

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

22 ta' Ġunju, 2010

ATT Nru. VII tal-2010

ATT biex jemenda diversi liġijiet li għandhom x'jaqsmu ma' Materji Kriminali.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2010 li jemenda Diversi Liġijiet li jirrigwardaw Materji Kriminali. Titolu fil-qosor.

TAQSIMA I

2. (1) Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara u tiftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem f'din il-Taqsima msejjaħ "il-Kodiċi". Emenda tal-Kodiċi Kriminali. Kap. 9.

(2) Din it-Taqsima għandha tidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista', b'avviż fil-Gazzetta jstabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal dispozizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

3. Minnufih wara s-subartikolu (2) tal-artikolu 23A tal-Kodiċi, għandhom jiżdiedu dawn is-subartikoli ġodda li ġejjin: Emenda tal-artikolu 23A tal-Kodiċi.

"(3) Meta l-qorti ma tipproċedix biex tagħmel ordni kif meħtieġ taħt is-subartikolu (2) il-qorti għandha minnufih

tagħmel ordni temporanja ta' iffriżar li jkollha l-istess effett ta' ordni magħmula taħt l-artikolu 5 tal-Att liema ordni temporanja għandha tibqa' fis-seħħ sa dak iż-żmien li l-qorti tagħmel l-ordni meħtieġa mill-imsemmi subartikolu.

(4) Meta għal xi raġuni kwalunkwe il-qorti tiċċad talba magħmula mill-prosekuzzjoni għal ordni taħt is-subartikolu (2) l-Avukat Ġenerali jista', fi żmien tlett ijiem tax-xogħol, mid-data tad-deċiżjoni tal-qorti, jagħmel talba lill-Qorti Kriminali biex tagħmel l-ordni meħtieġa u d-dispożizzjonijiet tal-artikolu 5 tal-Att għandhom *mutatis mutandis* japplikaw għall-ordni magħmula mill-Qorti Kriminali taħt dan is-subartikolu daqs li kieku kienet ordni magħmula mill-qorti taħt l-istess artikolu 5. L-ordni temporanja ta' iffriżar magħmula taħt is-subartikolu (3) għandha tibqa' fis-seħħ sakemm l-Qorti Kriminali tiegħu deċiżjoni dwar it-talba.

(5) L-akkużat għandu fi żmien tlett ijiem tax-xogħol mid-data ta' meta saret l-ordni taħt is-subartikolu (2) jagħmel talba lill-Qorti Kriminali għar-revoka tal-ordni sakemm dik l-ordni magħmula taħt is-subartikolu (2) tibqa' fis-seħħ sakemm ma tkunx revokata mill-Qorti Kriminali."

Emenda tal-artikolu 23A tal-Kodiċi.

4. Fl-artikolu 23A(1) tal-Kodiċi, minnufih wara l-kliem "F" dan l-artikolu," għandhom jidhlu l-kliem "u fl-artikoli 23B, 23Ċ u 23D".

Żjieda tal-artikolu ġdid 23D tal-Kodiċi.

5. Minnufih wara l-artikolu 23Ċ tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

"23D. (1) Meta l-qorti tagħmel xi ordni kif imsemmi fl-artikoli 23A sa 23Ċ, iż-żewġ artikoli inklużi, hi għandha tordna lir-reġistratur biex jagħmel sħarriġ sabiex jinstabu u jiġi aċċertat fejn ikunu jinsabu xi flejjes jew proprjetà oħra, dovuti jew jappartejnu jew taħt il-kontroll tal-imputat jew il-persuna akkużat jew misjuba hatja, kif ikun il-każ:

Iżda għal finijiet ta' dan is-subartikolu il-kliem "proprjetà" u "rikavat" għandu jkollhom l-istess tifsira mogħtija lilhom rispettivament fl-artikolu 23B(3).

(2) Kull min ijun meħtieġ mir-Reġistratur jipprovdi informazzjoni għall-finijiet tas-subartikolu (1) għandu jaderixxi mat-talba fiż-żmien tletin gurnata mid-data ta' meta riċevuta t-talba bil-posta reġistrata."

Emenda tal-artikolu 119 tal-Kodiċi.

6. L-artikolu 119 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem "interdizzjoni ġenerali perpetwa", għandhom jidhlu l-kliem "jew interdizzjoni ġenerali speċjali, jew it-tnejn, skont kif ikun il-każ,";

(b) minnufih wara il-kliem "interdizzjoni ġenerali temporanja", għandhom jidhlu il-kliem "jew interdizzjoni speċjali temporanja, jew it-tnejn, kif ikun il-każ.".

7. L-artikolu 121 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 121 tal-Kodiċi.

(a) fis-subartikolu (2) tiegħu, il-kliem "artikolu 115." għandhom jiġu sostitwiti bil-kliem "artikolu 115:", u minnufih wara għandu jiżdied dan il-proviso ġdid li ġej:

"Izda il-kelma "ġurat" għandha f'kull każ tinkludi persuna lajka li tkun qed taġixxi bħala membru ta' korp kolleġġjali li jkollu r-responsabbiltà li jiddeċiedi dwar il-ħtija ta' persuna akkużata fil-qafas ta' kawża fi ħdan is-sistema ġudizzjarja ta' stat, minbarra Malta.";

(b) fil-paragrafu (a) tas-subartikolu (4) tiegħu, il-kliem "assemblea domestika" għandhom jiġu sostitwiti bil-kliem "assemblea pubblika domestika ";

(ċ) fil-paragrafu (g) tas-subartikolu (4) tiegħu, il-kliem "f'Malta:" għandhom jiġu sostitwiti bil-kliem "f'Malta:", u minnufih wara, għandu jiżdied dan il-paragrafu ġdid li ġej:

"(h) Kull min:

(i) jiġi mitlub biex jaġixxi bħala arbitru skont d-dispożizzjonijiet tal-Att dwar l-Arbitraġġ, sew jekk l-arbitraġġ ikun domestiku jew internazzjonali;

(ii) minħabba ftehim ta' arbitraġġ jiġi mitlub mill-partijiet għal ftehim biex jagħti deċiżjoni legali vinkolanti f'tilwima preżentata quddiemu; u

(iii) ikun arbitru qed iwettaq l-funzjonijiet tiegħu skont il-liġi nazzjonali ta' xi stat, minbarra Malta:".

8. L-artikolu 188 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 188 tal-Kodiċi.

(a) id-dispożizzjoni preżenti tiegħu għandha tkun enumerata bħala is-subartikolu (1) tiegħu; u

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandu jżdid dan is-subartikolu ġdid li ġej:

"(2) Meta id-dokument imsemmi fis-subartikolu (1) ma jkunx wiehed intiż għal xi awtorità pubblika, il-piena għandha tkun dik ta' prigrunerija li ma tkunx iżjed minn sena jew multa."

Żjieda ta' artikolu ġdid mal-Kodiċi.

9. Minnufih wara l-artikolu 204Ċ tal-Kodiċi, għandu jżdid dan l-artikolu ġdid li ġej:

"204D. Kull min:

(a) iġiegħel persuna ta' taħt l-età biex tipparteċipa f'attivitajiet sesswali ma' xi persuna oħra; jew

(b) xjentement iġiegħel, għal skopijiet sesswali, persuna ta' taħt l-età sabiex tkun preżenti waqt abbuż sesswali jew attivitajiet sesswali, anke jekk dik il-persuna ma tasalx biex tkun imġiegħla tiegħu sehem fl-attivitajiet; jew

(ċ) xjentement iġiegħel, għal skopijiet sesswali, persuna ta' taħt l-età sabiex tipparteċipa f'imġiba esplicitament sesswali vera jew simulata jew wiri ta' organi sesswali, inkluż permezz ta' teknoloġiji ta' informazzjoni u komunikazzjoni; jew

(d) jieħu sehem f'attivitajiet sesswali ma' persuna ta' taħt l-età, f'liema attività ikollha x'taqsam l-prostituzzjoni ta' tfal; jew

(e) xjentement jattendi wirja pornografika li fiha jieħdu sehem xi tfal ta' taħt l-età,

jista', meta jinsab ħati, jeħel il-piena ta' prigrunerija minn tmintax-il xahar sa ħames snin, bir-reklużjoni jew mingħajrha."

Emenda tal-artikolu 208 tal-Kodiċi.

10. Fis-subartikolu (1) tal-artikolu 208 tal-Kodiċi:

(a) il-kliem "mhux iżjed minn sitt xhur" għandhom jiġu sostitwiti bil-kliem "sitt xhur sa tnax-il xahar";

(b) il-kliem "iżjed minn erba' mija u ħamsa u sittin euro u sebgha u tmenin ċenteżmu (465.87)," għandhom jiġu sostitwiti bil-kliem "inqas minn elf euro (1,000) u mhux iżjed minn tlett elef euro (3,000),".

11. L-artikolu 208A tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 208A tal-Kodiċi.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(1) Kull ċittadin jew resident permanenti ta' Malta, sew f'Malta sew barra minn Malta, kif ukoll kull persuna f'Malta, li tagħmel jew tipproduċi jew tippermetti li jiġi magħmul jew prodott xi materjal indeċenti jew tipproduċi, tqassam, ixxerred, timporta, tesporta, toffri, tbiegħ, titrasmetti, tagħmel disponibbli, takkwista għaliha nnifisha jew għal haddieħor, jew turi dak il-materjal indeċenti tista', meta tinsab hatja, tehel il-piena ta' prigunerija minn tmax-il xahar sa hames snin.";

(b) is-subartikolu (1B) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(1B) Kull persuna li takkwista, xjentement takkwista aċċess permezz ta' teknoloġiji ta' informazzjoni u komunikazzjoni għal, jew ikollha fil-pussess tagħha, xi materjal indeċenti li juri, tagħti stampa ta' jew jirrapreżenta xi persuna ta' taħt l-età, tista', meta tinsab hatja, tehel il-piena ta' prigunerija għal żmien ta' mhux iżjed minn tliet snin.".

(ċ) fis-subartikolu (3) tiegħu:

(i) il-kliem "murija fir-ritratt, filmat, *video recording* jew xbieha elettronika," għandhom jiġu sostitwiti bil-kliem "murija, mogħtija stampa jew rappreżentati fil-materjal indeċenti,";

(ii) il-kliem "disa' snin:" għandhom jiġu sostitwiti bil-kliem "disa' snin jew meta l-materjal indeċenti juri, jagħti stampa ta' jew jirrapreżenta persuna ta' taħt l-età involut f'atti ta' bestjalità, brutalità, sadiżmu jew tortura:";

(iii) fil-paragrafu (a) tiegħu, il-kliem "tmintax-il xahar sa seba' snin" għandhom jiġu sostitwiti bil-kliem "sentejn sa disa' snin";

(iv) fil-paragrafu (b) tiegħu, il-kliem "tliet xhur sa tliet snin," għandhom jiġu sostitwiti bil-kliem "sitt xhur sa erba' snin,";

(d) fis-subartikolu (4) tiegħu, il-kliem "ritratt, *film*,

video recording jew xbieha elettronika indeċenti" kull fejn jinstabu għandhom jiġu sostitwiti bil-kliem "materjal indeċenti";

(e) fis-subartikolu (5) tiegħu, il-kliem "f'xi ritratt, *film*, *video recording* jew xbieha elettronika indeċenti bħal dawn" għandhom jiġu sostitwiti bil-kliem "fil-materjal indeċenti";

(f) minnufih wara s-subartikolu (6) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġejj:

"(7) Għal finijiet ta' dan l-artikolu il-kliem "materjal indeċenti" jinkludi ritratti, xbiehat, awdjo, jew *video recordings*, kreati digitalment jew xbiehat elettronici, disinni, *cartoons*, test u rappreżentazzjonijiet simulati jew xbiehat realistiċi ta' persuna ta' taħt l-età, anke jekk dik il-persuna ma teżistix, jew tal-partijiet sesswali ta' tfal għal għanijiet primarjament sesswali."

12. Minnufih wara l-artikolu 208A tal-Kodiċi għandhom jiżdiedu dawn l-artikoli ġodda li ġejjin:

Żjieda tal-artikoli ġodda 208AA, 208AB u 208AĊ mal-Kodiċi.

"Thajjir ta' persuni ta' taħt l-età.

208AA. Kull min, permezz ta' teknoloġiji ta' informazzjoni u komunikazzjoni, jipproponi li jiltaqa' ma persuna ta' taħt l-età bil-ħsieb li jitwettag xi reat taħt l-artikoli 204, 204A sa 204D it-tnejn inklużi, u 208A, jista', meta l-proposta tkun segwita b'atti materjali li jwasslu għal dak il-laqgħa, jista', meta jinsab ħati, jeħel, il-piena ta' priġunerija għal żmien minn tnax-il xahar sa erba' snin.

Riklamar ta' turizmu sesswali.

208AB. Kull min ixxerred xi materjal li jirriklama l-opportunità biex jitwettag xi reat taħt l-artikoli 204, 204A sa 204Ċ, it-tnejn inklużi, 208A(1) u 208A(1A), jew ikun involut fl-organizzazzjoni ta' arrangamenti ta' safar bil-ħsieb li jwettag xi reati msemmija minn dawn, jista', meta jinsab ħati, jeħel il-piena ta' priġunerija għal żmien minn tnax-il xahar sa sentejn.

Ċirkostanzi aggravanti.

208AĊ. (1) Il-piena għar-reati msemmija fl-artikoli 204, 204A sa 204D, it-tnejn inklużi, 208A(1) u 208(1A), għandha tiżdied bi grad jew b'żewġ gradi, f'kull każ minn dawn li ġejjin:

(a) meta r-reat jirriżulta li jagħmel ħsara lis-saħħa fiżika jew mentali tal-persuna ta' taħt l-età;

(b) meta l-persuna ta' taht l-età hija persuna vulnerabbli fi hdan it-tifsira tas-subartikolu (2);

(c) meta r-reat jitwettaq minn zewg persuni jew aktar li jkunu qed jaġixxu flimkien;

(d) f'kull ċirkostanza msemmija fil-paragrafi (a), (b), (c) u (h) tal-artikolu 202;

(e) jekk min jinsab hati jghix ma', jew huwa membru tal-familja tal-vittma;

(f) jekk min jinsab hati kien ga ikkundannat ghal reat taht dan is-sub-titolu.

(2) Ghal finijiet ta' dan l-artikolu persuna vulnerabbli tfisser:

(a) kull persuna ta' taht il-hmistax-il sena; jew

(b) kull persuna li ssofri minn mard fiziku jew mentali; jew

(c) kull persuna oħra li tkun meqjusa mill-qorti li qiegħda partikolarment f'riskju li tiġi mħajjra biex tikkopera ma' min jinsab hati jew li ċċedi ghal volontà ta min jinsab hati meta tiehu kont tal-età, il-maturità, is-saħħa, it-tqala, id-diżabilità, kondizzjonijiet soċjali jew oħrajn tal-persuna, inkluż kull sitwazzjoni ta' dipendenza, kif ukoll l-konsegwenza fizika jew psikoloġika tar-reat fuq dik il-persuna."

13. L-artikolu 208B tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 208B tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, il-kliem "204A sa 204C" għandhom jiġu sostitwiti bil-kliem "204A sa 204D" u il-kliem "208A(1) u (1A)" għandhom jiġu sostitwiti bil-kliem "208A(1), (1A), 208AA u 208AB";

(b) fis-subartikolu (2) tiegħu, il-kliem "jeżerċita l-attivitajiet professjonali" għandhom jiġu sostitwiti bil-kliem "jeżerċità l-attivitajiet";

(c) minnufih wara s-subartikolu (2) tiegħu, għandhom jidhlu dawn is-subartikoli ġodda li ġejjin:

"(2A) Meta l-qorti tagħmel l-ordni taht is-subartikolu (2) dik l-ordni għandha tkun reġistrata fil-fedina penali tal-hati.

(2B) Meta l-persuna misjuba hatja fuq xi reat

msemmi fis-subartikolu (1) tkun soġġetta għal ordni provdut taht is-subartikolu (2) magħmula minn qorti barranija, il-qorti għandha tordna illi l-ordni magħmula mill-qorti barranija għandha tkun effettiva daqs li kieku kienet magħmula mill-qorti taht is-subartikolu (2).".

(d) fil-paragrafu (ċ) tas-subartikolu (5) tiegħu, il-kliem "barra minn Malta." għandhom jiġu sostitwiti bil-kliem "barra minn Malta; jew" u minnufih wara għandu jizdied il-paragrafu ġdid li ġej:

"(d) ir-reat ikun sar kontra xi persuna b'nazzjonalità Maltija jew residenti permanenti f'Malta.".

Emenda tal-artikolu 225 tal-Kodiċi.

14. L-artikolu 225 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) Id-dispożizzjoni prezenti tiegħu għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu u minnufih wara għandu jizdied dan is-subartikolu ġdid li ġej:

"(2) Meta min ikkommetta r-reat ikun kkaġuna l-mewt ta' iżjed minn persuna waħda jew meta flimkien mal-mewt ta' persuna jkun ikkaġuna ukoll offiża fuq il-persuna ta' xi persuna jew persuni oħra il-piena għandha tkun dik ta' priġunerija bejn hames sa għaxar snin.".

Żjieda ta' titolu ġdid u artikolu ġdid 248Bis mal-Kodiċi.

15. Minnufih wara l-artikolu 248 tal-Kodiċi għandu jizdied dan it-titolu u l-artikolu ġdid li ġej:

"DISPOŻIZZJONI ĠENERALI LI TKUN TAPPLIKA GĦAL REATI TAHT IS-SUB-TITOLI I SA V, IT-TNEJN INKLUŽI, U SUB-TITOLU VIII

Dizabilita' fil-kaz ta' reati kontra persuni ta' taht l-eta'.

248 Bis. Id-dispożizzjonijiet tas-subartikolu (2) u (2A) tal-artikolu 208B għandhom japplikaw għal kull persuna misjuba hatja ta' xi reat taht is-Sub-titoli I sa V, it-tnejn inkluži, u Sub-titolu VIII meta r-reat ikun sar kontra xi persuna ta' taht l-età.".

Sostituzzjoni tal-artikolu 248A(1) tal-Kodiċi.

16. Is-subartikolu (1) tal-artikolu 248A tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"248A. (1) Kull min, b'xi wiehed mill-mezzi msemmija fis-subartikolu (2), jittraffika persuna tal-età bil-għan li dik il-persuna tiġi sfruttata:

(a) fil-produzzjoni ta' oġġetti jew fl-għoti ta' servizzi; jew

- (b) fil-jasar jew prattiċi simili għall-jasar; jew
- (ċ) fl-iskjavitu`; jew
- (d) f'attivitajiet assoċjati mal-elemosina; jew
- (e) f'xi attivitajiet oħra illegali mhux speċifikament provduti imkien f'dan is-sub-titolu,

jista', meta jinsab hati, jeħel il-piena ta' prigunerija ta' żmien minn sentejn sa disa' snin."

17. Minnufih wara l-artikolu 248D tal-Kodiċi għandhom jiżdiedu dawn l-artikoli ġodda li ġejjin:

Żjieda tal-artikoli ġodda 248DA u 248DB mal-Kodiċi.

"Li thajjar b'mod impropriu li jingħata l-kunsens għall-adozzjoni ta' persuna ta' taħt l-età għal finijiet ta' sfruttament.

248DA. Kull min, għal finijiet imsemmija fl-artikoli 248A sa 248Ċ, it-tnejn inklużi, jaġixxi bħala intermedjarju għall-adozzjoni ta' persuna ta' taħt l-età iħajjar b'mod impropriu li jingħata l-kunsens ta' xi persuna li l-kunsens tagħha jkun meħtieġ għall-adozzjoni jista', meta jinsab hati, jeħel il-piena stabbilita fl-artikolu 248D.

Xogħol magħmul mit-tfal.

248DB. Kull min, jieħu sehem jew jinvolvi ruħu fix-xogħol magħmul mit-tfal għal kull fini msemmija fl-artikolu 248A jista', meta jinsab hati, jeħel il-piena stabbilita taħt l-artikolu 248D.

Għall-finijiet ta' dan l-artikolu xogħol tat-tfal għandu jinkludi persuna ta' taħt l-età li tkun kostretta biex taħdem b'mod sfurzat jew obbligatorju għal kull fini inkluż ir-reklutaġġ sfurzat jew obbligatorju ta' persuni ta' taħt l-età biex jieħdu sehem f'kunflitt bl-armi."

18. L-artikolu 248E tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 248E tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, il-kliem "trasport jew trasferiment" għandhom jiġu sostitwiti bil-kliem "trasport, bejgħ jew trasferiment";

(b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (a) tiegħu, il-kliem "offiża gravi fuq il-persuna" għandhom jiġu sostitwiti bil-kelma "vjolenza";

(ii) minnufih wara l-paragrafu (ċ) tiegħu għandhom jiżdiedu dawn il-paragrafi ġodda li ġejjin:

"(d) isir minn uffiċċjal jew funzjonarju pubbliku waqt it-twettiq ta' dmirijiet tiegħu; jew

(e) isir kontra xi persuna vulnerabbli fi ħdan it-tifsira tas-subartikolu (2) tal-artikolu 204D; jew

(f) meta l-akkużat ikun xjentement jew b'nuqqas ta' ħsieb ipperikola l-ħajja tal-persuna ttraffikata,".

Żjieda tal-artikolu ġdid 272A mal-Kodiċi.

19. Minnufih wara l-artikolu 272 tal-Kodiċi għandu jiżdied dan l-artikolu ġdid li ġej:

"Piena għal serq b'offiża gravi fuq il-persuna li biha tikkawża l-mewt.

272A. (1) Kull min jinsab ħati ta' serq b'offiża gravi fuq il-persuna li biha tikkawża l-mewt jista' jehel:

(a) jekk l-offiża hija gravi u l-mewt tiġi kkawżata minħabba n-natura jew il-konsegwenzi naturali tal-offiża u mhux għal xi kawża aċċidentali li tinqala' wara,

(i) il-piena ta' prigunerija għal żmien minn tmien snin sa tletin sena, jekk l-mewt tiġi kkawżata fi żmien erbghin ġurnata li jibdedw jgħoddu mill-aħħar nofs il-lejl ta' qabel d-delitt;

(ii) il-piena ta' prigunerija għal żmien minn sitt snin sa ħamsa u għoxrin sena, jekk l-mewt tiġi kkawżata wara l-erbghin ġurnata hawn fuq msemmija, imma qabel sena li tibda tghodd bħalma jingħad hawn fuq.

(b) meta l-mewt tiġi kkawżata minħabba xi kawża aċċidentali li tinqala' wara u mhux biss minħabba n-natura jew il-konsegwenzi naturali tal-offiża, l-akkużat jista', meta jinsab ħati, il-piena ta' prigunerija għal żmien minn ħames snin sa għaxar snin.

(2) Id-dispożizzjonijiet tal-artikolu 220(3) għandhom japplikaw meta l-offiża tkun saret fil-limiti territorjali ta' Malta imma l-mewt tiġikkawżata barra minn dawk il-limiti."

Żjieda ta' titolu ġdid u artikolu ġdid 310C mal-Kodiċi.

20. Minnufih wara l-artikolu 310B tal-Kodiċi għandu jiżdied dan it-titolu u l-artikolu ġodda li ġejjin:

"DISPOŻIZZJONI ĠENERALI LI TKUN TAPPLIKA GĦAL REATI TAHT IS-SUB-TITOLI I, II u III

Diżabilità fil-każ ta' reati kontra persuni ta' taht l-età.

310Ċ. Id-dispożizzjonijiet tas-subartikolu (2) u (2A) tal-artikolu 208B għandhom japplikaw għal kull persuna litinsab haġja ta' xi reat taht is-Sub-titoli I sa III, it-tnejn inklużi, meta jsiru kontra xi persuna ta' taht l-età."

21. Fit-tifsira ta' "mezz letali" fis-subartikolu (4) tal-artikolu 314A tal-Kodiċi, il-kliem "tfisser kull haġja mfassla sabiex" għandhom jiġu sostitwiti l-kliem "tinkludi kull tixrid radioattiv jew mezz li jarmi r-radjazzjoni, u kull haġja oħra mfassla sabiex" u minnufih wara l-kliem "jew materjal radioattiv" għandhom jidhlu l-kliem "jew minhabba l-proprjetajiet radiologiċi tiegħu".

Emenda tal-artikolu 314A tal-Kodiċi.

22. Minnufih wara l-artikolu 314Ċ tal-Kodiċi għandhom jiżdiedu dawn l-artikoli godda li ġejjin:

Zjieda ta' artikoli godda 314ĊA, 314ĊB, 314ĊĊ u 314ĊD mal-Kodiċi.

"Użu ta' materjal radioattiv, mezz letali jew faċilità nukleari mfassla biex jikkawżaw il-mewt eċċ.

314ĊA. Kull min juża b'kwalunkwe mod materjal radioattiv jew mezz letali, jew juża jew jagħmel ħsara lil impjant nukleari b'dak il-mod li johroġ jew ikun hemm riskju li johroġ materjal radioattiv:

(a) bil-ħsieb li tikkawża l-mewt jew offiża serja fuq il-persuna; jew

(b) bil-ħsieb li ssir ħsara serja lill-proprjetà jew lill-ambjent; jew

(ċ) bil-ħsieb li jġieghel persuna naturali jew ġuridika, organizzazzjoni internazzjonali jew Stat jagħmlu jew jonqsu milli jagħmlu xi att,

jista' jehel meta jinsab hati l-piena ta' prigunerija għal żmien minn tmien snin sa tletin sena anke jekk fil-fatt ma tikkawża ebda ħsara fuq xi persuna, proprjetà jew l-ambjent u anke jekk fil-fatt l-ebda persuna naturali jew ġuridika jew organizzazzjoni internazzjonali jew Stat ma tkun giet mġieghla kif imsemmi hawn fuq.

314ĊB.(1) Jekk bħala riżultat tar-reat imsemmi fl-aħħar artikolu qabel dan, xi persuna titlef haġjitha, il-ħati għandu jehel il-piena ta' prigunerija għal għomru.

(2) Jekk bħala riżultat tar-reat imsemmi fl-aħħar artikolu qabel dan, issir offiża gravi fuq il-persuna, il-ħati għandu jehel prigunerija għal żmien ta' minn erba' sa għoxrin sena:

Jekk l-użu ta' materjal radioattiv jew mezz letali jikkawżaw l-mewt jew l-offiża gravi fuq il-persuna eċċ.

Iżda jekk l-offiża gravi fuq il-persuna ssir fuq żewġ persuni jew iżjed il-piena stabbilita fl-aħħar artikolu qabel dan għandha tapplika u ma tinghatax fil-minimu tagħha.

(3) Jekk bħala r-reat imsemmi fl-aħħar artikolu qabel dan :

(a) isir xi tħassir, ħsara jew tgħarriq serju lil jew fuq xi proprjetà mobbli jew immobbli ta' xi persuna jew lil jew fuq l-ambjent;

(b) xi persuna naturali jew ġuridika, organizzazzjoni internazzjonali jew Stat jiġu mgiegħlha jagħml jew jonqsu milli jagħmlu xi haġa,

il-piena hemmmsemmija ma tinghatax fil-minimu tagħha.

(4) Meta r-reat isir fi, jew ikun dirett lejn, post pubbliku, faċilità tal-istat jew tal-gvern, faċilità infrastrutturali jew sistema ta' trasport pubbliku l-piena għar-reat għandha tizzied bi grad.

314ĊĊ.(1) Kull min ikollu pussess illegali ta' materjal radioattiv jew jagħmel jew ikollu pussess ta' mezz letali:

(a) bil-ħsieb li tikkawża l-mewt jew offiża serja fuq il-persuna; jew

(b) bil-ħsieb li ssir ħsara serja lill-proprjetà jew lill-ambjent,

jista' jeħel il-piena stabbilita fl-artikolu 313 miżjuda bi grad jew b'żewġ gradi.

(2) Kull min-

(a) jhedded, taħt ċirkostanzi li juru l-kredibbiltà tat-theddida, li jikkommetti r-reat taħt is-subartikolu (1); jew

(b) bl-użu ta'theddid, taħt l-istess ċirkostanzi imsemmija qabel, jew bl-użu tal-forza, jitlob illegalment u xjentement materjal radioattiv, mezz letali jew faċilità nukleari

jista' jeħel il-piena stabbilita fl-artikolu 313 miżjuda bi grad jew b'żewġ gradi.

(3) Kull min -

(a) jorganizza jew imexxi persuni biex jikkommettu reat taħt is-subartikoli (1) sa (3), it-tnejn inklużi; jew

Pussess illegali ta' materjal radioattiv jew li jiġi magħmul jew ikun hemm pussess ta' mezz letali.

(b) b'xi mod ieħor jikkontribwixxi xjentement sabiex jitwettaq xi wieħed jew iżjed mir-reati taħt is-subartikoli (1) sa (3), it-tnejn inkluzi, minn grupp ta' persuni li jkunu qed jaġixxu bl-istess għan meta dak il-kontribut ikun magħmul bil-għan li titferrex l-attività kriminali ġenerali jew il-ħsieb tal-grupp jew l-għarfien tal-ħsieb tal-grupp sabiex jikkommettu ir-reat jew reati konċernati,

jista' jeħel il-piena għar-reat taħt is-subartikoli (1) sa (3), it-tnejn inkluzi, skont il-każ xi jkun, iżda meta ir-reat kien biss attentat imma mhux ikkunsmat il-piena għandha tkun dik stabbilita għall-attentati.

(4) F'dan l-artikolu u l-artikoli 314ĊA u 314ĊB:

"mezz letali" għandu jkollha l-istess tifsira mogħtija lilha fis-subartikolu (4) tal-artikolu 314A u tinkludi mezz ta' splużjoni nukleari;

"faċilità nukleari" tfisser:

(a) kull reattur nukleari, inkluzi reatturi installati fuq bastimenti, vetturi, inġenji tal-ajru jew oġġetti spazjali biex jintużaw bħala sors ta' enerġija sabiex daww il-bastimenti, vetturi, inġenji tal-ajru jew oġġetti spazjali jimxu jew għal finijiet oħra;

(b) kull impjant jew mezz ta' twassil użati għall-produzzjoni, hażna, proċessar jew trasport ta' materjal radioattiv;

"materjal nukleari" għandu jkollha l-istess tifsira mogħtija lilha fis-subartikolu (4) tal-artikolu 314B;

"materjal radioattiv" tfisser materjal nukleari jew sustanzi radioattivi oħra li jkun fihom nuklidi li jkunu sottoposti għal disintegrazzjoni spontanja (proċess li miegħu hemm emmisjonijiet ta' xi tip wieħed jew iżjed ta' radjazzjoni ionizzanti, bħal partikoli alpha-, beta-, neutron u raġġi gamma) u li jistgħu, minħabba l-proprjetajiet radjoloġiċi jew fissili tagħhom, jikkagunaw il-mewt, offiżi serji fuq il-persuni jew ħsara sostanzjali lill-proprjetà jew lill-ambjent;

"sistema ta' trasport pubbliku" "faċilità tal-istat jew gvern", u "faċilità infrastrutturali" għandu jkollhom l-istess tifsira mogħtija lilhom rispettivament fis-subartikolu (4) tal-artikolu 314A.

Ġurisdizzjoni.

314ĊD. Bla ħsara għad-dispożizzjonijiet tal-artikolu 5, il-qradi ta' Malta għandu jkollhom ġurisdizzjoni ukoll fuq ir-reati fl-artikoli 314A, 314B, 314Ċ, 314ĊA u 314ĊB, meta:

(a) il-ħati ikun ċittadin ta' Malta jew residenti permanenti f'Malta; jew

(b) ir-reat isir kontra ċittadin ta' Malta jew residenti permanenti f'Malta; jew

(ċ) ir-reat isir bħala attentat sabiex Malta tiġi mgjegħlha tagħmel jew tonqos milli tagħmel xi ħaġa; jew

(d) ir-reat isir fuq inġenju tal-ajru li jkun imħaddem mill-Gvern ta' Malta; jew

(e) ir-reat isir kontra Malta jew faċilità tal-gvern ta' Malta barra mill-pajjiż, inkluż kull ambaxxata jew fond diplomatiku jew konsolari ta' Malta."

Emenda tal-artikolu 314D tal-Kodiċi.

23. Fis-subartikolu (3) tal-artikolu 314D tal-Kodiċi fit-tifsira "reat rilevanti" il-kliem "314B u 314Ċ" għandhom jiġu sostitwiti bil-kliem "314B, 314Ċ, 314ĊA u 314ĊĊ".

Emenda tal-artikolu 328 tal-Kodiċi.

24. Fil-proviso tal-artikolu 328 tal-Kodiċi, il-kliem "proprjetà pubblika" għandhom jiġu sostitwiti bil-kliem "proprjetà pubblika, ħlief vettura bil-mutur,".

Emenda tal-artikolu 337B tal-Kodiċi.

25. Fis-subartikolu (1) tal-artikolu 337B tal-Kodiċi, minnufih wara t-tifsira "*computer*" għandu jiżdied dan li ġej:

" "*computer data*" tfisser kull rappreżentazzjoni ta' fatti, tagħrif jew kunċetti f'forma xierqa biex jiġu proċessati f'sistema ta' *computer*, inkluż programm xieraq biex iġieghel sistema ta' *computer* tagħmel funzjoni;"

Emenda tal-artikolu 337Ċ tal-Kodiċi.

26. Is-subartikolu (1) tal-artikolu 337Ċ tal-Kodiċi għandu jiġi emendat kif ġej:

(a) il-paragrafu (e) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(e) tipprevjeni jew tostakola l-funzjonament jew t-tħaddim ta' xi sistema ta' *computer*, *software* jew l-integrità jew affidabilità ta' xi *data*;"

(b) fil-paragrafu (g) tiegħu, minflok il-kliem "tħassar, teqred, tvarja" għandhom jiġu sostitwiti l-kliem "tagħmel ħsara, tħassar, tiddeterjora, trażżan, teqred, tvarja";

(è) fil-paragrafu (j) tiegħu, minflok il-kliem "xi liġi oħra." għandhom jiġu sostiwiti l-kliem "xi liġi oħra;" u minnufih wara għandhom jiżdiedu dawn is-subparagrafiġodda li ġejjin:

"(k) tinterċetta b'mezzi tekniċi, transmissjonijiet ta' *data* mhux pubbliċi, lil, minn jew go sistema ta' *computer*, inkluż emissjonijiet elettromagnetiċi minn sistema ta' *computer* li tkun iġġorr dik id-*data* tal-*computer*;

(l) tipproduċi, tbiegħ, takkwista għal użu, timporta, tqassam, tkun fil-pussess jew xort'oħra tagħmel disponibbli mezz, inkluż program ta' *computer*, ddsinjat jew adattat primarjament bil-għan li jitwettqu xi atti taht il-paragrafi (a) sa (j) hawn fuq."

27. Minnufih wara l-paragrafu (ll) tal-artikolu 338 tal-Kodiċi għandu jiżdied dan il-paragrafu ġdid li ġej:

Emenda tal-artikolu 338 tal-Kodiċi.

"(mm) juża kanuni tal-gass jew xi tagħmir ieħor li jkun jaħdem b'mod manwali jew awtomatiku, biex jipproduċi hsejjes, maħsuba prinċipalment biex jinżammu 'l bogħod minn għelieqi jew pjazez l-annimali:

Iżda f'każ bħal dan, il-Qorti, minbarra l-piena, għandha tordna t-tneħħija tat-tagħmir."

28. Minnufih wara s-subartikolu (4) tal-artikolu 362 tal-Kodiċi għandu jiżdied dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 362 tal-Kodiċi.

"(5) Id-dispożizzjonijiet tas-subartikoli (3) u (4) ta' dan l-artikolu għandhom japplikaw *mutatis mutandis* għan-notifika taċ-ċitazzjoni u ta' kull dokument li jkun magħha kull meta persuna għandha tiġi nnotifikata b'xi ċitazzjoni jew xi dokument ieħor li jkun magħha skont id-dispożizzjonijiet ta' dan il-Kodiċi jew ta' xi liġi oħra."

29. Fil-paragrafu (d) tal-artikolu 374 tal-Kodiċi il-kliem "jekk ma jidhirx il-kwerelant" għandhom jiġu sostitwiti bil-kliem "jekk fl-ewwel seduta ma jidhirx il-kwerelant".

Emenda tal-artikolu 374 tal-Kodiċi.

30. Id-dispożizzjoni preżenti tal-artikolu 435AA tal-Kodiċi għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu u minnufih wara għandhom jidhlu dawn is-subartikoli ġodda li ġejjin:

Emenda tal-artikolu 435AA tal-Kodiċi.

"(2) Meta tinhareg jew ssir applikazzjoni għal ordni ta' sorveljanza, kull min, ikun jaf jew jissuspetta li s-sorveljanza

qeda fis-sehħ jew saret applikazzjoni għaliha, jikkex li dik is-sorveljanza qeda fis-sehħ jew li saret applikazzjoni għaliha jew jiżvela xi haġa li x'aktarx tagħmel ħsara lill-operazzjoni tas-sorveljanza ikun ħati ta' reat u jista' jehel, meta jinsab ħati, multa ta' mhux aktar minn tnax-il elf euro (12,000) jew piena ta' prigunerija għal żmien ta' mhux aktar minn tnax-il xahar, jew għal multa u prigunerija flimkien:

Iżda fil-proċedimenti għal reat taħt dan is-subartikolu, l-akkużat jista' jiddefendi ruħu billi jipprova illi ma kienx jaf jew ssupetta illi l-kxif kien x'aktarx ser jagħmel ħsara lill-operazzjoni ta' sorveljanza.

(3) Għal finijiet ta' dan l-artikolu, "reat rilevanti" tfisser reat, mhux wiehed ta' natura involontarja, li jkun jikkonsisti f'xi għemil jew nuqqas ta' għemil li kieku kellu jsir f'dawn il-gzejjer, jew f'ċirkostanzi korrespondenti, ikun jikkonsisti f'reat sugġett għal piena ta' prigunerija jew ta' detenzjoni għal żmien ta' iktar minn sena."

Emenda tal-artikolu 435BA tal-Kodiċi.

31. L-artikolu 435BA tal-Kodiċi għandu jiġi emendat kif ġej:

(a) id-dispożizzjoni prezenti tiegħu għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) fis-subartikolu (1) tiegħu kif enumerat mill-ġdid, minflok il-kliem "ta' persuna suspettata" għandhom jiġu sostitwiti l-kliem "ta' persuna suspettata b'reat rilevanti fi ħdan it-tifsira tas-subartikolu (3) tal-artikolu 435AA";

(ċ) minnufih wara s-subartikolu (1) tiegħu hekk kif enumerat mill-ġdid għandu jiżdied dan is-subartikolu ġdid li ġej:

"(2) Meta persuna jew awtorità tkun indikata mill-Avukat Ġenerali kif stabbilit taħt l-artikolu 435AA, dik il-persuna jew awtorità għandha tittrasmetti t-tagħrif li jirriżulta mill-operazzjoni ta' sorveljanza lill-Avukat Ġenerali."

Żjieda tal-artikolu ġdid 435BC mal-Kodiċi.

32. Minnufih wara l-artikolu 435BB tal-Kodiċi għandu jiżdied dan l-artikolu ġdid li ġej:

"Konsenja temporanja ta' persuna li tkun qiegħda tinzamm f'kustodja lejn pajjiż barrani fuq talba ta' awtorità estera.

435BĊ.(1) B' mod konformi ma' u skont kull trattat, konvenzjoni, patt jew ftehim li Malta tkun parti fih jew li jkun xort' oħra applikabbli għal Malta, l-Avukat Ġenerali jista', bi qbil mal-Ministru responsabbli għall-Ġustizzja, jagħti l-kunsens tiegħu għall-konsenja temporanja ta' persuna li tkun qiegħda tinzamm f'kustodja għall-fini ta' investigazzjoni li tkun ser issir jew li tkun qiegħda ssir minn xi awtorità ġudizzjarja, prosekuttriċi jew amministrattiva ta' pajjiż barra minn Malta wara talba li ssir minn dik l-awtorità.

(2) Il-persuna konsenjata għandha tinzamm f'kustodja fil-post barra minn Malta lejn fejn hija tkun ġiet konsenjata.

(3) Kull zmien li jingħadda f'kustodja barra minn Malta għandu jitqies li jkun zmien mgħoddi f'kustodja f'Malta."

33. Fis-subartikolu (3) tal-artikolu 525 tal-Kodiċi, minflok il-kliem "ta' l-artikolu 397(5) u " għandhom jiġu sostiwiti l-kliem "tal-artikolu 397, *mutatis mutandis* id-dispożizzjonijiet tas-subartikoli (2) sa (4), it-tnejn inklużi, tal-artikolu 467 u " u minnufih wara l-kliem "ta' ġudikatura kriminali" għandhom jiżdiedu l-kliem "taħt is-subartikolu (1) tal-artikolu 370 jew taħt xi dispożizzjoniet oħra ta' dan il-Kodiċi jew ta' kull liġi oħra."

Emenda tal-artikolu 525 tal-Kodiċi.

34. Fis-subartikolu (3) tal-artikolu 541 tal-Kodiċi, il-kliem "Avukat Ġenerali fi zmien jumejn" għandhom jiġu sostitwiti bil-kliem "Avukat Ġenerali, flimkien mal-atti tal-kawża, fi zmien jumejn".

Emenda tal-artikolu 541 tal-Kodiċi.

35. Minnufih wara s-subartikolu (3) tal-artikolu 550A tal-Kodiċi għandu jiżdied dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 550A tal-Kodiċi.

"(4) Il-maġistrat għandu jikkomunika lill-Avukat Ġenerali dak it-tagħrif dwar l-inkjesta kif ikun mitlub mill-Avukat Ġenerali li barra minn hekk għandu, f'kull ħin, ikollu aċċess għall-atti tal-kawża tal-inkjesta u għal kull dokument u oġġett materjali ieħor esibit tul l-inkjesta inkluż ir-rapporti tal-esperti u d-deposizzjoni tax-xhieda."

36. Minnufih wara s-subartikolu (13) tal-artikolu 649 tal-Kodiċi għandu jiżdied dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 649 tal-Kodiċi.

"(14) Meta l-Avukat Ġenerali jkun għamel dikjarazzjoni kif provdut fis-subartikolu (2), uffiċjali barranin maħtura mill-awtorità barranija jew qorti internazzjonali li jkunu talbu biex

jkunu intitolati li jkunu prezenti għall-eżaminazzjoni tax-xhieda jew meta miżuri ta' investigazzjoni jkunu qieghdin jittiehdu."

TAQSIMA II

Emenda tal-Kodiċi tal-Liġijiet tal-Pulizija. Kap.10.

37. (1) Din it-Taqsima temenda l-Kodiċi tal-Liġijiet tal-Pulizija u għandha tinqara u tiftiehem haġa waħda mal-Kodiċi tal-Liġijiet tal-Pulizija, hawn iżjed 'il quddiem f'din it-Taqsima msejjjah "il-Kodiċi."

(2) Din it-Taqsima għandha tidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista', b'avviż fil-Gazzetta, jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti tagħha.

Żjieda tal-artikoli godda 153 u 154 mal-Kodiċi.

38. Fit-Taqsima VIII tal-Kodiċi, minnufih wara t-titolu "FUQ L-ANNIMALI", għandhom jiżdiedu dawn l-artikoli godda li ġejjin:

"Tifsir.
Kap. 439.

152. Għall-finijiet ta' din it-Taqsima "animal" għandu jkollha l-istess tifsira kif mogħtija lilha fl-artikolu 2 tal-Att dwar it-Trattament Xieraq tal-Annimali.

Prekawzjonijiet.

153. Kull persuna li ssakkar jew iġieghel, jew tippermetti, li xi animal jissakkar f'xi post, għandha tiehu dawk il-prekawzjonijiet meħtieġa skond iċ-ċirkostanzi sabiex ma thallix lil dak l-animal idejjaq lill-ġirien, permezz ta' inbiħ jew tnewwiħ jew xort'oħra."

TAQSIMA III

Emenda tal-Ordinanza dwar ir-Regolament tat-Traffiku. Kap. 65.

39. (1) Din it-Taqsima temenda l-Ordinanza dwar ir-Regolament tat-Traffiku u għandha tinqara u tiftiehem haġa waħda mal-Ordinanza Dwar ir-Regolament tat-Traffiku, hawn iżjed 'il quddiem f'din it-Taqsima msejja "il-liġi prinċipali".

(2) Din it-Taqsima għandha tidhol fis-seħh f'dik id-data li l-Ministru responsabbli għat-trasport jista', b'avviż fil-Gazzetta, jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti.

Sostituzzjoni tal-artikolu 15B tal-liġi prinċipali.

40. L-artikolu 15B tal-liġi prinċipali għandu jiġi sostitwit b'dan li ġej:

"15B. (1) Ebda persuna m'għandha ssuq, tipprova ssuq jew tkun fil-kontroll ta' *motor-car* jew vettura oħra fit-triq jew f'post pubbliku ieħor wara li tkun ikkunsmat tant alkoħol li l-proporzjon tiegħu fin-nifs, fid-demm jew fl-urina jkun iżjed mil-

limitu preskritt.

(2) Il-Ministru responsabbli għall-Pulizija jista' jagħmel regolamenti li jipprovdu sabiex-

(a) jiġu stabbiliti dawk il-proċeduri li għandhom jiġu adottati mill-Pulizija fit-twettiq tat-testijiet tan-nifs;

(b) jiġi stabbilit ix-xorta ta' strument li għandu jintuża fit-testijiet tan-nifs;

(ċ) tiġi stabbilita l-proċedura għat-teħid ta' kampjuni ta' fluwidi tal-ġisem inkluż id-demm;

(d) jiġi stabbilit il-laboratorju għat-teħid ta' kampjuni ta' fluwidi tal-ġisem inkluż id-demm:

Izda l-Ministru responsabbli għall-Pulizija jista', permezz ta' regolamenti magħmula taħt din l-Ordinanza, jemenda, iħassar jew iħassar u jerġa' jagħmel l-iskedi ta' din l-Ordinanza."

41. L-artikolu 15E tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 15E tal-liġi prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "taħt l-artikoli 15A u 15B", għandhom jiġu sostitwiti bil-kliem "taħt l-artikoli 15A u 15B (1)";

(ii) il-paragrafu (a) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(a) tagħti kampjun tan-nifs jew kampjun għall-analiżi permezz tal-istrument approvat, skont ir-regolamenti magħmula taħt din l-Ordinanza, u r-riżultat hekk miksub għandu jkun ammissibbli bħala prova f'kull proċediment għal reat taħt l-artikoli 15A jew 15B(1). Ir-riżultati tal-analiżi għandhom jiġu preżunti bħala korretti sakemm ma jiġix ppruvat il-kuntrarju; jew";

(iii) il-paragrafu (b) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(b) tagħti kampjun jew kampjuni tad-

demm u l-urina għall-analizi tal-laboratorju, li għandhom isiru fil-laboratorju approvat, skont ir-regolamenti magħmula taht din l-Ordinanza, u l-opinjoni tal-analista f'dak il-laboratorju u r-rizultati tal-analizi għandhom ikunu ammissibbli bħala prova f'kull proċediment għal reat taht l-artikoli 15A jew 15B(1). Ir-rizultati tal-analizi għandhom jiġu preżunti bħala korretti sakemm ma jiġix ppruvat il-kuntrarju.";

(b) is-subartikoli (2) u (3) tiegħu għandhom jiġu mħassra;

(ċ) fis-subartikolu (4) tiegħu, il-kliem "Persuna li tirrifjuta jew tonqos milli tagħti kampjun kif maħsub taht dan l-artikolu tkun haġja ta' reat:" għandhom jiġu sostitwiti bil-kliem "Persuna li tirrifjuta jew tonqos milli tagħti kampjun meħtieġ hekk kif stabbilit taht dan l-artikolu jew ir-regolamenti magħmula taht din l-Ordinanza tkun haġja ta' reat u sakemm ma jiġix ppruvat il-kuntrarju, titqies li l-proporzjon ta' alkoħol fid-demm ta' dik il-persuna ikun iżjed mil-limitu preskritt."; u

(d) is-subartikolu (5) tiegħu għandu jiġi mħassar u s-subartikolu (6) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (5) tiegħu.

Emenda tal-artikolu 15F tal-liġi prinċipali.

42. L-artikolu 15F tal-liġi prinċipali għandu jiġi sostitwit b'dan li ġej:

"15F. (1) Persuna mitluba tagħti kampjun tan-nifs jew ta' fluwidu tal-ġisem u li tagħti l-kunsens tagħha għal dik il-proċedura, tista' tinzamm mill-Pulizija sakemm dik il-persuna tagħti l-kampjun neċessarju jew sakemm dik il-persuna ma tkunx iżjed ta' perikolu għaliha nnifisha jew għal haddieħor.

(2) Il-Ministru għandu permezz ta' regolamenti jistabbilixxi, u jista', meta hekk stabbilit, jibdel b'regolamenti, il-proporzjon ta' alkoħol permess fin-nifs."

Emenda tal-artikolu 15H tal-liġi prinċipali.

43. Is-subartikolu (1) tal-artikolu 15H tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, il-kliem "erba' mija u hamsa u sittin euro u sebgha u tmenin ċenteżmu (€465.87)" għandhom jiġu sostitwiti bil-kliem "elf u mitejn euro (€1,200)"; u

(b) fil-paragrafu (b) tiegħu, il-kliem "minn elf u mitejn euro (€1,200) żda mhux iżjed" għandhom jiġu mhassra.

44. L-artikolu 15I tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 15I tal-liġi prinċipali.

(a) t-tifsira "test tan-nifs" fis-subartikolu (1) tiegħu, għandha tiġi sostitwita bit-tifsira li ġejja:

" "test tan-nifs" tfisser test bil-għan li jiġi stabbilit, permezz ta' strument tax-xorta approvata mill-Ministru, jekk il-proporzjon ta' alkoħol fin-nifs ta' persuna huwiex iżjed mill-limitu preskritt b'regolamenti taħt din l-Ordinanza;" u

(b) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(3) Persuna titqies li tat kampjun ta' urina jew nifs biss jekk dak il-kampjun jingħata b'dak il-mod u f'dik il-kwantità u ta' dik il-kwalità li tkun tista' tiġi analizzata kif imiss għall-finijiet tal-artikolu 15E jew għall-finijiet tar-regolamenti magħmula taħt din l-Ordinanza.".

45. Minnufih wara l-artikolu 15I tal-liġi prinċipali, għandhom jiżdiedu dawn l-artikoli godda li ġejjin: Żjieda ta' artikolu ġdid mal-liġi prinċipali.

"Li wieħed jibqa' għaddej jew johroġ fuq dawl ahmar.

15J. Kull persuna li tibqa' għaddejja jew toħroġ fuq dawl ahmar b'*motor-car* jew vettura oħra, tkun hatja ta' reat, u meta tinsab hatja, tista' tehel multa ta' mitejn u ħamsin euro (€250).".

46. L-Ewwel Skeda tal-liġi prinċipali għandha tiġi sostitwita b'dan li ġej: Emenda tal-Ewwel Skeda tal-liġi prinċipali.

"L-EWWEL SKEDA

L-Ewwel Kolonna

It-Tieni Kolonna

Reat

Piena

Sewqan ta' vettura bil-mutur b'*caterpillar tracks*

L-ewwel reat

Multa ta' mhux inqas minn €250 iżda mhux iżjed minn €1,200

Reat sussegwenti

Multa ta' mhux inqas minn €500 iżda mhux iżjed minn €1,200 u konfiska tal-vettura".

Emenda tat-Tieni Skeda tal-ligi prinċipali.

47. Minnufih wara l-aħħar punt tat-Tieni Skeda tal-ligi prinċipali, għandhom jidhlu dawn l-punti godda li ġejjin:

- "Li wiehed isuq ġo karreġgata għal vetturi ta' preċedenza Ammenda ta' €100
- Li wiehed isuq fuq in-naħa tal-lemin mhux biex jaqla Ammenda ta' €100
- Li wiehed isuq motor-car jew vettura oħra waqt li jzomm u, jew juża b'idejh telefon ċellulari jew xi apparat ieħor simili li jinżamm fl-idejn, waqt li l-vettura tkun miexja Ammenda ta' €100
- Li wiehed isuq jew jippermetti li tinsaq vettura bil-mutur meta l-ħġieġ ta' dik il-vettura ma jkunx jippermetti dhul ta' dawl Ammenda ta' €100".

TAQSIMA IV

Emenda tal-Att dwar il-Pulizija. Kap. 164.

48. Din it-Taqsima temenda l-Att dwar il-Pulizija u għandha tinqara u tiftiehem haġa waħda mal-Att dwar il-Pulizija, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-ligi prinċipali".

Emenda tal-artikolu 2 tal-ligi prinċipali.

49. L-artikolu 2 tal-ligi prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira "Pulizija", għandha tidhol din it-tifsira ġdida li ġejja: "Stat Membru li jissekonda" tfisser l-Istat Membru tal-Unjoni Ewropea li jawtorizza l-uffiċjali tiegħu jew uffiċjali oħra biex jippartecipaw f'operazzjonijiet u rondi kongunti mal-Pulizija kif stabbilit taħt is-subartikolu (1) tal-artikolu 117A;"

(b) minnufih wara t-tifsira "Taqsima Affarjiet Intemi", għandha tidhol din it-tifsira ġdida li ġejja:

"Kap. 460. "it-Trattat" għandu jkollha l-istess tifsira mogħtija lill-artikolu 2 tal-Att dwar l-Unjoni Ewropea;"

(c) minnufih wara t-tifsira "Uffiċjal Gazzettjat" għandha tidhol din it-tifsira ġdida li ġejja:

" "uffiċjali sekondati" tfisser uffiċjali jew uffiċjali oħra ta' Stat Membru li jissekonda;"

(d) fit-tifsira "uffiċjal tal-Pulizija", il-kliem "l-Kummissarju." għandhom jiġu sostitwiti bil-kliem "l-Kummissarju;" u minnufih wara għandha tidhol din it-tifsira

għida li ġejja:

" "Unjoni Ewropea" tfisser l-Unjoni Ewropea kif mfissra fit-Trattat."

50. Id-dispożizzjoni preżenti tal-artikolu 108 tal-liġi prinċipali għandha tiġi enumerata mill-ġdid bħala is-subartikolu (1) tagħha u minnufih wara għandu jizdied dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 108 tal-liġi prinċipali.

"(2) Il-Kummissarju jista' wkoll jagħmel ordnijiet permanenti għar-regolamentazzjoni ġenerali ta' uffiċjali sekondati kif mfisser taht l-artikolu 117A."

51. Minnufih wara l-artikolu 117 tal-liġi prinċipali għandhom jizdiedu dawn l-artikoli godda li ġejjin:

Żjeda tal-artikoli godda 117A sa 117E, it-tnejn inklużi, mal-liġi prinċipali.

"Rondi u operazzjonijiet oħra kongunti ma' uffiċjali minn Stati Membri tal-Unjoni Ewropea.

117A.(1) Il-Kummissarju jista' jawtorizza l-awtoritajiet kompetenti ta' Stat Membru tal-Unjoni Ewropea (minn hawn iżjed 'l quddiem msemmija 'Stat Membru li jissekonda') biex isiru f'Malta, flimkien ma' jew taht il-kontroll jew direzzjoni tal-Pulizija, rondi u operazzjonijiet oħra minn uffiċjali jew uffiċjali oħra (minn hawn iżjed 'l quddiem msemmija 'uffiċjali sekondati') ta' dak l-Istat.

(2) Il-Kummissarju jista' wkoll jagħti dik l-awtorizzazzjoni wara talba ta' awtorità kompetenti barranija ta' Stat Membru.

Vestiment jew eżerċizzju ta' funzjonijiet, setgħat jew dmirijiet minn uffiċjali sekondati jew f'uffiċjali sekondati.

117B. Il-Ministru jista', wara konsultazzjoni mal-Kummissarju u bil-kunsens tal-Istat Membru li jissekonda-

(a) jikkonferixxi xi wiehed jew iżjed mill-funzjonijiet, setgħat jew dmirijiet kif inhuma bil-liġi vestiti f'membru tal-Pulizija, lil uffiċjal sekondati li jkun qed jieħu sehem f'operazzjonijiet kongunti jew rondi kongunti mal-Pulizija, jew

(b) jawtorizza uffiċjal sekondati li jkun qed jieħu sehem f'operazzjonijiet kongunti jew rondi kongunti mal-Pulizija, biex jeżerċitaw is-setgħat eżekuttivi tiegħu skont il-liġi tal-Istat Membru li jissekonda:

Izda dawk l-uffiċjali sekondati jistgħu jeżerċitaw biss dik il-funzjoni, setgħa jew dmir mogħtijaw awtorizzata lilhom taht dan l-artikolu taht il-gwida u fil-preżenza tal-Pulizija.

Lbies tal-uniformi nazzjonali u garr ta' armi tan-nar minn uffiċjali sekondati.

117Ċ. (1) Il-Kummissarju jista' jawtorizza uffiċjali sekondati biex jilbsu l-uniformi nazzjonali tagħhom.

(2) Uffiċjali sekondati m'għandhomx ikunu fil-pussess ta' jew jużaw armi tan-nar jew armi jew materjal offensiv ieħor sakemm mhux awtorizzati li jagħmlu dan mill-Kummissarju. Id-disposizzjonijiet tat-Taqsima V ta' dan l-Att għandhom japplikaw *mutatis mutandis* għal uffiċjal sekondati.

Uffiċjali sekondati jitqiesu li jkun uffiċjali pubbliċi.

117D. Kull uffiċjal sekondati li jkun qed jiehu sehem f'xi waħda mill-operazzjonijiet li għalihom hemm riferenza fl-artikolu 117A, għandu, għal għan ta' kull responsabbiltà kriminali li tapplika taht il-Kodiċi Kriminali jew taht kull liġi oħra ta' dak l-uffiċjal, jew ta' haddieħor għal għemil kontra dak l-uffiċjal, jitqies li jkun uffiċjal pubbliku.

Tifsira ta' uffiċjal sekondati.

117E. Għal finijiet tal-artikoli 117A sa 117D, it-tnejn inklużi, "uffiċjali sekondati" għandha tiftiehem bħala li tinkludi uffiċjali ta' korpi mwaqqfa skont it-Trattat."

TAQSIMA V

Emenda tal-Att dwar il-Bastimenti Merkantili. Kap. 234.

52. Din it-Taqsima temenda l-Att dwar il-Bastimenti Merkantili u għandha tinqara u tiftiehem haġa waħda mal-Att dwar il-Bastimenti Merkantili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-liġi prinċipali".

Emenda tal-artikolu 314 tal-liġi prinċipali.

53. Minnufih wara s-subartikolu (4) tal-artikolu 314 tal-liġi prinċipali għandu jiżdied dan is-subartikolu gdid li ġej:

"(5) Minkejja id-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu, l-artikolu 550A(4) tal-Kodiċi Kriminali għandu japplika għall kull investigazzjoni formali magħmula taht din it-Taqsima ta' dan l-Att daqs li kieku il-kliem "l-inkjesta" qed jiġu sostitwiti bil-kliem "l-investigazzjoni formali" u daqs li kieku il-kliem "esperti" qed jiġu sostitwiti bil-kliem "assessuri"."

TAQSIMA VI

Emenda tal-Att dwar l-Estradizzjoni. Kap. 276.

54. Din it-Taqsima temenda l-Att dwar l-Estradizzjoni u għandha tinqara u tiftiehem haġa waħda mal-Att dwar l-Estradizzjoni, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-liġi prinċipali".

Emenda tal-artikolu 22 tal-liġi prinċipali.

55. Minnufih wara s-subartikolu (2) tal-artikolu 22 tal-liġi prinċipali għandhom jiżdiedu dawn l-artikoli godda li ġejjin:

"(2A) Minkejja id-dispożizzjonijiet tas-subartikoli (1) u (2) il-Qorti tista' tirċievi bħala prova fil-proċedimenti taħt jew għal finijiet ta' dan l-Att kull dokument mhux awtentikat skont dawk id-dispożizzjonijiet meta d-dokument ikun awtentikat jew jitqies li jkun awtentikat skont id-dispożizzjonijiet tas-subartikoli (2B) u (2Ċ).

(2B) F'kull proċediment taħt jew għal finijiet ta' dan l-att, dokument mahruġ fil-pajjiż li jagħmel it-talba jista' wkoll jitqiegħed bħala prova f'xi proċedimenti taħt dan l-Att jekk ikun awtentikat kif imiss skont is-subartikolu (2Ċ).

(2Ċ) Dokument jitqies li jkun awtentikat kif imiss jekk (u jekk biss) waħda minn dawn tkun tapplika-

(a) id-dokument ikun juri li hu iffirmit minn imħallef, maġistrat jew ufficċjal tal-pajjiż li jagħmel it-talba; jew

(b) id-dokument ikun juri li hu ċċertifikat, kemm b'sigill jew b'mod ieħor, mill-Ministeru, dipartiment jew awtorità oħra responsabbli għall-gustizzja jew għall-affarijiet barranin tal-pajjiż li jagħmel it-talba; jew

(ċ) id-dokument ikun juri li hu awtentikat bil-gurament, dikjarazzjoni jew affirmazzjoni ta' xhud.

(2D) Kull dokument li jkun ser jintbagħat għax ikollu x'jaqsam ma' proċedimenti taħt dan l-Att , jista' jkun trasmess b'kull metodu assigurat li jkun kapaċi jipproduċi *records* bil-miktub u taħt kondizzjonijiet li jippermettu l-aċċertament tal-awtenticità tiegħu."

56. Minnufih wara l-artikolu 24 tal-liġi prinċipali, għandu jizdied dan l-artikolu ġdid li ġej:

Zjieda ta' artikolu ġdid 24A mal-liġi prinċipali.

"Passaġġ.

24A.(1) Il-Kummissarju tal-Pulizija jista' jawtorizza passaġġ minn Malta ta' persuna li tkun qiegħda tiġi konsenjata lil xi pajjiż la darba tingħata din l-informazzjoni li ġejja:

(a) l-identità u n-nazzjonalità tal-persuna li tkun qiegħda tiġi konsenjata;

(b) l-eżistenza ta' mandat t'arrest u l-konsenja ta' dik il-persuna;

(ċ) in-natura u l-klassifikazzjoni legali tar-reat li għalih jinħareg il-mandat t'arrest u l-konsenja tal-persuna;

(d) id-deskrizzjoni ta' ċirkostanzi tar-reat, inkluż id-data u l-post tar-reat:

Iżda għandu jiġi miċhud passagġ jekk il-persuna li tkun qiegħda tiġi konsenjata tkun cittadin jew residenti permanenti f'Malta u l-konsenja tkun qed issir għal finijiet ta' eżekuzzjoni ta' piena ta' prigunerija jew forma oħra ta' detenzjoni.

(2) L-informazzjoni fis-subartikolu (1) tista' tkun trasmessa lill-Kummissarju tal-Pulizija b'kull mezz li jista' jipproduċi *record* bil-miktub.

(3) Meta t-trasport tal-persuna konsenjata ikun ser isir bl-ajru, ikun meħtieġ biss li l-Kummissarju tal-Pulizija tingħatalu dik l-informazzjoni meħtieġa fis-subartikolu (1) fil-każ li jkun hemm inżul mhux mistenni.

(4) Persuna li tkun għaddejja minn Malta tul il-kors tal-estradizzjoni tagħha jew it-trasferiment tagħha bħala prigunier misjub ħati minn pajjiż għal iehor, għandha tinżamm fil-kustodja tul il-passagġ."

57. Minnufih wara l-artikolu 30 tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

Żjieda tal-artikolu ġdid 30A mal-liġi prinċipali.

"Arrangamenti speċjali għall-estradizzjoni.

30A. (1) Dan l-artikolu japplika, meta l-Ministru jidhirlu li-

(a) ikunu saru jew japplikaw arrangamenti bejn Malta u pajjiż iehor għall-estradizzjoni tal-persuna lejn dak il-pajjiż; u

(b) il-pajjiż mhux pajjiż tal-*Commonwealth* speċifikat jew pajjiż barrani speċifikat.

(2) Il-Ministru jista' jiċċertifika illi l-kondizzjonijiet fil-paragrafi (a) u (b) tas-subartikolu (1) huma sodisfatti fir-rigward tal-estradizzjoni ta' dik il-persuna.

(3) Jekk l-Ministru joħroġ ċertifikat taht is-subartikolu (2), l-Att ikun japplika fir-rigward tal-estradizzjoni ta' dik il-persuna lejn pajjiż iehor daqs li kieku dak il-pajjiż kien pajjiż barrani speċifikat.

(4) Kif applikat bis-subartikolu (3), dan l-Att għandu effett ma' kull modifikazzjoni oħra speċifikati fiċ-ċertifikat.

(5) Iċ-ċertifikat taht is-subartikolu (2) rigward persuna li jkun prova konklużiva illi l-kondizzjonijiet fil-paragrafi (a) u (b) tas-subartikolu (1) huma sodisfatti fir-rigward tal-estradiżżjoni ta' dik il-persuna."

TAQSIMA VII

58. (1) Din it-Taqsima temenda l-Att kontra *Money Laundering* u għandha tinqara u tiftiehem haġa waħda mal-Att kontra *Money Laundering*, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-liġi prinċipali".

Emenda tal-Att
kontra *Money
Laundering*.
Kap. 373.

59. Fit-tifsira "*money laundering*" fl-artikolu 2 tal-liġi prinċipali:

Emenda tal-
artikolu 2 tal-
liġi prinċipali.

(a) fis-subparagrafu (iv) tiegħu, il-kliem "wieħed ikun jaf" għandhom jiġu sostitwiti bil-kliem "wieħed ikun jaf jew jissuspetta";

(b) fil-paragrafu (a) tas-subartikolu (2) tiegħu, minflok il-kliem "attività kriminali sottostanti" għandhom jiġu sostitwiti l-kliem "attività kriminali u mingħajr il-htieġa li jiġi stabbilit b' mod preċiż liema hija l-attività sottostanti,".

60. Minnufih wara l-artikolu 4A tal-liġi prinċipali għandu jiżdid dan l-artikolu ġdid li ġej:

Żjieda ta'
artikolu ġdid
mal-liġi
prinċipali.

"4B. (1) Meta, wara informazzjoni li tasallu, l-Avukat Ġenerali jkollu raġunijiet biżżejjed biex jissuspetta li persuna (hawnhekk iżjed 'il quddiem imsejja "il-persuna suspettata") hija haġa tar-reat imsemmi fl-artikolu 3, huwa jista' jitlob lill-Qorti Kriminali għal ordni (hawnhekk iżjed 'il quddiem imsejja "ordni ta' sorveljanza") biex jitlob bank jissorvelja għal żmien speċifikat it-transazzjonijiet u l-operazzjonijiet bankarji li jiġu mwettqa f'kont wieħed jew iżjed f'isem il-persuna suspettata, jew f'kont wieħed jew iżjed suspettati li ntużaw għat-twettiq tar-reat jew li jistgħu jipprovdu informazzjoni dwar ir-reat jew iċ-ċirkostanzi tiegħu, sew qabel, waqt jew wara t-twettiq tar-reat, inkluż kull kont f'isem persuni ġudizzjarji. Il-bank għandu, fuq talba tal-Avukat Ġenerali, jikkomunika lill-persuna jew awtorità indikata mill-Avukat Ġenerali l-informazzjoni li tirriżulta mis-sorveljanza u, la darba l-informazzjoni tkun miġbura, il-persuna jew l-awtorità li tircievi l-informazzjoni għandha titrasmetti dik l-informazzjoni lill-Avukat Ġenerali.

(2) Meta tkun saret jew tkun intalbet ordni ta' sorveljanza, kull min, meta jkun jaf jew ikollu suspett li tkun

qed issir l-investigazzjoni, jikxef illi qiegħda issir investigazzjoni jew jikxef xi haġa oħra li tista' tippregudika l-imsemmija investigazzjoni jkun ħati ta' reat u jista' jehel, meta jinsab ħati, multa ta' mhux iżjed minn ħdax-il elf u sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87) jew prigunerija għal mhux iżjed minn tnax-il xahar, jew dik il-multa u prigunerija flimkien:

Iżda fi proċedimenti għal reat taħt dan is-subartikolu, l-akkużat ikun jista' jiddefendi ruħu billi jipprova illi huwa ma kienx jaf jew jissuspetta li l-kxif seta' x'aktarx jippreġudika l-investigazzjoni."

Zjieda tal-artikolu ġdid mal-liġi prinċipali.

61. Minnufih wara l-artikolu 9 tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

"9A. Meta t-talba msemmija fl-artikolu preċedenti tkun magħmula bil-għan ta' sorveljanza tat-transazzjonijiet jew operazzjonijiet bankarji li jkunu qed jitwettqu minn kont wieħed jew iżjed tal-persuna suspettata, l-Avukat Ġenerali jista' jitlob lill-Qorti Kriminali għal ordni ta' sorveljanza u d-dispożizzjonijiet tal-artikolu 4B għandhom japplikaw *mutatis mutandis*."

Zjieda ta' artikolu ġdid mal-liġi prinċipali.

62. Minnufih wara l-artikolu 30A tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

"30B. (1) Meta l-Korp jirċievi rapport li hemm riferenza għalih fl-artikolu 16(1)(a) jew meta minn informazzjoni li jkollu fil-pussess tiegħu, il-Korp jissuspetta illi xi persuna sugġetta tkun intużat għal xi transazzjoni li tkun suspettata li tinvolvi *money laundering* jew finanzjar ta' terroriżmu jew li proprjetà tkun qiegħda fil-pussess ta' persuna sugġetta tkun inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta', attività kriminali jew minn att jew atti ta' partecipazzjoni f'attività kriminali, il-Korp jista' jitlob lill-persuna sugġetta biex tissorvelja għal żmien speċifikat it-transazzjonijiet u l-operazzjonijiet bankarji mwettqa f'kont wieħed jew iżjed f'isem il-persuna suspettata tal-imsemmija reati, jew mwettqa f'kont wieħed jew iżjed suspettati li ntużaw fit-twettiq ta' xi wieħed mill-imsemmi reati jew li jistgħu jipprovdu informazzjoni dwar ir-reat jew iċ-ċirkostanzi tiegħu, sew qabel, waqt jew wara t-twettiq tar-reat, inkluż kull kont f'isem persuni ġudizzjarji. Il-persuna sugġetta għandha tikkomunika lill-Korp l-informazzjoni li tirriżulta mis-sorveljanza u l-Korp ikun jista' juża dik l-informazzjoni għal finijiet tat-twettiq tal-analiżi tiegħu u r-rappurtar tal-funzjonijiet

taħt dan l-Att.

(2) Meta tkun saret jew tkun intalbet ordni ta' sorveljanza, kull min, meta jkun jaf jew ikollu suspett li tkun qed issir l-investigazzjoni, jikxef illi qieghda issir investigazzjoni jew jikxef xi haġa oħra li tista' tippreġudika l-imsemmija investigazzjoni ikun ħati ta' reat u jista' jeħel, meta jinsab ħati, multa ta' mhux iżjed minn ħdax-il elf u sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87) jew priġunerija għal mhux iżjed minn tnax-il xahar, jew dik il-multa u priġunerija flimkien:

Izda fi proċedimenti għal reat taħt dan is-subartikolu, l-akkuzat ikun jista' jiddefendi ruħu billi jipprova illi huwa ma kienx jaf jew jissuspetta li l-kxif seta' x'aktarx jippreġudika l-investigazzjoni."

(3) Id-dispożizzjonijiet tal-artikolu 30(2) għandhom japplikaw *mutatis mutandis* meta xi informazzjoni tkun mitluba mill-Korp taħt dan l-artikolu."

TAQSIMA VIII

63. (1) Din it-Taqsima temenda l-Att dwar l-Armi u għandha tinqara u tiftiehem haġa waħda mal-Att dwar l-Armi, hawn iżjed 'il quddiem f'din it-Taqsima msejha "l-Att prinċipali".

Emenda tal-Att
dwar l-Armi.
Kap. 480.

(2) Din it-Taqsima għandha tidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-Pulizija jista', b'avviż fil-Gazzetta, jistabilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

64. Minnufih wara s-subartikolu (2) tal-artikolu 24 tal-Att prinċipali għandu jizdied dan il-proviso ġdid li ġej:

Emenda tal-
artikolu 24 tal-
Att prinċipali.

"Izda meta persuna tkun instabet ħatja ta' reat msemmi fis-subartikolu (1), meta l-Qorti tqis xieraq li tagħti l-piena għal dak ir-reat mingħajr ma timponi skwalifika tal-liċenza, dik il-liċenza għandha tiġġedded."

65. Minnufih wara l-artikolu 55 tal-Att prinċipali, għandu jizdied l-artikolu ġdid li ġej:

Żjieda ta'
artikolu ġdid
mal-Att
prinċipali.

"Gugarelli
forma ta' armi.

55A. (1) Ebda persuna m'għandha tbiegħ jew toffri għall-bejgħ gugarelli forma ta' armi tan-nar, armi regolari, munizzjon jew ponnijiet tal-ħadid.

(2) Kull min jikser id-disposizzjonijiet tas-subartikolu (1), jista', meta jinstab hati jehel, multa ta' mhux inqas minn hamsa u ghoxrin euro (€25) u mhux zjed minn erba' mija u hamsin euro (€450).

(3) Id-dispożizzjonijiet tal-artikolu 61 u 64 m'għandhomx japplikaw għar-reati taħt dan l-artikolu."

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 237 tal-15 ta' Ġunju, 2010.

MICHAEL FRENDU
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

22nd June, 2010

ACT No. VII of 2010

AN ACT further to amend various laws related to criminal matters.

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 Various Laws (Criminal Matters) (Amendment) Act, 2010. Short title.

PART I

2. (1) This Part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter in this part referred to as "the Code". Amendment of the Criminal Code. Cap. 9.

(2) This Part shall come into force on such date as the Minister responsible for justice may, by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes thereof.

Amendment of article 23A of the Code.

3. Immediately after subarticle (2) of article 23A of the Code, there shall be inserted the following new subarticles:

"(3) Where the court does not proceed forthwith to make an order as required under subarticle (2) the court shall forthwith make a temporary freezing order having the same effect as an order made under article 5 of the Act which temporary order shall remain in force until such time as the court makes the order required by the said subarticle.

(4) Where for any reason whatsoever the court denies a request made by the prosecution for an order under subarticle (2) the Attorney General may, within three working days from the date of the court's decision, apply to the Criminal Court to make the required order and the provisions of article 5 of the Act shall apply *mutatis mutandis* to the order made by the Criminal Court under this subarticle as if were an order made by the court under the same article 5. The temporary freezing order made under subarticle (3) shall remain in force until the Criminal Court determines the application.

(5) The person charged may within three working days from the date of the making of the order under subarticle (2) apply to the Criminal Court for the revocation of the order provided that the order made under subarticle (2) shall remain in force unless revoked by the Criminal Court."

Amendment of article 23A of the Code.

4. In article 23A(1) of the Code, immediately after the words "In this article," there shall be added the words "and in articles 23B, 23C and 23D".

Addition of new article 23D to the Code.

5. Immediately after article 23C of the Code there shall be added the following new article:

"23D. (1) Where the court makes any order as is mentioned in articles 23A to 23C, both articles inclusive, it shall order the registrar to conduct inquiries to trace and ascertain the whereabouts of any moneys or other property, due or pertaining to or under the control of the person charged or accused or convicted, as the case may be:

Provided that for the purposes of this subarticle "property" and "proceeds" shall have the meaning assigned to them respectively by article 23B(3).

(2) Whosoever is required by the Registrar to provide information for the purpose of subarticle (1) shall comply with the demand within thirty days from the day of receipt of the

demand by registered post."

6. Article 119 of the Code shall be amended as follows:

Amendment of
article 119 of
the Code.

(a) after the words "perpetual general interdiction", there shall be inserted the words "or perpetual special interdiction, or both, as the case may be,";

(b) after the words "temporary general interdiction" there shall be inserted the words "or temporary special interdiction, or both, as the case may be,".

7. Article 121 of the Code shall be amended as follows:

Amendment of
article 121 of
the Code.

(a) in subarticle (2) thereof, for the words "article 115." there shall be substituted the words "article 115:", and immediately thereafter there shall be inserted the following new proviso:

"Provided that the term "juror" shall in any case include a lay person acting as a member of a collegial body which has the responsibility of deciding on the guilt of an accused person in the framework of a trial within the judicial system of a state other than Malta.";

(b) in paragraph (a) of subarticle (4) thereof, for the words "domestic assembly" there shall be substituted the words "domestic public assembly";

(c) in paragraph (g) of subarticle (4) thereof, for the words "in Malta:" there shall be substituted the words "in Malta;", and immediately thereafter, there shall be added the following new paragraph (h):

"(h) any person:

(i) called upon to act as arbitrator in accordance with the provisions of the Arbitration Act, whether such arbitration is domestic or international;

(ii) who by virtue of an arbitration agreement is called upon to render a legally binding decision in a dispute submitted to such person by the parties to the agreement; and

(iii) who is an arbitrator exercising his functions under the national legislation of any

state other than Malta:".

Amendment of article 188 of the Code.

8. Article 188 of the Code shall be amended as follows:

(a) the present provision thereof shall be renumbered as subarticle (1) thereof; and

(b) immediately after subarticle (1) thereof as renumbered there shall be inserted the following new subarticle:

"(2) Where the document referred to in subarticle (1) is not one intended for any public authority the punishment shall be that of imprisonment not exceeding one year or a fine (*multa*)."

Addition of new article to the Code.

9. Immediately after article 204C of the Code, there shall be added the following new article:

"204D. Whosoever:

(a) compels a person under age to perform sexual activities with another person, or

(b) knowingly causes, for sexual purposes, a person under age to witness sexual abuse or sexual activities, even without causing the said person to participate in the activities, or

(c) knowingly causes, for sexual purposes, a person under age to participate in real or simulated sexually explicit conduct or exhibition of sexual organs, including through information and communication technologies, or

(d) participates in sexual activities with a person under age, where recourse is made to child prostitution, or

(e) knowingly attends a pornographic performance involving the participation of a person under age,

shall, on conviction, be liable to imprisonment for a term from eighteen months to five years, with or without solitary confinement."

Amendment of article 208 of the Code.

10. In subarticle (1) of article 208 of the Code:

(a) for the words "not exceeding six months" there shall be substituted the words "from six to twelve months";

(b) for the words "not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87)," there shall be substituted the words "of not less than one thousand euro (1,000) and not more than three thousand euro (3,000),".

11. Article 208A of the Code shall be amended as follows:

Amendment of
article 208A of
the Code.

(a) for subarticle (1) thereof there shall be substituted the following:

"(1) Any citizen or permanent resident of Malta whether in Malta or outside Malta, as well as any person in Malta, who makes or produces or permits to be made or produced any indecent material or produces, distributes, disseminates, imports, exports, offers, sells, transmits, makes available, procures for oneself or for another, or shows such indecent material shall, on conviction, be liable imprisonment for a term from twelve months to five years.";

(b) subarticle (1B) thereof shall be substituted by the following:

"(1B) Any person who acquires, knowingly obtains access through information and communication technologies to, or is in possession of, any indecent material which shows, depicts or represents a person under age, shall, on conviction, be liable to imprisonment for a term from not exceeding three years.".

(c) in subarticle (3) thereof:

(i) for the words "shown in the photograph, film, video recording or electronic image," there shall be substituted the words "shown, depicted or represented in the indecent material,";

(ii) for the words "nine years:" there shall be substituted the words "nine years or where the indecent material shows, depicts or represents a minor involved in acts of bestiality, brutality, sadism or torture:";

(iii) in paragraph (a) thereof, for the words "eighteen months to seven years" there shall be substituted the words "two to nine years";

(iv) in paragraph (b) thereof for the words "three months to three years," there shall be substituted the words

"six months to four years,";

(d) in subarticle (4) thereof, for the words "indecent photograph, film, video recording or electronic image" wherever they occur there shall be substituted the words "indecent material";

(e) in subarticle (5) thereof, for the words "such indecent photograph, film, video recording or electronic image" there shall be substituted the words "the indecent material";

(f) immediately after subarticle (6) thereof there shall be added the following new subarticle:

"(7) For the purposes of this article the expression "indecent material" includes photographs, images, audio or video recordings, digitally created or electronic images, drawings, cartoons, text and simulated representations or realistic images of a minor, even if the minor is non-existent, or of the sexual parts of a child for primarily sexual purposes."

Addition of new articles 208AA, 208AB and 208AC to the Code.

12. Immediately after article 208A of the Code there shall be added the following new articles:

"Solicitation of person under age.

208AA. Whosoever, by means of information and communication technologies, proposes to meet a person under age for the purpose of committing any of the offences in articles 204, 204A to 204D, both inclusive, and 208A, shall, where the proposal is followed by material acts leading to such a meeting, be liable on conviction to imprisonment for a term from twelve months to four years.

Advertisement of sexual tourism.

208AB. Whosoever disseminates any materials advertising the opportunity to commit any of the offences under articles 204, 204A to 204C, both inclusive, 208A(1) and 208A(1A), or is involved in the organization of travel arrangements with the purpose of committing any of the said offences, shall, on conviction, be liable to imprisonment for a term from twelve months to two years.

Aggravating circumstances.

208AC. (1) The punishment for the offences referred to in articles 204, 204A to 204D, both inclusive, 208A (1) and 208(1A), shall be increased by one to two degrees in each of the following cases:

(a) where the offence results in harm to the physical or mental health of the person under age;

(b) where the person under age is a vulnerable person within the meaning of subarticle (2);

(c) where the offence is committed by two or more persons acting together;

(d) in any of the circumstances described in paragraphs (a), (b), (c) and (h) of article 202;

(e) if the offender lives with or is a member of the victim's family;

(f) if the offender has been previously convicted of an offence under this sub-title.

(2) For the purposes of this article a vulnerable person means:

(a) any person under the age of fifteen years; or

(b) any person suffering from a physical or mental infirmity; or

(c) any other person considered by the court to be particularly at risk of being induced into cooperating with the offender or into surrendering to the offender's will when taking into account the person's age, maturity, health, pregnancy, disability, social or other conditions including any situation of dependence, as well as the physical or psychological consequence of the offence on that person."

13. Article 208B of the Code shall be amended as follows:

Amendment of
article 208B of
the Code.

(a) in subarticle (1) thereof, for the words "204A to 204C" there shall be substituted the words "204A to 204D" and for the words "208A(1) and (1A)" there shall be substituted the words "208A(1), (1A), 208AA and 208AB";

(b) in subarticle (2) thereof, for the words "exercising professional activities" there shall be substituted the words "exercising activities";

(c) immediately after subarticle (2) thereof, there shall be inserted the following new subarticles:

"(2A) Where the court makes an order under subarticle (2) such order shall be registered in any criminal record of the offender.

(2B) Where the person convicted of any of the offences mentioned in subarticle (1) is the subject of an order as that provided for by subarticle (2) made by a foreign court the court shall order that effect shall be given to the order made by the foreign court as if it were an order made by the court under subarticle (2)."

(d) in paragraph (c) of subarticle (5) thereof, for the words "outside Malta." there shall be substituted the words "outside Malta; or" and immediately thereafter there shall be inserted the following new paragraph:

"(d) the offence was committed against a Maltese national or permanent resident in Malta."

Amendment of article 225 of the Code.

14. Article 225 of the Code shall be amended as follows:

(a) The present provision thereof shall be renumbered as subarticle (1) thereof and immediately thereafter there shall be inserted the following new subarticle:

"(2) Where the offender has caused the death of more than one person or where in addition to causing the death of a person the offender has also caused bodily harm to another person or other persons the punishment shall be that of imprisonment of a term from five to ten years."

Addition of new heading and new article 248Bis to the Code.

15. Immediately after article 248 of the Code there shall be inserted the following new heading and new article:

**"GENERAL PROVISION APPLICABLE TO OFFENCES
UNDER SUB-TITLES I TO V, BOTH INCLUSIVE,
AND SUB-TITLE VIII**

Disability in case of offences against persons under age.

248 Bis. The provisions of subarticles (2) and (2A) of article 208B shall apply to any person found guilty of any offence under Sub-titles I to V, both inclusive, and Sub-title VIII when committed against a person under age."

Substitution of article 248A(1) of the Code.

16. For subarticle (1) of article 248A of the Code there shall be substituted the following:

"248 A. (1) Whosoever, by any means mentioned in subarticle (2), traffics a person of age for the purpose of

exploiting that person in:

- (a) the production of goods or provision of services; or
- (b) slavery or practices similar to slavery; or
- (c) servitude; or
- (d) activities associated with begging; or
- (e) any other unlawful activities not specifically provided for elsewhere under this sub-title,

shall, on conviction, be liable to the punishment of imprisonment for a term from two to nine years."

17. Immediately after article 248D of the Code there shall be inserted the following new articles:

Addition of new articles 248DA and 284DB to the Code.

"Improperly inducing consent to adoption of a minor for purposes of exploitation.

248DA. Whosoever, for any purpose referred to in articles 248A to 248C, both inclusive, acting as an intermediary for the adoption of a child improperly induces the consent of any person whose consent is required for the adoption shall on conviction be liable to the punishment laid down in article 248D.

Child labour.

248DB. Whosoever shall practice or engage in child labour for any of the purposes mentioned in article 248A shall, on conviction, be liable to the punishment established under article 248D.

For the purposes of this article child labour shall include the coercion of a person under age into forced or compulsory labour for any purpose whatsoever including the forced or compulsory recruitment of minors to take part in armed conflict."

18. Article 248E of the Code shall be amended as follows:

Amendment of article 248E of the Code.

(a) in subarticle (1) thereof, for the words "transportation or transfer" there shall be substituted the words "transportation, sale or transfer";

(b) subarticle (2) thereof shall be amended as follows:

(i) in paragraph (a) thereof, for the words "by grievous bodily harm" there shall be substituted the words "by violence";

(ii) immediately after paragraph (c) thereof there

shall be inserted the following new paragraphs:

"(d) is committed by a public officer or servant in the course of the exercise of his duties; or

(e) is committed against a vulnerable person within the meaning of subarticle (2) of article 204D; or

(f) when the offender willfully or recklessly endangered the life of the person trafficked,".

Addition of new article 272A to the Code.

19. Immediately after article 272 of the Code there shall be inserted the following new article:

"Punishment for theft accompanied with grievous bodily harm from which death ensues.

272A. (1) Whosoever shall be guilty of theft accompanied with grievous bodily harm from which death ensues shall be liable:

(a) if the harm is grievous and death ensues as a result of the nature or the natural consequences of the harm and not of any supervening accidental cause,:-

(i) to imprisonment for a term from eight to thirty years, if death shall ensue within forty days to be reckoned from the midnight immediately preceding the crime;

(ii) to imprisonment for a term from six to twenty five years, if death shall ensue after the said forty days, but within one year to be reckoned as above.

(b) if death shall ensue as a result of a supervening accidental cause and not solely as a result of the nature or the natural consequences of the harm, the offender shall, on conviction, be liable to imprisonment for a term from five to ten years.

(2) The provisions of article 220(3) shall apply where the harm is caused within the territorial limits of Malta but death occurs outside those limits.".

Addition of new heading and new article 310C to the Code.

20. Immediately after article 310B of the Code there shall be inserted the following heading and new article:

"GENERAL PROVISION APPLICABLE TO OFFENCES

UNDER SUB-TITLES I, II and III

Disability in case of offences against minors.

310C. The provisions of subarticles (2) and (2A) of article 208B shall apply to any person found guilty of any offence under Subtitles I to III, both inclusive, when committed against a person under age."

21. In the definition of "lethal device" in subarticle (4) of article 314A of the Code, for the words "includes any thing that is designed" there shall be substituted the words "includes any radioactive dispersal or radiation-emitting device, and any other thing, that is designed" and immediately after the words "or radioactive material" there shall be inserted the words "or owing to its radiological properties".

Amendment of article 314A of the Code.

22. Immediately after article 314C of the Code there shall be inserted the following new articles:

Addition of new articles 314CA, 314CB, 314CC and 314CD to the Code.

"Use of radioactive material, lethal device or nuclear facility with intent to cause death etc.

314CA. Whosoever uses in any way radioactive material or a lethal device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

(a) with the intent to cause death or serious bodily injury; or

(b) with the intent to cause serious damage to property or to the environment; or

(c) with the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act,

shall on conviction be liable to imprisonment for a term from eight to thirty years even though no injury to any person, property or the environment has actually been caused and even if no natural or legal person or any international organization or any State has been compelled as aforesaid.

Where death or grievous bodily harm etc. is caused by use of radioactive material or lethal device.

314CB.(1) If as a result of the offence referred to in the last preceding article, any person shall perish, the offender shall be liable to the punishment of imprisonment for life.

(2) If as a result of the offence referred to in the last preceding article, a grievous bodily harm is caused to any person, the offender shall be liable to imprisonment for a term from four to twenty years:

Provided that if a grievous bodily harm is caused to two or more persons the punishment laid down in the last preceding article shall apply and shall not be awarded in its minimum.

(3) If as a result of the offence referred to in the last preceding article:

(a) any serious spoil, damage or injury to or upon any movable or immovable property belonging to any person or to or upon the environment is caused;

(b) a natural or legal person or an international organization or a State is compelled to do or to refrain from doing an act; the punishment therein mentioned shall not be awarded in its minimum.

(4) Where the offence takes place in, or is directed at, a public place, a state or government facility, an infrastructural facility or a public transportation system the punishment for the offence shall be increased by one degree.

Unlawful possession of radioactive material or making or possession of a lethal device.

314CC.(1) Whosoever unlawfully possesses radioactive material or makes or possesses a lethal device:

(a) with the intent to cause death or serious bodily injury; or

(b) with the intent to cause serious damage to property or to the environment shall be liable to the punishment laid down in article 313 increased by one or two degrees.

(2) Whosoever –

(a) threatens, under circumstances which indicate the credibility of the threat, to commit the offence under subarticle (1); or

(b) by the use of threats, under the same circumstances aforesaid, or by the use of force, unlawfully and knowingly demands radioactive material, a lethal device or a nuclear facility

shall be liable to the punishment laid down in article 313 increased by one or two degrees.

(3) Whosoever –

(a) organizes or directs others to commit an offence under subarticles (1) to (3), both inclusive; or

(b) in any other way knowingly contributes to the commission of one or more of the offences under subarticles (1) to (3), both inclusive, by a group of persons acting with a common purpose when such contribution is made with the aim of furthering the general criminal activity or purpose of the group or in the knowledge of the intention of the group to commit the offence or offences concerned,

shall be liable to the punishment laid down for the offence under subarticles (1) to (3), both inclusive, as the case may be, provided that where that offence has only been attempted but not completed the punishment shall be that laid down for the attempted offence.

(4) In this article and in articles 314CA and 314CB:

"lethal device" has the same meaning assigned to it by subarticle (4) of article 314A and includes a nuclear explosive device;

"nuclear facility" means:

(a) any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

(b) any plant or conveyance being used for the production, storage, processing or transport of radioactive material;

"nuclear material" shall have the same meaning assigned to it by subarticle (4) of article 314B;

"radioactive material" means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

"public transportation system" "state or government facility", and "infrastructure facility" shall have the same meaning assigned to them respectively by subarticle (4) of article 314A.

Jurisdiction.

314CD. Without prejudice to the provisions of article 5, the Maltese courts shall also have jurisdiction over the offences in articles 314A, 314B, 314C, 314CA and 314CB, where:

(a) the offender is a Maltese national or permanent resident in Malta; or

(b) the offence is committed against a Maltese national or permanent resident in Malta; or

(c) the offence is committed in an attempt to compel Malta to do or to abstain from doing an act; or

(d) the offence is committed on board an aircraft which is operated by the Government of Malta; or

(e) the offence is committed against Malta or a government facility of Malta abroad, including an embassy or other diplomatic or consular premises of Malta."

Amendment of article 314D of the Code.

23. In subarticle (3) of article 314D of the Code, in the definition of "relevant offence" for the words "314B and 314C" there shall be substituted the words "314B, 314C, 314CA and 314CC".

Amendment of article 328 of the Code.

24. In the proviso to article 328 of the Code, for the words "public property" there shall be substituted the words "public property, other than a motor vehicle,".

Amendment of article 337B of the Code.

25. In subarticle (1) of article 337B of the Code, immediately after the definition of "computer" there shall be inserted the following:

" "computer data" means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function;"

Amendment of article 337C of the Code.

26. Subarticle (1) of article 337C of the Code shall be amended as follows:

(a) paragraph (e) thereof shall be substituted by the following:

"(e) hinders or impairs the functioning or operation of a computer system, software or the integrity or reliability of any data;"

(b) in paragraph (g) thereof, for the words "erases,

destroys, varies" there shall be substituted the words "damages, deletes, deteriorates, suppresses, destroys, varies";

(c) in paragraph (j) thereof, for the words "other law." there shall be substituted the words "other law;" and immediately thereafter there shall be added the following new sub-paragraphs:

"(k) intercepts by technical means, non-public transmissions of data, to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data;

(l) produces, sells, procures for use, imports, distributes, possesses or otherwise makes available a device, including a computer program, designed or adapted primarily for the purpose of committing any of the acts in paragraphs (a) to (j) above."

27. Immediately after paragraph (ll) of article 338 of the Code there shall be added the following new paragraph: Amendment of article 338 of the Code.

"(mm) uses gas canons or any other equipment that works manually or automatically, to produce noises, mainly intended to keep away animals from fields or other open spaces:

Provided that in such a case, besides awarding punishment, the Court shall also order the removal of the equipment."

28. Immediately after subarticle (4) of article 362 of the Code there shall be added this new subarticle: Amendment of article 362 of the Code.

"(5) The provisions of subarticles (3) and (4) of this article shall *mutatis mutandis* apply to the service of the summons and of any accompanying documents whenever a person is to be served with any summons and with any accompanying documents in accordance with any other provision of this Code or of any other law."

29. In paragraph (d) article 374 of the Code for the words "if the complainant does not appear" there shall be substituted the words "if for the first sitting the complainant does not appear". Amendment of article 374 of the Code.

30. The present provision of article 435AA of the Code shall be renumbered as subarticle (1) thereof and immediately thereafter there shall be inserted the following new subarticles: Amendment of article 435AA of the Code.

"(2) Where a monitoring order has been made or

applied for, whosoever, knowing or suspecting that the monitoring is taking place or has been applied for, discloses that such monitoring is taking place or has been applied for or makes any other disclosures likely to prejudice the monitoring operation shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding twelve thousand euro (12,000) or to imprisonment not exceeding twelve months, or to both such fine and imprisonment:

Provided that in proceedings for an offence under this subarticle, it shall be a defence for the accused to prove that he did not know or suspect that the disclosure was likely to prejudice the monitoring operation.

(3) For the purposes of this article, "relevant offence" means an offence, not being one of an involuntary nature, consisting of any act or omission which if committed in these islands, or in corresponding circumstances, would constitute an offence liable to the punishment of imprisonment or of detention for a term of more than one year."

Amendment of article 435BA of the Code.

31. Article 435BA of the Code shall be amended as follows:

(a) the present provision thereof shall be renumbered as subarticle (1) thereof;

(b) in subarticle (1) thereof as renumbered, for the words "of a suspect" there shall be substituted the words "of a person suspected of a relevant offence within the meaning of subarticle (3) of article 435AA";

(c) immediately after subarticle (1) thereof as renumbered there shall be inserted the following new subarticle:

"(2) Where a person or authority has been indicated by the Attorney General as provided under article 435AA, that person or authority shall transmit the information resulting from the monitoring operation to the Attorney General."

Addition of new article 435BB to the Code.

32. Immediately after article 435BB of the Code there shall be added a new article:

"Temporary surrender to foreign country of person in custody in Malta at request of foreign authority.

435BC.(1) Pursuant to and in accordance with any treaty, convention, agreement or understanding to which Malta is a party or which is otherwise applicable to Malta, the Attorney General may, with the concurrence of the Minister responsible for Justice, give his consent to the temporary surrender of a person in custody in Malta for the purpose of an investigation to be carried out or being carried out by a judicial, prosecuting or administrative authority of any place outside Malta at the request of the said authority.

(2) The person surrendered shall be kept in custody in the place outside Malta to which he has been surrendered.

(3) Any time spent in custody in the place outside Malta shall be deemed to be time spent in custody in Malta."

33. In subarticle (3) of article 525 of the Code, for the words "article 397(5) and " there shall be substituted the words "article 397, *mutatis mutandis* the provisions of subarticles (2) to (4), both inclusive, of article 467 and" and immediately after the words "of criminal judicature" there shall be inserted the words "under subarticle (1) of article 370 or under any other provision of this Code or of any other law."

Amendment of article 525 of the Code.

34. In subarticle (3) of article 541 of the Code, for the words "Attorney General within two" there shall be substituted the words "Attorney General, together with the record of the proceedings, within two".

Amendment of article 541 of the Code.

35. Immediately after subarticle (3) of article 550A of the Code there shall be added a new subarticle:

Amendment of article 550A of the Code.

"(4) The Magistrate shall communicate to the Attorney General such information about the inquest as may be requested by the Attorney General who moreover shall, at all times, have access to the record of the proceedings of the inquest and to all documents and material objects exhibited in the course of the inquest including the reports of experts and depositions of witnesses."

36. Immediately after subarticle (13) of article 649 of the Code, there shall be added the following new subarticle:

Amendment of article 649 of the Code.

"(14) Where the Attorney General has made a

declaration as provided in subarticle (2), foreign officials designated by the foreign authority or international court which made the request shall be entitled to be present for the examination of witnesses or when investigative measures are being taken."

PART II

Amendment of the Code of Police Laws. Cap. 10.

37. (1) This Part amends the Code of Police Laws and it shall be read and construed as one with the Code of Police Laws, hereinafter in this Part referred to as "the Code".

(2) This Part shall come into force on such date as the Minister responsible for Justice may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

Addition of new articles 153 and 154 to the Code.

38. Immediately after the heading "OF ANIMALS" in Part VIII of the Code, there shall be added the following new articles:

"Interpretation.

152. For the purposes of this Part "animal" shall have the same meaning assigned to it in article 2 of the Animal Welfare Act.

Cap.439.

Precautions.

153. Any person who keeps confined or causes or suffers any animal to be kept confined in any place shall take such precautions as may be required by the circumstances to prevent such animal from giving annoyance to the neighbourhood by howling or whimpering or otherwise."

PART III

Amendment of the Traffic Regulation Ordinance. Cap. 65.

39. (1) This Part amends the Traffic Regulation Ordinance and it shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter in this Part referred to as "the principal law".

(2) This Part shall come into force on such date as the Minister responsible for transport may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

Substitution of article 15B of the principal law.

40. Article 15B of the principal law shall be substituted by the following:

"15B. (1) No person shall drive, attempt to drive or be in charge of a motor-car or other vehicle on a road or other public place after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit.

(2) The Minister responsible for the Police may make regulations which provide for –

(a) the procedures to be adopted by the Police in the carrying out of breathalyser tests;

(b) the determination of the type of device to be used for the taking of the breathalyser test;

(c) the procedure for the taking of body fluid specimens including blood;

(d) the determination of the laboratory for the taking of body fluid specimens including blood:

Provided that the Minister responsible for the Police may, by regulations made under this Ordinance, amend, repeal or repeal and re-enact the schedules to this Ordinance."

41. Article 15E of the principal law shall be amended as follows:

Amendment of article 15E of the principal law.

(a) subarticle (1) thereof shall be amended as follows:

(i) for the words "under articles 15A and 15B ", there shall be substituted the words "under articles 15A and 15B(1)";

(ii) paragraph (a) thereof shall be substituted by the following:

"(a) to provide a breath specimen or specimens for analysis by means of the approved device, according to regulations made under this Ordinance, and the result so obtained shall be admissible in evidence in any proceedings for an offence under articles 15A or 15B(1).The results of the analysis shall be presumed correct unless the contrary is proved; or";

(iii) paragraph (b) thereof shall be substituted by the following:

"(b) to provide a specimen or specimens of blood and urine for laboratory analysis, which shall take place at an approved laboratory, according to regulations made under this Ordinance, and the opinion of the analyst in that laboratory and the results of the analysis shall be admissible in evidence in any proceedings for an offence under articles 15A or 15B(1). The results of the analysis shall be presumed correct unless the contrary is proved.";

(b) subarticles (2) and (3) thereof shall be deleted;

(c) in subarticle (4) thereof, for the words "A person who refuses or fails to provide a specimen as provided under this article shall be guilty of an offence:" there shall be substituted the words "A person who refuses or fails to provide the requisite specimen as provided under this article or regulations made under this Ordinance shall be guilty of an offence and unless the contrary is proved, it shall be presumed that the proportion of alcohol in that person's blood exceeds the prescribed limit:"; and

(d) subarticle (5) thereof shall be deleted and subarticle (6) thereof shall be renumbered as subarticle (5) thereof.

Amendment of article 15F of the principal law.

42. Article 15F of the principal law shall be substituted by the following:

"15F. (1) A person required to provide a specimen of breath or body fluid and who consents to such procedure may be detained by the Police until such person provides the necessary specimen or until the person is no longer a danger to himself or to others.

(2) The Minister shall by regulations establish, and may, when established, alter by regulations, the allowed proportion of alcohol in the breath."

Amendment of article 15H of the principal law.

43. subarticle (1) of article 15H of the principal law shall be amended as follows:

(a) in paragraph (a) thereof, for the words "four hundred and sixty-five euro and eighty-seven cents (465.87)" there shall be substituted the words "one thousand two hundred euro (1,200)"; and

(b) in paragraph (b) thereof, the words "one thousand two hundred (1,200) but not exceeding" shall be deleted.

44. Article 15I of the principal law shall be amended as follows: Amendment of article 15I of the principal law.

(a) for the definition "breath test" in subarticle (1) thereof, there shall be substituted the following new definition:

" "breath test" means a test for the purpose of determining, by means of a device of a type approved by the Minister, whether the proportion of alcohol in a person's breath is in excess of the limit prescribed by regulations under this Ordinance;" and

(b) subarticle (3) thereof shall be substituted by the following new subarticle:

"(3) A person shall be deemed to have provided a specimen of urine or breath only if that specimen is provided in such a manner and in such quantity and of such quality as is capable of being properly analysed for the purposes of article 15E or for the purposes of regulations made under this Ordinance.".

45. Immediately after article 15I of the principal law, there shall be added the following new articles: Addition of new article to the principal law.

Driving through or emerging a red light.

15J. Any person who drives a motor-car or other vehicle through or emerges a red light shall be guilty of an offence and on conviction shall be liable to a fine (*multa*) of two hundred and fifty euro (250).

46. The First Schedule of the principal law shall be substituted with the following: Amendment of the First Schedule to the principal law.

"FIRST SCHEDULE

<i>First Column</i>	<i>Second Column</i>
<i>Offence</i>	<i>Punishment</i>
Driving motor vehicle on caterpillar tracks	
First offence	Fine (<i>multa</i>) of not less than €250 but not exceeding €1,200
Subsequent offence	Fine (<i>multa</i>) of not less than €500 but not exceeding €1,200 and forfeiture of vehicle".

Amendment of the Second Schedule to the principal law.

47. Immediately after the last item of the Second Schedule to the principal law, there shall be inserted the following new items:

- "Driving along a priority vehicle lane
Fine (*ammenda*) of €100
Driving on the right hand side not for overtaking purposes
Fine (*ammenda*) of €100
Driving a motor-car or other vehicle while holding and, or using a hand-held mobile telephone or any other similar hand-held device, while the motor vehicle is in motion
Fine (*ammenda*) of €100
Driving or allowing to drive a motor vehicle when the glazing of that vehicle does not allow a visible light transmission
Fine (*ammenda*) of €100".

PART IV

Amendment of the Police Act. Cap. 164.

48. This Part amends the Police Act and it shall be read and construed as one with the Police Act, hereinafter in this part referred to as "the principal law".

Amendment of article 2 of the principal law.

49. In the definition of "protected witness" in article 2 of the principal law, for the words "under article 75(1)." there shall be substituted the words "under article 75(1);" and immediately thereafter there shall be added the following new definitions:

" "seconding Member State" means the Member State of the European Union which authorizes its officers or other officials to participate in joint patrols and operations with the Police as provided in subarticle (1) of article 117A; "seconded officers" means officers or other officials of a seconding Member State;

"Cap. 460. "the European Union" means the European Union as referred to in the Treaty;

"the Treaty" shall have the same meaning assigned to it by article 2 of the European Union Act."

Amendment of article 108 of the principal law.

50. The present provision of article 108 of the principal law shall be renumbered as subarticle (1) thereof and immediately thereafter there shall be added the following new subarticle:

"(2) The Commissioner may also make standing orders for the general governance of seconded officers as defined

under article 117A."

51. Immediately after article 117 of the principal law there shall be inserted the following new articles:

Addition of new articles 117A to 117E, both inclusive, to the principal law.

"Joint patrols and other operations with officials from member states of the European Union.

117A.(1) The Commissioner may authorize the competent authorities of a Member State of the European Union (hereinafter referred to as 'seconding Member State') to conduct in Malta, jointly with or under the supervision or direction of the Police, patrols and other operations by officers or other officials (hereinafter referred to as 'seconded officers') of that State.

(2) The Commissioner may also grant the said authorization following a request by a foreign competent authority of a Member State.

Vesting or exercise of functions, powers and duties in or by seconded officers.

117B. The Minister may, after consulting with the Commissioner and with the consent of the seconding Member State -

(a) confer any one or more of the functions, powers and duties as are by law vested in a member of the Police, to a seconded officer participating in joint operations or joint patrols with the Police, or

(b) authorize a seconded officer participating in joint operations or joint patrols with the Police, to exercise his executive powers in accordance with the law of the seconding Member State:

Provided that seconded officers may only exercise any function, power or duty conferred or authorized under this article under the guidance and in the presence of the Police.

Wearing of national uniform and bearing of firearms by seconded officers.

117C.(1) The Commissioner may authorize seconded officers to wear their national uniform.

(2) Seconded officers shall not be in possession or use fire-arms and other offensive weapons or materials unless authorized to do so by the Commissioner. The provisions of Part V of this Act shall apply *mutatis mutandis* to a seconded officer.

Seconded officers to be deemed public officers.

117D. Any seconded officer taking part in any of the operations referred to in article 117A, shall, for the purpose of any criminal liability incurred under the Criminal Code or any other law by that officer, or by others for conduct against that officer, be deemed to be a public officer.

Meaning of seconded officers.

117E. For the purposes of articles 117A to 117D, both inclusive, "seconded officers" shall be construed as including officials of bodies set up pursuant to the Treaty."

PART V

Amendment of the Merchant Shipping Act. Cap. 234.

52. This Part amends the Merchant Shipping Act and it shall be read and construed as one with the Merchant Shipping Act, hereinafter in this part referred to as "the principal law".

Amendment of article 314 of the principal law.

53. Immediately after subarticle (4) of article 314 of the principal law there shall be added the following new subarticle:

"(5) Notwithstanding the provisions of subarticle (3) of this article, article 550A(4) of the Criminal Code shall apply to any formal investigation held under this Part of this Act as if for the words "the inquest" there were substituted the words "the formal investigation" and for the word "experts" there was substituted the word "assessors"."

PART VI

Amendment of the Extradition Act. Cap. 276.

54. This Part amends the Extradition Act and it shall be read and construed as one with the Extradition Act, hereinafter in this part referred to as "the principal law".

Amendment of article 22 of the principal law.

55. Immediately after subarticle (2) of article 22 of the principal law there shall be inserted the following new articles:

"(2A) Notwithstanding the provisions of subarticles (1) and (2) the Court may receive in evidence in proceedings under or for the purposes of this Act any document not authenticated in accordance with those provisions where the document is authenticated or deemed to be authenticated in accordance with the provisions of subarticles (2B) and (2C).

(2B) In any proceedings under or for the purposes of this Act a document issued in the requesting country may also be received in evidence in proceedings under this Act if it is duly authenticated in accordance with subarticle (2C).

(2C) A document shall be deemed to be duly authenticated if (and only if) one of these applies -

(a) it purports to be signed by a judge, magistrate or officer of the requesting country; or

(b) it purports to be certified, whether by seal or

otherwise, by the Ministry, department or other authority responsible for justice or for foreign affairs of the requesting country; or

(c) it purports to be authenticated by the oath, declaration or affirmation of a witness.

(2D) Any document which is to be sent in connection with proceedings under this Act, may be transmitted by any secure means capable of producing written records and under conditions permitting the ascertainment of its authenticity."

56. Immediately after article 24 of the principal law, there shall be added the following new articles:

Addition of new article 24A to the principal law.

"Transit.

24A.(1) The Commissioner of Police may authorize transit through Malta of a person who is being surrendered to any country provided that the following information is furnished:

(a) the identity and nationality of the person against whom the request has been issued;

(b) the existence of a warrant for the arrest and surrender of that person;

(c) the nature and legal classification of any offence on which the warrant for the arrest and surrender of the requested person is based;

(d) the description of the circumstances of any offence, including the date and place of such offence:

Provided that transit may be refused if the person being surrendered is a national or permanent resident of Malta and the surrender is being made for the purpose of execution of a sentence of imprisonment or another form of detention.

(2) The information in subarticle (1) may be transmitted to the Commissioner of Police by any means capable of producing a written record.

(3) When the transport of the surrendered person is to take place by air, it will only be necessary to provide the Commissioner of Police with the information required in subarticle (1) in the event that an unscheduled landing occurs.

(4) A person being conveyed through Malta in the course of his extradition or removal as a convicted prisoner from one country to another shall be kept in custody during the period of transit."

Addition of new article 30A to the principal law.

57. Immediately after article 30 of the principal law, there shall be added the following new article:

"Special extradition arrangements.

30A. (1) This article applies if the Minister believes that-

(a) arrangements have been made or are applicable between Malta and another country for the extradition of a person to that country; and

(b) the country is not a designated Commonwealth country or a designated foreign country.

(2) The Minister may certify that the conditions in paragraphs (a) and (b) of subarticle (1) are satisfied in relation to the extradition of the person.

(3) If the Minister issues a certificate under subarticle (2), this Act applies in respect of the person's extradition to the other country as if that country were a designated foreign country.

(4) As applied by subarticle (3), this Act has effect with any other modifications specified in the certificate.

(5) A certificate under subarticle (2) in relation to a person is conclusive evidence that the conditions in paragraphs (a) and (b) of subarticle (1) are satisfied in relation to the person's extradition."

PART VII

Amendment of the Prevention of Money Laundering Act. Cap. 373.

58. This part amends the Prevention of Money Laundering Act and it shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter in this part referred to as "the principal law".

Amendment of article 2 of the principal law.

59. In the definition "money laundering" in article 2 of the principal law:

(a) in sub-paragraph (iv) thereof, for the words "knowing that" there shall be substituted the words "knowing or suspecting that";

(b) in paragraph (a) of subarticle (2) thereof, for the

words "criminal activity." there shall be substituted the words "criminal activity and without it being necessary to establish precisely which underlying activity."

60. Immediately after article 4A of the principal law there shall be added a new article:

Addition of new article to the principal law.

"4B. (1) Where, upon information received, the Attorney General has reasonable cause to suspect that a person (hereinafter referred to as "the suspect") is guilty of the offence mentioned in article 3, he may apply to the Criminal Court for an order (hereinafter referred to as a "monitoring order") requiring a bank to monitor for a specified period the transactions or banking operations being carried out through one or more accounts in the name of the suspect, or through one or more accounts suspected to have been used in the commission of the offence or which could provide information about the offence or the circumstances thereof, whether before, during or after the commission of the offence, including any such accounts in the name of legal persons. The bank shall, on the demand of the Attorney General, communicate to the person or authority indicated by the Attorney General the information resulting from the monitoring and, once the information is collated, the person or authority receiving the information shall transmit that information to the Attorney General.

(2) Where a monitoring order has been made or applied for, whosoever, knowing or suspecting that the investigation is taking place, discloses that an investigation is being undertaken or makes any other disclosures likely to prejudice the said investigation shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty six euro and eighty-seven cents (11,646.87) or to imprisonment not exceeding twelve months, or to both such fine and imprisonment:

Provided that in proceedings for an offence under this subarticle, it shall be a defence for the accused to prove that he did not know or suspect that the disclosure was likely to prejudice the investigation."

61. Immediately after article 9 of the principal law there shall be added a new article:

Addition of new article to the principal law.

"9A. Where the request referred to in the preceding article is made for the purpose of monitoring the transactions or banking operations being carried out through one or more

accounts of a suspect, the Attorney General may apply to the Criminal Court for a monitoring order and the provisions of article 4B shall apply *mutatis mutandis*."

Addition of new article to the principal law.

62. Immediately after article 30A of the principal law there shall be added a new article:

"30B. (1)When the Unit receives a report as is referred to in article 16(1)(a) or when from information in its possession the Unit suspects that any subject person may have been used for any transaction suspected to involve money laundering or funding of terrorism or that property is being held by a subject person that may have derived directly or indirectly from, or constitutes the proceeds of, criminal activity or from an act or acts of participation in criminal activity, the Unit may require the subject person to monitor for a specified period the transactions or banking operations being carried out through one or more accounts in the name of any person suspected of the said offences, or through one or more accounts suspected to have been used in the commission of any of the said offences or which could provide information about the offences or the circumstances thereof, whether before, during or after the commission of the offences, including any such accounts in the name of legal persons. The subject person shall communicate to the Unit the information resulting from the monitoring and the Unit may use that information for the purpose of carrying out its analysis and reporting functions under this Act.

(2) Where a monitoring order has been made or applied for, whosoever, knowing or suspecting that the investigation is taking place, discloses that an investigation is being undertaken or makes any other disclosures likely to prejudice the said investigation shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven thousand and six hundred and forty six euro and eighty-seven cents (11,646.87) or to imprisonment not exceeding twelve months, or to both such fine and imprisonment:

Provided that in proceedings for an offence under this subarticle, it shall be a defence for the accused to prove that he did not know or suspect that the disclosure was likely to prejudice the investigation.

(3) The provisions of article 30(2) shall *mutatis mutandis* apply where any information is demanded by the Unit under this article."

PART VIII

63. (1) This part amends the Arms Act and it shall be read and construed as one with the Arms Act, hereinafter in this part referred to as "the principal Act".

Amendment of
the Arms Act.
Cap. 480.

(2) The provisions of this Part shall come into force on such a date as the Minister responsible for the Police may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

64. Immediately after subarticle (2) of article 24 of the principal Act there shall be added the following new *proviso*:

Amendment of
article 24 of the
principal Act.

"Provided that when a person is found guilty of an offence mentioned in subarticle (1), where the Court deems fit to award the punishment for that offence without imposing the disqualification of a license, such license shall be renewed."

65. Immediately after article 55 of the principal Act, there shall be added the following new article:

Addition of new
article to the
principal Act.

"Toys in the shape of arms.

55A. (1) No person shall sell, or offer for sale, toys in the shape of firearms, arms proper, ammunition or knuckle dusters.

(2) Whosoever shall contravene the provisions of subarticle (1) shall, on conviction, be liable to a fine (*multa*) of not less than twenty-five euro and not more than four hundred and fifty euro.

(3) The provisions of articles 61 and 64 shall not apply in relation to offences under this article."

A 308

Passed by the House of Representatives at Sitting No. 237 of the
15th June, 2010.

MICHAEL FREND
Speaker

PAULINE ABELA
Clerk to the House of Representatives