

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

15th March, 2016

ACT No. XV of 2016

AN ACT to implement Budget measures for the financial year 2016 and other administrative measures.

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. The short title of this Act is the Budget Measures Implementation Act, 2016. Short title.

PART I

2. The provisions of this Part shall be deemed to have come into effect on the 1st January, 2016. Coming into force of this Part.

3. For the purpose of this Part, "revenue" has the same meaning as is assigned to it in article 2 of the Financial Administration and Audit Act, but does not include proceeds from loans. Interpretation. Cap. 174.

4. (1) Subject to the provisions of this Act, the Government of Malta may raise in Malta, by way of loan, a sum of money not exceeding six hundred million euro (€600,000,000). Authority to raise loan.

(2) For the purpose of raising the aforesaid loan the Minister for Finance is hereby authorised to issue stock in Malta under the provisions of the Local Loans (Registered Stock and Securities) Ordinance on such terms and conditions as the said Minister may approve. Cap. 161.

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Purpose.

5. Any money borrowed under the authority of this Part shall be appropriated and applied for the purpose of:

(a) meeting excess expenditure over revenue incurred in the Consolidated Fund for year 2016 and, or subsequent years;

(b) redeeming registered stocks which are due for redemption during 2016;

(c) repaying a bank loan with a commercial bank maturing in 2016; and

(d) effecting portfolio changes in relation to amounts raised through Treasury Bills, amounts raised through Government Stocks, and in respect of loans raised outside Malta as and when required in line with Government's debt management policies.

PART II

Amendments to the Customs Ordinance. Cap.37.

6. (1) This Part amends the Customs Ordinance and it shall be read and construed as one with the Customs Ordinance, hereinafter in this Part referred to as "the Ordinance".

(2) The provisions of this Part will be deemed to have come into force on 12 October, 2015.

Amendment of article 63 of the Ordinance.

7. Sub-article (1) of article 63 of the Ordinance shall be amended as follows:

(a) in paragraph (a) thereof, for the words "where the endangered duty does not exceed two thousand euro (€2,000)" there shall be substituted the words "where the endangered duty does not exceed four thousand euro (€4,000)";

(b) paragraphs (d) and (e) thereof shall be re-numbered as paragraphs (f) and (g) respectively;

(c) paragraph (c) thereof shall be re-numbered as paragraph (d);

(d) immediately after paragraph (b) thereof there shall be added the following new paragraph:

"(c) in the case where there is no endangered duty but there exist endangered taxes in relation to goods entered in Malta by a person who is registered with the VAT Department under article 10 of the Value Added Tax Act, and the irregularity consists of a breach of paragraph

(m) of article 62 of the Ordinance, the Commissioner may collect from the offender the endangered taxes and impose a penalty equivalent to 50% of the endangered value added tax up to a maximum of ten thousand euro (€10,000), together with a penalty equivalent to the other endangered taxes;"

(e) in paragraph (d) thereof, as re-numbered, for the words "in the case where both duty, of not more than two thousand euro (€2,000), as well as taxes on the goods are endangered" there shall be substituted the words "in the case where both duty, of not more than four thousand euro (€4,000), as well as taxes on the goods are endangered";

(f) immediately after paragraph (d) thereof, as re-numbered, there shall be added the following new paragraph:

"(e) in the case where there are endangered duty of not more than four thousand euro (€4,000) as well as endangered taxes in relation to goods entered in Malta by a person who is registered with the VAT Department under article 10 of the Value Added Tax Act, and the irregularity consists of a breach of paragraph (m) of article 62 of this Ordinance, the Commissioner may collect from the offender the endangered duty as well as the endangered taxes and impose a penalty equivalent to the endangered duty together with a penalty equivalent to 50% of the endangered value added tax up to a maximum of ten thousand euro (€10,000), together with a penalty equivalent to the other endangered taxes;"

(g) in paragraph (f) thereof, as re-numbered, for the words "or prohibition on the importation of the goods," there shall be substituted the words "or prohibition on the importation of the goods, or limitation or condition on their exportation,"; and

(h) in paragraph (g) thereof, as re-numbered, for the words "on the importation of the goods," there shall be substituted the words "on the importation of the goods, or there exists a limitation or condition on their exportation,".

8. In the Second Schedule to the Ordinance, for the words "The irregularities which are referred to in article 63 are" there shall be substituted the words "The irregularities which are referred to in article 63(2) are".

Amendment of
the Second
Schedule to the
Ordinance.

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PART III

Amendments to
the Traffic
Regulation
Ordinance.
Cap. 65.

9. (1) This Part amends the Traffic Regulation Ordinance and it shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter in this Part referred to as "the Ordinance".

(2) The provisions of this Part shall come into force on 1st January, 2016.

Amendment of
article 2 of the
Ordinance.

10. Immediately after the definition "Authority" in article 2 of the Ordinance, there shall be added the following new definition:

" "high occupancy vehicle" means a vehicle which, at the time of use, is carrying three or more passengers (including the driver);".

PART IV

Amendments to
the Income Tax
Act.
Cap.123.

11. (1) This Part amends the Income Tax Act and it shall be read and construed as one with the Income Tax Act, hereinafter in this Part referred to as "the principal Act".

(2) The provisions of this Part shall come into force as follows:

(a) paragraphs (d) and (e) of article 14 as from the 1st January, 2016; and

(b) paragraph (c) of article 12, and articles 15(a)(ii) and (b), 17 and 18 as from year of assessment 2017.

Amendment of
article 2 of the
principal Act.

12. Sub-article (1) of article 2 of the principal Act shall be amended as follows:

(a) immediately after the first proviso of paragraph (a) of the definition "company" there shall be added the following new proviso:

"Provided further that in the case of a securitisation cell company as defined in the Securitisation Cell Company Regulations (in this proviso referred to as 'the Securitisation Regulations'), as may be amended from time to time, or in any other law or regulations replacing the Securitisation Regulations, for all intents and purposes of the Income Tax Acts, every cell of a securitisation cell company and that part of a securitisation cell company in which non-cellular assets are held, shall each be deemed to be a separate company and any words and expressions in the Income Tax Acts which are relevant to a company shall

be construed accordingly. The interpretation of such words and expressions insofar as applicable to a securitisation cell company shall be made on the basis of the relevant provisions of the Securitisation Regulations:";

(b) in the definition "income" for the words "and Part V of this Act" there shall be substituted the words "and Part IV"; and

(c) in the definition "industrial building or structure", for the words "includes a building used as a hotel and a car park" there shall be substituted the words "includes a building used as a hotel or a car park or offices, as may be prescribed".

13. In paragraph (a) of sub-article (19) of article 5 of the principal Act, for the words "in subarticle (1)(a)(i) and (ii)" there shall be substituted the words "in sub-article (1)(a)".

Amendment of article 5 of the principal Act.

14. Article 5A of the principal Act shall be amended as follows:

Amendment of article 5A of the principal Act.

(a) sub-article (3) thereof shall be amended as follows:

(i) in paragraph (f) thereof, immediately after "winding up by the Court" there shall be added the words "except for a transfer to which sub-article (5)(c)(ii) applies"; and

(ii) in the second proviso to paragraph (h) thereof, for the words "the provisions of article 43(1)(3)" there shall be substituted the words "the provisions of article 43(4)(b)";

(b) in paragraph (c) of sub-article (4) thereof, for the words "a transfer of property that has been owned and occupied" there shall be substituted the words "a transfer of property, consisting of a dwelling house, that has been owned and occupied";

(c) sub-paragraph (ii) of the first proviso to paragraph (j) of sub-article (4) thereof shall be substituted by the following:

"(ii) the said property consists of any immovable property, including land;"

(d) in the proviso to paragraph (d) of sub-article (5) thereof, for the words "on or after the 1st January, 2015" there

shall be substituted the words "on or after the 1st January 2015 and before the 1st January 2016"; and

(e) paragraph (h) of sub-article (5) thereof shall be substituted by the following:

"(h) Notwithstanding paragraphs (a), (e) and (f), when a transfer to which this article applies is a transfer of property situated in an urban conservation area or scheduled by the Malta Environment and Planning Authority (MEPA) in terms of article 81 of the Environment and Development Planning Act, and the transferor declares to the notary receiving the deed of the transfer that he has carried out works on that property in compliance with a permit issued by MEPA providing for the restoration and, or rehabilitation of that property upon an application for that purpose that was filed with MEPA on or after 1 January 2015, the tax on the transfer shall be chargeable at the rate of 5% of the transfer value if the following conditions are satisfied:

(i) the transfer is made on or after the 1st January 2016;

(ii) the provisions of this paragraph or of paragraph (d) were not applied in respect of any previous transfer of the same property;

(iii) the restoration and, or rehabilitation works have been certified by MEPA as having been completed in compliance with the relative permit;

(iv) the certificate referred to in subparagraph (iii) is produced to the notary who receives the deed of the transfer and the notary produces a certified copy of the certificate to the Commissioner together with the notice required by article 51 of the Duty on Documents and Transfers Act;

(v) the person who transfers the property submits any forms and documentation that the Commissioner may require in connection with the said works and with the transfer."

Amendment of
article 12 of the
principal Act.

15. In the proviso to paragraph (h) of sub-article (1) of article 12 of the Act, for the words "this exemption shall be as provided under that Act" there shall be substituted the words "this exemption

shall, unless provided otherwise by means of rules prescribed by the Minister, be as provided under that Act."

16. Article 14 of the principal Act shall be amended as follows:

Amendment of article 14 of the principal Act.

(a) sub-article (1) thereof shall be amended as follows:

(i) in the second proviso to paragraph (g) thereof, for the words "to which this paragraph applies;" there shall be substituted the words "to which this paragraph applies:", and immediately thereafter there shall be added the following new provisos:

"Provided also that, subject to the "group relief provisions", no person shall, notwithstanding anything contained in any other Act, be entitled to a deduction under this paragraph in respect of any loss incurred by another person:

Provided also that:

(i) where any merger or division referred to in the Rulings (Income Tax and Duty Treatment of Mergers and Divisions) Rules is being effected for *bona fide* purposes to the satisfaction of the Commissioner; and

(ii) as a result of such merger or division, a trade or business previously carried on by a company or other person involved in the particular merger or division (hereinafter referred to as "the First Company") or any part thereof, shall thereafter be carried on by another company or companies or other person involved in such merger or division (hereinafter collectively referred to as "the Second Company"); and

(iii) the First Company is entitled to any loss or to the balance of any loss incurred by the First Company in any year preceding the year of assessment or to any wear and tear or initial allowances, or to the balance of any such allowances due in respect of any year as aforesaid;

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the Commissioner shall be entitled to grant his permission for the losses and, or wear and tear and, or initial allowances or such part thereof as he may deem fit, in the light of the trade or business or any part thereof which shall thereafter be carried on by the Second Company, to be claimed by the Second Company and to be set-off against its gains or profits as the case may be in determining its chargeable income, in lieu of the First Company. In granting his permission the Commissioner may impose such conditions as he deems fit and reasonable, and where the person who has requested permission accepts the conditions laid down by the Commissioner, such conditions shall be operative notwithstanding any other provisions of this Act.";

(ii) paragraph (i) thereof shall be deleted; and

(iii) paragraph (m) thereof shall be substituted by the following:

"(m) any expenditure of a capital nature on intellectual property or any intellectual property rights incurred by a person and proved to the satisfaction of the Commissioner to have been incurred in the production of the income of such person:

Provided that any such expenditure shall be spread equally over the life of the relevant intellectual property or rights in a reasonable manner and to the satisfaction of the Commissioner, but in any case over a minimum period of three consecutive years, the first year being that in which the said expenditure has been incurred:

Provided further that any sums receivable from any sales of such intellectual property or rights and all other income receivable in respect thereof shall be included as total income for the year when receivable."; and

(b) immediately after sub-article (4) thereof there shall

be added the following new sub-article:

"(5) Notwithstanding the other provisions of this article, when a person incurs expenditure for a supply of goods or services in respect of which the supplier is required to issue a tax invoice or other document in terms of article 50 or 51 of the Value Added Tax Act, no deduction shall be allowed under this article in respect of that expenditure unless that person is in possession of a tax invoice or other document issued in accordance with the said article 50 or 51 and produces such tax invoice or other document if required to do so by the Commissioner."

17. Immediately after sub-article (7) of article 27 of the principal Act, there shall be added the following new sub-article: Amendment of article 27 of the principal Act.

"(8) Notwithstanding anything contained in the provisions of sub-article (1), the Minister may, by rules, prescribe the manner in which the total income referred to in the said sub-article (1) should be determined, so as to take into account:

(a) the provisions of any Directive of the European Union governing solvency requirements applicable to persons carrying on the business of insurance;

(b) the provisions of any International Financial Reporting Standard (IFRS) as adopted by the European Union, governing accounting for contracts of insurance;

(c) any modification of the provisions of any directive or financial reporting standard referred to in paragraphs (a) and, or (b) may be permitted in terms of International Financial Reporting Standards (IFRSs) as adopted by the European Union."

18. In sub-article (8) of article 27G of the principal Act, for the words "in sub-article (2) no losses provided for under article 14(1)(g)," there shall be substituted the words "in sub-article (2), subject to sub-article (6), no losses provided for under article 14(1)(g)". Amendment of article 27G of the principal Act.

19. Article 31D of the principal Act shall be amended as follows: Amendment of article 31D of the principal Act.

(a) in the marginal note thereof, for the words "derived

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from the letting of residential tenement" there shall be substituted the words "derived from the letting of a tenement";

(b) in sub-article (1) thereof, for the words "rents immovable property, being a tenement that is used as a residence or a garage by an individual or individuals" there shall be substituted the words "rents a tenement"; and

(c) for paragraph (a) of sub-article (8) thereof, there shall be substituted the following new paragraph:

"(a) "tenement" means -

(i) a tenement, not being a commercial tenement as defined in article 1525 of the Civil Code, which consists of either a dwelling house or part thereof which is to be occupied or is occupied as a home or residence by the occupier or a garage; or

(ii) a "commercial tenement" or a "club", both terms having the meaning assigned to them respectively in article 1525 of the Civil Code, when the property is not rented to or from a related body of persons, and for the purpose of this sub-paragraph -

(A) a body or persons is related to an individual if it is owned or controlled, directly or indirectly, as to more than twenty-five percent by that individual; and

(B) two bodies of persons are related if they are owned or controlled, directly or indirectly, as to more than twenty-five percent by the same persons."

Amendment of
article 56 of the
principal Act.

20. Article 56 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be amended as follows:

(i) for the words "charged at the following rates:" there shall be substituted the words "determined as follows:";

(ii) in paragraph (a) thereof, the table beginning with the words "For every euro of the first €11,900" and ending with the figure "35c:" shall be substituted by the following:

"(i) Where the chargeable income does

not exceed €12,700 the tax is to be determined by multiplying the chargeable income by 0%;

(ii) Where the chargeable income exceeds €12,700 but is less than €21,201 the tax is to be determined by multiplying the chargeable income by 15% and then subtracting €1,905 from the result;

(iii) Where the chargeable income exceeds €21,200 but is less than €28,701 the tax is to be determined by multiplying the chargeable income by 25% and then subtracting €4,025 from the result;

(iv) Where the chargeable income exceeds €28,700 but is less than €60,001 the tax is to be determined by multiplying the chargeable income by 25% and then subtracting €3,905 from the result;

(v) Where the chargeable income exceeds €60,000 the tax is to be determined by multiplying the chargeable income by 35% and then subtracting €9,905 from the result:";

(iii) in paragraph (b) thereof, the table beginning with the words "For every euro of the first €8,500" and ending with the figure "35c:" shall be substituted by the following:

"(i) Where the chargeable income does not exceed €9,100 the tax is to be determined by multiplying the chargeable income by 0%;

(ii) Where the chargeable income exceeds €9,100 but is less than €14,501 the tax is to be determined by multiplying the chargeable income by 15% and then subtracting €1,365 from the result;

(iii) Where the chargeable income exceeds €14,500 but is less than €19,501 the tax is to be determined by multiplying the chargeable income by 25% and then subtracting €2,815 from the result;

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(iv) Where the chargeable income exceeds €19,500 but is less than €60,001 the tax is to be determined by multiplying the chargeable income by 25% and then subtracting €2,725 from the result;

(v) Where the chargeable income exceeds €60,000 the tax is to be determined by multiplying the chargeable income by 35% and then subtracting €8,725 from the result:";

(iv) in the second proviso to paragraph (b) thereof, for the words "at the following rates:" there shall be substituted the words "as follows:", and for the table beginning with the words "For every euro of the first €9,800" and ending with the figure "35c;" there shall be substituted the following:

"(i) Where the chargeable income does not exceed €10,500 the tax is to be determined by multiplying the chargeable income by 0%;

(ii) Where the chargeable income exceeds €10,500 but is less than €15,801 the tax is to be determined by multiplying the chargeable income by 15% and then subtracting €1,575 from the result;

(iii) Where the chargeable income exceeds €15,800 but is less than €21,201 the tax is to be determined by multiplying the chargeable income by 25% and then subtracting €3,155 from the result;

(iv) Where the chargeable income exceeds €21,200 but is less than €60,001 the tax is to be determined by multiplying the chargeable income by 25% and then subtracting €3,050 from the result;

(v) Where the chargeable income exceeds €60,000 the tax is to be determined by multiplying the chargeable income by 35% and then subtracting €9,050 from the result;";

(b) in paragraph (b) of sub-article (10) thereof, for the words "starting at the rate of 15 cents (0.15) on every euro"

there shall be substituted the words "and such income shall be deemed to constitute the last part of the individual's total income for the relative year";

(c) in sub-paragraph (ii) of paragraph (a) of sub-article (11) thereof, for the words "starting at the rate of 15 cents (0.15) on every euro" there shall be substituted the words "and such income shall be deemed to constitute the last part of the individual's total income for the relative year"; and

(d) sub-article (26) thereof shall be substituted by the following:

"(26) An individual who derives income being emoluments from a full-time or part-time sports activity, either as a registered player or athlete or as a licensed coach shall, unless he opts to have the said income charged to tax at the rates laid down in sub-article (1)(a) or (1)(b), be charged to tax on all such income at the rate of seven point five cents (€0.075) on every euro.

For the purposes of this sub-article:

"Council" means the Kunsill Malti għall-Isport established by the Sports Act;

"sports activity" refers to a sport recognized by the Council and practised wholly or mainly in Malta;

"registered player or athlete" means a player or athlete registered with a club or team which is a registered member of the national regulatory body for that particular sport and the aforesaid regulatory body is registered or recognized by the Council;

"licensed coach" means a person registered as a coach with a club or team which is a registered member of the national regulatory body for that particular sport and the aforesaid regulatory body is registered or recognized by the Council, and whose license to coach is recognized by the Council."

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PART V

Amendment to
the Motor
Vehicles
Registration and
Licensing Act.
Cap. 368.

21. (1) This Part amends the Motor Vehicles Registration and Licensing Act, and it shall be read and construed as one with the Motor Vehicles Registration and Licensing Act, hereinafter in this Part referred to as "the principal Act".

(2) The provisions of this Part shall come into force on 1st January, 2016.

Amendment of
article 8 of the
principal Act.

22. In sub-article (4) of article 8 of the principal Act, for the words "or latest European Standard minus one" there shall be substituted the words "or latest European Standard minus one or latest European Standard minus two".

Amendment of
the First
Schedule to the
principal Act.

23. In Category A of the First Schedule to the principal Act to which the following provision refers -

"For the purpose of registration tax, where a vehicle used for the transport of goods (N1, N2 and N3), or a special purpose vehicle or a tractor unit, whose year of manufacture falls under any of the following years of manufacture, is not accompanied by an official document showing the emission levels equivalent to Euro standards (the said official document may be a certificate of conformity or a type approval certificate or a vehicle registration certificate or a declaration by the vehicle's manufacturer), the registration tax rates to be paid thereon shall be equivalent to those under the different Euro standards:"

shall be substituted by the following table:

Euro Standard Table for Registration Purposes indicating Year of registration and/or manufacture of the vehicle							
Category		Reference Mass/Mass in Service (kg)	Up to Euro 3/ III	Euro 4/ IV	Euro 5/ V	Euro 6/VI	Latest Euro standard
N1	Max Authorised Mass 0 - 3,500 Kg	Class 1 (0 - 1305kg)	pre 2006	2006-2010	2011-2014	2015 onwards	Euro 6
		Class 2 (1306 - 1760kg)	pre 2006	2006-2011	2012-2016	2013-2017	Euro 5/6
		Class 3 (1761 - 2610kg)	pre 2006	2006-2011	2012-2016	2013-2017	Euro 5/6
N2	3,501 - 12,000		pre 2006	2006-2008	2009-2013	2014 onwards	Euro 6
N3	12,001 >		pre 2006	2006-2008	2009-2013	2014 onwards	Euro 6

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24. The Second Schedule to the principal Act shall be amended as follows:

Amendment of the Second Schedule to the principal Act.

(a) in Category A the table to which the following provision refers -

"For the purpose of registration tax, where an M1 motor vehicle whose year of manufacture falls under any of the following years of manufacture, is not accompanied by an official document showing the emission levels equivalent to Euro standards (the said official document may be a certificate of conformity or a type approval certificate or a vehicle registration certificate or a declaration by the vehicle's manufacturer), the registration tax rates to be paid thereon shall be equivalent to those under the different Euro standards:"

shall be substituted by the following table:

Euro Standard Table for Registration Purposes indicating Year of Manufacture and/or registration of the vehicle				
Category	Euro 3 or less Latest Euro standard -3	Euro 4 Latest Euro standard -2	Euro 5a/6a Latest Euro standard -1	Euro 5b/6b Latest Euro standard
M 1	pre 2006	2006-2010	2011-2012	2013 onwards

";

(b) in Category C which refers to 'Motor Cycles', the entry "RV x 1.71%" in the column which refers to 'Battery electric motor cycle' shall be substituted by "0"; and

(c) in Section (6) of Category D the words "or latest European Standard minus one" there shall be substituted the words "or latest European Standard minus one or latest European Standard minus two".

25. The Fourth Schedule to the principal Act shall be amended as follows:

Amendment of the Fourth Schedule to the principal Act.

(a) the table which refers to Section 3 which regulates the 'Annual Circulation Licence fees for motor cycles and quad bikes registered on the 1st January, 2009 thereafter' shall be substituted by the following:

"3. Annual Circulation Licence fees for motor cycles and quad bikes

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registered on the 1st January, 2009 and thereafter

Year	0	1	2	3	4	5	6	7
Engine capacity	€	€	€	€	€	€	€	€
Not exceeding 50cc	10	10	10	10	10	10	10	10
Exceeding 50cc but not exceeding 125cc	10	10	10	10	10	10	10	10
Exceeding 125cc but not exceeding 250cc	65	65	65	65	65	72	79	87
Exceeding 250cc but not exceeding 500cc	70	70	70	70	70	77	85	93
Exceeding 500cc but not exceeding 800cc	75	75	75	75	75	83	91	100
Exceeding 800cc	80	80	80	80	80	88	97	106
Battery/electric motorcycle	10	10	10	10	10	10	10	10
Quad bikes	100	100	100	100	100	110	121	133

Year	8	9	10	11	12	13	14+	
Engine capacity	€	€	€	€	€	€	€	
Not exceeding 50cc	10	10	10	10	10	10	10	
Exceeding 50cc but not exceeding 125cc	10	10	10	10	10	10	10	
Exceeding 125cc but not exceeding 250cc	95	105	115	127	139	153	169	
Exceeding 250cc but not exceeding 500cc	102	113	124	136	150	165	182	
Exceeding 500cc but not exceeding 800cc	110	121	133	146	161	177	195	
Exceeding 800cc	117	129	142	156	171	189	207	
Battery/electric motorcycle	10	10	10	10	10	10	10	
Quad bikes	146	161	177	195	214	236	259	

"; and

(b) the table which refers to Section 4 which regulates the 'Annual Circulation Licence fees for motor cycles and quad bikes registered before the 1st January, 2009' shall be substituted by the following:

"4. Annual Circulation Licence fees for motor cycles and quad bikes registered before the 1st January, 2009

Year	0	1	2	3	4	5	6	7
Engine capacity	€	€	€	€	€	€	€	€
Not exceeding 50cc	10	10	10	10	10	10	10	10
Exceeding 50cc but not exceeding 125cc	10	10	10	10	10	10	10	10
Exceeding 125cc but not exceeding 250cc	56	56	56	56	56	56	56	62

Exceeding 250cc but not exceeding 500cc	58	58	58	58	58	58	58	64
Exceeding 500cc but not exceeding 800cc	60	60	60	60	60	60	60	66
Exceeding 800cc	62	62	62	62	62	62	62	68
Battery/electric motorcycle	10	10	10	10	10	10	10	10
Quad bikes	75	75	75	75	75	75	75	83

Year	8	9	10	11	12	13	14	15
Engine capacity	€	€	€	€	€	€	€	€
Not exceeding 50cc	10	10	10	10	10	10	10	10
Exceeding 50cc but not exceeding 125cc	10	10	10	10	10	10	10	10
Exceeding 125cc but not exceeding 250cc	63	63	64	65	66	67	68	69
Exceeding 250cc but not exceeding 500cc	65	66	67	68	69	70	71	72
Exceeding 500cc but not exceeding 800cc	67	68	69	70	71	72	73	74
Exceeding 800cc	69	70	71	72	73	75	76	77
Battery/electric motorcycle	10	10	10	10	10	10	10	10
Quad bikes	84	85	86	88	89	90	92	93

Year	16	17	18	19+				
Engine capacity	€	€	€	€				
Not exceeding 50cc	10	10	10	10				
Exceeding 50cc but not exceeding 125cc	10	10	10	10				
Exceeding 125cc but not exceeding 250cc	70	71	73	74				
Exceeding 250cc but not exceeding 500cc	73	74	75	76				
Exceeding 500cc but not exceeding 800cc	75	77	78	79				
Exceeding 800cc	78	79	80	82				
Battery/electric motorcycle	10	10	10	10				
Quad bikes	94	96	97	99				

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PART VI

Amendment of
the Income Tax
Management
Act.
Cap. 372.

26. This Part of this Act amends the Income Tax Management Act and it shall be read and construed as one with the Income Tax Management Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
article 27 of the
principal Act.

27. In sub-article (6) of article 27 of the principal Act, for the words "as may be prescribed", wherever they occur in the said sub-article, there shall be substituted the words "as the Commissioner may determine".

Amendment of
article 42 of the
principal Act.

28. Paragraph (b) of sub-article (3) of article 42 of the principal Act shall be deleted.

Amendment of
article 43 of the
principal Act.

29. Article 43 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "derives gains or profits from the transfer" there shall be substituted the words "makes a transfer";

(b) for paragraph (a) of sub-article (1) thereof there shall be substituted the following paragraph:

"(a) where the transfer is a transfer to which article 5A of the Income Tax Act applies, remit to the Commissioner a payment of tax, if any, in such amount and in such manner as is provided for in that article;"

(c) in paragraph (b) of sub-article (1) thereof, for the words "and irrespective of whether such gains or profits" there shall be substituted the words "and irrespective of whether the gains or profits, if any, derived from such a transfer", and immediately after the words "provisional tax payment equivalent to 7%" there shall be added the words "or, where applicable, at the rate provided for in article 5(9A) or 27G of the Income Tax Act,"; and

(d) in sub-article (5) thereof, for the words "fails to pay any tax or provisional tax" there shall be substituted the words "fails to pay any provisional tax".

Amendment of
article 44 of the
principal Act.

30. Article 44 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "Where any tax payable within the periods provided for in sub-article (1) or

(2), sub-article (3)(a) and (b), in article 42, in article 43(1), in article 45 or in article 9A(8) of the Income Tax Act" there shall be substituted the words "Where any tax payable within the periods provided for in sub-article (1) or (2) of article 42 or in article 43(1)(b) of this Act or in article 9A(8) of the Income Tax Act";

(b) in sub-article (2) thereof, for the words "the periods provided for in article 42(1), (2) or (3) or in article 45 or by rules made thereunder" there shall be substituted the words "the respective periods";

(c) in sub-article (2A) thereof, for the words "When any tax payable for the year of assessment 1999 or any subsequent year of assessment is not paid by the relevant tax settlement date" there shall be substituted the words "When any tax is not paid by the date on which it is payable in terms of the relevant provisions of the Income Tax Acts";

(d) in paragraph (c) of sub-article (2B) thereof, for the words "under the said procedure." there shall be substituted the words "under the said procedure;"; and

(e) immediately after paragraph (c) of sub-article (2B) thereof, there shall be added the following new paragraph:

"(d) No interest shall run on any tax payable by any person to the Commissioner when the non-payment of that tax renders that person liable to additional tax as provided for in sub-article (1) of this article or in article 23(4) of this Act or in article 73(4) of the Income Tax Act."

PART VII

31. (1) This Part amends the Excise Duty Act and it shall be read and construed as one with the Excise Duty Act, hereinafter in this Part referred to as "the principal Act".

Amendments to
the Excise Duty
Act.
Cap. 382.

(2) The provisions of this Part shall come into force as follows:

(a) articles 29 and 30 shall be deemed to have come into force on 12 October, 2015;

(b) articles 31, 32, 33, 35, 36, 37 and 38 shall be deemed to have come into force on 13 October, 2015; and

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(c) article 34 shall come into force on 1 January, 2016.

Amendment of
article 16A of
the principal
Act.

32. In article 16A of the principal Act, for the words "loss of excise duty on excise goods not exceeding two thousand euro (€2,000)" there shall be substituted the words "loss of excise duty on excise goods not exceeding four thousand euro (€4,000)".

Amendment of
article 29A of
the principal
Act.

33. Sub-article (3) of article 29A of the principal Act shall be amended as follows:

(a) paragraph (d) thereof shall be substituted by the following:

"(d) such person has been found guilty of committing a criminal offence for which such person has been effectively sentenced to imprisonment for twelve months or more:

Provided that for the purposes of this paragraph:

(i) two or more sentences for convictions which are required to be served consecutively shall be considered as separate convictions if none of them will be for a term of more than twelve months or more, so however that if one of the convictions is for a term of imprisonment for a term of twelve months or more, the said convictions shall be considered as one conviction; and

(ii) no account shall be taken of any conviction of imprisonment imposed as an alternative for, or because of the failure to, the payment of a fine (*multa*); or";

(b) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(e) has been found guilty of committing an offence relating to property and public security, public trust, government revenue, financial services or violence committed against a public officer;"; and

(c) immediately after paragraph (e) thereof there shall be added the following new proviso to the said sub-article:

"Provided that for the purposes of this sub-article

(3):

(i) an agreement between a person and the Commissioner in terms of article 63 of the Customs Ordinance or in terms of article 16A of this Act is not to affect in any way the considerations about whether a person is fit and proper, so long as this agreement would have been entered into not less than five years before the date of the application under this article;

(ii) if a person benefits from the provisions of paragraph (i) of this proviso and is given authorisation to act as a registered excise trader or as authorised warehouse keeper and then enters into another agreement with the Commissioner in terms of article 63 of the Customs Ordinance or article 16A of this Act, then this second agreement is not to affect in any way the considerations about whether a person is fit and proper, so long as this second agreement would have been entered into not less than fifteen years before the date of the application under this article;

(iii) in case the person commits a third irregularity or more thereafter, then the person is to be considered unfit and improper for the purposes of this sub-article (3).".

34. In the First Schedule to the principal Act immediately after the item

Amendment of the First Schedule to the principal Act.

"	Ammunition Cartridges to the extent as shown in the relevant schedule to this Act.	Schedule Five C	"
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there shall be added the following new items:

"	Chewing gum, whether sugar coated or not, to the extent as shown in the relevant schedule to this Act.	Schedule Five D
	Waters and non-alcoholic beverages to the extent as shown in the relevant schedule to this Act.	Schedule Five E

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Plastic sacks and bags to the extent as shown in the relevant schedule to this Act.	Schedule Five F	".
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Amendment of
the Second
Schedule to the
principal Act.

35. The Second Schedule to the principal Act shall be amended as follows:

(a) in the column "Rate of Excise Duty" thereof, relating to the item "BEER" for the words "€1.73 per hectolitre per degree Plato" there shall be substituted the words "€1.93 per hectolitre per degree Plato";

(b) in the column "Rate of Excise Duty" thereof, relating to the item "If produced by small and independent breweries with an annual production not exceeding 200,000 hectolitres of beer", for the words "€0.86 per hectolitre per degree Plato" there shall be substituted the words "€0.965 per hectolitre per degree Plato";

(c) in the column "Rate of Excise Duty" thereof, relating to the item "Products containing a mixture of beer with non-alcoholic drinks", for the words "€0.25 per hectolitre per degree Plato" there shall be substituted the words "€0.45 per hectolitre per degree Plato";

(d) in the column "Description of excise goods" the item "WINE" shall be substituted by the item "WINE OF FRESH GRAPES";

(e) in the column "Rate of Excise Duty" thereof, relating to the item "WINE OF FRESH GRAPES", for the words "€200 per 1000 litres" there shall be substituted the words "€205 per 1000 litres";

(f) in the column "Description of excise goods" under the item "WINE OF FRESH GRAPES", in clause 1 thereof, for the words:

"The term 'still wine' covers all products falling within Customs Tariff Heading Nos. 2204 and 2205, except sparkling wine as defined in paragraph 2 below"

there shall be substituted the words:

"The term 'still wine' covers all products falling within Customs Tariff Heading Nos. 2204, 2205 and 2206 except sparkling wine as defined in paragraph 2 below";

(g) in the column "Description of excise goods" under the item "WINE OF FRESH GRAPES", in clause 2 thereof, for the words:

"The term 'sparkling wine' covers all products falling within Customs Tariff Heading Nos. 2204.10, 2204.21.10, 2204.29.10 and 2205, and which"

there shall be substituted the words:

"The term 'sparkling wine' covers all products falling within Customs Tariff Heading Nos. 2204.10, 2204.21.10, 2204.29.10, 2205 and 2206, and which";

(h) in the column "Rate of Excise Duty" thereof, relating to the item "FERMENTED BEVERAGES", for the figure "0" there shall be substituted the words "€20 per 1000 litres";

(i) in the column "Description of excise goods" under the item "FERMENTED BEVERAGES", in clause 1 thereof, for the words:

"The term 'still fermented beverages' covers all products falling within Customs Tariff Heading Nos. 2204 and 2205 but not falling under Wine above, and products falling within Customs Tariff Heading No. 2206, except other sparkling fermented beverages as defined in paragraph 2 below and any product covered under Beer above"

there shall be substituted the words:

"The term 'still fermented beverages' covers all products falling within Customs Tariff Heading Nos. 2204 and 2205 but not falling under Wine of Fresh Grapes above, and products falling within Customs Tariff Heading No. 2206, except other sparkling fermented beverages as defined in paragraph 2 below and any product covered under Beer above";

(j) in the column "Description of excise goods" under the item "FERMENTED BEVERAGES", in clause 2 thereof, for the words:

"The term 'sparkling fermented beverages' covers all products falling within Customs Tariff Heading No. 2206 00 30 as well as products falling within Customs

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Tariff Heading Nos. 2204.10, 2204.21.10, 2204.29.10 and 2205 not mentioned under 'Wine' above which"

there shall be substituted the words:

"The term 'sparkling fermented beverages' covers all products falling within Customs Tariff Heading No. 2206 00 30 as well as products falling within Customs Tariff Heading Nos. 2204.10, 2204.21.10, 2204.29.10 and 2205 not mentioned under 'Wine of Fresh Grapes' above which";

(k) in the column "Rate of Excise Duty" thereof, relating to the item "INTERMEDIATE PRODUCTS", for the words "€150.00 per hectolitre" there shall be substituted the words "€152 per hectolitre";

(l) in the column "Description of excise goods" under the item "INTERMEDIATE PRODUCTS", for the words:

"The term 'intermediate products' covers all products of an actual alcoholic strength by volume exceeding 1.2% vol., but not exceeding 22% vol., and falling within Customs Tariff Heading Nos. 2204, 2205 and 2206 but not mentioned under Beer or Wine or Fermented Beverages above"

there shall be substituted the words:

"The term 'intermediate products' covers all products of an actual alcoholic strength by volume exceeding 1.2% vol., but not exceeding 22% vol., and falling within Customs Tariff Heading Nos. 2204, 2205 and 2206 but not mentioned under Beer or Wine of Fresh Grapes or Fermented Beverages above"; and

(m) in the column "Rate of Excise Duty" thereof, under the item "ETHYL ALCOHOL", relating to the item "Spirit based flavoured beverages of an alcoholic content over 1.2% but not exceeding 7%", for the words "€0.41 per % vol. per litre" there shall be substituted the words "€0.42 per % vol. per litre".

Amendment of
the Third
Schedule to the
principal Act.

36. The Third Schedule to the principal Act shall be amended as follows:

(a) in the column "Rate of Excise Duty" thereof, relating to the item "Cigarettes", for the words "25.0% of the

retail price plus €92.50 per 1000 cigarettes but not less than €150.00 per 1000 cigarettes" there shall be substituted the words "25.0% of the retail price plus €100.00 per 1000 cigarettes but not less than €160.00 per 1000 cigarettes";

(b) in the column "Rate of Excise Duty" thereof, relating to the item "Cigars and Cigarillos", for the words "€22.95 per 1000 units" there shall be substituted the words "€24.33 per 1000 units";

(c) in the column "Description of excise goods" under the item "Cigars and Cigarillos", for the words:

"The following shall be deemed to be cigars or cigarillos if they can be and, given their properties and normal consumer expectations, are exclusively intended to be smoked as they are:

(i) rolls of tobacco with an outer wrapper of natural tobacco;

(ii) rolls of tobacco with a threshed blend filler and with an outer wrapper of the normal colour of a cigar, of reconstituted tobacco, covering the product in full, including, where appropriate, the filter but not, in the case of tipped cigars, the tip, where the unit weight, not including filter or mouthpiece, is not less than 2,3g and not more than 10g, and the circumference over at least one third of the length is not less than 34mm. rolls of tobacco with a threshed blend filler and with an outer wrapper of the normal colour of a cigar, of reconstituted tobacco, covering the product in full, including, where appropriate, the filter but not, in the case of tipped cigars, the tip, where the unit weight, not including filter or mouthpiece, is not less than 2,3g and not more than 10 g, and the circumference over at least one third of the length is not less than 34mm.

Products which consist in part of substances other than tobacco but otherwise fulfil the criteria set out above shall be treated as cigars and cigarillos.",

there shall be substituted the words:

"The following shall be deemed to be cigars or cigarillos if they can be and, given their properties and normal consumer expectations, are exclusively intended to

be smoked as they are:

(i) rolls of tobacco with an outer wrapper of natural tobacco;

(ii) rolls of tobacco with a threshed blend filler and with an outer wrapper of the normal colour of a cigar, covering the product in full, including, where appropriate, the filter but not, in the case of tipped cigars, the tip, where the unit weight, not including filter or mouthpiece, is not less than 2,3 g and not more than 10g, and the circumference over at least one third of the length is not less than 34mm.

Products which consist in part of substances other than tobacco but otherwise fulfil the criteria set out above shall be treated as cigars and cigarillos, but a type of cigar which is similar in many respects to a cigarette is treated as a cigarette for excise purposes.";

(d) in the column "Rate of Excise Duty" thereof, relating to the item "Hand-rolling Tobacco", for the words "€108.07 per kg" there shall be substituted the words "€115.64 per kg";

(e) in the column "Description of excise goods" under the item "Hand-rolling Tobacco" there shall be added the following words:

"Smoking tobacco which is similar in many respects to fine-cut tobacco intended for the rolling of cigarettes is treated as fine-cut tobacco for excise purposes.";

(f) in the column "Rate of Excise Duty" thereof, relating to the item "Other Smoking Tobacco", for the words "€108.07 per kg" there shall be substituted the words "€115.64 per kg";

(g) in the column "Rate of Excise Duty" thereof, relating to the item "Pipe Tobacco", for the words "€32.54 per kg" there shall be substituted the words "€34.49 per kg"; and

(h) in the column "Rate of Excise Duty" thereof, relating to the item "Chewing Tobacco and Snuff", for the words "€32.82 per kg" there shall be substituted the words "€35.20 per kg".

37. The Fourth Schedule to the principal Act shall be amended as follows:

Amendment of the Fourth Schedule to the principal Act.

(a) in the column "Rate of Excise Duty" thereof relating to the item "Leaded petrol", for the words "€648.18 per 1000 litres" there shall be substituted the words "€678.18 per 1000 litres".

(b) in the column "Rate of Excise Duty" thereof relating to the item "Unleaded petrol", for the words "€519.38 per 1000 litres" there shall be substituted the words "€549.38 per 1000 litres".

(c) in the column "Rate of Excise Duty" thereof relating to the item "Gas Oil falling within CN Codes 2710.19.43 to 2710.19.48 or 2710.20.11 to 2710.20.19 and blends of the foregoing with Biodiesel, excluding Gas Oil or Gas Oil blended with Biodiesel, with a sulphur content not exceeding 0.1% sulphur by weight if used for heating purposes", for the words "€442.40 per 1000 litres" there shall be substituted the words "€472.40 per 1000 litres";

(d) in the column "Rate of Excise Duty" thereof relating to the item:

"If used in the following maritime commercial activities:

- Bunkering operations
- Conveyance of passengers and goods between shore and ocean-going vessels
- Dredging operations
- Harbour cruises
- Inland navigation between Malta and Gozo by vessels of a tonnage less than 3,500 tons
- Sea farming activities
- Tugging activities
- Navigation for commercial purposes within Maltese territorial waters",

for the words "€142.09 per 1000 litres" there shall be substituted

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the words "€172.09 per 1000 litres";

(e) in the column "Rate of Excise Duty" thereof relating to the item:

"Gas Oil or Gas Oil blended with Biodiesel" with a sulphur content not exceeding 0.1% sulphur by weight if used for heating purposes"

for the words "€202.09 per 1000 litres" there shall be substituted the words "€232.09 per 1000 litres";

(f) in the column "Rate of Excise Duty" relating to the item:

"Biodiesel, a diesel quality liquid fuel produced from biomass or waste cooking oil, with an ester content of not less than 96.5% by weight and a sulphur content not exceeding 0.005%, whether in blend or not"

for the words "€442.40 per 1000 litres" there shall be substituted the words "€472.40 per 1000 litres";

(g) in the column "Rate of Excise Duty" thereof relating to the item "Heavy fuel oil", for the words "€36.00 per 1000 kgs" there shall be substituted the words "€39.00 per 1000 kgs";

(h) in the column "Rate of Excise Duty" thereof relating to the item "Kerosene", for the words "€442.40 per 1000 litres" there shall be substituted the words "€472.40 per 1000 litres";

(i) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1971, for undergoing a specific process, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

(j) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1975, for undergoing chemical transformation by a process other than those specified in respect of sub-heading 2710 1971, not intended for use, offered for sale or used as heating or

motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

(k) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1981, motor oils, compressor lube oils, turbine lube oils, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

(l) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1983, liquids for hydraulic purposes, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

(m) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1985, white oils, liquid paraffin excluding heavy liquid paraffin BP/USP 6360 qualifying as a food grade product, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

(n) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1987, gear oils and reductor oils, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

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(o) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1991, metal-working compounds, mould release oils, anti-corrosion oils, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

(p) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1993, electrical insulating oils, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre";

(q) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 1999, other lubricating oils and other oils, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre"; and

(r) in the column "Rate of Excise Duty" thereof relating to the item:

"Petroleum oils falling within CN Code 2710 2090, other oils, not intended for use, offered for sale or used as heating or motor fuel",

for the words "€0.23 per litre" there shall be substituted the words "€0.25 per litre".

Amendment of
Schedule Five A
to the principal
Act.

38. In the column "Rate of Excise Duty" of Schedule Five A to the principal Act, relating to the item "All cements classified in commodity heading 2523 of the Customs Nomenclature, including clinkers and white Portland cement.", for the words "€35.00 per 1000 kgs" there shall be substituted the words "€40.00 per 1000 kgs".

39. Immediately after Schedule Five C to the principal Act, there shall be added the following new Schedule:

Addition of new Schedule Five D to the principal Act.

"SCHEDULE FIVE D - CHEWING GUM

Description of excise goods	Rate of Excise Duty
Chewing gum, whether sugar coated or not, falling under CN Codes 1704 10 10, 1704 10 90, and chewing gum falling under CN Code 2106 90 92.	€9.00 per Kg

".

40. Immediately after Schedule Five D to the principal Act, there shall be added the following new Schedule:

Addition of new Schedule Five E to the principal Act.

"SCHEDULE FIVE E - NON-ALCOHOLIC BEVERAGES

Description of excise goods	Rate of Excise Duty
Waters falling under CN Heading 2201	€5 per 1000 litres
Non-alcoholic beverages, falling under CN Heading 2202, excluding products falling under CN Codes 2202 90 91, 2202 90 95 and 2202 90 99.	€20 per 1000 litres

".

41. Immediately after Schedule Five E to the principal Act, there shall be added the following new Schedule:

Addition of new Schedule Five F to the principal Act.

"SCHEDULE FIVE F - PLASTIC SACKS AND BAGS

Description of Excise Goods	Rate of Excise Duty
• Bags of plastic of HS Codes 3923 21 and 3923 29, for the conveyance of goods, with a handle, loop, slot or any other feature that facilitates the use of the bag for the conveyance of goods;	€1,700 per 100 kgs but not less than €1,500 per 10,000 units

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• Bags of plastic of HS Codes 3923 21 and 3923 29, whether for the conveyance of goods or not, with or without a handle, loop, slot or any other feature that facilitates the use of the bag for the conveyance of goods, having a dimension of 28cm x 38cm or less and having a thickness of 15 microns or less, inclusive of gussets and handle;		€15 per 100 kgs up to a maximum of €45 per 10,000 units
• All other plastic sacks and bags (including cones) of HS Codes 3923 21 and 3923 29 and films, sheets or tubes of plastic of HS Headings 3917 and 3920 intended for the conversion into plastic sacks and bags; but		€250 per 100 kgs up to a maximum of €170 per 10,000 units
	- excluding bags of plastic of HS Codes 3923 21 and 3923 29 and films, sheets or tubes of plastic of HS Headings 3917 and 3920 which constitute or form an integral part of the packaging in which food stuff is sealed prior to retail or transfer;	
	- excluding bio-degradable sacks and bags in accordance with MSA EN 13432:2000, MSA EN 14046:2003, MSA EN 14047:2003 and MSA EN 14048:2003; and	
	- excluding printed sacks and bags of plastic of HS Codes 3923 21 and 3923 29 purchased specifically for the collection of recycled waste by the authorised waste management schemes;	
• Bags of plastic of HS Codes 3923 21 and 3923 29 and films, sheets or tubes of plastic of HS Headings 3917 and 3920 which constitute or form an integral part of the packaging in which food stuff is sealed prior to retail or transfer;		€0
• Bio-degradable sacks and bags in accordance with MSA EN 13432:2000, MSA EN 14046:2003, MSA EN 14047:2003 and MSA EN 14048:2003;		€0

• Printed sacks and bags of plastic of HS Codes 3923 21 and 3923 29 purchased specifically for the collection of recycled waste by the authorised waste management schemes.	€0
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PART VIII

42. (1) This Part amends the Eco-Contribution Act and it shall be read and construed as one with the Eco-Contribution Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Eco-Contribution Act.
Cap. 473.

(2) The provisions of this Part shall be deemed to have come into force on the 12 October, 2015.

43. In the First Schedule to the principal Act, the following items shall be deleted:

Amendment of the First Schedule to the principal Act.

" HS CODE DESCRIPTION ECO-
NUMBER CONTRIBUTION

CARBOYS, BOTTLES, FLASKS, JARS AND OTHER CONTAINERS MADE OF PLASTIC, GLASS OR METAL, CONTAINING ANY OF THE FOLLOWING BEVERAGES:

2201	Waters, including natural or artificial mineral waters and aerated waters not containing added sugar or other sweetening matter nor flavoured; ice and snow	€0.02	
2202	Waters, including mineral waters and aerated waters containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009	€0.02	
2203	Beer made from malt	€0.02	
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009	€0.12	
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	€0.12	
2206	Other fermented beverages (for example, cider perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included	€0.02	
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages.	€0.12	".

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"	HS CODE NUMBER	DESCRIPTION	ECO- CONTRIBUTION	
	PLASTIC BAGS			
	3923	Bags of plastics, excluding: i) bags for the conveyance of goods; ii) sacks and cones; iii) bags, without any handles, loops, slots or any other feature that facilitates the use of the bag for the conveyance of goods, and without any gussets, not exceeding 26 cm in width and 40 cm in length; iv) bio-degradable bags in accordance with MSA EN 13432:2000, MSA EN 14046:2003, MSA EN 14047:2003, MSA EN 14048:2003 as appropriate, and degradable plastic bags, of any dimension, including bio-degradable and degradable garbage bags; v) plastic packaging, without handles, used as part of a production process vi) plastic bags designed for re-use, which are used to contain goods or products, and which are sold by the producer for a sum of not less than €1.20 per piece	€0.14 per piece	
	3923	Bags of degradable plastic, excluding bags for the conveyance of goods and bags without any handles, loops, slots or any other feature that facilitates the use of the bag for the conveyance of goods, and without any gussets, not exceeding 26 cm in width and 40 cm in length	€0.02 per piece	
	3923	Bags of plastics, for the conveyance of goods, with a handle, loop, slot or any other feature that facilitates the use of the bag for the conveyance of goods, excluding bags which constitute or form an integral part of the packaging in which goods are sealed prior to retail sale or transfer	€0.15 per bag	

"; and

HS CODE NUMBER	DESCRIPTION	ECO- CONTRIBUTION
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GUM

1704 10	Chewing gum, whether or not sugar-coated (per 2 gram net weight, or part thereof)	€0.01
2106	Chewing gum, under heading 2106 (per 2 gram net weight, or part thereof)	€0.01

"

PART IX

44. This Part amends Part III of the Various Laws (Criminal Matters) (Amendment) Act, 2010, and it shall be read and construed as one with the Various Laws (Criminal Matters) (Amendment) Act, 2010, hereinafter in this Part referred to as "the amending Act".

Amendment of the Various Laws (Criminal Matters) (Amendment) Act, 2010. Act VII of 2010.

45. Part III of the amending Act shall be amended as follows:

Amendment of Part III of the amending Act.

(a) in article 45 thereof, for the words "a fine (*multa*) of two hundred and fifty euro (€250)", there shall be substituted the words "a fine (*multa*) of one hundred euro (€100)"; and

(b) article 47 thereof shall be amended as follows:

(i) for the item "Driving along a priority vehicle lane Fine (*ammenda*) of €100", there shall be substituted the item "Driving along a priority vehicle lane Fine (*ammenda*) of €50";

(ii) the item "Driving on the right hand side not for overtaking purposes Fine (*ammenda*) of €100" shall be deleted; and

(iii) the item "Driving or allowing to drive a motor vehicle when the glazing of that vehicle does not allow a visible light transmission Fine (*ammenda*) of €100" shall be deleted.

PART X

46. (1) This Part amends the Social Security Act, and it shall be read and construed as one with the Social Security Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Social Security Act. Cap. 318.

(2) The provisions of this Part shall be deemed to have come into force on 1st January, 2016.

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Amendment of
article 2 of the
principal Act.

47. Article 2 of the principal Act shall be amended as follows:

(a) paragraph (xii) of the definition "Service Pension" in sub-article (1) thereof shall be re-numbered as paragraph (xiii) thereof, and immediately after paragraph (xi) of the definition there shall be added the following new paragraph:

"(xii) with effect from the 2nd January 2016, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200) and a further €200 shall be deducted with effect from the first Saturday of every calendar year after such date; and"; and

(b) in the proviso to sub-article (3) thereof, for the words "as an employed person if immediately before the tenth year prior to his retirement or invalidity, as the case may be, he was an employed person for not less than twenty years and has continued to be so employed for any period within the said last ten years and has not after such period become self-occupied" there shall be substituted the words "as an employed person if immediately before the fifteenth year prior to his retirement or invalidity, as the case may be, he was an employed person for not less than twenty years and has continued to be so employed for any period within the said last fifteen years and has not after such period become self-occupied".

Amendment of
article 16 of the
principal Act.

48. Article 16 of the principal Act shall be amended as follows:

(a) the three provisos to paragraph (d) of sub-article (2) thereof shall be substituted by the following:

"Provided that the sum total of such credited contributions which may be given with regard of each child to a parent or to both parents together shall not exceed 104 contributions in any period of two years such that on the first three children, the accredited contributions which may be given to a parent or to both parents together who were born between 1st January 1952 and 31st December 1961, shall not exceed 312 contributions in any period of six years; whilst the sum total of such credited contributions which may be given with regard of each child to a parent or to both parents together who were born on or after 1st January 1962 shall not exceed 208 contributions in any period of four years sohowever that the maximum of credited contributions which may be

given on the first three children to a parent or to both parents together who were born on or after 1st January 1962 shall not exceed 624 contributions in any period of twelve years:

Provided further that in the case of a parent who, to the satisfaction of the Director, presents a certificate from a medical consultant of a child suffering from a serious disability during such period for which credits are requested, the sum total of such credited contributions that may be awarded in respect of each and every such child shall not exceed 208 contributions in any period of four years where the parent was born between 1st January 1952 and 31st December 1961, and shall not exceed 416 contributions in any period of eight years where the parent was born on or after 1st January 1962:

Provided also that any period of credited contributions that may be awarded from the fourth child onwards, which total sum for each child shall not exceed 52 credited contributions to that parent or parents together who were born between the 1st January 1952 and the 31st December 1961, and 104 credited contributions for each child to that parent or parents together who were born on or after 1st January 1962, shall only be awarded insofar as, prior to the pension age, such father or mother, as the case may be, resumes gainful occupation for a minimum period equivalent to that period for which such number of credits would have been awarded for the fourth child onwards, so however that, in the event of the death of any such parent, such credits shall still be awarded notwithstanding that the minimum period required according to this proviso for the award of such credits shall not have been satisfied;"

(b) immediately after the three provisos to paragraph (d) of sub-article (2) thereof, as substituted, there shall be added the following new paragraph:

"(e) persons who were born after the 1st January 1952 for periods during which the Social Security contribution due was not paid because they were undergoing a period of study according to Part V of the Tenth Schedule and qualified on such level."; and

(c) immediately after sub-paragraph (ii) of the proviso to paragraph (b) of sub-article (3) thereof there shall be added

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the following new sub-paragraph:

"(iii) that person was born on or after the 1st January 1969 and reaches the amount of credited contributions for every calendar week during which each day thereof is a day of unemployment for such person according to paragraph (b), which is equivalent to the amount of contributions which such person will have paid during the preceding period;"

Amendment of
article 20 of the
principal Act.

49. Sub-article (1) of article 20 of the principal Act shall be amended as follows:

(a) paragraph (b) thereof shall be re-numbered as paragraph (c); and

(b) immediately after paragraph (a) thereof there shall be added the following new paragraph:

"(b) with effect from 1st January 2016 an unmarried person who lives with his or her parents, where none of the parents is gainfully occupied and one of the parents is in receipt of a pension under Parts IV and V and under articles 26 and 66, who on the date of the claim for such assistance is medically certified:

(i) as suffering from a terminal disease, or

(ii) as suffering from a bi-polar disorder or psychotic depression,

entitlement to Sickness Assistance shall still accrue, provided that in the case of the condition referred to in sub-paragraph (ii), the person suffering from that condition proves to the satisfaction of the Director that he or she has been undergoing regular treatment for such a condition for at least three years and that within the three months immediately prior to his or her claim for such assistance his or her condition had been investigated by a psychiatrist who is or was a consultant psychiatrist in Government employment and certified by the said psychiatrist to be suffering from such a condition;"

Amendment of
article 27 of the
principal Act.

50. In the second proviso to sub-article (3) of article 27 of the principal Act for the words "in accordance with Part III of the Sixth Schedule." there shall be substituted the words "in accordance with Part III of the Sixth Schedule:" and immediately thereafter there shall be added the following new proviso:

"Provided further that with effect from 1st January 2016, when a person who qualifies for a pension according to the provisions of this article reaches the age of sixty years, the applicable weekly rate shall be that indicated in Part II of the Sixth Schedule."

51. In paragraph (a) of sub-article (6) of article 30 of the principal Act, for the words "all the other members of the household; and" there shall be substituted the words "all the other members of the household:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 30 of the principal Act.

"Sohowever that the provisions of this sub-paragraph do not apply in respect of an insurable employment with effect from 2nd January, 2016 or thereafter; and".

52. In sub-article (2) of article 33A of the principal Act, for the words "in accordance with Part V of this Act." there shall be substituted the words "in accordance with Part V:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 33A of the principal Act.

"Provided that with effect from the 2nd January 2016, a widow or a widower who, when reaching pensionable age, will be entitled to a pension in his or her own name under Part V, sohowever that such pension is less favourable than the pension due under this article, shall receive the same pensionable rate under Part V which the spouse of the widow or widower would have received or would have been entitled to, at the rate payable to a married person who is maintaining his or her spouse."

53. In the second proviso to article 35 of the principal Act, for the words "which does not appear to him to be *bona fide*." there shall be substituted the words "which does not appear to him to be *bona fide*:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 35 of the principal Act.

"Provided that with effect from the 2nd January 2016, a widow or a widower who, when reaching pensionable age, will be entitled to a pension in his or her own name under Part V, sohowever that such pension is less favourable than the pension due under this article, shall receive the same pensionable rate under Part V which the spouse of the widow or widower would have received or would have been entitled to."

54. In article 50 of the principal Act, for the words "in respect of which such pension is due." there shall be substituted the words "in respect of which such pension is due:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 50 of the principal Act.

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"Provided that with effect from the 1st January 2016, a person born on or after the 31st December 1961 who is not entitled to a Service Pension shall be entitled to the Guaranteed Minimum Level of Pension according to the Twelfth Schedule."

Amendment of
article 50A of
the principal
Act.

55. In article 50A of the principal Act, for the words "a person born on or after the 1st January 1962 who is not entitled to a Service Pension" there shall be substituted the words "a person born on or after the 1st January 1962, who reaches pensionable age, who is not entitled to a Service Pension".

Amendment of
article 53 of the
principal Act.

56. Article 53 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, paragraphs (iii) and (iv) shall be re-numbered as paragraphs (v) and (vi) respectively;

(b) immediately after paragraph (ii) of sub-article (1) thereof there shall be added the following new paragraphs:

"(iii) of forty years in the case of a person born during calendar years 1962 to 1968; or

(iv) of forty-one years in the case of a person born on or after the 1st January 1969;" and

(c) sub-article (4) thereof shall be substituted by the following:

"(4) For the purposes of this article, in the case of a person born between the 1st January 1962 and the 31st December 1968, in arriving at the yearly average of contributions in terms of sub-article (1), the yearly average of contributions required under this Act for the purposes of awarding a Two Thirds Pension shall be assessed on any period of forty years between the first day of his contribution year in which he reaches the age of eighteen and the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied.

(5) In the case of a person born on or after the 1st January 1969, in arriving at the yearly average of contributions in terms of sub-article (1), the yearly average of contributions required under this Act for the purposes of awarding a Two Thirds Pension shall be assessed on any period of forty-one years between the first day of his contribution year in which he reaches the age of eighteen

and the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied."

57. Article 64A of the principal Act shall be amended as follows:

Amendment of article 64A of the principal Act.

(a) paragraph (ii) thereof shall be re-numbered as paragraph (iii); and

(b) for paragraph (i) thereof there shall be substituted the following:

"(i) 2132 paid or credited contributions in the case of a person born on or after the 1st January 1969 sohowever that -

(a) persons born in the calendar year 1969 must have 1612 paid contributions from the total 2132 contributions required,

(b) persons born in the calendar year 1970, must have 1664 paid contributions from the total 2132 contributions required,

(c) persons born in the calendar year 1971, must have 1716 paid contributions from the total 2132 contributions required,

(d) persons born in the calendar year 1972, must have 1768 paid contributions from the total 2132 contributions required,

(e) persons born in the calendar year 1973 or later must have 1820 paid contributions from the total 2132 contributions required;

(ii) 2080 paid or credited contributions in the case of a person born between the 1st January 1962 and the 31st December 1968; or".

58. Sub-article (1) of article 64B of the principal Act shall be amended as follows:

Amendment of article 64B of the principal Act.

(a) for the words "sustainability and social solidarity:" there shall be substituted the words "sustainability and social solidarity in such manner that a stable proportion is kept between the contribution periods as referred to in article 53 and

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the periods of time during which it is expected that the pension will be paid in accordance with Part V of this Act."; and

(b) the proviso to the said sub-article shall be substituted by the following:

"Provided that the first report shall not be submitted later than the 31st December 2020, and subsequent reports shall be submitted at intervals of not more than five years, as provided for in this sub-article, after such date."

Amendment of
article 92 of the
principal Act.

59. Immediately after sub-article (2) of article 92 of the principal Act there shall be added the following new sub-articles:

"(3) With effect from the 1st January 2016 entitlement to Social Assistance or to an Age Pension payable under this Act shall not be extinguished:

(i) when a person proves to the satisfaction of the Director that he or she shall be abroad in a European country for a period not exceeding eight days in a calendar year;

(ii) when a person proves to the satisfaction of the Director that he or she shall be abroad in a Non-European country for a period not exceeding one month in a calendar year.

(4) With effect from the 1st January 2016 entitlement to an Age Pension payable under this Act shall not be extinguished where a person proves to the satisfaction of the Director that he or she shall be abroad in Australia, Canada or New Zealand for a period not exceeding three months in a calendar year."

Amendment of
article 98 of the
principal Act.

60. In sub-article (2) of article 98 of the principal Act, for the words "which ends on the following Friday." there shall be substituted the words "which ends on the following Friday:" and immediately thereafter there shall be added the following new proviso:

"Provided that, notwithstanding the provisions of this sub-article, with effect from the 1st January 2016, entitlement to a Pension under Part V shall accrue as from the day following the day on which a person retires, and entitlement to a Pension under Part IV shall accrue as from the day following the date of the death of the spouse who is entitled to a Pension under Part V."

61. Paragraph 3 of Part VI – Social Assistance – of the Second Schedule to the principal Act shall be substituted by the following:

Amendment of the Second Schedule to the principal Act.

"3. In calculating the income or privilege which is, or could be received or enjoyed by any member of the household, who is not the head of household, as aforesaid in this Part, no account shall be taken of the income from:

- (i) a gainful activity; or
- (ii) Unemployment Benefit."

PART XI

62. (1) This Part amends the Duty on Documents and Transfers Act, and it shall be read and construed as one with the Duty on Documents and Transfers Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Duty on Documents and Transfers Act. Cap. 364.

(2) The provisions of this Part, except the provisions relating to sub-article (7) of article 3, articles 9 and 11, sub-articles (4) and (8) of article 32, and articles 32C, 51 and 62 of the principal Act, shall be deemed to have come into force on the 1st January 2016.

(3) The provisions of this Part relating to sub-article (8) and the new proviso thereto, of article 32 of the principal Act, shall be deemed to have come into force on the 30th April 2015.

(4) The provisions of this Part relating to sub-article (7) of article 3, articles 9 and 11, sub-article (4) of article 32, and articles 32C, 51 and 62 of the principal Act, shall come into force on the 1st June 2016.

63. Article 3 of the principal Act shall be amended as follows:

Amendment of article 3 of the principal Act.

(a) in sub-article (6) thereof, for the words "in terms of articles 32 and 40." there shall be substituted the words "in terms of articles 32 and 40:" and immediately thereafter there shall be added the following new proviso:

"Provided that for the purpose of this sub-article the amount so chargeable shall be deemed provisionally to be the amount determinable by reference to the information available at the time of the conclusion of the promise of sale or of a transfer and shall not in any way be construed as relevant to the determination of the actual amount chargeable on the document of transfer in accordance with the other provisions of this Act and rules prescribed under this Act."; and

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(b) immediately after sub-article (6) thereof, as amended, there shall be added the following new sub-article:

"(7) Corrections and copies of the promise of sale shall be subject to fees in accordance with the Schedule annexed to this Act."

Amendment of
article 9 of the
principal Act.

64. Article 9 of the principal Act shall be amended as follows:

(a) the current article shall be re-numbered as sub-article (1) thereof; and

(b) immediately after sub-article (1) thereof, as renumbered, there shall be added the following new sub-articles:

"(2) In a document of transfer of rural property, or land, or the roof or airspace overlying urban property, the parties shall make a declaration stating whether any construction exists on the property on the date of the transfer and, where such construction exists, a description thereof, and for this purpose "construction" includes any improvements and any works in progress.

(3) A person who fails to make the declaration required under sub-article (2) or who makes a declaration for the purpose of that sub-article which he knows to be false or incomplete or misleading shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than five hundred euro (€500) and not more than three thousand euro (€3,000), or to imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment in addition to any additional duty and liability to which he may be liable in terms of any other provision of this Act."

Amendment of
article 11 of the
principal Act.

65. In article 11 of the principal Act, for the words "a declaration of value where such declaration is required under article 9" there shall be substituted the words "a declaration of value or of a description of the property, where this is required under article 9".

Amendment of
article 32 of the
principal Act.

66. Article 32 of the principal Act shall be amended as follows:

(a) the Maltese version of sub-article (3) thereof shall be amended as follows:

(i) for the words "ma għandha tithallas ebda

taxxa mat-trasferiment ta' proprjeta" there shall be substituted the words "ma għandha tithallas ebda taxxa mal-assenjament ta' proprjeta"; and

(ii) for the words "wara separazzjoni konsenswali jew ġudizzjarja, jew wara divorzju bejniethom" there shall be substituted the words "bħala konsegwenza ta' separazzjoni konsenswali jew ġudizzjarja, jew ta' divorzju bejniethom";

(b) sub-article (4) thereof shall be amended as follows:

(i) in paragraph (a) thereof, for the words "Subject to the provisions of paragraph (b)" there shall be substituted the words "Subject to the provisions of paragraphs (b) and (d)";

(ii) paragraph (d) thereof shall be substituted by the following:

"(d) Duty relief provided for in paragraph (a) shall not be available where the person acquiring the property owns, at the time of acquisition, any other property in respect of which duty relief has been claimed under paragraph (a) or article 32C. The notary who receives any deed to which this article refers shall record in the deed a declaration by the person so acquiring the immovable that he does not own any other property in respect of which duty relief has been claimed under paragraph (a) or article 32C and that the said property is being acquired by him for the purpose stated in paragraph (a) and the said notary shall warn the said person of the importance of the truthfulness of such declaration.";

(c) sub-paragraph (ii) of paragraph (c) of sub-article (6) thereof shall be substituted by the following:

"(ii) the said property consists of any immovable property, including land;"

(d) in sub-article (8) thereof, for the words "Notwithstanding any other provisions of this Act, no duty shall be charged on a deed of partition of immovable property held in common" there shall be substituted the words "No duty shall be charged on a deed of partition of immovable property which

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was acquired by the co-owners through a transfer *inter vivos*, or partly through a transfer *inter vivos* and partly through a transfer *causa mortis*"; and

(e) in the proviso to sub-article (8) thereof, for the words "duty shall be paid on such excess." there shall be substituted the words "duty shall be paid on such excess:", and immediately thereafter there shall be added the following new proviso:

"Provided further that where an undivided share held by a co-owner would have been transferred *causa mortis* to such co-owner, the provisions of this sub-article shall only apply where any duty chargeable in respect of the property transferred *causa mortis* has been paid, or no duty is payable on such transfer, and the notary declares on the relative deed that the property in question came to the co-owner through a transfer *causa mortis* and that a complete declaration, including the property to which the partition refers, has been duly made in accordance with article 33. The notary shall on any such deed give the relevant details of all the declarations made in accordance with article 33."

Amendment of
article 32C of
the principal
Act.

67. In the third proviso to article 32C of the principal Act, for the words "at the time of the said transfer *inter vivos*." there shall be substituted the words "at the time of the said transfer *inter vivos*:" and immediately thereafter there shall be added the following new proviso:

"Provided also that duty relief provided for in this article shall not be available where the descendant owns, at the time of acquisition of the said immovable property by a gratuitous title, any other property in respect of which duty relief has been claimed under paragraph (a) of article 32(4). The notary who receives any deed to which this article refers shall record in the deed a declaration by the person so acquiring the immovable that he does not own any other property in respect of which duty relief has been claimed under paragraph (a) of article 32(4) and the said notary shall warn the descendant of the importance of the truthfulness of such declaration."

Amendment of
article 49 of the
principal Act.

68. Sub-article (1) of article 49 of the principal Act shall be amended as follows:

- (a) paragraph (d) thereof shall be deleted; and
- (b) immediately after paragraph (d) thereof, there shall

be added the following new paragraph:

"(e) where duty is chargeable on the transfer of foreign marketable securities referred to in article 42(1)(a)(i), the company that directly owns the immovable property situated in Malta or the real rights thereon shall be jointly and severally liable with the transferor and transferee for payment of the duty chargeable on such transfer of foreign marketable securities."

69. Article 51 of the principal Act shall be amended as follows: Amendment of article 51 of the principal Act.

(a) in sub-article (1) thereof, for the words "fifteen (15) days" there shall be substituted the words "fifteen (15) working days";

(b) in sub-article (2) thereof, for the words "interest at the rate of point seven *per centum* (0.7%) for every thirty (30) days or part thereof on any duty due on the transfer to which such duty refers provided the total interest shall not exceed the amount of the said duty:" there shall be substituted the words "interest at the rate of point seven *per centum* (0.7%) for every thirty (30) days or part thereof on any duty due on the transfer to which such duty refers which interest shall start accruing from the expiration of the fifteen (15) working days mentioned in sub-article (1), provided that the total interest shall in no case exceed the amount of the said duty."; and

(c) the proviso to sub-article (2) thereof shall be deleted.

70. In sub-article (3) of article 62 of the principal Act, for the words "such persons shall be entitled to a refund of the duty paid in excess of the duty properly chargeable in respect of the acquisition of such residence as established under the provisions of articles 32, 32C and 40, as applicable" there shall be substituted the words "such persons shall, notwithstanding the provisions of paragraph (d) of article 32(4) and the last proviso to article 32C, be entitled to a refund of the duty paid in excess of the duty properly chargeable in respect of the acquisition of such residence as established under the provisions of articles 32, 32C and 40, as applicable". Amendment of article 62 of the principal Act.

71. In paragraph (a) of sub-article (1) of article 65 of the principal Act, for the words "happening at least twenty years before the date of the deed" there shall be substituted the words "happening prior to the 25th November 1992". Amendment of article 65 of the principal Act.

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PART XII

Amendments to
the Value Added
Tax Act.
Cap. 406.

72. This Part amends the Value Added Tax Act, and it shall be read and construed as one with the Value Added Tax Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
article 32 of the
principal Act.

73. In the proviso to sub-article (1) of article 32 of the principal Act, for the words "mentioned in the said schedule." there shall be substituted the words "mentioned in the said schedule:", and immediately thereafter there shall be added the following new proviso:

"Provided further that, where a person makes a correction in terms of article 28(1), the six year period in which the Commissioner may make a provisional assessment as provided for in this sub-article shall start to run from the date on which the Commissioner receives the request for the correction."

Amendment of
article 48 of the
principal Act.

74. In sub-article (4) of article 48 of the principal Act, for the words "by regulations prescribe." there shall be substituted the words "by regulations prescribe:", and immediately thereafter there shall be added the following new proviso:

"Provided that, where a tax return is furnished after its due date or, in the case where a person makes a correction in terms of article 28(1), the six year period provided for in this sub-article shall start to run from the date on which a tax return is furnished or the date on which the Commissioner receives a request for the correction."

Amendment of
article 77 of the
principal Act.

75. In article 77 of the principal Act for the words "and in addition, for any offence as above referred to in all paragraphs, except for paragraph (p), to a further fine (*multa*) equal to ten times the endangered tax or to imprisonment of not more than six months or to both such fines and imprisonment." there shall be substituted the words "and in addition, for any offence as above referred to in all paragraphs, except for paragraph (p), where tax amounting to more than one hundred euro (€100) would be endangered, to a further fine (*multa*) equal to two times the endangered tax or to imprisonment of not more than six months or to both such fines and imprisonment:", and immediately thereafter there shall be added the following new proviso:

"Provided that, the two times fine (*multa*) for the endangered tax shall in no case be less than one thousand euro (€1,000)."

Amendment of
article 84 of the
principal Act.

76. Sub-article (3) of article 84 of the principal Act shall be substituted by the following:

"(3) Notwithstanding the provisions of sub-articles (1) and (2), the Commissioner may, in the case of an offence by any person against the provisions of articles 76(b), 77(e), 77(f), and 77(o), enter into an agreement with the offender, whereby the said offender pays to the Commissioner within fifteen days from receipt of a notice to this effect by the Commissioner the following:

(a) one hundred euro (€100) in the case of a first offence;

(b) two hundred euro (€200) in the case of a second offence;

(c) four hundred euro (€400) in the case of a third offence; and

(d) five hundred euro (€500) in the case where the offender and, or any of his employees or any other person acting on his behalf is found in default on two separate occasions within a period of six months;

and upon the payment of such fine (*multa*), all criminal liability under this Act with regard to the offences in relation to which the fine (*multa*) has been paid, shall be extinguished."

Passed by the House of Representatives at Sitting No. 363 of the 1st March, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

