

I assent.

(L.S.)

GEORGE VELLA
President

23rd April, 2020

ACT No. XXI of 2020

AN ACT to amend various laws and subsidiary legislation pursuant to the devolution of certain Ministerial powers to various entities.

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. (1) The short title of this Act is the Devolution of Certain Ministerial Powers Act, 2020. Short title and commencement.

(2) The provisions of this Act shall come into force on the 1st October, 2019, hereinafter referred to as "the operative date".

2. The words and phrases referred to in the third column of Schedule I, which words and phrases occur in the provisions specified in the second column of the said Schedule, which provisions are to be found in the enactments referred to in the first column of the said Schedule, shall be amended in accordance with the amendments referred to in the fourth column of the said Schedule. Amendment of the Chapters of the Laws of Malta.

A 476

Amendment of
Subsidiary
Legislation.

3. The words and phrases referred to in the third column of Schedule II, which words and phrases occur in the provisions specified in the second column of the said Schedule, which provisions are to be found in the enactments referred to in the first column of the said Schedule, shall be amended in accordance with the amendments referred to in the fourth column of the said Schedule.

Saving.

4. (1) Nothing in this Act shall affect the validity of anything heretofore lawfully done, or any right, obligation or liability heretofore acquired, accrued or incurred, under any of the enactment mentioned in the Schedules to this Act.

(2) Any notifications, orders, schemes, rules, regulations, appointments, delegations, directions or authorisations heretofore lawfully made, given or issued and anything heretofore lawfully done under any of the enactments mentioned in the Schedules hereto may be revoked, varied or undone in like manner, to like extent and in like circumstances as if they had been made, given, issued or done after the operative date by a competent authority to which powers are being devolved under this Act, and under and in accordance with the provisions the provisions referred to in the relative enactments applicable to such a case.

SCHEDULE I
(Article 2)

Amendments to the Chapters of the Laws of Malta

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Code of Organization and Civil Procedure - Cap. 12.	article 469A(2)	" "public authority" means the Government of Malta, including its Ministries and departments, local authorities and any body corporate established by law."	" "public authority" means the Government of Malta, including its Ministries and departments, local authorities and any body corporate established by law and includes Boards which are empowered in terms of law to issue warrants for the exercise of any trade or profession."
Explosives Ordinance - Cap. 33.	article 26D(4)	"(4) Any person aggrieved by a decision of the Commissioner in accordance with sub-article (1) of this article may appeal to the Minister within seven days from the notification in writing of the refusal by the Commissioner and the Minister, in the exercise of his functions under this sub-article, may seek the advice of the Explosives Committee. The decision of the Minister shall be final and conclusive."	"(4) Any person aggrieved by a decision of the Commissioner in accordance with sub-article (1) may appeal to the Administrative Review Tribunal within seven days from the notification in writing of the refusal by the Commissioner."
Police Act - Cap. 164.	article 36(1)(g)	"(g) to recommend, in its decisions, any such action deemed fit and is to send its recommendations to the Minister and to the Social Affairs Committee about every complaint and, or request received;"	"(g) to recommend, in its decisions, any such action deemed fit and to send its recommendations to the Commissioner of Police and to the Social Affairs Committee about every complaint and, or request received;"
Malta Armed Forces Act - Cap. 220.	article 7(3)	"with the approval of the Minister"	"with the approval of the Commander"
	article 113	"may recommend in writing to the Minister within twenty-four hours the minimum period which in its view should lapse before the prisoner is released from prison. Such recommendation shall be made available to the person sentenced, and a copy thereof shall be kept by the Commander."	"may recommend in writing to the Commander within twenty-four hours the minimum period which in its view should lapse before the prisoner is released from prison. Such recommendation shall be made available to the person sentenced."

A 478

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Accountancy Profession Act - Cap. 281.	article 2(1) - definition of "approved accountancy body"	"recognized by the Minister"	"recognized by the Board"
	article 2(1) - definition of "prescribed"	" "prescribed" means prescribed by regulations or directives under this Act;"	<i>(this definition is to be deleted)</i>
	article 2(1)-definition of "public-interest entity"	"as may be prescribed by the Minister"	"as may be prescribed in regulations made by the Minister under this Act"
	article 3(1)	"Except where otherwise prescribed,"	"Except where otherwise prescribed in regulations made by the Minister under this Act,"
	article 3(2)(c) - proviso	"at such levels as may be prescribed"	"at such levels as may be prescribed in regulations made by the Minister under this Act"
	article 3(2)(d), first proviso	"theoretical knowledge of the prescribed subjects"	"theoretical knowledge of the subjects prescribed in regulations made by the Minister under this Act"
	article 3(2)(d) - second proviso	"but which did not cover all of the subjects prescribed"	"but which did not cover all of the subjects prescribed in regulations made by the Minister under this Act"
	article 3(3)	"the Minister may, on the advice of the Board, issue, to any person"	"the Board may issue, to any person"
	article 4(1)	"shall be issued by the Minister on the advice of the Board to any person"	"shall be issued by the Board to any person"
	article 4(2)	"as may be prescribed"	"as may be prescribed in directives issued by the Board under this Act"
	article 4(6)	"subject to rules that may be prescribed by the Board"	"subject to such directives as may be prescribed by the Board under this Act"
		"any other conditions which may be prescribed"	"any other conditions which may be prescribed in regulations made by the Minister under this Act"
	article 5A	"or as may be prescribed"	"or as may be prescribed in directives issued by the Board under this Act"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Accountancy Profession Act - Cap. 281. - cont.	article 7(1)(a)	"(a) to consider applications for the issue of warrants or practicing certificates under article 4 and, in the case of warrants, whether to advise the Minister to issue such warrants and, in the case of practising certificates, to decide whether to issue such practising certificates;"	"(a) to decide on applications for the issue of warrants or practicing certificates;"
	article 7(5)	"prescribe the details"	"prescribe, by regulations made under this Act, the details"
	article 7(13)	"as may be prescribed by the Board for that purpose"	"as may be prescribed in directives issued by the Board for that purpose under this Act"
	article 7(16)	"as may be prescribed"	"as may be prescribed in directives issued by the Board under this Act"
	article 8 - marginal note	"Regulations."	"Regulations and Directives."
	article 9(1)	"The Minister may, on the recommendation of the Board, recognize any local association"	"The Board may recognize any local association"
	article 9(2)	"shall be subject to such conditions as the Minister may, on the recommendation of the Board, in granting recognition impose or as may from time to time be prescribed"	"shall be subject to such conditions as the Board may, in granting recognition, impose or as may from time to time be prescribed"
		"the Minister may, on the recommendation of the Board, suspend or withdraw the recognition"	"the Board may suspend or withdraw the recognition"
	article 10(1) - first proviso	"as may be prescribed"	"as may be prescribed in directives issued by the Board under this Act"
	article 10(9)	"or as may be prescribed"	"or as may be prescribed in directives issued by the Board under this Act"
	article 11(1)	"as may be prescribed"	"as may be prescribed in regulations made by the Minister under this Act"
	article 11(4)	"as may be prescribed"	"as may be prescribed in regulations made by the Minister under this Act"
	article 13	"as may be prescribed by the Minister"	"as may be prescribed in regulations made by the Minister under this Act"
	article 15(1) - proviso	"advise the Minister to revoke or withdraw the warrant"	"revoke or withdraw the warrant"

A 480

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Accountancy Profession Act - Cap. 281. - cont.	article 15(2)(a)	"(a) a warrant may be withdrawn or cancelled by the Minister at the request of the warrant holder addressed to the Board;"	"(a) a warrant may be withdrawn or cancelled by the Board at the request of the warrant holder;"
	article 15(2)(d)	"revoked or cancelled by the Minister acting on the advice of the Board"	"revoked or cancelled by the Board"
	article 15(3)	"as shall be prescribed"	"as shall be prescribed in directives issued by the Board under this Act"
	article 15(5)	"the Minister may, after the expiration of two years from the date of the revocation, and if the Board so advises, issue a fresh warrant under article 4, under such conditions as may be imposed by the Minister on the advice of the Board"	"the Board may, after the expiration of two years from the date of the revocation, issue a fresh warrant under article 4, under such conditions as it may impose"
	article 15B(a)	"(a) any decision of the Board not to advise the Minister to issue a warrant, taken pursuant to article 7(1)(a), and any decision of the Board not to issue a practising certificate, taken pursuant to article 7(1)(a);"	"(a) any decision of the Board taken pursuant to article 7(1)(a);"
	article 15B(i)	"(i) any decision taken by the Minister, on the advice of the Board, pursuant to article 15(1) or article 15(2)(d), to revoke or withdraw a warrant; and"	"(i) any decision taken by the Board, pursuant to article 15(1) or article 15(2)(d), to revoke or withdraw a warrant; and"
	article 15C(1)	"The decision of the Board or the Minister, as the case may be, shall stand pending an appeal"	"The decision of the Board shall stand pending an appeal"
	article 15C(2)	"suspend the decision of the Board or the Minister, as the case may be"	"suspend the decision of the Board"
	article 16(3)(b)	"as may be prescribed"	"as may be prescribed in directives issued by the Board under this Act"
	article 16(3)(c)	"that is so prescribed"	"that is so prescribed in directives issued by the Board under this Act"
	article 20(2)	"the Board or the Minister, as the case may be, shall notify"	"the Board shall notify"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Engineering Profession Act - Cap. 321.	article 4	"The warrant to practise the profession of engineer shall be issued by the Minister on the recommendation of the Board to any person"	"The warrant to practise the profession of engineer shall be issued by the Board to any person"
	article 5(1)	"the Minister may, after consulting the Board, grant a special licence"	"the Board may grant a special licence"
	article 7(1)(a)	"to consider applications for the issue of a warrant and make its recommendations thereon to the Minister"	"to consider applications for the issue of a warrant"
	article 8(4)	"Every such partnership shall give to the Minister or to the Board such information as they may reasonably require or as may be prescribed, and shall give notice to the Minister or to the Board of any relevant change in any information previously given to them"	"Every such partnership shall give to the Board such information as it may reasonably require or as may be prescribed, and shall give notice to the Board of any relevant change in any information previously given to it"
	article 12(2)	"Such disability shall be declared by the Minister by notice published in the Gazette"	"Such disability shall be declared by the Board by notice published in the Gazette"
	article 12(3)	"The Minister may, at any time, and if the Board so recommends, by order remove the disability declared by him"	"The Board may, at any time, by notice in the Gazette remove the disability declared by it"
	article 13(1)	"may be withdrawn or cancelled by the Minister at the request"	"may be withdrawn or cancelled by the Board at the request"
	article 14	"The Minister may, by order in writing, suspend, revoke or cancel a warrant"	"The Board may, by notice in the Gazette, suspend, revoke or cancel a warrant"
	article 16 - marginal note	"Minister may issue fresh warrant."	"Board may issue fresh warrant."
	article 16	"The Minister may, after the expiration of one year from the date of the revocation or withdrawal of a warrant or special licence or the cancellation of a partnership of engineers, and if the Board so recommends, issue a fresh warrant "	"The Board may, after the expiration of one year from the date of the revocation or withdrawal of a warrant or special licence or the cancellation of a partnership of engineers, issue a fresh warrant"
Malta Freeports Act - Cap. 334.	second proviso to article 6(c)	"Provided further that the Authority may, with the approval of the Minister and in accordance with article 3(1)(a), (b), (d), (e) or (f) of the Disposal of Government Land Act, create servitudes and other similar rights"	"Provided further that the Authority may, in accordance with article 3(1)(a), (b), (d), (e) or (f) of the Government Lands Act, create servitudes and other similar rights"

A 482

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Local Government Act - Cap. 363.	article 48(1)	"The Council shall have its administrative offices at a place to be selected by it with the approval of the Minister, and these offices"	"The Council shall have its administrative offices at a place to be selected by it, and these offices"
	article 49(2)	"The appointment of the Executive Secretary shall be made by the Local Council following the approval of the Minister which nomination would have been made under the following sub-article"	"The appointment of the Executive Secretary shall be made by the Local Council, which nomination would have been made under the following sub-article"
	article 53B(1)	"shall be subject to the approval of the Minister"	"shall be subject to the approval of the Director"
	proviso to article 53B(1)	"as may be determined by the Minister"	"as may be determined by the Director"
Consumer Affairs Act - Cap. 378.	article 39	"The Minister may, acting on the advice of the Council, grant to any registered consumer associations"	"The Council may grant to any registered consumer associations"
Private Guards and Community Officers Act - Cap. 389.	article 11 - marginal note	"Referral to Minister."	"Application to the Administrative Review Tribunal."
	article 13(3)	"(3) On the receipt of a notice of withdrawal or suspension the holder of a licence may, within one calendar month from such receipt, make submissions in writing to the Minister requesting the removal of such withdrawal or suspension."	<i>Sub-article (3) of article 13 shall be deleted, and sub-article (4) thereof shall be re-numbered as sub-article (3).</i>
	ex article 13(4)	"(3) The provisions of article 11(3) and (4)"	"(3) The provisions of article 11(3)"
	article 23	"unless the said courses are approved by the Minister in accordance with regulations as may be prescribed"	"unless the said courses have been approved by the Commissioner"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Periti Act - Cap. 390.	article 5(1)	"shall be granted by the Minister on the recommendation of the Board"	"shall be granted by the Board"
	article 7(1)(a)	"to consider applications for the issue of a warrant, and make its recommendations thereon to the Minister"	"to consider applications for the issue of a warrant"
	article 9(4)	"shall give to the Minister or to the Board such information as they may reasonably require or as may be prescribed, and shall give notice to the Minister or to the Board of any relevant changes in any information previously given to them"	"shall give to the Board such information as it may reasonably require or as may be prescribed, and shall give notice to the Board of any relevant changes in any information previously given to it"
	article 13(2)	"Such disability shall in the case of a warrant holder be declared by the Minister by notice published in the Gazette"	"Such disability shall in the case of a warrant holder be declared by the Board by notice published in the Gazette"
	article 13(3)	"The Minister may, at any time, and if the Board so recommends, by order remove the disability declared by him"	"The Board may, at any time, by notice in the Gazette remove the disability declared by it"
	article 15	"The Minister may, by order in writing, suspend, revoke or cancel a warrant"	"The Board may, by notice in the Gazette, suspend, revoke or cancel a warrant"
	article 17 - marginal note	"Minister may issue fresh warrant."	"Board may issue fresh warrant."
	article 17	"The Minister, acting on the recommendation of the Board, may, after the expiration of one year from the date of the revocation or withdrawal of a warrant or the cancellation of a partnership of warrant holders, issue a fresh warrant or authorise the registration of a partnership under the provisions of the Act, subject to such conditions as the Minister on the recommendation of the Board may deem necessary"	"The Board may, after the expiration of one year from the date of the revocation or withdrawal of a warrant or the cancellation of a partnership of warrant holders, issue a fresh warrant or authorise the registration of a partnership under the provisions of this Act, subject to such conditions as it may deem necessary"
Security Service Act - Cap. 391.	article 5(e)	"for the time being required in writing by the Minister following a request by the head of the Service to assist the Security Service in carrying out its functions"	"for the time being required in writing by head of the Security Service to assist it in carrying out its functions"
Malta Travel and Tourism Services Act - Cap. 409.	article 12(1)(b)	"two persons, appointed by the Minister, on the recommendation of the Authority"	"two persons appointed by the Authority"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Civil Protection Act - Cap. 411.	article 5(2)(a)	"fuel and energy affairs, and Gozo affairs;"	"fuel and energy affairs, and Gozo affairs; and"
	article 5(2)(b)	"concerned with such matters;"	"concerned with such matters."
	article 5(2)(c)	"(c) one member who shall be nominated by the Local Councils Association established in terms of regulation 3 of the Local Councils (Association) Regulations."	"(2A) One member shall be appointed by the Local Councils Association established in terms of regulation 3 of the Local Councils (Association) Regulations."
Refugees Act - Cap. 420.	article 7(1)	"against a recommendation of the Commissioner"	"against a decision by the Commissioner"
	article 7(1A)(a)	"(a) a recommendation taken on an application for international protection, including a decision:"	"(a) a decision taken on an application for international protection:"
	article 7(2)	"within two weeks from the notification on the applicant of the recommendation of the Commissioner"	"within two weeks from the notification on the applicant of the decision of the Commissioner"
	article 7(10)	"the Minister shall issue a declaration accordingly"	"the Commissioner shall issue a declaration accordingly"
	article 8(4)	"(4) If the Commissioner recommends the acceptance of the application, the Minister shall make a declaration that applicant is eligible for refugee status, or appeal against such recommendation."	"(4) Where the Commissioner decides that the applicant is eligible for refugee status, he shall make a declaration to this effect."
	article 10(2)	"The Minister may revoke or refuse to renew the protection granted"	"The Minister may revoke, or the Commissioner may refuse to renew, the protection granted"
	article 10(3)	"in whose regard the Minister has revoked or refused to renew"	"in whose regard the Minister has revoked or the Commissioner has refused to renew"
	article 17(1)	"Upon the recommendation of the Commissioner of Refugees, the Minister shall declare that subsidiary protection status be granted to an applicant"	"The Commissioner shall decide as to whether subsidiary protection status may be granted to an applicant"
		"and the Commissioner shall continue to be able to make such a recommendation"	"and the Commissioner shall continue to be able to take such a decision"
	article 21	"Subsidiary protection shall cease if the Minister is satisfied, after consulting the Commissioner, that the circumstances"	"Subsidiary protection shall cease if the Commissioner is satisfied that the circumstances"
	article 22(1)	"The Minister shall revoke or refuse to renew the subsidiary protection status"	"The Minister shall revoke or the Commissioner shall refuse to renew the subsidiary protection status"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Fisheries Conservation and Management Act - Cap. 425.	article 17(1)	"The Minister, acting on the advice of the Director and after consultation with the Board, may grant a permit"	"The Director may, after consultation with the Board, grant a permit"
	article 33(2)	"(2) Notwithstanding the provisions of sub-article (1), the Minister may, in the circumstances of any particular case and upon application being made to him within thirty days from the date of conviction, send that application to the Committee appointed according to article 39(4)."	"(2) Notwithstanding the provisions of sub-article (1), the person convicted may send an application to the Committee appointed according to article 39(4), within thirty days from the date of conviction."
	article 33(3)	"(3) The Committee shall, within a period not longer than five days from the date when it shall have received the application from the Minister, after studying the case, hearing every person whom it deems appropriate, and receiving all the required advice, give its advice in writing to the Minister whether the Minister should order that the provisions of subarticle (1) are not to apply to any particular licence, permit or entry in the record of fishing vessels otherwise forfeited."	"(3) The Committee shall, within a period not longer than five days from the date when it shall have received the application, after studying the case, hearing every person whom it deems appropriate, and receiving all the required advice, give its decision as to whether the provisions of sub-article (1) are not to apply to any particular licence, permit or entry in the record of fishing vessels otherwise forfeited."
	article 33(4)	"(4) The Minister shall accede to or refuse the application in accordance with the advice given by the Committee."	<i>This sub-article is to be deleted.</i>
	article 39(1)	"to appeal against the Director's decision by means of a letter addressed to the Minister"	"to appeal against the Director's decision by means of an application to the Committee appointed according to sub-article (4)"
	article 39(2)	"(2) The Minister shall, as soon as he receives the appeal in accordance with subarticle (1), send the said appeal to the Director so that, within two days, the Director may make a report in writing to the Minister, wherein he shall indicate the reasons why the appeal should be quashed; however the Director may, where it appears to him that the appeal is justified, change his decision in accordance with the appeal and inform the Minister, within the period given to him for his reply."	"(2) The Committee shall, as soon as it receives the appeal in accordance with sub-article (1), send the said appeal to the Director so that, within two days, the Director may make a report in writing to it, wherein the Director shall indicate the reasons why the appeal should be quashed; however the Director may, where it appears to him that the appeal is justified, change his decision in accordance with the appeal and inform the Committee, within the period given to him for his reply."

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Fisheries Conservation and Management Act - Cap. 425. - cont.	article 39(3)	"(3) When the Minister receives the Director's reply, or the time given for the reply shall have elapsed without the receipt, by the Minister, of such reply, the Minister shall immediately send the appeal and the Director's reply, if any, to the Committee established under subarticle (4), so that the said Committee may give its advice, to the Minister on the appeal."	"(3) When the Committee established under sub-article (4) receives the Director's reply, or the time given for the reply shall have elapsed without the receipt, by the Committee, of such reply, the Committee shall examine the case and decide upon the appeal in accordance with the provisions of sub-article (5)."
	article 39(5)	"(5) The Committee shall, within five days of its receipt of the appeal from the Minister, study the case, hear all persons whom it shall deem appropriate, receive all the advice necessary, and send its advice in writing, together with the transcript of any evidence heard and any advice given to the Committee, to the Minister as to the manner in which the appeal is to be dealt with."	"(5) The Committee shall, within five days of its receipt of the Director's reply, or within five days of the lapse of the time given for the reply, as the case may be, study the case, hear all persons whom it shall deem appropriate, receive all the advice necessary, and take its decision as to the manner in which the appeal is to be dealt with."
	article 39(6)	"(6) The Minister shall decide on the appeal in accordance with the Committee's advice and shall give an order in writing to the Director according to his decision; a copy of the Minister's decision shall also be sent to the appellant."	"(6) Copies of the Committee's decision shall be sent to the Director and to the appellant."
Plant Quarantine Act - Cap. 433.	article 25(1)	"the Minister may compensate the owner"	"the Director may compensate the owner"
	article 25(2)	"The Minister shall not be obliged to compensate"	"The Director shall not be obliged to compensate"
	article 25(3)	"(3) The Minister shall, on the advice of the Board, determine the amount of compensation payable in the circumstances of the case and may, by notice published in the Gazette, prescribe the procedures to be followed to claim compensation."	"(3) The Director shall, on the advice of the Board, determine the amount of compensation payable in the circumstances of the case and may, by government notice published in the Gazette, prescribe the procedures to be followed to claim compensation."
	article 25(4)	"by a decision of the Minister under subarticle (3)"	"by a decision of the Director under sub-article (3)"
Wine Act - Cap. 436.	proviso to article 11(1)	"Provided that the Minister may, on the advice of the Board, fix a different date"	"Provided that the Director may, on the advice of the Board, fix a different date"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Animal Welfare Act - Cap. 439.	article 32(1)	"Only persons who have been issued a licence by the Minister, acting on the advice of the Council, in conjunction with the Director for Veterinary Services, may carry out"	"Only persons who have been issued a licence by the Director for Veterinary Services, acting on the advice of the Council, may carry out"
	article 32(2)	"without the written authority of the Minister"	"without the written authority of the Director"
	article 32(3)	"may be issued, suspended, modified or revoked by the Minister"	"may be issued, suspended, modified or revoked by the Director"
	article 35(1)	"without a licence issued by the Minister"	"without a licence issued by the Director"
	article 35(2)	"(2) Licences issued by the Minister shall permit experiments in so far as they are intended to benefit, either directly or indirectly, the health or nutrition of human beings or animals as well as for any other purpose deemed by the Minister to be of sufficient value."	"(2) Licences issued by the Director shall permit experiments in so far as they are intended to benefit, either directly or indirectly, the health or nutrition of human beings or animals as well as for any other purpose deemed by the Director to be of sufficient value."
	article 35(4)	"as the Minister may deem fit to impose"	"as the Director may deem fit to impose"
Co-operative Societies Act - Cap. 442.	article 29(3)	"shall be established by the Minister in consultation with the Board"	"shall be established by the Board"
Cultural Heritage Act - Cap. 445.	article 31(1)	"The warrant to practice the profession of Conservator-Restorer shall be granted by the Minister on the recommendation of the Board and shall be signed by the Minister and the Chairperson of the Board"	"The warrant to practice the profession of Conservator-Restorer shall be granted by the Board and shall be signed by the Chairperson of the Board"
	article 36(4)	"or recommend to the Minister the suspension, cancellation or revocation of the warrant, practising certificate or registration as the case may be"	"or order the suspension, cancellation or revocation of the warrant, practising certificate or registration as the case may be"
	article 39(1)(a)	"consider applications for the issue of a warrant under this Part, and make its recommendations thereon to the Minister"	"consider applications for the issue of a warrant under this Part, and take decisions thereon"
	article 40(1)	"The Minister upon advice of the Board may, by order in writing, suspend"	"The Board may, by order in writing, suspend"
	article 40(2)(a)	"a warrant may be surrendered to the Minister"	"a warrant may be surrendered to the Board"
	article 40(2)(b)	"a practising certificate may be surrendered to the Minister"	"a practising certificate may be surrendered to the Board"

A 488

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Cultural Heritage Act - Cap. 445. - cont.	article 40(2)(c)	"a registration as a person having a Heritage Skill may be surrendered to the Minister"	"a registration as a person having a Heritage Skill may be surrendered to the Board"
	article 42(1)	"The Minister may, on the recommendation of the Board, recognise any local professional association of Conservators-Restorers as an approved body"	"The Board may recognise any local professional association of Conservators-Restorers as an approved body"
	article 42(2)	"(2) Such recognition shall be subject to any such conditions as the Minister may, on the recommendation of the Board, in granting recognition, impose or as he may from time to time prescribe and if at any time any of the conditions as aforesaid, or any of the provisions as contained therein or as prescribed, is not observed or fulfilled, or there is a material change in the circumstances under which the recognition was granted, the Minister may, on the recommendation of the Board, suspend or withdraw the recognition."	"(2) Such recognition shall be subject to any such conditions as the Board may, in granting recognition, impose or as may be prescribed from time to time and if at any time any one (1) of the conditions as aforesaid, or any one (1) of the provisions as contained therein or as prescribed, is not observed or fulfilled, or there is a material change in the circumstances under which the recognition was granted, the Board may suspend or withdraw the recognition."
	article 50(1)	"The Superintendent may, with the authority in writing of the Minister, enter into an agreement"	"The Superintendent may enter into an agreement"
	second proviso to article 50(1)	"Provided further that before authorising the Superintendent to enter into a loan or allocation agreement, the Minister shall consult the Committee as to the conditions to be included in the loan or allocation agreement."	"Provided further that before entering into a loan or allocation agreement, the Superintendent shall consult the Committee as to the conditions that shall be included in the loan or allocation agreement."
	article 50(4)	"The Superintendent after consulting the Committee may recommend to the Minister to revoke a loan"	"The Superintendent may, after consulting the Committee, revoke a loan"
Metrology Act - Cap. 454.	article 16(3)	"The Director General may prescribe the measurement standards"	"The Director General may define the measurement standards"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Internal Audit and Financial Investigations Act - Cap. 461.	article 2	<i>new definition to be added immediately after definition of "Board"</i>	" "Cabinet" means the body to which article 79 of the Constitution refers;"
		<i>new definition to be added immediately after definition of "public officers"</i>	" "Secretary to the Cabinet" means the public officer to whom article 94 of the Constitution refers."
	marginal note to article 7	"Appointment of Board."	"Direct responsibility."
	article 7	"7. The Board shall be appointed by the Prime Minister for such period as the Prime Minister may determine, and it shall be directly responsible to him."	"7. The Board shall be directly responsible to the Prime Minister."
	article 8(1)(a)	"the Secretary to Cabinet as Chairperson;"	"the Secretary to the Cabinet as Chairperson;"
	article 8(1)(d)	"(d) a person of a recognised standing in the accounting and, or, auditing profession, who is not a public officer; and"	"(d) a person of recognised standing in the accounting and, or, auditing profession, who is not a public officer, and who shall be appointed by the Cabinet for such a period as it may determine; and"
	article 8(1)(e)	"(e) one other member:"	"(e) one other member, who shall be appointed by the Cabinet for such a period as it may determine:"
	article 8(4)	- (<i>new sub-article</i>)	"(4) Any communication issued or declaration made by the Secretary to the Cabinet on behalf of the Cabinet for the purposes of sub-article (1) shall be taken as a statement of the views or decisions of the Cabinet, unless the contrary is proved."
Social Work Profession Act - Cap. 468.	article 5(1)(b)	"consider, process and make recommendations to the Minister with regard to applications"	"consider, process and decide on applications"
	article 5(1)(c)	"(c) examine applications for a warrant to practise the profession of social work in Malta and make recommendations to the Minister on the award or refusal thereof;"	"(c) examine applications for a warrant to practise the profession of social work in Malta and decide on the award or refusal thereof;"
	article 5(1)(h)	"(h) make recommendations to the Minister on the definition of specialised social work practice and the qualifications necessary to practise in specialised social work, and to recommend to the Minister the granting of warrants to this effect;"	"(h) make recommendations to the Minister on the definition of specialised social work practice and the qualifications necessary to practise in specialised social work;"

A 490

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Social Work Profession Act - Cap. 468. - cont.	article 6(2)	"it shall make a recommendation to the Minister for the issue of a warrant"	"it shall issue a warrant"
	article 6(5)	"(5) A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions as the Board may recommend in any particular case. Such warrant may include such special conditions and such authorisation to practise in specialised social work and for such specific periods as the Board may recommend in accordance with the provisions of this Act and any regulations made thereunder."	"(5) A warrant issued by the Board under this Act may be issued subject to such limitations or conditions as it may recommend in any particular case. Such warrant may include such special conditions and such authorisation to practise in specialised social work and for such specific periods as the Board may recommend in accordance with the provisions of this Act and any regulations made thereunder."
	article 7	"7. The Board shall consider and make its recommendations on an application for a warrant to practice the profession of social work as soon as is reasonably practicable but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. On making its recommendations to the Minister, the Board shall concurrently notify the applicant of its recommendations, together with the reasons upon which these were based."	"7. The Board shall decide on an application for a warrant to practice the profession of social work as soon as is reasonably practicable but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. The Board shall immediately notify the applicant of its decision."
	article 8(2)	"Where a person loses his warrant following a conviction as is referred to in the preceding subarticle, notice of such loss shall be given by the Minister in the Gazette"	"Where a person loses his warrant following a conviction as is referred to in the preceding sub-article, notice of such loss shall be given by the Board in the Gazette"
	article 8(3)	"The Minister may, at any time, on the recommendation of the Board, reinstate a person"	"The Board may, at any time, reinstate a person"
	article 10(1)	"notice of the decision has been given to the Minister and notified to that person by registered post"	"notice of the decision has been given to that person by registered post"
	article 11	"The Minister may, on the recommendation of the Board, and upon application to this effect, remove"	"The Board may, upon application to this effect, remove"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Psychology Profession Act - Cap. 471.	article 5(1)(b)	"consider, process and make recommendations to the Minister with regard to applications"	"consider, process and decide on applications"
	article 5(1)(c)	"(c) examine applications for a warrant to practise the profession of psychology in Malta and make recommendations to the Minister on the award or refusal thereof;"	"(c) examine applications for a warrant to practise the profession of psychology in Malta and decide on the award or refusal thereof;"
	article 6(2)	"it shall make a recommendation to the Minister for the issue of a warrant"	"it shall issue a warrant"
	article 6(3)	"the Board shall make a recommendation to the Minister for the issue of a warrant"	"the Board shall issue a warrant"
	article 6(5)	"A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions as the Board may recommend in any particular case"	"A warrant issued by the Board under this Act may be issued subject to such limitations or conditions as it may deem fit to impose in any particular case"
	article 7 - marginal note	"The Board to assess application for warrant."	"The Board to decide on the issue of a warrant."
	article 7	"7. The Board shall consider and make its recommendations on an application for a warrant to practise the profession of psychology as soon as is reasonably practicable but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. On making its recommendations to the Minister, the Board shall concurrently notify the applicant of its recommendations, together with the reasons upon which these were based."	"7. The Board shall decide on an application for a warrant to practise the profession of psychology as soon as is reasonably practicable but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. The Board shall immediately notify the applicant of its decision."
	article 8(2)	"notice of such loss shall be given by the Minister in the Gazette and shall be communicated by the Board to the person disqualified"	"notice of such loss shall be given by the Board in the Gazette and shall be communicated by it to the person disqualified"

A 492

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Psychology Profession Act - Cap 471. - cont.	article 8(3)	"The Minister may, at any time, on the recommendation of the Board, reinstate a person"	"The Board may, at any time, reinstate a person"
	article 10(1)	"Where it has been decided by the Minister, following the recommendations of the Board that the warrant of a person be suspended or cancelled or that additional conditions be attached to such warrant, that person may, within twenty-one days of the Minister's notification, appeal to the Court of Appeal"	"Where the Board suspends, cancels or attaches additional conditions to the warrant of a person, that person may, within twenty-one days of the Board's notification thereof, appeal to the Court of Appeal"
	article 11	"The Minister may, on the recommendation of the Board, and upon application to this effect, remove such suspension"	"The Board may, upon application to this effect, remove such suspension"
Arms Act - Cap. 480.	article 25(2)	"(2) Any person aggrieved by a decision of the Commissioner taken in accordance with the provisions of subarticle (1) may appeal to the Minister within seven days from the notification in writing of the refusal by the Commissioner and the Minister in the exercise of his functions under this subarticle shall seek the advice of the Board. The decision of the Minister shall be final and conclusive."	"(2) Any person aggrieved by a decision of the Commissioner taken in accordance with the provisions of sub-article (1) may appeal to the Administrative Review Tribunal within seven days from the notification in writing of the refusal by the Commissioner."
	article 50(d)	"(d) the Minister in terms of article 25(2);"	<i>Paragraph (d) shall be deleted, and paragraphs (e) and (f) shall be re-numbered as paragraphs (d) and (e) respectively</i>
Counselling Profession Act - Cap. 538.	article 5(1)(b)	"consider, process and make recommendations to the Minister regarding applications"	"consider, process and decide on applications"
	article 5(1)(c)	"(c) examine applications for a warrant to practise the counselling profession in Malta and also make recommendations to the Minister on the award or refusal thereof;"	"(c) examine applications for a warrant to practise the counselling profession in Malta and also decide on the award or refusal thereof;"
	article 6(2)	"it shall make a recommendation to the Minister to issue that warrant"	"it shall issue that warrant"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Counselling Profession Act - Cap. 538. - cont.	article 6(3)	"the Council shall make a recommendation to the Minister to issue that warrant"	"the Council shall issue that warrant"
	article 6(5)	"A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions in accordance with recommendations made by the Council in any particular case"	"The Council may attach such limitations and conditions as it deems fit to any warrant it issues under this Act"
	article 6(10)	"No person, except those persons given the warrant of a counsellor by the Minister, may use the word "Counsellor" or "Counselling":"	"No person, except those persons given a warrant under this Act, may use the word "Counsellor" or "Counselling":"
	article 7 - marginal note	"Recommendations regarding applications for a warrant"	"Decision on application for the issue of a warrant"
	article 7(1)	"also recommend to the Minister whether the applicant may immediately exercise the counselling profession"	"also decide whether the applicant may immediately exercise the counselling profession"
	article 8(3)	"The Minister may, at all times, and upon the recommendation of the Council, reinstate the person"	"The Council may, at any time, reinstate the person"
	article 10(1)	"(1) The holder of the warrant who feels aggrieved by a decision of the Council may appeal before the Court of Appeal in its jurisdiction within twenty-one days from the date when notice of the decision has been given to the Minister and notified to the holder of the warrant by registered post."	"(1) The holder of a warrant who feels aggrieved by a decision of the Council may appeal before the Court of Appeal in its jurisdiction within twenty-one days from the date when notice of the decision has been given to him by registered post."
	article 11	"The Minister may, on the recommendation of the Council, and after a request is made, reinstate the person"	"The Council may, after a request is made to that effect, reinstate the person"

A 494

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Psychotherapy Profession Act - Cap. 587.	article 5(1)(b)	"consider, process and make recommendations to the Minister regarding applications for warrants"	"consider, process and decide on applications for warrants"
	article 6(2)	"it shall make a recommendation to the Minister for the issue of a warrant"	"it shall issue a warrant"
	article 6(3)	"the Board shall make a recommendation to the Minister for the issue of a warrant"	"it shall issue a warrant"
	article 6(5)	"A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions as the Board may recommend in any particular case"	"The Board may attach such limitations and conditions as it deems fit to any warrant it issues under this Act"
	article 7 - marginal note	"Recommendations for the issue of a warrant"	"Decision on application for the issue of a warrant"
	article 7	"7. The Board shall consider and make its recommendations on an application for a warrant to practise the profession of psychotherapy as soon as is reasonably practicable, but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. On making its recommendations to the Minister, the Board shall concurrently notify the applicant of its recommendations."	"7. The Board shall decide on an application for a warrant to practise the profession of psychotherapy as soon as is reasonably practicable, but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. The Board shall immediately notify the applicant of its decision."
	article 8(2)	"shall be given by the Minister in the Gazette and such information shall be notified by the Board to the person losing the warrant"	"shall be given by the Board in the Gazette and such information shall be notified by it to the person losing the warrant"
	article 8(3)	"The Minister may, at any time, on the recommendation of the Board, reinstate a person"	"The Board may, at any time, reinstate a person"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Psychotherapy Profession Act - Cap. 587. - cont.	article 10(1)	"(1) The holder of a warrant who feels aggrieved by a decision of the Board may appeal before the Court of Appeal in its jurisdiction within twenty-one days from the date on which notice of the decision has been given to the Minister and notified to the holder of the warrant by registered post."	"(1) The holder of a warrant who feels aggrieved by a decision of the Board may appeal before the Court of Appeal in its jurisdiction within twenty-one days from the date when notice of the decision has been given to him by registered post."
	article 11	"The Minister may, on the recommendation of the Board, and following a request to that effect by the person"	"The Board may, following a request to that effect by the person"

SCHEDULE II (Article 3)

Amendments to Subsidiary Legislation

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Public Procurement Regulations - S.L. 174.04	regulation 79(5)	"The contracts which result from a call for tenders published by the Ministerial Procurement Unit must be signed by the Minister responsible for that Ministry"	"The contracts which result from a call for tenders published by the Ministerial Procurement Unit must be signed by the Permanent Secretary responsible for that Ministry"
Appointments and Conditions of Service of the Regular Force Regulations - S.L. 220.03	regulation 4(5)	"(a) A commanding officer shall be appointed by the Minister after nominations for command have been submitted to him by the Commander;"	"(a) A commanding officer shall be appointed by the Commander;"
	regulation 6(2)	"by the Minister on the recommendation of the Commander"	"by the Commander"

A 496

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Appointments and Conditions of Service of the Regular Force Regulations - S.L. 220.03 - cont.	regulation 8(1)	"(1) Acting rank may be granted to an officer who is selected to fill a vacancy above his substantive rank in an approved establishment on a permanent or semi-permanent basis. Acting rank shall only be granted with the approval of the Minister."	"(1) Acting rank may be granted only by the Commander to an officer who is selected to fill a vacancy above his substantive rank in an approved establishment on a permanent or semi-permanent basis."
	regulation 11(c)	"(c) the Minister approves the compulsory transfer."	"(c) the Commander orders or approves the compulsory transfer."
	regulation 14(1)	"may be removed at any time by the Commander with the approval of the Minister"	"may be removed at any time by the Commander"
	regulation 14(2)	"under such conditions as the Minister may determine"	"under such conditions as the Commander may determine"
	regulation 52(1)(b)	"(b) for any extension beyond 28 days up to a total of six months - Commander"	"(b) for any extension beyond 28 days - Commander"
	regulation 52(1)(c)	"(c) for any extension beyond six months - Minister"	<i>(this paragraph is to be deleted)</i>
	Second Schedule - paragraph 14	"You can only be compulsorily transferred from one corps to another by order of the Minister responsible for defence except in war time or in an emergency"	"You can only be compulsorily transferred from one corps to another by order of the Commander"
Appointments and Conditions of Service of the Volunteer Reserve Force Regulations - S.L. 220.07	regulation 4	"shall be authorised by the Minister after consultation with the Commander"	"shall be authorised by the Commander"
Appointments and Conditions of Service of the Individual Reserve Force Regulations - S.L. 220.08	regulation 5	"shall be authorised by the Minister after consultation with the Commander"	"shall be authorised by the Commander"

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Prisons Regulations - S.L. 260.03	regulation 4(7)	"in the opinion of the Minister"	"in the opinion of the Director"
	regulation 7(4)	"or with the authorisation of the Minister"	"or with the authorisation of the Director"
	regulation 13(1)	"with the approval of the Minister"	"with the approval of the Director"
	regulation 61(2)(a)	"may be granted by the Director with the approval of the Minister, or a public officer designated by the Minister to so act on his behalf"	"may be granted by the Director"
	regulation 83(2)(a)	"be cancelled, in whole or in part, by the authority of the Minister"	"be cancelled, in whole or in part, by the Director"
	regulation 83(2)(b)	"may, on the authority of the Minister, be restored to a prisoner"	"may be restored to a prisoner by the Director"
Application for the Issue of a Warrant Regulations - S.L. 321.01	regulation 2 - interpretation of "warrant"	"issued by the Minister on the recommendation of the Board in terms of article 3 of the Act"	"issued by the Board in terms of article 3 of the Act"
Registration and Licensing of Motor Vehicles Regulations - S.L. 368.02	proviso to regulation 23	"the Authority may, with the approval of the Minister responsible for transport, depart from this provision"	"the Authority may depart from this provision"
Private Guards Regulations - S.L. 389.01	regulation 5(1)	"shall make an application therefore to the Minister"	"shall make an application therefor to the Commissioner"
	regulation 5(2)(f)	"as the Minister may require"	"as the Commissioner may require"
	regulation 5(3)	"the Minister may approve"	"the Commissioner may approve"
	regulation 5(4)	"as the Minister may deem fit to impose"	"as the Commissioner may deem fit to impose"
	regulation 5(7)	"as the Minister may direct"	"as the Commissioner may direct"
Civil Aviation (Investigation of Air Accidents and Incidents) Regulations - S.L. 499.22	regulation 6(1)	"The Minister shall, on the advice of the Chief Inspector, appoint Inspectors of Air Accidents"	"The Chief Inspector shall appoint Inspectors of Air Accidents"
	regulation 6(2)	"The Minister shall furnish an inspector with a warrant of the inspector's appointment"	"The Chief Inspector shall furnish an inspector with a warrant of the inspector's appointment"

A 498

ENACTMENT	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Civil Aviation (Investigation of Air Accidents and Incidents) Regulations - S.L. 499.22 - cont.	regulation 10(4)	"The Chief Inspector may, with the approval of the Minister, delegate the task of carrying out an investigation"	"The Chief Inspector may delegate the task of carrying out an investigation"
Maritime Pilotage Regulations - S.L. 499.26	regulation 18(2)	"The candidate so nominated shall be appointed by the Authority on advice of the Board and upon approval by the Minister"	"The candidate so nominated shall be appointed by the Authority on advice of the Board"
	regulation 18(6)	"The Minister may, acting on the advice of the Board and, or Authority, remove the Chief Pilot"	"The Authority may remove the Chief Pilot"
Environmental Impact Assessment Regulations - S.L. 549.46	regulation 37(1)	"The Minister, acting on the advice of the Authority, shall exchange with the Commission of the European Union information on the experience gained in applying the Directive through these regulations, and on ancillary matters. In particular, every six years from 16 May 2017, the Minister shall inform the Commission of the European Union, where such details are available, of"	"The Authority shall exchange with the Commission of the European Union information on the experience gained in applying the Directive through these regulations, and on ancillary matters. In particular, every six years from 16 May 2017, the Authority shall inform the Commission of the European Union, where such details are available, of"
	regulation 37(2)	"The Minister and the Authority, as relevant, shall have the right to request or collect any such information"	"The Authority shall have the right to request or collect any such information"

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

