

A.L. 39 ta' l-2004**ATT TA' L-2003 DWAR L-UNJONI EWROPEA
(ATT NRU. V TA' L-2003)****Ordni ta' l-2004 dwar Votanti ta' l-Unjoni Ewropea fl-
Elezzjonijiet Lokali**

BIS-SAHHA tas-setghat moghtija bl-artikolu 4 ta' l-Att ta' l-2003 dwar l-Unjoni Ewropea, il-Prim Ministru ghamel dan l-Ordni li ġej:-

1. It-titolu ta' dan l-Ordni hu Ordni ta' l-2004 dwar Votanti ta' l-Unjoni Ewropea fl-Elezzjonijiet Lokali. Titolu.

2. (1) Dan l-Ordni jaghti effett lid-Direttiva tal-Kunsill 94/80 EC tad-19 ta' Dicembru, 1994, li tistipula arrangamenti dettaljati għall-eżerċizzju tad-dritt li għandhom ċittadini ta' l-Unjoni li jkunu residenti fi Stat Membru li ma jkunux nazzjonali tiegħu, li jivvotaw u johorġu bhala kandidati f'elezzjonijiet municipali. Għan u Skop ta' l-Ordni.

(2) Dan l-Ordni għandu japplika għar-rigward ta' elezzjonijiet taht l-Att dwar Kunsilli Lokali li jsiru wara l-1 ta' Mejju, 2004.

3. Il-Kummissjoni Elettorali għandha wkoll tippubblika l-Lista Elettorali Ewropea li għandu jkun fiha l-lista tal-persuni kollha li jkunu nazzjonali ta' Stat Membru ta' l-Unjoni Ewropea u li jkunu residenti f'Malta u li isimhom ma jkunx jidher fir-Registru Elettorali pubblikat skond l-Att dwar l-Elezzjonijiet Ġenerali jew fir-Registru Elettorali ta' l-Unjoni Ewropea li jinżamm skond l-Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew, u li skond l-artiklu 5 ta' dan l-Ordni jkollhom jedd jivvotaw f'elezzjonijiet għal kunsilli lokali fil-lokalità tagħhom. Lista Elettorali Ewropea. Kap. 354. Att XV1 ta' l-2003.

4. Il-Lista Elettorali Ewropea għandha għall-finijiet ta' l-artikolu 5(2) u ta' kull disposizzjoni oħra ta' l-Att dwar Kunsilli Lokali u bla hsara għad-disposizzjonijiet ta' dan l-Ordni, titqies bhala parti integrali mir-Registru Elettorali ta' l-Unjoni Ewropea, miżmum taht l-Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew, u, bla hsara għal kif hawn qabel imsemmi, id-disposizzjonijiet ta' l-imsemmi Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew, kif japplikaw għar-Registru Elettorali ta' l-Unjoni Ewropea għandhom ikunu wkoll japplikaw għalihom. Il-Lista Elettorali Ewropea għandha tkun tagħmel parti mir-Registru Elettorali Ewropew. Kap. 363.

Persuni li jkollhom jedd jiġu reġistrati fil-Lista Elettorali Ewropea. Kap . 258.

5. Għall-finijiet ta' l-artiklu 3 ta' dan l-Ordni persuna jkollha jedd li isimha jitnizzel fil-Lista Elettorali Ewropea jekk:

(a) tkun nazzjonali ta' Stat Membru u li isimha ma jkunx jidher fir-Registru Elettorali miżmum skond l-Att dwar l-Elezzjonijiet Ġenerali jew ir-Registru Elettorali ta' l-Unjoni Ewropea miżmum skond l-Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew; u

(b) tkun mitluba li jkollha u fil-fatt ikollha karta ta' l-identità skond l-Att dwar il-Karti ta' l-Identità; u

(ċ) twettaq il-htigiet elenkati fil-paragrafi (b) u (ċ) ta' l-artikolu 57 tal-Kostituzzjoni:

Iżda għall-fini ta' dan il-paragrafu residenza fi Stat Membru titqies bhala residenza f'Malta; u

(d) ma tkunx persuna li tinkwadra fid-deskrizzjoni li hemm fil-paragrafi (a) jew (b) jew (ċ) ta' l-artikolu 12 ta' l-Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew.

Reġistrazzjoni fil-Lista Elettorali Ewropea.

6. (1) Kull persuna kwalifikata li tkun reġistrata fil-Lista Elettorali Ewropea tista' tapplika sabiex tiġi reġistrata għand il-Kummissjoni Elettorali fuq dik il-formola li l-imsemmija Kummissjoni tista' minn żmien għal żmien tipprovdi għal dak l-għan.

(2) Minkejja d-disposizzjonijiet tas-subartiklu (1) ta' dan l-artiklu, il-Kummissjoni Elettorali għandha tnizzel isem kull persuna li tkun hekk kwalifikata fil-Lista Elettorali Ewropea kemm jekk tkun u kemm jekk ma tkunx saret applikazzjoni kif imsemmi f'dak is-subartiklu.

L.N. 39 of 2004

**EUROPEAN UNION ACT, 2003
(ACT NO. V OF 2003)**

Local Elections (European Union Voters) Order, 2004

BY virtue of the powers conferred by article 4 of the European Union Act, 2003, the Prime Minister has made the following Order:-

1. The title of this Order is the Local Elections (European Union Voters) Order, 2004. Citation.

2. (1) This Order gives effect to Council Directive 94/80 EC of the 19th December, 1994, laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals. Purpose and Scope of Order.
 - (2) This Order shall apply with respect to elections under the Local Councils Act held after the 1st May, 2004.

3. The Electoral Commission shall also publish the European Electoral List which shall contain the list of all persons who are nationals of a Member State of the European Union who are resident in Malta and whose name does not appear in the Electoral Register published in accordance with the General Elections Act or in the European Union Electoral Register kept in accordance with the European Parliament Elections Act, 2003, and who in accordance with article 5 of this Order are entitled to vote in elections for local councils in their locality. European Electoral List.
Cap. 354.
Act XVI of 2003.

4. The European Electoral List shall for the purposes of article 5(2) and of any other provision of the Local Councils Act and subject to the provisions of this Order, be deemed to be an integral part of the European Union Electoral Register, kept under the European Parliament Elections Act, 2003, and, subject as aforesaid, the provisions of the said European Parliament Elections Act, 2003, applicable to the European Union Electoral Register shall apply thereto. European Electoral List to form part of European Electoral Register.
Cap. 363.

5. For the purposes of article 3 of this Order a person shall be entitled to have his name entered in the European Electoral List if: Persons entitled to be registered in European Electoral List.
Cap. 258.
 - (a) he is a national of a member state whose name does not appear in the Electoral Register kept in accordance with the General

Elections Act or the European Union Electoral Register kept in accordance with the European Parliament Elections Act, 2003; and

(b) he is requested to be and is in possession of an identity card in accordance with the Identity Card Act; and

(c) he fulfills the requirements listed in paragraphs (b) and (c) of article 57 of the Constitution:

Provided that for the purpose of this paragraph residence in any Member State shall be deemed to be residence in Malta; and

(d) he is not a person falling under the description in paragraphs (a) or (b) or (c) of article 12 of the European Parliament Elections Act, 2003.

Registration in the
European Electoral
List.

6. (1) Any person qualified to be registered in the European Electoral List may apply for registration to the Electoral Commission in such form as the said Commission may from time to time provide for the purpose.

(2) Notwithstanding the provisions of sub-article (1) hereof, the Electoral Commission shall enter the name of any person so qualified in the European Electoral List whether or not an application as therein referred to has been made.