



Court of Magistrates (Malta) as a Court of Criminal Judicature

**THE POLICE (INSPECTOR CHRISTOPHER FORMOSA) V. PIETRO PECCHIONI
(ID. 317819A)**

MAGISTRATE: DR. VICTOR G. AXIAK

26/09/2023

THE COURT,

Having seen the charges issued against the accused:

As you have been charged that on the 29/05/2022 at about 09.25a.m. at Triq Tul Il Kosta, Naxxar,

(1). You drove vehicle No.BCO987 when it was not licenced by the Authority for Transport in Malta to be used on the road. (Vehilce licence not renewed).

Having heard the witnesses summoned before it and having considered the testimony that was produced, that is, the testimony of EO 337 and Stephen Cachia (affidavit - Transport Malta);

Having seen all the acts of the case;

Having heard final submissions made by the Prosecution and the Defence;

Is giving the following

Judgement

From the testimony of EO 337 and the affidavit of Stephen Cachia it results that on the date, at the time and in the place indicated on the summons, the accused was driving the vehicle

Peugeot Partner with registration number BCO 987 when such vehicle was not covered by a valid road license. The license had in fact expired on 28 February 2022 and was subsequently renewed on 2 June 2022.

The Prosecution charged the accused with breaching Art. 13(2) of Subsidiary Legislation 368.02 (i.e. having a motor vehicle on the road, whether parked or in use, without a valid circulation licence). The applicable penalty is that indicated under Art. 44(7)(a) of the same legislation. In this regard it has been established on numerous occasions by the Court of Criminal Appeal¹ that the fines listed under Art. 44(7) of S.L. 368.02 are unenforceable since the legislator does not specify whether the offences listed therein are crimes or contraventions.

Decision

For the abovementioned reasons, the Court acquits the accused from the charge brought against him.

V.G. Axiak
Magistrate

Y.M. Pace
Dep. Registrar

¹ Vide **Pulizija v. Carmelo Sammut** (App Krim 85/2015 GG, 30/10/2017) and **Pulizija v. James Zammit** (App Krim 66/2021 GG, 29/11/2021)