

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

31st July, 2026

ACT No. XVIII of 2026

AN ACT to amend the Administrative Justice Act, Cap. 490.

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 Administrative Justice (Amendment) Act, 2026 and this Act shall be read and construed as one with the Administrative Justice Act, hereinafter referred to as the "principal Act".
Short title.
Cap. 490.
2. In article 2 of the principal Act, immediately after the definition "administrative tribunal" there shall be added the following new definition:

" "Commission" means the Commission for Appointments and Discipline in Administrative Tribunals established in accordance with article 23A;"
Amendment of article 2 of the principal Act.
3. Immediately after Part IV of the principal Act there shall be added the following new parts:
Addition of new parts to the principal Act.

"PART IV***bis***
Commission for Appointments and Discipline in
Administrative Tribunals

Establishment and
functions of the
Commission.

23A. (1) There shall be a commission to be known as the Commission for Appointments and Discipline in Administrative Tribunals, hereinafter in this Part and in Part IV *ter* referred to as the "Commission", which shall be composed as follows:

(a) a Chairperson being a retired Judge or Magistrate; and

(b) four (4) other members who shall be persons of known integrity and recognised competence, possessing substantial experience in public administration, governance, regulation, administrative justice or other fields related to the functions of administrative tribunals:

Provided that no member of the Commission shall participate in any process concerning the appointment, evaluation, discipline or removal from office where that member has a direct or indirect interest, or where circumstances exist which may reasonably give rise to doubt as to his impartiality.

(2) The Chairperson and the members shall be appointed by the President of Malta acting on the advice of the Cabinet, and different members may be appointed in different compositions of the Commission entrusted with appointments to different administrative tribunals.

(3) In the exercise of its functions, the Commission shall act independently and shall not be subject to the orders or direction of any other person or authority.

(4) The remuneration of the Chairperson and of the members of the Commission shall be a charge on the Consolidated Fund.

(5) There shall be a secretary to the Commission, appointed by the Minister, who shall be responsible only for the administrative functions of the Commission, without having any decision-making power or voting right.

(6) The Commission may, where it considers it necessary, appoint one (1) or more persons possessing relevant technical or sectoral knowledge or experience to assist it in the process of evaluating candidates for a particular administrative tribunal. Such person shall act solely in an advisory capacity and shall have no right to vote.

(7) A person appointed under sub-article (6) shall receive such remuneration as may be established by notice in the Gazette, and such remuneration shall be paid out of the Consolidated Fund.

Alternate
Chairpersons and
members.

23B. (1) The President of Malta, acting on the advice of the Cabinet, may also appoint alternate Chairpersons and alternate members of the Commission to act in the event that the Chairperson or any member of the Commission is challenged or abstains from exercising any of his functions or, for any other reason, is unable to perform his functions at any particular time.

Cap. 12.

(2) The Chairperson or a member of the Commission shall abstain or be challenged from exercising any of his functions for the reasons referred to in the provisions of article 734 of the Code of Organization and Civil Procedure.

Appointments to
administrative
tribunals.

23C. (1) Notwithstanding anything contained in any other law, wherever any law or regulations confer power on a Minister to appoint persons to preside over any administrative tribunal included in the Third Schedule, that power shall, instead of being exercised by the Minister, be exercised by the President of Malta acting on the advice of the Commission.

(2) The Commission shall give such advice following a public call for applications and a competitive, merit-based process, which may include interviews and an assessment of the candidates' professional experience, technical or sectoral competence, integrity, independence and impartiality.

(3) The Commission shall not advise in favour of the appointment of a person unless it is satisfied that such person:

- (a) has integrity and a good reputation;
- (b) has adequate competence and experience in the relevant field;
- (c) is capable of acting independently and impartially; and
- (d) is free from any conflict of interest which may affect, or appear to affect, the proper exercise of his functions.

(4) Upon completing its evaluation, the Commission shall submit to the President of Malta the name of the person whom it considers suitable for appointment.

(5) Upon transmitting the name referred to in sub-article (4), the Commission shall publish the name of the person recommended for appointment.

Guarantees of independence.

23D. (1) A person shall not be qualified to be appointed Chairperson or member of an administrative tribunal if such person:

(a) is a member of the House of Representatives;

(b) is a member of a Local Council;

(c) is an undischarged bankrupt;

(d) is interdicted or incapacitated according to law; or

(e) has been sentenced by any court to imprisonment for any period or has been found guilty by any court of any of the offences found in Titles III, V and, or VI of Part II of Book First of the Criminal Code.

Cap. 9.

(2) The Chairpersons and members of administrative tribunals shall receive such remuneration as the Prime Minister may by notice in the Gazette establish and such remuneration shall be a charge on the Consolidated Fund. Such remuneration shall not during the term of office of Chairpersons and members be altered to their disadvantage.

(3) During the term of their office, the Chairpersons and members of administrative tribunals shall be precluded from the exercise of their profession in cases before the administrative tribunal to which they are appointed.

(4) Unless the law establishing the administrative tribunal to which appointments are made in accordance with article 23C provides for a longer period of appointment or for the exclusion of reappointment, either immediately after the expiry of an appointment or after the expiry of a reappointment, appointments made in accordance with the said article shall be for a period of five (5) years:

Provided that the appointed person may be reappointed for one (1) further term only, provided that he reapplies following a new call for applications issued in accordance with article 23C, and his application is examined by the Commission on the same basis and in accordance with the same criteria applicable to the other applicants.

Power to make regulations.

23E. The Prime Minister may by regulations amend the Third Schedule and may also by regulations amend any law mentioned in the Third Schedule limitedly so that the manner, term of appointment, discipline and removal from office of persons sitting on any administrative tribunal in accordance with that law shall conform to the manner, term of appointment, discipline and removal from office provided for in this Part and in Part IV*ter*.

Application and interpretation of this Part.

23F. (1) This Part shall apply to all new appointments made to administrative tribunals including those indicated in the Third Schedule and made after the lapse of four (4) months from the coming into force of this Part.

(2) This Part shall not be construed as exempting any person having the power to make nominations or appointments of persons to preside over any administrative tribunal not included in the Third Schedule from the duty, before making any such nomination or appointment, to be satisfied as to the suitability of the person nominated or appointed to act independently and impartially on such administrative tribunal.

(3) Any reference in articles 23C and 23D to an "administrative tribunal" or to a "Chairperson" or "member" of an administrative tribunal shall be construed only as a reference to an administrative tribunal included in the Third Schedule and to its Chairperson and members.

(4) Any person who, on the date of the coming into force of this Part, holds office as a Chairperson or member of an administrative tribunal listed in the Third Schedule in accordance with the law applicable to such administrative tribunal immediately before the coming into force of the Administrative Justice (Amendment) Act, 2026 shall continue to hold office until the expiry of the term for which that person was appointed.

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(5) Subject to sub-article (1), upon the expiry of the term referred to in sub-article (4), any subsequent appointment to that office shall be made in accordance with the provisions of this Part and Part IV^{ter}.

(6) For the purposes of article 23D(4), any term of office served as Chairperson or member of an administrative tribunal listed in the Third Schedule before the coming into force of this Part shall not be taken into account.

(7) For the purposes of sub-article (6), a person who, before the coming into force of this Part, has served one (1) or more terms as Chairperson or member of an administrative tribunal listed in the Third Schedule shall be eligible to apply and, if selected, to be appointed as though such person had not previously served any such term.

PART IV^{ter}

Ethics and Discipline

Duty of proper conduct.

23G. (1) Without prejudice to Part II, the Chairpersons and members of administrative tribunals shall be obliged to conduct themselves properly, in an ethically correct manner and not to give rise to reasonable doubt as to their independence and impartiality in the performance of their duties.

(2) In the performance of their functions and duties, the Chairpersons and members of the administrative tribunals listed in the Third Schedule shall uphold and promote the principles and standards established in the Fourth Schedule:

Provided that within one (1) year from the date of its establishment, the Commission shall, with the concurrence of the Minister responsible for justice, draw up one or more Codes of Ethics applicable to the administrative tribunals listed in the Third Schedule.

Administrative office.

23H. (1) There shall be an administrative office which shall provide administrative support to the Commission and shall have such staff and resources as may be necessary for the Commission to perform its functions effectively and independently.

(2) In the exercise of their functions in connection with the work of the Commission, the secretary and the staff assigned to the Commission shall be subject only to the direction of the Commission.

Discipline and removal from office of a Chairperson or member of an administrative tribunal.

(3) The expenses of the Commission, including the remuneration of its members and its administrative expenses, shall be paid out of the Consolidated Fund.

23I. (1) Notwithstanding the provisions of any other law, any person appointed as Chairperson or member of an administrative tribunal may be removed from office by the President of Malta, acting on the advice of the Commission, following proceedings which observe the principles of natural justice, provided that such Chairperson or member may be removed only on the ground of inability to perform the duties of office, whether arising from physical or mental infirmity or any other cause, or on the ground of misbehaviour.

(2) The Commission may also, in its discretion, impose disciplinary sanctions on a Chairperson or member of an administrative tribunal, which sanctions shall be proportionate and shall be imposed only after a process that respects the principles of natural justice.

Cap. 12.

(3) Decisions of the Commission taken in accordance with sub-articles (1) or (2) shall be subject to an appeal before the Court of Appeal constituted in accordance with article 41(9) of the Code of Organization and Civil Procedure and the applicable procedure shall be that applicable to appeals from judgments of the Court of Magistrates in civil causes.

(4) The Commission shall also be responsible for the enforcement of the minimum ethical standards established in the Fourth Schedule and of any Code of Ethics drawn up in accordance with article 23G(2), and shall be authorised to issue such directives and make such recommendations, whether of an individual or general nature, as it may consider appropriate for such purpose."

4. Immediately after the Second Schedule to the principal Act there shall be added the following new schedules:

Addition of new Schedules to the principal Act.

"THIRD SCHEDULE
(Article 23C)

Administrative Tribunals in respect of which appointments under the laws hereunder listed are to be made by the President of Malta

Tribunal

Legislation

Police Licences Appeals Tribunal	Police Act, Cap. 164 and the Licences Procedures Regulations, S.L. 128.02
Partition of Inheritances Tribunal	Partition of Inheritances Act, Cap 308
Financial Services Tribunal	Malta Financial Services Authority Act, Cap. 330
Consumer Claims Tribunal	Consumer Affairs Act, Cap. 378
Small Claims Tribunal	Small Claims Tribunal Act, Cap. 380
Patents Tribunal	Patents and Designs Act, Cap. 417
International Protection Appeals Tribunal	International Protection Act, Cap. 420
Industrial Tribunal	Employment and Industrial Relations Act, Cap. 452
Environment and Planning Review Tribunal	Environment and Planning Review Tribunal Act, Cap. 551
Information and Data Protection Appeals Tribunal	Data Protection Act, Cap. 586
Building and Construction Tribunal	Building and Construction Authority Act, Cap. 623
Appeals Tribunal	Prisons Regulations, S.L. 260.03
Commercial Sanctions Tribunal	Public Procurement Regulations, S.L. 601.03

FOURTH SCHEDULE (Article 23G)

Minimum Ethical Standards for Chairpersons and Members of Administrative Tribunals

The persons serving as Chairpersons or members of administrative tribunals, in this Schedule also referred to as the "adjudicators", shall:

1. Observe the law and demonstrate professional competence in both their judicial work and in their administrative work;
2. Not neglect their judicial work on account of their other work and do their utmost to give precedence to their judicial duties over such other duties;
3. Conduct themselves in a dignified manner and with courtesy towards the parties, witnesses and employees of the tribunal;
4. Perform their duties impartially and free from any prejudice, including prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, gender expression, or socio-

economic status;

5. Avoid giving expert assignments that are not necessary and do not approve payments for such assignments when they exceed the proper value of the service rendered;

6. Abstain from carrying out their functions in circumstances where:

(a) they have personal prejudice against any party or have a personal dispute with that party's advocate;

(b) they have personal knowledge of facts in issue before them;

(c) they were involved as advocates in the matter in issue before them;

(d) they or any of their trustees have an economic interest in the matter of the proceedings or have any economic interest in any entity that is a party to the proceedings;

(e) they know that their spouse, parents or children, or any member of their family residing in the same household, has an economic interest in the matter of the proceedings;

(f) a person related to them or to their spouse within the third (3) degree, or the spouse of such person, is a party to the proceedings or is an officer, director or trustee of a party to the proceedings; or the adjudicator knows that such person is likely to be a material witness in the proceedings; or the adjudicator knows that such person has an interest greater than a *de minimis* interest that may be substantially affected by the proceedings.

A 778

Passed by the House of Representatives at Sitting No. 16 of the 27th
July, 2026.

CARMELO ABELA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

