

CHAPTER 63

WHITE SLAVE TRAFFIC (SUPPRESSION) ORDINANCE

To repeal and to re-enact with amendments the law relating to the suppression of the White Slave Traffic.

(1st August, 1930)*

ORDINANCE VIII of 1930, as amended by Acts: XXXVI of 1933, XXXIV of 1955; Legal Notice 46 of 1965; Acts: LVIII of 1974; XXII of 1976, XLIX of 1981, XIII of 1983, XIII of 1989, V of 1994 and XVI of 2006; and Legal Notice 408 of 2007.

1. The short title of this Ordinance is the White Slave Traffic (Suppression) Ordinance.

Short title.

2. (1) Whoever, in order to gratify the lust of any other person, compels by means of violence or threats, or induces by deceit, a person who has attained the age of twenty-one years to leave Malta for purposes of prostitution elsewhere or to come to Malta from elsewhere for the purposes of prostitution in these islands, shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without solitary confinement:

Inducing a person who has attained the age of twenty-one years to leave Malta or to come to Malta from elsewhere for purposes of prostitution.

Amended by: XLIX. 1981.4. Substituted by: V. 1994.2. Amended by: XVI. 2006.28.

Provided that the punishment shall be imprisonment for a term from two to ten years, with or without solitary confinement, if the offence is committed -

- (a) by an ascendant by consanguinity or affinity, by the adoptive father or mother, by the husband or the wife, or by a brother or sister; or
- (b) by means of abuse of authority, of trust or of domestic relations; or
- (c) habitually or for gain.

(2) A conviction under this article shall entail the forfeiture of every authority and right granted to the offender over the person or property of the person to whose prejudice the offence shall have been committed.

3. (1) Whoever, in order to gratify the lust of any other person, induces a person under the age of twenty-one years to leave Malta or to come to Malta for purposes of prostitution elsewhere, or encourages or facilitates his departure from Malta or arrival in Malta for the same purpose, shall be liable, on conviction, to imprisonment for a term from two to five years, with or without solitary confinement:

Inducing a person under the age of twenty-one years to leave Malta for purposes of prostitution.

Amended by: XLIX. 1981.4. Substituted by: V. 1994.3. Amended by: XVI. 2006.28.

Provided that the punishment shall be imprisonment for a term from three to ten years, with or without solitary confinement, if the offence is committed -

*See Proclamation No. XVII of the 1st August, 1930.

- (a) to the prejudice of a person who has not completed the age of twelve years; or
- (b) by means of violence or threats, or by deceit; or
- (c) by an ascendant by consanguinity or affinity, by the adoptive father or mother, by the husband or wife or tutor, or by any other person charged, even though temporarily, with the care, education, instruction, control or custody of the person under the age of twenty-one years; or
- (d) habitually or for gain.

(2) A conviction under this article shall entail the forfeiture of every authority and right granted to the offender over the person or property of the person to whose prejudice the offence shall have been committed, and, in the case of the tutor, his removal from the tutorship and his perpetual disability from holding the office of tutor.

"Woman overage".
"Girl under age".

4. *Repealed by: V.1994.4.*

Detention, etc., of
a person against his
will in a brothel,
etc.

Amended by:
V.1994.5.

5. (1) Whoever detains, or is wilfully a party to the detention of a person, against his will, in any brothel, or in or upon any premises used for purposes of habitual prostitution, even if such person may have resorted to such place of his own free will, and may have remained there to practice prostitution, and notwithstanding any obligation or debt which such person may have contracted with any person whomsoever, shall be liable, on conviction, to imprisonment for a term not exceeding two years, unless a higher punishment is applicable under any other provision of the [Criminal Code](#) or of any other law.

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(2) A person shall be deemed to detain another person, for the purposes of this article, if, with intent to compel such other person to remain in a brothel or in or upon any premises used for purposes of habitual prostitution, he withholds from such other person any wearing apparel or other property belonging to the latter, or, where wearing apparel has been lent or otherwise supplied to such other person, he threatens such other person with legal proceedings if the latter takes away with him the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against such other person for taking away or being found in possession of any such wearing apparel as was necessary to enable such other person to leave such premises or brothel.

Power of
Commissioner of
Police in case of
unlawful detention
of person.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68;
V. 1994.6.

6. (1) It shall be lawful for the Commissioner of Police, when, in his opinion, there is reasonable cause to suspect that a person is detained against his will for immoral purposes by any other person in any place, to issue a warrant to any police officer not below the rank of inspector, authorising him to search for the person so detained and to take him out of such place; and the Commissioner of Police may cause the person who was being so detained to be delivered up to his parents or other relatives, or otherwise dealt with, as circumstances may permit or require.

(2) Whenever the Commissioner of Police has reason to believe that the prostitution of minors is encouraged or facilitated in any brothel or other premises used for purposes of prostitution, he shall, without prejudice to any criminal action which may be competent, report the matter forthwith to the who shall thereupon have power to apply to the court of voluntary jurisdiction for an order for the removal of any minor from any such place as aforesaid.

(3) It shall be lawful for the court, upon inquiring into the circumstances of the case, to direct that such minor be delivered up to his parents or other ascendants, or to his tutor, as the case may be, with an injunction to provide for his education, and watch over his conduct, under the penalty laid down in article 35(3) of the [Criminal Code](#).

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(4) In default of parents or other ascendants, or of a tutor, or if such persons are unable to provide for the education or care of such minor, it shall be lawful for the court to direct that such minor be kept in an institution or other place of safety, for a term at the discretion of the court, but not beyond his minority.

(5) The parents or other ascendants of such minor shall be liable for any maintenance fees or other expenses, which may become due in consequence of the directions given by the court.

7. (1) Any person who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person, shall be liable, on conviction, to imprisonment for a term not exceeding two years:

Punishment for living on the earnings of prostitution, etc.
Amended by:
XXXVI. 1933.1;
XXII. 1976.4;
XLIX. 1981.4;
XIII. 1989.2;
V. 1994.7;
XVI. 2006.28.

Provided that where that other person has not attained the age of eighteen years, the offence shall be punishable with imprisonment for a term from eighteen months to four years.

(2) Any person who in any street or other public place or in any place exposed to the public loiters or solicits for the purpose of prostitution or for other immoral purposes, shall be liable, on conviction, to imprisonment for a term of not more than six months.

(3) A person shall be deemed, until the contrary is proved, to be knowingly living, wholly or in part, on the earnings of prostitution, if it is shown that he lives with, or is habitually in the company of, a person practising prostitution or that he has exercised control, direction or influence over the movements of that person in a manner as to show that he is aiding, abetting or compelling the prostitution of that person with any other person or generally.

When a person is deemed to be living on the earnings of prostitution.

8. (1) Whoever shall keep or manage or share with others in the management of a brothel or of any house, shop or other premises or any part thereof which is or are, or is or are reputed to be resorted to for the purpose of prostitution or other immoral purposes shall be liable, on conviction, to imprisonment for a term not exceeding two years and to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

Punishment for keeping, etc., brothels.
Amended by:
XLIX. 1981.4;
XIII. 1983.5;
L.N. 408 of 2007.

(2) Whoever knowingly lets for hire or permits the use or shares in the profits of any vehicle used for the purpose of

prostitution or other immoral purposes shall be liable, on conviction, to imprisonment for a term not exceeding six months and to a fine (*multa*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47).

(3) A person shall be deemed to share in the management of a brothel or of any house, shop or other premises or any part thereof for the purpose of prostitution or other immoral purposes, if he partakes directly or indirectly of any of the profits of such management, or takes an active part in the management of such brothel, house, shop, premises or part thereof.

Punishment for use of shop, etc., for the purpose of prostitution.
Amended by: XLIX.1981.4.

9. Whoever keeps any shop, lodging-house or hotel or any private apartment and suffers or permits such shop, lodging-house, hotel or apartment or any part thereof to be used as a place of assignation for the purpose of prostitution or any other immoral purpose shall be liable, on conviction, to imprisonment for a term from one to six months.

Punishment for letting house, etc., for the purpose of prostitution.
Amended by: XLIX.1981.4.

10. Whoever owns or has under his administration any house or other premises and knowingly lets or permits the use of the same for the purpose of prostitution or other immoral purposes, shall be liable, on conviction, to imprisonment for a term from one to six months.

Increase of punishment in case of second or subsequent conviction.

11. On a second conviction for any of the crimes specified in the preceding articles the punishment may be increased by two degrees, and on a third or subsequent conviction, by three degrees.

Punishment in case of failure to take steps to eject person from premises used for immoral purposes.
Amended by: XIII.1983.5; L.N. 408 of 2007.
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12. (1) Whoever, after due notice in writing has been given to him by the Commissioner of Police that a house or other premises owned or administered by him, is or are used for the purpose of prostitution or other immoral purposes, fails, within six working days, to take the necessary steps before the competent court for the ejection therefrom of the person or persons occupying the same and to prosecute the proceedings with due diligence shall be liable to a fine (*multa*) in terms of the [Criminal Code](#).

(2) In the case of a conviction for an offence against the provisions of this article, the court shall allow the offender a period of time within which to take the said steps under a penalty of four euro and sixty-six cents (4.66) for each day during which the default in carrying out the order of the court continues.

Power of Commissioner of Police to order premises to be closed pending proceedings.

13. The Commissioner of Police may, in the course of any proceedings for an offence against the provisions of articles 8, 9, 10 and 12, order that the house, shop, lodging-house, hotel, apartment or other premises be kept closed until the court delivers judgment, saving the provisions of any other existing law under which the Commissioner of Police may suspend or withdraw any licence.

Court may cancel licence of premises.
Added by: XXXIV.1955.2.

14. On conviction for an offence under this Ordinance, the court may cancel any licence held by the offender in respect of any hotel, lodging-house, shop or other premises wherein or within the precincts whereof the offence was committed, and, in the case of article 8(2), both the offender's driving licence and any licence

held by him in respect of the vehicle to which the offence relates:

Provided that nothing in this article shall be deemed to affect any powers of the Commissioner of Police under any other law to cancel or suspend any licence.
