

**A.L. 265 ta' l-2007**

**ATT DWAR IL-HABS  
(KAP. 260)**

**Regolamenti ta' l-2007 li jemendaw ir-Regolamenti dwar il-Habs**

BIS-SAHHA tas-setghat moghtijin bl-artikolu 6 ta' l-Att dwar il-Habs, il-Viċi Prim Ministru u Ministru tal-Ġustizzja u l-Intern ghamel dawn ir-regolamenti li ġejjin:-

**1.** It-titolu ta' dawn ir-regolamenti hu **Regolamenti ta' l-2007 li jemendaw ir-Regolamenti dwar il-Habs**, u ghandhom jinqraw u jiftiehmha waħda mar-Regolamenti ta' l-1995 dwar il-Habs, hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

A.L. 118 ta' l-1995.

**2.** Fir-regolament 104 tar-regolamenti prinċipali, il-paragrafu (f) ghandu jiġi enumerat mill-ġdid bhala l-paragrafu (g) u minnufih wara l-paragrafu (e) tiegħu ghandu jżied dan il-paragrafu li ġejj-

Jemenda r-regolament 104 tar-regolamenti prinċipali.

“(f) li jaġixxi bhala l-persuna responsabbli mill-Mekkanizmu Preventiv Nazzjonali għall-prevenzjoni ta' tortura, kif provdut fil-Protokoll Opzjonali tal-Konvenzjoni tan-Nazzjonijiet Uniti kontra t-Tortura; u”.

**3.** Minflok is-subregolament (3) tar-regolament 106 tar-regolamenti prinċipali ghandu jidhol dan li ġejj:

Jemenda r-regolament 106 tar-regolamenti prinċipali.

“(3) Il-primunieri ghandhom jiġu mistoqsija dwar jekk huma jkollhomx ilmenti x'jagħmlu dwar it-trattament li jkunu qegħdin jirċievu fil-habs u meta primunier ikun irid jagħmel xi ilment dan ghandu jinstama' f'dik it-taqsimha tal-habs skond ma l-Bord jista' jqis li tkun adatta:

Izda m'ghandha tiġi ordnata, applikata, permessa jew tollerata ebda sanzjoni kontra xi persuna jew organizzazzjoni talli din tkun ikkomunikat lill-Bord xi informazzjoni, sew jekk din tkun vera jew falza, u ebda tali persuna jew organizzazzjoni, m'ghandha altrimenti tkun preġudikata b'ebda mod iehor.”.

**4.** Minflok is-subregolament (2) tar-regolament 108 ghandu jidhol dan li ġej:

“(2) Id-deċiżjonijiet tal-Bord m’ghandhomx ikunu jorbtu lid-Direttur iżda d-Direttur ikollu d-dritt li jikkunsidra serjament ir-rakkomandazzjonijiet tal-Bord wara li tittiehed xi deċiżjoni skond m’hemm provdut fis-subregolament (1) u li jghaddi ghal djalogu mal-Bord dwar miżuri possibbli ta’ implimentazzjoni. Bla hsara ghad-disposizzjonijiet tas-subregolament (3), meta d-Direttur, jew xi ufficċjal iehor tal-habs li jkun qiegħed jagħmilha minflok, jkun tal-fehma li r-rakkomandazzjonijiet tal-Bord ma jkunux jistgħu jiġu implimentati minhabba f’raġunijiet li jkunu fl-aħjar interess ta’ l-amministrazzjoni tal-habs, għandha tingħata spjegazzjoni bil-miktub ta’ dawn ir-raġunijiet, fi żmien xahar mid-data meta jaslu r-rakkomandazzjonijiet tal-Bord, liċ-*chairman* tal-Bord flimkien ma’ kopja li tintbagħat lill-Ministru, jew lil xi persuna li tiġi delegata minnu. Il-Ministru, jew il-persuna li tiġi delegata minnu, tista’ tikkonferma jew tvarja d-deċiżjoni tad-Direttur.”.

**5.** Ir-regolament 116 tar-regolamenti prinċipali għandu jiġi enumerat mill-ġdid bħala s-subregolament (1) tiegħu u minnufih wara dan is-subregolament għandu jiddied dan is-subregolament ġdid li ġej:

“(2) Dik l-informazzjoni kunfidenzjali li l-Bord ikollu għandha tkun privileġġata u m’għandha tiġi pubblikata ebda *data* personali mingħajr il-kunsens espress tal-persuna involuta.”.

L.N. 265 of 2007

**PRISONS ACT  
(CAP. 260)**

**Prisons (Amendment) Regulations, 2007**

BY virtue of the powers conferred by article 6 of the Prisons Act, the Deputy Prime Minister and Minister for Justice and Home Affairs has made the following regulations:-

**1.** The title of these regulations is the Prisons (Amendment) Regulations, 2007 and they shall be read and construed as one with the Prisons Regulations, 1995, hereinafter referred to as “the principal regulations”. Title.  
L.N. 118 of 1995.

**2.** In regulation 104 of the principal regulations, paragraph (f) shall be renumbered as paragraph (g) and immediately after paragraph (e) thereof there shall be added the following new paragraph:- Amends regulation  
104 of the principal  
regulations.

“(f) to act as the person responsible for a National Preventive Mechanism for the prevention of torture, as provided for in the Optional Protocol to the United Nations Convention against Torture; and”.

**3.** For sub-regulation (3) of regulation 106 of the principal regulations there shall be substituted the following: Amends regulation  
106 of the principal  
regulations.

“(3) The prisoners shall be asked if they have any complaints to make with regard to their treatment in the prison and any prisoner wishing to make a complaint shall be heard in such part of the prison as the Board may deem fit:

Provided that no sanction shall be ordered, applied, permitted or tolerated against any person or organization for having communicated to the Board any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.”.

**4.** For sub-regulation (2) of regulation 108 there shall be substituted the following: Amends regulation  
108 of the principal  
regulations.

“(2) The decisions of the Board shall not be binding upon the Director but it shall be the duty of the Director to take serious cognizance of the recommendations of the Board following a decision taken as provided in subregulation (1) and to enter into a

dialogue with the Board on possible implementation measures. Subject to the provisions of subregulation (3), where the Director, or any other prison officer acting on his behalf, is of the opinion that the recommendations of the Board cannot be implemented for reasons which are in the best interests of the prison administration, an explanation in writing of these reasons shall, within one month of the date of receipt of the Board's recommendations, be forwarded to the chairman of the Board and copied to the Minister, or to a person delegated by him. The Minister, or the person delegated by him, may confirm or vary the decision of the Director.”.

Amends regulation 116 of the principal regulations.

**5.** Regulation 116 of the principal regulations shall be renumbered as sub-regulation (1) thereof and immediately thereafter there shall be added the following new sub-regulation:

“(2) Confidential information collected by the Board shall be privileged and no personal data shall be published without the express consent of the person concerned.”.