



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.  
GIOVANNI GRIXTI**

Sitting of the 20 th February, 2005

Number 1127/2005

**The Police  
(Inspector Michael Mallia)**

**vs**

**Gavin Lee Howard**

The Court;

Having seen the accusation brought against **Gavin Lee Howard** aged 34 years, son of Alfred and late Eileen born in UK on the 23<sup>rd</sup> November, 1971, and residing at No. 15, Pwales Street, Xemxija, St Paul's Bay, holder of UK passport number 701684715;

With having on the 2<sup>nd</sup> September, 2005, and during the months before this date, in Malta as well as/or in the territorial waters or in the contiguous zone of Malta, wilfully, or through negligence, unskillfulness or non-observance of regulations caused damage to or destroyed cultural property whether or not such property has been registered in any inventory in accordance with the Cultural Heritage Act 445 of the Laws of Malta;

Also with having during the same period of time and circumstances, carried out any activity or did any act in contravention of the provisions of the Cultural Heritage Act Chapter 445 of the Laws of Malta or of any regulation made under this act or of the conditions made under this Act or of the conditions of any licence or permit issued under this Act or failed to do anything which you are required to do under this Act, regulation or licence;

Also with having during the same period of time and circumstances, received or retained any cultural property knowing that it has been illegally removed in Malta or illegally exported from any other country;

Also with having during the same period of time and circumstances, undertaken or caused an archeological or palaeontological excavation or exploration in the territorial waters or in the contiguous zone of Malta without a written permission by the Superintendent, which archeological or palaeontological excavation or exploration in the territorial waters or in the contiguous zone of Malta can only be made by the Superintendent or upon written permission by the Superintendent and in accordance with any condition attached thereto;

Also with having during the same period of time and circumstances, upon discovering, even accidentally, an object, site or building, failed to immediately inform the Superintendent with the discovery of the same object, site or building to which the Cultural Heritage Act Chapter 445 of the Laws of Malta applies;

And finally with having during the same period of time and circumstances, wilfully committed any spoil, damage or injury to or upon any moveable or immoveable property, which damage does not exceed the amount of five hundred Maltese Liri but in excess of fifty Maltese Liri, to the of the Government of Malta as well as/or any other persons;

Having heard the plea of guilt of the accused which plea was confirmed by him after the Court gave him reasonable time to reconsider his plea;

Finds the accused guilty as charged;

Having seen articles 43 (1), (2); 53 (1) (a), (b), (c) and (2) of Chapter 445 and 325 (1) (b) and proviso thereof of Chapter 9 of the Laws of Malta;

Having seen the clean conduct sheet of the accused;

Having considered that the Superintendent of Cultural Heritage declared that the object consisting in a small spherical glass 7cm at the rim and 16 cm in height was not damaged; that there is no expense in returning the object to its original state and to the site and that the object will be put on display in a museum;

Condemns the accused to a fine (multa) of Lm500. Orders that the item merits of the case be confiscated in the hands of the Superintendent Cultural Heritage.

Orders that these acts be transmitted to the attorney general according to law.

**< Final Judgement >**

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