

Nru. 59

7. 2. 78

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

ABBOZZ ta' Liġi 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 ikompli jemenda l-Att dwar id-Dazju tas-Sisa fuq is-Sigarette mahdumin bil-Makna, Kap. 94.

AN ACT further to amend the Machine-made Cigarettes (Excise Duty) Act, Cap. 94.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Att dwar id-Dazju tas-Sisa fuq is-Sigarretti maħdumin bil-Makna, Kap. 94.

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-sehh.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1978 li jemenda l-Att dwar id-Dazju tas-Sisa fuq is-Sigarretti maħdumin bil-Makna, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar id-Dazju tas-Sisa fuq is-Sigarretti maħdumin bil-Makna, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

(2) Dan l-Att, barra mill-artikolu 4, għandu jitqies li beda jsehh fis-6 ta' Frar, 1978.

Emenda ta'
l-artikolu 2
ta' l-Att
prinċipali.

2. Fl-artikolu 2 ta' l-Att prinċipali, minnufih wara t-tifsira ta' "Ministru" għandha tiżdied it-tifsira li ġejja:

"il-kelma "preskritt" tfisser preskritt b'regolamenti taht dan l-Att."

Emenda ta'
l-artikoli 3 u 5
ta' l-Att
prinċipali.

3. Fis-subartikolu (1) ta' l-artikolu 3 u fis-subartikolu (1) ta' l-artikolu 5 ta' l-Att prinċipali, minflok il-kliem "hames ċenteżmi u hames milleżmi" kull fejn jinsabu għandhom jidhlu f'kull każ il-kliem "żewġ ċenteżmi u hames milleżmi".

Sostituzzjoni
ta' l-artikolu 7
ta' l-Att
prinċipali.

4. Minflok l-artikolu 7 ta' l-Att prinċipali għandu jidhol dan li ġej:

"7. (1) Ebda persuna m'għandha timmanifattura, tipprepara jew tipprepara għall-bejgħ xi sigarretti maħdumin bil-makna mingħajr liċenza tal-Ministru.

(2) Kull liċenza mahruġa taht 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-31 ta' Marzu li jiġi wara l-gurnata li fiha tkun harġet jew ġiet imġedda.

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

(5) Il-Ministru jista', minghajr ma jagħti ebda raġuni għax jagħmel hekk, jirrifjuta l-ħruġ 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 waħda mid-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu.

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

5. Fis-subartikolu (1) ta' l-artikolu 9 ta' l-Att prinċipali, minflok il-kliem “bil-liċenza taht l-artikolu 7” għandhom jidhlu l-kliem “li dwaru jkun hemm liċenza taht l-artikolu 7”.

Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

6. Minflok is-subartikolu (1) ta' l-artikolu 11 ta' l-Att prinċipali għandu jidhol dan li ġej:

Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

“(1) Il-Ministru jista' jagħmel regolamenti sabiex jiġu żgurati d-disposizzjonijiet ta' dan l-Att u sabiex jitwettqu aħjar id-disposizzjonijiet tiegħu u, b'mod partikolari, —

(a) sabiex jippreskrivi l-formola li għandha tintuża f'kull applikazzjoni għal liċenza li tinhareġ taht l-artikolu 7 ta' dan l-Att, u

(b) sabiex jistabilixxi d-drittijiet li għandhom jithallu dwar il-ħruġ jew it-tiġdid ta' kull liċenza bħal dik.”.

7. Id-disposizzjonijiet ta' l-artikolu 3 ta' dan l-Att m'għandhomx japplikaw dwar sigaretti fabrikati minn tabakk li jkun ġie meħlus mid-depożt qabel is-6 ta' Frar, 1978.

Riżerva.

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jemenda l-Att dwar id-Dazju tas-Sisa fuq is-Sigarretti maħdumin bil-Makna sabiex jonqos l-ammont tad-dazju tas-sisa fuq sigarretti maħdumin bil-makna lokalment, u sabiex jipprovi għall-ħruġ jew għat-tiġdid ta' liċenzi dwar sigarretti maħdumin bil-makna.

L-Abbozz jemenda wkoll l-Att prinċipali billi jagħti s-setgħa lill-Ministru li jippreskrivi b'regolamenti d-dritt li għandu jithallas għall-ħruġ jew għat-tiġdid ta' liċenza.

L-Abbozz fih ukoll xi emendi konsegwenzjali oħra.

A BILL

entitled

AN ACT further to amend the Machine-made Cigarettes (Excise Duty) Act, Cap. 94.

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 Machine-made Cigarettes (Excise Duty) (Amendment) Act, 1978, and shall be read and construed as one with the Machine-made Cigarettes (Excise Duty) Act, hereinafter referred to as "the principal Act".

(2) This Act, with the exception of section 4, shall be deemed to have come into force on the 6th February, 1978.

Amendment of
section 2 of
the principal
Act.

2. In section 2 of the principal Act, immediately after the definition of "Minister" there shall be added the following definition:

"the expression "prescribed" means prescribed by regulations under this Act."

Amendment of
sections 3 and
5 of the
principal Act.

3. In subsection (1) of section 3 and in subsection (1) of section 5 of the principal Act, for the words "five cents five mills" wherever they occur there shall be substituted in each case the words "two cents five mills".

Substitution of
section 7 of
the principal
Act.

4. For section 7 of the principal Act there shall be substituted the following:

"7. (1) No person shall manufacture, process or prepare for sale any machine-made cigarettes 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 31st March next following the day of its issue or renewal.

(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.”.

5. In subsection (1) of section 9 of the principal Act, for the words “licensed under section 7” there shall be substituted the words “covered by a licence under section 7”.

Amendment of section 9 of the principal Act.

6. For subsection (1) of section 11 of the principal Act there shall be substituted the following:

Amendment of section 11 of the principal Act.

“(1) The Minister may make regulations for enforcing the provisions of this Act and for the better carrying out of its provisions and, in particular, —

(a) for prescribing the form to be used in any application for a licence to be issued under section 7 of this Act, and

(b) for establishing the fees to be paid in respect of the issue or renewal of any such licence.”.

7. The provisions of section 3 of this Act shall not apply in respect of any cigarettes manufactured from tobacco which was released from bond prior to the 6th February, 1978.

Saving.

Objects and Reasons

The Object of this Bill is to amend the Machine-made Cigarettes (Excise Duty) Act so as to lessen the amount of excise duty on locally machine-made cigarettes, and to provide for the issue and renewal of licences in respect of machine-made cigarettes.

It also amends the principal Act in empowering the Minister to prescribe by regulations the fee payable for the issue or renewal of a licence.

The Bill contains also other consequential amendments.