

THE MALTA (CONSTITUTION)

ACT 1959

IL KUNSILL TA' L-1959 DWAR

IL-KONSTITUZZJONI GHAL MALTA

MALTA

The Malta (Constitution) Order in Council, 1959

At the Court at Buckingham Palace, the twenty-fourth day of
March, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

Introductory

1.—(1) This Order may be cited as the Malta (Constitution) Order in Council, 1959.

Citation and
commence-
ment.

(2) Save as otherwise provided in the next following subsection, this Order shall come into operation on the fifteenth day of April, 1959.

(3) Sections 32 to 35 of this Order shall come into operation on such day as the Governor, in his discretion, shall appoint by proclamation published in the Gazette, and, until those sections come into operation, sections 41, 43 and 47 of this Order shall have effect as if the references therein to consultation with the Public Service Commission were omitted.

2.—(1) In this Order unless it is otherwise provided or required by the context—

Interpreta-
tion.

“the Consolidated Fund” means the Consolidated Revenue Fund of Malta;

“the Gazette” means the Malta Government Gazette;

“the Governor” means the Governor and Commander-in-Chief of Malta;

“Malta” means the Island of Malta and its Dependencies including the territorial waters thereof;

“public office” means any office of emolument in the public service;

“public officer” means the holder of any public office and includes any person appointed to act in any such office;

“the public seal” means the public seal of Malta;

“the public service” means the service of the Crown in a civil capacity in respect of the government of Malta and includes service as a judge or other officer of any civil court of Malta;

(2) In this Order, unless it is otherwise provided or required by the context—

(a) any reference to the date of commencement of this Order shall be construed as a reference to the day mentioned in subsection (2) of section 1 of this Order;

(b) any reference to Her Majesty's dominions shall be construed as including a reference to all countries and territories within the Commonwealth;

(c) any reference to power to make appointments to any office shall be construed as including a reference to power to make appointments on promotion and transfer to that office and to power to appoint a person to perform the functions of that office during any period during which it is vacant or the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions;

(d) any reference to the holder of an office by the term designating his office shall be construed as including a reference to any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office.

(3) For the purposes of this Order—

(a) a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of service in an office of emolument in the public service; and

(b) the office of member of the Executive Council shall not be considered to be an office in the public service.

(4) For the purposes of this Order, the resignation of the holder of any office that is required to be addressed to the Governor shall be deemed to have effect from the time that it is received by the Governor.

(5) Where by this Order any person is directed, or power is conferred on any person or authority to appoint a person, to perform the functions of an office if the holder thereof is unable to perform those functions, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(6) Where by this Order the Governor is required to exercise any power on the recommendation of, or after consultation with, any person or authority the question whether he has so exercised that power shall not be enquired into in any court.

(7) For the avoidance of doubts it is hereby declared that any person who has vacated any office established by this Order may, if qualified, again be appointed to that office from time to time.

(8) Subject to the provisions of this section and save where the context otherwise requires, the Interpretation Act, 1889, shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Revocation.

3. The instruments set out in the First Schedule to this Order are revoked.

PART II

The Governor

The Governor.

4.—(1) There shall be a Governor and Commander-in-Chief in and over Malta who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her pleasure.

(2) The Governor shall have such powers and duties as are conferred or imposed upon him by or under this Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Order and of any other law by which any such powers or duties are

conferred or imposed, shall do and execute all things that belong to his office (including the exercise of any powers with respect to which he is empowered or required by this Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him :

Provided that the question whether the Governor has in any matter complied with such instructions shall not be enquired into in any court.

(3) The person appointed to the office of Governor shall, before entering upon the functions of that office, make oaths or affirmations of allegiance and for the due execution of that office in the forms set out in the Second Schedule to this Order.

(4) There shall be charged on the Consolidated Fund and paid thereout to the Governor the salary and allowance specified in the Third Schedule to this Order.

5.—(1) During any period when the office of Governor is vacant or the Governor is absent from Malta or is for any other reason unable to perform the functions of his office— Acting
Governor.

(a) such person as Her Majesty may designate in that behalf by instructions given under Her Sign Manual and Signet or through a Secretary of State, or

(b) if there is no person in Malta so designated and able to perform those functions, the senior of the substantive holders of the offices mentioned in subsection (2) of section 10 of this Order who is in Malta and so able,

shall, during Her Majesty's pleasure, assume and perform the functions of the office of Governor and administer the Government of Malta accordingly.

(2) For the purposes of paragraph (b) of the last foregoing subsection, the substantive holders of the offices mentioned in subsection (2) of section 10 shall take seniority in the order in which their offices are mentioned therein.

(3) Before assuming the functions of the office of Governor, any such person as aforesaid shall make the oaths or affirmations directed by the last foregoing section to be made by the Governor.

(4) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the Governor or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.

(5) The Governor or any other person as aforesaid shall not, for the purposes of this section, be regarded as absent from Malta or as unable to perform the functions of the office of Governor—

(a) by reason only that he is in passage from one part of Malta to another, or

(b) at any time when there is a subsisting appointment of a deputy under the next following section.

6.—(1) Whenever the Governor—

(a) has occasion to be absent from Malta for a period which he has reason to believe will be of short duration, or

(b) is suffering from an illness which he has reason to believe will be of short duration,

he may, in his discretion, by instrument under the public seal, appoint

Deputy to
Governor.

any person in Malta to be his deputy and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in that instrument.

(2) The power and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and a deputy shall conform to and observe all instructions that the Governor may from time to time address to him :

Provided that the question whether or not a deputy has conformed to or observed any such instructions shall not be enquired into in any court.

(3) A person appointed as a deputy under this section shall hold that appointment for such period (if any) as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by Her Majesty by instructions given through a Secretary of State, or by the Governor, in his discretion, by instrument under the public seal.

(4) The terms of any appointment under this section may be varied by the Governor, in his discretion, by further instrument under the public seal, and references in this section to the instrument by which any person is appointed as a deputy shall include references to any such instrument as varied by any further instrument.

(5) In subsection (1) of this section the references to the functions of the office of Governor do not include a reference to any function conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament.

Governor's powers to constitute offices and make appointments, etc.

7. Subject to the provisions of this Order and of any other law for the time being in force in Malta, the Governor may, in Her Majesty's name and on Her Majesty's behalf, constitute such offices for Malta as may be lawfully constituted by Her Majesty and may abolish such offices, and may likewise—

(a) make appointments, to be held during Her Majesty's pleasure, to any office so constituted, and

(b) dismiss any person so appointed or suspend him from the exercise of the functions of his office or take such other disciplinary action in relation to him as the Governor may think fit.

Governor's powers to dispose of land.

8. Subject to the provisions of any law for the time being in force in Malta, the Governor or any person duly authorised by him in that behalf by writing under his hand, in Her Majesty's name and on Her Majesty's behalf, may, under the public seal, make grants and dispositions of lands or other immovable property in Malta which may lawfully be granted or disposed of by Her Majesty.

Governor's powers of pardon, etc.

9. The Governor may, in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in the commission of any offence for which he may be tried in Malta or to any person convicted of an offence in any court in Malta a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person in any court in Malta;

(c) substitute a less severe form of punishment for that imposed by any sentence of any such court; or

(d) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence in respect of which a person has been convicted by any court in Malta.

PART III

The Executive Council

10.—(1) There shall be an Executive Council in and for Malta, which, subject to section 13 of this Order, shall consist of three *ex officio* members and such other members (hereinafter referred to as nominated members) of whom not less than three shall be persons holding a public office, as may be appointed by the Governor by instrument under the public seal in pursuance of instructions given to him by Her Majesty through a Secretary of State.

Constitution of Executive Council.

(2) The *ex officio* members shall be the Chief Secretary, the Legal Secretary and the Financial Secretary.

11.—(1) Subject to the next following subsection, the nominated members shall hold their offices during Her Majesty's pleasure.

Tenure of office of nominated members.

(2) A nominated member shall vacate his office—

(a) at such date or in such circumstances (if any) as may be specified in the instrument by which he is appointed;

(b) if he resigns his office by writing under his hand addressed to the Governor;

(c) if, having been the holder of a public office at the date of his appointment, he ceases to hold such an office; or

(d) if, not having been the holder of such an office at the date of his appointment, he is appointed to such an office.

12.—(1) The Governor may, by instrument under the public seal, declare that a nominated member is, by reason of illness, absence or other cause, unable to perform his functions as a nominated member, and thereupon that member shall not perform his said functions until he is declared in manner aforesaid to be again able to perform them.

Inability of nominated member to perform his functions and suspension of such a member.

(2) (a) The Governor may, by instrument under the public seal, declare that a nominated member is suspended from the exercise of his functions and thereupon that member shall not perform his said functions.

(b) Every suspension under paragraph (a) of this subsection shall forthwith be reported to Her Majesty through a Secretary of State and shall remain in force until it is revoked by Her Majesty by instructions given through a Secretary of State or by the Governor by instrument under the public seal or the person suspended ceases to be a nominated member.

(3) The powers conferred upon the Governor by this section shall be exercised by him in his discretion.

13.—(1) Whenever there is a vacancy in the number of persons sitting in the Executive Council by reason of the fact that—

Temporary members.

(a) one person is lawfully discharging the functions of more than one of the officers referred to in subsection (2) of section 10 of this Order;

(b) a nominated member is lawfully discharging the functions of one of those officers; or

(c) a nominated member is, under the last foregoing section, incapable of, or suspended from, discharging his functions; or

(d) the office of a nominated member is vacant from any cause,
the Governor, acting in his discretion, may, by instrument under the public seal, appoint a person to be temporarily a member of the Executive Council.

(2) If the vacancy is in the number of *ex officio* members, the person so appointed shall be a person holding a public office.

(3) Any person so appointed shall, subject to the provisions of this section, be considered to be for all purposes a nominated member of the Executive Council, and the provisions of this Order shall apply to him accordingly.

(4) The Governor shall forthwith report any appointment under this section to Her Majesty through a Secretary of State; and any such appointment may be revoked by Her Majesty through a Secretary of State or by the Governor, in his discretion, by instrument under the public seal, and shall cease to have effect when the person appointed is notified by the Governor, in his discretion, of the revocation of the appointment or that the circumstances giving rise to the vacancy have ceased to exist.

Governor to
consult
Executive
Council.

14.—(1) In the formulation of policy and in the exercise of the powers conferred upon him by or under this Order or any other law, the Governor shall, subject to subsections (3) and (4) of this section, consult the Executive Council except in cases—

(a) which are of such nature that, in his judgment, Her Majesty's Service would sustain material prejudice if the Council were consulted thereon;

(b) in which the matters to be decided are, in his judgment, too unimportant to require the advice of the Council; or

(c) in which, in his judgment, the urgency of the matter requires him to act before the Council can be consulted.

(2) In every case falling within paragraph (c) of the last foregoing subsection, the Governor shall as soon as possible, communicate to the Council the measures which he has adopted and the reasons therefor.

(3) Subsection (1) of this section shall not apply to the exercise by the Governor of—

(a) any power conferred upon him by this Order which he is empowered or required to exercise in his discretion or in pursuance of instructions from Her Majesty or on the recommendation of any person or authority other than the Council; or

(b) any power conferred upon him by any law other than this Order which he is empowered or required to exercise in his discretion or in respect of which it is otherwise provided that he shall not be obliged to consult the Council in the exercise thereof; or

(c) the power referred to in the next following subsection and the authority conferred by section 17 of this Order.

(4) In the exercise of the power to pardon or reprieve an offender who has been condemned to suffer death by the sentence of any court in Malta, the Governor shall consult the Council in accordance

with any directions in that behalf contained in any Instructions under Her Majesty's Sign Manual and Signet addressed to the Governor.

15.—(1) In any case in which the Governor is required by subsection (1) of the last foregoing section to consult the Executive Council he may act in opposition to the advice given to him by the Council if he considers it right so to do; but in any such case he shall report the matter to a Secretary of State at the first convenient opportunity with the reasons for his action.

Governor may act in opposition to advice of Council.

(2) Whenever the Governor shall so act against the advice of the Council it shall be competent for any member to require that there be recorded upon the minutes any advice or opinion he may give upon the question with the reasons therefor.

16. The Governor shall alone be entitled to submit questions to the Executive Council; but if the Governor declines to submit any question to the Council when requested in writing by any member so to do, it shall be competent to such member to require that there be recorded upon the minutes his written application, together with the answer returned by the Governor thereto.

Governor to propose questions.

17. The Executive Council shall not be summoned except by the authority of the Governor.

Summoning of Council.

18.—(1) The Governor shall, so far as is practicable, attend and preside at meetings of the Executive Council.

Presiding in the Council.

(2) In the absence of the Governor from any meeting of the Council such member of the Council as may be appointed for the purpose by the Governor in his discretion, either specially or generally, shall preside at the meeting.

19. The Council shall not transact any business unless three members, besides the member, if any, presiding, are present.

Quorum of Council.

20. Subject to the last foregoing section, the Council shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in those proceedings.

Council may transact business notwithstanding vacancies, etc.

21. Whenever the Governor desires to obtain the advice of any person in Malta concerning the government thereof he may summon such person to the Council.

Summoning of persons to the Council.

PART IV

Legislation

22.—(1) Subject to the provisions of this Order, it shall be lawful for the Governor to make laws (to be called Ordinances) for the peace, order and good government of Malta.

Governor's power to make laws.

(2) Every Ordinance shall be enacted in both the English and the Maltese languages and, if there shall be any conflict between the English and the Maltese texts of any Ordinance, the English text shall prevail.

Disallowance
of Ordinances

23.—(1) Any Ordinance may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any Ordinance has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the Gazette and the law shall be annulled with effect from the date of the publication of that notice.

(3) On the annulment of any Ordinance under this section, any enactment repealed or amended by or under any provisions of that Ordinance shall have effect as from the date of the annulment as if that Ordinance had not been made; but, save as provided in the foregoing provisions of this subsection, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to that annulment as they apply to the repeal of an Act of Parliament.

Commence-
ment of
Ordinances
and record of
Ordinances
and of
disallowance.

24.—(1) The Governor shall cause a copy of every Ordinance to be enrolled on record in the Office of the Registrar of the Court of Appeal in Malta. Such copy shall be in both the English and the Maltese languages and shall be signed by the Governor, and, having been enrolled as aforesaid, shall be conclusive evidence of the provisions of such Ordinance.

(2) The Governor shall cause every Ordinance to be published in the Gazette in both the English and the Maltese languages, and every Ordinance shall come into operation on the date on which it is so published or, if it shall be provided either in such Ordinance or in some other enactment (including any enactment in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(3) Whenever any Ordinance has been disallowed under the last foregoing section, the Governor shall certify such disallowance by instrument under the public seal and shall cause such instrument to be enrolled in the Office of the Registrar of the Court of Appeal in Malta.

(4) The validity or operation of any Ordinance or of disallowance of any Ordinance shall not be affected by reason only that any of the foregoing provisions of this section have not been complied with.

Power of Her
Majesty in
Council to
make laws.

25. Her Majesty hereby reserves to Herself power, by and with the advice of Her Privy Council, to make laws for the peace, order and good government of Malta.

PART V

The Judicature

Number of
judges of
Superior
Courts.

26. Subject to section 30 of this Order the judges of Her Majesty's Superior Courts in Malta shall be:

(a) a Chief Justice; and

(b) seven other judges or such other number as may be provided by any law for the time being in force in Malta:

Provided that the office of a judge of the said Courts shall not, without his consent, be abolished during his continuance in office.

Appointment
of judges.

27.—(1) The judges of the Superior Courts shall be appointed by the Governor, by instrument under the public seal, in pursuance of instructions given to him by Her Majesty through a Secretary of State.

(2) A person shall not be qualified to be appointed a judge of the said Courts unless, for a period of, or periods amounting in the aggregate to, not less than twelve years, he has either practised at the bar in Malta or served as a Magistrate in Malta, or has partly so practised and partly so served.

28.—(1) Subject to the following provisions of this section, each judge of the Superior Courts appointed under the last foregoing section shall hold office until he attains the age of sixty-five years: Tenure of office of judges.

Provided that—

- (a) the Governor may permit a judge who has attained that age to continue in office for a further period not exceeding one year;
- (b) a judge may at any time resign his office by writing under his hand addressed to the Governor.

(2) A judge of the said Courts appointed as aforesaid may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the next following subsection.

(3) A judge of the said Courts shall be removed from office by the Governor by order under the public seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of the next following subsection, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833, or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of the removal of a judge of the said Courts from office for inability as aforesaid or misbehaviour ought to be investigated, then —

- (a) the Governor shall appoint a tribunal which shall consist of a chairman and not less than two other members selected by the Governor from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from such a court;
- (b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of removal of that judge should be referred by Her Majesty to the Judicial Committee; and
- (c) if the tribunal so recommends (and not otherwise), the Governor shall request that the question should be referred accordingly.

(5) The provisions of the Committees of Enquiry Act, 1948, as in force on the date of commencement of this Order, shall apply in relation to a tribunal appointed under the last foregoing subsection as if it were a committee such as is referred to therein, and for that purpose those provisions shall have effect as if they formed part of this Order.

(6) If the question of removing a judge of the said Courts from office has been referred to a tribunal under subsection (4) of this section, the Governor may suspend the judge from performing the func-

tions of his office, and such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advise Her Majesty that the judge ought not to be removed from office.

(7) The powers conferred upon the Governor by this section shall be exercised by him in his discretion.

Acting Chief Justice.

29. If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of these Superior Courts as the Governor may, in his discretion, appoint for that purpose:

Provided that any person so appointed may at any time resign his appointment under this section by writing under his hand addressed to the Governor.

Temporary judges.

30.—(1) If the office of any judge of the Superior Courts (other than the Chief Justice) is vacant or if any such judge is for any reason unable to perform the functions of his office, the Governor, acting in his discretion after consultation with the Chief Justice, may appoint a person qualified for appointment as a judge of the Superior Courts to act as a judge of the said Courts:

Provided that a person may be so appointed notwithstanding that he has attained the age of sixty-five years.

(2) Any person appointed under this section shall continue to act as a judge of the said Courts until his appointment is revoked by the Governor, acting in his discretion after consultation with the Chief Justice:

Provided that any such person may at any time resign his appointment by writing under his hand addressed to the Governor.

Salaries of judges.

31.—There shall be charged on the Consolidated Fund and paid thereout to the judges of the Superior Courts such salaries as may be prescribed by any law for the time being in force in Malta:

Provided that the salary of a judge shall not be reduced during his continuance in office.

PART VI

The Public Service

Appointment etc. of public officers.

32.—(1) Save as otherwise provided by or under this Part of this Order and by Part V and Sections 47 and 54 of this Order, power to make appointments to public offices and to dismiss and to exercise disciplinary control over public officers shall vest in the Governor acting on the recommendation of the Public Service Commission.

(2) The reference to public offices in subsection (1) of this section shall not include a reference to the office of any police officer below the rank of Inspector or of any officer of the Admiralty Constabulary, Malta, and the reference in that subsection to public officers shall be construed accordingly.

33.—(1) The Governor, acting on the recommendation of the Public Service Commission may, by instrument under the public seal, direct that, subject to such conditions as may be specified in that instrument, power to make appointments to such offices, being offices to which this section applies, as may be specified in that instrument and to dismiss and to exercise disciplinary control over persons holding or acting in those offices, shall (without prejudice to the exercise of such power by the Governor acting on the recommendation of the Public Service Commission) be exercisable by such authority or by such public officer as may be specified in that instrument.

Exercise of Governor's powers by other officer or authority.

(2) The offices to which this section applies are offices in respect of which—

(a) the Governor has power to make appointments under the last foregoing section, and

(b) the maximum annual emoluments attaching to the office do not for the time being exceed £500.

(3) The emoluments referred to in the last foregoing subsection include in relation to any office only such classes of emoluments as would be taken into account, if the holder of the office were eligible for a pension in respect of his service in the office, in the computation of that pension under the pension law governing the grant of that pension.

34.—(1) There shall be in and for Malta a Public Service Commission.

The Public Service Commission.

(2) The members of the Commission shall be a chairman, deputy chairman and not less than one and not more than three other members, who shall be appointed by the Governor by instrument under the public seal.

(3) A person shall not be qualified for appointment as a member of the Commission if he is a member of the Executive Council or a public officer.

(4) The office of a member of the Commission shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier time (if any) as may be specified in the instrument by which he was appointed;

(b) if he resigns his office by writing under his hand addressed to the Governor;

(c) if he is appointed to be a member of the Executive Council or to or to act in any public office; or

(d) if the Governor directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(5) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor may appoint a person who is qualified for appointment as a member of the Commission to act as a member, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) There shall be charged on the Consolidated Fund and paid thereout to the members of the Commission such salary as may be prescribed by any law for the time being in force in Malta:

Provided that the salary of a member of the Commission shall not be reduced during his continuance in office.

(7) The powers conferred on the Governor by this section shall be exercised by him in his discretion.

Regulations
regarding
Public Service
Commission.

35. Subject to the provisions of this Order the Governor, acting in his discretion after consultation with the Public Service Commission, may make regulations for giving effect to the three last foregoing sections and, without prejudice to the generality of the foregoing power, may by such regulations provide for any of the following matters, that is to say—

(a) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

(b) consultation by the Commission with persons or authorities other than members of the Commission;

(c) the organisation of the work of the Commission;

(d) the delegation to any member of the Commission of any or all of the functions of the Commission; and

(e) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings.

Appointment
etc. of certain
officers
connected
with courts.

36.—(1) Power to make appointments to the offices to which this section applies and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting on the recommendation of the Judicial Service Commission.

(2) This section applies to the office of Magistrate of any inferior court of Malta, the office of Chief Registrar, Registrar or Assistant Registrar of the Superior Courts of Malta, the office of Registrar or Assistant Registrar of any inferior court of Malta and such other offices connected with the civil courts of Malta as may be prescribed by any law for the time being in force in Malta.

(3) The chairman of the Public Service Commission shall not take part in any proceedings of the Judicial Service Commission relating to the dismissal or disciplinary control of a Magistrate of any inferior court of Malta.

(4) The Judicial Service Commission shall not recommend the dismissal of a Magistrate unless the Commission is satisfied that he ought to be dismissed for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(5) There shall be charged on the Consolidated Fund and paid thereout to the Magistrates such salaries as may be prescribed by any law for the time being in force in Malta:

Provided that the salary of a Magistrate shall not be reduced during his continuance in office.

Judicial Service
Commission.

37.—(1) There shall be in and for Malta a Judicial Service Commission.

(2) The members of the Commission shall be—

(a) the Chief Justice, who shall be chairman of the Commission;

(b) such other judge of the Superior Courts of Malta as the Governor, acting in his discretion after consultation with the Chief Justice, may from time to time select;

(c) (when section 34 of this Order has come into operation) the chairman of the Public Service Commission; and

(d) one other member appointed in accordance with the provisions of the next following subsection.

(3) The Governor in his discretion may, by instrument under the public seal, appoint to be a member of the Commission a person who is or has been a judge of the Superior Courts of Malta.

(4) The office of a member of the Commission appointed under the last foregoing subsection shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at any such earlier date (if any) as may be specified in the instrument by which he was appointed;

(b) if he resigns his office by writing under his hand addressed to the Governor; or

(c) if the Governor, in his discretion, so directs.

(5) There shall be charged on the Consolidated Fund and paid thereout to a member of the Commission appointed under subsection (3) of this section who is not a judge of the Superior Courts such salary as may be prescribed by any law made under this Order :

Provided that the salary of any such member shall not be reduced during his continuance in office.

(6) During any period when the office of the chairman of the Public Service Commission is vacant or the holder thereof is unable to perform his functions as a member of the Judicial Service Commission those functions shall be performed by the deputy chairman of the Public Service Commission.

38. The provisions of section 35 of this Order shall apply in relation to the Judicial Service Commission as they apply in relation to the Public Service Commission, and for that purpose the reference to sections 32 to 34 of this Order and the references to the Public Service Commission in that section shall have effect as if they were references to the two last foregoing sections and to the Judicial Service Commission respectively.

Regulations regarding Judicial Service Commission.

39. Before acting on any recommendation made to him by the Public Service Commission or the Judicial Service Commission the Governor, acting in his discretion, may refer the recommendation back to the Commission once for reconsideration.

Reconsideration by Commission.

40. Power to make appointments to the offices of Chief Secretary, Legal Secretary, Financial Secretary, Commissioner of Police and Director of Civil Aviation and to dismiss and to exercise disciplinary control over persons holding or acting in those offices shall vest in the Governor in his discretion.

Appointment, etc. of certain senior officers.

41.—(1) Power to make appointments to offices on the personal staff of the Governor and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting in his discretion after consultation with the Public Service Commission :

Appointment, etc. of personal staff of Governor.

Provided that the Governor shall not be obliged to consult the Commission in respect of the exercise of any such power in relation to any person who, immediately before his appointment as a member of the personal staff of the Governor was not an officer in the public service if that person is not eligible to receive a pension in respect of his service as a member of that staff.

(2) The Governor, in his discretion, may prescribe by order published in the Gazette the offices that are to constitute the personal staff of the Governor.

Application of
pensions law.

42.—(1) In this and the two next following sections “pensions law” means a law that governs the grant of pensions, gratuities and other like benefits to persons who are or have been officers in the public service in respect of their service as such or to the dependants of such persons in respect of such service, and includes any instrument made under any such law; and in this section “dependants” in relation to any person means the widow, children, dependants and personal representatives of that person.

(2) Subject to the provisions of this Order, any pensions law that applied immediately before the commencement of this Order in relation to any person in respect of his service in the public service or in relation to the dependants of any such person in respect of any such service shall continue to apply in relation to that person or to those dependants, as the case may be.

(3) Any law enacted under this Order may be applied in relation to any person in respect of his service in the public service and in relation to his dependants in respect of any such service instead of the pensions law that applies by virtue of the last foregoing subsection if the law is not less favourable to that person or his dependants, as the case may be, than that pensions law.

(4) Subject to the provisions of this Order, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service after the commencement of this Order or to the dependants of any such person shall be governed by the pensions law in force on the date on which that person is first appointed to a pensionable office in that service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be.

(5) Where any person is entitled to exercise an option whether one or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable than the other law or laws.

Grant of
pensions, etc.
by the
Governor.

43.—(1) Power to grant benefits under any pensions law shall vest in the Governor, acting in his discretion.

(2) No benefits as aforesaid shall be withheld, reduced in amount or suspended except in accordance with the provisions of subsection (3) of this section.

(3) If any person who has been granted, or who is eligible for the grant of, any benefits under any pensions law—

(a) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty’s dominions; or

(b) has been sentenced by a court in any part of Her Majesty’s dominions to imprisonment (by whatever name called), and has not received a free pardon; or

(c) has been guilty of negligence, irregularity or misconduct while serving as an officer in the public service; or

(d) having served as such an officer, has without the written permission of the Governor, acting (in the case of permissions granted after this section comes into operation) after consultation with the Public Service Commission, accepted employment as a director, officer or servant of a company the principal part of whose business is concerned with Malta,

the Governor, after consultation with the Public Service Commission or (in the case of a person who has been guilty of negligence, irregularity or misconduct while holding or acting in the office of judge of the Superior Courts of Malta or any office to which section 36 of this Order applies) the Judicial Service Commission, may withhold, reduce or suspend those benefits in accordance with any provisions in that behalf in that pensions law if he is satisfied that those benefits ought to be withheld, reduced or suspended:

Provided that nothing in this subsection shall empower the Governor to withhold, reduce or suspend any benefits on the ground that any person has been guilty of negligence, irregularity or misconduct while holding the office of judge of the Superior Courts unless that person has been removed from that office by reason of such negligence, irregularity or misconduct.

44. Any benefits granted under any pensions law shall be a charge on the Consolidated Fund.

Pensions, etc.
charged on
Consolidated
Fund.

PART VII

Finance

45.—(1) The public funds of Malta not allocated by law to specific purposes shall form one Consolidated Revenue Fund into which shall be paid the produce of all taxes, imposts, rates and duties and all other revenues of Malta not allocated to specific purposes.

Consolidated
Revenue
Fund.

(2) The costs, charges and expenses incidental to the collection and management of the Fund shall be charged on the Fund.

46. No monies shall be withdrawn from the Consolidated Fund or other public funds of Malta except upon the authority of a warrant under the hand of the Governor, and no such warrant shall be issued for the purpose of meeting any expenditure—

Authorisa-
tion of
expenditure.

(a) unless the expenditure is charged on the Consolidated Fund by any provision of this Order; or

(b) unless the expenditure is charged by any other law on the Consolidated Fund or on the other public funds of Malta, as the case may be; or

(c) except under appropriation authorised by a law relating to the financial year in which the warrant is issued:

provided that provision may be made by law for making monies available in advance of appropriation as aforesaid for the purpose of meeting unforeseen expenditure or to cover any period not exceeding three months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following financial year.

47.—(1) There shall be a Director of Audit for Malta who shall be appointed by the Governor.

Director of
Audit.

(2) If the office of Director of Audit is vacant or the Director is for any reason unable to perform the functions of his office, the Governor may appoint a person to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(3) There shall be charged on the Consolidated Fund and paid thereout to the Director of Audit such salary as may be prescribed by any law for the time being in force in Malta:

Provided that the salary of the Director of Audit shall not be reduced during his continuance in office.

(4) Subject to the next following subsection, the Director of Audit shall hold office until he attains the age of sixty years :

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor; and

(b) the Governor may permit a Director who has attained the age of sixty years to remain in office for a period not exceeding one year after his attainment of that age.

(5) The Director of Audit may be removed from office by the Governor by order under the public seal, but shall not be so removed unless the Governor is satisfied that he ought to be so removed for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) The powers conferred on the Governor by this section shall be exercised by him acting in his discretion after consultation with the Public Service Commission.

**Audit of
Accounts.**

48. The accounts of the Superior Courts of Malta, all departments of the Government of Malta, the Public Service Commission, the Judicial Service Commission and all other public offices and authorities in Malta shall be audited annually by the Director of Audit who, with his deputies, shall at all times be entitled to have access to all the books, records and returns relating to those accounts, and the Director of Audit shall certify the annual statements relating to those accounts and submit them to the Governor, together with his report thereon.

PART VIII

Miscellaneous

**Religious
toleration.**

49.—(1) All persons in Malta shall have full liberty of conscience and enjoy the free exercise of their respective modes of religious worship.

(2) No person shall be subject to any disability or be excluded from holding any office by reason of his religious profession.

Language.

50.—(1) The English language and the Maltese language shall be the official languages of Malta.

(2) All official records and all notices and other documents issued by the Government of Malta for public information shall be in both the English and the Maltese languages.

(3) The provisions of the Fourth Schedule to this Order shall apply for determining the language or languages which shall be used in, or in connection with, judicial or quasi-judicial proceedings in Malta.

**Compulsory
acquisition
of property.**

51. (1) No property, movable or immovable, shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in Malta except by or under the provisions of a law which, of itself or when read with any other law in force in Malta —

(a) requires the payment of adequate compensation therefor ;

(b) gives to any person claiming such compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the Superior Courts of Malta ;

(c) gives to any party to proceedings in the Superior Courts of Malta relating to such a claim the same rights of appeal as are accorded generally to parties to civil proceedings in those courts sitting as courts of original jurisdiction.

(2) (a) Nothing in this section shall affect the operation of any existing law.

(b) In this subsection "existing law" means a law in force on the date of the commencement of this Order, and includes a law made after that date which amends or replaces any such law as aforesaid (or such a law as from time to time amended or replaced in the manner described in this paragraph) and which does not—

(i) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired;

(ii) add to the purposes for which or circumstances in which such property may be taken possession of or acquired;

(iii) make the conditions governing entitlement to compensation or the amount thereof less favourable to any person owning or interested in the property; or

(iv) deprive any person of any right such as is mentioned in paragraph (b) or paragraph (c) of the last foregoing subsection.

(3) Nothing in this section shall be construed as affecting any general law—

(a) for the imposition or enforcement of any tax, rate or duty;

(b) for the imposition of penalties or forfeitures for breach of the law, whether under civil process or after conviction of an offence;

(c) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts;

(d) relating to the vesting and administration of the property of persons adjudged bankrupt or otherwise declared insolvent, of persons of unsound mind, of deceased persons, and of companies, other corporate bodies and unincorporated societies in the course of being wound up;

(e) relating to the execution of judgments or orders of courts;

(f) providing for the taking of possession of property which is in a dangerous state or is injurious to the health of human beings, plants or animals;

(g) relating to enemy property;

(h) relating to trusts and trustees;

(i) relating to the limitation of actions;

(j) relating to property vested in statutory corporations;

(k) relating to the temporary taking possession of property for the purposes of any examination, investigation or enquiry; or

(l) providing for the carrying out of work on land for the purposes of soil conservation.

(4) The provisions of this section shall apply to the compulsory taking of possession of property and the compulsory acquisition of rights over and interests in property by or on behalf of the Crown.

52. All laws and other instruments having the force of law which are in force in Malta immediately before the commencement of this Order (other than those revoked by section 3 of this Order) shall, subject to amendment or repeal by the competent authority, continue in force, but shall be construed with any adaptations and modifications that may be necessary to bring them into conformity with the provisions of this Order.

Existing laws

Existing officers.

53.—(1) Any person who, immediately before the date of commencement of this Order, holds the office of Governor constituted by the Malta (Office of Governor) Letters Patent, 1947, or any public office shall, as from that date, hold the like office as if he had been appointed thereto under this Order:

Provided that the person who, immediately before the date aforesaid, held the office of Auditor constituted by the Treasury and Audit Act, 1948, shall, as from that date, be deemed to have been appointed under this Order to the office of Director of Audit constituted by this Order.

(2) Any person who, under the provisions of this section, holds any office as from the date of commencement of this Order by virtue of having been the holder of any office immediately before that date shall be deemed to have complied with any requirement of this Order or any other law in force in Malta relating to the making of oaths or affirmations on appointment to the first mentioned office.

Transitional provisions regarding Lieutenant-Governor and Chief Secretary.

54.—(1) Notwithstanding the revocation of the Malta (Office of Governor) Letters Patent, 1947, there shall continue to be an office of Lieutenant-Governor in and over Malta until the person last appointed thereto under those Letters Patent (who shall hold office during Her Majesty's pleasure) vacates that office.

(2) If the Lieutenant-Governor is for any reason unable to perform the functions of his office the Governor, in his discretion, may appoint a person to act as Lieutenant-Governor, and any person so appointed shall continue to act until his appointment is revoked by the Governor in his discretion.

(3) The Governor shall not constitute the office of Chief Secretary before the present holder of the office of Lieutenant-Governor goes on leave pending relinquishment of that office or later than the day after that on which the office of Lieutenant-Governor ceases to exist; and until the office of Chief Secretary is constituted the reference in section 10 of this Order to the Chief Secretary shall be construed as a reference to the Lieutenant-Governor.

Concurrent appointments.

55.—(1) Where the holder of the office of Governor or of any public office is on leave of absence pending relinquishment of his office the person having power to make appointments to that office may appoint another person to that office.

(2) Where two or more persons are holding the same office by reason of an appointment made in pursuance of the last foregoing subsection, then—

(a) for the purposes of any function conferred upon the holder of that office, and

(b) for the purposes of any reference in this Order to the absence, illness or inability to perform the functions of his office of the holder of that office, the person last appointed to the office shall be deemed to be the sole holder of the office.

Reservation of power to amend or revoke.

56. Her Majesty hereby reserves to Herself power, with the advice of Her Privy Council, to revoke, add to or amend this Order as to Her shall seem fit.

W. G. AGNEW.

THE FIRST SCHEDULE (Section 3)

Instruments revoked

The Malta (Constitution) Letters Patent, 1947.
 The Malta (Constitution) (Amendment) Letters Patent, 1953.
 The Malta (Constitution) (Amendment) (No. 2) Letters Patent,
 1953.
 The Malta (Constitution) (Amendment) Letters Patent, 1958.
 The Malta (Constitution) (Temporary Provisions) Letters Patent,
 1958.
 The Malta (Office of Governor) Letters Patent, 1947.
 The Malta (Emergency Powers) Order in Council, 1953.
 The Malta (Emergency Powers) (Temporary Provisions) Order
 in Council, 1958.

THE SECOND SCHEDULE (Section 4 (3))

Forms of Oaths and Affirmations

1. Oath of Allegiance.

I
 do swear that I will be faithful and bear true allegiance to Her Majesty
 Queen Elizabeth the Second, Her Heirs and Successors, according to
 law. So help me God.

2. Affirmation of Allegiance.

I
 do solemnly and sincerely affirm and declare that I will be faithful and
 bear true allegiance to Her Majesty Queen Elizabeth the Second, Her
 Heirs and Successors, according to law.

3. Oath for the due execution of office.

I
 do swear that I will well and truly serve Her Majesty Queen Elizabeth
 the Second in the office of Governor and Commander-in-Chief. So
 help me God.

4. Affirmation for the due execution of office.

I
 do solemnly and sincerely affirm and declare that I will well and truly
 serve Her Majesty Queen Elizabeth the Second in the office of Govern-
 or and Commander-in-Chief.

THE THIRD SCHEDULE (Section 4 (4))

The Governor's Salary and Allowance

1. Salary	... ..	£4,000 per annum
Duty allowance	... ..	£3,000 per annum

THE FOURTH SCHEDULE (Section 50 (3))

Language of the Courts

1.—(1) Subject to the provisions of this Schedule, the Maltese
 language shall be the official language of the Courts of Justice of Civil
 and of Criminal jurisdiction and all the proceedings therein shall be
 conducted in that language.

(2) For the purposes of paragraph 2 of this Schedule every person shall be deemed to be Maltese-speaking unless the Court shall be satisfied to the contrary.

2.—(1) In a court of civil jurisdiction—

(a) where all the parties are English-speaking persons, the Court shall order that the proceedings shall be conducted in the English language;

(b) where any of the parties is a Maltese-speaking person and any one of the parties is an English-speaking person, the proceedings shall be conducted in the Maltese language or in the English language as the Court shall order;

(c) where any one of the parties is an English-speaking person and none of the parties is a Maltese-speaking person, the Court shall order that the proceedings shall be conducted in the English language;

(d) where none of the parties is either a Maltese-speaking person or an English-speaking person, the proceedings shall be conducted in the Maltese language or in the English language as the Court shall order;

(e) where any party concerned does not understand the language in which the proceedings are conducted, they shall be interpreted to him either by the Court or by a sworn interpreter.

(2) In a court of criminal jurisdiction—

(a) where all the persons charged are English-speaking, the Court shall order that the proceedings shall be conducted in the English language;

(b) where of two or more persons charged together one or more is or are Maltese-speaking and one or more is or are English-speaking, the proceedings shall be conducted in the Maltese language or in the English language as the Court shall order;

(c) where of two or more persons charged together one or more is or are English-speaking and none of the others is Maltese-speaking, the Court shall order that the proceedings shall be conducted in the English language;

(d) where no person charged is either Maltese-speaking or English-speaking, the proceedings shall be conducted in the Maltese language or in the English language as the Court shall order;

(e) where any person charged does not understand the language in which the proceedings are conducted, they shall be interpreted to him either by the Court or by a sworn interpreter.

3. In all cases the decision or decree of the Court shall be registered in the language in which it is delivered, together with a translation into English or Maltese, as the case may be, where any of the parties to civil proceedings or any of the persons charged in criminal proceedings applies for such a translation and satisfies the Registrar that he does not understand the language in which such a decision or decree has been delivered.

4.—(1) Where any act commencing, or incident to, proceedings is to be served on any person whom the Registrar has reason to believe to be English-speaking, the Registrar shall cause a translation

thereof to be made in the English language and service shall be effected by delivering a copy of the original and its translation; such translation shall be made by an officer of the Registry.

(2) If, from any cause whatsoever, the translation into English of any such act is not served on an English-speaking person, such person may make in the Registry, or forward to the Registrar, in any manner, a declaration to the effect that he is an English-speaking person and apply for an English translation of the act served upon him.

(3) Upon any such application, the Registrar shall cause a translation of the act to be made as aforesaid and delivered to the applicant forthwith; and, if in any such case the said application is made within three clear days from the date of service of the copy of the original act, any period fixed by law shall be deemed to commence to run from the date of delivery of the translation.

(4) If it is proved that the said declaration was not made in good faith, the applicant shall be liable to proceedings for contempt of Court.

(5) A copy in the English language of the provisions of subparagraphs (1) to (4) inclusive of this paragraph shall be annexed to every copy of any act commencing, or incident to, proceedings.

5. All judicial or quasi-judicial proceedings not specifically provided for in the preceding paragraphs of this Schedule shall be conducted, as regards language, in accordance with the principles set out in those paragraphs and any rules made under the next succeeding paragraph of this Schedule.

6.—(1) The Chief Justice and any two Judges of the Superior Courts in Malta appointed for the purpose by the Governor shall have power to make rules, with the approval of the Governor, for carrying into effect the provisions of this Schedule.

(2) Such rules shall not have effect until they shall have been approved by the Governor and when so approved shall be published in the Gazette.

7. For the purposes of this Schedule—

(a) a Maltese-speaking person is a person who speaks Maltese as the principal language to which he is accustomed;

(b) an English-speaking person is a person who does not speak Maltese as the principal language to which he is accustomed and who has a sufficient knowledge of the English language fully to understand and follow all the proceedings if conducted in that language; and

(c) any reference to any act commencing, or incident to, proceedings shall be construed as including any judicial letter, protest, subpoena, warrant or other order of the Court or any schedule of deposit.

MALTA

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief, Malta.

ELIZABETH R.

Dated March 30th 1959

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Island of Malta and its Dependencies or other person for the time being performing the functions of that office.

Whereas in pursuance of the provisions of the Malta (Office of Governor) Letters Patent, 1947, Instructions under the Royal Sign Manual and Signet bearing date the fifth day of September, 1947 (hereinafter referred to as "the existing Instructions") were issued to the Governor and Commander-in-Chief in and over Our Island of Malta and its Dependencies:

And Whereas by the Malta (Constitution) Order in Council, 1959, the aforesaid Letters Patent are revoked and it is provided that there shall be a Governor and Commander-in-Chief in and over Malta and that he shall, subject to the provisions of that Order and of any other law, do and execute all things that belong to his office according to such instructions, if any, as We may from time to time see fit to give him:

And Whereas We are minded to revoke the existing Instructions and to issue Instructions under Our Sign Manual and Signet to the said Governor and Commander-in-Chief in pursuance of the provisions of the aforesaid Order:

Now, therefore, as from the date of commencement of the Malta (Constitution) Order in Council, 1959, We do direct and enjoin and declare Our will and pleasure as follows:—

Citation,
publication
and revocation

- 1.—(1) These Instructions may be cited as the Malta Royal Instructions, 1959.
- (2) These Instructions shall be published in the Gazette.
- (3) Without prejudice to anything lawfully done thereunder, the existing Instructions are hereby revoked.

Publication of
Commission and
making of
oaths.

2.—(1) Every person who is appointed to the office of Governor under section 4 of the Order in Council shall, before entering upon the functions of that office, cause the Commission by which he is appointed to be read and published at the seat of Government in the presence of the Chief Justice or some other judge of the Superior Courts and of such members of the Executive Council as can conveniently attend.

(2) Every person who is appointed to the office of Governor as aforesaid or who is directed to perform the functions of that office by virtue of section 5 of the Order in Council shall, before entering upon the functions of that office, make before the persons referred to in the last foregoing paragraph an oath or affirmation of allegiance and an oath or affirmation for the due execution of the office of Governor in accordance with the provisions of the Order in Council.

which oaths or affirmations the said Chief Justice or other judge is hereby required to administer.

3.—(1) These Instructions, so far as they apply to any functions to be performed by a deputy to the Governor appointed under section 6 of the Order in Council, shall be deemed to be addressed to and shall be observed by such deputy. Instructions to be observed by deputy.

(2) Any such deputy may, if he thinks fit, app'y to Us through a Secretary of State for instructions in any matter; but he shall forthwith transmit to the Governor a copy of every despatch or other communication by which he applies for any such instructions.

4. In the making of Ordinances the Governor shall observe, so far as practicable, the following rules:— Rules for enactment of Ordinances.

(1) The words of enactment shall be "Enacted by the Governor of Malta".

(2) All Ordinances shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin a short indication of its contents.

(3) All Ordinances shall be numbered consecutively in a separate series for each year commencing with the number one.

(4) Matters having no proper relation to each other shall not be provided for by the same Ordinance; no Ordinance shall contain anything foreign to what the title of the Ordinance imports; and no provision having indefinite duration shall be included in any Ordinance expressed to have limited duration.

(5) No Ordinance shall be enacted unless a draft thereof shall first have been made public for at least one month before the enactment thereof, unless earlier enactment is, in the opinion of the Governor, necessary in the public interest.

5. The Governor shall not, without having previously obtained Our instructions through a Secretary of State, enact any Ordinance within any of the following classes, that is to say:— Certain Ordinances not to be enacted without instructions

(1) any Ordinance whereby any grant of land or money or other donation or gratuity may be made to himself;

(2) any Ordinance affecting the currency of Malta or relating to the issue of bank notes;

(3) any Ordinance establishing any banking association or altering the constitution, powers or privileges of any banking association;

(4) any Ordinance imposing differential duties;

(5) any Ordinance the provisions of which appear to the Governor to be inconsistent with obligations imposed upon Us by treaty;

(6) any Ordinance affecting the discipline or control of Our naval, military or air forces;

(7) any Ordinance whereby persons not of Maltese birth or descent are, or may be, subjected or made liable to any disabilities or restrictions to which persons of Maltese birth or descent are not also subjected or made liable;

(8) any Ordinance of an extraordinary nature and importance whereby Our prerogative or rights and property of Our subjects not residing in Malta or the trade, transport or communications of any part of Our dominions may be prejudiced;

(9) any Ordinance containing provisions to which Our assent has once been refused or which have been disallowed by Us:

Provided that, if the Governor is satisfied that it is urgently necessary in the public interest that any such Ordinance (other than one falling within the class mentioned in paragraph (5) of this clause) be brought into immediate operation, he may enact such Ordinance; but in any such case he shall, at the earliest opportunity, transmit to Us the Ordinance so enacted, together with his reasons for so enacting it.

Private
Ordinances.

6. Every Ordinance enacted at the instance of and intended to affect or benefit some particular person, association, or corporate body, shall contain a section saving the rights of Us, Our Heirs and Successors, all bodies politic and corporate, and all others, except such as are mentioned in the Ordinance and those claiming by, from or under them.

Ordinances to
be sent through
Secretary of
State.

7. When any Ordinance has been enacted, the Governor shall forthwith transmit to Us through a Secretary of State for the signification of Our pleasure a transcript in duplicate of the Ordinance duly authenticated under the public seal and by his own signature, together with an explanation of the reasons and occasion for the enactment of the Ordinance.

Collection of
Ordinances
to be published
every year.

8. As soon as practicable after the commencement of each year the Governor shall cause a complete collection of all Ordinances enacted during the preceding year to be published for general information.

Regulation of
power of
pardon in
capital cases.

9.—(1) Whenever any offender has been condemned to suffer death by the sentence of any civil court in Malta, the Governor shall call upon the judge who presided at the trial to make to him a written report of the case of such offender, and shall cause such report to be taken into consideration at a meeting of the Executive Council, and he may cause the said judge to be specially summoned to attend such meeting and to produce his notes thereat.

(2) The Governor shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do upon receiving the advice of the Executive Council thereon; but he is to decide either to extend or to withhold a pardon or reprieve according to his own deliberate judgment, whether the members of the Council concur therein or otherwise, entering nevertheless in the minutes of the Council his reasons at length if he should decide any such question in opposition to the members thereof.

Languages.

10.—(1) The Governor shall secure that nothing shall be done, either by legislation or by administrative action, which would diminish, or detract from, the position of the English or the Maltese language or tend to restrict its use in the public service.

(2) The Governor shall secure that no alteration shall, without Our prior consent obtained through a Secretary of State, be made, either by legislation or by administrative action, in the law, regulations or practice from time to time in force regarding the use, as a medium of education or instruction, or the teaching, of any language in any University, school or other educational institution in Malta.

11. The Governor shall not, directly or indirectly, purchase for himself any land or building in Malta to Us belonging without having first obtained leave from Us for so doing through a Secretary of State. Purchase of Crown lands by Governor.

12. Except in circumstances in which he is not regarded as absent from Malta for the purposes of section 5 of the Order in Council, the Governor shall not quit Malta without having first obtained leave from Us for so doing through a Secretary of State. Governor's absence.

13.—(1) In these Instructions “the Order in Council” means the Malta (Constitution) Order in Council, 1959. Interpretation.

(2) Expressions used in these Instructions shall, unless it is otherwise provided or required by the context, have the same respective meanings as they have in the Order in Council.

Given at Our Court at Saint James's this 30th day of March,
in the Eighth year of Our Reign.

MALTA

Ordni fil-Kunsill ta' l-1959 dwar il-Kostituzzjoni ghal Malta

Fil-Qorti ta' Buckingham Palace, l-erbgha u ghoxrin gurnata ta' Marzu,
1959

Preżenti,

Il-Wisq Eċċellenti Maestà Tagħha r-Regina fil-Kunsill

Il-Maestà Tagħha bis-sabha tal-poteri kollha li jagħtuba setgħa għal
daqshekk, għandha l-pjaċir, bil-purir tal-Kunsill Privat Tagħha, li tordna,
u qiegħed jiġi hawnhekk ordnat, dan li ġej:—

TAQSIMA I

Dhul

Titolu u bidu
fis-sehh.

1.—(1) Dan l-Ordni jista' jissejjah l-Ordni fil-Kunsill ta' l-1959
dwar il-Kostituzzjoni għal Malta.

(2) Hlief safejn huwa provdut xort'ohra **fis-subartikolu** li
jagħbat sew sew wara dan, dan l-Ordni għandu jidhol **fis-sehh** fil-ħmis-
tax-il gurnata ta' April, 1959.

(3) L-artikoli 32 sa 35 ta' dan l-Ordni għandhom jidhlu **fis-**
sehh f'dik il-gurnata li l-Gvernatur, fid-diskrezzjoni tiegħu, jiffissa bi
proklama pubblikata fil-Gazzetta, u, sakemm daww l-artikoli jidhlu
fis-sehh, l-artikoli 41, 43 u 47 ta' dan l-Ordni **jkollhom sehh** bħallikieku
r-riferenzi li hemm fihom għal konsultazzjoni mal-Kummissjoni dwar
is-Servizz Pubbliku ma kienux hemm.

Tifsir.

2.—(1) F'dan l-Ordni sakemm ma jkunx provdut xort'ohra jew
il-kontest ma jkunx **jeħtieġ** xort'ohra—

“il-Fond Konsolidat” tfisser il-Fond Konsolidat ta' Dhul ta'
Malta;

“il-Gazzetta” tfisser il-Gazzetta tal-Gvern ta' Malta;

“il-Gvernatur” tfisser il-Gvernatur u Kap Kmandat ta'
Malta;

“Malta” tfisser il-Gżira ta' Malta u d-Dipendenzi tagħha
magħduda l-ibhra territorjali tagħhom;

“uffiċċju pubbliku” tfisser kull kariga bi hlas **is-servizz**
pubbliku;

“uffiċċjal pubbliku” tfisser id-detentur ta' kull **uffiċċju** pubbliku
u tinkludi kull persuna mahtura biex taġixxi f'xi kariga bħal dik;

“is-sigill pubbliku” tfisser **is-sigill** pubbliku ta' Malta;

“is-servizz pubbliku” tfisser **is-servizz** tal-Kuruna f'kapacità
ċivili dwar il-gvern ta' Malta u tinkludi **servizz** bħala mhallef jew
uffiċċjal ieħor ta' xi qorti ċivili ta' Malta;

(2) F'dan l-Ordni, sakemm ma jkunx provdut xort'ohra jew
il-kontest ma jkunx **jeħtieġ** xort'ohra —

(a) kull riferenza għad-data tal-bidu **fis-sehh** ta' dan l-Ordni
għandha tiftiehem bħala riferenza għall-gurnata msemmiha **fis-sub-**
artikolu (2) ta' l-artikolu 1 ta' dan l-Ordni;

(b) kull riferenza għad-dominji tal-Maestà Tagħha għandha
tiftiehem bħala tinkludi riferenza għall-pajjiżi u territorji kollha
ġewwa l-*Commonwealth*;

(c) kull riferenza għal setgħa ta' eghmil ta' hatriet għal xi kariga għandha tiftiehem bħala tinkludi riferenza għal setgħa ta' eghmil ta' hatriet bi promozzjoni u trasferiment f'dik il-kariga u għal setgħa ta' hatra ta' persuna biex taqdi l-funzjonijiet ta' dik il-kariga matul kull żmien li fih tkun vaganti jew li d-detentur tagħha jkun inkapaċi (sew minhabba f'assenza jew murd korporal, jew tal-moħħ jew għal kull raġuni oħra) li jaqdi dawk il-funzjonijiet;

(d) kull riferenza għad-detentur ta' kariga bi-isem li jispeċifika l-kariga tiegħu għandha tiftiehem bħala tinkludi riferenza lil kull persuna li, bis-saħħa ta' u safejn tghid xi awtorità għaldaqsekk, tkun għal dak iż-żmien qieghda taqdi l-funzjonijiet ta' dik il-kariga.

(3) Għall-finijiet ta' dan l-Ordni —

(a) persuna ma titqiesx li tkun qed tokkupa uffiċċju pubbliku biss għaliex tkun qed tirċievi pensjoni jew *allowance* oħra bħal din dwar servizz f'kariga bi bla fis-servizz pubbliku; u

(b) il-kariga ta' membru tal-Kunsill Eżekuttiv m'għandhiex titqies li tkun kariga fis-servizz pubbliku.

(4) Għall-finijiet ta' dan l-Ordni, ir-riżenja tad-detentur ta' xi kariga li tkun meħtieġa l' tkun miqiegħda lill-Gvernatur għandha titqies li jkollha seħħ minn x'hin tiġi rċevuta mill-Gvernatur.

(5) Mita b'dan l-Ordni xi persuna tkun ordnata, jew tiġi mogħtija setgħa lil xi persuna jew awtorità biex taħtar persuna, li taqdi l-funzjonijiet ta' kariga jekk id-detentur tagħha jkun inkapaċi li jaqdi dawk il-funzjonijiet, il-validità ta' kull qadi ta' dawk il-funzjonijiet mill-persuna hekk ordnata jew ta' kull hatra magħmula bis-saħħa ta' dik is-setgħa ma tistax tiġi attakkata f'xi qorti minhabba l' d-detentur tal-kariga ma jkunx inkapaċi li jaqdi l-funzjonijiet tal-kariga.

(6) Mita b'dan l-Ordni l-Gvernatur huwa meħtieġ li jeżerċita xi setgħa fuq rikmandazzjoni ta', jew wara konsultazzjoni ma', xi persuna jew awtorità ma għandux jiġi eżaminat minn xi qorti jekk ikunx hekk eżerċita dik is-setgħa.

(7) Għat-tneħħija ta' dubbji qiegħed hawnhekk jiġi dikjarat illi kull persuna li tkun halliet xi kariga stabbilita b'dan l-Ordni tkun, jekk ikollha l-kwalifika, tista' tiġi maħtura mill-ġd'id għal dik il-kariga minn żmien għal żmien.

(8) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu u hliet fejn il-kontest jehlieg xort'oħra, l-*"Interpretation Act, 1889"* għandu iġġod sabiex jiġi interpretat dan l-Ordni kif jgħodd sabiex jiġi interpretat Att tal-Parlament.

3. L-Attijiet imsemmija fl-Ewwel Skeda li tinsab ma' dan l-Ordni huma mħassra.

Tahsir.

TAQSIMA II

Il-Gvernatur

4.—(1) Għandu jkun hemm Gvernatur u Kap Kmandant għal **Il-Gvernatur.** Malta u f'Malta li jkun maħtur mill-Maestà Tagħha b'Kummissjoni taħt il-Firma u s-Siġill Tagħha u għandu jibqa' fil-kariga sakemm joghġob Lilha.

(2) Il-Gvernatur għandu jkollu dawk is-setgħat u dmirijiet li huma mogħtija jew imposti lilu bi jew skond dan l-Ordni jew kul' liġi oħra, u dawk is-setgħat u dmirijiet oħra li l-Maestà Tagħha jista' minn żmien għal żmien joghġobha tassenjalu, u, bla ħsara għad-disposizzjonijiet ta' dan l-Ordni jew ta' kul' liġi oħra li biha xi setgħat jew dmirijiet bħal dawn huma mogħtija jew imposti, għandu jagħmel u jeżegwixxi

l-hwejjeg kollha li jappartjenu lill-kariga tiegħu (magħdud l-eżerċizzju ta' kull setgħat li dwarhom huwa awtorizzat jew mehtieg b'dan l-Ordni li jaġixxi fid-diskrezzjoni tiegħu) skond dawk l-istruzzjonijiet, jekk ikun hemm, li l-Maestà Tagħha tista' minn żmien għal żmien tara xieraq li tagħtih:

Iżda ma għandux jiġi eżaminat minn xi qorti jekk il-Gvernatur ikunx hares dawk l-istruzzjonijiet f'xi haġa.

(3) Il-persuna maħtura għall-kariga ta' Gvernatur għandha, qabel ma tidhol għall-funzjonijiet ta' dik il-kariga, tiegħu għuramenti jew tagħmel dikjarazzjonijiet solenni ta' fedeltà u għall-eżekuzzjoni xierqa ta' dik il-kariga fil-formuli murija fit-Tieni Skeda li tinsab ma' dan l-Ordni.

(4) Għandu jiġi addebitat lill-Fond Konsolidat u mħallas minnu lill-Gvernatur is-salarju u l-*allowance* speċifikat fit-Tielet Skeda li tinsab ma' dan l-Ordni.

Agent
Gvernatur.

5.—(1) Matu! kull żmien li fih il-kariga ta' Gvernatur tkun v-ganti jew li l-Gvernatur ikun assenti minn Malta jew għal kull raġuni oħra jkun inkapaċi li jaqdi l-funzjonijiet tal-kariga tiegħu —

(a) dik il-persuna li l-Maestà Tagħha tista' tispeċifika għal d-qshekk b'istruzzjonijiet mogħtija taħt il-Firma u Sigill Tagħha jew permezz ta' Segretarju ta' l-Istat, jew

(b) jekk ma jkun hemm ebda persuna f'Malta hekk speċifika ta u kapaċi li taqdi dawk il-funzjonijiet, l-aktar anzjan mid-detenturi effettivi tal-karigi msemmija fis-subartikolu (2) ta' l-artikolu 10 ta' dan l-Ordni li tkun Malta u hekk kapaċi,

għandha, sakemm jogħgħob lill-Maestà Tagħha, tassumi u taqdi l-funzjonijiet tal-kariga ta' Gvernatur u hekk tamministra l-Gvern ta' Malta.

(2) Għall-finijiet tal-paragrafu (b) tas-subartikolu li jaħbat sew sew qabel dan, id-detenturi effettivi tal-karigi msemmija fis-subartikolu (2) ta' l-artikolu 10 għandhom jieħdu anzjanità fl-ordni li fih il-karigi tagħhom huma hemm imsemmijin.

(3) Qabel ma tassumi l-funzjonijiet tal-kariga ta' Gvernatur, kull persuna bħal dik imsemmija qabel għandha tiegħu għuramenti jew tagħmel id-dikjarazzjonijiet solenni ordnati bl-artikolu li jaħbat sew sew qabel dan li jittieħdu jew jintagħmlu mill-Gvernatur.

(4) Ebda persuna bħal dik imsemmija qabel ma għandha tkompli taqdi l-funzjonijiet tal-kariga ta' Gvernatur wara li l-Gvernatur jew xi persuna oħra li jkollha d-dritt qabilha li taqdi l-funzjonijiet ta' dik il-kariga tkun avzatha li tkun sejra tassumi jew tirrezumi dawk il-funzjonijiet.

(5) Il-Gvernatur jew kull persuna oħra bħal ma ntqal qabel ma għandux, għall-finijiet ta' dan l-artikolu jitqies bħala assenti minn Malta jew inkapaċi li jaqdi l-funzjonijiet tal-kariga ta' Gvernatur —

(a) minħabba biss li jkun għaddej minn parti ta' Malta għal oħra, iew

(b) f'kull żmien mita jkun hemm haġra eżistenti ta' deputat skond l-artikolu li jaħbat sew sew wara dan.

Deputat tal-
Gvernatur.

6.—(1) Kull mita l-Gvernatur —

(a) ikollu għalfejn ikun assenti minn Malta għal żmien li huwa jkollu raġuni li jaħseb li jkun ta' dewmien qasir, jew

(b) ikun marid b'marda li huwa jkollu raġuni li jaħseb li tkun ta' dewmien qasir,

jista', fid-diskrezzjoni tiegħu, b'att taħt is-sigill pubbliku, jaħtar xi persuna f'Malta biex tkun deputat tiegħu u f'dik il-kapaċità biex taqdi minflok dawk il-funzjonijiet tal-kariga ta' Gvernatur li jistgħu jiġu speċifikati f'dak l-att.

(2) Is-setgħa u l-awtorità tal-Gvernatur ma għandhomx jiġu mqassra, mibdula jew b'xi mod milquta bil-hatra ta' deputat skond dan l-artikolu, u deputat għandu jikkonforma ruħu ma' u josserva l-istruzzjonijiet kollha li l-Gvernatur jista' minn żmien għal żmien jibgħatlu :

Iżda m'għandhiex tiġi eżam.nata minn xi qorti jekk deputat ikunx ikkonforma ruħu ma' jew osservax xi istruzzjonijiet bħal dawk jew le.

(3) Persuna mahtura bħala deputat skond dan l-artikolu għandha żzomm dik il-hatra għal dak iż-żmien (jekk ikun hemm) li jista' jiġi speċifikat fl-att li bih tkun giet mahtura, u l-hatra tagħha tista' tkun imhassra f'kull żmien mill-Maestà Tagħha b'istruzzjonijiet mogħtija permezz ta' Segretarju ta' l-Istat jew mill-Gvernatur, fid-diskrezzjoni tiegħu, b'att taħt is-sigill pubbliku.

(4) Il-pattijiet ta' kull hatra skond dan l-artikolu jistgħu jiġu mibdula mill-Gvernatur, fid-diskrezzjoni tiegħu, b'att sussegwenti taħt is-sigill pubbliku, u riferenzi f'dan l-artikolu għall-att li bih xi persuna tkun mahtura bħala deputat għandhom jinkludu riferenzi għal kull att bħal dan kif mibdul b'xi att sussegwenti.

7. Bla hsara għad-d'sposizzjonijiet ta' dan l-Ordni u ta' kull liġi oħra li għal dak iż-żmien ikollha seħħ f'Malta, il-Gvernatur jista', f'isem il-Maestà Tagħha u għal Maestà Tagħha, iwaqqaf dawk il-karigi għal Malta li jistgħu jiġu legalment imwaqqa mill-Maestà Tagħha u jista' jabolixxi dawk il-karigi, u jista' wkoll —

Setgħat tal-Gvernatur li iwaqqaf karigi u jagħmel hatriet, eċċ.

(a) jagħmel hatriet, li għandhom jinżammu sakemm jogħgob lil-Maestà Tagħha, għal kull kariga hekk imwaqqa, u

(b) ineħħi mill-kariga kull persuna hekk mahtura jew iwaqqafha mill-eżerċizzju ta' funzjonijiet tal-kariga tagħha jew jiehu dawk il-passi l-oħra ta' dixxiplina dwarha li l-Gvernatur jistgħu jidhrulu xierqa.

8. Bla hsara għad-disposizzjonijiet ta' kull liġi li għal dak iż-żmien tkun isseħħ f'Malta, il-Gvernatur jew kull persuna awtorizzata kif imiss minnu għal hekk bil-miktub minn taħt idejh, f'isem il-Maestà Tagħha u għal Maestà Tagħha, jista', taħt is-sigill pubbliku, jagħmel għoti jew tneħħija ta' artijiet jew proprjetà immobbli oħra f'Malta li tista' tkun mogħtija jew imneħħija legalment mill-Maestà Tagħha.

Setgħat tal-Gvernatur għal tneħħija ta' art.

9. Il-Gvernatur jista', f'isem il-Maestà Tagħha u għal Maestà Tagħha —

Setgħat tal-Gvernatur ta' mahfra, eċċ.

(a) jagħti lil kull persuna li jkollha x'taqsam ma' l-egħm'il ta' xi reat li dwaru tista' ting'ieb quddiem il-corti f'Malta jew lil kull persuna li tkun instabet hatja ta' reat minn xi qorti f'Malta mahfra, kemm hielsa u kemm sugġetta għal kundizzjonijiet legali;

(b) jagħti lil kull persuna titwil ta' żmien, kemm indefinit u kemm żmien speċifikat, għall-eżekuzzjoni ta' xi kundanna mgħod-dija fuq dik il-persuna minn xi qorti f'Malta;

(c) jagħti forma ta' piena anqas harxa minn dik imposta minn xi kundanna ta' xi qorti bħal dik; jew

(d) jahfer fl-intier tagħha jew f'parti minnha kull kundanna jew kull penali jew konfiska li xort'oħra tkun dovuta lill-Maestà Tagħha minhabba f'xi reat li dwaru persuna tkun giet misjuba hatja minn xi qorti f'Malta.

TAQSIMA III

Il-Kunsill Eżekuttiv

Twaqqif ta' Kunsill Eżekuttiv.

10.—(1) Għandu jkun hemm Kunsill Eżekuttiv f'Malta u għal Malta, li, bla hsara għall-artikolu 13 ta' dan l-Ordni, għandu jkun magħmul minn tliet membr *ex officio* u minn dawk il-membri l-oħra (hawnhekk iżjed 'il quddiem imsemmija membri nominati) li minnhom mhux anqas minn tlieta għandhom ikunu persuni li jkunu detenturi ta' uffiċċju pubbliku, skond ma jkunu mahtura mill-Gvernatur b'att taht is-siġill pubbliku in eżekuzzjoni ta' istruzzjonijiet mogħtija lill mill-Maestà Tagħha permezz ta' Segretarju ta' l-Istat.

(2) Il-membri *ex officio* għandhom ikunu is-Segretarju Prinċipali, is-Segretarju Legali u s-Segretarju Finanzjarju.

Zmien ta' kariga ta' membri nominati.

11.—(1) Bla hsara għas-subartikolu li jahbat sew sew wara dan, il-membri nominati għandhom jibqgħu fil-kariga tagħhom sakemm jognogob lili-Maestà Tagħha.

(2) Membru nominat għandu jitlaq mill-kariga tiegħu —

(a) f'dik id-data jew f'dawk iċ-ċirkostanzi (jekk ikun hemm) li jistgħu jkunu speċifikati f'att li bih ikun gie mahtur;

(b) jekk jirriżenja mill-kariga tiegħu b'kitba minn taht idejha mibgħuta lill-Gvernatur;

(ċ) jekk, waqt li kien id-detentur ta' uffiċċju pubbliku fid-data tal-hatra tiegħu, ma jkunx iżjed detentur ta' dik il-kariga; jew

(d) jekk, waqt li ma kienx id-detentur ta' kariga bħal dik fid-data tal-hatra tiegħu, ikun mahtur għal kariga bħal dik.

Inkapaċità ta' membru nominat li jaqdi l-funzjonijiet tiegħu u sospensjoni ta' membru bħal dak.

12.—(1) Il-Gvernatur jista', b'att taht is-siġill pubbliku, jiddikjara illi membru nominat ikun, minhabba f'mard, assenza jew raġuni oħra, inkapaċi li jaqdi l-funzjonijiet tiegħu bħala membru nominat, u wara hekk dak il-membru m'għandux jaqdi l-funzjonijiet imsemmija tiegħu sakemm jiġi dikjarat bil-mod fuq imsemmi li jkun darb'oħra kapaċi li jaqdihom.

(2) (a) Il-Gvernatur jista' b'att taht is-siġill pubbliku, jiddikjara illi membru nominat ikun sospiż mill-eżerċizzju tal-funzjonijiet tiegħu u wara hekk dak il-membru ma jkunx jista' jaqdi l-funzjonijiet imsemmija tiegħu.

(b) Kull sospensjoni skond il-paragrafu (a) ta' dan is-subartikolu għandha tiġi minnufih irrappurtata lill-Maestà Tagħha permezz ta' Segretarju ta' l-Istat u għandha tibqa' ssehh sakemm tiġi mhassra mill-Maestà Tagħha b'Istruzzjonijiet mogħtija permezz ta' Segretarju ta' l-Istat jew mill-Gvernatur b'att taht is-siġill pubbliku jew il-persuna sospiża ma tibqax membru nominat.

(3) Is-setgħat mogħtija lill-Gvernatur b'dan l-artikolu għandhom jiġu eżerċitati minnu fid-diskrezzjoni tiegħu.

Membru temporanji.

13.—(1) Kull mita jkun hemm vaganza fost in-numru ta' persuni li jkunu jiffirmaw il-Kunsill Eżekuttiv minhabba l-fatt illi—

(a) persuna waħda tkun qed taqdi legalment il-funzjonijiet ta' aktar minn wieħed mill-uffiċjali msemmija fis-subartikolu (2) ta' l-artikolu 10 ta' dan l-Ordni;

(b) membru nominat ikun qed jaqdi legalment il-funzjonijiet ta' wieħed minn dawk l-uffiċjali; jew

(ċ) membru nominat ikun skond l-artikolu li jahbat sew sew qabel dan, inkapaċi jew sospiż milli jaqdi l-funzjonijiet tiegħu; jew

(d) il-kariga ta' membru nominat tkun vaganti minhabba f'xi raġuni, il-Gvernatur, waqt li jaġixxi fid-diskrezzjoni tiegħu, jista' b'att taħt is-sigill pubbliku, jaħtar persuna biex tkun temporanjament membru tal-Kunsill Eżekuttiv.

(2) Jekk il-vaganza tkun fin-numru ta' membri *ex officio*, il-persuna hekk mahtura għandha ikun persuna li tkun qed tokkupa uffiċju pubbliku.

(3) Kull persuna hekk mahtura għandha, bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, titqies li tkun għall-finjiet kollha membru nominat tal-Kunsill Eżekuttiv, u d-disposizzjonijiet ta' dan l-Ordni għandhom għalhekk jgħoddu għaliha.

(4) Il-Gvernatur għandu minnufih jirrapporta kull hatra skond dan l-artikolu lill-Maestà Tagħha permezz ta' Segretarju ta' l-Istat; u kull hatra bhal din tista' tigi mhassra mill-Maestà Tagħha permezz ta' Segretarju ta' l-Istat jew mill-Gvernatur, fid-diskrezzjoni tiegħu, b'att taħt is-sigill pubbliku, u tispiċċa mill-jkollha seħħ mita l-persuna mahtura tkun notifikata mill-Gvernatur, fid-diskrezzjoni tiegħu, tat-thassir tal-hatra jew illi ċ-ċirkostanzi li holqu l-vaganza ma jkunux għadhom jeżistu.

14.—(1) F'il-formulazzjoni tal-pulitka u fl-eżerċizzju tas-setgħat mogħtija lilu b, jew skond dan l-Ordni jew kull liġi oħra, il-Gvernatur għandu, bla ħsara għas-subartikoli (3) u (4) ta' dan l-artikolu, jikkonsulta lill-Kunsill Eżekuttiv hliet f'każijiet —

Il-Gvernatur
jikkonsulta
lill-Kunsill
Eżekuttiv.

(a) li jkunu ta' xorta tali illi, fil-ġudizzju tiegħu, is-servizz tal-Maestà Tagħha jsofri preġudizzju sostanzjali jekk il-Kunsill ikun konsultat dwarhom;

(b) li fihom il-ħwejjeg li għandhom ikunu deċiżi jkunu fil-ġudizzju tiegħu, wisq mhux importanti biex jihtiegu l-parir tal-Kunsill; jew

(ċ) li fihom, fil-ġudizzju tiegħu, l-urgenza tal-ħaġa tihtieg li huwa jaġixxi qabel ma l-Kunsill jista' jkun ikkonsultat.

(2) F'kull każ li jidhol fi-paragrafu (ċ) tas-subartikolu li jaħbat sew sew qabel dan, il-Gvernatur għandu kemm jista' jkun malajr, jikkomunika lill-Kunsill il-miżuri li jkun adotta u r-raġunijiet dwar hekk.

(3) Is-subartikolu (1) ta' dan l-artikolu ma għandux jgħodd għall-eżerċizzju mill-Gvernatur ta' —

(a) kull setgħa mogħtija lilu b'dan l-Ordni li huwa awtorizzat jew meħtieġ li jeżerċita fid-diskrezzjoni tiegħu jew in eżekuzzjoni ta' istruzzjonijiet mill-Maestà Tagħha jew fuq rikmandazzjoni ta' xi persuna jew awtorità li ma tkunx il-Kunsill; jew

(b) kull setgħa mogħtija lilu b'xi liġi li ma tkunx dan l-Ordni li jkun awtorizzat jew meħtieġ li jeżerċita fid-diskrezzjoni tiegħu jew li dwarha jkun provdut xort'oħra illi ma jkunx obligat li jikkonsulta lill-Kunsill l-eżerċizzju tagħha; jew

(ċ) is-setgħa msemmija fis-subartikolu li jaħbat sew sew wara dan u l-awtorità mogħtija bl-artikolu 17 ta' dan l-Ordni.

(4) Fl-eżerċizzju tas-setgħa li jaħfer jew li jtawwal iż-żmien li ħati li jkun kundannat għal-piena tal-mewt minn deċiżjoni ta' xi qorti f'Malta, il-Gvernatur għandu jikkonsulta lill-Kunsill skond l-istruzzjonijiet dwar hekk li jkun hemm f'xi Istruzzjonijiet taħt il-Firma u s-Sigill tal-Maestà Tagħha m bghuta lill-Gvernatur.

Il-Gvernatur
jista' jaġixxi
b'oppożizzjoni
ghall-parir
tal-Kunsill.

15.—(1) F'kull każ li fih il-Gvernatur ikun meħtieġ bis-subartikolu (1) ta' l-artikolu li jaħbat sew sew qabel dan li jikkonsulta lill-Kunsill Eżekuttiv huwa jista' jaġixxi b'oppożizzjoni għall-parir mogħti li u mill-Kunsill jekk huwa qas li jkun sewwa li jaġmel hekk; iżda f'kull każ bħal dan huwa għandu jirrapporta l-ħaġa lil Segretarju ta' l-Istat fl-ewwel opportunità konvenjenti bir-raġunijiet dwar l-aġir tiegħu.

(2) Kull mita l-Gvernatur jaġixxi hekk kontra l-parir tal-Kunsill ikun dritt ta' kull membru li jħtieġ li jiġi mn-żżel fil-minuti kull parir jew fehma li huwa jista' jaġti dwar il-kwistjoni bir-raġunijiet għal hekk.

Il-Gvernatur
jipproponi
kwistjonijiet.

16. Il-Gvernatur waħdu jkollu d-dritt li jressaq kwistjonijiet lill-Kunsill Eżekuttiv; iżda jekk l-Gvernatur jirrofta li jressaq xi kwistjoni lill-Kunsill mitlub bil-miżur minn xi membru biex jaġmel hekk, ikun dritt ta' dak il-membru li jħtieġ li tiġi mn-żżla fil-minuti t-talba tiegħu miktuba, flimkien mat-tweġiba miġhuta mill-Gvernatur għaliha.

Sejha
tal-Kunsill.

17. Il-Kunsill Eżekuttiv ma jiġix imsejjaħ hliet bl-awtorità tal-Gvernatur.

Jippresjedi
fil-Kunsill.

18.—(1) Il-Gvernatur għandu, safe'n ikun prattikabbli, jattendi u jippresjedi fil-laqgħat tal-Kunsill Eżekuttiv.

(2) Fl-assenza tal-Gvernatur minn xi laqgħa tal-Kunsill dak il-membru tal-Kunsill li jista' jiġi maħtur għall-iskop mill-Gvernatur fid-diskrezzjoni tiegħu, sew b'mod speċjali sew b'mod ġenerali, għandu jippresjedi fil-laqgħa.

Quorum
tal-Kunsill

19. Il-Kunsill ma għandu jmxxi ebda xogħol kemm-il-darba ma jkunux preżenti tliet membri, oltri l-membru, jekk ikun hemm, li jkun jippresjedi.

Il-Kunsill jista'
jmxxi xogħol
minkejja
vaganzi, eċċ.

20. Bia ħsara għall-artikolu li jaħbat sew sew qabel dan il-Kunsill ma jkunx skwalifikat mit-tmexxija ta' xogħol minħabba f'xi vaganza fost il-membri tiegħu; u kull proċeduri fih għandhom ikunu valdi minkejja li xi persuna li ma kellhiex dritt tagħmel hekk tkun ħadet parti f'dawk il-proċeduri.

Sejha ta'
persuni
fil-Kunsill.

21. Kull mita l-Gvernatur jixtieq li jikseb il-parir ta' xi persuna f'Malta dwar il-gvern tagħha huwa jista' jsejjaħ lil dik il-persuna fil-Kunsill.

TAQSIMA IV

Leġislazzjoni

Setgħa tal-
Gvernatur li
jaġmel liġ-
għat.

22.—(1) Bia ħsara għad-disposizzjonijiet ta' dan l-Ordni, il-Gvernatur ikun jista' jaġmel liġ-
għat (li jkunu jssejjaħ Ordinanze) għall-paċi, ordni u tmexxija tajba tal-gvern ta' Malta.

(2) Kull Ordinanza għandha tkun maħruġa b'liġi kemm bl-ilsien Inġliż u kemm bl-ilsien Malti u, jekk ikun hemm konflitt bejn it-test Inġliż u t-test Malti ta' xi Ordinanza, it-test Inġliż għandu jgħodd.

Ħudha ta'
Ordinanze.

23.—(1) Kull Ordinanza tista' tiġi miħhuda mill-Maestà Tagħha permezz ta' Segretarju ta' l-Istat.

(2) Kull mita xi Ordinanza tkun għet miħhuda mill-Maestà

Tagħha l-Gvernatur għandu jara l'avviż ta' dik iċ-ċaħda jiġi pubblika fil-Gazzetta u l-liġi tiġi annullata b'seħħ mid-data tal-pubblikazzjoni ta' dak l'avviż.

(3) Fuq l-annullament ta' xi Ordinanza skond dan l-artikolu, kull liġi mhassra jew emendata bi jew skond xi disposizzjonijiet ta' dik l-Ordinanza għandu jkollha effett mid-data ta' l-annullament bħallikieku dik l-Ordinanza ma kienetx giet magħmula; iżda, blief kif provdut fid-disposizzjonijiet li jgħid qabel ta' dan is-subartikolu, id-disposizzjonijiet tas-subartikolu (2) ta' l-artikolu 38 ta' l-“Interpretation Act, 1889” għandhom jgħoddu għal dak l-annullament kif jgħoddu għat-tahsir ta' Att tal-Parlament.

24.—(1) Il-Gvernatur għandu jara li kopja ta' kull Ordinanza tiġi merfugha u rreġistrata fl-Uffiċċju tar-Registratur tal-Qorti ta' l-Appell ta' Malta. Dik il-kopja għandha tkun sew bl-ilsien Inġliż sew bl-ilsien Maltese u għandha tkun iffirmata mill-Gvernatur, u, wara li tiġi merfugha kif intqas qabel, tkun prova konklużiva tad-disposizzjonijiet ta' dik l-Ordinanza.

Bidu fis-seħħ ta' Ordinanza u rreġistrar ta' Ordinanza u ta' ċaħda.

(2) Il-Gvernatur għandu jara li kull Ordinanza tiġi pubblikata fil-Gazzetta sew bl-ilsien Inġliż sew bl-ilsien Maltese, u kull Ordinanza għandha tibda fis-seħħ fid-data li fiha tkun hekk pubblikata jew, jekk ikun maħsub f'dik l-Ordinanza jew f'xi liġi oħra (magħduda kull liġi li tkun fis-seħħ mita jiġi fis-seħħ dan l-Ordni) li għandha t-dhol fis-seħħ f'xi data oħra, f'dik id-data.

(3) Kull mita xi Ordinanza tkun giet miċhuda skond l-artikolu li jgħid qabel dan, il-Gvernatur għandu jiċcertifika dik iċ-ċaħda b'att taht s-siġill pubbliku u għandu jara li dak l-att jiġi merfugħ fl-Uffiċċju tar-Registratur tal-Qorti ta' l-Appell ta' Malta.

(4) Il-validità jew hdim ta' kull Ordinanza jew ċaħda ta' xi Ordinanza ma tiġix malquta minhabba b'iss illi xi waħda mid-disposizzjonijiet fuq imsemmija ta' dan l-artikolu ma tkunx giet imharsa.

25. Il-Maestà Tagħha b'dan tirriżerva Għaliha Nfisha s-setgħa, bi-parir tal-Kunsill Privat Tagħha, li tagħmel liġijiet għal-paċi, ordni u tmexxija tajba tal-Gvern ta' Malta.

Setgħa tal-Maestà Tagħha fil-Kunsill li tagħmel liġijiet.

TAQSIMA V

Il-Gudikatura

26. Bla hsara għal-artikolu 30 ta' dan l-Ordni l-imħalfin tal-Qrati Superjuri tal-Maestà Tagħha f'Malta għandhom ikunu:

(a) Prim Imħalef; u

(b) seba' mħalfin oħra jew dak in-numru liehor li jista' jkun maħsub minn xi liġi li għal dak iż-żmien tkun fis-seħħ f'Malta:

Iżda l-kariga ta' mħalef fl-imsemmija Qrati ma għandhiex, mingħajr il-kunsens tiegħu, tkun abbolita waqt li huwa jkun fil-kariga.

Numru ta' mħalfin tal-Qrati Superjuri.

27.—(1) L-imħalfin tal-Qrati Superjuri għandhom ikunu maħtura mill-Gvernatur, b'att taht is-siġill pubbliku, in-eżekuzzjoni ta' istruzzjonijiet mogħtija lill-Maestà Tagħha permezz ta' Segretarju ta' l-Istat.

Haġra ta' mħalfin.

(2) Persuna ma tkunx kwalifikata biex tkun maħtura mħalef tal-Qrati imsemmija kemm-il-darba, għal żmien ta', jew żminijiet li b'korollari jagħmel, mhux anqas minn tliet-il sena, ma tkunx eżerċitat bħala avukat f'Malta jew serviet bħala Magiſtrat f'Malta jew tkun f'parti hekk eżerċitat u f'parti hekk serviet.

Zmien ta' kariga ta' mħallfin.

28.—(1) Bla hsara għad-disposizzjonijiet li ġejjin ta' dan l-artikolu, kull imħallef tal-Qrati Superjuri mahtur skond l-artikolu li jaħbat sew sew qabel dan għandu jibqa' fil-kariga sakemm jilhaq l-età ta' hamsa u sittin sena :

Izda illi —

(a) il-Gvernatur jista' jħalli mħallef li jkun lahaq dik l-età li jkompli fil-kariga għal żmien iehor li ma jkunx iżjed minn sena ;

(b) imħallef jista' f'kull żmien jirriżenja mill-kariga tiegħu b'kitba minn taħt idejh mibghuta lili-Gvernatur.

(2) Imħallef ta' l-imsemmija Qrati mahtur kif intqal qabel jista' jiġi mneħħi mill-kariga biss minhabba inkapaċità li jaqdi l-funzjonijiet tal-kariga tiegħu (kemm jekk minhabba mard korporali jew tal-mohħ jew xi raġuni oħra) jew minhabba mgieba hażina u ma jistax jiġi mneħħi blief skond is-subartikolu li ġej sew sew wara dan.

(3) Imħallef tal-Qrati msemmija għandu jiġi mneħħi mill-kariga mill-Gvernatur b'ordni taħt is-sigill pubbliku jekk il-kwistjoni dwar it-tneħħija ta' dak l-imħallef mill-kariga tkun, fuq talba tal-Gvernatur magħmula skond is-subartikolu li jaħbat sew sew wara dan, għet imressqa mill-Maestà Tagħha lill-Kumitat Gudizzjarju tal-Kunsill Privat tal-Maestà Tagħha skond l-artikolu 4 tal-"Judicial Committee Act, 1832" jew kull iġi oħra li tagħti setgħa lill-Maestà Tagħha għal hekk, u l-Kumitat Gudizzjarju jkun ta l-parir lill-Maestà Tagħha illi l-imħallef imissu jiġi mneħħi mill-kariga minhabba f'inkapaċità kif intqal qabel jew imġieba hażina.

(4) Jekk il-Gvernatur iqis illi l-kwistjoni tat-tneħħija ta' mħallef tal-Qrati msemmija mill-kariga minhabba f'inkapaċità kif intqal qabel jew imġieba hażina jmissha tkun mstharrġa, f'dak il-każ —

(a) il-Gvernatur għandu jaħtar tribunal li jkun magħmul minn *chairman* u minn mhux anqas minn żewġ membri oħra magħzula mill-Gvernatur minn fost persuni li jkunu jew li kienu fil-kariga ta' mħallef ta' qorti b'ġurisdizzjoni illimitata ċivili jew kriminali f'xi parti mid-dominji tal-Maestà Tagħha jew qorti b'ġurisdizzjoni ta' appelli minn qorti bħal dik ;

(b) dak it-tribunal għandu jinvestiga l-każ u jirrapporta dwar il-fatti tal-każ lili-Gvernatur u jirrikmanda lill-Gvernatur jekk għandux jitlob illi l-kwistjoni tat-tneħħija ta' dak l-imħallef tiġi mressqa lill-Maestà Tagħha quddiem il-Kumitat Gudizzjarju ; u

(ċ) jekk it-tribunal jirrikmanda hekk (u mhux xori'oħra), il-Gvernatur għandu jitlob li l-kwistjoni tiġi hekk imressqa.

(5) Id-disposizzjonijiet ta' l-Att ta' l-1948 dwar il-Kumitati ta' Inkjesta, kif fis-seħħ fid-data tal-bidu fis-seħħ ta' dan l-Ordni, għandhom jgħoddu għal tribunal mahtur skond is-subartikolu li jaħbat sew sew qabel dan bħallikieku kien kumitat bħal dawk li hemm imsemmija fihom, u għal dak il-finj dawk id-disposizzjonijiet ikollhom seħħ bħallikieku kienu jaġm'u sehem minn dan l-Ordni.

(6) Jekk il-kwistjoni tat-tneħħija ta' mħallef tal-Qrati msemmija mill-kariga tkun għet imressqa quddiem tribunal skond is-subartikolu (4) ta' dan l-artikolu, il-Gvernatur jista' jissospendi lill-imħallef mill-qadi tal-funzjonijiet tal-kariga tiegħu, u dik is-sospenzjoni tista' f'kull żmien tiġi mħassra mill-Gvernatur u għandha f'kull każ tiegħa milli jkollha seħħ —

(a) jekk it-tribunal jirrikmanda lill-Gvernatur li ma għandux jitlob illi l-kwistjoni tat-tneħħija ta' l-imħallef mill-kariga tiġi mressqa mill-Maestà Tagħha quddiem il-Kumitat Gudizzjarju ; jew

(b) jekk il-Kumitat Gudizzjarju jagħti parir lill-Maestà Tagħha illi l-imballef ma għandux jiġi mneħħi mill-kariga.

(7) Is-setgħat mogħtija lill-Gvernatur b'dan l-artikolu għandhom ikunu eżerċitati minnu fid-diskrezzjoni tiegħu.

29. Jekk il-kariga ta' Prim Imballef tkun vaganti jew jekk il-Prim Imballef ikun għal xi raġuni inkapaċi li jaqdi l-funzjonijiet tal-kariga tiegħu f'dak il-każ, sakemm persuna tkun giet maħtura għal dik il-kariga u tkun assumet il-funzjonijiet ta' dik il-kariga jew sakemm il-Prim Imballef ikun irreżuma dawk il-funzjonijiet, skond il-każ, dawk il-funzjonijiet għandhom jiġu moqdiya minn dak il-wieħed mill-imballefin l-oħra ta' dawn il-Qrati Superjuri kif il-Gvernatur jista' fid-diskrezzjoni tiegħu jahtar għal dak l-iskop:

Aġent Prim
Imballef.

Iżda kull min ikun hekk maħtur jista' f'kull żmien jirriżenja mill-hatra skond dan l-artikolu b'kitba minn taħt idejh mibgħuta lill-Gvernatur.

30.—(1) Jekk il-kariga ta' xi mballef tal-Qrati Superjuri (li ma jkunx il-Prim Imballef) tkun vaganti jew jekk xi mballef bhal dawk ikun għal xi raġuni inkapaċi li jaqdi l-funzjonijiet tal-kariga tiegħu, il-Gvernatur, fid-diskrezzjoni tiegħu, wara konsultazzjoni mal-Prim Imballef, jista' jahtar persuna li jkollha l-kwalifiki għal hatra bhala mballef tal-Qrati Superjuri biex taġixxi bhala mballef tal-Qrati msemmija:

Imballefin
temporanji.

Iżda persuna tista' tiġi hekk maħtura minkejja li tkun laħqet l-età ta' hamsa u sittin sena.

(2) Kull min ikun maħtur skond dan l-artikolu għandu jkompli jaġixxi bhala mballef tal-Qrati msemmija sakemm il-hatra tiegħu tiġi mħassra mill-Gvernatur, fid-diskrezzjoni tiegħu, wara konsultazzjoni mal-Prim Imballef:

Iżda kull persuna bhal dik tista' f'kull żmien tirriżenja mill-hatra tagħha b'kitba minn taħt idejha mibgħuta lill-Gvernatur.

31. Għandu jiġi addebitat lill-Fond Konsolidat u mħallas minnu lill-imballefin tal-Qrati Superjuri dawk is-salarji li jistgħu jkunu stabbiliti minn xi liġi li tkun għal dak iż-żmien isseħħ f'Malta:

Salarji ta'
mħallefin.

Iżda s-salarju ta' mballef ma għandux jiġi mnaqqas sakemm huwa jidm fil-kariga.

TAQSIMA VI

Is-Servizz Pubbliku

32.—(1) Hlief safejn ikun provdut xort'oħra minn jew skond din it-Taqsima ta' dan l-Ordni u mit-Taqsima V u Artikoli 47 u 54 ta' dan l-Ordni, is-setgħa biex jagħmel hatriet għal uffiċċji pubbliċi u biex ikeċċi u biex jeżerċita kontroll ta' disċiplina fuq uffiċċjali pubbliċi tkun fil-Gvernatur fuq rikmandazzjoni ta' Kummissjoni dwar is-Servizz Pubbliku.

Hatra eċċ. ta'
uffiċċjali pubbliċi.

(2) Ir-riferenza għal uffiċċji pubbliċi fis-subartikolu (1) ta' dan l-artikolu m'għandhiex tinkludi riferenza għall-uffiċċju ta' xi uffiċċjal tal-pulizija taħt ir-rank ta' Spejtnur jew ta' xi uffiċċjal tal-Korp tal-Furija ta' l-Ammiraliat, Malta, u r-riferenza f'dak is-subartikolu lil uffiċċjali pubbliċi għandha hekk tiftiehem.

Eżerċizzju tas-setgħat tal-Gvernatur minn uffiċjal jew awtorità oħra.

33.—(1) Il-Gvernatur, fuq rikmandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku jista', b'att taħt is-siġill pubbliku, jordna illi, bla hsara ta' dawk il-kondizzjonijiet li jistgħu jiġu speċifikati f'dak l-att, is-setgħa biex jagħmel hatriet għal dawk il-karigi, li jkunu karigi li għalihom jgħodd dan l-artikolu, li jkunu speċifikati f'dak l-att u biex ikeċċi u jeżerċita kontroll ta' dixxiplina fuq persuni li jkunu detenturi ta' jew qegħdin jaġixxu f'dawk il-karigi, tkun (b) bla hsara għall-eżerċizzju ta' dik is-setgħa mill-Gvernatur fuq rikmandazzjoni tal-Kummissjoni dwar is-Servizz Pubbliku) tista' tiġi eżerċitata minn dik l-awtorità jew minn dak l-uffiċjal pubbliku kif jista' tiġi speċifikat f'dak l-att.

(2) Il-karigi li għalihom dan l-artikolu jgħodd huma karigi li dwarhom —

(a) il-Gvernatur għandu setgħa jagħmel hatriet skond l-artikolu li jaħbat sew sew qabel dan, u

(b) il-ħlas massimu annwali dwar dik il-kariga ma jkunx għal dak iż-żmien iżjed minn £500.

(3) Il-ħlas imsemmi fis-subartikolu li jaħbat sew sew qabel dan jinkludi dwar kull kariga dawk il-klassijiet ta' ħlas biss li kien jittiehed kont tagħhom, kieku d-detentur tal-kariga kien ikun elgibbli għal pensjoni dwar is-servizz tiegħu fil-kariga, fil-kalkolu ta' dik il-pensjoni skond il-liġi dwar il-pensjoni li tirregola l-ghoti ta' dik il-pensjoni.

Il-Kummissjoni dwar is-Servizz Pubbliku.

34.—(1) Għandu jkun hemm f'Malta u għal Malta Kummissjoni dwar is-Servizz Pubbliku.

(2) Il-membri tal-Kummissjoni jkunu *chairman*, *deputy chairman* u mhux anqas minn membru wiehed ieħor u mhux aktar minn tliet membri oħra, li jkunu maħtura mill-Gvernatur b'att taħt is-siġill pubbliku.

(3) Persuna ma tkunx kwalifikata għal haħtra bhala membru tal-Kummissjoni jekk tkun membru tal-Kunsill Eżekuttiv jew uffiċjal pubbliku.

(4) Il-kariga ta' membru tal-Kummissjoni ssir vaganti —

(a) fi tmiem hames snin mid-data tal-hatra tiegħu, jew f'dak iż-żmien aktar kmieni (jekk ikun hemm) skond ma jista' jkun speċifikat fl-att li bih jkun gie maħtur;

(b) jekk jirriżenja mill-kariga tiegħu b'kitba minn taħt idejh miġgħuta lill-Gvernatur;

(c) jekk jiġi maħtur biex ikun membru tal-Kunsill Eżekuttiv jew għal xi uffiċċju pubbliku jew biex jaġixxi f'xi uffiċċju pubbliku; jew

(d) jekk il-Gvernatur jordna li jiġi mneħħi mill-kariga min-habba inkapaċità li jaqdi l-funzjonijiet tal-kariga tiegħu (kemm jekk min-habba mard tal-moħħ jew korporali jew xi raġuni oħra) jew min-habba mgieba hażina.

(5) Jekk il-kariga ta' membru tal-Kummissjoni tkun vaganti jew xi membru jkun għal xi raġuni inkapaċi li jaqdi l-funzjonijiet tal-kariga tiegħu, il-Gvernatur jista' jaħtar persuna li tkun kwalifikata għal haħtra bhala membru tal-Kummissjoni biex taġixxi bhala membru, u kull persuna hekk maħtura għandha tkompli taġixxi sakemm il-hatra tagħha tkun imhassra mill-Gvernatur.

(6) Għandu jiġi addebitat lill-Fond Konsolidat u mħallas minnu lill-membri tal-Kummissjoni dak is-salarju li jista' jkun preskritt minn xi liġi li għal dak iż-żmien tkun fis-seħħ f'Malta:

Iżda s-salarju ta' membru tal-Kummissjoni ma għandux jiġi mnaqqas sakemm idum fil-kariga.

(7) Is-setgħat mogħtija lill-Gvernatur b'dan l-artikolu għandhom jiġu eżercitati minnu fid-diskrezzjoni tiegħu.

35. B'la ħsara għad-disposizzjonijiet ta' dan l-Ordni l-Gvernatur, fid-diskrezzjoni tiegħu wara konsultazzjoni mal-Kummissjoni dwar is-Servizz Pubbliku, jista' jagħmel regolamenti biex jagħti seħħ lit-tlitt artikoli li jahbtu sew sew qabel dan u, mingħajr preġudizzju għall-ġeneralità tas-setgħa qabel imsemmija, jista' b'dawk ir-regolamenti jipprovdi għal kull waħda mill-ħwejjeg li ġejjin, jiġifieri—

(a) il-ħatra, żmien ta' kariga u pattijiet ta' servizz ta' persunal biex jassisti l-Kummissjoni fil-qadi tal-funzjonijiet tagħha;

(b) konsultazzjoni mill-Kummissjoni ma' persuni jew awtoritajiet li ma jkunux membri tal-Kummissjoni;

(ċ) l-organizzazzjoni tax-xogħol tal-Kummissjoni;

(d) id-delegazzjoni lil kull membru tal-Kummissjoni ta' kull waħda mill-funzjonijiet jew tal-funzjonijiet kollha tal-Kummissjoni; u

(e) il-protezzjoni u privileġġi ta' membri tal-Kummissjoni dwar il-qadi tad-dm'rijiet tagħhom u l-privileġġ ta' kumunikazzjonijiet lil u mill-Kummissjoni u l-membri tagħha f'każ ta' proċeduri legali.

Regolamenti
dwar il-
Kummissjoni
dwar is-
Servizz
Pubbliku.

36.—(1) Is-setgħa biex jagħmel ħatriet għall-karigi li għalihom jgħodd dan l-artikolu u biex ikeċċi u biex jeżerċita kontroll ta' dixxiplina fuq persuni li jkunu detenturi ta' jew qiegħdin jaġixxu f'dawk il-karigi tkun fil-Gvernatur fuq rikmandazzjoni tal-Kummissjoni dwar is-Servizz Gudizzjarju.

(2) Dan l-artikolu jgħodd għall-kariga ta' Maġistrat ta' kull qorti inferjuri ta' Malta, il-kariga ta' *Chief Registrar*, Registratur jew Assistent Registratur tal-Qrati Superjuri ta' Malta, il-kariga ta' Registratur jew Assistent Registratur ta' kull qorti inferjuri ta' Malta u dawk il-karigi l-oħra li jkollhom x'jaqsmu mal-qrati ċivili ta' Malta skond ma jkunu stabbiliti minn xi liġi li f'dak iż-żmien tkun isseħħ f'Malta.

(3) *I-chairman* tal-Kummissjoni tas-Servizz Pubbliku ma għandux jieħu parti f'xi proċeduri tal-Kummissjoni tas-Servizz Gudizzjarju dwar it-tkeċċija jew kontroll ta' dixxiplina ta' Maġistrat ta' xi qorti inferjuri f'Malta.

(4) Il-Kummissjoni dwar is-Servizz Gudizzjarju ma għandhiex tirrikmanda t-tkeċċija ta' Maġistrat kemm-il-darba l-Kummissjoni ma tkunx sodisfatta illi huwa għandu jitkeċċa minħabba inkapaċità fil-qadi tal-funzjonijiet tal-kariga tiegħu (kemm jekk minħabba mard korporali jew tal-moħħ jew xi raġuni oħra) jew minħabba mġieba ħażina.

(5) Għandu jiġi addebitat lill-Fond Konsolidat u mħallas minnu lill-Maġistrati dawk is-salarji li jistgħu jkunu stabbiliti minn xi liġi li tkun għal dak iż-żmien isseħħ f'Malta:

Iżda s-salarju ta' Maġistrat ma għandux jiġi mnaqqas matul t-tkemmplija tiegħu fil-kariga.

37.—(1) Għandu ikun hemm f'Malta u għal Malta Kummissjoni dwar is-Servizz Gudizzjarju.

(2) Il-membri tal-Kummissjoni jkunu—

(a) il-Prim Imħallef, li jkun *chairman* tal-Kummissjoni;

(b) dak l-imħallef l-iehor tal-Qrati Superjuri ta' Malta li l-Gvernatur, fid-diskrezzjoni tiegħu wara konsultazzjoni mal-Prim Imħallef, jista' minn żmien għal żmien jagħżel;

Ħatra eċċ. ta'
xi uffiċjali li
jkollhom
x'jaqsmu mal-
qrati.

Kummissjoni
dwar is-Servizz
Gudizzjarju.

(c) (Mita l-artikolu 34 ta' dan l-Ordni jkun gie fis-sehh) *le-chairman* tal-Kummissjoni dwar is-Servizz Pubbliku; u

(d) membru ieħor maħtur skond id-disposizzjonijiet tas-sub-artikolu li jaħbat sew sew wara dan.

(3) Il-Gvernatur fid-diskrezzjoni tiegħu jista' b'att taħt is-sigill pubbliku, jaħtar biex ikun membru tal-Kummissjoni persuna li tkun jew li kienet imħallef tal-Qrati Superjuri ta' Malta.

(4) Il-kariga ta' membru tal-Kummissjoni maħtur skond is-subartikolu li jaħbat sew sew qabel dan issir vaganti —

(a) fi tmiem hames snin mid-data tal-hatra tiegħu jew f'dik id-data aktar kmieni (jekk ikun hemm) kif tista' tiġi speċifikata fl-att li bih kien maħtur;

(b) jekk jirriżenja mill-kariga tiegħu b'kitba minn taħt idejha mibgħuta lill-Gvernatur; jew

(c) jekk il-Gvernatur, fid-diskrezzjoni tiegħu, hekk jordna.

(5) Għandu jiġi addebitat mill-Fond Konsolidat imħallas minru lil membru tal-Kummissjoni maħtur skond is-subartikolu (3) ta' dan l-artikolu li ma jkunx imħallef tal-Qrati Superjuri dak is-salarju li jista' jiġi stabbilit minn xi liġi magħmula skond dan l-Ordni:

Iżda s-salarju ta' xi membru bħal dak ma għandux jiġi mnaqqas matul it-tkomplija tiegħu fil-kariga.

(6) Matul kulha żmien mita l-kariga ta' *le-chairman* tal-Kummissjoni dwar is-Servizz Pubbliku tkun vaganti jew id-detentur tagħha jkun inkapaċi li jaqdi l-funzjonijiet tiegħu bħala membru tal-Kummissjoni dwar is-Servizz Ġudizzjarju dawk il-funzjonijiet għandhom jiġu moqdija mid-*deputy chairman* tal-Kummissjoni dwar is-Servizz Pubbliku.

Regolamenti
dwar il-
Kummissjoni
dwar is-
Servizz
Ġudizzjarju.

38. Id-disposizzjonijiet ta' l-artikolu 35 ta' dan l-Ordni għandhom jgħoddu dwar il-Kummissjoni dwar is-Servizz Ġudizzjarju kif jgħoddu dwar il-Kummissjoni dwar is-Servizz Pubbliku, u għal dak il-fini r-riferenza għall-artikoli 32 sa 34 ta' dan l-Ordni u r-riferenzi għall-Kummissjoni dwar is-Servizz Pubbliku f'dak l-artikolu jkollhom seħh bħall-ikieku kienu riferenzi għaż-żewġ artikoli li jaħbtu sew sew qabel dan u għall-Kummissjoni dwar is-Servizz Ġudizzjarju rispettivament.

Konsiderazzjoni
mill-ġdid mill-
Kummissjoni.

39. Qabel ma jimxi fuq xi rikmandazzjoni magħmula lilu mill-Kummissjoni dwar is-Servizz Pubbliku jew mill-Kummissjoni dwar is-Servizz Ġudizzjarju l-Gvernatur, fid-diskrezzjoni tiegħu, jista' jibgħat ir-rikmandazzjoni lura lill-Kummissjoni darba għal konsiderazzjoni mill-ġdid.

Hatra, eċċ. ta'
xi uffiċjali
anzjani.

40. Is-setgħa biex jagħmel hatriet għall-karigi ta' Segretarju Prinċipali, Segretarju Legali, Segretarju Finanzjarju, Kummissarju tal-Pulizija u Direttur ta' l-Avjazzjoni Ċivili u biex ikeċċi u biex jeżerċita kontroll ta' dixxiplina fuq persuni li jkunu detenturi ta' jew qed jaġixxu f'dawk il-karigi tkun fil-Gvernatur fid-diskrezzjoni tiegħu.

Hatra, eċċ. tal-
persunal tal-
Gvernatur
persunalment.

41.—(1) Is-setgħa biex jagħmel hatriet għall-karigi fil-persunal tal-Gvernatur persunalment u biex ikeċċi u biex jeżerċita kontroll ta' dixxiplina fuq il-persuni li jkunu detenturi ta' jew qed jaġixxu f'dawk il-karigi tkun fil-Gvernatur fid-diskrezzjoni tiegħu wara konsultazzjoni mal-Kummissjoni dwar is-Servizz Pubbliku:

Iżda l-Gvernatur ma jkunx obligat li jikkonsulta lill-Kummissjoni dwar l-eżerċizzju ta' xi setgħa bħal din dwar xi persuna li, minnufih qabel il-hatra tagħha bħala membru tal-persunal tal-Gvernatur per-

sunalment, ma kenitx uffiċjal fis-servizz pubbliku jekk dik il-persuna ma tkunx eliġġibbli b'ex tirċievi pensjoni dwar is-servizz tagħha bhala membru ta' dak il-persunal.

(2) Il-Gvernatur, fid-diskrezzjoni tiegħu, jista' jippreskrivi b'ordni pubblikat fil-Gazzetta l-karigi li għandhom jikkostitwixxu l-persunal tal-Gvernatur persunalment.

42.—(1) F'dan l-artikolu u fiż-żewġ artikoli li jaħbtu sew sew wara dan "il-liġi dwar pensjonijiet" tisser liġi li tirregola l-ghoti ta' pensjonijiet, gratifikazzjonijiet u benefiċċji oħra bħalhom lil persuni li huma jew kienu uffiċjali fis-servizz pubbliku dwar is-servizz tagħhom bhala tali jew li d-dipendenti ta' daww il-persuni dwar dak is-servizz, u tinkludi kull att magħmul bis-saħħa ta' xi liġi bħal dik; u f'dan l-artikolu "dipendenti" dwar xi persuna tisser l-armla, l-uwied, id-dipendenti u r-rappreżentanti persunalj ta' dik il-persuna.

(2) Bla hsara għad-disposizzjonijiet ta' dan l-Ordni, kull liġi dwar pensjonijiet li kienet tghodd minnufih qabel il-bidu fis-seħħ ta' dan l-Ordni dwar xi persuna dwar is-servizz tagħha fis-servizz pubbliku jew dwar id-dipendenti ta' xi persuna bħal dik dwar xi servizz bħal dak għandha tkompli tghodd dwar dik il-persuna jew daww id-dipendenti, skond il-każ.

(3) Kull liġi maħruġa bis-saħħa ta' dan l-Ordni tista' tiġi applikata dwar kull persuna dwar is-servizz tagħha fis-servizz pubbliku u dwar id-dipendenti tagħha dwar xi servizz bħal dak minflok il-liġi dwar pensjonijiet li tghodd bis-saħħa tas-subartikolu li jaħbat sew sew qabel dan jekk il-liġi ma tkunx anqas favorevoli għal dik il-persuna jew id-dipendenti tagħha, skond il-każ, minn dik il-liġi dwar pensjonijiet.

(4) Bla hsara għad-disposizzjonijiet ta' dan l-Ordni kull pensjoni, gratifikazzjoni jew benefiċċju ieħor bħal dan li jista' jingħata lil xi persuna li tkun maħtura għas-servizz pubbliku wara l-bidu fis-seħħ ta' dan l-Ordni jew lid-dipendenti ta' xi persuna bħal dik għandha tiġi regulata mil-liġi dwar pensjonijiet li tkun fis-seħħ fid-data li fiha dik il-persuna tkun maħtura l-ewwel darba għal kariga pensjonabbli f'dak is-servizz jew minn xi liġi magħmula wara li tkun mhux anqas favorevoli għal dik il-persuna jew għad-dipendenti tagħha, skond il-każ.

(5) Mita xi persuna jkollha dritt teżerċita għażla jekk liġi waħda jew aktar għandhomx jghoddu għal-każ tagħha, il-liġi speċifikata minnha fl-eżerċizzju ta' l-għażla għandha, għal-finijiet ta' dan l-artikolu, titqies li tkun aktar favorevoli mil-liġi jew mil-liġijiet l-oħra.

43.—(1) Is-setgħa biex jagħti benefiċċji skond xi liġi dwar pensjonijiet tkun fil-Gvernatur, fid-diskrezzjoni tiegħu.

(2) Ebda benefiċċji kif intqal fuq ma għandhom jinżammu, jiġu mnaqqsa fl-ammont jew sospiżi hliet skond id-disposizzjonijiet tas-subartikolu (3) ta' dan l-artikolu.

(3) Jekk xi persuna li jkunu ġew lilha mogħtija jew li tkun eliġġibbli għall-ghoti ta' xi benefiċċji skond xi liġi dwar pensjonijiet —

(a) tkun giet dikjarata b'sentenza jew dikjarata xort'oħra falluta skond xi liġi fis-seħħ f'xi parti tad-dominji tal-Maestà Tagħha; jew

(b) tkun giet kundannata minn qorti f'xi parti mid-dominji tal-Maestà Tagħha għal prigunerija (imsemmija b'kull isem li jkan), u ma tkunx irċeviet maħfra hielsa; jew

(c) tkun giet misjuba hatja ta' negliġenza, irregolarità jew imġieba hażina waqt li kienet isservi bhala uffiċjal fis-servizz pubbliku; jew

Applikazzjoni tal-liġi dwar pensjonijiet.

Għoti ta' pensjonijiet, eċċ. mill-Gvernatur

(d) wara li tkun serviet bħala uffiċjal bħal dak, tkun min-ghajr il-permess bil-miktub tal-Gvernatur, wara konsultazzjoni (fil-każ ta' permessi mogħtija wara li dan l-artikolu jidhol fis-seħħ) mal-Kummissjoni dwar is-Servizz Pubbliku aċċettat impjeg bħala direttur, uffiċjal jew impjegat ta' kumpannija li l-parti prinċipali tan-negozju tagħha jkollu x'jaqsam ma' Malta,

il-Gvernatur, wara konsultazzjoni mal-Kummissjoni dwar is-Servizz Pubbliku jew (fil-każ ta' persuna li tkun instabet hatja ta' negliġenza, irregolarità jew imġieba hażina waqt li kienet tokkupa jew taġixxi f'kariga ta' mħallef tal-Qrati Superjuri ta' Malta jew xi kariga li għaliha l-artikolu 36 ta' dan l-Ordni jgħodd) il-Kummissjoni dwar is-servizz Gudizzjarju, jista' jzomm, inaqas jew jissospendi dawk il-benefiċċji skond kull disposizzjonijiet għal hekk f'dik il-liġi dwar pensjonijiet jekk ikun sodisfatt li dawk il-benefiċċji għandhom jiġu miżmuma, imnaqqa jew sospizi:

Iżda ebda haġa f'dan is-subartikolu ma jagħti setgħa lill-Gvernatur li jzomm, inaqas jew jissospendi xi benefiċċji minhabba illi xi persuna tkun giet misjuba hatja ta' negliġenza, irregolarità jew imġieba hażina waqt li kienet tokkupa l-kariga ta' mħallef tal-Qrati Superjuri kemm-il-darba dik il-persuna ma tkunx giet imneħħija minn dik il-kariga minhabba f'dik in-negliġenza, irregolarità jew imġieba hażina.

Pensjonijiet,
eċċ. addebitati
lill-Fond
Konsolidat.

44. Kull benefiċċji mogħtija skond xi liġi dwar pensjonijiet għandhom ikunu addebitati lill-Fond Konsolidat.

TAQSIMA VII

Finanzi

Fond Konsolidat ta' Dhul.

45.—(1) Il-fondi pubbliċi ta' Malta li ma jkunux allokati b'liġi għal skopijiet speċifiċi għandhom jagħmlu Fond Konsolidat ta' Dhul wiehed li fih għandhom jithallsu l-prodott tat-taxxi, imposti, tariffi u dazji kollha u d-dhul l-oħra kollha ta' Malta mhux allokati għal skopijiet speċifiċi.

(2) In-nefقات, hlasijiet u spejjeż inċidentali għall-ġbir u tmexxija tal-Fond għandhom jiġu addebitati lill-Fond.

Awtorizzazzjoni ta' nefqa.

46. Ebda flejjes ma għandhom jiġu mahruġa mill-Fond Konsolidat jew minn fondi oħra pubbliċi ta' Malta hlief fuq l-awtorità ta' *warrant* taht il-firma tal-Gvernatur, u ebda *warrant* bħal dak ma għandu jinhareġ għalbiex tiġi milqugħa xi nefqa —

(a) kemm-il-darba n-nefqa ma tkunx addebitata lill-Fond Konsolidat b'xi disposizzjoni ta' dan l-Ordni; jew

(b) kemm-il-darba n-nefqa ma tkunx addebitata b'xi liġi oħra lill-Fond Konsolidat jew lill-fondi l-oħra pubbliċi ta' Malta, skond il-każ; jew

(c) hlief bis-saħħa ta' approprjazzjoni awtorizzata b'liġi dwar is-sena finanzjarja li fiha l-*warrant* jiġi mahruġ: iżda jista' jiġi mahsub b'liġi biex flejjes jintagħmlu disponibbli qabel ma ssir approprjazzjoni kif intqal qabel għalbiex tiġi milqugħa nefqa imprevvista jew biex ikopru perijodu li ma jkunx iżjed minn tliet xhur bejn tmiem sena finanzjarja u l-bidu fis-seħħ tal-liġi li tawtorizza l-appropriazzjoni għas-sena finanzjarja li taħbat warajha.

Direttur ta' Verifika.

47.—(1) Għandu jkun hemm Direttur ta' Verifika għal Malta li jkun mahtur mill-Gvernatur.

(2) Jekk il-kariga ta' Direttur ta' Verifika tkun vaganti jew id-Direttur ikun għal xi raġuni inkapaċi li jaqdi l-funzjonijiet tal-kariga

tiegħu, il-Gvernatur jista' jahtar persuna biex taġixxi bhala Direttur, u kull persuna hekk mahtura għandha tkompli taġixxi sakemm il-ħatra tagħha tiġi mhassra mill-Gvernatur.

(3) Għandu jiġi addebitat lill-Fond Konsolidat u mhallas minnu lid-Direttur ta' Verifika dak is-salarju li jista' jkun stabbilit minn xi liġi li f'dak iż-żmien tkun isseħħ f'Malta;

Iżda s-salarju tad-Direttur ta' Verifika ma għandux jiġi mnaqqas matul it-tkomplija tiegħu fil-kariga.

(4) Bla ħsara għas-subartikolu li jaħbat sew sew wara dan, id-Direttur ta' Verifika għandu jibqa' fil-kariga sakemm jilhaq l-età ta' sittin sena:

Iżda—

(a) huwa jista' f'kull żmien jirriżenja mill-kariga tiegħu b'kitba minn taht idejh mibgħuta lill-Gvernatur; u

(b) il-Gvernatur jista' jhalli lil Direttur li jkun laħaq l-età ta' sittin sena jibqa' fil-kariga għal żmien ta' mhux iżjed minn sena wara li jkun laħaq dik l-età.

(5) Id-Direttur ta' Verifika jista' jitneħħa mill-kariga mill-Gvernatur b'ordni taht is-sigill pubbliku, iżda ma għandux jiġi hekk imneħħi kemm-il-darba l-Gvernatur ma jkunx sodisfatt li huwa għandu jiġi hekk imneħħi minhabba inkapaċità li jaqdi l-funzjonijiet tal-kariga tiegħu (kemm jekk minhabba mard korporali jew tal-moħħ jew xi raġunj oħra) jew minhabba mgieba ħażina.

(6) Is-setgħat mogħtija lill-Gvernatur b'dan l-artikolu għandhom jiġu eżerċitati minnu fid-diskrezzjoni tiegħu wara konsultazzjoni mal-Kummissjoni dwar is-Servizz Pubbliku.

48. Il-kontijiet tal-Qrati Superjuri ta' Malta, id-dipartimenti kollha tal-Gvern ta' Malta, il-Kummissjoni dwar is-Servizz Pubbliku, il-Kummissjoni dwar is-Servizz Ġudizzjarju u l-uffiċċji pubbliċi u l-awtoritajiet l-oħra kollha f'Malta għandhom jaqdu verifikati kull sena mid-Direttur ta' Verifika li, bid-deputati tiegħu, ikollu fil-hinjiet kollha dritt ta' aċċess għall-kotba, reġistrazzjonijiet u reżokontji kollha dwar dawk il-kontijiet, u id-Direttur ta' Verifika għandu jiċċertifika d-dikjarazzjonijiet ta' kull sena dwar dawk il-kontijiet u jissottomettihom lill-Gvern, flimkien mar-rapport tiegħu dwarhom.

Verifika ta' Kontijiet.

TAQSIMA VIII

Mixxellanji

49.—(1) In-nies kollha f'Malta jkollhom il-libertà sħiħa tal-kuxjenza u jgawdu l-eżerċizzju hieles tal-mod rispettiv tagħhom ta' qima reliġjuża.

Tolleranza Reliġjuża.

(2) Hadd ma għandu jitqies b'xi inkapaċità jew jiġi eskluż milli jokkupa xi kariga minhabba fil-professjoni reliġjuża tiegħu.

50.—(1) L-ilsien Ingliż u l-ilsien Malti jkunu l-ilsna uffiċjali ta' Malta.

Ilsien.

(2) Ir-reġistrazzjonijiet uffiċjali kollha u l-avviżi kollha u d-dokumenti l-oħra mahruġa mill-Gvern ta' Malta għat-tagħrif tal-pubbliku għandhom ikunu kemm bl-ilsien Ingliż u kemm bl-ilsien Malti.

(3) Id-disposizzjonijiet tar-Raba' Skeda li tinsab ma' dan l-Ordni għandhom jgħoddu biex jiġi stabbilit l-ilsien jew l-ilsna li għandhom jiġu użati fil, jew dwar, proċeduri ġudizzjarji jew kważi-ġudizzjarji f'Malta.

Akkwist
obligatorju ta'
proprjeta.

51.—(1) Ebda proprjeta, mobbli jew immobbli, ma ghandu jittiehed pussess taghha b'mod obligatorju u ebda dritt fuq jew interess f'xi proprjeta bhal dik ma ghandu jigi akkwistat b'mod obligatorju f'Malta hliet bi jew skond id-disposizzjonijiet ta' ligi li, minnha s'ess jew mita moqrja ma' xi ligi ohra fis-sehh f'Malta—

(a) tihitieg il-h'as ta' kumpens xieraq ghal hekk;

(b) taghti lil kull persuna li jkollha dritt ghal dak il-kumpens dritt ta' access, sabiex jigi stabbil t l-interess taghha fil-proprjeta u l-ammont ta' kumpens, lill-Qrati Superjuri ta' Malta;

(c) taghti lil kull parti fi proceduri quddiem il-Qrati Superjuri ta' Malta dwar dritt bhal dak l-istess drittijiet ta' appell li huma moghtija b'mod generali lil partijiet fi proceduri civili f'dawk il-qrati bhala qrati ta' guriidizzjoni originali.

(2) (a) Ebda haga f'dan l-artikolu ma jolqot il-hdim ta' xi ligi ezistenti.

(b) F'dan is-subartikolu "ligi ezistenti" tfisser ligi fis-sehh fid-data tal-bidu fis-sehh ta' dan l-Ordni, u tinklud: ligi maghmula wara dik id-data li temenda jew tidhol minflok xi ligi bhal dik kif intqal qabel (jew xi ligi li minn zmien ghal zmien temenda jew tidhol minflok bil-mod deskritt f'dan il-paragrafu) u li ma—

(i) izzidx fix-xorta ta' proprjetajiet li jista' jittiehed pussess taghhom jew fid-drittijiet fuq u interess fi proprjeta li tista' tigi miksuba;

(ii) izzidx fl-iskopijiet li ghalihom jew cirkostanzi li fihom proprjeta bhal dik tista' tittiehed pussess taghha jew tinkiseb;

(iii) taghmilx il-kondizzjonijiet li jirregulaw id-dritt ta' kumpens jew l-ammont tieghu anqas favorevoli lil xi persuna li tkun sid ta' jew interessata fil-proprjeta; jew

(iv) tnehhix lil xi persuna xi dritt bhal dak li huwa msemmi fil-paragrafu (b) jew paragrafu (c) tas-subartikolu li jahbat sew sew qabel dan.

(3) Ebda haga f'dan l-artikolu ma ghandha tiftiehem bhala li tolqot xi ligi general:—

(a) ghall-eghmil jew twettiq ta' xi taxxa, tariffa jew dazju;

(b) ghall-eghmil ta' penali jew konfiski ghal ksur tal-ligi, sew jekk bi procedura civili sew jekk wara dikjarazzjoni ta' htija ghal reat;

(c) dwar kirjiet, *mortgages*, drittijiet, *bills of sale* jew kull drittijiet ohra jew obligazzjonijiet mahluqa minn kuntratti;

(d) dwar l-ghoti u l-amminstrazzjoni tal-proprjeta ta' persuni dikjarati falluti b'sentenza jew mod iehor dikjarati insolventi, ta' persuni ta' mohhom marid, ta' persuni mejta, u ta' kumpanniji, korpjiet guridici ohra u soċjetajiet mhux inkorporati fil-kors ta' l-istralc taghhom;

(e) dwar l-ezekuzzjoni ta' sentenzi jew ordnijiet tal-qrati;

(f) li tipprovdi ghat-tehid ta' pussess ta' proprjeta li tkun fi stat perikoluż jew li tkun ta' hsara ghas-sahha ta' esseri umani, pjanti jew animali;

(g) dwar proprjeta ta' l-ghadu;

(h) dwar *trusts* u *trustees*;

(i) dwar limitazzjoni ta' azzjonijiet;

(j) dwar proprjeta moghtija lil korporazzjonijiet statutarji;

(k) dwar it-tehid ta' pussess temporanju ta' proprjeta ghall-fini ta' xi ezami, investigazzjoni jew s'harriġa; jew

(l) li tipprovdi ghat-tmexxija ta' xoghol fuq art ghall-iskop ta' konservazzjoni ta' hamrija.

(4) Id-disposizzjonijiet ta' dan l-artikolu għandhom jgħoddu għat-tehd obligatorju ta' pussess ta' proprjeta' u għall-akkwist obbligatorju ta' drittijiet fuq u interessi fi proprjeta' minn jew f'isem il-Kuruna.

52. Il-ligijiet u l-atti l-oħra kollha li jkollhom forza ta' ligi li jkunu fis-seħh f'Malta minnufih qabel il-bidu fis-seħh ta' dan l-Ordni (li ma jkunux dawk imhassra bl-artikolu 3 ta' dan l-Ordni) għandhom, bla hsara ta' xi emenda jew taħsir mill-awtorita' kompetenti jkomplu fis-seħh, iżda għandhom jiffetmu b'kull addattamenti u modifiki li jstgħu jkunu meħtieġa biex jingiebu konformi għad-disposizzjonijiet ta' dan l-Ordni.

Ligijiet
eżistenti.

53.—(1) Kull min, minnufih qabel id-data tal-bidu fis-seħh ta' dan l-Ordni, ikun jokkupa l-kariga ta' Gvernatur imwaqqfa bil-“Letters Patent” ta' l-1947 għal Malta (Kariga ta' Gvernatur), kull uffiċjal pubbliku għandu minn dik id-data, jokkupa l-istess kariga bħall-ikieku kien għe maħtur għalha skond dan l-Ordni:

Uffiċjali
eżistenti.

Izda l-persuna li, minnufih qabel id-data fuq imsemmija, okkupat il-kariga ta' Uditur imwaqqfa bl-Att ta' l-1948 dwar it-Teżorerija u l-Verifika tal-Kontijiet, għandha, minn dik id-data, titqies li tkun giet maħtura skond dan l-Ordni għall-kariga ta' Direttur ta' Verifika mwaqqfa b'dan l-Ordni.

(2) Kull min, skond id-disposizzjonijiet ta' dan l-artikolu, jokkupa xi kariga mid-data tal-bidu fis-seħh ta' dan l-Ordni minhabba li kien qed jokkupa xi kariga minnufih qabel dik id-data għandu jitqies li jkun hares kull hteġa ta' dan l-Ordni jew kull ligi oħra fis-seħh f'Malta dwar it-tehd ta' għuramenti jew l-egħmil ta' dikjarazzjonijiet solenni fuq hatra għall-kariga l-ewwel imsemmija.

54.—(1) Minkejja t-taħsir tal-“Letters Patent” ta' l-1947 għal Malta (Kariga ta' Gvernatur), għandu jkompli jkun hemm kariga ta' Logutenent-Gvernatur f'Malta u għal Malta sakemm il-persuna l-aħħar maħtura għaliha skond dawk il-“Letters Patent” (li għandha tokkupa l-kariga sakemm joghġob lill-Maestà Tagħha) titlaq dik il-kariga.

Disposizzjonijiet
transitorji dwar
Logutenent-
Gvernatur u
Segretarju
Prinċipali.

(2) Jekk il-Logutenent-Gvernatur jkun għal xi raġuni inkapaċi li jaqdi l-funzjonijiet tal-kariga tiegħu l-Gvernatur, fid-diskrezzjoni tiegħu, jista' jahtar persuna biex taġixxi bhala Logutenent-Gvernatur, u kull persuna hekk maħtura għandha tibqa' taġixxi sakemm il-hatra tagħha tiġi mhassra mill-Gvernatur fid-diskrezzjoni tiegħu.

(3) Il-Gvernatur ma għandux iwaqqaf il-kariga ta' Segretarju Prinċipali qabel ma d-detentur preżenti tal-kariga ta' Logutenent-Gvernatur jitlaq bil-vaganzi ta' qabel it-tluq minn dik il-kariga jew aktar tard mill-għurnata wara dik li fiha l-kariga ta' Logutenent-Gvernatur tispicċa mill-izżest; u sakemm il-kariga ta' Segretarju Prinċipali tiġi mwaqqfa r-riferenza fl-artikolu 10 ta' dan l-Ordni għas-Segretarju Prinċipali għandha tiftiehem bhala riferenza għal-Logutenent-Gvernatur.

55.—(1) Mita d-detentur tal-kariga ta' Gvernatur jew ta' xi uffiċċju pubbliku jkun fil-vaganzi ta' qabel it-tluq mill-kariga tiegħu l-persuna li jkollha setgħa biex taġmel hatriet għal dik il-kariga tista' tahtar persuna oħra għal dik il-kariga.

Hatriet
funkien.

(2) Mita żewġ persuni jew iżjed ikunu qed jokkupaw l-istess kariga minhabba f'hatra magħmula skond is-subartikolu li jaħbat sew sew qabel dan, f'dak il-każ —

(a) għall-finijiet ta' kull funzjoni mogħtija lid-detentur ta' dik il-kariga; u

(b) għall-finijiet ta' kull riferenza f'dan l-Ordni għall-assenza, mard jew inkapaċità ta' qadi tal-funzjonijiet tal-kariga tiegħu tad-detentur ta' dik il-kariga, il-persuna mahtura l-abhar għall-kariga għandha titqies li tkun id-detentur waħdieni tal-kariga.

Riżerva ta' setgħat ta' emenda jew tahsir.

56. Il-Maestà Tagħha hawnhekk tirriżerva Lilha Nfisha s-setgħa, bil-parir tal-Kunsill Privat Tagħha, biex tħassar, iżż'id ma' jew temenda dan l-Ordni kif jidher Lilha xieraq.

W. G. AGNEW.

L-EWWEL SKEDA

(Artikolu 3)

Atti mhassra

- Il-“Letters Patent” ta’ l-1947 għal Malta (Kostituzzjoni).
- Il-“Letters Patent” ta’ l-1953 għal Malta (Kostituzzjoni) (Emendi).
- Il-“Letters Patent” ta’ l-1953 għal Malta (Kostituzzjoni) (Emenda) (Nru. 2).
- Il-“Letters Patent” ta’ l-1958 għal Malta (Kostituzzjoni) (Emenda).
- Il-“Letters Patent” ta’ l-1958 għal Malta (Kostituzzjoni) (Disposizzjonijiet Temporanji).
- Il-“Letters Patent” ta’ l-1947 għal Malta (Kariga ta’ Gvernatur).
- L-Ordni fil-Kunsill ta’ l-1953 għal Malta (Poteri ta’ Emergenza).
- L-Ordni fil-Kunsill ta’ l-1958 għal Malta (Poteri ta’ Emergenza) (Disposizzjonijiet Temporanji).

IT-TIENI SKEDA

(Artikolu 4 (3))

Formuli ta' Ġuramenti u Dikjarazzjonijiet Solenni

1. Ġurament ta' Fedeltà.

Jiena
naħief li nkun fidil u li ngħib tassew lealtà lill-Maestà Tagħha r-Regina Elizabetta t-Tieni, lill-Werrieta u Suċċessuri Tagħha, skond il-liġi. Hekk Alla jgħini.

2. Dikjarazzjoni Solenni ta' Fedeltà.

Jiena
niddikjara solennement u sinċerament illi nkun fidil u ngħib tassew lealtà lill-Maestà Tagħha r-Regina Elizabetta t-Tieni, lill-Werrieta u Suċċessuri Tagħha, skond il-liġi.

3. Ġurament għall-eżerċizzju xieraq ta' kariga.

Jiena
naħief li naqdi tajjeb u tassew lill-Maestà Tagħha r-Regina Elizabetta t-Tieni fil-kariga ta' Gvernatur u Kap Kmandant. Hekk Alla jgħini.

4. Dikjarazzjoni Solenni għall-eżerċizzju xieraq ta' kariga.

Jiena
niddikjara solennement u sinċerament illi naqdi tajjeb u tassew lill-Maestà Tagħha r-Regina Elizabetta t-Tieni fil-kariga ta' Gvernatur u Kap Kmandant.

IT-TIELET SKEDA (Artikolu 4 (4))

Salarju u Allowance tal-Gvernatur

1. Salarju	...	...	...	...	£4,000 fis-sena
Allowance għas-servizz	...	...	...	...	£3,000 fis-sena

IR-RABA' SKEDA (Artikolu 50 (3))

Ilsien tal-Qrati

1.—(1) Bla hsara għad-disposizzjonijiet ta' din l-Iskeda, l-ilsien Malti jkun l-ilsien ufficiali tal-Qrati ta' Ġustizzja ta' ġurisdizzjoni Ċivili u Kriminali u l-proċeduri kollha fihom għandhom isiru b'dak l-ilsien.

(2) Għall-finijiet tal-paragrafu (2) ta' din l-Iskeda kull persuna titqies li tkun titkellem bil-Malti kemm-il-darba l-Qorti ma tkunx sodisfatta għall-kuntrarju.

2.—(1) F'qorti ta' ġurisdizzjoni ċivili —

(a) mita l-partijiet kollha jkunu persuni li jkunu jtkellmu bl-Ingliż, il-Qorti għandha tordna illi l-proċeduri jsiru bl-ilsien Ingliż ;

(b) mita xi waħda mill-partijiet tkun persuna li titkellem bil-Malti u xi waħda mill-partijiet tkun persuna li titkellem bl-Ingliż, il-proċeduri għandhom isiru bl-ilsien Malti jew bl-ilsien Ingliż skond kif tordna l-Qorti ;

(c) mita xi waħda mill-partijiet tkun persuna li titkellem bl-Ingliż u ebda waħda mill-partijiet ma tkun persuna li titkellem bil-Malti, il-Qorti għandha tordna illi l-proċeduri jsiru bl-ilsien Ingliż ;

(d) mita ebda waħda mill-partijiet ma tkun persuna li titkellem bil-Malti jew persuna li titkellem bl-Ingliż, il-proċeduri għandhom isiru bl-ilsien Malti jew bl-ilsien Ingliż kif il-Qorti tordna ;

(e) mita xi parti interessata ma tkunx tifhem l-ilsien li bih isiru l-proċeduri dawn jiġu mfissra lilha mill-Qorti jew minn interpretu maħluf.

(2) F'qorti ta' ġurisdizzjoni kriminali —

(a) mita l-persuni kollha akkużati jkunu jtkellmu bl-Ingliż, il-Qorti għandha tordna illi l-proċeduri jsiru bl-ilsien Ingliż ;

(b) mita minn żewġ persuni jew iżjed akkużati flimkien waħda jew iżjed tkun jew ikunu jtkellmu bil-Malti u waħda jew iżjed tkun jew ikunu jtkellmu bl-Ingliż, il-proċeduri għandhom isiru bl-ilsien Malti jew bl-ilsien Ingliż kif il-Qorti tordna ;

(c) mita minn żewġ persuni jew iżjed akkużati flimkien waħda jew iżjed tkun jew ikunu jtkellmu bl-Ingliż u ebda waħda mill-oħrajn ma tkun titkellem bil-Malti, il-Qorti għandha tordna illi l-proċeduri jsiru bl-ilsien Ingliż ;

(d) mita ebda persuna akkużata ma tkun titkellem bil-Malti jew titkellem bl-Ingliż, il-proċeduri għandhom isiru bl-ilsien Malti jew bl-ilsien Ingliż kif il-Qorti tordna ;

(e) mita xi persuna akkużata ma tkunx tifhem bl-ilsien li bih isiru l-proċeduri, dawn jiġu mfissra lilha mill-Qorti jew minn interpretu maħluf.

3. Fil-każijiet kollha d-deċiżjoni jew digriet tal-Qorti għandu jit-tiżżel bl-ilsien li bih ikun ġie mogħti, flimkien ma' traduzzjoni bl-Ingliż jew bil-Malti, skond il-każ, mita xi waħda mill-partijiet fi proċeduri ċivili jew xi waħda mill-persuni akkużati fi proċeduri kriminali titlob għal traduzzjoni bħal dik u tissodisfa lir-Registratur li hija ma tiffhimx bl-ilsien li bih tkun ingħatat dik id-deċiżjoni jew digriet.

4. (1) Mita xi att li jibda, jew iko'llu x'jaqsam ma' proċeduri għandu jiġi notifikat lil xi persuna li r-Registratur għandu raġun li jaħseb li tkun titkellem bl-Ingliż, ir-Registratur għandu jara li ssir traduzzjoni tiegħu fl-ilsien Ingliż u n-notifika ssir billi tingħata kopja ta' l-oriġinal u tat-traduzzjoni tiegħu; dik it-traduzzjoni għandha ssir minn uffiċjal tar-Registru.

(2) Jekk, għal xi raġuni li tkun, it-traduzzjoni bl-Ingliż bħal dik ma tkunx notifikata lil persuna li titkellem bl-Ingliż, dik il-persuna tista' tagħmel fir-Registru, jew tibgħat lir-Registratur, b'kull mod, dikjarazzjoni fis-sens li tkun persuna li titkellem bl-Ingliż u titlob għal traduzzjoni bl-Ingliż ta' l-att notifikat lilha.

(3) Wara xi talba bħal dik, ir-Registratur għandu jara li ssir traduzzjoni ta' l-att kif intqal qabel u tiġi mogħtija minnufih lil min ikun talabha; u, jekk f'xi każ bħal dan it-talba msemmija tkun magħmula fi żmien tliet ijiem shaħ mid-data tan-notifika tal-kopja ta' l-att oriġinali, kull żmien iffissat b'liġi għandu jitqies li jibda jgħaddi mid-data ta' l-għoti tat-traduzzjoni.

(4) Jekk ikun ippruvat illi l-imsemmija dikjarazzjoni ma tkunx ġiet magħmula in buona fede, l-applikant ikun sugġett għal proċeduri għal disprezz tal-Qorti.

(5) Kopja bl-ilsien Ingliż dwar id-disposizzjonijiet tas-subparagrafi (1) u (4) magħduda ta' dan il-paragrafu għandha tiġi annessa ma' kull kopja ta' kull att li jibda, jew li jkollu x'jaqsam ma', proċeduri.

5. Kull proċeduri ġudizzjarji jew kważi-ġudizzjarji li mhux maħsub speċifikament għalihom fil-paragrafi li jiġu qabel ta' din l-Iskeda għandhom isiru, dwar l-ilsien, skond il-prinċipji murija f'dawk il-paragrafi u kull regoli magħmula bis-sabha tal-paragrafu li ġej sew wara dan ta' din l-Iskeda.

6.—(1) Il-Prim Imhalled u kull żewġ Imhallfin tal-Qorti Superjuri f'Malta mahtura għal dan l-iskop mill-Gvernatur kollhom setgħa li jagħmlu regoli, bl-approvazzjoni tal-Gvernatur, għat-tmexxija fis-seħħ tad-disposizzjonijiet ta' din l-Iskeda.

(2) Dawn ir-regoli ma jkollhomx seħħ qabel ma jkunu ġew approvati mill-Gvernatur u mita hekk approvati għandhom jiġu pubblikati fil-Gazzetta.

7. Għall-finijiet ta' din l-Iskeda —

(a) persuna li titkellem bil-Malti hija persuna li titkellem bil-Malti bħala l-ilsien prinċipali li bih hija mdorrija;

(b) persuna li titkellem bl-Ingliż hija persuna li ma titkellimx bil-Malti bħala l-ilsien prinċipali li bih hija mdorrija u li għandha tagħrif biżżejjed ta' l-ilsien Ingliż biex tifhem u ssegwi għal kollox il-proċeduri kollha jekk isiru b'dak l-ilsien; u

(ċ) kull riferenza għal xi att li jibda, jew iko'llu x'jaqsam ma' proċeduri għandha tift'ehem bħala tinkludi kull ittra uffiċjali, protest, taħrika ta' xhieda, mandat jew ordni iehor tal-Qorti jew kull ċedola ta' depożitu.

MALTA

ISTRUZZJONIJIET mgħoddijin taht il-Firma u s-Sigill Rjali lill-Gvernatur u Kap Kmandant, Malta.

ELIZABETTA R.

Data tat-30 ta' Marzu 1959

ISTRUZZJONIJIET lill-Gvernatur Tagħna u Kap Kmandant għal u fil-Gżira Tagħna ta' Malta u d-Dipendenzi tagħha jew persuna oħra li fi żmien tkun qed taqdi l-funzjonijiet ta' dik il-kariga.

Bili skond id-disposizzjonijiet tal-“Letters Patent” ta' l-1947 għal Malta (Kariga ta' Gvernatur), Istruzzjonijiet taht il-Firma u Sigill Rjali li jgħbu d-data tal-hames ġurnata ta' Settembru, 1947 (hawnhekk iżjed 'il quddiem imsejha “l-Istruzzjonijiet eżistenti”) kienu maħruġa lill-Gvernatur u Kap Kmandant għal u fil-Gżira Tagħna ta' Malta u d-Dipendenzi tagħha:

U Bili bl-Ordni fil-Kunsill ta' l-1959 dwar il-Kostituzzjoni għal Malta l-imsemmija “Letters Patent” huma mhassra u hemm provdut li jkun hemm Gvernatur u Kap Kmandant f'Malta u għal Malta u li huwa għandu, bla hsara għad-disposizzjonijiet ta' dak l-Ordni, u ta' kull ligi oħra, jagħmel u jeżegwixxi l-hwejjeġ kollha li jappartjenu lill-kariga tiegħu skond dawk l-istruzzjonijiet, jekk ikun hemm, kif Ahna nistgħu minn żmien għal żmien naraw xieraq li nagħtuh:

U Bili Ahna għandna l-hsieb li nhassru l-Istruzzjonijiet eżistenti u li Nohorġu Istruzzjonijiet taht il-Firma u Sigill Tagħna lill-msemmi Gvernatur u Kap Kmandant skond id-disposizzjonijiet ta' l-Ordni fuq imsemmi:

Issa, għalhekk, mid-data tal-bidu fis-seħħ ta' l-Ordni fil-Kunsill ta' l-1959 dwar il-Kostituzzjoni għal Malta, Ahna nordnaw u nikkmandaw u niddikjaraw illi Ahna rridu u jogħgobna dan li ġej:—

1.—(1) Dawn l-Istruzzjonijiet jistgħu jissejtnu l-Istruzzjonijiet Rjali ta' l-1959 għal Malta.

(2) Dawn l-Istruzzjonijiet għandhom jiġu ippublikati fil-Gazzetta.

(3) Bla hsara għal kull haġa magħmula legalment bis-saħħa tagħhom, l-Istruzzjonijiet eżistenti huma hawnhekk imhassra.

2.—(1) Kull min ikun maħtur għall-kariga ta' Gvernatur skond l-artikolu 4 ta' l-Ordni fil-Kunsill għandu, qabel ma jidhol għall-funzjonijiet ta' dik il-kariga, jara li l-Kummissjoni li biha huwa jkun ġie maħtur tiġi moqrija u pubblikata fis-Sedi tal-Gvern quddiem il-Prim Imħallef jew xi mħallef ieħor tal-Qrati Superjuri u ta' dawk il-membri tal-Kunsill Eżekuttiv li jkunu jstgħu konvenjentement jattendu.

(2) Kull min ikun maħtur għall-kariga ta' Gvernatur kif intqal qabel jew li jkun ordnat li jaqdi l-funzjonijiet ta' dik il-kariga bis-saħħa ta' l-artikolu 5 ta' l-Ordni fil-Kunsill għandu, qabel ma jidhol għall-funzjonijiet ta' dik il-kariga, jiehu quddiem il-persuni msemmija fil-paragrafu li jahbat sew sew qabel dan għurament jew dikjarazzjoni solenni ta' fedeltà u għurament jew dikjarazzjoni solenni għall-eżerċizzju xieraq tal-kariga ta' Gvernatur skond id-disposizzjonijiet ta' l-Ordni fil-Kunsill, liema għuramenti jew dikjarazzjonijiet solenni l-imsemmi Prim Imħallef jew imħallef ieħor huwa hawnhekk meħtieġ li jagħti.

Titolu,
pubblikazzjoni
u taħsir.

Pubblikazzjoni
ta' Kummissjoni
u teħid ta'
għuramenti.

L-Istruzzjonijiet għandhom jiġu mharsa mid-deputat.

3.—(1) Dawn l-Istruzzjonijiet, safejn jgħoddu għal xi funzjonijiet li jkunu moqdiya minn deputat tal-Gvernatur mahtur skond l-artikolu 6 ta' l-Ordni fil-Kunsill, għandhom jitqiesu li jkunu mibgħuta lil u għandhom jiġu mharsa minn dak id-deputat.

(2) Kull deputat bħal dak jista', jekk jidherlu xieraq, jitlob Lilna permezz ta' Segretarju ta' l-Istat għal istruzzjonijiet dwar kull haġa; iżda huwa għandu jibgħat minnufih lill-Gvernatur kopja ta' kull *despatch* jew komunikazzjoni oħra li biha jitlob għal xi istruzzjonijiet bħal dawk.

Regoli għal hruġ b'liġi ta' Ordinanza.

4. Fl-egħmil ta' Ordinanza l-Gvernatur għandu jħares, safejn ikun prattikabbli, ir-regoli li ġejjin :—

(1) Il-kliem ta' hruġ b'liġi jkunu "Maħruġa b'liġi mill-Gvernatur ta' Malta".

(2) L-Ordinanza kollha jkunu divrenzjati b'titoli, u jkunu mqassma f'artikoli sussegwenti numerati konsekuttivament, u għal kull artikolu għandu jkun hemm anness fil-marġni indikazzjoni qasira tal-kontenut tiegħu.

(3) L-Ordinanza kollha għandhom ikunu numerati konsekuttivament b'serje separata għal kull sena li jibdedew bin-numru wieħed.

(4) Hwe jieg li ma jkollhomx x'jaqsmu waħda ma' l-oħra m'għandux ikun provdut għalihom bl-istess Ordinanza; ebda Ordinanza ma għandu jkollha xi haġa barranija għal dak li t-titolu ta' l-Ordinanza juri; u ebda provdiment li jkollu dewmien indefinit ma għandu jiġi nkluz f'xi Ordinanza mahsuba li jkollha dewmien limitat.

(5) Ebda Ordinanza ma għandha tinhareg b'liġi kemm-il-darba abbozz tagħha ma jkunx gie qabel ippubblikat għali-anqas xahar qabel il-hruġ b'liġi tagħha, kemm-il-darba l-hruġ b'liġi qabel ma jkunx, fil-fehma tal-Gvernatur, meħtieġ fl-interess pubbliku.

Certi Ordinanze ma jinħargux b'liġi mingħajr istruzzjonijiet.

5. Il-Gvernatur ma għandux, mingħajr ma qabel ikun k'iseb l-istruzzjonijiet Tagħna permezz ta' Segretarju ta' l-Istat, johroġ b'liġi xi Ordinanza li taqa' taħt xi waħda mill-klassijiet li ġejjin, jiġifieri :—

(1) kull Ordinanza li biha xi għoti ta' art jew flus jew rigal ieħor jew gratifikazzjoni tista' tingħamel lilu stess;

(2) kull Ordinanza li tolqot il-flus ta' Malta jew li tkun dwar il-hruġ ta' *bank notes*;

(3) kull Ordinanza li twaqqaf xi assoċjazzjoni ta' xogħol ta' bank jew li tiddel il-kostituzzjoni, setgħat jew privileġġi ta' xi assoċjazzjoni ta' xogħol ta' bank;

(4) kull Ordinanza li timponi dazji differenzjali;

(5) kull Ordinanza li d-disposizzjonijiet tagħha jidhru lill-Gvernatur li jkunu inkonsistenti ma' l-obbligi imposti fuqNa bi trattat;

(6) kull Ordinanza li tolqot id-dixxiplina jew kontroll tal-forzi Tagħna navali, militari jew ta' l-ajru;

(7) kull Ordinanza li biha persuni mhux ta' twelid jew dixxendenza Maltija jkunu, jew jistgħu jkunu, assoġġettati jew li jistgħu jitqegħdu f'xi inkapaċitajiet jew restrizzjonijiet li għalihom persuni tat-twelid jew dixxendenza Maltija ma jkunux hekk assoġġettati wkoll jew jista' hekk jitqegħdu;

(8) kull Ordinanza ta' xorta w importanza straordinarja li biha l-prerogattiva Tagħna jew drittijiet u proprjetà tas-sudditi Tagħna mhux residenti f'Malta jew in-negozju, trasport jew komunikazz-

zjonijiet ta' xi parti mid-dominji Tagħna jistgħu jkunu preġudikati;

(9) kull Ordinanza li jkollha disposizzjonijiet li għalihom l-kunsens Tagħna jkun darba ġie rruftat jew li jkunu ġew miċhuda Minna:

Iżda jekk il-Gvernatur ikun sodisfatt li jkun meħtieġ b'mod urġenti fl-interess pubbliku li xi Ordinanza bħal dik (li ma tkunx waħda li taqa' taht il-klassi msemmija fil-paragrafu (5) ta' din il-klawżola) għandha tingieb fis-seħh minnufih, huwa jkun jista' joħroġ b'liġi dik l-Ordinanza; iżda f'kull każ bħal dak għandu, fl-ewwel opportunità jibghat Lilna l-Ordinanza hekk mahruġa b'liġi, flimkien mar-raġunijiet tiegħu għall-hruġ b'liġi tagħha.

6. Kull Ordinanza mahruġa b'liġi fuq talba ta' u mahsuba sabiex tolgot jew tibbenefika xi persuna, assoċjazzjoni jew korp ġuridiku partikulari, għandu jkollha artikolu li jirriżerva d-drittijiet Tagħna, tal-Werrieta u Suċċessuri Tagħna, ta' kull korp politiku u ġuridiku u ta' l-oħrajn kollha, hliet dawk li jkunu msemmija fl-Ordinanza u dawk li jkollhom dritt bihom, minnhom jew bis-sahha tagħhom.

Ordinanzi privati.

7. Mita xi Ordinanza tkun giet mahruġa b'liġi, il-Gvernatur għandu minnufih jibghat Lilna permezz ta' Segretarju ta' l-Istat sabiex nġarrfu dak li jogħġob Lilna traskrizzjoni f'duplikat ta' l-Ordinanza awtentikata kif imiss taht is-siġill pubbliku u bil-firma tiegħu stess, flimkien ma' tifsira tar-raġunijiet u l-htieġa għall-hruġ b'liġi ta' l-Ordinanza.

Ordinanzi jinbagħtu permezz ta' Segretarju ta' l-Istat.

8. Kemm jista' jkun malajr wara l-bidu ta' kull sena l-Gvernatur għandu jara li kollezzjoni shiha ta' l-Ordinanzi kollha mahruġa b'liġi matul is-sena ta' qabel tkun ippubblikata għal tagħrif ġenerali.

Kollezzjoni ta' Ordinanzi tkun pubblikata kull sena.

9.—(1) Kull mita xi hati jkun ġie kkundannat għal piena tal-mewt b'sentenza ta' xi qorti ċivili f'Malta, il-Gvernatur għandu jsejjah lill-imhaġef li jkun ippresjeda fil-ġumi biex jagħmillu rapport bil-miktub tal-każ ta' dak il-hati, u għandu jara li dak ir-rapport jiġi kkunsidrat f'laqgħa tal-Kunsill Eżekuttiv, u jista' jara li dak l-imhaġef ikun imsejjah b'mod speċjali biex jattendi għal dik il-laqgħa u biex jipproduċi fiha n-noti tiegħu.

Regolar ta' setgħa ta' mahfra f'kazijiet ta' kundanna tal-mewt.

(2) Il-Gvernatur ma għandux jaħfer jew itawwal iż-żmien ta' xi hati bħal dak jekk ma jkunx jidher lii espedjenti li jagħmel hekk wara li jirċievi l-parir tal-Kunsill Eżekuttiv dwaru; iżda huwa għandu jiddeċidi jekk jagħtix jew jiċhadx mahfra jew itawwal iż-żmien skond il-gudizzju tiegħu mahsub sewwa, kemm jekk il-membri tal-Kunsill jaqblu dwar hekk kemm jekk xort'oħra, iżda b'dana kollu għandhom jitniżzlu fil-minuti tal-Kunsill ir-raġunijiet tiegħu fit-tul jekk huwa jiddeċidi xi kwistjoni bħal din kontra l-membri tal-Kunsill.

10.—(1) Il-Gvernatur għandu jiżgura illi xejn ma jsir, sew b'leġislazzjoni sew b'azzjoni amministrattiva li jnaqqas, jew inehhi minn, il-pożizzjoni ta' l-ilsien Inġiż jew ta' l-ilsien Malti jew li jkollu tendenza għar-restrizzjoni ta' l-użu tiegħu fis-servizz pubbliku.

Ilsna.

(2) Il-Gvernatur għandu jiżgura illi ebda tibdil ma għandu mingħajr il-kunsens bil-quddiem Tagħna miksub permezz ta' Segretarju ta' l-Istat, jiġi magħmul, sew b'leġislazzjoni sew b'azzjoni amministrattiva, fl-liġi, regolamenti jew Prattika minn żmien għal żmien fis-seħh dwar l-użu, bħala mezz ta' edukazzjoni jew istruzzjoni jew it-tagħlim, ta' kull ilsien f'kull Università, skola jew istituzzjoni edukattiva oħra f'Malta.

Xiri
mill-Gvernatur
ta' artijiet
tal-Kuruna.

11. Il-Gvernatur ma ghandux, d'rettament jew indirettament, jixtri għalih innifsu xi art jew binja f'Malta ta' proprjetà Tagħna mingħajr ma jkun kiseb qabel permess Minna biex jagħmel hekk permezz ta' Segretarju ta' l-Istat.

Assenza
tal-Gvernatur.

12. Hlief f'ċirkostanzi li fihom huwa ma jkunx meqjus bħala assenti minn Malta għall-finijiet ta' l-artikolu 5 ta' l-Ordn. fil-Kunsill, il-Gvernatur ma ghandux jitaq minn Malta mingħajr ma jkun qabel kiseb permess Minna biex jagħmel hekk permezz ta' Segretarju ta' l-Istat.

Tifsir.

13.—(1) F'dawn l-Istruzzjonijiet "l-Ordni fil-Kunsill" tfisser l-Ordni fil-Kunsill ta' l-1959 dwar il-Kostituzzjoni ta' Malta.

(2) Il-frazzjiet użati f'dawn l-Istruzzjonijiet għandhom, **kemm-il-darba ma jkunx provdut xort'ohra** jew meħtieġ mill-kontest, iko.nom l-istess tifsiriet rispettivi bħal ma għandhom fl-Ordni fil-Kunsill.

Mogħtija fil-Qorti Tagħna f'ta' Saint James it-30 ta' Marzu,
fit-Tmien sena tar-Renju Tagħna.

MALTA

The Malta (Constitution) Order in Council, 1959

At the Court at Buckingham Palace, the twenty-fourth day of
March, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

Introductory

1.—(1) This Order may be cited as the Malta (Constitution) Order in Council, 1959. Citation and commencement.

(2) Save as otherwise provided in the next following subsection, this Order shall come into operation on the fifteenth day of April, 1959.

(3) Sections 32 to 35 of this Order shall come into operation on such day as the Governor, in his discretion, shall appoint by proclamation published in the Gazette, and, until those sections come into operation, sections 41, 43 and 47 of this Order shall have effect as if the references therein to consultation with the Public Service Commission were omitted.

2.—(1) In this Order unless it is otherwise provided or required by the context— Interpretation.

“the Consolidated Fund” means the Consolidated Revenue Fund of Malta;

“the Gazette” means the Malta Government Gazette;

“the Governor” means the Governor and Commander-in-Chief of Malta;

“Malta” means the Island of Malta and its Dependencies including the territorial waters thereof;

“public office” means any office of emolument in the public service;

“public officer” means the holder of any public office and includes any person appointed to act in any such office;

“the public seal” means the public seal of Malta;

“the public service” means the service of the Crown in a civil capacity in respect of the government of Malta and includes service as a judge or other officer of any civil court of Malta;

(2) In this Order, unless it is otherwise provided or required by the context—

(a) any reference to the date of commencement of this Order shall be construed as a reference to the day mentioned in subsection (2) of section 1 of this Order;

(b) any reference to Her Majesty's dominions shall be construed as including a reference to all countries and territories within the Commonwealth;