

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,460, 27 ta' Ġunju, 2025
Taqsim A

MALTA

ATT Nru XVI tal-2025

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ACT No. XVI of 2025

AN ACT enacted by the Parliament of Malta.

ATT sabiex jemenda l-Kostituzzjoni ta' Malta.

AN ACT to amend the Constitution of Malta.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

27 ta' Ġunju, 2025

ATT Nru XVI tal-2025

ATT sabiex jemenda l-Kostituzzjoni ta' Malta.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħarġet b'ligi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2025 li jemenda l-Kostituzzjoni ta' Malta u dan l-Att għandu jinqara u jinftiehem hekk waħda mal-Kostituzzjoni ta' Malta, hawn iżjed 'il quddiem imsejha l-"Kostituzzjoni".

Titolu fil-qosor.

2. Minnufih wara l-artikolu 101A tal-Kostituzzjoni, kif emendat, għandhom jiġu miżjuda l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda fil-Kostituzzjoni.

"Kummissarju għall-Istandards tal-Ġudikatura.

101AA. (1) Kull min ikollu tħassib dwar kwalunkwe membru tal-ġudikatura li jista' jagħti lok għall-proċeduri dixxiplinarji tiegħu skont l-artikolu 101B jista' jissottometti tali tħassib bil-miktub lill-Kummissarju għall-Istandards tal-Ġudikatura:

Iżda l-Kummissarju għall-Istandards tal-Ġudikatura jista' jordna lill-persuna li tressaq it-tħassib bil-miktub sabiex tagħmel dan bil-ġurament.

(2) Il-Kummissarju għall-Istandards tal-Ġudikatura għandu jinħatar mill-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja għal terminu ta' tliet (3) snin, li jista' jiġi mgēdded.

(3) L-ebda persuna ma għandha tikkwalifika sabiex tokkupa l-kariga ta' Kummissarju għall-Istandards tal-Ġudikatura sakemm ma tkunx Imħallef jew Maġistrat irtirat jew avukat anzjan mhux prattikanti.

(4) Il-Kummissarju għall-Istandards tal-Ġudikatura jista' f'kull waqt jitneħħa jew jiġi sospiż mill-kariga tiegħu mill-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja minhabba inkapaċità ppruvata li jwettaq il-funzjonijiet tal-kariga tiegħu, kemm jekk din tkun minhabba nuqqas ta' saħħa fiżika jew mentali jew għal xi raġuni oħra ppruvata jew minhabba mgħiba hażina ppruvata.

(5) Il-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja tista':

(a) fi kwalunkwe waqt meta l-kariga ta' Kummissarju għall-Istandards tal-Ġudikatura tkun vakanti skont is-subartikolu (4); jew

(b) għal kwalunkwe raġuni oħra temporanja meta l-Kummissarju għall-Istandards tal-Ġudikatura jqis li huwa ma għandux imexxi investigazzjoni minhabba dawk iċ-ċirkostanzi li fihom kien ikollu jastjeni li kieku kien Imħallef tal-Qrati Superjuri,

tahtar Kummissarju għall-Istandards tal-Ġudikatura sabiex jokkupa l-kariga temporanjament skont dan l-artikolu u li għandu jibqa' fil-kariga sa dak iż-żmien meta l-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja tahtar Kummissarju għall-Istandards tal-Ġudikatura gdid skont is-subartikolu (2), jew meta tiġi konkluzja l-investigazzjoni msemmija fil-paragrafu (b) rispettivament.

(6) Il-Kummissarju għall-Istandards tal-Ġudikatura għandu jirċievi tali remunerazzjoni li l-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja tista' tiddetermina, liema remunerazzjoni għandha tithallas mill-Fond Konsolidat.

(7) L-irwol tal-Kummissarju għall-Istandards tal-Ġudikatura għandu jkun li:

(a) b'konsultazzjoni mal-Ġudikatura jwettaq analiżi tal-volum tal-każijiet u l-istatistika, kemm kollettivament kif ukoll individwalment, kif preżentati lilu mid-Direttorat fi hdan il-Ministeru responsabbli għall-gustizzja;

(b) jinvestiga allegazzjonijiet li jirċievi dwar il-membri tal-ġudikatura u li jirrapporta bil-miktub lill-Prim Imħallef u lill-Ministru responsabbli għall-gustizzja f'każ li jsib li hemm biżżejjed evidenza *prima facie* sabiex jinb dew proċeduri dixxiplinarji kontra Imħallef jew Maġistrat. F'każ li l-ilment huwa dwar il-Prim Imħallef, il-Kummissarju għall-Istandards tal-Ġudikatura għandu jirrapporta bil-miktub unikament lill-Ministru responsabbli għall-gustizzja. Il-Kummissarju għall-Istandards tal-Ġudikatura għandu wkoll jibgħat kopja tar-rapport lill-membru tal-ġudikatura li dwaru sar l-ilment.

(8) Kull investigazzjoni li ssir mill-Kummissarju għall-Istandards tal-Ġudikatura skont is-subartikolu (7)(b) għandha titmexxa bil-maġhluq. Il-Kummissarju għall-Istandards tal-Ġudikatura jista' jisma' jew jirċievi tagħrif minn tali persuni li jidhirlu xierqa, u jista' jagħmel dawk l-investigazzjonijiet li jidhirlu xierqa. Il-Kummissarju għall-Istandards tal-Ġudikatura ma għandu jasal għall-ebda sejbien ta' htija jew jagħmel l-ebda rakkomandazzjoni fir-rigward ta' dak il-membru tal-ġudikatura li jkun qiegħed jiġi investigat mingħajr ma jkun preċedentement ta lill-imsemmi membru tal-ġudikatura aċċess għall-provi kollha u d-dritt għas-smiġh skont il-prinċipji tas-smiġh xieraq.

(9) Il-Kummissarju għall-Istandards tal-Ġudikatura għandu jkollu s-setgħa li:

(a) iħarrek ix-xhieda;

(b) jamministra l-ġurament lil kwalunkwe xhud u persuna involuti fl-investigazzjoni, u jirrikjedi li dawn jagħtu x-xhieda u li jipproduċu dokumenti fil-pussess tagħhom jew fil-kustodja tagħhom f'dawk iċ-ċirkostanzi u bl-istess mod kif jista' jiġi mitlub sabiex jagħtu x-xhieda jew jipproduċu dokumenti quddiem Qorti tal-Ġustizzja.

(10) Il-Prim Imħallef u l-Ministru responsabbli għall-ġustizzja jistgħu fid-diskrezzjoni tagħhom jagħżlu li ma jseguw ir-rapport tal-Kummissarju għall-Istandards tal-Ġudikatura.

(11) Il-Kummissarju għall-Istandards tal-Ġudikatura ma għandux jipproċedi sabiex jinvestiga kwalunkwe allegazzjoni dwar xi kwistjoni li fuqha jkun hemm pendent i proċeduri fil-Qorti jew quddiem kwalunkwe tribunal, bord jew korp imwaqqaf bil-liġi.

(12) Meta l-Kummissarju għall-Istandards tal-Ġudikatura jiddeċiedi li ma jinvestigax jew li ma jinvestigax ulterjorment allegazzjoni, huwa għandu jgħarraf bil-miktub b'dan lill-persuna li tkun għamlet l-allegazzjoni, kif ukoll lill-Prim Imħallef u lill-Ministru responsabbli għall-ġustizzja u jagħti r-raġunijiet għal tali deċiżjoni.

(13) Il-Kummissarju għall-Istandards tal-Ġudikatura jista' jiġi maħtur mill-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja sabiex jaġixxi bħala prosekutur speċjali indipendenti fil-proċeduri dixxiplinari.

Dikjarazzjoni tal-
assi tal-
Ġudikatura.

101AB. Il-Kummissarju għall-Istandards tal-Ġudikatura għandu jkollu s-setgħa li jeżamina u jekk ikun meħtieġ jivverifika dawk id-dikjarazzjonijiet relatati mad-dhul jew l-assi, jew interessi jew benefiċċji oħra ta' kull xorta, li membri tal-ġudikatura jistgħu jkunu meħtieġa li jagħmlu skont l-artikolu 101A(11)(d) u li jagħmel rakkomandazzjonijiet fil-forma ta' linji gwida li l-imsemmi Kummissarju jqis li jkunu xierqa u proporzjonati anke fir-rigward ta' kwalunkwe membru tal-ġudikatura li jonqos milli jagħmel kwalunkwe dikjarazzjoni kif imsemmi qabel jew li jagħmel dikjarazzjoni skorretta b'mod li sostanzjalment tiżvija l-iskop tad-dikjarazzjoni."

3. Minnufih wara l-artikolu 101B tal-Kostituzzjoni, kif emendat, għandu jiġi miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fil-Kostituzzjoni.

"Rapport tal-Kummissarju għall-Istandards tal-Ġudikatura.

"101BA. Il-Kummissarju għall-Istandards tal-Ġudikatura għandu jhejji rapport, ta' mill-inqas kull sena jew kemm-il darba jista' jqiis spedjenti, lill-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja dwar it-twettiq tal-funzjonijiet tiegħu skont din il-Kostituzzjoni. Kwalunkwe tali rapport għandu jiġi sottomess lill-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja u lill-Ministru responsabbli għall-ġustizzja.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 358 tat-23 ta' Ġunju, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

A 426

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

27th June, 2025

ACT No. XVI of 2025

AN ACT to amend the Constitution of Malta.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title.

1. The short title of this Act is the Constitution of Malta (Amendment) Act, 2025 and this Act shall be read and construed as one with the Constitution of Malta, hereinafter referred to as the "Constitution".

Addition of new articles to the Constitution.

2. Immediately after article 101A of the Constitution, as amended, there shall be added the following new articles:

"Commissioner for Standards of the Judiciary.

101AA. (1) Whosoever has concerns about any member of the judiciary that may give rise to his disciplinary proceedings in accordance with article 101B may submit such concerns in writing to the Commissioner for Standards of the Judiciary:

Provided that the Commissioner for Standards of the Judiciary may direct the person raising the concerns in writing to do so under oath.

(2) The Commissioner for Standards of the Judiciary shall be appointed by the Commission for the Administration of Justice for a term of three (3) years, which may be renewed.

(3) No person shall be qualified to hold the office of Commissioner for Standards of the Judiciary unless he is a retired Judge or Magistrate or a non-practising senior advocate.

(4) The Commissioner for Standards of the Judiciary may at any time be removed or suspended from his office by the Commission for the Administration of Justice on the grounds of proven inability to perform the functions of his office, whether arising from infirmity of body or mind or any other cause, or proven misbehaviour.

(5) The Commission for the Administration of Justice may:

(a) at any time when the office of the Commissioner for Standards of the Judiciary is vacant in accordance with sub-article (4); or

(b) for any other temporary reason which the Commissioner for Standards of the Judiciary considers due to those circumstances that he would abstain from had he been a Judge of the Superior Courts,

appoint a Commissioner for Standards of the Judiciary to hold office temporarily in accordance with this article, and who shall remain in office until such time as the Commission for the Administration of Justice appoints a new Commissioner for Standards of the Judiciary in accordance with sub-article (2) or when the investigation referred to in paragraph (b) is concluded respectively.

(6) The Commissioner for Standards of the Judiciary shall receive such remuneration as the Commission for the Administration of Justice may determine, which remuneration shall be paid from the Consolidated Fund.

(7) The role of the Commissioner for Standards of the Judiciary shall be to:

(a) in consultation with the Judiciary carry out case-load and statistical analyses, both collectively and individually, as presented to him by the Directorate within the Ministry responsible for justice;

(b) investigate allegations he receives about members of the judiciary and report in writing to the Chief Justice and the Minister responsible for justice in case he finds that there is sufficient *prima facie* evidence to initiate disciplinary proceedings against a Judge or Magistrate. In case the complaint concerns the Chief Justice, the Commissioner for Standards of the Judiciary shall report only in writing to the Minister responsible for justice. The Commissioner for Standards of the Judiciary shall also send a copy of the report to the member of the judiciary against whom the complaint was made.

(8) Every investigation carried out by the Commissioner for Standards of the Judiciary in accordance with sub-article (7)(b) shall be conducted *in camera*. The Commissioner for Standards of the Judiciary may hear or receive information from such persons as he deems fit, and may make such investigations as he deems fit. The Commissioner for Standards of the Judiciary shall not make any finding of guilt or any recommendation in respect of such person under investigation without giving the said member of the judiciary access to all evidence and the right to be heard in accordance with the principles of fair trial.

(9) The Commissioner for Standards of the Judiciary shall have the power to:

(a) summon witnesses;

(b) administer an oath to any witness and person involved in the investigation, and require them to give evidence and produce documents in their possession or in their custody in such circumstances and in the same manner as may be required to give evidence or produce documents before a Court of Justice.

(10) The Chief Justice and the Minister responsible for justice may at their discretion choose not to follow the report of the Commissioner for Standards of the Judiciary.

(11) The Commissioner for Standards of the Judiciary shall not proceed to investigate any allegation on any matter on which proceedings are pending in Court or before any tribunal, board or body established by law.

(12) When the Commissioner for Standards of the Judiciary decides not to investigate or to further investigate an allegation, he shall so inform in writing the person who made the allegation, as well as the Chief Justice and the Minister responsible for justice and state the reasons for such decision.

(13) The Commissioner for Standards of the Judiciary may be appointed by the Commission for the Administration of Justice to act as a special independent prosecutor in the disciplinary proceedings.

Declaration of the assets of the Judiciary.

101AB. The Commissioner for Standards of the Judiciary shall have the power to examine and if necessary verify such declarations relating to income or assets, or interests or other benefits of any kind, as members of the judiciary may be required to make in accordance with article 101A(11)(d) and to make recommendations in the form of guidelines as the said Commissioner considers appropriate and proportionate also in respect of any member of the judiciary who fails to make any declaration as aforesaid or makes an incorrect declaration in a manner which substantively misleads the purpose of the declaration."

3. Immediately after article 101B of the Constitution, as amended, there shall be added the following new article:

Addition of new article to the Constitution.

"Report of the Commissioner for Standards of the Judiciary.

101BA. The Commissioner for Standards of the Judiciary shall draw up a report, at least annually or as many times as he may deem expedient, to the Commission for the Administration of Justice on the performance of his functions in accordance with this Constitution. Any such report shall be submitted to the Commission for the Administration of Justice and to the Minister responsible for justice."

A 430

Passed by the House of Representatives at Sitting No. 358 of the
23rd June, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives