

I assent.

(L.S.)

GUIDO DE MARCO
President

25th February, 2000

ACT No. V of 2000

AN ACT to amend the United Nations (Security Council Sanctions) Act, 1993.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the United Nations (Security Council Sanctions) (Amendment) Act, 2000 and shall be read and construed as one with the United Nations (Security Council Sanctions) Act, 1993 hereinafter referred to as “the principal Act”. Short title.
Act XX of 1993.

2. (1) For section 1 of the principal Act there shall be substituted the following: Substitution of
section 1 and
amendment of long
title of the principal
Act.

“1. This Act may be cited as the National Interest (Enabling Powers) Act, 1993.”.

(2) In the long title of the principal Act, immediately after the words “to enable” there shall be inserted the words “the implementation of certain treaties and measures and the restriction of trade and travel where the national or international interest of Malta so requires and to enable”.

3. Section 2 of the principal Act shall be amended as follows: Amendment of
section 2 of the
principal Act.

(a) immediately after the definition "Charter" there shall be inserted the following new definitions:

" "international treaty" includes any bilateral or regional treaty;

"prohibition" includes restriction and regulation including the obligation to report or register any activity or transaction, and prohibition of trade includes the interruption or reduction of economic relations;" and

(b) immediately after the definition of "Security Council" there shall be added the following new definition:

" "trade" includes the manufacture, assembly or processing of goods as well as the provision of services including the movement of capital, payments and other financial services, as well as the transfer of technological and scientific knowledge;".

Amendment of
section 3 of the
principal Act.

4. Section 3 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words from "the Prime Minister may" to "against those regulations" there shall be substituted the words "or whenever an entity or competent authority appointed or set up by or under the Charter advises, directs or orders member states of the United Nations to take such action as may be advised, directed or ordered by that entity or competent authority, the Prime Minister may, subject to the provisions of subsections (4), (7) and (8) of this section, make regulations as appear to him necessary or expedient for the implementation of such measures or action";

(b) subsections (3) and (4) thereof shall be renumbered as subsections (7) and (8) respectively and in these subsections for the words "under subsection (1)" wherever they occur there shall be substituted the words "under this section"; and

(c) for subsection (2) thereof there shall be substituted the following subsections:

"(2) Whenever the House of Representatives ratifies or authorises the ratification of an international treaty or whenever such ratification or authorisation is made or given by an Act of Parliament, the Prime Minister may, subject to the provisions of subsections (4), (7) and (8) of this section,

make regulations as appear to him to be necessary or expedient to give effect to any of the provisions of that treaty or to give effect to any advice, direction or order of any entity or competent authority appointed or set up by or under any such international treaty and any such regulations shall contain the text of the Resolution of the House of Representatives ratifying or authorising the ratification of that treaty or shall contain a reference to the Act of Parliament by which the ratification is made or authorisation given, as the case may be.

(3) Whenever the Prime Minister considers that the national or international interests of Malta so require, he may by regulations under this Act and subject to the provisions of subsections (7) and (8) of this section, order the prohibition of trade with other countries, either in general or with any country or countries or part thereof, or the prohibition of travel to and from any country or countries or part thereof, as may be stated in the regulations.

(4) Regulations made under subsection (1) or (2) of this section shall contain the text of the recommendation, resolution or decision of the Security Council or of the advice, direction or order of the entity or competent authority containing those measures or action which the regulations are intended to implement.

(5) Regulations made under this section may be made applicable to persons in Malta, persons resident in Malta, to citizens of Malta wherever they may be or to vessels, aircraft or other means of transport registered in or belonging to Malta, or travelling to or from such countries, as the Prime Minister may in the regulations determine.

(6) Regulations made under this section may also provide for such measures as may be necessary for such regulations to be effectively applied including the cancellation or the suspension of any obligation arising under any agreement, and without prejudice to the foregoing such regulations may provide for the apprehension, trial and punishment of persons offending against such regulations.”.

5. (1) The Ratification of Chemical Weapons Convention Act, 1997, is hereby repealed. Transitory provision.
Act V of 1997.

(2) Notwithstanding the provisions of subsection (1) of this section, the provisions of the Ratification of Chemical Weapons

Convention Act, 1997, and any regulations made thereunder, shall continue to apply as if such provisions and regulations were made under the powers conferred by subsection (2) of section 3 of the principal Act as amended by this Act and may be amended, revoked or substituted accordingly.

(3) The provisions and regulations continued in force under subsection (2) of this section shall continue in force notwithstanding that they may contain any provision that goes beyond the powers of the Prime Minister to make regulations under subsection (2) of section 3 of this Act, or that the form thereof does not conform with the provisions of the said subsection (2) of section 3 of the principal Act as amended by this Act.

Passed by the House of Representatives at Sitting No. 249 of the 23rd February, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives