I assent.

(L.S.) **GEORGE VELLA**
President

4th November, 2022

ACT No. XVI of 2022

AN ACT to amend the Explosives Ordinance, Cap. 33 and Various Laws relating to Civil Protection.

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 and commencement.

1. (1) The short title of this Act is the Explosives Ordinance and the Various Laws relating to Civil Protection (Amendment) Act, 2022.

(2) This Act shall come into force on such date as the Minister responsible for the police and civil protection may, by notice in the Gazette, establish and different dates may be so established for different provisions and, or purposes of this Act.

PART I
Amendments to the Explosives Ordinance

Amendments to the Explosives Ordinance. Cap. 33.

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

Amendment of article 33 of the principal law.

3. In sub-article (1) of article 33 of the principal law the words "laid down in article 29." shall be substituted by the words "laid down in article 29:" and immediately thereafter there shall be added the following new proviso:

"Provided that, where the offence consists in the discharge without the required licence, permit or authorisation of fireworks consisting of Bengala lights or of lances with a coloured flame having a diameter which in any case does not exceed two and a half centimetres (2.5cm) or of coloured smoke canisters of a similar volume, and such discharge did not cause bodily harm or damage to property, the applicable punishment shall be of a fine (*multa*) of not less than one hundred and twenty euro (€120) and not more than three hundred and fifty euro (€350).".

PART II
Amendments to the Constitution of Malta

Amendments to the Constitution of Malta.

4. This Part amends the Constitution of Malta and this Part shall be read and construed as one with the Constitution of Malta, hereinafter in this Part referred to as "the Constitution".

Amendment of article 47 of the Constitution.

5. In sub-article (1) of article 47 of the Constitution, in the definition "disciplined force", immediately after paragraph (d) there shall be added the following new paragraph:

"(e) the Assistance and Rescue Force within the Civil Protection Department;".

PART III
Amendments to the Civil Protection Act

Amendments to the Civil Protection Act. Cap. 411.

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

Amendment of article 2 of the principal Act.

7. Article 2 of the principal act shall be amended as follows:

(a) the definition "Director" shall be substituted by the following new definition:

" "Directors" means the Directors of the Department of Civil Protection who shall be assuming any such function or duty as indicated by the Director General;" and immediately thereafter there shall be added the following new definition:

"Director General" means the Director General of the

Department of Civil Protection and includes any officer designated or authorised by the Director General to act on his behalf;"; and

(b) the definition "the Force" shall be substituted by the following new definition:

" "Force" means the Rescue and Assistance Force established by article 8 consisting of the Director General, the Directors, the Deputy Directors, the Chief Assistance and Rescue Officers, the Station Officers, the Leading Assistance and Rescue Officers, the Assistance and Rescue Officers and the Fire Safety Inspectors or any officers in equivalent grades who exercise equivalent duties;".

Amendment of article 3 of the principal Act.

8. In article 3 of the principal Act, the words "a public officer to be styled Director of Civil Protection" shall be substituted by the words "the Director General of Civil Protection".

Amendment of article 5 of the principal Act.

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

(a) in sub-article (3) thereof, the words "the Director of Civil Protection" shall be substituted by the words "the Director General of Civil Protection"; and

(b) in sub-article (8) thereof, the words "The Director of Civil Protection" shall be substituted by the words "The Director General of Civil Protection".

Amendment of article 6 of the principal Act.

10. In sub-article (2) of article 6 of the principal Act, the words "the Director, Civil Protection Department" shall be substituted by the words "the Director General, Civil Protection".

Amendment of article 8 of the principal Act.

11. Article 8 of the principal Act shall be amended by the following:

(a) in sub-article (2) thereof, the words "by a Chief Assistance and Rescue Officer" shall be substituted by the words "by the Director General or any officer designated or authorised by the Director General to act on his behalf as may be prescribed by the Minister"; and

(b) sub-article (4) thereof shall be amended as follows:

(i) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) to maintain an adequate service for prompt intervention in the case of fire and rescue on land and

at sea, flooding, sea salvage, rescue and any other natural or man-made disaster situation which requires the immediate assistance of a public force or special equipment;"; and

(ii) in paragraph (c) thereof, "the Director of Civil Protection" shall be substituted by the words "the Director General of Civil Protection"; and

(c) immediately after sub-article (7) thereof there shall be added the following new sub-article:

"(8) A candidate for appointment as an officer in the Assistance and Rescue Force must have attained eighteen (18) years of age and must not be above thirty-nine (39) years of age:

Provided that, any member of the Civil Protection Volunteer Corps who is above thirty-nine (39) years of age may still be eligible for appointment as an officer in the Assistance and Rescue Force if he has been active in the Corps for at least two (2) years.".

Amendment of article 9 of the principal Act.

12. In sub-article (2) of article 9 of the principal Act, the words "the Director" shall be substituted by the words "the Director General".

Amendment of article 20 of the principal Act.

13. In sub-article (2) of article 20 of the principal Act, the words "The Director" shall be substituted by the words "The Director General".

PART IV
Consequential amendments

Amendments to the Civil Protection Act and subsidiary legislation.
Cap. 411.
S.L. 411.01.
S.L. 411.03.
S.L. 411.04.
S.L. 499.35.

14. The words "Director" and "Director of Civil Protection" in the Civil Protection Act, the Civil Protection (Discipline and Association) Regulations, the Civil Protection (Volunteer Corps) Regulations, the Civil Protection Pensions Regulations, and the Port Security Regulations, wherever they occur, shall be substituted by the words "Director General of Civil Protection".

A 400

Passed by the House of Representatives at Sitting No. 40 of the 1st November, 2022.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — *Printed at the Government Printing Press on FSC certified paper*

Prezz/*Price*
€0.54