

## CHAPTER 117

## SUPPLIES AND SERVICES ACT

*To make provision for maintaining supplies and services essential to the life of the community and for controlling the production, distribution and consumption of goods.*

30th December, 1947

*ACT IV of 1947, as amended by Emergency Ordinances II and XV of 1958; Ordinances XVII of 1961 and XXV of 1962; Legal Notice 4 of 1963; Act XIV of 1965; Legal Notices 46 of 1965 and 148 of 1975; Acts XI of 1977, XLIX of 1981, XV of 1982 and XIII of 1983; Legal Notice 409 of 2007; and Act V of 2007.*

- 1.** The short title of this Act is the Supplies and Services Act. Short title.
- 2.** (1) In this Act, unless the context otherwise requires:
- "essential goods", "essential supplies", "essential services" and "essential work" mean goods, supplies, services or work appearing to the Minister responsible for trade to be essential in the public interest or to be essential to the life of the community;
- "prescribed" or "specified" means prescribed or specified by regulation under this Act;
- "requisition" means, in relation to any goods, take possession of the goods or require the goods to be placed at the disposal of the requisitioning authority;
- "sale" includes any disposal under whatever title whether onerous or gratuitous and any transfer of goods from one's possession;
- "undertaking" means any public utility or private utility undertaking, or any industrial or commercial enterprise, or any professional or educational enterprise, organisation, institution or service whether the activity is carried on by one person or more.
- (2) Any reference to articles or goods shall be construed as including a reference to substances, materials, produce, vehicles, vessels, or animals.
- 3.** (1) The Minister responsible for trade may make, and, when made, amend, repeal or re-enact regulations for maintaining supplies and services essential to the life of the community and for controlling the production, distribution, use or consumption of goods and in particular but without prejudice to the generality of the foregoing power, may make regulations for all or any of the following purposes - Power to make regulations.  
Amended by:  
XVII.1961.2;  
XXV.1962.2;  
L.N. 4 of 1963;  
L.N. 46 of 1965;  
L.N. 148 of 1975;  
XI. 1977.2;  
XLIX. 1981.4;  
XV. 1982.3;  
XIII. 1983.5;  
L.N. 409 of 2007;  
V. 2007.25.
- (a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, importation, exportation, distribution, sale, purchase, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;

- (b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;
- (c) for requiring persons carrying on, or employed in connection with, any specified trade, business or undertaking to keep such books, accounts, or documents as may be specified and to produce to any officer or officers as may be specified, any books, accounts or other documents relating to that trade, business or undertaking and for requiring any persons to furnish to such officer or officers as may be specified, such estimates or returns as such officer or officers may require;
- (d) for any incidental and supplementary matters for which the Minister responsible for trade thinks it expedient for the purposes of the regulations to provide, including, in particular, the entering and inspection of premises to which the regulations relate, by persons authorized in that behalf by the Minister responsible for trade with a view to securing compliance with the regulations; and such regulations may prohibit the doing of anything regulated thereby except under the authority of a licence granted by such authority or person as may be specified and may be made so as to apply either to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either throughout Malta or in any particular area therein;
- (e) for empowering the Administrative Review Tribunal established in terms of article 5 of the [Administrative Justice Act](#), for the purpose of taking cognizance of offences under all or any specified regulations made under this Act, for prescribing the procedure to be followed by the said Tribunal, for establishing the jurisdiction thereof; and for providing, where necessary, for applying the provisions of the [Administrative Justice Act](#) to appeals from the decisions of such Tribunal;
- (f) for providing for the requisitioning of any essential goods on such conditions as may be prescribed and subject to the payment of a fair compensation which, in default of agreement, shall be assessed by a Board or tribunal appointed for the purposes or, in default of such appointment, by the Civil Court;
- (g) for authorizing an officer to carry on the whole or any part of any existing undertaking, or authorize a person to carry on the whole or any part of the undertaking, in accordance with any instructions as may be given by

him; and while by virtue of this paragraph an officer so authorised is carrying on the whole or any part of an undertaking -

- (i) the said officer shall be deemed to be acting as an agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or part of the undertaking; and
  - (ii) the undertakers shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified, be bound, by any obligation or limitation imposed on them by or by virtue of any law or other instrument determining their functions;
- (h) for establishing the penalties to which any offender of any of the regulations made under this Act shall be liable; such penalties may include all or any of the following:
- (i) imprisonment for a period not exceeding two years;
  - (ii) fine to an amount not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or a fine calculated on the profit made by the offender in connection with the transaction in contravention to the regulations:  
Provided that, when the fine is so calculated, it may not exceed five times the profit made by the offender;
  - (iii) forfeiture of any goods or things to which the offence relates;
  - (iv) suspension or cancellation of any licence whether issued under any regulations under this Act or otherwise:  
Provided that this sub-paragraph shall not be deemed to be prejudicial to the powers of any authority to suspend or cancel or refuse the renewal of licences issued under any other law or under regulations made under this Act;
  - (v) publication of any sentences passed on an offender under any regulations made under this Act in such manner as may be prescribed:

Provided that regulations under this paragraph may also provide for the fixing of a minimum and, within the limits afore-mentioned, the maximum penalty to which an offender shall be liable in respect of contraventions of any one or more regulations or of one or more classes of regulations and regulations may also provide that in respect of any one or more regulations or of any one or more classes of regulations the provisions of articles 7 and 22 of the [Probation Act](#), and article 21 of the [Criminal Code](#) shall not apply.

Cap. 446.

Cap. 9.

(2) Regulations made under this Act shall be laid on the Table of the House of Representatives as soon as may be after they are made; and if the House of Representatives, within a period of twenty days beginning with the day on which any such regulations are laid before it, resolves that they be annulled, or amended, the same shall cease to have effect, or shall be so amended but without prejudice to anything previously done thereunder or to the making of any new regulations. In reckoning any period for the purposes of this subsection no account shall be taken of any time during which the House of Representatives is dissolved or prorogued or during which it is adjourned for more than four days.

Power to appoint officers.

*Amended by:  
L.N. 4 of 1963.*

4. (1) The Prime Minister may from time to time appoint one or more persons or one or more bodies of persons for the purposes of all or any of the provisions of regulations made under this Act and for the purpose of carrying the provisions of any such regulations into effect; and may also determine the name by which such person or body of persons shall be officially known.

(2) Where the holder of a designated office has been appointed for the purposes of subarticle (1), then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Powers in respect of requisitioned goods.

*Amended by:  
L.N. 4 of 1963;  
XI. 1977.2.*

5. Where goods are requisitioned under this Act, any officer or officers as may be specified may use or deal with, or authorize the use of or dealing with such goods for such purpose and in such manner as he or they think expedient and may hold, or, with the written authorization of the Minister responsible for trade, sell or otherwise dispose of, the goods as if he or they were the owners thereof.

Restrictions on disclosing information.

*Amended by:  
L.N. 4 of 1963;  
XIII. 1983.4;  
L.N. 409 of 2007.*

6. (1) No person who obtains any information by virtue of this Act or of any regulations made thereunder shall, otherwise than in connection with the execution of this Act or of any regulations made thereunder, disclose that information, except with permission granted by the Prime Minister.

(2) Any person guilty of an offence under subarticle (1), shall be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (232.94) and not more than

four hundred and sixty-five euro and eighty-seven cents (465.87).

7. Any licence, permit or permission granted for the purpose of any regulations made under this Act may be revoked at any time by the authority or person empowered to grant it.

Licences, etc., may be revoked.

8. Article 24 of the [Criminal Code](#) shall apply in respect of offences under this Act or under any regulations made thereunder as it applies in respect of contraventions.

Applicability of article 24 of the [Criminal Code](#).  
Cap. 9.

9. (1) Any person who attempts to commit, or does any act preparatory to the commission of any offence against any of the regulations under this Act, shall be deemed to be guilty of an offence against that regulation.

Attempts to commit offences and assisting offenders.

(2) No person knowing or having reasonable cause to believe that another person is guilty of an offence against any regulation under this Act shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the trial or punishment of that person for the said offence.

(3) Any person guilty under subarticle (2) shall be liable to the same punishments provided for the offence of which that other person is guilty.

(4) Any person who induces or attempts to induce another or others to commit an offence against any regulation under this Act, whether or not successful in that purpose, shall himself be guilty of an offence under such regulation.

10. Where a person convicted of an offence against any of the regulations made under this Act forms part of an association of persons every person who, at the time of the commission of the offence, was a director or officer of the association shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Offences by association of persons.

11. Without prejudice to any special provision contained in any regulation made under this Act, a notice to be served on any person for the purposes of any such regulations may be served by sending it by registered post in a letter addressed to that person at his last or usual place of abode or place of business.

Service of notices.