

MALTA

ATT Nru XXV tal-2025

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

ATT sabiex jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, Kap. 77, u l-Att dwar il-Ġustizzja Riparatriċi, Kap. 516, sabiex jintroduċi diversi miżuri fir-rigward ta' ċertifikati tal-kondotta u r-riabilitazzjoni ta' persuni fis-soċjetà.

ACT No. XXV of 2025

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Conduct Certificates Ordinance, Cap. 77, and the Restorative Justice Act, Cap. 516, to introduce various measures in relation to conduct certificates and the rehabilitation of persons into society.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

1 ta' Awwissu, 2025

ATT Nru XXV tal-2025

ATT sabiex jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, Kap. 77, u l-Att dwar il-Ġustizzja Riparatrici, Kap. 516, sabiex jintroduċi diversi miżuri fir-rigward ta' ċertifikati tal-kondotta u r-riabilitazzjoni ta' persuni fis-soċjetà.

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-2025 li jemenda Liġijiet Varji dwar iċ-Ċertifikati tal-Kondotta u r-Riabilitazzjoni ta' Persuni fis-Soċjetà. Titolu fil-qosor.

TAQSIMA I

Emendi għall-Ordinanza dwar iċ-Ċertifikati tal-Kondotta

2. Din it-Taqsima temenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, hawn iżjed 'il quddiem f'din it-Taqsima msejha l-"liġi prinċipali". Emendi għall-Ordinanza dwar iċ-Ċertifikati tal-Kondotta. Kap. 77.

3. Minnufih wara l-artikolu 4 tal-liġi prinċipali għandhom jiġu Żieda ta' artikoli godda fil-liġi prinċipali.

miżjuda l-artikoli godda li ġejjin:

"Ċertifikat ta'
Riabilitazzjoni.

4A. (1) Kwalunkwe persuna li jkun inhargilha jew li jkun jista' jinħargilha ċertifikat skont il-Formula B fl-Ewwel Skeda skont il-paragrafu (b) tal-artikolu 4, tista' tapplika lill-Bord dwar iċ-Ċertifikati ta' Riabilitazzjoni mwaqqaf bl-artikolu 4B sabiex jinħargilha Ċertifikat ta' Riabilitazzjoni.

(2) L-applikazzjoni msemmija fis-subartikolu (1) għandha ssir sa mhux aktar tard minn xahrejn (2) qabel id-data li fiha l-applikant ikun se jinheles mill-facilità korrettiva u iċ-Ċertifikat ta' Riabilitazzjoni għandu jinħareġ dakinhar illi l-applikant jiġi meħlus mill-facilità korrettiva jew sa mhux aktar tard minn hmistax (15)-il jum wara:

Iżda l-Bord dwar iċ-Ċertifikati ta' Riabilitazzjoni jista' sa tliet (3) xhur mid-dhul fis-seħħ ta' dan l-artikolu jew f'każijiet eċċezzjonali u għal raġuni tajba jirċievi applikazzjoni u joħroġ ċertifikat barra mit-termini provduti f'dan is-subartikolu.

(3) Ċertifikat ta' Riabilitazzjoni għandu jkun strettament fattwali u għandu jelenka l-programmi riabilitattivi li l-applikant ikun ipparteċipa fihom waqt li kien qiegħed iservi s-sentenza, u għandu jindika wkoll jekk l-applikant matul dak il-perjodu kienx soġġett għal pieni dixxiplinari minħabba l-imġiba tiegħu fil-facilità korrettiva. Iċ-ċertifikat għandu jinħareġ mill-Bord dwar iċ-Ċertifikati ta' Riabilitazzjoni wara li jkun ivverifika l-fatti rilevanti direttament jew permezz ta' sottokumitat tiegħu.

Bord dwar iċ-
Ċertifikati ta'
Riabilitazzjoni.

4B. (1) Għandu jkun hemm Bord li jissejjaħ il-Bord dwar iċ-Ċertifikati ta' Riabilitazzjoni, hawn aktar 'il quddiem f'dan l-artikolu msejjaħ il-"Bord", li għandu jkun kompetenti sabiex joħroġ Ċertifikati ta' Riabilitazzjoni.

(2) Il-Bord dwar iċ-Ċertifikati ta' Riabilitazzjoni għandu jkun magħmul kif ġej:

(a) Chairperson li jinħatar mill-Ministru responsabbli għas-servizzi korrettivi;

(b) id-Direttur tal-Facilità Korrettiva ta' Kordin *ex officio*;

(ċ) Id-Direttur tad-Dipartiment responsabbli għall-probation u l-parole *ex officio*;

Iżda l-membri msemmija fil-paragrafi (b) u (ċ) jistgħu jaħtru uffiċjal mill-Faċilità Korrettiva ta' Kordin u uffiċjal mid-Dipartiment tal-Probation u l-Parole rispettivament bhala rappreżentant sabiex jaġixxi f'isimhom fuq il-Bord.

(3) Iċ-Chairperson tal-Bord għandu jinħatar għal perjodu ta' erba' (4) snin li jista' jiġi mġedded għal perjodu ulterjuri ta' erba' (4) snin.

(4) Il-Bord għandu jkollu s-setgħa li meta fid-diskrezzjoni tiegħu jqis li l-ħtiġijiet tax-xogħol hekk jitolbu, jahtar sottokumitat wiehed jew aktar li jkunu magħmula minn fost ħaddiema soċjali, koordinaturi ta' programmi edukattivi u psikologi, li jkunu attivi fil-faċilità korrettiva, u minn rappreżentanti ta' organizzazzjonijiet mhux governattivi attivi fil-qasam tar-riabilitazzjoni ta' persuni li jkunu ngħataw sentenza ta' prigunerija.

(5) Il-Bord u s-sottokumitati tiegħu għandu jkollhom is-setgħa li jisimghu xhieda u għandhom jingħataw aċċess għad-dokumenti dwar l-applikant li jkunu miżmuma mill-faċilità korrettiva għall-fini li jwettqu l-funzjonijiet tagħhom:

Iżda l-applikazzjoni għaċ-Ċertifikat ta' Riabilitazzjoni għandha tinkludi l-kunsens esplicitu tal-applikant sabiex il-Bord jipproċessa d-data personali tiegħu għall-fini tal-ħruġ taċ-Ċertifikat ta' Riabilitazzjoni.

(6) Il-Bord u s-sottokumitati tiegħu għandhom jirregolaw il-proċedura tagħhom stess."

4. L-artikolu 5 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 5 tal-liġi prinċipali.

(a) fil-paragrafu (d) tiegħu, minnufih wara l-kliem "tal-Att dwar il-Probation" għandhom jiġu miżjuda l-kliem "jew tkun dwar sentenza li tkun sospiza u ma tkunx bdiet isseħħ"; u

(b) il-paragrafu (e) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(e) hija sentenza li biha l-unika piena imposta tkun multa u l-imsemmija multa tkun tħallset jew tkun kundanna dwar reat taħt l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha jew taħt l-Ordinanza dwar il-Mediċini Perikolużi jew taħt kwalunkwe liġi oħra għall-pussess għall-użu personali ta' droga projbita."

Kap. 31.

Kap. 101.

A 590

Emenda tal-artikolu 6 tal-liġi prinċipali.

5. Fl-ewwel proviso għall-artikolu 6 tal-liġi prinċipali l-kliem ", inkluż sentenza sospiża," għandhom jiġu sostitwiti bil-kliem ", inkluż sentenza sospiża li saret effettiva,".

Emenda tal-artikolu 7 tal-liġi prinċipali.

6. Fl-artikolu 7 tal-liġi prinċipali l-kliem "Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, jew ikunu ġew ikkundannati" għandhom jiġu sostitwiti bil-kliem "Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha jew, meta l-qorti fl-għoti tas-sentenza hekk tordna, lill-persuni li jkunu reċidivi f'delitti li jkunu soġġetti għal piena ta' prigunerija li teċċedi tliet (3) snin li jirriżultaw minn atti li jikkostitwixxu vjolenza abbażi tal-ġeneru jew vjolenza domestika, jew ikunu ġew ikkundannati".

Thassir tal-artikolu 7A tal-liġi prinċipali.

7. L-artikolu 7A tal-liġi prinċipali għandu jiġi mħassar.

Sostituzzjoni tal-artikolu 8A tal-liġi prinċipali.

8. L-artikolu 8A tal-liġi prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Tneħhija ta' reġistrazzjoni ta' kundanni.

8A. Fejn persuna tkun ġiet ikkundannata għal reat li jkun sussegwentement ġie dekriminalizzat jew depenalizzat jew li jkun jirrelata ma' kundanna għal reat li tkun ġiet sussegwentement inkluża fl-artikolu 5 bhala kundanna jew ordni li ma għandhomx jitniżżlu f'ċertifikat tal-kondotta maħruġ taħt din l-Ordinanza, tali persuna tista' tibgħat talba bil-miktub lid-dipartiment jew entità tal-Gvern responsabbli mill-ħruġ ta' ċertifikati tal-kondotta, sabiex titneħħa r-reġistrazzjoni tal-imsemmija kundanna miċ-ċertifikat tal-kondotta tiegħu, u l-imsemmi dipartiment jew entità tal-Gvern għandhom, malli jiżguraw li tali reat ma għadux soġġett li jitniżżel f'ċertifikat tal-kondotta jew ġie hekk dekriminalizzat jew depenalizzat, jilqgħu t-talba ta' tali persuna u jwettqu l-imsemmija tneħhija ta' reġistrazzjoni."

Emenda tat-Tieni Skeda li tinsab mal-liġi prinċipali.

9. It-tieni kolonna tat-Tieni Skeda li tinsab mal-liġi prinċipali għandha tigi emendata kif ġej:

(a) fil-partita (a) tagħha l-kliem "10 snin" għandhom jiġu sostitwiti bil-kliem "5 snin";

(b) fil-partita (b) tagħha l-kliem "5 snin" għandhom jiġu sostitwiti bil-kliem "3 snin";

(ċ) fil-partita (ċ) tagħha l-kliem "3 snin" għandhom jiġu sostitwiti bil-kelma "sentejn";

(d) fil-partita (d) tagħha fit-tieni kolonna biss, il-kelma "sena" għandha tiġi sostitwita bil-kliem "3 xhur jekk il-piena ma teċċedi 6 xhur u 6 xhur jekk il-piena teċċedi 6 xhur"; u

(e) fil-partita (e) tagħha l-kliem "6 xhur mid-data tal-ħlas tal-multa" għandhom jiġu sostitwiti bil-kliem "mal-ħlas tal-multa".

TAQSIMA II

Emenda għall-Att dwar il-Ġustizzja Riparatriċi

10. Din it-Taqsima temenda l-Att dwar il-Ġustizzja Riparatriċi u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Ġustizzja Riparatriċi, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emenda għall-Att dwar il-Ġustizzja Riparatriċi. Kap. 516.

11. Minnufih wara t-Taqsima VI tal-Att prinċipali għandha tiġi miżjuda t-Taqsima ġdida u l-artikoli ġodda li ġejjin:

Żieda ta' Taqsima u artikoli ġodda fl-Att prinċipali.

"TAQSIMA VI A

Dmir tal-Awtoritajiet Pubbliċi li Jinkoraġġixxu r-Riabilitazzjoni

Akkomodazzjoni raġonevoli tal-ħtiġijiet tar-riabilitazzjoni.

43A. (1) Fl-eżerċizzju tal-funzjonijiet tagħhom ta' tfassil ta' politika, regolatorji u ta' liċenzjar l-awtoritajiet pubbliċi għandhom jagħmlu ħilithom sabiex jiffacilitaw ir-riabilitazzjoni ta' persuni li ġew ikkundannati għal piena kriminali u biex jakkomodaw il-ħtiġijiet tar-riabilitazzjoni tagħhom. B'mod partikolari, fl-eżerċizzju tad-diskrezzjoni tagħhom dwar jekk joħroġux awtorizzazzjoni għall-eżerċizzju ta' attività minn tali persuni, l-awtoritajiet pubbliċi għandhom debitament jikkunsidraw jekk minflok ma jiċhdu tali awtorizzazzjoni jistgħux raġonevolment jakkomodaw il-ħtiġijiet ta' riabilitazzjoni billi jiddeċiedu favur il-ħruġ tal-awtorizzazzjoni soġġetta għal dawk il-kondizzjonijiet, limitazzjonijiet jew miżuri oħra li jistgħu jiġu awtorizzati mil-liġi u li huma jistgħu jikkunsidraw xierqa sabiex raġonevolment jakkomodaw is-sitwazzjoni tal-persuna bil-għan li jinkoraġġixxu r-riabilitazzjoni fis-soċjetà.

(2) Il-banek, l-istituzzjonijiet finanzjarji u l-prinċipali għandhom fit-twettiq tal-attivitajiet tagħhom jagħmlu hilitom sabiex jagħmlu possibbli r-riabilitazzjoni ta' persuni li jkunu ġew ikkundannati għal piena kriminali u biex jakkomodaw il-ħtiġijiet tar-riabilitazzjoni ta' tali persuni. B'mod partikolari, huma għandhom jissuġġettaw lil tali persuni biss għal esklużjonijiet mis-servizzi jew mill-impjieg meta tali esklużjonijiet ikunu pprovduti mil-liġi jew ikunu oġġettivament ġustifikabbli minħabba n-natura tas-servizz jew tal-impjieg.

Bord dwar is-Setgħat ta' Liċenzjar u r-Riabilitazzjoni.

43B. (1) Għandu jkun hemm Bord li jissejjaħ il-Bord dwar is-Setgħat ta' Liċenzjar u r-Riabilitazzjoni, hawn aktar 'il quddiem f'dan l-artikolu msejjaħ il-"Bord", li għandu jkun kompetenti sabiex jisma' lmenti dwar esklużjonijiet jew restrizzjonijiet magħmula minn kwalunkwe awtorità pubblika fir-rigward tal-ħruġ ta' xi liċenzja jew permess lil persuna li kienet ikkundannata għal piena kriminali minħabba l-istess kundanna u sabiex jagħmel rakkomandazzjonijiet ġenerali jew speċifiċi lill-awtorità pubblika konċernata fir-rigward tal-applikazzjoni tal-imsemmija esklużjonijiet jew restrizzjonijiet.

(2) Il-Bord jista' wkoll jaġixxi fuq l-inizjattiva tiegħu stess sabiex jeżamina kwalunkwe esklużjonijiet jew restrizzjonijiet fir-rigward tal-liċenzjar li japplikaw għal persuni li jkunu ġew ikkundannati għal piena kriminali u sabiex iħejji rapport dwarhom lill-Ministru.

(3) Il-Bord għandu jinħatar mill-Ministru u għandu jkun magħmul kif ġej:

(a) Chairperson li jkollu mill-inqas ħames (5) snin esperjenza ta' xogħol fl-oqsma relatati mas-sistema tal-ġustizzja kriminali jew mal-facilitajiet korrettivi;

(b) żewġ (2) membri nominati mill-Ministru responsabbli għall-ġustizzja;

(ċ) żewġ (2) membri mis-servizz pubbliku nominati mis-Segretarju Permanenti Ewlieni;

(d) żewġ (2) membri maħtura wara konsultazzjoni ma' għaqdiet mhux governattivi li jkunu attivi fil-qasam tar-riabilitazzjoni ta' persuni li jkunu ġew ikkundannati għal piena kriminali, hekk kif determinat mill-Ministru; u

(e) żewġ (2) membri mahtura wara konsultazzjoni ma' organizzazzjonijiet li jirrappreżentaw lill-prinċipali u lill-ħaddiema rispettivament, hekk kif determinat mill-Ministru;

(4) Il-Ministru għandu jahtar persuna sabiex taġixxi bħala Segretarju tal-Bord li ma għandux ikollha vot.

(5) Iċ-Chairperson u l-membri tal-Bord għandhom jinħatru għal perjodu ta' tliet (3) snin u għandhom ikunu eliġibbli għal ħatra mill-ġdid għal perjodu ieħor ta' tliet (3) snin.

(6) Iċ-Chairperson u l-membri tal-Bord jistgħu f'kull waqt jirriżenjaw mill-kariga tagħhom permezz ta' ittra indirizzata lill-Ministru u f'dak il-każ il-Ministru għandu jahtar persuna oħra sabiex taġixxi minflok il-persuna li tkun irriżenjat għall-perjodu li jkun għad baqa' miż-żmien tal-ħatra skont l-istess proċedura li biha l-persuna li tkun irriżenjat kienet giet mahtura fuq il-Bord.

(7) Fit-twettiq tal-funzjonijiet tiegħu l-Bord jista' jitlob il-parir ta' esperti, kif jista' jkun meħtieġ.

(8) Il-Ministru, wara konsultazzjoni mal-Bord, għandu permezz ta' regolamenti jistabbilixxi l-proċedura tal-istess Bord.

(9) Il-Bord għandu jinforma lill-pubbliku dwar id-deċiżjonijiet tiegħu b'dak il-mod kif jidhirlu xieraq filwaqt li josserva l-prinċipji tal-protezzjoni tad-data personali."

A 594

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 371 tad-29 ta' Lulju, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

1st August, 2025

ACT No. XXV of 2025

AN ACT to amend the Conduct Certificates Ordinance, Cap. 77, and the Restorative Justice Act, Cap. 516, to introduce various measures in relation to conduct certificates and the rehabilitation of persons into society.

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 Conduct Certificates and the Rehabilitation of Persons into Society (Amendment) Act, 2025. Short title.

PART I

Amendments to the Conduct Certificates Ordinance

2. This Part amends the Conduct Certificates Ordinance and it shall be read and construed as one with the Conduct Certificates Ordinance, hereinafter in this Part referred to as the "principal law". Amendments to the Conduct Certificates Ordinance. Cap. 77.

3. Immediately after article 4 of the principal law there shall be Addition of new articles to the principal law.

added the following new articles:

"Rehabilitation
Certificate.

4A. (1) Any person to whom a certificate in accordance with Form B in the First Schedule is issued or may be issued in accordance with paragraph (b) of article 4, may apply to the Rehabilitation Certificates Board established by article 4B to be issued with a Rehabilitation Certificate.

(2) The application referred to in sub-article (1) shall be made by not later than two (2) months prior to the date of the applicant's release from the correctional facility and the Rehabilitation Certificate shall be issued on the day of release of the applicant from the correctional facility or by not later than fifteen (15) days thereafter:

Provided that the Rehabilitation Certificates Board may within three (3) months from the coming into force of this article or in exceptional cases and for good reason receive an application and issue a certificate not within the time limits provided for in this sub-article.

(3) A Rehabilitation Certificate shall be strictly factual and shall list the rehabilitative programmes in which the applicant has participated whilst serving the sentence, and it shall also indicate whether the applicant was subjected to disciplinary punishments during that period due to his behaviour in the correctional facility. The certificate shall be issued by the Rehabilitation Certificates Board after verifying the relevant facts either directly or through a sub-committee thereof.

Rehabilitation
Certificates Board.

4B. (1) There shall be a Board to be known as the Rehabilitation Certificates Board, hereinafter in this article referred to as the "Board", which shall be competent to issue Rehabilitation Certificates.

(2) The Rehabilitation Certificates Board shall be composed as follows:

(a) a Chairperson appointed by the Minister responsible for correctional services;

(b) the Director of the Corradino Correctional Facility *ex officio*;

(c) the Director of the Department responsible for probation and parole *ex officio*:

Provided that the members referred to in paragraphs (b) and (c) may appoint an officer from the Corradino Correctional Facility and an officer from the Department for Probation and Parole respectively as their representative to act in their stead on the Board.

(3) The Chairperson of the Board shall be appointed for a period of four (4) years which may be renewed for a further period of four (4) years.

(4) The Board shall when in its discretion it considers that the work exigencies so require, have the power to appoint one or more sub-committees to be composed from amongst social workers, co-ordinators of educational programmes and psychologists, who are active in the correctional facility, and representatives of non-governmental organisations active in the field of rehabilitation of persons sentenced to imprisonment.

(5) The Board and its sub-committees shall have the power to hear witnesses and shall be granted access to the documents concerning the applicant held by the correctional facility for the purpose of carrying out their functions:

Provided that the application for a Rehabilitation Certificate shall include the applicant's explicit consent for the Board to process his personal data for the purpose of issuing a Rehabilitation Certificate.

(6) The Board and its sub-committees shall regulate their own procedure."

4. Article 5 of the principal law shall be amended as follows:

Amendment of article 5 of the principal law.

(a) in paragraph (d) thereof, immediately after the words "of the Probation Act" there shall be added the words "or relates to a sentence which is suspended and has not taken effect"; and

(b) paragraph (e) thereof shall be substituted by the following new paragraph:

"(e) it is a sentence whereby the only punishment imposed is a fine (*multa*) and the said fine (*multa*) was paid or a conviction for an offence under the Medical and Kindred Professions Ordinance or under the Dangerous Drugs Ordinance or under any other law for possession for personal use of a prohibited drug."

Cap. 31.

Cap. 101.

5. In the first proviso to article 6 of the principal law the words ", including a suspended sentence," shall be substituted by the words ", Amendment of article 6 of the principal law.

A 598

including a suspended sentence that has come into effect,".

Amendment of article 7 of the principal law.

6. In article 7 of the principal law the words "Medical and Kindred Professions Ordinance, or who have been sentenced" shall be substituted by the words "Medical and Kindred Professions Ordinance or, when a court in giving judgment so orders, to persons who are recidivists in crimes liable to a punishment of imprisonment exceeding three (3) years which arise from acts which constitute gender based violence or domestic violence, or who have been sentenced".

Deletion of article 7A of the principal law.

7. Article 7A of the principal law shall be deleted.

Substitution of article 8A of the principal law.

8. Article 8A of the principal law shall be substituted by the following new article:

"Deregistration of convictions.

8A. Where a person has been convicted of an offence which has been subsequently decriminalised or depenalised or which relates to a conviction for an offence which was subsequently included in article 5 as a conviction or order which shall not be entered in a conduct certificate issued under this Ordinance, such person may send a written request to the Government department or entity responsible for the issue of conduct certificates, to deregister the said conviction from his conduct certificate, and the said Government department or entity shall, upon ensuring that such offence is no longer subject to being entered in a conduct certificate or has been so decriminalised or depenalised, accept such person's request and effect the said deregistration."

Amendment of the Second Schedule to the principal law.

9. The second column of the Second Schedule to the principal law shall be amended as follows:

(a) in item (a) thereof the words "10 years" shall be substituted by the words "5 years";

(b) in item (b) thereof the words "5 years" shall be substituted by the words "3 years";

(c) in item (c) thereof the words "3 years" shall be substituted by the words "2 years";

(d) in item (d) thereof in the second column only, the words "1 year" shall be substituted by the words "3 months if the punishment does not exceed 6 months and 6 months if the punishment exceeds 6 months"; and

(e) in item (e) thereof the words "6 months from date of payment of the fine" shall be substituted by the words "upon payment of the fine (*multa*)".

PART II

Amendment to the Restorative Justice Act

10. This Part amends the Restorative Justice Act and it shall be read and construed as one with the Restorative Justice Act, hereinafter in this Part referred to as the "principal Act".

Amendment to the Restorative Justice Act. Cap. 516.

11. Immediately after Part VI of the principal Act there shall be added the following new Part and articles:

Addition of a new Part and articles to the principal Act.

"PART VI A

Duty of Public Authorities to Encourage Rehabilitation

Reasonable accommodation of rehabilitative needs.

43A. (1) Public authorities shall in the exercise of their policy making, regulatory and licensing functions endeavour to facilitate the rehabilitation of persons who have been sentenced to a criminal punishment and to accommodate their rehabilitation needs. In particular, in exercising their discretion as to whether to issue an authorisation for the exercise of an activity by such persons, the public authorities shall duly consider whether instead of denying such authorisation, they may reasonably accommodate the rehabilitation needs by opting in favour of issuing the authorisation subject to such conditions, limitations or other measures as may be authorised by law and as they may consider appropriate to reasonably accommodate the situation of the person with the aim of encouraging rehabilitation into society.

(2) Banks, financial institutions and employers shall in the exercise of their activities endeavour to enable the rehabilitation of persons who have been sentenced to a criminal punishment and to accommodate the rehabilitation needs of such persons. In particular, they shall only subject such persons to exclusions from services or from employment when such exclusions are provided by law or are objectively justifiable in view of the nature of the service or of the employment.

A 600

Rehabilitation
(Licensing Powers)
Board.

43B. (1) There shall be a Board to be known as the Rehabilitation (Licensing Powers) Board, hereinafter in this article referred to as the "Board", which shall be competent to hear complaints about exclusions or restrictions made by any public authority with respect to the issuance of any licence or permit to a person who has been sentenced to a criminal punishment by reason of the said sentence and to make general or specific recommendations to the public authority concerned in respect of the application of the said exclusions or restrictions.

(2) The Board may also act upon its own motion to examine any licensing exclusions or restrictions applicable to persons sentenced to a criminal punishment and draw a report thereon to the Minister.

(3) The Board shall be appointed by the Minister and shall be composed as follows:

(a) a Chairperson having at least five (5) years work experience in fields related to the criminal justice system or to correctional facilities;

(b) two (2) members nominated by the Minister responsible for justice;

(c) two (2) members from the public service nominated by the Principal Permanent Secretary;

(d) two (2) members appointed after consultation with non-governmental organisations active in the field of rehabilitation of persons who have been sentenced to a criminal punishment, as determined by the Minister; and

(e) two (2) members appointed after consultation with organisations representing employers and workers respectively, as determined by the Minister.

(4) The Minister shall appoint a person to act as Secretary to the Board who shall not have a vote.

(5) The Chairperson and the members of the Board shall be appointed for a period of three (3) years and shall be eligible for reappointment for another term of three (3) years.

(6) The Chairperson and the members of the Board may at any time resign their post by means of a letter addressed to the Minister in which case the Minister shall appoint another person to act instead of the person who resigned for the remaining part of the term of appointment according to the same procedure by which the person who resigned was appointed to the Board.

(7) In the exercise of its functions the Board may request the advice of experts, as may be necessary.

(8) The Minister, after consultation with the Board, shall by means of regulations establish the procedure of the said Board.

(9) The Board shall inform the public on its decisions in such manner as it deems appropriate whilst adhering to the principles of personal data protection."

Passed by the House of Representatives at Sitting No. 371 of the 29th July, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

