

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,605, 9 ta' April, 2021

Taqsim A

MALTA

ATT Nru XV tal-2021

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att kontra *Money Laundering*, Kap. 373.

ACT No. XV of 2021

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Prevention of Money Laundering Act, Cap. 373.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

9 ta' April, 2021

ATT Nru XV tal-2021

ATT sabiex jemenda l-Att kontra Money Laundering, Kap. 373.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Att kontra *Money Laundering*, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att kontra *Money Laundering*, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 373.

2. Fis-subartikolu (1) tal-artikolu 3 tal-Att prinċipali, il-kliem "prigunerija flimkien." għandhom jiġu sostitwiti bil-kliem "prigunerija flimkien:" u minnufih wara għandhom jiġu miżjuda dawn il-provisos ġodda li ġejjin:

Emenda tal-artikolu 3 tal-Att prinċipali.

"Izda att ta' *money laundering* għandu jkun aggravat meta:

(a) ir-reat ikun twettaq fil-qafas ta' organizzazzjoni kriminali skont it-tifsira tad-Deċiżjoni Qafas 2008/841/ĠAI; jew

(b) il-ħati huwa entità marbuta b'obbligu skont it-tifsira tal-Artikolu 2 tad-Direttiva (UE) 2015/849 u jkun wettaq ir-reat fl-eżerċizzju tal-attivitajiet professjonali tiegħu:

Iżda wkoll il-Qorti tista' timponi xi waħda (1) jew iżjed mis-sanzjonijiet addizzjonali li ġejjin:

(a) fil-każ fejn att ta' *money laundering* ikun kommess minn persuni fiżiċi:

(i) l-esklużjoni temporanja jew permanenti mill-aċċess għal finanzjament pubbliku, inklużi proċeduri ta' sejha għal offerti, għotjiet u konċessjonijiet;

(ii) l-iskwalifika temporanja jew permanenti mill-prattika ta' attivitajiet kummerċjali;

(iii) il-projbizzjonijiet temporanji fuq il-ħruġ għal kariga eletta jew pubblika;

(b) fil-każ fejn att ta' *money laundering* ikun kommess minn korp ta' persuni, kemm korporattiv u kemm mhux korporattiv:

(i) l-esklużjoni mid-dritt għal benefiċċji pubbliċi jew għajnuna pubblika;

(ii) l-esklużjoni temporanja jew permanenti mill-aċċess għal finanzjament pubbliku, inklużi proċeduri ta' sejha għal offerti, għotjiet u konċessjonijiet;

(iii) l-iskwalifika temporanja jew permanenti mill-prattika ta' attivitajiet kummerċjali;

(iv) it-tqegħid taħt superviżjoni ġudizzjarja;

(v) ix-xoljiment u l-istralċ tiegħu;

(vi) l-għeluq temporanju jew permanenti ta' stabbilimenti li ntużaw biex jitwettaq ir-reat."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 445 tal-24 ta' Marzu, 2021.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

A 290

I assent.

(L.S.)

GEORGE VELLA
President

9th April, 2021

ACT No. XV of 2021

AN ACT to amend the Prevention of Money Laundering Act, Cap. 373.

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

Short title. **1.** (1) The short title of this Act is the Prevention of Money Laundering (Amendment) Act, 2021, and this Act shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter referred to as "the principal Act".

Cap. 373.

Amendment of article 3 of the principal Act.

2. In sub-article (1) of article 3 of the principal Act, the words "fine and imprisonment." shall be substituted by the words "fine and imprisonment:" and immediately thereafter, there shall be added the following new provisos:

"Provided that an act of money laundering shall be aggravated when:

(a) the offence was committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA; or

(b) the offender is an obliged entity within the meaning of Article 2 of Directive (EU) 2015/849 and has committed the offence in the exercise of his professional activities:

Provided further that the Court may impose any one (1) or more of the following additional sanctions:

(a) in the case where an act of money laundering is committed by natural persons:

(i) the temporary or permanent exclusion from access to public funding, including tender procedures, grants and concessions;

(ii) the temporary or permanent disqualification from the practice of commercial activities;

(iii) the temporary bans on running for elected or public office;

(b) in the case where an act of money laundering is committed by a body of persons, whether corporate or unincorporate:

(i) the exclusion from entitlement to public benefits or public aid;

(ii) the temporary or permanent exclusion from access to public funding, including tender procedures, grants and concessions;

(iii) the temporary or permanent disqualification from the practice of commercial activities;

(iv) the placing under judicial supervision;

(v) its dissolution and winding up;

(vi) the temporary or permanent closure of establishments which have been used for committing the offence."

A 292

Passed by the House of Representatives at Sitting No. 445 of the
24th March, 2021.

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives