

I assent.

(L.S.)

GEORGE VELLA
President

21st July, 2023

ACT No. XXIX of 2023

AN ACT to further enhance freedom of artistic expression.

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. The short title of this Act is the Artistic Expression (Enhancement) Act, 2023.

PART I

Amendment to the Criminal Code

2. The provisions of this Part amend the Criminal Code and shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as "the Code".

Amendment to
the Criminal
Code.
Cap. 9.

3. Immediately after sub-article (2) of article 339 of the Code there shall be added the following new sub-article:

Amendment of
article 339 of
the Code.

"(3) Paragraph (1)(e) insofar as it refers to the uttering of insults or threats shall be interpreted to allow for the freedom of artistic expression and in particular the said paragraph shall not hinder artistic, satirical, comic or cultural expression, of any kind, which does not lead to credible and realistic threats to the personal liberty or security of the complainant or to his property."

A 668

PART II

Amendment to the Electronic Communications (Regulation) Act

Amendment to
the Electronic
Communica-
tions
(Regulation)
Act.
Cap. 399.

4. The provisions of this Part amend the Electronic Communications (Regulation) Act and shall be read and construed as one with the Electronic Communications (Regulation) Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
article 49 of the
principal Act.

5. The proviso to article 49 of the principal Act shall be substituted by the following new proviso:

"Provided that, without prejudice to the application of any other law, words or expressions uttered or published on an electronic communications network or apparatus shall not constitute an offence against this Act if they are uttered or published as part of artistic, satirical, comic or cultural expression, of any kind, and do not lead to credible and realistic threats to the personal liberty or security of any person or to a person's property.".

Passed by the House of Representatives at Sitting No. 148 of the 12th July, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

