(26)

111/2012

Nru. 708

IL-PRIM MINISTRU JERĠA' LURA FUQ DMIRIJIETU

NGĦARRFU għall-informazzjoni ta' kulħadd illi l-Onor. Lawrence Gonzi, K.U.O.M., LL.D., M.P., reġa' daħal għal dmirijietu ta' Prim Ministru nhar il-Ġimgħa, id-29 ta' Ġunju, 2012 u l-arranġamenti magħmulin bin-Notifikazzjoni tal-Gvern Nru. 696 tat-27 ta' Ġunju, 2012, ma baqgħux iseħħu f'dan is-sens.

It-28 ta' Ġunju, 2012
(OPM 11/2012)

No. 708

RESUMPTION OF DUTIES BY THE PRIME MINISTER

IT is notified for general information that the Hon. Lawrence Gonzi, K.U.O.M., LL.D., M.P., resumed duties as Prime Minister on Friday, 29th June, 2012 and that the arrangements made by Government Notice No. 696 of the 27th June, 2012, ceased to have effect accordingly.

28th June, 2012

Nru. 709

IL-KOSTITUZZJONI TA' MALTA

Delega ta' Ċerti Setgħat fir-Rigward tas-Servizz Pubbliku

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

BILLI l-artikolu 110 tal-Kostituzzjoni ta' Malta jipprovdi li s-setgħa li jagħmel ħatriet għall-karigi uffiċjali għandha tkun f'idejn il-Prim Ministru, li jaġixxi fuq ir-rakkomandazzjonijiet tal-Kummissjoni dwar is-Servizz Pubbliku;

U BILLI huwa pprovdut ukoll fl-imsemmi artikolu li l-Prim Ministru, billi jaġixxi 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 jista' jkun speċifikat fl-imsemmi Strument ta' Delega;

U BILLI tinħass il-ħtieġa għar-reklutaġġ ta' persuni biex iwettqu karigi pubbliċi fuq bażi kontrattwali għal perjodu ta' mhux iktar minn sena, li jiġġedded kif u fejn meħtieġ, bħala 'Edukaturi tal-Adulti';

U BILLI huwa meħtieġ li l-ingaġġ ta' tali 'Edukaturi tal-Adulti' jkun soġġett għal tmiem qabel l-iskadenza tal-perjodu kontrattwali tal-ingaġġ biss mill-Prim Ministru li jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku;

U BILLI huwa rrakkomandat li ebda rakkomandazzjoni mill-Kummissjoni dwar is-Servizz Pubbliku m'għandha tinħtieġ għat-tmiem tal-ingaġġ ta' 'Edukaturi tal-Adulti' fejn tali tmiem huwa r-riżultat tal-iskadenza tal-perjodu kontrattwali tal-ingaġġ.

No. 709

THE CONSTITUTION OF MALTA

Delegation of Certain Powers Respecting the Public Service

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

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;

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;

AND WHEREAS the need has arisen for the recruitment of persons to act in public offices on a contractual basis for a period of not more than one year, renewable as and where necessary, as 'Adult Educators';

AND WHEREAS it is required that the engagement of such 'Adult Educators' should be subject to termination prior to the expiry of the contractual period of engagement only by the Prime Minister acting upon the recommendation of the Public Service Commission;

AND WHEREAS it is recommended that no recommendation from the Public Service Commission shall be required for the termination of the engagement of 'Adult Educators' where such termination is the result of the expiry of the contractual period of engagement;

U BILLI huwa rrakkomandat li 'Edukaturi tal-Adulti' jingħataw l-għażla li jtemmu l-impenn kontrattwali tagħhom wara l-għoti ta' xahar avviż;

U BILLI huwa rrakkomandat li 'Edukaturi tal-Adulti' m'għandhomx jibbenefikaw minn ħatriet u promozzjonijiet stipulati fil-Ftehimiet ta' Klassifikazzjoni;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku, skont l-artikolu 110 tal-Kostituzzjoni, rrakkomandat li s-setgħa tal-ingaġġ ta' 'Edukaturi tal-Adulti', u t-tiġdid tal-ingaġġ tagħhom kif stipulat hawn fuq, ikun iddelegat lis-Segretarju Permanenti inkarigat mal-Ministeru responsabbli għall-Edukazzjoni, minn hawn 'il quddiem imsejjaħ is-Segretarju Permanenti, soġġett għall-kundizzjonijiet elenkati hawn taħt u bil-*proviso* li l-Kummissjoni tirriżerva d-dritt li f'kull żmien tirrakkomanda lill-Prim Ministru li dan l-Istrument ta' Delega jiġi rtirat, u meta ssir rakkomandazzjoni bħal dik u sa ma l-Prim Ministru jaġixxi skont dik ir-rakkomandazzjoni, is-setgħat mogħtija b'dan l-Istrument għandhom jiġu sospiżi, skont ma jista' jiġi stipulat fir-rakkomandazzjoni magħmula mill-Kummissjoni;

U BILLI jien naqbel ma' din ir-rakkomandazzjoni:

ISSA GĦALHEKK, jiena LAWRENCE GONZI K.U.O.M., LL.D, M.P., Prim Ministru, bis-saħħa tas-setgħat mogħtija bl-artikolu 110 tal-Kostituzzjoni qiegħed b'din nordna li mid-data hawn imniżżla, is-setgħa ta' ingaġġ ta' 'Edukaturi tal-Adulti' fuq kuntratti definiti u s-setgħa li jiġġedded tali ingaġġ ta' 'Edukaturi tal-Adulti' jkunu f'idejn is-Segretarju Permanenti, li huwa b'dan awtorizzat li jwettaq tali ingaġġi u tiġdid tagħhom mingħajr referenza lill-Kummissjoni dwar is-Servizz Pubbliku iżda soġġetti għall-kundizzjonijiet li ġejjin u bil-*proviso* li l-Kummissjoni dwar is-Servizz Pubbliku għamlet fir-rakkomandazzjoni tagħha, kif imsemmi qabel:-

(i) is-Segretarju Permanenti għandu jitlob awtorizzazzjoni mill-Ministeru responsabbli għall-Finanzi meta jwettaq tali ingaġġi;

(ii) l-imsemmija ingaġġi għandhom isiru jew minn Servizz għall-Impjiegi pprovdut minn fondi pubbliċi u li huwa konformi mar-rekwiżiti tal-paragrafu (c) tas-subartikolu (2) tal-artikolu 110 tal-Kostituzzjoni jew wara sejħa pubblika għal applikazzjoni ppubblikata fil-Gazzetta tal-Gvern;

(iii) il-proċess tal-għażla, sew jekk wara sejħa pubblika għal applikazzjoni, jew permezz ta' Servizz għall-Impjiegi pprovdut minn fondi pubbliċi, bħall-Korporazzjoni għall-Impjiegi u t-Taħriġ, għandu jsir minn Bord tal-Għażla maħtur mis-Segretarju Permanenti skont il-prassi normali u n-normi segwiti mill-Kummissjoni dwar is-Servizz Pubbliku fil-ħatra ta' bordijiet tal-għażla approvati minnha;

AND WHEREAS it is recommended that 'Adult Educators' be granted the option to terminate their contractual engagements after granting one month's notice;

AND WHEREAS it is recommended that 'Adult Educators' shall not benefit from progressions and promotions stipulated in Classification Agreements;

AND WHEREAS the Public Service Commission has, in terms of article 110 of the Constitution, recommended that the power to make engagements of 'Adult Educators', and to renew their engagement as stated above, be delegated to the Permanent Secretary charged with the Ministry responsible for Education, hereinafter referred to as the Permanent Secretary, subject to the conditions listed hereunder and to the proviso 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, as may be stipulated in the recommendation made by the Commission;

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 engage 'Adult Educators' on definite contracts and the power to renew such engagement of 'Adult Educators' shall vest in the Permanent Secretary, who is hereby authorised to make such engagements and renewals thereof without reference to the Public Service Commission, but subject to the following conditions and to the proviso which the Public Service Commission has made in its recommendation, as aforesaid:-

(i) the Permanent Secretary is to seek clearance from the Ministry responsible for Finance when carrying out such engagements;

(ii) the said engagements shall be made either through an Employment Service provided out of public funds and which complies with the requirements of paragraph (c) of sub-article (2) of article 110 of the Constitution, or after a public call for applications advertised in the Government Gazette;

(iii) the selection process, whether after a public call for applications, or through an Employment Service provided out of public funds, such as the Employment and Training Corporation, shall be conducted by a Selection Board appointed by the Permanent Secretary in accordance with the normal practice and norms followed by the Public Service Commission in the appointment of selection boards approved by it;

(iv) il-kriterji tal-għażla inklużi l-kriterji tal-intervisti adottati mill-Bord tal-Għażla għandhom ikunu dawk stabbiliti mill-Kummissjoni;

(v) għandu jkun possibbli li petizzjonijiet relatati mal-proċess tal-għażla jiġu sottomessi lill-Kummissjoni dwar is-Servizz Pubbliku skont is-sezzjoni 1.1.17 tal-Kodiċi dwar l-Immaniġġjar tas-Servizz Pubbliku jew dispożizzjonijiet oħra li jiggvernaw petizzjonijiet li jistgħu jsiru flok dawn l-imsemmija, u kwalunkwe sejħiet għal applikazzjoni għal 'Edukaturi tal-Adulti' għandhom għalhekk jinkludu dispożizzjoni li tirreferi għal din il-possibbiltà;

(vi) l-ingaġġi magħmula mis-Segretarju Permanenti għandhom ikunu strettament skont l-ordni tal-mertu stabbilit fir-rapport tal-Bord tal-Għażla;

(vii) il-Kummissjoni dwar is-Servizz Pubbliku għandha twettaq monitoraġġ tal-ingaġġ ta' 'Edukaturi tal-Adulti' u għandha twettaq verifiki kif tqis meħtieġ, u għal dan il-għan is-Segretarju Permanenti għandu jissottometti lill-Kummissjoni:

a. kopja ta' kull kuntratt ta' ingaġġ, minnufih wara li jsir hekk kif ikun prattikabbli, flimkien ma' kopja tar-rapport mill-Bord tal-Għażla pertinenti u kwalunkwe rappreżentazzjonijiet irċevuti mis-Segretarju Permanenti responsabbli għall-Edukazzjoni jew mill-Bord relatat ma' dak il-proċess tal-għażla u/jew ingaġġ;

b. kopja tad-dokument li jawtorizza tiġdid ta' kuntratt;

(viii) il-Kummissjoni tista' tieħu kwalunkwe azzjoni ta' rimedju li tqis meħtieġa fid-dawl ta' petizzjonijiet jew ta' verifiki tagħha stess, inkluż l-annullament ta' riżultati ta' għażliet u r-revoka ta' ħatriet, u għal dan il-għan il-Kummissjoni tista' taġixxi daqs li kieku l-Istrument ta' Delega ma kienx fis-seħħ;

(ix) is-Segretarju Permanenti għandu wkoll jissottometti lill-Uffiċċju tal-Prim Ministru, għal fini ta' rekords u statistika, kopja ta' kull kuntratt ta' ingaġġ u kopja tad-dokument li jawtorizza t-tiġdid tal-kuntratt;

(x) tali Edukaturi tal-Adulti m'għandhomx jibbenefikaw minn ħatriet u promozzjonijiet stipulati fil-Ftehimiet ta' Klassifikazzjoni;

(xi) l-ingaġġ ta' 'Edukaturi tal-Adulti' jista' jiġi tterminat qabel l-iskadenza tal-perjodu kontrattwali tal-ingaġġ biss billi l-Prim Ministru jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku;

(xii) ebda rakkomandazzjoni mill-Kummissjoni dwar is-Servizz Pubbliku mhi meħtieġa għat-tmiem tal-ingaġġ

(iv) the selection criteria including the interviewing criteria adopted by the Selection Board shall be those established by the Commission;

(v) it shall be possible for petitions relating to the selection process to be submitted to the Public Service Commission in accordance with section 1.1.17 of the Public Service Management Code or such other provisions governing petitions as may be made in substitution thereof, and any calls for applications for 'Adult Educators' shall accordingly include a provision referring to this possibility;

(vi) the engagements made by the Permanent Secretary shall be strictly in accordance with the order of merit established in the report of the Selection Board;

(vii) the Public Service Commission shall monitor the engagement of 'Adult Educators' and shall conduct such audits as it may consider necessary, and for this purpose the Permanent Secretary shall submit to the Commission:

a. a copy of every engagement contract, as soon as practicable after it is made, together with a copy of the report by the pertinent Selection Board and any representations received by the Permanent Secretary or by the Board relating to that selection process and/or engagement;

b. a copy of the document authorising a renewal of contract;

(viii) the Commission may take any remedial action it considers necessary in the light of petitions or its own audits, including the annulment of selection results and the revocation of appointments, and for this purpose the Commission may act as if this Instrument of Delegation were not in force;

(ix) the Permanent Secretary shall also submit to the Office of the Prime Minister, for record and statistical purposes, a copy of every engagement contract and a copy of the document authorising renewal of contract;

(x) such Adult Educators shall not benefit from progressions and promotions stipulated in Classification Agreements;

(xi) the engagement of 'Adult Educators' may be terminated prior to the expiry of the contractual period of engagement only by the Prime Minister acting upon the recommendation of the Public Service Commission;

(xii) no recommendation from the Public Service Commission shall be required for the termination of the

ta' 'Edukaturi tal-Adulti' fejn tali tmiem huwa r-riżultat tal-iskadenza tal-perjodu kontrattwali tal-ingaġġ;

(xiii) 'Edukaturi tal-Adulti' għandhom jingħataw l-għażla li jtemmu l-ingaġġ tagħhom billi jagħtu xahar avviż lis-Segretarju Permanenti;

(xiv) skont it-termini tad-dispożizzjonijiet tar-regolament 7(4) tar-"Regolamenti dwar Kuntratti ta' Servizz għal Terminu ta' Żmien Fiss" (Avviż Legali 51/2007 kif emendat mill-Avviż Legali 239/2008 u l-Avviż Legali 376/2009), in-natura speċifika tal-ħidmiet li għandhom jitwettqu tikkostitwixxi raġuni objettiva għaliex il-kuntratt għal terminu ta' żmien fiss tal-'Edukaturi tal-Adulti' m'għandux jiġi ttrasformat f'wieħed għal perjodu ta' żmien indefinit skont it-termini tal-istess Regolamenti.

DAN L-ISTRUMENT ta' Delega għandu jiżdied ma' u jkun bla ħsara għall-Istrumenti ta' Delega l-oħra maħruġa skont it-termini tal-artikolu 110 tal-Kostituzzjoni.

(Iff.) Lawrence Gonzi
Mogħti taħt il-firma tiegħi
fil-Berġa ta' Kastilja, Valletta
illum, il-25 ta' Ġunju, 2012

engagement of 'Adult Educators' where such termination is the result of the expiry of the contractual period of engagement;

(xiii) 'Adult Educators' shall be granted the option to terminate their engagements by giving one month's notice to the Permanent Secretary;

(xiv) in terms of the provisions of sub-regulation 4 of regulation 7 of the "Contracts of Service for a Fixed Term Regulations" (Legal Notice 51/2007 as amended by Legal Notice 239/2008 and Legal Notice 376/2009), the specific nature of the tasks to be performed constitutes an objective reason why the fixed-term contract of 'Adult Educators' should not be transformed into one for an indefinite period in terms of same Regulations.

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 25th day of June, 2012

Nru. 710

IL-KOSTITUZZJONI TA' MALTA

Delega ta' Ċerti Setgħat fir-Rigward tas-Servizz Pubbliku

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

BILLI l-Artikolu 110 tal-Kostituzzjoni ta' Malta jipprovdi li s-setgħa li jagħmel ħatriet għall-karigi uffiċjali tkun f'idejn il-Prim Ministru, li jaġixxi fuq ir-rakkomandazzjonijiet tal-Kummissjoni dwar is-Servizz Pubbliku;

U BILLI huwa pprovdut ukoll fl-imsemmi artikolu li l-Prim Ministru, billi jaġixxi 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 jista' jkun speċifikat fl-imsemmi Strument ta' Delega;

U BILLI tinħass il-ħtieġa għar-reklutaġġ ta' persuni biex iwettqu karigi pubbliċi fuq bażi kontrattwali għal perjodu ta' mhux iktar minn sena li jiġġedded kif u fejn meħtieġ bħala 'On call Supply Learning Support Assistants (LSAs)' u 'On call Supply Kindergarten Assistants (KGAs)' biex ikopru l-assenzi ta' *LSAs/KGAs* regolari jew *Supply LSAs/KGAs*. 'On call Supply LSA' jiġi ingaġġat biex jissostitwixxi Learning Support Assistant/Supply Learning Support Assistant li jkun qed jappoġġja student b'*full time one to one statement of*

No. 710

THE CONSTITUTION OF MALTA

Delegation of Certain Powers Respecting the Public Service

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

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;

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;

AND WHEREAS the need has arisen for the recruitment of persons to act in public offices on a contractual basis for a period of not more than one year, renewable as and where necessary, as 'On call Supply Learning Support Assistants (LSAs)' and 'On call Supply Kindergarten Assistants (KGAs)' to cover the absences of regular LSAs/KGAs or Supply LSAs/KGAs. An 'On call Supply LSA' will be engaged to replace a Learning Support Assistant/Supply Learning Support Assistant who will be supporting a learner with a full time one to one

needs. 'On call Supply KGA' jiġi ingaġġat biex jissostitwixxi *Kindergarten Assistant/Supply Kindergarten Assistant* inkarigat minn klassi tal-kindergarten;

U BILLI huwa meħtieġ li l-ingaġġ ta' tali 'On call Supply LSAs' u 'On call Supply KGAs' ikun soġġett għal tmiem qabel l-iskadenza tal-perjodu kontrattwali tal-ingaġġ biss mill-Prim Ministru li jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku;

U BILLI huwa rrakkomandat li ebda rakkomandazzjoni mill-Kummissjoni dwar is-Servizz Pubbliku mhi meħtieġa għat-tmiem tal-ingaġġ ta' 'On call Supply LSAs' u 'On call Supply KGAs' fejn tali tmiem huwa r-riżultat tal-iskadenza tal-perjodu kontrattwali tal-ingaġġ.

U BILLI huwa rrakkomandat li 'On call Supply LSAs' u 'On call Supply KGAs' jingħataw l-għażla li jtemmu l-impenn kontrattwali tagħhom wara l-għoti ta' xahar avviż;

U BILLI huwa rrakkomandat li 'On call Supply LSAs' u 'On call Supply KGAs' m'għandhomx jibbenefikaw minn ħatriet u promozzjonijiet stipulati fil-Ftehimiet ta' Klassifikazzjoni;

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku skont l-artikolu 110 tal-Kostituzzjoni rrakkomandat li s-setgħa tal-ingaġġ ta' 'On call Supply LSAs' u 'On call Supply KGAs', u t-tiġdid tal-ingaġġ tagħhom kif stipulat hawn fuq, ikun iddelegat lis-Segretarju Permanenti inkarigat mill-Ministeru responsabbli għall-Edukazzjoni, minn hawn 'il quddiem imsejjaħ is-Segretarju Permanenti, soġġett għall-kundizzjonijiet elenkati hawn taħt u bil-*proviso* li l-Kummissjoni tirriżerva d-dritt li f'kull żmien tirrakkomanda lill-Prim Ministru li dan l-Istrument ta' Delega jiġi rtirat u meta ssir rakkomandazzjoni bħal dik u sa ma l-Prim Ministru jaġixxi skont dik ir-rakkomandazzjoni, is-setgħat mogħtija b'dan l-Istrument għandhom jiġu sospiżi, skont ma jista' jiġi stipulat fir-rakkomandazzjoni magħmula mill-Kummissjoni:

U BILLI jien naqbel ma' din ir-rakkomandazzjoni:

ISSA GĦALHEKK, jiena, LAWRENCE GONZI K.U.O.M, LL.D, M.P., Prim Ministru, bis-saħħa tas-setgħat mogħtija bl-artikolu 110 tal-Kostituzzjoni, qiegħed b'din nordna li mid-data hawn imniżżla, is-setgħa ta' ingaġġ ta' 'On call Supply LSAs' u 'On call Supply KGAs' fuq kuntratti definiti u s-setgħa li jiġġedded tali ingaġġ ta' 'On call Supply LSAs' u 'On call Supply KGAs', jkunu f'idejn is-Segretarju Permanenti, li huwa b'dan awtorizzat li jwettaq tali ingaġġi u tiġdid tagħhom mingħajr referenza għall-Kummissjoni dwar is-Servizzi Pubbliku, iżda soġġett għall-kundizzjonijiet li ġejjin u bil-*proviso* li l-Kummissjoni dwar is-Servizz Pubbliku għamlet fir-rakkomandazzjoni tagħha, kif imsemmi qabel:-

statement of needs. An 'On call Supply KGA' will be engaged to replace a Kindergarten Assistant/Supply Kindergarten Assistant who is in charge of a kindergarten class;

AND WHEREAS it is required that the engagement of such 'On call Supply LSAs' and 'On call Supply KGAs' should be subject to termination prior to the expiry of the contractual period of engagement only by the Prime Minister acting upon the recommendation of the Public Service Commission;

ANDWHEREASitisrecommendedthatnorecommendation from the Public Service Commission shall be required for the termination of the engagement of 'On call Supply LSAs' and 'On call Supply KGAs' where such termination is the result of the expiry of the contractual period of engagement;

AND WHEREAS it is recommended that 'On call Supply LSAs' and 'On call Supply KGAs' be granted the option to terminate their contractual engagement after granting one month's notice;

AND WHEREAS it is recommended that 'On call Supply LSAs' and 'On call Supply KGAs' shall not benefit from progressions and promotions stipulated in Classification Agreements;

AND WHEREAS the Public Service Commission has in terms of article 110 of the Constitution recommended that the power to make engagements of 'On call Supply LSAs' and 'On call Supply KGAs', and to renew their engagement as stated above, be delegated to the Permanent Secretary charged with the Ministry responsible for Education, hereinafter referred to as the Permanent Secretary, subject to the conditions listed hereunder and to the proviso 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 as may be stipulated in the recommendation made by the Commission;

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 engage 'On call Supply LSAs' and 'On call Supply KGAs' on definite contracts, and the power to renew such engagements of 'On call Supply LSAs' and 'On call Supply KGAs', shall vest in the Permanent Secretary, who is hereby authorised to make such engagements and renewals thereof without reference to the Public Service Commission, but subject to the following conditions and to the proviso which the Public Service Commission has made in its recommendation, as aforesaid:-

(i) is-Segretarju Permanenti għandu jitlob awtorizzazzjoni mill-Ministeru responsabbli għall-Finanzi fir-rigward tal-għadd ta' 'On call Supply LSAs' u 'On call Supply KGAs' li jistgħu jiġu ingaġġati;

(ii) l-għadd ta' 'On call Supply LSAs' u 'On call Supply KGAs' li jistgħu jiġu ingaġġati fi żmien partikolari għandu jinżamm fil-minimu indispensabbli;

(iii) l-'On call Supply LSAs' u 'On call Supply KGAs', ladarba ingaġġati, jitqiegħdu fi grupp li minnu jissejħu għal dmirijiet kif u fejn meħtieġ;

(iv) l-imsemmija ingaġġi għandhom isiru jew minn Servizz għall-Impjiegi pprovdut minn fondi pubbliċi u li huwa konformi mar-rekwiżiti tal-paragrafu (c) tas-subartikolu (2) tal-artikolu 110 tal-Kostituzzjoni jew wara sejħa pubblika għal applikazzjoni ppubblikata fil-Gazzetta tal-Gvern;

(v) il-proċess tal-għażla, sew jekk wara sejħa pubblika għal applikazzjoni jew permezz ta' Servizz għall-Impjiegi pprovdut minn fondi pubbliċi, bħall-Korporazzjoni għall-Impjiegi u t-Taħriġ, għandu jsir minn Bord tal-Għażla maħtur mis-Segretarju Permanenti skont il-prassi normali u n-normi segwiti mill-Kummissjoni dwar is-Servizz Pubbliku fil-ħatra ta' bordijiet tal-għażla approvati minnha;

(vi) il-kriterji tal-għażla inklużi l-kriterji tal-intervisti adottati mill-Bord tal-Għażla għandhom ikunu dawk stabbiliti mill-Kummissjoni;

(vii) għandu jkun possibbli li petizzjonijiet relatati mal-proċess tal-għażla jiġu sottomessi lill-Kummissjoni dwar is-Servizz Pubbliku skont is-sezzjoni 1.1.17 tal-Kodiċi dwar l-Immaniġġjar tas-Servizz Pubbliku jew dispożizzjonijiet oħra li jirregolaw petizzjonijiet li jistgħu jsiru flok dawn l-imsemmija, u kwalunkwe sejħiet għal applikazzjoni għal 'On call Supply LSAs' jew 'On call Supply KGAs' għandhom għalhekk jinkludu dispożizzjoni li tirreferi għal din il-possibbiltà;

(viii) l-ingaġġi magħmula mis-Segretarju Permanenti għandhom ikunu strettament skont l-ordni tal-mertu stabbilit fir-rapport tal-Bord tal-Għażla;

(ix) il-Kummissjoni dwar is-Servizz Pubbliku għandha twettaq monitoraġġ tal-ingaġġ ta' 'On call Supply LSAs' u 'On call Supply KGAs' u għandha twettaq verifiki kif tqis meħtieġ u għal dan il-għan is-Segretarju Permanenti għandu jissottometti lill-Kummissjoni:

(a) kopja ta' kull kuntratt ta' ingaġġ, minnufih wara li jsir hekk kif ikun prattikabbli, flimkien ma' kopja tar-rapport mill-Bord tal-Għażla, pertinenti u kwalunkwe rappreżentazzjonijiet irċevuti mis-Segretarju Permanenti jew mill-Bord relatat ma' dak il-proċess tal-għażla u/jew ingaġġ;

(i) the Permanent Secretary is to seek clearance from the Ministry responsible for Finance as regards the number of 'On call Supply LSAs' and 'On call Supply KGAs' that may be engaged;

(ii) the number of 'On call Supply LSAs' and 'On call Supply KGAs' that may be engaged at one particular time is to be kept to the barest minimum;

(iii) the 'On call Supply LSAs' and 'On call Supply KGAs', once engaged, will be placed in a pool from which they will be deployed for duties as and where required;

(iv) the said engagements shall be made either through an Employment Service provided out of public funds and which complies with the requirements of paragraph (c) of sub-article (2) of article 110 of the Constitution, or after a public call for applications advertised in the Government Gazette;

(v) the selection process, whether after a public call for applications, or through an Employment Service provided out of public funds, such as the Employment and Training Corporation, shall be conducted by a Selection Board appointed by the Permanent Secretary in accordance with the normal practice and norms followed by the Public Service Commission in the appointment of selection boards approved by it;

(vi) the selection criteria including the interviewing criteria adopted by the Selection Board shall be those established by the Commission;

(vii) it shall be possible for petitions relating to the selection process to be submitted to the Public Service Commission in accordance with section 1.1.17 of the Public Service Management Code or such other provisions governing petitions as may be made in substitution thereof, and any calls for applications for 'On call Supply LSAs' or 'On call Supply KGAs' shall accordingly include a provision referring to this possibility;

(viii) the engagements made by the Permanent Secretary shall be strictly in accordance with the order of merit established in the report of the Selection Board;

(ix) the Public Service Commission shall monitor the engagement of 'On call Supply LSAs' and 'On call Supply KGAs' and shall conduct such audits as it may consider necessary, and for this purpose the Permanent Secretary shall submit to the Commission:

(a) a copy of every engagement contract, as soon as practicable after it is made, together with a copy of the report by the pertinent Selection Board, and any representations received by the Permanent Secretary or by the Board relating to that selection process and/or engagement;

(b) kopja tad-dokument li jawtorizza tiġdid ta' kuntratt;

(x) il-Kummissjoni tista' tieħu kwalunkwe azzjoni ta' rimedju li tqis meħtieġa fid-dawl ta' petizzjonijiet jew ta' verifiki tagħha stess, inkluż l-annullament ta' riżultati ta' għażliet u r-revoka ta' ħatriet, u għal dan il-għan il-Kummissjoni tista' taġixxi daqs li kieku l-Istrument ta' Delega ma kienx fis-seħħ;

(xi) is-Segretarju Permanenti għandu wkoll jissottometti lill-Uffiċċju tal-Prim Ministru, għal fini ta' rekords u statistika, kopja ta' kull kuntratt ta' ingaġġ u kopja tad-dokument li jawtorizza t-tiġdid tal-kuntratt;

(xii) tali 'On call Supply LSAs' u 'On call Supply KGAs' m'għandhomx jibbenefikaw minn ħatriet u promozzjonijiet stipulati fil-Ftehimiet ta' Klassifikazzjoni;

(xiii) l-ingaġġ ta' 'On call Supply LSAs' u 'On call Supply KGAs' jista' jiġi tterminat qabel l-iskadenza tal-perjodu kontrattwali tal-ingaġġ biss billi l-Prim Ministru jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku;

(xiv) ebda rakkomandazzjoni mill-Kummissjoni dwar is-Servizz Pubbliku mhi meħtieġa għat-tmiem tal-ingaġġ ta' 'On call Supply LSAs' u 'On call Supply KGAs' fejn tali tmiem huwa r-riżultat tal-iskadenza tal-perjodu kontrattwali tal-ingaġġ;

(xv) 'On call Supply LSAs' u 'On call Supply KGAs' għandhom jingħataw l-għażla li jtemmu l-ingaġġ billi jagħtu xahar avviż lis-Segretarju Permanenti;

(xvi) skont it-termini tad-dispożizzjonijiet tar-"Regolamenti dwar Kuntratti ta' Servizz għal Terminu ta' Żmien Fiss" (Avviż Legali 51/2007 kif emendat mill-Avviż Legali 239/2008 u l-Avviż Legali 376/2009), u soġġett għal rakkomandazzjoni pożittiva mis-Segretarju Permanenti, wara li jgħaddu 4 snin 'On call Supply LSAs' u 'On call Supply KGAs' ikunu intitolati għal status indefinit bħala 'Uffiċjali fi Skala' fl-iskala rispettiva tal-iskali tas-salarju tas-Servizz Pubbliku.

DAN L-ISTRUMENT ta' Delega għandu jiżdied ma' u jkun bla ħsara għall-Istrumenti ta' Delega l-oħra maħruġa skont it-termini tal-Artikolu 110 tal-Kostituzzjoni.

(Iff.) Lawrence Gonzi
Mogħti taħt il-firma tiegħi
fil-Berġa ta' Kastilja, Valletta
illum, il-25 ta' Ġunju, 2012

(b) a copy of the document authorising a renewal of contract;

(x) the Commission may take any remedial action it considers necessary in the light of petitions or its own audits, including the annulment of selection results and the revocation of appointments, and for this purpose the Commission may act as if this Instrument of Delegation were not in force;

(xi) the Permanent Secretary shall also submit to the Office of the Prime Minister, for record and statistical purposes, a copy of every engagement contract and a copy of the document authorising renewal of contract;

(xii) such 'On call Supply LSAs' and 'On call Supply KGAs' shall not benefit from progressions and promotions stipulated in Classification Agreements;

(xiii) the engagement of 'On call Supply LSAs' and 'On call Supply KGAs' may be terminated prior to the expiry of the contractual period of engagement only by the Prime Minister acting upon the recommendation of the Public Service Commission;

(xiv) no recommendation from the Public Service Commission shall be required for the termination of the engagement of 'On call Supply LSAs' and 'On call Supply KGAs' where such termination is the result of the expiry of the contractual period of engagement;

(xv) 'On call Supply LSAs' and 'On call Supply KGAs' shall be granted the option to terminate their engagements by giving one month's notice to the Permanent Secretary;

(xvi) subject to the provisions of the "Contracts of Service for a Fixed Term Regulations" (LN 51/2007 as amended by LN 239/2008 and LN 376/2009), and subject to a positive recommendation by the Permanent Secretary, upon the lapse of 4 years 'On call Supply LSAs' and 'On call Supply KGAs' will be entitled to indefinite status as 'Officers in Scale' within the respective scale of the Public Service salary scales.

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 25th day of June, 2012