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**Nru. 160**

24. 10. 86

**MALTA**

**KAMRA TAD-DEPUTATI**

**HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Ġustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Ottubru, 1986.

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A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 8th October, 1986.

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**ATT** biex jagħmel dispożizzjonijiet dwar il-kontroll tat-tipjip tat-tabakk u dwar hwejjeġ li għandhom x'jaqsmu miegħu.

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**AN ACT** to make provision in respect of the control of tobacco smoking and for matters connected therewith.

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**P. MUSCAT TERRIBILE**

*Agent Skrivan tal-Kamra tad-Deputati*

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**P. MUSCAT TERRIBILE**

*Acting Clerk to the House of Representatives*

## ABBOZZ TA' LIGI

### msejjah

*ATT biex jagħmel dispożizzjonijiet dwar il-kontroll tat-tipjip tat-tabakk u dwar fwejjeġ li għandhom x'jaqsmu miegħu.*

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1986 dwar il-Kontroll tat-  
Tipjip tat-Tabakk u għandu jibda jsehh f'dak il-jum li l-Ministru jista' Titolu fil-qosor u  
bidu fis-sehh.  
jistabbilixxi b'avviz fl-Gazzetta, u dati differenti jistgħu jigu hekk stab-  
biliti għal għanijiet differenti u għal dispożizzjonijiet differenti ta' dan  
l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ Tifsir.  
xort'oħra —

“Ministru” tfisser il-Ministru responsabbli għas-saħħa pubblika u tinkludi fil-limitu tas-setgħa mogħtija, kull min hu awtorizzat jidher għalih għal xi għan ta' dan l-Att;

“post pubbliku” tinkludi kull post fejn il-pubbliku jista' jidhol jew għandu permess jidhol, kemm bi hlas jew b'kull mod ieħor;

“pubblikazzjoni” tinkludi kull haġa, ta' liema materjal tkun, li fuqha jkunu jidhru xi kelma, stampa jew messaġġ ieħor, kemm jekk stampat jew b'xi mod ieħor.

“preskritt” tfisser preskritt b'regolamenti magħmula taht dan l-Att;

“rekwiżiti għat-tipjip” tfisser ir-rekwiżiti għat-tipjip tat-tabakk jew li jkunu prinċipalment meħtieġa għall-preparazzjoni tat-tipjip tat-tabakk, u tinkludi makni għall-brim tas-sigarretti, il-karta tas-sigarretti jew kull materjal ieħor li jgħatti s-sigarrett, filtri tas-sigarretti, bokkini tas-sigarri jew tas-sigarretti, pipi jew apparat għat-tindif tal-pipi, u kull apparat ieħor użat għall-preparazzjoni tas-sigarretti jew sigarri;

“sigarretti” tinkludi tabakk imqatta’ mibrum fil-karta, werqa tat-tabakk jew kull materjal ieħor f’dik l-għamla li tista’ minnufih tin-tuza għat-tipjip;

“Suprintendent” tfisser is-Suprintendent għas-Saħħa Pubblika;

“tabakk” tinkludi sigarretti u dak it-taħlit għat-tipjip li hu maħ-sub bħala sostitut għat-tabakk.

Applikazzjoni.

3. Ebda dispożizzjoni f’dan l-Att ma għandha tapplika għal tabakk jew materjal użat bħala sostitut għat-tabakk li jitqiesu li huma preparati mediċinali jew veleni taħt l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x’jaqsmu magħha jew xi liġi oħra li tista’ tidhol fis-seħħ minflok dik l-Ordinanza.

Kap. 51

Projbizzjoni ta’ reklamar.

4. Hadd ma għandu jirreklama permezz tat-televizjoni, ir-radju jew kull mezz ieħor tax-xandir, jew fis-swali taċ-ċinematografija, sigarretti, sigarri jew kull għamla oħra ta’ tabakk, prodott tat-tabakk jew rekwiżiti għat-tipjip.

Għandhom jintwerew avvizi dwar is-saħħa fis-swali ċinematografiċi.

5. Huwa d-dmir ta’ kull proprjetarju, kull detentur ta’ liċenza, kull makknista jew kull persuna oħra li matul xi żmien tkun qegħda taġixxi f’dik il-kariga f’sala ċinematografika, illi jiżguraw li minnufih qabel il-bidu tal-wiri ta’ kull film u minnufih wara l-intervall, qabel it-tkomplija tal-film għandu jintwera fuq l-iskrin avviz dwar is-saħħa skond kif ikun jidhirlu xieraq is-Suprintendent, għal dak it-tul ta’ żmien, u għal kull darba, skond kif ikun preskritt, flimkien ma’ avviz li t-tipjip fis-sala ċinematografika hu projiċt bil-liġi.

Avvizi dwar is-saħħa fir-reklami.

6. Hadd ma għandu jirreklama għall-bejgħ xi oġġetti minn dawk imsemmijin fl-artikolu 4 ta’ dan l-Att f’ebda gazzetta, rivista jew pubbli-kazzjoni oħra, jew imexxi l-bejgħ jew il-provvista ta’ dawn l-oġġetti permezz tat-tqassim ta’ fuljetti, jew it-twaħħil ta’ kartelluni jew tabelli għall-avvizi, kemm-il darba r-reklami, fuljetti, kartelluni jew tabelli għall-avvizi ma jkunux jinkludu jew ma jkunx fihom avviz dwar is-saħħa skond kif ikun jidhirlu xieraq is-Suprintendent, li jkun jindika li t-tipjip tat-tabakk huwa ta’ ħsara għas-saħħa.

Eċċezzjonijiet.

7. Id-dispożizzjonijiet ta’ l-aħħar artikolu li jiġi minnufih qabel dan ma japplikawx —

(a) għal gazzetti, rivisti jew pubblikazzjonijiet oħra barranin li jiġu mportati f’Malta u li l-għan ewlieni tagħhom ma jkunx dak li jirreklamaw l-oġġetti msemmija jew xi wħud minnhom, jew dak li jkollhom x’jaqsmu mal-kummerċ ta’ dawn l-oġġetti;

(b) għal kull tinda jew kartellun li fl-1 ta’ Settembru, 1986, kienu mwaħħlin ma’ xi fond li kellu liċenza għall-bejgħ ta’ dawn l-oġġetti;

(ċ) għal kull tinda jew kartellun ieħor illi jitwaħħal, wara li dan l-Att jidhol fis-seħħ, ma’ fond li jkollu liċenza għall-bejgħ ta’ dawn l-oġġetti, jekk din it-tinda jew dan il-kartellun ikun fihom biss indikazzjoni ġenerali li f’dak il-fond hemm għall-bejgħ sigarretti, sigarri, tabakk jew prodott tat-tabakk, u ma jkun b’ebda mod ieħor imexxu l-bejgħ ta’ dawn l-oġġetti jew ta’ xi marka partikolari ta’ dawk l-oġġetti.

Tifsir.

8. Għall-finijiet tad-dispożizzjonijiet ta’ l-artikoli ta’ qabel dan f’dan l-Att, “reklam” tinkludi l-promozzjoni tal-bejgħ ta’ kull oġġett imsemmi fl-artikolu 4 ta’ dan l-Att, permezz ta’ avvizi, ċirkularijiet,

*pamphlets, brochures, programmi, kampjuni jew permezz ta' xi materjal jew b'xi mezz ieħor, kemm jekk dawn ikunu imqassmin b'xejn jew jekk ikunu mibjugħin lill-pubbliku, u tinkludi wkoll tikketti u kopertini, izda ma tinkludix lista tal-prezzijiet jew dik l-informazzjoni li tinħtiegħ sabiex tindika ix-xorta, il-marka, il-kontenut, il-manifattur, il-prezz u dawk ir-rekwiziti l-oħra li jkunu meħtiegħa skond xi liġi jew regolament.*

9. (1) Kull pakkett tas-sigarretti mportat, mibiugħ, distribwit jew provvist, kemm b'kumpens jew b'kull mod ieħor, għandu jkollu avviż dwar is-saħħa fuq in-naħa ta' barra tiegħu b'messaġġ ċar f'wieħed mill-ilsna uffiċjali ta' Malta, u li jkun skond kif jidhirlu xieraq is-Suprintendent, li jindika li t-tipjip tat-tabakk huwa ta' periklu għas-saħħa.

Avviżi dwar is-saħħa fuq pakketti.

(2) L-avviż dwar is-saħħa msemmi fis-subartikolu (1) ta' dan l-artikolu għandu jkun stampat b'mod ċar u għandu jkun ta' dak id-daqs b'mod li jkun jista' jinqara sew u b'mod ħafif skond kemm ikun id-daqs u xi jkun il-kulur ta' l-isfond tal-pakkett, u skond kif jidhirlu xieraq is-Suprintendent.

(3) Ebda kliem ieħor fuq pakkett bħal dan jew fuq xi mezz ieħor f'lokal tal-bejgħ bl-imnut ta' sigarretti, sigarri, tabakk jew prodotti tat-tabakk, ma għandhom jintużaw sabiex iqarrqu jew jippruvaw iqarrqu bil-pubbliku dwar il-kunċett tal-periklu u l-ħsara li t-tabakk jista' jagħmel lis-saħħa.

(4) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma japplikawx għas-sigarretti, sigarri, tabakk jew prodotti tat-tabakk għall-esportazzjoni u li ma jkunux mibjugħa jew distribwiti f'Malta.

10. Il-Ministru jista' jagħmel regolamenti sabiex inaqqas ir-riskju li hemm għas-saħħa tal-bniedem li jirriżulta mill-konsum ta' tabakk jew prodotti tat-tabakk, u b'mod partikolari u mingħajr ebda ħsara għall-ġenerali ta' dik is-setgħa, jista' jagħmel regolamenti għall-finijiet kollha jew għal xi waħda mill-finijiet li ġejjin —

Regolamenti.

(a) sabiex jipprojbixxi r-reklamar jew kull promozzjoni oħra ta' bejgħ ta' sigarretti, sigarri jew għamliet oħra ta' tabakk, prodott tat-tabakk jew rekwiżiti għat-tipjip, f'gazzetti, rivisti jew pubblikazzjonijiet oħra, minbarra dawk msemmijin fil-paragrafu (a) ta' l-artikolu 7 ta' dan l-Att;

(b) sabiex jippreskrivi l-kontenut u l-format ta' kull avviż dwar is-saħħa li jinħtiegħ li jintwera, jitwahaħhal jew jiġi espost skond dan l-Att fuq kull mezz jew haġa oħra li tkun, kif ukoll kemm ta' sikwit u ż-żminijiet meta dan l-avviż irid jinbidel jew jinqaleb;

(c) sabiex jestendi d-dispożizzjonijiet ta' l-artikoli 9 u 12 ta' dan l-Att għal għamliet oħra ta' prodotti tat-tabakk;

(d) sabiex jippreskrivi li l-avviżi dwar is-saħħa msemmijin fl-artikolu 11 ta' dan l-Att għandhom jitwahaħhalu f'pożizzjonijiet prominenti f'xi post pubbliku u f'xi vetturi liċenzjati jew użati għat-trasport pubbliku, u li jkun id-dmir tad-detentur tal-liċenza u tas-sewwieq, skond kif ikun il-każ, li joqogħdu għal dan ir-regolament;

(e) sabiex jippreskrivi l-akbar kontenut permissibbli ta' qatran, nikitina u kontenut ieħor li jista' jkun fihom is-sigarretti jew għamliet oħra ta' tabakk jew prodotti tat-tabakk, u l-akkwist massimu ta' xi waħda minn dawn is-sustanzi li jista' jinkiseb minnhom;

(f) sabiex jippreskrivi l-kundizzjonijiet kif għandu jiġi projbit jew ristrett il-bejgħ jew id-distribuzzjoni ta' sigarretti, sigarri jew prodotti oħra tat-tabakk ġewwa l-isptarijiet, il-kliniċi jew istituzzjonijiet oħra tas-saħħa;

(g) sabiex jipprojbixxi jew jikkontrolla kull reklam li b'mod dirett jew indirett għandu x'jaqsam mat-tabakk jew it-tipjip tat-tabakk;

(h) sabiex jippreskrivi kull haġa oħra li tista' jew li tinhtieg li tiġi preskritta b'dan l-Att;

(i) sabiex jippreskrivi kull haġa oħra li l-Ministru jaħseb li tkun meħtieġa jew espedjenti biex ikun jista' jwettaq aħjar id-dispożizzjonijiet ta' dan l-Att sabiex jiżgura t-tħaris tas-saħħa pubblika.

Għandu jintwera avviż dwar is-saħħa fil-hwienet.

**11.** Id-detentur ta' liċenza ta' xi fond minn fejn jinbiegħu sigarretti, sigarri, tabakk jew prodotti tat-tabakk jew rekwiżiti tat-tipjip, għandu jiżgura li jkollu avviż skond kif jidhirlu xieraq is-Suprintendent dwar il-lingwa, il-kliem, il-format, id-daqs u l-preżentazzjoni, li jkun jindika il-perikli tat-tipjip għas-saħħa u li dan l-avviż jintwera b'mod prominenti fil-fond tiegħu sabiex jiġbed l-attenzjoni tax-xerrejja jew ta' persuni oħra li jkunu fil-fond u sabiex dan ikun jista' jintgħaraf u jinqara minnhom b'mod faċli.

Kontenut ta' qatran u ta' nikotina.

**12.** Ebda sigarretti ma jistgħu jiġu mpurtati, jinbiegħu, jiġu provvisti jew jitqassmu b'kumpens jew b'kull mod ieħor kemm-il darba ma jkunx hemm stampat fuq il-pakkett jew fuq tikketta mwahħla fuqu, dikjarazzjoni korretta tal-kontenut ta' qatran u ta' nikotina f'kull sigarrett.

Kull bejgħ ikun skond l-Att u r-regolamenti.

**13.** Hadd ma jista' jbiegħ xi sigarretti jew għamliet oħra ta' tabakk jew prodott tat-tabakk li ma jkunux skond id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolament li jsir taħtu.

Bejgħ lil żgħażaġh.

**14.** (1) Hadd ma jista' jbiegħ xi sigarretti, sigarri, tabakk, prodott tat-tabakk jew rekwiżiti għat-tipjip lil min ikun għadu ma għalaqx is-sittax-il sena.

(2) Ebda sigarretti, sigarri, tabakk jew prodott tat-tabakk ma jista' jinbiegħ minn makni tal-bejgħ awtomatiċi minbarra fir-ristoranti u f'dawk l-istabbilimenti li tinhareg liċenza valida għalihom fejn ikun jista' jisserva xorb alkoħoliku fil-fond, jew f'dawk il-bnadi l-oħra fejn il-bejgħ minn dawn il-makni jista' jkun kontrollat.

(3) Għandha tkun ir-responsabbiltà ta' min ikun f'dak iż-żmien responsabbli għal, jew ikun qed jikkontrolla, il-fond fejn tkun tinsab xi makna tal-bejgħ awtomatika li jiżgura li min ikun għadu ma għalaqx is-sittax-il sena ma jistax juża dik il-makna.

Projbbizzjoni ta' tipjip f'xi bnadi u fil-mezzi ta' trasport pubbliku.

**15.** (1) Hadd ma jista' jpejjep xi sigarrett, sigarru, tabakk jew prodott tat-tabakk fuq xi mezz tat-trasport pubbliku, fis-swali taċ-ċinematografu jew fit-teatri, f'xi sptar, klinika jew istituzzjoni oħra tas-saħħa, f'xi klassi, kuritur, bitfa jew inhawi ta' skola, *day home* jew bnadi simili li jintużaw mit-tfal li jridu jattendu l-iskola b'obbligju.

(2) Id-dispożizzjonijiet tas-subartikolu ta' qabel dan ma għandhomx japplikaw —

(a) għal pazjenti jew *inmates* ta' xi sptar jew klinika, għar-rigward ta' xi spazju f'dawn il-bnadi li jiġi dikjarat mis-Suprintendent li hu spazju li fih huwa permess li l-pazjenti jew l-*inmates* jistgħu jpejpu; u

(b) għal min ikun jaħdem fi sptar, klinika, skola, *day home* jew bnadi simili, għar-rigward ta' xi spazju f'dawn il-bnadi li jiġi approvat mis-Suprintendent bħala spazju fejn wieħed jista' jpejjepp.

(3) Huwa d-dmir ta' min ikun jieħu hsieb il-bnadi msemmijin fis-subartikolu (1) ta' dan l-artikolu, u tas-sewwieq u konduttur ta' kull mezz ta' trasport pubbliku, li jiżguraw li jitwaħħal sinjal jew avviż ċar f'post jew postijiet prominenti skond ma jkun il-każ, sabiex jiġbdu l-attenzjoni għall-fatt li t-tipjip hu projbit, u jkun ukoll id-dmir ta' dik il-persuna li tiżgura li ma jsir ebda tipjip f'dawk il-bnadi jew fuq il-mezz tat-trasport pubbliku, skond ma jkun il-każ.

(4) Il-Ministru jista', fuq parir tal-Kunsill tas-Saħħa, u salv dawk il-limitazzjonijiet li jistgħu jkunu xierqa, jippreskrivi li d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandhom japplikaw għal xi bnadi oħra minbarra dawk hemm imsemmijin.

16. Hadd ma jista' jimporta, jimmanifattura jew ibiegħ xi ħelu jew ikel tal-ħelu fl-għamla ta' sigarretti, sigarri jew pipa.

Bejgħ ta' ħelu fl-għamla ta' sigarrett.

17. Id-dispożizzjonijiet ta' dan l-Att għandhom jiżdiedu u mhux jitnaqqsu mid-dispożizzjonijiet ta' xi liġi li tipprojbixxi jew li hi ta' restrizzjoni għat-tipjip ta' tabakk għall-finijiet ta' iġjene fi hwejjeġ ta' l-ikel.

Iġjene fi hwejjeġ ta' l-ikel.

18. Meta reat taħt jew kontra xi dispożizzjoni ta' dan l-Att jiġi kommess minn kumpannija jew assoċjazzjoni jew xi korp ieħor ta' persuni, kull min fiż-żmien tat-twertieq tar-reat kien direttur, *manager*, sekretariju jew uffiċjal simili ieħor ta' din il-kumpannija, assoċjazzjoni jew korp ieħor ta' persuni jew ta' x'wieħed jifhem li kien qiegħed jaġixxi f'xi kapaċità bħal din, għandu jitqies li hu ħati ta' dak ir-reat sakemm huwa ma jgibx prova li r-reat twettaq mingħajr ma huwa kien jaf u li huwa kien għamel kull ma seta' biex iżomm milli jitwettaq ir-reat.

Reat minn korp jew assoċjazzjoni.

19. (1) Kull min jikser jew jonqos milli jwettaq xi waħda mid-dispożizzjonijiet ta' dan l-Att jew ta' xi regolament li jsir taħt dan l-Att, għandu jinstab ħati ta' reat kontra dan l-Att.

Reati u pieni.

(2) Kull min jinstab ħati ta' reat kontra dan l-Att jew kontra xi regolamenti li jsiru taħt dan l-Att, jeħel, bla ebda ħsara għar-responsabbilita' tiegħu taħt xi liġi oħra, meta jinstab ħati għall-ewwel darba, multa li ma tkunx iżjed minn ħames mitt lira Maltija, u meta l-att jew l-omissjoni li jikkostitwixxu r-reat jibqgħu sejrin għal iktar minn jum wieħed, il-Qorti għandha wkoll twaħħal multa ta' mhux inqas minn żewġ liri Maltin u mhux iktar minn ħamsin lira Maltija għal kull jum li matulu jibqgħu isiru dan l-att jew omissjoni, u meta jinstab ħati għat-tieni darba jew aktar drabi, għal priġunerija għal żmien ta' mhux iżjed minn tliet xhur flimkien ma' dawk il-multi u, fuq talba tal-prosekuzzjoni, jeħel is-sospensjoni tal-licenza tal-fond jew tal-mezz tat-trasport pubbliku fejn ikun sar ir-reat, għal żmien ta' mhux aktar minn xahar.

Thassir u  
riżerva  
Att XXXI ta'  
l-1970.

**20.** L-Att ta' l-1970 dwar il-Kontroll ta' Reklami ta' Tabakk huwa b'dan imħassar bla fisara għal kull proċedimenti li jkunu ttiehdu jew li jistgħu jittiehdu bis-saħħa tiegħu jew għal reati kommessi kontra dak l-Att.

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### Ghanijiet u Raġunijiet

L-Għan prinċipali ta' dan l-Abbozz huwa il-kontroll tat-tabakk u prodotti tat-tabakk, u l-konsum tagħhom, bl-iskop li jnaqqas ir-riskju li hemm għas-saħħa b'kawża mit-tipjip.

**A BILL****entitled**

*AN ACT to make provision in respect of the control of tobacco smoking and for matters connected therewith.*

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. This Act may be cited as the Tobacco (Smoking Control) Act, 1986, and shall come into force on such day as the Minister may appoint by notice in the Gazette, and different dates may be so appointed for different purposes and different provisions of this Act.

Short title and commencement.

2. In this Act, unless the context otherwise requires —

Interpretation.

“cigarette” includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking;

“Minister” means the Minister responsible for public health and includes to the extent of the authority given, any person authorised in that behalf for any purpose of this Act;

“prescribed” means prescribed by regulations under this Act;

“public place” includes any place to which the public have or are permitted to have access, whether on payment or otherwise;

“publication” includes any article, of any material whatsoever, on which are visible any word, picture or other message, whether printed or otherwise;

“smoking requisites” means requisites for smoking tobacco or intended mainly for the preparation thereof, and includes cigarette rolling machines, cigarette paper or other cigarette covering, cigarette filters, cigar or cigarette holders, smoker’s pipes or pipe cleaners, and other equipment for preparing cigarettes or cigars;

“Superintendent” means the Superintendent of Public Health;

“tobacco” includes cigarettes and smoking mixtures intended as a substitute for tobacco.

- Applicability. **3.** Nothing in this Act shall apply to tobacco or tobacco substitutes as are considered to be medicinal preparations or poisons under the Medical and Kindred Professions Ordinance or any law substituting that Ordinance.
- Cap. 51
- Prohibition of advertising. **4.** No person shall on television, radio or other broadcasting medium, or in cinemas, advertise cigarettes, cigars or other forms of tobacco, tobacco product or smoking requisites.
- Health warnings to be shown in cinemas. **5.** It shall be the duty of every owner, licensee, machinist or person for the time being purporting to act in any such a capacity in a cinema to ensure that immediately before the beginning of every film show and immediately on the resumption of the show after the interval, a health warning acceptable to the Superintendent is shown on the screen for such time, on each occasion, as shall be prescribed, as also a notice that smoking is prohibited by law in the cinema.
- Health warnings in advertisements. **6.** No person shall advertise for sale any of the items mentioned in section 4 of this Act, in any newspaper, magazine or other publication, or promote by distribution of leaflets, by posters or billboards, the sale or supply of such items, unless the advertisements, leaflets, posters or billboards include or contain a health warning acceptable to the Superintendent indicating that smoking of tobacco is dangerous to health.
- Exceptions. **7.** The provisions of the last preceding section shall not apply —
- (a) to foreign newspapers, magazines or other publications imported into Malta and whose main purpose is not that of advertising the said items or any of them or related to the business of any such items;
  - (b) to any canopy or sign which on the 1st September, 1986 was affixed to a premises licensed for the sale of such items;
  - (c) to any other canopy or sign which is after the coming into force of this Act, affixed to a premises licensed for the sale of such items, if such canopy or sign bears only a general indication that the sale of cigarettes, cigars, tobacco or tobacco product is carried out therein and in no other manner promotes the sale of such items or of any particular brand of those items.
- Interpretation. **8.** For the purposes of the provisions of the foregoing sections of this Act, “advertisement” includes the promotion of the sale of any items referred to in section 4 of this Act, by means of notices, circulars, pamphlets, brochures, programmes, samples or other material or means, whether distributed free or sold to the public, and also includes labels and wrappers, but does not include a price list or such information as is necessary for indicating the nature, brand name, contents, manufacturer, price and such other requirements as may be required by any law or regulation.
- Health warning on packages. **9.** (1) Every package of cigarettes imported, sold, distributed or supplied, by way of compensation or otherwise, shall contain a health warning on the outside of the package with a clear message in one of the official languages of Malta, and acceptable to the Superintendent, indicating that smoking of tobacco is dangerous to health.

(2) The health warning referred to in subsection (1) of this section shall be printed clearly and be of a reasonable size as to be prominently and easily legible taking into consideration the size and the colour background of the package, to the satisfaction of the Superintendent.

(3) No other wording on any such package or in any medium in retail outlets where cigarettes, cigars, tobacco or tobacco products are sold shall be used so as to mislead or tend to mislead the public on the concept of the danger and harm which tobacco may cause to health.

(4) The provisions of subsection (1) of this section shall not apply to cigarettes, cigars, tobacco or tobacco products intended for export and which are not sold or distributed in Malta.

**10.** The Minister may make regulations for reducing the risks to human health resulting from consumption of tobacco or tobacco product, and in particular and without prejudice to the generality of that power, may make regulations for all or any of the following purposes — Regulations.

(a) to prohibit the advertisement or other promotion of the sale of cigarettes, cigars or other forms of tobacco, tobacco product or smoking requisites, in newspapers, magazines or other publications, other than as stated in paragraph (a) of section 7 of this Act;

(b) to prescribe the contents and format of any health warning required to be shown, affixed or displayed by this Act on any medium or thing whatsoever, as well as the frequency and the times at which any such warning shall be changed or rotated;

(c) to extend the provisions of sections 9 and 12 of this Act to other forms of tobacco products;

(d) to prescribe that health warnings as are referred to in section 11 of this Act shall be affixed in prominent positions in any public place and inside any vehicle licensed or used for public transport, and that it shall be the duty of the licensee and the driver, as the case may be, to comply with such regulation;

(e) to prescribe the maximum permissible tar, nicotine and other content which cigarettes or other forms of tobacco or tobacco products may contain, and the maximum yield of any such substances which may be obtained therefrom;

(f) to prescribe the conditions under which the sale or distribution of cigarettes, cigars or other tobacco product shall be prohibited or restricted inside hospitals, clinics and other health institutions;

(g) to prohibit or control any advertisement directly or indirectly connected with tobacco or with tobacco smoking;

(h) to prescribe any other matter which may be or is required to be prescribed by this Act;

(i) to prescribe any other matter which may appear to the Minister necessary or expedient for the better carrying out of the provisions of this Act for securing the health of the public.

Health warning to be displayed in shops.

11. The licensee of any premises from which cigarettes, cigars, tobacco or tobacco products or smoking requisites are sold, shall ensure that a warning notice acceptable to the Superintendent in respect of language, wording, format, size and presentation, and indicating the dangers to health of smoking, and that such notice be prominently displayed in the premises so as to attract the attention of customers or other persons on the premises and to be easily seen and read by them.

Tar and nicotine content.

12. No cigarettes may be imported, sold, supplied or distributed by way of compensation or otherwise unless there is printed on the package or on a label affixed thereon, a correct declaration of the content of tar and nicotine in each cigarette.

Sales to comply with Act and regulations.

13. No person shall sell any cigarettes or other forms of tobacco or tobacco product which do not comply with the provisions of this Act or of any regulation made hereunder.

Sale to young persons.

14. (1) No person shall sell any cigarettes, cigars, tobacco, tobacco product or smoking requisites to any person who is under the age of sixteen years.

(2) No cigarettes, cigars, tobacco or tobacco product may be sold from automatic sales machines except in restaurants and other establishments in respect of which there exists a valid licence to serve alcoholic beverages on the premises, or in other places in which sales from such machines are kept under supervision.

(3) It shall be the responsibility of any person during such time as he is responsible for or has the control of the premises in which any such sales machine is kept to ensure that no person under sixteen years of age shall make use of such machine.

Prohibition of smoking in certain premises and public transport.

15. (1) No person shall smoke any cigarette, cigar, tobacco or tobacco product on any public transport, in cinemas or theatres, in any hospital, clinic or other health institution, in any classroom, corridor, yard or appertenance of a school, day home or similar premises used by children of compulsory school age.

(2) The provisions of the preceding subsection shall not apply —

(a) to patients or inmates of a hospital or clinic, in respect of any area in such premises designated by the Superintendent as an area wherein smoking by patients or inmates is permitted; and

(b) to persons working in a hospital, clinic, school, day home or similar premises, in respect of any area in such premises approved by the Superintendent as a smoking area.

(3) It shall be the duty of the person in charge of any premises mentioned in subsection (1) of this section, and of the driver and conductor of any public transport, to ensure that an appropriate sign or notice is put up in a prominent place or places as the case may require, so as to attract attention that smoking is prohibited, and it shall also be the duty of any such person to ensure that no smoking takes place on the premises or public transport, as the case may be.

(4) The Minister may, on the advice of the Council of Health, subject to such limitations as may be deemed fit, prescribe that the provisions of subsection (1) of this section shall apply to any other premises besides those therein mentioned.

16. No person shall import, manufacture or sell any sweets or confectionery in the form of cigarettes, cigars or smoker's pipe. Sale of sweets in cigarette form.

17. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law prohibiting or restricting the smoking of tobacco for reasons of food hygiene. Food hygiene.

18. Where an offence under or against any provision of this Act, is committed by a company or an association or other body of persons, every person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of such company, association or other body of persons or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence. Offence by body or association.

19. (1) Any person who contravenes or fails to comply with any of the provisions of this Act or of an regulations made under this Act shall be guilty of an offence against this Act. Offences and penalties.

(2) Any person guilty of an offence against this Act or against any regulations made under this Act, shall, without prejudice to his liability under any other law, be liable, on first conviction, to a fine (*multa*) not exceeding five hundred Maltese liri, and where the act or omission constituting the offence subsists for more than a day, the Court shall in addition impose a fine (*multa*) of not less than two Maltese liri and not more than fifty Maltese liri for each day in which such act or omission subsists, and on a second or subsequent conviction, to imprisonment for a term not exceeding three months, in addition to such fines, and, at the request of the prosecution, to suspension of the licence of the premises or public transport where the offence took place, for a period not exceeding one month.

20. The Tobacco (Control of Advertisement) Act, 1970, is hereby repealed without prejudice to any proceedings taken or that may be taken thereunder or in respect of offences committed against that Act. Repeal and saving Act XXXI of 1970.

### Objects and Reasons

The main Object of the Bill is to control tobacco and tobacco products and their consumption with a view to reducing the risks to health arising from smoking.