

A.L. 390 tal-2020**ATT DWAR L-ORGANIZZAZZJONIJIET VOLONTARJI
(KAP. 492)****Regolamenti tal-2020 dwar Organizzazzjonijiet Volontarji
(Hwienet tal-Karità)**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 41(1)(r) u (s) tal-Att dwar l-Organizzazzjonijiet Volontarji, il-Ministru għall-Edukazzjoni u x-Xogħol, f'konsultazzjoni mal-Ministru għall-Finanzi u s-Servizzi Finanzjarji, għamel ir-regolamenti li ġejjin:

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2020 dwar Organizzazzjonijiet Volontarji (Hwienet tal-Karità).

Titolu u kamp
ta' applikazzjoni

(2) L-għan ta' dawn ir-regolamenti hu li jirregola hwienet tal-karità li jwettqu attivitajiet ta' negozju sabiex organizzazzjoni volontarja tikseb l-għan u l-objettivi primarji, legali u soċjali tagħha inklużi dawk ta' benefiċċju pubbliku u biex jiġi żgurat li tali hwienet tal-karità jiġu amministrati fl-interess tal-organizzazzjoni volontarja kkonċernata u fl-interess pubbliku.

2. (1) Sakemm ma jkunx preskritt mod ieħor f'dawn ir-regolamenti, għandhom japplikaw it-tifsiriet preskritti fl-Att.

Tifsir.

(2) Għall-finijiet ta' dawn ir-regolamenti u sakemm ir-rabta tal-kliem ma teħtieġx mod ieħor:

"amministraturi" għandu jkollha l-istess tifsira assenjata lilha fl-Att;

"l-Att" tfisser l-Att dwar l-Organizzazzjonijiet Volontarji;

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"attività ta' negozju" tfisser it-twettiq ta' attivitajiet minn ħanut tal-karità biex jingabru fondi għal organizzazzjoni volontarja;

"bejgħ bl-imnut għall-karità" tfisser il-bejgħ ta' oġġetti godda jew il-bejgħ mill-ġdid ta' ħwejjeg jew oġġetti, inklużi dawk mogħtija mill-pubbliku, sabiex jingabru fondi għal għan ta' karità.

"donatur" tfisser persuna li tagħti donazzjoni fi flus kontanti jew in natura, kemm jekk ikunu oġġetti jew ħwejjeg għall-karità għal għan tal-karità u tinkludi klijenti;

"donazzjoni għall-karità" tfisser donazzjoni fi flus kontanti jew

in natura inkluzi hwejjeg u oggetti jew servizzi moghtija lil hanut tal-karita' sabiex tigi appoggata organizzazzjoni volontarja biex tikseb l-għan u l-objettivi primarji tagħha;

"hanut tal-karita'" tfisser stabbiliment li hu miftuh għall-pubbliku ġenerali biex iwettaq attivitajiet ta' negozju sabiex jiġbor fondi biex organizzazzjoni volontarja tikseb l-għan u l-objettivi primarji tagħha iżda tali hanut tal-karita' jista' jiġi biss stabbilit minn organizzazzjoni volontarja;

"impjegat" tfisser persuna li ma tkunx amministratur, li daħlet għal, jew hi impjegata permezz ta', kuntratt ta' servizz mal-hanut tal-karita', jew xi persuna li impenjat ruħha personalment li teżegwixxi xi xogħol jew servizzi għal, jew taht l-ordnijiet u l-kontroll immedjati ta' hanut tal-karita' bil-korrispettiv ta' rimunerazzjoni, iżda teskludi xogħol jew servizzi mwettqa f'kariga professjonali jew bhala kuntrattur għal persuna oħra, meta tali xogħol jew servizz mhuwiex regolat b'kuntratt speċifiku ta' servizz. Tali xogħol jew servizzi lil hwienet tal-karita' jistgħu jinkludu, iżda mhumiex limitati għal, attivitajiet jew avveniment pubbliċi ta' ġbir ta' fondi.

"kontijiet annwali" tfisser ir-records kollha ta' kontabilita' dwar dħul u infiq miżmuma minn organizzazzjoni volontarja għas-sena finanzjarja rispettiva;

"il-Kummissarju" tfisser il-Kummissarju għal Organizzazzjonijiet Volontarji;

"numru tal-organizzazzjoni volontarja" tfisser in-numru allokat lil organizzazzjoni volontarja mill-Kummissarju mal-iskrizzjoni tagħha;

"operatur ta' hanut tal-karita'" tfisser persuna li tmexxi hanut tal-karita' u tinkludi l-amministrazzjoni ta' tali hanut tal-karita' u l-frazi "operaturi ta' hwienet tal-karita'" għandha tinftiehem skont hekk;

"organizzazzjoni volontarja" tfisser organizzazzjoni stabbilita skont id-dispożizzjonijiet tal-artikolu 3 tal-Att;

"sena finanzjarja rispettiva" tfisser is-sena finanzjarja li fir-rigward tagħha jiġu ppreparati kontijiet annwali minn organizzazzjonijiet volontarji.

Applikabilita'.

3. Dawn ir-regolamenti jgħoddu għall-organizzazzjonijiet volontarji iskritti kollha.

(2) L-objettivi ta' dawn ir-regolamenti jinkludu:

(a) li jippromwovu prattika tajba u *standards* għoljin fil-beiġh bl-imnut għall-karità;

(b) li jiżguraw l-osservanza tal-htigiet kollha stabbiliti b'dawn ir-regolamenti u fid-dispożizzjonijiet tal-Att;

(c) li jippromwovu fiduċja pubblika u appoġġ għal hwienet tal-karità;

(d) li jżidu donazzjonijiet lil hwienet tal-karità;

(e) li jiġġeneraw pubbliċità attiva għal hwienet tal-karità;

(f) li jippromwovu l-għarfien dwar hwienet tal-karità legittimi;

(g) li jappoġġjaw xogħol għall-karità.

4. (1) Kull hanut tal-karità għandi jkunu registrat mal-Uffiċċju tal-Kummissarju li, min-naħa tiegħu, għandu joffri permess lill-organizzazzjoni volontarja li tistabbilixxi tali hanut tal-karità: Htigiet generali.

Izda l-Kummissarju jkollu d-diskrezzjoni li jawtorizza jew jirrifjuta tali registrazzjoni:

Izda wkoll il-Kummissarju għandu, bil-miktub, jagħti raġunijiet ġustifikabbli għad-deċiżjoni tiegħu li jirrifjuta tali permess, partikolarment fil-każ ta' nuqqas ta' konformità mal-htigiet kollha stabbiliti f'dawn ir-regolamenti u fid-dispożizzjonijiet tal-Att.

(2) L-amministraturi ta' organizzazzjoni volontarja għandhom josservaw l-obbligi tagħhom skont id-dispożizzjonijiet ta' dawn ir-regolamenti bħala entitajiet ta' karità, bħala bejjiegħa bl-imnut u bħala amministraturi tal-proprjetà jew tal-bini kkonċernati.

(3) L-amministraturi għandhom jiżguraw li hwienet tal-karità ma jwettqux xi attività li tmur lil hinn mill-għan li għalih giet stabbilita l-organizzazzjoni volontarja u li tali hwienet tal-karità josservaw il-kondizzjonijiet stipulati fil-permess jew liċenza jew awtorizzazzjoni tagħhom maħruġa mill-Kummissarju.

(4) L-amministraturi għandhom jiżguraw li jkun hemm fis-seħh proċeduri ċari u trasparenti biex jippermettu li donaturi u klijenti jistgħu jinnotifikaw l-entità ta' karità dwar l-ilmenti tagħhom, u tali proċeduri għandhom jinkludu sistemi biex jiġi żgurat li l-ilmenti kollha jiġu ttrattati minnufih u fi żmien speċifikat.

Applikazzjonijiet.

5. (1) L-applikazzjonijiet minn organizzazzjonijiet volontarji għall-ġestjoni ta' tali hwienet tal-karità għandhom jintbagħtu lill-Kummissarju.

(2) Fl-applikazzjoni biex jinkiseb permess biex jinfetaħ hanut tal-karità, l-organizzazzjoni volontarja għandha ttipprovdi lill-Kummissarju:

(a) kuntratt ta' xiri jew ta' kiri tal-binja, jew dokument li jikkonferma titolu legalment validu;

(b) permess tal-ippjanar validu dwar il-binja, u meta l-binja inbniet qabel l-1967, dikjarazzjoni minn perit li tikkonferma dan;

(ċ) l-isem ta' kull persuna li hi fdata bit-tmexxija tal-hanut tal-karità, inkluż iżda mhux limitat għal voluntiera, li għandu jkollhom għallinqas sittax (16)-il sena;

(d) ċertifikat tal-kondotta tal-pulizija aġġornat tal-applikanti u tal-persuni msemmija fil-paragrafu (ċ);

(e) dikjarazzjoni b'riżoluzzjoni ffirmata mill-amministraturi kollha tal-organizzazzjoni volontarja li tiddikjara li tali organizzazzjoni volontarja ser tiftaħ u tiġġestixxi hanut tal-karità;

(f) ċertifikat validu li jiċċertifika li l-binja hi reġistrata bħala konformi mar-regoli u regolamenti maħruġa mill-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol skont l-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol;

(g) kull informazzjoni oħra neċessarja jew anċillari li l-Kummissarju jista' minn żmien għal żmien jeħtieġ skont id-dispożizzjonijiet ta' dawn ir-regolamenti.

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Operazzjonijiet ta' hwienet tal-karità.

6. (1) Operaturi ta' entitajiet ta' karità għandhom jittrattaw mal-pubbliku, donaturi u klijenti b'rispett u għandhom jipprovdu informazzjoni ċara lil donaturi u klijenti dwar l-oġġettivi u l-attivitajiet tal-entità meta jiġu mitluba tali informazzjoni.

(2) Operaturi ta' entitajiet ta' karità għandhom jipprovdu taħriġ, informazzjoni u appoġġ xieraq lill-persunal u lill-voluntiera kollha.

(3) Operaturi ta' entitajiet ta' karità għandhom jieħdu l-miżuri kollha raġjonevoli sabiex jiżguraw l-immaniġġjar sigur ta' flus kontanti, ċekkijiet u pagamenti magħmulin b'karti ta' kreditu kif

ukoll ta' donazzjonijiet in natura.

(4) Operaturi ta' entitajiet ta' karità għandu jkollhom ippubblikati *policies* u proċeduri ċari għat-trattament ta' lmenti li jiġu riċevuti fil-ħwienet tagħhom.

(5) Bla ħsara għad-dispożizzjonijiet tal-Att tal-dwar l-Ippjanar tal-Iżvilupp, ħwienet tal-karità għandu jkollhom fuq il-faccata tal-binja tagħhom il-kliem "ħanut tal-karità" kemm bil-Malti kif ukoll bl-Ingliż, flimkien mal-isem tal-organizzazzjoni volontarja u n-numru tal-organizzazzjoni volontarja. Kap. 552.

7. Ħanut jew posta li jifih għal perjodu ta' inqas minn għoxrin (20) ġurnata f'sena ma jiġux ikkunsidrati bħala ħanut tal-karità għall-finijiet ta' dawn ir-regolamenti, iżda minkejja dan għandhom jkunu konformi mad-dispożizzjonijiet stabbiliti fir-Regolamenti tal-2020 dwar Organizzazzjonijiet Volontarji (Ġbir Pubbliku). Posti jew ħwienet temporanji. A.L. 371 tal-2020.

8. (1) Prospetti annwali għandhom jiġu kompletati u mibgħuta lill-Kummissarju skont il-Formula dwar Prospetti Annwali preskritta fl-Iskeda 1, inklużi dettalji dwar il-bejgħ ta' oġġetti tal-ħanut tal-karità u n-numru tar-registrazzjoni tat-taxxa fuq il-valur miżjud (VAT). Prospetti annwali.

(2) Bla ħsara għad-dispożizzjonijiet tas-subregolament (1), il-prospetti annwali għandhom jinkludu iżda ma jkunux limitati għal:

(a) id-dokumenti ta' registrazzjoni tal-entità ta' karità inklużi:

(i) l-għan u l-attivitajiet tal-ħanut tal-karità; u

(ii) l-ismijiet, it-titoli, ir-rwol magħżul u l-indirizzi tal-operaturi tal-entitajiet ta' karità;

(b) l-isem u t-tip tal-karità;

(ċ) is-salarji tad-diretturi, *managers*, membri u, jew impjegati (jekk applikabbli);

(d) l-isem tar-riċevitur tad-donazzjoni;

(e) l-irċevuti lil donaturi li jispeċifikaw l-lista ta' hwejjeg u oġġetti li qed jinghataw; u

(f) kopja tal-kontijiet annwali tal-organizzazzjoni volontarja annessa bħala Anness A sottomessa skont l-Iskeda III tar-Regolamenti dwar Organizzazzjonijiet Volontarji (Prospetti L.S. 492.01

Annwali u Kontijiet Annwali).

(3) L-amministraturi għandhom jinkludu dettalji ta' kuntatt ċari għall-entità tagħhom f'kull talba għal donazzjonijiet li ssir. Id-dettalji tal-persunal li jirrappreżenta lill-entità ta' karità kemm jekk operaturi, impjegati, membri jew voluntiera, u fejn ikun possibbli tal-vetturi tagħhom għandhom ikunu identifikabbli faċilment.

(4) Għall-għan ta' dan ir-regolament, kull informazzjoni li tirrigwarda attivitajiet ta' negozju mwettqa minn hwienet tal-karità għandha tipprovdi analiżi fattwali u trasparenti tad-dhul iġġenerat, l-*income*, il-ħlasijiet, l-assi u r-responsabbiltajiet għas-sena finanzjarja rispettiva.

Rimunerazzjoni għal membri u impjegati ta' hwienet tal-karità.

9. (1) Il-membri u l-impjegati ta' ħanut tal-karità jistgħu jkunu intitolati għal rimunerazzjoni għas-servizzi mogħtija lil tali ħanut tal-karità skont il-livelli tas-suq u l-kondizzjonijiet tas-suq kif imfissra fl-Att, u tali servizzi għandhom jiġu ppubblikati fir-rapport annwali mħejji mill-amministraturi tal-organizzazzjoni volontarja relatata.

(2) L-amministraturi ta' ħanut tal-karità għandhom:

(a) jiddikjaraw l-ammont tar-rimunerazzjoni li tingħata lill-impjegati tal-ħanut; u

(b) jipprovdu kopja tal-kuntratt tal-impjieg lill-Kummissarju, li għandu jintuża mill-Kummissarju għal għanijiet interni biss.

(3) Bla ħsara għad-dispożizzjonijiet tas-subregolament (2), fil-każ ta' hwienet tal-karità li jirċievu fondi mill-gvern, l-impjegati ta' tali hwienet tal-karità jkunu intitolati għal rimunerazzjoni li ma tkunx oġġla mis-salarju ta' uffiċjal pubbliku jew impjegat tal-gvern, meta kkomparati mar-rwol imsemmi rispettiv tagħhom f'tali ħanut tal-karità.

(4) Il-Kummissarju jkollu d-dritt, fil-każijiet imsemmija taħt is-subregolament (2), u sabiex jiżgura li l-impjegati ma jiġux imħallsa rati eċċessivi, jikseb mill-organizzazzjoni volontarja jew xi entità jew awtorità oħra kkonċernati, l-għadd ta' impjegati fil-ħanut tal-karità u r-rwol imsemmi rispettiv tagħhom, flimkien ma' kull informazzjoni oħra li l-Kummissarju jista' jeħtieġ f'dan ir-rigward.

(5) Ir-rimunerazzjoni ta' persuni li huma impjegati biex iwettqu dmirijiet ta' ġestjoni, funzjonijiet eżekuttivi jew attivitajiet ta' ġbir ta' fondi f'ħanut tal-karità m'għandhomx ikunu tali li jippreġudikaw materjalment dik l-organizzazzjoni volontarja milli

tikseb l-għan prinċipali u l-objettivi tagħha.

10. (1) Kull persuna li topera f'hanut tal-karità, kemm b'rimunerazzjoni jew minghajrha, li tkun persuna li tgħin, membru, voluntier u, jew operatur tal-karità għandu jkollhom *tag* maħruġa mill-Kummissarju. Tags ta' identifikazzjoni.

(2) It-*tag* għandu jkun fiha:

(a) l-isem u l-kunjom tal-persuna;

(b) in-numru tal-karta tal-identità jew in-numru tal-passaport tal-persuna;

(ċ) in-numru tal-organizzazzjoni volontarja tal-organizzazzjoni volontarja elenkata;

(d) l-isem tal-hanut tal-karità;

(e) il-firma tal-Kummissarju jew ta' rappreżentant li jaġixxi f'ismu u xi amministratur tal-organizzazzjoni volontarja.

(3) Meta l-applikazzjonijiet għal tali *tags* isuru minn organizzazzjoni volontarja, dik l-organizzazzjoni volontarja għandha tassumi r-responsabbiltà sħiħa dwar il-qagħda u l-kredibilità tajba ta' dawn il-persuni u tosserva d-dispożizzjonijiet tal-artikolu 22B tal-Att.

(4) It-*tag* għandha tkun viżibbli l-hin kollu meta l-hanut ikun miftuħ għall-pubbliku u għandha tinzamm fi stat nadif u legibbli.

(5) It-*tag* għandha tkun immarkata b'perjodu ta' skadenza, liema perjodu jkun fid-diskrezzjoni tal-Kummissarju.

(6) Persuni li jonqsu milli jibdlu t-*tag* wara l-iskadenza tagħha, jew milli jagħtuha lura lill-Kummissarju fuq it-talba tiegħu, jew wara li tkun intemmet il-gabra, ikunu soġġetti għal penali ta' għoxrin euro (€20).

(7) Kull persuna tkun responsabbli għall-kustodja sigura tat-*tag* tagħha u għandha tagħti t-*tag* lura lill-Kummissarju minnufih malli tieqaf milli tibqa' kollettur, u fil-każ fejn *tag* tintilef, il-Kummissarju għandu johroġ dikjarazzjoni għal dan il-għan fil-Gazzetta u f'gazzetta lokali.

11. (1) Kull prezz li jkun immarkat fuq xi oġġett jew haġa għandu jkunu viżibbli għall-klijenti jew lill-pubbliku ġenerali li għandhom ikunu jafu l-prezz finali. Oġġetti għall-bejgħ.

(2) Kull haġa li hi legalment ipprojbta milli tkun għall-bejgħ m'għandhiex tinbiegħ minn hanut tal-karità.

Ġbir ta' affarijiet li wiehed ma jridx iżjed.

12. (1) Jekk xi organizzazzjoni volontarja toffri s-servizz ta' ġbir ta' oġġetti jew affarijiet biex jerġgħu jintużaw jew jinbiegħu mill-ġdid, tali ġbir m'għandux jammonta għal ġbir ta' skart u tali organizzazzjoni volontarja għandha tkun eżentata milli tapplika għal xi liċenza jew permess biex tiġi kkunsidrata bħala kollettur ta' skart u, jew faċilità għall-iskart.

(2) L-eżenzjoni msemmija fis-subregolament (1) tapplika biss jekk l-oġġett jew il-haġa inkwistjoni mhumiex elenkati bħala oġġetti perikolużi jew tossiċi, jew li jistgħu mod ieħor jikkawżaw ħsara lil persuna jew lill-ambjent.

Obbligu tal-operatur ta' hanut tal-karità. Kap. 378.

13. L-operatur ta' hanut tal-karità ma jkunx obligat jipprovdi garanzija kummerċjali skont id-dispożizzjonijiet tal-artikolu 82 tal-Att dwar l-Affarijiet tal-Konsumatur dwar l-oġġetti jew l-affarijiet li jinbiegħu u tali oġġetti jew affarijiet jinxtrow għar-riskju tax-xerrej, sakemm tali oġġetti jew affarijiet ikunu qed jinbiegħu għal għanijiet ta' ġbir ta' fondi.

Drittijiet ta' donaturi.

14. (1) Donaturi għandhom ikunu mgħarrfa li l-oġġetti jew l-affarijiet li jingħataw ikunu qed jintużaw primarjament għal għan ta' karità.

(2) Entità ta' karità m'għandhiex tidhol f'xi ftehim li hu maħsub li jmur lil hinn jew jippreġudika materjalment l-għan ta' karità jew li jwaqqaf l-entità ta' karità milli tikseb l-għan primarju jew l-oġġettivi tagħha.

Responsabbiltajiet tal-amministraturi.

15. (1) L-amministraturi ta' organizzazzjoni volontarja għandhom jiżguraw li gabriet ta' donazzjonijiet isiru skont il-ħtiġiet tal-leġiżlazzjoni rilevanti u li l-hanut tal-karità hu liċenzjat kif xieraq.

(2) L-amministraturi għandhom ikunu jafu li d-donazzjoni ta' affarijiet għall-bejgħ ser tosserva l-oġġettivi u l-ħtiġiet tal-bejgħ bl-imnut tal-entità tal-karità, sal-limitu li tali donazzjoni għandha tkun intiża li tikseb l-għan primarju u l-oġġettivi tal-organizzazzjoni volontarja u mhux ser tintuża biex iżżid d-dħul tal-entità tal-karità stess.

(3) L-amministraturi għandhom jikkunsidraw ukoll r-riskji għar-reputazzjoni tal-entità tal-karità tagħhom u għas-settur tal-volontarjat u li jiġu involuti f'attivitajiet li jistgħu jkunu kkunsidrati bħala li jdgħajfu l-għan u l-oġġettivi tal-organizzazzjoni volontarja, li li jistgħu sostanzjalment u materjalment jagħmlu ħsara għall-fiduċja pubblika fis-settur tal-volontarjat.

(4) L-amministraturi għandhom jiġu assigurati li d-donazzjonijiet kollha huma riċevuti f'konformità assoluta ma' dawn ir-regolamenti u d-dispożizzjonijiet tal-Att.

16. (1) Liċenza, permess jew awtorizzazzjoni mogħtija lil ħanut tal-karità huma soġġetti għal tiġdid awtomatiku, sakemm l-organizzazzjoni tkun konformi u tissottometti l-kontijiet annwali tagħha kull sena:

Nuqqas ta' osservanza.

Iżda tali tiġdid ta' liċenza, permess jew awtorizzazzjoni jkun soġġett għad-diskrezzjoni tal-Kummissarju.

(2) Organizzazzjoni volontarja li ma tkunx konformi mad-dispożizzjonijiet ta' dawn ir-regolamenti m'għandhiex topera ħanut tal-karità u tali ħanut tal-karità għandu jinżamm magħluq, sakemm ma jergax ikun konformi f'perjodu *interim* ta' sena (1):

Iżda jekk l-organizzazzjoni volontarja tibqa' fi stat ta' nuqqas ta' konformità wara li jiskadi l-imsemmi perjodu *interim*, il-liċenza tiġi revokata minnufih:

Iżda wkoll jekk l-organizzazzjoni volontarja tikkonforma ruħha matul tali perjodu *interim*, għandu jinħarġilha ċertifikat ta' konformità mill-Kummissarju.

17. (1) Il-Kummissarju, jew xi persuna oħra f'ismu, għandu d-dritt li jidhol fi kwalunkwe ħin f'xi ħanut tal-karità biex iwettaq spezzjoni fil-bini, fl-istadju meta tkun saret l-applikazzjoni jew fi kwalunkwe żmien wara, u jista' jitlob kull dokumentazzjoni jew evidenza li jidhirlu xierqa fir-rigward tal-bini.

Proċeduri ta' reviżjoni mill-Kummissarju.

(2) Bla ħsara għad-dispożizzjonijiet tas-subregolament (1), il-kontijiet annwali ta' organizzazzjoni volontarja jkunu soġġetti għal dawK il-proċeduri ta' reviżjoni kif speċifikati fl-Iskeda 2.

18. Id-dispożizzjonijiet tal-artikoli 7(1)(k) u (l), 8(2), 22B u 22Ċ tal-Att li għandhom x'jaqsmu ma' miżuri kontra *money laundering* u l-iffinanzjar tat-terroriżmu għandhom jgħoddu fl-intier tagħhom għal dawn ir-regolamenti.

Dispożizzjonijiet mixxellanji.

19. (1) Ħwienet tal-karità stabbiliti u li jkunu qed joperaw qabel il-bidu fis-seħħ ta' dawn ir-regolamenti, ikollhom perjodu ta' sitt (6) xhur biex jikkonformaw ruħhom ma' dawn ir-regolamenti.

Dispożizzjoni transitorja.

(2) L-operazzjonijiet ta' ħwienet tal-karità stabbiliti qabel il-bidu fis-seħħ ta' dawn ir-regolamenti, kif ukoll kull multa li setgħet ġiet dekretata jew imposta fuq tali ħwienet tal-karità qabel il-bidu fis-seħħ ta' dawn ir-regolamenti, u, jew kull azzjoni jew proċediment li

setgħu għew istitwiti kontra tal-ħwienet tal-karità għandhom jibqgħu validi.

(3) Jekk, meta jintemm il-perjodu transitorju msemmi fis-subregolament (1), ħanut tal-karità jibqa' mhux konformi ma' dawn ir-regolamenti, il-Kummissarju jista' joħroġ ordni li tali bini jingħalaq, mingħajr il-ħtieġa tal-preżentata ta' xi azzjoni oħra quddiem xi qorti.

Reati u pieni.

20. (1) Kull persuna li tikser jew tonqos milli tkun konformi ma' xi dispożizzjoni ta' dawn ir-regolamenti tkun ħatja ta' reat u teħel, meta tinsab ħatja:

(a) għall-ewwel kundanna, multa ta' mhux inqas tlieta u għoxrin euro u disgħa u għoxrin ċenteżmu (€23.29), iżda mhux iżjed minn elf, mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (€1,164.69);

(b) għat-tieni kundanna jew kundanna sussegwenti, multa ta' mhux inqas minn sitta u erbgħin euro u tmienja u ħamsin ċenteżmu (€46.58), iżda mhux iżjed minn elfejn, tlett mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (€2,329.37);

(ċ) fil-każ ta' reat kontinwat, multa ta' tlieta u għoxrin euro u disgħa u għoxrin ċenteżmu għal kull ġurnata li r-reat jibqa' jseħħ.

(3) Il-Kummissarju jkollu d-dritt li jimponi sanzjonijiet amministrattivi kif jista' jiġi preskritt fir-rigward ta' xi reat taħt dawn ir-regolamenti billi jibgħat avviż dwar tali sanzjonijiet bil-miktub lil min ikun ikkommetta r-reat. Kull proċedura ċivili tista' tiġi istitwita mill-Kummissarju skont iċ-ċirkostanzi tal-każ.

(4) Kull proċedura kriminali kontra persuna għandha tiġi istitwita mill-Kummissarju permezz tal-pulizija eżekuttiva, kif preskritt fil-Kodiċi Kriminali.

Kap. 9.

(5) Meta jinħareġ avviż taħt dan ir-regolament, il-persuna li kontra tagħha jinħareġ l-avviż għandha, fi żmien wieħed u għoxrin (21) ġurnata min-notifika, taċċetta r-responsabbiltà għar-reat stipulat fl-avviż, u fl-istess perjodu thallas il-penali u, jew s-sanzjonijiet amministrattivi indikati f'tali avviż, u tikkonforma ruħha mad-dispożizzjonijiet relattivi ta' dawn ir-regolamenti, u m'għandhom jittieħdu l-ebda proċeduri ulterjuri taħt dawn ir-regolamenti fir-rigward ta' tali reat.

Skeda 1
(Regolament 8)

Formula dwar Prospetti Annwali

(għal hwienet tal-karità stabbiliti minn Organizzazzjoni Volontarja)

Isem tal-Organizzazzjoni Volontarja:

Sena finanzjarja rispettiva għall-perjodu ta' tnax-il xhar li jintemm:

Informazzjoni ġenerali dwar l-Organizzazzjoni Volontarja

Indirizz:

Kodiċi postali:

Numru(i) tat-telefon:

Numru tal-*fax*:

Indirizz(i) elettroniku/elettroniċi:

Sit tal-web:

INFORMAZZJONI DWAR IT-TIP TA' ENTITÀ TA' KARITÀ

Isem u jew tal-entità tal-karità:

Numru ta' reġistrazzjoni tal-VAT.

Dokumenti dwar ir-reġistrazzjoni tal-entità tal-karità inklużi:

(i) l-għan u l-attivitajiet tal-ħanut tal-karità:

(ii) l-ismijiet, il-karigi, ir-rwol imsemmi u l-indirizzi tal-operaturi tal-karità:

Salarji lil diretturi, *managers*, membri u, jew impjegati (jekk applikabbli):

Dettalji dwar l-oġġetti li jinbiegħu:

Riċevuti lil donaturi li jispeċifikaw il-lista ta' oġġetti u affarijiet li jingħataw bħala donazzjoni:

KONTIJJET ANNWALI

Ehmeż bħala Appendiċi A:

Ehmeż ma' dan il-prospett annwali kopja ffirmata tal-Kontijiet Annwali sottomessi mill-organizzazzjoni volontarja.

DIKJARAZZJONI DWAR IL-KOMPLETEZZA U
L-EŻATTEZZA TAL-KONTIJJET ANNWALI

Jien b'dan nikkonferma li d-dettalji provduti, inkluż l-appendi meħmuż, huma kompleti u eżatti fil-kontenut tagħhom.

Firma ta' Amministratur:

Isem tal-Amministratur:

Data:

Appendiċi A - Kontijiet Annwali

Skeda 2

(Regolament 17)

Proċeduri ta' Revizjoni mill-Kummissarju

1. Il-Kummissarju għandu d-dritt jahtar kull persuna kwalifikata biex tiskrutinizza u tfejji rapport dwar il-kontijiet ta' organizzazzjoni volontarja meta jidhirlu xieraq u neċessarju li jagħmel dan. Dan għandu jsir mingħajr ebda avviz ieħor.

2. Bla ħsara għad-dispożizzjonijiet tal-paragrafu ta' qabel dan, il-Kummissarju għandu jkollu, sabiex jinvestiga materji jew it-tmexxija ta' affarijiet ta' organizzazzjoni volontarja, bis-saħħa tas-setgħat mogħtija lillu bl-artikolu 34 tal-Att, id-dritt li jitlob kwalunkwe informazzjoni, dokumenti, u, jew kjarifiki mill-amministraturi ta' xi organizzazzjoni volontarja, kif jidhirlu

neċessarji fiċ-ċirkostanzi.

3. Il-Kummissarju jkun ukoll intitolat, skont l-artikolu 34 tal-Att, li jitlob kull informazzjoni minn xi entità jew awtorità pubblika jew privata, jew jikxef xi informazzjoni lil tali entità jew awtorità, sabiex jinvestiga affarijiet ta' organizzazzjoni volontarja, meta jkollu suspett li tali organizzazzjoni volontarja jew xi membru tagħha qegħdin iwettqu xi attività li għandha x'taqsam ma' *money laundering* u l-iffinanzjar tat-terroriżmu, jew xi attività oħra illeċita jew illegali kif imfissra f'dawn ir-regolamenti.

Iżda kull informazzjoni mitluba mill-Kummissarju f'dan ir-rigward m'għandhiex tiġi divulgata lil terzi skont dawn ir-regolamenti:

Iżda wkoll meta l-Kummissarju jitlob tali informazzjoni, hu għandu, fuq talba magħmula minn tali entità jew awtorità, jagħti raġunijiet ġustifikati għal dan, kif jidhirlu skont iċ-ċirkostanzi.

4. Bla ħsara għall-paragrafu 3, il-Kummissarju hu intitolat jikseb kwalunkwe informazzjoni minn entitajiet jew awtoritajiet oħra, inklużi iżda mhux limitati għal, ir-Registatur għal Persuni Ġuridiċi, is-Servizz ta' Sigurtà ta' Malta, Jobsplus, il-Kummissarju tal-Pulizija, il-Kummissarju tat-Taxxi, il-Korp għall-Analisi ta' Informazzjoni Finanzjarja, l-Uffiċċju għall-Irkupru tal-Assi, l-Awtorità tas-Servizzi Finanzjarja ta' Malta u l-Qrati tal-Ġustizzja, kif ukoll li jikxef kull informazzjoni lil tali entitajiet u awtoritajiet:

Iżda dik l-informazzjoni tista' tinkludi wkoll kull informazzjoni mir-Registatur tal-Qrati u, jew mill-Uffiċċju tal-Avukat Ġenerali jew mill-Uffiċċju tal-Avukat tal-Istat rispettivament, li tirrigwarda proċeduri kriminali jew ċivili pendenti, b-referenza partikolari għal kull informazzjoni li tirrigwarda s-sekwestru, l-iffriżar, il-konfiska jew il-qbid ta' assi:

Iżda wkoll kull informazzjoni privileġġata miksuba mill-Kummissarju wara li tkun saret tali talba, għandha tintuża esklussivament għall-għanijiet tas-setgħat mogħtija lilu skont id-dispożizzjonijiet tal-artikolu 34 tal-Att u ma tkunx aċċessibbli għall-pubbliku.

5. Il-Kummissarji jista' jitlob ukoll lil kull membru jew amministratur tal-organizzazzjoni volontarja, jew dawk li għandhom pretensjoni jew jallegaw li għandhom tali status, biex jissottomettu ċertifikat tal-kondotta mahruġ taht l-Ordinanza dwar Ċertifikati tal-Kondotta u jista' jirrifjuta li joħroġ ċertifikat ta' iskrizzjoni lil tali membru jew amministratur tal-organizzazzjoni volontarja, jew jirtira

ċertifikat ta' iskrizzjoni maħruġ, jekk tali membru jew amministratur tal-organizzazzjoni volontarja jonqos milli jipprovdi tali ċertifikat tal-kondotta.

6. Bla ħsara għad-dispożizzjonijiet tal-artikolu 3(3) tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, il-Kummissarji jista', waqt l-investigazzjonijiet tiegħu, jitlob *record* sħiħ tal-kundanni kriminali ta' kull membru jew amministratur ta' organizzazzjoni volontarja. Il-Kummissarju jista' jirrifjuta li joħroġ ċertifikat ta' iskrizzjoni, jew jirtira kull ċertifikat ta' iskrizzjoni maħruġ, jekk il-persuna lil lilha jirreferi *r-record* ta' kundanni kriminali tirrifjuta milli tagħti l-kunsens tagħha kif mehtieg taħt l-artikolu 3(3) tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta.

7. Għall-finijiet ta' din l-Iskeda, u waqt li tkun qed issir xi investigazzjoni taħt l-artikolu 7(1)(g) tal-Att, il-Kummissarju jkollu s-setgħa li jsejjaħ xhieda u li jagħti l-ġurament lil kull persuna kkonċernata fl-investigazzjoni u jordnalhom jixhdu.

8. Fil-każ fejn tali persuna tirrifjuta li tipproduci l-informazzjoni mitluba, il-Kummissarju jista' jimponi multa amministrattiva ta' mhux iżjed minn ħames mitt euro (€500).

L.N. 390 of 2020

**VOLUNTARY ORGANISATIONS ACT
(CAP. 492)**

Voluntary Organisations (Charity Shops) Regulations, 2020

IN exercise of the powers conferred by article 41(1)(r) and (s) of the Voluntary Organisations Act, the Minister for Education and Employment, in consultation with the Minister for Finance and Financial Services has made the following regulations:-

1. (1) The title of these regulations is the Voluntary Organisations (Charity Shops) Regulations, 2020. Citation and scope.

(2) The scope of these regulations is to regulate charity shops carrying out trading activities in order for a voluntary organisation to achieve its primary lawful and social purpose and objectives including that of public benefit and to ensure that such charity shops are administered in the interest of the voluntary organisation concerned and for public interest.

2. (1) Unless otherwise provided in these regulations, the definitions prescribed in the Act shall apply. Interpretation.

(2) For the purpose of these regulations and unless the context otherwise requires:

"the Act" means the Voluntary Organisations Act; Cap. 492.

"administrators" shall have the meaning as assigned to it in the Act;

"annual accounts" means all accounting records of income and expenditure kept by a voluntary organisation for the respective financial year;

"charitable donation" means a donation in cash or in kind including goods and items donated or services made to a charity shop to support a voluntary organisation to obtain its primary purpose and objectives;

"charity shop" means an establishment which is open to the general public to carry out trading activities in order to raise funds for a voluntary organisation to achieve its principal purpose and objectives provided that such charity shop may only be established by a voluntary organisation;

"charity retailing" means the sale of new items or the re-sale of goods or items, including those donated by the public, to raise funds for a charity purpose;

"charity shop operator" means a person operating a charity shop and includes the management of such charity shop and the term "charity shop operators" shall be construed accordingly;

"the Commissioner" means the Commissioner for Voluntary Organisations;

"donor" means a person who gives a donation in cash or in kind, whether items or goods to charity for a charitable purpose and includes customers;

"employee" means a person not being an administrator, who has entered, or is employed by virtue of a contract of service with the charity shop, or any person who has undertaken personally to execute any work or services for, and under the immediate direction and control of a charity shop against remuneration, but excluding any work or services performed in a professional capacity or as a contractor for another person, when such work or service is not regulated by a specific contract of service. Such work or services to charity shops may include, but are not limited to fundraising activities or public events;

"respective financial year" means the financial year in respect of which annual accounts are prepared by voluntary organisations;

"trading activity" means the carrying out of activities by a charity shop in order to raise funds for a voluntary organisation;

"voluntary organisation" means an organisation established in accordance with article 3 of the Act;

"voluntary organisation number" means the number allocated to a voluntary organisation by the Commissioner upon its enrolment.

Applicability.

3. These regulations shall apply to all enrolled voluntary organisations.

(2) The objectives of these regulations include:

(a) to promote good practice and high standards in charity retailing;

(b) to ensure compliance with all the requirements established in these regulations and in the provisions of the Act;

- (c) to promote public confidence and support for charity shops;
- (d) to increase donations to charity shops;
- (e) to generate positive publicity for charity shops;
- (f) to promote awareness of legitimate charity shops;
- (g) to support the work for charities.

4. (1) Any charity shop shall be registered with the Office of the Commissioner who shall in return grant a permit to the voluntary organisation establishing such charity shop: General requirements.

Provided that the Commissioner shall have the discretion to authorize or refuse such registration:

Provided further that the Commissioner shall, in writing, give justifiable reasons for his decision to refuse such a permit, in particular in case of non-compliance with all the requirements established in these regulations and in the provisions of the Act.

(2) Administrators of a voluntary organisation shall comply with their obligations in terms of these regulations as charities, as retailers and administrators of the property or the premises concerned.

(3) Administrators shall ensure that charity shops do not perform any activity which goes beyond the purpose for which the voluntary organisation was established and that such charity shops shall adhere to the conditions stipulated in their permit or licence or authorisation issued by the Commissioner.

(4) Administrators shall ensure they have clear, transparent procedures in place to enable donors or customers to notify the charity of their complaints and such procedures should include systems to ensure that all complaints are addressed promptly and within a specified time frame.

5. (1) Applications by voluntary organisations for the operation of such charity shops shall be received by the Commissioner. Applications.

(2) In the application to obtain a permit to open a charity shop, the voluntary organisation shall provide to the Commissioner:

- (a) a contract of purchase or lease of the premises, or a document confirming a valid legal title;

(b) a valid planning permit of the premises and where such premises were built before 1967, an architect's declaration to this effect;

(c) the name of any person who is entrusted with the management of the charity shop, including but not limited to volunteers, who shall be at least sixteen (16) years of age;

(d) an updated police conduct certificate of the applicants and of the persons mentioned in paragraph (c);

(e) a resolution declaration signed by all administrators of the voluntary organisation declaring that such voluntary organisation will be opening and operating a charity shop;

(f) a valid certificate certifying that the premises are registered as compliant with the rules and regulations issued by the Health and Safety Authority in terms of the Occupational Health and Safety Authority Act;

(g) any other necessary and ancillary information which the Commissioner may from time to time require in terms of these regulations.

Cap. 424.

Charity shops
operations.

6. (1) Charity operators shall treat the public, donors and customers with respect and shall provide clear information to donors and customers about their charity's objectives and activities on the request of such information.

(2) Charity operators shall provide appropriate training, information and support to all staff and volunteers.

(3) Charity operators shall take all reasonable measures to ensure the secure handling of cash, cheques and credit card payments as well as donations in kind.

(4) Charity operators should have clear, published policies and procedures for the handling of complaints received in their shops.

Cap. 552.

(5) Saving the provisions of the Development Planning Act, charity shops shall have on the façade of their premises the words "Charity Shop" both in the Maltese and the English Language, together with the voluntary organisation's name and the voluntary organisation's number.

7. A shop or stall opened for a period of less than twenty (20) days in a year shall not be considered as a charity shop for the purposes of these regulations, but shall nevertheless abide by the provisions established in the Voluntary Organisations (Public Collections) Regulations, 2020.

Stalls or temporary shops.

L.N. 371 of 2020.

8. (1) Annual returns shall be duly filled by administrators and submitted to the Commissioner in terms of the Annual Returns Form prescribed in Schedule 1, including the details of the selling items of the charity shop and the value added tax (VAT) registration number.

Annual returns.

(2) Saving the provisions of sub-regulation (1), annual returns shall include but are not limited to:

(a) the charity registration documents including:

(i) the purpose and activities of the charity shop; and

(ii) the names, titles, designated role and addresses of charity operators;

(b) name or type of charity;

(c) salaries to directors, managers, members and, or employees (if applicable);

(d) name of donee; and

(e) receipts to donors specifying the list of goods and items being donated; and

(f) a copy of the annual accounts of the voluntary organisation attached as Annex A submitted to the Commissioner in terms of Schedule III to the Voluntary Organisations (Annual Returns and Annual Accounts) Regulations.

S.L. 492.01

(3) Administrators shall include clear contact details for their charity on all requests made for donations. Details of the personnel representing the charity, whether operators, employees, member or volunteers, and where possible of their vehicles shall be clearly identifiable.

(4) For the purpose of this regulation, any information regarding the trading activities carried out by charity shops shall provide an actual and transparent analysis of the generated revenue,

income, expenditure, assets and liabilities for the respective financial year.

Remuneration to members and employees of charity shops.

9. (1) The members and employees of a charity shop may be entitled to remuneration for services rendered to such charity shop in terms of the market levels and market conditions as defined in the Act, and such services shall be published in the annual report prepared by the administrators of the related voluntary organisation.

(2) Administrators of a charity shop shall:

(a) declare the amount of remuneration received by its employees; and

(b) provide a copy of the contract of employment to the Commissioner, which shall be used by the Commissioner for internal purposes only.

(3) Saving the provisions of sub-regulation (2), in the case of charity shops receiving government funds, the employees of such charity shops shall be entitled to remuneration which shall not exceed the salary of a public officer or a civil servant, when compared to their respective designated role in such charity shop.

(4) The Commissioner shall, in all cases mentioned under sub-regulation (2), and in order to ensure that employees are not paid exorbitant rates, be entitled to obtain from the voluntary organisation or any other entity or authority concerned, the number of employees in the charity shop and their respective designated role, together with any other information which the Commissioner may require in this regard.

(5) The remuneration of persons who are employed to carry out management duties, executive functions or fundraising activities in a charity shop shall not be such as to materially prejudice the voluntary organisation from achieving its principal purpose and objectives.

Identification tags.

10. (1) Any person who operates in a charity shop, whether against remuneration or not, being a helper, member, volunteer and, or charity operator shall be in possession of a tag issued by the Commissioner.

(2) The tag shall include:

(a) the name and surname of the person;

(b) the identity card number or passport number of the

person;

(c) the voluntary organisation's number of the enrolled voluntary organisation;

(d) the name of the charity shop;

(e) the signature of the Commissioner or a representative acting on his behalf and any administrator of the voluntary organisation.

(3) Where applications for such tags are made by a voluntary organisation, such voluntary organisation shall take full responsibility on the good standing and credibility of these persons and observe the provisions of article 22B of the Act.

(4) The tag shall be made visible at all times during the time that the shop is open to the public and must be kept in a clean and legible state.

(5) The tag shall be marked with an expiry period, which period shall be at the discretion of the Commissioner.

(6) Failure to exchange a tag upon its expiry period, or to return it to the Commissioner, upon his request, or upon termination of a collection, shall be subject to a penalty of twenty euro (€20).

(7) Every person shall be responsible for the safe custody of his tag and shall return the tag to the Commissioner immediately upon ceasing to be a collector, and in case a tag is lost, the Commissioner shall issue a declaration to that effect in the Gazette and one local newspaper.

11. (1) Any price which is tagged to an item or good shall be made clearly visible to customers or the public in general who shall be aware of the final price. Sale items.

(2) Any item which is legally prohibited for sale may not be sold from a charity shop.

12. (1) If any voluntary organisation offers the service of collecting items or goods for reuse or re-sale, such collection shall not amount to waste collection and such voluntary organisation shall be exempted from applying for any licence or permit to be considered as a waste collector and, or a waste facility. Waste collections.

(2) The exemption mentioned in the sub-regulation (1) only applies if the item or good in question is not listed as a hazardous or

toxic item, or may otherwise cause harm to a person or to the environment.

Obligation of the charity shop operator. Cap. 378.

13. The charity shop operator shall not be obliged to provide a commercial guarantee in terms of article 82 of the Consumer Affairs Act against the items or goods being sold and such items or goods shall be bought at the buyer's risk, provided that such items or goods are being sold for fundraising purposes.

Rights of donors.

14. (1) Donors shall be aware that the items or goods being donated are being primarily used for a charitable purpose.

(2) A charity shall not enter any agreement which is intended to go beyond or which materially prejudices the charity purpose or which hinders the charity from achieving its primary purpose and objectives.

Responsibilities of administrators.

15. (1) Administrators of a voluntary organisation shall ensure that collections of donations are being carried out within the requirements of the relevant legislation and that the charity shop is appropriately licensed.

(2) Administrators shall be aware that the donation of goods for sale shall meet the charity retail objectives and requirements, to the extent that such donation shall be intended to obtain the primary purpose and objectives of the voluntary organisation and shall not be used to increase the income for the charity itself.

(3) Administrators shall also consider the reputation risks to their charity and to the voluntary sector and of being involved in activities which might be seen to undermine the purpose and objectives of the voluntary organisation, or which might substantially and materially damage the public's trust in the voluntary sector.

(4) Administrators shall be assured that any donations are received in full conformity with these regulations and the provisions of the Act.

Non-compliance.

16. (1) A licence, permit or authorisation granted to a charity shop is subject to automatic renewal, provided that the voluntary organisation is compliant and submits its annual accounts on an annual basis:

Provided that such renewal of licence, permit or authorisation is subject to the discretion of the Commissioner.

(2) A non-compliant voluntary organisation shall not operate a charity shop and such charity shop shall remain closed, unless it

becomes compliant within an interim period of one (1) year:

Provided that, if the voluntary organisation remains non-compliant after the lapse of such interim period, the licence shall be revoked immediately:

Provided further that, if the voluntary organisation becomes compliant within such interim period, it shall be issued with a compliance certificate by the Commissioner.

17. (1) The Commissioner or anyone on his behalf has the right of entry at any time in any charity shop to perform an inspection within the premises, at the application stage and at anytime thereafter, and may ask for any documentation or evidence as he deems fit in relation to the premises.

Review
procedures by
the
Commissioner.

(2) Saving the provisions of sub-regulation (1), the annual accounts of a voluntary organisation shall be subject to such review procedures as are specified in Schedule 2.

18. The provisions in articles 7(1)(k) and (l), 8(2), 22B and 22C of the Act relating to anti-money laundering and financing of terrorism shall apply in their entirety to these regulations.

Miscellaneous
provisions.

19. (1) Charity shops established and operating prior to the entry into force of these regulations, shall have a period of six (6) months, to conform with these regulations.

Transitory
provision.

(2) The operations of charity shops established prior to the entry into force of these regulations, as well as any fines which may have been issued or imposed on such charity shops prior to the entry into force of these regulations, and, or any actions or proceedings which may have been instituted against such charity shops shall remain valid.

(3) Upon termination of the transitory period referred to in sub-regulation (1), where a charity shop remains non-compliant with these regulations, the Commissioner may issue an order that such premises be closed down, without the necessity of filing any further action before any court.

20. (1) Any person that contravenes or is in breach of any of the provisions of these regulations shall be guilty of an offence and shall, on conviction, be liable:

Offences and
penalties.

(a) on a first conviction, to a fine (*multa*) of not less than twenty-three euro and twenty-nine cents (€23.29), but not exceeding one thousand and one hundred and sixty-four euro

and sixty-nine cents (€1,164.69);

(b) on a second or subsequent conviction, to a fine (*multa*) of not less than forty-six euro and fifty-eight cents (€46.58), but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);

(c) in the case of a continuing offence, to a fine (*multa*) of twenty-three euro and twenty-nine cents (€23.29) for every day during which the offence continues.

(3) The Commissioner shall have the power to impose administrative sanctions as may be prescribed in respect of an offence under these regulations by issuing a notice relating to such sanctions in writing to the offender. Any civil proceedings may be instituted by the Commissioner according to the circumstances of the case.

(4) Any criminal proceedings against any person shall be instituted by the Commissioner through the executive police, as prescribed in the Criminal Code.

Cap. 9.

(5) Where a notice under this regulation has been issued, the person against whom such notice has been served may, within twenty-one (21) days of the service of the notice, accept responsibility for the offence stipulated in such notice, and within the same period pay the penalty and, or administrative sanctions indicated in such notice, and conform with the relative provisions under these regulations, and no further proceedings may be taken under these regulations in respect of such offence.

Schedule 1

(Regulation 8)

Annual Returns Form

(for Charity Shops established by a Voluntary Organisation)

Name of Voluntary Organisation:

Respective Financial year for the twelve month period ending: ..

General Information of the Voluntary Organisation

Address:

Postcode:

Telephone number(s):

Fax number:

E-Mail address/es:

Website:

CHARITY INFORMATION

Name or type of charity:

VAT registration number.

Charity registration documents including:

(i) the purpose and activities of the charity shop:

(ii) the names, titles, designated role and addresses of charity operators:

Salaries to directors, managers, members, and, or employees (if applicable):

Details of the selling items:

Receipts to donors specifying the list of goods and items being donated:

ANNUAL ACCOUNTS

Attach as Appendix A:

Attach with this annual return a signed copy of the Annual Accounts submitted by the voluntary organisation.

ANNUAL ACCOUNTS DECLARATION OF
COMPLETENESS AND CORRECTNESS

I hereby confirm that the details provided, including the attached appendix, are complete and truthful to their contents.

Signature of Administrator:

Name of Administrator:

Date:

Appendix A - Annual Accounts

Schedule 2

(Regulation 17)

Review procedures by the Commissioner

1. The Commissioner has the right to appoint any qualified person to scrutinise or draw up a report on the accounts of any voluntary organisation when he deems fit and necessary to do so. This shall be done without any ulterior notice.

2. Saving the provisions mentioned in the preceding paragraph, the Commissioner shall, in order to investigate matters or the conduct of affairs of a voluntary organisation, in terms of the powers vested in him by means of article 34 of the Act, have the right to request any information, documents and, or clarifications from the administrators of any voluntary organisation, as he may deem

necessary in the circumstances.

3. The Commissioner shall also, in terms of article 34 of the Act, be entitled to request any information from any public or private entity or authority, or disclose any information to such entity or authority, for the purpose of investigating matters of a voluntary organisation, when he has a suspicion that such voluntary organisation or a member thereof is carrying out any activity relating to money laundering and financing of terrorism, or any other illicit or criminal activity as defined in terms of these regulations:

Provided that any information requested by the Commissioner in this regard shall not be divulged to third parties in terms of these regulations:

Provided further that where the Commissioner requests such information, he shall, upon a demand made by such entity or authority, provide justifiable reasons thereto, as he may deem necessary in the circumstances.

4. Saving the provisions of paragraph 3, the Commissioner is entitled to obtain any information from other entities or authorities, including but not limited to, the Registrar for Legal Persons, the Malta Security Service, Jobsplus, the Commissioner of Police, the Commissioner for Revenue, the Financial Intelligence Analysis Unit, the Asset Recovery Bureau, the Malta Financial Services Authority and the Courts of Justice and also to disclose any information to such other entities or authorities:

Provided that such information may include any other information from the Registrar of Courts and, or the Office of the Attorney General or the Office of the State Advocate respectively, relating to any pending criminal or civil proceedings, with particular reference to any information concerning the attachment, freezing, confiscation and seizure of assets:

Provided further that any privileged information obtained by the Commissioner upon such request, shall be used exclusively for the purposes of the powers vested in him in terms of article 34 of the Act and shall not be made accessible to the public.

5. The Commissioner may also request any member or administrator of the voluntary organisation, or those claiming or alleging to be members or administrators of the voluntary organisation concerned, to submit a conduct certificate issued under the Conduct Certificates Ordinance, and may refuse to issue an enrolment certificate to such member or administrator of the

voluntary organisation, or withdraw any issued enrolment certificate, if such member or administrator of the voluntary organisation fails to provide such conduct certificate.

Cap. 77.

6. Subject to the provisions of article 3(3) of the Conduct Certificates Ordinance, the Commissioner may, in the course of his investigations, request a complete record of criminal convictions of any member or administrator of a voluntary organisation. The Commissioner may refuse to issue an enrolment certificate, or withdraw any issued enrolment certificate, if the person to whom the record of criminal convictions relates refuses to give his consent as required under article 3(3) of the Conduct Certificates Ordinance.

7. For the purpose of this Schedule and in the course of any investigation made under article 7(1)(g) of the Act, the Commissioner shall have the power to summon witnesses and to administer an oath to any person concerned in the investigation and require them to give evidence.

8. In the event that such person refuses to produce the requested information, the Commissioner may impose an administrative fine not exceeding five hundred euro (€500).