

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 12,614, 23 ta' Novembru, 1971
Taqsimha C

Nru. 17

23. 11. 71

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Nutar Dott. J. Abela, LL.D., M.P., Ministru tal-Finanzi u Dwana u mqri għall-Ewwel darba fis-Seduta tat-22 ta' Novembru, 1971.

ATT biex ikompli jemenda l-Ordinanza dwar il-Haddiema d-Deheb u l-Haddiema l-Fidda (Argentiera), Kap. 74.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Not. Dr J. Abela, LL.D., M.P., Minister of Finance and Customs and read the First time at the Sitting of the 22nd November, 1971.

AN ACT further to amend the Goldsmiths and Silversmiths Ordinance, Cap. 74.

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Ordinanza dwar il-Ħaddiema d-Deheb u l-Ħaddiema l-Fidda (Argentiera), Kap. 74.

IL-MAESTA' Tagħha r-Regina, bil-parir u l-kunsens tal-Kamra tad-Deputati ta' Malta, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, ħarġet b'liġi dan li ġej:—

Titolu fil-qosor
u bidu fis-seħh.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1971 li jemenda l-Ordinanza dwar il-Ħaddiema d-Deheb u l-Ħaddiema l-Fidda (Argentiera), u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Ħaddiema d-Deheb u l-Ħaddiema l-Fidda (Argentiera), hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

(2) L-artikoli 5, 6 u 7 ta' dan l-Att għandhom jibdew isehħu fil-gurnata li tiġi minnufih wara d-data tal-pubblikazzjoni tiegħu fil-Gazzetta tal-Gvern, fil-waqt li l-artikoli 2, 3 u 4 għandhom jibdew isehħu f'dik id-data li tista' tiġi stabbilita mill-Ministru responsabbli għall-finanzi b'avviż fil-Gazzetta tal-Gvern, u l-Ministru jista' jistabbilixxi dati differenti relativament għal disposizzjonijiet differenti.

Emenda ta'
l-artikolu 2
tal-liġi prinċipali.

2. Minflok is-subartikolu (1) ta' l-artikolu 2 tal-liġi prinċipali għandu jidhol dan li ġej:—

"(1) (a) Ebda oġġett tad-deheb jew tal-fidda ma jista' jinbiegħ, jitpartat, jew xort'oħra jiġi trasferit jew innegozjat jekk dak l-oġġett ma' jkunx imbullat bil-boll xieraq tal-Gvern skond id-disposizzjonijiet ta' dan is-subartikolu.

(b) Ebda oġġett tad-deheb jew tal-fidda mportat kummerċjalment ma jista' jinbiegħ, jitpartat jew xort'oħra innegozjat, u lanqas ma għandu xi oġġett tali jiġi mehlius mill-Kontrollur tad-Dwana, qabel ma jkun imbollat b'boll xieraq tal-Gvern li juri —

- (i) l-origini tiegħu ta' barra minn Malta;
 (ii) it-titlu tad-deheb jew tal-fidda wżat fil-manifattura tiegħu."

3. Minflok l-artikolu 4 tal-liġi prinċipali għandu jidhol dan li ġej:—

Tqeghid ta' artikolu iehor minflok l-artikolu 4 tal-liġi prinċipali.

"4. Għax-xogħlijiet tad-deheb huma magħrufa hames titoli ta' 22, 18, 15, 12 u 9 karati rispettivament, u għax-xogħlijiet tal-fidda tliet titli ta' 959, 925 u 800 milleżmi rispettivament."

4. L-artikolu 9 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

Emenda ta' l-artikolu 9 tal-liġi prinċipali.

(a) fis-subartikolu (3) tiegħu, minnufih wara l-kliem "tikketta li turi li huwa manifatturat barra" għandhom jiżdiedu l-kliem "u t-titlu tad-deheb jew tal-fidda wżat fil-manifattura", u

(b) fis-subartikolu (5) tiegħu, minnufih wara l-kliem "ta' manifattura lokali" għandhom jiżdiedu l-kliem "jew importati kummerċjalment".

5. Fl-artikolu 11 tal-liġi prinċipali, minflok il-kliem "ta' l-oġġetti ta' gjojellerija ta' manifattura lokali" għandhom jidhru l-kliem "ta' l-oġġetti ta' gjojellerija ta' manifattura lokali u ta' l-oġġetti ta' gjojellerija mportati kummerċjalment".

Emenda ta' l-artikolu 11 tal-liġi prinċipali.

6. Minnufih wara l-artikolu 13 tal-liġi prinċipali għandu jidhol l-artikolu ġdid li ġej:—

Dhul ta' artikolu ġdid 13A fil-liġi prinċipali.

"Prospetti lill-Kummissarju tat-Taxxi Interni.

13A. (1) Il-Kummissarju tat-Taxxi Interni jista', f'kull żmien b'avviż bil-miktub, jitlob lil kull persuna li tinnegozja f'oġġetti tad-deheb u/jew tal-fidda prospett li juri d-dettalji murija fl-avviż dwar il-kwantitajiet ta' kull oġġetti bħal dawk li persuna tali jkollha f'kull data speċifikata fl-avviż.

(2) L-avviż imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu jippreskrivi ż-żmien, li ma għandu f'ebda każ ikun inqas minn sitt ijiem minn meta jiġi rċevut l-avviż, li fih il-prospett għandu jintbagħat lill-imsemmi Kummissarju."

7. Minflok l-artikolu 18 tal-liġi prinċipali għandu jidhol dan li ġej:—

Sostituzzjoni ta' l-artikolu 18 tal-liġi prinċipali.

"Reati minn għaqda ta' persuni.

18. Meta reat isir minn għaqda ta' persuni, kull persuna li, fiż-żmien ta' l-egħmil tar-reat, kienet direttur, *manager*, segretarju jew uffiċjal iehor simili ta' dik l-għaqda ta' persuni jew kienet tidher li qed taġixxi, f'xi kariga bħal dawk tkun hatja ta' dak ir-reat kemm-il-darba ma tippruvax li r-reat kien sar mingħajr it-tagħrif tagħha u li eżerċitat id-diligenza xierqa kollha biex ma jsirx ir-reat.

Tifsir.

19. F'din l-Ordinanza, u f'kull regolamenti magħmula bis-saħħa tagħha, —

"għaqda ta' persuni" tfisser kull kumpannija jew soċjetà ta' persuni, sew korporata sew mhux korporata, sew jekk ikollha personalità ġuridika sew jekk le;

“Konslu” tfisser il-Konslu tad-Deheb u tal-Fidda u tinkludi kull uffċjal pubbliku li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jawtorizza biex jagħmel id-dmirijiet ta' Konslu;

“persuna” tinkludi għaqda ta' persuni.”

Għanijiet u Ragunijiet

Il-Għan ta' dan l-Abbozz huwa li jobbliga l-assaġġ u l-markar ta' kwalunkwe oġġetti tad-deheb u tal-fidda mportati kummerċjalment u li jneħhi tolleranzi. L-Abbozz jipprovdi wkoll għar-responsabbiltà ta' ċerti uffċjali meta reat kontra d-disposizzjonijiet ta' l-Ordinanza dwar il-Ħaddiema d-Deheb u l-Ħaddiema l-Fidda (Argentiera) jkun sar minn għaqda ta' persuni.

L-Abbozz fih ukoll xi emendi żgħar oħra.

A BILL
entitled

AN ACT further to amend the Goldsmiths and Silversmiths Ordinance, Cap. 74.

BE IT ENACTED by Her Majesty the Queen, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Goldsmiths and Silversmiths (Amendment) Act, 1971, and shall be read and construed as one with the Goldsmiths and Silversmiths Ordinance, hereinafter referred to as “the principal law”.

Short title and commencement.

(2) Sections 5, 6 and 7 of this Act shall come into force on the day next following the date of its publication in the Government Gazette, while sections 2, 3 and 4 shall come into force on such date as may be fixed by the Minister responsible for finance by notice in the Government Gazette and the Minister may fix different dates in respect of different provisions.

2. For subsection (1) of section 2 of the principal law there shall be substituted the following:—

Amendment of section 2 of the principal law.

“(1) (a) No gold or silver article shall be sold, exchanged, or otherwise transferred or dealt with unless such article is marked with the appropriate Government stamp in accordance with the provisions of this subsection.

(b) No commercially imported gold or silver article shall be sold, exchanged or otherwise dealt with in the course of trade, nor shall any such article be released by the Comptroller of Customs, prior to it being marked by appropriate Government stamps showing —

- (i) its foreign origin;
- (ii) the standard of fineness of the gold or silver used in its manufacture."

Substitution of section 4 of the principal law.

3. For section 4 of the principal law there shall be substituted the following:—

"4. Five standards of 22, 18, 15, 12 and 9 carats respectively shall be the recognised standards for works of gold, and three standards of 959, 925 and 800 millims respectively shall be the recognised standards for works of silver."

Amendment of section 9 of the principal law.

4. Section 9 of the principal law shall be amended as follows:—

(a) in subsection (3) thereof, immediately after the words "a label indicating its foreign manufacture" there shall be added the words "and the fineness of gold or silver used in its manufacture", and

(b) in subsection (5) thereof, immediately after the words "manufactured locally" there shall be added the words "or commercially imported".

Amendment of section 11 of the principal law.

5. In section 11 of the principal law, for the words "for locally manufactured jewellery" there shall be substituted the words "for locally manufactured and for commercially imported jewellery".

Insertion of new section 13A in the principal law.

6. Immediately after section 13 of the principal law there shall be inserted the following new section:—

"Returns to Commissioner of Inland Revenue.

13A. (1) The Commissioner of Inland Revenue may, at any time by notice in writing, require from any person who deals in gold and/or silver articles a return showing the details set out in the notice regarding the stocks of any such articles held by such a person on any date specified in the notice.

(2) The notice referred to in subsection (1) of this section shall prescribe the time limit, which shall in no case be less than six days from the receipt of such notice, within which the return is to be submitted to the said Commissioner."

Substitution of section 18 of the principal law.

7. For section 18 of the principal law there shall be substituted the following:—

"Offences by body of persons.

18. Where an offence is committed by a body of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body of persons or was purporting to act in any such capacity shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

Interpretation.

19. In this Ordinance, and in any regulations made thereunder, —

“body of persons” means any company or society of persons, whether corporate or unincorporate, whether vested with legal personality or not;

“Consul” means the Consul for Goldsmiths and Silversmiths and includes any public officer whom the Minister responsible for finance may from time to time authorise to carry out the duties of Consul;

“person” includes a body of persons.”

Objects and Reasons

The object of this Bill is to make compulsory the assaying and hallmarking of all commercially imported gold and silver articles and to abolish tolerance. It also seeks to provide for the responsibility of certain officials when an offence against the provisions of the Goldsmiths and Silversmiths Ordinance is committed by a body of persons.

The Bill contains also some other minor amendments.