

70. L-Onor José Herrera jipproponi:

Abbozz ta' Liġi msejjah

Att biex jemenda l-Kodiċi Kriminali, Kapitlu 9 tal-Liġijiet ta' Malta.

Il-President bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqa' f'dan il-Parlament bl-awtorità ta' l-istess hareġ b'liġi dan li ġej:

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2008 li jemenda l-Kodiċi Kriminali u dan l-Att għandu jinqara u jinftiehem haġa waħda ma' l-istess Kodiċi Kriminali. (titolu fil-qosor Kap 9)
1. L-Artikolu 338 (z) tal-Kapitlu 9 tal-Liġijiet ta' Malta għandu jiġi abrogat u minfloku għandu jidhol l-artikolu 338 (z) kif hawn taht emendat:-

Meta hekk ordnat minn xi Qorti jew hekk marbut b'kuntratt jonqos li jagħti lil martu jew tonqos li tagħti lil żewġha jew jagħti lil dik il-persuna li mhix neċessarjament tkun f'każ maskili, martu u f'każ femminili żewġha, is-somma ffissata minn dik il-qorti jew stipulat f'kuntratt bhala manteniment għaliha jew għalih u jew għal ulied fi żmien hmistax-il jum minn dak il-jum li fih, skond dik l-ordni jew dak il-kuntratt ikollha tithallas dik is-somma;

Iżda fi proċeduri kriminali taht din id-dispożizzjoni tal-liġi, il-Qorti tista' fuq talba ta' l-imputat, tordna s-soprasessjoni ta' dawk il-proċeduri jekk ikun sar rikors quddiem il-Qorti kompetenti għal varjazzjoni jew revoka tal-obbligu tal-ħlas tal-manteniment imsemmi, jekk tkun tqis tali talba prima facie ġustifikata fiċ-ċirkostanzi u dan sakemm ma jkunx hemm l-esitu finali ta' tali talba;

Iżda minkejja wkoll kull dispożizzjoni oħra ta' dan il-kodiċi l-azzjoni kriminali għar-reat taht dan il-paragrafu tagħlaq bi preskrizzjoni ta' 6 xhur.

Għanijiet u Raġunijiet

L-għan ta' dan l-abbozz huwa sabiex jipprovdi għal estensjoni tad-deterrent penali għal dawk il-ġenituri li ma jkunux miżżewġin pero' li jonqsu li jaderixxu ma' ordnijiet tal-qorti dwar manteniment għal uliedhom.

A Bill entitled

An Act to amend the Criminal Code, Chapter 9 of the Laws of Malta.

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 Act of 2008 which amends the Criminal Code and this Act shall be read and construed as one with the Criminal Code.
1. The article 338 (z) of Chapter 9 of the Laws of Malta shall be abrogated and there shall be inserted article 338 (z) as follows:-

When so ordered by a court or so bound by contract fails to give to his or her spouse or to give to that person who is not necessarily the spouse, the sum fixed by that court or laid down in the contract as maintenance for the spouse and, or, the children, within fifteen days from the day on which, according to such order or contract, such sum should be paid;

Provided that, in criminal procedures under the dispositions of this law, the Court can, on request of the person charged, order the suspension of the said criminal proceedings if an application would have been made before the competent Court for the variation or revocation of the obligation for the payment of maintenance, if it deems such request prima facie justified in the circumstances and this until there would have been a final decision for such request;

Provided that, notwithstanding any other provision of this Code, the criminal action for an offence under this paragraph is barred by the lapse of six months.

Objects and Reasons

The object of this Bill is to provide for the extension of the penal deterrent for those parents who are not married but who fail to adhere to court orders with regards to maintenance to their children.

02.12.08