

Nru. 321

No. 321

KOSTITUZZJONI TA' MALTA

CONSTITUTION OF MALTA

37/61/09

Delega ta' Ċerti Setgħat dwar is-Servizz
PubblikuDelegation of Certain Powers Respecting the Public
Service

MILL-ONOREVOLI Dott. Lawrence Gonzi, K.U.O.M.,
LL.D., M.P., Prim Ministru

BY the Honourable Dr Lawrence Gonzi K.U.O.M.,
LL.D., M.P., Prime Minister

BILLI Artikolu 110 tal-Kostituzzjoni ta' Malta jipprovdi li s-setgħa tal-ħatra ta' uffiċjali pubbliċi tkun fil-Prim Ministru, li jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku;

WHEREAS Article 110 of the Constitution of Malta provides that power to make appointments to public offices 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 kwalunkwe mis-setgħat hawn fuq imsemmija lil dak l-uffiċjal pubbliku jew lil xi awtorità oħra kif jistgħu jkunu speċifikati fid-Dokument ta' Delega msemmi;

AND WHEREAS it is further provided in the same article 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 nħoloq il-bżonn tar-ri-ingaġġ ta' uffiċjali pubbliċi rtirati, kif ukoll tal-ingaġġ ta' persuni rtirati li ma kinux uffiċjali pubbliċi iżda li għandhom l-istess rekwiżiti, minħabba l-fatt li s-Servizz Pubbliku qiegħed jiffaċċja nuqqas ta' mpjegati b'ħiliet u kwalifiki f'oqsma diversi, kif ukoll minħabba t-telf sinifikanti ta' għarfien u esperjenza ta' valur li ħafna drabi jirriżulta wara l-irtirar ta' uffiċjali pubbliċi f'oqsma partikolari;

AND WHEREAS the need has arisen for the re-engagement of retired public officers, as well as the engagement of retired individuals not having previously been public officers but who possess the same requisites, in the light of the fact that the Public Service is facing a shortage of skilled and qualified staff in different areas and because of a significant loss of valuable expertise and skills that often follows retirement of officers in particular areas;

U BILLI hemm il-ħtieġa li s-Segretarju Permanenti Ewlieni jistabilixxi dawk l-oqsma/gradni li fir-rigward tagħhom tista' tithaddem din id-delega minn żmien għal żmien, liema oqsma/gradni jistgħu jitbiddlu skont il-ħtieġa, biex b'hekk is-Segretarju Permanenti Ewlieni jrid jgħarraf minn qabel lill-Kummissjoni dwar is-Servizz Pubbliku b'dawk l-oqsma/gradni fejn ser iseħħ ri-ingaġġ/ingaġġ skont din id-delega;

AND WHEREAS it is required that the Principal Permanent Secretary establishes those areas/grades in respect of which this delegation may be availed of from time to time, which areas/grades may change as the need arises, so however that the Principal Permanent Secretary shall inform the Public Service Commission beforehand of the areas/grades where such re-engagement/engagement will take place;

U BILLI huwa rakkomandat li ri-ingaġġ/ingaġġ skont din id-delega għandu jkun fuq bażi ta' kuntratt *full-time* jew *part-time* għal perjodu speċifiku li fl-ebda każ ma jista' jestendi l-perjodu ta' tnejn u erbghin (42) xahar jew inkella meta l-impjegat jagħlaq il-ħamsa u sittin (65) sena, skont liema jiġi l-ewwel;

AND WHEREAS it is recommended that re-engagement/engagement in terms of this delegation of powers shall be on a full-time/part-time contract basis for a specific period of time which shall in no case be extended beyond a period of forty-two (42) months or beyond the employee's sixty-fifth (65th) birthday, whichever is the earlier;

U BILLI huwa rakkomandat li s-Segretarji Permanenti jiddeċiedu fuq ri-ingaġġ/ingaġġ skont il-ħtiġiet partikolari

AND WHEREAS it is recommended that Permanent Secretaries will decide on re-engagement/engagement

(24)
Agenda
29/04/09

tas-Servizz Pubbliku f'dak iż-żmien partikolari, biex dawn il-ħtiġiet għar-ri-ingaġġ/ingaġġ hawn fuq imsemmija jiġu riklamati b'avviż pubbliku skont paragrafu (c) ta' sub-Artikolu 2 ta' Artikolu 110 tal-Kostituzzjoni, u s-Segretarji Permanenti għandhom jibagħtu lista kull tliet xhur lill-Kummissjoni dwar is-Servizz Pubbliku, b' kopja lis-Segretarju Permanenti Ewlieni, li tindika liema uffiċjali/persuni applikaw għal ri-ingaġġ/ingaġġ u r-riżultat tal-evalwazzjoni tal-applikazzjonijiet;

U BILLI huwa rakkomandat li, fil-każ ta' uffiċjali pubbliċi ritirati, ir-ri-ingaġġ m'għandux necessarjament isir fil-grad jew fl-skala li l-uffiċjal kellu qabel ma ritira, imma jista' jkun fi grad iktar baxx fl-istess klassi, skont l-esiġenzi tas-Servizz Pubbliku f' dak iż-żmien u wkoll bl-iskop li ċerti postijiet essenzjali jithallew vakanti biex jimtlew minn individwi li qegħdin javvanzaw fil-karriera tagħhom;

U BILLI huwa rakkomandat li persuni ri-ingaġġati/ingaġġati skont din id-delega jkunu meqjusa uffiċjali pubbliċi u jkollhom l-istess responsabbiltajiet u obbligi marbuta mal-uffiċċju pubbliku partikolarment l-infurzar tar-Regolamenti tad-Dixxiplina li jiġġvernaw is-Servizz Pubbliku;

U BILLI huwa rakkomandat li persuni ri-ingaġġati/ingaġġati skont din id-delega jkunu intitolati biss għal dawk il-benefiċċji, inkluż hlas, imniżżlin fil-kuntratt, li fil-każ ta' uffiċjali pubbliċi ritirati ma jistgħux jeċċedu dawk li kienu jgawdu fiż-żmien meta ritraw hliet għal xi żidiet statutorji fis-salarju, u fil-każ ta' persuni oħra ma jistgħux jeċċedu l-hlas u l-benefiċċji marbutin mal-grad tas-Servizz Pubbliku li fih gew ingaġġati;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku, skont Artikolu 110 tal-Kostituzzjoni, irrakomandat li s-setgħa biex isir ri-ingaġġ/ingaġġ kif imniżżel hawn fuq tiġi delegata lis-Segretarji Permanenti, sugġett għad-direzzjoni tas-Segretarju Permanenti Ewlieni kif indikat f'paragrafu erbgha hawn fuq, u sugġett għall-kundizzjoni li l-Kummissjoni tirriżerva d-dritt li tagħmel rakkomandazzjoni lill-Prim Ministru biex dan id-Dokument ta' Delega jiġi ritirat u li meta ssir tali rakkomandazzjoni u sakemm il-Prim Ministru jaġixxi fuqha, is-setgħat delegati permezz ta' dan id-Dokument jiġu sospizi;

according to the particular needs of the Public Service at that particular time so however that these needs shall be advertised publicly as required for the re-engagement/engagement of staff as provided above and in accordance with paragraph (c) of sub-Article 2 of Article 110 of the Constitution and Permanent Secretaries will send on a quarterly basis, a list to the Public Service Commission, copying the Principal Permanent Secretary, indicating which officers/persons applied for re-engagement/engagement and the outcome of the evaluation of applications;

AND WHEREAS it is recommended that, in the case of retired public officers, re-engagement shall not necessarily be in the grade or relevant scale the officer held prior to retirement, but may be in a lower grade within the class, according to the exigencies of the Public Service at the time also with a view to freeing key posts to individuals coming up the ranks;

AND WHEREAS it is recommended that persons re-engaged/engaged in terms of this delegation of powers shall be considered as public officers and shall carry the responsibilities and obligations pertaining to public office in particular the enforcement of Disciplinary Regulations governing the Public Service;

AND WHEREAS it is recommended that persons re-engaged/engaged in terms of this delegation of powers shall only be entitled to the benefits, including remuneration, as laid down in their contract which in the case of retired public officers cannot exceed those applicable as at time of retirement except for possible statutory salary adjustments and in the case of other persons cannot exceed the remuneration and benefits linked to the relative public service grade in which they are engaged;

AND WHEREAS the Public Service Commission has in terms of Article 110 of the Constitution recommended that the power to make re-engagements/engagements as stated above, be delegated to Permanent Secretaries subject to the overall direction of the Principal Permanent Secretary as indicated in paragraph four hereof, and subject to the condition that the Commission reserves the right to make at any time, a recommendation to the Prime Minister that this Instrument of Delegation be withdrawn 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 suspended;

U BILLI naqbel mal-imsemmija rakkomandazzjoni;

ISSA, GHALHEKK, jiena Lawrence Gonzi K.U.O.M., LL.D., M.P., Prim Ministru, bis-saħħa tas-setghat mogħtija bl-Artikolu 110 tal-Kostituzzjoni, qiegħed b'din nordna li mid-data ta' dan id-Dokument, is-setgħa biex isir ri-ingaġġ ta' uffiċjali pubbliċi rtirati/ingaġġ ta' persuni oħra rtirati f'dawk l-oqsma/grad li fihom is-Servizz Pubbliku qiegħed jiffaċċja nuqqas ta' impjegati b'ħiliet u kwalifiki f'oqsma diversi jew fejn hemm telf sinifikanti ta' għarfien u esperjenza ta' valur li ħarna drabi jirriżulta wara l-irtirar ta' uffiċjali pubbliċi f'oqsma partikolari, skont kif stabbilit minn żmien għal żmien mis-Segretarju Permanenti Ewlieni u komunikat lill-Kummissjoni dwar is-Servizz Pubbliku, u sakemm tali ri-ingaġġ/ingaġġ isir fuq bażi ta' kuntratt *full-time* jew *part-time* għal perjodu speċifiku li fl-ebda każ ma jista' jestendi l-perjodu ta' tnejn u erbghin (42) xahar jew inkella meta l-impjegat jagħlaq il-ħamsa u sittin (65) sena, skont liema jiġi l-ewwel, u sakemm is-Segretarji Permanenti jiddeċiedu fuq ri-ingaġġ/ingaġġ skont il-ħtiġiet tas-Servizz Pubbliku f'dak iż-żmien partikolari, biex dawn il-ħtiġiet għar-ri-ingaġġ/ingaġġ hawn fuq imsemmija jiġu riklamati b'avviż pubbliku skont paragrafu (c) ta' sub-Artikolu 2 ta' Artikolu 110 tal-Kostituzzjoni, u s-Segretarji Permanenti għandhom jibagħtu lista kull tliet xhur lill-Kummissjoni dwar is-Servizz Pubbliku, b'kopja lis-Segretarju Permanenti Ewlieni, li tindika liema uffiċjali/persuni applikaw għal ri-ingaġġ/ingaġġ u r-riżultat tal-evalwazzjoni tal-applikazzjonijiet, u sakemm fil-każ ta' uffiċjali pubbliċi rtirati, ir-ri-ingaġġ m'għandux neċessarjament isir fil-grad jew fil-skala li l-uffiċjal kellu qabel ma rtira, imma jista' jkun fi grad iktar baxx fl-istess klassi, skont l-esiġenzi tas-Servizz Pubbliku f'dak iż-żmien, u sakemm persuni ri-ingaġġati/ingaġġati skont din id-delega jkunu meqjusa uffiċjali pubbliċi u jkollhom l-istess responsabbiltajiet u obbligi marbuta mal-uffiċċju pubbliku partikolarment l-infurzar tar-Regolamenti tad-Dixxiplina li jiggvernaw is-Servizz Pubbliku, u sakemm persuni ri-ingaġġati/ingaġġati skont din id-delega jkunu intitolati biss għal dawk il-benefiċċji, inkluż ħlas, imniżżlin fil-kuntratt, li fil-każ ta' uffiċjali pubbliċi rtirati ma jistgħux jeċċedu dawk li kienu jgawdu fiż-żmien meta rtiraw, ħlief għal xi żidiet statutorji fis-salarju, u fil-każ ta' persuni oħra ma jistgħux jeċċedu l-ħlas u l-benefiċċji marbutin mal-grad tas-Servizz Pubbliku li fih ġew ingaġġati, u sakemm tali ri-ingaġġ/ingaġġ jiġi mġedded bla ma jinqabeż il-massimu stabbilit hawn fuq, għandha tkun fis-Segretarji Permanenti li hawnhekk huma awtorizzati li jagħmlu tali ri-ingaġġ/ingaġġ u tiġdid tiegħu mingħajr referenza lill-Kummissjoni dwar

AND WHEREAS I agree with the said recommendation:

NOW THEREFORE, I LAWRENCE GONZI K.U.O.M., LL.D., M.P., Prime Minister, in exercise of the powers conferred by Article 110 of the Constitution do hereby direct that as from the date hereof, the power to re-engage retired public officers/engage retired external recruits in those areas/grades where the Public Service is facing a shortage of skilled and qualified staff or where there is a significant loss of valuable expertise and skills due to retirement, as established from time to time by the Principal Permanent Secretary and communicated to the Public Service Commission, provided that such re-engagement/engagement shall be on a full-time/part-time contract basis for a specific period of time which shall in no case extend beyond a period of forty-two (42) months or the highest statutory retirement age of 65 years whichever is the earlier, and provided that Permanent Secretaries will decide on re-engagement/engagement according to the particular needs of the Public Service at that particular time so however that these needs shall be advertised publicly as required for the re-engagement/engagement of staff as provided above and in accordance with paragraph (c) of sub-Article 2 of Article 110 of the Constitution and that Permanent Secretaries will send on a quarterly basis, a list to the Public Service Commission, copying the Principal Permanent Secretary, indicating which officers/persons applied for re-engagement/engagement and the outcome of the evaluation of applications, and provided that in the case of retired public officers such re-engagement shall not necessarily be in the grade or relevant scale which the officer held prior to retirement, but may be in a lower grade within the class, according to the exigencies of the Public Service at the time, and provided that persons re-engaged/engaged in terms of this delegation of powers shall be considered as public officers and shall carry the responsibilities and obligations pertaining to public office in particular the enforcement of Disciplinary Regulations governing the Public Service, and provided that persons re-engaged/engaged in terms of this delegation of powers shall only be entitled to the benefits, including remuneration, as laid down in their contract which in the case of retired public officers cannot exceed those applicable as at time of retirement except for possible statutory salary adjustments and in the case of other persons cannot exceed the remuneration and benefits linked to the relative public service grade in which they are engaged; and provided that the power to renew such re-engagement/engagement within the maximum duration established above shall vest in Permanent Secretaries who are hereby authorised to make such re-engagements/engagements and renewals thereof without reference to the Public Service

is-Servizz Pubbliku imma suggett għall-kundizzjonijiet li l-Kummissjoni dwar is-Servizz Pubbliku għamlet fir-rakkomandazzjoni tagħha, kif imnizzel hawn fuq.

Commission but subject to the conditions which the Public Service Commission has made in its recommendation, as aforesaid.

DAN ID-DOKUMENT ta' Delega huwa addizzjonali u minghajr preġudizzju għal Dokumenti oħra ta' Delega li nħargu skont Artikolu 110 tal-Kostituzzjoni.

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.

(Iff.) Lawrence Gonzi
MOGHTI bil-firma tiegħi
fil-Berġa ta' Kastilja, Valletta
illum l-4 ta' April, 2009

(Sgd) Lawrence Gonzi
GIVEN under my hand at the
Auberge de Castille, Valletta
this 4th day of April, 2009

Nru. 322

No. 322

**HATRA TA' AĠENT DIRETTUR
GENERALI (DWANA)**

**APPOINTMENT OF ACTING DIRECTOR
GENERAL (CUSTOMS)**

IS-SEGRETARJU Permanenti fil-Ministru tal-Finanzi, l-Ekonomija u Investiment approva l-hatra temporanja li ġejja:-

THE Permanent Secretary in the Ministry of Finance, the Economy and Investment has approved the following acting appointment:-

ISEM NAME	POZZIZZJONI POSITION	DIPARTIMENT DEPARTMENT	DATA DATE
Mr Philip Schembri	Agent Direttur Ġenerali	Dwana	06-09.5.2009
			17-20.5.2009
	<i>Acting Director General</i>	<i>Customs</i>	25-28.5.2009

It-28 ta' April, 2009

28th April, 2009

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No. 323

**ATT DWAR IL-HADDIEMA
D-DEHEB U L-HADDIEMA L-FIDDA
(ARGENTIERA)
(KAP. 46)**

**GOLDSMITHS AND SILVERSMITHS
ACT
(CAP. 46)**

IL-KUMMISSARJU tat-Taxxi Interni jgħarraf illi fid-data li tidher hawn taht, il-prezz tad-deheb u l-fidda li fuqu huma bbażati l-valutazzjonijiet magħmulin mill-Konslu għall-Haddiema d-Deheb u l-Haddiema l-Fidda ġie ffixsat għall-finijiet tal-artikolu 14 tal-imsemmi Att kif ġej:-

THE Commissioner of Inland Revenue notifies that on the date shown hereunder, the price of gold and silver on which valuations made by the Consuls for Goldsmiths and Silver-smiths are based has been fixed for the purposes of article 14 of the said Act as follows:-

Data Date	Deheb Pur Gramma Pure Gold Grams	Fidda Pura Gramma Pure Silver Grams
28. 04. 09	€22.301	€0.336

It-28 ta' April, 2009

28th April, 2009

NOTIFIKAZZJONIJIET TAL-GVERN

Nru. 373

**PUBBLIKAZZJONI TA' ATT
FIS-SUPPLIMENT**

HUWA avżat għall-informazzjoni ġenerali illi l-Att li ġej huwa ppubblikat fis-Suppliment li jinsab ma' din il-Gazzetta:

Att Nru. VIII ta' l-2009 imsejjah l-Att ta' l-2009 li jemenda l-Att dwar ix-Xandir.

Il-15 ta' Mejju, 2009

GOVERNMENT NOTICES

No. 373

**PUBLICATION OF ACT
IN SUPPLEMENT**

IT is notified for general information that the following Act is published in the Supplement to this Gazette:

Act No. VIII of 2009 entitled the Broadcasting (Amendment) Act, 2009.

15th May, 2009

Nru. 374

**PUBBLIKAZZJONI TA' ABBOZZ TA' LIĠI
FIS-SUPPLIMENT**

HUWA avżat għall-informazzjoni ġenerali illi l-Abbozz ta' Liġi li ġej huwa ppubblikat fis-Suppliment li jinsab ma' din il-Gazzetta:

Abbozz ta' Liġi Nru. 26 imsejjah Att tal-2009 li jemenda l-Att dwar l-Interpretazzjoni.

Il-15 ta' Mejju, 2009

No. 374

**PUBLICATION OF BILL
IN SUPPLEMENT**

IT is notified for general information that the following Bill is published in the Supplement to this Gazette:

Bill No. 26 entitled the Interpretation (Amendment) Act, 2009.

15th May, 2009

Nru. 375

KOSTITUZZJONI TA' MALTA

**Delega ta' Ċerti Setgħat dwar
is-Servizz Pubbliku**

Dikjarazzjoni ta' Oqsm

SUSSEGWENTI u bla ħsara għad-dispożizzjonijiet tad-Dokument ta' Delega tal-4 ta' April 2009, ippubblikat fil-Gazzetta tal-Gvern Nru. 18,410 tat-28 ta' April, 2009, qed ikun iddikjarat li dawn li ġejjin huma l-oqsm, skont kif stabbilit mis-Segretarju Permanenti Ewlieni, li fir-rigward tagħhom tista' bħalissa tithaddem id-delega ta' poter kif kontemplat fl-imsemmi Dokument:-

Tobba
Infermieri
Qwiebel

Il-15 ta' Mejju, 2009

No. 375

CONSTITUTION OF MALTA

**Delegation of Certain Powers Respecting
the Public Service**

Declaration of Areas

IN pursuance of and subject to the provisions of the Instrument of Delegation dated 4th April, 2009, published in the Government Gazette No. 18,410 dated 28th April, 2009, the following are hereby being declared as those areas, as established by the Principal Permanent Secretary, in respect of which the delegation of powers contemplated in the said Instrument may be currently availed of:-

Medical Practitioners
Nurses
Midwives

15th May, 2009