

L.N. 30 of 2008

**MALTA ARMED FORCES ACT
(CAP. 220)**

**Armed Forces of Malta (Regular Force)
(Appointments and Conditions of Service)
(Amendment) Regulations, 2008**

IN EXERCISE of the powers conferred by article 4 of the Malta Armed Forces Act, the President of Malta has made the following regulations:–

Short title and
commencement.

L.N. 91 of 1970.

1. (1) These regulations may be cited as the Armed Forces of Malta (Regular Force) (Appointments and Conditions of Service) (Amendment) Regulations, 2008 and they shall be read and construed as one with the Armed Forces of Malta (Regular Force)(Appointments and Conditions of Service) Regulations, hereinafter referred to as the “principal regulations”.

(2) The provisions of regulation 3 of these regulations shall be deemed to have come into force on 30th October, 2006.

Substitutes the
Fourth Schedule to
the principal
regulations.

2. For the Fourth Schedule to the principal regulations there shall be substituted the following:

“FOURTH SCHEDULE

(Regulation 59)

Statute of the Armed Forces of Malta Staff Association

Name

1. There is hereby established a Staff Association to be known by the name of the Armed Forces of Malta Staff Association, hereinafter called “the Staff Association”.

2. Any word or term in this Statute shall have the same meaning as is assigned to it in the Armed Forces of Malta Act, unless the context otherwise requires.

Objective and Responsibility

3. The objective of the Staff Association is to enable all members of the Armed Forces of Malta to express their views to Government, through their representatives (hereinafter called the “spokesman representatives”), on defined aspects concerning their pay and conditions of service set out in this Statute.

4. The Staff Association will represent all ranks in the Armed Forces of Malta.

5. The responsibility of the Staff Association is to work, in cooperation with the Government, on behalf of the interests of all members of the Armed Forces of Malta, in ameliorating the pay and conditions of service of all ranks, with a view to enhancing the efficiency, effectiveness and morale of the Force.

Terms of Reference

6. The terms of reference of the Staff Association are limited to the following areas:

(a) Consultation on all areas of pay, pensions and allowances not pertaining to individual cases.

(b) Other specific conditions of service affecting welfare, daily administrative routine and training matters, military accommodation, workplace and barracks facilities, sporting and recreational facilities, medical and hygiene facilities, leave and educational facilities.

(c) Health and safety at work (excluding operational aspects).

7. The terms of reference of the Staff Association exclude the following:

(a) Any matter which affects the internal or external security of Malta.

(b) Any proceedings in respect of military offences being considered under the Armed Forces of Malta Act.

(c) Any areas which would tend to undermine the daily exercise of military discipline, or the military training, or operational effectiveness of the Armed Forces of Malta.

(d) All individual promotion and posting issues.

(e) Any matters of a political nature.

(f) Any individual cases which are the subject of military discipline or which fall at the time within the ambit of consideration by the President, any established Tribunal or Commission for the investigation of Armed Forces of Malta matters, the Ombudsman or the Commander of the Armed Forces of Malta under existing rights of redress.

(g) Any negotiating rights with Government over pay, pensions or allowances.

(h) The raising of fees or subscriptions.

(i) The use of strikes to achieve its demands or its affiliation to any civilian Unions or other Maltese Staff Associations.

Composition of the Staff Association

8. The Staff Association shall be composed of seventeen spokesman representatives, consisting of four Officers, four Warrant Officers, five Non-Commissioned Officers and four Gunners.

9. Four spokesman representatives, consisting of one Officer, one Warrant Officer, one Non-Commissioned Officer and one Gunner, shall be elected from each of 1st Regiment AFM, 3rd Regiment AFM and 4th Regiment AFM. Two spokesman representatives, consisting of one Officer and one Gunner, shall be elected from Maritime Squadron and one Warrant Officer and one Non-Commissioned Officer shall be elected from Air Wing. (1st Regiment AFM, 3rd Regiment AFM, 4th Regiment AFM Maritime Squadron and Air Wing are hereinafter referred to as “the Unit”). One Non-Commissioned Officer shall be elected from Headquarters Armed Forces of Malta. This composition is shown in the Table below:

Spokesman Representative Groups	1 Regiment AFM	3 Regiment AFM	4 Regiment AFM	Maritime Squadron	Air Wing	Headquarters Armed Forces of Malta
Officers	One	One	One	One		
Warrant Officers	One	One	One		One	
Non-Commissioned Officers	One	One	One		One	One
Gunners	One	One	One	One		
TOTALS	Four	Four	Four	Two	Two	One

Election to the Staff Association

10. All ranks in the Armed Forces of Malta shall have the right to elect spokesman representatives and to be elected as spokesman representatives to the Staff Association.

11. Each Unit and the Headquarters shall elect spokesman representatives to the Staff Association every two years on the basis of free votes cast by members of the Armed Forces of Malta serving in the relevant four groups of ranks set out in paragraph 9 of this Statute. Each of the spokesman representatives in the four groups of ranks will be elected by votes cast by their peers in the four ranks.

12. The Commanding Officer of each Unit and the Headquarters shall each be considered as the Returning Officer and the Electoral Officer for the purpose of the conduct of the vote in their Unit or in the Headquarters. The Commander, Armed Forces of Malta shall be the authority to issue the writ for elections and to determine the place or places where elections are to be held.

13. The Commanding Officer of each Unit and the Headquarters shall invite nominees to stand for election from each of the four different groups of ranks set out in paragraph 9 of this Statute. They shall publish lists of candidates to become spokesman representatives fourteen days before voting day. The list shall be published in alphabetical order set out by the groups of ranks in paragraph 9 of this Statute.

14. All ranks of the Armed Forces of Malta shall have the right to one vote, which may be cast by them for the candidate of their choice in their own appropriate rank. Voting shall be held by secret ballot.

15. A spokesman representative shall be elected when he or she has the backing of more than 50% of those eligible to vote. If the necessary majority is not achieved in the first ballot, then the two candidates who received most votes in the first ballot may stand for the second poll. The candidate who receives most votes in the second ballot is deemed to be elected. If the votes are equal, an additional poll shall follow.

16. Spokesman representatives shall serve for one term of two years and may stand to be re-elected to serve in the Staff Association for one further term of two years. Spokesman representatives shall be obliged to stand down at the end of their second term.

17. Spokesman representatives shall be ineligible to serve on the Staff Association if, as a result of promotion, they cease to represent the rank in paragraph 9 which they were elected to the Staff Association to represent, or if they cease to serve in the Unit which they were elected to represent, or if they leave the Service, or are otherwise unable satisfactorily to fulfil the duties as spokesman representative which they have been elected to perform.

18. If a spokesman representative is obliged to terminate his tenure before completion of the two year term of office, the spokesman representative from the same Unit or the Headquarters who is the next eligible in the last ballot for election from the same group of ranks in paragraph 9 as the former spokesman representative, will be nominated to replace him or her within three months of the termination of tenure. If no alternative spokesman representatives are eligible for nomination, a spokesman representative from the same Unit or Headquarters selected from the same group of ranks in paragraph 9 as himself or herself shall be elected on the basis of the election procedures set out in this Statute.

19. The spokesman representatives elected to the Staff Association shall remain in office until the election of the Chairman and Secretary of a new Staff Association set out in this Statute below.

Appointment of Chairman and Secretary

20. The Staff Association shall appoint a Chairman and a Secretary from amongst those who have been elected to serve in the Staff Association. The Chairman will be elected from among the Officer spokesman representatives and the Secretary from among the Warrant Officer, or Non-Commissioned Officer, or Gunner spokesman representatives.

21. The Chairman and the Secretary shall be elected to their posts by a free vote in a secret ballot among all the spokesman representatives who have been elected to the Staff Association. The Chairman and the Secretary shall be elected when he or she has the backing of more than 50% of the spokesman representatives in a vote which will be conducted on the same lines as those set out in paragraph 15.

Method of Operation

22. The first meeting of the Staff Association shall be convened by the Commander, Armed Forces of Malta within one month of the election of spokesman representatives to the Staff Association for the purpose of electing the Chairman and Secretary as set out in this Statute.

23. Following election of the Staff Association, spokesman representatives from each Unit shall hold separate, regular monthly meetings in each of the Units and the Headquarters which they represent to raise points for subsequent discussion within the Staff Association.

24. The Staff Association shall meet within two months of the date of the meeting convened to elect the Chairman and the Secretary, and bi-monthly thereafter.

25. A quorum of the Staff Association shall consist of half the number of spokesman representatives, plus one. If, after allowing a period of half an hour for a quorum, none is formed, the Chairman shall call a new meeting within seven days.

26. The Staff Association shall discuss subjects raised by spokesman representatives from the Units and the Headquarters, and take them forward as they may so decide. The Chairman will be guided by the views of the majority in deciding the course of action to be adopted.

27. The agenda of subjects for discussion to be raised by spokesman representatives from each of the Units and the Headquarters shall be published by the Chairman and communicated to all the other spokesman representatives in the Staff Association at least five days before each bi-monthly meeting.

28. Records of meetings shall be kept by the Secretary. These must be signed by the Chairman.

29. Bi-monthly meetings of the Staff Association and monthly meetings of spokesman representatives in each Unit and the Headquarters shall be permitted within normal working hours.

Access to the Commander, Armed Forces of Malta

30. The Chairman of the Staff Association and one spokesman representative selected from each of the four groups of ranks in the Staff Association shall have regular direct access to the Commander, Armed Forces of Malta.

Access to the Minister

31. The Chairman of the Staff Association and one spokesman representative selected from each of the four groups of ranks in the Staff Association shall have regular, direct access to the Minister every six months on dates to be mutually agreed between the Chairman and the Office of the Minister.

Regular Reports to all Ranks

32. The Chairman of the Staff Association shall institute arrangements to keep all ranks in the Armed Forces of Malta regularly informed of developments in the Staff Association.

33. It shall be permitted for Staff Association notices to be displayed on official notice boards in barrack accommodation of the Armed Forces of Malta.

Subscriptions

34. No subscription shall be raised for, or on behalf of, the Staff Association.

Office and Emblem

35. The Staff Association shall meet at a suitable office, conference room or lecture hall on the premises of the Armed Forces of Malta, as the Chairman may decide.

36. The Staff Association may device an emblem which may include the badge of the Armed Forces of Malta, as the Chairman may decide with the approval of the majority of spokesman representatives.

Foreign Membership or Contacts

37. The Staff Association may maintain such contacts with internationally recognised foreign, military Staff Associations, as the Chairman may decide with the approval of the majority of spokesman representatives”.