

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO
President

25 ta' Frar, 2000

ATT Nru. VI ta' l-2000

ATT biex jemenda l-Ordinanza dwar il-Mediċini Perikolużi, Kap. 101.

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 biex jemenda l-Ordinanza dwar il-Mediċini Perikolużi, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Mediċini Perikolużi, hawnhekk iżjed 'il quddiem imsejha "l-liġi prinċipali".

Titolu fit-
qosor.
Kap. 101.

2. (1) Fis-subartikolu (1B) ta' l-artikolu 22 tal-liġi prinċipali minflok il-kliem "l-koltivazzjoni, l-importazzjoni, il-manifattura," għandhom jidhlu l-kliem "l-koltivazzjoni, l-importazzjoni f'dawk iċ-ċirkostanzi li l-qorti tkun sodisfatta li dik l-importazzjoni ma kinetx għall-użu esklużiv tal-hati, il-manifattura,".

Emenda ta' l-
artikolu 22 tal-
liġi prinċipali.

(2) Minnufih wara s-subartikolu (1B) ta' l-artikolu 22 tal-liġi prinċipali jiżdied il-proviso li ġej:

"Iżda fil-każ ta' importazzjoni f'dawk iċ-ċirkostanzi li l-Qorti tkun sodisfatta li dik l-importazzjoni kienet għall-użu esklużiv tal-hati, id-dispożizzjonijiet tal-Kap. 152 tal-Liġijiet ta' Malta kif ukoll l-artikolu 21 tal-Kap. 9 tal-Liġijiet ta' Malta, ma jghoddux.".

3. Fis-subartikolu (1) ta' l-artikolu 22A tal-liġi prinċipali, minnufih wara l-kliem "taħt il-paragrafu (f) tas-subartikolu (1) ta' dak l-artikolu" għandhom jidhlu l-kliem "jew bir-reat fis-subartikolu (1C) ta' l-istess artikolu".

Emenda ta' l-
artikolu 22A tal-
liġi prinċipali.

Zieda ta' l-artikolu
22B bis. ġdid
mal-liġi prinċipali.

4. Minnufih wara l-artikolu 22B ghandu jizjed dan l-artikolu ġdid li ġej:

"Ordni ta'
Sospensjoni.

22B bis.(1) Meta persuna tigi akkuzata kif provdut fis-subartikolu (1) ta' l-artikolu 22A u dik il-persuna tkun persuna bħalma hemm imsemmi fis-subartikolu (6) ta' l-artikolu 22 jew tkun persuna li jkollha liċenzja, permess jew awtorità lilha mahruġa minn awtorità kompetenti fl-eżerċizzju jew f'dak li ghandu x'jaqsam ma' l-eżerċizzju ta' xi arti, sengha, sejha jew xogħol iehor u r-reat isir f'post li dwaru jkun hemm liċenzja mahruġa taht din l-Ordinanza, taht l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li ghandhom x'jaqsmu magħha, jew taht xi liġi ohra, il-Qorti tista', mingħajr preġudizzju għal kull ordni ohra li tista' tagħmel taht id-dispożizzjonijiet ta' dan l-artikolu, fuq talba tal-prosekuzzjoni tagħmel ordni, hawnhekk iżjed 'il quddiem imsejha "ordni ta' sospensjoni", li biha tissospendi dik il-liċenzja, dak il-permess jew dik l-awtorità.

(2) L-ordni ta' sospensjoni ghandha tibqa' ssehh għal matul iz-zmien kollu tal-proċeduri sakemm tinghata l-ahhar sentenza.

(3) Persuna li tagħmel xi att li dwaru jkunu meħtieġa liċenzja, permess jew awtorità taht xi liġi u dak l-att jintgħamel meta dik il-liċenzja, dak il-permess jew dik l-awtorità kienu sospiżi bis-saħħa ta' ordni ta' sospensjoni, ghandha titqies li tkun hekk għamlet l-att mingħajr dik il-liċenzja, dak il-permess jew dik l-awtorità meħtieġa."

Emenda ta' l-
artikolu 24A tal-
liġi prinċipali.

5. Fis-subartikolu (14) ta' l-artikolu 24A tal-liġi prinċipali, minflok il-kliem "ta' ordni ta' investigazzjoni" għandhom jidhlu l-kliem "ta' ordni ta' investigazzjoni, ta' sekwestru jew ta' sospensjoni".

Emenda ta' l-
artikolu 30B tal-
liġi prinċipali.

6. L-artikolu 30B tal-liġi prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "ta' mediċina perikoluża (kif imfissra fl-artikolu 12)" għandhom jidhlu l-kliem "ta' mediċina perikoluża (kif imfissra fl-artikolu 12) jew ta' flus, proprjetà jew rikavat kif hemm imsemmi fil-paragrafu (a) tas-subartikolu (1Ċ) ta' l-artikolu 22"; u

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "takkwista jew tipprokura mediċina perikoluża (kif imfissra fl-artikolu 12)" għandhom jidhlu l-kliem "takkwista jew tipprokura mediċina perikoluża (kif imfissra fl-artikolu 12) jew konsenja suspettata ta'

flus, proprjetà jew rikavat kif hemm imsemmi fil-paragrafu (a) tas-subartikolu (1Ċ) ta' l-artikolu 22”;

7. Minnufih wara l-artikolu 30D tal-liġi prinċipali għandu jidhol dan l-artikolu ġdid li ġej:

Żieda ta' l-artikolu 30E ġdid mal-liġi prinċipali.

“Ftehim Ewropew dwar it-Traffiku Illeċitu bil-Bahar.

30E. (1) Bis-sahha ta' dan l-artikolu u għall-finijiet ta' l-Att dwar ir-Ratiffa ta' Trattati, il-Gvern huwa awtorizzat li jaċċedi għall-Ftehim dwar it-Traffiku Illeċitu bil-Bahar li jimplementa l-Artikolu 17 tal-Konvenzjoni tan-Nazzjonijiet Uniti kontra t-Traffiku Illeċitu fi Drogi Narkotiċi u Sustanzi Psikotropiċi, magħmul fi Strasbourg fil-31 ta' Jannar, 1995, hawnhekk iżjed 'il quddiem f' dan l-artikolu msemmija bhala “il-Konvenzjoni Ewropea”.

Kap. 304.

(2) Il-Ministru responsabbli għall-Pulizija jista' jagħmel regolamenti ġeneralment għall-implimentazzjoni tal-provvedimenti tal-Konvenzjoni Ewropea u jista', b'mod partikolari, b'dawk ir-regolamenti:

- (a) jestendi l-ġurisdizzjoni tal-qrati ta' Malta;
- (b) jawtorizza l-imbarkar, it-tfittxija u l-arrest ta' bastimenti;
- (ċ) jipprovdi li ċerti uffiċjali, sew Maltin sew barranin, għandhom, għall-finijiet ta' xi liġi f'Malta, jitqiesu bhala uffiċjali protetti minn dawk il-liġijiet;
- (d) jipprovdi għall-hatra ta' awtoritajiet għall-finijiet tal-Konvenzjoni Ewropea;
- (e) jipprovdi dwar kif jiġu applikati dawk ir-regolamenti u d-dispożizzjonijiet ta' din l-Ordinanza għal dawk id-drogi li dwarhom japplikaw id-dispożizzjonijiet ta' l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, skond l-imsemmija Konvenzjoni Ewropea.

kollox kif jinsab provdut fil-Konvenzjoni Ewropea msemmija, u jistghu iktar minn hekk jipprovdu li xi parti mill-Konvenzjoni Ewropea għandha, fil-qies provdut f'dawk ir-regolamenti, jkollha l-forza ta' liġi f'Malta

8. L-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, għandha tiġi emendata kif ġej:

(a) fis-subartikolu (1B) ta' l-artikolu 120A tagħha, minflok il-kliem "l-koltivazzjoni, l-importazzjoni, il-manifattura," għandhom jidhlu l-kliem "l-koltivazzjoni, l-importazzjoni f'dawk iċ-ċirkostanzi li l-qorti tkun sodisfatta li dik l-importazzjoni ma kinetx għall-użu esklużiv tal-hati, il-manifattura,";

(b) minnufih wara s-subartikolu (1B) ta' l-artikolu 120A tagħha għandu jiġi introdott il-proviso li ġej:

"Izda fil-każ ta' importazzjoni f'dawk iċ-ċirkostanzi li l-Qorti tkun sodisfatta li dik l-importazzjoni kienet għall-użu eskussiv tal-hati, d-dispożizzjonijiet tal-Kap. 152 tal-Liġijiet ta' Malta kif ukoll l-artikolu 21 tal-Kap. 9 tal-Liġijiet ta' Malta, ma jghoddux.";

(ċ) minnufih wara s-subartikolu (2A) tagħha għandu jiżdied dan is-subartikolu ġdid li ġej:

"(2A bis) Meta persuna tiġi akkużata taht id-dispożizzjonijiet ta' dan l-artikolu b'reat imsemmi fis-subartikolu (2A) ta' dan l-artikolu u dik il-persuna tkun persuna bħalma hemm imsemmi fis-subartikolu (5) ta' dan l-artikolu jew tkun persuna li jkollha liċenzja, permess jew awtorità lilha mahruġa minn awtorità kompetenti fl-eżerċizzju jew f'dak li għandu x'jaqsmu ma' l-eżerċizzju ta' xi arti, sengħa, sejha jew xogħol ieħor u r-reat isir f'post li dwaru jkun hemm liċenzja mahruġa taht din l-Ordinanza, taht l-Ordinanza dwar il-Mediċini Perikolużi, jew taht xi liġi oħra, il-Qorti tista', mingħajr preġudizzju għal kull ordni oħra li tista' tagħmel taht id-dispożizzjonijiet ta' dan l-artikolu, fuq talba tal-prosekuzzjoni tagħmel ordni, hawnhekk iżjed 'il quddiem imsejha "ordni ta' sospensjoni", li biha tissospendi dik il-liċenzja, dak il-permess jew dik l-awtorità u d-dispożizzjonijiet tas-subartikoli (2) u (3) ta' l-artikolu 22 bis ta' l-Ordinanza dwar il-Mediċini Perikolużi għandhom ikunu japplikaw *mutatis mutandis*."; u

(d) fl-artikolu 121Ċ tagħha, minflok il-kliem "fit-Tielet Skeda li tinsab ma' din l-Ordinanza" għandhom jidhlu l-kliem "fit-Tielet Skeda li tinsab ma' din l-Ordinanza jew ta' flus, proprjetà jew rikavat kif hemm imsemmi fil-paragrafu (a) tas-subartikolu (1D) ta' l-artikolu 120A".

9. Fl-artikolu 7 ta' l-Ordinanza dwar iċ-Certifikati tal-Kondotta, minflok il-kliem "ta serq, jew ta' frodi jew li jkunu ġew ikkundannati" għandhom jidhlu l-kliem "ta' serq, jew ta' frodi, jew ta' bejgh jew traffikar ta' mediċini bi ksur tad-dispożizzjonijiet ta' l-Ordinanza dwar il-Mediċini Perikolużi jew ta' l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, jew li jkunu ġew ikkundannati".

Emenda ta'
l-Ordinanza dwar
iċ-Certifikati
tal-Kondotta,
Kap. 77.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 249 tat-23 ta' Frar, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

25th February, 2000

ACT No. VI of 2000

AN ACT to amend the Dangerous Drugs Ordinance, Cap. 101.

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. 101.

1. This Act may be cited as the Dangerous Drugs Ordinance (Amendment) Act, 2000, and shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter referred to as “the principal law”.

Amendment of
section 22 of
the principal
law.

2. (1) In subsection (1B) of section 22 of the principal law for the words “cultivation, importation, manufacture,” there shall be substituted the words “cultivation, importation in such circumstances that the court is satisfied that such importation was not for the exclusive use of the offender, manufacture,”.

(2) Immediately after subsection (1B) of section 22 of the principal law there shall be added the following proviso:

“Provided that in the case of importation in such circumstances that the Court is satisfied that such importation was for the exclusive use of the offender, the provisions of Chapter 152 of the Laws of

Malta and of section 21 of Chapter 9 of the Laws of Malta shall not apply.” .

3. In subsection (1) of section 22A of the principal law, immediately after the words “under paragraph (f) of subsection (1) of that section” there shall be inserted the words “or with the offence in subsection (1C) of the same section”.

Amendment of section 22A of the principal law.

4. Immediately after section 22B there shall be added the following new section:

Addition of new section 22B bis to the principal law.

“Suspension Order

22B bis. (1) Where a person is charged as provided in subsection (1) of section 22A and such person is a person as is referred to in subsection (6) of section 22 or is a person in possession of a licence, permit or authority issued to him by a competent authority in or in connection with the exercise of any art, trade, calling or other occupation and the offence is committed in a plate licensed under this Ordinance, under the Medical and Kindred Professions Ordinance or under any other law, the Court may, without prejudice to any other order that it may make under the provisions of this section, at the request of the prosecution make an order, hereinafter referred to as a “suspension order”, suspending such licence, permit or authority.

(2) The suspension order shall remain in force for the whole duration of the proceedings until final judgement.

(3) Any person who does any act for the doing of which a licence, permit or authority is required under any law and such act is done when that licence, permit or authority had been suspended by virtue of a suspension order shall be deemed to have so acted without the required licence permit or authority.”.

5. In subsection (14) of section 24A of the principal law, for the words “of an investigation order” there shall be substituted the words “of an investigation, attachment or suspension order”.

Amendment of section 24A of the principal law.

6. Section 30B of the principal law shall be amended as follows:

Amendment of section 30B of the principal law.

(a) in subsection (2) thereof, for the words “of a dangerous drug (as defined in section 12)” there shall be substituted the words

“of a dangerous drug (as defined in section 12) or of money, property or proceeds as referred to in paragraph (a) of subsection (1C) of section 22; and

(b) in subsection (3) thereof, for the words “to acquire or procure a dangerous drug (as defined in section 12)” there shall be substituted the words “to acquire or procure a dangerous drug (as defined in section 12) or a suspect consignment of money, property or proceeds as referred to in paragraph (a) of subsection (1C) of section 22”.

Addition of new section 30E to the principal law.

7. Immediately after section 30D of the principal law there shall be inserted the following new section:

“European Agreement on Illicit Traffic by Sea. Cap. 304.

30E. (1) In virtue of this section and for the purposes of the Ratification of Treaties Act, the Government is authorised to accede to the Agreement on Illicit Traffic by Sea implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Strasbourg on the 31st day of January, 1995, hereinafter in this section referred to as “the European Convention”.

(2) The Minister responsible for the Police may make regulations generally for implementing the provisions of the European Convention and may, in particular, by such regulations:

- (a) extend the jurisdiction of the Maltese courts;
- (b) authorise the boarding, search and arrest of vessels;
- (c) provide that certain officials, whether Maltese or foreign, shall, for the purpose of any law in Malta, be considered as officers protected by those laws;
- (d) provide for the designation of authorities for the purposes of the European Convention;
- (e) provide for the application of these regulations and of the provisions of this Ordinance to the drugs to which the provisions of the Medical and Kindred

Professions Ordinance apply, in accordance with the said European Convention,

all as provided in the said European Convention, and may moreover provide that any part of the European Convention shall, to the extent provided in such regulations, have the force of law in Malta.”.

8. The Medical and Kindred Professions Ordinance shall be amended as follows:

Amendment of the
Medical and
Kindred Professions
Ordinance, Cap. 31.

(a) in subsection (1B) of section 120A thereof, for the words “cultivation, importation, manufacture,” there shall be substituted the words “cultivation, importation in such circumstances that the court is satisfied that such importation was not for the exclusive use of the offender, manufacture,”;

(b) immediately after subsection (1B) of section 120A of the principal law there shall be added the following proviso:

“Provided that in the case of importation in such circumstances that the Court is satisfied that such importation was for the exclusive use of the offender, the provisions of Chapter 152 of the Laws of Malta and of section 21 of Chapter 9 of the Laws of Malta shall not apply.”;

(c) immediately after subsection (2A) thereof there shall be added the following new subsection:

“(2A bis) Where a person is charged under the provisions of this section with an offence mentioned in subsection (2A) of this section and that person is a person as is referred to in subsection (5) of this section or is a person in possession of a licence, permit or authority issued to him by a competent authority in or in connection with the exercise of any art, trade, calling or other occupation and the offence is committed in a place licensed under this Ordinance, under the Dangerous Drugs Ordinance or under any other law, the Court may, without prejudice to any other order that it may make under the provisions of this section, at the request of the prosecution make an order, hereinafter referred to as a “suspension order”, suspending such licence, permit or authority and the provisions of subsections (2) and (3) of

section 22 Bis of the Dangerous Drugs Ordinance shall mutatis mutandis apply.”; and

(d) in section 121C thereof, for the words “under the Third Schedule to this Ordinance” there shall be substituted the words “under the Third Schedule to this Ordinance or of money, property or proceeds as referred to in paragraph (a) of subsection (1D) of section 120A”.

Amendment of the
Conduct Certificates
Ordinance, Cap. 77.

9. In section 7 of the Conduct Certificates Ordinance, for the words “of theft or fraud or who have been sentenced” there shall be substituted the words “of theft or fraud or of selling or dealing in drugs contrary to the provisions of the Dangerous Drugs Ordinance or the Medical and Kindred Professions Ordinance, or who have been sentenced”.

Passed by the House of Representatives at Sitting No. 249 of the 23rd February, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives