

ABBOZZ TA' LIĠI msejjah

ATT biex ikompli jemenda l-Kodiċi Kriminali, Kap. 9

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

1. It-titolu ta' dan l-Att huwa Att tal-2008 li jemenda l-Kodiċi Kriminali, u dan l-Att għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjah "il-Kodiċi". Titolu.

2. L-artikolu 82A tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-
artikolu 82A
tal-Kodiċi.

(a) fis-subartikolu (1) ta' l-artikolu 82A, minflok il-kliem "mibegħda razzjali" kull fejn dawn jinsabu għandhom jidhlu l-kliem "vjolenza jew mibegħda razzjali"; u

(b) minflok is-subartikolu (2) għandu jidhol dan li ġej:

“(2) Għall-finijiet tas-subartikolu qabel dan “vjolenza jew mibegħda razzjali” tfisser vjolenza jew mibegħda kontra grupp ta' persuni f' Malta definiti b'referenza għall-kulur, razza, reliġjon, dixxendenza, nazzjonalità (inkluża ċ-ċittadinanza) jew oriġni etnika jew nazzjonali jew kontra xi membru ta' dak il-grupp.”.

Żjeda ta' l-artikoli
godda
82B sa 82F mal-
Kodiċi.

3. Minnufih wara l-artikolu 82A tal-Kodiċi ghandhom jidhlu dawn l-artikoli godda li ġejjin:

“Meta
ġenoċidju
eċċ. kontra
grupp jiġi
skużat,
miċhud jew
mtaffi.

82B. Kull min pubblikament jiskuża, jiċhad jew itaffi b’mod grossolan xi ġenoċidju, delitt kontra l-umanità u delitt tal-gwerra dirett kontra grupp ta’ persuni jew xi membru ta’ dak il-grupp b’referenza ghar-razza, kulur, reliġjon, dixxendenza jew oriġni nazzjonali jew etnika meta dik l-imġieba titwettaq b’mod li -

(a) x’aktarx ixxewwex għall-vjolenza jew mibeghda kontra dak il-grupp jew membru ta’ dak il-grupp;

(b) x’aktarx tikser l-ordni pubblika jew li tkun ta’ theddid, abbuż jew insult, jista’, meta jinstab hati, jehel priġunerija għal żmien minn tmien xhur sa sentejn:

Iżda għall-finijiet ta’ dan l-artikolu “ġenoċidju”, “delitti kontra l-umanità” u “delitti tal-gwerra” għandu jkollhom l-istess tifsira bħal dik mogħtija lilhom fl-artikolu 54A.

Meta delitti
kontra l-paċi
kontra grupp
jiġu skużati,
miċhuda jew
mtaffija.

82C. (1) Kull min pubblikament jiskuża, jiċhad jew itaffi b’mod grossolan delitti kontra l-paċi diretti kontra grupp ta’ persuni b’referenza ghar-razza, kulur, reliġjon, dixxendenza jew oriġni nazzjonali jew etnika jew kontra xi membru ta’ dak il-grupp meta dik l-imġieba titwettaq b’mod li -

(a) x’aktarx ixxewwex għall-vjolenza jew mibeghda kontra dak il-grupp jew membru ta’ dak il-grupp; jew

(b) x’aktarx tikser l-ordni pubblika jew li tkun ta’ theddid, abbuż jew insult, jista’, meta jinstab hati, jehel priġunerija għal żmien minn tmien xhur sa sentejn.

(2) Għall-finijiet ta’ dan l-artikolu delitt kontra l-paċi jfisser mġieba li tkun tikkonsisti:

(a) fl-ippjanar, thejjija, bidu jew ghemil ta’ gwerra ta’ aggressjoni, jew gwerra bi ksur ta’ kull trattat, ftehim jew assikurazzjoni internazzjonali;

(b) fil-partecipazzjoni fi pjan komuni jew assoċjazzjoni għall-ghemil ta' xi wiehed mill-atti msemmija fil-paragrafu (a).

Min jghin, jassisti jew iġieghel li jsiru reati taht l-artikoli 82A sa 82C. 82D. Kull min jghin, jassisti jew iġieghel li taht l-artikoli 82A sa 82C, it-tnejn inklużi, ikun hati ta' reat u jista' jehel meta jinstab hati l-piena stabbilita għal dak ir-reat li jkun ghen, assista jew iġieghel.

Applikabilità ta' l-artikoli 121D, 208B(5), 248E(4) u 328K tal-Kodiċi. 82E. (1) Id-disposizzjonijiet ta' l-artikoli 121D, 208B (5) u 248E (4) għandhom japplikaw *mutatis mutandis* għal kull reat taht l-artikoli 82A sa 82D, iż-żewġ artikoli inklużi.

(2) Id-disposizzjonijiet ta' l-artikolu 328K għandu japplika wkoll *mutatis mutandis* għal kull reat taht l-artikoli 82A sa 82D, iż-żewġ artikoli inklużi, daqs li kieku r-referenza għall-artikolu 328J fl-artikolu 328K kienet referenza għall-artikolu 121D.”.

4. Minnufih wara l-artikolu 83A tal-Kodiċi għandu jizdied dan it-titolu u dan l-artikolu ġdid li ġej:

Żjieda ta' titolu ġdid u ta' artikolu 83B ġdid mal-Kodiċi.

“DISPOSIZZJONI ĠENERALI LI TKUN TAPPLIKA GĦAL REATI LI JKUNU RAZZJALMENT AGGRAVATI JEW LI JKUNU MOTIVATI BI KSENOFOBIJA

Disposizzjoni ġenerali. 83B. Il-piena stabbilita dwar xi reat għandha tizdied minn grad sa żewġ gradi meta r-reat ikun aggravat għal raġunijiet li għandhom x'jaqsmu ma' razza jew reliġjon fi hdan it-tifsira mogħtija fis-subartikoli (3) sa (6), it-tnejn inklużi, ta' l-artikolu 222A jew ikun motivat, għal kollox jew b'mod parzjali, bil-ksenofobija.”.

5. L-artikolu 222A tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 222A tal-Kodiċi.

(a) fis-subartikolu (2), minflok il-kliem “aggravat għal raġunijiet li għandhom x'jaqsmu ma' razza jew reliġjon” għandhom jidhlu l-kliem “aggravat għal raġunijiet li għandhom x'jaqsmu ma' razza jew reliġjon jew ikun motivat, għal kollox jew b'mod parzjali, bil-ksenofobija”;

(b) fis-subartikolu (3):

(i) minflok il-kliem “aggravat għal raġunijiet li għandhom x'jaqsmu ma' razza jew reliġjon” għandhom jidhlu

il-kliem “aggravat ghal raġunijiet li ghandhom x’jaqsmu ma’ razza jew reliġjon jew ikun motivat, bil-ksenofobija”;

(ii) fil-paragrafi (a) u (b), minflok il-kelma “ostilità” kull fejn din tinsab ghandhom jidhlu il-kliem “ostilità, stmerrija jew disprezz”; u

(c) fis-subartikolu (6), minflok il-kelma “razza,” ghandhom jiżdiedu l-kliem “razza, dixxendenza.”.

Emenda ta’ l-
artikolu 328Ċ tal-
Kodiċi.

6. L-artikolu 328Ċ tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) id-disposizzjoni li hemm ghandha tiġi enumerata mill-ġdid bhala s-subartikolu (1);

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid ghandhom jiżdiedu dawn is-subartikoli ġodda li ġejjin:

“(2) Kull min, xjentement:

(a) pubblikament jipprovoka l-għemil ta’ xi att ta’ terroriżmu;

(b) jirrekluta jew ihajjar lil xi persuna ohra biex taghmel att ta’ terroriżmu;

(c) iharreg jew jgħallem lil xi persuna ohra taghmel jew tuża splussivi, armi tan-nar jew armi ohra jew sustanzi li jaghmlu l-ħsara jew li huma perikolużi, jew tuża metodi ohra speċifiċi jew tekniċi, bil-għan li jsir xi att ta’ terroriżmu, jista’ jehel l-istess piena bhal ma hemm stabbilita fl-artikolu 328A(3):

(3) Kull min jaghti sehmu biex isir reat imsemmi fl-artikolu 328Ċ(2) minn grupp ta’ persuni li jkun qegħdin jaġixxu bi ftehim li jkun sar bejniethom, filwaqt li jkun jaf li sehmu ikun ser iġib ’il quddiem l-għemil kriminali jew l-għan kriminali tal-grupp li jsir reat bhal dak, jista’ jehel l-istess piena bhal dik stabbilita fl-artikolu 328B(3)(b).

(4) Biex isir reat taht dan l-artikolu mhux mehtieg li att ta’ terroriżmu jkun fil-fatt sar.”.

Żjieda tas-Sub-titolu
ġdid fil-Kodiċi.

7. Minnufih wara Sub-titolu IVA tat-Titolu IX tat-Taqsima II ta’ l-Ewwel Ktieb tal-Kodiċi ghandu jidhol dan li ġej:

“Sub-titolu IVB

FUQ IL-PIRATERIJA

Tifsir ta’
piraterija

328 N. (1) Ghall-finijiet ta’ dan is-sub-titolu “piraterija” tfisser xi wiehed minn dawn l-attijiet li ġejjin:

(a) xi att illegali ta’ vjolenza jew detenzjoni, jew xi att ta’ sakkeġġ, li jkun sar b’ghan privat mill-ekwipaġġ jew mill-passiġġieri ta’ bastiment privat jew ta’ xi inġenju ta’ l-ajru privat, u li jkun:

(i) bejn sema u ilma, dirett kontra xi bastiment iehor jew inġenju ta’ l-ajru iehor, jew kontra persuni jew proprjetà abbord dak il-bastiment jew dak l-inġenju ta’ l-ajru;

(ii) dirett kontra bastiment, inġenju ta’ l-ajru, persuni jew proprjetà x’imkien ’il barra mill-ġurisdizzjoni ta’ xi Stat;

(b) kull att imsemmi fil-paragrafu (a) li jkun sar mill-ekwipaġġ jew mill-passiġġieri ta’ xi bastiment tal-gwerra, ta’ bastiment tal-gvern jew ta’ inġenju ta’ l-ajru tal-gvern li l-ekwipaġġ tagħhom ikun ghamel att ta’ ammutinament u jkun ha kontroll ta’ dak il-bastiment jew inġenju ta’ l-ajru;

(ċ) kull att ta’ parteċipazzjoni volontarja waqt li jkun qed jithaddem xi bastiment jew inġenju ta’ l-ajru, bil-hsieb li dak il-bastiment jew inġenju jsiru bastiment jew inġenju tal-pirati;

(d) kull att ta’ ġegħil jew li jiġi xjentement faċilitat xi att kif hemm deskritt fis-subparagrafu (a) jew (b) jew (ċ).

(2) Ghall-finijiet ta’ dan it-Titolu, bastiment jew inġenju ta’ l-ajru jitqiesu li jkunu bastiment jew inġenju ta’ l-ajru tal-pirati jekk il-persuni li jkollhom kontroll dominanti jkollhom il-hsieb li jużawh bil-ghan li jagħmlu xi wiehed mill-attijiet imsemmija fis-subartikolu (1) jew jekk il-bastiment jew l-inġenju ta’ l-ajru jkunu intużaw biex isir xi att bhal dak u l-bastiment jew l-inġenju ta’ l-ajru jkunu baqghu taht il-kontroll tal-persuna li tkun hatja ta’ dak l-att.

(3) Kull min ikun hati ta' piraterija taht dan l-artikolu jista' jehel:

(a) meta r-reat ikun jikkonsisti f'xi wiehed mill-attijiet imsemmija fil-paragrafi (a) u (b) tas-subartikolu (1) u tigri wkoll il-mewt ta' xi persuna, ghall-piena ta' prigunerija ghall-ghomor;

(b) meta r-reat ikun jikkonsisti f'xi wiehed mill-attijiet imsemmija fil-paragrafi (a) u (b) tas-subartikolu (1) u ma tigrix ukoll il-mewt ta' xi persuna, ghall-piena ta' prigunerija ghal mhux izjed minn tletin sena;

(c) meta r-reat ikun jikkonsisti f'xi att imsemmi fil-paragrafu (c) tas-subartikolu (1), ghall-piena ta' prigunerija ghal zmien ta' mhux izjed minn tmien snin;

(d) meta r-reat ikun jikkonsisti f'xi att imsemmi f'paragrafu (d) tas-subartikolu (1), ghall-piena stipulata ghall-att li jkun sar b'tixwix jew li jkun gie facilitat.

Gurisdizzjoni. 328O. (1) Minghajr preġudizzju ghad-disposizzjonijiet ta' l-artikolu 5, il-qrati ta' Malta ghandu jkollhom ukoll gurisdizzjoni fuq ir-reati stipulati f'dan l-artikolu meta r-reat isir minn:

(a) xi cittadin ta' Malta jew resident permanenti f'Malta;

(b) xi persuna waqt li tkun abbord xi bastiment, vapur jew inġenju tal-bahar li jkunu jappartjenu lil Malta;

(c) xi persuna kontra xi bastiment, vapur jew inġenju ta' l-ajru li jkunu jappartjenu lil Malta jew kontra l-persuna jew il-proprjeta' ta' xi cittadin ta' Malta jew resident permanenti f'Malta.

(2) Ghall-finijiet ta' dan l-artikolu bastiment, vapur jew inġenju ta' l-ajru ghandu jitqies li jkun jappartjeni lil Malta skond l-istess cirkostanzi msemmija fl-artikolu 5(2).".

Żjieda ta' l-artikolu 337H ġdid mal-Kodiċi.

8. Minnufih wara l-artikolu 337G tal-Kodiċi ghandu jizded dan l-artikolu ġdid li ġejj:

“Applikabilità ta’ l-artikoli 121D, 208B(5), 248E(4) u 328K tal-Kodiċi. 337H (1) Id-disposizzjonijiet ta’ l-artikoli 121D, 208B (5) u 248E (4) għandhom ikunu japplikaw *mutatis mutandis* għal kull reat taht dan is-sub-titolu.

(2) Id-disposizzjonijiet ta’ l-artikolu 328K għandhom ikunu japplikaw ukoll *mutatis mutandis* għal kull reat taht dan is-sub-titolu daqs li kieku r-referenza li hemm fih għall-artikolu 328J kienet tirreferi għall-artikolu 121D.”.

9. Il-paragrafu (ż) ta’ l-artikolu 338 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 338 tal-Kodiċi.

(a) minflok il-kliem “martu jew tonqos li taghti lil żewġha” għandhom jidhlu l-kliem “xi persuna” u minflok il-kliem “għaliha jew għalih u, jew, għall-ulied” għandhom jidhlu l-kliem “għal dik il-persuna”;

(b) fil-proviso li hemm mal-paragrafu, minflok il-kliem “sitt xhur;” għandhom jidhlu l-kliem “sitt xhur:” u minnufih fi tmiem il-paragrafu għandu jiżdied dan il-proviso ġdid li ġej:

“Iżda wkoll meta l-hati jkun reċidiv f’kontravvenzjoni taht dan il-paragrafu l-hati jista’ jehel piena ta’ detenzjoni ta’ mhux iżjed minn tliet xhur jew multa ta’ mhux iżjed minn mitejn euro jew priġunerija għal żmien mhux iżjed minn xahrejn;”.

10. Fis-subartikolu (2) ta’ l-artikolu 579 tal-Kodiċi minflok il-kliem “u priġunerija flimkien.” għandhom jidhlu l-kliem “u priġunerija flimkien u l-ammont stabbilit fil-helsien mill-arrest taht garanzija għandu jiġi konfiskat favur il-Gvern ta’ Malta.”. Emenda ta’ l-artikolu 579 tal-Kodiċi.

11. Fis-subartikolu 5 ta’ l-artikolu 649 tal-Kodiċi, minflok il-kliem “il-Maġistrat għandu jikkonforma” għandhom jidhlu il-kliem “il-Maġistrat għandu jmexxi l-proċedimenti kemm jista’ jkun b’mod simili daqs li kieku dawn kienu inkjesta li għandha x’taqsam mal-“*in genere*” iżda għandu jikkonforma ruħu”. Emenda ta’ l-artikolu 649 tal-Kodiċi.

Għanijiet u Raġunijiet

L-għan prinċipali ta’ dan l-Abbozz hu biex jemenda l-Kodiċi Kriminali sabiex ikompli jimplementa l-Konvenzjoni tal-2005 tal-Kunsill tal-Ewropa dwar il-Prevenzjoni ta’ Terroriżmu u d-Deċiżjoni Kwadru 2005/222/JHA tal-Kunsill fuq l-Attakki Kontra s-Sistemi ta’ Informazzjoni, biex ikompli jagħmel pieni għal ċertu mgieba li tkun motivata b’mod razzjali, u biex jipprovdi dwar ir-reat tal-piraterija.

**A BILL
entitled**

AN ACT further to amend the Criminal Code, Cap. 9

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:-

Title.

1. The title of this Act is the Criminal Code (Amendment) Act, 2008, and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as “the Code”.

Amendment of
article 82A
of the Code.

2. Article 82A of the Code shall be amended as follows:

(a) in sub-article (1) of article 82A thereof, for the words “racial hatred” wherever they occur there shall be substituted the words “violence or racial hatred”; and

(b) for sub-article (2) thereof there shall be substituted the following:

“(2) For the purposes of the foregoing subarticle “violence or racial hatred” means violence or hatred against a group of persons in Malta defined by reference to colour, race, religion, descent, nationality (including citizenship) or ethnic or national origins or against a member of such a group.”.

3. Immediately after article 82A of the Code there shall be inserted the following new articles:

Addition of new articles 82B to 82F to the Code.

“Condoning, denying or trivialising genocide etc. against a group.

82B. Whosoever publicly condones, denies or grossly trivialises genocide, crimes against humanity and war crimes directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner -

(a) likely to incite to violence or hatred against such a group or a member of such a group;

(b) likely to disturb public order or which is threatening, abusive or insulting,

shall, on conviction, be liable to imprisonment for a term from eight months to two years:

Provided that for the purposes of this article “genocide”, “crimes against humanity” and “war crimes” shall have the same meaning assigned to them in article 54A.

Condoning, denying or trivialising crimes against peace against a group.

82C. (1) Whosoever publicly condones, denies or grossly trivialises crimes against peace directed against a group of persons defined by reference to race, colour, religion, descent or national or ethnic origin or against a member of such a group when the conduct is carried out in a manner -

(a) likely to incite to violence or hatred against such a group or a member of such a group; or

(b) likely to disturb public order or which is threatening, abusive or insulting,

shall, on conviction, be liable to imprisonment for a term from eight months to two years.

(2) For the purposes of this article a crime against peace means conduct consisting in:

(a) the planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances;

(b) participation in a common plan or conspiracy for the accomplishment of any of the acts referred to in paragraph (a).

Aiding, abetting or instigating offences under articles 82A to 82C.

82D. Whosoever aids, abets or instigates any offence under articles 82A to 82C, both inclusive, shall be guilty of an offence and shall be liable on conviction to the punishment laid down for the offence aided, abetted or instigated.

Applicability of articles 121D, 208B(5), 248E(4) and 328K of the Code.

82E. (1) The provisions of articles 121D, 208B (5) and 248E (4) shall apply *mutatis mutandis* to an offence under articles 82A to 82D, both articles inclusive.

(2) The provisions of article 328K shall also apply *mutatis mutandis* to any offence under articles 82A to 82D, both articles inclusive, as if the reference to article 328J in article 328K were a reference to article 121D.”.

Addition of new heading and new article 83B to the Code.

4. Immediately after article 83A of the Code there shall be inserted the following new heading and new article:

“GENERAL PROVISION APPLICABLE TO OFFENCES WHICH ARE RACIALLY AGGRAVATED OR MOTIVATED BY XENOPHOBIA

General provision.

83B. The punishment established for any offence shall be increased by one to two degrees when the offence is racially or religiously aggravated within the meaning of sub-articles (3) to (6), both inclusive, of article 222A or is motivated, wholly or partly, by xenophobia.”.

Amendment of article 222A of the Code.

5. Article 222A of the Code shall be amended as follows:

(a) in sub-article (2) thereof, for the words “racially or religiously aggravated” there shall be substituted the words “racially or religiously aggravated or motivated, wholly or partly, by xenophobia”;

(b) in sub-article (3) thereof:

(i) for the words “racially or religiously aggravated” there shall be substituted the words “racially or religiously aggravated or motivated by xenophobia”;

(ii) in paragraphs (a) and (b) thereof, for the word “hostility” wherever it occurs there shall be substituted the words “hostility, aversion or contempt”; and

(c) in sub-article (6) thereof, for the word “race,” there shall be inserted the words “race, descent,”.

6. Article 328C of the Code shall be amended as follows:

Amendment of
article 328C
of the Code.

(a) the present provision thereof shall be renumbered as subarticle (1) thereof;

(b) immediately after subarticle (1) thereof as renumbered there shall be added the following new subarticles:

“(2) Whosoever, knowingly:

(a) publicly provokes the commission of an act of terrorism;

(b) recruits or solicits another person to commit an act of terrorism;

(c) trains or instructs another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing an act of terrorism,

shall be liable to the same punishment laid down in article 328A(3):

(3) Whosoever contributes to the commission of an offence mentioned in article 328C(2) by a group of persons acting with a common design, knowing that the contribution will further the group’s criminal activity or criminal purpose to commit any such offence, shall be liable to the same punishment laid down in article 328B(3)(b).

(4) For the commission of an offence under this article it shall not be necessary that an act of terrorism be actually committed. ”.

7. Immediately after Sub-title IVA of Title IX of Part II of Book First of the Code there shall be inserted the following:

Insertion of new
sub-title to the
Code.

“Sub-title IVB

OF PIRACY

Definition of piracy.

328N. (1) For the purposes of this sub-title “piracy” means any of the following acts:

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or a private aircraft, and directed:

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any of the acts referred to in paragraph (a) committed by the crew or passengers of a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft;

(c) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(d) any act of inciting or of knowingly facilitating an act described in subparagraph (a) or (b) or (c).

(2) For the purposes of this Title, a ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in subarticle (1) or if the ship or aircraft has been used to commit any such act and the ship or aircraft remains under the control of the person guilty of that act.

(3) Any person guilty of piracy under this article shall be liable:

(a) where the offence consists in any of the acts referred to in paragraphs (a) and (b) of subarticle (1)

when accompanied with the loss of life of any person, to the punishment of imprisonment for life;

(b) where the offence consists in any of the acts referred to in paragraphs (a) and (b) of subarticle (1) when not accompanied with the loss of life of any person, to the punishment of imprisonment not exceeding thirty years;

(c) where the offence consists in any act referred to in paragraph (c) of subarticle (1), to the punishment of imprisonment for a term not exceeding eight years;

(d) where the offence consists in any act referred to in paragraph (d) of subarticle (1), to the punishment laid down for the act incited or facilitated.

Jurisdiction. 328O. (1) Without prejudice to the provisions of article 5, the Maltese courts shall also have jurisdiction over the offences laid down in this article where the offence is committed:

(a) by any citizen of Malta or permanent resident in Malta;

(b) by any person while on board any ship, vessel or aircraft belonging to Malta;

(c) by any person against any ship, vessel or aircraft belonging to Malta or against the person or property of any citizen of Malta or permanent resident in Malta.

(2) For the purposes of this article a ship, vessel or aircraft shall be deemed to belong to Malta in the same circumstances mentioned in article 5(2)."

8. Immediately after article 337G of the Code there shall be added the following new article:

Addition of new article 337H to the Code.

"Applicability of articles 121D, 208B(5), 248E(4) and 328K of the Code.

337H (1) The provisions of articles 121D, 208B (5) and 248E (4) shall apply *mutatis mutandis* to any offence under this sub-title.

(2) The provisions of article 328K shall also apply *mutatis mutandis* to any offence under this sub-title as

if the reference therein to article 328J were a reference to article 121D.”.

Amendment of
article 338
of the Code.

9. Paragraph (z) of article 338 of the Code shall be amended as follows:

(a) for the words “his or her spouse” therein there shall be substituted the words “a person” and for the words “the spouse and, or, the children” therein there shall be substituted the words “that person”;

(b) in the proviso to the paragraph, for the words “six months;” therein there shall be substituted the words “six months:” and immediately thereafter there shall be inserted the following new proviso:

“Provided further that where the offender is a recidivist in a contravention under this paragraph the offender shall be liable to the punishment of detention not exceeding three months or a fine (*multa*) not exceeding two hundred euro or imprisonment for a term not exceeding two months;”.

Amendment of
article 579
of the Code.

10. In subarticle (2) of article 579 of the Code for the words “and imprisonment.” there shall be substituted the words “and imprisonment and the sum stated in the bail bond shall be forfeited to the Government of Malta.”.

Amendment of
article 649
of the Code.

11. In subarticle 5 of article 649 of the Code, for the words “the magistrate shall comply” there shall be substituted the words “the magistrate shall, as nearly as may be, conduct the proceedings as if they were an inquiry relating to the *in genere* but shall comply”.

Objects and Reasons

The main object of the Bill is to amend the Criminal Code in order to further implement the 2005 Council of Europe Convention on the Prevention of Terrorism and the Council Framework Decision 2005/222/JHA on Attacks Against Information Systems, to further penalise certain racially motivated conduct, and to make provision for the offence of piracy.