

CHAPTER 365**NATIONAL INTEREST (ENABLING POWERS) ACT**

*Substituted by:
V. 2000.2.*

To enable the implementation of certain treaties and measures and the restriction of trade and travel where the national or international interest of Malta so requires and to enable effect to be given to certain provisions of the Charter of the United Nations.

*Amended by:
V. 2000.2.*

3rd August, 1993

ACT XX of 1993, as amended by Act V of 2000; and Legal Notice 425 of 2007.

1. The short title of this Act is the National Interest (Enabling Powers) Act.

Short title.
*Substituted by:
V. 2000.2.*

2. In this Act -

"Charter" means the Charter of the United Nations signed at San Francisco on the 26th June, 1945;

Interpretation.
*Amended by:
V. 2000.3.*

"international treaty" includes any bilateral or regional treaty;

"prohibition" includes restriction and regulation including the obligation to report or register any activity or transaction, and prohibition of trade includes the interruption or reduction of economic relations;

"Security Council" means the Security Council established under Chapter V of the Charter;

"trade" includes the manufacture, assembly or processing of goods as well as the provision of services including the movement of capital, payments and other financial services, as well as the transfer of technological and scientific knowledge;

"United Nations" means the international organisation set up by the Charter.

3. (1) Whenever the Security Council, acting under Article forty-one of Chapter VII of the Charter, calls upon member states of the United Nations to apply any measures to give effect to any decision of the said Security Council (being measures not involving the use of armed force under Article 42 of the Charter), or whenever an entity or competent authority appointed or set up by or under the Charter advises, directs or orders member states of the United Nations to take such action as may be advised, directed or ordered by that entity or competent authority, the Prime Minister may, subject to the provisions of sub-articles (4), (7) and (8) of this article, make regulations as appear to him necessary or expedient for the implementation of such measures or action.

Power of the Prime Minister to make regulations.
*Amended by:
V. 2000.4;
L.N. 425 of 2007.*

(2) Whenever the House of Representatives ratifies or authorises the ratification of an international treaty or whenever such ratification or authorisation is made or given by an Act of Parliament, the Prime Minister may, subject to the provisions of sub-articles (4), (7) and (8) of this article, make regulations as

appear to him to be necessary or expedient to give effect to any of the provisions of that treaty or to give effect to any advice, direction or order of any entity or competent authority appointed or set up by or under any such international treaty and any such regulations shall contain the text of the Resolution of the House of Representatives ratifying or authorising the ratification of that treaty or shall contain a reference to the Act of Parliament by which the ratification is made or authorisation given, as the case may be.

(3) Whenever the Prime Minister considers that the national or international interests of Malta so require, he may by regulations under this Act and subject to the provisions of sub-articles (7) and (8), order the prohibition of trade with other countries, either in general or with any country or countries or part thereof, or the prohibition of travel to and from any country or countries or part thereof, as may be stated in the regulations.

(4) Regulations made under sub-article (1) or (2) shall contain the text of the recommendation, resolution or decision of the Security Council or of the advice, direction or order of the entity or competent authority containing those measures or action which the regulations are intended to implement.

(5) Regulations made under this article may be made applicable to persons in Malta, persons resident in Malta, to citizens of Malta wherever they may be or to vessels, aircraft or other means of transport registered in or belonging to Malta or travelling to or from such countries as the Prime Minister may in the regulations determine.

(6) Regulations made under this article may also provide for such measures as may be necessary for such regulations to be effectively applied including the cancellation or the suspension of any obligation arising under any agreement, and without prejudice of the foregoing such regulations may provide for the apprehension, trial and punishment of persons offending against such regulations.

(7) When regulations made under this article provide for the trial and punishment of persons offending against those regulations, the Court of Magistrates (Malta) and the Court of Magistrates (Gozo), as courts of criminal judicature, shall, notwithstanding the provisions of article 370 of the [Criminal Code](#), be competent to try all offences against those regulations.

(8) (a) When regulations made under this article provide for the punishment of deprivation of liberty or for pecuniary punishments, or for both, such punishment shall not, in the case of deprivation of liberty, exceed the term of imprisonment of five years and, in the case of pecuniary punishment, exceed a fine (*multa*) of one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (116,468.67); and

(b) Where the facts constituting a breach of a regulation under this Act also constitute a breach of any other law prohibiting all the facts prohibited by the particular

regulation, proceedings shall not be taken in respect of the breach of the regulations under this Act but only in respect of the breach of the other law.
