CHAPTER 182

TRADING STAMPS SCHEMES (RESTRICTION) ACT

To provide for the restricted use of trading stamps schemes and other matters incidental thereto.

(18th December, 1964)*

ACT XXIII of 1964, as amended by Acts XIII of 1983 and VIII of 1990; and Legal Notice 410 of 2007.

Short title.

1. The short title of this Act is the Trading Stamps Schemes (Restriction) Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

"association of persons" includes any company, partnership or body of persons, whether corporate or unincorporate and whether vested with legal personality or not;

"exempted person" means any promoter or operator of a trading stamps scheme to whom the provisions of this Act do not apply under article 6(1);

"gift" means a gift in cash or in kind and includes any valuable advantage and any prize the giving of which depends upon the outcome of a future uncertain event or of a combination of future events;

"goods" means anything which is the subject of trade;

"importer" includes an agent having the exclusive representation of a foreign firm for the sale or distribution in Malta of the goods of that firm or of a local firm for the sale or distribution in Malta of the goods manufactured by such local firm, and "to import" shall be construed accordingly;

"manufacturer" includes the producer, and "to manufacture" shall be construed accordingly;

"person" includes an association of persons;

"seller" means the transferor or assignor of goods against the payment of any consideration whether in cash or in kind and includes any party to the exchange of goods and "to sell" shall be construed accordingly;

"trading stamp" means any stamp, coupon, voucher, token, label, wrapper or similar device which is or is intended to be delivered to any person upon or in connection with the purchase by that person of any goods and is or is intended to be redeemable in specified quantities by that or some other person against the receipt of a gift;

"trading stamps scheme" means any scheme, plan, promise, offer,

**See* article 1(2) as originally enacted, which subarticle has been omitted under the Statute Law Revision Act, 1980, and Government Notice No. 670 of the 18th of December, 1964.

obligation or similar arrangement or undertaking by which the purchasers of specified goods or from specified sellers would be entitled to receive gifts as an inducement for the purchase of such specified goods or from such specified sellers against the delivery of and in exchange for trading stamps.

Prohibition to promote, operate, or advertise trading stamps schemes.

3. (1) No person shall promote or operate or in any way and to whatever extent assist or take part in the promotion of a trading stamps scheme.

(2) No person shall issue, distribute, give or sell or shall in any way be concerned in the issue, distribution, giving or sale of trading stamps for the purpose of a trading stamps scheme.

(3) No person shall in any manner whatsoever advertise or cause to be advertised or assist in the advertising of a trading stamps scheme.

Penalties.
Amended by: XIII. 1983.5; VIII. 1990.3; L.N. 410 of 2007.

4. Any person who contravenes any of the provisions of this Act shall be guilty of an offence and shall be liable on conviction by the Court of Magistrates to a fine (*multa*) of not less than twenty-three euro and twenty-nine cents (23.29) and not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) or to imprisonment for a term of not more than three months or to both such fine and imprisonment.

Offences by association of persons.

5. Where an offence against any of the provisions of this Act is committed by an association of persons, every person who, at the time of commission of the offence, was a director, manager, secretary or other similar officer of such association 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.

Exemption.

6. (1) The provisions of articles 3 and 4 shall not apply to the promotion or operation of a trading stamps scheme directly and exclusively by an importer, manufacturer or seller in relation to the goods imported, manufactured or sold by such importer, manufacturer or seller.

(2) For the purpose of subarticle (1) a trading stamps scheme shall not be deemed to have been promoted or operated directly and exclusively by an importer, manufacturer or seller as therein stated if such importer, manufacturer or seller makes use or in any manner avails himself of the activity or services of any person who organizes or promotes a joint trading stamps scheme for or on behalf of two or more exempted persons, or if two or more exempted persons operate jointly a trading stamps scheme.