



MALTA

ATT Nru. XXI ta' l-1971

ACT No. XXI of 1971

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

AN ACT enacted by the Parliament of Malta.

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

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



Nagħti l-kunsens tiegħi.

Ant. Mamo
Gvernatur-Generali

4 ta' Ottubru, 1971

ATT Nru. XXI ta' l-1971

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

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

Titolu fil-qosor.

1. (1) Dan l-Att jista' jissejjaħ 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 imsejjaħ "il-liġi prinċipali".

(2) Dan l-Att għandu jibda jseħħ fil-ġurnata tal-pubblikazzjoni tiegħu fil-Gazzetta tal-Gvern ta' Malta hliet l-artikolu 27 li għandu jibda jseħħ f'dik id-data li l-Ministru responsabbli għall-Gustizzja jista' jistabbilixxi b'avviż fl-imsemmija Gazzetta.

Emenda ta' l-artikolu 7 tal-liġi prinċipali.

2. Fis-subartikolu (1) ta' l-artikolu 7 tal-liġi prinċipali, il-paragrafu (a) għandu jiġi mħassar.

Thassir ta' l-artikolu 8 tal-liġi prinċipali.

3. L-artikolu 8 tal-liġi prinċipali għandu jiġi mħassar.

Emenda ta' l-artikolu 23A tal-liġi prinċipali.

4. Fl-artikolu 23A tal-liġi prinċipali, minflok il-kliem "Barra mill-każ ta' htijiet li għalihom hemm piena tal-mewt, imma bla ħsara tad-disposizzjonijiet ta' l-artikolu 504" għandhom jidhlu l-kliem "Bla ħsara tad-disposizzjonijiet ta' l-artikolu 504 ta' dan il-Kodiċi".

5. Fl-artikolu 26 tal-liġi prinċipali, minflok il-kliem "bħala konsegwenza tal-piena tal-mewt jew ta' pjeni oħra, hija abolita" għandhom jidhlu l-kliem "bħala konsegwenza ta' kull piena hija abolita".

Emenda ta' l-artikolu 26 tal-liġi prinċipali.

6. Fis-subartikolu (1) ta' l-artikolu 32 tal-liġi prinċipali, minflok il-paragrafu (a) għandu jidhol dan li ġej:—

Emenda ta' l-artikolu 32 tal-liġi prinċipali.

"(a) bla ħsara ta' disposizzjonijiet speċjali li hemm f'dan il-Kodiċi, mill-piena tal-lavuri furzati għall-ghomor l-inzul isir skond l-iskala tal-pieni tal-lavuri furzati jew tal-prigunerija kif speċifikata fil-paragrafu (b) ta' dan is-subartikolu;"

7. Minflok is-sub-paragrafu (i) tal-paragrafu (b) ta' l-artikolu 41 tal-liġi prinċipali, għandu jidhol is-sub-paragrafu li ġej:—

Emenda ta' l-artikolu 41 tal-liġi prinċipali.

"(i) fil-każ ta' delitt li għalih hemm il-piena tal-lavuri furzati għall-ghomor, tiġi mogħtija l-piena tal-prigunerija jew tal-lavuri furzati għal żmien mhux iżjed minn għoxrin sena;"

8. L-artikolu 55 tal-liġi prinċipali għandu jiġi emendat billi minflok il-kliem "il-piena tal-mewt" jidhlu l-kliem "il-piena tal-lavuri furzati għal għomru".

Emenda ta' l-artikolu 55 tal-liġi prinċipali.

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

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

"Insurrezzjoni jew kolp ta' stat.

56. (1) Kull min iwaqqa' jew jittanta jwaqqa' l-Gvern ta' Malta billi jagħmel wiehed mill-attijiet imsemmija hawn taht, jehel, meta jinsab ħati, il-piena ta' lavuri furzati għal għomru —

(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-Istat ta' Malta;

(c) billi jgħin lill-egħdewwa ta' l-Istat ta' Malta b'kull mod iehor kontra l-istess Stat;

(d) billi jieħu f'idejh 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 jġiegħel lill-Gvern ta' Malta jbidel il-liġijiet jew id-deċiżjonijiet u l-miżuri tiegħu, jew biex ma jhallihx jeżercita s-setgħat tiegħu skond il-liġi.

Cirkostanzi li jnaqqsu l-piena.

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

10. Fl-artikolu 71 tal-liġi prinċipali, il-kliem "jew f'wiehed iehor mid-dominji tal-Kuruna Inġliża" għandhom jithassru.

Emenda ta' l-artikolu 71 tal-liġi prinċipali.

11. Fl-artikolu 73 tal-liġi prinċipali, il-kliem "jew f'dominju iehor tal-Kuruna Inġliża" għandhom jithassru.

Emenda ta' l-artikolu 73 tal-liġi prinċipali.

Emenda ta' l-artikolu 102 tal-liġi prinċipali. 12. L-artikolu 102 tal-liġi prinċipali għandu jiġi emendat billi jiddied il-*proviso* li ġej fit-tarf tas-subartikolu (2) tiegħu:—

“Izda jekk dik il-piena akbar tkun il-piena tal-mewt, l-akkużat ikun jista' jeħel il-piena tal-lavuri furzati għal għomru.”

Zieda ta' artikolu ġdid 110A fil-liġi prinċipali.

13. Minnufih wara l-artikolu 110 tal-liġi prinċipali għandu jidhol l-artikolu ġdid li ġej:—

“Tifsir. 110A. F'dan is-Sub-titlu “proċeduri kriminali” tinkludi kull proċeduri skond l-Att ta' l-1970 dwar il-Forzi Armati ta' Malta.”

Emenda ta' l-artikolu 115 tal-liġi prinċipali.

14. L-artikolu 115 tal-liġi prinċipali għandu jiġi emendat billi minflok il-*proviso* li hemm għas-subartikolu (2) tiegħu jiġi mdaħħal dan li ġej:—

“Izda jekk dik il-piena akbar tkun il-piena tal-mewt mogħtija skond l-Att ta' l-1970 dwar il-Forzi Armati ta' Malta, u l-eżekuzzjoni tagħha tkun saret, l-akkużat ikun jista' jeħel il-piena tal-lavuri furzati għal għomru. Jekk l-eżekuzzjoni ma tkunx saret, għandha tiġi mogħtija l-piena ordinarja ta' l-attentat ta' omiċidju.”

Emenda ta' l-artikolu 151 tal-liġi prinċipali.

15. L-artikolu 151 tal-liġi prinċipali għandu jiġi emendat billi —

(i) jithassru l-kliem “imma mhux il-piena tal-mewt” li hemm fil-paragrafu (ċ) tiegħu, u

(ii) jithassar il-paragrafu (d) tiegħu.

Emenda ta' l-artikolu 152 tal-liġi prinċipali.

16. Fl-artikolu 152 tal-liġi prinċipali, minflok il-kliem “fil-paragrafi (a), (b), (ċ) u (d)” għandhom jidhlu l-kliem “fil-paragrafi (a), (b) u (ċ)”.

Emenda ta' l-artikolu 155 tal-liġi prinċipali.

17. L-artikolu 155 tal-liġi prinċipali għandu jiġi emendat billi —

(i) jithassru l-kliem “imma mhux il-piena tal-mewt” li hemm fil-paragrafu (ċ) tiegħu, u

(ii) jithassar il-paragrafu (d) tiegħu.

Emenda ta' l-artikolu 156 tal-liġi prinċipali.

18. L-artikolu 156 tal-liġi prinċipali għandu jiġi emendat billi —

(a) is-subartikolu (1) tiegħu jiġi mħassar, u

(b) il-kliem “jew għal piena aktar gravi” li hemm fis-subartikolu (2) tiegħu jiġi mħassra.

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

19. 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 285 tal-liġi prinċipali.

20. 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 326 tal-liġi prinċipali.

21. 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”.

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

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

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

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

24. Fil-paragrafu (a) ta' l-artikolu 331 tal-liġi prinċipali, minflok il-kliem "jekk il-ħruq iqabba band'oħra, il-piena tal-mewt" għandhom jidhlu l-kliem "jekk il-ħruq iqabba band'oħra, il-piena ta' lavuri furzati għal għomru".

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

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

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

"(ċ) jekk xi persuna tiflef ħajjitha, il-piena ta' lavuri furzati għal għomru."

26. Fl-artikolu 359 tal-liġi prinċipali, il-kliem "tal-mewt" għandhom jithassru.

Emenda ta' l-artikolu 359 tal-liġi prinċipali.

27. Fl-artikoli 432, 438, 454, 508P, 564 u 565 tal-Kodiċi Kriminali, minflok il-kliem "Avukat tal-Fqar", kull fejn jinsabu, għandhom jidhlu l-kliem "Avukat għal Għajnuna Legali".

Disposizzjoni ġenerali li temenda l-artikoli 432, 438, 454, 508P, 564 u 565 tal-liġi prinċipali.

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

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

"Il-Qorti tista' tagħti piena anqas meta t-gurati ma jkunux unanimi. 504. Il-Qorti tista' 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, il-voti tal-gurati ma jkunux unanimi."

29. Minnufih wara l-artikolu 504 tal-liġi prinċipali, għandu jzied l-artikolu ġdid 505 li ġej:—

Zieda ta' artikolu ġdid 505 tal-liġi prinċipali.

"Rakko- mandazzjoni tal-Qorti meta tagħti l-piena ta' lavuri furzati għall-għomor. 505. Wara li tikkundanna persuna għall-piena ta' lavuri furzati għall-għomor, il-Qorti tista' tirrakkomanda bil-miktub lill-Prim Ministru fi żmien erbgħa u għoxrin siegħa l-inqas żmien li fil-fehma tagħha għandu jgħaddi qabel ma l-priġunier jiġi mehlu mill-ħabs. Din ir-rakko- mandazzjoni tkun tista' taraha l-persuna li tkun ġiet ikkundannata, u kopja tagħha tinzamm mir-Registatur."

30. Fis-subartikolu (2) ta' l-artikolu 508A tal-liġi prinċipali, minflok il-kliem "mill-Viċi President tal-Qorti Kostituzzjonali u minn Imħallef ieħor tal-Maestà Tagħha r-Reġina nominat mill-Gvernatur-Generali" għandhom jidhlu l-kliem "u żewġ Imħallfin oħra tal-Maestà Tagħha r-Reġina nominati mill-Gvernatur-Generali".

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

Thassir ta' l-artikolu 508G tal-ligi prinċipali.

31. L-artikolu 508G tal-ligi prinċipali għandu jithassar.

Emenda ta' l-artikolu 569 tal-ligi prinċipali.

32. Fil-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 569 tal-ligi prinċipali, minflok il-kliem "għall-piena tal-mewt" għandhom jidhlu l-kliem "għall-piena tal-lavuri furzati għal ghomorhom".

Thassir ta' l-artikoli 614 u 615 tal-ligi prinċipali.

33. L-artikoli 614 u 615 tal-ligi prinċipali flimkien mal-kliem "Sub-Titlu 1" u mas-sotto-titolu "Allegazzjoni ta' Tqala" li hemm qabel l-imsemmija artikoli għandhom jithassru.

Emenda ta' l-artikolu 661 tal-ligi prinċipali.

34. L-artikolu 661 tal-ligi prinċipali għandu jiġi emendat billi jithassar il-*proviso* tiegħu.

Zieda ta' artikolu ġdid 678A mal-ligi prinċipali.

35. Minnufih wara l-artikolu 678 tal-ligi prinċipali, għandu jizjed l-artikolu ġdid 678A li ġej:—

"Bejgħ b'irkant ta' proprjetà li għandha x'taqsam ma' proċedimenti kriminali. 678A. (1) B'dak kollu li hemm fid-disposizzjonijiet ta' qabel ta' dan it-*Titlu*, il-Qorti għandha, fuq rikors ta' l-Avukat-Generali tal-Kuruna magħmul fi kwalunkwe żmien matul il-proċeduri kriminali jew, meta l-awtur tad-delitt ikun assenti jew mhux magħruf, qabel ma jinbdew dawk il-proċeduri, tordna l-bejgħ b'irkant ta' kull proprjetà li jkollha x'taqsam ma' l-istess proċeduri jew ma' delitt, kemm jekk dik il-proprjetà tkun sugġetta għal konfiska kemm jekk le, f'kull wiehed mill-każijiet li ġejjin:—

(a) meta, minhabba x-xorta, il-kwantità jew il-kobor ta' dik il-proprjetà, ikun jinhtiegħ hafna spazju biex tinzamm;

(b) meta dik il-proprjetà tkun tista' tithassar jew jonqsilha l-valur matul iż-żmien jew l-ispejjeż għall-manutenzjoni tagħha jkunu wisq kbar b'paragun mal-valur tagħha;

(c) meta ma jkunx prattiku jew konvenjenti li dik il-proprjetà għal xi raġuni oħra tinzamm f'kustodja;

(d) meta, minhabba l-assenza ta' l-akkużat, il-proċess ma jingħalaqx fi żmien sentejn mill-ġurnata li fiha dak l-akkużat ikun ingieib għall-ewwel darba quddiem il-Qorti;

(e) f'kull każ ieħor li l-Qorti jidhrilha xieraq.

(2) Id-disposizzjonijiet ta' l-aħħar subartikolu qabel dan għandhom japplikaw ukoll jekk dik il-proprjetà tkun sekwestrata.

(3) Ir-rikavat tal-bejgħ ta' dik il-proprjetà għandu jiġi depożitat fil-Qorti u għandu jingħata meta jispiċċaw il-proċeduri kriminali bl-istess mod bħallikieku kien il-proprjetà li tagħha jirrappreżenta l-prezz."

Emenda ta' l-artikolu 683 tal-ligi prinċipali.

36. Fil-paragrafu (a) ta' l-artikolu 683 tal-ligi prinċipali, minflok il-kliem "għall-piena tal-mewt jew tal-lavuri furzati" għandhom jidhlu l-kliem "għall-piena tal-lavuri furzati".

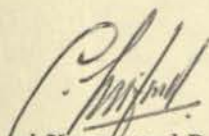
37. Il-ligi msemmiija fi-Ewwel Kolonna ta' l-Iskeda li tinsab ma' dan l-Att ghandu jkollha effett kif suggetta ghall-emendi muriija fit-Tieni Kolonna ta' dik l-Iskeda. Emenda ta' ligi
fi-Iskeda.

SKEDA

(Artikolu 37)

L-EWWEL KOLONNA Ligi Emendata	IT-TIENI KOLONNA Estensjoni ta' l-Emenda
Att ta' l-1957 dwar il- <i>Probation</i> ta' Hatjin	Fis-subartikolu (1) ta' l-artikolu 5 u fis-subartikolu (1) ta' l-artikolu 9, il-kliem "reat punibbli bil-mewt jew" ghandhom jithassru kull fejn jinsabu.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 15 tas-27 ta' Settembru, 1971.



Skrivan tal-Kamra tad-Deputati



President



I assent.

Arif Mamo

Governor-General

4th October, 1971

ACT No. XXI of 1971

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:—

Short title.

1. (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".

(2) This Act shall come into force on the day of its publication in the Malta Government Gazette except section 27 which shall come into force on such date as the Minister responsible for Justice may appoint by notice in the said Gazette.

Amendment of
of section 7
of the
principal law.

2. In subsection (1) of section 7 of the principal law, paragraph (a) shall be deleted.

Repeal of
section 8
of the
principal law.

3. Section 8 of the principal law is hereby repealed.

Amendment of
section 23A
of the
principal law.

4. In section 23A of the principal law, for the words "Except in the case of offences liable to the punishment of death but without prejudice to the provisions of article 504" there shall be substituted the words "Saving the provisions of section 504 of this Code".

5. In section 26 of the principal law, for the words "out of the punishment of death or any other punishment, are abolished" there shall be substituted the words "out of any punishment are abolished".

Amendment of section 26 of the principal law.

6. In subsection (1) of section 32 of the principal law, for paragraph (a) there shall be substituted the following:—

Amendment of section 32 of the principal law.

"(a) subject to any special provision contained in this Code, from the punishment of hard labour for life the descent shall be in accordance with the scale of punishments of hard labour or imprisonment as specified in paragraph (b) of this subsection;"

7. For sub-paragraph (i) of paragraph (b) of section 41 of the principal law, there shall be substituted the following sub-paragraph:—

Amendment of section 41 of the principal law.

"(i) in the case of a crime liable to the punishment of hard labour for life, they shall be liable to imprisonment or hard labour for a term not exceeding twenty years;"

8. Section 55 of the principal law shall be amended by the substitution of the words "the punishment of hard labour for life" for the words "the punishment of death".

Amendment of section 55 of the principal law.

9. 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 hard labour for life —

(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 State of Malta;

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

(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 71 of the principal law.

10. In section 71 of the principal law, the words "or in any other of the dominions of the British Crown" shall be deleted.

Amendment of section 73 of the principal law.

11. In section 73 of the principal law, the words "or in any other of the dominions of the British Crown" shall be deleted.

Amendment of section 102 of the principal law.

12. Section 102 of the principal law shall be amended by the addition of the following proviso at the end of subsection (2) thereof:—

"Provided that if such higher punishment is death, the person accused shall be liable to hard labour for life."

Addition of new section 110A in the principal law.

13. Immediately after section 110 of the principal law there shall be inserted the following new section:—

"Interpretation. 110A. In this Sub-title "criminal proceedings" includes any proceedings under the Malta Armed Forces Act, 1970."

Amendment of section 115 of the principal law.

14. Section 115 of the principal law shall be amended by the substitution of the proviso to subsection (2) thereof by the following:—

"Provided that if such higher punishment is death awarded under the Malta Armed Forces Act, 1970, and the execution has taken place, the person accused shall be liable to hard labour for life. Where the execution has not taken place, the ordinary punishment for attempted homicide shall apply."

Amendment of section 151 of the principal law.

15. Section 151 of the principal law shall be amended by —
(i) the deletion of the words "but not liable to the punishment of death" in paragraph (c) thereof, and
(ii) the deletion of paragraph (d) thereof.

Amendment of section 152 of the principal law.

16. In section 152 of the principal law, for the words "in paragraphs (a), (b), (c) and (d)" there shall be substituted the words "in paragraphs (a), (b) and (c)".

Amendment of section 155 of the principal law.

17. Section 155 of the principal law shall be amended by —
(i) the deletion of the words "but not to the punishment of death" in paragraph (c) thereof, and
(ii) the deletion of paragraph (d) thereof.

Amendment of section 156 of the principal law.

18. Section 156 of the principal law shall be amended by —
(a) the deletion of subsection (1) thereof, and
(b) the deletion of the words "or to any higher punishment" in subsection (2) thereof.

Amendment of section 225 of the principal law.

19. 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".

20. 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 285 of the principal law.

21. 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 326 of the principal law.

22. 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 329 of the principal law.

23. 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 330 of the principal law.

24. 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 331 of the principal law.

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

Amendment of section 335 of the principal law.

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

26. In section 359 of the principal law, the word "death" shall be deleted.

Amendment of section 359 of the principal law.

27. In sections 432, 438, 454, 508P, 564 and 565 of the Criminal Code, for the words "Advocate for the Poor", wherever they occur, there shall be substituted the words "Advocate for Legal Aid".

General provision amending sections 432, 438, 454, 508P, 564 and 565 of the principal law.

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

Substitution of section 504 of the principal law.

"Court may award a lesser punishment when jury are not unanimous. 504. It shall be lawful for the Court 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."

Addition of new section 505 of the principal law.

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

“Court’s recommendation on passing sentence of hard labour for life. 505. After sentencing any person to hard labour for life, the Court may recommend in writing to the Prime Minister within twenty-four hours the minimum period of which in its view should elapse before the prisoner is released from prison. Such recommendation shall be made available to the person sentenced, and a copy thereof shall be kept by the Registrar.”

Amendment of section 508A of the principal law.

30. In subsection (2) of section 508A of the principal law, for the words “the Vice-President of the Constitutional Court and another of Her Majesty’s Judges appointed by the Governor-General” there shall be substituted the words “and two other of Her Majesty’s Judges appointed by the Governor-General”.

Repeal of section 508G of the principal law.

31. Section 508G of the principal law is hereby repealed.

Amendment of section 569 of the principal law.

32. In paragraph (b) of subsection (1) of section 569 of the principal law, for the words “to the punishment of death” there shall be substituted the words “to the punishment of hard labour for life”.

Repeal of sections 614 and 615 of the principal law.

33. Sections 614 and 615 of the principal law together with the words “Sub-title 1” and with the subheading “Allegation of Pregnancy” preceding the said sections shall be repealed.

Amendment of section 661 of the principal law.

34. Section 661 of the principal law shall be amended by the deletion of the proviso thereto.

Addition of new section 678A to the principal law.

35. Immediately after section 678 of the principal law, there shall be added the following new section 678A:—

“Sale by auction of property connected with criminal proceedings. 678A. (1) Notwithstanding the foregoing provisions of this Title, the Court shall, on the application of the Crown Advocate-General made at any time of the proceedings or, where the author of the crime is absent or unknown, before any proceedings are commenced, order the sale by auction of any property connected with criminal proceedings or with a crime, whether such property is liable to forfeiture or not, in any of the following cases:—

(a) where, owing to the nature, quantity or dimensions of such property, a considerable space is necessary to keep it;

(b) where such property is subject to deterioration or depreciation or the cost of its upkeep is out of proportion with its value;

(c) where it is not practicable or convenient for any other reason to keep such property in custody;

(d) where, owing to the absence of the party accused, the trial is not concluded within two years from the day on which such party was first brought before the Court;

(e) in any other case where the Court deems it so proper.

(2) The provisions of the last preceding subsection shall apply notwithstanding that the property is attached by a garnishee order.

(3) The proceeds of the sale of such property shall be deposited in Court and shall be disposed of on the conclusion of the criminal proceedings in the same manner as if they were the property of which they represent the price."

36. In paragraph (a) of section 683 of the principal law, for the words "to the punishment of death or to hard labour" there shall be substituted the words "to the punishment of hard labour".

Amendment of section 683 of the principal law.

37. The enactment specified in the First Column of the Schedule hereto shall have effect subject to the amendment specified in the Second Column of that Schedule.

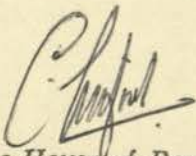
Amendment of enactment in Schedule.

SCHEDULE

(Section 37)

FIRST COLUMN Enactment Amended	SECOND COLUMN Extent of Amendment
Probation of Offenders Act, 1957	In subsection (1) of section 5 and in subsection (1) of section 9, the words "an offence punishable with death or", wherever they occur, shall be deleted.

Passed by the House of Representatives at Sitting No. 15 of the 27th September, 1971.



Clerk to the House of Representatives



Speaker