

ABBOZZ TA' LIĠI msejjah

Att biex jemenda l-Kodiċi tal-Liġijiet tal-Pulizija, Kap. 10.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2006 li jemenda l-Kodiċi tal-Liġijiet tal-Pulizija, u dan l-Att għandu jinqara u jftiehem haġa wahda mal-Kodiċi tal-Liġijiet tal-Pulizija, hawn iżjed 'il quddiem imsejjah "il-liġi prinċipali". Titolu.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehh f' dik id-data li l-Ministru responsabbli għall-politika soċjali jista' b'avviż fil-Gazzetta jistabilixxi.

2. Minnufih wara l-artikolu 316B tal-liġi prinċipali, għandha tidhol din it-Taqsima ġdida li ġejja: Żjieda ta' Taqsima ġdida mal-liġi prinċipali.

"TAQSIMA XXV B FUQ IL-MINURI U L-ALKOHOL

316C. Hadd ma jista':

(a) ibiegh alkohol lil, jew jixtri alkohol f' isem, minuri; jew

Hadd ma jista' jbiegh jew iservi lil, jew jikseb alkohol għal minuri.

(b) iservi, jew b'xi mod iforni, alkohol lil minuri f'xi hanut, triq jew post pubbliku.

Projbizzjoni ta' konsum ta' alkohol minn minuri.

316D. Ebda minuri ma jista':

(a) jikkonsma alkohol f'xi hanut, triq jew post pubbliku;

(b) jikseb jew jipprova jikseb alkohol b'kull mod f'xi hanut, triq jew post pubbliku;

(c) xjentement ikollu pussess ta' alkohol f'xi hanut, triq jew post pubbliku; jew

(d) iqarraq meta jiġi biex jagħti l-età tiegħu għall-fini li jikkonsma, jirċievi, jikseb jew jipprova jikseb xi alkohol.

Setgħa li persuna titwaqqaf u jittiehdulha d-dettalji.

316E. Membru tal-Korp tal-Pulizija jista' jwaqqaf lil kull min huwa jissuspetta li jkun aġixxa b'kontravvenzjoni ta' l-artikoli 316C u 316D ta' dan il-Kodiċi, bil-għan li jidentifika lil dik il-persuna u jieħu d-dettalji personali tagħha.

Tifsiriet.

316F. Għall-finijiet ta' l-artikoli 316C sa 316E u tas-subartikoli (9) sa (11) ta' l-artikolu 319 ta' dan il-Kodiċi:

(a) il-kelma "aġenzija" tfisser kull aġenzija msemmija għal dan l-għan fil-Gazzetta mill-Ministru responsabbli għall-politika soċjali;

(b) il-kelma "alkohol" tfisser kull inbid, birra, *cider* jew xorb li jkun fih l-ispirtu u tinkludi kull likwidu jew taħlit ta' likwidu li jkun fih volum ta' 0.5% jew aktar ta' alkohol, kemm jekk dan ikun sar għax ġie distillat jew iffermentat;

(c) il-kelma "minuri" tfisser persuna taht is-sittax-il sena."

Emenda ta' l-artikolu 319 tal-liġi prinċipali.

3. Minnufih wara s-subartikolu (8) ta' l-artikolu 319 tal-liġi prinċipali, għandu jidhol dan li ġej:

“(9) Mingħajr preġudizzju għal kull piena li tista' tkun applikata taht id-disposizzjonijiet ta' xi liġi ohra, min jinsab hati ta' reat kontra l-artikolu 316C ta' dan il-Kodiċi jista' jehel:

(a) meta jinsab hati għall-ewwel darba, multa ta' mhux inqas minn mitt lira Maltija (Lm 100) iżda mhux iżjed minn hames mitt lira Maltija (Lm 500); u

(b) meta jinsab hati għat-tieni darba jew aktar drabi multa ta' mhux inqas minn hames mitt lira Maltija (Lm 500) iżda mhux iżjed minn elf lira Maltija (Lm 1,000).

(10) Minkejja d-disposizzjonijiet ta' l-artikoli 35 sa 37 tal-Kodiċi Kriminali, minuri li jaġixxi bi ksur ta' l-artikolu 316D ta' dan il-Kodiċi ikun hati ta' kontravvenzjoni u jista' jiġi ordnat mill-Qorti kompetenti li jipparteċipa fi programm ta' hidma sorveljata u dak il-programm ta' hidma sorveljata jkun jikkonsisti f'hidma ta' servizz komunitarju bla hlas li, jekk ikun mehtieg, jista' jiġi mgħaqqad ma' *counselling* li jingħata minn membru tal-persunal ta' xi aġenzija jew minn xi persuna kwalifikata ohra:

Iżda meta tkun qegħda tordna li jsir dak il-programm u, jew *counselling*, il-qorti kompetenti għandha tqis l-età tal-minuri u l-kapaċità fiżika tiegħu u għandha, f'kull każ, tiżgura li l-programm ma jkunx kunfliġġenti ma' l-attenzenza regolari tal-minuri l-iskola jew f'xi istituzzjoni edukattiva ohra.

(11) B'żjieda ma' kull piena li tista' tiġi imposta mill-Qorti skond is-subartikoli (9) u (10) ta' dan l-artikolu, minuri li jirrifjuta li jagħti, jew inkella jagħti hażin lil xi membru tal-Korp tal-Pulizija filwaqt li jkun qieghed iwettaq dmirijietu, l-isem, il-kunjom, l-indirizz jew xi dettalji personali ohra tiegħu li huwa jista' jintalab jagħti, jew jinsab li jkun qieghed iġorr karta ta' l-identità falza, ikun hati ta' kontravvenzjoni.” .

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu biex jipprovdi għal pieni għal kull min ibiegh lil, jew jixtri l-alkohol f'isem, xi minuri jew iservi jew iforni l-alkohol lil minuri f'xi hanut, triq jew post pubbliku. Bl-istess mod, minuri ma jistax jikkonsma, jikseb jew ikollu pussess ta' alkohol fil-postijiet imsemmija. L-Abbozz iktar minn hekk jipprovdi biex jiġi introdott programm ta' hidma sorveljata għal hati li jkun minuri li jkun jikkonsisti, fost provvedimenti ohra, f'hidma ta' servizz komunitarju bla hlas.

**A BILL
entitled**

AN ACT to amend the Code of Police Laws, Cap. 10.

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:

Title.

1. (1) The short title of this Act is the Code of Police Laws (Amendment) Act, 2006, and this Act shall be read and construed as one with the Code of Police Laws, hereinafter referred to as “the principal law”.

(2) The provisions of this Act shall come into force on such date as the Minister responsible for social policy may by notice in the Gazette appoint.

Addition of
new Part to the
principal law.

2. Immediately after article 316B of the principal law, there shall be inserted the following new Part:

**“PART XXV B
OF MINORS AND ALCOHOL**

Sale, serving or
procurement of
alcohol to minors.

316C. It shall be unlawful for any person to:

(a) sell alcohol to, or purchase alcohol on behalf of, a minor; or

(b) serve, or in any manner supply, alcohol to a minor in any shop, street or public place.

316D. It shall be unlawful for a minor to:

Prohibition of consumption of alcohol by minors.

(a) consume alcohol in any shop, street or public place;

(b) procure or attempt to procure alcohol in any manner whatsoever in any shop, street or public place;

(c) knowingly possess alcohol in any shop, street or public place; or

(d) falsely represent his age for the purpose of consuming, receiving, procuring or attempting to procure alcohol.

316E. It shall be lawful for any member of the Police Force to stop any person, whom he suspects to have acted in breach of articles 316C and 316D of this Code, for the purposes of identifying such person and taking his particulars.

Power to stop and take particulars.

316F. For the purposes of articles 316C to 316E and of sub-articles (9) to (11) of article 319 of this Code:

Definitions.

(a) the expression “agency” means any agency designated for the purpose in the Gazette by the Minister responsible for social policy;

(b) the expression “alcohol” means any wine, beer, cider or spirituous liquor and includes any liquid or compound which contains 0.5% or more of alcohol by volume, whether made by distillation or fermentation;

(c) the expression “minor” means any person under sixteen years of age.”.

3. Immediately after sub-article (8) of article 319 of the principal law, there shall be inserted the following:

Amendment of article 319 of the principal law.

“(9) Without prejudice to any punishment that may be applicable under the provisions of any other law, any person found guilty of an offence against article 316C of this Code shall be liable:

(a) on a first conviction, to a fine (*multa*) of not less than one hundred Maltese liri (Lm 100) but not exceeding five hundred Maltese liri (Lm 500); and

(b) on a second or subsequent conviction to a fine (*multa*) of not less than five hundred Maltese liri (Lm 500) but not exceeding one thousand Maltese liri (Lm 1,000).

(10) Notwithstanding articles 35 to 37 of the Criminal Code, a minor who acts in breach of article 316D of this Code shall be guilty of a contravention and may be ordered by the competent Court to participate in a supervised working programme and such supervised working programme shall consist of uncompensated community service work, which, if necessary, may be combined with counselling from an agency staff member or other qualified person:

Provided that in ordering the said programme and, or counselling, the competent court shall take into consideration the age of the minor and his physical ability and shall, in all cases, ensure that the programme shall not be in conflict with the minor's regular attendance at school or other educational institution.

(11) In addition to any penalty which may be imposed by the Court in accordance with sub-articles (9) and (10) of this article, a minor who refuses to give, or untruthfully gives to any member of the Police Force in the exercise of his duties, his name, surname, address and other particulars that may be lawfully required, or is found to be carrying a false identification card, shall be guilty of a contravention.”.

Objects and Reasons

The object of this Bill is to provide for penalties for any person who sells to, or purchases alcohol on behalf of, a minor or serves or supplies alcohol to a minor in any shop, street or public place. Likewise, a minor may not consume, procure or possess alcohol in any such places. The Bill further provides for the introduction of a supervised working programme for an offender who is a minor consisting, among other provisions, in uncompensated community service work.