

I assent.

(L.S.)

GEORGE VELLA
President

28th February, 2020

ACT No. III of 2020

An ACT to amend the Criminal Code, Cap. 9.

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.
Cap. 9.

1. The short title of this Act is the Criminal Code (Amendment) Act, 2020 and this Act shall be read and construed as one with the Criminal Code hereinafter referred to as "the Code".

Amendment of
article 203 of
the Code.

2. The second proviso to sub-article (3) of article 203 of the Code shall be deleted.

Amendment of
article 208B of
the Code.

3. Article 208B of the Code shall be amended as follows:

(a) in the marginal note thereof, the words "204 to 204C and 208A" shall be substituted by the words "203 to 204D and 208A to 208AB"; and

(b) in sub-article (1) thereof, the words "204, 204A to 204D," shall be substituted by the words "203 to 204D,".

4. Article 247A of the Code shall be amended as follows:

Amendment of
article 247A of
the Code.

(a) in the marginal note thereof, the words "Ill-treatment or neglect of child under twelve years." shall be substituted by the words "Ill-treatment or neglect of child under sixteen years"; and

(b) in sub-article (1) thereof, the words "twelve years" shall be substituted by the words "sixteen years".

5. In sub-article (1) of article 251B of the Code, the words "for a term from three to six months" shall be substituted by the words "for a term from one to two years".

Amendment of
article 251B of
the Code.

6. Article 540A of the Code shall be amended as follows:

Amendment of
article 540A of
the Code.

(a) in sub-article (1) thereof, the words "a Police officer, together with" shall be deleted;

(b) the proviso to sub-article (1) thereof shall be substituted as follows:

"Provided that a Police officer shall also initiate an investigation, during which investigation there shall be heard, amongst others, the alleged offender, as the case may be:";

(c) immediately after the proviso to sub-article (1) thereof, as substituted, there shall be added the following new provisos:

"Provided also that if an assessment has been conducted by a professional trained in accordance with the Gender-Based Violence and Domestic Violence Act within the twenty-four hour period immediately preceding the receipt of the report, information, or complaint by the Executive Police, there shall be no need to conduct that assessment after such receipt:

Provided also that if in the cases mentioned under sub-article (1) the alleged offender is to be taken before the court by arrest, and if he remains arrested until his arraignment in court, the dispositions of this article shall not apply."; and

(d) in sub-article (2) thereof, the words "Where, during such investigation" shall be substituted by the words "Where, following such investigation, and after the due consideration of

A 78

the results of the assessment,".

Passed by the House of Representatives at Sitting No. 302 of the
26th February, 2020.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives