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# **Nru. 141**

3. 07. 2020

## **MALTA**

### **KAMRA TAD-DEPUTATI**

### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Edward Zammit Lewis M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-1 ta' Lulju 2020.

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A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 1st July 2020.

**ATT sabiex ikompli jemenda l-Kostituzzjoni ta' Malta relattivament għall-ħatra tal-President ta' Malta.**

**ANACT to further amend the Constitution of Malta relative to the appointment of the President of Malta.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



## ABBOZZ TA' LIĠI msejjah

*ATT sabiex ikompli jemenda l-Kostituzzjoni ta' Malta relattivament għall-ħatra tal-President ta' Malta.*

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:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2020 li jemenda il-Kostituzzjoni ta' Malta (Emenda Nru. 2) u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kostituzzjoni ta' Malta, hawn iżjed 'il quddiem imsejha "il-Kostituzzjoni".

Titolu fil-qosor.

2. L-artikolu 48 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

Emenda tal-artikolu 48 tal-Kostituzzjoni.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Għandu jkun hemm President ta' Malta li għandu jiġi maħtur b'Riżoluzzjoni li jkollha favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra:

Iżda jekk ir-Riżoluzzjoni ma jkollhiex favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, għandu jittiehed it-tieni vot fuq ir-Riżoluzzjoni mhux aktar kmieni minn sebat (7) ijiem mill-ewwel vot li jkun ukoll jinħtieġ il-vot ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra u jekk ir-Riżoluzzjoni fit-tieni vot ma jkollhiex favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, għandu jittiehed it-tielet vot fuq ir-Riżoluzzjoni mhux aktar kmieni minn sebat (7) ijiem mit-tieni vot u

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f'dak it-tielet vot ir-Risoluzzjoni tkun approvata jekk jkollha favur tagħha l-maġġoranza tal-voti tal-membri kollha tal-Kamra:

Iżda wkoll jekk ikun se jittiehed it-tieni vot, kandidati godda għall-kariga ta' President ikunu jistgħu jiġu nominati qabel jittiehed it-tieni vot."; u

(b) il-paragrafu (b) tas-subartikolu (3) għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(b) jekk id-detentur tal-kariga jitneħħa wara indirizz mill-Kamra li jkollu favur tiegħu voti ta' mhux inqas minn żewġ terzi tal-membri kollha tagħha u jitolbu għal din it-tneħħija fuq il-bażi ta' inkapaċità pruvata li jwettaq il-funzjonijiet tiegħu (sew jekk minhabba f'inkapaċità tal-gisem jew tal-moħħ jew minhabba xi kawża oħra) jew imġieba ħażina pruvata:

Iżda il-Parlament jista' b'liġi jirregola l-proċedura għal preżentazzjoni ta' indirizz u għal investigazzjoni u prova ta' inkapaċità jew imġieba ħażina tad-detentur tal-kariga taħt id-dispożizzjonijiet ta' dan il-paragrafu."

Emenda tal-artikolu 78 tal-Kostituzzjoni.

3. Fis-subartikolu (3) tal-artikolu 78 tal-Kostituzzjoni minnufih wara l-kliem "jikkonferixxi funzjonijiet" għandhom jiżdiedu l-kliem "fuq il-President jew".

Emenda tal-artikolu 85 tal-Kostituzzjoni.

4. Fis-subartikolu (1) tal-artikolu 85 tal-Kostituzzjoni, minnufih wara l-paragrafu (e) għandu jiżdied il-paragrafu ġdid li ġej:

"(f) fl-eżerċizzju tas-setgħat konferiti minn din il-Kostituzzjoni li jagħmel ħatriet għal xi kariga skont il-Kostituzzjoni."

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### Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi li jiġi provdut sabiex tissaħħa l-awtorità eżekuttiva tal-uffiċċju tal-President ta' Malta billi l-President jinħatar bis-saħħa ta' riżoluzzjoni tal-Kamra tad-Deputati li jkollha l-appoġġ ta' mill-inqas żewġ terzi tal-Membri tal-Kamra. L-Abbozz jipprovdi ukoll mekkaniżmu ta' *anti-deadlock* għall-hatra.

**A BILL**  
**entitled**

*AN ACT to further amend the Constitution of Malta relative to the appointment of the President of Malta.*

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:-

1. The short title of this Act is the Constitution of Malta (Amendment No. 2) Act, 2020 and this Act shall be read and construed as one with the Constitution of Malta hereinafter referred to as "the Constitution".

Short title.

2. Article 48 of the Constitution shall be amended as follows:

Amendment of article 48 of the Constitution.

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) There shall be a President of Malta who shall be appointed by Resolution supported by the votes of not less than two-thirds of all the members of the House:

Provided that if the Resolution is not supported by the votes of not less than two-thirds of all the members of the House, a second vote on the Resolution shall be taken not earlier than seven (7) days from the first vote which shall also require the votes of not less than two-thirds of all the members of the House and if the Resolution in the second vote is not supported by the votes of not less than two-thirds of all the members of the House, a third vote on the Resolution shall be taken not earlier than seven (7) days from the second vote and at the said third vote the Resolution will be approved if supported by the majority of

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the votes of all the members of the House:

Provided further that when a second vote is taken, new candidates for the office of President may be nominated before the taking of the second vote."; and

(b) paragraph (b) of sub-article (3) shall be substituted by the following new paragraph:

"(b) if the holder of the office is removed upon an address by the House supported by the votes of not less than two-thirds of all the members thereof and praying for such removal on the ground of proved inability to perform functions of his office (whether arising from infirmity of body or mind or any other cause) or proved misbehaviour:

Provided that Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the inability or misbehaviour of the holder of the office under the provisions of this paragraph."

Amendment of  
article 78 of the  
Constitution.

**3.** In sub-article (3) of article 78 of the Constitution, immediately after the words "conferring functions" there shall be added the words "on the President or".

Amendment to  
article 85 of the  
Constitution.

**4.** In sub-article (1) of article 85 of the Constitution, immediately after paragraph (e), there shall be added the following new paragraph:

"(f) in the exercise of the power conferred by this Constitution to make appointment to any office under this Constitution."

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### **Objects and Reasons**

The objects and reasons of this Bill are to make provision for the strengthening of the executive authority of the President of Malta by providing for the President to be appointed by a resolution of the House of Representatives enjoying the support of at least two thirds of the Members of the House. The Bill also provides for an anti-deadlock mechanism for the appointment of the President.



