CHAPTER 145

DONATED SUPPLIES (PROHIBITION OF SALE) ACT

To provide for the prohibition of trading in supplies received in Malta for free distribution to indigent families.

20th December, 1955

ACT XLIV of 1955, as amended by Emergency Ordinance XIV of 1958; Ordinances XVII of 1961 and XXV of 1962; Acts XXXI of 1966, XI of 1977 and XIII of 1983; and Legal Notice 409 of 2007.

Short title.

1. The short title of this Act is the Donated Supplies (Prohibition of Sale) Act.

Prohibitions. *Amended by: XXXI. 1966; XIII. 1983.5; L.N. 409 of 2007.*

2. (1) Any person who, for the purposes of trade or business, buys or otherwise acquires, sells or keeps or exposes for sale, or disposes of any supplies or goods received in Malta by the Government of Malta or any other authority or person from any country abroad for free distribution to indigent or deserving people, shall be guilty of an offence and shall be liable on first conviction thereof, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) and, on a second or subsequent conviction, to imprisonment for a term of not less than three months but not exceeding twelve months, and, in either case, the supplies or goods to which the offence relates shall be forfeited.

(2) If the person convicted of an offence under subarticle (1) is a trader, all his trading licences shall be suspended for a time of not less than one month and not more than six months.

Presumptions. *Amended by: XIV.1958; XVII.1961.5; XXV.1962.2; XXXI. 1966.*

3. For the purposes of article 2 -

(*a*) any trader who has any such supplies or goods as therein mentioned or containers thereof in his shop or place of business shall, unless he produces written authority to that effect from the Minister responsible for the Department of Social Services, be deemed to have acquired those supplies or goods for the purposes of trade or business and to be keeping the same for sale for those purposes;

(*b*) any trader who has any such supplies or goods as aforesaid in any premises under his control other than his shop or place of business shall be deemed to be keeping the same for sale for the purposes of trade or business, unless he proves that he acquired the same as a recipient on a free distribution made to indigent or deserving people;

(*c*) any person who disposes of any such supplies or goods as aforesaid in favour of a trader otherwise than by

way of his entitlement in a free distribution to indigent or deserving people shall be deemed to have disposed of such supplies or goods for purposes of trade or business;

(*d*) any person having any quantities of such supplies or goods as aforesaid for free distribution to indigent or deserving people or for the use of the inmates of any institution who disposes of any such supplies or goods otherwise than for that purpose for valuable consideration shall be deemed to have disposed of such supplies or goods for purposes of trade or business.

Non-applicability of Probation Act. *Substituted by: XI .1977.2.* Cap. 446.

4. The provisions of articles 7 and 22 of the Probation Act, shall not apply in respect of offences under this Act.