

c THE CONSTITUTION OF MALTA

**DELEGATION OF CERTAIN POWERS
RESPECTING THE PUBLIC SERVICE**

BY the Honourable Dr Robert Abela, K.U.O.M., B.A., LL.D., ADV., TRIB., MELIT., M.P., PRIME MINISTER

WHEREAS article 110 of the Constitution of Malta provides that power to remove and to exercise disciplinary 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 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 25th March, 1966, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the Commissioner of Police certain powers of disciplinary control over persons holding or acting in any office on the Malta Police Force;

AND WHEREAS by Instrument of Delegation dated 17th December, 1996, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the Director, Correctional Services, certain powers of disciplinary control over persons holding or acting in any of the Correctional Services grades other than that of Director, Correctional Services;

AND WHEREAS by Instrument of Delegation dated 1st November, 1999, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated power to exercise disciplinary control in accordance with the Public Service Commission (Disciplinary Procedure) Regulations, 1999, to the public officers and other authorities listed in the Schedule to the said Instrument, and to the extent indicated therein;

AND WHEREAS by Instrument of Delegation dated 21st December, 2004, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the Chief Executive Officer of Heritage Malta power to exercise disciplinary control in accordance with the Public Service Commission (Disciplinary Procedure) Regulations, 1999, over public officers detailed to perform duties with Heritage Malta;

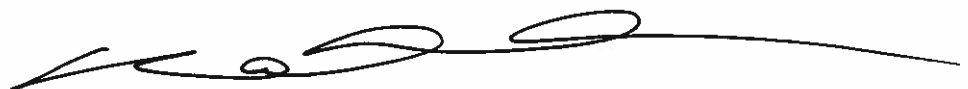
AND WHEREAS by Instrument of Delegation dated 18th June 2014, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated power to exercise disciplinary control in accordance with the Public Service Commission (Disciplinary Procedure) Regulations, 1999, to the public officers and other authorities listed in the Schedule to the said Instrument, and to the extent indicated therein;

AND WHEREAS by Instrument of Delegation dated 11th February 2020, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated power to exercise disciplinary control in accordance with the Public Service Commission Disciplinary Regulations, 2017, to the public officers and other authorities listed in the Schedule to the said Instrument, and to the extent indicated therein;

AND WHEREAS by Instrument of Delegation dated 22nd March 2021, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated power to exercise disciplinary control in accordance with the Public Service Commission Disciplinary Regulations, 2017 to the public officers and other authorities listed in the Schedule to the said Instrument, and to the extent indicated therein;

AND WHEREAS the Public Service Commission has recommended that the aforementioned Instruments of Delegation should be replaced by the delegation of powers set out hereunder;

AND WHEREAS the Public Service Commission has recommended that power to exercise disciplinary control over public officers, in accordance with the provisions of the Public Service Commission Disciplinary Regulations (S.L. Const. 07), should be exercisable without reference to the Commission by the public officers and other authorities listed in the Schedule to this Instrument, to the extent listed in the said Schedule and subject to any special provisions set out therein, provided that –



- (i) the Public Service Commission may at any time recommend to the Prime Minister that this Instrument of Delegation be totally withdrawn or withdrawn in respect of particular public officers or other authorities; and
- (ii) 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 totally or only in respect of particular public officers or authorities, as may be stipulated in the recommendation made by the Public Service Commission.

AND WHEREAS I agree with the said recommendation:

NOW, THEREFORE, I, ROBERT ABELA, K.U.O.M., B.A., LL.D., ADV., TRIB., MELIT., 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 powers which the Public Service Commission has recommended should be exercisable by the public officers and other authorities listed in the Schedule to this Instrument shall be so exercisable by the said public officers and other authorities, to the extent listed in the said Schedule and subject to any special provisions set out therein, and in accordance with the provisions of the Disciplinary Procedure in the Public Service Commission Disciplinary Regulations.

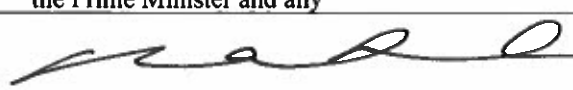


GIVEN under my hand at the
Auberge de Castille, Valletta
This 11 day of July 2023

SCHEDULE TO THE INSTRUMENT OF DELEGATION

The public officers and other authorities listed hereunder shall have the power to exercise disciplinary control, in terms of the Disciplinary Procedure in the Public Service Commission Disciplinary Regulations (S.L. Const. 07) and the Instrument of Delegation of which this Schedule forms part, without reference to the Public Service Commission, over public officers within their areas of jurisdiction, and subject to the special provisions applicable thereto:

<i>Officer or authority</i>	<i>Area of jurisdiction</i>	<i>Special provisions</i>
Principal Permanent Secretary	<p>In the capacity of Head of the Public Service:</p> <ul style="list-style-type: none"> (a) public officers in his own office; (b) Permanent Secretaries, Heads of Department, Directors General and Directors; (c) public officers in salary scale 2; (d) public officers in any office or establishment which does not form part of a Ministry or department of Government. <p>As provided for in the Public Service Commission Disciplinary Regulations (S.L. Const. 07):</p> <ul style="list-style-type: none"> (a) regulation 12(3); (b) regulation 12(12); (c) regulation 13(6); (d) regulation 15(2); (e) regulation 23(2)(d); (f) regulation 23(4); (g) regulation 27(6); (h) regulation 28; (i) regulation 29(4); (j) regulation 32(6). <p>In the capacity of Permanent Secretary, Office of the Prime Minister, under article 14(6) of the Public Administration Act:</p> <ul style="list-style-type: none"> (a) other public officers in the Office of the Prime Minister and its subordinate departments; (b) public officers assigned to government agencies, entities, and other public bodies under the responsibility of the Prime Minister; (c) public officers formerly belonging to the Office of the Prime Minister or its subordinate departments who have been assigned to a non-Government body; and (d) public officers in the Secretariat of the Prime Minister and any 	<p>The Principal Permanent Secretary may assign jurisdiction over any categories of public officers in the Office of the Prime Minister, its subordinate departments, and entities falling thereunder, to any Permanent Secretaries who are appointed to assist him in accordance with the proviso to article 14(6) of the Public Administration Act (Cap. 595).</p>



<i>Officer or authority</i>	<i>Area of jurisdiction</i>	<i>Special provisions</i>
	Parliamentary Secretaries reporting to the Prime Minister.	
Secretary to the Cabinet	Public officers in the Cabinet Office.	
Permanent Secretaries	<ul style="list-style-type: none"> (a) Public officers in their own offices; (b) other public officers in their Ministry and its subordinate departments; (c) public officers assigned to government agencies, entities, and other public bodies under the responsibility of the Ministry; (d) public officers formerly belonging to the Ministry or its subordinate departments who have been assigned to a non-Government body; and (e) public officers in the Secretariat of the Minister and any Parliamentary Secretaries who report to the Ministry. 	
Commissioner of Police	Police officers and any other public officers assigned to the Malta Police Force.	<p>Powers of Head of Department with respect to police officers shall not be exercisable by the relevant Permanent Secretary or any other officer or authority save the Commissioner of Police.</p> <p>Delegated authority shall be exercised by the Commissioner in accordance with the relevant provisions of the Police Act (Cap. 164).</p>
Directors General, Directors, Chief Executive Officers and other public officers in an equivalent capacity, who have been charged with exercising disciplinary control	Public officers in their divisions, departments, directorates or offices.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer power to exercise disciplinary control over particular categories of public officers.
Directors (Corporate Services) and any other public officers in salary scale 4 or higher who are responsible for people management, corporate services or administration in a Ministry	<ul style="list-style-type: none"> (a) public officers in their own directorates or offices; (b) other public officers within the area of jurisdiction of the Permanent Secretary. 	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer the power to exercise disciplinary control over particular categories of public officers.
Public officers in salary scale 4 or higher who are responsible for people management, corporate	<ul style="list-style-type: none"> (a) public officers in their own directorates or offices; and (b) other public officers in their department. 	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer the

<i>Officer or authority</i>	<i>Area of jurisdiction</i>	<i>Special provisions</i>
services or administration in a department		power to exercise disciplinary control over particular categories of public officers.
Director responsible for Local Councils	(a) public officers in the Local Government Department; and (b) public officers assigned to Local Councils and other local government bodies.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer the power to exercise disciplinary control over particular categories of public officers.
Commander, Armed Forces of Malta	Public officers assigned to the Armed Forces of Malta.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer the power to exercise disciplinary control over particular categories of public officers.
Chief Executive Officers, or persons functioning in an equivalent capacity, of government agencies, government entities, or other public bodies other than Local Councils and other local government bodies	Public officers assigned to government agencies, entities and other public bodies, other than Local Councils and other local government bodies.	Subject to any instructions which may be issued by the responsible Permanent Secretary, within the parameters of this Schedule, vesting in any one officer the power to exercise disciplinary control over particular categories of public officers. Such instructions may require any Chief Executive Officer or person in an equivalent capacity to keep the Permanent Secretary informed of disciplinary proceedings instituted by him against public officers.



