

## **Nru. 244**

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11. 10. 2021

### **MALTA**

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

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tas-6 ta' Ottubru 2021.

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A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice and Governance, and read the First time at the Sitting of the 6th October 2021.

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

**AN ACT to 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 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, ħareġ 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 7) u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi".

Titolu fil-qosor.

Kap. 9.

**2.** Minnufih wara s-subartikolu (3) tal-artikolu 419 tal-Kodiċi għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 419 tal-Kodiċi.

"(3A) Meta l-appellant mhuwiex l-Avukat Ġenerali, ir-rikors għandu jkun fih l-indirizz fejn l-appellant hu soltu joqgħod fiż-żmien meta r-rikors ikun preżentat fir-reġistru tal-qorti:

Iżda meta, fil-kors tal-appell, l-appellant, li mhuwiex l-Avukat Ġenerali, ibiddel l-indirizz imsemmi hawn fuq, għandu minnufih jinforma l-qorti permezz ta' nota preżentata fir-reġistru ta' din l-istess qorti."

C 6520

Emenda tal-  
artikolu 421 tal-  
Kodiċi.

**3.** Fil-proviso għas-subartikolu (1) tal-artikolu 421 tal-Kodiċi, il-kliem "sakemm tingħata s-sentenza finali." għandhom jiġu sostitwiti bil-kliem "sakemm tingħata s-sentenza finali:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Izda wkoll jekk in-notifika tal-avviż tad-data tal-ewwel smiġh tal-appell ma tingħatax f'idejn l-appellant, in-notifika għandha ssir fl-indirizz imsemmi fir-rikors tal-appell. Jekk il-parti fil-hin tan-notifika ma tkunx f'dik ir-residenza, il-marixxal għandu jinnotifika lill-parti wara l-hinijiet legali. Jekk, anki f'dan il-każ in-notifika ma tingħatax, il-marixxal għandu jwaħħal in-notifika mal-bieb ta' barra ta' dik ir-residenza."

Emenda tal-  
artikolu 422 tal-  
Kodiċi.

**4.** Is-subartikolu (1) tal-artikolu 422 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) il-kelma "erbat" għandha tiġi sostitwita bil-kelma "tmint"; u

(b) il-kliem "tal-aħħar artikolu qabel dan." għandhom jiġu sostitwiti bil-kliem "tal-aħħar artikolu qabel dan:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Izda l-qorti tistà, f'ċirkostanzi eċċezzjonali, tagħti ġurnata oħra għas-smiġh tal-appell anki meta r-rikors jiġi pprezentat wara li jkun għadda l-perjodu msemmi fis-subartikolu (1)."

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### Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex il-proċess tan-notifika quddiem il-Qorti tal-Appell ikun ikkjarifikat, dan in vista tas-sentenza mogħtija mill-Qorti Kostituzzjonali fil-25 ta' Frar 2021.

**A BILL  
entitled**

*AN ACT to 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. 7) Act, 2021 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".
- 2.** Immediately after sub-article (3) of article 419 of the Code there shall be added the following new sub-article:

Short title.

Cap. 9.

Amendment of  
article 419 of  
the Code

"(3A) When the appellant is not the Attorney General, the application shall contain the address where the appellant usually resides at the time of its filing in the registry of the court:

Provided that where, in the course of the appeal, the appellant, who is not the Attorney General, changes the address above, he shall inform immediately the court by means of a note filed in the registry of the same court.".

C 6522

Amendment of  
article 421 of  
the Code.

3. In the proviso to sub-article (1) of article 421 of the Code, the words "appeal until final judgment." shall be substituted by the words "appeal until final judgment:" and immediately thereafter there shall be added the following new proviso:

"Provided further that if the notice of the date of the first hearing of the appeal is not delivered to the appellant, the notice has to be effected at the residence mentioned in the application of appeal. If the party at the time of service is not to be found at that residence, the court marshal must notify the party outside the legal hours. If, even in this case, the notice is not delivered, then the court marshal is to affix the notice on the outside door of that residence."

Amendment of  
article 422 of  
the Code.

4. Sub-article (1) of article 422 of the Code shall be amended as follows:

(a) the word "four" shall be substituted with the word "eight";and

(b) the words "preceding article shall apply." shall be substituted by the words "preceding article shall apply:" and immediately thereafter there shall be added the following new proviso:

"Provided that the court may, in exceptional circumstances, appoint another day for the hearing of the appeal even where the application is filed after the term mentioned in sub-article (1) has lapsed."

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### **Objects and Reasons**

The objects and reasons of this Bill are so that the process of notification before the Court of Appeal is clarified and this in view of the judgment given by the Constitutional Court on 25 February 2021.



# VERŻJONI ELETTRONIKA