

ABBOZZ TA' LIĠI msejjah

ATT li jemenda l-Att dwar l-Awtorità tad-Djar, Kap. 261

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareg b'liġi dan li ġej:

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2007 li jemenda l-Att dwar l-Awtorità tad-Djar, u dan l-Att għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar l-Awtorità tad-Djar, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

Kap. 261.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-politika soċjali jista' b'avviż fil-Gazzetta jappunta, u dati differenti jistgħu jiġu hekk appuntati għal finijiet differenti u għal dispożizzjonijiet differenti ta' dan l-Att.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda
ta' artikolu 2
ta' l-Att prinċipali.

(a) minnufih wara t-tifsira "Awtorità" għandha tiddaħhal it-tifsira ġdida li ġejja:

““Bord” tfisser il-Bord stabbilit bl-artikolu 6;”;

(b) fit-tifsira “sena finanzjarja” minflok il-kliem “30 ta’ Settembru” ghandhom jidhlu l-kliem “31 ta’ Dicembru” u minnufih wara ghandhom jiddahhlu t-tifsiriet godda li ġejjin:

Kap. 88.

““titolu”, fir-rigward ta’ l-artikolu 12, tfisser kull titolu fuq proprjetà immobbli tkun kif tkun imsejha jew deskritta u tinkludi kull titolu msemmi fil-paragrafi (a), (b) u (ċ) ta’ l-artikolu 5 ta’ l-Ordinanza dwar l-Akkwist ta’ l-Artijiet għal Skopijiet Pubbliċi u kull dritt fuq l-imsemmija proprjetà eżerċitat skond id-dispożizzjonijiet ta’ l-imsemmija Ordinanza;

“uffiċjal pubbliku” ghandu jkollha l-istess tifsira mogħtija lilha bl-artikolu 124 tal-Kostituzzjoni.”.

Emenda
ta’ artikolu 3
ta’ l-Att prinċipali.

3. Artikolu 3 ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, minflok il-kliem “u tkun tista’ tagħmel kuntratti, takkwista, iżzomm u tneħhi kull proprjetà għall-fini tal-funzjonijiet tagħha” ghandu jiddahhal il-kliem “u tkun tista’, bla hsara għad-dispożizzjonijiet ta’ dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tneħhi kull proprjetà jew drittijiet għall-fini tal-funzjonijiet tagħha”;

(b) minnufih wara s-subartikolu (2) ghandu jidhol dan is-subartikolu ġdid li ġej:

“(3) L-Awtorità ghandha tkun magħmula miċ-*Chairman* mahtur taht l-artikolu 5 (2) u mill-Bord imwaqqaf taht l-artikolu 6.”.

Emenda
ta’ artikolu 4
ta’ l-Att prinċipali.

4. L-artikolu 4 ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu ghandu jithassar u jiġi sostitwit b’dan li ġej:

“(2) Bla hsara għad-dispożizzjonijiet ta’ dan l-Att u bla preġudizzju għall-ġeneralità tas-subartikolu (1), l-Awtorità tista’:

(a) takkwista, iżzomm, tixtri, tamministra u b’kull mod ieħor tiddisponi minn kull proprjetà kemm mobbli kemm immobbli:

Izda meta tkun qiegħda tneħhi xi proprjetà mhux residenzjali li hi proprjetà tal-Gvern sitwata f’oqsma tad-djar tal-gvern li hija trasferita lill-Awtorità skond l-

artikolu 12, l-Awtorità ghandha ta'gixxi skond id-dispożizzjonijiet ta' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern li ghandhom għall-finijiet ta' dan il-*proviso* japplikaw *mutatis mutandis* għall-Awtorità; Kap. 268.

(b) tiżviluppa, jew tiehu hsieb l-iżvilupp ta', kull art għal skopijiet residenzjali u kummerċjali u għal skopijiet konnessi ma' dan jew anċillari għalih;

(ċ) tibni, jew tiehu hsieb il-bini ta', kull proprjetà għal skopijiet residenzjali u kummerċjali u għal skopijiet konnessi ma' dan jew anċillari għalih;

(d) tipprovdi, timmanigġa, tamministra u tirrevedi skemi relatati ma' djar;

(e) tamministra, tmanti, iżzomm fi stat tajjeb, tagħmel tiswijiet strutturali ta' akkomodazzjoni residenzjali u kummerċjali u tiswijiet ġenerali ta' arei komuni ta' proprjetajiet li huma proprjetà tagħha jew amministrati minnha u faċilitajiet u kumditajiet relatati;

(f) tiżviluppa u ssebbah arei li jdawru proprjetajiet li huma proprjetà tagħha jew amministrati minnha, inkluzi arei pubbliċi, ġonna, faċilitajiet rikreattivi u spazji miftuħin;

(g) tagħmel riġenerazzjoni urbana u tal-pajsaġġ;

(h) teżegwixxi tkeċċijiet jew kull infurzar tal-liġi li ghandhom x'jaqsmu ma' proprjetà li hija proprjetà tagħha jew amministrata minnha;

(i) tiġbor kera, ċens jew annwalitajiet jew arretrati ohra mill-proprjetajiet li huma proprjetà tagħha jew amministrati minnha;

(j) tassumi s-setghat, drittijiet u obbligi kollha vestiti fid-Direttur ta' l-Akkomodazzjoni Soċjali li johorġu mill-Att dwar id-Djar jew xi liġi ohra; Kap. 125.

(k) tiffinanzja l-akkwist u l-iżvilupp ta' kull art, kemm jekk dan l-akkwist jew żvilupp ikun se jsir mill-Awtorità kemm jekk minn ohrajn, inkluzi individwi;

(l) tagħmel kull xorta ta' investiment li l-Awtorità tista' tqis xieraq jew espedjenti;

(m) tagħmel dawk il-hlasijiet, kemm b'mod ta' sussidju kemm b'mod iehor, li hi tista' tqis xieraq għal kull skop imsemmi hawn qabel jew għal kull skop iehor li għandu x'jaqsam mal-funzjonijiet tagħha;

(n) taġixxi bi ftehim mal-Gvern bhala aġent biex twettaq, jew biex tmexxi 'l quddiem il-politika tal-Gvern dwar id-djar, inkluż kull proġett jew pjan tal-Gvern dwar id-djar;

(o) tagħti pariri lill-Ministru dwar kull haġa li għandha x'taqsam mal-funzjonijiet tagħha jew li l-Ministru jista' minn żmien għal żmien jibghat lill-Awtorità għall-pariri;

(p) b'mod ġenerali tagħmel kull haġa li tkun incidentalijiet jew li twassal biex jintlahqu l-funzjonijiet tagħha jew biex teżerita xi wahda mis-setgħat tagħha.”;

(b) is-subartikolu (3) tiegħu għandu jiġi emendat kif ġej:

(i) il-paragrafu (a) tiegħu għandu jithassar u jiġi sostitwit b'dan li ġej:

“(a) meta l-funzjoni jew setgħa tinvolvi l-iżvilupp ta' art biex jittella' jew isir xi bini fuqha, jew biex isiru tiswijiet stutturali jew manutenzjoni ta' xi bini jew xogħlijiet ohra, l-Awtorità tista' taqdi dawk il-funzjonijiet direttament jew billi tagħti appalti;”;

(ii) il-paragrafu (b) tiegħu għandu jithassar u l-paragrafi (ċ) u (d) tiegħu għandhom jiġu enumerati mill-ġdid bhala paragrafi (b) u (ċ) rispettivament;

(iii) fil-paragrafu (b) ġdid kif enumerat mill-ġdid, minflok il-kliem “bl-approvazzjoni tal-Prim Ministru, u għandha, jekk il-Prim Ministru hekk jordna” għandhom jidhlu l-kliem “bl-approvazzjoni tal-Ministru, u għandha, jekk il-Ministru hekk jordna”.

Emenda
ta' artikolu 5
ta' l-Att prinċipali.

5. L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) minflok il-kliem “Ix-xogħol u n-negozju ta’ l-Awtorità jkunu r-responsabbiltà u jkunu mmexxija mill-Awtorità stess; iżda, hliet kif intqal qabel u bla hsara għad-dispożizzjonijiet ta’ dan l-Att u ta’ kull direttivi ta’ l-Awtorità,” għandhom jidhlu l-kliem “Ix-xogħol, negozju u l-qadi tal-funzjonijiet ta’ l-Awtorità għandhom ikunu r-responsabbiltà tal-Bord; iżda bla hsara għad-dispożizzjonijiet ta’ dan l-Att u għal kull direttiva tal-Bord imsemmi”;

(ii) fit-test Inġliż minflok il-kelma “*servants*” għandha tidhol il-kelma “*employees*”;

(iii) minflok il-kliem “jiġu mogħtija lil mill-Awtorità” għandhom jidhlu l-kliem “jiġu mogħtija lil mill-Bord”; u

(b) minflok is-subartikolu (2) tiegħu, għandu jidhol dan li ġej:

“(2) Iċ-Chairman ta’ l-Awtorità għandu jinhatar mill-Ministru għal dak il-perijodu li l-Ministru jidhirlu xieraq. Il-Ministru jista’ wkoll isemmi membru ieħor ta’ l-Awtorità bħala viċi chairman, u l-membru li jiġi hekk appuntat ikollu s-setgħat kollha u jaqdi dawk il-funzjonijiet kollha ta’ Chairman fin-nuqqas tiegħu jew meta dan ma jkunx jista’ jagħmilha ta’ chairman, jew meta jkun bil-vakanzi, jew matul xi żmien li l-kariga ta’ chairman tkun battala; u l-Ministru jista’ wkoll, f’kull waħda miċ-ċirkustanzi msemmija, jahtar persuna oħra bħala *chairman* u f’dak il-każ id-dispożizzjonijiet ta’ qabel għandhom japplikaw dwar dik il-persuna.”.

6. Minflok l-artikolu 6 ta’ l-Att prinċipali għandu jidhol dan li ġej:

Emenda
ta’ artikolu 6
ta’ l-Att prinċipali.

“Bord tad-Diretturi ta’ l-Awtorità tad-Djar.

6. (1) Ikun hemm Bord ta’ Diretturi ta’ l-Awtorità tad-Djar, li jkun magħmul miċ-*Chairman* u mill-inqas sitta iżda mhux aktar minn għaxar membri bid-dritt tal-vot.

(2) Il-membri tal-Bord għandhom jinhatru mill-Ministru minn fost persuni li fil-fehma tiegħu jkunu kwalifikati minhabba li jkollhom esperjenza u jkunu wrew hila fi hwejjeġ li għandhom x’jaqsmu ma’ djar jew żvilupp ta’ proprjetà, kummerċ bankarju, finanzi, arkitettura, disinn, politika soċjali, *management*, organizzazzjoni ta’ haddiema jew prinċipali, industrija, kummerċ jew amministrazzjoni, u

l-Ministru jista' wkoll jagħzel membru wiehed jew aktar minn fost uffiċjali pubbliċi.

(3) Il-Bord għandu jkun responsabbli għall-formulazzjoni ta' *policies* li l-Awtorità jkollha timxi fuqhom fil-qadi tal-funzjonijiet tagħha. Fid-determinazzjoni tal-*policies* il-Bord għandu jsegwi dawk il-linji gwida skond ma jistgħu jkunu mfasslin mill-Gvern. Dawk il-*policies* għandhom ikunu miktuba u għandhom isiru pubbliċi.

(4) Il-membri tal-Bord għandhom jirċievu, mill-fondi ta' l-Awtorità, dik ir-rimunerazzjoni li l-Ministru jista', minn żmien għal żmien, jiddeterimina.

Kap. 9.

(5) Id-dispożizzjonijiet tal-Kodiċi Kriminali fir-rigward ta' uffiċjali jew impjegati pubbliċi għandhom japplikaw għall-membri tal-Bord u għall-uffiċjali u impjegati l-oħra kollha ta' l-Awtorità.

(6) Persuna tkun skwalifikata milli tinhatar u tibqa' membru ta' l-Awtorità jekk:

(a) tkun membru tal-Kamra tad-Deputati jew ta' Kunsill Lokali, jew tkun kandidat għal elezzjoni għall-Kamra tad-Deputati jew għal Kunsill Lokali; jew

(b) ikollha dak l-interess finanzjarju jew dak l-interess iehor f'xi impriża jew attività li x'aktarx ma jhallihiex taqdi sewwa dmirijietha bhala membru ta' l-Awtorità; jew

(c) tkun inkapaċitata jew interdotta legalment; jew

(d) kienet iġġudikata falluta jew tkun għamlet ftehim jew arrangament mal-kredituri tagħha; jew

(e) tkun instabet hatja ta' reat li jolqot il-fiduċja pubblika jew ta' serq jew ta' frodi jew li tkun xjentement irċeviet proprjetà miksuba b'serq jew frodi.

(7) Bla hsara għad-dispożizzjonijiet tas-subartikolu (8), il-membri ta' l-Awtorità għandhom iżommu l-kariga għal dak iż-żmien u b'dawk il-pattijiet u kondizzjonijiet li l-Ministru jidhirlu xierqa; u membru jista', meta jispiċċa minn membru, jinhatar mill-ġdid.

(8) Membru ta' l-Awtorità jista' jirriżenja mill-kariga tiegħu b'ittra indirizzata lill-Ministru; u jekk waqt li jkun fil-kariga jinbidel il-Ministru, kull membru ta' l-Awtorità għandu joffri r-riżenja tiegħu lill-Ministru l-ġdid.

(9) Membru ta' l-Awtorità jista' jitnehha mill-kariga mill-Ministru jekk, fil-fehma tal-Ministru, dak il-membru ma jkunx tajjeb biex ikompli fil-kariga jew ma jkunx baqa' kapaċi biex jaqdi, jew ma jkunx qed jaqdi b'mod xieraq id-dmirijiet tiegħu bħala membru; jew f'kull waħda miċ-ċirkustanzi li jiskwalifikaw lil dik il-persuna milli tibqa' membru ta' l-Awtorità.

(10) Il-hatra u t-terminazzjoni tal-kariga ta' kull persuna bħala membru ta' l-Awtorità għandha tkun notifikata fil-Gazzetta.

(11) Kull membru ta' l-Awtorità li jkollu xi interess dirett jew indirett f'xi kuntratt magħmul jew li jkun propost li jsir mill-Awtorità, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' membru, għandu juri n-natura ta' l-interess tiegħu fl-ewwel laqgħa tal-Bord wara li jkun sar jaf bil-fatti rilevanti; dak il-fatt għandu mbagħad jiġi registrat fil-minuti tal-Bord, u l-membru li jkollu dak l-interess għandu jirtira minn kull laqgħa li dak il-kuntratt jiġi diskuss fiha jew deċiż mill-Bord. Dak l-interess għandu jiġi mġharraf lill-Ministru mingħajr dewmien. Meta l-interess tal-membru jkun hekk li jiskwalifikah milli jibqa' membru, dan għandu minnufih jirrapporta l-fatt lill-Ministru u jagħti r-riżenja tiegħu.”.

7. L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda
ta' artikolu 7
ta' l-Att prinċipali.

(a) minflok in-nota marginali li hemm miegħu għandu jidhol il-kliem li ġej “Dispożizzjonijiet dwar laqgħat tal-Bord.”;

(b) fis-subartikolu (1) tiegħu, minflok il-kliem “Il-laqgħat ta' l-Awtorità” għandu jidhol il-kliem “Il-Bord għandu jiltaqa' kull meta jkun meħtieġ jew espedjenti, iżda f'ebda każ inqas spiss minn darba fix-xahar. Il-laqgħat tal-Bord”, u minflok il-kliem “ta' għallanqas żewġ membri ta' l-Awtorità” għandhom jidhlu l-kliem “ta' maġġoranza tal-membri tal-Bord”;

(ċ) minflok il-kelma “Awtorità” kull fejn din tidher għandha tidhol il-kelma “Bord”;

(d) fis-subartikolu (4) tieghu, minflok il-kliem “ma jkun invalidat minhabba” ghandu jidhol il-kliem “ma jkun invalidat biss minhabba” u minflok il-kliem “id-dispożizzjonijiet ta’ l-artikolu 6 (6)” ghandu jidhol il-kliem “id-dispożizzjonijiet ta’ l-artikolu 6 (11)”;

(e) minnufih wara s-subartikolu (5) ghandu jiddahhal is-subartikolu (6) ġdid li ġej:

“(6) Ghandhom jinżammu l-minuti tal-proċeduri tal-Bord u ta’ kull kumitat tieghu. Ghal dan il-fini u biex jinżammu d-dokumenti rilevanti, il-Ministru ghandu jinnomina persuna biex taġixxi bhala segretarju tal-Bord ghal dak il-perijodu u b’dawk il-pattijiet li l-Ministru jista’ jqis xierqa. Is-segretarju tal-Bord ma jkollux vot.”.

Emenda
ta’ l-artikolu 8
ta’ l-Att prinċipali.

8. Il-*proviso* mas-subartikolu (1) ta’ l-artikolu 8 ta’ l-Att prinċipali ghandu jithassar u jiġi sostitwit b’dan il-ġej:

“Izda l-Awtorità tista’ tinnomina wiehed jew aktar mill-membri l-oħra tal-Bord, jew mill-uffiċjali jew impjegati ta’ l-Awtorità, biex jidhru f’isem jew minflok l-Awtorità f’kull proċeduri ġudizzjarji u f’kull att, kuntratt, kitba jew dokument ieħor ikun li jkun.”.

Emenda
ta’ l-artikolu 9
ta’ l-Att prinċipali.

9. L-artikolu 9 ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tieghu minflok il-kliem “x-xogħol tagħha skond dawk id-direttivi.” ghandhom jidhlu l-kliem “x-xogħol tagħha skond dawk id-direttivi.” u l-*proviso* tieghu ghandu jithassar;

(b) is-subartikolu (2) tieghu ghandu jithassar u jiġi sostitwit b’dan li ġej:

“(2) Il-Ministru ghandu, minn żmien ghal żmien, jistabbilixxi kumitati kif mehtieg biex jgħinu liċ-*Chairman* fil-qadi ta’ dmirijietu.”; u

(ċ) fis-subartikolu (3) tieghu, minflok il-kliem “ta’ l-Awtorità” ghandhom jidhlu l-kliem “tal-Bord u ta’ kull kumitat”.

Emenda
ta’ l-artikolu 10
ta’ l-Att prinċipali.

10. Fl-artikolu 10 tat-test Inġliż ta’ l-Att prinċipali, minflok il-kelma “*servants*” kull fejn din tinstab ghandha tidhol il-kelma “*employees*”.

11. Fl-artikolu 12 ta' l-Att prinċipali, minflok il-kliem “u ppubblikata fil-Gazzetta” ghandhom jidhlu l-kliem “u ppubblikata b'avviż legali”, u minflok il-kliem “qabel dak il-jum.” ghandhom jidhlu l-kliem “qabel dak il-jum:”, u minnufih wara ghandu jiddahhal il-*proviso* li ġej:

Emenda
ta' l- artikolu 12
ta' l-Att prinċipali.

“Iżda kull ordni ta' din ix-xorta tista' wkoll tipprovdi ghat-trasferiment ta' l-amministrazzjoni u drittijiet ohrajn li huma tal-Gvern f'relazżjoni ma' dawn l-assi immobbli.”.

12. L-artikolu 13 ta' l-Att prinċipali ghandu jkun emendat kif ġej:

Emenda
ta' l- artikolu 13
ta' l-Att prinċipali.

(a) fis-subartikolu (4) tiegħu, minflok il-kliem “tintbaghat minnufih mill-Awtorità lill-Ministru” ghandhom jidhlu l-kliem “tintbaghat minnufih mill-Bord lill-Ministru”; u

(b) fis-subartikolu (5) tiegħu, minflok il-kliem “mill-Awtorità” ghandhom jidhlu l-kliem “mill-Bord”.

13. Fil-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 14 ta' l-Att prinċipali, minflok il-kliem “l-Awtorità tista' tadotta” ghandhom jidhlu l-kliem “il-Bord jista' jadotta”.

Emenda
ta' l- artikolu 14
ta' l-Att prinċipali.

14. L-artikolu 16 ta' l-Att prinċipali ghandu jkun emendat kif ġej:

Emenda
ta' l- artikolu 16
ta' l-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minflok il-kliem “mill-Awtorità” ghandhom jidhlu l-kliem “mill-Bord”; u

(b) fis-subartikolu (3) tiegħu, minflok il-kliem “l-Awtorità ghandha” ghandhom jidhlu l-kliem “il-Bord ghandu”.

15. L-artikolu 17 ta' l-Att prinċipali ghandu jkun emendat kif ġej:

Emenda
ta' l- artikolu 17
ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “b'rizoluzzjoni ta' l-Awtorità.” ghandhom jidhlu l-kliem “b'rizoluzzjoni tal-Bord.”, u minflok il-kliem “hlief dik is-somma li l-Awtorità tista' ” ghandhom jidhlu l-kliem “hlief dik is-somma li l-Bord jista' ”;

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “li ma jkunux aktar minn somma stabbilita mill-Awtorità, ghandhom isiru minn dak l-uffiċjal jew minn daww l-uffiċjali ta' l-Awtorità li l-Awtorità tista' tahtar” ghandhom jidhlu l-kliem “li ma jkunux aktar

minn somma stabbilita mill-Bord, ghandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali ta' l-Awtorità li l-Bord jista' jahtar"; u

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem "jew imsemmi għal hekk mill-Awtorità u ghandhom ikunu kontrofirmati miċ-*Chairman* jew minn dak il-membru jew uffiċjal iehor ta' l-Awtorità kif jista' jiġi awtorizzat mill-Awtorità għal hekk" ghandhom jidhlu l-kliem "jew imsemmi għal hekk mill-Bord u ghandhom ikunu kontrofirmati miċ-*Chairman* jew minn dak il-membru jew uffiċjal iehor tal-Bord kif jista' jiġi awtorizzat mill-Bord għal hekk".

Emenda ta' l-artikolu 18 ta' l-Att prinċipali.

16. Fl-artikolu 18 ta' l-Att prinċipali minflok il-kliem "taht l-artikolu 9 (1)," ghandhom jidhlu l-kliem "taht l-artikolu 9,".

Emenda ta' l-artikolu 20 ta' l-Att prinċipali.

17. Fil-paragrafu (ċ) (iii) tas-subartikolu (1) ta' l-artikolu 20 fit-test Inġliż ta' l-Att prinċipali minflok il-kelma "*servant*" kull fejn din tinsab ghandha tidhol il-kelma "*employee*".

Żjeda ta' l-artikoli ġodda 21 sa 26 ta' l-Att prinċipali.

18. Minnufih wara l-artikolu 20, ghandhom jiddaħhlu l-artikoli ġodda 21 sa 26 li ġejjin:

"Assenjar ta' uffiċjali pubbliċi għal dmirijiet ma' l-Awtorità.

21. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità u bi qbil mal-Ministru, minn żmien għal żmien, jordna li xi uffiċjal pubbliku jkun assenjat dmirijiet ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data kif jistgħu jkunu speċifikati fl-ordni.

(2) Il-perijodu li matulu ghandha tapplika ordni kif imsemmija hawn qabel għal xi uffiċjal speċifikat fiha ghandu, jekk l-uffiċjal ma jirtirax mis-servizz pubbliku, jew b'xi mod iehor ma jibqax fil-kariga f'data qabel, jew jekk perijodu differenti jkun speċifikat fl-ordni, tieqaf meta tigri xi grajja minn dawn li ġejjin:

(a) meta dak l-uffiċjal jaċetta offerta ta' impjieg permanenti ma' l-Awtorità magħmula skond id-dispożizzjonijiet ta' l-artikolu 23; jew

(b) ir-revoka mill-Prim Ministru ta' xi ordni minnu magħmula taht dan l-artikolu dwar dawk l-uffiċjali.

Status ta' uffiċjali pubbliċi assenjati għal dmirijiet ma' l-Awtorità.

22. (1) Meta xi uffiċjal ikun assenjat għal dmirijiet ma' l-Awtorità b'xi ordni taht xi wahda mid-dispożizzjonijiet ta' l-artikolu 21, dak l-uffiċjal għandu, waqt iż-żmien li matulu din l-ordni jkollha effett dwaru, ikun taht id-direzzjoni u l-

kontroll amministrattiv ta' l-Awtorità iżda għall-finijiet l-oħra kollha għandu jibqa' u jitqies u jkun ittrattat bħala uffiċjal pubbliku.

(2) Bla preġudizzju għall-ġeneralità ta' dak ta' hawn qabel, uffiċjal pubbliku assenjat għal dmirijiet kif hawn qabel imsemmi:

(a) m'għandux tul iż-żmien li fih dan l-uffiċjal ikun hekk assenjat:

(i) ma jithalliex japplika għal trasferiment għal dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet ta' servizz konnessi mal-hatra mal-Gvern li jkollu dak l-uffiċjal pubbliku fid-data li fiha kien assenjat għal dawk id-dmirijiet; jew

(ii) ikun impjegat b'mod li r-rimunerazzjoni u l-kondizzjonijiet ta' servizz ikunu inqas favorevoli minn dawk li huma konnessi mal-hatra mal-Gvern li jkollu dak l-uffiċjal pubbliku fid-data li fiha kien assenjat għal dawk id-dmirijiet kif hawn qabel imsemmi, jew li jkunu ġew konnessi ma' dik il-hatra, tul il-perijodu msemmi, kieku dak l-uffiċjal ma jkunx ġie assenjat għal dmirijiet ma' l-Awtorità; u

(b) għandu jkun intitolat li s-servizz tiegħu ma' l-Awtorità jitqies bħala servizz mal-Gvern għall-finijiet ta' kull pensjoni, gratifikazzjoni, jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjoni lil Nisa Romol u Tfal Iltiema, u għal kull dritt jew privileġġ ieħor li għalih dak l-uffiċjal pubbliku jkun intitolat, u jkun responsabbli taht kull responsabbiltà li għaliha seta' kien responsabbli kieku ma kienx għall-fatt li hu assenjat għal dmirijiet ma' l-Awtorità.

(3) Meta ssir applikazzjoni kif hemm provdut fis-subartikolu (2) (a) (1), għandha tingħata l-istess konsiderazzjoni għaliha daqs li kieku l-applikant ma kienx assenjat għal dmirijiet ma' l-Awtorità.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jistgħu jiġu stabbiliti mill-Ministru responsabbli għall-finanzi fir-

Kap. 93.

Kap. 58.

rigward ta' l-ispiza ta' pensjonijiet u gratifikazzjonijiet maqlughin mill-uffiċjal assenjat għal dmirijiet ma' l-Awtorità kif hawn qabel imsemmi tul il-perijodu li fih dak l-uffiċjal kien hekk assenjat.

Offerta ta' impjieg permanenti ma' l-Awtorità lil uffiċjali pubbliċi assenjati għal dmirijiet ma' l-Awtorità.

23. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal assenjat għal dmirijiet ma' l-Awtorità taht xi wahda mid-dispożizzjonijiet ta' l-artikolu 21 impjieg permanenti ma' l-Awtorità b'rimunerazzjoni u b'pattijiet u kondizzjonijiet mhux inqas favorevoli minn dawk li jgawdi dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet inklużi f'kull offerta magħmula kif hawn qabel imsemmi m'għandhomx jitqiesu li jkunu inqas favorevoli biss għaliex ma jkunux f'kull rigward identiċi ma' jew superjuri għal dawk li jgawdi l-uffiċjal konċernat fid-data ta' dik l-offerta, jekk dawk il-pattijiet u kondizzjonijiet, meħudin b'mod ġenerali, fil-fehma tal-Prim Ministru joffru benefiċċji sostanzjali ekwivalenti jew akbar.

Kap. 93.
Kap. 58.

(3) Kull uffiċjal li jaċetta impjieg permanenti ma' l-Awtorità offrut lil dak l-uffiċjal, taht id-dispożizzjonijiet tas-subartikolu (1), għandu għal kull fini minbarra dawk ta' l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjoni lil Nisa Romol u Tfal Iltiema jitqies li jkun waqaf milli jkun fis-servizz mal-Gvern u li jkun dahal mas-servizz ta' l-Awtorità fid-data ta' dik l-aċsettazzjoni, u għall-finijiet ta' l-Ordinanza msemmija u ta' l-Att imsemmi, safejn huma applikabbli għal dak l-uffiċjal, servizz ma' l-Awtorità għandu jitqies li hu servizz mal-Gvern fl-ambitu tat-tifsiriet rispettivi tiegħu.

(4) Kull uffiċjal ta' din ix-xorta kif hawn imsemmi li, minnufih qabel l-aċsettazzjoni ta' impjieg permanenti ma' l-Awtorità kien intitolat għal benefiċċju taht l-Att dwar il-Pensjoni lil Nisa Romol u Tfal Iltiema, għandu jkompli jkun hekk intitolat biex jibbenefika tahtu għal kull fini daqs li kieku servizz ma' l-Awtorità kien servizz mal-Gvern.

(5) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jistgħu jiġu stabbiliti mill-Ministru responsabbli għall-finanzi fir-rigward ta' l-ispiza ta' pensjonijiet u gratifikazzjonijiet maqlughin mill-uffiċjal li jkun aċċetta impjieg permanenti ma' l-Awtorità kif hawn qabel imsemmi tul il-perijodu li jibda fid-data ta' dik l-aċsettazzjoni mill-uffiċjal.

(6) Għall-finijiet ta' dan l-artikolu:

(a) karigi u gradi ta' salarji ma' l-Awtorità għandhom ikunu klassifikati skond l-eqreb gradi u livelli inkrementali korrespondenti fis-servizz mal-Gvern b'referenza ma' deskrizzjoni ta' impjeg, hiliet, responsabbiltajiet u fatturi analogi oħrajn;

(b) il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir minn Bord magħmul minn *chairman* mahtur mill-Ministru responsabbli għall-finanzi u żewġ membri oħrajn, wiehed mahtur mill-Ministru ċentralment responsabbli minn affarijiet li jolqtu l-persunal fis-servizz pubbliku u wiehed mahtur mill-Awtorità. Il-klassifikazzjoni għandha tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi;

(ċ) din il-klassifikazzjoni għandha ssir fi żmien tliet xhur minn kull aġġustament fis-salarji ta' impjegati fis-servizz tal-Gvern u, jew ta' impjegati ta' l-Awtorità;

(d) ebda kariga m'għandha tkun klassifikata fi grad oghla minn dak ta' Grad 3 fis-servizz tal-Gvern jew fi grad iehor tali li l-Ministru responsabbli għall-finanzi jista', minn żmien għal żmien, jistabbilixxi b'avviz fil-Gazzetta;

(e) mingħajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, ebda persuna ma tista', wara klassifikazzjoni kif hawn qabel imsemmija, tkun intitolata għal drittijiet taht l-Ordinanza dwar il-Pensjonijiet li jkunu inqas favorevoli minn dawk li dik il-persuna kienet intitolata għalihom qabel dik il-klassifikazzjoni.

Trasferiment ta' funzjonijiet u assi ta' l-Awtorità.

24. (1) B'effett mid-data tad-dhul fis-seħh ta' dan l-artikolu, id-drittijiet, obbligi, funzjonijiet u assi kollha li qabel kienu jappartjenu lid-Direttur ta' l-Akkomodazzjoni Soċjali għandhom, bis-saħħa ta' dan l-Att, u bla ebda assikurazzjoni ulterjuri, jiġu trasferiti lil, u jkunu vestiti fl-Awtorità taht l-istess titolu u awtorità li bihom kienu vestiti fid-Direttur minnufih qabel dik il-ġurnata.

(2) Dak it-trasferiment għandu jkun estiż għat-totalità ta' dawn l-assi, drittijiet u obbligi u għandu jinkludi artijiet, xogħlijiet u proprjetà oħra, mobbli u

immobbli, setghat, privileggi u kawzi ta' azzjoni mizmumin jew li jitgawdew f'konnessjoni magghom jew li jappartjenu lilhom.

Interpretazzjoni ta' liġijiet eżistenti, kuntratti etc. 25. Bla hsara għad-dispożizzjonijiet ta' dan l-Att, il-liġijiet, regoli, regolamenti, ordnijiet, sentenzi, dokumenti, *warrants*, pattijiet u arrangamenti dwar xoghol ohrajn kollha li jkunu fis-sehh minnufih qabel id-data tad-dhul fis-sehh ta' dan l-artikolu, u li jolqtu kull haġa trasferita lill-Awtorità bis-sahha ta' dan l-Att għandu jkollhom kull effett u għandhom ikunu validi kontra jew favur l-Awtorità u għandhom ikunu jistgħu jiġu infurzati daqs li kieku, minflok il-Gvern, l-Awtorità kienet imsemmija fihom jew kellha sehem fihom, skond il-każ.

Dispożizzjonijiet transitorji. 26. (1) Meta xi haġa kienet inbdiet minn jew taht l-awtorità tal-Gvern qabel id-data tad-dhul fis-sehh ta' dan l-artikolu u dik il-haġa jkollha x'taqsam ma' xi haġa trasferita lill-Awtorità bis-sahha ta' dan l-Att, dik il-haġa tista' titkompla u tintemm minn jew taht l-awtorità ta' l-Awtorità.

(2) Meta fid-data tad-dhul fis-sehh ta' dan l-artikolu jkunu pendent xi proċeduri legali li l-Gvern ikollu sehem fihom jew ikun intitolat li jkollu sehem fihom u din il-proċedura tkun tirreferi għal xi haġa trasferita lill-Awtorità bis-sahha ta' dan l-Att, l-Awtorità għandha tiddahhal f'din il-proċedura minflok il-Gvern u għandha tkun intitolata li tiddahhal b'dan il-mod.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali u supplimentali kif jista' jkun mehtieg jew spedjenti bl-iskop li jiżgura u jagħti effett shih lit-trasferiment ta' kull impriza jew kull dritt, setgħa, responsabbiltà jew obbligu lill-Awtorità b'dan jew taht dan l-Att u jista' jagħmel dawk l-ordnijiet kif jista' jkun mehtieg biex setgħat u dmirijiet eżercitati mill-Gvern li għandhom x'jaqsmu ma' kull haġa trasferita lill-Awtorità bis-sahha ta' dan l-Att, tkun tista' tiġi eżercitata minn u f'isem l-Awtorità.”.

Emenda konsegwenzjali ta' l-Ordinanza dwar il-Kummissarju ta' l-Artijiet. Kap. 169.

19. L-artikolu 2 ta' l-Ordinanza dwar il-Kummissarju ta' l-Artijiet għandu jiġi emendat kif ġej:

(a) minflok il-kliem “Sottotitolu VI ta' Titolu VIII ta' Parti I tat-Tieni Ktieb, l-artikolu 590 (2), l-artikolu 627, l-artikolu 637 (3), l-artikolu 742 u l-artikolu 873 tal-Kodiċi ta' l-Organizzazzjoni u Proċedura Ċivili” għandhom jidhlu l-kliem “Sottotitolu VI u VII

ta' Titolu VIII ta' Parti I tat-Tieni Ktieb, l-artikolu 590 (2), l-artikolu 627, l-artikolu 637 u l-artikolu 873 tal-Kodiċi ta' l-Organizzazzjoni u Proċedura Ċivili"; u

(b) fit-tieni proviso li hemm miegħu, minflok il-kliem "skond il-każ." għandhom jidhlu l-kliem "skond il-każ:", u minnufih wara għandu jidhol dan il-*proviso* ġdid li ġej:

"Izda wkoll fir-rigward ta' dawk l-assi immobbli li minn żmien għal żmien jistgħu jkunu speċifikati f'ordni magħmul mill-President u publikat fil-Gazzetta skond l-artikolu 12 ta' l-Att dwar l-Awtorità tad-Djar, u kull assi immobbli akkwistati u amministrati skond il-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 4 ta' l-Att imsemmi, l-Awtorità tad-Djar stabbilita taht l-artikolu 3 ta' l-Att dwar l-Awtorità tad-Djar għandha teżercita d-drittijiet u r-responsabbiltajiet imsemmija f'dan l-artikolu, u d-dispożizzjonijiet ta' l-Att dwar Żgumbrament minn Artijiet għandhom għall-fini ta' kull art ta' din ix-xorta jinqraw u jkunu interpretati bhal li kieku kull referenza fihom għall-Kummissarju ta' l-Artijiet kienet referenza għaċ-*Chairman* ta' l-Awtorità tad-Djar, u d-dispożizzjonijiet ta' l-artikolu 181, tas-Sottotitoli VI u VII tat-Titolu VIII ta' Parti I tat-Tieni Ktieb, tas-subartikolu 2 ta' artikolu 590, ta' l-artikolu 627, ta' l-artikolu 637, u ta' l-artikolu 873 tal-Kodiċi ta' l-Organizzazzjoni u Proċedura Ċivili għandhom japplikaw, f'dak li għandu x'jaqsam ma' dawn l-assi immobbli, għall-Awtorità tad-Djar u għaċ-*Chairman* ta' l-Awtorità tad-Djar, skond il-każ."

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu li jiġbor f'entità waħda l-entitajiet governattivi kollha li għandhom x'jaqsmu ma' l-akkomodazzjoni soċjali u li jittrasferixxi ċerti setgħat relatati magħhom minghand il-Kummissarju ta' l-Artijiet lill-Awtorità tad-Djar.

**A BILL
entitled**

AN ACT to amend the Housing Authority Act, Cap. 261

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.
Cap. 261.

1. (1) The short title of this Act is the Housing Authority (Amendment) Act, 2007, and this Act shall be read and construed as one with the Housing Authority Act, hereinafter referred to as “the principal Act”.

(2) The provisions of this Act shall come into force on such date as the Minister responsible for social policy may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

Amendment
of article 2
of the principal
Act.

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

(a) immediately after the definition “Authority” there shall be inserted the following new definition:

“ “Board” means the Board established by article 6;”;

(b) in the definition “financial year” for the words “30th September” there shall be substituted the words “31st December”;

(c) immediately after the definition “operative date” there shall be inserted the following new definitions:

““public officer” shall have the same meaning assigned to it by article 124 of the Constitution;

“title”, in relation to article 12, means any title over immovable property so however called or described and includes any title mentioned in paragraphs (a), (b) and (c) of article 5 of the Land Acquisition (Public Purposes) Ordinance and any rights over the said property exercised in terms of the provisions of the said Ordinance;”.

Cap. 88.

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

(a) in sub-article (2) thereof, for the words “and shall be capable of entering into contracts, of acquiring, holding and disposing of any property for the purpose of its functions” there shall be inserted the words “and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any property or rights for the purpose of its functions”;

(b) immediately after sub-article (2) there shall be inserted the following new sub-article:

“(3) The Authority shall be composed of the Chairman appointed under article 5 (2) and the Board established under article 6.”.

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

(a) sub-article (2) thereof shall be deleted and substituted with the following:

“(2) Subject to the provisions of this Act and without prejudice to the generality of sub-article (1), the Authority may:

(a) acquire, hold, purchase, administer and in any manner dispose of, any property both movable and immovable:

Provided that in the disposal of Government owned non-residential property situated in government housing estates which is transferred to the Authority in

accordance with article 12, the Authority shall act in accordance with the provisions of the Disposal of Government Land Act which shall for the purposes of this proviso apply *mutatis mutandis* to the Authority;

(b) develop, or cause the development of, any land for residential and commercial purposes and for purposes connected therewith or ancillary thereto;

(c) construct, or cause the construction of, any property for residential and, or commercial purposes and for purposes connected therewith or ancillary thereto;

(d) provide, manage, administer and revise schemes related to housing;

(e) administer, maintain, upkeep, carry out structural repairs of residential and commercial accommodation and general repairs of common areas of properties owned or administered by it and related facilities and amenities;

(f) develop and embellish areas surrounding properties owned or administered by it, including public areas, gardens, recreational facilities and open spaces;

(g) carry out urban regeneration and landscaping;

(h) carry out evictions and other law enforcement related to property owned or administered by it;

(i) collect rent, ground rent or other annuities or arrears from all properties owned or administered by it;

(j) assume all the powers, rights and obligations vested in the Director of Social Housing emanating from the Housing Act or any other law;

(k) finance the acquisition and the development of any land, whether such acquisition or development is to be made by the Authority or by others, including individuals;

(l) make any form of investment which the Authority may deem proper or expedient;

(m) make such payments, whether by way of subsidy or otherwise which it may deem appropriate for any of the purposes aforesaid and for any other purpose related to its functions;

(n) act by agreement with the Government as agent for implementing, or in furtherance of, the policy of the Government with respect to housing, including any project or plan of the Government relating to housing;

(o) advise the Minister, on any matter relating to its functions or which the Minister may from time to time refer to the Authority for advice;

(p) generally do all such things as may be incidental or conducive to any of its functions or to the exercise of any of its powers.”;

(b) sub-article (3) thereof shall be amended as follows:

(i) paragraph (a) thereof shall be deleted and substituted with the following:

“(a) where the function or power involves the development of land by the erection or construction thereon, or the carrying out of any structural repairs or the maintenance of any buildings or other works, the Authority may carry out such functions directly or by means of a grant of contracts of works;”;

(ii) paragraph (b) thereof shall be deleted and paragraphs (c) and (d) thereof shall be renumbered as paragraphs (b) and (c) respectively;

(iii) in the new paragraph (b) as renumbered for the words “with the approval of the Prime Minister, and shall, if the Prime Minister so directs” there shall be substituted the words “with the approval of the Minister, and shall, if the Minister so directs”.

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

(a) sub-article (1) thereof shall be amended as follows:

(i) for the words “The affairs and business of the Authority shall be the responsibility of and shall be conducted

by the Authority itself; but, save as aforesaid and subject to the provisions of this Act and to any directions of the Authority” there shall be substituted the words “The affairs, business and the carrying out of the functions of the Authority shall be the responsibility of the Board; but subject to the provisions of this Act and to any directions of the said Board”;

(ii) for the word “servants” there shall be substituted the word “employees”;

(iii) for the words “delegated to him by the Authority” there shall be substituted the words “delegated to him by the Board”; and

(b) for sub-article (2) thereof, there shall be substituted the following:

“(2) The Chairman of the Authority shall be appointed by the Minister for such period as the Minister may deem appropriate. The Minister may also designate another member of the Board as deputy chairman, and the member so designated shall have all the powers and perform all the functions of the Chairman during his absence or inability to act as chairman, or while he is on vacation, or during any vacancy in the office of chairman; and the Minister may also, in any of the circumstances aforesaid, appoint another person to act as chairman and in such case the foregoing provisions shall apply in respect of such person.”.

Amendment
of article 6
of the principal
Act.

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

“Board of
Directors
of the
Housing
Authority

6. (1) There shall be a Board of Directors of the Housing Authority, which shall be composed of the Chairman and a minimum of six but not more than ten other voting members.

(2) The members of the Board shall be appointed, by the Minister, from among persons who appear to him to be qualified by reason of having had experience of, and shown capacity in, matters relating to housing or property development, banking, finance, architecture, design, social policy, management, organization of workers or employees, industry, trade or administration, and the Minister may also choose one or more members from among public officers.

(3) The Board shall be responsible for the formulation of policies to be pursued by the Authority in the carrying out of its functions. In determining policies the Board shall follow such guidelines as may be set out by Government. Such policies shall be in writing and shall be made public.

(4) The members of the Board shall receive, out of funds of the Authority, such remuneration as the Minister may, from time to time, determine.

(5) The provisions of the Criminal Code in respect of public officers or employees shall apply to the members of the Board and to all other officers and employees of the Authority. Cap. 9.

(6) A person shall be disqualified for appointment to, or from remaining a member of, the Authority if he:

(a) is a member of the House of Representatives, or of a Local Council, or a candidate for election to the House of Representatives or to a Local Council; or

(b) has such a financial or other interest in any enterprise or activity as is likely to affect prejudicially the discharge by him of his functions as a member of the Authority; or

(c) is legally incapacitated or interdicted; or

(d) has been adjudged bankrupt or has made a composition or arrangement with his creditors; or

(e) has been convicted of a crime affecting public trust or of theft or of fraud or of knowingly receiving property obtained by theft or fraud.

(7) Subject to the provisions of sub-article (8), the members of the Authority shall hold office for such period and on such terms and conditions as the Minister may deem appropriate; and a member shall, on ceasing to be a member, be eligible for reappointment.

(8) A member of the Authority may resign from office by letter addressed to the Minister; and if during his tenure of office there is a change in the person of the Minister, every such member shall tender his resignation to the new Minister.

(9) A member of the Authority may be removed from office by the Minister if, in his opinion, such member is unfit to continue in office; or has become incapable of, or is not, properly performing his duties as a member; or in the event of any of the circumstances which disqualify such person from remaining a member of the Authority.

(10) The appointment and termination of office of any person as member of the Authority shall be notified in the Gazette.

(11) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge; such disclosure shall then be recorded in the minutes of the meeting of the Board, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed or decided on by the Board. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.”.

Amendment
of article 7
of the principal
Act.

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

(a) for the marginal note thereto, there shall be substituted the words “Provisions with respect to meetings of the Board.”;

(b) in sub-article (1) thereof, for the words “The meetings of the Authority” there shall be substituted the words “The Board shall meet as often as necessary or expedient, but in no case less frequently than once a month. The meetings of the Board”, and for the words “by at least two members of the Authority” there shall

be substituted the words “by a majority of the members of the Board”;

(c) for the word “Authority” wherever this occurs there shall be substituted the word “Board”;

(d) in sub-article (4) for the words “shall be invalidated by reason of” there shall be substituted the words “shall be invalidated merely by reason of” and for the words “the provisions of article 6 (6)” there shall be substituted the words “the provisions of article 6 (11)”;

(e) immediately after sub-article (5) there shall be inserted the following new sub-article (6):

“(6) Minutes of the proceedings of the Board and of any committee thereof shall be kept. For this purpose and for the keeping of the relevant records, the Minister shall designate a person to act as secretary to the Board for such period and on such terms as the Minister may deem appropriate. The secretary to the Board shall not have a vote.”.

8. The proviso to sub-article (1) of article 8 of the principal Act shall be deleted and substituted with the following:

Amendment
of article 8
of the principal
Act.

“Provided that the Board may designate any one or more of the other members of the Board, or of the officers or employees of the Authority, to appear in the name and on behalf of the Authority in any judicial proceedings and to sign for and on its behalf any other act, contract, instrument or other document whatsoever.”.

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

Amendment
of article 9
of the principal
Act.

(a) in sub-article (1) thereto for the words “its affairs accordingly:” there shall be substituted the words “its affairs accordingly.” and the proviso thereto shall be deleted;

(b) sub-article (2) thereof shall be deleted and substituted with the following:

“(2) The Minister shall, from time to time, establish committees as necessary to assist the Chairman in the discharge of his duties.”; and

(c) in sub-article (3) thereof, for the words “of the Authority” there shall be substituted the words “of the Board and any committees”.

Amendment
of article 10
of the principal
Act.

10. In article 10 of the principal Act, for the word “servants” wherever it occurs there shall be substituted the word “employees”.

Amendment
of article 12
of the principal
Act.

11. In article 12 of the principal Act, for the words “and published in the Gazette” there shall be substituted the words “and published by legal notice”, and for the words “before such day.” there shall be substituted the words “before such day:”, and immediately thereafter there shall be inserted the following proviso:

“Provided that any such order may also provide for the transfer of the administration or other rights pertaining to Government in relation to such immovable assets.”.

Amendment
of article 13
of the principal
Act.

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

(a) in sub-article (4) thereof, for the words “by the Authority, be sent forthwith by the Authority to the Minister” there shall be substituted the words “by the Board, be sent forthwith by the Board to the Minister”; and

(b) in sub-article (5) thereof, for the words “from the Authority” there shall be substituted the words “from the Board”.

Amendment
of article 14
of the principal
Act.

13. In paragraph (d) of sub-article (2) of article 14 of the principal Act, for the words “the Authority may adopt” there shall be substituted the words “the Board may adopt”.

Amendment
of article 16
of the principal
Act.

14. Article 16 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof, for the words “by the Authority” there shall substituted the words “by the Board”; and

(b) in sub-article (3) thereof, for the words “the Authority shall” there shall be substituted the words “the Board shall”.

Amendment
of article 17
of the principal
Act.

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

(a) in sub-article (1) thereof, for the words “by a resolution of the Authority.” there shall be substituted the words “by a resolution of the Board.”, and for the words “except such sum as the Authority may” there shall be substituted the words “except such sum as the Board may”;

(b) in sub-article (2) thereof, for the words “not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint” there shall be substituted the words “not exceeding a sum fixed by the Board, shall be made by such officer or officers of the Authority as the Board shall appoint”; and

(c) in sub-article (3) thereof, for the words “or designated by the Authority for that purpose and shall be countersigned by the Chairman or such other member or officer of the Authority as may be authorized by the Authority for that purpose” there shall be substituted the words “or designated by the Board for that purpose and shall be countersigned by the Chairman or such other member of the Board as may be authorized by the Board for that purpose”.

16. In article 18 of the principal Act for the words “under article 9 (1),” there shall be substituted the words “under article 9,”.

Amendment of article 18 of the principal Act.

17. In paragraph (c) (iii) of sub-article (1) of article 20 of the principal Act for the word “servant” wherever it occurs there shall be substituted the word “employee”.

Amendment of article 20 of the principal Act.

18. Immediately after article 20 of the principal Act, there shall be inserted the following new articles 21 to 26:

Addition of new articles 21 to 26 to the principal Act.

“Detailing of public officers for duty with the Authority.”

21. (1) The Prime Minister may, at the request of the Authority made with the concurrence of the Minister, from time to time, direct that any public officer be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different period is specified in the direction, end on the happening of the following events:

(a) the acceptance by such officer of an offer of permanent employment with the Authority made in accordance with the provisions of article 23; or

(b) the revocation by the Prime Minister of any direction made by him under this article in relation to such officers.

Status of public officers detailed for duty with the Authority.

22. (1) Where any officer is detailed for duty with the Authority by any direction under any of the provisions of article 21, such officer shall, during the time in which such direction has effect in relation to him be under the administrative direction and control of the Authority but shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid:

(a) shall not during the time while such officer is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by that public officer at a date on which he was detailed for duty; or

(ii) be so employed that the remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by that public officer at the date he was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

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(b) shall be entitled to have his service with the Authority considered as service with the Government for the purpose of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pension Act, and of any other right or privilege to which that public officer would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

(3) Where an application is made as provided in sub-article (2) (a) (1), the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which such officer is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

23. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 21 permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered that officer, under the provisions of sub-article (1), shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of such acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if service with the Authority, were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during

the period commencing on the date of such officer's acceptance.

(6) For the purposes of this article:

(a) posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government by reference to job description, skills, responsibilities and other analogous factors;

(b) the classification referred to in paragraph (a) shall be carried out by a board composed of a chairman appointed by the Minister responsible for finance and two other members, one appointed by the Minister responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance;

(c) such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Authority;

(d) no post shall be classified in a grade higher than that of Grade 3 in the service of the Government or such other grade as the Minister responsible for finance may, from time to time, determine by notice in the Gazette;

(e) without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which that person would have been entitled prior to such classification.

Transfer of functions and assets to the Authority.

24. (1) With effect from the date of entry into force of this article, all rights, obligations, functions and assets previously pertaining to the Director of Social Housing shall, by virtue of this Act, and without further assurance, be transferred to, and shall vest in the Authority under the same title and authority by which they were held by the Director immediately before that day.

(2) Such transfer shall extend to the whole of such assets, rights, and obligations and shall include all land, works

and other property, movable and immovable, powers, privileges and causes of action held or enjoyed in connection therewith or appertaining thereto.

Construction of existing laws, contracts etc.

25. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgments, documents, warrants, agreements and other working arrangements subsisting immediately before the date of entry into force of this article, affecting anything transferred to the Authority by virtue of this Act shall have full force and shall be valid against or in favour of the Authority and shall be enforceable as if, instead of the Government, the Authority had been named therein or had been a party thereto, as the case may be.

Transitory provisions.

26. (1) Where anything has been commenced by or under the authority of the Government prior to the date of entry into force of this article and such thing is in relation to anything transferred to the Authority by virtue of this Act, such thing may be carried on and completed by or under the authority of the Authority.

(2) Where on the date of entry into force of this article any legal proceeding is pending to which the Government is a party or is entitled to be a party and such proceeding has reference to anything transferred to the Authority by virtue of this Act, the Authority shall be substituted in such proceeding for the Government and shall be entitled to be so substituted.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of securing and giving full effect to the transfer of any undertaking or any right, power, liability or obligation to the Authority by or under this Act and may make such orders as may be necessary to make any powers and duties exercised by the Government, in relation to anything transferred to the Authority by virtue of this Act, exercisable by and on behalf of the Authority.”.

19. Article 2 of the Commissioner of Land Ordinance shall be amended as follows:

Consequential amendment of the Commissioner of Land Ordinance. Cap. 169.

(a) for the words “Subtitle VI of Title VIII of Part I of Book Second, article 590 (2), article 627, article 637 (3), article 742 and article 873 of the Code of Organization and Civil Procedure” there shall be substituted the words “Subtitle VI and

VII of Title VIII of Part I of Book Second, article 590 (2), article 627, article 637 and article 873 of the Code of Organization and Civil Procedure”; and

(b) in the second proviso thereto, for the words “as the case may be.” there shall be substituted the words “as the case may be:”, and immediately thereafter there shall be inserted the following new proviso:

“Provided further that in respect of such immovable assets that may from time to time be specified in an order made by the President and published in the Gazette in terms of article 12 of the Housing Authority Act, and any other immovable assets acquired and administered in terms of paragraph (a) of sub-article (2) of article 4 of the said Act, the Housing Authority established under article 3 of the Housing Authority Act shall exercise the rights and responsibilities referred to in this article, and the provisions of the Land (Compulsory Eviction) Act shall for the purpose of any such land be read and construed as if any reference therein to the Commissioner of Land were a reference to the Chairman of the Housing Authority, and the provisions of article 181, of Subtitles VI and VII of Title VIII of Part I of Book Second, of sub-article 2 of article 590, of article 627, of article 637, and of article 873 of the Code of Organization and Civil Procedure shall apply, in relation to such immovable assets, to the Housing Authority and the Chairman of the Housing Authority, as the case may be.”.

Objects and Reasons

The object of this Bill is to amalgamate all government entities related to social housing into one entity and to transfer certain related powers from the Commissioner of Land to the Housing Authority.