

ABBOZZ TA' LIĠI msejjah

Att biex jemenda l-Kodiċi Kriminali fir-rigward tat-telfa awtomatika tal-awtorità tal-ġenituri fuq l-ulied.

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 hu Att tal-2013 li jemenda l-Kodiċi Kriminali (Emenda Nru. 3), u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjah "il-Kodiċi".

Titolu fil-qosor.
Kap. 9.

2. Fis-subartikolu (4) tal-artikolu 197 tal-Kodiċi, minflok il-kliem "kariga oħra ta' tutur." għandhom jidhlu l-kliem "kariga oħra ta' tutur:" u minnufih wara għandhom jizjed dawn il-provisos godda li ġejjin:

Emenda tal-artikolu 197 tal-Kodiċi.

"Izda meta d-drittijiet tal-ħati fuq il-persuna li bi ħsara tiegħu jew tagħha jkun sar ir-reat ikun jikkonsisti fi drittijiet tal-awtorità tal-ġenituri t-telfa li hemm provdut dwarha f'dan is-subartikolu ma għandiex tapplika awtomatikament imma tista' tkun imposta mill-qorti wara li tkun ikkunsidrat iċ-ċirkostanzi kollha tal-każ u meta tkun qed timponi dik it-telfa, l-qorti tista' wkoll timponi kondizzjonijiet:

Izda wkoll li fil-każijiet msemmija fil-proviso hawn qabel il-qorti tista', meta jsir rikors mill-ħati, tneħhi jew tvarja il-kondizzjonijiet tat-telfa wara li tkun sodisfatta li bidla materjali fiċ-ċirkusstanzi tiġġustifika dik ir-revoka jew varjazzjoni ta' kondizzjonijiet."

C 442

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu sabiex ikun hemm dispozizzjoni dwar it-telfa tal-awtorità tal-ġenituri fuq l-ulied.

A BILL
entitled

AN ACT to amend the Criminal Code in relation to the automatic forfeiture of parental authority over children.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. The short title of this Act is the Criminal Code (Amendment No. 3) Act, 2013 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".

Short title.

Cap. 9.

2. In sub-article (4) of article 197 of the Code, for the words "the office of tutor." there shall be substituted the words "the office of tutor:" and immediately thereafter there shall be added the following new provisos:

Amendment of article 197 of the Code.

"Provided that where the rights of the offender over the person to whose prejudice the offence has been committed consists of rights of parental authority the forfeiture provided for in this sub-article shall not apply automatically but may be imposed by the court after it has considered all the circumstances of the case and in imposing such forfeiture the court may also impose conditions:

Provided further that in the cases referred to in the above proviso the court may, upon the application of the offender, remove or vary the conditions of the forfeiture after being satisfied that a material change in circumstances justifies such revocation or variation of conditions."

C 444

Objects and Reasons

The object of this Bill is to provide a provision relative to the forfeiture of parental authority over children.
