CHAPTER 61

PASSPORTS ORDINANCE

To repeal and re-enact with amendments the law relating to passports.

(10th July, 1928)*

ORDINANCE III of 1928, as amended by Ordinance XLV of 1939; Legal Notice 4 of 1963; Acts XXXIV of 1965, XXII of 1976 and XLIX of 1981; and Legal Notice 426 of 2012.

1. This Ordinance may be cited as the Passports Ordinance. Short title.

2. In this Ordinance - Interpretation. *Amended by: XXXIV. 1965.2; L.N. 426 of 2012.*

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

"the Minister" means the Minister for the time being responsible for matters relating to passports;

"passport" includes a certificate of identity, a legally valid identification document or other official document issued for travel purposes by a competent authority;

the expression "transfer" means the delivery of a passport by any person, whether lawfully or unlawfully in possession thereof, to any other person not entitled to use or have such passport, whether such delivery takes place gratuitously or for money or other valuable consideration.

3. Any person who - Transfer of passport. *Amended by: XLIX. 1981.4.*

(*a*) being in possession of a passport whether issued to him by a competent authority or not, transfers such passport to any other person; or

(*b*) receives a passport transferred to him by any other person,

shall, on conviction, be liable to imprisonment for a term not exceeding two years.

4. Any person who makes use, or attempts to make use of a passport issued to any other person, shall, on conviction, be liable to imprisonment for a term not exceeding six months. Use of passport issued to another person. *Amended by: XLIX. 1981.4.*

5. Any person who forges, alters or tampers with any passport or uses or has in his possession any passport which he knows to be forged, altered or tampered with, shall, on conviction, be liable to imprisonment for a term from six months to two years. Falsification of passport. *Amended by: XLIX. 1981.4.*

6. Any person who knowingly makes any false statement in any application or recommendation in connection with the issue or renewal of a passport, shall, on conviction, be liable to imprisonment for a term not exceeding six months. False statement in application for passport. *Amended by: XLIX. 1981.4.*

**See* Proclamation No. VIII of the 10th July, 1928.

Refusal to deliver passport to Passport officer or Police.

7. Any person who, on being required by the Passport officer or the Police to deliver any passport of which he is in possession, shall refuse or fail to do so within the time fixed by such officer or by the Police, shall, on conviction, be liable to imprisonment for a term not exceeding three months:

Provided that the court may if satisfied, after full investigation of all the circumstances, that the passport has been lost, destroyed or otherwise mislaid, impose upon such person a fine (*ammenda*).

Loss of passport.

8. (1) If any person loses a passport he shall, within seven days after discovering the loss, report the same to the Passport Office or at a Police Station either in person or in writing.

(2) If any person finds a passport he shall, within forty-eight hours of finding it, deliver it either to the Passport Office or to the Police.

(3) Any person who fails to report the loss of a passport or to deliver up a passport found by him, shall be liable on conviction to the punishments laid down for contraventions.

Power of Minister to make regulations.
Amended by: L.N. 4 of 1963; XXXIV. 1965.3.

9. The Minister may, from time to time, make regulations respecting the form, issue, possession, inspection and renewal of passports in Malta and, in respect of passports issued to citizens of Malta, outside Malta, and the visas of passports held by persons landing in or leaving Malta.

Punishment for non-compliance with regulations.
Amended by: XLVI. 1939.2; L.N. 4 of 1963; XXXIV.1965.4; XXII. 1976.4.
Cap. 217.

10. (1) Any person who contravenes or fails to comply with any regulation made by the Minister under the last preceding article shall be liable on conviction to the punishments laid down or contraventions.

(2) Where the offender under subarticle (1) is a person other than a citizen of Malta, the court may also, on conviction, order such offender to leave Malta and the provisions of the Immigration Act, relative to a Removal Order under that Act, shall apply in such case.

Trial of offences.
Added by: XXXIV. 1965.5.

11. Where any of the offences referred to in articles 3, 4, 5, 6 and 10 is committed outside Malta in relation to a passport issued to a citizen of Malta, the offender may in Malta be prosecuted, tried and punished in the same manner and to the same extent as if the offence had been committed in Malta.