

I assent.

(L.S.)

AGATHA BARBARA
President

22nd November, 1982

ACT No. XVI of 1982

AN ACT to amend or repeal certain laws.

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:—

1. This Act may be cited as the Laws (Amendment and Repeal) Short title.
(No. 2) Act, 1982.

2. The enactments shown in the First Column of the Schedule to Amendment of
this Act shall have effect subject to the amendments shown in the Second laws.
Column thereof.

3. The Religion of Malta (Declaration) Act (Chapter 79) is hereby Repeal of
repealed. Cap. 79.

SCHEDULE

(Section 2)

First Column	Second Column
Enactment	Extent of Amendment

Code of Organization and
Civil Procedure (Cap. 15)

In the English text of section 882, for the words "on the next following day, not being a public holiday," there shall be substituted the words "on the next following working day".

In the English text of section 885, for the words "not later than the first day, not being a public holiday," there shall be substituted the words "not later than the first working day".

First Column	Second Column
Enactment	Extent of Amendment
Commercial Code (Cap. 17)	<p>In section 44, for the words "a certified copy of the abstract of the act of its constitution as published in the Government Gazette" there shall be substituted the words "a copy of the statement published in the Government Gazette in terms of subsection (1) of section 191 of the Commercial Partnerships Ordinance, 1962, showing the date of registration of the partnership and the date on which the relative certificate of registration was issued."</p>
Medical and Kindred Professions Ordinance (Cap. 51)	<p>In section 69, for the words "in Title II of this Code" there shall be substituted the words "in Title II of this Part of this Code".</p>
Conditions of Employment (Regulation) Act, 1952 (Act No. XI of 1952)	<p>In subsection (3) of section 87J, for the words "acting as Chairman" there shall be substituted the words "acting as chairman".</p>
	<p>In subsection (1) of section 2, the definition of "Malta" shall be deleted.</p>
	<p>"Immediately after subsection (14) of section 25, there shall be added the following new subsections:—</p>
	<p>"(15) Notwithstanding any other provision in this Act no contract of service shall be terminated by the employer and no employee shall be dismissed or suspended and no condition in such contract shall be rendered less favourable to the employee, without the consent given in writing by the Director; and if such contract is terminated or employee dismissed or suspended from employment or if such condition is rendered less favourable to the employee without such consent the employee shall retain all his rights under the contract as if the contract was not terminated or the employee dismissed or suspended from employment or the condition was not rendered less favourable to the employee:</p>
	<p>Provided that the consent of the Director shall not be of prejudice to any right of the employee to seek redress against the employer under this or any other law.</p>
	<p>(16) No employer shall keep the number of persons in his employment below the number of persons employed by him on November 16, 1982, without the consent given in writing by the Director.</p>
	<p>(17) The provisions of subsections (15) and (16) of this section shall apply to —</p>

(i) any employer to whom the provisions of the Supplies and Services Act, 1947 apply;

(ii) to any other person who, on November 16, 1982, employed more than three persons,

and only in respect of persons who were in employment on November 16, 1982.

(18) The provisions of subsections (15), (16) and (17) of this section shall have effect from the 16th day of November, 1982 and shall continue in force up to the 31st day of December, 1983:

Provided that if at any time while the provisions of the said subsections are in force a Resolution is passed by the House that the said provisions should be continued in force for a further period from the time at which they would otherwise expire, the said provisions shall continue in force for that further period."

Subsection (3) of section 30 shall be amended by the addition of the following proviso at the end thereof:—

"Provided that where the offence is one as is provided in subsections (15) and (16) of section 25, the offender shall be liable to a fine (*multa*) of not less than fifty pounds but not exceeding five hundred pounds, and the Court may, and if requested by the prosecution shall, in addition to any other punishment order the suspension or cancellation of any licence held by the offender and relating to any trade or business, and of any licence relating to the premises where the employee is employed; and the provisions of the Probation of Offenders Act, 1957, shall not be applicable in respect of any offence against the provisions of the said subsections (15) and (16) of section 25."

Passed by the House of Representatives at Sitting No. 64 of the 22nd November, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives