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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

MALTA

**BILL NO. 158 ENTITLED
AN ACT TO PROVIDE FOR THE AMENDMENT OF VARIOUS LAWS
FOR THE PURPOSE OF REFORMING THE PROCEDURE FOR THE
MAKING OF VARIOUS APPOINTMENTS**

C 4496

**A BILL
entitled**

AN ACT to provide for the amendment of various laws for the purpose of reforming the procedure for the making of various appointments.

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 Reform of Powers of Appointment Act, 2020.

**PART I
Amendments to the Constitution**

Amendments to the Constitution. **2.** This Part amends the Constitution and it shall be read and construed as one with the Constitution, hereinafter in this Part referred to as "the Constitution".

Amendment of article 86 of the Constitution. **3.** Immediately after sub-article (3) of article 86 of the Constitution, there shall be added the following new sub-article:

"(4) Where by this Constitution the Prime Minister is required to perform the functions listed in articles 120(2), (6) and (7) of this Constitution, he shall do so after giving due consideration to such advice as might have been given in that respect by the Cabinet."

PART II**Amendments to the Central Bank of Malta Act**

4. This Part amends the Central Bank of Act and it shall be read and construed as one with the Central Bank of Malta Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Central Bank of Malta Act.
Cap. 204.

5. In sub-article (1) of article 8 of the principal Act, the words "appointed by the President of Malta, acting on the advice of the Prime Minister" shall be substituted by the words "appointed by the President of Malta, acting on the advice of the Cabinet of Ministers".

Amendment of article 8 of the principal Act.

6. In paragraph (a) of sub-article (2) of article 9 of the principal Act, immediately after the words "by the Prime Minister" there shall be added the words "acting on the advice of the Cabinet of Ministers".

Amendment of article 9 of the principal Act.

PART III**Amendments to the Malta Financial Services Authority Act**

7. This Part amends the Malta Financial Services Authority Act and it shall be read and construed as one with the Malta Financial Services Authority Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Malta Financial Services Authority Act.
Cap. 330.

8. In paragraph (a) of sub-article (2) of article 6 of the principal Act, immediately after the words "by the Prime Minister" there shall be added the words "acting on the advice of the Cabinet of Ministers,".

Amendment of article 6 of the principal Act.

PART IV**Amendments to the Arbitration Act**

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

Amendments to the Arbitration Act.
Cap. 387.

10. At the end of sub-article (3) of article 4 of the principal Act there shall be added the following "Before finalising the said selection the Prime Minister shall obtain the approval of the Cabinet of Ministers.".

Amendment of article 4 of the principal Act.

PART V**Amendments to the Data Protection Act**

11. This Part amends the Data Protection Act and it shall be read and construed as one with the Data Protection Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Data Protection Act.
Cap. 586.

12. In sub-article (1) of article 11 of the principal Act, the words "the Prime Minister after he has consulted with the Leader of the

Amendment of article 11 of the principal Act.

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Opposition," shall be substituted by the words "the Prime Minister acting on the advice of the Cabinet of Ministers after consulting the Leader of the Opposition,".

Objects and Reasons

The objects 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 in the processes of the appointments of persons in senior positions.