



COURT OF CRIMINAL APPEAL

Hon. Mr. Justice Dr. Neville Camilleri
B.A., M.A. (Fin. Serv.), LL.D., Dip. Trib. Eccles. Melit.

Appeal Number 464/2022/1
Appeal Number 536/2022/1

The Police

vs.

Alexander Johanne Gatt

Today 27th. of February 2024

The Court,

Having seen the charges¹ brought against the appellant/appellate **Alexander Johanne Gatt**, holder of Identity Card Number 123697(M), charged in front of the Court of Magistrates (Malta) as a Court of Criminal Judicature with having:

¹ In front of the Court of Magistrates (Malta) as a Court of Criminal Judicature, charges were only filed in the Maltese language.

“fis-7 ta’ Dicembru 2021 għal ħabta ta’ 01:00hrs fil-Coast Road, Naxxar, waqt li kont qed isuq vettura nru. FBQ 827:

- 1. soqt l-imsemija vettura b’manjiera bla kont;*
- 2. soqt l-imsemmija vettura b’manjiera traskurata;*
- 3. soqt l-imsemmija vettura mingħajr ma kellek liċenzja tas-sewqan;*
- 4. soqt l-imsemmija vettura mingħajr ma kont kopert b’polza ta’ assigurazzjoni dwar ir-riskji tat-terzi persuni;*
- 5. soqt jew ippruvajt issuq jew kellek kontroll ta’ vettura nru. FBQ 827 fi triq jew f’post pubbliku meta ma kontx f’kondizzjoni li ssuq minħabba xorb jew drogi;*
- 6. w’aktar talli nqast jew irrifjutajt li tagħti kampjun tanifs meta kont mitlub tagħmel hekk skont il-liġi.*

Il-Prosekuzzjoni titlob li l-imsemmija persuna jiġi skwalifikat mil-liċenzji kollha tiegħu tas-sewqan għal perjodu ta’ żmien ta’ mhux inqas minn sitt xhur.”

Having seen the judgment delivered by the Court of Magistrates (Malta) as a Court of Criminal Judicature dated 25th. of October 2022, wherein the Court whilst acquitting the accused from the first (1st.), the fourth (4th.), the fifth (5th.) and the sixth (6th.) charge brought against him, after having seen Article 15(1)(a) of Chapter 65 of the Laws of Malta, found him guilty of the second (2nd.) and the third (3rd.) charge brought against him and fined him the amount of five hundred and fifty Euro (€550). In terms of Article 15(3) of Chapter 65 of the Laws of Malta, the Court disqualified the accused from holding or obtaining a driving licence for a period of sixteen (16) days.

Having seen the appeal filed by the appellant/appellate Attorney General on the 9th. of November 2022 by which he requested this Court: “to **reform** the judgment proffered against the accused by:

1. ***confirming*** that part of the judgment whereby the Court of Magistrates found the accused guilty of the second and third charge brought against him by the Prosecution and confirming the punishment and the disqualification from holding or obtaining a driving licence imposed with regards to the same said charges; **and**
2. ***confirming*** that part of the judgment whereby the Court of Magistrates acquitted the accused from the first, fifth and sixth charge; **and**
3. ***cancelling and revoking*** that part of the judgment whereby the Court of Magistrates acquitted the accused from the fourth charge proffered against him by the Prosecution and instead proceeding to find guilt in respect of this fourth charge and to impose a punishment according to law.”

Having seen the appeal filed by the appellant/appellate Alexander Johanne Gatt on the 9th. of November 2022 by which, after making reference to the judgment delivered by the First Court, he requested this Court: “*jogħgobha tikkonfermaha fejn sabet lill-akkużat mhux hati tal-ewwel, ir-raba’, il-ħames u s-sitt akkuża u tirriforma s-sentenza fejn instabet htija fuq it-tieni u t-tielet akkuża fis-sens li tiddikjara l-akkużat mhux hati ta’ dawn iż-żewġ akkużi u tilliberah minn kull imputazzjoni u htija.*”

Having seen all the acts and documents.

Having seen that these appeals had been assigned to this Court as currently presided by the Hon. Chief Justice Mark Chetcuti on the 9th. of January 2023.

Having seen the Reply filed by the appellant/appellate Attorney General on the 25th. of January 2024, which reply was filed as

regards the appeal filed by the appellant/appellate Alexander Johanne Gatt.

Having seen the updated conviction sheet of the appellant/appellate Alexander Johanne Gatt exhibited by the Prosecution as ordered by the Court.

Having heard the final oral submissions.

Considers

That this is a judgment regarding two appeals: one filed by the Attorney General (which appeal is limited to the fourth (4th.) brought against Alexander Johanne Gatt) and another appeal filed by Alexander Johanne Gatt (in which appeal he requests this Court to acquit him from the two charges he was found guilty of by the First Court).

That the facts of the case are quite simple in that on the 7th. of December 2021 at about 1.00am the Police were informed that there had been a traffic accident on the Coast Road near Salini. On site the Police found Alexander Johanne Gatt who, according to PS 1021 Christian Cauchi, was visibly under the influence of alcohol. The Police asked Gatt whether he wanted to consult with a lawyer where he replied in the affirmative. The Police also informed him that they wanted to administer a breathalyser test which he refused. In the process of driving Gatt to the Police station so that he could consult with his lawyer, Gatt made a number of spontaneous declarations. The Police tried to contact the legal aid lawyer of Gatt but to no avail. When Gatt was asked whether he had another lawyer, he said that given the time of the night it might not be appropriate to contact him. Eventually Gatt was charged in Court with a number of charges.

That, as already has been stated above, both Alexander Johanne Gatt and the Attorney General filed an appeal both of which appeals will be addressed in this judgment. However before

entering into the merits of this case, this Courts reminds that it is a Court of revision and it does not replace the discretion of the First Court where it transpires that from the evidence presented the First Court could reach the conclusion it reached. In this respect, reference is made to the judgment delivered on the 2nd. of March 2021 in the names **The Police vs. Ahmed Ahmar Mohammed** (Number 283/2020), where the Court of Criminal Appeal stated that:

“This Court is a Court of revision from the judgment delivered by the First Court and thus does not intervene in the discretion used by the First Court in examining the evidence especially when the First Court could have legally and reasonably reached the decision it took.”

That having established the above, this Court will proceed to examine the grievances raised by the respective parties starting with the appeal of the Attorney General.

Considers

Considerations Regarding the Grievance Of The Appellant Attorney General

That by means of his appeal the appellant Attorney General lodges one grievance with a number of arguments supporting it.

The Grievance of the Attorney General

That by means of his grievance the appellant Attorney General clarifies that his appeal is limited to the fourth (4th.) charge proffered against Gatt. The Attorney General complains that the First Court gave a wrong interpretation of the law. In this respect, with reference to that part of the judgment where the First Court explained the intention of the legislator, the Attorney General refers to Article 3 of Chapter 104 of the Laws of Malta. He insists that from the said Article it transpires that four elements need to be proved, namely:

- the accused can be any person who is either the owner of the vehicle or someone in possession of the said vehicle or has been entrusted with the same;
- for the crime to subsist a motor vehicle must be used;
- such vehicle must be used on the road;
- the person using such vehicle must be covered by an insurance policy when using such vehicle.

That the Attorney General argues that whilst the first three elements subsist, the First Court was mistaken to consider that since in the acts a policy was presented, the fourth (4th.) charge could not subsist. The Attorney General claims that it has not been proven that the said policy covered Gatt. He refers to Article 3(1A) of Chapter 104 of the Laws of Malta which establishes the presumption that the person driving is not insured unless he presents a certificate of insurance. The Attorney General states that surely a person without driving licence is not covered by such insurance and in this perspective he makes reference to the testimony of Kenneth Pace (the representative of Transport Malta) where he confirmed that Gatt had handed in his driving licence because he had accumulated too many penalty points and had not yet applied for a fresh one.

That as regards the appeal filed by the Attorney General, this Court starts by making reference to Article 3(1) of Chapter 104 of the Laws of Malta which states the following:

“Subject to the provisions of this Ordinance, it shall not be lawful for any person to use or to cause or permit any other person to use a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this Ordinance.”

That Article 3(1A) of the Chapter 104 of the Laws of Malta reads as follows:

“It shall be presumed that there was not a policy of insurance in force in terms of subarticle (1), unless the person charged with an offence under subarticle (1) shall show the contrary through the production of a certificate of insurance issued under article 4(4).” [emphasis added]

That it ought to be noted that in front of the First Court, Gatt exhibited what seems to be a declaration (*a fol.* 19) by a certain Caroline Borg on behalf of England Insurance Agency Limited (agents for Mapfre - Middlesea) which certifies that Gatt was insured through a policy with vehicle bearing registration number FBQ 827 for the period from the 11th. of May 2019 till the 23rd. of December 2021 and which states also that the policy was cancelled on the 23rd. of December 2021.

That this Court is aware that there have been some differences in the way our Courts have interpreted Article 3(1) of Chapter 104 of the Laws of Malta and regarding the proof requested in respect to the insurance policy. In this respect this Court makes reference to the judgment delivered on the 18th. of January 2016 in the names **Il-Pulizija vs. Joseph Gatt** (Number 265/2014) where this Court stated the following:

“Issa kwantu l-oneru tal-prova tal-eżistenza tal-polza ta’ assikurazzjoni ma hemmx dubju li tispetta lill-imputat. U dan *ai termini* tal-Artikolu 3(1A) tal-Kapitolu 104 tal-Ligijiet ta’ Malta. Issa l-appellant esebixxa kopja ta’ polza quddiem l-Ewwel Qorti u din il-Qorti ser tgħaddi biex teżamina l-istess. Din il-polza nħarġet mis-soċjeta’ Middlesea Insurance plc fit-12 ta’ Marzu 2013 u kienet effettiva sal-11 ta’ Marzu 2014. L-assikurat huwa ċertu Joseph Gatt karta tal-identita’ numru 0212759(M) li allura ma huwiex l-appellant li għandu karta tal-identita’ numru 258395(M) iżda, u preżumibilment missier l-

appellant. Din il-polza tkopri ukoll l-użu tal-vettura NOS 200 li hija l-istess wahda interċettata mill-Pulizija filwaqt li kienet misjuqa mill-appellant. L-polza tindika dawk li huma msejja *Limitations as to use* u f'dan il-każ huma: *Use for social domestic and pleasure purposes and for your own business. Excluding use for hire or reward or for tuition, racing, pace making, reliability, trial or speed testing or for any purpose in connection with the Motor Trade.* Dik il-parti intestata **Authorised Driver/s Details** imbagħad tindika **biss** *The Policy Holder Only*;

Illi minkejja li l-polza ta' assikurazzjoni tkopri biss lill-persuna li ċertament mhix l-appellant, l-istess appellant jargumenta li kien debitament assikurat u jagħmel dan għal żewg raġunijiet. L-ewwel argument tiegħu hu li l-*policy schedule* fil-pagna 19, iġifieri dik sfilzata minn din il-Qorti, tipprovdi dwar dan. Bid-dovut rigward, il-paragrafu ċitat mill-appellant ma jgħidx, wisq anqas, jipprovdi dak pretiż mill-appellant iżda jgħid biss illi f'każ li l-assikurazzjoni tkun kostretta tagħmel tajjeb għall-eventwalitajiet hemm imsemmija **skont il-ligi**, ikollha dritt li tirkupra dak il-ħlas mingħand il-persuna li minhabba fiha ikun sar il-ħlas. L-appellant imbagħad, in sostenn tat-tieni raġuni fl-aggravju tiegħu, jagħmel referenza għal sentenzi ta' din il-Qorti **Il-Pulizija vs. Angelo Scuderi** (App. Krim. 3.11.2005) u **Il-Pulizija vs. Mirko Giannetti** (App. Krim. 22.1.2014). B'dan, l-appellant irid issaħħah l-argument tiegħu illi la darba l-assikurazzjoni hi dejjem marbuta tagħmel tajjeb għal dejn ċivili favur terzi skont il-ligi, allura s-sewwieq ta' vettura huwa dejjem assikurat. Issa, traċċjat l-insenjament tal-Qrati tul iż-żmenijiet, jidher illi sas-sena 2005, l-Qrati tagħna dejjem fehmu dak li fis-semplicità' tiegħu jipprovdi l-Artikolu 3 tal-Kap. 104, iġifieri li hadd ma jista' jsuq vettura bil-mutur jekk ma jkunx debitament assikurat biex jagħmel dan. Dik is-sentenza iżda tippertija fuq id-doveri tal-kumpaniji tal-

assikurazzjoni u bid-dovut rigward, l-obbligi u l-kundizzjonijiet li l-kumpaniji tal-assikurazzjoni jassumu mal-Awtoritajiet kompriż ir-Regolatur, sabiex tinħargilhom u jzommu fis-seħħ il-liċenzji tagħhom bħala assikurazzjoni kompriż l-obbligi tagħhom li jieħu sehem f'*pool* bħala *insurers concerned* ma jistgħax jitqies li jeżonera lil kull sewwieq mill-obbligi tiegħu taħt il-Kapitolu 104. Tant hu hekk illi, għad li s-sentenza fl-ismijiet Scuderi kien font ta' referenza għal diversi kawżi anke jekk mhix dejjem segwita, l-Qorti tal-Appell kellha ripensament u fis-sentenza tagħha **Il-Pulizija vs. André Apap** tal-4 ta' Frar, 2011 rriteniet illi ma taqbilx mad-distinzjonijiet li saru minn din il-Qorti diversament preseduta fis-sentenzi tagħha **Il-Pulizija vs. Angelo Scuderi** (3.11.2005), **Il-Pulizija vs. Stefan Apap** (26.4.2007) u **Il-Pulizija vs. Charles Galea** (7.5.2007) u oħrajn "*dwar meta tiskatta l-preżunzjoni prevista fis-subartikolu 3(1A) tal-Kap. 104. Is-subartikolu 3(1A) tal-Kap. 104 huwa ċar u inekwivoku fil-portata tiegħu.*". Din il-Qorti ma tara ebda raġuni għaliex għandha tagħti xi interpretazzjoni diversa għal Artikolu 3(1) u 3(1A) tal-Kapitolu 104 u għalhekk tqis illi l-appellant ma kienx debitament assikurat."

That this Court agrees with what has been quoted above and will apply it to this case. This Court makes reference also to the judgment delivered on the 28th. of March 2023 in the names **Il-Pulizija vs. Moira Micallef** (Number 483/2022) wherein this Court differently presided, after making reference to the above-quoted judgment, made reference also to the Parliamentary debates when the law in question was being discussed and then stated the following:

"In vista tas-suespost, din il-Qorti temmen illi mhux biss il-vettura għandha tkun assigurata kif enfasizzat l-Ewwel Qorti, iżda wkoll is-sewwieq li jkun qiegħed isuq il-vettura. Fil-każ odjern, is-sewwieq Ryan Azzopardi,

ma kellux liċenzja tas-sewqan u għalhekk dan ma setax ikun kopert bil-polza tal-assigurazzjoni esebita fl-atti.”

That in the judgment delivered on the 11th. of May 2023 in the names **Il-Pulizija vs. Gilbert Gatt** (Numru 23/2023), this Court as differently presided stated the following:

“F’kull każ, anki kieku l-karozza tkun koperta b’assikurazzjoni, dan ma jfissirx li kull *driver* li jirkeb fiha, jkunx liċenzjat jew le, jkun ukoll kopert b’polza kontra r-riskji tat-terzi persuni għax jistgħu ikun hemm restrizzjonijiet dwar min ikun kopert b’polza partikolari.”

That further on in the same judgment just quoted, the following was stated:

“Għalhekk l-appellat [recte: l-appellant] kellux [sic] [recte: kellu] raġun meta jgħid li l-Ewwel Qorti kienet żbaljata meta ma sabitx lill-appellat hati tat-tieni akkuża meta fl-istess nifs sabitu hati tal-ewwel u t-tielet akkuża u dan anke fuq ammissjoni tal-istess appellat.”

That this Court fully agrees with has been quoted above and applies it to this case. As regards the declaration (*a fol.* 19) by England Insurance Agency Limited which was made reference to earlier on in this judgment, this Court notes that even though the accident in question happened on the 7th. of December 2021 and even though the declaration was certified as being a true copy of the original, yet no one confirmed this declaration under oath. Apart from this, the insurance policy *per se* was not even filed in front of the First Court and even if it was filed, this Court once again refers to the same quote which has been quoted above from the judgment in the names **Il-Pulizija vs. Moira Micallef**, where the following was stated:

“Fil-każ odjern, is-sewwieq Ryan Azzopardi, ma kellux liċenzja tas-sewqan u għalhekk dan ma setax ikun kopert bil-polza tal-assigurazzjoni esebita fl-atti.”

Hence, this Court will uphold the grievance of the Attorney General and as a consequence his appeal will be upheld.

That as regards the fourth (4th.) charge (that is the one where Gatt was accused of driving the vehicle without an insurance policy), in case of conviction, the person found guilty shall be liable in the case of a first offence to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine Euro and thirty-seven cents (€2,329.37) but not exceeding four thousand and six hundred and fifty-eight Euro and seventy-five cents (€4,658.75) or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Considerations Regarding the Grievances Of The Appellant Alexander Johanne Gatt

That by means of his appeal the appellant Alexander Johanne Gatt lodges three grievances with a number of arguments supporting them.

First grievance of Alexander Johanne Gatt

That by means of his first grievance Gatt complains that he could not be found guilty based on the evidence that he gave before he had been given his rights. He argues that based on this, the evidence given by PS 1021 Christian Cauchi does not have any value because his affidavit is about what has been stated by him (Gatt) before he was given his rights and before he spoke to a lawyer despite having asked to consult with one.

That Gatt is complaining about the declarations that are included in the affidavit of PS 1021 Christian Cauchi (*a fol. 2 et seq.*) whereby the latter refers to the spontaneous declarations made by Gatt allegedly pertaining to the accident.

That this Court is not in agreement with Gatt that the affidavit of PS 1021 Cauchi is simply on these declarations. Such affidavit includes other information which in the opinion of this Court is important as well since it gives information as to what was found at the site of the accident.

That having clarified this point, this Court is of the opinion that the issue at stake relates to two distinct rights: the right for legal assistance and the right to remain silent so as to avoid self-incrimination. These two rights do not apply at the same stage of the proceedings. The right for legal assistance should be afforded at the stage when the authorities have plausible reasons for suspecting that a person is involved in a criminal offence. In this respect reference is made to the version of the 28th. of February 2023 of the **Guide on Article 6 of the European Convention on Human Rights - Right to a Fair Trial (Criminal Limb)** where the following was explained as regards the scope of the right to legal assistance:

“454. The right of everyone charged with a criminal offence to be effectively defended by a lawyer is one of the fundamental features of a fair trial (*Salduz v. Turkey* [GC], 2008, § 51; *Ibrahim and Others v. the United Kingdom* [GC], 2016, § 255; *Simeonovi v. Bulgaria* [GC], 2017, § 112; *Beuze v. Belgium* [GC], 2018, § 123). As a rule, a suspect should be granted access to legal assistance from the moment there is a “criminal charge” against him or her within the autonomous meaning of the Convention (*Simeonovi v. Bulgaria* [GC], 2017, § 110). In this connection, the Court has stressed that a person acquires the status of a suspect calling for the application of the Article 6 safeguards not when that status is formally assigned to him or her, but when the domestic authorities have plausible reasons for suspecting that person’s involvement in a criminal offence (*Truten v. Ukraine*, 2016, § 66; *Knox v. Italy*, 2019, § 152; contrast *Bandaletov v. Ukraine*, 2013, §§ 61-66, concerning

voluntary statements made by an applicant as a witness; and *Sršen v. Croatia* (dec.), 2019, §§ 43-45, concerning the obtaining of routine information, including the taking of blood samples, from the participants of a road accident).

455. Thus, for instance, the right of access to a lawyer arises when a person is taken into custody and questioned by the police (*Simeonovi v. Bulgaria* [GC], 2017, § 111; *Sîrghi v. Romania*, 2016, § 44) as well as in instances where a person was not deprived of liberty but is summoned for a questioning by the police concerning the suspicion of his or her involvement in a criminal offence (*Dubois v. France*, 2022, §§ 45-46 and 69-75). This right may also be relevant during procedural actions, such as identification procedures or reconstruction of the events and on-site inspections (*İbrahim Öztürk v. Turkey*, 2009, §§ 48-49; *Türk v. Turkey*, 2017, § 47; *Mehmet Duman v. Turkey*, 2018, § 41) as well as search and seizure operations (*Ayetullah Ay v. Turkey*, 2020, §§ 135 and 163). Moreover, the right of an accused to participate effectively in a criminal trial includes, in general, not only the right to be present, but also the right to receive legal assistance, if necessary (*Lagerblom v. Sweden*, 2003, § 49; *Galstyan v. Armenia*, 2007, § 89). By the same token, the mere presence of the applicant's lawyer cannot compensate for the absence of the accused (*Zana v. Turkey* [GC], 1997, § 72)."

That, on the other hand, as regards the right to remain silent and not to incriminate oneself, the Guide on Article 6 of the European Convention on Human Rights here-above quoted, states the following:

"206. The right to remain silent applies from the point at which the suspect is questioned by the police (*John Murray v. the United Kingdom* [GC], 1996, § 45). A person "charged with a criminal offence" for the purposes of

Article 6 has the right to be notified of his or her privilege against self-incrimination (*Ibrahim and Others v. the United Kingdom* [GC], 2016, § 272)."

That this Court notes that Gatt had not yet been charged with an offence and was not yet being questioned when he made the declarations in question, rather, he was being driven to the Police station so that he could speak to the lawyer. Whilst it is true that Gatt had mentioned the fact that he wanted to speak to a lawyer, this right was given to him immediately. This Court is of the opinion that given the circumstances of the case, the spontaneous declarations made by Gatt during the stage when he was being driven to the Police station so that he could speak to his lawyer are not inadmissible. This Court could have reached a different conclusion had the right to consult with a lawyer been delayed by the Police so as to elicit the said declarations. However, this does not seem to have happened in this case.

That even if one were to ignore these declarations, in the opinion of this Court the First Court had sufficient information to determine Gatt's guilt. This Court is stating this because it is amply evident that from the circumstantial evidence Gatt was the driver of the car in question. This is clear from the declaration made by the insurance company (*a fol.* 19) and exhibited by the defence where the following was declared:

"This is to certify that Mr. Alexander Johanne Gatt holder of ID Card No. 0123697(M) has been insured through our offices under Policy no. P21361336 with vehicle bearing registration no. FBQ 827 [...]."

That apart from this, from the Police report (*a fol.* 13 *et seq.*) Gatt is mentioned as being the owner of the said vehicle. Furthermore, it transpires that Gatt was the only person on site and no other person was mentioned by him.

That, apart from what has been stated above, this Court also notes that if one considers the time of the accident and that no unusual conditions had been reported, it is pretty clear that Gatt was driving in a negligent manner for him to have crashed. Hence given the circumstantial evidence, all points point towards the direction of Gatt.

That as a consequence, Gatt's first grievance is being rejected.

Second grievance of Alexander Johanne Gatt

That by means of the second grievance Gatt complains that he requested to be given legal assistance, yet the Police failed to give him such a right. He states that this emanates from the affidavit of PS 1021 Christian Cauchi who said that the legal aid lawyer failed to answer the telephone calls..

That, to avoid repetitions, this Court makes reference to the considerations made above regarding Gatt's first grievance as a consequence of which it results that the second grievance ought to be rejected as well.

Third grievance of Alexander Johanne Gatt

That by means of the third grievance Gatt complains that the Prosecution failed to achieve the level of proof necessary since it failed to proof that it was him who was driving the car.

That in respect to this grievance, this Court makes reference to what had been stated above regarding the fact that this Court is a Court of revision and it does not replace the discretion of the First Court where it transpires that from the evidence presented the First Court could reach the conclusion it reached. Apart from this, this Court once again also refers to what was stated under Gatt's first grievance and to avoid repetitions, what has been stated there should also apply to the third grievance. Hence Gatt's third grievance is also being rejected.

Decide

Consequently, for all the above-mentioned reasons, this Court rejects the appeal filed by Alexander Johanne Gatt and accedes to the appeal filed by the Attorney General and hence confirms the appealed judgment apart:

- from that part regarding the fourth (4th.) charge brought against Alexander Johanne Gatt which part is being revoked and instead, after seeing Article 3 of Chapter 104 of the Laws of Malta, finds Alexander Johanne Gatt guilty of the fourth (4th.) charge brought against him and condemns him to the payment of a fine (*multa*) of two thousand and four hundred Euro (€2,400);²
- from that part where Alexander Johanne Gatt was disqualified from holding or obtaining a driving licence for a period of sixteen (16) days which part is also being revoked and instead in terms of Article 3(2A) of Chapter 104 of the Laws of Malta orders that Alexander Johanne Gatt be disqualified from holding or obtaining a driving licence for a period of twelve months starting from 4pm today.

In terms of Article 14(2) of Chapter 9 of the Laws of Malta, the Court orders that the global sum of two thousand, nine hundred and fifty Euro (€2,950) may be paid by Alexander Johanne Gatt in monthly and consecutive payments of one hundred Euro (€100), the first payment to be made not later than a month from today, and should Gatt be in default in the payment of any one

² Apart from the amount of five hundred and fifty Euro (€550) which Alexander Johanne Gatt was condemned to pay by the First Court.

instalment, the balance will become immediately due and shall be converted into a period of imprisonment according to law.

Dr. Neville Camilleri
Hon. Mr. Justice

Alexia Attard
Deputy Registrar