

MALTA

ATT Nru. III ta' l-2007

ATT mahruġ b'liġi mill-Parlament ta' Malta.

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

ACT No. III of 2007

AN ACT enacted by the Parliament of Malta.

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

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

16th March, 2007

ACT No. III of 2007

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

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:

Title.

1. (1) The short title of this Act is the Code of Police Laws (Amendment) Act, 2007, and this Act shall be read and construed as one with the Code of Police Laws, hereinafter referred to as “the principal law”.

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

Addition of
new Part to the
principal law.

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

**“PART XXV B
OF MINORS AND ALCOHOL**

Sale, serving or
procurement of
alcohol to minors.

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

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

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

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

- (a) consume alcohol in any public place;
- (b) procure or attempt to procure alcohol in any manner whatsoever in any public place;
- (c) be in possession of alcohol in any public place; or
- (d) falsely represent his age for the purpose of consuming, receiving, procuring or attempting to procure alcohol.

Prohibition of consumption of alcohol by minors.

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

Power to stop and take particulars.

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

Definitions.

- (a) the expression “agency” means any agency designated for the purpose in the Gazette by the Minister responsible for social policy;
- (b) the expression “alcohol” means any wine, beer, cider or spirituous liquor:

Provided that it shall be presumed that the liquid contains alcohol unless the person charged shall prove the contrary;

- (c) the expression “minor” means any person under sixteen years of age;
- (d) the expression “public place” means any place other than a private residential home and includes any premises that are leased and, or used for entertainment purposes.”

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

Amendment of article 319 of the principal law.

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

- (a) on a first conviction, to a fine (*multa*) of not less than one hundred Maltese liri (Lm100) but not exceeding five hundred Maltese liri (Lm500); and

(b) on a second or subsequent conviction to a fine (*multa*) of not less than five hundred Maltese liri (Lm500) but not exceeding one thousand Maltese liri (Lm1,000).

(10) Without prejudice to articles 36 and 37 of the Criminal Code, a minor who acts in breach of article 316D:

(a) for a first offence be formally warned by a Member of the Police Force that criminal proceedings will be taken against him if he is caught acting in breach of the same provisions of the law for a second time or more;

(b) for a second offence or more, shall, if convicted, be guilty of a contravention. The competent Court may order such minor to participate in an educational programme which, if and as necessary, may be combined with counselling and which will be provided by an agency staff member:

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

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

Passed by the House of Representatives at Sitting No. 505 of 12th March, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives