

ATT DWAR IL- MONITORAĠĠ ELETTRONIKU

(Kap. XX)

Regolamenti tal-2021 dwar il-Monitoraġġ Elettroniku

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 11 tal-Att dwar il-Monitoraġġ Elettroniku, il-Ministru responsabbli għall-Intern għamel dawn ir-regolamenti li ġejjin:-

Titolu fil-qosor.

1. It-titolu ta' dawn ir-regolamenti huwa r-Regolamenti tal-2021 dwar il-Monitoraġġ Elettroniku.

Interpretazzjoni.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx titlob xort'oħra:

L.S. 595.32.

“Awtorità responsabbli” tfisser l-Aġenzija għas-Servizzi Korrettivi kif imwaqqfa bir-Regolament 3 taħt l-Ordni għat-Twaqqif tal-Aġenzija għas-Servizzi Korrettivi;

“l-Att” tfisser l-Att dwar il-Monitoraġġ Elettroniku;

Kap. 516.

“Bord” tfisser il-Bord tal-*Parole* kif imwaqqaf taħt l-Att dwar il-Ġustizzja Riparatriċi;

L.S. 595.32.

“rapport ta' sejha lura temporanja” tfisser ir-rapport magħmul mill-awtorità responsabbli billi timla l-formoli li jinsabu fi Skeda I, II jew III ta' dawn ir-regolamenti kif applikabbli;

“Uffiċjal Kap Eżekuttiv” tfisser l-Uffiċjal Kap Eżekuttiv tal-Aġenzija għas-Servizzi Korrettivi, kif imwaqqaf taħt Regolament 3 tal- l-Ordni għat-Twaqqif tal-Aġenzija għas-Servizzi Korrettivi.

Proċeduri Ġenerali relatati
mal-Monitoraġġ tal-Persuni Kkonċernati.

3. L-awtorità responsabbli għandha tissorvelja l-persuna kkonċernata u għandha tagħmel kuntatt immedjat ma' dik il-persuna kull meta:
 - (a) il-persuna tkun telqet jew daħlet f'xi zona jew post bi ksur tal-ordni ta' monitoraġġ elettroniku, jew
 - (b) huwa suspettat li seħħ ksur tal-Artikolu 10 tal-Att; jew
 - (ċ) il-persuna jidher li hija kisret, jew kisret, kwalunkwe kundizzjoni elenkata taħt l-ordni ta' monitoraġġ elettroniku.

Proċeduri relatati ma' ksur suspettat
minn Persuni li qegħdin taħt
Ordni ta' Monitoraġġ Elettroniku
skont l-Artikolu 4 tal-Att.

4. (1) Fil-każ li persuna li qegħda taħt ordni ta' monitoraġġ elettroniku skont l-artikolu 4 tal-Att ma tistax tiġi kkuntattjata mill-awtorità responsabbli fi żmien massimu ta' għaxar (10) minuti, u, jew jekk il-ksur suspettat jipersisti, l-awtorità responsabbli għandha timla l-formola stabilita fl-Iskeda I u tinforma immedjatament lill-Pulizija, li għandha tipproċedi għall-arrest tal-persuna kkonċernata.
 - (2) Fil-każ li il-Pulizija tistabilixxi li il-ksur seħħ, din għandha tressaq lil persuna li wetqt il-ksur il-Qorti u tinforma lill-awtorità responsabbli b'dan.
 - (3) Jekk, f'każ ta' arrest, jiġi ppruvat għas-sodisfazzjon tal-Qorti li l-persuna kkonċernata naqset milli tikkonforma ma' xi waħda mill-kundizzjonijiet tal-ordni ta' monitoraġġ elettroniku, il-Qorti tista':
 - (a) mingħajr preġudizzju għall-kontinwazzjoni tal-ordni ta' monitoraġġ elettroniku, timponi fuq il-persuna kkonċernata ammenda li ma teċċedix mitejn u tnejn u tletin ewro u erbgħa u disgħin ċenteżmu (232.94); jew
 - (b) tirtira l-ordni ta' monitoraġġ elettroniku u tordna lil min wettaq ir-reat ikompli jiskonta l-bqija tas-sentenza oriġinali; jew
 - (ċ) timponi kundizzjonijiet ġodda jew addizzjonali għall-ordni ta' monitoraġġ elettroniku oriġinali.

Proċeduri relatati ma' ksur suspettat
minn Persuni li qegħdin taħt
Ordni ta' Monitoraġġ Elettroniku
skont l-Artikolu 5 tal-Att.

Kap. 260.

5. Fil-każ li persuna li qegħda taħt ordni ta' monitoraġġ elettroniku skont l-Artikolu 5 tal-Att ma tistax tiġi kkuntattjata mill-awtorità responsabbli fi żmien massimu ta' għaxar (10) minuti, u, jew jekk il-ksur suspettat jippersisti, l-awtorità għandha timla l-formola fl-Iskeda II u tirrapporta l-ksur suspettat lill-Uffiċjal Kap Eżekuttiv, li għandu jieħu dik l-azzjoni kif preskritt fl-Att dwar il-Ħabs jew kwalunkwe liġi oħra.

Proċeduri relatati ma' ksur suspettat
minn Persuni li qegħdin taħt
Ordni ta' Monitoraġġ Elettroniku
skont l-Artikolu 6 tal-Att.

6. Fil-każ li persuna li qegħda taħt ordni ta' monitoraġġ elettroniku skont l-Artikolu 6 tal-Att ma tistax tiġi kkuntattjata mill-awtorità responsabbli fi żmien massimu ta' għaxar (10) minuti, u, jew jekk il-ksur suspettat jippersisti, l-awtorità għandha timla l-formola fl-Iskeda III u tirrapporta l-ksur suspettat liċ-Chairperson tal-Bord tal-*Parole* biex tittieħed azzjoni skont l-Att dwar il-Ġustizzja Riparatrici u l-legiżlazzjoni sussidjarja maħruġa taħtu.

Emenda jew Irtirar tal-Ordni
ta' Monitoraġġ Elettroniku

7. (1) Kull meta ordni ta' monitoraġġ elettroniku tiġi emendata jew irtirata mill-Qorti, mill-Uffiċjal Kap Eżekuttiv jew mill-Bord tal-*Parole*, dawn għandhom jinfurmaw immedjatament lill-awtorità responsabbli b'dan il-fatt u b'kwalunkwe kundizzjoni rilevanti.
(2) L-Aġenzija għall-Appoġġ tal-Vittmi għandha tkun infurmata bi kwalunkwe ordni ta' monitoraġġ elettroniku maħruġa skont l-Artikoli 4, 5 u 6 tal-Att.

Skeda I
Rapport ta' Sejha Lura Temporanja
(Regolament 4)

Lill-Pulizija,

.....(isem u kunjom),.....(Nru tal-ID/Nru tal-Passaport/Nru tal-Permess ta' Residenza), minn hawn 'il quddiem il-persuna kkoncernata, li nħargitilha Ordni ta' Monitoraġġ Elettroniku mill-Qorti (Ordni ME Nru ta'.....) skont l-Artikolu 4 tal-Att dwar il-Monitoraġġ Elettroniku, tidher li kisret il-kundizzjonijiet marbuta mal-ordni ta' monitoraġġ elettroniku tagħha.

Saru tentattivi biex tiġi kkuntattjata l-persuna kkoncernata skont l-Att dwar il-Monitoraġġ Elettroniku u l-leġiżlazzjoni sussidjarja tiegħu.

Il-fatti relatati mal-każ huma kif ġej:

Tentattivi biex tiġi kkuntattjata l-persuna kkoncernata: Irnexxa ma' tentattiv/Ma rnexxiex wara tentattivi;

Il-persuna kkoncernata ġiet imsejha minħabba li (indika l-lokazzjoni tal-persuna kkoncernata u r-raġuni għaliex kien hemm suspett ta' ksur):

Ħin li fih il-Pulizija ġiet ikkuntattjata bit-telefon biex il-persuna kkoncernata tinqabad:

Ħin li fih din l-ordni ntbagħtet lill-Pulizija:

Skeda II
Rapport ta' Sejha Lura Temporanja
(Regolament 5)

Lill-Uffiċjal Kap Eżekuttiv, Aġenzija għas-Servizzi Korrettivi,

.....(isem u kunjom),.....(Nru tal-ID/Nru tal-Passaport/Nru tal-Permess ta' Residenza), minn hawn 'il quddiem il-persuna kkonċernata, li nħarġitilha Ordni ta' Monitoraġġ Elettroniku mill-Qorti (Ordni ME Nru ta'.....) skont l-Artikolu 5 tal-Att dwar il-Monitoraġġ Elettroniku, tidher li kisret il-kundizzjonijiet marbuta mal-ordni ta' monitoraġġ elettroniku tagħha.

Saru tentattivi biex tiġi kkuntattjata l-persuna kkonċernata skont l-Att dwar il-Monitoraġġ Elettroniku u l-leġiżlazzjoni sussidjarja tiegħu.

Il-fatti relatati mal-każ huma kif ġej:

Tentattivi biex tiġi kkuntattjata l-persuna kkonċernata: Irnexxa ma' tentattiv/Ma rnexxiex wara tentattivi;

Il-persuna kkonċernata ġiet imsejha minħabba li (indika l-lokazzjoni tal-persuna kkonċernata u r-raġuni għaliex kien hemm suspett ta' ksur):

Ħin li fih ir-rappreżentant/i tal-Uffiċjal Kap Eżekuttiv ġew ikkuntattjati bit-telefon biex il-persuna kkonċernata tinqabad:

Ħin li fih din l-ordni ntbagħtet lill-Uffiċjal Kap Eżekuttiv:

Skeda III
Rapport ta' Sejha Lura Temporanja
(Regolament 6)

Liċ-Chairperson tal-Bord tal-*Parole*,

.....(isem u kunjom),.....(Nru tal-ID/Nru tal-Passaport/Nru tal-Permess ta' Residenza), minn hawn 'il quddiem il-persuna kkonċernata, li nħarġitilha Ordni ta' Monitoraġġ Elettroniku mill-Qorti (Ordni ME Nru ta'.....) skont l-Artikolu 6 tal-Att dwar il-Monitoraġġ Elettroniku, tidher li kisret il-kundizzjonijiet marbuta mal-ordni ta' monitoraġġ elettroniku tagħha.

Saru tentattivi biex tiġi kkuntattjata l-persuna kkonċernata skont l-Att dwar il-Monitoraġġ Elettroniku u l-leġiżlazzjoni sussidjarja tiegħu.

Il-fatti relatati mal-każ huma kif ġej:

Tentattivi biex tiġi kkuntattjata l-persuna kkonċernata: Irnexxa ma' tentattiv/Ma rnexxiex wara tentattivi;

Il-persuna kkonċernata ġiet imsejha minħabba li (indika l-lokazzjoni tal-persuna kkonċernata u r-raġuni għaliex kien hemm suspett ta' ksur):

Ħin li fih ir-rappreżentant jew rappreżentanti tal-Bord tal-*Parole* ġew ikkuntattjati bit-telefon biex il-persuna kkonċernata tinqabad:

Ħin li fih din l-ordni ntbagħtet liċ-Chairperson tal-Bord tal-*Parole*:

L.N XX of 2021

ELECTRONIC MONITORING ACT
(Cap XX)
Electronic Monitoring Regulations, 2021

IN EXERCISE of the powers conferred by article 11 of the Electronic Monitoring Act, the Minister responsible for Home Affairs has made the following regulations:-

Short title.

1. The title of these regulations is the Electronic Monitoring Regulations, 2021.

Interpretation.

2. In these regulations, unless the context otherwise requires:

“Act” means the Electronic Monitoring Act;

Cap. 516.

“Board” means the Parole Board established under the Restorative Justice Act;

S.L. 595.32.

“Chief Executive Officer” means the Chief Executive Officer of the Correctional Services Agency, as established by Regulation 3 the Correctional Services Agency (Establishment) Order ; and

S.L. 595.32.

“responsible authority” means the Correctional Services Agency established by Regulation 3 of the Correctional Services Agency (Establishment) Order;

"the Act" means the Electronic Monitoring Act;

“temporary recall report” means the report made by the responsible authority by filling in the form in Schedule I, II or III to these regulations as applicable.

General Procedures relating
to the Monitoring of Persons Concerned.

3. The responsible authority shall monitor the person concerned and shall make immediate contact with that person whenever:

- (a) the person has left or entered any area or premises in breach of the electronic monitoring order;
- (b) it is suspected that a breach of article 10 of the Act has occurred; or,
- (c) the person appears to have breached, or has breached, any condition listed in the electronic monitoring order.

Procedures relating to suspected
breaches by Persons issued with an
Electronic Monitoring Order in terms
of Article 4 of the Act.

4. (1) In the event that a person issued with an electronic monitoring order in terms of article 4 of the Act cannot be contacted by the responsible authority within a maximum of ten (10) minutes, and, or if the suspected breach persists, the responsible authority shall fill in the form established Schedule I and immediately inform the Police, who shall proceed to the arrest of the person concerned.

(2) In the event that the Police find that the suspected breach results, the Police shall arraign the offender and inform the responsible authority about the arraignment before the Court..

(3) If, in case of arraignment, it is proved to the satisfaction of the Court that the person concerned has failed to comply with any of the conditions of the electronic monitoring order, the Court may:

- (a) without prejudice to the continuance of the electronic monitoring order, impose on the person concerned a fine (ammenda) not exceeding two hundred and thirty-two euro and ninety-four cents (232.94); or
- (b) withdraw the electronic monitoring order and order the offender to continue to serve the remainder of the original sentence, in Prison; or,
- (c) impose new or additional conditions to the original electronic monitoring order.

Procedures relating to suspected
breaches by Persons issued with
an Electronic Monitoring Order in terms

of Article 5 of the Act.

Cap. 260.

5. In the event that a person issued with an electronic monitoring order in terms Article 5 of the Act cannot be contacted by the responsible authority within a maximum of ten (10) minutes, and, or if the suspected breach persists, the authority shall fill in the form in Schedule II and report the suspected breach to the Chief Executive Officer, who shall take such action as prescribed in the Prisons Act or any other law.

Procedures relating to suspected
breaches by Persons issued with
an Electronic Monitoring Order
in terms of Article 6 of the Act.

6. In the event that a person issued with an electronic monitoring order in terms Article 6 of the Act cannot be contacted by the responsible authority within a maximum of ten (10) minutes, and, or if the suspected breach persists, the authority shall fill in the form in Schedule III and report the suspected breach to the Chairperson of the Parole Board for action to be taken in line with the Restorative Justice Act and subsidiary legislation enacted thereunder.

Amendment or Withdrawal of
the Electronic Monitoring Order.

7.(1) Whenever an electronic monitoring order is amended or withdrawn by the Court, by the Chief Executive Officer or by the Parole Board, these shall immediately inform the responsible authority of this fact and any relevant conditions.

(2) The Victim Support Agency shall be informed of any electronic monitoring order issued pursuant to Articles 4, 5 and 6 of the Act.

SCHEDULE I
Temporary Recall Report
(Regulation 4)

To Police,

..... (name and surname), (ID No/ Passport No/Residence Permit No), hereinafter the person concerned, who has been issued with an Electronic Monitoring Order by the Court (EM Order No..... of) in terms of Article 4 of the Electronic Monitoring Act, appears to have breached conditions attaching to his electronic monitoring order.

Attempts have been made to contact the person concerned in line with the Electronic Monitoring Act and its subsidiary legislation.

The facts relating to the case are as follows:

Attempts to Contact the person concerned: Succeeded onattempt/Failed after attempts;

The person concerned was called because (indicate location of person concerned and reason why breach was suspected):

Time at which Police were contacted by phone for the person concerned to be apprehended :

Time at which this order was sent to the Police:

SCHEDULE II
Temporary Recall Report
(Regulation 5)

To the Chief Executive Officer, Correctional Services Agency,

..... (name and surname), (ID No/ Passport No/Residence Permit No), hereinafter the person concerned, to whom you have issued an Electronic Monitoring Order (EM Order No..... of) in terms of Article 5 of the Electronic Monitoring Act, appears to have breached conditions attaching to his Electronic Monitoring Order.

Attempts have been made to contact the person concerned in line with the Electronic Monitoring Act and its subsidiary legislation.

The facts relating to the case are as follows:

Attempts to Contact the person concerned: Succeeded onattempt/Failed after attempts;

The person concerned was called because (indicate location of person concerned and reason why breach was suspected):

Time at which the representative/s of the Chief Executive Officer were contacted by phone for the person concerned to be apprehended:

Time at which this order was sent to the Chief Executive Officer:

SCHEDULE III
Temporary Recall Report
(Regulation 6)

To the Chairperson, Parole Board,

..... (name and surname), (ID No/ Passport No/Residence Permit No), hereinafter the person concerned, to whom you have issued an Electronic Monitoring Order (EM Order No..... of) in terms of Article 6 of the Electronic Monitoring Act, appears to have breached conditions attaching to his Electronic Monitoring Order.

Attempts have been made to contact the person concerned in line with the Electronic Monitoring Act and its subsidiary legislation.

The facts relating to the case are as follows:

Attempts to Contact the person concerned: Succeeded onattempt/Failed after attempts;

The person concerned was called because (indicate location of person concerned and reason why breach was suspected):

Time at which the representative or representatives of the Parole Board were contacted by phone for the person concerned to be apprehended:

Time at which this order was sent to the Chairperson, Parole Board:
