

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,677, 11 ta' November, 2016*  
*Taqsim A*

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MALTA

**ATT Nru XLIX tal-2016**

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

**ACT No. XLIX of 2016**

AN ACT enacted by the Parliament of Malta.

**ATT biex ikompli jemenda l-Att dwar il-Bank Ċentrali ta' Malta, Kap. 204.**

**AN ACT further to amend the Central Bank of Malta Act, Cap. 204.**



Nagħti l-kunsens tiegħi.

(L.S.)

**DOLORES CRISTINA**  
**Agent President**

11 ta' Novembru, 2016

**ATT Nru XLIX tal-2016**

*ATT biex ikompli jemenda l-Att dwar il-Bank Ċentrali ta' Malta, Kap. 204.*

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 li jemenda l-Att dwar il-Bank Ċentrali ta' Malta (Emenda Nru 2). Titolu fil-qosor.  
Kap. 204.

**TAQSIMA I**

**Emendi għall-Att dwar il-Bank Ċentrali ta' Malta**

2. Din it-Taqsima temenda l-Att dwar il-Bank Ċentrali ta' Malta u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Bank Ċentrali ta' Malta, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali" Emendi għall-  
Att dwar il-  
Bank Ċentrali  
ta' Malta

3. Fil-paragrafu (a) tal-artikolu 35 tal-Att prinċipali, minflok il-kliem "xi direttiva maħruġa taħt l-artikoli 34(5) jew 34A;" għandhom jidhlu l-kliem "xi direttiva maħruġa taħt l-artikoli 17A, 34(5) jew 34A;". Emenda tal-  
artikolu 35 tal-  
Att prinċipali.

4. L-artikoli 45, 46, 47, 48, 49, 52, 53 u 55 tal-Att prinċipali għandhom jiġu mhassra. Thassir tal-  
artikoli 45, 46,  
47, 48, 49, 52,  
53 u 55 tal-Att  
prinċipali.

5. L-artikolu 50 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-  
artikolu 50 tal-  
Att prinċipali.

- (a) is-subartikolu (4) tiegħu għandu jiġi mhassar; u

A 1640

(b) is-subartikolu (5) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (4).

Emenda tal-artikolu 56 tal-Att prinċipali.

**6.** Fil-paragrafu (a) tal-artikolu 56 tal-Att prinċipali, minflok il-kliem "f'xi direttiva maħruġa taħt l-artikoli 34(5), 34A(1), 43A, 50A jew 60A;" għandhom jidhru l-kliem "f'xi direttiva maħruġa taħt l-artikoli 17A, 34(5), 34A(1), 50A jew 60A;".

## TAQSIMA II

### Emendi konsegwenzjali għall-Kodiċi Kriminali

Emendi konsegwenzjali għall-Kodiċi Kriminali. Kap. 9.

**7.** Din it-Taqsima temenda l-Kodiċi Kriminali, u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi"

Emenda għall-artikolu 5 tal-Kodiċi Kriminali. Kap. 9.

**8.** Is-subartikolu (1) tal-artikolu 5 tal-Kodiċi Kriminali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (d) tiegħu, minnufih wara l-kliem "jew tar-reati msemmija fl-artikoli 133, 139A," għandhom jizjed l-kliem "jew tar-reati msemmija fl-artikoli 188B, 188C, 188D,"; u

(b) minnufih wara s-subparagrafu (ii) tal-paragrafu (e) tiegħu, għandu jizjed dan li ġej:

"(iii) ikun ikkommetta xi reat taħt l-artikoli 188B sa 188D,".

Żjieda ta' Sub-titolu III ġdid fit-Titolu V ta' Tieni Parti tal-Kodiċi Kriminali. Kap. 9.

**9.** Minnufih wara l-artikolu 188 tal-Kodiċi Kriminali għandu jizjed is-Sub-titolu ġdid li ġej:

### "Sub-titolu III

#### DWAR IL-FALSIFIKAZZJONI TA' FLUS

Referenza għal flus.

188A. Għall-finijiet tad-dispożizzjonijiet li ġejjin ta' dan is-Sub-titolu, kull referenza għal "flus" hija referenza għall-karti tal-flus euro jew muniti euro jew kull biljett ieħor jew munita oħra tal-flus, imsejjaħ b'isem ikun li jkun, li jkun jew tkun valuta legali fil-pajjiż barra minn Malta fejn ikun gie maħruġ jew tkun giet maħruġa u li hu maħsub jew hi maħsuba għaċ-ċirkolazzjoni bħala valuta legali wkoll jekk ikun għadu ma ġiex maħruġ jew tkun għadha ma ġietx maħruġa.

Falsifikazzjoni u tqeghid fiċ-ċirkolazzjoni ta' flejjes.

188B. (1) Kull min b'qerq jagħmel, jibdel jew jiffalsifika xi flus jew iqieghed fiċ-ċirkolazzjoni xi flus falsifikati li jkun jaf li huma falsifikati jehel, meta jinsab ħati, prigunerija għal żmien ta' mhux anqas minn sentejn u mhux iżjed minn disa' snin:

Iżda meta l-flus falsifikati jitqieghdu fiċ-ċirkolazzjoni minn persuna li tagħti prova li fiż-żmien li fih gēw f'idejha jew fil-pussess tagħha ma kenitx taf li kienu flus falsifikati, il-piena tiġi ridotta għal żmien ta' prigunerija għal mhux anqas minn xahrejn u mhux iżjed minn tliet snin.

(2) Kull min jagħmel użu minn xi faċilitajiet jew materjal legali biex jimmanifattura xi flus bi ksur tad-drittijiet u l-kondizzjonijiet li taħthom għandhom jintużaw dawk il-faċilitajiet jew dak il-materjal jehel, meta jinsab ħati, prigunerija għal żmien mhux inqas minn sentejn u mhux iżjed minn għaxar snin.

Importazzjoni, esportazzjoni, trasport u pussess ta' flus falsifikati.

188Ċ. Kull min mingħajr awtorità legali jimporta, jesporta, jittrasporta, jixtri, jirċievi, jikseb jew ikollu taħt il-kustodja jew pussess tiegħu flus falsifikati li jkun jaf li l-istess ikunu falsifikati jehel, meta jinsab ħati, prigunerija għal żmien ta' mhux anqas minn tlettax-il xahar u mhux iżjed minn ħames snin.

Ghemil, aċċettazzjoni, kisba jew pussess ta' karta jew għodod għal falsifikazzjoni.

188D. Kull min mingħajr awtorità legali -

(a) jagħmel, jirċievi, jikseb, juża, jew xjentement ikollu fil-kustodja jew pussess tiegħu, xi karta maħsuba biex tixbah u biex tgħaddi bħala karta speċjali bħal dik provduta u uzata għall-għemil ta' xi biljett tal-flus, jew xi karta speċjali bħal dik imsemmija;

(b) jagħmel, jirċievi, jikseb, juża, jew xjentement ikollu fil-kustodja jew pussess tiegħu, xi tilar, forma jew strument biex jagħmel dik il-karta, jew biex jipproduċi f'dik jew fuq dik il-karta xi kliem, figuri, ittri, marki, linji, jew disinji, partikolari għal u uzati f'xi karta bħal dik imsemmija jew fuqha;

(ċ) jagħmel inċizjoni jew b'xi mod ieħor jagħmel fuq pjanċa, injam, ġebbla jew materjal ieħor, jew jipproduċi f'forma elettronika jew digitali xi kliem, figuri, ittri, marki, linji, jew disinji, li l-istampar tagħhom jixbah għal kollox jew f'parti l-kliem, figuri, ittri, marki, linji, jew disinji, partikolari għal u uzati f'xi flus jew fuqhom;

A 1642

(d) jagħmel, jirċievi, jikseb, juża jew xjentement ikollu fil-kustodja jew pussess tiegħu xi pjanċa, injam, ġebbla, jew materjal ieħor, jew xi apparat ieħor ta' ħzin elettroniku jew diġitali li fuqhom xi kliem, ittri, figuri, marki, linji, jew disinji, ikunu ġew inċizi, prodotti jew maħżunin f'forma elettronika jew diġitali, jew b'xi mod ieħor magħmula kif intqal qabel;

(e) jagħmel, jirċievi, jikseb, juża jew xjentement ikollu fil-kustodja jew pussess tiegħu xi karta jew kwalunkwe materjal ieħor li fuqu xi kliem, figuri, ittri, marki, linji, disinji, ologrammi jew komponenti oħra jew dettalji ta' sigurtà li huma maħsuba għal kontra l-falsifikazzjoni li jkun għew stampati jew b'xi mod ieħor magħmula kif intqal qabel;

(f) jagħmel, jirċievi, jikseb, juża jew xjentement ikollu fil-kustodja jew pussess tiegħu strumenti, oġġetti, programmi tal-kompjuter u *data*, u mezzi oħra speċifikament adattati għall-falsifikazzjoni jew tibdil ta' flus;

(g) jagħmel, jirċievi, jikseb, juża jew xjentement ikollu fil-kustodja jew pussess tiegħu xi konna jew strument ieħor jew makna esklużivament maħsuba għall-għemil ta' muniti, jeħel, meta jinsab ħati, prigunerija għal żmien ta' mhux anqas minn tlettax-il xahar u mhux iżjed minn ħames snin.

Mutilazzjoni u sfigurazzjoni ta' flus.

188E. Kull min mingħajr awtorità legali jew skuża legittima jew raġonevoli jimmutila, jaqta', iqatta', idewweb, iħassar jew jipperfora b'toqob, xi flus jew b'xi mod jisfigura xi flus b'kitba, stampar, tpingija, jew b'xi mezz ieħor li jkun jew b'timbrar fuqhom jew billi jwaħħal jew iżid magħhom xi haġa ta' natura jew forma ta' reklam, jeħel, meta jinsab ħati, multa ta' mhux iżjed minn mija u ħmistax-il euro (€115).

Konsultazzjoni mal-Bank Ċentrali ta' Malta.

188F. Jekk, waqt proċeduri kriminali, il qorti tqis il-ħtieġa li tordna l-qerda ta' flus falsifikati, hija għandha qabel tikkonsulta mal-Bank Ċentrali ta' Malta u għandha, jekk u skont ma jista' jkun jeħtieġ il-Bank Ċentrali ta' Malta, tieqaf milli tordna l-qerda tagħhom u tghaddi biex tikkonsenja dawk il-flus lill-Bank Ċentrali ta' Malta biex jinflew minnu.

Midalji u  
*tokens* li jixbhu  
l-muniti euro.

188G. (1) F'konformità mad-dispożizzjonijiet tar-Regolament tal-Kunsill (KE) Nru 2182/2004 dwar midalji u *tokens* li jixbhu l-muniti euro, u kif sussegwentement emendat, kull min, hlief jekk dan ikollu l-awtorità tal-Kummissjoni tal-Unjoni Ewropea, jipproduċi, ibiġh, jimporta jew iqassam għal skopijiet ta' bejgħ jew għal skopijiet kummerċjali oħra midalji u *tokens*, għajr midalji jew *tokens* eżenti, kif previst fir-Regolament imsemmi, li jixbhu l-muniti euro, ikun ħati ta' reat u jehel, meta jinsab ħati, multa ta' mhux aktar minn tlieta u għoxrin elf euro (€23,000), jew priġunerija għal żmien mhux iżjed minn sitt xhur, jew dik il-multa u priġunerija flimkien.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ma japplikawx għal midalji u *tokens* li jkunu ħarġu qabel is-6 ta' Diċembru 2004.

Responsabbiltà  
ta' persuni  
ġuridiċi.

188H. Id-dispożizzjonijiet tal-artikoli 121D u 248E(4) għandhom japplikaw *mutatis mutandis* għal reati taħt l-artikoli 188B sa 188D."

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 447 tat-2 ta' Novembru, 2016.

ANGLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

A 1644

I assent.

(L.S.)

**DOLORES CRISTINA**  
**Acting President**

11th November, 2016

**ACT No. XLIX of 2016**

*AN ACT further to amend the Central Bank of Malta Act, Cap. 204.*

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.  
Cap. 204.

**1.** The short title of this Act is the Central Bank of Malta (Amendment No. 2) Act, 2016.

**PART I**

**Amendments to the Central Bank of Malta Act**

Amendments to  
the Central  
Bank of Malta  
Act

**2.** This Part amends the Central Bank of Malta Act and it shall be read and construed as one with the Central Bank of Malta Act, hereinafter referred to as "the principal Act".

Amendment to  
article 35 of the  
principal Act.

**3.** In paragraph (a) of article 35 of the principal Act, for the words "any directives issued under articles 34(5) or 34A;" there shall be substituted the words "any directives issued under articles 17A, 34(5) or 34A;".

Deletion of  
articles 45, 46,  
47, 48, 49, 52,  
53 and 55 of the  
principal Act.

**4.** Articles 45, 46, 47, 48, 49, 52, 53 and 55 of the principal Act shall be deleted.

Amendment of  
article 50 of the  
principal Act.

**5.** Article 50 of the principal Act shall be amended as follows:

- (a) sub-article (4) thereof shall be deleted; and
- (b) sub-article (5) thereof shall be renumbered as sub-



article (4).

6. In paragraph (a) of article 56 of the principal Act, for the words "any directives issued under articles 34(5), 34A(1), 43A, 50A or 60A;" there shall be substituted the words "any directives issued under articles 17A, 34(5), 34A(1), 50A or 60A;".

Amendment of article 56 of the principal Act.

## PART II

### Consequential Amendments to the Criminal Code

7. This part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter referred to as "Code".

Consequential Amendments to the Criminal Code

8. Sub-article (1) of article 5 of the Criminal Code shall be amended as follows:

Amendment to article 5 of the Criminal Code. Cap. 9.

(a) in paragraph (d) thereof, immediately after the words "or of the offences mentioned in articles 133, 139A," there shall be added the words "or of the offences mentioned in articles 188B, 188C, 188D,"; and

(b) immediately after sub-paragraph (ii) of paragraph (e) thereof, there shall be added the following:

"(iii) shall have committed any of the offences under articles 188B to 188D,".

9. Immediately after article 188 of the Criminal Code, there shall be added the following new Sub-title:

Addition of new Sub-title III to Title V of Part II of the Criminal Code. Cap. 9.

#### "Sub-title III OF COUNTERFEITING OF CURRENCY

Reference to currency.

188A. For the purposes of the following provisions of this Sub-title, any reference to the term "currency" shall be a reference to euro banknotes or euro coins or any other note or coin by whatever name called, which is legal tender in the country outside Malta in which it is issued and which is designated for circulation as legal tender, even if it has not been issued yet.

A 1646

Forgery and  
uttering of  
currency.

188B. (1) Whosoever fraudulently makes, alters, or forges any currency or utters any forged currency knowing the same to be forged shall be liable, on conviction, to imprisonment for a term of not less than two years and not exceeding nine years:

Provided that where the forged currency is uttered by a person who proves that at the time at which it came into his custody or possession he did not know the same to be forged, the punishment shall be reduced to a term of imprisonment of not less than two months and not exceeding three years.

(2) Whosoever makes use of legal facilities or materials to manufacture any currency in violation of the rights and conditions under which such facilities or materials are to be used shall be liable, on conviction, to imprisonment for a term of not less than two years and not exceeding ten years.

Import,  
export,  
transportation  
and  
possession of  
forged  
currency.

188C. Whosoever without lawful authority imports, exports, transports, purchases, receives, obtains, or has in his custody or possession forged currency knowing the same to be forged shall be liable, on conviction, to imprisonment for a term of not less than thirteen months and not exceeding five years.

Making,  
receiving,  
obtaining or  
having in  
possession  
paper or  
implements  
for forgery.

188D. Whosoever without lawful authority -

(a) makes, receives, obtains, uses or knowingly has in his custody or possession, any paper intended to resemble and pass as special paper such as is provided and used for the making of any currency note, or any such special paper;

(b) makes, receives, obtains, uses or knowingly has in his custody or possession, any frame, mould or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices, peculiar to and used in or on any such paper;

(c) engraves or in any way makes upon any plate, wood, stone, or other material, or produces in electronic or digital form, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part the words, figures, letters, marks, lines or devices, peculiar to and used in or on any currency;

(d) makes, receives, obtains, uses or knowingly has in his custody or possession any plate, wood, stone or other material, or any other electronic or digital storage device upon which any such words, letters, figures, marks, lines, or devices, have been engraved, produced or stored in electronic or digital form, or in any way made as aforesaid;

(e) makes, receives, obtains, uses or knowingly has in his custody or possession any paper or other material whatsoever made upon which any such words, figures, letters, marks, lines, devices, holograms or other components or security features which serve to protect against counterfeiting, have been printed or in any way made as aforesaid;

(f) makes, receives, obtains, uses or knowingly has in his custody or possession instruments, articles, computer programmes and data, and any other means specifically adapted for the counterfeiting or altering of currency;

(g) makes, receives, obtains, uses or knowingly has in his custody or possession any die or other instrument or machine exclusively intended for coinage, shall be liable, on conviction, to imprisonment for a term of not less than thirteen months and not exceeding five years.

Mutilation  
and  
defacement of  
currency.

188E. Whosoever without lawful authority or lawful or reasonable excuse mutilates, cuts, tears, melts down, impairs, or perforates with holes, any currency or in any way defaces any currency by writing, printing, drawing, or by any means whatsoever, or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement, shall be liable, on conviction, to a fine (*multa*) not exceeding one hundred and fifteen euro (€115).

Consultation  
with the  
Central Bank  
of Malta.

188F. If, in the course of criminal proceedings, the court deems it necessary to order the destruction of counterfeit currency, it shall consult with the Central Bank of Malta beforehand and shall, if and as the Central Bank of Malta may require, refrain from ordering their destruction and proceed to consign such currency to the Central Bank of Malta for examination.

A 1648

Medals and  
tokens similar  
to euro coins.

188G. (1) In accordance with the provisions of Council Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins, and as subsequently amended, whosoever, unless authorised by the Commission of the European Union, produces, sells, imports or distributes for sale or for other commercial purposes medals and tokens, other than exempted medals and tokens as provided in the said Regulation, similar to euro coins, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding twenty-three thousand euro (€23,000), or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) The provisions of sub-article (1) shall not apply to medals and tokens issued before 6 December 2004.

Liability of  
legal persons.

188H. The provisions of articles 121D and 248E(4) shall apply *mutatis mutandis* to offences under articles 188B to 188D."

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Passed by the House of Representatives at Sitting No. 447 of the 2nd November, 2016.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

