L.N. 227 of 2026

ATTORNEY GENERAL ORDINANCE (CAP. 90)

STATE ADVOCATE ACT (CAP. 603)

Prosecution of Offences (Transitory Provisions) (Amendment) Regulations, 2026

IN EXERCISE of the powers conferred by article 3(c) of the Attorney General Ordinance and by article 1 of the State Advocate Act, the Minister responsible for justice has made the following regulations:-

Citation and commencement. S.L. 90.01. S.L. 603.01.

1. (1) The title of these regulations is the Prosecution of Offences (Transitory Provisions) (Amendment) Regulations, 2026 and these regulations shall be read and construed as one with the Prosecution of Offences (Transitory Provisions) Regulations, hereinafter referred to as the "principal regulations".

(2) These regulations shall come into force on 31st December 2026.

Amends the Schedule to the principal regulations.

2. The Schedule to the principal regulations shall be amended as follows:

(a) immediately after item 1D thereof there shall be added the following new item:

"1E. The Attorney General shall have the power to decide whether a prosecution is instituted in the following categories of offences when the charges are to be filed in the Court of Magistrates as a court of criminal judicature or in the Court of Magistrates as a court of criminal inquiry on or after the 31st December 2026:

Cap. 63.

(a) offences against the White Slave Traffic (Suppression) Ordinance where the Attorney General directs that the offences may be prosecuted before the Criminal Court or the Court of Magistrates as a court of criminal judicature, provided that the offence shall not fall within the original jurisdiction of the Court of Magistrates as a court of criminal judicature;

Cap. 71.

(b) offences against the Seditious Propaganda (Prohibition) Ordinance which fall within the competence of the Criminal Court in accordance with article 10 of the said Ordinance;

Cap. 156.

(c) offences as provided for in articles 3(2) and 5C(2) of the Petroleum (Production) Act;

S.L. 156.01.

(d) offences as provided for in regulation 9(2) of the Petroleum (Production) Regulations;

S.L. 156.02.

(e) offences as provided for in regulation 46 of the Offshore Safety (Oil and Gas) Regulations;

S.L. 226.01.

(f) offences as provided for in regulation 8(4), (5) and (6) of the Ship-Source Pollution Regulations;

Cap. 234.

(g) offences as provided for in articles 70 and 334 of the Merchant Shipping Act;

Cap. 258.

(h) offences against article 24(2) of the Identity Card and other Identity Documents Act;

Cap. 296.

(i) offences against article 58 of the Land Registration Act;

Cap. 331.

(j) offences as provided for in articles 51(6) and 53(6) of the Trusts and Trustees Act;

Cap. 356.

(k) offences as provided for in article 56(1) of the Development Planning Act;

Cap. 386.

(l) offences as provided for in articles 268(4), 307(6), 308(3), 309(1), 311, 313, 314, 315, 320(6), 329B(8)(b), 416(3), 420(2), 421(3) and 422 of the Companies Act;

Cap. 409.

(m) offences as provided for in article 43(1)(b) and (c) of the Malta Travel and Tourism Services Act;

Cap. 411.

(n) offences as provided for in article 10(1) of the Civil Protection Act;

Cap. 417.

(o) offences as provided for in article 117(1) of the Patents and Design Act;

Cap. 477.

(p) offences as provided for in article 31(1) of the National Archives Act;

Cap. 480.

(q) offences as provided for in articles 51(1)(a), 51(2), 51(3), 52, 53 and 55 of the Arms Act;

S.L. 487.08.

(r) offences as provided for in regulation 4 and in item 3 of the First Schedule to the Insurance Distribution (Penalties and Other Measures) Regulations;

Cap. 518. (s) offences as provided for in articles 5(1) and 15 of the Protection of Minors (Registration) Act;

Cap. 522. (t) offences as provided for in articles 4(b) and 5 of the Crimes against the Environment Act;

Cap. 524. (u) offences as provided for in articles 5(2), 6, 7(4), 8, 9(7), 11(2), 13(1), 14 and 15(1) of the Embryo Protection Act;

Cap. 529. (v) offences as provided for in article 15(6) of the Company Service Providers Act;

Cap. 538. (w) offences as provided for in article 17 of the Counselling Profession Act;

Cap. 540. (x) offences as provided for in article 14(2) of the Gender Identity, Gender Expression and Sex Characteristics Act;

Cap. 549. (y) offences as provided for in article 71(3) of the Environment Protection Act;

Cap. 590. (z) offences as provided for in article 54(1) of the Virtual Financial Assets Act;

Cap. 597. (aa) offences as provided for in article 108(4) of the Trademarks Act;

Cap. 599. (ab) offences as provided for in article 37(2) of the Cremation Act;

Cap. 602. (ac) offences as provided for in articles 74(1), 75 and 81(2) of the Minor Protection (Alternative Care) Act;

S.L. 602.01. (ad) offences as provided for in regulation 41 of the Children's House Regulations;

Cap. 618. (ae) offences as provided for in article 27(3) of the Residual Balances Fund Act;

S.L. 625.01. (af) offences as provided for in regulation 8(2) of the Exclusive Economic Zone Regulations;

Cap. 626. (ag) offences as provided for in article 38(3) of the Sports Governance and Integrity Act;

Cap. 632. (ah) offences as provided for in articles 3(5) and 16 of the Insolvency Practitioners Act;

Cap. 641. (ai) offences as provided for in article 70 of the Air Navigation Act;

Cap. 647. (aj) offences as provided for in article 51(2) of the Markets in Crypto-Assets Act;

(ak) attempts or conspiracy to commit or complicity in the offences provided for in paragraphs (a) to (aj), both included.";

(b) immediately after sub-item (5) of item 3 thereof there shall be added the following new sub-item:

"(6) In the absence of a decision to institute a prosecution by the Attorney General and without prejudice to the provisions of item 2, the Executive Police shall not on or after the 31st December 2026, institute or pursue any prosecution for the offences listed in item 1E.".

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