

MALTA

ATT Nru. XV ta' l-1985

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

ATT b'leż i-kompli jemenda l-Kodiċi tal-Liġijiet tal-Pulizija, Kap. 13.

ACT No. XV of 1985

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

15 ta' Ottubru, 1985

ATT Nru. XV ta' l-1985

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, hareġ b'liġi dan li ġej:—

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1985 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 imsejjaħ "il-liġi prinċipali". Titolu fil-qosor.

2. Minnufih wara l-artikolu 18 tal-liġi prinċipali għandu jizdied l-artikolu ġdid li ġej: Zieda ta' artikolu ġdid 18A mal-liġi prinċipali.

"Tankijiet
eċċ. fuq
jew parti
minn hitan.

"18A. Ebda persuna ma tista' tibni, iżzomm jew tħalli li jinżamm bħala parti ta' xi haġt li jikkonfina ma' triq jew jidher minnha jew f'xi area li tidher minn xi triq, xi tank jew oġġett ieħor bħala jew xi haġa oħra li ma tkunx materjal tal-bini b'mod li jithassar u/jew jtkerrah l-ambjent."

3. L-artikolu 314 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 314 tal-liġi prinċipali.

(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 godda li ġejjin:

“(1AA) Meta persuna tinsab hatja ta’ ksur ta’ xi waħda mid-dispożizzjonijiet 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 xi vettura jew 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-vettura jew il-bastiment jibqa’ għar-riskju tas-sid:

Iżda meta xi persuna li ma tkunx ħadet sehem fir-reat, ikollha jedd għal dik il-vettura l-qbid ikun ordnat biss jekk il-Qorti tkun sodisfatta li ebda jedd bħal dak ma jkun qed jiġi preġudikat b’dak l-ordni.

(1AB) Meta reat imsemmi fis-subartikolu (1AA) ta’ dan l-artikolu jkollu x’jaqsam ma’ rimi, il-Qorti għandha wkoll b’zieda ma’ kull piena li tista’ tiġi mposta skond dan il-Kodiċi, tordna lil min jagħmel ir-reat li jneħħi mill-post fejn ikun sar ir-reat il-materjal kollu, li dwaru jkun instab hati, fi żmien biżżejjed għal hekk, li jiġi stabbilit mill-Qorti, u li fin-nuqqas ta’ tħaris ta’ dak l-ordni dak il-materjal jitneħħa għas-spejjeż ta’ min jagħmel ir-reat, f’liema każ jista’ jiġi mgieghel iħallas lura l-ispejjeż bħala dejn ċivili.

(1AC) 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 wahdu, ikun biżżejjed biex iwassal biex jikrieħ u/iew jithassar xi post fil-beraħ iew ta’ xi parti mill-baħar mal-kosta, dan jehel, meta jinsab hati, multa ta’ mhux inqas minn ħames mitt lira Maltija iżda ta’ mhux iżjed minn elf lira Maltija u meta xi vettura jew bastiment ikun intuża fl-egħmil tar-reat jew għall-għan ta’ l-egħmil tar-reat id-dispożizzjonijiet tas-subartikolu (1AA) ta’ dan l-artikolu dwar qbid u sospensjoni tal-liċenza tas-sewqan għandhom japplikaw.

(1AD) Jekk min jagħmel ir-reat ma jkunx is-sid tal-vettura jew tal-bastiment kif imsemmi fis-subartikolu (1AA) jew (1AC) ta’ dan l-artikolu iżda jkun aġixxa taħt l-istruzzjonijiet jew bit-tagħrif ta’ dak is-sid jew meta dak is-sid setgħa jevita l-egħmil tar-reat u ma għamilx hekk, is-sid jehel, meta jinsab hati, l-istess piena stabbilita fis-subartikoli (1AA) u (1AC) ta’ dan l-artikolu, u d-dispożizzjonijiet tas-subartikolu (1AB) ta’ dan l-artikolu jkunu applikabbli għas-sid tal-vettura jew tal-bastiment.

(1AE) Jekk ikun jidher miċ-ċirkostanzi li fihom jinstab xi materjal mormi kontra l-liġi, min kien is-sid jew il-persuna l-oħra responsabbli għal dak il-materjal minnufih qabel ir-rimi tiegħu, dak is-sid jew dik il-persuna għandha titqies li tkun iddepożitat dak il-materjal u tista’ tehel il-piena stabbilita fis-

subartikoli (IAA) u (IAC) ta' dan l-artikolu u d-dispożizzjoni-
jiet tas-subartikolu (IAB) ta' dan l-artikolu japplikaw għaliha,
kemm-il darba ma tippruvax li dak ir-reat ma kenitx taf bih,
jew għalkemm kienet taf bih ma setgħatx timpedih milli jsir.”.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 279 tad-9 ta' Ottubru, 1985.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

15th October, 1985

ACT No. XV of 1985

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, 1985 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 walls. 18A. It shall not be lawful for any person to construct, keep or suffer to be kept on or as part of any wall bordering on or visible from any street, or in any area visible from any street, any drum, tank or similar article or any object which is not building material as to lead to defacement 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 vehicle or vessel shall be at the risk of the owner :

Provided that where any person who has not participated in the offence, has a claim to such vehicle the sequestration shall only be ordered if the Court is satisfied that no such claim is thereby prejudiced.

(1AB) When an offence referred to in subsection (1AA) of this section relates to dumping, the Court shall in addition to any penalty which may be imposed in accordance with this Code, also order the offender to remove from the place where the offence has taken place all the material, in respect of which he is found guilty, within a time sufficient for the purpose, to be fixed by the Court, and that in default of compliance with that order such material be removed at the expense of the offender, in which case he may be made to refund the expense as a civil debt.

(1AC) When in an offence to which subsection (1AA) of this section applies an offender throws or 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 and where any vehicle or vessel has been used in or for the purpose of the commission of the offence, the provisions of subsection (1AA) of this section as regards sequestration and suspension of driving licence shall apply.

(1AD) When the offender is not the owner of the vehicle or vessel mentioned in subsection (1AA) or (1AC) of this section but has acted under the instructions or with the knowledge of such owner or where such owner had the power to prevent the commission of the offence did not do so, the owner shall be liable on conviction, to the same punishment laid down in subsections (1AA) and (1AC) of this section, and the provisions of subsection (1AB) of this section shall be applicable with regard to the owner of the vehicle or vessel.

(1AE) If the circumstances in which any material unlawfully dumped or thrown is found, indicate the owner or other person responsible for such material immediately prior to its dumping, such owner or person shall be deemed to have

deposited that material and shall be liable to the punishment laid down in subsections (1AA) and (1AC) of this section and the provisions of subsection (1AB) of this section shall be applicable with regard to him, unless he proves that he did not know of the commission of the offence, or although he knew of it did not have the power to prevent it.”.

Passed by the House of Representatives at Sitting No. 279 of the 9th October, 1985.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives