

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 13,303, 30 ta' Novembru, 1976
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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli V. Moran, M.P., Ministru tas-Saħħa u ta' l-Ambjent, u moqri għall-Ewwel darba fis-Seduta tad-29 ta' Novembru, 1976.

ATT biex jikkontrolla u jirregola t-'tattoo' tal-gilda.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable V. Moran, M.P., Minister of Health and Environment, and read the First time at the Sitting of the 29th November, 1976.

AN ACT to control and regulate skin tattooing.

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex jikkontrolla u jirregola t-'tattoo' tal-ġilda.

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

- Titolu fil-qosor. 1. Dan l-Att jista' jissejjaħ l-Att ta' l-1976 dwar il-Kontroll tat-'Tattoo'.
- Tifsir. 2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra —
- “liċenza” tfisser liċenza maħruġa skond l-artikolu 6 ta' dan l-Att;
- “liċenza valida” tfisser liċenza li tinħareġ b'mod validu u li tkun għadha fis-seħħ fiż-żmien rilevanti;
- “Ministru” tfisser il-Ministru responsabbli għas-saħħa pubblika u tinkludi, sal-limitu ta' l-awtorità mogħtija, kull persuna awtorizzata mill-Ministru f'dak is-sens għal xi wiehed mill-ghanijiet ta' dan l-Att;
- “preskritt” tfisser preskritt b'regolamenti taħt dan l-Att;
- “tattoo” tfisser id-dħul fil-ġilda ta' xi materjal li jagħti kulur maħsub biex iħalli marka permanenti;
- “żmien rilevanti”, għall-finijiet ta' l-artikoli 3 u 5 ta' dan l-Att, tfisser iż-żmien meta persuna jkollha fil-pussess jew taħt il-kontroll tagħha xi oġġetti hekk kif imsemmija f'dak l-artikolu.
3. Ikun reat kontra dan l-Att li jsir *tattoo* fuq xi persuna, ħlief meta *t-tattoo* jsir minn persuna li jkollha liċenza valida.
- Projbizzjoni ta' *tattoo* mingħajr liċenza.

4. Ikun reat kontra dan l-Att li xi persuna jkollha fil-pussess tagħha jew taht il-kontroll tagħha xi strument, materjal li jagħti kulur jew xi oġġett ieħor użat għat-*tattoo*, kemm-il darba dik il-persuna ma jkollhiex liċenza valida.

Pussess ta' strumenti. eċċ. għat-*tattoo*.

5. Ikun reat kontra dan l-Att li xi persuna titlob, tħalli, toqgħod għal jew tippermetti li jsirilha *tattoo* fuq xi parti ta' persunitha hliel meta t-*tattoo* jsir minn persuna li jkollha liċenza valida.

Ebda persuna ma jista' jsirilha *tattoo* hliel minn xi hadd li jkollu liċenza.

6. (1) Jekk il-Ministru jkun sodisfatt li persuna jkollha l-hila meħtieġa biex tagħmel it-*tattoo* mingħajr periklu għas-saħħa u x'aktarx tkun se tagħmel dak it-*tattoo* b'dak il-mod u taht dawk il-kondizzjonijiet iġġeniċi li jkun jistħoqq il-ħruġ ta' liċenza, il-Ministru jista' johroġ lil xi persuna bħal dik liċenza bil-miktub biex tagħmel it-*tattoo*.

Liċenza biex wieħed jagħmel *tattoo*.

(2) Kull liċenza tkun valida biss sal-31 ta' Diċembru tas-sena li fiha tkun ġiet maħruġa u tista' tiġġedded biss għal perijodu ieħor jew għal perijodi oħra ta' sena-il wieħed, u tiskadi u ttemm milli jkollha seħħ jew ma tiġġeddidx mill-Ministru kif intqal qabel.

(3) Kull liċenza tkun tista' tiġi sospiża jew irtirata mill-Ministru f'kull żmien u l-Ministru ma jkunx marbut li jagħti xi raġuni għall-egħmil tiegħu. Liċenza li tkun ġiet sospiża jew irtirata ttemm milli jkollha seħħ waqt li tkun sospiża jew wara li tiġi irtirata.

(4) Ebda liċenza ma tingħata jew tiġġedded kemm-il darba ma jithallasx lill-Ministru dritt ta' hames liri, jew dak id-dritt l-ieħor li l-Ministru jista' minn żmien għal żmien jippreskrivi, dwar l-ghoti u dwar kull tiġdid tagħha.

7. (1) Kull uffiċjal pubbliku, awtorizzat mill-Ministru, ikollu s-setgħa li jidhol fi u jispezzjona kull post li fih ikun qed isir, jew ikun hemm suspett li qieghed isir, it-*tattoo*.

Setgħa ta' dħul u spezzjon.

(2) Kull persuna li tfixkel, jew ittellef lil xi uffiċjal pubbliku fil-qadi tad-dmirijiet tiegħu skond is-subartikolu (1) ta' dan l-artikolu tkun hatja ta' reat kontra dan l-Att.

8. Il-Ministru jista' jagħmel regolamenti biex jagħti aktar seħħ lil kull waħda mid-disposizzjonijiet ta' dan l-Att, u bla ħsara għall-generalità ta' l-imsemmija setgħat, dawk ir-regolamenti jistgħu —

Regolamenti.

(a) jipprovdu għall-mod u l-kondizzjonijiet li bihom jew taħthom jista' jsir it-*tattoo*;

(b) jipprovdu għall-mod kif u l-kondizzjonijiet li taħthom kull strument, materjal li jagħti l-kulur jew oġġett ieħor użat għat-*tattoo* għandu jinżamm jew jintrefa';

(c) jipprovdu għal reati dwar kull haġa li jiġi provdut għaliha bir-regolamenti, u jistabbilixxu pjeni dwar dawk ir-reati li ma jkunux iktar minn multa ta' hames mitt lira, jew priġunerija għal żmien sitt xhur, jew dik il-multu u priġunerija flimkien;

(d) jippreskrivu kull haġa li tista' jew li hi meħtieġa li tiġi preskritta taht dan l-Att.

Reati.

9. Kull persuna li tagħmel reat kontra dan l-Att tehel —

(a) meta tinsab ħatja l-ewwel darba multa ta' mhux inqas minn ħamsin lira iżda mhux iżjed minn mitejn lira, jew prigunerija għal mhux iktar minn tliet xhur, jew dik il-multa u prigunerija flimkien; u

(b) meta tinsab ħatja t-tieni darba u wara, prigunerija għal mhux inqas minn xahar iżda mhux iżjed minn sitt xhur u multa ta' mhux inqas minn mitt lira iżda mhux iktar minn ħames mitt lira.

Għanijiet u Ragunijiet

L-Għan ta' dan l-Abbozz huwa li jikkontrolla *t-tattoo* billi min jipprattika *t-tattoo* jrid ikollu liċenża.

A BILL
entitled

AN ACT to control and regulate skin tattooing.

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 Control of Tattooing Act, 1976. Short title.

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

“licence” means a licence issued under section 6 of this Act;

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

“prescribed” means prescribed by regulations under this Act;

“relevant time”, for the purposes of sections 3 and 5 of this Act, means the time when the tattoo is performed, and, for the purposes of section 4 of this Act, means the time when a person has in his possession or control any of the things duly mentioned in that section;

“tattoo” means the insertion into the skin of any colouring material designed to leave a permanent mark;

“valid licence” means a licence which is validly issued and which is still in force at the relevant time.

3. It shall be an offence against this Act to tattoo any person, except where the tattoo is performed by a person who is in possession of a valid licence.

Prohibition of
tattooing
without a
licence.

Possession of tattooing instruments, etc.

4. It shall be an offence against this Act for any person to have in his possession or under his control any instrument, colouring material or other object used for the purpose of tattooing, unless such person is in possession of a valid licence.

No person may be tattooed except by licensed tattooist.

5. It shall be an offence against this Act for any person to request, allow, suffer or permit the tattooing of any part of his body, except when the tattoo is performed by a person who is in possession of a valid licence.

Licence to practise as tattooist.

6. (1) If the Minister is satisfied that a person has the necessary ability to perform tattooing without danger to health and is likely to perform tattooing in such manner and in such hygienic conditions as justify the issue of a licence, the Minister may issue to any such person a licence in writing to practise tattooing.

(2) Every licence shall be valid only until the 31st December of the year in which it is issued and may only be renewed for a further period or further periods of one year each, and shall expire and cease to have effect unless it is renewed by the Minister as aforesaid.

(3) Every licence shall be subject to suspension or withdrawal by the Minister at any time and the Minister shall not be bound to give any reason for his action. A licence which has been suspended or withdrawn shall cease to have effect while it is suspended or after it has been withdrawn.

(4) No licence shall be granted or renewed unless a fee of five pounds, or of such other fee as the Minister may from time to time prescribe, in respect of the grant and of every renewal thereof, has been paid to the Minister.

Power of entry and inspection.

7. (1) Any public officer, authorised by the Minister, shall have the power to enter and inspect any premises in which tattooing is performed or is suspected of being performed.

(2) Any person who hinders, or obstructs, any public officer in the carrying out of his duties under subsection (1) of this section shall be guilty of an offence against this Act.

Regulations.

8. The Minister may make regulations to give fuller effect to any of the provisions of this Act, and without prejudice to the generality of the aforesaid powers, such regulations may —

(a) provide for the manner and conditions in which and under which tattooing may be performed;

(b) provide for the manner in which and the conditions under which any instrument, colouring material or other object used for the purpose of tattooing is to be kept or preserved;

(c) provide for offences in respect of any matter for which provision is made by the regulations, and establish punishments in respect of such offences not exceeding a fine (*multa*) of five hundred pounds, or imprisonment for a term of six months, or to both such fine and imprisonment;

(d) prescribe anything that may be or is required to be prescribed under this Act.

9. Any person committing an offence against this Act shall be liable — Offences.

(a) on a first conviction to a fine (*multa*) of not less than fifty pounds but not exceeding two hundred pounds, or to imprisonment for not more than three months, or to both such fine and imprisonment; and

(b) on a second or subsequent conviction, to imprisonment for not less than one month but not exceeding six months and to a fine (*multa*) of not less than one hundred pounds but not exceeding five hundred pounds.

Objects and Reasons

The Object of this Bill is to control tattooing by subjecting the performance of tattoo to the possession of a licence to practice that art.