

THE MALTA CONSTITUTION 1939

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1939.

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LETTERS PATENT passed under the Great Seal of the Realm constituting the Office of Governor and Commander-in-Chief of Malta and providing for the Government thereof.

THE MALTA LETTERS PATENT, 1939.

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PROCLAMATION

By His Excellency General Sir CHARLES BONHAM-CARTER, Knight Commander of the Most Honourable Order of the Bath, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, Colonel, The Queen's Own Royal West Kent Regiment, Aide-de-Camp General to His Majesty the King, Governor and Commander-in-Chief in and over the Island of Malta and its Dependencies and Commander of the Troops serving within the same.

WHEREAS it is provided by Section 2 of "The Malta Letters Patent, 1939" passed under the Great Seal of the Realm, bearing date the fourteenth day of February, 1939, constituting the Office of Governor and Commander-in-Chief of Malta and providing for the Government thereof that the aforesaid Letters Patent shall be proclaimed within Malta as soon as practicable in such manner as the Governor shall think fit and shall thereafter come into operation on a day to be fixed by the Governor by further Proclamation in the Gazette.

NOW therefore, I, General Sir Charles Bonham-Carter, Governor and Commander-in Chief, do hereby proclaim the aforesaid Malta Letters Patent, 1939, contained in the Schedule hereto:

PROVIDED that the said Letters Patent shall not come into operation, save as declared by section 2 thereof, until such date as I shall fix by further Proclamation in accordance with the said section.

SCHEDULE

The Malta Letters Patent, 1939.

The Palace, Valletta, this 25th day of February, 1939.

By Command,

J. A. HUNTER,
Lieutenant-Governor.

GOD SAVE THE KING.

MALTA

LETTERS PATENT passed under the Great Seal of the Realm constituting the Office of Governor and Commander-in-Chief of Malta and providing for the Government thereof.

Dated the fourteenth day of February, 1939.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

To all to whom the Presents shall come, Greeting!

WHEREAS by Letters Patent under the Great Seal bearing date at Westminster the Twelfth day of August, 1936, (hereinafter referred to as "the Letters Patent of 1936") the Office of Governor and Commander-in-Chief in and over the Island of Malta and its Dependencies was constituted and provision was made for the Government thereof: Recites Letters Patent dated 12th August, 1936.

AND WHEREAS We are minded to revoke the said Letters Patent and to make other provision than is contained therein:

NOW KNOW YE that We do by these presents declare Our Will and Pleasure as follows:—

PART I.

PRELIMINARY.

1.—(1) In these Letters Patent, unless the context otherwise requires, — Interpretation.

"Malta" means the Island of Malta and its Dependencies, including the territorial waters thereof;

"Governor" means the Governor and Commander-in-Chief of Malta and includes the officer for the time being administering the Government of Malta;

"The Council" means the Council of Government constituted under these Letters Patent;

"Member" means a member of the Council;

"Minister of religion" means any clergyman, minister, priest, or other person who exercises spiritual functions or performs the offices of religion for or in respect to any Christian or other church, community or body;

"The Gazette" means the Malta Government Gazette.

(2) For the purposes of these Letters Patent, the following persons shall not be regarded as persons holding office of emolument under the Crown in Malta, that is to say, —

(a) persons in receipt of a pension or other allowance from the Crown who have ceased to be in the service of the Crown in Malta,

(b) Officers of our Naval, Military or Air Forces in receipt of retired or half pay, and

(c) Teachers at the Royal University of Malta who are neither prohibited by the terms of their employment at the said University from the private exercise of their profession nor obliged to place their whole time at the disposal of the Government.

(3) The Interpretation Act, 1889, shall apply for the interpretation of these Letters Patent as it applies for the interpretation of an Act of Parliament.

Short title and commencement.

2. These Letters Patent may be cited as "The Malta Letters Patent, 1939". They shall be proclaimed within Malta as soon as practicable in such manner as the Governor shall think fit, and shall thereafter come into operation on a day to be fixed by the Governor by further Proclamation in the Gazette:

Provided that the Governor may, at any time after the first Proclamation under this section, by law made in pursuance of his power to make laws under the Letters Patent of 1936, make provision for constituting electoral divisions, for determining the qualification, and regulating the registration, of voters, for regulating the election of Members, for the determination as provided in these Letters Patent of questions as to the right of any person to be or remain a Member, for prescribing penalties in respect of offences under any such law and generally for the purpose of enabling the election of Members to be held as soon as possible after the day fixed as aforesaid, and of otherwise facilitating the bringing of the provisions of these Letters Patent relating to the Council into operation.

Revocation of Letters Patent of 1936, etc.

3.—(1) The Letters Patent of 1936 are hereby revoked.

(2) Subject to the provisions of these Letters Patent, all laws in force in Malta at the date on which these Letters Patent come into operation, shall remain in force except so far as the same shall be repealed, amended or otherwise affected by or under any Order in Our Privy Council or any law made in pursuance of the powers contained in these Letters Patent or other lawful authority.

(3) The revocation of the Letters Patent of 1936 shall not affect any appointment made prior to the date upon which these Letters Patent come into operation.

PART II.

THE GOVERNOR, LIEUTENANT-GOVERNOR AND EXECUTIVE COUNCIL.

Office of Governor constituted.

4. There shall be a Governor and Commander-in-Chief in and over Malta, and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

Governor's Powers and Authorities.

5. We do hereby authorize, empower and command the Governor to do all things belonging to his Office in accordance with these Letters Patent, and such Commission as aforesaid, and such Instructions as may from time to time be given to him by Us under Our Sign Manual and Signet or through the Secretary of State, and in accordance with such Orders in Our Privy Council and other laws as may from time to time be in force in Malta.

Publication of Governor's Commission and taking of oaths.

6. Every person appointed to fill the Office of Governor shall with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice or, in his absence, some other Judge of Our Superior Courts of Malta, and of such Members of the Executive Council as can conveniently attend, which being done, he shall then and there take before them the Oath of Allegiance and the Oath for the due execution of the Office of Governor in the forms set out in the Schedule to these Letters Patent, which Oaths the said Chief Justice or Judge is hereby required to administer.

Office of Lieutenant-Governor constituted.

7.—(1) There shall be a Lieutenant-Governor in and over Malta, and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

(2) The Lieutenant-Governor shall do during Our pleasure all things belonging to his Office in accordance with these Letters Patent, such Commission as aforesaid, and such Instructions as may from time to time be given to him by Us, under Our Sign Manual and Signet or through the Secretary of State, and in accordance with such Orders in Our Privy Council and other laws as may from time to time be in force in Malta.

Succession to Government.

8.—(1) Whenever the Office of Governor becomes vacant, or the Governor is absent from Malta and there is no subsisting appointment of a Deputy under the next succeeding section of these Letters Patent, or the Governor is from any cause prevented from, or incapable of, performing the duties of his Office, then such person as We may appoint under Our Sign Manual and Signet, or if there is no such person in Malta and capable of discharging the duties of administration, the Senior Member of the Executive Council then in Malta and so capable, shall, during Our pleasure, administer the Government of Malta, first taking the oaths directed to be taken by the Governor in these Letters Patent and in the manner herein prescribed; which being done, We do hereby authorise, empower and command such person to do, during Our pleasure, all things that belong to the Office of Governor, as provided in these Letters Patent.

(2) Any such person as aforesaid shall not continue to administer the government after the Governor or some other officer having a prior right to administer the same has notified that he is about to assume the administration.

Appointment of Deputies to Governor.

9.—(1) Whenever the Governor has occasion to be temporarily absent for a short period from Malta, he may by an Instrument under the Public Seal appoint any person to be his Deputy within Malta during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such absence, all such powers and authorities by these Letters Patent or otherwise vested in the Governor as shall in and by such Instrument be specified, but no others.

(2) By the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be abridged, altered, or in any way affected otherwise than as We may at any time hereafter think proper to direct, and every such Deputy shall conform to and observe all such Instructions as the Governor shall from time to time address to him for his guidance.

(3) Any appointment under this section may at any time be revoked by the Governor or by the Secretary of State, and shall cease and determine upon the return of the Governor to Malta.

Succession to office of Lieut.-Governor.

10. Whenever the Office of Lieutenant-Governor becomes vacant, or if the Lieutenant-Governor is administering the Government of Malta, or is absent from Malta, or is from any cause prevented from, or incapable of, performing the duties of his Office, the Governor may by an Instrument under the Public Seal appoint some fit and proper person to act provisionally as Lieutenant-Governor. Any person so provisionally appointed shall do during Our pleasure all things belonging to the Office of Lieutenant-Governor in accordance with the terms of his appointment and as provided in these Letters Patent, and shall cease to act as Lieutenant-Governor so soon as We shall have appointed another person to the said Office by Commission under Our Sign Manual and Signet, or as the Governor shall appoint another person to act provisionally as Lieutenant-Governor, or as the substantive holder of the Office shall cease to administer the Government of Malta or shall return to Malta or shall again be able to perform the duties of the Office, as the case may be.

Public Seal.

11. The Governor shall keep and use the Public Seal of Malta for sealing all things whatsoever that shall pass the said Seal.

Executive Council.

12. There shall be an Executive Council for Malta, and the said Council shall consist of such persons as We shall direct by Instructions under Our Sign Manual and Signet, or through the Secretary of State, and all such persons shall hold their places in the Executive Council during Our pleasure and, subject thereto, for such period and upon such conditions as may be specified in any such Instructions.

PART III.

CONSTITUTION OF THE COUNCIL OF GOVERNMENT.

Constitution of Council of Government.

13.—(1) There shall be a Council of Government for Malta and the said Council shall consist of twenty Members, that is to say, five *Ex officio* Members, three Official Members, ten Elected Members and two Nominated Members.

(2) The Governor shall be President of the Council and shall be entitled to speak in the Council in all respects as if he were a Member.

Ex officio Members.

14.—(1) The *Ex officio* Members shall be the persons for the time being lawfully discharging the functions of Lieutenant-Governor, Legal Secretary, Attorney General, Treasurer, and Secretary to Government.

(2) If an *Ex officio* Member is administering the government of Malta he shall be deemed, for the purposes of this Part of these Letters Patent, not to be discharging the functions of the office by virtue of which he is an *Ex officio* Member, and shall accordingly cease to be an *Ex officio* Member for the period of such administration.

Official Members.

15.—(1) The Official Members shall be such persons holding offices of emolument under the Crown in Malta as the Governor may from time to time by Instrument under the Public Seal appoint.

(2) Every Official Member shall hold his seat in the Council during Our pleasure, but shall in any case vacate his seat at the next dissolution of the Council after his appointment, or previously thereto if his appointment shall be disallowed by Us through the Secretary of State, or if he shall cease to hold office of emolument under the Crown in Malta.

(3) Any person vacating a seat in the Council under this section may, if qualified, again be appointed as an Official Member.

(4) The Governor shall without delay report to Us every appointment of any person as an Official Member.

Elected Members.

16. The Elected Members shall be persons elected under any law made in pursuance of the powers contained in these Letters Patent.

Nominated Members.

17.—(1) The Nominated Members shall be such persons, not holding any office of emolument under the Crown in Malta or otherwise disqualified in accordance with the provisions of these Letters Patent, as the Governor may by an Instrument under the Public Seal appoint.

(2) Every Nominated Member shall hold his seat in the Council during Our Pleasure, but shall in any case vacate his seat at the next dissolution of the Council after his appointment, or previously thereto if his appointment shall be disallowed by Us through the Secretary of State, or if his seat shall become vacant under the provisions of these Letters Patent.

Any person vacating a seat in the Council under this Section may, if qualified, again be appointed as a Nominated Member.

(3) The Governor shall without delay report to Us every appointment of any person as a Nominated Member.

Precedence of Members.

18.—(1) The Members shall take precedence as We may specially assign and in default thereof as follows:—

First, the *Ex officio* Members in the order in which their respective offices are mentioned in section 14 of these Letters Patent.

Secondly, the other Members who are Members of the Executive Council according to their seniority therein.

Thirdly, the Official Members who are not Members of the Executive Council according to the priority of their appointments as Official Members, or, if appointed by the same Instrument, according to the order in which they are named therein.

Fourthly, the Elected and Nominated Members who are not Members of the Executive Council according to the length of time during which they have been continuously Members of the Council.

Elected and Nominated Members who are not Members of the Executive Council and who have been continuously Members of the Council for the same length of time shall take precedence among themselves according to the alphabetical order of their names.

(2) For the purposes of this Section—

(a) Members elected at a general election shall be deemed to have become Members by virtue of that election on the date of the return of the first writ thereat;

(b) a Nominated Member shall be deemed to have become a Member on the date of the Instrument by which he was appointed; and

(c) in ascertaining the period for which any person shall have been continuously a Member, no account shall be taken of any interval necessarily following a dissolution of the Council.

Oath of allegiance.

19. No Member shall sit or vote in the Council until he shall have taken and subscribed before the Governor, or some person authorised by the Governor in that behalf, the Oath of Allegiance in the form set out in the Schedule to these Letters Patent:

Provided that every person authorised by law to make an affirmation instead of taking an oath in Our Courts in Malta may, instead of taking the said oath, make an affirmation in like form.

Provisional appointment to fill vacancies.

20.—(1) Whenever there shall be a vacancy in the number of persons sitting in the Council as *Ex officio*, or Official or Nominated Members, by reason of the fact that—

(a) an *Ex officio* Member is administering the government of Malta; or

(b) one person is lawfully discharging the functions of more than one of the offices the holders of which are *Ex officio* members; or

(c) no person is lawfully discharging the functions of an office the holder of which is an *Ex officio* Member; or

(d) an Official Member is lawfully discharging the functions of an office the holder of which is an *Ex officio* Member; or

(e) any Official Member is suspended from the exercise of his functions as a Member; or

(f) any Official or Nominated Member is dead, or the seat of any such Member is otherwise vacant for any cause other than the dissolution of the Council; or

(g) any such Member is declared by the Governor by an Instrument under the Public Seal to be incapable of discharging his functions as a Member; or

(h) any such Member is absent from Malta;

the Governor may by an Instrument under the Public Seal appoint some other person to be provisionally a Member for the period of such vacancy.

If the vacancy is in the number of *Ex officio* or Official Members, the person so appointed shall be a person holding office of emolument under the Crown in Malta; and if the vacancy is in the number of Nominated Members, the person so appointed shall be a person qualified in accordance with these Letters Patent to be appointed as a Nominated Member.

Any such appointment shall cease to have effect if and when it shall be disallowed by Us through the Secretary of State, or revoked by the Governor.

(2) The period of any such vacancy shall terminate if the provisional appointment of a person to fill it shall be superseded by the permanent appointment of a Member in the place of such person, or when the circumstances giving rise to the vacancy shall otherwise cease to exist.

(3) Subject to the provisions of these Letters Patent, every person so appointed shall, as long as his appointment shall subsist, be to all intents and purposes —

(a) in the case of a vacancy in the number of persons sitting in the Council as *Ex officio* Members, an Official Member, being deemed, nevertheless, for the purposes of section 13 of these Letters Patent, to be an *Ex officio* Member; and

(b) in the case of a vacancy in the number of Official Members or Nominated Members, an Official Member or a Nominated Member, as the case may be.

Suspension of Official Members.

21. The Governor may, by an Instrument under the Public Seal, suspend any Official Member from the exercise of his functions as a Member. Every such suspension shall be forthwith reported by the Governor to the Secretary of State, and shall remain in force unless and until it shall be either removed by the Governor by an Instrument under the said Seal, or disallowed by Us through the Secretary of State.

Qualifications for Membership by election or nomination.

22. Subject to the provisions of the next succeeding section, any person who is a British subject of the age of twenty-one years or upwards and is qualified to be registered as a voter for the election of Members shall be qualified to be elected a Member or to be appointed as a Nominated Member, and no other person shall be qualified to be so elected or appointed or, having been so elected or appointed, shall sit or vote in the Council.

Disqualification for Membership by election or nomination.

23.—(1) No person shall be qualified to be elected a Member or to be appointed as a Nominated Member, or having been so elected or appointed, shall sit or vote in the Council, who

(a) is a minister of religion; or

(b) holds any office of emolument under the Crown in Malta; or

(c) is an uncertificated or undischarged bankrupt; or

(d) is of unsound mind or is interdicted for prodigality by a competent Court in Malta; or

(e) has been sentenced by a competent Court in any part of Our dominions or in any territory under Our protection, to death, penal servitude, hard labour for any period, or imprisonment for a period exceeding one year; or been convicted in Malta of any crime against the peace or honour of families referred to in Chapter II of Title VI of the First Part of the Second Book of the Criminal Laws of Malta; and in either case has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon.

(2) No person who has acted as a Registering or Revising Officer or Election Commissioner in connection with the framing or revision of a voters' list for any electoral division shall be capable of being elected as a Member for that division while such list is in force.

Vacation of seat of Elected or Nominated Member.

24.—(1) If any Elected or Nominated Member—

(a) shall be absent, except on the ground of illness, from the sittings of the Council, for a period of two calendar months during any session without the leave of the Council; or

(b) shall for the period of one month be a party to any contract with the Government of Malta for or on account of the public service; or

(c) shall take any oath or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State; or

(d) shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or

(e) shall cease to be qualified for election or appointment as a Member,

his seat shall become vacant.

(2) Any Elected or Nominated Member may resign his seat by writing under his hand addressed to the Governor, and upon the receipt of such resignation by the Governor, the seat of such Member shall become vacant;

Provided that no such Member shall, without the permission of the Council signified by resolution, resign his seat while any proceedings are pending in respect of his conduct in the Council or as a Member, and no Elected Member shall, without such permission, resign his seat while any proceedings are pending in respect of his election, if it is alleged in those proceedings that any corrupt or illegal practices took place at his election.

Penalty for unqualified persons sitting or voting in the Council.

25.—(1) A person shall be liable to a penalty of ten pounds for every day on which he shall sit or vote in the Council knowing, or having reasonable grounds for knowing, that he is disqualified for so sitting or voting or that his seat has become vacant.

(2) Such penalty shall be recoverable by action in Our Civil Court in Malta at the suit of the Attorney General.

Decision of questions as to qualification or vacation of seats.

26. All questions which may arise as to the right of any person to be or remain an Elected or Nominated Member shall be referred to and decided by Our Court of Appeal in Malta in accordance with the provision of any law for the time being in force.

PART IV.

Legislation and Procedure in the Council.

Power to make laws.

27. Subject to the provisions of these Letters Patent, it shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order and good government of Malta.

Voting.

28. Subject to the provisions contained in the next succeeding section, all questions proposed for decision in the Council shall be determined by a majority of votes of the Members present and voting. If the votes shall be equally divided, the Governor, if present, shall have a casting vote; and in the absence of the Governor the Member presiding shall have a casting vote in addition to his original vote. The votes of Members shall be taken in the inverse order of their precedence.

Governor's reserve power.

29. If the Governor shall consider that it is expedient in the interests of public order, public faith or good government (which

expressions shall, without prejudice to their generality, include the responsibility of Malta as a component part of the British Empire, and all matters pertaining to the appointment, salary and other conditions of service of any public officer or officers) that any bill introduced, or any motion, resolution or vote proposed for decision in the Council should have effect, then, if the Council fail to pass such bill, motion, resolution or vote within such time as the Governor may think reasonable and expedient, the Governor at any time within his discretion may, notwithstanding any provisions of these Letters Patent or of any Standing Orders of the Council, declare that such bill, motion, resolution or vote shall have effect, and thereupon the same shall have effect, as if it had been passed by the Council, and in the case of any such bill the provisions of this Order as to assent to bills and disallowance of Ordinances shall apply accordingly.

Report of declarations made under preceding section and power of revocation.

30.—(1) The Governor shall forthwith report to the Secretary of State every case in which he shall make any such declaration under the preceding section, and the reasons therefor.

(2) If any Member objects to any such declaration, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to the Secretary of State.

(3) Any such declaration, other than a declaration relating to a Bill, may be revoked by the Secretary of State, and the Governor shall notify such revocation in the Gazette; and from the date of such notification any motion, resolution, or vote which shall have had effect by reason of the declaration revoked shall cease to have effect, but without prejudice to anything lawfully done thereunder.

Presentation of Bills for assent.

31. When a Bill passed by the Council is presented to the Governor for his assent he shall, according to his discretion, but subject to the provisions of these Letters Patent, and to any Instructions addressed to him under Our Sign Manual and Signet or through the Secretary of State, declare that he assents, or refuses his assent, thereto, or that he reserves the Bill for the signification of Our pleasure:

Provided that the Governor shall in every case reserve for the signification of Our pleasure any Bill in any way repugnant to or inconsistent with the provisions of these Letters Patent.

Commencement of laws.

32.—(1) No Bill shall become a law until either the Governor shall have assented thereto in Our name and on Our behalf, and shall have signed the same in token of such assent, or until We shall have given Our assent thereto by Order in Our Privy Council or through the Secretary of State.

(2) A law assented to by the Governor shall come into operation on the date on which such assent shall be given, or if it shall be enacted that it shall come into operation at a later date, on that date.

(3) A Bill reserved for the signification of Our pleasure shall become a law so soon as We shall have given Our assent thereto, either by Order in Our Privy Council or through the Secretary of State, and the Governor shall have signified such assent by Proclamation in the Gazette. The law shall come into operation on the date of such Proclamation or, if it shall be enacted that it shall come into operation at a later date, on that date.

Disallowance of laws.

33.—(1) Any law to which the Governor shall have given his assent may be disallowed by Us through the Secretary of State.

(2) Whenever any law has been disallowed by Us, the Governor shall cause notice of such disallowance to be published in the Gazette and a certificate of such disallowance, certified under the Public Seal of Malta, to be enrolled in the Office of the Registrar of Our Superior Courts in Malta.

(3) Every law so disallowed shall without prejudice to anything lawfully done thereunder, cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereafter any enactments repealed or amended by such law shall have effect as if such law had not been made.

Laws to be printed in Gazette and enrolled.

34. The Governor shall cause every law enacted under these Letters Patent to be printed in the Gazette, in both the English and Maltese languages, for general information, and shall as soon as practicable also cause a fair copy of such law, signed by him and printed in the English and Maltese languages, to be enrolled on record in the Office of the Registrar of Our Superior Courts in Malta, and such copy shall be conclusive evidence as to the provisions of every such law:

Provided that the validity of any such law shall not depend upon the enrolment thereof.

Governor and Council to conform to Royal Instructions.

35. Subject to the provisions of these Letters Patent, the Governor and the Council shall, in the transaction of business and the passing of laws, conform as nearly as may be to the directions contained in any Instructions under Our Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Standing Orders.

36.—(1) Subject to the provisions of these Letters Patent, and of any Instructions under Our Sign Manual and Signet, Standing Orders may be made for the regulation and conduct of the proceedings of the Council and the despatch of business.

(2) The first Standing Orders shall be made by the Governor; and thereafter Standing Orders may be made, and the first Standing Orders aforesaid and subsequent Standing Orders may be amended, added to or revoked by the Council:

Provided that no Standing Orders made, or amendment, addition or revocation effected, by the Council shall have effect unless and until approved by the Governor.

(3) Without prejudice to the generality of the provisions of subsection (1) of this section, Standing Orders may provide for the regulation, restriction or prohibition of motions, resolutions, questions, discussion or debate relating to the defence of Malta or to the use or teaching of any language therein.

Standing Orders making provision for any of the matters referred to in this subsection may be made, amended, added to or revoked by the Governor at any time.

Language of debate, Bills and records.

37.—(1) The proceedings of the Council and all debates and discussions therein shall be conducted in the English language:

Provided that if, and as long as, the Governor, or the Member presiding in the Council, is satisfied that any Member is unable to express himself adequately in the English language, he may authorise such Member to address him within the Council in the Maltese language.

(2) Every address delivered in the Council in the Maltese language shall be translated orally into the English language while it is being delivered or immediately after its delivery, as the Governor or presiding Member may direct. Such translation shall be given by an interpreter appointed by the Governor.

(3) Every address delivered in the Council shall be printed in the journals and proceedings of the Council in the language in which it was delivered; and an English translation of any address delivered in the Maltese language shall be printed with the record of the address in that language. Such translation shall be made by an interpreter appointed by the Governor.

(4) Every Bill and every proposed amendment of a Bill shall be printed in both the English and the Maltese language.

(5) Save as aforesaid all journals, entries, minutes and proceedings of the Council shall be made and recorded or printed in the English language only.

Governor or Member appointed or senior Member to preside.

38. The Governor, if present, or in his absence any Member appointed by him in writing, or in default of such appointment, or in the absence of the Member so appointed, the Member present who stands first in order of precedence shall preside at meetings of the Council.

Council may transact business, notwithstanding vacancies.

39. The Council shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the Members.

Quorum.

40. No business except that of adjournment shall be transacted if objection is taken by any Member present that there are less than seven Members present.

Questions, etc., for debate.

41. Subject to the provisions of these Letters Patent and of Standing Orders made thereunder, any Member may propose any question for debate in the Council; and such question, if seconded by any other Member, shall be debated and disposed of according to the Standing Orders:

Provided that no Bill, vote, resolution or motion shall be proposed without the consent of the Governor, if in his opinion or in that of the presiding Member, such Bill, if enacted, or such vote, resolution or motion, if passed by the Council, would—

(a) dispose of or charge public revenue or public funds of Malta, or revoke, alter or vary any disposition or charge thereon, or impose, alter or repeal any rate, tax or duty; or

(b) suspend the Standing Orders or any of them.

Sessions of Council.

42. The sessions of the Council shall be held at such times and places as the Governor shall from time to time by Proclamation appoint. There shall be at least one session of the Council in every year, and there shall not be an interval of more than twelve months between the last sitting of one session and the first sitting of the next following session.

Prorogation and dissolution of Council.

43. The Governor may at any time, by Proclamation, prorogue or dissolve the Council.

Duration of Council.

44. The Governor shall dissolve the Council at the expiration of four years from the date of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

PART V.

LANGUAGE.

Meaning of "enactment".

45. In this Part of these Letters Patent, unless the context otherwise requires, the word "enactment" includes the whole or any part of the Malta (Use of English Language in Legal Proceedings) Order in Council, 1899, and of any Act, Ordinance or other law enacted, or Proclamation issued, in Malta, and of any instrument made under any such Act, Ordinance, law or Proclamation and having the force of law.

Official languages of Malta.

46.—(1) The English language as the official language of the British Empire, and the Maltese language, as the language of the people of Malta, shall be the official languages of Malta.

(2) The English language shall be the language of administration and, subject to the provisions of the next succeeding section, the Maltese language shall be the official language of Our Courts of Law in Malta.

Power to regulate by Proclamation the use and teaching of languages.

47.—(1) The Governor may, with the approval of the Secretary of State, make provision by Proclamation for all or any of the following matters :—

(a) The use of the English language in any proceedings before any Court—

(i) where any party or any accused person is a person who does not speak Maltese as the principal language to which he is accustomed;

(ii) when, in the Governor's opinion, it shall be expedient, in the interests of justice, that the English language shall be used.

(b) The teaching of any language, or the use of any language as a medium of instruction, in the Royal University of Malta and in any school.

(c) The language to be used in any circumstances in which the use of any specified language is prescribed by any enactment in force at the date upon which these Letters Patent come into operation.

(2) In the exercise of the powers conferred upon the Governor by this Section he may amend, add to, revoke or replace any enactment which relates to the use or teaching of any specified language and which is in force at the date when these Letters Patent come into operation.

(3) Any Proclamation made under this section may, with the like approval, be amended, added to, revoked, or replaced by further Proclamation.

Exclusion of Bills, etc., relating to the use or teaching of languages from consideration by the Council.

48. No Bill, vote, resolution or motion shall be proposed in the Council, if, in the opinion of the Governor or presiding Member, such Bill, if enacted, or such vote, resolution or motion, if passed by the Council, would:—

(a) amend, add to, revoke, affect the operation of, or be in any way inconsistent with, provisions relating to the use or teaching of any specified language contained in any enactment or any other law;

(b) make provision for the use or teaching of any specified language in circumstances for which no such provision is made by law.

Language of official texts of laws.

49.—(1) The English text and the Maltese text of all laws shall be the only official texts of the law and if there shall be any conflict between the English and Maltese texts of any law the English text shall prevail.

(2) All laws in force at the date on which these Letters Patent come into operation, of which there is no Maltese text, shall be translated into Maltese; and until the translation of any such law shall be published by order of the Governor, the English text thereof shall be the only official text.

PART VI.

MISCELLANEOUS.

Grant of lands.

50. The Governor may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands within Malta which may be lawfully granted or disposed of by Us.

Appointment of Officers.

51. The Governor may constitute and appoint in Our name and on Our behalf all such Officers in Malta as may be lawfully constituted or appointed by Us, all of whom, unless otherwise provided by these Letters Patent or by any other law, shall hold their offices during Our pleasure.

Judges' appointment, tenure and remuneration.

52.—(1) The Judges of Our Superior Courts of Malta shall be appointed by the Governor in Our name and on Our behalf.

(2) No person shall be qualified to be appointed a judge of the said Courts unless, during a period of not less than twelve years, or during periods amounting in the aggregate to not less than twelve years, he has either practised at the Bar or served as a magistrate in Malta, or has partly so practised and partly so served.

(3) A judge of the said Courts shall receive such remuneration as may be determined by the Governor from time to time:

Provided that the remuneration of a judge shall not be diminished during his tenure of office.

(4) A judge of the said Courts shall vacate his office on his attaining the age of sixty-five years, and may be removed from his office by Us on the ground of proved misbehaviour or incapacity.

(5) The provisions of subsections (1) and (2) of this section shall not apply to a judge of the said Courts who was appointed before the commencement of the Malta Constitution Act, 1932.

Dismissal and suspension of officers.

53. The Governor may, subject to such instructions as may from time to time be given to him by Us through the Secretary of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office in Malta except the Office of Lieutenant-Governor or Judge of the Superior Courts, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Public Service Commission.

54.—(1) There shall be a Public Service Commission which shall advise the Governor, whenever he shall so require, in the exercise of the powers conferred upon him by section 51 of these Letters Patent and in such other matters relating to the public service as he shall refer to them.

(2) The said Commission shall consist of such persons in the public service of Malta as the Governor shall appoint; and the Governor may, by regulation, prescribe the duties of, and the procedure to be followed by, the Commission and the number which shall form a quorum.

(3) The Governor may revoke any appointment made by him under this section.

Grant of pardon.

55. When any offence has been committed for which the offender may be tried in Malta, the Governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further may grant to any offender convicted of any such offence

in any Court within Malta, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as he may think fit, and may remit any fines, penalties, or forfeitures due or accrued to Us.

Religious toleration.

56.—(1) All persons in Malta shall have full liberty of conscience and the free exercise of their respective modes of religious worship.

(2) No person shall be subjected to any disability or excluded from holding any office by reason of his religious profession.

Officers and others to obey the Governor.

57. We do hereby require and command all Our Officers, Civil and Military, and all other the inhabitants of Malta to be obedient, aiding and assisting unto the Governor.

Reservation of power to make laws by Order in Council.

58. We do hereby reserve to Ourselves, Our Heirs and Successors Our and Their undoubted right, with the advice of Our or Their Privy Council, to make laws for the peace, order and good government of Malta.

Reservation of power to amend, or revoke Letters Patent.

59. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to revoke, add to or amend these Letters as to Us or Them shall seem fit.

SCHEDULE.

Oath of Allegiance.

I..... do swear that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors, according to Law. So help me God.

Oath for the due execution of the Office of Governor.

I..... swear that I will well and truly serve His Majesty King George VI, His Heirs and Successors in the Office of Governor. So help me God.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourself at Westminster this fourteenth day of February 1939, in the Third Year of Our Reign.

By Warrant under the King's Sign Manual.

SCHUSTER.

"LETTERS PATENT" mgħoddijin taħt il-Kbir Siġill tar-Renju li jistabbilixxu l-Uffiċċju ta' Gvernatur u Kap Kmandant ta' Malta u li jipprovdu għall-Gvern tagħha.

IL-"MALTA LETTERS PATENT" TAL-1939.

WERREJ.

L-EWWEL TAQSIMA.

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PROKLAMA

Ta' l-Eċċellenza Tiegħu l-Ġeneral Sir CHARLES BONHAM-CARTER, Kavalier Kommendatur tal-Wisq Onorabbli Ordni tal-Banju, Kumpann tal-Wisq Magħruf Ordni ta' San Mikiel u San Ġorġ, Kumpann ta' l-Ordni għal Servizz Magħruf, Kurunell, "The Queen's Own Royal West Kent Regiment", Ġeneral Aide-de-Camp tal-Maestà Tiegħu r-Re, Gvernatur u Kap Kmandant tal-Gżira ta' Malta u l-Gżejjer li jagħmlu magħha u Kmandant tat-Truppi li qegħdin servizz fihom.

BILLI hemm dispost fl-artiklu 2 tal-"Malta Letters Patent, 1939," mogħtijin taħt is-Siġill il-Kbir tar-Renju, li jġibu d-data ta' l-erbatax ta' Frar, 1939, u li jistabbilixxu l-Uffiċċju ta' Gvernatur u Kap Kmandant ta' Malta u li jipprovdu għall-Gvern tagħha, illi l-imsemmijin "Letters Patent" għandhom ikunu ipproklamati ġewwa Malta malli jista' jkun b'dak il-mod kif il-Gvernatur jidhirlu xieraq u għandhom wara jibdew iseħħu f'ġurnata li tkun iffissata mill-Gvernatur bi Proklama oħra fil-Gazzetta tal-Gvern.

ISSA, għalhekk, Jiena, il-Ġeneral Sir Charles Bonham-Carter, Gvernatur u Kap Kmandant, hawnhekk nipproklama l-imsemmijin "Malta Letters Patent, 1939", li jinsabu fl-Iskeda ta' hawn taħt:

IŻDA l-imsemmijin Letters Patent ma jibdewx iseħħu, ħlief kif iddikjarat fl-artiklu 2 ta' dawk l-Ittri sa ma tasal id-data illi jiena niffissa bi Proklama oħra skond l-imsemmi artiklu.

SKEDA

"The Malta Letters Patent, 1939".

Il-Palazz, il-Belt Valletta, il-lum, il-25 ta' Frar, 1939.

Bi Kmand,

J. A. HUNTER,
Logutenent-Gvernatur.

ALLA JHARES LIR-RE.

MALTA

"LETTERS PATENT" mgħoddijin taħt il-Kbir Siġill tar-Renju li jistabbilixxu l-Uffiċċju ta' Gvernatur u Kap Kmandant ta' Malta u li jipprovdu għall-Gvern tagħha.

Bid-data ta' l-Erbatax ta' Frar, 1939.

ĠORĠ SITTA għall-Grazzja t'Alla Re tal-Gran Brittanja, ta' l-Irlanda u tad-Dominji Ingliżi 'l hemm mill-Ibħra, Difensur tal-Fidi, Imperatur ta' l-Indja.

Lil dawk kollha li jiġu f'idejhom dawn l-Ittri, Sliem!

BILLI bil-"Letters Patent" taħt il-Kbir Siġill li jġibu d-data f'Westminister tat-Tnax ta' Awissu 1936 (hawnhekk iżjed il quddiem imsemmijin bl-isem tal-"Letters Patent" ta' l-1936) ġie stabbilit l-Uffiċċju ta' Gvernatur u Kap Kmandant għall-Gżira ta' Malta u l-Gżejjer li jagħmlu magħha u sar provdiment għall-Gvern tagħhom: Jissemmew il-"Letters Patent" bid-data tat-12 ta' Awissu, 1936.

U BILLI AĦNA bil-fehma li nħassru l-imsemmijin "Letters Patent" u li nagħmlu provdiment ieħor barra milli hemm f'dawk:

ISSA KUNU AFU illi b'dawn l-ittri ngħarrfu li dana li hu msemmi hawn taħt huma r-Rieda u x-Xewqa Tagħna:—

L-EWWEL TAQSIMA.

DĦUL.

1.—(1) F'dawn il-"Letters Patent", kemm-il-barba mis-sens tal-kliem ma jinħtieġx ħaġ'oħra,— Interpretazzjoni.

"Malta" tfisser il-Gżira ta' Malta u l-gżejjer li jagħmlu magħha bl-ibħra territorjali tagħhom;

"Gvernatur" ifisser il-Gvernatur u Kap Kmandant ta' Malta u jfisser ukoll l-uffiċjal illi f'dak iż-żmien ikun qiegħed jamministra l-Gvern ta' Malta;

"Il-Kunsill" ifisser il-Kunsill tal-Gvern imwaqqaf bis-saħħa ta' dawn il-"Letters Patent";

"Membru" jfisser membru tal-Kunsill;

"Ministru tar-Reliġjon" ifisser kull ekklesjastiku, ministru, qassis, jew persuna oħra li teżerċita dmirijiet spiritwali jew tagħmel l-uffiċċji ta' reliġjon għal jew dwar xi Knisja Nisranija jew Knisja oħra, komunità jew korp;

"Il-Gazzetta" tfisser il-Gazzetta tal-Gvern ta' Malta,

(2) Għall-finijiet ta' dawn il-"Letters Patent", il-persuni msemmijin hawn taħt ma għandhomx jitqiesu bħala persuni li għandhom karika mħallsa taħt il-Kuruna f'Malta, jiġifieri,—

(a) persuni li jirċievu pensjoni jew konċessjoni oħra mill-Kuruna li ma għadhomx fis-servizz tal-Kuruna f'Malta,

(b) Uffiċjali tal-Forzi tagħna Navali, Militari u ta' l-Ajru li jirċievu paga ta' wara rtir mis-servizz jew nofs paga, u

(ċ) Surmastrijiet fl-Università Rjali ta' Malta li la huma miżmumin skond il-kondizzjonijiet ta' l-impieg tagħhom ta' l-imsemmija Università mix-xogħol privat tal-professjoni tagħhom u lanqas ma huma obbligati li jagħtu ż-żmien tagħhom kollu għas-servizz tal-Gvern.

(3) L-Att ta' l-1889 dwar l-Interpretazzjoni għandu jgħodd għall-interpretazzjoni ta' dawn il-"Letters Patent" bħalma jgħodd għall-interpretazzjoni ta' Att tal-Parlament.

Titlu mqassar u bidu.

2. Dawn il-"Letters Patent" jistgħu jissemmew bħala il-"Letters Patent" ta' l-1939 għal Malta. Huma għandhom ikunu ipproklamati ġewwa Malta malli jista' jkun b'dak il-mod kif il-Gvernatur jidhirlu xieraq, u wara għandhom jibdew iseħħu f'ġurnata li tkun iffissata mill-Gvernatur bi Proklama oħra fil-Gazzetta :

Iżda l-Gvernatur jista', f'kull żmien wara l-ewwel Proklama taħt dan l-artiklu, b'liġi magħmula skond is-setgħat tiegħu li jagħmel liġijiet bis-saħħa tal-"Letters Patent" ta' l-1936, jagħmel provdiment biex jistabbilixxi taqsimiet elettorali, biex jiffissa l-kwalifiki, u jirregula r-reġistrar, ta' l-eletturi, biex jirregula l-elezzjoni ta' Membri, biex jiddeċidi, kif hemm stabbilit f'dawn il-"Letters Patent", kwistjonijiet fuq id-dritt ta' persuna li tkun jew tibqa' Membru, biex jistabbilixxi pieni dwar ħtijiet taħt kull liġi bħal din u fuq kollox sabiex tkun tista' ssir elezzjoni ta' Membri mill-aktar fis li jista' jkun wara l-ġurnata iffissata kif imsemmi hawn fuq, u sabiex b'mod ieħor iħaffef il-mezz sabiex id-disposizzjonijiet ta' dawn il-"Letters Patent" dwar il-Kunsill jibdew iseħħu.

Taħsir tal-"Letters Patent" ta' l-1936, eċċ.

3.—(1) Il-"Letters Patent" ta' l-1936 huma hawnhekk imħassrin.

(2) Barra minn dak li hemm f'dawn il-"Letters Patent", il-Liġijiet kollha li jkunu jseħħu f'Malta fid-data li fiha jibdew iseħħu dawn il-"Letters Patent" għandhom jibqgħu jseħħu, ħlief sakemm dawn ma jitħassrux, ma jiġux emendati jew b'xi mod ieħor ikunu milqutin minn jew taħt xi Ordni fil-Kunsill Privat Tagħna jew minn kull liġi magħmula skond is-setgħat li hemm f'dawn il-"Letters Patent" jew awtorità oħra leġittima.

(3) It-taħsir tal-"Letters Patent" ta' l-1936 ma għandu jolqot ebda nomina magħmula qabel id-data li fiha dawn il-"Letters Patent" jibdew iseħħu.

IT-TIENI TAQSIMA.

Il-Gvernatur, il-Logutenent-Gvernatur u l-Kunsill Esekuttiv.

Uffiċċju ta' Gvernatur.

4. Ikun hemm Gvernatur u Kap Kmandant għal Malta, u n-nomini għal dan l-uffiċċju għandhom isiru b'Mandat taħt il-Firma u s-Siġill Tagħna.

Setgħat u Awtoritajjiet tal-Gvernatur.

5. Aħna, hawnhekk, nagħtu l-awtorità, is-setgħa u l-kmand lill-Gvernatur sabiex dana jagħmel il-ħwejjeġ kollha li jmissu l-Uffiċċju tiegħu skond dawn il-"Letters Patent", u skond dak il-Mandat kif imsemmi qabel, u skond dawk l-Istruzzjonijiet li minn żmien għall-ieħor jistgħu jingħataw lilu minn Għandna taħt il-Firma u s-Siġill Tagħna jew b'mezz tas-Segretarju ta' l-Istat, u skond dawk l-Ordnijiet fil-Kunsill Privat Tagħna u liġijiet oħra li minn żmien għall-ieħor ikunu jseħħu f'Malta.

Pubblikazzjoni tal-Mandat tal-Gvernatur u teħid ta' Ġuramenti.

6. Kull min ikun maħtur biex jimla l-uffiċċju ta' Gvernatur għandu, qabel ma jidħol għad-dmirijiet tal-karika tiegħu, iġagħal li jinqara u jixxandar bis-sollennità kollha li tixraq il-Mandat li bih hu maħtur bħala Gvernatur, quddiem il-Prim Imħallef, jew, jekk dana ma jkunx hemm, quddiem xi Mħallef ieħor tal-Qrati Superjuri Tagħna f'Malta u quddiem dawk il-Membri tal-Kunsill Esekuttiv li jistgħu jkunu presenti, u wara li jagħmel dan, hu għandu minnufih, quddiemhom, jieħu l-Ġurament ta' Fedeltà u l-Ġurament għall-esekuzzjoni xierqa ta' l-Uffiċċju ta' Gvernatur skond il-formuli li hemm fl-Iskeda ma' dawn il-"Letters Patent" Tagħna, u dawn il-ġuramenti hu hawnhekk meħtieġ li jingħataw mill-imsemmi Prim Imħallef jew Imħallef.

Uffiċċju ta' Logutenent-Gvernatur.

7.—(1) Ikun hemm Logutenent-Gvernatur għal Malta, u n-nomini għal dan l-Uffiċċju għandhom isiru b'Mandat mogħti taħt il-Firma u s-Siġill Tagħna.

(2) Il-Logutenent-Gvernatur għandu, sakemm jogħġob Lilna, jagħmel dawk il-ħwejjeġ kollha li jmissu l-Uffiċċju tiegħu skond dawn il-"Letters Patent", skond dak il-Mandat kif imsemmi qabel, u skond dawk l-Istruzzjonijiet kif, minn żmien għall-ieħor, jistgħu jingħataw lilu minn Għandna, taħt il-Firma u s-Siġill Tagħna jew b'mezz tas-Segretarju ta' l-Istat, u skond dawk l-Ordnijiet fil-Kunsill Privat Tagħna u liġijiet oħra li minn żmien għall-ieħor ikunu jseħħu f'Malta.

Min jidħol flok ieħor fl-amministrazzjoni tal-Gvern.

8.—(1) Kull meta jitbattal l-uffiċċju ta' Gvernatur, jew il-Gvernatur ikun barra minn Malta u ma jkun hemm ebda nomina ta' Deputat taħt l-ewwel artiklu ta' hawn taħt ta' dawn il-"Letters Patent", jew għal xi raġuni ma jistax, jew ma jkunx kapaċi, jagħmel id-dmirijiet ta' l-Uffiċċju tiegħu, dik il-persuna li Aħna naħtru taħt il-Firma u s-Siġill Tagħna, jew jekk ma jkunx hemm din il-persuna f'Malta u li tkun kapaċi tagħmel id-dmirijiet ta' l-amministrazzjoni, il-Membru Anzjan tal-Kunsill Esekuttiv f'Malta u li jkun jista' jagħmel dan, għandu, sakemm jogħġob Lilna, jamministra l-Gvern ta' Malta, billi l-ewwelnett jieħu l-ġuramenti kif ordnati li għandhom jittieħdu mill-Gvernatur f'dawn il-"Letters Patent" u bil-mod li hemm stabbilit f'dawn; u, wara li jsir dan, Aħna hawnhekk, bis-saħħa ta' dawn, nagħtu l-awtorità, is-setgħa

u l-kmand lil din il-persuna biex tagħmel, sakemm jogħġob Lilna, il-ħwejjeġ kollha li jmissu lill-Uffiċċju ta' Gvernatur, kif hemm stabbilit f'dawn il-"Letters Patent".

(2) Din il-persuna, kif imsemmi hawn qabel, ma tibqax tamministra l-Gvern wara li l-Gvernatur jew xi uffiċjal ieħor li kellu dritt qabilha li jamministra l-istess Gvern ikun għarraf li huwa sa jieħu f'idejh l-amministrazzjoni.

Nomina ta' Deputati tal-Gvernatur.

9.—(1) Kull meta l-Gvernatur jkollu f'xi żmien għalfejn ikun barra minn Malta għal xi żmien, huwa jista' b'Ordni mogħti taħt is-Siġill Pubbliku jaħtar persuna biex tkun Deputat tiegħu ġewwa Malta ma' tul l-assenza tiegħu għal xi żmien, u biex f'dik il-kwalità teserċita, tagħmel u tesegwixxi għall-Gvernatur u f'loku ma' tul din l-assenza, iżda għal mhux iżjed, dawk is-setgħat u awtoritajjiet kollha mogħtijin lill-Gvernatur bis-saħħa ta' dawn il-"Letters Patent" jew b'xi mod ieħor mogħtijin lill-Gvernatur skond ma jkun hemm imsemmi u stabbilit f'dan u b'dan l-Ordni, iżda mhux oħrajn.

(2) Bin-nomina tad-Deputat, kif imsemmi qabel, is-setgħa u l-awtorità tal-Gvernatur ma għandhomx jitnaqqsu, jitbiddlu, jew b'xi mod jittiefsu hlief b'dak il-mod illi Ahna f'xi żmien għal quddiem jidhrilna xieraq li nordnaw, u kull Deputat bħal dan għandu jeqgħod għal dawk l-Istruzzjonijiet kollha u jħarishom kif minn żmien għall-ieħor jibgħatlu l-Gvernatur biex huwa jinxi fuqhom.

(3) Kull nomina taħt dan l-artiklu tista' f'kull żmien titħassar mill-Gvernatur jew mis-Segretarju ta' l-Istat u għandha tieqaf u tispiċċa malli jarġa' jiġi f'Malta l-Gvernatur.

Min jidħol flok il-Logutenent-Gvernatur.

10. Kull meta jitbattal l-Uffiċċju tal-Logutenent-Gvernatur, jew jekk il-Logutenent-Gvernatur ikun qiegħed jamministra l-Gvern ta' Malta, jew ikun barra minn Malta, jew b'xi mod ieħor ma jkunx kapaċi, jew għal xi raġuni ma jkunx jista', jagħmel id-dmirijiet ta' l-Uffiċċju tiegħu, il-Gvernatur jista', bis-saħħa ta' Ordni mogħti taħt is-Siġill Pubbliku, jaħtar xi persuna tajba u xierqa biex għal dak iż-żmien tagħmilha ta' Logutenent-Gvernatur. Kull persuna li b'hekk tinħatar għal dak iż-żmien għandha, sakemm jogħġob Lilna, tagħmel dawk il-ħwejjeġ kollha li jmissu l-Uffiċċju tal-Logutenent-Gvernatur skond il-kondizzjonijiet tan-nomina tagħha u skond ma jingħad f'dawn il-"Letters Patent", u ma tibqax tagħmilha ta' Logutenent-Gvernatur malli Ahna nkunu ħtarna persuna oħra għall-imsemmi uffiċċju b'Mandat taħt il-Firma u s-Siġill Tagħna, jew malli l-Gvernatur jaħtar lil ħaddieħor biex għal dak iż-żmien jagħmilha ta' Logutenent-Gvernatur, jew malli l-persuna li għandha effettivament il-karika ta' Logutenent-Gvernatur ma tibqax tamministra l-Gvern ta' Malta jew tarġa' lura f'Malta jew tkun tista' tarġa' tagħmel id-dmirijiet ta' l-Uffiċċju, skond il-kas li jkun.

Siġill Pubbliku.

11. Il-Gvernatur għandu jżomm u juża s-Siġill Pubbliku ta' Malta biex jissiġilla l-ħwejjeġ kollha li għandhom ikollhom dan is-Siġill.

12. Għandu jkun hemm Kunsill Eseküttiv għal Malta, u dan il-Kunsill għandu jkun magħmul minn dawk il-persuni kif Aħna nordnaw b'Istruzzjonijiet taħt il-Firma u s-Siġill Tagħna, jew b'mezz tas-Segretarju ta' l-Istat, u dawn il-persuni kollha jżommu l-postijiet tagħhom fil-Kunsill Eseküttiv sakemm jogħġob Lilna, u taħt dil-kondizzjon, għal dak iż-żmien u b'dawk il-kondizzjonijiet kif jkun hemm imsemmi f'dawk l-Istruzzjonijiet. **Kunsill Eseküttiv.**

IT-TIELET TAQSIMA.

GHAMLA TAL-KUNSILL TAL-GVERN.

13.—(1) Għandu jkun hemm Kunsill tal-Gvern ta' Malta u dan il-Kunsill għandu jkun magħmul minn għoxrin membru, jiġifieri, ħames Membri *Ex officio*, tliet Membri Uffiċjali, għaxar Membri Magħżulin u żewġ Membri Nominati. **Għamla tal-Kunsill tal-Gvern.**

(2) Il-Gvernatur ikun il-President tal-Kunsill u jkollu d-dritt jitkellem fil-Kunsill għal kollox bħalli kieku Membru.

14.—(1) Il-Membri *Ex officio* jkunu dawk il-persuni li f'dak iż-żmien ikunu qegħdin skond il-liġi jagħmlu d-dmirijiet ta' Logutenent-Gvernatur, ta' Segretarju Legali, ta' "Attorney General", ta' Teżorier, u ta' Segretarju tal-Gvern. **Membri *Ex-officio*.**

(2) Jekk Membru *Ex officio* jkun qiegħed jamministra l-Gvern ta' Malta huwa għandu jitqies, għall-finijiet ta' din it-Taqsima ta' dawn il-"Letters Patent", li ma jkunx qiegħed jagħmel id-dmirijiet tal-karika li bis-saħħa tagħha huwa Membru *Ex officio*, u ma għandux għalhekk jibqa' Membru *Ex officio* ma' tul iż-żmien ta' dik l-amministrazzjoni.

15.—(1) Il-Membri Uffiċjali għandhom ikunu persuni li jkollohm kariki mħallsin taħt il-Kuruna f'Malta kif il-Gvernatur jista' jaħtar minn żmien għall-ieħor b'Ordni magħmul taħt is-Siġill Pubbliku. **Membri Uffiċjali.**

(2) Kull Membru Uffiċjali għandu jżomm il-post tiegħu fil-Kunsill sakemm jogħġob Lilna, iżda għandu dejjem ibattal postu l-ewwel darba li jinħall il-Kunsill wara n-nomina tiegħu, jew qabel ma jinħall jekk in-nomina tiġi irruftata minn Għandna b'mezz tas-Segretarju ta' l-Istat, jew jekk huwa ma jibqax iżomm karika mħallsa taħt il-Kuruna f'Malta.

(3) Kull persuna li tbattal post fil-Kunsill taħt dan l-artiklu tista', jekk għandha l-kwalifiki, tinħatar mill-ġdid bħala Membru Uffiċjali.

(4) Il-Gvernatur għandu mingħajr dewmien igħarraf Lilna b'kull nomina ta' kull persuna bħala Membru Uffiċjali.

16. Il-Membri Magħżulin għandhom ikunu nies magħżulin taħt liġi magħmula skond is-setgħat li hemm imsemmijin fil-"Letters Patent". **Membri Magħżulin.**

17.—(1) Il-Membri Nominati għandhom ikunu nies li ma jkollhomx karika mħallsa taħt il-Kuruna f'Malta jew b'xi mod mhumiex skwalifikati skond id-disposizzjonijiet ta' dawn il-"Letters Patent", kif il-Gvernatur jista' jaħtar b'Ordni magħmul taħt is-Siġill Pubbliku. **Membri Nominati.**

(2) Kull Membru Nominat għandu jżomm il-post tiegħu fil-Kunsill sakemm jogħġob Lilna, iżda għandu dejjem ibattal postu l-ewwel darba li jinħall il-Kunsill, jew qabel ma jinħall jekk in-nomina tiegħu tkun irruftata minn Għandna b'mezz tas-Segretarju ta' l-Istat, jew jekk il-post tiegħu jitbattal taħt id-disposizzjonijiet ta' dawn il-"Letters Patent".

Kull persuna li tbattal post fil-Kunsill taħt dan l-artiklu tista', jekk għandha l-kwalifiki, tinħatar mill-ġdid bħala Membru Nominat.

(3) Il-Gvernatur għandu mingħajr dewmien igħarraf Lilna b'kull nomina ta' kull persuna bħala Membru Nominat.

Precedenza ta' Membri.

18.—(1) Il-Membri jkollhom precedenza kif Aħna, b'mod speċjali, nistgħu nagħtuhom u, meta ma jkunx hemm mogħtija din il-precedenza, skond ma jingħad hawn taħt:—

L-ewwelnett, il-Membri *Ex officio* kif imisshom skond l-ordni li bih il-kariki tagħhom huma msemmijin fl-artiklu 14 ta' dawn il-"Letters Patent".

It-tieni, il-Membri l-oħra li huma Membri tal-Kunsill Esekuttiv skond l-anzjanità li għandhom hemmhekk.

It-tielet, il-Membri Uffiċjali li mhumiex Membri tal-Kunsill Esekuttiv skond il-precedenza tan-nomina tagħhom bħala Membri Uffiċjali, jew, jekk maħturin bl-istess Ordni, skond l-ordni li bih huma msemmijin f'dak l-Ordni.

Ir-raba', il-Membri Magħżulin u Nominati li mhumiex Membri tal-Kunsill Esekuttiv skond it-tul taż-żmien li fih huma baqgħu dejjem Membri tal-Kunsill.

Il-Membri Magħżulin u Nominati li mhumiex Membri tal-Kunsill Esekuttiv u li baqgħu dejjem Membri tal-Kunsill għall-istess tul ta' żmien għandhom jieħdu l-precedenza bejniethom skond l-ordni ta' l-ittra ta' l-alfabet li biha jibda isimhom.

(2) Għall-finijiet ta' dan l-artiklu—

(a) Il-Membri Magħżulin f'elezzjoni ġenerali jitqiesu li saru Membri bis-saħħa ta' dik l-elezzjoni mid-data li fiha joħroġ ir-riżultat ta' dik l-elezzjoni;

(b) Membru Nominat jitqies li sar Membru fid-data ta' l-Ordni li bih hu ġie maħtur; u

(ċ) biex wieħed jiffissa l-perijodu li fih persuna baqgħet dejjem Membru ma għandu jitqies ebda intervall ta' żmien li kellu ta' bilfors ikun hemm wara li nħall il-Kunsill.

Ġurament ta' fedeltà.

19. Ebda Membru ma għandu joqgħod jew jivvota fil-Kunsill qabel ma jkun ħa u iffirma quddiem il-Gvernatur, jew quddiem xi persuna awtorizzata mill-Gvernatur għaldaqshekk, il Ġurament tal-Fedeltà skond il-formula li hemm fl-Iskeda ma' dawn il-"Letters Patent":

Iżda kull persuna awtorizzata b'iġi biex tagħmel dikjarazzjoni flok ma tieħu ġurament fil-Qrati tagħna f'Malta tista', flok ma tieħu l-imsemmi ġurament, tagħmel dikjarazzjoni skond formula bħal dik tal-ġurament.

Nomina provviżorja biex timla postijiet battala.

20.—(1) Kull meta jitbattal post fin-numru ta' persuni li jkun hemm fil-Kunsill bħala Membri *Ex officio*, jew Membri Uffiċjali jew Nominati, imħabba illi—

(a) Membru *Ex officio* ikun qiegħed jamministra l-Gvern ta' Malta; jew

(b) persuna waħda tkun qiegħda, skond il-liġi, tagħmel id-dmirijiet ta' iżjed minn waħda mill-kariki ta' nies li jkunu membri *Ex officio*; jew

(ċ) ebda persuna ma tkun qiegħda, skond il-liġi, tagħmel id-dmirijiet ta' uffiċċju ta' persuna li hija membru *Ex officio*; jew

(d) Membru Uffiċjali ikun qiegħed, skond il-liġi, jagħmel id-dmirijiet ta' karika ta' persuna li hija membru *Ex officio*; jew

(e) Membru Uffiċjali jkun sospiż mix-xogħol tal-karika bħala Membru; jew

(f) Membru Uffiċjali jew Nominat imut, jew il-post ta' dan il-Membru b'xi mod ieħor jitbattal għal xi raġuni barra milli għax ikun inħall il-Kunsill; jew

(g) dan il-Membru jiġi iddikjarat mill-Gvernatur b'Ordni taħt is-Siġill Pubbliku li mhux kapaċi jagħmel id-dmirijiet tiegħu bħala Membru; jew

(h) dan il-Membru jkun nieqes minn Malta;

il-Gvernatur jista' b'Ordni magħmul taħt is-Siġill Pubbliku jaħtar xi xi persuna oħra biex tkun provviżorjament Membru għal ma' tul iż-żmien li dan il-post jibqa' battal.

Jekk il-post battal huwa fin-numru tal-Membri *Ex officio* jew Membri Uffiċjali, il-persuna li tkun hekk maħtura għandha tkun persuna li jkollha karika mħallsa taħt il-Kuruna f'Malta; u jekk il-post battal huwa fin-numru ta' Membri Nominati, il-persuna hekk maħtura għandha tkun persuna li jkollha l-kwalifiki meħtieġa skond dawn il-"Letters Patent" biex tkun maħtura bħala Membru Nominat.

Kull nomina bħal din ma tibqax issehħ jekk u meta tkun irrufjata minn Għandna b'mezz tas-Segretarju ta' l-Istat, jew imħassra mill-Gvernatur.

(2) Iż-żmien ta' post battal bħal dan għandu jispiċċa jekk in-nomina provviżorja ta' persuna biex timlieħa timtela b'nomina permanenti ta' Membru flok din il-persuna, jew meta ċ-ċirkustanzi li mħabba fihom kien tbattal il-post ma jibqgħux b'xi mod iseħħu iktar.

(3) Taħt id-disposizzjonijiet ta' dawn il-"Letters Patent", kull persuna hekk maħtura għandha, sakemm in-nomina tagħha tibqa' sseħħ, tkun għall-fehmiet u finijiet kollha —

(a) jekk jitbattal post fin-numru ta' persuni li jkun hemm fil-Kunsill bħala Membri *Ex officio*, Membru Uffiċjali, li titqies, b'danakollu, għall-finijiet ta' l-artiklu 13 ta' dawn il-"Letters Patent", bħala Membru *Ex officio*; u

(b) jekk jitbattal post fin-numru ta' Membri Uffiċjali jew Membri Nominati, Membru Uffiċjali jew Membru Nominat, skond il-kas li jkun.

Sospensjoni ta' Membri uffiċjali.

21. Il-Gvernatur jista', b'Ordni magħmul taħt is-Siġill Pubbliku, jissospendi kull Membru Uffiċjali mix-xogħol tal-karika tiegħu bħala Membru. Kull sospensjoni bħal din għandha tkun minnufih irrappurtata mill-Gvernatur lis-Segretarju ta' l-Istat, u għandha tibqa' sseħħ kemm-il-darba u sakemm ma titneħħiex mill-Gvernatur b'Ordni magħmul taħt l-imsemmi Siġill, jew irrifjutata minn Għandna b'mezz tas-Segretarju ta' l-Istat.

Kwalifiki għal Membru b'elezzjoni jew nomina.

22. Barra mill-eċċezzjonijiet imsemmijin fl-ewwel artiklu ta' hawn taħt, kull min hu suddiżu Ingliż ta' l-eta' ta' wieħed u għoxrin sena jew fuqhom u għandu l-kwalifiki meħtieġa biex jiġi miktub bħala elettur għall-elezzjoni ta' Membri jista' jkun magħżul bħala Membru jew maħtur bħala Membru Nominat, u ebda persuna oħra ma tkun ikkwalifikata biex tingħażel jew tinħatar jew, jekk tkun ingħażlet jew inħatret, toqgħod jew tivvota fil-Kunsill.

Skwalifiki għal membru b'elezzjoni jew nomina.

23.—(1) Hadd ma jista' jkun magħżul bħala Membru jew ikun maħtur bħala Membru Nominat, jew jekk ikun ingħażel jew inħatar, ma jista' joqgħod jew jivvota fil-Kunsill, jekk

(a) hu ministru ta' reliġjon; jew

(b) għandu karika mħallsa taħt il-Kuruna f'Malta;

(ċ) hu fallut mhux rijabilitat;

(d) hu maħsus minn rasu jew interdett minn Qorti ta' Malta kompetenti mħabba t-tberbiq; jew

(e) kien ikkundannat, minn Qorti kompetenti f'xi parti tad-Dominji Tagħna jew f'xi territorju taħt il-Protezzjoni Tagħna, għall-mewt, "penal servitude", ħabs b'lavori forzati għall kull żmien, jew priġunija għal iżjed minn sena; jew insab ħati f'Malta ta' delitt kontra l-paċi jew il-ġieh ta' familji imsemmi fil-Kapitlu II tat-Titlu VI ta' l-Ewwel Taqsima tat-Tieni Ktieb tal-Liġijiet Kriminali ta' Malta; u f'kas jew ieħor ma jkun la sofra l-piena tal-mewt li għaliha kien ikkundannat, jew xi piena oħra bħal din li setgħet inbidlitlu minn awtorità kompetenti, jew lanqas ma ġietu minn Għandna il-maħfra għal kollox.

(2) Ebda persuna li tkun għamlitha ta' Uffiċjal għar-Reġistrar jew Reviżjoni jew ta' Kommissjonarju ta' l-Elezzjonijiet fit-thejjija jew reviżjoni ta' lista ta' l-eletturi għal xi taqsima elettorali ma tkun tista' tiġi magħżula bħala Membru għal dik it-taqsima dment li dik il-lista tkun isseħħ.

Tbattil ta' post ta' Membru Magħżul jew Nominat.

24.—(1) Jekk Membru Magħżul jew Nominat—

(a) jonqos, bliet għax marid, mil-laqgħat tal-Kunsill, għal żmien ta' xahrejn sħaħ ma' tul Sessjoni minghajr permess tal-Kunsill; jew

(b) għal żmien ta' xahar ikun ħa sehem f'kuntratt mal-Gvern ta' Malta li jkun sar għas-servizz pubbliku jew akkont tiegħu; jew

(ċ) ikun ħa ġurament jew iddikjara jew stqarr li għandu jkun fidil lejn Potenza jew Stat strangier, li jobdi lilha jew iżomm magħha; jew

(d) ikun għamel ħaġa, ftiehem f'ħaġa jew aċċetta ħaġa magħmula bil-ħsieb li hu jsir sudditu jew ċittadin ta' xi Potenza jew Stat strangier; jew

(e) ikun tilef il-kwalifiki għall-elezzjoni jew nomina bħala Membru,

il-post tiegħu jitbattal.

(2) Kull Membru Magħżul jew Nominat jista' jħalli minn Membru billi jibgħat igħid bil-miktub mn'idejh stess lill-Gvernatur, u malli l-Gvernatur jirċievi din id-dimissjoni, il-post ta' dana l-Membru jitbattal:

Iżda ebda Membru ma jista', mingħajr il-permess tal-Kunsill mogħti b'risoluzzjoni, iħalli minn Membru waqt li jkun għadu ma spiċċax xi proċediment fuq l-imġiba tiegħu fil-Kunsill jew bħala Membru, u ebda Membru Magħżul ma għandu, mingħajr dan il-permess, iħalli minn Membru fil-waqt li jkun għadu ma spiċċax xi proċediment fuq l-elezzjoni tiegħu, jekk f'dan il-proċediment jingħad illi f'dik l-elezzjoni ntużaw xi mezzi ta' korruzjoni jew kontra l-liġi.

Piena ta' persuni skwalifikati li joqogħdu jew jivvotaw fil-Kunsill.

25.—(1) Persuna tista' teħel il-piena ta' għaxar liri għal kull gurnata li fiha toqgħod jew tivvota fil-Kunsill meta hija tkun taf, jew meta hemm raġuni li tkun taf, li hija ma għandhiex il-kwalifiki biex toqgħod jew tivvota jew illi l-post tagħha tbattal.

(2) Il-ħlas ta' din il-piena jkun jista' jingħabar b'mezz tal-Qorti Ċivili Tagħna f'Malta b'kawża magħmula mill-"Attorney General".

Deċiżjoni ta' kwistjoni fuq kwalifiki jew tbattil ta' postijiet.

26. Il-kwistjonijiet kollha li jistgħu jinqalgħu fuq id-dritt ta' persuna li tkun jew li tibqa' Membru Magħżul jew Nominat għandhom jitressqu fil-Qorti Tagħna ta' l-Appell f'Malta u jinqatgħu minn għandha skond id-disposizzjoni ta' kull liġi li f'dak iż-żmien tkun issehħ.

IR-RABA' TAQSIMA.

Għemil ta' Liġijiet u Proċedura fil-Kunsill.

Setgħa biex isiru liġijiet.

27. Barra minn dak li hemm f'dawn il-"Letters Patent", il-Gvernatur jista', bil-parir u kunsens tal-Kunsill, jagħmel liġijiet għall-paċi, ordni u għat-tmexxija tajba tal-Gvern ta' Malta.

Vutar.

28. Barra minn dak li hemm fl-ewwel artiklu ta' hawn taħt, il-kwistjonijiet kollha proposti għad-deċiżjoni fil-Kunsill għandhom inqatgħu bl-iktar voti tal-Membri li jkun hemm u li ivvotaw. Jekk il-voti jkunu ndaqs, il-Gvernatur, jekk ikun hemm, għandu jkollu l-vot deċisiv (*casting vote*); u jekk ma jkunx hemm il-Gvernatur, il-Membru li jkun qed jippresiedi jkollu l-vot deċisiv (*casting vote*) barra mill-vot tiegħu oriġinali. Il-voti tal-Membri għandhom jittieħdu b'ordni kuntrarja tal-preċedenza tagħhom.

Setgħa riżervata tal-Gvernatur.

29. Jekk il-Gvernatur jidhirlu illi hu meħtieġ fl-interess ta' l-ordni pubbliku, fedeltà pubblika jew tmexxija tajba tal-Gvern (kliem illi għandhom, mingħajr ħsara għas-sens ġenerali tagħhom, ifissru wkoll irresponsabbiltà ta' Malta bħala biċċa li tagħmel sehem mill-Imperu Ingliż, u l-materji kollha li għandhom x'jaqsmu man-nomina, salarju u kondizzjonijiet oħra tas-servizz ta' kull uffiċjal pubbliku jew uffiċjali pubbliċi) illi xi liġi proposta, jew xi mozzjoni, risoluzzjoni jew vot propost għad-deċiżjoni fil-Kunsill għandhom ikollhom is-seħħ tagħhom, jekk, allura, il-Kunsill ma jgħaddix din il-liġi, mozzjoni, risoluzzjoni jew vot f'dak iż-żmien illi l-Gvernatur jidhirlu li hu biżżejjed u xieraq, il-Gvernatur f'kull żmien skond ma jidhirlu jista', b'dak kollu li hemm imsemmi fid-dispożizzjonijiet ta' dawn il-"Letters Patent" jew f'kull Ordni Permanenti tal-Kunsill, jiddikjara illi dana l-abbozz ta' liġi, mozzjoni, risoluzzjoni jew vot għandhom ikollhom seħħ u minnufih dawn ikollhom is-seħħ tagħhom, bħalli kieku għaddew mill-Kunsill, u fil-każ ta' abbozz ta' liġi bħal din, għandhom għalhekk igħoddu d-dispożizzjonijiet ta' dan l-Ordni għal dak li hu kunsens ta' abbozzi ta' liġi u diżapprovazzjoni ta' Ordinanzi.

Rapport taddikjarazzjoni magħmula taħt l-artiklu ta' qabel u setgħa tat-taħsir.

30.—(1) Il-Gvernatur għandu minnufih igħarraf lis-Segretarju ta' l-Istat b'kull każ li fih hu jagħmel kull dikjarazzjoni bħal din bis-saħħa ta' l-artiklu ta' qabel, u jagħti r-raġunijiet tagħha.

(2) Jekk xi Membru jopponi għal din id-dikjarazzjoni, huwa jista', fi żmien sebat ijiem li tkun ilha li saret, iressaq quddiem il-Gvernatur rapport bil-miktub tar-raġunijiet tiegħu li għalihom oppona; u kopja ta' dan ir-rapport għandha, jekk tingħata minn dan il-Membru, tinbagħat mill-Gvernatur malli jista' jkun lis-Segretarju ta' l-Istat.

(3) Kull dikjarazzjoni bħal din, barra minn dikjarazzjoni dwar Abbozz ta' liġi, tista' tiġi mħassra mis-Segretarju ta' l-Istat u l-Gvernatur għandu jgħarraf b'dan it-taħsir fil-Gazzetta; u mid-data li jkun għarraf b'dan, kull mozzjoni, risoluzzjoni, jew vot li kellhom iseħħu mħabba d-dikjarazzjoni mħassra ma għandhomx jibqgħu jseħħu, iżda mingħajr ħsara għal kull ħaġa li tkun saret skond il-liġi bis-saħħa tagħhom.

Tressiq ta' abbozzi ta' liġi għall-kunsens tal-Gvernatur.

31. Meta Abbozz ta' liġi mgħoddi mill-Kunsill jitressaq quddiem il-Gvernatur għall-kunsens tiegħu hu għandu, skond ma jidhirlu, iżda taħt id-dispożizzjonijiet ta' dawn il-"Letters Patent" u ta' Istruzzjonijiet mibgħutin lilu taħt il-Firma u s-Siġill Tagħna jew b'mezz tas-Segretarju ta' l-Istat, jiddikjara illi huwa jagħti l-kunsens tiegħu jew jirrifta l-kunsens tiegħu għal dak l-Abbozz ta' liġi, jew li hu jżomm l-Abbozz tal-liġi biex Aħna nfissru fuqu l-beneplaċtu Tagħna:

Iżda l-Gvernatur għandu dejjem iżomm, biex Aħna nfissru l-beneplaċtu Tagħna, kull Abbozz ta' liġi li b'xi mod huwa kontra d-dispożizzjonijiet ta' dawn il-"Letters Patent" jew ma jaqbilx magħhom.

Bidu ta' liġijiet.

32.—(1) Ebda Abbozz ta' liġi ma jsir liġi qabel ma l-Gvernatur jagħti l-kunsens tiegħu għalih b'Isimma jew minn Flokna, u ma jkunx iffirmah bħala sinjal ta' dan il-kunsens Tagħna jew qabel ma Aħna nkunu tajna l-kunsens Tagħna għalih b'Ordni fil-Kunsill Privat Tagħna jew b'mezz tas-Segretarju ta' l-Istat.

(2) Liġi li jkollha l-kunsens tal-Gvernatur għandha tibda sseħħ fid-data li fiha jkun mogħti dan il-kunsens, jew jekk ikun hemm stabbilit li għandha tibda sseħħ f'data iżjed tard, għandha tibda sseħħ f'dik id-data.

(3) Abbozz ta' liġi miżmum sabiex fuqu Aħna nfissru l-beneplaċtu Tagħna għandu jsir liġi malli Aħna nagħtu għalhekk il-kunsens Tagħna, jew b'Ordni fil-Kunsill Privat Tagħna jew b'mezz tas-Segretarju ta' l-Istat, u l-Gvernatur ikun fisser dan il-kunsens bi Proklama fil-Gazzetta. Il-liġi tibda sseħħ fid-data ta' din il-Proklama jew, jekk ikun hemm stabbilit li għandha tibda sseħħ iktar tard, tibda sseħħ f'dik id-data.

Diżapprovazzjoni tal-liġijiet.

33.—(1) Kull liġi li għaliha l-Gvernatur ikun ta l-kunsens tiegħu Aħna nistgħu ma nappruvawhiex b'mezz tas-Segretarju ta' l-Istat.

(2) Meta liġi ma tkunx appruvata minn Għandna, il-Gvernatur għandu jgħaġħal li joħroġ avviż ta' din id-diżapprovazzjoni fil-Gazzetta u li ċertifikat ta' din id-diżapprovazzjoni, imwettaq taħt is-Siġill Pubbliku ta' Malta, jiġi irreġistrat fl-Uffiċċju tar-Reġistratur tal-Qrati Superjuri Tagħna f'Malta.

(3) Kull liġi li ma tkunx b'hekk appruvata għandha, bla ħsara ta' kull ħaġa li tkun saret skond il-liġi bis-saħħa tagħha, ma tibqax isseħħ malli joħroġ avviż ta' din id-diżapprovazzjoni kif imsemmi hawn fuq; u wara mbagħad kull disposizzjoni mħassra jew emendata minn dik il-liġi għandha jkollha seħħ bħallikieku dik il-liġi ma tkunx saret.

Liġijiet li għandhom jiġu stampati fil-Gazzetta u irreġistrati.

34. Il-Gvernatur għandu jgħaġħal illi kull liġi magħmula bis-saħħa ta' dawn il-"Letters Patent" toħroġ stampata fil-Gazzetta, sew bl-Ingliż kemm bil-Malti, għall-informazzjoni ta' kulħadd, u għandu malli jista' jkun iġaġħal ukoll illi tiġi irreġistrata, biex tinżamm fl-Uffiċċju tar-Reġistratur tal-Qrati Superjuri Tagħna f'Malta, kopja tajba ta' dik il-liġi, iffirmata minnu u stampata bl-Ingliż u bil-Malti, u din il-kopja tkun l-aħħar xhieda dwar id-disposizzjonijiet ta' kull liġi bħal dik:

Iżda s-saħħa ta' kull liġi bħal dik ma tiddependix mir-reġistrazzjoni tagħha.

Il-Gvernatur u l-Kunsill għandhom joqogħdu għall-Istruzzjonijiet tar-Re.

35. Barra minn dak li hemm f'dawn il-"Letters Patent", il-Gvernatur u l-Kunsill, għandhom, fit-tmexxija tax-xogħol u l-mogħdija ta' Liġijiet, joqogħdu kemm jista' jkun għad-direzzjonijiet li hemm fl-Istruzzjonijiet magħmulin taħt il-Firma u s-Siġill Tagħna li minn żmien għall-ieħor jiġu mibgħutin lill-Gvernatur għaldaqshekk.

Ordnijiet Permanenti.

36.—(1) Barra minn dak li hemm f'dawn il-"Letters Patent", u f'kull Istruzzjoni taħt il-Firma u s-Siġill Tagħna, jistgħu jsiru Ordnijiet Permanenti biex jirregulaw u jiddirieġu l-proċedimenti tal-Kunsill u biex jitmexxa x-xogħol.

(2) L-ewwel Ordnijiet Permanenti għandhom isiru mill-Gvernatur; u wara mbagħad jistgħu jsiru Ordnijiet Permanenti, u l-ewwel Ordnijiet Permanenti msemmijin hawn qabel u l-Ordnijiet Permanenti li jsiru wara jistgħu jiġu emendati, miżjudin jew imħassrin mill-Kunsill:

Iżda ebda Ordni Permanenti magħmul, jew emendament, żieda jew taħsir li jsiru mill-Kunsill ma jkollhom seħħ qabel ma jkunu imwettqin mill-Gvernatur.

(3) Mingħajr ħsara għad-dispożizzjonijiet ġenerali tat-taqsima (1) ta' dan l-artiklu, l-Ordnijiet Permanenti jistgħu jipprovdu għar-regular, restrizzjoni jew projbizzjoni ta' mozzjonijiet, risoluzzjonijiet, mistoqsijiet, diskussjoni jew dibattiment dwar id-difiża ta' Malta, jew fuq l-użu jew tagħlim ta' xi lsien f'Malta.

L-Ordnijiet Permanenti li jieħdu xi provdiment fuq xi materji msemmijin f'din it-taqsima ta' artiklu jistgħu jsiru, jiġu emendati, miżjudin jew imħassrin mill-Gvernatur f'kull żmien.

Il-Lsien fid-dibattiment f'Abbozzi ta' liġijiet u reġistrar.

37.—(1) Il-proċedimenti tal-Kunsill u d-dibattimenti u diskussjonijiet kollha fil-Kunsill għandhom isiru bl-Ingliż:

Iżda jekk, u sakemm, il Gvernatur, jew il-Membru li jippresiedi fil-Kunsill, huwa persważ illi Membru ma jistax ifisser ruħu sewwa bl-Ingliż, huwa jista' jawtorizza lil dan il-Membru li jitkellem fil-Kunsill bil-Malti.

(2) Kull diskors magħmul fil-Kunsill bil-Malti jiġi bil-fomm tradott bl-Ingliż fil-waqt li jkun qiegħed isir jew minnufih wara li jsir, kif il-Gvernatur jew il-Membru li jippresiedi jista' jordna. Din it-traduzzjoni għandha ssir minn interpretu maħtur mill-Gvernatur.

(3) Kull diskors li jsir fil-Kunsill għandu jiġi stampat fid-djarji u proċedimenti tal-Kunsill bil-lsien li bih ikun sar; u għandha tiġi stampata traduzzjoni Ingliża ta' kull diskors li jsir bil-Malti flimkien mad-diskors imniżżel b'dak il-lsien. Din it-traduzzjoni għandha ssir minn interpretu maħtur mill-Gvernatur.

(4) Kull Abbozz ta' liġi u kull emendament propost ta' Abbozz ta' liġi għandu jiġi stampat sew bl-Ingliż kemm bil-Malti.

(5) Hlief kif hemm imsemmi hawn qabel, id-djarji, ir-reġistrar, il-verbal u l-proċedimenti tal-Kunsill għandhom isiru u jinkitbu jew jiġu stampati bl-Ingliż biss.

Għandu jippresiedi l-Gvernatur jew Membru maħtur jew il-Membru anzjan.

38. Fil-laqgħat tal-Kunsill għandu jippresiedi il-Gvernatur, jekk ikun hemm, jew, jekk dana ma jkunx hemm, xi Membru maħtur minnu bil-miktub, jew, jekk dana ma jinħatarx, jew jekk ma jkunx hemm il-Membru maħtur għalhekk, għandu jippresiedi l-Membru li jkun l-ewwel wieħed fl-ordni tal-preċedenza.

Il-Kunsill jista' jmexxi x-xogħol għalkemm ikun hemm postijiet battala.

39. Il-Kunsill ma jitlifx id-dritt li jmexxi x-xogħol tiegħu minħabba xi post battal jew postijiet battala fost il-Membri.

Quorum.

40. Ebda xogħol ħlief dak ta' l-aġġornament ma għandu jsir jekk xi Membru li jkun hemm joġġezzjona li l-Membri fil-laqgħa huma anqas minn sebgħa.

Kwistjonijiet, eċċ. għad-dibattimenti.

41. Barra minn dak li hemm f'dawn il-"Letters Patent" u fl-Ordnijiet Permanenti magħmulin bis-saħħa tagħhom, kull Membru jista' jipproponi kull kwistjoni għad-dibattiment fil-Kunsill; u din il-kwistjoni, jekk issekondata minn Membru ieħor, għandha ssir diskussjoni fuqha u titmexxa skond l-Ordnijiet Permanenti:

Iżda ebda Abbozz ta' liġi, vot, risoluzzjoni jew mozzjoni ma għandhom jiġu proposti mingħajr il-kunsens tal-Gvernatur, jekk fil-fehma tiegħu jew f'dik tal-Membru li jippresiedi, dan l-Abbozz ta' liġi, jekk joħroġ b'ligi, jew dan il-vot, risoluzzjoni jew mozjoni, jekk igħaddu mill-Kunsill—

(b) jiddisponu minn jew igħabbu b'pis lir-renta tal-Kaxxa jew fondi tal-Gvern f'Malta, jew iħassru, ibiddlu jew ivarjaw xi disponiment jew pis fuqhom, jew iwaħħlu, ibiddlu jew iħassru xi rata, taxxa jew dazju; jew

(b) iwaqqfu l-Ordnijiet Permanenti jew xi Ordni minnhom.

Sessjonijiet tal-Kunsill.

42. Is-sessjonijiet tal-Kunsill isiru f'dawk iż-żmenijiet u postijiet kif il-Gvernatur minn żmien għall-ieħor jista' jistabbilixxi bi Proklama. Għandu jkun hemm għallinqas sessjoni waħda tal-Kunsill kull sena, u ma għandux ikun hemm intervall ta' iżjed minn tnax-il-xahar bejn l-aħħar laqgħa f'sessjoni waħda u l-ewwel laqgħa fis-sessjoni ta' wara.

Iż-żmien tal-Kunsill jista' jitwal u l-Kunsill jinħall.

43. Il-Gvernatur jista' f'kull żmien, bi Proklama, itawwal jew iħoll il-Kunsill.

Kemm idum il-Kunsill.

44. Il-Gvernatur iħoll il-Kunsill għeluq erba' snin mid-data tar-riżultat ta' l-aħħar elezzjoni ġenerali, jekk il-Kunsill ma jkunx inħall qabel.

IL-HAMES TAQSIMA.

Ilsien.

Tifsira tal-kelma "liġi".

45. F'din it-Taqsima tal-"Letters Patent", sakemm mis-sens tal-kliem ma jinħtieġx ħaġ'oħra, il-kelma "liġi" tfisser kollu kemm hu jew xi biċċa mill-Ordni fil-Kunsill ta' l-1899 għal Malta dwar l-użu tal-Lsien Ingliż fil-Proċeduri Legali u minn kull Att, Ordinanza jew liġi oħra magħmula, jew Proklama maħruġa, f'Malta, u kollu kemm hu jew biċċa minn dokument legali magħmul taħt dan l-Att, Ordinanza, liġi jew Proklama u li għandu saħħa ta' liġi.

Ilsna Uffiċjali ta' Malta.

46.—(1) Il-lsien Ingliż bħala lsien uffiċjali ta' l-Imperu Ingliż, u l-lsien Malti, bħala lsien tal-poplu ta' Malta, ikunu l-ilsna uffiċjali ta' Malta.

(2) Il-lsien Ingliż ikun il-lsien ta' l-amministrazzjoni u, taħt id-disposizzjonijiet ta' l-ewwel artiklu ta' hawn taħt, il-lsien Malti jkun il-lsien uffiċjali tal-Qrati Tagħna f'Malta.

Setgħa tal-Gvernatur biex jirregula bi Proklama l-użu u t-tagħlim ta' l-ilsna.

47.—(1) Il-Gvernatur jista, bl-approvazzjoni tas-Segretarju ta' l-Istat, jagħmel provdimenti bi Proklama għal dawn il-materji kollha jew għal xi waħda minn dawn il-materji:—

(a) L-użu tal-lsien Ingliż f'kull proċedura quddiem il-Qorti—

(i) fejn xi parti jew xi persuna akkużata hija persuna li ma titkellimx bil-Malti bħala lsien prinċipali li bih hija mdorrija;

(ii) meta, fil-fehma tal-Gvernatur, ikun meħtieġ fl-interess tal-ħaqq, illi għandu jiġi użat il-lsien Ingliż.

(b) It-tagħlim ta' lsien jew l-użu ta' lsien bħala mezz ta' tagħlim fl-Università Rjali ta' Malta u f'kull skola.

(ċ) Il-lsien li għandu jiġi użat f'ċirkustanzi li fihom l-użu ta' xi lsien partikulari hu ordnat b'xi liġi li tkun qed isseħħ fid-data li fiha dawn il-"Letters Patent" jibdew iseħħu.

(2) Bis-saħħa tas-setgħat mogħtijin lill-Gvernatur b'dan l-artiklu huwa jista' jemenda, iżid, iħassar jew ibiddel kull liġi dwar l-użu jew tagħlim ta' xi lsien partikulari u li tkun qed isseħħ fid-data meta dawn il-"Letters Patent" jibdew iseħħu.

(3) Kull Proklama magħmula bis-saħħa ta' dan l-artiklu tista', bl-istess approvazzjoni, tkun emendata, miżjuda, jew imħassra jew tinbidel bi Proklama oħra.

Il-Kunsill ma jistax jittratta Abbozz ta' liġijiet, eċċ. dwar l-użu jew it-tagħlim ta' ilsna.

48. Ebda Abbozz ta' liġi, vot, risoluzzjoni jew mozzjoni ma għandha tiġi proposta fil-Kunsill jekk, fil-fehma tal-Gvernatur jew Membru li jippresiedi, dan l-Abbozz ta' liġi, jekk joħroġ b'liġi, jew dan il-vot, risoluzzjoni jew mozzjoni, jekk igħaddu mill-Kunsill—

(a) jemendaw, iżidu, iħassru d-disposizzjonijiet dwar l-użu jew tagħlim ta' xi lsien partikulari li jkun hemm f'xi disposizzjoni jew xi liġi oħra, jew jolqtu x-xogħol tagħhom jew b'xi mod ma jaqblux magħhom;

(b) jagħmlu provdiment għall-użu jew tagħlim ta' xi lsien partikulari f'ċirkustanzi li għalihom ma hemm ebda provdiment b'liġi.

Ilsien tat-testi uffiċjali tal-liġijiet.

49.—(1) It-test Ingliż u t-test Malti tal-liġijiet kollha jkunu huma biss it-testi uffiċjali tal-liġi u jekk it-test Ingliż u t-test Malti ta' xi liġi ma jkunux jaqblu bejniethom għandu jgħodd it-test Ingliż.

(2) Il-liġijiet kollha li jkunu qed iseħħu fid-data li fiha dawn il-"Letters Patent" jibdew iseħħu, u li tagħhom ma jkunx hemm test Malti, għandhom jiġu tradotti bil-Malti; u sakemm toħroġ it-traduzzjoni ta' liġi bħal din b'ordni tal-Gvernatur, it-test Ingliż ta' din il-liġi jkun l-uniku test uffiċjali.

IS-SITT TAQSIMA.

Materji Diversi.

Għoti ta' Artijiet.

50. Il-Gvernatur jista', b'Isimna u Flokna, jagħmel u jeffettwa taħt is-Siġill Pubbliku, konċessjonijiet u bejgħ ta' artijiet ġewwa Malta li jistgħu jingħataw jew jinbiegħu skond il-liġi minn Għandna.

Nomina ta' Uffiċjali.

51. Il-Gvernatur jista' jistabbilixxi u jaħtar b'Isimna u Flokna dawk l-Uffiċjali kollha f'Malta li skond il-liġi jistgħu jsiru u jinħatru minn Għandna, u dawn kollha, kemm-il-darba ma jkunx hemm stabbilit xort'oħra minn dawn il-"Letters Patent" jew minn xi liġi oħra, iżommu l-kariki tagħhom sakemm jogħġob Lilna.

Nomina ta' Mħallfin, kemm idumu u salarju.

52.—(1) L-Imħallfin tal-Qrati Superjuri Tagħna f'Malta għandhom jinħatru mill-Gvernatur, b'Isimna u Flokna.

(2) Ebda persuna ma tkun ikkwalifikata biex tinħatar bħala Mħallef ta' l-imsemmijin Qrati jekk, għal żmien ta' mhux inqas minn tnax-il-sena, jew għal żminijiet li flimkien iġibu mhux anqas minn tnax-il-sena, hija ma tkunx eżerċitat il-professjoni ta' avukat fil-Qrati ta' Malta jew ma tkunx serviet bħala Maġistrat f'Malta, jew ma tkunx għal biċċa minn dan iż-żmien eżerċitat il-professjoni u għal biċċa l-oħra minn dan iż-żmien serviet ta' Maġistrat.

(3) Imħallef ta' l-imsemmijin Qrati għandu jirċievi dak il-ħlas kif jiġi stabbilit mill-Gvernatur minn żmien għall-ieħor:

Iżda l-ħlas ta' Mħallef ma għandux jitnaqqas ma' tul iż-żmien li fih idum fil-karika tiegħu.

(4) Imħallef ta' l-imsemmijin Qrati għandu jbattal mill-karika tiegħu malli jilħaq l-età ta' ħamsa u sittin sena, u jista' jitneħħa mill-karika tiegħu Minna, imħabba xi provi ta' mġiba ħażina jew ta' nuqqas ta' ħila.

(5) Id-disposizzjonijiet tat-taqsimiet (1) u (2) ta' dan l-artiklu ma għandhomx igħoddu għal Imħallef ta' l-imsemmijin Qrati li kien ġie maħtur qabel il-bidu ta' l-Att tal-1932 dwar il-Kostituzzjoni ta' Malta.

Tneħħija u sospensjoni ta' Uffiċjali.

53. Il-Gvernatur jista', taħt dawk l-istruzzjonijiet kif minn żmien għall-ieħor jistgħu jingħataw lilu minn Għandna, b'mezz tas-Segretarju ta' l-Istat, jekk jidhirlu li hemm raġuni biżżejjed, ineħħi mill-karika tagħha jew iwaqqaf mix-xogħol tal-karika tagħha kull persuna li jkollha karika pubblika f'Malta ħlief il-karika tal-Logutenent-Gvernatur jew ta' Mħallef tal-Qrati Superjuri jew, taħt dak li hemm imsemmi hawn qabel, jista' jieħu dawk il-passi l-oħra dixxiplinari li jkun jidhirlu xierqa.

Kummissjoni tas-Servizz Pubbliku.

54.—(1) Ikun hemm Kummissjoni tas-Servizz Pubbliku li tagħti parir lill-Gvernatur kull meta huwa jeħtieġ biex iħaddem is-setgħat mogħtijin lilu bis-saħħa ta' l-artiklu 51 ta' dawn il-"Letters Patent" u f'dawk il-materji l-oħra dwar is-servizz pubbliku skond ma jitlob lilhom.

(2) Din il-Kummissjoni tkun magħmula minn dawk in-nies fis-servizz pubbliku ta' Malta li l-Gvernatur jaħtar; u l-Gvernatur jista', b'regolament, jistabbilixxi d-dmirijiet tal-Kummissjoni u l-proċedura li fuqha din għandha timxi u n-numru li għandu jifforma *quorum*.

(3) Il-Gvernatur jista' jħassar kull nomina magħmula minnu bis-saħħa ta' dan l-artiklu.

Għoti ta' maħfra.

55. Meta jkun sar xi reat illi għalih il-ħati jista' jiġi ipproċessat f'Malta, il-Gvernatur jkun jista', skond ma jidhirlu meħtieġ, b'Isimna u Flokna, jagħti l-maħfra lil kull kompliċi f'dak ir-reat li jagħti dawk l-informazzjonijiet li jwasslu sabiex bihom jinsab il-ħati prinċipali, jew xi wieħed minn dawn il-ħatjin, jekk jkun hemm iżjed minn wieħed; u barra minn dan, jista' jagħti lil kull min jinsab ħati ta' dak ir-reat f'Qorti ta' Malta, jew maħfra għal kollox jew maħfra taħt kondizzjonijiet leġittimi, jew itawwal iż-żmien għall-esekuzzjoni ta' din il-kundanna, għal dak iż-żmien li jidhirlu xieraq, u jista' jaħfer kull multa, piena, jew konfiska li tisthoqq jew li tmiss Lilna.

Kull religjon għandha tinħamel.

56.—(1) In-nies kollha f'Malta jkollhom il-libertà kollha talkuxjenza u li jħarsu ir-religjon tagħhom mingħajr ebda xkiel.

(2) Hadd ma jista' jiġi mċaħħad mill-jedd li jista' jieħu impieg jew jiġi mħolli barra minn impieg imħabba r-religjon tiegħu.

L-Uffiċjali u oħrajn għandhom jobdu lill-Gvernatur.

57. Aħna bis-saħħa ta' dawn nordnaw u nikkmandaw lill-Uffiċjali Tagħna kollha, Ċivili u Militari, u lin-nies kollha f'Malta biex jobdu, u jagħtu għajnuna u assistenza lill-Gvernatur.

Riżerva ta' setgħa biex isiru liġijiet b'ordni fil-Kunsill.

58. Aħna bis-saħħa ta' dawn inżommu Għalina nfusna, għall-Werrieta u Suċċessuri Tagħna, id-dritt Tagħna u Tagħhom, li ħadd ma jista' jiċħdu, bil-parir tal-Kunsill Tagħna u Tagħhom, li nagħmlu liġijiet għall-paċi, ordni u tmexxija tajba tal-Gvern ta' Malta.

Riżerva ta' setgħa biex jiġu emendati, jew imħassrin il-"Letters Patent".

59. Aħna bis-saħħa ta' dawn inżommu Għalina nfusna, għall-Werrieta u Suċċessuri Tagħna, is-setgħa u l-awtorità kollha li nħassru, inżidu jew nemendaw dawn il-"Letters Patent", kif Lilna jew Lilhom ikun jidhrilna jew jidhrilhom xieraq.

SKEDA.

ĠURAMENT TA' FEDELTÀ.

Jiena..... naħlef li nkun fidil u li nġib vera fedeltà lejn il-Maestà Tiegħu r-Re, Ġorġ VI, lejn il-Werrieta u Suċċessuri Tiegħu, skond il-Liġi. Hekk Alla jgħini.

ĠURAMENT GĦALL-ESEKUZZJONI XIERQA TA' L-UFFIĊĊJU TA' GVERNATUR.

Jiena..... naħlef illi nservi tajjeb u tassew lill-Maestà Tiegħu r-Re Ġorġ VI, lill-Werrieta u Suċċessuri Tiegħu fl-Uffiċċju ta' Gvernatur. Hekk Alla jgħini.

B'XIEHDA ta' dana, Aħna ġgħalna li dawn l-Ittri Tagħna jsiru "Letters Patent".

B'XHUD ta' dan Aħna nfusna f'Westminster, il-lum, l-erbatax ta' Frar, 1939, it-Tielet Sena tas-Saltna Tagħna.

B'*Warrant* taħt il-Firma tan'Idejn ir-Re.

SCHUSTER.