



### CASE REPORT

**Case no:** K/002

**Complaint:** Potential conflict of interest of backbench members on both sides of the House of Representatives, who hold positions within or provide contractual services to the public sector.

**Complainant:** The Hon Dr Godfrey Farrugia MP

**Complaint Date:** 14 January 2019

**Report date:** 5<sup>th</sup> July 2019

### The Complaint

1. By email of 14<sup>th</sup> January 2019 (the Complaint), the Hon Dr Godfrey Farrugia (the Complainant) requested me to investigate whether the engagement or employment of backbench members of the House of Representatives (MPs) as consultants or as employees of the Government or of statutory bodies<sup>1</sup>, constitutes a conflict of interest or a breach of ethical or statutory duties (email attached and marked Document "A").

### Decision to Investigate

2. From a preliminary investigation it transpired that all MPs on the Government side that constitute the "backbench" as well as some MPs on the opposition side of the House of Representatives are employed or appointed in one way or another in the public sector, and having deemed that the Complaint fell within my competence in terms of Art 13(1)(b) of the Standards in Public Life Act (Chapter 570 of the Laws of Malta) (hereinafter referred to as the Act) I decided that the Complaint warranted further investigation.

3. Whilst the Complainant stated that he wanted the position of all MPs, including himself, to be investigated, he did not make any specific allegation against any member of the House of Representatives. I have therefore decided, in the

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<sup>1</sup> In the Standards in Public Life Act, "statutory body" means any corporation or other body corporate established by law or any partnership or other body in which the Government or such body as aforesaid has a controlling interest, or over which it has effective control.



circumstances, to treat the Complaint as a general complaint regarding the practice of placing backbench MPs on the public payroll. Therefore, this report, at this stage, is restricted to the consideration of the general principles involved, rather than the position of any individual MP, also bearing in mind that the underlying question as to whether any MP has accepted a position that is incompatible with his role as an MP falls to be determined by the Constitutional Court and not by the Commissioner for Standards in Public Life.

### **Summary of Findings and Opinion**

4. Approximately two-thirds of the total number of back-bench MPs are employed or engaged by the Government in the public service or the wider public sector, in one capacity or another.

5. These posts can be placed in the following categories:

- A. MPs who were public officers regularly employed in the public service prior to their election to the House of Representatives;
- B. MPs who were regular employees of a statutory body prior to their election to the House of Representatives;
- C. MPs who are University lecturers;
- D. MPs who hold appointments on the boards of the two statutory bodies whose establishing legislation requires appointments from both sides of the House of Representatives;
- E. MPs employed on a “person of trust” basis, that is persons who were not engaged under the provisions of Art 110 of the Constitution;
- F. MPs appointed as legal and other consultants by the Government and/or by statutory bodies;
- G. MPs appointed on a “contract of service” basis;
- H. MPs appointed by the Government as chairpersons or directors of statutory bodies.

6. In my opinion the practice of employing members of Parliament within the public sector or appointing them to provide contractual services to the public sector, is fundamentally wrong, whether this is in order to compensate them for their inadequate salary as MPs or for any other reason.

7. The reasons for this conclusion are listed in paragraph 79 et seq. of this report.



## Investigation Procedure

8. I compiled information from replies to Parliamentary Questions as well as from various sources in the public domain, including articles published in newspapers and other media in respect of those members of the House of Representatives who hold positions or are engaged in one way or another, within the public service/sector.
9. I compiled information as to which statutory bodies allow MPs to be part of their board of directors. A list of such statutory bodies is attached hereto and marked Document "B".
10. I wrote to all members individually requesting information on any appointments they may hold and details of their engagement as per document attached and marked Document "C".
11. I requested preliminary advice from Dr Henri Mizzi of Camilleri Preziosi Advocates, in his capacity of legal advisor to the Commissioner for Standards in Public Life.
12. I noted what was stated in a report of the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly (2019).<sup>2</sup>
13. I noted what was stated in the Venice Commission Report regarding the practice of appointing backbenchers to paid posts with government entities.<sup>3 4</sup>

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<sup>2</sup> Report entitled "*Daphne Caruana Galizia's Assassination and the Rule of Law in Malta and Beyond: Ensuring that the whole truth emerges*": "Malta's unicameral parliament consists of poorly remunerated part-time members, to many of whom (notably from the governing party) the government has given well paid positions as contractors, as persons of trust or on public bodies, which – along with the fact that almost half of the governing party members are also ministers – contributes to the parliament as a whole failing to assure an effective control over the executive" (page 1); and that ... "MPs who receive additional income for undemanding tasks will have relatively more time available for parliamentary business – and, in the case of Labour MPs, the exclusive beneficiaries of such generosity for supporting the government. There are undoubtedly many serious, principled, independent-minded MPs. Nevertheless, the House of Representatives as a whole, in its current state, does not assure effective control over the government" (page 6).

<sup>3</sup> "The effect of paying MPs part-time salaries inevitably affects their ability to operate independently from the Executive and the Venice Commission's delegation learned that this practice was exacerbated by the recent development of appointing backbenchers to important paid posts as commissioners at the various public commissions" (page 7); and that .... "the possibilities of backbenchers controlling Government are seriously reduced if MPs have a financial incentive to seek offices at the disposal of the administration that they are supposed to control" (page 18).

<sup>4</sup> "As all Members of Government have to be MPs, the percentage of MPs who also have Government positions or work in government appointed commissions is disproportionately higher. This is an issue of separation of powers. In a larger parliament not only opposition but also backbenchers from the governing party, act as a check to the powers of the Government and the Prime Minister. A smaller



14. I noted what was stated in the 4<sup>th</sup> GRECO Report regarding conflict of interest of MPs.<sup>5</sup>

### **Objection by a Member of Parliament**

15. It was argued by one MP that I am precluded from investigating this complaint since:

- a. the act giving rise to the complaint occurred prior to the date on which the Act came into force;<sup>6</sup> and
- b. the act giving rise to the complaint was known to the Complainant more than thirty days before the complaint was made, and the complaint was made more than one year from when the fact giving rise to the complaint occurred.<sup>7</sup>

16. I do not share this interpretation of the law.

17. The issue does not relate to an allegation of an “act” that started and ended on a certain date. It is a complaint concerning a situation, that incidentally still subsists, of a potential conflict of interest or breach of the Constitution by MPs who hold positions within, or provide contractual services to, the public sector. It is “continuing”, in that these MPs continued to hold these posts at the time that the Complaint was made and they still do also on the date of writing of this Case Report. Therefore, the applicable time limit to lodge a complaint would commence not on the date that the elements of the allegation were first met, but the date when the

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Parliament needs even more guarantees to be able to fulfil its role of controlling the executive” (page 18).

<sup>5</sup> GRECO recommended that a thorough review of the current provisions of the Code of Ethics for members of parliament and the Standing Orders related to integrity, ethics, financial/activity declarations and conflicts of interest be undertaken with a view to adopting improvements that will provide more subject matter coverage, consistency and clarity, as well as guidance (recommendation i); that measures be taken to ensure there is appropriate supervision and enforcement of (i) the rules on the declaration of assets, financial interests and outside activities, and (ii) the standards of ethics and conflicts of interest provisions applicable to members of parliament. This clearly presupposes that a range of effective, proportionate and dissuasive sanctions be available (recommendation ii); (i) establishing a dedicated source of confidential counselling to provide parliamentarians with advice on ethical questions, conflicts of interest in relation to their legislative duties, as well as financial declaration obligations; and (ii) providing regular awareness raising activities for members of parliament covering issues, such as ethics, conflicts of interest, acceptance of gifts, honoraria, hospitality and other advantages, outside employment and activities, declarations of financial/activity interests, as well as other activities related to the prevention of corruption and the promotion of the integrity within the Parliament (recommendation iii).

<sup>6</sup> Vide Art 14 (1) of Chapter 570.

<sup>7</sup> Vide Art 14 (2) of Chapter 570.



conduct giving rise to the allegation terminates. This view is supported by doctrine and by logic. It is also the position in our Criminal Code that ensures the greatest procedural guarantees to a person charged with an offence.<sup>8</sup> It should be borne in mind that what is being investigated is not the act of appointment/acceptance of a position with the public sector, which may or may not have occurred on a day prior to the coming into force of the Act and which may or may not have occurred more than a year ago, or more than thirty days before the Complainant had knowledge of it, but rather the tenure of positions that members currently hold. This is apart from the fact that it is a function of my office to keep under scrutiny and investigate, on my own initiative, any matter that in my opinion negatively affects and undermines standards of conduct in public life, in addition to making such recommendations as I may consider necessary in the circumstances to remedy shortcomings.

### Considerations

18. In recent years it has become the practice for backbench MPs to be appointed to roles within ministries, either as employees on a person of trust basis with a definite contract of employment or as consultants, chairpersons or directors of statutory bodies.

19. Under a previous administration the practice of appointing MPs as Parliamentary Assistants<sup>9</sup> as support for Ministers and Parliamentary Secretaries was adopted, and to my knowledge a backbencher was appointed as Chairman of a statutory body on two occasions.<sup>10</sup>

20. MPs are not precluded from holding other jobs and are therefore paid as “part-timers”. The relative salary does not, by itself, allow a standard of living commensurate with their position and responsibilities.

21. The results of the investigation confirmed that two-thirds of the total number of (backbench) members of Parliament are employed or engaged by the Government in the public service or the wider public sector, in one capacity or another.

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<sup>8</sup> Art 691 Of Chapter 9 states “... the period of prescription shall run .... with regard to a continuing offence from the day on which the continuance ceased”.

<sup>9</sup> In March 2010, Prime Minister Gonzi had extended the role of eight backbench MPs by appointing them as Parliamentary Assistants with a salary of €550 per month circa. At the time it was reported that this was widely perceived as a “way of bringing peace” to an unsettled backbench. It has been argued that this was intended as an extension of the MPs Parliamentary role more than employment with the Executive. In my view this role is, in any case, also of dubious advisability.

<sup>10</sup> At the same time, Prime Minister Gonzi appointed the Hon J. Pullicino Orlando, who had reportedly turned down the appointment as Parliamentary Assistant, as Chairman of the Malta Council for Science and Technology, whilst serving as an MP. MP Censu Galea, was appointed Chairman of the Building Industry Consultative Council.



22. The practice of appointing backbenchers to positions within the public administration, or to provide contractual services to the public administration, is commonly perceived as either a means to appease backbenchers who are not appointed as Ministers or Parliamentary Secretaries or as a means of circumventing the issue of raising of salaries of members of Parliament.

23. Successive governments have acknowledged the problem related to MPs' remuneration but have shied away from raising the relative emoluments, presumably in fear of political backlash.

24. In 2015 it was reported in the daily *Malta Independent* that a Commission had been appointed in 2013 by Prime Minister Joseph Muscat that was composed of the Ombudsman, Auditor General and Chief Electoral Commissioner of the time. The Commission had presented a detailed report proposing a mechanism to be adopted for revision of salaries of holders of political office. The report *inter alia* had also proposed substantial increases in the salaries of such persons. To my knowledge this report was never officially made public.<sup>11</sup> The Prime Minister is reported to have confirmed that the recommendations, if necessary and if the Government feels the need, would come into force in the next legislature.<sup>12</sup>

25. There are a number of reasons why in my view the practice of appointing backbenchers to positions within the public sector, or to provide contractual services to the public sector, that may be intended to placate them and/or to compensate them for an inadequate salary as MPs, is fundamentally wrong.

26. Firstly, it eats into the principle of separation of powers that is a fundamental principle of democracy and the rule of law. Under the Westminster model, upon which our Constitution is founded, Parliament acts as a check on the Executive. The members of the Executive are chosen from the elected members of Parliament and are individually and collectively responsible to it, but despite this overlap Parliament, as a whole, scrutinises the work of the Executive. The role of backbenchers in this regard must not be underestimated. So, how can the members on the Government side of the House of Representatives who are being paid in this manner honestly contemplate voting against the Government when their standard of living depends on the Prime Minister's pleasure? By this practice MPs lose their independence and Parliament is emasculated.

27. It is of course correct to state that, under normal circumstances, MPs are generally expected to vote according to the whip. Nevertheless, MPs might in

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<sup>11</sup> <http://www.independent.com.mt/articles/2015-01-04/local-news/PAY-RISE-proposal-for-PM-s-salary-to-double-in-2018-6736128174>

<sup>12</sup> [https://www.maltatoday.com.mt/news/national/47266/ombudsmans\\_report\\_on\\_mps\\_salary\\_stil\\_l\\_being\\_analysed\\_by\\_the\\_government#.XRyF7egzaUk](https://www.maltatoday.com.mt/news/national/47266/ombudsmans_report_on_mps_salary_stil_l_being_analysed_by_the_government#.XRyF7egzaUk)



certain circumstances consider voting against the whip where, for instance, serious issues of conscience arise. The possibility, however remote, of losing backbench support sets limits to the Executive's freedom of action and buttresses democracy in parliamentary systems such as Malta's. Therefore, whereas this issue may appear to some to be more hypothetical than real,<sup>13</sup> putting backbench MPs on the public payroll nonetheless runs manifestly counter to the fundamental principle that Parliament should act as a check on the Executive.

28. Of equal concern is what appears to me to amount to a breach of the underlying principles of the Constitution in so far as the restrictions on the commercial or other financial relations between a member of Parliament and the State are concerned. The underlying principle is that it is not correct that MPs could take, or could be perceived to be able to take, undue advantage of their position as MPs.

29. The issue of a policy of engagement of all Government MPs in one capacity or another raises at least three further concerns:

- i. Given that MPs are generally regarded as not being well-remunerated, it would appear that MPs on the Government side who are being given jobs that allow them to dedicate most of their time to their political role as MPs and in some instances as functionaries in a ministry, are thus being favoured and given preferential treatment over Opposition MPs who consequently are discriminated against in that they would need to retain another job to support themselves and their family.
- ii. The appointment of MPs to posts that offer them the opportunity of dishing out favours through access to public resources, bolsters the system of political patronage and clientelism.
- iii. In order to satisfy all Government backbenchers, the likelihood is that either an unnecessary job has been created or, if there had been a vacancy in the first place, then the direct appointment goes against principles of transparency and against normal procedures that ensure that selection is made on the basis of merit.

30. The Constitution regards employment with the Government as being in principle incompatible with service as an MP. The Constitution in fact, actually envisages the appointment of members of Parliament as Ministers or Parliamentary Secretaries as the only means by which the Executive can make use

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<sup>13</sup> Possibly not just hypothetical given the fact that our Parliament has experienced MPs voting against the whip particularly in the 1950s, and more recently during the Sant and Gonzi administrations.



of an MP's abilities. However, the Constitution also provides that Ministers and Parliamentary Secretaries are not to be considered as public officers.<sup>14</sup>

31. I shall proceed to deal with the different situations that have transpired from my investigation, one by one.

**A MPs who were public officers regularly employed in the public service prior to their election to the House of Representatives**

32. Article 54(1) of the Constitution (Disqualification for Membership of the House of Representatives) states *inter alia* that "No person shall be qualified to be elected as a member of the House of Representatives ... (b) save as otherwise provided by Parliament, if he holds or is acting in any public office or is a member of the armed forces of the Government of Malta".

33. The term "public officer" is defined by article 124 of the Constitution to mean an employee of the Government of Malta who serves in a civil capacity. This excludes soldiers and officers of the Armed Forces of Malta. In addition, article 124 also expressly excludes from this definition Ministers, Parliamentary Secretaries and other members of Parliament, as well as members of any council, board, commission, or other officially appointed body established by or under any law.

34. The general principle is that a person is not eligible for election to the House of Representatives if he holds or is acting in any public office.

35. The *raison d'être* of article 54(1)(b) of the Constitution is to keep the legislature as separate and distinct from the Executive as possible. There are sound reasons for this. Not only does service as a public officer potentially reduce a backbencher's independence from the Government; it also, for instance, puts the backbencher's superiors within the public service in an uncomfortable situation in that they may have to enforce discipline over a person who might, one day, become their Minister or Parliamentary Secretary.

36. On the other hand, the public service is a large body consisting of around thirty thousand employees. One can argue that this is a significant percentage of the labour force in Malta and that such a large group should not be deprived *en masse* of its right to participate in politics and its members to stand for election.

37. In 2004, the Members of Parliament (Public Employment) Act (Chapter 472 of the laws of Malta) was enacted. By virtue of this Act, a member of Parliament

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<sup>14</sup> Article 124 (3) states: "the public service" does not include service in the office of -  
(i) Prime Minister or other Minister, a Parliamentary Secretary, Speaker, Deputy Speaker, a member of the House of Representatives, a member of a Commission established by this Constitution".



was exempted from the prohibition set out in the Constitution and by way of exception allowed to serve concurrently as a public officer if his employment is in a salary scale not higher than salary scale 6,<sup>15</sup> provided that he/she is not a member of a disciplined force.<sup>16</sup>

38. This Act is consistent with the Constitution in virtue of article 54(1)(b), in so far as this allows for exceptions by means of the phrase “save as otherwise provided by Parliament”. However, one can argue that by means of the Members of Parliament (Public Employment) Act, Parliament went well beyond making an exception with regard to certain types of posts and practically nullified the rule altogether in so far as public service employees in salary scale 6 or lower are concerned.

39. Before the enactment of the Members of Parliament (Public Employment) Act, it was the practice for a public officer standing for a general election to go out on unpaid leave, pending resignation from the public service. If elected he/she would resign, subject to the right of reinstatement in the public service once he/she stepped down from Parliament or was not re-elected in the next election.

40. The element of political impartiality underpins the entire philosophy of the public administration. There is a glaringly obvious contradiction between the role of MP that is, by definition, political and partisan, and that of a public employee who is subject to ethical rules of political impartiality. Public employees are all, also subject to the Code of Ethics for Public Employees and Board Members.<sup>17</sup>

## **B MPs who were regular employees of a statutory body prior to their election to the House of Representatives**

41. Some MPs are regularly employed with statutory bodies. Statutory bodies are granted their own legal personality by law, meaning that they are employers in their own right. Hence employment with such bodies cannot be considered as employment by the Government of Malta and, if made in accordance with Article 110 (6) of the Constitution, does not give rise to conflict other than in those cases

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<sup>15</sup> The public service has a 20-scale salary structure with scale 1 being the highest and scale 20 the lowest. Thus, a public officer in salary scales 1 to 5 is disqualified from being elected or serving as a member of Parliament. However, a public officer's salary scale for this purpose may need to be determined with reference to his/her responsibilities rather than the salary alone, since an officer may be assigned responsibilities higher than his/her grade. Conversely, an officer's pay package may include allowances which, if added to his/her base salary, would place the officer in a higher salary scale. In my view this would also need to be taken into account in determining the officer's salary scale for the purposes of chapter 472.

<sup>16</sup> “Disciplined force” means in this particular context, the Police and the Malta Prison Service, which both form part of the public service.

<sup>17</sup> Vide footnote 21, post.



where a law concerning the relative body is being discussed in Parliament. In such instance the provisions of art 5(2)(a) of the Code of Ethics for members of the House of Representatives would apply, and the member in question would be expected to declare his/her interest to the House before a vote is taken on the second reading of the bill.

### **C MPs who are University lecturers**

42. Some MPs hold lecturing posts at the University. Such positions in academia cannot be considered as giving rise to conflict in view of the specific exemption granted in the Constitution itself.<sup>18</sup>

### **D MPs holding appointments on the boards of the two statutory bodies whose establishing legislation requires appointments from both sides of the House of Representatives**

43. By law, the Government and the Opposition can appoint one member each as their representatives on the boards of the Planning Authority and the Lands Authority.<sup>19</sup> Given that these MPs fulfil a legal role in representation of the Government and the Opposition, I do not consider that their appointment to these two statutory bodies gives rise to any concern from an ethical or other standpoint.

### **E MPs employed on a “person of trust” basis**

44. The term “person of trust” refers to persons who are engaged, outside the scope of the provisions of Art 110 of the Constitution, to carry out duties in ministerial secretariats. The issue of the appointment of so-called persons of trust gives rise to many concerns, not least of all the fact that such appointments in the public service, albeit on a definite contract, are made outside the parameters set out in Art 110 of the Constitution.

45. The appointment of members of Parliament as persons of trust also in my view runs counter to the underlying principles of the Constitution, in that public officers are in principle disqualified from membership of the House in terms of Art 54(1)(b). As already noted, Parliament made an exception to this disqualification to

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<sup>18</sup> Art 55 (3) A person shall not be treated as holding, or acting in, a public office for the purpose of paragraph (b) of sub-article (1) of this article - ....(b) if he is a teacher at the University of Malta who is not by the terms of his employment prevented from the private practice of his profession or called upon to place his whole time at the disposal of the Government of Malta.

<sup>19</sup> See Art 63(2)(d) of the Development Planning Act (chapter 552 of the laws of Malta) and article 10(1) of the Lands Authority Act (chapter 563).



allow lower grade public officers to carry on with their previous employment in the public service once elected to Parliament<sup>20</sup> and consequently limited the disqualification to serving public officers in salary scales 1 to 5 (the highest scales).

46. What sense does it make to disqualify senior public officers from membership of the House of Representatives only to then appoint elected members of the House to positions of trust in the public administration? Many positions of trust in Ministry secretariats attract salaries in scales 1 to 5, equivalent to senior public officers.

47. In the UK, where there is no written constitution, the same principle applies, in that the House of Commons (Disqualification) Act 1975 disqualifies a person “employed in the civil service of the Crown whether in an established capacity or not and whether for the whole or part of his time” from membership of the House of Commons.

48. The public administration should as much as possible be protected from politicisation. The widespread appointment of persons of trust puts this principle at risk, particularly where those appointed are members of Parliament. This is contrary to where we should be heading, that is to say a public administration that implements government policy impartially, without undue political interference and pressure. It also undermines the principle that has developed over the last 30 years or so, that statutory bodies should operate independently from the Government.

49. The foregoing explains why, in my view, the appointment of MPs as persons of trust contravenes the underlying principles of the Constitution.

50. Whereas it seems clear to me that persons of trust occupying posts higher than salary scale 6 are in a situation of conflict, the appointment of persons of trust even at lower levels also gives rise to serious concerns in that it would be wrong to rely on the provisions of the Members of Parliament (Public Employment) Act, that to my mind was clearly intended to exempt, by way of exception, serving public officers who are elected to Parliament rather than members of Parliament who are engaged as public officers after their election to the House. I am of the view that this is an important distinction to be made if one were to espouse higher standards in Parliament and greater respect for our Constitution.

51. As mentioned in paragraph 3 of this report the authority vested with the power to determine whether the tenure of such post is incompatible with the relevant provisions of the Constitution and whether a person holding such a post

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<sup>20</sup> Vide Members of Parliament (Public Employment) Act. Chapter 472 of the Laws of Malta.



remains qualified to sit as a member of the House of Representatives is the Constitutional Court.

52. Furthermore in their employment as persons of trust, MPs are subject to the Code of Ethics included as the First Schedule to the Public Administration Act.<sup>21</sup> Art 21 of that code imposes obligations of political neutrality and limits public comments and political participation by those subject to the code in order to maintain public confidence in the impartiality of the public administration and avoid conflict with their duty to impartially serve the Government of Malta.<sup>22</sup>

53. It is to be kept in mind that public servants have the challenging task of seeking to strike a balance between their duty to deliver a fair and non-politically partisan public service and, subject to the law, to respond to the policies of the current executive. These appointments simply add to the tension that exists between these two values.

54. As MPs employed as persons of trust at any level or salary scale are subject to the Code of Ethics for Public Employees and Board Members, they are in conflict with the relevant provisions of the said code by the very fact that they are MPs.

#### **F MPs appointed as legal and other consultants by the Government and/or by statutory bodies**

55. Article 55(1)(c) of the Constitution states that the seat of a Member of Parliament becomes vacant if –

*... he becomes a party to a contract with the Government of Malta being a contract of works or a contract for the supply of merchandise<sup>23</sup> to be used in the service of the public, or if any partnership in which he is a partner with unlimited liability or a company of which he is a director or manager becomes*

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<sup>21</sup> Art 1 Applicability – “This Code applies to .... Persons who may or may not be public employees, working with Ministries or Parliamentary Secretariats”.

<sup>22</sup> Art 21 1.(d) and (e) of the Code of Ethics for Public Employees states that “Public Employees shall ... maintain political neutrality and not bring the public service into disrepute through their private activities; and .... ensure that any public comments made (including on social media), and, or their participation in political activities, do not undermine or jeopardise public confidence in the competence and impartiality of the public administration, or bring these same public employees and board members into conflict with their duty to impartially serve the Government of Malta.” Art 21 2 states that “Political participation and public comment by public employees and board members may be subject to limitations in line with rules and regulations aimed at maintaining public confidence in the impartiality of the public administration.”

<sup>23</sup> To my knowledge the only case where a Member of Parliament lost her seat relates to the Hon Mabel Strickland whose seat in the legislative assembly was declared vacant by the Court of Appeal in 1953 because her Progress Press had won Government contracts to supply ink and to print pass books for the Government Savings Bank, green grocer receipt books, the official reports of the debates of the Legislative Assembly, and pool coupons for the Public Lotto Department.



*a party to any such contract, or if he becomes partner with unlimited liability in a partnership or a director or manager of a company that is a party to any such contract:*

*Provided that he shall not vacate his seat under the provisions of this paragraph if before becoming a party to the contract or before, or as soon as practicable after, becoming otherwise interested in the contract (whether as a partner with unlimited liability in a partnership or as a director or manager of a company) he discloses to the Speaker the nature of the contract and his interest or the interest of the partnership or company therein and the House of Representatives by resolution exempts him from the provisions of this paragraph.*

56. The issue here, seen in the context of the Complaint, is whether the engagement of MPs as consultants to the Government or to statutory bodies that is typically made by what is known as a contract for service (as opposed to a contract of employment, or contract of service), falls within the scope of the prohibition of Art 55(1)(c) of the Constitution.

57. In my view the issue lies with the definition of “contract of works” referred to in article 55(1)(c) and whether a contract of works could be interpreted to include contracts for service, or not.

58. I consulted my legal advisor on this matter in whose considered opinion the legal interpretation should be a restrictive one. Reference was made by him to the definition in the Civil Code and to case law that interpreted the definition of the term “contract of works” in the Civil Code. Particular weight was given to the constitutional amendment made by Act XXXVIII of 1976 that qualified “any contract with the Government of Malta for or on account of the public service” by the addition of the words “being a contract of works or a contract for the supply of merchandise to be used in the service of the public”.

59. I accept this restrictive interpretation for the purposes of the Complaint, albeit with reservation and a degree of reluctance, as such appointments in my view run counter to the underlying principles of the Constitution.

60. It is also worth placing this amendment in the context of the time that it was introduced. On the same day <sup>24</sup> the House had debated and approved a motion to exempt the Hon Paul Xuereb MP, who had been then recently appointed Chairman of Mid-Med Bank from the applicable provisions of the Constitution. It was argued that Mid-Med Bank, which was owned by the Government,<sup>25</sup> had various commercial dealings with the Government and that in the absence of this

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<sup>24</sup> 6<sup>th</sup> December 1976.

<sup>25</sup> At the time Government owned 60% of the shares in Mid-Med Bank.



exemption, Mr Xuereb would have had to vacate his seat or renounce to the chairmanship. In the parliamentary debates, it was stated that had the amendment to the Constitution been made earlier there would have been no need to exempt Mr Xuereb from its prohibition.

61. Moreover, I cannot but rhetorically ask why should the law prohibit an MP from being awarded a contract to sell paper to the Government, either directly or through a company in which he has some involvement, following a public call, yet it would not prohibit an MP from accepting a consultancy contract without any call and with minimal transparency if at all?

62. The irony is that contracts of works where the contractor would supply material as well as his skill or contracts for supply of merchandise are far easier to regulate, at least in terms of transparency, than contracts for service, since the former as a rule would be subject to a relatively well-developed public procurement regime, with in-built safeguards and controls in place, whereas the latter tend not to be so subject, as contracts for legal services and other consultancy contracts are as a rule granted by direct order.

63. The objective of my office is to contribute to the raising of standards of Parliament by promoting best practices and the ethical values of our parliamentarians. I am of the view that the term *contracts of works* ought to be formally broadened to include *contracts for service*. In my view this is logical, desirable, in line with the underlying principles of the Constitution and should be taken up in discussions for the amendment of the Constitution. It is worth registering that, if utilised by the Government, the proviso to article 55(1)(c) of the Constitution would ensure some measure of public scrutiny and debate on whether such services are essential and cannot be otherwise obtained.

## **G MPs employed on a “contract of service” basis**

64. It is Government practice in some instances to employ persons on a “contract of service” basis and by-pass the recruitment procedures set out in Art 110 of the Constitution. These persons are not classified as “persons of trust”. The justification for this evident breach of the Constitution is that the Government requires flexibility to appoint specialists. This practice seems to have been extended to the appointment of MPs. A contract of service is not different to a contract of employment, whether for a fixed term or for an indefinite term. It is different to a contract for service that is typically used for the appointment of independent contractors such as consultants who would not be subject to the conditions of employment set out in the Employment and Industrial Relations Act (chapter 452) and who would invoice for their services (with VAT).

65. The focus of this report is not so much on the advisability or otherwise of this practice, but rather on the recruitment of MPs under such contracts. In my view



this practice is analogous to the appointment of an MP as a person of trust and the same reasoning applies to this type of employment too.

## **H MPs appointed by the Government as Chairpersons or Directors of Statutory Bodies**

66. Another issue to be considered is that relating to MPs appointed as chairpersons/directors on standing boards and commissions within the public administration, including the governing boards of state entities.

67. Such authorities or companies could possibly carry out *contracts of work or contracts of supply of merchandise to be used in the service of the public*. In so far as government bodies are concerned, a distinction should be made between public authorities or corporations established by law and state-owned companies established under the Companies Act, given that article 54(1)(c) and 55(1)(c) of the Constitution refers to “a director or manager of a company which is a party to, a contract with the Government of Malta”.

68. Some backbenchers currently occupy positions on boards of public authorities. It does not result that any member of Parliament acts as director or manager of a government-owned company.

69. The UK does not preclude MPs from being “*contractors to government*” whereas MPs are precluded from being members or directors of certain bodies and companies in which the Government has an interest.<sup>26</sup>

70. However, Act X of 2013 changed certain laws to allow for the appointment of local MPs on a number of other statutory bodies by removing the disqualification in the relative laws.<sup>27</sup>

71. The issue that gives rise to concern is that described in an earlier part of this report under the heading: *Persons appointed on a person of trust basis*. (vide paragraph 44 et seq.)

72. MPs appointed to such boards, whether or not allowed by the legislation regulating the body to which they are appointed, are nonetheless subject to the “Code of Ethics for Public Employees and Board Members” and consequently placed in a position of conflict with the provisions of the said code.

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<sup>26</sup> Vide Schedule II and III the House of Commons (Disqualification) Act, 1975 <http://www.legislation.gov.uk/ukpga/1975/24>.

<sup>27</sup> Act X of 2013 removed the disqualification under which MPs were not permitted to sit as members of the bodies governed by: the Malta Crafts Council Act (Chapter 421); the Occupational Health and Safety Authority Act (Chapter 424); the Co-operative societies Act (Chapter 442); the Sports Act (Chapter 455); the Malta Enterprise Act (Chapter 463); the Maltese Language Act (Chapter 470); the Malta Film Commission Act (Chapter 478) and the Domestic Violence Act (Chapter 481).



73. The issue of impartiality, especially political impartiality, of the public administration, cannot be so simply disregarded and this manifest conflict should be resolved without delay.

## Other Findings

### The Provisions of the Code of Ethics and the Standing Orders

74. The Complaint may also be viewed from the perspective of the Code of Ethics of Members of the House of Representatives.

75. Art 5.2 of the Code of Ethics of Members of the House of Representatives states the following:

*A member of the House of Representatives -*

*(a) who has a professional interest, including work interest consultancy, management or any form of connection, pecuniary or otherwise, with persons, groups or companies, that have a direct interest in legislation before the House, shall declare his interest in the House, at the first opportunity, before a vote is taken on the Second Reading of a Bill.*

76. The Standing Orders of the House of Representatives could also be relevant to the Complaint.

77. Standing Order 89 of the House of Representatives provides that:

*No member shall be entitled to vote in the House or in committee of the whole House or appointed by the House upon any question in which he has a direct pecuniary interest.*

*On a motion of which notice has been duly given it shall be lawful for the House to suspend any member who has voted upon any such question from attending its sittings for the rest of the session.*

*Every member, however, shall be entitled to vote upon any question relating to personal emoluments or parliamentary allowance to which he might be entitled.<sup>28</sup>*

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<sup>28</sup> Incidentally, the 4<sup>th</sup> GRECO Report of 2017 commented that in terms of recusal pursuant to Art 89 of the Standing Orders an MP would in practice request the Whip's opinion as to whether he is to recuse himself or not. The Whip is thus placed in an organizational conflict of interest between the role as a source of advice on whether or not a member should recuse himself and his role to ensure that all members of his political party do vote. In cases of a slight majority in Parliament the number



78. I do not feel that these two provisions could be interpreted as a restriction on the appointment of members of Parliament to boards and other entities but serve to impose the obligation of disclosure and the obligation to refrain from voting if there is such direct pecuniary interest.

## Conclusion

79. After serious consideration of all the questions that are raised by the Complaint I have arrived at the conclusion that the practice of employing members of Parliament within the public sector, or appointing them to provide contractual services to the public sector, is fundamentally wrong, whether this is in order to compensate them for their inadequate salary as MPs or for any other reason.

80. The underlying reasons for this conclusion are that the practice:

- i. dilutes the role of Parliament to scrutinise the work of the Executive;
- ii. goes against the underlying principles of the Constitution;
- iii. breaches the Code of Ethics of Public Employees and Board Members;
- iv. places MPs in a position of financial dependence on the Executive and hence reduces their independence;
- v. overly politicises statutory bodies and distorts their independence from the Government of the day;
- vi. exacerbates the debatable practice of employment on a “person of trust” or “contract of service” basis, that possibly goes against Art 110 of the Constitution, by increasing the number of persons so employed;
- vii. possibly creates unnecessary jobs, or else fills genuine vacancies with persons who are not best suited for that job, in breach of the principle of meritocracy.

81. In my opinion, engagements or appointments falling under categories v, vi, and vii of paragraph 80 above, are likely to be found to have placed MPs holding such engagements or appointments in a situation of conflict of interest or breach of ethical or statutory duties.

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of votes cast could be determining. GRECO had recommended that this matter should be taken up by my office, once set up.



82. Furthermore, the engagement of an MP as a “person of trust” or on the basis of “contracts of service” possibly constitutes a breach of article 55(1)(g)<sup>29</sup> of the Constitution. The competent authority to determine this issue is the Constitutional Court.

83. Moreover, if the reason for this employment or appointment is to compensate an MP for an inadequate salary, another fundamental problem arises which is that of discrimination since the current practice is restricted to the appointment of members of Parliament on the Government’s own backbenches. It also gives Government MPs an unacceptable advantage over Opposition MPs where access to government resources is concerned.

84. In my opinion, the issue of MPs’ remuneration is a matter that needs to be addressed by Parliament, independently of the Complaint, with urgency. The issue of remuneration could also be put in the context of giving each MP the option whether to be paid as a full-time MP or as a part-time MP. Whereas I am strongly in favour of granting this option I will comment further thereon at the appropriate time, since this is a separate matter that has no bearing on the issues raised by the Complainant and addressed in this report.

85. It is my intention to revisit the issues in my conclusions in due course in light of the action, if any, that may have been taken pursuant to my findings.

86. A copy of this report is being given to the Hon Dr Godfrey Farrugia, to the Prime Minister, and to the Standing Committee for Standards in Public Life through its Chairman, and a copy will be available on the official web-site of my office<sup>30</sup> in both Maltese and English language versions.

87. A copy is also being given to the President of Malta in his capacity of Chairman of the Constitutional Reform Commission for its consideration.



Dr George Marius Hyzler  
Commissioner for Standards in Public Life

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<sup>29</sup> Art 55.1.g “Subject to the provisions of sub-article (2) of this article, if any circumstances arise that if he were not a member of the House of Representatives, would cause him to be disqualified for election thereto”.

<sup>30</sup> [www.standardscommissioner.com](http://www.standardscommissioner.com).



Document "A"	Email of 14 <sup>th</sup> January 2019 from the Hon Dr Godfrey Farrugia with complaint
Document "B":	List of statutory bodies that allow/do not allow MPs to be part of their board of directors.
Document "C":	Letter to all backbench MPs requesting information on their engagement within the public sector.

**Re: Talba għall-istharig u l-gudizzju tiegħek**

Godfrey Farrugia [farrugiagodfrey@gmail.com]

Sent: 16 January 2019 14:21

To: Hyzler George at Parlament-MT

Grazzi Napprezza.

On Wed, 16 Jan 2019 at 11:43, Hyzler George at Parlament-MT <[george.hyzler@parlament.mt](mailto:george.hyzler@parlament.mt)> wrote:

Onor. Dr Farrugia,  
Nirringrazzjak tal-email tiegħek hawn taht.  
Il-materja imressqa ser tigi debitament kunsidrata.  
Inselli għalik,

**Dr George-Marius Hyzler**

Commissioner for Standards in Public Life  
Office of The Commissioner for Standards in Public Life  
11, St Paul Street, Valletta VLT 1211, Malta

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**From:** Godfrey Farrugia [farrugiagodfrey@gmail.com]**Sent:** 14 January 2019 13:42**To:** Hyzler George at Parlament-MT**Subject:** Talba għall-istharig u l-gudizzju tiegħek

Għażiż Dr Hyzler,

Nixtieq inressaq ilment għall-istharig u l-gudizzju tiegħek dwar standards fil-ħajja pubblika ta' Membri Parlamentari.

Qed nitobok tinvestiga fatt li jista' jirrifletti konflitt ta' interess u etika serja fil-qadi ta' dmirijiet u obbligi ta' ċertu Membri Parlamentari, liema membri jokkupaw il-backbench.

Ninnota li f'dawn l-aħħar xhur kien hawn diversi publikazzjonijiet mill-istampa fejn gie allegat li ċertu membri tal-backbench min-naħa tal-Gvern u tal-Oppożizzjoni qed jaħdmu fis-settur jew servizz pubbliku, b'kuntratt jew impjeg. Jien kont ukoll għamilt diversi mistoqsijiet parlamentari dwar dan is-sugġett lill-Prim Ministru.

Il-Kostituzzjoni ta' Malta titkellem b'mod ċar u speċifiku dwar ħatriet ta' din ix-xorta u l-livell ta' salarju li jista' jintlaħaq. Infakkar ukoll li hemm preċedent fejn deputat kellu jċedi s-siġġu minhabba skorrettezza f'dan ir-rigward.

F'isem iż-żamma tal-iStandards tal-Ħajja Pubblika, nitlobok tinvestiga kull membru tal-Kamra (inkluż lili) li ma jiffurmax parti mill-Eżekuttiv biex jiġi assigurat li l-Att tal-iStandards tal-Ħajja Pubblika hu mħares f'dan ir-rigward.

Din il-hidma ser tkun mod ewlieni kif f'pajjiżna jkollna aktar trasparenza, aktar governanza tajba u aktar kontabbiltà.

Insellimlek  
Godfrey Farrugia MP  
Partit Demokratiku

Doc "B"

List of statutory bodies that allow/do not allow  
MPs to be part of their board of directors

Annex A:

Outright prohibition for MPs to be appointed to public appointed bodies : Shaded in Red	No prohibition for MPs to be appointed to public appointed bodies : Shaded in Green	Partial prohibition in relation to the appointment of MPs to certain roles within public appointed bodies: Shaded in Orange	No specific regulation at law in relation to the appointment of MPs to public appointed bodies: Shaded in lilac
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Subject Matter	Legislation	Article(s) or Regulation(s)	Content	Comments
Board of Directors of the Malta Development Corporation	Cap. 202 of the Laws of Malta	Article 5(1)(a)	5. (1) No person shall be appointed or shall remain a director or alternate director who – (a) is a member of the House	Disqualification for appointment, removal and resignation of directors
Board of Directors of the Housing Authority	Cap. 261 of the Laws of Malta	Article 6(6)(a)	(6) A person shall be disqualified for appointment to, or from remaining a member of, the Authority if he : (a) is a member of the House of Representatives, or of a Local Council, or a candidate for election to the House of Representatives or to a Local Council;	Last amended in 2015
Employment Commission (Article 120 of the Constitution)	Constitution of Malta	Article 120 (3)	(3) A person shall not be qualified to hold office as a member of the Employment Commission if he is a Minister, a Parliamentary Secretary, a member of, or a candidate for election to, the House of Representatives, a member of a local government	Reference was made in the Employment Commission Act (Cap. 267)

			authority, or if he is a public officer.	
Permanent Commission Against Corruption	Permanent Commission Against Corruption (Cap. 326)	Article 3(3)	<p>(3) A person shall not be qualified to hold office as a member of the Commission if he is, or was, a Minister, Parliamentary Secretary, a member of the House of Representatives, a member of a local government authority, or if he is a public officer other than a public officer who is qualified to be appointed chairman of the Commission under sub article (2):</p> <p>Provided that where more than ten years have elapsed since a person was a Minister, a Parliamentary Secretary, a Member of the House of Representatives, a member of a local government authority or a public officer he shall not be considered to be subject to the exclusion from being a member of the Commission provided for in this sub-article if after having relinquished any such office he shall have served as a Judge or as a Magistrate for a period of at least five years</p>	
Board of Governors of the Malta Financial Services Authority	Malta Financial Services Authority Act (Cap. 330)	Article 6(6)(a)	(6)(a) Without prejudice to the provisions of sub-article (3) a person shall not be eligible to be appointed or to hold office as Chairman or as a member of the Board of Governors if he – (i) is a member of the House of Representatives	
Board of Directors of the Water Services Corporation	Water Services Corporation Act (Cap. 355)	Article 8 (a)	8. A person shall be disqualified for appointment or for remaining a member of, the Board if he – (a) is a member of the House of Representatives	Disqualification from being a member of the Board of Directors of the WSC

Board of Directors of JobsPlus	Employment and Training Services Act (Cap. 343/594)	Article (7)(1)(a)	7.(1) A person shall not be qualified to be appointed, or to hold office as a member of the Board if he – (a) is a member of the House of Representatives	Jobsplus
Broadcasting Authority	Constitution of Malta	Article 118 (3)	(3) A person shall not be qualified to hold office as a member of the Broadcasting Authority if he is a Minister, a Parliamentary Secretary, a member of, or candidate for election to, the House of Representatives, a member of a local government authority or if he is a public officer.	Reference made in the Broadcasting Act (Cap. 350)
Consumer Affairs Council	Consumer Affairs Act (Cap. 378)	Part II - Article 4(7)(a)	(7) A person shall not be eligible to be appointed a member of the Council, or to continue to be a member of the Council if such person – (a) is a member of the House of Representatives	
Board of the Malta Communications Authority	Malta Communications Authority Act (Cap 418)	Article 3 (4)	(4) A person shall not be qualified to hold office as a member of the Board if he – (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives	Establishment and composition of the Malta Communications Authority
Office of Chairperson or Members of the Malta Statistics Authority Act	Malta Statistics Authority Act (Cap 422)	Article 5 (5)(a)	(5)(a) A person shall not be eligible to be appointed or to hold office as Chairperson or as a member of the Authority if he – (i) is a Minister, Parliamentary Secretary, a member of the House of Representatives, or a member of any Local Council	Composition of the Malta Statistics Authority
Malta Resources Authority	Mata Resources Authority Act (Cap	Article 3(4)(a)	(4) A person shall not be qualified to hold office as a member of the Authority if he - (a) is a Minister,	Establishment and composition of the Malta Resources Authority.

	432)		Parliamentary Secretary or a member of the House of Representatives;	
Board of Governors of the Central Bank of Malta	Central Bank of Malta Act (Cap. 204)	Article 9(3)(a)	(3) No person shall be appointed or shall remain a director who – (a) is a member of the House of Representatives	
Commissioner for Voluntary Organisations	Voluntary Organisations Act (Cap 492)	Article 5(3)(a)	(3) A person shall not be qualified to be appointed or continue to hold office as Commissioner if such person : (a) is a Judge, a Magistrate, a Member of the House of Representatives or a Local Council, or a candidate for election to the House of Representatives or a Local Council	
The Malta Council for the Voluntary Sector	Voluntary Organisations Act (Cap 492)	Part III – Article 35(7)(a)	(7) A person shall not be qualified to be appointed or to hold office as a member of the Council if he : (a) is a Judge, a Magistrate, a Member of the House of Representatives or a Local Council, or a candidate for election to the House of Representatives or a Local Council	
Adoption Board	Adoption Administration Act (Cap. 495)	Part II – Article 3 (3)	(3) A person shall not be qualified to be appointed or continue to hold office as a member of the Adoption Board if that person is a Judge, a Magistrate, a member of the House or of a Local Council, or a candidate for election to the House or a Local Council	
Authority for Transport in Malta	Authority for Transport in Malta Act (Cap. 499)	Part III – Article 5(5)	(5) A person shall not be qualified to hold office as a member of the Authority if that person - (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives or of the European Parliament	
Board of Directors of Arts Council Malta	Arts Council Malta Act (Cap. 542)	Article 5(4)	(4) A person shall not be qualified to hold office as a member of the Board if that person – (a) is a member of the House of Representatives or of the	

			European Parliament	
Board of Directors of Malta Development Bank	Malta Development Bank Act (Cap. 574)	Article 21(3)	(3) No individual is eligible to be appointed or to continue as a Director or Chairperson if the individual is : (a) a Member of the House of Representatives	
Board of Governors of the Malta Gaming Authority	Gaming Act (Cap. 583)	First Schedule – Article 6(4)(1)(5)(a)(iv)	(5) (a) A person shall not be eligible to be appointed as Chairperson or as a member of the Board of Governors, or of any other organ of the Authority, or to hold any other office with the Authority, if he:  (iv) is a Minister, Parliamentary Secretary or a member of the House of Representatives;	MGA Board of Governors
Board of Directors of Malta Digital Innovation Authority	Malta Digital Innovation Authority (Cap. 591)	Article 5(4)(a)	(4) A person shall not be qualified to hold office as a member of the Board if he - (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives;	
Merit Protection Commission	Public Administration Act (Cap. 595)	Part III – Article 22(3)	(3) A person shall not be qualified to hold office as a member of the Commission if he is a Minister, a Parliamentary Secretary, a member of or a candidate for election to the House, or a member of a local government authority.	Merit Protection Commission (not yet in force)
Composition of Procurement (Energy and Fuels)	Procurement (Energy and Fuels) Appeals Board	Article 9	9. A person shall not be qualified to be appointed or continue to hold office as a member of the Board, if he: (a) is a Minister, a Parliamentary	Procurement (Energy and Fuels) Appeals Board

Appeals Board	Regulations (S.L. 595.06)		Secretary, a Member of the House of Representatives, a public officer or an employee of a government or an agency	
Composition of the Procurement (Health Service Concessions) Review Board	Procurement (Health Service Concessions) Review Board Regulations (S.L. 595.13)	Article 9	A person shall not be qualified to be appointed or continue to hold office as a member of the Board, if he: (a) is a Minister, a Parliamentary Secretary, a Member of the House of Representatives, or of the European Parliament or a Local Council, a public officer or an employee of a government entity or an agency	Procurement (Health Service Concessions) Review Board
Composition of the Concessions Review Board	Concessions Review Board Regulations (S.L. 595.15)	Article 9	9. A person shall not be qualified to be appointed or continue to hold office as a member of the Board, if he: (a) is a Minister, a Parliamentary Secretary, a Member of the House of Representatives, or of the European Parliament or a Local Council, a public officer or an employee of a government entity or an agency	Concessions Review Board
Board of Governors of the Malta Competition and Consumer Affairs Authority (MCCA)	Malta Competition and Consumer Affairs Authority Act (Cap. 510)	Article 9 (5)(a)(i)	(5) (a) A person shall not be eligible to be appointed or to continue to hold office as a member of the Board if that person:-  (i) is a Minister, Parliamentary Secretary, a member of the House of Representatives, a member of any Local Council or a member of the European Parliament	
Malta Tourism Authority	Malta Travel and Tourism Services Act (Cap. 409)	Article 3(4)	(4) A person shall not be qualified to be appointed as, or to remain, a member of the Authority if he is a member of the House of Representatives.	
Board of Directors of the Social Care	Social Care Standards	Article 9(4)(a)	(4) A person shall not be qualified to hold office as a member of the Board if he: (a) is a member of	

Standards Authority	Authority Act (Cap. 582)		the House of Representatives, or of the European Parliament, or of a Local Council, or a candidate for election to the House of Representatives, or to the European Parliament, or to a Local Council; or	
Members of the Embryo Protection Authority	Embryo Protection Act (Cap. 524)	Article 3(3)(b)	(3) A person shall not be qualified to hold office as a member of the Authority if he:  (b) is a member of, or a candidate for election to, the House; or	
Commissioner for Older Persons	Commissioner For Older Persons Act (Cap. 553)	Article (3)(2)(a)	(2) A person shall not be qualified to hold office as Commissioner if such person: (a) is a Minister, Parliamentary Secretary, or a Member of the House of Representatives	
Prisons (Board of Governance)	Prisons (Board of Governance) Regulations	7(a)	7. No person shall be qualified to be appointed as, or remain, a member of the Board if he:  (a) is a member of the House of Representatives or of the European Parliament	
Academy for Disciplined Forces Board	Academy for Disciplined Forces Act (Cap. 559)	Article 5(5)(a)	(5) A person shall not be qualified to hold office as a member of the Board if that person:  (a) is a member of the House of Representatives or of the European Parliament	
Adoption Board of Appeal	Adoption Administration Act (Cap. 495)	Part V – 16(4)	(4) A person shall not be qualified to be appointed or continue to hold office as a member of the Board of Appeal if that person is a Judge, a Magistrate, a member of the House or of a Local Council, or a candidate for election to the House or a Local Council	

Board of the Environment and Resources Authority	Environment Protection Act (Cap. 549)	Article 6 (4)(c) (to be read in conjunction with Article 6(2))	(c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament, or of a local council	
Board of the Regulator for Energy and Water Services	Regulator for Energy and Water Services Act (Cap. 545)	Article 3(4)(a)	(4) A person shall not be qualified to hold office as a member of the Board of the Regulator if he –  (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives;	
Fostering Board - Board of Appeal	Foster Care Act (Cap. 491)	Article 14 (4)	(4) A person shall not be qualified to be appointed or continue to hold office as a member of the Board of Appeal if that person is a Judge, a Magistrate, a member of the House or of a Local Council, or a candidate for election to the House or a Local Council.	
Guardianship Board	Code of Organization and Civil Procedure (Cap. 12)	Article 519A(4)	(4) A person shall not be qualified to hold office as a member of the Board if that person:- (a) is a Minister, a Parliamentary Secretary or a member of the House of Representatives or a Mayor or a Councillor in a Local Council	
Health Policy and Strategy Board	Health Act (Cap. 528)	Article 15 in conjunction with Schedule A of the Act	The Act does not set an outright prohibition on Member of Parliaments from sitting on the board however Schedule A lists the following as members of the board, all being “officers” of the Ministry, which should in practice preclude MPs from being part of the board.  The Health Policy and Strategy Board shall be	

			composed as follows: (a) the Minister, as Chairman; (b) the Permanent Secretary in the Ministry, as Deputy Chairman; (c) the three Directors General established under this Act, ex officio; (d) the financial controller of the Ministry, and in his absence, the highest ranking officer responsible for the financial administration of the Ministry; (e) a Minister's consultant; (f) any other officer who the Minister may deem, from time to time, fit to appoint on this Board; and (g) an officer appointed by the Minister to act as secretary.	
Independent Police Complaints Board	Police Act (Cap. 164)	Article 35 (3)	(3) The Chairperson of the Board shall be a retired Judge or Magistrate. No person shall be qualified to be appointed as, or remain, a member of the Board if he is a public officer, or a member, officer or servant of any body corporate or established by law; or a serving Judge or Magistrate or a member of the House of Representatives or a member of a Local Council.	
Insolvency Fund Management Board	Package Travel Insolvency Fund Regulations (S.L. 409.18)	Regulation 4(3)	(3) A person shall not be qualified to be appointed as, or to remain, a member of the Board if he is a member of the House of Representatives.	
Maritime Supervisory Board	Authority for Transport in Malta (Cap. 499)	Article 39 in conjunction with Article 5(5)(a), 5(6) and 5(9)	<p>39 (3) the provisions of sub-articles (5)(a), (6) and (9) of article 5 shall mutatis mutandis apply to the members of the supervisory boards.</p> <p>(5) A person shall not be qualified to hold office as a member of the Authority if that person - (a) is a Minister, Parliamentary Secretary or a member of</p>	

			the House of Representatives or of the European Parliament	
Medicines Review Board	Medicines Act (Cap. 458)	Article 14 (5)	14 (5) A person shall not be qualified to hold office as a member or substitute member of the Medicines Review Board if he: (i) is a member of the House of Representatives	
Police Governance Board	Police Act (Cap. 164)	Article 5(8)	(8) No person shall be qualified to be appointed as, or remain, a member of the Board if he : (a) is a member of the House of Representatives or of the European Parliament	
Port Work Appeals Board	Port Workers Ordinance (Cap. 171)	Regulation 8 (5)	(5) A judge, or magistrate or a member of the House of Representatives or of the European Parliament or of a Local Council shall be disqualified from being appointed or acting as Chairman or member of the Appeals Board as long as he holds that office.	
Private Maritime Security Licensing Board	Licensing of Private Maritime Security Companies Regulations (S.L. 480.05)	Regulation 7	Although the Regulations do not outright prohibit MPs from sitting on the Board, all six members shall be representatives of different Disciplinary Forces, Departments, Ministries, Directorates and Government Services, and therefore, should in practice preclude Parliamentarians from holding such office.	
Public Contracts Review Board	Public Procurement Regulations (S.L. 174.04)	Regulation 85(2)	(2) A person shall be disqualified from being appointed or continuing to be a member of the Review Board if he is a member of the House of Representatives or of the European Parliament or of a Local Council or of any other administrative board or tribunal or if he has a financial or other interest as is likely to prejudice the discharge of his	

			functions as a member of the Review Board	
Radiation Protection Board	Nuclear Safety and Radiation Protection Regulations (S.L. 365.15)	Regulation 10	Although the Regulations do not outright prohibit MPs from sitting on the Board, all four members shall be representatives of the OHSA, Environment Protection Authority, Superintendency of Public Health and the Civil Protection Department, which should, in practice, bar parliamentarians from holding such offices.	
Rent Regulation Board	Reletting of Urban Property (Regulation) Ordinance (Cap. 69)	Article 16	Only Judges and Magistrates may be appointed to sit on the board.	
Wine Regulation Board	Wine Act (Cap. 436)	Article 16 (4)	(4) A person shall not be eligible to be appointed a member of the Board, or to continue to be a member of the Board, if such person - (a) is a member of the House of Representatives;	
National Commission for Further and Higher Education	Education Act (Cap. 327)	Article 69(4)	(4) A person shall not be qualified to be appointed or hold office as member of the Commission if such person:  (a) is a member of the House of Representatives;	
Malta Crafts Council	Act No. X of 2013	Article 3	Sub-article (5) of article 4 of the Malta Crafts Council Act which used to read as follows: "(5) A person shall not be eligible to be a member of the Council if he – (a) is a member of the House of Representatives" was substituted by a provision on crimes.	Amendment to Malta Crafts Council Act (Cap. 421) removed the prohibition on having a Member of the House appointed to the governing board.

Occupational Health and Safety Authority (OHSA)	Act No. X of 2013	Article 4	Paragraph (a) of sub-article (5) of article 8 of the Occupational Health and Authority Act which used to read as follows: “(a) is a Minister, a Parliamentary Secretary or a member of the House of Representatives” was substituted by “(a) is a Minister or a Parliamentary Secretary”.	Amendments to the Occupational Health and Safety Authority Act (Cap. 424) removed the prohibition on having a Member of the House appointed to the governing board.
Co-operative Societies	Act No. X of 2013	Article 5	Sub-article (3) of Article 4 of the Co-Operative Societies Act which used to prohibit members of parliament from being members of the Board was amended to remove the prohibition on Members of Parliament.	Amendment to the Co-operative Societies Act (Cap. 442) removed the prohibition on having a Member of the House appointed to the governing board.
Sports Malta	Act No. X of 2013	Article 6	Paragraph (a) of sub-article (6) of article 4 of the Sports Act which used to prohibit members of parliament from being members of the Board was deleted to remove the prohibition on Members of Parliament.	Amendments to the Sports Act (Cap. 455) removed the prohibition on having a Member of the House appointed to the governing board.
Malta Enterprise	Act No. X of 2013	Article 7	Paragraph (a) of sub-article (7) of article 10 of the Malta Enterprise Act which used to prohibit members of parliament from being members of the Board was deleted to remove the prohibition on Members of Parliament.	Amendments to the Malta Enterprise Act (Cap. 463) removed the prohibition on having a Member of the House appointed to the governing board.
Maltese Language Board	Act No. X of 2013	Article 8	Sub-article (2) of article 9 of the Malta Language Act which used to prohibit Ministers, Parliamentary Secretaries or Members of Parliament from being members of the Board was deleted to remove prohibitions on the above three and kept the restriction on Judges or Magistrates only.	Amendments to Maltese Language Act (Cap. 470) removed the prohibition on having a Member of the House appointed to the governing board.
Malta Film	Act No. X of 2013	Article 9	Paragraph (a) of sub-article (5) of article 3 of the	Amendment to the Malta Film Commission

Commission			Malta Film Commission Act which used to prohibit Members of Parliament from being members of the Commission was amended to remove the prohibition on Members of Parliament.	Act (Cap. 478) removed the prohibition on having a Member of the House appointed to the governing board.
Domestic Violence Commission	Act No. X of 2013	Article 10	Sub-article (2) of article 3 of the Domestic Violence Act which used to prohibit Members of Parliament from holding office as a member of the Commission was amended to remove such prohibition. This Act was repealed by Act No. XIII of 2018 but this sub-article (2) was reproduced and Members of Parliament may hold such office.	Amendments to the Domestic Violence Act (Cap. 481) which is now the Gender-Based Violence and Domestic Violence Act (Cap. 581) removed the prohibition on having a Member of the House appointed to the governing board.
Board of the Agency for Infrastructure Malta	Agency for Infrastructure Malta Act (Cap. 588)	Article 11	Ministers or Parliamentary Secretaries are disqualified however the Act is silent on members of the House of Representatives	Infrastructure Malta
Board of Directors of Malta Residency Visa Agency	Malta Residency Visa Agency (Establishment) Order (S.L. 595.26)	Article 6	There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	Malta Residency Visa Agency
Board of Directors of Identity Malta Agency	Identity Malta Agency (Establishment) S.L. 595.07	Article 8	There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	Identity Malta
Board of Directors of Agenzija Support	Agenzija Support (Establishment as an Agency) Order (S.L. 595.18)	Articles 8 and 9	There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	Agenzija Support

Agenzija Zghazagh	Agenzija Zghazagh (Establishment as an Agency) Order (S.L. 595.02)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Public Administration – Human Resource Development Unit	Public Administration – Human Resource Development Unit (Establishment as an Agency) (S.L.595.04)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Sustainable Energy and Water Conservation Unit	Sustainable Energy and Water Conservation Unit (Establishment as an Agency) Order (S.L. 595.08)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
National Aerospace Centre	National Aerospace Centre (Establishment as an Agency) Order (S.L. 595.09)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
National Literacy Agency	National Literacy Agency (Establishment) Order (S.L. 595.10)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

Legal Aid Agency	Legal Aid Agency (Establishment) Order (S.L. 595.11)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
National Development And Social Fund	National Development And Social Fund (Establishment As An Agency) Order (S.L. 595.12)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Local Enforcement System Agency (LESA)	Local Enforcement System (Establishment as an Agency) Order (S.L.595.14)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Malta Marittima	Malta Marittima (Establishment as An Agency) Order (S.L. 595.16)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Servizz.gov Agency	Servizz.gov Agency (Establishment as an Agency) (S.L. 595.19)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Malta Council for Science and Technology Agency	Malta Council for Science and Technology Agency (Establishment)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

	Order (S.L. 595.20)			
Malta Residency Visa	Malta Residency Visa (Establishment of an Agency) Order (S.L. 595.21)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Governance of Agricultural Bioresources Agency	Governance of Agricultural Bioresources Agency (Establishment) Order (S.L. 592.22)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
MEUSAC	Malta-Eu Steering And Action Committee - Meusac (Establishment as An Agency) Order (S.L. 595.23)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Institute For Education Agency	Institute For Education Agency (Establishment) Order (S.L. 595.24)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

Malta Individual Investor Programme Agency	Malta Individual Investor Programme Agency (Establishment) Order (S.L. 595.25)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Registry of Companies	Registry of Companies (Establishment as an Agency) Order (S.L. 595.27)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Resource, Recovery and Recycling Agency	Resource, Recovery and Recycling (Agency) (Establishment) Order (S.L. 595.28)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Malta International Contemporary Art Space	Malta International Contemporary Art Space (Establishment as		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

	an Agency) Order (S.L. 595.29)			
European Union Programmes Agency	European Union Programmes Agency (Establishment) Order (S.L. 595.30)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Land Registration Agency	Land Registration Agency (Establishment) Order (S.L. 595.31)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Evaluation Board for the Grant of Citizenship by Merit for Exceptional Services	Public Auction Regulations (S.L. 342.01)	Article 7	The law is silent on the composition of the Board and presents no disqualification for any of the roles therein.	
Board of Film Age Classification ("Film Board" or "Film Review Board")	Cinema and Stage Age-Classification Regulations (S.L. 542.01)	Article 3	The law is silent on the composition of the Board and presents no disqualification for any of the roles therein.	
Board of Financial Intelligence Analysis Unit (FIAU)	Prevention of Money Laundering Act (Cap. 373)	Articles 18 and 19	The law presents no specific disqualification for MPs to sit on the Board.	

Board of Management and Administration (Arbiter for Financial Services)	Arbiter for Financial Services Act (Cap. 555)	Article 3 to 9	The law presents no specific disqualification for MPs to sit on the Board.	
Boards of the Faculties of Dental Surgery, Economics, Management and Accountancy, Education, Engineering, Health Sciences, Information and Communications Technology (ICT), Laws, Media and Knowledge Sciences, Medicine and Surgery, Research Innovation and Dev Trust (RIDT), Science, Social Wellbeing and the Built Environment	Education Act (Cap. 327)	Article 80	The law presents no specific disqualification for MPs to sit on these Faculty Boards.	
Board of the Gian Frangisk Junior College (University of	Gian Frangisk Abela Junior College Regulations (S.L.	Regulation 3	The regulation does not present any disqualifications for MPs to sit on the Board.	

Malta)	327.58)			
Burials Board	Burials Ordinance (Cap. 17)	Article 9(3)	The law presents no specific disqualification for MPs to sit on this Board.	
Children and Young Persons Advisory Board	Children and Young Persons (Care Orders) (Cap. 285)	Article 11	The law presents no specific disqualification for MPs to sit on this Board.	
Climate Action Board	Climate Action Act (Cap. 543)	Article 10	The law presents no specific disqualification for MPs to sit on this Board.	
Controlled Companies Appeals Board	Controlled Companies (Procedure for Liquidation) Act (Cap. 383)	Article 7	The law presents no specific disqualification for MPs to sit on this Board.	
Controlled Vehicular Access Board	Vehicle Access Zones (Control) Regulations	Regulation 10	The Regulation presents no specific disqualification for MPs to sit on this Board.	
Copyright Board	Copyright Act (Cap. 415)	Article 45	The law presents no specific disqualification for MPs to sit on this Board except for the professional restriction put upon the Chairman.	
The Corradino Correctional Facility Monitoring Board	Prisons Act (Cap. 260)	Article 8	The law presents no specific disqualification for MPs to sit on this Board.	
Dwejra	Dwejra	Regulation 4	The law presents no specific disqualification for	

Opportunity Fund Committee	Opportunity Fund Regulations (S.L. 445.06)		MPs to sit on this Board.	
Electoral Commission - Medical Board	Medical Council (Elections) Regulations (S.L. 464.04)	Regulation 3	The law presents no specific disqualification for MPs to sit on this Board.	
Employment Relations Board	Employment and Industrial Relations Act (Cap. 452)	Article 3(2)	The law presents no specific disqualification for MPs to sit on this Board.	
Farm Advisory Registration Board	Farm Advisory Services Regulations (S.L. 117.30)	Regulation 5	The law presents no specific disqualification for MPs to sit on this Board.	
Fisheries Board	Fisheries Conservation and Management Act (Cap. 425)	Act 5	The law presents no specific disqualification for MPs to sit on this Board.	
Fostering Board	Foster Care Act (Cap. 491)	Article 3	The law presents no specific disqualification for MPs to sit on this Board.	
Guarantee Fund Administration Board	Guarantee Fund Regulations (S.L. 452.84)	Regulation 7	The Regulations do not prohibit Members of Parliament from sitting on this Board.	
Guardian of Future Generations	Sustainable Development Act (Cap. 521)	Article 8	The Act does not prohibit MPs from sitting on the board.	
Health and Safety	Maintenance of	Regulation 17	The Regulations do not prohibit MPs from sitting	

Monitoring Board - Maintenance of Good Order at Places of Entertainment	Good Order at Places of Entertainment Regulations (S.L. 10.40)		on this Board.	
Board of Directors of Heritage Malta	Cultural Heritage Act (Cap. 445)	Article 9	The Act does not prohibit MPs from sitting on this Board.	
Immigration Appeals Board	Immigration Act (Cap. 217)	Article 25A	The Act does not prohibit MPs from sitting on this Board.	
Injuries Board for Disciplined Forces	Appointments and Conditions of Service of the Regulator Force Regulations (S.L. 220.03)	Article 9(d)	The Regulations do not prohibit MPs from sitting on this Board	
Board of Governors of the Institute of Tourism Studies	Institute of Tourism Studies (Cap. 566)	Article 9	The Act does not prohibit MPs from sitting on this Board.	
Internal Audit and Investigations Board	Internal Audit and Financial Investigations Act (Cap. 461)	Article 8	The Act does not prohibit MPs from sitting on this Board.	
Local Councils Appeals Board -	Local Councils (Tendering)	Regulation 10	The Regulations do not prohibit MPs from sitting on the Board	

Tendering	Regulations (L.N. 255 of 2009)			
Local Enforcement System Agency – Advisory Board	Local Enforcement System (Establishment as an Agency) Regulations (S.L.595.14)	Regulation 10	The Regulations do not prohibit MPs from sitting on the Board	
Local Governance Board	Local Governance Board Regulations (S.L. 363.150)	Regulation 4	The Regulations do not prohibit MPs from sitting on the Board	
Majjistral, Nature and History Park Management Board	Establishment of the Majjistral, Nature and History Park Regulations (S.L. 549.48)	Regulation 9	The Regulations do not prohibit MPs from sitting on this Board	
Malta Mediation Centre – Board	Mediation Act (Cap. 474)	Articles 6 to 12	The Act does not prohibit MPs from sitting on this Board.	
Malta Residency Visa Agency Approvals Board	Malta Residency Visa Agency (Establishment) Regulations (S.L. 595.26)	Regulation 8(2)	The Regulations do not prohibit MPs from sitting on this Board	
Masons Board	Code of Police Laws (Cap. 10)	Article 96	The Code does not prohibit MPs from sitting on this Board.	
Board of Governors of the	Education Act (Cap. 327)	Article 92	The Act does not prohibit MPs from sitting on this Board.	

Malta College for Arts, Science and Technology (MCAST)				
Medical Panel	Social Security Act (Cap. 318)	Article 106	The Act does not prohibit MPs from sitting on this Board.	
Board of Directors for Mental Health Services	Board of Directors for Mental Health Services Regulations (S.L. 528.07)	Regulation 3	The Regulations do not prohibit MPs from sitting on this Board.	
Monitoring Board for Detained Persons	Monitoring Board for Detained Persons Regulations (S.L. 217.08)	Regulation 2	The Regulations do not prohibit MPs from sitting on this Board.	
Mooring Services Board	Mooring Services Regulation (S.L. 499.03)	Regulation 9	The Regulations do not prohibit MPs from sitting on this Board.	
Mutual Recognition of Qualifications Appeals Board	Mutual Recognition of Qualifications Act (Cap. 451) and Malta Qualifications	Article 7	The Act and the Regulations do not prohibit MPs from sitting on the Board in any of its divisions.	

	Recognition Information Centre and the Mutual Recognition of Qualifications Appeals Board Regulations (S.L. 451.01)			
National Accreditation Board	National Accreditation Board (Malta) (Establishment) Regulations (S.L. 419.07)	Regulation 3	The Regulations do not prohibit MPs from sitting on the Board.	
Sentencing Policy Advisory Board	Drug Dependence (Treatment Not Imprisonment) Act (Cap. 537)	Article 9	The Act does not prohibit MPs from sitting on the Board.	
National Development Social Fund - Advisory Board	National Development and Social Fund (Establishment as an Agency) Regulations (S.L. 595.12)	Regulation 7 of the Regulations in conjunction with Article 32 of the Public Administration Act (Cap. 595)	The Regulations and the Act do not prohibit MPs from sitting on the Board.	
National Development Social Fund –	National Development and Social Fund	Regulation 6	The Regulations do not prohibit MPs from sitting on the Board.	

Board of Governors	(Establishment as an Agency) Regulations (S.L. 595.12)			
Offender Assessment Board	Restorative Justice Act (Cap. 516)	Article 3	The Act does not prohibit MPs from sitting on the Board	
Park Nazzjonali tal-Inwadar Management Board	Establishment of the Park Nazzjonali tal-Indawar (S.L. 549.109)	Regulation 8	The Regulations do not prohibit MPs from sitting on the Board.	
Parole Board	Restorative Justice Act (Cap. 516)	Article 8	The Act does not prohibit MPs from sitting on the Board	
Pesticides Control Board	Pesticides Control Act (Cap. 430)	Article 10	The Act does not prohibit MPs from sitting on the Board	
Petitions Board (Local Tribunals)	Petitions (Local Tribunals) Regulations (S.L. 291.04)	Regulation 3	The Regulations do not prohibit MPs from sitting on the Board.	
Pilotage Services Board	Maritime Pilotage Regulations (S.L. 499.26)	Regulation 38	The Regulations do not prohibit MPs from sitting on the Board.	
Port Workers' Board	Port Workers Ordinance (Cap. 171)	Regulation 10	The Act does not prohibit MPs from sitting on the Board.	
Prison Addiction Rehabilitation	Prison Regulations (S.L. 260.03)	Regulation 116A and 116B	The Regulations do not prohibit MPs from sitting on the Board.	

Management Board				
Producers Organisations Board	Producer Organisations Board (S.L. 447.04)	Regulation 3	The Regulations do not prohibit MPs from sitting on the Board.	
Psychotherapy Profession Board	Psychotherapy Profession Act (Cap. 587)	Article 4	Although the Act does not outright prohibit MPs from sitting on the Board, three out of four members must have obtained a warrant to practice psychotherapy, and therefore would, in practice, preclude the majority of sitting Parliamentarians.	
Remission Board	Restorative Justice Act (Cap. 516)	Article 20	The Act does not prohibit MPs from sitting on this Board.	
Social Assistance Board	Social Security Act (Cap. 318)	Article 128	(1) There shall be established a Board, to be known as the Social Assistance Board, consisting of the Director or his representative as Chairman and not less than three other members appointed by the Minister. Among the members so appointed, two shall be Members of the House of Representatives, one from each side, and one representing the organization of workers in Malta having the largest number of members	
Sport Commercialisation Appeals Panel	Commercialisation of Sports Facilities Regulations (S.L. 455.12)	Regulation 3 (5)	The Regulations do not prohibit MPs from sitting on the Board.	
Sport	Commercialisation	Regulation 3	The Regulations do not prohibit MPs from sitting	

Commercialisation Commission	of Sports Facilities Regulations (S.L. 455.12)		on the Board.	
Stamp Design Advisory Board	Postal Services Act (Cap. 254)	Article 36	The Law does not prohibit MPs from sitting on the Board.	
Strategic Environment Assessment Focal Point	Strategic Environmental Assessment (S.L. 549.61)	Regulation 15	The Law does not prohibit MPs from sitting on the Board.	
Students Maintenance Grants Board	Students Maintenance Grants Regulations (S.L. 327.178)	Regulation 15	The Regulations do not prohibit MPs from sitting on the Board.	
Traditional Agro-Food Products of Malta Board	Establishment Of The National Register Of Traditional Agro-Food Products Of Malta Regulations (S.L. 427.89)	Regulation 7	The Regulations do not prohibit MPs from sitting on the Board.	
Youth Work Profession Board	Youth Work Profession Act (Cap. 533)	Article 4	The Act does not prohibit MPs from sitting on the Board.	
Board of Directors of Żfin Malta	Żfin Malta Regulations (S.L. 542.02)	Regulation 4	The Regulations do not prohibit MPs from sitting on the Board.	

Valletta Cultural Agency Board	Valletta Cultural Agency (Establishment) Order	Regulation 4	The Regulations do not prohibit MPs from sitting on the Board.	
Commission for Protection from Ionising or Non-Ionisation Radiation	Nuclear Safety and Radiation Protection Act (Cap. 585)	Article 10(5)	The Act does not prohibit MPs from being members of the Commission.	
Planning Commissions of the Planning Authority	Development Planning Act (Cap. 552)	Article 65	The Act does not prohibit MPs from being members of the Commission.	
Commissioners for Justice	Commissioners for Justice Act (Cap. 291)	Article 4	The Act does not prohibit MPs from being appointed as Commissioners for Justice	
National Commission for the Promotion of Equality between Men and Women (NCPE)	Equality for Men and Women Act (Cap. 456)	Article 11	The Act does not prohibit MPs from being members of the Commission.	
National Antibiotic Committee	National Antibiotic Committee Regulations (S.L. 465.08)	Regulation 5	The Regulations set no outright prohibition on MPs from sitting on this Committee however the majority of committee members shall be specialists in different fields of medicine or health professionals, which might preclude the majority of sitting MPs from being appointed to the Committee.	

The Council for Nurses and Midwives	Health Care Professions Act (Cap. 464)	Article 21	The Act does not prohibit MPs from sitting on the Council.	
Civil Protection Council	Civil Protection Act (Cap. 411)	Article 5	The Act does not prohibit MPs from sitting on the Council.	
Pharmacy Council	Health Care Professions Act (Cap. 464)	Article 15	The Act does not prohibit MPs from sitting on the Council.	
Malta Council for Economic and Social Development (MCESD)	Malta Council for Economic and Social Development Act (Cap. 431)	Article 4	The Act does not prohibit MPs from sitting on the Council.	
Council of the University of Malta	Education Act (Cap. 327)	Article 76	The Act does not prohibit MPs from sitting on the Council.	
Council of the Malta Society of Arts, Manufacturers and Commerce	Arts Council Malta Act (Cap. 542)	Third Schedule	The Act does not prohibit MPs from sitting on the Council however we have not had sight of the Society's statute or constitutive documents.	
Malta Council for Economic and Social Development – Gozo Regional Committee	Malta Council for Economic and Social Development Act (Cap. 431)	Article 6A	The Act does not prohibit MPs from sitting on the Regional Committee.	
Malta Freeport Corporation (Malta Freeport Authority) – Board of Directors	Malta Freeports Act (Cap. 334)	Article 5	The Act and the Memorandum and Articles of Association of the Malta Freeport Corporation Limited (C9353) do not prohibit MPs from sitting on the Board of Directors	
Food Safety	Food Safety Act	Article 5	The Act does not prohibit MPs from sitting on this	

Commission	(Cap. 449)		Commission.	
Licensing (Trading) Appeals Board	Trading Licences Regulations	Regulation 36	The Regulations do not prohibit MPs from sitting on the Appeals Board	
Transfer of Residence Exemption Board	Exemption from motor vehicles registration tax rules (S.L. 368.01)	Regulation 2	The Regulations do not prohibit MPs from sitting on the Board	
Commissioner for Refugees and Refugee Appeals Board	Refugees Act (Cap. 420)	Article 5	The Act does not prohibit MPs from sitting on this Appeals Board	
National Employment Authority	Employment and Training Services Act (Cap. 343/594)	Article (3)(1)	3.(1) The President of Malta shall appoint a National Employment Authority composed of three independent persons, two other persons appearing to the President to represent the interests of employers and two other persons appearing to the President to represent the interests of employees. In this article "independent persons" means persons who are neither Government employees nor officials of any organization representing employers or employees.	
Council for Maltese Living abroad	Council for Maltese Living Abroad Act (Cap. 515)	Article 5(3)	(3) Except for the Chairman, a person shall not be qualified to hold office as a member of the Council if he is a Minister, Parliamentary Secretary, a member of or a candidate for election to the House of Representatives or the European Parliament or national, state, regional or local legislature, or a member of a local government authority. A	Chairman is only exception to the general rule

			member of the Council shall not hold any position which is incompatible with the correct performance of his official duties or with public confidence therein.	
Board of Governors of Lands Authority	Lands Authority Act (Cap. 563)	Article 11 (to be read in conjunction with Article 10)	11.(1) A person shall not be eligible to be appointed or to hold office as a member of the Board if he -(a) is a Minister, Parliamentary Secretary or Member of Parliament except for those Members of Parliament indicated in paragraphs 10(1)(c) and 10(1)(d) (one MP from Opposition and one MP from Government shall sit on the board)	
Composition of the Planning Board of the Planning Authority	Development Planning Act (Cap. 552)	Article 63(4)(c) (to be read in conjunction with Article 63(2) and (3))	(4) Save as provided in sub-articles (2) and (3) (two MPs from both parties sit on the board), no person shall be qualified to be appointed as, or remain, a member of the Planning Board if he:  c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament or of a Local Council	
Accountancy Board	Accountancy Profession Act (Cap. 281)	Article 6	The law is silent on MPs being allowed to be part of the Board however there are a number of other restrictions which may preclude the majority of sitting MPs from being eligible.	
Bord tal-Warrant tal-Periti	Periti Act (Cap. 390)	Article 7	The law is silent on MPs being allowed to be part of the Board however there are a number of other restrictions which may preclude the majority of sitting MPs from being eligible.	
Asset Recovery	Asset Recovery	Article 11	11 (e) stipulates that the Bureau Board shall consist	

Bureau Board	Bureau Regulations (S.L. 9.23)		of: (e) such other public officer as the Minister may determine; the Minister may also appoint a retired Judge on the Board.	
Auctioneers Board of Examiners	Public Auction Regulations (S.L. 342.01)	Article 2	<p>“Board” means a board of examiners, who cannot be operators in the auctioneering sector, set up from time to time by the Minister in order to assess applicants for a licence to act as auctioneer.</p> <p>Although the law does not prohibit MPs from being on this board outright, the wording does suggest that the Minister shall appoint professionals from the field to sit on the board, which should in theory disqualify the vast majority of MPs.</p>	
Board of the Creativity Trust	Creativity Trust Order (S.L. 542.02)	Article 5	The Board of Trustees presents no specific disqualification for MPs to sit on the board, however there are other restrictions that would otherwise prohibit the majority of members of parliament from sitting on such Board.	
Drug Offenders Rehabilitation Board	Drug Dependence (Treatment not Imprisonment) (Cap. 537)	Article 6	The law presents no specific disqualification for MPs to sit on the board, however there are other restrictions (based mostly on profession and experience in the subject-matter) that would otherwise prohibit a significant proportion of members of parliament from sitting on such Board.	
Building Regulation Board	Building Regulation Act (Cap. 513)	Article 3	The law presents no specific disqualification for MPs to sit on the board, however there are other restrictions (based on profession and experience in the subject-matter) that would otherwise prohibit the majority of members of parliament from sitting on such Board.	
Eco-Contribution	Eco-Contribution	Regulation 7	Although the law presents no specific	

Approving Body	(Exemptions) Regulations (S.L. 473.05)		disqualification for MPs to sit on this Board it mentions representatives of MEPA and two ministries and therefore could preclude the majority of members of the House of Representatives.	
Engineering Profession Board	Engineering Profession Act (Cap. 321)	Article 6	The law sets out no outright prohibition on MPs from sitting on the Board, however the chairman is to be appointed from among persons who are or have been qualified to be appointed Judges, and all other members must be engineering warrant holders, and therefore this would in practice preclude the majority of sitting Parliamentarians.	
General Services Board	General Services Board Regulations (S.L. 528.06)	Regulation 3 (1)	The Regulations set no outright prohibition on MPs from sitting on this Board, however, the majority of board members are representatives of public offices which cannot be filled by serving Parliamentarians.	
Malta Psychology Profession Board	Psychology Profession Act (Cap.471)	Article 4	The law sets out no outright prohibition on MPs from sitting on the Board, however all members except one member (who shall be an advocate) must be psychology warrant holders, and therefore this would in practice preclude the majority of sitting Parliamentarians.	
Multi-disciplinary Panel	Social Security Act (Cap. 318)	Article 106(f)	The Act sets out no outright prohibition on MPs from sitting on the Board, however all four members must come from specific professions (psychiatrist or geriatrician, a psychologist, an occupational therapist and a social worker), and therefore this might in practice preclude the majority of sitting Parliamentarians.	

Parking Concessions for Persons with Disability Appeal Board (Blue Badge)	Parking Concessions for Persons with Disability Act (Cap. 560)	Article 9	The Act sets out no outright prohibition on MPs from sitting on the Board, however all three members must come from specific professions (a medical doctor, a physiotherapist, and an occupational therapist), and therefore this might in practice preclude the majority of sitting Parliamentarians.	
Revenue Remissions Supervisory Board	Commissioner for Revenue (Cap. 517)	Article 5	Although the Chairperson shall be appointed from amongst persons who are not “public officers”, all other members (a minimum of one and a maximum of five) shall be appointed from a list which may <b>only</b> include public officers and public service employees. Therefore, this should in practice, preclude Parliamentarians from being members of the Board, with the role of Chairperson being the only exception.	
Rural Leases Control Board	Agricultural Leases (Reletting) Act (Cap. 199)	Article 5	<p>(2) The Board shall consist of a chairman who shall be a magistrate or a person who has practised as an advocate in Malta for a period of, or periods amounting in the aggregate to, not less than seven years, appointed by the Prime Minister</p> <p>(3) The Prime Minister may appoint several magistrates or persons qualified as in sub article (2) hereof to sit on the Board, but only one magistrate or other person qualified as aforesaid shall sit as chairman in any one case.</p>	

			There are also no clear-cut prohibitions on MPs from sitting on the panels appointed under the Act.	
Social Work Profession Board	Social Work Profession Act (Cap. 468)	Article 4	The Act sets out no outright prohibition on MPs from sitting on the Board, however six from seven members must come from the specific profession being regulated by the Act ( <i>Social Work</i> ) and the remaining one member shall be an advocate with at least five years' experience. Therefore, this might in practice preclude the majority of sitting Parliamentarians.	
The Statementing Moderating Panel	Inclusive Education Policy regarding students with a disability (Ministry of Education) – Ministerial Committee on Inclusive Education (MCIE) – 15/07/2000	Sections 9 and 10	The Policy sets out no outright prohibition on MPs from sitting on the Board, however all five members must be professionals from the Education sector. Therefore, this might in practice preclude the majority of sitting Parliamentarians.	
Weapons Advisory Board	Weapons Act (Cap. 480)	Article 48	The only member of the Advisory Board which is not encumbered by restrictions is the Chairman, with the other eight members being members of organisations which represent arms collectors and public officers or employees from body corporates established by law. Therefore, MPs might be precluded from holding eight out of nine posts in the Board.	

Malta Investment Management Co. Ltd (MIMCOL) – Board of Directors	N/A	Paragraph 11.2 of the Articles of Association of the Company	<p>11.2 - A person shall not be qualified for appointment or hold office as Director of the Company if he is interdicted or incapacitated or is an undischarged bankrupt or if there are proceedings pending against him or bankruptcy or if a company of which he was a Director was declared to be bankrupt or <b>if he is otherwise not eligible to hold any Public Office in Malta.</b></p> <p>Members of the House of Representatives cannot hold public offices except when such public offices are remunerated on a salary scale which is not higher than salary scale 6.</p>	
Malta Government Technology Investment Ltd (MGI)	N/A	Paragraph 11.2 of the Articles of Association of the Company	<p>11.2 - A person shall not be qualified for appointment or hold office as Director of the Company if he is interdicted or incapacitated or is an undischarged bankrupt or if there are proceedings pending against him or bankruptcy or if a company of which he was a Director was declared to be bankrupt or <b>if he is otherwise not eligible to hold any Public Office in Malta.</b></p> <p>Members of the House of Representatives cannot hold public offices except when such public offices are remunerated on a salary scale which is not higher than salary scale 6.</p>	
The Grand Harbour Regeneration Corporation P.L.C	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the	

			role of director within the Company.	
Consultative Council for the South of Malta	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
St Vincent de Paul Residence Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Juvenile Court Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Bank of Valletta plc – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Gozo Channel (Holdings) Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	

Board of Directors of Malta Industrial Parks Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Artificial Intelligence and Internet of Things Task-Force - AI & IoT	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Board of Exemptions from Fees at State Educational Institutions	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Board of Local Examinations	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Board of Visitors for Detained Persons	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Chinese Acupuncture	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had	

Board			sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Community Innovation Fund Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Council for Voluntary Sector – Board of Appeal	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	Board of Appeal replaced by Administrative Review Tribunal through L.N. 177 of 2012.
Dar Kenn Ghal Sahhtek	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
EAFRD Board 1 - European Agricultural Fund for Rural Development	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
EAFRD Board 2 - European Agricultural Fund for Rural Development	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	

EMFF Board - European Maritime and Fisheries Fund	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
ERDF Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
ESF Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Esplora Board of Governors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Foundation for Social Welfare Services Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	The Statute of the Foundation is not accessible online and has not been reviewed.
Government Securities Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had	

			sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Gozo Heliport Ltd Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Grant Review Board (MFIN)	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Home Help Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question. .	
Home Help Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Local Wardens	N/A	N/A	It appears that the composition of the Board is not	Various laws were repealed and/or amended

Disciplinary Board			specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	when LESA was set-up including those which enabled this Board.
Malta Government Privatisation Unit	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Malta Philharmonic Orchestra Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Manoel Theatre Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Addiction Advisory Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National-Verification-Measles-Rubella-Elimination	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as	

			administrators of the public body in question.	
Organic Farming Advisory Board - Farm Advisory Services Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Passport Destruction Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Pjazza Teatru Rjal Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Plant Protection Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Prison Leave Advisory Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	

Public Broadcasting Services Ltd - Editorial Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director of the Editorial Board within the Company.	
Rent Compensation Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Review Board for Registration Tax Exemption in Favour of Persons with Special Needs	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
RSSL Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Sports Board (Gozo)	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
St James Cavalier Centre for	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had	

Creativity Board			sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
St Patrick's School Admission Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Trafficking in Human Persons Monitoring Group	N/A	N/A	It appears that the composition of the Monitoring Group is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Treatment Abroad Advisory Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Treatment of Sex Offenders Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Foundation for Medical Services Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as	

			administrators of the public body in question.	
Start-up Island Board of Administrators	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Malta Information Technology Agency (MITA) Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Ambjent Malta	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Sports Strategy Commission	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
GeoParks Commission	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not	

			had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Commission for Active Ageing	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Commissioner of Education	N/A	N/A	It appears that the composition of the office of the Commissioner is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Commission for Unesco	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Cyber Security Strategy Steering Committee	N/A	N/A	It appears that the composition of the Committee is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	

ARMS Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	<a href="https://parlament.mt/media/70570/8462.pdf">https://parlament.mt/media/70570/8462.pdf</a> (ARMS Ltd. Setting Up and Operations – Report by the Auditor General – NAO/36/2010 – November 2011)
Public Broadcasting Services Ltd. (PBS) – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Enemalta plc – Board of Directors	N/A (Enemalta Act – formerly Chapter 272 of the Laws of Malta was repealed by Act XXXIV.2014.66 entitled Enemalta (Transfer of Assets, Rights, Liabilities and Obligations) Act – Chapter 536 of the Laws of Malta)	Paragraph 13 of the Articles of Association of the Company	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Wasteserv Malta Ltd – Board of Directors	N/A	Paragraph 25 of the Articles of Association of the	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the	

		Company	role of director within the Company.	
Malpro Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Enemed Company Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Film Finance Malta Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Gozo Channel Co (Operations) Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Malta Stock Exchange PLC	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Air Malta plc	N/A	N/A	It appears that the composition of the Board is not	

			specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Malta Air Traffic Services Co. Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Projects Malta LIMITED	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Pitkali Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Kordin Grain Terminal Company Ltd	N/A	Paragraph 16.2 of the Articles of Association	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Mediterranean	N/A	Paragraph 9 of	It appears that the composition of the Board is not	

Offshore Bunkering Company Ltd		the Articles of Association	specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Water Services Corporation – Audit Committee	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of member within the Company’s audit committee.	
Water Services Corporation – International Limited	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Gaming Malta Foundation	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	
Foundation for Educational Services (FES)	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide	

			for prohibitions on MPs sitting on the Board of Governors of the Foundation.	
Foundation for Tomorrow's Schools (FTS) – Board of Governors	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	
Valletta 2018 Foundation	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	The Valletta 2018 Foundation was established by public deed in the acts of Notary John Spiteri published on the 17th October 2011, as subsequently amended by public deed in the acts of Notary Myriam Spiteri Debono by deed published on the 10th November 2014
Property Malta Foundation	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	



## Commissioner for Standards in Public Life

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2<sup>nd</sup> May 2019

Dear

I am currently investigating a complaint regarding a possible conflict of interest by Members of Parliament from both sides of the House who do not hold office as Ministers or Parliamentary Secretaries, but who hold positions within or provide contractual services to the public sector.

For the purposes of my investigation I require the information requested on the attached form, which is being sent to all Members of Parliament who do not hold office as Ministers or Parliamentary Secretaries.

You are therefore requested to fill in the attached form accurately, print and sign it, and return it to me electronically in scanned form. Alternatively, you may deposit the completed and signed form with the office of the Speaker, from where it will be collected by my staff.

You may be requested to confirm your statement on oath in due course.

You are kindly requested to return to me the attached form, duly filled out, within seven (7) days from receipt of this email.

Yours sincerely

  
Dr George Marius Hyzler

Enc