

A.L. 75 ta' l-2003

**ATT DWAR IL-BANK ĊENTRALI TA' MALTA
(KAP. 204)**

**Regolamenti ta' l-2003 dwar il-Bank Ċentrali ta' Malta
(Penalitajiet ghal Reati u Ksur ta' Regolamenti)**

BIS-SAHHA tas-setghat moghtija bl-artikolu 52A ta' l-Att dwar il-Bank Ċentrali ta' Malta, il-Ministru tal-Finanzi ghamel dawn ir-regolamenti li ġejjin:–

1. It-titolu ta' dawn ir-regolamenti hu *Regolamenti ta' l-2003* Titolu. *dwar il-Bank Ċentrali ta' Malta (Penalitajiet ghal Reati u Ksur ta' Regolamenti).*

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma Tifsir tkunx tehtieg xort'ohra –

“Att” tfisser l-Att dwar il-Bank Ċentrali ta' Malta; Kap. 204.

“Tribunal ghas-Servizzi Finanzjarji” tfisser it-Tribunal ghas-Servizzi Finanzjarji mwaqqaf taht l-artikolu 21 ta' l-Att dwar l-Kap. 330. Awtorità ta' Malta ghas-Servizzi Finanzjarji;

u l-kliem u l-frazzjiet użati wkoll fl-Att ghandu jkollhom l-istess tifsir bhalma ghandhom fl-Att.

3. Meta persuna tonqos milli thares xi disposizzjoni ta' l-Att Penalitajiet. skond ma tidher fl-ewwel kolonna ta' l-Iskeda li tinsab ma' dawn ir-regolamenti korrispondenti ghall-att jew ommissjoni deskritti fit-tieni kolonna ta' l-istess Skeda, il-Bank jista' jimponi bhala penalità amministrattiva l-ammont korrispondenti li jidher fit-tielet kolonna ta' dik l-Iskeda.

4. Skond l-artikolu 52A(3)(a)(i) ta' l-Att, il-Bank jista' jimponi Nuqqas ta' konformità mar-rekwiziti minimi ta' riserva. penalità amministrattiva li tikkonsisti f'pagament li jasal sa hames punti perċentwali fuq ir-rata ta' self tal-Bank li tiġi mposta fi transazzjonijiet maghmula taht l-artikolu 15(1)(e) ta' l-Att, u applikata ghall-ammont ta' depożitu ta' riserva li l-istituzzjoni ta' kreditu rilevanti tonqos milli tipprovdi skond direttivi mahruġa taht l-artikolu 37(1) ta' l-Att.

(Regolament 3)

Penalitajiet amministrattivi li jistghu jiġu imposti mill-Bank Ċentrali minghajr il-htieġa ta' proċeduri fil-qorti

L-Ewwel Kolonna	It-Tieni Kolonna	It-Tielet Kolonna
Disposizzjoni	Att jew Ommissjoni	Penalitajiet
52A(2)(a) b' riferenza għal 24A(1)(2)	Nuqqas li l-Bank jiġi provdut bl-informazzjoni meħtieġa, jew li tiġi provduta l-informazzjoni fiż-żmien stipulat, jew li tiġi provduta informazzjoni korretta jew kompluta	LM200 kuljum sa massimu ta' Lm5,000 għal nuqqas li tipprovdi informazzjoni jew li tipprovdiha fiż-żmien stipulat; Minn Lm300 sa massimu ta' Lm5,000 jekk tipprovdi informazzjoni mhux korretta jew mhux kompluta
52A(2)(a) b' riferenza għal 24B(1)	Nuqqas li jkunu sodisfatti rekwiżiti ta' ġbir ta' statistika li jkunu jinsabu f' xi direttiva maħruġa mill-Bank	Minn Lm500 sa massimu ta' Lm5,000
52A(2)(a) b' riferenza għal 24B(2)	Ostakoli lill-Bank milli jeżerċita d-dritt li jivverifika l-preċiżjoni u l-kwalità ta' l-informazzjoni	Minn Lm2,000 sa massimu ta' Lm5,000 għal kull ostakolu
52A(2)(a) b' riferenza għal 24B(2)	Ostakoli lill-Bank milli jwettaq il-ġbir obligatorju ta' informazzjoni	Minn Lm2,000 sa massimu ta' Lm5,000 għal kull ostakolu
52A(2)(b) b' riferenza għal 36(5)	Ksur jew nuqqas li jithares xi rekwiżit li jinsab f'xi direttiva maħruġa mill-Bank	Minn Lm500 sa massimu ta' Lm5,000

L-Ewwel Kolonna Disposizzjoni	It-Tieni Kolonna Att jew Ommissjoni	It-Tielet Kolonna Penalitajiet
52A(3)(a)(ii) b' riferenza ghal 49A	Nuqqas minn xi istituzzjoni ta' kreditu u, jew istituzzjoni finanzjarja li tirtiraw miċ-ċirkolazzjoni l-biljetti u l-muniti ta' flus li jaħsbu li huma foloz	Minn Lm3,000 sa massimu ta' Lm5,000
52A(3)(a)(ii) b' riferenza ghal 49A	Nuqqas minn xi istituzzjoni ta' kreditu, jew finanzjarja li tikkonsenja lill-Bank l-biljetti u muniti ta' flus foloz irtirati miċ-ċirkolazzjoni	Lm100 ghal kull jum li matulu jitkompla nuqqas, sa massimu ta' Lm5,000
52A(3)(b) b' riferenza ghal 45 sa 49	Korp ġuridiku li jikseb benefiċċju mill-ghemil ta' reati msemmija fl-artikoli 45 sa 49 minn persuna li jkollha kariga għolja f' korp ġuridiku	Lm5,000
52A(3)(b) b' riferenza ghal 45 sa 49	Korp ġuridiku li jikseb benefiċċju mill-azzjonijiet ta' persuna, li jkollha kariga għolja fil-korp ġuridiku, li jassisti jew ikun kompliċi fl-ghemil ta' reati taht l-artikoli 45 sa 49	Minn Lm3,000 sa massimu ta' Lm5,000
52A(3)(c) b' riferenza ghal 45 sa 49	Nuqqas mill-korp ġuridiku li jeżerċita superviżjoni jew kontroll fuq persuna li jkollha kariga għolja fil-korp ġuridiku, li tagħmel, jew tassisti jew tkun kompliċi f' reati taht l-artikoli 45 sa 49	Minn Lm3,000 sa massimu ta' Lm5,000

L.N. 75 of 2003

**CENTRAL BANK OF MALTA ACT
(CAP. 204)**

**Central Bank of Malta (Penalties for Offences and
Infringements) Regulations, 2003**

IN exercise of the powers conferred by article 52A of the Central Bank of Malta Act, the Minister of Finance has made the following regulations:–

Citation. **1.** The title of these regulations is the Central Bank of Malta (Penalties for Offences and Infringements) Regulations, 2003.

Interpretation. **2.** In these regulations, unless the context otherwise requires –

Cap. 204. “Act” means the Central Bank of Malta Act;

Cap. 330. “Financial Services Tribunal” means the Financial Services Tribunal established under article 21 of the Malta Financial Services Authority Act;

and the words and expressions which are also used in the Act have the same meanings as in the Act.

Penalties. **3.** When any person fails to comply with a provision of the Act as appearing in the first column of the Schedule to these regulations consisting in the corresponding act or omission described in the second column thereof, the Bank may impose by way of an administrative penalty the corresponding sum appearing in the third column of the said Schedule.

Non-compliance with minimum reserve requirements. **4.** In terms of article 52A(3)(a)(i) of the Act, the Bank may impose an administrative penalty consisting of a payment of up to five percentage points above the Bank’s lending rate being imposed in transactions conducted under article 15(1)(e) of the Act, and applied to the amount of the reserve deposit which the relevant credit institution fails to provide in accordance with directives issued under article 37(1) of the Act.

SCHEDULE

(Regulation 3)

**Administrative penalties which may be imposed by the Central Bank of
Malta without recourse to a court hearing**

First Column Provision	Second Column Act or Omission	Third Column Penalty
52A(2)(a) with reference to 24A(1)(2)	Failure to provide the Bank with the required information, or to provide information by the established deadline, or to provide correct or complete information	LM200 per day up to a maximum of Lm5,000 for not providing information or not providing it by the established deadline; From Lm300 up to a maximum of Lm5,000 for providing incorrect or incomplete information
52A(2)(a) with reference to 24B(1)	Failure to comply with statistical reporting requirements contained in any directive issued by the Bank	From Lm500 up to a maximum of Lm5,000
52A(2)(a) with reference to 24B(2)	Obstructing the Bank from exercising the right to verify the accuracy & quality of the information	From Lm2,000 up to a maximum of Lm5,000 for every obstruction
52A(2)(a) with reference to 24B(2)	Obstructing the Bank from carrying out the compulsory collection of information	From Lm2,000 up to a maximum of Lm5,000 for every obstruction
52A(2)(b) with reference to 36(5)	Contravening or failing to comply with a requirement contained in any directive issued by the Bank	From Lm500 up to a maximum of Lm5,000
First Column Provision	Second Column Act or Omission	Third Column Penalty
52A(3)(a)(ii) with reference to 49A	Failure by a credit and, or financial institution to withdraw from circulation currency notes and coins believed to be counterfeit	From Lm3,000 up to a maximum of Lm5,000
52A(3)(a)(ii) with reference to 49A	Failure by a credit and, or financial institution to deliver to the Bank any counterfeit currency notes and coins withdrawn from circulation	Lm100 for every day the failure continues, up to a maximum of Lm5,000
52A(3)(b) with	A body corporate deriving	Lm5,000

B 1002

reference to 45 to 49	benefit from commission of offences under articles 45 to 49 by a person having a senior position within the body corporate	
52A(3)(b) with reference to 45 to 49	A body corporate deriving benefit from the actions of a person, having a senior position within the body corporate, aiding or acting as accessory in the commission of offences under articles 45 to 49	From Lm3,000 up to a maximum of Lm5,000
52A(3)(c) with reference to 45 to 49	Failure by a body corporate to exercise supervision or control over a person, having a senior position within the body corporate, who commits, or aids or acts as accessory in the commission of offences under articles 45 to 49	From Lm3,000 up to a maximum of Lm5,000