

MALTA

ATT Nru. LIII ta' I-1981

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Kodiċi Kriminali, Kap. 12.

ACT No. LIII of 1981

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Criminal Code, Cap. 12.

Nagħti l-kunsens tiegħi.

(L.S.)

ANTON BUTTIGIEG
President

6 ta' Novembru, 1981

ATT Nru. LIII ta' 1-1981

ATT biex ikompli jemenda l-Kodiċi Kriminali, Kap. 12.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, ħareġ b'liġi dan li ġej:—

Titolu fil-qosor
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' 1-1981 li jemenda l-Kodiċi Kriminali, u għandu jinqara u jiftiehem ħaġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali".

(2) Dan l-Att għandu jibda jseħħ f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jistabbilixxi b'avviż fil-Gazzetta.

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

2. Minflok l-artikolu 450 tal-liġi prinċipali għandu jidhul dan li ġej:

"Notifika
ta' l-att ta'
l-akkuża
lill-
akkużat.

450. (1) Kopja uffiċjali ta' l-att ta' l-akkuża u tanna nota msemmija fis-subartikolu (2) ta' l-artikolu 584 għandhom jiġu notifikati lill-akkużat.

(2) L-akkużat għandu, permezz ta' nota pprezentata fir-Registru tal-Qorti mhux iktar tard minn ħmistax-il jum tax-xogħol mid-data ta' dik in-notifika —

(i) jagħti avviż dwar l-eċċezzjonijiet imsemmija fl-artikolu 461 u kull eċċezzjoni dwar l-ammissibilità tal-provi li jkollu l-ħsieb li jagħti, u

(ii) jindika x-xhieda u jipproduċi d-dokumenti u oġġetti oħra li jkollu l-ħsieb li juża fil-kawża,

u kopja uffiċjali ta' dik in-nota għandha tiġi notifikata lill-Avukat Ġenerali.

(3) L-Avukat Ġenerali għandu, permezz ta' nota pprezentata fir-Registru tal-Qorti mhux iktar tard minn hamest ijiem mid-data tan-notifika lilu tan-nota ta' l-akkużat, jagħti avvizz ta' kull eċċezzjoni dwar l-ammissibilità ta' provi li jkollu l-ħsieb li jagħti.

(4) Malli jgħaddi ż-żmien imsemmi fis-subartikolu ta' qabel dan il-Qorti għandha tistabbilixxi l-jum għas-smiġħ ta' l-eċċezzjonijiet kollha u għandha f'dak il-jum tordna lir-Registatur biex jaqra l-att ta' l-akkuża, u wara tgħaddi biex tiddeċiedi fuq dawk l-eċċezzjonijiet qabel ma l-akkużat iwieġeb jekk hux ħati jew le:

Iżda l-Qorti tista' ex officio jew fuq rikors ta' l-Avukat Ġenerali jew ta' l-akkużat titlob li dak li jrid jiġi ppruvat bix-xhieda jiġi ddikjarat.

(5) Jekk l-ebda eċċezzjonijiet ma jkunu ġew mogħtija kif provdut fis-subartikoli (2) u (3) ta' dan l-artikolu, jew wara li jiġu deċiżi dawn l-eċċezzjonijiet, il-Qorti għandha tistabbilixxi jum għas-smiġħ tal-kawża.

(6) L-akkużat għandu jiġi notifikat b'avvizz ta' din id-data u jingħata lilu mill-inqas għaxart ijiem żmien biex jipprepara d-difiża. Il-Qorti tista', jekk tiġi murija raġuni xierqa, u wara li tisma' lill-Avukat Ġenerali, testendi dan iż-żmien għal kull żmien ieħor li jidhrilha xieraq.

(7) L-akkużat jista' jirrinunzja għall-jedd ta' dan iż-żmien.”.

3. L-artikolu 452 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) is-subartikoli (1) u (2) għandhom jiħassru;
 - (b) minflok is-subartikolu (3) tiegħu għandu jidhul dan li ġej:

Emenda ta' l-artikolu 452 tal-liġi prinċipali.

“(3) L-attijiet tal-kumpilazzjoni, dokumenti u oġġetti pprezentati fir-Registru tal-Qorti mill-Avukat Ġenerali jew mill-akkużat jistgħu jarawhom l-Avukat Ġenerali u l-akkużat jew l-Avukat jew il-Prokuratur Legali tiegħu.”.

(ċ) fis-subartikolu (4) tiegħu, minflok il-kliem “id-dokumenti, l-oġġetti u l-attijiet hawn fuq imsemmija” għandhom jidhlu l-kliem “id-dokumenti, l-oġġetti u l-attijiet kollha”;

(d) fis-subartikolu (5) tiegħu, minflok il-kliem “fin-nota jew li ma jkunx ġie pprezentat kif jingħad hawn fuq” għandhom jidhlu l-kliem “fin-noti jew li ma jkunux ġew ipprezentati kif provdut fl-artikolu 450,”; u

(e) fis-subartikolu (6) tiegħu, minflok il-kliem “l-prezentata ma tkunx saret fiż-żmien” għandhom jidhlu l-kliem “l-prezentata ma tkunx saret fiż-żmien speċifikat fl-artikolu 450”.

4. Minflok is-subartikolu (1) ta' l-artikolu 458 tal-liġi prinċipali għandu jidhul dan li ġej:

Emenda ta' l-artikolu 458 tal-liġi prinċipali.

“(1) Kull eċċezzjoni kontra l-Imħallef għandha tingħata, u mill-Qorti tinqata', qabel il-qari ta' l-att ta' l-akkuża meta l-akkużat jitqiegħed fl-isbarra, fil-jum stabbilit għas-smiġħ ta' l-eċċezzjonijiet preliminari, jew, jekk l-ebda eċċezzjoni ma' tkun ingħatat, fil-jum stabbilit għas-smiġħ tal-kawża.”.

Emenda ta' l-artikolu 460 tal-liġi prinċipali.

5. Minflok l-artikolu 460 tal-liġi prinċipali għandu jidhrol dan li ġej:

“Qari ta' l-artikolu 460. Meta l-ebda eċċezzjonijiet ma jkunu ngħataw kif provdut fl-artikolu 450, il-Qorti għandha tordna lir-Registratur biex jaqra l-att ta' l-akkuża.”.

Emenda ta' l-artikolu 461 tal-liġi prinċipali.

6. Minflok is-subartikolu (1) ta' l-artikolu 461 tal-liġi prinċipali għandu jidhrol dan li ġej:

“(1) L-eċċezzjonijiet li ġejjin, jiġifieri —

- (a) eċċezzjoni ta' inkompetenza tal-Qorti;
- (b) eċċezzjoni ta' nullità jew ta' żball fl-att ta' l-akkuża;
- (ċ) eċċezzjoni ta' l-estinzjoni ta' l-azzjoni;
- (d) eċċezzjoni ta' ġudikat li bih l-akkużat kien ġa' ġie misjub ħati jew illiberat;
- (e) eċċezzjoni tal-ġenn ta' l-akkużat fiż-żmien tal-kawża;
- (f) eċċezzjoni ta' kull punt ieħor ta' fatt illi minħabba fih il-kawża m'għandhiex titmexxa għal mument, jew f'ebda żmien ieħor 'il quddiem; u
- (g) bla ħsara tad-disposizzjoni tas-subartikolu (1) ta' l-artikolu 458, kull eċċezzjoni preliminari oħra,

jistgħu jingħataw biss jekk ikun ingħata dwarhom avviz bil-miktub kif provdut fis-subartikolu (2) ta' l-artikolu 450:

Izda l-Qorti tista' tawtorizza li jingħataw dawk l-eċċezzjonijiet għal raġuni li tkun inqalġhet wara ż-żmien li fih in-nota imsemmija fis-subartikolu (2) ta' l-artikolu 450 għandha tiġi pprezentata fir-Registru tal-Qorti.”.

Emenda ta' l-artikolu 466 tal-liġi prinċipali.

7. L-artikolu 466 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidhrol dan li ġej:

“(1) Jekk l-akkużat iwieġeb li mhux ħati, din it-twegiba għandha tiġi registrata.”;

(b) is-subartikolu (2) tiegħu għandu jithassar;

(ċ) is-subartikolu (3) tiegħu għandu jithassar;

(d) fis-subartikolu (4) tiegħu, minflok il-kliem “il-Qorti taħtar” għandhom jidhru l-kliem “il-Qorti għandha, jekk l-ebda eċċezzjonijiet ma jkunu ingħataw kif provdut fl-artikolu 450 jew xort'oħra, wara li jiġu deċiżi dawk l-eċċezzjonijiet, taħtar”; u

(e) minflok is-subartikolu (5) tiegħu għandu jidhrol dan li ġej:

“(5) Fil-jum stabbilit għas-smiġ tal-kawża l-Qorti tgħaddi 'l quddiem għall-ħatra tal-ġuri u għas-smiġ tal-kawża.”.

Emenda ta' l-artikolu 508B tal-liġi prinċipali.

8. Fis-subartikolu (1) ta' l-artikolu 508B tal-liġi prinċipali minflok il-kliem “deċiżjoni mogħtija fl-istadju msemmi fis-subartikolu (1) ta' l-artikolu 466 fuq l-eċċezzjoni ta' inammissibilità ta' provi hemm hekk imsemmija” għandhom jidhru l-kliem “deċiżjoni fuq l-eċċezzjoni ta' inammissibilità ta' provi”.

9. L-artikolu 584 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) id-disposizzjoni preżenti għandha tiġi numerata mill-ġdid bħala subartikolu (1); u

Emenda ta' l-artikolu 584 tal-liġi prinċipali.

(b) minnufih wara s-subartikolu (1) kif numerat mill-ġdid għandu jidhol is-subartikolu ġdid li ġej:

“(2) Ma’ l-att ta’ l-akkuża l-Avukat Ġenerali għandu jippreżenta wkoll l-attijiet tal-kumpilazzjoni flimkien ma’ nota tax-xhieda, dokumenti u oġġetti oħra li jkollu l-ħsieb li jipprođuċi fil-kawża.”.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 549 ta’ l-4 ta’ Novembru, 1981.

CALCIDON AGIUS
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ANTON BUTTIGIEG
President

6th November, 1981

ACT No. LIII of 1981

AN ACT further to amend the Criminal Code, Cap. 12.

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.

1. (1) This Act may be cited as the Criminal Code (Amendment) Act, 1981, and shall be read and construed as one with the Criminal Code, hereinafter referred to as “the principal law”.

(2) This Act shall come into force on such date as the Minister responsible for Justice may by notice in the Gazette appoint.

Substitution of section 450 of the principal law.

2. For section 450 of the principal law there shall be substituted the following:

“Service of indictment on accused. 450. (1) An official copy of the indictment and of the list referred to in subsection (2) of section 584 shall be served on the accused.

(2) The accused shall, by means of a note to be filed in the Registry of the Court not later than fifteen working days from the date of such service —

(i) give notice of any pleas referred to in section 461 and any plea regarding the admissibility of evidence which he intends to raise, and

(ii) indicate the witnesses and produce the documents and other exhibits which he intends to use at the trial,

and an official copy of such note shall be served on the Attorney General.

(3) The Attorney General shall, by means of a note filed in the Registry of the Court not later than five days from the date of service of the notice filed by the accused, give notice of any plea regarding the admissibility of evidence which he intends to raise.

(4) On the expiration of the time referred to in the preceding subsection the Court shall appoint a day for the hearing of all the pleas and shall on that day direct the Registrar to read out the indictment, and shall then proceed to determine such pleas before the accused pleads to the general issue of guilty or not guilty:

Provided that the Court may ex officio or on the application of the Attorney General or the accused request that the proof intended to be established by the witnesses be stated.

(5) If no pleas have been raised as provided in subsections (2) and (3) of this section, or after the determination of such pleas, the Court shall appoint a day for the hearing of the trial.

(6) The accused shall be served with a notice of such date allowing a term of at least ten days to prepare his defence. The Court may, on good cause being shown, and after hearing the Attorney General, extend such term to any further period as it may deem fit.

(7) The accused may waive his right to such term.”.

3. Section 452 of the principal law shall be amended as follows:

Amendment of section 452 of the principal law.

- (a) subsections (1) and (2) shall be deleted;
- (b) for subsection (3) thereof there shall be substituted the following:

“(3) The record of the inquiry, documents and exhibits filed in the Registry of the Court by the Attorney General or the accused shall be accessible to the Attorney General and to the accused or his Advocate or Legal Procurator.”;

- (c) in subsection (4) thereof for the words “of the said documents; exhibits, and record” there shall be substituted the words “of all the documents, exhibits, and record”;

- (d) in subsection (5) thereof, for the words “in the list or filed as aforesaid” there shall be substituted the words “in the lists or filed as provided in section 450,”; and

- (e) in subsection (6) thereof, for the words “default of filing within the said term” there shall be substituted the words “default of filing within the term specified in section 450”.

4. For subsection (1) of section 458 of the principal law there shall be substituted the following:

Amendment of section 458 of the principal law.

“(1) Any objection to the Judge shall be raised, and the decision of the Court shall be given thereon, before the reading

out of the indictment, when the accused has been placed at the bar, on the day appointed for the hearing of the preliminary pleas, or, if no such pleas have been raised, on the day appointed for the trial.”.

Amendment
of section 460
of the principal
law.

5. For section 460 of the principal law there shall be substituted the following:

“Reading
out of the
indictment
to the
accused.

460. Where no pleas have been raised as provided in section 450, the Court shall direct the Registrar to read out the indictment.”.

Amendment
of section 461
of the principal
law.

6. For subsection (1) of section 461 of the principal law there shall be substituted the following:

“(1) The following pleas, that is to say —

- (a) plea to the jurisdiction of the Court;
- (b) plea of nullity of or defect in the indictment;
- (c) plea of extinguishment of action;
- (d) plea of “autrefois convict” or “autrefois acquit”;
- (e) plea of insanity of the accused at the time of the trial;
- (f) plea relating to any other point of fact in consequence of which the trial should not take place at the time, or at any future time; and
- (g) saving the provisions of subsection (1) of section 458, any other preliminary plea,

may only be raised if notice thereof has been given as provided in subsection (2) of section 450:

Provided that the Court may authorise such pleas to be raised for a reason which arises after the time within which the note referred to in subsection (2) of section 450 is to be filed in the Registry of the Court.”.

Amendment
of section 466
of the principal
law.

7. Section 466 of the principal law shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following:

“(1) If the accused pleads not guilty, such plea shall be recorded.”;

- (b) subsection (2) thereof shall be deleted;
- (c) subsection (3) thereof shall be deleted;

(d) in subsection (4) thereof, for the words “the Court shall” there shall be substituted the words “the Court shall, if no pleas have been raised as provided in section 450 or otherwise, after the determination of such pleas,”; and

(e) for subsection (5) thereof there shall be substituted the following:

out of the indictment, when the accused has been placed at the bar, on the day appointed for the hearing of the preliminary pleas, or, if no such pleas have been raised, on the day appointed for the trial.”.

Amendment of section 460 of the principal law.

5. For section 460 of the principal law there shall be substituted the following:

“Reading out of the indictment to the accused.

460. Where no pleas have been raised as provided in section 450, the Court shall direct the Registrar to read out the indictment.”.

Amendment of section 461 of the principal law.

6. For subsection (1) of section 461 of the principal law there shall be substituted the following:

“(1) The following pleas, that is to say —

- (a) plea to the jurisdiction of the Court;
- (b) plea of nullity of or defect in the indictment;
- (c) plea of extinguishment of action;
- (d) plea of “autrefois convict” or “autrefois acquit”;
- (e) plea of insanity of the accused at the time of the trial;

(f) plea relating to any other point of fact in consequence of which the trial should not take place at the time, or at any future time; and

(g) saving the provisions of subsection (1) of section 458, any other preliminary plea,

may only be raised if notice thereof has been given as provided in subsection (2) of section 450:

Provided that the Court may authorise such pleas to be raised for a reason which arises after the time within which the note referred to in subsection (2) of section 450 is to be filed in the Registry of the Court.”.

Amendment of section 466 of the principal law.

7. Section 466 of the principal law shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following:

“(1) If the accused pleads not guilty, such plea shall be recorded.”;

- (b) subsection (2) thereof shall be deleted;
- (c) subsection (3) thereof shall be deleted;

(d) in subsection (4) thereof, for the words “the Court shall” there shall be substituted the words “the Court shall, if no pleas have been raised as provided in section 450 or otherwise, after the determination of such pleas,”; and

(e) for subsection (5) thereof there shall be substituted the following:

“(5) On the day fixed for the trial the Court shall impanel the jury and shall then proceed with the trial”.

8. In subsection (1) of section 508B of the principal law for the words “decision given at the stage referred to in subsection (1) of section 466 on the plea of the admissibility of evidence therein mentioned” there shall be substituted the words “decision regarding the admissibility of evidence.”. Amendment
of section 508B
of the principal
law.

9. Section 584 of the principal law shall be amended as follows: Amendment
of section 584
of the principal
law.

(a) the present provision shall be renumbered as subsection (1); and

(b) immediately after subsection (1) as renumbered there shall be added the following new subsection:

“(2) With the indictment the Attorney General shall also file the record of the inquiry together with a list of the witnesses, documents and other exhibits which he intends to produce at the trial.”.

Passed by the House of Representatives at Sitting No. 549 of the 4th November, 1981.

CALCIDON AGIUS
Speaker

C. MIFSUD
Clerk to the House of Representatives