

SUBSIDIARY LEGISLATION 363.06**LOCAL COUNCILS
(ASSOCIATION) REGULATIONS**

8th November, 1994

LEGAL NOTICE 153 of 1994, as amended by Legal Notices 86, 199 and 232 of 1998, 195 of 1999, 30 of 2000, 57 and 296 of 2001, 250 of 2003, and 135, 408 of 2004, 179 and 387 of 2005, and 193 and 225 of 2006.

PART I**General**

1. The title of these regulations is the Local Councils (Association) Regulations. Citation.

2. In these regulations, unless the context otherwise requires -

"Act" means the Local Councils Act;

"Association" means the Local Councils Association established by regulation 3;

"Chairman" and "Deputy Chairman" mean respectively the persons occupying the posts of Chairman and Deputy Chairman of the Association elected in terms of regulation 8;

"Code of Ethics" means the Code of Ethics for Maltese Local Councillors, shown in the Fourth Schedule;

"Committee" means the Executive Committee of the Association;

"Congress" means the Congress of Local and Regional Authorities of Europe and includes the Chamber of Local Authorities and the Chamber of Regional Authorities of the said Congress;

"Councillor" includes a Mayor;

"Electoral Commission" means the Electoral Commission established by section 60 of the Constitution;

"Executive Secretary" means the person occupying the post of Executive Secretary of the Association established in terms of regulation 4;

"financial year" means the period of twelve consecutive months ending on the thirty first day of December in any year;

"Minister" means the Minister responsible for Local Government;

"Registrar" means the Director of the Department responsible for Local Councils.

Interpretation.
Amended by:
L.N. 195 of 1999;
L.N. 179 of 2005.
Cap. 363.

PART II

Establishment of the Local Councils Association

Establishment of the Association.
Substituted by:
L.N. 195 of 1999.

3. (1) There shall be an Association representing all the Local Councils with the aim of protecting and promoting the common interests of all the Local Councils and to represent, solely for the purposes of these regulations, all the Local Councils, in Malta and overseas, and on international associations of local government authorities.

(2) The Association is a juridical body having a distinct legal personality empowered to enter into contracts, of suing and being sued, and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions as are allowed under these regulations:

Provided that the Association may not have the power to -

- (a) borrow or lend any monies except with the authority in writing of the Minister with the concurrence of the Minister responsible for finance;
- (b) enter into any form of commercial partnership, except with the authority in writing of the Minister with the concurrence of the Minister responsible for finance.

(3) The aims of the Association shall be those of protecting and promoting the common interests of Local Councils as well as offering consultancy services, training on its own initiatives and in conjunction with any other Council or Councils.

Constitution of the Executive Committee.
Substituted by:
L.N. 195 of 1999.
Amended by:
L.N. 387 of 2005.

4. (1) The Association shall have an Executive Committee composed of six Councillors in office.

(2) All the Councillors in office elected in all Local Councils shall have the right to elect the Committee in accordance with regulation 6.

(3) The Committee shall, after consulting the Minister, appoint an Executive Secretary:

Appointment of Executive Secretary.

Provided that where the Committee refuses or fails to appoint an Executive Secretary, or a Deputy Executive Secretary, the Minister shall appoint an Acting Executive Secretary.

(4) The Executive Secretary may be a public officer or he may be appointed from outside the public service:

Provided that if the Executive Secretary is appointed from outside the public service, the requirements of article 110(6) of the Constitution shall be observed.

(5) The Committee shall designate a Deputy Executive Secretary to exercise the functions of the Executive Secretary whenever the Executive Secretary is for any reason unable to act or whenever the office of the Executive Secretary is vacant.

Qualifications of Executive Secretary.
Added by:
L.N. 387 of 2005.

4A. No person shall be qualified for appointment of an Executive Secretary with the Association if that person does not produce a certificate, attestation, reference or declaration indicating that he possesses those requisites normally required for

the appointment of an Executive Secretary with any Local Council.

5. (1) Any Councillor who intends to contest the election for the Committee shall be nominated by means of the form as prescribed in the First Schedule. The nomination form shall be handed in to one of the Electoral Commissioners at the Electoral Office by the candidate himself, or, if he cannot do so due to illness or due to being abroad, by the representative authorised by him in writing, on the dates and during the time established by the Electoral Commission for that purpose.

Method of nomination for election to the Executive Committee.
Substituted by:
L.N. 232 of 1998.

(2) Each nomination shall be made to the Electoral Commission and shall be signed by a proposer who shall be a Councillor from the candidate's own locality and by two seconders who shall be Councillors from two localities other than that of the candidate. The candidate, in those instances mentioned in subregulation (1), or his representative as authorised by him in writing, shall also sign the form in acceptance.

6. (1) The six members of the Executive Committee shall be elected upon the principle of proportional representation by means of the single transferable vote as separately applicable to each of two lists as follows:

Method of election.
Amended by:
L.N. 86 of 1998;
L.N. 199 of 1998;
L.N. 195 of 1999;
L.N. 250 of 2003;
L.N. 135 of 2004;
L.N. 408 of 2004;
L.N. 193 of 2006.

- (a) a general list, in which three members are elected by and from among all Councillors in office; and
- (b) a regional list, in which three members are elected one each from each of the three regions set out in the Second Schedule by and from among all Councillors in office representing the localities in each one of the regions:

Provided that any one Councillor may be nominated to contest the same election only under one specific list, and in the case of any contestation made under the regional list, only under the specific region to which the Councillor's locality belongs:

Provided also that where -

- (i) at the election for the general list, the candidates of a political party obtain in the aggregate more than fifty *per centum* of all the valid votes cast at that election, and this at the first count of all the votes, but the candidates elected from that party both in the election from the general list as well as that in the regional list do not constitute in the total number more than fifty *per centum* of all the members who from time to time constitute the Executive Committee of the Association; or
- (ii) at an election for the general list which is contested by candidates from more than two political parties and in which only candidates of two of such parties are elected, the candidates of a political party who obtain a percentage of all the valid votes cast at such election, as credited to them by the Electoral Commission at the first

count of all the votes, which is greater than that obtained by any one other party, but the number of candidates of that particular party from the general list as well as from the regional list does not constitute more than fifty *per centum* of all the members who from time to time constitute the Executive Committee of the Association,

the number of members of the Executive Committee of the Association shall be increased by as many members as may be necessary in order that the party obtaining more than fifty *per centum*, or the larger percentage, of all the valid votes, as the case may be, shall have one member more than the total of the other candidates elected from the general and from the regional lists of the other parties; and, in any such case, such candidate or candidates shall be declared by the Electoral Commission to be elected to fill the additional seat or seats created by this proviso who, being candidates of the party last mentioned in the general list, were credited by the Electoral Commission at the last count, with the highest or next higher number of votes without being elected.

(2) The elections shall be held every two years on the second Saturday in October following a notice to that effect by the Electoral Commission:

Provided that the Committee elected by elections held on the 1st December, 2001, shall continue in office until such date as may be established by the Minister:

Provided that if the election for the Committee is due to be held within three months before the holding of General Elections, or referenda, or elections for Local Councils, or the ordinary annual session of the Congress, the election may be postponed to a date determined by the Minister, but in any case not later than three months following the holding of such General Elections, the Referenda, the elections for Local Councils, or the Congress session, as the case may be:

Provided further that in the event that the election is so postponed, the term of office of the Councillors as members of the Committee shall be extended by the same period by which the election has been postponed and the term of office of the newly elected Councillors as members of the Committee shall be reduced by the same period by which the term of office of the previous Councillors has been extended.

(3) The Council Secretary shall act on behalf of the Electoral Commission during the voting in his locality.

(4) If at the expiration of the time fixed for the receipt of nominations the number of nominated candidates is three or less in the case of the general list, or is only one in the case of every regional list, the Electoral Commission shall declare the candidates so nominated as elected.

(5) If at the expiration of the time fixed for the receipt of nominations the number of nominated candidates is less than three in the general list or no nominations are received in the case of any

regional list, the Electoral Commissioner shall issue a fresh notice for election to fill the remaining vacant seats in the general list or in the regional list as the case may be:

Provided that if after a fresh notice for election is issued no other nominations are received, or if the number of nominated candidates is less than the number of vacant seats, the remaining vacant seats may be filled by co-option of a Councillor or Councillors from amongst Councillors who were previously declared elected by the Commission, so however that by way of in the co-option of the other member or members shall be in terms of those criteria established by the statute of the Congress.

(6) If the nominated candidates for the Committee is less than four, or when the Committee is dissolved for reasons mentioned in these regulations, the Minister shall appoint members to fill vacant posts and this according to the criteria established in the statute of the Congress.

Committee
appointed by
Minister.

(7) After thirty days from the dissolution of the Committee or from the date when the election for the Committee should have been held, the Electoral Commission shall hold an election for a new Committee:

Provided, also, in the case of dissolution no election shall be held where the remaining term of office of the dissolved Committee is less than three months.

(8) The newly elected Committee shall remain in office for the remainder of the dissolved Committee's term.

(9) The persons who have a right to vote in the election for the Committee are all those Councillors who at that time shall be in office.

Persons eligible to
vote.

(10) Each Councillor shall vote on two ballot papers of which one shall be made up of a general list, and the other made up of eligible candidates in a regional list according to the region to which the voter belongs in the form set out in the Third Schedule. Each ballot paper shall have a list of candidates described by the name (including any nickname) as well as the locality or the region they represent and the Party in whose name they are contesting.

Ballot papers and
voting procedures.

(11) (a) Voters shall deposit their ballot papers in a ballot box provided for such purpose by the Electoral Commission. The ballot box shall be sealed prior to the commencement of voting by the Council Secretary together with one of the Councillors after having verified that the ballot box delivered is empty.

(b) On the closing of voting, the Council Secretary shall seal the opening of the ballot box and afterwards the Secretary shall personally deliver the sealed box to the Electoral Commission.

(12) The counting of votes shall start as soon as the Electoral Commission starts receiving the sealed boxes.

(13) (a) The election results shall be immediately communicated by the Electoral Commission to the

Minister and to the Registrar and shall be published in the Gazette not later than one week after having been so communicated.

- (b) Immediately upon receiving the communication from the Electoral Commission the Registrar shall register the Association as constituted.

(14) Except as otherwise provided by these regulations the election shall be conducted by the Electoral Commission according to the provisions of article 8(2) of the Act as applicable in the circumstances.

Casual vacancy among members.
Added by:
L.N. 195 of 1999.
Amended by:
L.N. 296 of 2001.

7. Whenever a casual vacancy occurs in the membership of the Committee, written notification of such vacancy shall be sent to the Minister, the Registrar and the Electoral Commission by the Executive Secretary within six days after the vacancy has occurred. The Commission shall, within three days from the date of the notification by the Executive Secretary, give notice, to be published in the Gazette, of an election to fill the seat vacated.

The election procedure to be adopted to fill the vacant post shall be *mutatis mutandis* in accordance with the proceedings in regulations 89, 90, 91 and 92 in the Third Schedule of the Act, and any reference to locality and councillors shall be deemed to apply to the Committee and the Committee member respectively:

Provided that if the casual vacancy occurs within three months before the expiration of the term of office the Committee, no casual election shall be held and the Committee shall be deemed to be duly constituted for the purposes of these regulations:

Provided further that no other election shall be held if the term of office of the Committee has been extended in terms of the proviso of regulation 6.

Election and casual vacancy in the office of Chairman.
Added by:
L.N. 195 of 1999.
Amended by:
L.N. 296 of 2001.

8. (1) (a) The Committee shall appoint as Chairman from among its members the member who has obtained the majority of the votes of the Committee members. The same procedure shall apply for the appointment of Deputy Chairman (National Affairs) and Deputy Chairman (International Affairs).

(b) The procedures contained in the Seventh Schedule to the Act shall apply *mutatis mutandis* to the procedure to be adopted in the election for Chairman and Deputy Chairman, and any reference to Mayor, Deputy Mayor, Councillor and Secretary shall be deemed to refer to Chairman, Deputy Chairman, Committee member and Executive Secretary, respectively.

(2) If a casual vacancy in the office of Chairman occurs, the person occupying the post of Deputy Chairman (National Affairs) shall assume the office of Chairman until such time when an election from among Committee members for the office of Chairman is held.

9. Any member of the Committee shall vacate his seat immediately upon terminating his office as Councillor.

Committee member to vacate his seat when no longer Councillor.
Added by:
L.N. 195 of 1999.

10. (1) A member of the Committee may at any time resign his office by notice in writing signed by him and delivered to the Executive Secretary and his resignation shall take effect from the time of the receipt of such notice by the Executive Secretary and his office shall become vacant immediately.

Resignation of Committee member.
Added by:
L.N. 195 of 1999.

(2) When a resignation occurs the Executive Secretary shall act in accordance with the provisions of regulation 7.

11. (1) The Committee members shall attend all meetings of the Committee, and the Minister shall, after he has been informed by the Executive Secretary, by notice signed by him addressed to the Executive Secretary, declare a seat to be vacant on failure of the member to attend six consecutive Committee meetings or in the aggregate if he attends less than one-third of the meetings called within a period of six months:

Members to attend all meetings.
Added by:
L.N. 195 of 1999.

Provided that where the absence is justified, the Executive Secretary in informing the Minister of the member's failure shall also transmit the recommendation of the Committee for the Minister not to declare the seat vacant, if such is the case.

(2) The Registrar shall be notified with the Executive Secretary's notification as well as the decision of the Minister.

12. The Minister may, by Order in the Gazette acting in accordance with the advice of the Registrar, dissolve the Committee upon any one of the reasons given below:

Dissolution of the Committee by the Minister.
Added by:
L.N. 195 of 1999.

- (a) a report from the Auditor General of serious or persistent breach of financial responsibilities; or
- (b) persistent non observance of the provisions of these regulations after formal notice has been given by the Minister after consulting the Registrar; or
- (c) when a Chairman is not elected as provided by regulation 8; or
- (d) when the annual estimates are not approved by the Committee; or
- (e) when a recommendation to that effect in a report by a Board of inquiry appointed for the purposes of the provisions of these regulations.

13. (1) Upon the dissolution of the Committee in accordance with regulation 12, or if all the members have resigned and no other candidate can be elected in accordance with regulation 6, the Electoral Commission shall, within thirty days, hold an election for a new Committee:

Elections to follow dissolution or resignation.
Added by:
L.N. 195 of 1999.

Provided that no election shall be held where the remaining term of office of the dissolved Committee is less than three months.

(2) The Minister may in such case appoint a Committee of

Management which shall perform all such duties as are competent on the Committee until a new Committee is elected:

Provided that if or until, as the case may be, a Committee of Management is not so appointed, the Executive Secretary shall perform all such duties as are competent on the Committee.

(3) The newly elected Committee shall hold office for the remainder of the term applicable to the dissolved Committee.

PART III

The Office of Chairman of the Committee

Chairman to represent the Association and preside meetings.
Added by:
L.N. 195 of 1999.

14. (1) Subject to the other provisions of these regulations, the Chairman shall be the representative of the Association and shall preside over all meetings of the Committee and supervise all the functions of the Association.

(2) The Chairman shall be responsible for the furtherance of the objects and provisions of these regulations.

Legal and judicial representation of the Association.
Added by:
L.N. 195 of 1999.

15. (1) The legal and judicial representation of the Association shall be vested in the Chairman together with the Executive Secretary and they may sue and be sued on behalf of the Association even where the case refers to acts done prior to the commencement of their term of office or appointment, as the case may be.

(2) Every correspondence, report, press release or any other similar document of the Association shall bear the signature of the Chairman or of the Executive Secretary.

(3) Every bank document shall be signed by the Chairman or the Deputy Chairman (National Affairs) and the Executive Secretary or the Deputy Secretary following approval by the Committee in accordance with the provisions of these regulations and of the Sixth Schedule to the Act.

Terms of office.
Added by:
L.N. 195 of 1999.

16. The Chairman, Deputy Chairman (National Affairs) and Deputy Chairman (International Affairs) shall hold office the day of their election and they shall remain in such office until the expiration of the term of the Committee or until such other time as the Chairman or Deputy Chairman shall, for any reason, cease to hold such office.

When the Deputy Chairman assumes the functions of Chairman.
Added by:
L.N. 195 of 1999.

17. When the Chairman cannot, for any reason, perform the functions of his office, such functions shall be exercised by the Deputy Chairman (National Affairs).

Vote of no confidence.
Added by:
L.N. 195 of 1999.
Amended by:
L.N. 296 of 2001.

18. (1) The Chairman or any Deputy Chairman shall cease to hold their office upon a petition of a vote of no confidence delivered by a majority of the Councillors.

(2) The motion proposing a vote of no confidence in the Chairman or Deputy Chairman which shall be signed by at least one-third of the members, shall specify the reason for such motion, shall propose another member to be elected as Chairman or Deputy

Chairman, as the case may be, and shall be notified to all members as a motion for a vote by means of an agenda.

(3) The motion shall be discussed after at least five days have elapsed from its presentation as provided above but not later than ten days from such date.

(4) When a vote of no confidence as provided by this regulation is carried, it shall be communicated to the Minister and to the Registrar by the Executive Secretary without delay.

19. (1) The Chairman shall be a part-time official and the Committee shall pay to the Chairman such allowance as the Committee considers reasonable, so however that the allowance shall in no case exceed thirty-three *per centum* of the honorarium payable from time to time to members of the House of Representatives.

Chairman's honorarium.
Added by:
L.N. 195 of 1999.
Substituted by:
L.N. 250 of 2003.

(2) Subject to subregulation (1), all members shall serve on an honorary basis but shall be afforded all such assistance by their employers as is reasonable to allow them to carry out their functions in Malta and overseas.

PART IV

Functions of the Association, Procedure and Meetings

20. (1) The Association shall be represented in the Congress.

(2) The Minister shall after consulting the Committee appoint the delegation to the Congress, as far as possible according to the criteria for representation as established in the Statute of the Congress.

(3) The delegation, which shall have a Head and a Secretary and shall be composed of representatives and their substitutes, shall be appointed by the Minister.

(4) The Executive Secretary shall be the Secretary of the Delegation.

Representation in the Congress.
Substituted by:
L.N. 195 of 1999.
Amended by:
L.N. 225 of 2006.

21. (1) The Standing Orders contained in the Sixth Schedule to the Act shall apply *mutatis mutandis* to the procedures which the Committee shall follow and any reference in the Standing Orders to Mayor, Deputy Mayor, Councillor and Secretary shall be deemed to refer to the Chairman, Deputy Chairman, member of the Committee and the Executive Secretary respectively.

Applicability of the Standing Orders.
Substituted by:
L.N. 195 of 1999.

(2) The meetings of the Committee shall be held following a notice in writing which shall be made at least five days before such meeting:

Provided that a meeting may be held without the need to follow this procedure if there is unanimous agreement by the members.

(3) Meetings shall be held at least once a month or at any other shorter intervals as the Chairman may decide. Meetings may also be called at the request of the least whole number above one-third of the members in of office, and in such a case a notice in writing

shall be issued at least eight days before the meeting.

Councillors may attend Committee meetings.

(4) The meetings of the Committee shall be open to all the Councillors.

Furnishing of copies of documents.
Substituted by:
L.N. 195 of 1999.

22. The Committee shall, if so requested by any Council, Councillor or the Registrar and on payment for postage and other necessary expenses which are incurred for the supply of any such information, furnish:

- (a) a copy of the agenda as circulated to members of the Committee; and
- (b) such other statements or particulars and a copy of such other documents as are necessary to indicate the nature of any item included in the copy of the agenda so supplied:

Provided that the Committee shall, in all cases and free of charge, furnish a copy of the agenda and minutes to the Registrar; and

- (c) a copy of the minutes so approved by the Committee.

Appointment of Sub-committees.
Added by:
L.N. 195 of 1999.

23. (1) The Committee may appoint Sub-Committees for the purpose only of executing its functions better. The Sub-Committees shall be presided by a Chairman who shall be a member of the Committee and shall be composed of a number of other persons as the Committee may deem necessary in the circumstances.

(2) The Chairman of the Committee shall be an *ex officio* member of every Sub-Committee.

(3) A Sub-Committee may appoint a Secretary from amongst its members.

(4) A Sub-Committee shall remain in office until -

- (a) it has finalised the task for which it had been appointed; or
- (b) it is dissolved by the Committee; or
- (c) the term of office of the Committee expires.

(5) Members of Sub-Committees shall serve on an honorary basis.

(6) The meetings of Sub-Committees shall be recorded as minutes of the Committee and shall be kept in the custody of the Executive Secretary.

Annual meetings for councillors.
Added by:
L.N. 195 of 1999.

24. (1) The Committee shall once every year convene all the Councillors in office for the meetings hereunder indicated:

- (a) an annual meeting for all Mayors, to be chaired by the Chairman or his delegate;
- (b) an annual meeting for all Councillors, excluding Mayors, to be chaired by the Chairman or his delegate; and
- (c) an annual plenary session of Mayors and Councillors, to be chaired by the Chairman.

(2) The Committee may convene other meetings or plenary sessions as it may deem necessary or whenever requested in writing to do so by half the persons eligible to attend such meetings or plenary sessions.

25. (1) The three members of the Committee who represent the three regions shall, once a year as close as possible to the annual meetings referred to in regulation 24, individually convene and chair an annual regional meeting of all Mayors and Councillors of their respective region.

Annual regional meetings.
Substituted by:
L.N. 195 of 1999.

(2) The Committee may convene other regional meetings as it may deem necessary or whenever so requested in writing by half the persons eligible to attend such regional meetings.

26. (1) Any twinning between a capital city, town or village in Malta and another locality in any other country shall require the approval of the Minister after the Association has given the Minister its opinion on such intended twinning.

The Association to advise Minister on town-twinning.
Substituted by:
L.N. 195 of 1999.

(2) In establishing the twinning of localities, consideration shall be given to the status of the localities due to be twinned such that as far as possible the capital city or former capital cities of Malta shall be twinned with a capital city or former capital cities of other countries, and also as far as possible a city be twinned with another city.

PART V

Officers and Employees

27. The Executive Secretary shall act on a full-time basis.

Full-time Executive Secretary.
Added by:
L.N. 195 of 1999.

28. (1) Subject to the provisions of article 110(6) of the Constitution, the Committee may appoint such other employees as the Committee deems necessary for the efficient discharge of the functions of the Association so however that the Committee may not employ more than two persons.

Appointment and qualifications of the Executive Secretary and other employees.
Added by:
L.N. 195 of 1999.

(2) The Committee may, after consulting the Registrar, prescribe the qualifications to be possessed by, the technical, administrative and office procedure to be followed by -

- (a) any person appointed to the office of Executive Secretary; and
- (b) any other person appointed by the Committee.

29. (1) The Executive Secretary shall be the executive, administrative and financial head of the Committee.

Functions of the Executive Secretary.
Added by:
L.N. 195 of 1999.

(2) Without prejudice to any provisions of these regulations, the Executive Secretary shall:

- (a) issue all notices and prepare the agenda in consultation with the Chairman and attend all meetings;
- (b) draw up the minutes of meetings of the Committee,

and if no Secretary is appointed for a Sub-Committee in accordance with regulation 23(3), draw up also the minutes of that Sub-Committee;

- (c) submit a detailed annual administrative report to the Chairman;
- (d) cause to be submitted to the Committee and to the Registrar estimates of the income and expenditure of the Association during the next following financial year;
- (e) carry out any other duties that may be detailed or delegated to him by the Chairman or by the Committee.

Remuneration of Executive Secretary and other employees.
Added by:
L.N. 195 of 1999.
S.L.363.20

30. (1) The Executive Secretary shall receive a remuneration equivalent to the highest remuneration payable to Local Council Secretaries as prescribed in the Local Councils (Human Resources) Regulations, or as amended from time to time.

(2) Without prejudice to the provisions of these regulations, the provisions of articles 53 and 54 of the Act shall, whenever applicable, apply *mutatis mutandis* to the Executive Secretary.

(3) The provisions of regulation 14(2), (4), and (5), regulation 15(3), and regulations 18, 19, 22 and 24, and from 26 to 32 of the Local Councils (Human Resources) Regulations shall apply in regard to the other employees of the Association.

Conditions and qualifications of Executive Secretary.
Added by:
L.N. 195 of 1999.
S.L.363.20

31. The provisions of regulations 6, 9, 11, 12, 13, 14(5) and 19(2) of these regulations and regulations 24 and from 27 to 32 of the Local Councils (Human Resources) Regulations shall apply in regard to the Executive Secretary.

PART VI

Finance

Request for funds.
Added by:
L.N. 195 of 1999.

32. (1) Each year the Minister responsible for finance shall allocate funds to the Association which shall serve for the exercise of its functions.

(2) The Executive Secretary shall by not later than the thirtieth of September in each year make a written request to the Minister through the Registrar for funds as determined in subregulation (1).

(3) Any monies declared to be a surplus in any financial year shall not be set off against the sum allocated to the Association for the next financial year.

(4) When submitting the request as indicated in subregulation (2), the Executive Secretary shall submit also a draft of the business plan.

Additional funds.
Added by:
L.N. 195 of 1999.

33. The Association may, after consulting the Registrar, raise funds by means of a scheme providing for the collection of contributions by Local Councils, designed to provide additional funds to those allocated to it by the Government:

Provided that all funds collected in this manner shall be

used only in carrying out the functions of the Association.

34. All claims for the refund of payments incurred by members of the Committee and employees during the course and for the purposes of executing their duties shall be submitted, and duly certified by the Executive Secretary on the appropriate form in accordance with the Local Councils financial procedures:

Request for refund of expenses incurred.
Added by:
L.N. 195 of 1999.

Provided that any refund of expenses may only be effected if there is prior approval by the Committee as to the nature of the claim.

35. (1) At the end of each financial year a detailed administrative report shall be prepared by the Executive Secretary. Such report shall -

Administrative report.
Added by:
L.N. 195 of 1999.

- (a) give an account to the Committee of the Committee's finances during the previous year;
- (b) review the operating and financial results achieved against the Committee's stated objectives, plans and budget; and
- (c) include audited financial statements of the Committee for the year that ended and the Committee's retained funds as at the year end.

(2) The annual administrative report shall be forwarded to the Auditor General by not later than the thirty-first of March of each year.

(3) The detailed annual administrative report shall be prepared in the form specified in the Local Councils (Procedures) Regulations.

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(4) Within two weeks from the approval of the Committee and by not later than the thirty-first of March of each year the Executive Secretary shall forward a copy of the audited financial statements and a copy of the budget to the Minister, the Registrar and to every Council.

36. (1) The Auditor General shall appoint an auditor or auditors to audit the accounts of the Association subject to such conditions that he may deem appropriate. The appointment shall be for a period of one year, renewable each year, for a total period of not more than five consecutive years.

Appointment of auditors.
Added by:
L.N. 195 of 1999.
Amended by:
L.N. 57 of 2001;
L.N. 296 of 2001.

(2) The auditors of the Association shall submit their report by not later than twelve weeks after the end of the financial year to the Auditor General who shall immediately forward copies of the report to the Minister, the Minister responsible for finance, the Association and the Registrar. A copy of this report shall be laid on the Table of the House by the Minister in the same manner as provided in article 7 of the First Schedule of the Auditor General and National Audit Office Act.

Cap. 396.

Applicability of
several regulations.
Added by:
L.N. 195 of 1999.
S.L.363.01
S.L.363.02
S.L.363.03

37. (1) Without prejudice to the provisions of subregulation (2), the Local Councils (Financial) Regulations, the Local Councils (Audit) Regulations, and the Local Councils (Tendering) Regulations shall apply *mutatis mutandis* for the Association, and any reference, if applicable, in these regulations to Council, Mayor or Secretary shall be deemed to refer to the Committee, Chairman and Executive Secretary of the Association respectively.

(2) In those cases where the provisions of the regulations mentioned in subregulation (1) are at variance with the provisions of these regulations, the provisions of these regulations shall prevail.

(3) The following provisions shall not apply in regard to the Association -

S.L.363.01 (a) regulations 7(2)(c), 8, 9, 11(1), 13(2), 15, 16, 17, 18, 21(1), 32 and 43 (2) of the Local Councils (Financial) Regulations;

S.L.363.02 (b) regulations 3(3), 4, 8 and 9 of the Local Councils (Audit) Regulations.

S.L.363.01 (4) The applicability of the provisions of the Local Councils (Financial) Regulations shall be subject to the following provisions:

(a) in regulation 11(5) of the said regulations, the words "within the time limit stipulated in article 56(1) of the Act" shall be read and construed as if substituted by the words "in the month of September in any financial year;"

(b) in regulation 13(1) of the said regulations, the words "as stipulated in article 56(2) of the Act" shall be read and construed as if substituted by the words "by not later than the 15th October."

PART VII

Code of Ethics

Code of Ethics.

38. Members of the Council shall be required to observe the Code of Ethics during the course of their duties.

FIRST SCHEDULE

Regulation 5

Form of Application for Election to the Executive Committee of the Local Councils Association

To the Electoral Commission

Surname

Name

Local Council locality

I hereby propose the above-mentioned Councillor as a candidate for election of the Executive Committee of the Local Councils Association to be held on the (date to be printed on the form).

The Councillor shall contest these elections under the list hereunder indicated and marked in the adjoining square:

General List OR

Regional List:

Gozo OR

Malta *Majjistrat* OR

Malta *Xlokk*

Proposer's Name Council Locality

I.D. number Signature

We hereby second the above-mentioned Councillor as a candidate for the same elections.

Seconder's Name Council Locality

I.D. number Signature

Seconder's Name Council Locality

I.D. number Signature

I hereby declare that I accept the above nomination.

Date

Signature of candidate and I.D. number

SECOND SCHEDULE

*Amended by:
L.N. 30 of 2000.*

Regulation 6(1)

The three regions shall be Gozo, Malta *Majjistral* and Malta *Xlokk* and each region shall be made up of the following localities:

Gozo	Rabat (Città Vittoria)
	Fontana
	Ghajnsielem
	Gharb
	Ghasri
	Kerċem
	Munxar
	Nadur
	Qala
	San Lawrenz
	Sannat
	Xaghra
	Xewkija
	Żebbuġ
Malta <i>Majjistral</i>	Mdina (Città Notabile)
	Qormi (Città Pinto)
	Żebbuġ (Città Rohan)
	Siġġiewi (Città Ferdinand)
	Attard
	Balzan
	Birkirkara
	Dingli
	Gzira
	Gharghur
	Hamrun
	Iklin
	Lija
	Mellieha
	Mġarr
	Mosta
	Msida
	Naxxar

Pembroke
Pietà
Rabat
San Ġiljan
San Ġwann
San Pawl il-Bahar
Santa Venera
Sliema
Swieqi
Ta' Xbiex
Mtarfa.

Malta Xlokk

Valletta (Città Umilissima)
Birgu (Città Vittoriosa)
Isla (Città Invicta)
Bormla (Città Cospicua)
Żabbar (Città Hompesch)
Żejtun (Città Beland)
Birżebbuġa
Fgura
Floriana
Gudja
Ghaxaq
Kalkara
Kirkop
Luqa
Marsa
Marsaskala
Marsaxlokk
Mqabba
Paola
Qrendi
Safi
Santa Luċija
Tarxien
Xghajra
Żurrieq.

THIRD SCHEDULE

Regulation 6(10)

Form of Ballot Papers

Amended by:
L.N. 195 of 1999.

(a) One ballot paper shall consist of a General List as follows:

GENERAL LIST

Note: The principle of proportional representation by means of the single transferable vote is separately applicable to this list, and it should therefore be marked with preferences commencing from 1 as a separate list.

Mark order of preference in spaces below	Badge of Candidate	Name of Candidates
		PARTIT TAL-FJURA
	⊕	JONES, (John Jones, Councillor for <i>Hondoq ir-Rummien</i>)
	⊕	MAGRO, (William David Magro, Councillor for <i>San Mark</i>)
	⊕	VELLA, (James Vella, Councillor for <i>Xrobb il-Għagin</i>)
	⊕	WILLIAMS, (Francis Williams, Councillor for <i>San Ġakbu</i>)
		PARTIT TAL-QANPIENA
	⊖	BORG, (Assuero Borg, Councillor for <i>Ramla l-Hamra</i>)
	⊖	CASSAR, (Lela Cassar, Councillor for <i>Għammieri</i>)
	⊖	MIZZI, (Glormu Mizzi, Councillor for <i>Millien</i>)
	⊖	ZARB, (Fortunato Zarb, Councillor for <i>Saptan</i>)
		PARTIT TAL-PINNA
	⌘	AZZOPARDI, (Reginald Azzopardi, Councillor for <i>Tartani</i>)
	⌘	ZAMMIT, (Lawrence Zammit, Councillor for <i>San Mattew</i>)
		KANDIDATI INDIPENDENTI
	*	BUHAGIAR, (George Buhagiar, Councillor for <i>Farruġ</i>)
	◆	GALEA, (Ninu Galea, Councillor for <i>San Ġuda</i>)

(b) A second ballot paper shall consist of a Regional List, with the necessary permutations, as follows:

REGIONAL LIST

Either Gozo
or Malta *Majjistral*
or Malta *Xlokk*

Note: The principle of proportional representation by means of the single transferable vote is separately applicable to this list, and it should therefore be marked with preferences commencing from 1 as a separate list.

GOZO		
Mark order of preference in spaces below	Badge of Candidate	Name of Candidates
		<i>PARTIT TAL-FJURA</i>
	⊕	<i>DEBRINCAT, (Ġorg Debrincat, Councillor for Kusbejja)</i>
	⊕	<i>MEILAK, (Diane Meilak, Councillor for Tarres)</i>
	⊕	<i>XERRI, (Żaren Xerri, Councillor for Gorgun)</i>
		<i>PARTIT TAL-QANPIENA</i>
	Ⓐ	<i>GALEA, (Emilia Galea, Councillor for Sanap)</i>
	Ⓐ	<i>PORTELLI, (Lorenza Portelli, Councillor for Reqqa)</i>
	Ⓐ	<i>SULTANA, (Mariano Sultana, Councillor for Dbiegi)</i>
		<i>PARTIT TAL-PINNA</i>
	Ⓒ	<i>THEUMA, (Leli Theuma, Councillor for Klula)</i>
		<i>KANDIDATI INDIPENDENTI</i>
	*	<i>RAPA, (Peter Rapa, Councillor for San Dimitri)</i>
	◆	<i>VELLA, (Franco Vella, Councillor for Ghajn Damma)</i>

FOURTH SCHEDULE
(Regulation 38)

Added by:
L.N. 179 of 2005.

Code of Ethics for Maltese Councillors

Preamble

Stressing that elected representatives shall carry out their duties within the framework of the law and in accordance with the mandates given to them by the electorate. They are accountable to the whole of the local population, including those electors who do not vote for them;

Considering that respect for the electorate's mandate goes hand in hand with respect for ethical standards;

Convinced that the promotion of a code of conduct for local elected representatives will allow trust to be built up between local politicians and citizens since a relationship of trust is indispensable for elected representatives to be able to perform their role effectively;

Convinced that a definition in the form of a code of conduct, of the ethical obligations of local elected representatives will clarify their role and duties and reaffirm the importance of those duties;

Convinced that such a code must encompass as fully as possible all the work done by elected representatives;

Stressing that rules of conduct imply those ethical imperatives must be respected;

Pointing out that the whole of civil society must be involved in restoring a climate of confidence and stressing the role of citizens themselves and the media in this respect;

Reasserting that obligations cannot be imposed without guarantees being granted to local representatives to fulfil their duties and recalling in this respect the relevant provisions of the European Charter for Local Self-Government;

Taking into consideration the legislation currently in force and the Code of Conduct for Political Integrity of Local and Regional Elected published by the Congress for Local and Regional Authorities of the Council of Europe (CLRAE), proposes the following Code of Conduct:

Scope

Article 1 - Definitions

For the purpose of this Code:

"constituted bodies" includes all organisations whether religious, social or political and trade unions;

"elected representative" means any politician holding a local authority mandate conferred through principal election (elected by direct suffrage) or secondary election (elected by the Local Government);

"functions" means a principal or secondary elective mandate and all functions performed by an elected representative under that mandate;

"Local Government" means a Local Council established under the provisions of the Local Councils Act;

"locality" means an area within set boundaries as designated in the Second Schedule to the Local Councils Act;

"media" includes newspapers, journals, radio, television and all other means by which news and information is communicated whether originating in Malta or outside;

"Procedures for Tendering" mean the procedures issued under the Local Councils Tendering Regulations.

The Code

Article 2 - Object of the Code

The object of this Code is to specify the standards of behaviour expected of elected representatives in the performance of their duties and to inform citizens of the standards of behaviour that they have a right to expect of their elected representatives.

General Principles

Article 3 - Primacy of the law and the public interest

Elected representatives hold office under the law and must at all times act in accordance with the law.

In performing their functions, elected representatives shall serve the public interest and not their direct or indirect personal interest or the private interest of the individuals or groups of individuals with the aim of deriving direct or indirect personal benefit there from.

Article 4 - Objectives of fulfilling a mandate

Elected representatives shall undertake to perform their functions with diligence, openness, integrity, honesty, fairness, conscientiousness, and a willingness to account for their decisions.

Article 5- Constraints of fulfilling a mandate

In performing their functions, elected representatives shall respect the powers and prerogatives of all other political elected representative and all public employees.

They shall not encourage or help any other political representative or any public employee to breach the principles set forth herein when performing their functions.

Specific Obligations

Article 6 - Election campaigns

Candidates' election campaigns shall aim to provide information and explanations on their political programmes.

Candidates shall not seek to secure votes by any means other than persuasive argumentation and debate. In particular, they shall not attempt to obtain votes by slandering other candidates, by the use of violence and/or threats or by granting or promising favours.

Candidates shall keep their spending on election campaigns in proportion and within the limits of the law. They shall diligently comply with the provisions of the law requiring them to declare the source and amount of the income which they have devoted to campaign financing and the nature and amount of their spending to be made public.

Article 7- Ban on favouring

Elected representatives shall not perform their functions or use the prerogatives of their office in the private interest of individuals or groups of individuals, with the aim of deriving a direct or indirect personal benefit therefrom.

In particular elected representatives should also ensure that they act in furtherance of the interests of the entire locality and its community.

Article 8 - Ban on exercising authority to one's own advantage

Elected representatives shall not perform their functions or use the prerogatives of their office to further their own direct or indirect private or personal interests.

Article 9 - Attend and participate in Local Government meetings and contribute to the fulfilment of its policies

Elected representatives should devote time and attention to the business of their Local Government and should attend to all Local Government meetings. Should an elected representative be unable to attend a Local Government meeting for any justified reason, he should advise the Executive Secretary as soon as possible of his inability to attend. They are to perform their duties diligently, impartially, conscientiously and to the best of their ability.

Article 10 - Ban on association

Elected representatives should be careful not to be associated with organisations the aims of which are in conflict with those of a Local Government. They should refrain from conduct or behaviour which may damage the reputation and standing of the office or other elected representatives, or do anything or associate themselves with organisations which would bring themselves and their respective Local Government and/or locality into disrepute.

Article 11 - Conflict of interest

When elected representatives have a direct or indirect personal interest in matters being examined by the Local Government of which they are members, or by any of its committees or sub-committees, they shall undertake to make those interests known before deliberations are held and a vote is taken.

Elected representatives should not own any interest in (excluding public traded securities/companies) or have any personal contract or agreements with suppliers or contractors of the Local Government.

On assuming office, or whenever applicable, elected representatives should declare in writing to the Local Government Executive Secretary, any directorship, partnership or interest in any business in which they are engaged unless such engagement relates to publicly traded companies or has been nominated to such directorship to represent the interests of Government. This declaration shall be required by the Executive Secretary on a yearly basis and shall be kept solely by the Executive Secretary.

Elected representatives shall abstain from any deliberation or vote on a question in which they have a direct or indirect personal interest.

Article 12 - Limit on concurrent holding of two or more appointments

Elected representatives shall not hold other political appointments or occupy such other function where this prevents them from performing their functions as an elected representative or is incompatible with their oath of office. Nor shall they have or hold functions, elective mandates, occupations or official appointments which entail supervision of their own functions as an elected representative or which themselves are supposed to supervise in their capacity as elected representative.

Elected representatives are obliged to inform their Local Government if they intend to contest the General Elections or European Parliament Elections on being officially accepted by the Political Party in whose interest they intend to stand or if contesting as an Independent candidate prior to submitting their candidacy with the

Electoral Commission.

Article 13 - Exercise of discretionary powers

In exercising their discretionary powers, elected representatives are to maintain an impartial position at all times ensuring that advice and recommendations are based upon thorough and impartial consideration of all pertinent facts and circumstances.

Detailed grounds shall be given for any decision, specifying all the factors on which the decision is based, in particular the applicable rules and regulations, and showing how the decision complies with those rules and regulations. Prior to reaching his decision an elected representative shall have regard to any relevant advice provided to the Local Government by the Executive Secretary.

Failing any rules and obligations, the grounds for the decision shall include elements such as to show its proportionality, fairness and conformity with the public interest.

Article 14 - Ban on corruption

In performing their functions, elected representatives shall refrain from any conduct qualifying, under the Maltese or international criminal law, as active or passive bribery.

Moreover, elected representatives are duty bound to totally and immediately reject any attempt of this kind and to report in writing without delay to the Mayor any undue pressure or influence which may be exerted on them by persons or bodies, and the Mayor shall inform the Local Government accordingly.

Elected representatives, their spouses or children (including their minor children) shall not accept commissions, grants, gifts or services, compensation from persons, companies and from organisations which deal with their Local Government such as might be deemed to create an obligation, real or imaginary.

Article 15 - Observation of budgetary, and financial discipline

Elected representatives shall undertake to observe budgetary and financial discipline, which guarantees the proper management of public money, as defined by the Local Councils Act and regulations made thereunder.

In fulfilling their duties, elected representatives shall not do anything to misappropriate public funds and/or grants. They shall not do anything that might lead to public funds and/or grants being used for direct or indirect personal purposes.

Article 16 - Ban on the use of obtained information

Elected representatives shall not take advantage of, or benefit from, information that is obtained in the course of their official duties and responsibilities and that is not generally available to the public.

They should only disclose official information or documents acquired in the course of their term of office when required to do so by law, in the course of duty, when called to give evidence in court, or when proper authority has been given.

Article 17 - Ban from acting on behalf of the Local Government

Elected representatives shall refrain from issuing orders, instructions or directions in the name of, or on behalf of, or in representation of their Local Government unless authorised to do so by their Local Government and such orders, instructions or directions shall only be issued formally by the Mayor (or in his absence by the Deputy Mayor) or by the Executive Secretary of the Local Government except for work orders and/or orders for the acquisition of services which shall only be issued under the authority of the Executive Secretary (or in his absence by the Deputy

Executive Secretary).

Article 18 - Ban on securing certain appointments

In performing their functions, elected representatives shall not take any measure such as to grant themselves a future personal advantage once they have relinquished their functions:

- in private bodies over which they exercised supervision while performing those functions;
- in private bodies with which they have established a contractual relationship while performing those functions;

Means of Supervision

Article 19 - Use of Local Government facilities and equipment

Elected representatives shall ensure that the use of any resources and equipment of the Local Government are used scrupulously and economically and thus should not permit their abuse by others.

Elected representatives shall not directly or indirectly use, or allow the use of, any Local Government property or administrative offices for political activities or any other activity not approved by, or in conflict with those of the Local Government. Moreover they are to ensure that Local Government funds and/or other resources are not used for partisan aims.

Article 20 - Procurement

Elected representatives shall ensure that in the setting out of tendering procedures and in the drawing up of specifications and conditions of procurement as well as in the adjudication of offers the Local Government shall attain the best value for money, considering that the Local Government expenditure shall be made out of public funds and is to be spent and authorised only in such manner and procedure as allowed by law and other rules and regulations.

Elected representatives shall ensure that the highest possible level of accountability and transparency is reflected in every decision making process of procurement.

Relations with other Elected Representatives, Local Government Staff, Public and other Bodies

Article 21 - Publishing and giving grounds for decisions

Elected representatives shall be accountable to the public throughout their mandate.

Elected representatives shall give detailed grounds for any decision which they take, specifying all the factors on which the decision is based, in particular the applicable rules and regulations, and showing how the decision complies with those rules and regulations.

Where that information is confidential, the reasons for such confidentiality shall be explained.

Elected representatives shall diligently respond to any request from the public concerning the performance of their functions, and the grounds for their action.

They shall encourage and promote any measure which fosters openness concerning their powers, the exercise of their powers and the functioning of services provided by their Local Government.

Article 22 - Appointments

Elected representatives shall undertake to prevent any appointment of administrative staff based on principles other than recognition of merit and professional abilities and/or for purposes other than the needs of their Local Government.

In matters of staff appointments or promotions, elected representatives shall take an objective reasoned decision, showing due diligence.

Elected representatives shall not solicit for any person any appointment under their Local Government or recommend any person for such appointment or promotion.

Article 23 - Respect for the role of Local Government staff

In performing their functions, elected representatives shall show respect for the role of the Local Government staff, without prejudice to the legitimate exercise of their hierarchical authority.

They shall not ask or require Local Government staff to take or omit to take any measure such as to give themselves a direct or indirect advantage or give an advantage to individuals or groups of individuals with the aim of deriving direct or indirect personal benefit there from.

Elected representatives shall make no allegations which are improper and derogatory (unless they have sufficient proof of such) and refrain from any form of conduct, which may cause any member of the staff unwarranted offence and embarrassment.

Article 24 - Respect to their colleagues, staff and the public

Elected representatives shall not harass or discriminate on grounds of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference, or religious, political or other convictions or allegiances when dealing with their colleagues, Local Government staff or members of the public.

Elected representatives should deal with the public in a fair, impartial and non-partisan manner.

Moreover they should respect the opinion of their colleagues and in their relations maintain the highest standards of courtesy. During Local Government meetings they should use appropriate language and take a constructive and reconcilable attitude in disputes whilst adhering strictly to the provisions of the Standing Orders.

Article 25 - Relations with constituted bodies and Members of Parliament

Elected representatives shall maintain cordial relations with all constituted bodies in their locality.

They should collaborate with Members of Parliament and respect each other's functions.

Duties of Mayor*Article 26 - Mayors to assume responsibility of their actions and of the Local Government*

Mayors should set an example in the discharge of their duties and responsibilities and shall avoid any action or situation inconsistent with their obligation. They are to act in accordance with the policies and resolutions approved by their Local Government and are expected to assume responsibility of the Local Government actions.

Relations with the Media*Article 27 - Relations with the media*

Elected representatives shall respond diligently, honestly and fully to any request from the media for information concerning the performance of their functions but shall not provide any confidential information or information concerning the private lives of elected representatives or third parties.

They shall encourage and promote any measure which fosters media coverage of their powers, the performance of their functions and the functioning of the services provided by the Local Government of which they are members.

Information, Dissemination and Awareness - Raising*Article 28 - Dissemination of the code to elected representatives*

Elected representatives shall undertake to ensure that they have read and understood all the provisions of this code and shall declare that they are willing to be guided by the provisions of the code.

Article 29 - Dissemination of the code to the public, Local Government staff and the media

Elected representatives shall encourage and promote any measure which fosters the dissemination of this code to the Local Government staff, the public and the media, and which heightens those persons' awareness of the principles contained herein.
