

Excess of Authority

The *internees Case* (Guido Abela et v. Maggur Bonello)(FH)(1942) the powers of the Governor to detain persons if he considered them a security risk during WW II , did not extend beyond Maltese territory. Consequently a deportation order of persons from Malta to Uganda was declared *ultra vires*.

Giuseppe Sciberras case (fH 1973) : a requisition order was not in the public interest if it intervened to protect an evicted tenant and neutralize a court order when the landlord was homeless.

The notion of public interest: San Leonardo Band Club case (CA 1993) ; requisition order *ultra vires* since it was not in public interest to requisite private property for band club to construct a hall.

Requisition property to grant it to a political party was in the public interest (CA Galea v Holland (1980); later on in Galea v Housing Secretary declared not to be in the public interest

Customs Cases

- The Cocaine Energy Drink (*All for Property v Comptroller Customs*)(court appeal -2019)
- The Customs authorities could not confiscate a harmless energy drink simply because of its name since the customs law did not allow such confiscation
- *Carmelo Dingli (CA) 2009*: The Customs authorities could not prohibit the importation of canned chopped ham on the basis of the Codex Alimentarius of the EU which at that time was not law in Malta before Malta joined EU.