



MALTA

ATT Nru. XVIII ta' l-1979

ACT No. XVIII of 1979

ATT mahruġ b'liġi mill-Parlament ta' Malta.

AN ACT enacted by the Parliament of Malta.

ATT biex jipprovdi dwar ġbir pubbliku għal għanijiet ta' karità u għanijiet oħra u biex jipprovdi għal-hwejjeġ li għandhom x'jaqsmu ma' jew huma anċillari għalhekk.

AN ACT to make provision with respect to public collections for charitable and other purposes and to provide for matters connected therewith or ancillary thereto.



Nagħti l-kunsens tiegħi.

Anton Kulltigin
President

17 ta' April, 1979

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ATT biex jipprovi dwar ġbir pubbliku għal għanijiet ta' karità u għanijiet oħra u biex jipprovi għal hwejjeġ li għandhom x'jaqsmu ma' jew 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'ligi dan li ġej:—

Titolu fil-qosor,
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1979 dwar il-Ġbir Pubbliku.

(2) Dan l-Att għandu jibda jsehħ f'dik id-data li l-Ministru responsabbli għall-Pulizija jista' jstabbilixxi b'ordni fil-Gazzetta, u jistgħu jiġu stabbiliti dati differenti dwar disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħ-tiegħ xort'oħra —

“dar” tinkludi post ta' negozju;

“dħul” dwar ġbir, tfisser il-flus u l-proprjetà kollha mogħ-tija, sew għal korrispettiv jew xort'oħra, bħala rizultat ta' appell li jkun sar;

“ġbir” tfisser appell lill-pubbliku jew lil parti jew sezzjoni mill-pubbliku sew jekk bil-mezz ta' żjajjar minn dar għal dar, jew b'xi għemil li jidher fi triq jew f'post pubbliku ieħor, jew bil-mezz ta' xi reklam, jew b'xi mod ieħor ikun li jkun, biex jagħti, sew jekk għal korrispettiv jew le, flus jew proprjetà oħra, iżda ma tinkludix —

(a) il-bejgħ ta' oġġetti f'xi triq jew post pubbliku ieħor meta l-oġġetti jinbiegħu fil-kors normali tal-kummerċ, u biex wieħed iġix minnu, u la l-bejgiegħ u lanqas xi hadd għalih ma jagħti wieħed x'jifhem li xi parti minn dak id-dħul mill-bejgħ se jmur għal xi għan ta' karità jew għan simili;

(b) ġbir li jsir fi knisja fil-kors normali għall-manutenzjoni tagħha jew sabiex din tissebbah jew tingieb 'il quddiem jew għal funzjonijiet li jsiru fiha;

(ċ) ġbir li jsir jew jiġi organizzat minn *bona fide* partit politiku għall-użu tiegħu stess;

“għan ta' karità” tfisser kull għan ta' karità, ta' benevolenza jew filantropija, sew jekk dak l-għan ikun ta' karità skond tifsir mogħti f'xi liġi oħra u sew jekk le u, bla ħsara għall-generalità ta' dak li ntqal qabel, tinkludi b'mod partikolari:

(a) it-tnaqqis ta' faqar;

(b) it-tmexxija 'l quddiem ta' l-edukazzjoni kulturali u fiżika;

(ċ) it-tmexxija 'l quddiem tar-religjon;

(d) it-tfakkir ta' grajjiet storiċi u personalitajiet;

(e) għanijiet oħra ta' benefiċċju għall-kommunità.

“kollettur” dwar ġbir, tfisser il-persuna li tagħmel l-appell waqt iż-żjajjar minn dar għal dar, jew fi triq jew post pubbliku ieħor, u tinkludi l-persuna indikata biex tircievi dak id-dhul jew li fil-fatt tirċevih;

“il-Kummissarju” tfisser il-Kummissarju tal-Pulizija u tinkludi kull persuna awtorizzata mill-imsemmi Kummissarju għal hekk;

“liċenza” tfisser liċenza taħt dan l-Att;

“Ministru” tfisser il-Ministru responsabbli għall-Pulizija; u tinkludi kull persuna awtorizzata mill-imsemmi Ministru għal hekk;

“post pubbliku” tfisser kull triq u kull post ieħor fejn jidhul jew ikollu aċċess għalih il-pubbliku u, bla ħsara għall-generalità ta' dak li ntqal qabel, tinkludi kull knisja, kull dipartiment tal-gvern u kull post ta' divertiment pubbliku;

“preskritt” tfisser preskritt b'regolament taħt dan l-Att;

“promotur” dwar ġbir, tfisser persuna li tqabba lil ħaddieħor jagħmilha, għal kumpens jew xort'oħra, ta' kollettur għall-finijiet ta' ġbir, u tinkludi kull wieħed mill-individwi li jiffirmaw applikazzjoni għal liċenza;

“triq” tfisser kull triq, sqaq, pjazza, fortifikazzjoni jew post ieħor minn fejn iġhaddi l-pubbliku, u kull post magħluq fil-beraħ li fiha jidhul jew ikollu aċċess il-pubbliku.

(2) Għall-finijiet ta' dan l-Att, ġbir jitqies li jsir għal għan partikolari meta l-appell isir flimkien mat-turija li l-flus jew proprjetà oħra li dwarhom isir l-appell, jew parti minnhom, ikunu se jintużaw għal dak l-għan.

3. (1) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, ma jista' jsir ebda ġbir kemm-il darba ma jitharsux il-htigiet ta' dan l-Att dwar liċenza biex dan ikun jista' jsir.

Irid ikun
hemm liċenza
għall-ġbir.

(2) F'każ li persuna tippromovi gabra u minħabba f'hekk issir gabra, kemm-il darba ma jkunx hemm fis-seħħ, dwar il-lokalità li fiha ssir il-gabra u fil-perijodu li matulu ssir, liċenza li tawtorizza, jew li tawtorizza li xi ħaddieħor li jippromovi gabra fil-lokalità u għall-għan li għalih issir il-gabra, dik il-persuna tkun ħatja ta' reat.

(3) F'każ li persuna tagħmilha ta' kollettur għall-għanijiet

ta' gabra, kemm-il darba ma jkunx hemm fis-seħħ, dwar il-lokalità fejn u l-hinijiet kollha li matulhom hi hekk tagħmilha, liċenza li tawtorizza promotur li taħt l-awtorità tiegħu taġixxi, jew li tawtorizza lill-kollettur innifsu, li jippromovi gabra fil-lokalità u għall-għan li għalih issir il-gabra, dik il-persuna tkun hatja ta' reat.

Eżenzjoni.

4. (1) Meta l-Ministru jkun sodisfatt li persuna tkun mogħtija għal għan ta' karità f'Malta u tkun tixtieq tippromovi għbir għal dak il-għan, il-Ministru jista' b'ordni jagħti direttiva li dik il-persuna tkun eżentata mill-ħtieġa ta' liċenza dwar il-għbir kollu għal dak l-għan f'dawk il-lokalitajiet li jistgħu jiġu preskritti fl-ordni, u fil-waqt li jkun fis-seħħ ordni bħal dak dwar għbir f'xi lokalità, id-disposizzjonijiet ta' dan l-Att għandu jkollhom effett dwar il-persuna eżentata, dwar kull promotur ta' għbir f'dik il-lokalità għal dak l-għan li jagħxi taħt l-awtorità tal-persuna eżentata, u dwar persuna li tagħmilha ta' kollettur għall-finijiet ta' kull għbir bħal dak, daqslikieku kienet isseħħ liċenza li tawtorizza lill-persuna eżentata li tippromovi gabra f'dik il-lokalità.

(2) Kull ordni magħmul taħt dan l-artikolu jista' f'kull żmien jiġi revokat jew mibdul b'ordni ieħor li jsir mill-Ministru.

Liċenzi.

5. (1) Meta persuna li tkun qed tippromovi, jew li tkun bi ħsiebha tippromovi, gabra f'xi lokalità għal għan li għalih tista' tingħata liċenza tagħmel applikazzjoni lill-Kummissarju tal-Pulizija fuq il-formula murija fl-Ewwel Skeda li tinsab ma' dan l-Att fejn tispeċifika l-għan tal-gabra, il-lokalità (jekk limitata għal lokalità) fejn tkun se ssir il-gabra u l-ħwejjeg l-oħra murija bħala meħtieġa fl-imsemmija Skeda, u tagħtih kull tagħrif ieħor rilevanti li jkun jeħtieġ, il-Kummissarju għandu, bla ħsara għad-disposizzjonijiet li ġejjin ta' dan l-artikolu, jagħtiha liċenza li tawtorizzaha li tippromovi gabra fil-lokalità u għall-għan muri fil-liċenza, u skond il-kondizzjonijiet l-oħra li jkunu jinsabu fil-liċenza.

(2) Ebda liċenza ma tingħata hlief għal għan ta' karità jew għal għan approvat mill-Ministru, u ebda liċenza ma tingħata jekk l-applikazzjoni għaliha ma tkunx iffirmata minn għall-anqas tliet individwi.

(3) Liċenza tingħata għal dak il-perijodu, li ma jkunx itwal minn tnax-il xahar, kif jiġi speċifikat fil-liċenza, u għandha kemm-il darba ma tiġix revokata qabel, tibqa' fis-seħħ għall-perijodu speċifikat.

(4) Il-Kummissarju jista' jirrifjuta li jagħti liċenza, jew, meta liċenza tkun ingħatat, jista' jirrevokaha, jekk ikun jidhirlu —

(a) li l-ammont totali li x'aktarx jintuża bħala riżultat tal-gabra (magħdud kull ammont diġà hekk użat) għall-għanijiet li għalihom il-liċenza tkun se tiġi, jew tkun għet, mogħtija ma jkunx biżżejjed meta jitqies bħala proporzjon tal-valur tad-dħul li x'aktarx jiġi riċevut (magħdud kull dħul li jkun diġà riċevut);

(b) li rimunerazzjoni li tkun eċċessiva relattivament għall-ammont totali msemmi qabel x'aktarx se tkun, jew tkun għet, miżmuma jew riċevuta mid-dħul tal-gabra minn xi persuna;

(c) li l-għoti ta' liċenza x'aktarx jagħmel aktar faċli l-għemil ta' reat taħt il-paragrafu (w) jew (wa) ta' l-artikolu 352 tal-Kodiċi Kriminali, jew li jkun sar reat taħt dawk id-disposizzjonijiet dwar il-għbir;

(d) li l-applikant jew id-detentur tal-liċenza ma jkunx persuna addattata u xierqa li jkollha liċenza;

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(e) li l-applikant jew id-detentur tal-liċenza jkun għamel reat kontra dan l-Att jew kontra xi regolamenti magħmula bis-saħħa tiegħu;

(f) li l-applikant jew id-detentur tal-liċenza, fil-promozzjoni ta' gabra li dwarha tkun inġhatat liċenza, ikun naqas li jeżerċita diligenza xierqa biex jiżgura li l-persuni awtorizzati minnu biex jagħmluha ta' kolletturi għall-għanijiet ta' gabra kienu persuni addattati u xierqa biex jiġi żgurat il-ħarsien, minn dawk il-persuni hekk awtorizzati, tad-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmula bis-saħħa tiegħu, jew biex ma jhallix li distintivi preskritti jew ċertifikati ta' awtorità preskritti jinkisbu minn persuni li ma jkunux persuni hekk awtorizzati; jew

(g) li l-applikant jew id-detentur tal-liċenza jkun irrifjuta jew ittraskura li jagħti lill-Kummissarju dak it-tagħrif li b'mod raġonevoli seta' ħtieġ sabiex ikun jaf dwar il-ħwejjeġ speċifikati fil-paragrafi ta' qabel ta' dan is-subartikolu.

(5) Meta l-Kummissarju jirrifjuta li jagħti liċenza jew meta jirrevoka liċenza li tkun inġhatat, hu għandu jagħti avviż bil-miktub lill-applikant jew lid-detentur tal-liċenza tar-raġunijiet għar-rifjut jew għar-revoka u fejn iġharrfu bil-jedd tiegħu għal appell skond dan l-artikolu; u l-applikant jew id-detentur tal-liċenza jista' imbagħhad jappella lill-Ministru kontra r-rifjut jew ir-revoka tal-liċenza, skond il-każ, u d-deċiżjoni tal-Ministru tkun finali.

(6) L-appell jista' jsir fi żmien erbatax-il jum mid-data li fiha jkun inġhata l-avviż skond is-subartikolu (5) ta' dan l-artikolu.

(7) Jekk il-Ministru jiddeċiedi li l-appell għandu jiġi mil-qugħ, il-Kummissarju għandu minnufih joħroġ liċenza jew iħassar ir-revoka, skond il-każ, skond id-deċiżjoni tal-Ministru.

6. (1) Bla ħsara għal kull ħtiġiet oħra ta' xi regolamenti magħmula taħt dan l-Att, il-promotur ta' kull gbir għandu —

Tagħrif
dwar dħul,
spejjeż,
eċċ.

(a) fi żmien xahar wara l-aħħar jum tal-gabra jew wara l-jum li fiha tiskadi l-liċenza, skond liema minnhom ikun l-ewwel, jippubblika f'żewġ gazzetti lokali dikjarazzjoni magħmula għal kollox kif meħtieġ b'dan l-artikolu u li turi —

(i) isem il-promotur;

(ii) l-għan tal-gabra u l-ismijiet tal-benefiċjarji li jkunu maħsuba jibbenefikaw minnha;

(iii) id-dħul kollu mill-gabra;

(iv) l-ammont totali ta' l-ispejjeż li jkunu saru; u

(b) fi żmien hames gimgħat mill-ewwel wieħed mill-imsemmija jiem jagħti lill-Kummissarju dikjarazzjoni magħmula fil-formula murija fit-Tieni Skeda li tinsab ma' dan l-Att u xort'oħra kollox kif meħtieġ b'dan l-Att u li jkun fiha t-tagħrif hemm muri bhala meħtieġ, liema dikjarazzjoni għandha tkun ċertifikata bhala korretta mill-promotur jew, meta l-promotur ikun korp ta' persuni, minn individwu li jagixxi f'isem u minflok il-promotur, flimkien mal-qtuġ mill-gazzetti li juri li l-pubblikazzjoni meħtieġa bil-paragrafu (a) ta' dan is-subartikolu tkun saret.

(2) Meta d-dħul kollu ta' gabra jkun iżjed minn hames mitt lira d-dikjarazzjonijiet meħtieġa li jiġu pubblikati jew konsenjati skond is-subartikolu (1) ta' dan l-artikolu għandhom ikunu ċertifi-

kati bħala korretti u ffirmati minn uditur kwalifikat kif imiss u li ma jkollu b'ebda mod x'jaqsam mal-ġabra.

(3) Kull promotur li jonqos li jħares xi waħda mid-disposizzjonijiet ta' qabel ta' dan l-artikolu jkun ħati ta' reat.

Regolamenti.

7. (1) Il-Ministru jista' jagħmel regolamenti biex jippreskrivi kull haġa li b'dan l-Att hi meħtieġa jew hi awtorizzata li tiġi preskritta, biex jirregolaw il-mod li bih ġbir, li dwaru liċenzi jkunu ġew mogħtija jew ordnijiet ikunu saru taħt l-artikolu 4 ta' dan l-Att, ikun jista' jsir u l-imġieba ta' promoturi u kolletturi dwar dak il-ġbir.

(2) Il-Ministru jista' wkoll, b'regolamenti magħmula taħt is-subartikolu (1) ta' dan l-artikolu, jemenda l-Iskedi li jinsabu ma' dan l-Att u, bla ħsara għall-ġeneralità tas-setgħat mogħtija bid-disposizzjonijiet ta' qabel ta' dan l-artikolu, kull regolamenti magħmula kif intqal qabel jistgħu jipprovdu dwar il-ħwejjeg kollha li ġejjin jew dwar uħud minnhom, jiġifieri —

(a) biex ikun hemm ħtieġa ta', u jiġi regolat l-użu mill-kolletturi ta' distintivi preskritti u ċertifikati ta' awtorità preskritti, u l-ħruġ, kustodja, produzzjoni u ritorn tagħhom, u b'mod partikolari biex jeħtieġu lill-kolletturi li fuq talba ta' uffiċjal tal-pulizija jew minn min joqgħod f'dar li fiha ssir żjara li jipproduċu ċ-ċertifikati ta' awtorità tagħhom;

(b) biex ikun hemm il-ħtieġa li ċ-ċertifikati ta' awtorità preskritti tal-kolletturi jiġu awtentikati b'mod approvat mill-Kummissarju u li d-distintivi preskritti tagħhom ikollhom imdaħħal fihom jew imwaħħal magħhom b'dak il-mod u f'dik il-forma hekk approvata indikazzjoni ġenerali ta' l-ġhan tal-ġabra;

(ċ) biex jipprojbixxu persuni taħt età preskritta milli jagħmluha, u oħrajn milli jqabbdhom jagħmluha, ta' kolletturi;

(d) biex ma jiġux imdejja min joqgħod fi djar li fihom isiru żjajar mill-kolletturi jew persuni f'xi triq jew post pubbliku ieħor;

(e) biex jeħtieġu li tagħrif preskritt dwar kull haġa li għandha x'taqsam mal-ġabra jingħata, fil-każ ta' ġbir bil-liċenza lill-Kummissarju, u fil-każ ta' ġbir li dwaru jkun sar ordni taħt l-artikolu 4 ta' dan l-Att lill-Ministru, u biex jeħtieġu li t-tagħrif mogħti jiġu pruvati u awtentikati b'dak il-mod li jista' jiġi preskritt.

(3) Kull persuna li tikser jew tonqos li tħares xi waħda mid-disposizzjonijiet ta' regolament magħmul taħt dan l-Att tkun ħatja ta' reat.

Użu mhux awtorizzat ta' distintivi, eċċ.

8. Jekk xi persuna, dwar appell li hi tagħmel lill-pubbliku flimkien ma' rappreżentazzjoni li l-appell ikun għal ġhan ta' karità, turi jew tuża —

(a) distintiv preskritt jew ċertifikat ta' awtorità preskritt, li ma jkunx distintiv jew ċertifikat li għal dak iż-żmien ikun miżmum minnu għall-ġhanijiet ta' l-appell skond regolamenti magħmula taħt dan l-Att; jew

(b) xi distintiv jew mezz jew xi ċertifikat jew dokument ieħor li jkun hekk jixbah distintiv preskritt jew, skond il-każ, ċertifikat ta' awtorità preskritt li jkun meqjus li jqarraq,

tkun ħatja ta' reat.

9. Uffiċjal tal-pulizija jista' jeħtieġ lil kull persuna li jaħseb li tkun qed tagħmilha ta' kollettur għall-finijiet ta' gabra biex tiddikjaralu minnufih isimha u l-indirizz tagħha u li tiffirmalu isimha, u jekk persuna tonqos li tħares ħtieġa li ssirilha taħt dan l-artikolu, tkun ħatja ta' reat. Kollettur jagħti ismu eċċ. lil pulizija fuq talba.

10. (1) Kull promotur ħati ta' reat taħt is-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att jeħel meta jinsab ħati prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn ħames mitt lira, jew dik il-multa u prigunerija flimkien. Pieni.

(2) Kull kollettur ħati ta' reat taħt is-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att jeħel meta jinsab ħati l-ewwel darba multa ta' mhux iżjed minn għoxrin lira u fil-każ li jinsab ħati t-tieni darba jew drabi oħra prigunerija għal żmien ta' mhux iżjed minn tliet xhur jew multa ta' mhux iżjed minn mitejn lira, jew dik il-prigunerija u multa flimkien.

(3) Kull promotur ħati ta' reat taħt is-subartikolu (3) ta' l-artikolu 6 ta' dan l-Att jeħel, meta jinsab ħati l-ewwel darba multa ta' mhux iżjed minn mitejn lira u fil-każ li jinsab ħati t-tieni darba jew drabi oħra, prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn ħames mitt lira jew dik il-prigunerija u multa flimkien.

(4) Kull persuna ħatja ta' reat taħt is-subartikolu (3) ta' l-artikolu 7 ta' dan l-Att teħel, meta tinsab ħatja, multa ta' mhux iżjed minn ħamsin lira.

(5) Kull persuna ħatja ta' reat taħt l-artikolu 8 ta' dan l-Att teħel, meta tinsab ħatja, prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn ħames mitt lira, jew dik il-prigunerija u multa flimkien.

(6) Persuna ħatja ta' reat taħt l-artikolu 9 ta' dan l-Att teħel, meta tinsab ħatja, multa ta' mhux iżjed minn għoxrin lira.

(7) Jekk xi persuna fil-waqt li tkun qed tagħti tagħrif jew tiċċertifika xi haġa għall-finijiet ta' dan l-Att xjentement jew bi tras-kuraġni tagħmel dikjarazzjoni falza f'xi haġa materjali, tkun ħatja ta' reat u teħel, meta tinsab ħatja, prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn ħames mitt lira, jew dik il-prigunerija u multa flimkien.

S K E D I

L-Ewwel Skeda

Artikolu 5(1)

Applikazzjoni għal Liċenza

1. Ismijiet u indirizzi ta' l-applikanti (1)
- (2)
- (3)
2. Isem u indirizz tas-socjetà, kumitat jew korp ieħor li jorganizza l-gabra jew li xort'oħra jkun responsabbli għaliha
3. Għan tal-gabra
4. Partikolaritajiet tal-benefiċjarji mill-gabra, magħduda —
 - (a) ismijiet ta' Karitajiet, Fondi, eċċ. li huma maħsuba li jib-benefikaw mill-gabra
 - (b) l-indirizzi tagħhom
 - (ċ) l-għanijiet tagħhom
 - (d) l-isem u l-indirizz tas-Segretarju jew ta' Uffiċjal responsabbli ieħor
5. Data jew dati li matulhom hemm il-ħsieb li ssir il-gabra
6. Lokalità fejn hemm il-ħsieb li ssir il-gabra
7. Mod tal-gbir, u jekk ikunu se jinbiegħu *badges* kampjun jew deskrizzjoni tagħhom
8. Kif se jitqassam id-dħul, b'mod partikolari dwar spejjeż, rimunerazzjonijiet jew għanijiet oħra, fejn tingħata stima tagħhom
9. Data ta' l-applikazzjoni
10. Firma ta' l-applikanti (1)
- (2)
- (3)

It-Tieni Skeda

Artikolu 6(1) (b)

Dikjarazzjoni ta' Kontijiet

ghall-finijiet ta' l-artikolu 6 ta' l-Att ta' l-1979 dwar il-Gbir Pubbliku

1. Isem il-promotur
2. Data tal-liċenza taht l-Att
3. *Dħul mill-Gabra* *Ammont*
 - (a) Skond il-lista ta' kolletturi u l-ammonti rispettivi hawn annessi
 - (b) Minn għejjun oħra (aġti l-għejjun)
 - (c) Donazzjonijiet, skond il-lista hawn annessa
4. *Spejjeż* *Ammont*
 - (a) Stampar u *stationery*
 - (b) Pustaġġ
 - (c) Reklami
 - (d) *Badges* jew emblemi oħra
 - (e) Rimunerazzjonijiet
 - (f) spejjeż oħra
5. *Tqassim tal-bilanċ*
(Aġti partikolaritajiet magħduda isem il-benefiċjarji u ammonti)

Benefiċjarji	Ammont
.....
.....
.....
6. Data tad-Dikjarazzjoni
7. Firma tal-promoturi (i.e. firma ta' kull (1)
wieħed mill-applikanti għal-liċenza)
(2)
(3)

8. Certifikat ta' korrettezza minn uditur kwalifikat kif imiss kif u jekk meħtieġ bl-artikolu 6(2) ta' l-Att.

Isem l-uditur

Kwalifika

Indirizz

Certifikat

.....

Data

Firma

Mghoddi mill-Kamra tad-Deputati fis-Seduta Numru 269 tal-11 ta' April, 1979.



Skrivan tal-Kamra tad-Deputati



Speaker



I assent.

Antonio Gualberto
President

17 April, 1979

ACT No. XVIII of 1979

AN ACT to make provision with respect to public collections for charitable and other purposes and to provide for 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 Public Collections Act, 1979.

(2) This Act shall come into force on such date as the Minister responsible for the Police may by order in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

Interpretation.

2. (1) In this Act, unless the context otherwise requires —

“charitable purpose” means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any other law and, without prejudice to the generality of the aforesaid, includes in particular:

- (a) the relief of poverty;
- (b) the advancement of cultural and physical education;
- (c) the advancement of religion;
- (d) the commemoration of historical events and personalities;
- (e) other purposes beneficial to the community.

“collection” means an appeal to the public, or to a part or section of the public, whether by means of visits from house to house, or by any overt act in a street or other public place, or by means of any advertisement, or in any other manner whatsoever, to give, whether for consideration or not, money or other property, but does not include —

(a) the selling of articles in any street or other public place when the articles are sold in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable or similar purpose;

(b) collections made in a church in the ordinary course for the upkeep, embellishment or improvement thereof or for services held therein;

(c) collections made or organized by a *bona fide* political party for its own use;

"collector" in relation to a collection, means the person who makes the appeal in the course of visits from house to house, or in a street or other public place, and includes a person indicated for the collection of proceeds or who in fact receives any such proceeds;

"the Commissioner" means the Commissioner of Police and includes any person authorised by the said Commissioner in that behalf;

"house" includes a place of business;

"licence" means a licence under this Act;

"Minister" means the Minister responsible for the Police; and includes any person authorized by the said Minister in that behalf;

"prescribed" means prescribed by regulations under this Act;

"proceeds" in relation to a collection, means all money and other property given, whether for consideration or not, in response to the appeal made;

"promoter" in relation to a collection, means a person who causes others to act, whether for remuneration or otherwise, as collectors for the purposes of the collection, and includes each of the individuals signing an application for a licence;

"public place" means any street and any other place to which the public is admitted or has access, and, without prejudice to the generality of the aforesaid, includes any church, any government department and any place of public entertainment;

"street" means any street, road, alley, square, fortification or other place of public passage, and any open air precinct to which the public is admitted or has access.

(2) For the purposes of this Act, a collection shall be deemed to be made for a particular purpose where the appeal is made in association with a representation that the money or other property appealed for, or part thereof, will be applied for that purpose.

3. (1) Subject to the provisions of this Act, no collection shall be made unless the requirements of this Act as to a licence for the promotion thereof are satisfied.

Collections
to be
licensed.

(2) If a person promotes a collection and a collection is made pursuant to his promotion, then, unless there is in force, in respect of the locality in which the collection is made and throughout the period during which it is so made, a licence authorising him, or authorising another under whose authority he acts, to promote a

collection in the locality and for the purpose for which the collection is made, such person shall be guilty of an offence.

(3) If a person acts as a collector for the purposes of a collection, then, unless there is in force, in respect of the locality in which and at all times when he so acts, a licence authorising a promoter under whose authority he acts, or authorising the collector himself, to promote a collection in the locality and for the purpose for which the collection is made, such person shall be guilty of an offence.

Exemption.

4. (1) Where the Minister is satisfied that a person pursues a charitable purpose in Malta and is desirous of promoting collections for that purpose, the Minister may by order direct that he shall be exempt from the requirement of a licence as respects all collections for that purpose in such localities as may be prescribed in the order, and whilst an order so made is in force as respects collections in any locality, the provisions of this Act shall have effect in relation to the person exempted, to any promoter of a collection in that locality for that purpose who acts under the authority of the person exempted, and to a person who so acts as a collector for the purposes of any such collection, as if a licence authorising the person exempted to promote a collection in that locality for that purpose had been in force.

(2) Any order made under this section may at any time be revoked or varied by a subsequent order made by the Minister.

Licences.

5. (1) Where a person who is promoting, or proposes to promote, a collection in any locality for a purpose for which a licence may be granted makes to the Commissioner of Police an application in the form set out in the First Schedule to this Act specifying the purpose of the collection, the locality (if limited to a locality) within which the collection is to be made and the other matters indicated in the said Schedule as required, and furnishes him with any other relevant information he may require, the Commissioner shall, subject to the following provisions of this section, grant to him a licence authorising him to promote a collection within the locality and for the purpose indicated in the licence, and subject to such other conditions as may be contained in the licence.

(2) No licence shall be granted except for a charitable purpose or for a purpose approved by the Minister, and no licence shall be granted unless the application therefor is signed by at least three individuals.

(3) A licence shall be granted for such period, not being longer than twelve months, as may be specified in the licence, and shall, unless it is previously revoked, remain in force for the period so specified.

(4) The Commissioner may refuse to grant a licence, or, when a licence has been granted, may revoke it, if it appears to him —

(a) that the total amount likely to be applied as a result of the collection (including any amount already so applied) for the purposes for which the licence is to be, or has been, granted is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);

(b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;

(c) that the grant of a licence would be likely to facilitate the commission of an offence under paragraph (w) or (wa) of section 352 of the Criminal Code, or that an offence under those provisions has been committed in connection with the collection; Cap. 12

(d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence;

(e) that the applicant or the holder of the licence has committed an offence against this Act or against any regulations made thereunder;

(f) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons to secure compliance on the part of persons so authorised with the provisions of this Act and of regulations made thereunder, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or

(g) that the applicant or holder of the licence has refused or neglected to furnish to the Commissioner such information as he may have reasonably required for the purpose of informing himself as to any of the matters specified in the foregoing paragraphs of this subsection.

(5) When the Commissioner refuses to grant a licence or revokes a licence which has been granted, he shall give written notice to the applicant or holder of the licence giving reasons for the refusal or revocation and informing him of his right of appeal under this section; and the applicant or holder of the licence may thereupon appeal to the Minister against the refusal or revocation of the licence, as the case may be, and the decision of the Minister shall be final.

(6) The time within which any such appeal may be brought shall be fourteen days from the date on which notice is given under subsection (5) of this section.

(7) If the Minister decides that the appeal shall be allowed, the Commissioner shall forthwith issue a licence or cancel the revocation, as the case may be, in accordance with the decision of the Minister.

6. (1) Without prejudice to any other requirements of any regulations made under this Act, the promoter of any collection shall —

Information
with respect to
proceeds,
expenses, etc.

(a) within one month after the last day of the collection or the day on which the licence expires, whichever is the earlier, publish in any two local newspapers a statement made in all respects as required by this section and showing:

(i) the name of the promoter;

(ii) the purpose of the collection and the names of the intended beneficiaries therefrom;

(iii) the total proceeds of the collection;

(iv) the total amount of the expenses incurred; and

(b) within five weeks from either of the days aforesaid, whichever is the earlier, deliver to the Commissioner a statement made in the form set out in the Second Schedule to this Act and otherwise in all respects as required by this Act and containing the information therein indicated as required, certi-

fied as correct by the promoter or, when the promoter is a body of persons, by an individual acting in the name and on behalf of the promoter, together with newspaper cuttings showing that the publication required by paragraph (a) of this subsection has been effected.

(2) Where the total proceeds of a collection exceeds five hundred pounds the statements required to be published or delivered under subsection (1) of this section shall be certified as correct and signed by a duly qualified auditor who has had no connection with the collection.

(3) Any promoter who fails to comply with any of the foregoing provisions of this section shall be guilty of an offence.

Regulations.

7. (1) The Minister may make regulations for prescribing anything which by this Act is required or authorised to be prescribed, for regulating the manner in which collections, in respect of which licences have been granted or orders have been made under section 4 of this Act, may be carried out and the conduct of promoters and collectors in relation to such collections.

(2) The Minister may also, by regulations made under subsection (1) of this section, amend the Schedules to this Act and, without prejudice to the generality of the powers conferred by the foregoing provisions of this section, any regulations made as aforesaid may make provision for all or any of the following matters, that is to say —

(a) for requiring and regulating the use by collectors of prescribed badges and prescribed certificates of authority, and the issue, custody, production and return thereof, and in particular for requiring collectors on demand by a police officer or by any occupant of a house visited to produce their certificates of authority;

(b) for requiring that the prescribed certificates of authority of the collectors shall be authenticated in a manner approved by the Commissioner and that their prescribed badges shall have inserted therein or annexed thereto in a manner and form so approved a general indication of the purpose of the collection;

(c) for prohibiting persons below a prescribed age from acting, and others from causing them to act, as collectors;

(d) for preventing annoyance to occupants of houses visited by collectors or to persons in any street or other public place;

(e) for requiring prescribed information with respect to any matter connected with the collection to be furnished, in the case of licenced collections to the Commissioner, and in the case of collections in respect of which an order has been made under section 4 of this Act to the Minister, and for requiring the information given to be vouched and authenticated in such manner as may be prescribed.

(3) Any person who contravenes or fails to comply with any of the provisions of a regulation made under this Act shall be guilty of an offence.

Unauthorised
use of badges
etc.

8. If any person, in connection with an appeal made by him to the public in association with a representation that the appeal is for a charitable purpose, displays or uses —

(a) a prescribed badge or a prescribed certificate of authority, not being a badge or certificate for the time being held by him for the purposes of the appeal pursuant to regulations made under this Act; or

(b) any badge or device or any certificate or other document so nearly resembling a prescribed badge or, as the case may be, a prescribed certificate of authority as to be calculated to deceive,

shall be guilty of an offence.

9. A police officer may require any person whom he believes to be acting as a collector for the purposes of a collection to declare to him immediately his name and address and to sign his name, and if a person fails to comply with a requirement duly made to him under this section, he shall be guilty of an offence.

Collector
to give name
etc. to police
on demand.

10. (1) Any promoter guilty of an offence under subsection (2) of section 3 of this Act shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding five hundred pounds, or to both such imprisonment and fine.

Penalties.

(2) Any collector guilty of an offence under subsection (3) of section 3 of this Act shall be liable on conviction, in the case of a first conviction to a fine (*multa*) not exceeding twenty pounds and in the case of a second or subsequent conviction to imprisonment for a term not exceeding three months or to a fine (*multa*) not exceeding two hundred pounds, or to both such imprisonment and fine.

(3) Any promoter guilty of an offence under subsection (3) of section 6 of this Act shall be liable on conviction, in the case of a first conviction to a fine (*multa*) not exceeding two hundred pounds and in the case of a second or subsequent conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding five hundred pounds or to both such imprisonment and fine.

(4) Any person guilty of an offence under subsection (3) of section 7 of this Act shall be liable on conviction to a fine (*multa*) not exceeding fifty pounds.

(5) Any person guilty of an offence under section 8 of this Act shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding five hundred pounds, or to both such imprisonment and fine.

(6) A person guilty of an offence under section 9 of this Act shall be liable on conviction to a fine (*multa*) not exceeding twenty pounds.

(7) If any person in furnishing any information or certifying any matter for the purposes of this Act knowingly or recklessly makes a statement false in a material particular, he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding five hundred pounds, or to both such imprisonment and fine.

SCHEDULES

First Schedule

Section 5(1)

Application for a licence

1. Names and addresses of applicants (1)
- (2)
- (3)
2. Name and address of society, committee or other body organizing or otherwise responsible for the collection
3. Purpose of the collection
4. Particulars of the beneficiaries of the collection, including —
 - (a) names of Charities, Funds, etc. expected to benefit from the collection
 - (b) their addresses
 - (c) their objects
 - (d) the name and address of their Secretary or other responsible official
5. Date or dates of duration of proposed collection
6. Locality of proposed collection
7. Method of collection, and if by sale of badges a sample or description thereof
8. Disposal of proceeds, in particular any disposal for expenses, remunerations or other purposes, giving estimated amounts thereof
9. Date of application
10. Signature of applicants (1)
- (2)
- (3)

Second Schedule

Section 6(1) (b)

Statement of Account
for the purposes of section 6 of the Public Collections Act, 1979

1. Name of promoter
2. Date of licence under the Act
3. *Proceeds of Collection* *Amount*
 - (a) As per list of collectors and respective amounts attached hereto
 - (b) From other sources (indicating the sources)
 - (c) Donations, as in list attached hereto
4. *Expenses* *Amount*
 - (a) Printing and stationery
 - (b) Postage
 - (c) Advertising
 - (d) Badges or other emblems
 - (e) Remunerations
 - (f) other expenditure
5. *Disposal of Balance*
(Give particulars including name of beneficiaries and amounts)

<i>Beneficiaries</i>	<i>Amount</i>
.....
.....
.....
6. Date of Statement
7. Signature of promoters (i.e. signature of each of the applicants for the licence)
 - (1)
 - (2)
 - (3)

8. Certificate of correctness by a duly qualified auditor as and if required by section 6(2) of the Act.

Name of auditor

Qualification

Address

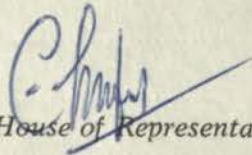
Certification

.....

Date

Signature

Passed by the House of Representatives at Sitting No. 269 of the 11th April, 1979.



Clerk to the House of Representatives



Speaker