

SUBSIDIARY LEGISLATION 117.02**EXPORTATION CONTROL REGULATIONS**

29th October, 1948

GOVERNMENT NOTICE 668 of 1948, as amended by Government Notices 621 of 1955, 655 of 1956 and 298 of 1958; Legal Notices 34 of 1959, 48 of 1961, 15 of 1964, 29 and 80 of 1967, 105 of 1969, 62 and 105 of 1970, 22 of 1973, 114 of 1974, 70 of 1976, 55 of 1979, 44 of 1985, 107 of 1988, 126 of 1990, 42 and 154 of 1991, 42, 44, 45 and 117 of 1992, 105 of 1998, 82 of 1999, 51 and 230 of 2000, 196 of 2003, 243 of 2004 and 409 of 2007.

1. The title of these regulations is Exportation Control Regulations. Title.

2. In these regulations -

"Director" means the Director of Trade and includes any officer of the Department of Trade to whom the Director may from time to time assign any powers or duties under these regulations;

Interpretation.
Amended by:
G.N. 621 of 1955;
G.N. 298 of 1958;
L.N. 15 of 1964.

"exportation" means and includes the sending, taking or carrying of any goods from these Islands to any other place, by whatever means the carriage is effected; and "export" shall be construed accordingly.

3. (1) Saving the provisions of sub-regulation (3) of this regulation and of regulation 5, the exportation of all goods from these Islands is prohibited except under a licence issued by the Director and in accordance with such conditions, if any, as are specified in the licence.

Prohibition to export.
Amended by:
G.N. 621 of 1955;
G.N. 655 of 1956;
G.N. 298 of 1958.
Substituted by:
L.N. 34 of 1959.
Amended by:
L.N. 15 of 1964;
L.N. 29 of 1967;
L.N. 55 of 1979;
L.N. 126 of 1990;
L.N. 42 of 1991;
L.N. 117 of 1992;
L.N. 82 of 1999;
L.N. 51 of 2000;
L.N. 230 of 2000.

(2) The Director may in his discretion refuse the grant of any licence or, in granting it, impose such conditions as he may deem proper, including the price to be paid for the purchase of goods, in either case without assigning any reason therefor.

(3) An open general licence is hereby granted for the exportation from these Islands, other than the exportation to Iraq of goods of any description not included in the Schedule.

4. (1) Notwithstanding the provisions of any other regulation, the exportation of any goods from these islands to any destination, where the exportation of such goods to such destination is prohibited by a resolution of the Security Council of the United Nations under Chapter VII of the United Nations Charter is prohibited and no licence shall be issued for such exportation.

General prohibition.
Added by:
L.N. 42 of 1992.
Amended by:
L.N. 44 of 1992;
L.N. 45 of 1992.

(2) For the purposes of sub-regulation (1), the Director shall by notice in the Gazette publish from time to time a reference to any resolution to which the said sub-regulation applies.

(3) The provisions of this regulation shall also apply to any goods referred to in sub-regulation (1), originating from outside these islands and landed therein only for the purpose of transshipment.

Articles in breach of copyright.
Added by:
L.N. 117 of 1992.

5. Notwithstanding the provisions of the foregoing regulations the exportation of any article or other thing made, manufactured, duplicated or otherwise reproduced or copied in violation of the rights of copyright enjoyed by any person and protected by or under Maltese law is prohibited and no licence shall be issued for such exportation.

Clearance of goods prior to shipment.

6. The exporter or shipper of any goods intended for exportation or as ships' stores shall before actual shipment make due entry and obtain clearance of the goods by delivery to the officer of Customs of the licence obtained under these regulations and of all documents required by the Customs Regulations.

S.L. 37.05

Applications for licences.
Amended by:
G.N. 621 of 1955;
G.N. 298 of 1958;
L.N. 15 of 1964.

7. All applications for licences to export goods shall be made on a form obtainable at the Department of Trade and shall contain particulars as to the names and addresses of the consignor and of the consignee of the goods and the ultimate destination of the goods, together with a declaration by the person making the application to the effect that the particulars in the application are true and correctly stated.

Evidence.

8. Any exporter or shipper of goods exported from these Islands under the provisions of these regulations shall, if so required by the Comptroller of Customs, furnish, within such time as may be prescribed, satisfactory evidence that the goods have reached the destination to which they were authorised by such licence to be exported, and in default, such exporter or shipper shall be guilty of an offence against these regulations, provided that the person charged with the offence can prove that he did not consent to or connive at that the goods reach a destination other than the one to which they were authorised by such licence to be exported.

False statements, etc.

9. If, for the purpose of obtaining any licence for the exportation or shipment as ships' stores of any goods, any person makes any statement or furnishes any document or information which is, to his knowledge, false in any material particular or recklessly makes any statement which is false in any material particular, he shall be guilty of an offence against these regulations, and any licence which may have been granted shall be of no effect.

Director may revoke or modify licence.
Amended by:
G.N. 621 of 1955;
G.N. 298 of 1958;
L.N. 15 of 1964.

10. The Director may in his discretion revoke or modify any licence previously granted by him, without assigning any reason for such revocation or modification.

Cessation of licence.

11. A licence issued for the exportation of goods shall cease to have effect -

- (a) if the sale of the goods is not confirmed within fifteen days from the date of the issue of the licence or in such other period as may be prescribed in the licence; or
- (b) if the goods to which the licence relates are not exported within thirty days from the date of the issue of the licence or within such other period as may be prescribed in the licence; or
- (c) if any of the conditions in the licence are not complied

with.

- 12.** The Director may in his discretion and on application for the purpose being made, extend any of the periods mentioned in or imposed under these regulations.
- Extension of periods.
Amended by:
G.N. 621 of 1955;
G.N. 298 of 1958;
L.N. 15 of 1964.
- 13.** Licences issued under these regulations shall not exempt the holder or any other person from compliance with the requirement of a licence under any other law in force.
- Licences issued under these regulations.
- 14.** Every application under these regulations shall bear stamps to the value of six cents (0.06).
- Application to bear stamps.
Amended by:
L.N. 409 of 2007.
- 15.** No master or person in charge of a vessel shall receive on board any goods which are not covered by an export licence. The licence shall be attached to the master's copy of the bill of lading relating to the goods.
- Goods to be covered by export licence.
- 16.** No bank shall pay or arrange for the payment of any money for goods exported unless the duplicate of the export licence is produced to it. The duplicate licence shall be retained by the bank.
- Bank to be furnished with duplicate of export licence.
- 17.** No person shall take or cause to be taken to any quay or other place any goods without a permit from the Comptroller of Customs, and all goods intended for exportation or as ships' stores shall be shipped only from such place as shall be stated in the said permit.
- Permission from the Comptroller.
- 18.** The provisions of these regulations shall not apply in so far as they are inconsistent with any international agreement, arrangement or understanding to which the Government of Malta is a party.
- Non-applicability of these regulations.
Substituted by:
L.N. 80 of 1967.
- 19.** Any person who contravenes or fails to comply with any of these regulations shall be guilty of an offence against these regulations and shall, on conviction before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) sitting as a Courts of Criminal Judicature, be liable to punishment as follows:
- Offences and penalties.
Amended by:
L.N. 114 of 1974;
L.N. 409 of 2007.
- (a) when the value of the goods which have been exported or in respect of the exportation of which an attempt or a preparatory act has been made does not exceed forty-six euros and fifty-nine cents (46.59), to a fine (*multa*) of not less than twenty-three euros and twenty-nine cents (23.29) but not exceeding one hundred and sixteen euros and forty-seven cents (116.47);
- (b) when the value of the goods which have been exported or in respect of the exportation of which an attempt or some preparatory act has been made, exceeds forty-six euros and fifty-nine cents (46.59) but does not exceed one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69), to a fine (*multa*) of not less than two hundred and thirty-two euros and ninety-four cents (232.94) but not exceeding one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69) or to imprisonment for a term not

- exceeding three months or to both such fine and such imprisonment;
- (c) when the value of the goods which have been exported or in respect of the exportation of which an attempt or some preparatory act has been made exceeds one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69), 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) and to imprisonment for a term not exceeding six months;
- (d) where the offence relates to gas/diesel oil, the court shall impose a term of imprisonment for a period of not less than ten days and not more than six months and shall order the suspension of any relevant licence or licences, if any, existing in the name of the offender for a period not exceeding twelve months,

and in all cases the court shall moreover order the forfeiture of the goods to which the offence relates, even though the owner thereof may not be a party to the proceedings.

SCHEDULE

(Regulation 3(3))

- Antiques and articles or objects of historical value
 - Carts, cabs and landaus
 - Malta stone and objects made therefrom
 - Rough diamonds of headings 7102.10, 7102.21 and 7102.31
 - Petroleum products, the following:
 - Petrol
 - Fuel oil
 - Diesel
 - Kerosene
 - Liquified gas
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Added by:
L.N. 34 of 1959;
Substituted by:
L.N. 48 of 1961.
Amended by:
L.N. 105 of 1969;
L.N. 62 of 1970;
L.N. 105 of 1970.
Substituted by:
L.N. 22 of 1973.
Amended by:
L.N. 114 of 1974.
Substituted by:
L.N. 70 of 1976;
L.N. 55 of 1979.
Amended by:
L.N. 44 of 1985;
L.N. 107 of 1988;
L.N. 154 of 1991;
L.N. 105 of 1998;
L.N. 196 of 2003.
Substituted by:
L.N. 243 of 2004.