

MALTA

**ATT Nru XXXV tal-2024**

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

**ATT sabiex jemenda l-Att dwar l-Estradizzjoni, Kap. 276.**

**ACT No. XXXV of 2024**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Extradition Act, Cap. 276.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MYRIAM SPITERI DEBONO**  
**President**

25 ta' Ottubru, 2024

**ATT Nru XXXV tal-2024**

*ATT sabiex jemenda l-Att dwar l-Estradizzjoni, Kap. 276.*

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 li jemenda l-Att dwar l-Estradizzjoni u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Estradizzjoni, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 276.

2. Is-subartikolu (5) tal-artikolu 15 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 15 tal-Att prinċipali.

(a) minnufih qabel il-kliem "Meta l-persuna arrestata" għandhom jiġu miżjuda l-kliem "Meta persuna tkun tressqet quddiem il-qorti rimandanti kif provdut fis-subartikolu (1), il-qorti għandha tinforma lil tali persuna li tista' tagħti l-kunsens tagħha sabiex titreġġa' lura u l-qorti għandha tispjega l-proċedura li tkun ser tapplika jekk tagħti l-kunsens tagħha.";

(b) il-kliem "li tkun trid titreġġa' lura dik il-qorti għandha, jekk tkun sodistatta li dik id-dikjarazzjoni tkun saret b'mod volontarju" għandhom jiġu sostitwiti bil-kliem "li tkun

trid titregġa' lura, il-qorti għandha twissi lil dik il-persuna bl-aktar mod ċar dwar il-konsegwenzi legali tad-dikjarazzjoni tagħha u wara li tagħtiha dak iż-żmien li l-qorti jidhrilha raġonevoli sabiex twieġeb, il-qorti għandha malli tkun sodisfatta mill-volontarjetà ta' dik id-dikjarazzjoni"; u

(ċ) il-kliem "taħt id-dispożizzjonijiet ta' dan is-subartikolu." għandhom jiġu sostitwiti bil-kliem "taħt id-dispożizzjonijiet ta' dan is-subartikolu:" u minnufih wara għandu jiżdied il-proviso li ġej:

"Iżda:

(i) kull persuna li tkun qiegħda tistenna l-estradizzjoni minn Malta fiż-żmien tad-dhul fis-seħħ ta' dan il-proviso wara li tkun iddikjarat li trid titregġa' lura skont dan is-subartikolu kif kien fis-seħħ meta saret id-dikjarazzjoni tista', minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att, fi żmien hmistax (15)-il gurnata mid-data tad-dhul fis-seħħ ta' dan il-proviso tippreżenta rikors quddiem il-Qorti tal-Appell Kriminali sabiex titlob l-annullament tal-imsemmija dikjarazzjoni u sabiex titlob l-awtorizzazzjoni sabiex tithalla tikkontesta t-talba għall-estradizzjoni taħt dan l-Att;

(ii) kif tiġi ppreżentata applikazzjoni skont dan il-proviso, it-termini kollha provduti f'dan l-Att u relatati mal-proċeduri partikolari ta' estradizzjoni għandhom jiġu sospizi, sakemm il-qorti tiddetermina l-applikazzjoni u wara li l-Qorti tal-Appell Kriminali tilqa' t-talba dawk it-termini għandhom jibqgħu sospizi sakemm l-atti tal-proċeduri jiġu riċevuti mill-qorti rimandanti;

(iii) il-Qorti tal-Appell Kriminali għandha tilqa' t-talba magħmula skont dan il-proviso u tordna li l-atti tal-proċeduri jintbagħtu lura lill-qorti rimandanti fi żmien tlett (3) ijiem sabiex il-persuna li tkun qiegħda tintalab li titregġa' lura tiddikjara quddiem il-qorti rimandanti jekk tridx titregġa' lura, daqslikieku qiegħda tidher quddiem il-qorti rimandanti għall-ewwel darba;

(iv) meta l-Qorti tal-Appell Kriminali tilqa' talba ppreżentata skont dan il-proviso u sakemm l-atti tal-proċedura jintbagħtu lura lill-qorti rimandanti, id-dispożizzjonijiet ta' dan l-artikolu u kull terminu applikabbli għall-arrest ta' dik il-persuna jew għall-proċedura tal-estradizzjoni tagħha għandhom jiskattaw u

jibdew jiddekorru mill-ġdid hekk kif l-atti tal-proċedura  
jiġu riċevuti mill-qorti rimandanti."

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 265 tal-21 ta'  
Ottubru, 2024.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MYRIAM SPITERI DEBONO**  
**President**

25th October, 2024

**ACT No. XXXV of 2024**

*An ACT to amend the Extradition Act, Cap. 276.*

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.  
Cap. 276.

**1.** The short title of this Act is the Extradition (Amendment) Act, 2024 and this Act shall be read and construed as one with the Extradition Act, hereinafter referred to as the "principal Act".

Amendment of  
article 15 of the  
principal Act.

**2.** Sub-article (5) of article 15 of the principal Act shall be amended as follows:

(a) immediately before the words "Where the person arrested" there shall be added the words "Where a person has been brought before a court of committal as provided in sub-article (1), the court shall inform such person that he may consent to being extradited and the court shall explain the procedure that shall apply if he gives his consent.";

(b) the words "that he is willing to be extradited, the said court upon being satisfied of the voluntariness of such declaration" shall be substituted by the words "that he is willing to be extradited, the court shall clearly warn such person of the

legal consequences of his declaration and, after allowing him such time as the court deems reasonable for him to reply, the court shall upon being satisfied of the voluntariness of such declaration"; and

(c) the words "under the provisions of this sub-article." shall be substituted by the words "under the provisions of this sub-article:" and immediately thereafter there shall be added the following proviso:

"Provided that:

(i) any person who is awaiting extradition from Malta at the time of the coming into force of this proviso after having declared that he is willing to be extradited according to this sub-article as was in force when the declaration was made may, notwithstanding the other provisions of this Act, within fifteen (15) days from the date of the coming into force of this proviso file an application before the Court of Criminal Appeal to request the annulment of the said declaration and to request authorization to contest the request for extradition under this Act;

(ii) once an application is filed in terms of this proviso, all time limits provided for in this Act and relating to the particular extradition proceedings shall be suspended, until such time as the application is determined by the court, and after the Court of Criminal Appeal accedes to the request the said time limits shall remain suspended until the acts of the proceedings are received by the court of committal;

(iii) the Court of Criminal Appeal shall accede to the request made in accordance with this proviso and order that the acts of the proceedings be remitted to the court of committal within three (3) days so that the person whose extradition is being requested declares before the court of committal whether he is willing to be extradited, as if he is appearing before the court of committal for the first time;

(iv) where the Court of Criminal Appeal grants a request filed in terms of this proviso and until the acts of the proceedings are remitted to the court of committal, the provisions of this article and any time limits applicable in respect of such person's arrest or to the procedure for his extradition shall commence to apply and run anew as soon

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as the acts of the proceedings are received by the court of committal."

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Passed by the House of Representatives at Sitting No. 265 of the 21st October, 2024.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Clerk of the House of Representatives*