the extent that it is so authorised to do, survey any land, to inspect any well and to cause the sinking of bores or other works for the purpose of ascertaining the nature of the subsoil or the

presence, quality or quantity of underground water in it and to cause the sinking of shafts and the driving of subterranean galleries.

(2) The Corporation may provide technical assistance to other persons desirous of sinking wells, driving galleries, constructing conducts or otherwise to improve their water supply.”.

3. Article 19 shall be amended as follows:-

(a) for the marginal note thereto there shall be substituted “Provision of sewage services, etc.”;

(b) for the words “and to any directions given thereunder, the Corporation shall” there shall be substituted the words “and of any other law, the Corporation may”; and

(c) for the words “public services” wherever they occur in paragraphs (b) and (c) thereof, there shall be substituted in each case the words “such services”.

4. For article 27 there shall be substituted the following:-

“27 The charges, prices and fees to be charged by the Corporation for any service or facility provided by it under this Act shall be as may be prescribed subject to such regulation or rate mechanisms that may from time to time be applicable to such services or facilities under the Malta Resources Authority Act, 2000.”.

5. Articles 43, 44, 45, 47 and 48 shall be deleted.

6. For article 49 there shall be substituted the following:-

“49. Any officer of the Corporation duly authorised by the Board may, at all reasonable times, enter into any premises:-

(a) to inspect, alter or repair any water fittings or service, apparatus, installation, instrument, plant or accessories belonging to the Corporation, whenever any service by the Corporation is no longer required or where the Corporation is authorised by or under this Act or any other law;

(b) to inspect, alter or repair any part of the sewers, waste water or stormwater run-off systems owned by the Corporation:

Provided that the Corporation shall repair all damage caused by any such entry, alteration or repair.”.

7. In subarticle (1) of article 50, immediately after the words “as may be prescribed” there shall be added the words “under this Act or as may be required by or under the provision of any other law”.

8. Paragraph (c) of article 52 shall be deleted.

Bunkering (Fuels) Tax
Act, Cap. 381

1. Article 5 thereof shall be deleted.

2. For article 6 thereof there shall be substituted the following:-

“Grant of
licences by
regulatory
authority.

6. No person shall distribute, sell, export or dispose in any other manner fuels supplied for bunkering unless under a licence issued by, or agreement or arrangement made with, the Malta Resources Authority in terms of the Malta Resources Authority Act, 2000.”.

3. For subarticle (2) of article 7 there shall be substituted the following:-

“(2) The Minister responsible for ports may, in consultation with the Authority, and with the concurrence of the Minister make regulations with respect to any matter which may be or is required to be prescribed by this Act and with respect to any other matter which may appear to be necessary or expedient for the better carrying out of the provisions of this Act.”.

Passed by the House of Representatives at Sitting No. 377 of 29th September, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives