L.N. 63 of 1987

ENEMALTA ACT, 1977

(ACT NO. XVI OF 1977)

Election of Director-Worker Regulations, 1987

IN EXERCISE of the powers conferred by section 5A of the Enemalta Act, 1977, the Minister for Development of Infrastructure has made the following regulations:—

Citation.

1. These regulations may be cited as the Enemalta Corporation (Election of Director-Worker) Regulations, 1987.

Interpretation.

2. In these regulations, unless the context otherwise requires —

"Act" means the Enemalta Act, 1977;

"body" means any body established by law and any partnership or other body in which the Government or any such body has effective control;

"Director-Worker" means a member of the Board of Directors of the Corporation elected under section 5(2) of the Act; and

"employee" means a person who is a permanent employee of the Corporation but does not include —

(a) a worker who has not completed the period of probation according to law;

(b) a part-time worker;

(c) a worker on a contract for a definite time;

(d) a public officer or other worker performing duty with the Corporation but who is employed with the Government or with any other body; and

(e) a worker of any subsidiary company of the Corporation or of any company in which the Corporation has an interest;

and "employed" shall be construed accordingly.

Qualifications for election as Director-Worker.

3. Subject to the provisions of these regulations, a person shall be qualified to be elected a Director-Worker only if he is a citizen of Malta who is employed with the Corporation and if his nomination for the election is supported in writing by no less than ten employees entitled to vote at that election.

Disqualifications for Director-Worker.

4. (1) In addition to the disqualifications for membership of the Board of Directors mentioned in section 7 of the Act, an employee of the Corporation shall be disqualified for election to Director-Worker or for remaining a member of the Board if —

(a) he was a candidate for election to the House of Representatives in the last general election; or

(b) he is a shopsteward of any trade union; or

(c) is interdicted or incapacitated for any mental infirmity or for prodigality by a court in Malta or is otherwise determined in Malta to be of unsound mind.

(2) Notwithstanding the provisions of subparagraph (b) of paragraph (1) of this regulation, an employee who is also a shopsteward of a trade union may stand for election as a Director-Worker, provided that he shall not assume the duties of Director-Worker, if elected, unless and until he resigns his post as shopsteward, and provided further that if such person shall not have so resigned his post as shopsteward within fifteen days after the official announcement of the result of the said election such person shall be deemed to have resigned his office as Director-Worker.

Vacancy of Director-Worker

5. Subject to the provisions of these regulations, the office of a Director-Worker shall become vacant:—

(a) if he is dismissed according to established disciplinary proceedings, or if he retires from the employment with the Corporation or his said employment is otherwise terminated; or

(b) if he has such financial or other interest in any contract, enterprise or activity as, in the opinion of the Board expressed as a decision taken by a secret vote, is likely to affect prejudicially the discharge by him of his functions as a member of the Board; or

(c) if any circumstances arise that, if he were not a Director-Worker, cause him to be disqualified for election as such.

Poll.

6. (1) The Director-Worker shall be elected by secret ballot by the employees of the Corporation.

(2) At the election no person shall be permitted to vote on behalf of an other.

Voting.

7. (1) When an election of a Director-Worker is held there shall be declared elected the candidate who obtains more than fifty per centum of all valid votes cast at that election.

(2) In case more than two candidates stand for an election and no one of them obtains the number of votes mentioned in the preceding paragraph, another election shall be held between the two candidates who had obtained the greater number of votes.

Election Commission.

8. Every election of a Director-Worker shall be held, conducted and supervised by an Election Commission composed of the Principal Electoral Commissioner and of two other members of the Electoral Commission established under section 60 of the Constitution who shall be elected by and from amongst the members of the said Electoral Commission.

Holding of election.

9. Subject to the provisions of these regulations the election of Director-Worker shall be held in such time or times and shall be conducted in such manner as the Election Commission shall deem appropriate.

Election on termination of office.

10. An election which becomes necessary for substituting the Director-Worker on the termination of the period of his office, shall be held one month immediately before the period laid down in regulation 16 expires, provided that the Director-Worker so elected shall only enter upon his duties as a member of the Board on the expiration of that period.

Election afer a vacancy.

11. When the office of Director-Worker becomes vacant, the vacancy shall be filled from amongst the employees of the Corporation by an election which shall be held for that purpose in accordance with these regulations and such election shall be held as soon as practicable but in no case later than four weeks after the vacancy giving rise to it occurs.

Eligibility for re-elections.

12. A Director-Worker, if he is otherwise qualified, shall be eligible for re-election.

Remuneration.

13. The remuneration payable to the Director-Worker shall be that established for the other members of the Board of the Corporation.

Resignation.

14. The Director-Worker may resign his office by letter addressed to the Minister.

Notice of vacancy.

15. A vacancy of a Director-Worker shall be forthwith notified to the Minister.

Term of office.

16. Subject to the provisions of these regulations, the Director-Worker shall hold office for a period of two years commencing on the date of his election and ending on the same date two years later:

Provided that the first Director-Worker shall only enter upon his duties as a member of the Board on the 1st February, 1988.

Rights and duties.

17. The Director-Worker shall have the same rights and duties as are by law laid down in respect of the other Directors of the Board.

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