

Nru. 138

26. 9. 95

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru, u moqri għall-Ewwel Darba fis-Seduta tal-11 ta' Lulju, 1995.

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister, and read the First Time at the Sitting of the 11th July, 1995.

ATT biex jipprovdi għall-hatra ta' persuna nominata mill-Kap ta' l-Oppożizzjoni biex toqghod fuq Bordijiet jew Korpi Governattivi ta' ċerti korporazzjonijiet.

AN ACT to provide for the appointment of a person nominated by the Leader of the Opposition on the Boards or other Governing Bodies of certain corporations.

RICHARD J. CAUCHI
Skriwan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi għall-ħatra ta' persuna nominata mill-Kap ta' l-Oppożizzjoni biex toqgħod fuq Bordijiet jew korpi oħra Governattivi ta' ċerti korporazzjonijiet.

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1995 dwar Nomini mill-Oppożizzjoni, u għandu jibda jsehh f'dik id-data li l-Prim Ministru jista' jistabbilixxi b'avviż fil-Gazzetta.

Titolu fil-qosor u bidu fis-sehh.

2. (1) F'dan l-Att kemm-il darba r-rabta tal-kliem ma tehtieġx mod iehor:

Tifsir.

“Bord tad-Diretturi” tfisser il-Bord tad-Diretturi jew kull korp iehor bħalu, ikun kif ikun maghruf, kif provdut mil-liġi għat-tmexxija ta' Korporazzjoni;

“Kap ta' l-Oppożizzjoni” tfisser il-persuna mahtura bis-saħha ta' l-artikolu 90 tal-Kostituzzjoni;

“Korporazzjoni” tfisser korp magħqud stabbilit bil-liġi, ikun kif ikun maghruf, li hemm elenkat fl-Ewwel Skeda li tinsab ma' dan l-Att;

“persuna nominata” tfisser persuna proposta mill-Kap ta’ l-Oppożizzjoni sabiex tinhatar mill-Prim Ministru biex toqghod fuq il-Bord tad-Diretturi ta’ Korporazzjoni, skond id-dispożizzjonijiet ta’ dan l-Att.

(2) Il-Prim Ministru jista’, b’Ordni fil-Gazzetta, iżid mal-lista ta’ Korporazzjonijiet li hemm fl-Ewwel Skeda li tinsab ma’ dan l-Att.

Hatra ta’ persuna nominata mill-Oppożizzjoni biex toqghod fuq il-Bord tad-Diretturi ta’ Korporazzjoni.

3. (1) Minkejja d-dispożizzjonijiet ta’ kull liġi oħra wieħed mill-membri tal-Bord tad-Diretturi ta’ Korporazzjoni għandu jinhatar mill-Prim Ministru skond id-dispożizzjonijiet ta’ dan l-Att.

(2) Il-membri msemmi fis-subartikolu (1) ta’ dan l-artikolu jkollu s-setgħat, jeddijiet u obbligi kollha l-istess bħalma jkollhom il-membri l-oħra tal-Bord tad-Diretturi, u għandhom bla hsara għad-dispożizzjonijiet tas-subartikoli (3) u (4), jibqgħu fil-kariga għal dak iż-żmien, li ma jkunx ta’ inqas minn sena, li jista’ jiġi indikat mill-Kap ta’ l-Oppożizzjoni fin-nomina tiegħu.

(3) Membru tal-Bord tad-Diretturi mahtur bis-sahha tas-subartikolu (1) ta’ dan l-artikolu għandu f’kull każ, itemm il-kariga tiegħu meta l-kariga ta’ Kap ta’ l-Oppożizzjoni ssir vakanti.

(4) Membru tal-Bord tad-Diretturi mahtur bis-sahha tas-subartikolu (1) ta’ dan l-artikolu jista’ biss jitneħħa mill-kariga jekk skond il-liġi li tkun tistabbilixxi l-Korporazzjoni huwa jsir persuna skwalifikata mill-hatra għal dik il-kariga.

(5) Meta skond il-liġi li taħtha l-Korporazzjoni tkun kostitwita, il-membri tal-Bord tad-Diretturi mhumieħ mahtura mill-Prim Ministru, il-membri tal-Bord tad-Diretturi li jinhatar skond dan l-artikolu għandu jinhatar minflok dak il-membri l-ieħor tal-Bord tad-Diretturi li skond dik il-liġi għandu jinhatar minn Ministru jew mill-President li jaġixxi fuq il-parir tal-Prim Ministru jew Ministru ieħor, kif il-Prim Ministru jista’ b’Ordni fil-Gazzetta jiddetermina; u fejn skond dik il-liġi xi whud ill-membri għandhom jinhatru mill-Prim Ministru u l-oħrajn minn xi persuna jew awtorità oħra, il-membri mahtur taħt dan l-artikolu għandu jinhatar minflok wieħed mill-membri li skond dik il-liġi jinhatar mill-Prim Ministru.

Metodu ta’ hatra ta’ persuna nominata mill-Oppożizzjoni.

4. (1) Kull meta tokkorri l-okkażjoni li jinhatar membru biex joqghod fuq il-Bord tad-Diretturi ta’ Korporazzjoni, il-Prim Ministru jistieden bil-miktub lill-Kap ta’ l-Oppożizzjoni biex jagħti bil-miktub, fi żmien hmistax-il jum mill-istedina tal-Prim Ministru, isem il-persuna minnu nominata għal dik il-hatra.

(2) Il-Prim Ministru jista' jirrifjuta li jahtar lil xi persuna nominata li isimha jkun inghata kif imsemmi qabel meta:

(a) il-persuna nominata tkun skwalifikata milli hekk tinhatar bis-sahha tal-ligi li tistabilixxi l-Korporazzjoni; jew

(b) il-persuna nominata tkun fil-fehma tal-Prim Ministru b'mod ċar ghal kollox mhux idonea ghal dik il-hatra.

(3) Meta l-Prim Ministru jirrifjuta li jahtar lil xi persuna nominata skond ma hemm fis-subartikolu (2) a' dan l-artikolu, huwa ghandu fi żmien ġimgha minn nomina jgharraf lill-Kap ta' l-Oppożizzjoni bil-miktub dwar ir-raġunijiet tar-rifjut tiegħu li jahtar lil dik il-persuna nominata, u jistiednu jagħtih fi żmien hmistax-il jum l-isem ta' persuna nominata ġdida għall-hatra u d-dispożizzjonijiet tas-subartikolu (2) għandhom ikunu japplikaw għar-rigward ta' dik il-persuna nominata ġdida.

(4) Meta l-Kap ta' l-Oppożizzjoni jonqos milli fiż-żmien stabbilit bis-subartikoli (1) jew (3) ta' dan l-artikolu jagħti l-isem tal-persuna nominata minnu, il-hatra tal-membru msemmi fis-subartikolu (1) ta' l-artikolu 3 ta' dan l-Att għandha ssir mill-Prim Ministru kif jidhirlu xieraq:

Iżda l-kariga ta' persuna li tinhatar bis-sahha ta' dan is-subartikolu għandha titbattal fi żmien sena mill-hatra tagħha, jew fiċ-ċirkostanzi msemmija fis-subartikoli (3) jew (4) ta' l-artikolu 3 ta' dan l-Att, skond liema jiġi qabel.

5. Meta mad-dhul fis-sehh ta' dan l-Att, iż-żmien tal-kariga tal-membri kollha tal-Bord tad-Diretturi ta' xi Korporazzjoni jiġi li jiskadi fl-istess waqt, iż-żmien tal-kariga tal-membru li jkun ġie l-ewwel mahtur bis-sahha ta' dan l-Att għandu jiskadi wkoll maż-żmien tal-membri l-oħra tal-Bord tad-Diretturi.

Dispożizzjoni
transitorja.

L-Ewwel Skeda

(Artikolu 2)

Isem tal-Korporazzjoni	Ligi li biha gie stabbilit
Il-Korporazzjoni ghal Żvilupp ta' Malta	Kap. 202
Il-Bank Ċentrali ta' Malta	Kap. 204
Il-Korporazzjoni Telemalta	Kap. 250
L-Awtorità tad-Djar	Kap. 261
Enemalta	Kap. 272
Iċ-Ċentru ghas-Servizzi Finanzjarji ta' Malta	Kap. 330
L-Awtorità dwar it-Trasport Pubbliku	Kap. 332
Il-Korporazzjoni ta' Xoghol u Tahriġ	Kap. 343
L-Awtorità Marittima ta' Malta	Att XVII ta' l-1991
Il-Korporazzjoni ghas-Servizzi ta' l-Ilma	Att XXIII ta' l-1991

Ghanijiet u Raġunijiet

L-ghan ta' l-Abbozz hu sabiex jipprovdi għall-hatra ta' persuna nominata mill-Kap ta' l-Oppożizzjoni biex toqghod fuq il-Bord tad-Diretturi ta' ċerti korporazzjonijiet.

**A BILL
entitled**

AN ACT to provide for the appointment of a person nominated by the Leader of the Opposition on the Boards or other Governing bodies of certain corporations.

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. This Act may be cited as the Opposition Nominees Act, 1995, and shall come into force on such date as the Prime Minister may by notice in the Gazette appoint. Short title and commencement.

2. (1) In this Act unless the context otherwise requires: Interpretation.

“Board of Directors” means the Board of Directors or such other body, by whatever name called, provided by law for the management of a Corporation;

“Corporation” means a body corporate established by law, by whatever name called, listed in the First Schedule to this Act;

“Leader of the Opposition” means the person so appointed in virtue of section 90 of the Constitution;

“nominee” means a person proposed by the Leader of the Opposition for appointment by the Prime Minister to the Board of

Directors of a Corporation, in accordance with the provisions of this Act.

(2) The Prime Minister may by Order in the Gazette, add to the list of Corporations in the First Schedule to this Act.

Appointment of
Opposition
Nominee to the
Board of Directors
of a Corporation.

3. (1) Notwithstanding the provisions of any other law one of the members on the Board of Directors of a Corporation shall be appointed by the Prime Minister in accordance with the provisions of this Act.

(2) The member referred to in subsection (1) of this section shall have all powers, rights and obligations as the other members of the Board of Directors, and shall subject to the provisions of subsections (3) and (4), hold office for such term, being not less than one year as may be indicated by the Leader of the Opposition in his nomination.

(3) A member of the Board of Directors appointed in virtue of subsection (1) of this section shall in any case, cease to hold office when the office of the Leader of the Opposition becomes vacant.

(4) A member of the Board of Directors appointed in virtue of subsection (1) of this section may only be removed from office if in accordance with the law setting up the Corporation he becomes disqualified for appointment to that office.

(5) Where in accordance with the law setting up the Corporation, the members of the Board of Directors are not appointed by the Prime Minister, the member of the Board of Directors to be appointed under this section shall be appointed in lieu of such other member of the Board of Directors which in accordance with such law is to be appointed by a Minister or by the President acting on the advice of the Prime Minister or another Minister, as the Prime Minister may by Order in the Gazette determine; and where in accordance with such law some of the members are to be appointed by the Prime Minister and the other members are to be appointed by some other person or authority, the member to be appointed under this section shall be appointed in lieu of one of the members which in accordance with such law is to be appointed by the Prime Minister.

Method of
appointment of
Opposition
nominee.

4. (1) Wherever occasion arises to appoint a member of the Board of Directors of a Corporation, the Prime Minister shall invite, in writing, the Leader of the Opposition to submit, in writing, within fifteen days of the Prime Minister's invitation, the name of his nominee for such appointment.

(2) The Prime Minister may decline to appoint a nominee whose name has been submitted as aforesaid where:

(a) the nominee is disqualified from being so appointed in virtue of the law setting up the Corporation; or

(b) the nominee is in the opinion of the Prime Minister manifestly unsuitable for such appointment.

(3) Where the Prime Minister declines to appoint a nominee as provided in subsection (2) of this section, he shall within one week of the nomination inform the Leader of the Opposition, in writing, of the reasons for declining to appoint the nominee, and invite him to submit within fifteen days the name of a fresh nominee for appointment and the provisions of subsection (2) shall apply with respect to such fresh nominee.

(4) Where the Leader of the Opposition fails in the term established in subsections (1) or (3) of this section to submit the name of his nominee, the appointment of the member referred to in subsection (1) of section 3 of this Act shall be made by the Prime Minister as he deems fit:

Provided that the office of any person appointed in virtue of this subsection shall become vacant within one year of his appointment or in the circumstances referred to in subsections (3) of (4) of section 3 of this Act whichever is the earlier.

5. Where on the coming into force of this Act, the term of office of all the members of the Board of Directors of a Commission falls to expire at the same time, the term of office of the member first appointed in virtue of this Act shall expire together with that of the other members of the Board of Directors.

Transitory provisions.

FIRST SCHEDULE

(Section 2)

Name of Corporation	Law under which established
The Malta Development Corporation	Cap. 202
The Central Bank of Malta	Cap. 204
Telemalta	Cap. 250
The Housing Authority	Cap. 261
Enemalta Corporation	Cap. 271
The Malta Financial Services Centre	Act XXXIV of 1988
The Public Transport Authority	Act IX of 1989
The Employment and Training Corporation	Act XXVI of 1990
The Maritime Authority	Act XVII of 1991
The Water Services Corporation	Act XXIII of 1991

Objects and Reasons

The object of the bill is to provide for the appointment of a person nominated by the Leader of the Opposition on the Board of Directors of certain corporations.