Verżjoni Elettronika

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,384, 7 ta' April, 2020
Taqsima A

MALTA

ATT Nru XIX tal-2020

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT li jemenda l-Att dwar il-Pulizija, Kap. 164.

ACT No. XIX of 2020

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Police Act, Cap. 164.

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Nagħti l-kunsens tiegħi.

(L.S.) **GEORGE VELLA**
President

7 ta' April, 2020

ATT Nru XIX tal-2020

ATT li jemenda l-Att dwar il-Pulizija, Kap. 164.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħareġ b'liġi dan li ġej:

Titolu fil-qosor.

Kap. 164.

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Att dwar il-Pulizija u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar il-Pulizija, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Emenda tal-artikolu 6 tal-Att prinċipali.

2. Is-subartikolu (2) tal-artikolu 6 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(2) Meta sseħħ vakanza fil-kariga ta' Kummissarju, il-proċedura għall-ħatra ta' Kummissarju għandha tkun kif ġej:

(a) il-Kummissjoni dwar is-Servizz Pubbliku għandha toħroġ sejħa pubblika għal applikazzjonijiet suġġetta għal kwalifiki u esperjenza neċessarja meħtieġa sabiex persuna tkun eliġibbli biex tiġi maħtura għall-kariga ta' Kummissarju;

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(b) wara li teżamina l-kandidati, il-Kummissjoni dwar is-Servizz Pubbliku għandha tifformula lista mqassra li tindika l-aktar żewġ kandidati adattati. Il-Kummissjoni dwar is-Servizz Pubbliku għandha tirreferi l-lista mqassra biż-żewġ kandidati lill-Kabinett li għandu, wara li jikkunsidra l-lista mqassra biż-żewġ kandidati, jirreferi lill-Ministru responsabbli kandidat li huwa kkunsidrat bħala l-aktar wieħed adattat għall-ħatra. Il-Ministru responsabbli għandu jirreferi lill-istess kandidat għal smigħ parlamentari mill-Kumitat Permanenti dwar il-Ħatriet Pubbliċi stabbilit permezz tal-artikolu 37 tal-Att dwar l-
Kap. 595. Amministrazzjoni Pubblika. Id-dispożizzjonijiet tal-artikolu 38 tal-Att dwar l-Amministrazzjoni Pubblika għandhom, *mutatis mutandis,* japplikaw għall-imsemmi smigħ:

Iżda li, minkejja d-dispożizzjonijiet ta' kull liġi jew regolamenti oħra, id-deċiżjoni tal-Kummissjoni dwar is-Servizz Pubbliku dwar il-lista mqassra formulata minnha skont dan il-paragrafu ma għandha tkun soġġetta għal ebda proċedura ta' appell;

(ċ) jekk il-Kumitat Permanenti dwar il-Ħatriet Pubbliċi jagħti parir favur il-ħatra tal-kandidat magħżul, il-Prim Ministru għandu jappunta lill-kandidat magħżul wara konsultazzjoni mal-Kummissjoni dwar is-Servizz Pubbliku; u

(d) jekk ikun hemm kandidat wieħed biss eliġibbli, il-proċess imwaqqaf fil-paragrafi (b) u (ċ) għandu, *mutatis mutandis,* japplika għal dak il-kandidat.".

Emenda Konsegwenzjali

Emenda tal-artikolu 92 tal-Kostituzzjoni.

3. Fis-subartikolu (4) tal-artikolu 92 tal-Kostituzzjoni, il-kliem "mal-Kummissjoni dwar-is-Servizz Pubbliku." għandhom jiġu sostitwiti bil-kliem "mal-Kummissjoni dwar is-Servizz Pubbliku:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

"Iżda li, minkejja d-dispożizzjonijiet ta' dan is-subartikolu l-ħatra ta' Kummissarju tal-Pulizija għandha ssir mill-Prim Ministru wara konsultazzjoni mal-Kummissjoni dwar is-Servizz Pubbliku kif ikun
Kap. 164. provdut fl-Att dwar il-Pulizija.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 317 tal-1 ta' April, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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I assent.

(L.S.) **GEORGE VELLA**
President

7th April, 2020

ACT No. XIX of 2020

AN ACT to amend the Police Act, Cap. 164.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title.
Cap. 164.

1. The short title of this Act is the Police (Amendment) Act, 2020, and this Act shall be read and construed as one with the Police Act, hereinafter referred to as "the principal Act".

Amendment of article 6 of the principal Act.

2. Sub-article (2) of article 6 of the principal Act shall be substituted by the following:

"(2) When a vacancy occurs in the office of Commissioner, the procedure for the appointment of a Commissioner shall be the following:

(a) the Public Service Commission shall issue a public call for applications subject to the necessary qualifications and experience required for a person to be eligible for appointment to the office of Commissioner;

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(b) after examining the candidates, the Public Service Commission shall draw up a short-list indicating the two most suitable candidates. The Public Service Commission shall refer the said short-list of the two candidates to the Cabinet which shall, after giving due consideration to the two short-listed candidates, refer the candidate who it considers to be the most suitable candidate for appointment to the responsible Minister. The Minister responsible shall refer the said candidate for a parliamentary hearing by the Standing Committee on Public Appointments established under article 37 of the Public Administration Act. The provisions of article 38 of the Public Administration Act shall, *mutatis mutandis,* apply to the said hearing: Cap. 595.

Provided that notwithstanding the provisions of any other law or regulations, the decision of the Public Service Commission regarding the shortlist drawn up by it according to this paragraph, shall not be subject to any appeal procedure;

(c) if the Standing Committee on Public Appointments advises in favour of the appointment of the selected candidate, the Prime Minister shall appoint the selected candidate after consultation with the Public Service Commission; and

(d) if there is only one eligible candidate, the process provided in paragraphs (b) and (c) shall, *mutatis mutandis,* be applied in respect of that candidate.".

Consequential Amendment

Amendment of article 92 of the Constitution.

3. In sub-article (4) of article 92 of the Constitution the words "with the Public Service Commission." shall be substituted by the words "with the Public Service Commission:" and immediately thereafter there shall be added the following new proviso:

"Provided that notwithstanding the provisions of this sub-article the appointment of the Commissioner of Police shall be made by the Prime Minister after consultation with the Public Service Commission as may be provided in the Police Act.".

Cap. 164.

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Passed by the House of Representatives at Sitting No. 317 of the 1st April, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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