

A 428

I assent.

(L.S.)

GEORGE VELLA
President

7th April, 2020

ACT No. XIX of 2020

AN ACT to amend the Police Act, Cap. 164.

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.
Cap. 164.

1. The short title of this Act is the Police (Amendment) Act, 2020, and this Act shall be read and construed as one with the Police Act, hereinafter referred to as "the principal Act".

Amendment of
article 6 of the
principal Act.

2. Sub-article (2) of article 6 of the principal Act shall be substituted by the following:

"(2) When a vacancy occurs in the office of Commissioner, the procedure for the appointment of a Commissioner shall be the following:

(a) the Public Service Commission shall issue a public call for applications subject to the necessary qualifications and experience required for a person to be eligible for appointment to the office of Commissioner;

(b) after examining the candidates, the Public Service Commission shall draw up a short-list indicating the two most suitable candidates. The Public Service Commission shall refer the said short-list of the two candidates to the Cabinet which shall, after giving due consideration to the two short-listed candidates, refer the candidate who it considers to be the most suitable candidate for appointment to the responsible Minister. The Minister responsible shall refer the said candidate for a parliamentary hearing by the Standing Committee on Public Appointments established under article 37 of the Public Administration Act. The provisions of article 38 of the Public Administration Act shall, *mutatis mutandis*, apply to the said hearing; Cap. 595.

Provided that notwithstanding the provisions of any other law or regulations, the decision of the Public Service Commission regarding the shortlist drawn up by it according to this paragraph, shall not be subject to any appeal procedure;

(c) if the Standing Committee on Public Appointments advises in favour of the appointment of the selected candidate, the Prime Minister shall appoint the selected candidate after consultation with the Public Service Commission; and

(d) if there is only one eligible candidate, the process provided in paragraphs (b) and (c) shall, *mutatis mutandis*, be applied in respect of that candidate."

Consequential Amendment

3. In sub-article (4) of article 92 of the Constitution the words "with the Public Service Commission." shall be substituted by the words "with the Public Service Commission:" and immediately thereafter there shall be added the following new proviso: Amendment of article 92 of the Constitution.

"Provided that notwithstanding the provisions of this sub-article the appointment of the Commissioner of Police shall be made by the Prime Minister after consultation with the Public Service Commission as may be provided in the Police Act."

Cap. 164.

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Passed by the House of Representatives at Sitting No. 317 of the 1st April, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives