

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO  
President

18 ta' Mejju, 1999

**ATT Nru. VII ta' l-1999**

*ATT biex jemenda l-Att dwar il-Habs, Kap. 260.*

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' jissejjah l-Att ta' l-1999 li jemenda l-Att dwar il-Habs, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar il-Habs, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 260

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

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

(a) minflok it-tifsira ta' "Direttur" għandha tidhol din it-tifsira:

“ "Direttur" tfisser id-Direttur tas-Servizzi Korrettivi u tinkludi kull uffiċjal pubbliku iehor li jkun awtorizzat għal hekk mill-imsemmi Direttur;"; u

(b) minflok it-tifsira ta' "uffiċjal tal-habs" għandha tidhol din it-tifsira:

“ "uffiċjal tal-habs" tfisser kull uffiċjal pubbliku jkun ta' liema grad jew kategorija jkun, mahtur jew sekondat biex iservi fid-Dipartiment tas-Servizzi Korrettivi u tinkludi d-Direttur.”.

Thassir ta' l-artikolu 5 u enumerazzjoni mill-ġdid ta' l-artikoli 6, 7, 8 u 9 ta' l-Att prinċipali.

3. L-artikolu 5 ta' l-Att prinċipali ghandu jithassar u l-artikoli 6, 7, 8 u 9 tiegħu ghandhom jiġu enumerati mill-ġdid 5, 6, 7 u 8 rispettivament.

Żieda ta' artikoli ġodda ma' l-Att prinċipali.

4. Minnufih wara l-artikolu 8 ta' l-Att prinċipali kif enumerat mill-ġdid, ghandhom jizziedu dawn l-artikoli ġodda li ġejjin:

“Dmirijiet u setghat ta' uffiċjali tal-habs.

9. (1) L-uffiċjali tal-habs ghandhom jaqdu dawk id-dmirijiet li jistgħu jinghatawllhom b'regolamenti jew tahtom li jkunu saru bis-saħħa ta' dan l-Att jew b'direttiva tal-Ministru.

(2) Fit-twettiq ta' dmirijiethom ġewwa habs kif imfisser f'dan l-Att u meta jkunu qegħdin iwettqu dmirijiet ta' skorta ma' priġunieri barra minn xi habs, l-uffiċjali tal-habs ikollhom is-setgħa li jwettqu dawk il-funzjonijiet, setghat u dmirijiet kollha li huma bil-liġi vestiti f'membri tal-Korp tal-Pulizija ta' Malta.

Regolamenti dwar pensjonijiet.

10. (1) Il-Ministru, bi ftehim mal-Ministru responsabbli għall-Finanzi, jista' jagħmel regolamenti dwar l-ghoti ta' pensjonijiet lil persuni li kienu fis-servizz tad-Dipartiment tas-Servizzi Korrettivi jew lir-rappreżentanti legali jew dipendenti tagħhom.

(2) Ir-regolamenti kollha li jsiru bis-saħħa ta' dan l-artikolu jista' jkollhom effett retroattiv sabiex jikkonferixxu benefiċċju lil, jew inehhu xi dizabilità li, persuna jew klassi ta' persuni jista' jkollhom.

(3) Kull pensjoni mogħtija taht dan l-Att ghandha tingħadd skond id-dispożizzjonijiet fis-sehh f'dak il-jum li fih l-uffiċjal jirtira.

(4) Ebda regolament li jsir bis-saħħa ta' dan l-artikolu m'ghandu jsehh kemm-il darba ma jkunx irċieva minn qabel l-approvazzjoni tal-Kamra tad-Deputati li tingħata permezz ta' riżoluzzjoni.

Il-pensjonijiet jithallsu minn fuq ir-renti ta' Malta.

11. Dawk is-somom kollha illi minn żmien għal żmien jiġu assenjati bhala pensjoni taht dan l-Att ghandhom jitqieghdu għad-debitu tal-Fond Konsolidat u ghandhom jithallsu minnu.

Tnehhija mill-kariga.

12. Il-Ministru jkun jista' jneħhi mill-kariga tiegħu f'kull żmien uffiċjal fid-Dipartiment tas-Servizzi Korrettivi li –

(i) ikun meqjus li aktarx ma jsirx, jew waqaf milli jkun, uffiċjal effiċjenti tad-Dipartiment tas-Servizzi Korrettivi;

(ii) ma jkunx jista' minhabba f'xi mard tal-moħħ jew tal-ġisem jaqdi d-dmirijiet tal-kariga tiegħu meta dak il-mard aktarx ikun permanenti; u

(iii) ikun meqjus, wara li jittiehed kont tal-kondizzjonijiet tad-Dipartiment tas-Servizzi Korrettivi, l-utilità ta' l-uffiċjal għal dak id-Dipartiment u ċ-ċirkostanzi kollha tal-każ, ma għandux fl-interess pubbliku jibqa' jservi aktar bhala membru tad-Dipartiment tas-Servizzi Korrettivi.

Ċirkostanzi li fihom il-pensjoni tista' tingħata.

13. Ebda pensjoni ma tingħata lil ebda uffiċjal tad-Dipartiment tas-Servizzi Korrettivi hlief meta jirtira mid-Dipartiment f'wiehed mill-każijiet li ġejjin –

(i) meta jew wara li jagħlaq l-età ta' hamsa u hamsin sena, jew jekk ikun għalaq hamsa u għoxrin sena servizz fid-Dipartiment tas-Servizzi Korrettivi wara li jagħlaq hamsin sena;

(ii) meta titnehħa l-kariga tiegħu;

(iii) meta jiġi rtirat bilfors halli jagħti lok li ssir aħjar l-organizzazzjoni tad-Dipartiment tas-Servizzi Korrettivi, biex b'hekk ikun hemm effiċjenza u ekonomija akbar;

(iv) fil-każ ta' tmiem ta' impieg fl-interess pubbliku kif maħsub f'dan l-Att;

(v) fuq prova medika ta' sodisfazzjon tal-Ministru illi dak l-uffiċjal tad-Dipartiment tas-Servizzi Korrettivi mhux kapaċi minhabba mard tal-moħħ jew tal-ġisem li jeseġwixxi d-dmirijiet tal-kariga tiegħu u li din il-marda aktarx hija permanenti.

Irtir minhabba interess pubbliku.

14. Meta servizz ta' l-uffiċjal tad-Dipartiment tas-Servizzi Korrettivi jiġi mitmum minhabba f'dak li hemm imsemmi fil-paragrafu (iii) ta' l-artikolu 12 ta' dan l-Att u pensjoni ma tkunx tista' tingħata xort'ohra skond id-dispożizzjonijiet ta' dan l-Att, dak l-uffiċjal tas-Servizzi Korrettivi jista' jingħata pensjoni li ma tkunx iżjed minn dak l-ammont li għalih kien ikun eliġibbli kieku rtira mid-

Dipartiment tas-Servizzi Korrettivi fiċ-ċirkostanzi msemmija fil-paragrafu (v) ta' l-artikolu 13 ta' dan l-Att.”.

Enumerazzjoni mill-ġdid ta' l-artikolu 10 ta' l-Att prinċipali.

5. L-artikolu 10 ta' l-Att prinċipali ghandu jiġi enumerat mill-ġdid bħala l-artikolu 15 tiegħu.

Emendi fil-Kodiċi Kriminali, Kap. 9.

6. Il-Kodiċi Kriminali ghandu jiġi emendat kif ġej:-

(a) minflok l-artikolu 151 tiegħu ghandu jidhol l-artikolu li ġej:

“151. Kull ikkundannat u kull prigionier iehor li jinsab hati ta' harba sempliċi mill-habs jew mill-kustodja tal-persuna jew tal-persuni inkarigati mill-kustodja tiegħu, jehel il-piena ta' prigionerija għal żmien mhux inqas minn sitt xhur iżda mhux iżjed minn sena.

F'dan l-artikolu “prigionier” tfisser kull persuna li tkun miżmuma f'habs u tinkludi prigionier filwaqt li jkun qed jingarr għal jew minn hubs għal iehor jew filwaqt li jkun qiegħed taht kura jew osservazzjoni f'xi sptar.”; u

(b) minflok l-artikolu 152 tiegħu ghandu jidhol l-artikolu li ġej:

“152. Kull prigionier li jinsab hati ta' harba minn post ta' kustodja jew ta' piena jew minn xi sptar fejn ikun qiegħed taht kura jew osservazzjoni, jew mill-kustodja tal-persuna jew tal-persuni inkarigati mill-kustodja tiegħu, jehel, meta l-harba ssir bil-vjolenza fuq il-persuna, jew bi ksur tal-postijiet imsemmija, il-piena ta' prigionerija għal żmien minn sentejn sa erba' snin, bla hsara għal kull piena ohra li għaliha jista' jkun sugġett taht xi dispożizzjoni ohra ta' dan il-Kodiċi jew ta' xi liġi ohra.

F'dan l-artikolu “prigionier” ghandha l-istess tifsira li nġhatat fl-artikolu 151.”.

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 89 ta' l-4 ta' Mejju, 1999.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

GUIDO DE MARCO  
President

18th May, 1999

**ACT No. VII of 1999**

*AN ACT to amend the Prisons Act, Cap. 260.*

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 Prisons (Amendment) Act, 1999, and shall be read and construed as one with the Prisons Act, hereinafter referred to as “the principal Act”. Short title.  
Cap. 260

2. Section 2 of the principal Act shall be amended as follows: Amendment of  
section 2 of the  
principal Act.

(a) for the definition of “Director” there shall be substituted the following:

“ “Director” means the Director of Correctional Services and includes any other public officer authorised in that behalf by such Director;” and

(b) for the definition of “prisons officer” there shall be substituted the following:

“ “prisons officer” means any public officer of whatever grade or category, who is appointed or seconded to serve in the Department of Correctional Services and includes the Director.”.

Deletion of section 5 and renumbering of sections, 6, 7, 8 and 9 of the principal Act.

3. Section 5 of the principal Act shall be deleted and sections 6, 7, 8 and 9 thereof shall be renumbered 5, 6, 7 and 8 respectively.

Addition of new sections to the principal Act.

4. Immediately after section 8 of the principal Act as renumbered there shall be added the following sections:

"Duties and powers of prisons officers.

9. (1) Prisons officers shall carry out such duties as may be assigned to them by or under regulations made under this Act or by any direction of the Minister.

(2) In the performance of their duties within a prison and when on escort duties with prisoners outside the prisons, prisons officers shall be vested with all such functions, powers and duties as are by law vested in an officer of the Malta Police Force.

Pensions regulations.

10. (1) The Minister, with the concurrence of the Minister responsible for Finance, may make regulations for the granting of pensions to persons who have served in the Department of Correctional Services or to their legal representatives or dependants.

(2) Any regulations made under this section may with retroactive effect confer a benefit upon or remove a disability attaching to any person or class of persons.

(3) Any pension granted under this Act shall be computed in accordance with the provisions in force at the actual date of the officer's retirement.

(4) No regulation made under this section shall have effect unless it has received the prior approval of the House of Representatives signified by resolution.

Pensions to be charged on revenues of Malta

11. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension in accordance with this Act.

Removal from office.

12. It shall be lawful for the Minister to remove from his office at any time an officer of the Department of Correctional Services who –

(i) is considered unlikely to become, or has ceased to be, an efficient officer of the Department of Correctional Services;

(ii) is incapable by reason of some infirmity of mind or body of discharging the duties of his office when such infirmity is likely to be permanent; and

(iii) it is considered, having regard to the conditions of the Department of Correctional Services, the usefulness of the officer thereto, and all the circumstances of the case, should in the public interest no longer serve as a member of the Department of Correctional Services.

Circumstances  
in which  
pension may  
be granted.

13. No pension shall be granted to any officer of the Department of Correctional Services except on his retirement from the Department of Correctional Services in any one of the following cases –

(i) on or after attaining the age of fifty-five years or if he has completed twenty-five years' service in the Department of Correctional Services after he attains the age of fifty;

(ii) on the abolition of his office;

(iii) on compulsory retirement for the purpose of facilitating improvement in the organisation of the Department of Correctional Services, by which greater efficiency and economy can be effected;

(iv) in the case of termination of employment in the public interest as provided in this Act;

(v) on medical evidence to the satisfaction of the Minister that such officer of the Department of Correctional Services is incapable by reason of infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent.

Retirement  
on the  
ground of  
public  
interest.

14. Where the services of an officer of the Department of Correctional Services is terminated on the ground referred to in paragraph (iii) of section 12 of this Act, and a pension cannot otherwise be granted under the provisions of this Act, such officer may be granted a pension not exceeding in amount that for which he would be eligible if he retired from the Department of Correctional Services in the circumstances described in paragraph (v) of section 13 of this Act.”.

Renumbering of section 10 of the principal Act.

5. Section 10 of the principal Act shall be renumbered as section 15 thereof.

Amendments to the Criminal Code, Cap. 9.

6. The Criminal Code shall be amended as follows:

(a) for section 151 thereof there shall be substituted the following section:

“151. Any person under sentence and any other prisoner who shall be guilty of simple escape or who escapes from the custody of the person or persons charged with his custody, shall, on conviction, be liable to imprisonment for a term of not less than six months but not more than one year.

In this section “prisoner” means any person who is confined in prison and includes a prisoner while he is being moved to or from a prison or from one prison to another or while he is under treatment or observation in any hospital.”; and

(b) for section 152 thereof there shall be substituted the following section:

“152. Any prisoner who shall be guilty of escape from any place of confinement or of punishment or from a hospital where he is under treatment or observation, or from the custody of the person or persons charged with his custody, shall, when the escape has been effected by violence on the person, or with breach of the places mentioned, be liable, on conviction, to imprisonment for a term from two years to four years saving any other punishment to which he may be subject under any other provision of this Code or of any other law.

In this section “prisoner” has the same meaning assigned to it in section 151.”.

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Passed by the House of Representatives at Sitting No. 89 of the 4th May, 1999.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*