

L.N. 37 of 1988

THE CONSTITUTION OF MALTA

Public Service Commission (Disciplinary Procedure) (Amendment) Regulations, 1988

IN EXERCISE of the powers conferred by section 121 of the Constitution of Malta, the Public Service Commission has, with the consent of the Prime Minister, made the following regulations:—

1. (1) These regulations may be cited as the Public Service Commission (Disciplinary Procedure) (Amendment) Regulations, 1988 and shall be read and construed as one with the Public Service Commission (Disciplinary Procedure) Regulations, 1977, hereinafter referred to as “the principal regulations”.

Citation and commencement.

(2) These regulations shall come into force on the 11th April, 1988.

2. For regulation 19 of the principal regulations there shall be substituted the following new regulation:

Substitutes regulation 19 of the principal regulations.

“Rep-
resenta-
tion and
assistance
before the
Board.

19. The Head of the Department and the officer charged may be represented or assisted, respectively, by an officer in the public service or by a representative of the Staff Association or Union to which the officer charged belongs, or by any other person of his choice not being a member of Parliament.”.

3. Immediately after regulation 23 of the principal regulations there shall be inserted the following new regulation:

Addition of new regulation to the principal regulations.

“Review
of past
recom-
menda-
tion of the
Commis-
sion.

23A. (1) Any person who is or has been a public officer and who had been found guilty by the Commission of an offence under these Regulations may petition the Commission to review his case for the purpose of revoking or amending the recommendation which the Commission had tendered against him.

(2) The petition shall be made in writing and shall be sent to the Commission directly or through the Administrative Secretary.

(3) The Commission shall thereupon send a copy of the petition to the Prime Minister for any comments he may wish to make within one month from the receipt of that copy. On the expiration of that time the Commission shall thereupon proceed to examine the petition.

(4) The Commission may allow the review of the case if, in its discretion, it is satisfied that there was a *prima facie* case of gross disregard of the disciplinary regulations or

a serious miscarriage of justice resulting in a violation of natural justice or fundamental rights:

Provided that the Commission shall not consider a petition for a review of its past recommendation if the petitioner had already made a similar request which had been rejected on the merits of the case.

(5) The Commission shall not allow any new evidence to be produced whenever it is reviewing its past recommendation unless it is satisfied that such evidence was unknown to or could not be produced by the petitioner when his case was first heard.

(6) The Commission, after hearing the oral representations of the petitioner and of the Head of the Department concerned, or their respective representatives or assistants, as far as practicable in accordance with the provisions of regulations 18 and 20, shall proceed to recommend to the Prime Minister either that he should confirm its original recommendation or that he should amend or revoke it.

(7) If the matter is not referred back to the Commission within two months or action on the recommendation of the Commission is not taken within the same period, the Commission shall inform the petitioner of the recommendation it had made to the Prime Minister.”.

Amends
regulation 25
of the
principal
regulations.

4. In paragraph (1) of regulation 25 of the principal regulations for the words “not being an advocate or legal procurator” there shall be substituted the words “not being a member of Parliament.”.