

MALTA

ATT Nru XLVI tal-2020

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

ATT sabiex jemenda diversi liġijiet bil-ghan li jirrifirma l-proċedura li biha jsiru l-ħatriet fil-Kummissjoni Permanenti Kontra l-Korruzzjoni.

ACT No. XLVI of 2020

AN ACT enacted by the Parliament of Malta.

AN ACT to amend various laws aimed at reforming the procedure by which appointments to the Permanent Commission Against Corruption are made.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

7 ta' Awwissu, 2020

ATT Nru XLVI tal-2020

ATT sabiex jemenda diversi liġijiet bil-ghan li jirriforma l-proċedura li biha jsiru l-ħatriet fil-Kummissjoni Permanenti Kontra l-Korruzzjoni.

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 l-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni u għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni, hawn iżjed 'il quddiem msejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 326.

2. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda għall-artikolu 3 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(1) Għandu jkun hemm Kummissjoni, li għandha tkun magħrufa bħala l-Kummissjoni Permanenti Kontra l-Korruzzjoni, li għandha tikkonsisti minn Chairman u żewġ membri oħra. Il-membri tal-Kummissjoni għandhom jiġu maħtura mill-President ta' Malta li, fil-ħatra taç-Chairman

għandu jaġixxi skont Riżoluzzjoni tal-Kamra li tgħaddi bil-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, fil-ħatra ta' wieħed miż-żewġ membri l-oħra għandu jaġixxi skont il-parir tal-Prim Ministru u fil-ħatra tal-membri l-iehor għandu jaġixxi skont il-parir tal-Kap tal-Oppożizzjoni:

Iżda illi minkejja d-dispożizzjoni tal-artikolu 3(4)(a), jekk ir-Riżoluzzjoni ma jkollhiex favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, il-persuna li tkun tokkupa l-kariga ta' Chairman 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.";

(b) fis-subartikolu (5) tiegħu, il-kliem "mill-President ta' Malta li jaġixxi skont il-parir tal-Prim Ministru," għandhom jiġu sostitwiti bil-kliem "mill-President ta' Malta, li jaġixxi skont il-parir tal-Kabinett tal-Ministri,";

(ċ) fis-subartikolu (6) tiegħu, il-kliem "il-President ta' Malta li jaġixxi skont il-parir tal-Prim Ministru," għandhom jiġu sostitwiti bil-kliem "il-President ta' Malta li jaġixxi skont il-parir tal-Kabinett tal-Ministri,"; u

(d) fis-subartikolu (7) tiegħu, il-kliem "li jinħatar mill-President ta' Malta li jaġixxi skont il-parir tal-Prim Ministru, mogħti wara li jkun ikkonsulta il-Kap tal-Oppożizzjoni," għandhom jiġu sostitwiti bil-kliem "li jinħatar mill-President ta' Malta li jaġixxi fuq il-parir tal-Kabinett tal-Ministri, mogħti wara li jkunu kkonsultaw il-Kap tal-Oppożizzjoni,".

Emenda għall-artikolu 6 tal-Att prinċipali.

3. Fil-paragrafu (a) tas-subartikolu (1) tal-artikolu 6 tal-Att prinċipali, minnufih wara n-numri "118, 120, 121" għandhom jiżdiedu n-numri ", 121A, 121B".

Emenda għall-artikolu 11 tal-Att prinċipali.

4. Fil-paragrafu (a) tal-artikolu 11 tal-Att prinċipali, il-kliem "lill-Ministru responsabbli għall-ġustizzja;" għandhom jiġu sostitwiti bil-kliem "lill-Ministru responsabbli għall-ġustizzja:" u minnufih wara għandu jiżdied il-proviso li ġej:

"Iżda jekk fil-fehma tal-Kummissjoni, l-imġiba investigata hija korrotta jew tista' tkun konnessa ma', jew tista' twassal għal atti ta' korruzzjoni, ir-rapport tar-riżultati tal-investigazzjoni għandhom jiġu mghoddija lill-Avukat Ġenerali.".

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. XLVI of 2020

AN ACT to amend various laws aimed at reforming the procedure by which appointments to the Permanent Commission Against Corruption are made.

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.

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

Cap. 326.

Amendment of
article 3 of the
principal Act.

2. Article 3 of the principal Act shall be amended as follows:

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

"(1) There shall be a Commission, to be known as the Permanent Commission Against Corruption, which shall consist of a Chairman and two other members. The members of the Commission shall be appointed by the President of Malta who, in appointing the Chairman shall act with a Resolution of the House supported by the votes of not less than two-thirds of all the members of the House, in appointing one of the two other members shall act in

accordance with the advice of the Prime Minister and in appointing the other member shall act in accordance with the advice of the Leader of the Opposition:

Provided that notwithstanding the provisions of article 3(4)(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 Chairman 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.";

(b) in sub-article (5) thereof, the words "by the President of Malta, acting in accordance with the advice of the Prime Minister," shall be substituted by the words "by the President of Malta, acting in accordance with the advice of the Cabinet of Ministers,";

(c) in sub-article (6) thereof, the words, "the President of Malta acting in accordance with the advice of the Prime Minister," shall be substituted by the words "the President of Malta acting in accordance with the advice of the Cabinet of Ministers,"; and

(d) in sub-article (7) thereof, the words "appointed by the President of Malta acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition," shall be substituted by the words "appointed by the President of Malta acting in accordance with the advice of the Cabinet of Ministers, given after consulting the Leader of the Opposition,".

3. In paragraph (a) of sub-article (1) of article 6 of the principal Act, immediately after the numbers "118, 120, 121" there shall be added the numbers ", 121A, 121B".

Amendment of article 6 of the principal Act.

4. In paragraph (a) of article 11 of the principal Act, the words "to the Minister responsible for justice;" shall be substituted by the words "to the Minister responsible for justice:" and immediately thereafter the following proviso shall be added:

Amendment of article 11 of the principal Act.

"Provided that if in the opinion of the Commission, the conduct investigated is corrupt or connected with or conducive to corrupt practices, the report of the results of the investigation shall be transmitted to the Attorney General."

A 824

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