

I assent.

(L.S.)

GUIDO DE MARCO
President

18th July, 2000

ACT No. XIX of 2000

*AN ACT to repeal and re-enact with amendments the Malta
Standardisation Authority Act, Cap.187.*

BE IT ENACTED by the President, by and with 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 Malta Standards Authority Act, Short title.
2000.

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

Interpretation.

“Authority” means the Malta Standards Authority;

“Chairman” means the Chairman of the Authority;

“Chief Executive” means the Chief Executive appointed under
article 3 of this Act;

“conformity mark” means a mark, issued in accordance with
regulations made under article 21 of this Act, showing compliance
with an applicable standard;

“draft standard” means a document containing the text of the
technical specifications concerning a given subject, which is being
considered for adoption and as circulated for public comment or
scrutiny;

“Directorates” means such directorates as may be established under article 3 of this Act;

“employee” means a person employed with the Authority;

“European standardization body” means any of the following bodies:

- CEN - European Committee for Standardization;
- CENELEC - European Committee for Electrotechnical Standardization;
- ETSI - European Telecommunications Standards Institute;

“financial year” means any period of twelve months ending on the 30th September;

Provided that the first financial year of the Authority shall commence on the coming into force of the Act and end on the 30th September of the next following year;

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

“Minister” means the Minister responsible for industry;

“permit” means a permit granted by the Authority under subarticle (1) of article 19 of this Act for the use of a conformity mark;

“product” means any industrially manufactured product and any agricultural product, including fish products;

“public officer” has the same meaning assigned to it by article 124 of the Constitution but does not include a judge of the Superior Courts or a Magistrate of the Inferior Courts;

“service” means a result generated by activities at the interface between the supplier and the customer and by supplier internal activities to meet the customer needs;

“standard” means a technical specification approved by a recognised standardization body for repeated or continuous application, with which compliance is not compulsory, whether or not including other requirements, and which is one of the following:-

- International Standard: a standard adopted by an international standardization organisation, other than a European standardization body, and made available to the public;

- European Standard: a standard adopted by a European standardization body and made available to the public;

- National Standard: a standard adopted by the Authority and made available to the public;

“standards programme” means a work programme listing the subjects on which standardization work is being carried out;

“technical specification” means a specification contained in a document which lays down the characteristics required of a product and, or, service such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product and, or, service as regards the name under which the product and, or, service is sold, terminology, symbols, testing and test methods, packaging, marking or labelling used and the conformity assessment procedures. This term also covers production methods and processes used in respect of agricultural products, products intended for human and animal consumption, and medicinal products, as well as production methods and processes relating to other products, where these have an effect on their characteristics;

For the purposes of this definition, “conformity assessment procedures” mean any procedures used, directly and indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled, including, inter alia, procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity, registration, accreditation and approval as well as their combinations.

3. (1) There shall continue to be an Authority, to be called the Malta Standards Authority, which shall exercise and perform the functions assigned to it by this Act or by any other law.

Establishment and
constitution of the
Malta Standards
Authority.

(2) The Authority shall be governed by a Council which shall be composed as follows:-

(a) a Chairman, appointed by the Prime Minister;

(b) the Director of Industry *ex officio* who shall be Deputy Chairman;

- (c) the Comptroller of Customs *ex officio*;
- (d) the Director of Agriculture *ex officio*;
- (e) the Director of Consumer Affairs *ex officio*;
- (f) the Director (Environment Protection) *ex officio*;
- (g) the Director (Public Health) *ex officio*;
- (h) three members appointed by the Minister –
 - (i) one after consultation with the Kamra tal-Periti;
 - (ii) one after consultation with the Chamber of Professional Engineers, and
 - (iii) one after consultation with the Chamber of Pharmacists;
- (i) a member appointed by the Council of the University of Malta;
- (j) a representative of the Malta Council for Science and Technology, appointed by the Prime Minister;
- (k) a member appointed by the Chamber of Commerce;
- (l) a member appointed by the Federation of Industries; and
- (m) a member appointed by the General Retailers and Traders Union.

(3) The members of the Council other than those referred to in paragraphs (b) to (g) of subarticle (2) shall be appointed for a period not exceeding three years and shall be eligible to be reappointed.

(4) The members of the Council shall receive such remuneration as the Minister may prescribe.

(5) Subject to the other provisions of this Act the affairs and business of the Authority shall be the responsibility of the Authority itself but save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its officers and employees, shall be the responsibility of the Chief Executive of the Authority, who shall also have such other powers as may

from time to time be delegated to him by the Authority. The Chief Executive of the Authority shall act as Secretary to the Council:

Provided that the Authority may if it so deems fit require the Chief Executive not to attend any of the meetings or any part of a meeting of the Council.

(6) The presence at any meeting of the Council of the Chairman or the Deputy Chairman and any other six members shall constitute a quorum:

Provided that, where a member of the Council has a direct or an indirect interest in any matter being discussed or decided upon by the Council, then such member shall not be present at the time of such discussion or decision.

(7) Subject to the provisions of this Act and of any regulations made thereunder the Council shall regulate its own proceedings.

(8) The Council may act notwithstanding any vacancy as long as a quorum is present.

(9) The Chairman shall have an original and in the case of equality of votes a second or casting vote.

(10) The Authority shall be the authority in Malta entrusted with the coordination of standardization and related activities, and in the exercise of its functions under this or any other law, it shall, unless otherwise expressly provided, not be under the direction or control of any person or authority.

(11) The Authority may with the concurrence of the Minister, enter into agreements with any person or authority whereby such person or authority shall on behalf of the Authority carry out such functions and services as are by this or any other law assigned to the Authority.

Provided that nothing in this subarticle shall authorise the Authority to contract out its functions as specified in paragraph (a) of article 16 of this Act.

(12) The Authority shall have a legal personality distinct from that of the Government, its legal representation shall vest in the Chairman. The assets and other properties held by the Authority shall however be the property of the Government and the Authority shall only have their administration during such tenure, and shall dispose of

them in accordance with such directives as the Minister may from time to time give to the Authority.

(13) The Authority may with the approval of the Minister recruit such personnel as it may require for the proper discharge of its functions under this Act under such terms and conditions as the Minister may approve.

Directorates.

(14) There shall be established such Directorates as the Minister may by Order prescribe and which shall have the responsibilities as described therein. The Minister may, after consulting the Authority, by Order abolish any one or more of the said Directorates, vary their responsibilities and establish such other Directorates as he may from time to time deem appropriate.

(15) The Authority shall exercise its functions through the Directorates so established and for such purpose it shall vest in each of the Directorates such of its functions as relate or are ancillary to the matters for which it is responsible so as to enable the said Directorate to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in its respective area of operation.

(16) Each of the Directorates so established shall be headed by a person who shall either be a public officer detailed for duty with the Authority or an employee of the Authority or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking, in either case having adequate experience or knowledge in his respective area of operation.

(17) The Chief Executive and the heads of the Directorates shall be appointed by the Authority after consultation with the Minister for a period of three years which may be extended for further periods of three years each:

Provided that the first Chief Executive and the first head of each Directorate to be appointed after the coming into force of this Act shall be appointed by the Minister.

(18) The Authority and each of the Directorates may exercise any one or more of their functions either directly or through any of their officers or employees or, subject to the proviso to subarticle (11) above, through an agency authorised for the purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into.

(19) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorate under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

(20) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority written directions of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

*Relations between
the Minister and the
Authority.*

(21) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

4. (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 direction.

*Detailing of public
officers for duty
with Authority.*

(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 a different date is specified in the direction, end on the happening of any of the following events, that is to say -

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with the Authority made in pursuance of subarticle (8) of this article; or

(b) the revocation by the Prime Minister of any direction made by him under this article in relation to such officer.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the further direction, and the provisions of subarticle (2) of this article shall thereupon apply to the period of duration of such further direction in relation to such officer.

(4) When a public officer is detailed for duty with the Authority under any of the provisions of this article, such officer shall, during the time the 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.

(5) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

(a) shall not during the time while such officer 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 the date on which he was 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 he was detailed for duty as 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 purpose of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pension Act, and of any other right of privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

Cap. 93.
Cap. 58.

(6) Where an application is made as provided in subparagraph (i) of paragraph (a) of subarticle (5) of this article, the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(7) 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.

(8) The Authority may, with the approval of the Prime Minister, offer to any public officer detailed for duty with the Authority under subarticle (2) of this article permanent employment with the Authority at a remuneration and on terms and conditions specified in the offer.

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

(9) Every officer who accepts permanent employment with the Authority offered to him under this article shall, for all purposes be deemed to have ceased to be in the service of the Government and to have entered into service with the Authority on the date of his acceptance.

(10) 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.

(11) (a) 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) of this subarticle shall be carried out by a board composed of a chairman appointed by the Minister responsible for finance and two other members, one appointed by the Minister 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 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 Grade 3 in the service of the Government or such other grade as 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.

Authority to meet
part of expenditure
out of revenue.

5. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that so much of the expenditure required for the proper performance of its functions as is possible shall, as far as practicable, be met out of its revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet any of its expenditure that cannot be covered by its revenues and the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subarticle (2) of this article or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow or
raise capital.

6. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

7. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Advances from
Government.

8. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1) of this article, or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Malta Standards Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under subarticle (3) of this article shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amount received by way of interest into the Consolidated Fund.

9. (1) The Authority shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Estimates of the
Authority.

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account 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 comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be
according to
approved estimates.

10. (1) No expenditure shall be made or incurred by the Authority unless it has been approved by the Minister as provided in article 9 of this Act.

(2) Notwithstanding the provisions of subarticle (I) of this article—

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the Minister, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year closing after the coming into force of this Act, the Authority may make or incur ex-

penditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

11. All estimates and supplementary estimates of the Authority approved by the Minister shall, as soon as practicable, be laid on the Table of the House. Publication of approved estimates.

12. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year. Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under article 9 of this Act, the Authority shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, as soon as practicable, cause a copy of every such statement and report to be laid on the Table of the House.

13. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments. Deposit of revenues and payment by the Authority.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairman, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority;

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Contracts of supply
of works.

14. The Authority shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed three thousand liri in value, or such other amount as the Minister responsible for finance may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

Annual Report.

15. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of Authority as either of the said Ministers may from time to time require. The Minister shall at the earliest opportunity and not later than eight weeks after he has received a copy of every such report, or if at any time during the period

the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House of Representatives.

16. The functions of the Authority shall be:

Functions of the
Authority.

(a) to make, adopt and publish standards, in relation to any class, category or type of products and, or, services;

(b) to co-ordinate, monitor and promote standardization and related activities at the various corporate, national, regional and international levels, and to supply and, or, ensure the existence of adequate supporting related services;

For the purpose of this paragraph, "supporting related services" include:

(i) promoting the adoption and application of all aspects of metrology as a necessary adjunct to standardization;

(ii) ensuring the availability of testing services;

(iii) offering technological advice and consultancy services to Government, Government agencies and the private sector;

(iv) setting up and maintaining an international accreditation programme; and

(v) any other services related to standardization as may be required;

(c) to publish lists of standardization bodies that are recognised by the Authority for the purposes of this Act;

(d) to consider all applications for a permit to use a conformity mark and to grant permits for such purpose;

(e) to inform the public of new subjects included in its standards programme and of the preparation or amendment of a standard, unless such standard is an identical or equivalent transposition of an International or European standard. This information shall indicate, in particular, whether the standard concerned:

- will transpose an international standard without being the equivalent;

- will be a new national standard; or
- will amend a national standard; and

(f) to cooperate with National, European, Regional or other international bodies in the field of standardization and to exchange information therewith generally, and in particular to such extent as may be provided for in any international obligation entered into by Malta or as may be prescribed;

(g) to perform such other functions as may be assigned to it under the provisions of this Act or of any other law.

Variation,
substitution or
revocation of
standards.

17. The power conferred on the Authority to make, adopt and publish standards shall be construed as including the power, exercisable in like manner, to vary, substitute or revoke any such standard.

List of standards to
be published.

18. (1) The Authority shall publish in the Gazette a list of standards made, adopted or transposed by it together with their international equivalence, if applicable, and shall in such notices also indicate where a copy of such standards may be obtained.

(2) Notwithstanding the other provisions of this Act or of any other law, the list of standards mentioned in subarticle (1) of this article and any standard made, adopted or transposed by the Authority may be made, published, prescribed or made available to the public in the English language only.

Conformity mark.

19. (1) The Authority shall grant a permit for the use of a conformity mark in relation to any product and, or, services which satisfy the standards and fulfil the conditions prescribed in the standards, conformity to which is being declared.

(2) The Authority shall not grant a permit unless it is furnished with such proof and it is given such opportunities and facilities as may be reasonably necessary in order that the Authority may satisfy itself that the product and, or, services in relation to which the application has been made qualify for such permit.

(3) In any permit granted in relation to any product and, or, service, the Authority besides describing such product and, or, service shall also:-

- (a) name the person to whom the permit is granted;
- (b) state the country where the said goods are produced, manufactured or processed; and

- (c) specify the standards applicable to the said product and, or, services:

Provided that, when there have been no changes in the other circumstances which justified the grant of a permit, the Authority shall in regard to any such permit authorize, on application, the substitution of the person named therein as will be proved to be necessary.

- (4) For the purpose of this Act the particulars referred to in paragraphs (a) and (b) of the last foregoing subarticle shall be deemed to form part of the description of the product and, or, service to which they refer.

20. (1) Officers authorized in writing to that effect by the Authority shall at all reasonable times have access for the purposes of this Act to any place where goods and, or, services in respect of which there is in force a permit are produced, manufactured or processed, and they shall be entitled to inspect such place, to examine such goods and to take samples thereof in the manner prescribed by the Minister.

Access to factories
and taking of
samples.

(2) Any person who denies the said right of access in any such place to an officer authorized as aforesaid or in any such place hinders or obstructs him in the discharge of his duties shall be guilty of an offence and shall be liable on conviction by the Court of Magistrates to a fine (*multa*) of not less than fifty liri and not exceeding two hundred liri or to imprisonment for a term from one to three months or to both such fine and imprisonment.

21. The Minister, after consultation with the Authority, may from time to time make regulations:

Power of Minister
to make regulations.

(a) prescribing the mark or symbol that is to be used to indicate conformity with any standard;

(b) prescribing the manner and form in which any application for a conformity mark shall be made, the information which such application is to contain, and the fees payable in respect thereof;

(c) prescribing the manner and form in which permits shall be issued by the Authority and the fees payable in respect thereof;

(d) prescribing the manner of registration of permits issued under this Act;

(e) prescribing the manner in which samples of products shall be taken;

(f) providing for the publication of draft standards and the manner in which the public can make representations thereon to the Authority;

(g) prescribing the fees or charges that may be charged in respect of any service provided by the Authority under this Act;

(h) prescribing anything that is or may be prescribed under this Act; and

(i) generally for the better carrying out of the objects and purposes of this Act.

Consequential
amendments to the
Trade Descriptions
Act, Cap. 313.

22. The Trade Descriptions Act shall be amended as follows:

(a) in subarticle (1) of article 2 thereof:

(i) immediately after the definition of “advertisement” there shall be inserted the following definition:

“ “conformity mark” shall have the same meaning assigned to it in article 2 of the Malta Standards Authority Act, 2000;”;

(ii) for the definition of “goods” there shall be substituted the following:

“ “goods” means things offered for sale by way of trade in or from Malta;”;

(iii) immediately after the definition of “registered consumer association” there shall be added the following new definition:

“ “services” means any service offered by way of trade in or from Malta;”;

(b) in subarticle (1) of article 4 thereof:

(i) immediately after the words “with respect to any goods or part of goods” there shall be inserted the words “or as the case may be, in respect of any services or part of a service”;

(ii) paragraphs (h) to (l) thereof shall be renumbered as paragraphs (i) to (m) respectively;

(iii) immediately after paragraph (g) thereof there shall be added the following paragraph:

“(h) the use of any conformity mark, or of any imitation thereof likely to deceive, or of any other indication or statement likely to be construed as, indicating that the goods or services conform to standards issued by any body or authority;”;

(c) in articles 9 and 11 thereof after the word “goods” wherever it appears, there shall be inserted the words “or services”; and

(d) in article 18 thereof:

(i) the present provision shall be renumbered as subarticle (1) thereof; and

(ii) immediately after subarticle (1) thereof as renumbered there shall be added the following new subarticle:

“(2) In every case of conviction for an offence against this Act, the Court may, and at the request of the prosecution shall:

(a) order the forfeiture of any goods to which the offence relates; and

(b) suspend for a period of not more than three months as the court may deem proper any licences in the name of the person convicted relating to the provision of goods or the supply of services.”.

23. (1) Saving the provisions of subarticle (2) of this article, the Malta Standardisation Authority Act, Cap. 187 of the Revised Edition hereinafter in this article referred to as Chapter 187, is hereby repealed. Repeal and saving.

(2) Regulations made under Chapter 187 shall continue in force as if made under the provisions of this Act and may be amended and revoked accordingly.

(3) The Authority established under Chapter 187 shall continue in being as the Authority established under this Act.

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(4) Any Standard Order made under Chapter 187 shall continue in force as if it were a Standard Order made under this Act and may be amended or revoked accordingly.

Passed by the House of Representatives at Sitting No. 344 of the 11th July, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives