VERŻJONI ELETTRONIKA

I assent.

(L.S.) **MARIE LOUISE COLEIRO PRECA**
President

15th January, 2016

ACT No. III of 2016

AN ACT to establish and ensure an inter-ministerial lifelong approach favouring physical education and healthy balanced diets for a healthy lifestyle and reducing the level of non-communicable diseases throughout all age groups.

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:-

ARRANGEMENT OF ACT

		Articles
Part I	General Provisions	1 - 3
Part II	Advisory Council on Healthy Lifestyles	4 - 5
Part III	Power to make Regulations	6
Part IV	Administration	7
Part V	Offences and Penalties	8 - 11

PART I
General Provisions

Short title and coming into force.

1. (1) The short title of this Act is the Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act, 2016.

(2) The provisions of this Act shall come into force on such date as the Minister may by notice in the Gazette appoint, and different

VERŻJONI ELETTRONIKA

dates may be so appointed for different provisions or different purposes of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Advisory Council" means the Advisory Council on Healthy Lifestyles established by article 4;

"curriculum" means the National Curriculum Framework for all schools at compulsory educational level as provided for in the Education Act and includes centres and facilities for children under the age of compulsory education;

Cap. 327.

"the Minister" means the Minister responsible for health;

"schools" shall have the same meaning assigned to it in the Education Act";

Cap. 327.

"specialist" means a health care professional whose name is entered in the appropriate part of the specialist register kept by the relevant Council in accordance with the Health Care Professions Act; and

Cap. 464.

"Superintendent" means the Superintendent of Public Health as defined in the Public Health Act.

Cap. 465.

Scope.

3. The purpose of this Act is to establish and ensure an inter-ministerial lifelong approach favouring physical education and healthy balanced diets for a healthy lifestyle reducing the level of non-communicable diseases throughout all age groups.

PART II
Advisory Council on Healthy Lifestyles

Advisory Council On Healthy Lifestyles.

4. (1) There shall be established an Advisory Council on Healthy Lifestyles.

(2) The Advisory Council shall be composed as follows:

(a) a person nominated by the Prime Minister, who shall be the Chairman;

(b) a public health consultant nominated by the Prime Minister who shall act as Secretary to the Council;

(c) a person nominated by the Minister responsible for health;

(d) a person nominated by the Minister responsible for

VERŻJONI ELETTRONIKA

education;

(e) a person nominated by the Minister responsible for finance;

(f) a person nominated by the Minister responsible for social policy;

(g) a person nominated by the Minister responsible for sports;

(h) a person nominated by the Minister responsible for local government; and

(i) a person nominated by the Minister responsible for home affairs.

(3) The Minister may appoint sub-committees of the Advisory Council which shall be set up to deal with different and specific matters related to a healthy lifestyle after consultation with, or after having received a request or recommendation from, the Advisory Council.

(4) The Advisory Council shall meet at least once a month and as often as necessary and shall regulate its own procedures.

Functions and duties of the Advisory Council.

5. (1) It shall be the duty of the Advisory Council, in general, to provide advice on any matter related to healthy lifestyles.

(2) In particular, but without prejudice to the generality of the foregoing, it shall be the duty of the Advisory Council to:

(a) advise the Minister on matters relating to health, physical activity and nutrition;

(b) advise the Minister on policies, action plans and regulations intended to reduce the occurrence of non-communicable diseases among the general public;

(c) upon the request of any other Minister advise such Minister on such matters as may be required in order to achieve the objectives of this Act;

(d) encourage an inter-ministerial approach to issues related to physical activity and a healthy lifestyle; and

(e) encourage a lifelong approach, from intrauterine life till old age, to physical activity and a healthy lifestyle.

VERŻJONI ELETTRONIKA

PART III
Power to make Regulations

Power to make regulations.

6. The Minister may, after consultation with the Advisory Council, make regulations to give better effect to the provisions of this Act, and without prejudice to the generality of the foregoing, such regulations may in particular provide for or refer to:

(a) the education and promotion of healthy lifestyles and physical activity for persons of all ages, from intrauterine life to old age;

(b) food consumption in schools and in their proximity;

(c) investment and expenditure by local councils to promote healthy lifestyles;

(d) nutritional qualities of food consumed in institutions licensed by public authorities including, but not limited to, old people's homes and day centres;

(e) an integrated approach for the promotion of food for healthy lifestyles;

(f) the regulation of marketing of products which may have adverse effects on healthy lifestyles; and

(g) any other related issue in the achievement of the promotion of healthy lifestyles.

PART IV
Administration

Administration.

7. (1) This Act shall be administered by the Superintendent.

Cap. 465.

(2) The provisions of articles 3 to 24 of Part II of the Public Health Act shall, *mutatis mutandis*, apply in relation to the administration of this Act and any regulations made thereunder.

PART V
Offences and Penalties

Offences and penalties.

8. (1) Regulations made under this Act may provide for criminal offences which shall not be liable to a punishment higher than a fine (*multa*) of two thousand and five hundred euro (€2,500).

(2) Regulations made under this Act may provide for

VERŻJONI ELETTRONIKA

administrative penalties which shall not exceed two thousand and five hundred euro (€2,500) and for the procedures that may lead to the imposition of such penalties.

(3) Any person who contravenes any provision of any regulations made under this Act, shall be guilty of an offence against this Act and shall, on conviction, be liable, in the absence of specific punishments being provided for in the said regulations, to a fine (*multa*) of not less than two thousand and five hundred euro (€2,500).

Proceedings in case of an offence.

9. Proceedings against any person for any offence against any of the provisions of this Act shall be taken before the Court of Magistrates (Malta) or Court of Magistrates (Gozo) as a Court of Criminal Judicature in accordance with the provisions of the Criminal Code.

Cap. 9.

Proceedings against body corporate. Cap. 9.

10. The provisions of article 121D of the Criminal Code shall, *mutatis mutandis,* apply where a person is found guilty of an offence against this Act, sohowever, that the punishment to which the body corporate shall be liable, shall be that of a fine (*multa*) of not more than two thousand and five hundred euro (€2,500).

Right of appeal by Attorney General. Cap. 9.

11. Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or (Gozo) in proceedings arising out of the provisions of this Act.

Passed by the House of Representatives at Sitting No. 342 of the 11th January, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — ***Printed at the Government Printing Press on recycled paper***

Prezz/*Price*
€0.72