

MALTA

ATT Nru. XI ta' I-1982

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

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

ACT No. XI of 1982

AN ACT enacted by the Parliament of Malta.

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.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

1 ta' Settembru, 1982

ATT Nru. XI ta' l-1982

ATT biex jipprovi dwar ċerta hidma barranija f'Malta jew relattivament għal Malta u dwar hwejjeġ 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 Indhfil Barrani.

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

Iżda dwar kull hidma barranija ta' xorta kontinwa mibdiya 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 teħtieġ xort'oħra —

“Awtorità tax-Xandir” tfisser l-Awtorità tax-Xandir imwaqfa 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;

“hidma barranija” tfisser kull haġa magħmula minn, jew sponsorjata, promossa jew b'xi mod ieħor ikun li jkun mgħejjuna jew imhegga minn, xi persuna barranija u tinkludi b'mod partikolari, iżda bla ħsara għall-ġeneralità ta' dak li ntqal qabel, il-provista ta' flus, tagħmir jew materjal ieħor jew haġa oħra tkun li tkun, iżda ma tinkludix hidma li hi biss kummerċjali jew industrijali jew li jkollha x'taqsam biss mal-qadi ta' dmirijiet diplomatiċi jew kon-

sulari, lanqas ma tinkludi xi hidma sportiva jew xi hidma ta' xorta li normalment wiehed jistenna minn wiehed li jzur il-pajjiż:

Iżda għall-finijiet ta' din it-tifsira ebda hidma ma titqies li hi biss kummerċjali jew industrijali 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) Hadd ma jista' jagħmel xi hidma barranija f'Malta hliet bil-permess tal-Ministru mogħti skond id-disposizzjonijiet ta' dan l-Att.

Hidma
projbita.

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

(a) il-hidma ma tkunx se ssir direttament u bil-mixxuf 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-hidma ma tkunx waħda purament kulturali, edukativa, filantropika jew reliġjuża jew ma tkunx divertiment; u

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

(d) il-hidma b'ebda mod ma tagħti vantaġġ lil xi wiehed 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 haġa 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) L-applikazzjonijiet kollha magħmula taħt dan l-artikolu jew taħt is-subartikolu (4) ta' l-artikolu 4 ta' dan l-Att għandhom, kemm jista' jkun malajr wara li jsiru, jitniżzlu f'registru miżmum għal hekk fl-Uffiċċju ta' l-Iskrivan tal-Kamra tad-Deputati. Dak ir-registru għandu juri wkoll il-permessi kollha mogħtija taħt dan l-Att. Dak ir-registru, kif ukoll dawk l-applikazzjonijiet u l-permessi kollha msemmija hemm-hekk iżjed 'il quddiem, għandhom ikunu miftuħa għall-ispezzjon mill-pubbliku fil-hinijiet kollha xierqa matul il-hinijiet tax-xogħol.

4. (1) Meta programm imxandar minn xi post barra minn Malta jiġi riċevut f'Malta u, minħabba 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

Xandir riċevut
f'Malta.

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 tghin jew tassisti fl-egħmil ta' dik ix-xandira, jew tagħmel xi haġa li direttament jew indirettament tista' tghin jew thajjar biex issir dik ix-xandira jew biex tiġi riċevuta f'Malta, u b'mod partikolari, iżda bla ħsara għall-generalità ta' dak li ntqal qabel, tippubblika l-hinijiet jew dettalji oħra dwar xi xandira bħal dik.

(2) Għall-finijiet ta' dan l-artikolu persuna li l-egħmil jew il-voċi tagħha jidhru jew ikunu riprodotti fuq xi programm imxandar kif intqal qabel, hliet meta dik il-persuna tkun biss spettatur, titqies li tkun hadet sehem fih 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) Għall-finijiet ta' dan l-artikolu iżda bla ħsara għall-generalità tas-subartikolu (1) ta' dan l-artikolu, persuna li tirreklama, jew tinvieta jew thajjar lil oħrajn biex jirreklamaw xi oġġetti, servizz jew xi haġa oħra fuq stazzjon tax-xandir li minnu jixxandru programmi bi ksur tas-subartikolu (1) ta' dan l-artikolu, titqies li tkun hadet sehem f'dik ix-xandira.

(4) 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 tharis tal-funzjonijiet tagħha taħt il-Kostituzzjoni daqslikieku dik ix-xandira oriġinat f'Malta, u bi tharis strett ta' kull kondizzjoni, limitazzjoni jew restrizzjoni li għaliha dak il-permess jew qbil ikun gie suġġett.

Pieni.

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

(2) Bla ħsara għad-disposizzjonijiet ta' xi liġi oħra dwar il-konfiska, kull fondi, taġmir jew haġa oħra mobbli tkun li tkun, sew jekk ta' l-istess xorta sew jekk le, miżmumin jew użati għal jew dwar xi hidma 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, taġmir jew haġa oħra jkunu proprjetà ta', jew ikunu miżmuma jew użati minn, il-persuna misjuba hataja jew ikunu l-proprjetà ta' jew ikunu wżati jew miżmuma minn xi persuna oħra tkun min tkun, u sew jekk le.

Dikjarazzjonijiet finanzjarji.

6. (1) Kull partit politiku, *trade union* jew assoċjazzjoni ta' min ihaddem, u kull assoċjazzjoni, organizzazzjoni, istitut jew korp ieħor ta' persuni ikun xi jkun l-isem li jissejjaħ bih u sew jekk kulturali, filantropiċi, reliġużi, professjonali jew xort'oħra, barra minn soċjetajiet kummerċjali u każini tal-banda, għandhom, mhux iktar tard mill-aħħar ta' Marzu ta' kull sena, b'bidu minn Marzu ta' l-1983, jissottomettu lill-Ministru dikjarazzjoni finanzjarja li turi d-dhul, il-fondi u l-infieq għas-sena li tispicċa fil-31 ta' Diċembru tas-sena ta' qabel, f'dik il-forma u li jkun fiha dawk il-partikolaritajiet kif jistgħu jiġu preskritti,

(2) Kull persuna li tonqos li tħares xi waħda mid-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu tista' tehel meta tinsab hatja multa ta' mhux iżjed minn £100, u meta tinsab hatja t-tieni darba u wara, multa ta' mhux iżjed minn £500 jew prigunerija għal mhux iktar minn sitt xhur, jew dik il-multa u prigunerija flimkien.

(3) Meta f'xi dikjarazzjoni sottomessa taħt is-subartikolu (1) ta' dan l-artikolu jingħata xi tagħrif li jkun falz jew li jista' jagħti x'jifhem haġa b'oħra f'xi haġa sostanzjali jew xi tagħrif rilevanti jithalla barra kull persuna li skond il-liġi hi meħtieġa li tissottometti dik id-dikjarazzjoni tista' tehel meta tinsab hatja multa ta' mhux iżjed minn £500 jew prigunerija għal mhux iżjed minn sena, jew dik il-multa u prigunerija flimkien.

7. Il-Ministru jista' jagħmel regolamenti —

(a) biex jistabbilixxu d-drittijiet li għandhom jingabru biex isiru applikazzjonijiet għall-permess taħt dan l-Att u għall-ispezzjon tar-registru u dokumenti oħra miżmuma taħt l-artikolu 3 ta' dan l-Att;

Setgħa
għall-egħmil
ta'
regolamenti.

(b) biex jippreskrivu l-forma li għandha tintuża għall-finijiet ta' dan l-Att u kull haġa oħra li tista' tiġi preskritta taħt dan l-Att;

(c) b'mod ġenerali biex titwettaq aħjar kull waħda mid-disposizzjonijiet ta' dan l-Att jew għal kull haġa inċidentali jew supplementari għalihom.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 43 tal-31 ta' Awissu, 1982.

DANIEL MICALF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

1st September, 1982

ACT No. XI of 1982

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:—

Short title and commencement.

1. (1) This Act may be cited as the Foreign Interference Act, 1982.

(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.

Interpretation.

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 and includes in particular, but without prejudice

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to the generality of the foregoing, the provision of money, equipment or other material or thing whatsoever, but does not include an activity which is purely commercial or industrial or which is related solely to the performance 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.

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. **Prohibited Activities.**

(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.

(4) All applications made under this section, or under subsection (4) of section 4 of this Act shall, as soon as practicable after they are made, be entered in a register kept for the purpose at the Office of the Clerk of the House of Representatives. Such register shall also show all permissions granted under this Act. Such register, as well as all applications and permissions hereinbefore referred to, shall be open to inspection by the public at all reasonable times during office hours.

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 **Broadcasting received in Malta.**

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 or to its reception in Malta, and in particular, but without prejudice to the generality of the foregoing, to publish the times or other details of any 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) For the purposes of this section but without prejudice to the generality of subsection (1) of this section, a person who advertises, or invites or encourages others to advertise any goods, service or other matter on a broadcasting station from which programmes are broadcast in contravention of subsection (1) of this section, shall be deemed to have participated in such broadcast.

(4) 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.

Penalties.

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.

(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.

Financial statements.

6. (1) Every political party, trade union or association of employers, and every other association, organization, institution or other body of persons by whatever name called and whether cultural, philanthropic, religious, professional or otherwise, other than commercial partnerships and band clubs, shall, not later than the end of March in each year, commencing in March 1983, submit to the Minister a financial statement, showing the receipts, funds and expenditure for the year

ending on 31st December of the preceding year, in such form and containing such particulars as may be prescribed.

(2) If any person fails to comply with any of the provisions of subsection (1) of this section he shall be liable on conviction to a fine (*multa*) not exceeding £100, and on a second or subsequent conviction, to a fine (*multa*) not exceeding £500 or to imprisonment not exceeding six months, or to both such fine and imprisonment.

(3) Where in any statement submitted under subsection (1) of this section any information is given which is false or misleading in a material respect or any relevant information is omitted, every person required by law to submit such statement shall be liable on conviction to a fine (*multa*) not exceeding £500 or to imprisonment not exceeding one year, or to both such fine and imprisonment.

7. The Minister may make regulations —

(a) to establish the fees to be levied for the submission of applications for permission under this Act and for the inspection of the register and other documents kept under section 3 of this Act; Power to make regulations.

(b) to prescribe the form to be used for the purposes of this Act and any other matter that may be prescribed under this Act;

(c) generally for the better carrying out of any of the provisions of this Act or for any other matter incidental or supplementary thereto.

Passed by the House of Representatives at Sitting No. 43 of the 31st August, 1982.

DANIEL MICALFÉ
Speaker

C. MIFSUD
Clerk to the House of Representatives