Court of Criminal Appeal

Hon. Ms. Justice Dr. Consuelo Scerri Herrera LL.D.

Appeal number: 331/ 2018

The Police

Inspector Maurice Curmi

Vs

Nahom Asmerom Negasi

Today the, 21st February 2019.

The Court,

Having seen the charges brought against Nahom Asmerom Negasi holder of identity card number 113029A, before the Court of Magistrates (Malta) as a Court of Criminal Judicature of having:

On the 4th May 2018, at about 00:05hrs and in the previous two years as the person responsible of the establishment 'Marley's Magic Bar' situated in Harifa Street, Saint Paul's Bay:

1. Played and/or permitted to play amplified music without the permit from the competent authority;
2. Also accused played and/or permitted to play amplified music without the permit from the competent authority;
3. Also accused of having operated a loudspeaker, gramophone, amplifier or similar instrument made or caused or suffered to be made which was so loud to have caused a nuisance to his neighbours John Spiteri and Angelo Xuereb;

4. Also accused having permitted and/or played music that could be heard from outside after 23:00hrs.

Having seen the judgment meted by the Court of Magistrates (Malta) as a Court of Criminal Judicature proffered on the 10th of July, 2018 whereby the Court, after having seen Regulation 6 (4) (a), (b) and (d) of Subsidiary Legislation 441.08, and section 41 (2) (a) of Chapter 10 of the Laws of Malta found the accused guilty of all the charges brought against him with the exception of the second charge as it is identical to the first charge and hence the Court did not taking cognizance of the same charge, and condemned him to the payment of a fine (ammenda) of one thousand euro (€1000) and in terms of section 30 of Chapter 9 of the Laws of Malta disqualified the accused from holding the license of the establishment Marley's Magic Bar, Triq il-Harifa, St. Paul's Bay for a period of fifteen (15) days from today.

Having seen the acts of the proceedings;

Having seen the updated conduct sheet of the appellant, presented by the prosecution as requested by this Court.

Having seen the appeal application presented by Nahom Asmerom Negasi in the registry of this Court on the 25th of July 2018 whereby this Court was respectfully petitioned to reverse and cancel the judgement given by the Court of Magistrates as a Court of Criminal Judicature on the 10th July 2018, consequently proceeding to acquit the appellant from all guilt and punishment. Alternatively, this Court is respectfully petitioned to vary the judgement given by the Court of Magistrates as a Court of Criminal Judicature on the 10th July 2018 by awarding a lesser punishment which is qualitatively and quantitatively more proportionate in relation to the facts concerned.

Having seen the grounds for appeal of Nahom Asmerom Negasi:

1. The articles of law quoted in conjunction with the charges are erroneous

The charges under which the appellant was accused quote "S.L. 441.07 sec 38 2a" [sic] and "S.L. 441.07 sec 38 2c"as the effective articles of law. It is humbly pointed out that really and truly, section 38 of the quoted law concerns appeals from decisions regarding trade licenses – a matter which is totally unrelated to the instant case. This error was not corrected prior to closure of prosecution's evidence. In fact, as is evident from the judgement, the first Court opted to apply different articles of law to the facts at issue *marte proprio*. The appellant is aggrieved by the lack of impartiality demonstrated by the first Court who took on the mantle of correcting the prosecution's errors.

2. License to play amplified music

In its decision, the first Court stated that "*when the accused took the witness stand, he stated that on the premises there are only three small loudspeakers which in total cost €35 and therefore that there couldn't be that much noise. However from the license exhibited by the prosecution, it does not result that the accused has any permit to play amplified music from the bar in question. Therefore he cannot play any kind of amplified music*".

First and foremost, it must be stated that the "license" exhibited by the prosecution was simply a photocopy. From the acts of the case, it does not result that this was actually presented and confirmed on oath by a representative of the Malta Tourism Authority which is the license-issuing body according to law. One cannot honestly state that the best evidence rule has been followed in this regard.

One may also comment that the (underlined) comment passed by the first Court is too categorical, besides being legally incorrect. One cannot state that the appellant cannot play any kind of amplified music when the law itself [S.L. 441.08 Art. 6(4)(a)] states that "*the playing of music by whatever means inside commercial premises when they are not licensed to play amplified music shall stop by 11.00 p.m. and between 1.00p.m and 4.00 p.m*". So therefore, even a commercial establishment which is not specially licensed is actually allowed to play amplified music until 23:00. It is respectfully submitted that the approach adopted by the first Court is based on a mistaken

interpretation of the regulatory framework regarding the playing of music within commercial establishments.

More importantly, it is an established fact that the appellant does not have a professional sound system installed in the premises (this could also have easily been verified by the Police Officers who executed a spot check on the 4th May 2018). The defence has proven that the only speakers on the premises are a very small domestic model which is normally used in private residences. They are used to provide background music, something which *per se* is not prohibited by law. It is highly doubtful whether the use or otherwise of such speakers can actually fall squarely within the definition of "amplified music" contemplated by the law. Rather, it is humbly submitted that this should have been treated as a case of *de minimis non curat prætor*.

3. The first Court found guilt notwithstanding the fact that the prosecution failed to bring forward the best evidence in various instances

It is respectfully submitted that the first Court should have proceeded to acquit the appellant due to the fact that the prosecution failed to adduce the best evidence available in relation to no less than three important factors which are essential in the understanding of this case.

Whilst it is an accepted fact that on the night at issue, 4th May 2018, a number of Police Officers from Qawra district carried out a spot check at appellant's establishment, it is surprising why none of the officers were called to testify about what they saw or found during such check. In such a case, doubt should militate in favour of the accused, who testified that he was not playing loud music after 23:00.

Similarly, the officer who received the reports from John Spiteri and Angelo Xuereb, namely WPC 58 Jessica Vassallo was also conspicuous by her absence on the witness stand.

As has already been stated above, the "license" exhibited by the prosecution was simply a photocopy. From the acts of the case, it does not result that this was

actually presented and conformed on oath by a representative of the Malta Tourism Authority which is the license –issuing body according to law. Here again, the evidence brought forward by the prosecution was seriously defective in terms of procedural requirements.

4. The witnesses produced failed to mention a date and time

In charges of this nature, the establishment of the time of the offence is of a crucial nature, this is because the law itself establishes a chronological demarcation. Surprisingly, the three witnesses who testified *viva voce* before the first Court, namely Angelo Xuereb, John Spiteri and Giovanna Antida Spiteri, whilst being univocal in their manifest contempt for the appellant, failed to state clearly a date and time when the amplified music was actually being played. The prosecution also failed to produce the Police Officers who executed the spot check on the appellant's bar. This latter omission would indicate that they did not witness amplified music being played after 23:00.

It is therefore clear that the fact that amplified music was being played after 23:00 was not established beyond reasonable doubt by the prosecution. One must keep in mind that in the criminal proceedings, any doubt should militate in favour of the accused – *in dubio pro reo*.

It is humbly submitted that since finding of guilt of the offences as stated in the charges depends on the establishment of the fact that amplified music was actually played after 23:00, the appellant should be acquitted.

5. The punishment meted out by the first Court is excessive and disproportionate

Without prejudice to the other grounds of appeal, it is respectfully submitted that the punishment meted by the first Court, that is, the payment of a fine of €1,000 and disqualification from holding the license of the establishment for a period of 15 days, is rather draconian in relation to the minor nature of the facts at issue in this case. One must bear in mind that the appellant's conviction only rests on the disjointed testimony of persons who arguably hold a personal grudge against him and have

every interest to use the instant judicial proceedings as an instrument of reprisal. No official or impartial witnesses were brought.

Reference is made to judgement given by this honourable Court in the case **Pulizija Vs. Mark William Grima** (decided on 16 December 2015 per Madam Justice E. Grima), the facts of which were analogous to the instant case. The Court, on an appeal lodged by the Attorney General on punishment, raised the punishment from a reprimand and admonition to a fine (*ammenda*) of **€150**. It is humbly suggested that something on these parameters would constitute a more reasonable option were this Court to confirm guilt on part of the appellant.

The Court took note of the updated conduct sheet exhibited by the prosecution.

Considers further.

The Court took note of the affidavit of WPC 58 Jessica Vassallo (fol. 3) wherein he stated that on the 4th May 2018 at about 00.30 Angelo Xuereb reported that he was being disturbed from the music being played in the bar Marley's Magic Bar which is found in Triq il-Harifa, Bugibba. He said that the music was played with a loud volume and that this situation had been going on for the last two years. He thus asked the police to take action. From investigation carried out by the police she explains that the person who was registered as a substitute in this bar was Neham Asmeron Negasi .

The Court took note of the police report exhibited in the acts of the proceedings at fol. 6.

The Court took note of the affidavit of Malcolm Zerafa exhibited at fol. 9 where he was asked to give evidence in representation of Malta's Tourism Authority and he exhibited a copy of the relevant license issued by the Malta Tourism Authority on the bar in question. From an examination of this license, it results that the appellant is a substitute and this with effect from 23rd august 2016 and that the bra can remain open till 4.00a.m.

The Court also saw the pictures exhibited of the bar in question as well as the picture of the speakers allegedly found in the bar,

The Court heard the evidence brought forward by the prosecution namely the following:-

Angelo Xuereb testified on the 17th January 2019 and confirmed that he lives in the same street as the bar of the appellant namely in Triq il-Harifa, Bugibba. He confirmed that he lives opposite the bar in question named Marley's Magic Bar. He confirmed that he had made a report with the police although he could not remember the date in question. He said that he has had problems with the accused for the last two years preceding the last six months over the bar in questions. He stated that ever since the appellant took hold of the bar he was disturbed regularly at night with the loud music that he plays as well as with his patrons shouting in the street and fights he witnessed from his home. He said that this all took place at nighttime when people are generally asleep. He confirmed that the music would go until the early hours of the morning at times even till 06.00a.m

Asked if in the vicinity of where he lives there are other bars he said that there is a bar adjacent to his property though it does not trouble him since at 11.00p.m the owner switches off all music.

Asked if he were sure that the music he is complaining about is generated in the bar Marley's Magic Bar he stated yes with certainty. He said he used to see the speakers and also speak to the appellant to reduce the volume though the appellant would have none of that and said that he does not object if her were to call the police and that he is not afraid of the Law Courts. He said he used to call the police regularly and that they were accustomed to him calling and they would come to the place and speak with the appellant and the music would stop for a few moments though when the police leave he would once again raise the volume of the music. He said that the situation was unbearable and that he was getting very little sleep all throughout this period of time. He stated that today the appellant no longer work in this bar and that the situation has reversed back to normal.

John Spiteri gave evidence in the Maltese language but was translated by the Court appointed interpreter into the English language. He stated that he lives in the same street at the bar in question Marley's Magic Bar and his bedroom lies over the bar in question. He said that he lives with his wife. He stated that he could not sleep at night because of the loud music coming from the bar in question during the night. He said that at times the music goes on until six in the morning. He said that it caused him a lot of discomfort enough to say that when in bed at nighttime he would have to get out of bed look up the number of the police station and call them to report the appellant. He said that he was not giving evidence on a report made by himself though he is a witness to the discomfort that the appellant is causing to the neighbourhood. He said that he could not get any rest. He said that h spoke with the accused many times and even told him to reduce the volume whilst reminding him of the fine he was condemned to pay in the sum of one thousand euros (€1,000) and thus he should respect the law. He answered him that he did not care about the fine he had to pay and he got the impression that the appellant has no respect to the court or authorities. Asked if he can recall any particular even in the month of May and he replied in the negative. He however iterated that the music he complains off is played regularly and has been the same for the last two years prior to the last few months since the appellant no longer operates the bar, which is currently closed.

Asked if there are any other bars in the same street he said that there is one opposite him though it switches off all music at 11.00p.m and he has no problem with that. Asked if it is a karaoke bar he said that the bar is licensed. Asked if there is a yearly event in Bugibba, known as 'Lost and Found' he said that there is and that takes place near ta' Fra Ben far from where he lives. Asked if he lives near the square he said no and far from the sea.

Giovanna Antida Spiteri gave evidence and said that she is the wife of John Spiteri and thus lives on top of the bar in question in Triq il-Harifa, Bugibba. She said that she was giving evidence on the fact that due to the loud music generated by the appellant in his bar on a regular basis she could not sleep at night and this was disturbing her profusely. She said that the appellant plays music even after 4.00a.m

on a daily basis. She could not state how long this situation had been going on for. She was under the impression that the report she was testifying about was made before summer 2018. She said that the accused does not play music during the day in the mornings she never heard music. She said that the situation has got into her system so much so that practically even when the appellant did not have music on she would still hear the *dum dum dum* of the music.

The accused **Nahom Asmerom Negosi** explained that he was the operator of the bar Marley's Magic for a period of time though recently he had given it up since he could no longer operate with the complaints that he got. He explained that the bar was a garage and that the witness Spiteri was offered to buy the place but he did not want to buy it and ever since the garage was turned into a bar he did not stop complaining about it.

He said that the speakers he had in the bar were domestic and small and thus could not understand how the neighbours heard the music. He said that he always said 'hello' to the witnesses once he met them in the streets and had a good relationship with them. He explained that he never had any problems with MTA an not even with the police. He stated that when the police did inspections in his bar they always found everything in order. He said that his permit is that he can stay open till 4.00 a.m but can play music till 1..00pm and thus does not play music after this time. He said that he could play music form 4.00pm till 11.00p.m on a daily basis. He stayed open till 2.00a.m or 3.00am depending on how long the people would stay on.

The Court heard the submissions put forward by the defence namely that it was the duty of the prosecution to prove its charges beyond reasonable doubt and that the accused had to prove anything.

In its first aggravation the defence states that the court quoted different articles at law then those quoted by the prosecution in the charge sheet. It is to be noted however that the article at law which the prosecution quoted do not reflect the charges per se. Thus, it is the written charges that the appellant had to answer to. The appellant held that since the original citation indicates different articles at law

then the ones mentioned by the court of first instance in its judgment then this amounted to "*impartiality demonstrated by the first court who took on the mantle od correcting the prosecution's error*." The Court however reaffirms that it is the duty of the Court to indicate the articles at law to which it is attributing guilt it is not necessary that the prosecution indicates the articles at law in the charge sheet.

It is to be noted *ab initio* that there is no article at law which dictates an obligation on the prosecution to indicate the articles of the charges it is issuing. The law only demands that such articles are written in the judgment of the Court if the presiding judge is finding guilt.

Our Courts have held that the Articles which **Article 382** makes reference to the fact that the article have only be mentioned in the judgment itself and not in the summons. For instance, in **Il-Pulizija vs Saviour Borg D'Anastasi**[1], the Court held that:

"Illi dwar l-aggravju li hu ma giex mgharraf bl-artikoli tal-ligi jew regolamenti li tahthom kien qed jigi akkuzat, dan hu manifestament infondat ghax dan mhux rikjest bil-ligi.

Di fatti l-art.360 (2) tal-Kodici Kriminali li jiddisponi x'ghandu jkun fiha ic-citazzjoni, ma jsemmix dan ir-rekwizit fost id-dettalji kollha li jinkludi li ghandhom ikunu inkluzi fic-citazzjoni, kuntrarjament ghal dak li hu provvdut fl-art. 382 ta' l-istess kodici li jghid li is-sentenza ghandha issemmi "l-artiklu ta' dan il-Kodici jew ta' kull ligi ohra li tkun tikkontempla r-reat" vot li gie osservat mill-ewwel Qorti fis-sentenza Taghha.'

This was explained better in **Il-Pulizija vsGary Grech**[2] whereby the Court held that;

"L-appellant jissottometti li la c-citazzjoni originali ma tindikax l-artikoli li abbażi tagħhom ħargu l-artikoli, spetta għall-ewwel Qorti li dawn tispecifkahom fic-citazzjoni li fiha hemm miktub is-sentenza minn idejn il-Qorti stess.

L-artikolu 382 tal-Kap 9 jesigi li jkunu inidkati l-artikoli li tagħhom imputat ikun isntab ħati. Iżda mkien ma jorbot lill-Qorti lil dawn tniżżilhom fuq ic-citazzjoni fejn tkun kitbet is-sentenza b'idejha. L-ewwelnett l-ebda artikolu tal-Kap 9 ma jirrkjedi li s-sentenzi jinkitbu fuq ic-citazzjoni nnifisha u t-tieni mhux l-ewwel darba li s-sentenza

[1] Decided on the 18th April 2002 by the Criminal Court of Appeal
[2] ecided on the 17th June 2014 by the Criminal Court of Appeal

ma tinkitibx fuq ic-citazzjoni, specjalment meta l-Qorti tkun tirrikjedi aktar ħsieb jew ma tinkitibx dak in-nhar stess tal-udjenza u l-każ ikun iddefirit għal data oħra għas-sentenza.

B'danakollu l-artikolu jridu jidhru fis-sentenza. F'dan il-każ jidhru fis-sentenza dattilografata li ggib ukoll il-firma tal-istess Magistrat ... galadarba fis-sentenza dattilografata hemm imniżżlin l-artikoli, l-artikolu 382 kien soddisfatt u għalhekk il-Qorti qed tirrispingi din il-parti tal-ewwel aggravju."

Thus this first ground of appeal is rejected.

In the second case the appellant stated that the license exhibited by Malcolm Zerafa was only a photocopy and thus does not constitute the best evidence, which is required before a court of Law.

It must be highlighted that the affidavit of Malcolm Zerafa was presented in court in accordance with article 360A of chapter 9 of the laws of Malta which provides the following.

360 A(1)" *In summary proceedings for offences within the jurisdiction of the Court of Magistrates as a court of criminal judicature under article 370(1) the police may, together with the summons or at any time thereafter, serve upon the accused copies of any affidavits made by a public officer or by an employee or officer of a body corporate established by law or by a representative of an undertaking as defined in terms of article 2 the Electronic Communications (Regulation) Act and who is to be produced as a witness for the prosecution in those proceedings as well as any document to be produced in evidence in the same proceedings and if the accused desires to cross-examine any person whose affidavit has been served upon him as aforesaid he shall, not later than fifteen days before the first sitting following the service of the affidavit, give notice thereof to the Commissioner of Police by registered letter whereupon the person to be cross-examined shall be summoned to give evidence in the proceedings*"

The documents that were annexed to the affidavit meant that the same witness was also confirming the contents of the same documents exhibited by him. So it is not correct for the defence to state that the documents exhibited were photocopies. The

likelihood is that they were computer generated however their contents were confirmed by the witness on oath.

As correctly indicated by the defence itself the law in article 6 (4) (a) of SL 441 provides that ' the playing of music by whatever mean inside commercial premises when they are not licensed to play amplified music hall stop by 11.00.m and between 1.00p.m and 4.00pm" Thus the appellant should not have played any type of music after 11.00ap.m and from the evidence heard it appears that he plays music al all throughout the night. Amplified music means music heard through an amplifier. There is no doubt that music that is heard from neighbouring premises is played via an amplifier which is attached to a music system

So much so that the appellant even indicated the speakers which are in the front bar of the bar in the street in the terrace which are there to transmit music from inside the bar to outside the bar – to its front terrace.

Thus aggravation is also being rejected

The third and fourth aggravations are based on the allegation that the prosecution failed to bring forward the best evidence in that none of the witnesses brought forward by the prosecution confirmed that on the 4th of May 2018 music was generated from the bar Marley's Magic Bar that caused disturbance to the complainants. The defence held that this was an important fat which the prosecution was bound to prove. It also stated that the bar in question could not generate the loud music that the complainants were stating that there was since the speakers in question were domestic. The prosecution stated that the bet evidence would have been for the prosecution to bring forward police officers, independent witnesses to confirm that in fact the bar does generate loud music at times which are not covered by the license .

The prosecution on the other hand stated that the charge does not relate to a specific day in May but to a period of time namely two years preceding the 4th May 2018. It said that with the witnesses it brought forward it results that it is clear that the

complainants were being disturbed from the playing of music that was played by the appellant. The prosecution proved that it was the appellant that was licensed to work in the bar as a substitute and thus should be held responsible for the discomfort caused to the neighbours and to playing music at times that were not covered by the license.

These aggravations are likewise rejected.

Considers further.

The prosecution proved by means of its witness Malcolm Zerafa that the bar entitled Marley's Magic Bar had as its substitute with effect from 23rd august 2016 the appellant. This fact is not contested by the defence and thus this means that the appellant was responsible for all that happens within the part that he was running. It transpires that he had a license to play music in the bar till 11.00a.m and to remain open t patrons till 4.00a.m without the use of amplified music.

The prosecution rested its case on the evidence given by Angelo Xuereb and John and Giovanna Spiteri neighbours of the said bar. It is true as correctly identified by the defence that the prosecution did not prove that the appellant was playing loud music on the 4th May 2018 however it certainly proved that he played loud music for a period of two years prior to that date as was reported by Angelo Xuereb and documented in the affidavit released by WPC 58. It results to the satisfaction of the court that the accused played music at night time during the early hours of the morning for a period of time and this to the detriment of hi neighbours mainly Angelo Xuereb and John and Giovanna Spiteri. The Court heard the complainants testify and say how displeased they were with the state of affairs being that the appellant insisted on playing loud music whilst they were trying to get some sleep no matter how much they asked him to switch of the music and despite the Court finding him guilty of similar charges as resulted from his conviction sheet.

The first court heard the same witnesses that this court heard although this court cannot confirm that the witnesses gave the same version of events since their

testimony was not recorded. However on the evidence heard before her, this court like the first court feels that there is enough evidence for the appellant to be found guilty of the first , third and fourth charge since the second charge was identical to the to the first charge .

With regards to the fifth charge relating to the punishment inflicted the court has the following comments to make.

It is to be pointed out that generally the Court of Criminal Appal does not disturb the discretion used by the Court of First instance with regards to punishment unless the punishment given does not fall within the parameters of the law or is not proportionate or is manifestly excessive in the circumstance. This was dealt with in the case in the names **'Il-Pulizija (Spt. A. Miruzzi) vs Anthony Zarb[3]'** which held that :

"'*Illi ghar-rigward tal-aggravju dwar il-piena, l-principju regolatur hu li mhux normali li tigi disturbata d-diskrezzjoni ta' l-Ewwel Qorti jekk il-piena nflitta tkun tidhol fil- parametri tal-ligi w ma jkun hemm xejn x' jindika li kellha tkun inqas minn dak li tkun fil-fatt.* (vide "**Ir-Repubblika ta' Malta vs. David Vella[4]**" , "**Ir-Repubblika ta' Malta vs. Eleno sive Lino Bezzina[5]**" and others.)

In the judgment in the names **'Il-Pulizija Vs Joseph Azzopardi'[6]** the Court considered that:-

'*Ghar-rigward tal-aggravju dwar il-piena, il-principju regolatur hu li din il-Qorti tal-Appell ma tiddisturbax u tvarja d-diskrezzjoni tal-Ewwel Qorti dwar il-piena sakemm din ma tkunx wahda li tohrog mill-parametri tal-ligi jew tkun manifestament eccessiva.*' *Madankollu, il-Qorti f'dak il-kaz qieset ic-cirkostanzi partikolari u ddecidiet li 'stante n-novita' tal-kaz in ezami w peress li l- appellant seta' genwinament kellu l-impressjoni li quod bikes ma ghandhomx bzonn licenzja biex ikunu fuq it-triq u li ma ghandhomx bzonn ikollhom kopertura ta' asskurazzjoni kontra r-riskji ta' terzi, din il-Qorti thoss li hemm raguni specjali*

[3] Decided by the Criminal Court of Appeal on the 26 th April, 2007
[4] Decided by the Criminal Court of Appeal on the 14th June, 1999
[5] Decided by the Criminal Court of Appeal on the -24 th April, 2003
[6] Decided by the Criminal Court of Appeal on the 10 th Dicember, 2009

biex il-periodu tas-sospensjoni w skwalifka tal-licenzji tas-sewqan tal-appellant jigi imnaqqas.'

In this case the first court condemned the accused to a fine of one thousand euros (€1,000) and disqualified from holding the license of the establishment or a period of fifteen (15) days which the defence feels was rather draconian. It must be pointed out that the appellant was not charged of being a recidivist and thus the punishment to be awarded for transgressing sections 6(4) (a0(b) (c) (d) of SL 441.08 on a first conviction lies between the payment of a fine (ammenda) of not less that €116.47 and not more than €1,164.69 and not more than fifty-eight euro and twenty-three cents (€58.23) ammenda for the charge indicated in article 41 (2) (a) of chapter 10 of the laws of Malta in terms of section 13 (1) of chapter 9 of the laws of Malta.

Thus in the circumstance that the appellant is no longer operating the bar in question as stated by him under oath and confirmed by the witnesses of the prosecution decides to reduce the fine imposed by the first court to the sum of five hundred euro (€500).

Thus the Court is hereby confirming the judgment delivered by the first court with regards to guilt and decides to find the appellant guilty of the first, third and fourth charge though revokes it with regards to that part of the judgment relating to the fine imposed since it is reducing the fine to the payment of five hundred euros (€500). It is also confirming that part of the judgement wherein it disqualified the appellant from holding the license to operate the bar for a period of fifteen days.

(ft) Consuelo Scerri Herrera

Judge

TRUE COPY

Franklin Calleja

Deputy Registrar