

## **Nru. 196**

18. 2. 2021

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Chris Fearne, M.P., Deputat Prim Ministru u Ministru għas-Saħħa, f'isem il-Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-25 ta' Jannar 2021.

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A BILL introduced by the Honourable Chris Fearne, M.P., Deputy Prime Minister and Minister for Health, on behalf of the Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 25th January 2021.

**ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9.**

**AN ACT to further amend the Criminal Code, Cap. 9.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9.*

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Kodiċi Kriminali (Emenda Nru 4) u dan l-Att għandu jinqara u jinftiehem bħala waħda mal-Kodiċi Kriminali hawnhekk iżjed 'il quddiem imsejjah "il-Kodiċi". Titolu fil-qosor.  
Kap. 9.
2. Fis-subartikolu (3) tal-artikolu 412A tal-Kodiċi l-kliem "iżda d-dispożizzjonijiet ta' dan is-subartikolu m'għandhomx japplikaw" għandhom jiġu sostitwiti bil-kliem "iżda l-Qorti tista' tiddeċiedi li ma tapplikax id-dispożizzjonijiet ta' dan is-subartikolu jew li ma tapplikahomx fl-intier tagħhom". Emenda tal-artikolu 412A tal-Kodiċi.
3. L-artikolu 579 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 579 tal-Kodiċi.
  - (a) fil-proviso tas-subartikolu (1) tiegħu l-kliem "Iżda din id-dispożizzjoni ma għandhiex tapplika" għandhom jiġu sostitwiti bil-kliem "Iżda l-Qorti tista' tiddeċiedi li ma tapplikax id-dispożizzjonijiet ta' dan is-subartikolu jew li ma tapplikahomx fl-intier tagħhom"; u
  - (b) fis-subartikolu (2) tiegħu l-kliem "u l-ammont stabbilit fil-ħelsien mill-arrest taħt garanzija għandu jiġi konfiskat favur il-Gvern ta' Malta." għandhom jiġu sostitwiti bil-kliem "u l-Qorti għandha tordna li l-ammont stabbilit fil-ħelsien mill-arrest taħt garanzija għandu jiġi konfiskat fl-intier tiegħu jew f'parti minnu favur il-Gvern ta' Malta skont kif il-Qorti tqis il-gravità tar-reat."

C 5216

### **Ghanijiet u Ragunijiet**

L-għanijiet u r-ragunijiet ta' dan l-Abbozz huma li jithalla margini aktar wiesgħa għall-apprezzament tal-Qorti dwar il-konfiska tal-ammont stabbilit fil-ħelsien mill-arrest taħt garanzija meta l-qorti ssib illi l-ksur tal-kundizzjonijiet tal-ħelsien mill-arrest ma kienx ta' gravità li għandha ġgħib il-konfiska tal-ammont sħiħ.

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**A BILL  
entitled**

*AN ACT to further amend the Criminal Code, Cap. 9.*

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. The short title of this Act is the Criminal Code (Amendment No. 4) Act, 2021 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code". Short title.  
Cap. 9.
  
  2. In sub-article (3) of article 412A of the Code for the words "provided that the provisions of this sub-article shall not apply" there shall be substituted the words "provided that the Court may decide not to apply the provisions of this sub-article or not to apply them to their full extent". Amendment of  
article 412A of  
the Code.
  
  3. Article 579 of the Code shall be amended as follows: Amendment of  
article 579 of  
the Code.
    - (a) in the proviso to sub-article (1) thereof for the words "Provided that this article shall not apply" there shall be substituted the words "Provided that the Court may decide not to apply the provisions of this sub-article or not to apply them to their full extent"; and
  
    - (b) in sub-article (2) thereof for the words "and the sum stated in the bail bond shall be forfeited to the Government of Malta" there shall be substituted the words "and the Court shall order that the sum stated in the bail bond shall be forfeited in full or in part to the Government of Malta according to the Court's assessment of the gravity of the offence."
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C 5218

**Objects and Reasons**

The objects and reasons of this Bill consist of the allowance of a wider margin of judicial discretion with regard to the forfeiture of bail bonds in cases where the Court finds that the infringement of the bail conditions was not of such gravity to merit the forfeiture of the full amount.

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