

Nru. 791

No. 791

KOSTITUZZJONI TA' MALTA

THE CONSTITUTION OF MALTA

Delega ta' Ċerti Setgħat dwar
is-Servizz PubblikuDelegation of Certain Powers Respecting
the Public Service

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

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

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 ħatriet għal karigi uffiċjali u li jneħhi persuni li jkollhom jew ikunu jaġixxu f'xi karigi bhal dawk;

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, 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;

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;

U BILLI bid-Dokument tas-16 ta' Settembru 2015, il-Prim Ministru, fuq ir-rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku, iddelega, fost oħrajn, is-setgħa lis-Segretarji Permanenti biex jagħmlu ħatriet f'karigi uffiċjali taħt artikolu 110 tal-Kostituzzjoni, ħlief għal pożizzjonijiet ta' *headship*, sakemm tali ħatriet isiru wara proċess ta' għażla kompetittiv u fuq bażi ta' ordni tal-mertu valida;

AND WHEREAS by Instrument of Delegation dated 16th September 2015, the Prime Minister, acting on the recommendation of the Public Service Commission, delegated, *inter alia*, the power to make appointments to public offices under article 110 of the Constitution, other than headship positions, to Permanent Secretaries, provided that such appointments are made following a competitive selection process and on the basis of a valid order of merit;

U BILLI bid-Dokument imsemmi hawn fuq, il-Kummissjoni dwar is-Servizz Pubbliku rriżervat id-dritt, fost oħrajn, li taqgħmel, f'kull ħin, rakkomandazzjoni lill-Prim Ministru li dan id-Dokument jiġi emendat;

AND WHEREAS by the aforementioned Instrument of Delegation, the Public Service Commission reserved the right, *inter alia*, to make, at any time, a recommendation to the Prime Minister that the Instrument of Delegation be amended;

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

AND WHEREAS the Public Service Commission has recommended that:

1. id-delega li kienet ingħatat lis-Segretarji Permanenti biex jagħmlu ħatriet f'pożizzjonijiet ta' assistent direttur m'għandhiex tibqa' fis-seħħ u paragrafu numru 4 tad-Dokument tas-16 ta' Settembru 2015 għandu jkun emendat biex jaqra:

1. the power to make appointments to assistant directorship positions should no longer be delegated to Permanent Secretaries and paragraph numbered 4 of the Instrument of Delegation dated 16th September 2015 should be amended to read as follows:

“is-setgħa li jsiru ħatriet f'karigi uffiċjali taħt artikolu 110 tal-Kostituzzjoni, ħlief f'pożizzjonijiet ta' headship u ta' assistent direttur, għandha tkun iddelegata lis-Segretarji

“the power to make appointments to public offices under article 110 of the Constitution, other than headship and assistant directorship positions, should be delegated to

Permanenti, sakemm dawn il-ħatriet isiru wara proċess ta' għażla kompetittiv u abbaži ta' ordni tal-mertu valida”;

2. għall-finijiet ta' dan id-Dokument, il-proċess għan-nomina u l-għażla ta' uffiċjali pubbliċi għal pożizzjonijiet ta' assistent direttur għandu jkun ippresedut minn kumitat konsultattiv bl-istess mod bħal dak ta' pożizzjonijiet ta' headship;

3. għall-finijiet ta' dan id-Dokument, ir-rapporti tal-kumitat konsultattiv li jinnominaw uffiċjali għall-karigi ta' assistent direttur għandhom ikunu riferuti lill-Kummissjoni għall-approvazzjoni tagħha, u wara, il-Kummissjoni għandha tagħmel rakkomandazzjoni għall-ħatra lill-Prim Ministru skont l-artikolu 110 tal-Kostituzzjoni;

u

4. il-preamboli kollha u d-dispożizzjonijiet li jifdal tad-Dokument tas-16 ta' Settembru 2015 għandhom jibqgħu fis-seħħ;

UBILLI jiena naqbel mal-imsemmija rakkomandazzjoni:

ISSA, GĦALHEKK, JIENA, ROBERT ABELA, KUOM, BA, LLD, ADV. TRIB. MELIT., MP, PRIM MINISTRU, bis-saħħa tas-setgħat mogħtija bl-artikolu 110 tal-Kostituzzjoni, qiegħed b'din nordna li d-delega li kienet ingħatat lis-Segretarji Permanenti biex jagħmlu ħatriet f'pożizzjonijiet ta' assistent direttur m'għandhiex tibqa' fis-seħħ u li tali ħatriet għandhom issa jsiru fuq rakkomandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku skont artikolu 110 tal-Kostituzzjoni.

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'paragrafi 1-3 hawn fuq.

MOGHTI bil-firma tiegħi
fil-Berġa ta' Kastilja, il-Belt Valletta
illum il-11 ta' Frar, 2020

Nru. 792

KOSTITUZZJONI TA' MALTA

Delega ta' Ċerti Setgħat dwar is-Servizz Pubbliku

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

Permanent Secretaries, provided that such appointments are made following a competitive selection process and on the basis of a valid order of merit”;

2. for the purpose of this Instrument of Delegation, the process for the nomination and selection of public officers for assistant directorship positions shall be presided by an advisory committee in the same manner as that of headship positions;

3. for the purpose of this Instrument of Delegation, the reports of the advisory committee nominating officers for assistant directorship positions shall be referred to the Commission for its approval, following which, the Commission shall make a recommendation for appointment to the Prime Minister in terms of article 110 of the Constitution;

and

4. all the preambles and all the remaining provisions of the Instrument of Delegation dated 16th September 2015 should remain in force;

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 power to make appointments to assistant directorship positions should no longer be delegated to Permanent Secretaries but should be exercised following a recommendation made by the Public Service Commission in terms of article 110 of the Constitution.

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 paragraphs 1-3 hereof.

GIVEN under my hand at the
Auberge de Castille, Valletta
this 11th day of February, 2020

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