*CHAPTER 248

PRESS ACT

To make provision, in place of the Press Ordinance, in respect of printed matters, and in respect of broadcasting.

23rd August, 1974

ACT XL of 1974, as amended by Acts LVIII and LIX of 1974; Legal Notice 148 of 1975; Acts XII and XVII of 1978, XIII of 1983, VIII of 1990, XII of 1991, X of 1996, XV of 2000 and XVI of 2006; Legal Notice 411 of 2007; Acts XVI of 2008 and VIII of 2012; and Legal Notice 426 of 2012.

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*Repealed by Act XI of 2018

PART I

PRELIMINARY

Short title.

1. The short title of this Act is the Press Act.

Interpretation.
Amended by: X.1996.2.

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

"broadcast" means the transmission by wire or over the air, including that by satellite, in encoded or unencoded form of words or of visual images, whether or not such words or images are in fact received by any person;

"editor" means the person responsible for the publication of any printed matter and in respect of a newspaper or broadcasting service includes any person complying with the provisions of article 35;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"newspaper" means any paper containing news, advertisements, intelligence, occurrences, or any comments or observations thereon, printed for sale or to be distributed free or in any other manner, and published daily or periodically;

"person" includes a body of persons, whether it has a distinct legal personality or not;

"printed matter" means any writing printed in typographical characters or by lithography or any similar device or process on paper or other substance, as well as any bill, placard or poster containing any sign or script written, printed, painted, embossed or in any other manner impressed, and includes any record, tape, film or other means whereby words or visual images may be heard, perceived or reproduced;

"publication" means any act whereby any printed matter is or may be communicated to or brought to the knowledge of any person or whereby any words or visual images are broadcast;

"publisher" means a person who owns an enterprise publishing a newspaper or who holds a broadcasting licence and includes any person who owns facilities for the production or reproduction of any printed matter;

"Registrar" means such person as the Prime Minister may, from time to time by notice in the Government Gazette, designate as Press Registrar for the purposes of this Act.

PART II

PRESS OFFENCES

Means whereby offences under this Act are committed.

3. The offences mentioned in this Part of this Act are committed by means of the publication or distribution in Malta of printed matter, from whatsoever place such matter may originate, or by means of any broadcast.

Incitement to take away life or liberty of President, etc.
Amended by: L.N. 148 of 1975; LVIII. 1974.68; XIII. 1983.5; L.N. 411 of 2007.

4. Whosoever, by any means mentioned in article 3, shall incite others to take away the life or the liberty of the President of Malta or of any Minister, shall for the mere incitement be liable on conviction to imprisonment for a term not exceeding nine years and to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

Imputation of ulterior motives to acts of President of Malta.
Amended by: L.N. 148 of 1975; LVIII. 1974.68; XIII. 1983.5; X. 1996.3; L.N. 411 of 2007.

5. (1) Whosoever, by any means mentioned in article 3, shall impute ulterior motives to the acts of the President of Malta, or shall insult, revile or bring into hatred or contempt or excite disaffection against, the person of the President of Malta, shall be liable on conviction to imprisonment for a term not exceeding three months and to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

Contempt towards the flag.

(2) Whosoever, by any means mentioned in article 3, shall insult or show contempt towards the National Flag of Malta shall be liable on conviction to imprisonment for a term not exceeding three months and to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

Racism and similar offences.
Added by: X.1996.3. Amended by: XV. 2000.18; VIII. 2012.8.
Cap. 413.

6. Whosoever, by any means mentioned in article 3, shall threaten, insult, or expose to hatred, persecution or contempt, a person or group of persons because of their gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion, disability as defined in article 2 of the Equal Opportunities (Persons with Disability) Act, shall be liable on conviction to imprisonment for a term not exceeding three months and to a fine (*multa*).

Obscene libel.

7. Whosoever, by any means mentioned in article 3, directly or indirectly, or by the use of equivocal expressions, shall injure public morals or decency shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine (*multa*) or to both such imprisonment and fine.

Divulging professional secrets.
Amended by: XIII. 1983.5; X.1996.4.

8. Whosoever, by any means mentioned in article 3, shall divulge any secret matter confided to him by reason of his profession or calling, shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine (*multa*) or to both such imprisonment and fine.

Malicious publication of false news.
Amended by: XVII.1978.2.

9. (1) Whosoever shall maliciously, by any means mentioned in article 3, spread false news which is likely to alarm public opinion, or disturb public good order or the public peace, or to create a commotion among the public or among certain classes of the public, shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine (*multa*) or to both such imprisonment and fine:

Provided that, if any disturbance ensues in consequence of the offence, or if the offence has contributed to the occurrence of any disturbance, the offender shall be liable to imprisonment for a term of not less than one month but not exceeding six months and to a fine (*multa*).

(2) For the purposes of this article, malice shall be presumed in default of evidence showing that, prior to publication, the accused

took reasonable measures to verify the truthfulness of the news.

Negligent publication of false news.

10. Whosoever, by any means mentioned in article 3, shall, through the omission of ordinary diligence, spread false news which is likely to alarm public opinion, or to disturb public good order or the public peace, shall be liable on conviction to a fine (*multa*).

Defamatory libel. *Amended by: XIII. 1983.5; X. 1996.5. Substituted by: XVI. 2006.31.*

11. Save as otherwise provided in this Act, whosoever shall, by any means mentioned in article 3, libel any person, shall be liable on conviction to a fine (*multa*).

Plea of justification. *Amended by: XIII. 1983.5; L.N. 411 of 2007.*

12. (1) In any action for a defamatory libel under article 11, the truth of the matters charged may be enquired into if the accused, in the preliminary stage of the proceedings, assumes full responsibility for the alleged libel and declares in his defence that he wishes to prove the truth of the facts attributed by him to the aggrieved party:

Provided that the truth of the matters charged may be enquired into only if the person aggrieved -

(*a*) is a public officer or servant and the facts attributed to him refer to the exercise of his functions; or

(*b*) is a candidate for a public office and the facts attributed to him refer to his honesty, ability or competency to fill that office; or

(*c*) habitually exercises a profession, an art or a trade, and the facts attributed to him refer to the exercise of such profession, art or trade; or

(*d*) takes an active part in politics and the facts attributed to him refer to his so taking part in politics; or

(*e*) occupies a position of trust in a matter of general public interest:

Provided further that the truth of the matters charged may not be enquired into if such matters refer to the domestic life of the aggrieved party.

(2) Where the truth of the matters charged is enquired into in accordance with the foregoing provisions of this article -

(*a*) if the truth of the matters charged is substantially proved, the defendant shall not be liable to punishment if the court is satisfied that the proof of the truth has been for the public benefit and he shall be entitled to recover from the complainant or plaintiff the costs sustained by him in any criminal or civil proceedings:

Provided that the proof of the truth of the matters charged shall not exempt the defendant from punishment for any insult, imputation or allegation which the court shall consider to have been unnecessary in attributing to the person aggrieved the facts the proof of the truth whereof shall have been

allowed;

(*b*) if the truth of the matters charged is not substantially proved, the accused shall be liable to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to both such imprisonment and fine.

Qualified privilege. *Added by: X.1996.6.*

12A. In proceedings instituted under this Act it shall be a defence for the editor or the publisher to prove that the information published consisted of an accurate report of a speech made at an important public event by an identified person who knew or could have reasonably known or expected that the content of that speech was to be published in a newspaper or in a broadcasting medium and that the publication of the said speech was reasonably justifiable in a democratic society.

Publication of matter with intent to extort money. *Amended by: XIII. 1983.5; L.N. 411 of 2007.*

13. Whosoever, by any means mentioned in article 3, publishes or threatens to publish any matter touching any other person with intent to extort money or money's worth or any other advantage, shall be liable on conviction to imprisonment for a term not exceeding two years and to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

Instigation to commit offence. *Amended by: XIII. 1983.5; X. 1996.7; L.N. 411 of 2007.*

14. Save as otherwise provided in this Act, whosoever shall, by any means mentioned in article 3, directly instigate the perpetration of an offence shall, for the mere fact of such instigation, be liable -

(*a*) to imprisonment for a term not exceeding eighteen months and to a fine (*multa*) in the case of an offence liable to a punishment higher than imprisonment for three years;

(*b*) to imprisonment for a term not exceeding six months and to a fine (*multa*) in the case of an offence liable to imprisonment for a term exceeding one year but not exceeding three years;

(*c*) to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87) or to detention in the case of any other offence.

Justification of crimes.

15. Whosoever, by any means mentioned in article 3, shall justify or excuse the perpetration of any crime shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine (*multa*).

Incitement to disobey the law.

16. Whosoever, by any means mentioned in article 3, shall directly incite any person to disobey the law shall, for the mere incitement, be liable on conviction to imprisonment for a term not exceeding six months.

Where instigation or incitement has produced effect.

17. Where the instigation or incitement by any means mentioned in article 3 to commit any offence has produced its effect, the persons responsible for the instigation or incitement shall be liable to the punishment established for the offence so committed diminished by one degree.

Importation of printed matter.

18. If any person imports into Malta any printed matter being a copy of any matter which has previously been knowingly sent for publication abroad and in respect of which, if it had been published in Malta, such person would have been guilty of an offence under this Part, such person shall be liable to punishment as if the publication had taken place in Malta.

Sale of incriminated publications.

19. Any person who knowingly sells or offers for sale or distributes or imports for sale or distribution any printed matter whereby any offence against this Act is committed shall be deemed to be an accomplice and shall be liable to the same punishment as the principal offender.

Publication of judgment in case of conviction under article 11.
Amended by: XIII. 1983.5; X. 1996.8; L.N. 411 of 2007.

20. (1) In the case of a conviction under article 11, and if so requested by the injured party, the court shall in the judgment order, in the case of a newspaper that in a subsequent issue thereof not later than the next but one, and in the case of a broadcasting medium that on the day immediately following that on which judgment is given, the judgment itself or a comprehensive summary thereof be published or broadcast, as the case may require, in the same language in which the offence was committed, free of charge; and if at the time of the judgment or immediately thereafter the newspaper has ceased publication or the broadcasting medium has ceased to operate, or in the case of any other printed matter, the court shall, in the judgment or in a subsequent order, order that such summary be published or broadcast at the expense of the party convicted in another newspaper or on another medium within a period not exceeding one month.

(2) In default of compliance with any such order the party convicted shall be liable to pay to the complainant a penalty not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

(3) The action for the recovery of such penalty shall be exercised by the complainant before the court making the order.

Right of reply.
Amended by: XVII. 1978.3; X. 1996.9; L.N. 411 of 2007.

21. (1) Any person whose actions or intentions have been misrepresented or who has been subjected to an attack on his honour, dignity or reputation, or to an intrusion into his private life by means of or in a newspaper or in any broadcast shall be entitled to demand and to have published forthwith, free of charge, in the same newspaper or on the same broadcasting medium, as the case may require, a statement by way of contradiction or explanation:

Provided that this article shall not apply where the misrepresentation occurs in a broadcast of a political nature which is part of a scheme approved by the Broadcasting Authority if the misrepresentation may be contradicted or explained in another broadcast which is part of the same scheme either by the person whose actions or intentions have been misrepresented or by another person entitled to take part in such other broadcast in representation of the party to which the person whose actions or intentions have been misrepresented belongs:

Provided further that no person shall be required to publish a statement by way of contradiction or explanation which is

defamatory, or which is not written in the language of the newspaper, or in any of the languages used by the broadcasting medium, where it is requested that it should be published.

(2) In the case of a newspaper, a reply in terms of subarticle (1) shall be published as a separate article and without being interpolated with any comments or other material that does not form part of the reply, with equal prominence as the publication in respect of which the right of reply is exercised and it shall not be lawful to shorten or edit the reply in such a manner as to prejudice the effective exercise of the right of reply under this article. The said statement shall be published not later than the second issue of the newspaper following the receipt of the request:

Provided that when the right of reply is availed of in respect of a publication in a newspaper published at intervals of at least one week, the said statement shall be published in the issue immediately following the receipt of the request if such request is received at least four days before the publication of the said issue and not later than the second issue following the receipt of the request in all other cases.

(3) In the case of a broadcast, a statement in terms of subarticle (1) shall be broadcast not later than the second day following that on which the request is received; it shall be broadcast in a way and at the time that it reaches as much as possible the same audience and with the same prominence, and the time allowed shall be a time which is twice the time of the broadcast or part of the broadcast complained of but which is not less than ninety seconds and not more than one hundred and eighty seconds.

(4) An editor of a newspaper or the manager or other person responsible for the broadcasting medium who neglects to comply with any of the foregoing provisions of this article shall be liable on conviction to a fine (*multa*) of a minimum of four hundred and sixty-five euro and eighty-seven cents (465.87) and in the case of such conviction the court shall in its judgement make such orders upon the party convicted as it deems appropriate as to ensure respect of the right of reply granted by this article. In default of compliance with any such order the party convicted shall be liable t o pay the complainant a penalty not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) which shall be enforceable by the same court.

(5) The publication of any statement as required by this article or any punishment thereunder shall not be a bar to the exercise of any other action under this Act.

(6) This article shall not apply to any publication mentioned in article 33 in cases where no action lies under that article in respect of such publication.

(7) The right of reply under this article shall lapse if the person demanding such right shall not have claimed it within one month from the date of the publication of the newspaper or of the broadcast in respect of which the said right may be exercised.

Saving of other laws.
Amended by: XIII. 1983.5; X.1996.10.
Cap. 9.

22. Where any act committed by any means mentioned in article 3 constitutes in terms of the Criminal Code or of any other law an offence which is not provided for in this Act or which is punishable with a higher punishment than that imposed by this Act, such Code or other law shall apply.

PART III

ACTIONS ARISING FROM PRESS OFFENCES

Persons against whom proceedings may be instituted.
Substituted by: X.1996.11.

23. Criminal proceedings for any offence under Part II and civil proceedings under Part III of this Act may be instituted against each of the following persons:

(*a*) the author, if he shall have composed the work for the purpose of its being published, or if he shall have consented thereto;

(*b*) the editor;

or, if the said persons cannot be identified,

(*c*) the publisher.

Proof that the writing is a copy not to constitute a valid defence.

24. It shall be no defence for any of the persons mentioned in the last preceding article to prove that the writing is a copy, or an extract, or abridgement, or a translation of another writing which has been otherwise printed and published.

Person making a public speech.
Added by: X.1996.12.

24A. The criminal and the civil actions mentioned in article 23 may also be instituted against any person who shall have made a public speech in circumstances where he was aware or could have reasonably been aware or have expected that the content of his speech was going to be published in a newspaper or a broadcasting medium and in fact is in whole or in part so published.

Editor, etc., presumed to have acted knowingly.
Amended by: X.1996.13.

25. (1) The persons mentioned in article 23 shall be deemed to have acted knowingly, in default of evidence to the contrary.

(2) The editor and, where applicable, the publisher shall be deemed to have acted knowingly if, being aware of the contents of the newspaper, broadcast or other printed matter, as the case may be, at any time before its publication, they did not prevent such publication.

Punishment for printer or editor who has not acted knowingly.
Amended by: X.1996.14.

26. The persons mentioned in article 23, who shall not have acted knowingly, shall be liable to the punishments for contraventions.

Criminal action independent of civil action.

27. Criminal proceedings are independent of civil proceedings. Both proceedings may be instituted at the same time or separately.

Damages for defamatory libel. *Amended by: XIII. 1983.5; X. 1996.15; L.N. 411 of 2007.*

28. (1) In the case of defamation, by any means mentioned in article 3, the object of which is to take away or injure the reputation of any person, the competent civil court may, in addition to the damages which may be due under any law for the time being in force in respect of any actual loss, or injury, grant to the person libelled a sum not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87).

(2) In any case to which this article applies, the defendant may, in mitigation of damages, prove that he made or offered to make an apology to the plaintiff for such defamation before the commencement of the action for damages or, as soon afterwards as he had an opportunity of doing so in case the action shall have been commenced before there was an opportunity of making or offering such apology:

Provided that the defendant shall not be allowed to make such proof in mitigation of damages if he has raised the plea of justification in terms of article 12.

Slander of title and trade libel. *Amended by: XIII. 1983.5; X. 1996.16; L.N. 411 of 2007.*

29. Whosoever, by any means mentioned in article 3, shall publish any statement which he knows or with due diligence could have known to be false and which is likely to damage any business concern or other property, shall be liable to pay, in addition to the damages which may be due under any law for the time being in force in respect of any actual loss or injury, a sum not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) to be fixed by the competent court.

Separate action in respect of separate imputations. *Amended by: XIII. 1983.5; X. 1996.17; L.N. 411 of 2007.*

30. It shall be lawful to take action in respect of each and every imputation in the same libel, and the persons concerned in the libel may be sued either jointly or severally:

Provided that the amount of damages or penalties recoverable in regard to the same libel shall not exceed eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87).

Action to be instituted on complaint of injured party. *Amended by: X. 1996.18.* Cap. 9.

31. (1) Criminal proceedings for any offence under articles 11 and 21 may not be instituted except on the complaint of the injured party or of the persons mentioned in article 542 of the Criminal Code.

(2) All provisions of the Criminal Code relating to proceedings on private complaint, including in particular the provisions of article 373 of that Code, shall, so far as applicable, apply to proceedings on private complaint under this article:

Provided that the provisions of paragraph (*d*) of article 374 of the Criminal Code shall not apply in respect of criminal proceedings instituted in terms of the foregoing provisions of this article after the complainant has confirmed his complaint on oath before the court and the absence of the complainant from the court at any stage of the proceedings shall not be deemed to constitute the abandonment of the proceedings or the withdrawal of the complaint if the said absence is subsequent to the said confirmation of the complaint on oath by the complainant.

Limitation of actions and prosecutions.

32. Criminal action for any offence under Part II of this Act and limitation of the civil action under articles 28 and 29 shall be barred by prescription after the lapse of one year.

Privileged publications. *Amended by: LVIII. 1974.68; L.N. 148 of 1975; XII. 1978.11; X. 1996.19.*

33. No action shall lie in respect of the following publications:

(*a*) publications made in pursuance of an Act of Parliament or by authority of the President of Malta or of the House of Representatives;

(*b*) publications consisting of communications between public officers, or between such officers and contractors of the public service or officials of public corporations, reports of inquiries held in terms of any law, or statements by public officers that are made in good faith in the interests of national security, territorial integrity, public safety, for the prevention of disorder or crime or for the protection of health or morals;

(*c*) publications of *bona fide* reports of debates of the House of Representatives, provided the relevant part of the debate is published, and the defence of any person against whom any charge is made is not suppressed or maliciously or negligently curtailed or altered;

(*d*) publications of reports of any proceedings in a court of justice in Malta, provided such reports are fair reports of the proceedings and the publication of such reports or proceedings is not prohibited by law or by the court:

Provided that it shall not be lawful to publish -

Cap. 12.

(*a*) anything which, by article 994 of the Code of Organization and Civil Procedure, is forbidden to be used or produced, or

(*b*) any report of the proceedings in any case of defamation, in which evidence of the truth of the matters charged is not allowed by law.

PART IV

NEWSPAPERS

Who may be editor. *Amended by: X. 1996.20.*

34. Anyone who is resident in Malta and who has attained the age of eighteen years may edit a newspaper.

Duties of editor and publisher. *Amended by: X. 1996.21; L.N. 426 of 2012.*

35. (1) Whosoever is the editor or the publisher of a newspaper shall, within ten days of his becoming editor or publisher, as the case may be, produce to the Registrar a declaration containing -

(*a*) in the case of the editor -

(i) his name and surname, a legally valid

identification document number, age and place of residence; and

(ii) the title and nature of the newspaper, and the intervals at which it is proposed to be published; and

(*b*) in the case of a publisher -

(i) if the publisher is an individual, his name, surname, age, place of residence and a legally valid identification document number;

(ii) if the publisher is a company or other association of persons, its name, address, the particulars mentioned in sub-paragraph (i) in respect of its judicial representative, and, where applicable, its company or partnership registration number;

(iii) the title and nature of the newspaper and the intervals at which it is proposed to be published; and

(iv) the name and address of the press where the printing is to take place;

and both the editor and the publisher of any newspaper shall keep the Registrar at all times informed of his place of residence and shall communicate to the Registrar any change in his place of residence within ten days of such change.

(2) If any person fails to comply with any of the provisions of subarticle (1) he shall, on conviction, be liable to a fine (*multa*).

Registrar of newspapers.

36. (1) The Registrar shall keep a register of newspapers and enter therein the particulars referred to in article 35 and any changes thereto, and shall make such other entries therein and such alterations thereto as may be appropriate or as may be prescribed by regulations made under this Act.

(2) Any person may inspect the register at all reasonable times during normal office hours and may also, against payment of the appropriate fee, require a certified copy of any entry in or any extract from the register kept under this article.

(3) The Registrar shall cancel the registration of a newspaper -

(*a*) if he is so requested in writing by the editor thereof; or

(*b*) if, in the case of a newspaper published at intervals not exceeding one month, such newspaper is not published for a period exceeding three months, and, in the case of any other newspaper, if it is not published for a period exceeding one year.

Delivery of copies of newspaper. *Amended by: LVIII. 1974. 68; X. 1996.22; L.N. 411 of 2007.*

37. Every editor of a newspaper shall deliver, free of charge, to the Registrar, the Attorney General and the Commissioner of Police a copy of every issue of such newspaper, not later than the day following that of its publication, and in default thereof, he shall be liable to a fine (*ammenda*) of two euro and thirty-three cents (2.33) for each copy not so delivered.

Finding of guilty to be deemed a conviction.

38. *Repealed by Act X.1996.23.*

False statements.

39. Where any false statement is made in any of the particulars required under article 35 the offender shall, on conviction, be liable to imprisonment for a term not exceeding three months.

Limitation of criminal prosecution.

40. (1) Criminal prosecution for any offence under this Part shall be barred by prescription after the lapse of three months.

(2) Nevertheless criminal prosecution for the offence mentioned in article 39 shall be barred after the lapse of one year.

Exceptions. *Substituted by: X.1996.24.*

41. The provisions of this Part shall not apply to any periodical publication published by, or by order or leave of or for the use of, the Government of Malta or any of its Ministries or Departments or the House of Representatives.

Added by: XII. 1991.43. Substituted by: X.1996.25.

PART V

BROADCASTING SERVICES

Editors of broadcasting services.

42. Every holder of a broadcasting licence in Malta shall appoint a person having the qualifications listed in article 34 to be the editor of, and be editorially responsible for, the broadcasting service provided in terms of the said licence.

Applicability of articles 35, 36, 38, 39 and 40.

43. The provisions of articles 35, 36, 38, 39 and 40 shall *mutatis mutandis* apply to editors of broadcasting services and to broadcasting licencees as they apply to editors of newspapers and to newspapers respectively.

Duties of editors.

44. Editors of broadcasting services shall have the same duties and obligations under this Act as are by the same imposed on editors of newspapers.

Interpretations.

45. For the purpose of this Part the term "broadcasting licence" shall have the same meaning as is attributed to it in the Broadcasting Act.

Cap. 350.

Substituted by: X. 1996.26.

PART VI

JOURNALISTIC FREEDOMS

Confidentiality of sources.

46. No court shall require any person mentioned in article 23 to disclose, nor shall such person be guilty of contempt of court for refusing to disclose, the source of information contained in a newspaper or broadcast for which he is responsible unless it is established to the satisfaction of the court that such disclosure is necessary in the interests of national security, territorial integrity or public safety, or for the prevention of disorder or crime or for the protection of the interests of justice:

Provided that the court shall not order such disclosure unless it is also satisfied that in the particular circumstances of the case the need for investigation by the court outweighs the need of the media to protect its sources, due regard being taken of the importance of

the role of the media in a democratic society:

Provided further that nothing in this article shall be interpreted as exempting any person mentioned in article 23 from proving the truth of any facts attributed by him in terms of article 12.

Access to information held by Government. *Amended by: XVI. 2008.45.*

47. It shall not be lawful for Government to issue general instructions that prohibit the giving of information to any newspaper or licensed broadcasting service holding a particular view or to any specified newspaper or licensed broadcasting service.

PART VII

Amended by: X. 1996.28.

MISCELLANEOUS

Right of appeal. *Amended by: LIX. 1974.2; VIII. 1990.3; X. 1996.27.*

48. Every decision of the Court of Magistrates in respect of an offence under this Act may, in all cases, be appealed against by the Attorney General or by the complainant, as the case may be, and by the party convicted.

Offences by bodies of persons. *Amended by: X. 1996.27.*

49. Where any offence under this Act is committed by a body of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body of persons or was purporting to act in such capacity shall be guilty of that offence and shall be liable on conviction to the punishment for 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.

Regulations. *Amended by: X. 1996.27.*

50. It shall be lawful for the Prime Minister to make, and when made, to amend or repeal, regulations for carrying out the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, to prescribe anything that is to be or may be prescribed under this Act.

Transparency obligations. *Substituted by: X. 1996.29.*

51. (1) Every newspaper published in Malta shall publish the name of its publisher and the date on which it was printed.

(2) It shall be lawful for the Registrar to demand and obtain information from any person concerning the ownership of a newspaper published in Malta or of a company or other association of persons that is or at any time was, directly or indirectly, the owner of such a newspaper or with regard to the transfer of shares or control of any such company.

(3) Information demanded by the Registrar in terms of subarticle (2) shall be given within ten days of communication of the demand to the person from whom the information is required, and shall be included by the Registrar in the register of newspapers.

(4) Whosoever shall contravene the provisions of this article shall on conviction be liable to a fine *(multa)*.

Certificate by Registrar to constitute proof. *Added by: X. 1996.29.*

52. In any proceedings before a court, or before a tribunal or board established by law, a certificate issued and signed by the Registrar showing who is or at any time was, the editor or the publisher of a newspaper or a broadcasting service shall constitute proof of its content unless the contrary is proved.

Transitory provision. *Added by: X. 1996.29.*

53. The provisions of the Press Act in force prior to the coming into force of the Press (Amendment) Act, 1996 shall continue to apply in respect of any civil or criminal action, right of action, right or obligation relating to or arising out of any publication made prior to the coming into force of that Act:

Provided that the provisions of the proviso to article 31(2), of article 46 and of article 52 as introduced by the Press (Amendment) Act, 1996 shall come into force with immediate effect.