Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17,418, 13 ta' Mejju, 2003
Taqsima B

A.L.115 ta' l-2003

ATT DWAR L-GHAQDIET KOPERATIVI (KAP. 442)

Regolamenti ta' l-2003 li Jistabbilixxu Penali u Sanzjonijiet Amministrattivi dwar l-Għaqdiet Koperativi

BIS-SAHHA tas-setghat moghtija bl-artikoli 17 u 108 ta' l-Att dwar l-Ghaqdiet Koperativi, il-Viċi Prim Ministru u Ministru ghall-Politika Soċjali ghamel dawn ir-regolamenti li ġejjin:–

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2003 li Jistabbilixxu Penali u Sanzjonijiet Amministrattivi dwar l-Ghaqdiet Koperativi, u ghandhom jibdew isehhu f'dik id-data li l-Ministru responsabbli ghall-affarijiet li ghandhom x'jaqsmu mas-soċjetajiet koperativi jista' b'avviż fil-Gazzetta jistabbilixxi. Jistghu ukoll jiġu stabbiliti dati differenti ghad-dhul fis-sehh ta' ghanijiet differenti u disposizzjonijiet differenti ta' dawn ir-regolamenti. Titolu fil-qosor u bidu fis-sehh.

2. Kliem użat f'dawn ir-regolamenti ghandu jkollu l-istess tifsir kif ghandu fl-Att dwar is-Soċjetajiet Koperativi, hawn aktar 'il quddiem imsejjah "l-Att". Tifsir.

3. Il-Bord ghandu s-setgha li jimponi penali u sanzjonijiet amministrattivi skond l-Iskeda li tinsab ma' dawn ir-regolamenti. Setgha li jiġu imposti penali u sanzjonijiet amministrattivi.

4. Il-Bord ikollu wkoll is-setgha li jxandar fil-gazzetti ta' kuljum u fuq il-mezzi tax-xandir l-ismijiet ta' dawk l-ghaqdiet koperattivi li jkunu saru soġġetti ghal penali u sanzjonijiet amministrattivi mill-istess Bord skond ma hemm provdut f'dawn ir-regolamenti u fl-Att: Setgha ta' xandir.

Iżda l-Bord ghandu biss jużа' din is-setgha biex b'avviż pubbliku jxandar dik il-kontravvenzjoni, u dan dment li dik l-istess kontravvenzjoni tkun ghadha qed issehh.

5. (1) L-ghemil ta' proċeduri ghall-użu u l-applikazzjoni ta' penali u sanzjonijiet amministrattivi mill-Bord ghar-rigward ta' xi kontravvenzjoni kif tidher f'dawn ir-regolamenti jipprekludi milli jsiru proċeduri kriminali fil-konfront ta' l-istess persuna dwar l-istess kontravenzjoni. Preklużjoni ta' proċeduri doppji.

(2) Id-dispożizzjonijiet ta' dawn ir-regolamenti ma japplikawx f'dawk il-każijiet fejn jittieħdu proċeduri kriminali dwar xi kontravvenzjoni imsemmija fl-Iskeda li tinsab ma' dawn ir-regolamenti.

Il-Bord jista' jimponi fuq kull persuna li tikser l-artikli ta' l-Att jew Regolamenti msemmija fl-ewwel kolonna ta' din l-iskeda u mfissra fil-qosor fit-tieni kolonna ta' din l-iskeda, il-penali korrispondenti li jinsabu mnizzla fit-tielet u r-raba' kolonna ta' din l-iskeda

L-Ewwel Kolonna	T-Tieni Kolonna	It-Tielet Kolonna	Ir-Raba' Kolonna
Taqsima	Azzjoni Skorretta	Penali	Penali Kuljum
13, 39(2)	Nuqqas li jinghata taghrif mitlub mill-Bord (inkluza lista ta' membri bl-indirizz, kanga u numru tal-karta ta'	Lm 50	Lm 30 kull xahar jew parti minnu
	l-identita taghhom) fi zmien stipulat		
14(2), 20(1)(b)	Nuqqas tat-twettiq jew ta' l-Ezekuzzjoni ta' kull Ordni mahrug mill-Bord skond il-Ligi	Lm 50	Lm 30 kull xahar jew parti minnu
18(1)	L-uzu hazin jew mhux awtorizzat tal-kelma "koperattiva", "cooperative", jew kliem derivattivi taghhom (bhal coop)	Lm 50	
28(3)	Koperattiva li tkun registrata provizorjament ma turix dan il-fatt fuq kull korrispondenza	Lm 50	Lm 10 kull jum jew parti minnu
37(2)	Bdil fl-Indirizz ta' koperattiva ma jigix registrat mal-Bord	Lm 50	
38(1)	Nuqqas ta' Zamma ta' Registru Aggornat tal-Membri u ta' l-Ishma	Lm 50	
39(1)	Nuqqas ta' Facilita ta' Spezzjoni ta' l-Istatut ta' Koperattiva, lista tal-membri u l-Att lil membri taghha minghajr hlas	Lm 50	
45(3), 66(h)	Koperattiva minghajr awditur mahtur	Lm 50	
47, 110(1)(b)	Koperattiva jew ufficjal jew membru taghha volontarjament, apposta jew bi traskuragni jaghmlu dikjarazzjoni	Lm200	
	falza jew jaghtu taghrif falz		
48(1), 48(4)	Rapport Finanzjarju mhux iffirmat mill-Kumitat tat-Tmexxija u/jew Awditur (inkluza l-firma ta' partnership	Lm 50	
	minflok ta' l-awditur bhala individwu)		
48(1)(a)	Rapport Finanzjarju mhux konformi ma' l-Att skond it-Tielet Skeda	Lm 50	
48(1)	Rapport Finanzjarju uditjat mhux mibghut lill-Bord fi zmien stipulat	Lm 50	
48, 64(1), 65(1)	Laqgha Generali mhux imsejha fi zmien sitt xhur minn eghluq is-sena finanzjarja	Lm 50	Lm 30 kull xahar jew parti minnu
53	Koperattiva taccetta l-applikazzjoni ghal shubija ta' persuna li ma tkunx tikkwalifika ghal shubija	Lm 50	
53(2)(d)	Koperattiva taccetta l-applikazzjoni ghal shubija ta' partnership kummercjali minghajr ma tinforma immedjatament lil Bord	Lm 50	
57	Membru ta' Koperattiva jkollu aktar minn 40 fil-mija (40%) ta' l-Ishma tal-Koperattiva	Lm 50	
66(b)	Rapport Finanzjarju Verifikat mhux imressaq waqt laqgha generali annwali	Lm 50	
72	Koperattiva taccetta persuna fuq il-kumitat ta' tmexxija taghha li ma tkunx tikkwalifika ghal din il-hatra	Lm 50	
101(3)	Stralcjarju jonqos milli jiddepozita fondi u/jew attiv iehor ta' Koperattiva Xolta skond kif ordnat mill-Bord	Lm 50	
101(4)	Stralcjarju jonqos milli jissottometti rapport annwali lil Bord dwar progress fil-likwidazzjoni ta' koperattiva	Lm 50	Lm 30 kull xahar jew parti minnu
110(1)(a)	Koperattiva, ufficjal jew membru jittraskura jew jirrifjuta li jaghmel xi haga jew li jaghti xi taghrif mehtieg ghall-finijiet ta' dan l-Att	Lm 50	Lm 30 kull xahar jew parti minnu
110(1)(a)	Koperattiva tonqos milli taggorna l-istatut taghha skond Kap 442 tal-Ligijiet ta' Malta	Lm 50	
110(1)(c)	Persuna volontarjament jew minghajr raguni ma tobdix ordni legittimu bil-miktub mahrug taht dan l-Att	Lm 50	
110(1)(d)	Persuna taqixxi jew tidher bhala membru ta' kumitat ta' tmexxija jew ta' bord ta' sorveljanza meta ma jkollix jedd taghmel hekk	Lm 50	
110(1)(e)	Koperattiva, ufficjal jew membru volontarjament jaghmel xi haga li tkun tehtieg l-ewwel il-kunsens jew approvazzjoni tal-Bord	Lm 50	
110(1)(f)	Koperattiva, ufficjal jew membru volontarjament jonqos li jaghmel xi haga jew li jgieghel li jsir xi haga mitluba taht dan l-Att	Lm 50	
110(1)(g)	Koperattiva, ufficjal jew membru volontarjament jaghmel jew igieghel li ssir xi haga projbita taht dan l-Att	Lm 50	

L.N. 115 of 2003

**CO-OPERATIVE SOCIETIES ACT
(CAP. 442)**

Co-operative Societies (Establishment of Administrative Penalties and Sanctions) Regulations, 2003.

IN exercise of the powers conferred by articles 17 and 108 of the Co-operative Societies Act, the Deputy Prime Minister and Minister for Social Policy has made the following regulations:–

Citation and commencement.

1. The title of these regulations is the Co-operative Societies (Establishment of Administrative Penalties and Sanctions) Regulations, 2003, and they shall come into force on such date as the Minister responsible for matters relating to co-operative societies may by notice in the Gazette establish. Different dates may be so established for the coming into force of different purposes and different provisions of these regulations.

Definitions.

2. Words used in these regulations shall have the same meaning as in the Co-operative Societies Act, hereinafter referred to as "the Act".

Power to impose administrative penalties and sanctions.

3. The Board shall have the power to impose administrative penalties and sanctions in accordance with the Schedule to these regulations.

Authority to publicize.

4. The Board shall also have the authority to publish in daily newspapers and in the broadcasting media the names of those co-operative societies which have become subject to administrative penalties and sanctions imposed on them by the same Board as provided for in these regulations and in the Act:

Provided that the Board shall use this authority only to give public notice of such contravention, and during such time as the said contravention persists.

Preclusion of dual proceedings.

5. (1) The taking of proceedings for the use and application of administrative penalties and sanctions by the Board with respect to a contravention as outlined in these regulations shall preclude the taking of criminal proceedings against the same person in respect of the same contravention.

(2) The provisions of these regulations shall not apply in those cases where criminal proceedings are commenced in respect of a contravention included in the Schedule to these regulations.

The Board may inflict on any person who has violated any of the articles of the Act or of any regulations made thereunder as listed in the First Column of this Schedule and described in brief in the Second Column of this Schedule, the corresponding penalties listed in the Third and Fourth Column of this Schedule

First Column	Second Column	Third Column	Fourth Column
Section	Contravention	Penalty	Additional Penalty
13, 39(2)	Failure to submit within a specified time to the Board such information (e.g. list of members, their address, occupied post and Identity	Lm 50	Lm 30 per month or part thereof
	Card number) as may be requested		
14(2), 20(1)(b)	Failure to undertake or execute any legitimate order issued by the Board	Lm 50	Lm 30 per month or part thereof
18(1)	Misuse or abuse of the word 'cooperative', 'koperativa' or any derivatives thereof (such as 'coop')	Lm 50	
28(3)	Failure of a provisionally registered cooperative to show its provisional legal standing on all its correspondence	Lm 50	Lm 10 per day or part thereof
37(2)	Failure to register a change of address with the Board	Lm 50	
38(1)	Failure to maintain an updated Register of Members and Shares	Lm 50	
39(1)	Failure to allow Society Members to inspect the Society Statute, list of members and Act free of charge	Lm 50	
45(3), 66(h)	Failure to appoint an Auditor	Lm 50	
47, 110(1)(b)	A Society, its members or its officials knowingly or recklessly provides misleading, false or deceptive information to auditors or other	Lm200	
	persons		
48(1), 48(4)	Failure by a Committee of Management and/or Auditor to sign audited accounts (including failure to provide signature of individual)	Lm 50	
48(1)(a)	Non Compliance of Financial Report with Third Schedule of the Act	Lm 50	
48(1)	Audited Financial Report not sent to the Board within the stipulated time	Lm 50	
48, 64(1), 65(1)	Annual General Meeting is not convened within six months of the closure of the financial year	Lm 50	Lm 30 per month or part thereof
53	Society accepts the application for membership of a person who is not eligible for membership	Lm 50	
53(2)(d)	Society accepts the membership application of a commercial partnership without informing the Board immediately	Lm 50	
57	A member of a Society has more than 40% of the share capital of that society	Lm 50	
66(b)	Audited financial accounts not presented during an annual general meeting	Lm 50	
72	A Society accepts a person on its committee of management when such person is not eligible to occupy such a post	Lm 50	
101(3)	Failure by Liquidator to deposit funds or other assets of a dissolved Society as determined by the Board	Lm 50	
101(4)	Failure by Liquidator to submit an annual progress report to the Board relating to the process of liquidation of a Society	Lm 50	Lm 30 per month or part thereof
110(1)(a)	A Society, its members or its officials deliberately refuse or fail to provide information or to perform duties required by the Act	Lm 50	Lm 30 per month or part thereof
110(1)(a)	A Society fails to adjourn and update its Statute in accordance with Chapter 442 of the Laws of Malta	Lm 50	
110(1)(c)	A person deliberately, or without valid reason, fails to obey or execute a legitimate order issued in writing under this Act	Lm 50	
110(1)(d)	A person acts as a member of a committee of management or of a supervisory board when such person is not entitled to do so	Lm 50	
110(1)(e)	A Society, its members or its officials perform an action which requires the prior consent or approval of the Board, without first	Lm 50	
	having obtained such prior consent or approval		
110(1)(f)	A Society, its members or its officials deliberately fail to fulfil or endorse a function which is required under this Act	Lm 50	
110(1)(g)	A Society, its members or its officials deliberately perform or endorse an action which is prohibited under this Act	Lm 50	