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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru u moqri għall-Ewwel darba fis-Seduta ta' l-24 ta' Jannar, 2000.

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister and read the First time at the Sitting of the 24th January, 2000

ATT li jemenda l-Att dwar il-Forzi Armati ta' Malta, Kap. 220.

AN ACT to amend the Malta Armed Forces Act, Cap. 220.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT li jemenda l-Att dwar il-Forzi Armati ta' Malta, Kap. 220.

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-2000 li jemenda l-Att dwar il-Forzi Armati ta' Malta, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar il-Forzi Armati ta' Malta, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali". Titolu fil-qosor.
2. Fis-subartikolu (1) ta' l-artikolu 37, is-subartikolu (1) ta' l-artikolu 38, is-subartikolu (1) ta' l-artikolu 44 u s-subparagrafu (i) tal-paragrafu (b) ta' l-artikolu 45 tal-liġi prinċipali, minflok il-kliem "il-piena tal-mewt" kulfejn dawn jinsabu għandhom jidhlu l-kliem "priġunerija għal għomorha". Emenda ta' l-artikoli 37, 38, 44 u 45 tal-liġi prinċipali.
3. Fl-artikolu 73 tal-liġi prinċipali, il-proviso li hemm miegħu għandha tithassar u minflok il-kliem "għal dak ir-reat:" għandhom jidhlu l-kliem "għal dak ir-reat.". Emenda ta' l-artikolu 73 tal-liġi prinċipali.
4. Fis-subartikolu (2) ta' l-artikolu 76 u s-subartikolu (2) ta' l-artikolu 77 tal-liġi prinċipali, minflok il-kelma "mewt;" kulfejn din tinsab għandhom jidhlu l-kliem "priġunerija għal għomor bniedem;". Emenda ta' l-artikoli 76 u 77 tal-liġi prinċipali.
5. L-artikolu 77A tal-liġi prinċipali u n-nota marginali relattiva għandhom jithassru. Thassir ta' l-artikolu 77A tal-liġi prinċipali.

Emenda ta' l-artikolu 91 tal-liġi prinċipali.

6. Fis-subartikolu (2) ta' l-artikolu 91 tal-liġi prinċipali, il-kliem "ta' mewt jew" għandhom jithassru.

Emenda ta' l-artikolu 102 tal-liġi prinċipali.

7. Fis-subartikoli (3) u (4) ta' l-artikolu 102 tal-liġi prinċipali, minflok il-kelma "mewt" kulfejn tinsab għandhom jidhlu l-kliem "prigunerija għal ghomor bniedem".

Emenda ta' l-artikolu 113 tal-liġi prinċipali.

8. Minflok l-artikolu 113 tal-liġi prinċipali għandu jidhol dan li ġej:

"Rakkomandazzjoni mill-qorti marzjali meta tagħti sentenza ta' prigunerija għal ghomor bniedem.

113. Wara li l-qorti marzjali tkun tat sentenza ta' prigunerija għal ghomor bniedem, din tista' tirrikmanda bil-miktub lill-Ministru fi żmien erbgha w għoxrin siegħa x'ikun l-inqas perijodu li fil-fehma tagħha jkollu jgħaddi qabel ma l-prigunier jinheles mill-habs. Dik ir-rakkomandazzjoni għandha tintgħamel disponibbli għall-persuna ssentenzjata, u għandha tinzamm kopja tagħha mill-Kmandant."

Emenda ta' l-artikolu 122 tal-liġi prinċipali.

9. Fis-subartikolu (6) ta' l-artikolu 122, il-proviso li hemm miegħu għandu jithassar u minflok il-kliem "sentenza ta' qorti marzjali:" għandhom jidhlu l-kliem "sentenza ta' qorti marzjali."

Thassir ta' l-artikolu 127 tal-liġi prinċipali.

10. L-artikolu 127 tal-liġi prinċipali, u l-kelma "mewt," fl-intestatura li tiġi minnufih qabel dak l-artikolu, għandhom jithassru.

Emenda ta' l-artikolu 116 tal-Kodiċi Kriminali, Kap. 9.

11. Fis-subartikolu (2) ta' l-artikolu 116 tal-Kodiċi Kriminali, il-proviso li hemm miegħu għandha tithassar u minflok il-kliem "din il-piena akbar:" għandhom jidhlu l-kliem "din il-piena akbar."

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu sabiex jabolixxi l-piena tal-mewt saħansitra fi żmien il-gwerra u hekk jabolixxi għal kollox il-piena tal-mewt minn Malta.

**A BILL
entitled**

AN ACT to amend the Malta Armed Forces Act, Cap. 220.

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. This Act may be cited as the Malta Armed Forces (Amendment) Act, 2000, and shall be read and construed as one with the Malta Armed Forces Act, hereinafter referred to as “the principal law”. Short title.

2. In subsection (1) of section 37, subsection (1) of section 38, subsection (1) of section 44 and subparagraph (i) of paragraph (b) of section 45 of the principal law, for the words “to suffer death” wherever they occur there shall be substituted the words “to imprisonment for life”. Amendment of sections 37, 38, 44, and 45 of the principal law.

3. In section 73 of the principal law, the proviso thereto shall be deleted and for the words “for that offence:” there shall be substituted the words “for that offence.”. Amendment of section 73 of the principal law.

4. In subsection (2) of section 76 and subsection (2) of section 77 of the principal law, for the word “death;” wherever it appears there shall be substituted the words “imprisonment for life;”. Amendment of sections 76 and 77 of the principal law.

5. Section 77A of the principal law and the marginal note thereof shall be deleted. Deletion of section 77A of the principal law.

Amendment of section 91 of the principal law.

6. In subsection (2) of section 91 of the principal law, the words "of death or" shall be deleted.

Amendment of section 102 of the principal law.

7. In subsections (3) and (4) of section 102 of the principal law, for the word "death" wherever it appears there shall be substituted the words "imprisonment for life".

Amendment of section 113 of the principal law.

8. For section 113 of the principal law there shall be substituted the following:

"Recommendation by court-martial on passing of sentence of imprisonment for life.

113. After sentencing any person to imprisonment for life, the court-martial may recommend in writing to the Minister within twenty-four hours the minimum period which in its view should lapse before the prisoner is released from prison. Such recommendation shall be made available to the person sentenced, and a copy thereof shall be kept by the Commander."

Amendment of section 122 of the principal law.

9. In subsection (6) of section 122, the proviso thereto shall be deleted and for the words "for a sentence of the court-martial:" there shall be substituted the words "for a sentence of the court-martial."

Deletion of section 127 of the principal law.

10. Section 127 of the principal law, and the word "death," in the heading immediately preceding that section, shall be deleted.

Amendment of section 116 of the Criminal Code, Cap. 9.

11. In subsection (2) of section 116 of the Criminal Code, the proviso thereto shall be deleted and for the words "shall be applied:" there shall be substituted the words "shall be applied."

Objects and Reasons

The purpose of the Bill is to abolish the death penalty even in time of war and thereby completely abolish the death penalty in Malta.