

l-artikolu 110 tal-Kostituzzjoni, hliet kif provdut f'paragrafu 1 hawn fuq.

MOGĦTI bil-firma tiegħi
fil-Berġa ta' Kastilja, Valletta
illum is-16 ta' Settembru, 2015

Nru. 929

KOSTITUZZJONI TA' MALTA

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

MILL-ONOREVOLI Dr Joseph Muscat, KUOM, BCom, BA (Hons.), MA (European Studies), PhD (Bristol), MP, Prim Ministru.

BILLI artikolu 110 tal-Kostituzzjoni ta' Malta jipprovdi biex il-Prim Ministru, li jaġixxi fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, ikollu f'idejh 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 bid-Dokument ta' Delega tal-25 ta' Jannar, 1966, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega ċerti setgħat fir-rigward tal-Korp tal-Pulizija lill-Kummissarju tal-Pulizija;

U BILLI bid-Dokument tal-20 ta' Frar, 1970, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lis-Segretarju Amministrattiv ċerti setgħat fir-rigward ta' hatriet fis-Servizz Pubbliku fuq bażi ta' riżultati ta' eżamijiet pubbliċi li saru taħt l-awspicji tal-Bord tal-Eżamijiet Lokali;

U BILLI bid-Dokumenti tas-6 ta' Ottubru, 1999, u l-11 ta' Jannar 2005, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lis-Segretarji Permanenti s-setgħa li jagħmlu hatriet fuq kuntratt definit ta' Sostituti Każwali u li jgeddu l-hatriet tagħhom, soġġett għal ċerti kundizzjonijiet;

U BILLI bid-Dokument tat-18 ta' Jannar, 2000, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lis-Segretarju Permanenti fl-Uffiċċju tal-Prim Ministru s-setgħa li jagħmel hatriet għal

which have been issued in terms of article 110 of the Constitution, except as provided in paragraph 1 hereof.

GIVEN under my hand at the
Auberge de Castille, Valletta
this 16th day of September, 2015

No. 929

THE CONSTITUTION OF MALTA

Delegation of Certain Powers Respecting the Public Service

BY the Honourable Dr Joseph Muscat, KUOM, BCom, BA (Hons.), MA (European Studies), PhD (Bristol), 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 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 25th January, 1966, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated certain powers in respect of the Malta Police Force to the Commissioner of Police;

AND WHEREAS by Instrument dated 20th February, 1970, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the then Administrative Secretary certain powers respecting appointments in the Public Service on the basis of the results of public examinations conducted by the Board of Local Examinations;

AND WHEREAS by Instruments dated 6th October, 1999, and 11th January, 2005, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to Permanent Secretaries the power to make engagements on definite contract of Casual Substitutes and to renew their engagement, subject to certain conditions;

AND WHEREAS by Instrument dated 18th January, 2000, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the then Permanent Secretary at the Office of the Prime Minister the

postijiet fi Skala ta' Salarju 20 fis-Servizz Pubbliku, sakemm dawn il-hatriet isiru skont il-paragrafu (ċ) tas-sub-artikolu (2) tal-artikolu 110 tal-Kostituzzjoni;

U BILLI bid-Dokument tal-4 ta' April, 2009, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lis-Segretarji Permanenti s-setgħa li jaħtru persuni rtirati/uffiċjali rtirati sal-età ta' 65 sena fuq kuntratt definit għal mhux iktar minn 42 xahar, f'oqsma ta' nuqqas akut kif deċiż mis-Segretarju Permanenti Ewlieni;

U BILLI bid-Dokument tas-26 ta' Ġunju, 2012, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lis-Segretarju Permanenti inkarigat bil-Ministeru responsabbli għall-Edukazzjoni s-setgħa li jagħmel hatriet ta' "Edukaturi Adulti", u li jgedded il-hatriet tagħhom;

U BILLI bid-Dokument tas-26 ta' Ġunju, 2012, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lis-Segretarju Permanenti inkarigat bil-Ministeru responsabbli għall-Edukazzjoni s-setgħa li jagħmel hatriet ta' "On call Supply Learning Support Assistants" u ta' "On call Supply Kindergarten Assistants", u li jgedded il-hatriet tagħhom;

U BILLI bid-Dokument tat-3 ta' Mejju, 2013, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lis-Segretarji Permanenti s-setgħa li jirreklutaw persuni b'diżabbiltà fis-Servizz Pubbliku fi Skali ta' Salarju 16 sa 20 (iż-żewġ skali inklużi) direttament mill-registru ta' nies b'diżabbiltà qiegħda li jinżamm mill-Korporazzjoni tax-Xogħol u Tahriġ (ETC), wara proċess ta' għażla mid-dipartiment li qed jagħmel ir-reklutaġġ fost kandidati potenzjali riferuti lid-dipartiment mill-ETC fuq il-bażi li, fil-fehma tal-ETC, dawn jistgħu jġu kkunsidrati xierqa biex iwettqu d-dmirijiet essenzjali, tal-kariga li trid timtela, minkejja li dawn il-kandidati mhux bilfors ikunu fil-pussess tar-rekwiziti tal-eligibilità normalment meħtieġa għal dik il-kariga, u sakemm li l-kapaċità ta' tali kandidati biex iwettqu d-dmirijiet essenzjali ta' dik il-kariga, tkun ipprovata permezz ta' eżami tad-dhul jew *test* ta' kompetenza;

U BILLI bid-Dokument tat-28 ta' Mejju, 2013, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega lill-Kummissjoni s-setgħa li tagħmel, tipposponi u tirrevoka hatriet għall-karigi uffiċjali fi Skali ta' Salarju 6 sa 20, iż-żewġ skali inklużi, u s-setgħa li żżomm il-progressjoni ta' uffiċjali pubbliċi f'dawn l-iskali ta' salarju minn skala għal skala oġhla fl-istess grad;

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

power to make appointments to posts in Salary Scale 20 in the Public Service, provided that such appointments are made in accordance with paragraph (c) of sub-article (2) of article 110 of the Constitution;

AND WHEREAS by Instrument dated 4th April, 2009, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to Permanent Secretaries the power to engage/re-engage retired persons/retired officers up to the age of 65 years on definite contract for not more than 42 months, in areas of acute shortage as decided upon by the Principal Permanent Secretary;

AND WHEREAS by Instrument dated 26th June, 2012, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the Permanent Secretary charged with the Ministry responsible for Education the power to make engagements of 'Adult Educators', and to renew their engagement;

AND WHEREAS by Instrument dated 26th June, 2012, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the Permanent Secretary charged with the Ministry responsible for Education the power to make engagements of 'On call Supply Learning Support Assistants' and 'On call Supply Kindergarten Assistants', and to renew their engagement;

AND WHEREAS by Instrument dated 3rd May, 2013, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to Permanent Secretaries the power to recruit disabled persons in the Public Service in Salary Scales 16 – 20 (both scales included) directly from the register of disabled unemployed kept by the Employment and Training Corporation (ETC), following a selection process carried out by the recruiting department amongst potential candidates referred to the department by the ETC on the grounds that, in the ETC's judgement, they may be considered suitable to perform the duties, in essence, of the office to be filled, notwithstanding that such candidates may not necessarily be in possession of the eligibility requisites normally required for that office, and provided that the ability of such candidates to perform the duties, in essence, of that office, is proven through an entry examination or test of competence;

AND WHEREAS by Instrument dated 28th May, 2013, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated to the Commission the power to make, to postpone and to revoke appointments to public offices in Salary Scales 6 to 20, both scales included, and power to withhold the progression of public officers in the same salary scales from one scale to the next within the same grade;

AND WHEREAS the Public Service Commission has recommended that:

1. id-Dokument ta' delega tat-28 ta' Mejju, 2013 għandu jiġi revokat;

2. is-setgħa li jsiru ħatriet f'karigi uffiċjali taħt artikolu 110 tal-Kostituzzjoni, ħlief f'pożizzjonijiet ta' *headship*, għandha tiġi delegata lill-Kummissjoni;

3. il-ħatriet li għalihom għandu japplika l-paragrafu preċedenti jinkludu:

(i) ħatriet wara sejha għall-applikazzjonijiet;

(ii) ħatriet għal perjodu indefinit kif ukoll ħatriet fuq il-bażi ta' perjodu definit;

(iii) promozzjonijiet wara numru ta' snin ta' servizz sodisfaċenti jew wara l-kisba ta' kwalifika partikolari, fejn promozzjonijiet bħal dawn huma skont ftehim li jirregola karriera partikolari fis-Servizz Pubbliku, jew skont id-dispożizzjonijiet tas-sejha għall-applikazzjonijiet li taħtha l-uffiċjali pubbliċi in kwistjoni ġew maħtura;

(iv) it-tigdid ta' ħatriet definiti, fejn dan it-tigdid huwa gustifikat u meħtieġ;

(v) bidla fl-istatus tal-impjeg ta' uffiċjali pubbliċi minn wiehed fuq bażi definita għal wiehed fuq bażi indefinita, skont id-dispożizzjonijiet tal-liġi jew ta' ftehim li jkun approvat mill-Kummissjoni dwar is-Servizz Pubbliku;

(vi) it-titjib tal-istatus indefinit ta' uffiċjali pubbliċi wara numru ta' snin ta' servizz sodisfaċenti jew wara l-kisba ta' kwalifika partikolari, meta tali titjib ikun skont id-dispożizzjonijiet tas-sejha għall-applikazzjonijiet li taħtha jkun għew maħtura l-uffiċjali pubbliċi in kwistjoni;

(vii) l-assimilazzjoni ta' uffiċjali pubbliċi minn grad għall-ieħor skond id-dispożizzjonijiet ta' ftehim li jirregola karriera partikolari fis-Servizz Pubbliku;

(viii) il-bidla fin-nomenklatura jew it-titolu ta' uffiċjali pubbliċi, fejn tali nomenklatura jew titolu jirriżulta minn ħatra skont l-artikolu 110 tal-Kostituzzjoni;

4. is-setgħa li jiġu posposti ħatriet f'karigi li għalihom japplika paragrafu 2, għal aktar minn tnax-il gimgħa mid-data effettiva tagħhom, għandha tiġi delegata lill-Kummissjoni; filwaqt li l-Kapijiet tad-Dipartimenti għandhom ikomplu jeżerċitaw is-setgħa li japprovaw dewmien għal perjodi inqas sabiex uffiċjali li ntgħażlu għal ħatra jassumu r-risponsabbiltajiet ta' dik il-ħatra;

5. is-setgħa li tinzamm il-progressjoni ta' uffiċjali pubbliċi f'karigi li għalihom japplika paragrafu 2 għal skala ta' salarju oghla fl-istess grad jew pożizzjoni, fejn dan ikun iġġustifikat minhabba prestazzjoni fqira, imġiba ħażina jew raġunijiet oħra, għandha tiġi delegata lill-Kummissjoni;

1. the Instrument of Delegation dated 28th May, 2013 should be revoked;

2. power to make appointments to public offices under article 110 of the Constitution, other than headship positions, be delegated to the Commission;

3. the appointments to which the preceding paragraph refers should include:

(i) appointments following a call for applications;

(ii) both indefinite appointments and appointments of a definite duration;

(iii) 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;

(iv) the renewal of definite appointments, where such renewal is warranted;

(v) changes in the employment status of public officers from one on a definite basis to one on an indefinite basis, in accordance with the provisions of the law or of an agreement which is approved by the Public Service Commission;

(vi) the upgrading of the indefinite status of public officers following the attainment of a number of years' satisfactory service or the attainment of a particular qualification, when such upgrading is provided for *a priori* in the call for applications under which the public officers in question have been appointed;

(vii) the assimilation 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;

(viii) changes to the nomenclature or designation of public officers, where such nomenclature or designation derives from an appointment under article 110 of the Constitution;

4. power to postpone appointments in the offices to which paragraph 2 refers, for more than twelve weeks from the effective date thereof, should be delegated to the Commission; while power to delay appointments for a lesser period should continue to be exercisable by Heads of Department;

5. power to withhold the progression of public officers in the offices to which paragraph 2 refers, to a higher salary scale within the same grade or position, where justified on account of poor performance, misconduct or other reasons, should be delegated to the Commission;

6. is-setgħa li jinżammu *increments* fis-salarju ta' uffiċjali pubbliċi f'karigi li għalihom japplika paragrafu 2, fejn dan ikun iġġustifikat minhabba prestazzjoni fqira, imġiba hażina jew raġunijiet oħra, għandha tiġi delegata lill-Kummissjoni;

7. is-setgħa li tinżamm il-promozzjoni fuq bażi ta' numru ta' snin ta' servizz sodisfaċenti, għal grad jew pożizzjoni oghla, f'karigi li għalihom japplika paragrafu 2, fejn dan ikun iġġustifikat minhabba prestazzjoni fqira, imġiba hażina jew raġunijiet oħra, għandha tiġi delegata lill-Kummissjoni;

8. il-Kummissjoni għandu jkollha s-setgħa li teżerċita s-setgħat mogħtija lilha permezz ta' dan id-Dokument mingħajr il-htieġa li tissottometti rakkomandazzjonijiet, skont kif huwa permess b'artikolu 110 (2) (b) tal-Kostituzzjoni;

9. il-Kummissjoni għandha teżerċita s-setgħat mogħtija lilha permezz ta' dan id-Dokument soġġet għal dawn il-kundizzjonijiet:

(i) suġġet għal dawk l-arranġamenti li tista' tagħmel il-Kummissjoni taht ir-regolament 4 tar-Regolamenti tal-Kummissjoni dwar is-Servizz Pubbliku, jew kwalunkwe dispożizzjoni simili ta' regolamenti li jistgħu jissostitwixxu r-Regolamenti msemmija, id-deċiżjoni tal-Kummissjoni li tagħmel jew li tipposponi haħra jew li żżomm il-progressjoni, l-*increments* tas-salarju jew il-promozzjoni għal grad jew pożizzjoni oghla ta' uffiċjal pubbliku kif imsemmi hawn fuq, kif irrekordjat fil-minuti tal-Kummissjoni, għandha tikkostitwixxi l-awtorità għall-imsemmija azzjoni;

(ii) l-imsemmija haħra, posponiment, jew zamma ta' progressjoni, *increment* tas-salarju jew promozzjoni għandha tkun effettiva mid-data ta' meta tiġi kkomunikata mis-Segretarju Eżekuttiv, jew uffiċjal iehor awtorizzat li jaġixxi f'ismu, lis-Segretarju Permanenti tal-ministeru rilevanti, sakemm il-Kummissjoni ma tispeċifikax data differenti fid-deċiżjoni tagħha;

(iii) hekk kif ikun infurmat bid-deċiżjoni tal-Kummissjoni li tagħmel jew tipposponi haħra jew li żżomm il-progressjoni, *increment* tas-salarju jew promozzjoni ta' uffiċjal pubbliku, is-Segretarju Permanenti għandu jieħu azzjoni minnufih sabiex jattwa dik id-deċiżjoni, sakemm hu jew is-Segretarju Permanenti Ewlieni ma jissottomettux talba għal rikonsiderazzjoni skont il-paragrafu (iv) hawn taht;

(iv) fi żmien xahar mid-data ta' meta jkun infurmat bid-deċiżjoni tal-Kummissjoni li tagħmel jew tipposponi haħra jew li żżomm il-progressjoni, *increment* tas-salarju jew promozzjoni ta' uffiċjal pubbliku, is-Segretarju Permanenti tal-ministeru rilevanti, jew is-Segretarju Permanenti Ewlieni, jista' jitlob lill-Kummissjoni biex terġa' tikkunsidra d-deċiżjoni tagħha; u f'tali każ id-deċiżjoni tal-Kummissjoni m' għandhiex tkun effettiva jekk ma tiġix ikkonfermata mill-Kummissjoni, u d-data effettiva għandha tkun id-data

6. power to withhold salary increments of public officers in the offices to which paragraph 2 refers, where justified on account of poor performance, misconduct or other reasons, should be delegated to the Commission;

7. power to withhold promotion to a higher grade or position, on the basis of a number of years' satisfactory service, in the offices to which paragraph 2 refers, where justified on account of poor performance, misconduct or other reasons, should be delegated to the Commission;

8. the Commission should be empowered to exercise its powers under this Instrument without the requirement to submit recommendations thereon as is permitted by article 110 (2) (b) of the Constitution;

9. the Commission shall exercise its powers under this Instrument subject to the following conditions:

(i) subject to any arrangements made by the Commission under regulation 4 of the PSC Regulations, or any like provision of any regulations which may supersede the said Regulations, the decision of the Commission to make or postpone an appointment or to withhold a public officer's progression, salary increment or promotion to a higher grade or position, as aforementioned, as recorded in the minutes of the Commission, shall constitute the authority for the said action;

(ii) the said appointment, postponement, or withholding of progression, salary increment or promotion shall take effect as from the date on which it is communicated by the Executive Secretary, or an officer authorised to act on his behalf, to the Permanent Secretary of the relevant ministry, unless the Commission specifies a different date in its decision;

(iii) on being informed of the Commission's decision to make or postpone an appointment or to withhold a public officer's progression, salary increment or promotion, the Permanent Secretary shall take action forthwith to effect that decision, unless he or the Principal Permanent Secretary submits a request for reconsideration in accordance with paragraph (iv) hereunder;

(iv) within one calendar month from the date on which he is informed of the Commission's decision to make or postpone an appointment or to withhold a public officer's progression, salary increment or promotion, the Permanent Secretary of the relevant ministry, or the Principal Permanent Secretary, may request the Commission to reconsider its decision; and in such a case the Commission's decision shall not be effective unless it is confirmed by the Commission, and the effective date shall be the date when the Permanent

meta s-Segretarju Permanenti jkun infurmat li d-deċiżjoni tkun giet hekk ikkonfermata, sakemm id-deċiżjoni kif ikkonfermata ma tkunx tispeċifika data differenti;

(v) is-Segretarju Permanenti Ewlieni jista' jaġixxi skont il-paragrafu preċedenti fir-rigward ta' kwalunkwe azzjoni mehuda mill-Kummissjoni taht dan id-Dokument ta' Delega, u barra minn hekk għandu jassumi l-funzjonijiet ta' Segretarju Permanenti taht dan id-Dokument fir-rigward ta' ħatriet fi gradi tas-servizz ġenerali u karigi oħra li jimtlew permezz ta' sejhiet għal applikazzjonijiet maħruġa taht l-awtorità tiegħu; il-posponiment ta' tali ħatriet; iż-żamma tal-progressjoni, *increment* tas-salarju jew promozzjoni ta' uffiċjali pubbliċi fil-gradi tas-servizz ġenerali u karigi oħra kif imsemmi qabel;

(vi) il-Kummissjoni tista' fi kwalunkwe żmien tirrakkomanda lill-Prim Ministru li dan id-Dokument ta' Delega jiġi rtirat, u dan id-Dokument għandu jiġi sospiż malli ssir tali rakkomandazzjoni, sakemm il-Prim Ministru jaġixxi fuqha;

(vii) dan id-Dokument għandu wkoll jiġi sospiż jekk il-Prim Ministru jordna hekk u jikkomunika d-deċiżjoni tiegħu lill-Kummissjoni, u f'dan il-każ il-Kummissjoni tkun obbligata li tikkunsidra jekk għandhiex tirrakkomanda jew le l-irtirar ta' dan id-Dokument, iżda d-Dokument għandu jibqa' sospiż sakemm jiġi rtirat, bla ħsara għall-paragrafu (viii) hawn taht;

(viii) id-Dokument jerga' jiġi effettiv jekk il-Kummissjoni tiġbed lura r-rakkomandazzjoni tagħha għall-irtirar tad-Dokument, jew jekk il-Prim Ministru jirtira d-direzzjoni tiegħu għas-sospensjoni tad-Dokument, jew it-tnejn, kif applikabbli;

U BILLI jiena naqbel mal-imsemmija rakkomandazzjoni:

ISSA, GĦALHEKK, JIENA, JOSEPH MUSCAT, KUOM, BCOM, BA (HONS), MA (EUROPEAN STUDIES), PhD (BRISTOL), MP, Prim Ministru, bis-saħħa tas-setgħat mogħtija bl-artikolu 110 tal-Kostituzzjoni, qiegħed b'din nordna li mid-data ta' dan id-Dokument, is-setgħat kif imniżżlin f'paragrafi 1 sa 9 hawn fuq, għandhom jiġu delegati lill-Kummissjoni dwar is-Servizz Pubbliku skont id-dispożizzjonijiet ta' dan id-Dokument, kif imniżżel hawn fuq u kif rakkomandat mill-Kummissjoni.

DAN ID-DOKUMENT ta' Delega huwa addizzjonali u bla ħsara għal Dokumenti oħra ta' Delega li nħarġu skont l-artikolu 110 tal-Kostituzzjoni, ħlief kif provdut f'paragrafu 1 hawn fuq.

MOGĦTI bil-firma tiegħi
fil-Berġa ta' Kastilja, Valletta
illum is-16 ta' Settembru, 2015

Secretary is informed that the decision has been so confirmed, unless the decision as confirmed specifies a different date;

(v) the Principal Permanent Secretary may act under the preceding paragraph with respect to any action taken by the Commission under this Instrument of Delegation, and he shall in addition assume the functions of Permanent Secretary under this Instrument with respect to appointments to general service grades and other offices which are filled through calls for applications issued under his authority; the postponement of such appointments; the withholding of the progression, salary increments or promotion after a number of years of satisfactory service of public officers in general service grades and other offices as aforesaid;

(vi) the Commission may at any time recommend to the Prime Minister that this Instrument of Delegation be withdrawn, and this Instrument shall be suspended upon such a recommendation being made, until the Prime Minister acts thereon;

(vii) this Instrument shall also be suspended if the Prime Minister so directs and if such decision is communicated to the Commission, whereupon the Commission shall consider whether or not to recommend the withdrawal of this Instrument, but the Instrument shall remain suspended until such time as it is withdrawn, subject to paragraph (viii) below;

(viii) the Instrument shall resume effect if the Commission retracts its recommendation for the withdrawal of the Instrument, or if the Prime Minister rescinds his direction for its suspension, or both, as applicable;

AND WHEREAS I agree with the said recommendation:

NOW, THEREFORE, I, JOSEPH MUSCAT, KUOM, BCOM, BA (HONS.), MA (EUROPEAN STUDIES), PhD (BRISTOL), MP, 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 set out in paragraphs 1 to 9 herein, be delegated to the Public Service Commission in accordance with and subject to the foregoing provisions of this Instrument, as recommended by the 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 paragraph 1 hereof.

GIVEN under my hand at the
Auberge de Castille, Valletta
this 16th day of September, 2015