B 2082

L.N. 182 of 2026

COMMISSIONERS FOR JUSTICE ACT (CAP. 291)

On the Spot Fines (Non-habitual Residents) Regulations, 2026

IN EXERCISE of the powers conferred by article 13 of the Commissioners for Justice Act, the Minister responsible for justice has made the following regulations:-

Citation.

1. The title of these regulations is the On the Spot Fines (Non-habitual Residents) Regulations, 2026.

Interpretation.

2. In these regulations, unless the context otherwise requires:

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"Act" means the Commissioners for Justice Act;

"authorised officer" means any officer forming part of the Malta Police Force, the Local Enforcement Systems Agency or the Environmental Resources Authority authorised in accordance with the Act to enforce or prosecute the offences listed in the Schedule of the Act;

"Commissioner" means a Commissioner for Justice appointed in accordance with article 3 of the Act;

"non-habitual resident" means any natural person who is not a Maltese national and does not hold a valid residence document or other long-term residence permit;

"on the spot fine" refers to a fine (*multa* or *ammenda*) imposed on a non-habitual resident by an authorised officer in accordance with these regulations for an offence listed in the Schedule to the Act;

S.L. 291.04.

"Petitions Board" shall have the same meaning as assigned to it in regulation 3 of the Petitions (Local Tribunals) Regulations;

"travel document" means a valid passport or any other official identity document issued by a competent authority which enables a person to travel internationally and to cross external borders.

Applicability.

3. (1) These regulations shall apply only to offences which are:

(a) listed in the Schedule to the Act;

(b) offences which are prosecuted before a Commissioner in accordance with the Act or any other applicable law;

(c) committed by a non-habitual resident within the territory or jurisdiction of Malta.

(2) These regulations shall not apply to:

(a) offences that are punishable with a term of imprisonment or to offences expressly excluded under any other law; or

(b) a non-habitual resident charged with an offence listed under article 4(1) of the Drug Dependence (Treatment not Imprisonment) Act. Cap. 573.

Authorisation to initiate the on the spot fine procedure.

4. (1) Where an authorised officer has reasonable grounds to suspect that a person has committed an offence listed in the Schedule to the Act and such person is a non-habitual resident, the authorised officer shall initiate the on the spot fine procedure in accordance with this regulation:

Provided that where a non-habitual resident is also suspected of concurrently committing another offence under any other law not included under the Schedule to the Act, the on the spot fine procedure shall not be applied and proceedings shall be instituted in accordance with the legislation under which the offences were committed.

(2) The authorised officer shall, at the time of issuing the on the spot fine, inform or make available to the non-habitual resident the following information:

(a) the nature of the offence alleged to have been committed;

(b) the amount of the fine (*multa* or *ammenda*) payable;

(c) the requirement to effect payment of the on the spot fine immediately using the payment methods provided for in regulation 5(1);

(d) the consequences for non-payment in accordance with regulation 6;

(e) that according to sub-regulation (4) the payment of the on the spot fine by the person who was fined shall not prejudice his right to submit a petition or appear before a Commissioner.

(3) Without prejudice to article 14(5) of the Act, where a non-habitual resident is issued with an on the spot fine under this regulation, such fine (*multa* or *ammenda*) shall be payable immediately upon its issuance through one (1) of the authorised payment methods provided under regulation 5.

(4) Payment of an on the spot fine under these regulations shall not prejudice the right of the non-habitual resident to submit a petition before the Petitions Board in accordance with the Petitions (Local Tribunals) Regulations or appear before a Commissioner in accordance with regulation 8 and the provisions of the Act relating to the on the spot fine issued. Any payment of an on the spot fine made pursuant to these regulations shall, until the conclusion of proceedings before the Commissioner or before the Petitions Board, be deemed to constitute a deposit made to guarantee the execution of a decision in the event of a finding of guilt by the Commissioner or of a denial of a petition by the Petitions Board.

S.L. 291.04.

(5) Where the non-habitual resident elects to pay the on the spot fine immediately, the amount payable shall be the amount prescribed for the offence under the corresponding provision of the Act or of any regulations made thereunder:

Provided that where an offence listed in the Schedule to the Act provides for a range within which a fine (*multa* or *ammenda*) may be imposed, the authorised officer shall impose the minimum amount within that range:

Provided further that without prejudice to the provisions of article 14(3) of the Act, any amount payable in respect of an on the spot fine in accordance with these regulations shall in no case be less than twenty-five euro (€25) or the minimum punishment established by law for the offence, whichever is the higher.

(6) Where a non-habitual resident submits a petition before the Petitions Board or appears before a Commissioner in relation to the payment of the on the spot fine issued, and such petition or appearance before the Commissioner results in the on the spot fine being overturned, any amount paid in respect of such an on the spot fine shall be reimbursed to the non-habitual resident without undue delay. For the purposes of these regulations, the filing of written submissions to a Commissioner shall be deemed to constitute an appearance before

such Commissioner:

Provided that where a petition has been submitted before the Petitions Board, the Board shall decide on the petition within forty-eight (48) hours from the date of submission:

Provided further that a hearing before the Commissioner may be held by electronic means.

(7) Where a non-habitual resident has paid the on the spot fine and does not submit a petition before the Petitions Board or appear before the Commissioner in relation to the payment of the on the spot fine issued, within the time-limits established under the Act, the liability in respect of the offence shall be deemed extinguished and no further proceedings shall be taken against the non-habitual resident.

Payment of an on the spot fine.

5. (1) Payment of an on the spot fine shall be effected:

(a) through an electronic payment system for on the spot fines authorised by the Minister by a Government notice in the Gazette; or

(b) by such other electronic means as may from time to time be authorised by the Minister by means of a Government notice in the Gazette for such purpose:

Provided that for the purposes of these regulations payment of an on the spot fine shall not be effected in cash.

(2) The authorised officer shall request payment of the on the spot fine at the time of its imposition.

(3) Payment shall be deemed to have been effected only upon the successful processing of the transaction and issuance of a receipt, in electronic or physical form, generated by the electronic payment system.

(4) A non-habitual resident who effects immediate payment shall produce to the authorised officer, the electronic or physical receipt confirming successful payment of the on the spot fine.

Seizure of travel documents for non-payment of an on the spot fine.

6. (1) Where a non-habitual resident upon whom an on the spot fine is imposed fails or refuses to effect immediate payment thereof in accordance with these regulations, the Executive Police may, for the purpose of ensuring the appearance of such non-habitual resident in proceedings before a Commissioner in accordance with the Act, seize any travel document in the possession of such non-habitual resident:

Provided that where such non-habitual resident refuses or fails to produce any identity or travel document and his identity cannot be established with reasonable certainty, the Executive Police may proceed to arrest the non-habitual resident in accordance with article 355Z of the Criminal Code and upon such arrest, the Executive Police may exercise the powers of search incidental thereto and retain any document found in his possession for the purposes of establishing identity and ensuring appearance before a Commissioner:

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Provided further that nothing in these regulations shall be construed as preventing the Executive Police from applying for and obtaining a warrant in accordance with article 355E of the Criminal Code to search the temporary residence of such non-habitual resident for the purpose of locating and seizing any travel document relevant to proceedings in accordance with these regulations.

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(2) Any travel document seized in accordance with sub-regulation (1) shall be retained by the Executive Police until the payment of the on the spot fine is made in full or until the conclusion of the proceedings before a Commissioner in respect of the offence concerned:

Provided that where the non-habitual resident is found guilty by a Commissioner, the travel document shall only be returned upon payment of the on the spot fine in full.

(3) A Police officer shall duly inform the non-habitual resident that failure to immediately pay the on the spot fine in accordance with regulation 5 shall result in the seizure of any travel documents in the possession of the non-habitual resident in accordance with these regulations pending the conclusion of proceedings before a Commissioner.

(4) Upon payment of the on the spot fine in full, any travel document seized in accordance with these regulations shall be returned to the non-habitual resident without undue delay.

(5) Where upon the conclusion of proceedings before a Commissioner, the non-habitual resident is found not guilty or the on the spot fine is otherwise waived, any travel document seized in accordance with these regulations shall be returned without undue delay.

(6) Where a non-habitual resident is issued with an on the spot fine by an authorised officer forming part of the Local Enforcement Systems Agency or the Environmental Resources Authority and such non-habitual resident refuses or fails to effect payment of the on the

spot fine in accordance with regulation 5, the authorised officer shall have the right to request the assistance of the Executive Police and the Executive Police may seize any travel document belonging to the non-habitual resident in accordance with the provisions of sub-regulation (1).

(7) Where following the conclusion of proceedings before a Commissioner, the non-habitual resident is found guilty and fails or refuses to effect full payment of the amount due, the competent authorities may also take the necessary measures to prohibit or restrict the re-entry of such non-habitual resident into the territory of Malta, in accordance with the Immigration Act and any regulations made thereunder. Cap. 217.

Right to appear before a Commissioner.

7. (1) These regulations shall not be construed as limiting or derogating from any right conferred under the Act or under any other law to which a person may be entitled in relation to proceedings before a Commissioner.

(2) Any appearance before a Commissioner shall be conducted in accordance with the applicable provisions of the Act.

Appearance before a Commissioner.

8. (1) Notwithstanding any other provision in these regulations, where a non-habitual resident elects to appear before a Commissioner in relation to an on the spot fine imposed in accordance with these regulations, proceedings before a Commissioner shall be conducted in an expedited manner:

Provided that a non-habitual resident may decide to make written submissions, within the timeframe imposed by a Commissioner, instead of appearing in person before a Commissioner.

(2) Notwithstanding any provision contained in the Act, any notice issued to a non-habitual resident for the purposes of proceedings in accordance with these regulations, including any requirement to appear before a Commissioner or to make written submissions, may be notified to such person by means of an electronic address provided by the non-habitual resident to the authorised officer at the time of the imposition of the on the spot fine, and such service shall be deemed to constitute valid service of such notice. It shall be incumbent upon such non-habitual resident to ensure that any details so provided are accurate and kept up-to-date.

(3) Proceedings before a Commissioner in accordance with these regulations may be conducted wholly or partially by electronic means, including the electronic submission of documents or the use of any secure digital communication system as may be authorised by the Minister by means of a Government notice in the Gazette.

(4) The Minister may by means of a legal notice in the Gazette, make regulations to facilitate the effective and secure conduct of proceedings using electronic means in accordance with this regulation.

Record keeping.

9. (1) All on the spot fines issued in accordance with these regulations shall be recorded in an electronic system accessible by Commissioners.

(2) The Minister may by means of regulations regulate the enforcement, payment systems and safeguards to ensure the effective implementation of the provisions of these regulations.

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

Prezz/*Price*
€0.63