Nagħti l-kunsens tiegħi.

(L.S.) GEORGE ABELA
President

14 ta' Ġunju, 2013

ATT Nru. IV tal-2013

ATT biex jemenda l-Kodiċi Kriminali, u biex jemenda, bħala konsegwenza, il-Kodiċi Ċivili.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2013 li jemenda l-Kodiċi Kriminali, u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjaħ "il-Kodiċi". Titolu fil-qosor. Kap. 9.

2. L-artikolu 115 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 115 tal-Kodiċi.

(a) l-artikolu 115 għandu jiġi enumerat mill-ġdid bħala l-artikolu 115(1); u

(b) minnufih wara l-artikolu 115(1), kif enumerat mill-ġdid, għandu jiżdied dan is-subartikolu ġdid li ġej:

"(2) Minkejja kull dispożizzjoni oħra ta' dan il-Kodiċi jew ta' kull liġi oħra, meta d-delitt kontra d-dispożizzjonijiet ta' dan l-artikolu jkun sar minn persuna li, fiż-żmien meta kien sar id-delitt, kellha l-kariga ta' Ministru, Segretarju Parlamentari, Membru tal-Kamra tad-Deputati, Sindku jew Kunsillier, u d-delitt ikun jinvolvi l-

abbuż ta' dik il-kariga, id-disposizzjonijiet tat-Titolu VI tat-Taqsima III tat-Tieni Ktieb ta' dan il-Kodiċi ma japplikawx għal dik il-persuna u għal kull kompliċi."

Emenda tal-artikolu 117 tal-Kodiċi.

3. L-artikolu 117 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, minflok il-kliem "minn tmintax-il xahar sa ħames snin" għandhom jidħlu l-kliem "minn tliet snin sa disa' snin";

(b) fil-paragrafu (b) tiegħu, minflok il-kliem "minn disa' xhur sa tliet snin" għandhom jidħlu l-kliem "minn tmintax-il xahar sa ħames snin"; u

(ċ) fil-paragrafu (ċ) tiegħu, minflok il-kliem "minn erba' xhur sa tnax-il xahar" għandhom jidħlu l-kliem "minn disa' xhur sa sentejn".

Emenda għall-artikolu 118 tal-Kodiċi.

4. L-artikolu 118 tal-Kodiċi għandu jiġi enumerat mill-ġdid bħala l-aritkolu 118(1) u minnufih wara għandu jidħol is-subartikolu ġdid li ġej:

"(2) Minkejja kull dispożizzjoni oħra ta' dan il-Kodiċi jew ta' kull liġi oħra d-dispożizzjonijiet tat-Titolu VI tat-Taqsima III tat-Tieni Ktieb ta' dan il-Kodiċi ma japplikawx dwar reat taħt dan l-artikolu għal dak il-Membru tal-Kamra tad-Deputati u għal kull kompliċi.".

Emenda tal-artikolu 120 tal-Kodiċi.

5. L-artikolu 120 għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "sa tliet snin." għandhom jidħlu l-kliem "sa tliet snin:"; u

(b) minnufih wara s-subartikolu (2) tiegħu, għandu jiżdied dan il-proviso ġdid li ġej:

"Iżda meta d-delitt huwa dak imsemmi fl-artikolu 117(ċ), il-piena ma tistax tkun iżjed minn tmintax-il xahar priġunerija.".

Emenda tal-artikolu 121A tal-Kodiċi.

6. Is-subartikolu (1) tal-artikolu 121A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok il-kliem "xi persuna li hemm imsemmija fl-artikoli preċedenti ta' dan is-sub-titolu" għandhom jidħlu l-kliem "xi persuna li hemm imsemmija fl-artikoli preċedenti ta' dan is-sub-titolu u ta' xi persuna oħra"; u

(b) minflok il-kliem "minn tliet xhur sa tmintax-il xahar"

għandhom jidħlu l-kliem "minn tliet snin sa sitt snin".

7. Fl-artikolu 121B tal-Kodiċi, il-kliem "taħt l-artikoli preċedenti ta' dan is-sub-titolu" għandhom jiġu mħassra.

Emenda tal-artikolu 121B tal-Kodiċi.

8. L-artikolu 127 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 127 tal-Kodiċi.

(a) l-artikolu preżenti għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tal-istess artikolu; u

(b) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Id-dispożizzjonijiet tas-subartikolu (1) għandhom, *mutatis mutandis*, jgħoddu wkoll għal u fir-rigward ta' kull impjegat jew persuna oħra meta dawn ikunu qed jaġixxu jew jaħdmu f'xi kariga għal jew f'isem persuna naturali jew ġuridika li tkun topera fis-settur privat li xjentement, matul l-attivitajiet tagħhom ta' negozju, direttament jew permezz ta' intermedjarju u bi ksur tad-dmirijiet tagħhom, jaġixxu b'xi mod previst fl-imsemmi subartikolu.".

9. Minnufih wara l-artikolu 29 tal-Att dwar l-Amministrazzjoni u l-Konservazzjoni tas-Sajd għandu jiżdied l-artikolu ġdid li ġej:

Emenda konsegwenzjali għall-Att dwar l-Amministrazzjoni u l-Konservazzjoni tas-Sajd. Kap. 425.

"Attivitajiet li ma jkunux dawk preskritti fil-liċenza.

29A. (1) Id-detentur ta' liċenza u, jew kaptan ta' bastiment m'għandux jagħmel użu mill-imsemmi bastiment b'konnessjoni ma' xi sengħa, negozju jew sejħa, kemm f'ibħra Maltin li jkunu territorjali jew interni, kemm barra mill-ibħra Maltin territorjali jew interni, għall-iskop li titwettaq xi sengħa, negozju jew sejħa li għaliha l-imsemmi bastiment ma jkollux liċenza.

(2) Kull min jikser id-dispożizzjonijiet tas-subartikolu (1) jeħel, meta jinstab ħati:

(a) jekk l-attività li ma jkollhiex liċenza tkun tikkonsisti fil-ġarr ta' prodotti li jkunu perikolużi u li jniġġsu li jkunu jinkludu karburant jew prodotti oħra tal-pitrolju, il-piena ta' priġunerija ta' mhux inqas minn sena u mhux iżjed minn tliet snin u multa ta' mhux inqas minn għaxart elef euro (€10,000) u mhux iżjed minn mitejn u ħamsin elf euro (€250,000) jew għal dik il-multa u priġunerija flimkien;

(b) f'kull kaz ieħor, priġunerija għal mhux iżjed minn sentejn jew multa ta' mhux inqas minn ħames mitt euro (€500) iżda li ma tkunx iżjed minn għaxart elef euro (€10,000) jew għal dik il-multa u priġunerija flimkien,

mingħajr preġudizzju għal kull piena oħra li tista' tkun applikabbli taħt xi liġi oħra.

(3) Id-dispożizzjonijiet tal-artikoli 121D, 248E(4) u 328K tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, japplikaw għal reat imsemmi fis-subartikolu (1).

Kap. 10.

(4) F'dan l-artikolu, il-kelma "pitrolju" għandu jkollha l-istess tifsira kif mogħti lilha fl-Att dwar l-Enemalta.".

Kap. 272.

Emenda konsegwenzjali tal-Kodiċi Ċivili. Kap. 16.

10. Fl-artikolu 1051A tal-Kodiċi Ċivili minnufih wara s-sub-artikolu (7) għandu jidħol is-sub-artikolu ġdid kif ġej:

"(8) L-eċċezzjoni tal-preskrizzjoni ma tistax tingħata kontra l-Gvern jew kontra xi Kunsill Lokali jew kontra xi korp magħqud imwaqqaf b'liġi f'azzjoni għall-irkupru ta' danni taħt dan l-artikolu li tkun imsejsa fuq att ta' korruzzjoni li jkun twettaq mill-persuna mħarrka b'abbuż tal-kariga tagħha waqt li dik il-persuna kienet tokkupa l-kariga ta' Ministru, Segretarju Parlamentari, Membru tal-Kamra tad-Deputati, Sindku jew Kunsillier.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 28 tal-10 ta' Ġunju, 2013.

ANĠLU FARRUĠIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.) GEORGE ABELA
President

14th June, 2013

ACT No. IV of 2013

AN ACT to amend the Criminal Code, and to amend, consequentially, the Civil Code.

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) Act, 2013, 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. Article 115 of the Code shall be amended as follows: Amendment of article 115 of the Code.

(a) article 115 shall be renumbered as article 115(1); and

(b) immediately after article 115(1) as renumbered, there shall be added the following new sub-article:

"(2) Notwithstanding any other provision of this Code or of any other law, when the offence against the provisions of this article is committed by a person who, at the time when the offence was committed, held the office of Minister, Parliamentary Secretary, Member of the House of Representatives, Mayor or Local Councillor and the offence involved the abuse of such office, the provisions of

Title VI of Part III of Book Second of this Code shall not apply to the said person or to any accomplice.".

Amendment of article 117 of the Code.

3. Article 117 of the Code shall be amended as follows:

(a) in paragraph (a) thereof the words "from eighteen months to five years" shall be substituted by the words "from three years to nine years";

(b) in paragraph (b) thereof the words "from nine months to three years" shall be substituted by the words "from eighteen months to five years"; and

(c) in paragraph (c) thereof the words "from four to twelve months" shall be substituted by the words "from nine months to two years".

Amendment of article 118 of the Code.

4. Article 118 of the Code shall be re-numbered as article 118(1) and immediately thereafter there shall be added the following new sub-article:

"(2) Notwithstanding any other provision of this Code or of any other law the provisions of Title VI of Part III of Book Second of this Code shall not apply to an offence under this article in respect of the said Member of the House of Representatives or any accomplice.".

Amendment of article 120 of the Code.

5. Article 120 of the Code shall be amended as follows:

(a) in sub-article (2) thereof the words "to three years." shall be substituted by the words "to three years:"; and

(b) immediately after sub-article (2) thereof, there shall be added the following new proviso:

"Provided that when the crime is that referred to in article 117(c), the punishment shall not exceed eighteen months imprisonment.".

Amendment of article 121A of the Code.

6. Sub-article (1) of article 121A of the Code shall be amended as follows:

(a) the words "of any person referred to in the preceding articles of this sub-title" shall be substituted by the words "of any person referred to in the preceding articles of this sub-title and of any other person"; and

(b) the words "from three months to eighteen months" shall be substituted by the words "from three years to six years".

7. In article 121B of the Code, the words "under the preceding articles of this sub-title" shall be deleted.

Amendment of article 121B of the Code.

8. Article 127 of the Code shall be amended as follows:

Amendment of article 127 of the Code.

(a) the present article shall be re-numbered as sub-article (1) thereof; and

(b) immediately after sub-article (1) thereof as re-numbered, there shall be added the following new sub-article:

"(2) The provisions of sub-article (1) shall, *mutatis mutandis*, also apply to and in relation to any employee or other person when directing or working in any capacity for or on behalf of a natural or legal person operating in the private sector who knowingly, in the course of his business activities, directly or through an intermediary and in breach of his duties, conducts himself in any manner provided for in the said sub-article.".

9. Immediately after article 29 of the Fisheries Conservation and Management Act, there shall be added the following new article:

Consequential amendment to the Fisheries Conservation and Management Act. Cap. 425.

"Activities other than those prescribed in the licence.

29A. (1) The licence holder and, or the master of a vessel shall not use the said vessel in connection with any trade, business or calling, whether in the territorial or inland waters of Malta or outside the territorial or inland waters of Malta, for the purpose of carrying on any trade, business or calling for which the said vessel is not licenced.

(2) Whosoever contravenes the provisions of sub-article (1) shall be liable on conviction:

(a) if the unlicenced activity consists in the carriage of dangerous and polluting products including fuel and other petroleum products, to the punishment of imprisonment of not less than one year and not exceeding three years and to a fine (*multa*) of not less than ten thousand euro (€10,000) but not exceeding two hundred and fifty thousand euro (€250,000) or to both such fine and imprisonment;

(b) in all other cases, to imprisonment not exceeding two years and to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding ten thousand euro (€10,000) or to both such fine and imprisonment,

without prejudice to any other punishment that may be applicable under any other law.

(3) The provisions of articles 121D, 248E(4) and 328K of the Criminal Code shall, *mutatis mutandis*, apply to an offence referred to in sub-article (1).

(4) In this article, the word "petroleum" shall have the same meaning as assigned to it under the Enemalta Act.".

Consequential amendment to the Civil Code. Cap. 16.

10. In article 1051A of the Civil Code immediately after sub-article (7) there shall be added the following new sub-article:

"(8) Prescription may not be set up against the Government or against a Local Council or against a body corporate established by law in an action to recover damages under this article based on an act of corruption committed by the defendant through abuse of his office whilst holding the office of Minister, Parliamentary Secretary, Member of the House of Representatives, Mayor or Local Councillor.".

Passed by the House of Representatives at Sitting No. 28 of the 10th June, 2013.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk to the House of Representatives