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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Dott. Anton Buttigieg, B.A., LL.D., M.P., Ministru tal-Gustizzja u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tad-29 ta' Novembru, 1971.

ATT biex ikompli jemenda l-Ordinanza dwar ir-Regulament tat-Traffiku, Kap. 105.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

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 29th November, 1971.

AN ACT further to amend the Traffic Regulation Ordinance, Cap. 105.

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

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ATT biex ikompli jemenda l-Ordinanza dwar ir-Regulament tat-Trafiku, Kap. 105.

IL-MAESTA' Tagħha r-Regina, bil-parir u l-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' jissejjaħ l-Att ta' l-1971 li jemenda l-Ordinanza dwar ir-Regulament tat-Traffiku, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar ir-Regulament tat-Traffiku, hawnhekk iżjed 'il quddiem imsejja "il-liġi prinċipali".

Emenda ta' l-artikolu 17 tal-liġi prinċipali.

2. Minnufih wara s-subartikolu (2) ta' l-artikolu 17 tal-liġi prinċipali, għandu jżied dan li ġej:—

“(3) Kull meta l-persuna li tkun kisret id-disposizzjonijiet ta' xi regolament magħmul skond l-artikolu 16 ta' din l-Ordinanza ma tkunx magħrufa mill-Pulizija qabel jew matul il-proċedimenti, is-sid tal-*motor-car* jew, meta l-*motor-car* tkun inbiegħet bi ftehim ta' *hire-purchase*, min ikun qed juża l-*motor-car*, li tkun giet użata fl-egħmil tal-kontravvenzjoni jinżamm responsabbli għal dak ir-reat:

Iżda dak is-sid jew dak li juża l-*motor-car*, skond il-każ, jista' jġib l-eċċezzjoni li dik il-*motor-car* kienet użata mingħajr il-permess jew l-awtorità tiegħu.”

Zieda ta' artikolu ġdid 19A fil-liġi prinċipali.

3. Minnufih wara l-artikolu 19 tal-liġi prinċipali għandu jżied l-artikolu ġdid li ġej:—

“Zmien minn meta skwalifika dwar liċenża għandu jibda jghodd fil-każ ta' appell.

19A. Jekk eżekuzzjoni ta' sentenza li tordna skwalifika skond is-subartikolu (2) jew (3) ta' l-artikolu 14 jew is-subartikolu (2) ta' l-artikolu 17 ta' din l-Ordinanza jew sospensjoni skond is-subartikolu (3) ta' l-imsemmi artikolu 17 tkun sospiża billi jkun hemm intenzjoni dikjarata tal-persuna misjuba hatja li tkun ser tagħmel appell minn dik is-sentenza, il-perijodu ta' skwalifika jew sospensjoni għandu jibda jghodd —

(i) jekk l-imsemmija sentenza tkun konfermata jew imnaqqsqa b'sentenza tal-Qorti ta' l-Appelli Kriminali, mid-data ta' din is-sentenza;

(ii) jekk rikors ta' appell ma jiġix preżentat fiż-żmien stabbilit mil-liġi, mill-gurnata ta' wara dik li fiha dak iż-żmien jiskadi;

(iii) jekk l-appell jiġi rtirat b'nota mill-gurnata li fiha dik in-nota tiġi ppreżentata l-Qorti jew, jekk l-appell ikun deżert xort'oħra wara l-preżentata tar-rikors ta' appell, minn dik il-gurnata li l-Qorti ta' l-Appelli Kriminali tistabbilixxi fuq rikors tal-Kummissarju tal-Pulizija.”

4. Fis-subartikolu (1) ta' l-artikolu 20 tal-liġi prinċipali, minflok il-kliem “ta' m'hux iżjed minn sena jew multa ta' m'hux iżjed minn mitt lira jew għal dik il-priġunerija u multa flimkien” għandhom jidhlu l-kliem “ta' mhux iżjed minn sitt xhur jew multa ta' mhux inqas minn ħamsin lira iżda mhux iżjed minn mitt lira jew għal dik il-priġunerija u multa flimkien”.

Emenda ta' l-artikolu 20 tal-liġi prinċipali.

Għanijiet u Raġunijiet

Dan l-Abbozz irid jemenda l-Ordinanza dwar ir-Regulament tat-Traffiku hekk li ttiprovdi li s-sid jew min juża l-*motor-car* ikun miżmum responsabbli għal xi kontravvenzjoni li tkun saret permezz tal-*motor-car* tiegħu meta x-xufier tagħha ma jkunx magħruf mill-Pulizija, kemm-il darba dak is-sid ma jippruvax li l-imsemmija *car* kienet giet użata mingħajr l-awtorità jew il-permess tiegħu.

Emenda oħra magħmula b'dan l-Abbozz tistabbilixxi iż-żmien li minnu l-iskwalifika biex tinżamm jew tingħata liċenża tas-sewqan jew liċenża dwar *motor-car* jibda jghodd meta jkun sar appell kontra s-sentenza li tordna dik l-iskwalifika.

Fl-aħħarnett, l-Abbozz jemenda wkoll il-piena għal min jaqbad u jsuq *motor-car* mingħajr il-permess ta' sidha.

A BILL

entitled

AN ACT further to amend the Traffic Regulation Ordinance, Cap. 105.

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. This Act may be cited as the Traffic Regulation (Amendment) Act, 1971, and shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter referred to as “the principal law”.

Amendment of section 17 of the principal law.

2. Immediately after subsection (2) of section 17 of the principal law, there shall be added the following:—

“(3) Whenever the person who has contravened the provisions of any regulation made under section 16 of this Ordinance is not known to the Police prior to or during the proceedings, the owner of the motor-car or, when the motor-car had been sold under a hire-purchase agreement, the user of the motor-car, used in the commission of the contravention shall be held responsible for such offence:

Provided that it shall be a defence for such owner or user, as the case may be, if he proves that the motor-car had been used without his permission or authority.”

Addition of new section 19A in the principal law.

3. Immediately after section 19 of the principal law there shall be added the following new section:—

"Time from which disqualification in respect of licence is to run in the case of appeal.

19A. If the execution of a judgement ordering a disqualification under subsection (2) or (3) of section 14 or subsection (2) of section 17 of this Ordinance or a suspension under subsection (3) of the said section 17 is stayed in view of the declared intention of the person convicted to enter an appeal against that judgement, the period of disqualification or suspension, as the case may be, shall commence to run —

(i) if the said judgement is confirmed or reduced by the judgement of the Court of Criminal Appeal, from the date of such judgement;

(ii) if an application of appeal is not filed within the time established by law, from the day next following the day on which such time expires;

(iii) if the appeal is withdrawn by note, from the day when such note is filed in the Court or, if the appeal is otherwise abandoned after the filing of the application of appeal, from such day as the Court of Criminal Appeal on application of the Commissioner of Police shall establish."

4. In subsection (1) of section 20 of the principal law, for the words "not exceeding one year or to a fine (*multa*) not exceeding one hundred pounds or to both such imprisonment and fine" there shall be substituted the words "not exceeding six months or to a fine (*multa*) not less than fifty pounds but not exceeding one hundred pounds or to both such imprisonment and fine".

Amendment of section 20 of the principal law.

Objects and Reasons

This Bill seeks to amend the Traffic Regulation Ordinance so as to provide that the owner or user of a motor-car shall be held responsible for any contravention committed by means of his motor-car when the driver thereof is unknown to the Police, unless such owner proves that the said car had been used without his authority or permission.

A further amendment covered by the Bill is to establish the time from which the disqualification to hold or obtain a driving licence or a licence in respect of a motor-car is to run where an appeal is entered against the judgement ordering such disqualification.

Finally, the Bill also amends the punishment for driving away a motor-car without the consent of its owner.