

MALTA

**ATT Nru IV tal-2020**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT sabiex jemenda l-Ordinanza dwar il-Mediċini Perikolużi, Kap. 101, u sabiex jipprovdi dwar dak li għandu x'jaqsam mal-koltivazzjoni għall-użu esklussiv tal-ħati.**

**ACT No. IV of 2020**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Dangerous Drugs Ordinance, Cap. 101, and to make provision in respect of cultivation for the exclusive use of the offender.**



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

28 ta' Frar, 2020

**ATT Nru IV tal-2020**

*ATT sabiex jemenda l-Ordinanza dwar il-Mediċini Perikolużi, Kap. 101, u sabiex jipprovi dwar dak li għandu x'jaqsam mal-koltivazzjoni għall-użu esklussiv tal-ħati.*

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

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Ordinanza dwar il-Mediċini Perikolużi, u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Ordinanza dwar il-Mediċini Perikolużi, hawn iżjed 'il quddiem imsejha "l-Ordinanza prinċipali".

Titolu fil-qosor.

Kap. 101.

A 80

Emenda tal-artikolu 22 tal-Ordinanza prinċipali.

**2.** L-artikolu 22 tal-Ordinanza prinċipali għandu jiġi emendat kif ġej:

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

(i) minnufih wara l-kliem "l-koltivazzjoni" għandhom jiżdiedu l-kliem "f'dawk iċ-ċirkostanzi li l-Qorti tkun sodisfatta li tali koltivazzjoni ma kenitx għall-użu esklussiv tal-ħati"; u

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

Kap. 446. "Iżda fil-każ ta' koltivazzjoni jew importazzjoni f'dawk iċ-ċirkostanzi li l-Qorti tkun sodisfatta li dik il-koltivazzjoni jew importazzjoni kienet għall-użu esklussiv tal-ħati, id-dispożizzjonijiet tal-Att dwar il-*Probation* kif ukoll l-artikolu 21 tal-Kodiċi Kriminali ma jgħoddux.";

Kap. 9.

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

(i) fil-paragrafu (a) tiegħu, minnufih wara l-kliem "jew taħt l-artikolu 8(ċ)" għandhom jiżdiedu l-kliem "ħlief f'dawk iċ-ċirkostanzi li l-Qorti hija sodisfatta li dik il-koltivazzjoni kienet għall-użu esklussiv tal-ħati,"; u

(ii) fis-subparagrafu (i) tal-paragrafu (b) tiegħu, minnufih wara l-kliem "jew taħt l-artikolu 8(ċ)" għandhom jiżdiedu l-kliem "ħlief f'dawk iċ-ċirkostanzi li l-Qorti hija sodisfatta li dik il-koltivazzjoni kienet għall-użu esklussiv tal-ħati,".

Emenda konsegwenzjali. Kap. 537.

**3.** L-artikolu 7 tal-Att dwar Dipendenza fuq id-Droga (Trattament mhux Prigunerija) huwa b'dan imħassar.

Dispożizzjoni transitorja.

**4.** Id-dispożizzjonijiet ta' dan l-Att għandhom japplikaw ukoll għall-kawżi pendenti quddiem kwalunkwe qorti ta' ġuriżdizzjoni kriminali, kemm jekk fl-ewwel istanza jew appell, fil-mument tad-dhul fis-seħħ ta' dan l-Att.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 302 tas-26 ta' Frar, 2020.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

28th February, 2020

**ACT No. IV of 2020**

*AN ACT to amend the Dangerous Drugs Ordinance, Cap. 101, and to make provision in respect of cultivation for the exclusive use of the offender.*

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

Short title.

Cap. 101.

**1.** The short title of this Act is the Dangerous Drugs Ordinance (Amendment) Act, 2020, and this Act shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter referred to as "the principal Ordinance".

2. Article 22 of the principal Ordinance shall be amended as follows: Amendment of article 22 of the principal Ordinance.

(a) sub-article (1B) thereof shall be amended as follows:

(i) immediately after the word "cultivation" there shall be added the words "in such circumstances that the court is satisfied that such cultivation was not for the exclusive use of the offender"; and

(ii) the proviso thereof shall be substituted by the following:

"Provided that in the case of cultivation or importation in such circumstances that the Court is satisfied that such cultivation or importation was for the exclusive use of the offender, the provisions of the Probation Act and of article 21 of the Criminal Code shall not apply.";

Cap. 446.  
Cap. 9.

(b) sub-article (2) thereof shall be amended as follows:

(i) in paragraph (a) thereof, immediately after the words "or under article 8(c)" there shall be added the words "except in such circumstances that the Court is satisfied that such cultivation was for the exclusive use of the offender,"; and

(ii) in sub-paragraph (i) of paragraph (b) thereof, immediately after the words "or under article 8(c)" there shall be added the words "except in such circumstances that the Court is satisfied that such cultivation was for the exclusive use of the offender,".

3. Article 7 of the Drug Dependence (Treatment not Imprisonment) Act is hereby repealed. Consequential amendment. Cap. 537.

4. The provisions of this Act shall also apply to trials pending before any court of criminal jurisdiction, whether at first instance or at appeal stage, at the time of the coming into force of this Act. Transitory provision.

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A 84

Passed by the House of Representatives at Sitting No. 302 of the  
26th February, 2020.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*