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NOTIFIKAZZJONIJIET TAL-GVERN

Nru. 313

IL-KOSTITUZZJONI TA' MALTA

Delega ta' Ċerti Setgħat dwar is-Servizz Pubbliku

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

BILLI l-artikolu 110 tal-Kostituzzjoni ta' Malta jipprovdi li s-setgħa li jagħmel ħatriet f'karigi pubbliċi u li jneħħi u li jeżerċita kontroll fuq persuni li jkollhom jew ikunu jagixxu f'karigi pubbliċi tkun fil-Prim Ministru, li jagixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku;

U BILLI huwa pprovdut ukoll fl-imsemmi artikolu li l-Prim Ministru, billi jagixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, jista' jiddelega bil-miktub kull waħda mis-setgħat hawn fuq imsemmija lil dak l-uffiċjal pubbliku jew awtorità oħra kif jistgħu jkunu speċifikati fid-dokument ta' delega;

U BILLI bid-Dokument ta' delega datat l-1 ta' Frar, 1999, is-setgħa li jagħmel ħatriet temporanji rigward ħatriet temporanji ta' kapijiet ta' dipartiment ingħatat lis-Segretarju Permanenti, Uffiċċju tal-Prim Ministru, mingħajr ma jirreferi għall-Kummissjoni dwar is-Servizz Pubbliku sakemm:

GOVERNMENT NOTICES

No. 313

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 make appointments to public offices and to remove and to exercise 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 by Instrument of delegation dated 1st February, 1999, power to make acting appointments in respect of acting appointments of heads of department was delegated to the Permanent Secretary, Office of the Prime Minister, without reference to the Public Service Commission provided that:

(a) l-uffiċjal pubbliku li se jiġi nominat huwa l-iżjed uffiċjal pubbliku anzjan fid-dipartiment, u

(b) il-kariga ta' kap ta' dipartiment li għaliha ssir il-ħatra temporanja ma tkunx vakanti,

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rrakkomandat li l-imsemmi Dokument ta' delega ta' l-1 ta' Frar 1999 għandu jinbidel u li s-setgħa li jagħmel ħatriet temporanji għandha tingħata lis-Segretarju Permanenti tal-Ministeru relatat, jew fl-assenza tiegħu lill-Kap tas-Servizz Pubbliku, mingħajr ma jirreferi għall-Kummissjoni dwar is-Servizz Pubbliku sakemm:

(a) l-uffiċjal pubbliku li se jiġi nominat ikun l-iżjed uffiċjal pubbliku anzjan fid-dipartiment.

(b) l-uffiċjal pubbliku li se jiġi nominat ikun fi grad mhux anqas minn Prinċipal Anzjan jekk l-uffiċjal ikun fil-Klassi ta' Servizz Ġenerali, jew fl-ogħla grad tal-kategorija tal-karriera rispettiva jekk l-uffiċjal ikun fi grad dipartimentali mhux anqas mill-iskala tas-salarju 7.

(c) il-kariga ta' kap ta' dipartiment li għaliha ssir il-ħatra temporanja ma tkunx vakanti.

U BILLI jiena naqbel ma' tali rakkomandazzjoni:

ISSA, GĦALHEKK, jiena Dott. Eddie Fenech Adami, K.U.O.M., B.A., LL.D., M.P., Prim Ministru ta' Malta, bis-saħħa tas-setgħat mogħtija bl-artikolu 110 tal-Kostituzzjoni, qiegħed b'din nordna li s-setgħa li, kif imfisser hawn fuq, il-Kummissjoni dwar is-Servizzi Pubbliku rrakkomandat li issgħandha tkun eżerċitabbli mis-Segretarji Permanenti rispettivi tal-Ministeri relatati, jew fl-assenza tagħhom mil-Kap tas-Servizz Pubbliku, għandha tkun hekk eżerċitabbli mill-istess rispettivament mingħajr ma jirreferi għall-Kummissjoni dwar is-Servizz Pubbliku.

(Iff.) Eddie Fenech Adami
Mogħti taħt il-firma tiegħi
fil-Berġa ta' Kastilja, Valletta,
illum, il-25 jum ta' Marzu, 2003.

(a) the public officer to be appointed is the most senior public officer in the department, and

(b) the position of head of department to which an acting appointment is being made is not vacant.

AND WHEREAS the Public Service Commission has recommended that the said Instrument of delegation of the 1st February 1999 should be substituted and that power to make acting appointments shall be delegated to the Permanent Secretary of the Ministry concerned, or in his absence the Head of the Public Service, without reference to the Public Service Commission provided that:

(a) the public officer to be appointed is the most senior public officer in the department.

(b) the public officer to be appointed is in a grade not below Senior Principal if the officer is in the General Service Class, or in the highest grade of the respective career stream if the officer is in a departmental grade not below salary scale 7,

(c) the position of head of department to which the acting appointment is being made is not vacant.

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 of Malta, in exercise of the powers conferred by section 110 of the Constitution, do hereby direct that the power which, as aforesaid, the Public Service Commission has recommended that should now be exercisable by the respective Permanent Secretaries of the Ministries concerned, or in their absence by the Head of the Public Service, be so exercisable by same respectively without reference to the Public Service Commission.

(Sgd) Eddie Fenech Adami
Given under my hand at the
Auberge de Castille, Valletta,
this 25th March, 2003