Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,561, 26 ta' Jannar, 2021
Taqsima C

Nru. 187

26. 1. 2021

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Chris Fearne, M.P., Deputat Prim Ministru u Ministru għas-Saħħa, f'isem il-Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-25 ta' Jannar 2021.

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Chris Fearne, M.P., Deputy Prime Minister and Minister for Health, on behalf of the Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 25th January 2021.

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

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT sabiex 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 huwa l-Att tal-2021 li jemenda l-Kodiċi Kriminali u għandu jinqara u jinftiehem bħala ħaġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem msejjaħ "il-Kodiċi".

Emenda tal-artikolu 188F tal-Kodiċi.

2. L-artikolu 188F tal-Kodiċi għandu jiġi enumerat mill-ġdid bħala l-artikolu 188F(1) u minnufih wara għandu jiżdied is-subartikolu ġdid li ġej:

> "(2) Jekk, matul il-proċeduri kriminali, tinqala' l-ħtieġa ta' analiżi, identifikazzjoni jew sejbien ta' aktar karti u muniti tal-euro suspettati bħala foloz, fuq talba tal-prosekuzzjoni, il-Qorti għandha, mingħajr dewmien, tibgħat kwalsijasi kampjun eżebit lill-Bank Ċentrali ta' Malta għal investigazzjoni ulterjuri, b'dan illi jkun qabel ġie ippreżentat rapport redatt minn espert maħtur mill-Qorti li jkun fih kopji ta' tali kampjuni u kull fatt materjali relatat ma' tali kampjun jew kampjuni.".

Żieda ta' artikolu ġdid mal-Kodiċi.

3. Minnufih wara l-artikolu 188H tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

"Kontra min tista' titmexxa l-azzjoni kriminali taħt dan is-subtitolu.

> 188I. Bla ħsara għall-artikolu 5 u għal kull dispożizzjoni oħra ta' dan il-Kodiċi jew ta' kull liġi oħra li tagħti ġurisdizzjoni, lill-qrati f'Malta biex jiġġudikaw reati, l-azzjoni kriminali skont dan is-subtitolu tal-Kodiċi tista' titmexxa f'Malta skont dan is-subtitolu:

(a) kontra kull min jagħmel reat f’Malta, jew fuq il-baħar f’kull lok sa fejn tasal il-ġurisdizzjoni territorjali ta’ Malta kemm jekk ir-reat iseħħ kollu jew parzjalment fit-territorju ta’ Malta;

(b) kontra kull min jagħmel ir-reati imsemmija fl-artikoli 188B u 188Ċ, fejn il-karti tal-flus euro jew muniti euro falsifikati jinstabu fit-territorju ta’ Malta ukoll jekk il-falsifikazzjoni tkun seħħet barra minn Malta.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta’ dan l-Abbozz huma sabiex jiġu introdotti emendi sabiex jiġu trasposti l-artikoli relevanti tad-Direttiva 2014/62/EU tal-Parlament u l-Kunsill Ewropew tal-15 ta’ Mejju 2014 dwar il-protezzjoni tal-euro u muniti oħra kontra l-iffalsifikar permezz tal-liġi kriminali, u li tissostitwixxi d-Deċiżjoni Kwadru tal-Kunsill 2000/383/JHA.

A BILL
entitled

An ACT to 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:

1. The short title of this Act is Criminal Code (Amendment) Act, 2021 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code". Short title. Cap. 9.

2. Article 188F of the Code shall be renumbered as article 188F(1) and immediately thereafter shall be added the following new sub-article: Amendment of article 188F in the code.

"(2) If, in the course of criminal proceedings, the need arises for the analysis, identification and detection of further counterfeits, upon request by the prosecution, the Court shall without delay, transmit any exhibited samples to the Central Bank of Malta for further examination, provided that a report by an expert appointed by that Court is made and presented beforehand containing copies of such samples and all material facts relating to such sample or samples.".

3. Immediately after article 188H of the Code there shall be added the following new article Addition of article 188I to the Code.

"Against whom criminal action may be brought under this subtitle.

188I. Saving as already provided in article 5 and in addition to what is already provided in the said article, the Maltese courts shall also have jurisdiction over the offences referred to in this sub-title in any of the following cases:

(a) if the offence is committed in part within the territory of Malta;

(b) in the case of offences referred to in article 188B and 188C of this sub-title, the counterfeit euro banknotes or coins related to the offence have been detected in the territory of Malta.".

Objects and Reasons

The objects and reasons of this Bill are to introduce amendments in order to fully transpose the relevant articles of the Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA.

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