

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

3rd August, 2021

**ACT No. LVII of 2021**

*AN ACT to further 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:-

- 1.** The short title of this Act is the Police (Amendment No. 2) Act, 2021 and this Act shall be read and construed as one with the Police Act, hereinafter referred to as "the principal Act".

Short title.  
Cap. 164.
- 2.** In the Arrangement of the Act of the principal Act the words "Title IV Discipline 22-34" shall be substituted by the words "Title IV Discipline 22-34C".

Amendment of the Arrangement of the Act of the principal Act.
- 3.** In article 2 of the principal Act, the definition "Chief Executive Officer" shall be deleted.

Amendment of article 2 of the principal Act.
- 4.** In sub-article (6) of article 5 of the principal Act the words "and the Chief Executive Officer" shall be deleted.

Amendment of article 5 of the principal Act.

A 1388

Amendment of  
article 6 of the  
principal Act.

**5.** In sub-article (8) of article 6 of the principal Act the words "and the Chief Executive Officer" shall be deleted.

Deletion of  
article 7 of the  
principal Act.

**6.** Article 7 of the principal Act shall be deleted.

Amendment of  
article 13 of the  
principal Act.

**7.** In sub-article (2) of article 13 of the principal Act, immediately after the words "physical tests" there shall be added the words "and urine drug screening, or alcohol, or any other similar test,".

Amendment of  
article 16 of the  
principal Act.

**8.** Article 16 of the principal Act shall be amended as follows:

(a) in paragraph (c) thereof, the words "member of the Force." shall be substituted by the words "member of the Force; or"; and

(b) immediately after paragraph (c) thereof there shall be added the following new paragraphs:

"(d) owing to the influence, consumption or abuse of alcohol or any drug, whether alone or in combination with any other circumstances, is unfit to be entrusted with his duty or with any duty which he may be called upon to perform, or may, in any way whatsoever, be of discredit to the Force; or

(e) refuses, without a valid reason, to be tested as mentioned in article 13(2).".

Amendment of  
article 23 to the  
principal Act.

**9.** Article 23 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) There shall be a Disciplinary Board, appointed upon the request of the Commissioner, which shall be made up of three members, a Chairperson appointed by the Permanent Secretary in the Ministry responsible for the Police, and another two members appointed by the Senior Appointments Advisory Committee. The Board shall be appointed in accordance with the rules of the Public Service Commission:

Provided that the Chairperson shall be a Public Officer at the Ministry responsible for the Police and the other two members shall be retired Public Service officers, one of whom shall be a retired Police Officer who served in a high rank of Superintendent or higher."; and

(b) in sub-article (3) thereof, the words "for a period of two years" shall be substituted by the words "for a period of three years".

**10.** Paragraph (b) of article 31 of the principal Act shall be substituted by the following new paragraph: Amendment of article 31 of the principal Act.

"(b) suspension from work not exceeding seven days;"

**11.** Immediately after article 34 of the principal Act there shall be added the following new articles: Addition of new articles to the principal Act.

"Establishment of Police Disciplinary Appeals Board.

34A. (1) There shall be a Police Disciplinary Appeals Board composed of three members, one of whom shall be the Chairperson appointed by the President of Malta acting on the advice of the Cabinet of Ministers.

(2) The Chairperson of the Board shall be a person who has practised as an advocate in Malta for a period or periods amounting, in the aggregate, to not less than seven years. The other members of the Board shall be retired public officers.

(3) The members of the Board shall hold office for a period of three years and shall be eligible for reappointment.

(4) Persons appointed as members of the Board shall hold office until their successors are appointed.

(5) The President of Malta acting on the advice of the Cabinet of Ministers may also appoint a substitute chairperson and substitute members of the Board to sit on the Board whenever the chairperson or members or any one of them is for some valid reason unable temporarily to attend and participate in the sittings of the Board:

Provided that, as far as practicable, the same chairperson and the same members shall hear and conclude the same case.

(6) (a) There shall be such a number of chambers of the Board as the Minister may prescribe.

(b) Where there is more than one chamber of the Board, cases shall be assigned to the various chambers in accordance with such rules as the Minister may prescribe.

(c) Each chamber of the Board shall be composed of a chairperson and two other members as provided in sub-articles (1) to (3), which together with all the other provisions of this Act other than this sub-article shall apply with respect to each chamber as if reference therein to the Board were a reference to a chamber of the Board.

(7) If any vacancy in the Board occurs during the term of appointment, on account of death, resignation, or for any other cause, the President of Malta shall, as soon as practicable, appoint another person to fill the vacancy and the person so appointed shall remain in office for the remainder of the term of office of his predecessor:

Provided that the Board shall continue to act notwithstanding any such vacancy.

(8) A member of the Board shall be removed from office by the President of Malta acting on the advice of the Cabinet of Ministers on the ground of inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause or for misbehaviour.

(9) The Board shall have a Secretary who shall be appointed by the Minister.

Appeals from  
decisions of  
the  
Commissioner  
of Police.

34B. (1) A member of the Force shall have a right of appeal to the Police Disciplinary Appeals Board in accordance with this article against a recommendation of a finding of guilt and any corresponding penalty imposed by the Commissioner of Police relating to minor offences set out in the Second Schedule, or where the member of the Force can prove that there has been a gross disregard of the procedures laid down in this Title and such disregard had prejudiced his interests.

(2) Notice of appeal under sub-article (1), setting out the grounds of the appeal, shall be communicated, in writing, to the Secretary of the Police Disciplinary Appeals Board by not later than ten working days from the date on which the decision was notified to the member of the Force concerned. A copy of the notice of appeal shall concurrently be sent by the member of the Force to the Commissioner of Police.

(3) On receiving a copy of a notice of appeal, the Commissioner of Police shall, by not later than ten working days, transmit to the Police Disciplinary Appeals Board the relevant documentation relating to the case, including the report of the Disciplinary Board.

(4) The Secretary of the Police Disciplinary Appeals Board shall acknowledge the receipt of the notice of appeal made under this article and any appeal received after the time period of ten working days established in sub-article (2) shall not be considered by the Police Disciplinary Appeals Board.

(5) If the Police Disciplinary Appeals Board is of the opinion that the appeal merits consideration in terms of sub-article (1), it may give an opportunity to the member of the Force charged and to the Commissioner of Police to make oral representations; but the Police Disciplinary Appeals Board shall otherwise regulate its own procedure in dealing with the appeal.

(6) The Police Disciplinary Appeals Board, after considering the grounds for appeal, the record of the proceedings, and any oral representations, shall proceed to decide whether the decision of the Commissioner of Police shall be confirmed as to the guilt of the appellant and, or the penalty imposed, or that the Commissioner of Police should amend or revoke it.

(7) The Police Disciplinary Appeals Board shall inform the appellant of the outcome of the appeal.

(8) Nothing in this article shall prevent the Police Disciplinary Appeals Board, either before the hearing or at any time during the hearing of an appeal, from summarily dismissing or disallowing an appeal without hearing it or without hearing it any further as the case may be, on the grounds that an appeal is frivolous or vexatious or one that should not otherwise have been brought or made.

Suspension of  
penalty  
pending  
appeal.

34C. A penalty imposed by the Commissioner of Police shall not be put into effect before the lapse of at least ten working days from the date on which the member of the Force was notified of the penalty by the Commissioner of Police and, if an appeal has been lodged, the penalty shall not be put into effect pending a decision by the Police Disciplinary Appeals Board."

**12.** In sub-article (4) of article 37 of the principal Act, the words " , or the Chief Executive Officer as the case may be" shall be deleted.

Amendment of  
article 37 of the  
principal Act.

**13.** Paragraph (c) of item 3 of the Second Schedule to the principal Act shall be substituted by the following new paragraph:

Amendment of  
the Second  
Schedule to the  
principal Act.

"(c) carries on or is concerned in any trade or business, or otherwise fails to devote his whole time to the Police service

A 1392

without the necessary authorization."

Repeal of the  
Chief Executive  
Officer (Duties  
and Conditions  
of  
Appointment)  
Regulations.  
S.L. 164.03.

**14.** The provisions of the Chief Executive Officer (Duties and Conditions of Appointment) Regulations are hereby, by means of this Act being repealed, without prejudice to anything done or omitted to be done thereunder.

---

Passed by the House of Representatives at Sitting No. 489 of the 14th July, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



