

CHAPTER 300

FOREIGN INTERFERENCE ACT

To regulate the limitations on the political activities of aliens, and this in accordance with Article 16 of the Convention of Rome (1950) for the Protection of Human Rights and Fundamental Freedoms.

*Substituted by:
I. 1987.2.*

(1st September, 1982)*

ACT XI of 1982, as amended by Acts XVII of 1982, XIII of 1983 and I of 1987†; and Legal Notice 423 of 2007.

1. The short title of this Act is the Foreign Interference Act. Short title.
2. In this Act, unless the context otherwise requires - Interpretation.
Substituted by:
I. 1987.3.

"alien" where it refers to an individual means a person who is not a citizen of Malta; where it refers to a body of persons, in whatever manner constituted juridically, means any such body of persons directly or indirectly controlled by persons who are not citizens of Malta, and includes any State or Government; and where it refers to a broadcast means any such broadcast transmitted from a station or installation situate outside the territory of Malta and which is not authorised by the Broadcasting Authority;

"broadcast" means broadcast by wireless telegraphy or wire or both, and includes both sound and television broadcast;

"Broadcasting Authority" means the Broadcasting Authority established by article 118 of the [Constitution](#);

"intermediary agent" means any person or group of persons who, irrespective of the proclaimed objectives, is involved in political activity, and includes any citizen of Malta resident outside Malta who so acts;

"Malta" has the meaning assigned to it in article 124 of the [Constitution](#);

"Monitoring Committee" means the Committee established under this Act;

"Minister" means the Minister responsible for foreign affairs;

"person" includes any political party, and any political or other organisation, institution or body whatsoever;

"political" where it does not refer to a party, person, club or similar institution is restricted in meaning to matters connected with the elections in Malta, or which may be reasonably deemed to influence such elections, and matters connected with the internal or foreign affairs of Malta;

"programme" includes an advertisement.

*See article 1(2) as originally enacted, which subarticle has been omitted under the [Statute Law Revision Act](#), 1980 and Government Notice No. 461 of 1st September, 1982

†See article 9 of Act I of 1987.

Restricted activities.
 Amended by:
 XVII.1982.2.
 Substituted by:
 I.1987.4.

3. (1) Subject to the provisions of this Act, it shall not be lawful for an alien to perform, do, hold, take part in, aid or abet, or allow, any restricted activity in Malta.

- (2) For the purposes of this Act, "a restricted activity" means -
- (a) any activity, or participation in any activity, of a political nature or having a political purpose at any time during the period commencing nine months prior to the date on which Parliament would, unless sooner dissolved, stand dissolved by virtue of article 76(2) of the Constitution and the date of the publication of the results of an election, or at any time between the dissolution of Parliament according to article 76(1) of the Constitution and the date of the publication of the results of an election;
 - (b) the provision at any time to or for the benefit of a political party, person, club or similar institution, whether directly or through an intermediary agent, of any money, equipment or other material, by way of gift or otherwise not against equivalent valuable consideration, excluding books and other publications intended for sale or distribution not exclusively or mainly for Malta, unless such provision is authorised by the Monitoring Committee in accordance with this Act:

Provided that nothing in this subarticle shall be deemed to include anything which, taking into account the value and any other circumstances, may be reasonably considered as a *bona fide* gift of no political significance.

(3) An activity as defined in subarticle (2)(a) shall not be a restricted activity at any time other than that mentioned in the same paragraph, provided that the person intending to hold or organising such an activity notifies in writing five days in advance the Secretary of the Monitoring Committee established under this Act, but the Secretary may in urgent cases accept, in his discretion, notification at a shorter notice.

(4) Nothing in this article shall be construed as affecting normal diplomatic activities.

(5) Nothing in this article shall apply to any activity organised by an international organisation of which the State of Malta is a member, subject however to the condition that if it is a political activity, this is not organised by a particular political group within any such organisation.

Broadcasting received in Malta.
 Amended by:
 I.1987.5.

4. (1) Where an alien programme of a political nature broadcast from any place outside Malta is received in Malta and, by reason of the language used or of the contents of the programme, such broadcast may reasonably be deemed to be intended to be received primarily in Malta, it shall not be lawful for any person who is a citizen of Malta or who is ordinarily resident in Malta, whether in his own behalf or in behalf or for account of any other

person, to participate in any such broadcast or in any manner to aid or abet the making of such broadcast, or to do anything which may directly or indirectly be of assistance or encouragement to such broadcast or to its reception in Malta, and in particular, but without prejudice to the generality of the foregoing, to publish the times or other details of any such broadcast.

(2) For the purposes of this article a person whose actions or voice appear or are reproduced on any programme broadcast as aforesaid, except where such person is merely a spectator, shall be deemed to have participated therein unless he proves that the programme was recorded without his knowledge or that the programme was recorded or broadcast against his express instructions.

(3) For the purposes of this article but without prejudice to the generality of subarticle (1), a person who advertises, or invites or encourages others to advertise any goods, service or other matter on a broadcasting station from which programmes are broadcast in contravention of subarticle (1), shall be deemed to have participated in such broadcast.

(4) The provisions of this article shall not apply if the broadcast is made with the written permission or concurrence of the Broadcasting Authority, given in observance of its functions under the Constitution as if such broadcasting originated in Malta, and in strict compliance with any condition, limitation or restriction to which such permission or concurrence may have been subjected.

5. (1) Any alien, and any other person who aids or abets any such alien, and any intermediary agent, acting in contravention of, or failing to comply with, any of the provisions of the foregoing articles, or who does anything which is not lawful thereunder shall be guilty of an offence against this Act and for each such offence shall be liable, upon a first conviction, to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37), upon a second conviction to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) and not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) and upon a third or subsequent conviction, to imprisonment for a term not exceeding six months and to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87), and, in the case of a continuing offence upon any conviction, to an additional fine (*multa*) not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) for each day during which the offence has continued.

(2) Without prejudice to the provisions of any other law relating to forfeiture, any funds, equipment or other movable thing whatsoever, whether of the same kind or not, kept or used for or in connection with any restricted activity or broadcast held in contravention of any of the provisions of this Act, shall be forfeited in favour of the Government, and such forfeiture shall be ordered by the court in any case and whether or not such funds, equipment

Penalties.
Amended by:
XIII. 1983.5;
I. 1987.6;
L.N. 423 of 2007.

or other thing are the property of, or are kept or used by, the person convicted or are the property or are used or kept by any other person whatsoever.

(3) For the purposes of article 56 of the Constitution "foreign interference" means any offence against any of the foregoing provisions of this Act:

Provided that in the case of an alien broadcast, no such foreign interference shall be deemed to subsist if the person or the political party, in whose favour or to whose benefit such a broadcast is made or intended to be made, proves that he, or the political party, as the case may be, did not make such broadcast or in any way aid or abet prior to, during, or after the transmission, any person in such broadcast.

Monitoring
Committee.
Amended by:
XIII. 1983.4,5.
Substituted by:
I. 1987.7.

6. (1) For the purposes of article 3, there shall be a Committee, to be known as the "Monitoring Committee", which shall consist of the Minister, and two members who shall be members of Parliament and of whom one shall be designated by the Prime Minister and the other by the Leader of the Opposition.

(2) Such designated members shall remain members of the Committee notwithstanding that Parliament may stand dissolved, and this until new members are appointed in their stead.

(3) The Clerk of the House of Representatives shall be the Secretary of the Committee.

(4) The Committee shall have the functions assigned to it by this Act.

(5) The Committee shall not authorise the receipt of any money, equipment or other material by any political party unless it is appropriately balanced by similar or equivalent contribution to the other political parties, taking into account the size of their representation in Parliament, and the decision shall be taken by a unanimous vote.

(6) The Committee may act notwithstanding any vacancy in its membership, but shall not act unless there are at least two members in office and at least two members are present at the meeting at which the decision is taken.

(7) Subject to the foregoing provisions of this article the Committee may regulate its own procedure.

(8) The Minister shall by not later than the first sitting of Parliament after the 15th January of each year lay on the Table of the House a report showing every authorisation given by the Monitoring Committee in accordance with the provisions of this Act during the preceding year.

Power to make
regulations.
Amended by:
I. 1987.8.

7. The Minister may make regulations -

- (a) to prescribe the form to be used for the purposes of this Act and any other matter that may be prescribed under this Act;
- (b) generally for the better carrying out of any of the

provisions of this Act or for any other matter
incidental or supplementary thereto.
