

SUBSIDIARY LEGISLATION 233.07

CASH CONTROLS REGULATIONS

15th June, 2007

LEGAL NOTICE 149 of 2007, as amended by Legal Notices 411 of 2007 and 112 of 2013.

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.
Substituted by:
L.N. 112 of 2013.

				CASH DECLARATION FORM		<input type="checkbox"/> EU Reference number	
Read the notes on the reverse before completing this form USE CAPITAL LETTERS / TICK AS APPROPRIATE							
1. You are		<input type="checkbox"/> Entering EU		<input type="checkbox"/> Leaving EU		<input type="checkbox"/> MT	
2. Personal details		<input type="checkbox"/> Male		<input type="checkbox"/> Female		Issuing place	
Surname(s)						Issuing date	
First name(s)						Personal Number	
Nationality						Address	
Date of birth		D, D M, M Y, Y, Y, Y				(Street / no.)	
Place of birth						Town	
ID document		<input type="checkbox"/> Passport		<input type="checkbox"/> ID		<input type="checkbox"/> Other	
Passport / ID Number						Post code / Zip	
						Country	
3. You are the owner		<input type="checkbox"/> Yes (go to part 4)		No, the owner is a:		<input type="checkbox"/> Legal entity	
				(fill in the details of the owner)		<input type="checkbox"/> Natural person	
Legal Entity						Address	
VAT number						(Street / no.)	
Surname(s)						Town	
First name(s)						Post code / Zip	
						Country	
4. Details of the cash/monetary instruments							
				Amount		Currency	
Banknotes, coins							
Other (specify)							
5. Origin and intended use of the cash/monetary instruments							
Origin							
Intended use							
You are the intended recipient		<input type="checkbox"/> Yes (go to part 4)		No, the intended recipient is a:		<input type="checkbox"/> Legal entity	
				(fill in the details of the intended recipient)		<input type="checkbox"/> Natural person	
Legal Entity						Address	
VAT number						(Street / no.)	
Surname(s)						Town	
First name(s)						Post code / Zip	
						Country	
6. Transport details							
Means of transport		<input type="checkbox"/> Air		<input type="checkbox"/> Sea		<input type="checkbox"/> Road	
		<input type="checkbox"/> Rail		<input type="checkbox"/> Other			
Transport company						Reference number	
Country of departure						Departure date	
						D, D M, M Y, Y, Y, Y	
Via (Transit Country)						Transit date	
						D, D M, M Y, Y, Y, Y	
Country of destination						Arrival date	
						D, D M, M Y, Y, Y, Y	
7. Signature of declarant		I declare that all above details are correct. I am aware that a false, inaccurate or incomplete declaration is liable to punitive detection or conviction of the cash by the competent authority.		Signature & stamp competent authority		For official use only	
Date:						Recording	
D, D M, M Y, Y, Y, Y						<input type="checkbox"/> yes	
						<input type="checkbox"/> no	
						Penalty	
						<input type="checkbox"/> yes	
						<input type="checkbox"/> no	
						Amount of penalty:	

GENERAL INFORMATION:

The obligation to declare cash on entering or leaving the European Union is part of the European Union strategy to prevent money laundering and to fight terrorist financing. Any natural person entering or leaving Malta is obliged to declare cash to the competent authorities of Malta.

You must complete this form if you are entering or leaving the European Union and carrying 10 000 EUR or more in cash (or the equivalent in other currencies) (Regulation (EC) No 1831/2005, article 3 (1)) and when entering or leaving Malta (L.N. 149 of 2007, article 3).

According to Regulation (EC) No 1831/2005 article 2 (2) you have to declare:

- a) bearer-negotiable instruments including monetary instruments in bearer form such as traveller's 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 the 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).

In the event of false, inaccurate or incomplete information, the signatory will be considered not to have fulfilled the above obligation and is liable to penalties or have cash detained or confiscated by the competent authorities under the existing national legislation of Malta (L.N. 149 of 2007, article 3 (3), (4), (5) and Regulation (EC) No 1831/2005, article 3 (1) and 9(1)). Information and personal data shall be recorded and processed by the competent authorities (Regulation (EC) No 1831/2005, article 5 (1)) and shall be made available to the authorities referred to in Article 22 of Directive 2005/60/EC. Data will be dealt with in accordance with the relevant applicable data protection rules. (Cap. 443, SL 440.05 and SL 440.06)

EXPLANATORY NOTES

All parts in white must be completed in capital letters and dark ink (use, where requested, one letter/number per box) by the declarant; parts in grey are for the competent authorities.

1. Entering EU/MT and Leaving EU/MT

Tick the box 'Entering EU/MT' when you are entering the European Union/Malta on a journey that started outside the European Union/Malta.

Tick the box 'Leaving EU/MT' when you are leaving the European Union/Malta on a journey that will end outside the European Union/Malta.

You need to make a declaration on entering and on leaving, even if you are only in transit. Be aware that you can be required to make further declarations on other national border crossing points of your travel.

2. Personal details of the declarant

Enter the details as they appear in your ID-Document (the competent authorities can make a copy of your ID and/or travel documents).

Personal Number: enter your personal tax identification number, personal social security number or similar unique personal identification number.

3. Personal details of the owner

If you are not the owner of the cash give details of the owner. The owner can be a natural person or a legal entity. Tick the appropriate box and fill in the details. Ensure to enter the Value Added Tax (VAT) number when known.

If there is more than one owner, enter the details of the other owners on annexed documents. For this purpose extra copies of the declaration form can be used. All information will constitute one declaration. All annexed pages must be signed.

4. Details currency/bearer negotiable instruments

Complete the exact amount per currency and per type of bearer negotiable instruments. Provide this information in the following format: example 10 358 EUR or 17 501 US DOLLAR or 19 471,16 BRITISH POUNDS or traveller's cheque for a value of 15 000 EUR.

As a general rule all financial instruments that can be physically transferred anonymously from one person to another are included in the definition of cash. You can find the definition of cash under 'general information' on top of this page.

5. Origin and intended use of the cash / monetary instruments

Origin: indicate where the cash declared comes from e.g. an inheritance, savings, from a sale of property, etc.

Explain briefly the intended use: e.g. acquisition of property, investment etc.

The intended recipient can be a natural person or a legal entity (e.g. a company). Tick the appropriate box and fill in the details.

Ensure to enter the Value Added Tax (VAT) number when known.

If there is more than one intended recipient, enter the details of the other intended recipients on annexed documents. For this purpose an extra copy of the declaration form can be used. All information will constitute one declaration. All annexed pages must be signed.

6. Transport details

Tick "Air" on entering/leaving by aircraft. Provide the flight number or the registered number of the aircraft under Box 'Reference number'.

Tick "Sea" on entering/leaving by sea. Provide the shipping line details under Box 'Reference number'.

Tick "Road" on entering/leaving by any kind of motorized road vehicle (car, bus, truck, motorcycle etc.). Provide the official registration number and country code of the vehicle under Box 'Reference number'.

Tick "Rail" on entering/leaving by train. Provide the train type and the train number under Box 'Reference number'.

Tick "Other" if none of the other transport methods were used (e.g. pedestrian traffic, bicycle).

7. Signature of declarant

Sign the declaration and fill in the date. You can ask for an endorsed copy of your declaration.