

Nru. 60

28. 4. 89

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Guido de Marco, M.P., Viċi Prim Ministru u Ministru ta' l-Intern u Ġustizzja u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Diċembru, 1988.

A BILL introduced by the Honourable Guido de Marco, M.P., Deputy Prime Minister and Minister for Internal Affairs and Justice and read the First time at the Sitting of the 19th December, 1988.

ATT biex jemenda l-Kodiċi Kriminali (Kap. 9).

AN ACT to amend the Criminal Code (Cap. 9).

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI imsejjah

ATT biex 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 ta' l-istess, hareġ b'liġi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1988 li jemenda l-Kodiċi Kriminali, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Kriminali hawn aktar 'il quddiem imsejjah "il-liġi prinċipali".

Titolu
fil-qosor.

2. Minflok is-subartikolu (1) ta' l-artikolu 575 tal-liġi prinċipali għandu jidhol dan li ġej:

Emenda ta
l-artikolu
575 tal-liġi
prinċipali.

"(1) Bla hsara tad-dispożizzjonijiet tas-subartikolu (2) ta' l-aħħar artikolu qabel dan, fil-każ ta' —

(i) imputat ta' delitt kontra s-sigurtà tal-Gvern, jew

(ii) imputat ta' delitt suġġett għall-piena ta' pringunerija għal ghomru,

il-qorti tista' tagħti helsien mill-arrest, biss jekk, wara li tikkunsidra iċ-ċirkostanzi kollha tal-każ, in-natura u l-gravità ta' l-offiża, il-karattru, antecedenti, assoċjazzjonijiet u rābtiet fil-kommunità ta' l-imputat, kif ukoll kull haġa oħra li tkun tidher li hi rilevanti, tkun sodisfatta illi ma hemmx perikolu illi l-imputat jekk jiġi meħlus mill-arrest

(a) jonqos li jidher għall-ordni ta' l-awtorità msemmija fl-obbligazzjoni tal-garanzija; jew

(b) jinheba jew jitlaq minn Malta; jew

(c) ma josservax xi kondizzjoni li l-qorti ikun jidhrilha xieraq li timponi fl-obbligazzjoni tal-garanzija; jew

(d) jinterferixxi jew jipprova jinterferixxi max-xhieda jew b'xi mod ieħor jintralċja jew jipprova jintralċja l-kors tal-gustizzja fir-rigward tiegħu jew xi persuna oħra; jew

(e) jikkommetti xi reat ieħor.”.

Sostituzzjoni ta' l-artikolu 579 tal-liġi prinċipali.

3. Minflok l-artikolu 579 tal-liġi prinċipali għandu jidhol li ġej:

“Effetti tan-nuqqas ta' dehra tal-persuna taħt garanzija, eċċ.

579. Jekk l-imputat jew akkużat jonqos li jidher għall-ordni ta' l-awtorità msemmija fl-obbligazzjoni tal-garanzija, jew jonqos li josserva xi kundizzjoni fiha imposta, jew jinheba jew jitlaq minn Malta, jew waqt li jkun meħlus mill-arrest jikkommetti delitt li ma jkunx wieħed ta' natura volontarja, jew jinterferixxi jew jipprova jinterferixxi max-xhieda jew b'mod ieħor jintralċja jew jipprova jintralċja il-kors tal-gustizzja fir-rigward tiegħu jew ta' xi persuna oħra, is-somma msemmija fl-obbligazzjoni tghaddi favur il-Gvern ta' Malta, u, barra minn dan, jiġi mahruġ mandat ta' arrest kontra tiegħu.”.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu li jistabbilixxi l-kriterji li għandhom jiġu segwiti mill-qorti fil-konsiderazzjoni dwar jekk għandhiex tagħti ħelsien mill-arrest in konnessjoni ma' ċerti reati.

**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. This Act may be cited as the Criminal Code (Amendment) Act, 1988, and shall be read and construed as one with the Criminal Code, hereinafter referred to as “the principal law”.

2. For subsection (1) of section 575 of the principal law, there shall be substituted the following:

“(1) Saving the provisions of subsection (2) of the last preceding section, in the case of—

(i) a person accused of any crime against the safety of the Government, or

(ii) a person accused of any crime liable to the punishment of imprisonment for life,

the court may grant bail, only if, after taking into consideration all the circumstances of the case, the nature and seriousness of the offence, the character, antecedents, associations and community ties of the accused, as well as any other matter which appears to be relevant, it is satisfied that there is no danger that the accused if released on bail

(a) will not appear when ordered by the authority specified in the bail bond; or

(b) will abscond or leave Malta; or

(c) will not observe any of the conditions which the court would consider proper to impose in the bail bond; or

(d) will interfere or attempt to interfere with witnesses or otherwise obstruct or attempt to obstruct the course of justice in relation to himself or to any other person; or

(e) will commit any offence.”.

Substitutes section 579 of the principal law.

3. For section 579 of the principal law there shall be substituted the following:

“Consequences of default of appearance of person admitted to bail, etc.

579. If the person charged or accused fails to appear when ordered by the authority specified in the bail bond, or fails to observe any of the conditions therein imposed, or absconds or leaves Malta, or while on bail commits any crime not being one of an involuntary nature, or interferes or attempts to interfere with witnesses or otherwise obstructs or attempts to obstruct the course of justice whether in relation to himself or any other person, the sum stated in the bail bond shall be forfeited to the Government of Malta, and, moreover, a warrant of arrest shall be issued against him.”.

Objects and Reasons

The Object of the Bill is to establish the criteria which are to be followed by the court in considering whether or not to grant bail in respect of certain offences.