

MEMORANDUM FOR THE CABINET BY THE  
HON. PRIME MINISTER

Children frequenting Malta Labour  
Party Clubs

It has been submitted that during the term of office of the previous Administration no person under the age of 18 was allowed in the Malta Labour Party Club in Vittoriosa, and it has been alleged that the law regarding the admission of young persons to clubs is being broken daily as more and more children are seen entering and leaving the club's premises.

2. The Commissioner of Police reports that the Secretary of the Club had applied to him for permission to admit children to the club for varying periods on various days to enable them to rehearse dancing and other events in connection with a jamboree which the Malta Labour Party proposes to hold shortly at the Radio City Opera House. The Secretary's request was granted. The Commissioner of Police likewise granted permission for the Labour League of Youth to have persons under 18 years of age attend its General Conference held at the Club on the 27th May, 1962.

3. Regulation 7(a) of the Regulations regarding the Registration of Clubs (Government Notice No. 505 dated 4th October, 1939) provides "inter alia" that the Commissioner of Police, with the approval of the Governor, may order the closing of any club if "it is habitually frequented by persons under 18 years of age". The Commissioner of Police reports that there is no evidence of any habitual attendance of persons under age at the club, children only entering the club under the circumstances described above.

4. It is not easy to give an exact and unequivocal interpretation of the word "habitually", but the Attorney General's advice to the Commissioner of Police was that the "true criterion must be desumed from the frequency of reiterated attendances, whatever their duration, of persons under 18 years over a reasonable period of time".

5. Once persons under 18 are entering the Club with the permission of the Commissioner of Police, and once the latter is satisfied that there is no evidence of habitual attendance by persons under 18, the need for action under the law would not appear to arise.

6. The Senior Crown Counsel advises that it cannot be said that the frequenting of clubs for a specific purpose, such as rehearsals of music and dance, can be described as habitual for purposes of the law; but he endorses the procedure adopted by officials of the Malta Labour Party Clubs notifying to the Commissioner of Police the purpose for which children were being admitted in view

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of the frequency of such occasions at certain times which could make the whole thing look like verging on the notion of habitualness.

7. Senior Crown Counsel suggests, though, that "in order to prevent abuses whereby a declared purpose (such as rehearsals for a concert) could be used as a camouflage to enable children to frequent a club habitually, the Commissioner of Police on releasing any licence which he is asked to grant, should make it a condition of the licence that the children will have to leave the Club, on each occasion, as soon as the presence of the children in the Club is no longer required for such declared purpose (for example, when the rehearsal is over)".

8. Senior Crown Counsel further suggests that whether or not the Regulations governing the Registration of Clubs should be amended so as to absolutely debar children from entering, on any occasion, specified types of Clubs, such as political Clubs, is a question of policy. He does not see any reason, however, for such drastic attitude towards any types of Clubs with the obvious exception of night clubs.

9. The legal position now, therefore, seems to have been clearly defined and what remains to be considered is whether Hon. Ministers wish that any amendments to the regulations in the above sense be made.

5th December, 1963.