

VERŻJONI ELETTRONIKA

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,677, 3 ta' Awwissu, 2021*

*Taqsim A*

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MALTA

**ATT Nru LVII tal-2021**

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

**ATT li jkompli jemenda l-Att dwar il-Pulizija, Kap. 164.**

**ACT No. LVII of 2021**

AN ACT enacted by the Parliament of Malta.

**AN ACT to further amend the Police Act, Cap. 164.**



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

3 ta' Awwissu, 2021

**ATT Nru LVII tal-2021**

*ATT li jkompli jemenda l-Att dwar il-Pulizija, Kap. 164.*

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

- 1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Att dwar il-Pulizija (Emenda Nru 2) u dan l-Att għandu jinqara u jinftiehem bħala waħda mal-Att dwar il-Pulizija, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.  
Kap. 164.
- 2.** Fl-Arrangament tal-Att tal-Att prinċipali il-kliem "Titolu IV Dixxiplina 22-34" għandhom jiġu sostitwiti bil-kliem "Titolu IV Dixxiplina 22-34Ċ".

Emenda tal-Arrangament tal-Att prinċipali.
- 3.** Fl-artikolu 2 tal-Att prinċipali d-definizzjoni "Kap Eżekuttiv" għandha tiġi mħassra.

Emenda tal-artikolu 2 tal-Att prinċipali
- 4.** Fis-subartikolu (6) tal-artikolu 5 tal-Att prinċipali, il-kliem "u l-Kap Eżekuttiv" għandhom jiġu mħassra u l-kliem "għandhom

Emenda tal-artikolu 5 tal-Att prinċipali.

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jattendu" għandhom jiġu sostitwiti bil-kliem "għandu jattendi".

Emenda tal-artikolu 6 tal-Att prinċipali.

5. Fis-subartikolu (8) tal-artikolu 6 tal-Att prinċipali, il-kliem "flimkien mal-Kap Eżekuttiv" għandhom jiġu mħassra.

Emenda tal-artikolu 7 tal-Att prinċipali

6. L-artikolu 7 tal-Att prinċipali għandu jiġi mħassar.

Emenda tal-artikolu 13 tal-Att prinċipali.

7. Fis-subartikolu (2) tal-artikolu 13 tal-Att prinċipali, il-kliem "testijiet mediċi u fiżiċi" għandhom jiġu sostitwiti bil-kliem "testijiet mediċi, fiżiċi u tal-awrina għall-iscreening ta' droga jew alkoħol, jew xi test simili ieħor".

Emenda tal-artikolu 16 tal-Att prinċipali.

8. L-artikolu 16 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tiegħu l-kliem "membru tal-Korp." għandhom jiġu sostitwiti bil-kliem "membru tal-Korp; jew"; u

(b) minnufih wara l-paragrafu (ċ) tiegħu għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(d) minhabba l-influwenza, konsum jew abbuż ta' alkoħol jew ta' xi droga, sew wehidhom kemm flimkien ma' xi ċirkostanzi oħra, ma jkunx tajjeb li jiġi afdat bi dmiru jew b'xi dmir ieħor li jista' jinghata x'jagħmel, jew jista', bi kwalunkwe mod, ikun ta' telf ta' reputazzjoni għall-Korp; jew

(e) jirrifjuta, mingħajr raġuni valida, li jagħmel xi test imsemmi fl-artikolu 13(2)."

Emenda tal-artikolu 23 tal-Att prinċipali.

9. L-artikolu 23 tal-Att prinċipali għandu jiġi emendat kif ġej:

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

"(1) Għandu jkun hemm Bord Dixxiplinari, mahtur fuq talba tal-Kummissarju, li għandu jkun magħmul minn tliet membri, iċ-*Chairperson* mahtur mis-Segretarju Parmanenti fil-Ministeru responsabbli mill-Pulizija, u żewġ membri oħra mahtura mill-Kumitat Konsultattiv dwar il-Ħatriet Anzjani. Il-Bord għandu jinhatar skont ir-regoli tal-Kummissjoni dwar is-Servizz Pubbliku:

Iżda *à-Chairperson* għandu jkun Uffiċjal Pubbliku fil-Ministeru responsabbli mill-Pulizija u *à-żewġ* membri l-oħra għandhom ikunu uffiċjali tas-Servizz Pubbliku rtirati, li wiehed minnhom għandu jkun Uffiċjal tal-Pulizija rtirat li serva fi grad għoli ta' Supretendent jew oġġla."; u

(b) fis-subartikolu (3) tiegħu, il-kliem "għal perjodu ta' sentejn" għandhom jiġu sostitwiti bil-kliem "għal perjodu ta' tliet snin".

**10.** Il-paragrafu (b) tal-artikolu 31 tal-Att prinċipali għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

Emenda tal-artikolu 31 tal-Att prinċipali.

"(b) sospensjoni mix-xogħol għal mhux aktar minn sebat ijiem;".

**11.** Minnufih wara l-artikolu 34 tal-Att prinċipali għandhom jiżdiedu l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda mal-Att prinċipali.

"Twaqqif ta' Bord tal-Appelli Dixxiplinarji tal-Pulizija.

34A. (1) Għandu jkun hemm Bord tal-Appelli Dixxiplinarji tal-Pulizija magħmul minn tliet membri, li wiehed minnhom għandu jkun *à-Chairperson* mahtur mill-President ta' Malta li jaġixxi fuq il-parir tal-Kabinett tal-Ministri.

(2) *à-Chairperson* tal-Bord għandu jkun persuna li tkun ipprattikat bħala avukat f'Malta għal perjodu jew perjodi li jammontaw, b'kollox, għal mhux inqas minn seba' snin. Il-membri l-oħra tal-Bord għandhom ikunu uffiċjali pubbliċi rtirati.

(3) Il-membri tal-Bord għandu jkollhom il-kariga għal perjodu ta' tliet snin u għandhom ikunu eligibbli għall-ħatra mill-ġdid.

(4) Il-persuni mahtura bħala membri tal-Bord għandhom ikollhom il-kariga sakemm jinħatru s-suċċessuri tagħhom.

(5) Il-President ta' Malta li jaġixxi fuq il-parir tal-Kabinett tal-Ministri jista' wkoll jahtar *chairperson* sostitut u membri sostituti tal-Bord biex ipoġġu fuq il-Bord kull meta *à-chairperson* jew il-membri jew xi wiehed minnhom għal xi raġuni valida ma jkunx jista' temporanjament jattendi u jipparteċipa fis-seduti tal-Bord:

Iżda, sa fejn ikun prattiku, l-istess *chairperson* u l-istess membri għandhom jisimġu u jikkonkludu l-istess każ.

(6) (a) Għandu jkun hemm numru ta' kmamar tal-Bord kif il-Ministru jista' jippreskrivi.

(b) Meta jkun hemm aktar minn kamra waħda tal-Bord, il-każijiet għandhom jiġu assenjati lill-kmamar varji skont dawk ir-regoli kif il-Ministru jista' jippreskrivi.

(c) Kull kamra tal-Bord għandha tkun komposta minn *chairperson* u żewġ membri oħra kif provdut fis-subartikoli (1) sa (3), li flimkien mad-dispożizzjonijiet l-oħra kollha ta' dan l-Att għajr dan is-subartikolu għandhom japplikaw fir-rigward ta' kull kamra bħallikieku referenza fihom għall-Bord kienet referenza għal kamra tal-Bord.

(7) Jekk xi vakanza fil-Bord isseħħ waqt it-terminu tal-ħatra, minħabba mewt, riżenja, jew għal kwalunkwe kawża oħra, il-President ta' Malta għandu, mill-aktar fis prattiku, jahtar persuna oħra biex timla l-post vakanti u l-persuna hekk maħtura għandha tibqa' fil-kariga għall-bqija tal-mandat tal-predeċessor tagħha:

Iżda l-Bord għandu jkompli jaġixxi minkejja kwalunkwe vakanza bħal din.

(8) Membru tal-Bord għandu jitneħħa mill-kariga mill-President ta' Malta li jaġixxi fuq il-parir tal-Kabinet tal-Ministri fuq il-bażi tal-inkapaċità li jaqdi l-funzjonijiet tal-uffiċċju tiegħu, sew jekk minħabba f'inkapaċità tal-ġisem jew tal-moħħ jew minħabba xi kawża oħra jew imġiba ħażina.

(9) Il-Bord għandu jkollu Segretarju li jkun maħtur mill-Ministru.

Appelli minn  
deċiżjonijiet  
tal-  
Kummissarju  
tal-Pulizija.

34B. (1) Membru tal-Korp għandu jkollu dritt tal-appell quddiem il-Bord tal-Appelli Dixxiplinarji tal-Pulizija skont dan l-artikolu kontra rakkomandazzjoni ta' sejba ta' htija u kwalunkwe piena korrispondenti imposta mill-Kummissarju tal-Pulizija dwar reati żgħar stipulati fit-Tieni Skeda, jew fejn il-membru tal-Forza jista' jipprova li l-proċeduri stipulati f'dan it-Titolu ġew injorati b'mod grossolan u li dan in-nuqqas ippreġudika l-interessi tiegħu.

(2) Avviż tal-appell skont is-subartikolu (1), li jistabbilixxi r-raġunijiet tal-appell, għandu jiġi kkomunikat, bil-miktub, lis-Segretarju tal-Bord tal-Appelli Dixxiplinarji tal-Pulizija sa mhux aktar tard minn għaxart (10) ijiem ta' xogħol mid-data li fiha d-deċiżjoni giet notifikata lill-membri tal-Forza konċernata. Kopja tal-avviż tal-appell għandha tintbagħat fl-istess hin mill-membri tal-Korp lill-Kummissarju tal-Pulizija.

(3) Meta jirċievi kopja ta' avviż ta' appell, il-Kummissarju tal-Pulizija għandu, sa mhux aktar tard minn għaxart ijiem tax-xogħol, jibgħat lill-Bord tal-Appelli Dixxiplinarji tal-Pulizija d-dokumentazzjoni rilevanti dwar il-każ, inkluż ir-rapport tal-Bord tad-Dixxiplina.

(4) Is-Segretarju tal-Bord tal-Appelli Dixxiplinarji tal-Pulizija għandu jirrikonoxxi l-irċevuta tal-avviż ta' appell li sar taħt dan l-artikolu u kull appell li rċieva wara l-perjodu ta' għaxart ijiem ta' xogħol stabbiliti fis-subartikolu (2) ma għandux ikun meqjus mill-Bord tal-Appelli Dixxiplinarji tal-Pulizija.

(5) Jekk il-Bord tal-Appelli Dixxiplinarji tal-Pulizija huwa tal-fehma li l-appell jisthoqqlu konsiderazzjoni skont is-subartikolu (1), jista' jagħti opportunità lill-membri tal-Korp akkużat u lill-Kummissarju tal-Pulizija biex jagħmel rappreżentazzjonijiet orali; imma l-Bord tal-Appelli Dixxiplinarji tal-Pulizija għandu jirregola l-proċedura tiegħu stess meta jittratta l-appell.

(6) Il-Bord tal-Appelli Dixxiplinarji tal-Pulizija, wara li jikkunsidra r-raġunijiet għall-appell, ir-rekord tal-proċeduri u kwalunkwe rappreżentazzjoni orali, għandu jipproċedi biex jiddeċiedi jekk id-deċiżjoni tal-Kummissarju tal-Pulizija għandhiex tkun ikkonfermata fir-rigward tal-ħtija tal-appellant u, jew il-piena imposta, jew li l-Kummissarju tal-Pulizija għandu jemendaha jew jirrevokaha.

(7) Il-Bord tal-Appelli Dixxiplinarji tal-Pulizija għandu jinforma lill-appellant bir-riżultat tal-appell.

(8) Xejn f'dan l-artikolu ma għandu jipprevjeni lill-Bord tal-Appelli Dixxiplinarji tal-Pulizija, qabel is-smiġh jew f'kull hin matul is-smiġh ta' appell, milli jiċċad jew ma jhallix appell sommarjament mingħajr ma jisimġhu jew mingħajr ma jkompli jisimġhu kif jista' jkun il-każ, fuq il-bażi li appell huwa frivolu jew vessatorju jew wieħed li altrimenti ma kellux jiġi mressaq jew isir.

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Is-sospensjoni  
tal-appell  
pendenti.

34Ċ. Piena imposta mill-Kummissarju tal-Pulizija ma għandhiex tidhol fis-seħħ qabel l-iskadenza ta' mill-inqas għaxart ijiem ta' xogħol mid-data li fiha l-membru tal-Korp gie notifikat bil-piena mill-Kummissarju tal-Pulizija u, jekk gie pprezentat appell, il-piena m'għandhiex tidhol fis-seħħ sakemm tittiehed deċiżjoni mill-Bord tal-Appelli Dixxiplinarji tal-Pulizija."

Emenda tal-  
artikolu 37 tal-  
Att prinċipali.

**12.** Fis-subartikolu (4) tal-artikolu 37 tal-Att prinċipali l-kelma "il-Pulizija," għandha tiġi sostitwita bil-kelma "il-Pulizija." u l-kliem "jew lill-Kap Eżekuttiv skont kif ikun il-każ" għandhom jiġu mħassra.

Emenda tat-  
Tieni Skeda li  
tinsab mal-Att  
prinċipali.

**13.** Il-paragrafu (ċ) tal-partita 3 tat-Tieni Skeda li tinsab mal-Att prinċipali għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

"(ċ) imexxi jew ikollu x'jaqsam f'xi kummerċ jew negozju, jew xort'oħra jonqos milli jagħti l-hin kollu tiegħu għas-servizz tal-Pulizija mingħajr il-permess meħtieġ."

Revoka tar-  
Regolamenti li  
jirregolaw id-  
Doveri u l-  
Kondizzjonijiet  
tal-Ħatra tal-  
Kap Eżekuttiv  
L.S. 164.03.

**14.** Id-dispożizzjonijiet tar-Regolamenti li jirregolaw id-Doveri u l-Kondizzjonijiet tal-Ħatra tal-Kap Eżekuttiv huma permezz ta' dan l-Att imħassra, mingħajr preġudizzju għal dak kollu li sar jew li naqas milli jsir taħthom.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 489 tal-14 ta' Lulju, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*



I assent.

(L.S.)

**GEORGE VELLA**  
**President**

3rd August, 2021

**ACT No. LVII of 2021**

*AN ACT to further amend the Police Act, Cap. 164.*

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 Police (Amendment No. 2) Act, 2021 and this Act shall be read and construed as one with the Police Act, hereinafter referred to as "the principal Act".

Short title.  
Cap. 164.
- 2.** In the Arrangement of the Act of the principal Act the words "Title IV Discipline 22-34" shall be substituted by the words "Title IV Discipline 22-34C".

Amendment of the Arrangement of the Act of the principal Act.
- 3.** In article 2 of the principal Act, the definition "Chief Executive Officer" shall be deleted.

Amendment of article 2 of the principal Act.
- 4.** In sub-article (6) of article 5 of the principal Act the words "and the Chief Executive Officer" shall be deleted.

Amendment of article 5 of the principal Act.

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Amendment of article 6 of the principal Act.

5. In sub-article (8) of article 6 of the principal Act the words "and the Chief Executive Officer" shall be deleted.

Deletion of article 7 of the principal Act.

6. Article 7 of the principal Act shall be deleted.

Amendment of article 13 of the principal Act.

7. In sub-article (2) of article 13 of the principal Act, immediately after the words "physical tests" there shall be added the words "and urine drug screening, or alcohol, or any other similar test,".

Amendment of article 16 of the principal Act.

8. Article 16 of the principal Act shall be amended as follows:

(a) in paragraph (c) thereof, the words "member of the Force." shall be substituted by the words "member of the Force; or"; and

(b) immediately after paragraph (c) thereof there shall be added the following new paragraphs:

"(d) owing to the influence, consumption or abuse of alcohol or any drug, whether alone or in combination with any other circumstances, is unfit to be entrusted with his duty or with any duty which he may be called upon to perform, or may, in any way whatsoever, be of discredit to the Force; or

(e) refuses, without a valid reason, to be tested as mentioned in article 13(2)."

Amendment of article 23 to the principal Act.

9. Article 23 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 Disciplinary Board, appointed upon the request of the Commissioner, which shall be made up of three members, a Chairperson appointed by the Permanent Secretary in the Ministry responsible for the Police, and another two members appointed by the Senior Appointments Advisory Committee. The Board shall be appointed in accordance with the rules of the Public Service Commission:

Provided that the Chairperson shall be a Public Officer at the Ministry responsible for the Police and the other two members shall be retired Public Service officers, one of whom shall be a retired Police Officer who served in a high rank of Superintendent or higher."; and

(b) in sub-article (3) thereof, the words "for a period of two years" shall be substituted by the words "for a period of three years".

**10.** Paragraph (b) of article 31 of the principal Act shall be substituted by the following new paragraph:

Amendment of article 31 of the principal Act.

"(b) suspension from work not exceeding seven days;"

**11.** Immediately after article 34 of the principal Act there shall be added the following new articles:

Addition of new articles to the principal Act.

"Establishment of Police Disciplinary Appeals Board.

34A. (1) There shall be a Police Disciplinary Appeals Board composed of three members, one of whom shall be the Chairperson appointed by the President of Malta acting on the advice of the Cabinet of Ministers.

(2) The Chairperson of the Board shall be a person who has practised as an advocate in Malta for a period or periods amounting, in the aggregate, to not less than seven years. The other members of the Board shall be retired public officers.

(3) The members of the Board shall hold office for a period of three years and shall be eligible for reappointment.

(4) Persons appointed as members of the Board shall hold office until their successors are appointed.

(5) The President of Malta acting on the advice of the Cabinet of Ministers may also appoint a substitute chairperson and substitute members of the Board to sit on the Board whenever the chairperson or members or any one of them is for some valid reason unable temporarily to attend and participate in the sittings of the Board:

Provided that, as far as practicable, the same chairperson and the same members shall hear and conclude the same case.

(6) (a) There shall be such a number of chambers of the Board as the Minister may prescribe.

(b) Where there is more than one chamber of the Board, cases shall be assigned to the various chambers in accordance with such rules as the Minister may prescribe.

(c) Each chamber of the Board shall be composed of a chairperson and two other members as provided in sub-articles (1) to (3), which together with all the other provisions of this Act other than this sub-article shall apply with respect to each chamber as if reference therein to the Board were a reference to a chamber of the Board.

(7) If any vacancy in the Board occurs during the term of appointment, on account of death, resignation, or for any other cause, the President of Malta shall, as soon as practicable, appoint another person to fill the vacancy and the person so appointed shall remain in office for the remainder of the term of office of his predecessor:

Provided that the Board shall continue to act notwithstanding any such vacancy.

(8) A member of the Board shall be removed from office by the President of Malta acting on the advice of the Cabinet of Ministers on the ground of inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause or for misbehaviour.

(9) The Board shall have a Secretary who shall be appointed by the Minister.

Appeals from  
decisions of  
the  
Commissioner  
of Police.

34B. (1) A member of the Force shall have a right of appeal to the Police Disciplinary Appeals Board in accordance with this article against a recommendation of a finding of guilt and any corresponding penalty imposed by the Commissioner of Police relating to minor offences set out in the Second Schedule, or where the member of the Force can prove that there has been a gross disregard of the procedures laid down in this Title and such disregard had prejudiced his interests.

(2) Notice of appeal under sub-article (1), setting out the grounds of the appeal, shall be communicated, in writing, to the Secretary of the Police Disciplinary Appeals Board by not later than ten working days from the date on which the decision was notified to the member of the Force concerned. A copy of the notice of appeal shall concurrently be sent by the member of the Force to the Commissioner of Police.

(3) On receiving a copy of a notice of appeal, the Commissioner of Police shall, by not later than ten working days, transmit to the Police Disciplinary Appeals Board the relevant documentation relating to the case, including the report of the Disciplinary Board.

(4) The Secretary of the Police Disciplinary Appeals Board shall acknowledge the receipt of the notice of appeal made under this article and any appeal received after the time period of ten working days established in sub-article (2) shall not be considered by the Police Disciplinary Appeals Board.

(5) If the Police Disciplinary Appeals Board is of the opinion that the appeal merits consideration in terms of sub-article (1), it may give an opportunity to the member of the Force charged and to the Commissioner of Police to make oral representations; but the Police Disciplinary Appeals Board shall otherwise regulate its own procedure in dealing with the appeal.

(6) The Police Disciplinary Appeals Board, after considering the grounds for appeal, the record of the proceedings, and any oral representations, shall proceed to decide whether the decision of the Commissioner of Police shall be confirmed as to the guilt of the appellant and, or the penalty imposed, or that the Commissioner of Police should amend or revoke it.

(7) The Police Disciplinary Appeals Board shall inform the appellant of the outcome of the appeal.

(8) Nothing in this article shall prevent the Police Disciplinary Appeals Board, either before the hearing or at any time during the hearing of an appeal, from summarily dismissing or disallowing an appeal without hearing it or without hearing it any further as the case may be, on the grounds that an appeal is frivolous or vexatious or one that should not otherwise have been brought or made.

Suspension of penalty pending appeal.

34C. A penalty imposed by the Commissioner of Police shall not be put into effect before the lapse of at least ten working days from the date on which the member of the Force was notified of the penalty by the Commissioner of Police and, if an appeal has been lodged, the penalty shall not be put into effect pending a decision by the Police Disciplinary Appeals Board."

**12.** In sub-article (4) of article 37 of the principal Act, the words ", or the Chief Executive Officer as the case may be" shall be deleted.

Amendment of article 37 of the principal Act.

**13.** Paragraph (c) of item 3 of the Second Schedule to the principal Act shall be substituted by the following new paragraph:

Amendment of the Second Schedule to the principal Act.

"(c) carries on or is concerned in any trade or business, or otherwise fails to devote his whole time to the Police service

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without the necessary authorization.".

Repeal of the  
Chief Executive  
Officer (Duties  
and Conditions  
of  
Appointment)  
Regulations.  
S.L. 164.03.

**14.** The provisions of the Chief Executive Officer (Duties and Conditions of Appointment) Regulations are hereby, by means of this Act being repealed, without prejudice to anything done or omitted to be done thereunder.

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Passed by the House of Representatives at Sitting No. 489 of the 14th July, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



# VERŻJONI ELETTRONIKA