CHAPTER 249

INTERPRETATION ACT

To make provision in respect of the construction and application of Acts of Parliament and other instruments having the force of law and in respect of the language used therein.

4th February, 1975

ACT VII of 1975, as amended by Acts XLIX of 1981, XXXV of 1990, I of 2001, IX of 2003, XIII of 2007, I and XIII of 2009, XXVI of 2014, IX of 2017 and XXIII of 2017 and XXV of 2024.

1. The short title of this Act is the Interpretation Act. Short title.

2. (1) In this Act, unless the context otherwise requires - Interpretation.

"Act" means an Act of Parliament and any other Act passed by the Legislature of Malta and includes any code, ordinance, proclamation, order, rule, regulation, bye-law, notice or other instrument having the force of law in Malta other than an instrument to which the Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled the Interpretation Act, 1889, applies;

"pass", and any derivative thereof, used in relation to the word Act, includes the making of any instrument having the force of law.

(2) No provision of this Act limiting its application, or that of any of its provisions, to certain Acts shall be construed as implying that other Acts, or any provision thereof or any expression occurring therein, are to be interpreted, construed or applied in a manner different from that provided in this Act.

3. (1) In this Act, and in any Act passed after the commencement of this Act, unless the contrary intention appears - Definitions. *Amended by: XLIX. 1981.6; I. 2001. 2; XIII. 2009.2.*

"Act of Parliament" means any law made by Parliament;

"amend" includes repeal, add to and vary;

"Constitution" means the Constitution of Malta;

"contravene" includes fail to comply with;

"document" means any matter expressed or described on any substance by means of letters, figures or marks, or by more than one of those means, intended to be used or which may be used for the purpose of recording that matter;

"enactment" means a written law or any provision thereof;

"function" includes power and duty;

"Gazette" means the Malta Government Gazette or any other official journal substituted therefor and published by order of the Government;

"Government" means the Government of Malta;

"House" means the House of Representatives of Malta;

"law" includes any instrument having the force of law and any unwritten rule of law, and "lawful" and "lawfully" shall be construed accordingly;

"name" used in relation to an individual includes surname;

"Parliament" means the Parliament of Malta;

"repeal" used in relation to a law includes rescind, revoke, cancel and replace;

"words" includes figures and symbols;

"writing" includes printing, lithography, typewriting, photography and any other mode of representing or reproducing words in a visible form.

(2) In this Act, and in every Act passed either before or after the commencement of this Act, "Malta" means the Island of Malta, the Island of Gozo and other islands of the Maltese Archipelago, including the territorial waters thereof.

(3) A reference in an enactment, whether passed before or after the commencement of this Act, to a part, article or schedule shall, unless the contrary intention appears, be read as a reference to a part, article or schedule of that enactment; and references in any such enactment to a sub-article, paragraph or sub-paragraph shall, unless the contrary intention appears, be read as a reference to a sub-article, paragraph or sub-paragraph of the article, sub-articles or paragraph, as the case may be, in which the reference occurs.

(4) (*a*) Any reference in any law to "international law" shall be construed as a reference to international law interpreted where required in accordance with such international instruments, if any, to which Malta may from time to time be a party.

(*b*) Any reference in any law to Malta's international obligations shall be construed as a reference to the obligations of Malta assumed under international law.

(*c*) The terms "crimes against humanity", "crimes against international law" and "political offence" shall have the same meaning assigned to them under customary international law in general and in international instruments to which Malta may be a party in particular.

(*d*) The authentic text of international instruments to which Malta may be a party shall be that which the Minister may cause to be published on an internet site in exercise of the powers conferred by article 11(*a*) of the Statute Law Revision Act, 1980 and the text shall be consolidated with subsequent amendments, provided that a notice be published in the Gazette giving the address of the website wherein the said treaties or other international instruments are published.

(*e*) For the purpose of publication of the legal instruments of the European Union to which Malta has acceded in accordance with the European Union Act, publication of the legal instruments on the Official Journal, judicial notice of which is authorised according to article 5(2) of the said European Union Act, and the official websites of the European Union shall suffice for the requirements of publication and it will not be necessary for the Minister to publish a notice to this effect with regard to all past, present or future legal instruments of the Union. Cap. 460.

Grammatical variations, gender, number, etc. *Amended by: XIII. 2007.16; XXIII.2017.93; XXV.2024.17.*

4. In this Act and in every other Act whether passed before or after the commencement of this Act, unless the contrary intention appears -

(*a*) the definition of any word or expression shall extend to all grammatical variations and to cognate expressions of the word or expression so defined;

(*b*) words importing one (1) gender shall include all other genders;

(*c*) the words "spouse" and "husband and wife" shall be construed as referring to a spouse of either sex who has contracted marriage in accordance with the Marriage Act; Cap. 255.

(*d*) words in the singular shall include the plural, and words in the plural shall include the singular;

(*e*) the expression "person" shall include a body or other association of persons whether granted legal personality, in accordance with the provisions of the Second Schedule to the Civil Code, or not. Cap. 16.

Commencement.

5. (1) In this Act, and in every Act passed either before or after the commencement of this Act, the expression "commencement", when used with reference to an Act, shall mean the time at which the Act comes into operation.

(2) Where an Act of Parliament passed after the commencement of this Act, or an order, warrant, scheme, rule, regulation, bye-law, notice or other instrument made, granted or issued after the commencement of this Act under a power conferred by any Act, whether passed before or after the commencement of this Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

Construction of provisions as to exercise of powers and duties. *Amended by: XXXV.1990.2; I. 2009.51.*

6. In any Act, whether passed before or after the commencement of this Act -

(*a*) where such Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires;

(*b*) where such Act confers a power or imposes a duty on the holder of an office, as such, then, unless the

contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of that office;

(*c*) where such Act confers a power on the holder of an office, and such power relates to any business of the Government, or is exercisable as part of the functions of a department of Government for which responsibility has been assigned to a Minister under the Constitution, such power shall be exercisable by the holder of that office, and except to the extent that the holder of that office is expressly declared by any law not to be subject to the direction or control of any other person or authority, the Minister responsible for that business or department of the Government shall have power, even where such power is expressed to be exercisable in the discretion (whether absolute or otherwise) of the holder of that office, to give such direction in writing relative to the exercise of that power (including a direction ordering the reversal of a decision) as such Minister may deem fit:

Provided that on employment, promotion or disciplinary matters in relation to individual employees, such direction may only be given by the Prime Minister and in such a case the head of department shall inform the Public Service Commission;

(*d*) where such Act confers a power to make any rules, regulations or bye-laws, the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations or bye-laws, and such power shall be exercisable without prejudice to the making of new rules, regulations or bye-laws.

Power to act notwithstanding any vacancy. *Added by: IX. 2017.2.*

6A. Where a law provides for a Board, Committee, Authority or other entity established by law to be composed, wholly or in part, of persons nominated by specified holders of office, authorities, persons or bodies and any person or persons required to nominate any person to sit on the said Board, Committee, Authority or other entity, fails to make such nomination within one week from when it is asked to do so in the absence of a stipulated term in the law in which the said nomination is asked for, the said Board, Committee, Authority or other entity shall be deemed to be validly constituted according to law and to be entitled to exercise all its powers and functions and to fulfil all its duties under any law notwithstanding any vacancy therein arising from any said failure to nominate any person as aforesaid, without prejudice to any quorum requirements in respect of the meetings of any said Board, Committee, Authority or other entity.

Exercise of statutory powers between the passing and commencement of an Act.

7. Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant or issue any order, warrant, scheme, rules, regulations, bye-laws, notice or other instrument, or to give notices, to prescribe forms, or to do any other thing for the purpose of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation; and the provisions of this article shall apply to anything done under or in respect of Acts passed before the commencement of this Act as they apply to things done under or in respect of Acts passed after such commencement.

Construction of subsidiary legislation.

8. Where an Act, whether passed before or after the commencement of this Act, confers power to make, grant or issue any order, warrant, scheme, rules, regulations, bye-laws or other instrument, expressions used in any such instrument made after the commencement of this Act shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Subsidiary legislation may be retrospective.

9. Any law made after the commencement of this Act by virtue of a power conferred by any Act passed either before or after the commencement of this Act may, unless the contrary intention appears in the Act conferring that power, be made to operate retrospectively to any date which is not earlier than the commencement of such Act or, where different provisions of such Act come into operation on different dates, the commencement of the provision under which the subsidiary law is made:

Provided that no person shall be made or shall become liable to any punishment in respect of anything done or omitted to be done before the commencement of the subsidiary law.

Subsidiary laws to be valid in case of wrong reference to enabling powers.

10. Where by virtue of any Act, whether passed before or after the commencement of this Act, power is conferred to make subsidiary laws, any subsidiary law that may lawfully be made thereunder shall be valid and shall have effect whether or not it purports to be made in exercise of those powers and even if it purports to be made in exercise of other powers.

Subsidiary legislation to be laid on Table of House.
Amended by: XXVI. 2014.2.

11. (1) Where an Act of Parliament or other Act passed by the Legislature of Malta or an Ordinance confers power to make rules or regulations or other subsidiary legislation of a like nature, any such legislation made by virtue of those powers after the coming into force of this Act shall as soon as may be after it is made be laid on the Table of the House and if, on a motion tabled within the period of twenty-eight days after it is so laid, the House, within a period of sixty days after the said laying, resolves that it be annulled or amended, the same shall thereupon cease to have effect or shall be so amended, as the case may require, but without

prejudice to the validity of anything previously done thereunder or to the making of new rules, regulations or other subsidiary legislation of a like nature.

(2) In reckoning for the purposes of sub-article (1) any period of twenty-eight days therein referred to, no account shall be taken of any time during which the House of Representatives is not in session or during which it is adjourned for more than seven days.

(3) Notwithstanding the foregoing provisions of this article, where the principal law conferring the power to make subsidiary legislation makes different provision in respect of any of the matters aforesaid, those provisions shall apply to any subsidiary legislation made by virtue of those powers in preference to the provisions of this article in respect of those matters.

Effect of repeal in future Acts and of amendments in any Act.

12. (1) Where any Act passed after the commencement of this Act repeals any other law, then, unless the contrary intention appears, the repeal shall not -

(*a*) revive anything not in force or existing at the time at which the repeal takes effect;

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered under any law so repealed;

(*c*) affect any right, privilege or liability acquired or accrued or incurred under any law so repealed;

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or any liability thereto;

(*e*) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid,

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

(2) Where an Act, whether passed before or after the commencement of this Act, amends any other Act passed either before or after the commencement of this Act, or any provision of any such other Act, the Act or provision so amended, as well as anything done thereunder or by virtue thereof, shall, unless the contrary intention appears, continue to have full effect, and shall so continue to have effect as amended, and subject to the changes made, by the amending Act.

(3) For the purposes of sub-article (2) "amendment" means and includes any amendment, modification, change, alteration, addition or deletion, in whatsoever form or manner it is made and howsoever expressed, and includes also a provision whereby an Act or a provision thereof is substituted or replaced, or repealed and substituted, or repealed and a different provision made in place thereof.

Offences by association of persons.

13. Where any offence under or against any provision contained in any Act, whether passed before or after this Act, is committed by a body or other association of persons, be it corporate or unincorporate, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body or 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:

Provided that, except in respect of offences under or against a provision contained in an Act in which a provision similar to that of this article occurs, the provisions of this article shall apply only to offences committed after the commencement of this Act.

Language of laws.

14. Without prejudice to the provisions of any other enactment, an Act of Parliament passed after the commencement of this Act may be enacted, in whole or in part, in the Maltese or in the English language only if the bill for that Act of Parliament, or part of such bill, is presented to the Clerk of the House and published in one only of the said languages and if the Act when passed contains a provision authorising the enactment thereof, or any one or more of its parts, as the case may require, in that language only.

Amendment or repeal of Act in same session.

15. Any Act of Parliament may be altered, amended or repealed in the same session of Parliament; and the provisions of this article shall apply to anything done in respect of any enactment before the commencement of this Act as they apply to anything done in respect of an Act of Parliament after such commencement.

Electronic publication. *Added by: IX. 2003.47.*

16. Where any act or document is required to be published in the Gazette, it shall be sufficient that such act or document is published in electronic format on CD Rom or is made available at a publicly accessible website on the internet and notice of such publication in electronic format on CD Rom or the availability of the document on the website is published in the Gazette:

Provided that where an act or document is so published in electronic format on CD Rom or is so made available on a publicly accessible website on the internet, a hard copy thereof is made available for public inspection during normal office hours at a government department or office and notice of such availability is also published in the Gazette.