

Nru. 78

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MALTA**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph F. Abela, M.P., Agent Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tal-25 ta' Lulju, 1978.

A BILL introduced by the Honourable Joseph F. Abela, M.P., Acting Minister of Justice, Lands, Housing and Parliamentary Affairs and read the First time at the Sitting of the 25th July, 1978.

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

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

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

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-1980 li jemenda l-Kodiċi Kriminali, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Sostituzzjoni ta' l-artikolu 13 tal-liġi prinċipali.

2. Minflok l-artikolu 13 tal-liġi prinċipali għandu jidhul dan li ġej:

"13. (1) Fejn il-liġi ma tgħidx espressament xort'oħra, il-*maximum* tal-multa huwa ħames mitt lira u l-*minimum* għaxar liri.

(2) Meta l-*maximum* ta' multa stabbilit f'dan il-Kodiċi jew f'xi liġi oħra jkun inqas minn għaxar liri, il-*maximum* ikun għaxar liri u l-*minimum* ħames liri.

(3) Il-multa, meta ma titħallasx fiż-żmien stabbilit fl-artikolu 16, tinbidel fi priġunerija bil-kalkolu ta' ġurnata għal kull ħames liri:

Iżda f'ebda każ (ħlief f'dak imsemmi fil-paragrafu (ġ) ta' l-artikolu 19 u fis-subartikolu (1) ta' l-artikolu 30) il-priġunerija minflok il-multa m'għandha tiskorri ż-żmien ta' tliet xhur jekk il-multa ma tkunx aktar minn elfejn lira, sitt xhur jekk il-multa ma tkunx aktar minn għaxart elef lira, sena jekk il-multa ma tkunx aktar minn tletin elf lira u tmintax-il xahar jekk il-multa tkun aktar minn tletin elf lira."

Emenda ta' l-artikolu 15 tal-liġi prinċipali.

3. L-artikolu 15 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidhul dan li ġej:

"(1) Fejn il-liġi ma tgħidx espressament xort'oħra, il-*maximum* ta' l-ammenda huwa ħamsa u għoxrin lira u l-*minimum* tliet liri."; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "ħamsin ċenteżmu" għandhom jidhlu l-kliem "ħames liri".

4. Minnufih wara l-artikolu 195 tal-liġi prinċipali għandu jizjed l-artikolu ġdid li ġej:

“Dikjarazzjoni falza jew tagħrif falz lil awtorità pubblika.

195A. Kull min, sabiex jikseb xi vantaġġ jew benefiċċju għalih innifsu jew għal xi ħadd iehor, xjentement jagħmel dikjarazzjoni jew stqarrija falza, jew jagħti tagħrif falz, lil xi awtorità pubblika, jew f’xi dokument maħsub għal dik l-awtorità, jeħel, meta jinsab ħati, il-piena ta’ prigunerija għal żmien mhux iżjed minn sentejn jew multa.”.

Zieda ta’ artikolu ġdid 195A mal-liġi prinċipali.

5. Fl-artikolu 239 tal-liġi prinċipali, minflok il-kliem “ħames mitt lira” għandhom jidhlu l-kliem “elfejn lira”.

Emenda ta’ l-artikolu 239 tal-liġi prinċipali.

6. Is-subartikolu (1) ta’ l-artikolu 240 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 240 tal-liġi prinċipali.

(a) fil-paragrafu (a) tiegħu, minflok il-kliem “mitejn u ħamsin lira” għandhom jidhlu l-kliem “elf lira”; u

(b) fil-paragrafu (b) tiegħu, minflok il-kliem “mija u ħamsa u għoxrin lira” għandhom jidhlu l-kliem “ħames mitt lira”.

7. Minflok is-subartikolu (1) ta’ l-artikolu 245 tal-liġi prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta’ l-artikolu 245 tal-liġi prinċipali.

“(1) Fil-każijiet imsemmijin fil-paragrafu (a) ta’ l-artikolu ta’ qabel dan, l-akkużat, meta jinsab ħati, jeħel —

(a) jekk tkun ġrat il-mewt —

(i) minħabba biss in-natura jew il-konsegwenzi naturali ta’ l-offiża u mhux għal xi kawża aċċidentali li tinqala’ wara, il-piena ta’ prigunerija għal żmien mhux iżjed minn sena;

(ii) minħabba xi kawża aċċidentali li tinqala’ wara u mhux minħabba biss in-natura jew il-konsegwenzi naturali ta’ l-offiża, il-piena ta’ prigunerija għal żmien mhux iżjed minn sitt xhur;

(b) jekk l-offiża tkun gravi u ġġib il-konsegwenzi msemmin fil-artikolu 232, il-piena ta’ prigunerija għal żmien mhux iżjed minn sitt xhur;

(ċ) jekk l-offiża tkun gravi mingħajr il-konsegwenzi msemmin fil-artikolu 232, il-piena ta’ prigunerija għal żmien mhux iżjed minn tliet xhur;

(d) jekk l-offiża ssir gravi minħabba kawża aċċidentali li tinqala’ wara —

(i) il-piena ta’ prigunerija għal żmien mhux iżjed minn tliet xhur, fil-każ imsemmi fil-paragrafu (b) ta’ dan l-artikolu;

(ii) il-pieni stabbiliti għall-kontravvenzjonijiet, fil-każ imsemmi fil-paragrafu (ċ) ta’ dan l-artikolu.”.

8. Fl-artikolu 280 tal-liġi prinċipali, minflok il-kliem “ħamsin lira” għandhom jidhlu l-kliem “mitt lira”.

Emenda ta’ l-artikolu 280 tal-liġi prinċipali.

9. Fis-subartikolu (4) ta’ l-artikolu 291 tal-liġi prinċipali, minflok il-kliem “ħames liri” għandhom jidhlu l-kliem “għaxar liri”.

Emenda ta’ l-artikolu 291 tal-liġi prinċipali.

Emenda ta' l-artikolu 292 tal-liġi prinċipali.

10. L-artikolu 292 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) fil-paragrafu (a) tiegħu, minflok il-kliem "hames mitt lira" għandhom jidhlu l-kliem "elf lira"; u
 - (b) fil-paragrafu (b) tiegħu, minflok il-kliem "hames mitt lira" għandhom jidhlu l-kliem "elf lira".

Emenda ta' l-artikolu 342 tal-liġi prinċipali.

11. L-artikolu 342 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) fil-paragrafu (b) tiegħu, minflok il-kliem "hamsin lira" għandhom jidhlu l-kliem "elf lira"; u
 - (b) fil-paragrafu (c) tiegħu, minflok il-kliem "hamsa u għoxrin lira" għandhom jidhlu l-kliem "hames mitt lira".

Emenda ta' l-artikolu 382 tal-liġi prinċipali.

12. L-artikolu 382 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) fil-paragrafu (a) tas-subartikolu (3) tiegħu, minflok il-kelma "sentejn" għandhom jidhlu l-kliem "erba' snin";
 - (b) minflok il-paragrafu (c) tas-subartikolu (3) tiegħu, għandu jidhol dan li ġej:

"(c) Jekk, fiż-żmien hawn fuq imsemmi, l-akkużat iwieġeb illi huwa m'għandux oġġezzjoni li l-każ jiġi trattat bi proċedura sommarja, il-Qorti għandha tinnotta t-tweġiba fil-proċess u malli tagħmel hekk il-Qorti tkun kompetenti li tittratta l-każ ta' l-akkużat u għandha tagħti s-sentenza min-nufih, kif provdut fl-artikolu 389.";

- (c) minflok il-paragrafu (e) tas-subartikolu (3) tiegħu għandu jidhol dan li ġej:

"(e) Meta n-numru ta' l-akkużati mibgħuta biex ikunu iġġudikati mill-Qorti tal-Pulizija Ġudizzjarja skond id-disposizzjonijiet tal-paragrafu (a) ta' dan is-subartikolu jkun tnejn jew iżjed, id-disposizzjonijiet ta' l-aħħar paragrafu qabel dan għandhom japplikaw biss dwar dak il-wieħed jew iżjed mill-akkużati li jagħmlu oġġezzjoni illi l-każ jiġi trattat bi proċedura sommarja, u f'dan il-każ iż-żmien stabbilit fl-artikolu 444 sabiex jiġi pprezentat l-att ta' l-akkuża jibda jgħodd minn dak inhar li fih l-Avukat Ġenerali jkun irċieva l-proċess wara li s-sentenza f'kull każ li jkun ġie trattat bi proċedura sommarja jkun għadda b'ġudikat.";

- (d) minnufih wara s-subartikolu (3) tiegħu, għandu jidher is-subartikolu ġdid li ġej:

"(4) (a) Minkejja d-disposizzjonijiet tal-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu, jekk id-delitt li bih l-imputat ikun akkużat huwa wieħed li għalih hemm piena ta' priġunerija għal żmien ta' aktar minn sitt xhur iżda mhux aktar minn erba' snin, il-Qorti għandha, waqt l-eżami ta' l-akkużat skond l-artikolu 404 iżda qabel ma jiġi eżaminat skond il-paragrafu (c) tas-subartikolu (1) ta' dak l-artikolu, tistaqsi lill-akkużat jekk għandux oġġezzjoni illi l-każ tiegħu jiġi trattat bi proċedura sommarja; u l-Qorti għandha tagħtih żmien xieraq biex iwieġeb għal din il-mistoqsija.

(b) Jekk, matul l-imsemmi żmien, l-akkużat iwieġeb li huwa m'għandux oġġezzjoni illi l-każ tiegħu jiġi trattat bi proċedura sommarja, il-Qorti għandha tistaqsi lill-prosekuzzjoni jekk togġezzjonax illi l-każ jiġi trattat bi proċedura sommarja, u jekk ma ssir ebda oġġezzjoni, il-Qorti għandha

tinnota dan il-fatt fil-proċess u malli tagħmel hekk il-Qorti tkun kompetenti li tittratta l-każ ta' l-akkużat u għandha tipproċedi skond hekk:

Iżda ebda haġa f'dan is-subartikolu ma għandha tiftiehem li iżomm lill-Qorti milli tipproċedi bil-kompilazzjoni meħtieġa jekk mill-provi jkun jidher li sar delitt li jaqbeż il-kompetenza tagħha.”.

13. L-artikolu 404 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 404 tal-liġi prinċipali.

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kliem “jekk missieru hux haġ jew mejjet, u mbagħad il-Qorti tistaqsi jekk iridx u xi jrid iwieġeb fuq l-akkuża” għandhom jidhru l-kliem “jekk missieru hux haġ jew mejjet”;

(b) minnufih wara l-paragrafu (b) tas-subartikolu (1) tiegħu, għandu jidher il-paragrafu ġdid li ġej:

“(ċ) Il-Qorti għandha tistaqsi lill-akkużat jekk iridx u xi jrid iwieġeb fuq l-akkuża.”; u

(ċ) minflok is-subartikolu (5) tiegħu, għandu jidher dan li ġej:

“(5) Jekk l-imputat jibqa' sieket, il-Qorti għandha tniżel bil-miktub din iċ-ċirkostanza u tibda tisma' l-kawża bħallikieku l-imputat kien stqarr li mhux ħati.”.

14. Fl-artikolu 413 tal-liġi prinċipali, minflok is-subartikolu (1) tiegħu, għandu jidher dan li ġej:

Emenda ta' l-artikolu 413 tal-liġi prinċipali.

“(1) Il-kompilazzjoni għandha tingħalaq fi żmien xahar, illi, għal raġuni tajba, jista' jiġi mġedded mill-President għal perijodi oħra kull wieħed minnhom ta' xahar, u kull tiġdid bħal dan għandu jsir fuq talba bil-miktub magħmula mill-Qorti:

Iżda ż-żmien fuq imsemmi m'għandux b'kollox jiġi hekk imġedded għal aktar minn tliet xhur:

Iżda wkoll kemm-il darba ma jkunx ingħata l-ħelsien mill-arrest, l-akkużat għandu jingiebu quddiem il-Qorti għall-anqas darba kull hmistax-il ġurnata sabiex il-Qorti tiddeċiedi jekk għandux jerga' jiġi arrestat.”.

15. Minflok is-subartikolu (1) ta' l-artikolu 444 tal-liġi prinċipali għandu jidher dan li ġej:

Emenda ta' l-artikolu 444 tal-liġi prinċipali.

“(1) L-Avukat Ġenerali għandu ż-żmien ta' xahar biex jippreżenta l-att ta' akkuża, illi jibda jgħodd minn dak inhar li jirċievi l-attijiet imsemminjin fl-artikolu ta' qabel dan. Dan iż-żmien għandu, fuq talba ta' l-Avukat Ġenerali, jiġi mġedded mill-Qorti għal hmistax-il jum ieħor, u, egħluq dan iż-żmien, mill-President għal hmistax-il jum ieħor, u, meta l-fatt ikun tali illi biex tinsab ix-xorta sewwa tar-reat ikun meħtieġ bilfors li jgħaddi żmien aktar twil, għal dan iż-żmien itwal:

Iżda, jekk dan iż-żmien itwal jaqbeż erbgħin jum, l-imputat għandu l-jedd li jiġi meħlus mill-arrest taħt garanzija.”.

16. Fis-subartikolu (3) ta' l-artikolu 445 tal-liġi prinċipali, minflok il-kliem “tnax-il ġurnata” għandha tidher il-kelma “xahar”.

Emenda ta' l-artikolu 445 tal-liġi prinċipali.

Emenda ta' l-artikolu 511 tal-liġi prinċipali.

17. Fl-artikolu 511 tal-liġi prinċipali għandu jżied il-proviso li ġej fit-tarf tiegħu:

“Iżda proċessi verbali għandhom jintwerew u kopji tagħhom jingħataw biss fid-diskrezzjoni ta' l-Avukat Ġenerali u bil-ħlas ta' dawk id-drittijiet li jitlob, wara li jqis l-ispejjeż li jkunu saru.”.

Emenda ta' l-artikolu 540 tal-liġi prinċipali.

18. L-artikolu 540 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kelma “subartikolu” għandha tidhol il-kelma “subartikoli”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jżied is-subartikolu ġdid li ġej:

“(3) Meta r-reat li għandu jiġi investigat ikun —

(a) serq, barra minn serq bi vjolenza kontra l-persuna; jew

(b) omiċidju involontarju jew offiża fuq il-persuna involontarja li jiġru f'incident tat-traffiku;

il-Maġistrat jista', minflok li jagħmel aċċess fuq il-post, jordna lil uffiċjal tal-pulizija mhux taħt il-grad ta' spettur biex jistabilixxi l-fatti rilevanti, u l-uffiċjal hekk maħtur u kull fotografu jew espert ieħor li jkunu qed jgħinuh għandhom jixhdu fl-inkjesta fuq il-fatti investigati u stabbiliti minnhom u għandhom jipproduċu r-ritratti kollha li jkunu tteħdu u l-oġġetti jew id-dokumenti l-oħra kollha li jkunu rilevanti għall-investigazzjoni tagħhom.”.

Emenda ta' l-artikolu 542 tal-liġi prinċipali.

19. Fl-artikolu 542 tal-liġi prinċipali, minflok il-kliem “żewġ xiehda u l-periti” għandhom jidhru l-kliem “il-periti”.

Emenda ta' l-artikolu 543 tal-liġi prinċipali.

20. Fis-subartikolu (1) ta' l-artikolu 543 tal-liġi prinċipali, minflok il-kliem “l-aċċess, u miż-żewġ xiehda ta' l-aċċess, imsemmijin fl-artikolu ta' qabel dan” għandhom jidhru l-kliem “l-aċċess”.

Emenda ta' l-artikolu 544 tal-liġi prinċipali.

21. Minnufih wara s-subartikolu (4) ta' l-artikolu 544 tal-liġi prinċipali, għandu jżied is-subartikolu ġdid li ġej:

“(5) Il-proċess verbal għandu jitqies li jkun magħmul regolarment jekk ikun fih fil-qosor ir-rapport, id-denunzja jew il-kwerela, lista tax-xhieda mismugħa u l-provi miġbura, u paragrafu finali li jkun fih il-konkluzjonijiet tal-Maġistrat inkwirenti.”.

Emenda ta' l-artikolu 545 tal-liġi prinċipali.

22. Fl-artikolu 545 tal-liġi prinċipali, minnufih wara s-subartikolu (3) tiegħu, għandu jżied is-subartikolu ġdid li ġej:

“(4) Minkejja d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, f'każijiet ta' mewt sobtu jew ta' mewt li ma jkunx magħruf il-kaġun tagħha, il-Maġistrat jista', minflok li jagħmel aċċess fuq il-kadavru, u bla ħsara għas-setgħat tiegħu taħt l-artikolu 546, jagħmel kif provdut fis-subartikolu (3) ta' l-artikolu 540, u meta jagħmel hekk id-disposizzjonijiet ta' dak is-subartikolu għandhom japplikaw *mutatis mutandis*.”.

23. Minflok l-artikolu 546 tal-liġi prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 546 tal-liġi prinċipali.

“546. (1) Il-Maġistrat jista', meta jidhirlu meħtieġ, jordna l-ftuħ u l-eżami minn ġewwa tal-kadavru.

(2) Għall-finijiet ta' dan l-artikolu u tas-subartikolu (1) ta' l-artikolu 545, il-Maġistrat jista' jaħtar espert mediku jew espert mediku u jista' wkoll jagħti lil dak l-espert jew lil dawk l-esperti s-setgħa li jisimgħu x-xhieda bil-ġurament biex jiġu stabiliti l-identità tal-kadavru u l-kawża tal-mewt.”

24. Sabiex jiġi evitat kull dubju qed jiġi b'dan dikjarat illi d-disposizzjonijiet tas-subartikolu (1) ta' l-artikolu 413, tas-subartikolu (1) ta' l-artikolu 444 u tas-subartikolu (3) ta' l-artikolu 445 tal-liġi prinċipali kif emendati b'dan l-Att għandhom japplikaw għall-proċessi kollha sew jekk mibdija qabel jew wara l-bidu fis-seħħ ta' dan l-Att.

Disposizzjoni ta' dikjarazzjoni.

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz huwa li jagġorna l-Kodiċi Kriminali f'diversi fwejjeġ: huwa intiż li l-proċeduri jithaffu u li xi pieni jiżdiedu. L-Abbozz jipprovdi wkoll għal żmien aktar realistiku li fih l-att ta' l-akkuża għandu jiġi preżentat.

A BILL

entitled

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, 1980, and shall be read and construed as one with the Criminal Code, hereinafter referred to as “the principal law”.

Substitution
of section 13
of the
principal
law.

2. For section 13 of the principal law there shall be substituted the following:

“13. (1) Where it is not otherwise specifically provided, the maximum of a fine (*multa*) is five hundred pounds and the minimum is ten pounds.

(2) Where the maximum of a fine (*multa*) prescribed in this Code or in any other law is less than ten pounds, the maximum shall be ten pounds and the minimum shall be five pounds.

(3) In default of payment of a fine (*multa*) within the period prescribed in section 16, such fine (*multa*) shall be converted into imprisonment at the rate of one day for every five pounds:

Provided that in no case (save as provided in paragraph (g) of section 19 and in subsection (1) of section 30) shall imprisonment in substitution of a fine (*multa*) exceed three months if the fine is not higher than two thousand pounds, six months if the fine is not higher than ten thousand pounds, one year if the fine is not higher than thirty thousand pounds and eighteen months if it is higher than thirty thousand pounds.”

3. Section 15 of the principal law shall be amended as follows: Amendment of section 15 of the principal law.
- (a) for subsection (1) thereof there shall be substituted the following:

“(1) Where it is not otherwise specifically provided, the maximum of a fine (*ammenda*) is twenty-five pounds and the minimum is three pounds.”; and

(b) in subsection (2) thereof for the words “fifty cents” there shall be substituted the words “five pounds”.

4. Immediately after section 195 of the principal law there shall be added the following new section: Addition of new section 195A to the principal law.

“False declarations or information to a public authority.

195A. Whosoever shall, in order to gain any advantage or benefit for himself or others, knowingly make a false declaration or statement, or give false information, to any public authority, or in any document intended for such authority, shall, on conviction, be liable to the punishment of imprisonment for a term not exceeding two years or to a fine (*multa*).”.

5. In section 239 of the principal law, for the words “five hundred pounds” there shall be substituted the words “two thousand pounds”. Amendment of section 239 of the principal law.

6. Subsection (1) of section 240 of the principal law shall be amended as follows: Amendment of section 240 of the principal law.

(a) in paragraph (a) thereof, for the words “two hundred and fifty pounds” there shall be substituted the words “one thousand pounds”; and

(b) in paragraph (b) thereof, for the words “one hundred and twenty-five pounds” there shall be substituted the words “five hundred pounds”.

7. For subsection (1) of section 245 of the principal law there shall be substituted the following: Substitution of section 245 of the principal law.
- “(1) In the cases referred to in paragraph (a) of the last preceding section, the offender shall, on conviction, be liable —

(a) if death has ensued —

(i) solely as a result of the nature or the natural consequences of the harm and not of any supervening accidental cause, to imprisonment for a term not exceeding one year;

(ii) as a result of a supervening accidental cause and not solely as a result of the nature or the natural consequences of the harm, to imprisonment for a term not exceeding six months;

(b) if the harm is grievous and produces the effects mentioned in section 232, to imprisonment for a term not exceeding six months;

(c) if the harm is grievous without the effects mentioned in section 232, to imprisonment for a term not exceeding three months;

(d) if the harm shall have become grievous owing to a supervening accidental cause —

(i) to imprisonment for a term not exceeding three months, in the case referred to in paragraph (b) of this section;

(ii) to the punishments established for contraventions, in the case referred to in paragraph (c) of this section.”.

Amendment of section 280 of the principal law.

8. In section 280 of the principal law, for the words “fifty pounds” there shall be substituted the words “one hundred pounds”.

Amendment of section 291 of the principal law.

9. In subsection (4) of section 291 of the principal law, for the words “five pounds” there shall be substituted the words “ten pounds”.

Amendment of section 292 of the principal law.

10. Section 292 of the principal law shall be amended as follows:

(a) in paragraph (a) thereof, for the words “five hundred pounds” there shall be substituted the words “one thousand pounds”; and

(b) in paragraph (b) thereof, for the words “five hundred pounds” there shall be substituted the words “one thousand pounds”.

Amendment of section 342 of the principal law.

11. Section 342 of the principal law shall be amended as follows:

(a) in paragraph (b) thereof, for the words “fifty pounds” there shall be substituted the words “one thousand pounds”; and

(b) in paragraph (c) thereof, for the words “twenty five pounds” there shall be substituted the words “five hundred pounds”.

Amendment of section 382 of the principal law.

12. Section 382 of the principal law shall be amended as follows:

(a) in paragraph (a) of subsection (3) thereof, for the words “two years” there shall be substituted the words “four years”;

(b) for paragraph (c) of subsection (3) thereof, there shall be substituted the following:

“(c) If, within the said time, the accused replies that there is no objection on his part to the case being tried summarily, the Court shall note the reply in the records of the proceedings and thereupon the Court shall become competent to try the accused and shall proceed to give judgment forthwith, as provided in section 389.”;

(c) for paragraph (e) of subsection (3) thereof there shall be substituted the following:

“(e) Where the number of the accused sent for trial by the Court of Judicial Police under the provisions of paragraph (a) of this subsection is two or more, the provisions of the last foregoing paragraph shall apply only in respect of any one or more of the accused who makes objection to the case being dealt with summarily, and in such case the term fixed in section 444 for the filing of the indictment shall run from the day on which the Attorney General shall have received the record of the case after the decision in each of the cases dealt with summarily shall have become *res judicata*.”; and

(d) immediately after subsection (3) thereof, there shall be added the following new subsection:

“(4) (a) Notwithstanding the provision of paragraph (b) of subsection (1) of this section, if the crime with which the accused is charged is punishable with imprisonment for a term exceeding six months but not exceeding four years, the Court shall, during the examination of the accused under section 404 but before he is examined under paragraph (c) of subsection (1) of that section, ask the accused whether he objects to his case being dealt with summarily; and shall give him a reasonable time to reply to this question.

(b) If, within the said time, the accused replies that there is no objection on his part to the case being dealt with summarily, the Court shall ask the prosecution whether it objects to the case being dealt with summarily, and if no objection is raised, the Court shall note this fact in the records of the proceedings and thereupon the Court shall become competent to try the accused and shall proceed accordingly:

Provided that nothing in this subsection shall be construed as precluding the Court from proceeding with the necessary inquiry if from the evidence it appears that a graver crime which it has no jurisdiction to try has been committed.”

13. Section 404 of the principal law shall be amended as follows: Amendment of

(a) in paragraph (a) of subsection (1) thereof, for the words “whether his father is alive or dead, and the Court shall ask him if and what he wishes to reply to the charge” there shall be substituted the words “whether his father is alive or dead”; section 404 of
the principal
law.

(b) immediately after paragraph (b) of subsection (1) thereof, there shall be added the following new paragraph:

“(c) The Court shall ask the accused if and what he wishes to reply to the charge.”; and

(c) for subsection (5) thereof, there shall be substituted the following:

“(5) If the accused stands mute, the Court shall note down the circumstance and shall proceed with the case as if the accused had pleaded not guilty.”

14. In section 413 of the principal law, for subsection (1) thereof, there shall be substituted the following: Amendment of

“(1) The inquiry shall be concluded within the term of one month which may, upon good cause being shown, be extended by the President for further periods each of one month, each such extension being made upon a demand in writing by the Court: section 413 of
the principal
law.

Provided that the said term shall not in the aggregate be so extended to more than three months:

Provided further that unless bail has been granted, the accused shall be brought before the Court at least once every fifteen days in order that the Court may decide whether he should again be remanded in custody.”

15. For subsection (1) of section 444 of the principal law there shall be substituted the following: Amendment of

“(1) The Attorney General shall be allowed the term of one section 444 of
the principal
law.

month for the filing of the indictment, to run from the day of the receipt of the record referred to in the last preceding section. The said term shall, on the demand of the Attorney General, be extended by the Court to an additional period of fifteen days, and, on the expiration of this other period, by the President to a further additional period of fifteen days, and, where the matter is such that the determination of the true nature of the offence necessarily depends upon the lapse of a longer period of time, to such longer period:

Provided, however, that where such longer period extends beyond forty days, the accused shall have the right to be released on bail."

Amendment of section 445 of the principal law.

16. In subsection (3) of section 445 of the principal law, for the words "twelve days" there shall be substituted the words "one month".

Amendment of section 511 of the principal law.

17. In section 511 of the principal law there shall be added at the end thereof the following proviso:

"Provided that a *procès-verbal* shall be open to inspection and copies thereof shall be given only at the discretion of the Attorney General and on payment of such fees as he may, taking account of the expenses incurred, require."

Amendment of section 540 of the principal law.

18. Section 540 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the word "subsection" there shall be substituted the word "subsections"; and

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

"(3) Where the offence to be investigated is —

(a) theft, other than theft with violence against the person; or

(b) involuntary homicide or involuntary bodily harm caused in a traffic accident;

the Magistrate may, instead of holding in person an inquest on the spot, direct a police officer not below the rank of inspector to establish the relevant facts, and the officer so appointed and any photographer or other expert assisting him shall give evidence at the enquiry on the facts investigated and established by them and shall produce all photographs taken and all other articles or documents relevant to their investigation."

Amendment of section 542 of the principal law.

19. In section 542 of the principal law, for the words "Two witnesses and the" there shall be substituted the word "The".

Amendment of section 543 of the principal law.

20. In subsection (1) of section 543 of the principal law, for the words "the inquest, and by the two witnesses employed as provided in the last preceding section" there shall be substituted the words "the inquest".

Amendment of section 544 of the principal law.

21. Immediately after subsection (4) of section 544 of the principal law, there shall be added the following new subsection:

"(5) The *procès-verbal* shall be deemed to have been regularly drawn up if it contains a short summary of the report, informa-

tion or complaint, a list of the witnesses heard and evidence collected, and a final paragraph containing the findings of the inquiring Magistrate.”.

22. In section 545 of the principal law, immediately after subsection (3) thereof, there shall be added the following new subsection:

Amendment of section 545 of the principal law.

“(4) Notwithstanding the provisions of subsection (1) of this section, in cases of sudden death or of death the cause whereof is unknown, the Magistrate may, instead of holding in person an inquest on the body, and without prejudice to his powers under section 546, act as provided in subsection (3) of section 540, and where he so acts the provisions of that subsection shall, *mutatis mutandis*, apply.”.

23. For section 546 of the principal law there shall be substituted the following:

Substitution of section 546 of the principal law.

“546. (1) The Magistrate may, where necessary, order the dissection and the internal examination of the body.

(2) For the purposes of this section and of subsection (1) of section 545, the Magistrate may appoint a medical expert or experts and he may also empower such expert or experts to hear evidence on oath for establishing the identity of the body and to ascertain the cause of death.”.

24. For the avoidance of doubt it is hereby declared that the provisions of subsection (1) of section 413, of subsection (1) of section 444 and of subsection (3) of section 445 of the principal law as amended by this Act shall apply to any proceedings whether commenced before or after the coming into force of this Act.

Declaratory provision.

Objects and Reasons

The Object of the Bill is to up-date the Criminal Code in several respects: it proposes to expedite proceedings and raise certain punishments. It also provides for a more realistic time within which a bill of indictment is to be presented.