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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta ta' tal-25 ta' Jannar, 1999.

ATT biex jemenda l-Ordinanza dwar il-Mediċini Perikolużi, Kap. 101.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 25th January, 1999.

AN ACT to amend the Dangerous Drugs Ordinance, Cap. 101.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Ordinanza dwar il-Mediċini Perikolużi, Kap. 101.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1999 biex jemenda l-Ordinanza dwar il-Mediċini Perikolużi, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Mediċini Perikolużi, hawnhekk iżjed 'il quddiem imsejha "l-liġi prinċipali".

Titolu fil-qosor.
Kap. 101.

2. Fis-subartikolu (1B) ta' l-artikolu 22 tal-liġi prinċipali minflok il-kliem "l-koltivazzjoni, l-importazzjoni, il-manifattura," għandhom jidhlu l-kliem "l-koltivazzjoni, l-importazzjoni f'dawk iċ-ċirkostanzi li l-qorti tkun sodisfatta li dik l-importazzjoni ma kinetx għall-użu esklużiv tal-hati, il-manifattura,".

Emenda ta' l-artikolu 22 tal-liġi prinċipali.

3. Fis-subartikolu (1) ta' l-artikolu 22A tal-liġi prinċipali, minnufih wara l-kliem "taħt il-paragrafu (f) tas-subartikolu (1) ta' dak l-artikolu" għandhom jidhlu l-kliem "jew bir-reat fis-subartikolu (1C) ta' l-istess artikolu".

Emenda ta' l-artikolu 22A tal-liġi prinċipali.

4. Minnufih wara l-artikolu 22B għandu jzied dan l-artikolu ġdid li ġej:

Zieda ta' l-artikolu 22B bis ġdid mal-liġi prinċipali.

"Ordni ta' Sospensjoni.

22B bis.(1) Meta persuna tigi akkuzata kif provdut fis-subartikolu (1) ta' l-artikolu 22A u dik il-persuna tkun persuna bħalma hemm imsemmi fis-subartikolu (6) ta' l-

artikolu 22 jew tkun persuna li jkollha liċenzja, permess jew awtorità lilha mahruġa minn awtorità kompetenti fl-eżerċizzju jew f'dak li għandu x'jaqsam ma' l-eżerċizzju ta' xi arti, sengha, sejha jew xogħol iehor u r-reat isir f'post li dwaru jkun hemm liċenzja mahruġa taht din l-Ordinanza, taht l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, jew taht xi liġi oħra, il-Qorti tista', mingħajr preġudizzju għal kull ordni oħra li tista' tagħmel taht id-dispożizzjonijiet ta' dan l-artikolu, fuq talba tal-prosekuzzjoni tagħmel ordni, hawnhekk iżjed 'il quddiem imsejha "ordni ta' sospensjoni", li biha tissospendi dik il-liċenzja, dak il-permess jew dik l-awtorità.

(2) L-ordni ta' sospensjoni għandha tibqa' ssehh għal matul iz-zmien kollu tal-proċeduri sakemm tinghata l-aħhar sentenza.

(3) Persuna li tagħmel xi att li dwaru jkunu mehtieġa liċenzja, permess jew awtorità taht xi liġi u dak l-att jintgħamel meta dik il-liċenzja, dak il-permess jew dik l-awtorità kienu sospizi bis-saħha ta' ordni ta' sospensjoni, għandha titqies li tkun hekk għamlet l-att mingħajr dik il-liċenzja, dak il-permess jew dik l-awtorità mehtieġa.”.

Emenda ta' l-artikolu 24A tal-liġi prinċipali.

5. Fis-subartikolu (14) ta' l-artikolu 24A tal-liġi prinċipali, minflok il-kliem “ta' ordni ta' investigazzjoni” għandhom jidhlu l-kliem “ta' ordni ta' investigazzjoni, ta' sekwestru jew ta' sospensjoni”.

Emenda ta' l-artikolu 30B tal-liġi prinċipali.

6. L-artikolu 30B tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, minflok il-kliem “ta' mediċina perikoluża (kif imfissra fl-artikolu 12)” għandhom jidhlu l-kliem “ta' mediċina perikoluża (kif imfissra fl-artikolu 12) jew ta' flus, proprjetà jew rikavat kif hemm imsemmi fil-paragrafu (a) tas-subartikolu (1Ċ) ta' l-artikolu 22”; u

(b) fis-subartikolu (3) tiegħu, minflok il-kliem “takkwista jew tippokura mediċina perikoluża (kif imfissra fl-artikolu 12)” għandhom jidhlu l-kliem “takkwista jew tippokura mediċina perikoluża (kif imfissra fl-artikolu 12) jew konsenja suspettata ta' flus, proprjetà jew rikavat kif hemm imsemmi fil-paragrafu (a) tas-subartikolu (1Ċ) ta' l-artikolu 22”.

7. L-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, għandha tiġi emendata kif ġej:

Emenda ta' l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, Kap. 31.

(a) fis-subartikolu (1B) ta' l-artikolu 120A tagħha, minflok il-kliem "l-koltivazzjoni, l-importazzjoni, il-manifattura," għandhom jidhlu l-kliem "l-koltivazzjoni, l-importazzjoni f'dawk iċ-ċirkostanzi li l-qorti tkun sodisfatta li dik l-importazzjoni ma kinetx għall-użu esklużiv tal-hati, il-manifattura,";

(b) minnufih wara s-subartikolu (2A) tagħha għandu jiżdied dan is-subartikolu ġdid li ġej:

"(2A bis) Meta persuna tiġi akkużata taht id-dispożizzjonijiet ta' dan l-artikolu b'reat imsemmi fis-subartikolu (2A) ta' dan l-artikolu u dik il-persuna tkun persuna bħalma hemm imsemmi fis-subartikolu (5) ta' dan l-artikolu jew tkun persuna li jkollha liċenzja, permess jew awtorità lilha maħruġa minn awtorità kompetenti fl-eżerċizzju jew f'dak li għandu x'jaqsam ma' l-eżerċizzju ta' xi arti, sengha, sejha jew xogħol iehor u r-reat isir f'post li dwaru jkun hemm liċenzja maħruġa taht din l-Ordinanza, taht l-Ordinanza dwar il-Mediċini Perikolużi, jew taht xi liġi oħra, il-Qorti tista', mingħajr preġudizzju għal kull ordni oħra li tista' tagħmel taht id-dispożizzjonijiet ta' dan l-artikolu, fuq talba tal-prosekuzzjoni tagħmel ordni, hawnhekk iżjed 'il quddiem imsejha "ordni ta' sospensjoni", li biha tissospendi dik il-liċenzja, dak il-permess jew dik l-awtorità u d-dispożizzjonijiet tas-subartikoli (2) u (3) ta' l-artikolu 22 bis ta' l-Ordinanza dwar il-Mediċini Perikolużi għandhom ikunu japplikaw *mutatis mutandis*."; u

(ċ) fl-artikolu 121Ċ tagħha, minflok il-kliem "fit-Tielet Skeda li tinsab ma' din l-Ordinanza" għandhom jidhlu l-kliem "fit-Tielet Skeda li tinsab ma' din l-Ordinanza jew ta' flus, proprjetà jew rikavat kif hemm imsemmi fil-paragrafu (a) tas-subartikolu (1D) ta' l-artikolu 120A".

Għanijiet u Ragunijiet

L-għan ta' l-Abbozz hu sabiex jemenda t-tifsira ta' traffikar u sabiex jipprovdi għal mizuri oħra biex jiġġieled kontra l-abbuż ta' mediċinali perikolużi u biex jagħmel emendi konsegwenzjali għall-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, Kap. 31.

**A BILL
entitled**

AN ACT to amend the Dangerous Drugs Ordinance, Cap. 101.

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:—

Short title.
Cap. 101.

1. This Act may be cited as the Dangerous Drugs Ordinance (Amendment) Act, 1999, and shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter referred to as “the principal law”.

Amendment of
section 22 of
the principal
law.

2. In subsection (1B) of section 22 of the principal law for the words “cultivation, importation, manufacture,” there shall be substituted the words “cultivation, importation in such circumstances that the court is satisfied that such importation was not for the exclusive use of the offender, manufacture.”.

Amendment of
section 22A
of the principal
law.

3. In subsection (1) of section 22A of the principal law, immediately after the words “under paragraph (f) of subsection (1) of that section” there shall be inserted the words “or with the offence in subsection (1C) of the same section”.

Addition of new
section 22B bis to
the principal law.

4. Immediately after section 22B there shall be added the following new section:

"Suspension
Order

22B bis. (1) Where a person is charged as provided in subsection (1) of section 22A and such person is a person as is referred to in subsection (6) of section 22 or is a person in possession of a licence, permit or authority issued to him by a competent authority in or in connection with the exercise of any art, trade, calling or other occupation and the offence is committed in a place licensed under this Ordinance, under the Medical and Kindred Professions Ordinance or under any other law, the Court may, without prejudice to any other order that it may make under the provisions of this section, at the request of the prosecution make an order, hereinafter referred to as a "suspension order", suspending such licence, permit or authority.

(2) The suspension order shall remain in force for the whole duration of the proceedings until final judgement.

(3) Any person who does any act for the doing of which a licence, permit or authority is required under any law and such act is done when that licence, permit or authority had been suspended by virtue of a suspension order shall be deemed to have so acted without the required licence permit or authority."

5. In subsection (14) of section 24A of the principal law, for the words "of an investigation order" there shall be substituted the words "of an investigation, attachment or suspension order".

Amendment of
section 24A of
the principal
law.

6. Section 30B of the principal law shall be amended as follows:

Amendment of
section 30B of
the principal
law.

(a) in subsection (2) thereof, for the words "of a dangerous drug (as defined in section 12)" there shall be substituted the words "of a dangerous drug (as defined in section 12) or of money, property or proceeds as referred to in paragraph (a) of subsection (1C) of section 22; and

(b) in subsection (3) thereof, for the words "to acquire or procure a dangerous drug (as defined in section 12)" there shall be substituted the words "to acquire or procure a dangerous drug (as defined in section 12) or a suspect consignment of money, property or proceeds as referred to in paragraph (a) of subsection (1C) of section 22".

7. The Medical and Kindred Professions Ordinance shall be amended as follows:

Amendment of the
Medical and
Kindred Professions
Ordinance, Cap. 31.

(a) in subsection (1B) of section 120A thereof, for the words “cultivation, importation, manufacture,” there shall be substituted the words “cultivation, importation in such circumstances that the court is satisfied that such importation was not for the exclusive use of the offender, manufacture,”;

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

“(2A bis) Where a person is charged under the provisions of this section with an offence mentioned in subsection (2A) of this section and that person is a person as is referred to in subsection (5) of this section or is a person in possession of a licence, permit or authority issued to him by a competent authority in or in connection with the exercise of any art, trade, calling or other occupation and the offence is committed in a place licensed under this Ordinance, under the Dangerous Drugs Ordinance or under any other law, the Court may, without prejudice to any other order that it may make under the provisions of this section, at the request of the prosecution make an order, hereinafter referred to as a “suspension order”, suspending such licence, permit or authority and the provisions of subsections (2) and (3) of section 22 Bis of the Dangerous Drugs Ordinance shall *mutatis mutandis* apply.”; and

(c) in section 121C thereof, for the words “under the Third Schedule to this Ordinance” there shall be substituted the words “under the Third Schedule to this Ordinance or of money, property or proceeds as referred to in paragraph (a) of subsection (1D) of section 120A”.

Objects and Reasons

The object of the Bill is to amend the definition of dealing and to provide for other measures to combat the abuse of dangerous drugs and to make consequential amendments to the Medical and Kindred Professions Ordinance, Cap. 31.