

Nru 39

13. 01. 2023

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Jannar 2023.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice, and read the First time at the Sitting of the 9th January 2023.

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, ħareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 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. Minnufih wara s-subartikolu (3) tal-artikolu 546 tal-Kodiċi għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 546 tal-Kodiċi.

Kap. 424.

"(3a) (a) Meta r-reat li għandu jiġi investigat ikun jinkludi fl-elementi fattwali ewlenin tiegħu materji relatati mas-saħħa u s-sigurtà fuq il-post tax-xogħol bħal fil-każ ta' omiċidju involontarju jew ħsara involontarja fuq il-persuna li tirriżulta minn fatt li jkun ġara fuq post tax-xogħol u li jkunu tali li jintitolaw lill-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol twettaq investigazzjoni skont il-paragrafu (f) tas-subartikolu (2) tal-artikolu 9 tal-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol, il-Maġistrat għandu malajr kemm jista' jkun javża lill-Awtorità bl-aċċess u għandu jippermetti lill-imsemmija Awtorità li tinnomina wiehed (1) jew aktar mill-uffiċjali tagħha sabiex ikunu preżenti waqt l-aċċess u sabiex jagħmlu domandi lix-xhieda u lill-esperti waqt is-seduti kollha li jsiru waqt l-aċċess u sabiex jipprezentaw rapport li għandu jiffirma parti mill-atti tal-aċċess.

(b) F'dan is-subartikolu:

- Kap. 424. "Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol" jew "Awtorità" tfisser l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol imwaqqfa bl-artikolu 8 tal-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol"; u
- Kap. 424. "post tax-xogħol" għandu jkollha l-istess tifsira kif mogħtija lilha fl-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol".

Għanijiet u Ragunijiet

L-għanijiet u r-ragunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu bażi legali għall-involviment tal-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol fl-aċċessi li jirriżultaw minn aċċidenti industrijali jew incidenti li jseħħu fuq post tax-xogħol li fir-rigward tagħhom l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol tkun intitolata li twettaq investigazzjoni separata skont l-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol, sabiex b'hekk l-għarfien espert tal-imsemmija Awtorità jkun disponibbli għall-Magistrat inkwirenti u tiġi evitata duplikazzjoni bla bżonn tax-xogħol u tal-ispejjeż.

**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, 2023 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. Immediately after sub-article (3) of article 546 of the Code there shall be added the following new sub-article: Amendment of
article 546 of
the Code.

Cap. 424.

"(3a) (a) Where the offence that shall be investigated includes in its principal factual elements matters relating to occupational health and safety such as in the case of involuntary homicide or involuntary bodily harm arising out of a fact which happened at a work place and which are such that entitle the Occupational Health and Safety Authority to carry out an investigation in accordance with paragraph (f) of sub-article (2) of article 9 of the Occupational Health and Safety Authority Act, the Magistrate shall as soon as practicable notify the Authority of the inquest and shall allow the said Authority to nominate one (1) or more of its officers to be present during the inquest and to ask questions to witnesses and experts during all sittings held during the inquest and to file a report which shall form part of the acts of the inquest.

(b) In this sub-article:

C 756

Cap. 424. "Occupational Health and Safety Authority" or "Authority" means the Occupational Health and Safety Authority established by article 8 of the Occupational Health and Safety Authority Act; and

Cap. 424. "work place" shall have the same meaning as assigned to it in the Occupational Health and Safety Authority Act."

Objects and Reasons

The objects and reasons of this Bill are to provide a legal basis for the involvement of the Occupational Health and Safety Authority in inquests arising out of industrial accidents or incidents happening at a place of work in respect of which the Occupational Health and Safety Authority is entitled to carry out a separate investigation under the Occupational Health and Safety Authority Act, thereby making the expertise of the said Authority available to the inquiring Magistrate and avoiding unnecessary duplication of work and cost.

