

I assent.

(L.S.)

GEORGE ABELA
President

26th June, 2012

ACT No. VIII of 2012

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.

Amendment of
article 82A of
the Code.

1. The short title of this Act is the Criminal Code (Amendment) Act, 2012, and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".

2. Article 82A of the Code shall be amended as follows:

(a) in subarticle (1) thereof for the words "or racial hatred or whereby" there shall be substituted the words "or hatred against another person or group on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion or whereby such";

(b) subarticle (2) thereof shall be substituted by the following:

"(2) For the purposes of the foregoing subarticle "violence or hatred" means violence or hatred against a person or against a group of persons in Malta defined by reference to gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion."

3. Article 82C of the Code shall be amended as follows:

Amendment of article 82C of the Code.

(a) in subarticle (1) thereof immediately after the words "peace directed against" there shall be inserted the words "a person or" and the words "race, colour, religion, descent or national or ethnic origin or against a member of such a group" shall be substituted by the words "gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion";

(b) in paragraph (a) of subarticle (1) thereof for the words "group or a member of such a" there shall be substituted by the words "person or"; and

(c) in subarticle (2) thereof for the words "conduct consisting in" there shall be substituted by the words "conduct consisting of".

4. In article 83B of the Code for the words "is racially or religiously aggravated within the meaning of sub-articles (3) to (6), both inclusive, of article 222A or is motivated, wholly or partly, by xenophobia" there shall be substituted the words "aggravated or motivated, wholly or in part by hatred against a person or a group, on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion within the meaning of sub-articles (3) to (6), both inclusive, of article 222A."

Amendment of article 83B of the Code.

5. Article 222A of the Code shall be amended as follows:

Amendment of article 222A of the Code.

(a) in subarticle (2) thereof for the words "racially or religiously aggravated or motivated, wholly or partly, by xenophobia within the meaning of the following subarticles" there shall be substituted the words "aggravated or motivated on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion";

(b) in subarticle (3) thereof for the words "racially or religiously aggravated or motivated by xenophobia if:" there shall be substituted the words "aggravated or motivated on grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion if:";

(c) in paragraph (a) of subarticle (3) thereof for the words "of a racial or religious group; or" there shall be substituted the words "of a group, denoting a particular gender,

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gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion; or";

(d) in paragraph (b) of subarticle (3) thereof for the words "racial group based on their membership of that group" there shall be substituted the words "group as referred to in paragraph (a)."; and

(e) in subarticle (4) thereof the words "racial or religious" shall be deleted;

Amendment of article 251D of the Code.

6. In article 251D of the Code for the words "racially or religiously aggravated" there shall be substituted the words "aggravated or motivated on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion".

Amendment of article 325A of the Code.

7. In article 325A of the Code the words "in respect of a relevant offence" shall be deleted and for the words "racially or religiously aggravated" there shall be substituted the words "aggravated or motivated on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion".

Amendment of the Press Act, Cap. 248.

8. In article 6 of the Press Act for the words "race, creed, colour, nationality, sex" there shall be substituted the words "gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion," and the words "or national or ethnic origin" shall be deleted.

Passed by the House of Representatives at Sitting No. 491 of the 19th June, 2012.

MICHAEL FRENDU

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives