

I assent.

(L.S.)

CENSU TABONE
President

11th February, 1994

ACT No. V of 1994

*AN ACT to amend the White Slave Traffic (Suppression) Ordinance,
Cap. 63.*

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. This Act may be cited as the White Slave Traffic (Suppression) (Amendment) Act, 1994, and shall be read and construed as one with the White Slave Traffic (Suppression) Ordinance, hereinafter referred to as “the principal law”. Short title.

2. For section 2 of the principal law there shall be substituted the following: Substitution of
section 2 of the
principal law.

“Inducing a person who has attained the age of twenty-one years to leave Malta for purposes of prostitution.”

2. (1) Whoever, in order to gratify the lust of any other person, compels by means of violence or threats, or induces by deceit, a person who has attained the age of twenty-one years to leave Malta for purposes of prostitution elsewhere, shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without solitary confinement:

Provided that the punishment shall be imprisonment for a term from one to four years, with or without solitary confinement, if the offence is committed —

(a) by an ascendant by consanguinity or affinity, by the adoptive father or mother, by the husband or the wife, or by a brother or sister; or

(b) by means of abuse of authority, of trust or of domestic relations; or

(c) habitually or for gain.

(2) A conviction under this section shall entail the forfeiture of every authority and right granted to the offender over the person or property of the person to whose prejudice the offence shall have been committed.”.

Substitution of section 3 of the principal law.

3. For section 3 of the principal law there shall be substituted the following:

“Inducing a person under the age of twenty-one years to leave Malta for purposes of prostitution.

3. (1) Whoever, in order to gratify the lust of any other person, induces a person under the age of twenty-one years to leave Malta for purposes of prostitution elsewhere, or encourages or facilitates his departure from Malta for the same purpose, shall be liable, on conviction, to imprisonment for a term from eighteen months to four years, with or without solitary confinement:

Provided that the punishment shall be imprisonment for a term from two to six years, with or without solitary confinement, if the offence is committed —

(a) to the prejudice of a person who has not completed the age of twelve years; or

(b) by means of violence or threats, or by deceit; or

(c) by an ascendant by consanguinity or affinity, by the adoptive father or mother, by the husband or wife or tutor, or by any other person charged, even though temporarily, with the care, education, instruction, control or custody of the person under the age of twenty-one years; or

(d) habitually or for gain.

(2) A conviction under this section shall entail the forfeiture of every authority and right granted to the offender over the person or property of the person to whose prejudice the offence shall have been committed, and, in the case of the tutor, his removal from the tutorship and his perpetual disability from holding the office of tutor.”.

Deletion of section 4 of the principal law.

4. Section 4 of the principal law shall be deleted.

Amendment of section 5 of the principal law.

5. Section 5 of the principal law shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following:

“Detention, etc., of a person against his will in a brothel, etc.

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(1) Whoever detains, or is wilfully a party to the detention of a person, against his will, in any brothel, or in or upon any premises used for purposes of habitual prostitution, even if such person may have resorted to such place of his own free will, and may have remained there to practice prostitution, and notwithstanding any obligation or debt which such person may have contracted with any person whomsoever, shall be liable, on conviction, to imprisonment for a term not exceeding two years, unless a higher punishment is applicable under any other provision of the Criminal Code or of any other law.”;

(b) for subsection (2) thereof there shall be substituted the following:

“(2) A person shall be deemed to detain another person, for the purposes of this section, if, with intent to compel such other person to remain in a brothel or in or upon any premises used for purposes of habitual prostitution, he withholds from such other person any wearing apparel or other property belonging to the latter, or, where wearing apparel has been lent or otherwise supplied to such other person, he threatens such other person with legal proceedings if the latter takes away with him the wearing apparel so lent or supplied.”; and

(c) subsection (3) thereof shall be amended as follows:

(i) for the words “any such woman or girl” there shall be substituted the words “such other person”, and

(ii) in the English text only, for the words “to enable her” there shall be substituted the words “to enable such other person”.

6. Section 6 of the principal law shall be amended as follows:

Amendment of section 6 of the principal law.

(a) for subsection (1) thereof there shall be substituted the following:

“Power of Commissioner of Police in case of unlawful detention of person.

(1) It shall be lawful for the Commissioner of Police, when, in his opinion, there is reasonable cause to suspect that a person is detained against his will for immoral purposes by any other person in any place, to issue a warrant to any police officer not below the rank of inspector, authorising him to search for the person so detained and to take him out of such place; and the Commissioner of Police may cause the person who was being so detained to be delivered up to his parents or other relatives, or otherwise dealt with, as circumstances may permit or require.”;

(b) subsection (2) thereof shall be amended as follows:

(i) for the words “girls under age” there shall be substituted the word “minors”; and

(ii) for the words "the removal of any such girl" there shall be substituted the words "the removal of any minor";

(c) in subsection (3) thereof, for the words "that such girl be delivered up to her parents or other ascendants, or to her tutor, as the case may be, with an injunction to provide for her education, and watch over her conduct," there shall be substituted the words "that such minor be delivered up to his parents or other ascendants, or to his tutor, as the case may be, with an injunction to provide for his education, and watch over his conduct,";

(d) for subsection (4) thereof there shall be substituted the following:

"(4) In default of parents or other ascendants, or of a tutor, or if such persons are unable to provide for the education or care of such minor, it shall be lawful for the court to direct that such minor be kept in an institution or other place of safety, for a term at the discretion of the court, but not beyond his minority."; and

(e) in subsection (5) thereof, for the words "of such girl" there shall be substituted the words "of such minor".

Amendment of
section 7 of the
principal law.

7. For subsection (3) of section 7 of the principal law there shall be substituted the following:

"(3) A person shall be deemed, until the contrary is proved, to be knowingly living, wholly or in part, on the earnings of prostitution, if it is shown that he lives with, or is habitually in the company of, a person practising prostitution or that he has exercised control, direction or influence over the movements of that person in a manner as to show that he is aiding, abetting or compelling the prostitution of that person with any other person or generally."

Passed by the House of Representatives at Sitting No. 224 of 1st February, 1994.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.

