

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 12,576, 24 ta' Awissu, 1971.

Taqsimha C

Nru. 6

24. 8. 71

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Dott. Anton Buttigieg, B.A., LL.D., M.P., Ministru tal-Ġustizzja u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Awissu, 1971.

A BILL introduced by the Honourable Dr. Anton Buttigieg, B.A., LL.D., M.P., Minister of Justice and Parliamentary Affairs, and read the First time at the Sitting of the 23rd August, 1971.

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

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

C. MIFSUD,

A/Skrivan tal-Kamra tad-Deputati.

C. MIFSUD,

A/Clerk to the House of Representatives.

ABBOZZ TA' LIĠI

msejjah

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

IL-MAESTA' TAGHHA r-Regina, bil-parir u kunsens tal-Kamra tad-Deputati ta' Malta, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, harget b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1971 li jemenda l-Kodiċi Kriminali (Emenda Nru. 2), u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Zieda ta' artikolu ġdid 55A mal-liġi prinċipali.

2. Minnufih wara l-artikolu 55 tal-liġi prinċipali, għandu jżied l-artikolu ġdid 55A:—

"Tnehhija ta' haġa għal raġuni jiet politiċi. 55A. Kull min, għal raġunijiet politiċi, inehhi l-hajja tal-Gvernatur-Generali, tal-Prim Ministru, ta' xi Ministru jew ta' xi membru ieħor tal-Parlament, jehel, meta jinsab hati, il-piena tal-mewt."

Sostituzzjoni ta' l-artikolu 56 tal-liġi prinċipali.

3. Minflok l-artikolu 56 tal-liġi prinċipali għandu jidhol dan li ġej:—

"Insurrezzjoni jew kolp ta' stat.

56. (1) Kull min iwaqqa' jew jittanta jwaqqa' il-Gvern ta' Malta billi jaġhmel wiehed mill-attijiet imsemija hawn taht, jehel, meta jinsab hati, il-piena tal-mewt —

(a) billi jaqbad l-armi kontra l-Gvern ta' Malta bil-ħsieb li jwaqqgħu;

(b) billi jidhol fil-forzi armati ta' xi pajjiż barani kontra l-Gvern ta' Malta;

(c) billi jgħin lill-egħdewwa tal-Gvern ta' Malta b'kull mod ieħor kontra l-istess Gvern;

(d) billi jieħu f'idejħ bla jedd jew kontra l-liġi xi setgħa eżekuttiva tal-Gvern ta' Malta, bil-ħsieb li jwaqqgħu;

(e) billi jaqbad l-armi bil-ħsieb li jġieghel lill-Gvern ta' Malta ibiddel il-liġijiet jew id-deċiżjonijiet u l-mizuri tiegħu, jew biex ma jħallihx jeżercita s-setgħat tiegħu skond il-liġi.

Ċirkostanzi
li jnaqqsu
l-piena.

(2) Iżda l-piena titnaqqas bi grad jew b'zewġ gradi, meta d-delitt ma jkunx sar minħabba li l-hati jkun waqaf minn rajh milli jtkompla d-delitt."

4. Fis-subartikolu (1) ta' l-artikolu 225 tal-liġi prinċipali, minflok il-kliem "jeħel il-piena tal-mewt" għandhom jidhlu l-kliem "jeħel il-piena ta' lavuri furzati għal għomru".

Emenda ta'
l-artikolu 225
tal-liġi prinċipali.

5. Fl-artikolu 285 tal-liġi prinċipali, minflok il-kliem "jeħel il-piena tal-mewt" għandhom jidhlu l-kliem "jeħel il-piena ta' lavuri furzati għal għomru".

Emenda ta'
l-artikolu 285
tal-liġi prinċipali.

6. Fis-subartikolu (1) ta' l-artikolu 326 tal-liġi prinċipali, minflok il-kliem "il-hati jeħel il-piena tal-mewt" għandhom jidhlu l-kliem "il-hati jeħel il-piena ta' lavuri furzati għal għomru".

Emenda ta'
l-artikolu 326
tal-liġi prinċipali.

7. Fl-artikolu 329 tal-liġi prinċipali, minflok il-kliem "jeħel, meta jinsab hati, il-piena tal-mewt" għandhom jidhlu l-kliem "jeħel, meta jinsab hati, il-piena ta' lavuri furzati għal għomru".

Emenda ta'
l-artikolu 329
tal-liġi prinċipali.

8. Fl-artikolu 330 tal-liġi prinċipali, minflok il-kliem "jeħel, meta jinsab hati, il-piena tal-mewt" għandhom jidhlu l-kliem "jeħel, meta jinsab hati, il-piena ta' lavuri furzati għal għomru".

Emenda ta'
l-artikolu 330
tal-liġi prinċipali.

9. Fil-paragrafu (a) ta' l-artikolu 331 tal-liġi prinċipali, minflok il-kliem "jekk il-hruq iqabbd band'ohra, il-piena tal-mewt" għandhom jidhlu l-kliem "jekk il-hruq iqabbd band'ohra, il-piena ta' lavuri furzati għal għomru".

Emenda ta'
l-artikolu 331
tal-liġi prinċipali.

10. Minflok il-paragrafu (c) tas-subartikolu (2) ta' l-artikolu 335 tal-liġi prinċipali għandu jidhol dan li ġej:—

Emenda ta'
l-artikolu 335
tal-liġi prinċipali.

"(c) jekk xi persuna titlef hajjitha, il-piena ta' lavuri furzati għal għomru."

11. Minflok l-artikolu 504 tal-liġi prinċipali għandu jidhol dan li ġej:—

Sostituzzjoni ta'
l-artikolu 504
tal-liġi prinċipali.

"Il-Qorti
tista' tagħti
l-piena ta'
lavuri
furzati
għall-
għomor
minflok il-
piena tal-
mewt, meta
l-gurati ma
jkunux
kollha ta'
fehma
waħda.

504. Il-Qorti tista' —

(a) tagħti l-piena ta' lavuri furzati għall-għomor minflok il-piena tal-mewt, jekk, fid-dikjarazzjoni ta' fatt li għalih hemm stabbilita l-piena tal-mewt, il-voti tal-gurati ma jkunux unanimi;

(b) tagħti piena ta' lavuri furzati għal żmien li ma jkunx inqas minn tnax-il sena minflok il-piena ta' lavuri furzati għall-għomor jekk, fid-dikjarazzjoni ta' fatt li għalih hemm stabbilita l-piena ta' lavuri furzati għall-għomor, l-voti tal-gurati ma jkunux unanimi."

Zieda ta' artikolu ġdid 505 mal-liġi prinċipali.

12. Minnufih wara l-artikolu 504 tal-liġi prinċipali, għandu jiż-
died l-artikolu ġdid 505 li ġej:—

“Rakkoman- 505. Fl-ġhoti ta' piena ta' lavuri furzati għall-ghomor
dazzjoni tal-
Qorti meta lil xi persuna, il-Qorti tista' fl-istess fin tiddikjara ż-żmien
tagħti l- li hi tirrakkomanda bhala l-inqas żmien li fil-fehma tagħha
piena ta' għandu jghaddi qabel ma l-prigunier jiġi meħlus mill-habs.”
lavuri fur-
zati għall-
ghomor.

Għanijiet u Raġunijiet

Il-ġhan ta' dan l-Abbozz huwa li jneħħi l-piena kapitali għad-delitti kollha, barra mill-każi ta' delitti kontra s-sikurezza tal-Gvern u ta' tneħħija ta' ħajja tal-Gvernatur-Generali, tal-Prim Ministru, ta' xi Ministru jew membru ieħor tal-Parlament għal skopijiet politiċi.

A BILL
entitled

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

BE IT ENACTED by Her Majesty the Queen, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Criminal Code (Amendment) (No. 2) Act, 1971, and shall be read and construed as one with the Criminal Code, hereinafter referred to as "the principal law". Short title.
2. Immediately after section 55 of the principal law, there shall be added the following new section 55A:— Addition of
new section
55A to the
principal law.
- "Murder for political reasons. 55A. Whosoever, for political reasons, shall take away the life of the Governor-General, the Prime Minister, any Minister or other member of Parliament, shall on conviction, be liable to the punishment of death".
3. For section 56 of the principal law there shall be substituted the following:— Substitution
of section 56
of the
principal law.
- "Insurrection or coup d'etat. 56. (1) Whosoever shall subvert or attempt to subvert the Government of Malta by committing any of the acts hereunder mentioned, shall, on conviction, be liable to the punishment of death —
(a) taking up arms against the Government of Malta for the purpose of subverting it;

(b) bearing arms in the service of any foreign Power against the Government of Malta;

(c) aiding the enemies of the Government of Malta in any other manner whatsoever against the Government of Malta;

(d) usurping or unlawfully assuming any of the executive powers of the Government of Malta, for the purpose of subverting it;

(e) taking up arms for the purpose of compelling the Government of Malta to change its measures or counsels, or of obstructing the exercise of its lawful authority;

Extenuating circumstances. (2) The punishment, however, shall be diminished by one or two degrees, where the crime is not carried into effect, in consequence of the voluntary determination of the offender not to complete the crime".

Amendment of section 225 of the principal law. 4. In subsection (1) of section 225 of the principal law, for the words "shall be punished with death" there shall be substituted the words "shall be punished with hard labour for life".

Amendment of section 285 of the principal law. 5. In section 285 of the principal law, for the words "shall be liable to the punishment of death" there shall be substituted the words "shall be liable to the punishment of hard labour for life".

Amendment of section 326 of the principal law. 6. In subsection (1) of section 326 of the principal law, for the words "the offender shall be liable to the punishment of death" there shall be substituted the words "the offender shall be liable to the punishment of hard labour for life".

Amendment of section 329 of the principal law. 7. In section 329 of the principal law, for the words "shall, on conviction, be liable to the punishment of death" there shall be substituted the words "shall, on conviction, be liable to the punishment of hard labour for life".

Amendment of section 330 of the principal law. 8. In section 330 of the principal law, for the words "shall, on conviction, be liable to the punishment of death" there shall be substituted the words "shall, on conviction, be liable to the punishment of hard labour for life".

Amendment of section 331 of the principal law. 9. In paragraph (a) of section 331 of the principal law, for the words "where the fire had actually communicated, to the punishment of death" there shall be substituted the words "where the fire had actually communicated to the punishment of hard labour for life".

Amendment of section 335 of the principal law. 10. For paragraph (c) of subsection (2) of section 335 of the principal law there shall be substituted the following:—

"(c) if any person shall perish, to the punishment of hard labour for life."

11. For section 504 of the principal law there shall be substituted the following:—

Substitution of section 504 of the principal law.

“Court may award sentence of hard labour for life in lieu of punishment of death when jury are not unanimous.”

504. It shall be lawful for the Court—
 (a) to award a sentence of hard labour for life in lieu of the punishment of death, if, in establishing a fact involving the latter punishment, the jury shall not have been unanimous;
 (b) to award a sentence of hard labour for a term not less than twelve years in lieu of the punishment of hard labour for life if, in establishing a fact involving the latter punishment, the jury shall not have been unanimous”.

12. Immediately after section 504 of the principal law, there shall be added the following new section 505:—

Addition of new section 505 of the principal law.

“Court’s recommendation on passing sentence of hard labour for life.”

505. On sentencing any person to hard labour for life the Court may at the same time declare the period which it recommends as the minimum period which in its view should elapse before the prisoner is released from prison.”

Objects and Reasons

The object of this Bill is to abolish capital punishment for all crimes except crimes against the safety of the Government and except murder, for political reasons, of the Governor-General, the Prime Minister, any Minister or other member of Parliament.