

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,083, 6 ta' Novembru, 2018
Taqsim A

MALTA

ATT Nru XXXVII tal-2018

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

ACT No. XXXVII of 2018

AN ACT enacted by the Parliament of Malta.

ATT biex jemenda l-Att dwar in-Negozji tal-Familja, Kap. 565.

AN ACT to amend the Family Business Act, Cap. 565.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

6 ta' Novembru, 2018

ATT Nru XXXVII tal-2018

ATT biex jemenda l-Att dwar in-Negozji tal-Familja, Kap. 565.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa Att tal-2018 li jemenda l-Att dwar in-Negozji tal-Familja u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar in-Negozji tal-Familja, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehħ.
Kap. 565.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru responsabbli għall-ekonomija jista' permezz ta' avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu stabbiliti dati differenti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

2. L-artikolu 11 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-
artikolu 11 tal-
Att prinċipali.

(a) fis-subartikolu (4) tiegħu, minnufih wara l-kliem "jew taħt xi ligi oħra" għandhom jiżdiedu l-kliem "li tirreferi għan-negozji tal-familja"; u

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(b) minnufih wara s-subartikolu (5) tiegħu għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

"(6) Negożju għandu jkun eliġibbli biss sabiex jibbenefika minn kwalunkwe inċentiv, benefiċċju jew skema disponibbli għan-negożji tal-familja, li jistgħu minn żmien għal żmien jidhlu fis-sehħ, jekk ikun reġistrat kif suppost bħala negożju tal-familja.

(7) Fl-għoti ta' benefiċċji lin-negożji tal-familja, il-Gvern jew kwalunkwe entità oħra għandhom jikkonsultaw u jistgħu joqogħdu fuq l-informazzjoni misjuba fir-Registru stabbilit skont l-artikolu 26 ta' dan l-Att."

Emenda tal-artikolu 13 tal-Att prinċipali.

3. L-artikolu 13 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "fit-Tieni Skeda" għandhom jiġu sostitwiti bil-kliem "fl-Ewwel Skeda";

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

"(2) Il-prospett annwali ta' negożju tal-familja għandu jkopri sena kalendarja mill-ewwel ġurnata ta' reġistrazzjoni sa l-ewwel sena mid-data ta' reġistrazzjoni."; u

(ċ) is-subartikolu (3) tiegħu għandu jiġi mħassar.

Żieda ta' artikolu ġdid 17A fl-Att prinċipali.

4. Minnufih wara l-artikolu 17 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Personalità ġuridika tar-Regolatur.

17A. (1) Ir-Regolatur għandu jkollu personalità ġuridika separata u distinta u għandu jkun kapaċi, mingħajr ħsara għad-dispożizzjonijiet ta' dan l-Att, li jidhrol f'kuntratti, jakkwista, iżomm u jiddisponi minn kwalunkwe tip ta' proprjetà għall-finijiet tal-funzjonijiet tiegħu, li jħarrek u jiġi mħarrek, u li jwettaq dawk il-ħwejje kollha u jidhrol f'dawk it-transazzjonijiet kollha li huma inċidentali jew li jistgħu jwasslu għall-eżerċizzju jew għat-twettiq tal-funzjonijiet tiegħu taħt dan l-Att, inkluż li jsellef jew jissellef il-flus:

Iżda r-Regolatur m'għandux ikollu s-setgħa li:

(a) jissellef jew isellef xi flus jekk mhux bl-awtorità u bil-ftehim bil-miktub tal-Ministru u tal-Ministru responsabbli għall-finanzi; jew

(b) jidhol f'xi forma ta' soċjetà kummerċjali għat-twettiq tal-funzjonijiet tiegħu jew għal xi raġuni oħra, jekk ma jkunx awtorizzat li jagħmel dan bil-miktub mill-Ministru; jew

(ċ) b'xi mod jiddelega kwalunkwe mill-funzjonijiet tiegħu, għajr kif stabbilit permezz jew taht dan l-Att.

(2) Ir-rappreżentanza legali tar-Regolatur għandha tkun vestita fir-Regolatur stess:

Iżda r-Regolatur jista' jahtar kwalunkwe mill-uffiċjali jew impjegati tiegħu sabiex jidhru f'isem u għan-nom tar-Regolatur fi kwalunkwe proċedimenti ġudizzjarji u għal kwalunkwe att, kuntratt, strument jew dokument ieħor ikun li jkun."

5. Is-subartikolu (1) tal-artikolu 20 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 20 tal-Att prinċipali.

(a) il-paragrafu (j) tiegħu għandu jiġi sostitwit kif ġej:

"(j) jinkoraġġixxi u jippromwovi s-settur tan-negozji tal-familja billi jikkomunika, ixxerred u jidhol f'kuntatt ma' partijiet interessati dwar aħbarijiet u tagħrif rilevanti għas-settur;" u

(b) fil-paragrafu (k) tiegħu, il-kelma "jidhlu" għandha tiġi sostitwita bil-kliem "iqisu l-benefiċċji li jidhlu".

6. Fis-subartikolu (2) tal-artikolu 26 tal-Att prinċipali, il-kliem "it-Tikketta tan-Negozju tal-Familja" u t-tikketta tan-negozju tal-familja" għandhom jiġu sostitwiti bil-kliem "in-Numru tan-Negozju tal-Familja" u n-numru tan-negozju tal-familja".

Emenda tal-artikolu 26 tal-Att prinċipali.

7. L-artikolu 28 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 28 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, il-kliem "id-dokumenti mnizzla fl-Ewwel Skeda" għandhom jiġu sostitwiti bil-kliem "applikazzjoni bid-dokumenti rikjesti"; u

(b) fis-subartikolu (2) tiegħu, il-kliem "preskritta fl-Ewwel Skeda lir-Regolatur." għandhom jiġu sostitwiti bil-kliem

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"provvduta mir-Regolatur."

Sostituzzjoni
tal-Ewwel
Skeda tal-Att
prinċipali.

8. L-Ewwel Skeda tal-Att prinċipali għandha tiġi sostitwita b'dan li ġej:

"L-Ewwel Skeda
(Artikolu 13)
Prospett Annwali

1. Għan.

L-għan ta' dan il-prospett annwali hu li jipprovdi lir-Regolatur u lil kwalunkwe awtorità kompetenti b'informazzjoni aġġornata dwar in-negozju rreġistrat tal-familja, li qed jibbenefika minn inċentivi bis-saħħa ta' dan l-Att.

2. Kontenut u Forma.

Il-kontenut u l-forma tal-prospett annwali li kull negozju tal-familja għandu jipprezenta lir-Regolatur kull sena huwa dan li ġej:

Kontenut u forma tal-Prospett Annwali tan-negozju rreġistrat tal-familja

- (a) Prospett annwali ta' (*daħħal l-isem uffiċjali tan-negozju*)
- (b) Numru tan-Negozju tal-Familja:
- (ċ) Isem u Pożizzjoni tal-Persuna ta' Kuntatt:
- (d) Bdil fl-istruttura tan-negozju tal-familja fl-aħħar sena:

Dikjarazzjoni ta' Kompletezza u Korrettezza

B'dan nikkonfermaw illi d-dettalji pprovvduti huma kompluti u veritiera fil-kontenut tagħhom.

Firma tar-Rappreżentant tan-Negozju tal-Familja:

Isem u Kunjom:

Data:".

9. It-Tieni Skeda tal-Att prinċipali għandha tiġi mħassra.

Thassir tat-Tieni
Skeda tal-Att
prinċipali.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 155 tal-1 ta'
Novembru, 2018.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

6th November, 2018

ACT No. XXXVII of 2018

AN ACT to amend the Family Business Act, Cap. 565.

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 and
commencement.
Cap. 565.

1. (1) The short title of this Act is the Family Business (Amendment) Act, 2018, and this Act shall be read and construed as one with the Family Business Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister responsible for the economy may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

Amendment of
article 11 of the
principal Act.

2. Article 11 of the principal Act shall be amended as follows:

(a) in sub-article (4) thereof, immediately after the words "or any other law" there shall be added the words "referring to family businesses"; and

(b) immediately after sub-article (5) thereof, there shall

be added the following new sub-articles:

"(6) Any business shall only be eligible to benefit from any incentive, benefit or scheme available to family businesses, that may come into force from time to time, if it is duly registered as a family business.

(7) When granting benefits to family businesses, the Government or any other entity shall consult and may rely on the information contained in the Register established in accordance with article 26 of this Act."

3. Article 13 of the principal Act shall be amended as follows:

Amendment of article 13 of the principal Act.

(a) in sub-article (1) thereof, for the words "Second Schedule" there shall be substituted the words "First Schedule";

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

"(2) The annual return for a family business shall cover a calendar year from the first day of registration up until one year from the registration date."; and

(c) sub-article (3) thereof shall be deleted.

4. Immediately after article 17 of the principal Act, there shall be added the following new article:

Addition of new article 17A to the principal Act.

"Legal personality of the Regulator.

17A. (1) The Regulator shall have a separate and distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money:

Provided that the Regulator shall not have the power to:

(a) borrow or lend any monies except with the authority and concurrence in writing of the Minister and Minister responsible for finance; or

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(b) enter into any form of commercial partnership in furtherance of its functions or otherwise, unless authorized to do so in writing by the Minister; or

(c) delegate any of its functions in a manner other than that established by or under this Act.

(2) The legal representation of the Regulator shall vest in the Regulator himself:

Provided that the Regulator may appoint any one of its officers or employees to appear in the name and on behalf of the Regulator in any judicial proceedings and in any act, contract, instrument or other document whatsoever."

Amendment of article 20 of the principal Act.

5. Sub-article (1) of article 20 of the principal Act shall be amended as follows:

(a) paragraph (j) thereof, shall be substituted by the following:

"(j) encouraging and promoting the family business sector by communicating, disseminating and making contact with relevant parties about news and information relevant to the sector;" and

(b) in paragraph (k) thereof, for the word "enter" there shall be substituted the words "consider the benefits of entering".

Amendment of article 26 of the principal Act.

6. In sub-article (2) of article 26 of the principal Act, for the words " "Family Business Label" and the family business label" there shall be substituted the words " "Family Business Number" and the family business number".

Amendment of article 28 of the principal Act.

7. Article 28 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "the documents listed in the First Schedule" there shall be substituted the words "an application with any required documents"; and

(b) in sub-article (2) thereof, for the words "in the First Schedule to" there shall be substituted the words "provided by".

Substitution of the First Schedule to the principal Act.

8. The First Schedule to the principal Act shall be substituted by the following:

"First Schedule
(Article 13)
Annual Return

1. Purpose.

The purpose of this annual return is to provide the Regulator and any related competent authority with up to date information about the registered family business, benefiting from incentives by means of this Act.

2. Content and Form.

The content and form of the annual return that each family business shall duly file with the Regulator annually is as follows:

Contents and Form of Annual Return of a registered family business

- (a) Annual Return of (*insert official name of business*)
- (b) Family Business Number:
- (c) Name and Designation of Contact Person:
- (d) Any changes to the family business structure undertaken in the last year:

Declaration of Completeness and Correctness

We hereby confirm that the details provided are complete and truthful as to their contents.

Signature of Family Business Representative:

Name and Surname:

Date:".

9. The Second Schedule of the principal Act shall be deleted.

Deletion of the
Second
Schedule to the
principal Act.

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Passed by the House of Representatives at Sitting No. 155 of the 1st
November, 2018.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives