L.N. 43 of 1986

SUPPLIES AND SERVICES ACT, 1947

(ACT NO. IV OF 1947)

Water-Tankers (Requisition) Regulations, 1986

IN exercise of the powers conferred by section 3 of the Supplies and Services Act, 1947, the Minister of Trade and Economic Planning has made the following regulations:—

Citation.

1. These regulations may be cited as the Water-Tankers (Requisition) Regulations, 1986.

Interpretation.

2. In these regulations, unless the context otherwise requires —

"water-tankers" includes any motor vehicle with a tanker for the conveyance of water, liquids or other material;

"Minister" means the Prime Minister, or the Parliamentary Secretary to whom are assigned duties in connection with the Water Works Department;

"person" includes a body or association of persons;

"requisition" means the taking possession by the Minister of any water-tanker;

"requisitionee" means the person from whose possession any water-tanker is requisitioned by the Minister.

Power of requisition.

3. The Minister may, by order under his hand, requisition any water-tanker from any requisitionee and may give such directions as appear to him necessary or expedient in order that the requisition may be put into effect and complied with.

Power of entry.

4. The Minister or any public officer authorized by him may enter any premises with a view to securing compliance with the requisition order.

Use of requisitioned water-tanker.

5. (1) The Minister may authorise any other person to use any water-tanker requisitioned under these regulations.

(2) The Minister may also, in his discretion, hand over to any person any water-tanker requisitioned under these regulations to be used by such person under the direction of the Manager of the Water Works Department.

Offences and penalties.

6. Any person who contravenes or fails to comply with any requisition order made by the Minister under regulation 3 hereof or who performs any act or omits to perform any act knowing or having reasonable cause to believe that such act or omission is likely to frustrate, hinder or obstruct the execution of the carrying out of any measure, direction, or authorization given under these regulations, connected with such requisition order, shall, on conviction, be liable to imprisonment for a term not exceeding six months and to a fine (*multa*) of not less than two hundred Maltese liri and not exceeding one thousand Maltese liri.

Compensation.

7. (1) In default of agreement between the Prime Minister and the requisitionee, the compensation payable to the latter shall be such as is deemed fair and reasonable in all the circumstances of the case by a Board to be composed as follows:

(i) a Magistrate, to be appointed by the Prime Minister, as Chairman;

(ii) a person to be appointed by the Prime Minister as his representative; and

(iii) a person to be appointed by the requisitionee as his representative.

(2) If the requisitionee does not appoint his representative within the period of seven days from the day on which he is asked in writing to do so by the Prime Minister, the Prime Minister shall appoint a third member to represent the requisitionee.

(3) Before starting the proceedings relative to the assessment of the compensation payable to the requisitionee, the members of the Board, with the exception of the Chairman, shall take before the Chairman the oath to examine and decide with equity and impartiality the matter before it.

(4) The Board shall regulate its own procedure subject to the rules of natural justice and shall have the same powers as are by the Code of Organization and Civil Procedure conferred on the Courts of Magistrates of Judicial Police to call witnesses and hear evidence on oath; summons to witnesses shall be signed by the Chairman of the Board.

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(5) An appeal from the decision of the Board shall lie to the Court of Appeal and shall be brought by means of an application to be filed within six working days from the day on which the decision of the Board is delivered.

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