

**MALTA**

**ATT Nru. XIX ta' 1-1985**

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

**ATT biex ikompli jemenda l-Ordinanza tad-Dwana, Kap. 60.**

**ACT No. XIX of 1985**

**AN ACT enacted by the Parliament of Malta.**

**AN ACT further to amend the Customs Ordinance, Cap. 60.**

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA  
President

8 ta' Novembru, 1985

**ATT Nru. XIX ta' l-1985**

*ATT biex ikompli jemenda l-Ordinanza tad-Dwana, Kap. 60.*

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 ġej: —

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1985 li jemenda l-Ordinanza tad-Dwana u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza tad-Dwana, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali". Titolu fil-qosor
2. L-artikolu 3 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 3 tal-liġi prinċipali.
  - (a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:
 

“(1) Ebda bastiment li jasal f'dawn il-Gzejjer minn post 'il hemm mill-ibhra, ma jista' jidhol f'xi port ieħor f'dawn il-Gzejjer hlief fil-Port il-Kbir, fil-Port ta' Marsamxett jew biss għall-fini ta' imbark jew żbark ta' merkanzija jew *containers* kif imfisser fl-artikolu 18A ta' l-Att ta' l-1976 dwar id-Dazji ta' Importazzjoni, fil-Port ta' Marsaxlokk, hlief bil-permess tal-Kontrullur.”; u
  - (b) fis-subartikolu (2) tiegħu, minflok il-kliem “ta' mhux iżjed minn ħamsin lira u mhux inqas minn żewġ liri” għandhom jidhlu l-kliem “ta' mhux inqas minn mitt lira Maltija u mhux iżjed minn elf lira Maltija”.
3. Fis-subartikolu (2) ta' l-artikolu 4 tal-liġi prinċipali, minflok il-kliem “ta' mhux iżjed minn ħamsin lira u mhux inqas minn żewġ liri” għandhom jidhlu l-kliem “ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija”. Emenda ta' l-artikolu 4 tal-liġi prinċipali.
4. Fis-subartikolu (2) ta' l-artikolu 5 tal-liġi prinċipali, minflok il-kliem “ta' mhux inqas minn għaxar liri u mhux iżjed minn ħamsin lira” għandhom jidhlu l-kliem “ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija”. Emenda ta' l-artikolu 5 tal-liġi prinċipali.

Emenda ta' l-artikolu 6 tal-liġi prinċipali.

5. L-artikolu 6 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "skond il-Formula Nru. 1 li hawn ma' din l-Ordinanza, u dan ir-rapport għandu jkun fih il-partikolaritajiet kollha li huma miġjuba jew meħtieġa f'dik il-Formula, jew f'formula oħra jew b'mod ieħor kif jiġi ordnat mill-Ministru responsabbli għad-dwana b'regolamenti magħmulin bis-saħħa ta' din l-Ordinanza;" għandhom jidhlu l-kliem "skond il-formula jew formuli li l-Ministru responsabbli għad-dwana jista' jippreskrivi b'regolamenti u dan ir-rapport għandu jkun fih il-partikolaritajiet kollha murija jew meħtieġa f'dik il-formula jew f'dawk il-formuli;" u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "ta' mhux iżjed minn ħamsin lira u mhux anqas minn żewġ liri" għandhom jidhlu l-kliem "ta' mhux inqas minn mitt lira Maltija u mhux iżjed minn elf lira Maltija".

Emenda ta' l-artikolu 7 tal-liġi prinċipali.

6. L-artikolu 7 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minflok il-kliem "skond il-formula li hemm għaldaqshekk, sa fejn din tkun tgħodd, jew f'formula oħra jew b'mod ieħor kif jiġi ordnat mill-Ministru responsabbli għad-dwana" għandhom jidhlu l-kliem "skond il-formula preskritta bl-artikolu 6 jew tahtu jew skond formuli oħra nsemmija f'din l-Ordinanza, safejn dawn jistgħu jkunu applikabbli, jew skond il-formula jew il-formuli li l-Ministru responsabbli għad-dwana jista' jippreskrivi b'regolamenti"; u

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "ta' mhux iżjed minn ħamsin lira u mhux inqas minn żewġ liri" għandhom jidhlu l-kliem "ta' mhux inqas minn mitt lira Maltija iżda mhux iktar minn elf lira Maltija".

Emenda ta' l-artikolu 8 tal-liġi prinċipali.

7. Fl-artikolu 8 tal-liġi prinċipali, minflok il-kliem "ta' mhux iżjed minn ħamsin lira u mhux anqas minn żewġ liri" għandhom jidhlu l-kliem "ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija".

Zieda ta' artikoli godda 8A, 8B u 8C mal-liġi prinċipali.

8. Minnufih wara l-artikolu 8 tal-liġi prinċipali għandhom jiż-diedu l-artikoli godda li ġejjin:

"Ogġetti mghobbija f'containers. 8A. (1) Kull *container* mghobbi b'ogġetti li jkun żbarkat minn xi bastiment għandu minnufih malli jiġi żbarkat jinqafel b'siġilli u sokor mill-Kontrullur jew taht l-istruzzjonijiet u s-sorveljanza tiegħu.

(2) Ebda *container* mghobbi b'ogġetti ma għandu jkun imbarkat fuq xi bastiment kemm-il darba qabel ma jin-qafilx b'siġilli u sokor mill-Kontrullur jew taht l-istruzzjonijiet u s-sorveljanza tiegħu f'dak il-post jew f'dawk il-postijiet li jista' jistabbilixxi.

(3) Meta fil-fehma tal-Kontrullur dawk is-siġilli u sokor ma jkunux jistgħu jitwaħħlu b'mod konvenjenti, id-dis-pozizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu ma japplikawx.

(4) Il-Kontrullur jista' jordna li kull *container* li jkun inqafel b'siġilli u sokor taht l-istruzzjonijiet u s-sorveljanza tiegħu kif intqal qabel kull darba jiġi trasportat minn post għal ieħor bl-iskorta tad-Dwana, iżda dik l-iskorta għandha fil-kazijiet kollha tkun obligatorja meta, xi *container* ma jkunx hekk ġie maqful.

(5) Ebda persuna ma għandha tneħhi, tibdel, tikser jew tiddistruggi jew tipprova jew iġġiegħel jew tħalli li jitneħhew, jinbidlu, jinkisru jew jiġu distrutti, xi sigilli jew sokor ieħor imwahnin ma' xi *container* hliel quddiem u taħt l-istruzzjonijiet tal-Kontrullur; u malli jiġi pprezentat, kif meħtieġ bid-dispożizzjonijiet ta' din l-Ordinanza, lill-Kontrullur. il-manifest ta' l-oġġetti ta' dak il-*container* jew id-dikjarazzjoni jew id-dikjarazzjonijiet relattivi ta' l-oġġetti dwar l-oġġett mgħobbija fih, skond il-każ, iffirmiti kif imiss mill-Kontrullur.

(6) (a) Minkejja d-dispożizzjonijiet tas-sub-artikolu (5) ta' dan l-artikolu, il-Kontrullur jista', f'kull żmien inehhi jew jikser kull sigill jew sokor imwahnin ma' xi *container* u jiftaħ dak il-*container*, quddiem uffiċjal tal-Pulizija mhux taħt il-grad ta' Spettur, u d-dispożizzjonijiet ta' l-artikolu 66A għandhom japplikaw għal dik it-tneħhija, dak il-ksur jew l-eżami.

(b) Mat-tneħhija jew ksur ta' xi sigill jew sokor u l-ftuħ ta' xi *container*, skond id-dispożizzjonijiet ta' dan is-subartikolu l-Kontrullur għandu jagħmel rapport tat-tneħhija, ksur u ftuħ u ċ-ċirkostanzi għal dan, u għandu fejn xieraq jagħlaq il-*container* u jwahnin dawk is-sigilli u sokor. Ir-rapport għandu jkun kontrofirmat mill-uffiċjal tal-Pulizija, li quddiemu tkun saret it-tneħhija, ksur jew ftuħ.

(c) Kull meta dawk is-sigilli u sokor imwahnin ma' *container* jitneħhew, jew *container* jinfetaħ mill-Kontrullur skond id-dispożizzjonijiet ta' dan is-subartikolu, mhux quddiem il-kunsinnatarju ta' dak il-*container*, jew ta' l-aġent tiegħu, ir-rapport imsemmi f'dan is-subartikolu għandu fi żmien għaxart ijiem minn meta jiġri dan jintbagħat lil dak il-kunsinnatarju, jekk ikun magħruf, jew billi r-rapport jingħata lilu personalment, jew b'ittra ndirizzata lilu u mibgħuta bil-posta registrata fl-aħħar indirizz magħruf tiegħu ta' residenza jew tanegozju f'Malta jew kunsinnata hemmhekk.

Groupage  
containers.

8B. (1) *Container* mgħobbi b'oġġetti mportati minn żewġ persuni jew iktar għandu jinhatt biex minnufih dawk l-oġġetti jitqiegħdu f'maħżen, post ta' sigurtà jew post ta' żbark approvat u stabbilit taħt id-dispożizzjonijiet ta' din l-Ordinanza, u l-persuna li tkun il-kunsinnatarju ta' dak il-*container* għandha qabel ma tibda jew iġġiegħel jew tħalli li jinbeda l-hatt ta' l-oġġetti minn dak il-*container*, tikkonsenja lill-Kontrullur il-manifest ta' l-oġġetti ta' dak il-*container* f'dik il-formula jew f'dawk il-formuli li l-Ministru responsabbli għad-dwana jista' jippreskrivi b'regolamenti u li jagħti l-partikolaritajiet murija f'dik il-formula jew f'dawk il-formuli jew meħtieġa bihom; u dak il-manifest ta' l-oġġetti għandu jiġi ikkonsenjat qabel ma xi sigilli u sokor imwahnin ma' dak il-*container* jitneħhew, jinbidlu, jinkisru jew jiġu distrutti.

(2) Meta xi persuna tikkonsenja lill-Kontrullur xi manifest ta' l-oġġetti u dan ma jkunx preċiż f'xi haġa sostanzjali, din tista' tehel multa ta' mhux inqas minn mitt lira Maltija u mhux iżjed minn elf lira Maltija.

(3) L-oġġetti kollha li jkunu deskritti hażin fil-manifest ta' l-oġġetti jkunu konfiskati.

(4) L-oġġetti kollha li ma jiġux dikjarati kif imiss fil-manifest ta' l-oġġetti jistghu jinżammu minn uffiċjal tad-Dwana sakemm jiġu hekk dikjarati, u sakemm in-nuqqas ikun spjegat għas-sodisfazzjon tal-Ministru responsabbli għad-dwana, u sadattant jistghu jittieħdu f'maħżen tal-Gvern.

Ksur  
illegali ta'  
sigilli.

8C. (1) Kull persuna li, tneħhi, tibdel, tikser jew tid-distruggi jew tippoġva jew iġġieghel jew thalli li jitnehhew, jinbidlu, jinkisru jew jiġu distrutti xi sigill jew sokor imwahhal ma' xi *container* hliel skond id-dispożizzjonijiet tas-subartikolu (5) jew (6) ta' l-artikolu 8A tista' tehel, barra minn kull piena oħra li tista' tehel taht din il-liġi jew xi liġi oħra, multa ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija.

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(2) Għall-finijiet ta' dan l-artikolu u ta' l-artikoli 8A u 8B il-kelma "*container*" għandu jkollha l-istess tifsir kif mogħti lilha bl-artikolu 18A ta' l-Att ta' 1-1976 dwar id-Dazji ta' Importazzjoni, u tinkludi wkoll vettura tat-triq kummerċjali kif hemmhekk imfisser."

Emenda ta'  
l-artikolu 12  
tal-liġi prinċipali.

9. Fl-artikolu 12 tal-liġi prinċipali minflok il-kliem minn "skond il-Formula Nru. 2, 3 jew 4 li hawn ma' din l-Ordinanza" sa "jew iddestinati biex jiġu esportati minnufih;" għandhom jidhlu l-kliem "skond il-formula jew formuli li l-Ministru responsabbli għad-dwana jista' b'regolamenti jippreskrivi;"

Emenda ta'  
l-artikolu 13  
tal-liġi prinċipali.

10. Fis-subartikolu (1) ta' l-artikolu 13 tal-liġi prinċipali minflok il-kliem minn "skond il-Formula Nru. 5" sa "kif jiġi ordnat mill-Ministru responsabbli għad-dwana" għandhom jidhlu l-kliem "skond dik il-formula jew formuli li l-Ministru responsabbli għad-dwana jista' b'regolamenti jippreskrivi, u li jkun fihom id-diversi partikolaritajiet meħtieġa f'dik il-formula jew f'dawk il-formuli."

Zieda ta'  
artikolu ġdid  
14A mal-liġi  
prinċipali.

11. Minnufih wara l-artikolu 14 tal-liġi prinċipali għandu jżied l-artikolu ġdid li ġej:

"Kif  
jinġabar  
dazju fuq  
oġġetti  
konsenjati  
b'polza  
a vista.

14A. Minkejja d-dispożizzjonijiet ta' l-artikoli 13 u 14 ta' din l-Ordinanza, kull meta oġġetti jkun konsenjati b'polza *a vista* l-ammont ta' dazju miġbur meta ssir dikjarazzjoni shiha għandu, bla ħsara għal kull tnaqqis ta' dazju skond l-artikolu 18A ta' l-Att ta' 1-1976 dwar id-Dazji ta' Importazzjoni, ikun kalkolat fuq il-kwantità ta' l-oġġetti murija fuq il-fattura relativa jew fuq il-kwantità ta' l-oġġetti kontrofirmata fuq dik il-polza *a vista* minn uffiċjal tad-Dwana u ffirmata wkoll mill-importatur jew mill-aġent tiegħu, skond liema tkun l-ikbar kwantità."

Emenda ta'  
l-artikolu 16  
tal-liġi prinċipali.

12. Fis-subartikolu (3) ta' l-artikolu 16 tal-liġi prinċipali, minflok il-kliem "ta' mhux iżjed minn ħamsin lira" għandhom jidhlu l-kliem "ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija".

Zieda ta'  
artikolu ġdid  
17A mal-liġi  
prinċipali.

13. Minnufih wara l-artikolu 17 tal-liġi prinċipali għandu jżied l-artikolu ġdid li ġej:

"Oġġetti u  
bagalji  
mhux  
irtirati,

17A. (1) Jekk xi oġġetti, magħdudin bagalji tal-passiġġieri, li jinġiebu f'xi post fejn il-bagalji tal-passiġġieri jkun ezaminati mid-Dwana ma jkunux irtirati minnufih mid-Dwana, jew xort'oħra ma jkunux dikjarati lid-Dwana, dawn

għandhom jiġu konfiskati u jsir minnhom kif jista' jordna l-Ministru responsabbli għad-dwana.

(2) Id-dispożizzjonijiet tas-subartikolu ta' qabel dan ma japplikawx għal oġġetti jew bagalji li jkunu maħsuba għal destinazzjoni oħra u li jingiebu f'Malta bi żball, u għal oġġetti jew bagalji li jaslu f'Malta mhux mal-persuna li għall-użu tagħha jkunu maħsuba:

Iżda f'kull każ bħal dan min ikun qed iġorrom jew l-aġent tiegħu għandu, jekk hekk meħtieġ mill-Kontrullur, jiċcertifika bil-miktub il-fatti tal-każ:

Iżda wkoll meta dawk l-oġġetti jew bagalji jibqgħu mhux irtirati għal żmien ta' iktar minn tmint ijiem mid-data tal-wasla tagħhom, dawn jiġu konfiskati u jsir minnhom kif jista' jordna l-Ministru responsabbli għad-dwana.”.

14. Minnufih wara s-subartikolu (2) ta' l-artikolu 19 tal-liġi prinċipali għandhom jiżiedu s-subartikoli ġodda li ġejjin:

Emenda ta' l-artikolu 19 tal-liġi prinċipali.

“(3) Jekk l-importatur ta' xi oġġetti depożitati f'maħżen stabbilit bis-saħħa tad-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 27, barra minn maħżen stabbilit esklużivament għad-depożitu ta' oġġetti li jkunu proprjetà ta' persuna speċifikata, ma jirtirahomx fi żmien hmistax-il jum minn dak id-depożitu, kull uffiċjal tad-Dwana jista' jneħhi dawk l-oġġetti u jġorrom f'maħżen tal-Gvern bl-ispejjeż ta' dak l-importatur.

(4) Jekk meta jgħaddi ż-żmien ta' hmistax-il jum imsemmi fis-subartikolu (3) ta' dan l-artikolu, dawk l-oġġetti ma jkunux hekk irtirati jew ma jiġux hekk depożitati, dawn għandhom, għall-fini tal-ħlas tal-kera ta' magazinaġġ stabbilita b'regolamenti magħmula taħt din l-Ordinanza, jitqiesu li ġew hekk depożitati f'maħżen tal-Gvern meta jgħaddi l-imsemmi żmien.”.

15. L-artikolu 20 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 20 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “u l-prezz li jiġibu għandu jmur għall-ħlas tan-nol, tad-dazju, tad-drittijiet u ta' l-ispejjeż u l-bilanċ, jekk ikun hemm, għandu jiġi mħallas lil sid l-oġġetti fuq talba tiegħu għaldaqshekk.” għandhom jidhlu l-kliem “u l-prezz li jiġibu għandu jmur għall-ħlas ta' —

(a) kull spejjeż li jkunu saru dwar il-bejgħ;

(b) id-dazju li għandu jingabar fuq dawk l-oġġetti bħala mibjugħa li għandhom jidhlu għal użu jew konsum lokali;

(ċ) kull kera għal magazinaġġ li jkollu jithallas lill-Gvern;

(d) l-ispejjeż għall-ġarr ta' oġġetti fil-maħżen tal-Gvern;

(e) id-drittijiet għal żbark u drittijiet oħra; u

(f) l-ispejjeż tan-nol.”;

(b) minflok is-subartikolu (2) tiegħu għandu jidhlo dan li ġej:

“(2) Il-ħlas għall-partiti mnizzlin fil-paragrafi minn (a) sa (f) tas-subartikolu (1) ta' dan l-artikolu għandu jsir fl-istess ordni ta' precedenza kif hemm imnizzlin sabiex kull partita tithallas bi preferenza għall-partita li taħbat minnufih warajha

wkoll jekk il-prezz li jgibu l-oġġetti ma jkunx biżżejjed għall-  
hłas ta' xi waħda mill-partiti jew iktar.”; u

(ċ) minnufih wara s-subartikolu (2) tiegħu għandhom jidhlu  
s-subartikoli ġodda li ġejjin:

“(3) Meta, iżda, l-oġġetti ma jistgħux jinbiegħu għal  
somma li tkun biżżejjed biex isiru l-hłasijiet dovuti skond il-  
paragrafi (a), (b), (ċ) u (d) tas-subartikolu (1) ta' dan l-artikolu  
l-proprjetà ta' daww l-oġġetti tiġi vestita fil-Gvern għas-saldu ta'  
daww il-hłasijiet u daww l-oġġetti jsir minnhom skond kif jordna  
l-Ministru responsabbli għad-dwana.

(4) Il-bilanċ, jekk ikun hemm, wara li jsiru l-hłasi-  
jiet dovuti skond il-paragrafi minn (a) sa (f) tas-subartikolu (1)  
ta' dan l-artikolu għandu jithallas lis-sid ta' l-oġġetti fuq appli-  
kazzjoni tiegħu għal hekk.”.

Zieda ta'  
artikolu ġdid  
22A mal-liġi  
prinċipali.

**16.** Minnufih wara l-artikolu 22 tal-liġi prinċipali għandu jiżdied  
l-artikolu ġdid li ġej:

“Oġġetti  
li juru  
sinjali  
ta' tħassir.

22A. (1) Meta xi oġġetti li jingiebu jew jiġu depożitati  
f'maħżen tal-Gvern u wara juru sinjali ta' tħassir, jew jistgħu  
fil-fehma tal-Kontrullur jagħmlu ħsara lil oġġetti oħra jew  
lill-bini, il-Kontrullur jista' jordna li dawn jiġu rtirati minn  
hemm mal-hłas tad-dazju ta' mportazzjoni u drittijiet li jkol-  
lhom jithallsu, fiż-żmien li jiġi stabbilit minnu, u jekk daww  
l-oġġetti ma jiġux hekk irtirati f'dak iż-żmien daww l-oġġetti  
għandhom jiġu distrutti għas-spejjeż tas-sid tagħhom.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan  
l-artikolu għandhom japplikaw ukoll għal oġġetti li jkunu  
maħżuna regolarment minkejja kull perijodu li jkun għadu ma  
għalaqx ta' dak il-magazinagġ.”.

Emenda ta'  
l-artikolu 26  
tal-liġi prinċipali.

**17.** Fl-artikolu 26 tal-liġi prinċipali, minflok il-kliem “ta' mhux  
iżjed minn ħamsin lira, u mhux anqas minn żewġ liri” għandhom jidhlu  
l-kliem “ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn  
elf lira Maltija”.

Emenda ta'  
l-artikolu 27  
tal-liġi prinċipali.

**18.** L-artikolu 27 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikoli (2) u (3) tiegħu għandhom jiġu numerati  
mill-ġdid bħala subartikoli (3) u (4) rispettivament; u

(b) minnufih wara s-subartikolu (1) tiegħu għandu jiżdied is-  
subartikolu ġdid li ġej:

“(2) Meta xi oġġetti jkunu ġew depożitati f'xi post  
approvat jew stabbilit kif intqal qabel iżda ma jiġux murija  
fuq it-talba ta' uffiċjal tad-Dwana, allura, il-persuna li jkollha  
l-kustodja ta' l-oġġetti tehel, minbarra l-hłas tal-kera ta'  
magazinagġ u drittijiet oħra, jekk ikun hemm, dwar daww  
l-oġġetti u kull piena oħra li tista' tehel taħt id-dispożizzjoni-  
jiet ta' din l-Ordinanza jew ta' xi liġi oħra, il-hłas ta' dazju ta'  
importazzjoni li jkollu jithallas fuq daww l-oġġetti.

Għall-finijiet ta' dan is-subartikolu kull kera ta' magazi-  
nagġ li jkollha tithallas tinħadem sad-data ta' dik it-talba.”.

19. Minflok is-subartikolu (3) ta' l-artikolu 35 tal-liġi prinċipali għandu jidhol dan li ġej:

Emenda ta' l-artikolu 35 tal-liġi prinċipali.

“Ogġetti li ma jiswewx id-dazju jiġu distrutti.

(3) Jekk dawn l-ogġetti ma jkunux jiswew id-dazju, dawn għandhom, wara xahar mill-avviż hawn fuq imsemmi, isir minnhom kif jiġi ordnat mill-Ministru responsabbli għad-dwana.”.

20. Fl-artikolu 37 tal-liġi prinċipali minnufih wara l-kliem “ċedo-la tad-Dwana” għandhom jiżdiedu l-kliem “jew f’dik il-formula jew formuli li l-Ministru responsabbli għad-dwana jista’ b’regolament jippreskrivi,” u minflok il-kliem “tad-Dwana, u skond il-Formula A li hawn ma’ din l-Ordinanza” għandhom jidhlu l-kliem “tad-Dwana”.

Emenda ta' l-artikolu 37 tal-liġi prinċipali.

21. Minflok is-subartikolu (1) ta' l-artikolu 46 tal-liġi prinċipali u n-nota marginali li hemm għalih għandu jidhol dan li ġej:

Emenda ta' l-artikolu 46 tal-liġi prinċipali.

“Dikjarazzjoni għall-esportazzjoni ta’ ogġetti.

(1) L-esportatur ta’ ogġetti li għalihom ma tkun meħtieġa ebda obbligazzjoni, għandu, fi żmien erbgħa u għoxrin siegħa mill-ispedizzjoni finali tal-bastiment li fuqu jiġu esportati l-ogġetti, jew huwa nnifsu jew bil-mezz ta’ l-aġent tiegħu, jagħti lill-Kontrullur polza ta’ dikjarazzjoni f’dik il-formula jew f’dawk il-formuli kif il-Ministru responsabbli għad-dwana jista’ b’regolamenti jippreskrivi, u li jkun fihom id-diversi partikolaritajiet murija f’dik il-formula jew f’dawk il-formuli, jew bihom meħtieġa, u għandu jiffirma dik il-polza ta’ dikjarazzjoni, u fuq talba tal-Kontrullur għandu jġib il-fattura, il-poloż tal-kargu u kull dokument ieħor dwar l-ogġetti biex jipprova li l-polza ta’ dikjarazzjoni hija sewwa; u jekk jonqos li jhares xi waħda mill-kondizzjonijiet ta’ hawn fuq, l-esportatur jew l-aġent tiegħu jeħel għal kull reat multa ta’ mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija; u jekk xi waħda mill-partikolaritajiet li tkun tinsab f’xi polza bħal dik ma tkunx sewwa l-persuna li tiffirma l-polza tista’ teħel multa ta’ mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija.”.

22. Fl-artikolu 47 tal-liġi prinċipali minflok il-kliem “ta’ ħames liri” għandhom jidhlu l-kliem “ta’ mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija”.

Emenda ta' l-artikolu 47 tal-liġi prinċipali.

23. Fis-subartikolu (3) ta' l-artikolu 51 tal-liġi prinċipali minflok il-kliem “ħamsa u għoxrin lira” għandhom jidhlu l-kliem “mitejn u ħamsin lira Maltija”.

Emenda ta' l-artikolu 51 tal-liġi prinċipali.

24. Fl-artikolu 52 tal-liġi prinċipali minflok il-kliem minn “skond il-Formula Nru. 8 li hawn ma’ din l-Ordinanza jew f’formula oħra bħalha,” sa l-aħħar ta’ dak l-artikolu, għandhom jidhlu l-kliem “f’dik il-formula jew formuli li l-Ministru responsabbli għad-dwana jista’ b’regolamenti jippreskrivi u li jkun fihom id-diversi partikolaritajiet meħtieġa f’dik il-formula jew f’dawk il-formuli; u fin-nota marginali li hemm għalih il-kliem “Manifest tat-tagħbija, Formula Nru. 8” għandhom jithassru.

Emenda ta' l-artikolu 52 tal-liġi prinċipali.

25. Fl-artikolu 55 tal-liġi prinċipali minflok il-kliem “ħamsa u għoxrin lira” għandhom jidhlu l-kliem “mitejn u ħamsin lira Maltija”.

Emenda ta' l-artikolu 55 tal-liġi prinċipali.

Sostituzzjoni ta' l-artikolu 57 tal-ligi principali.

**26.** Minflok l-artikolu 57 tal-ligi principali għandu jidhol dan li ġej:

“Piena għal tluq mingħajr il-karti ta' l-ispedizzjoni jew b'dawk il-karti b'tagħrif mhux korrett.

57. Jekk xi bastiment jitlaq minn dawn il-Gzejjer mingħajr ma jirċievi l-karti meħtieġa ta' l-ispedizzjoni, jew jekk f'xi formula ta' spedizzjoni ta' bastimenti meħtieġa taħt l-artikolu 52 jingħata tagħrif li ma jkunx korrett f'xi haġa sostanzjali, il-kaptan, jew l-aġent tas-sid tal-bastiment, li kien imissu jitlob dawn il-karti, jefel multa ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija.”.

Emenda ta' l-artikolu 59 tal-ligi principali.

**27.** L-artikolu 59 tal-ligi principali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem “ta' hames liri” għandhom jidhlu l-kliem “ta' mhux inqas minn mitt lira Maltija iżda mhux iżjed minn elf lira Maltija”; u

(b) fis-subartikolu (3) tiegħu minflok il-kliem “hamsa u għoxrin lira” għandhom jidhlu l-kliem “mtejn u hamsa u għoxrin lira Maltija”.

Emenda ta' l-artikolu 65 tal-ligi principali.

**28.** Fis-subartikolu (2) ta' l-artikolu 65 tal-ligi principali minflok il-kliem “mhux iżjed minn hames mitt lira” kull fejn jinsabu għandhom jidhlu f'kull każ il-kliem “hames mitt lira Maltija”.

Zieda ta' artikolu 66A mal-ligi principali.

**29.** Minnufih wara l-artikolu 66 tal-ligi principali għandu jzied l-artikolu ġdid li ġej:

“Eżami ta' ogġetti taħt il-kontroll tad-Dwana. 66A. (1) Il-Kontrullur jista', fuq sospett raġonevoli, jordna li kull kollijiet li jkunu taħt il-kontroll tad-dwana jinfetħu u l-kontenut tagħhom ikun eżaminat sabiex jiġi żgurat li d-dispożizzjonijiet ta' din l-Ordinanza u ta' kull ligi oħra dwar id-dwana jkunu qed jitharsu.

(2) Għandu jingħata avviż xieraq għal ftuħ u eżami ta' l-ogġetti lill-kunsinnatarju, jekk ikun magħruf, sabiex hu jew l-aġent tiegħu jkun jista' jattendi.

(3) Ma jkunx meħtieġ li jingħata dak l-avviż meta ċ-ċirkostanzi ma jkunux jippermettu.

(4) Il-Kontrullur ma jkun sugġett għal ebda azzjoni tkun li tkun minhabba dak il-ftuħ jew eżami.”.

Emenda ta' l-artikolu 69 tal-ligi principali.

**30.** Fis-subartikolu (1) ta' l-artikolu 69 tal-ligi principali minflok il-kliem “li fih kien joqgħod jew li kellu n-negozju tiegħu” għandhom jidhlu l-kliem “li fih kien joqgħod jew li kellu n-negozju tiegħu f'Malta”.

Sostituzzjoni ta' l-artikolu 72 tal-ligi principali.

**31.** Minflok l-artikolu 72 tal-ligi principali għandu jidhol dan li ġej:

“Preskrizzjoni.

72. (1) Proċedimenti dwar xi reat kontra din l-Ordinanza u kull proċediment biex tingabar xi penali pekunjarja jew mod ieħor taħt din l-Ordinanza għandhom jinbdew minn jew f'isem il-Kontrullur.

(2) Dawk il-proċedimenti għandhom jinbdew —

(a) meta l-ogġetti li dwarhom min ikun għamel ir-reat ikunu qed isiru proċedimenti kontra tiegħu jkunu

xi oġġetti murija fl-Iskeda li tinsab ma' din l-Ordinanza, fi żmien 10 snin mid-data li fiha l-oġġetti jkunu mportati;

(b) meta l-proċedimenti jinbdew taht il-paragrafu (f) jew (g) ta' l-artikolu 61 u l-paragrafu (k) ta' l-artikolu 61 b'riferenza għall-paragrafi (f) jew (g) ta' l-imsemmi artikolu, f'każijiet barra minn dawk li għalihom japplika l-paragrafu (a) ta' dan is-subartikolu, fi żmien 5 snin mid-data ta' l-importazzjoni ta' l-oġġetti li għalihom ikun jirreferi r-reat; u

(ċ) f'kull każ ieħor fi żmien sentejn mid-data tal-kommissjoni tar-reat.”.

32. Minnufih wara l-artikolu 75A tal-liġi prinċipali għandu jiżded l-artikolu ġdid 75B li ġej:

Żieda ta' artikolu ġdid 75B mal-liġi prinċipali.

“Il-Ministru jista' jippreskrivi formuli.

75B. (1) Il-Ministru responsabbli għad-dwana jista' jagħmel regolamenti li jippreskrivu l-formuli li għandhom jintużaw skond u għall-finijiet ta' xi waħda mid-dispożizzjonijiet ta' din l-Ordinanza, u ta' kull regolamenti magħmula bis-saħħa tagħha u, minn żmien għal żmien, li jemendaw, jissostitwixxu, jirrevokaw jew iżidu ma' kull formuli bħal dawk.

(2) Ir-revoka ta' xi formuli kif provdut fis-subartikolu (1) ta' dan l-artikolu jew tibdil fihom ma jolqot ebda penali, konfiska jew piena li jkun hemm responsabbiltà għaliha qabel dik ir-revoka jew dak it-tibdil.”.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 291 tas-6 ta' Novembru, 1985

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

AGATHA BARBARA  
President

8th November, 1985

**ACT No. XIX of 1985**

*AN ACT further to amend the Customs Ordinance, Cap. 60.*

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. This Act may be cited as the Customs (Amendment) Act, 1985, and shall be read and construed as one with the Customs Ordinance, hereinafter referred to as “the principal law”.

Amendment of section 3 of the principal law.

2. Section 3 of the principal law shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following:

“(1) No vessel arriving at these Islands from any place beyond the seas, shall enter any port in these Islands other than the Grand Harbour, Marsamxett Harbour or solely for the purpose of loading or unloading cargo or containers as defined in section 18A of the Import Duties Act, 1976, Marsaxlokk Harbour, save with the permission of the Comptroller.”; and

(b) in subsection (2) thereof, for the words “not exceeding fifty pounds and not less than two pounds” there shall be substituted the words “of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri”.

Amendment of section 4 of the principal law.

3. In subsection (2) of section 4 of the principal law, for the words “not exceeding fifty pounds, and not less than two pounds” there shall be substituted the words “of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri”.

Amendment of section 5 of the principal law.

4. In subsection (2) of section 5 of the principal law, for the words “of not less than ten pounds but not exceeding fifty pounds” there shall be substituted the words “of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri”.

5. Section 6 of the principal law shall be amended as follows :

Amendment of section 6 of the principal law.

(a) in subsection (1) thereof, for the words "in the Form No. 1 annexed hereto, and containing the several particulars indicated therein or required thereby, or in such other form and manner as the Minister responsible for customs may, by regulations under this Ordinance, direct;" there shall be substituted the words "in such form or forms as the Minister responsible for customs may by regulations prescribe, and containing the several particulars indicated in such form or forms or required thereby;"; and

(b) in subsection (4) thereof, for the words "not exceeding fifty pounds and not less than two pounds" there shall be substituted the words "of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri".

6. Section 7 of the principal law shall be amended as follows :

Amendment of section 7 of the principal law.

(a) in subsection (2) thereof for the words "in the prescribed form, so far as the same may be applicable, or in such other form or manner as the Minister responsible for customs may direct" there shall be substituted the words "in the form prescribed by or under section 6 or by other forms referred to in this Ordinance, as far as the same may be applicable, or in such form or forms as the Minister responsible for customs may by regulations prescribe"; and

(b) in subsection (3) thereof, for the words "not exceeding fifty pounds and not less than two pounds" there shall be substituted the words "of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri".

7. In section 8 of the principal law, for the words "not exceeding fifty pounds, and not less than two pounds" there shall be substituted the words "of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri".

Amendment of section 8 of the principal law.

8. Immediately after section 8 of the principal law there shall be added the following new sections :

Addition of new sections 8A, 8B and 8C to the principal law.

"Goods loaded in containers.

8A. (1) Any container loaded with goods discharged from any vessel shall immediately on landing be secured with seals and fastenings to be affixed by or under the instructions and supervision of the Comptroller.

(2) No container loaded with goods shall be laden on to any vessel unless it is previously secured with seals and fastenings to be affixed on the instructions and under the supervision of the Comptroller at such place or places as he may determine.

(3) Where in the opinion of the Comptroller such seals and fastenings cannot be conveniently affixed, the provisions of subsections (1) and (2) of this section shall not apply.

(4) The Comptroller may direct that any container secured with seals and fastenings affixed on his instructions and under his supervision as aforesaid shall be under Customs escort during every transportation from one place to another, but such escort shall in all cases be compulsory where any container is not so secured.

(5) No person shall remove, alter, break or destroy, or attempt or cause or permit to be removed, altered, broken or destroyed, any seals or fastenings affixed on any container except in the presence and under the instructions of the Comptroller, and on presentation, as required by the provisions of this Ordinance, to the Comptroller, of the goods manifest of such container or of the appropriate bill or bills of entry in respect of the goods loaded therein, as the case may be, duly signed by the Comptroller.

(6) (a) Notwithstanding the provisions of subsection (5) of this section, the Comptroller may, at any time remove or break any seal or fastening affixed on any container and open that container, in the presence of an officer of the Police not below the rank of Inspector, and the provisions of section 66A shall apply to any such removal, breaking or examination.

(b) Upon the removal or breaking of any seals or fastenings and the opening of any container in accordance with the provisions of this subsection, the Comptroller shall make a report of such removal, breaking and opening and the circumstances thereof, and shall, where appropriate, close the container and secure it by affixing thereon seals and fastenings. The report shall be countersigned by the officer of the Police in whose presence the removal, breaking or opening has occurred.

(c) Whenever such seals and fastenings affixed on a container are removed, or a container is opened by the Comptroller in accordance with the provisions of this subsection but not in the presence of the consignee of the container or his agent, the report referred to in this subsection shall within ten days from such event be transmitted to that consignee, if known, either by delivering the same to him personally, or by letter addressed to him and transmitted by registered post to, or delivered at, his last known place of abode or business in Malta.

Groupage  
containers.

8B. (1) A container loaded with goods imported by two or more persons shall be unloaded for the immediate placing of those goods in a warehouse, place of security or landing place approved or appointed under the provisions of this Ordinance, and the person who is the consignee of that container shall before commencing or causing or permitting the unloading of goods from the container, deliver to the Comptroller the goods manifest of the container in the form or forms as the Minister responsible for customs may by regulations prescribe, giving the particulars indicated in such form or forms or required thereby; and such goods manifest shall be delivered before any seals and fastenings affixed on such container are removed, altered, broken or destroyed.

(2) Where any person delivers to the Comptroller any goods manifest and the same is inaccurate in any material particular, he shall be liable to a fine (*multa*) of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri.

(3) All goods falsely described in the goods manifest shall be forfeited.

(4) All goods which are not duly declared in the goods manifest may be detained by an officer of the Customs until so declared, and until the omission is explained to the satisfaction of the Minister responsible for customs, and may in the meantime be removed to a Government warehouse.

Illegal  
breaking  
of seals.

8C. (1) Any person who removes, alters, breaks or destroys or attempts or causes or permits to be removed, altered, broken or destroyed any seal or fastening affixed on any container except in accordance with the provisions of subsection (5) or (6) of section 8A shall in addition to any other punishment to which he may be liable under this or any other law, be liable, to a fine (*multa*) of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri.

Act XXV  
of 1976.

(2) For the purposes of this section and of sections 8A and 8B the word "container" shall have the same meaning assigned to it in section 18A of the Import Duties Act, 1976, and includes a commercial road vehicle as therein defined."

9. In section 12 of the principal law for the words from "in the Form No. 2, 3 or 4 annexed hereto" up to "or are intended for immediate exportation;" there shall be substituted the words "in such form or forms as the Minister responsible for customs may by regulations prescribe;"

Amendment of  
section 12 of  
the principal  
law.

10. In subsection (1) of section 13 of the principal law for the words from "in the Form No. 5" up to "as the Minister responsible for customs may direct" there shall be substituted the words "in such form or forms as the Minister responsible for customs may by regulations prescribe, and containing the several particulars required in such form or forms."

Amendment of  
section 13 of  
the principal  
law.

11. Immediately after section 14 of the principal law there shall be added the following new section:

Addition of  
new section  
14A to the  
principal law.

"Mode of  
levying  
duty on  
goods  
delivered  
by bill of  
sight.

14A. Notwithstanding the provisions of sections 13 and 14 of this Ordinance, whenever goods are delivered by bill of sight the amount of duty levied when making the perfect entry shall, without prejudice to any right of remittance of duty in accordance with section 18A of the Import Duties Act, 1976, be calculated on the quantity of the goods shown on the relative invoice or on the quantity of the goods endorsed on such bill of sight by an officer of the Customs and countersigned by the importer or his agent, whichever quantity shall be the greater."

12. In subsection (3) of section 16 of the principal law, for the words "not exceeding fifty pounds" there shall be substituted the words "of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri".

Amendment of  
section 16 of  
the principal  
law.

13. Immediately after section 17 of the principal law there shall be added the following new section:

Addition of  
new section  
17A to the  
principal law.

"Unclaimed  
goods and  
baggage.

17A. (1) If any goods, including passengers' baggage, which are brought to any place where passengers' baggage is examined by Customs are not cleared forthwith from, or

otherwise declared to, Customs, the same shall be forfeited and shall be disposed of as the Minister responsible for customs may direct.

(2) The provisions of the preceding subsection shall not apply to goods or baggage which were intended for another destination and were brought to Malta in error, and to goods or baggage which arrive in Malta unaccompanied by the person for whose use they are intended:

Provided that in any such case the carrier or his agent shall, if so required by the Comptroller, certify in writing the facts of the case:

Provided further that when such goods or baggage remain unclaimed for a period of eight days from the date of their arrival in Malta they shall be forfeited and shall be disposed of as the Minister responsible for customs may direct.”.

Amendment of section 19 of the principal law.

14. Immediately after subsection (2) of section 19 of the principal law there shall be added the following new subsections:

“(3) If the importer of any goods deposited in a warehouse appointed by virtue of the provisions of subsection (1) of section 27, other than a warehouse appointed exclusively for the deposit of goods belonging to a specified person, does not within the period of fifteen days from such deposit withdraw the same, any officer of Customs may remove such goods and convey them to a Government warehouse at the expense of such importer.

(4) If at the expiration of the period of fifteen days mentioned in subsection (3) of this section, such goods are not withdrawn and are not so deposited, they shall for the purpose of the payment of store-rent fixed by regulations under this Ordinance, be deemed to have been deposited in a Government warehouse on the expiration of the said period.”.

Amendment of section 20 of the principal law.

15. Section 20 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the words “and the produce thereof applied to the discharge of freight, duties and charges, and the overplus, if any, shall be paid to the proprietor of the goods on his application for the same.” there shall be substituted the words “and the produce thereof shall be applied to the discharge of —

- (a) any expense incurred in connection with the sale;
- (b) the duty leviable on such goods as are sold to be entered for home use or consumption;
- (c) any store-rent due to the Government;
- (d) the expense of removal of the goods to the Government warehouse;
- (e) the landing and other charges; and
- (f) the freight.”;

(b) for subsection (2) thereof there shall be substituted the following:

“(2) Payment of the items listed in paragraphs (a) to (f) of subsection (1) of this section shall be effected in the same order of priority therein set out so that each item will be paid

in preference to the next following item even if the proceeds are not sufficient for the payment of one or more of the items.”; and

(c) immediately after subsection (2) thereof there shall be inserted the following new subsections:

“(3) Where, however, the goods cannot be sold for a sufficient sum to discharge the debts due in paragraphs (a), (b), (c) and (d) of subsection (1) of this section the property of such goods shall vest in the Government by way of settlement of those debts and shall be disposed of as the Minister responsible for customs may direct.

(4) The overplus, if any, after discharging the debts set out in paragraphs (a) to (f) of subsection (1) of this section shall be paid to the proprietor of the goods on his application for the same.”.

**16.** Immediately after section 22 of the principal law there shall be added the following new section:

“Goods showing signs of deterioration.

22A. (1) Where any goods are brought into or deposited in a Government warehouse and subsequently show signs of deterioration, or may in the opinion of the Comptroller cause damage to other goods or to the building, the Comptroller may order that the same be withdrawn therefrom against payment of import duty and all charges due, within such period as may be fixed by him, and if such goods are not withdrawn within that period then the goods shall be destroyed at the expense of their proprietor.

(2) The provisions of subsection (1) of this section shall apply also to goods which are regularly warehoused notwithstanding any unexpired period of such warehousing.”.

Addition of new section 22A to the principal law.

**17.** In section 26 of the principal law, for the words “not exceeding fifty pounds, and not less than two pounds” there shall be substituted the words “of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri”.

Amendment of section 26 of the principal law.

**18.** Section 27 of the principal law shall be amended as follows:

(a) subsections (2) and (3) thereof shall be renumbered respectively as subsections (3) and (4); and

(b) immediately after subsection (1) thereof there shall be inserted the following new subsection:

“(2) Where any goods are deposited in any place approved or appointed as aforesaid but are not produced at the request of an officer of the Customs, then the person having the custody of the goods shall, in addition to the payment of store-rent and other charges, if any, in respect of those goods and to any penalty to which he may be liable under the provisions of this Ordinance or of any other law, be liable for the payment of import duty due on such goods.

For the purposes of this subsection any store-rent due shall be calculated up to the date of such request.”.

Amendment of section 27 of the principal law.

Amendment of section 35 of the principal law.

19. For subsection (3) of section 35 of the principal law there shall be substituted the following:

“Goods not worth the duty shall be disposed of. (3) If such goods are not worth the duty, then the same, after one month’s notice as aforesaid, shall be disposed of as the Minister responsible for customs may direct.”.

Amendment of section 37 of the principal law.

20. In section 37 of the principal law immediately after the words “a Customs House Schedule” there shall be added the words “in such form or forms as the Minister responsible for customs may by regulations prescribe,” and for the words “the Custom House, and according to Form A annexed hereto” there shall be substituted the words “the Custom House.”.

Amendment of section 46 of the principal law.

21. For subsection (1) of section 46 and the marginal note thereof of the principal law there shall be substituted the following:

“Bill of entry for exportation. (1) The exporter of goods for which no bond is required shall, within twenty-four hours after the final clearance outwards of the exporting vessel, either by himself or his agent, deliver to the Comptroller a bill of entry in such form or forms as the Minister responsible for customs may by regulations prescribe, and containing the several particulars indicated in such form or forms, or required thereby, and shall subscribe such bill of entry, and on the demand of the Comptroller shall produce the invoices, bills of lading and other documents relating to the goods to test the accuracy of such bill of entry; and on failure to comply with any of the foregoing requirements the exporter or his agent shall for each such offence be liable to a fine (*multa*) of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri; and if any of the particulars contained in any such bill are inaccurate the person subscribing the bill shall be liable to a fine (*multa*) of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri.”.

Amendment of section 47 of the principal law.

22. In section 47 of the principal law for the words “of five pounds” there shall be substituted the words “of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri”.

Amendment of section 51 of the principal law.

23. In subsection (3) of section 51 of the principal law for the words “twenty-five pounds” there shall be substituted the words “two hundred and fifty Maltese liri”.

Amendment of section 52 of the principal law.

24. In section 52 of the principal law for the words from “in the Form No. 8 annexed hereto, or to the same effect,” up to the end of that section, there shall be substituted the words “in such form or forms as the Minister responsible for customs may by regulations prescribe and containing the several particulars required in such form or forms”; and in the marginal note thereof the words “Ship’s content. Form No. 8” shall be deleted.

Amendment of section 55 of the principal law.

25. In section 55 of the principal law for the words “twenty-five pounds” there shall be substituted the words “two hundred and fifty Maltese liri”.

- 26.** For section 57 of the principal law there shall be substituted the following:
- Substitution of section 57 of the principal law.
- “Penalty on departure without being cleared or being cleared on incorrect information. 57. If any vessel departs from these Islands without being duly cleared, or if in any form of clearance outwards required under section 52 information is given which is incorrect in any material particular, the master, or the agent of the owner by whom the vessel ought to have been cleared, shall be liable to a fine (*multa*) of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri.”
- 27.** Section 59 of the principal law shall be amended as follows:
- Amendment of section 59 of the principal law.
- (a) in subsection (1) thereof, for the words “of five pounds” there shall be substituted the words “of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri”; and
- (b) in subsection (3) thereof for the words “twenty-five pounds” there shall be substituted the words “two hundred and fifty Maltese liri”.
- 28.** In subsection (2) of section 65 of the principal law for the words “not exceeding five hundred pounds” wherever they occur there shall be substituted respectively the words “of five hundred Maltese liri”.
- Amendment of section 65 of the principal law.
- 29.** Immediately after section 66 of the principal law there shall be added the following new section:
- Addition of new section 66A to the principal law.
- “Examination of goods lying under customs control. 66A. (1) The Comptroller may, upon reasonable suspicion, direct that any packages lying under customs control be opened and their contents examined for the purpose of ascertaining that the provisions of this Ordinance and of any other law relating to customs are being complied with.
- (2) A reasonable notice of the opening and examination of the goods shall be given to the consignee, if known, so that he or his agent may attend.
- (3) If the circumstances do not permit that such notice be given it shall be dispensed with.
- (4) The Comptroller shall not, on account of any such opening or examination, be liable to any action whatsoever.”
- 30.** In subsection (1) of section 69 of the principal law for the words “his last known place of abode or business” there shall be substituted the words “his last known place of abode or business in Malta”.
- Amendment of section 69 of the principal law.
- 31.** For section 72 of the principal law there shall be substituted the following:
- Substitution of section 72 of the principal law.
- “Prescription. 72. (1) Any proceedings for any offence against this Ordinance and any proceedings for the recovery of any pecuniary penalty or otherwise under this Ordinance shall be instituted by or in the name of the Comptroller .

(2) Such proceedings shall be instituted —

(a) where the goods in respect of which the offender is proceeded against are any of the goods set out in the Schedule hereto, within 10 years from the date on which the goods were imported;

(b) where the proceedings are instituted under paragraph (f) or (g) of section 61 and paragraph (k) with reference to paragraphs (f) or (g) of the said section, in cases other than those to which paragraph (a) hereof applies, within 5 years from the date of the importation of the goods to which the offence refers; and

(c) in any other case within 2 years from the day of the commission of the offence.”.

Addition of new section 75B to the principal law.

32. Immediately after section 75A of the principal law there shall be added the following new section 75B:

“Minister may prescribe forms.

75B. (1) The Minister responsible for customs may make regulations to prescribe the forms to be used in accordance with and for the purposes of any provisions of this Ordinance and of any regulations made thereunder and, from time to time, to amend, substitute, revoke and add to any such forms.

(2) The revocation or alteration of any forms as provided in subsection (1) of this section shall not affect any penalty, forfeiture or punishment incurred before such revocation or alteration.”.

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Passed by the House of Representatives at Sitting No. 291 of the 6th November, 1985.

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Clerk to the House of Representatives*