

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,020, 14 ta' Marzu, 2023

Taqsim A

MALTA

ATT Nru VIII tal-2023

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

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

ACT No.VIII of 2023

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

14 ta' Marzu, 2023

ATT Nru VIII tal-2023

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, ħareġ b'ligi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 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. L-artikolu 19 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 19 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(1) Il-Bord għandu jkun magħmul:

(a) mill-Kummissarju tal-Pulizija jew minn uffiċjal anzjan magħżul minnu sabiex iservi bħala membru tal-Bord minfloku minn fost dawk l-uffiċjali li qed jirċievu salarju bħala impjegati full-time mal-Korp tal-Pulizija ta' Malta;

(b) mill-Kummissarju tat-Taxxi jew minn uffiċjal anzjan magħżul minnu sabiex iservi bħala membru tal-Bord minfloku minn fost dawk l-uffiċjali li qed jirċievu salarju bħala impjegati full-time mad-dipartimenti tat-taxxa;

(ċ) minn tliet (3) membri li jinħatru mill-Ministru bil-mod ipprovdut fis-subartikolu (2);

(d) minn mhux iktar minn żewġ (2) membri oħra, kif jista' jintalab mill-Bord, mahtura mill-Ministru bil-mod ipprovdut fis-subartikolu (3):

Iżda li l-Kummissarju tal-Pulizija u l-Kummissarju tat-Taxxi għandhom jinformaw lill-Ministru dwar jekk humiex se jkunu qegħdin ipogġu fuq il-Bord jew inkella lil min ikunu għażlu bħala membru.";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(2) Il-Ministru għandu jahtar it-tliet (3) membri msemija fis-subartikolu (1)(ċ) billi jagħzel membru wiehed (1) minn kull waħda minn tliet (3) listi, u kull lista għandu jkun fiha mill-inqas tliet (3) persuni nominati rispettivament mill-Gvernatur tal-Bank Ċentrali ta' Malta, miċ-Chairman tal-Awtorità għas-Servizzi Finanzjarji ta' Malta u miċ-Chairperson tal-Awtorità ta' Malta dwar il-Logħob minn fost dawk l-uffiċjali li qed jirċievu salarju bħala impjegati full-time mal-awtorità jew entità rispettiva tagħhom.";

(ċ) fis-subartikolu (3) tiegħu l-kliem "tas-subartikolu (1)(b)" għandhom jiġu sostitwiti bil-kliem "tas-subartikolu (1)(d)", u minnufih wara l-kliem "li jiġu indikati mill-Bord" għandu jiġi miżjud il-kliem "minn fost dawk l-uffiċjali li qed jirċievu salarju bħala impjegati full-time mal-awtorità jew entità rispettiva";

(d) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan

is-subartikolu ġdid li ġej:

"(4) Membru tal-Bord magħżul hekk kif imsemmi fil-paragrafu (a) jew fil-paragrafu (b) tas-subartikolu (1) jew mahtur taht is-subartikoli (2) jew (3) għandu jzomm il-kariga tiegħu għal perjodu ta' hames (5) snin u, meta jintemm iż-żmien tal-kariga tiegħu, jista' jerga' jiġi magħżul jew mahtur fuq il-Bord, u l-membri kollha tal-Bord għandhom jingħataw dik ir-rimunerazzjoni li l-Ministru jista' jistabbilixxi minn żmien għal żmien.";

(e) fis-subartikolu (6) tiegħu, il-kliem "jinħatar bhala, jew li jkollu l-kariga ta' membru tal-Bord" għandhom jiġu sostitwiti bil-kliem "jinħatar jew jintgħażel bhala, jew li jkollu l-kariga ta' membru tal-Bord", u l-paragrafu (d) tiegħu għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

"(d) fejn ikun meħtieġ li jkun ufficjal li qed jirċievi salarju bhala impjegat full-time ma' awtorità jew entità partikolari, ma jkunx jew ma jibqax jissodisfa tali kondizzjoni; jew";

(f) fis-subartikolu (7) tiegħu, il-kliem "jista' jitqies bhala li jikkostitwixxi mgieba hażina." għandhom jiġu sostitwiti bil-kliem "jista' jitqies bhala li jikkostitwixxi mgieba hażina:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Izda membru li jkun intgħażel skont il-paragrafu (a) jew (b) tas-subartikolu (1) jista' jinheles mill-kariga tiegħu biss mill-Kummissarju tal-Pulizija jew mill-Kummissarju tat-Taxxi, skont il-każ, jekk il-membri huwa inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu hekk kif deskritt f'dan is-subartikolu, u l-Ministru għandu jkun infurmat b'tali tneħħija.";

(g) is-subartikolu (8) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(8) Membru tal-Bord jista' wkoll jirriżenja mill-kariga permezz ta' ittra li tiġi indirizzata lill-Ministru jew, fejn ikun intgħażel taht il-paragrafu (a) jew (b) tas-subartikolu (1), permezz ta' ittra indirizzata lill-Kummissarju tal-Pulizija jew il-Kummissarju tat-Taxxi, skont il-każ, u lill-Ministru.";

(h) is-subartikolu (9) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(9) Meta jirrizulta li jkun hemm xi vakanza fil-kompożizzjoni tal-membri tal-Bord għal xi raġuni li ma tkunx l-iskadenza taż-żmien ta' kariga, dik il-vakanza għandha, għall-kumpliment taż-żmien tal-kariga li tkun tballiet, timtela:

(a) minn membru ieħor magħżul mill-Kummissarju tal-Pulizija jew mill-Kummissarju tat-Taxxi, jew minnhom stess, skont il-każ, fejn il-vakanza tirrigwarda membru magħżul skont il-paragrafu (a) jew (b) tas-subartikolu (1); jew

(b) minn xi membru ieħor li jinħatar mill-Ministru minn fost lista ta' mhux inqas minn tliet (3) persuni li jiġu nominati minn fost dawk l-uffiċjali li qed jirċievu salarju bħala impjegati full-time mal-awtorità jew entità rispettiva, mill-uffiċjal li jkun innomina l-lista li minnha l-membru li jkun battal il-kariga jkun ġie maħtur skont il-paragrafu (c) jew (d) tas-subartikolu (1)."; u

(i) minnufih wara s-subartikolu (9) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(10) Għall-għanijiet ta' dan l-artikolu, "dipartimenti tat-taxxa" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar il-Kummissarju tat-Taxxi."

Kap. 517.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 97 tat-8 ta' Marzu, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

14th March, 2023

ACT No. VIII of 2023

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:-

1. The short title of this Act is the Prevention of Money Laundering (Amendment) Act, 2023 and this Act shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter referred to as "the principal Act".

Short title.
Cap. 373.

2. Article 19 of the principal Act shall be amended by the following:

Amendment of
article 19 of the
principal Act.

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The Board shall consist of:

(a) the Commissioner of Police or a senior official selected by him to serve as a member of the Board in his stead from amongst the officials receiving a full-time employment salary with the Malta Police Force;

(b) the Commissioner for Revenue or a senior official selected by him to serve as a member of the Board in his stead from amongst the officials receiving a full-time employment salary with the revenue departments;

(c) three (3) members appointed by the Minister in the manner provided in sub-article (2);

(d) not more than two (2) other members, as may be requested by the Board, appointed by the Minister in the manner provided in sub-article (3):

Provided that the Commissioner of Police and the Commissioner for Revenue shall inform the Minister whether they are to sit on the Board or otherwise who they have selected as a member.";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) The Minister shall appoint the three (3) members referred to in sub-article (1)(c) by selecting one (1) member from each of three (3) panels, and each panel shall have at least three (3) persons, nominated respectively by the Governor of the Central Bank of Malta, the Chairman of the Malta Financial Services Authority, and the Chairperson of the Malta Gaming Authority from amongst the officials receiving a full-time employment salary with their respective authority or entity.";

(c) in sub-article (3) thereof the words "sub-article (1)(b)" shall be substituted by the words "sub-article (1)(d)" and immediately after the words "by the authority to be indicated by the Board" there shall be added the words "from amongst the officials receiving a full-time employment salary of the respective authority or entity";

(d) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) A member of the Board selected in terms of paragraph (a) or paragraph (b) of sub-article (1) or appointed under sub-articles (2) or (3) shall hold his office for a period of five (5) years and may, on the expiration of his term of his office, be selected or appointed again to the Board, and all members of the Board shall receive such remuneration as the Minister may, from time to time, determine.";

(e) in sub-article (6) thereof the words "to be appointed, or to hold office" shall be substituted by the words "to be appointed, selected, or to hold office" and paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) is required to be an officer receiving a full-time employment salary with a specific authority or entity, and he does not or no longer meets the said requirement; or";

(f) in sub-article (7) thereof, the words "may be deemed to amount to misbehaviour." shall be substituted by the words "may be deemed to amount to misbehaviour:" and immediately thereafter there shall be added the following new proviso:

"Provided that a member selected in terms of paragraph (a) or (b) of sub-article (1) may only be relieved of his office by the Commissioner of Police or the Commissioner for Revenue, as may be applicable, on the grounds that such member is no longer able to perform the functions of his office as set out in this sub-article, and the Minister shall be informed of any such removal.";

(g) sub-article (8) thereof shall be substituted by the following new sub-article:

"(8) A member of the Board may also resign from office by letter addressed to the Minister or, where he has been selected in terms of paragraph (a) or (b) of sub-article (1), by letter addressed to the Commissioner of Police or the Commissioner for Revenue, as may be applicable, and the Minister.";

(h) sub-article (9) thereof shall be substituted by the following new sub-article:

"(9) Where any vacancy occurs in the composition of the members of the Board for any reason other than the lapse of the term of office, that vacancy shall, for the

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remainder of the term of office which has become vacant, be filled:

(a) by another member selected by the Commissioner of Police or the Commissioner for Revenue, or themselves, as may be applicable, where the vacancy relates to a member selected in accordance with paragraph (a) or (b) of sub-article (1); or

(b) by another member appointed by the Minister from among a panel of not less than three (3) persons nominated by the official who nominated the panel from among whom the member who vacated office had been appointed in accordance with paragraph (c) or (d) of sub-article (1), with the nominations being selected from amongst the officials receiving a full-time employment salary with the respective authority or entity."; and

(i) immediately after sub-article (9) thereof there shall be added the following new sub-article:

"(10) For the purposes of this article "revenue departments" shall have the same meaning attributed to it under the Commissioner for Revenue Act."

Cap. 517.

Passed by the House of Representatives at Sitting No. 97 of the 8th March, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

