

for 37/61/17 (18)



L-UFFIĊĠJU TAL-PRIM MINISTRU

OFFICE OF THE PRIME MINISTER

MALTA

THE CONSTITUTION OF MALTA

Delegation of certain powers respecting the Public Service

BY the Honourable Dr. Eddie Fenech Adami, K.U.O.M., B.A., LL.D., M.P.,
Prime Minister of Malta.

WHEREAS Section 110 of the Constitution of Malta provides that power to remove and to exercise disciplinary control over persons holding or acting in public offices shall vest in the Prime Minister, acting on the recommendation of the Public Service Commission;

AND WHEREAS it is further provided in the said section that the Prime Minister, acting on the recommendation of the Public Service Commission, may delegate in writing any of the aforementioned powers to such public officer or other authority as may be specified in the said written instrument of delegation;

AND WHEREAS certain powers referred to in the Public Service Commission (Disciplinary Procedure) Regulations 1999, require for their exercise a delegation of power from the Prime Minister acting on the recommendation of the Public Service Commission;

AND WHEREAS by Instrument dated the 25th day of March 1966, on the recommendation of the Public Service Commission, certain powers in respect of the Malta Police Force were delegated to the Commissioner of Police;

AND WHEREAS by Instrument dated the 11th day of January 1977, on the recommendation of the Public Service Commission, certain powers in respect of the Public Service were delegated;

AND WHEREAS by Instrument dated 17th day of December 1996, on the recommendation of the Public Service Commission, certain powers in respect of Correctional Services grades were delegated to the Director, Correctional Services;

AND WHEREAS by Instrument dated the 21st day of December 1997, on the recommendation of the Public Service Commission, certain powers in respect of public officers detailed to do duties with the Public Transport Authority, and the Water Services Corporation were delegated to the Chairman of the Authority and to the Chief Executive of the Corporation respectively;

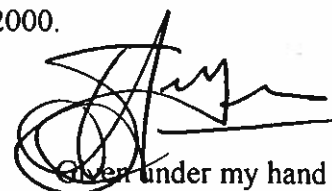
AND WHEREAS by Instrument dated the 12th day of March 1998, on the recommendation of the Public Service Commission, certain powers in respect of public officers detailed to do duties with the Planning Authority were delegated to the Chief Executive of the Planning Authority;

AND WHEREAS the Public Service Commission have recommended that the delegation of powers made by the Instrument dated 11th day of January 1977, the Instrument dated 21st day of December 1997, in respect of public officers at the Public Transport Authority and the Water Services Corporation, and the Instrument dated 12th day of March 1998, in respect of officers at the Planning Authority be replaced by the delegation of powers set out hereunder, and that the delegation of powers made by the Instrument dated 25th day of March 1966, to the Commissioner of Police, and the Instrument dated 17th day of December 1996, to Director, Correctional Services be saved;

AND WHEREAS the Public Service Commission have recommended that, except as provided in the said Regulations, the aforesaid powers should be exercisable without reference to it by the public officers or other authorities listed in the Schedule to this Instrument and to the extent indicated therein, in accordance with the provisions of the Public Service Commission (Disciplinary Procedure) Regulations 1999, provided that the Public Service Commission may at any time recommend to the Prime Minister that this Instrument of Delegation be totally withdrawn or withdrawn in respect of particular public officers or other authorities and that, upon such a recommendation being made and until the Prime Minister acts upon such a recommendation, the powers delegated by this Instrument shall be totally suspended or suspended only in respect of particular public officers or authorities, as may be stipulated in the recommendation made by the Public Service Commission;

AND WHEREAS, I concur with such recommendation:

NOW, THEREFORE, I, Dr. Eddie Fenech Adami, K.U.O.M., B.A., LL.D., M.P., Prime Minister, in the exercise of the powers conferred by Section 110 of the Constitution, in substitution of the delegation of powers dated the 11th day of January 1977, the 21st day of December 1977 and the 12th day of March 1998, and saving the delegation of powers made to the Commissioner of Police on the 25th day of March, 1966, and to the Director, Correctional Services on the 17th day of December 1996, do hereby direct that the powers which the Public Service Commission have recommended should be exercisable by public officers or other authorities listed in the Schedule to this Instrument and to the extent indicated therein and subject to the proviso which the Public Service Commission has made in its recommendation, as aforesaid, shall be exercisable by the public officers or other authorities, in accordance with the provisions of the said Regulations and, except as provided in the said Regulations, shall be so exercisable without reference to the Public Service Commission, with effect from the 1st day of February 2000.



Given under my hand at the
Auberge de Castille, Valletta,
this 12th Nov - 6, 1997.

SCHEDULE TO THE INSTRUMENT OF DELEGATION

Subject to the provisions of the Public Service Commission (Disciplinary Procedure) Regulations, 1999 and to the Instrument of Delegation, dated 1st November, 1999, of which this Schedule forms part, the public officers or authorities listed hereunder shall have the power to exercise disciplinary control in accordance with the said regulations, without reference to the Public Service Commission, in respect of public officers forming part of or attached to their area of jurisdiction, as indicated hereunder:

<u>1. DELEGATED OFFICER</u>	<u>AREA OF JURISDICTION</u>
Attorney General	- Public Officers in the Attorney General's Office
Permanent Secretaries	- Public Officers in the Office of the Permanent Secretary - Public Officers in the Private Offices of Ministers and Parliamentary Secretaries - Public Officers with Authorities, Boards, Committees or other entities falling within the portfolio of the respective Ministry, unless otherwise provided by this Schedule or by Instrument of Delegation.
Auditor General	- Public Officers in the National Audit Office
Directors General	- Public Officers in the Office of the Director General and other offices falling directly under their jurisdiction and responsibility.
Other Heads of Department and Directors (holding appointment as Directors under a Performance Agreement)	- Public Officers in Departments, Directorates and other offices falling directly under their jurisdiction and responsibility.
Chairperson, Public Transport Authority	- Public Officers attached to the Public Transport Authority
Chief Executive, Water Services Corporation	- Public Officers attached to the Water Services Corporation
Director of Planning, Planning Authority	- Public Officers attached to the Planning Authority
Commanding Officer, Armed Forces of Malta	- Public Officers attached to the Armed Forces
Officers in a supervisory capacity (in respect of Regulation 18 only)	- Public Officers under their charge

2. Where the office of a Director General or Director is vacant and no acting appointment has been made, the delegated officer shall be the Permanent Secretary or Director General, as the case may be, under whose direct jurisdiction the vacant office falls.

