

provision in virtue of which the criminal action may be prosecuted in Malta against that person;

- (d) the offence is committed for the benefit of a legal person established in Malta;
- (e) the offence is an offence under article 328B or an offence under article 328D which involves a terrorist group even if the terrorist group is based or pursues its criminal activities outside Malta;
- (f) the offence is committed against the institutions or people of Malta or against an institution of the European Union or a body set up in accordance with the Treaties and based in Malta:

Provided that for the purposes of this paragraph:

"the European Union" shall have the same meaning assigned to it by article 2(1) of the European Union Act;

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"the Treaties" means the Treaty establishing the European Community done at Rome on the 25th March, 1957 and the Treaty on European Union done at Maastricht on the 7th February, 1992, and the Protocols annexed thereto.

Sub-title IV B
OF PIRACY

*Added by:
XI. 2009.7.*

328N. (1) For the purposes of this subtitle "piracy" means any of the following acts:

Definition of piracy.
*Added by:
XI. 2009.7.*

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any of the acts referred to in paragraph (a) committed by the crew or passengers of a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft;
- (c) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (d) any act of inciting or of knowingly facilitating an act described in paragraph (a) or (b) or (c).

(2) For the purposes of this Title, a ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in

dominant control to be used for the purpose of committing one of the acts referred to in subarticle (1) or if the ship or aircraft has been used to commit any such act and the ship or aircraft remains under the control of the person guilty of that act.

(3) Any person guilty of piracy under this article shall be liable:

- (a) where the offence consists in any of the acts referred to in subarticle (1)(a) and (b) when accompanied with the loss of life of any person, to the punishment of imprisonment for life;
- (b) where the offence consists in any of the acts referred to in (1)(a) and (b) when not accompanied with the loss of life of any person, to the punishment of imprisonment not exceeding thirty years;
- (c) where the offence consists in any act referred to in subarticle (1)(c), to the punishment of imprisonment for a term not exceeding eight years;
- (d) where the offence consists in any act referred to in subarticle (1)(d), to the punishment laid down for the act incited or facilitated.

Jurisdiction.
Added by:
XI. 2009.7.

328O. (1) Without prejudice to the provisions of article 5, the Maltese courts shall also have jurisdiction over the offences laid down in this article where the offence is committed:

- (a) by any citizen of Malta or permanent resident in Malta;
- (b) by any person while on board any ship, vessel or aircraft belonging to Malta;
- (c) by any person against any ship, vessel or aircraft belonging to Malta or against the person or property of any citizen of Malta or permanent resident in Malta.

(2) For the purposes of this article a ship, vessel or aircraft shall be deemed to belong to Malta in the same circumstances mentioned in article 5(2).

GENERAL PROVISIONS APPLICABLE TO THIS TITLE

Punishment in respect of offences against property accompanied with offences against the person.

329. The punishments established in the respective articles of this Title for any offence against property accompanied with homicide, bodily harm, or confinement of the person, shall always be applied if the act of violence has been completed, even though the offence against the property was merely attempted.