L.N. 111 of 1996

CODE OF POLICE LAWS
(CAP. 10)

Maintenance of Good Order at Places of Entertainment (Amendment) Regulations, 1996

IN exercise of the powers conferred by section 203 of the Code of Police Laws, the Minister for Home Affairs has made the following regulations:—

Citation and Commencement.

1. (1) These regulations may be cited as the Maintenance of Good Order at Places of Entertainment (Amendment) Regulations, 1996 and shall be read and construed as one with the Maintenance of Good Order at Places of Entertainment Regulations, 1995, hereinafter referred to as "the principal regulations". L.N. 124 of 1995.

(2) These regulations shall come into force on the 1st July, 1996.

Substitutes regulation 9 of the principal regulations.

2. For regulation 9 of the principal regulations there shall be substituted the following:

"Smoking and promotion of tobacco products prohibited.

9. (1) Smoking in the space or spaces reserved for dancing in a place of entertainment is prohibited.

(2) The proprietor may permit smoking in such space or spaces in the open air which are not roofed over.

(3) The proprietor shall ensure that such portion, as considered adequate by the Commissioner, of those areas of a place of entertainment which are open to the public and not falling under the provisions of paragraphs (1) and (2) of this regulation, shall be reserved as areas where smoking is prohibited and such areas shall be indicated by appropriate notices:

Provided that where the Commissioner is of the opinion that the total area of those areas of a place of entertainment to which this paragraph applies is so small as not to allow for a portion thereof to be reserved as areas where smoking is prohibited, the Commissioner may exempt the proprietor from providing such reserved areas as aforesaid;

Provided further that the provisions of this paragraph shall come into force on the 1st July, 1996.

(4) The Commissioner may prohibit smoking in those areas of a place of entertainment not having adequate fire-fighting precautions as approved by him or not having adequate ventilation as approved by him. These area shall also be indicated by appropriate notices.

(5) Any direct or indirect promotion by means of the free distribution of cigarettes, cigars, or other tobacco products to persons in a place of entertainment is prohibited.".

Amends regulation 11 of the principal regulations.

3. Regulation 11 of the principal regulations shall be amended as follows:

(a) in paragraph (1) thereof, for the words "one thousand Maltese liri or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment." there shall be substituted the words "one thousand Maltese liri, saving the provisions of paragraph (2) of this regulation.";

(b) paragraph (2) thereof shall be renumbered as paragraph (3);

(c) immediately after paragraph (1) thereof there shall be added the following new paragraph:

"(2) In the case of a second or subsequent conviction in respect of an offence against these regulations, other than an offence against regulation 9, the punishment of imprisonment for a term not exceeding one month may be awarded either in substitution for the punishment of a fine *(multa)* or in addition to such punishment."; and

(d) in paragraph (3) thereof, as renumbered, for the words "In the case of a second or subsequent offence against these regulations," there shall be substituted the words "In the case of a second or subsequent offence against these regulations, other than an offence against regulation 9,".

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