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

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Abela, M.P., Ministru tal-Finanzi, Dwana u Investimenti Finanzjarji tal-Poplu u moqri għall-Ewwel darba fis-Seduta tas-6 ta' Frar, 1978.

A BILL introduced by the Honourable Joseph Abela, M.P., Minister of Finance, Customs and People's Financial Investments and read the First time at the Sitting of the 6th February, 1978.

ATT biex jipprovdi għall-kontroll tal-manifattura, proċessar u produzzjoni ta' tabakk u ta' prodotti tat-tabakk.

AN ACT to make provision for the control of the manufacture, processing and production of tobacco and tobacco products.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBÖZZ TA' LIĠI

msejjah

ATT biex jipprovi għall-kontroll tal-manifattura, proċessar u produzzjoni ta' tabakk u ta' prodotti tat-tabakk.

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.

1. Dan l-Att jista' jissejjah l-Att ta' l-1978 dwar it-Tabakk u Prodotti tat-Tabakk.

Tifsir.

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

“fabbrica” tinkludi kull post tax-xogħol, maħzen, kamra, ħanut jew post ieħor fejn it-tabakk ikun ipproċessat, manifatturat, jew ippreparat għall-bejgħ wara li jiġi manifatturat;

“Kontrullur” tfisser il-Kontrullur tad-Dwana u tinkludi kull persuna oħra awtorizzata mill-Kontrullur biex twettaq id-disposizzjonijiet kollha jew uħud mid-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu;

“Ministru” tfisser il-Ministru responsabbli għad-Dwana u tinkludi, sal-limitu ta' l-awtorità mogħtija, kull persuna awtorizzata mill-Ministru f'dak is-sens għal xi għan ta' dan l-Att;

“pakkett” tinkludi kull haġa li tgeżwer, kartuna, kaxxa jew landa li tagħlaq immedjatament is-sigarretti;

“preskritt” tfisser preskritt b'regolamenti skond dan l-Att;

“sigarrett” tfisser l-oġġett li ordinarjament hu deskritt b'dak l-isem fil-kummerċ tat-tabakk;

“sigarri” tinkludi *cheroots* u *cigarellos* kif ukoll kull oġġett ieħor ordinarjament deskritt b'dak l-isem fil-kummerċ tat-tabakk;

“tabakk” tinkludi l-weraq ipproċessat ta’ kull pjanta li jistgħu jintużaw għat-tipjip jew f’xi preparat għat-tipjip.

3. (1) Ebda persuna m’għandha timmanifattura, tipproċessa jew tipprepara għall-bejgħ xi sigarretti, sigarri jew prodott ieħor tat-tabakk mingħajr liċenza tal-Ministru. Liċenza.

(2) Kull liċenza mahruġa taħt is-subartikolu (1) ta’ dan l-artikolu għandha turi fuqha l-indirizz ta’ kull post li għalih tkun tapplika l-liċenza.

(3) Kull liċenza bħal dik tkun valida sal-wiehed u tletin ta’ Diċembru tas-sena li fiha tkun giet mahruġa jew imġedda.

(4) Għandu jithallas għall-hruġ jew għat-tiġdid ta’ kull liċenza taħt dan l-artikolu dak id-dritt li jista’ jiġi preskritt mill-Ministru.

(5) Il-Ministru jista’, mingħajr ma jagħti ebda raġuni għax jagħmel hekk, jirrifjuta l-hruġ jew it-tiġdid ta’ kull liċenza, u jista’ wkoll jirrevoka liċenza mahruġa jew imġedda minnu meta d-detentur tal-liċenza jkun instab hati ta’ reat kontra xi wahda mid-disposizzjonijiet ta’ dan l-Att jew ta’ xi regolamenti magħmula bis-saħħa tiegħu.

(6) Kull liċenza mahruġa jew imġedda taħt dan l-artikolu tkun personali u ma tkunx trasferibbli.

4. (1) Kull detentur ta’ liċenza għandu jzomm dak ir-registru u għandu jdahħal fih dak it-tagħrif u partikolaritajiet oħra kif il-Ministru jista’ jippreskrivi. Registru u records oħra li għandhom jinżammu mid-detentur ta’ liċenza.

(2) Kull detentur ta’ liċenza għandu jzomm id-dokumenti kollha dwar l-akkwist u t-tnehhija minnu ta’ kull kwantità ta’ tabakk sa dak iż-żmien li jingħatalu avviz bil-miktub mill-Kontrullur li l-eżamijiet u l-ispezzjonijiet kollha tar-records u ta’ l-istocks li jsiru mid-Dwana jkunu tlestew b’mod sodisfaċenti.

5. (1) Ebda persuna ma tista’ tipprepara għall-bejgħ, turi jew toffri għall-bejgħ, tbiegħ, jew xort’oħra tneħhi xi sigarretti fabbrikati lokalment barra minn f’pakketti sigillati. Bejgħ ta’ sigarretti.

(2) Kull pakkett li jkun fih sigarretti fabbrikati lokalment għandu jkollu stampat b’mod li jinqara sewwa *t-trade mark* jew l-isem kummerċjali tas-sigarretti, l-isem u l-indirizz tal-fabbrikant u l-kliem “Made in Malta” jew “Maħdumin Malta”.

(3) Ebda persuna ma tista’ takkwista, iżzomm għall-bejgħ, turi jew toffri għall-bejgħ, jew tbiegħ xi sigarretti fabbrikati lokalment, barra minn f’pakketti li jkunu jaqblu mad-disposizzjonijiet tas-subartikoli (1) u (2) ta’ dan l-artikolu.

(4) Il-Kontrullur ikun jista’ jeżenta bil-miktub mid-disposizzjonijiet tas-subartikoli ta’ qabel, taħt dawk il-kondizzjonijiet li jidhirlu xierqa li jimponi, kull sigarretti fabbrikati lokalment mahsuba biex jiġu esportati jew bhala provvista għall-bastiment jew għall-bejgħ lil persuni eżentati bil-liġi jew taħt xi liġi mill-hlas ta’ dazju ta’ importazzjoni.

6. Kull Uffiċjal tad-Dwana jista’, f’kull żmien jidhöl f’kull fabbrika sabiex jiżgura li d-disposizzjonijiet ta’ dan l-Att u ta’ kull regolamenti magħmula bis-saħħa tiegħu jkunu qed jiġu mharsa, u jkollu s-setgħa li jaqbad u jiehu minn hemm kull oġġett, reżistru, ktieb jew dokument li jista’, fil-fehma tiegħu, ikun meħtieġ biex jip- Setgħa ta’ dhul, eċċ.

prova l-ksur ta' xi wahda mill-imsemmija disposizzjonijiet, jew li jagħmel kopji jew estratti tiegħu jew minnu:

Izda kull oġġett, registru, ktieb jew dokument hekk maqbud u meħud għandu jingħata lura lid-detentur tal-liċenza tal-fabbrika malli jgħaddu erba' xhur minn meta jiġi maqbud jekk, sa dak iż-żmien, ebda proċediment; ma jkun tteħdu kontri dvar xi ksur bħal dak.

Setgħa għall-egħmil ta' regolamenti.

7. (1) Il-Ministru jista' jagħmel regolamenti għat-twettiq aħjar tad-disposizzjonijiet kollha ta' dan l-Att jew ta' wħud minnhom.

(2) Bla ħsara għall-generalità tas-setgħa li ngħatat qabel, dawk ir-regolamenti jistgħu b'mod partikolari —

(a) jipprovdu dvar ir-registri li għandhom jinżammu minn kull fabbrikant ta' sigarri, sigarretti jew prodotti tat-tabakk, u dvar il-partikolaritajiet jew tagħrif ieħor li għandu jidhol f'kull registru bħal dak;

(b) jippreskrivu l-formola li għandha tintuża f'kull applikazzjoni għal liċenza li tinħareġ taħt l-artikolu 3 ta' dan l-Att, u

(ċ) jistabbilixxu d-drittijiet li għandhom jithallsu dvar il-hruġ, jew it-tiġdid ta' kull liċenza bħal dik.

Tfixkil.

8. Kull persuna li għax trid tfixkel, timpedixxi jew mingħajr raġuni tajba ddewwem lil xi Uffiċjal tad-Dwana fil-qadi tas-setgħat jew tad-dmirijiet tiegħu taħt dan l-Att jew taħt xi regolamenti magħmula bis-saħħa tiegħu tkun hatja ta' reat kontra dan l-Att.

Pieni.

9. Kull persuna li tikser, jew tonqos li thares, xi wahda mid-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu, jew li xort'ohra tkun hatja ta' reat kontra dan l-Att, tehel, meta tinsab hatja, multa ta' mhux iżjed minn elf lira jew priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew dik il-multa u priġunerija flimkien.

Proċedimenti.

10. Ma għandhom jittieħdu ebda proċedimenti għal xi reat kontra d-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu kemm-il darba ma jkunx hekk awtorizzat mill-Kontrullur.

Riżerva dvar liċenza.

11. L-għoti ta' liċenza taħt l-artikolu 3 ta' dan l-Att ma težen-tax lid-detentur tal-liċenza milli jikseb xi liċenza ohra jew permess ieħor meħtieġ skond id-disposizzjonijiet ta' xi liġi ohra.

Applikazzjoni ta' l-Att.

12. Ebda haġa f'dan l-Att ma għandha tapplika għal sigarretti maħdumin bil-makna.

Riżerva dvar l-Ordinanza tad-Dwana. Kap. 60

13. Id-disposizzjonijiet ta' dan l-Att ikunu b'żieda ma', u mhux b'deroga ta', xi wahda mid-disposizzjonijiet ta' l-Ordinanza tad-Dwana.

Għanijiet u Raġunijiet

Il-Għan ta' dan l-Abbozz huwa li jipprovdi għall-kontroll aħjar fuq l-ipproċessar, manifattura u preparazzjoni għall-bejgħ ta' tabakk u ta' prodotti tat-tabakk.

A BILL
entitled

AN ACT to make provision for the control of the manufacture, processing and production of tobacco and tobacco products.

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 Tobacco and Tobacco Products Act, 1978. Short title.

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

“cigarette” means the article ordinarily described by that name in the tobacco trade;

“cigars” includes cheroots and cigarillos as well as any other article ordinarily described by that name in the tobacco trade;

“Comptroller” means the Comptroller of Customs and includes any other person authorised by the Comptroller to carry out all or any of the provisions of this Act or of any regulations made thereunder;

“factory” includes any workhouse, storehouse, room, shop, or other premises where tobacco is processed, manufactured, or prepared for sale after manufacture;

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

“packet” includes any wrapper, carton, box or tin immediately enclosing cigarettes;

“prescribed” means prescribed by regulations under this Act;

"tobacco" includes the processed leaves of any plant which may be used for smoking or in any preparation for smoking.

Licence.

3. (1) No person shall manufacture, process or prepare for sale any cigarettes, cigars or other tobacco product without a licence from the Minister.

(2) Any licence issued under subsection (1) of this section shall show thereon the address of any premises covered by the licence.

(3) Any such licence shall be valid until the thirty-first day of December of the year in which it is issued or renewed.

(4) There shall be paid for the issue or renewal of any licence under this section such fee as may be prescribed by the Minister.

(5) The Minister may, without assigning any reason for so doing, refuse the issue or renewal of any licence, and he may also revoke a licence issued or renewed by him where the licensee has been found guilty of an offence against any of the provisions of this Act or of any regulations made thereunder.

(6) Any licence issued or renewed under this section shall be personal and shall not be transferable.

Register and other records to be kept by licensee.

4. (1) Every licensee shall keep such register and shall enter therein such information and other particulars as the Minister may prescribe.

(2) Every licensee shall keep all documents relating to the acquisition and disposal by him of any quantity of tobacco until such time as he is advised in writing by the Comptroller that all Customs examinations and inspections of records and stocks have been satisfactorily completed.

Sale of cigarettes.

5. (1) No person may prepare for sale, expose or offer for sale, sell, or otherwise dispose of any locally manufactured cigarettes other than in sealed packets.

(2) Every packet containing locally manufactured cigarettes shall bear in clearly legible print the trademark or trade name of the cigarettes, the name and address of the manufacturer and the words "Made in Malta" or "Maħdumin Malta".

(3) No person may acquire, keep for sale, expose or offer for sale, or sell any locally manufactured cigarettes, other than in packets which conform to the provisions of subsections (1) and (2) of this section.

(4) It shall be lawful for the Comptroller to exempt in writing from the provisions of the preceding subsections, under such conditions as he may deem fit to impose, any locally manufactured cigarettes intended to be exported or as ships' supply or for sale to persons exempted by or under any law from the payment of import duty.

Power of entry, etc.

6. Any Customs Officer may, at any time, enter any factory for the purpose of ascertaining that the provisions of this Act and of any regulations made thereunder are being complied with, and he shall have the power to seize and remove therefrom any article, regis-

ter, book or document that may, in his opinion, be necessary for proving the infringement of any of the said provisions, or to make copies or extracts thereof or therefrom:

Provided that any article, register, book or document so seized and removed shall be returned to the licensee of the factory on the lapse of four months from its seizure if, by that time, no proceedings shall have been taken against him in respect of any such infringement.

7. (1) The Minister may make regulations for the better carrying out of all or any of the provisions of this Act.

Power to
make
regulations.

(2) Without prejudice to the generality of the foregoing power, such regulations may in particular —

(a) provide for the registers to be kept by any manufacturer of cigars, cigarettes or tobacco products, and for the particulars and other information to be entered in any such register;

(b) prescribe the form to be used in any application for a licence to be issued under section 3 of this Act, and

(c) establish the fees to be paid in respect of the issue, or of the renewal of any such licence.

8. Any person who wilfully obstructs, impedes or without good cause delays any Customs Officer in the execution of his powers or duties under this Act or any regulations made thereunder shall be guilty of an offence against this Act.

Obstruction.

9. Any person who contravenes, or fails to comply with, any of the provisions of this Act or of any regulations made thereunder, or who is otherwise guilty of an offence against this Act, shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Penalties.

10. No proceedings for any offence against the provisions of this Act or of any regulations made thereunder shall be taken unless so authorised by the Comptroller.

Proceedings.

11. The grant of a licence under section 3 of this Act shall not exempt the licensee from obtaining any other licence or permit required under the provisions of any other law.

Saving in
respect of
licence.

12. Nothing in this Act shall apply to any machine-made cigarettes.

Application of
Act.

13. The provisions of this Act shall be in addition to, and not in derogation of, any of the provisions of the Customs Ordinance.

Saving in
respect of
Customs
Ordinance.
Cap. 60

Objects and Reasons

The Object of this Bill is to provide for better control on the processing, manufacture and preparation for sale of tobacco and tobacco products.