CHAPTER 628

AUTHORITY ON THE RESPONSIBLE USE OF CANNABIS ACT

AN ACT to establish the Authority on the Responsible Use of Cannabis and to amend various laws relating to certain cannabis activities.

ACT LXVI of 2021, as amended by Act XII of 2025.

18th December, 2021

ARRANGEMENT OF ACT

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PART I
Preliminary

1. The short title of this Act is the Authority on the Responsible Use of Cannabis Act. Short title.

PART II
Authority on the Responsible Use of Cannabis

The provisions of this Part provide for the establishment of the Authority on the Responsible Use of Cannabis.

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

"Authority" means the Authority on the Responsible Use of Cannabis established by this Act; Interpretation.

"Minister" means the Minister responsible.

3. (1) There shall be established a body to be known as the Authority on the Responsible Use of Cannabis. Establishment of the Authority on the Responsible Use of Cannabis. *Amended by: XII.2025.12.*

(2) Subject to the provisions of this Act and of any other law, it shall be the function of the Authority to regulate the use of cannabis for purposes other than medical or scientific purposes and to carry out work, including as defined in sub-article (3), to implement harm reduction from the use of cannabis. The Authority shall also assist other law enforcement and regulatory authorities in the fight against crime in the field of dangerous drugs.

(3) Without prejudice to the generality of its functions as detailed in sub-article (2) the Authority shall have the following duties and functions and may:

(a) submit proposals and recommendations to the Government concerning a national policy on the responsible use of cannabis that will take due account of the specific situation and requirements of Malta from time to time;

(b) participate in the national planning process relating to social policy and dangerous drugs policy;

(c) monitor the use of cannabis in Malta, other than use for medical or scientific purposes, either directly or through the commissioning of surveys and other professional studies;

(d) act as regulator and to implement any function which may be assigned to it in accordance with any law with regard to any activity which involves the cultivation, processing or distribution of any part of the cannabis plant, its derivatives or products related to the cannabis plant, including also activities conducted by entities or organisations falling beyond the scope of article 7A of the Drug Dependence (Treatment not Imprisonment) Act but excluding activities carried out pursuant to the Production of Cannabis for Medicinal and Research Purposes Act;

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(e) organise or promote educational campaigns on the responsible use of cannabis based on scientific facts and on the aim of harm reduction also giving clear and impartial information on the risks and other elements of cannabis use with reference to age and with appropriate content, whilst promoting open dialogue on the subject;

(f) organise or promote the training of officials working with cannabis users;

(g) give advice on cannabis related matters and to perform any other task related to the analysis of cannabis use as the Minister may from time to time request;

(h) undertake periodic reviews of educational programmes and structures concerned with cannabis activities and of policies relating to cannabis, to recommend improvements in such programmes and policies and to identify sources for the training of persons in relevant fields of activity so as to ensure the continued availability of suitably qualified personnel;

(i) administer any budgetary allocation as may be assigned to it for purposes related to the responsible use of cannabis or such other purposes as may be linked to such budgetary allocation;

(j) promote effective communication and coordination with government entities and non-governmental organisations working with cannabis users or involved in the formulation of policies related to cannabis;

(k) identify overseas developments related to cannabis use that are of direct interest and relevance to Malta;

(l) set up databases and obtain access to international databases in the field of cannabis use;

(m) act as a contact point with respect to various regional, interregional and international organisations and to organise participation in seminars, conferences and in action groups and working groups of relevance to Malta's interests in the field of activity of the Authority;

(n) set up networks of professional persons and organisations to assist in the formulation of policies, and the implementation of programmes, and to monitor areas of importance related to responsible cannabis use of interest to Malta;

(o) carry out any other function not covered by the preceding paragraphs of this sub-article related to the responsible use of cannabis as may be delegated to it by the Minister;

(p) carry out any other function ancillary or conducive to the functions, duties, and aims of the Authority;

(q) with the written authorisation of any other competent public body, carry out enforcement of any other legislation related to cannabis which would have otherwise been vested with said competent public body.

(4) The Authority shall be a body having a distinct legal personality from that of the Government and shall be capable, subject to the provisions of this Act, to enter into contracts, to hold and dispose of property of any kind for the purpose of its functions, to sue and be sued and to enter into all such other transactions as are incidental or conducive for the proper performance of its functions.

(5) The Authority shall consist of a Board and of a Directorate.

(6) The legal and judicial representation of the Authority shall vest in the Chairperson:

Provided that the Board of the Authority may appoint the Chief Executive Officer or any one or more of the members of the Directorate staff to appear in the name and on behalf of the Authority

in any judicial proceedings and in any act, deed, contract or instrument or other document whatsoever.

(7) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson on behalf of the Authority shall be received in evidence, and shall unless the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Board of the Authority.

4. (1) The Board of the Authority shall consist of a Chairperson and of from four (4) to eight (8) other members appointed by the Minister from amongst persons who in the opinion of the Minister have experience and knowledge of the field of activity of the Authority, or experience in the field of non-governmental organisations, or other regulatory experience, or who are qualified in sciences or have experience in research or who have experience as educators or in the exercise of the legal profession of advocate, or persons who in the opinion of the Minister represent the wide perspective of the various opinions of the stakeholders in the sector.

(2) One of the members of the Board of the Authority shall be appointed by the Minister as Deputy Chairperson. The Deputy Chairperson shall have all the powers and perform all duties of the Chairperson during the absence of the Chairperson or during any period where the Chairperson cannot perform his function for any other cause, or during any vacancy in the office of the Chairperson.

(3) The Board may act notwithstanding any vacancy in its composition or during the absence of any of its members as long as the Chairperson or the Deputy Chairperson and any two (2) other members are present.

(4) A person shall not be qualified to be appointed, or to continue to hold office, as a member of the Board if he is:

(a) interdicted or incapacitated;

(b) has been declared bankrupt; or

(c) has been found guilty of an offence in Malta or abroad other than:

(i) an offence of an involuntary nature; or

(ii) an offence liable to the punishment established for contraventions.

(5) For the purpose of paragraph (c) of sub-article (4) a person who has been found guilty of an offence as specified in that paragraph shall still be disqualified to hold office notwithstanding that any punishment awarded has been suspended or such person has been conditionally released or put under probation without the infliction of any penalty or such person has been sentenced according to the Probation Act without the infliction of any penalty.

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(6) The Chairperson and the Deputy Chairperson and the other members of the Board shall be appointed for a term of three (3) years and may be reappointed.

(7) The members of the Board shall receive such remuneration as the Minister may determine upon their appointment.

(8) The Minister shall appoint a person being an advocate or a legal procurator or a public officer to act as Secretary to the Board.

Functions of the Board.

5. (1) The Board shall be responsible to establish the policy to be adopted by the Authority in the exercise of its functions under this Act. In establishing such policy the Board shall give due consideration to Government policy, to the requirements of public order and public health and to the rights and freedoms of the individual on a democratic society.

(2) The Board shall be responsible to ensure that the Authority carries out its functions in accordance with this Act and in accordance with any policy established by it.

(3) The Board may from time to time, if it thinks fit, make general rules for the guidance of the Directorate in the exercise of its functions under this Act, and may at any time revoke or vary such rules.

(4) The Board shall also verify and approve the accounts of the Authority and the draft estimates and the financial plans of the Authority, prepared by the Chief Executive Officer before their final submission to the Minister in accordance with this Act.

(5) The Board shall be kept informed by the Chief Executive Officer on the general running of the Authority.

(6) Notwithstanding the other provisions of this Act the Minister may decide that for any determined period the overall management, the executive action, the administration and organisation of the Authority and the administrative control of its officials and employees shall be vested in the Chairperson who in such a case shall during such period also perform all the functions and responsibilities granted by this Act to the Chief Executive Officer.

(7) The decision of the Minister referred to in sub-article (6) shall

be given in writing in the letter of appointment of the Chairperson or at a later stage in the case that the office of Chief Executive Officer is vacant. When an appointment is made as provided in sub-article (6) the Chairperson shall be styled as the Executive Chairperson and the conditions of employment of the person occupying such office shall be determined by the Minister.

The Directorate.

6. (1) The Directorate of the Authority shall consist of the Chief Executive Officer, who shall be the director of the Authority, a Deputy Director and such other officers and employees of the Authority as may be engaged by the Authority from time to time.

(2) The Chief Executive Officer shall be in charge of the overall management and executive action of the Authority and shall keep the Board informed on the general running of the Authority and of the result of the operations of the Authority.

(3) The Chief Executive Officer shall be appointed by the Minister, after consultation with the Board, for such period and on such terms as the Minister may, in consultation with the Board, determine.

(4) The Deputy Director and the other officers and employees of the Directorate shall be selected by the Chief Executive Officer and engaged by the Authority in accordance with such procedures and on such terms as the Board may from time to time determine.

(5) The Authority may also act through such contractors as it may from time to time engage:

Provided that such contractors shall at all times act in accordance with such instructions as may be given to them by the Chief Executive Officer.

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(6) The Chief Executive Officer and the Directorate staff shall for all purposes of the Criminal Code be considered as public officers, and shall be afforded all protection and may incur all liability as such.

(7) The Chief Executive Officer and the Directorate staff shall, subject to any contrary provision in this Act or in any other law, abide by any code of ethics applicable to public officers:

Provided that nothing in this sub-article may be deemed to preclude the Board to make further rules regulating the conduct of the Chief Executive Officer and of the Directorate staff to supplement any such Code of Ethics.

Meetings of the Board.

7. (1) The Board shall meet at least ten (10) times a year so however that the Board shall ensure that the period of time between one meeting and another shall not exceed six (6) weeks. Other meetings of the Board shall be convened as may be necessary.

(2) The Secretary to the Board shall take minutes of decisions at its meetings. The minutes shall be signed by the Secretary and the Chairperson.

(3) The meeting of the Board shall be chaired by the Chairperson or in his absence the Deputy Chairperson.

(4) Decisions of the Board shall be adopted by a simple majority of votes of the members present and voting, and in the event of an equality of votes the Chairperson, or where the meeting is presided by the Deputy Chairperson, the Deputy Chairperson shall have and exercise a second or casting vote. The quorum at Board meetings shall consist of three (3) members.

(5) Without prejudice to the provisions of sub-articles (6) and (7) of article 5 the Chief Executive Officer shall be entitled to attend the meetings of the Board and to take part in the discussions. The Board may invite any other member of the Directorate staff to attend meeting of the Board and to participate in the discussions. The Chief Executive Officer and any member of the Directorate staff taking part in any discussion of the Board of the Authority shall not have a vote in the meetings in which they participate:

Provided that the Chairperson may, if he considers it proper so to do, at any time exclude the Chief Executive Officer or any member of the Directorate staff invited to attend at a meeting of the Board from any meeting or part thereof.

(6) Any participation in a meeting of the Board of a person not entitled to be present shall not invalidate the proceedings of the meeting nor shall such proceedings be invalidated if it is subsequently discovered that a person acted in good faith as a member and a defect in his appointment or qualification is afterwards discovered.

(7) A week's notice shall be given to the members of the Board of any meeting thereof:

Provided that in case where an urgent situation arises and decisions are to be taken forthwith, decisions taken by at least two (2) members of the Board, one of whom being the Chairperson or the Deputy Chairperson, shall be valid as if taken by a meeting of the Board regularly convened with proper notice.

(8) Subject to the other provisions of this Act, the Board shall regulate its own proceedings.

Staff appointments.

8. Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

Appointment and functions of officers and employees of the Authority.

9. The Authority shall appoint and employ, at such remuneration and upon such time terms and conditions as it may determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient execution of the functions of the Authority.

Detailing of public officers for duty with the Authority.

10. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

Status of public officers detailed for duty with the Authority.

11. (1) Where an officer is detailed for duty with the Authority under the provisions of article 10, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the

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fact of his being detailed for duty with the Authority.

(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

12. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under the provisions of article 10 permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of sub-article (6), be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

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(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted performance of employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of this article posts and salary grades with the Authority shall be classified in the most nearly

corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairman appointed by the Ministry responsible for finance and two (2) other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three (3) months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

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Right of the Authority to acquire information.

13. (1) In the exercise of his functions under this Act, the Chief Executive Officer and any member of the Directorate staff, authorised by him, shall have power to seek and obtain from any public authority any information with regard to any person or with regard to any matter, which is relevant to the functions of the Authority and the public authority in possession of such information shall, saving the provisions of any other law, be obliged to give the Chief Executive Officer or any such member all information so requested:

Provided that where any public authority has acquired information from any person or authority in any State other than Malta through the operation of any treaty or arrangement with such other State to which Malta is a party, and such treaty or arrangement provides that any information passed through the operation of such treaty or arrangement may not be divulged to any other person except with the consent of the person passing the information requested, the person from whom the information is requested may withhold the information if such consent is not given.

(2) The information referred to in sub-article (1) shall be provided within such time not more than thirty (30) days from the date of receipt of the request:

Provided that after good cause being shown to the Chief Executive Officer, such period may be extended by the Chief Executive Officer for such other period or periods as he may deem reasonable.

Financial year.

14. The financial year of the Authority shall begin on the first day of January and end on the thirty first day of December:

Provided that the first financial year of the Authority shall commence on the date of coming into force of this Act and shall end on the 31st day of December of the following year.

Estimates and expenditure.

15. (1) The Chief Executive Officer shall, not later than sixteen (16) weeks before the end of each financial year, submit to the Board of the Authority estimates of the income and expenditure of the Authority for the following financial year.

(2) In the preparation of such estimates the Authority shall endeavour to ensure that the sums to be allocated to the Authority are at least sufficient to meet all sums properly chargeable to its income and expenditure accounts including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form, and shall contain such information, and such comparisons with previous years, as the Board may direct.

(4) Not later than three (3) weeks from the receipt of such estimates from the Chief Executive Officer, the Board shall consider such estimates and shall transmit the same with or without amendments to the Minister for his approval.

(5) Before the end of the financial year, the Minister shall approve and adopt such estimates with or without amendments.

(6) If in respect of any financial year it is found that the amount so approved is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Chief Executive Officer shall cause supplementary estimates to be prepared and to be sent forthwith to the Board for transmission to the Minister for his approval, and in any such case the provisions of this article shall as far as practicable apply to the supplementary estimates.

Advances by the Government.

16. The Minister may, acting in accordance with an appropriation Act, make advances and provide such funds to the Authority for carrying out its functions under this Act, in accordance with such estimates approved in accordance with article 15.

Accounts and audit.

17. The Authority shall keep proper books of accounts in such manner as the Minister, following consultation with the Minister responsible for finance, may from time to time direct. Such accounts

shall be audited by auditors appointed by the Board of the Authority with the concurrence of the Minister from among persons qualified to be appointed as auditors of a company in accordance with such law which will be from time to time in force in Malta. Such accounts shall moreover be subject to audit by the Auditor General.

Annual report.

18. (1) The Board shall as soon as may be but not later than three (3) months after the close of each financial year, transmit to the Minister an annual report consisting of:

(a) a copy of the annual accounts certified by the auditors; and

(b) a report on the operations of the Authority during the previous financial year.

(2) The annual report shall be laid on the Table of the House by the Minister not later than six (6) weeks after its receipt, or where the House is during that period not in session, not later than the second week after the House reconvenes.

Liability for damages.

19. The Authority, the Board, the Chief Executive Officer and members of the Directorate staff shall not be liable for damages for anything done or omitted to be done in the discharge or purported discharge of any function under this Act unless the act or omission is shown to have been done or omitted to be done in bad faith or through gross negligence.

Power to make regulations. *Substituted by: XII.2025.13.* Cap. 537.

20. The Minister may make regulations for the better implementation of the provisions of this Act and any other Act which enables him to do so, including but not limited to powers conferred to him by article 7A of the Drug Dependence (Treatment not Imprisonment) Act and, without prejudice to the generality of the aforesaid, those regulations may provide for the better implementation and enforcement of the Act, or the setting of time frames and conditions, and to establish the administrative penalties and punishments applicable for any breach of the law.