

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

1st March, 1996

ACT No. IX of 1996

AN ACT to provide for the appointment of a person nominated by the Leader of the Opposition on the Boards or other governing bodies of certain corporations.

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:—

1. This Act may be cited as the Opposition Nominees Act, 1996, and shall come into force on such date as the Prime Minister may by notice in the Gazette appoint. Short title and commencement.

2. (1) In this Act unless the context otherwise requires: Interpretation.

“Board of Directors” means the Board of Directors or such other body, by whatever name called, provided by law for the management of a Corporation;

“Corporation” means a body corporate established by law, by whatever name called, listed in the First Schedule to this Act;

“Leader of the Opposition” means the person so appointed in virtue of section 90 of the Constitution;

“nominee” means a person proposed by the Leader of the Opposition for appointment by the Prime Minister to the Board of

Directors of a Corporation, in accordance with the provisions of this Act.

(2) The Prime Minister may by Order in the Gazette, add to the list of Corporations in the First Schedule to this Act.

Appointment of
Opposition
Nominee to the
Board of Directors
of a Corporation.

3. (1) Notwithstanding the provisions of any other law one of the members on the Board of Directors of a Corporation shall be appointed by the Prime Minister in accordance with the provisions of this Act.

(2) The member referred to in subsection (1) of this section shall have all powers, rights and obligations as the other members of the Board of Directors, and shall subject to the provisions of subsections (3) and (4), hold office for such term, being not less than one year as may be indicated by the Leader of the Opposition in his nomination.

(3) A member of the Board of Directors appointed in virtue of subsection (1) of this section shall in any case, cease to hold office when the office of the Leader of the Opposition becomes vacant.

(4) A member of the Board of Directors appointed in virtue of subsection (1) of this section may only be removed from office if in accordance with the law setting up the Corporation he becomes disqualified for appointment to that office.

(5) Where in accordance with the law setting up the Corporation, the members of the Board of Directors are not appointed by the Prime Minister, the member of the Board of Directors to be appointed under this section shall be appointed in lieu of such other member of the Board of Directors which in accordance with such law is to be appointed by a Minister or by the President acting on the advice of the Prime Minister or another Minister, as the Prime Minister may by Order in the Gazette determine; and where in accordance with such law some of the members are to be appointed by the Prime Minister and the other members are to be appointed by some other person or authority, the member to be appointed under this section shall be appointed in lieu of one of the members which in accordance with such law is to be appointed by the Prime Minister.

Method of
appointment of
Opposition
nominee.

4. (1) Wherever occasion arises to appoint a member of the Board of Directors of a Corporation, the Prime Minister shall invite, in writing, the Leader of the Opposition to submit, in writing, within fifteen days of the Prime Minister's invitation, the name of his nominee for such appointment.

(2) The Prime Minister may decline to appoint a nominee whose name has been submitted as aforesaid where:

(a) the nominee is disqualified from being so appointed in virtue of the law setting up the Corporation; or

(b) the nominee is in the opinion of the Prime Minister manifestly unsuitable for such appointment.

(3) Where the Prime Minister declines to appoint a nominee as provided in subsection (2) of this section, he shall within one week of the nomination inform the Leader of the Opposition, in writing, of the reasons for declining to appoint the nominee, and invite him to submit within fifteen days the name of a fresh nominee for appointment and the provisions of subsection (2) shall apply with respect to such fresh nominee.

(4) Where the Leader of the Opposition fails in the term established in subsections (1) or (3) of this section to submit the name of his nominee, the appointment of the member referred to in subsection (1) of section 3 of this Act shall be made by the Prime Minister as he deems fit:

Provided that the office of any person appointed in virtue of this subsection shall become vacant within one year of his appointment or in the circumstances referred to in subsections (3) of (4) of section 3 of this Act whichever is the earlier.

5. Where on the coming into force of this Act, the term of office of all the members of the Board of Directors of a Corporation falls to expire at the same time, the term of office of the member first appointed in virtue of this Act shall expire together with that of the other members of the Board of Directors.

Transitory
provision.

FIRST SCHEDULE

(Section 2)

Name of Corporation	Law under which established
The Malta Development Corporation	Cap. 202
The Central Bank of Malta	Cap. 204
Telemalta Corporation	Cap. 250
The Housing Authority	Cap. 261
Enemalta	Cap. 272
The Malta Financial Services Centre (with reference to the Board of Governors)	Cap. 330
The Public Transport Authority	Cap. 332
The Employment and Training Corporation	Cap. 343
The Malta Maritime Authority	Act XVII of 1991
The Water Services Corporation	Act XXIII of 1991.

Passed by the House of Representatives at Sitting No. 512 of the 21st February, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.