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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern u moqri għall-Ewwel darba fis-Seduta tat-28 ta' Ottubru, 1998.

ATT biex jemenda l-Att dwar il-Habs, Kap. 260.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs and read the First time at the Sitting of 28th October, 1998.

AN ACT to amend the Prisons Act, Cap. 260.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar il-Habs, Kap. 260.

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1998 li jemenda l-Att dwar il-Habs, u għandu jinqara u jiftiehem hekk waħda ma' l-Att dwar il-Habs, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

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2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) minflok it-tifsira ta' "Direttur" għandha tidhol din it-tifsira:

“ “Direttur” tfisser id-Direttur tas-Servizzi Korrettivi u tinkludi kull uffiċjal pubbliku ieħor li jkun awtorizzat għal hekk mill-imsemmi Direttur;” u

(b) minflok it-tifsira ta' "uffiċjal tal-habs" għandha tidhol din it-tifsira:

“ “ uffiċjal tal-habs” tfisser kull uffiċjal pubbliku jkun ta' liema grad jew kategorija jkun, mahtur jew sekondat biex iservi fid-Dipartiment tas-Servizzi Korrettivi u tinkludi d-Direttur.”.

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

3. Fl-artikolu 5 ta' l-Att prinċipali minflok il-kliem "ghal żmien ta' mhux inqas minn xahar u mhux iżjed minn sitt xhur" ghandhom jidhlu l-kliem "ghal żmien ta' mhux inqas minn sitt xhur iżda mhux iżjed minn sena".

Żieda ta' artikoli godda ma' l-Att prinċipali.

4. Minnufih wara l-artikolu 9 ta' l-Att prinċipali, ghandhom jiżiedu dawn l-artikoli godda li ġejjin:

"Dmirijiet u setghat ta' uffiċjali tal-habs.

10. (1) L-uffiċjali tal-habs ghandhom jaqdu dawk id-dmirijiet li jistghu jinghatawllhom b'regolamenti jew tahtom li jkunu saru bis-sahha ta' dan l-Att jew b'direttiva tal-Ministru.

(2) Fit-twertiq ta' dmirijiethom ġewwa habs kif imfisser f'dan l-Att u meta jkunu qeghdin iwettqu dmirijiet ta' skorta ma' prigunieri barra minn xi habs, l-uffiċjali tal-habs ikollhom is-setgha li jwettqu dawk il-funzjonijiet, setghat u dmirijiet kollha li huma bil-liġi vestiti f'membru tal-Korp tal-Pulizija ta' Malta.

Regolamenti dwar pensjonijiet.

11. (1) Il-Ministru, bi ftehim mal-Ministru responsabbli ghall-Finanzi, jista' jagħmel regolamenti dwar l-ghoti ta' pensjonijiet lil persuni li kienu fis-servizz tad-Dipartiment tas-Servizzi Korrettivi jew lir-rappreżentanti legali jew dipendenti tagħhom.

(2) Ir-regolamenti kollha li jsiru bis-sahha ta' dan l-artikolu jista' jkollhom effett retrospettiv sabiex jikkonferixxu benefiċċju lil, jew inehhu xi diżabilità li, persuna jew klassi ta' persuni jista' jkollhom.

(3) Kull pensjoni mogħtija taht dan l-Att ghandha tinghadd skond id-dispożizzjonijiet fis-sehh f'dak il-jum li fih l-uffiċjal jirtira.

(4) Ebda regolament li jsir bis-sahha ta' dan l-artikolu m'ghandu jsehh kemm-il darba ma jkunx irċieva minn qabel l-approvazzjoni tal-Kamra tad-Deputati li tinghata permezz ta' rizzoluzzjoni.

Il-pensjonijiet jithallsu minn fuq ir-renti ta' Malta.

12. Dawk is-somom kollha illi minn żmien għal żmien jiġu assenjati bhala pensjoni taht dan l-Att ghandhom jitqieghdu għad-debitu tal-Fond Konsolidat u ghandhom jithallsu minnu."

Enumerazzjoni mill-ġdid ta' l-artikolu 10 ta' l-Att prinċipali.

5. L-artikolu 10 ta' l-Att prinċipali ghandu jiġi enumerat mill-ġdid bhala l-artikolu 13 ta' l-Att.

6. Il-Kodiċi Kriminali ghandu jiġi emendat kif ġej:—Emendi fil-Kodiċi
Kriminali, Kap. 9.

(a) fl-artikolu 151 tiegħu minflok il-kliem “prigunerija minn xahar sa sitt xhur” ghandhom jidhlu l-kliem “prigunerija għal żmien mhux inqas minn sitt xhur iżda mhux iżjed minn sena:”; u

(b) fl-artikolu 152 tiegħu minflok il-kliem “prigunerija minn tlettax-il xahar sa sentejn” ghandhom jidhlu l-kliem “prigunerija għal żmien minn sentejn sa erba’ snin”.

Għanijiet u Raġunijiet

L-għan prinċipali ta’ l-Abbozz hu sabiex jagħti setgħa lill-Ministru li jagħmel regolamenti, bi ftehim mal-Ministru responsabbli għall-Finanzi, għall-ghoti ta’ pensjonijiet lil persuni li kienu jahdmu fid-Dipartiment tas-Servizzi Korrettivi jew lir-rappreżentanti legali jew dipendenti tagħhom, biex jagħti lill-uffiċjali tal-habs dawk is-setgħat li ghandhom il-Pulizija fit-twettiq ta’ dmirijietom sew ġewwa habs sew filwaqt li jkunu qeghdin iwettqu dmirijiet ta’ skorta ta’ habsin barra mill-habs u biex jipprovdi għal żieda fil-pieni għal ċerti reati.

**A BILL
entitled**

AN ACT to amend the Prisons Act, Cap. 260.

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

Short title.
Cap. 260

1. This Act may be cited as the Prisons (Amendment) Act, 1998, and shall be read and construed as one with the Prisons Act, hereinafter referred to as “the principal Act”.

Amendment of
section 2 of the
principal Act.

2. Section 2 of the principal Act shall be amended as follows:

(a) for the definition of “Director” there shall be substituted the following:

“ “ Director” means the Director of Correctional Services and includes any other public officer authorised in that behalf by such Director;” and

(b) for the definition of “prisons officer” there shall be substituted the following:

“ “prisons officer” means any public officer of whatever grade or category, who is appointed or seconded to serve in the Department of Correctional Services and includes the Director.”.

3. In section 5 of the principal Act for the words “for not less than one month and not more than six months” there shall be substituted the words “for a term of not less than six months but not exceeding one year”.

Amendment of section 5 of the principal Act.

4. Immediately after section 9 of the principal Act there shall be added the following sections:

Addition of new sections to the principal Act.

“Duties and powers of prisons officers.

10. (1) Prisons officers shall carry out such duties as may be assigned to them by or under regulations made under this Act or by any direction of the Minister.

(2) In the performance of their duties within a prison and when on escort duties with prisoners outside the prisons, prisons officers shall be vested with all such functions, powers and duties as are by law vested in an officer of the Malta Police Force.

Pensions regulations.

11. (1) The Minister, with the concurrence of the Minister responsible for Finance, may make regulations for the granting of pensions to persons who have served in the Department of Correctional Services or to their legal representatives or dependants.

(2) Any regulations made under this section may with retrospective effect confer a benefit upon or remove a disability attaching to any person or class of persons.

(3) Any pension granted under this Act shall be computed in accordance with the provisions in force at the actual date of the officer’s retirement.

(4) No regulation made under this section shall have effect unless it has received the prior approval of the House of Representatives signified by resolution.

Pensions to be charged on revenues of Malta

12. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension in accordance with this Act.”.

5. Section 10 of the principal Act shall be renumbered as section 13 thereof.

Renumbering of section 10 of the principal Act.

6. The Criminal Code shall be amended as follows:

Amendments to the Criminal Code.

(a) in section 151 thereof, for the words “for a term from one to six months” there shall be substituted the words “for a term of not less than six months but not exceeding one year”;

(b) in section 152 thereof, for the words “for a term from thirteen months to two years” there shall be substituted the words “for a term from two years to four years”;

Objects and Reasons

The main objects of the Bill is to enable the Minister to make regulations, with the concurrence of the Minister responsible for Finance, for the granting of pensions to persons who have served in the Department of Correctional Services or to their legal representatives or dependants, to vest prison officers with police powers in the performance of their duties within a prison and when on escort duties with prisoners outside the prisons and to provide for an increase in punishment for certain offences.