

L.N. 300 of 2009

**TOBACCO (SMOKING CONTROL) ACT  
(CAP. 315)**

**Tobacco Smoking Control (Powers of Authorised Officers)  
Regulations, 2009**

IN exercise of the powers conferred to him by article 9 of the Tobacco (Smoking Control) Act, the Minister for Social Policy has made the following regulations:

1. The title of these regulations is the Tobacco Smoking Control (Powers of Authorised Officers) Regulations, 2009. Title.

2. In these regulations, unless the context otherwise requires – Interpretation.

“the Act” means the Tobacco Control Act.

3. Any authorised officer may:

Powers of authorised officers.

(a) enter and inspect any area, premises or vehicle;

(b) require any person to answer any question or to produce any records under that person’s control concerning any activities carried in any area, premises or vehicle;

(c) inspect, extract or seize any record or take any copy of any record relevant to tobacco control in whatever form held and, where any record is kept by means of a computer, such officer may have access to, inspect and check the operation of any computer, any associated apparatus or material which is or has been or could have been used in connection with the records, and he may furthermore require any person having charge of, or otherwise concerned with the operation of any computer, apparatus or other material to afford him such assistance as he may reasonably require;

(d) request any translation of any document into Maltese or English;

(e) examine or inspect any object found in or on any area, premises or vehicle;

- (f) mark, fasten, seal, take and remove a sample of any object found in or on any area, premises or vehicle;
- (g) open any container, receptacle or package found in or on any area, premises or vehicle;
- (h) weigh, count, measure or gauge any object found in or on any area, premises or vehicle;
- (i) seize any object or record found in or on any area, premises or vehicle;
- (j) seal any area, premises or vehicle;
- (k) take any photographs, film, tape or video image and make any sketch, plan, or drawing or otherwise make a record of any person, premises or vehicle or of anything contained therein or thereon;
- (l) test or examine any tobacco or tobacco product;
- (m) carry out or request to be carried out any test, examination, or measurement by means of any instrument, monitor any situation and make all such observations as may be required;
- (n) give any order that he may deem necessary for the proper execution of this regulation.

Offences.

**4.** Any person who -

- (a) intentionally obstructs or causes the obstruction of any person acting in the performance of his duties under regulation 3; or
- (b) without reasonable cause, fails to give any person acting in the performance of his duties under regulation 3, such assistance or information which he is required to give by or under regulation 3; or
- (c) furnishes information which he knows to be false or misleading,

shall be guilty of an offence against the Act.

