

L.N. of 2012

**MALTA RESOURCES AUTHORITY ACT**  
**(CAP. 423)**

**Administrative Fines (Waiving of Proceedings) Regulations, 2012**

IN exercise of the powers conferred by article 28 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, has made the following regulations:-

Citation.

**1.** The title of these regulations is the Administrative Fines (Waiving of Procedures) Regulations, 2012.

Interpretation.

**2.** In these regulations, unless the context otherwise requires:-

“the Act” means the Malta Resources Authority Act;

Cap.423.

“the Authority” means the Malta Resources Authority established by article 3 of the Act;

Waiving of procedures.

**3. (1)** Any person, on acknowledgement in writing to the Authority of:

(a) a criminal offence committed against the Act or any regulations made under the Act; and, or

(b) an infringement or failure to comply with any provision of the Act, regulations made thereunder, any other law which the Authority is

entitled to enforce, any directive or decision given by the Authority whether under the Act, regulations made thereunder or under any other law which the Authority is entitled to enforce, or any condition of any authorisation granted under the Act and, or regulations made thereunder,

may in writing request the Authority to refrain from instituting proceedings, or in the case of proceedings which have been already instituted to waive such proceedings:

Provided that, any person making such acknowledgment shall pay to the Authority an administrative fine which the Authority shall impose in return for refraining from instituting proceedings or for the waiver of such proceedings as the case may be:

Provided further that, any person making such acknowledgment shall agree in writing to comply with any conditions which the Authority may impose and as it may consider reasonable in the circumstances. If the person concerned, after having been bound in writing as stated above, fails to comply with any conditions within the period of time established by the Authority or fails to abide with any conditions agreed to, such person shall be liable to the imposition of a further administrative fine to be paid to the Authority for such failure.

(2) The acceptance in writing by the Authority of the acknowledgment referred to in this regulation and the payment by the person making such acknowledgement of the administrative fine imposed by the Authority in terms of these regulations, shall have the effect of rendering any proceedings instituted by the Authority null and void or of preventing the Authority from instituting such proceedings as the case may be.

Miscellaneous.

**4. (1)** Any proceedings made under these regulations shall be made in writing.

(2) Nothing shall preclude the Authority or any person intending to make an acknowledgment under regulation 3, from initiating and from carrying out in good faith negotiations for the purpose of establishing the terms of such acknowledgement. The initiation and the carrying out of such negotiations shall not prejudice the position of the person intending to make such an acknowledgment or have the effect of preventing the Authority from instituting proceedings, or in the case of proceedings which have been already instituted to continue with such proceedings and any documentation and evidence exchanged between such person and the Authority for the purposes of such negotiation may not be produced as evidence in any criminal or administrative proceeding.

(3) Nothing in these regulations shall prevent the Authority from proposing to any person against whom proceedings may be instituted, or against whom proceedings have already been instituted, for such person to make an acknowledgement to the Authority under regulation 3. The making of such proposal shall not prejudice the Authority from initiating any proceedings, or when any proceedings have already been instituted such proposal shall not prejudice such proceedings.