

MALTA**ATT Nru. XIV ta' I-1983**

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

ATT biex ikompli jemenda l-Kodiċi Kriminali, Kap. 12.

ACT No. XIV of 1983

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Criminal Code, Cap. 12.

Nagħti l-kunsens tiegħi

(L.S.)

AGATHA BARBARA
President

19 ta' Lulju, 1983

ATT Nru. XIV ta' l-1983*ATT biex ikompli jemenda l-Kodiċi Kriminali, Kap. 12.*

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-1983 li jemenda l-Kodiċi Kriminali, u għandu jinqara u jiftiehem ħaġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed "il quddiem imsejjaħ "il-liġi prinċipali".

Emenda ta' l-artikolu 102 tal-liġi prinċipali.

2. Fil-proviso tas-subartikolu (2) ta' l-artikolu 102 tal-liġi prinċipali minflok il-kliem "l-akkużat" għandhom jidhlu l-kliem "ix-xhud falz".

Emenda ta' l-artikolu 231 tal-liġi prinċipali.

3. Minnufih fit-tarf ta' l-artikolu 231 tal-liġi prinċipali għandu jizdied il-proviso li ġej:

"Iżda meta r-reat ikun sar b'xi sustanza jew likwidu li jesplodi l-piena minima tkun priġunerija għal seatejn u d-dispożizzjonijiet ta' l-Att ta' l-1957 dwar il-*Probation* ta' Ħatjin ma japplikawx."

Emenda ta' l-artikolu 232 tal-liġi prinċipali.

4. Minnufih wara s-subartikolu (2) ta' l-artikolu 232 tal-liġi prinċipali għandu jizdied is-subartikolu ġdid li ġej:

"(3) Il-pieni għar-reati msemmija fis-subartikolu (1) ta' dan l-artikolu għandhom ikunu daww stabbiliti fis-subartikolu (2) ta' l-artikolu 326, kemm-il darba l-offiża fuq il-persuna tkun saret bil-mezz ta' likwidu jew sustanza li jespludu."

Emenda ta' l-artikolu 262 tal-liġi prinċipali.

5. Fis-subartikolu (1) ta' l-artikolu 262 tal-liġi prinċipali, minflok il-kliem "xahar sa tliet xhur" għandhom jidhlu l-kliem "xahar sa sitt xhur".

6. Fl-artikolu 325 tal-liġi prinċipali minflok il-kliem "minn tliet snin sa tnax-il sena" għandhom jidhru l-kliem "minn tliet snin sa erbatax-il sena". Emenda ta' l-artikolu 325 tal-liġi prinċipali.
7. L-artikolu 326 tal-liġi prinċipali għandu jiġi emendat kif ġej:
 (a) minflok is-subartikolu (2) tiegħu għandu jidhol dan li ġej:
 "(2) Jekk bil-fatt imsemmi fl-artikolu ta' qabel dan, issir offiża gravi fuq il-persuna, il-hati jehel prigunerija għal żmien ta' minn erba' sa għoxrin sena."; u
 (b) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:
 "(3) Jekk bil-fatt imsemmi fl-artikolu ta' qabel dan, xi proprjetà mobbli jew immobbli ta' xi persuna ssirilha tħassir, hsara jew tgħarriq serju, il-piena hemmhekk imsemmija ma tingħatax fil-minimu tagħha."
8. Minflok l-artikolu 327 tal-liġi prinċipali għandu jidhol l-artikolu ġdid li ġej: Emenda ta' l-artikolu 327 tal-liġi prinċipali.
327. Kull min jagħmel jew xjentement iżomm jew ikollu għandu jew taħt il-kontroll tiegħu xi sustanza esplożiva, taħt dawk iċ-ċirkostanzi illi jagħtu għaliex wiehed għandu bir-raġun jahseb illi hu għamilha, żammha jew kienet għandu għal hsieb mhux liċtu, jehel, meta jinsab hati, prigunerija għal żmien ta' minn tmintax-il xahar sa disa' snin, u d-disposizzjonijiet ta' l-Att ta' l-1957 dwar il-*Probation* ta' Htatjin ma japplikawx."
9. Minnufih wara t-tieni proviso ta' l-artikolu 339 tal-liġi prinċipali għandu jidhol il-proviso ġdid li ġej: Emenda ta' l-artikolu 339 tal-liġi prinċipali.
- "Iżda wkoll fil-każ ta' hsara lill-proprjetà pubblika, il-piena tiżdied bi grad jew tnejn, u l-hati għandu jiġi kkundannat iħallas multa ekwivalenti għall-hsara li tkun saret."
10. Wara l-paragrafu (x) ta' l-artikolu 352 tal-liġi prinċipali għandu jidhol il-paragrafu ġdid li ġej: Emenda ta' l-artikolu 352 tal-liġi prinċipali.
- "(xx) meta hekk ordnat minn xi qorti jonqos li jagħti lil martu, dik is-somma ffissata minn dik il-qorti bħala manteniment għaliha u, jew, għal uliedu, fi żmien hmistax-il jum minn dak il-jum li fih, skond dak l-ordni, ikollu jħallas dik is-somma;"

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 120 tat-13 ta' Lulju, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

19th July, 1983

ACT No. XIV of 1983

AN ACT further to amend the Criminal Code, Cap. 12.

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 Criminal Code (Amendment) Act, 1983, and shall be read and construed as one with the Criminal Code, hereinafter referred to as “the principal law”.

Amendment of section 102 of the principal law.

2. In the proviso to subsection (2) of section 102 of the principal law for the words “the person accused” there shall be substituted the words “the false witness”.

Amendment of section 231 of the principal law.

3. Immediately at the end of section 231 of the principal law there shall be added the following proviso:

“Provided that where the offence is committed by means of any explosive fluid or substance the minimum punishment shall be imprisonment for two years and the provisions of the Probation of Offenders Act, 1957 shall not be applicable.”.

Amendment of section 232 of the principal law.

4. Immediately after subsection (2) of section 232 of the principal law there shall be added the following new subsection:

“(3) The punishment for the offences referred to in subsection (1) of this section shall be that established in subsection (2) of section 326 if the bodily harm is committed by means of any explosive fluid or substance.”.

Amendment of section 262 of the principal law.

5. In subsection (1) of section 262 of the principal law, for the words “one to three months” there shall be substituted the words “one to six months”.

6. In section 325 of the principal law for the words "three to twelve years" there shall be substituted the words "three to fourteen years".

Amendment of section 325 of the principal law.

7. Section 326 of the principal law shall be amended as follows:

(a) for subsection (2) thereof there shall be substituted the following:

Amendment of section 326 of the principal law.

"(2) If as a result of the offence referred to in the last preceding section, a grievous bodily harm is caused to any person, the offender shall be liable to imprisonment for a term from four to twenty years"; and

(b) immediately after subsection (2) thereof there shall be added the following new subsection:

"(3) If as a result of the offence referred to in the last preceding section, any serious spoil, damage or injury to or upon any movable or immovable property belonging to any person is caused, the punishment therein mentioned shall not be awarded in its minimum."

8. For section 327 of the principal law there shall be substituted the following new section:

Amendment of section 327 of the principal law.

"Unlawful making or possession of explosives.

327. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is making it or has it in his possession or under his control for an unlawful object shall, on conviction, be liable to imprisonment for a term from eighteen months to nine years, and the provisions of the Probation of Offenders Act, 1957, shall not be applicable."

9. Immediately after the second proviso to section 339 of the principal law there shall be added the following new proviso:

Amendment of section 339 of the principal law.

"Provided further that in the case of damage to public property, the punishment shall be increased by one or two degrees, and the offender shall be ordered to pay by way of fine (*multa*) the amount of the damage caused."

10. After paragraph (x) of section 352 of the principal law there shall be inserted the following new paragraph:

Amendment of section 352 of the principal law.

"(xx) when so ordered by a court fails to give to his wife such sum, fixed by that court as maintenance for her and, or, his children, within fifteen days from the day on which, according to such order, he should pay such sum;"

Passed by the House of Representatives at Sitting No. 120 of the 13th July, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD

Clerk to the House of Representatives