

NOTIFIKAZZJONIJIET TAL-GVERN**Nru. 376****PUBBLIKAZZJONI TA' ATTI
FIS-SUPPLIMENT**

HUWA avżat għall-informazzjoni ġenerali li l-Atti li ġejjin huma ppubblikati fis-Suppliment li jinsab ma' din il-Gazzetta:

Att Nru IX tal-2021 imsejjah l-Att tal-2021 li jemenda l-Kodiċi Kriminali (Emenda Nru 3):

Att Nru X tal-2021 imsejjah l-Att tal-2021 li jemenda l-Kodiċi Kriminali (Emenda Nru 4): u

Att Nru XI tal-2021 imsejjah l-Att tal-2021 li jemenda l-Att dwar l-Awditur Ġenerali u l-Uffiċċju Nazzjonali tal-Verifika.

It-18 ta' March, 2021

Nru. 377**PUBBLIKAZZJONI TA' ABBOZZI
TA' LIĠI FIS-SUPPLIMENT**

HUWA avżat għall-informazzjoni ġenerali illi l-Abbozzi ta' Liġi li ġejjin huma ppubblikati fis-Suppliment li jinsab ma' din il-Gazzetta:

Abbozz ta' Liġi Nru 201 imsejjah l-Att tal-2021 li jemenda l-Att dwar il-Protezzjoni tal-Ambjent:

Abbozz ta' Liġi Nru 202 imsejjah l-Att tal-2021 li jemenda l-Att dwar it-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar; u

Abbozz ta' Liġi Nru 203 imsejjah l-Att tal-2021 dwar ir-Riforma tal-Kirjiet Kontrollati.

It-18 ta' Marzu, 2021

Nru. 378**KOSTITUZZJONI TA' MALTA****Delega ta' Ċerti Setghat fir-Rigward
tas-Servizz Pubbliku**

MILL-ONOREVOLI Dott. Robert Abela, KUOM. BA, LLD, Adv., Trib., Melit., MP, Prim Ministru.

BILLI arti kolu 110 tal-Kostituzzjoni ta' Malta jipprovdi biex il-Prim Ministru, li jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, ikollu f'idejh

GOVERNMENT NOTICES**No. 376****PUBLICATION OF ACTS
IN SUPPLEMENT**

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

Act No. IX of 2021 entitled the Criminal Code (Amendment No. 3) Act, 2021;

Act No. X of 2021 entitled the Criminal Code (Amendment No. 4) Act, 2021; and

Act No. XI of 2021 entitled the Auditor General and National Audit Office (Amendment) Act, 2021.

18th March, 2021

No. 377**PUBLICATION OF BILLS
IN SUPPLEMENT**

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

Bill No. 201 entitled the Environment Protection (Amendment) Act, 2021;

Bill No. 202 entitled the Environment and Planning Review Tribunal (Amendment) Act, 2021; and

Bill No. 203 entitled the Controlled Leases Reform Act, 2021.

18th March, 2021

No. 378**THE CONSTITUTION OF MALTA****Delegation of Certain Powers Respecting
the Public Service**

BY the Honourable Dr Robert Abela, KUOM. BA, LLD, Adv., Trib., Melit., MP, Prime Minister.

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

is-setgħa li jagħmel hatriet għall-karigi uffiċjali u li jneħhi persuni li jkollhom jew ikunu jaġixxu f'xi karigi bħal dawk:

U BILLI huwa pprovdut ukoll fl-imsemmi artikolu li l-Prim Ministru, li jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, jista' jiddelega bil-miktub kwalunkwe setgħa minn dawk hawn fuq imsemmija lil dak l-uffiċjal pubbliku jew lil xi awtorità oħra kif jistgħu jkunu speċifikati fid-Dokument ta' Delega:

U BILLI permezz tad-Dokument ta' Delega tas-16 ta' Settembru, 2015, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lill-imsemmija Kummissjoni, fost affarijiet oħra, is-setgħa li:

(i) tagħmel promozzjonijiet ibbażati fuq numru ta' snin ta' servizz sodisfaċenti jew il-kisba ta' kwalifika partikolari, fejn tali promozzjonijiet huma pprovduti fi ftehim li jirregola karriera partikolari fis-Servizz Pubbliku, jew fis-sejha għall-applikazzjonijiet li taħtha l-uffiċjali pubbliċi inkwistjoni ġew mahtura,

(ii) tagħmel assimilazzjonijiet ta' uffiċjali pubbliċi minn grad għal grad iehor skont id-dispożizzjonijiet ta' ftehim li jirregola karriera partikolari fis-Servizz Pubbliku.

(iii) iżzomm żidiet fis-salarju ta' uffiċjali pubbliċi jew iżzomm il-progressjoni ta' uffiċjali pubbliċi għal skala ta' salarju oghla fl-istess grad/pożizzjoni jew iżzomm il-promozzjoni għal grad/pożizzjoni oghla fuq il-bażi ta' numru ta' snin ta' servizz sodisfaċenti, fit-tliet każijiet li huma mid-data dovuta u fejn ġustifikati minhabba prestazzjoni hażina, kondotta hażina jew raġunijiet oħra.

(iv) tipposponi hatriet għal aktar minn tnaħ-il ġimgha mid-data effettiva tagħhom, u

(v) iggedded hatriet definiti, meta dan it-tgħdid ikun ġustifikat:

U BILLI l-Kummissjoni dwar is-Servizz Pubbliku rakkomandat li:

(a) Is-setgħat stabbiliti fis-subparagrafi (i) - (iii) hawnhekk għandhom jiġu delegati lis-Segretarji Permanenti:

Sakemm is-setgħa stabbilita fis-subparagrafu (iii) għandha tkun eżerċitata mis-Segretarju Permanenti suġġett li l-uffiċjal konċernat jiġi infurmat, bil-miktub, bl-intenzjoni tas-Segretarju Permanenti li se jieħu dawn il-passi u bidritt tal-uffiċjal li jappella lill-Kummissjoni dwar is-Servizz Pubbliku fi żmien għaxart (10) ijiem ta' xogħol mid-data meta l-uffiċjal ikun hekk infurmat:

Sakemm ukoll iż-żamma ma tidholx fis-seħħ qabel l-għaxart (10) ijiem ta' xogħol u, jekk l-uffiċjal jappella

such 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 Instrument of Delegation:

AND WHEREAS by Instrument of Delegation dated 16th September, 2015, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the said Commission, inter alia, the power to:

(i) make promotions following the attainment of a number of years of satisfactory service or the attainment of a particular qualification, where such promotions are provided for in an agreement governing a particular career stream in the Public Service, or in the call for applications under which the public officers in question have been appointed:

(ii) make assimilations of public officers from one grade to another grade in terms of the provisions of an agreement governing a particular career stream in the Public Service:

(iii) withhold salary increments of public officers or withhold the progression of public officers to a higher salary scale within the same grade/position or withhold promotion to a higher grade/position on the basis of a number of years' satisfactory service, in all three instances from the due date and where justified on account of poor performance, misconduct or other reasons:

(iv) postpone appointments for more than twelve weeks from the effective date thereof; and

(v) renew definite appointments, where such renewal is warranted.

AND WHEREAS the Public Service Commission has recommended that:

(a) The powers set out in sub-paragraphs (i) - (iii) herein should be delegated to Permanent Secretaries:

Provided that the power set out in sub-paragraph (iii) shall be exercised by the Permanent Secretary subject to the officer concerned being informed, in writing, of the Permanent Secretary's intention so to act and of the officer's right to appeal to the Public Service Commission, within ten (10) working days from the date when the officer is so informed.

Provided further that the withholding will not come into effect before the ten (10) working days and, if the officer

lill-Kummissjoni dwar is-Servizz Pubbliku, sakemm tiġi ppronunzjata d-deċiżjoni tal-Kummissjoni.

(b) Is-setgħa stabbilita fis-subparagrafu (iv) hawnhekk għandha wkoll tiġi ddelegata lis-Segretarji Permanenti, sakemm, f'dawk il-każijiet fejn il-hatra ssir wara proċess ta' għażla, il-posponiment isir għal data li ma taqbiżx il-perjodu ta' validità tar-riżultat tal-bord tal-għażla u, f'każijiet oħra, suġġett li l-approvazzjoni inizjali tal-hatra nġhatat skont l-artikolu 110 tal-Kostituzzjoni,

(c) Is-setgħa stabbilita fis-subparagrafu (v) hawnhekk għandha wkoll tiġi ddelegata lis-Segretarji Permanenti, safejn huma kkoncernati hatriet fi skala ta' salarju 6 u inqas, kif ukoll is-setgħa li jiġu estiżi dawn il-hatriet definiti, sakemm ma jkunx speċifikat mod ieħor fi skema partikolari, u sakemm kull hatra hekk imġedda jew estiża tkun saret inizjalment skont l-artikolu 110 tal-Kostituzzjoni.

(d) Id-delega tas-setgħat imsemmija hawn fuq għandha tkun suġġetta għall-kundizzjoni li l-Kummissjoni tirriżerva d-dritt li tagħmel, fi kwalunkwe hin, rakkomandazzjoni lill-Prim Ministru li dan id-Dokument ta' Delega jiġi ritirat jew irtirat parzjalment jew emendat u li, jekk issir tali rakkomandazzjoni u sakemm il-Prim Ministru jaġixxi fuqha, is-setgħat delegati permezz ta' dan id-Dokument għandhom jiġu sospizi, u

(e) Il-preamboli kollha u l-bqija tad-dispożizzjonijiet kollha tad-Dokument ta' Delega datat is-16 ta' Settembru, 2015 għandhom, wara d-dhul fis-seħh ta' dan id-Dokument, jibqgħu fis-seħh, hliel għal dawk id-dispożizzjonijiet li għandhom x'jaqsmu ma' setgħat li kienu, jew li qed jiġu, delegati;

U BILLI naqbel mar-rakkomandazzjonijiet imsemmija:

ISSA, GĦALHEKK, JIEN, ROBERT ABELA KUOM, BA, LLD, Adv., Trib., Melit., MP, Prim Ministru, fl-eżerċizzju tas-setgħat mogħtija bl-artikolu 110 tal-Kostituzzjoni, b'dan nidderiegi li s-setgħat stabbiliti fis-subparagrafi (a) - (c) hawnhekk, jiġu delegati lis-Segretarji Permanenti skont u bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan id-Dokument, kif irrakkomandat mill-Kummissjoni dwar is-Servizz Pubbliku.

DAN ID-DOKUMENT ta' Delega għandu jkun b'żieda, u mingħajr preġudizzju, għal Dokumenti oħra ta' Delega li nħarġu skont l-artikolu 110 tal-Kostituzzjoni, hliel kif provdut fis-subparagrafi (a) - (c) ta' dan id-Dokument.

MOGHTI bil-firma tiegħi
fil-Berġa ta' Kastilja, Il-Belt Valletta
illum l-10 ta' Marzu, 2021

appeals to the Public Service Commission, until the decision of the Commission is pronounced:

(b) The power set out in sub-paragraph (iv) herein should also be delegated to Permanent Secretaries, provided that, in those cases where the appointment is made following a selection process, the postponement is made to a date within the validity period of the selection board result and, in other cases, subject that the initial approval of the appointment was given in terms of article 110 of the Constitution;

(c) The power set out in sub-paragraph (v) herein should also be delegated to Permanent Secretaries, insofar as appointments in salary scale 6 and lower are concerned, as well as the power to extend such definite appointments, unless otherwise specified in a particular scheme, provided that any appointments so renewed or extended were initially made in terms of article 110 of the Constitution;

(d) The above delegation of powers should be subject 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 or partially withdrawn or amended 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

(e) All the preambles and all the remaining provisions of the Instrument of Delegation dated 16th September, 2015 should, after the coming into force of this Instrument, remain in force, except for those provisions which relate to powers which have been, or are being, delegated.

AND WHEREAS I agree with the said recommendations:

NOW, THEREFORE, I, ROBERT ABELA, KUOM, BA, LLD, Adv., Trib., Melit., MP, Prime Minister, in exercise of the powers conferred by article 110 of the Constitution, do hereby direct that the powers set out in sub-paragraphs (a) - (c) herein, be delegated to Permanent Secretaries in accordance with and subject to the foregoing provisions of this Instrument, as recommended by the Public Service Commission.

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, except as provided in sub-paragraphs (a) - (c) hereof.

GIVEN under my hand at the
Auberge de Castille, Valletta
this 10th day of March, 2021

