

SUBSIDIARY LEGISLATION 233.07

CASH CONTROLS REGULATIONS

15th June, 2007

LEGAL NOTICE 149 of 2007, as amended by Legal Notice 411 of 2007.

1. The title of these regulations is the Cash Control Regulations. Citation.
2. In these regulations, unless the context otherwise requires, any terms used have the same meaning as is assigned to them in the Act; and: Interpretation.
- "the Act" means the External Transactions; Cap. 233.
- "cash" means any legal tender currency notes and coins and includes monetary instruments;
- "the Comptroller" means the Comptroller of Customs and has the same meaning assigned to it in the Customs Ordinance; Cap. 37.
- "Financial Intelligence Analysis Unit" has the same meaning assigned to it under the Prevention of Money Laundering Act. Cap. 373.
3. (1) Any person entering or leaving Malta, or transiting through Malta and carrying a sum equivalent to €10,000 or more in cash shall be obliged to declare such sum to the Comptroller. Procedure when sum exceeds €10,000. Amended by: L.N. 411 of 2007.
- (2) The obligation to declare any such sum as in subregulation (1) shall not be fulfilled unless such person has completed the applicable form, appearing in the Schedule, and has handed in such form to the Comptroller when entering or leaving Malta, or transiting through Malta.
- (3) Where any cash has not been declared as provided in subregulation (1), the Comptroller shall seize the undeclared amount in excess of €10,000, or the whole amount when the cash is indivisible.
- (4) A person who makes a false declaration for the purpose of these regulations or who does not fulfil the obligation to declare such sum in terms of subregulation (2), shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) equivalent to twenty-five per centum of the value, represented in local currency on the date of entry or leaving Malta or transiting through Malta, by the cash carried, but in any case not exceeding a fine (*multa*) of forty-six thousand and five hundred and eighty-seven euros and forty-seven cents (46,587.47).
- (5) The court shall, besides the punishment to which it may sentence the person convicted of an offence under subregulation (4), order the forfeiture in favour of the Government of the undeclared amount in excess of €10,000, or the whole amount when the cash is indivisible.
- (6) No criminal proceedings for an offence under these regulations shall be commenced without the consent of the

Attorney General.

4. (1) The Comptroller shall compile and maintain a database containing:


- (a) the details of the declarations made under regulation 3(1); and
- (b) details of breaches of these regulations.

(2) The Comptroller shall pass on a weekly basis to the Financial Intelligence Analysis Unit the details mentioned in subregulation (1).

5. The Comptroller shall be empowered to exchange and transmit information in accordance to Regulation (EC) No. 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community.

SCHEDULE
Regulation 3

Amended by:
L.N. 411 of 2007.

 MALTA		1. Registration reference	
2. Date of receipt of declaration:		3.1 DECLARATION for controls of cash entering or leaving Malta and in Transit under L.N.149 of 2007:	
4. Competent authority to which declaration is made:		Y <input type="checkbox"/> N <input type="checkbox"/>	
5. Country:		3.2 RECORD of information (L.N. 149 of 2007 art. 4) :	
6. Type of declaration (please tick as appropriate):		Y <input type="checkbox"/> N <input type="checkbox"/>	
6.1 Entering Malta <input type="checkbox"/>		6.2 Leaving Malta <input type="checkbox"/> (Please specify accordingly)	
PART I			
7. Details of declarant:		9. Details of owner of cash if different than the declarant:	
a. Name of person		a. Name of person / company	
b. Nationality		b. Nationality	
c. Date of birth		c. Date of birth	
d. Place of birth		d. Place of birth	
e. Occupation		e. Occupation	
f. Address		f. Address	
g. Town		g. Town	
h. Post code/Zip		h. Post code/Zip	
i. Country		i. Country	
8. Passport / ID details:		10. Passport / ID details (if known by the declarant):	
a. Number		a. Number	
b. Issuing date:		b. Issuing date:	
c. Place of issue:		c. Place of issue:	
PART II: DESCRIPTION OF THE CASH OR MONETARY INSTRUMENTS			
		11. Amount	12. Currency
a. Banknotes, coins			
b. Cheques, traveller cheques			
c. Other (please specify)			
PART III: PROVENANCE & DESTINATION OF CASH / MONETARY INSTRUMENTS			
13. Provenance			
14. Intended recipient (if other than you)	a. Name:		
	b. Address:		
15. Intended use			
PART IV: TRANSPORT INFORMATION			
16. Means of transport (please tick as appropriate) <input type="checkbox"/> Air <input type="checkbox"/> Sea <input type="checkbox"/> Road <input type="checkbox"/> Rail <input type="checkbox"/> Other			
17. Transport route			
a. Country of departure:		b. Via:	c. Country of destination:
d. Departure date	DD / MM / YY	e. Arrival date	DD / MM / YY
f. Transport company			
g. Transport ref. Nr (e.g. flight number)			
18. Is it your first visit to this country? <input type="checkbox"/> Yes <input type="checkbox"/> No (please indicate number of visits)			
The undersigned declares that all above details are correct			
Signature of declarant		Signature & stamp of competent authority	

IMPORTANT INFORMATION FOR COMPLETION OF THE FORM

GENERAL INFORMATION:

- Any natural person entering or leaving Malta and carrying cash of a value of LM 4,293 or more shall declare that sum to the competent authorities of Malta through which the traveller enters or leaves Malta [L.N.149 of 2007, article 3].

- In the event of false, inaccurate or incomplete information, the signatory will be considered not to have fulfilled the above obligation and may be liable to penalties and have cash seized by Customs authorities under the existing national legislation of Malta [L.N. 149 of 2007, article 3 (3), (4), (5)].

EXPLANATION NOTES

- All parts in yellow have to be filled in by the declarant; parts in grey are reserved for use by the Customs administration.

- Please fill in all parts using capital letters.

PART I

Indicate clearly your details as mentioned in your passport or your Identity Card (a copy of which might be kept by Customs authorities together with this declaration). Passport / ID details shall be indicated in box 8.

9-10: If you carry cash on behalf of somebody else please indicate their details (if known but at least the name and the address). The same applies for their passport / ID details.

PART II

11a-c. Please indicate the exact amount per instrument (if different monetary instruments were used) using the Maltese measurement system; e.g. 12,500.30.

12a-c. Indicate clearly in capital letters the currency (e.g. LMEUROS, US dollars etc.)

According to the L.N.149 of 2007 art 2, you have to declare:

a) bearer-negotiable instruments including monetary instruments in bearer form such as travellers cheques, negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery and incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted;

b) currency (banknotes and coins that are in circulation as a medium of exchange).

PART III

13. Provenance: please indicate whether the sum(s) declared concern inheritance, savings, from sale, bank account, etc.

14. Please provide intended recipient's name and address if other than you.

15. Please explain briefly the intended use: e.g. property, investment etc.

PART IV


16. Please tick the appropriate box: "road" means transport by any kind of road vehicle (car, bus, truck, bicycle, motorcycle etc.); only use the box "other" if none of the other transport methods were used (e.g. pedestrian traffic). In this case please specify the transport method in box 17 g (e.g. by foot).

17a-g: Please provide all the information regarding the transport route.

18. If it is the first visit to this country tick "Yes"; if you tick "No" please indicate the number of previous visits.

The declaration has to be signed by the declarant. Upon request an endorsed copy shall be given to the declarant.

IMPORTANT: WHERE THIS FORM IS USED TO PROVIDE A RECORD OF INFORMATION AS INDICATED IN BOX 3.2, IT SHOULD NOT BE SIGNED BY THE TRAVELLER.

		EUROPEAN COMMUNITY		1.Registration reference	
2.Date of receipt of declaration:		3.1 DECLARATION for controls of cash entering or leaving the Community under Reg. 1889/05 art. 3(2):			
4.Competent authority to which declaration is made:		Y <input type="checkbox"/> N <input type="checkbox"/>			
5.Country:		3.2 RECORD of information (Reg. 1889/05 art. 4) :			
6.Type of declaration (please tick as appropriate):		Y <input type="checkbox"/> N <input type="checkbox"/> (Please specify accordingly)			
6.1 Entering EU <input type="checkbox"/>		6.2 Leaving EU <input type="checkbox"/>			
PART I					
7. Details of declarant:			9. Details of owner of cash if different than the declarant:		
a.Name of person			a.Name of person / company		
b.Nationality			b.Nationality		
c.Date of birth			c.Date of birth		
d.Place of birth			d.Place of birth		
e.Occupation			e.Occupation		
f.Address			f.Address		
g.Town			g.Town		
h.Post code/Zip			h.Post code/Zip		
i.Country			i.Country		
8. Passport / ID details:			10. Passport / ID details (if known by the declarant):		
a.Number			a.Number		
b.Issuing date:			b.Issuing date:		
c.Place of issue:			c.Place of issue:		
PART II: DESCRIPTION OF THE CASH OR MONETARY INSTRUMENTS					
		11. Amount		12. Currency	
a. Banknotes, coins					
b. Cheques, traveller cheques					
c. Other (please specify)					
PART III: PROVENANCE & DESTINATION OF CASH / MONETARY INSTRUMENTS					
13. Provenance					
14. Intended recipient (if other than you)		a.Name:			
		b.Address:			
15. Intended use					
PART IV: TRANSPORT INFORMATION					
16. Means of transport (please tick as appropriate) <input type="checkbox"/> Air <input type="checkbox"/> Sea <input type="checkbox"/> Road <input type="checkbox"/> Rail <input type="checkbox"/> Other					
17. Transport route					
a. Country of departure:		b. Via:		c. Country of destination:	
d. Departure date DD / MM /YY		e. Arrival date		DD / MM /YY	
f. Transport company					
g. Transport ref. Nr (e.g. flight number)					
18. Is it your first visit to this country? <input type="checkbox"/> Yes <input type="checkbox"/> No (please indicate number of visits)					
The undersigned declares that all above details are correct					
Signature of declarant		Signature & stamp of competent authority		Remarks of the competent authority	

IMPORTANT INFORMATION FOR COMPLETION OF THE FORM

GENERAL INFORMATION:

- Any natural person entering or leaving the Community and carrying cash of a value of Lm 4, 293 or more shall declare that sum to the competent authorities of the Member State through which the traveller enters or leaves the Community [Reg. EC 1889/2005, article 3 (1)].

- In the event of false, inaccurate or incomplete information, the signatory will be considered not to have fulfilled the above obligation and may be liable to penalties or have cash detained by Customs authorities under the existing national legislation of the Member State and with Community legislation [Reg. EC 1889/2005, article 3 (1) and 0(1)].

- Travellers should be aware that some Member States may apply additional measures regarding cash controls in accordance with their national legislation (e.g. intra-community controls).

EXPLANATION NOTES

- All parts in yellow have to be filled in by the declarant; parts in grey are reserved for use by the Customs administration.

- Please fill in all parts using capital letters.

PART I

Indicate clearly your details as mentioned in your passport or your Identity Card (a copy of which might be kept by Customs authorities together with this declaration). Passport / ID details shall be indicated in box 8.

9-10: If you carry cash on behalf of somebody else please indicate their details (if known but at least the name and the address). The same applies for their passport / ID details.

PART II

11a-c. Please indicate the exact amount per instrument (if different monetary instruments were used) using the European measurement system; e.g. 12.500,30.

12a-c. Indicate clearly in capital letters the currency (e.g. EUROS, US dollars etc.)

According to the Reg. EC 1889/2005 art. 2(3) you have to declare:

a) bearer-negotiable instruments including monetary instruments in bearer form such as travellers cheques, negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery and incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted;

b) currency (banknotes and coins that are in circulation as a medium of exchange).

PART III

13. Provenance: please indicate whether the sum(s) declared concern inheritance, savings, from sale, bank account, etc.

14. Please provide intended recipient's name and address if other than you.

15. Please explain briefly the intended use: e.g. property, investment etc.

PART IV

16. Please tick the appropriate box: "road" means transport by any kind of road vehicle (car, bus, truck, bicycle, motorcycle etc.); only use the box "other" if none of the other transport methods were used (e.g. pedestrian traffic). In this case please specify the transport method in box 17 g (e.g. by foot).

17a-g: Please provide all the information regarding the transport route.

18. If it is the first visit to this country tick "Yes"; if you tick "No" please indicate the number of previous visits.

The declaration has to be signed by the declarant. Upon request an endorsed copy shall be delivered to the declarant [(Reg. 1889/2005 art. 3(3))].

IMPORTANT: WHERE THIS FORM IS USED TO PROVIDE A RECORD OF INFORMATION AS INDICATED IN BOX 3.2, IT SHOULD NOT BE SIGNED BY THE TRAVELLER.