

## ABBOZZ TA' LIĠI imsejjah

*ATT biex jagħti setgħa lill-Ombudsman biex jipprovdi servizzi amministrattivi u investigattivi lil Kummissarji għal Investigazzjonijiet Amministrattivi speċjalizzati, u biex jaħtar lil dawk il-Kummissarji bħala Uffiċjali tal-Parlament.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtoritá ta' l-istess, ħareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att tal-2010 li jemenda l-Att tal- Ombudsman, u l-Att għandu jinqara u jiftiehem ħaġa waħda mal-Att dwar l-Ombudsman, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor  
u bidu fis-seħħ.  
Kap. 385.

(2) Dan l-Att għandu jibda jseħħ f'dik id-data li l-Prim Ministru jista' b'avviż fil-Gazzetta jstabilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

(3) Avviż taht is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet transitorji li l-Prim Ministru jistgħu jidhrulu li jkunu meħtieġa jew spedjenti f'dak li għandu x'jaqsam mad-dispożizzjonijiet li jkunu qegħdin jingiebu fis-seħħ permezz tagħhom.

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

**2.** L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) id-dispożizzjoni li hemm bħalissa għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid, għandu jiżdied dan is-subartikolu ġdid li ġej:

“(2) Għall-finijiet ta’ dan l-Att:

“il-Gvern, jew awtoritá, korp jew persuna oħrajn li dan l-Att japplika għalihom”, kull fejn din tinsab, tfisser l-entitajiet imsemmija fis-subartikoli (1) u (2) tal-artikolu 12 ta’ dan l-Att kif ukoll:

Kap. 497.

(a) kull aġenzija stabbilita kif provdut bl-artikolu 36 tal-Att dwar l-Amministrazzjoni Pubblika; minbarra l-Avukat Ġenerali meta jkun qiegħed jeżerċita s-setgħat imsemmija fis-subartikolu (3) tal-artikolu 91 tal-Kostituzzjoni;

(b) kull fondazzjoni mwaqqfa mill-Gvern jew minn xi korp statutorju u kull soċjetà jew korp ieħor imsemmi fl-artikolu 12(b);

(c) iċ-*chairmen* u membri ta’ bordijiet, kumitati, kummissjonijiet u korpi oħra li jieħdu d-deċiżjonijiet, kemm jekk imwaqqfa bil-liġi kemm jekk b’att amministrattiv, li jistgħu jieħdu deċiżjonijiet li jolqtu lil xi membru tal-pubbliku u li ma jinkwadrawx taħt is-subartikolu (3) ta’ l-artikolu 12.”.

Zjieda ta' l-artikoli 17A sa 17D godda mal-Att prinċipali.

**3.** Minnufih wara l-artikolu 17 tal-Att prinċipali għandhom jiżdiedu dawn l-artikoli ġodda li ġejjin:

“Hatra, funzjonijiet, eċċ. tal-Kummissarji għal Investigazzjonijiet Amministrattivi.

17A. (1) L-Ombudsman jista’ jahtar Kummissarji għal Investigazzjonijiet Amministrattivi, hawn iżjed ’il quddiem “il-Kummissarji”, għal oqsma speċjalizzati skond ma jista’ jiġi stabbilit minnu, bi ftehim mal-Prim Ministru. Il-Kummissarji jkunu Uffiċjali tal-Parlament u għandhom jinħatra mill-Ombudsman skond dawn id-dispożizzjonijiet li ġejjin ta’ dan l-artikolu.

(2) L-Ombudsman għandu jahtar bħala Kummissarju lil dik il-persuna li l-Prim Ministru u l-Kap tal-Oppożizzjoni għandhom flimkien jinnotifikawh bih bil-miktub bħala l-persuna li tkun ser tinhatar fil-kariga. Jekk l-Ombudsman jibqa' ma jirċevix dik in-notifika fi żmien tliet gimgħat mid-data meta l-Ombudsman jgħarraf bil-miktub kemm lill-Prim Ministru kemm lill-Kap tal-Oppożizzjoni bid-deċiżjoni li jahtar lil dak il-Kummissarju jew mid-data meta tinholoq vakanza f'xi kariga bħal dik, il-ħatra ta' Kummissarju għandha ssir mill-Ombudsman li jaġixxi kif jidhirlu fil-fehma tiegħu:

Iżda iż-żmien tal-kariga tal-persuni kollha maħtura f'dik il-kariga għandu jiskadi fl-istess data, u kull persuna li tkun qegħda tokkupa xi kariga battala li jista' jkun hemm matul dak iż-żmien għandha tibqa' sservi fiha sakemm jiskadi ż-żmien tal-kariga tal-persuna li kien hemm qabilha u ż-żmien tal-kariga ta' kull ħatra ġdida għandu jiskadi fl-istess data bħal dik taż-żmien ta' kariga tal-persuni l-oħra kollha maħturin taħt dan l-artikolu.

(2) Il-Kummissarji għandu jiġi hekk maħtur minn fost persuni li jkollhom konoxxenza u li jkunu jafu sew dawk l-oqsma speċjalizzati li jinhatru bil-għan li jinvestigawhom. Għandu jiġi pubblikat fil-Gazzetta avviz dwar il-ħatriet rispettivi tagħhom, id-dati ta' dawk il-ħatriet u d-dati meta huma ma jibqgħux jokkupaw dik il-kariga.

(3) Il-Kummissarji għandhom jithallsu dak is-salarju u benefiċċji, li jinħarġu mill-Fond Konsolidat, hekk kif jista' jiġi stabbilit mill-Ombudsman, bi ftehim mal-Prim Ministru. Dak is-salarju u dawk il-benefiċċji għandhom jiġu pubblikati b'Ordni fil-Gazzetta.

(4) Il-funzjonijiet tal-Kummissarji għandhom ikunu approvati mill-Ombudsman wara li jikkonsulta mal-Prim Ministru u għandhom jiġu pubblikati b'regoli fil-Gazzetta.

(5) Il-Kummissarji għandhom iwasslu r-rapport tagħhom lill-Gvern, jew awtoritá, korp jew persuna oħrajn li dan l-Att japplika għalihom u lil min jaġmel l-ilment, jekk dan ikun il-każ. Qabel ma jwassal

xi rapport kif hawn qabel imsemmi, Kummissarju jista' jara xi tkun il-fehma tal-Ombudsman dwar xi punt ta' mertu jew ta' procedura fuq ir-rapport. L-Ombudsman jista' jiformula elenku ta' dawk il-materji li l-Kummissarji jkunu rċevew il-fehma tiegħu fuqhom.

(6) Salvi d-dispożizzjonijiet ta' l-artikolu 17D, l-Ombudsman m'għandux jilqa' ilmenti biex jirrevedi r-rapport ta' xi Kummissarju għadarba dak ir-rapport ikun twassal lill-Gvern, jew awtoritá, korp jew persuna oħrajn li dan l-Att japplika għalihom u lil min jagħmel l-ilment, jekk ikun hemm, hliet f'dawk il-każijiet meta l-Ombudsman iqis li jkun hemm kwistjonijiet li jkollhom x'jaqsmu ma' ksur tar-regoli tal-gustizzja naturali.

Struttura  
organizzattiva.

17B. (1) Il-Kummissarji maħturin taħt is-subartikolu (1) ta' l-artikolu 17A għandhom, filwaqt illi jibqgħu jgawdu l-awtonomija u l-indipendenza sħiħa tagħhom fit-twettiq tal-funzjonijiet rispettivi tagħhom, jagħmlu użu mis-servizzi amministrattivi u investigattivi tal-Uffiċċju tal-Ombudsman. L-Ombudsman m'għandu jirrevedi ebda rapport finali pprezentat minn Kummissarju hliet f'dawk il-każijiet meta l-Ombudsman ikun tal-fehma li jkunu involuti xi punti ta' dritt jew principji ta' ekwitá jew ta' gustizzja naturali.

(2) L-Ombudsman ikollu d-dmir li jiżgura li l-Kummissarji jiġu provduti b'dawk is-servizzi amministrattivi u investigattivi li bihom ikunu jistgħu jwettqu d-dmirijiet rispettivi tagħhom skond dawk il-funzjonijiet li jistgħu jiġu assenjati lilhom skond is-subartikolu (4) ta' l-artikolu 17A.

(3) Il-Kummissarji għandhom igawdu kull immunitá minn kull azzjoni dixxiplinari, amministrattiva jew ċivili għal kull att li jorigina mill-eżekuzzjoni tad-dmirijiet uffijjali tagħhom.

(4) Id-dispożizzjonijiet ta' dan l-Att li japplikaw għall-Uffiċċju ta' l-Ombudsman għandhom ikunu *mutatis mutandis* japplikaw għall-Kummissarji fil-qadi ta' dmirijethom taħt dan l-Att biex hekk il-procedura investigattiva tkun kemm jista' jkun waħda omogenja u uniformi. Il-Kummissarji għandu jkollhom disponibbli għalihom kull informazzjoni li jkollha x'taqsam ma' l-investigazzjoni.

(5) Kummissarju maħtur taħt dan l-artikolu għandu jhejji u jipprezenta Rapport Annwali li jkun inkorporat flimkien mar-Rapport Annwali ta' l-Ombudsman.

Kif japplika l-Att dwar l-Ombudsman għall-Kummissarji. 17C. (1) Id-dispożizzjonijiet tal-artikoli 4 sa 7, 9, 13 sa 28 u 29(2) ta' dan l-Att għandhom ikunu *mutatis mutandis* japplikaw għall-Kummissarji maħturin taħt is-subartikolu (1) ta' l-artikolu 17A ta' l-Att.

(2) L-Ombudsman jista' jaħtar Kummissarju temporanju f'dawk l-istess ċirkostanzi li l-President jista' jagħmel ħatra temporanja fihom ta' Ombudsman taħt l-artikolu 8 u d-dispożizzjonijiet ta' dak l-artikolu għandhom ikunu *mutatis mutandis* japplikaw għal dik il-ħatra temporanja bħallikieku minflok il-kelma "President" kien hemm miktuba l-kelma "Ombudsman" u minflok il-kelma "Ombudsman" kien hemm miktuba l-kelma "Kummissarju". Għandu jiġi pubblikat avviż ta' dik il-ħatra temporanja fil-Gazzetta.

(3) Kull Kummissarju maħtur skond is-subartikolu (1) ta' l-artikolu 17A ta' dan l-Att għandu jagħmel Rapport Annwali li jiġi pubblikat bħala parti mir-Rapport Annwali ta' l-Ombudsman imsemmi fl-artikolu 29 ta' dan l-Att.

Reviżjoni tar-rakkomandazzjonijiet magħmulin mill-Kummissarji. 17D. (1) Hlief meta Kummissarju maħtur skond is-subartikolu (1) ta' l-artikolu 17A ma jkunx għamel rapport, jew meta għalkemm ikun sar rapport dan ma jkun fih ebda rakkomandazzjoni, dak il-Kummissarju għandu jibgħat ir-rapport tiegħu lill-Gvern jew awtorità, korp jew persuna oħrajn li dan l-Att japplika għalihom, lill-Ombudsman u Ministru kompetenti. Meta ma tittiehed ebda azzjoni hekk kif jiġi rakkomandat mill-Kummissarju fi żmien raġonevoli mid-data meta l-Kummissarju jkun bagħat ir-rapport tiegħu lill-Gvern, jew lil dik l-awtorità, korp jew persuna, jew meta l-Kummissarju jiġi mgħarraf li ma tkun ser tittiehed ebda azzjoni jew li tkun ser tittiehed biss azzjoni parzjali fuq ir-rakkomandazzjonijiet tiegħu mill-Gvern, jew minn dik l-awtorità, korp jew persuna, il-Kummissarju għandu għaldaqstant jgħarraf b'dan lill-Ombudsman, lill-Ministru kompetenti u lil min jagħmel l-ilment, jekk ikun hemm, fi żmien raġonevoli minn meta jasallu r-rapport hawn qabel imsemmi.

(2) Meta l-Kummissarju jkun għarraf lil min jagħmel l-ilment li l-Gvern, awtorità, korp jew persuna hawn qabel imsemmija ma jkunux ser jimplementaw ir-rakkomandazzjoni li l-Kummissarju jagħmel fir-rapport tiegħu, jew li jkunu ser jimplementaw biss ir-rakkomandazzjonijiet tiegħu parzjalment, jew meta ma tkun waslet ebda risposta mingħand l-Ombudsman f'dak iż-żmien li jiġi hekk indikat mill-Kummissarju fir-rapport tiegħu, min jagħmel l-ilment jista' jitlob lill-Ombudsman jirrevedi dak ir-rapport tal-Kummissarju u l-oġġezzjoni li ssir dwaru mill-Gvern, awtorità, korp jew persuna kif hawn qabel imsemmija.

Emenda  
konsegwenzjali  
għall-Att dwar  
l-Edukazzjoni.  
Kap. 327.

**4.** Is-subartikoli (15) u (16) ta' l-artikolu 74 ta' l-Att dwar l-Edukazzjoni, għandhom jiġihassru.

Emenda  
konsegwenzjali  
għall-Att dwar  
l-Ippjanar ta'  
l-Iżvilupp.  
Kap. 356.

**5.** It-tifsira "l-Uffiċjal dwar il-Verifika" fl-artikolu 2 u l-artikolu 17C ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp, għandhom jiġihassru.

Riżerva u  
dispożizzjoni  
transitorja.

**6.** (1) Kull min ikun ġie maħtur f'kariga li l-ħatra fiha tkun saret skond xi liġi emendata b'dan l-Att għandu jkompli jwettaq dmirijietu skond il-liġi u l-ħatra rispettiva li jkollu sa dak il-waqt meta l-ħatra tiegħu tiġi konfermata, mġedda, revokata jew mitmuma skond id-dispożizzjonijiet tal-liġi (kif emendata b'dan l-Att) li tkun twaqqaf il-kariga rispettiva tiegħu.

(2) L-ilmenti kollha pendenti quddiem dawk il-persuni li kienu kompetenti, qabel ma daħal fis-seħħ dan l-Att, biex jinvestigaw dawk l-ilmenti għandhom, bla ħsara għad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, jibqgħu jiġu investigati minn dawk il-persuni li jkunu s'issa ġew maħtura taħt xi liġi emendata b'dan l-Att biex jinvestigaw dawk l-ilmenti; u l-Prim Ministru jista', wara li jikkonsulta mal-Ombudsman, jistabbilixxi dati differenti għad-dhul fis-seħħ ta' dispożizzjonijiet differenti ta' dan l-Att dwar persuni differenti msemmija fis-subartikolu (1) ta' dan l-artikolu.

(3) Kull ilment pendenti quddiem dawk il-persuni li kienu kompetenti qabel id-dhul fis-seħħ ta' dan l-Att biex jinvestigaw dawk l-ilmenti għandu, bi tkompli mad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, jiġi investigat minn dawk il-persuni l-oħra li jistgħu jiġu hekk maħtura skond kull liġi emendata b'dan l-Att biex ikompli jinvestigaw dawk l-ilmenti

u l-Prim Ministru jista', wara li jikkonsulta mal-Ombudsman, jistabilixxi dati differenti għad-dhul fis-sehħ ta' dispożizzjonijiet differenti ta' dan l-Att dwar persuni differenti msemmija f'dan is-subartikolu.

(4) Ebda haġa fid-dispożizzjonijiet ta' qabel ta' dan l-artikolu m'għandha tinvalida ebda procedura kemm jekk bil-miktub kemm jekk waqt seduta li setgħet saret qabel id-dhul fis-sehħ ta' dan l-Att u li kienet valida skond il-ligi li kienet fis-sehħ fil-waqt li din sehħet.

(5) Mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, meta titwaqqaf kariga ġdida ta' Kummissarju skond l-Att dwar l-Ombudsman, il-Kummissarju maħtur biex jokkupa dik il-kariga għandu jagħraf u jqis dawk l-ilmenti li jkunu għadhom pendenti quddiem l-Ombudsman u li l-Ombudsman jista' jassenja lil dak il-Kummissarju; u dak il-Kummissarju għandu jkompli jinvestiga dawk l-ilmenti irrispettivament mill-istadju ta' investigazzjoni fejn ikunu waslu dawk l-ilmenti.

### **Għanijiet u Reġunijiet**

L-għan ta' dan l-Abbozz hu sabiex iġib konformità fil-proċedura adottata minn Kummissarji għal Investigazzjonijiet Amministrattivi speċjalizzati, meta jkunu qegħdin jitrattaw xi ilmenti u jiddeciedu dwar il-proċedura, sabiex l-Ombudsman ikun jista' jipprovi servizzi investigattivi u amministrattivi lil dawk il-Kummissarji speċjalizzati, u biex jappunta lil dawk il-Kummissarji speċjalizzati bħala Uffiċjali tal-Parlament.

**A BILL  
entitled**

*AN ACT to empower the Ombudsman to provide administrative and investigative services to specialised Commissioners for Administrative Investigations, and to designate such Commissioners as Officers of Parliament.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembly, and by authority of the same, as follows:-

Short title and commencement.  
Cap. 385.

**1.** (1) The short title of this Act is the Ombudsman (Amendment) Act, 2010, and it shall be read and construed as one with the Ombudsman Act, hereinafter referred to as “the principal Act”.

(2) This Act shall come into force on such date as the Prime Minister may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Prime Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Amendment of article 2 of the principal Act.

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



(a) the present provision thereof shall be renumbered as sub-article (1) thereof;

(b) immediately after sub-article (1) thereof as renumbered, there shall be added the following new sub-article:

“(2) For the purposes of this Act:

“the Government, or other authority, body or person to whom this Act applies”, wherever it occurs, means the entities referred to in sub-articles (1) and (2) of article 12 of this Act as well as:

Cap. 497.

(a) any agency established as provided by article 36 of the Public Administration Act; other than the Attorney General in the exercise of powers referred to in sub-article (3) of article 91 of the Constitution;

(b) any foundation established by the Government or by any statutory body and any partnership or other body referred to in article 12(b);

(c) chairmen and members of boards, committees, commissions and other decision making bodies, whether established by law or by an administrative act, which can take decisions affecting any member of the public and which do not fall under sub-article (3) of article 12.”.

**3.** Immediately after article 17 of the principal Act there shall be inserted the following new articles:

Addition of new articles 17A to 17D to the principal Act.

“Appointment, functions, etc. of Commissioners for Administrative Investigations.

17A. (1) The Ombudsman may appoint Commissioners for Administrative Investigations, hereinafter “the Commissioners”, for specialized areas as may be determined by him, with the concurrence of the Prime Minister. The Commissioners shall be Officers of Parliament and shall be appointed by the Ombudsman in accordance with the following provisions of this article.

(2) The Ombudsman shall appoint as Commissioner such person as the Prime Minister and

the Leader of the Opposition shall jointly communicate to him in writing as the person to be appointed to the post. In default of receipt of such communication within three weeks from the date when the Ombudsman informs in writing both the Prime Minister and the Leader of the Opposition of the decision to appoint such Commissioner or from the date when a vacancy arises in any such office, the appointment of Commissioner shall be made by the Ombudsman acting in accordance with his own deliberate judgment:

Provided that the term of office of all persons appointed to such office shall lapse on the same date, and any person filling any vacancy which occurs during such term shall serve until the expiration of the term of office of his predecessor and the term of office of any new appointments shall lapse on the same date as that of the term of office of all other persons appointed under this article.

(2) The Commissioners shall be so appointed from amongst persons knowledgeable and well versed in those specialized areas for which they shall be appointed to investigate. Notice of their respective appointments, dates of appointment and dates on which they shall vacate their office shall be published in the Gazette.

(3) The Commissioners shall be paid such salary and allowances, which shall be a charge on the Consolidated Fund, as may be determined by the Ombudsman, with the concurrence of the Prime Minister. Such salary and allowances shall be published by way of Order in the Gazette.

(4) The functions of the Commissioners shall be approved by the Ombudsman after consultation with the Prime Minister and shall be published by way of rules in the Gazette.

(5) The Commissioners shall communicate their report to the Government, or other authority, body or person to whom this Act applies and to the complainant, if any. Before communicating any report as aforesaid a Commissioner may seek the Ombudsman's opinion on any matter of substance or procedure thereon.

The Ombudsman, may establish a list of those subject matters upon which the Commissioners have received his opinion.

(6) Saving the provisions of article 17D, the Ombudsman shall not accept complaints asking him to review the report of any Commissioner once such report has been communicated to the Government, or other authority, body or person to whom this Act applies and to the complainant, if any, except in cases where the Ombudsman considers that there are issues relating to breach of the rules of natural justice.

Organizational  
set-up.

17B. (1) The Commissioners appointed under sub-article (1) of article 17A shall, whilst retaining their full autonomy and independence in the exercise of their respective functions, utilize the administrative and investigative services of the Office of the Ombudsman. The Ombudsman shall not review any final report submitted by a Commissioner except in cases where the Ombudsman feels that there are points of law or principles of equity or natural justice involved.

(2) It shall be the duty of the Ombudsman to ensure that the Commissioners are provided with such administrative and investigative services to enable them to carry out their respective duties in terms of such functions as may be assigned to them in terms of sub-article (4) of article 17A.

(3) The Commissioners shall enjoy full immunity from any disciplinary, administrative or civil action for any act arising from the execution of their official duties.

(4) The provisions of this Act applicable to the Office of the Ombudsman shall *mutatis mutandis* apply to the Commissioners acting in exercise of their duties under this Act so that the investigative procedure shall be as homogeneous and uniform as possible. The Commissioners shall have full access to all information relating to the investigation.

(5) A Commissioner appointed under this article shall prepare and submit an Annual Report which

shall be incorporated within the Annual Report of the Ombudsman.

Application of the Ombudsman Act to the Commissioners.

17C. (1) The provisions of articles 4 to 7, 9, 13 to 28 and 29(2) of this Act shall mutatis mutandis apply to the Commissioners appointed under sub-article (1) of article 17A of the Act.

(2) The Ombudsman may appoint a temporary Commissioner in the same circumstances that the President may make a temporary appointment of an Ombudsman under article 8 and the provisions of that article shall mutatis mutandis apply to such a temporary appointment as if for the word "President" there were written the word "Ombudsman" and for the word "Ombudsman" there were written the word "Commissioner". Notice of such temporary appointment shall be published in the Gazette.

(3) Each Commissioner appointed in terms of sub-article (1) of article 17A of this Act shall draw up an annual report which shall be published as part of the Ombudsman's annual report referred to in article 29 of this Act.

Review of recommendations made by the Commissioners.

17D. (1) Except where a Commissioner appointed in terms of sub-article (1) of article 17A has not drawn up a report, or where although such a report has been drawn up it contains no recommendations, the said Commissioner shall send his report to the Government or other authority, body or person to whom this Act applies, to the Ombudsman and to the competent Minister. Where no action as recommended by the Commissioner is taken within a reasonable time from the date that the Commissioner has sent his report to the Government, or to the said authority, body or person, or where the Commissioner is informed that no action will be taken or that only partial action will be taken on his recommendations by the Government, or by the said authority, body or person, the Commissioner shall inform accordingly the Ombudsman, the competent Minister and the complainant, if any, within a reasonable time of receipt of the aforesaid report.

(2) Where the Commissioner has informed a complainant that the Government, authority, body or person aforesaid will not be implementing the Commissioner's recommendation in his report, or will be implementing his recommendations only partially, or where no reply has been received by the Ombudsman within such time indicated by the Commissioner in his report, the complainant may request the Ombudsman to review that Commissioner's report and the objection thereto of the Government, authority, body or person as aforesaid.

4. Sub-articles (15) and (16) of article 74 of the Education Act shall be deleted. Consequential amendment to the Education Act. Cap. 327.

5. The definition of "Audit Officer" in article 2 and article 17C of the Development Planning Act shall be deleted. Consequential amendment to the Development Planning Act. Cap. 356.

6. (1) All persons appointed to an office the appointment whereof has been made in terms of any law amended by this Act shall continue to carry out their lawful duties in terms of their respective appointment until such time as their appointment is confirmed, extended, revoked or terminated in terms of the provisions of the law (as amended by this Act) establishing their respective office. Saving and transitory provision.

(2) All complaints pending before those persons who were competent, prior to the coming into force of this Act, to investigate those complaints shall, subject to the provisions of sub-article (1) of this article, continue to be investigated by those persons who have been hitherto appointed under any law amended by this Act to investigate such complaints; and the Prime Minister may, after consultation with the Ombudsman, establish different dates for the entry into force of different provisions of this Act with regard to the different persons referred to in sub-article (1) of this article.

(3) All complaints pending before those persons who were competent prior to the coming into force of this Act to investigate those complaints shall, in furtherance of the provisions of sub-article (1) of this article, be investigated by such other persons who may be appointed in terms of any law amended by this Act to continue to investigate such complaints and the Prime Minister may, after consultation with the Ombudsman, establish

different dates for the entry into force of different provisions of this Act with regard to the different persons referred to in this sub-article.

(4) Nothing in the preceding provisions of this article shall invalidate any procedure whether written or oral which may have taken place before the coming into force of this Act and which was valid according to the law in force at the time it took place.

(5) Without prejudice to the generality of the foregoing provisions of this article, when a new office of Commissioner is established in terms of the Ombudsman Act the Commissioner appointed to that office shall take cognizance of those complaints pending before the Ombudsman which the Ombudsman may assign to such Commissioner; and the said Commissioner shall continue to investigate those complaints irrespective of the stage of investigation those complaints might have reached.

### **Objects and Reasons**

The object of this Bill is to streamline the procedure adopted by specialised Commissioners for Administrative Investigations in the handling of complaints and in the determination procedure, to enable the Ombudsman to provide investigative and administrative services to such specialised Commissioners, and to designate such specialised Commissioners as Officers of Parliament.

