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**Opinion No. 993 / 2020**

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

**MALTA**

**BILL NO. 143 “PERMANENT COMMISSION AGAINST CORRUPTION  
(AMENDMENT) BILL”**

**A BILL  
entitled**

*AN ACT to amend various laws aimed at reforming the procedure by which appointments to the Permanent Commission Against Corruption 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:-

Short title.

Cap. 326.

Amendment of  
article 3 of the  
principal Act.

**1.** The short title of this Act is the Permanent Commission Against Corruption (Amendment) Act, 2020 and this Act shall be read and construed as one with the Permanent Commission Against Corruption Act, hereinafter referred to as "the principal Act".

**2.** Article 3 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 Commission, to be known as the Permanent Commission Against Corruption, which shall consist of a Chairman and two other members. The members of the Commission shall be appointed by the President of Malta who, in appointing the Chairman shall act with a Resolution of the House supported by the votes of not less than two-thirds of all the members of the House, in appointing one of the two other members shall act in

accordance with the advice of the Prime Minister and in appointing the other member shall act in accordance with the advice of the Leader of the Opposition:

Provided that if the Resolution is not supported by the votes of not less than two-thirds of all the members of the House, a second vote on the Resolution shall be taken not earlier than seven (7) days from the first vote which shall also require the votes of not less than two thirds of all the members of the House and if the Resolution in the second vote is not supported by the votes of not less than two-thirds of all the members of the House, a third vote on the Resolution shall be taken not earlier than seven (7) days from the second vote and at the said third vote the Resolution will be approved if supported by the majority of the votes of all the members of the House:

Provided further that when a second vote is taken, new candidates for the office of Chairman may be nominated before the taking of the second vote.";

(b) in sub-article (5) thereof, the words "by the President of Malta, acting in accordance with the advice of the Prime Minister," shall be substituted by the words "by the President of Malta, acting in accordance with the advice of the Cabinet of Ministers,";

(c) in sub-article (6) thereof, the words, "the President of Malta acting in accordance with the advice of the Prime Minister," shall be substituted by the words "the President of Malta acting in accordance with the advice of the Cabinet of Ministers,"; and

(d) in sub-article (7) thereof, the words "appointed by the President of Malta acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition," shall be substituted by the words "appointed by the President of Malta acting in accordance with the advice of the Cabinet of Ministers, given after consulting the Leader of the Opposition,".

3. In paragraph (a) of sub-article (1) of article 6 of the principal Act, immediately after the numbers "118, 120, 121", there shall be added the numbers ". 121A, 121B".

Amendment of article 6 of the principal Act.

4. In paragraph (a) of article 11 of the principal Act, the words "to the Minister responsible for justice;" shall be substituted by the words "to the Minister responsible for justice:" and immediately

Amendment of article 11 of the principal Act.

thereafter the following proviso shall be added:

"Provided that if in the opinion of the Commission, the conduct investigated is corrupt or connected with or conducive to corrupt practices, the report of the results of the investigation shall be transmitted to the Attorney General."

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### **Objects and Reasons**

The objects and reasons of this Bill are to revise the method of appointment of the Chairman and the members of the Permanent Commission Against Corruption and includes provisions for an anti-deadlock mechanism in the appointment of the Chairman. The Bill enhances the powers of the Commission by widening the definition of corrupt practices and provides for an additional power whereby when the Commission finds a corrupt practice or an appearance thereof it is to report directly to the Attorney General.