Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,089, 21 ta' Lulju, 2023
Taqsima A

MALTA

ATT Nru XXIX tal-2023

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

ATT sabiex ikompli jsaħħaħ il-libertà tal-espressjoni artistika.

ACT No. XXIX of 2023

AN ACT enacted by the Parliament of Malta.

AN ACT to further enhance freedom of artistic expression.

Nagħti l-kunsens tiegħi.

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

21 ta’ Lulju, 2023

ATT Nru XXIX tal-2023

Att sabiex ikompli jsaħħaħ il-libertà tal-espressjoni artistika

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-2023 biex ikompli jsaħħaħ il-Libertà tal-Espressjoni Artistika. Titolu fil-qosor.

TAQSIMA 1
Emenda għall-Kodiċi Kriminali

2. Id-dispożizzjonijiet ta’ din it-Taqsima jemendaw il-Kodiċi Kriminali u għandhom jinqraw u jinftiehmu ħaġa waħda mal-Kodiċi Kriminali, hawn iżjed ’il quddiem f’din it-Taqsima msejjaħ "il-Kodiċi". Emenda għall-Kodiċi Kriminali. Kap. 9.

3. Minnufih wara s-subartikolu (2) tal-artikolu 339 tal-Kodiċi għandu jiżdied is-subartikolu ġdid li ġej: Emenda tal-artikolu 339 tal-Kodiċi.

"(3) Il-paragrafu (1)(e) sa fejn jirreferi għat-tlissin ta’ insulti u theddid għandu jiġi interpretat sabiex iħalli lok għal-libertà tal-espressjoni artistika u b’mod partikolari l-imsemmi paragrafu ma għandux ixekkel l-espressjoni artistika, satirika, komika jew kulturali, ta’ kull xorta, li ma twassalx għal theddid kredibbli u realistiku għal-libertà jew għas-sigurtà personali tal-kwerelant jew għall-proprjetà tiegħu.".

TAQSIMA II
Emenda għall-Att biex Jirregola Komunikazzjonijiet Elettroniċi

Emenda għall-Att biex Jirregola Komunikazzjonijiet Elettroniċi. Kap. 399.

4. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att biex Jirregola Komunikazzjonijiet Elettroniċi u għandhom jinqraw u jinftiehmu ħaġa waħda mal-Att biex jirregola Komunikazzjonijiet Elettroniċi, hawn iżjed il-quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 49 tal-Att prinċipali.

5. Il-proviso għall-artikolu 49 tal-Att prinċipali għandu jiġi sostitwit b'dan il-proviso ġdid li ġej:

> "Iżda, bla ħsara għall-applikazzjoni ta' kwalunkwe liġi oħra, kliem jew espressjonijiet imlissna jew pubblikati fuq network ta' komunikazzjoni elettronika jew apparat ma għandhomx jikkostitwixxu reat kontra dan l-Att jekk jitlissnu jew jiġu pubblikati bħala parti minn espressjoni artistika, satirika, komika jew kulturali, ta' kull xorta, u ma jwasslux għal theddid kredibbli u realistiku għal-libertà jew għas-sigurtà personali ta' xi persuna jew għall-proprjetà ta' xi persuna.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 148 tat-12 ta' Lulju, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

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

21st July, 2023

ACT No. XXIX of 2023

AN ACT to further enhance freedom of artistic expression.

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. The short title of this Act is the Artistic Expression (Enhancement) Act, 2023.

PART I
Amendment to the Criminal Code

2. The provisions of this Part amend the Criminal Code and shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as "the Code". Amendment to the Criminal Code. Cap. 9.

3. Immediately after sub-article (2) of article 339 of the Code there shall be added the following new sub-article: Amendment of article 339 of the Code.

"(3) Paragraph (1)(e) insofar as it refers to the uttering of insults or threats shall be interpreted to allow for the freedom of artistic expression and in particular the said paragraph shall not hinder artistic, satirical, comic or cultural expression, of any kind, which does not lead to credible and realistic threats to the personal liberty or security of the complainant or to his property.".

PART II
Amendment to the Electronic Communications (Regulation) Act

Amendment to the Electronic Communications (Regulation) Act. Cap. 399.

4. The provisions of this Part amend the Electronic Communications (Regulation) Act and shall be read and construed as one with the Electronic Communications (Regulation) Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 49 of the principal Act.

5. The proviso to article 49 of the principal Act shall be substituted by the following new proviso:

> "Provided that, without prejudice to the application of any other law, words or expressions uttered or published on an electronic communications network or apparatus shall not constitute an offence against this Act if they are uttered or published as part of artistic, satirical, comic or cultural expression, of any kind, and do not lead to credible and realistic threats to the personal liberty or security of any person or to a person's property.".

Passed by the House of Representatives at Sitting No. 148 of the 12th July, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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