

CHAPTER 101

DANGEROUS DRUGS ORDINANCE

*To amend and consolidate the law relating to the importation, exportation, manufacture, sale and use of opium and other dangerous drugs.*

1st September, 1939

*ORDINANCE XXXI of 1939, as amended by Legal Notice 4 of 1963; Acts: XLVIII of 1975, XI of 1977, [XXIII of 1980](#), [XLIX of 1981](#) and [XIII of 1983](#); Legal Notice [32 of 1984](#); Act [VIII of 1986](#); Legal Notice [58 of 1988](#); Act [VIII of 1990](#); Legal Notices: [49](#), [93 of 1990](#); Acts [VI of 1994](#), [XVI of 1996](#), [II of 1998](#), [VI of 2000](#); Legal Notice [148 of 2000](#); Act [III of 2002](#); Legal Notices [278 of 2003](#), [1 of 2004](#); Acts [XVI of 2006](#), [XXIV](#), [XXXI of 2007](#); Legal Notices [373](#), [409 of 2007](#), [331 of 2009](#); Acts [IV](#), [XXIV of 2014](#), [VIII of 2015](#); Legal Notices [49 of 2016](#), [359](#), [360 of 2017](#), [43 of 2018](#), [230 of 2018](#), [389 of 2018](#) [V of 2019](#) and Legal Notice [189 of 2019](#) and [119](#) and [120 of 2021](#), [165 of 2022](#) and [156 of 2023](#) and Acts [XXXI of 2019](#), [IV of 2020](#), [VIII of 2020](#), [V of 2021](#), [XXXVI of 2021](#) and [LXVI of 2021](#) and Legal Notice [179 of 2024](#) and Acts [VII](#) and [XII of 2025](#) and Legal Notice [97 of 2025](#).*

ARRANGEMENT OF ORDINANCE

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Short title.

1. The short title of this Ordinance is the Dangerous Drugs Ordinance.

Interpretation.

Amended by:

XXIII. 1980.2;

VI.1994.2.

V.2019.5;

LXVI.2021.24;

XII.2025.3.

2. (1) In this Ordinance unless the context otherwise requires -

"coca leaves" means the leaves of the *Erythroxylum Coca Lamarek* and the *Erythroxylum Novogranatense* (Morris) *Hieronymus* and their varieties belonging to the family of *Erythroxylaceae* and the leaves of other species of this genus from which cocaine can be extracted either directly or by chemical transformation;

"Cannabis" means the inflorescence and leaves of any plant of the genus *Cannabis* and includes any resin obtained from the said plant and any preparations derived from the said plant, but does not include its seeds, or inflorescence, leaves, extracts and products derived from non-psychoactive phytocannabinoids containing not more than zero point two (0.2) percent of psychoactive cannabinoids;

Provided that synthetic cannabinoids and synthetic cannabinoid products, in any form or manner of presentation, including but not limited to any matter originally derived from the cannabis plant which has been processed, refined or otherwise chemically altered, as well as manufactured products, edible products, liquids, powders, or vapourisable substances, shall be deemed to constitute a prohibited drug punishable in the same manner and to the same extent as offences relating to cannabis;

"drug" means any of the following:

- (i) a substance covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances;
- (ii) any of the substances listed in the Annex to the Council Framework Directive 2004/757/JHA;

"export", with its grammatical variations and cognate expressions, in relation to Malta, means to take or cause to be taken out of Malta in any manner whatsoever;

"import", with its grammatical variations and cognate expressions, in relation to Malta, means to bring or cause to be brought into Malta in any manner whatsoever;

"medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form and whether it is or is not mixed with neutral materials;

"new psychoactive substance" means a substance in pure form or in a preparation that is not covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances which may pose health or social risks similar to those posed by the substances covered by those Conventions;

"non-psychoactive phytocannabinoids" means such products as the Minister responsible for the [Authority on the Responsible Use of Cannabis Act](#) may by regulations, from time to time, include in Part I of the Fifth Schedule to this Ordinance;

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"preparation" means a mixture containing one or more new psychoactive substances;

"prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

"psychoactive cannabinoids" means such products as the Minister responsible for the [Authority on the Responsible Use of Cannabis Act](#) may by regulations, from time to time, include in Part II of the Fifth Schedule to this Ordinance;

Cap. 628.

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver Somniferum* L., which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine;

"synthetic cannabinoids" means fully synthetic or semi-synthetic cannabinoids, whether or not they occur naturally in trace amounts in the cannabis plant, that are chemically processed or refined to act on cannabinoid receptors and produce psychoactive effects, as the Minister responsible for the Authority on the Responsible Use of Cannabis Act may, by regulations made from time to time, include in Part III of the Fifth Schedule to this Ordinance;

"the Single Convention" means the Single Convention on Narcotic Drugs adopted at New York on the 30 March, 1961 as subsequently amended by the Protocol adopted in Geneva on the 25 March, 1972.

(2) In this Ordinance, unless the context otherwise requires, any reference to this Ordinance shall be deemed to include a reference to rules made thereunder.

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## PART I

### RAW OPIUM AND COCA LEAVES

3. (1) The Minister responsible for public health may make rules for controlling or restricting the production, possession, sale and distribution of raw opium or coca leaves, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of raw opium or coca leaves except by persons licensed or otherwise authorised in that behalf.

Power to regulate the production of and dealing in raw opium and coca leaves.

Amended by:  
L.N. 4 of 1963;  
XI. 1977.2;  
XLIX. 1981.4;  
XIII. 1983.5;  
L.N. 409 of 2007.

(2) The Minister responsible for public health may fix such penalties for the breach or non-observance of any rule as he may think fit, not exceeding imprisonment for one month or a fine (*multa*) of three hundred and forty-nine euro and forty-one cents (349.41).

Prohibition of cultivation of opium or coca plant.

4. No person shall cultivate the opium poppy (*papaver somniferum*) or the coca plant (*Erythroxylum Coca*).

## PART II

### PREPARED OPIUM

Prohibition of exportation of prepared opium.

5. No person shall import or bring into, or export from Malta any prepared opium.

Penalty for manufacturing, selling, using, etc. prepared opium.

6. If any person -

- (a) manufactures, sells or otherwise deals in prepared opium; or
- (b) has in his possession any prepared opium; or
- (c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium; or
- (d) is concerned in the management of any premises used for any such purpose as aforesaid; or
- (e) has in his possession any pipes or other utensils for use in connection with the smoking of opium, or any utensils for use in connection with the preparation of opium for smoking; or
- (f) smokes or otherwise uses prepared opium, or frequents any place used for the purposes of opium smoking,

he shall be guilty of an offence against this Ordinance.

## PART III

### CANNABIS

*Substituted by:*  
*LXVI.2021.25.*

Prohibition of importation and exportation of the resin from the plant *Cannabis*.

7. No person shall import or bring into, or export from, Malta any resin obtained from the plant *Cannabis*.

*Amended by:*  
*XXIII. 1980.6;*  
*LXVI.2021.25.*

Penalty for dealing in, etc., the plant *Cannabis*.  
*Substituted by:*  
*XXIII. 1980.3.*

8. If any person -

- (a) has in his possession (otherwise than in the course of transit through Malta or the territorial waters thereof the resin obtained from the plant *Cannabis* or any preparations of which such resin formed the base; or
- (b) produces, sells or otherwise deals in the resin obtained from the plant *Cannabis* or any preparations of which

such resin formed the base; or

- (c) cultivates the plant *Cannabis*; or
- (d) has in his possession (otherwise than in the course of transit through Malta or the territorial waters thereof) the whole or any portion of the plant *Cannabis* (excluding its medicinal preparations); or
- (e) sells or otherwise deals in the whole or any portion of the plant *Cannabis* (excluding its medicinal preparations),

he shall be guilty of an offence against this Ordinance.

#### PART IV

#### COCAINE, MORPHINE, ETC.

9. (1) For the purpose of preventing the improper use of the drugs to which this Part of this Ordinance applies, the Minister responsible for public health may make rules for controlling the manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for -

Control of  
manufacture and  
sale of cocaine.  
*Amended by:*  
*L.N. 4 of 1963;*  
*XI. 1977.2.*

- (a) prohibiting the manufacture of any drug to which this Part of this Ordinance applies except on premises licensed for the purpose and subject to any conditions specified in the licence; and
- (b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorized under the rules and subject to any conditions specified in the licence or authority; and
- (c) regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescriptions; and
- (d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed; and
- (e) controlling or restricting the possession of or dealing in any such drug while in transit through Malta.

(2) The rules under this article shall provide for authorizing any person who lawfully keeps open a shop for the retailing of poisons in accordance with the provisions of the [Medical and Kindred Professions Ordinance](#)-

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- (a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract of any drug to which this Part of this Ordinance applies; or
- (b) to carry on at the shop the business of retailing,

dispensing or compounding any such drug,

subject to the power of the Minister responsible for public health to withdraw the authorization in the case of a person who has been convicted of an offence against this Ordinance or of an offence under the [Customs Ordinance](#) as applied by this Ordinance, and who cannot, in the opinion of the Minister responsible for public health properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

Cap. 37.

(3) Nothing in any rules made under this article shall be taken-

(a) to authorize the sale, or the keeping of an open shop for the retailing, dispensing or compounding, of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the [Medical and Kindred Professions Ordinance](#);

Cap. 31.

(b) to be in derogation of the provisions of the [Medical and Kindred Professions Ordinance](#), for prohibiting, restricting or regulating the sale of poisons.

Cap. 31.

Drugs to which Part IV applies.  
Amended by:  
L.N. 4 of 1963;  
XI. 1977.2;  
XXIII. 1980.7;  
XLIX. 1981.6;  
VI. 1994.3.

**10.** (1) The drugs to which this Part of this Ordinance applies are those mentioned in the First Schedule hereto.

Calculations of percentage in case of liquid preparations.

(2) For the purpose of this article, percentages in the case of liquid preparations shall, unless other provision in that behalf is made by rules under this Ordinance, be calculated on the basis that a preparation containing one *per centum* of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

(3) Where it appears to the Minister responsible for public health that any other drug of whatever kind is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is, or is likely to be productive, if improperly used, of ill-effects substantially of the same character or nature as or analogous to those produced by the drugs mentioned in the First Schedule hereto, the said Minister may by order in the Gazette make any additions, variations or alterations to such schedule.

(4) If the Minister responsible for public health thinks fit to declare by order that a finding with respect to any preparation containing any of the drugs to which this Part of this Ordinance applies has been communicated by the Secretary-General of the United Nations Organisation to the parties to the Single Convention, the provisions of this Part of this Ordinance shall as from such date as may be specified in the order cease to apply to the preparation specified therein.

11. (1) It shall not be lawful for any person to trade in or manufacture for the purpose of trade any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the 13th July, 1931, being used for medical or scientific purposes:

Provided that if the Minister responsible for public health is at any time satisfied as respects any such products that it is of medical or scientific value, he may by order direct that this sub-article shall cease to apply to that product.

(2) If any person acts in contravention of sub-article (1), he shall be guilty of an offence against this Ordinance.

(3) If it is made to appear to the Minister responsible for public health that a decision with respect to any such product as is mentioned in sub-article (1) has been communicated by the Secretary-General of the United Nations Organisation to the parties to the Single Convention, the Minister responsible for public health, by order, may, as the case requires, either declare that the provisions of this Part of this Ordinance shall apply to that product in the same manner as they apply to the drugs mentioned in article 10(1) or apply the said part to that product with such modification as may be specified in the order.

(4) The Minister responsible for public health may, by order, apply this Part of this Ordinance with such modifications as may be specified in the order, to any of the following drugs, that is to say methymorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts.

Prohibition of trade, etc., in new drugs, and power to apply Part IV with or without modifications, to certain drugs.

*Amended by:*  
*L.N. 4 of 1963;*  
*XI.1977.2;*  
*XLIX. 1981.6;*  
*VI.1994.4.*

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## PART V

### CONTROL OF EXTERNAL TRADE

12. In this Part, unless the context otherwise requires-

"conveyance" includes ship, aircraft, and any other means of transport by which goods may be brought into or taken from Malta;

"dangerous drug" means any drug to which Part IV of this Ordinance applies, and includes raw opium, coca leaves, cannabis, and all preparations of which resins obtained from cannabis form the base, and, for the purposes of articles 15 to 18 both inclusive, includes also the resins obtained from the cannabis;

"diversion certificate" means a certificate issued by the competent authority of a country through which a dangerous drug passes in transit, authorizing the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorization, and containing all the particulars required to be included in an export authorization, together with the name of the country from which the consignment was originally exported;

"export", with its grammatical variations and cognate expressions, in relation to Malta, means to take or cause to be taken

Interpretation of Part V.

*Amended by:*  
*XXIII. 1980.8;*  
*LXVI.2021.25.*

out of Malta by air or water, otherwise than in transit;

"export authorization" means an authorization issued by a competent authority in a country from which a dangerous drug is exported, containing full particulars of such drug, and the quantity authorized to be exported, together with the names and addresses of the exporter and the person to whom it is to be sent, and stating the country to which, and the period within which, it is to be exported;

"import", with its grammatical variations and cognate expressions, in relation to Malta, means to bring or cause to be brought into Malta by air or water, otherwise than in transit;

"import authorization" means a licence, issued by a competent authority, authorizing the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person authorized to import the drug, the name and address of the person from whom the drug is to be obtained, and specifying the period within which the importation must be effected;

"import certificate" means a certificate substantially in the Form A set out in the Second Schedule hereto, issued by a competent authority in a country into which it is intended to import dangerous drugs;

"in transit" means taken or sent from any country and brought into Malta by air or water (whether or not landed or transhipped in Malta) for the sole purpose of being carried to another country either by the same or another conveyance.

Exportation of  
dangerous drugs.  
*Amended by:*  
*XVI 1960.3;*  
*XXIII. 1980.8;*  
*VI.1994.5.*

**13.** (1) Upon the production of an import certificate duly issued by the competent authority in any country, it shall be lawful for the Chief Government Medical Officer to issue an export authorization in the Form B set out in the Second Schedule hereto in respect of any drug referred to in the import certificate to any person who is named as the exporter in such certificate, and is, under the provisions of this Ordinance, otherwise lawfully entitled to export such drug from Malta. The export authorization shall be prepared in triplicate and two copies shall be issued to the exporter who shall send one copy with the drug to which it refers when such drug is exported. The Chief Government Medical Officer shall send the third copy direct to the appropriate authority of the country of ultimate destination. Subject to the provisions of sub-article (2), it shall be in the absolute discretion of the Chief Government Medical Officer in all cases to issue or refuse an export authorization, as he may see fit.

(2) No dangerous drugs shall be exported from Malta unless the consignor is in possession of a valid and subsisting export authorization relating to such drug granted under this Ordinance.

(3) At the time of exportation of any dangerous drug the exporter shall produce to the Comptroller of Customs the dangerous drug, the export authorization relating thereto, and such other evidence as the Comptroller of Customs may require to satisfy him that the drug is being lawfully exported to the place and person named in the authorization which refers to it.



**14.** (1) An import authorization in the Form C set out in the Second Schedule hereto permitting the importation into Malta of any dangerous drug specified therein may be granted by the Chief Government Medical Officer, subject to such conditions as he shall deem fit, to any person who may lawfully import such drug.

Importation of dangerous drugs.  
*Amended by:*  
*XXIII. 1980.8;*  
*VI.1994.6.*

(2) Where an import authorization is issued in pursuance of sub-article (1), the Chief Government Medical Officer shall also issue, in relation to the dangerous drug intended to be imported, an import certificate (Form A) which shall be forwarded by the intending importer to the person from whom the drug is to be obtained. When the importer to whom an import authorization is issued under this article intends to import the drug or drugs to which such authorization relates, in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

(3) No dangerous drug shall be imported into Malta unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorization granted in pursuance of this article.

(4) Every dangerous drug imported into Malta shall be accompanied by a valid and subsisting export authorization or diversion certificate.

**15.** (1) No person shall bring any dangerous drug to Malta in transit unless -

Dangerous drugs, in transit.  
*Amended by:*  
*XVI. 1960.3;*  
*VI.1994.7.*

- (a) the drug is in course of transit from a country from which it may lawfully be exported, to another country into which such drug may lawfully be imported; and
- (b) it is accompanied by a valid and subsisting export authorization or diversion certificate, as the case may be.

(2) Where any dangerous drug in transit is accompanied by an export authorization or diversion certificate and the Comptroller of Customs has reasonable ground for believing that such authorization or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, it shall be lawful for the Comptroller of Customs to seize and detain the drug to which such authorization or certificate relates. Upon being satisfied that such authorization or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid the Comptroller of Customs shall release the drug.

(3) Where any dangerous drug brought into Malta in transit is landed, or transhipped in Malta, it shall remain under the control of the Comptroller of Customs and shall be moved only under and in accordance with a removal licence granted in pursuance of article 16.

(4) Nothing in this article contained shall be deemed to apply to any dangerous drug in transit by air if the aircraft passes over Malta without landing, or to such quantities of dangerous drugs as may, *bona fide*, reasonably form part of the medical stores of any

ship or aircraft.

General prohibition on importation and exportation of dangerous drugs.  
*Added by:*  
*VI.1994.8.*

**15A.** (1) No person shall import or export, or cause to be imported or exported, or take any steps preparatory to importing or exporting, any dangerous drug into or from Malta except in pursuance of and in accordance with the provisions of this Ordinance.

(2) For the purposes of this article the words "import" and "export" and their grammatical variations and cognate expressions shall have the meaning assigned to them in article 2(1).

Removal licences.  
*Amended by:*  
*XVI. 1960.3;*  
*XXIII. 1980.8;*  
*VI. 1994.9.*

**16.** (1) No person shall -

- (a) remove any dangerous drug from the conveyance by which it is brought into Malta in transit; or
- (b) in any way move any such drug in Malta at any time after removal from such conveyance,

except under and in accordance with a licence (in the Form D set out in the Second Schedule hereto and in this Ordinance referred to as a "removal licence") issued by the Comptroller of Customs. In all cases it shall be in the absolute discretion of the Comptroller of Customs to issue or refuse a removal licence as he shall deem fit.

(2) No removal licence for the transfer of any such drug to any conveyance for removal out of Malta shall be issued unless and until a valid and subsisting export authorization or diversion certificate relating to it is produced to the Comptroller of Customs.

Drugs not to be tampered with.  
*Amended by:*  
*XVI. 1960.3.*

**17.** It shall be unlawful for any person to cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully to open or break any package containing a dangerous drug in transit except under the instructions of the Comptroller of Customs and in such manner as he may direct.

Diversion of dangerous drugs.  
*Amended by:*  
*XXIII. 1980.8;*  
*VI.1994.10.*

**18.** (1) No person shall, except under the authority of a diversion certificate in the Form E set out in the Second Schedule hereto, cause or procure any dangerous drug brought into Malta in transit to be diverted to any destination other than that to which it was originally consigned. In the case of any drug in transit accompanied by an export authorization or a diversion certificate issued by a competent authority of some other country, the country to which the drug was originally consigned shall be deemed to be the country stated in such export authorization or diversion certificate to be the country of destination.

(2) The Chief Government Medical Officer may in his absolute discretion issue a diversion certificate in respect of any dangerous drug in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is proposed to divert the drug, or upon such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate: one copy thereof shall accompany the drug when it is exported from

Malta, and another copy shall be despatched by the Chief Government Medical Officer direct to the proper authority in the country to which the consignment has been diverted.

(4) Upon the issue of a diversion certificate the export authorization or diversion certificate (if any) accompanying the drug on its arrival in Malta shall be detained by the Chief Government Medical Officer and returned to the authority issuing such export authorization or diversion certificate together with a notification of the name of the country to which such drug has been diverted.

**19.** The powers and duties to be exercised and performed by the Chief Government Medical Officer under this Part of this Ordinance shall in the absence of the Chief Government Medical Officer be exercised and performed by the officer acting on his behalf.

Powers of Chief  
Government  
Medical Officer.

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## PART VI

### GENERAL

**20.** Licences, permits or authorities for the purposes of this Ordinance other than Part V thereof may be issued or granted by such person on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Minister responsible for public health may by rule prescribe.

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

**21.** (1) Any Police officer of a rank not inferior to that of sub-inspector shall, for the purposes of the execution of this Ordinance, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which this Ordinance applies and to demand the production of and to inspect any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

Power of  
inspection and  
seizure.  
*Amended by:*  
*XXIII. 1980.4.*

(2) If any person wilfully delays or obstructs any person in the exercise of his powers under this article or fails to produce or conceals or attempts to conceal any such books, stocks, drugs or documents as aforesaid, he shall be guilty of an offence against this Ordinance.

Offences and penalties.

*Amended by:*  
*XLVIII. 1975.2;*  
*XXIII. 1980.5;*  
*XIII. 1983.5;*  
*VIII. 1986.2;*  
*VIII. 1990.3;*  
*VI. 1994.11;*  
*XVI. 1996.2;*  
*II. 1998.8;*  
*VI. 2000.2;*  
*XVI. 2006.29;*  
*L.N. 409 of 2007;*  
*XXXI. 2007.35;*  
*IV. 2014.30;*  
*XXIV. 2014.88;*  
*VIII. 2015.41;*  
*III.2020.2;*  
[\*XXXVI.2021.6;\*](#)  
[\*VII.2025.7.\*](#)

**22. (1) Any person -**

- (a) who acts in contravention of, or fails to comply with, any provision of this Ordinance; or
- (b) who acts in contravention of, or fails to comply with, the conditions of any licence or permit issued or authority granted under or in pursuance of this Ordinance; or
- (c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence, permit or authority as aforesaid, makes any declaration, or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same; or
- (d) who in Malta aids, abets, counsels or procures the commission in any place outside Malta of any offence punishable under the provisions of any corresponding law in force in that place, or who with another one or more persons conspires in Malta for the purpose of committing such an offence, or does any act preparatory to, or in furtherance of, any act which if committed in Malta would constitute an offence against this Ordinance; or
- (e) being a citizen of Malta or a permanent resident in Malta, who in any place outside Malta does any act which if committed in Malta would constitute an offence of selling or dealing in a drug against this Ordinance or an offence under paragraph (f); or
- (f) who with another one or more persons in Malta or outside Malta conspires for the purposes of selling or dealing in a drug in these Islands against the provisions of this Ordinance or who promotes, constitutes, organises or finances the conspiracy,

shall be guilty of an offence against this Ordinance.

For the purposes of paragraph (e), the expression "permanent resident" means a person in favour of whom a permit of residence has been issued in accordance with the provisions contained in article 7 of the [Immigration Act](#).

Cap. 217.

(1A) The conspiracy referred to in paragraphs (d) and (f) of the preceding sub-article shall subsist from the moment in which any mode of action whatsoever is planned or agreed upon between such persons.

(1B) For the purposes of this Ordinance the word "dealing" (with its grammatical variations and cognate expressions) with reference to dealing in a drug, includes cultivation in such circumstances that the court is satisfied that such cultivation was not for the exclusive use of the offender, importation in such circumstances that the Court is satisfied that such importation was not for the exclusive use of the offender, manufacture, exportation, distribution, production, administration, supply, the offer to do any

of these acts, and the giving of information intended to lead to the purchase of such a drug contrary to the provisions of this Ordinance:

Provided that in the case of cultivation or importation in such circumstances that the Court is satisfied that such cultivation or importation was for the exclusive use of the offender, the provisions of the [Probation Act](#) and of article 21 of the [Criminal Code](#) shall not apply.

Cap. 446.  
Cap. 9.

- (1C) (a) A person shall also be guilty of an offence against this Ordinance who uses, transfers the possession of, sends or delivers to any person or place, acquires, receives, keeps, transports, transmits, alters, disposes of or otherwise deals with, in any manner or by any means, any money, property (whether movable or immovable) or any proceeds of any such money or property with intent to conceal or convert that money or property or those proceeds and knowing or suspecting that all or a part of that money or property, or of those proceeds, was obtained or received, directly or indirectly, as a result of -
- (i) the commission of any of the offences mentioned in sub-article (1) or sub-article (1D)(a) or in sub-article (1E); or
  - (ii) any act of commission or omission in any place outside these Islands which if committed in these Islands would constitute an offence under sub-article (1) or sub-article (1D)(a).
- (b) In proceedings for an offence under paragraph (a), where the prosecution produces evidence that no reasonable explanation was given by the person charged or accused showing that such money, property or proceeds was not money, property or proceeds described in the said paragraph, the burden of showing the lawful origin of such money, property or proceeds shall lie with the person charged or accused.
- (1D) (a) A person shall also be guilty of an offence against this Ordinance who sells or otherwise deals in a substance mentioned in the Third Schedule hereto knowing or suspecting that the substance is to be used in or for the production of a drug contrary to the provisions of this Ordinance; and the definition of "dealing" in sub-article (1B) shall apply, *mutatis mutandis*, to this sub-article.
- (b) The Minister responsible for public health may make rules for controlling the manufacture, sale, possession, distribution, importation and exportation of any of the substances mentioned in the Third Schedule hereto and in particular, but without prejudice to the generality of the foregoing, for any of the purposes mentioned in article 9(1)(a) to (e), in so far as applicable, the reference to drugs in those paragraphs being construed

as a reference to the said substances.

(1E) A person shall also be guilty of an offence against this Ordinance who manufactures, transports or distributes any equipment or materials knowing that they are to be used in or for the cultivation, production or manufacture of any drug contrary to the provisions of this Ordinance and any such conduct as is prohibited under this sub-article shall be deemed for the purposes of this Ordinance as constituting an offence of selling or dealing in a drug against this Ordinance.

(1F) Any person who lands in Malta and is in possession of a drug against the provisions of this Ordinance shall be exempt from any criminal liability if the conditions mentioned in sub-article (1G) are satisfied.

(1G) The conditions to which reference is made in sub-article (1F) are the following:

- (a) the person in possession of the drug is not ordinarily resident in Malta and has come from a place outside Malta;
- (b) at the first opportunity after landing in Malta that person surrenders the said drug to a Police officer or to a customs officer and declares that the same drug was for his exclusive personal use; and
- (c) the said drug is in such a quantity and is in possession of that person under such circumstances as to reasonably lead to the inference that the same drug was destined for the exclusive personal use of that person.

(2) Every person charged with an offence against this Ordinance shall be tried in the Criminal Court or before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the Attorney General may direct, and if he is found guilty shall, in respect of each offence, be liable -

(a) on conviction by the Criminal Court -

- (i) where the offence is one under article 4 or under article 8(c) except in such circumstances that the Court is satisfied that such cultivation was for the exclusive use of the offender, or consists in selling or dealing in a drug contrary to the provisions of this Ordinance or in an offence under sub-article (1)(f), or of the offence of possession of a drug, contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, or of the offences mentioned in sub-articles (1C) or (1D) or (1E), to imprisonment for life:

Provided that:

- (aa) where the court is of the opinion that, when it takes into account the age of

the offender, the previous conduct of the offender, the quantity of the drug and the nature and quantity of the equipment or materials, if any, involved in the offence and all other circumstances of the offence, the punishment of imprisonment for life would not be appropriate; or

(bb) where the verdict of the jury is not unanimous,

then the Court may sentence the person convicted to the punishment of imprisonment for a term of not less than four years but not exceeding thirty years and to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) but not exceeding one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (116,468.67); and

(ii) for any other offence to imprisonment for a term of not less than twelve months but not exceeding ten years and to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) but not exceeding twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73); or

(b) on conviction by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) -

(i) where the offence is one under article 4 or under article 8(c) except in such circumstances that the Court is satisfied that such cultivation was for the exclusive use of the offender, or consists in selling or dealing in a drug contrary to the provisions of this Ordinance or in an offence under sub-article (1)(f), or of the offence of possession of a drug, contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, or of the offences mentioned in sub-articles (1C) or (1D) or (1E), to imprisonment for a term of not less than six months but not exceeding ten years and to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) but not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87); and

(ii) for any other offence to imprisonment for a term of not less than three months but not exceeding twelve months or to a fine (*multa*) of not less than four hundred and sixty-five euro and

eighty-seven cents (465.87) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to both such imprisonment and fine,

and in every case of conviction for an offence against this Ordinance, all articles in respect of which the offence was committed shall be forfeited to the Government, and any such forfeited article shall, if the court so orders, be destroyed or otherwise disposed of as may be provided in the order:

Provided that, for the purposes of this sub-article, when the person charged has not attained the age of sixteen years and unless he is charged jointly with any other person who has attained the age of sixteen years, any reference to the Court of Magistrates (Malta) or to the Court of Magistrates (Gozo) shall be construed as a reference to the Juvenile Court:

Provided further that where a person is convicted as provided in paragraph (a)(i) or paragraph (b)(i) and the offence has taken place in, or within 100 metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet, or the offence consists in the sale, supply, administration or offer to do any of these acts, to a minor, to a woman with child or to a person who is following a programme for cure or rehabilitation from drug dependence, the punishment shall be increased by one degree.

- (2A) (a) In giving a direction in accordance with sub-article (2) the Attorney General shall give due consideration to the guidelines included in the Fourth Schedule to this Ordinance;
- (b) Where the Attorney General has directed that the person accused be tried in the Criminal Court in accordance with sub-article (2), upon the termination of the inquiry, if the Court of Magistrates, as a Court of Criminal Inquiry, decides that there are sufficient grounds for committing the accused for trial on indictment, the accused may, by application to be filed in the Criminal Court within seven days from the conclusion of the inquiry or within seven days from the date on which the accused is served with the bill of indictment, demand the said court to order that he be tried in the Court of Magistrates and the Criminal Court shall, after ordering the service of the application upon the Attorney General and granting him at least seven days to reply and after having heard oral submissions from the accused and the Attorney General, if it considers this necessary, decide upon the court in which the accused is to be tried and the accused shall be tried in accordance with the decision of the Criminal Court:

Provided that an application in terms of this paragraph may only be filed once in the course of any proceedings:



Provided further that persons who, on the date of the coming into force of this sub-article, are awaiting trial in the Criminal Court further to a direction given in terms of sub-article (2) may, notwithstanding the other provisions of this paragraph, file an application in the said court in terms of this paragraph by not later than the 30th April 2015:

For the purposes of this sub-article the words "the conclusion of the inquiry" include any conclusion of an inquiry referred to in article 407 of the [Criminal Code](#).

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(2B) Where, upon conviction by the Criminal Court as provided in sub-article (2)(a), after considering all the circumstances of the case including the amount and nature of the drug involved, the character of the person concerned, the number and nature of any previous convictions, including convictions in respect of which an order was made under the [Probation Act](#) and the provisions of the Fourth Schedule, the court is of the opinion that the punishment provided for in sub-article (2)(a) would be disproportionate it may, giving reasons, apply the punishment provided in sub-article (2)(b).

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(2C) Where it is established that an offence under this Ordinance was committed by an officer of a body corporate as is referred to in article 121D of the [Criminal Code](#) or by a person having a power of representation or having such authority as is referred to in that article and the offence was committed for the benefit, in part or in whole, of that body corporate, the said person shall for the purposes of this Ordinance be deemed to be vested with the legal representation of the same body corporate which shall be liable to a fine (*multa*) not exceeding two million and five hundred thousand euro (€2,500,000):

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Provided that where legal representation no longer vests in the said person, for purposes of this article, legal representation shall vest in the person occupying the office in his stead or in such person as is referred to in that article.

(3) Where an offence against this Ordinance in respect of which a person has been found guilty consists in or refers to the cultivation of a plant in a field, garden or similar tenement, the court shall, in addition to any other punishment order the forfeiture in favour of the Government of the entire immovable property in which the offence took place as described in the bill of indictment or in the charge:

Provided that where none of the persons found guilty as aforesaid is an absolute owner or co-owner or bare owner of the immovable property, and the offender holds it on any other title, whether real or otherwise, the court shall order the forfeiture of such title in favour of the Government.

(3A) Where an offence against this Ordinance in respect of which a person has been found guilty consists in any of the offences referred to in article 24A(1) the court shall, in addition to any other punishment, in its sentence or at any time thereafter, at the request of the prosecution -

(a) where any immovable property, in Malta or in any

place outside Malta, has been used for the keeping or storing, or for the selling or dealing in such drug, as described in the bill of indictment or in the charge, order the forfeiture in favour of the Government of any real title which the offender holds on such immovable property;

- (b) where the offender is not the absolute owner but holds any other real title on the immovable property, or has a title, other than a real title, in virtue of which he has the control of or a right of access to such property, the court shall order the offender to pay a fine (*multa*) of not less than eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) but not exceeding sixty-nine thousand and eight hundred and eighty-one euro and twenty cents (69,881.20) as the court shall determine after taking into account the value of the immovable property and the value of the real title thereon, if any, forfeited as aforesaid;
- (c) saving the provisions of the [Criminal Code](#) and of the [Customs Ordinance](#), make an order whereby the provisions of paragraphs (a) and (b) shall be applied *mutatis mutandis* to or in respect of any vessel or vehicle, in Malta or in any place outside Malta, used for the keeping or storing, or for the selling or dealing in such drug; and
- (d) order the forfeiture in favour of the Government of all moneys or other movable property, and of the entire immovable property of the person so found guilty even if the immovable property has since the offender was charged passed into the hands of third parties, and even if the said monies, movable property or immovable property are situated in any place outside Malta.

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(3B) Where the proceeds of the offence have been dissipated or for any other reason whatsoever it is not possible to identify and forfeit those proceeds or to order the forfeiture of such property the value of which corresponds to the value of those proceeds the court shall sentence the person convicted or the body corporate, or the person convicted and the body corporate *in solidum*, as the case may be, to the payment of a fine (*multa*) which is the equivalent of the amount of the proceeds of the offence. The said fine may be recovered as a civil debt and for this purpose the sentence of the court shall constitute an executive title for all intents and purposes of the [Code of Organization and Civil Procedure](#).

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(3BA) Title IV of Part III of Book Second of the Criminal Code shall *mutatis mutandis* apply to proceedings for offences under this Ordinance.

(4) No person shall, on conviction for any offence of contravening or failing to comply with any rule under this Ordinance relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this

Ordinance applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding one hundred and sixteen euro and forty-seven cents (116.47), if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to or committed in the course of or in connection with the commission or intended commission of any other offence against this Ordinance.

(5) If any person attempts to commit an offence against this Ordinance, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable on conviction to the same punishment and forfeiture as if he had committed an offence under this Ordinance.

(6) Where the offence in respect of which a person is found guilty under this Ordinance consists in the production, selling or otherwise dealing in a drug mentioned in this Ordinance, and such person is either licensed under this Ordinance or under the [Medical and Kindred Professions Ordinance](#), or is in possession of a warrant issued under that Ordinance to practise a profession, or a calling or a trade, or the offence is committed in a place licensed under this Ordinance or the Ordinance aforesaid, the court shall, at the request of the prosecution and in addition to any other punishment, order the revocation of such licence or warrant, and upon such order being made any such licence or warrant shall cease to have effect for all purposes of law and in particular for the purpose of this Ordinance and of the Ordinance aforesaid.

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(7) Any decision as is mentioned in sub-articles (3) and (3A) ordering the forfeiture of immovable property or of any title to such property shall be deemed to be and shall be enforceable as a civil judgment transferring that title in favour of the Government, and the Attorney General shall, for the purposes of article 239 of the [Code of Organization and Civil Procedure](#), be considered as the interested party that may obtain the registration of such transfer.

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(8) Where it results to the court that the offender, other than an offender convicted of an offence as is referred to in paragraph (a)(i) or sub-article (2)(b)(i), is in need of care and assistance for his rehabilitation from dependence on any dangerous drug (as defined in article 12), the court may, instead of applying any of the punishments provided for in the foregoing sub-articles, place the offender on probation in accordance with the provisions of the [Probation Act](#), so however that such probation order may be made notwithstanding that the offender, who has attained the age of fourteen years, has not expressed his willingness to comply with the requirements thereof as provided in article 7 of that Act.

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(9) The provisions of articles 21 and 28A of the [Criminal Code](#) and the provisions of the [Probation Act](#) shall not be applicable in respect of any person convicted of an offence as is referred to in sub-article (2)(a)(i) or sub-article (2)(b)(i):

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Provided that where, in respect of any offence mentioned in this sub-article, after considering all the circumstances of the case including the amount and nature of the drug involved, the character of the person concerned, the number and nature of any previous convictions, including convictions in respect of which an order was made under the [Probation Act](#), the court is of the opinion that the offender intended to consume the drug on the spot with others, or procured a small quantity of drugs to be consumed on the spot for and upon the request of persons in his company at a single event at no profit, the court may decide not to apply the provisions of this sub-article:

Provided further that an offender may only benefit once from the provisions of the above proviso.

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(9a) Notwithstanding the provisions of sub-article (9) or of any other law, when the Court, whilst finding guilt of a person charged or accused under the provisions of this Ordinance or under the [Medical and Kindred Professions Ordinance](#), is of the opinion that in the circumstances if it were to impose a punishment of imprisonment on such person that punishment shall not exceed two (2) years imprisonment, the Court may instead of giving such punishment place the person found guilty under an order as provided for in the [Probation Act](#):

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Provided that the provisions of this sub-article shall only be applied for reasons which the Court shall declare in its judgment and depending on the particular circumstances of the case, including the rehabilitation of the person found guilty and the change in the way of life and behaviour of the person found guilty and taking into consideration the nature of the substance involved, the amount of the substance and the purity of the substance:

Provided further that the Court shall only apply the provisions of this sub-article if the punishment of not more than two (2) years imprisonment is in any case within the parameters of the law and is appropriate in the circumstances irrespective of the provisions of this sub-article:

Provided further that the provisions of this sub-article shall only apply in regard of the first conviction of a person for an offence against this Ordinance.

(10) Where, in the case of a person convicted of an offence referred to in sub-article (9), the court is satisfied that such person is in need of treatment for his rehabilitation from dependence on any dangerous drug (as defined in article 12) and -

- (a) the Minister responsible for public health certifies in writing that such treatment may be given in prison, and
- (b) the person so convicted agrees to submit to that treatment,

the court may, in passing sentence order that he be given such treatment in prison (hereinafter referred to as an "order for

treatment") and for such period of time (hereinafter referred to as the "treatment period") as may be specified in the order (being not more than the period of time, as reduced in accordance with this sub-article, which the person convicted is to serve in prison) and the punishment of imprisonment which would, but for the provisions of this sub-article, have been awarded (hereinafter referred to as the "original punishment"), and which shall be expressly mentioned in the sentence, shall be reduced by the court by not more than one third.

(11) If during the treatment period, the court which made the order for treatment is satisfied, on an application by the Attorney General that the person to whom the order refers has, without valid reason (the proof whereof shall lie on such person), refused the treatment or has conducted himself in a manner as to make his treatment, or that of other prisoners, difficult or ineffective, it shall revoke such order and shall direct that the original punishment be served.

(12) The court which made the order for treatment shall, on an application made at any time during the treatment period by the person to whom the order refers requesting the revocation of that order, revoke such order and shall direct that the original punishment be served.

(13) The court which made the order for treatment may, on an application made at any time during the treatment period by the person to whom the order refers or by the Attorney General, discharge such order if it is satisfied that the treatment is no longer appropriate.

(14) For the purposes of sub-articles (10) to (13) -

- (a) any decision of the court which revokes an order for treatment and directs that the original punishment be served shall not be subject to appeal;
- (b) where an order for treatment is confirmed or varied by the Court of Criminal Appeal, the order shall be deemed to have been made by the said court;
- (c) an order for treatment shall, unless it has been revoked or discharged or has ceased to have effect earlier, cease to have effect upon the expiration or remission of the punishment of imprisonment for the offence in respect of which the order was made.

(15) Where an offence against this Ordinance in respect of which a person has been found guilty consists in any of the offences referred to in article 24A(1) or the offence of possession of a drug contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, the provisions of articles 121D and 248E(4) of the [Criminal Code](#) shall apply *mutatis mutandis*.

Freezing of  
property of person  
accused.

Added by:  
VIII.1986.3.

Amended by:  
VI. 2000.3;  
L.N. 409 of 2007;  
XXXI. 2007.36;  
IV. 2014.31;  
XXXI.2019.13.

**22A.** (1) Where a person is charged under article 22 of this Ordinance, with selling or dealing in a drug, or with promoting, constituting, organising or financing a conspiracy under sub-article (1)(f) of that article, or with the offence in sub-article (1C) of the same article, or with the offence of possession of a drug, contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, the court shall at the request of the prosecution make an order -

- (a) attaching in the hands of third parties in general all moneys and other movable property due or pertaining or belonging to the accused, and
- (b) prohibiting the accused from transferring or otherwise disposing of any movable or immovable property:

Provided that the court shall in such an order determine what moneys may be paid to or received by the accused during the subsistence of such order, specifying the sources, manner and other modalities of payment, including salary, wages, pension and social security benefits payable to the accused, to allow him and his family a decent living in the amount, where the means permit, of thirteen thousand and nine hundred and seventy-six euro and twenty-four cents (13,976.24) every year:

Provided further that the court may also -

- (a) authorise the payment of debts which are due by the accused to *bona fide* creditors and which were contracted before such order was made; and
- (b) on good ground authorise the accused to transfer movable or immovable property.

(2) Such order shall -

- (a) become operative and binding on all third parties immediately it is made, and the Director of the Asset Recovery Bureau shall cause a notice thereof to be published without delay in the Gazette, and shall also cause a copy thereof to be registered in the Public Registry in respect of immovable property, and
- (b) remain in force until the final determination of the proceedings, and in the case of a conviction until the sentence has been executed.

(3) The court may for particular circumstances vary such order, and the provisions of the foregoing sub-articles shall apply to such order as so varied.

(4) Every such order shall contain the name and surname of the accused, his profession, trade or other status, father's name, mother's name and maiden surname, place of birth and place of residence and his identity card number.

(5) Where any money is or becomes due to the accused from any person while such order is in force such money shall, unless otherwise directed in that order, be deposited in a bank to the credit of the accused.

(6) When such order ceases to be in force as provided in sub-article (2)(b) the Director of the Asset Recovery Bureau shall cause a notice to that effect to be published in the Gazette, and shall enter in the Public Registry a note of cancellation of the registration of that order.

(7) Where the court does not proceed forthwith to make an order as required under sub-article (1), the court shall forthwith make a temporary freezing order having the same effect as an order made under this article, which temporary order shall remain in force until such time as the court makes the order required by the said article.

(8) Where for any reason whatsoever the court denies a request made by the prosecution for an order under sub-article (1), the Attorney General may, within three working days from the date of the court's decision, apply to the Criminal Court to make the required order and the provisions of this article shall apply *mutatis mutandis* to the order made by the Criminal Court under this sub-article as if were an order made by the court under sub-article (1). The temporary freezing order made under sub-article (7) shall remain in force until the Criminal Court determines the application.

(9) The person charged may within three working days from the date of the making of the order under sub-article (7) apply to the Criminal Court for the revocation of the order, provided that order shall remain in force unless revoked by the Criminal Court.

**22AB.** (1) Where the court makes any order as is referred to in article 22A, it shall order the Director of the Asset Recovery Bureau to conduct inquiries to trace and ascertain the whereabouts of any moneys or other property, due or pertaining to or under the control of the person charged or accused or convicted, as the case may be.

The Director of the Asset Recovery Bureau to conduct enquiries.

Added by:  
IV. 2014.32.

Amended by:  
XXXI.2019.14.

(2) Whosoever is required by the Director of the Asset Recovery Bureau to provide information for the purpose of sub-article (1) shall comply with the demand within thirty days from the day of receipt of the demand.

(3) The demand made by the Director of the Asset Recovery Bureau, and any reply thereupon in terms of this article, may also be made by electronic mail.

**22B.** Any person who acts in contravention of a court order mentioned in article 22A shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87), or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment, and the court may order the person so found guilty to deposit in a bank to the credit of the accused the amount of moneys or the value of other movable property paid or delivered in contravention of that court order. Any transfer or other disposal of any immovable property made in contravention of the said court order shall be null and without effect at law.

Penalty for contravening court order.

Added by:  
VIII. 1986.3.

Amended by:  
VI. 1994.12;  
L.N. 409 of 2007;  
XXXI. 2007.37.

Suspension Order.  
Added by:  
VI. 2000.4.

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**22B. bis** (1) Where a person is charged as provided in article 22A(1) and such person is a person as is referred to in article 22(6) or is a person in possession of a licence, permit or authority issued to him by a competent authority in or in connection with the exercise of any art, trade, calling or other occupation and the offence is committed in a place licensed under this Ordinance, under the [Medical and Kindred Professions Ordinance](#) or under any other law, the Court may, without prejudice to any other order that it may make under the provisions of this article, at the request of the prosecution make an order, hereinafter referred to as a "suspension order", suspending such licence, permit or authority.

(2) The suspension order shall remain in force for the whole duration of the proceedings until final judgement.

(3) Any person who does any act for the doing of which a licence, permit or authority is required under any law and such act is done when that licence, permit or authority had been suspended by virtue of a suspension order shall be deemed to have so acted without the required licence, permit or authority.

Special court proceedings.  
Added by:  
VIII. 1986.3.  
Amended by:  
VI.1994.13;  
XXIV. 2014.89;  
V.2021.67.

**22C.** (1) Where an order of forfeiture is made under of sub-article 22(3A)(d), the person found guilty, or the third party therein mentioned, may bring an action for a declaration that any or all of the movable or immovable property so forfeited is not profits or proceeds from the commission of any offence under this Ordinance (whether or not so adjudged by a court of criminal justice) nor property acquired or obtained, directly or indirectly, by or through any such profits or proceeds.

(2) Such action shall be brought not later than three months from the date on which the sentence ordering the forfeiture shall have become definite, by an application in the Civil Court (Asset Recovery Section).

(3) The applicant shall attach to the application all such documents in support of his claim as it may be in his power to produce and shall indicate in his application the names of all the witnesses he intends to produce, stating in respect of each the proof which he intends to make.

(4) The court shall, without delay, set down the application for hearing at an early date, which date shall in no case be later than thirty days from the date of the filing of the application.

(5) The application and the notice of the date fixed for hearing shall be served on the Asset Recovery Bureau without delay, and the said Bureau shall file his reply thereto within fifteen days after the date of the service of the application.

(6) The court shall hear the application to a conclusion within twenty working days from the date fixed for the original hearing of the application, and no adjournment shall be granted except either with the consent of both parties or for an exceptional reason to be recorded by the court, and such adjourned date shall not be later than that justified by any such reason.

(7) Saving the preceding provisions of this article, the provisions of the [Code of Organization and Civil Procedure](#)

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relating to proceedings before the Civil Court, First Hall, shall apply in relation to any such application.

(8) Subject to sub-article (9) any decision revoking the forfeiture of immovable property shall be deemed to transfer the title of such property back from the Government to the party in favour of whom it is given, and such party may obtain the registration of such transfer in the Public Registry.

(9) Where a decision has been taken revoking the forfeiture of any movable or immovable property under this article, and provided that the person convicted or the body corporate, or the person convicted and the body corporate *in solidum*, as the case may be, have not been so sentenced, the Court shall sentence the said persons, to the payment of a fine (*multa*) which is the equivalent of the amount of the proceeds of the offence. The said fine may be recovered as a civil debt and for this purpose the sentence of the court shall constitute an executive title for all intents and purposes of the [Code of Organization and Civil Procedure](#).

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**22D.** When the court allows the demand for a declaration as provided in article 22C(1) in respect of any property forfeited, such property shall cease to be forfeited and shall revert to the applicant in virtue of the judgment upon its becoming definite, and the applicant shall thereupon be entitled to the recovery of the income received by the Government from such property during the period of its forfeiture.

Reversion of  
property ceasing to  
be forfeited.  
Added by:  
VIII. 1986.3.

**22E.** (1) At the commencement of proceedings under article 22, the drug in respect of which a person is charged shall be exhibited materially in court, as far as possible, and the following procedure shall be followed.

Destruction of  
drugs after drawing  
up a *procès-  
verbal*.  
Added by:  
VIII.1986.4.  
Amended by:  
VI.1994.14.

(2) The court shall appoint a photographic expert to take pictures, as shall be indicated by the court, of the drug in its containers, wrappings, packages or receptacles, and shall also appoint an expert to analyse and establish the exact quantity, kind and form and give the most accurate description of the drug, and to take samples thereof for preservation as evidence.

(3) The experts shall, as early as possible, file in court and confirm on oath a written report of their findings, together with the photographs and samples aforementioned.

(4) The court, upon being satisfied with such report or reports shall proceed to have the drug, other than the samples, destroyed under its supervision and draw up a *procès-verbal*.

(5) The *procès-verbal* shall be deemed to have been regularly drawn up if it contains a short description of the drug, the experts report or reports are attached thereto and it is signed by the court.

(6) The *procès-verbal* drawn up as aforesaid shall be evidence of its contents in any criminal proceedings.

(7) The provisions of sub-article (2) shall not apply where the drug has already been photographed and analysed by experts appointed in the course of the inquiry relating to the *in genere*,

unless the court, in the particular circumstances of the case, shall deem it necessary to have the drug photographed and analysed again.

(8) The omission of any of the precautions or formalities referred to in this article shall be no bar to proving, in any manner allowed by law, the facts to which such precaution or formality relates.

Definition of the expression "corresponding law".  
Substituted by:  
VI.1994.15.

**23.** For the purposes of articles 22 and 30B the expression "corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside Malta to be a law providing, whether exclusively or otherwise, for the control or regulation in that country of the manufacture, sale, use, possession, transfer, export or import of, or dealing in, dangerous drugs, narcotics or psychotropic substances; and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive.

Power of arrest.

**24.** Any Police officer may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by the officer of having committed or attempted to commit, an offence against this Ordinance, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

Additional powers of investigation.  
Added by:  
VI. 1994.16.  
Amended by:  
XVI. 1996.3;  
VI. 2000.5;  
L.N. 409 of 2007;  
XXXI. 2007.38;  
IV. 2014.33;  
VIII.2020.83.

**24A.** (1) Where, upon information received, the Attorney General has reasonable cause to suspect that a person (hereinafter referred to as "the suspect"):

- (a) is guilty of selling or dealing in a drug contrary to the provisions of this Ordinance, or
- (b) is guilty of any of the offences mentioned in article 22(1)(e) or (f), or
- (c) is guilty of an offence mentioned in article 22(1)(d) with reference to any of the offences referred to in the foregoing paragraphs of this sub-article, or
- (d) is guilty of the offence mentioned in article 22(1C), or
- (e) is guilty of the offence of possession of a drug contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender,

he may apply to the Criminal Court for an order (hereinafter referred to as an "investigation order") that a person (including a body or association of persons, whether corporate or unincorporate) named in the order who appears to be in possession of particular material or material of a particular description which is likely to be of substantial value (whether by itself or together with other material) to the investigation of, or in connection with, the suspect, shall produce or grant access to such material to the person or

persons indicated in the order; and the person or persons so indicated shall, by virtue of the investigation order, have the power to enter any house, building or other enclosure for the purpose of searching for and seizing such material.

(2) Where an investigation order has been made or applied for, whosoever, knowing or suspecting that the investigation is taking place, makes any disclosure likely to prejudice the said investigation shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment not exceeding twelve months, or to both such fine and imprisonment:

Provided that in proceedings for an offence under this sub-article, it shall be a defence for the accused to prove that he did not know or suspect that the disclosure was likely to prejudice the investigation.

(3) An investigation order:

- (a) shall not confer any right to production of, access to, or search for communications between an advocate or legal procurator and his client which would in legal proceedings be protected from disclosure by article 642(1) of the [Criminal Code](#) or by article 588(1) of the [Code of Organization and Civil Procedure](#);
- (b) shall, without prejudice to the provisions of the foregoing paragraph, have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by any law or otherwise; and
- (c) may be made in relation to material in the possession of any government department.

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Cap.12.

(4) Where the material to which an application under sub-article (1) relates consists of information contained in a computer, the investigation order shall have effect as an order to produce the material or give access to such material in a form in which it can be taken away and in which it is visible and legible.

(5) Any person who, having been ordered to produce or grant access to material as provided in sub-article (1) shall, without lawful excuse (the proof whereof shall lie on him) wilfully fail or refuse to comply with such investigation order, or who shall wilfully hinder or obstruct any search for such material, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment not exceeding twelve months, or to both such fine and imprisonment.

(6) Together with or separately from an application for an investigation order, the Attorney General may, in the circumstances mentioned in sub-article (1)(a) to (e), apply to the Criminal Court for an order (hereinafter referred to as an "attachment order") -

- (a) attaching in the hands of such persons (hereinafter

referred to as "the garnishees") as are mentioned in the application all moneys and other movable property due or pertaining or belonging to the suspect,

- (b) requiring the garnishee to declare in writing to the Attorney General, not later than twenty-four hours from the time of service of the order, the nature and source of all money and other moveable property so attached, and
- (c) prohibiting the suspect from transferring or otherwise disposing of any moveable or immoveable property.

(6A) Where an attachment order has been made or applied for, whosoever, knowing or suspecting that the attachment order has been so made or applied for, makes any disclosure likely to prejudice the effectiveness of the said order or any investigation connected with it shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment not exceeding twelve months, or to both such fine and imprisonment:

Provided that in proceedings for an offence under this sub-article, it shall be a defence for the accused to prove that he did not know or suspect that the disclosure was likely to prejudice the investigation or the effectiveness of the attachment order.

(7) Before making an investigation order or an attachment order the court may require to hear the Attorney General in chambers and shall not make such order -

- (a) unless it concurs with the Attorney General that there is reasonable cause as provided in sub-article (1); and
- (b) in the case of an investigation order, unless the court is satisfied that there are reasonable grounds for suspecting that the material to which the application relates-
  - (i) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, and
  - (ii) does not consist of communications referred to in sub-article (3)(a).

(8) The provisions of article 381(1)(a), (b) and (e) and of article 382(1) of the [Code of Organization and Civil Procedure](#) shall, *mutatis mutandis*, apply to the attachment order.

(9) An attachment order shall be served on the garnishee and on the suspect by an officer of the Executive Police.

(10) Any person who acts in contravention of an attachment order shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment:

Provided that where the offence consists in the payment or delivery to any person by the garnishee of any moneys or other moveable property attached as provided in sub-article (6)(a) or in the transfer or disposal by the suspect of any moveable or immoveable property in contravention of sub-article (6)(c), the fine shall always be at least twice the value of the money or property in question:

Provided further that any act so made in contravention of that court order shall be null and without effect at law and the court may, where such person is the garnishee, order the said person to deposit in a bank to the credit of the suspect the amount of moneys or the value of other movable property paid or delivered in contravention of that court order.

(11) An attachment order shall, unless it is revoked earlier by the Attorney General by notice in writing served on the suspect and on the garnishee in the manner provided for in sub-article (9), cease to be operative on the expiration of six (6) months from the date on which it is made; and the court shall not make another attachment order with respect to that suspect unless it is satisfied that substantially new information with regards to any of the acts mentioned in sub-article (1)(a) to (e) is available:

Provided that the said period of six (6) months shall be held in abeyance for such time as the suspect is away from these Islands and the Attorney General informs of this fact the garnishee by notice in writing served in the manner provided for in sub-article (9).

(12) In the course of any investigation of an offence against this Ordinance, the Executive Police may request a magistrate to hear on oath any person who they believe may have information regarding such offence; and the magistrate shall forthwith hear that person on oath.

(13) For the purpose of hearing on oath a person as provided in sub-article (12) the magistrate shall have the same powers as are by law vested in the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) as a Court of Criminal Inquiry as well as the powers mentioned in article 554 of the [Criminal Code](#); provided that such hearing shall always take place behind closed doors.

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(14) It shall not be lawful for any court to issue a warrant of prohibitory injunction to stop the execution of an investigation, attachment or suspension order.

**24B.** (1) Where the Attorney General receives a request made by a judicial or prosecuting authority of any place outside Malta for investigations to take place in Malta in respect of a person (hereinafter referred to as "the suspect") suspected by that authority of an act or omission which if committed in these Islands, or in corresponding circumstances, would constitute any of the offences mentioned in article 24A(1)(a), (b), (c), (d) and (e), the Attorney General may apply to the Criminal Court for an investigation order or an attachment order or for both and the provisions of article 24A shall *mutatis mutandis* apply to that application and to the suspect and to any investigation or attachment order made by the court as a

Powers of investigation in connection with offences cognizable by courts outside Malta.  
Added by:  
XVI.1996.4.  
Amended by:  
II. 1998.8;  
XXXI. 2007.39.

result of that application.

(2) The words "investigation order" in the same article 24A(2) and (5) shall be read and construed as including an investigation order made under the provisions of this article.

(3) The words "attachment order" in the same article 24A(6A) shall be read and construed as including an attachment order made under the provisions of this article.

Freezing of  
property of person  
accused with  
offences  
cognizable by  
Courts outside  
Malta.  
Added by:  
XVI. 1996.4.  
Amended by:  
XXXI. 2007.40.

**24C.** (1) Where the Attorney General receives a request made by a judicial or prosecuting authority of any place outside Malta for the temporary seizure of all or any of the moneys or property, movable or immovable, of a person (hereinafter in this article referred to as "the accused") charged or accused in proceedings before the courts of that place of an offence consisting in an act or an omission which if committed in these Islands, or in corresponding circumstances, would constitute any of the offences mentioned in article 24A(1)(a), (b), (c), (d) and (e), the Attorney General may apply to the Criminal Court for an order (hereinafter referred to as a "freezing order") having the same effect as an order as is referred to in article 22A(1) and the provisions of the said article 22A shall, subject to the following provisions of this article, apply *mutatis mutandis* to that order.

(2) The first proviso of article 22A(1) shall not apply to a freezing order made under this article unless:

- (a) the accused is present in Malta on the date the order is made; or
- (b) the Attorney General or any other interested person present in Malta applies to the court, before or after the order is made, for the application of that proviso in which case the court shall only apply the proviso to the extent that it is satisfied that the application of the proviso is necessary to allow the accused and his family a decent living.

(3) In the case of a freezing order under this article it shall be sufficient that the order contains at least four of the particulars referred to in article 22A(4) and may also contain any other particulars, including the passport number, of the accused as may be useful to identify the accused.

(4) Subject to the provisions of sub-article (5), a freezing order under this article shall remain in force for a period of six months from the date on which it is made but shall be renewed by the court for further periods of six months upon an application for that purpose by the Attorney General and upon the court being satisfied that:

- (a) the conditions which led to the making of the order still exist; or
- (b) that the accused has been convicted of an offence as is referred to in sub-article (1) in the proceedings referred to in the same sub-article and the sentence in regard to the accused in those proceedings or any

confiscation order consequential or accessory thereto, whether made in civil or criminal proceedings, has not been executed:

Provided that where the accused has been convicted as aforesaid but no confiscation order has been made in the sentence in respect of that conviction the freezing order shall nevertheless be renewed as requested by the Attorney General where the court is satisfied that civil or criminal proceedings for the making of such an order are pending or are imminent.

(5) Any freezing order under this article may be revoked by the Court before the expiration of the period laid down in sub-article (4):

- (a) at the request of the Attorney General; or
- (b) at the request of any interested person and after hearing the Attorney General upon the court being satisfied:
  - (i) that the conditions which led to the making of the order no longer exist; or
  - (ii) that there has been a final decision in the proceedings referred to in sub-article (1) by virtue of which the accused has not been found guilty of any offence as is referred to in the same sub-article.

(6) Article 22B shall also apply to any person who acts in contravention of a freezing order under this article.

**24D.** (1) A confiscation order made by a court outside Malta shall be enforceable in Malta in accordance with the following provisions of this article.

(2) Where the Attorney General receives a request made by a judicial or prosecuting authority of any place outside Malta for the enforcement in Malta of a confiscation order made by a competent court in that place (hereinafter referred to as a "foreign confiscation order") the Attorney General may bring an action in the Civil Court (Asset Recovery Section) by an application containing a demand that the enforcement in Malta of the foreign confiscation order be ordered.

(3) The Attorney General shall attach to the application a copy of the relevant foreign confiscation order together with all such documents in support of the demand as it may be in his power to produce and shall indicate in his application the names of all the witnesses he intends to produce, stating in respect of each the proof which he intends to make.

(4) The application shall be served on the person whose property the foreign confiscation order purports to confiscate who shall file his reply within fifteen days after the date of the service of the application. The reply shall contain a list of the witnesses which the respondent intends to produce stating in respect of each the proof which he intends to make and the respondent shall attach to the reply all such documents he intends to produce in evidence as

Enforcement of  
confiscation orders  
made by courts  
outside Malta  
following  
conviction for  
offences  
cognizable by  
those courts.  
*Added by:*  
*XVI. 1996.4.*  
*Amended by:*  
*XXXI. 2007.41;*  
*V.2021.67.*

it may be in his power to produce.

(5) The court shall without delay, set down the application for hearing at an early date, which date shall in no case be later than thirty days from the date of the filing of the application.

(6) The court shall not order the enforcement in Malta of the foreign confiscation order if:

- (a) the respondent had not been notified of the proceedings which led to the making of the relevant foreign confiscation order so as not to have had an adequate opportunity to contest the making of the same order;
- (b) the foreign confiscation order was obtained by fraud on the part of any person to the prejudice of the respondent;
- (c) the foreign confiscation order contains any disposition contrary to the public policy, or the internal public law in force in Malta;
- (d) the foreign confiscation order contains contradictory dispositions.

(7) A decision by the court ordering the enforcement of a foreign confiscation order shall have the effect of forfeiting in favour of the Government of Malta all things and property whatsoever situated in Malta the confiscation of which had been ordered in the foreign confiscation order subject to any directions which the Government of Malta may give providing for the further disposal of the same things and property so forfeited.

(8) The decision ordering the enforcement of a foreign confiscation order which provides for the forfeiture of immovable property or of any title to such property shall have the effect of transferring that immovable property or that title to the Government of Malta and for the purposes of article 239 of the [Code of Organization and Civil Procedure](#) the Attorney General shall be considered as the interested party that may obtain the registration of such transfer.

(9) The decision ordering the enforcement of a foreign confiscation order which provides for the forfeiture of unspecified property the value of which corresponds to proceeds shall, upon being registered in the Public Registry Office, create as from the day of registration a hypothec in regard to the debt amounting to the said value.

(9A) When the foreign confiscation order consists in the requirement to pay a sum of money, the court shall convert the amount thereof into Maltese currency at the rate of exchange ruling on the date of the decision ordering the enforcement.



(10) Where the Attorney General receives a request as is referred to in sub-article (2) the Attorney General may, for the purpose of securing any or all of the property which the foreign confiscation order purports to confiscate or forfeit, apply to the Civil Court (Asset Recovery Section) for the issue of all or any of the precautionary acts referred to in article 830 of the [Code of Organization and Civil Procedure](#): Cap. 12.

Provided that the aforesaid article 830(2) and article 836(1)(c), (d) and (e) and of the [Code of Organization and Civil Procedure](#) shall not apply to any precautionary act issued by virtue of this article.

(11) Saving the preceding provisions of this article, the provisions of the [Code of Organization and Civil Procedure](#) relating to proceedings before the Civil Court, First Hall, shall apply in relation to any application under this article.

(12) For the purposes of this article:

"confiscation order" includes any judgement, decision, declaration, or other order made by a court whether of criminal or civil jurisdiction providing or purporting to provide for the confiscation or forfeiture of:

- (i) proceeds;
- (ii) property into which proceeds have been transformed or converted;
- (iii) property with which proceeds have been intermingled;
- (iv) income or other benefits derived from (i), (ii), and (iii);
- (v) property the value of which corresponds to proceeds; or
- (vi) dangerous drugs, materials and equipment or other instrumentalities used in or intended for use in any manner in a relevant offence;

"proceeds" means any economic advantage and any property derived from or obtained, directly or indirectly, through the commission of a relevant offence and includes any income or other benefits derived from such property;

"property" means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;

"relevant offence" means any offence consisting in any act or omission which if committed in these Islands, or in corresponding circumstances, would constitute any of the offences mentioned in article 24A(1)(a), (b), (c), (d) and (e).

**25.** For the purposes of this Ordinance, any article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence or authorization issued under this Ordinance authorizing the

Meaning of importation and exportation under licence.

importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence or authorization, but not otherwise.

Burden of proof.  
Amended by:  
VI.1994.17.

**26.** (1) In any proceedings against any person for an offence against this Ordinance, it shall not be necessary to negative by evidence any licence, authority or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

(2) When the offence charged is that of possession of, or of selling or dealing in, a drug contrary to the provisions of this Ordinance it shall not be a defence to such charge for the accused to prove that he believed that he was in possession of, or was selling or dealing in, some thing other than the drug mentioned in the charge if the possession of, or the selling or dealing in, that other thing would have been, in the circumstances, in breach of any other provision of this Ordinance or of any other law.

Detention during  
inquiry.  
Added by:  
VIII. 1986.5.  
Amended by:  
VIII. 1990.3;  
VI.1994.18;  
VIII. 2015.41.  
Cap. 9.

**27.** Notwithstanding the provisions of the [Criminal Code](#), and saving the extensions by the President of Malta of the term of the inquiry as provided in article 401(1) of that Code, where the Attorney General has directed that a person charged with selling or dealing in a drug against this Ordinance or charged with promoting, constituting, organising or financing a conspiracy under article 22(1)(f) or with the offence mentioned in article 22(1C) is to be tried in the Criminal Court, such person shall be arraigned under arrest and the Court of Magistrates as a court of criminal inquiry shall conclude the inquiry within the term of thirty days from the arraignment, and until the expiration of that term or, if the inquiry is concluded at an earlier date, until such day, the person accused shall not be granted temporary release from custody, but at the end of those thirty days or such earlier date as aforesaid, the court may grant temporary release from custody in accordance with the provisions of that Code:

Provided that if the term of the inquiry is held in abeyance for the reason specified in article 402(1)(c) of the [Criminal Code](#), the court may nonetheless grant temporary release from custody after the lapse of thirty days from the arraignment.

Pecuniary penalty  
recoverable as a  
civil debt.  
Added by:  
VIII. 1986.5.

**28.** (1) On a conviction for an offence against this Ordinance, the pecuniary penalty shall, at the request of the prosecution, be deemed to be a civil debt and shall be declared by the competent court in passing judgment as being so owed and payable to Government and shall be executable in the same court pronouncing judgment in the same manner as if it had been given in a civil action duly instituted between the Government and the person convicted.

(2) Where however the prosecution informs the competent court that the pecuniary penalty has not been recovered by the Government as provided for in the preceding sub-article, such penalty or any part thereof not recovered, shall be treated as a fine (*multa* or *ammenda*) as inflicted by the court and shall be converted into imprisonment, without the benefit of time for payment, in accordance with the provisions of the [Criminal Code](#).

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**29.** (1) Where in respect of a person found guilty of an offence against this Ordinance, the prosecution declares in the records of the proceedings that such person has helped the Police to apprehend the person or persons who supplied him with the drug, or the person found guilty as aforesaid proves to the satisfaction of the court that he has so helped the Police, the punishment shall be diminished, as regards imprisonment by one or two degrees, and as regards any pecuniary penalty by one-third or one-half.

Diminution of punishment.  
Added by:  
VIII. 1986.5.  
Amended by:  
[XXXVI.2021](#).7.

(2) The punishment shall also be diminished as provided in sub-article (1) where the person found guilty of an offence against this Ordinance has helped the police to apprehend the person or persons involved in a conspiracy to deal in drugs or has assisted the police to apprehend the person or persons for whom the drug was intended for dealing.

(3) Notwithstanding the provisions of sub-articles (1) and (2), where it is proved to the satisfaction of the court that the person found guilty of an offence against this Ordinance had assisted the police but for any reason clearly beyond his control the person or persons who supplied him with the drug or the person or persons involved in a conspiracy to deal in drugs or the person for whom the drug was intended for dealing were not apprehended, the court may, being satisfied of such circumstance, diminish the punishment as regards imprisonment by one degree and as regards any pecuniary penalty by one-third.

(4) A reduction in punishment under this article shall only be given in terms of one of the foregoing sub-articles of this article for the same case.

**\*30.** (1) Notwithstanding the provisions of article 639(3) of the [Criminal Code](#) where a person has purchased or otherwise obtained or acquired a drug contrary to the provisions of this Ordinance, the evidence of such person in proceedings against the person from whom he shall have purchased, obtained or acquired the drug, shall not require to be corroborated by other circumstances.

Evidence by accomplice.  
Added by:  
VIII. 1986.5.  
Cap. 9.  
Amended by:  
[XXXVI.2021](#).8.

(2) Where the only witness against the accused in any offence against this Ordinance or against the [Medical and Kindred Professions Ordinance](#) in any trial by jury is an accomplice, the court shall give direction to the jury to approach the evidence of the witness with caution before relying on it in order to convict the accused.

\*See article 7 of Act VIII of 1986.

Statement may be admitted as evidence.  
*Added by:*  
*VI.1994.19.*  
*Cap. 9.*

**30A.** Notwithstanding the provisions of article 661 of the [Criminal Code](#), where a person is involved in any offence against this Ordinance, any statement made by such person and confirmed on oath before a magistrate and any evidence given by such person before any court may be received in evidence against any other person charged with an offence against the said Ordinance, provided it appears that such statement or evidence was made or given voluntarily, and not extorted or obtained by means of threats or intimidation, or of any promise or suggestion of favour.

Controlled delivery and purchase.  
*Added by:*  
*VI.1994.19.*  
*Amended by:*  
*II. 1998.8;*  
*VI. 2000.6.*  
*Amended by:*  
[XXXVI.2021.9.](#)

**30B.** (1) Notwithstanding anything contained in any other law, it shall be lawful for the Executive Police and, where appropriate, the Customs Authorities to allow, with the consent of the Attorney General or of a magistrate, a controlled delivery to take place.

(2) For the purposes of this article a controlled delivery means the technique of allowing an illicit or suspect consignment of a dangerous drug (as defined in article 12) or of money, property or proceeds as referred to in article 22(1C)(a) to pass out of, through or into Malta, or from one place or person in Malta to another place or person in Malta, or into the territory of another country, intact, or removed or replaced in whole or in part, with the knowledge and under the supervision of the Executive Police and, where appropriate, of the Customs Authorities and of the competent authorities of such other country, with a view to identifying persons involved in commission of offences under this Ordinance or under the corresponding law in force in the territory of such other country.

(3) It shall also be lawful for the Executive Police or for a person under the supervision or direction of the Executive Police, with a view to identifying persons involved in the commission of offences under this Ordinance, and with the consent of the Attorney General or of a magistrate, to acquire or procure a dangerous drug (as defined in article 12) or a suspect consignment of money, property or proceeds as referred to in article 22(1C)(a) from any person or place.

Persons transferred to Malta from abroad for the purposes of giving evidence or assisting in an investigation, etc.  
*Added by:*  
*XVI.1996.5.*

**30C.** (1) Subject to the provisions of sub-article (2), where a witness, expert or other person in a foreign country consents, in respect of an offence contrary to the provisions of this Ordinance, to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in Malta following a request for assistance to that effect made by the competent authority in Malta to the competent authority in that foreign country that witness, expert or other person shall not, while in Malta, be prosecuted, detained, punished or subjected to any other restriction of his personal liberty in respect of acts, omissions or convictions prior to his departure from the foreign country.

(2) The provisions of sub-article (1) shall cease to apply when the witness, expert or other person:

- (a) fails to leave Malta, after having had the opportunity to do so, within a period of fifteen consecutive days from the date on which he has been served by the Attorney General with a notice informing him that his

- presence in Malta is no longer required; or
- (b) having left Malta, has returned of his own free will.

**30D.** (1) Where the Attorney General receives, or is informed about, a request made by or on behalf of a judicial, prosecuting, law enforcement, administrative or other competent authority of any State or place other than or outside Malta (hereinafter in this article referred to as the "requesting authority") seeking authorisation for the competent authorities of that State or place to take appropriate measures in regard to a relevant vessel reasonably suspected to be engaged in the commission of a relevant offence the Attorney General may, with the concurrence of the Prime Minister, authorise the taking of the said measures by the aforesaid competent authorities subject to such conditions as may have been agreed by Malta with that State or as may be agreed between the requesting authority and the Attorney General with the concurrence of the Prime Minister.

Co-operation in the suppression of relevant offences at sea.

*Added by:*

*XVI. 1996.5.*

*Amended by:*

*XVI. 2006.29;*

*XXIV. 2007.7.*

(2) Where authorisation has been given by the Attorney General as aforesaid the competent authorities referred to in the sub-article (1), subject to the conditions as may have been agreed upon as provided in the same sub-article, shall be authorised to take the appropriate measures and to exercise on board the vessel in regard to which appropriate measures have been authorised under this article all such powers of arrest, entry, search and seizure as are vested in the executive police of Malta.

(3) For the purposes of this article:

"relevant offence" shall have the same meaning assigned to it by article 24D(12);

"relevant vessel" means a ship or any other floating craft of any description, including hovercrafts and submersible crafts, flying the flag of Malta or displaying the marks of registry of Malta and exercising freedom of navigation in accordance with international law; and

"appropriate measures" with regard to a vessel include the boarding of and carrying a search on such vessel as well as such other appropriate action with respect to the vessel, persons and cargo on board such vessel if evidence of involvement of the vessel in a relevant offence is found.

**30E.** (1) In virtue of this article and for the purposes of the [Ratification of Treaties Act](#), the Government is authorised to accede to the Agreement on Illicit Traffic by Sea implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Strasbourg on the 31st day of January, 1995, hereinafter in this article referred to as "the European Convention".

European Agreement on Illicit Traffic by Sea.

*Added by:*

*VI. 2000.7.*

*Cap. 304.*

(2) The Minister responsible for the Police may make regulations generally for implementing the provisions of the European Convention and may, in particular, by such regulations:

- (a) extend the jurisdiction of the Maltese courts;

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- (b) authorise the boarding, search and arrest of vessels;
- (c) provide that certain officials, whether Maltese or foreign, shall, for the purpose of any law in Malta, be considered as officers protected by those laws;
- (d) provide for the designation of authorities for the purposes of the European Convention;
- (e) provide for the application of these regulations and of the provisions of this Ordinance to the drugs to which the provisions of the [Medical and Kindred Professions Ordinance](#) apply, in accordance with the said European Convention,

all as provided in the said European Convention, and may moreover provide that any part of the European Convention shall, to the extent provided in such regulations, have the force of law in Malta.

Direction for trial by the Court of Magistrates as a court of criminal judicature.  
*Added by:*  
 VIII. 1986.5  
*Amended by:*  
 VIII. 1990.3;  
 III. 2002.162.

\*31. Notwithstanding that the Attorney General has directed in accordance with the provisions of article 22(2), that a person be tried in the Criminal Court, he may, at any time before the filing of the bill of indictment or at any time after filing the bill of indictment before the jury is empanelled, and with the consent of the accused, direct that that person be tried before the Court of Magistrates, and upon such direction the Court of Magistrates as a court of criminal judicature shall become competent to try that person as if no previous direction had been given. Where the Attorney General has given such new direction after the filing of the bill of indictment, the registrar of the Criminal Court shall cause the record to be transmitted to the Court of Magistrates, and shall cause a copy of the Attorney General's direction to be served on the Commissioner of Police.

Offences cognizable by the Court of Magistrates as a court of criminal judicature.  
*Added by:*  
 VIII. 1986.5.  
*Amended by:*  
 VIII. 1990.3.  
 Cap. 9.

32. Notwithstanding the provisions of article 370 of the [Criminal Code](#) and without prejudice to the provisions of article 31, the Court of Magistrates shall be competent to try all offences against this Ordinance as directed by the Attorney General in accordance with the provisions of article 22(2).

Right of appeal.  
*Added by:*  
 VIII. 1986.6.  
*Amended by:*  
 VIII. 1990.3.  
 Cap. 9.

33. Notwithstanding the provisions of the [Criminal Code](#), the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings arising out of the provisions of this Ordinance.

Amendment of Schedules.  
*Added by:*  
 II. 1998.8.  
*Amended by:*  
 XXIV. 2014.91;  
 XII. 2025.4.

34. (1) The Minister responsible for public health may by regulations amend the First, the Second and the Third Schedules to this Ordinance.

(2) The Minister responsible for Justice may, after consultation with the Minister responsible for the Police and with the Attorney General, amend the Fourth Schedule to this Ordinance.

\*See article 7 of Act VIII of 1986.

(3) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may, for the purposes of public health and harm reduction, by regulations amend the Fifth Schedule to this Ordinance, where it appears that a particular phytocannabinoid or cannabinoid shall be classified as non-psychoactive or psychoactive as well as when it appears that cannabinoids shall be classified as synthetic cannabinoids.

35. All necessary actions required for the implementation of the Council Framework Decision 2004/757/JHA shall be implemented as soon as possible but not later than six (6) months after the entry into force by the act amending the Annex of the said Decision, and shall include a specific reference to the said Framework Decision.

Implementation  
of the Council  
Framework  
Decision 2004/  
757/JHA.  
Added by:  
V.2019.6.

## FIRST SCHEDULE

*Preparations containing any of the drugs included in Parts I and II of this Schedule subject to the exemptions listed in Part III of this Schedule.*

### PART I

ACETORPHINE

ACETYLFENTANYL, (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)

ACETYLMETHADOL

ACETYLALPHAMETHYL FENTANYL

ACRYLOYLFENTANYL, N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide

AH-7921, (3,4-dichloro-N-[(1-(dimethylamino) cyclohexyl)methyl] benzamide)

ALFENTANIL

ALLYLPRODINE

ALPHACETYLMETHADOL

ALPHAMEPRODINE

ALPHAMETHADOL

ALPHAMETHYL FENTANYL

ALPHAMETHYL THIOFENTANYL

ALPHAPRODINE

ANILERIDINE

BENZETHIDINE

BENZYLMORPHINE

BETACETYLMETHADOL

BETA-HYDROXYFENTANYL

BETA-HYDROXY-3-METHYLFENTANYL

Added by:  
XXIII.1980.9.  
Amended by:  
L.N. 32 of 1984;  
L.N. 58 of 1988;  
L.N. 49 of 1990;  
L.N. 93 of 1990;  
L.N. 148 of 2000;  
L.N. 373 of 2007;  
L.N. 331 of 2009;  
L.N. 49 of 2016;  
L.N. 359 of 2017;  
L.N. 360 of 2017;  
L.N. 43 of 2018;  
L.N. 230 of 2018;  
L.N. 389 of 2018;  
L.N. 189 of 2019;  
L.N. 119 of 2021;  
L.N. 120 of 2021;  
LXVI.2021.25;  
L.N. 165 of 2022;  
L.N. 156 of 2023;  
L.N. 179 of 2024;  
L.N. 97 of 2025.

BETAMEPRODINE

BETAMETHADOL

BETAPRODINE

BEZITRAMIDE

BRORPHINE, 1-{1-[1-(4-bromophenyl)ethyl]piperidin-4-yl}-1,3-dihydro-2H-benzimidazol-2-one

BUTYRFENTANYL, *N*-phenyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]butanamide

BUTONITAZENE, 2-[(4-butoxyphenyl)methyl]-*N,N*-diethyl-5-nitro-1*H*-benzimidazole-1-ethanamine)

CANNABIS - any extract or tincture thereof

CARFENTANIL, Methyl 1-(2-phenylethyl)-4-[phenyl(propanoyl)amino]piperidine-4-carboxylate

CLONITAZENE

COCAINE

CODOXIME

Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloid when such material is made available in trade)

CROTONYLFENTANYL, (2*E*)-*N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]but-2-enamide

CYCLOPROPYLFENTANYL, *N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide'

DESOMORPHINE

DEXTROMORAMIDE

DIAMPROMIDE

DIETHYLTHIAMBUTENE

DIFENOXIN

DIHYDROMORPHINE

DIMENOXADOL

DIMEPHEPTANOL

DIMETHYLTHIAMBUTENE

DIOXAPHETYL BUTYRATE

DIPHENOXYLATE

DIIPANONE

DROTEBANOL

ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine

ETAZENE, 2-[(4-ethoxyphenyl)methyl]-*N,N*-diethyl-1*H*-benzimidazole-1-ethanamine



ETHYLMETHYLTHIAMBUTENE

ETONITAZENE

ETONITAZEPIPNE, 2-[(4-Ethoxyphenyl)methyl]-5-nitro-1-(2-piperidin-1-ylethyl)-1*H*-benzoimidazole

ETONITAZEPYNE, 2-[(4-ethoxyphenyl)methyl]-5-nitro-1-(2-pyrrolidin-1-ylethyl)-1*H*-benzoimidazole

ETORPHINE

ETOXERIDINE

FENTANYL

4-FLUOROISOBUTYRFENTANYL (4-FIBF, pFIBF), *N*-(4-Fluorophenyl)-2-methyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]propanamide

FURANYLFENTANYL, *N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide

FURETHIDINE

HEROIN

HYDROCODONE

HYDROMORPHINOL

HYDROMORPHONE

HYDROXPETHIDINE

ISOMETHADONE

ISOTONITAZENE, *N,N*-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1*H*-benzimidazole-1-ethanamine

KETOBEMIDONE

LEVOMETHORPHAN\*

LEVOMORAMIDE

LEVOPHENACYLMORPHAN

LEVORPHANOL\*

MEDICINAL OPIUM

METAZOCINE

METHADONE

METHADONE - INTERMEDIATE

METHOXYACETYLFENTANYL, 2-methoxy-*N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]acetamide

2-methyl-AP-237, 1-{2-methyl-4-[(2*E*)-3-phenylprop-2-en-1-yl]piperazin-1-yl}butan-1-one

METHYLDESORPHINE

METHYLDIHYDROMORPHINE

METHYLFENTANYL (CIS and TRANS ISOMERS)

METHYLPHENYLPIPERIDOL PROPIONATE (MPPP)

METONITAZENE, N,N-diethyl-2-[(4-methoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine

METONITAZEPYNE, 2-[(4-methoxyphenyl) methyl]-5-nitro-1-(2-pyrrolidin-1-ylethyl)-1*H*-benzoimidazole

METOPON

MORAMIDE - INTERMEDIATE

MORPHERIDINE

MORPHINE

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives, including in particular the morphine-Noxide derivatives, one of which is Codeine-N-Oxide

MORPHINE-N-OXIDE

MT-45, (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)

MYROPHINE

*N*-desethylisotonitazene, *N*-ethyl-2-[2-[(4-isopropoxyphenyl)methyl]-5-nitro-benzimidazol-1-yl]ethanamine

NICOMORPHINE

NORACYMETHADOL

NORLEVORPHANOL

NORMETHADONE

NORMORPHINE

NORPIANONE

OCFENTANIL, *N*-(2-Fluorophenyl)-2-methoxy-*N*-[1-(2-phenylethyl)piperidin-4-yl]acetamide

ORIPAVINE (3-*O*-demethylthebaine or 6,7,8,14-tetradehydro-4,5-*alpha*-epoxy-6-methoxy-17-methylmorphinan-3-ol)

OXYCODONE

OXYMORPHONE

ORTHOFLUOROFENTANYL, *N*-(2-fluorophenyl)-*N*-[1-(2-phenylethyl)-4-piperidinyl]-propanamide

PARAFLUOROBUTYRYLFENTANYL or 4F-BF, *N*-(4-fluorophenyl)-*N*-[1-(2-phenylethyl)piperidin-4-yl]butanamide

PARA-FLUOROFENTANYL

PETHIDINE

PETHIDINE - INTERMEDIATE - A

PETHIDINE - INTERMEDIATE - B

PETHIDINE - INTERMEDIATE - C

PHENADOXONE

PHENAMPROMIDE

PHENAZOCINE

PHENETHYLPHENYLPIPERIDOL ACETATE  
(ESTER) (PEPAP)

PHENOMORPHAN

PHENOPERIDINE

PIMINODINE

PIRITRAMIDE

PROHEPTAZINE

PROPERIDINE

PROTONITAZENE, N,N-diethyl-5-nitro-2-[(4-propoxyphenyl)methyl]-1-H-benzimidazole-1-ethanamine

PROTONITAZEPYNE, 5-nitro-2-[(4-propoxyphenyl)methyl]-1-(2-pyrrolidin-1-ylethyl)benzimidazole

RACEMETHORPHAN

RACEMORAMIDE

RACEMORPHAN

REMIFENTANIL

SUFENTANIL

TAPENTADOL, (3-[(1R,2R)-3-(dimethylamino)-1-ethyl-2-methylpropyl]phenol

TETRAHYDROFURANYLFENTANYL (THF-F), N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]oxolane-2-carboxamide

THEBACON

THEBAINE

TILIDINE

TRIMEPERIDINE

U-47700, 3,4-dichloro-N-(2-dimethylamino-cyclohexyl)-N-methyl-benzamide

VALERYLFENTANYL, N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide

The isomers, unless specifically excepted, of the drugs in this Part of the Schedule whenever the existence of such esters or ethers is possible;

The esters and ethers, unless appearing in another Part of this Schedule, of the drugs in this Part of the Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Part of the Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

\* DEXTROMETHORPHAN and DEXTORPHAN are specifically excluded from this Part of the Schedule.

## PART II

ACETYLDIHYDROCODEINE

CODEINE

DEXTROPROPOXYPHENE

DIHYDROCODEINE

ETHYLMORPHINE

NICOCODINE

NICODICODINE

NORCODEINE

PHOLCODINE

PROPIRAM

The isomers, unless specifically excepted, of the drugs in this Part of the Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Part of the Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

## PART III

*Exemptions***1.** Preparations of:

ACETYLDIHYDROCODEINE

CODEINE

DIHYDROCODEINE

ETHYLMORPHINE

NICOCODINE

NICODICODINE

NORCODEINE, and

PHOLCODINE

when compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

**2.** Preparations of propiram containing not more than 100 mg of propiram per dosage unit and compounded with at least the same amount of methylcellulose.

**3.** Preparations for oral use containing not more than 135 milligrams of dextropropoxyphene base per dosage unit or with a concentration of not more than 2.5 per cent in undivided preparations, provided that such preparations do not contain any substance contained in the Third Schedule to the [Medical and Kindred Professions Ordinance](#).

**4.** Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug

cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

5. Preparations of difenoxin containing, per dosage unit, not more than 0.5mg of difenoxin and a quantity of atropine sulfate equivalent to at least 5 per cent of the dose of difenoxin.

6. Preparations of diphenoxylate containing per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base and a quantity of atropine sulphate equivalent to at least one per cent of the dose of diphenoxylate.

7. *Pulvis ipecacuanhae et opii compositus*

10 per cent opium in powder

10 per cent ipecacuanha root, in powder well mixed with

80 per cent of any other powdered ingredient containing no drug.

8. Preparations conforming to any of the formulae listed in this Part of the Schedule and mixtures of such preparations with any material which contains no drug.

## SECOND SCHEDULE

### FORM A

(Article 14(2))

### DANGEROUS DRUGS ORDINANCE

#### (CHAPTER 101)

Import Certificate issued by the Serial No.....

Government of Malta File No . .....

*Amended by:*  
*XVI.1960.3;*  
*XXIII. 1980.10.*  
*Substituted by:*  
*VI.1994.20.*

### CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT

I, being the person charged with the administration of the law relating to dangerous drugs to which the [Single Convention 1961](#) applies, hereby certify that I have approved the importation by<sup>\*</sup>

of<sup>†</sup>

<sup>\*</sup>Insert name, address and business of importer.

<sup>†</sup>Insert exact description and amount of drugs to be imported.

from\*

subject to the conditions that -

- (i) the consignment shall be imported before the
- (ii) the consignment shall be imported in one consignment; and
- (iii) if the importation of all the drugs specified above is not effected before the date specified in condition No. (i) this authorization shall be surrendered forthwith to the Chief Government Medical Officer

and that I am satisfied that the consignment proposed to be imported is required -

- (1) †for legitimate purposes (*in the case of raw opium or the coca leaf*).
- (2) §solely for medicinal or scientific purposes (*in the case of dangerous drugs other than raw opium and coca leaf*).

(Date).....

(Signature and stamp of the  
Chief Government Medical Officer).

This document is solely for production to the government of the country from which the drug is proposed to be obtained.

*Substituted by:  
VI. 1994.20.*

#### FORM B

(Article 13 (1))

#### DANGEROUS DRUGS ORDINANCE

(Chapter 101)

File No.....

Applicant's

Reference No .....

Serial No . ....

#### EXPORT AUTHORIZATION

In pursuance of the Dangerous Drugs Ordinance (Chapter 101),  
the Chief Government Medical Officer hereby authorizes

(hereinafter called "the exporter")

to export from -

(1) ‡ the port of

by s. s.

\*Insert name and address of firm in exporting country from which the drug is to be obtained.

†Strike out words not applicable.

‡ Strike out words not applicable.

(2) \* Malta by Parcel Post in parcels from the to in virtue of import Certificate No. dated issued by the following drugs, namely:

This authorization is issued subject to the following conditions:

1. This authorization is not a licence to obtain or to be in possession of the drugs named herein.

2. This authorization is available only for drugs of the exact quantity, kind and form specified above.

3. This authorization does not relieve the exporter from compliance with any customs regulations in force for the time being relating to the exportation of goods from Malta nor from any provision of the [Post Office Act](#) (Chapter 254) or of any post office regulations for the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within Malta or elsewhere.

4. If the drugs are authorized to be exported by ship the duplicate copy, which is attached, shall accompany the consignment to the place of destination and for this purpose the exporter shall cause it to be delivered to the master of the vessel by which the consignment is despatched.

5. If the drugs are authorized to be exported by post the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the duplicate copy is to be found. [See footnote (2).]

6. The exporter, if so required by the Comptroller of Customs, shall produce to him, within such time as he may allow, proof to his satisfaction that the said drugs were duly delivered at the destination named in this authorization, and in the event of non-compliance with this condition the authorization shall be deemed void and of no effect.

7. The exporter shall furnish to the Chief Government Medical Officer such returns of the goods exported by him in pursuance of this authorization as may from time to time be required.

8. This authorization is valid only for the exporter named above and may be revoked at any time by the Chief Government Medical Officer. It shall be produced for inspection when required by any duly authorized person.

9. This authorization, unless sooner revoked, shall continue in force for three calendar months from the date hereof. It must be produced at the time of export, to an officer of -

(1) \* the Customs Department,

(2) \* the Post Office,

who will retain it. If not used it shall be surrendered to the Chief Government Medical Officer within seven days of the date of its expiry.

Date.....

.....  
(Signature and stamp of the  
Chief Government Medical Officer).

Note:

(1) If any alteration is desired in this authorization it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.

(2) In the case of drugs exported by post failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

#### FORM C

(Article 14 (1))

#### DANGEROUS DRUGS ORDINANCE

(CHAPTER 101)

Authorization No .....

File No .....

#### IMPORT AUTHORIZATION

In pursuance of the Dangerous Drugs Ordinance (Chapter 101) (hereinafter called "the Ordinance"), the Chief Government Medical Officer hereby authorizes <sup>†</sup>

(hereinafter called "the importer") to import the drugs specified in the Schedule hereto, from<sup>‡</sup>

This authorization is issued subject to the following conditions:

1. The drugs shall be imported before (date)
2. This authorization is not a licence to be in possession of or to supply the drug imported.
3. This authorization does not relieve the importer from compliance with any Customs regulations in force for the time being relating to the importation of goods into or transshipment of goods in Malta, or any Post Office regulations for the time being in force in Malta.
4. This authorization is valid only for the importer and may

\*Strike out words not applicable.

<sup>†</sup>Insert name and full postal address of importer.

<sup>‡</sup>Insert name and full postal address of exporter.



be revoked at any time by the Chief Government Medical Officer to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.

5. This authorization unless sooner revoked shall be produced to the Comptroller of Customs at the time of importation and shall be surrendered to the Comptroller of Customs at the time when the last consignment of drugs is imported.

6. If the importation of all the drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorization shall immediately after that date be surrendered to the Chief Government Medical Officer.

7. The copy of the export authorization, if any, which accompanies the drugs, shall be forwarded to the Chief Government Medical Officer immediately the importation of the drugs has been effected.

(Date) .....

.....  
(Signature and stamp of the  
Chief Government Medical Officer.)

SCHEDULE specifying the drugs and quantities thereof to be imported.

This authorization is not to leave the possession of the importer until it is surrendered to the Chief Government Medical Officer or to the Comptroller of Customs, who will complete the certificate on the back and return the authorization to the Chief Government Medical Officer.

#### ENDORSEMENT BY COMPTROLLER OF CUSTOMS at the time of Importation

Date	Description of drugs imported	Number and date of Export Authorization	Quantity	How imported	Customs entry or Parcel No.	Signature and stamp of Comptroller of Customs
				e.g., <i>ex ... (In the case of a ship), or by registered parcel post or by insured box post.</i>		

This authorization, when all the drugs to which it relates have been imported, must be returned by the Comptroller of Customs to the Chief Government Medical Officer.

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FORM D

(Article 16 (1))

DANGEROUS DRUGS ORDINANCE

(CHAPTER 101)

LICENCE FOR THE REMOVAL OF DANGEROUS DRUGS IN  
TRANSIT

.....is hereby authorized to move the  
dangerous drugs described hereunder from .....

.....to .....

Nature and quantity of dangerous drugs .....

Particulars of export authorization (or  
diversion certificate if any) relating thereto .....

.....

Name of ship on which the drugs

were brought into Malta .....

Date of arrival .....

Number of packages .....

Marks and numbers on packages .....

This licence is issued subject to the following conditions: -

(1) This licence is valid only for the removal of the drugs  
specified above.

(2) The removal of the drugs shall take place between  
a.m./p.m. and ..... a.m./p.m. on the .....  
20.....

(3) If the removal of the drugs does not take place within the  
hours and on the day specified, this licence must be returned to the  
Comptroller of Customs forthwith; and in any case shall be  
surrendered when the removal has taken place.

(4) The drugs must not be moved unless an officer of the  
Customs Department is present.

(5) This licence does not authorize the person named above to  
be in possession of the drugs otherwise than for the purpose of  
removing them in accordance with this licence.

(6) The packages containing the drugs are not to be opened or  
broken in the course of the removal.

(7) This licence shall be produced at any time when required  
by a duly authorized person.

(Date) .....

.....

(Signature and stamp of the  
Comptroller of Customs.)

---

## FORM E

*Substituted by:  
VI. 1994.20.*

(Article 18(1))

## DANGEROUS DRUGS ORDINANCE

(CHAPTER 101)

## DIVERSION CERTIFICATE

I, hereby certify that I have authorized the diversion of the consignment of drugs, of which particulars are given below, to the destination stated below:-

Description and quantities of drugs .....

Name of vessel on which the consignment  
was brought to Malta .....

Name and address of the exporter .....

Number and date of export authorization  
and authority by whom issued .....

Name and address of original consignee  
named in the export authorization .....

Name and address of consignee to whom the  
consignment is authorized to be diverted .....

Number and date of import certificate  
(and authority by whom issued) by virtue of  
which this diversion is authorized .....

Name of vessel on which the consignment  
is authorized to be carried from Malta .....

Period within which the consignment is  
to be carried from Malta .....

This certificate is issued subject to the following conditions:

(1) The duplicate copy of this certificate shall accompany the consignment to the place of destination, and for this purpose shall be delivered to the master of the vessel by which the consignment is despatched.

(2) This certificate does not relieve any person who may be concerned with the carriage of the consignment of drugs specified

above from compliance with any customs regulations in force for the time being relating to the exportation of goods from Malta.

(3) This certificate is valid only for the consignment and for the period specified above, and may be revoked at any time.

(4) If the consignment of drugs is not carried from Malta within the period specified above, this certificate shall be surrendered to the Chief Government Medical Officer.

(5) This certificate shall be produced at any time when required by a duly authorized person.

(Date).....

.....  
(Signature and stamp of the Chief  
Government Medical Officer)

---

Note:

(1) If any alteration is desired in this authorization, it must be returned with a request for amendment and a statement of the reason therefor. No unauthorized alteration is permissible.

(2) This document is to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

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THIRD SCHEDULE  
(Article 22(ID))

*Added by:*  
VI. 1994.21.  
*Amended by:*  
L.N. 278 of 2003;  
L.N. 1 of 2004.

**TABLE I**  
**CATEGORY I**

Substance	CN designation (if different)	CN code	CAS No <sup>(1)</sup>
1-Phenyl-2-propanone	Phenylacetone	2914 31 00	103-79-7
N-acetylanthranilic acid	2-Acetamidobenzoic acid	2924 23 00	89-52-1
Isosafrol (cis + trans)		2932 91 00	120-58-1
3,4-methylenedioxyphenyl-propan-2-one	1-(1,3-Benzodioxol-5-yl)propan-2-one	2932 92 00	4676-39-5
Piperonal		2932 93 00	120-57-0
Safrole		2932 94 00	94-59-7
Ephedrine		2939 41 00	299-42-3
Pseudoephedrine		2939 42 00	90-82-4
Norephedrine		Ex 2939 49 00	14838-15-4
Ergometrine		2939 61 00	60-79-7
Ergotamine		2939 62 00	113-15-5
Lysergic acid		2939 63 00	82-58-6

The stereoisomeric forms of the substances listed in this Category not being cathine <sup>(2)</sup> whenever the existence of such forms is possible.

The salts of the substances listed in this Category whenever the existence of such salts is possible and not being the salts of cathine.

**CATEGORY II**

Substance	CN designation (if different)	CN code	CAS No <sup>(1)</sup>
Acetic anhydride		2915 24 00	108-24-7
Phenylacetic acid		2916 34 00	103-82-2
Anthranilic acid		2922 43 00	118-92-3
Piperidine		2933 32 00	110-89-4
Potassium permanganate		2841 61 00	7722-64-7

The salts of the substances listed in this Category whenever the existence of such salts is possible.

**CATEGORY III**

Substance	CN designation (if different)	CN code	CAS No <sup>(1)</sup>
Hydrochloric acid	Hydrogen chloride	2806 10 00	7647-01-0
Sulphuric acid		2807 00 10	7664-93-9
Toluene		2902 30 00	108-88-3

Ethyl ether	Diethyl ether	2909 11 00	60-29-7
Acetone		2914 11 00	67-64-1
Methylethylketone	Butanone	2914 12 00	78-93-3

The salts of the substances listed in this Category whenever the existence of such salts is possible and not being the salts of hydrochloric acid and sulphuric acid.

(<sup>1</sup>) The CAS No. is the "Chemical Abstract Service Registry Number" which is a unique numeric identifier specific to each substance and its structure. The CAS No. is specific to each isomer and to each salt of each isomer. Hence the CAS Nos for the salts of the substances listed above are different to those given.

(<sup>2</sup>) Also named (1)-norpseudoephedrine, CN code 2939 43 00, CAS No 492-39-7.

## TABLE II

ACETIC ANHYDRIDE

ACETONE

ANTHRANILIC ACID

ETHYL ETHER

PHENYLACETIC ACID

PIPERIDINE

METHYL ETHYL KETONE

TOLUENE

POTASSIUM PERMANGANATE

SULPHURIC ACID

HYDROCHLORIC ACID

The salts of the substances listed in this Table whenever the existence of such salts is possible.

FOURTH SCHEDULE  
(Article 22)

*Added by:*  
*XXIV. 2014.90;*  
*LXVI. 2021.25.*  
*Amended by:*  
[\*VII.2025.8.\*](#)

Guidelines on the exercise of discretion

These guidelines apply to all accused persons aged 16 and over.

In determining the court in which a person accused of an offence against this Ordinance is to be tried the harm or the potential harm caused by the offence charged shall be the principal consideration.

The quantity of the drug is a principal consideration in assessing harm. The purity need not necessarily be taken into account at the initial stage but it may be considered in determining whether a person initially referred for trial before the Criminal Court is to be referred for trial before the Court of Magistrates at a later stage.

The role played by the accused in the crime shall, if sufficient information is available, also be taken into consideration.

In such cases a distinction should be made between persons who played a leading role, a significant role or a lesser role in the commission of the offence.

*A leading role in the commission of the offence may be indicated by the following:*

- that the accused organized or directed buying and selling of a drug on a commercial scale;
- that the accused had substantial links to and significant influence on other persons in a chain;
- that the accused had close links to the original source of the drugs;
- that the accused made substantial financial gain or had an expectation of substantial financial gain;
- that the accused used a legitimate business as a cover for buying or selling drugs;
- that the accused has abused a position of trust or of significant responsibility in the commission of the offence, for example when the accused is a prison employee or a legal or medical professional.

*A significant role in the commission of the offence may be indicated by the following:*

- that the accused had an operational or a management function within a chain;
- that the accused involved others in the operation either by exerting pressure or influence upon them or by intimidation or offer of reward;
- that the accused was motivated by the prospect of financial or other advantage, irrespective of whether the accused was acting alone or with others;
- that the accused appeared to be aware and to understand the scale of the operation;
- that the accused, not being a person abusing a position of trust or responsibility, supplied the drug to a prisoner for gain but without



coercion.

*A lesser role in the commission of the offence may be indicated by the following:*

- that the accused has performed a limited role in the commission of the offence and has acted under the direction of others;
- that the accused was engaged by others to commit the offence by pressure, coercion or intimidation;
- that the accused got involved in the commission of the offence because of his naivete or because he was exploited by others;
- that the accused had no influence on those above him in a chain;
- that the accused had very little, if any, understanding of the scale of the operation;
- that taking all circumstances into account it is reasonable to conclude that the accused was involved in the commission of the offence solely for the purpose of obtaining drugs for his own use;
- that the accused made no financial gain from the offence, for example in cases involving a common purchase of a minimal quantity for no profit or the sharing of a minimal quantity between friends on a non-commercial basis.

Aggravating factors resulting from the law shall be taken into consideration.

*Other aggravating factors that may be taken into consideration may include:*

- the sophisticated nature of concealment of the drug and the nature of any attempt to avoid detection;
- any attempts made to conceal or to dispose of evidence;
- the exposure of others to exceptional danger such as when a drug is cut with harmful substances;
- high purity of the drug
- that the accused has targeted places intended to locate vulnerable persons or has sought to supply drugs to minors;
- that others, especially children and non-users were present when the accused committed the offence.

*The following amounts involved in the offence, when the said amounts are known, can be taken as indicative that a person should not be referred for trial before the Criminal Court:*

- heroin and cocaine: less than 200 grams
- cannabis: less than a kilo

Assistance which the accused may have rendered to the Police or to the prosecution may also be taken into account.

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*Added by:*  
*XII.2025.5.*

**FIFTH SCHEDULE**  
**(Article 2)**

**Part I**

**Non-psychoactive phytocannabinoids**

CBD, Cannabidiol  
CBG, Cannabigerol  
CBC, Cannabichromene  
CBDV, Cannabidivarine

**Part II**

**Psychoactive cannabinoids**

THC, Tetrahydrocannabinol

**Part III**

**Synthetic cannabinoids**

HHC, hexahydrocannabinol  
HHC-O acetate, HHCO, HHCOA, hexahydrocannabinol O-Acetate  
HHC-P, hexahydrocannabiphorol  
H4-CBD, tetrahydrocannabidiol, Hydrogenated CBD, THD,  
cyclohexyl CBD  
THC-P, tetrahydrocannabiphorol, Delta-9-THCP  
HHCH, hexahydrocannabihexol, HHC-H  
Delta-8-THCP, delta-8-Tetrahydrocannabiphorol, JWH 091, THC-  
heptyl  
THCB, Tetrahydrocannabutol, Delta-9-THCB, Delta-9-THC-C4,  
Delta-9-THC-butyl  
9-OH-HHC, 9-Hydroxyhexahydrocannabinol, 9-hydroxy-HHC  
delta-8-THC acetate, Δ8-Tetrahydrocannabinol Acetate Δ8-THC-O-  
Acetate  
Delta-8-THC methylether, 1-methyl-Δ8-THC; Δ8-  
Tetrahydrocannabinol methylether  
Delta-9-THCP acetate, Δ9-Tetrahydrocannabiphorol Acetate; delta-  
9-THC-C7-Acetate  
delta-9-THCH, delta-9-Tetrahydrocannabihexol, delta-9-THC-C6  
HHC-P-O-acetate, hexahydrocannabiphorol acetate

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Delta-8-THCH, delta-8-tetrahydrocannabihexol delta-8-THC-C6  
CC9 (9R-Hexahydrocannabinol-C9)

Delta-9-THC-JD, 3-octyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-  
dibenzo[b,d]pyran-1-ol, delta-9-THC-C8

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## CHAPTER 537

### DRUG DEPENDENCE (TREATMENT NOT IMPRISONMENT) ACT

*To provide for the treatment of persons in possession of small quantities of prohibited drugs for personal use and for other measures for the rehabilitation of persons suffering from drug dependence.*

15th April, 2015\*

ACT I of 2015, as amended by Acts [V of 2018](#), [XXXII of 2018](#), [IV of 2020](#), [XXXVI of 2021](#), [LXVI of 2021](#) and [VII](#) and [XII of 2025](#).

1. The short title of this Act is the Drug Dependence (Treatment not Imprisonment) Act.

Short title.

2. In this Act, unless the context otherwise requires:

Interpretation.

"conviction" also includes the voluntary payment of a penalty without proceedings as provided under this Act or under the [Commissioners for Justice Act](#);

Cap. 291.  
Amended by:  
V.2018.2.

"Cannabinoid" means one of a group of compounds found only in any plant of the genus Cannabis;

"drug laws" means the [Medical and Kindred Professions Ordinance](#) and the [Dangerous Drugs Ordinance](#).

Cap. 31.  
Cap. 101.

"Good Manufacturing Practice" means the part of quality assurance which ensures that products are consistently produced and controlled in accordance with the quality standards appropriate to their intended use and in line with the current detailed good manufacturing practice guidelines published by the European Union Commission;

"Minister" means the Minister responsible for Justice; unless otherwise specified.

"prohibited drug" means any drug which may form the object of criminal proceedings under article 120A of the [Medical and Kindred Professions Ordinance](#) or under article 22 of the [Dangerous Drugs Ordinance](#).

Cap. 31.  
Cap. 101.

"synthetic Cannabinoids" means substances with structural features which allow binding to one of the known cannabinoid receptors, i.e. CB1 or CB2, present in human cells and compounds with similar chemical structures.

3. (1) Subject to the provisions of sub-article (2), the provisions of this Act, including the procedures, measures and punishments provided in this Act in respect of offences against the drug laws, shall apply notwithstanding and to the exclusion of the provisions of the drug laws. No direction shall be required from the Attorney General for the purposes of commencement of proceedings under articles 4 and 5.

Application of this Act.

(2) The drug laws shall continue to apply except in respect of any matter explicitly provided for in this Act.

\* See article 1(1) of the Act as originally promulgated, and Legal Notice [93 of 2015](#).

Possession for  
personal use of  
prohibited drug.  
*Amended by:*  
*LXVI.2021.29.*

Cap. 291.

4. (1) Where a charge of possession of a prohibited drug other than the drug cannabis in a quantity of less than two grams or of two pills of the drug 'ecstasy' or of two other prohibited pills, irrespective of purity, in circumstances which do not give rise to reasonable grounds to believe that the prohibited drug is not for personal use by the person in possession thereof, that person shall be tried in accordance with the [Commissioners for Justice Act](#) and shall be liable, on conviction by the Commissioner for Justice, hereinafter referred to as "the Commissioner", assigned by the Minister to hear drug offence cases, to a penalty of between seventy-five euro (€75) and one hundred and twenty-five euro (€125):

Provided that the Minister may by means of regulations made by virtue of this Act establish amounts and levels of purity in respect of different types of prohibited drugs which shall give rise to a legal presumption that a person found in possession of the said amounts of prohibited drugs, whether of a specified purity or not, was in possession of those prohibited drugs for personal use or for trafficking, as the case may be.

(2) Where, in proceedings commenced before the Commissioner in terms of sub-article (1) a question arises as to whether a substance constitutes a prohibited drug, the Commissioner shall refer such question to the Drug Offenders Rehabilitation Board which shall report back on its findings to the Commissioner.

(3) Any prohibited drugs confiscated or exhibited in the course of proceedings before the Commissioner in terms of sub-article (1) shall be sent by the Registrar of the Tribunal to the Registrar of the Criminal Court for destruction. Due record shall be kept of such sending.

(4) Where a person charged with an offence as provided for in sub-article (1) is a person not habitually resident in Malta any penalty due in terms of the provisions of the said sub-articles shall, unless the charge is contested, be paid in its minimum through electronic means and without proceedings before the Commissioner, at any place and in such manner as may be established by the Minister. Such payment may only be made through credit card or other bank transfer within twelve hours from the time when the said person is notified of the charge during which time the Executive Police shall have the power to keep the said person in detention until payment is made:

Provided that where a charge to which this sub-article applies is contested or where no payment of the penalty as provided above in this sub-article is made, the provisions of this Act shall cease to apply in respect of the person to be charged and the case shall proceed in accordance with the provisions of the drug laws.

For the purposes of this sub-article "contested" means giving notice of contestation even if verbally.

**4A.** (1) Notwithstanding the provisions of any other law, the possession by a person over the age of eighteen (18) years of the drug cannabis in an amount not exceeding seven grams, in circumstances in which it may be reasonably deemed that such possession is for the personal use of such person, shall not constitute an offence, and that person shall not be subject to being taken into custody under arrest saving when there is a reasonable suspicion of trafficking or dealing in the drug cannabis:

Possession for personal use and consumption of the drug cannabis.  
*Added by:*  
*LXVI.2021.30.*  
*Amended by:*  
[\*XII.2025.7.\*](#)

Provided that any person under the age of eighteen (18) years found in such possession of the drug cannabis shall be subject to being summoned to appear before the Commissioner for Justice who, after taking cognizance of the case may propose that such person should submit himself to a care plan or to treatment. In making such a proposal the Commissioner for Justice may consult the Drug Offenders Rehabilitation Board and such other person or public authority as the Commissioner for Justice deems appropriate.

(2) Where a charge for breach of the drug laws consists of a charge of possession of the drug cannabis in a quantity of more than seven grams but not more than twenty-eight grams, irrespective of purity, in circumstances which do not give rise to reasonable grounds to believe that the prohibited drug is not for personal use by the person in possession thereof, that person shall be tried in accordance with the [Commissioners for Justice Act](#) and, upon conviction by the Commissioner for Justice assigned by the Minister to hear drug offence cases, shall be liable to a penalty of between fifty euro (€50) and one hundred euro (€100):

Cap. 291.

Provided that the person shall not be subject to being taken into custody under arrest saving when there is a reasonable suspicion of trafficking or dealing in the drug cannabis.

(3) A person who consumes the drug cannabis, other than as may be authorised for medical reasons:

- (a) in any public place;
- (b) in any place which is accessible to the public whether upon payment or otherwise;
- (c) in any place where the odour emission resulting from the consumption of cannabis causes a nuisance to third parties,

shall on conviction be liable to a penalty of two hundred and thirty-five euro (€235), to be imposed in accordance with the provisions of the [Commissioners for Justice Act](#).

Cap. 291.

Cap. 291.

(4) A person who consumes the drug cannabis in any place, whether public or private, in the presence of any person under the age of eighteen (18) years, being aware that such person is under the age of eighteen (18) years, shall be liable to a penalty of not less than three hundred euro (€300) and not more than five hundred euro (€500), to be imposed in accordance with the provisions of the [Commissioners for Justice Act](#).

(5) In all circumstances detailed under the preceding sub-articles of this article, the drug cannabis shall be seized by the Executive Police only if found in excess of seven grams or if there is a reasonable suspicion of trafficking or dealing in the drug cannabis. Following its exhibition in the course of proceedings, the seized drug shall be sent to the Registrar of the Criminal Court for destruction. Due record shall be kept of such fact.

(6) A person over the age of eighteen (18) years charged with a breach of the provisions of this article other than with a breach of sub-article (4), may, unless the charge is contested, pay any penalty due in its minimum through electronic means and without proceedings before the Commissioner, at any place and in such manner as may be established by the Minister.

Second offence  
with a period of  
two years.

Cap. 291.

5. (1) In the case of a second or subsequent conviction for possession of a prohibited drug for personal use within a period of two years from the date of the first conviction the offender shall also be tried before a Commissioner for Justice appointed in terms of the [Commissioners for Justice Act](#) and shall be liable to the same penalties and be subject to the same procedures as provided in article 4:

Provided that upon a conviction for the second or subsequent offence of a person habitually resident in Malta the Commissioner for Justice shall order the person convicted to appear before the Drug Offenders Rehabilitation Board established under article 6.

(2) Notwithstanding the provisions of sub-article (1), in the case of a second or subsequent conviction as referred to in sub-article (1), where the prohibited drug involved in the offence is cannabis or cannabis resin the Commissioner for Justice shall only refer the convicted person to the Drug Offenders Rehabilitation Board if, after considering the circumstances of the offence and of the offender, he is satisfied that there are reasonable grounds to believe that the circumstances of the convicted person give rise to a probability that he is abusing or is likely to abuse prohibited drugs other than cannabis or cannabis resin.

Non-appearance  
before the Board.

Cap. 291.

(3) The Commissioner for Justice shall in all cases make an order for appearance before the Drug Offenders Rehabilitation Board in the case of any person who is charged with a second or subsequent offence in terms of sub-articles (1) or (2) and who either opts to pay the penalty without proceedings in terms of the [Commissioners for Justice Act](#) or fails to appear before the Commissioner when duly summoned.

(4) Where a person is referred to the Drug Offenders Rehabilitation Board in terms of sub-articles (1), (2) or (3), the said Board shall summon the said person to appear before it and shall, after conducting such examinations on the said person as are proportionate and as it considers necessary, and if it finds that the said person has a drug dependence problem which merits treatment, the said Board shall issue such orders to that person as appear to the Board to be necessary for the purpose of assisting that person to come out of his drug dependence.

(5) Any person who after being referred to the Drug Offenders Rehabilitation Board fails, without reasonable justification, to appear before the Board on any occasion when he is to so appear, or who fails without reasonable justification to comply with an order issued to him by the Board shall be guilty of an offence against this Act and shall be liable on conviction by the Court of Magistrates to a fine (*multa*) of between one hundred euro (€100) and five hundred euro (€500) or to imprisonment for a period of three months or to both such fine and imprisonment.

6. (1) There shall be a Board to be known as the Drug Offenders Rehabilitation Board which shall consist of:

Drug Offenders  
Rehabilitation  
Board.

*Amended by:*  
[XXXII.2018.21;](#)  
[XXXVI.2021.11;](#)  
[VII.2025.10.](#)

- (a) a Chairman who shall be appointed by the Minister who shall be either a retired Judge or a retired Magistrate or a person who shall have exercised the profession of advocate for a period of at least twelve years;
- (b) one member who shall be appointed by the Minister upon the recommendation of the Minister responsible for social policy;
- (c) one member who shall be appointed by the Minister upon the recommendation of the Minister responsible for home affairs;
- (d) one member who shall be appointed by the Minister upon the recommendation of the Minister responsible for health;
- (e) three (3) members who shall be appointed by the Minister:

Provided that the persons appointed in accordance with paragraphs (b), (c) and (d) shall be appointed from amongst persons practicing professions or carrying out duties which are relevant to the rehabilitation of persons suffering from drug dependence and the persons appointed in accordance with paragraph (e) shall be appointed from amongst retired public officers who in the opinion of the Minister are appropriate to serve on the Board and, or from amongst other persons who are competent within the field of rehabilitation from drug dependence.

(2) The Minister may appoint more than one formation of the Board in accordance with the method of appointment provided in sub-article (1).

(2a) Four (4) members, including the Chairman of the Board shall constitute a *quorum* in its meetings.



(3) In the case of equality of votes the Chairman of the Board shall have a casting vote.

(4) The Drug Offenders Rehabilitation Board shall have the following powers and functions:

- (a) to interview and examine any person who is referred to it by the Commissioner for Justice or by a Court in terms of the provisions of this Act or of any other law;
- (b) to order the taking of such blood or urine samples from any person referred to it;
- (c) to obtain any information, technical assistance or expert advice from any Government department or agency or from any body set up by law for the purpose of assessing the situation of any person referred to it and to provide assistance to any person referred to it in particular with regard to any mental health issues and to assist any such person to overcome the social threats of addiction such as the absence of a fixed place of abode and unemployability and for this purpose the Board shall be entitled to consult the Housing Authority and JobsPlus;
- (d) to take such proportionate measures as may appear to the Board to be necessary for the purpose of assisting the person referred to it to combat drug dependence problems;
- (e) to issue such orders or recommendations, which may also include orders restrictive of freedom of movement, for treatment or rehabilitation to any person referred to it for the purpose of assisting such person to combat drug dependence problems;
- (f) to advise and assist the Commissioner for Justice, the Court of Magistrates or any other Court of criminal jurisdiction upon the request of the said Commissioner for Justice or Court in relation to measures related to proceedings before the Commissioner for Justice or the Court, or in matters relating to the assistance and rehabilitation of drug offenders and persons charged with offences under the drug laws or with offences which are related, directly or indirectly to drug dependence;
- (g) to oversee and advise about the establishment and operation of a programme aimed at providing psychological support to family members and other persons with a close connection to persons suffering from drug dependence problems;
- (h) to work in co-ordination with the justice, social policy, police, health and judicial training authorities for the organization of training for practitioners involved in activities related to the control of drug abuse and drug related behaviour;
- (i) to perform any other function related to the rehabilitation of drug abusers as the Minister may

from time to time by regulations assign to it.

(5) Generally, for the purpose of exercising its powers and functions, the Board shall have, *mutatis mutandis*, all such powers as are by the provisions of Book Second of the [Criminal Code](#) vested in the Court of Magistrates. Cap. 9.

(6) In the performance of its functions, the Board shall act with independence and impartiality and it shall be subject to the general supervision of the courts of criminal jurisdiction as provided in this article.

(7) Where any person who is referred to the Board by a court wishes to contest a decision taken with regard to him or her by the Board:

(a) that person may file an application for the said purpose before the court by which he or she was referred to the Board;

(b) the said court shall, in considering the application, give due consideration to the grounds of complaint, to the reasons for the decision of the Board, and to any other information which it may demand from the Board; and

(c) the court may either confirm its agreement with the decision of the Board or refer the matter back to the Board with direction for the variation of the decision.

(8) The procedure provided for in sub-article (7) shall also apply to decisions taken by the Board in respect of persons who are referred to it by a Commissioner for Justice in which case the application referred to in paragraph (a) of sub-article (7) shall be filed before the Court of Magistrates as a Court of Criminal Judicature in the island where the applicant resides.

7. (1) Notwithstanding the other provisions of this Act or of any other law, the cultivation of up to four plants of the drug cannabis, and the possession of not more than fifty grams of dried cannabis, for personal use, by a person over the age of eighteen (18) years, within the residential address appearing on an official document showing his place of residence, such as a national identity card or other identity document, shall not constitute an offence, and that person shall not be subject to being taken into custody under arrest only by reason of such cultivation and possession at the said address:

Cultivation of the plant cannabis for personal use.

Added by:  
*LXVI.2021.31;*

Amended by:  
[XII.2025.8.](#)

Provided that:

(a) such cultivation shall not occur in a space which is visible to the public or in a manner which causes nuisance to third parties through the emission of odour emanating from the cannabis plants as well as such cultivation shall not occur in a manner that renders the

cannabis plants visible or accessible to minors;

- (b) the Executive Police shall in all cases seize the dried cannabis found on the premises only if it is in excess of fifty grams. Where after the seizure of the dried cannabis it results that there are no grounds to institute proceedings due to the fact that the amount of cannabis seized was within the limits permissible by law the Police shall send the seized cannabis to the Authority on the Responsible Use of Cannabis or other public authority as the Minister may by order in the gazette appoint for the purpose so that it shall be returned to its owner subject to such conditions as such authority or authority may establish. Due record shall be kept of such facts:

Provided further that no action shall lie against the Police if the seized cannabis after having been weighed with precision results to have been in a quantity which does not exceed fifty grams.

(2) Nothing in this article shall be interpreted as authorising the cultivation of more than four plants of the plant cannabis irrespective of the number of residents within any given residential address and irrespective of the strains of such plants.

(3) For the purposes of this article "dried cannabis" means the dried inflorescence and the dried leaves of the plant cannabis.

(4) Any person who cultivates up to four (4) cannabis plants in contravention of the provisions of paragraph (a) of sub-article (1) shall be guilty of an offence and shall be liable to a penalty of not less than three hundred euro (€300) and not more than five hundred euro (€500), which shall be imposed in accordance with the provisions of the [Commissioners for Justice Act](#):

Cap. 291.

Provided that in such instances, the Executive Police or any other authority or regulatory body authorised by law shall have the authority to seize and confiscate the cannabis plants.

(5) Any person who cultivates up to four (4) cannabis plants at a location other than the residential address registered on an official document establishing their place of residence, as prescribed in sub-article (1) shall, unless the circumstances indicate that such cultivation is intended for trafficking purposes, be liable to a penalty of not less than seven hundred euro (€700) and not more than one thousand euro (€1,000), which shall be imposed in accordance with the provisions of the [Commissioners for Justice Act](#):

Cap. 291.

Provided that in such instances, the Executive Police or any other authority or regulatory body authorised by law shall have the authority to seize and confiscate the cannabis plants.

(6) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may make regulations for the better implementation of the provisions of this article and, without prejudice to the generality of the aforesaid, such regulations may also prescribe conditions to ensure compliance with the requirements set out herein.

7A. (1) Notwithstanding the other provisions of this Act or of any other law it shall be permissible to establish, and an individual may be a member of, an organisation the membership of which shall consist only of individuals in their personal capacity and acting only in their own name the only purpose of which being the cultivation of the plant cannabis exclusively for its members in a collective manner to distribute it only to those members.

Organisations of individuals.  
Added by:  
LXVI.2021.31.  
Amended by:  
[XII.2025.9.](#)

(2) An organisation as referred to in sub-article (1) shall comply with the following provisions:

- (a) it shall be registered with the Authority on the Responsible Use of Cannabis and prior to commencing its operations it shall obtain a permit from the said Authority to operate, which permit may be subject to general or particular conditions;
- (b) it shall operate on a non-profit basis in accordance with the definition in article 2 of the [Voluntary Organisations Act](#) in such a manner that the provisions of the First Schedule of the said Act shall *mutatis mutandis* and to the extent to which they maybe applied, apply to the said organisation:

Cap. 492.

Provided that in case of conflict, regulations made in accordance of sub-article (5) shall take precedence over the provisions of the [Voluntary Organisations Act](#);

Cap. 492.

- (c) it shall distribute cannabis only to its members and it shall not permit any other person not being its member to be present in any premises which it operates;
- (d) it shall have distinctive marks on the containers in which it distributes cannabis in a manner which renders the distribution of the said containers by it identifiable and it shall carry out controls of the quality of cannabis distributed;
- (e) it shall not have more than five hundred members or such other number of members as the Authority on the Responsible Use of Cannabis may determine by order in the Gazette;
- (f) it shall not be allowed to advertise its activities in any manner and no indication by signs, words or designs, or otherwise of activities related to cannabis or to the cannabis culture shall be allowed to be shown from any premises managed by the organisation on the outside or in a way which is visible from the outside;
- (g) any premises managed by the organisation shall not be within a distance of less than two hundred and fifty

metres (250m) from the entrance of a school, sport facilities or youth centres;;

- (h) it shall ensure that the presence of premises managed by it does not cause nuisance in the locality where it is situated, also including nuisance because of loitering, and ensure that every premises managed by it is in conformity with every law and regulation on health and safety as in force from time to time;
- (i) that the persons who manage the organisation and the persons who render service in the premises managed by it shall be of good conduct and the organisation shall register them as such with the Authority on the Responsible Use of Cannabis;
- (j) that no person under the age of eighteen (18) years may be a member of the organisation or be present in any premises managed by it;
- (k) it shall not have more grams of cannabis than the amount which the Minister or the Authority on the Responsible Use of Cannabis shall determine according to the scale and the demands of the organisation by order in the Gazette or in any directive or legal instrument issued by the said Authority;
- (l) that it shall not cultivate more cannabis plants than such number authorised by the Authority on the Responsible use of Cannabis and that it shall abide by all conditions and controls as such Authority may impose, including conditions relating to the places where cultivation may take place, where cannabis plants are dried and how they shall be transported;
- (m) that the cannabis distributed to members should be in a sealed container the shape of which and the words or designs written or printed thereon shall require the approval of the Authority on the Responsible Use of Cannabis;
- (n) that no alcoholic products shall be sold from any premises managed by the organisation;
- (o) that the organisation shall cooperate fully and honestly at all times in any inspections which may be made in its regard from time to time by the public authorities, also including inspections held for the purpose of verifying what quantity and quality of cannabis is being distributed to the members of the organisation and to establish that the law is being observed;
- (p) that it shall render account in writing every three (3) months to the Authority on the Responsible Use of Cannabis on the amount of cannabis distributed amongst the members of the organisation and about the number of members of the organisation;
- (q) that it shall keep a register of its members which shall include as a minimum the names and copies of the

identity card or of another official identity document or of the passport of the said members. Such register shall be kept in a manner which complies with any law on data protection as applicable from time to time:

Provided that the Authority on the Responsible Use of Cannabis shall verify compliance with this requirement on the basis of confidentiality and non-disclosure:

Provided further that the register of members and the information contained therein shall not be accessible or transferred to any entity, department, agency or authority and shall not be adduced as evidence in any proceedings before any court or tribunal, unless required in the conduct of investigating and prosecuting a criminal offence;

- (r) that it shall not permit the same member to receive more than seven grams of cannabis in a single day or more than fifty grams of cannabis in any calendar month;
- (s) that it shall not accept as members or in the continuation in its membership persons who are members of another organisation of the same type;
- (t) that it shall abide by all conditions as the Minister may by regulations which may be issued on the basis of this article from time to time establish;
- (u) that the owners, management and membership of the organisation shall consist only of individuals and shall not include legal persons or other legal entities.

(3) Every organisation as referred to in sub-article (1) shall be allowed to distribute unsterilized seeds of the plant cannabis to its members in sealed packets, with regard to the shape and presentation of which paragraph (m) of sub-article (2) shall *mutatis mutandis* apply, in a total quantity of not more than twenty seeds per calendar month to each member.

(4) Any person or organisation who permits a person under the age of eighteen (18) years to be present in premises managed by an organisation as referred to in sub-article (1), shall be guilty of an offence under this Act and shall be liable, on conviction, to a fine (*multa*) of not less than three thousand euro (€3,000) and not more than ten thousand euro (€10,000).

(5) The Minister responsible for the [Authority on the Responsible Use of Cannabis Act](#) may make regulations for the better implementation of the provisions of this article and, without prejudice to the generality of the aforesaid, such regulations may also provide for:

- (a) the manner in which and the reasons for which any authorisation, permission or licence related to the

provisions of this article shall be issued and be made subject to other conditions;

(b) in the case of a breach of article 7A or regulations made thereunder, the manner in which any authorisation, permission or licence may be withdrawn or suspended;

(c) the fees payable in respect of any authorisation, permit or licence after consultation with the Minister responsible for finance;

(d) the manner in which organisations are to be administered and managed and the measures that may be taken by the Authority on the Responsible Use of Cannabis to provide for the administration of organisations in extraordinary circumstances;

(e) the fines (*multa*) to which a person or organisation referred to in sub-article (1) or any other person or organisation who fails to observe the law, which shall amount to a fine (*multa*) of fifty thousand euro (€50,000), or double the value of the proceeds resulting from the offence, whichever is the higher, so however that one-half (1/2) of such amount shall be considered as a civil debt owed and payable to the Authority on the Responsible Use of Cannabis in respect of which there is an executive title.

(6) Any organisation as referred to in sub-article (1) and every member thereof which in their activities abide by the provisions of this article and any regulations, conditions or orders issued thereunder shall be tolerated in their activity within the limits of what is provided in this article and they shall be exempt from being made subject to proceedings under this Act or under the drug laws for anything done by them in accordance with this article.

Offences to be tried by the Court of Magistrates and sanction of the Authority on the Responsible Use of Cannabis.  
Added by:  
[XII.2025.10.](#)

**7B.** (1) The Court of Magistrates in its criminal jurisdiction, shall be the competent court to take cognizance of offences mentioned in the preceding article and, or any regulations made thereunder.

(2) No criminal proceedings in accordance with the preceding article or any other regulatory instruments shall be taken except at the request or with the authorisation of the Authority on the Responsible Use of Cannabis, and proceedings that have been so taken may, at any time before final judgment, be withdrawn at the request of the Authority on the Responsible Use of Cannabis:

Provided that this shall apply unless the fact also relates to a more serious offence under the [Criminal Code](#) or any other law, in which case the provisions of the [Criminal Code](#) or of such other law shall apply.

Cap. 9.

Cap. 9.

(3) Notwithstanding the provisions of the [Criminal Code](#), the

Attorney General shall have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings mentioned in article 7A or any other regulatory instrument.

(4) In any criminal proceedings in accordance with the preceding article or any regulations made thereunder, any officer of the Authority on the Responsible Use of Cannabis may, notwithstanding the provisions of any other law, produce the evidence, plead and otherwise conduct the prosecution jointly with the Police.

(5) Should the evidence of the officer designated by the Authority on the Responsible Use of Cannabis as aforesaid be required as part of the case for the prosecution, he shall be heard by the said Court before assuming the duties of a prosecuting officer unless the necessity of his giving evidence arises at a later stage:

Provided that said officer may state the facts constituting the offence before giving evidence.

**7C.** (1) Notwithstanding any other provision of this Act, and without prejudice to any other proceedings to which the person or organisation may be subjected to under any other law, in the case of any breach mentioned in article 7A of this Act or regulations made thereunder, the Authority on the Responsible Use of Cannabis may, with the concurrence of the person or organisation committing the breach and subject to the rectification of the breach, impose an administrative penalty amounting to not less than seventy five percent (75%) of the minimum fine (*multa*) attributable to the offence in question as an alternative to criminal court proceedings. Upon conclusion of such agreement, the offender's criminal liability with regard to the offence or offences in relation to which the agreement has been entered, shall be extinguished:

Administrative penalties by agreement and other sanctions.  
*Added by:*  
[XII.2025.10.](#)

Provided that the agreement shall not be concluded and the criminal liability of the offender shall not be extinguished unless the agreement is accompanied by the payment of the sum due or the provision of sufficient security for its payment, in the case of an administrative penalty, or in the case of another form of sanction by adherence thereto or sufficient security of adherence:

Provided further that the agreement and payment of any administrative penalty due in virtue thereof, shall not exonerate the person or organisation responsible for a breach, from rectifying such breach and duly comply with article 7A of this Act and, or other applicable regulatory instruments.

(2) The provisions of sub-article (1) shall apply also in any case where the offender has been charged before a court in relation to the offence, but before final judgement has been given in the case.



Cap. 12.

Drugs Court.  
Amended by:  
[XXXII.2018.22.](#)  
[VII.2025.11.](#)

(3) Any imposition of an administrative penalty shall be without prejudice to the right of the Authority on the Responsible Use of Cannabis to recover any and all fees, contributions, levies, taxes and other dues which are imposed by article 7A and, or any other regulatory instruments, that remain unpaid after their due date. Such fees and taxes shall be due to the Authority on the Responsible Use of Cannabis as a civil debt and shall upon the service by judicial act of a copy of a notice for payment on the person or organisation specified in the notice, constitute an executive title for all effects and purposes of Title VII of Part I of Book Second of the [Code of Organization and Civil Procedure](#).

8. (1) Where the accused is charged with an offence against the drug laws with regard to a quantity of prohibited drugs which, irrespective of the kind of drug or of the purity, which does not exceed the quantity of any one of the drugs listed in the Schedule, or is charged with the commission of any crime not liable to a punishment of more than seven years imprisonment, and the conditions referred to in sub-article (2) are satisfied, the Court may, after hearing submissions made on behalf of the accused and on behalf of the prosecution and after hearing any witness which the Court considers it necessary to hear, issue a decree whereby the Court will assume the function of a Drugs Court.

(2) The conditions to be satisfied for the purpose of sub-article (1) are the following:

- (a) that the offence against drug laws or against any other law with which the accused is charged was committed during a period of drug dependence and the offence is substantially attributable to the proven drug dependence of the accused;
- (b) that the offence against any law other than the drug laws with which the accused is charged does not consist of a wilful offence against the person or of a crime committed whilst the accused was in possession of arms proper or with the use of fire or explosives:

Provided that the Court in its discretion shall have the right, after considering the gravity of the offence with which the person is charged, not to apply the exclusion stipulated in this paragraph if the wilful offence against the person is not one subject to a punishment of imprisonment for a period of more than two (2) years which was not committed with the use or possession of a firearm, fire or explosives, and once the Court is satisfied that the application of the said exclusion would create a prejudice disproportionate to the actual gravity of the offence to the detriment of the opportunity of the accused to rehabilitate himself from the drug dependence;

- (c) that there are objective reasons which indicate that the accused is likely to be rehabilitated from drug dependence or that he has made substantial progress or effort to free himself of drug dependence.

(3) When the Court issues a decree that it is to assume the functions of a Drugs Court, the Court shall proceed to refer the accused before the Drug Offenders Rehabilitation Board which shall be entitled to give such orders in respect of the accused as provided in article 6.

(3A) In the event that the Drug Offenders Rehabilitation Board receives a referral in respect of a person who has already been referred before the Board and whose case is still pending before it, the Board shall inform the referring Court of that fact and it shall continue to consider the case only under the first referral:

Provided that the Board shall communicate its findings and decisions on the first referral to any Court which would have referred the same person to it.

(4) In the event that the accused fails to comply with the orders of the Drug Offenders Rehabilitation Board or if the Board, after examining the facts, considers that the accused is not showing commitment to his rehabilitation, the Board shall, without prejudice to any liability of the accused under article 5(5), whilst giving reasons for its decision, recommend to the Court to revoke its decision to convert itself into a Drugs Court and to proceed with the trial.

(5) Where the Drug Offenders Rehabilitation Board, within a period of not more than eighteen months from when the accused was referred to it, considers that the accused although having previously suffered from drug dependence is free from drug dependence, or has managed to substantially free himself of drug dependence, the Board shall report that fact in an explained report submitted to the Court and it shall refer the accused back to the Court:

Provided that the Board shall have the power to extend the period of eighteen months referred to in this sub-article where it considers that there are exceptional circumstances which justify that extension. The Board's decision regarding the extension shall give reasons and shall be notified to the Court.

(6) After receiving the report referred to in sub-article (5), the Court shall order the Registrar of the Criminal Courts and Tribunals to provide a list of all criminal cases pending against the accused, other than such cases:

- (a) where the Court of Magistrates does not have and cannot be granted competence;
- (b) which relate to offences involving charges referred to in paragraph (2)(b); and
- (c) where the Court has decided not to apply the said sub-article,

and the Court shall, insofar as it deems the measure to be in the best interest of the rehabilitation of the accused and after having taken into consideration the interests of the proper administration of justice and of the victims, order that a copy of the said report is admitted in the acts of the aforementioned cases and be binding upon the courts taking cognizance of the respective cases against the accused insofar as such report is, in the opinion of the said Courts, relevant to the

circumstances of the cases pending before them.

(6A) Deleted by Act [VII.2025.11](#).

(7) In cases where the Court receives a report prepared in accordance with sub-article (5) the Court may, notwithstanding any other law, in the event of any conviction, decide not to apply any minimum term of mandatory imprisonment or the exclusion of the application of a probation order or of the suspension of a term of imprisonment applicable to any offence in respect of which the accused is found guilty:

Provided that the Court shall only refrain from applying a mandatory minimum term of imprisonment or the exclusion of the application of a probation order or of the suspension of a term of imprisonment if it is satisfied on a balance of probabilities that the offence of which the accused has been found guilty was mainly attributable to his drug dependence:

Cap. 446.

Provided further that in those cases where the Court has received a report prepared in accordance with sub-article (5) and decides to impose an order in accordance with the [Probation Act](#) or to grant a suspended sentence, in such cases where subsequently the person convicted commits another offence during the operative period of the said order or suspended sentence, such person shall be considered to have breached the said order or the conditions of the suspended sentence and consequently such person shall be judged afresh for the original offence for which the probation order or suspended sentence was granted.

Cap. 9.

(8) In giving judgement in cases to which sub-articles (5), (6) and (7) apply, the Court may also order that any offence of which the accused has been found guilty, other than an offence for which the accused has been sentenced to imprisonment without the application of article 28A of the [Criminal Code](#), shall not be taken into account for the purposes of the issue of a conduct certificate under the [Conduct Certificates Ordinance](#) after the lapse of a period being a minimum of one year and a maximum of three years from the date of the Court's judgement unless the offender relapses.

Cap. 77.

(9) There shall be no right of appeal from a decision of the Court to assume the functions of a Drugs Court or to decline a request to do so, or from any decision of the Drug Offenders Rehabilitation Board.

(10) Where the accused has been referred to the Drug Offenders Rehabilitation Board as provided in this article the accused shall, during the period whilst he is so referred, be brought before the Court at intervals of not more than three months for the Court to be updated, whether orally or in writing, by the Board with regard to the progress of the rehabilitation or treatment of the accused.

(11) During the time when the accused is referred to the Drug Offenders Rehabilitation Board the Court shall continue to hear the case against the accused as though no such referral was made but it shall not pass judgement.

Policy Advisory Board which shall consist of such number of persons not being less than three or more than six as the Minister may from time to time appoint.

(2) The function of the Board shall be to suggest policies for the sentencing of persons found guilty of drug and drug related offences in such a manner as to aim at achieving consistency in the punishments given for such offences by different courts.

(3) The Minister, after consultation with the Commission for the Administration of Justice, may by regulations extend the competence of the Sentencing Policy Advisory Board to other offences.

(4) Upon drafting sentencing policies the Board shall report to the Minister who shall refer the draft policies for an opinion from the Commission for the Administration of Justice, making such comments in writing as the Minister may deem appropriate.

(5) The Commission for the Administration of Justice shall issue its opinion on the draft sentencing policies within six months from the end of the month during which these are communicated to it by the Minister:

Provided that if the opinion of the Commission for the Administration of Justice is not received by the Minister within a period of thirty days following the expiry of the period of six months referred to in this sub-article, the Minister shall be entitled to proceed to adopt and publish the said sentencing policies or to extend the said period of six months upon the request of the Commission if he considers that such extension is justified:

Provided further that where the Commission for the Administration of Justice has approved a sentencing policy this shall be published by the Minister as so approved unless the Minister, for reasons to be stated in writing, considers it necessary to depart from the approved policy.

**10.** (1) A licenced medical practitioner who is duly registered in accordance with the [Health Care Professions Act](#), shall be entitled to prescribe to patients medicinal preparations of the plant cannabis and synthetic Cannabinoid products licensed under the [Medicines Act](#) or manufactured under Good Manufacturing Practice, if it is considered that there is no viable alternative to such prescription due account being taken of any protocols which may be in force from time to time in respect of the prescription of medicines, of the interests of the patient and of the costs.

Use of medicinal preparations of cannabis.  
Amended by:  
V.2018.3.  
Cap. 464.  
Cap. 458.

(2) None of the preparations referred to in sub-article (1) may be indicated for smoking or in any form meant for smoking.

(3) The provisions of the [Medicines Act](#), shall, *mutatis mutandis*, apply and the provisions of the [Drugs \(Control\) Regulations](#) shall also, *mutatis mutandis*, apply with regard to the control card:

Cap. 458.  
S.L.31.18.

Provided that no urgent prescriptions shall be allowed in relation to these preparations.

(4) The medical practitioner shall apply for the preparations referred to in sub-article (1) only on a named patient basis as directed by the Superintendent of Public Health.

(5) Preparations referred to in sub-article (1) can only be dispensed by a pharmacist from a licensed pharmacy.

(6) Preparations referred to in sub-article (1) can only be imported by a licensed wholesale dealer or a licensed manufacturer.

Persons providing assistance to a person suffering from a drug overdose.

**11.** (1) Any person who provides assistance to another person suffering from a drug overdose by taking such person to a hospital or to a place where he can receive appropriate medical care or who seeks the assistance of the competent authorities for such a purpose shall, without prejudice to his liability for any other offence, not be liable to be prosecuted for having shared or consumed a prohibited drug in a quantity for personal use with the person suffering from the said overdose.

(2) Where the person providing assistance in accordance with sub-article (1) shall be liable to prosecution for any other offence directly connected with the overdose of the assisted person the punishment to which such person shall be liable on conviction shall be reduced by one degree.

Power to make regulations.  
Amended by:  
V.2018.4

**12.** (1) The Minister may make regulations for the better implementation of any of the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision:

- (a) for establishing procedures to be followed by Commissioners for Justice taking cognizance of cases under this Act and in respect of the procedure to be followed by the Drug Offenders Rehabilitation Board;
- (b) for the organization of schemes of community service and to provide that such schemes may, with the authorisation of a Court or of a Commissioner for Justice, as the case may be, be used as an alternative to any pecuniary penalty which may be imposed by a Court or by a Commissioner for Justice under this Act;
- (c) for varying the amount of penalties that may be imposed by Commissioners for Justice under this Act provided that the maximum penalty so established shall not exceed five hundred euro (€500);
- (d) for providing for procedures to be followed for the immediate payment of penalties without proceedings in respect of penalties to which a person may become liable under this Act;
- (e) for providing, in a proportionate manner, for the non-renewal of licences or other authorisations of any kind to a person convicted of any offence consisting of simple possession of a drug for personal use until a penalty due is actually paid;

- (f) for prescribing anything that may be prescribed under this Act.

(2) The Minister responsible for health may make regulations for the better implementation of the provisions of article 10.

13. This Act shall not apply:

Exclusions from applicability of this Act.

Amended by:  
[XXXVI.2021.12](#);  
[VII.2025.12](#).

- (a) where the offence consists in the sale, supply, administration or offer of prohibited drugs to a minor, to a woman with child or to a person who is following a programme for cure and rehabilitation from drug dependence and to which the second proviso to sub-article (2) of article 120A of the [Medical and Kindred Professions Ordinance](#) or the second proviso to sub-article (2) of article 22 of the [Dangerous Drugs Ordinance](#) apply; or

Cap. 31.

Cap. 101.

- (b) where the offence against the drug laws is one committed in or in relation to a prison or other place of detention:

Provided that paragraph (b) shall not apply when all the following circumstances subsist:

- (a) where the offence with which the accused is charged results from the possession of a small amount of prohibited drug and the accused is not charged with drug trafficking or with possession of a prohibited drug in circumstances which indicate that such possession was not for the personal use of the accused;
- (b) where the offence with which the accused is charged was committed during a period of drug dependence and the offence is substantially attributable to the proven drug dependence of the accused; and
- (c) the accused is no longer a prisoner as defined in article 2 of the [Prisons Act](#) or is no longer detained in another place of detention.

Cap. 260.

Added by:  
[VII.2025.13](#).

SCHEDULE  
(article 8)

Quantity of prohibited drugs for the purposes of article 8(1):

1. amphetamine: less than 300 grams

2. cannabis: less than 300 grams
  3. ecstasy: less than 300 pills
  4. heroin and cocaine: less than 100 grams
  5. ketamine: less than 150 grams
  6. LSD: less than 300 squares
  7. Any other prohibited drug: less than 300 pills or 300 squares in the case of a drug in the form of pills or squares, or less than 100 grams in the case of drugs in any other form not being pills or squares.
-

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I assent.

(L.S.)

**GEORGE VELLA**  
**President**

18th December, 2021

**ACT No. LXVI of 2021**

*AN ACT to establish the Authority on the Responsible Use of Cannabis and to amend various laws relating to certain cannabis activities.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

**ARRANGEMENT OF ACT**

		Articles
Part I	Preliminary	1
Part II	Authority on the Responsible Use of Cannabis	2-20
Part III	Amendments to the Conduct Certificates Ordinance	21-22
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Part V	Amendments to the Commissioners for Justice Act	26-27
Part VI	Amendments to the Drug Dependence (Treatment not Imprisonment) Act	28-31



PART I  
Preliminary

1. (1) The short title of this Act is the Authority on the Responsible Use of Cannabis Act, 2021. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible may by notice in the Gazette establish, and different dates may be so established for different purposes and different provisions of this Act.

PART II  
Authority on the Responsible Use of Cannabis

The provisions of this Part provide for the establishment of the Authority on the Responsible Use of Cannabis.

2. In this Act, unless the context otherwise requires:

"Authority" means the Authority on the Responsible Use of Cannabis established by this Act; Interpretation.

"Minister" means the Minister responsible.

3. (1) There shall be established a body to be known as the Authority on the Responsible Use of Cannabis. Establishment of the Authority on the Responsible Use of Cannabis.

(2) Subject to the provisions of this Act and of any other law, it shall be the function of the Authority to regulate the use of cannabis for purposes other than medical or scientific purposes and to carry out work, including as defined in sub-article (3), to implement harm reduction from the use of cannabis. The Authority shall also assist other law enforcement and regulatory authorities in the fight against crime in the field of dangerous drugs.

(3) Without prejudice to the generality of its functions as detailed in sub-article (2) the Authority shall have the following duties and functions and may:

(a) submit proposals and recommendations to the Government concerning a national policy on the responsible use of cannabis that will take due account of the specific situation and requirements of Malta from time to time;

(b) participate in the national planning process relating to social policy and dangerous drugs policy;

(c) monitor the use of cannabis in Malta, other than use for medical or scientific purposes, either directly or through the

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commissioning of surveys and other professional studies;

(d) act as regulator and to implement any function which may be assigned to it in accordance with any law with regard to any private organisation the activities of which involve the cultivation and possession of cannabis for distribution amongst its members;

(e) organise or promote educational campaigns on the responsible use of cannabis based on scientific facts and on the aim of harm reduction also giving clear and impartial information on the risks and other elements of cannabis use with reference to age and with appropriate content, whilst promoting open dialogue on the subject;

(f) organise or promote the training of officials working with cannabis users;

(g) give advice on cannabis related matters and to perform any other task related to the analysis of cannabis use as the Minister may from time to time request;

(h) undertake periodic reviews of educational programmes and structures concerned with cannabis activities and of policies relating to cannabis, to recommend improvements in such programmes and policies and to identify sources for the training of persons in relevant fields of activity so as to ensure the continued availability of suitably qualified personnel;

(i) administer any budgetary allocation as may be assigned to it for purposes related to the responsible use of cannabis or such other purposes as may be linked to such budgetary allocation;

(j) promote effective communication and coordination with government entities and non-governmental organisations working with cannabis users or involved in the formulation of policies related to cannabis;

(k) identify overseas developments related to cannabis use that are of direct interest and relevance to Malta;

(l) set up databases and obtain access to international databases in the field of cannabis use;

(m) act as a contact point with respect to various regional, interregional and international organisations and to organise

participation in seminars, conferences and in action groups and working groups of relevance to Malta's interests in the field of activity of the Authority;

(n) set up networks of professional persons and organisations to assist in the formulation of policies, and the implementation of programmes, and to monitor areas of importance related to responsible cannabis use of interest to Malta;

(o) carry out any other function not covered by the preceding paragraphs of this sub-article related to the responsible use of cannabis as may be delegated to it by the Minister;

(p) carry out any other function ancillary or conducive to the functions, duties, and aims of the Authority.

(4) The Authority shall be a body having a distinct legal personality from that of the Government and shall be capable, subject to the provisions of this Act, to enter into contracts, to hold and dispose of property of any kind for the purpose of its functions, to sue and be sued and to enter into all such other transactions as are incidental or conducive for the proper performance of its functions.

(5) The Authority shall consist of a Board and of a Directorate.

(6) The legal and judicial representation of the Authority shall vest in the Chairperson:

Provided that the Board of the Authority may appoint the Chief Executive Officer or any one or more of the members of the Directorate staff to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, deed, contract or instrument or other document whatsoever.

(7) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson on behalf of the Authority shall be received in evidence, and shall unless the contrary is proved, be deemed to be an instrument made or issued by the Authority.

4. (1) The Board of the Authority shall consist of a Chairperson and of from four (4) to eight (8) other members appointed by the Minister from amongst persons who in the opinion of the Minister have experience and knowledge of the field of activity of the Authority, or experience in the field of non-governmental organisations, or other regulatory experience, or who are qualified in sciences or have experience in research or who have experience as

Board of the  
Authority.

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educators or in the exercise of the legal profession of advocate, or persons who in the opinion of the Minister represent the wide perspective of the various opinions of the stakeholders in the sector.

(2) One of the members of the Board of the Authority shall be appointed by the Minister as Deputy Chairperson. The Deputy Chairperson shall have all the powers and perform all duties of the Chairperson during the absence of the Chairperson or during any period where the Chairperson cannot perform his function for any other cause, or during any vacancy in the office of the Chairperson.

(3) The Board may act notwithstanding any vacancy in its composition or during the absence of any of its members as long as the Chairperson or the Deputy Chairperson and any two (2) other members are present.

(4) A person shall not be qualified to be appointed, or to continue to hold office, as a member of the Board if he is:

- (a) interdicted or incapacitated;
- (b) has been declared bankrupt; or
- (c) has been found guilty of an offence in Malta or abroad other than:
  - (i) an offence of an involuntary nature; or
  - (ii) an offence liable to the punishment established for contraventions.

(5) For the purpose of paragraph (c) of sub-article (4) a person who has been found guilty of an offence as specified in that paragraph shall still be disqualified to hold office notwithstanding that any punishment awarded has been suspended or such person has been conditionally released or put under probation without the infliction of any penalty or such person has been sentenced according to the Probation Act without the infliction of any penalty.

Cap. 446.

(6) The Chairperson and the Deputy Chairperson and the other members of the Board shall be appointed for a term of three (3) years and may be reappointed.

(7) The members of the Board shall receive such remuneration as the Minister may determine upon their appointment.

(8) The Minister shall appoint a person being an advocate or a legal procurator or a public officer to act as Secretary to the Board.

5. (1) The Board shall be responsible to establish the policy to be adopted by the Authority in the exercise of its functions under this Act. In establishing such policy the Board shall give due consideration to Government policy, to the requirements of public order and public health and to the rights and freedoms of the individual on a democratic society.

Functions of the Board.

(2) The Board shall be responsible to ensure that the Authority carries out its functions in accordance with this Act and in accordance with any policy established by it.

(3) The Board may from time to time, if it thinks fit, make general rules for the guidance of the Directorate in the exercise of its functions under this Act, and may at any time revoke or vary such rules.

(4) The Board shall also verify and approve the accounts of the Authority and the draft estimates and the financial plans of the Authority, prepared by the Chief Executive Officer before their final submission to the Minister in accordance with this Act.

(5) The Board shall be kept informed by the Chief Executive Officer on the general running of the Authority.

(6) Notwithstanding the other provisions of this Act the Minister may decide that for any determined period the overall management, the executive action, the administration and organisation of the Authority and the administrative control of its officials and employees shall be vested in the Chairperson who in such a case shall during such period also perform all the functions and responsibilities granted by this Act to the Chief Executive Officer.

(7) The decision of the Minister referred to in sub-article (6) shall be given in writing in the letter of appointment of the Chairperson or at a later stage in the case that the office of Chief Executive Officer is vacant. When an appointment is made as provided in sub-article (6) the Chairperson shall be styled as the Executive Chairperson and the conditions of employment of the person occupying such office shall be determined by the Minister.

6. (1) The Directorate of the Authority shall consist of the Chief Executive Officer, who shall be the director of the Authority, a Deputy Director and such other officers and employees of the Authority as may be engaged by the Authority from time to time.

The Directorate.

(2) The Chief Executive Officer shall be in charge of the overall management and executive action of the Authority and shall keep the Board informed on the general running of the Authority and of the

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result of the operations of the Authority.

(3) The Chief Executive Officer shall be appointed by the Minister, after consultation with the Board, for such period and on such terms as the Minister may, in consultation with the Board, determine.

(4) The Deputy Director and the other officers and employees of the Directorate shall be selected by the Chief Executive Officer and engaged by the Authority in accordance with such procedures and on such terms as the Board may from time to time determine.

(5) The Authority may also act through such contractors as it may from time to time engage:

Provided that such contractors shall at all times act in accordance with such instructions as may be given to them by the Chief Executive Officer.

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(6) The Chief Executive Officer and the Directorate staff shall for all purposes of the Criminal Code be considered as public officers, and shall be afforded all protection and may incur all liability as such.

(7) The Chief Executive Officer and the Directorate staff shall, subject to any contrary provision in this Act or in any other law, abide by any code of ethics applicable to public officers:

Provided that nothing in this sub-article may be deemed to preclude the Board to make further rules regulating the conduct of the Chief Executive Officer and of the Directorate staff to supplement any such Code of Ethics.

Meetings of the Board.

7. (1) The Board shall meet at least ten (10) times a year so however that the Board shall ensure that the period of time between one meeting and another shall not exceed six (6) weeks. Other meetings of the Board shall be convened as may be necessary.

(2) The Secretary to the Board shall take minutes of decisions at its meetings. The minutes shall be signed by the Secretary and the Chairperson.

(3) The meeting of the Board shall be chaired by the Chairperson or in his absence the Deputy Chairperson.

(4) Decisions of the Board shall be adopted by a simple majority of votes of the members present and voting, and in the event of an equality of votes the Chairperson, or where the meeting is presided by the Deputy Chairperson, the Deputy Chairperson shall have and

exercise a second or casting vote. The quorum at Board meetings shall consist of three (3) members.

(5) Without prejudice to the provisions of sub-articles (6) and (7) of article 5 the Chief Executive Officer shall be entitled to attend the meetings of the Board and to take part in the discussions. The Board may invite any other member of the Directorate staff to attend meeting of the Board and to participate in the discussions. The Chief Executive Officer and any member of the Directorate staff taking part in any discussion of the Board of the Authority shall not have a vote in the meetings in which they participate:

Provided that the Chairperson may, if he considers it proper so to do, at any time exclude the Chief Executive Officer or any member of the Directorate staff invited to attend at a meeting of the Board from any meeting or part thereof.

(6) Any participation in a meeting of the Board of a person not entitled to be present shall not invalidate the proceedings of the meeting nor shall such proceedings be invalidated if it is subsequently discovered that a person acted in good faith as a member and a defect in his appointment or qualification is afterwards discovered.

(7) A week's notice shall be given to the members of the Board of any meeting thereof:

Provided that in case where an urgent situation arises and decisions are to be taken forthwith, decisions taken by at least two (2) members of the Board, one of whom being the Chairperson or the Deputy Chairperson, shall be valid as if taken by a meeting of the Board regularly convened with proper notice.

(8) Subject to the other provisions of this Act, the Board shall regulate its own proceedings.

**8.** Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

Staff appointments.

**9.** The Authority shall appoint and employ, at such remuneration and upon such time terms and conditions as it may determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient execution of the functions of the Authority.

Appointment and functions of officers and employees of the Authority.

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Detailing of  
public officers  
for duty with the  
Authority.

**10. (1)** The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

Status of public  
officers detailed  
for duty with the  
Authority.

**11. (1)** Where an officer is detailed for duty with the Authority under the provisions of article 10, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

Cap. 93.  
Cap. 58.

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

(3) Where an application is made as provided in sub-article



(2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

**12.** (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under the provisions of article 10 permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of sub-article (6), be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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Cap. 58.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

Cap. 58.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted performance of employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of this article posts and salary grades with the Authority shall be classified in the most nearly corresponding

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grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairman appointed by the Ministry responsible for finance and two (2) other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three (3) months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

Cap. 93.

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

Right of the  
Authority to  
acquire  
information.

**13. (1)** In the exercise of his functions under this Act, the Chief Executive Officer and any member of the Directorate staff, authorised by him, shall have power to seek and obtain from any public authority any information with regard to any person or with regard to any matter, which is relevant to the functions of the Authority and the public authority in possession of such information shall, saving the provisions of any other law, be obliged to give the Chief Executive Officer or any such member all information so requested:

Provided that where any public authority has acquired information from any person or authority in any State other than Malta through the operation of any treaty or arrangement with such other State to which Malta is a party, and such treaty or arrangement provides that any information passed through the operation of such treaty or arrangement may not be divulged to any other person except with the consent of the person passing the information requested, the person from whom the information is requested may withhold the information if such consent is not given.

(2) The information referred to in sub-article (1) shall be provided within such time not more than thirty (30) days from the date of receipt of the request:

Provided that after good cause being shown to the Chief Executive Officer, such period may be extended by the Chief Executive Officer for such other period or periods as he may deem reasonable.

**14.** The financial year of the Authority shall begin on the first day of January and end on the thirty first day of December: Financial year.

Provided that the first financial year of the Authority shall commence on the date of coming into force of this Act and shall end on the 31st day of December of the following year.

**15.** (1) The Chief Executive Officer shall, not later than sixteen (16) weeks before the end of each financial year, submit to the Board of the Authority estimates of the income and expenditure of the Authority for the following financial year. Estimates and expenditure.

(2) In the preparation of such estimates the Authority shall endeavour to ensure that the sums to be allocated to the Authority are at least sufficient to meet all sums properly chargeable to its income and expenditure accounts including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form, and shall contain such information, and such comparisons with previous years, as the Board may direct.

(4) Not later than three (3) weeks from the receipt of such estimates from the Chief Executive Officer, the Board shall consider such estimates and shall transmit the same with or without amendments to the Minister for his approval.

(5) Before the end of the financial year, the Minister shall approve and adopt such estimates with or without amendments.

(6) If in respect of any financial year it is found that the amount so approved is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Chief Executive Officer shall cause supplementary estimates to be prepared and to be sent forthwith to the Board for transmission to the Minister for his approval, and in any such case the provisions of this article shall as far as practicable apply to the supplementary estimates.

**16.** The Minister may, acting in accordance with an appropriation Act, make advances and provide such funds to the Authority for carrying out its functions under this Act, in accordance with such estimates approved in accordance with article 15. Advances by the Government.

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Accounts and  
audit.

**17.** The Authority shall keep proper books of accounts in such manner as the Minister, following consultation with the Minister responsible for finance, may from time to time direct. Such accounts shall be audited by auditors appointed by the Board of the Authority with the concurrence of the Minister from among persons qualified to be appointed as auditors of a company in accordance with such law which will be from time to time in force in Malta. Such accounts shall moreover be subject to audit by the Auditor General.

Annual report.

**18.** (1) The Board shall as soon as may be but not later than three (3) months after the close of each financial year, transmit to the Minister an annual report consisting of:

(a) a copy of the annual accounts certified by the auditors; and

(b) a report on the operations of the Authority during the previous financial year.

(2) The annual report shall be laid on the Table of the House by the Minister not later than six (6) weeks after its receipt, or where the House is during that period not in session, not later than the second week after the House reconvenes.

Liability for  
damages.

**19.** The Authority, the Board, the Chief Executive Officer and members of the Directorate staff shall not be liable for damages for anything done or omitted to be done in the discharge or purported discharge of any function under this Act unless the act or omission is shown to have been done or omitted to be done in bad faith or through gross negligence.

Power to make  
regulations.

**20.** The Minister may make regulations for the better implementation of the provisions of this Act and, without prejudice to the generality of the aforesaid, those regulations may provide for the better implementation of any act falling within the powers of the Authority, for the elimination of difficulties or the setting of time frames and conditions, in respect of the implementation of such act.

### PART III

#### Amendments to the Conduct Certificates Ordinance

Amendments of  
the Conduct  
Certificates  
Ordinance.  
Cap. 77.

**21.** This Part amends the Conduct Certificates Ordinance and it shall be read and construed as one with the Conduct Certificates Ordinance, hereinafter in this Part referred to as "the principal Ordinance".

Addition of new  
article in the  
principal  
Ordinance.

**22.** Immediately after article 8 of the principal Ordinance there

shall be added the following new article:

"De-  
registration of  
convictions.

8A. Where a person has been convicted of an offence which has been subsequently decriminalised or depenalised, that person may send a written request to the Government Department or Entity responsible for the issue of conduct certificates, to de-register the said conviction from his conduct certificate, and the said Government Department or Entity shall, upon ensuring that such offence has been so decriminalised or depenalised, accept that person's request and affect the said de-registration."

#### PART IV

##### Amendments to the Dangerous Drugs Ordinance

**23.** This Part amends the Dangerous Drugs Ordinance and it shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter in this Part referred to as "the principal Ordinance".

Amendments of  
the Dangerous  
Drugs  
Ordinance.  
Cap. 101.

**24.** Article 2 of the principal Ordinance shall be amended as follows:

Amendment of  
article 2 of the  
principal  
Ordinance.

(a) immediately before the definition "coca leaves" there shall be added the following new definition:

" "Cannabis" means the inflorescence and leaves of any plant of the genus Cannabis and includes any resin obtained from the said plant and any preparations derived from the said plant, but does not include its seeds, or cannabinoid products containing not more than zero point two (0.2) percent of tetrahydrocannabinol (THC);"; and

(b) the definition "Indian hemp" shall be deleted.

**25.** In the principal Ordinance, the words "Indian hemp", wherever they occur, shall be substituted by the word "cannabis" and, without prejudice to the generality of the foregoing, in the following places and as follows:

General  
amendment in  
the principal  
Ordinance.

(a) in the title to Part III;

(b) in the definition "dangerous drug" in article 12, the words "obtained from Indian hemp", wherever they occur, shall be substituted by the words "obtained from cannabis"; and

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(c) in Part I of the First Schedule the words "CANNABIS (Indian hemp)" shall be substituted by the word "CANNABIS".

## PART V

### Amendments to the Commissioners for Justice Act

Amendments of the Commissioners for Justice Act. Cap. 291.

**26.** This Part amends the Commissioners for Justice Act and it shall be read and construed as one with the Commissioners for Justice Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the Schedule to the principal Act.

**27.** The Schedule to the principal Act shall be amended as follows:

(a) in the third column of the item relating to the Dangerous Drugs Ordinance (Cap. 101), the words "or three point five grams of the drug cannabis" shall be substituted by the words "or more than seven grams but not more than twenty-eight grams of the drug cannabis"; and

(b) immediately after the words "Environmental Management Construction Site Regulations" there shall be added the following:

"Drug Dependence (Treatment not Imprisonment) Act	Cap. 537	Articles 4, 4A, 7A."
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## PART VI

### Amendments to the Drug Dependence (Treatment not Imprisonment) Act

Amendments of the Drug Dependence (Treatment not Imprisonment) Act. Cap. 537.

**28.** This Part amends the Drug Dependence (Treatment not Imprisonment) Act and it shall be read and construed as one with the Drug Dependence (Treatment not Imprisonment) Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 4 of the principal Act.

**29.** Article 4 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, the words "a charge of possession of a prohibited drug in a quantity of less than two grams of any drug other than cannabis or three point five grams of the drug cannabis or two 'ecstasy' or two other prohibited pills" shall be substituted by the words "a charge of possession of a prohibited drug other than the drug cannabis in a quantity of less than two grams or of two pills of the drug 'ecstasy' or of two other prohibited pills";

(b) sub-article (2) thereof shall be deleted and sub-articles (3), (4) and (5) shall be renumbered as sub-articles (2), (3) and (4) respectively;

(c) in sub-article (2) as re-numbered, the words "in terms of sub-articles (1) or (2)" shall be substituted by the words "in terms of sub-article (1)";

(d) in sub-article (3) as re-numbered, the words "in terms of sub-articles (1) or (2)" shall be substituted by the words "in terms of sub-article (1)"; and

(e) in sub-article (4) as re-numbered, the words "in terms of sub-articles (1) or (2)" shall be substituted by the words "in terms of sub-article (1)".

**30.** Immediately after article 4 of the principal Act there shall be added the following new article:

Addition of new article in the principal Act.

"Possession for personal use and consumption of the drug cannabis.

4A. (1) Notwithstanding the provisions of any other law, the possession by a person over the age of eighteen (18) years of the drug cannabis in an amount not exceeding seven grams, in circumstances in which it may be reasonably deemed that such possession is for the personal use of such person, shall not constitute an offence, and that person shall not be subject to being taken into custody under arrest saving when there is a reasonable suspicion of trafficking or dealing in the drug cannabis:

Provided that any person under the age of eighteen (18) years found in such possession of the drug cannabis shall be subject to being summoned to appear before the Commissioner for Justice who, after taking cognizance of the case may propose that such person should submit himself to a care plan or to treatment. In making such a proposal the Commissioner for Justice may consult the Drug Offenders Rehabilitation Board and such other person or public authority as the Commissioner for Justice deems appropriate.

A 1604

Cap. 291. (2) Where a charge for breach of the drug laws consists of a charge of possession of the drug cannabis in a quantity of more than seven grams but not more than twenty-eight grams, irrespective of purity, in circumstances which do not give rise to reasonable grounds to believe that the prohibited drug is not for personal use by the person in possession thereof, that person shall be tried in accordance with the Commissioners for Justice Act and, upon conviction by the Commissioner for Justice assigned by the Minister to hear drug offence cases, shall be liable to a penalty of between fifty euro (€50) and one hundred euro (€100):

Provided that the person shall not be subject to being taken into custody under arrest saving when there is a reasonable suspicion of trafficking or dealing in the drug cannabis.

Cap. 291. (3) A person who consumes the drug cannabis, other than as may be authorised for medical reasons, in a public place, which includes any place to which the public has or is permitted to access whether on payment or otherwise, shall be liable to a penalty of two hundred and thirty-five euro (€235), to be imposed in accordance with the provisions of the Commissioners for Justice Act.

Cap. 291. (4) A person who consumes the drug cannabis in any place, whether public or private, in the presence of any person under the age of eighteen (18) years, being aware that such person is under the age of eighteen (18) years, shall be liable to a penalty of not less than three hundred euro (€300) and not more than five hundred euro (€500), to be imposed in accordance with the provisions of the Commissioners for Justice Act.

(5) In all circumstances detailed under the preceding sub-articles of this article, the drug cannabis shall be seized by the Executive Police only if found in excess of seven grams or if there is a reasonable suspicion of trafficking or dealing in the drug cannabis. Following its exhibition in the course of proceedings, the seized drug shall be sent to the Registrar of the Criminal Court for destruction. Due record shall be kept of such fact.



(6) A person over the age of eighteen (18) years charged with a breach of the provisions of this article other than with a breach of sub-article (4), may, unless the charge is contested, pay any penalty due in its minimum through electronic means and without proceedings before the Commissioner, at any place and in such manner as may be established by the Minister."

**31.** Immediately after article 6 of the principal Act there shall be added the following new articles:

Addition of new articles to the principal Act.

"Cultivation of the plant cannabis for personal use.

7. (1) Notwithstanding the other provisions of this Act or of any other law, the cultivation of up to four plants of the drug cannabis, and the possession of not more than fifty grams of dried cannabis, for personal use, by a person over the age of eighteen (18) years, within the residential address appearing on an official document showing his place of residence, such as a national identity card or other identity document, shall not constitute an offence, and that person shall not be subject to being taken into custody under arrest only by reason of such cultivation and possession at the said address:

Provided that:

(a) such cultivation shall not occur in a space which is visible to the public;

(b) the Executive Police shall in all cases seize the dried cannabis found on the premises only if it is in excess of fifty grams. Where after the seizure of the dried cannabis it results that there are no grounds to institute proceedings due to the fact that the amount of cannabis seized was within the limits permissible by law the Police shall send the seized cannabis to the Authority on the Responsible Use of Cannabis or other public authority as the Minister may by order in the gazette appoint for the purpose so that it shall be returned to its owner subject to such conditions as such authority or authority may establish. Due record shall be kept of such facts:

Provided further that no action shall lie against the Police if the seized cannabis after having been weighed with precision results to have been in a quantity which does not exceed fifty grams.

A 1606

(2) Nothing in this article shall be interpreted as authorising the cultivation of more than four plants of the plant cannabis irrespective of the number of residents within any given residential address and irrespective of the strains of such plants.

(3) For the purposes of this article and of article 7A "dried cannabis" means the dried inflorescence and the dried leaves of the plant cannabis.

Organisations  
of individuals.

7A. (1) Notwithstanding the other provisions of this Act or of any other law it shall be permissible to establish, and an individual may be a member of, an organisation the membership of which shall consist only of individuals in their personal capacity and acting only in their own name the only purpose of which being the cultivation of the plant cannabis exclusively for its members in a collective manner to distribute it only to those members.

(2) An organisation as referred to in sub-article (1) shall comply with the following provisions:

(a) it shall be registered with the Authority on the Responsible Use of Cannabis and prior to commencing its operations it shall obtain a permit from the said Authority to operate, which permit may be subject to general or particular conditions;

(b) it shall operate on a non-profit basis in accordance with the definition in article 2 of the Voluntary Organisations Act in such a manner that the provisions of the First Schedule of the said Act shall *mutatis mutandis* and to the extent to which they may be applied, apply to the said organisation;

Cap. 492.

(c) it shall distribute cannabis only to its members and it shall not permit any other person not being its member to be present in any premises which it operates;

(d) it shall have distinctive marks on the containers in which it distributes cannabis in a manner which renders the distribution of the said containers by it identifiable and it shall carry out controls of the quality of cannabis distributed;

(e) it shall not have more than five hundred members or such other number of members as the Authority on the Responsible Use of Cannabis may determine by order in the Gazette;

(f) it shall not be allowed to advertise its activities in any manner and no indication by signs, words or designs, or otherwise of activities related to cannabis or to the cannabis culture shall be allowed to be shown from any premises managed by the organisation on the outside or in a way which is visible from the outside;

(g) any premises managed by the organisation shall not be within a distance of less than two hundred and fifty metres from the perimeter of a school, a club or a youth centre;

(h) it shall ensure that the presence of premises managed by it does not cause nuisance in the locality where it is situated, also including nuisance because of loitering, and ensure that every premises managed by it is in conformity with every law and regulation on health and safety as in force from time to time;

(i) that the persons who manage the organisation and the persons who render service in the premises managed by it shall be of good conduct and the organisation shall register them as such with the Authority on the Responsible Use of Cannabis;

(j) that no person under the age of eighteen (18) years may be a member of the organisation or be present in any premises managed by it;

(k) that at no time shall there be more than five hundred grams of dried cannabis in any premises managed by it or in its possession;

(l) that it shall not cultivate more cannabis plants than such number authorised by the Authority on the Responsible use of Cannabis and that it shall abide by all conditions and controls as such Authority may impose, including conditions relating to the places where cultivation may take place, where cannabis plants are dried and how they shall be transported;

(m) that the cannabis distributed to members should be in a sealed container the shape of which and the words or designs written or printed thereon shall require the approval of the Authority on the Responsible Use of Cannabis;

(n) that no alcoholic products shall be sold from any premises managed by the organisation;

A 1608

(o) that the organisation shall cooperate fully and honestly at all times in any inspections which may be made in its regard from time to time by the public authorities, also including inspections held for the purpose of verifying what quantity and quality of cannabis is being distributed to the members of the organisation and to establish that the law is being observed;

(p) that it shall render account in writing every three (3) months to the Authority on the Responsible Use of Cannabis on the amount of cannabis distributed amongst the members of the organisation and about the number of members of the organisation without giving their personal details;

(q) that it shall keep a register of its members which shall include as a minimum the names and copies of the identity card or of another official identity document or of the passport of the said members. Such register shall be kept in a manner which complies with any law on data protection as applicable from time to time;

(r) that it shall not permit the same member to receive more than seven grams of cannabis in a single day or more than fifty grams of cannabis in any calendar month;

(s) that it shall not accept as members or in the continuation in its membership persons who are members of another organisation of the same type;

(t) that it shall abide by all conditions as the Minister may by regulations which may be issued on the basis of this article from time to time establish;

(u) that the owners, management and membership of the organisation shall consist only of individuals and shall not include legal persons or other legal entities.

(3) Every organisation as referred to in sub-article (1) shall be allowed to distribute unsterilized seeds of the plant cannabis to its members in sealed packets, with regard to the shape and presentation of which paragraph (m) of sub-article (2) shall *mutatis mutandis* apply, in a total quantity of not more than twenty seeds per calendar month to each member.

Cap. 291.

(4) Any person who permits a person under the age of eighteen (18) years to be present in premises managed by an organisation as referred to in sub-article (1) shall be liable on being found guilty to a penalty of not less than five hundred euro (€500) and not more than one thousand euro (€1000) which shall be imposed in accordance with the provisions of the Commissioners for Justice Act.

Cap. 291.

(5) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may make regulations for the better implementation of the provisions of this article and, without prejudice to the generality of the aforesaid, such regulations may also provide for the manner in which and the reasons for which any authorisation, permission or licence related to the provisions of this article shall be issued, be made subject to other conditions, and, in the case of breach of the law or regulations, be withdrawn or suspended, the fees payable in respect of any authorisation, permit or licence and the penalties to which a person who fails to observe the law or regulations shall be subject which penalties shall not exceed a penalty of ten thousand euro (€ 10,000) and shall be imposed after trial in accordance with the Commissioners for Justice Act.

(6) Any organisation as referred to in sub-article (1) and every member thereof which in their activities abide by the provisions of this article and any regulations, conditions or orders issued thereunder shall be tolerated in their activity within the limits of what is provided in this article and they shall be exempt from being made subject to proceedings under this Act or under the drug laws for anything done by them in accordance with this article."

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A 1610

Passed by the House of Representatives at Sitting No. 530 of the  
14th December, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

I assent.

(L.S.)

**MYRIAM SPITERI DEBONO**  
**President**

16th May, 2025

**ACT No. XII of 2025**

*AN ACT to amend various laws relating to cannabis activities and any matters ancilliary and, or consequential thereto.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. The short title of this Act is the Various Laws relating to Cannabis Activities (Amendment) Act, 2025. Short title.

**Part I**  
**Amendments to the Dangerous Drugs Ordinance**

2. This Part amends the Dangerous Drugs Ordinance and shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter in this Part referred to as the "principal law". Amendments to the Dangerous Drugs Ordinance. Cap. 101.

3. Article 2 of the principal law shall be amended as follows: Amendment of article 2 of the principal law.

(a) in the definition "Cannabis", the words "or cannabinoid products containing not more than zero point two (0.2) percent of tetrahydrocannabinol (THC);" shall be substituted by the words "or inflorescence, leaves, extracts and products derived from non-psychoactive phytocannabinoids containing not more than zero point two (0.2) percent of

psychoactive cannabinoids:";

(aa) immediately after the definition "Cannabis" there shall be added the following new proviso:

"Provided that synthetic cannabinoids and synthetic cannabinoid products, in any form or manner of presentation, including but not limited to any matter originally derived from the cannabis plant which has been processed, refined or otherwise chemically altered, as well as manufactured products, edible products, liquids, powders, or vapourisable substances, shall be deemed to constitute a prohibited drug punishable in the same manner and to the same extent as offences relating to cannabis;"

(b) immediately after the definition "new psychoactive substance" there shall be added the following new definition:

Cap. 628. "non-psychoactive phytocannabinoids" means such products as the Minister responsible for the Authority on the Responsible Use of Cannabis Act may by regulations, from time to time, include in Part I of the Fifth Schedule to this Ordinance;"

(c) immediately after the definition "prepared opium" there shall be added the following new definition:

Cap. 628. "psychoactive cannabinoids" means such products as the Minister responsible for the Authority on the Responsible Use of Cannabis Act may by regulations, from time to time, include in Part II of the Fifth Schedule to this Ordinance;"

(d) immediately after the definition "raw opium" there shall be added the following new definition:

"synthetic cannabinoids" means fully synthetic or semi-synthetic cannabinoids, whether or not they occur naturally in trace amounts in the cannabis plant, that are chemically processed or refined to act on cannabinoid receptors and produce psychoactive effects, as the Minister responsible for the Authority on the Responsible Use of Cannabis Act may, by regulations made from time to time, include in Part III of the Fifth Schedule to this Ordinance;"



4. Immediately after sub-article (2) of article 34 of the principal law there shall be added the following new sub-article: Amendment of article 34 of the principal law.

"(3) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may, for the purposes of public health and harm reduction, by regulations amend the Fifth Schedule to this Ordinance, where it appears that a particular phytocannabinoid or cannabinoid shall be classified as non-psychoactive or psychoactive as well as when it appears that cannabinoids shall be classified as synthetic cannabinoids."

5. Immediately after the Fourth Schedule to the principal law there shall be added the following new Schedule: Addition of a Schedule to the principal law.

## **"FIFTH SCHEDULE**

### **(Article 2)**

#### **Part I**

#### **Non-psychoactive phytocannabinoids**

CBD, Cannabidiol  
CBG, Cannabigerol  
CBC, Cannabichromene  
CBDV, Cannabidivarine

#### **Part II**

#### **Psychoactive cannabinoids**

THC, Tetrahydrocannabinol

#### **Part III**

#### **Synthetic cannabinoids**

HHC, hexahydrocannabinol  
HHC-O acetate, HHCO, HHCOA, hexahydrocannabinol O-Acetate  
HHC-P, hexahydrocannabiphorol  
H4-CBD, tetrahydrocannabidiol, Hydrogenated CBD, THD, cyclohexyl CBD  
THC-P, tetrahydrocannabiphorol, Delta-9-THCP  
HHCH, hexahydrocannabihexol, HHC-H  
Delta-8-THCP, delta-8-Tetrahydrocannabiphorol, JWH 091, THC-heptyl

THCB, Tetrahydrocannabitol, Delta-9-THCB, Delta-9-THC-C4, Delta-9-THC-butyl  
 9-OH-HHC, 9-Hydroxyhexahydrocannabinol, 9-hydroxy-HHC  
 delta-8-THC acetate, Δ8-Tetrahydrocannabinol Acetate Δ8-THC-O-Acetate  
 Delta-8-THC methylether, 1-methyl-Δ8-THC; Δ8-Tetrahydrocannabinol methylether  
 Delta-9-THCP acetate, Δ9-Tetrahydrocannabiphorol Acetate; delta-9-THC-C7-Acetate  
 delta-9-THCH, delta-9-Tetrahydrocannabihexol, delta-9-THC-C6  
 HHC-P-O-acetate, hexahydrocannabiphorol acetate  
 Delta-8-THCH, delta-8-tetrahydrocannabihexol delta-8-THC-C6  
 CC9 (9R-Hexahydrocannabinol-C9)  
 Delta-9-THC-JD, 3-octyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol, delta-9-THC-C8".

## Part II

### Amendments to the Drug Dependence (Treatment not Imprisonment) Act

Amendments to the Drug Dependence (Treatment not Imprisonment) Act.  
 Cap. 537.

**6.** This Part amends the Drug Dependence (Treatment not Imprisonment) Act and shall be read and construed as one with the Drug Dependence (Treatment not Imprisonment) Act, hereinafter in this Part referred to as the "principal Act".

Amendment of article 4A of the principal Act.

**7.** Sub-article (3) of article 4A of the principal Act shall be substituted by the following new sub-article:

"(3) A person who consumes the drug cannabis, other than as may be authorised for medical reasons:

- (a) in any public place;
- (b) in any place which is accessible to the public whether upon payment or otherwise;
- (c) in any place where the odour emission resulting from the consumption of cannabis causes a nuisance to third parties,

shall on conviction be liable to a penalty of two hundred and thirty-five euro (€235), to be imposed in accordance with the provisions of the Commissioners for Justice Act."

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8. Article 7 of the principal Act shall be amended as follows:

Amendment of  
article 7 of the  
principal Act.

(a) in paragraph (a) of sub-article (1) thereof, immediately after the words "visible to the public" there shall be added the words "or in a manner which causes nuisance to third parties through the emission of odour emanating from the cannabis plants as well as such cultivation shall not occur in a manner that renders the cannabis plants visible or accessible to minors";

(b) in sub-article (3) thereof the words "and of article 7A" shall be deleted;

(c) immediately after sub-article (3) thereof there shall be added the following new sub-articles:

"(4) Any person who cultivates up to four (4) cannabis plants in contravention of the provisions of paragraph (a) of sub-article (1) shall be guilty of an offence and shall be liable to a penalty of not less than three hundred euro (€300) and not more than five hundred euro (€500), which shall be imposed in accordance with the provisions of the Commissioners for Justice Act:

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Provided that in such instances, the Executive Police or any other authority or regulatory body authorised by law shall have the authority to seize and confiscate the cannabis plants.

(5) Any person who cultivates up to four (4) cannabis plants at a location other than the residential address registered on an official document establishing their place of residence, as prescribed in sub-article (1) shall, unless the circumstances indicate that such cultivation is intended for trafficking purposes, be liable to a penalty of not less than seven hundred euro (€700) and not more than one thousand euro (€1,000), which shall be imposed in accordance with the provisions of the Commissioners for Justice Act:

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Provided that in such instances, the Executive Police or any other authority or regulatory body authorised by law shall have the authority to seize and confiscate the cannabis plants.

(6) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may make regulations for the better implementation of the provisions of this article and, without prejudice to the generality of the aforesaid, such regulations may also prescribe conditions to ensure compliance with the requirements set out herein."

9. Article 7A of the principal Act shall be amended as follows:

(a) sub-article (2) thereof shall be amended as follows:

(i) in paragraph (b) thereof the words "to the said organisation;" shall be substituted by the words "to the said organisation:" and immediately thereafter there shall be added the following new proviso:

Cap. 492.

"Provided that in case of conflict, regulations made in accordance of sub-article (5) shall take precedence over the provisions of the Voluntary Organisations Act;"

(ii) paragraph (g) thereof shall be substituted by the following new paragraph:

"(g) any premises managed by the organisation shall not be within a distance of less than two hundred and fifty metres (250m) from the entrance of a school, sport facilities or youth centres;"

(iii) paragraph (k) thereof shall be substituted by the following new paragraph:

"(k) it shall not have more grams of cannabis than the amount which the Minister or the Authority on the Responsible Use of Cannabis shall determine according to the scale and the demands of the organisation by order in the Gazette or in any directive or legal instrument issued by the said Authority;"

(iv) in paragraph (p) thereof the words "without giving their personal details" shall be deleted;

(v) in paragraph (q) thereof the words "from time to time;" shall be substituted by the words "from time to

time:" and immediately thereafter there shall be added the following new provisos:

"Provided that the Authority on the Responsible Use of Cannabis shall verify compliance with this requirement on the basis of confidentiality and non-disclosure:

Provided further that the register of members and the information contained therein shall not be accessible or transferred to any entity, department, agency or authority and shall not be adduced as evidence in any proceedings before any court or tribunal, unless required in the conduct of investigating and prosecuting a criminal offence;"

(b) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) Any person or organisation who permits a person under the age of eighteen (18) years to be present in premises managed by an organisation as referred to in sub-article (1), shall be guilty of an offence under this Act and shall be liable, on conviction, to a fine (*multa*) of not less than three thousand euro (€3,000) and not more than ten thousand euro (€10,000).";

(c) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may make regulations for the better implementation of the provisions of this article and, without prejudice to the generality of the aforesaid, such regulations may also provide for:

(a) the manner in which and the reasons for which any authorisation, permission or licence related to the provisions of this article shall be issued and be made subject to other conditions;

(b) in the case of a breach of article 7A or regulations made thereunder, the manner in which any authorisation, permission or licence may be withdrawn or suspended;

(c) the fees payable in respect of any authorisation, permit or licence after consultation with the Minister responsible for finance;

(d) the manner in which organisations are to be administered and managed and the measures that may be taken by the Authority on the Responsible Use of Cannabis to provide for the administration of organisations in extraordinary circumstances;

(e) the fines (*multa*) to which a person or organisation referred to in sub-article (1) or any other person or organisation who fails to observe the law, which shall amount to a fine (*multa*) of fifty thousand euro (€50,000), or double the value of the proceeds resulting from the offence, whichever is the higher, so however that one-half (1/2) of such amount shall be considered as a civil debt owed and payable to the Authority on the Responsible Use of Cannabis in respect of which there is an executive title."

Addition of new articles to the principal Act.

**10.** Immediately after article 7A of the principal Act, as amended, there shall be added the following new articles:

"Offences to be tried by the Court of Magistrates and sanction of the Authority on the Responsible Use of Cannabis.

**7B.** (1) The Court of Magistrates in its criminal jurisdiction, shall be the competent court to take cognizance of offences mentioned in the preceding article and, or any regulations made thereunder.

(2) No criminal proceedings in accordance with the preceding article or any other regulatory instruments shall be taken except at the request or with the authorisation of the Authority on the Responsible Use of Cannabis, and proceedings that have been so taken may, at any time before final judgment, be withdrawn at the request of the Authority on the Responsible Use of Cannabis:

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Provided that this shall apply unless the fact also relates to a more serious offence under the Criminal Code or any other law, in which case the provisions of the Criminal Code or of such other law shall apply.

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(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings mentioned in article 7A or any other regulatory instrument.

(4) In any criminal proceedings in accordance with the preceding article or any regulations made thereunder, any officer of the Authority on the Responsible Use of Cannabis may, notwithstanding the provisions of any other law, produce the evidence, plead and otherwise conduct the prosecution jointly with the Police.

(5) Should the evidence of the officer designated by the Authority on the Responsible Use of Cannabis as aforesaid be required as part of the case for the prosecution, he shall be heard by the said Court before assuming the duties of a prosecuting officer unless the necessity of his giving evidence arises at a later stage:

Provided that said officer may state the facts constituting the offence before giving evidence.

Administrative penalties by agreement and other sanctions.

7C. (1) Notwithstanding any other provision of this Act, and without prejudice to any other proceedings to which the person or organisation may be subjected to under any other law, in the case of any breach mentioned in article 7A of this Act or regulations made thereunder, the Authority on the Responsible Use of Cannabis may, with the concurrence of the person or organisation committing the breach and subject to the rectification of the breach, impose an administrative penalty amounting to not less than seventy five percent (75%) of the minimum fine (*multa*) attributable to the offence in question as an alternative to criminal court proceedings. Upon conclusion of such agreement, the offender's criminal liability with regard to the offence or offences in relation to which the agreement has been entered, shall be extinguished:

Provided that the agreement shall not be concluded and the criminal liability of the offender shall not be extinguished unless the agreement is accompanied by the payment of the sum due or the provision of sufficient security for its payment, in the case of an administrative penalty, or in the case of another form of sanction by adherence thereto or sufficient security of adherence:

Provided further that the agreement and payment of any administrative penalty due in virtue thereof, shall not exonerate the person or organisation responsible for a breach, from rectifying such breach and duly comply with article 7A of this Act and, or other applicable regulatory instruments.

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(2) The provisions of sub-article (1) shall apply also in any case where the offender has been charged before a court in relation to the offence, but before final judgement has been given in the case.

(3) Any imposition of an administrative penalty shall be without prejudice to the right of the Authority on the Responsible Use of Cannabis to recover any and all fees, contributions, levies, taxes and other dues which are imposed by article 7A and, or any other regulatory instruments, that remain unpaid after their due date. Such fees and taxes shall be due to the Authority on the Responsible Use of Cannabis as a civil debt and shall upon the service by judicial act of a copy of a notice for payment on the person or organisation specified in the notice, constitute an executive title for all effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

Cap. 12.

### **Part III Amendments to the Authority on the Responsible Use of Cannabis Act**

Amendments to  
the Authority on  
the Responsible  
Use of Cannabis  
Act.  
Cap. 628.

**11.** This Part amends the Authority on the Responsible Use of Cannabis Act and shall be read and construed as one with the Authority on the Responsible Use of Cannabis Act, hereinafter in this Part referred to as the "principal Act".

Amendment of  
article 3 of the  
principal Act.

**12.** Sub-article (3) of article 3 of the principal Act shall be amended as follows:

(a) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) act as regulator and to implement any function which may be assigned to it in accordance with any law with regard to any activity which involves the cultivation, processing or distribution of any part of the cannabis plant, its derivatives or products related to the cannabis plant, including also activities conducted by entities or organisations falling beyond the scope of article 7A of the Drug Dependence (Treatment not Imprisonment) Act but excluding activities carried out pursuant to the Production of Cannabis for Medicinal and Research Purposes Act;"

Cap. 537.

Cap. 578.

(b) in paragraph (p) thereof the words "aims of the Authority." shall be substituted by the words "aims of the



Authority;" and immediately thereafter there shall be added the following new paragraph:

"(q) with the written authorisation of any other competent public body, carry out enforcement of any other legislation related to cannabis which would have otherwise been vested with said competent public body."

**13.** Article 20 of the principal Act shall be substituted by the following new article: Amendment of article 20 of the principal Act.

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"20. The Minister may make regulations for the better implementation of the provisions of this Act and any other Act which enables him to do so, including but not limited to powers conferred to him by article 7A of the Drug Dependence (Treatment not Imprisonment) Act and, without prejudice to the generality of the aforesaid, those regulations may provide for the better implementation and enforcement of the Act, or the setting of time frames and conditions, and to establish the administrative penalties and punishments applicable for any breach of the law."

Passed by the House of Representatives at Sitting No. 340 of the 12th May, 2025.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Clerk of the House of Representatives*







## CHAPTER 291

## COMMISSIONERS FOR JUSTICE ACT

*To provide for the establishment of a system for the depenalisation and trial of petty cases.*

15th June, 1981

*ACT XIX of 1981, as amended by Acts [XXIII of 1981](#), [I of 1982](#), [XIII of 1983](#), [I of 1985](#), [XVII of 1989](#), [VIII of 1990](#), [XII of 1995](#); [Legal Notice 107 of 1996](#); [Act XXI of 1999](#); [Legal Notices 254 of 2000](#), [295 of 2001](#), [138, 316 of 2002](#); [Act XXXI of 2002](#); [Legal Notices 337 of 2003](#), [36, 292, 430, 517 of 2004](#); [Act I of 2005](#); [Legal Notices 223, 404 of 2005](#); Acts [XIII of 2005](#), [XVI of 2006](#); [Legal Notices 394, 423 of 2007](#), [502 of 2010](#), [490 of 2011](#); [Act I of 2015](#), and [Legal Notices 20 of 2018](#) and [44,85, 116, 323, 328, 339 of 2020](#) and [47, 107, 125, 208 of 2021](#), [33, 81 and 82 of 2022](#); and [192 and 212 of 2023](#). Acts [XIV, XXIX of 2019](#), [X, XII, LVII of 2020](#) and [LXVI of 2021](#) and [XX of 2023](#) and [Legal Notice 169 of 2024](#) and Act [II of 2025](#).*

1. The short title of this Act is the Commissioners for Justice Act.

Short title.

2. In this Act, unless the context otherwise requires -

Interpretation.

"authority" shall mean a body corporate or incorporate, as well as any association of persons by whatever name called;

*Amended by:  
VIII. 1990.3;  
XII. 1995.2;  
XXXI. 2002.214.*

"Commissioner" means a Commissioner for Justice appointed according to article 3;

"Court of Magistrates" means the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as a court of criminal judicature;

"Electoral Register" shall have the same meaning as is assigned to it by the [General Elections Act](#);

Cap. 354.

"Minister" means the Minister responsible for justice;

"scheduled offence" means an offence set out in the Schedule to this Act;

"scheduled offence specified in the charge" means an offence to which the charge issued by the Executive Police, or the local council or authority in accordance with the provisions of article 5 refers, and includes such other infringement in addition thereto or in substitution therefor as a Commissioner may, in accordance with article 5(5), authorise.

3. (1) There shall be appointed Commissioners for Justice who shall separately have the functions and powers assigned to them by this Act, or under the [Local Government Act](#), or under any other Act including the functions and powers -

Commissioners for Justice.  
Cap. 363.  
*Amended by:  
XXIII. 1981. 2;  
XII. 1995.3;  
XXXI. 2002.215;  
I. 2015.14;  
II. 2025.2.  
Cap. 363.*

(a) to consider any charge brought before them by the Executive Police in accordance with article 5 or by local councils under the [Local Government Act](#) or by any other authority under any other Act;

(b) to hear witnesses on oath or affirmation and to

examine such evidence as may be produced before them;

- (c) to determine whether, on the evidence so produced, the scheduled offence specified in the charge has or has not been proved to have been committed by the person charged;
- (d) to impose such penalty in accordance with the provisions of article 10(2), and

Cap. 9.

generally, for the purpose of exercising their functions and powers, the Commissioners shall have, *mutatis mutandis*, all such powers as are, by the provisions of Book Second of the [Criminal Code](#), vested in the Court of Magistrates.

(2) An act or omission shall not, for the purposes of this Act, be considered to be a criminal act notwithstanding the provision of such law as is set out in the Schedule to this Act, but shall nevertheless be deemed to constitute an offence for which a Commissioner may, in accordance with the provisions of article 10(2), order the payment of the penalty therein specified.

(3) Saving the provisions of article 11, the Court of Magistrates or any other court of criminal jurisdiction shall not have jurisdiction to try a scheduled offence:

Provided that the Court of Magistrates or any other court of criminal jurisdiction shall have jurisdiction to try any scheduled offence which is charged together with any other offence over which the said court has jurisdiction.

Cap. 101.  
Cap. 31.

(4) Notwithstanding the other provisions of this Act, an offence against the [Dangerous Drugs Ordinance](#) or against the [Medical and Kindred Professions Ordinance](#) which is triable under this Act shall not cease to be a criminal offence and the courts of criminal jurisdiction shall retain a concurrent jurisdiction to try that offence so however that the punishments applicable after the coming into force of this Act shall not exceed the punishments which would be applied had the offence been tried before a Commissioner for Justice under this Act:

Provided that the Courts of criminal jurisdiction shall, by virtue of this Act, be entitled to apply any penalty which may be applied by a Commissioner for Justice under this Act in respect of an offence which according to this Act is to be tried before a Commissioner for Justice:

Cap. 31.  
Cap. 101.

Provided further that the period of prescription applicable in respect of an offence against the [Medical and Kindred Professions Ordinance](#) and the [Dangerous Drugs Ordinance](#) triable under this Act shall, notwithstanding the other provisions of this Act, be the same applicable in respect of that offence under the said Ordinances read in conjunction with the provisions of the [Criminal Code](#) on prescription.

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(5) An offence referred to in sub-article (4) shall remain subject to all the powers of the Executive Police in respect thereof as if it had not been an offence triable by a Commissioner for

Justice under this Act for the purposes of the investigation of the said offence or of any other offence.

(6) Notwithstanding the provisions of sub-articles (4) and (5) or of any other law, an offence referred to in sub-article (4) shall not be taken into account for the purposes of the issue of conduct certificates under the [Conduct Certificates Ordinance](#) but the Registrar of the Tribunal or any other person as may be designated by regulations made by the Minister shall keep a register of all convictions or voluntary payments of penalties in respect of offences referred to in sub-article (4) and such register shall be accessible to the Executive Police, to the Registrar, Criminal Courts and Tribunals, to the Armed Forces of Malta and to any other public authority, in the exercise of their functions at law, as the Minister may by regulations designate. Requests for access to the register shall be submitted in writing to the Registrar of the Tribunal or other person granting access, as the case may be, who shall keep a record thereof, including the dates when the request was received and when access was provided. The Registrar of the Tribunal or other person granting access, as the case may be, shall keep such records for three (3) years from the date of such request:

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Provided that the public authority requesting access shall have in place appropriate safeguards for the rights and freedoms of data subjects in relation in particular to purpose limitation, integrity and confidentiality, as required pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, or pursuant to the [Data Protection \(Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties\) Regulations](#).

S.L. 586.08.

(7) Prosecution before the Commissioners for Justice for offences against the [Medical and Kindred Professions Ordinance](#) or against the [Dangerous Drugs Ordinance](#) for possession for personal use of a prohibited drug shall be carried out by the Executive Police who shall however appear before the Commissioner in plain clothes.

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Cap. 101.

4. (1) The Commissioners shall be appointed by the Prime Minister from persons of either sex.

Appointment of Commissioners.  
Amended by:  
XVII. 1989.2;  
XII.1995.4;  
XXI.1999.43;  
L.N. 212 of 2023.

(2) A Commissioner shall be appointed for a term of two years and shall vacate his office at the expiration of the term of his appointment.

(3) The Commissioners shall be re-eligible for appointment.

(4) During their tenure of office the Commissioners may not be removed except in the same manner and on the same grounds as a magistrate may be removed from office.

(5) In the exercise of his function a Commissioner shall not be subject to the direction or control of any other person or authority.

(6) The provisions of the [Criminal Code](#) regarding the

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abstention and challenge of magistrates shall apply to the abstention and challenge of a Commissioner.

(7) Where a Commissioner has been objected to or has abstained from sitting, or is otherwise unable to act, another Commissioner shall be surrogated in his stead by the Minister.

(8) *Repealed by XXI.1999.43.*

(9) Upon his appointment, a Commissioner shall take an oath to examine and decide the cases brought before him with impartiality and equity according to law. The oath shall be taken before the State Advocate.

(10) A Commissioner shall hold sittings on such days and at such time as the Minister may determine and such sittings may be held on Saturdays and outside the hours when the registries of the courts are considered closed.

(11) The sittings shall be held in such place or places designated as Local Tribunals by the Minister.

(12) The warrants or orders shall be signed by a Commissioner.

(13) The oath to the witnesses shall be administered by a Commissioner.

(14) The Commissioners shall receive such remuneration as the Minister responsible for justice, in consultation with the Minister responsible for finance, may from time to time prescribe. Such remuneration may not be altered to the disadvantage of a Commissioner during his period of office.

Proceedings before  
a Commissioner.  
*Amended by:*  
*I. 1982. 2;*  
*XIII. 1983. 4,5;*  
*XII.1995.5;*  
*XXXI. 2002.216.*

5. (1) The Executive Police, local council or other authority, as the case may be, shall have the duty to collect evidence and to charge offenders before a Commissioner in respect of any scheduled offence over which a Commissioner, in accordance with the provisions of this Act, may exercise his functions.

(2) Saving the provisions of article 14(4), the Executive Police, local council or other authority, as the case may be, shall, by an order in writing, summon the person charged with a scheduled offence to appear before a Commissioner on the day and at the time specified in the said order.

(3) The summons shall contain a clear designation of the person summoned and a brief statement of the facts of the charge together with such particulars as to time and place as it may be necessary or practicable to give. The summons shall also contain an intimation that in default of appearance the person summoned shall be deemed to have admitted the charge.

(4) The summons shall contain a form indicating the penalty to which the person charged may be liable if found to have committed the offence as well as the maximum additional penalty to which he may be liable under this Act, and the person charged may, up to three days before the hearing, settle the charge by paying only the penalty. In such a case such person need not appear before the Commissioner.

(5) A Commissioner may at any stage during the proceedings,



authorise the addition of a fresh charge on a scheduled offence or the substitution of any charge contained in the summons by another charge on a scheduled offence:

Provided that the person charged shall be afforded a reasonable time within which to prepare for his defence:

Provided that any addition or substitution may only be effected before the prosecution closes its case.

6. (1) The Minister responsible for justice may make regulations to regulate the methods of service of judicial acts under this Act.

Service of judicial acts.

Added by:

I. 1982. 3.

Amended by:

XII.1995.6;

XXI.1999.43.

Substituted by:

XXXI. 2002.217.

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(2) Until such regulations are made, the provisions of the [Code of Organization and Civil Procedure](#) and of any regulations made thereunder shall apply to service of judicial acts under this Act.

7. Saving the provisions of article 5(4), if a person duly served with a summons or his representative as may be authorised in writing by him, fails to appear personally before a Commissioner he shall be deemed to have admitted the charge and, notwithstanding anything contained in the [Criminal Code](#), the Commissioner shall thereupon proceed to order the payment of the penalty and give such other orders, according to circumstances, as provided in article 10(2) in the absence of the person charged:

Failure to appear when summoned.

Added by:

I. 1982. 3.

Amended by:

XIII. 1983. 5.

Substituted by:

XII.1995.7.

Amended by:

XXXI. 2002.218;

XIII. 2005.25.

Cap. 9.

Provided that any person charged may instead of appearing before the Commissioner send to the Registry of the Commissioners representations in writing and, or a declaration on the facts of the case confirmed on oath contesting the charge against him, and the Commissioner shall, prior to deciding the case, take into account such representations and, or a declaration as if they had been made *viva voce* before him.

8. The provisions of the [Criminal Code](#) relating to proceedings before the Court of Magistrates shall apply *mutatis mutandis* to proceedings before a Commissioner and a reference made to that court in that Code shall, for all intents and purposes of law, be deemed to be a reference made to a Commissioner:

Provisions of the Criminal Code applicable to proceedings before a Commissioner.

Amended by:

XIII. 1981.3;

VIII. 1990.3;

XII.1995.8;

XXXI. 2002.219;

XIII. 2005.26.

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Provided that a Commissioner may proceed with the hearing of the charge in the absence of the person charged:

Provided further that the person charged may instead of appearing before the Commissioner, appoint in writing a representative who shall for all intents and purposes of law be deemed to have the same rights and obligations as a person charged before the Commissioner.

9. The Minister responsible for justice may by regulation designate the registrar and registry of each Local Tribunal and the functions thereof and by the same regulations may also designate such other officers as may be necessary for the operation of the Local Tribunal.

Functions.

Amended by:

VIII. 1990.3;

XII. 1995.9.

Substituted by:

XXXI. 2002.220.

Decisions of the  
Commissioners.  
*Amended by:*  
*XXIII. 1981. 4;*  
*XIII. 1983. 5;*  
*XVII. 1989.3;*  
*XII.1995.10;*  
*XXI.1999.43;*  
*XXXI. 2002.221;*  
*I. 2005.26;*  
*L.N. 423 of 2007;*  
*I. 2015.15.*

10. (1) Where a Commissioner decides that the person charged has not committed the scheduled offence specified in the charge, the person to whom such decision applies shall not, in respect of such offence, be subject to any further proceedings before a Commissioner or before any court.

(2) Where a Commissioner decides that the person charged has committed the scheduled offence specified in the charge, a Commissioner shall declare such person guilty of an infringement and shall order such person to pay a penalty in an amount not exceeding the maximum of the fine (*multa* or *ammenda*) prescribed by law for the offence and where such law provides for the sequestration of any object used in the commission of the offence, or for the revocation or suspension of any licence the Commissioner shall order such sequestration or such revocation or suspension in addition to the penalty:

Provided that where the Commissioner decides that the person charged committed the scheduled offence specified in the charge, he shall order that where the person charged does not pay the fine (*multa* or *ammenda*) within one month from when the case is decided finally, the person charged shall pay a penalty of eleven euro and sixty-five cents (11.65) in addition to the fine (*multa* or *ammenda*).

(3) Where a Commissioner has made an order for the payment of such penalty, the Registrar of the Tribunal or other person designated by the Minister responsible for justice, shall, and in cases where the original penalty arising from the charge is due to a Local Council or to some other authority in terms of any act, that Local Council or authority shall as soon as such order is made, proceed to the collection of the penalty. The Registrar shall immediately inform the proper authorities in writing of any forfeiture of any object used in the commission of the offence, or of the revocation or suspension of any licence ordered by a Commissioner and shall send the authority a certified copy of the judgement of the Commissioner.

(4) Where due to the commission of an offence, any public authority, including a local council, has incurred expenses to remedy the consequences of the said offence, the Commissioner may also order the payment to such authority of a sum not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) that may be proved to his satisfaction to have been expended by such authority to remedy such consequences. Such amount shall be without prejudice to any other action before any court to recover any expense beyond the sum awarded by the Commissioner, and such amount shall be recoverable by such authorities as a civil debt, liquidated and certain.

(5) The amount of the penalty shall be due and owing to the Government or where the penalty is due to a Local Council in terms of the [Local Government Act](#), the amount of the penalty shall be due and owing to that Local Council, as a civil debt, liquidated and certain, and may be collected by the Registrar of Courts or by the Local Council, as the case may be. The order referred to in sub-article (2) shall constitute an executive title within the meaning and for the purposes of Title VII of Part I of Book Second of the [Code of Organization and Civil Procedure](#).

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Cap. 12.

(6) The civil debt mentioned in sub-article (5) shall not pass on to the heirs of the person ordered to pay any such penalty.

(7) A person who fails to pay a penalty imposed upon him under this Act, whether by the Commissioner or by a Court, for an offence against the [Medical and Kindred Professions Ordinance](#) or the [Dangerous Drugs Ordinance](#) may, upon the demand of the Registrar of the Tribunal or of the Registrar of Criminal Courts, as the case may be, be brought before the Tribunal or before the Court for the purpose of a determination being made as to whether the cause of the failure to pay is drug dependence and in the case that the Commissioner or the Court are of the opinion that on the basis of probabilities the person found guilty has failed to pay the penalty due to a problem of drug dependence they shall be entitled to order that the said person be referred to the Drug Offenders Rehabilitation Board established under article 6 of the [Drug Dependence \(Treatment not Imprisonment\) Act](#), and the powers and functions of that Board shall *mutatis mutandis* apply to that person without prejudice to the other provisions of this Act.

Cap. 31.  
Cap. 101.

Cap. 537.

**11.** (1) Any person who feels himself aggrieved by the decision of a Commissioner may, within thirty days from the day on which such decision is given, apply to the Court of Magistrates to have the judgment of a Commissioner revoked or varied, and the court aforesaid shall thereupon become vested with jurisdiction to decide upon the merits of the application.

Applications to  
Court of  
Magistrates.  
*Amended by:*  
*XIII. 1983.4, 5;*  
*XVII. 1989.4;*  
*VIII. 1990.3;*  
*XII. 1995.11;*  
*XIII. 2005.27;*  
*L.N. 423 of 2007;*

(2) For the purpose of exercising its functions under this article, the Court of Magistrates shall proceed in accordance with the provisions of the [Criminal Code](#):

Cap. 9.

Provided that the decision on the merits of the application to the Court of Magistrates shall not be subject to appeal before any other court.

(3) The Court of Magistrates may, if it considers the application frivolous or vexatious, order the appellant to pay a penalty not exceeding one hundred and sixteen euro and forty-seven cents (116.47).

(4) The provisions of article 10(3), (5) and (6) shall apply to the decision of the Court of Magistrates confirming or varying a decision of the Commissioner, including an order made under subarticle (3).

**11A.** (1) Any person who has been found guilty of an infringement under article 10 may apply to the Court of Magistrates

Re-Trial.  
*Added by:*  
*XIII. 2005.28.*

for a re-trial of his case on the ground that he was never duly served with the charge according to law.

(2) Such application shall be filed within fifteen days from the day such person acquired, or should have reasonably be expected to have acquired, knowledge of the decision against him.

Prescription.  
Amended by:  
XXXI. 2002.223.

**12.** (1) Action before a Commissioner shall be subject to the same rules of prescription which may from time to time be applicable to the criminal action taken in respect of an offence mentioned in the Schedule:

Provided that the period of prescription with respect to actions before a Commissioner shall be suspended from the date that a summons is served and shall remain so suspended for a period of six months.

(2) The period of prescription of the criminal action in respect of an offence mentioned in the Schedule shall be suspended by the proceedings before a Commissioner.

Power to make  
regulations.  
Substituted by:  
XII.1995.12.  
Amended by:  
XXXI. 2002.224;  
XIII. 2005.29;  
XVI. 2006.32;  
I. 2015.16;  
XII.2020.5.

**13.** (1) The Minister may make regulations:

- (a) prescribing, or relating to, the procedure to be followed by the Commissioners;
- (b) amending the Schedule by adding or removing therefrom offences; provided that no offence may be added to the Schedule by regulations under this article if the punishment for that offence exceeds the punishments established for contraventions:

Provided further that nothing in this paragraph shall be interpreted as preventing Parliament from amending the Schedule by means of an Act of Parliament to include therein offences which are liable to punishments which are higher than the punishments established for contraventions;

- (c) for establishing any fees that may be payable in terms of this Act;
- (d) for the establishment, after consultation with the Local Councils Association, of a Board which shall be competent to hear and decide requests which may be made for the waiving or discontinuance of proceedings against any person for any infringement before a Commissioner for Justice, or for remission of the penalty awarded, for any valid reason under such conditions as may be prescribed;
- (e) for establishing any form to be used in terms of this Act;
- (f) for establishing the procedures to be followed in the Registry of Local Tribunals;
- (g) for establishing a local enforcement system and to determine its functions;
- (h) for establishing and determining the functions of the

Registrar and other officials of the Local Tribunal;

- (i) to provide for rules of service of judicial acts in terms of this Act;
- (j) to establish rules regarding the manner in which penalties may be collected, the forfeiture of objects and the withdrawal and suspension of licences in terms of this Act; and

generally with regard to any thing that may be by him determined, ordered, directed or prescribed in accordance with the provisions of this Act and any other matter that may be expedient for the better carrying into effect of this Act.

(2) Without prejudice to the provisions of article 11 of the [Interpretation Act](#), any amendment to the Schedule made by regulations under the provisions of the foregoing sub-article shall not come into effect except after the lapse of thirty days from the date of publication of the said regulations in the Gazette:

Cap. 249.

Provided that the provisions of this sub-article shall not apply in respect of any regulations and orders issued by the Superintendent of Public Health in terms of the [Public Health Act](#) and to any amendment to the Schedule made in pursuance to an order issued by the Superintendent of Public Health in terms of the [Public Health Act](#).

Cap. 465.

Cap. 465.

14. (1) Notwithstanding any other law providing for the trial and punishment of offences, where any person commits an offence which under this or any other law has been declared a scheduled offence, the following provisions of this article shall apply.

Special procedure  
in certain cases.

*Added by:*  
*XII.1995.13.*  
*Amended by:*  
*XXI. 1999.43;*  
*XXXI. 2002.225;*  
*L.N. 423 of 2007.*

(2) Any Police Officer and any other officer, authority or person who in accordance with any law as aforesaid is charged with the responsibility for enforcement of such law, in whose opinion any such offence has been committed may hand over to the offender a notice containing a general description of the offence, the penalty to be paid, the place where he may pay such penalty, the period within which he may effect such payment and the consequences of non-payment:

Provided that if a motor vehicle, boat or other object has been used in the commission of an offence, such notice may be affixed to the windscreen or other part of such motor vehicle, boat or other object:

Provided also that where it is not practicable to hand over a notice, or to fix it as aforesaid, the notice may be served to the offender in the same manner that a summons may be served in terms of article 6.

(2A) Notwithstanding the provisions of sub-article (2), where any notice is handed over or is affixed as is provided in sub-article (2) and the first proviso thereto, such notice may, instead of the information mentioned under sub-article (2), contain information as to how that information may be accessed and viewed through electronic means and the period within which such information may be so accessed and viewed:

Provided that where the information is not accessed and viewed within the period indicated in such notice, a notice containing the information mentioned under sub-article (2) shall be sent by mail or by any other means as provided by law.

(3) Where any notice has been handed over or is affixed as is provided in sub-article (2), the person referred to in the said notice may pay at the place mentioned in such notice within such time indicated in the notice, which in no case shall be less than seven days, a penalty in respect of each offence referred to in each such notice, provided that such penalty shall not exceed the minimum established in the law for each such offence or twenty-three euro and twenty-nine cents (23.29), whichever is the higher.

(4) (a) Where any penalty imposed under subarticle (3) is not paid within the aforementioned period, ordinary proceedings in respect of the offence may be taken in accordance with the provisions of this Act or any other law.

(b) In proceedings before the Commissioner no notice need be given the offender of any date to which a case which has been set down for hearing or has started to be heard is put off and it shall be the responsibility of the offender to verify such date.

(5) The payment of any such penalty shall for all intents and purposes of law, be deemed to be an admission of the commission of the offence.

(6) Data or other information retrieved from electronic or other apparatus used by a Police Officer or any other officer, authority or person who in accordance with any law as aforesaid is charged with the responsibility for the enforcement of such law shall be deemed to be proof of the contents thereof unless the defendant proves otherwise.

(7) (a) Where the evidence to be given by any person refers to the registration of motor vehicles, boats or other objects which are required to be registered under any law, such evidence may be submitted by means of an affidavit.

(b) Where evidence is submitted by photographs, video-film or other visual means, such evidence shall be authenticated by the person who is the author of such photograph, video-film or other visual means.

(8) No proceedings before a Commissioner shall be deemed to be invalid because of the non-observance of any formalities or procedures if there has been substantial compliance with the provisions of this Act and any regulations made hereunder and the principles of natural justice have been observed.

(9) The Commissioner shall hear and determine all cases brought before him on the first day of hearing and shall only exceptionally accept a request for postponement of the hearing.



SCHEDULE  
(Article 2)

*Amended by:*  
 I. 1985.2;  
 XVII. 1989.5.  
 XII.1995.14;  
 L.N. 107 of 1996;  
 L.N. 254 of 2000;  
 L.N. 295 of 2001;  
 L.N. 138 of 2002;  
 L.N. 316 of 2002;  
 L.N. 337 of 2003;  
 L.N. 36 of 2004;  
 L.N. 292 of 2004;  
 L.N. 430 of 2004;  
 L.N. 517 of 2004;  
 L.N. 223 of 2005;  
 L.N. 404 of 2005;  
 L.N. 394 of 2007.  
*Substituted by:*  
 L.N. 502 of 2010;  
 L.N. 490 of 2011.  
*Amended by:*  
 I. 2015.17;  
 L.N. 20 of 2018;  
 XIV.2019.73;  
 L.N. 44 of 2020;  
 L.N. 85 of 2020;  
 X.2020.5;  
 L.N. 116 of 2020;  
 L.N. 323 of 2020;  
 L.N. 328 of 2020;  
 L.N. 339 of 2020;  
 L.N. 47 of 2021;  
 XXIX.2019.71;  
 L.N. 107 of 2021;  
 L.N. 125 of 2021;  
 LXVI.2021.27;  
 L.N. 33 of 2022;  
 L.N. 81 of 2022;  
 L.N. 82 of 2022;  
 XX.2023.2;  
 L.N. 192 of 2023;  
 L.N. 169 of 2024.

**Offences, which become infringements and may be tried by the Commissioners,  
against the following:**

Legislation	Cap. or S.L. number	Particular provisions, if any, or description of offence
<a href="#">Criminal Code</a>	9	338 (a), (b), (c), (d), (i), (j), (l), (m), (n), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (aa), (cc), (dd), (ff), (gg), (hh), (ii), (jj), (kk) and (mm)
<a href="#">Criminal Code</a>	9	339(1) (a), (b), (c), (d), (f), (i), (k), (l) and (m).
<a href="#">Criminal Code</a> <a href="#">Medical and Kindred Professions Ordinance</a>	9 Cap. 31	340 (a) and (b). Simple possession of a prohibited drug for personal use in an amount not exceeding two grams irrespective of purity or of not more than two ‘ecstasy’ pills or two other prohibited pills and simple possession for personal use of the plant ‘khat’.



<b>Legislation</b>	<b>Cap. or S.L. number</b>	<b>Particular provisions, if any, or description of offence</b>
<a href="#">Traffic Regulation Ordinance</a>	Cap. 65	Articles 3, 30, 34(1) and 46; and the Second Schedule in respect of parking or waiting or stopping at prohibited place.
<a href="#">Traffic Signs and Carriageway Markings Regulations</a>	S.L. 65.05	Regulation 2.
<a href="#">Motor Tractors Regulations</a>	S.L. 65.08	Regulation 3.
<a href="#">Motor Vehicles Regulations</a>	S.L. 65.11	Regulations 59, 61, 65, 67 to 103, 105 to 110A, 114 to 118, 123 to 127 and 130.
<a href="#">Motor Vehicles (Wearing of Seat Belts) Regulations</a>	S.L. 65.12	
<a href="#">Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations</a>	S.L. 65.13	Regulation 11.
<a href="#">Motor Vehicles (Driving Licences) Regulations</a>	S.L. 65.18	Regulations 3, 4, 27, 56, 57, 58, 69, 76.
<a href="#">Motor Vehicles (Carriage of Goods by Road) Regulations</a>	S.L. 65.19	Regulations 5, 68, 69, 72.
<a href="#">Motor Vehicles (Weights, Dimensions and Equipment) Regulations</a>	S.L. 65.21	Regulations 8, 11.
<a href="#">Pedal and Low-Powered Cycles Regulations</a>	S.L. 65.26	Regulations 4(1), 5(1), 6, 7, 9 to 11, 13, 14, 17(6), 19, 21 to 24, 26.
<a href="#">Mdina (Restriction of Access and Transit of Vehicles) Regulations</a>	S.L. 65.27	Regulation 2.
<a href="#">Light Passenger Transport Services and Vehicle Hire Services Regulations</a>	S.L. 65.33	Regulations 15, 17, 19 to 27, 28(2), 30, 32 to 35, 52 and 54
<a href="#">Dangerous Drugs Ordinance</a>	Cap. 101	Simple possession for personal use of a prohibited drug in an amount not exceeding two grams of any drug other than cannabis or more than seven grams but not more than twenty-eight grams of the drug cannabis irrespective of the purity.
<a href="#">Motor Vehicles Insurance (Third-Party Risks) Ordinance</a>	Cap. 104	Article 8(1).
<a href="#">Litter Act</a>	Cap. 206	Articles 3, 4, 5, 8.
<a href="#">Control of Dogs Regulations</a>	S.L. 312.01	
<a href="#">Tobacco (Smoking Control) Act</a>	Cap. 315	Article 14.
<a href="#">Smoking in Public Places Regulations</a>	S.L. 315.04	
<a href="#">Smoking Control in Private Vehicles Regulations</a>	S.L. 315.11	
<a href="#">Education Act</a>	Cap. 605	Article 59(1) (a) and (b).
<a href="#">Controlled Parking Schemes (Residents and Commercial) Regulations</a>	S.L. 363.80	
<a href="#">Registration and Licensing of Motor Vehicles Regulations</a>	S.L. 368.02	Regulations 8, 13(1), 14(3), 17(1), (2), 18, 20, 21(1), 24, 32(3), (4), (5), (7), 33, 35, 44(7)(b), (c), (d), (e), (f), (g), (h), (i) and (j).

Legislation	Cap. or S.L. number	Particular provisions, if any, or description of offence
<a href="#">Licensed Accommodation Regulations</a>	S.L. 409.21	
<a href="#">Activities requiring Permit by Local Councils Regulations</a>	S.L. 441.04	
<a href="#">Trenching Works requiring Permit by Local Council Regulations</a>	S.L. 441.05	
<a href="#">Management of Bathing Water Quality Regulations</a>	S.L. 465.09	Regulations 19(1) and (2).
<a href="#">Enforcement of Directions relating to Quarantine Regulations</a>	S.L. 465.12.	
<a href="#">Enforcement of the Order relating to Closure of Places Open to the Public Regulations</a>	S.L. 465.24	
<a href="#">Enforcement of the Order relating to the Closure of Non-Essential Retail Outlets and Outlets Providing Non-Essential Services Regulations</a>	S.L. 465.28	
<a href="#">Enforcement of the Order relating to Self-Isolation of Diagnosed Persons Regulations</a>	S.L. 465.29	
<a href="#">Enforcement of the Order relating to the Suspension of Organised Events Regulations</a>	S.L. 465.31	
<a href="#">Enforcement of the Order relating to the Number of Persons in Public Spaces Regulations</a>	S.L. 465.35	
<a href="#">Organised Public Mass Events Regulations</a>	S.L.465.47	
<a href="#">Mandatory Use of Medical or Cloth Masks Regulations</a>	S.L.465.48	
<a href="#">Closure of Certain Places of Entertainment Regulations</a>	S.L.465.50	
<a href="#">Number of Persons in Public Spaces Regulations</a>	S.L.465.51	
<a href="#">Closure of Food and Drink Outlets Regulations</a>	S.L.465.54	
<a href="#">Contact Sports Regulations</a>	S.L.465.55	
<a href="#">Organised Mass Events Regulations</a>	S.L.465.57	
<a href="#">Essential Travel between Malta and Gozo Order</a>	S.L.465.58	
<a href="#">Closure of Places Open to the Public Order</a>	S.L.465.59	
<a href="#">Closure of Non-Essential Retail Outlets and Outlets Providing Non-essential Services Order</a>	S.L.465.60	

Legislation	Cap. or S.L. number	Particular provisions, if any, or description of offence
<a href="#">Enforcement of the order relating to Closure of Non-Essential Retail Outlets and Outlets Providing Non-Essential Services Regulations</a>	S.L.465.61	
<a href="#">Enforcement of the Order relating to Closure of Places Open to the Public Regulations</a>	S.L.465.63	
<a href="#">Regulations on Sport Activities</a>	S.L. 465.66	
<a href="#">Hygiene of Food Regulations</a>	S.L. 449.31	Paragraph 2 of Part VIII of the Schedule.
<a href="#">Placing of Billboards and Advertising on the Road Regulations</a>	S.L. 499.32	Regulations 4, 8, 9, 10, 12.
<a href="#">Valletta Pedestrian Zones Regulations</a>	S.L. 499.54	Regulation 9.
<a href="#">New Roads and Road Works Regulations</a>	S.L. 499.57	Regulations 28, 29, 43 to 46.
<a href="#">Taxi Services Regulations</a>	S.L. 499.59	Regulations 16(2), 21(1), 27, 29(6), 49, 50, 53, 55, 57 and 65(3), (4), (5) and (6).
<a href="#">Light Passenger Transport Services and Vehicle Hire Services Regulations</a>	S.L. 499.68	Regulations 15, 17, 19 to 27, 28(2), 30, 32 to 35, 52 and 54
<a href="#">Environmental Management Construction Site Regulations</a>	S.L. 504.83	
<a href="#">Drug Dependence (Treatment not Imprisonment) Act</a>	Cap. 537	Articles 4, 4A, 7A.
<a href="#">Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations</a>	S.L. 549.40	Regulations 4, 5 and 8.
<a href="#">Micromobility Regulations</a>	S.L. 65.32	Regulations 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 28.
<a href="#">Valid Certificate of Recognised Vaccination against COVID-19 Requirement Regulations</a>	S.L. 465.69	Regulation 2
<a href="#">Responsible Use of Cannabis (Licensing of Organisations) Regulations</a>	S.L. 628.01	The provisions in the Second Schedule
<a href="#">Cat Feeders Regulations</a>	S.L. 439.27	Regulation 9