

Nru 5

16. 07. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Clifton Grima, M.P., Ministru għall-Ġustizzja, ir-Riċerka u l-Innovazzjoni, u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Lulju 2026.

A BILL introduced by the Honourable Clifton Grima, M.P., Minister for Justice, Research and Innovation, and read the First time at the Sitting of the 13th July 2026.

ATT sabiex jemenda l-Kodiċi Kriminali, Kap. 9.

AN ACT to amend the Criminal Code, Cap. 9.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda l-Kodiċi Kriminali, Kap. 9.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 li jemenda l-Kodiċi Kriminali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali, hawn aktar 'il quddiem imsejjah il-"Kodiċi".

Titolu fil-qosor.

Kap. 9.

2. L-artikolu 541 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 541 tal-Kodiċi.

(a) il-kliem "parti offiża", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "parti leża";

(b) fil-proviso għall-paragrafu (b) tas-subartikolu (4) tiegħu:

(i) il-kliem ", il-Kummissjoni Permanenti Kontra l-Korruzzjoni" għandhom jiġu mħassra;

(ii) il-kliem "Avukat Ġenerali" għandhom jiġu sostitwiti bil-kliem "Avukat Ġenerali:" u minnufih wara

għandhom jiġu miżjuda l-provisos godda li ġejjin:

Kap. 326. "Iżda wkoll il-Kummissjoni Permanenti Kontra l-Korruzzjoni għandha tkun intitolata li tagħmel kwalunkwe talba lill-Avukat Ġenerali u li teżerċita kwalunkwe azzjoni li skont dan is-subartikolu tappartjeni lill-parti leża kemm f'każijiet fejn l-imsemmija Kummissjoni tkun irrappurtat kwalunkwe att ta' korruzzjoni, kif imfissra fl-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni, kif ukoll f'każijiet li jinvolvu akkuża potenzjali ta' att ta' korruzzjoni fejn l-imsemmija Kummissjoni ma tkunx irrappurtat tali att ta' korruzzjoni preċedentement:

Kap. 326. Iżda wkoll fejn id-deċiżjoni tal-Avukat Ġenerali li ma ssirx prosekuzzjoni tikkonċerna att ta' korruzzjoni, kif imfissra fl-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni, l-Avukat Ġenerali għandu, fi żmien xahar (1) mid-data ta' tali deċiżjoni, jikkomunika bil-miktub l-imsemmija deċiżjoni, flimkien mar-raġunijiet għall-istess, lill-Kummissjoni Permanenti Kontra l-Korruzzjoni."

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex tiġi ċċarata l-pożizzjoni tal-Kummissjoni Permanenti Kontra l-Korruzzjoni bħala parti leża għall-finijiet ta' kontestazzjoni ta' deċiżjonijiet tal-Avukat Ġenerali li ma ssirx prosekuzzjoni filwaqt li titqies id-diskrezzjoni kostituzzjonalment imħarsa u bla xkiel tal-Avukat Ġenerali.

**A BILL
entitled**

AN ACT to amend the Criminal Code, Cap. 9.

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 Criminal Code (Amendment) Act, 2026 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as the "Code".

Short title.
Cap. 9.
2. Article 541 of the Code shall be amended as follows:

Amendment of
article 541 of
the Code.

 - (a) in the Maltese version only, the words "parti offiża", wherever they occur, shall be substituted by the words "parti leża";
 - (b) in the proviso to paragraph (b) of sub-article (4) thereof:
 - (i) the words ", the Permanent Commission Against Corruption" shall be deleted;
 - (ii) the words "Attorney General" shall be substituted by the words "Attorney General:" and immediately thereafter there shall be added the following

new provisos:

Cap. 326. "Provided further that the Permanent Commission Against Corruption shall be entitled to make any request to the Attorney General and to exercise any action which according to this sub-article pertains to the injured party both in cases where the said Commission had reported any corrupt practice, as defined in the Permanent Commission Against Corruption Act, and in cases involving a potential charge of a corrupt practice where the said Commission had not previously so reported such corrupt practice:

Cap. 326. Provided further that where the decision of the Attorney General not to prosecute concerns a corrupt practice, as defined in the Permanent Commission Against Corruption Act, the Attorney General shall, within one (1) month from the date of such decision, communicate in writing the said decision, together with the reasons thereof, to the Permanent Commission Against Corruption."

Objects and Reasons

The objects and reasons of this Bill are to clarify the standing of the Permanent Commission Against Corruption as an injured party for the purposes of challenging decisions of the Attorney General not to prosecute whilst considering the constitutionally safeguarded unfettered discretion of the Attorney General.

