

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI  
President

23 ta' Diċembru, 2005

**ATT Nru. XXI ta' l-2005**

*Att biex jemenda l-Att dwar il-Liċenzi tal-Kummerċ, Kap. 441 u biex jagħmel emendi konsegwenzjali għal dan.*

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:-

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2005 li jemenda l-Att dwar il-Liċenzi tal-Kummerċ, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar il-Liċenzi tal-Kummerċ, hawn iżjed 'il quddiem f'dan l-Att imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 441.

**2.** Fl-artikolu 2 ta' l-Att prinċipali, minflok it-tifsira "fiera kummerċjali" għandha tidhol din it-tifsira li ġejja:-

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

““fiera kummerċjali” tfisser kull attività kummerċjali li tinkludi l-esibizzjoni ta' oġġetti jew il-bejgħ ta' oġġetti bl-immnut;”.

**3.** L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

(a) fis-subartikolu (3), minflok il-kliem “dawk ir-reġistri” għandhom jidhlu l-kliem “dawk ir-reġistri, *records* jew *databases*”;  
u

(b) fis-subartikolu (4), minflok il-kliem “ma' awtoritajiet ohra” għandhom jidhlu l-kliem “ma' kull awtorità jew entità ohra”.

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

**4.** L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem “mill-Ministru.” għandhom jidhlu l-kliem “mill-Ministru:” u minnufih wara għandu jidhol dan il-proviso ġej:

“Izda meta l-President ma jkunx il-kap ta' l-awtorità regolarorja, għandu jkun hemm membru addizzjonali fil-Kumitat li jista' jkun jew il-kap ta' l-awtorità regolatorja nnifsu jew persuna msemmija minnu għal dak l-ghan.”;

(b) fil-paragrafu (a) tas-subartikolu (3), minflok il-kliem “tas-settur kummerċjali” għandhom jidhlu l-kliem “tas-settur kummerċjali; li jiġu sostitwiti skond ma jkun hemm bżonn fid-dmirijiet tagħhom minn tliet membri sostituti appuntati mill-Ministru speċifikament għal dak l-ghan.”; u

(ċ) minflok is-subartikolu (5), għandu jidhol dan li ġej:-

“(5) (a) Għall-finijiet tas-subartikolu (4), il-Ministru għandu, f'konsultazzjoni mas-settur kummerċjali partikolari, jahtar lista ta' persuni li fil-fehma tiegħu jkunu l-aktar rappreżentattivi ta' l-interessi tad-diversi setturi kummerċjali.

(b) Il-Ministru għandu ta' kull sena jippubblika lista ta' persuni appuntati biex jirrappreżentaw settur kummerċjali partikolari għal dik is-sena partikolari.”.

Emenda ta' l-artikolu 6 ta' l-Att prinċipali.

**5.** L-artikolu 6 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem “mill-inqas darba fix-xahar” għandhom jidhlu l-kliem “kull meta jkun hemm bżonn” u minflok il-kliem “tliet membri” għandhom jidhlu l-kliem “żewġ membri”; u

(b) minflok is-subartikolu (3), għandu jidhol dan is-subartikolu li ġej:-

“(3) Meta l-Kumitat jitlob parir skond dan il-Att, il-konklużjonijiet li jipprezenta lill-Ministru għandhom ikunu jirriflettu l-opinjoni kollha tar-rappreżentanti kif dawn jiġu espressi fil-Kumitat.”.

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

**6.** Fl-artikolu 7(2) ta' l-Att prinċipali l-paragrafu (e) għandu jiġi enumerat mill-ġdid bħala l-paragrafu (f) u minnufih wara l-paragrafu (d) tiegħu għandu jidher dan il-paragrafu (e) ġdid li ġej:-

“(e) jissorvelja l-amministrazzjoni tad-disposizzjonijiet ta’ dan il-Att u jirrapporta dwarhom kif ikun hemm bżonn lill-Ministru u lill-awtorità regolatorja;”.

7. Fil-paragrafu (b) tas-subartikolu (4) ta’ l-artikolu 9 ta’ l-Att prinċipali, minnufih wara l-kliem “lill-awtorità regolatorja rilevanti” ghandhom jidhlu l-kliem “jew lill-kunsill lokali skond il-każ li jkun.”.

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

8. Minflok l-artikolu 13 ta’ l-Att prinċipali, ghandu jidhol dan l-artikolu li ġej:-

Sostituzzjoni ta’  
l-artikolu 13 ta’  
l-Att prinċipali.

“ 13. (1) Bla hsara ghad-disposizzjonijiet ta’ l-artikolu 4, hadd ma jista’ jiftah jew jiġġestixxi xi post kummerċjali kemm-il darba ma jkunx id-detentur ta’ liċenza dwar dak il-fond mill-awtorità regolatorja.

(2) Hadd ma jista’ jorganizza jew jiġġestixxi fiera kummerċjali kemm minn xi post kemm minn xi triq minghajr ma jkollu l-liċenza ta’ l-awtorità regolatorja:

Izda ghall-finijiet ta’ dan is-subartikolu “post” tinkludi kull spazju maghluq jew kull mkien iehor, li ma jkunx post kummerċjali, sew mobbli sew immobbli.”.

9. L-artikolu 14 ta’ l-Att prinċipali, ghandu jiġi emendat kif ġej:-

Emenda ta’  
l-artikolu 14 ta’  
l-Att prinċipali.

(a) minflok il-paragrafu (a) tas-subartikolu (2), ghandu jidhol dan li ġej:-

“(2)(a) Id-disposizzjonijiet tas-subartikolu (1) ma jkununx japplikaw meta persuna jew grupp ta’ mhux aktar minn sitt persuni, f’xi triq, idoqqu xi strument, mużikali jew xort’ohra juru t-talent artistiku tagħhom u jiġbru l-flus li jinghataw bhala donazzjonijiet volontarji minn persuni li jkunu għaddejjin u jieqfu biex jaraw il-wirja li tkun qed tinghata, imma ghandhom japplikaw meta persuna, f’xi triq, taghmel xoghol fuq il-post u tbiegh ix-xoghol ta’ arti minn fuq il-post.”;

(b) fil-paragrafu (b) tas-subartikolu (2), minnufih wara l-kelma “tipproduċi” ghandhom jidhlu l-kliem “fuq il-post”; u

(ċ) fis-subartikolu (3), minflok il-kliem “l-artikoli 38, 40 u 41” ghandhom jidhlu l-kliem “l-artikolu 41”.

Sostituzzjoni tat-  
testatura tat-  
Taqsimha IV.

**10.** Minnufih wara l-artikolu 16 ta' l-Att prinċipali, minflok it-testatura "Taqsimha IV – Registrazzjoni ta' Attivitajiet u Postijiet Kummerċjali", għandha tidhol it-testatura li ġejja:

**"Taqsimha IV – Registrazzjoni ta' Attivitajiet Kummerċjali li ma jiġux ġestiti minn xi Post".**

Emenda ta'  
l-artikolu 20 ta'  
l-Att prinċipali.

**11.** Minflok is-subartikolu (2) ta' l-artikolu 20 ta' l-Att prinċipali, għandu jidhol dan li ġejj:-

"(2) Salvi d-disposizzjonijiet tas-subartikolu (1) Kunsill Lokali ma għandu, minghajr il-kunsens ta' l-awtorità regolatorja, johroġ ebda permess għal xi attività li fiha jsir il-bejgħ bl-implant u, jew il-provvista ta' oġġetti jew servizzi b'donazzjoni, sew b'karità jew xort'ohra."

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 335 tas-7 ta' Diċembru, 2005.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

EDWARD FENECH ADAMI  
President

23rd December, 2005

**ACT No. XXI of 2005**

*AN ACT to amend the Trading Licences Act, Cap. 441 and to make consequential amendments 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:-

**1.** The short title of this Act is the Trading Licences (Amendment) Act, 2005 and it shall be read and construed as one with the Trading Licences Act, hereinafter in the Act referred to as “the principal Act”. Short title.  
Cap. 441.

**2.** In article 2 of the principal Act, for the definition for “commercial fair” there shall be substituted the following definition:- Amendment of  
article 2 of the  
principal Act.

“ “commercial fair” means any commercial activity, which includes the exhibition of goods or the sale by retail of goods;”.

**3.** Article 3 of the principal Act shall be amended as follows: Amendment of  
article 3 of the  
principal Act.

(a) in subarticle (3) thereof, for the words “such registers” there shall be substituted the words “such registers, records or databases”; and

(b) in subarticle (4) thereof, for the words “any other authority” there shall be substituted the words “any other authority, entity”.

**4.** Article 5 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof, for the words “by the Minister.” there shall be substituted the words “by the Minister:” and immediately thereafter there shall be inserted the following proviso:

“Provided that where the Chairperson is not the head of the regulatory authority, there shall be an additional member to the said Committee who will be either the head of the regulatory authority himself or a person designated by him for such purpose.”;

(b) in paragraph (a) of subarticle (3) thereof, for the words “commercial sector” there shall be substituted the words “commercial sector, who will be substituted as may be necessary in their duties by three other substitute members appointed by the Minister specifically for that purpose”; and

(c) for subarticle (5) thereof, there shall be substituted the following:-

“(5) (a) For the purposes of subarticle (4) the Minister shall, in consultation with the particular commercial sector, appoint a panel of persons who in his opinion best represent the interests of the various commercial sectors.

(b) The Minister shall on a yearly basis publish a list of persons appointed to represent a particular commercial sector for that particular year.”.

**5.** Article 6 of the principal Act shall be amended as follows:-

(a) in subarticle (1) thereof, for the words “at least once a month” there shall be substituted the words “as necessary” and for the words “three members” there shall be substituted the words “two members”; and

(b) for subarticle (3) thereof, there shall be substituted the following:-

“(3) Where advice is requested by the Committee in accordance with this Act, its conclusions to the Minister shall reflect all the opinions of the representatives as expressed in the Committee.”.

**6.** In article 7(2) of the principal Act paragraph (e) shall be renumbered as paragraph (f) and immediately after paragraph (d) thereof there shall be added the following new paragraph (e):

Amendment of article 7 of the principal Act.

“(e) monitor the administration of the provisions of this Act and report thereon as necessary to the Minister and to the regulatory authority;”.

**7.** In paragraph (b) of subarticle (4) of article 9 of the principal Act, immediately after the words “regulatory authority” there shall be added the words “or the local council as the case may be”.

Amendment of article 9 of the principal Act.

**8.** For article 13 of the principal Act, there shall be substituted the following:-

Substitution of article 13 of the principal Act.

“ 13. (1) Subject to the provisions of article 4, it shall not be lawful for any person to open or keep any commercial premises unless he holds in respect of such premises a licence from the regulatory authority.

(2) It shall not be lawful for any person to organize and hold a commercial fair from any premises or any street without the licence from the regulatory authority:

Provided that for the purposes of this sub-article “premises” includes any enclosed area or any other venue, not being a commercial premises whether it is movable or immovable.”.

**9.** Article 14 of the principal Act, shall be amended as follows:

Amendment of article 14 of the principal Act.

(a) for paragraph (a) of subarticle (2), there shall be substituted the following:-

“(2)(a) The provisions of subarticle (1) shall not apply when a person or a group of not more than six persons, in any street, play any musical instrument or otherwise display their artistic talent and collect money in the form of voluntary donations from passers-by who stop to watch the performance, but shall apply when a person, in any street, produces on site and sells a work of art on site.”;

(b) in paragraph (b) of subarticle (2) thereof, immediately after the word “produces” there shall be inserted the words “on site”; and

(c) in subarticle (3) thereof, for the words “articles 38, 40 and 41” there shall be substituted the words “article 41”.

Substitution of heading of Part IV.

**10.** Immediately after article 16 of the principal Act, for the heading “Part IV – Registration of Commercial Activities and Premises”, there shall be substituted the following:-

**“Part IV – Registration of Non-Premises Based Commercial Activities”.**

Amendment of article 20 of the principal Act.

**11.** For subarticle (2) of article 20 of the principal Act there shall be substituted the following subarticle:-

“(2) Saving the provisions of subarticle (1), a Local Council shall not issue a permit for any activity where the sale by retail, and or the provision of goods and services against a donation is involved, being charitable or otherwise, without the consent of the regulatory authority.”.

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Passed by the House of Representatives at Sitting No. 335 of 7th December, 2005.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*