A 426

I assent.

(L.S.) **MYRIAM SPITERI DEBONO**
President

27th June, 2025

ACT No. XVI of 2025

AN ACT to amend the Constitution of Malta.

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.

1. The short title of this Act is the Constitution of Malta (Amendment) Act, 2025 and this Act shall be read and construed as one with the Constitution of Malta, hereinafter referred to as the "Constitution".

Addition of new articles to the Constitution.

2. Immediately after article 101A of the Constitution, as amended, there shall be added the following new articles:

"Commissioner for Standards of the Judiciary.

101AA. (1) Whosoever has concerns about any member of the judiciary that may give rise to his disciplinary proceedings in accordance with article 101B may submit such concerns in writing to the Commissioner for Standards of the Judiciary:

Provided that the Commissioner for Standards of the Judiciary may direct the person raising the concerns in writing to do so under oath.

(2) The Commissioner for Standards of the Judiciary shall be appointed by the Commission for the Administration of Justice for a term of three (3) years, which may be renewed.

(3) No person shall be qualified to hold the office of Commissioner for Standards of the Judiciary unless he is a retired Judge or Magistrate or a non-practising senior advocate.

(4) The Commissioner for Standards of the Judiciary may at any time be removed or suspended from his office by the Commission for the Administration of Justice on the grounds of proven inability to perform the functions of his office, whether arising from infirmity of body or mind or any other cause, or proven misbehaviour.

(5) The Commission for the Administration of Justice may:

(a) at any time when the office of the Commissioner for Standards of the Judiciary is vacant in accordance with sub-article (4); or

(b) for any other temporary reason which the Commissioner for Standards of the Judiciary considers due to those circumstances that he would abstain from had he been a Judge of the Superior Courts,

appoint a Commissioner for Standards of the Judiciary to hold office temporarily in accordance with this article, and who shall remain in office until such time as the Commission for the Administration of Justice appoints a new Commissioner for Standards of the Judiciary in accordance with sub-article (2) or when the investigation referred to in paragraph (b) is concluded respectively.

(6) The Commissioner for Standards of the Judiciary shall receive such remuneration as the Commission for the Administration of Justice may determine, which remuneration shall be paid from the Consolidated Fund.

(7) The role of the Commissioner for Standards of the Judiciary shall be to:

(a) in consultation with the Judiciary carry out case-load and statistical analyses, both collectively and individually, as presented to him by the Directorate within the Ministry responsible for justice;

(b) investigate allegations he receives about members of the judiciary and report in writing to the Chief Justice and the Minister responsible for justice in case he finds that there is sufficient *prima facie* evidence to initiate disciplinary proceedings against a Judge or Magistrate. In case the complaint concerns the Chief Justice, the Commissioner for Standards of the Judiciary shall report only in writing to the Minister responsible for justice. The Commissioner for Standards of the Judiciary shall also send a copy of the report to the member of the judiciary against whom the complaint was made.

(8) Every investigation carried out by the Commissioner for Standards of the Judiciary in accordance with sub-article (7)(b) shall be conducted *in camera*. The Commissioner for Standards of the Judiciary may hear or receive information from such persons as he deems fit, and may make such investigations as he deems fit. The Commissioner for Standards of the Judiciary shall not make any finding of guilt or any recommendation in respect of such person under investigation without giving the said member of the judiciary access to all evidence and the right to be heard in accordance with the principles of fair trial.

(9) The Commissioner for Standards of the Judiciary shall have the power to:

(a) summon witnesses;

(b) administer an oath to any witness and person involved in the investigation, and require them to give evidence and produce documents in their possession or in their custody in such circumstances and in the same manner as may be required to give evidence or produce documents before a Court of Justice.

(10) The Chief Justice and the Minister responsible for justice may at their discretion choose not to follow the report of the Commissioner for Standards of the Judiciary.

(11) The Commissioner for Standards of the Judiciary shall not proceed to investigate any allegation on any matter on which proceedings are pending in Court or before any tribunal, board or body established by law.

(12) When the Commissioner for Standards of the Judiciary decides not to investigate or to further investigate an allegation, he shall so inform in writing the person who made the allegation, as well as the Chief Justice and the Minister responsible for justice and state the reasons for such decision.

(13) The Commissioner for Standards of the Judiciary may be appointed by the Commission for the Administration of Justice to act as a special independent prosecutor in the disciplinary proceedings.

Declaration of the assets of the Judiciary.

101AB. The Commissioner for Standards of the Judiciary shall have the power to examine and if necessary verify such declarations relating to income or assets, or interests or other benefits of any kind, as members of the judiciary may be required to make in accordance with article 101A(11)(d) and to make recommendations in the form of guidelines as the said Commissioner considers appropriate and proportionate also in respect of any member of the judiciary who fails to make any declaration as aforesaid or makes an incorrect declaration in a manner which substantively misleads the purpose of the declaration.".

Addition of new article to the Constitution.

3. Immediately after article 101B of the Constitution, as amended, there shall be added the following new article:

"Report of the Commissioner for Standards of the Judiciary.

101BA. The Commissioner for Standards of the Judiciary shall draw up a report, at least annually or as many times as he may deem expedient, to the Commission for the Administration of Justice on the performance of his functions in accordance with this Constitution. Any such report shall be submitted to the Commission for the Administration of Justice and to the Minister responsible for justice.".

A 430

Passed by the House of Representatives at Sitting No. 358 of the 23rd June, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***

Prezz/*Price*
€0.54