

MALTA

ATT Nru. XII ta' l-1995

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex jemenda l-Att dwar il-Kummissarji għall-Ġustizzja, Kap. 291.

ACT No. XII of 1995

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Commissioners for Justice Act, Cap. 291.

Naghti l-kunsens tiegħi.

(L.S.)

UGO MIFSUD BONNICI
President

23 ta' Mejju, 1995

ATT Nru. XII ta' l-1995

ATT biex jemenda l-Att dwar il-Kummissarji għall-Ġustizzja, Kap. 291.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1995 li jemenda l-Att dwar il-Kummissarji għall-Ġustizzja, u għandu jinqara u jftiehem haġa waħda ma' l-Att dwar il-Kummissarji għall-Ġustizzja, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

2. Fl-artikolu 2 ta' l-Att prinċipali, fit-tifsira ta' "Qorti tal-Maġistrati", minflok il-kliem "il-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja bhala Qorti ta' Ġudikatura Kriminali;" għandhom jidhlu l-kliem "il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond il-każ, bhala Qorti ta' Ġudikatura Kriminali;"

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

3. Is-subartikolu (1) ta' l-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

(a) minnufih wara l-kliem "mogħtija lilhom b'dan l-Att" għandhom jidhlu l-kliem "jew taht l-Att ta' l-1993 dwar Kunsilli Lokali"; u minflok il-kelma "jiġifieri" għandhom jidhlu l-kliem "inkluż il-funzjonijiet u s-setgħat";

(b) fil-paragrafu (a) tiegħu, minnufih wara l-kliem "skond l-artikolu 5 ta' dan l-Att" għandhom jidhlu l-kliem "jew mill-Kunsilli Lokali taht l-Att ta' l-1993 dwar Kunsilli Lokali"; u

(ċ) fil-paragrafu (d) tiegħu minflok il-kliem “li jordnaw il-hlas ta’ dik il-penali li jistgħu jimponu” għandhom jidhlu l-kliem “li jimponu dik il-penali”.

Emenda ta’
l-artikolu 4 ta’
l-Att prinċipali.

4. Fis-subartikolu (10) ta’ l-artikolu 4 ta’ l-Att prinċipali, minflok il-kliem “li soltu r-registru tal-Qrati Superjuri jkun magħluq.” għandhom jidhlu l-kliem “li soltu r-registri tal-qrati jkunu magħluqin.”.

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

5. L-artikolu 5 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu minflok il-kliem “Fit-taħrika għandha titniżżel ukoll twissija li, fin-nuqqas li tidher, il-persuna hekk imharrka tiġi arrestata b’mandat ta’ Kummissarju u miġjuba f’dak il-jum li jissemma’ fil-mandat, u tista’ tehel penali ta’ mhux inqas minn lira u mhux iżjed minn ħames liri.” għandhom jidhlu l-kliem “Fit-taħrika għandha titniżżel ukoll twissija li fin-nuqqas li tidher il-persuna hekk imharrka hija għandha titqies li tkun ammettiet l-akkuża.”; u

(b) minnufih fi tmiem is-subartikolu (4) tiegħu għandu jiżdied dan li ġej: “F’dak il-każ dik il-persuna ma tkunx tenħtieġ li tidher quddiem il-Kummissarju u ma għandhiex titqies li tkun ammettiet l-akkuża.”.

Emenda ta’
l-artikolu 6 ta’
l-Att prinċipali.

6. L-artikolu 6 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minflok il-kliem “minn uffiċjali ta’ l-uffiċċju tal-posta,” għandhom jidhlu l-kliem “bil-mezz ta’ ittra registrata minn uffiċjali ta’ l-uffiċċju tal-posta.”; u

(b) minflok is-subartikolu (3) tiegħu għandu jidhol dan is-subartikolu li ġej:

“(3) Meta n-notifika ssir bil-posta l-persuna mharrka titqies li tkun notifikata kif imiss bit-taħrika jekk il-prosekutur iġib prova li t-taħrika tkun intbagħtet b’ittra registrata indirizzata fl-indirizz l-aħħar magħruf tal-persuna akkużata u jekk jirriżulta, mir-riferta li tkun giet riċevuta mogħtija mill-awtoritajiet postali (li għandha tiġi esibita, flimkien ma’ l-original tat-taħrika, quddiem il-Kummissarju) li l-imsemmija ittra registrata tkun giet konsenjata f’dak l-indirizz; u d-data tan-notifika għandha titqies li hi d-data tal-konsenja ta’ l-ittra registrata.”.

Sostituzzjoni ta’
l-artikolu 7 ta’
l-Att prinċipali.

7. Minflok l-artikolu 7 ta’ l-Att prinċipali għandu jidhol dan li ġej:

“Nuqqas ta’
persuna li
tidher meta
tkun
imharrka.
Kap. 9.

7. Bla ħsara għad-dispożizzjonijiet tas-subartikolu (4) ta’ l-artikolu 5 ta’ dan l-Att, jekk xi persuna li tiġi notifikata kif imiss b’taħrika tonqos li tidher quddiem il-Kummissarju, hija għandha titqies bhala li tkun ammettiet l-akkuża, u, minkejja kull haġa li tinsab fil-Kodiċi Kriminali, il-Kummissarju għandu ma’ dan jgħaddi biex jordna li jsir il-hlas tal-piena u jagħti dawk l-ordnijiet oħra, skond il-każ, kif

provdut fis-subartikolu (2) ta' l-artikolu 10 ta' dan l-Att fin-nuqqas tal-persuna akkużata.”.

8. Fl-artikolu 8 ta' l-Att prinċipali minflok il-kliem “għall-Qorti tal-Pulizija Ġudizzjarja” għandhom jidhlu l-kliem “għal dik il-qorti”. Emenda ta' l-artikolu 8 ta' l-Att prinċipali.

9. Fl-artikolu 9 ta' l-Att prinċipali il-kliem “tal-Pulizija Ġudizzjarja” għandhom jithassru. Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

10. L-artikolu 10 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 10 ta' l-Att prinċipali.

(a) fis-subartikolu (2) tiegħu minflok il-kliem “preskritta bil-liġi għar-reat.” għandhom jidhlu l-kliem “preskritta bil-liġi għar-reat u meta dik il-liġi ttiprovdi għas-sekwestru ta' xi oġġett użat fl-għemil tar-reat, jew għar-revoka jew għas-sospensjoni ta' xi liċenza l-Kummissarju għandu jordna dak is-sekwestru jew dik ir-revoka jew sospensjoni flimkien mal-penali.” u minnufih wara għandhom jidhlu dawn il-provisos li ġejjin:

“Iżda l-Kummissarju jista' jekk jikkunsidra li d-difiża ta' persuna tkun frivola jew vessatorja, jordna lil dik il-persuna thallas b'żieda mal-penali dik il-penali oħra li ma tkunx iktar mill-massimu ta' l-istess multa jew ammenda lilu mogħtija, jew hamsin lira liema tkun l-anqas:

Iżda wkoll meta ma tiġi indikata ebda multa jew ammenda minima, jew meta multa jew ammenda minima jew massima tiġi stabbilita bil-liġi bħala anqas minn hames liri, dik il-piena minima jew massima għall-finijiet ta' dan l-Att għandha tkun ta' għaxar liri.”; u a

(b) minnufih wara s-subartikolu (3) tiegħu għandu jidhol is-subartikolu (4) li ġej:

“(4) Meta minhabba l-għemil tar-reat, xi awtorità pubblika, inkluż Kunsill Lokali, tkun għamlet spejjeż biex tirrimedja l-konsegwenzi ta' l-imsemmi reat, il-Kummissarju jista' wkoll jordna l-hlas lil dik l-awtorità ta' somma li ma tkunx iktar minn Lm1,000 li tkun ipprovata għas-sodisfazzjon tiegħu li tkun intefqet minn dik l-awtorità biex tirrimedja dawk il-konsegwenzi. Dak l-ammont ikun bla hsara għal kull azzjoni oħra quddiem xi qorti biex tingabar lura kull spiża li tkun iżjed mis-somma ordnata mill-Kummissarju, u dak l-ammont ikun jista' jingabar minn dik l-awtorità bħala dejn ċivili, likwidat u ċert.”.

11. L-artikolu 11 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem “Qorti tal-Pulizija Ġudizzjarja” kull fejn jinsabu għandhom jidhlu l-kliem “Qorti tal-Maġistrati”; u Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

(b) minflok is-subartikolu (4) tieghu ghandu jidhol dan is-subartikolu li ġej:

“(4) Id-dispożizzjonijiet tas-subartikoli (3), (5) u (6) ta’ l-artikolu 10 ghandhom jghoddu ghal kull deċiżjoni tal-Qorti tal-Maġistrati li tikkonferma jew tvarja deċiżjoni tal-Kummissarju, inkluż kull ordni magħmula taht is-subartikolu (3) ta’ dan l-artikolu.”.

Sostituzzjoni ta’ l-artikolu 13 ta’ l-Att prinċipali.

12. Minflok l-artikolu 13 ta’ l-Att prinċipali ghandu jidhol dan li ġej:

“Setgħa għall-għemil ta’ regolamenti.

13. (1) Il-Ministru jista’ jagħmel regolamenti:

(a) li jkollhom x’jaqsmu mal-proċedura li għandha tithares mill-Kummissarji;

(b) li jemendaw l-Iskeda li tinsab ma’ dan l-Att billi jzidu magħha jew inaqqsulha reati; iżda ma jista’ jiżdied ebda reat ma’ l-Iskeda permezz ta’ regolamenti li jinharġu bis-saħħa ta’ dan l-artikolu jekk il-piena għal dak ir-reat tkun iktar mill-pieni stabbiliti għall-kontravvenzjonijiet; u

(ċ) b’mod ġeneriku dwar kull haġa li tista’ tiġi minnu stabbilita, ordnata, diretta jew preskritta skond id-dispożizzjonijiet ta’ dan l-Att u kull haġa oħra li tista’ tkun spedjenti sabiex jinghata effett ahjar lil dan l-Att.

Kap. 249.

(2) Mingħajr ebda preġudizzju għad-dispożizzjonijiet ta’ l-artikolu 11 ta’ l-Att dwar l-Interpretazzjoni, kull emenda għall-Iskeda li tinsab ma’ dan l-Att magħmula b’regolamenti bis-saħħa tas-subartikolu ta’ qabel dan ta’ dan l-artikolu ma ghandhomx jibdew isehlu, hliet wara li jghaddu tletin jum mid-data tal-pubblikazzjoni ta’ dawk ir-regolamenti fil-Gazzetta.”.

Zieda ta’ artikolu ġdid 14 ma’ l-Att prinċipali.

13. Minnufih wara l-artikolu 13 ta’ l-Att prinċipali ghandu jiżdied l-artikolu ġdid li ġej:

“Proċedura speċjali f’ċerti ligijiet.

14. (1) Minkejja kull liġi oħra li tipprovdi għall-proċediment u l-piena għal reati, meta xi persuna tagħmel reat li taht din il-liġi jew taht xi liġi oħra jkun ġie diklarat bħala reat fl-iskeda, għandhom japplikaw id-dispożizzjonijiet li ġejjin taht dan l-artikolu.

(2) Kull uffiċjal tal-Pulizija u kull uffiċjal, awtorità jew persuna li skond xi liġi kif issemma’ qabel ikunu responsabbli li jinfurzew dik il-liġi, li fil-fehma tagħhom ikun sar xi reat bħal dak jistgħu jagħtu lil min jagħmel ir-reat avviz li jkun fih deskrizzjoni ġenerali tar-reat.

(3) Meta jkun inghata xi avviż kif provdut fis-subartikolu (2) ta' dan l-artikolu, il-persuna msemmija f'dak l-avviż tista' thallas fil-post imsemmi f'dak l-avviż fiż-żmien muri fl-avviż, li f'ebda każ ma ghandu jkun inqas minn sebat ijiem, penali dwar kull reat imsemmi f'kull avviż bhal dak, kemm-il darba li dik il-penali ma tkunx iżjed mill-minimu stabbilit fil-liġi ghal dak ir-reat.

(4) Meta l-penali imposta taht is-subartikolu (3) ta' dan l-artikolu ma tithallasx fiż-żmien fuq imsemmi, jistghu jittiehdu l-proċedimenti ordinarji dwar ir-reat skond id-dispożizzjonijiet ta' dan l-Att jew ta' xi liġi oħra.

(5) Il-hlas ta' kull penali bhal dik ghandu, għall-finijiet u effetti kollha tal-liġi, jitqies bhala ammissjoni ta' l-għemil tar-reat.”.

14. L-Iskeda li tinsab ma' l-Att prinċipali ghandha tigi emendata kif ġej:

Emenda għall-Iskeda li tinsab ma' l-Att prinċipali.

(a) fil-partita 1 tagħha, minflok in-numri “3, 12.” ghandu jidhol in-numru “3.”;

(b) minflok il-partita 2 tagħha ghandha tidhol din il-partita ġdida li ġejja:

“2. *Regolamenti ta' l-1994 dwar il-Vetturi bil-Mutur*

Regolament 17; 18, 21, 24, 25, 28 sa 38, 41 sa 44, 47, 55, 59 sa 61, 65, 67 sa 89, 91 sa 103, 105 sa 112, 114, 115, 117, 118, 123, 125, 126, 128, 129, 131, 139, 149 sa 151, 158, 170, 195, 197, 228.”;

(c) fil-partita 3, minflok il-kliem Artikolu 202.” ghandhom jidhlu dawn il-kliem li ġejjin:

“Artikolu 38(1) (a) (b) (c) (d) (i) (j) (k), 40(b), 49, 51 sa 60, 73, 77, 82, 86, 87, 89.”; u

(d) minnufih wara l-partita 7 tagħha ghandha tiżdied din il-partita ġdida li ġejja:

“8. *Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni (Kap. 104) Artikolu 8(1).*”.

15. Minnufih wara l-artikolu 18 ta' l-Ordinanza dwar ir-Regolament tat-Traffiku, ghandu jiżdied dan l-artikolu ġdid li ġej:

Emenda ta' l-Ordinanza dwar ir-Regolament tat-Traffiku, Kap. 65.

“Il-liċenza tal-vettura ma tiggeddid kemm-il darba ma tithallasx il-multa, ammenda jew piena.

Kap. 291.

18A. Meta tinghata multa jew ammenda minn qorti ta' ġurisdizzjoni kriminali, jew meta Kummissarju għall-Gustizzja jkun għamel ordni għall-hlas ta' penali bis-saħħa tad-dispożizzjonijiet ta' l-Att dwar il-Kummissarji għall-Gustizzja, li jkollha x'taqsam ma' reat li jikser id-dispożizzjonijiet ta' din l-Ordinanza li jsir bl-użu ta' xi vettura bil-mutur, u dik il-multa, ammenda jew piena, skond il-każ, ma tkunx thallset, il-Kummissarju tal-Pulizija jew l-Awtorità dwar it-Trasport Pubbliku, skond il-każ, għandhom jieqfu milli jgeddu l-liċenza ta' dik il-vettura bil-mutur meta din tiskadi sa dak iż-żmien meta jsir il-hlas tal-multa, ammenda jew penali.”.

Emenda ta' l-Att ta' l-1993 dwar Kunsilli Lokali. Att Nru. XV ta' l-1993.

16. L-artikolu 34 ta' l-Att ta' l-1993 dwar Kunsilli Lokali għandu jiġi emendat kif ġej:

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala subartikolu (1); u

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jiżdied is-subartikolu ġdid li ġej:

“(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, il-Ministru jista' taht l-artikolu 72 ta' dan l-Att jagħmel regolamenti għal applikazzjoni ġenerali għall-istess għanijiet li Kunsill jista' jagħmel *bye-laws* taht dan l-Att u dawk ir-regolamenti għandhom, għall-finijiet ta' dan l-Att u ta' kull liġi oħra, jitqiesu li huma *bye-laws* li jkunu saru mill-Kunsilli kollha:

Iżda kull regolamenti bħal dawk jistgħu jagħmlu biss dispożizzjonijiet ġenerali u jkunu bla ħsara għall-għemil ta' *bye-laws* oħra minn xi Kunsill għall-istess għan li jagħmlu dispożizzjonijiet speċjali għal-lokalità tiegħu.”.

Dispożizzjoni transitorja.

17. Minkejja d-dispożizzjonijiet tas-subartikoli (2) u (3) ta' l-Att prinċipali, il-Qorti tal-Maġistrati (Malta) u l-Qorti tal-Maġistrati (Għawdex) għandu jkollhom ġurisdizzjoni esklużiva li jipproċessaw dawk ir-reati li jsiru reati mniżżla fl-Iskeda bis-saħħa ta' dan l-Att, u li jkunu twettqu qabel il-bidu fis-seħħ ta' dan l-Att.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 420 tal-15 ta' Mejju, 1995.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

23rd May, 1995

ACT No. XII of 1995*AN ACT to amend the Commissioners for Justice Act, Cap. 291.*

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 Commissioners for Justice (Amendment) Act, 1995, and shall be read and construed as one with the Commissioners for Justice Act, hereinafter referred to as “the principal Act”.

Short title.

2. In section 2 of the principal Act, in the definition of “Court of Magistrates”, for the words “the Court of Magistrates of Judicial Police as Court of Criminal Judicature;” there shall be substituted the words “the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as a Court of Criminal Judicature;”.

Amendment of section 2 of the principal Act.

3. Subsection (1) of section 3 of the principal Act shall be amended as follows:

Amendment of section 3 of the principal Act.

(a) immediately after the words “assigned to them by this Act” there shall be inserted the words “or under the Local Councils Act, 1993”; and for the words “that is to say” there shall be substituted the words “including the functions and powers”;

(b) in paragraph (a) thereof, immediately after the words “in accordance with section 5 of this Act” there shall be inserted the words “or by Local Councils under the Local Councils Act, 1993”; and

(c) in paragraph (d) thereof for the words “to order the payment of such penalty as they may impose” there shall be substituted the words “to impose such penalty”.

Amendment of section 4 of the principal Act.

4. In subsection (10) of section 4 of the principal Act, for the words "when the registry of the Superior Courts is considered closed." there shall be substituted the words "when the registries of the courts are considered closed."

Amendment of section 5 of the principal Act.

5. Section 5 of the principal Act shall be amended as follows:

(a) in subsection (3) thereof for the words "It shall also contain an intimation that, in default of appearance, the person summoned shall be arrested by a warrant of a Commissioner and arraigned on such day as may be stated in the warrant, and shall become liable to a penalty of not less than one lira and not more than five liri." there shall be substituted the words "The summons shall also contain an intimation that in default of appearance the person summoned shall be deemed to have admitted the charge."; and

(b) immediately at the end of subsection (4) thereof there shall be added the following: "In such a case such person need not appear before the Commissioner and shall not be deemed to have admitted the charges."

Amendment of section 6 of the principal Act.

6. Section 6 of the principal Act shall be amended as follows:

(a) in subsection (2) thereof for the words "by officers of the post office," there shall be substituted the words "by registered letter by officers of the post office,"; and

(b) for subsection (3) thereof there shall be substituted the following subsection:

"(3) Where service is effected by post the person summoned shall be presumed to be duly served with the summons if the prosecuting officer proves that the said summons was sent by registered letter addressed at the last known address of the person charged and if it results, from the advice of receipt delivered by the postal authorities (which must be exhibited, together with the original of the summons, before the Commissioner) that the said registered letter was delivered at that address; and the date of service shall be presumed to be the date of the delivery of the registered letter."

Substitution of section 7 of the principal Act.

7. For section 7 of the principal Act there shall be substituted the following:

"Failure to appear when summoned.

Cap. 9.

7. Saving the provisions of subsection (4) of section 5 of this Act, if a person duly served with a summons fails to appear before a Commissioner he shall be deemed to have admitted the charge, and, notwithstanding anything contained in the Criminal Code, the Commissioner shall thereupon proceed to order the payment of the penalty and give such other orders, according to circumstances, as provided in subsection (2) of section 10 of this Act in the absence of the person charged."

8. In section 8 of the principal Act for the words “to the Court of Judicial Police” there shall be substituted the words “to that court”. Amendment of section 8 of the principal Act.

9. In section 9 of the principal Act the words “of Judicial Police” shall be deleted. Amendment of section 9 of the principal Act.

10. Section 10 of the principal Act shall be amended as follows: Amendment of section 10 of the principal Act.

(a) in subsection (2) thereof for the words “prescribed by law for the offence.” there shall be substituted the words “prescribed by law for the offence and where such law provides for the sequestration of any object used in the commission of the offence, or for the revocation or suspension of any licence the Commissioner shall order such sequestration or such revocation or suspension in addition to the penalty:” and immediately thereafter there shall be added the following provisos:

“Provided that a Commissioner may, if he considers that the person’s defence is frivolous or vexatious, order that person to pay in addition to the penalty another penalty not exceeding the maximum of the same fine (*multa* or *ammenda*) to him awarded or fifty liri whichever is less:

Provided further that where no minimum fine is indicated, or where a minimum fine or a maximum fine are prescribed by law as being less than five liri, such minimum or maximum penalty for the purposes of this Act shall be of ten liri.”; and

(b) immediately after subsection (3) thereof there shall be added the following subsection (4):

“(4) Where due to the commission of an offence, any public authority, including a Local Council, has incurred expenses to remedy the consequences of the said offence, the Commissioner may also order the payment to such authority of a sum not exceeding Lm1,000 that may be proved to his satisfaction to have been expended by such authority to remedy such consequences. Such amount shall be without prejudice to any other action before any court to recover any expense beyond the sum awarded by the Commissioner, and such amount shall be recoverable by such authorities as a civil debt, liquidated and certain.”.

11. Section 11 of the principal Act shall be amended as follows: Amendment of section 11 of the principal Act.

(a) for the words “Court of Judicial Police”, wherever they occur, there shall be substituted the words “Court of Magistrates”; and

(b) for subsection (4) thereof there shall be substituted the following subsection:

“(4) The provisions of subsections (3), (5) and (6) of section 10 shall apply to the decision of the Court of Magistrates confirming or varying a decision of the Commissioner, including an order made under subsection (3) of this section.”.

Substitution of section 13 of the principal Act.

12. For section 13 of the principal Act there shall be substituted the following:

“Power to make regulations.

13. (1) The Minister may make regulations:

(a) prescribing, or relating to, the procedure to be followed by the Commissioners;

(b) amending the Schedule to this Act by adding or removing therefrom offences; provided that no offence may be added to the Schedule by regulations under this section if the punishment for that offence exceeds the punishments established for contraventions; and

(c) generally with regard to any thing that may be by him determined, ordered, directed or prescribed in accordance with the provisions of this Act and any other matter that may be expedient for the better carrying into effect of this Act.

Cap. 249.

(2) Without prejudice to the provisions of section 11 of the Interpretation Act, any amendment to the Schedule of this Act made by regulations under the provisions of the foregoing subsection shall not come into effect except after the lapse of thirty days from the date of publication of the said regulations in the Gazette.”.

Addition of new section 14 to the principal Act.

13. Immediately after section 13 of the principal Act there shall be added the following new section:

“Special procedure in certain cases.

14. (1) Notwithstanding any other law providing for the trial and punishment of offences, where any person commits an offence which under this or any other law has been declared a scheduled offence, the following provisions of this section shall apply.

(2) Any Police Officer and any other officer, authority or person who in accordance with any law as aforesaid is charged with the responsibility for enforcement of such law, in whose opinion any such offence has been committed may hand over to the offender a notice containing a general description of the offence.

(3) Where any notice has been handed over as is provided in subsection (2) of this section, the person referred to in the said notice may pay at the place mentioned in such notice within such time indicated in the notice, which in no

case shall be less than seven days, a penalty in respect of each offence referred to in each such notice, provided that such penalty shall not exceed the minimum established in the law for such offence.

(4) Where any penalty imposed under subsection (3) of this section is not paid within the aforementioned period, ordinary proceedings in respect of the offence may be taken in accordance with the provisions of this Act or any other law.

(5) The payment of any such penalty shall, for all intents and purposes of law, be deemed to be an admission of the commission of the offence.”.

14. The Schedule to the principal Act shall be amended as follows:

Amendment of
the Schedule to
the principal Act.

(a) in item 1 thereof, for the numbers “3, 12.” there shall be substituted the number “3.”;

(b) for item 2 thereof there shall be substituted the following new item:

“2. Motor Vehicles Regulations, 1994

Regulation 17, 18, 21, 24, 25, 28 to 38, 41 to 44, 47, 55, 59 to 61, 65, 67 to 89, 91 to 103, 105 to 112, 114, 115, 117, 118, 123, 125, 126, 128, 129, 131, 139, 149 to 151, 158, 170, 195, 197, 228.”;

(c) in item 3, for the words “Section 202.” there shall be substituted the following words:

“Section 38(1) (a) (b) (c) (d) (i) (j) (k), 40(b), 49, 51 to 60, 73, 77, 82, 86, 87, 89.”; and

(d) immediately after item 7 thereof there shall be added the following new item:

“8. Motor Vehicles Insurance (Third-Party Risks) Ordinance (Cap. 104) Section 8(1).”.

15. Immediately after section 18 of the Traffic Regulation Ordinance, there shall be added the following new section:

Amendment of
the Traffic
Regulation
Ordinance,
Cap. 65.

“Non-renewal of road licence pending settlement of fine or penalty.

Cap. 291.

18A. Where any fine (*multa* or *ammenda*) is awarded by a court of criminal jurisdiction, or where a Commissioner for Justice has made an order for the payment of a penalty under the provisions of the Commissioners for Justice Act, in connection with any offence under this Ordinance committed by the use of any motor vehicle, and such fine or penalty, as the case may be, has not been paid, the Commissioner of Police or the Public Transport Authority, as the case may be, shall withhold from renewing that motor vehicle's road licence on the expiry thereof until such time as the payment of the fine or the penalty is effected.”.

Amendment of the Local Councils Act, 1993, Act No. XV of 1993.

16. Section 34 of the Local Councils Act, 1993 shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1); and

(b) immediately after subsection (1) as renumbered there shall be added the following new subsection:

“(2) Notwithstanding the provisions of subsection (1) of this section the Minister may under section 72 of this Act make regulations of general application for the purposes for which a Council may make bye-laws under this Act and such regulations shall, for the purposes of this Act and of any other law, be deemed to be bye-laws enacted by all the Councils:

Provided that any such regulations may only make provisions of a general nature and shall be without prejudice to the making of further bye-laws by any Council for the same purpose making special provision for its locality.”.

Transitory provision.

17. Notwithstanding the provisions of subsections (2) and (3) of the principal Act, the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) shall have exclusive jurisdiction to try those offences, which become scheduled offences by virtue of this Act, committed before the coming into force of this Act.

Passed by the House of Representatives at Sitting No. 420 of the 15th May, 1995.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives

