Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,456, 7 ta' Awwissu, 2020
Taqsima A

MALTA

ATT Nru XLIV tal-2020

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

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

ACT No. XLIV of 2020

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

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

7 ta' Awwissu, 2020

ATT Nru XLIV tal-2020

ATT sabiex ikompli jemenda l-Kostituzzjoni ta' Malta relattiv 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:-

Titolu fil-qosor.

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

Emenda tal-artikolu 48 tal-Kostituzzjoni.

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

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan is-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 illi minkejja d-dispożizzjoni tas-subartikolu (3)(a), jekk ir-Riżoluzzjoni ma jkollhiex favur tagħha il-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, il-persuna li tkun tokkupa l-kariga ta' President ta' Malta għandha, fi kwalunkwe ċirkostanza,

tibqa' fil-kariga sakemm ir-Riżoluzzjoni jkollha favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra."; 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 minħabba f'inkapaċità tal-ġisem jew tal-moħħ jew minħabba xi kawża oħra) jew imġiba ħażina pruvata:

Iżda l-Parlament jista' b'liġi jirregola l-proċedura għall-preżentazzjoni ta' indirizz u għall-investigazzjoni u prova ta' inkapaċità jew imġiba 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.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 366 tad-29 ta' Lulju, 2020.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

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

7th August, 2020

ACT No. XLIV of 2020

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 notwithstanding the provisions of sub-article (3)(a), if the Resolution is not supported by the votes of not less than two-thirds of all the members of the House, the person occupying the office of the President of Malta shall, in any circumstance, remain in office until the Resolution is supported by the votes of not less than two-thirds of all the members of the House."; 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 grounds 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.".

Passed by the House of Representatives at Sitting No. 366 of the 29th July, 2020.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

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