

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,621, 12 ta' Awwissu, 2016
Taqsim A

MALTA

ATT Nru XLVII tal-2016

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

ACT No. XLVII of 2016

AN ACT enacted by the Parliament of Malta.

ATT sabiex jemenda l-Att dwar il-*Probation*, Kap. 446.

AN ACT to amend the *Probation Act*, Cap. 446.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

12 ta' Awwissu, 2016

ATT Nru XLVII tal-2016

ATT biex jemenda l-Att dwar il-Probation, Kap. 446.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 li jemenda l-Att dwar il-*Probation*, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-*Probation*, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għad-Dipartiment tal-*Probation* u *Parole* jista' b'avviż fil-Gazzetta jistabilixxi, u dati differenti jistgħu jigu hekk stabbiliti għal finijiet differenti u dispożizzjonijiet differenti ta' dan l-Att.

2. Minnufih wara l-artikolu 3 tal-Att prinċipali għandu jizdied l-artikolu ġdid li ġej:

Żjieda ta'
artikolu ġdid
mal-Att
prinċipali.

"Analiżi fil-laboratorju dwar testijiet għal drogi jew alkohol.

3A. (1) Id-Direttur jew ir-rappreżentant tiegħu jista' jordna lil min ikun taht *probation* u lil min ikun fuq *parole* sabiex jagħti kampjun għall-iskop li jiżgura, permezz ta' analiżi fil-laboratorju jew ta' apparat approvat mill-Ministru, jekk huwa jkollu xi droga jew alkohol fil-ġisem tiegħu.

Kap. 101. (2) F'dan l-artikolu "drogi" tisser kull
 Kap. 31. medicina perikoluza kif imfisser fl-artikolu 12
 tal-Ordinanza dwar Medici Perikoluza, jew
 kwalunkwe droga speċifikata jew ristretta taht l-
 Ordinanza dwar il-Professjoni Medika u l-
 Professjonijiet li għandhom x'jaqsmu magħha.

(3) Meta jkun mehtieg li min ikun taht
probation u min ikun fuq *parole* jagħti kampjun,
 id-Direttur jew ir-rappreżentant tiegħu għandu,
 safejn ikun raġonevolment prattikabbli, jinforma
 lil min ikun taht *probation* u lil min ikun fuq
parole:

(a) li qed jiġi mitlub li jagħti
 kampjun għall-iskop ta' dan l-Att; u

(b) li r-rifjut li jiġi pprovdut
 kampjun jista' jwassal għal ksur ta' liċenza
 tal-*parole* jew ksur ta' kwalunkwe sanzjoni
 komunitarja.

(4) Il-kampjun għandu jkun kampjun
 gdid, hieles minn adulterazzjoni.

(5) Meta jitlob kampjun lil min ikun taht
probation u lil min ikun fuq *parole*, id-Direttur
 jew ir-rappreżentant tiegħu għandu jagħmel
 dawk l-arranġamenti u jagħti lil min ikun taht
probation u lil min ikun fuq *parole*, dawk l-
 istruzzjonijiet għall-provvista tal-kampjun kif
 ikun raġonevolment mehtieg sabiex jipprevjeni
 jew jiskopri adulterazzjoni jew falsifikazzjoni
 tiegħu.

Kap. 516. (6) Għall-fini ta' dan l-artikolu "min ikun
 fuq *parole*" għandha l-istess tifsira mogħtija
 lilha bl-artikolu 2 tal-Att dwar il-Ġustizzja
 Riparatrici."

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 422 tal-25 ta' Lulju, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

A 1580

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

12th August, 2016

ACT No. XLVII of 2016

AN ACT to amend the Probation Act, Cap. 446.

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 and commencement.

1. (1) The short title of this Act is the Probation (Amendment) Act, 2016, and this Act shall be read and construed as one with the Probation Act, hereinafter in this Act referred to as "the principal Act".

(2) This Act shall come into force on such a date as the Minister responsible for the Department of Probation and Parole may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

Addition of new article to the principal Act.

2. Immediately after article 3 of the principal Act there shall be added the following new article:

"Laboratory analysis regarding tests for drugs or alcohol.

3A. (1) The Director or his representative may order a probationer or a parolee to provide a sample for the purpose of ascertaining by means of laboratory analysis or by a device approved by the Minister whether he has any drugs or alcohol in his body.

(2) In this article "drugs" means any dangerous drug as defined in article 12 of the Dangerous Drugs Ordinance, or any specified or restricted drug under the Medical and Kindred Professions Ordinance.

Cap. 101.

Cap. 31.

(3) When requiring a probationer or parolee to provide a sample, the Director or his representative shall, as far as is reasonably practicable, inform the probationer or parolee:

(a) that he is being required to provide a sample for the purpose of this Act; and

(b) that a refusal to provide a sample may lead to a breach of parole licence or a breach of any community based sanction.

(4) The sample shall be a fresh sample, free from adulteration.

(5) When requiring a sample from a probationer or a parolee, the Director or his representative shall make such arrangements and give the probationer or parolee such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(6) For the purpose of this article "parolee" has the same meaning assigned to it by article 2 of the Restorative Justice Act."

Cap. 516.

Passed by the House of Representatives at Sitting No. 422 of the 25th July, 2016.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Clerk of the House of Representatives

