

Naghti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA  
President

21 ta' Diċembru, 2010

**ATT Nru. XXIV tal-2010**

*ATT biex jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, Kap. 77.*

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

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2010 li jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, hawnhekk iżjed 'il quddiem imsejja "l-Ordinanza".

Titolu fil-qosor  
u bidu fis-sehh.

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(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-gustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

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Emenda tal-  
artikolu 3 tal-  
Ordinanza.

**2.** L-artikolu 3 tal-Ordinanza għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu, u minnufih wara s-subartikolu (1), kif enumerat mill-ġdid, għandu jizdied dan li ġej:

"(2) Minkejja d-disposizzjonijiet tal-artikolu 4(2), l-awtoritajiet nazzjonali kompetenti u l-entitajiet elenkati fir-Raba' Skeda u nominati għal dan il-għan mill-Ministru responsabbli għall-Pulizija, ikunu jistgħu, bil-kunsens bil-miktub tal-persuna li għaliha jirreferi r-reġistru tal-kundanni kriminali, jitolbu lill-Kummissarju tal-Pulizija biex jiġi preżentat reġistru sħiħ tal-kundanni kriminali tal-persuna konċernata.

(3) It-talba magħmula skont is-subartikolu (2) għandha tkun marbuta:

(a) mar-reklutaġġ jew kontinwità tal-impieg ta' persuna bħala impjegat; jew

(b) mal-ħruġ jew tiġdid ta' liċenza jew permess.

(4) Il-Kummissarju tal-Pulizija jista' wkoll, fuq il-bażi tar-rabtiet internazzjonali ta' Malta, jiżvela tagħrif dwar il-kundanni kriminali lil awtorità kompetenti barranija; il-Kummissarju tal-Pulizija jista' bl-istess mod jirreġistra l-kundanni kriminali riċevuti minn awtorità kompetenti barranija.

Għall-finijiet ta' dan is-subartikolu "awtorità kompetenti barranija" tfisser awtorità li, f'pajjiż jew territorju barra minn Malta, teżerċita kull funzjoni li tikkorrispondi għall-funzjonijiet tal-Kummissarju tal-Pulizija taht din l-Ordinanza."

Emenda tal-  
artikolu 4 tal-  
Ordinanza.

**3.** L-artikolu 4 tal-Ordinanza għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tas-subartikolu (1) tiegħu, minflok il-kliem "minn qorti ta' ġustizzja," għandhom jidhlu il-kliem "minn qorti ta' ġustizzja, kemm f'Malta kif ukoll barra minn Malta,"; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "ikollha jedd li tingħata ċertifikat ta' kondotta tajba skond il-Formula A li hemm fl-Ewwel Skeda li tinsab ma' din l-Ordinanza" għandhom jidhlu il-kliem "ikollha jedd li tingħata dikjarazzjoni fis-sens li dik il-persuna m'għandhiex reati li għandhom jiġu reġistrati skont id-disposizzjonijiet ta' din l-Ordinanza".

Emenda tal-  
artikolu 6 tal-  
Ordinanza.

**4.** L-artikolu 6 tal-Ordinanza għandu jiġi emendat kif ġej:

(a) minflok il-kliem "jew mid-data tal-ħlas tal-multa," għandhom jidhlu il-kliem "jew mid-data tal-ħlas tal-multa:";

(b) il-kliem minn "basta li f'dan l-intervall" sal-kliem "għandhom jiġu mnizzla f'dak iċ-ċertifikat." għandhom jiġu mħassra; u

(ċ) minnufih wara l-kliem "jew mid-data tal-ħlas tal-multa:", għandhom jiżdiedu dawn iż-żewġ *provisos*:

"Izda jekk f'dak iż-żmien il-persuna tiġi kkundannata għal delitt ieħor, inkluż sentenza sospiża, kull kundanna jew kundanni preċedenti għal kull delitt ieħor li ma jkunux skuntati skont it-Tieni Skeda, għandhom ikomplu jiġu reġistrati fiċ-Ċertifikat tal-Kondotta maħruġ skont il-Formola B tal-Ewwel Skeda sal-iskadenza taż-żmien meħtieġ sabiex ma tiġix irreġistrata l-aħħar kundanna:

Izda wkoll jekk iż-żmien sabiex ma tiġix irreġistrata l-aħħar kundanna ikun inqas minn dak ta' xi kundanna preċedenti, allura iż-żmien sabiex ma tiġix irreġistrata l-aħħar kundanna għandu jiġi mtawwal sal-iskadenza ta' dak iż-żmien itwal li fih ma tiġix irreġistrata xi kundanna preċedenti."

**5.** L-artikolu 7A tal-Ordinanza għandu jiġi emendat kif ġej:

Emenda tal-artikolu 7A tal-Ordinanza.

(a) minflok il-kliem "id-data li fiha tkun ġiet skuntata l-piena ta' priġunerija għandha titqies li tkun id-data meta jkun sar l-ordni bis-saħħa tas-subartikolu (1) ta' l-imsemmi artikolu 28A." għandhom jidhlu il-kliem "iż-żmien meħtieġ sabiex ma jkunx hemm reġistrazzjoni għandu jiskadi fit-tmiem tal-perijodu operattiv msemmi fl-ordni magħmula taħt is-subartikolu (1) tal-imsemmi artikolu 28A:"; u

(b) minnufih wara għandu jiżdied dan il-*proviso* li ġej:

"Izda fil-każijiet msemmija fl-artikolu 28B(2)(b) tal-Kodiċi Kriminali, iż-żmien sabiex ma jkunx hemm reġistrazzjoni għandu jiskadi fit-tmiem tal-perijodu operattiv varjat li jibda jiddekorri mid-data tal-varjazzjoni ordnata mill-Qorti."

**6.** L-artikolu 8 tal-Ordinanza għandu jiġi emendat kif ġej:

Emenda tal-artikolu 8 tal-Ordinanza.

(a) minflok il-kliem "il-qorti tista', meta tagħti s-sentenza, jew f'kull żmien wara, fuq talba tal-persuna misjuba haġja" għandhom jidhlu l-kliem "il-qorti tista', meta tagħti s-

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sentenza, jew il-Qorti Kriminali, f'kull żmien wara li tkun ingħatat is-sentenza, kemm mill-Qorti tal-Maġistrati kif ukoll mill-Qorti Kriminali, meta jsir rikors għal dan il-għan mill-persuna misjuba hatja, tappunta s-smiġh tar-rikors fi żmien tletin gurnata mill-preżentata tar-rikors,";

(b) minflok il-kliem "il-qorti jidhrilha li hu sewwa li għandha hekk tordna." fil-paragrafu (b) tiegħu, għandhom jidhlu il-kliem "il-qorti jidhrilha li hu sewwa li għandha hekk tordna:"; u

(ċ) minnufih wara l-artikolu għandhom jiżdiedu dawn il-*provisos* li ġejjin:

"Izda d-disposizzjonijiet ta' dan l-artikolu m'għandhomx japplikaw għall-eċċezzjonijiet imsemmija fl-artikolu 7:

Izda wkoll il-Qorti Kriminali tista', meta jsir rikors mill-persuna kundannata, wara li tkun instabet hatja mill-qorti, tordna li l-kundanna ma tigix imniżzla fiċ-ċertifikat tal-kondotta f'dawk il-każijiet, minkejja d-disposizzjonijiet tal-artikolu 7, u taht dawk il-kondizzjonijiet li jistgħu jiġu preskritti mill-Ministru responsabbli għall-intern."

Żjieda ta' artikolu ġdid tal-Ordinanza.

**7.** Minnufih wara l-artikolu 9 tal-Ordinanza għandu jiżdied dan l-artikolu ġdid li ġej:

"Setgħa tal-Ministru li jagħmel regolamenti.

**10.** Il-Ministru responsabbli għall-Pulizija jista' permezz ta' regolamenti jemenda, jirrevoka, jżid ma' jew jissostitwixxi l-Iskedi annessi ma' din l-Ordinanza u jista' ukoll jagħmel regolamenti biex id-disposizzjonijiet ta' dan l-Att ikunu jistgħu jitwettqu bl-aħjar mod."

Emenda tat-Tielet Skeda tal-Ordinanza.

**8.** Minnufih wara l-paragrafu 3 tat-Tielet Skeda tal-Ordinanza, għandhom jiżdiedu dawn il-paragrafi godda li ġejjin:

"4. Delitti kontra l-Paċi u l-Unur tal-Familji ikkuntemplati fis-Sub-titolu II tat-Titolu VII tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali (artikoli 198 sa 209).

5. Delitti kontra l-Persuna ikkuntemplati fis-Sub-titolu I tat-Titolu VII tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali (artikoli 211 sa 213)."

9. Minnufih wara t-Tielet Skeda tal-Ordinanza, għandha tizzied din l-iskeda ġdida li ġejja:

Zieda ta' Skeda  
ġdida tal-  
Ordinanza.

"IR-RABA' SKEDA

[Artikolu 3(2)]

Elenku tal-awtoritajiet kompetenti li għandhom id-dritt  
li jitolbu registru sħiħ tal-kundanni kriminali  
mingħand il-Kummissarju tal-Pulizija

L-Awtorità għat-Trasport f'Malta ".

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 294 tas-7 ta'  
Dicembru, 2010.

MICHAEL FRENDO  
*Speaker*

PAULINE ABELA  
*Skrivan tal-Kamra tad-Deputati*

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I assent.

(L.S.)

GEORGE ABELA  
President

21st December, 2010

**ACT No. XXIV of 2010**

*AN ACT to amend the Conduct Certificates Ordinance (Cap. 77).*

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:-

Short title and commencement.

Cap. 77.

**1.** (1) The short title of this Act is the Conduct Certificates Ordinance (Amendment) Act, 2010, and this Act shall be read and construed as one with the Conduct Certificates Ordinance, hereinafter referred to as "the Ordinance".

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

Amendment of article 3 of the Ordinance.

**2.** Article 3 of the Ordinance shall be re-numbered as subarticle (1) thereof, and immediately after subarticle (1), as re-numbered, there shall be added the following:

"(2) Notwithstanding the provisions of article 4(2), it shall be lawful for the competent national authorities and entities listed in the Fourth Schedule and designated by the Minister responsible for the Police for this purpose, to request, with the consent in writing of the person to whom the record of criminal convictions relates, the Commissioner of Police to submit a complete record of criminal convictions of the person to whom they relate.

(3) The request made in accordance with subarticle (2) shall be connected with:

- (a) the recruitment or continued employment of a person as an employee; or
- (b) the issue or renewal of a licence or permit.

(4) The Commissioner of Police may also, on the basis of Malta's international commitments, disclose information on criminal convictions to an overseas competent authority; the Commissioner of Police may likewise record criminal convictions received from an overseas competent authority.

For the purpose of this subarticle "overseas competent authority" means an authority which, in a country or territory outside Malta, exercises any function corresponding to the functions of the Commissioner of Police under this Ordinance."

**3.** Article 4 of the Ordinance shall be amended as follows:

Amendment of article 4 of the Ordinance.

(a) in paragraph (b) of subarticle (1) thereof, for the words "by any court of law," there shall be substituted the words "by any court of law, whether in Malta or abroad,"; and

(b) in subarticle (2) thereof, for the words "shall be entitled to be given a certificate of good conduct in accordance with Form A in the First Schedule to this Ordinance" there shall be substituted the words "shall be entitled to be given a declaration to the effect that the person has no recordable offences under the terms of this Ordinance".

**4.** Article 6 of the Ordinance shall be amended as follows:

Amendment of article 6 of the Ordinance.

(a) for the words "or from the date of the payment of the fine (*multa*)," there shall be substituted the words "or from the date of the payment of the fine (*multa*):";

(b) the words from "provided that during such interval"

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to the words "shall be entered in such certificate." shall be deleted; and

(c) immediately after the words "or from the date of the payment of the fine (*multa*):", there shall be added the following two provisos:

"Provided that if during such period that person is again sentenced in respect of any other crime, including a suspended sentence, any previous conviction or convictions which have not expired according to Second Schedule, shall continue to be recorded in the Conduct Certificate issued in accordance with Form B of the First Schedule until the expiration of the period required for the non-registration of the last conviction:

Provided further that if the period for non-registration of the last conviction is less than that of any previous conviction, then the period for non-registration of the last conviction shall be extended up to the expiration of the longer period of non-registration of any previous conviction."

Amendment of article 7A of the Ordinance.

**5.** Article 7A of the Ordinance shall be amended as follows:

(a) for the words "the date of the expiration of the punishment of imprisonment shall be deemed to be the date when the order under subarticle (1) of the said article 28A shall have been made." there shall be substituted the words "the period required for non-registration shall elapse at the end of the operational period mentioned in the order made under subarticle (1) of the said article 28A:"; and

(b) immediately thereafter there shall be added the following proviso:

"Provided that in the cases referred to in article 28B(2)(b) of the Criminal Code, the period for non-registration shall elapse at the end of the varied operational period which is to run from the date of the variation ordered by the Court."

Amendment of article 8 of the Ordinance.

**6.** Article 8 of the Ordinance shall be amended as follows:

(a) for the words "the court may, in passing sentence, or at any time thereafter, on the application of the person convicted" there shall be substituted the words "the court may, in passing sentence, and the Criminal Court, at any time

thereafter, whether the sentence is handed down by the Court of Magistrates or by the Criminal Court, on the application of the person convicted, set the hearing of the application within thirty days of the filing of the application,";

(b) for the words "the court deems it proper so to direct." in paragraph (b) thereof, there shall be substituted the words "the court deems it proper so to direct:"; and

(c) immediately after the article there shall be added the following provisos:

"Provided that the provisions of this article shall not apply to the exceptions mentioned in article 7:

Provided further that the Criminal Court may, upon an application from the convicted person, after having been found guilty by the court, order that the conviction be not entered on the conduct certificate in those cases, notwithstanding the provisions of article 7, and under those conditions as may be prescribed by the Minister responsible for home affairs."

**7.** Immediately after article 9 of the Ordinance there shall be added the following new article:

Addition of new article to the Ordinance.

"Power of Minister to make regulations.

**10.** The Minister responsible for the Police may by regulations amend, revoke, add to or substitute the Schedules annexed to this Ordinance and may also make regulations for the better carrying out of the provisions of this Ordinance."

**8.** Immediately after paragraph 3 of the Third Schedule to the Ordinance, there shall be added the following new paragraphs:

Amendment of Third Schedule to the Ordinance.

"4. Crimes against the Good Order of Families contemplated in Sub-title II of Title VII of Part II of Book First of the Criminal Code (articles 198 to 209).

5. Crimes against the Person contemplated in Sub-title I of Title VII of Part II of Book First of the Criminal Code (articles 211 to 213)."

**9.** Immediately after the Third Schedule to the Ordinance, there shall be added the following new Schedule:

Addition of new Schedule to the Ordinance.

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"FOURTH SCHEDULE

[Article 3(2)]

List of competent authorities with the right to request complete record  
of criminal convictions from the Commissioner of Police

The Authority for Transport in Malta".

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Passed by the House of Representatives at Sitting No. 294 of the  
7th December, 2010.

MICHAEL FRENDU  
*Speaker*

PAULINE ABELA  
*Clerk to the House of Representatives*