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No. 494

KOSTITUZZJONI TA' MALTA

CONSTITUTION OF MALTA

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 li jagħmel hatriet għall-karigi uffiċjali u li jneħhi persuni li jkollhom jew ikunu jaġixxu f'xi karigi bħal dawk, 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 and to remove persons holding or acting in any such 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 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 bid-Dokument ta' Delega tal-1 ta' Lulju 2003, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lill-Kap ta' Dipartiment individwali, b'effett mis-6 ta' April 2001, is-setgħa li jikkonferma hatriet fis-Servizz Pubbliku sugġett għad-dispożizzjonijiet speċifikati fl-imsemmi Dokument;

AND WHEREAS by Instrument dated 1st July 2003, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the individual Head of Department, with effect from 6th April 2001, the power respecting confirmation of appointments in the Public Service subject to the provisions specified in the aforementioned Instrument;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rakkomandat illi d-delega tas-setgħa mogħtija fl-1 ta' Lulju 2003 tiġi estiża sabiex il-Kap ta' Dipartiment individwali jkollu s-setgħa li japprova, mingħajr riferenza lill-Kummissjoni dwar is-Servizz Pubbliku, estensjonijiet tal-perjodu ta' servizz bi prova meta l-uffiċjal jagħmel użu minn *leave* speċjali mingħajr ħlas matul il-perjodu ta' servizz bi prova, basta tali perjodu ta' servizz bi prova jiġi estiż bl-istess numru ta' granet li ttiehdu mill-uffiċjal bħala *leave* speċjali mingħajr ħlas;

AND WHEREAS the Public Service Commission has recommended that the delegation of power made on the 1st July 2003 be extended to empower the individual Head of Department to approve, without reference to the said Commission, extensions of the probationary period for reasons of the officer availing himself/herself of special unpaid leave during such probationary period provided that the probationary period is extended by the corresponding number of days utilised as unpaid leave;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rakkomandat illi d-delega tas-setgħa mogħtija fl-1 ta' Lulju 2003 tiġi estiża sabiex il-Kap ta' Dipartiment individwali jkollu s-setgħa li japprova, mingħajr riferenza lill-Kummissjoni dwar is-Servizz Pubbliku, estensjonijiet tal-perjodu ta' servizz bi prova meta l-uffiċjal jagħmel użu mill-facilità ta' ġumata fuq bażi ta' s'għat imnaqqsa matul il-perjodu ta' servizz bi prova, basta tali perjodu ta' servizz bi prova jiġi estiż bl-istess numru ta' granet in proporzjon ma' l-iskeda ta' xogħol fuq bażi ta' s'għat imnaqqsa tal-uffiċjal;

AND WHEREAS the Public Service Commission has recommended that the delegation of power made on the 1st July 2003 be extended to empower the individual Head of Department to approve, without reference to the said Commission, extensions of the probationary period for reasons of the officer availing himself/herself of work on reduced hours during the probationary period, provided that the probationary period is extended by the corresponding number days in proportion to the officer's reduced working schedule;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rakkomandat illi d-delega tas-setgħa mogħtija fl-1 ta' Lulju 2003 tiġi estiża sabiex il-Kap ta' Dipartiment individwali jkollu s-setgħa li, mingħajr riferenza lill-Kummissjoni dwar

AND WHEREAS the Public Service Commission has recommended that the delegation of power made on the 1st July 2003 be extended to empower the individual Head of Department to approve, without reference to the

is-Servizz Pubbliku, japprova estensjonijiet tal-perjodu ta' servizz bi prova sa estensjoni massima ta' erbgha u għoxrin (24) xahar jew itemm il-hatra bi prova, għal raġunijiet ta' servizz mhux sodisfaċenti:-

- basta qabel ma d-deċiżjoni tal-Kap tad-Dipartiment tiġi implimentata, l-uffiċjal konċernat għandu jkun intitolat li jagħmel rappreżentazzjonijiet fuq tali deċiżjoni lill-Segretarju Permanenti rispettiv, u f'każijiet fejn isiru dawn ir-rappreżentazzjonijiet, id-deċiżjoni aħħarija dwar jekk għandux jiġi estiż il-perjodu ta' servizz bi prova jew dwar jekk għandhiex tintemm il-hatra bi prova għal raġunijiet ta' servizz mhux sodisfaċenti, għandha tittiehed mis-Segretarju Permanenti rispettiv;

- u basta wkoll li l-uffiċjal konċernat ikun intitolat li jagħmel appell lill-Kummissjoni dwar is-Servizz Pubbliku fir-rigward tad-deċiżjoni tas-Segretarju Permanenti rispettiv dwar l-estensjoni tal-perjodu ta' servizz bi prova jew it-tmiem tal-hatra bi prova għal raġunijiet ta' servizz mhux sodisfaċenti;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rrakomandat li d-delega tas-setgħa kif imsemmija hawn fuq tkun sugġetta għall-kundizzjoni li l-Kummissjoni żżomm id-drift li tista' 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;

U BILLI naqbel mal-imsemmija rakkomandazzjoni;

ISSA, GHALHEKK, jiena Lawrence Gonzi K.U.O.M., LL.D., M.P., Prim Ministru, bis-saħħa tas-setgħat mogħtija bl-Artikolu 110 tal-Kostituzzjoni, qieghed b'din nordna li mid-data ta' dan id-Dokument, is-setgħa sabiex jiġi estiż il-perjodu ta' servizz bi prova jew sabiex tintemm il-hatra bi prova fis-Servizz Pubbliku kif imsemmi hawn fuq, għandha tkun eżerċitata mill-Kap ta' Dipartiment individwali jew mis-Segretarju Permanenti rispettiv, kif imniżżel hawn fuq u skont kif applikabbli, mingħajr riferenza lill-Kummissjoni dwar is-Servizz Pubbliku imma sugġett għall-kundizzjoni li l-Kummissjoni dwar is-Servizz Pubbliku għamlet fir-rakkomandazzjoni tagħha, kif imniżżel hawn fuq.

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

(Iff.) Lawrence Gonzi

MOGHTI bil-firma tiegħi
fil-Berġa ta' Kastilja, Valletta
illum it-18 ta' April, 2009

said Commission, extensions of the probationary period up to a maximum extension of twenty-four (24) months or termination of the probationary period, for reasons of unsatisfactory performance:-

- provided that before the decision of the Head of Department is implemented, the officer concerned shall be entitled to make representations to the respective Permanent Secretary on the proposed action to be taken, and in cases where such representations are made by the officer concerned, the final decision regarding extension or termination of the probationary period due to unsatisfactory performance shall be taken by the respective Permanent Secretary,

- and provided also that the officer concerned shall be entitled to appeal to the Public Service Commission from the decision taken by the respective Permanent Secretary to extend or terminate the probationary period for reasons of unsatisfactory performance;

AND WHEREAS the Public Service Commission has recommended that the above mentioned delegation of power be 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;

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, power to extend or terminate the probationary period for appointments in the Public Service as aforementioned shall be exercisable by the individual Head of Department or the respective Permanent Secretary, as stated above and as applicable, without reference to the Public Service Commission, but subject to the condition which the Public Service Commission has made in its recommendation, as aforesaid.

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

(Sgd) Lawrence Gonzi

GIVEN under my hand at the
Auberge de Castille, Valletta
this 18th day of April, 2009