

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI  
President

6 ta' Ġunju, 2005

**ATT Nru. VI ta' l-2005**

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

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

**1.** (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2005 li jemenda l-Kodiċi Kriminali. Titolu fil-qosor.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jinqraw u jiftiehem bħala waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjah "il-liġi prinċipali", u għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' l-Att.

**2.** Minnufih wara s-Sub-titolu IV tat-Titolu IX tat-Taqsima II ta' l-Ewwel Ktieb tal-liġi prinċipali għandu jidhol dan li ġej: Idaħhal sub-titolu ġdid mal-liġi prinċipali.

“Sub-titolu V  
FUQ ATTI TA' TERRORIŻMU, FINANZJAR TA'  
TERRORIŻMU U REATI ANĊILLARI

Atti ta' terroriżmu.

328 A. (1) Għall-finijiet ta' dan is-subtitolu, “att ta' terroriżmu” tfisser kull att elenkat fis-subartikolu (2), li jsir xjentement, li jista' gravement jagħmel hsara lil pajjiż jew lil xi organizzazzjoni internazzjonali meta dan isir bil-għan illi:

(a) gravement jintimida lil xi popolazzjoni, jew

(b) indebitament iġieghel lil xi Gvern jew organizzazzjoni internazzjonali li jwettqu jew jastjenu milli jwettqu xi att, jew

(c) gravement jiddestabilizza jew jiddistruġġi l-istrutturi fondamentali politiċi, kostituzzjonali, ekonomiċi jew soċjali tal-pajjiż jew organizzazzjoni internazzjonali.

(2) L-atti msemmija fis-subartikolu (1) huma dawn li ġejjin:

(a) it-tehid tal-hajja jew il-libertà ta' persuna;

(b) li tiġi perikolata l-hajja ta' persuna b'offiża fuq il-persuna;

(c) l-għemil ta' offiża fuq il-persuna;

(d) li tiġi kaġunata distruzzjoni estensiva f'xi faċilità statali jew tal-Gvern, sistema ta' trasport pubbliku, faċilità ta' infrastruttura, inkluża sistema ta' informazzjoni, pjattaforma fissa li tkun tinsab fuq l-ixkaffa kontinentali, post pubbliku jew proprjetà privata li x'aktarx tkun tipperikola l-hajja jew tikkaġuna hsara gravi fil-proprjetà ta' xi persuna ohra jew tkun tirriżulta f'telfien ekonomiku gravi;

(e) il-htif ta' inġenji ta' l-ajru, bastimenti jew mezzi ohra tat-trasport kemm ta' persuni kemm ta' hwejjeġ mobbli;

(f) il-manifattura, pussess, akkwist, trasport, provvista jew użu ta' armi, splussivi jew ta' armi nukleari, bioloġiċi jew kimiċi;

(g) ir-riċerka fi jew l-iżvilupp ta' armi bioloġiċi u kimiċi;

(h) it-tperriċ ta' sustanzi perikolużi, jew li jiġu kaġunati nirien, gharghar jew splużjonijiet li bihom tiġi perikolata l-hajja ta' xi persuna;

(i) it-tbagħbis jew it-tfixkil fil-provvista ta' l-ilma, enerġija jew kull riżorsa naturali fundamentali ohra li b'hekk tiġi perikolata l-hajja ta' xi persuna;

(j) it-theddida ta' l-ghemil ta' xi wiehed mill-atti f'paragrafi (a) sa (i) ta' dan is-subregolament:

Iżda f'dan is-subartikolu “facilità statali jew tal-Gvern”, “facilità ta' infrastruttura” u “sistema ta' trasport pubbliku” għandu jkollhom l-istess tifsira bhal dik mogħtija lilhom fis-subartikolu (4) ta' l-artikolu 314A.

(3) Min jagħmel att ta' terroriżmu jkun hati ta' reat u meta jinsab hati jista' jehel il-piena ta' priġunerija minn hames snin sa għomru l-habs.

Gruppi  
terroristiċi.

328 B. (1) Għall-fini ta' dan is-subtitolu “grupp terroristiku” tisser grupp strutturat ta' iżjed minn żewġ persuni, stabbiliti tul perjodu ta' żmien u li jaġixxu flimkien bl-iskop li jagħmlu reati terroristiċi.

(2) Fis-subartikolu (1) “grupp strutturat” tisser grupp li ma jkunx iffurmat kif ġie ġie sabiex jitwettaq xi reat ta' malajr u fejn ma jkunx meħtieġ li l-membri jkollhom xi pożizzjonijiet formalment stabbiliti fi hdan il-grupp, li dawk l-istess membri jibqgħu fil-grupp jew li jkun hemm xi struttura żviluppata.

(3) Kull min iġib 'il quddiem, jikkostitwixxi, jorganizza, imexxi, jiffinanzja, jipprovdi informazzjoni jew materjal lil xi grupp terroristiku filwaqt li jkun jaf li dik il-partecipazzjoni jew involviment tiegħu jkunu se jikkontribwixxu għall-ghemil ta' l-attivitajiet kriminali tal-grupp terroristiku, jista' jehel –

(a) meta dik il-partecipazzjoni jew involviment ikunu jikkonsistu fid-direzzjoni tal-grupp terroristiku, il-piena ta' priġunerija għal żmien mhux iżjed minn tletin sena:

Iżda meta l-attività tal-grupp terroristiku tkun tikkonsisti biss fl-atti msemmija fil-paragrafu (j) ta' l-artikolu 328A(2) il-piena tkun dik ta' priġunerija għal żmien mhux iżjed minn tmien snin;

(b) f'kull każ iehor, il-piena ta' prigunerija ghal żmien mhux iżjed minn tmien snin.

Reati li ghandhom x'jaqsmu ma' atti terroristiċi.

328 C. (1) Kull min, bil-hsieb li jagħmel xi wiehed mill-atti elenkati fil-paragrafi (a) sa (i) ta' l-artikolu 328A(2) jew fl-artikolu 328B -

(a) jagħmel reat ta' serq aggravat skond m'hemm provdut fl-artikolu 261; jew

(b) jagħmel ir-reat imsemmi fl-artikolu 113 jew 250; jew

(c) jagħmel ir-reat ta' falsifikazzjoni jew ir-reat li hemm fl-artikolu 188,

jista' jehel l-istess piena li hemm stabbilita fl-artikolu 328A (3).

Tixwix, għajnuna jew assistenza.

328 D. Kull min ixewwex, jgħin jew jassisti f'xi reat taħt l-artikoli preċedenti ta' dan is-subtitolu, ikun hati ta' reat u jista', meta jinsab hati, jehel il-piena stabbilita għal dak ir-reat li jkun għe mxewwex, mghejjun jew assistit.

Proprjetà għejja mit-terroriżmu.

328 E. (1) F'dan is-subtitolu, "proprjetà għejja mit-terroriżmu" tfisser -

(a) flus jew proprjetà oħra li x'aktarx li jintużaw għall-finijiet ta' terroriżmu, inklużi r-rizorsi ta' grupp terroristiku,

(b) rikavat mill-għemil ta' atti ta' terroriżmu, u

(c) rikavat minn atti li jsiru għal finijiet ta' terroriżmu.

(2) Fis-subartikolu (1) -

(a) riferenza għal rikavat minn xi att tinkludi riferenza għal kull proprjetà li għal kollox jew biss f'parti, u direttament jew indirettament, tkun tirrappreżenta r-rikavat mill-att (inkluż kull hlas jew kumpens iehor li jkollu x'jaqsam ma' l-għemil ta' dak ir-reat), u

(b) riferenza għar-rizorsi ta' grupp jinkludu riferenza għal kull flus jew proprjetà oħra li tiġi applikata

jew issir disponibbli, jew tkun se tiġi applikata jew tkun se ssir disponibbli, biex tintuża mill-grupp.

Finanzjament ta' terroriżmu.

328 F. (1) Kull min jirċievi, jipprovdi jew jistieden lil xi persuna oħra biex tippovdi, flus jew proprjetà oħra bil-hsieb li dawn jintużaw, jew li huwa jkollu kawża raġonevoli li jissuspetta li dawn jistgħu jintużaw, għall-finijiet ta' terroriżmu jista', meta jinsab hati, u kemm-il darba l-fatt ma jkunx jikkostitwixxi reat aktar gravi taht xi disposizzjoni oħra ta' dan il-Kodiċi jew ta' xi liġi oħra, jehel il-piena ta' priġunerija għal żmien mhux iżjed minn erba' snin jew multa ta' mhux iżjed minn hamest elef lira jew dik il-multa u priġunerija flimkien.

(2) F'dan l-artikolu, riferenza għall-provdiment ta' flus jew proprjetà oħra hija riferenza għal li dawn jingħataw, jinsilfu jew xort' oħra jintgħamlu disponibbli, kemm jekk bhala korrispettiv kemm jekk le.

Użu u pussess.

328 G. (1) Kull min juża flus jew proprjetà oħra għall-finijiet ta' terroriżmu jista', meta jinsab hati, jehel il-piena ta' priġunerija għal żmien mhux iżjed minn tnaħ-il sena.

(2) Kull min ikollu fil-pussess tiegħu flus jew proprjetà oħra bil-hsieb li dawn jintużaw, jew li huwa jkollu kawża raġonevoli li jissuspetta li dawn jistgħu jintużaw, għall-finijiet ta' terroriżmu jista', meta jinsab hati, jehel il-piena stabbilita fis-subartikolu (1) ta' l-artikolu 328F.

Arranġamenti ta' finanzjament.

328 H. Kull min-

(a) jipparteċipa jew jinvolvi ruhu f'xi arranġament li jirriżulta f'illi flus jew proprjetà oħra jsiru disponibbli jew ikunu sejrin isiru disponibbli lil xi hadd iehor, u

(b) ikun jaf jew ikollu kawża raġonevoli li jissuspetta li flus jew proprjetà oħra jkunu sejrin jintużaw jew jistgħu jintużaw għall-finijiet ta' terroriżmu,

jista', meta jinsab hati, jehel il-piena stabbilita fis-subartikolu (1) ta' l-artikolu 328F.

Meta tiġi faċilitata ż-żamma jew il-kontroll ta' proprjetà ġeġja mit-terroriżmu.

328 I. (1) Kull min jipparteċipa jew jinvolvi ruhu f'xi arranġament li jiffaċilita ż-żamma jew il-kontroll minn jew f'isem xi persuna oħra ta' proprjetà ġeġja mit-terroriżmu -

- (a) bil-habi,
- (b) bi tnehhija mill-ġurisdizzjoni,
- (ċ) bi trasferiment lil *nominees*, jew
- (d) b’kull mod iehor,

jista’, meta jinsab hati, jehel il-piena stabbilita fis-subartikolu (1) ta’ l-artikolu 328F.

(2) Jista’ min jiġi akkużat b’reat taht is-subartikolu (1) iġib prova li ma kienx jaf u li ma kellu ebda kawża raġonevoli ghax jissuspetta li dak l-arrangament b’xi mod kellu x’jaqsam ma’ proprjetà ġejja mit-terroriżmu.

Responsabbiltà  
kriminali  
ta’ korp  
magħqud.

328 J. (1) Id-disposizzjonijiet ta’ l-artikolu 121D għandhom japplikaw meta persuna tinsab hatja ta’ reat taht dan is-subtitolu iżda b’dan illi l-korp magħqud jista’ jehel għal reat bħal dak il-piena ta’ multa ta’ mhux inqas minn 5,000 lira u mhux iżjed minn 1,000,000 lira.

(2) Il-korp magħqud ikun ukoll responsabbli għal reat taht dan is-subtitolu meta minhabba fin-nuqqas ta’ superviżjoni jew kontroll minn persuna msemmija fl-artikolu 121D ikun sar possibbli l-ghemil tar-reat għall-benefiċċju ta’ dak il-korp magħqud, li meta jinsab hati jista’ jehel il-piena stabbilita fis-subartikolu (1).

Pieni oħrajn.

328 K. Mingħajr preġudizzju għal kull piena oħra li jista’ jkun hemm għar-reat taht dan il-Kodiċi jew taht kull liġi oħra, meta l-hati jkun korp magħduq li jista’ jehel piena taht id-disposizzjonijiet ta’ l-artikolu 328J il-Qorti tista’, fuq talba tal-prosekuzzjoni, tordna –

(a) is-sospensjoni jew it-thassir ta’ kull liċenza, permess jew awtorità oħra biex jeżerċita xi kummerċ, negozju jew attività kummerċjali oħra;

(b) l-gheluq temporanju jew permanenti ta’ xi stabbiliment li seta’ ġie użat għall-ghemil tar-reat;

(ċ) l-istralċ obbligatorju tal-korp magħqud.

Konfiska.

328 L. (1) Il-qorti li ssib hati jew li quddiemha tinstab hatja xi persuna ta’ reat taht l-artikoli 328F sa 328I tista’

taghmel ordni ta' konfiska skond id-disposizzjonijiet ta' dan l-artikolu.

(2) Meta persuna tinsab hatja ta' reat taht l-artikolu 328F jew 328G il-qorti tista' tordna l-konfiska ta' kull flus jew proprjeta' ohra –

(a) li, fi zmien ir-reat, kellha fil-pussess taghha jew taht il-kontroll taghha u,

(b) li, dak iz-zmien, kellha l-intenzjoni li jigu uzati, jew li kien jaf jew kellha ghalfejn ragonevolment tissuspetta kienu sejrjn jew setghu jigu uzati, ghal ghanijiet ta' terrorizmu.

(3) Meta persuna tinsab hatja ta' reat taht l-artikolu 328H il-qorti tista' tordna l-konfiska ta' kull flus jew proprjeta' ohra –

(a) li magghom ikollu x'jaqsam l-arrangament in kwistjoni, u

(b) li, fi zmien ir-reat, kienet taf jew kellha ghalfejn ragonevolment tissuspetta kienu sejrjn jew setghu jigu uzati, ghal ghanijiet ta' terrorizmu.

(4) Meta persuna tinsab hatja ta' reat taht l-artikolu 328I il-qorti tista' tordna l-konfiska ta' kull flus jew proprjeta' ohra li magghom ikollu x'jaqsam l-arrangament in kwistjoni.

(5) Meta persuna tinsab hatja ta' reat taht xi wiehed mill-artikoli 328F sa 328I, il-qorti tista' tordna l-konfiska ta' kull flus jew proprjeta' ohra li fl-intier taghhom jew in parti, u direttament jew indirettament, jigi ricevut minn xi persuna bhala pagament jew rikompens iehor in konnessjoni ma' l-ghemil tar-reat.

(6) Meta persuna li ma tkunx il-persuna misjuba hatja tallega li tkun il-proprjetarju ta' jew xort'ohra interessata fi kwalunkwe haga li tista' tigi konfiskata b'ordni taht dan l-artikolu, il-qorti ghandha taghtiha opportunita li tinstema' qabel ma taghmel xi ordni.

Ġurisdizzjoni. 328 M. Minghajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 5, il-qrati f' Malta jkollhom ukoll ġurisdizzjoni fuq ir-reati stabbiliti f' dan is-subtitolu meta –

(a) ir-reat isir ukoll jekk biss f' parti minnu fit-territorju ta' Malta jew fuq il-baħar f' xi post fil-ġurisdizzjoni territorjali ta' Malta;

(b) il-hati ikun ċittadin ta' Malta jew residenti permanenti f' Malta;

(ċ) il-hati jkun persuna suspettata jew misjuba hatja ta' reat stabbilit f' dan is-subtitolu u li jkollu l-konsenja jew l-estradizzjoni tiegħu lejn xi pajjiż iehor għal dak ir-reat miċhud minn Malta ukoll jekk ma jkun hemm ebda provvedimenti skond il-liġijiet ta' Malta hliet dan il-provvediment preżenti li bis-sahha tiegħu l-azzjoni kriminali tista' tinbeda kontra dik il-persuna f' Malta;

(d) ir-reat isir għall-benefiċċju ta' persuna ġuridika stabbilita f' Malta;

(e) ir-reat ikun reat taht l-artikolu 328B jew reat taht l-artikolu 328D li jinvolti grupp terroristiku ukoll jekk il-grupp terroristiku ikun ibbażat jew iwettaq l-attivitajiet kriminali tiegħu barra minn Malta;

(f) ir-reat isir kontra l-istituzzjonijiet jew il-poplu ta' Malta jew kontra xi istituzzjoni ta' l-Unjoni Ewropea jew xi korp imwaqqaf skond it-Trattati u li jkun ibbażat f' Malta:

Izda għall-finijiet ta' dan il-paragrafu:

“l-Unjoni Ewropea” għandu jkollha l-istess tifsira mogħtija lilha bl-artikolu 2(1) ta' l-Att dwar l-Unjoni Ewropea;

“it-Trattati” tfisser it-Trattat li jwaqqaf il-Komunità Ewropea magħmul f' Ruma fil-25 ta' Marzu, 1957 u t-Trattat fuq l-Unjoni Ewropea magħmul f' Maastricht fis-7 ta' Frar, 1992, u l-Protokollu li jinsabu annessi magħhom.”.

**3.** L-artikolu 337A tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 337A tal-liġi prinċipali.

(a) id-disposizzjoni preżenti għandha tiġi enumerata mill-ġdid bhala s-subartikolu (1) ta' l-artikolu;

(b) minnufih wara l-kliem “tentattiv biex tohrog” għandhom jiżdiedu l-kliem “jew tghaddi minn jew tagħmel tentattiv biex tghaddi minn”; u

(ċ) minflok il-kliem “tliet gradi.” fil-proviso relattiv għandhom jidhlu l-kliem “tliet gradi:” u minnufih wara dan għandu jiżdied dan il-proviso ġdid li ġej:

“Izda wkoll meta r-reat isir-

(a) bhala attività ta' xi organizzazzjoni kriminali; jew

(b) waqt li tiġi perikolata l-hajja tal-persuni mghejjuna, assistiti, moghtijin parir, prokurati jew li jkunu l-mira tal-kongura hawn qabel imsemmija,

il-piena għandha dejjem tizdied b'zewġ gradi ukoll meta l-ewwel proviso ma jkunx japplika.”;

(d) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jiżdied dan is-subartikolu ġdid li ġej:

“(2) Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 5, il-qراطي f'Malta għandu wkoll ikollhom ġurisdizzjoni fuq ir-reat f'dan l-artikolu meta –

(a) ir-reat isir ukoll jekk biss f'parti minnu fit-territorju ta' Malta jew fuq il-baħar f'xi post fil-ġurisdizzjoni territorjali ta' Malta;

(b) il-hati jkun ċittadin ta' Malta jew residenti permanenti f'Malta;

(ċ) ir-reat isir għall-benefiċċju ta' persuna ġuridika stabbilita f'Malta.”.

**4.** Minnufih wara l-artikolu 337A tal-liġi prinċipali għandu jidhol dan l-artikolu ġdid li ġej: Żieda ta' l-artikolu 337B ġdid mal-liġi prinċipali.

“Responsabbiltà  
kriminali ta’  
korp  
magħqud.

337B. Id-disposizzjonijiet ta’ l-artikoli 328J u 328K għandhom japplikaw *mutatis mutandis* għal kull reat taht is-Subtitolu IV ta’ dan it-titolu u għar-reat fl-artikolu 337A.”.

Emenda ta’ l-Att  
kontra  
*Money Laundering*,  
Kap. 373.

**5.** L-Att kontra *Money Laundering* għandu jiġi emendat kif ġej u għandu jinqara u jiftiehem skond dan:

(a) fl-artikolu 12:

(i) fis-subartikolu (1), minnufih wara l-kliem “*money laundering*” għandhom jidhlu l-kliem “u finanzjar ta’ terroriżmu”; u

(ii) fis-subartikolu (2), minnufih wara l-kliem “*money laundering*” għandhom jidhlu l-kliem “jew finanzjar ta’ terroriżmu”;

(b) fl-artikolu 14, fit-tifsira “persuna suġġetta”, minnufih wara l-kliem “*money laundering*” għandhom jidhlu l-kliem “jew finanzjar ta’ terroriżmu”;

(ċ) fis-subartikolu (1) ta’ l-artikolu 16:

(i) fil-paragrafu inizjali u fil-paragrafu (j), minnufih wara l-kliem “*money laundering*” kull fejn dawn jinsabu għandhom jidhlu l-kliem “u finanzjar ta’ terroriżmu”; u

(ii) hlief għall-paragrafu inizjali u fil-paragrafu (j), minnufih wara l-kliem “*money laundering*” kull fejn dawn jinsabu għandhom jidhlu l-kliem “jew finanzjar ta’ terroriżmu”;

(d) fis-subartikolu (1) ta’ l-artikolu 28, minnufih wara l-kliem “*money laundering*” għandhom jidhlu l-kliem “jew finanzjar ta’ terroriżmu”;

(e) fl-artikolu 29, minnufih wara l-kliem “*money laundering*” kull fejn dawn jinsabu għandhom jidhlu l-kliem “jew finanzjar ta’ terroriżmu”;

(f) fis-subartikolu (1) ta’ l-artikolu 30, minnufih wara l-kliem “*money laundering*” kull fejn dawn jinsabu għandhom jidhlu l-kliem “jew finanzjar ta’ terroriżmu”;

(g) fl-artikolu 31, minnufih wara l-kliem “*money laundering*” kull fejn dawn jinsabu ghandhom jidhlu l-kliem “jew finanzjar ta’ terrorizmu”;

(h) fl-artikolu 32, minnufih wara l-kliem “*money laundering*” ghandhom jidhlu l-kliem “jew finanzjar ta’ terrorizmu”;

(i) is-subartikolu (4) ta’ l-artikolu 34 ghandu jiġi emendat kif ġej:

(i) fil-paragrafu (ċ), minflok il-kliem “ta’ dan l-Att:” ghandhom jidhlu l-kliem “ta’ dan l-Att; jew” u minnufih wara ghandu jidhol dan il-paragrafu ġdid li ġej:

“(d) kull reat ta’ finanzjar ta’ terrorizmu:”

(ii) fil-proviso, minnufih wara l-kliem “minn dak ir-reat” ghandhom jidhlu l-kliem “jew ta’ fondi, attiv jew proprjetà oħra uzati bil-għan li jsir il-finanzjar ta’ terrorizmu”.

---

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 273 tat-30 ta’ Mejju, 2005.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

EDWARD FENECH ADAMI  
President

6th June, 2005

**ACT No. VI of 2005**

*AN ACT 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:

Short title.

**1.** (1) The short title of this Act is the Criminal Code (Amendment) Act, 2005.

(2) The provisions of this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as “the principal law”, and they shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and for different purposes thereof.

Insertion of new sub-title to the principal law.

**2.** Immediately after Sub-title IV of Title IX of Part II of Book First of the principal law there shall be inserted the following:

“Sub-title V  
OF ACTS OF TERRORISM, FUNDING OF TERRORISM  
AND ANCILLARY OFFENCES

Acts of terrorism.

328 A. (1) For the purposes of this sub-title, “act of terrorism” means any act listed in subarticle (2), committed wilfully, which may seriously damage a country or an international organization where committed with the aim of:

(a) seriously intimidating a population, or

(b) unduly compelling a Government or international organization to perform or abstain from performing any act, or

(c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.

(2) The acts to which reference is made in subarticle (1) are the following:

(a) taking away of the life or liberty of a person;

(b) endangering the life of a person by bodily harm;

(c) bodily harm;

(d) causing extensive destruction to a state or government facility, a public transportation system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger the life or to cause serious injury to the property of any other person or to result in serious economic loss;

(e) seizure of aircraft, ships or other means of public or goods transport;

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons;

(g) research into or development of biological and chemical weapons;

(h) release of dangerous substances, or causing fires, floods or explosions endangering the life of any person;

(i) interfering with or disrupting the supply of water, power or any other fundamental natural resource endangering the life of any person;

(j) threatening to commit any of the acts in paragraphs (a) to (i) above:

Provided that in this subarticle “state or government facility”, “infrastructure facility” and “public transportation system” shall have the same meaning assigned to them in sub-article (4) of article 314A.

(3) Whosoever commits an act of terrorism shall be guilty of an offence and shall be liable on conviction to the punishment of imprisonment from five years to life.

Terrorist groups.

328 B. (1) For the purpose of this sub-title “terrorist group” means a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences.

(2) In sub-article (1) “structured group” means a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

(3) Whosoever promotes, constitutes, organises, directs, finances, supplies information or materials to, a terrorist group knowing that such participation or involvement will contribute towards the criminal activities of the terrorist group shall be liable –

(a) where the said participation or involvement consists in directing the terrorist group, to the punishment of imprisonment not exceeding thirty years:

Provided that where the activity of the terrorist group consists only of the acts mentioned in paragraph (j) of article 328A(2) the punishment shall be that of imprisonment for a period not exceeding eight years;

(b) in any other case, to the punishment of imprisonment not exceeding eight years.

Offences linked to terrorist acts.

328 C. (1) Whosoever, with the intention of committing any of the acts listed in paragraphs (a) to (i) of article 328A(2) or in article 328B -

(a) commits an offence of theft aggravated as provided in article 261; or

(b) commits the offence in article 113 or 250; or

(c) commits an offence of forgery or the offence in article 188,

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

Inciting,  
aiding or  
abetting.

328 D. Whosoever incites, aids or abets any offence under the foregoing articles of this sub-title shall be guilty of an offence and shall be liable on conviction to the punishment laid down for the offence incited, aided or abetted.

Terrorist  
property.

328 E. (1) In this sub-title, “terrorist property” means –

(a) money or other property which is likely to be used for the purposes of terrorism, including any resources of a terrorist group,

(b) proceeds of the commission of acts of terrorism, and

(c) proceeds of acts carried out for the purposes of terrorism.

(2) In sub-article (1) –

(a) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and

(b) the reference to a group’s resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the group.

Funding of  
terrorism.

328 F. (1) Whosoever receives, provides or invites another person to provide, money or other property intending it to be used, or which he has reasonable cause to suspect that it may be used, for the purposes of terrorism shall, on

conviction, and unless the fact constitutes a more serious offence under any other provision of this Code or of any other law, be liable to the punishment of imprisonment for a term not exceeding four years or to a fine (*multa*) not exceeding five thousand liri or to both such fine and imprisonment.

(2) In this article a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether for consideration or not.

Use and possession.

328 G. (1) Whosoever uses money or other property for the purposes of terrorism shall, on conviction, be liable to the punishment of imprisonment not exceeding twelve years.

(2) Whosoever is in possession of money or other property intending it to be used, or having reasonable cause to suspect that it may be used, for the purposes of terrorism shall, on conviction, be liable to the punishment laid down in sub-article (1) of article 328F.

Funding arrangements.

328 H. Whosoever -

(a) enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and

(b) knows or has reasonable cause to suspect that the money or other property will or may be used for the purposes of terrorism,

shall on conviction be liable to the punishment laid down in sub-article (1) of article 328F.

Facilitating retention or control of terrorist property.

328 I. (1) Whosoever enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property -

(a) by concealment,

(b) by removal from the jurisdiction,

(c) by transfer to nominees, or

(d) in any other way,

shall, on conviction, be liable to the punishment laid down in sub-article (1) of article 328F.

(2) It is a defence for a person charged with an offence under sub-article (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

Corporate  
criminal  
liability.

328 J. (1) The provisions of article 121D shall apply where a person is found guilty of an offence under this sub-title so however that the body corporate shall for such offence be liable to the punishment of a fine (*multa*) of not less than 5,000 liri and not more than 1,000,000 liri.

(2) The body corporate shall also be held liable for an offence under this sub-title where the lack of supervision or control by a person referred to in article 121D has made possible the commission of the offence for the benefit of the body corporate, which shall upon conviction be liable to the punishment laid down in sub-article (1).

Other  
penalites.

328 K. Without prejudice to any other punishment to which the offence may be liable under this Code or any other law, where the offender is a body corporate liable to punishment under the provisions of article 328J the Court may, at the request of the prosecution, order –

(a) the suspension or cancellation of any licence, permit or other authority to engage in any trade, business or other commercial activity;

(b) the temporary or permanent closure of any establishment which may have been used for the commission of the offence;

(c) the compulsory winding up of the body corporate.

Forfeiture.

328 L. (1) The court by or before which a person is convicted of an offence under any of articles 328F to 328I may make a forfeiture order in accordance with the provisions of this article.

(2) Where a person is convicted of an offence under articles 328F or 328G the court may order the forfeiture of any money or other property –

(a) which, at the time of the offence, he had in his possession or under his control and,

(b) which, at that time, he intended should be used, or which he knew or had reasonable cause to suspect would or might be used, for the purposes of terrorism.

(3) Where a person is convicted of an offence under article 328H the court may order the forfeiture of the money or other property –

(a) to which the arrangement in question related, and

(b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used, for the purposes of terrorism.

(4) Where a person is convicted of an offence under article 328I the court may order the forfeiture of the money or other property to which the arrangement in question related.

(5) Where a person is convicted of an offence under any of articles 328F to 328I, the court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.

(6) Where a person other than the convicted person claims to be the owner of, or otherwise interested in, anything which can be forfeited by an order under this article, the court shall give him an opportunity to be heard before making an order.

Jurisdiction.

328 M. Without prejudice to the provisions of article 5, the courts in Malta shall also have jurisdiction over the offences laid down in this sub-title where –

(a) the offence is committed even if only in part in the territory of Malta or on the sea in any place within the territorial jurisdiction of Malta;

(b) the offender is a Maltese national or permanent resident in Malta;

(c) the offender is a person suspected or convicted of an offence laid down in this sub-title and whose surrender or extradition to another country for such an offence is refused by Malta even if there is no provision according to the laws of Malta other than the present provision in virtue of which the criminal action may be prosecuted in Malta against that person;

(d) the offence is committed for the benefit of a legal person established in Malta;

(e) the offence is an offence under article 328B or an offence under article 328D which involves a terrorist group even if the terrorist group is based or pursues its criminal activities outside Malta;

(f) the offence is committed against the institutions or people of Malta or against an institution of the European Union or a body set up in accordance with the Treaties and based in Malta:

Provided that for the purposes of this paragraph:

“the European Union” shall have the same meaning assigned to it by article 2(1) of the European Union Act;

“the Treaties” means the Treaty establishing the European Community done at Rome on the 25<sup>th</sup> March, 1957 and the Treaty on European Union done at Maastricht on the 7<sup>th</sup> February, 1992, and the Protocols annexed thereto.”.

**3.** Article 337A of the principal law shall be amended as follows: Amendment of article 337A of the principal law.

(a) the present provision thereof shall be renumbered as sub-article (1);

(b) immediately after the words “attempt to leave” there shall be inserted the words “or to transit across or to attempt to transit across”; and

(c) for the words “three degrees.” in the proviso thereto, there shall be substituted the words “three degrees:” and immediately thereafter there shall be added the following new proviso:

“Provided also that where the offence is committed-

(a) as an activity of a criminal organization; or

(b) while endangering the lives of the persons aided, assisted, counseled, procured or the object of the conspiracy as aforesaid,

the punishment shall always be increased by two degrees even when the first proviso does not apply.”;

(d) immediately after sub-article (1) as renumbered there shall be inserted the following new sub-article:

“(2) Without prejudice to the provisions of article 5, the courts in Malta shall also have jurisdiction over the offence in this article where –

(a) the offence is committed even if only in part in the territory of Malta or on the sea in any place within the territorial jurisdiction of Malta;

(b) the offender is a Maltese national or permanent resident in Malta;

(c) the offence is committed for the benefit of a legal person established in Malta.”.

Addition of  
new article 337B  
to the principal law.

**4.** Immediately after article 337A of the principal law there shall be inserted the following new article:

“Corporate  
criminal  
liability.

337B. The provisions of articles 328J and 328K shall apply *mutatis mutandis* to any offence under Sub-title IV of this title and to the offence in article 337A.”.

5. The Prevention of Money Laundering Act shall be amended as follows and shall be read and construed accordingly:

Amendment to  
the Prevention of  
Money Laundering  
Act, Cap. 373.

(a) in article 12 thereof:

(i) in sub-article (1), immediately after the words “money laundering” there shall be inserted the words “and funding of terrorism”; and

(ii) in sub-article (2), immediately after the words “money laundering” there shall be inserted the words “or funding of terrorism”;

(b) in article 14 thereof, in the definition “subject person”, immediately after the words “money laundering” there shall be inserted the words “or funding of terrorism”;

(c) in sub-article (1) of article 16 thereof:

(i) in the opening paragraph and in paragraph (j), immediately after the words “money laundering” wherever they occur there shall be inserted the words “and funding of terrorism”; and

(ii) other than in the opening paragraph and in paragraph (j), immediately after the words “money laundering” wherever they occur there shall be inserted the words “or funding of terrorism”;

(d) in sub-article (1) of article 28 thereof, immediately after the words “money laundering” there shall be inserted the words “or funding of terrorism”;

(e) in article 29 thereof, immediately after the words “money laundering” wherever they occur there shall be inserted the words “or funding of terrorism”;

(f) in sub-article (1) of article 30, immediately after the words “money laundering” wherever they occur there shall be inserted the words “or funding of terrorism”;

(g) in article 31 thereof, immediately after the words “money laundering” wherever they occur there shall be inserted the words “or funding of terrorism”;

(h) in article 32 thereof, immediately after the words “money laundering” there shall be inserted the words “or funding of terrorism”;

(i) sub-article (4) of article 34 thereof shall be amended as follows:

(i) in paragraph (c), for the words “of this Act:” there shall be substituted the words “of this Act; or” and immediately thereafter there shall be inserted the following new paragraph:

“(d) any offence of funding of terrorism:”

(ii) in the proviso, immediately after the words “from the said offence” there shall be inserted the words “or of funds, assets or other property used for the purpose of funding of terrorism”.

---

Passed by the House of Representatives at Sitting No. 273 of 30th May, 2005.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*