

Nru. 27

3. 11. 82.

MALTA**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta ta' l-4 ta' Ottubru, 1982.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 4th October, 1982.

ATT biex ikompli jemenda l-Kodiċi Kriminali, Kap. 12.

AN ACT further to amend the Criminal Code, Cap. 12.

C. MIFSUD*Skrivan tal-Kamra tad-Deputati***C. MIFSUD***Clerk to the House of Representatives*

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Kodiċi Kriminali, Kap. 12.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, ħareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 li jemenda l-Kodiċi Kriminali, u għandu jinqara u jiftiehem ħaġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali".

Emenda ta' l-artikolu 231 tal-liġi prinċipali

2. Minnufih fit-tarf ta' l-artikolu 231 tal-liġi prinċipali għandu jiżdied il-proviso li ġej:

"Izda meta r-reat ikun sar b'xi likwidu jew sustanza li tesplodi l-piena tkun prigunerija għal 4 snin u d-disposizzjonijiet ta' l-Att ta' l-1957 dwar il-*Probation* ta' Ħatjin ma japplikawx."

Emenda ta' l-artikolu 232 tal-liġi prinċipali.

3. Minnufih wara s-subartikolu (2) ta' l-artikolu 232 tal-liġi prinċipali għandu jiżdied is-subartikolu gdid li ġej:

"(3) Il-pieni għar-reati msemmija fis-subartikolu (1) ta' dan l-artikolu jkunu minn erba' sa għoxrin sena jekk l-offiża gravi ssir b'arma regolari jew bil-mezz ta' xi likwidu jew sustanza li tesplodi."

Emenda ta' l-artikolu 325 tal-liġi prinċipali

4. Fl-artikolu 325 tal-liġi prinċipali minflok il-kliem "minn tliet snin sa tnax-il sena" għandhom jidhlu l-kliem "minn tliet snin sa erbatax-il sena".

Emenda ta' l-artikolu 326 tal-liġi prinċipali

5. L-artikolu 326 tal-liġi prinċipali għandu jiġi emendat kif ġej:
(a) minflok is-subartikolu (2) tiegħu għandu jidhul dan li ġej:

“(2) Jekk bil-fatt imsemmi fl-artikolu ta’ qabel dan, issir offiża gravi fuq il-persuna, il-ħati jehel priġunerija għal żmien ta’ minn erba’ sa għoxrin sena.”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu gdid li ġej:

“(3) Jekk bil-fatt imsemmi fl-artikolu ta’ qabel dan, xi proprjetà mobbli jew immobbli ta’ xi persuna ssirilha tħassir, ħsara jew tgħarriq serju, il-piena hemmhekk imsemmija ma tingħatax fil-minimu tagħha.”.

6. Minflok l-artikolu 327 tal-liġi prinċipali għandu jidhlo l-artikolu gdid li ġej:

Emenda ta’
l-artikolu 327
tal-liġi prinċipali.

“Min jagħmel jew iżomm esplożivi kontra l-liġi. 327. Kull min jagħmel jew xjentement iżomm jew ikollu għandu jew taħt il-kontroll tiegħu xi sustanza esplożiva, taħt dawk iċ-ċirkostanzi illi jagħtu għaliex wieħed għandu bir-raġun jaħseb illi hu għamilha, żammha jew kienet għandu għal ħsieb mhux liċtu, jeħel, meta jinsab ħati, priġunerija għal żmien ta’ minn tmintax-il xahar sa disa’ snin, u d-disposizzjonijiet ta’ l-Att ta’ l-1957 dwar il-*Probation* ta’ Ħatjin ma japplikawx.”.

7. Minflok l-artikolu 339 tal-liġi prinċipali għandu jidhlo l-artikolu gdid li ġej:

Sostituzzjoni ta’
l-artikolu 339
tal-liġi prinċipali.

“Min b’mezzi oħra jgħassar, jagħmel ħsara jew jgħarraq. 339. Kull min, b’mezzi xort’oħra minn dawk imsemmija fl-artikoli ta’ qabel ta’ dan is-Sub-titlu volontarjament iħassar, jagħmel ħsara jew jgħarraq xi proprjetà mobbli jew immobbli ta’ xi persuna oħra, jeħel, meta jinsab ħati —

(a) jekk l-ammont tal-ħsara jkun iżjed minn elf lira, priġunerija għal żmien ta’ minn sentejn sa seba’ snin;

(b) jekk l-ammont tal-ħsara ma jkunx iżjed minn elf lira iżda iżjed minn ħames mitt lira, priġunerija għal żmien ta’ minn tlettax-il xahar sa erba’ snin;

(ċ) jekk l-ammont tal-ħsara ma jkunx iżjed minn ħames mitt lira iżda iżjed minn ħamsin lira, priġunerija għal żmien ta’ minn ħames xhur sa sena;

(d) jekk l-ammont tal-ħsara ma jkunx iżjed minn ħamsin lira, iżda iżjed minn għaxar liri, priġunerija għal żmien ta’ mhux iżjed minn sitt xhur;

(e) jekk l-ammont tal-ħsara ma jkunx iżjed minn għaxar liri, priġunerija għal żmien ta’ mhux iżjed minn tliet xhur jew il-pieni tal-kontravvenzjonijiet:

Iżda, meta d-delitt ikun skużabbli minħabba provokazzjoni ngusta, il-ħati jehel, fil-każijiet imsemmijin fil-paragrafi (a), (b), (ċ) u (d), il-piena ta’ priġunerija għal żmien ta’ mhux iżjed minn żewġ terzi tal-piena hemm imsemmija; u fil-każ imsemmi fil-paragrafu (e), il-piena tal-kontravvenzjonijiet.

Meta tiġi biex titqies l-iskuża, għandha tithares ir-regola miġjuba fl-artikolu 239:

Iżda wkoll fil-kazijiet imsemmija fil-paragrafi (d) u (e), h̄lief fejn il-ħsara ssir fi proprjetà pubblika, il-proċedimenti jistgħu jittieħdu biss bi kwerela tal-parti offiża.”.

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jżid il-pieni għal delitti li jsiru bl-użu ta' esplożivi u għal delitti ta' ħsara volontarja lil proprjetà.

A BILL
entitled

AN ACT further to amend the Criminal Code, Cap. 12.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Criminal Code (Amendment) Act, 1982, and shall be read and construed as one with the Criminal Code, hereinafter referred to as “the principal law”. Short title.

2. Immediately at the end of section 231 of the principal law there shall be added the following proviso: Amendment of section 231 of the principal law.

“Provided that where the offence is committed by means of any explosive fluid or substance the punishment shall be imprisonment for 4 years and the provisions of the Probation of Offenders Act, 1957 shall not be applicable.”.

3. Immediately after subsection (2) of section 232 of the principal law there shall be added the following new subsection: Amendment of section 232 of the principal law.

“(3) The punishments for the offences referred to in subsection (1) of this section shall be imprisonment from four to twenty years if the bodily harm is committed with arms proper or by means of any explosive fluid or substance.”.

4. In section 325 of the principal law for the words “three to twelve years” there shall be substituted the words “three to fourteen years”. Amendment of section 325 of the principal law.

5. Section 326 of the principal law shall be amended as follows: Amendment of section 326 of the principal law.
 - (a) for subsection (2) thereof there shall be substituted the following:

“(2) If as a result of the offence referred to in the last preceding section, a greivous bodily harm is caused to any person, the offender shall be liable to imprisonment for a term from four to twenty years”; and

(b) immediately after subsection (2) thereof there shall be added the following new subsection:

“(3) If as a result of the offence referred to in the last preceding section, any serious spoil, damage or injury to or upon any movable or immovable property belonging to any person is caused, the punishment therein mentioned shall not be awarded in its minimum.”.

Amendment of section 327 of the principal law.

6. For section 327 of the principal law there shall be substituted the following new section:

“Unlawful making or possession of explosives.

327. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is making it or has it in his possession or under his control for an unlawful object shall, on conviction, be liable to imprisonment for a term from eighteen months to nine years, and the provisions of the Probation of Offenders Act, 1957, shall not be applicable.”.

Substitution of section 339 of the principal law.

7. For section 339 of the principal law there shall be substituted the following new section:

“Spoil, damage or injury in general.

339. Whosoever, by any means other than those referred to in the preceding sections of this Sub-title shall wilfully commit any spoil, damage or injury to or upon any movable or immovable property belonging to any person shall, on conviction, be liable —

(a) if the amount of the damage exceeds one thousand pounds, to imprisonment for a term from two years to seven years;

(b) if the amount of the damage does not exceed one thousand pounds but exceeds five hundred pounds, to imprisonment for a term from thirteen months to four years;

(c) if the amount of the damage does not exceed five hundred pounds but exceeds fifty pounds, to imprisonment for a term from five months to one year;

(d) if the amount of the damage does not exceed fifty pounds, but exceeds ten pounds, to imprisonment for a term not exceeding six months;

(e) if the amount of the damage does not exceed ten pounds, to imprisonment not exceeding three months or to the punishments established for contraventions.

Provided that if the crime be excusable by reason of an unjust provocation, the offender shall, in the cases referred to in paragraphs (a), (b), (c) and (d) be liable to imprisonment for a term not exceeding two thirds of the period therein mentioned; and in the case referred to in paragraph (e), to the punishment established for contraventions.

In considering the excuse, regard shall be had to the rule laid down in section 239:

Provided further that in the cases referred to in paragraphs (d) and (e), except where the damage is caused to public property, proceedings may be instituted only on the complaint of the injured party.”.

Objects and Reasons

The Object of this Bill is to increase the punishments for crimes committed by the use of explosives, and for crimes of wilful damage to property.