

Nru. 19

18. 5. 82

MALTA**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tas-17 ta' Mejju, 1982.

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 17th May, 1982.

ATT biex jipprovdi dwar ċerta hidma barranija f'Malta jew relattivament għal Malta u dwar hwejjeġ li għandhom x'jaqsmu magħhom jew li huma anċillari għaliha.

AN ACT to make provision with respect to certain foreign activities in or in relation to Malta and with respect to matters connected therewith or ancillary thereto.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex jipprovdi dwar ċerta ħidma barranija f'Malta jew relattivament għal Malta u dwar ħwejjeġ li għandhom x'jaqsmu ma' jew li huma anċillari għal hekk.

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:—

Titolu fil-qosor
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1982 dwar Indfiil Barrani.

(2) Dan l-Att għandu jibda jseħħ mal-pubblikazzjoni tiegħu fil-Gazzetta:

Izda dwar kull ħidma barranija ta' xorta kontinwa mibdija qabel it-18 ta' Mejju, 1982, dan l-Att għandu jkollu effett fl-1 u wara l-1 ta' Settembru, 1982.

Tifsir.

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

“Awtorità tax-Xandir” tfisser l-Awtorità tax-Xandir imwaqqfa bl-artikolu 121 tal-Kostituzzjoni;

“barranija” dwar persuna li ma tkunx individwu, tinkludi kull persuna li tkun kontrollata, direttament jew indirettament, minn individwi li ma humiex ċittadini ta' Malta jew ordinarjament ma joqogħdux f'Malta, jew kombinazzjoni tat-tnejn, u, dwar individwu, tfisser individwu li ordinarjament ma joqgħodx f'Malta;

“ħidma barranija” tfisser kull haġa magħmula minn, jew sponsorjata, promossa jew b'xi mod ieħor ikun li jkun mgħejjuna jew imħeġġa minn, xi persuna barranija iżda ma tinkludix ħidma li hi biss kummerċjali jew industrjali jew li jkollha x'taqsam biss mal-qadi ta' dmirijiet diplomatiċi jew konsulari, lanqas ma tinkludi xi ħidma sportiva jew xi ħidma ta' xorta li normalment wieħed jistenna minn wieħed li jżur il-pajjiż:

Iżda għall-finijiet ta' din it-tifsira ebda ħidma ma titqies li hi biss kummerċjali jew industrjali jekk tipprovdi jew isservi biex tipprovdi vantaġġ finanzjarju jew vantaġġ ieħor ta' valur, sew direttament jew indirettament, lil partit politiku jew lil membru attiv jew partitarji tiegħu;

“Ministru” tfisser il-Ministru li għal dak iż-żmien ikun responsabbli għal affarijiet barranin;

“persuna” tinkludi kull Stat jew Gvern, kull partit politiku, u kull organizzazzjoni, istituzzjoni jew korp ikun li jkun, politiku jew xort'oħra;

“xandira” tinkludi xandira kemm ta' smiġħ kif ukoll ta' televiżjoni, u dawn l-espressjonijiet għandhom l-istess tifsir kif għandhom fl-Ordinanza ta' l-1961 dwar ix-Xandir.

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ta' l-1961

3. (1) Ħadd ma jista' jagħmel xi ħidma barranija f'Malta ħlief bil-permess tal-Ministru mogħti skond id-disposizzjonijiet ta' dan l-Att.

Ħidma
projbita.

(2) Permess taħt dan l-artikolu ma jingħatax kemm-il darba ma ssirx applikazzjoni bil-miktub għal hekk lill-Ministru, u —

(a) il-ħidma ma tkunx se ssir direttament u bil-mikxuf minn persuna barranija li tapplika għal permess, jew ma tkunx se tiġi pubblikament u b'mod ċar reklamata bħala li hija promossa, sponsorjata, mgħejjuna jew imħegġa minn persuna barranija msemmija; u

(b) il-ħidma ma tkunx waħda ta' xorta biss kulturali, edukattiva, filantropika jew reliġjuża jew ma tkunx divertiment; u

(c) il-ħidma b'ebda mod ma tikkostitwixxi indħil fl-affarijiet interni ta' Malta jew fil-politika barranija li jkun miexi biha l-Gvern; u

(d) il-ħidma b'ebda mod ma tagħti vantaġġ lil xi wieħed jew uħud biss mill-partiti politiċi fuq xi partit politiku ieħor.

(3) Fl-għoti ta' permess taħt dan l-artikolu l-Ministru jista' jimponi dawk il-kondizzjonijiet, limitazzjonijiet u restrizzjonijiet li jidhirlu xierqa biex jiżgura, b'mod partikolari, it-tħaris tad-disposizzjonijiet ta' dan l-Att; u kull ħaġa magħmula bi ksur ta' xi waħda minn dawk il-kondizzjonijiet, limitazzjonijiet jew restrizzjonijiet, jew ta' xi provvediment tal-permess, titqies li tkun saret mingħajr il-permess u bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, tagħti lill-Ministru s-setgħa li jħassar il-permess.

4. (1) Meta programm imxandar minn xi post barra minn Malta jiġi riċevut f'Malta u, minnabba l-lingwa wżata jew il-kontenut tal-programm, dik ix-xandira tista' b'mod raġonevoli titqies li hi maħsuba biex tiġi riċevuta primarjament f'Malta, ebda persuna li tkun ċittadin ta' Malta jew li tkun ordinarjament toqgħod f'Malta ma tkun tista', sew f'isimha jew f'isem jew għal xi persuna oħra, tiegħu sehem f'xi xandira bħal dik jew b'xi mod ikun li jkun tgħin jew tassisti fl-egħmil ta' dik ix-xandira, jew tagħmel xi ħaġa li direttament jew indirettament tista' tgħin jew tħajjar biex issir dik ix-xandira.

Xandir riċevut
f'Malta.

(2) Għall-finijiet ta' dan l-artikolu persuna li l-egħmil jew il-vuċi tagħha jidhru jew ikunu riprodotti fuq xi programm imxandar kif intqal qabel, ħlief meta dik il-persuna tkun biss spettatur, titqies li tkun ħadet sehem fiha kemm-il darba ma tippruvax li l-programm kien irrekordjat mingħajr it-tagħrif tagħha jew li l-programm kien irrekordjat jew imxandar kontra l-istruzzjonijiet espressi tagħha.

(3) Id-disposizzjonijiet ta' dan l-artikolu ma japplikawx jekk ix-xandira ssir bil-permess jew bi qbil bil-miktub ta' l-Awtorità tax-Xandir, mogħti bi tħaris tal-funzjonijiet tagħha taħt il-Kostituzzjoni daqslikieku dik ix-xandira oriġinat f'Malta, u bi tħaris strett ta' kull kondizzjoni, limitazzjoni jew restrizzjoni li għaliha dak il-permess jew qbil ikun ġie suġġett.

5. (1) Kull persuna li taġixxi bi ksur ta' xi waħda mid-disposizzjonijiet ta' l-artikoli ta' qabel ta' dan l-Att tkun ħatja ta' reat kontra dan l-Att u għal kull wieħed minn dawk ir-reati teħel, meta tinsab ħatja lewwel darba, multa ta' mhux iżjed minn elf lira, meta tinsab ħatja t-tieni darba, multa ta' mhux inqas minn elf lira u mhux iżjed minn ħamest elef lira u meta tinsab ħatja t-tielet darba jew wara, prigunerija għal żmien ta' mhux iżjed minn sitt xhur u multa ta' mhux iżjed minn ħamest elef lira, u, fil-każ ta' reat kontinwu kull meta tinsab ħatja, multa addizzjonali ta' mhux iżjed minn mitt lira għal kull jum li matulu jkompli r-reat. Pieni.

(2) Bla ħsara għad-disposizzjonijiet ta' xi liġi oħra dwar il-konfiska, kull fondi, taġħmir jew ħaġa oħra mobbli tkun li tkun, sew jekk ta' l-istess xorta sew jekk le, miżmumin jew użati għal jew dwar xi ħidma barranija jew xandira li ssir bi ksur ta' xi waħda mid-disposizzjonijiet ta' dan l-Att, għandhom jiġu konfiskati favur il-Gvern, u dik il-konfiska għandha tiġi ordnata mill-Qorti f'kull każ u sew jekk dawk il-fondi, taġħmir jew ħaġa oħra jkunu proprjetà ta', jew ikunu miżmuma jew użati minn, il-persuna misjuba ħatja jew ikunu l-proprjetà ta' jew ikunu wżati jew miżmuma minn xi persuna oħra tkun min tkun, u sew jekk le.

Ghanijiet u Raġunijiet

L-Abbozz jipprovdi prinċipalment biex tiġi regolata ħidma barranija li tista' tfisser indħil fl-affarijiet ta' Malta.

A BILL

entitled

AN ACT to make provision with respect to certain foreign activities in or in relation to Malta and with respect to matters connected therewith or ancillary thereto.

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. (1) This Act may be cited as the Foreign Interference Act, 1982. Short title and commencement.

(2) This Act shall come into force upon its publication in the Gazette:

Provided that with respect to any foreign activities of a continuing nature commenced prior to 18th May, 1982, this Act shall have effect on and after 1st September, 1982.

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

“broadcast” includes both sound and television broadcast, and these expressions have the same meaning as they have in the Broadcasting Ordinance 1961;

“Broadcasting Authority” means the Broadcasting Authority established by section 121 of the Constitution;

“foreign” in respect of a person other than an individual, includes any such person which is controlled, directly or indirectly, by individuals who are not citizens of Malta or are not ordinarily resident in Malta, or a combination of both, and, in respect of an individual, means an individual who is not ordinarily resident in Malta;

“foreign activity” means anything done by, or sponsored, promoted or in any manner whatsoever assisted or encouraged by, any foreign person but does not include an activity which is purely commercial or industrial or which is related solely to the performance

Interpretation.

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of diplomatic or consular duties, nor does it include any sporting activity or any activity of a kind normally expected of a visitor:

Provided that for the purposes of this definition no activity shall be deemed to be purely commercial or industrial if it provides or serves to provide a financial or other valuable advantage, whether directly or indirectly, to a political party or to an active member or supporter thereof;

“Minister” means the Minister for the time being responsible for foreign affairs;

“person” includes any State or Government, any political party, and any political or other organization, institution or body whatsoever.

**Prohibited
Activities.**

3. (1) It shall not be lawful to hold any foreign activity in Malta except with the permission of the Minister granted in accordance with the provisions of this Act.

(2) A permission under this section shall not be granted unless an application therefor is made in writing to the Minister, and —

(a) the activity is to be directly and overtly held by the foreign person applying for permission, or is to be publicly and clearly advertized as being promoted, sponsored, assisted or encouraged by a named foreign person; and

(b) the activity is one which is of a purely cultural, educational, philanthropic or religious nature or consists of an entertainment; and

(c) the activity in no way constitutes an interference in the internal affairs of Malta or the foreign policy pursued by its Government; and

(d) the activity in no way gives an advantage to one or some only of the political parties over any other such party.

(3) In granting permission under this section the Minister may impose such conditions, limitations and restrictions as he may deem appropriate to ensure, in particular, compliance with the purposes of this Act; and anything done in contravention of any such condition, limitation or restriction, or of any provision of the permission, shall be deemed to have been done without such permission and shall without prejudice to the other provisions of this Act, entitle the Minister to revoke the permission.

**Broadcasting
received in Malta.**

4. (1) Where a programme broadcast from any place outside Malta is received in Malta and, by reason of the language used or of the contents of the programme, such broadcast may reasonably be deemed to be intended to be received primarily in Malta, it shall not be lawful for any person who is a citizen of Malta or who is ordinarily resident in Malta, whether in his own behalf or in behalf or for account of any other person, to participate in any such broadcast or in any manner to aid or abet the making of such broadcast, or to do anything which may directly or indirectly be of assistance or encouragement to such broadcast.

(2) For the purpose of this section a person whose actions or voice appear or are reproduced on any programme broadcast as aforesaid, except where such person is merely a spectator, shall be deemed to have participated therein unless he proves that the programme was recorded without his knowledge or that the programme was recorded or broadcast against his express instructions.

(3) The provisions of this section shall not apply if the broadcast is made with the written permission or concurrence of the Broadcasting Authority, given in observance of its functions under the Constitution as if such broadcasting originated in Malta, and in strict compliance with any condition, limitation or restriction to which such permission or concurrence may have been subjected.

5. (1) Any person acting in contravention of any of the provisions of the foregoing sections of this Act shall be guilty of an offence against this Act and for each such offence shall be liable, upon a first conviction, to a fine (multa) not exceeding one thousand pounds, upon a second conviction to a fine (multa) of not less than one thousand pounds and not exceeding five thousand pounds and upon a third or subsequent conviction, to imprisonment for a term not exceeding six months and to a fine (multa) not exceeding five thousand pounds, and, in the case of a continuing offence upon any conviction, to an additional fine (multa) not exceeding one hundred pounds for each day during which the offence has continued. Penalties.

(2) Without prejudice to the provisions of any other law relating to forfeiture, any funds, equipment or other movable thing whatsoever, whether of the same kind or not, kept or used for or in connection with any foreign activity or broadcast held in contravention of any of the provisions of this Act, shall be forfeited in favour of the Government, and such forfeiture shall be ordered by the Court in any case and whether or not such funds, equipment or other thing are the property of, or are kept or used by, the person convicted or are the property or are used or kept by any other person whatsoever.

Objects and Reasons

The Bill provides mainly for the regulation of foreign activities which may amount to interference in Maltese affairs.