

Nru. 70

30. 5. 78

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

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tad-29 ta' Mejju, 1978.

A BILL introduced by the Honourable Joseph Cassar, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, and read the First time at the Sitting of the 29th May, 1978.

ATT biex ikompli jikkontrolla u jirregola l-użu ta' ċertu kliem.

AN ACT to control and regulate the use of certain words.

C. MIFSUD*Skrivan tal-Kamra tad-Deputati***C. MIFSUD***Clerk to the House of Representatives*

ABBOZZ TA' LIĠI

msejjah

ATT biex jikkontrolla u jirregola l-użu ta' ċertu kliem.

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' jissejjaħ l-Att ta' l-1978 li jirregola l-Użu ta' Ċertu Kliem.

(2) Dan l-Att għandu jibda jseħħ fl-1 ta' Awissu, 1978.

Projbizzjoni ta' l-użu tal-kliem Malta u nazzjon f'ċerti każijiet.

2. (1) Minn meta jibda jseħħ dan l-Att ebda persuna ma tista' tuża jew tkompli tuża b'xi lsien il-kelma Malta jew il-kelma nazzjon, jew xi varjazzjoni jew derivattiv ta' dawk il-kliem, bħala parti mill-isem ta' kumpannija jew soċjetà oħra, jew ta' ditta jew negozju, jew ta' xi organizzazzjoni, assoċjazzjoni jew korp ieħor ta' persuni, jew bħala parti minn *trade-mark* jew haġa bħal dik, jew bħala l-isem jew it-titolu ta' xi stampat, mingħajr l-awtorità bil-miktub tal-Prim Ministru li għal dak iż-żmien tkun fis-seħħ u hlief skond dik l-awtorità, jew tippubblika, tbiegħ jew b'xi mod tqassam xi stampat li jkun fih l-użu tal-kliem imsemmija qabel bi ksur ta' dan l-Att.

(2) Il-Prim Ministru ma jagħtix l-awtorità taħt dan l-artikolu kemm-il darba ma jkunx sodisfatt li —

(a) xi waħda mill-kliem imsemmija qabel tkun użata minn jew għall-ghanijiet tal-Gvern jew ta' persuna, korporazzjoni, kumpannija, organizzazzjoni jew korp ieħor ta' persuni li jkollu funzjoni jew karattru uffiċjali, pubbliku jew tal-komunità; jew

(b) xi waħda minn dawk il-kliem tkun użata biss u b'dak il-mod li turi esklużivament li kumpannija, ditta, organizzazzjoni jew korp ieħor ta' persuni li tkun proprjetà ta', jew kontrollata minn, interessi barranin tkun registrata f'Malta jew ikollha post tan-negozju jew tkun qed taħdem hemmhekk; jew

(ċ) fil-każ ta' stampat ta' xorta kulturali, xjentifika jew simili, ikun stampat u pubblikat f'Malta u l-użu ta' xi waħda mill-kliem imsemmija qabel ma jkunx meqjus li jagħti, meta ma jkunx hekk, karattru uffiċjali lill-istampat.

(3) Kull awtorità mogħtija taħt dan l-artikolu tista' tingħata għal dak il-perijodu u suġġetta għal dawk il-kondizzjonijiet, limitazzjonijiet u restrizzjonijiet li jkunu jinsabu fl-awtorità; u kull haġa magħmula bi ksur jew b'eċċess ta' xi waħda minn dawk il-kondizzjonijiet, limitazzjonijiet jew restrizzjonijiet, jew wara li jiskadi l-perijodu li għalih tkun mogħtija, titqies li tkun saret mingħajr dik l-awtorità.

(4) Kull persuna li tikser xi waħda mid-disposizzjonijiet ta' dan l-artikolu teħel meta tinsab haġa multa ta' mhux inqas minn għaxar liri u mhux iżjed minn ħames mitt lira u fil-każ ta' reat kontinwu multa ta' mhux inqas minn lira u mhux iżjed minn għaxar liri għal kull jum li matulu jkun kompli r-reat.

(5) Għall-finijiet ta' dan l-Att, l-espressjoni "stampat" u "pubblikazzjoni", u d-derivattivi jew varjazzjonijiet grammatikali tagħhom, għandhom l-istess tifsir kif mogħti lilhom bl-artikolu 2 ta' Att Nru. XL ta' l-1974 l-Att ta' l-1974 dwar l-Istampa.

(6) Ma jistgħux jinbdew proceduri taħt dan l-Att ħlief bi ftehim ma' l-Avukat Ġenerali.

Għanijiet u Ragunijiet

L-Għan ta' dan l-Abbozz huwa li jirregola l-użu tal-kliem "Malta" u "nazzjon" biex tiġi evitata impressjoni hażina li sikwit tinqala' mill-użu ta' dawn il-kliem dwar kumpanniji, jew assoċjazzjonijiet ohra ta' persuni jew organizzazzjonijiet jew dwar ċerti pubblikazzjonijiet.

A BILL

entitled

AN ACT to control and regulate the use of certain words.

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 Use of Certain Words (Regulation) Act, 1978.

(2) This Act shall come into force on August 1, 1978.

Prohibition
of the use of
the words
Malta and
nation in
certain cases.

2. (1) With effect from the coming into force of this Act it shall not be lawful for any person to use or to continue to use in any language the word Malta or the word nation, or any variation or derivative thereof, as part of the name of a company or other partnership, or of a firm or business, or of any organization, association or other body of persons, or as part of a trade-mark or similar device, or as the name or title of any printed matter, without the written authority of the Prime Minister for the time being in force and except in accordance with such authority, or to publish, sell or in any manner distribute any printed matter containing the use of any of the words aforesaid in contravention of this Act.

(2) The Prime Minister shall not grant his authority under this section unless he is satisfied that —

(a) any of the words aforesaid is used by or for the purposes of the Government or of a person, corporation, company, organization or other body of persons having an official, public or community function or character; or

(b) any of such words is used solely and in such a way as to indicate exclusively that a company, firm, organization or other body of persons owned or controlled by foreign interests is registered in Malta or has a place of business and is operating there; or

(c) in the case of a printed matter of a cultural, scientific or similar nature, it is printed and published in Malta and the use of any of the words aforesaid are calculated not to attribute wrongly an official character to the printed matter.

(3) Any authority given under this section may be given for such period and subject to such conditions, limitations and restrictions as may be contained in the authority; and anything done in contravention or in excess of any such conditions, limitations or restrictions, or after the expiration of the period for which it is granted, shall be deemed to have been done without such authority.

(4) Any person who contravenes any of the provisions of this section shall be liable on conviction to a fine (*multa*) of not less than ten pounds and of not more than five hundred pounds and in the case of a continuing offence to a further fine (*multa*) of not less than one pound and not more than ten pounds for each day during which the offence has continued.

(5) For the purposes of this Act, the expression "printed matter" and "publication", and their grammatical derivatives or variations, have the same meaning as is assigned to them by section 2 of the Press Act, 1974. Act No. XL
of 1974

(6) Proceedings under this Act may not be instituted except with the concurrence of the Attorney General.

Objects and Reasons

The purpose of the Bill is to regulate the use of the words "Malta" and "nation" to avoid the wrong impression that often arises from the use of those words in relation to companies and other associations of persons or organizations or in relation to certain publications.