

The appointment and removal of the Leader of the Opposition by the President are regulated by Article 90 of the Constitution. The sub-articles that are relevant to the present circumstances are (2) and (4).

It is a basic principle of interpretation of the Constitution that articles cannot be interpreted in such a way that one contradicts the other. The interpretation that must prevail is that which makes the provisions of the Constitution in harmony with each other.

Though both Sub-articles (2) and (4) regulate the appointment of the Leader of the Opposition by the President, they stipulate different mechanisms. It is manifest that they refer different scenarios. The first contemplates the appointment of the Leader of the Opposition at the BEGINNING OF THE LEGISLATURE, just after a general election.

The second contemplates the appointment of a Leader of the Opposition DURING the course of a legislature when, in the President's judgement, the Leader of the opposition (previously appointed as per sub-article 2 has ceased to command the support of the largest single group of members in opposition to the government. In these circumstances, the mechanism established by sub-article 4 comes into effect, and the provisions of sub-article 2 are wholly irrelevant.

It is instructive to compare these two mechanisms to the those (different) mechanisms established by Article 80 and 81 for the appointment and removal of a Prime Minister. It is again manifest that the first applies to the beginning of a legislature, while the second only comes into effect during the course of a current legislature.

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