

ABBOZZ TA' LIĠI
msejjah

ATT biex jipprovi għar-registrazzjoni ta' persuni mixlija b'reati ta' natura sesswali u persuni oħra mixlija li jkunu wettqu reati ta' vjolenza gravi.

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. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2010 dwar Registrazzjoni għall-Protezzjoni tal-Minuri. Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru tal-gustizzja jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal finijiet differenti u għal disposizzjonijiet differenti ta' dan l-Att.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma Tifsir. teħtieġ xort'oħra:

"data rilevanti" għandha t-tifsira mogħtija lilha fl-artikolu 7(4) ħlief fiċ-ċirkostanzi msemmija fl-artikoli 19 u 21;

C 906

"entità rilevanti" tfisser kull istituzzjoni, stabbiliment jew organizzazzjoni li tipprovdi jew torganizza xi servizz jew attività li tinvolvi l-edukazzjoni, l-kura, l-kustodja, l-ħarsien jew it-trobbija ta' minuri;

"il-ġrajja preċedenti" għandha t-tifsira mogħtija lilha fl-artikolu 8(2)(a);

"imwissi" tfisser imwissi minn pulizija jew minn uffiċjal ieħor ta' infurzar tal-liġi wara li l-persuna kkonċernata tkun ammettiet ir-reat;

"indirizz tad-dar" għandha t-tifsira mogħtija lilha fl-artikolu 8(6);

Kap. 262. "jittiehed fi sptar" tfisser jittiehed fi sptar skont l-artikolu 43 tal-Att dwar is-Saħħa Mentali;

Kap. 9. "il-Kodiċi" tfisser il-Kodiċi Kriminali;

"il-Ministru" tfisser il-Ministru responsabbli għall-ġustizzja;

Kap. 262. "miżmum fi sptar" tfisser miżmum fi sptar skont it-Taqsima IV tal-Att dwar is-Saħħa Mentali;

"nuqqas ta' sejba ta' ħtija" tirreferi għas-sitwazzjoni fejn persuna tinstab mhux ħatja ta' reat skedat minħabba fi stat ta' ġenn tagħha;

"ordni ta' notifikazzjoni" għandha t-tifsira mogħtija lilha fl-artikolu 18(1);

"ordni ta' notifikazzjoni *interim*" għandha t-tifsira mogħtija lilha fl-artikolu 21(2);

Kap. 446. "ordni ta' *probation*" għandha t-tifsira mogħtija lilha fl-artikolu 2 tal-Att dwar il-*Probation*;

"pajjiż" tinkludi territorju;

Kap. 446. "il-perjodu ta' liberazzjoni kondizzjonata" għandha l-istess tifsira mogħtija lilha fl-artikolu 22(2) tal-Att dwar il-*Probation*;

"perjodu ta' notifikazzjoni" għandha t-tifsira mogħtija lilha fl-artikolu 7(1);

Kap. 446. "perjodu ta' *probation*" għandha t-tifsira mogħtija lilha fl-artikolu 2 tal-Att dwar il-*Probation*;

"persuna mixlija rilevanti" għandha t-tifsira mogħtija lilha fl-artikolu 6(3);

"persuna reġistrata" tfisser persuna reġistrata fir-Registru;

"persuna soġġetta" għandha t-tifsira mogħtija lilha fl-artikolu 13(6);

"qorti kompetenti" għandha l-istess tifsira mogħtija lilha fl-artikolu 4(1);

"reat skedat" tfisser reat elenkat fl-Iskeda I;

"ir-Registratur" għandha t-tifsira mogħtija lilha fl-artikolu 3;

"ir-Registru" tfisser ir-registru stabbilit skont l-artikolu 3;

"sanzjoni komunitarja" tfisser ordni ta' *probation*, ordni ta' servizz fil-komunità jew ordni ta' *probation* u servizz kif speċifikati fl-Att dwar il-*Probation*;

Kap. 446.

"setgħa tal-ġenituri" għandha l-istess tifsira mogħtija lilha fil-Kodiċi Ċivili;

Kap. 16.

"sorveljanza" tfisser sorveljanza skont ordni magħmula għal dak il-għan;

"żagħżuġ mixli" għandha t-tifsira mogħtija lilha fl-artikolu 13(2).

(2) Minkejja d-disposizzjonijiet ta' kull liġi oħra, persuna misjuba haġja ta' reat li għalih tkun inħarġet ordni taħt l-Att dwar il-*Probation* li tqiegħed lill-persuna mixlija taħt sanzjoni komunitarja jew li tillibera lill-persuna mixlija jew għal kollox jew kondizzjonalment għandha, għall-finijiet ta' dan l-Att, tiġi meqjusa bħala persuna haġja ta' reat.

Kap. 446.

(3) Meta skont l-artikolu 1(2) jiġu stabbiliti granet differenti għall-bidu fis-seħħ ta' disposizzjonijiet differenti ta' dan l-Att, referenza f'kull disposizzjoni għad-dhul fis-seħħ ta' dan l-Att għandha tinqara (bla ħsara għall-artikolu 19(4)) bħala referenza għad-dhul fis-seħħ ta' dik id-disposizzjoni.

3. (1) Ir-Registratur, il-Qrati Ċivili u Tribunali, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjaħ "ir-Registratur", għandu jzomm registru li fih ikun imniżżel l-isem ta' kull persuna soġġetta għall-htigiet ta' notifikazzjoni, flimkien ma' dawk id-dettalji li jkunu meħtieġa li jiġu notifikati, skont id-disposizzjonijiet ta' dan l-Att, kif ukoll kopja awtentika tas-sentenza rilevanti jew digriet tal-qorti, kif

Twaqqif ta' Regjistru.

ikun il-każ.

(2) Kull registru kif msemmi fis-subartikolu (1) jista' jkun magħmul u jinżamm f'forma elettronika.

(3) Kull persuna registrata ma tkunx eligibbli li tkun membru ta', jew li jkollha impjeg ma', jew li żżomm xi pożizzjoni oħra f'xi istituzzjoni, stabbiliment jew organizzazzjoni li ttiprovdi jew li torganizza xi servizz jew attività li tinvolvi l-edukazzjoni, l-kura, l-kustodja, l-ħarsien jew it-trobbija tal-minuri, sew jekk is-sħubija, l-impjeg jew pożizzjoni oħra tkun bi ħlas, kif ukoll jekk le.

(4) Kull persuna registrata li tkun membru ta', jew impjegata ma', jew iżżomm pożizzjoni f'xi istituzzjoni, stabbiliment jew organizzazzjoni kif imsemmi fis-subartikolu (3), sew jekk is-sħubija, l-impjeg jew pożizzjoni oħra tkun bi ħlas kif ukoll jekk le, għandu jkollha s-sħubija, impjeg jew pożizzjoni tagħha mwaqqfa b'effett immedjat mingħajr ma dik il-persuna tkun intitolata għal xi kumpens ħlief għal xi ħlas li jista' jkun dovut lilha għas-servizzi mogħtija minnha sal-waqfien.

Talbiet għal
informazzjoni
mir-Registru.

4. (1) Minkejja d-disposizzjonijiet ta' kull ligi oħra, kull entità rilevanti għandha, fi żmien sena mid-dhul fis-seħħ ta' dan l-Att, titlob lis-Sezzjoni ta' Ġurisdizzjoni Volontarja tal-Qorti Ċivili (Prim' Awla), minn hawn 'il quddiem f'dan l-Att imsejha "il-qorti kompetenti", informazzjoni li tista' tkun registrata fir-Registru dwar kull persuna li tkun impjegata jew iżżomm xi pożizzjoni mal-istess istituzzjoni, stabbiliment jew organizzazzjoni sew jekk dak l-impjeg jew pożizzjoni jkun bi ħlas kif ukoll jekk le.

(2) Kull entità rilevanti li, bi ħlas jew le, tkun bi ħsiebha timpjega lil xi persuna jew li tafda lil xi persuna f'pożizzjoni f'dik l-entità għandha, qabel ma hekk timpjega jew tafda lil dik il-persuna, titlob mill-qorti kompetenti informazzjoni li tista' tkun registrata fir-Registru dwar dik il-persuna.

(3) Kull talba bħal dik għandha ssir permezz ta' rikors li għandu jiġi notifikat lill-Avukat Ġenerali li għandu jkollu perjodu ta' sebat ijiem tax-xogħol biex iwieġeb.

(4) Il-qorti kompetenti tista' tahtar data għas-smiġh tar-rikors sabiex jiġi stabbilit jekk ir-rikors għandux jintlaqa' u d-data tas-smiġh għandha tkun notifikata lill-Avukat Ġenerali, li jista' jieħu sehem fis-smiġh.

(5) Jekk il-qorti kompetenti tilqa' r-rikors, hi għandha tidentifika l-informazzjoni li tista' tiġi żvelata u għandha tordna li dik l-informazzjoni tiġi mgħarrfa lir-rikorrent bil-miktub.

(6) Ir-Registratur tal-Qorti għandu jżomm notament separat ta' kull rikors preżentat taht dan l-artikolu.

5. (1) Kull persuna li tingaġġa, thaddem jew timpjega xi Reati. persuna reġistrata ma' entità rilevanti jew li tassenja pożizzjoni lil xi persuna reġistrata ma' dik l-entità tkun hatja ta' reat, u meta tinstab hatja tista' tehel l-piena ta' prigunerija minn tliet xhur sa erba' snin jew multa ta' mhux inqas minn elfejn u hames mitt euro (€2,500) imma mhux iżjed minn hamsin elf euro (€50,000) jew dik il-multa u l-prigunerija flimkien.

(2) Kull persuna li tkun id-direttur, *manager*, segretarju jew ufficjal iehor simili ta' entità rilevanti, li ssir taf bit-twettiq ta' reat skedat u li tonqos milli tirrapporta l-fatt lill-Kummissarju tal-Pulizija, tkun hatja ta' reat u tehel, meta tinstab hatja, l-istess piena msemmija fis-subartikolu (1).

6. (1) Persuna tkun sogġetta għall-htigiet ta' notifikazzjoni taht dan l-Att għaż-żmien imsemmi fl-artikolu 7 ("perjodu ta' notifikazzjoni") jekk dik il-persuna - Persuni sogġetti għall-htigiet ta' notifikazzjoni.

(a) tinstab hatja ta' reat skedat:

Izda l-Qorti tista', jekk jidhrilha li jkun hekk xieraq, tiddeciedi li ma tissoġġettax persuna għall-htigiet ta' notifikazzjoni jekk, fl-opinjoni tal-Qorti, il-każ ikun hekk jitlob;

(b) tinstab mhux hatja ta' reat bħal dak minhabba fir-raġuni ta' ġenn;

(c) tkun instabet hatja ta' reat mhux elenkat fl-Iskeda I iżda l-Qorti tkun tal-fehma li dik il-persuna misjuba hatja tkun ta' theddida jew periklu għall-edukazzjoni, l-kura, l-kustodja, l-harsien jew it-trobbija ta' minuri u tordna r-reġistrazzjoni ta' dik il-persuna fir-Registru.

(2) Meta xi qorti ta' prim'istanza ssib persuna hatja ta' reat skedat, dik il-qorti għandha tordna li s-sentenza għandha, meta ssir definittiva, tkun notifikata lir-Registratur. Meta l-qorti tkun qorti tal-appell li tagħti sentenza li jkollha l-effett li tikkonferma jew tiddikjara persuna hatja ta' reat kif msemmi qabel, dik il-qorti tal-appell għandha tordna li s-sentenza tiġi notifikata minnufih lir-Registratur.

(3) Persuna li fil-preżent tkun sogġetta għall-htigiet ta' notifikazzjoni taht dan l-Att għandha tkun magħrufa f'dan l-Att bħala "persuna mixlija rilevanti".

7. (1) Il-perjodu ta' notifikazzjoni għal persuna msemmija Perjodu ta' notifikazzjoni.

fl-artikolu 6(1) huwa l-perjodu fit-tieni kolonna tal-Iskeda II fin-naħa l-oħra tad-deskrizzjoni li tkun tapplika għal dik il-persuna.

(2) Meta persuna tkun taħt it-tmintax-il sena fid-data rilevanti, is-subartikolu (1) ikollu effett daqs li kieku minflok ir-referenza għal perjodu msemmi fl-Iskeda II kien hemm referenza għal nofs il-perjodu rilevanti hemm imsemmi.

(3) Meta persuna mixlija rilevanti taħt l-artikolu 6(1)(a) tkun ingħatat l-piena ta' prigunerija jew detenzjoni, u qabel ma jkun għalaq il-perjodu ta' notifikazzjoni għal dak ir-reat, terġa' tinstab ħatja ta' reat skedat sussegwentement u tingħata l-piena ta' prigunerija jew detenzjoni, is-subartikolu (1) għandu jkollu effett daqs li kieku l-persuna mixlija kienet ingħatat il-piena ta' prigunerija jew detenzjoni daqs it-total ta' dawk il-perjodi ta' prigunerija jew detenzjoni.

(4) F'dan l-Att, "id-data rilevanti" tfisser -

(a) fil-każ ta' persuna skont l-artikolu 6(1)(a) u 6(1)(ċ), id-data tas-sejba ta' htija; u

(b) fil-każ ta' persuna skont l-artikolu 6(1)(b), id-data ta' meta għiet hekk misjuba mhux ħatja.

Notifikazzjoni
inizjali.

8. (1) Persuna mixlija rilevanti għandha, fi żmien tliet ijiem li jibdeu mid-data rilevanti, tgħarraf l-informazzjoni mnizzla fis-subartikolu (4) lir-Registatur.

(2) Is-subartikolu (1) ma japplikax għal persuna mixlija rilevanti dwar sejba ta' htija jew in-nuqqas ta' sejba ta' htija skont l-artikolu 6(1) jekk -

(a) minnufih qabel is-sejba ta' htija jew in-nuqqas ta' sejba ta' htija, il-persuna kienet soġġetta għall-ħtigiet ta' notifikazzjoni taħt dan l-Att bħala riżultat ta' sejba oħra ta' htija, nuqqas ta' sejba oħra ta' htija jew ordni ta' qorti oħra (il-"għajja preċedenti");

(b) f'dak iż-żmien, il-persuna kienet għamlet notifika taħt is-subartikolu (1) dwar il-għajja preċedenti; u

(ċ) matul il-perjodu msemmi fis-subregolament (1), il-persuna tibqa' soġġetta għall-ħtigiet ta' notifikazzjoni bħala riżultat tal-għajja preċedenti.

(3) Meta ordni ta' notifikazzjoni jkun ingħatat dwar sejba ta' htija jew in-nuqqas ta' sejba ta' htija, is-subartikolu (1) m'għandux

japplika għal persuna mixlija rilevanti fir-rigward ta' dik is-sejba ta' htija, jew in-nuqqas ta' sejba ta' htija jekk -

(a) minnufih qabel ma tkun ingħatat l-ordni, il-persuna kienet soġġetta għall-htigiet ta' notifikazzjoni taht dan l-Att bhala riżultat ta' sejba oħra ta' htija, nuqqas ta' sejba oħra ta' htija jew twissija jew ordni tal-qorti (il-"għrajja preċedenti");

(b) f'dak iż-żmien, il-persuna kienet għamlet notifika taht is-subartikolu (1) dwar il-għrajja preċedenti; u

(ċ) matul il-perjodu msemmi fis-subregolament (1), il-persuna tibqa' soġġetta għall-htigiet ta' notifikazzjoni bhala riżultat tal-għrajja preċedenti.

(4) L-informazzjoni msemmija fis-subartikolu (1) hija -

(a) id-data ta' twelid tal-persuna mixlija rilevanti;

(b) in-numru tal-karta tal-identità jew tal-passaport tagħha;

(ċ) l-isem tagħha fid-data rilevanti u, fejn intużaw isem jew ismijiet oħra f'dik id-data, kull wiehed minn dawk l-ismijiet;

(d) l-indirizz tad-dar fid-data rilevanti;

(e) l-isem tagħha fid-data meta n-notifikazzjoni ingħatat u, fejn intużaw isem jew ismijiet oħra f'dik id-data, kull wiehed minn dawk l-ismijiet;

(f) l-indirizz tad-dar tagħha fid-data meta n-notifikazzjoni ingħatat; u

(g) l-indirizz ta' kull fond ieħor f'Malta fejn hi kienet tirisjedi jew toqgħod regolarment, fid-data meta n-notifikazzjoni ingħatat.

(5) Biex jiġi stabbilit il-perjodu għall-finijiet tas-subartikolu (1), m'għandux jitqies iż-żmien li fih il-persuna mixlija rilevanti -

(a) kienet arrestata jew ittiehdet fil-kustodja permezz ta' ordni tal-qorti;

(b) kienet qed isservi piena ta' prigunerija jew detenzjoni;

C 912

- (c) kienet qed tinzamm l-isptar; jew
- (d) kienet barra minn Malta.

(6) F'dan l-Att, "indirizz tad-dar" tfisser, fir-rigward ta' kull persuna -

(a) l-indirizz tar-residenza prinċipali jew ewlenija tagħha f'Malta; jew

(b) meta ma jkollhiex residenza, l-indirizz jew lok ta' post f'Malta fejn hi tkun tinstab regolarment u, jekk ikun hemm iżjed minn post wiehed, wiehed minn dawk il-postijiet li l-persuna tista' tagħzel.

Tibdil fl-informazzjoni notifikata.

9. (1) Il-persuna mixlija rilevanti għandha, fi żmien tliet ijiem li jibdedw minn meta -

(a) tuża isem għaliha li ma jkunx dak notifikat lir-Registratur taht l-artikolu 8(1) jew dan is-subartikolu;

(b) tibdel l-indirizz tad-dar tagħha;

(c) tirrisjedi jew toqgħod, għal perjodu kwalifikat, f'xi post f'Malta li l-indirizz tiegħu ma jkunx gie notifikat lir-Registratur taht l-artikolu 8(1) jew dan is-subartikolu; jew

(d) tinheles mill-kustodja fuq ordni tal-qorti jew tinheles mill-prigunerija jew żamma fl-isptar,

tgħarraf lill-Pulizija b'dak l-isem, indirizz gdid tad-dar, l-indirizz ta' dawk il-postijiet jew, kif ikun il-każ, il-fatt li hija nħelset, u, b'mod addizzjonali, l-informazzjoni mnizzla fl-artikolu 8(4).

(2) Notifikazzjoni taht is-subartikolu (1) tista' tingħata qabel ma jintuża l-isem, qabel ma ssir il-bidla fl-indirizz tad-dar jew qabel ma jintemm il-perjodu kwalifikat, iżda f'dak il-każ il-persuna mixlija rilevanti għandha wkoll tispeċifika d-data ta' meta l-ġrajja hija mistennija li sseħħ.

(3) Jekk notifikazzjoni tingħata skont is-subartikolu (2) u l-ġrajja marbuta magħha sseħħ fi żmien jumejn qabel id-data speċifikata, in-notifikazzjoni ma taffettwax id-dmir impost bis-subartikolu (1).

(4) Jekk notifikazzjoni tingħata skont is-subartikolu (2) u l-ġrajja marbuta magħha ma sseħħx sa tmiem perjodu ta' tliet ijiem li jibda fid-data speċifikata -

(a) in-notifikazzjoni ma taffettwax id-dmir impost bis-subartikolu (1); u

(b) il-persuna mixlija rilevanti għandha, fi żmien sitt ijiem mid-data speċifikata, tavża lill-Pulizija l-fatt li l-ġrajja ma seħhitx fi żmien tliet ijiem mid-data speċifikata.

(5) L-artikolu 8(5) japplika biex jiġi stabbilit il-perjodu ta' tliet ijiem imsemmi fis-subartikolu (1) u l-perjodu ta' sitt ijiem imsemmi fis-subartikolu (4)(b), hekk kif japplika biex jiġi stabbilit il-perjodu msemmi fl-artikolu 8(1).

(6) F'dan l-artikolu, "perjodu kwalifikanti" tfisser -

(a) perjodu ta' sebat ijiem; jew

(b) żewġ perjodi jew iktar, fi żmien tnax-il xahar, li meħudin flimkien jammontaw għal sebat ijiem.

10. (1) Persuna mixlija rilevanti għandha, fi żmien sena wara kull ġrajja msemmi fis-subartikolu (2), tavża lir-Registatur bl-informazzjoni stabbilita fl-artikolu 8(4) sakemm f'dak il-perjodu ma tkunx tat notifikazzjoni taht l-artikolu 9(1).

Notifikazzjoni
perjodika.

(2) Il-ġrajji li għalihom hemm riferenza fis-subartikolu (1) huma -

(a) id-dhul fis-seħh ta' dan l-artikolu, iżda biss fil-każ ta' persuna li hija persuna mixlija rilevanti miż-żmien ta' dak id-dhul fis-seħh;

(b) kull notifikazzjoni mogħtija mill-persuna mixlija rilevanti taht l-artikoli 8(1) jew 9(1); u

(ċ) kull notifikazzjoni mogħtija minnha taht is-subartikolu (1).

(3) Meta l-perjodu msemmi fis-subartikolu (1) ikun, apparti dan is-subartikolu, jintemm waqt li s-subartikolu (4) jkun japplika għal persuna mixlija rilevanti, dak il-perjodu għandu jkun trattat bħala li jkompli sal-aħħar tal-perjodu ta' tliet ijiem li jibdew minn meta is-subartikolu (4) għall-ewwel darba jieqaf japplika għaliha.

(4) Id-disposizzjonijiet ta' dan is-subartikolu japplikaw għal persuna mixlija rilevanti jekk -

(a) tkun arrestata jew ittiegħdet fil-kustodja permezz ta' ordni tal-qorti;

C 914

- (b) tkun qed isservi piena ta' prigunerija jew detenzjoni;
- (ċ) tkun qed tinzamm l-isptar; jew
- (d) tkun barra minn Malta.

Safar barra minn Malta.

11. (1) Il-Ministru jista' permezz ta' regolamenti jagħmel disposizzjonijiet li jeħtieġu li persuni mixlija rilevanti li jitolqu minn Malta, jew kull deskrizzjoni ta' dawk il-persuni -

(a) biex jagħtu skont ir-regolamenti, qabel ma jsiefru, notifikazzjoni taħt is-subartikolu (2);

(b) jekk sussegwentement jirritornaw f'Malta, jagħtu skont ir-regolamenti notifikazzjoni taħt is-subartikolu (3).

(2) Notifikazzjoni taħt dan is-subartikolu għandha tiżvela -

(a) id-data li fiha l-persuna mixlija ser titlaq minn Malta;

(b) il-pajjiż jew, jekk ikun hemm iżjed minn wiehed, l-ewwel pajjiż, li fih tkun ser issiefer u l-punt ta' nżul, stabbilit skont ir-regolamenti, f'dak il-pajjiż; u

(ċ) kull informazzjoni oħra, preskritta bir-regolamenti, li l-persuna mixlija jkollha fuq it-tluq tagħha minn jew ir-ritorn lura f'Malta jew il-movimenti tagħha barra minn Malta.

(3) Notifikazzjoni taħt dan is-subartikolu għandha tiżvela kull informazzjoni preskritta mir-regolamenti dwar ir-ritorn tal-persuna mixlija f'Malta.

(4) Ir-regolamenti magħmulin taħt is-subartikolu (1) jistgħu jagħmlu disposizzjonijiet differenti għal kategoriji differenti ta' persuni.

Mod ta' notifikazzjoni u materji relatati.

12. (1) Persuna titqies li tkun tat notifikazzjoni taħt l-artikoli 8(1), 9(1) jew 10(1) billi -

(a) tattendi fir-Registru tal-Qrati Ċivili u t-Tribunali kif il-Ministru jista' jippreskrivi bir-regolamenti; u

(b) tagħti notifikazzjoni orali lill-uffiċjal ta' dak ir-Registru awtorizzat għal dak il-għan mir-Registratur.

(2) Kull notifikazzjoni taħt dan l-artikolu għandha tkun rikonoxxuta; u rikonoxximent taħt dan is-subartikolu irid isir bil-miktub u f'dik il-forma kif ir-Registratur jista' jordna.

13. (1) Id-disposizzjonijiet tas-subartikolu (2) għandhom japplikaw - Sorveljanza tal-ġenituri.

(a) għal persuna mixlija rilevanti taht l-artikoli 6(1)(a) sa (ċ) jew 6(2);

(b) għal persuna soġġetta; jew

(ċ) għal intimat taht is-subartikolu (4).

(2) Meta persuna li għaliha japplika dan is-subartikolu tkun taht l-età ta' tmintax-il sena ("żagħżuġh mixli") -

(a) il-qorti li tieġu konjizzjoni tal-persuna mixlija rilevanti taht is-subartikolu (1)(a); jew

(b) il-qorti li tordna lill-persuna soġġetta taht is-subartikolu (1)(b); jew

(ċ) il-qorti li tisma' r-rikors tal-intimat skont is-subartikolu (1)(ċ),

tista' tordna li s-subartikolu (3) japplika fir-rigward ta' individwu ("il-ġenitur") li jkollu s-setgħa ta' ġenitur fuq iż-żagħżuġh mixli.

(3) Meta japplika dan is-subartikolu -

(a) l-obbligi li, apparti minn dan is-subartikolu, ikunu imposti bi jew taht l-artikoli 8 sa 11 fuq iż-żagħżuġh mixli għandhom ikunu trattati minflok bħala obbligi fuq il-ġenitur; u

(b) il-ġenitur għandu jiżgura li z-żagħżuġh mixli jattendi miegħu fir-Registru tal-Qrati Ċivili u t-Tribunali, meta tingħata notifikazzjoni.

(4) L-ordni taht is-subartikolu (1) ikollha effett immedjat u tapplika -

(a) sakemm iż-żagħżuġh mixli jagħlaq it-tmintax-il sena; jew

(b) għal perjodu iqsar minn dak, kif il-qorti tista' tordna fil-hin meta tagħti l-ordni.

(5) Il-Kummissarju tal-Pulizija jista' jagħmel rikors quddiem il-qorti kompetenti għal ordni taht is-subartikolu (1) fir-rigward ta' persuna mixlija rilevanti (l-"intimat") li hu raġonevolment jemmen li hi taht it-tmintax-il sena.

C 916

(6) Għall-finijiet ta' dan l-artikolu "persuna soġġetta" tfisser persuna li tkun soġġetta għal ordni ta' notifikazzjoni jew ordni ta' notifikazzjoni *interim*.

Varjazzjoni,
tiġdid u twettiq
tas-sorveljanza
tal-ġenituri.

14. (1) Persuna msemmija fis-subartikolu (2) tista' tagħmel rikors quddiem il-qorti kompetenti għal ordni sabiex tiġi varjata, imġedda jew imwettqa deċiżjoni mogħtija taħt l-artikolu 13(2).

(2) Il-persuni li hemm referenza għalihom fis-subartikolu (1) huma:

- (a) iż-żagħżuġh mixli;
- (b) il-ġenitur; u
- (c) il-Kummissarju tal-Pulizija.

(3) Ir-rikors għandu jkun notifikat lill-persuni oħra, minbarra r-rikorrent, imsemmija fis-subartikolu (2) u l-qorti, wara li tisma' lir-rikorrent u (jekk ikunu jixtiequ) lill-persuni l-oħra msemmija fis-subartikolu (2), tista' tordna li tiġi varjata, imġedda jew imwaqqfa d-deċiżjoni dwar is-sorveljanza, kif il-qorti tqis xieraq.

Reati relatati
ma'
notifikazzjoni.

15. Kull min -

(a) jonqos, mingħajr raġuni valida, li jhares l-artikoli 8(1), 9(1), 9(4)(b), 10(1), jew 13(3)(b) jew xi htieġa imposta bir-regolamenti magħmula taħt l-artikolu 11(1); jew

(b) jgħarraf lill-Pulizija, b'mod li jkun jidher li hu konformi mal-artikoli 8(1), 9(1) jew 10(1) jew xi htieġa imposta bir-regolamenti magħmula taħt l-artikolu 11(1), xi informazzjoni li hu jkun jaf li hi falza,

ikun ħati ta' reat u jeħel, meta jinstab ħati, il-piena ta' prigunerija għal żmien minn tliet xhur sa erba' snin jew multa ta' mhux anqas minn mitt euro (€100) u mhux aktar minn elf euro (€1,000), jew dik il-prigunerija u l-multa flimkien.

Ċertifikati.

16. (1) Id-disposizzjonijiet tas-subartikolu (2) japplikaw meta f'kull żmien persuna tkun -

- (a) misjuba ħatja ta' reat elenkat fl-Iskeda I; jew
- (b) misjuba mhux ħatja minħabba fir-raġuni ta' ġenn.

(2) Jekk il-qorti li taħtha jew quddiemha l-persuna tinstab hekk ħatja jew tinstab mhux ħatja minħabba fir-raġuni ta' ġenn -

(a) tiddikjara fil-miftuh -

(i) illi f'dak iż-żmien li fih hija kienet instabet hatja jew tkun instabet mhux hatja minhabba fir-raġuni ta' ġenn; u

(ii) illi r-reat inkwistjoni huwa reat elenkat fl-Iskeda I; u

(b) tiċċertifika illi dawk il-fatti kemm f'dak il-ħin jew sussegwentement,

iċ-ċertifikat ikun, għall-finijiet ta' dan l-Att, prova biżżejjed ta' dawk il-fatti.

17. (1) Id-disposizzjonijiet ta' dan l-artikolu japplikaw għal persuna mixlija rilevanti li tkun qed isservi sentenza ta' prigunerija jew li tkun miżmuma fi sptar.

Informazzjoni
dwar helsien
jew
trasferiment.

(2) Il-Ministru jista' permezz ta' regolamenti jagħmel disposizzjoni li tehtieg li tinghata notifikazzjoni mill-persuna responsabbli għal persuna mixlija lil persuni preskritti mir-regolamenti, dwar kull darba li l-persuna mixlija tkun inhelset jew meta persuna differenti ssir responsabbli għall-persuna mixlija.

(3) Ir-regolamenti jistgħu jagħmlu disposizzjoni biex jistabilixxu min ikun meqjus bħala responsabbli għal persuna mixlija, għall-finijiet ta' dan l-artikolu.

18. (1) Il-Kummissarju tal-Pulizija jista' jagħmel rikors quddiem l-Qorti tal-Maġistrati għal ordni taħt dan l-artikolu ("ordni ta' notifikazzjoni") dwar persuna (l-"imputat") jekk -

Rikorsi u
raġunijiet għal
ordnijiet ta'
notifikazzjoni.

(a) jidhirlu li t-tliet kondizzjonijiet imsemmijin fis-subartikoli (2), (3) u (4) huma osservati fir-rigward tal-imputat; u

(b) l-imputat jirrisjedi f'Malta jew il-Kummissarju tal-Pulizija jemmen illi l-imputat qiegħed f'Malta jew bi ħsiebu jiġi f'Malta.

(2) L-ewwel kondizzjoni hija li taħt il-liġi fis-seħħ f'pajjiż barra minn Malta -

(a) l-imputat instab hati ta' reat rilevanti, sew jekk irċieva piena għal dak ir-reat u sew jekk le;

(b) qorti li jkollha ġurisdizzjoni taħt dik il-liġi tkun, fir-

rigward ta' reat rilevanti, sabiet lill-imputat mhux hati għal raġuni ekwivalenti għal persuna li tinstab mhux hatja minhabba fir-raġuni ta' ġenn;

(ċ) dik l-qorti tkun, fir-rigward ta' reat rilevanti, sabiet lill-imputat mhux hati għal raġuni ekwivalenti għal persuna li tinstab mhux hatja għax tkun taħt diżabilità u wettqet l-att li tkun ġiet akkużata bih fir-rigward tar-reat; jew

(d) l-imputat ġie mwissi fir-rigward ta' reat rilevanti.

(3) It-tieni kondizzjoni hija li -

(a) l-ewwel kondizzjoni ntlahqet minhabba sejba ta' htija, sejba ta' mhux hati jew twissija li sehhet fid-data tal-bidu fis-sehh ta' dan l-Att jew wara;

(b) l-ewwel kondizzjoni ntlahqet minhabba sejba ta' htija jew sejba ta' mhux hati li sehhet qabel dik id-data, izda l-persuna rċeviet il-piena fir-rigward ta' dak ir-reat jew sejba ta' mhux hati f'dik id-data jew wara, jew għadha trid tirċievi l-piena dwar dak ir-reat; jew

(ċ) l-ewwel kondizzjoni ntlahqet minhabba sejba ta' htija jew sejba ta' mhux hati li sehhet qabel dik id-data, izda f'dik id-data l-persuna kienet, fir-rigward ta' dak ir-reat jew sejba, soġġetta taħt il-liġi fis-sehh fil-pajjiż konċernat għal detenzjoni, kontroll jew kondizzjoni oħra ekwivalenti għal xi waħda minn dawk msemmija fis-subartikolu (2).

(4) It-tielet kondizzjoni hija li l-perjodu stabbilit fl-artikolu 8, kif modifikat bl-artikoli 19(2) u (3), fir-rigward ta' reat rilevanti ma jkunx skada.

(5) Jekk fir-rikors jiġi ppruvat li l-kondizzjonijiet imsemmija fis-subartikoli (2) sa (4) ntlahqu, il-qorti għandha tagħti ordni ta' notifikazzjoni.

(6) F'dan l-artikolu u l-artikolu 19, "ir-reat rilevanti" għandha l-istess tifsira mogħtija bl-artikolu 20.

19. (1) Meta jkun sar ordni ta' notifikazzjoni -

(a) l-applikazzjoni ta' dan l-Att għall-imputat fir-rigward tas-sejba ta' htija, sejba ta' mhux hati jew twissija li għalihom jirreferi l-ordni tkun soġġetta għall-modifikazzjonijiet innizzla hawn aktar 'il quddiem; u

Effett ta' ordnijiet ta' notifikazzjoni.

(b) bla ħsara għal dawk il-modifikazzjonijiet, l-imputat isir jew, kif ikun il-każ, jibqa' soġġett għall-htigiet ta' notifikazzjoni ta' dan l-Att għall-perjodu ta' notifikazzjoni stabbilit fl-artikolu 8.

(2) Id-"data rilevanti" tfisser -

(a) fil-każ ta' persuna li hemm referenza għaliha fl-artikolu 18(2)(a), id-data tas-sejba ta' htija;

(b) fil-każ ta' persuna li hemm referenza għaliha fl-artikolu 18(2)(b) jew (ċ), id-data tas-sejba ta' mhux ħati;

(ċ) fil-każ ta' persuna li hemm referenza għaliha fl-artikolu 18(2)(d), id-data tat-twissija.

(3) Fl-artikolu 7 -

(a) riferenzi, ħlief fl-Iskeda II, għal persuna, jew persuna mixlija rilevanti, fi ħdan xi disposizzjoni tal-artikolu 6 għandhom jinqraw u jinftiehm bħala riferenzi għall-imputat;

(b) riferenzi għal ordni ta' kull deskrizzjoni għandhom jinqraw u jinftiehm bħala riferenzi għal xi kondizzjoni korrispondenti magħmula fir-rigward tal-imputat dwar ir-reat jew sejba ta' mhux ħati, liema reat l-ordni ta' notifikazzjoni jkun ingħata b'riferenza għalih;

(ċ) ir-riferenza għar-reati elenkati fl-Iskeda I għandha tinqara u tinftiehm bħala riferenza għar-reati rilevanti.

(4) Fl-artikoli 8 u 10, ir-riferenzi għad-data ta' dhul fis-seħħ għandhom jinqraw bħala riferenzi għad-data tan-notifika tal-ordni ta' notifikazzjoni.

20. (1) "Reat rilevanti" fl-artikoli 18 u 19 tfisser att li - Reati rilevanti.

(a) ikkostitwixxa reat taħt il-liġi fis-seħħ tal-pajjiż konċernat; u

(b) kien jikkostitwixxi reat elenkat fl-Iskeda I, ħlief għar-reat imsemmi fil-paragrafu 6 tagħha, li kieku seħħ f'Malta.

(2) Att punibbli taħt il-liġi fis-seħħ f'pajjiż barra minn Malta jikkostitwixxi reat taħt dik il-liġi għall-finijiet tas-subartikolu (1), irrispettivament mid-deskrizzjoni tiegħu f'dik il-liġi.

(3) Bla ħsara għas-subartikolu (4), meta jsir rikors għal ordni

ta' notifikazzjoni, il-kondizzjoni fis-subartikolu (1)(b) għandha titqies bħala li ntlahqet sakemm, mhux iżjed tard minn dak iż-żmien li Regoli tal-Qorti magħmulin taħt dan l-artikolu jippermettu, l-imputat ma jkunx innotifika lir-rikorrent bl-ordni -

(a) li jgħid li, dwar il-fatti allegati dwar l-att konċernat, il-kondizzjoni fl-opinjoni tiegħu ma ntlahqitx;

(b) li juri r-ragunijiet għall-opinjoni tiegħu; u

(c) li jehtieg li r-rikorrent jipprova illi l-kondizzjoni ntlahqet.

(4) Il-qorti, jekk jidhrilha xieraq, tista' tippermetti lill-imputat li jehtieg li r-rikorrent jipprova li l-kondizzjoni ntlahqet minghajr innotifikazzjoni ta' ordni taħt is-subartikolu (3).

Ordnijiet ta' notifikazzjoni *interim*.

21. (1) Id-disposizzjonijiet ta' dan l-artikolu japplikaw meta ma tkunx ingħatat deċiżjoni dwar rikors għal ordni ta' notifikazzjoni ("ir-rikors ewlieni").

(2) Ir-rikors għal ordni taħt dan l-artikolu ("ordni ta' notifikazzjoni *interim*") -

(a) jista' jsir fir-rikors ewlieni; jew

(b) jekk ikun sar ir-rikors ewlieni, jista' jsir mill-persuna li tkun għamlet dak ir-rikors, permezz ta' rikors ieħor lill-qorti li quddiemha jkun sar ir-rikors ewlieni.

(3) Il-qorti tista', jekk tqis hekk xieraq, tagħti ordni ta' notifikazzjoni *interim*.

(4) Ordni ta' notifikazzjoni *interim* -

(a) għandha effett biss għal perjodu fiss, speċifikat fl-ordni;

(b) tieqaf milli jkollha effett, jekk ma tkunx diġà hekk waqfet, meta tingħata d-deċiżjoni dwar ir-rikors ewlieni.

(5) Matul iż-żmien li l-ordni ta' notifikazzjoni *interim* ikollha effett -

(a) l-imputat ikun soġġett għall-htigiet ta' notifikazzjoni ta' dan l-Att; u

(b) id-disposizzjonijiet ta' dan l-Att japplikaw għall-imputat, bla ħsara għall-modifika stabbilita fis-subartikolu (6).

(6) Id-"data rilevanti" tfisser id-data tan-notifika tal-ordni.

(7) Ir-rikorrent jew l-imputat jistgħu jagħmlu rikors quddiem il-qorti li tkun tat l-ordni ta' notifikazzjoni *interim* biex l-ordni tiġi varjata, imġeddeda jew imwettaqa.

22. Imputat jista' jagħmel rikors quddiem il-Qorti Kriminali għall-irtirar ta' ordni ta' notifikazzjoni jew ordni ta' notifikazzjoni *interim*.

Rikors għal ordnijiet ta' notifikazzjoni jew ordnijiet ta' notifikazzjoni *interim*.

23. (1) Il-Ministru jista' b'ordni jemenda l-Iskedi I jew II.

Setgħa biex jiġu emendati l-Iskedi.

(2) Kull emenda li taqa' taħt id-disposizzjonijiet tas-subartikolu (3) m'għandhiex tapplika għal sejba ta' htija, sejba ta' mhux hati jew twissija qabel ma dik l-emenda jkollha effett.

(3) Emenda titqies li taqa' taħt id-disposizzjonijiet tas-subartikolu (2) jekk dik l-emenda -

(a) iżżid reat;

(b) tneħhi l-limitu rigward reat; jew

(c) tibdel il-limitu b'dak il-mod li tikkwalifika reat kommess minn jew fuq persuna ta' età partikolari jew f'ċertu ċirkostanzi, jew li jirriżultaw f'kondizzjoni partikolari, li jaqa' taħt Skeda meta ġeneralment ma jkunx hekk inkluż f'dik l-Iskeda.

C 922

SKEDA I

(Artikolu 2)

Reati

Kodiċi Kriminali (Kap. 9.)

1. Artikoli 197(1) u (2), 198.
2. Artikolu 199 meta r-reat ikun kommess fuq minuri.
3. Artikoli 202, 203, 203A, 204, 204A, 204B, 204Ċ u 204D.
4. Artikolu 207 meta r-reat ikun kommess fuq minuri.
5. Artikoli 208A, 247A, 248D.
6. Artikoli 251A u 251B meta r-reat ikun kommess fuq minuri.

Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha (Kap. 31)

1. It-tieni proviso għall-artikolu 120A(2)(b)(ii) meta r-reat ikun kommess fuq minuri

Ordinanza dwar il-Qirda tal-Kummerċ fil-Prostituzzjoni (Kap. 63)

1. Artikolu 3 meta r-reat ikun kommess fuq minuri.
2. Il-proviso tal-artikolu 7(1).

Ordinanza dwar il-Mediċini Perkolużi (Kap. 101)

1. It-tieni proviso għall-artikolu 22(2)(b)(ii) meta r-reat ikun kommess fuq minuri.
-

SKEDA II

(Artikolu 7)

Deskrizzjoni tal-persuna mixlija rilevanti	Perjodu ta' notifikazzjoni
Persuna li, fir-rigward tar-reat, ingħatat il-piena ta' prigunerija għal għomorha jew għal żmien ta' 30 xahar jew iżjed	Perjodu indefinit li jibda mid-data rilevanti
Persuna li, fir-rigward tar-reat jew sejba ta' mhux ħati, ser tiġi rikoverata fi sptar	Perjodu indefinit li jibda minn dik id-data
Persuna li, fir-rigward tar-reat, ingħatat il-piena ta' prigunerija għal żmien ta' iżjed minn 6 xhur iżda inqas minn 30 xahar	15-il sena li jibded minn dik id-data
Persuna li, fir-rigward tar-reat, ingħatat il-piena ta' prigunerija għal żmien ta' 6 xhur jew inqas	10 snin li jibded minn dik id-data
Persuna li fil-każ tagħha jingħata ordni għal-libertà kondizzjonata jew ordni ta' <i>probation</i> għar-reat imwettaq	10 snin li jibded mid-data tal-perjodu ta' libertà kondizzjonata jew il-perjodu ta' <i>probation</i>
Persuna fi ħdan l-artikolu 18(2)(d)	Sentejn li jibded minn dik id-data
Persuna ta' xi deskrizzjoni oħra	5 snin li jibded mid-data rilevanti, jew dak il-perjodu itwal kif il-Qorti tista' tiddetermina

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu biex jipprovdi għar-registrazzjoni ta' persuni mixlija b'reati ta' natura sesswali u persuni oħra mixlija li jkunu wettqu reati ta' vjolenza gravi.

A BILL
entitled

AN ACT to provide for the registration of sexual offenders and other offenders who commit offences of serious violence.

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 Protection of Minors (Registration) Act, 2010.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

Interpretation.

2. (1) In this Act, unless the context otherwise requires:

Cap. 262.

"admitted to a hospital" means admitted to a hospital under article 43 of the Mental Health Act;

"cautioned" means cautioned by a police or other law enforcement officer after the person concerned has admitted the offence;

Cap. 9.

"the Code" means the Criminal Code;

Cap. 446.

"community sanction" means a probation order, a community service order or a combination order as specified in the Probation Act;

"competent court" shall have the same meaning given by article 4(1);

"country" includes territory;

"detained in a hospital" means detained in a hospital under Part IV of the Mental Health Act; Cap. 262.

"earlier event" has the meaning given by article 8(2)(a);

"finding" refers to the situation where a person is found not guilty of a scheduled offence by reason of insanity;

"home address" has the meaning given by article 8(6);

"interim notification order" has the meaning given by article 21(2);

"the Minister" means the Minister responsible for justice;

"notification order" has the meaning given by article 18(1);

"notification period" has the meaning given by article 7(1);

"parental authority" has the same meaning as in the Civil Code; Cap. 16.

"the period of conditional discharge" has the meaning given by article 22(2) of the Probation Act; Cap. 446.

"probation order" has the meaning given by article 2 of the Probation Act; Cap. 446.

"probation period" has the meaning given by article 2 of the Probation Act; Cap. 446.

"the Register" means the register established under article 3;

"the Registrar" has the meaning given by article 3;

"registered person" means a person registered in the Register;

"relevant date" has, save in the circumstances mentioned in articles 19 and 21, the meaning given by article 7(4);

"relevant entity" means any institution, establishment or organisation which provides or organises any service or activity which involves the education, care, custody, welfare or upbringing of minors;

"relevant offender" has the meaning given by article 6(3);

"scheduled offence" means an offence listed in Schedule I;

C 926

"supervision" means supervision in pursuance of an order made for the purpose;

"subject person" has the meaning given by article 13(6);

"young offender" has the meaning given by article 13(2).

Cap. 446.

(2) Notwithstanding the provisions of any other law, a person convicted for an offence for which an order is made under the Probation Act placing the offender on a community sanction or discharging the offender absolutely or conditionally shall, for the purpose of this Act, be deemed to be a person convicted of an offence.

(3) Where under article 1(2) different days are appointed for the commencement of different provisions of this Act, a reference in any such provision to the commencement of this Act is to be read (subject to article 19(4)) as a reference to the commencement of that provision.

Establishment
of Register.

3. (1) The Registrar, Civil Courts and Tribunals, hereinafter in this Act referred to as "the Registrar", shall maintain a register within which there shall be noted down the name of any person who is subject to notification requirements, together with those details which are required to be notified, under the provisions of this Act, as well as an authentic copy of the relevant judgment or court decree, as the case may be.

(2) Any register as provided in sub-article (1) may be kept and maintained in electronic format.

(3) Any registered person shall be ineligible for membership of, or any employment or other position with, any institution, establishment or organisation providing or organising any service or activity which involves the education, care, custody, welfare or upbringing of minors, whether such membership, employment or other position is against payment or otherwise.

(4) Any registered person who is a member of, or is employed or holds any position with, any institution, establishment or organisation as is mentioned in sub-article (3), whether such membership, employment or other position is against payment or otherwise, shall have his membership, employment or position terminated with immediate effect without that person being entitled to any compensation other than any remuneration that may be due to him for services rendered until termination.

4. (1) Notwithstanding the provisions of any other law, any relevant entity shall, within one year from the coming into force of this Act, request the Voluntary Jurisdiction Section of the Civil Court (First Hall), hereinafter in this Act referred to as "the competent court", for information which may be registered in the Register in respect of any person who is employed or holds any position with the same institution, establishment or organisation whether such employment or position is against payment or otherwise.

Requests for information from the Register.

(2) Any relevant entity which, against payment or otherwise, intends to employ any person or to entrust any person with a position within the entity shall, before so employing or entrusting such person, request the competent court for information which may be registered in the Register in respect of that person.

(3) Any such request shall be by application which shall be served on the Attorney General who shall be allowed a period of seven working days for a reply.

(4) The competent court may appoint a date for the hearing of the application in order to determine whether the application should be allowed and the date of the hearing shall be served on the Attorney General who may take part in the hearing.

(5) If the competent court allows the application, it shall identify the information which may be disclosed and shall order that such information be communicated in writing to the applicant.

(6) The registrar of the Court shall keep a separate record of all applications filed under this article.

5. (1) Any person who recruits, engages or employs a registered person with a relevant entity or who assigns to a registered person a position with such an entity shall be guilty of an offence and shall on conviction be liable to the punishment of imprisonment from three months to four years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment.

Offences.

(2) Any person being a director, manager, secretary or other similar officer of a relevant entity who becomes aware of the commission of a scheduled offence and fails to report the fact to the Commissioner of Police shall be guilty of an offence and shall on conviction be liable to the same punishment laid down in sub-article (1).

6. (1) A person shall be subject to the notification requirements under this Act for the period set out in article 7 ("the

Persons subject to notification requirements.

notification period") if that person -

(a) is convicted of a scheduled offence:

Provided that the Court may, if it deems it appropriate, decide not to subject a person to the notification requirements if, in its opinion, the case so merits;

(b) is found not guilty of such an offence by reason of insanity;

(c) is convicted of an offence not listed in Schedule I but the Court is of the opinion that the person convicted constitutes a threat or a danger to the education, care, custody, welfare or upbringing of minors and orders the registration of that person in the Register.

(2) Where any court of first instance finds any person guilty of a scheduled offence, that court shall order that the judgment shall, upon becoming final, be notified to the Registrar. Where the court is a court of appeal which delivers a judgment having the effect of confirming or declaring a person guilty of an offence as aforesaid, that court of appeal shall order that the judgment shall forthwith be notified to the Registrar.

(3) A person for the time being subject to the notification requirements under this Act is referred to in this Act as "a relevant offender".

Notification
period.

7. (1) The notification period for a person referred to in article 6(1) is the period in the second column of Schedule II, opposite the description that applies to that person.

(2) Where a person is under eighteen years of age on the relevant date, sub-article (1) shall have effect as if for any reference to a period referred to in Schedule II there were a reference to one-half of any of the relevant period therein mentioned.

(3) Where a relevant offender falling under article 6(1)(a) has been sentenced to a term of imprisonment or detention and, before the notification period in respect of that offence has expired, is again subsequently convicted of a scheduled offence and sentenced to a term of imprisonment or detention, sub-article (1) shall have effect as if that offender had been sentenced to a period of imprisonment or detention equal to the aggregate of the those terms.

(4) In this Act, "relevant date" means -

(a) in the case of a person under article 6(1)(a) and 6(1)(c), the date of the conviction;

(b) in the case of a person under article 6(1)(b), the date of the finding.

8. (1) A relevant offender shall, within the period of three days beginning with the relevant date, notify to the Registrar the information set out in sub-article (4). Initial notification.

(2) Sub-article (1) does not apply to a relevant offender in respect of a conviction or finding under article 6(1) if -

(a) immediately before the conviction or finding he was subject to the notification requirements under this Act as a result of another conviction, finding or order of a court (the "earlier event");

(b) at that time, he had made a notification under sub-article (1) in respect of the earlier event; and

(c) throughout the period referred to in sub-article (1), he remains subject to the notification requirements as a result of the earlier event.

(3) Where a notification order is made in respect of a conviction or finding, sub-article (1) shall not apply to the relevant offender in respect of the conviction, or finding if -

(a) immediately before the order was made, he was subject to the notification requirements under this Act as a result of another conviction, finding or caution or an order of a court ("the earlier event"),

(b) at that time, he had made a notification under sub-article (1) in respect of the earlier event, and

(c) throughout the period referred to in sub-article (1), he remains subject to the notification requirements as a result of the earlier event.

(4) The information referred to in sub-article (1) is -

(a) the relevant offender's date of birth;

(b) his identity card or passport number;

(c) his name on the relevant date and, where he used

one or more other names on that date, each of those names;

(d) his home address on the relevant date;

(e) his name on the date on which notification is given and, where he used one or more other names on that date, each of those names;

(f) his home address on the date on which notification is given;

(g) the address of any other premises in Malta at which, at the time the notification is given, he regularly resides or stays.

(5) When determining the period for the purpose of sub-article (1), there shall be disregarded any time when the relevant offender is -

(a) remanded in or committed to custody by an order of a court;

(b) serving a sentence of imprisonment or detention;

(c) detained in a hospital; or

(d) outside Malta.

(6) In this Act, "home address" means, in relation to any person:

(a) the address of his sole or main residence in Malta, or

(b) where he has no such residence, the address or location of a place in Malta where he can regularly be found and, if there is more than one such place, such one of those places as the person may select.

Changes in notified information.

9. (1) A relevant offender must, within the period of three days beginning with -

(a) his using a name which has not been notified to the Registrar under article 8(1) or this sub-article,

(b) any change of his home address,

(c) his having resided or stayed, for a qualifying period, at any premises in Malta the address of which has not been notified to the Registrar under article 8(1) or this sub-article, or

(d) his release from custody pursuant to an order of a court or from imprisonment or detention in a hospital,

notify to the police that name, the new home address, the address of those premises or, as the case may be, the fact that he has been released, and, in addition, the information set out in article 8(4).

(2) A notification under sub-article (1) may be given before the name is used, the change of home address occurs or the qualifying period ends, but in that case the relevant offender must also specify the date when the event is expected to occur.

(3) If a notification is given in accordance with sub-article (2) and the event to which it relates occurs more than two days before the date specified, the notification does not affect the duty imposed by sub-article (1).

(4) If a notification is given in accordance with sub-article (2) and the event to which it relates has not occurred by the end of the period of three days beginning with the date specified -

(a) the notification does not affect the duty imposed by sub-article (1), and

(b) the relevant offender must, within the period of six days beginning with the date specified, notify to the police the fact that the event did not occur within the period of three days beginning with the date specified.

(5) Article 8(5) applies to the determination of the period of three days mentioned in sub-article (1) and the period of six days mentioned in sub-article (4)(b), as it applies to the determination of the period mentioned in article 8(1).

(6) In this article, "qualifying period" means -

(a) a period of seven days, or

(b) two or more periods, in any period of twelve months, which taken together amount to seven days.

10. (1) A relevant offender must, within the period of one year after each event referred to in sub-article (2), notify to the Registrar the information set out in article 8(4) unless within that period he has given a notification under article 9(1). Periodic notification.

(2) The events to which reference is made in sub-article (1) are:

C 932

(a) the commencement of this article, but only in the case of a person who is a relevant offender from that commencement;

(b) any notification given by the relevant offender under articles 8(1) or 9(1); and

(c) any notification given by him under sub-article (1).

(3) Where the period referred to in sub-article (1) would, apart from this sub-article, end whilst sub-article (4) applies to the relevant offender, that period is to be treated as continuing until the end of the period of three days beginning when sub-article (4) first ceases to apply to the relevant offender.

(4) The provisions of this sub-article apply to the relevant offender if he is -

(a) remanded in or committed to custody by an order of a court,

(b) serving a sentence of imprisonment or detention,

(c) detained in a hospital, or

(d) outside Malta.

Travel outside
Malta.

11. (1) The Minister may by regulations make provision requiring relevant offenders who leave Malta, or any description of such offenders -

(a) to give in accordance with the regulations, before they leave, a notification under sub-article (2);

(b) if they subsequently return to Malta, to give in accordance with the regulations a notification under sub-article (3).

(2) A notification under this sub-article must disclose -

(a) the date on which the offender will leave Malta;

(b) the country or, if there is more than one country, the first country, to which he will travel and his point of arrival, determined in accordance with the regulations, in that country;

(c) any other information, prescribed by the regulations, which the offender holds about his departure from or return to Malta or his movements while outside Malta.

(3) A notification under this sub-article must disclose any information prescribed by the regulations about the offender's return to Malta.

(4) Regulations made under sub-article (1) may make different provision for different categories of person.

12. (1) A person shall be deemed to have given a notification under articles 8(1), 9(1) or 10(1) by - Method of notification and related matters.

(a) attending at the Registry of the Civil Courts and Tribunals as the Minister may by regulations prescribe; and

(b) giving an oral notification to the official at the said Registry authorised for the purpose by the Registrar.

(2) Any notification under this article must be acknowledged; and an acknowledgment under this sub-article must be in writing, and in such form as the Registrar may direct.

13. (1) The provisions of sub-article (2) apply to - Parental directions.

(a) a relevant offender under articles 6(1)(a) to (c) or 6(2);

(b) a subject person; or

(c) a respondent under sub-article (4).

(2) Where a person to whom this sub-article applies is under eighteen years of age ("the young offender") -

(a) the court which deals with the relevant offender under sub-article (1)(a), or

(b) the court which makes the order in respect of the subject person under sub-article (1)(b), or

(c) the court which hears the application in respect of the respondent under sub-article (1)(c),

may direct that sub-article (3) applies in respect of an individual ("the parent") having parental authority over the young offender.

(3) Where this sub-article applies -

(a) the obligations that would, apart from this sub-article, be imposed by or under articles 8 to 11 on the young offender are to be treated instead as obligations on the parent,

C 934

and

(b) the parent must ensure that the young offender attends at the Registry of the Civil Courts and Tribunals with him, when a notification is being given.

(4) A direction under sub-article (1) shall take immediate effect and shall apply -

(a) until the young offender attains the age of eighteen years; or

(b) for such shorter period as the court may, at the time the direction is given, direct.

(5) The Commissioner of Police may apply to the competent court for a direction under sub-article (1) in respect of a relevant offender ("the respondent") whom he reasonably believes to be under eighteen years of age.

(6) For the purposes of this article "subject person" means a person who is the subject of a notification order or of an interim notification order.

Variations, renewals and discharges of parental directions.

14. (1) A person mentioned in sub-article (2) may make an application to the competent court for an order varying, renewing or discharging a direction under article 13(2).

(2) The persons referred to in sub-article (1) are:

(a) the young offender;

(b) the parent;

(c) the Commissioner of Police.

(3) The application shall be served on the other persons, other than the applicant, mentioned in sub-article (2) and the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in sub-article (2), may make any order, varying, renewing or discharging the direction, that the court considers appropriate.

Offences relating to notification.

15. Whosoever -

(a) fails, without reasonable cause, to comply with articles 8(1), 9(1), 9(4)(b), 10(1), or 13(3)(b) or any requirement imposed by regulations made under article 11(1); or

(b) notifies to the police, in purported compliance with articles 8(1), 9(1) or 10(1) or any requirement imposed by regulations made under article 11(1), any information which he knows to be false,

shall be guilty of an offence and shall be liable on conviction to the punishment of imprisonment from three months to four years or to a fine (*multa*) of not less than one hundred euro (€100) and not more than one thousand euro (€1,000) or to both such fine and imprisonment.

16. (1) The provisions of sub-article (2) apply where on any date a person is - Certificates.

(a) convicted of an offence listed in Schedule I;

(b) found not guilty of such an offence by reason of insanity.

(2) If the court by or before which the person is so convicted or found -

(a) states in open court -

(i) that on that date that person has been convicted or found not guilty by reason of insanity, and

(ii) that the offence in question is an offence listed in Schedule I, and

(b) certifies those facts, whether at the time or subsequently,

the relevant certificate shall, for the purposes of this Act, be deemed to be sufficient evidence of those facts.

17. (1) The provisions of this article shall apply to a relevant offender who is serving a sentence of imprisonment or is detained in a hospital. Information about release or transfer.

(2) The Minister may by regulations make provision requiring notice to be given by the person who is responsible for that offender to persons prescribed by the regulations, of any occasion when the offender is released or a different person becomes responsible for him.

C 936

(3) The regulations may make provision for determining who is to be treated, for the purposes of this article, as responsible for an offender.

Applications
and grounds for
notification
orders.

18. (1) The Commissioner of Police may apply to the Court of Magistrates for an order under this article (a "notification order") in respect of a person ("the defendant") if -

(a) it appears to him that the three conditions referred to in sub-articles (2), (3) and (4) are met with respect to the defendant, and

(b) the defendant resides in Malta or the Commissioner of Police believes that the defendant is in, or is intending to come to, Malta.

(2) The first condition is that under the law in force in a country outside Malta:

(a) the defendant has been convicted of a relevant offence, whether or not he has been punished for it,

(b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that the defendant is not guilty by reason of insanity,

(c) such a court has made, in respect of a relevant offence, a finding equivalent to a finding that the defendant is under a disability and committed the act charged against him in respect of the offence, or

(d) the defendant has been cautioned in respect of a relevant offence.

(3) The second condition is that:

(a) the first condition is met because of a conviction, finding or caution which occurred on or after the date of the coming into force of this Act;

(b) the first condition is met because of a conviction or finding which occurred before that date, but the person was dealt with in respect of the offence or finding on or after that date, or has yet to be dealt with in respect of it; or

(c) the first condition is met because of a conviction or finding which occurred before that date, but on that date the person was, in respect of the offence or finding, subject under

the law in force in the country concerned to detention, supervision or any other disposal equivalent to any of those mentioned in sub-article (2).

(4) The third condition is that the period set out in article 8, as modified by article 19(2) and (3), in respect of the relevant offence has not expired.

(5) If on the application it is proved that the conditions referred to in sub-articles (2) to (4) are met, the court shall make a notification order.

(6) In this article and in article 19, "relevant offence" has the meaning given by article 20.

19. (1) Where a notification order is made -

Effect of
notification
orders.

(a) the application of this Act to the defendant in respect of the conviction, finding or caution to which the order relates shall be subject to the modifications set out below, and

(b) subject to those modifications, the defendant shall become or, as the case may be, shall remain subject to the notification requirements of this Act for the notification period set out in article 8.

(2) The "relevant date" means:

(a) in the case of a person referred to in article 18(2)(a), the date of the conviction;

(b) in the case of a person referred to in article 18(2)(b) or (c), the date of the finding;

(c) in the case of a person referred to in article 18(2)(d), the date of the caution.

(3) In article 7 -

(a) references, except in Schedule II, to a person, or relevant offender, within any provision of article 6 are to be read and construed as references to the defendant;

(b) references to an order of any description are to be read and construed as references to any corresponding disposal made in relation to the defendant in respect of an offence or finding by reference to which the notification order was made;

C 938

(c) the reference to offences listed in Schedule I is to be read and construed as a reference to relevant offences.

(4) In articles 8 and 10, references to the commencement date are to be read as references to the date of service of the notification order.

Relevant offences.

20. (1) "Relevant offence" in articles 18 and 19 means an act which -

(a) constituted an offence under the law in force in the country concerned, and

(b) would have constituted an offence listed in Schedule I, other than the offence referred to in paragraph 6 thereof, if it had been committed in Malta.

(2) An act punishable under the law in force in a country outside Malta constitutes an offence under that law for the purposes of sub-article (1), howsoever it is described in that law.

(3) Subject to sub-article (4), on an application for a notification order, the condition in sub-article (1)(b) shall be taken as met unless, not later than such period as may be provided by Rules of Court made under this article, the defendant serves on the applicant a notice -

(a) stating that, on the facts as alleged with respect to the act concerned, the condition is not in his opinion met,

(b) showing his grounds for that opinion, and

(c) requiring the applicant to prove that the condition is met.

(4) The court, if it thinks fit, may permit the defendant to require the applicant to prove that the condition is met without service of a notice under sub-article (3).

Interim notification orders.

21. (1) The provisions of this article shall apply where an application for a notification order ("the main application") has not been determined.

(2) An application for an order under this article ("an interim notification order") -

(a) may be made in the main application, or

(b) if the main application has been made, may be made by the person who has made that application, by another application to the court to which the main application has been made.

(3) The court may, if it considers it appropriate to do so, make an interim notification order.

(4) An interim notification order -

(a) shall have effect only for a fixed period, specified in the order;

(b) shall cease to have effect, if it has not already done so, on the determination of the main application.

(5) While an interim notification order has effect -

(a) the defendant shall be subject to the notification requirements of this Act; and

(b) the provisions of this Act shall apply to the defendant, subject to the modification set out in sub-article (6).

(6) The "relevant date" means the date of service of the order.

(7) The applicant or the defendant may apply to the court which made the interim notification order for the order to be varied, renewed or discharged.

22. A defendant may apply to the Criminal Court for the revocation of a notification order or interim notification order.

Applications regarding notification and interim notification orders.

23. (1) The Minister may by order amend the Schedules I or II.

Power to amend Schedules.

(2) Any amendment which falls within the provisions of sub-article (3) shall not apply to convictions, findings and cautions before the amendment takes effect.

(3) An amendment shall be deemed to fall within the prohibition referred to in sub-article (2) if such amendment -

(a) adds an offence,

(b) removes a threshold relating to an offence, or

C 940

(c) changes a threshold in such a way as to cause an offence committed by or against a person of a particular age or in certain circumstances, or resulting in a particular disposal, to be within a Schedule when it would not otherwise be so included.

SCHEDULE I

(Article 2)

Offences

Criminal Code (Cap. 9)

1. Articles 197(1) and (2), 198;
2. Article 199 when the offence is committed on a minor;
3. Articles 202, 203, 203A, 204, 204A, 204B, 204C and 204D;
4. Article 207 when the offence is committed on a minor;
5. Articles 208A, 247A, 248D;
6. Articles 251A and 251B when the offence is committed on a minor;

Medical and Kindred Professions Ordinance (Cap. 31)

1. Second proviso to article 120A(2)(b)(ii) when the offence is committed on a minor

White Slave Traffic Ordinance (Cap. 63)

1. Article 3 when the offence is committed on a minor;
2. Proviso to article 7(1)

Dangerous Drugs Ordinance (Cap. 101)

1. Second proviso to article 22(2)(b)(ii) when the offence is committed on a minor.
-

C 942

SCHEDULE II

(Article 7)

Description of relevant offender	Notification period
A person who, in respect of the offence, has been sentenced to imprisonment for life or for a term of 30 months or more	An indefinite period beginning with the relevant date
A person who, in respect of the offence or finding, is admitted to a hospital	An indefinite period beginning with that date
A person who, in respect of the offence, has been sentenced to imprisonment for a term of more than 6 months but less than 30 months	15 years beginning with that date
A person who, in respect of the offence, has been sentenced to imprisonment for a term of 6 months or less	10 years beginning with that date
A person in whose case an order for conditional discharge or a probation order is made in respect of the offence	10 years beginning with the date of the conditional discharge or the probation period
A person within article 18(2)(d)	2 years beginning with that date
A person of any other description	5 years beginning with the relevant date, or such longer period as the Court may determine

Objects and Reasons

The objects of this Bill are to provide for the registration of sexual offenders and other offenders who commit offences of serious violence.

