

I assent.

(L.S.)

ĊENSU TABONE
President

3rd April, 1990

ACT No. XIII of 1990

AN ACT to amend the Prisons Act, 1976.

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 Prisons (Amendment) Act, 1990, and shall be read and construed as one with the Prisons Act, 1976, hereinafter referred to as “the principal Act”. Short title.
Act IX
of 1976.

2. For subsections (1) and (2) of section 4 of the principal Act there shall be substituted the following: Amendment of
section 4
of the
principal Act.

“(1) The following persons shall be confined in prison —

(a) any person who has been sentenced by a Court of criminal jurisdiction in Malta to the punishment of imprisonment or detention or who, having been sentenced by a competent authority to pay a fine (*multa* or *ammenda*) or costs, fails to pay such fine or costs in any case in which, according to law, such fine or costs are, if not paid, convertible into prisonment or detention;

(b) any person who has been sentenced to the punishment of death, imprisonment or detention by any other Court or by any authority in Malta authorised by law to inflict any such punishments, unless such law appoints any other place in which the punishment is to be undergone;

(c) any person who, having been sentenced abroad by a foreign Court or other competent authority to a punishment involving deprivation of liberty for a limited or unlimited period of

time on account of a criminal offence, is sent to Malta to continue serving such sentence in Malta in accordance with any treaty, convention, agreement or understanding for that purpose for the time being in force between Malta and the foreign country concerned or which applies to both such countries or to which both countries are a party;

(d) any person who has been arraigned under arrest and charged before the competent Court for an offence in respect of which the Courts in Malta have jurisdiction according to law, or is under examination before a Court of Criminal Inquiry, or who is committed for trial by the said Court or by any other competent authority, or who is under trial in Malta, or who is the subject of extradition proceedings, unless such person is released on bail.

(2) It shall be lawful to confine in a prison —

(a) any person who, having been sentenced to give security to keep the peace and to be of good behaviour or to watch over the conduct of a minor is, upon failure to give such security, liable to be detained and kept in custody, and any person who is arrested by a competent Court for non-payment of the sum in which he bound himself;

(b) any person whose arrest or detention according to law is ordered by any court or other competent authority;

(c) any person who, under any extradition arrangement, is liable to be surrendered to a foreign country;

Cap. 217.

(d) any person detained in custody under the provisions of the Immigration Act, other than under section 10 or 22 thereof;

(e) any person who has been arrested for an offence.”.

Passed by the House of Representatives at Sitting No. 358 of the 26th March, 1990.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Clerk to the House of Representatives