Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,497, 9 ta' Ottubru, 2020
Taqsima C

Nru. 167

9. 10. 2020

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Ottubru 2020.

ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 5th October 2020.

AN ACT to further amend the Criminal Code, Cap. 9.

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA’ LIĠI
msejjaħ

ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9.

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

Titolu fil-qosor.
Kap. 9.

1. It-titolu fil-qosor ta’ dan l-Att hu l-Att tal-2020 li jemenda l-Kodiċi Kriminali (Emenda Nru 5) u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawn iżjed ’il quddiem imsejjaħ "il-Kodiċi".

Żieda ta’ artikolu ġdid fil-Kodiċi.

2. Minnufih wara l-artikolu 700 tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

"Preżentata ta’ atti ġudizzjarji permezz ta’ mezzi elettroniċi.

701. Il-Ministru responsabbli għall-ġustizzja jista’ jagħmel regolamenti li jipprovdu għal jew jippermettu:

(a) li jsiru atti ġudizzjarji permezz ta’ mezzi elettroniċi,

(b) it-trasmissjoni u n-notifika permezz ta’ mezzi elettroniċi ta’ atti ġudizzjarji, proċedimenti tal-qorti, dokumentazzjoni u notifiki, u mingħajr preġudizzju għall-ġeneralità ta’ dak imsemmi qabel, dawk ir-regolamenti jistgħu jipprovdu għal:

(i) forma ta’ atti ġudizzjarji li jitwettqu permezz ta’ mezzi elettroniċi;

(ii) it-trasmissjoni, preżentata u notifika ta’ atti b’tagħmir elettroniku;

(iii) żamma ta’ *records* tal-qorti permezz ta’ mezzi elettroniċi u b’mod kif dawn ir-*records* għandhom jiġu awtentikati u kif għandhom jinħarġu kopji minnhom u jiġu awtentikati;

(iv) id-drittijiet li jistgħu jintalbu fir-rigward tal-użu ta' dawk il-mezzi elettroniċi b'rabta mat-twettiq, trasmissjoni, preżentata jew notifika ta' atti ġudizzjarji, u għat-twettiq ta' kopji ta' *records* tal-qorti; u

(v) kull ħaġa oħra konsegwenzjali jew inċidentali għal dan inklużi dawk id-dispożizzjonijiet tranżitorji li l-Ministru jista' jidhirlu li jkunu meħtieġa jew spedjenti u li għandhom x'jaqsmu magħhom.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jintroduċu s-setgħa tal-Ministru li jagħmel regolamenti sabiex jagħmilha possibbli li l-atti ġudizzjarji kriminali jiġu preżentati b'mod elettroniku. L-Abbozz jaħseb ukoll għas-setgħa li permezz tiegħu l-Ministru jista' jagħmel regolamenti sabiex ikun possibbli li notifiki jsiru b'mod elettroniku kif ukoll li l-proċessi tal-qrati kriminali jinżammu b'mod elettroniku.

A BILL
entitled

AN ACT to further amend the Criminal Code, Cap. 9.

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. 9.

1. The short title of this Act is the Criminal Code (Amendment No. 5) Act, 2020 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".

Addition of new article to the Code.

2. Immediately after article 700 of the Code, there shall be added the following new article:

"Filing of judicial documents by electronic means.

701. The Minister responsible for justice may make regulations providing for or permitting the:

(a) making of judicial acts by electronic means,

(b) transmission and notification by electronic means of judicial acts, court proceedings, documentation and notifications, and without prejudice to the generality of the foregoing, those regulations may provide for:

(i) the form of judicial acts performed by electronic means;

(ii) the transmission, filing and service of documents by electronic equipment;

(iii) keeping court records by electronic means and the way that such records are to be authenticated and how copies are to be issued and authenticated;

(iv) the fees that may be charged in respect of the use of those electronic means in connection with the making, transmission, filing or service of judicial acts, and for the making of copies of records of the court; and

(v) anything consequential or incidental thereto including such transitional provisions as the Minister may deem necessary or expedient and relating thereto.".

Objects and Reasons

The objects and reasons of this Bill are to introduce the power of the Minister to make regulations in order to make it possible for criminal judicial acts to be filed electronically. The Bill also provides for the power by which the Minister may make regulations to enable notifications to be made electronically as well as to keep criminal Court proceedings electronically.

VERŻJONI ELETTRONIKA

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