

MALTA

ATT Nru XVIII tal-2026

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

ATT sabiex jemenda l-Att dwar il-Ġustizzja Amministrattiva, Kap. 490.

ACT No. XVIII of 2026

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Administrative Justice Act, Cap. 490.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

31 ta' Lulju, 2026

ATT Nru XVIII tal-2026

ATT sabiex jemenda l-Att dwar il-Ġustizzja Amministrattiva, Kap. 490.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 li jemenda l-Att dwar il-Ġustizzja Amministrattiva u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar il-Ġustizzja Amministrattiva, hawn iżjed 'il quddiem imsejjaħ l-"Att prinċipali".

Titolu fil-qosor.

Kap. 490.

2. Fl-artikolu 2 tal-Att prinċipali minnufih wara t-tifsira "att amministrattiv" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

" "Kummissjoni" tfisser il-Kummissjoni għall-Ħatriet u Dixxiplina fit-Tribunali Amministrattivi stabbilita skont l-artikolu 23A;"

3. Minnufih wara t-Taqsima IV tal-Att prinċipali għandhom jiġu miżjuda t-taqsimiet godda li ġejjin:

Żieda ta' taqsimiet godda fl-Att prinċipali.

"TAQSIMA IVbis

Kummissjoni għall-Ħatriet u Dixxiplina fit-Tribunali Amministrattivi

Twaqqifu
funzjonijiet tal-
Kummissjoni.

23A. (1) Għandu jkun hemm kummissjoni li tkun magħrufa bħala l-Kummissjoni għall-Ħatriet u Dixxiplina fit-Tribunali Amministrattivi, hawn iżjed 'il quddiem f'din it-Taqsima u fit-Taqsima IV^{ter} imsejha l-"Kummissjoni", li għandha tkun komposta kif ġej:

(a) Chairperson li jkun Imħallef jew Maġistrat irtirat; u

(b) erba' (4) membri oħra li għandhom ikunu persuni ta' integrità magħrufa u kompetenza rikonoxxuta, li jkollhom esperjenza sostanzjali fl-amministrazzjoni pubblika, fil-governanza, fir-regolamentazzjoni, fil-ġustizzja amministrattiva jew f'oqsma oħra relatati mal-funzjonijiet tat-tribunali amministrattivi:

Iżda l-ebda membru tal-Kummissjoni ma għandu jieħu sehem fi kwalunkwe proċess fir-rigward ta' ħatra, evalwazzjoni, dixxiplina jew tneħħija mill-kariga fejn dak il-membru jkollu interess dirett jew indirett jew fejn jeżistu ċirkostanzi li jistgħu raġonevolment jagħtu lok għal dubju dwar l-imparzjalità tiegħu.

(2) Iċ-Chairperson u l-membri għandhom jinħatru mill-President ta' Malta li jaġixxi fuq il-parir tal-Kabinett u jistgħu jinħatru membri differenti f'kompożizzjonijiet differenti tal-Kummissjoni li jkunu inkarigati minn ħatriet fuq tribunali amministrattivi differenti.

(3) Fil-qadi tal-funzjonijiet tagħha, il-Kummissjoni għandha taġixxi indipendentament u ma għandha tkun soġġetta għall-ebda ordnijiet jew direzzjoni ta' xi persuna jew awtorità oħra.

(4) Ir-remunerazzjoni taċ-Chairperson u l-membri tal-Kummissjoni għandhom jittieħdu mill-Fond Konsolidat.

(5) Għandu jkun hemm segretarju tal-Kummissjoni, li jinħatar mill-Ministru, li għandu jkun unikament responsabbli mill-qadi tal-funzjonijiet amministrattivi tal-Kummissjoni, mingħajr ma jkollu l-ebda poter deċiżjonali jew dritt tal-vot.

(6) Il-Kummissjoni tista', fejn tqis li jkun meħtieġ, taħtar persuna waħda (1) jew aktar li jkollhom għarfien jew esperjenza teknika jew settorjali rilevanti sabiex jassistuha fil-proċess ta' evalwazzjoni ta' kandidati għal tribunal amministrattiv partikolari. Tali persuna għandha tagħxi unikament b'funzjoni konsultattiva u ma għandhiex ikollha dritt tal-vot.

(7) Persuna maħtura taħt is-subartikolu (6) għandha tirċievi tali remunerazzjoni kif tista' tiġi stabbilita b'avviż fil-Gazzetta, u tali remunerazzjoni għandha tithallas mill-Fond Konsolidat.

Chairpersons u
membri sostituti.

23B. (1) Il-President ta' Malta, li jaġixxi fuq il-parir tal-Kabinett, jista' jaħtar ukoll Chairperson u membri sostituti tal-Kummissjoni sabiex jaġixxu fil-każ illi ċ-Chairperson jew xi membru tal-Kummissjoni jiġi rrikuzat jew jastjeni milli jeżerċita kwalunkwe funzjoni tiegħu jew għal xi raġuni oħra ma jkunx jista' fi kwalunkwe waqt iwettaq il-funzjonijiet tiegħu.

Kap. 12.

(2) Iċ-Chairperson jew membru tal-Kummissjoni għandu jastjeni jew jiġi rrikuzat milli jeżerċita xi funzjoni tiegħu għar-raġunijiet imsemmija fid-dispożizzjonijiet tal-artikolu 734 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Ħatriet fi tribunali
amministrattivi.

23Ċ. (1) Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, kull meta kwalunkwe liġi jew regolamenti jagħtu s-setgħa lil Ministru sabiex jaħtar persuni sabiex jippresjedu fuq kwalunkwe tribunal amministrattiv inkluż il-liġijiet elenkati fit-Tielet Skeda, dik is-setgħa għandha minflok ma tiġi eżerċitata mill-Ministru, tiġi eżerċitata mill-President ta' Malta li jaġixxi fuq il-parir tal-Kummissjoni.

(2) Il-Kummissjoni għandha tagħti tali parir wara sejha pubblika għall-applikazzjonijiet u wara proċess kompetittiv u bbażat fuq il-mertu, li jista' jinkludi intervisti, evalwazzjoni tal-esperjenza professjonali, tal-kompetenza teknika jew settorjali, tal-integrità, tal-indipendenza u tal-imparzjalità tal-kandidati.

(3) Il-Kummissjoni ma għandhiex tagħti parir favur il-ħatra ta' persuna sakemm ma tkunx sodisfatta li tali persuna:

(a) hija persuna ta' integrità u reputazzjoni tajba;

(b) hija kompetenti u għandha esperjenza adegwata fil-qasam rilevanti;

(ċ) tkun kapaci tagixxi b'mod indipendenti u imparzjali; u

(d) tkun hielsa minn kwalunkwe kunflitt ta' interess li jista' jaffettwa, jew jidher li jaffettwa, l-eżerċizzju xieraq tal-funzjonijiet tagħha.

(4) Malli tlesti l-evalwazzjoni tagħha, il-Kummissjoni għandha tissottometti lill-President ta' Malta l-isem ta' persuna li tqis idonea għall-hatra.

(5) Malli jintbagħat l-isem imsemmi fis-subartikolu (4), il-Kummissjoni għandha tippubblika l-isem tal-persuna rakkomandata għall-hatra.

Garanziji ta' indipendenza.

23D. (1) Persuna ma għandhiex tkun kwalifikata sabiex tinħatar Chairperson jew membru ta' tribunal amministrattiv jekk tali persuna:

(a) tkun membru tal-Kamra tad-Deputati;

(b) tkun membru ta' Kunsill Lokali;

(ċ) tkun falluta u ma gietx rijabilitata;

(d) tkun interdett jew inabilitata skont il-liġi; jew

(e) tkun giet ikkundannata minn kwalunkwe qorti għal prigionerija għal kwalunkwe perjodu jew tkun instabet hatja ta' kwalunkwe mir-reati li jinsabu fit-Titoli III, V u, jew VI tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali.

Kap. 9.

(2) Iċ-Chairpersons u l-membri tat-tribunali amministrattivi għandhom jirċievu tali remunerazzjoni li l-Prim Ministru jista' b'avviż fil-Gazzetta jistabbilixxi u tali remunerazzjoni għandha tittiehed mill-Fond Konsolidat. Tali remunerazzjoni ma għandhiex waqt it-terminu li matulu iċ-Chairpersons u l-membri jkunu qed jokkupaw il-kariga tiġi mibdula għad-detriment tagħhom.

(3) Matul it-terminu tal-kariga tagħhom, iċ-Chairpersons u l-membri tat-tribunali amministrattivi għandhom ikunu prekluzi milli jeżerċitaw il-professjoni tagħhom f'każijiet quddiem it-tribunal amministrattiv li fuqu jkunu maħtura.

(4) Sakemm il-liġi li twaqqaf it-tribunal amministrattiv li fuqu jsiru ħatriet skont l-artikolu 23Ċ ma tipprovdix għal perjodu ta' ħatra itwal jew għal esklużjoni ta' ħatra mill-ġdid, sew jekk minnufih wara t-tmiem ta' ħatra jew wara t-tmiem ta' ħatra mill-ġdid, il-ħatriet li jsiru skont l-istess artikolu għandhom isiru għal perjodu ta' ħames (5) snin:

Iżda l-persuna mahtura tista' terġa' tinħatar għal terminu ulterjuri wieħed (1) biss, kemm-il darba tapplika mill-ġdid wara sejha ġdida għall-applikazzjonijiet mahruġa skont l-artikolu 23Ċ, u l-applikazzjoni tagħha tiġi eżaminata mill-Kummissjoni fuq l-istess bażi u skont l-istess kriterji applikabbli għall-applikanti l-oħra.

Setgħa li jsiru regolamenti.

23E. Il-Prim Ministru jista' b'regolamenti jemenda t-Tielet Skeda u jista' wkoll b'regolamenti jemenda kwalunkwe liġi msemmija fit-Tielet Skeda limitatament sabiex il-mod, it-terminu tal-ħatra, id-dixxiplina u t-tneħħija mill-kariga ta' persuni li jkunu fuq kwalunkwe tribunal amministrattiv skont dik il-liġi, ikun konformi mal-mod, mat-terminu tal-ħatra, id-dixxiplina u t-tneħħija mill-kariga provdut f'din it-Taqsima u fit-Taqsima IVter.

Applikazzjoni u interpretazzjoni ta' din it-Taqsima.

23F. (1) Din it-Taqsima għandha tapplika għall-ħatriet godda kollha li jsiru għal tribunali amministrattivi inklużi dawk misjuba fit-Tielet Skeda li jsiru wara l-iskadenza ta' erba' (4) xhur mid-dhul fis-seħħ ta' din it-Taqsima.

(2) Din it-Taqsima bl-ebda mod ma għandha tinftehem li qiegħda teżenta lil kwalunkwe persuna li jkollha s-setgħa li tagħmel nomini jew ħatriet ta' persuni sabiex jippresjedu fuq kwalunkwe tribunal amministrattiv li mhux inkluż fit-Tielet Skeda, mid-dmir illi qabel ma tagħmel kwalunkwe tali nomina jew ħatra tkun sodisfatta mill-idoneità tal-persuna nominata jew mahtura sabiex taġixxi b'mod indipendenti u imparzjali fuq tali tribunal amministrattiv.

(3) Kwalunkwe referenza fl-artikoli 23Ċ u 23D għal "tribunal amministrattiv" jew għal "Chairperson" jew għal "membru" ta' tribunal amministrattiv għandha tiġi interpretata unikament bħala referenza għal tribunal amministrattiv inkluż fit-Tielet Skeda u għaċ-Chairperson u l-membri tiegħu.

Att Nru XVIII tal-2026.

(4) Kwalunkwe persuna li, fid-data tad-dhul fis-sehħ ta' din it-Taqsima, tkun tokkupa l-kariga ta' Chairperson jew membru ta' tribunal amministrattiv elenkat fit-Tielet Skeda skont il-ligi li kienet tapplika għal tali tribunal amministrattiv minnufih qabel id-dhul fis-sehħ tal-Att tal-2026 li jemenda l-Att dwar il-Ġustizzja Amministrattiva għandha tibqa' fil-kariga sal-iskadenza tat-terminu li għalih tali persuna tkun inġatret.

(5) Bla ħsara għas-subartikolu (1), mal-iskadenza tat-terminu msemmi fis-subartikolu (4), kwalunkwe ħatra sussegwenti għal dik il-kariga għandha ssir skont id-dispożizzjonijiet ta' din it-Taqsima u tat-Taqsima IV^{ter}.

(6) Għall-finijiet tal-artikolu 23D(4), kwalunkwe terminu ta' kariga bħala Chairperson jew membru ta' tribunal amministrattiv elenkat fit-Tielet Skeda li jkun ġie servut qabel id-dhul fis-sehħ ta' din it-Taqsima ma għandux jiġi kkunsidrat.

(7) Għall-finijiet tas-subartikolu (6), persuna li, qabel id-dhul fis-sehħ ta' din it-Taqsima, tkun serviet terminu wieħed (1) jew aktar bħala Chairperson jew membru ta' tribunal amministrattiv elenkat fit-Tielet Skeda għandha tkun eliġibbli sabiex tapplika u, jekk tintgħażel, tinġatar bħallikieku tali persuna ma tkun serviet l-ebda terminu preċedenti.

TAQSIMA IV^{ter}

Etika u Dixxiplina

Dmir ta' mġiba xierqa.

23G. (1) Bla ħsara għat-Taqsima II, iċ-Chairpersons u l-membri tat-tribunali amministrattivi għandhom l-obbligu li jġibu ruħhom b'mod xieraq u b'mod etikament korrett u li ma jagħtix lok għal dubju raġonevoli dwar l-indipendenza u l-imparzjalità tagħhom fit-twettiq ta' dmirijethom.

(2) Fit-twettiq tal-funzjonijiet u d-dmirijiet tagħhom, iċ-Chairpersons u l-membri tat-tribunali amministrattivi elenkati fit-Tielet Skeda għandhom iħarsu u jippromwovu l-prinċipji u l-istandards stabbiliti fir-Raba' Skeda:

Iżda fi żmien sena (1) mid-data tat-twaqqif tagħha, il-Kummissjoni għandha, bi qbil mal-Ministru responsabbli għall-ġustizzja, tabbozza Kodiċi ta' Etika wieħed jew aktar applikabbli għat-tribunali amministrattivi elenkati fit-Tielet Skeda.

Uffiċċju
amministrattiv.

23H. (1) Għandu jkun hemm uffiċċju amministrattiv li jipprovdi sostenn amministrattiv lill-Kummissjoni u li jkollu tali persunal u riżorsi kif jistgħu jkunu meħtieġa sabiex il-Kummissjoni twettaq il-funzjonijiet tagħha b'mod effettiv u indipendenti.

(2) Fil-qadi tal-funzjonijiet tagħhom b'rabta mal-ħidma tal-Kummissjoni, is-segretarju u l-persunal assenjat lill-Kummissjoni għandhom ikunu soġġetti biss għad-direzzjoni tal-Kummissjoni.

(3) L-ispejjeż tal-Kummissjoni, inkluż ir-remunerazzjoni tal-membri tagħha u l-ispejjeż amministrattivi tagħha, għandhom jithallsu mill-Fond Konsolidat.

Dixxiplina u
tneħhija mill-kariga
ta' Chairperson jew
membru ta' tribunal
amministrattiv.

23I. (1) Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, kwalunkwe persuna maħtura bħala Chairperson jew membru ta' tribunal amministrattiv tista' titneħħa mill-kariga mill-President ta' Malta, li jaġixxi fuq il-parir tal-Kummissjoni, mogħti wara proċeduri li josservaw il-prinċipji tal-ġustizzja naturali, iżda tali Chairperson jew membru jista' jitneħħa biss għar-raġuni ta' inabilità li jwettaq idmirijiet tal-kariga, sew jekk minhabba nuqqas fiżiku jew mentali jew għal kwalunkwe raġuni oħra, jew abbażi ta' mgħiba ħażina.

(2) Il-Kummissjoni tista' wkoll, fid-diskrezzjoni tagħha, timponi sanzjonijiet dixxiplinarji fuq Chairperson jew membru ta' tribunal amministrattiv, liema sanzjonijiet għandhom ikunu proporzjonati u għandhom jiġu imposti biss wara proċess li josserva l-prinċipji tal-ġustizzja naturali.

(3) Id-deċiżjonijiet tal-Kummissjoni meħuda skont is-subartikoli (1) jew (2) għandhom ikunu soġġetti għal appell quddiem il-Qorti tal-Appell kostitwita skont l-artikolu 41(9) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u l-proċedura applikata għandha tkun dik applikabbli għal appelli minn sentenzi tal-Qorti tal-Maġistrati f'kawżi ċivili.

(4) Il-Kummissjoni għandha wkoll tkun inkarigata mill-infurzar tal-istandards etiċi minimi stabbiliti fir-Raba' Skeda u ta' kwalunkwe Kodiċi ta' Etika abbozzat skont l-artikolu 23G(2), u għandha tkun awtorizzata toħroġ tali direttivi u tagħmel tali rakkomandazzjonijiet, kemm ta' natura individwali kif ukoll ġenerali, kif tista' tqis xieraq għal dak il-għan."

Kap. 12.

A 766

Żieda ta' Skedi
għodda li jinsabu
mal-Att
principali

4. Minnufih wara t-Tieni Skeda li tinsab mal-Att principali għandhom jiġu miżjuda l-Iskedi għodda li ġejjin:

"IT-TIELET SKEDA
(Artikolu 23Ċ)

Tribunali Amministrattivi illi l-ħatriet fuqhom taħt il-liġijiet hawn
elenkati għandhom isiru mill-President ta' Malta

Tribunal	Legiżlazzjoni
Tribunal ta' Appelli dwar Liċenzi tal-Pulizija	Att dwar il-Pulizija, Kap. 164 u r-Regolamenti dwar Proċeduri għal-Liċenzi, L.S. 128.02
Tribunal ta' Arbitraġġ dwar il-Qsim ta' Wirt	Att li jirregola l-Qsim ta' Wirt, Kap. 308
Tribunal għas-Servizzi Finanzjarji	Att dwar l-Awtorità għas-Servizzi Finanzjarji ta' Malta, Kap. 330
Tribunal għal Talbiet tal-Konsumaturi	Att dwar l-Affarijiet tal-Konsumatur, Kap. 378
Tribunal għal Talbiet Żgħar	Att dwar Tribunal għal Talbiet Żgħar, Kap. 380
Tribunal dwar il-Privattivi	Att dwar il-Privattivi Industrijali u d-Disinni, Kap. 417
Tribunal tal-Appelli għall-Protezzjoni Internazzjonali	Att dwar il-Protezzjoni Internazzjonali, Kap. 420
Tribunal Industrijali	Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, Kap. 452
Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar	Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar, Kap. 551
Tribunal tal-Appelli dwar l-Infurmazzjoni u l-Protezzjoni tad-Data	Att dwar il-Protezzjoni u l-Privatezza tad-Data, Kap. 586
Tribunal tal-Bini u l-Kostruzzjoni	Att dwar l-Awtorità tal-Bini u l-Kostruzzjoni, Kap. 623
Tribunal tal-Appelli	Regolamenti dwar il-Ħabs, L.S. 260.03
Tribunal għas-Sanzjonijiet Kummerċjali	Regolamenti dwar l-Akkwist Pubbliku, L.S. 601.03

IR-RABA' SKEDA
(Artikolu 23G)

Standards Etiċi Minimi għal Chairpersons u Membri ta' Tribunali
Amministrattivi

Il-persuni li jservu bħala Chairpersons jew membri tat-tribunali amministrattivi, f'din l-Iskeda msejha wkoll bħala l-"gudikaturi", għandhom:

1. Josservaw il-ligi u juru kompetenza professjonali kemm fix-xogħol ġudizzjarju tagħhom kif ukoll fix-xogħol amministrattiv tagħhom;

2. Ma jittraskurawx ix-xogħol ġudizzjarju tagħhom minhabba x-xogħol l-ieħor tagħhom u jagħmlu mill-aħjar sabiex jagħtu preċedenza lill-inkarigi ġudizzjarji tagħhom fuq inkarigi oħra;

3. Igibu ruħhom b'mod dinjituż u b'kortesija lejn il-partijiet, ix-xhieda u l-impjegati tat-tribunal;

4. Iwettqu dmirhom b'mod imparzjali u hieles minn kwalunkwe preġudizzju, inkluż preġudizzju bbażat fuq razza, sess, religjon, orġini nazzjonali, diżabilità, età, orjentazzjoni sesswali, espressjoni tal-generu, jew status soċjoekonomiku;

5. Jevitaw li jagħtu inkarigi peritali li ma jkunux neċessarji u ma japprovawx hlasijiet għal tali inkarigi li jkunu jeċċedu l-valur xieraq tas-servizz mogħti;

6. Jastjenu milli jwettqu l-funzjonijiet tagħhom f'ċirkostanzi fejn:

(a) ikollhom preġudizzju personali kontra xi parti jew ikollhom tilwima personali kontra l-avukat tagħha;

(b) ikollhom konoxxenza personali ta' fatti li jkunu kontestati quddiemhom;

(ċ) kienu involuti bħala avukati fil-kwistjoni kontestata quddiemhom;

(d) huma jew xi fiduċjarju tagħhom ikollhom interess ekonomiku fil-materja tal-proċeduri jew ikollhom xi interess ekonomiku f'xi entità li tkun parti fil-proċeduri;

(e) ikunu jafu li l-konjuġi, il-ġenituri jew it-tfal tagħhom jew xi membru tal-familja tagħhom residenti fl-istess dar, għandu interess ekonomiku fil-materja tal-proċeduri;

(f) persuna li tiġi minnhom jew mill-konjuġi tagħhom sat-tielet (3) grad, jew il-konjuġi ta' tali persuna, tkun parti fil-proċeduri jew tkun uffiċjal, direttur jew fiduċjarju ta' parti fil-proċeduri; jew il-ġudikatur ikun jaf illi x'aktarx tali persuna se tkun xhud materjali fil-proċeduri; jew il-ġudikatur ikun jaf illi tali persuna għandha interess li huwa aktar minn interess *de minimis* li jista' jkun affettwat sostanzjalment mill-proċeduri.

A 768

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 16 tas-27 ta' Lulju, 2026.

CARMELO ABELA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

31st July, 2026

ACT No. XVIII of 2026

AN ACT to amend the Administrative Justice Act, Cap. 490.

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 Administrative Justice (Amendment) Act, 2026 and this Act shall be read and construed as one with the Administrative Justice Act, hereinafter referred to as the "principal Act".
Short title.
Cap. 490.
2. In article 2 of the principal Act, immediately after the definition "administrative tribunal" there shall be added the following new definition:

" "Commission" means the Commission for Appointments and Discipline in Administrative Tribunals established in accordance with article 23A;"
Amendment of article 2 of the principal Act.
3. Immediately after Part IV of the principal Act there shall be added the following new parts:
Addition of new parts to the principal Act.

"PART IV***bis***
Commission for Appointments and Discipline in
Administrative Tribunals

Establishment and
functions of the
Commission.

23A. (1) There shall be a commission to be known as the Commission for Appointments and Discipline in Administrative Tribunals, hereinafter in this Part and in Part IV *ter* referred to as the "Commission", which shall be composed as follows:

(a) a Chairperson being a retired Judge or Magistrate; and

(b) four (4) other members who shall be persons of known integrity and recognised competence, possessing substantial experience in public administration, governance, regulation, administrative justice or other fields related to the functions of administrative tribunals:

Provided that no member of the Commission shall participate in any process concerning the appointment, evaluation, discipline or removal from office where that member has a direct or indirect interest, or where circumstances exist which may reasonably give rise to doubt as to his impartiality.

(2) The Chairperson and the members shall be appointed by the President of Malta acting on the advice of the Cabinet, and different members may be appointed in different compositions of the Commission entrusted with appointments to different administrative tribunals.

(3) In the exercise of its functions, the Commission shall act independently and shall not be subject to the orders or direction of any other person or authority.

(4) The remuneration of the Chairperson and of the members of the Commission shall be a charge on the Consolidated Fund.

(5) There shall be a secretary to the Commission, appointed by the Minister, who shall be responsible only for the administrative functions of the Commission, without having any decision-making power or voting right.

(6) The Commission may, where it considers it necessary, appoint one (1) or more persons possessing relevant technical or sectoral knowledge or experience to assist it in the process of evaluating candidates for a particular administrative tribunal. Such person shall act solely in an advisory capacity and shall have no right to vote.

(7) A person appointed under sub-article (6) shall receive such remuneration as may be established by notice in the Gazette, and such remuneration shall be paid out of the Consolidated Fund.

Alternate
Chairpersons and
members.

23B. (1) The President of Malta, acting on the advice of the Cabinet, may also appoint alternate Chairpersons and alternate members of the Commission to act in the event that the Chairperson or any member of the Commission is challenged or abstains from exercising any of his functions or, for any other reason, is unable to perform his functions at any particular time.

Cap. 12.

(2) The Chairperson or a member of the Commission shall abstain or be challenged from exercising any of his functions for the reasons referred to in the provisions of article 734 of the Code of Organization and Civil Procedure.

Appointments to
administrative
tribunals.

23C. (1) Notwithstanding anything contained in any other law, wherever any law or regulations confer power on a Minister to appoint persons to preside over any administrative tribunal included in the Third Schedule, that power shall, instead of being exercised by the Minister, be exercised by the President of Malta acting on the advice of the Commission.

(2) The Commission shall give such advice following a public call for applications and a competitive, merit-based process, which may include interviews and an assessment of the candidates' professional experience, technical or sectoral competence, integrity, independence and impartiality.

(3) The Commission shall not advise in favour of the appointment of a person unless it is satisfied that such person:

- (a) has integrity and a good reputation;
- (b) has adequate competence and experience in the relevant field;
- (c) is capable of acting independently and impartially; and
- (d) is free from any conflict of interest which may affect, or appear to affect, the proper exercise of his functions.

(4) Upon completing its evaluation, the Commission shall submit to the President of Malta the name of the person whom it considers suitable for appointment.

(5) Upon transmitting the name referred to in sub-article (4), the Commission shall publish the name of the person recommended for appointment.

Guarantees of independence.

23D. (1) A person shall not be qualified to be appointed Chairperson or member of an administrative tribunal if such person:

(a) is a member of the House of Representatives;

(b) is a member of a Local Council;

(c) is an undischarged bankrupt;

(d) is interdicted or incapacitated according to law; or

(e) has been sentenced by any court to imprisonment for any period or has been found guilty by any court of any of the offences found in Titles III, V and, or VI of Part II of Book First of the Criminal Code.

Cap. 9.

(2) The Chairpersons and members of administrative tribunals shall receive such remuneration as the Prime Minister may by notice in the Gazette establish and such remuneration shall be a charge on the Consolidated Fund. Such remuneration shall not during the term of office of Chairpersons and members be altered to their disadvantage.

(3) During the term of their office, the Chairpersons and members of administrative tribunals shall be precluded from the exercise of their profession in cases before the administrative tribunal to which they are appointed.

(4) Unless the law establishing the administrative tribunal to which appointments are made in accordance with article 23C provides for a longer period of appointment or for the exclusion of reappointment, either immediately after the expiry of an appointment or after the expiry of a reappointment, appointments made in accordance with the said article shall be for a period of five (5) years:

Provided that the appointed person may be reappointed for one (1) further term only, provided that he reapplies following a new call for applications issued in accordance with article 23C, and his application is examined by the Commission on the same basis and in accordance with the same criteria applicable to the other applicants.

Power to make regulations.

23E. The Prime Minister may by regulations amend the Third Schedule and may also by regulations amend any law mentioned in the Third Schedule limitedly so that the manner, term of appointment, discipline and removal from office of persons sitting on any administrative tribunal in accordance with that law shall conform to the manner, term of appointment, discipline and removal from office provided for in this Part and in Part IV*ter*.

Application and interpretation of this Part.

23F. (1) This Part shall apply to all new appointments made to administrative tribunals including those indicated in the Third Schedule and made after the lapse of four (4) months from the coming into force of this Part.

(2) This Part shall not be construed as exempting any person having the power to make nominations or appointments of persons to preside over any administrative tribunal not included in the Third Schedule from the duty, before making any such nomination or appointment, to be satisfied as to the suitability of the person nominated or appointed to act independently and impartially on such administrative tribunal.

(3) Any reference in articles 23C and 23D to an "administrative tribunal" or to a "Chairperson" or "member" of an administrative tribunal shall be construed only as a reference to an administrative tribunal included in the Third Schedule and to its Chairperson and members.

(4) Any person who, on the date of the coming into force of this Part, holds office as a Chairperson or member of an administrative tribunal listed in the Third Schedule in accordance with the law applicable to such administrative tribunal immediately before the coming into force of the Administrative Justice (Amendment) Act, 2026 shall continue to hold office until the expiry of the term for which that person was appointed.

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(5) Subject to sub-article (1), upon the expiry of the term referred to in sub-article (4), any subsequent appointment to that office shall be made in accordance with the provisions of this Part and Part IV^{ter}.

(6) For the purposes of article 23D(4), any term of office served as Chairperson or member of an administrative tribunal listed in the Third Schedule before the coming into force of this Part shall not be taken into account.

(7) For the purposes of sub-article (6), a person who, before the coming into force of this Part, has served one (1) or more terms as Chairperson or member of an administrative tribunal listed in the Third Schedule shall be eligible to apply and, if selected, to be appointed as though such person had not previously served any such term.

PART IV^{ter}

Ethics and Discipline

Duty of proper conduct.

23G. (1) Without prejudice to Part II, the Chairpersons and members of administrative tribunals shall be obliged to conduct themselves properly, in an ethically correct manner and not to give rise to reasonable doubt as to their independence and impartiality in the performance of their duties.

(2) In the performance of their functions and duties, the Chairpersons and members of the administrative tribunals listed in the Third Schedule shall uphold and promote the principles and standards established in the Fourth Schedule:

Provided that within one (1) year from the date of its establishment, the Commission shall, with the concurrence of the Minister responsible for justice, draw up one or more Codes of Ethics applicable to the administrative tribunals listed in the Third Schedule.

Administrative office.

23H. (1) There shall be an administrative office which shall provide administrative support to the Commission and shall have such staff and resources as may be necessary for the Commission to perform its functions effectively and independently.

(2) In the exercise of their functions in connection with the work of the Commission, the secretary and the staff assigned to the Commission shall be subject only to the direction of the Commission.

Discipline and removal from office of a Chairperson or member of an administrative tribunal.

(3) The expenses of the Commission, including the remuneration of its members and its administrative expenses, shall be paid out of the Consolidated Fund.

23I. (1) Notwithstanding the provisions of any other law, any person appointed as Chairperson or member of an administrative tribunal may be removed from office by the President of Malta, acting on the advice of the Commission, following proceedings which observe the principles of natural justice, provided that such Chairperson or member may be removed only on the ground of inability to perform the duties of office, whether arising from physical or mental infirmity or any other cause, or on the ground of misbehaviour.

(2) The Commission may also, in its discretion, impose disciplinary sanctions on a Chairperson or member of an administrative tribunal, which sanctions shall be proportionate and shall be imposed only after a process that respects the principles of natural justice.

Cap. 12.

(3) Decisions of the Commission taken in accordance with sub-articles (1) or (2) shall be subject to an appeal before the Court of Appeal constituted in accordance with article 41(9) of the Code of Organization and Civil Procedure and the applicable procedure shall be that applicable to appeals from judgments of the Court of Magistrates in civil causes.

(4) The Commission shall also be responsible for the enforcement of the minimum ethical standards established in the Fourth Schedule and of any Code of Ethics drawn up in accordance with article 23G(2), and shall be authorised to issue such directives and make such recommendations, whether of an individual or general nature, as it may consider appropriate for such purpose."

4. Immediately after the Second Schedule to the principal Act there shall be added the following new schedules:

Addition of new Schedules to the principal Act.

"THIRD SCHEDULE
(Article 23C)

Administrative Tribunals in respect of which appointments under the laws hereunder listed are to be made by the President of Malta

Tribunal

Legislation

Police Licences Appeals Tribunal	Police Act, Cap. 164 and the Licences Procedures Regulations, S.L. 128.02
Partition of Inheritances Tribunal	Partition of Inheritances Act, Cap 308
Financial Services Tribunal	Malta Financial Services Authority Act, Cap. 330
Consumer Claims Tribunal	Consumer Affairs Act, Cap. 378
Small Claims Tribunal	Small Claims Tribunal Act, Cap. 380
Patents Tribunal	Patents and Designs Act, Cap. 417
International Protection Appeals Tribunal	International Protection Act, Cap. 420
Industrial Tribunal	Employment and Industrial Relations Act, Cap. 452
Environment and Planning Review Tribunal	Environment and Planning Review Tribunal Act, Cap. 551
Information and Data Protection Appeals Tribunal	Data Protection Act, Cap. 586
Building and Construction Tribunal	Building and Construction Authority Act, Cap. 623
Appeals Tribunal	Prisons Regulations, S.L. 260.03
Commercial Sanctions Tribunal	Public Procurement Regulations, S.L. 601.03

FOURTH SCHEDULE (Article 23G)

Minimum Ethical Standards for Chairpersons and Members of Administrative Tribunals

The persons serving as Chairpersons or members of administrative tribunals, in this Schedule also referred to as the "adjudicators", shall:

1. Observe the law and demonstrate professional competence in both their judicial work and in their administrative work;
2. Not neglect their judicial work on account of their other work and do their utmost to give precedence to their judicial duties over such other duties;
3. Conduct themselves in a dignified manner and with courtesy towards the parties, witnesses and employees of the tribunal;
4. Perform their duties impartially and free from any prejudice, including prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, gender expression, or socio-

economic status;

5. Avoid giving expert assignments that are not necessary and do not approve payments for such assignments when they exceed the proper value of the service rendered;

6. Abstain from carrying out their functions in circumstances where:

(a) they have personal prejudice against any party or have a personal dispute with that party's advocate;

(b) they have personal knowledge of facts in issue before them;

(c) they were involved as advocates in the matter in issue before them;

(d) they or any of their trustees have an economic interest in the matter of the proceedings or have any economic interest in any entity that is a party to the proceedings;

(e) they know that their spouse, parents or children, or any member of their family residing in the same household, has an economic interest in the matter of the proceedings;

(f) a person related to them or to their spouse within the third (3) degree, or the spouse of such person, is a party to the proceedings or is an officer, director or trustee of a party to the proceedings; or the adjudicator knows that such person is likely to be a material witness in the proceedings; or the adjudicator knows that such person has an interest greater than a *de minimis* interest that may be substantially affected by the proceedings.

A 778

Passed by the House of Representatives at Sitting No. 16 of the 27th
July, 2026.

CARMELO ABELA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

