



Strasbourg, 20 August 2020

**CDL-REF(2020)056**

**Opinion No. 993 / 2020**

Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**MALTA**

**BILL NO. 157 ENTITLED  
AN ACT TO AMEND VARIOUS LAWS WITH THE AIM OF REFORMING  
THE PROCEDURE BY WHICH THE APPOINTMENTS OF THE  
PRINCIPAL PERMANENT SECRETARY AND PERMANENT  
SECRETARIES ARE MADE**

**A BILL  
entitled**

*AN ACT to amend various laws with the aim of reforming the procedure by which the appointments of the Principal Permanent Secretary and Permanent Secretaries 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:-

1. The short title of this Act is the Constitution of Malta (Amendment No. 3) Act, 2020 and this Act is to be read and construed as one with the Constitution, hereinafter referred to as "the Constitution". Short title.

2. Article 92 of the Constitution shall be amended as follows: Amendment of article 92 of the Constitution.

(a) sub-article (3) thereof shall be substituted by the following:

"(3) Power to appoint public officers to hold or act in the office of Permanent Secretary and to remove from office persons holding or acting in such office shall vest in the President of Malta acting in accordance with the advice of the Public Service Commission:", and immediately thereafter there shall be added the following proviso:

"Provided that the Public Service Commission shall give its advice to the President after having received and evaluated the recommendation given by the Principal Permanent Secretary."; and

(b) sub-article (5) thereof, shall be amended as follows:

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(i) immediately before the proviso thereof, there shall be added the following new proviso:

"Provided that the power to appoint the Principal Permanent Secretary shall vest in the President acting in accordance with the advice of the Cabinet of Ministers and after consulting the Public Service Commission:" and

(ii) in the proviso thereof, the words "Provided that" shall be substituted by the words 'Provided further that'.

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### **Objects and Reasons**

The object and reasons of this Bill are to continue the reforms that the Government is undertaking in order to ensure the involvement of the Cabinet of Ministers and the Public Service Commission in the processes of the appointments of the Principal Permanent Secretary and of the Permanent Secretaries.