

A 440

I assent.

(L.S.)

GEORGE VELLA
President

23rd April, 2020

ACT No. XX of 2020

*AN ACT to amend the National Interest (Enabling Powers) Act,
Cap. 365*

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. 365

Amendment of
article 3 of the
principal Act.

1. The short title of this Act is the National Interest (Enabling Powers) (Amendment) Act, 2020, and this Act shall be read and construed as one with the National Interest (Enabling Powers) Act, hereinafter referred to as "the principal Act".

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

(a) in the marginal note thereof the word "Prime" shall be deleted;

(b) in sub-articles (1), (2) and (3) thereof the word "Prime" wherever it occurs shall be deleted;

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

(i) in paragraph (a) the word "Prime" shall be deleted and the words "he may" shall be substituted by the words "he shall"; and

(ii) in sub-paragraph (vi) of paragraph (a), the words "in the regulations." shall be substituted by the words "in the regulations:" and immediately thereafter there shall be added the following new proviso:

"Provided that the Minister shall publish the regulations within a reasonable time from when the Sanctions Monitoring Board and the Attorney General as the case may be have made their recommendation for the publication of the regulations.";

(d) in sub-article (5) thereof the word "Prime" shall be deleted; and

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

"(7) Without prejudice to the provisions of the foregoing sub-articles of this article the Minister may make regulations to give effect to any provisions of this Act and such regulations may also provide for any matter which is incidental, ancillary or consequential thereto.".

3. Article 17 of the principal Act shall be amended as follows:

Amendment of article 17 of the principal Act.

S.L. 373.01. (a) in sub-article (6) thereof, for the words "as defined in the Prevention of Money Laundering Act" there shall be substituted the words "as defined in the Prevention of Money Laundering and Funding of Terrorism Regulations"; and

S.L. 373.01. (b) in sub-article (7) thereof, for the words "as defined in the Prevention of Money Laundering Act" there shall be substituted the words "as defined in the Prevention of Money Laundering and Funding of Terrorism Regulations".

4. Immediately after article 18 of the principal Act there shall be added the following new articles:

Addition of new articles to the principal Act.

"Special administrative procedure.

19. (1) Any person who contravenes the provisions of paragraphs (a), (b) or (c) of article 17(6), and when such contravention is not accompanied by any other breach of this Act, shall be liable to:

(a) an administrative sanction of not less than one hundred euro (€100) and not more than three hundred euro (€300) in respect of every separate contravention; or

(b) an administrative sanction of not less than three hundred euro (€300) and not more than eight hundred euro (€800) in respect of contraventions that are deemed to be serious, repeated or systematic:

Provided that instead of or in conjunction with the imposition of any administrative sanction as envisaged under this sub-article, the Board may issue directives in writing requiring any person to take any action or measure to remedy such contravention or ensure compliance with the provisions of paragraphs (a), (b) or (c) of article 17(6):

Provided further that directives in writing issued under this sub-article shall be complied with, within the time and in the manner stipulated therein, and any person who fails to comply with any such directive shall be liable to an administrative sanction as envisaged under paragraph (a).

(2) Administrative sanctions under this article shall be imposed by the Board without recourse to a court hearing and in accordance with policies and procedures established by the Board, which may be imposed either as a one-time fixed sanction or as a daily cumulative sanction, or both.

(3) Administrative sanctions imposed on a daily cumulative basis, shall not be less than fifty euro (€50) and the accumulated sanction shall not exceed one thousand euro (€1,000).

(4) Where the Board imposes an administrative sanction on a person, it shall inform in a timely manner the relevant supervisory authority or any other authority, body or committee responsible for the authorisation, licensing, registration or regulation of, or the granting of a warrant to, the person concerned, and shall provide all relevant information on the contravention which it retains necessary:

Provided that where the Board imposes an administrative sanction as envisaged under sub-article (1)(b), the Board may also recommend to the relevant supervisory authority, body or committee responsible for the authorisation, licensing, registration or regulation of, or the granting of a warrant to, the person concerned, to take any action or regulatory measures available to it under applicable law as it may deem appropriate in the circumstances of the case.

(5) Any administrative sanction imposed by the Board in terms of this article, which exceeds eight hundred euro (€800) shall be subject to publication in accordance with policies and procedures established from time to time by the Board.

Engagement of experts.

20. The Board may, whenever it deems necessary, engage one or more persons, whom it considers to be in possession of suitable expertise, to assist it in carrying out specific tasks requiring such expertise, and, for this purpose, the Board may impose such conditions as it considers necessary."

5. The subsidiary legislation listed hereunder are hereby Repeals.
repealed:

- United Nations Sanctions (Libya) (Revocation) Regulations (S.L. 365.01);
- United Nations Sanctions (Rwanda) Regulations (S.L. 365.02);
- United Nations Sanctions (Georgia) Regulations (S.L. 365.03);
- United Nations Sanctions (Somalia) Regulations (S.L. 365.04);
- United Nations Sanctions (Yugoslavia) Regulations (S.L. 365.05);
- United Nations Sanctions (Sierra Leone) Regulations (S.L. 365.06);
- United Nations Sanctions (Taliban) Regulations (S.L. 365.07);
- United Nations Sanctions (Liberia) Regulations (S.L. 365.10);
- Security Council Resolutions (Terrorism) Regulations (S.L. 365.14);
- United Nations Sanctions (Iraq) Regulations (S.L. 365.16);

- United Nations Sanctions (Democratic Republic of Congo) Regulations (S.L. 365.17);
- United Nations Sanctions (Ivory Coast) Regulations (S.L. 365.18);
- United Nations Sanctions (Sudan) Regulations (S.L. 365.19);
- United Nations Sanctions (Democratic People's Republic of Korea) Regulations (S.L. 365.23);
- United Nations Sanctions (Iran) Regulations (S.L. 365.24);
- United Nations Sanctions (Iran) (Further Sanctions) Regulations (S.L. 365.25);
- United Nations Sanctions (Iran) (Further Sanctions) (2008) Regulations (S.L. 365.27);
- United Nations Sanctions (Somalia) (Further Sanctions) (2008) Regulations (S.L. 365.28);
- United Nations Sanctions (Democratic People's Republic of Korea) (Further Sanctions) (2009) (S.L. 365.29);
- United Nations Sanctions (Eritrea) Regulations (S.L. 365.30);
- United Nations Sanctions (Iran) (Further Sanctions) (2010) Regulations (S.L. 365.31);
- Enforcement of European Union Sanctions (Iran) Regulations (S.L. 365.32);
- United Nations Sanctions (Libyan Arab Jamahirija) Regulations (S.L. 365.33);
- Enforcement of European Union Sanctions (Ivory Coast and Tunisia) Regulations (S.L. 365.34);
- Enforcement of European Union Sanctions (Libyan Arab Jamahirija) Regulations (S.L. 365.35);
- United Nations Sanctions (Libyan Arab Jamahirija) (Further Sanctions) Regulations (S.L. 365.36);
- Enforcement of European Union Sanctions (Syria) Regulations (S.L. 365.37);
- Enforcement of European Union Sanctions (Egypt) Regulations (S.L. 365.38);
- Exemption from Prohibitions Regulations (S.L. 365.39);
- United Nations Sanctions (Libyan Arab Jamahirija) (Availability of Assets) Regulations (S.L. 365.40);
- United Nations Sanctions (Libya) (Partial Removal of Sanctions) Regulations (S.L. 365.41);

- United Nations Sanctions (Libya) (Removal of Sanctions) (Asset Freeze) Regulations (S.L. 365.42);
- Enforcement of European Union Sanctions (Belarus) Regulations (S.L. 365.43);
- Enforcement of European Union Sanctions (Lebanon) Regulations (S.L. 365.44);
- Enforcement of European Union Sanctions concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine Regulations (S.L. 365.46);
- Enforcement of European Union Sanctions, concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty independence of Ukraine Regulations (S.L. 365.47);
- Enforcement of European Union Sanctions (Somalia) Regulations (S.L. 365.48);
- Enforcement of European Union Sanctions (Liberia) Regulations (S.L. 365.49);
- Enforcement of European Union Sanctions (Eritrea) Regulations (S.L. 365.50);
- Enforcement of European Union Sanctions (Sudan) Regulations (S.L. 365.51);
- Enforcement of European Union Sanctions (State of Libya formerly known as Libyan Arab Jamahirirja) Regulations (S.L. 365.52);
- Enforcement of European Union Sanctions concerning Certain Persons, Entities and Bodies in the Republic of Guinea-Bissau) Regulations (S.L. 365.53);
- Enforcement of European Union Sanctions (Zimbabwe) Regulations (S.L. 365.54);
- Enforcement of European Union Sanctions (Democratic Republic of Congo) Regulations (S.L. 365.55);
- Enforcement of European Union Sanctions (Republic of Guinea) Regulations (S.L. 365.56);
- Enforcement of European Union Sanctions (Myanmar/Burma) Regulations (S.L. 365.57);
- Enforcement of European Union Sanctions (Islamic Republic of Iran) Regulations (S.L. 365.58);
- Enforcement of European Union Sanctions (Islamic Republic of Afghanistan) Regulations (S.L. 365.59);

- Enforcement of European Union Sanctions maintaining a freeze of funds in relation to Mr. Milosevic and those persons associated with him Regulations (S.L. 365.60);
 - Enforcement of European Union Sanctions protecting against the effects of the extra-territorial application of legislation adopted by a third country Regulations (S.L. 365.61);
 - Enforcement of European Union Sanctions (Republic of Iraq) Regulations (S.L. 365.62);
 - Enforcement of European Union Sanctions prohibiting the satisfying of claims by the Haitian Authorities with regards to contracts and transactions Regulations (S.L. 365.63);
 - Enforcement of European Union Sanctions imposing certain specific restrictive measures directed against certain persons and entities associated with Terrorist Groups Regulations (S.L. 365.64);
 - Enforcement of European Union Sanctions concerning certain persons in Lebanon Regulations (S.L. 365.65);
 - Enforcement of European Union Sanctions (Russian Federation) Regulations (S.L. 365.66);
 - Enforcement of European Union Sanctions (Central African Republic) Regulations (S.L. 365.67);
 - Enforcement of European Union Sanctions (Côte d'Ivoire) Regulations (S.L. 365.68);
 - Enforcement of European Union Sanctions (South Sudan) Regulations (S.L. 365.69);
 - Enforcement of European Union Sanctions (Ukraine) Regulations (S.L. 365.70);
 - Enforcement of European Union Sanctions (Republic of Yemen) Regulations (S.L. 365.71);
 - Enforcement of European Union Sanctions (Democratic People's Republic of Korea) Regulations (S.L. 365.72);
 - Enforcement of European Union Sanctions (Republic of Burundi) Regulations (S.L. 365.73);
 - Revocation of United Nations Sanctions against the Islamic Republic of Iran Regulations (S.L. 365.74).
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Passed by the House of Representatives at Sitting No. 318 of the
20th April, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

