

## **Nru. 88**

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10. 7. 2001

### **MALTA**

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**KAMRA TAD-DEPUTATI**

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**HOUSE OF REPRESENTATIVES**

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**ABBOZZ ta' Ligi mressaq mill-Onorevoli Josef Bonnici, M.P., Ministru għas-Servizzi Ekonomiċi, u moqri għall-Ewwel darba fis-Seduta tat-18 ta' Settembru, 2000.**

**A BILL introduced by the Honourable Josef Bonnici, M.P., Minister for Economic Services, and read the First time at the Sitting of the 18th September, 2000.**

**ATT blex jipprovdi dwar ir-regolamentazzjoni ta' attivitajiet kummerċjali u blex jipprovdi għal affarijiet anċillari jew konnessi ma' dawk l-attivitajiet.**

**AN ACT to make provision for the regulation of commercial activities; and to make provision for matters ancillary to or connected with such activities.**

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

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**RICHARD J. CAUCHI**  
*Clerk of the House of Representatives*

**Att ta' l-2001 dwar il-Liċenzji tal-Kummerċ**

*Arrangament ta' Artikoli*

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SKEDA

## ABBOZZ TA' LIĠI msejjah

*ATT biex jipprovdi dwar ir-regolamentazzjoni ta' attivitajiet kummerċjali; u biex jipprovdi għal affarijiet anċillari jew konnessi ma' dawk l-attivitajiet.*

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 ġejj:-

### Taqsimha I - Preliminari

1. It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2001 dwar il-Liċenzji tal-Kummerċ, u għandu jibda jsehh f'dik id-data jew dawk id-dati li l-Ministru jista' b'avviż fil-Gazetta jstabilixxi u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

Titolu fil-qosor u bidu fis-sehh.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra:-

Tifsir.

“agent merkantili jew b'kummissjoni” għandu jkollha l-istess tifsira mogħti lilha bl-artikolu 70 tal-Kodiċi tal-Kummerċ;

Kap. 13.

“attivitajiet kummerċjali” tfisser l-eserċizzju ta' xi attivitajiet kummerċjali jew ekonomika inkluż il-bejgħ ta' oġġetti, u l-ghoti ta' servizzi kif jista' jiġi preskritt, irrISPETTIVAMENT minn jekk dik l-attivitajiet kummerċjali tiġix eserċitata minn postijiet kummerċjali jew xort'ohra iżda m'għandhiex tinkludi xi attivitajiet kummerċjali regolata taħt xi liġi ohra;

“bejgħ” tinkludi kull skambju jew trasferiment *in solitum*;

“fiera kummerċjali” tfisser kull fiera, irrISPETTIVAMENT minn kif din tkun magħrufa, fejn tiġi eserċitata attivitajiet kummerċjali;

“Kunsill Lokali” għandu jkollha l-istess tifsira bħalma hu mogħti bl-Att dwar il-Kunsilli Lokali;

Kap. 363.

“lokalita” dwar Kunsill Lokali, għandu jkollha l-istess tifsira mogħti lilha bl-Att dwar il-Kunsilli Lokali u tinkludi triq arterjali jew distributorja jew kull area ohra fil-konfini ta' dik il-lokalita, li, taħt id-disposizzjonijiet ta' l-Att imsemmi huma esklużi mir-responsabbiltà ta' Kunsill Lokali;

“Ministru” tfisser il-Ministru responsabbli għall-kummerċ;

“postijiet kummerċjali” tinkludi hanut, *showroom*, posta, maħżen, jew kull post ieħor minn fejn tiġi ġestita xi attività kummerċjali; u tinkludi kull area magħluqa fejn isiru fieri kummerċjali u tinkludi wkoll kull post ieħor kif jista’ jiġi preskritt li minnu jista’ jiġi pprovdut xi servizz;

“preskritti” tfisser preskritti b’regolamenti magħmulin mill-Ministru għall-finijiet ta’ dan l-Att;

“suq fil-beraħ” tfisser suq fil-beraħ imwaqqaf taħt l-artikolu 24 ta’ dan l-Att;

“triq” tfisser kull triq u tinkludi kull triq traffikuża, sqaq, pjazza, fortifikazzjoni jew x’imkien ieħor mnejn jgħaddi l-pubbliku.

## Taqsimta II - Amministrazzjoni

Awtorità  
regolatorja.

3. (1) L-amministrazzjoni ta’ dan l-Att tkun vestita fil-Ministru jew f’xi persuna oħra jew awtorità imsemmija mill-Ministru għal xi wieħed mill-għanijiet ta’ dan l-Att.

(2) Meta f’dan l-Att issir riferenza għall-awtorità regolatorja, dik ir-riferenza għandha tiftiehem bħala riferenza għal dik il-persuna jew awtorità.

(3) Ikun id-dmir ta’ l-awtorità regolatorja li toħroġ dawk il-liċenzji u li żżomm dawk ir-registri li jistgħu, minn żmien għal żmien, jinhtieġu għall-finijiet ta’ dan l-Att.

(4) Sabiex tkun tista’ twettaq il-funzjonijiet tagħha ahjar taħt dan l-Att l-awtorità regolatorja tista’ tagħmel kull arrangament jew ftehim ma’ awtoritajiet oħra jew Kunsilli Lokali.

Applikabilità ta’ l-  
Att.

4. Kemm-il darba ma jiġix xort’oħra provdut minn jew taħt dan l-Att id-disposizzjonijiet ta’ dan l-Att ma jkunux japplikaw dwar xi postijiet kummerċjali bil-liċenzja, jew xi attività kummerċjali regolata, taħt xi liġi oħra; u f’kull każ bhal dak ebda liċenzja oħra jew regolament ieħor ma jkunu jinhtieġu taħt dan l-Att.

Twaqqif tal-Kumitat  
Konsultattiv dwar  
il-Liċenzji.

5. (1) Għandu jitwaqqaf kumitat li jkun magħruf bħala Kumitat Konsultattiv dwar il-Liċenzji hawnhekk iżjed ‘il quddiem imsejjaħ “il-Kumitat” li jkun magħmul minn president li jkun jirrapprezenta lill-awtorità regolatorja u minn mhux iktar minn sitt membri oħra kif il-Ministru jista’ minn żmien għal żmien iqis li jkun adatt li jahtar. Dawk il-membri jinhatru mill-Ministru.

(2) Ikun uffiċjal jew impjegat ta' l-awtorità regolatorja li jagħmilha ta' segretarju tal-Kumitat.

(3) Tlieta mill-membri tal-Kumitat għandhom jiġu mahtura kif ġej:-

(a) membru minnhom minn fost persuni li fil-fehma tal-Ministru ikun l-aktar rappreżentattiv ta' l-interessi tas-settur kummerċjali;

(b) membru iehor minn fost persuni li fil-fehma tal-Ministru ikun l-aktar rappreżentattiv ta' l-interessi tal-konsumaturi; u

(ċ) membru iehor minn fost persuni li fil-fehma tal-Ministru ikun l-aktar rappreżentattiv ta' l-interessi tal-Kunsilli Lokali.

(4) Fejn xi kwistjoni li tkun qed tiġi kkunsidrata mill-Kumitat tkun tinvolvi lil xi settur kummerċjali partikolari, għandu jiġi magħżul ukoll membru addizzjonali li jkun jirrapreżenta lil dak is-settur kummerċjali, u dan mis-settur rilevanti, fil-lista msemmija fis-subartikolu (5) ta' dan l-artikolu sabiex jattendi dik il-laqgħa li fiha tkun se tiġi diskussa l-kwistjoni.

(5) Għall-finijiet tas-subartikolu (4) ta' dan l-artikolu, l-Ministru jahtar lista ta' persuni li fil-fehma tiegħu jkunu l-aktar rappreżentattivi ta' l-interessi tad-diversi setturi kummerċjali.

(6) Il-membri jibqgħu f'dik il-kariga għal dak il-perjodu li ma jkunx ta' iżjed minn tliet snin u b'dawk il-pattijiet u kondizzjonijiet kif il-Ministru jista' jqis li jkunu adatti. Il-membri jistgħu jerggħu jinhatru mill-ġdid meta jiskadilhom iż-żmien tal-kariga.

6. (1) Il-laqgħat tal-Kumitat jissejhu mill-president mill-inqas darba fix-xahar jew fuq talba ta' mill-inqas tliet membri tal-Kumitat.

Proċeduri tal-Kumitat.

(2) Il-kworum għal dawk il-laqgħat ikun magħmul mill-president u minn tliet membri oħra.

(3) Id-deċiżjonijiet tal-Kumitat ikunu bl-akbar għadd ta' voti tal-membri preżenti u jekk jiġri li jkun hemm voti ndaqs il-president ikollu wkoll vot iehor jew vot deċiżiv. Meta membru jew membri jiġu magħżula skond ma hemm fis-subartikolu (4) ta' l-artikolu 5 ta' dan l-Att, dawk il-membri jkunu wkoll jistgħu jivvotaw.

(4) L-Kumitat jista' jaġixxi minkejja kull post vakanti li jkun hemm sakemm ikun hemm kworum.

(5) L-Kumitat għandu jzomm il-minuti tal-laqgħat kollha li jagħmel u jgħaddi kopja ta' dawk il-minuti lill-awtorità regolatorja.

(6) Il-Kumitat għandu xort' oħra jirregola l-proċedura tiegħu nnifsu.

Funzjonijiet tal-Kumitat.

7. (1) Il-Kumitat għandu, bil-ghan li jkun jista' jwettaq ahjar id-disposizzjonijiet ta' dan l-Att, jagħti pariri lill-Ministru u l-awtorità regolatorja fuq kull haġa dwar id-disposizzjonijiet ta' dan l-Att.

(2) Mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi l-Kumitat jista' wkoll:-

(a) jagħmel dawk il-konsultazzjonijiet li jistgħu jinhtiegu;

(b) jagħti pariri lill-Ministru u l-awtorità regolatorja fuq kull haġa li tigi lilha riferita jew inkella minn jeddha;

(c) jagħti pariri lill-Ministru fuq l-għemil ta' regolamenti taħt dan l-Att;

(d) jagħmel dak kollu li jista' jwassal għall-ahjar twettiq tal-funzjonijiet tiegħu taħt dan l-Att;

(e) iwettaq dawk il-funzjonijiet l-oħra kif jistgħu minn żmien għal żmien jiġu lilu assenjati mill-Ministru.

Bord ta' l-Appelli  
dwar il-Liċenzjar.

8. (1) Ikun hemm Bord ta' l-Appelli dwar il-Liċenzjar, li jkun magħmul minn tliet membri, li wiehed minnhom, li jkun il-president, ikun persuna li tkun eserċitat bħala avukat għal mhux inqas minn seba' snin.

(2) Il-membri tal-Bord għandhom jiġu maħtura mill-Ministru għal perjodu ta' hames snin, u jistgħu jiġu biss imneħħija mill-kariga mill-Prim Ministru meta jkun hemm provi ta' inkapaċità li jwettqu l-funzjonijiet tal-kariga tagħhom (sew minhabba f' debulizza fil-gisem jew tal-mohħ jew xi raġuni oħra) jew imġieba hażina bil-provi.

Kap. 12.

(3) Membru tal-Bord jista' jiġi rikuzat jew jastjeni għal kull waħda mir-raġunijiet li dwarhom imħallef jista' jiġi rikuzat jew inkella jastjeni skond l-artikolu 734 tal-Kodiċi ta' Organizzazzjoni u Proċedura Civili. F'kull każ bhal dak il-Ministru għandu jahtar persuna, li jkollha l-kwalifiki tal-membru li jkun rikuzat jew qed jastjeni, biex toqgħod bħala membru tal-Bord minflok dak il-membru.

(4) Membru tal-Kamra tar-Rappreżentanti jew ta' Kunsill Lokali, Mhallef jew Maġistrat ikun skwalifikat milli jiġi mahtur jew milli jkompli milli jkun membru tal-Bord għal daqskemm huwa jkun għadu detentur ta' dik il-kariga.

(5) Il-Ministru għandu wkoll isemmi persuna biex tagħmilha ta' segretarju tal-Bord.

9. (1) Jista' jsir appell lill-Bord ta' l-Appelli dwar il-Liċenzjar fuq kull deċiżjoni meħuda skond id-disposizzjonijiet ta' dan l-Att u regolamenti magħmulin tahtu. Id-dritt ta' appell jappartjeni lil min japplika u lil kull min juri interess li jkun ressaq oġġezzjoni kif dovut jew ilmenta kontra l-għoti tal-liċenzja. Appelli.

(2) Jista' jiġi ppreżentat appell lill-Bord għal kull waħda mir-raġunijiet li ġejjin:-

(a) li jkun sar żball materjali d'war il-fatti;

(b) li kien hemm żball materjali proċedurali;

(c) li jkun sar żball tal-liġi;

(d) li kien hemm xi illegalità materjali, inkluża irragonevolezza jew nuqqas ta' proporzjonalità.

(3) Il-Bord għandu, wara li jisma' lill-appellant, l-awtorità regolatorja u l-applikant, jekk dan ma jkunx l-appellant, jiddeċiedi l-appell u jagħti raġunijiet għad-deċiżjonijiet tiegħu waqt seduta pubblika.

(4) Meta jkun qed jiddeċiedi appell taht dan l-artikolu il-Bord jista' :-

(a) jiċċad l-appell;

(b) jannulla d-deċiżjoni, u jirreferi l-kwistjoni lill-awtorità regolatorja rilevanti.

10. (1) Il-Bord ikun kompetenti li jittratta u jiddeċiedi kull appell li jsir quddiemu skond id-disposizzjonijiet ta' dan l-Att u r-regolamenti magħmula tahtu; u d-deċiżjonijiet tal-Bord ikunu finali u konkluzivi. Poteri u proċeduri tal-Bord.

(2) Biex ikun jista' jwettaq il-funzjonijiet tieghu, l-Bord jista' jharrek lil min irid biex jidher quddiemu u jixhed u jgib mieghu dokumenti; u l-president ikollu l-poter jamministra l-gurament. Il-Bord jista' wkoll jahtar esperti biex jaghtu pariri lill-Bord dwar kull kwistjoni teknika li tista' tkun rilevanti ghad-decizjonijiet li jkollu jagħmel.

(3) Għall-finijiet hawn qabel imsemmija l-Bord ikollu l-istess poteri bħal ma għandha l-Prim' Awla tal-Qorti Ċivili skond il-liġi.

(4) Il-proċedura li għandha tiġi segwita quddiem il-Bord, it-terminu li fih u l-mod kif appell lill-Bord għandu jsir ikunu daww kif jistghu jiġu preskritti; u bla ħsara għal dan, u għal kull disposizzjoni oħra li tapplika ta' dan l-Att, il-Bord jista' jistabbilixxi l-proċedura tiegħu nnifsu.

Appelli lill-Qorti ta' l-Appell.

Kap. 12.

11. Meta xi parti f'appell lill-Bord thoss ruhha aggravata b'decizjoni tal-Bord, jew jekk l-awtorità regolatorja thoss ruhha mhux sodisfatta b'xi decizjoni bħal dik, tista' dwar punt ta' liġi tappella lill-Qorti ta' l-Appell kif magħmul skond is-subartikolu (6) ta' l-artikolu 41 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili b'rikors li jiġi pprezentat fir-reġistru ta' dik il-qorti, fi żmien tletin ġurnata mid-data tad-decizjoni tal-Bord.

Appell biex decizjoni ma tiġix sospiza.

12. L-effett ta' decizjoni li dwarha jkun hemm appell m'għandux, hliet meta l-Bord jew il-Qorti ta' l-Appell, skond il-każ, hekk jordnaw, ikunu sospizi minhabba f'li jkun qed isir dak l-appell.

### Taqsimha III - Liċenzjar ta' Postijiet Kummerċjali u Ċerti Attivitajiet

Postijiet kummerċjali li għandha tinbarġilhom liċenzja.

Attivitajiet kummerċjali fi triq.

13. Bla ħsara għad-disposizzjonijiet ta' l-artikolu 4 ta' dan l-Att, hadd ma jista' jiftaħ jew iżomm xi post kummerċjali kemm-il darba ma jkunx id-detentur dwar xi tali post liċenzja mill-awtorità regolatorja.

14. (1) Hadd ma jkun jista' jiġġestixxi xi attività kummerċjali f'xi triq mingħajr liċenzja mill-awtorità regolatorja:

Iżda dik il-liċenzja ma tagħti ebda dritt lid-detentur tagħha li jiġġestixxi l-attività kummerċjali minn xi post fiss f'suq fil-beraħ f'xi lokalità mingħajr ma jkollu l-awtorizzazzjoni minn qabel u bil-miktub tal-Kunsill Lokali ta' dik il-lokalità skond l-artikolu 25 ta' dan l-Att.

(2) Id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma jkunux japplikaw f'xi każ minn dawn li ġejjin:-

(a) meta persuna jew grupp ta' mhux iktar minn sitt persuni, f'xi triq, idoqqu xi strument muzikali jew xort'ohra juru t-talent artistiku taghhom u jigbru l-flus li jinghataw bhala donazzjonijiet volontarji minn persuni li jkunu ghaddejin u li jieqfu biex jaraw il-wirja li tkun qed tinghata;

(b) meta persuna, f'xi triq, tipproduci u tbiegh xi artefatt.

(3) Ebda haga fis-subartikolu precedentii m'ghandu jitqies li jolqot id-disposizzjonijiet ta' l-artikoli 38, 40 u 41 tal-Kodiċi tal-Ligijiet tal-Pulizija; u iktar minn hekk ufficial tal-pulizija jkun jista' skond il-ligi jwaqqaf kull attivita' bhal ma hemm imsemmija fil-paragrafi (a) u (b) ta' l-imsemmi subartikolu u jordna li l-attivita' tinzamm x'imkien iehor.

Kap. 10.

15. Hadd m'ghandu jagixxi bhala agent merkantili jew b'kummissjoni jew bhala sensar pubbliku minghajr licenzja mill-awtorita' regolatorja.

Licenzjar ta' agenti merkantili jew b'kummissjoni u sensara pubblici.

16. (1) Licenzji li jinharġu taht din it-Taqsima jkollhom dik l-ghamla u jkunu suggetti ghal dawk il-pattijiet u l-kondizzjonijiet li l-Ministru jista' jippreskrivi.

Pattijiet u kondizzjonijiet tal-licenzji.

(2) L-awtorita' regolatorja jew kull persuna ohra msemmija ghaldaqstant ikollha l-poter li tehtieg li jingiebu dawk id-dokumenti u dik l-informazzjoni hekk kif tkun tqis metiega ghall-finijiet ta' dan l-Att jew ta' regolamenti maghmulin tahtu.

(3) L-awtorita' regolatorja jew kull persuna ohra msemmija ghaldaqstant tista' tidhol f'kull post kummercjali matul il-hinijiet tax-xoghol biex tizgura li d-disposizzjonijiet ta' dan l-Att jew ta' regolamenti maghmulin tahtu jkunu qeghdin jigu mharsa.

17. Minkejja d-disposizzjonijiet precedenti ta' din it-Taqsima, meta jigri li f'xi post ikun hemm jew x'aktarx ikun hemm xi glieda jew irvell, il-Pulizija tista' tordna li xi post kummercjali fl-imkien jew hdejn fejn ikun hemm jew x'aktarx ikun hemm il-glieda jew l-irvell, jinzamm maghluq ghal dak il-hin kollu li jista' jkun mehtieg.

Poter tal-Pulizija li taghlaq il-hwienet f'kaz ta' x'irvell.

#### Taqsima IV- Reġistrazzjoni ta' Attivitajiet u Postijiet Kummerjali

18. Kull min ikun qieghed jiggestixxi xi attivita' kummercjali minn x'imkien iehor li ma jkunx post kummercjali ghandu jkun regjistrat skond id-disposizzjonijiet ta' regolamenti li jistghu jigu preskritti.

Attivita' kummercjali ghandha tkun regjistrata.

### Taqsim V- Kwalifiki

Kwalifiki li jistghu jinhtieg.

19. Kull min ikun qiegħed jiġġestixxi xi attività kummerċjali u kull min ikun qiegħed iservi lill-klijenti minn xi post kummerċjali jista' jkun meħtieġ li jkollu dawk il-kwalifiki li jistghu jiġu preskritti.

### Taqsim VI - Attivitàjiet li jeħtieġu permess mill-Kunsill Lokali

Permessi mill-Kunsill Lokali.

20. (1) Fejn hemm provdut taħt din it-Taqsim li attività tkun sugġetta għal xi permess mill-Kunsill Lokali, dak il-permess ma jkunx jeħtieġ, kemm-il darba ma jiġix provdut xort'ohra, xi permess, licenzja jew awtorizzazzjoni ohra mill-awtorità regolatorja jew minn xi awtorità ohra.

(2) Kull riferenza f'din it-Taqsim għal Kunsill Lokali għandha titqies bħala riferenza għall-Kunsill Lokali ta' dik il-lokalità fejn l-attività li tkun teħtieġ il-permess tkun se ssir.

Divertiment pubbliku.

21. (1) Hadd ma jista' jagħmel wirja pubblika, esibizzjoni, xi loġħob żgħir, fiera, tomba jew xi divertiment pubbliku jew attività simili ohra f'xi triq f'xi lokalità f'xi gurnata jew granet speċjali jew speċifiċi mingħajr il-permess tal-Kunsill Lokali.

(2) Salvi d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, Kunsill Lokali m'għandux johroġ permess għal fiera kummerċjali mingħajr il-kunsens ta' l-awtorità regolatorja.

(3) Minkejja d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, persuna li tagħmel f'xi gurnata speċjali jew speċifiċa:-

(a) xi *disco*, ballu, żfin jew xi attività ohra bħal dik, irrISPettivament minn kif dawn ikunu magħrufa; jew

(b) xi attività sportiva li ssir fuq medda ta' iktar minn lokalità waħda jew fuq bażi nazzjonali; jew

(c) xi attività li tkun organizzata minn xi partit politiku;

tkun teħtieġ biss permess mill-Kummissarju tal-Pulizija.

(4) Il-Kummissarju tal-Pulizija jkun jista' skond il-liġi, għal raġunijiet ta' ordni pubbliku, sigurtà pubblika jew moralità pubblika jwaqqaf jew jissospendi permess mahruġ taħt dan l-artikolu.

(5) Meta Kunsill Lokali jirċievi applikazzjoni taht dan l-artikolu il-Kunsill Lokali għandu, mhux aktar tard minn jumejn tax-xogħol minn meta jirċievi applikazzjoni għal tali permess, u f'kull każ mhux aktar tard minn ġimgħatejn qabel ma jkun se jsir dak l-avveniment, jgħaddi kopja ta' dik l-applikazzjoni lill-Kummissarju tal-Pulizija.

(6) Il-Kummissarju tal-Pulizija għandu, mingħajr preġudizzju għas-subartikolu (4) ta' dan l-artikolu, mhux aktar tard minn hamest ijiem minn meta jirċievi l-kopja ta' dik l-applikazzjoni, jgħarraf lill-Kunsill Lokali b'kull kondizzjoni marbuta ma' dak il-permess.

22. (1) Mingħajr preġudizzju għad-disposizzjonijiet tas-subartikolu (4) ta' l-artikolu 21 ta' dan l-Att, hadd ma jista' jwaqqaf xi posta jew kjosk f'xi triq jew iwettaq xi attività kummerċjali f'tali triq f'xi ġurnata jew granet speċjali jew speċifiċi mingħajr il-permess tal-Kunsill Lokali.

Bejgħ fi granet speċjali.

(2) Jekk it-twaqqif ta' xi posta jew kjosk jew l-eserċizzju ta' xi attività kummerċjali kif hawn qabel imsemmija, isiru minn min ikun qed jorganizza xi attività skond l-artikolu 21 ta' dan l-Att li dwarha jkun inhareġ permess mill-Kunsill Lokali jew mill-Kummissarju tal-Pulizija, skond il-każ u skond l-imsemmi artikolu, u l-permess ikun jinkludi t-twaqqif ta' dawk il-posti jew kjoskijiet jew l-eserċizzju ta' dik l-attività kummerċjali, dak it-twaqqif jew dik l-attività ma jkunux jehtiegu permess mill-Kunsill Lokali taht dan l-artikolu jew liċenzja mill-awtorità regolatorja taht dan l-Att.

(3) Kunsill Lokali jista' wkoll, f'xi ġurnata jew granet speċjali jew speċifiċi, johroġ permessi għat-tqegħid ta' mwejjed u sigġijiet f'xi triq biex jingħata servizz ta' ikel u xorb:

Izda din id-disposizzjoni ma tapplikax għat-tqegħid ta' mwejjed u sigġijiet minn kull min ikun, skond xi liċenzja oħra, awtorizzat li jqiegħed dawk l-imwejjed u sigġijiet fuq bażi regolari, imma tkun tapplika għaċ-ċirkostanza fejn dawk l-imwejjed u sigġijiet ma jkunux koperti b'dik il-liċenzja.

23. Hadd ma jista' jqiegħed xi materjal tal-bini jew materjal iehor jew xi oġġetti, jew jiddepożita jew juża xi krejn jew makkinarju goff iehor meta jkunu qegħdin isiru l-bini, kostruzzjoni jew demolizzjoni ta' xi bini jew proġett iehor simili, mingħajr il-permess tal-Kunsill Lokali.

Tqegħid ta' materjal, krejnijiet, eċċ.

24. Mingħajr preġudizzju għad-disposizzjonijiet ta' kull liġi oħra, l-Ministru, bi ftehim mal-Kunsill Lokali jista', b'Ordni fil-Gazzetta jstabbilixxi suq fil-beraħ.

Twaqqif ta' swieq fil-beraħ.

Bejgh minn swieq  
fil-berah.

25. (1) Meta jkun gie mwaqqaf xi suq fil-berah f'xi lokalità, hadd ma jista' jiggstixxi xi attività kummerċjali minn xi post fiss f'dak is-suq kemm-il darba huwa ma jkollux liċenzja skond l-artikolu 14 ta' dan l-Att u jkun awtorizzat li jwettaq dik l-attività minn xi sit fil-lokalità ta' dak is-suq li tiġi lilu allokata mill-Kunsill Lokali:

Izda l-awtorizzazzjoni tal-Kunsill Lokali ghandha tkun bla ħsara ghal dawk ir-regolamenti li jistgħu jiġu preskritti taht l-artikolu 28 ta' dan l-Att.

Makni tal-bejgh  
awtomatiċi, eċċ.

26. Hadd ma jista' jqiegħed xi makna tal-bejgh awtomatika jew xi makna magħrufa bħala *kiddie ride machine* f'xi triq mingħajr ma jkollu l-permess tal-Kunsill Lokali:

Izda din id-disposizzjoni ma tkunx tapplika għat-tqegħid ta' makni tal-bejgh awtomatiċi jew *kiddie ride machines* barra mill-postijiet kummerċjali li jkollhom liċenzja taht dan l-Att jew kull liġi oħra u dik il-liċenzja tkun speċifikament tipprovdi għat-tqegħid ta' xi makna tal-bejgh awtomatika bħal dik jew *kiddie ride machine*.

Appelli mid-  
deċiżjonijiet tal-  
Kunsill Lokali.

27. Jista' jsir appell minn deċiżjoni ta' Kunsill Lokali dwar permess jew awtorizzazzjoni meħtieġa taht din it-Taqsima jew skond regolamenti magħmulin taħtha skond id-disposizzjonijiet tat-Taqsima II ta' dan l-Att, u għal dawk l-għanijiet il-Kunsill Lokali jitqies li jkun l-awtorità regolatorja.

Poter tal-Ministru  
responsabbli għall-  
gvern lokali li  
jagħmel  
regolamenti.

28. (1) Il-Ministru responsabbli għall-gvern lokali jista' jagħmel regolamenti fuq kull haġa li tolgot il-hruġ ta' xi permess jew awtorizzazzjoni mill-Kunsill Lokali taht din it-Taqsima, u mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, dawk ir-regolamenti jistgħu jkunu jipprovdu dwar:

(a) il-kriterji, l-kondizzjonijiet u l-proċeduri għall-hruġ, it-tigdid, it-trasferiment, is-sospensjoni jew it-thassir ta' dawk il-permessi jew awtorizzazzjonijiet;

(b) il-kondizzjonijiet li jistgħu jkunu marbuta ma' dawk il-permessi jew awtorizzazzjonijiet;

(ċ) id-drittijiet li għandhom jithallsu għal dawk il-permessi jew awtorizzazzjonijiet;

(d) dwar swieq fil-berah:-

(i) il-kondizzjonijiet li tahtom ghandhom jitmexxew swieq fil-berah mill-Kunsilli Lokali;

(ii) l-arei li ghandhom jigu indikati u allokati lill-bejjiegha fit-toroq u l-kondizzjonijiet ghal dawk l-allokkazzjonijiet; u

(iii) l-obbligazzjonijiet tal-bejjiegha fit-toroq li joperaw minn swieq fil-berah.

(2) Dik ir-regolamentazzjoni tista' tkun tipprovdi li kull min jikser id-disposizzjonijiet ta' xi regolament tali jew ta' xi kondizzjoni marbuta ma' xi permess jew awtorizzazzjoni bhal dawk, ikun hati ta' reat taht ir-regolamenti u jista', meta jinsab hati, jehel ammenda kif tista' tigi stabbilita f'dawk ir-regolamenti, liema ammenda ma tkunx ta' iktar minn mitejn lira.

### Taqsimha VII - Disposizzjonijiet Ġenerali

29. Il-Ministru jista' jaghmel regolamenti bil-ghan li jirregola l-ghoti, t-tigdid, is-sospensjoni, t-trasferiment jew it-thassir ta' licenzji jew ta' xi kategorija jew klassi wahda jew iktar taghhom u, b'mod partikolari, imma minghajr preġudizzju ghall-ġeneralità ta' din id-disposizzjoni, jista' jaghmel regolamenti ghal xi wiehed jew kull wiehed mill-iskopijiet li ġejjin:- Poter li jsiru regolamenti.

(a) biex jippreskrivi l-kondizzjonijiet li tahtom licenzji jew xi kategorija jew klassi wahda jew iktar taghhom jistgħu jinghataw, jigu mġedda, sospizi, trasferiti jew imhassra;

(b) biex jipprovdu l-mod li bih isiru applikazzjonijiet għall-ghoti, tigdid, sospensjoni, trasferiment jew thassir ta' licenzji jew ta' xi kategorija jew klassi wahda jew iktar taghhom; dwar dak li għandu jkun fihom dawk l-applikazzjonijiet għall-mod kif għandhom jigu mogħtija, mġedda, sospizi, trasferiti jew imhassra dawk il-licenzji; il-mod kif dawk il-licenzji għandhom jinħarġu, x'għandu jkun fihom u l-mod kif għandu jigi indikat it-tigdid jew it-trasferiment taghhom;

(c) biex jipprovdu dwar il-mod li bih applikazzjonijiet għal dawk il-licenzji li jistgħu jigu preskritti għandu jkun magħruf mill-pubbliku u biex jipprovdu l-mod li bih kull min jista' jkun preġudikat b'dik il-licenzja jista' jagħmel oġġezzjoni jew ilment dwar dan lill-awtorità regolatorja;

(d) biex jistabbilixxu għal kemm żmien il-liċenzji jew xi kategorija jew klassi waħda jew iktar tagħhom idumu validi;

(e) biex jistabbilixxu d-drittijiet li għandhom jithallsu għal-liċenzji jew xi kategorija jew klassi waħda jew iktar tagħhom, sew billi dan jiġi determinat b'mod dirett jew b'riferenza għall-mod li bih għandhom jiġu kalkolati dawk id-drittijiet; u biex jipprovdu dwar id-drittijiet li għandhom jithallsu għal perjodi mhux shaħ:

Iżda regolamenti magħmulin taht dan il-paragrafu jistgħu jistabbilixxu l-inqas u l-ogħla ammont ta' kull dritt li jithallas dwar il-liċenzji jew xi kategorija jew klassi waħda jew iktar tagħhom;

(f) biex jistabbilixxu l-pieni li jista' jehel il-hati kontra regolamenti magħmulin taht dan l-Att; imma ebda piena bħal dik ma tista' tkun oghla minn elf lira;

(g) biex jistabbilixxu l-kwalifiki li persuna li tkun qed twettaq attività kummerċjali jew taqdi lill-klijenti minn postijiet kummerċjali tista' tinħtieġ li jkollha;

(h) dwar il-htieġa ta' registrazzjoni ta', u biex jistabbilixxu l-kwalifiki li għandu jkollu, kull min jiġġestixxi xi attività kummerċjali mhux minn xi post kummerċjali, iżda dan il-paragrafu ma jkunux japplika dwar xi persuna li twettaq xi attività kummerċjali li tkun regolata taht xi liġi oħra u li tkun mehtieġa li jkollha liċenzja jew *warrant* taht dik il-liġi;

(i) dwar kull haġa dwar xi attività mwettqa f'xi post kummerċjali bil-liċenzja taht dan l-Att;

(j) biex jistabbilixxu l-granet u s-sieġhat li matulhom attività tkun tista' jew għandha tiġi mwettqa minn xi post kummerċjali, inklużi swieq fil-beraħ:

Iżda dawk ir-regolamenti jistgħu wkoll jipprovdu dwar kull post kummerċjali li tkun inħarġitlu liċenzja minn xi awtorità regolatorja oħra taht id-disposizzjonijiet ta' xi liġi oħra;

(k) biex jippreskrivu kull haġa li titqies mehtieġa jew spedjenti biex ikunu jistgħu jitwettqu aħjar id-disposizzjonijiet kollha ta' dan l-Att.

Reati u peni.

**30.** Meta persuna tikser xi disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu, hija tkun hatja ta' reat taht dan l-Att u tista' tehel, meta tinsab hatja, kemm-il darba ma tkunx preskritta xi piena oħra taht xi disposizzjoni oħra ta' dan l-Att:-

(a) meta tinsab hatja għall-ewwel darba, ammenda ta' mhux inqas minn hamsin lira imma ta' mhux iżjed minn hames mitt lira;

(b) meta tinsab hatja għat-tieni darba jew għal aktar drabi, ammenda ta' mhux inqas minn mitt lira u mhux iżjed minn elf lira; u

(c) fil-każ ta' reat kontinwu, ammenda ta' għaxar liri għal kull gurnata li matulha jkompli r-reat.

**31.** (1) Minkejja kull liġi oħra li tipprovdi dwar is-smiġh ta' kawżi u l-ghoti ta' piena għal reati, meta l-awtorità regolatorja tkun tal-fehma li persuna tkun għamlet reat kontra dan l-Att jew regolamenti magħmulin tahtu, l-awtorità regolatorja tista' tagħti avviż bil-miktub lil dik il-persuna fejn tiddekrivi r-reat li dik il-persuna tkun qed tiġi akkużata bih u l-piena li tista' tiġi preskritta dwar dak ir-reat.

Proċeduri speċjali.

(2) Il-Ministru għandu jipprekrivi l-pieni li jistgħu jintalbu mill-awtorità regolatorja għal xi reat speċifikat:

Iżda dik il-piena m'għandhiex tkun iżjed minn elf lira.

(3) Meta jkun ingħata avviż taht dan l-artikolu, il-persuna li tissemma fl-avviż tista', fi żmien wiehed u għoxrin gurnata minn notifika ta' l-avviż, taċċetta r-responsabbiltà għar-reat speċifikat fl-avviż u fl-istess żmien thallas il-piena li tiġi indikata f'dak l-avviż, u thares id-disposizzjonijiet relattivi ta' dan l-Att jew tar-regolamenti magħmulin tahtu u ebda proċeduri oħra ma jkunu jistgħu jittiehdu taht dan l-Att dwar dak ir-reat.

Iżda dik il-piena ma tkunx ta' iżjed minn ammont ta' elf lira.

**32.** Fil-każ ta' persuna li tkun qed tiġġestixxi xi attività kummerċjali minn xi post kummerċjali mingħajr liċenzja jew fil-każ tat-tieni reat jew ta' reat sussegwenti għal xi kontravvenzjoni li ssir minn persuna li tkun qed twestaq xi attività kummerċjali bis-saħħa ta' liċenzja mahruġa mill-awtorità regolatorja, f'dak li għandu x'jaqsam ma' l-eserċizzju ta' dik l-attività kummerċjali, il-qorti jkollha s-setgħa li thassar il-liċenzja, jew inkella tissospendiha għal xi żmien, fid-diskrezzjoni tagħha.

Poter tal-qorti li thassar jew tissospendi il-liċenzja ta' sidien tal-hwienet, eċċ.

**33.** Meta qorti jew xi tribunal ieħor ikunu wahħlu l-piena ta' ammenda għar-rigward ta' xi reat dwar xi liċenzja taht dan l-Att, u dik l-ammenda ma tkunx thallset, l-awtorità regolatorja m'għandhiex iġġedded il-liċenzja hawn qabel imsemmija meta din tiskadi sa sak iż-żmien li jsir il-hlas ta' l-ammenda.

Liċenzja ma tiġġeddidx jekk ma tiħallasx ammenda.

**34.** (1) Il-liġijiet fl-Ewwel Kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandu jkollhom seħħ bla hsara għall-emendi li jidhru għar-rigward tagħhom fit-Tieni Kolonna ta' l-imsemmija Skeda.

Emenda ta' liġijiet oħra u riserva.

(2) Minkejja l-emendi fil-Kodiċi tal-Kummerċ li hemm fl-Iskeda li tinsab ma' dan l-Att id-disposizzjonijiet tal-Kodiċi tal-Kummerċ dwar il-liċenzjar ta' agenti merkantili jew b'kummissjoni u sensara, kif fis-sehh minnufih qabel id-dhul fis-sehh ta' dan l-artikolu għandhom ikomplu japplikaw sakemm il-Ministru b'Ordni jstabbilixxi li d-disposizzjonijiet ta' dan l-Att jibdew japplikaw dwar dwar dawk l-agenti u sensara.

(3) Ir-regolamenti kollha magħmulin taht id-disposizzjonijiet ta' xi ligi li qed tigi emendata jew imhassra kif imsemmi qabel, u murija fl-Iskeda li tinsab ma' dan l-Att, għandhom, sakemm issir xi disposizzjoni taht jew bis-sahha ta' dan l-Att, jew tal-ligijiet hawn qabel imsemmija kif emendati, ikomplu fis-sehh u jkollhom effett bhallikieku magħmula taht dan l-Att jew il-ligi rilevanti kif emendata, skond ma jista' jkun jehtieg il-każ.

(4) Kull liċenzja, permess, sensja jew awtorità oħra mogħtija taht xi ligi jew xi disposizzjoni tagħha, li tkun qed tigi emendata b' dan l-Att kif hawn qabel imsemmi, u li tkun għadha fis-sehh minnufih qabel dik l-emenda, għandha tkompli fis-sehh wara dik id-data bhallikieku kienet liċenzja, permess, sensja jew awtorità mogħtija taht xi disposizzjoni korrispondenti ta' dan l-Att, jew taht dawk il-ligijiet kif emendati, skond ma jista' jkun jehtieg il-każ; u kull tali liċenzja, permess, sensja jew awtorità kif hawn qabel imsemmija għandhom ikunu ttrattati u jsir minnhom skond hekk.

(5) Kull kondizzjoni marbuta ma' tali liċenzja, permess, sensja jew awtorità oħra għandha tibqa' mhux mittiefsa sakemm issir disposizzjoni oħra taht jew bis-sahha ta' dan l-Att, jew tal-ligijiet hawn qabel imsemmija kif emendati.

**Emendi relattivi**

**Ligi**  
Kodiċi tal-Ligijiet  
tal-Pulizija,  
Kap. 10.

1. Fl-artikolu 2 it-tifsiriet ta' "bejgh", "hanut" u "inbid, birra u spirti" għandhom jithassru.

2. Fl-artikolu 25, minflok il-kliem "Hadd ma jista', minghajr liċenza tal-Pulizija" għandhom jidhlu l-kliem "Minghajr preġudizzju għad-disposizzjonijiet ta' kull ligi oħra, hadd ma jkun jista', minghajr il-liċenzja tal-Kunsill Lokali relattiv" u minnufih wara l-kliem "mill-Pulizija" għandhom jiddaħhlu l-kliem "jew minn gwardjan lokali".

3. L-artikolu 29 għandu jiġi emendat kif ġej:-

(a) id-disposizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1); u

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandhom jiżdiedu dawn is-subartikoli godda li ġejjin:-

"(2) Applikazzjoni għal permess taħt is-subartikolu (1) ta' dan l-artikolu għandha ssir lill-Awtorità dwar it-Trasport ta' Malta f'dak il-mod u mal-hlas ta' dawk id-drittijiet li jistgħu jiġu preskritti b'regolamenti magħmulin mill-Ministru responsabbli għall-Awtorità dwar it-Trasport ta' Malta.

(3) Jekk meta jitlestax-xogħol li dwaru jkun inhareġ permess, il-konċedent ma jergax iġib kollox lura għal li kien fi żmien tmienja u erbghin siegħa mit-tlestija, jew f'dak iż-żmien itwal li jista' jiġi mħolli fil-permess, jew inkella t-tqegħid ta' kollox lura għal li kien ma jsirx sew, l-Awtorità dwar it-Trasport ta' Malta tista' tregġa' kollox lura għal li kien għas-spejjeż tal-konċedent. Għal dak l-ghan l-Awtorità dwar it-Trasport ta' Malta tista' titlob li jsir depożitu biżżejjed għand, jew inkella tiġi pprovduta garanzija bankarja favur, l-Awtorità dwar it-Trasport ta' Malta mill-applikant għal dak il-permess.

(4) Minghajr preġudizzju għad-disposizzjonijiet l-oħra ta' dan l-artikolu, jekk persuna tagħmel xi xogħol minghajr ma jkollha permess bi ksur tas-subartikolu (1) ta' dan l-artikolu, dik il-persuna tkun hatja ta'

kontravvenzjoni u tista', meta tinsab hatja, tehel ammenda ta' hamsin lira.

(5) Min ikunu sarulu xoghlijiet jew ghax ikun talabhom hu, ikun solidalment responsabbli ma' min ikun ghamel dawk ix-xoghlijiet biex jaghmel ix-xoghlijiet li jreggghu jgibu kollox lura ghal li kien.”.

4. L-artikolu 39 ghandu jithassar.

5. L-artikolu 130 ghandu jithassar.

6. Il-kliem “TAQSIMA IX”, l-intestatura “FUQ IL-LUKANDI U ALLOGGI OHRA” u l-artikoli 169 sa 180, it-tnejn inkluzi, li jidhru hemm fiha ghandhom jithassru.

7. Il-kliem “TAQSIMA X”, l-intestatura “FUQ TAL-HWIENET u TRAFFIKANTI OHRA” u l-artikoli 181 sa 193, it-tnejn inkluzi, li jidhru hemm fiha ghandhom jithassru.

8. Il-kliem “TAQSIMA XI”, l-intestatura “FUQ XI SNAJJA” u l-artikolu 194 li jidher hemm fiha ghandu jithassar.

9. Minflok l-artikolu 195 ghandu jidhol dan li gej:-

“Poter tal-Ministru responsabbli ghal-Pulizija li jaghmel regolamenti dwar ir-registrazzjoni ta' kazini.  
195. (1) Il-Ministru responsabbli ghal-Pulizija ghandu s-setgha li jaghmel regolamenti dwar ir-registrazzjoni ta' postijiet bhala kazini mal-Kummissarju tal-Pulizija.

(2) Dik ir-registrazzjoni tista' tigi michuda ghal ragunijiet ta' moralita' jew ta' ordni pubbliku jew minhabba f'li tkun tonqos xi hteiga taht ir-regolamenti, u bla hsara ghad-disposizzjonijiet ta' kull ligi ohra dik ir-registrazzjoni tista' biss tithassar sew fuq talba li ssir mis-segretarju ta' dak il-kazin f'isem il-kazin innifsu jew skond xi ordni tal-qorti li tinghata wara li jkunu sarilha rikors ghaldaqshekk mill-Kummissarju tal-Pulizija minhabba f'ragunijiet ta' moralita' jew ordni pubbliku jew nuqqas ta' tharis tar-regolamenti:

Iżda l-Kummissarju tal-Pulizija jkun legittimament jista', għal raġunijiet ta' ordni pubbliku, f'kull waqt jordna li każin jinghalaq minnufih għal xi żmien:

Iżda wkoll ir-registrazzjoni ta' każin ma tkunx tiddispensa lil dak il-każin milli jkollu xi permess jew liċenzja li jistgħu jkunu mehtiega b'din il-ligi jew xi ligi oħra biex tkun tista' ssir xi attività mill-każin.”.

**10.** Il-kliem “TAQSIMA XIII”, l-intestatura “FUQ IL-BILJARDI PUBBLIĊI” u l-artikoli 196 sa 200, it-tnejn inklużi, li jidhru hemm fiha, għandhom jithassru.

**11.** Il-kliem “TAQSIMA XIV”, l-intestatura “FUQ IT-TEATRI U D-DIVERTIMENTI PUBBLIĊI” u l-artikoli 201, 203 u 204 għandhom jithassru.

**12.** Minflok il-paragrafu (a) ta' l-artikolu 206 għandu jidhol dan li ġej:

“(a) li ma jkunx għalaq it-tmintax il-sena; jew”.

**13.** Artikolu 212 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “mingħajr liċenza tal-Pulizija” għandhom jidhru l-kliem “mingħajr liċenza mill-Ministru responsabbli għall-ambjent jew minn dik il-persuna jew awtorita` oħra li jistgħu jkunu msemmija minn dak il-Ministru”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “li l-Pulizija jidhriha xierqa” għandhom jidhru l-kliem “li dak il-Ministru jew persuna jew awtorita` oħra kif hawn qabel imsemmija jistgħu jqisu xierqa”.

**14.** Fl-artikolu 214 u fin-nota marginali relattiva, minflok il-kliem “Ministru responsabbli għall-Pulizija” għandhom f'kull każ jidhru l-kliem “Ministru responsabbli għall-ambjent”.

**15.** Il-kliem “TAQSIMA XVI”, l-intestatura “FUQ IR-RAGHAJJA TAL-MOGHOŻ U TAN-NGHAĠ” u l-artikoli 215 sa 217, it-tnejn inklużi, li jidhru hemm fiha għandhom jithassru.

16. Il-kliem "TAQSIMA XVII", l-intestatura "FUQ IL-PORTERS" u l-artikoli 218 u 219 li jidhru hemm fiha għandhom jithassru.

17. Il-kliem "TAQSIMA XVIII", l-intestatura "FUQ TAL-BLAKK" u l-artikolu 222 li jidhru hemm fiha għandhom jithassru.

18. Fis-subartikolu (1) ta' l-artikolu 231, il-kliem "Kummissarju tal-Pulizija, u jekk id-dghajsa li tkun ser tintuza għal dak in-negozju ma tkunx reġistrata skond l-Att dwar l-" għandhom jithassru.

19. Il-kliem "TAQSIMA XXV", l-intestatura "FUQ IT-TRAFFIKANTI F'OGĠETTI TAL-BAĦAR U F'HADID QADIM" u l-artikoli 310 sa 316, it-tnejn inklużi, li jidhru hemm fih, għandhom jithassru.

20. Il-kliem "TAQSIMA XXV A", l-intestatura "FUQ VIDEO RECORDERS" u l-artikoli 316A u 316B li jidhru hemm fiha għandhom jithassru.

Kodiċi tal-Kummerċ,  
Kap. 13.

1. L-artikoli 71 sa 73 u l-artikoli 79 sa 81, u l-artikoli 87 u 95 għandhom jithassru.

2. Artikolu 91 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1) tiegħu minflok il-kliem "mhux anqas minn lira u mhux iżjed minn għoxrin lira" għandhom jidhru l-kliem "mhux iżjed minn elfejn lira";  
u

(b) fis-subartikolu (2) tiegħu minflok il-kliem minn "f'dan il-każ" sal-kliem "ta' l-interdizzjoni" għandhom jidhru l-kliem "f'dan il-każ kull liċenzja taht xi liġi oħra biex jagħmilha ta' sensar għandha titqies li tkun giet sospiza".

Ordinanza dwar il-  
Haddiema d-Deheb u l-  
Haddiema l-Fidda  
(Argentiera),  
Kap. 46.

Fis-subartikolu (1) ta' l-artikolu 9, minflok il-kliem "mingħajr liċenza tal-Pulizija" għandhom jidhru l-kliem "mingħajr liċenza mill-awtorita` regolatorja taht l-Att ta' l-2001 dwar il-Liċenzji tal-Kummerċ".

L-Att dwar il-Protezzjoni ta' l-Industrija tal-Bizzilla tal-Pajjiż, Kap. 59.

L-Att dwar il-Protezzjoni ta' l-Industrija tal-Bizzilla tal-Pajjiż, għandu jithassar.

Att dwar il-Mistrieħ ta' kull Ġimgha tal-Furnara u tal-Barbiera, Kap. 76.

L-Att dwar il-Mistrieħ ta' kull Ġimgha tal-Furnara u tal-Barbiera, għandu jithassar.

Att dwar il-Hinjiet tax-Xogħol tal-Hwienet u tal-Bejjiegha fit-Toroq, Kap. 155.

L-Att dwar il-Hinjiet tax-Xogħol tal-Hwienet u tal-Bejjiegha fit-Toroq, għandu jithassar.

Att dwar l-Irkantaturi, Kap. 342.

Fis-subartikolu (1) ta' l-artikolu 4 minflok il-kliem "Il-liċenzi biex wiehed jagħmilha ta' irkantatur jistgħu jinħargu mill-Ministru" għandhom jidhlu l-kliem "Liċenza biex wiehed jagħmilha ta' irkantatur tista' tinħareġ mill-awtorità regolatorja taht l-Att ta' l-2001 dwar il-Liċenzji tal-Kummerċ".

Att ta' l-2000 li jemenda l-Att dwar it-Trasport Pubbliku, Att XXIII ta' l-2000.

1. Fil-paragrafu (d) tas-subartikolu (1), taht il-paragrafu (a) ta' l-artikolu 8, minnufih wara l-kliem "u s-sewwieqa tagħhom" għandhom jiżdiedu l-kliem "u *car park attendants*".

2. Fil-paragrafu 18.0 tat-Tieni Skeda, dwar l-emendi fl-Ordinanza dwar ir-Regolament tat-Traffiku, Kap. 65, għandu jiżdied dan is-subparagrafu ġdid li ġej minnufih wara s-subparagrafu 18.3:-

"18.3.1 fil-paragrafu (a) tas-subartikolu (2) tiegħu, il-kliem "għassiesa ta' *motor-cars* fil-beraħ" għandhom jithassru."

### Għanijiet u Raġunijiet

L-għan ewlieni ta' dan l-Abbozz hu biex iwaqqaf awtorità regolatorja għall-kummerċ u biex jittrasferixxi mill-Pulizija lil dik l-awtorità l-liċenzji kollha li m'għandhomx x'jaqsmu ma' l-ordni pubbliku jew is-sigurtà. Meta bis-saħħa ta' xi ligi oħra attività kummerċjali tkun diġà regolata u jkollha liċenzja mahruġa minn xi awtorità kompetenti, dik il-liċenzja kummerċjali ma tkun tehtieg ebda liċenzja oħra taht dan l-Abbozz.

C 1492

Id-disposizzjonijiet ta' l-Abbozz iktar minn hekk jipprovdu biex jiġu stabbiliti l-kwalifiki li persuna li tkun qed twettaq xi attività kummerċjali jew li tkun qed isservi lill-klijenti tista' tinħtieg li jkollha u biex isiru regolamenti li jkunu jipprovdu għar-registrazzjoni ta' dawk il-persuni.

L-Abbozz jipprovdi wkoll għal xi permessi ta' xorta okkażjonali li jinħarġu mill-Kunsill Lokali skond regolamenti li għad iridu jiġu preskritti.

Id-disposizzjonijiet ta' l-Att dwar il-Hinjiet tax-Xogħol tal-Hwienet u tal-Bejjieġha fit-Toroq, kif ukoll xi disposizzjonijiet tal-Kodiċi tal-Pulizija qegħdin jiġu integrati taħt dan l-Abbozz. Dwar il-każini, l-Kodiċi qed jiġi emendat b'mod li jillimita l-htigiet li għandhom x'jaqsmu mar-registrazzjoni.

Xi disposizzjonijiet antikwati, bħal dawk li jtkellmu fuq ir-ragħajja tan-nghaġ u tal-moghoż, dawk li jibblakkaw iż-żraben u l-liċenzjar ta' *video recorders* qegħdin jiġu mhassra mill-Kodiċi tal-Liġijiet tal-Pulizija.

**Trading Licences Act, 2001**

*Arrangement of Articles*

Article

**PART I - PRELIMINARY**

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#### SCHEDULE

**A BILL  
entitled**

*AN ACT to make provision for the regulation of commercial activities; and to make provision for matters ancillary to or connected with such activities.*

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

**Part I - Preliminary**

1. The short title of this Act is the Trading Licences Act, 2001 and shall come into force on such date or dates as the Minister may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or different purposes of this Act.

Short title and commencement.

2. In this Act, unless the context otherwise requires:-

Interpretation.

“commercial activity” means the exercise of any trading or economic activity including the sale of goods, and the provision of any services as may be prescribed, irrespective of whether such commercial activity is exercised from commercial premises or otherwise but shall not include any commercial activity regulated under any other law;

“commercial fair” means any fair, irrespective of the name by which it is called, where a commercial activity is exercised;

“commercial premises” includes any shop, showroom, stall, store, or any other premises from where any commercial activity is carried on; and includes any enclosed area within which commercial fairs are held and includes also any other premises as may be prescribed from which any service may be provided;

“Local Council” shall have the same meaning assigned to it by the Local Councils Act;

Cap. 363.

“locality” in relation to a Local Council, shall have the same meaning assigned to it by the Local Councils Act and includes any arterial or distributor road or any other area within the boundaries of such locality, which, under the provisions of the said Act are excluded from the responsibility of a Local Council;

Cap. 13.

“Minister” means the Minister responsible for commerce;

“mercantile or commission agent” shall have the same meaning assigned to it by article 70 of the Commercial Code;

“open air market” means an open air market established under article 24 of this Act;

“prescribed” means prescribed by regulations made by the Minister for the purposes of this Act;

“sale” includes any exchange or transfer *in solitum*;

“street” means any street and includes any road, alley, square, fortification or other place of public passage.

## Part II - Administration

Regulatory  
authority.

3. (1) The administration of this Act shall be vested in the Minister or such other person or authority designated by the Minister for any of the purposes of this Act.

(2) Where in this Act reference is made to the regulatory authority, such reference shall be construed as a reference to such person or authority.

(3) It shall be the duty of the regulatory authority to issue such licences and to keep such registers as may, from time to time, be required for the purposes of this Act.

(4) For the better carrying out of its functions under this Act the regulatory authority may make arrangements or enter into any agreement with any other authority or Local Council.

4. Unless otherwise provided by or under this Act the provisions of this Act shall not apply in relation to any commercial premises licensed, or commercial activity regulated, under any other law; and in any such case no further licence or regulation shall be required under this Act.

Applicability of the Act.

5. (1) There shall be established a committee to be known as the Licensing Advisory Committee hereinafter referred to as "the Committee" which shall be composed of a chairperson representing the regulatory authority and of not more than six other members as the Minister may from time to time deem fit to appoint. Such members shall be appointed by the Minister.

Establishment of Licensing Advisory Committee.

(2) An officer or employee of the regulatory authority shall act as secretary to the Committee.

(3) Three of the members of the Committee shall be appointed as follows:-

(a) one member from amongst persons who in the opinion of the Minister best represent the interests of the commercial sector;

(b) one member from amongst persons who in the opinion of the Minister best represent the interests of consumers; and

(c) one member from amongst persons who in the opinion of the Minister best represent the interests of Local Councils.

(4) Where any matter being considered by the Committee involves a particular commercial sector, an additional member representing such commercial sector shall be co-opted from the relevant sector in the panel referred to in subarticle (5) of this article to attend the meeting at which the matter will be considered.

(5) For the purposes of subarticle (4) of this article, the Minister shall appoint a panel of persons who in his opinion best represent the interests of the various commercial sectors.

(6) The members shall hold office for such period not exceeding three years and on such terms and conditions as the Minister may deem appropriate. Members shall be eligible for re-appointment on the expiration of their terms of office.

6. (1) The meetings of the Committee shall be called by the chairperson at least once a month or at the request of at least three members of the Committee.

Procedures of the Committee.

(2) The quorum for such meetings shall be constituted by the chairperson and any other three members.

(3) Decisions of the Committee shall be by a majority of votes of the members present and in the case of an equality of votes the chairperson shall also exercise a second or casting vote. Where a member or members are co-opted in terms of subarticle (4) of article 5 of this Act, those members shall also be eligible to vote.

(4) The Committee may act notwithstanding any vacancy as long as a quorum is present.

(5) The Committee shall keep minutes of all its meetings and shall forward copies of such minutes to the regulatory authority.

(6) The Committee shall otherwise regulate its own procedure.

Functions of the  
Committee.

7. (1) The Committee shall, for the better carrying out of the provisions of this Act, advise the Minister and the regulatory authority on any matter relating to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing the Committee may also:-

(a) conduct such consultations as may be required;

(b) advise the Minister and the regulatory authority on any matter referred to it or out of its own motion;

(c) advise the Minister on the making of regulations under this Act;

(d) do all such things as may be conducive to the better discharge of its functions under this Act;

(e) perform such other functions as may from time to time be assigned to it by the Minister.

Licensing Appeals  
Board.

8. (1) There shall be a Licensing Appeals Board, consisting of three members, of whom one, who shall be the chairperson, shall be a person who has practiced as an advocate for not less than seven years.

(2) The members of the Board shall be appointed by the Minister for a period of five years, and may only be removed from office by the Prime Minister on grounds of proved inability to perform the functions of their office (whether arising from infirmity of body or mind or any other cause) or proved misbehavior.

(3) A member of the Board may be challenged or abstain for any of the reasons for which a judge may be challenged or abstain in accordance with article 734 of the Code of Organization and Civil Procedure. In any such case the Minister shall appoint a person, having the qualifications of the member challenged or abstaining, to sit as a member of the Board in substitution of the said member. Cap. 12.

(4) A member of the House of Representatives or of a Local Council, a Judge or a Magistrate shall be disqualified from being appointed or continuing to be a member of the Board for so long as he holds that office.

(5) The Minister shall also designate a person to serve as secretary to the Board.

9. (1) An appeal shall lie to the Licensing Appeals Board on any decision taken in accordance with the provisions of this Act and any regulations made thereunder. The right of appeal shall be competent to the applicant and to any person showing an interest who has duly filed an objection or made representations against the grant of the licence. Appcals.

(2) An appeal to the Board may be filed on any of the following grounds:-

- (a) that a material error as to the facts has been made;
- (b) that there was a material procedural error;
- (c) that an error of law has been made;

(d) that there was some material illegality, including unreasonableness or lack of proportionality.

(3) The Board shall, after hearing the appellant, the regulatory authority and the applicant, if he is not the appellant, decide the appeal giving reasons for its decisions in open session.

(4) In determining an appeal under this article the Board may:-

- (a) dismiss the appeal;
- (b) annul the decision, and refer the matter to the relevant regulatory authority.

Powers and procedures of the Board.

10. (1) The Board shall be competent to hear and decide any appeal made to it in accordance with the provisions of this Act and any regulations made thereunder; and the decisions of the Board shall be final and conclusive.

(2) For the exercise of its functions, the Board may summon any person to appear before it and give evidence and produce documents; and the chairperson shall have the power to administer the oath. The Board may also appoint experts to advise the Board on any technical issue that may be relevant to its decision.

(3) For the purposes aforesaid the Board shall have the same powers as are competent to the First Hall, Civil Court according to law.

(4) The procedure to be followed before the Board, the time within which and the manner in which an appeal to the Board is to be made shall be such as may be prescribed; and subject thereto, and to any other applicable provision of this Act, the Board may establish its own procedure.

Appeals to the Court of Appeal.

11. Any party to an appeal to the Board who feels aggrieved by a decision of the Board, or the regulatory authority if it feels dissatisfied with any such decision, may on a question of law appeal to the Court of Appeal as constituted in accordance with subarticle (6) of article 41 of the Code of Organization and Civil Procedure by means of an application filed in the registry of that court, within thirty days from the date of the Board's decision.

Cap. 12.

Appeal not to suspend decision.

12. The effect of a decision to which an appeal relates shall not, except where the Board or the Court of Appeal, as the case may be, so orders, be suspended in consequence of the bringing of the appeal.

### **Part III - Licensing of Commercial Premises and Certain Activities**

Commercial premises to be licensed.

13. Subject to the provisions of article 4 of this Act, it shall not be lawful for any person to open or keep any commercial premises unless he holds in respect of such premises a licence from the regulatory authority.

Commercial activities in a street.

14. (1) It shall not be lawful for any person to carry out a commercial activity from any street without a licence from the regulatory authority:

Provided that such a licence shall not entitle its holder to carry out the commercial activity from a fixed place in an open-air market in a locality without the prior authorisation in writing of the Local Council of that locality in terms of article 25 of this Act.

(2) The provisions of subarticle (1) of this article shall not apply in any of the following cases:-

(a) when a person or a group of not more than six persons, in any street, play any musical instrument or otherwise display their artistic talent and collect money in the form of voluntary donations from passers-by who stop to watch the performance;

(b) when a person, in any street, produces and sells a work of art.

(3) Nothing in the foregoing subarticle shall be deemed to affect the provisions of articles 38, 40 and 41 of the Code of Police Laws; and moreover it shall be lawful for any police officer to stop any activity as is referred to in paragraphs (a) and (b) of the said subarticle and direct that the activity be held in another place. Cap. 10.

15. No person shall act as a mercantile or commission agent or as a public broker without a licence from the regulatory authority. Licensing of mercantile or commission agents and public brokers.

16. (1) Licences issued under this Part shall be in such form and shall be subject to such terms and conditions as the Minister may prescribe. Terms and conditions of licences.

(2) The regulatory authority or any other person designated in that behalf shall have the power to require the production of such documents and information as he may deem necessary for the purposes of this Act or any regulations made thereunder.

(3) The regulatory authority or any other person designated in that behalf may enter into any commercial premises during business hours to ensure compliance with the provisions of this Act or any regulations made thereunder.

17. Notwithstanding the preceding provisions of this Part, where any affray or tumult happens or is expected to happen in any place, the Police may order every commercial premises in or near the place where the affray or tumult happens or is expected to happen to be kept closed during such time as may be necessary. Power of Police to close shops in case of riot.

#### Part IV- Registration of Commercial Activities and Premises

18. Any person carrying on any commercial activity other than from commercial premises shall be registered in accordance with the provisions of any regulations as may be prescribed. Commercial activity to be registered.

### Part V- Qualifications

Qualifications as  
may be required.

19. Any person carrying out any commercial activity and any person serving customers from any commercial premises may be required to possess such qualifications as may be prescribed.

### Part VI - Activities requiring permit by Local Councils

Permits by Local  
Councils.

20. (1) Where provision is made under this Part that an activity is subject to a permit from a Local Council, such permit shall not require, unless otherwise provided, any other permit, licence or other authorisation from the regulatory authority or any other authority.

(2) Any reference in this Part to a Local Council shall be deemed to be a reference to the Local Council of that locality where the activity requiring the permit is being held.

Public  
entertainment.

21. (1) No person shall hold a public show, exhibition, small games, a fair, a tombola or any other public entertainment or similar activity in any street in a locality on any special or specific day or days without a permit from the Local Council.

(2) Saving the provisions of subarticle (1) of this article, a Local Council shall not issue a permit for a commercial fair without the consent of the regulatory authority.

(3) Notwithstanding the provisions of subarticle (1) of this article, a person who holds on any special or specific day or days:-

(a) any disco, ball, dance or any other similar activity, irrespective of the name by which it is called; or

(b) a sporting activity which is held across more than one locality or on a national basis; or

(c) any activity organised by a political party;

shall only require a permit from the Commissioner of Police.

(4) It shall be lawful for the Commissioner of Police, for reasons of public order, public safety or public morality to stop or suspend any permit issued under this article.

(5) Where a Local Council receives an application under this article the Local Council shall, not later than two working days from the receipt of an application for any such permit, and in any case not later than two weeks before the event is due to be held, forward a copy of such application to the Commissioner of Police.

(6) The Commissioner of Police shall, without prejudice to subarticle (4) of this article, not later than five days from the receipt of the copy of such application, inform the Local Council of any conditions that are to be attached to such permit.

22. (1) Without prejudice to the provisions of subarticle (4) of article 21 of this Act, no person shall set up any stall or kiosk in any street or exercise any commercial activity in such street on any special or specific day or days without a permit from the Local Council. Selling on special days.

(2) If the setting up of any stall or kiosk or the exercise of any commercial activity as aforesaid, is carried out by the person organising any activity in terms of article 21 of this Act for which a permit has been issued by the Local Council or by the Commissioner of Police, as the case may be, in terms of the said article, and the permit includes such setting up of stalls or kiosks or the exercise of such commercial activity, such setting up or activity shall not require a permit from the Local Council under this article or a licence from the regulatory authority under this Act.

(3) On any special or specific day or days a Local Council may also issue permits for the placement of tables and chairs in a street for the service of food and drinks:

Provided that this provision shall not apply to the placement of tables and chairs by any person who in terms of another licence is authorised to place such tables and chairs on a regular basis, but shall apply to the extent that such tables and chairs are not covered by that licence.

23. No person shall deposit any building material or other material or any goods, or deposit or use any crane or other heavy machinery during the erection, construction or demolition of any building or other similar project, without a permit from the Local Council. Depositing of materials, cranes, etc.

24. Without prejudice to the provisions of any other enactment, the Minister, after agreement with the Local Council may, by Order in the Gazette establish an open-air market. Establishment of open-air markets.

25. (1) Where an open-air market has been established in a locality, no person shall be allowed to carry on a commercial activity from a fixed place in such market unless he is licensed in terms of article 14 of this Act and is authorised to carry on such activity from a site within such market allocated to him by the Local Council: Selling from open-air markets.

Provided that the authorisation of a Local Council shall be subject to such regulations as may be prescribed under article 28 of this Act.

Vending machines,  
etc.

**26.** No person shall place any vending machine or any machine known as a kiddie ride machine in any street without a permit from the Local Council:

Provided that this provision shall not apply to the placement of vending machines or kiddie ride machines outside commercial premises which are licensed under this Act or any other enactment and which licence specifically provides for the placement of any such vending machine or kiddie ride machine.

Appeals from  
decisions of Local  
Councils.

**27.** Any decision of a Local Council in relation to a permit or authorisation required under this Part or in terms of any regulations made thereunder, shall be subject to appeal in accordance with the provisions of Part II of this Act, and for such purposes a Local Council shall be deemed to be the regulatory authority.

Power of Minister  
responsible for local  
government to make  
regulations.

**28.** (1) The Minister responsible for local government may make regulations on any matter relating to the issue of any permit or authorisation by Local Councils under this Part, and without prejudice to the generality of the foregoing, such regulations may provide for:

(a) the criteria, conditions and procedures for the issue, renewal, transfer, suspension or cancellation of such permits or authorizations;

(b) the conditions that may be attached to such permits or authorizations;

(c) the fees that shall be paid for such permits or authorizations;

(d) in relation to open-air markets:-

(i) the conditions under which open-air markets shall be managed by Local Councils;

(ii) the areas to be marked and allocated to hawkers and the conditions for such allocations; and

(iii) the obligations of hawkers operating from open-air markets.

(2) Such regulation may provide that any person contravening the provisions of any such regulations or any condition attaching to any such permit or authorisation, shall be guilty of an offence under the regulations and shall, on conviction, be liable to a fine (*ammenda*) as may be established in such regulations, which fine (*ammenda*) shall not exceed two hundred liri.

### Part VII - General Provisions

29. The Minister may make regulations for the purpose of regulating the grant, renewal, suspension, transfer or cancellation of licences or of any one or more categories or classes thereof and, in particular, but without prejudice to the generality of this provision, he may make regulations for all or any of the following purposes:-

Power to make regulations.

(a) for prescribing the conditions under which licences or any one or more categories or classes thereof may be granted, renewed, suspended, transferred or cancelled;

(b) for providing the manner in which applications for the grant, renewal, suspension, transfer or cancellation of licences or of any one or more categories or classes thereof are to be made; for the contents of such application; for the manner in which such licences are to be granted, renewed, suspended, transferred or cancelled; the form in which such licences are to be issued, the contents thereof and the manner in which renewals or transfers thereof are to be indicated;

(c) for providing the manner in which applications for such licences as may be prescribed are to be publicised and for providing the manner in which any person who may be prejudiced by such a licence may make an objection or representation thereon to the regulatory authority;

(d) for establishing the duration of the validity of licences or of any one or more categories or classes thereof;

(e) for establishing the fees leviable in respect of licences or of any one or more categories or classes thereof, either by direct determination or by reference to the manner in which such fees are to be reckoned; and to make provision for fees leviable in respect of broken periods:

Provided that regulations made under this paragraph may establish the minimum and the maximum of any fee leviable in respect of licences or of any one or more categories or classes thereof;

(f) for establishing the penalties to which any offender against any regulations made under this Act shall be liable; provided that no such penalty shall be greater than one thousand liri;

(g) for establishing the qualifications that a person carrying out a commercial activity or serving customers from any commercial premises may be required to possess;

(h) for the requirement of registration of, and for establishing the qualifications that shall be possessed by, any person carrying on a commercial activity other than from commercial premises, provided that this paragraph shall not apply with respect to a person who carries out a commercial activity which is regulated under any other enactment and who is required to hold a licence or warrant thereunder;

(i) for any matter in relation to any activity carried on in any commercial premises licensed under this Act;

(j) for establishing the days and hours during which any activity may or shall be carried on from any commercial premises, including open-air markets:

Provided that such regulations may also make provision in relation to any commercial premises which is licensed by another regulatory authority under the provisions of any other enactment;

(k) for prescribing any matter considered necessary or expedient for the better carrying out of any of the provisions of this Act.

Offences and penalties.

**30.** Where any person contravenes any of the provisions of this Act or of any regulations made thereunder, he shall be guilty of an offence under this Act and shall on conviction be liable, unless any other penalty is prescribed under any other provision of this Act:-

(a) on a first conviction, to a fine (*ammenda*) of not less than fifty liri but not exceeding five hundred liri;

(b) on a second or subsequent conviction to a fine (*ammenda*) of not less than one hundred liri and not exceeding one thousand liri; and

(c) in the case of a continuing offence to a fine (*ammenda*) of ten liri for every day during which the offence continues.

31. (1) Notwithstanding any other law providing for the trial and punishment of offences, where the regulatory authority believes that a person has committed an offence against this Act or any regulations made thereunder, the regulatory authority may give notice in writing to such person describing the offence of which the person is accused and such penalty as may be prescribed in respect of that offence.

Special proceedings.

(2) The Minister shall prescribe the penalties that may be demanded by the regulatory authority in relation to any specified offence:

Provided that such penalty shall not exceed an amount of one thousand liri.

(3) Where a notice under this article has been given, the person named in the notice may, within twenty-one days of the service of the notice, accept responsibility for the offence specified in the notice and within the same period pay the penalty indicated in the notice, and conform with the relative provision of this Act or of the regulations made thereunder and no further proceedings may be taken under this Act in respect of such offence.

32. In the case of any person carrying on any commercial activity from commercial premises without a licence or in the case of a second or subsequent offence for any contravention committed by any person exercising any commercial activity in virtue of a licence issued by the regulatory authority, in connection with the exercise of such commercial activity, it shall be lawful for the court to cancel the licence, or to suspend the same for any time, in its discretion.

Power of court to cancel or suspend licence of shopkeepers, etc.

33. Where any court or other tribunal has awarded a fine (*ammenda*) in connection with any offence in relation to any licence under this Act, and such fine has not been paid, the regulatory authority shall not renew the afore-mentioned licence on the expiry thereof until such time as the payment of the fine is effected.

Non-renewal of licence pending settlement of fine.

34. (1) The enactments in the First Column of the Schedule to this Act shall have effect subject to the amendments appearing in relation thereto in the Second Column of the said Schedule.

Amendment of other enactments and saving.

(2) Notwithstanding the amendments to the Commercial Code contained in the Schedule to this Act the provisions of the Commercial Code in respect of the licensing of mercantile or commission agents and brokers, as in force immediately before the coming into force of this article shall continue to apply until the Minister by Order establishes that the provisions of this Act shall commence to apply in relation to such agents and brokers.

(3) Any regulations made under the provisions of any of the enactments being amended or repealed as aforesaid, and shown in the Schedule to this Act, shall, until other provision is made under or by virtue of this Act, or of the aforesaid enactments as amended, continue in force and have effect as if made under this Act or the relevant enactment as amended, as the case may require.

(4) Any licence, permit, permission or other authority granted under any enactment or any provision thereof, being amended by this Act as aforesaid, and still in force immediately before such amendment, shall continue in force thereafter as if it were a licence, permit, permission or authority granted under a corresponding provision of this Act, or under such enactments as amended, as the case may require; and any such licence, permit, permission or authority as aforesaid shall be treated and dealt with accordingly.

(5) Any condition attached to any such licence, permit, permission or other authority shall remain unimpaired until other provision is made under or by virtue of this Act, or of the aforesaid enactments as amended.

## SCHEDULE

### Enactment

Code of Police  
Laws, Cap. 10.

### Extent of Amendments

1. In article 2 the definitions of “sale”, “shop” and “wine, beer or spirituous liquor” shall be deleted.

2. In article 25, for the words “It shall not be lawful for any person, without a licence from the Police” there shall be substituted the words “Without prejudice to the provisions of any other law, it shall not be lawful, without a licence from the appropriate Local Council” and immediately after the words “by the Police” there shall be inserted the words “or by a local warden”.

3. Article 29 shall be amended as follows:-

(a) the present provision shall be re-numbered as subarticle (1); and

(b) immediately after subarticle (1) thereof as re-numbered there shall be added the following new subarticles:-

“(2) An application for a permit under subarticle (1) of this article shall be made to the Malta Transport Authority in such manner and on the payment of such fees as may be prescribed by regulations made by the Minister responsible for the Malta Transport Authority.

(3) If on completion of the work for which a permit is issued the grantee does not carry out the re-instatement within forty-eight hours of completion, or within such longer period as may be allowed in the permit, or the re-instatement is not properly carried out, the Malta Transport Authority may carry out the re-instatement at the expense of the grantee. For such purpose the Malta Transport Authority shall demand that an adequate deposit be made with or a bank guarantee to be provided in favour of, the Malta Transport Authority by the applicant for the permit.

(4) Without prejudice to the other provisions of this article, if a person carries out any work without a permit in contravention of subarticle (1) of this article, such person shall be guilty of a contravention and shall, on conviction, be liable to a fine (*ammenda*) of fifty liri.

(5) The person on whose behalf or at whose request the works have been carried out shall be liable in solidum with the person who carried out the works to carry out the reinstatement works.”.

4. Article 39 shall be deleted.

5. Article 130 shall be deleted.

6. The words “PART IX”, the heading “OF HOTELS AND OTHER LODGING-HOUSES” and articles 169 to 180, both inclusive, appearing thereunder shall be deleted.

7. The words “PART X”, the heading “OF SHOPKEEPERS AND OTHER TRADERS” and articles 181 to 193, both inclusive, appearing thereunder shall be deleted.

8. The words “PART XI”, the heading “OF CERTAIN TRADERS” and article 194 appearing thereunder shall be deleted.

9. For article 195 there shall be substituted the following:-

“Power of Minister responsible for the Police to make regulations respecting registration of clubs.

195. (1) It shall be lawful for the Minister responsible for the Police to make regulations respecting the registration of club premises with the Commissioner of Police.

(2) Such registration may be refused on grounds of morality or public order or because of any lack of any requirement under the regulations, and subject to the provisions of any other enactment, such registration may only be cancelled either at the request of the secretary of that club made on its behalf or in accordance with a court order following an application therefor by the Commissioner of Police on the grounds of morality or public order or lack of compliance with the regulations:

Provided that it shall be lawful for the Commissioner of Police, for reasons of public order, to direct at any time the immediate temporary closing of any club:

Provided further that the registration of a club shall not dispense such club from holding any permit or licence that may be required by this or any other law for the carrying out of any activity by the club.”.

**10.** The words “PART XIII”, the heading “OF BILLIARD TABLES” and articles 196 to 200, both inclusive, appearing thereunder, shall be deleted.

**11.** The words “PART XIV”, the heading “OF THEATRES AND PUBLIC ENTERTAINMENTS” and articles 201, 203 and 204 shall be deleted.

**12.** For paragraph (a) of article 206 there shall be substituted the following:

“(a) who has not attained the age of 18 years; or”.

**13.** Article 212 shall be amended as follows:-

(a) in subarticle (1) thereof, for the words “without a licence from the Police” there shall be substituted the words “without a licence from the Minister responsible for the environment or from such other person or authority as may be designated by the said Minister”; and

(b) in subarticle (2) thereof, for the words “as the Police may deem appropriate” there shall be substituted the words “as the said Minister or such other person or authority as aforesaid may deem appropriate”.

**14.** In article 214 and in the marginal note thereto, for the words “Minister responsible for the Police” there shall be substituted in each case the words “Minister responsible for the environment”.

**15.** The words “PART XVI”, the heading “OF SHEPHERDS AND GOATHERDS” and articles 215 to 217, both inclusive, appearing thereunder shall be deleted.

**16.** The words “PART XVII”, the heading “OF PORTERS” and articles 218 and 219 appearing thereunder shall be deleted.

17. The words "PART XVIII", the heading "OF SHOEBLACKS" and article 222 appearing thereunder shall be deleted.

18. In subarticle (1) of article 231, the words "Commissioner of Police, and if the boat to be used in the carrying on of such trade is not registered in terms of the" and "Act" shall be deleted.

19. The words "PART XXV", the heading "OF DEALERS IN MARINE STORES AND OLD METALS" and articles 310 to 316, both inclusive, appearing thereunder, shall be deleted.

20. The words "PART XXV A", the heading "OF VIDEO RECORDERS" and articles 316A and 316B appearing thereunder shall be deleted.

Commercial Code,  
Cap. 13.

1. Articles 71 to 73 and articles 79 to 81, and articles 87 and 95 shall be deleted.

2. Article 91 shall be amended as follows:-

(a) in subarticle (1) thereof for the words "not less than one lira and not exceeding twenty liri" there shall be substituted the words "not exceeding two thousand liri"; and

(b) in subarticle (2) thereof for the words from "in which case" to the words "be applicable" there shall be substituted the words "in which case any licence under any other law to act as a broker shall be deemed to be suspended".

Goldsmiths and  
Silversmiths  
Ordinance, Cap. 46.

In subarticle (1) of article 9, for the words "without a licence from the Police" there shall be substituted the words "without a licence from the regulatory authority under the Trading Licences Act, 2001".

Local Lace Industry  
(Protection) Act,  
Cap. 59.

The Local Lace Industry (Protection) Act shall be repealed.

Weekly Rest (Barbers  
and Bakers) Act,  
Cap. 76.

The Weekly Rest (Barbers and Bakers) Act shall be repealed.

Shops and Hawkers  
(Business Hours) Act,  
Cap. 155.

The Shops and Hawkers (Business Hours) Act shall be repealed.

Auctioneers Act,  
Cap. 342.

In subarticle (1) of article 4 for the words "Licences to act as an auctioneer may be granted by the Minister" there shall be substituted the words "A licence to act as an auctioneer may be granted by the regulatory authority under the Trading Licences Act, 2001".

Public Transport  
Authority Act, 2000,  
Act XXIII of 2000.

1. In paragraph (d) of subarticle (1), under paragraph (a) of article 8, immediately after the words "and the drivers thereof" there shall be added the words "and car park attendants".

2. In paragraph 18.0 of the Second Schedule, in relation to the amendments to the Traffic Regulation Ordinance, Cap. 65, there shall be added the following new sub-paragraph immediately after sub-paragraph 18.3.

"18.3.1 in paragraph (a) of subarticle (2) thereof, the words "motor-car park attendants" shall be deleted."

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### Objects and Reasons

The main object of this Bill is to establish a trade regulatory authority and to transfer from the Police to such authority all licences which are not related to public order or security. Where by virtue of any other law a trading activity is already regulated and licensed by a competent authority, such trading licence will not require another licence under this Bill.

The provisions of the Bill further provide for establishing the qualifications that a person carrying out a trading activity or serving customers may be required to possess and for the making of regulations to provide for the registration of such persons.

The Bill also provides for certain permits of an occasional nature to be issued by Local Councils in terms of regulations to be prescribed.

The provisions of the Shop and Hawkers (Business Hours) Act, as well as certain provisions of the Code of Police Laws are being integrated under this Bill. As regards clubs, the Code is being amended to limit requirements to registration.

Certain archaic provisions, such as those relating to shepherds and goatherds, shoeblacks and the licensing of video recorders are being deleted from the Code of Police Laws.

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Ippubblikat mid-Dipartiment ta' l-Infommazzjoni – 3, Pjazza Kastilja – *Published by the Department of Information – 3, Castille Place*

Mitbugh fl-Istamperija tal-Gvern – *Printed at the Government Printing Press*

Prezz 48c – *Price 48c*