

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

12th April, 2019

**ACT No. XIII of 2019**

*AN ACT to amend the Malta Communications Authority Act, Cap. 418.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and  
commencement.  
Cap. 418.

**1.** (1) The short title of this Act is the Malta Communications Authority (Amendment) Act, 2019 and this Act shall be read and construed as one with the Malta Communications Authority Act hereinafter referred to as the "principal Act".

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

2. Sub-article (3) of article 4 of the principal Act shall be amended as follows: Amendment of article 4 of the principal Act.
- (a) paragraph (u) thereof shall renumbered as paragraph (v); and
- (b) immediately after paragraph (t) there shall be added the following new paragraph:
- "(u) monitor and ensure the accessibility of websites and mobile applications in accordance with the provisions of this Act;"
3. In the proviso to sub-article (1) of article 5 of the principal Act, immediately after the words "employees," there shall be added the words "to a Chief Executive Officer or", for the words "any officer" there shall be substituted the words "any other officer" and immediately after the words "by the Board." there shall be added the words "The first Chief Executive Officer shall be appointed by the Minister." Amendment of article 5 of the principal Act.
4. In sub-article (1) of article 6 of the principal Act the words "on matters related to ex-ante market regulation and the resolution of disputes between undertakings in accordance with articles 43 and 44A." shall be substituted by the words "on any matters related to the exercise of any of its statutory functions however so described as provided for by law." Amendment of article 6 of the principal Act.
5. Article 7 of the principal Act shall be amended as follows: Amendment of article 7 of the principal Act.
- (a) in the proviso to sub-article (2) thereof, immediately after the words "members of the Board" there shall be added the words ", the Chief Executive Officer, if any,"; and
- (b) in sub-article (3) thereof, immediately after the words "member of the Board" there shall be added the words ", the Chief Executive Officer, if any,".
6. In sub-article (1) of article 32 of the principal Act the words "The Authority shall before proceeding to take any of the measures under article 31" shall be substituted by the words "Unless otherwise provided by or under this Act, the Authority shall before proceeding to take any of the measures under article 31". Amendment of article 32 of the principal Act.
7. Sub-article (7) of article 38 of the principal Act shall be deleted. Amendment of article 38 of the principal Act.
8. Immediately after article 40A of the principal Act there shall be Addition of new article 41 to the principal Act.

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added the following new article:

"Appeal to the  
Court of Appeal

Cap. 490.

Amendment of  
article 46 of the  
principal Act.

41. Any party to an appeal to the Tribunal, who feels aggrieved by a decision of the Tribunal, may appeal to the Court of Appeal in terms of the Administrative Justice Act."

9. Sub-article (1) of article 46 shall be substituted by the following:

"(1) The Minister may, after consultation with the Authority, make regulations in respect of any functions assigned to the Authority including such functions as may be assigned in compliance with any international obligations of Malta:

Provided that the Minister may establish the procedure to be followed by the Authority in the investigation of any infringements and the enforcement of any sanctions that the Authority may be empowered by law to impose."

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Passed by the House of Representatives at Sitting No. 218 of the 9th April, 2019.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*