

Nru 22

13. 10. 2022

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Michael Falzon, M.P., Ministru għall-Politika Soċjali u d-Drittijiet tat-Tfal, f'isem il-Ministru għall-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta tat-12 ta' Ottubru 2022.

A BILL introduced by the Honourable Michael Falzon, M.P., Minister for Social Policy and Children's Rights, on behalf of the Minister for Justice, and read the First time at the Sitting of the 12th October 2022.

ATT sabiex ikompli jemenda l-Kodici Kriminali, Kap. 9.

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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-2022 li jemenda l-Kodiċi Kriminali (Emenda Nru 2) u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali hawn iżjed 'il quddiem imsejjah "il-Kodiċi".

Titolu fil-qosor.

Kap. 9.

2. Fis-sub paragrafu (iv) tal-paragrafu (b) tas-subartikolu (9) tal-artikolu 575 tal-Kodiċi l-kliem "ġie mħolli għas-smiġħ tal-kawża." għandhom jiġu sostitwiti bil-kliem "ġie mħolli għas-smiġħ tal-kawża:" u minnufiħ wara għandhom jiżdiedu s-subparagrafi ġodda li ġejjin:

Emenda tal-artikolu 575 tal-Kodiċi.

"(v) għal dak iz-zmien li fih il-qorti ma tkunx tista' tisma' l-kawza riżultat ta' cirkostanzi li jirrigwardaw is-saħħa tal-akkużat li jirriżultaw minn ħsara nflitta fuqu nnifsu:

Iżda li perijodu ta' sospensjoni taħt dan is-subparagrafu għandu f'kull każ ikun ta' xahrejn jew l-ekwivalenti tal-perijodu li matulu jippersistu l-effetti tal-ħsara nflitta mill-akkużat fuqu nnifsu, skont liema jkun l-itwal;

(vi) mingħajr preġudizzju u subordinatament għall-applikazzjoni tas-subparagrafi precedenti, meta l-qorti, wara li tkun appuntat il-kawża għas-smiġh tkun hassret dak l-appuntament għal xi raġuni attribwibbli esklussivament lill-akkużat jew lil xi wieħed jew iżjed mill-akkużati, għal dak iż-żmien sakemm isir is-smiġh tal-kawża:

Iżda li l-perjodu ta' sospensjoni taht dan is-subparagrafu ma' għandux jeċċedi xahrejn kull darba u fi kwalunkwe każ ma għandux jeċċedi massimu ta' sitt xhur fir-rigward tal-istanzi kollha li fihom ikun gie applikat dan is-subparagrafu fl-istess kawza."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-abbozz huwa sabiex jipprovdu għas-sospensjoni tat-termini għall-għoti tal-ħelsien mill-arrest f'kaz li l-akkużat jwaqqaf is-smiġh tal-kawża billi jikkaġuna ħsara lilu nnifsu u fil-każ li kawza li tkun giet appuntata għas-smiġh ma tkunx tista' tinstema' għal raġuni attribwibbli esklussivament lil xi wieħed jew aktar mill-akkużati.

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 2) Act, 2022 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".
- 2.** In sub-paragraph (iv) of paragraph (b) of sub-article (9) of article 575 of the Code the words "to the date of the next hearing." shall be substituted by the words "to the date of the next hearing:" and immediately after there shall be added the following new sub-paragraphs:

"(v) for such period during which the court cannot hear the case due to circumstances regarding the health of the accused resulting from self-harm:

Provided that a period of suspension under this sub-paragraph shall in any case last for two months or be equivalent to the time during which the effects of the self-harm inflicted by the accused persist, whichever is the longer;

(vi) without prejudice and subordinately to the application of the preceding sub-paragraphs, when the court, after having appointed the case for hearing shall have cancelled that appointment for a reason exclusively attributable to the accused or to one or more of the accused, for such period until the case is heard:

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Provided that a period of suspension under this sub-paragraph shall not exceed two months every time and in any case it shall not exceed a maximum of six months in respect of all instances when this sub-paragraph is applied in the same case."

Objects and Reasons

The objects and reasons of this Bill are to provide for the suspension of the time limits for release on bail in the case that the accused stops the hearing of the case through the infliction of self-harm and in the event that a case appointed for hearing is impeded from proceeding for a reason exclusively attributable to one or more of the accused.

