

**A.L. 81 tal-2021****ATT KONTRA MONEY LAUNDERING  
(KAP. 373)****Regolamenti tal-2021 dwar Restrizzjoni fl-Użu ta' Flus Kontanti**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 12 tal-Att kontra *Money Laundering*, il-Ministru għall-Finanzi, waqt li jaġixxi bil-parir tal-Korp għall-Analisi ta' Informazzjoni Finanzjarja, għamel ir-regolamenti li ġejjin:-

**1.** It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2021 dwar Restrizzjoni fl-Użu ta' Flus Kontanti. Titolu u għan.

(2) L-għan ta' dawn ir-regolamenti hu li tiġi introdotta restrizzjoni fuq l-użu ta' flus kontanti għal ċerti pagamenti u transazzjonijiet bil-għan li jiġu miġġielda *money laundering* u attività kriminali oħra.

**2.** (1) Il-kliem u l-frazzjiet kollha mhux imfissra f'dawn ir-regolamenti għandu jkollhom l-istess tifsira kif preskritta fl-Att kontra *Money Laundering* u fir-Regolamenti kontra *Money Laundering* u Finanzjar ta' Terroriżmu. Tifsir u applikazzjoni. Kap. 373. L.S. 373.01

(2) F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:

"l-Att" tfisser l-Att kontra *Money Laundering*; Kap. 373.

"flus kontanti" tfisser karti tal-flus u muniti li jkollhom valur legali;

"haġar prezzjuż" tfisser sustanza bi kwalità ta' ġojja u sbuħija, rarità u valur rikonoxxuti fis-suq, u tinkludi djamant, żaffir, rubin u žmerald;

"gojjellerija" tfisser ornamenti personali magħmulin kompletament jew parzjalment minn, jew miksijin bid-deheb, fidda, platinu jew metalli oħra prezzjużi u, jew issettjati bid-djamanti, haġar prezzjuż jew perli, u arloġġi tal-idejn;

"kont ta' pagament" għandu jkollha l-istess tifsira mogħtija lilha taħt l-Att dwar l-Istituzzjonijiet Finanzjarji; Kap. 376.

"il-Korp" tfisser il-Korp għall-Analisi ta' Informazzjoni Finanzjarja kif stabbilit taħt l-artikolu 15 tal-Att;

B 654

Kap. 13. "kummerċjant" għandu jkollha l-istess tifsira kif mogħtija lilha taħt il-Kodiċi tal-Kummerċ;

"metall prezzjuż" tfisser deheb, platinu, palladju u fidda fl-istat pur u l-ligi tagħhom;

"oġġett tal-antikità" tfisser xogħol tal-arti jew oġġett ta' importanza ġeoloġika, paleontoloġika, jew antikwarjana li għandu mill-inqas mitt sena;

"opra tal-baħar" tfisser kull bastiment, dgħajsa, *pleasure yacht* jew kull forma oħra ta' obra tal-baħar, tkun kif tkun imsejha, li tintuża fin-navigazzjoni;

Kap. 16. "proprjetà immobbli" tfisser u tinkludi kull haġa, dritt jew azzjoni li huma immobbli minnhom infishom jew minhabba fil-haġa li għandhom x'jaqsmu magħha skont l-artikoli 308 u 310 tal-Kodiċi Ċivili;

"transazzjoni marbuta" tfisser żewġ transazzjonijiet jew aktar li jitwettqu mill-istess partijiet, li jkollhom l-istess għan marbut jew għanijiet marbutin jew simili, u li jitwettqu f'perjodu ta' żmien ta' sitt (6) xhur;

"vettura" tfisser vettura bil-mutur li taħdem b'qawwa mekkanika li normalment tintuża sabiex jingarru persuni jew oġġetti fit-triq, kemm jekk tali vettura qabel kellha sid jew le.

Reat. **3.** (1) L-ebda persuna ma tista' tirċievi jew tagħmel pagament jew mod ieħor twettaq transazzjoni fi flus kontanti li tammonta għal, jew teċċedi, għaxart elef euro (€10,000) jew l-ekwivalenti ta' dik is-somma f'munita oħra, kemm jekk fi transazzjoni waħda jew f'bosta transazzjonijiet marbutin, fir-rigward tax-xiri jew bejgħ ta':

- (a) antikitajiet;
- (b) proprjetà immobbli;
- (ċ) ġojjellerija, metalli prezzjużi, haġar prezzjuż u perli;
- (d) vetturi;
- (e) opri tal-baħar; u
- (f) xogħlijiet tal-arti.

(2) Kull persuna li tikser id-dispożizzjonijiet tas-subregolament (1) tkun haġta ta' reat u tehel, meta tinstab haġta,

multa ta' mhux inqas minn erbgħin fil-mija (40%) tas-somma mħallsa, li tkun rċeviet, jew mod ieħor innegozjat fi flus kontanti f'eċċess ta' disat elef disa' mija u disgħa u disgħin euro u disgħa u disgħin ċenteżmu (€9,999.99), jew l-ekwivalenti ta' dik is-somma f'munita oħra:

Iżda fejn il-persuna hekk misjuba hatja tkun id-direttur, *manager*, jew xi uffiċjal ieħor li jeżerċita funzjonijiet eżekuttivi f'kumpannija jew intrapriża oħra, jew korp ta' persuni, l-imsemmija persuna għandha, għall-finijiet ta' dan ir-regolament, titqies bħala li hi vestita bir-rappreżentanza legali tal-istess kumpannija jew intrapriża oħra, jew korp ta' persuni, li għaldaqstant ikunu hatja *in solidum* mal-persuna li tinstab hatja għall-ħlas tal-imsemmija multa.

(3) Il-multa msemmija fis-subregolament (1) għandha titqies bħala dejn ċivili dovut u li għandu jithallas lill-Korp, fuq liema dejn il-Korp ikollu titolu eżekuttiv.

4. (1) Il-Qorti tal-Maġistrati, fil-ġurisdizzjoni kriminali tagħha, tkun il-qorti kompetenti biex tiddeċiedi dwar reati kontra dawn ir-regolamenti.

Reat għandu jigi ttrattat mill-Qorti tal-Maġistrati.

(2) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali jkollu dritt ta' appell lill-Qorti tal-Appelli Kriminali minn kull sentenza mogħtija mill-Qorti tal-Maġistrati fir-rigward ta' proċeduri kriminali taht dawn ir-regolamenti.

Kap. 9.

(3) F'kull proċedura kriminali taht dawn ir-regolamenti, kull uffiċjal tal-Korp jista', minkejja d-dispożizzjonijiet ta' xi liġi oħra, jipproduċi xhieda fil-Qorti:

Iżda l-imsemmi uffiċjal jista' jiddikjara l-fatti li jikkostitwixxu r-reat qabel ma jixhed.

(4) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, proċeduri kriminali għal reat kontra dawn ir-regolamenti jkunu preskritti jekk jgħaddu ħames (5) snin minn mindu jkun sar ir-reat.

Kap. 9.

5. (1) Mingħajr preġudizzju għal kull responsabbiltà oħra, kemm kriminali kif ukoll ċivili, u għal kull proċedura oħra relatata taht xi liġi oħra, persuna li tikser id-dispożizzjonijiet tar-regolament 3(1) tista', bħala alternattiva għal proċeduri kriminali, u bil-kunsens tal-Avukat Ġenerali, qabel ma tiġi mixlija fil-qorti, taqbel li tħallas penali amministrattiva li għandha tiġi imposta mill-Korp kif ġej:

Arranġament amministrattiv.

(a) fejn is-somma mħallsa, li tkun ġiet riċevuta, jew mod ieħor innegozjata fi flus kontanti tammonta għal mhux

izjed minn ħamsin elf euro (€50,000), tiġi imposta penali amministrattiva ta' għaxra fil-mija (10%) tas-somma mħallsa, li tkun ġiet riċevuta, jew mod ieħor innegożjata fi flus kontanti f'ecċess ta' disat elef disa' mija u disgħa u disgħin euro u disgħa u disgħin ċenteżmu (€9,999.99), jew l-ekwivalenti ta' dik is-somma f'munita oħra:

Izda dik il-penali amministrattiva m'għandhiex tkun inqas minn elf euro (€1,000); u

(b) fejn is-somma mħallsa, li tkun ġiet riċevuta, jew mod ieħor innegożjata fi flus kontanti tammonta għal izjed minn ħamsin elf euro (€50,000) izda ma tkunx izjed minn mitt elf euro (€100,000), tiġi imposta penali amministrattiva ta' ħamsa u għoxrin fil-mija (25%) tas-somma mħallsa, li tkun ġiet riċevuta, jew mod ieħor innegożjata fi flus kontanti f'ecċess ta' disat elef disa' mija u disgħa u disgħin euro u disgħa u disgħin ċenteżmu (€9,999.99), jew l-ekwivalenti ta' dik is-somma f'munita oħra:

Izda dik il-penali amministrattiva m'għandhiex tkun inqas minn elfejn u ħames mitt euro (€2,500).

(2) L-arranġament amministrattiv imsemmi fis-subregolament (1) ma jkunx konkluż kemm-il darba l-ftehim li jkun intlaħaq ma jkollux miegħu l-pagament lill-Korp tal-penali amministrattiva jew l-għoti ta' sigurtà suffiċjenti għall-pagament tas-somma.

(3) Mal-pagament tal-penali amministrattiva, tispicċa r-responsabbiltà kriminali ta' min ikun ikkommetta r-reat taħt dawn ir-regolamenti, li fir-rigward tiegħu ġie konkluż l-arranġament.

(4) Ma jista' jiġi konkluż l-ebda arranġament amministrattiv kif stipulat fis-subregolament (1) minn:

(a) xi persuna li tħallas, tircievi jew mod ieħor tinnegożja fi flus kontanti, fejn is-somma ta' tali pagament, aċċettazzjoni jew transazzjoni teċċedi mitt elf euro (€100,000); jew

(b) xi persuna li jew instabet ħatja li kisret id-dispożizzjonijiet tar-regolament 3, jew daħlet f'arranġament amministrattiv skont id-dispożizzjonijiet tas-subregolament (1), kemm-il darba ma jkunux għaddew tliet (3) snin mid-data ta' tali sentenza jew ftehim dwar l-arranġament.

**6.** Pagament magħmul jew riċevut, jew transazzjoni mwettqa, bi ksur tar-regolament 3(1) ma jaffettwawx il-validità legali tal-pagament jew transazzjoni, u tal-obbligu kuntrattwali li fir-rigward

tiegħu twettqu l-pagament jew it-transazzjoni, u l-partijiet kollha fil-pagament jew transazzjoni jibqgħu marbuta bl-obbligi kuntrattwali minkejja tali ksur.

7. (1) Il-partijiet f'kuntratt ta' xiri jew bejgħ ta' proprjeta' immobbli li jammontaw għal għaxart elef euro (€10,000) jew iżjed, jew l-ekwivalenti ta' dik is-somma f'munita oħra, għandhom jagħtu lin-nutar li jhejji l-kuntratt l-informazzjoni li ġejja, li n-nutar ikun obligat li jiġbor:

Informazzjoni  
dwar  
transazzjonijiet  
fuq proprjeta'  
immobbli.

(a) l-isem u l-indirizz tax-xerrej u tal-bejjiegħ, it-tip u n-numru tad-dokument uffiċjali ta' identifikazzjoni tagħhom maħruġ minn awtorità governattiva, u, fejn ikun applikabbli, l-isem, l-indirizz u n-numru tad-dokument uffiċjali ta' identifikazzjoni maħruġ minn awtorità governattiva tal-persuna jew persuni li jaġixxu bħala agenti tax-xerrej u tal-bejjiegħ.

(b) fejn il-pagament isir kompletament jew parzjalment permezz tat-trasferiment ta' fondi minn kont ta' pagament, l-IBAN tal-kont tal-pagament;

(c) fejn il-pagament isir kompletament jew parzjalment permezz ta' karta ta' kreditu jew karta oħra ta' pagament, in-numru tal-karta u l-istituzzjoni li toħroġha;

(d) fejn il-pagament isir kompletament jew parzjalment permezz ta' *cheque*, *bank draft* jew strument simili, in-numru ta' tali *cheque*, *bank draft* jew strument simili u l-isem tal-istituzzjoni ta' kreditu jew finanzjarja li fuqha ġew maħruġa; u

(e) fejn il-pagament isir kompletament jew parzjalment permezz ta' metodi jew mezzi oħra, inklużi pagamenti in natura, il-metodi jew mezzi ta' pagament u l-ammont eżatt hekk imħallas.

(2) In-nutar li jirċievi l-informazzjoni elenkata taħt is-subregolament (1) għandu jzomm l-imsemmija informazzjoni f'reġistru speċifiku:

Izda n-nuqqas ta' żamma ta' tali informazzjoni għandu jitqies bħala ksur tad-dispożizzjonijiet tal-artikolu 12(1) tal-Att dwar il-Professjoni Nutarili u Arkivji Nutarili.

Kap. 55.

8. Kull persuna li xjentement tagħmel dikjarazzjoni falza, sottomissjoni falza, jew li tipproduci informazzjoni jew dokumentazzjoni foloz jew mhux kompleti għall-finijiet ta' dawn ir-regolamenti tkun haġja ta' reat u teħel, meta tinstab haġja, multa ta' mhux iżjed minn ħamsa u għoxrin elf euro (€25,000).

Dikjarazzjoni,  
sottomissjoni  
jew  
dokumentazzjoni  
foloz.

B 658

Proċeduri ta' żamma ta' records.

9. (1) Id-dokumentazzjoni, *data* jew informazzjoni msemmija fir-regolament 7(1) għandhom jinżammu min-nutar għal perjodu ta' hames (5) snin li jibdew f'dik id-data meta ssir it-transazzjoni, jew fil-każ ta' transazzjonijiet marbutin, fid-data ta' meta tkun twettqet l-aħħar transazzjoni.

(2) In-nutara għandhom jiżguraw li, meta ssir talba, ir-records miżmuma konformement ma' dan ir-regolament ikunu disponibbli għall-Korp mingħajr dewmien mhux neċessarju.

(3) Iż-żamma ta' *data* personali titqies li ma tkunx iktar meħtieġa għall-finijiet ta' dawn ir-regolamenti meta jgħaddi l-perjodu stabbilit skont id-dispożizzjonijiet tas-subregolament (1).

(4) Id-dispożizzjonijiet ta' dan ir-regolament ikunu mingħajr preġudizzju għad-dritt ta' xi awtorità oħra skont id-dispożizzjonijiet ta' xi liġi oħra applikabbli li jkollha aċċess għad-dokumentazzjoni, *data* u informazzjoni deskritta fir-regolament 7(1).

Monitoraġġ fuq l-osservanza.

10. (1) Il-Korp ikollu l-funzjoni li jwettaq monitoraġġ u jiżgura l-osservanza ta' dawn ir-regolamenti.

(2) Fit-twettiq tal-funzjoni tiegħu taħt is-subregolament (1), il-Korp jista':

(a) jawtorizza lil kull wieħed mill-uffiċjali, impjegati, jew agenti tiegħu biex jesigū lil xi kummerċjant jew nutar soġġetti għal dawn ir-regolamenti biex jagħtih jew jagħtiha l-informazzjoni jew id-dokumentazzjoni kif tista' tkun meħtieġa sabiex isir monitoraġġ fuq l-osservanza tad-dispożizzjonijiet ta' dawn ir-regolamenti u biex jwieġbu għal kull mistoqsija li l-Korp jista' raġjonevolment jeħtieġ għat-twettiq tal-funzjoni tiegħu taħt is-subregolament (1); u

(b) iwettaq eżamijiet fuq il-post dwar kull kummerċjant jew nutar soġġetti għal dawn ir-regolamenti, bil-għan li jitwettaq monitoraġġ fuq l-osservanza ta', u tiġi żgurata konformità ma', id-dispożizzjonijiet ta' dawn ir-regolamenti.

Kooperazzjoni ma' awtoritajiet oħra.

11. (1) Minkejja kull dispożizzjoni oħra fil-liġi, fit-twettiq tal-funzjonijiet tiegħu taħt dawn ir-regolamenti, il-Korp jista' jitlob għall-assistenza ta', u għandu jikkoopera u jiskambja informazzjoni ma' awtoritajiet nazzjonali oħra u dipartimenti tal-Gvern kif ikun meħtieġ, inklużi l-Pulizija, l-Avukat Ġenerali, u l-Kummissarju tat-Taxxi, sabiex iwettaq monitoraġġ fuq u jiżgura l-osservanza ta' dawn ir-regolamenti u fi kwalunkwe investigazzjoni jew prosekuzzjoni ta'

xi persuna li tkun aġixxiet bi ksur tad-dispożizzjonijiet tar-regolament 3(1).

(2) Il-Korp jista', meta jimponi penali amministrattiva jew joħroġ twissija bil-miktub lil xi kummerċjant jew nutar skont id-dispożizzjonijiet ta' dawn ir-regolamenti, jew meta xi kummerċjant jinstab li jkun kiser id-dispożizzjonijiet tar-regolament 3(1), jinforma lill-awtorità, korp jew kumitat rilevanti li jkunu responsabbli għall-awtorizzazzjoni, liċenzjar, reġistrazzjoni jew regolamentazzjoni tan-negozjant jew tan-nutar ikkonċernati, billi jagħti kull informazzjoni rilevanti u dettalji dwar il-każ inkwistjoni li l-Korp jidhirlu neċessarju:

Izda, meta l-Korp jidhirlu xieraq, hu jista' wkoll jirrakkomanda lil kull awtorità, korp jew kumitat rilevanti li jkunu responsabbli għall-awtorizzazzjoni, liċenzjar, reġistrazzjoni, jew regolamentazzjoni tan-negozjant jew tan-nutar ikkonċernati, biex jieħdu kull azzjoni ulterjuri fi ħdan is-setgħat u mandat tagħhom kif meqjusa adatti u xierqa mill-imsemmija awtorità, korp, jew kumitat.

**12.** (1) Il-Korp jista' joħroġ proċeduri u istruzzjonijiet, inklużi mudelli, kif jista' jkun meħtieġ biex jingħata effett lil dawn ir-regolamenti, u li jkunu vinkolanti fuq il-kummerċjanti u n-nutara kollha soġġetti għal dawn ir-regolamenti.

Proċeduri  
vinkolanti.

(2) Kull kummerċjant jew nutar li jkser xi proċeduri u istruzzjonijiet taħt is-subregolament (1) jeħel penali amministrattiva ta' mhux iżjed minn ħamest elef euro (€5,000) li tiġi imposta mill-Korp mingħajr il-ħtieġa ta' smiġħ fil-qorti, skont il-politika u l-proċeduri stabbiliti mill-Bord tal-Gvernaturi msemmija fl-Att.

(3) Minkejja d-dispożizzjonijiet tas-subregolament (2), il-Korp jista', fejn iċ-ċirkostanzi hekk jeħtieġu, joħroġ twissija minflok ma jimponi penali amministrattiva.

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**L.N. 81 of 2021**

**PREVENTION OF MONEY LAUNDERING ACT  
(CAP. 373)**

**Use of Cash (Restriction) Regulations, 2021**

IN EXERCISE of the powers conferred by article 12 of the Prevention of Money Laundering Act, the Minister for Finance, acting on the advice of the Financial Intelligence Analysis Unit, has made the following regulations:-

Citation and scope.

**1. (1)** The title of these regulations is the Use of Cash (Restriction) Regulations, 2021.

(2) The objective of these regulations is to introduce a restriction on the use of cash for certain payments and transactions with a view to combating money laundering and other criminal activity.

Interpretation and application.  
Cap. 373.  
S.L. 373.01

**2. (1)** All words and phrases not defined within these regulations shall have the same meaning as prescribed in the Prevention of Money Laundering Act and the Prevention of Money Laundering and Funding of Terrorism Regulations.

(2) In these regulations, unless the context otherwise requires:

"the Act" means the Prevention of Money Laundering Act;

"antique" means a work of art or an object of a geological, paleontological, archaeological, or antiquarian importance and which is at least one hundred years old;

"cash" means legal tender currency notes and coins;

"immovable property" means and includes all things, rights and actions which are immovable by their nature or by reason of the object to which they refer in accordance with articles 308 and 310 of the Civil Code;

Cap. 16.

"jewellery" means personal ornaments made in whole or in part, or covered with gold, silver, platinum or other precious metals and, or, set with diamonds, precious stones or pearls, and wrist watches;

"linked transaction" means two or more transactions which are performed by the same parties, having the same or similar linked purpose or purposes, and which are carried out within a period of six



(6) months;

"motor-vehicle" means any self-propelled road vehicle which is normally used for carrying persons or goods on the road, whether such vehicle has been previously owned or not;

"payment account" shall have the same meaning assigned to it under the Financial Institutions Act;

Cap. 376.

"precious metal" means gold, platinum, palladium and silver in the pure state and their alloys;

"precious stone" means a substance with gem quality and market-recognised beauty, rarity, and value, and includes diamond, sapphire, ruby and emerald;

"sea-craft" means any ship, boat, pleasure yacht and any other form of sea-craft by whatever name called, used in navigation;

"the Unit" means the Financial Intelligence Analysis Unit as established under article 15 of the Act;

"trader" shall have the same meaning assigned to it under the Commercial Code.

Cap. 13.

**3.** (1) It shall not be lawful for any person to make or receive a payment or otherwise carry out a transaction in cash amounting to, or exceeding, ten thousand euro (€10,000) or its equivalent in any other currency, whether in one transaction or in several linked transactions, in respect of the purchase or sale of:

Offence.

- (a) antiques;
- (b) immovable property;
- (c) jewellery, precious metals, precious stones and pearls;
- (d) motor-vehicles;
- (e) sea-craft; and
- (f) works of art.

(2) Any person who contravenes the provisions of sub-regulation (1) shall be guilty of an offence and liable, on conviction, to a fine (*multa*) of not less than forty *per centum* (40%) of the sum paid, received, or otherwise transacted in cash in excess of nine thousand nine hundred ninety nine euro and ninety nine cents

(€9,999.99), or its equivalent in any other currency:

Provided that where the person so found guilty is the director, manager, or any other officer exercising executive functions in a company or other undertaking, or body of persons, the said person shall, for the purpose of this regulation, be deemed to be vested with the legal representation of the same company or other undertaking, or body of persons, which shall accordingly be liable *in solidum* with the person found guilty for the payment of the said fine (*multa*).

(3) The fine (*multa*) referred to in sub-regulation (1) shall be considered as a civil debt owed and payable to the Unit in respect of which the Unit shall have an executive title.

Offence to be tried by the Court of Magistrates.

4. (1) The Court of Magistrates, in its criminal jurisdiction, shall be the competent court to take cognisance of offences against these regulations.

Cap. 9.

(2) Notwithstanding the provisions of the Criminal Code, the Attorney General shall have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings under these regulations.

(3) In any criminal proceedings under these regulations, any officer of the Unit may, notwithstanding the provisions of any other law, produce evidence in Court:

Provided that the said officer may state the facts constituting the offence before giving evidence.

Cap. 9.

(4) Notwithstanding the provisions of the Criminal Code, criminal proceedings for an offence against these regulations shall be barred by prescription by the lapse of five (5) years.

Administrative settlement.

5. (1) Without prejudice to any other liability, whether criminal or civil, and to any related proceedings under any other law, a person who acts in contravention of regulation 3(1) may, as an alternative to criminal proceedings, and with the consent of the Attorney General, prior to being charged in court, agree to the payment of an administrative penalty to be imposed by the Unit as follows:

(a) where the sum paid, received, or otherwise transacted in cash amounts to not more than fifty thousand euro (€50,000), an administrative penalty of ten *per centum* (10%) of the sum paid, received, or otherwise transacted in cash in excess of nine thousand nine hundred ninety nine euro and ninety-nine

cents (€9.999.99), or its equivalent in any other currency, shall be imposed:

Provided that such administrative penalty shall not be less than one thousand euro (€1,000); and

(b) where the sum paid, received or otherwise transacted in cash amounts to more than fifty thousand euro (€50,000) but does not exceed one hundred thousand euro (€100,000), an administrative penalty of twenty-five *per centum* (25%) of the sum paid, received, or otherwise transacted in cash in excess of nine thousand nine hundred ninety nine euro and ninety-nine cents (€9.999.99), or its equivalent in any other currency, shall be imposed:

Provided that such administrative penalty shall not be less than two thousand five hundred euro (€2,500).

(2) The administrative settlement referred to in sub-regulation (1) shall not be concluded unless the agreement entered into with the Unit is accompanied by the payment to the Unit of the administrative penalty or the provision of sufficient security for its payment.

(3) Upon payment of the administrative penalty, the offender's criminal liability under these regulations, in relation to the offence in respect of which the settlement has been entered into, shall be extinguished.

(4) An administrative settlement as stipulated in sub-regulation (1) shall not be entered into by:

(a) any person who pays, receives or otherwise transacts in cash, where the sum of such payment, receipt or transaction exceeds one hundred thousand euro (€100,000); or

(b) any person who has been either found guilty of contravening the provisions of regulation 3, or has entered into an administrative settlement in terms of sub-regulation (1), unless three (3) years have elapsed from the date of such judgement or settlement agreement.

6. A payment made or received, or a transaction carried out, in contravention of regulation 3(1) shall not affect the legal validity of the payment or transaction, and of the contractual obligation in respect of which the payment or transaction was carried out, and all parties to the payment or transaction shall be bound by their contractual obligations notwithstanding such contravention.

Validity of  
payment or  
transaction.

B 664

Information on immovable property transactions.

7. (1) Parties to a deed of purchase or sale of immovable property amounting to ten thousand euro (€10,000) or more, or its equivalent in any other currency, shall provide to the notary drawing up the deed the following information, which the notary shall have an obligation to collect:

(a) the buyer and the seller's name, address, the type of and number of their official identification document issued by a government authority, and, where applicable, the name, address, and number of the official identification document issued by a government authority of the person or persons acting as agents of the buyer and seller;

(b) where payment is made in whole or in part through the transfer of funds from a payment account, the payment account IBAN;

(c) where payment is made in whole or in part by means of a credit or other payment card, the card number and the issuing institution;

(d) where payment is made in whole or in part by means of cheque, bank draft or similar instrument, the number of such cheque, bank draft or similar instrument and the name of the credit or financial institution on which it is drawn; and

(e) where payment is made in whole or in part through other methods or means, including payments in kind, the methods or means of payment and the exact amount so paid.

(2) The notary in receipt of the information listed under sub-regulation (1) shall keep the said information in a dedicated register:

Provided that the non-retention of such information shall be deemed to constitute a breach of the provisions of article 12(1) of the Notarial Profession and Notarial Archives Act.

Cap. 55.

False declaration, representation or documentation.

8. Any person who knowingly makes a false declaration, or a false representation, or who produces false or incomplete information or documentation for the purposes of these regulations shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not more than twenty-five thousand euro (€25,000).

Record keeping procedures.

9. (1) The documentation, data or information referred to in regulation 7(1) shall be kept by the notary for a period of five (5) years commencing on such date when the transaction is carried out, or in the case of linked transactions, on the date on which the last transaction was carried out.

(2) Notaries shall ensure that, upon request, all records maintained in accordance with this regulation are made available without undue delay to the Unit.

(3) The retention of personal data shall no longer be deemed necessary for the purposes of these regulations beyond the period established in terms of sub-regulation (1).

(4) The provisions of this regulation shall be without prejudice to the right of any other authority in terms of any applicable law to access the documentation, data and information described in regulation 7(1).

**10.** (1) The Unit shall have the function to monitor and to ensure compliance with these regulations. Monitoring of compliance.

(2) In carrying out its function under sub-regulation (1), the Unit may:

(a) authorise any of its officers, employees, or agents to require any trader or notary subject to these regulations, to provide him or her with the information or documentation as may be required in order to monitor compliance with the provisions of these regulations and to answer any questions as the Unit may reasonably require for the performance of its function under sub-regulation (1); and

(b) carry out on-site examinations on any trader and notary subject to these regulations, with the aim of monitoring compliance and ensuring adherence with the provisions of these regulations.

**11.** (1) Notwithstanding any other provisions in the law, in the exercise of its functions under these regulations, the Unit may request the assistance of, and shall cooperate and exchange information with other national authorities and Government departments as may be necessary, including with the Police, the Attorney General, and the Commissioner for Revenue, for the purpose of monitoring and ensuring compliance with these regulations and in any investigation or prosecution of any person who has acted in contravention of the provisions of regulation 3(1). Cooperation with other authorities.

(2) The Unit may, when it imposes an administrative penalty or issue a written warning to any trader or notary in terms of these regulations, or where any trader has been found to be contravening the provisions of regulation 3(1), inform the relevant authority, body or committee responsible for the authorisation, licensing, registration or regulation of the trader or notary concerned, providing any relevant

B 666

information and details on the case in question which the Unit considers necessary:

Provided that, when the Unit deems appropriate, it may also recommend to any relevant authority, body or committee responsible for the authorisation, licensing, registration, or regulation of the trader or notary concerned, to take any further action within its powers and remit as deemed suitable and appropriate by the said authority, body, or committee.

Binding  
procedures.

**12.** (1) The Unit may issue procedures and instructions, including templates, as may be required for the carrying into effect of these regulations, and which shall be binding on all traders and notaries subject to these regulations.

(2) Any trader or notary who contravenes any procedures and instructions under sub-regulation (1) shall be liable to an administrative penalty of not more than five thousand euro (€5,000) which shall be imposed by the Unit without recourse to a court hearing, in accordance with policies and procedures established by the Board of Governors referred to in the Act.

(3) Notwithstanding the provisions of sub-regulation (2), the Unit may, where circumstances so warrant, issue a warning in writing instead of an administrative penalty.

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