

# Criminal Law

## Lecture Title: The Nature of a Criminal Offence

Lecturer: **Roberta Bonello**

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**Diploma in Law (Malta)**



**CAMILLERI PREZIOSI**  
ADVOCATES

# Distinction between Criminal Offences and Civil Wrongs

- *How do you distinguish between crimes and contraventions?*
- The Criminal Code, Article 2 says that offences are divided into:  
Crimes and contraventions
- This classification depends on the gravity of the offence.



- Book First, Part II of the Criminal Code speaks '*Of crimes and punishments*'
- Book First, Part III of the Criminal Code speaks '*Of contraventions and their punishments*'.
- Article 7 provides us with a list of punishments which may be given to crimes and punishments which may be given to contraventions.



The punishments that may be awarded for crimes are :

# IMPRISONMENT



The punishments that may be awarded for crimes are :

# SOLITARY CONFINEMENT



The punishments that may be awarded for crimes are :

# INTERDICTION



The punishments that may be awarded for crimes are :

FINE



The punishments that may be awarded for contraventions are :

# DETENTION





The punishments that may be awarded for contraventions are :

# FINE (AMMENDA)



The punishments that may be awarded for contraventions are :

# FINE (AMMENDA)



- There are some crimes for which the provisions (and the punishments) of contraventions apply.
- There are certain contraventions in respect of which the law clearly provides that certain provisions (and certain punishments) for crimes are to apply.



# Examples of Crimes Punishable by Punishment for Contraventions

Article 161 of the Criminal Code speaks of the crime of damage to monuments

proviso to this article which says that,

*“provided that the court may, in minor cases, apply any of the punishments established for contraventions.”*



# Examples of Contraventions Punishable by Punishment for Crimes

Article 338 (z) is a contravention when a person fails to pay maintenance within fifteen days from when this becomes due.



Why is this distinction between crimes and contraventions important?

# The Consequences of the Corpus Delicti



# Why is this distinction between crimes and contraventions important?



ATTEMPT

Why is this distinction between crimes and contraventions important?

# VICARIOUS LIABILITY

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## Vicarious Liability





# Why is this distinction between crimes and contraventions important?

## RECIDIVISM



Why is this distinction between crimes and contraventions important?

Prescription



# FOREIGN CODES

- French code divides offences into three classes:
  - i. Crimes, triable in a court of Assize
  - ii. Delits, triable by correctional Court
  - iii. Contraventions, tried by professional magistrates
  
- English law divides offences into:
  - i. 'Indicatable offences' which admit trial by jury
  - ii. 'Non-indicatable offences' which are those offences which can be tried summarily by justice of the peace or other magistrates sitting without a jury.



# Definition of a Criminal Offence

- A legal wrong which exposes the doer to a punishment to be inflicted upon criminal proceedings.
- A punishable wrong is one that is punished



# Analysis of Definition:



- VIOLATION OF THE LAW
- OF THE STATE
- PROMULGATED
- FOR THE PROTECTION AND SAFETY OF THE SUBJECTS
- BY AN EXTERNAL ACT

# Analysis of Definition:



- OF MAN
- OF COMMISSION OR OMISSION
- MORALLY RESPONSIBLE

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