

278. L-Onor. Darren Carabott u l-Onor. Karol Aquilina, jipponu:

L-Ewwel Qari ta' Abbozz ta' Ligi msejjaħ "Att tal-2024 li jemenda l-Kostituzzjoni u l-Att dwar il-Pulizija".

08.07.2024

ABBOZZ TA' LIĠI
msejjah

ATT li jemenda l-Kostituzzjoni ta' Malta u l-Att dwar il-Pulizija, Kap. 164, relattiv għal-hatra u għat-tneħħija tal-Kummissarju tal-Pulizija.

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2024 li jemenda l-Kostituzzjoni u l-Att dwar il-Pulizija dwar il-hatra u t-tneħħija tal-Kummissarju tal-Pulizija.

Titolu fil-qosor
Kap. 164

TAQSIMA I
Emendi għall-Kostituzzjoni

2. Din it-Taqsima temenda l-Kostituzzjoni u għandha tinqara u tinftiehem haga waħda mal-Kostituzzjoni, hawn iżjed 'il quddiem f'din it-Taqsima msejha "l-Kostituzzjoni".

Emendi
għall-Kostituzzjoni.

3. Il-proviso għas-subartikolu (4) ta-artikolu 92 għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 92
tal-Kostituzzjoni.

"Izda l-hatra u t-tneħħija tal-Kummissarju tal-Pulizija għandha ssir skont l-artikolu 92A ta' din il-Kostituzzjoni."

4. Minnufih wara l-artikolu 92 għandu jiżdied dan l-artikolu ġdid:

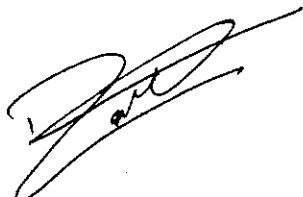
Żieda ta' artikolu ġdid
fil-Kostituzzjoni.

"92A. (1) Minkejja kull dispożizzjoni oħra ta' din il-Kostituzzjoni jew ta' xi liġi oħra, il-Kummissarju tal-Pulizija għandu jiġi maħtur mill-President ta' Malta li jaġixxi fuq riżoluzzjoni tal-Kamra li jkollha favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra:

Hatra ta' Kummissarju
tal-Pulizija.

Izda jekk ir-riżoluzzjoni ma jkollhiex favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra jew jekk il-kariga ta' Kummissarju tal-Pulizija tkun vakanti jew jekk il-Kummissarju tal-Pulizija għal xi raġuni ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, f'dak il-każ, sakemm persuna tkun maħtura għal u tkun assumiet il-funzjonijiet ta' dik il-kariga jew sakemm il-Kummissarju tal-Pulizija jkun irreżuma dawk il-funzjonijiet, skont il-każ, dawk il-funzjonijiet għandhom jiġu moqdija minn dak il-membru tal-Korp tal-Pulizija li għandu jkun nominat għal hekk mill-President, li jaġixxi skont il-ġudizzju deliberat tiegħu stess u dik il-persuna għandha tibqa' fil-kariga sakemm ir-riżoluzzjoni jkollha favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra jew sakemm il-Kummissarju tal-Pulizija ikun irreżuma dawk il-funzjonijiet, skont il-każ.

(2) Il-Kummissarju tal-Pulizija m'għandux jitneħħa mill-kariga tiegħu hlief mill-President wara indirizz mill-Kamra tad-



Deputati li jkollu favur tiegħu l-vot ta' mhux inqas minn żewġ terzi tal-membri kollha tagħha u li jitlob għal dik it-tnehhija minhabba inkapaċità ppruvata li jaqdi l-funzjonijiet tal-kariga tiegħu (kemm jekk għal mard korporali jew mentali jew għal xi raġuni oħra) jew imgieba hażina ppruvata.”.

5. Fil-paragrafu (b) tas-subartikolu (2) tal-artikolu 66 tal-Kostituzzjoni minflok il-kliem "l-artikolu 91," għandhom jidhlu l-kliem "l-artikolu 91, il-proviso li hemm mas-subartikolu (4) tal-artikolu 92 u l-artikolu 92A,".

Emenda tal-artikolu 66 tal-Kostituzzjoni.

TAQSIMA II

Emendi għall-Att dwar il-Pulizija

6. Din it-Taqsima temenda l-Att dwar il-Pulizija u din it-Taqsima għandha tinqara u tintfiehmed haġa waħda mal-Att dwar il-Pulizija, hawn iżjed 'il quddiem f' din it-Taqsima msejjah "l-Att prinċipali".

Emendi għall-Att dwar il-Pulizija, Kap. 164.

7. Il-paragrafu (c) tas-subartikolu (2) tal-artikolu 6 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 6 tal-Att prinċipali.

“(c) jekk il-Kumitat Permanenti dwar il-Ħatriet Pubbliċi jagħti parir favur il-hatra tal-kandidat magħżul, il-President għandu jahtar lil dak il-kandidat magħżul bħala Kummissarju wara u skont riżoluzzjoni tal-Kamra tad-Deputati li tghaddi bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha li hemm fil-Kamra skont l-artikolu 92A tal-Kostituzzjoni; u”.

Għanijiet u Raġunijiet

L-Għanijiet u Raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdi għall-hatra u t-tnehhija ta' Kummissarju tal-Pulizija mill-President wara riżoluzzjoni tal-Kamra tad-Deputati li tghaddi bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha li hemm fil-Kamra.



**A BILL
entitled**

AN ACT to amend the Constitution of Malta and the Police Act, Cap. 164, relative to the appointment and removal of the Commissioner of Police.

1. The short title of this Act is the Constitution of Malta and the Police Act (Amendment) Act, 2024. Short title.
Cap. 164.

**Part I
Amendments to the Constitution of Malta**

2. This Part amends the Constitution of Malta and this Part shall be read and construed as one with the Constitution of Malta, hereinafter in this Part referred to as "the Constitution". Amendments to the
Constitution of Malta.

3. The proviso to sub-article (4) of article 92 shall be substituted with the following: Amendment of article
92 of the Constitution.

“Provided that the appointment and removal of the Commissioner of Police shall be made in accordance with article 92A of this Constitution.”

4. Immediately following article 92 there shall be added the following new article: Addition of new article
92A to the Constitution

“92A. (1) Notwithstanding any other provision of this Constitution or of any other law, the Commissioner of Police shall be appointed by the President of Malta acting in accordance with a resolution of the House supported by the votes of not less than two-thirds of all the members of the House: Appointment of
Commissioner of
Police.

Provided that if the resolution is not supported by the votes of not less than two-thirds of all the members of the House or if the office of Commissioner of Police is vacant or if the Commissioner of Police is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Commissioner of Police has resumed those functions, as the case may be, those functions shall be performed by such member of the Police Force as may be designated in that behalf by the President, acting in accordance with his own deliberate judgment and such person shall remain in office until the Resolution is supported by the votes of not less than two-thirds of all the members of the House or until the Commissioner of Police has resumed those functions, as the case may be.

(2) The Commissioner shall not be removed from his office except by the President upon an address by the House of Representatives supported by the votes of not less than two-



thirds of all the members thereof and praying for such removal on the ground of proven inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or proved misbehaviour.”.

5. In paragraph (b) of sub-article (2) of article 66 of the Constitution, for the words "article 91," there shall be substituted the words "article 91, the proviso of sub-article (4) of article 92 and article 92A,".

Amendment of article 66 of the Constitution.

Part II Amendments to the Police Act

6. This Part amends the Police Act and this Part shall be read and construed as one with the Police Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Police Act.
Cap. 164.

7. Paragraph (c) of sub-article (2) of article 6 of the principal Act shall be substituted by the following:

Amendment of article 6 of the principal Act.

“(c) if the Standing Committee on Public Appointments advises in favour of the appointment of the selected candidate, the President shall appoint the selected candidate as Commissioner following and in accordance with a resolution of the House of Representatives supported by the votes of not less than two-thirds of all the members of the House in accordance with article 92A of the Constitution; and”.

Objects and Reasons

The objects and reasons of this Bill are to provide for the appointment and removal of the Commissioner of Police by the President in accordance with a resolution of the House of Representatives supported by the votes of not less than two-thirds of all the members of the House.

