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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

MALTA

**BILL NO. 159 ENTITLED
AN ACT TO PROVIDE FOR THE AMENDMENT OF THE LAWS
RELATIVE TO THE APPOINTMENT OF PERSONS OF TRUST**

C 4502

**A BILL
entitled**

AN ACT to provide for the amendment of the laws relative to the appointment of persons of trust.

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 Appointment (Persons of Trust) Act, 2020.

**PART I
Amendments to the Standards in Public Life Act**

Amendments to the Standards in Public Life Act. Cap. 570. **2.** This Part amends the Standards in Public Life Act and it shall be read and construed as one with the Standards in Public Life Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 2 of the principal Act. **3.** In article 2 of the principal Act, the definition "person of trust" shall be substituted by the following:

Cap. 595. " "person of trust" means any employee or person engaged directly from outside the public service and the public sector to act as consultants and staff in the private secretariat of a Minister or Parliamentary Secretary or in the event that following repetitive public calls for engagement a post remains vacant if such engagement is for a period of less than one year and where the person has been engaged according to the procedure established under article 6A of the Public Administration Act;".

4. In sub-article (6) of article 22 of the principal Act, the words "or the Permanent Commission Against Corruption" shall be substituted by the words "or directly to the Attorney General" and the words ", as the case may be," shall be deleted.

Amendment of article 22 of the principal Act.

PART II
Amendments to the Public Administration Act

5. This Part amends the Public Administration Act and it shall be read and construed as one with the Public Administration Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Public Administration Act. Cap, 595.

6. Immediately after article 6 of the principal Act, there shall be added the following new article:

Addition of new article to the principal Act.

"Persons of trust.

6A. (1) Ministers and Parliamentary Secretaries may engage directly, on a persons of trust basis, individuals from outside the public service and the public sector to act as:

(a) consultants to a Minister or Parliamentary Secretary;

(b) staff of the Secretariat of a Minister or a Parliamentary Secretary; or

(c) in the event that following repetitive public calls for engagement, a post remains vacant, if such engagement is for a period of less than one year:

Provided that persons of trust shall not be deemed to be public officers or public employees.

(2) Persons of trust shall be engaged on a fixed term engagement contract:

S.L. 452. 81.

Provided that a person engaged in this position shall not attain indefinite status if employed in excess of the legal limit stipulated in the Contracts of Service for a fixed term Regulations, on the basis that the engagement is linked to a particular Minister or Parliamentary Secretary where the maintenance of a higher level of trust is necessary by virtue of the nature of the position and where a high level of trust is objectively an essential element of the employment relationship.

(3) The number of persons that may be engaged and the conditions of employment of persons of trust shall be established in the manual published by Cabinet Office which shall be laid on the table of the House."



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Objects and Reasons

The objects and reasons of this Bill are to provide a legal basis for the appointment of persons of trust. The Bill gives the Commissioner for Standards in Public Life the power to refer the results of findings of an act of corruption directly to the Attorney General.