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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

MALTA

**ACT NO. XLIV OF 2020
TO FURTHER AMEND THE CONSTITUTION OF MALTA
RELATIVE TO THE APPOINTMENT OF THE PRESIDENT OF MALTA**

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

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(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