

**COURTS OF MAGISTRATES (MALTA)  
MAGISTRATE  
DR. CAROL M. PERALTA LL.D.**

**HALL 7**

**Today 14<sup>th</sup> Junes 2001.**

The Police  
Inspector Joseph Cordina

Vs

Keith White  
John Anthony Thomond

The Court;

After having seen the charges brought against Keith White, 52 years, son of Alfred and Gladys nee' Daniels, born Salford UK on the 12<sup>th</sup> January 1949, residing at 10, Harty House, Church Street Eccles, Manchester, UK, Holder of passport number 100780307 issued in England on the 11<sup>th</sup> October 1999,

With having on the 12<sup>th</sup> June, 2001 upon arrival at the Malta International Airport from Manchester at about 11.30pm, failed to declare to Customs Officers, 10 cartons X 200 cigarettes Super Kings, 7 Outers X 5pkts X 50 grms golden Virginia Tobacco, 5 pkts X 50 grms Golden Virginia tobacco, 10 pouches X 50 grms Samson tobacco, when he knowingly passed through the green channel. These cigarettes, the importation of which is prohibited and/or restricted have a total value of Lm45. Excise duty due Lm103.50 which excise duty has not been paid or secured.

Against John Anthony Thomond, 52 years, son of Harold and Margaret nee' Henney, born Slaford UK on the 20<sup>th</sup> October 1948, residing at 95, Albert Road, Levenshulme, Manchester UK, holder of passport number 008765107 issued in England on the 4<sup>th</sup> May 1993,

With having on the same date, place and time failed to declare to Customs Officers, 10 cartons X 200 cigarettes Benson & Hedges, 2 cartons X 200 cigarettes Silk Cut, 2 outers X 5 Pkts X 50 grms golden Virginia tobacco, 6 cartons X 25 cigars King Edward, when he knowingly passed through the green channel. These cigarettes, the importation of which is prohibited and/or restricted have a total value of Lm49.30. Excise duty Lm84.50 which Excise duty has not been paid or secured.

After having seen Sections 60 (a)(b)(c)(k), and 62 (a)(b)(c)(f)(g)(h)(I)(k) and paragraph (a) of the proviso of section 62's schedule of the Customs Ordinance Chapter 37 and Articles 16(j) and 17 (a) of XVI of 1995 (Excise duty act) and also of Legal Notice 44/82 of the Laws of Malta, Article 80 of VAT 1998 (Act. 23 of 1998), Act 31 of 1989, Article 62 (a)(b)(c)(e)(f)(g)(h)(I)(k) of the Customs Ordinance Chapter 37 and Articles 7(1) and 12(1) of act 31 of 1989, regarding Promotion of Local Products.

After having seen the admission of both the accused in today's charges;

After having taken due consideration of all the facts of the case, including the co-operation of the accuseds with the investigating authorities;

Considers:

That the unconditional admission by the accuseds of the accusations brought against them by the Prosecution, leaves this Court with no other alternative by to find the accuseds guilty as charged.

In terms of punishment, the Court after having taken due consideration to all the facts of the case, and the co-operation of the accused with the

investigating authorities, hereby sentences the accuseds, to a term of imprisonment of three (3) months, which term of imprisonment shall not be served until each of the accused is charged and found guilty of another offence which carries with it a penalty of imprisonment, and this for a period of two (2) years, in terms of Article 28(1) of Chapter 7 of the Laws of Malta.

Furthermore, the Court is condemning the accused Keith White to the payment of the penalty of two hundred and thirty three maltese liri and ninety cents (Lm233.90), while it is condemning the accused Thomond to the payment of penalty of two hundred and thirty eight maltese liri and twelwe cents (Lm238.12).

The Court is also ordering the confiscation of the cigarettes seized by the Customs Authority.

The Court has explained this sentence to both the accused.

MAGISTRATE.