

MEMORANDUM BY THE MINISTER OF
JUSTICE AND PARLIAMENTARY AFFAIRS

The attached is a Bill to amend the Motor Vehicles Insurance (Third-party Risks) Ordinance, Chapter 165.

When the Motor Vehicles Insurance (Third-party Risks) Ordinance was enacted in 1939, the ordinary competence of the Courts of Magistrates of Judicial Police was limited to a maximum of three months imprisonment, though the Attorney-General could remit for trial by the said Courts any person charged with an offence punishable with from three to six months imprisonment - provided the accused did not object.

In 1963 the Criminal Code was amended by Act XXIII of that year and the ordinary competence of the said Court was increased to six months imprisonment and the Crown Advocate-General may now remit for trial by the Courts of Magistrates any person charged with an offence punishable with from six months to two years imprisonment - provided always the accused does not object.

Section 20 of the Motor Vehicles Insurance (Third-party Risks) Ordinance provides that prosecutions against the provisions of the said Ordinance are to be carried out in accordance with the provisions of the Criminal Code but, it continues, the Crown Advocate-General may remit for trial by the Courts of Magistrates any person charged with an offence under the said Ordinance provided that, in such case, the maximum punishment awardable shall be that of three months imprisonment with or without a fine.

The section under review is now leading to the absurdity that a person who will have infringed the provisions of subsection (1) of section 19 (punishable according to the said subsection with imprisonment

/up to.....

up to one year) will get a maximum of three months imprisonment if remitted for trial by the Courts of Magistrates, while a person who will have infringed the provisions of any of subsection (2) and (3) of section 19 (punishable with up to six months imprisonment, and therefore deemed to be an offence of a less gravity than that dealt with under subsection (1) of the said section) may get the whole six months imprisonment.

The proposed amendment seeks to remove the above absurdity.

9th December, 1966.

A B I L L
entitled

AN ACT further to amend the Motor Vehicles Insurance
(Third-party Risks) Ordinance, Cap. 165.

BE IT ENACTED by the Queen's most Excellent
Majesty, by and with the advice and consent of the
House of Representatives of Malta, in this present
Parliament assembled, and by the authority of the
same, as follows:-

Short title.

1. This Act may be cited as the Motor Vehicles
Insurance (Third-party Risks) (~~Amendment~~) Act, 1966,
and shall be read and construed as one with the Motor
Vehicles Insurance (Third-party Risks) Ordinance,
hereinafter referred to as "the principal law".

Amendment of
section 20 of
the principal
law.

2. Section 20 of the principal law is amended
by the deletion of the words from "provided that" to
"in accordance with this Ordinance".

OBJECTS AND REASONS

The object of this Bill is to bring the
provisions of the principal law regarding the
prosecution for offences into line with the amendments
of the Criminal Code effected by Act No. XXIII of 1963.