

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

14 ta' Frar, 2014

ATT Nru. II tal-2014

Att biex jemenda l-Kodiċi Kriminali fir-rigward tat-telfa awtomatika tal-awtorità tal-ġenituri fuq l-ulied.

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 fil-qosor ta' dan l-Att hu Att tal-2014 li jemenda l-Kodiċi Kriminali (Emenda Nru. 2), u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjah "il-Kodiċi".

Titolu fil-qosor.
Kap. 9.

2. Fis-subartikolu (4) tal-artikolu 197 tal-Kodiċi, minflok il-kliem "kariga oħra ta' tutur." għandhom jidhlu l-kliem "kariga oħra ta' tutur:" u minnufih wara għandhom jizdiedu dawn il-provisos godda li ġejjin:

Emenda tal-artikolu 197 tal-Kodiċi.

"Izda meta d-drittijiet tal-hati fuq il-persuna li bi hsara tiegħu jew tagħha jkun sar ir-reat ikun jikkonsisti fi drittijiet tal-awtorità tal-ġenituri t-telfa li hemm provdut dwarha f'dan is-subartikolu ma għandhiex tapplika awtomatikament imma tista' tkun imposta mill-qorti wara li tkun ikkunsidrat iċ-ċirkostanzi kollha tal-każ u meta tkun qed timponi dik it-telfa, il-qorti tista' wkoll timponi kondizzjonijiet:

A 10

Izda wkoll li fil-każijiet imsemmija fil-proviso hawn qabel il-qorti tista', meta jsir rikors mill-hati, biss wara li tkun hatret kull espert li l-qorti jkun jidhrilha xieraq li tahtar, tneħhi jew tvarja l-kondizzjonijiet tat-telfa, wara li tkun sodisfatta li bidla materjali fiċ-ċirkustanzi tiġġustifika dik ir-revoka jew varjazzjoni ta' kondizzjonijiet."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 118 tal-11 ta' Frar, 2014.

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

14th February, 2014

ACT No. II of 2014

AN ACT to amend the Criminal Code in relation to the automatic forfeiture of parental authority over children.

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:-

1. The short title of this Act is the Criminal Code (Amendment No. 2) Act, 2014 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".

Short title.

Cap. 9.

2. In sub-article (4) of article 197 of the Code, for the words "the office of tutor." there shall be substituted the words "the office of tutor:" and immediately thereafter there shall be added the following new provisos:

Amendment of article 197 of the Code.

"Provided that where the rights of the offender over the person to whose prejudice the offence has been committed consists of rights of parental authority the forfeiture provided for in this sub-article shall not apply automatically but may be imposed by the court after it has considered all the circumstances of the case and in imposing such forfeiture the court may also impose conditions:

Provided further that in the cases referred to in the above proviso the court may, upon the application of the offender, and only

A 12

after appointing any expert that it may deem fit to appoint, remove or vary the conditions of the forfeiture, after being satisfied that a material change in circumstances justifies such revocation or variation of conditions."

Passed by the House of Representatives at Sitting No. 118 of the 11th February, 2014.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk to the House of Representatives
