

**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT biex jemenda l-Att dwar l-Affarijiet tal-Konsumatur, Kap. 378 u biex iħassar l-Att dwar Deskrizzjonijiet Kummerċjali, Kap. 313.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġejj:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2013 li jemenda l-Att dwar l-Affarijiet tal-Konsumatur, u dan l-Att għandu jinqara u jiftiehem haġa waħda mal-Att dwar l-Affarijiet tal-Konsumatur, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor.  
Kap. 378.
2. Fl-artikolu 51A tal-Att prinċipali, minnufih qabel it-tifsira "kodiċi ta' kondotta" għandha tidhol it-tifsira ġdida li ġejja: Emenda tal-artikolu 51A tal-Att prinċipali.

" "kummerċjant" tfisser kwalunkwe persuna fiżika jew ġuridika li, fi prattiċi kummerċjali koperti minn dan it-Titolu, taġixxi għal skopijiet marbuta mal-kummerċ, negozju, sengħa jew professjoni tagħha u kull min jaġixxi f'isem jew fl-interessi ta' kummerċjant;"
3. Fis-subartikolu (4) tal-artikolu 51D tal-Att prinċipali, minflok il-kliem "stabbiliti mill-liġi" għandhom jidhlu l-kliem "stabbiliti mil-liġi tal-Unjoni Ewropea". Emenda tal-artikolu 51D tal-Att prinċipali.
4. L-artikoli 52A u 53 tal-Att prinċipali għandhom jithassru. Thassir tal-artikoli 52A u 53 tal-Att prinċipali.
5. Fl-artikolu 55 tal-Att prinċipali, minflok il-kliem "fil-Kodiċi tal-Kummerċ u fl-Att dwar Deskrizzjonijiet Kummerċjali." għandhom jidhlu l-kliem "fil-Kodiċi tal-Kummerċ". Emenda tal-artikolu 55 tal-Att prinċipali.

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Emenda tal-artikolu 107B tal-Att prinċipali.

6. Fl-artikolu 107B tal-Att prinċipali l-kliem "skema ta' *chain letter* skont l-artikolu 52A u" għandhom jiġihassru.

Emenda tal-artikolu 111 tal-Att prinċipali.

7. Fl-artikolu 111 tal-Att prinċipali l-kliem "l-Att dwar Deskrizzjonijiet Kummerċjali u" għandhom jiġihassru.

Emenda tat-Tieni Skeda li tinsab mal-Att prinċipali.

8. Il-paragrafu 2 tat-Tieni Skeda li tinsab mal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fl-intestatura tiegħu, minflok il-kliem "l-artikoli 51F, 52A u 53" għandhom jidhlu l-kliem "l-artikolu 51F"; u

(b) minflok il-kliem "taħt l-artikoli 51F, 52A and 53" għandhom jidhlu l-kliem "taħt l-artikolu 51F".

Thassir konsegwenzjali tal-Att dwar Deskrizzjonijiet Kummerċjali. Kap. 313.

9. (1) L-Att dwar Deskrizzjonijiet Kummerċjali huwa b'dan imħassar.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), l-Att dwar Deskrizzjonijiet Kummerċjali għandu jibqa' fis-seħh għall-finijiet ta' kull proċedura li giet meħuda fir-rigward ta' ksur tal-imsemmi Att fil-perjodu qabel id-dhul fis-seħh ta' dan l-artikolu.

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### Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu li jemenda l-Att dwar l-Affarijiet tal-Konsumatur u jhassar l-Att dwar Deskrizzjonijiet Kummerċjali sabiex it-traspożizzjoni tad-Direttiva dwar Prattiċi Kummerċjali Żleali (2005/29/KE) tkun kompletament konformi mal-istess Direttiva.

**A BILL  
entitled**

*AN ACT to amend the Consumer Affairs Act, Cap. 378, and to repeal the Trade Descriptions Act, Cap. 313.*

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 Consumer Affairs (Amendment) Act, 2013, and this Act shall be read and construed as one with the Consumer Affairs Act, hereinafter referred to as "the principal Act". Short title.  
Cap. 378.
2. In article 51A of the principal Act, immediately before the definition "transactional decision", there shall be added the following new definition: Amendment of  
article 51A of  
the principal  
Act.

"trader" means any natural person or any legal person who, in commercial practices covered by this Title, is acting for purposes relating to his trade, business, craft or profession and includes anyone acting in the name or on behalf of a trader;"
3. In subarticle (4) of article 51D of the principal Act, for the words "established by law" there shall be substituted the words "established by European Union law". Amendment of  
article 51D of  
the principal  
Act.
4. Articles 52A and 53 of the principal Act shall be deleted. Deletion of  
articles 52A and  
53 of the  
principal Act.
5. In article 55 of the principal Act for the words "in the Commercial Code and the Trade Descriptions Act." there shall be substituted the words "in the Commercial Code.". Amendment of  
article 55 of the  
principal Act.

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Amendment of article 107B of the principal Act.

**6.** In article 107B of the principal Act the words "a chain letter scheme in terms of article 52A and" shall be deleted.

Amendment of article 111 of the principal Act.

**7.** In article 111 of the principal Act the words "the Trade Descriptions Act and" shall be deleted.

Amendment of the Second Schedule to the principal Act.

**8.** Paragraph 2 of the Second Schedule to the principal Act shall be amended as follows:

(a) in the heading thereof, for the words "articles 51F, 52A and 53" there shall be substituted the words "article 51F"; and

(b) for the words "under articles 51F, 52A and 53" there shall be substituted the words "under article 51F".

Consequential repeal of the Trade Descriptions Act. Cap. 313.

**9.** (1) The Trade Descriptions Act is hereby repealed.

(2) Notwithstanding the provisions of sub-article (1), the Trade Descriptions Act shall remain in force for the purpose of any proceedings taken in respect of any breach of the said Act at the time prior to the coming into force of this article.

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### **Object and Reasons**

The object of this Bill is to amend the Consumer Affairs Act and to repeal the Trade Descriptions Act so that the transposition of the Unfair Commercial Practices Directive (2005/29/EC) is completely in line with the same Directive.