VERŻJONI ELETTRONIKA

I assent.

(L.S.) **DOLORES CRISTINA**
Acting President

11th November, 2016

ACT No. XLIX of 2016

AN ACT further to amend the Central Bank of Malta Act, Cap. 204.

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

Short title. Cap. 204.

1. The short title of this Act is the Central Bank of Malta (Amendment No. 2) Act, 2016.

PART I
Amendments to the Central Bank of Malta Act

Amendments to the Central Bank of Malta Act

2. This Part amends the Central Bank of Malta Act and it shall be read and construed as one with the Central Bank of Malta Act, hereinafter referred to as "the principal Act".

Amendment to article 35 of the principal Act.

3. In paragraph (a) of article 35 of the principal Act, for the words "any directives issued under articles 34(5) or 34A;" there shall be substituted the words "any directives issued under articles 17A, 34(5) or 34A;".

Deletion of articles 45, 46, 47, 48, 49, 52, 53 and 55 of the principal Act.

4. Articles 45, 46, 47, 48, 49, 52, 53 and 55 of the principal Act shall be deleted.

Amendment of article 50 of the principal Act.

5. Article 50 of the principal Act shall be amended as follows:

(a) sub-article (4) thereof shall be deleted; and

(b) sub-article (5) thereof shall be renumbered as sub-

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article (4).

Amendment of article 56 of the principal Act.

6. In paragraph (a) of article 56 of the principal Act, for the words "any directives issued under articles 34(5), 34A(1), 43A, 50A or 60A;" there shall be substituted the words "any directives issued under articles 17A, 34(5), 34A(1), 50A or 60A;".

PART II

Consequential Amendments to the Criminal Code

Consequential Amendments to the Criminal Code

7. This part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter referred to as "Code".

Amendment to article 5 of the Criminal Code. Cap. 9.

8. Sub-article (1) of article 5 of the Criminal Code shall be amended as follows:

(a) in paragraph (d) thereof, immediately after the words "or of the offences mentioned in articles 133, 139A," there shall be added the words "or of the offences mentioned in articles 188B, 188C, 188D,"; and

(b) immediately after sub-paragraph (ii) of paragraph (e) thereof, there shall be added the following:

"(iii) shall have committed any of the offences under articles 188B to 188D,".

Addition of new Sub-title III to Title V of Part II of the Criminal Code. Cap. 9.

9. Immediately after article 188 of the Criminal Code, there shall be added the following new Sub-title:

"Sub-title III

OF COUNTERFEITING OF CURRENCY

Reference to currency.

188A. For the purposes of the following provisions of this Sub-title, any reference to the term "currency" shall be a reference to euro banknotes or euro coins or any other note or coin by whatever name called, which is legal tender in the country outside Malta in which it is issued and which is designated for circulation as legal tender, even if it has not been issued yet.

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Forgery and uttering of currency.

188B. (1) Whosoever fraudulently makes, alters, or forges any currency or utters any forged currency knowing the same to be forged shall be liable, on conviction, to imprisonment for a term of not less than two years and not exceeding nine years:

Provided that where the forged currency is uttered by a person who proves that at the time at which it came into his custody or possession he did not know the same to be forged, the punishment shall be reduced to a term of imprisonment of not less than two months and not exceeding three years.

(2) Whosoever makes use of legal facilities or materials to manufacture any currency in violation of the rights and conditions under which such facilities or materials are to be used shall be liable, on conviction, to imprisonment for a term of not less than two years and not exceeding ten years.

Import, export, transportation and possession of forged currency.

188C. Whosoever without lawful authority imports, exports, transports, purchases, receives, obtains, or has in his custody or possession forged currency knowing the same to be forged shall be liable, on conviction, to imprisonment for a term of not less than thirteen months and not exceeding five years.

Making, receiving, obtaining or having in possession paper or implements for forgery.

188D. Whosoever without lawful authority -

(a) makes, receives, obtains, uses or knowingly has in his custody or possession, any paper intended to resemble and pass as special paper such as is provided and used for the making of any currency note, or any such special paper;

(b) makes, receives, obtains, uses or knowingly has in his custody or possession, any frame, mould or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices, peculiar to and used in or on any such paper;

(c) engraves or in any way makes upon any plate, wood, stone, or other material, or produces in electronic or digital form, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part the words, figures, letters, marks, lines or devices, peculiar to and used in or on any currency;

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(d) makes, receives, obtains, uses or knowingly has in his custody or possession any plate, wood, stone or other material, or any other electronic or digital storage device upon which any such words, letters, figures, marks, lines, or devices, have been engraved, produced or stored in electronic or digital form, or in any way made as aforesaid;

(e) makes, receives, obtains, uses or knowingly has in his custody or possession any paper or other material whatsoever made upon which any such words, figures, letters, marks, lines, devices, holograms or other components or security features which serve to protect against counterfeiting, have been printed or in any way made as aforesaid;

(f) makes, receives, obtains, uses or knowingly has in his custody or possession instruments, articles, computer programmes and data, and any other means specifically adapted for the counterfeiting or altering of currency;

(g) makes, receives, obtains, uses or knowingly has in his custody or possession any die or other instrument or machine exclusively intended for coinage, shall be liable, on conviction, to imprisonment for a term of not less than thirteen months and not exceeding five years.

Mutilation and defacement of currency.

188E. Whosoever without lawful authority or lawful or reasonable excuse mutilates, cuts, tears, melts down, impairs, or perforates with holes, any currency or in any way defaces any currency by writing, printing, drawing, or by any means whatsoever, or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement, shall be liable, on conviction, to a fine (*multa*) not exceeding one hundred and fifteen euro (€115).

Consultation with the Central Bank of Malta.

188F. If, in the course of criminal proceedings, the court deems it necessary to order the destruction of counterfeit currency, it shall consult with the Central Bank of Malta beforehand and shall, if and as the Central Bank of Malta may require, refrain from ordering their destruction and proceed to consign such currency to the Central Bank of Malta for examination.

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Medals and tokens similar to euro coins.

188G. (1) In accordance with the provisions of Council Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins, and as subsequently amended, whosoever, unless authorised by the Commission of the European Union, produces, sells, imports or distributes for sale or for other commercial purposes medals and tokens, other than exempted medals and tokens as provided in the said Regulation, similar to euro coins, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding twenty-three thousand euro (€23,000), or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) The provisions of sub-article (1) shall not apply to medals and tokens issued before 6 December 2004.

Liability of legal persons.

188H. The provisions of articles 121D and 248E(4) shall apply *mutatis mutandis* to offences under articles 188B to 188D.".

Passed by the House of Representatives at Sitting No. 447 of the 2nd November, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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