

## Nru. 132

4. 5. 90.

### MALTA

#### KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Emanuel Bonnici, M.P., Ministru għall-Iżvilupp Terzjarju, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' April, 1990.

ATT biex jipprovdi għall-ghoti ta' liċenza lill-Irkantaturi u biex jirregola l-irkantur.

P. MUSCAT TERRIBILE  
*Skrivan tal-Kamra tad-Deputati*

#### HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Emanuel Bonnici, M.P., Minister for Development of Tertiary Sector, and read the First time at the Sitting of the 2nd April, 1990.

AN ACT to make provision for the licensing of Auctioneers and to regulate auctioneering.

P. MUSCAT TERRIBILE  
*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jipprovdi għall-ghoti ta' licenza lill-Irkantaturi u biex jirregola l-irkantar.*

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 għandu jissejjah l-Att ta' l-1990 dwar l-Irkantaturi, u għandu jidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-kummerċ jista' b'avviż fil-Gazzetta jistabilixxi. Titolu fil-qosor  
u bidu fis-seħħ.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma tkunx teħtieġ Tifsir.  
xort'ohra:

“oġġett antik” tfisser xogħol artistiku jew oġġett ta' importanza ġeoloġika, paleontoloġika, arkejoloġika jew antika u li mill-inqas għaddew minn fuqu mitt sena;

“irkantatur” tfisser persuna li tagħmel bejgħ b'irkant pubbliku;

“Ministru” tfisser il-Ministru responsabbli għall-kummerċ u hliet għall-finijiet tas-subartikolu (2) ta' l-artikolu 3 u l-artikolu 5 ta' dan l-Att, tinkludi, sal-limitu ta' l-awtorità mogħtija, kull persuna awtorizzata mill-Ministru f'dak ir-rigward għal kull għan ta' dan l-Att;

“preskritt” tfisser preskritt b'regolamenti magħmulin bis-sahħa ta' dan l-Att.

3. (1) Hadd ma jista' jagħmilha ta' irkantatur f'xi irkant hliet Irkantaturi.  
jekk ikollu licenza bis-sahħa tad-dispożizzjonijiet ta' dan l-Att.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma ghandhomx japplikaw ghal bejgh b'irkant pubbliku li jsiru taht l-awtorità tal-Qrati tal-Gustizzja, il-Monti, jew kull istitut jew dipartiment pubbliku iehor awtorizzati mill-Ministru ghal dak il-ghan.

Liċenzi jinharġu mill-Ministru.

4. (1) Il-liċenzi biex wiehed jagħmilha ta' irkantatur jistgħu jinharġu mill-Ministru taht dawk il-kundizzjonijiet li jistgħu jiġu preskritti.

(2) Il-liċenzi jkunu validi għas-sena tal-hruġ tagħhom u jistgħu jiġġeddu għal perijodi ulterjuri ta' sena kull wiehed li jkunu jagħlqu fil-31 ta' Diċembru tas-sena ta' tiġdid.

Setgħa biex isiru regolamenti.

5. Il-Ministru jista' jagħmel regolamenti għall-aħjar twettiq tad-dispożizzjonijiet ta' dan l-Att u partikolarment jista' jagħmel regolamenti —

(a) li jirregolaw ix-xogħol ta' l-irkantatur;

(b) li jippreskrivu d-drittijiet li għandhom jintalbu għall-ghoti jew tiġdid ta' liċenzi mahruġin lil irkantaturi;

(ċ) li jippreskrivu d-drittijiet jew rati ta' kummissjoni li jistgħu jintalbu mill-irkantaturi;

(d) li jippreskrivu l-età u kwalifiki oħrajn mehtieġa biex wiehed jkun eliġibbli li jikseb liċenza bis-sahha ta' dan l-Att;

(e) li jippreskrivu r-registri, kotba, konteġġi u notamenti li għandhom jinżammu minn irkantaturi, il-mod u l-għamla kif dawk id-dokumenti għandhom jinżammu, u li jipprovdu għall-ispezzjonijiet ta' dawk id-dokumenti.

(f) li jippreskrivu l-htigiet dwar avvizi ta' irkanti;

(g) li jipprovdu għal ispezzjonijiet ta' xi fondi użati minn irkantaturi għal jew in konnessjoni max-xogħol tagħhom;

(h) li jippreskrivu d-dmirijiet ta' irkantaturi u l-avvizi li huma għandhom jagħmlu dwar xi oġġett antik li għandu jinbiegħ b'irkant;

(i) li jippreskrivu kull haġa oħra li tista' tkun mehtieġa sabiex tagħti sehh lid-dispożizzjonijiet ta' dan l-Att.

Reati u pjeni.

6. Min jikser xi wahda mid-dispożizzjonijiet ta' dan l-Att jew xi regolament li jsir bis-sahha tiegħu, jew li jikser xi kundizzjoni li jkun hemm f'xi liċenza mahruġa bis-sahha ta' dan l-Att ikun hati, hlief jekk l-att ikun jikkostitwixxi reat iktar serju taht xi liġi oħra, ta' reat kontra dan l-Att u għandu għal kull reat jehel meta jinstab hati mill-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja, multa ta' mhux inqas minn hamsin lira iżda ta' mhux iżjed minn hames mitt lira; u l-qorti tista', b'żieda ma' dik il-piena, tordna s-sospensjoni jew ir-revoka ta' liċenza mogħtija bis-sahha ta' dan l-Att jew li dak il-hati jkun temporanjament jew permanentement skwalifikat milli jkollu liċenza bħal dik.

Responsabbiltà ta' l-irkantatur għal oġġetti mqegħdin fil-kustodja tiegħu.

7. Irkantatur ikun responsabbli għaž-żamma fiż-żgur u b'mod xieraq ta' kull oġġett li jitqieghed fil-kustodja tiegħu għal bejgh bl-irkant, minn x'hin jitqieghed fil-kustodja tiegħu mill-bejgiegħ sa x'hin

dan jingabar minn ghandu minn xerrej jew sa x'hin jinghata lura lill-bejjiegh jekk jibqa' ma jinbieghx, u huwa ghandu jaghmel tajjeb ghal kull ksur, hsara jew telfien ta' kull oggett bhal dak li jigri filwaqt li l-oggett ikun fil-kustodja ta' l-irkantatur, jekk dak il-ksur, dik il-hsara jew dak it-telfien ikunu graw b'konsegwenza tat-traskuragni ta' l-irkantatur, in-nuqqas ta' hsieb tieghu, jew xi omissjoni tieghu.

8. (1) Irkantatur ikun responsabbli ghall-korrettezza tal-kontenut ta' xi katalogu li jintuza ghall-finijiet ta' irkant u ghall-korrettezza ta' xi deskrizzjoni ta' l-oggetti ghall-bejgh b'irkant li huwa jista' jaghti anki verbalment waqt irkant.

Responsabbiltà ta' l-irkantatur dwar id-deskrizzjoni ta' oggetti ghall-bejgh b'irkant.

(2) Minghajr preġudizzju ghal kull responsabbiltà ċivili jew responsabbiltà oħra ta' l-irkantatur jekk fi żmien hmistax-il jum minn l-aħħar jum ta' l-irkant oggett mibjugh fi rkant jinstab li ma jkunx skond id-deskrizzjoni murija fil-katalogu jew mod ieħor mogħtija mill-irkantatur, l-irkantatur ghandu fuq talba tax-xerrej iħallas lura lix-xerrej l-ammont shih li jkun thallas ghall-oggett flimkien ma' kull dritt jew kummissjoni li setghu thallsu mix-xerrej.

9. Id-dispożizzjonijiet ta' dan l-Att ma ghandhomx jitqiesu li jeżentaw lill xi persuna minn kull htieġa jew responsabbiltà li johorġu bis-saħħa ta' xi liġi oħra jew taħtha.

Ligijiet oħra.

10. (1) Bla hsara għad-dispożizzjonijiet tas-subartikoli (2) u (3) ta' dan l-artikolu u minghajr preġudizzju għal kull haġa magħmula jew li naqset li tintgħamel jew għal kull responsabbiltà li toħroġ minnha, il-Liġi dwar l-Irkantaturi hija b'dan imħassra.

Thassir u riżerva.

Kap. 4.

(2) Kull irkantatur li ghandu liċenza bis-saħħa tal-Liġi dwar l-Irkantaturi mad-dhul fis-seħħ ta' dan l-Att u kull persuna li kienet qegħda taħdem ma' irkantatur kontinwament u esklużivament fix-xogħol ta' l-irkantatur għal perijodu ta' mill-inqas hames snin minnufih qabel id-dhul fis-seħħ ta' dan l-Att ghandu jitqies li jkollu pussess ta' liċenza bis-saħħa ta' dan l-Att, u hlief jekk dik il-liċenza tiskadi f'data li tiġi qabel, għandha titqies li tiskadi fil-31 ta' Diċembru, 1990.

(3) L-artikolu 4 tal-Liġi dwar l-Irkantaturi u t-Tariffa li tinsab ma' dik il-liġi għandhom, sakemm jiġu preskritti drittijiet godda skond dan l-Att, jibqgħu japplikaw għal kull bejgh b'irkant.

### Għanijiet u Raġunijiet

L-Abbozz iħassar il-Liġi dwar l-Irkantaturi u jdahħal minflokha liġi oħra. Jipprovdri wkoll għall-ghoti ta' liċenza lill-irkantaturi u jagħti setgħa lill-Ministru biex b'regolamenti jistabbilixxi r-regoli li bihom jistgħu jsiru irkantijiet.

**A BILL**

**entitled**

*AN ACT to make provision for the licensing of Auctioneers and to regulate auctioneering.*

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. This Act may be cited as the Auctioneers Act, 1990, and shall come into force on such date as the Minister responsible for trade may by notice in the Gazette establish.

Interpretation.

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

“antique” means a work of art or an object of a geological, palaeontological, archaeological or antiquarian importance and which is at least one hundred years old;

“auctioneer” means a person who conducts public sales by auction;

“Minister” means the Minister responsible for trade and except for the purposes of subsection (2) of section 3 and section 5 of this Act, 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.

Auctioneers.

3. (1) No person shall act as auctioneer at any auction unless he is so licensed under the provisions of this Act.

(2) The provisions of subsection (1) of this section shall not apply to public sales by auction conducted under the authority of the Courts of Law, *il-Monti*, or any other public institution or department authorised by the Minister to that effect.

4. (1) Licences to act as an auctioneer may be granted by the Minister under such conditions as may be prescribed.

Licences to be issued by Minister.

(2) Such licences shall be valid for the year of issue and may be renewed for further periods of one year each ending on 31st December of the year of renewal.

5. The Minister may make regulations for the better carrying out of any of the provisions of this Act and in particular may make regulations:

Power to make regulations.

(a) regulating the business of auctioneers;

(b) prescribing the fees chargeable for the grant or renewal of licences issued to auctioneers;

(c) prescribing the fees or commissions that may be chargeable by auctioneers;

(d) prescribing the age and other qualifications for eligibility to obtain a licence under this Act;

(e) prescribing the registers, books, accounts and records that shall be kept by auctioneers, the form and manner in which such documents shall be kept, and providing for inspections thereof;

(f) prescribing the requirements of notices of auctions;

(g) providing for inspections of any premises used by auctioneers for or in connection with their business;

(h) prescribing the duties of auctioneers and the notices to be given by them in respect of any antique to be sold by auction;

(i) prescribing any other matter that may be necessary for giving effect to the provisions of this Act.

6. Any person who contravenes any of the provisions of this Act or any regulation made thereunder, or infringes any condition imposed in any licence under this Act shall, unless the act constitutes a more serious offence under any other law, be guilty of an offence against this Act and shall for each offence be liable on conviction by the Court of Magistrates of Judicial Police, to a fine (*multa*) of not less than fifty Maltese liri but not exceeding five hundred Maltese liri; and the court may, in addition to such penalty, order the suspension or revocation of any licence granted under this Act or that such offender be disqualified temporarily or permanently from holding any such licence.

Offences and penalties.

7. An auctioneer shall be responsible for the safe and proper keeping of any article placed in his custody with him for sale by auction, from the time it is passed into his custody by the seller until the time

Liability of auctioneer for articles placed in his custody.

it is collected from him by a buyer or returned to the seller if unsold, and shall make good any breakage, damage or loss of any such item occurring during the time that it is in the custody of the auctioneer, if such breakage, damage or loss has occurred due to the auctioneer's negligence, imprudence or omission.

Auctioneer's responsibility in respect of description of goods to be sold by auction.

8. (1) An auctioneer shall be responsible for the correctness of the contents of any catalogue used for the purpose of an auction and for the correctness of any description of the goods to be sold by auction which he may give even verbally during an auction.

(2) Without prejudice to any civil or other liability of the auctioneer if within a period of fifteen days from the last day of the auction an item sold at an auction is found to be not according to the description shown in the catalogue or otherwise given by the auctioneer, the auctioneer shall on request by the buyer refund to the buyer the full amount paid for the article together with any fee or commission that may have been paid by the buyer.

Other laws.

9. The provisions of this Act shall not be deemed to exempt any person from any requirement or liability imposed by or under any other law.

Repeal and savings. Cap. 4.

10. (1) Subject to the provisions of subsections (2) and (3) of this section and without prejudice to anything done or omitted to be done or to any liability incurred thereunder the Auctioneers Law is hereby repealed.

(2) Any auctioneer who is licensed under the Auctioneers Law on the coming into force of this Act and any person who has been working with a licensed auctioneer continually and exclusively in the business of auctioneering for a period of at least five years immediately preceding the coming into force of this Act shall be deemed to be in possession of a licence under this Act, and unless such licence expires at an earlier date it shall be deemed to expire on the 31st day of December, 1990.

(3) Section 4 of the Auctioneers Law and the Tariff annexed to that Law shall until new fees are prescribed in accordance with this Act, continue to apply to sales by auction.

---

### Objects and Reasons

The Bill repeals and substitutes the Auctioneers Law. It provides for the licensing of auctioneers and empowers the Minister by regulations to establish the rules under which auctions may be held.