



Strasbourg, 20 August 2020

**CDL-REF(2020)054**

**Opinion No. 993 / 2020**

Engl. only

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

**MALTA**

**ACT NO. XLVI OF 2020  
TO AMEND VARIOUS LAWS AIMED AT REFORMING  
THE PROCEDURE BY WHICH APPOINTMENTS TO THE PERMANENT  
COMMISSION AGAINST CORRUPTION ARE MADE**

A 822

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

7th August, 2020

**ACT No. XLVI of 2020**

*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.

**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".

Cap. 326.

Amendment of article 3 of 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 notwithstanding the provisions of article 3(4)(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 Chairman 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.";

(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 thereafter the following proviso shall be added:

Amendment of article 11 of the principal Act.

"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.".

---

A 824

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*