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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru ghall-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta tat-3 ta' Ottubru 2023.

**ATT sabiex jemenda l-Ordinanza dwar
iċ-Ċertifikati tal-Kondotta, Kap. 77.**

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice, and read the First time at the Sitting of the 3rd October 2023.

**AN ACT to amend the Conduct
Certificates Ordinance, Cap. 77.**

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĞI msejjah

*ATT sabiex jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta,
Kap. 77.*

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, hawn iżjed 'il quddiem imsejħa "l-ligi prinċipali".

Titolu fil-qosor
u bidu fis-seħħ.
Kap. 77.

(2) Dan l-Att għandu jidhol fis-seħħ f'dik id-data jew dati li l-Ministru responsabbli għall-ġustizzja, bi qbil mal-Ministru responsabbli għall-pulizija, jista' jistabbilixxi permezz ta' avviż fil-Gazzetta, u jistgħu jiġi hekk stabbiliti dati differenti għal dispożizzjonijiet u għal għanijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-ligi prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni
tal-artikolu 2
tal-ligi
prinċipali.

"Registru nazzjonali tal-kondotti u rekords kriminali. 2. Id-Dipartiment tal-Ġustizzja għandu jkun responsabbli li:

(a) iżomm registru nazzjonali tar-rekords kriminali; u

(b) joħrog ċertifikati tal-kondotta soġġetti għad-dispożizzjonijiet ta' din l-Ordinanza u skont il-Formola A jew B fl-Ewwel Skeda.".

Emenda tal-artikolu 3 tal-ligi principali.

3. L-artikolu 3 tal-ligi principali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, il-kliem "fil-Kwartieri Ġeneralji tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "fl-Uffiċċju tal-Kondotti u Rekords Kriminali fi ħdan id-Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja";

(b) fil-proviso għas-subartikolu (2) tiegħu, il-kliem "l-Kummissarju tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja";

(c) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(3) L-awtoritajiet kompetenti elenkti fir-Raba' Skeda u nominati għal dan il-għan mill-Ministru responsabbi għall-ġustizzja jistgħu jitkolu, bil-kunsens bil-miktub tal-persuna li għaliha jirreferi r-rekord tal-kundanni kriminali, lid-Direttur tad-Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja sabiex jiġi preżentat rekord shiħi tal-kundanni kriminali tal-persuna konċernata.";

(d) is-subartikolu (5) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "Il-Kummissarju tal-Pulizija" kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "Id-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja"; u

(ii) il-kliem "tal-Kummissarju tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "tad-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja"; u

(e) minnufih wara s-subartikolu (5) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(6) Skont il-funzjonijiet tagħhom fil-liġi, l-awtoritajiet kompetenti li ġejjin għandu jkollhom access dirett kontinwu għar-rekord shiħi tal-kundanni kriminali ta' persuna:

- (a) l-Avukat Ġenerali;
- (b) il-Kummissarju tal-Pulizija;
- (c) is-Servizz tas-Sigurtà.".

4. Fis-subartikolu (1) tal-artikolu 4 tal-liġi prinċipali, il-kliem "mill-Kummissarju tal-Pulizija" għandhom jiġu sostitwiti bil-kliem "mid-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja".

Emenda tal-artikolu 4 tal-liġi prinċipali.

5. L-artikolu 10 tal-liġi prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 10 tal-liġi prinċipali.

"Setgha tal-Ministru li jagħmel regolamenti.

10. Il-Ministru responsabbi għall-ġustizzja jista' permezz ta' regolamenti, jemenda, iħassar, iżid jew jissostitwixxi l-Iskedi li jinsabu ma' din l-Ordinanza u jista' ukoll jagħmel regolamenti għat-twettiq aħjar tad-dispozizzjonijiet ta' din l-Ordinanza u sabiex jittrasponu, jimplimentaw u jagħtu effett lid-dispozizzjonijiet u r-rekwiżiċċi tad-Direttivi, Regolamenti u kwalunkwe miżuri leġiżlattivi oħra tal-Unjoni Ewropa li jeħtieg traspożizzjoni jew implementazzjoni,".

Għanijiet u Raġunijiet

L-ġħanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovd għat-trasferiment tar-registru nazzjonali tar-rekords kriminali u responsabbiltajiet anċillari mill-Kummissarju tal-Pulizija għad-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja. Dan għandu jippermetti lill-Pulizija Eżekuttiva sabiex tiffoka fuq il-prevenzjoni u l-investigazzjoni ta' reati u l-infurzar tal-liġi.

**A BILL
entitled**

AN ACT to amend the Conduct Certificates Ordinance, Cap. 77.

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.
Cap. 77.

1. (1) The short title of this Act is the Conduct Certificates Ordinance (Amendment) Act, 2023 and this Act shall be read and construed as one with the Conducts Certificates Ordinance, hereinafter referred to as "the principal law".

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

Substitution of article 2 of the principal law.

2. Article 2 of the principal law shall be substituted by the following new article:

"National conducts and criminal records register.

2. The Department of Justice shall be responsible to:

(a) maintain a national criminal records register; and

(b) issue conduct certificates subject to the provisions of this Ordinance and in accordance with Form A or B in the First Schedule.".

3. Article 3 of the principal law shall be amended as follows:

Amendment of
article 3 of the
principal law.

(a) in sub-article (2) thereof, the words "Police General Headquarters" shall be substituted by the words "Conducts and Criminal Records Office within the Department of Justice within the Ministry responsible for Justice";

(b) in the proviso to sub-article (2) thereof, the words "Commissioner of Police" shall be substituted by the words "Director, Department of Justice within the Ministry responsible for Justice";

(c) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The competent authorities listed in the Fourth Schedule and designated by the Minister responsible for justice for this purpose may request, with the consent in writing of the person to whom the record of criminal convictions relates, the Director of the Department of Justice within the Ministry responsible for Justice to submit a complete record of criminal convictions of the person to whom they relate.";

(d) in sub-article (5) thereof shall be amended as follows:

(i) the words "Commissioner of Police", wherever they occur, shall be substituted by the words "Director, Department of Justice within the Ministry responsible for Justice"; and

(ii) in the Maltese version only, the words "tal-Kummissarju tal-Pulizija" shall be substituted by the words "tad-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbi għall-Ġustizzja"; and

(e) immediately after sub-article (5) thereof there shall be added the following new sub-article:

"(6) In accordance with their functions at law, the following competent authorities shall have continuous direct access to the complete record of criminal convictions of a person:

- (a) the Attorney General;
- (b) the Commissioner of Police;
- (c) the Security Service".

Amendment of
article 4 of the
principal law.

4. In sub-article (1) of article 4 of the principal law, the words "Commissioner of Police" shall be substituted by the words "Director, Department of Justice within the Ministry responsible for Justice".

Substitution of
article 10 of the
principal law.

5. Article 10 of the principal law shall be substituted by the following new article:

"Power of
Minister to
make
regulations.

10. The Minister responsible for justice may by regulations amend, revoke, add or substitute the Schedules to this Ordinance and may also make regulations for the better carrying out of the provisions of this Ordinance and to transpose, implement and give effect to the provisions and requirements of Directives, Regulations and any other legislative measures of the European Union requiring transposition or implementation.".

Objects and Reasons

The objects and reasons of this Bill are to provide for the transfer of the national criminal records register and ancillary responsibilities from the Commissioner of Police to the Director, Department of Justice within the Ministry responsible for Justice. This shall enable the Executive Police to focus on the prevention and investigation of crime and offences and law enforcement.