

MALTA

ATT Nru VII tal-2025

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

ATT sabiex jemenda l-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija), Kap. 537 u ligijiet varji relatati mad-droga.

ACT No. VII of 2025

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Drug Dependence (Treatment not Imprisonment) Act, Cap. 537 and various laws relating to drugs.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

17 ta' Marzu, 2025

ATT Nru VII tal-2025

ATT sabiex jemenda l-Att dwar Dipendenza fuq id-Droga (Trattament mhux Prigunerija), Kap. 537 u ligijiet varji relatati mad-droga.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda Titolu fil-qosor. Ligijiet Varji relatati mad-Droga.

Taqsim I
Emenda għall-Kodiċi Kriminali

2. Din it-Taqsim temenda l-Kodiċi Kriminali u għandha tinqara Emenda għall-Kodiċi Kriminali. Kap. 9. u tinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem f'din it-Taqsim msejjaħ il-"Kodiċi".

3. Fil-proviso għas-subartikolu (6) tal-artikolu 436 tal-Kodiċi, Emenda tal-artikolu 436 tal-Kodiċi. Kap. 31. minnufih wara l-kliem "piena ta' prigunerija għall-għomor" għandhom jiġu miżjuda l-kliem "ħlief għal reat kontra l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha Kap. 101. jew kontra l-Ordinanza dwar il-Mediċini Perikolużi".

Taqsimha II

Emenda għall-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha

Emenda għall-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha. Kap. 31.

4. Din it-Taqsimha temenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, hawn iżjed 'il quddiem f'din it-Taqsimha msejja l-"liġi prinċipali".

Emenda tar-Raba' Skeda li tinsab mal-liġi prinċipali.

5. Fir-Raba' Skeda li tinsab mal-liġi prinċipali, il-kliem "*ecstasy*: inqas minn 300 pillola" għandhom jiġu sostitwiti bil-kliem "*ecstasy*: inqas minn 500 pillola".

Taqsimha III

Emendi għall-Ordinanza dwar il-Mediċini Perikolużi

Emendi għall-Ordinanza dwar il-Mediċini Perikolużi. Kap. 101.

6. Din it-Taqsimha temenda l-Ordinanza dwar il-Mediċini Perikolużi u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar il-Mediċini Perikolużi, hawn iżjed 'il quddiem f'din it-Taqsimha msejja l-"liġi prinċipali".

Emenda tal-artikolu 22 tal-liġi prinċipali.

7. Minnufih wara s-subartikolu (9) tal-artikolu 22 tal-liġi prinċipali għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(9a) Minkejja d-dispożizzjonijiet tas-subartikolu (9) jew ta' kwalunkwe liġi oħra, meta l-Qorti, filwaqt li ssib ħtija fil-persuna imputata jew akkużata taħt id-dispożizzjonijiet ta' din l-Ordinanza jew taħt l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, tkun tal-fehma li fiċ-ċirkostanzi li kieku kellha timponi piena ta' prigunerija fuq tali persuna dik il-piena ma għandhiex teċċedi sentejn (2) prigunerija, il-Qorti tista' minflok ma tagħti tali piena tqiegħed lill-persuna misjuba haġa taħt ordni kif provdut fl-Att dwar il-*Probation*:

Iżda d-dispożizzjonijiet ta' dan is-subartikolu għandhom jiġu applikati biss għal raġunijiet illi l-Qorti tiddikjara fis-sentenza tagħha u skont iċ-ċirkostanzi partikolari tal-każ inklużi r-riabilitazzjoni tal-persuna misjuba haġa u t-tibdil fil-mod tal-ħajja u fl-imġiba tal-persuna misjuba haġa u tenut kont tan-natura tas-sustanza involuta, l-ammont tas-sustanza u l-purità tas-sustanza:

Iżda wkoll il-Qorti għandha tapplika d-dispożizzjonijiet ta' dan is-subartikolu biss jekk il-piena ta' mhux iżjed minn sentejn (2) priġunerija tkun fi kwalunkwe każ fil-parametri tal-liġi u tkun xierqa fiċ-ċirkostanzi irrispettivament mid-dispożizzjonijiet ta' dan is-subartikolu:

Iżda wkoll id-dispożizzjonijiet ta' dan is-subartikolu għandhom japplikaw biss fir-rigward tal-ewwel sejbien ta' htija ta' persuna għal reat kontra din l-Ordinanza."

8. Ir-Raba' Skeda li tinsab mal-liġi prinċipali għandha tiġi emendata kif ġej:

Emenda tar-Raba' Skeda li tinsab mal-liġi prinċipali.

(a) il-kliem "herojina u kokajina: anqas minn 100 gramma" tagħha għandhom jiġu sostitwiti bil-kliem "herojina u kokajina: inqas minn 200 gramma"; u

(b) il-kliem "*cannabis*: anqas minn 300 gramma" tagħha għandhom jiġu sostitwiti bil-kliem "*cannabis*: inqas minn kilo."

Taqsim IV

Emendi għall-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija)

9. Din it-Taqsim temenda l-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija) u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija), hawn iżjed 'il quddiem f'din it-Taqsim msejjaħ l-"Att prinċipali".

Emendi għall-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija). Kap. 537.

10. L-artikolu 6 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 6 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (d) tiegħu l-kliem "tal-Ministru responsabbli għas-saħħa:" għandhom jiġu sostitwiti bil-kliem "tal-Ministru responsabbli għas-saħħa;" u minnufih wara għandu jiġi miżjud il-paragrafu ġdid li ġej:

"(e) tliet (3) membri li għandhom jinhatru mill-Ministru:"; u

(ii) il-proviso tiegħu għandu jiġi sostitwit bil-proviso ġdid li ġej:

"Iżda l-persuni mahtura skont il-paragrafi (b), (c) u (d) għandhom jinhatru minn fost persuni li

jipprattikaw professjonijiet jew iwettqu dmirijiet li huma rilevanti għar-riabilitazzjoni ta' persuni dipendenti fuq id-droga, u l-persuni mahtura skont il-paragrafu (e) għandhom jinhatru minn fost persuni li huma uffiċjali pubbliċi rtirati li fil-fehma tal-Ministru huma xierqa sabiex iservu fuq il-Bord u, jew minn fost persuni oħra li huma kompetenti fil-qasam tar-riabilitazzjoni mid-dipendenza fuq id-droga.";

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(2a) Erba' (4) membri, inkluż iċ-Chairman tal-Bord għandhom jikkostitwixxu *quorum* fil-laqgħat tiegħu."

Emenda tal-artikolu 8 tal-Att prinċipali.

11. L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "ma taqbiżx il-kwantità ta' droga elenkata fil-Linji Gwida li jinsabu fir-Raba' Skeda tal-Ordinanza dwar il-Mediċini Perikolużi jew fir-Raba' Skeda tal-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha bħala kwantità ta' droga li tindika li l-persuna akkużata m'għandhiex tiġi riferita għal proċeduri quddiem il-Qorti Kriminali" għandhom jiġu sostitwiti bil-kliem "li ma teċċedix il-kwantità ta' kwalunkwe waħda mid-drogi elenkati fl-Iskeda";

(b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) il-paragrafu (a) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(a) li r-reat kontra l-liġijiet dwar id-droga jew kontra xi liġi oħra li bih il-persuna akkużata hi mixlija kien twettaq waqt perjodu ta' dipendenza fuq id-droga u r-reat huwa sostanzjalment attribwibbli għad-dipendenza fuq id-droga pprovata tal-akkużat";

(ii) fil-paragrafu (b) tiegħu l-kliem "jew bl-użu ta' nar jew splussiv;" għandhom jiġu sostitwiti bil-kliem "jew bl-użu ta' nar jew splussiv:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

"Iżda l-Qorti fid-diskrezzjoni tagħha għandu jkollha d-dritt, wara li tqis il-gravità tar-reat li l-persuna tkun akkużata bih, li ma tapplikax l-

eskluzjoni stipulata f'dan il-paragrafu jekk ir-reat volontarju fil-konfront tal-persuna ma jkunx wiehed li jkun soġġett għal piena ta' prigunerija għal perjodu ta' aktar minn sentejn (2) u li ma jkunx twettaq bl-użu jew bil-pussess ta' arma tan-nar, ta' nar jew splussiv, u wara li l-Qorti tkun sodisfatta li l-applikazzjoni tal-imsemmija esklużjoni tkun ser toħloq preġudizzju li jkun sproporzjonat għall-gravità attwali tar-reat b'detriment għall-opportunità li l-akkużat jirriabilita ruħu mid-dipendenza fuq id-droga;"

(ċ) fis-subartikolu (4) tiegħu l-kliem "il-Bord għandu, mingħajr preġudizzju għal kull responsabbiltà tal-akkużat taht l-artikolu 5(5), jirrakkomanda" għandhom jiġu sostitwiti bil-kliem "il-Bord għandu, bla ħsara għal kull responsabbiltà tal-akkużat taht l-artikolu 5(5), filwaqt li jagħti raġunijiet għad-deċiżjoni tiegħu, jirrakkomanda";

(d) fis-subartikolu (5) tiegħu l-kliem "il-Bord għandu jirrapporta dak il-fatt lill-Qorti" għandhom jiġu sostitwiti bil-kliem "il-Bord għandu jirrapporta dak il-fatt f'rapport spjegat preżentat lill-Qorti";

(e) is-subartikolu (6) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(6) Wara li tircievi r-rapport imsemmi fis-subartikolu (5), il-Qorti għandha tordna lir-Registatur tal-Qrati u Tribunali Kriminali sabiex jipprovdilha lista tal-każijiet kriminali kollha pendenti fil-konfront tal-akkużat, ħlief f'tali kawżi li:

(a) dwarhom il-Qorti tal-Maġistrati ma għandhiex jew ma tistax tingħata kompetenza;

(b) huma relatati ma' reati li jinvolvu akkużi kif imsemmi fil-paragrafu (2)(b); u

(ċ) dwarhom il-Qorti tkun iddeċidiet li ma tapplikax l-imsemmi subartikolu,

u l-Qorti għandha, sa fejn hija tqis il-miżura bħala li tkun fl-aħjar interessi tar-riabilitazzjoni tal-akkużat u wara li tqis b'mod xieraq l-interessi tal-amministrazzjoni xierqa tal-ġustizzja u tal-vittmi, tordna li kopja tal-imsemmi rapport tiġi ammessa fl-atti tal-kawżi hawn fuq imsemmija

u tkun vinkolanti fuq il-qrati li jkunu qegħdin jieħdu konjizzjoni tal-kawzi rispettivi fil-konfront tal-akkużat inkwantu tali rapport ikun, fil-fehma tal-imsemmija qrati, rilevanti għaċ-ċirkostanzi tal-kawzi pendenti quddiemhom.";

(f) is-subartikolu (6A) fl-intier tiegħu għandu jiġi mħassar;

(g) is-subartikolu (7) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "Fil-każijiet fejn jissejħu lura każijiet oħra skont it-termini tas-subartikolu (6)" għandhom jiġu sostitwiti bil-kliem "Fil-każijiet fejn il-Qorti tirċievi rapport imħejji skont is-subartikolu (5)";

(ii) fil-proviso tiegħu l-kliem "għad-dipendenza tagħha fuq id-droga." għandhom jiġu sostitwiti bil-kliem "għad-dipendenza tagħha fuq id-droga:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

Kap. 446. "Iżda wkoll f'dawk il-kawzi fejn il-Qorti tkun irċeviet rapport imħejji skont is-subartikolu (5) u tiddeċiedi li timponi ordni skont l-Att dwar il-*Probation* jew li tagħti sentenza sospiża, f'tali każijiet fejn sussegwentement il-persuna hatja twettaq reat ieħor waqt il-perjodu operattiv tal-imsemmi ordni jew sentenza sospiża, tali persuna għandha titqies li tkun kisret l-imsemmi ordni jew il-kondizzjonijiet tas-sentenza sospiża u konsegwentement għandha tiġi ġġudikata mill-ġdid għar-reat oriġinali li dwaru kien ingħata ordni ta' *probation* jew sentenza sospiża.";

(h) fis-subartikolu (11) tiegħu l-kliem "dan ir-riferiment sar" għandhom jiġu sostitwiti bil-kliem "dik ir-referenza ma saritx".

Emenda tal-artikolu 13 tal-Att prinċipali.

12. Fil-paragrafu (b) tal-artikolu 13 tal-Att prinċipali l-kliem "imwettaq fi jew fir-rigward ta' faċilità korrettiva." għandhom jiġu sostitwiti bil-kliem "imwettaq fi, jew fir-rigward ta' ħabs jew post ieħor ta' detenzjoni:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

"Iżda l-paragrafu (b) ma għandux japplika meta ċ-ċirkostanzi kollha li ġejjin ikunu jissussistu:

(a) fejn ir-reat li bih l-akkużat ikun mixli jkun jirriżulta mill-pussess ta' ammont żgħir ta' droga projbita u

l-akkużat ma jkunx mixli bi traffikar ta' droga jew pussess ta' droga projbita f'ċirkostanzi li jindikaw li tali pussess ma kienx għall-użu personali tal-akkużat;

(b) fejn ir-reat li bih l-akkużat ikun mixli jkun twettaq waqt perjodu ta' dipendenza fuq id-droga u r-reat huwa sostanzjalment attribwibbli għad-dipendenza fuq id-droga ppruvata tal-akkużat; u

(ċ) l-akkużat ma jkunx għadu prigunier skont l-artikolu 2 tal-Att dwar il-Ħabs jew ma jkunx għadu detenut f'post ieħor ta' detenzjoni." Kap. 260.

13. Minnufih wara l-artikolu 13 tal-Att prinċipali għandha tiġi miżjuda l-Iskeda għida li ġejja: Zieda ta' Skeda fil-Att prinċipali.

"SKEDA
(artikolu 8)

Ammonti ta' droga pprojbita għall-finijiet tal-artikolu 8(1):

1. amfetamina: inqas minn 300 gramma
2. *cannabis*: inqas minn 300 gramma
3. *ecstasy*: inqas minn 300 pillola
4. herojina u kokajina: inqas minn 100 gramma
5. ketamina: inqas minn 150 gramma
6. LSD: inqas minn 300 kwadru
7. Kwalunkwe droga projbita oħra: inqas minn 300 pillola jew 300 kwadru fil-każ li d-droga tkun fil-forma ta' pilloli jew ta' kwadri, jew inqas minn 100 gramma fil-każ li d-droga tkun f'xi forma li ma tkunx tikkonsisti f'pilloli jew kwadri."

A 94

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 322 tat-12 ta' Marzu, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

17th March, 2025

ACT No. VII of 2025

AN ACT to amend the Drug Dependence (Treatment not Imprisonment) Act, Cap. 537 and various laws relating to drugs.

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. The short title of this Act is the Various Laws relating to Drugs (Amendment) Act, 2025. Short title.

Part I
Amendment to the Criminal Code

2. This Part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as the "Code". Amendment to the Criminal Code. Cap. 9.

3. In the proviso to sub-article (6) of article 436 of the Code, immediately after the words "imprisonment for life" there shall be added the words "other than an offence against the Medical and Kindred Professions Ordinance or the Dangerous Drugs Ordinance.". Amendment of article 436 of the Code. Cap. 31. Cap. 101.

Part II

Amendment to the Medical and Kindred Professions Ordinance

Amendment to the Medical Kindred and Professions Ordinance. Cap. 31.

4. This Part amends the Medical and Kindred Professions Ordinance and it shall be read and construed as one with the Medical and Kindred Professions Ordinance, hereinafter in this Part referred to as the "principal law".

Amendment of the Fourth Schedule to the principal law.

5. In the Fourth Schedule to the principal law, the words "ecstasy: less than 300 tablets" shall be substituted by the words "ecstasy: less than 500 pills".

Part III

Amendments to the Dangerous Drugs Ordinance

Amendments to the Dangerous Drugs Ordinance. Cap. 101.

6. This Part amends the Dangerous Drugs Ordinance and it shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter in this Part referred to as the "principal law".

Amendment of article 22 of the principal law.

7. Immediately after sub-article (9) of article 22 of the principal law there shall be added the following new sub-article:

Cap. 31. "(9a) Notwithstanding the provisions of sub-article (9) or of any other law, when the Court, whilst finding guilt of a person charged or accused under the provisions of this Ordinance or under the Medical and Kindred Professions Ordinance, is of the opinion that in the circumstances if it were to impose a punishment of imprisonment on such person that punishment shall not exceed two (2) years imprisonment, the Court may instead of giving such punishment place the person found guilty under an order as provided for in the Probation Act:

Cap. 446.

Provided that the provisions of this sub-article shall only be applied for reasons which the Court shall declare in its judgment and depending on the particular circumstances of the case, including the rehabilitation of the person found guilty and the change in the way of life and behaviour of the person found guilty and taking into consideration the nature of the substance involved, the amount of the substance and the purity of the substance:

Provided further that the Court shall only apply the provisions of this sub-article if the punishment of not more than two (2) years imprisonment is in any case within the parameters of the law and is appropriate in the circumstances irrespective of the provisions of this sub-article:

Provided further that the provisions of this sub-article shall only apply in regard of the first conviction of a person for an offence against this Ordinance."

8. The Fourth Schedule to the principal law shall be amended as follows:

Amendment of the Fourth Schedule to the principal law.

(a) the words "heroin and cocaine: less than 100 grams" thereof shall be substituted by the words "heroin and cocaine: less than 200 grams";

(b) the words "cannabis: less than 300 grams" thereof shall be substituted by the words "cannabis: less than a kilo".

Part IV

Amendments to the Drug Dependence (Treatment not Imprisonment) Act

9. This Part amends the Drug Dependence (Treatment not Imprisonment) Act and it shall be read and construed as one with the Drug Dependence (Treatment not Imprisonment) Act, hereinafter in this Part referred to as the "principal Act".

Amendments to the Drug Dependence (Treatment not Imprisonment) Act. Cap. 537.

10. Article 6 of the principal Act shall be amended as follows:

Amendment of article 6 of the principal Act.

(a) sub-article (1) thereof shall be amended as follows:

(i) in paragraph (d) thereof the words "of the Minister responsible for health:" shall be substituted by the words "of the Minister responsible for health;" and immediately thereafter there shall be added the following new paragraph:

"(e) three (3) members who shall be appointed by the Minister:";

(ii) the proviso thereof shall be substituted by the following new proviso:

"Provided that the persons appointed in accordance with paragraphs (b), (c) and (d) shall be appointed from amongst persons practicing professions or carrying out duties which are relevant to the rehabilitation of persons suffering from drug dependence and the persons appointed in accordance with paragraph (e) shall be appointed from amongst retired public officers who in the opinion of the Minister are appropriate to serve on the Board and, or

from amongst other persons who are competent within the field of rehabilitation from drug dependence.";

(b) immediately after sub-article (2) thereof there shall be added the following new sub-article:

"(2a) Four (4) members, including the Chairman of the Board shall constitute a *quorum* in its meetings."

Amendment of article 8 of the principal Act.

11. Article 8 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "does not exceed the quantity of the drugs listed in the Guidelines found in the Fourth Schedule to the Dangerous Drugs Ordinance or in the Fourth Schedule to the Medical and Kindred Professions Ordinance as a quantity of drugs indicative that the accused should not be referred for trial before the Criminal Court" shall be substituted by the words "which does not exceed the quantity of any one of the drugs listed in the Schedule";

(b) sub-article (2) thereof shall be amended as follows:

(i) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) that the offence against drug laws or against any other law with which the accused is charged was committed during a period of drug dependence and the offence is substantially attributable to the proven drug dependence of the accused;"

(ii) in paragraph (b) thereof the words "or with the use of fire or explosives;" shall be substituted by the words "or with the use of fire or explosives:" and immediately after there shall be added the following new proviso:

"Provided that the Court in its discretion shall have the right, after considering the gravity of the offence with which the person is charged, not to apply the exclusion stipulated in this paragraph if the wilful offence against the person is not one subject to a punishment of imprisonment for a period of more than two (2) years which was not committed with the use or possession of a firearm, fire or explosives, and once the Court is satisfied that the application of the said exclusion would create a prejudice

disproportionate to the actual gravity of the offence to the detriment of the opportunity of the accused to rehabilitate himself from the drug dependence;"

(c) in sub-article (4) thereof the words "the Board shall, without prejudice to any liability of the accused under article 5(5), recommend" shall be substituted by the words "the Board shall, without prejudice to any liability of the accused under article 5(5), whilst giving reasons for its decision, recommend";

(d) in sub-article (5) thereof the words "the Board shall report that fact to the Court" shall be substituted by the words "the Board shall report that fact in an explained report submitted to the Court";

(e) sub-article (6) thereof shall be substituted by the following new sub-article:

"(6) After receiving the report referred to in sub-article (5), the Court shall order the Registrar of the Criminal Courts and Tribunals to provide a list of all criminal cases pending against the accused, other than such cases:

(a) where the Court of Magistrates does not have and cannot be granted competence;

(b) which relate to offences involving charges referred to in paragraph (2)(b); and

(c) where the Court has decided not to apply the said sub-article,

and the Court shall, insofar as it deems the measure to be in the best interest of the rehabilitation of the accused and after having taken into consideration the interests of the proper administration of justice and of the victims, order that a copy of the said report is admitted in the acts of the aforementioned cases and be binding upon the courts taking cognizance of the respective cases against the accused insofar as such report is, in the opinion of the said Courts, relevant to the circumstances of the cases pending before them.";

(f) sub-article (6A) thereof in its entirety shall be deleted;

(g) sub-article (7) thereof shall be amended as follows:

(i) the words "In cases where a recall of other cases is made in terms of sub-article (6)" thereof shall be substituted by the words "In cases where the Court receives a report prepared in accordance with sub-article (5)";

(ii) in the proviso thereof the words "to his drug dependence." shall be substituted by the words "to his drug dependence:" and immediately after there shall be added the following new proviso:

Cap. 446.

"Provided further that in those cases where the Court has received a report prepared in accordance with sub-article (5) and decides to impose an order in accordance with the Probation Act or to grant a suspended sentence, in such cases where subsequently the person convicted commits another offence during the operative period of the said order or suspended sentence, such person shall be considered to have breached the said order or the conditions of the suspended sentence and consequently such person shall be judged afresh for the original offence for which the probation order or suspended sentence was granted.";

(h) in the Maltese version only, in sub-article (11) thereof the words "dan ir-riferiment sar" shall be substituted by the words "dik ir-referenza ma saritx".

Amendment of article 13 of the principal Act.

12. In paragraph (b) of article 13 of the principal Act the words "committed in or in relation to a correctional facility." shall be substituted by the words "committed in or in relation to a prison or other place of detention:" and immediately after there shall be added the following new proviso:

"Provided that paragraph (b) shall not apply when all the following circumstances subsist:

(a) where the offence with which the accused is charged results from the possession of a small amount of prohibited drug and the accused is not charged with drug trafficking or with possession of a prohibited drug in circumstances which indicate that such possession was not for the personal use of the accused;

(b) where the offence with which the accused is charged was committed during a period of drug dependence and the offence is substantially attributable to the proven drug dependence of the accused; and

(c) the accused is no longer a prisoner as defined in article 2 of the Prisons Act or is no longer detained in another place of detention." Cap. 260.

13. Immediately after article 13 of the principal Act there shall be added the following new Schedule: Addition of Schedule to the principal Act.

"SCHEDULE
(article 8)

Quantity of prohibited drugs for the purposes of article 8(1):

1. amphetamine: less than 300 grams
2. cannabis: less than 300 grams
3. ecstasy: less than 300 pills
4. heroin and cocaine: less than 100 grams
5. ketamine: less than 150 grams
6. LSD: less than 300 squares
7. Any other prohibited drug: less than 300 pills or 300 squares in the case of a drug in the form of pills or squares, or less than 100 grams in the case of drugs in any other form not being pills or squares."

Passed by the House of Representatives at Sitting No. 322 of the 12th March, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA