

**A.L. 19 tal-2022**

**ATT BIEX JIRREGOLA KOMUNIKAZZJONIJIET  
ELETTRONIČI  
(KAP. 399)**

**Regolamenti tal-2022 li jemendaw ir-Regolamenti dwar ir-  
Radjokomunikazzjoni (Proċeduri dwar Penali u Ftehim Volontarju  
ta' Tilwimiet)**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 34 tal-Att biex jirregola Komunikazzjonijiet Elettronici, il-Ministru għall-Ekonomija u l-Industrija, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2022 li jemendaw ir-Regolamenti dwar ir-Radjokomunikazzjoni (Proċeduri dwar Penali u Ftehim Volontarju ta' Tilwimiet) u dawn ir-regolamenti għandhom jinqraw u jinftiehem haġa waħda mar-Regolamenti dwar ir-Radjokomunikazzjoni (Proċeduri dwar Penali u Ftehim Volontarju ta' Tilwimiet), hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu u bidu fis-seħh.

L.S. 399.37.

(2) Dawn ir-regolamenti għandhom jitqiesu li daħlu fis-seħh fl-1 ta' Ottubru, 2021.

2. Fir-regolament 1 tar-regolamenti prinċipali, il-kliem "Regolamenti dwar ir-Radjokomunikazzjoni (Proċeduri dwar Penali u Ftehim Volontarju ta' Tilwimiet)" għandhom jiġu sostitwiti bil-kliem "Regolamenti dwar ir-Radjokomunikazzjoni (Proċeduri dwar Pieni u Ftehim Volontarju ta' Tilwimiet)".

Jemenda r-regolament 1 tar-regolamenti prinċipali.

3. Ir-regolament 3 tar-regolamenti prinċipali, għandu jiġi emendat b'dan li ġej:

Jemenda r-regolament 3 tar-regolamenti prinċipali.

(a) fin-nota marginali tiegħu, il-kelma "penali" għandha tiġi sostitwita bil-kelma "multa";

(b) is-subregolament (1) tiegħu, għandu jiġi emendat b'dan li ġej:

(i) il-kliem "Il-Ministru jista', fil-każ ta' reat li jsir għall-ewwel darba bi ksur tal-artikolu 28(1) tal-Att, jew l-Awtorità fil-każ ta' reat li jsir għall-ewwel darba bi ksur tal-artikolu 30(2) tal-Att, minflok ma jibda proċedimenti kriminali kontra l-ħati dwar dak il-ksur, jagħmel ftehim bil-miktub" għandhom jiġu sostitwiti bil-kliem "L-Awtorità fil-

każ ta' reat li jsir għall-ewwel darba bi ksur tal-artikoli 30(1) jew 31 tal-Att, minflok ma tibda procedimenti kriminali kontra l-hati dwar dak il-ksur, tagħmel ftehim bil-miktub"; u

(ii) il-kliem "fid-diskrezzjoni tal-Ministru jew tal-Awtorità, hekk kif ikun il-każ," għandhom jiġu sostitwiti bil-kliem "fid-diskrezzjoni tal-Awtorità";

(c) fil-proviso għas-subregolament (1) tiegħu, il-kliem "Izda f'dak il-ftehim il-Ministru jew l-Awtorità, kif jista' jkun il-każ, jista' jinkludi dawk il-kundizzjonijiet li l-Ministru jew l-Awtorità jistgħu jqisu li jkunu meħtieġa biex jiżguraw konformità mad-dispożizzjonijiet tal-artikoli 28(1) jew 30(2) tal-Att, hekk kif ikun il-każ," għandhom jiġu sostitwiti bil-kliem "Izda f'dak il-ftehim l-Awtorità tista' tinkludi dawk il-kundizzjonijiet li l-Awtorità tista' tqis li jkunu meħtieġa biex jiżguraw konformità mad-dispożizzjonijiet tal-artikoli 30 jew 31 tal-Att,"; u

(d) fis-subregolament (2) tiegħu, il-kliem "mill-Ministru jew l-Awtorità" għandhom jiġu sostitwiti bil-kliem "mill-Awtorità".

Jemenda r-regolament 4 tar-regolamenti prinċipali.

4. Ir-regolament 4 tar-regolamenti prinċipali, għandu jiġi emendat b'dan li ġej:

(a) il-kliem "(1) Minkejja" għandhom jiġu sostitwiti bil-kelma "Minkejja";

(b) il-kliem "d-dispożizzjonijiet tal-artikolu 28 jew 30 tal-Att" għandhom jiġu sostitwiti bil-kliem "d-dispożizzjonijiet tal-artikolu 30B tal-Att";

(c) il-kliem "penali kif hemm fl-Iskeda" għandhom jiġu sostitwiti bil-kliem "multa kif hemm fl-Iskeda";

(d) fil-proviso tiegħu, il-kliem "l-penali li tkun tapplika" għandhom jiġu sostitwiti bil-kliem "l-multa li tkun tapplika"; u

(e) fil-proviso tiegħu, il-kliem "id-dispożizzjonijiet tal-artikolu 28 jew 30 tal-Att għandhom ikunu għaldaqstant, u kif ikun il-każ, japplikaw" għandhom jiġu sostitwiti bil-kliem "d-dispożizzjonijiet tal-artikolu 30B tal-Att għandhom ikunu għaldaqstant, japplikaw".

5. Ir-regolament 5 tar-regolamenti prinċipali, għandu jiġi sostitwit b'dan li ġej:

Jissostitwixxi r-regolament 5 tar-regolamenti prinċipali.

"5. Fil-każ li xi multa jew penali amministrattiva jkunu dovuti taħt dawn ir-regolamenti jew taħt it-Taqsima IV tal-Att, liċenzja individwali ta' radjokomunikazzjoni maħruga taħt it-Taqsima IV tal-Att ma għandhiex tiġġedded kemm-il darba, flimkien mad-dritt dovut, dik il-persuna ma tkunx ħallset dik il-multa jew penali amministrattiva skont ma jistgħu jkunu dovuti."

6. Fl-Iskeda li tinsab mar-regolamenti prinċipali, il-kliem "il-penali murija" għandhom jiġu sostitwiti bil-kliem "il-multi murija".

Jemenda l-Iskeda li tinsab mar-regolamenti prinċipali.

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**L.N. 19 of 2022**

**ELECTRONIC COMMUNICATIONS (REGULATION) ACT  
(CAP. 399)**

**Radiocommunications (Penalties and Voluntary Settlement of  
Disputes Procedures) (Amendment) Regulations, 2022**

IN EXERCISE of the powers conferred by article 34 of the Electronic Communications (Regulation) Act, the Minister for the Economy and Industry, has made the following regulations:-

Citation and commencement.

S.L. 399.37.

**1.** (1) The title of these regulations is Radiocommunications (Penalties and Voluntary Settlement of Disputes Procedures) (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Radiocommunications (Penalties and Voluntary Settlement of Disputes Procedures) Regulations, hereinafter referred to as "the principal regulations".

(2) These regulations shall be deemed to have come into force on the 1st October, 2021.

Amends regulation 1 of the principal regulations.

**2.** In regulation 1 of the principal regulations, the words "Radiocommunications (Penalties and Voluntary Settlement of Disputes Procedures) Regulations" shall be substituted by the words "Radiocommunications (Punishments and Voluntary Settlement of Disputes Procedures) Regulations".

Amends regulation 3 of the principal regulations.

**3.** Regulation 3 of the principal regulations, shall be amended by the following:

(a) in the marginal note thereof, the word "fine" shall be substituted by the words "fine (multa)";

(b) sub-regulation (1) thereof, shall be amended by the following:

(i) the words "The Minister in the case of a first offence in breach of article 28(1) of the Act, or the Authority in the case of a first offence in breach of article 30(2) of the Act" shall be substituted by the words "The Authority in the case of a first offence in breach of articles 30(1) or 31 of the Act"; and

(ii) the words "at the discretion of the Minister or the Authority, as the case may be," shall be substituted by

the words "at the discretion of the Authority";

(c) in the proviso to sub-regulation (1) thereof, the words "Provided that in the said agreement the Minister or the Authority, as the case may be, may include such conditions as the Minister or the Authority may consider necessary to ensure compliance with the provisions of articles 28(1) or 30(2) of the Act, as the case may be," shall be substituted by the words "Provided that in the said agreement the Authority may include such conditions as the Authority may consider necessary to ensure compliance with the provisions of articles 30 or 31 of the Act,"; and

(d) in sub-regulation (2) thereof, the words "by the Minister or the Authority" shall be substituted by the words "by the Authority".

4. Regulation 4 of the principal regulations, shall be amended by the following:

Amends  
regulation 4 of  
the principal  
regulations.

(a) in the Maltese version, the words "(1) Minkejja" shall be substituted by the word "Minkejja";

(b) the words "the provisions of article 28 or 30 of the Act" shall be substituted by the words "the provisions of article 30B of the Act";

(c) the words "a penalty in accordance with" shall be substituted by the words "a fine (multa) in accordance with";

(d) in the proviso thereof, the words "penalty applicable therewith" shall be substituted by the words "fine (multa) applicable therewith"; and

(e) in the proviso thereof, the words "the provisions of article 28 or 30 of the Act, as the case may be," shall be substituted by the words "the provisions of article 30B of the Act".

5. Regulation 5 of the principal regulations, shall be substituted by the following:

Substitutes  
regulation 5 of  
the principal  
regulations.

"5. In the event that any fine (multa) or administrative penalty are due under these regulations or under Part IV of the Act, a radiocommunications individual licence issued under Part IV of the Act, shall not be renewed unless, together with the prescribed fee, such person pays any such fine (multa) or administrative penalty as may be due."

Amends the  
Schedule to the  
principal  
regulations.

**6.** In the Schedule to the principal regulations, the words "the penalty stated" shall be substituted by the words "the fines (multi stated)".

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