Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,126, 6 ta' Ottubru, 2023
Taqsima C

Nru 65

06. 10. 2023

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta tat-3 ta' Ottubru 2023.

ATT sabiex jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, Kap. 77.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice, and read the First time at the Sitting of the 3rd October 2023.

AN ACT to amend the Conduct Certificates Ordinance, Cap. 77.

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT sabiex jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, Kap. 77.

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:-

Titolu fil-qosor u bidu fis-seħħ.

Kap. 77.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, hawn iżjed 'il quddiem imsejħa "l-liġi prinċipali".

(2) Dan l-Att għandu jidħol fis-seħħ f'dik id-data jew dati li l-Ministru responsabbli għall-ġustizzja, bi qbil mal-Ministru responsabbli għall-pulizija, jista' jistabbilixxi permezz ta' avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u għal għanijiet differenti ta' dan l-Att.

Sostituzzjoni tal-artikolu 2 tal-liġi prinċipali.

2. L-artikolu 2 tal-liġi prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Reġistru nazzjonali tal-kondotti u rekords kriminali.

2. Id-Dipartiment tal-Ġustizzja għandu jkun responsabbli li:

(a) iżomm reġistru nazzjonali tar-rekords kriminali; u

(b) joħroġ ċertifikati tal-kondotta soġġetti għad-dispożizzjonijiet ta' din l-Ordinanza u skont il-Formola A jew B fl-Ewwel Skeda.".

Emenda tal-artikolu 3 tal-liġi prinċipali.

3. L-artikolu 3 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, il-kliem "fil-Kwartieri Ġenerali tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "fl-Uffiċċju tal-Kondotti u Rekords Kriminali fi ħdan id-Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja";

(b) fil-proviso għas-subartikolu (2) tiegħu, il-kliem "l-Kummissarju tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja";

(ċ) is-subartikolu (3) tiegħu għandu jiġi sostitwit b’dan is-subartikolu ġdid li ġej:

"(3) L-awtoritajiet kompetenti elenkati fir-Raba’ Skeda u nominati għal dan il-għan mill-Ministru responsabbli għall-ġustizzja jistgħu jitolbu, bil-kunsens bil-miktub tal-persuna li għaliha jirreferi r-rekord tal-kundanni kriminali, lid-Direttur tad-Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja sabiex jiġi preżentat rekord sħiħ tal-kundanni kriminali tal-persuna konċernata.";

(d) is-subartikolu (5) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "Il-Kumissarju tal-Pulizija" kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "Id-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja"; u

(ii) il-kliem "tal-Kummissarju tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "tad-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja"; u

(e) minnufih wara s-subartikolu (5) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(6) Skont il-funzjonijiet tagħhom fil-liġi, l-awtoritajiet kompetenti li ġejjin għandu jkollhom aċċess dirett kontinwu għar-rekord sħiħ tal-kundanni kriminali ta’ persuna:

(a) l-Avukat Ġenerali;

(b) il-Kummissarju tal-Pulizija;

(ċ) is-Servizz tas-Sigurtà.".

4. Fis-subartikolu (1) tal-artikolu 4 tal-liġi prinċipali, il-kliem "mill-Kummissarju tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "mid-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja". Emenda tal-artikolu 4 tal-liġi prinċipali.

5. L-artikolu 10 tal-liġi prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej: Sostituzzjoni tal-artikolu 10 tal-liġi prinċipali.

"Setgħa tal-Ministru li jagħmel regolamenti.

10. Il-Ministru responsabbli għall-ġustizzja jista' permezz ta' regolamenti, jemenda, iħassar, iżid jew jissostitwixxi l-Iskedi li jinsabu ma' din l-Ordinanza u jista' ukoll jagħmel regolamenti għat-twettiq aħjar tad-dispożizzjonijiet ta' din l-Ordinanza u sabiex jittrasponu, jimplimentaw u jagħtu effett lid-dispożizzjonijiet u r-rekwiżiti tad-Direttivi, Regolamenti u kwalunkwe miżuri leġiżlattivi oħra tal-Unjoni Ewropa li jeħtieġu traspożizzjoni jew implimentazzjoni,".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu għat-trasferiment tar-reġistru nazzjonali tar-rekords kriminali u responsabbiltajiet anċillari mill-Kummissarju tal-Pulizija għad-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja. Dan għandu jippermetti lill-Pulizija Eżekuttiva sabiex tiffoka fuq il-prevenzjoni u l-investigazzjoni ta' reati u l-infurzar tal-liġi.

A BILL
entitled

AN ACT to amend the Conduct Certificates Ordinance, Cap. 77.

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:-

Short title and commencement.

Cap. 77.

1. (1) The short title of this Act is the Conduct Certificates Ordinance (Amendment) Act, 2023 and this Act shall be read and construed as one with the Conducts Certificates Ordinance, hereinafter referred to as "the principal law".

(2) This Act shall come into force on such date or dates as the Minister responsible for justice, with the concurrence of the Minister responsible for police may by notice in the Gazette establish, and different dates may be so established for different provisions and purposes of this Act.

Substitution of article 2 of the principal law.

2. Article 2 of the principal law shall be substituted by the following new article:

"National conducts and criminal records register.

2. The Department of Justice shall be responsible to:

(a) maintain a national criminal records register; and

(b) issue conduct certificates subject to the provisions of this Ordinance and in accordance with Form A or B in the First Schedule.".

3. Article 3 of the principal law shall be amended as follows:

Amendment of article 3 of the principal law.

(a) in sub-article (2) thereof, the words "Police General Headquarters" shall be substituted by the words "Conducts and Criminal Records Office within the Department of Justice within the Ministry responsible for Justice";

(b) in the proviso to sub-article (2) thereof, the words "Commissioner of Police" shall be substituted by the words "Director, Department of Justice within the Ministry responsible for Justice";

(c) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The competent authorities listed in the Fourth Schedule and designated by the Minister responsible for justice for this purpose may request, with the consent in writing of the person to whom the record of criminal convictions relates, the Director of the Department of Justice within the Ministry responsible for Justice to submit a complete record of criminal convictions of the person to whom they relate.";

(d) in sub-article (5) thereof shall be amended as follows:

(i) the words "Commissioner of Police", wherever they occur, shall be substituted by the words "Director, Department of Justice within the Ministry responsible for Justice"; and

(ii) in the Maltese version only, the words "tal-Kummissarju tal-Pulizija" shall be substituted by the words "tad-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-Ġustizzja"; and

(e) immediately after sub-article (5) thereof there shall be added the following new sub-article:

"(6) In accordance with their functions at law, the following competent authorities shall have continuous direct access to the complete record of criminal convictions of a person:

(a) the Attorney General;

(b) the Commissioner of Police;

(c) the Security Service".

Amendment of article 4 of the principal law.

4. In sub-article (1) of article 4 of the principal law, the words "Commissioner of Police" shall be substituted by the words "Director, Department of Justice within the Ministry responsible for Justice".

Substitution of article 10 of the principal law.

5. Article 10 of the principal law shall be substituted by the following new article:

"Power of Minister to make regulations.

10. The Minister responsible for justice may by regulations amend, revoke, add or substitute the Schedules to this Ordinance and may also make regulations for the better carrying out of the provisions of this Ordinance and to transpose, implement and give effect to the provisions and requirements of Directives, Regulations and any other legislative measures of the European Union requiring transposition or implementation.".

Objects and Reasons

The objects and reasons of this Bill are to provide for the transfer of the national criminal records register and ancillary responsibilities from the Commissioner of Police to the Director, Department of Justice within the Ministry responsible for Justice. This shall enable the Executive Police to focus on the prevention and investigation of crime and offences and law enforcement.

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — *Printed at the Government Printing Press on FSC certified paper*

Prezz/*Price*
€0.36