

I assent.

(L.S.)

AGATHA BARBARA
President

27th January, 1987

ACT No. I of 1987

AN ACT further to amend the Foreign Interference Act, 1982

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:—

Short title.

Act No. XI
of 1982.

1. This Act may be cited as the Foreign Interference (Amendment) Act, 1987, and shall be read and construed as one with the Foreign Interference Act, 1982, hereinafter referred to as “the principal Act”.

Substitution of
the Title of the
principal Act.

2. For the Title of the principal Act there shall be substituted the following:

“AN ACT to regulate the limitations on the political activities of aliens, and this in accordance with Article 16 of the Convention of Rome (1950) for the Protection of Human Rights and Fundamental Freedoms.”.

Substitution of
section 2 of the
principal Act.

3. For section 2 of the principal Act there shall be substituted the following:—

“2. In this Act, unless the context otherwise requires —

“alien” where it refers to an individual means a person who is not a citizen of Malta; where it refers to a body of persons, in whatever manner constituted juridically, means any such body of persons directly or indirectly controlled by persons who are not citizens of Malta, and includes any State or Government; and where it refers to a broadcast means any such broadcast transmitted from a station or installation situate outside the territory of Malta and which is not authorised by the Broadcasting Authority;

“broadcast” means broadcast by wireless telegraphy or wire or both, and includes both sound and television broadcast;

“Broadcasting Authority” means the Broadcasting Authority established by section 118 of the Constitution;

“intermediary agent” means any person or group of persons who, irrespective of the proclaimed objectives, is involved in political activity, and includes any citizen of Malta resident outside Malta who so acts;

“Malta” has the meaning assigned to it in section 124 of the Constitution;

“Monitoring Committee” means the Committee established under this Act;

“Minister” means the Minister responsible for foreign affairs;

“person” includes any political party, and any political or other organisation, institution or body whatsoever;

“political” where it does not refer to a party, person, club or similar institution is restricted in meaning to matters connected with the elections in Malta, or which may be reasonably deemed to influence such elections, and matters connected with the internal or foreign affairs of Malta;

“programme” includes an advertisement.”.

4. For section 3 of the principal Act there shall be substituted the following:

Substitution of section 3 of the principal Act.

“Restricted activities.

3. (1) Subject to the provisions of this Act, it shall not be lawful for an alien to perform, do, hold, take part in, aid or abet, or allow, any restricted activity in Malta.

(2) For the purposes of this Act, “a restricted activity” means —

(a) any activity, or participation in any activity, of a political nature or having a political purpose at any time during the period commencing nine months prior to the date on which Parliament would, unless sooner dissolved, stand dissolved by virtue of subsection (2) of section 76 of the Constitution and the date of the publication of the results of an election, or at any time between the dissolution of Parliament according to subsection (1) of section 76 of the Constitution and the date of the publication of the results of an election,

(b) the provision at any time to or for the benefit of a political party, person, club or similar institution, whether directly or through an intermediary agent, of any money, equipment or other material, by way of gift or otherwise not against equivalent valuable consideration, excluding books and other publications intended for sale or distribution not exclusively or mainly for

Malta, unless such provision is authorised by the Monitoring Committee in accordance with this Act:

Provided that nothing in this subsection shall be deemed to include anything which, taking into account the value and any other circumstances, may be reasonably considered as a bona fide gift of no political significance.

(3) An activity as defined in paragraph (a) of subsection (2) of this section shall not be a restricted activity at any time other than that mentioned in the same paragraph, provided that the person intending to hold or organising such an activity notifies in writing five days in advance the Secretary of the Monitoring Committee established under this Act, but the Secretary may in urgent cases accept, in his discretion, notification at a shorter notice.

(4) Nothing in this section shall be construed as affecting normal diplomatic activities.

(5) Nothing in this section shall apply to any activity organised by an international organisation of which the State of Malta is a member, subject however to the condition that if it is a political activity, this is not organised by a particular political group within any such organisation.”.

Amendment of section 4 of the principal Act.

5. In section 4 of the principal Act, in subsection (1) thereof, for the words “Where a programme” there shall be substituted the words “Where an alien programme of a political nature”.

Amendment of section 5 of the principal Act.

6. Section 5 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “Any person acting in contravention of any provisions of the foregoing sections of this Act” there shall be substituted the words “Any alien, and any other person who aids or abets any such alien, and any intermediary agent, acting in contravention of, or failing to comply with, any of the provisions of the foregoing sections of this Act, or who does anything which is not lawful thereunder”;

(b) in subsection (2) thereof, for the words “foreign activity” there shall be substituted the words “restricted activity”; and

(c) immediately after subsection (2) thereof there shall be inserted the following new subsection (3):

“(3) For the purposes of section 56 of the Constitution “foreign interference” means any offence against any of the foregoing provisions of this Act:

Provided that in the case of an alien broadcast, no such foreign interference shall be deemed to subsist if the person or the political party, in whose favour or to whose benefit such a broadcast is made or intended to be made, proves that he, or the political party, as the case may be, did not make

such broadcast or in any way aid or abet prior to, during, or after the transmission, any person in such broadcast.”.

7. For section 6 of the principal Act there shall be substituted the following:

Substitution of section 6 of the principal Act.

“Monitoring Committee” 6. (1) For the purposes of section 3 of this Act, there shall be a Committee, to be known as the “Monitoring Committee”, which shall consist of the Minister, and two members who shall be members of Parliament and of whom one shall be designated by the Prime Minister and the other by the Leader of the Opposition.

(2) Such designated members shall remain members of the Committee notwithstanding that Parliament may stand dissolved, and this until new members are appointed in their stead.

(3) The Clerk of the House of Representatives shall be the Secretary of the Committee.

(4) The Committee shall have the functions assigned to it by this Act.

(5) The Committee shall not authorise the receipt of any money, equipment or other material by any political party unless it is appropriately balanced by similar or equivalent contribution to the other political parties, taking into account the size of their representation in Parliament, and the decision shall be taken by a unanimous vote.

(6) The Committee may act notwithstanding any vacancy in its membership, but shall not act unless there are at least two members in office and at least two members are present at the meeting at which the decision is taken.

(7) Subject to the foregoing provisions of this section the Committee may regulate its own procedure.

(8) The Minister shall by not later than the first sitting of Parliament after the 15th January of each year lay on the Table of the House a report showing every authorisation given by the Monitoring Committee in accordance with the provisions of this Act during the preceding year.”.

8. Section 7 of the principal Act shall be amended as follows:

- (a) paragraph (a) thereof shall be deleted;
- (b) paragraphs (b) and (c) thereof shall be re-lettered (a) and (b) respectively.

Amendment of section 7 of the principal Act.

Repeal.

L.N. 52 of 1982.

9. (1) The Foreign Activity Regulations 1982 are hereby repealed.

(2) Any pending judicial proceedings under or in connection with any provision of the principal Act which has been repealed or substituted by this Act shall be considered as withdrawn.

Passed by the House of Representatives at Sitting No. 435 of the 26th January, 1987.

PAUL XUEREB
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives