

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar Kunsilli Lokali, Kap. 363.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2009 li jemenda l-Att dwar Kunsilli Lokali, u dan l-Att għandu jinqara u jinftiehem haġa waħda ma' l-Att dwar Kunsilli Lokali, hawn iżjed 'il quddiem imsejjaġ "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

Kap. 363.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-Kunsilli Lokali jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. It-Taqsim tal-Att għandu jiġi emendat kif ġej:

Emenda tat-
Taqsim tal-Att.

(a) minflok il-kliem "IT-TMIEN SKEDA Organizzazzjonijiet mhux tal-Gvern approvati" għandhom jidhlu l-kliem "IT-TMIEN SKEDA Allokazzjoni finanzjarja lill-Kunsilli";

(b) minflok il-kliem "ID-DISA' SKEDA Rhula żgħar elenkati skond l-artikolu 47A u pjanti tal-konfini" għandhom jidhlu l-kliem "ID-DISA' SKEDA Komunitajiet"; u

(ċ) minflok il-kliem "L-GHAXAR SKEDA

Allokazzjoni Finanzjarja lil Kunsilli" għandhom jidhlu l-kliem "L-GHAXAR SKEDA Skeda tal-Elezzjonijiet tal-Kunsilli Lokali".

Emenda tal-artikolu 2 tal-Att prinċipali.

3. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira "karta ta' l-identità" għandha tidhol it-tifsira ġdida li ġejja:

" "komunità" tfisser kull raġal kif elenkat fid-Disa' Skeda;" u

(b) minflok it-tifsira "sena finanzjarja" għandha tidhol it-tifsira ġdida li ġejja:

" "sena finanzjarja" tfisser perjodu ta' tmax-il xhar li jibda fl-ewwel ta' Jannar u jispiċċa fl-aħħar ta' Diċembru;"

Emenda tal-artikolu 3 tal-Att prinċipali.

4. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara l-paragrafu (ċ) tas-subartikolu (2) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(d) Kunsill Lokali jista' jagħmel *public private partnerships* kemm mas-settur privat kif ukoll ma' għaqdiet mhux governattivi wara li jkun hemm l-approvazzjoni tad-Dipartiment għall-Gvern Lokali li għandu jagħti l-approvazzjoni biss jekk ikun sodisfatt li tali *partnerships* ikunu ta' benefiċċju għar-residenti tal-lokalità, u wara li jkun kiseb l-approvazzjoni tal-Ministru responsabbli għall-Finanzi u tal-Ministru responsabbli għall-Gvern Lokali.";

(b) minnufih wara s-subartikolu (2) tiegħu għandu jidhol is-subartikolu ġdid li ġej:

"(2A) Il-Ministru għandu, wara konsultazzjoni mal-Assoċjazzjoni tal-Kunsilli Lokali, ifassal politika bil-miktub dwar il-Gvern Lokali. L-ebda deċiżjoni magħmula minn xi Kunsill Lokali ma għandha tmur kontra dik il-politika stabbilita." u

(ċ) minnufih wara s-subartikolu (5) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(6) Kunsilli Lokali li jkun qed jipproponi li jiffinanzja proġett b'self, li jkun ser jichu aktar minn tmien

snin biex jithallas lura, għandu jissottometti l-proposta tiegħu għall-approvazzjoni tar-residenti tiegħu b'referendum."

- 5.** Fis-subartikolu (3) tal-artikolu 4 tal-Att prinċipali, il-kliem "fost il-Kunsillieri" għandhom jitassru. Emenda tal-artikolu 4 tal-Att prinċipali.
- 6.** Is-subartikolu (1) ta' l-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 8 tal-Att prinċipali.
- (a) minflok il-kliem "tliet snin" għandhom jidhlu l-kliem "erba' snin"; u
- (b) minflok il-kliem "wiehed trasferibbli." għandhom jidhlu l-kliem "wiehed trasferibbli:" u minnufih wara għandu jidhol dan li ġej:
- "Izda l-elezzjonijiet għall-kunsillieri għas-snin 2009 sa 2021, it-tnejn inkluzi, għandhom isiru kif indikat fl-Għaxar Skeda:
- Izda wkoll il-Prim Ministru jista' jipposponi l-elezzjoni ta' grupp ta' Kunsilli Lokali sa mhux aktar tard minn perjodu ta' sena meta f'dak il-perjodu tkun ser tinzamm elezzjoni għall-Membri tal-Parlament Ewropew jew Elezzjoni Ġenerali u dan biss biex l-elezzjoni tal-Kunsilli Lokali tinzamm fl-istess ġurnata mal-elezzjoni tal-Parlament Ewropew jew l-Elezzjoni Ġenerali."
- 7.** L-artikolu 9 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 9 tal-Att prinċipali.
- (a) minflok il-kliem "sitt ijiem" għandhom jidhlu l-kliem "jumejn tax-xogħol"; u
- (b) it-tieni proviso tiegħu għandu jithassar.
- 8.** Fl-artikolu 11 tal-Att prinċipali, minflok il-kelma "bżala" għandha tidhol il-kelma "bħala". Emenda tal-artikolu 11 tal-Att prinċipali.
- 9.** Fil-paragrafu (d) tal-artikolu 12 tal-Att prinċipali, minnufih wara l-kliem "jsiru l-elezzjonijiet" għandhom jidhlu l-kliem "jew Segretarju Eżekuttiv f'xi wiehed mill-Kunsilli Lokali". Emenda tal-artikolu 12 tal-Att prinċipali.
- 10.** L-artikolu 15 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 15 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu minflok il-kliem "ta' mija u sittax-il euro u sebgha u erbgħin ċenteżmu (116.47)" għandhom jidhlu l-kliem "ta' mitejn euro (200)"; u

(b) fil-proviso mas-subartikolu (1) tiegħu, minflok il-kliem "elfejn u tliet mija u disgħa u ghoxrin euro u sebgħa u tletin ċenteżmu (2,329,37)" għandhom jidhlu l-kliem "elfejn euro (2,000)".

Emenda tal-artikolu 18 tal-Att prinċipali.

11. Fl-artikolu 18 tal-Att prinċipali, minflok il-kliem "għal sitt laqgħat" għandhom jidhlu l-kliem "għal erba' laqgħat".

Emenda tal-artikolu 19 tal-Att prinċipali.

12. Fis-subartikolu (3) tal-artikolu 19 tal-Att prinċipali, minflok il-kliem "elfejn u tliet mija u disgħa u ghoxrin euro u sebgħa u tletin ċenteżmu (2,329.37)" għandhom jidhlu l-kliem "elfejn u ħames mitt euro (2,500)".

Emenda tal-artikolu 20 tal-Att prinċipali.

13. L-artikolu 20 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "sitt mija u tmienja u disgħin euro u wieħed u tmenin ċenteżmu (698.81)" għandhom jidhlu l-kliem "seba' mitt euro (700)";

(b) fil-proviso mas-subartikolu (3) tiegħu minflok il-kliem "sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6,988.12)" għandhom jidhlu l-kliem "sebat elef euro (7000)"; u

(ċ) fil-paragrafu (ċ) tas-subartikolu (4) tiegħu, minflok il-kliem "ulied l-ulied" għandha tidhol il-kelma "kuġini".

Emenda tal-artikolu 23 tal-Att prinċipali.

14. L-artikolu 23 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-proviso tas-subartikolu (1) tiegħu, minflok il-kelma "tliet" għandha tidhol il-kelma "sitt";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "jista' jahtar" għandhom jidhlu l-kliem "għandu jahtar"; u

(ċ) fil-proviso tas-subartikolu (2) tiegħu, minflok il-kliem "jekk Kumitat ta' Tmexxija ma jkunx hekk maħtur" għandhom jidhlu l-kliem "sakemm jinħatar Kumitat ta' Tmexxija".

Emenda tal-artikolu 24 tal-Att prinċipali.

15. L-artikolu 24 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "xi Kummissarju għall-Ġustizzja li jkollu" għandhom jidhlu l-kliem "Kummissarju għall-Ġustizzja li jkollu"; u

(b) minflok is-subartikolu (3) tiegħu, għandhom jidhlu is-subartikoli li ġejjin:

"(3) Ksur tal-Kodiċi ta' Etika għall-Kunsilliera jista' jwassal lil dak il-Kunsillier sabiex il-każ tiegħu jiġi quddiem Bord li għandu jitwaqqaf mill-Ministru biex jittratta każijiet ta' ksur ta' etika. Il-Bord għandu jiġi kostitwit u jitmexxa skond regolamenti li jsiru mill-Ministru.

(4) Is-Sindku, is-Segretarju Eżekuttiv jew xi membru tal-Kunsill għandu jirraporta lid-Dipartiment għall-Gvern Lokali kull ksur tal-Kodiċi ta' Etika li jkun sar minn xi kunsillier. Wara li tali rapporti jkunu verifikati u wara li jkun sar ksur persistenti tal-Kodiċi ta' Etika, għandu jingħata avviż formali mill-Ministru, liema avviż formali jista' jiġi publikat."

16. L-artikolu 25 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 25 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "sakemm xi hadd jiehu l-kariga ta' Sindku." għandhom jidhlu il-kliem "sakemm xi hadd jiehu l-kariga ta' Sindku:", u minnufih wara għandu jidhol dan li ġej:

"Izda f'każ illi s-Sindku jispiċċa mill-kariga matul it-terminu tal-Kunsill, il-post ta' Sindku għandu jimtela' minn dik il-persuna tal-istess partit li tkun ġabet l-akbar ammont ta' voti wara s-Sindku li jkun qed jispiċċa mill-kariga:

Izda f'każ li l-liġi ma tkunx tipprovdì xort'ohra, is-Sindku jintgħażel minn fost il-Kunsillieri.";

(b) minnufih wara subartikolu (1) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(1A) F'każ illi żewġ persuni li jkunu ġew eletti t-tnejn fl-ewwel għadd iġibu l-istess ammont ta' voti fost il-Kunsillieri ta' dak il-partit li jkollu l-maġġoranza ta' Kunsillieri, għandha tinhatar bħala Sindku dik il-persuna li jkollha l-aktar esperjenza bħala kunsillier u li għalhekk tkun ilha sservi għall-akbar numru ta' snin fost it-tnejn fil-Kunsill:

Izda fil-każ li żewġ Kunsillieri jkollhom l-istess ammont ta' servizz fil-kariga, il-kariga ta' Sindku għandha

timtela mill-Kunsillier l-aktar anzjan fl-età:

Iżda wkoll f'każ li jgħibu l-istess ammont ta' voti iżda ma jkunux eletti fl-ewwel għadd jiġi mahtur bhala Sindku dak li jiġi eletti l-ewwel.";

(ċ) id-disposizzjoni li hemm fis-subartikolu (2) tiegħu għandha tiġi enumerat mill-ġdid bhala l-paragrafu (a) tiegħu u minnufih wara għandu jidhol il-paragrafu ġdid li ġej:

"(b) Fil-każ li l-post ta' Viċi Sindku jiġi vakat, għandu jiġi mahtur bhala Viċi Sindku dak il-Kunsillier tal-partit li jkollu l-maġġoranza assoluta ta' Kunsillieri fil-Kunsill Lokali li jkun ġab l-akbar ammont ta' voti (l-ewwel preferenza) wara dak il-Kunsillier li kien qed jokkupa l-kariga ta' Viċi Sindku.";

(d) fis-subartikolu (4) tiegħu minflok il-kliem "minn jumejn tax-xogħol" għandhom jidhlu l-kliem "minn erbat ijiem tax-xogħol"; u

(e) minnufih wara s-subartikolu (4) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(5) Sa mhux aktar tard mit-tielet laqgħa wara l-elezzjoni tal-Kunsill, kull Kunsillier għandu jiġi assenjat qasam speċifiku li huwa għandu jsegwi u jirraporta dwaru fil-Kunsill Lokali. Dak il-Kunsillier jista' wkoll jiffirma kumitat, li huwa għandu jippresjedi, sabiex jaħdem f'dak il-qasam. F'dak il-każ il-membri ta' dak il-kumitat għandhom jiġu approvati mill-Kunsill qabel ma dawk il-membri jibdew bil-ħidma tagħhom. Dan il-punt għandu jidhol fl-ordni tax-xogħol għal-laqgħat kif speċifikat hawn aktar qabel.".

Sostituzzjoni
tal-artikolu 29A
tal-Att
prinċipali.

17. L-artikolu 29A tal-Att prinċipali għandu jiġi sostitwit bl-

artikolu li ġej:

"Kif tissejjah
laqgħa ta' urġenza.

29A. Is-Sindku, jew mill-inqas terz tal-Kunsillieri, ikollhom d-dritt li jitolbu li tissejjah laqgħa b'urġenza. Il-laqgħa b'urġenza għandha titratta biss il-materja urġenti li għaliha tkun issejthet u xejn iżjed. Il-laqgħa sussegwenti xorta għandha tinzamm fl-istess ġurnata li tkun ġiet iffissata fl-aħħar laqgħa regolari. Is-Segretarju Eżekuttiv ikun obligat li jsejjah il-laqgħa b'urġenza sa mhux aktar tard minn għaxart ijiem minn meta ssir it-talba."

18. L-artikolu 32 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni
tal-artikolu 32
tal-Att
prinċipali.

"Tizdied
allowance lill-
Kunsillieri.

32. (1) Il-Kunsill għandu jhallas onorarju lis-Sindku tal-lokalità tiegħu skond kif ġej:

(a) fl-lokalitajiet taht hamest elef resident (hames Kunsillieri), terz tal-onorarju ta' membru parlamentari;

(b) fil-lokalitajiet b'inqas minn hmistax-il elf resident (b'seba' jew disa' Kunsillieri), nofs tal-onorarju ta' membru parlamentari;

(ċ) fil-lokalitajiet kollha fejn hemm aktar minn hmistax-il elf resident (b'aktar minn disa' Kunsillieri) l-onorarju għandu jkun ta' żewġ terzi tal-onorarju ta' membru parlamentari:

Kap. 318.

Iżda dak l-onorarju ma għandux ikun meqjus bħala dhul għall-finijiet tal-Att dwar is-Sigurtà Soċjali.

(2) Il-Ministru jista', permezz ta' regolamenti, jistabbilixxi l-*allowance* li l-Kunsilli jstgħu jhallsu lill-Kunsillieri, liema *allowance* għandha tkun proporzjonat man-numru tal-laqgħat li Kunsillier ikun attenda f'xi sena kalendarja:

Kap. 318.

Iżda dik l-*allowance* ma għandhiex tkun meqjusa bħala dhul għall-finijiet tal-Att dwar is-Sigurtà Soċjali:

Iżda wkoll ma jista' jsir l-ebda pagament mill-Kunsill għal rimborż ta' spejjeż magħmula.

(3) Kull Kunsillier għandu għas-spejjeż tiegħu ikun obligat li jkollu servizz ta' *e-mail* fir-residenza tiegħu. Kull korrispondenza, minuti u dokumenti għandhom jintbghatu lill-Kunsillieri permezz tal-*e-mail* u għall-finijiet ta' notifika jitqiesu bħala notifika valida.

(4) Kunsillier impjegat mas-settur pubbliku għandu d-dritt li jattendi laqgħat uffiċjali tal-Kunsill waqt il-hin tax-xogħol mingħajr ma' jitlef mill-*leave* tiegħu."

Emenda tal-artikolu 33 tal-Att prinċipali.

19. L-artikolu 33 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-paragrafi (m), (n) u (o) għandhom jiġi enumerati mill-ġdid bħala l-paragrafi (v), (w) u (x) rispettivament, u minnufih wara l-paragrafu (l) għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(m) fil-kuntest ta' pjan nazzjonali ta' azzjoni, il-Kunsilli għandhom jippromwovu inizzjattivi ta' politika soċjali fil-lokalità tagħhom. Il-Kunsill għandu jaħdem ma' persuni bi bżonnijiet speċjali, ma' tfal u żgħażaġh bi problemi ta' litteriżmu, ma' anzjani, fil-kura fil-komunità kif ukoll hidma b'inizzjattivi fil-qasam tal-kura preventiva;

(n) iħarsu l-identità lokali u għalhekk jieħdu dawk l-inizzjattivi neċessarji sabiex iħarsu l-wirt storiku u kulturali tal-lokal, it-tradizzjonijiet u l-folklor;

(o) fil-qafas ta' regolamenti li jsiru mill-Ministru, jagħtu għajjnuna lill-artisti, mużiċisti u sportivi mill-lokal tagħhom sabiex dawn ikunu jistgħu jiżviluppaw it-talenti tagħhom;

(p) jorganizzaw attivitajiet kulturali li jippromwovu l-lokalità b'kull mod;

(q) jħarsu l-ambjent naturali u urban tal-lokalità u jieħdu l-passi kollha neċessarji sabiex jassiguraw użu aktar effiċjenti tal-enerġija, immanigġar tajjeb tal-iskart u inizzjattivi għat-tharis tal-klima;

(r) bi ftehim mal-awtoritajiet edukattivi jagħmlu l-aħjar użu tal-faċilitajiet li jeżistu fl-iskejjel fil-lokalità wara l-ħin normali tal-iskola, bħal faċilitajiet sportivi, swali tal-iskejjel u laboratorji tal-informatika, kif ukoll tal-użu ta' faċilitajiet pubbliċi oħra fil-lokal;

(s) jorganizzaw attivitajiet sportivi għar-residenti ta' kull età, jaħdmu mill-qrib mal-għaqdiet sportivi tal-lokal, jipprovdu faċilitajiet sportivi tajbin u jorganizzaw attivitajiet sportivi li normalment ma jsirux mill-għaqdiet sportivi tal-lokal;

(t) jaraw li jhaddmu l-kunċett ta' *life-long learning* mar-residenti kollha, speċjalment dawk adulti u anzjani, billi joffru servizzi għal dan il-għan fil-lokalità stess;

(u) jieħdu ħsieb u jipprovdu servizz ta' libreriya fil-lokalità;"

(b) fil-paragrafu (j) tas-subartikolu (1) tiegħu, minflok il-kelma "*crèches*" għandhom jidhlu l-kliem "Ċentri għall-Kura tat-Tfal";

(ċ) fil-pargarfu (k) tas-subartikolu (1) tiegħu, minflok il-kliem "djar għall-anzjani" għandhom jidhlu l-kliem "Djar għall-Anzjani, Ċentri ta' Matul il-Jum għall-Anzjan u Ċentri ta' matul il-Lejl."; u

(d) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(3) (a) Jistgħu jiġu mizjuda diversi funzjonijiet godda lill-Kunsilli Lokali. Kull funzjoni tiġi devoluta meta l-Gvern Ċentrali jkun konvint li l-Kunsilli Lokali huma preparati biex jieħdu din ir-responsabilità.

(b) Fil-każ ta' devoluzzjoni ta' funzjonijiet godda dawn il-funzjonijiet l-ewwel jiġu mgħoddija lil numru żgħir ta' Kunsilli Lokali, jekk jista' jkun ta' daqsijiet differenti, sabiex isservi bħala prova."

20. Fis-subartikolu (1) tal-artikolu 35 tal-Att prinċipali, minflok il-kliem "darbtejn fil-gazzetti kollha ta' kuljum" għandhom jidhlu l-kliem "darbtejn f'gazzetta waħda ta' kuljum", u l-kliem "u din għandha għall-anqas għal darba siegħa kuljum waqt il-ħinijiet tal-uffiċċju tkun" għandhom jithassru.

Emenda tal-artikolu 35 tal-Att prinċipali.

Emenda tal-artikolu 36 tal-Att prinċipali.

21. Fis-subartikolu (1) tal-artikolu 36 tal-Att prinċipali, minflok il-kliem "disgħa u sittin euro u tmienja u tmenin ċenteżmu (69.88)" għandhom jidhlu l-kliem "segħin euro (70)", minflok il-kliem "ħdax-il euro u ħamsa u sittin ċenteżmu (11.65)" għandhom jidhlu l-kliem "ħmistax-il euro (15)", minflok il-kliem "elfejn u tliet mija u disgħa u għoxrin euro u sebgha u tletin ċenteżmu (2,329.37)" għandhom jidhlu l-kliem "elfejn euro (2000)", u minflok il-kliem "ħames mija u tnejn u tmenin euro u erbgħa u tletin ċenteżmu (582.34)" għandhom jidhlu l-kliem "ħames mitt euro (500)".

Emenda tal-artikolu 37 tal-Att prinċipali.

22. L-artikolu 37 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "jistgħu jiffirmaw u jkunu parti minn" għandhom jidhlu l-kliem "għandhom jiffirmaw parti mill-"; u

(b) minnufih wara subartikolu (3) tiegħu, għandu jiżdied is-subartikolu ġdid li ġej:

"(4) Il-Ministru jista' minn żmien għal żmien jiddetermina permezz ta' regolamenti n-numru ta' reġjuni li għandhom jiġu stabbiliti u kull Kunsill għandu jiffirma parti minn reġjun, liema allokazżjoni ta' Kunsill f'reġjun għandha ssir mill-Ministru wara li jkun ikkonsulta mal-Assoċjazzjoni tal-Kunsili Lokali fuq bażi ġeografika, ta' popolazzjoni u numru ta' Kunsilli Lokali."

Emenda tal-artikolu 39 tal-Att prinċipali.

23. Fit-tielet proviso ma' l-artikolu 39 tal-Att prinċipali, minflok il-kliem "mitejn u tnejn u tletin euro u erbgħa u disgħin ċenteżmu (232.94)" għandhom jidhlu l-kliem "mitejn u ħamsin euro (250)".

Emenda tal-artikolu 40 tal-Att prinċipali.

24. Fis-subartikolu (1) tal-artikolu 40 tal-Att prinċipali, minnufih wara l-kliem "għall-offerti" għandhom jidhlu l-kliem "jew għall-kwotazzjonijiet", u minflok il-kliem "avviż f'gazzetta." għandhom jidhlu l-kliem "avviż fil-Gazzetta u f'gazzetta wahda ta' kull jum. Ir-regolamenti dwar il-pubblikazzjoni tal-offerti u kwotazzjonijiet għandhom isiru mid-Direttur u jiġu kkomunikati lill-Kunsilli Lokali."

Żjieda ta' artikolu ġdid ma' l-Att prinċipali.

25. Minnufih wara l-artikolu 40 tal-Att prinċipali għandu

jiżdied l-artikolu ġdid li ġej:

"Proġetti ko-finanzjati mill-Unjoni Ewropea.

41. F'każ ta' proġetti ko-finanzjati mill-Unjoni Ewropea, il-proċeduri tal-offerti għandhom ikunu skont ir-regoli tal-Unjoni Ewropea u dawn għandhom ikunu regolati mid-Dipartiment tal-Kuntratti."

26. L-artikolu 43 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 43 tal-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "mill-inqas darba fix-xahar" għandhom jidhlu l-kliem "sakemm dan il-perjodu ma jaqbiżx l-erba' ġimgħat konsekuttivi", minflok il-kliem "s-Sindku" għandhom jidhlu l-kliem "l-Kunsill", u l-kliem minn "Il-laqgħat tal-Kunsill" sal-kliem "jkunu fil-kariga,"iż-żewġ espressionijiet inklużi, għandhom jithassru; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(3) Jekk mhux stabbilit mod ieħor permezz ta' deċiżjoni unanima tal-Kunsillieri, il-laqgħat tal-Kunsilli Lokali għandhom jibdew mhux qabel il-5.30 p.m. u mhux aktar tard mis-7.30 p.m. u qatt ma għandhom jaqbiżu t-tlett siegħat."

27. Minnufih wara l-paragrafu (ċ) tal-artikolu 45 tal-Att prinċipali, għandu jiżdied il-paragrafu ġdid li ġej:

Emenda tal-artikolu 45 tal-Att prinċipali.

"(d) l-aġenda tal-laqgħa trid tasal għand il-Kunsillieri mill-anqas ħames granet tax-xogħol qabel il-laqgħa."

28. Fl-artikolu 46 tal-Att prinċipali, il-kliem "sa fejn ikun prattikabbli" għandhom jithassru.

Emenda tal-artikolu 46 tal-Att prinċipali.

29. L-artikolu 47 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 47 tal-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "mhux iktar minn erba' persuni" għandhom jidhlu l-kliem "mhux anqas minn tlett persuni u mhux aktar minn tmien persuni"; u

(b) is-subartikolu (6) tiegħu għandu jithassar.

30. Minflok l-artikolu 47A tal-Att prinċipali għandu jidhol dan li ġejj:

"Komunitajiet.

47A. (1) Il-komunitajiet għandhom ikunu dawk li jinsabu elenkati fid-Disa' Skeda, liema Skeda għandha tistabilixxi ukoll il-konfini ta' kull komunità u t-toroq li jinsabu fihom.

(2) Il-Ministru jista' jżid jew inaqqas mill-lista ta' komunitajiet elenkati fid-Disa' Skeda skont il-proċeduri stabbiliti fis-subartikoli (3) u (4).

(3) Il-Ministru jista' minn żmien għal żmien wara konsultazzjoni mal-Kunsill Lokali tal-lokalità jiddikjara area ġewwa l-lokalità bħala komunità għall-finijiet tal-liġi u b'hekk permezz ta' regolamenti din tiżdied mad-Disa' Skeda.

(4) Residenti ta' xi area li ma tkunx inkluża fid-Disa' Skeda jistgħu jissottomettu talba lill-Kunsill Lokali tagħhom biex din l-area tiġi inkluża fid-Disa' Skeda. Il-Kunsill għandu fi żmien xahar minn meta jirċievi t-talba jiddiskutiha u jagħti r-rakkomandazzjoni tiegħu lill-Ministru li għandu jiehu deċiżjoni dwar din it-talba fi żmien xahrejn minn meta jirċievi r-rakkomandazzjoni tal-Kunsill.

(5) Kull komunità elenkata fid-Disa' Skeda għandu jkollha Kumitat Amministrattiv li jiġi elett f'elezzjoni apposta li ssir fost ir-residenti registrati f'dik il-komunità. L-elezzjoni għall-hatra ta' Kumitat Amministrattiv għandha tinżamm skont regolamenti li jsiru mill-Ministru.

(6) Il-Kumitat Amministrattiv għandu jkun iffurmat minn hames persuni li għandhom iservu għal perjodu ta' erba' snin. Il-Kumitat fl-ewwel laqgħa tiegħu għandu jahtar *Chairperson* minn fost il-hames persuni eletti.

(7) Iċ-*Chairperson* tal-Kumitat Amministrattiv ikollu d-dritt li jattendi l-laqgħat tal-Kunsill u jiehu sehem fid-diskussjoni iżda ma jkollux dritt li jiehu sehem fid-deċiżjonijiet.

(8) Is-Segretarju Eżekuttiv tal-Kunsill Lokali għandu jkun is-Segretarju Eżekuttiv tal-Kumitat Amministrattiv u għandu wkoll ikun responsabbli għat-tmexxija finanzjarja tiegħu.

(9) Il-Kumitat Amministrattiv għandu jingħata allokazzjoni finanzjarja li tkun parti mill-allokazzjoni tal-Kunsill Lokali u li tiġi maħduma abbażi tal-istess formola ta' finanzjament tal-Kunsill Lokali li tinsab fit-Tmien Skeda. Kull deċiżjoni dwar l-użu ta' dawn il-fondi għandha tiġi attwata wara ratifika mill-Kunsill Lokali tal-lokalità. Il-Kumitat Amministrattiv ikollu wkoll id-dritt li japplika għal fondi tal-Unjoni Ewropea u li jgħib finanzjament minn fondi speċjali u fondi oħra biex isiru inizjattivi u proġetti fiż-żona tiegħu."

31. L-artikolu 48 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 48 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "li jkunu, sa fejn hu possibbli," għandhom jidhlu l-kliem "li għandu jkun"; u

(b) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "fil-ġranet kollha tax-xogħol" għandhom jidhlu l-kliem "inkluża l-ġurnata tas-Sibt".

32. L-artikolu 49 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 49 tal-Att prinċipali.

(a) minflok is-subartikoli minn (1) sa (3) tiegħu, it-tnejn inklużi, għandhom jidhlu li ġejjin:

"(1) Kull Kunsill għandu jkollu Segretarju Eżekuttiv.

(2) Il-hatra tas-Segretarju Eżekuttiv għandha ssir mill-Ministru wara li tkun saret in-nomina tal-persuna mill-Kunsilli Lokali, liema nomina tkun saret skont is-subartikolu ta' wara dan.

(3) Is-Segretarju Eżekuttiv għandu jkun uffiċjal mis-servizz pubbliku magħżul minn *pool* ta' persuni għal dan il-għan.";

(b) fis-subartikolu (4) tiegħu, minnufih wara l-kliem

"Segretarju Eżekuttiv rispettivament" għandhom jidhlu l-kliem "mill-istess *pool*"; u

(ċ) minnufih wara s-subartikolu (4) tiegħu, għandu jiżdied is-subartikolu ġdid li ġej:

"(5) Il-Ministru jista' jnehhi jew jittrasferixxi Segretarju Eżekuttiv minn Kunsill għal ieħor kif ukoll iżomm numru limitat ta' Segretarji Eżekuttivi żejda fid-Dipartiment biex dawn jimlew postijiet vakanti li jinholqu minn żmien għal żmien."

Emenda tal-artikolu 52 tal-Att prinċipali.

33. Minnufih wara l-paragrafu (f) tas-subartikolu (2) tal-artikolu 52 tal-Att prinċipali għandu jiżdied il-paragrafu ġdid li ġej:

"(g) jeżegwixxi d-deċiżjonijiet leġittimi tal-Kunsill u jwaqqaf kull attività jew inizzjattiva li jkun ser jagħmel il-Kunsill li tkun kontra l-liġi, ir-regolamenti, strateġiji jew *policies* nazzjonali u lokali, jew kull attività jew inizzjattiva li ma tkunx approvata b'deċiżjoni tal-Kunsill."

Emenda tal-artikolu 53 tal-Att prinċipali.

34. L-artikolu 53 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) id-disposizzjoni li hemm fis-subartikolu (1) tiegħu għandha tiġi enumerata mill-ġdid bhala l-paragrafu (a) tal-istess subartikolu u minnufih wara għandhom jidhlu l-paragrafi ġodda li ġejjin:

"(b) Id-Dipartiment għal Gvern Lokali jista', wara li ssir talba ġustifikata għal dan l-għan minn Kunsill Lokali, u jkun hemm l-approvazzjoni tal-Ministru, jawtorizza li dak il-Kunsill Lokali jimpjega persunal klerikali aktar mil-limitu stabbilit mil-liġi.

(ċ) Il-Kunsill ma għandux jixtri servizz għal xogħol klerikali."; u

(b) fis-subartikolu (5) tiegħu, minflok il-kliem "Is-Segretarju Eżekuttiv u l-impjegati l-oħra" għandhom jidhlu l-kliem "L-impjegati".

Emenda tal-artikolu 55 tal-Att prinċipali.

35. L-artikolu 55 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "l-Għaxar Skeda" għandhom jidhlu l-kliem "it-Tmien Skeda";

(b) fis-subartikolu (3) tiegħu, minnufih wara l-paragrafu (d) tiegħu għandu jidhol il-paragrafu ġdid li ġej:

"(e) Il-Kunsill Lokali għandu jhallas il-penali li tiġi stabbilita permezz ta' regolamenti kull meta dan ma jissottomettix id-dikjarazzjonijiet finanzjarji u r-risposta għal *management letter* fil-hin stipulat. Din il-penali titnaqqas mill-allokazzjoni finanzjarja tal-Kunsill Lokali u ma tingħatax lura meta dawn jiġu ppreżentati."; u

(ċ) minnufih wara s-subartikolu (3) tiegħu, għandu jiżdied is-subartikolu ġdid li ġej:

"(4) Kull sena l-Ministru responsabbli għall-finanzi jista' jalloka fond biex jagħmel tajjeb għal ko-finanzjament ta' proġetti tal-Unjoni Ewropea."

36. L-artikolu 58 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 58 tal-Att prinċipali.

"58. Il-Ministru jista', wara li tkun inkisbet l-approvazzjoni tal-Ministru tal-Finanzi, jistabbilixxi fondi speċjali u jagħmel dawn il-fondi għad-disposizzjoni tal-Kunsilli Lokali."

37. L-artikolu 63A tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 63A tal-Att prinċipali.

"Ebda donazzjoni minn Kunsill. 63A. Kull donazzjoni kemm fi flus kif ukoll mhux bi flus minn xi Kunsill Lokali hi pprojbita."

38. Fis-subartikolu (1) tal-artikolu 66 tal-Att prinċipali, minnufih wara l-kliem "fuq medda ta' żmien." għandhom jiżdiedu l-kliem "Il-*Performance Indicators* għall-Kunsilli Lokali għandhom jiġu stabbiliti mill-Ministru u għandu jsir assessjar regolari abbażi ta' dawk l-indikaturi u dak l-assessjar għandu jiġi ppublikat."

Emenda tal-artikolu 66 tal-Att prinċipali.

39. Fis-subartikolu (1) tal-artikolu 70 tal-Att prinċipali, minnufih wara l-kliem "għall-anqas darba fis-sena." għandhom jiżdiedu l-kliem "Il-Kunsill Lokali għandu, wara konsultazzjoni pubblika mar-residenti tiegħu, ihejji Pjan ta' Hidma ta' tlett snin li jkun rivedibbli."

Emenda tal-artikolu 70 tal-Att prinċipali.

40. L-artikolu 79 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 79 tal-Att prinċipali.

(a) id-disposizzjoni li hemm fih għandha tiġi enumerata

mill-ġdid bħala s-subartikolu (1) tiegħu u t-tieni proviso ta' dik id-disposizzjoni għandu jithassar; u

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Il-Ministru jista' jagħmel regolamenti sabiex jirregola l-ġemellaġġ bejn Kunsilli Lokali."

Emenda tal-artikolu 80 tal-Att prinċipali.

41. Minnufih wara l-paragrafu (ċ) tal-artikolu 80 tal-Att prinċipali, għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(d) imexxi d-Dipartiment għall-Gvern Lokali u jara li jingħata s-sostenn meħtieġ lill-Kunsilli Lokali mid-Dipartiment;

(e) jara li d-Dipartiment jipprovdi taħriġ għall-Kunsillieri u għall-impjegati tal-Kunsilli Lokali."

Żjieda ta' artikolu ġdid ma' l-Att prinċipali.

42. Minnufih wara l-artikolu 80 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Meta Kunsill jonqos milli jwettaq xi funzjoni.

81. F'kull każ li xi Kunsill Lokali jonqos milli jwettaq xi funzjoni li taqa' taħt ir-responsabbiltà tiegħu, u l-Kunsill jippersisti fin-nuqqas li jwettaq dik il-funzjoni minkejja twissija mogħtija mir-regolatur, dik il-funzjoni tista' ssir minn xi dipartiment, awtorità jew aġenzija għas-spejjeż tal-istess Kunsill Lokali, u dawk l-ispejjeż għandhom jitnaqqsu mill-allokkazzjoni finanzjarja ta' dak il-Kunsill Lokali u jgħaddu lil dik l-entità li tkun wettqet dik il-funzjoni minflok il-Kunsill."

Emenda tal-Ewwel Skeda li tinsab ma' l-Att prinċipali.

43. Fl-Ewwel Skeda li tinsab ma' l-Att prinċipali, minflok id-disinn tal-istemma tal-lokalità Kalkara għandu jidhol dan li ġej:



Kalkara

44. It-Tieni Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda tat-Tieni Skeda li tinsab ma' l-Att prinċipali.

- (a) minflok il-kliem "Qormi (Ċittà Pinto)" għandhom jidhlu l-kliem "Hal-Qormi (Ċittà Pinto)";
- (b) minflok il-kliem "Żebbuġ (Ċittà Rohan)" għandhom jidhlu l-kliem "Haż-Żebbuġ (Ċittà Rohan)";
- (ċ) minflok il-kliem "Żabbar (Ċittà Hompesch)" għandhom jidhlu l-kliem "Haż-Żabbar (Ċittà Hompesch)";
- (d) minflok il-kelma "Attard" għandhom jidhlu l-kliem "H'Attard";
- (e) minflok il-kelma "Balzan" għandhom jidhlu l-kliem "Hal-Balzan";
- (f) minflok il-kelma "Dingli" għandhom jidhlu l-kliem "Had-Dingli";
- (g) minflok il-kelma "Għargħur" għandhom jidhlu l-kliem "Hal-Għargħur";
- (h) minflok il-kelma "Għaxaq" għandhom jidhlu l-kliem "Hal-Għaxaq";
- (i) minflok il-kelma "Kirkop" għandhom jidhlu l-kliem "Hal-Kirkop";
- (j) minflok il-kelma "Lija" għandhom jidhlu l-kliem "Hal-Lija";
- (k) minflok il-kelma "Luqa" għandhom jidhlu l-kliem "Hal-Luqa";
- (l) minflok il-kelma "Safi" għandhom jidhlu l-kliem "Hal-Safi";
- (m) minflok il-kelma "Sliema" għandhom jidhlu l-kliem "Tas-Sliema";
- (n) minflok il-kelma "Tarxien" għandhom jidhlu l-kliem "Hal-Tarxien"; u
- (o) minflok il-kelma "Imġarr" għandhom jidhlu l-kliem "L-Imġarr".

45. Is-Sitt Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

(a) l-Ordni Permanenti 2 li hemm fiha għandu jiġi emendat kif ġej:

(i) fil-proviso għall-paragrafu (2) tiegħu minnufih wara l-kelma "Izda" għandha tiżdied il-kelma "aktar"; u

(ii) fil-paragrafu (2) tiegħu, minnufih wara l-kliem "kif jista' jistabbilixxi s-Sindku" għandhom jiżdiedu iż-żewġ *provisos* li ġejjin:

"Izda din il-laqgħa ma tistax issir qabel jgħaddu jumejn tax-xogħol mil-laqgħa li ma saritx minhabba nuqqas ta' *quorum*:"

Izda wkoll is-Sindku jew min ikun qiegħed jippresjedi, għandu jistenna sa nofs siegħa mill-hin stabbilit qabel jiddikjara li ma jkunx hemm *quorum*:"; u

(iii) minnufih wara l-paragrafu (2) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(3) Fil-minuti ta' dik il-laqgħa s-Segretarju Eżekuttiv għandu jirreġistra dawk il-Kunsillieri preżenti, il-hin mistenni qabel giet differita l-laqgħa, u l-jum u l-hin għal meta tkun giet differita l-laqgħa.";

(b) Fl-Ordni Permanenti 5 li hemm fiha, minnufih wara l-paragrafu (1) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(m) F'kull laqgħa tal-Kunsill Lokali l-ahħar materja fuq l-aġenda għandha tkun l-aġġornament tal-laqgħa fejn għandha tiġi stabbilita d-data u l-hin tal-laqgħa li tkun tmiss tal-Kunsill Lokali.

Jekk ma jkunx hemm qbil unanimu dwar meta għandha ssir il-laqgħa li jmiss, id-data u l-hin għandhom jiġu deċiżi b'votazzjoni li tkun tehtieg maġġoranza sempliċi.

Dik id-data u hin ma għandhomx jinbidlu għal ebda raġuni u s-Segretarju Eżekuttiv u s-Sindku għandhom jaraw li l-aġenda tal-laqgħa li tkun tmiss tkun għand il-

Kunsillieri għall-inqas hamest ijiem qabel id-data tal-laqgħa. B'hekk il-Kunsillieri jkollhom l-opportunità li jippreparaw għal dak li jkun ser jiġi diskuss waqt il-laqgħa.";

(ċ) fis-subartikolu (8) tal-Ordni Permanenti 14A li hemm fiha, minnufih wara l-kliem "għall-kustodja tagħhom." għandhom jiżdiedu l-kliem "Is-Segretarju Eżekuttiv għandu wkoll jara li l-minuti approvati jitpoġġew fuq il-*website* uffiċjali tal-Kunsill.";

(d) minnufih wara l-paragrafu (4) tal-Ordni Permanenti 29 li hemm fiha, għandu jiżdied il-paragrafu ġdid li ġej:

"(5) Sotto-kumitati mahtura mill-Kunsill ikunu jirrispondu direttament lill-Kunsill Lokali.";

(e) l-Ordni Permanenti 32 li hemm fiha għandu jiġi emendat kif ġej:

(i) il-paragrafu (1) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (a) tiegħu, u minnufih wara għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(b) Is-Segretarju Eżekuttiv għandu jehmeż kopja taċ-Ċedola tal-Pagamenti (*Schedule of Payments*) mal-aġenda meta din tintbagħat lill-Kunsillieri.

(ċ) Waqt il-laqgħa jistgħu jitressqu talbiet għal hlas li jkunu daħlu wara li tkun intbagħtet l-aġenda ta' dik il-laqgħa.

(d) Is-Segretarju Eżekuttiv għandu jniżżel fuq kull fattura l-kelma "approvat" u d-data u r-riferenza tal-laqgħa meta din tkun ġiet approvata.".

46. Fis-Seba' Skeda li tinsab ma' l-Att prinċipali, il-paragrafi 1 sa 7, it-tnejn inkluzi, għandhom jithassru, u l-paragrafu 8 għandu jiġi enumerat mill-ġdid bħala l-paragrafu 1.

Emenda għas-Seba' Skeda li tinsab ma' l-Att prinċipali.

47. It-Tmien Skeda li tinsab ma' l-Att prinċipali għanda tiġi sostitwita bl-Iskeda ġdida li ġejja:

"IT-TMIEN SKEDA

(Artikolu 55)

L-allokkazzjoni finanzjarja tal-Kunsilli Lokali għandha tkopri dawn li ġejjin:

1. Tisbiħ u manutenzjoni tal-parki u ġonna;
2. Manutenzjoni tat-toroq u infrastruttura;
3. Immaniġġjar tal-Iskart; u
4. Amministrazzjoni;

maħduma kif tidher f'din it-tabella ta' hawn taħt:

1. Il-Formula

| Kategorija | Approprijazzjoni | Fattur li jinhadem fuqu |
|---|------------------|---|
| 1. Tisbiħ u Manutenzjoni tal-Parki u Ġonna | | |
| Parki u Ġonna u <i>Soft Areas</i> | 1 | Zoni rilevanti |
| 2. Manutenzjoni tat-toroq u Infrastruttura | | |
| Knis u qtugh ta' Haxix | a = 13% | Tulijiet ta' toroq għall-erba' kategoriji għat-toroq urbani |
| | b = 17% | |
| | c = 43% | |
| | d = 27% | |
| Tindif ta' Toroq (mhux urbani) | 1 | Tulijiet ta' toroq – mhux f'zoni urbani |
| Manutenzjoni ta' Toroq, <i>Bus Shelters</i> , Tabelli u Sinjali tat-Traffiku u Lampi tat-toroq. | 70% | Tulijiet ta' toroq - zoni urbani |
| | 30% | Tulijiet ta' toroq – zoni mhux urbani |
| 3. Immaniġġjar tal-Iskart | | |
| Ġbir ta' Skart u <i>Bins on Wheels</i> | 1 | Numri ta' proprjetajiet |
| 4. Amministrazzjoni | | |
| Spejjeż amministrattivi | 1 | Numru ta' Kunsilliera |

L-appropriazzjoni għal kull kategorija tinhadem b'dan il-mod li ġej:

1.1 Tisbiħ u Manutenzjoni tal-Parki u Ġonna

Is-somma totali tal-area tal-parki, ġonna, *soft areas* u *verges* f'kull lokalità proporzjonalment mat-total tal-area tal-parki, ġonna, *soft areas* u *verges* f'kull lokalità magħduda flimkien.

Immultiplikati bi

Total ta' approprjazzjoni allokatu mill-Gvern għall-manutenzjoni tal-parki, għonna, *soft areas* u *verges*

1.2 Manutenzjoni tat-Toroq u Infrastruttura**2a. Knis tat-Toroq u Qtugħ ta' Haxix f'Toroq Urbani**

Total ta' tulijiet ta' toroq urbani skont il-kategorija tat-toroq (a, b, ċ u d) f'kull lokalità proporzjonalment mat-total ta' tulijiet ta' toroq urbani f'kull lokalità magħduda flimkien f'kull kategorija (a, b, ċ u d) rispettivament

Immultiplikati bi

Total ta' approprjazzjoni allokatu mill-Gvern għat-tindif ta' toroq urbani fil-kategorija (a, b, ċ, d) rispettivament

Fejn a, b, ċ u d huma t-tulijiet tat-toroq għall-erba' tipi ta' klassifikazzjoni għal toroq urbani tal-lokalità stabbiliti skont il-frekwenza tat-tindif meħtieġ.

2b. Tindif ta' Toroq Mhux Urbani

Total ta' tulijiet ta' toroq mhux urbani f'kull lokalità proporzjonalment mat-total tat-tulijiet ta' toroq mhux urbani f'kull lokalità magħduda flimkien

Immultiplikati bi

Total ta' approprjazzjoni allokatu mill-Gvern għat-tindif ta' toroq mhux urbani

2ċ. Manutenzjoni ta' Toroq, *Bus Shelters*, Tabelli u Sinjali tat-Toroq, u Lampi tat-Toroq

[(Total tat-tulijiet ta' toroq mhux urbani f'kull lokalità proporzjonalment mat-total ta' tulijiet ta' toroq urbani f'kull lokalità magħduda flimkien multiplikati b'30%)

Magħduda ma'

(Total ta' tulijiet ta' toroq mhux urbani f'kull lokalità proporzjonalment mat-total ta' tulijiet ta' toroq f'kull lokalità magħduda flimkien b'70%)]

Immultiplikati bi

Total ta' approprjazzjoni allokat mill-Gvern għall-manutenzjoni ta' toroq, *bus shelters*, tabelli u sinjali tat-toroq u lampi tat-toroq

1.3 Immaniġġjar tal-Iskart

Numru totali ta' proprjetajiet f'kull lokalità proporzjonalment man-numru totali ta' proprjetajiet fil-lokalitjiet kollha magħduda flimkien

Immultiplikati bi

Total ta' approprjazzjoni allokat mill-Gvern għall-immaniġġjar tal-iskart

1.4 Amministrazzjoni

Numru totali ta' Kunsillieri f'kull lokalità proporzjonalment man-numru totali ta' kunsillieri f'kull lokalità magħduda flimkien

Immultiplikati bi

Total ta' approprjazzjoni allokat mill-Gvern għall-amministrazzjoni

2. Nota ta' Spjegazzjoni

Is-somma relatata tal-erba' funzjonijiet fl-Artikolu 1 ta' din l-Iskeda huma spjegati fid-dettal fid-dokument intitolat '*Funding Module for Local Government 2009*' li jinsab fid-Dipartiment għall-Gvern Lokali."

Emenda tad-Disa' Skeda li tinsab ma' l-Att prinċipali.

48. Fid-Disa' Skeda li tinsab ma' l-Att prinċipali minflok il-kliem "Rhula zghar" kull fejn dawn jinsabu għandha tidhol il-kelma "Komunitajiet".

Sostituzzjoni tal-Għaxar Skeda li tinsab ma' l-Att prinċipali.

49. L-Għaxar Skeda li tinsab ma' l-Att prinċipali għandha tiġi sotitwita bl-Iskeda ġdida li ġejja:

"L-GHAXAR SKEDA

Skeda tal-Elezzjonijiet tal-Kunsilli Lokali

2009 Elezzjoni f'terz tal-Kunsilli Lokali indikati hawn taht*

2010

2011

2012 Elezzjoni ta' nofs il-Kunsilli Lokali indikati hawn taht**

- 2013 Elezzjoni ta' nofs il-Kunsilli Lokali indikati hawn taht ***
- 2014
- 2015 Elezzjoni ta' nofs il-Kunsilli Lokali (grupp 2012) *****
- 2016
- 2017 Elezzjoni ta' nofs il-Kunsilli Lokali (grupp 2013)
- 2018
- 2019 Elezzjoni ta' nofs il-Kunsilli Lokali (grupp 2012)
- 2020
- 2021 Elezzjoni ta' nofs il- Kunsilli Lokali (grupp 2013)

* isiru elezzjonijiet fl-Imdina, Bormla, Żabbar, Rabat (G), Birkirkara, Fgura, Gudja, Għarb, Ghaxaq, Kalkara, Lija, Marsaskala, Mgarr, Msida, Nazzar, Pietà, Rabat (M), San Ġwann, Sannat, Sliema, Tarxien, Xgħajra u Mtarfa

** il-Kunsilli Lokali li jkollhom elezzjoni din is-sena jkunu 22 Kunsill Lokali li suppost kellhom l-elezzjoni fl-2010 li huma Birgu, Isla, Hal-Qormi, Haż-Żebbuġ (Malta), Siġġiewi, H'Attard, Hal-Balzan, Had-Dingli, Birzebbuġa, Floriana, Gżira, Ghajnsielem, Hal Gharghur, Hamrun, Iklin, Kerċem, Kirkop, Hal-Luqa, Marsa, Marsaxlokk, Mosta, Munxar, Nadur, Paola, Qala, Hal-Safi, San Ġiljan, San Lawrenz, San Pawl il-Baħar, Santa Luċija, Swieqi, Xagħra, Żebbuġ (Għawdex) u Żurrieq

*** hawn issir l-elezzjoni ta' dawk li kellhom l-elezzjoni fl-2009 u hdx li jkun fadal li suppost kellhom l-elezzjoni fl-2011. Valletta, Mdina, Bormla, Haż-Żabbar, Żejtun, Rabat (Għawdex), Birkirkara, Fgura, Fontana, Gudja, Għarb, Għasri, Ghaxaq, Kalkara, Hal Lija, Marsaskala, Mellieħa, L-Imġarr, Msida, Mqabba, Naxxar, Pembroke, Pietà, Qrendi, Rabat (Malta), San Ġwann, Sannat, Santa Venera, Tas-Sliema, Ta' Xbiex, Hal Tarxien, Xewkija, Xgħajra u Mtarfa

**** dan il-grupp għal darba waħda biss ikollu terminu ta' tlett snin - iżda qabel kellu terminu ta' hames snin (parti minnu) biex ngibu l-elezzjonijiet sena iva u sena le".

Għanjiet u Raġunijiet

L-ghan ta' dan l-Abbozz hu sabiex jibdew isehhu l-proposti dwar ir-Riforma tal-Kunsilli Lokali.

**A BILL
entitled**

AN ACT to amend the Local Councils Act, Cap. 363.

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. (1) The short title of this Act is the Local Councils (Amendment) Act, 2009, and this Act shall be read and construed as one with the Local Councils Act, hereinafter referred to as "the principal Act".

Short title and commencement.
Cap. 363.

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

2. The Arrangement of Act shall be amended as follows:-

Amendment of the Arrangement of Act.

(a) for the words "EIGHTH SCHEDULE Approved non-governmental organisations" there shall be substituted the words "EIGHTH SCHEDULE Financial allocation to Councils";

(b) for the words "NINTH SCHEDULE Listed Hamlets in terms of article 47A and the plans delineating their boundaries and respective streets" there shall be substituted the words "NINTH SCHEDULE Communities"; and

(c) for the words "TENTH SCHEDULE Financial allocation to Councils" there shall be substituted the words "TENTH SCHEDULE Local Councils' Elections Schedule".

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

(a) immediately after the definition "Commissioner for Justice" there shall be added the following new definition:

" "community" means any village as indicated in the Ninth Schedule;" and

(b) for the definition "financial year" there shall be substituted the following new definition:

" "financial year" means a twelve month period starting from the 1st of January and ending on the last day of December;"

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

(a) immediately after paragraph (c) of subarticle (2) thereof, there shall be inserted the following new paragraph:

"(d) a Local Council may enter into public private partnerships both with the private sector or with non-governmental organisations, following approval by the Department for Local Government which shall grant such approval only if it is satisfied that such partnership would benefit the residents of the locality, and after having obtained the approval of the Minister responsible for finance and of the Minister responsible for Local Government.";

(b) immediately after subarticle (2) thereof there shall be inserted the following new subarticle:

"(2A) The Minister shall, after consultation with the Local Councils Association, draw up a written policy regarding Local Government. No decision taken by a Local Council shall go against that established policy.";

and

(c) immediately after subarticle (5) thereof there shall be added the following new subarticle:

"(6) A Local Council proposing to finance a project by means of a loan which would be repayable within a period longer than eight years shall submit its proposal for the approval of its residents in a referendum.".

5. In subarticle (3) of article 4 of the principal Act, the words "from amongst the councillors" shall be deleted.

6. Subarticle (1) of article 8 of the principal Act shall be amended as follows: Amendment of article 8 of the principal Act.

(a) for the words "three years" there shall be substituted the words "four years"; and

(b) for the words "the single transferable vote." there shall be substituted the words "the single transferable vote:" and immediately thereafter there shall be added the following:

"Provided that the elections for councillors for the years 2009 to 2021, both inclusive, shall be held as indicated in the Tenth Schedule:

Provided further that the Prime Minister may postpone the election of a group of Local Councils by a period of not more than one year if during that period an election for Members of the European Parliament or a General Election is due to be held, and this solely in order that the Local Councils elections may be held on the same day as the election for the European Parliament or the General Election."

7. Article 9 of the principal Act shall be amended as follows: Amendment to article 9 of the principal Act.

(a) for the words "six days" there shall be substituted the words "two working days"; and

(b) the second proviso thereof shall be deleted.

8. In the Maltese text of article 11 of the principal Act, for the word "bżala" there shall be substituted the word "bħala". Amendment of article 11 of the principal Act.

9. In paragraph (d) of article 12 of the principal Act, immediately after the words "elections are to be held" there shall be inserted the words "or Executive Secretary in any one of the Local Councils". Amendment of article 12 of the principal Act.

10. Article 15 of the principal Act shall be amended as follows: Amendment of article 15 of the principal Act.

(a) in subarticle (1) thereof for the words "one hundred and sixteen euro and forty seven cents (116.47)" there shall be substituted the words "two hundred euro (200)"; and

(b) in the proviso to subarticle (1) thereof, for the words "two thousand three hundred and twenty nine euro and thirty seven cents (2,329,37)" there shall be substituted the words "two thousand euro (2,000)".

Amendment of article 18 of the principal Act.

11. In article 18 of the principal Act, for the words "six consecutive Council meetings" there shall be substituted the words "four meetings".

Amendment of article 19 of the principal Act.

12. In subarticle (3) of article 19 of the principal Act, for the words "two thousand three hundred and twenty nine euro and thirty seven cents (2,329.37)" there shall be substituted the words "two thousand five hundred euro (2,500)".

Amendment of article 20 of the principal Act.

13. Article 20 of the principal Act shall be amended as follows:

(a) in subarticle (3) thereof for the words "six hundred and ninety eight euro and eighty one cents (698.81)" there shall be substituted the words "seven hundred euro (700)";

(b) in the proviso to subarticle (3) thereof, for the words "six thousand nine hundred and eighty eight euro and twelve cents (6,988.12)" there shall be substituted the words "seven thousand euro (7,000)"; and

(c) in paragraph (c) of subarticle (4) thereof, for the words "grandson or granddaughter" there shall be substituted the word "cousins".

Amendment of article 23 of the principal Act.

14. Article 23 of the principal Act shall be amended as follows:

(a) in the proviso to subarticle (1) thereof, for the word "three" there shall be substituted the word "six";

(b) in subarticle (2) thereof, for the word "may" there shall be substituted the word "shall"; and

(c) in the proviso to subarticle (2) thereof, for the words "if a Committee of Management is not so appointed", there shall be substituted the words "until a Committee of Management is appointed".

Amendment of article 24 of the principal Act.

15. Article 24 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof, for the words "any of the Commissioners for Justice who are" there shall be substituted the words "any Commissioner for Justice who is"; and

(b) for subarticle (3) thereof, there shall be substituted the following subarticles:

"(3) A breach of the Code of Ethics for Local Councillors may result in a referral of his case to the Board which is to be established by the Minister to deal with cases of breaches of ethics. The Board shall be constituted and conducted in accordance with regulations made by the Minister.

(4) The Mayor, the Executive Secretary or any member of the Council shall report to the Department for Local Government any breach of the Code of Ethics committed by any councillor. Following the verification of such reports and following a persistent breach of the Code of Ethics, a formal notice shall be issued by the Minister, which formal notice may be published."

16. Article 25 of the principal Act shall be amended as follows:

Amendment of article 25 of the principal Act.

(a) in subarticle (1) thereof, for the words "until the office of Mayor is filled." there shall be substituted the words "until the office of Mayor is filled:" and immediately thereafter there shall be added the following:

"Provided that if the Mayor vacates office during the Council's term, the office of Mayor shall be occupied by such person belonging to the same political party who had obtained the highest number of votes after the Mayor who is vacating office:

Provided further that where the law does not provide otherwise, the Mayor shall be chosen from amongst the Councillors.";

(b) immediately after subarticle (1) thereof, there shall be added the following new subarticle:

"(1A) In any case where two or more persons who were elected in the first count obtain the same amount of votes among Councillors belonging to that party having the majority of Councillors, the office of Mayor shall be filled by the person with the longest experience as Councillor and who therefore has served longest on the Council among the two:

Provided that if the two Councillors have the same length of service in office, the office of Mayor shall be filled by the Councillor who is the more senior in age:

Provided further that in the case that both obtain the same amount of votes but are not elected in the first count, the office of the Mayor shall be filled by whoever is elected first.";

(c) the provision in subarticle (2) thereof shall be re-numbered as paragraph (a) thereof and immediately thereafter there shall be added the following new paragraph:

"(b) In the case where the office of Deputy Mayor shall become vacant, the office of Deputy Mayor shall be filled by that Councillor belonging to the party that has obtained the absolute majority of Councillors in the Local Council and who obtained the majority of first preference votes after the Councillor whose office of Deputy Mayor has become vacant.";

(d) in subarticle (4) thereof, for the words "than two working days" there shall be substituted the words "than four working days"; and

(e) immediately after subarticle (4) thereof, there shall be added the following new subarticle:

"(5) By not later than the third meeting after the Local Council election, each Councillor shall be assigned a specific sector which he shall monitor and report on to the Local Council. That Councillor may also set up a committee, over which the Councillor will preside in order to work in that sector. In such case the members of such committee shall be approved by the Council before those members commence their functions. This matter shall be included in the meetings' agenda as aforesaid specified.".

Substitution of
article 29A of
the principal
Act.

17. Article 29A of the principal Act shall be substituted by the

following:

"Convening of urgent Council meeting.

29A. The Mayor, or at least one-third of the Councillors, shall have the right to request an urgent meeting. The urgent meeting shall only discuss the urgent matter for which the meeting has been convened and no other. The subsequent meeting shall still be held on the same day as agreed in the last regular meeting. The Executive Secretary shall be obliged to convene the urgent meeting by not later than ten working days from the receipt of the request."

18. Article 32 of the principal Act shall be substituted by the following new article:

Substitution of article 32 of the principal Act.

"Addition of allowance to the Councillors.

32. (1) The Council shall pay an honorarium to the Mayor of its locality as follows:

(a) in localities having less than five thousand residents (five Councillors), one third of the honorarium payable to a member of Parliament;

(b) in localities having less than fifteen thousand residents (seven or nine Councillors), one half of the honorarium payable to a member of Parliament;

(c) in all localities having more than fifteen thousand residents (more than nine Councillors), the honorarium shall be two thirds of the honorarium payable to a Member of Parliament:

Provided that such honorarium shall not be deemed to be income for the purposes of the Social Security Act.

Cap. 318.

(2) The Minister may by regulations establish the allowance that Councils may pay to Councillors, which allowance shall be proportionate to the number of meetings a Councillor has attended in any calendar year:

Cap. 318.

Provided that such allowance shall not be deemed to be income for the purposes of the Social Security Act:

Provided further that no payments for reimbursement of expenses shall be allowed.

(3) Each Councillor shall, at his own expense, be obliged to install an e-mail service in his residence. Any correspondence, minutes or documents shall be sent to the Councillors by e-mail and for the purposes of service shall be deemed to have been duly served.

(4) Any Councillor employed with the public sector shall be entitled to attend official Council meetings during office hours without prejudice to his leave entitlement."

Amendment to article 33 of the principal Act.

19. Article 33 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof, paragraphs (m), (n) and (o) shall be renumbered as paragraphs (v), (w) and (x) respectively, and immediately after paragraph (l) there shall be inserted the following new paragraphs:

"(m) within the context of a national action plan, Councils shall promote social policy initiatives within their locality. A Council shall work with people having special needs, with children and young people having literacy problems, with the elderly, in community care as well as initiatives in the area of preventive care;

(n) safeguard local identity and for this purpose take the necessary initiatives to safeguard the local historical and cultural heritage, traditions and folklore;

(o) in the framework of regulations made by the Minister, extend assistance to artists, musicians and sports persons from their locality in order that they may develop their talents;

(p) organise cultural activities that promote the locality in every possible way;

(q) protect the natural and urban environment of the locality and take all necessary measures to ensure the

more efficient use of energy, good waste management and climate change initiatives;

(r) in agreement with the education authorities to make the best use of facilities already existing in schools in the locality after normal school hours such as sports facilities, school halls, information technology laboratories, and other public facilities in the locality;

(s) organise sports activities for all residents of all ages, co-operate closely with the sports associations from the locality, to provide good sports facilities and organise such sports activities as are not normally organised by local sports associations;

(t) ensure to give effect to the concept of life long learning with all residents, particularly adults and the elderly, by providing such service within the same locality;

(u) provide and maintain the service of a local library;"

(b) in paragraph (j) of subarticle (1) thereof, for the word "crèches" there shall be substituted the words "Child Care Centres";

(c) in paragraph (k) of subarticle (1) thereof, for the words "homes for senior citizens" there shall be substituted the words "Homes for Senior Citizens, Day Centres for Senior Citizens and Night Care Centres"; and

(d) immediately after subarticle (2) thereof, there shall be added the following new subarticle:

"(3) (a) Various other new functions may be vested in Local Councils. Each function shall be devolved when the Central Government will be convinced that Local Councils are prepared to take on such responsibility.

(b) In the case of devolution of new functions, such new functions will first be devolved on to a small number of Local Councils, possibly of various sizes, to serve as a test."

20. In subarticle (1) of article 35 of the principal Act, for the words "twice in all daily newspapers" there shall be substituted the words "twice in one daily newspaper", and the words "for at least one hour a day during normal office hours" shall be deleted.

Amendment of article 35 of the principal Act.

Amendment of article 36 of the principal Act.

21. In subarticle (1) of article 36 of the principal Act, for the words "sixty nine euro and eighty eight cents (69.88)", there shall be substituted the words "seventy euro (70)", for the words "eleven euro and sixty five cents (11.65)" there shall be substituted the words "fifteen euro (15)", for the words "two thousand and three hundred and twenty nine euro and thirty seven cents (2,329.37)" there shall be substituted the words "two thousand euro (2000)", and for the words "five hundred and eighty two euro and thirty four cents (582.34)", there shall be substituted the words "five hundred euro (500)".

Amendment of article 37 of the principal Act.

22. Article 37 of the principal Act shall be amended as follows:

(a) in subarticle (3) thereof, for the words "may form and belong to" there shall be substituted the words "shall form part of"; and

(b) immediately after subarticle (3) thereof, there shall be added the following new subarticle:

"(4) The Minister may from time to time determine by regulations the number of regions to be established and each Council shall form part of a region and such assignment to a region shall be made by the Minister after he has consulted the Local Councils Association on the basis of geography, population and the number of Local Councils."

Amendment of article 39 of the principal Act.

23. In the third proviso to article 39 of the principal Act, for the words "two hundred and thirty two euro and ninety four cents (232.94)" there shall be substituted the words "two hundred and fifty euro (250)".

Amendment of article 40 of the principal Act.

24. In subarticle (1) of article 40 of the principal Act, immediately after the words "for tender" there shall be inserted the words "or for quotations", and for the words "a notice in a newspaper" there shall be substituted the words "a notice in the Gazette and in one daily newspaper. The regulations relating to the publication of tenders and quotations shall be made by the Director and communicated to the Local Councils."

Addition of new article to the principal Act.

25. Immediately after the article 40 of the principal Act, there

shall be added the following new article:

"Co-financed projects by the European Union. 41. With respect to projects co-financed by the European Union, the tendering procedures shall be in accordance with the rules of the European Union and shall be regulated by the Department of Contracts."

26. Article 43 of the principal Act shall be amended as follows: Amendment of article 43 of the principal Act.

(a) in subarticle (2) thereof, immediately after the words "at least once a month" there shall be inserted the words "as long as this period does not exceed four consecutive weeks", for the words "the Mayor" there shall be substituted the words "the Council", and the words from "Meetings of the Council" to the words "in office," both expressions included, shall be deleted; and

(b) immediately after subarticle (2) thereof, there shall be added the following new subarticle:

"(3) Unless otherwise determined by the unanimous decision of the Councillors, meetings of the Local Councils shall not start before 5.30 p.m. and later than 7.30 p.m. and shall not last for more than three hours."

27. Immediately after paragraph (c) of article 45 of the principal Act there shall be added the following new paragraph: Amendment of article 45 of the principal Act.

"(d) The agenda of the meeting shall be received by the Councillors at least five working days before the meeting."

28. In article 46 of the principal Act, the words "so far as practicable," shall be deleted. Amendment of article 46 of the principal Act.

29. Article 47 of the principal Act shall be amended as follows: Amendment of article 47 of the principal Act.

(a) in subarticle (2) thereof, for the words "not more than four other persons" there shall be substituted the words "not less than three persons and not more than eight persons"; and

(b) subarticle (6) thereof shall be deleted.

Substitution of
article 47A of
the principal
Act.

30. Article 47A of the principal Act shall be substituted by the following new article:

"Communities.

47A. (1) The communities shall be those listed in the Ninth Schedule, which Schedule shall also determine the boundaries of each community and the streets included therein.

(2) The Minister may add or subtract from the list of communities listed in the Ninth Schedule according to procedures established in subarticles (3) and (4).

(3) The Minister may from time to time after consulting the Local Council of the locality declare an area within the locality as a community for the purposes of the law and accordingly such community shall be added by regulations to the Ninth Schedule.

(4) The residents of any area not included in the Ninth Schedule may make a request to their Local Council for the inclusion of such zone in the Ninth Schedule. The Council shall, within one month from the receipt of the request, discuss it and make its recommendation to the Minister who shall, within two months from the receipt of the Council's recommendation, take a decision on the request.

(5) Every community listed in the Ninth Schedule shall have an Administrative Committee elected in an election for the purpose held among the residents registered in that community. The election for the appointment of an Administrative Committee shall be held in accordance with regulations made by the Minister.

(6) The Administrative Committee shall be composed of five persons who shall serve for a period of four years. In its first meeting the Committee shall appoint a Chairperson from amongst the five elected persons.

(7) The Chairperson of the Administrative Committee shall have the right to attend the Council meetings and take part in the discussions but shall not be entitled to participate in the decisions.

(8) The Executive Secretary of the Local Council shall be the Executive Secretary of the Administrative Committee and shall also be responsible for the financial management thereof.

(9) The Administrative Committee shall be given a financial allocation which shall be part of the Local Council allocation and this shall be computed on the basis of the same funding formula, for the Local Council, found in the Eighth Schedule. Any decision on the use of these funds shall be implemented after ratification by the Local Council of the locality. The Administrative Committee shall also be entitled to apply for European Union funds and to obtain financing from special funds and other funds to carry out initiatives and projects in its zone."

31. Article 48 of the principal Act shall be amended as follows: Amendment of article 48 of the principal Act.

(a) in subarticle (1) thereof, for the words "shall, as far as possible," there shall be substituted the word "shall"; and

(b) in subarticle (2) thereof, immediately after the words "on all working days" there shall be added the words "including Saturday".

32. Article 49 of the principal Act shall be amended as follows: Amendment of article 49 of the principal Act.

(a) subarticles (1) to (3) thereof, both inclusive, shall be substituted by the following:

"(1) Every Council shall have an Executive Secretary.

(2) The appointment of the Executive Secretary shall be made by the Minister after the person has been nominated by the Department for Local Government

which nomination would have been made under the following subarticle.

(3) The Executive Secretary shall be a public service official chosen from a pool of persons for this purpose.";

(b) in subarticle (4) thereof, immediately after the words "Executive Secretary respectively" there shall be inserted the words "from the same pool"; and

(c) immediately after subarticle (4) thereof, there shall be added the following new subarticle:

"(5) The Minister may remove or transfer an Executive Secretary from one Council to another as well as keep a limited number of additional Executive Secretaries in the Department so that these may fill any vacant posts that may arise from time to time."

Amendment of article 52 of the principal Act.

33. Immediately after paragraph (f) of subarticle (2) of article 52 of the principal Act there shall be added the following new paragraph:

"(g) execute the legitimate decisions of the Council and stop any activity or initiative planned by the Council and which is in breach of the law, regulations, national or local strategies or policies, or any activity or initiative which has not been approved by a Council decision."

Amendment of article 53 of the principal Act.

34. Article 53 of the principal Act shall be amended as follows:

(a) the provision of subarticle (1) thereof shall be renumbered as paragraph (a) of the said subarticle and immediately thereafter there shall be added the following new paragraphs:

"(b) The Department for Local Government may, after receiving a justified request from any Local Council, and after obtaining the approval of the Minister, authorise such Local Council to employ clerical personnel in excess of the limit established by law.

(c) The Council shall not purchase any clerical services."; and

(b) in subarticle (5) thereof, for the words "The

Executive Secretary and other employees" there shall be substituted the word "Employees".

35. Article 55 of the principal Act shall be amended as follows: Amendment of article 55 of the principal Act.

(a) in subarticle (2) thereof, for the words "Tenth Schedule" there shall be substituted the words "Eighth Schedule";

(b) in subarticle (3) thereof, immediately after paragraph (d) thereof, there shall be inserted the following new paragraph:

"(e) The Local Council shall pay the penalty which shall be established by regulations whenever it does not submit the financial declarations and the reply to a management letter within the stipulated time. Such penalty will be deducted from the financial allocation of the Local Council and will not be refunded when the aforesaid documents are filed."; and

(c) immediately after subarticle (3) thereof, there shall be added the following new subarticle:

"(4) The Minister responsible for finance may each year allocate a fund to compensate for the co-financing of European Union projects.".

36. Article 58 of the principal Act shall be substituted by the following: Substitution of article 58 of the principal Act.

"58. The Minister may, after the approval of the Minister of Finance, establish special funds and make such funds available to Local Councils.".

37. Article 63A of the principal Act shall substituted by the following new article: Substitution of article 63A of the principal Act.

"No donation by Councils. 63A. Any donation whether of money or in kind by the Local Council is prohibited.".

38. In subarticle (1) of article 66 of the principal Act, immediately after the words "over time.", there shall be added the words "Performance Indicators for Local Councils shall be established by the Minister and regular appraisals on the basis of such indicators shall be made and such appraisal shall be published." Amendment of article 66 of the principal Act.

Amendment of article 70 of the principal Act.

39. In subarticle (1) of article 70 of the principal Act immediately after the words "at least once a year.", there shall be added the words "After consultation with its residents, the Local Council shall prepare a three-year Work Plan which may be revised."

Amendment of article 79 of the principal Act.

40. Article 79 of the principal Act shall be amended as follows:

(a) the provision therein shall be renumbered as subarticle (1) thereof, and the second proviso thereof shall be deleted; and

(b) immediately after subarticle (1) as renumbered there shall be added the following new subarticle:

"(2) The Minister may make regulations to regulate twinning agreements between Local Councils."

Amendment of article 80 of the principal Act.

41. Immediately after paragraph (c) of article 80 of the principal Act, there shall be added the following new paragraphs:

"(d) manage the Department for Local Government and ensure that the necessary support is given to Local Councils by the Department;

(e) ensure that the Department provides training for Councillors and for Local Council employees."

Addition of new article 81 to the principal Act.

42. Immediately after the article 80 of the principal Act there shall be added the following new article:

"When a Council fails to conduct a function.

81. In any case where a Local Council fails to carry out any function within its responsibility, and the Council persists in not carrying out such function notwithstanding a warning given by the regulator, such function may be carried out by any department, authority or agency at the expense of the said Local Council, and such expenses shall be deducted from the financial allocation of that Local Council and transferred to the entity which has carried out such function instead of the Council."

Amendment of the First Schedule to the principal Act.

43. In the First Schedule to the principal Act, for the coat of arms for the locality of Kalkara there shall be substituted the

following:



Kalkara

44. The Second Schedule to the principal Act shall be amended as follows:

Amendment of
the Second
Schedule to the
principal Act.

- (a) for the words "Qormi (Città Pinto)" there shall be substituted the words "Ħal-Qormi (Città Pinto)";
- (b) for the word "Żebbuġ (Città Rohan)" there shall be substituted the words "Ħaż-Żebbuġ (Città Rohan)";
- (c) for the words "Żabbar (Città Hompesch)" there shall be substituted the words "Ħaż-Żabbar (Città Hompesch)";
- (d) for the word "Attard" there shall be substituted the words "Ħ'Attard";
- (e) for the word "Balzan" there shall be substituted the words "Ħal-Balzan";
- (f) for the word "Dingli" there shall be substituted the words "Ħad-Dingli";
- (g) for the word "Għargħur" there shall be substituted the words "Ħal-Għargħur";
- (h) for the word "Għaxaq" there shall be substituted the words "Ħal-Għaxaq";
- (i) for the word "Kirkop" there shall be substituted the words "Ħal-Kirkop";
- (j) for the word "Lija" there shall be substituted the words "Ħal-Lija";
- (k) for the word "Luqa" there shall be substituted the words "Ħal-Luqa";

(l) for the word "Safi" there shall be substituted the words "Hal-Safi";

(m) for the word "Sliema" there shall be substituted the words "Tas-Sliema";

(n) for the word "Tarxien" there shall be substituted the words "Hal-Tarxien"; and

(o) for the word "Imġarr" there shall be substituted the words "L-Imġarr".

Amendment of
the Sixth
Schedule to the
principal Act.

45. The Sixth Schedule to the principal Act shall be amended as follows:

(a) Standing Order 2 contained therein shall be amended as follows:

(i) in the proviso to paragraph (2) thereof, immediately after the word "Provided" there shall be inserted the word "further";

(ii) in paragraph (2) thereof, immediately after the words "as the Mayor may fix" there shall be added the following two provisos:

"Provided that this meeting shall not be held before the lapse of two working days from the meeting which was not held due to lack of quorum:

Provided further that the Mayor or whoever is presiding shall wait for up to half an hour from the established time before declaring lack of quorum;" and

(iii) immediately after paragraph (2) thereof, there shall be added the following new paragraph:

"(3) In the minutes of that meeting the Executive Secretary shall register the Councillors present, the time elapsed before the meeting was deferred and the day and time of the deferred meeting.";

(b) In Standing Order 5 contained therein, immediately after paragraph (1) thereof there shall be added the following new paragraph:

"(m) In every Local Council meeting the last item of the agenda shall be the adjournment of the meeting when the date and time of the next Council meeting shall be fixed.

If there is no unanimous agreement when the next meeting is to be held, the date and time shall be decided by a vote requiring a simple majority.

Such date and time shall not be changed for any reason and the Executive Secretary and the Mayor shall ensure that the agenda of the next meeting is delivered to the Councillors at least five days before the date of the meeting. In this manner the Councillors shall have the opportunity to prepare for what will be discussed during the meeting.";

(c) in paragraph (8) of Standing Order 14A contained therein, immediately after the words "for their safe custody." there shall be added the words "The Executive Secretary shall also ensure that the approved minutes are posted on the official website of the Council.";

(d) immediately after paragraph (4) of Standing Order 29 contained therein, there shall be added the following new paragraph:

"(5) Sub-Committees appointed by the Council shall be directly answerable to the Local Council.";

(e) Standing Order 32 contained therein shall be amended as follows:

(i) paragraph (1) thereof shall be re-numbered as paragraph (a) thereof, and immediately after there shall be added the following new paragraphs:

"(b) The Executive Secretary shall attach a copy of the Schedule of Payments with the agenda when forwarding the said agenda to the Councillors.

(c) During the meeting requests for payment received after the agenda for that meeting was sent may be brought up.

(d) The Executive Secretary shall mark on each invoice the word "approved" and the date and

reference of the meeting when approval was given."

Amendment of the Seventh Schedule to the principal Act.

46. In the Seventh Schedule to the principal Act, paragraphs 1 to 7, both inclusive, shall be deleted and paragraph 8 shall be renumbered as paragraph 1.

Substitution of the Eighth Schedule to the principal Act.

47. For the Eighth Schedule to the principal Act, there shall be substituted the following new Schedule:

"EIGHTH SCHEDULE

(Article 55)

Financial Allocation to Local Councils shall cover the following:

1. Landscaping and Maintenance of Parks and Gardens;
2. Roads Maintenance and Roads Fixtures;
3. Waste Management; and
4. Administration;

as worked out in the table below:

1. The Formula

| Category | Apportionment | Denominator |
|--|---------------|---|
| 1. Landscaping and Maintenance of Parks and Gardens | | |
| Parks and Gardens and Soft Areas | 1 | relevant areas |
| 2. Roads Maintenance and Infrastructure | | |
| Street Sweeping and Weed Cutting | a = 13% | road lengths for the four categories of urban roads |
| | b = 17% | |
| | c = 43% | |
| | d = 27% | |
| Cleaning of Roads (non-urban) | 1 | road lengths - non-urban zone |
| Maintenance of Roads, Bus Shelters, Roads Signs, Markings and Street Lamps | 70% | road lengths - urban zone |
| | 30% | road lengths - non-urban zone |
| 3. Waste Management | | |
| Refuse Collection and Bins on Wheels | 1 | number of properties |
| 4. Administration | | |
| Administration costs | 1 | number of councillors |

The apportionment for each category will be worked out as follows:

1.1 Landscaping and Maintenance of Parks and Gardens

Total area of parks gardens, soft areas and verges in each locality in proportion to the total area of parks, gardens, soft areas and verges of all the localities added together

multiplied by

Total apportionment allocated by Government for the maintenance of parks, gardens, soft areas and verges

1.2 Roads Maintenance and Road Fixtures

2a. Street Sweeping and Weed Cutting of Urban Roads

Total length of urban roads per category of road (a, b, c and d) in each locality in proportion to the total length of urban roads in of all localities added together per category (a, b, c and d) respectively

multiplied by

Total apportionment allocated by Government for the cleaning of urban roads per category (a, b, c, d) respectively

Where a, b, c and d are the road lengths for the four categories of urban roads of locality determined according to the frequency of cleaning required.

2b. Cleaning of Non Urban Roads

Total length of non urban roads in each locality in proportion to the total length of non-urban roads in all the localities added together

multiplied by

Total apportionment allocated by Government for the cleaning of non-urban roads

2c. Maintenance of Roads, Bus Shelters, Roads Signs, Markings and Street Lamps

[(Total length of non urban roads in each locality in proportion to the total length of urban roads in all of the localities added together multiplied by 30%)

added to

(Total length of urban roads in each locality in proportion to the total length of roads in all of the localities added together multiplied

by 70%)]

multiplied by

Total apportionment allocated by Government for the maintenance of roads, bus shelters, roads signs, markings and street lamps

1.3 Waste Management

Total number of properties in each locality in proportion to the total number of properties in all of the localities added together

multiplied by

Total apportionment allocated by Government for waste management

1.4 Administration

Total number of councillors in the locality in proportion to the total number of councillors in all of the localities added together

multiplied by

Total apportionment allocated by Government for administration.

2. Explanatory Note

The workings related to the four functions in Section 1 of this Schedule are explained in detail in the document titled 'Funding Module for Local Government 2009' held by the Department for Local Government."

Amendment to
the Ninth
Schedule to the
Principal Act.

48. . In the Ninth Schedule to the principal Act, for the word "hamlets" wherever it occurs, there shall be substituted the word "communities".

49. The Tenth Schedule to the principal Act shall be substituted by the following new Schedule:

Substitution of
the Tenth
Schedule to the
principal Act.

"TENTH SCHEDULE

Time-table of Elections for Local Councils

| | |
|------|---|
| 2009 | Elections in one-third of the Local Councils specified hereunder* |
| 2010 | |
| 2011 | |
| 2012 | Elections in half the Local Councils specified hereunder** |
| 2013 | Elections in half the Local Councils specified hereunder *** |
| 2014 | |
| 2015 | Elections in half the Local Councils (2012 group) **** |
| 2016 | |
| 2017 | Elections in half the Local Councils (2013 group) |
| 2018 | |
| 2019 | Elections in half the Local Councils (2012 group) |
| 2020 | |
| 2021 | Elections in half the Local Councils (2013 group) |

* elections are held in Imdina, Bormla, Żabbar, Rabat (G), Birkirkara, Fgura, Gudja, Għarb, Għaxaq, Kalkara, Lija, Marsaskala, Mġarr, Msida, Nazzar, Pietà, Rabat (M), San Ġwann, Sannat, Sliema, Tarxien, Xgħajra and Mtarfa

** the Local Councils which will hold elections this year will be 22 Local Councils which were meant to hold their elections in 2010 which are Birgu, Isla, Hal-Qormi, Haż-Żebbuġ (Malta), Siġġiewi, H'Attard, Hal-Balzan, Had-Dingli, Birżebbuġa, Floriana, Gżira, Għajnsielem, Hal Għargħur, Hamrun, Iklin, Kerċem, Kirkop, Hal-Luqa, Marsa, Marsaxlokk, Mosta, Munxar, Nadur, Paola, Qala, Hal-Safi, San Ġiljan, San Lawrenz, San Pawl il-Baħar, Santa Luċija, Swieqi, Xgħra, Żebbuġ (Gozo) and Żurrieq

*** this year elections will be held for those Councils which held their election in 2009 and eleven Local Councils which were meant to hold their elections in 2011. Valletta, Mdina, Bormla, Haż-Żabbar, Żejtun, Rabat (Gozo), Birkirkara, Fgura, Fontana, Gudja, Għarb, Għasri, Għaxaq, Kalkara, Hal Lija, Marsaskala, Mellicha, L-Imġarr, Msida, Mqabba, Naxxar, Pembroke, Pietà, Qrendi, Rabat (Malta), San Ġwann, Sannat, Santa Venera, Tas-Sliema, Ta' Xbiex, Hal Tarxien, Xewkija, Xghajra and Mtarfa

**** this group will, once only, have a term of three years - but before it would have had a term of five years (part of it) so that elections are brought to a year in/year out situation".

Objects and reasons

The object of the Bill is to give effect to the proposals for Local Government Reform.