

I assent.

(L.S.)

GEORGE HYZLER
Acting President

17th May, 2002

ACT No. VII of 2002

AN ACT to provide for the Probation of Offenders, Community Service Orders and Combination Orders

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. (1) The short title of this Act is the Probation Act, 2002.

Short title and
commencement.

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

2. In this Act, unless the context otherwise requires -

Interpretation.

“combination order” has the meaning assigned to it by article 18 of this Act;

“community sanction” means a probation order, a community service order or a combination order as specified in this Act;

“community service officer” is a probation officer who supervises community service orders;

“community service order” has the meaning assigned to it by article 11 of this Act;

"convicted of an offence" includes convictions by the Court of Criminal Appeal and the affirmation by the said court of a conviction by the court of first instance or of a finding of guilt by a jury;

"Department" means the Department of Probation Services;

"Director" means the Director of Probation Services;

"institution" means an institution approved by the Minister;

"Minister" means the Minister responsible for the probation services;

"pre-sentencing report" means a written report prepared by the Department at the request of the court prior to the imposition of sentence;

"probation officer" means a person appointed to be a probation officer under this Act;

"probation order" has the meaning assigned to it by article 7 of this Act;

"probation period" means the period for which a probationer is placed, under supervision by a probation order, under a community service order or a combination order;

"probationer" means a person for the time being sentenced by virtue of a probation order, a community service order or a combination order.

Duties of Director
of Probation
Services.

3. (1) There shall be a Department of Probation Services which shall be a department of Government headed by a public officer to be styled Director of Probation Services.

(2) It shall be the duty of the Director of Probation Services -

(a) to manage and direct the Department and to organise and supervise the probation services;

(b) to direct probation officers on their work;

(c) to give direction on record keeping and time management;

(d) to supervise probation officers and periodically receive verbal or written reports on probationers from the probation officers;

(e) to keep a register of each person sentenced to a community sanction;

(f) to keep a register of pre-sentencing reports requested by courts;

(g) to decide whether a probationer is to be arraigned in Court following a breach of any condition of a community sanction; and

(h) to assign probation officers to probationers and to prepare pre-sentencing reports in accordance with this Act.

(3) The Director may delegate any of the above duties to a senior member of staff.

4. The Minister shall appoint a sufficient number of qualified persons to be probation officers, who shall, under the general direction of the Director, perform the duties provided by this Act or such other duties as may be prescribed by regulations made under this Act, or by or under any other law.

Appointment of probation officers.

5. (1) There shall be a Supervisory Board consisting of a Chairman and two other members to be appointed by the Minister.

Supervisory Board.

(2) The duties of the Board shall be to review the performance of the probation services under this Act and suggest improvements, and to monitor the administration of discipline in community sanctions.

(3) The Board shall submit a yearly report to the Ministry responsible for the probation services on the functioning of the probation services by the Department. The Minister shall send a copy of the report to the Standing Committee for Social Affairs of the House of Representatives.

(4) The members of the Board shall hold office for such period as the Minister may establish in their appointment, and shall be re-eligible for appointment after the end of their term of office.

(5) The Board shall have access to all records of the Department and subject to any direction by the Minister, shall regulate its own procedures.

6. (1) A court may commission the Department to prepare a pre-sentencing report before forming an opinion as to the suitability of applying to an offender a sentence of imprisonment, a suspended

Pre-sentencing reports.

sentence or any other measure allowed by law on one or more of the following orders:

- (a) a probation order; or
- (b) a suspended sentence supervision order:

Provided that, except in the case of summary proceedings for offences under the jurisdiction of the Court of Magistrates as a court of criminal jurisdiction under subarticle (1) of article 370 of the Criminal Code, the Court shall always commission a pre-sentencing report before dealing with an offender under 18 years of age who has committed an offence punishable by imprisonment, or before ordering a community service order or a combination order.

(2) It shall be the duty of a probation officer assigned to prepare the pre-sentencing report to inquire, in accordance with any direction of the court, into the personal and social circumstances of the offender with a view to assisting the court in determining the most suitable method of dealing with the case.

(3) Where a person has been convicted of an offence and the court is of opinion that information ought to be obtained about the circumstances or home surroundings of the accused before the method of dealing with the offender is determined, the court shall, notwithstanding anything contained in the Criminal Code, adjourn the case to enable the compilation of the pre-sentencing report by the Department.

(4) The provisions of the foregoing subarticles shall apply *mutatis mutandis*, to proceedings before the Criminal Court or the Court of Criminal Appeal.

(5) Where a pre-sentencing report is made to any court, a copy of the report shall be given by the Court to the offender or his advocate or legal procurator and the prosecution:

Provided that if the offender is under sixteen years of age and is not represented by an advocate or legal procurator, a copy of the report need not be communicated to him but shall be referred to his parent or guardian.

(6) Except in so far as it is cited in the judgement, a pre-sentencing report shall be considered as a confidential document. No information contained therein may be communicated in any form to third parties without the consent of the accused or the court. The

probation officer shall have a right of access at reasonable times to the acts of the criminal proceedings, including documents contained therein.

7. (1) The court may, subject to the provisions of the following subarticle, instead of sentencing the offender, make a probation order, that is to say, an order requiring the offender to be under the supervision of a probation officer for a period to be specified in the order of not less than one year and not more than three years.

Probation order.

(2) Any order made in accordance with subarticle (1) of this article shall only be made if:

(a) the offender is convicted of an offence, not being an offence punishable only with a fine (*multa* or *ammenda*), and not being an offence which apart from any increase of punishment in view of continuity or of previous convictions, which is punishable with imprisonment for a term not exceeding seven years; and

(b) the court is satisfied that the supervision of the offender by a probation officer is desirable in the interest of securing the rehabilitation of the offender and, or protecting the public from harm from the offender or preventing the commission of further offences; and

(c) having regard to the circumstances of the case, including the nature of the offence and the character of the offender, the issue of such order is appropriate:

Provided that where in the opinion of the court circumstances, which are to be clearly stated in the order, exist that merit the placing of the offender under a probation order in the case of an offence which, apart from any increase of punishment in view of continuity or of previous conviction, is punishable with imprisonment for a term exceeding seven years but not ten years, the court may make a probation order:

Provided that the Court may, if it deems it to be in the best interest of the person accused, issue a provisional order of supervision of the accused by a probation officer, even during any criminal proceedings, under such conditions as the Court may deem fit.

(3) Without prejudice to the provisions of the following subarticles of this article, a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the

offender or for preventing a repetition by the offender of the same offence or the commission of other offences, and the court may also give to the probation officer such directions as it may deem necessary for securing these purposes.

(4) A probation order may include requirements relating to the residence of the offender:

Provided that -

(a) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and

(b) where the order contains any such requirements, the place at which the probationer is to reside thereat shall be specified in the order. If the probationer is required to reside in an institution, the period for which the offender is required to reside shall not extend beyond twelve months from the date of the order.

(5) Without prejudice to the generality of subarticle (2) of this article, where in the opinion of the court the mental condition of the offender is such as requires and as may be susceptible to treatment, but not such as to justify other measures or procedures, or where the court is satisfied that -

(a) the offender is a drug addict; and

(b) that proper arrangements have been or can be made for treatment,

a probation order may include a requirement that the offender shall submit to treatment not exceeding the length of the order by or under the directions of a suitably qualified person with a view to the improvement of the offender's mental condition or with a view to freeing the offender from drug addiction.

The treatment may be of any of the following kinds:

(c) treatment as a non-resident patient in a hospital or other appropriate agency or institution;

(d) treatment as a resident patient in a hospital or other appropriate agency or institution; or

(e) treatment by or under the direction of a suitably qualified person as may be specified in the order.

In any such case an amendment of the order under article 10 of this Act may also be made on an application made by a suitably qualified person, in conjunction with the probation officer, responsible for the treatment of the offender.

(6) Where the court deems that such an order may help in the rehabilitation of the offender, it may include as a condition in the probation order, an order that for a period not exceeding six weeks the probationer shall, when not required to be out to work or study, present himself and remain at such residential institutions as may be approved by the Minister for the purpose, provided that such requirement may be restricted by the court to Saturdays and public holidays and the period after seven in the evening on the eve of Saturdays and public holidays.

(7) Before making a probation order, the court shall explain to the offender, in ordinary language, the effect of the order including any additional requirements proposed to be inserted therein under subarticle (3), subarticle (4), subarticle (5) or subarticle (6) of this article, and that if the offender fails to comply therewith or commits another offence, the offender will be liable to be sentenced for the original offence. If the offender is not less than fourteen years of age, the court shall not make the order unless the offender expresses willingness to comply with the requirements thereof.

(8) The court by which a probation order is made shall forthwith give copies of the order to the probationer, to the Director who shall assign a probation officer to be responsible for the supervision of the probationer, and to the person in charge of any institution or hospital or other place in which the probationer is required by the order to reside. If the probationer is a minor, a copy of the probation order shall also be furnished to the parent or person charged with the upbringing of the probationer, if any.

8. (1) Subject to the directions of the court by which a probation order is made, it shall be the duty of a probation officer -

Duties of probation officer.

- (a) to advise and assist the probationer;
- (b) to visit and receive reports from the probationer and other professionals involved in the case, at such reasonable intervals as may be specified in the probation order, or, subject thereto, as the Director may think fit;
- (c) to plan, monitor, and assist the probationer in fulfilling the conditions of the probation order;

(d) to secure the compliance of the offender to any community sanction;

(e) to arouse consciousness of the probationer to the harm caused to the victim of crime and society;

(f) to report to the court verbally or in writing, at least once every six months, as to the progress of the probation;

(g) where necessary, to assist the probationer in furthering appropriate social and educational endeavors;

(h) where necessary, to assist the offender in finding suitable employment;

(i) to keep detailed records on each person under his care who has been sentenced to a community sanction;

(j) to provide verbal or written reports on the progress made by the probationers to the Director; and

(k) to act in accordance with the instructions of the Director when a probationer is to be arraigned in court after a breach of the conditions of a community sanction.

(2) It shall also be the duty of a probation officer to inquire, in accordance with any directions of the court, into the circumstances or home surroundings of any probationer with a view to assisting the court in determining the most suitable method of dealing with the case.

Selection of
probation officers.

9. (1) The Director shall, after consultation with the court, assign a probation officer to be responsible for the supervision of a probationer:

Provided that more than one probation officer may be assigned to the same probationer, each dealing with a particular aspect of the case as the Director may determine.

(2) The Director, where the circumstances permit, shall assign a probation officer experienced in dealing with children or young persons to supervise an offender who is under the age of sixteen years.

Discharge and
amendment of
probation order.

10. (1) The court by which the probation order was made may, upon application made by the Director or by the probationer, cancel the order.

(2) The court by which the probation order was made may, upon application made on a report from the probation officer or upon application made by the Director or by the probationer, by order amend a probation order by cancelling any of the requirements thereof or by inserting therein, either in addition to or in substitution for any such requirement, any requirement which could be included in the order if it were then being made by that court in accordance with the provisions of article 7 of this Act:

Provided that -

(a) the court shall not amend a probation order by reducing the probation period to less than one year or by extending that period beyond the end of three years from the date of the original order,

(b) when the court proposes to amend a probation order, otherwise than on the application of the probationer, it shall summon the probationer to appear before the court, and if the probationer is not less than fourteen years of age, the court shall not amend a probation order until the probationer expresses willingness to comply with the requirements of the order as amended.

(3) On the making of an order cancelling or amending a probation order, the provisions of subarticles (7) and (8) of article 7 shall *mutatis mutandis* apply.

(4) Where, under the following provisions of this Act, a probationer is sentenced for the offence for which he was placed on probation, the probation order shall cease to have effect. The court shall direct that a copy of the judgment be transmitted without delay to the Director.

11. (1) A community service order may be given to an offender aged sixteen years and over, convicted of an offence for which, in the opinion of the Court, the appropriate sentence would, except for the provisions of this article, be one of imprisonment. Such an offence must not be punishable only by a fine (*multa* or *ammenda*) and cannot be an offence, which apart from any increase in punishment in view of the continuity or of previous convictions, is punishable with imprisonment exceeding seven years and the provisions of the proviso to subarticle (2) of article 7 shall apply *mutatis mutandis* to this subarticle.

Community service
order.

(2) The court may, instead of sentencing the offender to imprisonment, order the offender to be placed on a community service

order. A community service order shall require the offender to perform unpaid work for a number of hours as specified in the order. In any such case no order shall require the offender to perform less than 40 hours of work or more than 240 hours.

(3) The court shall not make a community service order unless the following conditions have been met:

(a) the court is satisfied, after considering the offender's circumstances and the pre-sentencing report, that the offender is suitable to perform work under such an order;

(b) that arrangements can be made for such work;

(c) the offender has agreed to the order; and

(d) the offender has signed the community service work agreement form.

(4) Before making a community service order in respect of an offender the court shall explain to the offender in ordinary language the effect of the order and that if the offender fails to comply therewith or commits another offence, the offender will be liable to be sentenced for the original offence.

(5) The court by which the community service order is made shall forthwith give copies of the order to the offender, to the Director, the community service officer assigned to the case by the Director, and to the agencies and authorities responsible for the supervision of the community service order.

(6) It shall be duty of the Director to assign work to the probationer in accordance with the community service order.

Regulation of hours
of work.

12. (1) Where a court makes community service orders in respect of two or more offences of which the offender has been convicted by the court, the court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders.

(2) Where a court makes a community service order and there is in force in respect of the offender at the time of the making of that order another such order (made by the same or a different court) the court making the later order may direct in that order that the hours of work specified therein shall be concurrent with or additional to those specified in the earlier order.

(3) When a court makes a community service order and there is in force a prison sentence or the offender is detained without bail, the community service order shall come into effect after the release of the offender from prison, provided that the community service officer in charge of the case is of the opinion that the offender is still suitable to perform community service work. If the offender is not still suitable to perform the community service required, the community service officer shall return the case to the court. In such cases the court shall deal with the offender as if the community service order had never been made.

13. An offender in respect of whom a community service order is in force shall:

Duties of offender under community service order.

(a) report to the relevant authority from time to time according to the instructions issued by the community service officer;

(b) perform satisfactorily for the number of hours specified in the order such work at such times as shall be directed by or on behalf of the relevant authority;

(c) notify the community service officer to whom the offender is required to report under this subarticle of any change of his address.

14. (1) Subject to the provisions of article 10, the work to be performed under a community service order shall be performed in the period of not less than three months and not more than one year beginning on the date of the order but, unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it.

Community service work.

(2) Directions given under subarticle (1) of this article shall, so far as practicable, avoid any interference with the times during which the offender normally works or attends a school or other educational or training establishment.

(3) An offender who fails to comply with any requirement contained in article 13, shall be guilty of an offence and, without prejudice to the continuance in force of the community service order, shall be liable on summary conviction to a fine (*ammenda*) not exceeding Lm 100.

15. When an offender is convicted of an offence under subarticle (3) of article 14 of this Act, the court which had issued the order, in lieu

Breach of community service order.

of imposing a fine under that article may, either revoke the order or revoke it and deal with the offender for the offence in respect of which the order was made in any manner in which the offender could have been dealt with for that offence if the order had not been made.

Extension.

16. Where a community service order is in force, on application of the offender or the Director, and if it appears to the court to be in the interest of justice, having regard to the circumstances of the case, the court may extend the period of one year for six months, in order that the community service is carried out.

Summoning of offender.

17. In the cases contemplated under articles 15 or 16 of this Act the court shall summon the offender to appear before it and, if the offender does not appear in answer to the summons, it may order that the offender be brought under arrest.

Combination order.

18. The court may, instead of sentencing the offender to imprisonment, order the offender to be placed on a combination order. A combination order shall require the offender to be placed under probation supervision as specified in article 7 of this Act and perform a community service order, as specified in article 11 of this Act. Nevertheless, such order shall not require the offender to perform less than 40 hours of work or more than 100 hours in addition to any number of hours of work still to be performed under any previous community service order.

Duties of offender under combination order.

19. An offender in respect of whom a combination order is in force shall:-

(a) report to the probation officer assigned to him by the Director from time to time according to the instructions issued by the probation officer;

(b) report to the relevant authority from time to time according to the instructions issued by the community service officer;

(c) perform satisfactorily for the number of hours specified in the order such work at such times as shall be directed by or on behalf of the relevant authority;

(d) notify the community service officer to whom the offender is required to report under this subarticle of any change of his address.

20. The provisions of this Act applicable to probation orders and community service orders shall apply to combination orders. Applicable rules.

21. (1) If at any time during the probation period it appears to the court by which the order was made that the probationer has failed to comply with any of the requirements of the order, the court may issue a summons requiring the probationer to appear before such court at the place and time specified therein, or may, if the circumstances so require, issue a warrant for the probationer's arrest. Breach of conditions.

Provided that except where the alleged failure is brought to the attention of the court in a report by the probation officer, no such summons or warrant shall be issued -

(a) by the Criminal Court, or by the Court of Criminal Appeal except on an information in writing filed by the Attorney General;

(b) by the Court of Magistrates (Malta), the Court of Magistrates (Gozo) or by the Juvenile Court, except on an information in writing and confirmed on oath.

In either case the information must be filed within three months of the alleged failure by the probationer.

(2) If it is proved to the satisfaction of the court, that the probationer has failed to comply with any of the requirements of the community sanction order, that court may, without prejudice to the continuance of the sanction, impose on the offender a fine (*ammenda*) not exceeding one hundred liri, or may deal with the probationer, for the offence in respect of which the community sanction was made, in any manner in which the court could deal with the offender if he had just been convicted by or before that court of that offence.

(3) A fine imposed under this article in respect of a failure to comply with the requirements of a probation order shall be deemed for the purposes of any enactment, but saving the provisions of subarticle (1) of article 22 of this Act, to be a sum adjudged to be paid following a conviction.

22. (1) Where a court by which a person is convicted of an offence (not being an offence punishable only by a fine (*multa* or *ammenda*) and not being an offence which apart from an increase of punishment in view of continuity or previous convictions, is punishable with imprisonment for a term exceeding seven years) is of opinion that, having regard to the circumstances of the case, including the nature of the offence and the character of the offender, it is inexpedient to inflict Absolute or conditional discharge.

punishment and that a probation order, a community service order or a combination order are not appropriate, the court may make an order discharging the offender absolutely, or, if the court thinks fit, discharging the offender subject to the condition that he commits no offence during such period, not exceeding three years from the date of the order, as may be specified therein. The provisions of the proviso to subarticle (2) of article 7 shall *mutatis mutandis* apply to this subarticle.

(2) An order discharging a person subject to such a condition as aforesaid is in this Act referred to as "an order for conditional discharge" and the period specified in any such order as "the period of conditional discharge".

(3) Before making an order for conditional discharge, the court shall explain to the offender in ordinary language that if the offender commits another offence during the period of conditional discharge, the offender will be liable to be sentenced for the original offence.

(4) Where, under the provisions in this Act, a person conditionally discharged is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

Conviction
following an order.

23. (1) If a person in whose case a community sanction or an order for conditional discharge has been made, is subsequently convicted by or before any court of an offence committed during the probation period or during the period of conditional discharge, the court -

(a) if it is the same court that had made the probation order, the community service order, the combination order or the order for conditional discharge, may deal with that person for the offence for which the order was made in any manner in which it could deal with the offender if he had just been convicted by or before that court of that offence;

(b) if it is a different court, it shall commit that person before the court by which the probation order, the community service order, the combination order or the order for conditional discharge was made and such court shall as soon as practicable, cause such person to appear or be brought before it, and on proof to its satisfaction of the conviction in respect of the further offence, may deal with that person for the offence for which the order was made in any manner in which it could deal with the offender if he had just been convicted by or before it of that offence.

(2) Subject to the provision of subarticle (3), where a person is dealt with for the offence for which he was placed on probation on a community service order or a combination order or conditionally discharged, it shall not be lawful for the court to place the offender under a community sanction or to make an order as provided in subarticle (1) of article 22 of this Act.

(3) Subarticle (2) shall not apply where the offence committed during the probation period or during the period of conditional discharge and for which the person is subsequently convicted, is a contravention or is a crime of involuntary homicide, or involuntary bodily harm, or involuntary damage to property.

(4) For the purpose of subarticle (1) -

(a) the Court of Magistrates (Malta), the Court of Magistrates (Gozo) and the Juvenile Court shall be deemed to be the same court;

(b) the Court of Criminal Appeal in the determination of appeals from judgments of the Courts of Magistrates (Malta), the Court of Magistrates (Gozo) and the Juvenile Court shall be deemed to be a different Court from the Court of Criminal Appeal in the determination of appeals for decisions of the Criminal Court.

24. (1) A court, on making a probation order, community service order, combination order, an order for conditional discharge or on discharging any offender absolutely may, without prejudice to its power of awarding costs under articles 380 and 533 of the Criminal Code, order the offender to pay such damages for injury or compensation for the loss as the court thinks reasonable. Payment of damages.

(2) An order for the payment of damages or compensation as aforesaid may be enforced in like manner as if it had been given in a civil action between the offender and the person to whom the damages or compensation are ordered to be paid:

Provided that nothing in this article shall derogate from any right of such person to recover any greater amount by any other means from the offender or any other person liable to pay the same.

25. (1) Subject as hereinafter provided, a conviction for an offence for which an order is made under this Act placing the offender on a community sanction or discharging the offender absolutely or conditionally shall be deemed not to be a conviction for any purpose whatsoever other than - Effects of community sanction and discharge.

(a) the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the foregoing provisions of this Act, and

(b) in the case of a public officer, the purposes or any disciplinary proceedings which may be taken against, or any disciplinary punishment which may be imposed upon, such public officer in consequence of any such conviction or of any of the facts constituting the offence:

Provided that where an offender, being not less than eighteen years of age at the time of the conviction of an offence for which he is placed on a community sanction or conditionally discharged as aforesaid, is subsequently sentenced for that offence, the provisions of this subarticle shall cease to apply to the conviction.

(2) Without prejudice to the foregoing provisions of this article, the conviction of an offender who is placed on probation, on a community service order, on a combination order or discharged absolutely or conditionally as aforesaid shall in any event be disregarded for the purposes of any enactment which imposes or authorizes any interdiction, disqualification, disability or other penalty upon convicted persons.

(3) The provisions of subarticle (1) of article 7, of subarticle (2) of article 11, of article 18, and of subarticles (1) and (2) of article 23 of this Act shall not affect -

(a) any right of any such offender as aforesaid to appeal against the conviction or to rely thereon in bar of any subsequent proceedings for the same fact;

(b) the reversioning or restoration of any property in consequence of the conviction of any such offender;

(c) the operation of article 23 of the Criminal Code or of any other provision of that Code or of any other law relating to the forfeiture of any property or its retention by the registrar of any court or by any other officer authorized by law to seize or to retain any property connected with criminal proceedings;

(d) the making of any order under article 377 of the Criminal Code or under the provisions or any other law requiring or authorizing the making of any order for the abatement of a nuisance or inconvenience or for the carrying out of the law by the offender or by the Police at the expense of the offender;

(e) the liability of any such offender as aforesaid to be required by the court to enter into his own recognizance or to find a surety in terms of articles 249, 383 and 384 of the Criminal Code;

(f) the making of any order by the court as to the payment of costs under articles 380 and 533 of the Criminal Code;

(g) the operation of sub-articles (3), (5) and (6) of article 35 of the Criminal Code;

(h) the right of any interested party to produce when appropriate in any criminal or civil proceedings evidence to show that a person discharged absolutely or conditionally as aforesaid or in respect of whom a community sanction has been made, who is a party to the proceedings or is produced as a witness, has been convicted of an offence, provided such evidence is considered by the court to be relevant.

26. The Minister may make regulations -

Regulations.

(a) prescribing the qualifications for appointment of probation officers;

(b) prescribing the duties of the Director;

(c) prescribing any duties of probation officers in addition to those provided by this Act;

(d) prescribing the forms of records to be kept by probation officers under this Act;

(e) providing for regulations for the performance of work under community service orders;

(f) limiting the number of hours of work to be done under such an order on any one day;

(g) providing for the reckoning of time worked under such orders;

(h) regulating the discipline in, and other matters relating to residential institutions approved by the Minister for the purposes of subarticle (6) of article 7 of this Act; and

(i) generally for the better carrying out of the purposes and provisions of this Act.

* Rules of Court.
Cap. 12.

27. The Board referred to in article 29 of the Code of Organization and Civil Procedure may, in accordance with the provisions of that article, make Rules of Court regulating any matter or proceeding had or taken under this Act and prescribing the forms to be used for any such matter or proceeding and the fees payable in respect thereto.

Transitory
provision.
Cap. 152.

28. (1) Subject to the provisions of subarticle (2) hereof, the Probation of Offenders Act is hereby repealed.

(2) The provisions of the Probation of Offenders Act, shall continue to apply to any order or conditional discharge issued under the provisions thereof prior to the coming into force of this article.

Passed by the House of Representatives at Sitting No. 735 of 14th May, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives