

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO  
President

16 ta' Lulju, 2002

**ATT Nru. XIII ta' l-2002**

*ATT biex jemenda l-Ordinanza dwar il-Pulizija ta' Malta,  
Kap. 164.*

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2002 li jemenda l-Ordinanza dwar il-Pulizija ta' Malta, u għandu jinqara u jftiehem haġa wahda ma' l-Ordinanza dwar il-Pulizija ta' Malta, hawnhekk iżjed 'il quddiem imsejja "il-ligi prinċipali".

Titolu fil-qosor u  
bidu fis-sehh.

Kap. 164.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jibdw isehhu f'dik id-data li l-Ministru responsabbli għall-Pulizija jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti ta' dan l-Att.

2. Minflok it-titolu "Ordinanza dwar il-Pulizija ta' Malta" fil-ligi prinċipali għandu jidhol it-titolu "Att dwar il-Pulizija".

Sostituzzjoni tat-  
Titolu  
tal-ligi prinċipali.

3. Minflok it-tabella intitolata "Taqsim ta' l-Ordinanza" fil-ligi prinċipali għandu jidhol dan li ġej:

Sostituzzjoni  
tat-Tabella  
tal-Kontenut  
ta' l-Ordinanza.

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	Ir-Raba' Skeda	Kodiċi ta' Prattika għall-Pulizija Interrogazzjonijiet
	Il-Hames Skeda	Regolamenti dwar il-Pensjonijiet tal-Pulizija

4. Minflok l-artikoli 1 sa 29 ta' l-Ordinanza għandu jidhol dan li  
għej:

Sostituzzjoni  
ta' l-artikoli  
1 sa 29 ta'  
l-Ordinanza.

## "TAQSIMA I

### GENERALI

Titolu fil-  
qasor.

1. It-titolu ta' dan l-Att hu l-Att dwar il-Pulizija.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx titlob xort'ohra -

"l-Akkademja" tfisser l-Akkademja tal-Pulizija mwaqqfa bl-artikolu 103 ta' dan l-Att;

"Assoċjazzjoni tal-Pulizija ta' Malta" tfisser l-assoċjazzjoni tal-pulizija msemmija b'dak l-isem u li tkun teżisti mal-bidu fis-sehh ta' dan l-Att;

"fond" tfisser kull post, vettura, bastiment, ingenji ta' l-ajru, opra tal-baħar, inkluża stallazzjoni *off-shore*, jew struttura temporanja jew mobbli;

"kampjun mhux intimu" għandu jkollha l-istess tifsir mogħti lilha bl-artikolu 350 tal-Kodiċi Kriminali;

"il-Korp" tfisser il-Korp tal-Pulizija ta' Malta;

"Kummissarju" tfisser il-Kummissarju tal-Pulizija;

“kunsens xieraq” għandu jkollha l-istess tifsir mogħti lilha bl-artikolu 350 tal-Kodiċi Kriminali;

“membru tal-Korp” tfisser kull uffiċjal tal-Pulizija barra mill-Kummissarju;

“Ministru” tfisser il-ministru responsabbli għall-Pulizija;

“preskritt” tfisser preskritt b’regolamenti magħmulin taħt dan l-Att;

“Pulizija” tfisser il-Korp tal-Pulizija ta’ Malta;

“Taqsim Affarijiet Interni” għandu jkollha l-istess tifsira mogħti lilha bis-subartikolu (1) ta’ l-artikolu 55;

“xhud protett” tfisser persuna li jkun qed isirilha programm ta’ harsien ta’ xhud taħt is-subartikolu (1) ta’ l-artikolu 75;

“Uffiċjal Gazzettjat” tfisser kull uffiċjal tal-Pulizija tar-rank ta’ spettur jew fuqu;

“uffiċjal tal-Pulizija” tfisser kull persuna li tkun isservi fil-Korp, u tinkludi l-Kummissarju.

## TAQSIMA II IL-KORP TAL-PULIZIJA TA’ MALTA

### Titolu I

#### *Twaqqif*

Il-Korp tal-Pulizija ta’ Malta.

3. Għandu jkompli jkun hemm Korp tal-Pulizija magħruf bħala l-Korp tal-Pulizija ta’ Malta.

Għanijiet.

4. L-oġġettivi prinċipali tal-Korp huma -

(a) li jżomm l-ordni u l-kwiet pubbliku, li ma jhallix isiru reati, li jgħib ’il quddiem u jwettaq it-tharis tal-ligijiet, bħala l-ewwel garanzija tad-drittijiet ta’ kull persuna f’Malta, ukoll qabel ma tkun meħtieġa xi azzjoni permezz tas-sistema gudiżzarja għar-ripressjoni, sanzjoni jew rimedju ta’ xi ksur;

(b) li jirrispondi minnufih għal kull talba għall-harsien u l-intervent tal-ligi;



(c) li japplika l-liġi minghajr ebda diskriminazzjoni minhabba f'xi raġuni bhas-sess, ir-razza, il-kulur, il-lingwa, ir-religjon, il-fehma politika jew xi fehma oħra, l-origni nazzjonali jew soċjali, l-assocjazzjoni ma' minoranza nazzjonali, il-proprjetà, it-twelid jew kull status ieħor;

(d) li jgħib 'il quddiem il-koeżistenza ordinata u paċifika tal-persuni kollha f'Malta, filwaqt li jiehu hsieb kif dovut mhux biss tad-drittijiet dwar il-proprjetà privata imma wkoll dwar il-proprjetà pubblika;

(e) li jfittex li jħares l-ambjent bħala parti mill-ġid komuni;

(f) li jgħin, f'limiti raġonevoli, lil kull persuna li tkun qed tfittex l-ghajnuna ta' pulizija jew xi uffiċjal pubbliku ieħor ukoll jekk ir-responsabbiltà biex fl-aħhar mill-aħhar tigi pprovduta dik l-ghajnuna ma tkunx tappartjeni lill-Korp;

(h) li jwettaq onestament u effettivament dawk id-dmirijiet kollha lil assenjati b'dan l-Att jew b'xi liġi oħra.

Il-Kummissarju  
u uffiċjali  
oħra.

5. (1) Ikun hemm Kummissarju tal-Pulizija li jinhatar mill-Prim Ministru u jkollu l-kmand, id-direzzjoni, it-tmexxija u s-sovrintendenza tal-Korp.

(2) Il-Kummissarju tal-Pulizija jkun mghejjun minn dak l-ghadd ta' Deputati Kummissarji, Assistenti Kummissarji u dawk l-uffiċjali tal-pulizija l-oħra ta' dawk ir-rankijiet li jistghu minn żmien għal żmien ikunu approvati mill-Prim Ministru.

(3) Il-Kummissarju għandu jirrappreżenta l-Korp fil-proċeduri gudiżzarji kollha.

(4) Kull att jew haġa li tista' ssir, tiġi ordnata jew titwettaq mill-Kummissarju tista', bla hsara għall-ordnijiet u d-direttivi tal-Kummissarju, tintgħamel, tiġi ordnata jew titwettaq mid-Deputat Kummissarju jew minn xi Assistent Kummissarju.

## Titolu II

### *Hatriet u Kondizzjonijiet*

Hatriet.

6. Il-hatra ta' kull uffiċjal tal-pulizija ghandha tkun sugġetta ghal dawk il-kondizzjonijiet, htigijiet u livelli li jistghu jkunu preskritti b'dan l-Att jew b'regolamenti jew ordnijiet maghmulin taht dan l-Att.

Kuntistabbli ta' riserva.

7. (1) Il-Korp jista' jingagga għadd ta' kuntistabbli ta' riserva, li jistghu jitqiesu adatti li jaghmlu xi xoghol tal-pulizija.

(2) Kuntistabbli ta' riserva jithallas *allowance* ghax-xoghol li jaghmel.

(3) L-istess ligijiet, regoli u regolamenti bħalma japplikaw għall-uffiċjali tal-pulizija regolari għandhom ikunu japplikaw *mutatis mutandis* għall-kuntistabbli ta' riserva li jkollhom jedd li jinghaqdu ma' kull assoċjazzjoni professjonali mwaqqfa taht dan l-Att.

Ubbidjenza.

8. (1) Kull membru tal-Korp għandu, fl-esekuzzjoni ta' dmirijietu, minnufih u minghajr argumenti jobdi l-ordnijiet legittimi tal-Kummissarju jew tas-superjuri legittimi l-oħra tiegħu.

(2) Ordni mogħtija lil xi membru tal-Korp mill-Kummissarju jew minn xi superjur legittimu iehor tiegħu għandha titqies bħala wahda legittima, kemm-il darba din ma tkunx b'mod ċar kuntrarja għal xi disposizzjoni espressa tal-ligi jew xi ordni tal-Qorti.

Attivitajiet inkompattibbli.

9. Kull uffiċjal tal-pulizija għandu jiddedika hinu kollu għas-servizz tal-Korp u m'għandux jaghmel xi xoghol iehor, kemm-il darba ma jkunx inkiseb permess bil-quddiem u bil-miktub minghand il-Kummissarju.

Assenjament ta' dmirijiet.

10. Kull membru tal-Korp jista' jiġi stazzjonat f'dawk il-postijiet li l-Kummissarju jista' minn żmien għal żmien jordna:

Izda l-Kummissarju m'għandux, minghajr ġusta kawża, jehtieg lil xi uffiċjal tal-pulizija li jkun stazzjonat għal perjodi indefinitivi f'postijiet fejn, minhabba fid-distanza, dan jista'

jikkaguna tbatija mhux dovuta ghal dak il-membri tal-pulizija jew għall-familja tiegħu.

Tahriġ.

11. (1) Kull membru tal-Korp għandu jgħaddi minn dak it-tahriġ u jagħmel dawk it-testijiet jew eżamijiet li l-Kummissarju jista' minn żmien għal żmien jistabbilixxi.

(2) Jistgħu jsiru testijiet tul perjodu ta' żmien fuq bażi ta' stima sabiex tiġi evalwata l-effiċjenza u l-kapaċità professjonali tal-membri tal-Korp u dawn jistgħu jinkludu testijiet mediċi ta' rutina sabiex jiġi aċċertat kemm dawn ikunu adatti għal mal-Korp.

Status ta' uffiċjal tal-pulizija.

12. Kull uffiċjal tal-pulizija għandu jitqies li jkun uffiċjal tal-pulizija f'kull waqt, kif sugġett għall-hlas ta' dak il-kumpens li jista' jkun dovut lilu taht kull liġi jew regolament jew hekk kif il-Kummissarju jista' jistabbilixxi.

Skedi ta' xogħol u benefiċċji.

13. (1) Il-Kummissarju għandu jassenja Assistant Kummissarju biex jissorvelja d-distribuzzjoni tad-dmirijiet bix-shift b'mod ġust u ekwu.

(2) L-Assistent Kummissarju hekk assenjat għandu jiżgura wkoll li dawk id-dmirijiet li jattiraw xi benefiċċji jew rimunerazzjoni addizzjonali għandhom jiġu mqassma b'mod ekwu.

Motivi ta' lment.

14. Uffiċjal tal-pulizija li jkollu għaliex jahseb li ma jkunx qiegħed jiġi ttrattat b'mod ġust skond id-disposizzjonijiet ta' l-artikolu 13 jista' japplika direttament jew permezz ta' assoċjazzjoni professjonali stabbilita taht dan l-Att, lill-Assistent Kummissarju li għandu jifformula rapport lill-Kummissarju sabiex huwa jkun jista' jiddeċiedi fuqu, kemm-il darba ma tinstabx soluzzjoni fi żmien xahar.

Konsultazzjonijiet dwar trasferimenti.

15. Il-Kummissarju għandu jikkonsulta ruhu ma' l-oghla uffiċjal f'xi ferġha jew diviżjoni, meta jkun se jsir xi trasferiment ta' persunal.

Ġurament tal-kariga.

16. (1) Qabel ma' jibda jaqdi dmirijietu meta jinhatar, kull membru ġdid tal-Korp, jew li jkun imdahhal mill-ġdid, għandu jiehu l-ġurament tal-kariga li hemm fl-Ewwel Skeda li tinsab ma' dan l-Att.

(2) Il-gurament jittiehed u jiġi ffirmat mill-uffiċjali kollha quddiem persuna li jkollha s-setgħa kif imiss bil-liġi li tagħti gurament jew quddiem il-Kummissarju.

Riżenji.

17. (1) Membru tal-Korp li jkun jixtieq jirriżenja jew jirtira minn dmirijietu, għandu jagħti lill-Prim Ministru dak l-avviż bil-quddiem, li ma jkunx jeċċedi t-tletin għurnata, skond ma' l-Prim Ministru jista' jkun jehtieg b'avviż fil-Gazzetta, dwar il-hsieb li jkollu li jirriżenja jew li jirtira minn dmirijietu, skond il-każ, u jagħti raġunijiet għal dan.

(2) Il-Prim Ministru għandu jagħti permess lil kull membru tal-Korp għar-riżenja jew l-irtirar tiegħu wara li jiskadi l-perjodu hekk mehtieg kemm-il darba dak il-membru -

(a) ma jkunx is-sugġett ta' proċeduri dixxiplinari quddiem il-Kummissjoni dwar is-Servizz Pubbliku li ma jkunx għadhom gew deċiżi; jew

(b) ma jkunx akkużat b'reat ta' konjizzjoni ta' qorti ta' ġurisdizzjoni kriminali; jew

(ċ) ma jkunx xort'ohra irrenda ruhu hekk li jista' jiġi mkeċċi jew imneħhi mill-Korp,

f'liema każijiet il-Prim Ministru jista' jew jibqa' ma jagħtix il-permess tiegħu sakemm il-proċeduri, is-smigh fil-qorti jew il-proċeduri ta' tkeċċija ma jkunx intemmew, jew inkella jagħti dak il-permess taht kondizzjonijiet speċifikati.

(3) Membru tal-Korp li ż-żmien ta' l-avviż tiegħu jagħlaq matul il-ġrajja jew periklu ta' ġrajja ta' ostilitajiet, disordni intern, jew emergenza gravi ohra ta' kull xorta, jista' jiġi miżmum u s-servizz tiegħu mtawwal għal dak iż-żmien iehor, ta' mhux aktar minn tnax-il xahar, skond ma' l-Prim Ministru jista' jordna.

Tneħhija  
mill-kariga.

18. Il-Prim Ministru jkun jista' fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku jneħhi mill-kariga tiegħu f'kull żmien uffiċjal tal-pulizija li -

(a) ma jkunx ta indikazzjoni li jkun, jew li jkun waqaf milli jkun, uffiċjal tal-pulizija effiċjenti;

(b) ma jkunx jista' minhabba f'xi mard tal-mohh jew tal-gisem jaqdi d-dmirijiet tal-kariga tieghu meta dak il-mard x'aktarx li jkun permanenti; u

(c) tkun meqjusa, wara li jittiehed kont tal-kondizzjonijiet tal-Korp, l-utilità ta' l-ufficjal għall-Korp, u ċ-ċirkostanzi kollha tal-każ, ma ghandux fl-interess pubbliku jibqa' jservi aktar bhala membru tal-Korp.

Uniformijiet u  
provizjonijiet  
ohra.

19. (1) Meta ufficjal tal-Pulizija jieqaf milli jkollu u jeżercita l-kariga tieghu, huwa ghandu minnufih jikkunsinna lura lil dik il-persuna u f'dak il-hin u post li l-Kummissarju jista' jordna, l-armi, il-munizzjon, il-kutramenti, l-uniformijiet u l-hwejjeg l-ohra u t-tagħmir kollu li jkunu gew mogħtija lilu għas-spejjeż tal-pubbliku u li l-Kummissarju jordnal li jagħti lura.

(2) Il-Kummissarju jista' jordna lil kull persuna li jkollha l-kustodja jew il-pussess ta' xi wiehed mill-oġġetti msemmija fis-subartikolu (1) li kien fil-pussess ta' wiehed li kien ufficjal tal-pulizija, li tikkunsinna dawk l-oġġetti f'dak il-post u lil dik il-persuna kif il-Kummissarju jista' jistabbilixxi.

Reati.

20. (1) Kull minn jirrofta jew xjentement jonqos milli jħares ordni mogħti mill-Kummissarju taht l-artikolu 19, ikun hati ta' reat kriminali u jista' jehel, wara li jinstab hati, prigunerija għal żmien ta' mhux iżjed minn tliet xhur, jew multa ta' mhux iżjed minn mitt lira.

(2) Kull min minhabba fi traskuraġni jonqos milli jregġa' lura xi oġġett skond ma' jiġi ordnat mill-Kummissarju taht l-artikolu 19 jista' jkollu jhallas bhala dejn ċivili lill-korp il-valur ta' l-oġġett li ma jkunx ġie hekk imregġa' lura.

Bord  
tal-Pulizija  
ghan-  
Negozjar.

21. (1) Ikun hemm Bord tal-Pulizija għan-Negozjar biex jiġu kkunsidrati kwistjonijiet mqajjma min-naha ufficjali jew tal-persunal, kif hawn isfel deskritti, dwar is-siġhat tax-xogħol, il-pensjonijiet, il-vakanzi, il-paga u l-allowances, u kondizzjonijiet ohra tas-servizz.

(2) Il-Bord tal-Pulizija għan-Negozjar ghandu jkollha naha ufficjali, naha tal-persunal, u *chairman* indipendenti mahtur mill-Prim Ministru.

(3) In-naha uffiċjali ghandha tkun rappreżentata mis-Segretarju Permanenti fil-Ministeru responsabbli għall-Pulizija, is-Segretarju Permanenti fl-Uffiċċju tal-Prim Ministru, is-Segretarju Permanenti fil-Ministeru responsabbli għall-finanzi, u s-Segretarju Permanenti fil-Ministeru responsabbli għar-relazzjonijiet industrijali.

(4) In-naha tal-persunal ghandha tkun magħmula minn erba' membri magħmulin mill-Assoċjazzjoni tal-Pulizija ta' Malta;

Izda jekk ikun hemm iktar minn tali assoċjazzjoni wahda, għaldaqstant l-ghadd tal-membri għandu jkun maqsum skond is-sahha relattiva ta' daww l-assoċjazzjonijiet, kalkulata skond kemm dawn ikollhom membri.

(5) Għandhom jithallew jattendu għal-laqgħat tal-Bord il-konsulenti għal naha jew l-oħra.

Funzjonijiet  
tal-Bord tal-  
Pulizija għan-  
Negozjar.

22. (1) Il-Bord tal-Pulizija għan-Negozjar għandu jippreżenta r-rapport tiegħu lill-Prim Ministru fuq kull kwistjoni li tqum skond m'hemm provdut fis-subartikolu (1) ta' l-artikolu 21.

(2) F'każ ta' nuqqas ta' qbil mar-Rapport tal-Bord, in-naha tal-persunal tista' titlob li l-kwistjoni tiġi riferita għall-arbitraġġ.

Arbitraġġ.

23. (1) Meta ssir talba bhal dik, il-Prim Ministru għandu jahtar tliet arbitri indipendenti li għandhom jagħmlu rapport lill-Prim Ministru dwar il-kwistjoni msemmija fis-subartikolu (2) ta' l-artikolu 22 u dak ir-rapport għandu jiġi ppreżentat mill-Prim Ministru lill-Kabinett sabiex jiġi kkunsidrat minnu.

(2) F'kull każ previst f'dan l-artikolu, id-deċiżjoni tal-Kabinett tkun wahda finali, sew jekk il-kwistjoni tiġi jew ma tiġix riferita għall-arbitraġġ.

### TITOLU III

#### ASSOĠJAZZJONIJET PROFESSIONALI

Dritt ta'  
assoċjazzjoni.

24. (1) Gradi għoljin fil-Korp mill-grad ta' spettur u iktar 'il fuq jistgħu jwaqqfu assoċjazzjoni professjonali wahda skond ma hemm provdut fis-subartikolu (2) u l-gradi

l-oħra kollha jistghu wkoll iwaqqfu assoċjazzjoni wahda oħra bejniethom.

(2) Assoċjazzjoni professjonali tista' ssir għall-avanzament tal-gid u l-effiċjenza professjonali tal-membri ta' dik l-assoċjazzjoni, inklużi hwejjeg li għandhom x'jaqsmu mas-siġhat tax-xogħol tagħhom, il-vakanzi, il-paga u l-allowances, il-pensjonijiet u kondizzjonijiet oħra tas-servizz u regoli tad-dixxiplina iġenerali, u sabiex individwi jkunu jistghu jiġu assistiti fi proċedimenti dixxiplinari.

Shubija  
volontarja.

25. (1) Is-shubija f'assoċjazzjoni hija volontarja.

(2) Hadd ma jista' jkun membru ta' tali assoċjazzjoni jekk ma jkunx membru tal-Korp.

(3) Minkejja dak li hemm fis-subartikolu (2), assoċjazzjoni tista' tqabbad impjegati jew konsulenti minn barra l-Korp.

Korpi  
indipendenti.

26. Kull assoċjazzjoni u kull kumitat jew bord relattiv għandhom ikunu għal kollox indipendenti minn, u mhux assoċjati ma' xi korp li ma jkunx is-servizz tal-pulizija;

Izda l-assoċjazzjoni tista' tinghaqad ma' organizzazzjonijiet internazzjonali simili ta' korpijiet tal-pulizija, jew tikkollabora ma' xi assoċjazzjoni f'Malta li l-membri tagħha jkunu membri ritirati tal-Korp.

Reġistrazzjoni.

27. Assoċjazzjoni professjonali għandha tkun irreġistrata mal-Kummissarju li ma jistax jiċhad tali reġistrazzjoni sakemm l-istatut ta' l-assoċjazzjoni ma jmurx kontra dan l-Att u l-assoċjazzjoni tkun tirrappreżenta mhux inqas minn hmistax fil-mija tal-Korp kollu, jew hamsin fil-mija u membru wiehed iehor ta' xi wahda mill-kategoriji elenkati fis-subartikolu (1) ta' l-artikolu 24 ta' dan l-Att.

Assoċjazzjoni  
tal-Pulizija ta'  
Malta.

28. Sakemm ma titwaqqafx xi assoċjazzjoni oħra, l-Assoċjazzjoni tal-Pulizija ta' Malta għandha tkompli tkun stabbilita skond l-Istatut li jidher fit-Tieni Skeda.

Sostituzzjoni  
ta' l-iskeda.

29. (1) L-Assoċjazzjoni tal-Pulizija ta' Malta tista' tissostitwixxi l-istatut tagħha nnifisha minflok dak li jinsab fl-Iskeda. L-istatut li jkun se jissostitwixxi dak li hemm fl-Iskeda għandu jiġi ppreżentat lill-Kummissarju sabiex jiġi żgurat li jkun wiehed konformi ma' dan l-Att, f'liema każ

huwa ghandu japprova l-istatut. Meta l-istatut ikun gie hekk approvat mill-Kummissarju, dan ghandu jitqiegħed għall-votazzjoni tal-membri ta' l-assoċjazzjoni. Dik is-sostituzzjoni għandha tiġi determinata b'maġġoranza tal-voti tal-membri kollha preżenti u votanti.

(2) Meta Statut li jkun se jissostitwixxi dak li hemm fit-Tieni Skeda jkun gie approvat mill-Assoċjazzjoni tal-Pulizija ta' Malta, l-Istatut li hemm fit-Tieni Skeda għandu jitqies li jkun gie hekk sostitwit.

Hidma  
konnessa ma'  
assoċjazzjoni  
professjonali.

30. Il-Kummissarju jista', b'mod kompatibbli mal-htigiet tas-servizz, jikkonsidra li xi hidma magħmula minn uffiċjal tal-pulizija u li jkollu x'jaqsam ma' xi assoċjazzjoni professjonali jkun parti minn dmirijietu.

#### TITOLU IV

#### DIXXIPLINA

Reati minn  
uffiċjali  
tal-pulizija  
fil-  
kompetenza  
tal-qorti.

31. (1) Kull uffiċjal tal-pulizija li -

(a) meta jkun jaf b'xi ammutinament jew sedizzjoni fost il-Korp ma jagħmilx hiltu kollha biex irażżan dak l-ammutinament jew sedizzjoni; jew

(b) meta jkun jaf b'xi ammutinament jew sedizzjoni mahsuba fost il-Korp ma jagħtix, mingħajr dewmien, tagħrif dwar dan lill-uffiċjal superjuri tiegħu; jew

(c) meta jkun preżenti f'xi ġemgħat ta' nies b'tendenza għal irvell ma jagħmilx hiltu kollha biex irażżan dawk il-ġemgħat; jew

(d) jahrab; jew

(e) jipperswadi, jipprokura, jassisti jew jittanta li jipperswadi, jipprokura jew jassisti xi uffiċjal tal-Pulizija biex jahrab; jew

(f) meta jkun jaf li xi uffiċjal tal-pulizija jkun harab jew ikollu l-hsieb li jahrab, ma jagħtix bla dewmien tagħrif lill-uffiċjal superjuri tiegħu; jew



(g) isawwat lil, jew juża vjolenza kontra uffiċjal iehor, waqt li dan l-uffiċjal ikun qed jaqdi dmirijietu,

jkun hati ta' reat kriminali u jista' jehel, meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn sentejn.

(2) Ebda uffiċjal tal-pulizija ma għandu jinsab hati tar-reat ta' hrib kemm-il darba l-qorti ma tkunx sodisfatta li kien hemm il-hsieb min-naha ta' dak l-uffiċjal li ma jergax lura fil-Korp.

(3) Għandha tkun tapplika l-piena kkontemplata fis-subartikolu (1) ta' dan l-artikolu kemm-il darba l-fatt ma jkunx jikkostitwixxi reat kriminali aktar serju taht il-Kodiċi Kriminali jew taht xi liġi oħra, u f'liema każ ikunu japplikaw dak il-Kodiċi jew dik il-liġi l-oħra.

Kaġunar ta' disaffezzjoni.

### 32. Kull min -

(a) jikkaguna jew jittanta li jikkaguna, jew jagħmel att mahsub biex jikkaguna disordni jew diviżjoni fost l-uffiċjali tal-pulizija; jew

(b) ihajjar jew jittanta li jhajjar jew jagħmel att mahsub biex ihajjar uffiċjal tal-pulizija biex ma jagħtix is-servizz tiegħu jew biex jikkommetti reat kontra d-dixxiplina,

ikun hati ta' reat kriminali u jista' jehel, meta jinsab hati, prigunerija għal żmien ta' mhux aktar minn sena.

Reati kontra d-dixxiplina.

33. Membru tal-Korp li jikkommetti xi wiehed mir-reati li jidhru fit-Tielet Skeda li tinsab ma' dan l-Att ikun hati ta' reat kontra d-dixxiplina.

Shubija f'organizzazzjonijiet.

34. Ikun reat kontra d-dixxiplina li uffiċjal tal-pulizija jkun jew isir membru ta' -

(a) xi *trade union*, jew ta' xi korp jew assoċjazzjoni magħquda ma' xi *trade union*; jew

(b) xi korp iehor jew assoċjazzjoni oħra li jkollhom fost l-oġettivi tagħhom xi haġa msemmija fl-artikolu 21 u li ma tkunx kostitwita u regolata konformement mad-disposizzjonijiet ta' dan l-Att.

Proċeduri  
b'mod  
ġenerali.

35. (1) Il-proċeduri dixxiplinari għandhom jiġu regolati skond l-artikolu 110 tal-Kostituzzjoni.

(2) Meta jiġu delegati setgħat lill-Kummissarju biex huwa jesercita azzjoni dixxiplinarja skond id-disposizzjonijiet ta' l-artikolu 121 tal-Kostituzzjoni, il-Kummissarju għandu jsegwi l-proċeduri u jkollu s-setgħat kif imsemmija fl-artikoli li ġejjin, kemm-il darba l-Kummissarju ma jkunx iddikjara li dak il-każ ikun wiehed li fih m'għandu jkun hemm ebda dewmien u f'liema każ għandhom ikunu japplikaw id-direttivi mahruġa taht is-subartikolu (2) ta' l-artikolu 40.

Proċeduri  
quddiem il-  
Kummissarju  
jew Uffiċjal  
Nominat.

36. (1) Il-Kummissarju jista' jiġbor il-provi personalment jew għandu jahtar Uffiċjal Nominat biex jiġbor il-provi u jirrikmanda l-piena relattiva, jekk ikun hemm, għall-każ.

(2) Sew il-Kummissarju sew l-Uffiċjal Nominat li jkun ġie mahtur kif hawn qabel imsemmi, skond il-każ, ikollu s-setgħa u l-awtorità li jisma' x-xieħda bil-ġurament, u mandat iffirmit mill-Kummissarju jew mill-Uffiċjal Nominat, skond il-każ, ikun ekwivalenti għal tahrika ta' xhieda mahruġa biex tobbliga l-attenzenza ta' xhieda jew biex tobbligahom jipproduċu dokumenti jew esibiti ohra.

(3) Hadd li jkun ġie mharrek bħala xhud ma jkun obligat li jwieġeb għal xi mistoqsija jew li jġib miegħu xi dokument jew xi haġa ohra li bihom jista' jinkrimina ruħu u kull tali persuna jkollha l-jedd, dwar kull xieħda mogħtija minnha, għall-privileġġi kollha li jkollu xhud li jkun qed jixhed fi proċeduri kriminali quddiem il-Qorti tal-Maġistrati. Bl-istess mod, ix-xhud ikollu l-istess dmirijiet daqslikienu jkun ġie mharrek fi proċeduri kriminali quddiem il-Qorti tal-Maġistrati.

(4) Kull min jixhed falz bil-ġurament quddiem il-Kummissarju jew Uffiċjal Nominat li jkun ġie mahtur kif hawn qabel imsemmi, ikun hati ta' reat kriminali u jista' jehel, meta jinsab hati, żmien ta' priġunerija ta' mhux iżjed minn sentejn u interdizzjoni ġenerali.

Prosekuzzjoni  
u difiża.

37. Fil-proċedimenti li jsiru quddiem il-Kummissarju jew l-Uffiċjal Nominat taht l-artikolu 36 -

(a) ikun uffiċjal ta' rank oghla minn dak ta' l-uffiċjal akkużat li jiġi mqabba jirrappreżenta lin-naha tal-prosekuzzjoni u biex iressaq il-provi li jsostnu l-akkuża;

(b) l-uffiċjal akkużat jista' jiddefendi lilu nnifsu, jew bl-assistenza ta' xi avukat, prokuratur legali jew xi uffiċjal tal-pulizija iehor li jagħzel hu nnifsu, jew rappreżentant ta' xi assoċjazzjoni tal-pulizija, kif hemm imsemmi fit-Titolu III tat-Taqsima II ta' dan l-Att, li tagħha huwa jkun membru.

Provi u  
regoli  
proċedurali.

38. (1) L-uffiċjal akkużat jista' jsejjah ix-xhieda tiegħu u jagħmel il-kontro-eżami ta' xhieda li jinġiebu kontrih taht l-istess kondizzjonijiet li japplikaw għall-prosekuzzjoni u għal dan l-iskop sew il-Kummissarju sew l-Uffiċjal Nominat, skond il-każ, għandu johroġ it-tahrifa għal dawk ix-xhieda.

(2) Qabel ma jagħti d-deċiżjoni tiegħu u l-piena, il-Kummissarju għandu jisma' s-sottomissjonijiet finali tal-prosekuzzjoni u tad-difiża fuq il-mertu u fuq il-piena li tista' tingħata, jekk ikun il-każ.

(3) Ir-regoli dwar ix-xhieda li jkunu japplikaw fil-Qorti tal-Maġistrati bħala qorti ta' ġudikatura kriminali għandhom ikunu japplikaw għal proċeduri taht l-artikolu 36 u għandhom jittiehdu noti sommarji dwar il-proċeduri mill-uffiċjal li jippresjedi, li għandu jiffirmahom u jehmiżhom ma' l-inkartament tal-każ.

(4) Id-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandhom ukoll japplikaw għall-Uffiċjal Nominat qabel ma' dan jippreżenta l-fehma tiegħu lill-Kummissarju skond ma' hemm provdut fl-artikolu 39.

Każijiet  
delegati.

39. L-Uffiċjal Nominat mahtur skond is-subartikolu (1) ta' l-artikolu 36 għandu dejjem jgħaddi lill-Kummissarju l-inkartament relattiv flimkien mal-fehma tiegħu fuq il-merti tal-każ u fuq il-piena, jekk ikun il-każ, li huwa jkun irrikmanda u l-Kummissarju jista' jadotta r-rakkomandazzjoni jew jibdilha, sew billi jwaqqa' l-każ u jllibera lill-uffiċjal akkużat sew billi jnaqqas il-piena, jekk ikun hemm wahda.

Regoli  
għall-  
investigazzjo-  
nijiet.

40. (1) Il-Kummissarju jista' johroġ direttivi li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att dwar

il-proċeduri li għandhom jiġu segwiti fis-smigh preliminari dwar allegazzjoni ta' reat kontra d-dixxiplina.

(2) Minkejja kull disposizzjoni oħra ta' dan l-Att, dawk id-direttivi jistgħu jinkludu disposizzjonijiet dwar miżuri dixxiplinari immedjati li jistgħu jittiehdu minn uffiċjali superjuri jew minn uffiċjal tal-pulizija f'dawk il-każijiet li dwarhom ma jista' jkun hemm ebda dewmien.

Indipendenza  
ta'  
azzjonijiet.

41. Kull proċediment dixxiplinari meħud kontra xi membru tal-Korp għandu jkun mingħajr preġudizzju għal kull proċediment li jista' jittiehed kontriha taht id-disposizzjonijiet tal-Kodiċi Kriminali jew ta' xi liġi oħra, u kull proċediment meħud taht il-Kodiċi Kriminali jew taht xi liġi oħra għandu jkun mingħajr preġudizzju għal kull proċediment dixxiplinari għall-istess fatt.

Pieni.

42. Il-pieni li jistgħu jingħataw fi proċedimenti quddiem il-Kummissarju huma dawn li ġejjin -

- (i) multa ta' mhux iżjed minn sebat ijiem paga;
- (ii) twaqqif tal-ġranet ta' mistrieħ ta' kull ġimgħa, għal mhux aktar minn sebat ijiem;
- (iii) ċanfira iebsa;
- (iv) ċanfira;
- (v) twissija.

Pieni esklużi.

43. (1) Dawn il-pieni:

- (i) tkeċċija; jew
- (ii) talba għal riżenja, sew minnufih sew f'dik id-data li tista' tiġi speċifikata fid-deċiżjoni, bħala alternattiva għat-tkeċċija; jew
- (iii) tnaqqis fir-rank jew fl-anzjanità; jew
- (iv) differiment ta' inkrement jew it-tnaqqis fir-rata tal-paga tal-hati,

ghandhom ikunu biss rakkomandati mill-Kummissjoni dwar is-Servizz Pubbliku skond l-artikolu 110 tal-Kostituzzjoni.

(2) Id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma jwaqqfux lill-Kummissjoni dwar is-Servizz Pubbliku milli tinfliggi xi piena minn daww elenkati fl-artikolu 42.

Hlas ta' multi. 44. Kull multa li tinghata ghal reati kontra d-dixxiplina ghandha tingabar mill-paga dovuta lill-hati;

Izda l-Kummissarju jista', wara li jqis l-ghadd ta' persuni dipendenti ta' l-ufficjal u cirkostanzi simili ohra, jordna li l-multa tithallas b'ammonti ta' kull xahar li kull wiehed minnhom ma jkunx jeccedi b'daqs kemm ikun ekwivalenti ghas-salarju ta' gurnata tal-hati jew inkella jista' jaghti lill-hati l-ghazla li jhallas il-multa billi jahdem bla hlas sieghat zejda ta' xoghol.

Hsara jew telf ta' tagħmir. 45. Jekk ufficjal tal-Pulizija jirhan, ibiegh, jitlef bi traskuraġni, inehhi, jew volontarjament jew bi traskuraġni jagħmel hsara lil xi arma, munizzjon, kutramenti, uniformi jew haġa ohra mogħtija lilu, jew xi proprjeta' mhollija taht il-kura tiegħu, huwa jista', b'zieda għal jew minflok kull piena ohra, jiġi ordnat li jagħmel tajjeb għal, sew in parti jew għal kolloxx, il-valur ta' dik il-proprjeta' jew l-ammont ta' dak it-telf jew hsara, skond il-każ, u dak il-valur jew dak l-ammont jista' jingabar billi jitnaqqas mill-paga tiegħu.

Preskrizzjoni għal procedimenti interni. 46. Jistghu jinbnew procedimenti dixxiplinari quddiem il-Kummissarju fi żmien tliet xhur mid-data meta jsir ir-reat kontra d-dixxiplina.

Thassir minn records personali. 47. Reat kontra d-dixxiplina ttrattat mill-Kummissarju m'ghandux jibqa' jidher fuq ir-records personali ta' dak l-ufficjal wara li jghaddu sentejn sakemm ma jkunx instab hati ta' xi reat iehor matul dak iż-żmien.

## TITOLU V

### IL-BORD TAL-PULIZIJA

Twagħqif tal-Bord tal-Pulizija. 48. (1) Ikun hemm Bord tal-Pulizija li jkun magħmul minn daww il-membri, li ma jkunux iktar minn hamsa u li wiehed minnhom ikun *Chairperson*, skond ma jistghu jkunu

mahtura ta' kull sena mill-President ta' Malta li jaġixxi fuq il-parir tal-Prim Ministru.

(2) Il-membri ghandhom jibqghu fil-kariga ghal żmien sentejn mill-1 ta' Jannar tas-sena relattiva ghall-hatra taghhom u jistghu jergghu jiġu mahtura mill-ġdid.

(3) Jekk jiġri li jkun hemm xi vakanza fil-Bord matul is-sena minhabba f'xi mewt, riżenja, jew ghal xi raġuni ohra, il-President ghandu, kemm jista' jkun prattikament malajr, jahtar lil xi persuna ohra biex timla dik il-vakanza u min jiġi hekk mahtur ghandu jibqa' f'dik il-kariga ghall-bqija taż-żmien ta' kariga tal-predeċessur tiegħu;

Iżda l-Bord u l-membri tiegħu ghandhom jibqghu jiffunzjonaw minkejja kull tali vakanza.

(4) Hadd m'għandu jkun ikkwalfikat li jinhatar, jew li jibqa', membru tal-Bord jekk ikun:

(a) uffiċjal pubbliku;

(b) membru, uffiċjal jew impjegat ta' xi korp magħqud imwaqqaf bil-liġi;

(ċ) membru tal-Kamra tad-Deputati jew membru jew impjegat ta' xi Kunsill Lokali.

(5) Membru tal-Bord jista' jitnehha mill-kariga b'Riżoluzzjoni tal-Kamra tad-Deputati minhabba f'inkapaċità li jwettaq id-dmirijiet tal-kariga li jkollu (kemm jekk minhabba f'nuqqas ta' saħħa tal-mohħ jew tal-ġisem jew għal xi raġuni ohra) jew minhabba f'imġieba hażina.

Funzjonijiet  
tal-Bord.

49. Il-Bord tal-Pulizija għandu jkollu dawn il-funzjonijiet li ġejjin –

(a) jinvestiga kemm jista' jkun malajr u jirrapporta dwar kull haġa li tolqot l-imġieba tal-Korp jew ta' xi wiehed mill-membri tiegħu sew b'inizjattiva tiegħu innifsu kemm wara xi lment li jirċievi jew li jiġi riferit lil mill-Ministru;

(b) li jinvestiga u jirrapporta dwar kull ilment li jsirli minn xi uffiċjal kontra xi trattament li huwa jqis li

jkun ta' preġudizzju ghalih jew diskriminatorju kontrihi, jew jikkagunali tbatija żejda;

(c) li jissorvelja l-imġieba ta' proċedimenti dixxiplinari interni dwar il-pulizija u li jgħarraf lill-Ministru bir-riżultanzi li jkollu; għall-finijiet ta' dan il-paragrafu kull membru tal-Bord tal-Pulizija jista' jattendi għal kull seduta tal-proċedimenti dixxiplinari li l-Kummissarju jagħmel fit-tweqqi tas-setgħat lill-delegati skond ma' hemm imsemmi fis-subartikolu (2) ta' l-artikolu 35;

(d) li jissorvelja r-relazzjonijiet bejn il-Korp u l-pubbliku u b'mod partikolari l-amenitajiet tal-Korp miftuħa għall-pubbliku kif ukoll jissorvelja u jżur dawk iċ-ċellel fejn ikunu qed jinżammu jew jistghu jinżammu persuni u jagħmel rapport dwar dan lill-Ministru;

(e) li jissorvelja l-hidma tat-Taqsim Affarijiet Interni tal-Korp tal-Pulizija u li jirreferilha dak kollu li jqis li jkun adatt;

(f) li jibgħat kull rapport mehtieġ skond id-disposizzjonijiet ta' dan l-artikolu lill-Ministru u lill-Kummissarju tal-Pulizija;

(g) li jippreżenta rapport tal-hidma tiegħu ta' kull sena kalendarja lill-Ministru, lill-Kummissarju tal-Pulizija u lill-Kumitat għall-Affarijiet Soċjali tal-Kamra tad-Deputati;

(h) li jwettaq kull funzjoni oħra li tista' tiġi lill-assenjata permezz ta' regolamenti, jew permezz ta' xi struzzjonijiet speċifiċi bil-miktub mingħand il-Ministru;

Izda għall-finijiet ta' l-eserċizzju tal-funzjonijiet hawn qabel imsemmija l-Korp għandu jittqies li jinkludi kull persunal ċivili li jahdem mal-Korp.

Laqgħat  
tal-Bord.

50. (1) Il-Bord tal-Pulizija għandu jiltaqa' mill-anqas darba fix-xahar f'dak il-post li jista' jiġi stabbilit għal dawk il-laqgħat.

(2) Il-*quorum* tal-laqgħat jkun ta' nofs l-għadd ta' membri flimkien ma' membru iehor.

(3) Deċiżjoni tista' biss tittiehed b'maġġoranza tal-voti tal-membri preżenti u votanti, u *Chairman* ikollu vot deċiżiv fil-każ ta' voti indaqs.

(4) Il-minuti għandhom jinżammu mis-Segretarju tal-Bord tal-Pulizija, li huwa wkoll il-kustodju tad-dokumenti kollha rilevanti, li għandhom jinqraw u jiġu kkonfermati u ffirmati miċ-*Chairman* u mis-Segretarju fi tmiem il-laqgħa.

(5) Il-Bord għandu xort'ohra jirregola l-proċedura tiegħu nnifsu.

Dehra  
quddiem  
Bord tal-  
Pulizija.

51. (1) Il-Kummissarju jew uffiċjal tal-pulizija jew xi impjegat ċivili jistgħu jiġu mitlubin jidhru quddiem il-Bord tal-Pulizija biex iwieġbu għall-mistoqsijiet li jsirulhom u biex jipprovdu kull tagħrif li jista' jkun rilevanti għal dak il-Bord fl-esekuzzjoni ta' dmirijietu.

(2) Il-kwerelant jista' wkoll jintalab jattendi quddiem il-Bord tal-Pulizija, u jagħti informazzjoni ulterjuri.

Delega  
ta'  
funzjonijiet.

52. Il-Bord tal-Pulizija jista', flimkien mat-Taqsima Affarijiet Interni, jassenja lil xi wiehed mill-membri tiegħu d-dmir li jiġbor informazzjoni u provi u dak il-membri għandu jagħmel ir-rapport tiegħu lill-Bord.

Deċiżjonijiet.

53. (1) Fid-deċiżjonijiet li jagħmel, il-Bord jista' jirrikmanda tali azzjoni li jqis li tkun adatta.

(2) Meta jirriżulta li l-kwistjoni tista' tinvolvi proċedimenti ta' azzjoni kriminali, il-Bord tal-Pulizija għandu jirreferi r-riżultanzi tiegħu lill-Avukat Ġenerali u l-Kummissarju tal-Pulizija.

Eżekuzzjonijiet.

54. (1) Minkejja d-disposizzjonijiet l-oħra ta' dan it-titolu, il-Bord tal-Pulizija jew xi hadd mill-membri tiegħu la jkun jistgħu jispjazzjonaw jew jitolbu l-produzzjoni ta' xi dokument eżentat fi hdan it-tifsira tas-subartikoli (3) sa (6), it-tnejn inklużi, ta' l-artikolu 637 tal-Kodiċi ta' Organizzazzjoni u Proċedura Civili u lanqas jehtiegu lil xi uffiċjal tal-pulizija li jagħti xi informazzjoni li tkun tinsab f'xi tali dokument.

(2) Lanqas ma jkun jistgħu l-Bord tal-Pulizija jew xi hadd mill-membri tiegħu jitolbu li jingiebu xi dokument



li jkollu x'jaqsam ma' xi investigazzjoni kriminali jew li jitolbu jew li jinghataw taghrif fuq xi investigazzjoni kriminali bhal dik.

Taqsim  
Affarijiet  
Interni.

55. (1) F'dan it-Titolu l-kliem "Taqsim Affarijiet Interni" tfisser id-dipartiment intern fil-Korp tal-Pulizija, ikun x'ikun l-isem li bih tkun maghrufa, u li tkun fdata bis-sorveljanza interna ta' l-attivitajiet tal-Korp sabiex tigi żgurata li tkun *accountable*.

(2) It-Taqsim Affarijiet Interni ghandha titwaqqaf fil-Korp sabiex tinvestiga kull ilment li jsir kontra l-ufficjali tal-pulizija mill-membri tal-pubbliku jew minn xi membru tal-Korp kontra l-iehor u biex jirċievi u jeżamina kull prova mill-pubbliku li twassal ghal rakkomandazzjoni li tinghata lil xi ufficjal tal-pulizija ghal dak li ghamel fil-qadi ta' dmirijietu.

Regolamenti  
ghall-Bord.

56. Il-Ministru jista' jaghmel regolamenti li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att sabiex jiggu regolati kwistjonijiet ta' procedura quddiem il-Bord u sabiex dawn ikunu jipprovdu ghal dawk ir-rimedji jew miżuri li jistghu jkunu rakkomandati mill-Bord.

Rapporti  
mill-Bord.

57. (1) Il-Bord tal-Pulizija ghandu ta' kull sena jipprezenta rapport tal-hidma tieghu lill-Ministru, lill-Kumitat dwar l-Affarijiet Soċjali tal-Kamra tad-Deputati u lill-Kummissarju.

(2) Il-Bord tal-Pulizija jista' jippubblika sommarju tar-rapport li jaghmel, fejn josserva diskrezzjoni kif imiss fejn l-interessi ta' individwi privati jkunu hekk jechtiegu, speċjalment billi ma jiżvelax l-ismijiet jew l-identità ta' l-individwi.

(3) Il-membri tal-Bord ghandhom ikunu marbutin bid-disposizzjonijiet ta' l-Att dwar Segretezza Professionali.

Astensjoni  
tal-membri.

58. Membru tal-Bord tal-Pulizija ghandu jastjeni milli jipparteċipa fid-deliberazzjonijiet u d-deċiżjonijiet dwar kull kwistjoni li l-Bord ikun qed jittratta u li fiha huwa jista' jkollu interess pekunjarju, professjonali jew personali ieħor, jew li fiha jkun involut b'xi mod li jkun xi hadd li jkun jigi minnu b'parentela jew bil-konsangwinità sar-raba' grad inkluz.

Assenza  
mhux  
gustifikata.

59. Membru li jkun assenti ghal erba' laqghat minghajr raġuni valida ghandu jkun ikkunsidrat bhal li rriżenja mill-kariga tiegħu, u s-Segretarju ghandu jgharraf lill-President skond hekk.

Reati.

60. (1) Ikun reat kontra d-dixxiplina li membru tal-Korp xjentement jimpedixxi lil xi membru ieħor tal-Korp milli effettivament jeserċita d-dritt tiegħu li jagħmel jew isegwi xi lment quddiem il-Bord tal-Pulizija jew li jippenalizza jew idejjaq b'talbiet irragonevoli u persistenti lil xi membru ieħor tal-Korp talli jkun għamel jew segwa xi lment lill-Bord tal-Pulizija bil-ghan li jwassal lil dak il-membru tal-Korp li jiddesisti milli jilmenta lill-Bord tal-Pulizija jew li jirtira xi lment li jkun sar lil dak il-Bord.

(2) Għall-finijiet ta' l-artikoli 100 u 101 tal-Kodiċi Kriminali, il-Bord tal-Pulizija ghandu jitqies li hu "awtorità kompetenti".

### TAQSIMA III

#### INVESTIGAZZJONIJIET U PROSEKUZZJONIJIET

#### TITOLU I

#### DMIRIJIET TA' L-UFFIĊJALI TAL-KUSTODJA

Dmirijiet ta' l-  
uffiċjali tal-  
kustodja.

61. L-uffiċjal tal-kustodja jew uffiċjal li jkun qed iwettaq il-funzjonijiet ta' uffiċjal tal-kustodja skond il-liġi għandu:

(a) jehles mill-kustodja persuna li tkun miżmuma mill-pulizija jekk meta jiskadi perjodu ta' tmienja u erbghin siegħa mill-arrest tagħha dik il-persuna ma tkunx ingiebet quddiem qorti f' dak il-perjodu;

Izda qabel ma jehles lil dik il-persuna, l-uffiċjal tal-kustodja jew dak l-uffiċjal li jkun qed iwettaq il-funzjonijiet ta' uffiċjal tal-kustodja, għandu jgharraf lill-uffiċjal investigatur u lil xi Maġistrat u d-deċiżjoni finali għandha tkun dik tal-Maġistrat;

(b) jehles lil xi persuna meta jiġi ordnat biex jagħmel hekk mill-uffiċjal investigatur li kien arrestita jew talab l-arrest tagħha;

(ċ) jiżgura li persuni miżmuma fl-għassa tiegħu jiġu ttrattati skond il-liġi u skond kull kodiċi ta' prattika li jista' jkun pubblikat;

(d) iżomm *record* ta' kull haġa li għandha tiġi iskritta b'referenza għal persuna miżmuma taht il-kustodja tiegħu kif provdut f'dan l-Att jew f'kodiċi ta' prattika li jista' jkun pubblikat;

(e) f'konsultazzjoni ma' l-uffiċjal investigatur, jiehu hsieb kull bżonn mediku jew umanitarju ieħor tal-persuna miżmuma u ma għandu f'ebda każ jiehu responsabbiltà personali fejn tintalab jew tkun tidher li tkun mehtieġa xi attenzjoni medika;

(f) ifittex li jiżgura li l-post fejn ikunu qed jinżammu l-persuni tahtu jkun jikkonforma ma' livelli ta' iġjene u kumdità aċċettabbli, speċjalment jekk il-persuna miżmuma tkun se torqod fih;

(g) ifittex li jiżgura li ma jkun hemm ebda periklu għall-hajja tal-persuna miżmuma taht il-kustodja tiegħu, ukoll jekk il-persuna miżmuma tithalla wahedha.

Trasferiment  
tal-persuna  
miżmuma.

62. (1) Meta persuna miżmuma tiġi trasferita għal xi għassa oħra, ir-responsabbiltà għall-benesseri ta' dik il-persuna għandha taqa' fuq l-uffiċjal tal-kustodja l-gdid li jassumi r-responsabbiltà.

(2) Il-Maġistrat li jagħmel inkjesta *in genere* dwar ir-reat li dwaru tkun qegħda tinżamm persuna, jista' f'kull waqt jordna li l-persuna miżmuma tiġi trasferita lejn xi għassa oħra.

Revizjoni ta'  
żamma mill-  
Pulizija.

63. (1) L-uffiċjal tal-kustodja għandu personalment jirrevedi ma' l-uffiċjal investigatur, meta l-persuna miżmuma tibqa' tinżamm, sabiex jiġi deċiż jekk dan ikunx ġustifikat fiċ-ċirkostanzi.

(2) L-ewwel revizjoni għandha ssir fl-ewwel tnax-il siegħa mill-arrest u mbagħad perjodikament wara dan f'intervalli ta' mhux iżjed minn tnax-il siegħa kull wieħed.

Ghandu jinżamm *record* dwar dan kollu u ta' dak li jirriżulta minn kull reviżjoni.

*Records* dwar  
id-detenzjoni  
ta' persuna.

64. L-uffiċjal tal-kustodja ghandu jżomm reġistru li fih inizzel dawk id-dettalji personali li jservu għall-identifikazzjoni ta' kull persuna miżmuma fl-ghassa tal-pulizija fejn ikun hemm stazzjonat l-uffiċjal kif ukoll kull informazzjoni ohra rilevanti dwar dik id-detenzjoni ta' persuna, inkluż:

- (a) isem l-uffiċjal li jkun ghamel l-arrest;
- (b) id-data u l-hin ta' l-arrest;
- (c) id-data u l-hin meta l-persuna miżmuma tkun ingiebet l-ghassa;
- (d) il-hin ta' l-interrogazzjoni u kemm damet;
- (e) il-hin u r-riżultat ta' kull reviżjoni ta' detenzjoni;
- (f) il-hin u x-xorta ta' kull htieġa ta' parir jew trattament mediku u l-azzjoni li tittiehed għal dak l-ghan;
- (g) id-data u l-hin ta' kull trasferiment tal-persuna miżmuma lejn xi għassa ohra flimkien ma fejn tkun tinsab dik l-ghassa;
- (h) id-data u l-hin meta l-persuna miżmuma tkun inhelset u taht liema awtorità tkun inhelset;
- (i) kull allegazzjoni li l-persuna miżmuma tkun qed tiġi jew tkun giet ittrattata hażin matul il-perjodu li tkun qed tinżamm mill-Pulizija.

Perkwizzizzjoni  
ta'  
persuni  
miżmuma.

65. (1) L-uffiċjal tal-kustodja ghandu jżomm *record* bil-miktub ta' kull haġa li tkun fil-pussess tal-persuna arrestata u li tkun se tinżamm fl-ghassa tal-pulizija u ta' kull haġa li tinqabad u tinżamm skond xi disposizzjoni tal-liġi. Dak ir-*record* ghandu jifforma parti mir-*record* tal-kustodja tal-persuna miżmuma.

(2) L-uffiċjal tal-kustodja jista' jaqbad kull haġa, inklużi lbies jew affarijiet personali, li jkunu fuq il-

persuna arrestata jekk ikollu tassew ghaliex jissuspetta li dik il-haġa tista' tkun prova dwar xi reat jew jekk jidhirli li tista' tintuża minn dik il-persuna biex -

(a) tikkaguna danni fiżiċi lilha nnifisha jew lil haddiehor; jew

(b) taghmel hsara lill-proprjetà; jew

(ċ) tfixkel il-provi; jew

(d) taghmilha iktar faċli ghalha li tahrab.

(3) Id-disposizzjonijiet ta' l-artikoli 355P sa 355U, it-tnejn inklużi, tal-Kodiċi Kriminali ghandhom ikunu japplikaw fil-każ ta' xi qbid li jsir taht dan l-artikolu.

## TITOLU II

### KODIĊIJET TA' PRATTIKA U INTERROGAZZJONIJIET

Kodiċijiet  
ta' Prattika.

66. (1) Il-Ministru jista' b'regolamenti johroġ kodiċijiet ta' prattika f'dak li ghandu x'jaqsam -

(a) ma' l-esercizzju minn uffiċjali tal-pulizija ta' poteri statutorji -

(i) li jfittxu fuq persuna minghajr ma qabel jarrestawh;

(ii) li jfittxu fuq vettura minghajr ma jaghmlu arrest;

(b) id-detenzjoni, it-trattament, l-interrogazzjoni u l-identifikazzjoni ta' persuni minn uffiċjali tal-pulizija;

(ċ) it-tiftix li jista' jsir go xi fond minn uffiċjali tal-pulizija; u

(d) il-qbid ta' proprjetà li tinstab minn uffiċjali tal-pulizija fuq xi persuna jew go xi fond.

(2) Il-Kodiċi ta' Prattika għall-Interrogazzjoni ta' Persuni Arrestati li hemm fir-Raba' Skeda li tinsab ma' dan l-Att għandu jitqies bħala Kodiċi ta' Prattika mahruġ mill-Ministru taht id-disposizzjonijiet ta' dan l-artikolu u dan jista' f'kull waqt jiġi emendat, imhassar jew sostitwit skond il-każ.

(3) Uffiċjal tal-pulizija li jonqos milli jikkonforma ruhu ma' xi disposizzjoni ta' kodiċi ta' prattika mahruġ taht dan l-artikolu jista' jkun suġġett għal proċedimenti dixxiplinari għal reat kontra d-dixxiplina.

(4) Xi nuqqas min-naha ta' uffiċjal tal-pulizija li jhares xi disposizzjoni ta' tali kodiċi m'għandux minnu nnifsu jwassal għal proċedimenti kriminali jew ċivili kontra dak l-uffiċjal.

(5) F'kull proċediment kriminali u ċivili kull tali kodiċi għandu jkun ammissibbli bi prova; u jekk il-qorti jew it-tribunal li jkun qed imexxi l-proċedimenti jkun jidhrilhom li xi disposizzjoni ta' tali kodiċi tkun rilevanti għal xi kwistjoni li tqum fil-proċedimenti, dik id-disposizzjoni għandha titqies għall-iskop li tiġi deċiża dik il-kwistjoni.

Reġistrazzjoni  
awdjo-  
viżiva ta'  
interrogaz-  
zjonijiet.

67. Il-Ministru jista' jagħmel regolamenti li jkunu jipprovdu dwar kodiċi ta' prattika għar-reġistrazzjoni ta' l-awdjo fuq *tape* jew għar-reġistrazzjoni viżiva fuq *film* ta' kull interrogazzjoni ta' persuna suspetta li tkun għamlet xi reat, skond ma' jista' jiġi speċifikat f'dawk ir-regolamenti.

### TITOLU III

#### MARKI TAS-SWABA, KAMPJUNI U IDENTIFIKAZZJONIJIET

Tehid  
ta' marki  
tas-swaba  
u ta'  
kampjuni  
ohra.

68. L-uffiċjal investigatur bl-assistenza ta' dawk in-nies kompetenti kif ikun mehtieġ u bil-kunsens xieraq, jista' jieh -

(a) marki tas-swaba, marki tal-pala ta' l-id jew marki ohra tal-persuna arrestata;

(b) ritratti tal-persuna arrestata jew ta' xi parti mhux intima ta' persuntha;

(c) kampjuni mhux intimi tal-persuna arrestata.

Ghoti lura  
ta' marki  
tas-swaba,  
eċċ.

69. Persuna tista', fi żmien sena minn meta tiġi mehlusa b'sentenza finali ta' xi qorti, titlob li kull kampjun, marki tas-swaba u dokument li jkunu ttiehdu minghandha flimkien ma' kull reġistrazzjoni ta' lehenha jew reġistrazzjonijiet bil-*video* tagħha, jinghatawliha lura jew inkella jiġu meqruda quddiemha.

Talba għal  
treġġigh lura  
ta' marki tas-  
swaba, eċċ.

70. (1) It-talba msemija fl-artikolu 69 għandha ssir b'rikors quddiem Maġistrat.

(2) Jekk it-talba tintlaqa', il-Maġistrat għandu jiżgura li dawk l-oġġetti jew jitreġġghu lura jew inkella jiġu meqruda quddiem dik il-persuna.

(3) Jekk dawk l-oġġetti jinhtieġu b'konnessjoni ma' xi investigazzjoni ohra, il-Maġistrat jista' jordna li t-treġġigh lura jew il-qirda ta' tali oġġetti jinżammu milli jsiru sakemm dawn ma jkunux aktar mehtieġa għall-investigazzjoni l-ohra.

Talba  
mill-persuna  
arrestata.

71. Talba kif hemm provdut dwarha fl-artikolu 69 tista' wkoll issir minn persuna li tkun giet arrestata iżda li ma tkun saret ebda akkuża kontriha. F'dak il-każ ir-rikors imsemmi fl-artikolu 70 jista' jiġi biss permess wara li l-Pulizija jkunu inghataw opportunità li jwieġbu għar-rikors li għandha tiġi notifikata lill-Pulizija għal dak l-ghan. Ir-rikors għandu jkun miċhud jekk dan jiġi oppost mill-Pulizija u l-perjodu ta' preskrizzjoni għall-eserċizzju ta' l-azzjoni kriminali għar-rigward tar-reat li dwaru jkun gie arrestat ir-rikorrent, ma jkunx skada.

X'isir  
minn  
kampjuni li  
ma jintalbu  
lura.

72. Meta l-persuna liberata jew il-persuna arrestata iżda mhux akkużata, skond il-każ, tonqos milli tagħmel rikors quddiem Maġistrat kif hemm provdut dwar dan fl-artikoli 69 u 71, il-Pulizija tista' tittrasferixxi kull haġa msemija f'dawk l-artikoli lill-Akkademja tal-Pulizija mwaqqfa taht dan l-Att jekk dawk l-oġġetti jitqiesu mill-Pulizija li jkollhom xi valur didattiku jew sperimentali.

Arkivji  
tal-Pulizija.

73. (1) Il-Pulizija tista' żżomm, tipproċessa u tikklassifika kull tagħrif rilevanti għall-ghemil ta' xi delitt f'Malta jew barra minn Malta, liema tagħrif jista' jiġi preservat b'kull sistema li tkun, inkluż format elettroniku, bla hsara għad-disposizzjonijiet ta' kull liġi fuq il-harsien tad-data.

X'taghrif  
jista'  
jinżamm.

(2) Dak it-taghrif jista' jkollu x'jaqsam ma' marki tas-swaba, ritratti, qisien, kampjuni tad-dem, kampjuni intimi jew mhux intimi, mudelli ta' mgieba kriminali u metodoloġija fl-ghemil ta' xi reat u dettalji simili bil-ghan li l-hatjin ghad ikunu jistghu jinqabdu.

Jedd li  
tqabbel.

(3) Il-Pulizija tista', għall-fini li tiġbor il-provi fl-investigazzjoni ta' xi reat kriminali, tqabbel kull taghrif bhal dak ma' kull informazzjoni ohra li tista' ssir taf biha.

Identifikazzjonijiet.

74. (1) Meta uffiċjal investigatur ikun jixtieq jagħmel xi parata ta' l-identità jew identifikazzjoni ta' oġġetti, dawn għandhom isiru minn Maġistrat li għandu jiehu dawk il-passi li jkunu jiżguraw li ma jkun hemm ebda suġġeriment jew influwenza esterna fuq il-persuna li tissejjah biex tagħraf lill-persuna jew l-oġġett.

(2) Il-Ministru jista' jagħmel regolamenti għall-ghemil ta' parata ta' identifikazzjoni.

#### TITOLU IV

#### HARSIEN TA' XHIEDA U TA' VITTM

Protezzjoni  
ta' xhieda.

75. (1) Meta persuna tkun il-vittma ta' delitt u tkun se tingieb bhala xhud fi proċedimenti kriminali kontra xi awtur jew kompliċi fid-delitt u dik il-persuna tkun imhassba dwar is-sigurezza tagħha, il-Kummissarju jista', bla hsara għad-disposizzjonijiet ta' l-artikolu 76, jwaqqaf programm ta' harsien ta' xhieda, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "il-programm".

(2) Id-disposizzjonijiet tas-subartikolu (1) għandhom ikunu wkoll japplikaw għal persuna li tkun ipparteċipat fl-ghemil ta' delitt u li x-xiehda tagħha tkun mehtieha b'mod indispensabbli sabiex ikun jista' jitmexxa kontra xi awtur jew kompliċi fid-delitt meta dik il-persuna taqbel li tikkopera ma' l-awtoritajiet pubbliċi għall-fini ta' dik il-prosekuzzjoni.

Jedd  
għall-  
programm.

76. Persuna jista' jkollha l-jedd tibbenefika taht il-programm jekk dik il-persuna -

(a) tkun vittma ta' delitt; jew



(b) tkun ipparteċipat f'xi organizzazzjoni jew grupp ta' persuni li jkunu ghamlu jew ikunu organizzati biex jaghmlu xi delitt; jew

(ċ) tkun ipparteċipat fl-ghemil ta' reat li jista' jkollu bħala piena prigunerija għal żmien seba' snin jew iżjed;

u, fejn ikun japplika l-paragrafu (b) jew (ċ), tiżvela lill-Pulizija tali informazzjoni li l-Pulizija tqis biżżejjed bħala li x'aktarx tikseb, f'każ li ssir prosekuzzjoni eventwali, is-sejbien ta' htija ta' parteċipanti ohra fid-delitt.

Kif ikun  
japplika  
l-programm.

77. Dwar persuna li jkollha dritt li tiġi amMESSA għall-programm taht il-paragrafu (b) jew (ċ) ta' l-artikolu 76, il-programm għandu jkun biss japplika jekk dik il-persuna tiddikjara li tkun se tixhed fil-proċess ta' xi parteċipant fid-delitt u kull benefiċċju li jingħata jintilef jekk ix-xhud jirrifjuta li hekk jixhed.

Xiehda  
viva voce.

78. (1) Minkejja d-disposizzjonijiet ta' kull liġi ohra, meta l-qorti tqis li jkun mehtieg għall-harsien ta' xi persuna amMESSA għall-programm, hija tista' tippermetti lil dik il-persuna li tagħti x-xiehda tagħha *viva voce* matul il-proċess filwaqt li tiġi fiżikament separata mill-akkużat, jew permess ta' trasmissjoni televiżiva kontemporanja.

(2) Il-Ministru, bi ftehim mal-Ministru responsabbli għall-Gustizzja, jista' jagħmel regolamenti sabiex jipprovdi dwar il-modalitajiet, kondizzjonijiet u regoli ta' proċedura li għandhom jiġu applikati meta persuna jkollha tagħti xiehda taht id-disposizzjonijiet tas-subartikolu (1).

Rakkoman-  
dazzjoni dwar  
l-applikaz-  
zjoni

79. Meta jkun qed jiddeċiedi jekk għandux jirrakkomanda l-ammissjoni ta' xhud fil-programm taht il-paragrafu (b) jew (ċ) ta' l-artikolu 76, il-Kummissarju għandu jqis jekk ix-xhud jipprovdi provi ta' min joqghod fuqhom u rilevanti ta' xorta ċirkostanzjali, diretta jew dokumentarja li jkunu jikkorroboraw il-verżjoni tiegħu.

Deċiżjoni  
ta' l-Avukat  
Generali.

80. (1) Meta l-Kummissarju jkun tal-fehma li persuna tkun tikkwalifika sabiex tiġi amMESSA fil-programm, huwa għandu jirrikorri bil-miktub għand l-Avukat Ġenerali fejn jitlob li dik il-persuna tkun amMESSA għall-programm u hemm jiddikjara x'ikunu r-raġunijiet għat-talba tiegħu filwaqt li jannetti d-dokumenti kollha li jkollu b'sostenn.

(2) L-Avukat Ġenerali għandu jiddeċiedi fuq kull talba bhal dik skond il-gudizzju personali tiegħu, u jekk tintlaqa' t-talba, x-xhud għandu jitqies li jkun xhud protett taht il-programm. Id-deċiżjoni ta' l-Avukat Ġenerali ma tista' b'ebda mod tiġi kontestata quddiem xi qorti jew tribunal.

Sospensjoni  
ta' proċe-  
dimenti  
kriminali.

81. Xhud protett li jkun ha sehem fil-fatt li jikkostitwixxi delitt li dwaru jkun hemm oħrajn li jkun qed jitmexxa kontribom jew li jkun se jitmexxa kontribom, m'għandu jitmexxa xejn kontrib għal xi delitt li jkun joriġina mill-istess fatt qabel ma' l-proċedimenti li jkun xhud fihom, jew li jkun se jissejjah bħala xhud fihom, ma jkunux għaddew f'gudikat.

Sospensjoni  
tal-  
preskrizzjoni.

82. Iż-żmien tal-preskrizzjoni għall-azzjoni kriminali kontra x-xhud protett li joriġina mill-fatt imsemmi fl-artikolu 81 għandu jiġi sospiż minn meta l-Avukat Ġenerali jiddeċiedi li x-xhud għandu jitqies bħala xhud protett, u għandu jkompli mill-għurata meta l-aħhar proċedimenti li fihom huwa jkun xhud għall-finijiet tal-programm jghaddu f'gudikat.

Protezzjoni  
taht  
il-programm.

83. Il-programm jista' jipprovdi għal dik il-protezzjoni tal-hajja u l-proprjetà ta' xhud li jkun ammess fil-programm u l-hajja ta' membri tal-familja tiegħu fil-linja axxendenti, dioxendenti jew kollaterali, hekk kif il-Kummissarju jista' jqis li jkun xieraq u jista' jinkludi provvedimenti dwar il-blas ta' allowance ta' sussistenza f'kazijiet partikolari.

Qbil ma'  
pajjiżi  
barranin.

84. Il-Ministru responsabbli għall-Pulizija jista' jagħmel kull ftehim ma' gvernijiet barranin li jkun jipprovdi dwar l-ghajnuna, fuq bażi ta' reċiproċità, fl-implimentazzjoni ta' programmi ta' harsien ghax-xhieda. Għall-fini li jtejjeb il-harsien ta' xhieda, kull tali ftehim jista' jipprovdi biex ikun hemm il-possibbiltà tat-trasferiment ta' xhud protett lejn xi pajjiż ieħor jew li jiddaħhal minn pajjiż ieħor xhud li jkun ġie ammess għal programm f'dak il-pajjiż li jkun bhal dak imsemmi taht l-artikolu 75.

Revoka ta'  
l-istatus ta'  
xhud protett.

85. (1) L-Avukat Ġenerali jista' f'kull żmien, sew *ex officio* sew wara li jsirli rikors mill-Kummissarju, jirrevoka l-istatus li persuna jkollha ta' xhud protett taht il-paragrafu (a) jew (b) ta' l-artikolu 76 meta jirrizulta li dik il-persuna ma tkunx miexja skond il-kondizzjonijiet tal-programm jew li x-xhieda jew il-verżjoni tal-fatti tagħha, jew iċ-ċirkostanzi li hija tindika bħala prova korroborattiva, jkunu manifestament foloz.

(2) L-istatus ta' xhud protett imsemmi fis-subartikolu (1) jista' wkoll jiġi revokat kif provdut f'dak is-subartikolu meta l-persuna li jkollha dak l-istatus tagħmel matul il-perjodu tal-programm, jew tkun raġonevolment suspettata li tkun għamlet matul dak il-perjodu, xi delitt ieħor li jgħorr piena ta' prigiunerija għal iktar minn tliet snin u li ma jkunx delitt ta' xorta involontarja.

Revoka ta' l-istatus għall-vittmi ta' delitt.

86. L-Avukat Ġenerali jista' wkoll jirrevoka l-istatus ta' xhud protett li persuna jkollha u li jkun ġie mogħti taħt il-paragrafu (a) ta' l-artikolu 76 meta jirriżulta li dik il-persuna ma tkunx qed tikkonforma ruħha mal-kondizzjonijiet tal-programm meta hija tkun raġonevolment suspettata li tkun għamlet xi wieħed mid-delitti msemmija fl-artikoli 100 sa 105 tal-Kodiċi Kriminali, it-tnejn inkluzi, jew mid-delitti msemmija fl-artikoli 108 sa 110 ta' l-istess Kodiċi, it-tnejn inkluzi, għar-rigward tal-fatt li dwaru jkun ġie mogħti dak l-istatus.

Talbiet lill-Avukat Ġenerali jew lill-persuna ta' awtorità.

87. Talba minn persuna biex titqies bħala xhud protett tista' ssir lill-Avukat Ġenerali li għandu jiddeċiedi fuq it-talba skond kif provdut fis-subartikolu (2) ta' l-artikolu 80. L-Avukat Ġenerali ma jistax jingiebb bħala xhud kontra l-persuna li titlob li tiġi ammessa għall-programm jew biex iġġib prova li tkun għamlet talba bhal dik.

Kif japplikaw il-benefiċċji.

88. Il-benefiċċji msemmija taħt dan l-Att jew taħt regolamenti magħmulin tahtu m'għandhomx japplikaw għal xi persuna li jirriżulta li tkun il-kap ta' xi organizzazzjoni jew grupp kriminali, jew l-istigatur jew benefiċjarju ewlieni tad-delitt.

Estensjoni għal xhieda li ma jkunx parteċipanti fid-delitt

89. Programm ta' harsien ta' xhieda jista' jiġi wkoll estiż għal xhud f'kull proċediment kriminali dwar delitt kif hemm imsemmi fl-artikolu 76 u li ma jkun ipparteċipa b'ebda mod f'dak id-delitt.

Smigh ta' xhieda vulnerabbli permezz ta' konferenza viżiva kontemporanja

90. (1) Minuri, vittma ta' delitt kontra l-paċi u l-unur tal-familja, u kontra l-morali, u kull xhud ieħor li fil-fehma tal-qorti jkun jehtieg trattament jew harsien speċjali, jistgħu jiġu permessi li jagħtu x-xiehda tagħhom *viva voce* waqt il-proċess permezz ta' trasmissjoni televisiva kontemporanja.

(2) Il-Ministru, bi ftehim mal-Ministru responsabbli għall-Ġustizzja, jista' jagħmel regolamenti biex

jistipula kull ma jkun mehtieg li jigi preskritt ghat-twaqqif ta' trasmissjoni televisiva kontemporanja waqt process skond ma' hu provdut fis-subartikolu (1) u biex jistipula dawk ir-regoli ta' procedura u dwar provi bhalma jistghu jkunu mehtieha ghal dak l-iskop kif ukoll sabiex tigi zgurata protezzjoni akbar ta' sigurezza personali, sens ta' modestja u stabbilita psikologika ta' dawk ix-xhieda li jistghu, minhabba f'cirkostanzi speċjali, jkunu jehtiegu dak il-harsien.

#### TAQSIMA IV

##### SETGHAT FUQ IL-PROPRJETÀ PRIVATA

###### Limiti.

Limiti.

91. Ufficjal tal-pulizija jista' jintervjeni fit-tgawdija ta' proprjeta privata biss fil-limitu li taghtih il-ligi.

Tifsir ta' setghat.

92. Salvi d-disposizzjonijiet speċjali ta' kull ligi ohra li tkun tippermetti li jsir indhil mill-Pulizija fit-tgawdija tal-proprjeta privata, il-Pulizija ghandu jkollha dawn is-setghat li gejjin biex jintervjenu f'xi haga f'dawn ic-cirkostanzi li gejjin:

(a) is-setgha li tnehi u li zzomm xi haga li tista' tkun qed tikser il-ligi, u -

(i) li ma tkunx tnehhiet mis-sid fiz-zmien moghti lili f'intimazzjoni bil-miktub li tigi lili notifikata u li tkun tordnal u jnehi l-haga; jew

(ii) s-sid tal-haga ma jkunx jista' jinsab; jew

(iii) li tkun tenhtieg li tigi mnehhija b'urgenza;

(b) is-setgha li jitwaqqa' xi bini jew struttura li tkun il-kawza ta' periklu imminenti ghall-pubbliku.

Regolamenti.

93. Il-Ministru jista' jaghmel regolamenti li jkunu jistipulaw kondizzjonijiet b'zjieda ma' dawk speċifikati fl-artikolu 92 ghall-esercizzju tas-setghat imsemmija f'dak l-artikolu u jista' wkoll jispeċifika l-pattijiet li tahtom kull haga li titneha fl-esercizzju ta' dawk is-setghat ghandha tkun

rilaxxata lill-persuna li jkollha jedd għall-kunsinna tagħha inkluż il-hlas ta' kull dejn u spejjeż li jsiru għat-tnehhija ta' dik il-haġa.

Eżenzjonijiet. 94. (1) Il-Korp ma jinżammx responsabbli għal danni jew telf ta' proprjetà meta jkun jirriżulta li dwar dik il-proprjetà l-Pulizija tkun agixxiet fl-eskuzzjoni legittima ta' xi ligi u li dik l-azzjoni kienet raġonevolment ġustifikata fiċ-ċirkostanzi.

(2) Bl-istess mod, il-Korp ma jinżammx responsabbli għal danni kaġunati minnu sabiex jippreserva l-hajja jew biex jipprevjeni dannu aktar gravi għall-proprjetà.

Tehid lura ta' proprjetà.

95. Kull min tkun inqabdet mill-pussess tiegħu xi proprjetà mill-Pulizija waqt li tkun għaddejja b'investigazzjoni jew għax xort'ohra jkollu xi interess f'dik il-proprjetà, jista' b'rikors jitlob lil Maġistrat biex jirrilaxxa favur tiegħu l-proprjetà li tkun hekk maqbuda. Il-Maġistrat għandu jiddeċiedi dik it-talba wara li jkun sama' r-risposta tal-Pulizija.

## TAQSIMA V

### L-UŻU TAL-FORZA

Proporzjonalità.

96. L-uffiċjali tal-pulizija jistgħu jużaw dik il-forza moderata u proporzjonata li tista' tkun mehtieha sabiex tiġi żgurata l-osservanza tal-liġijiet.

L-ahħar rimedju.

97. L-użu tal-forza huwa l-ahħar rimedju u għandu biss jintuża għal daqstant żmien daqskemm ikun tassew mehtieg meta jkun evidenti li kull rimedju ieħor ma jkunx iservi.

Il-waqt rilevanti.

98. Jekk tqum il-kwistjoni f'xi Qorti jew Tribunal dwar kemm l-użu tal-forza jkun wiehed raġonevoli, ċ-ċirkostanzi prevalenti fil-waqt meta tkun intużat il-forza għandhom ikunu l-kriterju biex tiġi eżaminata dik ir-raġonevolezza.

Armi.

99. (1) F'ċirkostanzi eċċezzjonali l-Korp jista', fl-eskuzzjoni ta' dmirijietu, juża armi tan-nar u armi jew materjal offensiv ieħor.

(2) Meta jkunu qed jiġu stmati l-eżistenza jew xort'ohra taċ-ċirkostanzi eċċezzjonali msemmija fis-subartikolu (1), għandhom jitqiesu l-kondizzjonijiet li jkunu jipprevalixxu fil-waqt meta l-użu ta' armi tan-nar, jew ta' armi jew materjal ieħor isiru inevitabbli sabiex tiġi ppreservata l-

hajja ta' uffiċjal tal-pulizija jew ta' l-oħrajn, jew biex jitbiegħed xi periklu imminenti ta' vjolenza mifruxa.

Responsabbiltà.

100. Salv kull responsabbiltà kriminali jew ċivili taht xi liġi oħra, jitqies bħala reat kontra d-dixxiplina li uffiċjal tal-pulizija juża l-forza għal raġunijiet li ma jkunux daww permessi bil-liġi u biċ-ċirkostanzi tal-każ.

Regolamenti.

101. Il-Ministru jista' jagħmel regolamenti dwar l-użu tal-forza u ta' l-armi tan-nar mill-Pulizija.

Riserva ġenerali.

102. Id-disposizzjonijiet ta' din it-Taqsima għandhom ikunu b'zieda ma' kull poter ieħor mogħti b'xi liġi oħra.

## TAQSIMA VI

### L-AKKADEMJA TAL-PULIZIJA

Twaqqif ta' l-Akkademja tal-Pulizija.

103. Qiegħed b'dan tiġi mwaqqfa l-Akkademja tal-Pulizija, hawn iżjed 'il quddiem imsejja "l-Akkademja".

Għanijiet.

104. L-għanijiet u l-oġettivi ta' l-Akkademja jkunu -

(a) it-taħriġ ta' rekruti, uffiċjali kadetti u uffiċjali tal-pulizija fis-servizz biex iwettqu r-rwol tagħhom fil-Korp, b'kapċità, konossenza u kompetenza, integrità u imparzjalità, b'mod effettiv u effiċjenti;

(b) it-trawwim u t-tisħih tal-professjonalizmu fl-abbiltajiet tal-pulizija u f'kull twettiq operattiv bażiku, u t-taħriġ ta' l-uffiċjali fl-abbiltajiet manijerjali moderni;

(ċ) l-introduzzjoni ta' uffiċjali fl-istudji ulterjuri li jkunu jridu jagħmlu u li jkunu rilevanti għar-rwol tagħhom fil-Korp, bħalma huma l-psikoloġija, ix-xjenzi komportamentali, l-investigazzjoni xjentifika, il-kazistika lokali u barranija, id-dritt komparattiv, u l-ilsna;

(d) il-koperazzjoni ma' organizzazzjonijiet ta' ġustizzja kriminali u istituzzjonijiet tat-taħriġ fit-taħriġ ta' persunal li jahdem fil-ġustizzja kriminali.

Il-Bord.

105. (1) L-Akkademja għandha titmexxa minn Bord magħmul minn *Chairman*, mill-Kummissarju tal-Pulizija *ex officio* jew mir-rappreżentant tiegħu, mill-President ta' l-

Assoċjazzjoni tal-Pulizija jew mir-rappreżentant tiegħu, u mhux anqas minn hames iżda mhux aktar minn disa' membri ohra li jintgħażlu minn fost persuni li jkollhom konossenza jew esperjenza fl-affarijiet li jirrigwardaw lill-pulizija u l-gustizzja kriminali. Il-membri tal-Bord għandhom jinhatru mill-Ministru responsabbli għall-pulizija. Il-Kmandant u d-Direttur ta' l-Istudji għandhom ikunu membri *ex officio* tal-Bord.

(2) Il-Bord għandu jkollu d-direzzjoni ġenerali ta' l-Akkademja u ta' kull politka tagħha u għandu jkollu r-responsabbiltà li jistabbilixxi l-oġettivi u l-miri u li jissorvelja l-operazzjonijiet ta' l-akkademja.

(3) Iċ-*Chairman* ikun ir-rappreżentant ġudizzjarju ta' l-Akkademja.

Direttur  
u persunal.

106. (1) Ikun hemm Kmandant li jkun imexxi l-affarijiet ordinarji ta' kuljum ta' l-Akkademja. Il-Kmandant jinhatar mill-Ministru wara li jikkonsulta lill-Bord.

(2) Ikun hemm Direttur ta' l-Istudji li jinhatar mill-Ministru wara li jikkonsulta lill-Bord u li jkun responsabbli għall-kurrikulu u għal kull aspett akkademiku tat-tmexxija ta' l-Akkademja.

(3) Id-Direttur ikun responsabbli għat-twaqqif tal-korsijiet u l-kurrikula ta' l-Akkademja, u jista' jqabbad letturi fuq suġġetti speċifiċi.

(4) Id-Direttur ikun ukoll responsabbli biex jorganizza dawg is-*seminars*, *lectures* u diskussjonijiet pubbliċi, li x'aktarx iġibu 'l quddiem il-funzjonament aħjar tal-Korp u t-tixrid ta' informazzjoni korretta lill-pubbliku dwar is-sistema tal-gustizzja.

## TAQSIMA VII

### REGOLAMENTI, ORDNIJET U FORMOLI

Il-Ministru  
jista' jagħmel  
regolamenti.

107. (1) Il-Ministru responsabbli għall-Pulizija jista' jagħmel regolamenti għall-aħjar twettiq tad-disposizzjonijiet ta' dan l-Att u għar-regolamentazzjoni ġenerali tal-Korp, u mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, b'mod partikolari dwar kull haġa li l-Kummissarju



huwa awtorizzat li jirregola permezz ta' ordnijiet permanenti, u meta jsiru dawk ir-regolamenti, dawn ghandhom jipprevalixxu fuq kull ordni permanenti li l-Kummissarju jaghmel jew ikun ser jaghmel.

(2) Id-disposizzjonijiet li hemm fl-Iskedi li jinsabu ma' dan l-Att jistghu jigu mibdula jew revokati b'regolamenti maghmulin mill-Ministru responsabbli ghall-Pulizija taht dan l-artikolu.

Il-Kummissarju jista' jaghmel ordnijiet permanenti.

108. Il-Kummissarju jista', bla hsara ghad-disposizzjonijiet ta' dan l-Att u ta' regolamenti maghmulin mill-Ministru responsabbli ghall-Pulizija, minn zmien ghal zmien jaghmel ordnijiet permanenti ghar-regolamentazzjoni generali ta' ufficjali tal-pulizija dwar il-vakanzi taghhom, kondizzjonijiet ta' servizz, trasferimenti (inkluzi spejjez li jkollhom x'jaqsmu ma' dan), tahrig, armi u kutramenti, ilbies u taghmir, postijiet ta' residenza, klassifikar u dmirijiet, kif ukoll id-distribuzzjoni u l-ispezzjoni taghhom, u dawk l-ordnijiet li huwa jqis li jkunu spedjenti biex jipprevjeni n-negligenza u biex igib 'il quddiem l-efficjenza u d-dixxiplina daparti ta' l-ufficjali tal-pulizija fit-twettiq ta' dmirijethom.

Formoli.

109. Il-Kummissarju ghandu wkoll jipprovdi dwar kull formola (jew procedura) li tista' tenhtieg minn jew taht dan l-Att.

## TAQSIMA VIII

### MIXXELLANJI

Lealtà lejn il-Qorti.

110. (1) Ufficjal prosekutur huwa ufficjal tal-Qorti u bhala tali hu marbut li jgib ruhu spassjonatament u b'decenza, u ghandu juri kull rispettt dovut lejn il-Qorti.

(2) Ufficjal prosekutur ma jistax jissottometti lill-Qorti, wkoll jekk mhux bil-gurament, xi fatt li jkun jaf li ma jkunx veru.

Prosekuzzjonijiet manifestament bla bazi.

111. Ikun reat kontra d-dixxiplina li ufficjal tal-pulizija jakkuza lil xi hadd quddiem il-qrati b'reat li jkun manifestament bla bazi. Id-disposizzjonijiet tat-Titolu IV tat-Taqsima II ta' dan l-Att ghandhom japplikaw f'kull kaz bhal dak.



Il-Pulizija u  
l-medja.

112. (1) Ebda ufficjal tal-pulizija m'ghandu jaghti dettalji lill-istampa jew lill-mezzi tax-xandir dwar l-identità ta' xi hadd li jkun arrestat fuq suspett raġonevoli li jkun ghamel xi reat.

(2) Il-Pulizija m'ghandhomx johorġu lill-istampa, sew direttament sew indirettament, xi informazzjoni dwar l-identità tal-persuna li tkun ser tiġi akkuzata quddiem il-qrati jew b'xi investigazzjoni li tkun tirrigwarda lil xi hadd suspettat.

Tagħrif  
fi-interess  
tas-sigurezza  
pubblika u  
tas-sigurtà.

113. Minkejja d-disposizzjonijiet ta' l-artikolu preċedenti, il-Pulizija tista', f'kull interess tas-sigurezza u s-sigurtà pubblika, johroġ ordnijiet dwar kull persuna li tkun qed tiġġerra' barra fejn jindika biżżejjed dettalji għall-identifikazzjoni ta' dik il-persuna u dwar il-mod ta' komportament tagħha jew kif din iġġib ruhha.

Reati kontra  
d-dixxiplina.

114. (1) Kull ksur ta' l-artikolu 112 ta' dan l-Att għandu jitqies bħala reat kontra d-dixxiplina.

(2) L-użu ta' *data* għal xi fini li ma jkunx dak permess mil-liġi għandu, minghajr preġudizzju għad-disposizzjonijiet ta' kull liġi oħra, jikkostitwixxi reat kontra d-dixxiplina.

Kordinazzjoni  
mal-Kunsilli  
Lokali.

115. (1) L-ufficjal tal-pulizija li jkun jiehu hsieb ta' xi diviżjoni għandu jzomm laqgħat regolari f'intervalli adatti ma' rappreżentanti tal-Kunsill Lokali ta' kull lokalità fid-diviżjoni tiegħu biex jiddiskuti kull haġa li taqa' taht ir-responsabbiltà tal-Pulizija.

(2) Għandhom jinżammu l-minuti ta' dawk il-laqgħat u għandu jkun sorveljat il-progress li jsir bejn laqgħa u oħra mis-Suprintendent li jiehu hsieb id-distrett u mill-Assistent Kummissarju li jiehu hsieb ir-regjun.

Inkjesta li  
jsiru mill-  
Kummissarju.

116. (1) Il-Kummissarju jista' jagħmel inkjesta dwar kull kwistjoni li tolqot l-amministrazzjoni tal-Korp li huwa jkun jikkonsidra li tkun gravi biżżejjed li tkun tenhtieg investigazzjoni bħal dik.

(2) Fl-ghemil ta' xi inkjesta bħal dik, il-Kummissarju għandu jkollu l-istess poteri bħal dawk imsemmija fis-subartikolu (2) ta' l-artikolu 36 ta' dan l-Att u d-disposizzjonijiet tas-subartikoli (3) u (4) ta' l-istess artikolu

ghandhom ukoll japplikaw għall-proċedimenti ta' l-inkjesta taht dan l-artikolu.

(3) Inkjesta tkun minghajr preġudizzju għal kull azzjoni li l-Bord tal-Pulizija mwaqqaf taht dan l-Att jista' jiehu, u l-Bord tal-Pulizija jista' jerga' jitratta u jkompli bl-inkjesta jekk din tkun taqa' fil-kompetenza tiegħu.

Koperazzjoni  
internazzjonali.

117. Il-Pulizija tista', direttament jew permezz ta' organizzazzjonijiet tal-pulizija reġjonali jew internazzjonali, tikkopera ma' kull aġenzija statali li jkollha poteri u dmirijiet simili f'xi pajjiż ieħor.

Annimali  
li jintużaw  
mill-Korp.

118. (1) Il-Korp għandu jkompli jagħmel użu mill-annimali fit-tweqqif ta' ċerti hidmiet u waqt funzjonijiet ċerimonjali.

(2) Il-Kummissarju għandu jiżgura li dawn jiġu ttrattati bl-aħjar mod possibbli u b'mod kompatibbli man-natura ta' dawk l-annimali, u li dawn ma jiġux assoġġettati għal xi trattament krudil.

(3) Kemm-il darba ma jinghatax parir xort'ohra minn kirurgu veterinarju, annimal li ma jkunx iktar ta' użu għall-Korp, għal liema raġuni tkun, għandu preferibbilment jiġi mogħti lil xi persuna jew korp li jkun jista' jkompli jitratta l-annimal b'mod xieraq meta jirtira. Il-Korp m'għandu jneħhi l-hajja ta' ebda annimal sempliċement għaliex minnufih ma tkun instabet ebda persuna adatta biex tiehu hsieb dak l-annimal.

Disposizzjo-  
nijiet ġenerali.

119. (1) Meta taht dan l-Att ikun imiss li xi haġa tiġi deċiża minn Maġistrat, tali deċiżjoni għandha tinghata f'digriet li jkun isemmi r-raġunijiet ta' fatt u ta' dritt li jimmotivawha.

(2) Meta taht dan l-Att l-uffiċjal investigatur ikun meħtieġ li jippreżenta rikors, huwa għandu jniżżel bħala premissi għal dik it-talba dawk il-merti li huwa ġenwinament iħoss li jkun veri u raġonevoli, u l-Maġistrat jista' f'kull każ jeħtieġ li l-applikazzjoni tiġi kkonfermata bil-ġurament. F'każijiet urġenti, hekk kif il-Maġistrat jista' jaċċerta, it-talba tista' ssir jew bil-*facsimile* jew bit-telefon; iżda f'każ tat-telefon, dik it-talba għandha kemm jista' jkun malajr titniżżel bil-miktub u tiġi ppreżentata lill-Maġistrat.

(3) F'kazijiet urgenti, l-awtorizzazzjoni tal-Maġistrat tista' wkoll titwassal permezz ta' *facsimile*.

(4) Awtorizzazzjoni moghtija minn Maġistrat ghandha tiskadi wara xahar, iżda tista' tigi mgedda ghal xi raġuni valida ghal perjodi ohra ta' xahar kull darba.

Uffiċjali  
tal-pulizija  
fis-servizz.

120. Kull min fil-waqt tal-bidu fis-sehh ta' l-Ordinanza dwar il-Pulizija ta' Malta (Kap. 164) kien qed iservi bhala uffiċjal tal-Pulizija ghandu jitqies bhala li jkun gie mahtur taht dik l-Ordinanza kif din kienet fis-sehh qabel id-dhul fis-sehh ta' l-Att ta' l-2002 li jemenda l-Ordinanza dwar il-Pulizija ta' Malta, u ghandu jiġi kkunsidrat bhala li jkun ha l-gurament tal-kariga kif imiss u kif inhu mehtieg b'dik il-liġi."

5. (1) L-artikoli 30 sa 36 tal-liġi prinċipali, it-tnejn inklużi, ghandhom jiġu enumerati mill-ġdid bhala l-artikoli 121 sa 127 rispettivament.

Enumerar mill-ġdid  
u emenda ta'  
l-artikoli 30 sa 36  
tal-liġi prinċipali.

(2) Fl-artikoli 30 sa 36 tal-liġi prinċipali kif enumerati mill-ġdid bhala l-artikoli 121 sa 127, it-tnejn inklużi, minflok il-kelma "Ordinanza" kull fejn tinsab ghandha tidhol il-kelma "Att".

(3) Fil-proviso ghas-subartikolu (1) ta' l-artikolu 30 tal-liġi prinċipali kif enumerat mill-ġdid bhala l-artikolu 121, minflok il-kliem "fit-Tielet Skeda" ghandhom jidhlu l-kliem "fil-Hames Skeda".

(4) Fl-artikolu 33 tal-liġi prinċipali kif enumerat mill-ġdid bhala l-artikolu 124 minflok il-kliem "fil-paragrafu (iii) ta' l-artikolu 11" ghandhom jidhlu l-kliem "fil-paragrafu (ċ) ta' l-artikolu 18" u minflok il-kliem "fil-paragrafu (e) ta' l-artikolu 32" ghandhom jidhlu l-kliem "fil-paragrafu (e) ta' l-artikolu 123".

(5) Fl-artikolu 36 tal-liġi prinċipali kif enumerat mill-ġdid bhala l-artikolu 127, minflok il-kliem "fil-paragrafu (e) ta' l-artikolu 32" ghandhom jidhlu l-kliem "fil-paragrafu (e) ta' l-artikolu 123".

6. L-Iskedi li jinsabu mal-liġi prinċipali ghandhom jiġu enumerati mill-ġdid u emendati kif ġej:

Enumerar mill-ġdid  
u emenda ta'  
l-Iskedi li jinsabu  
mal-liġi prinċipali.

(a) l-Ewwel Skeda ghandha tigi enumerata mill-ġdid bhala "It-Tielet Skeda" u minflok il-kliem "Artikolu 17" u "artikolu 15(1)(g)" fejn dawn jidhru fl-iskeda, ghandhom jidhlu l-kliem "Artikolu 33" u "artikolu 31(1)(g)" rispettivament;

(b) minflok it-Tieni Skeda ghandu jidhol dan li ġej:

## “TT-TIENI SKEDA

(Artikolu 28)

### STATUT TA' L-ASSOĊJAZZJONI TAL-PULIZIJA TA' MALTA

#### ARTIKOLU 1

1.1 Qeghda b'dan titwaqqaf Assoċjazzjoni li tkun maghrufa b'hal l-Assoċjazzjoni tal-Pulizija ta' Malta, hawnhekk iżjed 'il quddiem imsejja "L-Assoċjazzjoni", taht l-istatut preżenti, u li tkun is-suċċessur preżenti fit-titolu għall-Assoċjazzjoni tal-Pulizija ta' Malta li twaqqfet bil-ligi taht l-Ordinanza dwar il-Pulizija ta' Malta, Kap. 164.

1.2 Kull kelma jew frażi f'dan l-Istatut għandu jkollha l-istess tifsir b'halma hu moghti lilha fl-Att dwar il-Pulizija, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'ohra.

#### ARTIKOLU 2

##### *Għanijiet u objettivi*

2.1 L-għanijiet u l-objettivi ta' l-Assoċjazzjoni jkunu dawk imfissra fl-Att dwar il-Pulizija u, b'mod partikolari;

2.1.1 it-tħaris u t-titjib tal-kondizzjonijiet ta' l-impjeg tal-membri, u l-promozzjoni ta' l-interessi tagħhom, b'riferenza partikolari għall-partecipazzjoni ta' l-assoċjazzjoni fil-Bord tal-Pulizija għan-Negozjar, kif stabbilit taht l-Att dwar il-Pulizija jew kull bord ieħor relatat; ir-rappreżentanza ta' l-interessi tal-membri f'diskussjonijiet man-naha uffiċjali tal-Korp tal-Pulizija;

2.1.2 li joghla l-livell intellettuali, morali u professjonali tal-membri;

2.1.3 it-trawwim u l-iżvilupp ta' relazzjonijiet bejn membri kollegi, u ex-membri tal-Korp tal-Pulizija ta' Malta;

2.1.4 it-titjib tal-benesseri tal-membri tal-Korp u tad-dipendenti tagħhom, permezz ta' dawk is-servizzi li jkunu jistghu jinghataw minn żmien għal żmien, inklużi pożoż ta' l-assigurazzjoni kollettivi;

2.1.5 l-ghoti ta' pariri u ghajnuna lil membri individwali fi proċedimenti dixxiplinari;

2.1.6 it-twaqqif u l-amministrazzjoni ta' fond jew fondi bil-ghan li jiġu pprovduti attivitajiet edukattivi, ta' benesseri, kulturali u soċjali;

2.1.7 il-kiri, t-tehid b'kera, ix-xiri, jew xort'ohra l-akkwist ta' proprjetà u/jew uffiċċji għall-finijiet ta' l-Assoċjazzjoni;

2.1.8 li tkun proprjetarja u amministratriċi ta' proprjetà u fondi, u fl-esekuzzjoni ta' l-ghanijiet u l-oġġettivi tagħha, tista' timpjega persunal u konsulenti, u li tagħmel dak kollu li hu mehtieg, anċillari, jew li jwassal għall-kisba ta' dawk l-ghanijiet u oġġettivi.

### ARTIKOLU 3

#### *Shubija*

3.1 Is-shubija għandha tkun volontarja u għandha tkun miftuha għall-Uffiċċjali tal-Pulizija kollha;

3.2 Kull Uffiċċjal tal-Pulizija għandu jitqies li huwa membru ta' l-Assoċjazzjoni, bhalma kien fil-ġurnata li tiġi qabel id-*data* tal-bidu fis-sehh ta' dan l-Istatut;

3.3 Kull Uffiċċjal tal-Pulizija jista' jagħzel li jirriżenja minn membru ta' l-Assoċjazzjoni wara d-*data* tad-dhul fis-sehh ta' dan l-Istatut;

3.4 L-ishubija tintemm awtomatikament;

3.4.1 mal-mewt;

3.4.2 meta persuna ma tibqax membru fil-Korp;

3.4.3 fil-każ li xi membru ma jkunx ikkontribwixxa għas-shubija tiegħu għal erba' darbiet wara xulxin;

3.4.4 meta persuna ttemm is-shubija volontarjament.

3.5 Biex membru jerga' jiddaħhal mill-ġdid dan għandu jkun hallas l-arretrati kollha li jkun għadu ma hallasx sa dakinhar li jkun naqas li jhallas.

#### ARTIKOLU 4

##### *Miżata.*

4.1 Il-miżata ta' membru tkun dovuta u tithallas ta' kull tliet xhur bil-quddiem, bir-rata ta' Lm5.

4.2 Ir-rati tal-miżata jkunu b'dik ir-rata li l-Konferenza Ġenerali tistabbilixxi b'vot ta' maġġoranza sempliċi.

4.3 Il-miżata ghandha tithallas mill-membri hekk kif il-Konferenza Ġenerali tista' tistabbilixxi, imma mal-bidu fis-sehh ta' dan l-Istatut, lill-uffiċjal li jhallas is-salarju.

#### ARTIKOLU 5

5.1 L-uffiċċju ta' l-Assoċjazzjoni jkun fil-Kwartieri Ġenerali tal-Pulizija jew f'kull tali indirizz iehor kif jiġi deċiż skond dan l-Istatut.

5.2 Is-sigill ghandu jkun jinkludi l-emblema ta' l-Assoċjazzjoni tal-Pulizija ta' Malta.

#### ARTIKOLU 6

##### *Drittijiet u Obbligi tal-membri.*

6.1 Il-membri kollha ghandhom dritt jelegġu u li jiġu eletti fl-Assoċjazzjoni.

6.2 Membru jkun marbut b'dan l-Istatut u bid-deċiżjonijiet li jntlahqu skond il-proċess demokratiku intern.

6.3 Membru ghandu jibqa' jhallas il-miżata ghas-shubija tiegħu skond ma tkun stabbilita minn żmien għal żmien mill-Assoċjazzjoni.

#### ARTIKOLU 7

##### *Shubija barranija jew kuntatti*

7.1 L-Assoċjazzjoni tista' tibqa' tkun membru tal-Kunsill Ewropew ta' *Unions* tal-Pulizija (C.E.S.P.) skond l-Istatut tagħha.

7.2 L-Assoċjazzjoni ghandha tibqa' żżomm dawk il-kuntatti ma' Assoċjazzjonijiet tal-Pulizija barranin biex iġġib 'il quddiem l-ideali taghha.

## ARTIKOLU 8

### *Organi ta' l-Assoċjazzjoni*

8.1 L-organi ta' l-Assoċjazzjoni jkunu;

8.1.1 il-Konferenza Ġenerali;

8.1.2 il-Kumitat Eżekuttiv;

8.1.3 il-Bordijiet tal-Ferghat.

## ARTIKOLU 9

### *Il-Konferenza Ġenerali*

9.1 L-oghla organu ta' l-Assoċjazzjoni jkun il-Konferenza Ġenerali li ghandha teleġġi l-Kumitat Eżekuttiv, u li tkun il-korp ewlieni li jifformola l-politika ta' l-Assoċjazzjoni.

9.2.1 Ikun hemm Konferenza Ġenerali Annwali, li ghandha teżamina u tadotta r-Rapport Annwali tal-Kumitat Eżekuttiv, u teżamina u tapprova l-Kontijiet Annwali. F'Konferenzi Ġenerali Annwali, darb'iva ohra le, ghandhom isiru l-elezzjonijiet imsemmija f'dan l-Istatut għall-Kumitat Eżekuttiv.

9.2.2 L-ewwel Konferenza Ġenerali ghandha titlaqqa' fi żmien tliet xhur mid-dhul fis-sehh ta' l-Ajt dwar il-Pulizija, u ghandha titlaqqa' mill-Kummissarju għall-approvazzjoni ta' dan l-Istatut u għall-elezzjoni tal-Kumitat Eżekuttiv u għall-elezzjonijiet ohra msemmija f'dan l-Istatut.

9.2.3 Il-Konferenza Annwali ghandha ssir fix-xahar kalendarju ta' kull sena skond l-ewwel wiehed li jiġi stabbilit taht il-paragrafu ta' qabel.

9.3 Il-Konferenza Ġenerali ghandha tkun magħmula mill-Kumitat Eżekuttiv, u sa żewġ rappreżentanti minn kull rank, hliet għall-Kummissarju u l-Viċi Kummissarju.

9.4 Il-*Chairman* ghandu jippresjedi d-diskussjonijiet tal-konferenza; meta ma jkunx hemm hu, is-Segretarju Ġenerali; meta la jkun hemm wiehed lanqas l-iehor, persuna li tinhatar mill-Kumitat Eżekuttiv.

9.5 Il-konferenza ghandha ssir fil-post, jum u hin stabbiliti u decizi mill-Kumitat Eżekuttiv.

9.6 L-aġenda għall-Konferenza Ġenerali ghandha tiġi mhejjija mill-Kumitat Eżekuttiv u ghandha titqassam mill-anqas xahar bil-quddiem qabel il-jum stabbilit. Kull decizjoni ghandha tittiehed b'maġġoranza sempliċi.

## ARTIKOLU 10

### *Il-Kumitat Eżekuttiv*

10.1 Il-Kumitat Eżekuttiv ghandu jkun magħmul minn *Chairman*, Segretarju Ġenerali, Teżorier u membru minn kull rank, wara li jkunu ġew eletti waqt il-Konferenza Ġenerali.

10.2 Ir-riżenji jistghu jinghataw lis-Segretarju Ġenerali u kull vakanza li tirriżulta minnhom ghandha tintela bil-proċedura ta' elezzjoni b'għażla sa l-elezzjonijiet li jkun imiss.

10.3 Il-Kumitat Eżekuttiv ikun responsabbli għall-amministrazzjoni kif imiss tal-flejjes kollha, biex iressaq rapporti u osservazzjonijiet u jwettaq jew jagħmel arrangamenti għal negozjati ma' l-awtoritajiet kompetenti. Ir-rappreżentanza ġuridika ta' l-Assoċjazzjoni ghandha tkun vestita fil-Kumitat Eżekuttiv.

10.4 Il-Kumitat Eżekuttiv jista' jiddelega lil xi rappreżentant wiehed jew aktar biex iwettqu kull tali dmir jew parti minnu.

10.5 Il-Kumitat Eżekuttiv ghandu jimplimenta d-decizjonijiet adottati fil-Konferenza Ġenerali.

10.6 Il-Kumitat Eżekuttiv ghandu jiltaqa' daqstant spiss daqskemm iqs li jkun mehtieg biex iwettaq in-negozju tiegħu b'mod effiċjenti. Il-*quorum* ikun ta' nofs l-għadd tal-membri u wiehed aktar, jew wara nofs siegħa mill-hin stabbilit, il-membri preżenti.



10.7 Il-mozzjonijiet ghal xi emenda jistghu jiġu ppreżentati mill-Kumitat Eżekuttiv jew jinghatawlu u ghandhom jiġu ppubblikati jew imwassla lill-membri kollha mill-anqas ghaxart ijiem qabel il-Konferenza Ġenerali.

## ARTIKOLU 11

### *Bordijiet tal-Ferghat.*

11.1 Ikun hemm Bordijiet tal-Ferghat li jkunu magħmulin mir-rappreżentanti murija hawn aktar 'l isfel:-

11.1.1 Ghal kull unità/fergha/rank kif stabbiliti mill-Kummissarju minn żmien ghal żmien.

11.1.2 Hames rappreżentanti għall-kuntistabbli tal-Pulizija rġiel, kuntistabbli tal-Pulizija mara wahda, tliet Surġenti tal-Pulizija rġiel, Surġent tal-Pulizija mara wahda, tliet Surġenti Maġġuri, hames spetturi rġiel, żewġ spetturi nisa, żewġ Suprintendenti, Assistant Kummissarju wiehed, Viċi Kummissarju wiehed u Kummissarju.

11.1.3 L-elezzjonijiet għall-Bordijiet tal-Ferghat isiru ta' kull sentejn u l-uffiċjal li jkollu l-oghla kariga f'xi unità jew fergha jew rank għandu jitqies bhala *returning officer* u uffiċjal elettoral.

11.1.4 Kull membru jkollu d-dritt għal vot wiehed. Il-votazzjoni għandha dejjem issir b'vot sigriet.

11.1.5 Is-Segretarju Ġenerali jkun l-awtorità li tohrog writ ta' l-elezzjonijiet u jistabbilixxi l-post fejn ikunu se jsiru l-elezzjonijiet.

11.1.6 Meta jkun hemm xi vakanza f'xi Bord tal-Fergha, għandu japplika l-metodu ta' elezzjoni b'għażla.

11.1.7 Kull Bord tal-Fergha għandu jibghat delegati għall-Konferenza Ġenerali kif jidher hawn taht;

Kuntistabbli Rġiel	Hamsa	Kuntistabbli Nisa	Tlieta
Surgenti Rġiel	Hamsa	Surgenti Nisa	Tlieta
Surgenti Maġġuri Regimentali	Tnejn		
Spetturi Rġiel	Tnejn	Spetturi Nisa	Tnejn
Suprintendenti	Tnejn	Assistenti Kummissarji	Tnejn
Viċi Kummissarju	Wiehed	Viċi Kummissarju	Wiehed

## ARTIKOLU 12

### *Awdituri*

12.1 It-teżorier ikun responsabbli għall-flejjes ta' l-Assoċjazzjoni. Il-hlasijiet għandhom dejjem isiru permezz ta' kont korrenti (*cheque*), u għandhom jehtieġu l-firma tat-Teżorier u ta' uffiċjal iehor tal-Kumitat Eżekuttiv li jkun speċifikatament mahtur.

12.2 L-awdituri jistghu jinhatru matul Konferenza Ġenerali, u m'għandhomx ikunu inqas minn tlieta fil-ghadd u lanqas aktar minn hamsa. Jekk ma tkunx saret hatra bħal dik, tkun l-amministrazzjoni finanzjarja ċivili tal-Korp tal-Pulizija li tagħmel il-verifika ta' kull sena.

12.3 Ma tista' ssir ebda hatra ta' persunal *full-time* minn barra l-Assoċjazzjoni, kemm-il darba ma tkunx inkisbet l-approvazzjoni bil-quddiem mill-Konferenza Ġenerali li għandha tkun mgħarrfa bl-isem u l-kondizzjonijiet ta' min ikun ser jiġi mahtur. F'każijiet ohra, li jkunu għal żmien limitat jew għal hidmiet speċifiċi, ikun il-Kumitat Eżekuttiv li jiddeċiedi.

## ARTIKOLU 13

### *Xoljiment*

13.1 L-Assoċjazzjoni tista' tiġi xjolta bil-kunsens ta' hamsa minn sitta tal-membri, fil-Konferenza Ġenerali, jew wara li s-shubija tinżel għal inqas minn 15 fil-mija ta' l-uffiċjali tar-rankijiet kollha.

13.2 Fil-każ ta' xoljiment, kull bilanċ favorevoli ta' flejjes ghandu jigi trasferit lill-Korp tal-Pulizija, bil-ghan li jinżamm sakemm biż-żmien ghad tiffirma ruhha Assoċjazzjoni ohra bil-ghan u l-oġġettivi simili ghal dawk ta' l-Assoċjazzjoni tal-Pulizija ta' Malta.”; u

(ċ) it-Tielet Skeda li tinsab mieghu ghandha tiġi enumerata mill-ġdid bħala “L-Hames Skeda” u minflok il-kliem “Artikolu 30”, “Ordinanza” u “artikolu 34” kull fejn dawn jidhru fl-Iskeda, ghandhom jidhru l-kliem “Artikolu 121”, “Att” u “artikolu 125” rispettivament.

7. Minnufih qabel it-Tieni Skeda li tinsab mal-liġi prinċipali ghandha tidhol din l-Ewwel Skeda ġdida li ġejja;

Tidhol l-Ewwel  
Skeda ġdida  
fil-liġi prinċipali.

## “L-EWWEL SKEDA

(Artikolu 16)

Ġurament tal-kariga ta' Uffiċjali tal-Pulizija

Jiena.....solennement nahlef/niddikjara li nkun tassew fidili u leali lejn il-poplu u r-Repubblika ta' Malta u l-Kostituzzjoni tagħha u li naqdi fedelment l-imsemmija Repubblika matul is-servizz tiegħi fil-Korp tal-Pulizija ta' Malta; bħala Uffiċjal tal-Pulizija, li noqghod taht kull Kodiċi, Att, Ordinanza, ordni u regolament li ghandu x'jaqsam mal-Korp li hemm fis-seħh jew li jistgħu minn żmien għal żmien ikunu fis-seħh u li naqdi d-dmirijiet kollha ta' Uffiċjal tal-Pulizija skond il-liġi, minghajr biża' jew favuri, ġibda jew mibegħda. (Hekk Alla jghinni).”.

8. Minnufih wara t-Tielet Skeda li tinsab ma' l-Att kif enumerata mill-ġdid ghandha tidhol din ir-Raba' Skeda ġdida li ġejja:

Tidhol ir-Raba'  
Skeda ġdida  
fil-liġi prinċipali.

## "IR-RABA' SKEDA

(Artikolu 66)

*Kodiċi ta' Prattika għall-interrogazzjoni ta' Persuni Arrestati**Regoli Ġenerali*

Dan il-kodiċi ta' Prattika għandu jkun aċċessibbli għal konsultazzjoni fl-Għases tal-Pulizija kollha, u f'kull post fejn normalment isiru intervisti sabiex il-membri kollha tal-Korp tal-Pulizija, persuni arrestati, jew membri tal-pubbliku jkun jistgħu jaqrawh. Meta skond dan il-Kodiċi, persuna jkollha tinghata xi informazzjoni, dik l-informazzjoni m'għandhiex tinghata meta dik il-persuna ma tkunx kapċi tifhimha, jew tkun qed iġġib ruhha b'mod vjolenti, jew tkun tehtieg kura medika urgenti; madankollu, dik l-informazzjoni għandha tinghata kemm jista' jkun malajr.

1. *Skop ta' l-interrogazzjoni*

Qabel xejn, ftakar li l-ghan ta' l-interrogazzjoni hu biex jiġi eżaminat jekk is-suspett raġonevoli f'min ikun qed jiġi interrogat ikunx validu jew le, u jekk ikun validu, biex jiġbor il-fatti u l-provi favur u kontra l-persuna interrogata għall-fini li dik il-persuna titressaq quddiem Qorti tal-Ġustizzja, jekk ikun hemm provi biżżejjed.

2. *L-importanza ta' l-Istqarrijiet.*

Billi l-istqarrija tal-persuna li tkun qed tiġi interrogata hija ta' importanza ewlenija bħala prova, hu importanti li ma jsir xejn matul l-intervista li jista', ukoll bl-inqas mod possibbli, jitfa' dubju fuq il-validità ta' l-istqarrija; u minhabba fl-importanza ta' l-istqarrija bħala prova, il-Qrati tagħna huma stretti u metikolużi fil-kriterji li huma adottaw biex jiżguraw li dikjarazzjoni tkun saret b'mod konformi ma' l-Art. 658 tal-Kodiċi Kriminali, jiġifieri li l-istqarrija tkun giet magħmula "volontarjament u ma gietx imġieghla jew meħuda b'theddid jew b'biża', jew b'weghdiet jew bi twebbil ta' vantaġġi".

3. *Fejn tista' ssir l-interrogazzjoni*

Bħala regola, l-interrogazzjoni għandha ssir fil-Kwartieri Ġenerali tal-Pulizija jew f'Għassa tal-Pulizija jew

f'postijiet ohra taht il-kontroll tal-Pulizija, hlief meta jkun hemm raġunijiet serji li jkunu jindika li dan ikun ser jippreġudika serjament l-investigazzjonijiet.

#### 4. *Twiddiba*

Il-persuna li tkun qed tiġi interrogata għandha d-dritt li tirrifjuta milli twieġeb għal xi mistoqsija li ssirlu.

Għal dawn ir-raġunijiet, qabel ma ssir l-interrogazzjoni ta' persuna suspetta li tkun għamlet reat, għandha tinghata twissija jew twiddiba f'din il-forma li ġejja:-

"M'intix obligat li titkellem sakemm ma tkunx tixtieq li titkellem, imma dak li tghid jista' jingiebi bi prova."

Meta tkun tapplika r-regola ta' l-inferenza skond id-disposizzjonijiet tal-Kodiċi Kriminali, it-twiddiba għandha tkun kif ġej:

"M'intix obligat li titkellem sakemm ma tkunx tixtieq li titkellem, imma dak li tghid jista' jingiebi bi prova; madankollu, jekk ma tkun trid tghid xejn jew tonqos milli ssemmi xi fatt, il-Qorti jew il-ġudikant jistghu jaslu għal regola ta' inferenza li tammonta għal prova korroborattiva, jekk matul il-proċess inti tressaq xi difiża li tkun ibbażata fuq xi fatt li ma tkunx semmejt matul l-interrogazzjoni."

### PROCEDURI KIF ISSIR L-INTERROGAZZJONI

#### 5. *Identifikazzjoni ta' l-Uffiċjali tal-Pulizija*

Min ikun qed imexxi l-interrogazzjoni u kull persuna ohra prezenti għandha tidentifika lilha nnifisha ma' min ikun qed jiġi interrogat.

#### 6. *Jitnizzel bil-miktub li tkun inghatat it-twiddiba*

Il-fatt li tinghata t-twiddiba msemija fir-Regola 4, għandu jiġi registrat fl-istqarrija nnifisha, u min ikun qed jiġi interrogat għandu jinghata l-opportunità li jiffirma fi tmiem il-paragrafu fejn dan jitnizzel.

7. *Dettalji ta' dak li jitniżżel.*

Meta, wara li tinghata t-twiddiba, min ikun qed jiġi interrogat jiddeċiedi li jagħmel stqarrija, għandu jitniżżel dan li ġej:- il-post fejn tkun saret l-istqarrija, il-hin li fih tkun inbdiet u ntemmet l-interrogazzjoni, kull perjodu ta' interruzzjoni, u l-ismijiet ta' kull min ikun preżenti matul l-interrogazzjoni.

L-uffiċjal investigatur għandu dejjem jgħarraf lil min ikun suspettat qabel ma tittiehed xi stqarrija bil-miktub dwar ir-reat li jkun qed jiġi investigat.

8. *Proċedura għall-abbozzar ta' Stqarrija*

Kemm jista' jkun, l-istqarrija għandu jkun fiha l-kliem eżatti li jintużaw minn min ikun suspettat, minghajr ebda użu ta' vokabularju "uffiċjali". Meta ċ-ċirkostanzi jkunu hekk jindikaw, min ikun suspettat għandu jithalla jikteb l-istqarrija tiegħu nnifsu, u dan il-fatt għandu jiġi mniżżel fl-istqarrija nnifisha. Il-persuna suspettata għandha tiġi mistiedna tiffirma l-istqarrija. Madankollu, "it-twiddiba" għandha dejjem titniżżel fil-bidu tad-dokument ukoll meta min ikun qed jiġi interrogat ikun bi hsiebu jikteb l-istqarrija tiegħu nnifsu.

Tinsiex li ukoll jekk l-istqarrija ma tiġix iffirmata, din xorta tista' tingieb bi prova; madankollu, r-raġuni li ggħib il-persuna interrogata għaliex ma tkunx qed tiffirma l-istqarrija, għandha titniżżel.

Ebda spazju vojta ma għandu jithalla fl-istqarrija hlief it-truf fuq kull naha.

9. *L-istqarrija għandha tinqara mis-suspettat kriminali*

Meta tintemm il-kitba ta' l-istqarrija minn uffiċjal tal-pulizija, min ikun qed jagħmilha għandu jintalab jaqra kopja tagħha u li jista' jagħmel kull stqarrija ulterjuri li fiha jista' jagħmel korrezzjonijiet, tibdiliet jew żjidiet skond ma jixtieq. Jekk min ikun ġie interrogat ma jkunx jista' jew jirrifjuta jaqra l-istqarrija, l-istqarrija għandha tinqara lill-persuna suspettata. Wara dan, il-persuna suspettata għandha tintalab tiffirmaha fi tmiemha u tinizjala kull paġna kif ukoll kull stqarrija ulterjuri li tiddeċiedi li tagħmel.

#### 10. *Iffirmar ta' l-Istqarrija mill-Pulizija*

L-uffiċjal li jkun qed imexxi l-interrogazzjoni ghandu jiffirma l-istqarrija fi tmiemha, preferibilmment taht il-firma, jekk ikun hemm, tal-persuna interrogata; l-uffiċjal, u kull min ikun qiegħed jassistih ghandu jiffirma dikjarazzjoni li tkun tghid li l-istqarrija tkun inqrat lill-persuna inkwistjoni li setgħet ukoll taqra kopja tagħha.

#### 11. *X'ghandu jitnizzel fir-Records ta' Persuni Arrestati*

Ghandu jitnizzel kull intervall li jkun hemm matul l-interrogazzjoni. Ir-records ghandhom ukoll jindikaw kull hin meta l-persuna interrogata tinghata xi ikel jew xorb. Kull talba li ssir mill-persuna arrestata matul l-interrogazzjoni ghandha tigi registrata bil-miktub u dik it-talba ghandha tiffirma parti mir-records tal-kustodja tad-detenut.

#### 12. *Regola kontra xi Interrogazzjoni matul il-lejl*

Persuna ghandha biss tigi interrogata matul il-lejl meta dan ikun indispensabbli għall-investigazzjoni jew għax ikun jevita milli jtawwal iż-żmien ta' l-arrest. Ghandu jgħaddi żmien biżżejjed bejn interrogazzjoni u oħra biex dik il-persuna tkun tista' tistrieħ. L-interrogazzjoni m'għandhiex titkompla meta d-detenut ikun hekk għajjen li l-fakultajiet ta' rieda u fehim ikunu mittiefsa.

#### 13 *Żmien ta' Mistrieh*

F'kull perjodu ta' 24 siegħa, l-arrestat ghandu jithalla jistrieħ għal perjodu kontinwu ta' mill-anqas 8 siegħat, mhux interrotti b'xi interrogazzjoni, vvjaġġar jew interruzzjoni kaġunata mill-investigazzjoni. Bħala regola, dan il-perjodu ghandu jkun matul il-lejl. Dan il-perjodu ta' mistrieh ma ghandux ikun interrott jew pospost sakemm ma jkunx hemm raġunijiet validi li jkunu jindikaw li jekk ma jkunx hemm interruzzjoni jew posponiment bħal dawk x'aktarx:

(a) li jkun hemm riskju gravi ta' hsara lil persuni, jew dannu lil proprjetà jew telf sostanzjali;

(b) iż-żmien ta' arrest jittawwal b'mod mhux meħtieġ;

(ċ) l-investigazzjoni tiġi serjament preġudikata.

Ebda xorb alkoholiku m'għandu jingħata lill-persuni arrestati, kemm-il darba dan ma jiġix preskritt minn tabib.

Għandhom isiru waqfiet fil-interrogazzjoni f'hinjiet ta' l-ikel normali, u għandu jkun hemm ukoll waqfiet qsar għal xi kolazzjon f'intervalli ta' madwar sagħtejn, bla hsara għad-diskrezzjoni ta' l-uffiċjal investigatur li jdewwem il-hin għal kolazzjon jekk ikollu tassew għaliex jahseb li dan x'aktarx:

(a) ikun jinvolvi riskju ta' hsara għal persuni jew telf gravi ta' proprjetà, jew dannu li jista' jsir fiha;

(b) idewwem b'mod mhux mehtieg il-helsien mill-kustodja tal-persuna; jew

(ċ) xort'ohra jippreġudika r-riżultat ta' l-investigazzjoni.

#### 14. *Qerq bil-kliem*

L-użu ta' xi qerq bil-kliem biex iwassal persuna tagħmel stqarrija ma jkunx projbit (bhal "diġà nafu kolloxx dwar il-każ; shabek diġà stqarrew kolloxx").

#### 15. *Hsieb speċjali għall-Minorenni*

Għandu jingħata hsieb speċjali meta jkunu qegħdin jiġu interrogati persuni taht is-16-il sena. Kemm jista' jkun, u jekk dan ma jkunx ta' preġudizzju għall-investigazzjoni, dawn il-persuni għandhom jiġu intervistati fil-preżenza ta' xi wiehed mill-ġenituri, jew it-tutor tagħhom, jew fil-preżenza ta' xi persuna oħra, li ma tkunx membru tal-Korp tal-Pulizija, li jkun ta' l-istess sess bħall-persuna interrogata, bħal min ikollu l-hsieb u l-kustodja effettiva tal-minorenni, jew haddiem soċjali.

Żgħażaġh u tfal li jkunu jattendu l-iskola jew xi istituzzjoni edukattiva oħra m'għandhomx, kemm jista' jkun, jiġu arrestati jew interrogati l-iskola. Meta jkun daqstant mehtieg li l-intervista ssir l-iskola, dan għandu jsir fil-preżenza tal-kap ta' l-iskola.



## 16. *Oppressjoni*

Kull forma ta' mgieba li tista' tkun tammonta ghal trattament inuman u degradanti, jew kull forma ta' tortura fizika jew mentali, hi mhux biss projbita imma tammonta ghal reat taht l-artikolu 139A tal-Kodiċi Kriminali. Ghar-reat hemm piena ta' massimu ta' disa' (9) snin prigunerija.

Ghaldaqstant ghandhom jittiehdu l-passi kollha mhux biss biex ma tigrix dik l-mgieba, imma wkoll li ma ssir ebda azzjoni li tista' wkoll taghti lok ghal allegazzjonijiet ta' trattament hazin.

Ghalhekk,

(a) min ikun qed jiġi interrogat ghandu dejjem u f'kull waqt joqghod bilqeghda, jekk ikun hekk jixtieq, matul l-interrogazzjoni;

(b) huwa projbit kull kliem mhux xieraq, theddid, dahk ta' disapprovazzjoni u mossi li jheddu;

(c) taht ebda ċirkostanza ma ghandha persuna li tkun preżenti waqt l-interrogazzjoni, iżżomm jew turi xi arma tan-nar jew xi arma ohra, ukoll jekk biss biċ-ċajt; madankollu, id-detenut jista' jintwera dawk l-armi tan-nar jew armi li jkollhom x'jaqsmu ma' l-investigazzjoni, meta dan ikun mehtieg;

(d) hadd m'ghandu, meta jkun qed jiġi interrogat, jiġi marbut b'xi habel, katina jew taghmir iehor, imma jista' jiġi mmanettjat jekk dan ikun raġonevolment ġustifikat ghas-sigurezza tiegħu jew dik ta' persuni ohra jew sabiex jinżamm milli jahrab.

L-uffiċjal investigatur ghandu jiftakar li kull detenut individwali jkollu ċ-ċirkostanzi partikolari tiegħu u ghandu jiehu hsieb speċjali li dwar persuni partikolarment timidi jew debboli ma jsir xejn li jitfa' dubju fuq il-volontarjetà ta' l-istqarrija tagħhom.

## 17. *L-interrogazzjoni ta' Persuni Handikappati u Persuni ohra*

(a) Jekk l-Uffiċjal tal-Pulizija jkun jidhirfu li persuna li jkun bi hsiebu jinterroga jkollha handikapp

mentali li jgħajjem dubju dwar jekk il-persuna tistax tifhem il-mistoqsijiet li jsirulu, jew li tirrendi lill-persuna x'aktarx miftuha għal sugġestjoni, l-uffiċjal għandu juża attenzjoni partikolari fil-mistoqsijiet li jagħmel u meta jkun qed jifli kemm għandu joqghod fuq ir-risposti. Kemm jista' jkun, persuna mentalment handikappata għandha tiġi interrogata biss fil-preżenza ta' ġenitur, jew it-tutor tagħha jew xi persuna oħra, li ma tkunx membru tal-Korp tal-Pulizija, u li tkun ta' l-istess sess bhall-persuna li tkun qed tiġi interrogata, bħal min ikollu l-kura u l-kustodja effettiva tal-persuna handikappata jew xi haddiem soċjali;

(b) Dokument li jkun jirrapporta interrogazzjoni ma' persuna mentalment handikappata (wara li l-uffiċjal investigatur ikun aċċerta ruhu li l-persuna interrogata kienet kapaċi tagħmel l-istqarrija) għandu jiġi offrut għall-firma mhux biss tal-persuna handikappata imma wkoll lil ommu jew lil missieru jew lil xi persuna oħra li tkun qed issiehu u li tkun preżenti waqt l-interrogazzjoni; għandu jittiehed hsieb li jiġu verifikati l-fatti kollha dikjarati u li meta jkun possibbli tinkiseb korroborazzjoni;

(ċ) fil-każ ta' persuni potenzjalment vulnerabbli, (bħal persuni taht l-influwenza ta' mediċinali, alkohol, mediċina, jew li jkunu fi stat ta' xokk) għandhom jittiehdu prekawzjonijiet sabiex jiġi żgurat li l-istqarrija ssir minnhom meta jkunu kapaċi japprezzaw is-sinifikat tal-mistoqsijiet u tneġġibiet tagħhom, u li l-istqarrija ma tkunx ir-riżultat ta' xi influwenza mhux dovuta mill-uffiċjal investigatur.

Il-Kummissarju għandu jagħmel regoli dwar l-interrogazzjoni, meta jkollu għaliex jahseb li persuna tkun jew marida jew truxa. L-uffiċjali investigaturi m'għandhomx jgħaddu għal interrogazzjoni minghajr l-intervent u ċertifikazzjoni bil-quddiem li tinghata minn tabib, dwar kemm ikun adatt li ssir l-interrogazzjoni.

#### 18. *Stqarrijiet f'isla li ma jkunux il-Malti jew l-Ingliż*

Hadd ma għandu jiġi interrogat minghajr interpretu jekk dik il-persuna

(a) ma tkunx tifhem l-ilsien Malti jew Ingliż;  
jew

(b) min ikun qed imexxi l-interrogazzjoni ma jkunx jifhem l-ilsien mitkellem mill-persuna interrogata.

Fil-każ ta' persuna li taghmel stqarrija f'lsien li ma jkunx il-Malti jew l-Ingliż;

(a) l-interpretu jew l-uffiċjal li jirċievi l-istqarrija ghandu jniżżel l-istqarrija bl-ilsien li ssir bih;

(b) ghandha ssir traduzzjoni għall-Malti eventwalment u din tintehmeż bhala esibit ma' l-istqarrija originali;

(ċ) tkun biss l-istqarrija originali li tenhtieg li tiġi offruta lil min ikun ghamel l-istqarrija.

#### 19. *Effett ta' dan il-Kodiċi*

In-nuqqas ta' osservanza ta' xi wahda mid-disposizzjonijiet ta' dan il-Kodiċi ma jinvalidax l-istqarrija li tkun ittiehdet, kemm-il darba dak in-nuqqas ta' osservanza ma jkunx ixjejn l-volontarjetà ta' l-istqarrija. Madankollu, jistgħu jinbdew proċedimenti dixxiplinari kontra persuni li ma josservawx id-disposizzjonijiet ta' dan il-Kodiċi.

#### 20. *Regoli ta' Gwida*

Finalment ghandu jittfakkar li dawn ir-regoli ta' tmexxija qeghdin jiġu ċirkolati mhux biss biex jipprevjenu l-ghemil ta' xi haġa li tkun projbata mill-Kostituzzjoni jew il-liġi ta' Malta, imma wkoll sabiex jiġu evitati allegazzjonijiet minn persuni arrestati ta' xi trattament mhux kif imiss matul l-arrest tagħhom. Għaldaqstant, l-osservanza ta' dawn ir-regoli mhux biss ittejjeb ix-xbieha tal-Korp tal-Pulizija f'għajnejn il-pubbliku, imma wkoll tiżgura inqas problemi għall-Pulizija meta jiġu biex eventwalment iġibu prova tal-validità ta' stqarrijiet li jsiru minn persuni arrestati.”.

Emenda ta' l-Att ta' l-2002 li jemenda l-Kodiċi Kriminali.

9. L-Att ta' l-2002 li jemenda l-Kodiċi Kriminali għandu jiġi emendat kif ġej:

(a) il-paragrafu (b) ta' l-artikolu 97 tiegħu għandu jiġi emendat kif ġej:

(i) fis-subartikolu (3) li jinsab fih minflok il-kliem "ta' dan l-artikolu." għandhom jidhlu l-kliem "ta' dan l-artikolu."; u

(ii) is-subartikolu (4) li jinsab fih għandu jiġi mħassar;

(b) fis-subartikolu (5) ta' l-artikolu 453A li jinsab fl-artikolu 108 tiegħu, minflok il-kliem "tas-subartikolu (3) ta' l-artikolu 12 ta' l-Att dwar il-*Probation* ta' Hatjin" għandhom jidhlu l-kliem "tas-subartikolu (3) ta' l-artikolu 25 ta' l-Att ta' l-2002 dwar il-*Probation*"; u

(c) l-artikolu 649 li jinsab fl-artikolu 152 tiegħu għandu jiġi emendat kif ġej:

(i) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali li ġejja:

"Eżami ta' xhieda dwar reati ta' kompetenza tal-Qrati tal-Gustizzja barra minn Malta.";

(ii) fis-subartikolu (1) tiegħu, minflok il-kliem "awtorità ġudizzjarja jew prosekuttriċi" għandhom jidhlu l-kliem "awtorità ġudizzjarja, prosekuttriċi jew amministrattiva" u minnufih wara l-kliem "esegwit mill-Pulizija." għandhom jidhlu l-kliem "Il-maġistrat għandu jikkonforma mal-formalitajiet u proċedimenti indikati fit-talba ta' l-awtorità barranija sakemm dawn ma jkunux kuntrarji għall-ordni pubbliku jew għal liġi pubblika interna ta' Malta;

(iii) fis-subartikolu (2) tiegħu, minflok il-kliem "l-awtorità ġudizzjarja jew prosekuttriċi" għandhom jidhlu l-kliem "l-awtorità ġudizzjarja, prosekuttriċi jew amministrattiva"; u

(iv) fit-test Malti tas-subartikolu (3) tiegħu, minflok il-kliem "magħmula mill-awtorità" għandhom jidhlu l-kliem "magħmula mill-awtorità ġudizzjarja ta' pajjiż barra minn Malta għall-eżami".

**10. Il-Kodiċi Kriminali għandu jiġi emendat kif ġej:**

(a) is-subartikolu (1) ta' l-artikolu 5 tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (d) tiegħu, minflok il-kliem "ta' l-artikolu 314B" għandhom jidhlu l-kliem "ta' l-artikolu 314A";

u

(ii) fil-paragrafu (g) tiegħu, minflok il-kliem "jew l-artikoli 139A jew 298" għandhom jidhlu l-kliem "jew fl-artikoli 139A, 198, 199, 211, 214 sa 218, 220, 249 sa 251, 298, jew fl-artikoli 311 sa 318 jew fl-artikolu 320 meta dawn isiru fiċ-ċirkostanzi msemmija fil-paragrafu (d) jew (e) ta' dan is-subartikolu, jew f' delitt li jsir b' xi ghemil kif imsemmi fis-subparagrafu (ii) tal-paragrafu (e) ta' dan is-subartikolu";

(b) fl-artikolu 118 tiegħu, minflok il-kliem "li jirċievi jew jaċċetta" għandhom jidhlu l-kliem "li jitlob, jirċievi jew jaċċetta";

(ċ) fil-paragrafu (a) tas-subartikolu (4) ta' l-artikolu 121, minnufih wara l-kliem "ta' xi Stat barrani" għandhom jidhlu l-kliem "inkluż xi membru ta' xi assemblea domestika ta' xi Stat barrani li teżercita setgħat legiżlattivi jew amministrattivi";

(d) fil-paragrafu (ċ) ta' l-artikolu 121C minflok il-kliem "ta' Kunsill Lokali." għandhom jidhlu l-kliem "ta' Kunsill Lokali; jew" u minnufih wara għandu jidhol dan il-paragrafu ġdid li ġej:

"(d) ir-reat ikun jinvolvi xi persuna minn dawk li għalihom hemm riferenza fil-paragrafi (b), (ċ) jew (d) ta' l-artikolu 121 u dik il-persuna tkun fl-istess hin ċittadin jew resident permanenti f' Malta skond it-tifsira mogħtija fil-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 5."; u

(e) fil-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 459A tiegħu, minflok il-kliem "kontra xi persuna ohra" għandhom jidhlu l-kliem "li tinvolvi fl-ghemil ta' xi reat li bih ikun qiegħed jiġi akkużat, lil xi persuna ohra".

**11. L-Ordinanza dwar l-Armi (Kap. 66) għandha tiġi emendata kif ġej:**

Emenda ta' l-  
Ordinanza dwar l-  
Armi, Kap. 66.

(i) minnufih wara s-subartikolu (2) ta' l-artikolu 3 tagħha, għandu jidhol is-subartikolu ġdid li ġej:

(3) Il-Kummissarju tal-Pulizija jista' jawtorizza t-trasferiment jew id-dhul ta' armi tan-nar u munizzjon minn persuna barranija ġewwa jew minn Malta minghajr il-htieġa ta' liċenza meta dik il-persuna tkun koperta b'liċenza validament mahruġa minn pajjiż ieħor, għal dak l-iskop u taht dawk il-pattijiet u kondizzjonijiet li jistghu jiġu preskritti.”; u

(ii) minnufih wara l-artikolu 30 tagħha għandu jidhol dan l-artikolu ġdid li ġej:

“31. Il-Ministru jista' jagħmel regoli jew regolamenti sabiex jagħti sehh lid-dispożizzjonijiet ta' din l-Ordinanza u minghajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi huwa jista' b'dawk ir-regoli jew regolamenti b'mod partikolari jagħmel xi wahda minn dawn l-affarijiet li ġejjin:

(i) jordna l-kondizzjonijiet tal-liċenza;

(ii) jordna l-formoli ta' applikazzjoni biex tinghata, tiġġedded jew isir tibdil f'xi liċenza taht din l-Ordinanza; u

(iii) jippreskrivi kull haġa li b'din l-Ordinanza tista' tiġi preskritta.”.

Emenda  
għall-Att dwar  
Tfal u Żgħażaġh  
(Ordinijiet għall-  
Harsien), Kap. 285.

12. Fl-artikolu 4 ta' l-Att dwar Tfal u Żgħażaġh (Ordinijiet għall-Harsien), Kap. 285, minflok il-kliem “Direttur tas-Sigurtà Soċjali” kull fejn dawn jinsabu, għandhom jidhlu l-kliem “Direttur tad-Dipartiment responsabbli għall-Harsien Soċjali”.

Dispożizzjoni  
transitorja.

13. Ir-regolamenti, ordinijiet jew formoli magħmula, mahruġa jew preskritti bis-saħħa ta' xi artikolu tal-liġi prinċipali sostitwit bl-artikolu 4 ta' dan l-Att għandhom jitqiesu li ġew magħmula, mahruġa jew preskritti mill-Ministru jew mill-Kummissarju tal-Pulizija, skond il-każ, bis-saħħa ta' l-artikolu 107 u, jew l-artikolu 108 li hemm fl-artikolu 4 ta' dan l-Att u jistghu jiġu emendati jew mhassra skond hekk.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 768 tal-5 ta' Lulju, 2002.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skriivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

GUIDO DE MARCO  
President

16th July, 2002

**ACT No. XIII of 2002**

*An Act to amend the Malta Police Ordinance, Cap 164.*

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. (1) This Act may be cited as the Malta Police Ordinance (Amendment) Act, 2002, and shall be read and construed as one with the Malta Police Ordinance Cap. 164, hereinafter referred to as "the principal law"

Short Title and  
commencement.

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

2. For the title "Malta Police Ordinance" in the principal law there shall be substituted the title "The Police Act".

Substitution of  
Title of principal  
law.

3. For the table entitled "Arrangement of Ordinance" in the principal law there shall be substituted the following:

Substitution of  
Table of Contents  
of Ordinance.

“Arrangement of the Act

		Articles
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	Second Schedule	Statute of Malta Police Association
	Third Schedule	Offences Against Discipline
	Fourth Schedule	Code of Practice for Police Interrogations
	Fifth Schedule	Police Pensions Regulations

4. For articles 1 to 29 of the Ordinance there shall be substituted the following:

Substitution of  
articles 1 to 29  
of the Ordinance.

## “PART I

### GENERAL

Short Title.

1. This Act may be cited as the Police Act.

2. In this Act, unless the context otherwise requires -

“appropriate consent” shall have the same meaning assigned to it by article 350 of the Criminal Code;

“Commissioner” means the Commissioner of Police;

“Internal Affairs Unit” shall have the same meaning assigned to it by sub-article (1) of Article 55.

“the Academy” means the Police Academy established by article 103 of this Act;

“the Force” means the Malta Police Force;

“the Malta Police Association” means the police association designated by that name and existing on the coming into force of this Act;

“Gazetted Officer” means any police officer of or above the rank of Inspector;

“member of the Force” means any police officer other than the Commissioner;

“Minister” means the minister responsible for the Police;

“non-intimate sample” shall have the same meaning assigned to it by article 350 of the Criminal Code;

“Police” means the Malta Police Force;

“police officer” means any person serving in the Force and includes the Commissioner;

“premises” means any place, vehicle, vessel, aircraft, seacraft, including an off-shore installation, or any temporary or moveable structure;

“prescribed” means prescribed by regulations made under this Act.

“protected witness” means a person admitted to a witness protection programme under sub-article (1) of article 75.

## PART II

### THE MALTA POLICE FORCE

#### TITLE I

#### CONSTITUTION

The Malta  
Police Force.

3. There shall continue to be a police force known as the Malta Police Force.

Objectives.

4. The main objectives of the Force are -

(a) to preserve public order and peace, to prevent the commission of offences, to promote and enforce the observance of the laws, as a first guarantee of the rights of all persons in Malta, even before action is needed

through the judicial system to repress, sanction or remedy any breach;

(b) to respond immediately to any request for the protection and intervention of the law;

(c) to apply the law without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status;

(d) to promote the orderly and peaceful coexistence of all persons in Malta, paying due attention not only to private property rights but also to public property;

(e) to seek to protect the environment as part of the common good;

(f) to assist, within reasonable limits, any person seeking the help of a police or other public officer even though the ultimate responsibility to provide such help may not lie with the Force;

(g) to perform honestly and effectively all those duties assigned to it by this Act or by any other law.

Commissioner  
and  
other officers.

5. (1) There shall be a Commissioner of Police who shall be appointed by the Prime Minister and shall have the command, direction, management and superintendence of the Force.

(2) The Commissioner of Police shall be assisted by such Deputy Commissioners, Assistant Commissioners and such other police officers of such ranks as may from time to time be approved by the Prime Minister.

(3) The Commissioner shall represent the Force in any judicial proceedings.

(4) Any act or thing which may be done, ordered or performed by the Commissioner may, subject to the orders and directions of the Commissioner, be done, ordered or performed by the Deputy Commissioner or an Assistant Commissioner.

## TITLE II

### APPOINTMENTS AND CONDITIONS

Appointments. 6. The appointment of all police officers shall be subject to such conditions, requirements and standards as may be prescribed by this Act or by regulations or orders made under this Act.

Reserve Constables. 7. (1) The Force may engage a number of reserve constables, who may be considered as suitable to perform certain police work.

(2) A reserve constable shall be paid an allowance for the work done.

(3) The same laws, rules and regulations as apply to regular police officers shall apply *mutatis mutandis* to reserve constables who shall be entitled to join any professional association established under this Act.

Obedience. 8. (1) Every member of the Force shall, in the execution of his duties, promptly and without challenge obey the lawful orders of the Commissioner or of that member's other lawful superiors.

(2) An order given to a member of the Force by the Commissioner or by any other lawful superior of that member shall be deemed to be lawful, unless it is manifestly contrary to an express provision of law or a Court order.

Incompatible activities. 9. Every police officer shall dedicate his whole time to the service of the Force and shall not carry on any other work unless prior permission in writing has been obtained from the Commissioner.

Assignment of duties. 10. Every member of the Force shall be liable to be stationed at such places as the Commissioner may from time to time order:

Provided that the Commissioner shall not, without good cause, require a police officer to be stationed for indefinite periods to areas which, on account of distance, may cause undue hardship to the police officer or his family.

## Training.

11. (1) Every member of the Force shall undergo such training and undertake such tests or examinations as the Commissioner may from time to time establish.

(2) Tests may be carried out over a period of time on an assessment basis in order to appraise the efficiency and professional skill of members of the Force and may include routine medical tests to ascertain their suitability for the Force.

Status of  
police officer.

12. Every police officer shall be deemed to be a police officer at all times, subject to the payment of such compensation as may be due to him under any law or regulation or as the Commissioner may determine.

Work  
schedules  
and benefits.

13. (1) The Commissioner shall assign an Assistant Commissioner to oversee the distribution of shift duties in a fair and equitable manner.

(2) The Assistant Commissioner so assigned shall also ensure that duties which attract benefits or additional remuneration shall be distributed equitably.

## Grievances.

14. A police officer who believes that he is not being justly treated according to the provisions of article 13 may apply directly or through a professional association established under this Act, to the Assistant Commissioner who shall draw up a report to the Commissioner for his decision, unless a solution is found within a period of one month.

Consultations  
on transfers.

15. The Commissioner shall consult with the highest ranking officer in a branch or division, when transfer of personnel is to be effected.

## Oath of office.

16. (1) Before entering upon duties on appointment, all new or readmitted members of the Force shall take the oath of office contained in the First Schedule to this Act.

(2) The oath shall be taken and signed by all officers before a person duly empowered by law to administer an oath or before the Commissioner.

## Resignation.

17. (1) Any member of the Force who wishes to resign or withdraw from his duties shall give to the Prime Minister such prior notice, not exceeding thirty days, as the Prime Minister may require by notice in the Gazette, of his

intention to resign or withdraw himself from his duties, as the case may be, giving reasons therefor.

(2) The Prime Minister shall grant permission to any member of the Force for resignation or withdrawal after the lapse of the period so required unless such member:-

(a) is the subject of disciplinary proceedings before the Public Service Commission which have not been determined; or

(b) is charged with an offence triable by a court of criminal jurisdiction; or

(c) has otherwise rendered himself liable to be dismissed or removed from the Force.

in which cases the Prime Minister may either delay his permission until the proceedings, trial or dismissal procedures have been concluded or grant such permission under specified conditions.

(3) Any member of the Force whose period of notice expires during the occurrence or apprehended occurrence of hostilities, internal disorder, or other grave emergency of any kind, may be retained and his service prolonged for such further period, not exceeding twelve months, as the Minister may direct.

Removal  
from office.

18. It shall be lawful for the Prime Minister on the recommendation of the Public Service Commission to remove from his office at any time a police officer who -

(a) has not given any indication of being or has ceased to be an efficient police officer; or

(b) is incapable by reason of some infirmity of mind or body of discharging the duties of his office when such infirmity is likely to be permanent; or

(c) it is considered, having regard to the conditions of the Force, the usefulness of the officer thereto, and all the circumstances of the case, should in the public interest no longer serve as a member of the Force.

Uniforms and  
stores.

19. (1) When any police officer shall cease to hold and exercise his office, he shall forthwith return to such person and at such time and place as the Commissioner shall direct all arms, ammunition, accoutrements, uniforms and other clothing and equipment which have been supplied to him at the public expense and which he is directed by the Commissioner to return.

(2) The Commissioner may direct any person who has custody or possession of any of the articles mentioned in sub-article (1) which were in the possession of a former police officer, to deliver up such articles at such place and to such person as the Commissioner may appoint.

Offences.

20. (1) Any person, who refuses or willfully fails to comply with a direction given by the Commissioner under article 19, shall be guilty of a criminal offence and shall be liable, on conviction, to imprisonment for a term not exceeding three months, or to a fine (multa) not exceeding one hundred Maltese liri.

(2) Any person who through negligence fails to return any article as directed by the Commissioner under article 19 shall be liable to pay as a civil debt to the Force the value of the article not so returned.

Police  
Negotiating  
Board.

21. (1) There shall be a Police Negotiating Board for the consideration of questions raised by the official side or staff side, as hereunder defined, relating to hours of duty, pensions, leave, pay and allowances, and other conditions of service.

(2) The Police Negotiating Board shall have an official side, a staff side, and an independent chairman appointed by the Prime Minister.

(3) The official side shall be represented by the Permanent Secretary at the Ministry responsible for the Police, the Permanent Secretary at the Office of the Prime Minister, the Permanent Secretary at the Ministry responsible for finance, and the Permanent Secretary at the Ministry responsible for industrial relations.

(4) The staff side shall be composed of four members selected by the Malta Police Association:

Provided that if there is more than one such association, then the number of members shall be apportioned according to the relative strength of such associations, calculated on the basis of their membership.

(5) Consultants for either side shall be allowed to attend meetings of the Board.

Functions of  
Police  
Negotiating  
Board.

22. (1) The Police Negotiating Board shall submit its report to the Prime Minister on any question raised as provided in sub-article (1) of article 21.

(2) In case of disagreement with the Report of the Board the staff side may request that the matter be referred to arbitration.

Arbitration.

23. (1) In the case of such request being made the Prime Minister shall appoint three independent arbitrators who shall draw up a report to the Prime Minister on the matter referred to in sub-article (2) of article 22 and the said report shall be submitted by the Prime Minister to the Cabinet for its consideration.

(2) In all cases envisaged in this article, the decision of the Cabinet shall be final, whether the matter is referred to arbitration or not.

### TITLE III

#### PROFESSIONAL ASSOCIATIONS

Right to  
organise.

24. (1) Senior ranks in the Force from the rank of inspector and above may form one professional association as provided in sub-article (2) and all other ranks may also form one such association.

(2) A professional association may be formed for the promotion of the welfare and professional efficiency of the members of that association, including matters concerning their hours of duty, leave, pay and allowances, pensions and other conditions of service and rules of discipline in general, and for the defence of individuals in disciplinary proceedings.

Voluntary  
membership.

25. (1) Membership of an association is voluntary.



(2) No person may be a member of any such association unless he is a member of the Force.

(3) Notwithstanding sub-article (2), an association may engage employees or advisers from outside the Force.

Independent  
bodies.

26. An association and every committee or board thereof shall be entirely independent of and not associated with any body outside the police service:

Provided that the association may affiliate itself with similar international organisations of police forces, or to collaborate with an association in Malta the members of which are retired members of the Force.

Registration.

27. A professional association shall be registered with the Commissioner who shall not refuse any such registration provided that the statute of the association is not in conflict with this Act and the association represents not less than fifteen per cent of the whole Force, or fifty per cent plus one more member of any of the categories listed in sub-article (1) of article 24 of this Act.

Malta Police  
Association.

28. Until any other association is formed, the Malta Police Association shall continue as established with the Statute set forth in the Second Schedule.

Substitution  
of Schedule.

29. (1) The Malta Police Association, may substitute its own statute for that in the Schedule. The statute intended to substitute that in the Schedule shall be submitted to the Commissioner to ensure that it conforms with this Act in which case he shall approve the statute. When the statute has been so approved by the Commissioner it shall be submitted to the vote of the members of the association. Such substitution shall be determined by a majority of votes of all the members present and voting.

(2) When a Statute to substitute that in the Second Schedule has been approved by the Malta Police Association the Statute in the Second Schedule shall be deemed to be so substituted.

Work done in  
connection  
with a  
professional  
association.

30. The Commissioner may, compatibly with the exigencies of the service, consider that any work done by a police officer in connection with a professional association be part of his Police duties.

TITLE IV

DISCIPLINE

Offences by  
police  
officers  
triable by the  
Courts.

31. (1) Any police officer who –

(a) being cognizant of any mutiny or sedition amongst the Force does not use his utmost endeavours to suppress such mutiny or sedition; or

(b) being cognizant of any intended mutiny or sedition amongst the Force does not without delay give information thereof to his superior officer; or

(c) being present at any assemblage tending to riot does not use his utmost endeavours to suppress such assemblage; or

(d) deserts; or

(e) persuades, procures, assists or attempts to persuade, procure or assist any police officer to desert; or

(f) knowing that any police officer has deserted or intends to desert does not without delay give information to his superior officer; or

(g) strikes, or offers violence to another officer, such officer being in the execution of his duty,

shall be guilty of a criminal offence and shall be liable, on conviction, to imprisonment for a period not exceeding two years

(2) No police officer shall be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of such officer not to return to the Force.

(3) The punishment provided in sub-article (1) of this article shall apply unless the fact constitutes a more serious criminal offence under the Criminal Code or some other law, in which case such Code or such other law shall apply.

Causing  
disaffection.

32. Any person who –

(a) causes, or attempts to cause, or does any act calculated to cause disorder or division amongst police officers; or

(b) induces, or attempts to induce, or does any act calculated to induce a police officer to withhold his service or to commit an offence against discipline,

shall be guilty of a criminal offence and shall be liable, on conviction, to imprisonment for a period not exceeding one year.

Disciplinary  
offences.

33. Any member of the Force who commits any of the offences set out in the Third Schedule to this Act shall be guilty of an offence against discipline.

Membership  
in  
organisations.

34. It shall be an offence against discipline for any police officer to be or to become a member of –

(a) any trade union, or any body or association affiliated to a trade union; or

(b) any other body or association having among its objects anything mentioned in article 21 and not constituted and regulated pursuant to the provisions of this Act.

Proceedings  
in general.

35. (1) Disciplinary proceedings shall be regulated according to article 110 of the Constitution.

(2) Where any powers to exercise disciplinary action are delegated to the Commissioner in accordance with the provisions of article 121 of the Constitution, the Commissioner shall follow the procedures and shall have the powers as mentioned in the following articles, unless the Commissioner has declared the case to be one which admits of no delay in which case the directives issued under sub-article (2) of article 40 shall apply.

Proceedings  
before the  
Commissioner  
or Gazetted  
Officer.

36. (1) The Commissioner may collect the evidence personally or shall appoint a Gazetted Officer to collect the evidence and to recommend the relative punishment, if any, applicable in the case.

(2) The Commissioner or the Gazetted Officer appointed as aforesaid, as the case may be, shall have the power and authority to hear evidence on oath, and a warrant signed by the Commissioner or the Gazetted Officer, as the case may be, shall be equivalent to a subpoena issued to compel the attendance of witnesses or to compel them to produce documents or other exhibits.

(3) No person summoned as a witness shall be obliged to answer any question or produce any document or other exhibit which may tend to incriminate him and every such person shall, in respect of any evidence given by him, be entitled to all the privileges to which a witness giving evidence in criminal proceedings before the Court of Magistrates. In the same manner, the witness shall have the same duties as if he were summoned in criminal proceedings before the Court of Magistrates.

(4) Any person who gives false evidence on oath before the Commissioner or a Gazetted Officer appointed as aforesaid shall be guilty of a criminal offence and shall be liable, on conviction, to a term of imprisonment not exceeding two years and to general interdiction.

Prosecution  
and defence.

37. (1) In proceedings before the Commissioner or Gazetted Officer under article 36 –

(a) an officer higher in rank than the officer charged shall be detailed to represent the prosecuting side and produce the evidence in support of the charge;

(b) the officer charged may defend himself in person, or through the assistance of an advocate, legal procurator or another police officer of his own choice, or a representative of a police association, as mentioned in Title III of Part II of this Act, of which he is a member.

Evidence and  
Procedural  
Rules.

38. (1) The officer charged may summon witnesses on his own behalf and may cross-examine witnesses brought against him under the same conditions as prevail for the prosecution and for this purpose the Commissioner or Gazetted Officer, as the case may be, shall issue the subpoena for such witnesses.

(2) Before giving his decision and awarding punishment the Commissioner shall hear final submissions

by the prosecution and the defence on the merits and on the punishment applicable if any.

(3) The rules of evidence applicable before the Court of Magistrates as court of criminal judicature shall apply to proceedings under article 36 and summary notes of the proceedings shall be kept by the presiding officer, signed by him, and attached to the records of the case.

(4) The provisions of sub-article (2) of this article shall also apply to the Gazetted Officer before submitting his opinion to the Commissioner as provided in article 39.

Delegated  
cases.

39. The Gazetted Officer appointed according to sub-article (1) of article 36 shall always forward to the Commissioner the relative file together with his opinion about the merits of the case and the punishment, if any, recommended by him and the Commissioner may adopt the recommendation or reform it, either by dismissing the case and acquitting the officer charged or by reducing the punishment, if any.

Rules for  
investigations.

40. (1) The Commissioner may issue directives not inconsistent with the provisions of this Act regarding the procedures to be followed in the preliminary hearing into an allegation of a disciplinary offence.

(2) Notwithstanding any other provision of this Act, such directives may include provisions for immediate disciplinary measures by superior officers or a police officer in cases which admit of no delay.

Independence  
of actions.

41. Any disciplinary proceedings taken against a member of the Force shall be without prejudice to any proceedings which may be taken against him under the provisions of the Criminal Code or any other law, and any proceedings taken under the Criminal Code or any other law shall be without prejudice to any disciplinary proceedings for the same fact.

Punishments.

42. In proceedings before the Commissioner the following punishments may be awarded:

- (i) a fine not exceeding seven days' pay;

(ii) stoppage of weekly rest days, not exceeding seven days;

(iii) severe reprimand;

(iv) reprimand;

(v) caution.

Excluded  
punishments.

43. (1) The punishment of:

(i) dismissal; or

(ii) requirement to resign, either forthwith or on such date as may be specified in the decision as an alternative to dismissal; or

(iii) reduction in rank or seniority; or

(iv) deferment of an increment or the reduction in the offender's rate of pay,

shall only be recommended by the Public Service Commission in terms of article 110 of the Constitution.

(2) The provisions of sub-article (1) of this article do not preclude the Public Service Commission from imposing a punishment listed in article 42.

Payment of  
fines.

44. All fines for offences against discipline shall be recovered from the pay due to the offender:

Provided that the Commissioner may, after taking into consideration the number of dependants of the officer and other similar circumstances, order that the fine be paid by monthly installments each not exceeding the equivalent of one day's salary of the offender or may give the offender the option to pay off the fine by working extra unpaid hours.

Damage to or  
loss of  
equipment.

45. If a police officer pawns, sells, loses by neglect, makes away with, or willfully or negligently damages any arm, ammunition, accouterment, uniform or other article supplied to him, or any property committed to his charge, he may, in addition to or in lieu of any other punishment, be ordered to make good, either partially or wholly, the value of such property or the amount of such loss or damage, as the

case may be, and such value or such amount may be recovered by a deduction from his pay.

Time limit for  
internal  
proceedings.

46. Disciplinary proceedings before the Commissioner shall be instituted within three months from the date of the commission of the offence against discipline.

Cancellation  
from personal  
record.

47. An offence against discipline dealt with by the Commissioner shall cease to appear in the personal record of an officer after the lapse of two years if he is not found guilty of any other offence during such period.

## TITLE V

### THE POLICE BOARD

Establishment  
of Police  
Board.

48. (1) There shall be a Police Board composed of such members, not being more than five one of whom shall be the Chairperson, as shall be appointed annually by the President of Malta acting on the advice of the Minister.

(2) The members shall hold office for a period of two years from the 1st January of the year for which they are appointed and may be re-appointed.

(3) If any vacancy in the Board occurs during the year on account of death, resignation, or for any other cause, the President shall, as soon as practicable, appoint another person to fill the vacancy and the person so appointed shall remain in office for the remainder of the term of office of his predecessor:

Provided that the Board and the members shall continue to act notwithstanding any such vacancy.

(4) No person shall be qualified to be appointed as, or remain, a member of the Board if he is:

(a) a public officer;

(b) a member, officer or servant of any body corporate established by law;

(c) a member of the House of Representatives or a member or servant of a local council;

(5) A member of the Board may be removed from office by a Resolution of the House of Representatives on the ground of inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Functions of  
Board.

49. The Police Board shall have the following functions -

(a) to expeditiously inquire into and report on any matter regarding the conduct of the Force or any of its members either on its own motion or on any complaint which it receives or is referred to it by the Minister;

(b) to inquire and report on any complaint made to it by an officer against treatment which he deems prejudicial or discriminatory, or causes him undue distress;

(c) to monitor the conduct of internal police disciplinary proceedings and to inform the Minister of its findings; for the purposes of this paragraph any member of the Police Board may attend any session of disciplinary proceedings held by the Commissioner in the exercise of powers delegated to him as mentioned in sub-article (2) of article 35;

(d) to monitor relations between the Force and the public and in particular the amenities of the Force open to the public as well as to supervise and visit any cells where persons are or may be detained and to report thereon to the Minister;

(e) to monitor the workings of the Internal Affairs Unit within the Police Force and to refer to it any such matters that it deems fit;

(f) to send any report required by the provisions of this article to the Minister and to the Commissioner of Police;

(g) to submit a report of its work every calendar year to the Minister, the Commissioner of Police and to the Social Affairs Committee of the House of Representatives;



(h) to perform any other function that may be assigned to it by regulations, or by any specific written instructions from the minister:

Provided that for the purpose of the exercise of the above functions the Force shall be deemed to include any civilian personnel attached to the Force.

Meetings of  
Board.

50. (1) The Police Board shall meet at least once a month at the place that may be established for such meetings.

(2) The quorum at meetings shall be half the number of members plus one.

(3) Any decision may only be taken on the majority of the votes of the members present and voting, with the Chairman having the casting vote in the case of equality of votes.

(4) Minutes shall be kept by the Secretary of the Police Board, who is also the custodian of all relevant documents, which shall be read over and confirmed and signed by the Chairman and the Secretary at the end of the meeting.

(5) The Board shall otherwise regulate its own procedure.

Appearance  
before Police  
Board.

51. (1) The Commissioner or any police officer or any civilian employee may be requested to appear before the Police Board to answer questions and to provide information that may be relevant to the said Board in the execution of its duties.

(2) The complainant may also be asked to attend before the Police Board, and give further information.

Delegation of  
functions.

52. The Police Board may, in conjunction with the Internal Affairs Unit, assign to one of its members the duty to collect information and evidence and such member shall report back to the Board.

Decisions.

53. (1) In its decisions, the Board may recommend such action that it deems fit.

(2) Where it results that the matter may involve criminal proceedings, the Police Board shall refer its findings to the Attorney General and to the Commissioner of Police.

Exceptions.

54. (1) Notwithstanding the other provisions of this Title, it shall not be lawful for the Police Board or any of its members to inspect or demand the production of any exempt document within the meaning of sub-articles (3) to (6), both inclusive, of article 637 of the Code of Organization and Civil Procedure nor to require any police officer to give any information contained in any such document.

(2) It shall also not be lawful for the Police Board or any member thereof to demand the production of any document connected with a criminal investigation or to demand or to be given information on any such criminal investigation.

Internal  
Affairs Unit.

55. (1) In this Title the words "Internal Affairs Unit" mean that internal department within the Police Force, by whatever name called, entrusted with the internal supervision of the workings of the Force in order to ensure its accountability.

(2) The Internal Affairs Unit shall be set up within the Force to investigate any complaint on police officers made against them by members of the public or by one member of the Force against another and to receive and to examine any testimonial for commendation from the public regarding a police officer in the execution of his duties.

Regulations  
for Board.

56. The Minister may make regulations not inconsistent with the provisions of this Act to regulate matters of procedure before the Board and to make provision for such remedies or measures that may be recommended by the Board.

Reports by  
Board.

57. (1) The Police Board shall every year submit a report of its work to the Minister, to the Social Affairs Committee of the House of Representatives and to the Commissioner.

(2) The Police Board may publish a summary of its report, observing due discretion where the interests of private individuals so require, especially by not revealing the names or identity of individuals.

(3) The members of the Board shall be bound by the provisions of the Professional Secrets Act.

Abstention of  
members:

58. A member of the Police Board shall abstain from taking part in the deliberations and decision on any matter which comes before the Board in which he may have a pecuniary, professional, or other personal interest, or in which a relative, whether by affinity or consanguinity up to the fourth degree inclusively, is in any way involved.

Unjustified  
absence:

59. A member who absents himself from four meetings without a valid reason shall be considered as having resigned his post, and the Secretary shall inform the President accordingly.

Offences.

60. (1) It shall be an offence against discipline for any member of the Force to knowingly hinder any other member of the Force from effectively exercising his right to make or pursue a complaint to the Police Board or to penalise or harass by persistent unreasonable demands such other member of the Force for having made or for pursuing a complaint to the Police Board with the object of inducing such member of the Force to desist from complaining to the Police Board or to withdraw a complaint made to such Board.

For the purposes of articles 100 and 101 of the Criminal Code, the Police Board shall be deemed "a competent authority".

### PART III

#### INVESTIGATIONS AND PROSECUTIONS

##### TITLE I

##### DUTIES OF CUSTODY OFFICERS

Duties of  
custody  
officers.

61. The custody officer or an officer performing the functions of a custody officer according to law shall:

(a) release from custody a person in police detention if upon the lapse of the period of forty-eight hours from his arrest that person has not been brought before a court within that period:

Provided that before effecting such release the custody officer or officer performing the functions of a custody officer shall inform the investigating officer and a Magistrate and the final decision shall rest with the Magistrate;

(b) release any person when so ordered by the investigating officer who had proceeded to or requested his arrest;

(c) ensure that persons in police detention under his charge are treated in accordance with the law and according to any code of practice that may be issued;

(d) keep a record of anything that needs to be recorded with reference to a detained person under his charge as provided in this Act or in any code of practice that may be issued;

(e) in consultation with the investigating officer, attend to any medical or other humanitarian needs of the person detained and shall in no case assume personal responsibility where any medical attention is requested or manifestly required;

(f) seek to ensure that the place where persons under his charge are detained conforms to acceptable standards of hygiene and comfort, especially if a detained person is to sleep therein;

(g) seek to ensure that there is no danger to the life of the person detained under his charge even if the person detained is left unattended.

Transfer of  
detainee.

62. (1) When a detained person is transferred to another place of detention, the responsibility for the welfare of that person shall devolve on the new custody officer who shall assume responsibility.

(2) The Magistrate carrying out an inquiry into the *in genere* in relation to the offence in respect of which a person is detained may order at any time that the detained person be transferred to another place of custody.

Review of  
Police  
Detention.

63. (1) The custody officer shall personally review with the investigating officer the continued detention of the

person detained to determine whether it is justified in the circumstances.

(2) The first review shall be carried out within the first twelve hours from arrest and periodically thereafter at intervals not exceeding twelve hours. A record shall be kept of the fact and of the result of each review.

Records of  
detention.

64. The custody officer shall keep a register in which shall be recorded such personal details as to enable the identification of any person detained at the police station where the officer is stationed as well as all other relevant information concerning the detention of the person detained including:

- (a) the name of the arresting officer;
- (b) the date and time of arrest;
- (c) the date and time that the detained person was brought to the station;
- (d) the time of any interrogation and the duration thereof;
- (e) the time and result of any review of detention;
- (f) the time and nature of any requirements for medical advice or treatment and the action taken thereon;
- (g) the date and time of any transfer of the detained person to some other place together with the location of the place in question;
- (h) the date and time of the release of the detained person and under whose authority the release was made.
- (i) any allegation that the detained person is being or has been ill-treated during the period of his detention by the Police.

Searches of  
detained  
persons.

65. (1) The custody officer shall keep a written record of everything in the possession of the person arrested who is to be detained at the police station and of any item seized and retained in accordance with any provision of law. Such a

record shall be made part of the detained person's custody record.

(2) The custody officer may seize any item, including any item of clothing or personal effects, in the possession of the person arrested if he has reasonable grounds for believing that such item may be evidence relating to an offence or if he believes that it may be used by that person -

(a) to cause physical injury to himself or to any other person; or

(b) to damage property; or

(c) to interfere with evidence; or

(d) to facilitate his escape.

(3) The provisions of articles 355P to 355U, both inclusive, of the Criminal Code shall apply in the case of any seizure made under this article.

## TITLE II

### CODES OF PRACTICE AND INTERVIEWS

Codes of  
Practice.

66. (1) The Minister may by regulations issue codes of practice in connection with -

(a) the exercise by police officers of statutory powers -

(i) to search a person without first arresting him;

(ii) to search a vehicle without making an arrest;

(b) the detention, treatment, questioning and identification of persons by police officers;

(c) searches of premises by police officers; and

(d) the seizure of property found by police officers on person or premises.

(2) The Code of Practice for the Interrogation of Arrested Persons in the Fourth Schedule to this Act shall be deemed to be a Code of Practice issued by the Minister under the provisions of this article and may at any time be amended, repealed or substituted accordingly.

(3) A police officer who fails to comply with any provision of a code of practice issued under this article shall be liable to disciplinary proceedings for an offence against discipline.

(4) A failure on the part of a police officer to comply with any provision of such a code shall not of itself render him liable to any criminal or civil proceedings.

(5) In all criminal and civil proceedings any such code shall be admissible in evidence; and if any provision of such a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

Tape-  
recording and  
video-  
recording of  
interviews.

67. The Minister may make regulations providing for a code of practice for the audio-recording on tape or for the video-recording on film of any interview of a person suspected of the commission of an offence, as may be specified in the said regulations.

### TITLE III

#### FINGERPRINTS, SAMPLES AND IDENTIFICATIONS

Fingerprinting  
and other  
samples.

68. The investigating officer with the assistance of such competent persons as may be necessary and with the appropriate consent, may –

(a) take fingerprints, palm-prints or other prints from the person arrested;

(b) take photographs of the person arrested or of non-intimate parts of his body;

(c) take non-intimate samples from the person arrested.

Returning of  
fingerprints  
etc.

69. Any person may, within one year from the date of his acquittal by a final judgment of a court, demand that all samples, fingerprints and documents taken from him and any recordings of his voice or photographs or video recordings of him be returned to him or destroyed in his presence.

Request for  
return of  
fingerprints  
etc.

70. (1) The demand mentioned in article 69 shall be made by application to a Magistrate.

(2) If the demand is allowed the Magistrate shall ensure that the material in question is returned or destroyed in his presence.

(3) If the material in question is needed in connection with any other investigation, the Magistrate may order that the return or destruction of any such material be detained until it is no longer required for the other investigation.

Request by  
person  
arrested.

71. A demand as provided in article 69 may also be made by a person who has been arrested but not charged. In such a case the application referred to in article 70 may only be allowed after the Police have been given an opportunity to reply to the application which shall be served upon the Police for the purpose. The application shall not be allowed if it is opposed by the Police and the period of prescription for the exercise of the criminal action in respect of the offence for which the applicant was arrested has not lapsed.

Disposal of  
unclaimed  
samples.

72. Where the person acquitted or the person arrested but not charged, as the case may be, fails to apply to a Magistrate as provided in articles 69 and 71, the Police may transfer anything as is mentioned in those articles to the Police Academy established under this Act if the material is considered by the Police to have a didactic or experimental value.

Police  
Archives.

73. (1) The Police may hold, process and classify any information relevant to the commission of any crime in or outside Malta which information may be preserved by any system whatsoever, including in electronic format, subject to the provisions of any law on the protection of data.



Extent of  
information.

(2) Such information may relate to fingerprints, photographs, measurements, blood-samples, intimate or non-intimate samples, patterns of criminal behaviours and methodology in the perpetration of an offence and similar details for the purposes of any future identification of offenders.

Right of  
comparison.

(3) The Police may, for the purpose of establishing evidence in the investigation into any criminal offence, compare any such information with any other information that may become available to it.

Identifications.

74. (1) Where any identity parade or identification of objects is considered desirable by an investigating officer, it shall be conducted by a Magistrate who shall take such steps as to ensure that there is no suggestion or outside influence on the person who is called upon to make the identification.

(2) The Minister may make regulations for the carrying out of an identification parade.

#### TITLE IV

#### PROTECTION OF WITNESSES AND VICTIMS

Witness  
protection.

75. (1) Where a person is the victim of a crime who is to be produced as a witness in any criminal proceedings against any principal or accomplice in the crime and that person is concerned for his safety, the Commissioner may, subject to the provisions of article 76, set up a witness protection programme hereinafter referred to in this Part as "the programme".

(2) The provisions of sub-article (1) shall also apply to a person who took part in the commission of a crime and whose evidence is indispensably required for the prosecution of any principal or accomplice in the crime where that person agrees to co-operate with the public authorities for the purpose of such prosecution.

Entitlement to  
programme.

76. A person may become entitled to benefit under the programme if that person –

(a) is a victim of a crime; or

(b) participated in any organisation or group of persons who have committed or are organised to commit any crime; or

(c) has participated in the commission of a crime liable to the punishment of imprisonment of seven years or more;

and, where paragraph (b) or (c) applies, reveals to the Police such information which the Police consider sufficient as to be likely to secure, upon an eventual prosecution, the conviction of other participants in the crime.

Applicability  
of  
programme.

77. With respect to a person entitled to be admitted to the programme under paragraph (b) or (c) of article 76 the programme shall only apply if that person declares that he will testify during any trial of any participant in the crime and any benefit granted shall be forfeited if the witness refuses to so testify.

Evidence *viva*  
*voce*.

78. (1) Notwithstanding the provisions of any other law, where the court considers it necessary for the protection of any person admitted to the programme, it may allow such person to give evidence *viva voce* during the trial while being screened from the accused or by contemporaneous television transmission.

(2) The Minister with the concurrence of the Minister for Justice may make regulations to provide for the modalities, conditions and rules of procedure to be applied when a person is to give evidence under the provisions of sub-article (1).

Recommendation  
of  
application.

79. In deciding whether to recommend the admission of a witness into the programme under paragraph (b) or (c) of article 76, the Commissioner shall take into account whether the witness provides reliable and relevant circumstantial, direct or documentary evidence to corroborate his version.

Decision by  
Attorney  
General.

80. (1) Where the Commissioner is of the opinion that a person qualifies for admission to the programme, he shall apply in writing to the Attorney General requesting such person to be admitted to the programme stating the reasons for his request and producing all supporting documents.

(2) The Attorney General shall decide on any such request in his individual judgement, and if the request is allowed the witness shall be deemed to be a protected witness under the programme. The decision of the Attorney General may not be questioned in any manner in any court or tribunal.

Suspension  
of criminal  
proceedings.

81. A protected witness who took part in the fact which constitutes a crime for which others are being or are to be prosecuted, shall not be prosecuted for any crime arising from the same fact before the proceedings in which he is or will be a witness shall have become *res judicata*.

Suspension of  
prescription.

82. The period of prescription in respect of the criminal action against the protected witness arising from the fact referred to in article 81 shall be suspended from the date that the Attorney General decides that the witness shall be deemed to be a protected witness, and shall continue from the day on which the last proceedings in which he is a witness for the purposes of the programme become *res judicata*.

Protection  
under  
programme.

83. The programme may provide for such protection to the life and property of a witness admitted to the programme and to that of members of his family in the ascending, descending or collateral line, as the Commissioner may deem appropriate and may include provision for the payment of a subsistence allowance in particular cases.

Agreement  
with foreign  
countries.

84. The Minister responsible for the Police may enter into agreements with foreign governments providing for assistance, on the basis of reciprocity, in the implementation of witness protection programmes. For the purpose of enhancing the protection of witnesses such agreements may provide for the possibility of transferring to another country a protected witness or receiving from another country a witness admitted to a programme in that country similar to that referred to under article 75.

Revocation of  
status of  
protected  
witness.

85. (1) The Attorney General may at any time, either *ex officio* or on an application by the Commissioner, revoke a person's protected witness status under paragraph (a) or (b) of article 76 where it results that that person is not abiding by the conditions of the programme or that his evidence or version of the facts, or any circumstances indicated by him as corroborating evidence, are manifestly false.

(2) The protected witness status referred to in sub-article (1) may also be revoked as provided in that sub-article where the person enjoying that status commits during the period of the programme, or is reasonably suspected of having committed during that period, any other crime punishable with imprisonment for more than three years and not being a crime of an involuntary nature.

Revocation of status for victims of crime.

86. The Attorney General may also revoke a person's protected witness status granted under paragraph (a) of article 76 where it results that such person is not abiding by the conditions of the programme or where he is reasonably suspected of having committed any of the crimes referred to in articles 100 to 105 of the Criminal Code, both inclusive, or of the crimes referred to in articles 108 to 110 of the said Code, both inclusive, in relation to the fact in respect of which that status was granted.

Requests to Attorney General or to persons in authority.

87. A request by a person to be considered a protected witness may be made to the Attorney General, who shall decide the request as provided in subarticle (2) of article 80. The Attorney General may not be brought as a witness against the person requesting to be admitted to the programme or to prove that he made any such request.

Applicability of benefits.

88. The benefits under this Act or under any regulations made thereunder shall not apply to a person who results to be the head of the criminal organisation or group, or the main instigator or beneficiary of the crime.

Extension to witnesses not participants in the crime.

89. A witness protection programme may also be extended to a witness in any criminal proceedings in respect of a crime as is mentioned in article 76 and who has not participated in any way in such crime.

Hearing of vulnerable witnesses by means of a contemporaneous video conference.

90. (1) Any minor, any victim of any crime against the peace and honour of families, and against morals, and any other witness who in the opinion of the court needs special treatment or protection, may be allowed to give evidence *viva voce* during the trial by contemporaneous television transmission.

(2) The Minister, in concurrence with the Minister for Justice may make regulations to lay down anything that needs to be prescribed for the setting up of a contemporaneous television transmission during a trial as provided in sub-article

(1) and to lay down such rules of procedure and of evidence as may be necessary for such purpose as well as to secure greater protection of the personal safety, sense of modesty, psychological stability of such witnesses as may, on account of special circumstances, require such protection.

#### PART IV

##### Powers over Private Property

**Limits.** 91. A police officer may interfere with the enjoyment of private property only to the extent authorised by law.

**Definition of powers.** 92. Saving the special provisions of any other law allowing interference by the Police with the enjoyment of private property, the Police shall have the following powers to interfere with a thing in the following circumstances:

(a) the power to remove and hold a thing which may be in breach of the law, and –

(i) has not been removed by the owner within the time allowed in a written intimation served on him ordering him to remove the thing; or

(ii) the owner of which cannot be found; or

(iii) which needs to be removed as a matter of urgency;

(b) the power to demolish any building or structure which is the cause of imminent danger to the public.

**Regulations.** 93. The Minister may make regulations laying down conditions in addition to those specified in article 92 for the exercise of the powers mentioned in that article and may also specify the terms under which anything removed in the exercise of those powers is to be released to the person entitled to the delivery thereof including the payment of any dues and expenses incurred for the removal of the thing.

**Exemptions.** 94. (1) The Force shall not be held responsible for any damage to or loss of property where it results that in respect of that property the Police acted in the lawful execution

of any law and that action was reasonably justified in the circumstances.

(2) Similarly the Force shall not be held responsible for damages caused by it in order to preserve life or to prevent a graver damage to property.

Retrieval of  
property.

95. Any person from whose possession any item of property has been seized by the Police in the course of an investigation or otherwise having an interest in the same property, may by application request a Magistrate to release in his favour the property so seized. The Magistrate shall decide on the request after having heard the reply of the Police.

## PART V

### THE USE OF FORCE

Proportionality.

96. Police officers may use such moderate and proportionate force as may be necessary to ensure the observance of the laws.

Remedy of  
last resort.

97. The use of force is a remedy of last resort and shall only be used for the duration that is strictly necessary when it is evident that all other remedies would be of no avail.

Relevant time.

98. If in any Court or Tribunal any question arises as to the reasonableness of the use of force the circumstances prevailing at the time when force was used shall be the criterion for examining such reasonableness.

Arms.

99. (1) In exceptional circumstances the Force may, in the execution of its duties, use fire-arms and other offensive weapons or materials.

(2) When assessing the existence or otherwise of the exceptional circumstances mentioned in sub-article (1), consideration shall be taken of the conditions prevailing at the time when the use of fire-arms, or weapons or other materials becomes inevitable to preserve the life of a police officer or of others, or to avert an imminent danger of widespread violence.

Responsibility. 100. Saving any criminal or civil liability under any other law, it shall be considered as an offence against discipline if a police officer uses force for considerations extraneous to those permitted by law and the circumstances of the case.

Regulations. 101. The Minister may make regulations concerning the use of force and fire-arms by the Police.

General Saving. 102. The provisions of this Part shall be in addition to any other power conferred by any other law.

## PART VI

### POLICE ACADEMY

Establishment of the Police Academy. 103. There is hereby established the Police Academy, hereinafter referred to as the "Academy"

Aims. 104. The aims and objectives of the Academy shall be —

(a) to train recruits, officer cadets and serving police officers to fulfil their role in the Force, with ability, knowledge and expertise, integrity and impartiality, effectively and efficiently;

(b) to instill and strengthen professionalism in policing skills and core operational functions, and to train officers in modern managerial skills;

(c) to initiate officers in their own further studies which are relevant to their role in the Force, such as psychology, behavioural sciences, scientific investigation, local and foreign case-law, comparative law, and languages.

(d) to co-operate with criminal justice organisations and training institutions in the training of criminal justice personnel.

Board. 105. (1) The Academy shall be governed by a Board composed of a Chairman, the Commissioner of Police ex

*ufficio* or his representative, the President of the Police Association or his representative, and not less than five but not more than nine other members chosen from among persons having knowledge or experience of police and criminal justice matters. The members of the Board shall be appointed by the Minister responsible for the police. The Commandant and the Director of Studies shall be *ex officio* members of the Board.

(2) The Board shall have the general direction of the Academy and its policies and shall have responsibility for the setting of objectives and targets and for the monitoring of the Academy's operations.

(3) The Chairman shall be the juridical representative of the Academy.

Director and  
Staff.

106. (1) There shall be a Commandant who shall have the overall direction of the day to day affairs of the Academy. The Commandant shall be appointed by the Minister after consulting the Board.

(2) There shall be a Director of Studies who shall be appointed by the Minister after consulting the Board and who shall be responsible for the curriculum and for all academic aspects of the running of the Academy.

(3) The Director shall be responsible for the setting up of the courses and curricula of the Academy, and may engage lecturers on specific subjects.

(4) The Director shall also be responsible for organising such seminars, public lectures and discussions, which tend to promote the better functioning of the Force and the spreading of correct information to the public about the justice system.

## PART VII

### REGULATIONS, ORDERS AND FORMS

Minister may  
make  
regulations.

107. (1) The Minister responsible for the Police may make regulations for the better carrying out of the provisions



of this Act and for the general governance of the Force, and without prejudice to the generality of the foregoing, in particular as to any matters which the Commissioner is authorised to regulate by standing orders, and when such regulations are made, they shall prevail over any standing orders made or to be made by the Commissioner.

(2) The provisions contained in the Schedules hereto may be varied or revoked by regulations made by the Minister responsible for the Police under this article.

Commissioner  
may make  
standing  
orders.

108. The Commissioner may, subject to the provisions of this Act and to any regulations made by the Minister responsible for the Police, from time to time make standing orders for the general governance of police officers in relation to their leave, conditions of service, transfer (including expenses in connection therewith) training, arms and accoutrements, clothing and equipment, places of residence, classification and duties, as well as to their distribution and inspection, and such other orders as he may deem expedient to prevent negligence and for promoting efficiency and discipline on the part of police officers in the discharge of their duties.

Forms.

109. The Commissioner shall also provide for any forms (or procedures) which may be required by or under this Act.

## PART VIII

### MISCELLANEOUS

Loyalty to  
Court.

110. (1) A prosecuting officer is an officer of the Court and as such is in duty bound to behave dispassionately and with propriety, and must show due respect to the Court.

(2) A prosecuting officer may not submit to the Court, even if not under oath, any fact which he knows not to be true.

Manifestly  
unfounded  
prosecutions.

111. It shall be an offence against discipline for a police officer to charge a person before the courts with an offence which is manifestly unfounded. The provisions of Title IV of Part II of this Act shall apply in any such case.

The Police  
and the  
media.

112. (1) No police officer shall give any details to the press or the broadcasting media regarding the identity of any person arrested on a reasonable suspicion that he committed an offence.

(2) The Police shall not issue to the press, either directly or indirectly, any information about the identity of the person who is about to be charged before the courts or of any investigation concerning any suspect.

Information in  
the interest  
of public  
safety and  
security.

113. Notwithstanding the provisions of the preceding article, the Police may, in the interests of public safety and security, issue warnings about any person who is at large indicating enough details for the identification of such a person and about his mode of behaviour or system of conduct.

Offences  
against  
discipline.

114. (1) Any violation of article 112 of this Act shall be deemed an offence against discipline.

(2) The use of data for a purpose other than as allowed by law shall, without prejudice to the provisions of any other law, constitute an offence against discipline.

Liaison with  
Local  
Councils.

115. (1) The police officer in charge of a division shall hold regular meetings at suitable intervals with representatives of the Local Council of each locality in his division to discuss any matters which fall within the responsibility of the Police.

(2) Minutes of such meetings shall be kept and the progress made between one meeting and another shall be monitored by the Superintendent in charge of the district and the Assistant Commissioner in charge of the region.

Enquiries by  
Commissioner.

116. (1) The Commissioner may hold an inquiry into any matter concerning the administration of the Force which he considers serious enough to require such an investigation.

(2) In the conduct of any such inquiry, the Commissioner shall have the same powers mentioned in sub-article (2) of article 36 of this Act and the provisions of sub-articles (3) and (4) of the same article shall also apply to the proceedings of the inquiry under this article.

(3) An inquiry shall be without prejudice to any action that the Police Board established by this Act may take,

and the Police Board may recall and pursue the inquiry if it falls within its competence.

International  
co-operation.

117. The Police may, directly or through regional or international police organisations, co-operate with any state agency having similar powers and duties in any other country.

Animals used  
by the Force.

118. (1) The Force shall continue to make use of animals in the performance of certain operations and in ceremonial functions.

(2) The Commissioner shall ensure that these are treated in the best way possible and compatibly with the nature of such animals, and that they are not subjected to any cruel treatment.

Unless otherwise advised by a veterinary surgeon, an animal that is no longer of use to the Force, for any reason whatsoever, shall preferably be donated to any person or body that can continue to treat the animal well in its retirement. The Force shall not put down an animal merely because no suitable person has been immediately found to take care of that animal.

General  
Provisions.

119. (1) Where under this Act anything falls to be decided by a Magistrate, such a decision shall be by a decree which shall state the reasons of fact and law on which it is based.

(2) Where under this Act the investigating officer is required to file an application, he shall premise the request by such grounds which he genuinely believes to be true and reasonable, and the Magistrate may in all cases require that the application be confirmed on oath. In urgent cases, as the Magistrate may ascertain, the request may be made either by facsimile or by telephone; provided that in the latter case such request is as soon as practicable reduced in writing and submitted to the Magistrate.

(3) In urgent cases the authorisation by the Magistrate may also be communicated by facsimile.

(4) Any authorisation given by a Magistrate shall lapse after one month, but may be renewed for a valid reason for subsequent periods of one month each.

Serving  
Police  
Officers.

120. All persons who at the at the time of commencement of the Malta Police Ordinance (Cap. 164) were serving as Police officers shall be deemed to have been appointed under that Ordinance as in force prior to the coming into force of the Malta Police Ordinance Amendment Act 2001 and shall be considered to have duly taken the oath of office as required by such law.

Renumbering and  
amendment of  
articles 30 to 36 of  
the principal law.

5. (1) Articles 30 to 36 of the principal law, both inclusive, shall be renumbered articles 121 to 127 respectively.

(2) In articles 30 to 36 of the principal law renumbered as articles 121 – 127, both inclusive, for the word “Ordinance” wherever it occurs there shall be substituted the word “Act”;

(3) In the proviso to sub-article (1) of article 30 of the principal law renumbered as article 121, for the words “Third Schedule” shall be substituted the words “Fifth Schedule”;

(4) In article 33 of the principal law renumbered as article 124, for the words “paragraph (iii) of article 11” there shall be substituted the words “paragraph (c) of article 18” and for the words “paragraph (e) of article 32” there shall be substituted the words “paragraph (e) of article 123”.

(5) In article 36 of the principal law renumbered as article 127, for the words “paragraph (e) of article 32” there shall be substituted the words “paragraph (e) of article 123”.

Renumbering and  
amendment of  
Schedules  
to the principal law.

6. The Schedules to the principal law shall be renumbered and amended as follows:

(a) the First Schedule thereto shall be renumbered “Third Schedule” and for the words “Article 17” and “article 15 (1) (g)” therein there shall be substituted the words “Article 33” and “article 31(1)(g)” respectively;

(b) for the Second Schedule thereto there shall be substituted the following:

## SECOND SCHEDULE

(article 28)

*Statute of the Malta Police Association*

## ARTICLE 1

1.1 There is hereby established an Association to be known by the name of the Malta Police Association hereinafter called "The Association"; under the present statute, and which shall be the successor in title to the Malta Police Association which has been established by law under the Malta Police Ordinance (Cap 164).

1.2 Any word or term in this Statute shall have the same meaning as is assigned to it in the Police Act, unless the context otherwise requires.

## ARTICLE 2

Aims and  
objectives.

2.1. The aims and objectives of the Association shall be those defined in the Police Act and, in particular:

2.1.1 to safeguard and improve the conditions of employment of members, and to promote their interests, with particular reference to the participation of the Association in the Police Negotiating Board, as established under the Police Act or any other related board; to represent the interests of the members in any discussions with the official side in the Police Force;

2.1.2 the raising of the intellectual, moral and professional standard of the members;

2.1.3 the cultivation and development of relations between colleague members, and ex-members of the Malta Police Force;

2.1.4 the enhancement of the welfare of members of the Force and their dependants, through such services as may be possible from time to time, including collective insurance policies;

2.1.5 to afford advice and assistance to individual members in disciplinary proceedings;

2.1.6 to establish and administer a fund or funds for the purpose of providing educational, welfare, cultural and social activities;

2.1.7 to rent, take on lease, purchase, or otherwise acquire property and/or offices for the purposes of the Association;

2.1.8 to own and administer property and funds, and in the execution of its aim and objectives, it may employ staff and advisers, and to do all that is necessary, ancillary, or conducive to the attainment of such aims and objectives.

### ARTICLE 3

Membership. 3.1 Membership shall be voluntary and shall be open to all Police Officers;

3.2 All Police Officers shall be deemed to be members of the Association, as on the day preceding the date of coming into force of this Statute;

3.3 Any Police officer may opt to resign as member of the Association, after the date of coming into force of this Statute;

3.4 Membership shall automatically cease:

3.4.1 upon death;

3.4.2 upon termination of being a member of the Force;

3.4.3 in the event that a member has not contributed for his membership for four consecutive times;

3.4.4 upon voluntary termination.

3.5 The reinstatement of any members shall be subject to the payment in full of any arrears existing at the time of lapsing.

#### ARTICLE 4

Subscription.

4.1 A member's subscription shall be due and payable quarterly in advance, at the rate of Lm5.

4.2 Subscription fees shall be at such rate as the General Conference shall determine by a simple majority vote;

4.3 Subscription shall be paid by the members as the General Conference may determine, but on the coming into force of this Statute, to the salary paying officer.

#### ARTICLE 5

5.1 The office of the Association shall be at the Police Headquarters or at such other address as may be decided according to this Statute.

5.2 The seal shall include the emblem of the Malta Police Association.

#### ARTICLE 6

Rights and  
Obligations  
of  
members.

6.1 All members have the right to elect and be elected in the Association.

6.2 A member is bound by this Statute and by the decisions reached according to the internal democratic process.

6.3 A member shall continue to pay the membership fee as established from time to time by the Association.

#### ARTICLE 7

Foreign  
membership  
or contacts.

7.1 The Association may continue to be a member of the European Council of Police Unions (C.E.S.P.) according to its Statute.

7.2 The Association shall maintain such contacts with foreign Police Association to promote its ideals.

## ARTICLE 8

Organs of the  
Association.

8.1 The organs of the Association shall be:

8.1.1 the General Conference;

8.1.2 the Executive Committee

8.1.3 the Branch Boards.

## ARTICLE 9

The General  
Conference.

9.1 The highest organ of the Association shall be the General Conference which shall elect the Executive Committee, and shall be the primary policy-making body of the Association.

9.2.1 There shall be an Annual General Conference, which shall examine and adopt the Annual Report of the Executive Committee, and examine and approve the Annual Accounts. In alternate Annual General Conferences, there shall be the elections mentioned in this Statute for the Executive Committee.

9.2.2 The first General Conference shall be convened within three months from the entry into force of the Police Act, and shall be convened by the Commissioner for the approval of this Statute and for the election of the Executive Committee and other elections mentioned in this Statute.

9.2.3 The Annual Conference shall be held in the calendar month of each year, in accordance with the first established under the preceding paragraph.

9.3 The General Conference shall be composed of the Executive Committee, and up to two representatives from each rank, except for the Commissioner and the Deputy Commissioner.

9.4 The Chairman shall preside over the deliberations of the conference; in his absence by the Secretary General; in their absence by a person appointed by the Executive Committee.



9.5 The conference shall be held at the appointed place, date and time decided upon by the Executive Committee.

9.6 The agenda for the General Conference shall be prepared by the Executive Committee and shall be distributed at least one month in advance of the appointed day. All decisions shall be taken by a simple majority.

## ARTICLE 10

Executive  
Committee.

10.1 The Executive Committee shall be composed of a Chairman, Secretary General, Treasurer and one member from each rank, following their elections during the General Conference.

10.2 Resignations may be received by the Secretary General and any vacancies arising thereafter shall be filled by co-option until the following elections.

10.3 The Executive Committee shall be responsible for the proper administration of the funds, for making representations and carrying out or making arrangements for negotiations with competent authorities. The juridical representation of the Association shall be vested in the Executive Committee.

10.4 The Executive Committee may delegate representatives for the carrying out of all or part of such duties.

10.5 The Executive Committee shall implement decisions adopted at the General Conference.

10.6 The Executive Committee shall meet as often as it deems necessary in order to carry out its business efficiently. The quorum shall be of half the number of members plus one, or after half an hour from the appointed time, the members present.

10.7 Motions for any amendment may be presented by or to the Executive Committee and shall be published or communicated to all members at least ten days before the General Conference.

## ARTICLE 11

Branch  
Boards.

11.1 There shall be Branch Boards composed of representatives as shown hereunder:-

11.1.1 For each and every unit/branch/rank as established by the Commissioner from time to time.

11.1.2 Five representatives for Police male constables, one female Police constable, three Police male Sergeants, one female Police Sergeant, three Sergeant Majors, five male inspectors, two female Inspectors, two Superintendents, one Assistant Commissioner, one Deputy Commissioner and Commissioner.

11.1.3 Elections to Branch Boards shall be held every two years and the highest ranking officer in any unit or branch or rank shall be considered as the returning officer and the electoral officer.

11.1.4 Every member shall have the right for one vote. Voting shall always be held by a secret ballot.

11.1.5 The Secretary General shall be the authority to issue the writ for elections and determine the place where the elections are to be held.

11.1.6 Where a vacancy arises in any Branch Board, the method of co-option shall apply.

11.1.7 Each Branch Board shall send delegates to the General Conference as shown hereunder:

Male Constables	Five	Female Constables	Three
Male Sergeants	Five	Female Sergeants	Three
Regimental/Serg. Majors	Two		
Male Inspectors	Two	Female Inspectors	Two
Superintendents	Two	Assistant Commissioners	Two
Deputy Commissioner	One	Commissioner	One

## ARTICLE 12

Auditors.

12.1 The treasurer shall be responsible for the funds of the Association. Payments shall always be through a cheque account, which shall require the signature of the Treasurer and another official of the Executive Committee to be specifically designated.

12.2 Auditors may be appointed during a General Conference, who shall be not less than three and not more than five. In default of any such appointment, the civilian financial administration of the Police Force shall carry out the annual audit.

12.3 No full-time appointments may be made of personnel from outside the Association, unless prior approval has been obtained from the General Conference which shall be informed of the name and conditions of the person to be appointed. In other cases, which are of limited duration or for specific tasks, the Executive Committee shall decide.

## ARTICLE 13

Dissolution.

13.1 The Association may be dissolved with the consent of five-sixths of the members, at the General Conference, or after the membership falls below 15 per cent of the officers of all ranks.

13.2 In the case of dissolution, any favourable balance in the funds shall be transferred to the Police Force, to be held until eventually another Association is formed with the aim and objectives similar to those of the Malta Police Association.”; and

(c) the Third Schedule thereto shall be renumbered “Fifth Schedule” and for the words “Section 30” “Ordinance” and “article 34” wherever they occur in the Schedule, there shall be substituted the words “article 121”, “Act” and “article 125” respectively.

7. Immediately before the Second Schedule to the principal law there shall be inserted the following new First Schedule:

Insertion of  
new  
First  
Schedule  
to the  
principal  
law.

**"FIRST SCHEDULE**

(article 16)

**Oath of office of Police Officers**

I \_\_\_\_\_ solemnly swear/affirm that I will bear true faith and allegiance to the people and the Republic of Malta and its Constitution and that I will faithfully serve the said Republic during my service in the Malta Police Force; as a Police Officer that I will subject myself to all Codes, Acts, Ordinances, orders and regulations relating to the said Force now in force or which may from time to time be in force and will discharge all the duties of a Police Officer according to law, without fear or favour, affection or ill will. (So help me God)".

Insertion of  
new Fourth  
Schedule  
to the  
principal law.

8. Immediately after the Third Schedule to the Act as renumbered there shall be inserted the following new Fourth Schedule:

**"FOURTH SCHEDULE**

(article 66)

**Code of Practice for Interrogation of Arrested Persons**

***General Rules***

This Code of Practice is to be accessible for consultation in all Police Stations, and in all places where interviews are normally carried out so that all members of the Police Force, arrested persons, or members of the public may read it. Where according to this Code, any person is to be given any information, this information need not be given when such person is not capable of understanding it, or is violent in behaviour, or is in need of urgent medical care; however, such information shall be given as soon as practicable.

### 1. *Purpose of Questioning*

First of all, remember that the aim of the questioning is to examine whether the reasonable suspicion in the person being interrogated is valid or not, and if valid, to collect facts and evidence in favour and against the person interviewed for the purpose of arraigning such person before a Court of Law, if sufficient evidence exists.

### 2. *Importance of Statements*

Since the statement of the person subject to questioning is of paramount importance as evidence, it is important that nothing is done during the interview which may, even in the slightest way, throw doubt on the validity of the statement; and because of the statement's importance as proof, our Courts are strict and meticulous in the criteria they have adopted to ensure that a statement is made in conformity with Art. 658 of the Criminal Code, that is to say the statement is made "voluntarily and not extorted or obtained by means of threats or intimidation, or of any promise or suggestion of favour".

### 3. *Place where questioning may occur*

As a rule, the interrogation should be conducted at the Police General Headquarters or at a Police Station or other areas under Police control, except when there are serious reasons indicating that this would seriously prejudice the investigations.

### 4. *Caution*

The person subject to the questioning has the right to refuse to answer any question put to him.

For these reasons, prior to any questioning of a person suspected of having committed an offence, a warning or caution, in the following form, shall be given:-

"You do not have to say anything unless you wish to do so, but what you say may be given in evidence".

Where the rule of inference is applicable in accordance with the provisions of the Criminal Code the caution shall be as follows:

You do not have to say anything unless you wish to do so, but what you say may be given in evidence; however, should you refuse to say anything or omit to state some fact, a rule of inference amounting to corroborative evidence may be drawn by the Court or any other adjudicator if during the trial you will put forward any defence based on a fact which you did not state during interrogation.

## PROCEDURES FOR QUESTIONING

### 5. *Identification of Police Officers*

The person conducting the interrogation and all other persons present shall identify themselves to the person being interrogated.

### 6. *Recording of Caution*

The fact that caution in Rule 4 is given shall be registered in the statement itself, and the person subject to questioning must be given the opportunity to sign at the end of the paragraph where such registration is made.

### 7. *Details of Recording*

When, after the caution is given, the person being interviewed decides to make a statement, a record should be kept of the following:- the place where the statement is taken, the time the interrogation started and ended, every period of interruption, and the names of the persons present during the questioning.

The investigating officer shall always inform the suspect prior to any recorded statement of the offence which is being investigated.

### 8. *Procedure for drafting of Statement*

As far as possible, the statement should contain the exact words used by the suspected person, without using "official" vocabulary. Where circumstances so indicate the suspected person should be allowed to write his own statement, and this fact shall be registered in the statement itself. The suspected person shall be invited to sign the statement. However, the "caution" shall always be registered at the

beginning of the document even when the person being interviewed intends to write his own statement.

Do not forget that even if the statement is not signed, this may still be produced as evidence; however, the reason adduced by the person being questioned for not signing the statement shall be registered.

No blank spaces are to be left in the statement except for the side margins.

9. *Statement to be read by criminal suspect*

When the writing of a statement by a police officer is finished, the person making it shall be asked to read a copy of it and to make any further statement in which he may make any corrections, alterations or additions he wishes. If the interviewed person cannot or refuses to read the statement, the statement shall be read to the suspected person. Following this, the suspected person shall be asked to sign it at the end and initial every page as well as any further statement which he decides to make.

10. *Signing of Statement by Police*

The interrogating officer shall sign the statement at the end, preferably below the signature, if any, of the person being questioned; the officer, and any other person assisting him shall sign a declaration to the effect that the statement has been read out to the person concerned who was also allowed to read a copy of it.

11. *Registration in Records of Arrested Persons*

Any interval during an interview shall be recorded. The records must also indicate the time/s when the person being questioned is given any food or drink. Any request made by the arrested person during questioning shall be registered in writing and such request shall form part of the custody records of the detainee.

12. *Rule against Questioning during night*

A person should only be questioned during the night when this is indispensable for the investigation or avoids prolonging the period of arrest. Sufficient time shall elapse

between one interview and another to allow such person to rest. Questioning shall not proceed when the person detained is so fatigued that his powers of volition and comprehension are impaired.

### 13. *Periods of Rest*

In any period of 24 hours, the arrested person shall be allowed a continuous rest period of at least 8 hours, uninterrupted by any questioning, travel or interruption caused by the investigation. As a rule, this period shall be during the night. This period of rest shall not be interrupted or postponed unless there are valid reasons indicating that if there is no such interruption or postponement:

(a) there would be a serious risk of injury to persons, or damage to or substantial loss of property;

(b) the period of arrest would be unnecessarily prolonged;

(c) the investigation would be seriously prejudiced.

No alcoholic drinks shall be given to the arrested persons, unless ordered by a doctor.

Breaks from interviewing shall be made at recognised meal times, short breaks for refreshment shall also be provided at intervals of approximately two hours, subject to the interviewing officer's discretion to delay a break if there are reasonable grounds for believing that it would:

(a) involve risk of harm to persons or serious loss of, or damage to, property;

(b) delay unnecessarily the person's release from custody; or

(c) otherwise prejudice the outcome of the investigation.

### 14. *Stratagems*

The use of a stratagem to lead a person to make a statement is not prohibited (e.g. "we already know everything about the case; your friends have already confessed")



### 15. *Special attention for Juveniles*

Special attention should be given when persons under 16 years of age are being interviewed. As far as possible, and if this is not prejudicial to the investigation, these persons should be interviewed in the presence of one of the parents, or their tutor, or in the presence of any other person, not being a member of the Police Force, who is of the same sex as the interviewed person e.g. the person who has the effective care and custody of the young person, or a social worker.

Youths and children attending school or other educational institutions, should not, as far as possible, be arrested, or interviewed, at school. Where it is found essential to conduct the interview at school, this should be done in the presence of the head teacher.

### 16. *Oppression*

Any form of behaviour which may amount to inhuman or degrading treatment, or any form of physical or mental torture is not only prohibited but amounts to an offence under article 139A of the Criminal Code. The offence carries a punishment of a maximum of nine (9) years imprisonment.

Consequently all steps should be taken not only so that such behaviour does not occur, but also that no action be committed which may even give rise to allegations of ill-treatment.

Therefore,

- (a) the person being interrogated shall always and at all times be seated, if he so wishes, during the questioning;
- (b) foul language, threats, deprecatory laughter and menacing gestures are forbidden;
- (c) under no circumstances shall any person present during the questioning hold or exhibit any firearm or other weapon, even if jokingly; however, the detained person may be shown such firearms or weapons connected with the investigation, where this is necessary;

(d) no person being questioned shall be bound by any rope, chain or other shackle, but may be handcuffed if this is reasonably justified for his own safety or that of others or to prevent his escape.

The investigating officer must keep in mind the particular circumstances of individual detainees and must take special care with particularly timid or frail persons that nothing is done that puts the voluntariness of the statement into doubt.

*17. Interrogation of Handicapped Persons and other Persons*

(a) If it appears to a Police Officer that a person whom he intends to interview has a mental handicap which raises a doubt as to whether the person can understand the questions put to him, or which makes the person likely to be especially open to suggestion, the officer should take particular care in putting questions and accepting the reliability of answers. As far as practicable, a mentally handicapped person should be interviewed only in the presence of a parent, or his tutor or other person, not being a member of the Police Force, who is of the same sex as the person being interviewed, e.g. the person who has the effective care and custody of the handicapped person or a social worker;

(b) any document reporting an interview with a mentally handicapped person (after the investigating officer shall have ascertained that the interviewed person was capable of making the statement) should be offered for signature not only to the handicapped person but also to the mother or father or other accompanying person present during the interview; care should be taken to verify the facts stated and to obtain corroboration where possible;

(c) in the case of potentially vulnerable persons, (e.g. persons under the influence of drugs, alcohol, medicine, or who are in a state of shock) precautions should be taken to ensure that the statement is made by them when they are able to appreciate the significance of the questions and their answers, and that the statement is not the result of undue influence by the interviewing officer.

The Commissioner shall draw up rules concerning interrogation, where there is reason for believing that the person is sick or deaf. The investigating officers shall not

proceed to an interview without the prior intervention and certification of a medical practitioner, as to the suitability of conducting the interrogation.

18. *Statements in languages other than Maltese or English*

No person shall be questioned in the absence of an interpreter if such person

(a) does not understand the Maltese or English language; or

(b) the person conducting the interview does not understand a language spoken by the interviewed person;

In the case of a person making a statement in a language other than Maltese or English:

(a) the interpreter or the officer taking the statement should take down the statement in the language in which it is made;

(b) a Maltese translation should be made in due course and be annexed as an exhibit with the original statement;

(c) only the original statement need be offered to the person making the statement.

19. *Effect of this Code*

The lack of observance of any the provisions of this Code will not invalidate the statement taken, unless such non observance nullifies the voluntariness of the statement. However, disciplinary proceedings may be instituted against persons who do not observe the provisions of this Code.

20. *Rules of Guidance*

Finally it should be remembered that these guidance rules are being circulated not only to prevent the commission of anything prohibited by the Constitution or the law of Malta, but also to avoid any allegations by arrested persons of any improper treatment during their arrest. Consequently, the observance of these rules not only improves the image of the

Police Force in the eyes of the public, but also ensures less problems for the Police to prove, in due course, the validity of statements made by arrested persons.”.

Amendment of the  
Criminal Code  
(Amendment) Act,  
2002.

9. The Criminal Code (Amendment) Act, 2002 shall be amended as follows:

(a) paragraph (b) of article 97 thereof shall be amended as follows:

(i) in subarticle (3) therein, for the words “of this article.” there shall be substituted the words “of this article.”; and

(ii) subarticle (4) therein shall be deleted;

(b) in subarticle (5) of article 453A which is in article 108 thereof, for the words “of subarticle (3) of article 12 of the Probation of Offenders Act” there shall be substituted the words “of subarticle (3) of article 25 of the Probation Act, 2002”; and

(c) article 649 which is in article 152 thereof shall be amended as follows:

(i) the marginal note shall be substituted by the following marginal note:

“Examination of witnesses in connection with offences cognizable by courts of justice outside Malta.”;

(ii) in subarticle (1) thereof, for the words “judicial or prosecuting authority” there shall be substituted the words “judicial, prosecuting or administrative authority” and immediately after the words “executed by the Police.” there shall be inserted the words “The magistrate shall comply with the formalities and procedures indicated in the request of the foreign authority unless these are contrary to the public policy or to the internal public law of Malta;

(iii) in subarticle (2) thereof, for the words “judicial or prosecuting authority” there shall be substituted the words “judicial, prosecuting or administrative authority”; and

(iv) in the Maltese text of subarticle (3) thereof, for the words “maghmula mill-awtorità” there shall be substituted

the words "maghmula mill-awtorità ġudizzjarja ta' pajjiż barra minn Malta għall-eżami".

**10. The Criminal Code shall be amended as follows:**

Amendment to the  
Criminal Code,  
Cap. 9.

(a) subarticle (1) of article 5 thereof shall be amended as follows:

(i) in paragraph (d) thereof, for the words "of article 314B" there shall be substituted the words "of article 314A"; and

(ii) in paragraph (g) thereof, for the words "or articles 139A or 298" there shall be substituted the words "or in articles 139A, 198, 199, 211, 214 to 218, 220, 249 to 251, 298, or in articles 311 to 318 or in article 320 when these are committed in the circumstances mentioned in paragraph (d) or (e) of this subarticle, or in a crime which is committed by any act as is mentioned in subparagraph (ii) of paragraph (e) of this subarticle";

(b) in article 118 thereof, for the words "who receives or accepts" there shall be substituted the words "who requests, receives or accepts";

(c) in paragraph (a) of subarticle (4) of article 121, immediately after the words "of any foreign State" there shall be inserted the words "including any member of a domestic assembly of any foreign State which exercises legislative or administrative powers";

(d) in paragraph (c) of article 121C for the words "of a Local Council." there shall be substituted the words "of a Local Council; or" and immediately thereafter there shall be inserted the following new paragraph:

"(d) the offence involves any of those persons to whom reference is made in paragraphs (b), (c) or (d) of article 121 and that person is at the same time a citizen or permanent resident in Malta within the meaning of paragraph (d) of subarticle (1) of article 5."; and

(e) in paragraph (c) of subarticle (1) of article 459A thereof, for the words "against any other person" there shall be substituted the words "which involves in the commission

of any offence with which he is being accused, any other person”.

Amendment to the  
Arms Ordinance,  
Cap. 66.

**11.** The Arms Ordinance (Cap. 66) shall be amended as follows:

(i) immediately after subarticle (2) of article 3 thereof there shall be added the following new subarticle:

“(3) It shall be lawful for the Commissioner of Police to authorise the transfer or entry of firearms and ammunition to and from Malta by a foreigner who is in possession of a licence for such firearms and ammunition validly issued by another country for such purpose and under such terms and conditions as may be prescribed.”; and

(ii) immediately after article 30 thereof, there shall be added the following new article:

“31. The Minister may make rules or regulations to give effect to the provisions of this Act, and without prejudice to the generality of the foregoing may, by such rules or regulations, in particular, do any of the following:

(i) prescribe licence conditions;

(ii) prescribe the application forms for the application, grant, renewal or variation of a licence under this Act;

(iii) prescribe anything that may be prescribed under this Act.”.

Amendment to the  
Children and  
Young Persons  
(Care Orders) Act,  
Cap. 285.

**12.** In article 4 of the Children and Young Persons (Care Orders) Act, Cap. 285, for the words “Director of Social Security” wherever they occur, there shall be substituted the words “Director of the Department responsible for social welfare”.

Transitory  
provision.

**13.** Any regulations, orders or forms made, issued or prescribed under any article of the principal act substituted by article 4 of this Act shall be deemed to have been made, issued or prescribed by the Minister or by the Commissioner of Police, as the case may be, under article 107 and, or article 108 within article 4 of this Act and may be amended or revoked accordingly.

A 1155

Passed by the House of Representatives at Sitting No. 768 of 5th July, 2002.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*