

Nru. 103

16. 1. 90

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 tat-28 ta' Lulju, 1989.

A BILL introduced by the Honourable Guido De Marco, M.P., Deputy Prime Minister and Minister of Interior and Justice, and read the First time at the Sitting of the 28th July, 1989.

ATT biex jemenda l-Att ta' l-1976 dwar il-Habs.

AN ACT to amend the Prisons Act, 1976.

P. MUSCAT TERRIBILE
Skriivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex jemenda l-Att ta' l-1976 dwar il-Habs.

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 ġejj:—

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1989 li jemenda l-Att dwar il-Habs, u għandu jinqara u jftiehem haġa waħda ma' l-Att ta' l-1976 dwar il-Habs, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu
fil-qosor.
Att IX
ta' l-1976.

2. Minflok is-subartikoli (1) u (2) ta' l-artikolu 4 ta' l-Att prinċipali għandu jidhul dan li ġejj:

Emenda ta'
l-artikolu 4
ta' l-Att
prinċipali.

“(1) Il-persuni li ġejjin jinżammu f'habs —

(a) kull persuna li tkun ġiet ikkundannata minn Qorti ta' ġurisdizzjoni kriminali f'Malta għall-piena ta' priġunerija, jew detenzjoni, jew li, wara li tkun ġiet ikkundannata minn awtorità kompetenti biex thallas multa jew ammenda jew spejjeż, tonqos li thallas dik il-multa jew l-ammenda jew l-ispejjeż f'kull każ li fih, skond il-liġi, il-multa jew l-ammenda jew l-ispejjeż meta ma jithallsux, għandhom jinbidlu fi priġunerja jew detenzjoni;

(b) kull persuna li tkun ġiet ikkundannata għall-piena tal-mewt, priġunerija jew detenzjoni minn xi Qorti oħra jew minn xi awtorità f'Malta awtorizzata bil-liġi li tagħti xi waħda minn dawk il-pieni, kemm-il darba dik il-liġi ma tistabbilix xi post ieħor li fih għandha tiġi skuntata dik il-piena;

(ċ) kull persuna li, wara li tkun ġiet ikkundannata barra minn Malta minn Qorti barranija jew minn awtorità kompetenti oħra

għal piena li tkun tinvolvi n-nuqqas ta' libertà għal perijodu ta' żmien definit jew indefinit minhabba f'reat kriminali, tintbagħat f'Malta sabiex tkompli tiskonta dik il-kundanna f'Malta skond xi trattat, konvenzjoni, ftehim jew qbil għal dak il-għan li jkun f'dak iż-żmien fis-seħh bejn Malta u l-pajjiż barrani konċernat jew li jkun japplika għal dawk iż-żewġ pajjiżi jew li tiegħu iż-żewġ pajjiżi jkunu parti;

(d) kull persuna li tkun tressqet b'arrest u giet akkużata quddiem il-Qorti kompetenti għal reat li dwaru l-Qrati jkollhom ġurisdizzjoni skond il-liġi, jew li tkun qed tiġi eżaminata quddiem Qorti Istrutturja, jew li tkun giet mibgħuta mill-imsemmija Qorti jew minn xi awtorità kompetenti ohra biex tiġi proċessata, jew li tkun qed tghaddi proċess f'Malta, jew li tkun il-persuna li dwarha jkunu qed jitmexxew proċedimenti ta' estradizzjoni, kemm-il darba dik il-persuna ma tohroġx bi plegg.

(2) Tkun tista' tinzamm f'habs —

(a) kull persuna li, wara li tkun giet ikkundannata li tagħti garanzija biex iżżomm il-paċi u li gġib ruhha sewwa jew li tissorvelja l-imġieba ta' minuri tkun sugġetta, jekk tonqos li tagħti dik il-garanzija, li titqiegħed u tinzamm f'kustodja u kull persuna li tiġi arrestata minn Qorti kompetenti talli ma tkunx hallset is-somma li għaliha tkun obligat ruhha;

(b) kull persuna li l-arrest jew id-detenzjoni tagħha skond il-liġi tkun ordnata minn xi qorti jew awtorità kompetenti ohra;

(ċ) kull persuna li, skond xi arrangament ta' estradizzjoni, tkun sugġetta li tinghata f'idejn pajjiż barrani;

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(d) kull persuna miżmuma f'kustodja skond id-dispożizzjonijiet ta' l-Att dwar l-Immigrazzjoni, hlief għall-artikolu 10 jew 22 tiegħu;

(e) kull persuna li tkun arrestata għal reat.”.

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz hu sabiex jagħmel l-emenda meħtieġa sabiex jinghata seħh shih lill-Konvenzjoni Ewropeja dwar it-Trasferiment ta' Habsin Kundannati u sabiex jagħmel emendi ohrajn żgħar li saru meħtieġa.

A BILL
entitled

AN ACT to amend the Prisons Act, 1976.

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 Prisons (Amendment) Act, 1989, and shall be read and construed as one with the Prisons Act, 1976, hereinafter referred to as "the principal Act".

Short title.
Act IX
of 1976.

2. For subsections (1) and (2) of section 4 of the principal Act there shall be substituted the following:

Amendment of
section 4
of the
principal Act.

"(1) The following persons shall be confined in prison —

(a) any person who has been sentenced by a Court of criminal jurisdiction in Malta to the punishment of imprisonment or detention or who, having been sentenced by a competent authority to pay a fine (*multa* or *ammenda*) or costs, fails to pay such fine or costs in any case in which, according to law, such fine or costs are, if not paid, convertible into imprisonment or detention;

(b) any person who has been sentenced to the punishment of death, imprisonment or detention by any other Court or by any authority in Malta authorised by law to inflict any such punishments, unless such law appoints any other place in which the punishment is to be undergone;

(c) any person who, having been sentenced abroad by a foreign Court or other competent authority to a punishment involving deprivation of liberty for a limited or unlimited period of

time on account of a criminal offence, is sent to Malta to continue serving such sentence in Malta in accordance with any treaty, convention, agreement or understanding for that purpose for the time being in force between Malta and the foreign country concerned or which applies to both such countries or to which both countries are a party;

(d) any person who has been arraigned under arrest and charged before the competent Court for an offence in respect of which the Courts in Malta have jurisdiction according to law, or is under examination before a Court of Criminal Inquiry, or who is committed for trial by the said Court or by any other competent authority, or who is under trial in Malta, or who is the subject of extradition proceedings, unless such person is released on bail.

(2) It shall be lawful to confine in a prison —

(a) any person who, having been sentenced to give security to keep the peace and to be of good behaviour or to watch over the conduct of a minor is, upon failure to give such security, liable to be detained and kept in custody, and any person who is arrested by a competent Court for non-payment of the sum in which he bound himself;

(b) any person whose arrest or detention according to law is ordered by any court or other competent authority;

(c) any person who, under any extradition arrangement, is liable to be surrendered to a foreign country;

(d) any person detained in custody under the provisions of the Immigration Act, other than under section 10 or 22 thereof;

(e) any person who has been arrested for an offence.”.

Cap. 217.

Objects and Reasons

The Object of the Bill is to make the necessary amendment to enable the European Convention on the Transfer of Sentenced Prisoners to be given full effect and to make other minor amendments which have become necessary.