

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

13th November, 2007

ACT No. XXVII of 2007

AN ACT to amend various laws relating to energy resources.

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. The short title of this Act is the Various Laws (Energy Resources) (Amendment) Act, 2007.

PART I

Amendment of
the Enemalta
Act.
Cap. 272.

2. This Part amends the Enemalta Act, and it shall be read and construed as one with the Enemalta Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
article 2 of the
principal Act.

3. Article 2 of the principal Act shall be amended as follows:

(a) immediately before the definition "conductor" there shall be added the following new definition:

" "Chief Executive Officer" means the Chief Executive Officer appointed in accordance with article 5;"

(b) immediately before the definition "financial year" there shall be added the following new definitions:

" "energy" means all forms of commercially

available energy, including electricity, natural gas (including liquefied natural gas and liquefied petroleum gas), any fuel for heating and cooling (including district heating and cooling), coal and lignite, peat, transport fuel (excluding aviation and foreign bunker fuels) and biomass as defined in Directive 2001/77/EC of the European Parliament and of the Council of 27th September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market;

"energy audits" means a systematic procedure that obtains adequate knowledge of the existing energy consumption profile of a building or group of buildings, of an industrial operation and, or installation and of a private or public service, that identifies and quantifies cost-effective energy savings opportunities, and reports and findings;

"energy efficiency" means a ratio between an output of performance, service, goods or energy, and an input of energy;

"energy efficiency improvement" means an increase in energy end-use efficiency, due to technological, behavioural and, or economical changes;

"energy efficiency improvement programmes" means activities that focus on groups of final customers and that normally lead to verifiable and measurable or estimable energy efficiency improvement;

"energy service" means the physical benefit, utility or good derived from a combination of energy with energy efficient technology and, or with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to lead to verifiable and measurable or estimable energy efficiency improvement and, or primary energy savings;

"final customer" means a natural or legal person that purchases energy for his own end-use;"

(c) the definition "financial year" shall be substituted by the following:

" "financial year" means the period of twelve

months ending on the thirty first day of December;";

(d) the definition "installation" shall be substituted by the following:

" "installation" means the whole of any plant or apparatus, designed for the acquisition, supply, storage, use or distribution of any electrical energy or of petroleum, together with all necessary plant, buildings, land and pipe-lines whether surface, underground or marine in connection therewith, and, in relation to electrical energy, includes prime movers, supply lines and consuming apparatus, if any";

(e) the definition "Minister" shall be substituted by the following:

" "the Minister" means the Minister responsible for Enemalta and to the extent of any authority given, includes any person authorized by the said Minister in that behalf;"; and

(f) the definition "petroleum" shall be substituted by the following new definition:

" "petroleum" means all natural hydrocarbons whether in liquid or gaseous form, including crude oil, liquefied petroleum gas and natural gas, and whether in a crude or natural state or in a processed or refined form;".

Amendment of
article 3 of the
principal Act.

4. Article 3 of the principal Act shall be amended as follows:

(a) sub-article (2) thereof shall be substituted by the following:

"(2) Subject to the provisions of this Act, and to any requirement under any other law, Enemalta shall have the following functions under this Act:

(a) the generation, purchase, acquisition, transmission, transfer, distribution and supply of electrical energy;

(b) the importation, purchase, acquisition, manufacture, bottling, holding, storage, distribution, sale, export or any other disposal of petroleum in any form thereof, including bunkering;

(c) the delivery of energy services, energy efficiency improvement programmes and other energy efficiency improvement measures to the final customer; and

(d) the promotion of efficiency in the use of energy.";

(b) sub-article (3) thereof shall be substituted by the following:

"(3) Subject to the provisions of this Act, and to any requirement under any other law, it shall be the duty of Enemalta, for the purpose of carrying out its functions under this Act:

(a) to develop and maintain an efficient system;

(b) to manage and operate all undertakings and other installations and all property, transferred to and vested in Enemalta by virtue of this Act or otherwise acquired by the Corporation;

(c) to establish, manage and operate such installations, as Enemalta may consider expedient to establish, manage or operate;

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

(e) to advise the Minister on all matters relating to any of its functions under this Act.";

(c) sub-article (4) thereof shall be substituted by the following:

"(4) For the purposes of any of its functions, Enemalta may, subject to the provisions of this Act, and to any requirement under any other law:

(a) acquire, construct, reconstruct, maintain and operate all appropriate installations;

(b) acquire any property which the Corporation considers necessary or expedient for the purpose of constructing, extending or maintaining any installation;

(c) hold and administer and, if and when it thinks fit, realize any assets it may hold from time to time;

(d) do all acts and things necessary, including the opening and breaking up of the surface of any street:

Provided that the opening and breaking up of the surface of any street for any of the purposes aforesaid shall not be undertaken without the approval of the Malta Transport Authority;

(e) carry on, whether as principal or as agent or as a contractor, all such other activities as may appear to Enemalta requisite, advantageous or convenient to be carried on for or in connection with the performance or attainment of any of the functions of the Corporation under this Act or in order to make the best use of the assets of the Corporation;

(f) open branches and appoint agents and correspondents in Malta and abroad;

(g) exercise, perform, discharge and delegate all such rights, powers, duties and functions as are by or under this Act vested in or assigned to the Corporation;

(h) do all such acts as may be necessary or conducive for the proper performance or attainment of its functions;

(i) do all such other acts as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions under this Act or for the attainment of the functions of the Corporation.";

(d) sub-article (5) thereof shall be substituted by the following:

"(5) For the purpose of its functions under this Act, and with the written authority of the Minister, Enemalta may grant to any third party of its choice the right to carry on or engage in or perform, whether in whole or in part, and whether as operator, concessionaire,

manager, agent, independent contractor or otherwise, any functions, activities, operations, duties or transactions which Enemalta is authorised and empowered or obliged to carry on or engage in or perform under or in accordance with the Act:

Provided that this sub-article shall not be interpreted as exempting any person so authorized by Enemalta from complying with the requirements of any other law.";

(e) sub-article (6) thereof shall be substituted by the following:

"(6) In carrying out its functions at law, Enemalta shall:

(a) ensure that it is in possession of any licences, permits or authorisations howsoever described as it is required to have at law and that it abides with any conditions as may be imposed in any such licences, permits or authorisations;

(b) be subject to and abide by any laws, orders, directives, standards, and other legal requirements howsoever described, as may be imposed by or under the Malta Resources Authority Act or any other law;

(c) carry out such functions directly through its officials or employees or indirectly through contractors, or other agents no matter how appointed as long as they are properly authorized and for such purpose the Corporation may issue such agents with such authority that the Corporation may deem necessary, insofar as such appointment is not inconsistent with any requirement imposed by any law and, or authorisation, howsoever described."; and

(f) immediately after sub-article (6) thereof, there shall

be added the following new sub-articles (7) and (8):

Cap. 156. "(7) The provisions of this article shall not affect
any right, power or authority conferred by a licence
issued pursuant to the Petroleum (Production) Act, or
pursuant to that Act and to that Act as applied by the
Cap. 194. Continental Shelf Act.

(8) Any authorisation or licence howsoever described that Enemalta enjoys in virtue of this article shall expire on the coming into force of any requirement under this Act or any other law to obtain any other authorisation or licence howsoever described for any or all the purposes listed in sub-article (2)(a) or (b) insofar as the said requirement refers to one or any of the purposes so listed."

Amendment of
article 4 of the
principal Act.

5. Subarticle (1) of article 4 of the principal Act shall be amended as follows:

(a) for the words "for the purposes of its functions" there shall be substituted the words "for the purposes or attainment of its functions"; and

(b) for the words "conducive to the exercise or performance of its functions" there shall be substituted the words "conducive to the exercise or performance or attainment of its functions".

Substitution of
article 5 of the
principal Act.

6. For article 5 of the principal Act there shall be substituted the following:

"5. (1) There shall be a Board of Directors, which shall be responsible for the formulation and implementation of the policy and strategy of Enemalta and give to the Chief Executive Officer such directions as it deems fit.

(2) The Board shall consist of not less than three and not more than nine members appointed by the Minister. The Minister shall designate one of the appointed members as chairman and another such member as deputy chairman and such other member shall have all the powers and perform all the functions of the chairman during his absence or until a new chairman has been appointed following resignation, termination of appointment or death of the chairman.

(3) The Minister shall choose the members from among persons who appear to him to be qualified by reason of having had experience of, and shown capacity in, matters relating to the acquisition, production or marketing of energy or sources of energy, or to the organization of workers, industry, trade, finance or administration. The members shall receive, out of the funds of the Corporation, such remuneration as the Minister may from time to time determine.

(4) Subject to the provisions of this Act, and to any directions of the Board, the executive conduct of the Corporation, its administration and organization and the administrative control of its officers and other employees shall be the responsibility of the Chief Executive Officer of the Corporation who shall also have such other powers as may from time to time be delegated to him by the Board.

The Chief Executive Officer shall be responsible for the implementation of the business plan and budget of the Corporation.

The Chief Executive Officer shall be responsible towards the Board of Directors and may be invited to attend and be heard at all meetings of the Board. He shall not, however, have a vote or be counted for the purpose of constituting a quorum.

S.L.452.96

(5) A Works Council, in terms of the Employee (Information and Consultation) Regulations, shall be set up by the Corporation and the Chief Executive Officer shall ensure that it meets at least once a month."

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| <p>7. Article 5A of the principal Act shall be deleted.</p> | <p>Deletion of article 5A of the principal Act.</p> |
| <p>8. In article 6 of the principal Act, the word "non-elected" shall be deleted.</p> | <p>Amendment of article 6 of the principal Act.</p> |
| <p>9. In article 7 of the principal Act, the words "or election" shall be deleted.</p> | <p>Amendment of article 7 of the principal Act.</p> |
| <p>10. For article 11 of the principal Act there shall be substituted the following:</p> <p style="margin-left: 40px;">"11. Subject to the provisions of the Constitution and of</p> | <p>Substitution of article 11 of the principal Act.</p> |

any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the appointment of officials and other employees of Enemalta shall be made in accordance with such directives as may be established from time to time by the Minister after consulting the Minister responsible for finance."

Deletion of article 13 of the principal Act.

11. Article 13 of the principal Act shall be deleted.

Amendment of article 14 of the principal Act.

12. Article 14 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, immediately after the words "any other law" there shall be added the words "or in any authorisation, licence or permit howsoever described"; and

(b) in paragraph (c) of sub-article (2) thereof, immediately after the words "liable for any" there shall be added the words "loss or" and immediately after the word "damage," there shall be added the words "whether material or consequential".

Amendment of article 15 of the principal Act.

13. Article 15 of the principal Act shall be amended as follows:

(a) in sub-article (4) thereof, for the words "water supply", there shall be substituted the words "the Water Services Corporation"; and

(b) in sub-article (5) thereof, for the words "water supply", there shall be substituted the words "the Water Services Corporation".

Amendment of article 16 of the principal Act.

14. In the proviso to sub-article (2) of article 16 of the principal Act, for the words "two hundred thousand", there shall be substituted the words "one million".

Amendment of article 18 of the principal Act.

15. In sub-article (2) of article 18 of the principal Act, for the words "transfer to the Government, or the application in such manner as may be specified in the direction, of any part of such excess, in particular such part thereof which derives from the sale of petroleum", there shall be substituted the words "transfer to the Government of any part of such excess".

Substitution of article 20 of the principal Act.

16. For article 20 of the principal Act there shall be substituted the following:

"20. (1) The prices to be charged by Enemalta for the supply of electrical energy and related services shall be in

accordance with such tariffs as may, from time to time, be prescribed by Enemalta following the written approval by the Malta Resources Authority.

(2) Nothing in subarticle (1) or in any such tariff as aforesaid shall prevent Enemalta from charging other prices by special agreement, provided that these are lower than those established by tariff.

(3) In prescribing tariffs, Enemalta shall ensure that the prices charged are adequate to provide sufficient revenue to Enemalta in any financial year -

(a) to cover operating expenses, including taxes, if any, and to make provision for adequate maintenance, for depreciation, for interest payments on borrowings and for other interest payments;

(b) to meet periodic repayments on long term indebtedness to the extent that any such repayment exceed the provisions for depreciation;

(c) to create reserves to finance a reasonable part of the cost of future expansion, being expenses, repayments and reserves incurred or made by the Corporation in the exercise of its functions relating to electrical energy; and

(d) to provide a reasonable return on investment and expenditure,

and any such tariffs and agreements shall not give undue preference as between consumers similarly situated or make undue discrimination as between persons similarly situated having regard to the place and time of supply, the quantity of electrical energy supplied, the consumer load and power factor, the purpose for which the supply is taken and any other circumstance which could justify a preferential or discriminatory treatment."

17. Article 21 of the principal Act shall be amended as follows:

Amendment of
article 21 of the
principal Act.

(a) in sub-article (1) thereof, for the word "six" there shall be substituted the word "four"; and

(b) sub-article (4) thereof shall be substituted by the following:

"(4) The Minister shall at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of Enemalta, or if at any time during the 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 together with a motion that the House approve the said estimates. Not more than two sittings shall be allotted for the debate in the House on such a motion and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates."

Substitution of
article 22 of the
principal Act.

18. For article 22 of the principal Act there shall be substituted the following:

"22. (1) Enemalta shall cause to be kept proper accounts and other records in respect of its operations.

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

Provided that the Minister may require the books and accounts of the Corporation to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verifications as he may deem necessary.

(3) A copy of the audited accounts of Enemalta shall, upon their adoption by the Corporation, be sent forthwith by the Board to the Minister together with a report by the Board detailing the activities of the Corporation in that year.

(4) The Minister shall, at the earliest opportunity and not later than the first sitting of the House after four weeks from the receipt of the copy of the audit and report of Enemalta referred to in sub-article (3), cause such audit and report to be laid before the House of Representatives together with the motion laid before the House under article 21."

Amendment of
article 23 of the
principal Act.

19. In sub-article (1) of article 23 of the principal Act, the words "and approved by the Minister" shall be deleted.

Amendment of
article 28 of the
principal Act.

20. Article 28 of the principal Act shall be amended as follows:

(a) for the proviso to sub-article (1) thereof, there shall

be substituted the following:

"Provided that the Chief Executive Officer shall be selected and appointed with the approval of the Minister."; and

(b) sub-articles (3) and (4) thereof shall be deleted.

21. For article 35 of the principal Act there shall be substituted the following:

Substitution of article 35 of the principal Act.

S.L.174.06

"35. (1) Enemalta shall only enter into contracts for the procurement of goods, services or materials, other than petroleum, or for the execution of works, in accordance with the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations:

Provided that the Minister may further limit Enemalta's procurement procedures.

(2) Enemalta shall obtain petroleum in such manner and under such terms and conditions as it may, with the concurrence of the Minister, determine or agree:

Provided that this sub-article shall not apply to such operator, concessionaire, manager, agent, independent contractor or other third party as is referred to in article 3(5)."

22. For article 36 of the principal Act there shall be substituted the following:

Substitution of article 36 of the principal Act.

"36. (1) Subject to the provisions of the last preceding article, Enemalta may, for the purpose of the due and efficient discharge or attainment of its functions under this Act:

(a) purchase or otherwise acquire and hold any movable property and dispose of any such property; and

(b) purchase or otherwise acquire and hold any lands or other immovable property or interest therein and take any such property on lease or on any other title whatsoever.

(2) Enemalta may, subject to the requirement of any other law and with the written consent of the Minister, dispose, hypothecate, grant or alienate or encumber under any title and subject to any conditions whatsoever, any movable or immovable property, right, undertaking, installation or other asset or interest therein vested in the Corporation by this Act or otherwise acquired by the Corporation at any time:

Cap. 268. Provided that for the purpose of any alienation, disposal or grant of any immovable property or any interest therein, Enemalta shall observe the provisions stipulated in any one of paragraphs (a) to (f) of article 3(1) of the Disposal of Government Land Act, in respect of that immovable property or any interest therein."

Amendment of article 39 of the principal Act.

23. Paragraph (c) of article 39 of the principal Act shall be deleted.

Substitution of article 40 of the principal Act.

24. For article 40 of the principal Act there shall be substituted the following:

"40 (1) Enemalta, upon receiving reasonable notice from the Minister requiring it to fix public lamps or to supply electrical energy to public lamps, shall supply and fix such public lamps and, in so far as it is able to do so, give and continue to give a supply of electrical energy to such lamps in such quantities as the Minister may from time to time require:

Provided that in regard to matters relating to public lighting Enemalta shall follow any directions of a technical nature that might be issued by the Malta Resources Authority.

(2) The price to be charged by and paid to Enemalta for the supply and fixing of public lamps and for all electrical energy supplied to such lamps, and all matters relating thereto, shall be settled by agreement between the Government and the Corporation, after allowance is made for all relevant factors.

(3) In this article "public lamp" means an electrical lamp used for the lighting of any street."

Amendment of the Schedule to the principal Act.

25. For paragraph 2 of the Schedule to the principal Act, there

shall be substituted the following:

Cap. 16. "2. If any sums due to Enemalta shall not be paid or if any goods or materials belonging to Enemalta are not returned by any consumer of electrical energy, the Water Services Corporation may, notwithstanding the provisions of article 1866 of the Civil Code, take any legal or other proceeding authorized by law for the recovery thereof in the name and on behalf of Enemalta."

PART II

26. This Part amends the Water Services Corporation Act, and it shall be read and construed as one with the Water Services Corporation Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the Water Services Corporation Act.
Cap. 355.

27. For the definition "financial year" in sub-article (1) of article 2 of the principal Act, there shall be substituted the following:

Amendment of article 2 of the principal Act.

" "financial year" means the period of twelve months ending on the thirty first day of December;"

28. Article 3 of the principal Act shall be amended as follows:

Amendment of article 3 of the principal Act.

(a) paragraph (a) of sub-article (2) thereof shall be substituted by the following:

"(a) to acquire, produce, keep, distribute, sell, export or otherwise dispose of water for domestic, commercial, industrial or other purposes;"

(b) immediately after paragraph (e) of sub-article (2) thereof, there shall be added the following new paragraph:

"(f) to generate new forms and services of revenue, even if not directly or indirectly related to the use of water for domestic, commercial, industrial or other purposes.";

(c) paragraphs (e) and (f) of sub-article (4) thereof shall be substituted by the following:

"(e) exercise, perform, discharge and delegate all such rights powers, duties and functions as are by or under

this Act vested in or assigned to the Corporation;

(f) do all such acts as may be necessary or conducive for the proper performance or attainment of its functions;"

(d) immediately after paragraph (f) of sub-article (4) thereof, there shall be added the following new paragraphs:

"(g) do all such other acts as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions under this Act or for the attainment of the functions of the Corporation;

(h) hold and administer and, if and when it thinks fit, realize any assets it may hold from time to time.";

(e) for sub-article (5) thereof, there shall be substituted the following:

"(5) For the purpose of its functions under this Act, and with the written authority of the Minister, the Corporation may grant to any third party of its choice the right to carry on or engage in or perform, whether in whole or in part, and whether as operator, concessionaire, manager, independent contractor or otherwise, any functions, activities, operations, duties or transactions which the Corporation is authorised and empowered or obliged to carry on or engage in or perform under or in accordance with this Act:

Provided that this sub-article shall not be interpreted as exempting any person so authorized by the Corporation from complying with the requirements of any other law."; and

(f) immediately after sub-article (5) thereof, there shall be added the following new sub-article:

"(6) In carrying out its functions at law, the Corporation shall:

(a) ensure that it is in possession of any licences, permits or authorizations, howsoever described, as it is required to have at law and that it abides with any conditions as may be imposed in any such licences, permits or authorisations;

Cap. 423.

(b) be subject to and abide by any laws, orders, directives, standards, and other legal requirements howsoever described, as may be imposed by or under the Malta Resources Authority Act or any other law;

(c) carry out such functions directly through its officials or employees, or indirectly through contractors, licencees or other agents, no matter how appointed as long as they are properly authorized, and for such purpose the Corporation may issue such agents with such licences or other authority as the Corporation may deem necessary."

29. Article 5 of the principal Act shall be amended as follows:

Amendment of article 5 of the principal Act.

(a) for subarticle (2) thereof, there shall be substituted the following:

"(2) The Board shall consist of not more than nine members appointed by the Minister. The Minister shall designate one of the appointed members as chairman and another such member as deputy chairman and such other member shall have all the powers and perform all the functions of the chairman during his absence or until a new chairman has been appointed following resignation, termination of appointment or death of the chairman."; and

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

"(5) Subject to the provisions of this Act, and to any directions of the Board, the executive conduct of the Corporation, its administration and organization and the administrative control of its officers and other employees shall be the responsibility of the Chief Executive Officer of the Corporation who shall also have such other powers as may from time to time be delegated to him by the Board.

The Chief Executive Officer shall be responsible for the implementation of the business plan and budget of the Corporation.

The Chief Executive Officer shall be responsible towards the Board of Directors and may be invited to attend and be heard at all meetings of the Board. He shall

not, however, have a vote or be counted for the purpose of constituting a quorum."

Substitution of article 6 of the principal Act.

30. For article 6 of the principal Act there shall be substituted by the following:

"Works
Council.
S.L. 452.96

6. A Works Council, in terms the Employee (Information and Consultation) Regulations, shall be set up by the Corporation and the Chief Executive Officer shall ensure that it meets at least once a month."

Amendment of article 7 of the principal Act.

31. In article 7 of the principal Act the words "or re-election as the case may be" shall be deleted.

Amendment of Article 8 of the principal Act.

32. In article 8 of the principal Act the words "or election to," shall be deleted.

Amendment of article 10 of the principal Act.

33. In sub-article (2) of article 10 of the principal Act the words "or election" shall be deleted.

Substitution of article 13 of the principal Act.

34. For article 13 of the principal Act there shall be substituted the following:

"13. Subject to the provisions of the Constitution and of any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the appointment of officials and other employees of the Corporation shall be made in accordance with such directives as may be established from time to time by the Minister after consulting the Minister responsible for finance."

Deletion of article 17 of the principal Act.

35. Article 17 of the principal Act shall be deleted.

Amendment of article 23 of the principal Act.

36. For sub-article (2) of article 23 of the principal Act there shall be substituted the following:

"(2) The Corporation may, from time to time, borrow by way of overdraft or otherwise, for periods not exceeding twelve months, such sums as the Board may require for carrying out its functions under this Act:

Provided that for any amount in excess of one million liri, there shall be required the approval in writing of the Minister."

37. For article 27 of the principal Act there shall be substituted

the following:

"27. (1) The prices to be charged by the Corporation for any service or facility provided by it under this Act shall be in accordance with such tariffs as may, from time to time, be prescribed by the Corporation following the written approval by the Malta Resources Authority.

(2) Nothing in sub-article (1) or in any such tariff as aforesaid shall prevent the Corporation from charging other prices by special agreement, provided that these are lower than those established by tariff.

(3) In prescribing tariffs, the Corporation shall ensure that the prices charged are adequate to provide sufficient revenue to the Corporation in any financial year -

(a) to cover operating expenses, including taxes, if any, and to make provision for adequate maintenance, for depreciation, for interest payments on borrowings and for other interest payments;

(b) to meet periodic repayments on long term indebtedness to the extent that any such repayment exceed the provisions for depreciation;

(c) to create reserves to finance a reasonable part of the cost of future expansion, being expenses, repayments and reserves incurred or made by the Corporation in the exercise of its functions; and

(d) to provide a reasonable return on investment and expenditure."

38. Article 28 of the principal Act shall be amended as follows:

Amendment of
article 28 of the
principal Act.

(a) in sub-article (1) thereof, for the word "six" there shall be substituted the word "four"; and

(b) for sub-article (4) thereof, there shall be substituted the following:

"(4) The Minister shall at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of Enemalta, or if at any time during the period the House of Representatives is not in session, within eighth weeks from the beginning of the next

following session, cause such estimates to be laid on the Table of the House of Representatives together with a motion that the House approve the said estimates. Not more than two sittings shall be allotted for the debate in the House on such a motion and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates."

Amendment of
article 29 of the
principal Act.

39. For article 29 of the principal Act there shall be substituted the following:

"29. (1) The Corporation shall cause to be kept proper accounts and other records in respect of its operations.

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

Provided that the Minister may require the books and accounts of the Corporation to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verifications as he may deem necessary.

(3) A copy of the audited accounts of the Corporation shall, upon their adoption, be sent forthwith by the Board to the Minister together with a report by the Board detailing the activities of the Corporation in that year.

(4) The Minister shall, at the earliest opportunity and not later than the first sitting of the House after four weeks from the receipt of the copy of the audit and report of the Corporation referred to in sub-article (3), cause such audit and report to be laid before the House of Representatives, together with the motions laid before the House under article 28."

Amendment of
article 30 of the
principal Act.

40. In sub-article (1) of article 30 of the principal Act, the words "and approved by the Minister" shall be deleted.

Deletion of
article 35 of the
principal Act.

41. Article 35 of the principal Act shall be deleted.

Amendment of
article 41 of the
principal Act.

42. For article 41 of the principal Act there shall be substituted

the following:

S.L. 174.06 "41. The Corporation shall only enter into contracts for the procurement of goods, services or materials, other than petroleum, or for the execution of works, in accordance with the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations:

Provided that the Minister may further limit the Corporation's procurement procedures."

43. For sub-article (2) of article 42 of the principal Act there shall be substituted the following: Amendment of article 42 of the principal Act.

"(2) The Corporation may, subject to the requirement of any other law and with the written consent of the Minister, dispose, hypothecate, or alienate or encumber under any title and subject to any conditions whatsoever, any movable or immovable property, right, undertaking, installation or other asset or interest vested in the Corporation by this Act or as otherwise required by the Corporation:

Cap. 268. Provided that for the purpose of any alienation, disposal or grant of any immovable property or any interest therein, the Corporation shall observe the provisions stipulated in any one of paragraphs (a) to (f) of article 3(1) of the Disposal of Government Land Act, in respect of that immovable property or any interest therein."

44. For paragraph 2 of the Schedule to the principal Act there shall be substituted the following: Amendment to the Schedule to the principal Act.

Cap. 16. "2. If any sums due to Enemalta shall not be paid or if any goods or materials belonging to Enemalta are not returned by any consumer of electrical energy, the Water Services Corporation may, notwithstanding the provisions of article 1866 of the Civil Code, take any legal or other proceeding authorized by law for the recovery thereof in the name and on behalf of Enemalta."

A 1204

Passed by the House of Representatives at Sitting No. 586 of the
7th November, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives