

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 unlicensed 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.

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(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