

I assent.

AGATHA BARBARA
President

9th March, 1983

ACT No. IV of 1983

AN ACT further to amend the Council of Government (Privileges and Powers) Ordinance, Cap. 179.

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 House of Representatives (Privileges and Powers) (Amendment) Act, 1983, and shall be read and construed as one with the Council of Government (Privileges and Powers) Ordinance, hereinafter referred to as "the principal law".
- 2. The words "Council of Government" and the word "Council" wherever they occur in the principal law, including the long and the short titles and the marginal notes thereof, shall be deleted and the words "House of Representatives" and the word "House" respectively shall in each case be substituted therefor.
- 3. The word "President" wherever it occurs in the principal law shall be deleted and the word "Speaker" shall in each case be substituted therefor.

Short title.

Deletion of words "Council of Government" and substitution of the words "House of Representatives" therefor.

Deletion of the word "President" and substitution therefor of the word "Speaker".

Amendment of
section 11 of
the principal law.

4. Section 11 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words "not exceeding one hundred" there shall be substituted the words "not exceeding five hundred";

(b) immediately after paragraph (j) of subsection (1) thereof there shall be added the following new paragraphs:

"(k) the publication of any defamatory libel on the Speaker or any Member touching anything done or said by him as Speaker or as a Member in the House or in a Committee thereof;

(l) the wilful or reckless publication of any false or perverted report of any debate or proceedings of the House or a Committee thereof, or the wilful or reckless misrepresentation of any speech made by a Member in the House or in a Committee thereof.";

(c) immediately after subsection (3) thereof there shall be added the following new subsections:

"(4) For the purposes of this section —

"publication" means any act whereby any printed matter is or may be communicated to or brought to the knowledge of any person or whereby any words or visual images are broadcast; and "broadcast" means the broadcast of words or of visual images by means of wireless telegraphy or wire or both, whether or not such words or images are in fact received by any person.

(5) A person shall be deemed guilty of the acts mentioned in paragraphs (k) and (l) of subsection (1) of this section if the publication referred to in paragraphs (k) and (l) of subsection (1) of this section consists in the publication of such defamatory libel, false or perverted report, or misrepresentation in printed form in Malta, or in the distribution in Malta of such printed matter containing such defamatory libel, false or perverted report or misrepresentation from whatsoever place such printed matter may originate, or in any broadcast from any place in Malta or any place outside Malta of any such defamatory libel, false or perverted report or misrepresentation.

(6) In the case of a person guilty of an act mentioned in paragraph (k) of subsection (1) of this section the House may in addition to the punishments established in subsection (1) of this section, order in the case of a newspaper that in a subsequent issue thereof not later than the next but one, and in the case of a broadcasting medium that on the day immediately following that on which the order is given, the motion that the accused be found guilty of such act, approved by the House be published or broadcast as the case may be free of charge in the same language in which the offence was committed; and if at the time of approval of such motion or immediately thereafter the newspaper has ceased publication or the broadcasting medium has ceased to operate, or in the case of any other publication, the House may in the order or in a subsequent order, order that the motion be published or broadcast at the expense of the person so found guilty in

another newspaper or on another medium within a period not exceeding one month.

(7) In the case of person found guilty of an act mentioned in paragraph (l) of subsection (1) of this section the House may in addition to the punishments established in subsection (1) of this section order that the offender publish, at such date and time as the House may establish, free of charge, in the same newspaper or on the same broadcasting medium, as the case may be, a statement by way of contradiction or explanation.

(8) Default of compliance with an order made under subsection (6) or (7) of this section shall be deemed to be contempt of the House and subject to the same penalties as provided in subsection (1) of this section.

(9) (i) Any person who is an accomplice in any of the acts mentioned in paragraphs (a) to (l) of subsection (1) of this section shall be deemed to be guilty of the same acts and shall be liable to the penalties laid down in the said subsection.

(ii) For the purpose of this section "accomplice" shall have the same meaning as is assigned to it by section 43 Cap. 12 of the Criminal Code:

Provided that any reference therein made to a crime shall be construed to be a reference to the acts referred to in paragraphs (a) to (l) of subsection (1) of this section."

Passed by the House of Representatives at Sitting No. 90 of the 8th March, 1983.

DANIEL MICALLER
Speaker

C. MIFSUD
Clerk to the House of Representatives