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IL-KOSTITUZZJONI TA' MALTA

THE CONSTITUTION OF MALTA

Delega ta' Ċerti Setghat dwar is-Servizz Pubbliku

Delegation of Certain Powers Respecting The Public Service

MILL-ONOREVOLI Dott. Eddie Fenech Adami, K.U.O.M., B.A., LL.D., M.P., Prim Ministru ta' Malta.

BY THE HONOURABLE Dr Eddie Fenech Adami, K.U.O.M., B.A., LL.D., M.P., Prime Minister

BILLI l-artikolu 110 tal-Kostituzzjoni ta' Malta jipprovdi li s-setgha li jagħmel nomini lill-uffiċjali pubbliċi tkun fil-Prim Ministru, li jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku;

WHEREAS section 110 of the Constitution of Malta provides that power to make appointments to public officers shall vest in the Prime Minister, acting on the recommendation of the Public Service Commission;

U BILLI huwa pprovdut ukoll fl-imsemmi artikolu li l-Prim Ministru, jista', billi jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, jiddelega bil-miktub kull wahda mis-setghat hawn fuq imsemmija lil dak l-uffiċjal pubbliku jew awtorità oħra kif jistghu jkunu speċifikati fid-Dokument ta' Delega;

AND WHEREAS it is further provided in the same 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 Instrument of Delegation;

U BILLI bid-Dokument ta' Delega tal-25 ta' Ottubru, 1991, il-Prim Ministru, fuq rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega setghat biex jagħmlu nomini (li jistghu jkunu permanenti jew temporanji) għal postijiet fil-Fergha tas-Servizz Ġenerali jew postijiet dipartimentali tas-Servizz Pubbliku li jaqghu taht Skala 91 kif tidher fl-Estimi għall-1991, lis-Segretarju Amministrattiv jew Kap ta' Dipartiment kif ikun il-każ, fuq il-parir tal-Bordijiet tas-Servizz Ġenerali jew Bordijiet Dipartimentali nominati u kostitwiti b'tali mod li l-Prim Ministru jista', fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, generalment jordna fil-każ ta' reklutaġġ minn barra s-Servizz Pubbliku u bil-kundizzjoni li s-Segretarju Amministrattiv u l-Kap ta' Dipartiment li għalihom issir din id-delega, għandhom jissottomettu rapport dettaljat kull sena fuq in-nomini kollha li jkunu saru minnhom lill-Prim Ministru u kopja lill-Kummissjoni dwar is-Servizz Pubbliku;

AND WHEREAS by Instrument dated 25th October, 1991, the Prime Minister, acting on the recommendation of the Public Service Commission delegated powers to make appointment (whether substantive or temporary) to posts in the General Service Branch or departmental posts of the Public Service falling under Scale 91 as it appears in the Estimates for 1991 to the Administrative Secretary or a Head of Department as the case may be, with the advice of the General Service Boards or Departmental Boards appointed and constituted in such manner as the Prime Minister may, on the recommendation of the Public Service Commission, generally direct in the case of recruitment from outside the Public Service and on the condition that the Administrative Secretary and the Head of Department to whom such delegation is made, must submit a detailed annual report about all appointments made by them to the Prime Minister and copied to the Public Service Commission;

U BILLI, il-bidliet li sehew bir-riorganizzazzjoni tas-Servizz Pubbliku fl-1991 fejn il-wiehed u disghin skala ta' salarju ta' qabel ġew miġbura f'ghoxrin skala ta' salarju hteġu li tiġi aġġornata d-delega ta' setghat imsemmija fil-25 jum ta' Ottubru, 1991, sabiex tirreferi għall-iskali tas-salarji kurrenti;

AND WHEREAS, the changes brought about by the reorganisation of the Public Service in 1991 whereby the previous 91 salary scales were absorbed into 20 salary scales have made it necessary to update the said delegation of powers of the 25th day of October, 1991, so as to make reference to the current salary scales;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rakkomandat l-aġġornament imsemmi tad-delega ta' setghat

AND WHEREAS the Public Service Commission has recommended the said updating of the delegation of powers

tal-25 jum ta' Ottubru, 1991, sabiex tkun tirreferi għall-iskali tas-salarji kurrenti kif imsemmija hawn fuq;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rakkomandat ukoll li reklutaġġ ta' uffiċjali pubbliċi fil-grad ta' salarju 20 isiru mis-Segretarju Permanenti fl-Uffiċċju tal-Prim Ministru minghajr ma jirreferi lill-Kummissjoni dwar is-Servizz Pubbliku skond il-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 110 tal-Kostituzzjoni kemm-il darba jsir skond il-paragrafu (ċ) tagħha;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rakkomandat ukoll li r-rapporti fuq ir-reklutaġġ magħmula skond dan id-dokument ta' delega jintbagħtu lill-Kummissjoni dwar is-Servizz Pubbliku mill-aktar fis prattikabbli u f'kull każ fi żmien raġonevoli wara li jsir ir-reklutaġġ pjuttost milli darba fis-sena kif provdut fid-dokument ta' delega imsemmi aktar qabel tal-25 jum ta' Ottubru, 1991;

U BILLI jiena naqbel ma' dik ir-rakkomandazzjoni;

ISSA, GHALHEKK, jiena Dott. Eddie Fenech Adami, K.U.O.M., B.A., LL.D., M.P., Prim Ministru, bis-sahha tal-poteri mogħtija bl-artikolu 110 tal-Kostituzzjoni, qiegħed b'din nordna li, mid-data ta' dan l-istess dokument u soġġett għall-kondizzjonijiet imsemmija aktar qabel, fil-każ ta' reklutaġġ minn barra is-Servizz Pubbliku, is-setgħa li jsiru nominazzjonijiet (permanenti jew temporanji) għal postijiet fis-Servizz Pubbliku, li jkunu karigi li l-artikolu 110 tal-Kostituzzjoni japplikaw għalihom u li jaqgħu taħt Skala tas-Salarju 20 fl-Appendiċi I ta' l-Estimati għas-sena 2000, tkun eżerċitabbli mis-Segretarju Permanenti fl-Uffiċċju tal-Prim Ministru, u dan bla hsara għat-tħaris tad-dispożizzjonijiet ta' l-Att ta' l-1990 dwar Impiegi u Servizzi fir-reklutaġġ għal dawn il-postijiet, fejn japplikaw, u mal-paragrafu (ċ) tas-subartikolu (2) ta' l-artikolu 110 tal-Kostituzzjoni.

DAN ID-DOKUMENT ta' Delega jkun b'żieda u minghajr preġudizzju għal Dokumenti ta' Delega oħrajn li haġu skond l-artikolu 110 tal-Kostituzzjoni.

(Iff.) Eddie Fenech Adami

Mogħti taħt il-firma tiegħi
fil-Berġa ta' Kastilja, Valletta,
illum, it-18-il jum ta' Jannar, 2000

of the 25th day of October, 1991, so as to refer to the current salary scales as outlined above;

AND WHEREAS the Public Service Commission has also recommended that recruitment of public officers into a grade in salary scale 20 be made by the Permanent Secretary at the Office of the Prime Minister without reference to the Public Service Commission in terms of paragraph (b) of subsection (2) of section 110 of the Constitution provided that it is made in accordance with paragraph (c) thereof;

AND WHEREAS the Public Service Commission has also recommended that reports on the recruitment made under this instrument of delegation be submitted to the Public Service Commission as soon as practicable and in any case within a reasonable time after the recruitment is made rather than annually as provided in the abovementioned instrument of delegation of the 25th day of October, 1991;

AND WHEREAS I concur with such recommendation:

NOW THEREFORE, I EDDIE FENECH ADAMI, K.U.O.M., B.A., LL.D., M.P., Prime Minister, in exercise of the powers conferred by section 110 of the Constitution, do hereby direct that, as from the date hereof and subject to the abovementioned conditions, in the case of recruitment from outside the Public Service, power to make appointments (whether substantive or temporary) to posts in the Public Service, being offices to which section 110 of the Constitution applies and falling under Salary Scale 20 in Appendix I of the Estimates for the year 2000, shall, subject to the compliance in the recruitment to such posts with the provisions of the Employment and Services Act, 1990, insofar as applicable, and with paragraph (c) of subsection (2) of section 110 of the Constitution, be exercisable by the Permanent Secretary at the Office of the Prime Minister.

THIS INSTRUMENT of Delegation shall be in addition and without prejudice to other Instruments of Delegation which have been issued in terms of section 110 of the Constitution.

(Sgd) Eddie Fenech Adami

Given under my hand at the
Auberge de Castille, Valletta
this 18th day of January, 2000