Verżjoni Elettronika

I assent.

(L.S.) **GEORGE VELLA**
President

2nd February, 2024

ACT No. II of 2024

AN ACT to amend the Conduct Certificates Ordinance, Cap. 77.

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 and commencement.

Cap. 77.

1. (1) The short title of this Act is the Conduct Certificates Ordinance (Amendment) Act, 2024 and this Act shall be read and construed as one with the Conducts Certificates Ordinance, hereinafter referred to as "the principal law".

(2) This Act shall come into force on such date or dates as the Minister responsible for justice, with the concurrence of the Minister responsible for police, may by notice in the Gazette establish, and different dates may be so established for different provisions and purposes of this Act.

Substitution of article 2 of the principal law.

2. Article 2 of the principal law shall be substituted by the following new article:

"National conducts and criminal records register.

2. The Department of Justice shall be responsible to:

(a) maintain a national criminal records register; and

Verżjoni Elettronika

(b) issue conduct certificates subject to the provisions of this Ordinance and in accordance with Form A or B in the First Schedule.".

Amendment of article 3 of the principal law.

3. Article 3 of the principal law shall be amended as follows:

(a) in sub-article (2) thereof, the words "Police General Headquarters" shall be substituted by the words "Conducts and Criminal Records Office within the Department of Justice within the Ministry responsible for justice";

(b) in the proviso to sub-article (2) thereof, the words "Commissioner of Police" shall be substituted by the words "Director, Department of Justice within the Ministry responsible for justice";

(c) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The competent authorities listed in the Fourth Schedule and designated by the Minister responsible for justice for this purpose may request, with the consent in writing of the person to whom the record of criminal convictions relates, the Director of the Department of Justice within the Ministry responsible for justice to submit a complete record of criminal convictions of the person to whom they relate.";

(d) in sub-article (5) thereof shall be amended as follows:

(i) the words "Commissioner of Police", wherever they occur, shall be substituted by the words "Director, Department of Justice within the Ministry responsible for justice"; and

(ii) in the Maltese version only, the words "tal-Kummissarju tal-Pulizija" shall be substituted by the words "tad-Direttur, Dipartiment tal-Ġustizzja fi ħdan il-Ministeru responsabbli għall-ġustizzja"; and

(e) immediately after sub-article (5) thereof there shall

Verżjoni Elettronika

be added the following new sub-article:

"(6) In accordance with their functions at law, the following competent authorities shall have continuous direct access to the complete record of criminal convictions of a person:

(a) the Attorney General;

(b) the Commissioner of Police;

(c) the Security Service.".

Amendment of article 4 of the principal law.

4. In sub-article (1) of article 4 of the principal law, the words "Commissioner of Police" shall be substituted by the words "Director, Department of Justice within the Ministry responsible for justice".

Substitution of article 10 of the principal law.

5. Article 10 of the principal law shall be substituted by the following new article:

"Power of Minister to make regulations.

10. The Minister responsible for justice may by regulations amend, revoke, add or substitute the Schedules to this Ordinance and may also make regulations for the better carrying out of the provisions of this Ordinance and to transpose, implement and give effect to the provisions and requirements of Directives, Regulations and any other legislative measures of the European Union requiring transposition or implementation.".

Passed by the House of Representatives at Sitting No. 201 of the 30th January, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

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