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## **Nru. 74**

10. 7. 84

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Vincent Moran, M.P., Ministru tas-Saħħa u moqri għall-Ewwel darba fis-Seduta ta' 1-20 ta' Ġunju, 1984.

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A BILL introduced by the Honourable Vincent Moran, M.P., Minister of Health and read the First time at the Sitting of the 20th June, 1984.

ATT biex ikompli jemenda l-Kodiċi tal-Liġijiet tal-Pulizija, Kap. 13.

AN ACT further to amend the Code of Police Laws, Cap. 13.

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**C. MIFSUD**

*Skriivan tal-Kamra tad-Deputati*

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**C. MIFSUD**

*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex ikompli jemenda l-Kodiċi tal-Liġijiet tal-Pulizija, Kap. 13.*

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

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1984 li jemenda l-Kodiċi tal-Liġijiet tal-Pulizija, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi tal-Liġijiet tal-Pulizija, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Zieda ta' artikolu ġdid 18A mal-liġi prinċipali.

2. Minnufih wara l-artikolu 18 tal-liġi prinċipali għandu jizjed l-artikolu ġdid li ġej:

"Tankijiet 18A. Ebda persuna ma tista' tibni, iżzomm jew tħalli eċċ. fuq li jinżamm fuq jew bħala parti ta' xi ħajt tas-sejjieħ li jikkon- jew parti fina ma' triq, xi tank jew oġġett ieħor bħalu jew xi haġa oħra minn hitan li ma tkunx materjal tal-bini b'mod li jithassar l-ambjent.".

Emenda ta' l-artikolu 314 tal-liġi prinċipali.

3. L-artikolu 314 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1A) tiegħu minflok il-kliem "tas-subartikolu (2) ta' l-artikolu 108, ta' l-artikolu 176 jew ta' l-artikolu 209 ta' dan il-Kodiċi" għandhom jidhlu l-kliem "jew ta' l-artikolu 176 ta' dan il-Kodiċi"; u

(b) minnufih wara s-subartikolu (1A) tiegħu għandhom jidhlu s-subartikoli ġodda li ġejjin:

"(1AA) Meta persuna tinsab hatja ta' ksur ta' xi waħda mid-disposizzjonijiet tas-subartikolu (2) ta' l-artikolu 108 jew ta' l-artikolu 209 ta' dan il-Kodiċi, tehel, meta tinsab hatja, multa ta' mhux inqas minn ħamsin lira Maltija iżda mhux iżjed minn mitt lira Maltija, u jekk il-vettura jew il-bastiment ikun intuża fl-egħmil jew għall-għan ta' l-egħmil tar-reat, il-Qorti għandha fuq it-talba tal-prosekuzzjoni, tordna l-qbid ta' dik il-vettura jew ta' dak il-bastiment, skond il-każ, għal żmien ta' mhux inqas minn xahrejn iżda mhux iżjed minn sena u,

fil-każ ta' vettura, is-sospensjoni għal żmien daqs dak ta' kull liċenza tas-sewqan f'isem min jagħmel ir-reat, matul liema żmien il-manutenzjoni u t-tiswija (jekk ikun hemm) tal-vettura jew tal-bastiment ikunu għas-spejjeż tad-detentur tal-liċenza tagħha jew tas-sid; u l-Qorti għandha b'żieda ma' kull piena tordna lil min jagħmel ir-reat li jnehhi mill-post fejn ikun sar ir-reat il-materjal kollu li jkun hemm.

(1AB) Jekk f'reat li għalih japplika s-subartikolu (1AA) ta' dan l-artikolu min jagħmel ir-reat jarmi żibel, rimi, skart jew likwidu ta' dak id-daqs jew f'dik il-kwantità jew ta' dak il-kumulu, li, meta tqisu waħdu, ikun biżżejjed biex iwassal għat-thassir ta' xi post fil-bereħ jew ta' xi parti mill-baħar mal-kosta, dan jeħel, meta jinsab hati, multa ta' mhux inqas minn hames mitt lira Maltija iżda ta' mhux iżjed minn elf lira Maltija.

(1AC) Jekk min jagħmel ir-reat ma jkunx is-sid tal-vettura jew tal-bastiment kif imsemmi fis-subartikolu (1AB) ta' dan l-artikolu iżda jkun aġixxa taħt l-istruzzjonijiet jew bit-tagħrif ta' dak is-sid, is-sid jeħel, meta jinsab hati, l-istess piena bħal min jagħmel ir-reat.

(1AD) Jekk xi materjal li jintrema kontra l-liġi juri indikazzjoni ċara dwar min hu s-sid ta' dak il-materjal, is-sid jew il-persuna l-oħra responsabbli għal dak il-materjal minnufih qabel ir-rimi għandha titqies li tkun tefgħet jew iddepożitat dak il-materjal u teħel il-piena kif provdut f'dan l-artikolu, kemm-il darba ma tippruvax li r-reat ikun sar mingħajr it-tagħrif tagħha.”.

### Għanijiet u Ragunijiet

L-Għan ta' l-Abbozz huwa prinċipalment biex iżid il-piena għar-reat ta' rimi ta' skart li jwassal għat-thassir ta' l-ambjent.

**A BILL**  
**entitled**

*AN ACT further to amend the Code of Police Laws, Cap. 13.*

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.

1. This Act may be cited as the Code of Police Laws (Amendment) Act, 1984 and shall be read and construed as one with the Code of Police Laws hereinafter referred to as “the principal law”.

Addition of new section 18A to the principal law.

2. Immediately after section 18 of the principal law there shall be added the following new section:

“Tanks, etc. on or part of rubble walls.

18A. It shall not be lawful for any person to construct, keep or suffer to be kept on or as part of any rubble wall bordering any street, any drum, tank or similar article or any other object which is not building material as to lead to de-facement of the environment.”.

Amendment of section 314 of the principal law.

3. Section 314 of the principal law shall be amended as follows:

(a) in subsection (1A) thereof for the words “subsection (2) of section 108, section 176 or section 209 of this Code” there shall be substituted the words “or section 176 of this Code”; and

(b) immediately after subsection (1A) thereof there shall be inserted the following new subsections:

“(1AA) When any person is found guilty of a contravention of any of the provisions of subsection (2) of section 108 or section 209 of this Code, he shall be liable, on conviction, to a fine (*multa*) of not less than fifty Maltese liri but not exceeding one hundred Maltese liri, and if any vehicle or vessel has been used in or for the purpose of the commission of the offence, the Court shall at the demand of the prosecution, order the sequestration of such vehicle or vessel, as the

case may be, for a term of not less than two months but not exceeding one year and, in the case of a vehicle, the suspension for an equal term of any driving licence held by the offender, during which period the maintenance of and the repair (if any) to such vehicle or vessel shall be at the expense of its licensee or owner; and the Court shall in addition to any punishment order the offender to remove from the place where the offence has taken place all the material existing thereat.

(1AB) When in an offence to which subsection (1AA) of this section applies an offender dumps rubbish, refuse, litter or liquid of such size or in such quantity or accumulation as, taken by itself, is sufficient to lead to defacement of any place in the open air or of any part of the coastal waters, he shall be liable, on conviction, to a fine (*multa*) of not less than five hundred Maltese liri but not exceeding one thousand Maltese liri.

(1AC) When the offender is not the owner of the vehicle or vessel mentioned in subsection (1AB) of this section but has acted under the instructions or with the knowledge of such owner, the owner shall be liable, on conviction, to the same punishment as the offender.

(1AD) When any material which is unlawfully dumped shows a clear indication as to the ownership of such material, the owner or other person responsible for such material immediately prior to its dumping shall be deemed to have thrown or deposited that material and shall be liable to the punishment provided for in this section, unless he proves that the offence has taken place without his knowledge.”.

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### Objects and Reasons

The Object of the Bill is mainly to increase the punishment for the offence of dumping of refuse leading to defacement of the environment.