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Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,750, 14 ta' Diċembru, 2021
Taqsima A

MALTA

ATT Nru LXV tal-2021

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9, u sabiex jipprovdi għal ħwejjeġ anċillari jew konsegwenzjali għal dan.

ACT No. LXV of 2021

AN ACT enacted by the Parliament of Malta.

AN ACT to further amend the Criminal Code, Cap. 9, and to provide for matters ancillary or consequential thereto.

Nagħti l-kunsens tiegħi.

(L.S.) **GEORGE VELLA**
President

14 ta' Diċembru, 2021

ATT Nru LXV tal-2021

ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9, u sabiex jipprovdi għal ħwejjeġ ancillari jew konsegwenzjali għal dan.

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:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2021 li jemenda l-Kodiċi Kriminali (Emenda Nru 8) u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi". Titolu fil-qosor. Kap. 9.

Sostituzzjoni tal-artikolu 82A tal-Kodiċi.

2. L-artikolu 82A tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"Tixwix għal mibegħda razzjali, eċċ.

82A. (1) Kull min juża kwalunkwe kliem jew imġiba ta' theddid, abbużivi jew insolenti, jew jesibixxi xi materjal miktub jew stampat li jkun ta' theddid, abbużiv jew insolenti, jew xort'oħra jġib ruħu b'dak il-mod, bil-ħsieb li b'hekk iqajjem mibegħda jew vjolenza kontra xi persuna oħra jew grupp ta' persuni fuq bażi ta' ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, età, diżabilità, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra jew b'hekk joħloq il-probabbiltà li, meta wieħed iqis iċ-ċirkostanzi kollha, titqajjem tali vjolenza jew mibegħda, għandu jeħel, meta jinstab ħati, il-piena ta' priġunerija minn sitt (6) xhur sa tmintax (18)-il xahar:

Iżda illi, għall-finijiet ta' dan il-Kodiċi, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra, "diżabilità" tfisser l-istess bħat-tifsira mogħtija lilha fl-artikolu 2 tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità.

Kap. 627.

(2) Għall-finijiet tas-subartikolu (1) "vjolenza jew mibegħda" tfisser vjolenza jew mibegħda kontra persuna jew grupp ta' persuni f'Malta definiti b'referenza għall-ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini nazzjonali jew etnika, età, diżabilità, ċittadinanza, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra.".

Emenda tal-artikolu 82Ċ tal-Kodiċi.

3. Fis-subartikolu (1) tal-artikolu 82Ċ tal-Kodiċi, il-kliem "oriġini nazzjonali jew etnika, ċittadinanza, reliġjon" għandhom jiġu sostitwiti bil-kliem "oriġini nazzjonali jew etnika, età, diżabilità, ċittadinanza, reliġjon".

Emenda tas-subtitolu ta' qabel l-artikolu 83B tal-Kodiċi.

4. Fis-subtitolu ta' qabel l-artikolu 83B tal-Kodiċi, il-kliem "RAZZJALMENT AGGRAVATI JEW LI JKUNU MOTIVATI BI KSENOFOBIJA JEW OMOFOBIJA" għandhom jiġu sostitwiti bil-kliem "AGGRAVATI RAZZJALMENT JEW A BAŻI TA' DIŻABILITÀ JEW ETÀ JEW LI JKUNU MOTIVATI BI KSENOFOBIJA JEW OMOFOBIJA".

Emenda tal-artikolu 83B tal-Kodiċi.

5. Fl-artikolu 83B tal-Kodiċi l-kliem "oriġini nazzjonali jew etnika, ċittadinanza" għandhom jiġu sostitwiti bil-kliem "oriġini nazzjonali jew etnika, età, diżabilità, ċittadinanza".

Emenda tal-artikolu 222A tal-Kodiċi.

6. L-artikolu 222A tal-Kodiċi għandu jiġi emendat b'dan li ġej:

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(a) il-kliem "nazzjonalità jew oriġini etnika, ċittadinanza" għandhom jiġu sostitwiti bil-kliem "oriġini nazzjonali jew etnika, età, diżabilità, ċittadinanza" kull fejn jokkorru;

(b) is-subartikolu (1) tiegħu għandu jiġi mħassar.

7. Fis-subartikolu (1) tal-artikolu 251D tal-Kodiċi l-kliem "oriġini etnika jew nazzjonali, reliġjon" għandhom jiġu sostitwiti bil-kliem "oriġini etnika jew nazzjonali, età, diżabilità, reliġjon". Emenda tal-artikolu 251D tal-Kodiċi.

8. Fis-subartikolu (1) tal-artikolu 325A tal-Kodiċi l-kliem "nazzjonalità jew oriġini etnika, ċittadinanza" għandhom jiġu sostitwiti bil-kliem "oriġini etnika jew nazzjonali, età, diżabilità, ċittadinanza". Emenda tal-artikolu 325A tal-Kodiċi.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 529 tas-7 ta' Diċembru, 2021.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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I assent.

(L.S.) **GEORGE VELLA**
President

14th December, 2021

ACT No. LXV of 2021

An ACT to further amend the Criminal Code, Cap. 9, and to provide for matters ancillary or consequential thereto.

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. 8) Act, 2021 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to "the Code".

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2. Article 82A of the Code shall be substituted by the following: Substitution of article 82A of the Code.

"Incitement to racial hatred, etc.

82A. (1) Whosoever uses any threatening, abusive or insulting words or behaviour, or displays any written or printed material which is threatening, abusive or insulting, or otherwise conducts himself in such a manner, with intent thereby to stir up violence or hatred against another person or group of persons on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, age, disability, religion or belief or political or other opinion or whereby such violence or hatred is likely, having regard to all the circumstances, to be stirred up shall, on conviction, be liable to imprisonment for a term from six (6) to eighteen (18) months:

Provided that, for the purposes of this Code, unless the context otherwise requires, "disability" means the same as the meaning assigned to it in article 2 of the United Nations Convention on the Rights of Persons with Disabilities Act.

Cap. 627.

(2) For the purposes of sub-article (1) "violence or hatred" means violence or hatred against a person or against a group of persons in Malta defined by reference to gender, gender identity, sexual orientation, race, colour, language, national or ethnic origin, age, disability, citizenship, religion or belief or political or other opinion.".

3. In sub-article (1) of article 82C of the Code the words "ethnic origin, citizenship" shall be substituted by the words "ethnic origin, age, disability, citizenship". Amendment of article 82C of the Code.

4. In the sub-title before article 83B of the Code the words "RACIALLY AGGRAVATED OR MOTIVATED BY XENOPHOBIA OR HOMOPHOBIA" shall be substituted by the words "RACIALLY OR DISABILITY OR AGE AGGRAVATED OR MOTIVATED BY XENOPHOBIA OR HOMOPHOBIA". Amendment of the sub-title before article 83B of the Code.

5. In article 83B of the Code the words "ethnic origin, citizenship" shall be substituted by the words "ethnic origin, age, disability, citizenship". Amendment of article 83B of the Code.

6. Article 222A of the Code shall be amended by the following: Amendment of article 222A of the Code.

(a) the words "ethnic origin, citizenship" shall be substituted by the words "ethnic origin, age, disability, citizenship" wherever they occur;

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(b) sub-article (1) thereof shall be deleted.

Amendment of article 251D of the Code.

7. In sub-article (1) of article 251D of the Code the words "ethnic origin, citizenship" shall be substituted by the words "ethnic origin, age, disability, citizenship".

Amendment of article 325A of the Code.

8. In sub-article (1) of article 325A of the Code the words "ethnic origin, citizenship" shall be substituted by the words "ethnic origin, age, disability, citizenship".

Passed by the House of Representatives at Sitting No. 529 of the 7th December, 2021.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — *Printed at the Government Printing Press on FSC certified paper*

Prezz/*Price*
€0.36