
CHAPTER 36**PREVENTION OF DISEASE ORDINANCE**

To amend and consolidate the laws for preventing the introduction and spread of infectious, contagious and epidemic diseases affecting either mankind or animals.

(10th August, 1908)*

Enacted by ORDINANCE VIII of 1908, as amended by Ordinance V of 1912; Acts: II of 1926, XI of 1928, XXXVIII of 1933; Ordinances: XXX of 1937, XXI of 1938, XXXVIII of 1939, XIII of 1944. Incorporating also Sections 1 and 2 of ORDINANCE II of 1867. This Ordinance was subsequently amended by: Acts: XLI of 1948, X of 1953, XX of 1957; Emergency Ordinance VI of 1958; Ordinances: XVI of 1960, XVI and XVII of 1961, XXV of 1962; Legal Notice 4 of 1963; and Acts: XXXVI of 1965, XI of 1968, XII of 1972, XXI of 1976, XI of 1977, [XXV of 1980](#), [XLIX of 1981](#), [III of 1982](#), [XIII of 1983](#), [VIII](#) and [XX of 1990](#) and [XVIII of 1992](#) and Legal Notice [407 of 2007](#) and Act [XXVIII of 2025](#).

*See Proclamation No. VI of 1908.

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1. This Ordinance may be cited as the Prevention of Disease Ordinance. Short title.

GENERAL PROVISIONS AND DEFINITIONS

2. In this Ordinance and in any regulation made thereunder, unless the context otherwise requires -

"animals" means all living beings of the animal kingdom other than human beings;

"carcase" means the carcase of an animal, and includes part of a carcase and the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal separately or otherwise or any portion thereof;

"cattle" means bulls, cows, oxen, buffaloes, heifers and calves;

"dairy" includes any farm, farmhouse, cowshed, milk-store, milk shop or other place from which milk is supplied, or in which milk is kept for purposes of sale, and any place in which animals from which milk is supplied are kept;

"dairyman" includes any cowkeeper, purveyor of milk or occupier of a dairy;

"day" or "day time" means the time from the rising to the setting of the sun;

"disease" (as used in Part I of this Ordinance) means any disease of an infectious or contagious nature dangerous to mankind and includes "rabies", but does not include any venereal disease;

"disease" (as used in Part II of this Ordinance) means any disease of an infectious or contagious nature, and includes the presence of parasitic animals or plants which attach themselves to the exterior or inhabit the interior of the bodies of animals, and which disease is dangerous to mankind or to animals or to both;

"diseased" means affected with disease;

"factory" includes any workshop and work-place;

"fish" includes fin fish, molluscs and crustaceans whether fresh or sea-water;

"fodder" means grass, clover or other substance commonly used for food for animals;

"government medical officer" means a duly licensed medical practitioner in the employment of the Government;

"house" means any dwelling-house and any mezzanine, room or other building used as a dwelling-house and includes any school, and any factory or other building where persons are employed;

"litter" means straw or other substance commonly used for bedding or otherwise for or about animals;

"mortuary" means any place appointed by the Minister responsible for public health for the reception of dead bodies before internment;

"occupier" means, in respect of a house or part of a house the person who occupies the premises or has the charge, management

Interpretation.
Amended by:
X. 1953.2;
L.N. 4 of 1963;
XXXVI. 1965.2;
XII. 1972.2;
XI. 1977.2;
XLIX. 1981.6;
XX. 1990.2;
XVIII. 1992.2.

or control thereof, either for himself or as agent of another person, and, in respect of a ship, the master or other person in charge thereof;

"owner" means, in respect of a building or part of a building, the person who is entitled to receive the rents of the premises, or who would be so entitled if such premises were let, and shall include any tutor, curator or other administrator as well as, in the case of public property, the person entrusted with the management thereof;

"poultry" means fowls, turkeys, geese, ducks, guinea fowls and domestic and racing pigeons;

"ship" means any sailing-ship or steamship and includes any vessel or boat;

"street" includes any lane, footway, square, open space or passage, whether a thoroughfare or not, and whether there are houses or not;

"Superintendent" means the Chief Government Medical Officer and Superintendent of Public Health;

"suspected" means suspected of being diseased.

Orders and regulations given or made by the competent Minister.
Amended by:
XVI.1961.2;
L.N. 4 of 1963.

3. (1) Any order or regulation which the competent Minister has, under this Ordinance, the power to give or make, shall be given or made by the competent Minister on the advice of the Council of Health.

(2) The provisions of this article shall not apply to the orders referred to in articles 78 and 88 or to any order given by the competent Minister in pursuance of any regulation made under this Ordinance.

Regulations to be published in Government Gazette.
Amended by:
VII. 1958.2;
XVII.1961.2;
XXV.1962.2;
L.N. 4 of 1963;
L.N. 46 of 1965.

4. (1) Any regulation made by the competent Minister in virtue of this Ordinance shall be published in the Government Gazette and shall have the same effect as if it were enacted in this Ordinance.

(2) Any such regulation shall be laid as soon as practicable upon the Table of the House of Representatives which shall have the power to disallow or amend such regulation by resolution, and any such regulation shall cease to have effect if so disallowed.

PART I

PREVENTION OF DISEASE IN MAN

TITLE I

PREVENTION OF INFECTIOUS AND CONTAGIOUS DISEASES

Notification of disease in any house, etc.

5. Where an inmate of any house or other building, used for human habitation, including any shed, tent or van, is suffering from a disease, then, unless such house or building is a hospital in which

persons suffering from such disease are received, the head of the family to which such inmate belongs, and in his default the nearest relative of the patient present in the house or building or being in attendance on the patient, and in default of any such person the occupier of such house or building, shall, as soon as he becomes aware that the patient is suffering from a disease to which this Part of the Ordinance applies send notice thereof to the district medical officer of the district in which such house or building is situate.

6. Where a person on board any ship, or in any hotel or lodging-house or any college or school is suffering from any disease, the master of the ship or the keeper of the hotel, lodging-house, college or school, shall, as soon as he becomes aware that the patient is suffering from a disease to which this Part of the Ordinance applies, send a notice thereof to the Superintendent or to the district medical officer.

Notification of disease on any ship, etc.

7. Every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from a disease to which this Part of the Ordinance applies, send to the Superintendent a certificate stating the name, age and address of the patient, and the disease from which, in the opinion of such medical practitioner, the patient is suffering.

Duties of medical practitioner.

8. Every person required by articles 5 and 6 to give a notice who fails to give the same shall be guilty of an offence:

Where failure to give notice is not deemed to be an offence.

Provided that if a person is not required to give notice in the first instance but only in default of some other person, he shall not be deemed to have committed an offence under the said articles if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given:

Provided also that the said articles shall not apply, if it is shown to the satisfaction of the court that the person required to give notice called in a medical practitioner on becoming aware of the disease.

9. (1) The Minister responsible for public health may, from time to time, prescribe the form of the certificate referred to in article 7, and the form so prescribed shall be used in all cases where such certificate is required to be given.

Power of Minister responsible for public health to prescribe form of certificate to be given by medical practitioners.
Amended by:
L.N. 4 of 1963;
XI. 1977.2;
L.N. 407 of 2007.

(2) Such forms shall, on demand, be supplied by the Government, free of charge, to any medical practitioner residing or practising in any district.

(3) It shall be lawful for the Minister responsible for public health to order by means of a notice published in the Government Gazette, that the Superintendent shall pay to every medical practitioner for each certificate duly sent by him under the provisions of this Ordinance, and relating to any disease specified in such notice, a fee of not less than twenty-nine cents (0.29) nor more than fifty-eight cents (0.58), if the case occurs in his private practice, and of not less than twelve cents (0.12) nor more than twenty-three cents (0.23), if the case occurs in his practice as medical officer attached to any public body or institution.

(4) Any such order may be either permanent or temporary: in the latter case the said notice shall state the time during which the order is to remain in force.

List of infectious diseases.
Amended by:
XI.1928.2;
X.1953.3.

10. (1) For the purposes of articles 5 and 9 inclusive, the expression “disease to which this Part of the Ordinance applies”, means any of the following diseases, namely - plague, small-pox, cholera, diphteria, membranous croup, typhus, yellow fever, leprosy and epidemic cerebro-spinal meningitis.

^{*}(2) For the purposes of articles 7 and 9, the expression “disease to which this Part of the Ordinance applies” means any of the infectious or contagious diseases hereinafter mentioned, namely- scarlatina or scarlet fever, typhoid or enteric fever, malarial fever, undulant fever, puerperal fever and the diseases known as measles, erysipelas, varicella, influenza, whooping cough, hydrophobia and tubercular phthisis.

Power to extend provisions of arts. 5, 6 and 7 to other diseases.
Amended by:
L.N. 4 of 1963;
XI. 1977.2.

11. (1) The Minister responsible for public health may, from time to time, by means of a notice, order that the provisions of articles 5, 6 and 7 shall apply to any other infectious or contagious disease besides those mentioned in subarticle (2) of the last preceding article.

(2) The notice by means of which any such order is made, shall specify such other disease or diseases to which the operation of the said articles shall extend.

(3) Any such order may be either permanent or temporary: in the latter case the said notice shall state the time during which the order is to remain in force.

(4) The notice by which the said order is made shall be published in the Government Gazette and in a daily newspaper for three consecutive working days, and a copy thereof shall be posted up at the principal Police station of each Police district.

(5) The order shall come into operation at such date, not earlier than one week after publication of the said notice, as the Minister responsible for public health shall fix, and upon its coming into operation and during the continuance thereof, any infectious or contagious disease mentioned in such order shall be a disease to which this Part of the Ordinance applies.

(6) In cases of emergency, a three days' notice shall be sufficient, and the mere fact that such an abridged period is fixed in the said notice shall be sufficient evidence of the emergency.

House inspection.
Amended by:
III.1982.2.

12. (1) The Superintendent or any medical officer of health, shall have power to enter at any hour by day or by night, after giving one hour's notice, any house or other place, in which he has reason for believing that a case of disease exists or has, recently, existed, or there lives any person who may have been in contact with any disease, and there to examine and inspect any person found on the premises or subject such person to such medical

^{*}See Legal Notices 110 of 1990, 179 of 1996 and 73 of 1997, which extend the application of this subarticle to other specific diseases.

investigations as may be deemed by him to be necessary in the interest of public health, with a view to ascertaining if such person is suffering or has recently been suffering from such a disease.

(2) Where such entry, examination, inspection or medical investigation is refused, it shall be lawful for any magistrate, on good cause being shown to him by the said Superintendent or officer on oath, to grant a warrant authorizing such entry, examination, inspection or medical investigation.

(3) Where such warrant has been granted, any person who shall, on production thereof, refuse to permit the said Superintendent or medical officer of health to enter the premises, or obstruct him in the said inspection, examination or medical investigation, shall be guilty of an offence under this Ordinance.

13. Deleted by Act [XXVIII.2025.2](#).

Restriction of movement of person suspected of disease.
Added by:
III. 1982.3.

14. (1) The Superintendent or medical officer of health, on ascertaining that any of the persons found on the premises inspected by him as provided in article 12, is actually suffering from a disease, may order, in addition to other sanitary measures, that the patient and any other person in attendance on him or whom the said Superintendent has reasonable ground for believing to have been exposed to infection, shall be isolated or given medical treatment, or both as may be indicated, until such time as the said Superintendent is satisfied that such isolation or treatment is no longer necessary.

Power of Superintendent to order diseased person to be isolated.
Amended by:
III. 1982.4.

(2) Any person disobeying, or preventing any other person from obeying any such order as aforesaid, shall be guilty of an offence under this Ordinance.

(3) Any treatment ordered by the Superintendent or a medical officer of health in accordance with subarticle (1) shall be given free of charge.

15. (1) The Superintendent may order any person who, having an occupation which the Minister responsible for public health may determine by notice published in the Gazette, is considered by the said Superintendent capable of spreading disease, to undergo such periodic medical examinations and investigations as may be deemed necessary for ascertaining such person's freedom of infection.

Power of Superintendent to ascertain freedom from infection.
Added by:
III. 1982.5.

(2) Any person disobeying or preventing any other person from obeying any such order as aforesaid shall be guilty of an offence under this Ordinance.

Duty of
Superintendent to
cause premises to
be cleansed and
disinfected.
Amended by:
XLI. 1948.2:
III.1982.6

16. Where the Superintendent is of opinion that the cleansing and disinfection of any house, or part thereof, and of any articles therein which through infestation by vermin or otherwise are likely to retain infection, or the destruction of such articles, would tend to prevent or check the spread of a disease, he may give notice in writing to the occupier, or, if the premises are unoccupied, to the owner of such house or part thereof, stating that the same and any such articles therein will be cleansed and disinfected, or, as regards the articles, destroyed, by the department of health, unless such owner or occupier informs the Superintendent within the time fixed in the notice, that he will cleanse and disinfect the house or part thereof and any such articles therein or, as the case may be, destroy such articles, to the satisfaction of the Superintendent or a medical officer of health, or a medical practitioner deputed by the Superintendent, or a health inspector, within the time fixed in the notice.

Disinfection by
officer of
department of
health.

17. (1) If within the said time the person to whom the notice is given does not inform the Superintendent as aforesaid, or if, having so informed the Superintendent, he fails to have the house or part thereof and any such articles therein cleansed or disinfected, or, as regards such articles, destroyed as aforesaid within the time fixed in the notice, or if, though no notice as aforesaid has been given, the owner or occupier gives his consent, the house or part thereof and articles shall be cleansed and disinfected, or, as regards the articles, where necessary, destroyed, by the officers of the department of health at the expense of the Government.

(2) Any person who shall wilfully obstruct the said officers in the performance of their duties, shall be guilty of an offence under this Ordinance.

Officers may enter
premises.

18. The officers mentioned in article 16 shall have power to enter, at any hour by day, any premises for the purpose of carrying into effect the provisions of the last preceding article.

Removal of
persons from
infected premises.

19. (1) If, on account of the existence or recent existence of a disease in a house or part of a house, or for the purpose of disinfecting such house or part thereof, the Superintendent deems it necessary to remove therefrom any of the persons residing therein, who is not himself diseased or whose presence is not required for attendance on any other diseased person, he may order such removal, and if in any such case, any such person, or his parents or guardian does not consent to the removal, it shall be lawful for any magistrate, on the sworn declaration of the Superintendent as to the necessity of such removal, to grant a warrant authorizing the Police to effect such removal subject to such conditions, in regard to time and otherwise, as he may deem expedient to impose.

(2) The Superintendent shall, and he is hereby empowered to, provide, free of charge, temporary shelter or house accommodation, with any necessary maintenance and attendants, for the persons residing in the house or part of the house during the time they are prevented from returning thereto.

(3) Any person who shall obstruct the execution of an order given by any magistrate under this article, shall be guilty of an

offence under this Ordinance.

20. (1) Where it appears to the Superintendent, upon a report from a government medical officer, that any person, or the clothing of any person, is verminous, then, if that person consents to be removed to a cleansing station, the said Superintendent may cause him to be removed to such a station. If that person does not so consent, he may be brought before a Court of Magistrates sitting as a court of criminal judicature, and the court, if satisfied that it is necessary that he or his clothing should be cleansed, may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order:

Cleansing of a person who, or whose clothing, is verminous.
Added by:
XLI.1948.3.
Amended by:
III.1982.7;
VIII.1990.3.

Provided that the Superintendent may authorise the cleansing to be carried out at the residence of such person, or at such other place as the Superintendent may direct.

(2) Where a person has been removed to a cleansing station in pursuance of the last preceding subarticle, the Superintendent shall take such measures as may, in his opinion, be necessary to free him and his clothing from vermin or contamination.

(3) The cleansing of females under this article shall be carried out only by a woman duly authorized by the Superintendent, under the direction of a government medical officer.

(4) Any consent required to be given for the purposes of this article may, in the case of a person under the age of eighteen years or irresponsible through mental deficiency, be given on his behalf by one of his parents or by his guardian.

(5) No charge shall be made for the cleansing of a person or his clothing or for any related service rendered in accordance with the provisions of this article.

21. (1) Where in pursuance of the powers under article 16 the officers of the department of health have disinfected any house, part of a house or any article therein, or have destroyed any such article, the Government shall make reasonable compensation to the owner or occupier of such house or part thereof, or to the owner of such article, as the case may be, for unnecessary damage caused by the disinfection to such house, part of a house or article, or where an article has been destroyed, for the loss thereof caused by the destruction.

Payment of compensation for damage caused by disinfection.
Amended by:
XLI. 1948.4.

(2) If such compensation is refused, it shall be lawful to maintain an action for the recovery thereof, before the competent court.

(3) For the purpose of this article "house" includes any store, tent or van, or any ship lying in any of the ports or in the territorial waters of Malta.

(4) In the case of destruction by order of the Superintendent of infected or verminous articles, the Superintendent shall have the option of making compensation therefor by replacing each article destroyed, or any one of such articles, by others, or another,

substantially similar.

Destruction or
disinfection of
infected bedding,
etc.

22. (1) The Superintendent may, by notice in writing, require the owner of any bedding, clothing or other articles which have been exposed to infection to cause the same to be delivered over to an officer of the department of health for removal for the purpose of destruction or disinfection.

(2) Any person who fails to comply with such a requirement shall be guilty of an offence under this Ordinance.

(3) The bedding, clothing and articles which have been disinfected by the department of health, shall be brought back and delivered to the owner free of charge, and if any of them suffers any damage or is destroyed, the Government shall compensate the owner for the same, and such compensation, if refused, shall be recoverable in the competent court.

Persons engaged in
washing clothes to
furnish list of
owners of clothes
in certain cases.
*Amended by:
L.N. 407 of 2007.*

23. (1) Whenever the Superintendent is satisfied that it is desirable, with a view to preventing the spread of disease, that he should know the customers of any person or company earning a livelihood or deriving gain by the washing, mangling or ironing of clothes, the Superintendent may require such person or company to indicate to him the names and addresses or to furnish him with a full and complete list of the owners of clothes for whom such person or company washes, mangles or irons or has washed, mangled or ironed during the past six weeks, and such person or company shall furnish such indication or list accordingly.

(2) The Superintendent shall pay to such person or company, for every such indication or list, the sum of six cents (0.06) in respect of every twenty-five names included therein, provided that the whole amount so payable shall not exceed thirty-five cents (0.35).

(3) Any person who knowingly omits to furnish such indication or list shall be guilty of an offence under this Ordinance.

Prohibitions.

24. (1) No person shall -

- (a) knowingly cast, or cause or permit to be cast into any dustbin or otherwise expose any matter or article infected by disease;
- (b) knowingly let for hire any house or part of a house in which any person has been suffering from a disease, without having such house or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of any of the medical authorities mentioned in article 16, or, as regards such articles, where necessary, destroyed;
- (c) when letting for hire or showing for the purpose of letting for hire any house or part of a house, and on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six weeks previously having been therein any person suffering from a disease, knowingly

make a false answer to such question;

- (d) on ceasing to occupy any house or part of a house in which any person has within six weeks previously been suffering from any disease -
 - (i) fail to give to the owner or occupier of such house or part of a house, notice of the previous existence of such disease; or
 - (ii) knowingly make a false answer on being questioned by the owner or occupier of such house or part of a house or by the person negotiating for the hire thereof, as to the fact of there having within six weeks previously been therein any person suffering from a disease.

(2) For the purpose of subarticle (1)(b) the keeper of an inn or hotel shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or hotel.

25. (1) Any person suffering from a disease who is without proper lodging or accommodation or is in or upon any house or premises where proper precautions cannot be taken so as to prevent the spread of disease, or is lodged in any tent or van or in a room or house occupied by other persons besides those whose presence is necessary for attending on the patient, or is on board any ship, may on a certificate signed by two of the medical officers mentioned in article 16, be removed, by order of a magistrate, on the application of the Superintendent and at the cost of the Government, to any hospital for infectious diseases in Malta where the patient is and detained therein at the expense of the Government, so long as infected.

Removal to hospital of infected person in certain cases by order of magistrate.

(2) No such order shall be necessary where the removal is effected with the consent of the patient or his parents or tutor.

(3) The order referred to in subarticle (1) shall be addressed, in Malta, to the Commissioner of Police and, in Gozo, to the senior Police officer.

(4) Any person who shall obstruct the execution of any order made by any magistrate as aforesaid, shall be guilty of an offence under this Ordinance.

26. (1) Where, upon the application of any of the medical officers mentioned in article 16, any magistrate is satisfied that a person suffering from a disease, who is in a hospital, would not on leaving such hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person, such magistrate may make an order directing the said person to be detained in such hospital, at the cost of the Government, for a time to be fixed in such order, but with full power to such magistrate to enlarge such time as often as may appear to him to be necessary for preventing the spread of the disease.

Detention of infected person without proper lodging in hospital by order of magistrate.

(2) The execution of the said order may be enforced by any officer of the department of health, any Police officer or any officer

of the hospital.

Public exposure of infected persons or things.

27. Any person who -

- (a) while suffering from a disease, wilfully exposes himself without proper precautions against the spread of the disease in any street, public place, shop, inn, tavern, hotel or church or any other place used in common by persons other than members of the family or household to which such infected person belongs; or
- (b) being in charge of any person so suffering, knowingly so exposes such sufferer; or
- (c) knowingly gives, lends, sells, pawns, transmits, removes or exposes or permits to be washed or exposed in any wash house, which is used in common by persons other than members of the family or household to which the infected person belongs, without previous disinfection to the satisfaction of any of the medical officers mentioned in article 16, any bedding, clothing or other articles which have been exposed to infection from such disease,

shall be guilty of an offence under this Ordinance.

Prohibition of children's attendance at school in cases of disease.

28. (1) No parent or other person having care of a child who is or has been suffering from a disease, or who resides in a house where such disease exists or has existed within a period of six weeks, shall knowingly or negligently permit such child to attend school without producing to the teacher or other person in charge of such school a medical certificate that such child has become free from disease or infection and that the house and everything therein exposed to infection has been disinfected to the satisfaction of any of the medical officers mentioned in article 16.

(2) No teacher or person in charge of any school shall knowingly permit any child to attend such school in contravention of this article.

Infected person not to engage in occupations connected with food for sale.

29. No person suffering from a disease, or residing in a house infected with disease, shall milk any animal or engage in any occupation connected with food intended for sale, or carry on any trade or business in such a manner as to be likely to spread such disease.

Infected persons not to be conveyed in public vehicles.
Amended by:
L.N. 4 of 1963;
XI. 1977.2.

30. (1) The owner or person in charge of a public vehicle shall not knowingly convey, nor shall any other person knowingly place in any such vehicle a person suffering from a disease, nor shall any person suffering from a disease enter any such vehicle, unless proper precautions are taken, to the satisfaction of the Superintendent, for the isolation of the person so suffering.

(2) If any person suffering from a disease is conveyed in any public vehicle, the owner or person in charge thereof, as soon as it comes to his knowledge, shall give notice to the Superintendent, and shall cause such vehicle to be disinfected. The owner or person in charge of such vehicle shall be entitled to recover in the competent court, from the person so conveyed, a sufficient sum to

cover any loss and expense incurred by him in connection with such disinfection.

(3) It shall be the duty of the Superintendent, when so requested by the owner or person in charge of such vehicle, to provide for the disinfection of the same, free of charge.

(4) For the purpose of this article, "disease" means plague, small-pox, cholera, diphtheria, membranous croup, typhus, yellow-fever, epidemic cerebro-spinal meningitis, scarlatina or scarlet fever, measles, varicella and any other disease to which the Minister responsible for public health shall, by regulation, direct that the provisions of this article shall apply.

31. (1) If the Superintendent is in possession of evidence that any person is suffering from any disease attributable to milk supplied from any dairy or that the milk from any such dairy is likely to cause any such disease, such Superintendent shall visit such dairy or cause such dairy to be visited by a medical officer of health or other sanitary officer. The Superintendent or other officer deputed by him, shall examine such dairy and every person engaged in the service thereof or resident upon the premises or who is resident in any of the premises where any person employed in such dairy may reside, as well as the animals therein, and shall subject such animals to any necessary process with a view to ascertaining if the same are suffering from any disease.

Powers of Superintendent with regard to dairies where disease is attributable to milk.

(2) On the result of such inspection the Superintendent shall either make an order requiring the dairyman not to supply any milk from such dairy until such order has been withdrawn, or declare that no such order is necessary.

(3) For the purpose of the provisions of this article any milk supplied from any animals while temporarily out of the dairy in which they are kept, shall be deemed to have been supplied from such dairy.

(4) An order made in pursuance of subarticle (2) shall be forthwith withdrawn on the Superintendent being satisfied that the milk is no longer likely to cause disease.

32. (1) Any dairyman aggrieved by any order made as aforesaid may appeal to the Court of Magistrates (Malta), if the dairy is situate in Malta, or to the Court of Magistrates (Gozo), if the dairy is situate in either Gozo or Comino.

Aggrieved dairyman has right of appeal.
Amended by:
VIII. 1990.3.

(2) The appeal shall be made by means of an application with a prayer that the said order be varied or reversed.

(3) A copy of such application shall be served on the Superintendent who shall be duly informed of the day appointed, as hereafter provided, for the trial of the cause.

(4) On the said application being filed, the competent court shall appoint the day, not later than six working days from the day of filing, on which the parties shall appear before it.

(5) The court may either make an order requiring the dairyman not to supply any milk, or vary or reverse the order made by the

Superintendent.

(6) Pending the disposal of the appeal the order made by the Superintendent shall remain in force.

(7) If the court finds that there had not been sufficient grounds for the order made by the Superintendent and that there are no such grounds for it to confirm such order, the dairyman shall be entitled to receive compensation for any damage he may have suffered in consequence of such order and if such compensation is refused, it shall be recoverable in the competent court.

Refusal to permit inspection, etc., is an offence under this Ordinance.

33. Any person refusing to permit the Superintendent or other officer referred to in article 31 to make the examination therein mentioned, or supplying milk in contravention of any order made by the Superintendent or the court under the last two preceding articles shall be guilty of an offence under this Ordinance.

Provisions of Food Safety Act, not affected by arts. 31, 32 and 33.
Amended by:
XI. 1977.2;
XLIX. 1981.6.
Cap. 449.

34. Nothing contained in or done under the provisions of articles 31, 32 and 33 shall affect the operation of the provisions of the Food Safety Act, or of any other enactment substituting it, relating to dairies, milk, butter or cheese.

Superintendent may require dairyman to furnish list of his customers, etc., in certain cases.
Amended by:
L.N. 407 of 2007.

35. (1) Where the Superintendent is satisfied that an outbreak or spread of any disease is attributable to milk supplied by any dairyman, whether wholesale or retail, or to milk supplied by one or other of several such dairymen, such Superintendent may require such dairyman or dairymen to furnish him within such time, not less than twenty-four hours, as may be specified by him, with an indication of a full and complete list of the names and addresses of his or their customers so far as known to him, and such dairyman or dairymen shall furnish such indication or list accordingly.

(2) The Superintendent shall pay to the said dairyman or dairymen a sum of six cents (0.06) in respect to every twenty-five names included in such indication or list, provided the whole amount so payable shall not exceed thirty-five cents (0.35).

(3) The Superintendent may also, in the case mentioned in subarticle (1) require the dairyman or dairymen to furnish him, within such time, not less than twenty-four hours, as shall be fixed by him, with an indication or a full and complete list of the names and addresses of the persons from whom during a period to be specified by the Superintendent, the milk or any part of the milk which he or they sell or distribute was obtained.

Prohibiting retention of dead bodies in certain cases.

36. (1) No person, without the sanction in writing of a government medical officer, shall retain unburied elsewhere than in a room not used at the time as a dwelling-place, sleeping-place or workroom, for more than twenty-four hours, the body of any person who has died from a disease:

Provided that nothing contained in this article shall prevent the removal of such body to a mortuary where such removal becomes necessary under any provisions of the law.

(2) If any person shall die in any hospital or other place provisionally provided for the treatment of persons suffering from a disease, and any of the medical officers mentioned in article 16 certifies that in his opinion it is desirable, in order to prevent the risk of communicating such disease or of spreading infection, that such body shall not be removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person to remove such body except for such purpose:

Provided that nothing in this article contained shall prevent the removal of any dead body from any such hospital to any mortuary, and such mortuary shall, for the purpose of this article be deemed part of such hospital as aforesaid.

37. (1) Where -

- (a) the body of any person who has died from any disease is retained in any room where other persons live or sleep; or
- (b) the body of any person who has died from any disease is retained unburied elsewhere than in a room not used at the time as a dwelling-place, sleeping-place or workroom, for more than twenty-four hours after death without the sanction in writing of a government medical officer; or
- (c) the dead body of any person is retained in any house or room or on board any ship so as, by such continued retention, to endanger the health of the inmates thereof or of any adjoining or neighbouring house or building; or
- (d) the dead body of any person is unclaimed, or no-one undertakes to bury it,

Magistrate may in certain cases order dead bodies to be buried.

any magistrate may, on a certificate signed by a duly qualified medical practitioner, order the body to be removed at the cost of the Government to any available mortuary, and direct the same to be buried within a time to be limited in the order.

(2) Such magistrate may, in the case of the body of any person who has died of any disease, or in any case in which he shall consider immediate burial necessary, direct the body to be so buried without removal to the mortuary.

38. Unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order as aforesaid, it shall be the duty of the Superintendent to bury such body and any expense so incurred may be recovered by him in the competent court from any person legally liable to pay the expenses of such burial.

Burial by order of Superintendent.

39. (1) The body of a person who has died of a disease may not be carried in any conveyance, not being a hearse reserved for such purpose, except on the certificate of any of the medical officers mentioned in article 16, stating that every precaution in the interest of public health has been taken to his satisfaction.

Conveyance of corpses of persons who have died from a disease.

(2) In the absence of such certificate no person shall knowingly remove or assist in removing, or procure or endeavour to procure the removal of any such dead body.

No person to obstruct execution of orders made by magistrates under art. 37.

40. Any person who shall obstruct the execution of any order made by a magistrate under article 37, shall be guilty of an offence under this Ordinance.

Certain provisions to apply even where the existence of certain disease is merely suspected.

Added by:

II. 1926.2.

Amended by:

X. 1953.4.

41. The provisions of articles 5, 6, 7, 14, 19, 25, 26, 27, 28 and 29 shall apply even where there exists only a reasonable suspicion that the disease is plague, small-pox, asiatic cholera, diphtheria, membranous croup, yellow fever, scarlet fever, leprosy or varicella.

Power of Minister to make regulations regarding persons suffering from certain diseases.

Added by:

X. 1953.5.

Amended by:

L.N. 4 of 1963;

XI. 1977.2.

42. The Minister responsible for public health may make and, when made, vary or revoke regulations for the purpose of requiring persons suffering from a disease of a chronic infectious nature, to submit themselves to periodical examinations and/or treatment in such manner and by such medical officers as may be prescribed by such regulations.

Power of Minister to make regulations.

Added by:

III. 1982.8.

43. The Minister responsible for public health may, for the better protection of the health of the public, by regulations prescribe measures for -

- (a) controlling and regulating the quality of the water, including waste water, which may be used in the cultivation and irrigation of crops;
- (b) controlling and regulating the type of crops which may be cultivated in any particular area; and
- (c) the seizure and destruction of crops the consumption of which would be prejudicial or could constitute a hazard to the health of the consumer.

TITLE II

PREVENTION OF EPIDEMIC DISEASES

Power of Minister to make regulations for the prevention of disease, etc.

Amended by:

L.N. 4 of 1963,

XI. 1977.2.

44. Whenever any part of Malta is threatened with or is affected by any dangerous epidemic or infectious disease, the Minister responsible for public health may make and, when made, vary or revoke regulations for all or any of the following purposes, namely:

- (a) for the speedy interment of the dead;
- (b) for house-to-house visitation;
- (c) for the provision of medical aid, distribution of

medicine, the establishment of hospitals, the promotion of cleansing, ventilation and disinfection and otherwise for guarding against the spread of disease;

- (d) for preventing any house or part of a house from being so overcrowded as to be dangerous to health; and
- (e) for any other matter or thing which the Minister responsible for public health may deem expedient for the prevention or mitigation of such disease,

and may by order declare such regulations or any of them to be in force in respect of the whole of Malta or within any part or parts thereof only and to apply to any ship lying in port or within the territorial waters of Malta, for the time specified in such order.

45. Whenever any part of Malta is affected by any epidemic disease, the medical practitioners exercising their profession within the district affected by the disease, as well as the district medical officer and any other medical practitioner engaged by the Government to give his services in such district during the prevalence of such disease, shall place themselves at the service of the persons suffering from such disease within the district.

Medical practitioners to place themselves at the service of persons suffering from disease.

46. The widow and children of any medical practitioner, whether in the employment of the Government or not, or of any health inspector, who dies of such epidemic disease contracted by him in the performance of his duties under this Ordinance, shall be entitled to a pension.

Pension to widow and children of medical practitioner or health inspector dying of epidemic disease.

47. (1) The pension payable to the widow of a medical practitioner who dies as aforesaid, shall be of one hundred and seventy-four euros and seventy cents (174.70) *per annum*, with an increment of twenty-three euros and twenty-nine cents (23.29) for each child left by the deceased.

Amount of pension.
Amended by:
L.N. 4 of 1963;
XI. 1977.2;
XIII.1983.5;
L.N. 407 of 2007.

(2) If such medical practitioner is a widower at the time of his death, but leaves children, or if the wife is alive at the time of his death but dies, leaving children, after becoming entitled to the pension, each of such children shall be granted a pension of an amount, not less than twenty-three euros and twenty-nine cents (23.29) *per annum*, to be fixed by the Minister responsible for public health.

(3) If the said medical practitioner leaves neither a widow nor children, but ascendants or brothers or sisters, or nephews or nieces in the direct line, who were entirely dependent upon him for their subsistence, the pension mentioned in subarticle (2) shall be granted to such relatives in such proportion and on such conditions as the Minister responsible for public health may direct.

(4) The pension payable to the widow of a health inspector shall be of eighty-one euros and fifty-three cents (81.53) *per annum*, with an increment of eighteen euros and sixty-three cents (18.63) for each child left by the deceased.

(5) If the health inspector is a widower, at the time of his death, but leaves children, or if the wife is still alive at the time of such

death but dies, leaving children, after becoming entitled to the pension, each of the children shall be granted a pension of an amount, not less than eighteen euros and sixty-three cents (18.63) *per annum*, to be fixed by the Minister responsible for public health.

(6) The provisions of subarticle (3) relating to the pension payable to the relatives of a medical practitioner who dies without leaving a widow or children, shall, in the like circumstances, apply also in the case of the death of a health inspector.

Forfeiture of pension by widow or children.
Amended by:
XIII. 1983.5;
L.N. 407 of 2007.

48. (1) Where the widow of a deceased medical practitioner forfeits her pension as hereinafter provided, each of the children shall be entitled to a pension of not less than twenty-three euros and twenty-nine cents (23.29) *per annum*.

(2) Where such forfeiture is incurred by the widow of a health inspector, each of the children shall be entitled to a pension of eighteen euros and sixty-three cents (18.63) *per annum*.

(3) The pension shall be forfeited -

- (a) by the widow on her re-marriage;
- (b) by the children of either sex on their attaining majority, or, in the case of daughters, on their contracting marriage even though during minority.

Power of Minister to extend application of art. 46.
Amended by:
L.N. 4 of 1963;
XI. 1977.2.

49. (1) Whenever any part of Malta is affected by an epidemic disease, the Minister responsible for public health may make regulations directing that the provisions of article 46 shall also apply to the wife and children of any person, other than those specifically mentioned in that article, engaged by or under the Government to give his services during the prevalence of such disease and who dies of such epidemic disease contracted by him in the performance of his duties.

(2) Such regulations shall also fix the amount of pension to which the widow or children of any such person shall be entitled.

(3) Any pension granted in pursuance of this article shall be subject to forfeiture as laid down in the last preceding article.

Power of Minister to make regulations with regard to ships, etc.
Substituted by:
XIII. 1944.2.
Amended by:
L.N. 4 of 1963;
XI. 1977.2.

50. (1) The Minister responsible for public health may prescribe by regulations the measures to be taken for the prevention of danger arising to public health from ships, aircraft or passengers arriving in Malta, as well as measures for the prevention of the conveyance of infection by means of any ship or aircraft or passengers leaving Malta.

(2) Such regulations may in particular provide for -

- (a) the signals to be hoisted or given by ships or by aircraft having any case of disease on board;
- (b) the questions to be answered by masters, pilots, and other persons on board any ship or aircraft as to the occurrence on board of cases of disease and as to other sanitary circumstances during the voyage or on arrival in Malta;

- (c) the detention of ships or aircraft and the detention of persons on board ships or in a quarantine station as well as the examination of ships or aircraft and of persons on board the same, in each case before they obtain free pratique;
- (d) the duties to be performed in cases of such disease by masters, pilots and other persons on board ships or aircraft;
- (e) the disinfection of ships and aircraft and of persons, animals, goods and any other articles to be landed therefrom;
- (f) the measures to be adopted, in the case of outgoing passengers, ships or aircraft to prevent exportation of disease;
- (g) the measures to be taken against insects, rats or other animals liable to carry infection;
- (h) the recovery of any expenses incurred in the disinfection or other operations carried out in ships or aircraft in connection with measures adopted under the regulations;
- (i) the charges to be made under the regulations and for services performed thereunder, and the recovery of such charges;
- (j) the exercise and performance of any powers and duties under the regulations by the authorities therein mentioned;
- (k) the form and mode of service or delivery of notices and other documents;
- (l) generally for the better execution of the provisions of this Ordinance and for the purpose of in any manner preventing the importation of disease into Malta.

51. The Superintendent, the port medical officers, and any other government medical or health officer deputed for such purpose, as well as any officer of any other department entrusted with the duty of enforcing and executing the above regulations and of aiding in the enforcement or execution thereof, shall have the power of entry in any premises, ship or aircraft for the purpose of enforcing or superintending the enforcement of any regulations so issued by the Minister responsible for public health as aforesaid.

Power of entry in any premises, upon ships or aircraft.
Amended by:
XXX. 1937.26.
Substituted by:
XIII.1944.2.
Amended by:
L.N. 4 of 1963;
XI. 1977.2.

52. Any person who wilfully neglects or refuses to obey or carry out or obstructs the execution of any regulation made under the provisions of this Title shall be guilty of an offence under this Ordinance.

Refusal to obey or carry out regulations.

53. (1) It shall be lawful for the Superintendent, the medical officer or other officer charged with the duty of visiting ships or persons before being admitted to pratique, and for the medical officer or other officer in charge of any quarantine station, to administer oaths in order to ascertain such facts as they may consider necessary for sanitary purposes.

Power of health officers to administer oaths.
Sections 1 and 2 of Ord. II of 1867, incorporated.

Officers in charge
of quarantine
stations vested
with powers of
Police officers.

(2) The medical officer or other officer in charge of any quarantine station may, within the precincts of such station, exercise all such powers as are by law competent to an inspector of Police, and any guard or other person employed under the said officer may, within the same precincts, exercise all such powers as are by law competent to a Police officer below the rank of inspector.

*Substituted by:
III. 1982.9.*

TITLE III

IMMUNISATION AGAINST COMMUNICABLE DISEASE

Definitions.

54. In this Part -

"child" means any person under eighteen years of age;

"parent" means the father, and in his absence, the mother;

"prescribed" means prescribed by regulations.

Institutes for the
preparation of
vaccine lymphs,
etc.

55. (1) No person shall establish any institute for the preparation of vaccine lymph or for the preparation or inoculation of any vaccine or serum for the treatment or prevention of rabies or any other disease, except in virtue of a licence from the Minister responsible for public health and subject to such conditions as shall be specified therein.

(2) Any such institute must, in every case, be under the direction and management of medical practitioners and shall be subject to the supervision of the Superintendent.

(3) The application for the said licence shall be forwarded to the Superintendent, and the licence shall be issued under his signature.

(4) The licence referred to in subarticle (1) shall also be required for the sale of the vaccine or serum therein mentioned.

Immunisation
centres.

56. There shall be a centre in Malta and a centre in Gozo and such other centres as the Superintendent may from time to time consider necessary, for the purpose of providing free immunisation against diphtheria, tetanus, poliomyelitis and such other diseases as the Superintendent may by notice in the Gazette determine.

Child
immunisation.

57. It shall be the duty of the parent or other person having the custody of any child who has attained the age of three months and who has not already been completely protected in accordance with the provisions of this article to the satisfaction of the Superintendent, to take or to cause such child to be taken to any of the centres referred to in article 56 for the purpose of immunising such child against diphtheria, tetanus and poliomyelitis or against any disease as the Minister may prescribe until such time as full and continued protection of the child against these diseases is ensured.

Postponement of
immunisation.

58. Where the officer in charge of such centre is of the opinion that a child is not fit to be immunised, he shall deliver to the parent

or other person having the custody of such child, a certificate of postponement on which shall be specified the date on which the child shall again be brought to the centre for immunisation, and the parent or person having the custody of the child shall take or cause such child to be taken to any of the centres to which reference is made in article 56 on the date specified in such certificate for the purpose of immunisation:

Provided that no certificate of postponement may be issued in respect of a child who has attained the age of one year unless such certificate has been approved by a medical officer of health.

59. (1) It shall be lawful for a medical officer deputed by the Superintendent to visit the home of a child for the purpose of examining and immunising a child who has not been immunised in accordance with the provisions of this Ordinance.

Immunisation in home of child.

(2) The examination and immunisation shall be carried out free of charge.

60. On completion of the full basic course of immunisation, the officer in charge of the centre shall forward a certificate to this effect to the parent or other person having the custody of the child.

Certificate of immunisation.

61. It shall be the duty of the officer in charge of a centre referred to in article 56 to keep such record regarding the immunisation status of children, as may be required by this Ordinance or any regulations made thereunder, including a record of certificates issued to the parent or other person as provided in article 60.

Record of certificates.

62. The senior Police officer of any district shall, within seven days after the day on which notice of the birth of any child is given as provided in article 272 of the [Civil Code](#), give notice on the prescribed form to the parent or to the person having the custody of such child, requiring such child to be immunised in accordance with the provisions of this Ordinance.

Notice to immunise when birth is registered. Cap. 16.

63. Notwithstanding the provisions of article 57, the parent or other person having the custody of any child may take or cause to be taken such child to be immunised by a private medical practitioner, and if any such practitioner shall undertake the immunisation, he shall be liable to perform all the duties in connection with such immunisation as are required by this Ordinance to be performed by the officer in charge of the centre, and shall within one month from the day of such immunisation, give notice in writing thereof to the Superintendent.

Private immunisation.

64. On information in writing from the Superintendent or any medical officer acting on his behalf that he has reason to believe that a child has not completed the basic course of immunisation or such other booster doses as the Superintendent may deem necessary to safeguard the health of the child or of the community, and that he has given notice to the parent or other person having the custody of the child to procure the child's immunisation in accordance with the provisions of this Part of the Ordinance, the Commissioner of Police shall summon such parent or other person to appear before

Immunisation by order of court
Amended by:
VIII. 1990.3.

the Court of Magistrates, and if the court finds after such enquiry as it shall deem necessary to make, that the child has not been immunised in accordance with the provisions of this Ordinance, the court may make an order directing the proper immunisation of such child in accordance with the provisions of this Ordinance within such time as the said court may prescribe; and if, at the expiration of such time the child shall not have been properly immunised in accordance with the provisions of this Ordinance, or shall not have been shown to be unfit to be so immunised, the person against whom such order shall have been made shall be guilty of an offence under this Ordinance:

Provided that in any prosecution for neglect to procure the immunisation of a child, it shall not be necessary in support thereof to prove that the person charged had received the notice referred to in article 62.

Production of
evidence of
immunisation.

65. It shall be lawful for the Superintendent to require the parent or other person having the custody of a child, to produce evidence that such child has been immunised in accordance with the provisions of article 57, or article 63.

Vaccination against
tetanus.

66. (1) Where the Superintendent is of the opinion that any person's risk of contracting tetanus is increased by reason of his occupation, he may order such person to be vaccinated against that disease in such manner and at such place as the Superintendent may determine.

(2) The provisions of article 63 shall apply where the immunisation is carried out by a private medical practitioner.

(3) Any person disobeying any such order shall be guilty of an offence under this Ordinance.

Power of Minister
to make
regulations.

67. The Minister responsible for public health shall have power to make regulations for ensuring the protection of the public by immunisation against disease and without prejudice to the generality of the foregoing, for -

- (a) prescribing the forms to be used for notices and certificates as may be required under this Part of this Ordinance;
- (b) regulating and controlling the practice of any particular type of immunisation for any period;
- (c) for prescribing the quality and type of any vaccine which may be used;
- (d) for controlling the importation, storage, distribution, sale and use of any vaccine; and
- (e) prescribing any disease against which immunisation shall be compulsory in terms of article 57.

PART II

PREVENTION OF DISEASE AMONG ANIMALS

TITLE I

ISOLATION OF DISEASED ANIMALS AND NOTICE TO THE POLICE

68. (1) Every person having in his possession or under his charge an animal affected with disease shall -

- (a) as far as practicable keep that animal separate from other animals not so affected; and
- (b) with all practicable speed, give notice of the fact of the animal being so affected, to a Police officer for the district wherein the animal so affected is.

(2) The officer to whom any such notice is given, shall forthwith give information thereof to the Director of Agriculture.

Separation of diseased animals. Notice to Police officer.

69. The Minister responsible for agriculture may from time to time make, and when made, vary or revoke regulations for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease or in case of the illness of an animal.

Power of Minister responsible for agriculture to make regulations.
Amended by:
L.N. 4 of 1963.

TITLE II

INFECTED PLACES AND AREAS AND SLAUGHTER OF DISEASED ANIMALS

70. Whenever it appears to a government veterinary surgeon that any disease or suspicious symptoms of disease exist or have recently existed in any stable, field or other place, he shall forthwith make and sign a declaration thereof and transmit the same to the Director of Agriculture.

Declaration of disease by Government veterinary surgeon.

71. (1) The Director of Agriculture shall cause a notice of such declaration, signed by him, to be served on the occupier of such stable, field or other place and, thereupon, such stable, field or other place together with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with disease subject to the determination and declaration of the Minister responsible for agriculture as provided in the next following article.

Notice of declaration to occupier.
Amended by:
L.N. 4 of 1963.

(2) The Director of Agriculture shall with all possible dispatch inform the Minister responsible for agriculture of the aforesaid declaration.

Power of Minister responsible for agriculture to declare place to be "an infected place".
Amended by:
L.N. 4 of 1963.

72. (1) The Minister responsible for agriculture, if satisfied of the correctness of the declaration made by the government veterinary surgeon as to the existence or past existence of such disease, shall make an order declaring the place wherein the disease exists or has existed, and, if necessary, the area within half a mile in any direction from such place, to be infected with such disease.

(2) If the Minister responsible for agriculture is not satisfied of the correctness of the said declaration as to the existence or past existence of the disease, he shall make an order containing a declaration to that effect, and, thereupon, as from the time specified in such order, the place to which the declaration refers, shall cease to be a place infected with disease.

Power of Minister responsible for agriculture to declare place to be free from disease.
Amended by:
L.N. 4 of 1963.

73. The Minister responsible for agriculture may, at any time, if he thinks fit, on any evidence satisfactory to him, declare any place or area infected with disease or any part thereof to be free from disease.

Order of Minister responsible for agriculture to be conclusive evidence.
Amended by:
L.N 4 of 1963.

74. The order of the Minister responsible for agriculture declaring a place or area to be an infected place or area, or declaring a place or area, or a portion of an area, to be free from disease, or cancelling a declaration shall be conclusive evidence to all intents of the existence, or past existence, or cessation of the disease, or of the error in the declaration and of any other matter whereon the order proceeds.

Slaughter of diseased animals by order of the Director of Agriculture.

75. The Director of Agriculture shall cause to be slaughtered any animal which the government veterinary surgeon shall have declared to be affected with cattle-plague, pleuro-pneumonia, anthrax or glanders.

Slaughter of animals suspected of being diseased.
Amended by:
XVI.1961.3.

76. The Director of Agriculture may, if he thinks fit, in any case cause to be slaughtered -

- (a) any animals suspected of being affected with a disease;
- (b) any animals being or having been in the same field, stable or other place or in the same herd or flock, or otherwise in contact with other animals affected with a disease.

Compensation for slaughtered animals.
Substituted by:
XVI. 1961.4.
Amended by:
L.N. 4 of 1963.

77. The Minister responsible for agriculture may make regulations for prescribing -

- (a) the nature and the amount of compensation payable, if any, in respect of animals slaughtered under articles 75 and 76;
- (b) the cases in which such compensation shall be payable;
- (c) the conditions under which such compensation shall be payable;
- (d) any matter incidental or supplementary to such compensation, including in particular the delegation of powers to officers of the department of agriculture in relation to anything prescribed by such regulations.

78. (1) Where an animal has been slaughtered under this Ordinance, the carcase of the animal shall belong to the Government and shall be buried or sold or otherwise disposed of by order of the Minister responsible for agriculture as the condition of the carcase and other circumstances may require or admit.

Amount of compensation.
Amended by:
L.N. 4 of 1963.

(2) If, in any case, the sum received by the Government on the sale of a carcase under this article exceeds the amount paid for compensation to the owner of the animal slaughtered, the Government shall pay that excess to the owner, after deducting reasonable expenses.

TITLE III

FOREIGN ANIMALS

79. Foreign animals shall be landed only at a part of a port defined for that purpose by the Minister responsible for agriculture, to be called a foreign animals wharf.

Landing of foreign animals.
Amended by:
L.N. 4 of 1963

80. The animals shall be landed in such manner, at such times and subject to such supervision and control as the Director of Agriculture shall direct.

Manner and time of landing.

81. Such animals shall, upon landing, be forthwith inspected by a government veterinary surgeon or other person deputed by the Director of Agriculture to perform the duties of government veterinary surgeon.

Inspection by government veterinary surgeon.

82. Any animal found to be affected with disease or suspected of being so affected, shall be dealt with as an infected foreign animal as provided in this Ordinance.

Infected foreign animal.

83. The Minister responsible for agriculture may, if he deems it expedient, order to be re-exported any such animals to be taken back by the same ship on which they were brought to Malta, or by any other ship, at the cost of the importer, or to be destroyed.

Power of Minister responsible for agriculture to order animals to be re-exported or destroyed.
Amended by:
L.N. 4 of 1963.

84. The Minister responsible for agriculture may, whenever he deems it expedient so to do, for the purpose of preventing the introduction of any disease into Malta or the spread of such disease make regulations -

Power of Minister responsible for agriculture to make regulations.
Amended by:
XXXVIII.1933.1;
L.N. 4 of 1963.

- (a) for prohibiting or regulating the importation into Malta and the landing therein, or the movement between the islands of Malta and Gozo, of animals or any specified kind thereof, or of carcasses, fodder, litter, dung or other thing;
- (b) for ensuring that any animals imported or landed as aforesaid shall, on their arrival, be detained in quarantine for the period fixed by such regulations.

Detention of
infected foreign
animals in
quarantine.
Amended by:
XXXVIII.1933.2
L.N. 4 of 1963.

85. Where under the regulations referred to in the last preceding article it is ordered that imported or transferred animals shall be detained in quarantine, such animals shall be considered as infected foreign animals and the following provisions shall apply in respect thereof:

- (a) infected foreign animals shall be landed only at a part of a port defined for that purpose, by regulations made by the Minister responsible for agriculture, to be called a quarantine station for infected foreign animals;
- (b) the said animals shall be landed in such manner, at such times, and subject to such supervision and control as the Director of Agriculture may prescribe and subject to such conditions, in respect of the animals, or of the ship from which they are landed, as the Minister responsible for agriculture may by order impose;
- (c) when landed the animals shall be placed in sheds or other places prepared by the Government for the purpose in the quarantine station or in any other station approved by the Minister responsible for agriculture;
- (d) the animals shall not be moved out of the quarantine station except on conditions prescribed by regulations made by the Minister responsible for agriculture;
- (e) any quarantine station shall, for the purpose of this Ordinance, be considered as an infected place.

Saving as regards
animals intended
for exhibition, etc.
Amended by:
L.N. 4 of 1963.

86. Notwithstanding anything contained in this Part of the Ordinance or in any regulations made thereunder, the Minister responsible for agriculture may make such regulations as he thinks fit for allowing the landing of any foreign animals intended for exhibition or for other exceptional purposes, without being subject to the conditions laid down for the importation of infected foreign animals.

TITLE IV

DISEASE AND MOVEMENTS OF ANIMALS GENERALLY

Regulations.
Amended by:
V. 1912.1;
XVI. 1961.5;
L.N. 4 of 1963;
XI. 1968.2;
XXV. 1980.2.

87. Subject to and in accordance with the provisions of this Part of the Ordinance the Minister responsible for agriculture may make, and when made vary or revoke regulations for the following purposes, or any of them:

- (a) for prohibiting or regulating the movement of animals and persons into, within or out of an infected place or area;
- (b) for prohibiting or regulating the movement of animals into, within or out of any island of the Maltese archipelago in which the Minister is satisfied that there has occurred an outbreak of a disease;

-
- (c) for prescribing and regulating the isolation or separation of animals being in an infected place or area;
 - (d) for declaring any area or place to be a disease-free area or place and for prohibiting or regulating the movement of animals into or out of any such area or place;
 - (e) for prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, dung, or other things into, within or out of an infected place or area;
 - (f) for prescribing and regulating the destruction, burial, disposal, or treatment of carcasses, fodder, litter, utensils, pens, dung, or other things, being in an infected place or area, or removed thereout;
 - (g) for prescribing and regulating the cleansing and disinfection of infected places and areas, or parts thereof;
 - (h) for prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons;
 - (i) for prohibiting or regulating the digging up of carcasses which have been buried;
 - (j) for prohibiting or regulating the exposure of diseased or suspected animals in markets or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets, or where animals are commonly placed before exposure for sale;
 - (k) for prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease;
 - (l) for prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, on streets or thoroughfares, or elsewhere;
 - (m) for prescribing and regulating the seizure, detention and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of the provisions of this Part of the Ordinance or of any order of the Minister responsible for agriculture made thereunder; and for prescribing and regulating the liability of the owner or consignor or consignee of such animal to the expenses connected with the seizure, detention, and disposal thereof;
 - (n) for prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, under this Ordinance;

- (o) for prohibiting or regulating the holding of markets and exhibitions of animals, and the sale of animals and their products;
 - (p) for prescribing and regulating the cleansing and disinfection of places used for the holding of markets, exhibitions, or sales of animals, or for lairage of animals, and yards, sheds, stables and other places used for animals;
 - (q) for ensuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing;
 - (r) for protecting animals from unnecessary suffering during the passage and on landing;
 - (s) for protecting animals from unnecessary suffering during their transit within Malta;
 - (t) for securing a proper supply of water and food to animals during any detention thereof;
 - (u) for prescribing and regulating the marking of animals;
 - (v) for prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;
 - (w) for prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs and of dogs not muzzled, and of dogs not being kept under control, and the penalty to be paid for the recovery of dogs seized under such regulations;
 - (x) for prescribing and regulating the payment and recovery of expenses in respect of animals;
 - (y) for controlling and regulating the rearing and keeping of animals;
 - (z) for controlling and regulating the movement of animals from one place to another;
 - (za) for controlling and regulating the collection and transport of swill and the feeding of swill to animals;
 - (zb) generally, for the better execution of this Part of the Ordinance, or for the purpose of in any manner preventing the spreading of disease.
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PART III
OFFENCES AND LEGAL PROCEEDINGS

TITLE I
DETENTION OF SHIPS

88. (1) Where the Director of Agriculture is satisfied that any of the provisions of Part II of this Ordinance, or any regulation made thereunder, has not been or is not being complied with on board a ship in a port, then, on a report in writing to that effect being made by him to the Minister responsible for agriculture, stating particulars of non-compliance, the ship may be detained until the Minister responsible for agriculture otherwise directs.

Power to detain ship.

Amended by:
L.N. 4 of 1963.

(2) The officer detaining the ship shall forthwith deliver to the master or person in charge of such ship, a copy of the report.

89. Where, under this Ordinance, a ship is to be detained the ship shall be detained by the Comptroller of Customs; and, if the ship, after detention or after service on the master of any notice of or order for detention, proceeds to sea before it is released by competent authority, the master of the ship, and also the owner and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be liable, on conviction for each offence, to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69).

Where ship leaves port after being detained by Comptroller of Customs.

Amended by:
XVI.1960.3;
XXV. 1980.4;
XIII. 1983.5;
L.N. 407 of 2007.

90. Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship or any officer of customs, the owner and the master of the ship shall each be liable, on conviction, to pay all expenses of, and incidental to, the officer being so taken to sea, and also to a fine not exceeding one hundred and sixteen euros and forty-seven cents (116.47) for every day until the officer returns, or until such time as would enable him, after leaving the ship, to return to Malta; and the expenses ordered to be paid may be recovered as a civil debt.

Penalty for proceeding to sea with customs officer on board.

Amended by:
XXV. 1980.4;
XIII. 1983.5;
L.N. 407 of 2007.

91. Where, under this Ordinance, a ship may be detained, the Comptroller of Customs may refuse to grant a port clearance or a transire to such a ship.

Where Comptroller of Customs may refuse a port clearance to ship.

Amended by:
XVI. 1960.3.

TITLE II

PUNISHMENTS FOR OFFENCES UNDER PART I OF THIS
ORDINANCE*Sub-title 1*

PUNISHMENTS FOR OFFENCES UNDER TITLES I AND II

Offences under
arts. 5, 6, 12(3), 13,
14(2), 15 and 28.
Amended by:
II. 1926.3,4;
XXV. 1980.4;
III. 1982.10;
XIII. 1983.5
L.N. 407 of 2007.

92. (1) Any person offending against the provisions of article 12(3), of article 13, of article 14(2), of article 15(2), or of article 28, shall, on conviction, be liable to a fine (*ammenda*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

(2) Any person offending against the provisions of articles 5 and 6 shall, if the offence relates to a case of plague, small-pox, Asiatic cholera, yellow fever or diphtheria, be liable, on conviction, to imprisonment for a term not exceeding three months, or, if the offence relates to any other disease specified in article 41, to a fine (*ammenda*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Offences under
art. 7.

93. Any medical practitioner who shall offend against the provisions of article 7 shall, on conviction, be liable to a fine (*multa*).

Offences under
arts. 17(2), 19(3),
22(2), 23, 24(1)
(a), 27, 30(2), 35,
36(1), 39 and 40.

94. Any person guilty of an offence against the provisions of article 17(2), article 19(3), article 22(2), article 23, article 24(1)(a), article 27, article 30(2), article 35, article 36(1), article 39, or article 40 shall, on conviction, be liable to a fine (*ammenda*).

Offences under
arts. 25(4), 26, 29,
30(1), 33 and
36(2).
Amended by:
XXV. 1980.4;
XIII. 1983.5
L.N. 407 of 2007.

95. Any person offending against the provisions of article 25(4), article 26, article 29, article 30(1), article 33, or article 36(2) shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Offences under art.
24(1)(b), (c) and
(d).
Amended by:
XLIX. 1981.4.

96. Any person offending against the provisions of article 24(1)(b), (c) or (d) shall, on conviction, be liable to a fine (*multa*) or to imprisonment for a term not exceeding one month.

Offences under
art. 45.

97. Any person offending against the provisions of article 45 shall, on conviction, be liable to a fine (*multa*) and, at the discretion of the court, to interdiction from the practice of his profession for such time as the court may fix.

Offences under
art. 52.
Amended by:
II. 1926.5;
XXV. 1980.4;
XIII. 1983.5;
L.N. 407 of 2007.

98. Any person guilty of an offence against the provisions of article 52 shall, in the case of a first and slight offence, be liable to a fine (*multa*) from eleven euros and sixty-five cents (11.65) to fifty-eight euros and twenty-three cents (58.23); in any other case, to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69).

99. In the case of an offence against the provisions of article 23, article 24(1)(a), article 33, article 35 or article 52, the offender shall moreover be liable, for every day during which the offence continues, to a further fine (*ammenda*) not exceeding -

Additional penalty in the case of certain offences.
Amended by:
XXV. 1980.4;
XIII. 1983.5;
L.N. 407 of 2007.

- (a) eleven euros and sixty-five cents (11.65) where the offence is against article 23;
- (b) twenty-three euros and twenty-nine cents (23.29) where the offence is against article 24(1)(a) or article 35;
- (c) fifty-eight euros and twenty-three cents (58.23) where the offence is against article 33; or
- (d) four hundred and sixty-five euros and eighty-seven cents (465.87) where the offence is against article 52.

100. (1) Any person offending against any regulations made under article 42 shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Offences against regulations made under arts. 42 or 43.

(2) Any person offending against regulations made under article 43 shall, on conviction, be liable to a fine (*multa*) of not less than one hundred and sixteen euros and forty-seven cents (116.47).

Added by:
X. 1953.6.
Substituted by:
III. 1982.11.
Amended by:
XIII. 1983.5;
L.N. 407 of 2007.

Sub-title II

PUNISHMENT FOR OFFENCES AGAINST TITLE III

101. Any person contravening the provisions of article 55 shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Offences under art. 55.
Amended by:
XXV. 1980.4;
XIII. 1983.5;
L.N. 407 of 2007.

102. Every parent or person having the custody of a child who shall neglect to take such child or to cause such child to be taken for immunisation or for a booster dose, and every person of age who shall neglect to cause himself to be vaccinated or re-vaccinated as provided for in this Ordinance, shall be liable to a fine (*ammenda*) not exceeding twenty-three euros and twenty-nine cents (23.29).

Punishment for neglect of immunisation.
Amended by:
L.N. 4 of 1963;
XI.1977.2;
XXV.1980.4.
Substituted by:
III.1982.12.
Amended by:
XIII. 1983.5;
L.N. 407 of 2007.

103. Any person who shall commit any offence under article 65 shall be liable, on conviction, to a fine (*ammenda*).

Offences under art. 65.
Amended by:
III. 1982.13.

104. In any other case not expressly provided for in the preceding articles of this sub-title, any officer in charge of an immunisation centre, medical practitioner or other person, as the case may be, who shall offend against the provisions of Title III of Part I of this Ordinance shall be liable, on conviction, to a fine (*ammenda*) not exceeding twenty-three euros and twenty-nine cents (23.29).

Other offences by officer in charge of an immunisation centre, etc.
Amended by:
XXV. 1980.4;
III.1982.14;
XIII.1983.5;
L.N. 407 of 2007.

TITLE III

PUNISHMENTS FOR OFFENCES AGAINST PART II OF THIS ORDINANCE

Penalties for offences under Part II.

Amended by:
XXI.1976.2;
XXV. 1980.4;
XIII. 1983.5;
L.N. 407 of 2007.

105. Saving the provision of article 109 if any person is guilty of an offence against the provisions of Part II of this Ordinance he shall for every such offence be liable -

- (a) to a fine (*ammenda*) or to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47); or
- (b) if the offence is committed with respect to more than four animals, to a fine (*ammenda*) not exceeding forty-six euros and fifty-nine cents (46.59) for each animal; or
- (c) where the offence is committed in relation to carcases, fodder, litter, dung or other thing (exclusive of animals) other than swill to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47) in respect of every five hundred and eight kilogrammes in weight thereof after five hundred and eight kilogrammes, in addition to the first fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

General offences.

Amended by:
L.N. 4 of 1963;
XXI.1976.3;
XLIX. 1981.4.

106. Saving the provision of article 109, if any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against Part II of this Ordinance:

- (a) if he does anything in contravention of the provisions of that Part, or of an order of the Minister responsible for agriculture or regulation made thereunder; or
- (b) if, where required by the provisions of that Part, or by an order of the Minister responsible for agriculture or regulation made thereunder, to keep an animal separate, as far as practicable from other animals or to give notice of disease with all practicable speed, he fails to do so; or
- (c) if he fails to give, produce, observe or do any notice, license, rule or thing which according to the provisions of that Part or to any order of the Minister responsible for agriculture or regulation made thereunder, he is required to give, produce, observe or do; or
- (d) if he does anything which by that Part or by an order of the Minister responsible for agriculture or regulation made thereunder, is made or declared to be unlawful; or
- (e) if he does or omits to do anything, the doing or omission whereof is declared in that Part or in any order of the Minister responsible for agriculture or regulation made thereunder, to be an offence by him against that Part; or

- (f) if he refuses to any officer acting in execution of that Part or of an order of the Minister responsible for agriculture or regulation made thereunder, admission to any land, building, ship, farm-house, vehicle or boat which the officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes any Police or other officer in the execution of his duty, or assists in any such obstructing or impeding; or
- (g) if he throws or places or causes or suffers to be thrown or placed, into or in the sea within five kilometres of the shore, the carcase or any animal which has died of disease or been slaughtered as diseased or suspected of being diseased,

and on a further conviction within a period of twelve months for a second or subsequent offence against the same paragraph of this article he shall be liable, in the discretion of the court, to imprisonment for any term not exceeding one month, in lieu of the fine (*multa*) to which he is liable under article 105.

107. (1) Saving the provision of article 109, a person shall be guilty of an offence against Part II of this Ordinance if he does any of the following things:

- (a) if, with intent unlawfully to evade the provisions of Part II of this Ordinance, or any order of the Minister responsible for agriculture or regulation made thereunder, he does anything for which a license is requisite under that Part or under an order of the Minister responsible for agriculture or regulation made thereunder, without having first obtained such license; or
- (b) if, where a licence is requisite, having obtained such licence he, with the like intent, does the thing licensed after the licence has expired; or
- (c) uses or offers or attempts to use as such a licence an instrument not being a complete licence or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court that he did not know of that incompleteness or untruth and that he could not by the use of reasonable diligence have obtained knowledge thereof; or
- (d) if he obtains or endeavours to obtain any licence, certificate or other instrument required by that Part or by an order of the Minister responsible for agriculture or regulation made thereunder, by means of a false pretence, unless he shows to the satisfaction of the court that he did not know of that falsity and that he could not by the use of reasonable diligence have obtained knowledge thereof; or
- (e) if with intent unlawfully to evade or defeat the provisions of Part II of this Ordinance, or any order of the Minister responsible for agriculture or regulation

Punishment for use of expired licenses, digging up or carcases and other specified offences.
Amended by:
L.N. 4 of 1963;
XXI. 1976.4;
XLIX.1981.4.

made thereunder he grants or issues any instrument being in form a licence, certificate or other instrument made or issued under that Part or under an order of the Minister responsible for agriculture or regulation made thereunder, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing but being issued in blank that is to say not being before the issue thereof so filled up as to any particular animal or thing; or

- (f) if he uses or offers or attempts to use, for any purpose under Part II of this Ordinance or under any order of the Minister responsible for agriculture or regulation made thereunder, an instrument so issued in blank, unless he shows to the satisfaction of the court that he did not know of it having been so issued and that he could not with reasonable diligence have obtained knowledge thereof; or
- (g) if, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Police or of the Director of Agriculture; or
- (h) if, where the Minister responsible for agriculture has by order prohibited, absolutely or conditionally, the use for the carrying of animals or for any purpose connected therewith, of any ship, vehicle, pen or other place he, without lawful authority or excuse, proof whereof shall be on him, does anything so prohibited.

(2) And saving the provision of the said article 109, in every case in this article specified on a further conviction within a period of twelve months for a second or subsequent offence against the same paragraph of this article he shall be liable, in the discretion of the court, to imprisonment for any term not exceeding two months, in lieu of the fine (*multa*) to which he is liable under article 105.

Forfeiture of animal.
Amended by:
L.N. 4 of 1963.

108. If any person lands or ships, or attempts to land or ship an animal or thing in contravention of Part II of this Ordinance or of any order of the Minister responsible for agriculture or regulation made thereunder, the animal or thing in respect whereof the offence is committed, shall be forfeited and the offender shall moreover be liable to the penalties prescribed by this Ordinance.

Punishment for specific offences.
Added by:
XXI.1976.5.
Substituted by:
XXV.1980.3.
Amended by:
XIII. 1983.5;
L.N. 407 of 2007.

109. (1) Notwithstanding any other provision of this Ordinance, any person who is found guilty of an offence against any provision of any regulation made under this Part of this Ordinance -

- (a) where such provision or provisions refer to the importation, movement, or quarantine of dogs or cats, or to the landing of swill from any ship, yacht, pleasure craft, boat or other vessel or from any aircraft, shall be liable to a fine (*multa*) of not less than four hundred and sixty-five euros and eighty-seven cents (465.87) but not exceeding two thousand and

three hundred and twenty-nine euros and thirty-seven cents (2,329.37) or to imprisonment for a term of not less than three months but not exceeding six months; and

- (b) in respect of any regulations made under article 87(y), (z) or (za) -
 - (i) where such provision or provisions refer to the requirement of any licence or authorization, shall be liable to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69) but not exceeding two thousand and three hundred and twenty-nine euros and thirty-seven cents (2,329.37); and
 - (ii) for the contravention of any other provision or provisions of such regulations, shall be liable to a fine (*multa*) of not less than one hundred and sixteen euros and forty-seven cents (116.47) but not exceeding two thousand and three hundred and twenty-nine euros and thirty-seven cents (2,329.37).

(2) The provisions of the [Probation Act](#) shall not be applicable in relation to an offence referred to in article (1)(a). Cap. 446.

110. Where the owner or person in charge of an animal is charged with an offence against this Ordinance relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness in such animal, unless and until he shows to the satisfaction of the court that he had no knowledge thereof and could not with reasonable diligence have obtained that knowledge. Presumption.

TITLE IV

PROVISIONS COMMON TO THE FOREGOING TITLES OF PART III

111. Proceedings for an offence against this Ordinance shall be instituted - Competent court.
Amended by:
VIII. 1990.3.

- (a) in the Court of Magistrates (Malta), where the offence is committed in the island of Malta;
- (b) in the Court of Magistrates (Gozo), where the offence is committed in Gozo or Comino.

112. In all proceedings instituted for offences against this Ordinance, the Superintendent or any medical officer of health deputed by him, and, in the case of offences against Part II of this Ordinance, the Director of Agriculture or any government veterinary surgeon deputed by him, may lay the charge before the court, produce evidence and plead the case instead of the Police. Prosecuting officer.
Amended by:
XXXVIII.1939.2.

Evidence of authority to prosecute on behalf of Superintendent.
Amended by: XXXVIII.1939.3.

113. The sworn statement of any of the officers mentioned in the last preceding article to the effect that he has been deputed by the Superintendent or as the case may be, by the Director of Agriculture for the purpose therein stated, shall be conclusive evidence of the fact, should the proof thereof be required by the accused.

Evidence of prosecuting officer

114. (1) Any of the officers mentioned in the last preceding article may, in all cases, be called as a witness at the request of the accused.

(2) If his evidence is required on behalf of the prosecution, he shall be heard before assuming the duties of prosecuting officer, unless the necessity of his evidence shall arise afterwards.

Where offender is insane or absent from Malta.
Amended by: XXXVIII.1939.5.

115. (1) Where the offender is insane or absent from Malta and the Superintendent or any medical officer of health or, in the case of an offence against Part II of this Ordinance, the Director of Agriculture or a government veterinary surgeon certifies on oath that it is urgently required that the nuisance caused by the offence be abated or that the law be otherwise enforced, the court may order the summons to be served, in the first case, on the lawful representative or the person having the custody of the offender, and, in the second case, or where, in the first case, the party insane is not under the charge of any person, on the spouse or on a near relation of the offender, or on the person, if any, entrusted with the management of his property.

(2) In any such case, if the offence is proved, the court shall apply the provisions of article 118 or article 119: provided that as regards the award of punishment to the offender the court shall adjourn the case until his return or until he is fit to stand trial.

Punishment for second of subsequent offence.

116. Saving any other provision of this Ordinance with respect to a second or subsequent conviction, where any person who has been convicted of an offence under this Ordinance shall, within a period of three months from the day on which the punishment has been undergone or remitted, commit any other offence under this Ordinance, the court may increase the punishment prescribed for such other offence up to double the amount, or term thereof.

Power of court to cancel or suspend licence in certain cases.

117. In the case of a third or subsequent conviction for a like offence, committed by any shop-keeper, vendor or other person exercising any art, trade or other calling in virtue of a licence granted by any public authority, the court may, if the offence is in connection with the exercise of such trade, art or calling, cancel the licence or suspend the same for any period at its discretion.

Court may order offender to abate nuisance in certain cases.
Amended by: XXV.1980.4; XIII.1983.5; L.N. 407 of 2007.

118. In the case of any offence against this Ordinance, the court, besides awarding punishment shall, where necessary, make an order requiring the offender to abate the nuisance arising from the offence, or, according to circumstances, to carry out the law within a sufficient time to be fixed for the purpose by the court; and if the offender fails to comply with such order within the time so fixed, he shall be liable to a fine (*ammenda*) not exceeding twenty-three euros and twenty-nine cents (23.29) for every day the nuisance or non-compliance with the law continues after the

expiration of the said time:

Provided that where a special penalty is prescribed in any provision of this Ordinance in case of the continuance of an offence, such special penalty shall be applied.

119. The court may also order that the nuisance be abated or the law be carried out by the Police at the expense of the offender, who in any such case, may be made to refund such expense under a warrant issued by the same court.

Court may also order nuisance to be abated by Police.

120. The punishments of fine (*ammenda* or *multa*), detention and imprisonment imposed by this Ordinance are the same as those laid down in the [Criminal Code](#), and the provisions of that Code relating to such punishments shall be applicable to the same when awarded under this Ordinance.

Punishments mentioned in this Ordinance are the same as those laid down in the Criminal Code.
Amended by: XLIX. 1981.4. Cap. 9.

121. The punishments established in this Ordinance shall apply provided the fact does not constitute an offence under the [Criminal Code](#) or any other special law liable to a heavier punishment, in which case such heavier punishment shall be applied.

Offences liable to heavier punishment.
Cap. 9.

122. Any offence against the provisions of this Ordinance shall, for the purposes of the [Criminal Code](#) fall into the class of contraventions, even where the punishment prescribed in this Ordinance is heavier than those laid down in the said Code for contraventions.

Offences against this Ordinance to be considered as contraventions.
Cap. 9.

123. No appeal shall lie from any decision or order given or made under the provisions of Part I of this Ordinance, except in the cases referred to in articles 5, 6, 7 and 8, article 24(1)(b), (c) and (d), articles 26, 30, 39 and 45, and in any other case expressly provided for in that part:

Appeal.

Provided that any order made under article 26 and any decision under the provisions of article 45, may be enforced pending any appeal therefrom.

124. Any damages due in respect of any offence under this Ordinance shall be recoverable by the injured party as a civil debt.

Recovery of damages.

125. Nothing in this Ordinance shall invalidate anything lawfully done under any prior enactment hereby repealed.

Saving as to anything done under repealed enactment.

126. All regulations made under any enactment hereby repealed and which are not inconsistent with the provisions of this Ordinance shall remain in force until other regulations are made in substitution therefor under this Ordinance.

Saving as to regulations made under repealed enactment.