SUBSIDIARY LEGISLATION 363.160

REGIONAL COMMITTEES REGULATIONS

5th August, 2011

LEGAL NOTICE 320 of 2011, as amended by Legal Notice 312 of 2015.

PART I

General

1. The title of these regulations is the Regional Committees Regulations. Citation.

2. In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Local Councils Act; Cap. 363.

"Association" means the Local Councils Association established by regulation 3 of the Local Councils (Association) Regulations; S.L. 363.06

"Chairman" and "Deputy Chairman" mean respectively the persons occupying the posts of Chairman and Deputy Chairman of the Regional Committee elected in terms of regulations 4 and 5;

"Code of Ethics" means the Code of Ethics for Maltese Local Councillors, shown in the Fourth Schedule of the Local Councils (Association) Regulations; S.L. 363.06

"Committee " means the Regional Committee

"Councillor" includes a Mayor;

"Director" has the same meaning assigned to it in the Act;

"Executive Secretary" means the person occupying the post of Executive Secretary of the Regional Committee established in terms of regulation 6;

"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.

PART II

Establishment of the Regional Committees

3. (1) There shall be five Regional Committees representing all the Regions established under the provisions of article 37A(1) of the Act. Establishment of the Regional Committees.

(2) The Regional Committee shall be 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 Regional Committee shall 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 Regional Committee shall be responsible to perform those devolved functions or delegated to it by means of an order of the Minister made under the relative provisions of the Act.

Constitution of the Regional Committee. S.L. 363.06

4. (1) The Regional Committee shall be presided by a Regional Chairman elected from amongst all the councillors of that region in accordance with the Local Councils (Association) Regulations and shall also serve as a member of the Executive Committee of the Local Councils Association.

(2) The members of the Regional Committee shall be made up of a representative appointed by each local council of the localities forming part of that region in accordance with the provisions of article 37A(2)(*b*) of the Act.

Election of Deputy Chairman.

5. (1) The Committee shall during its first meeting elect from amongst its members a Deputy Chairman.

(2) If the Chairman of the Region is unable to attend a meeting of the Region or an official activity for which he has been invited, he shall delegate the Vice Chairman and if he is also unable to attend, delegate any one of the members of the Regional Committee to preside over the meeting or to attend the activity in his stead.

Appointment of Executive Secretary.

6. (1) The Committee shall, after consulting the Minister, appoint an Executive Secretary from amongst those persons forming part of the pool referred to in article 49 of the Act:

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

(2) The Committee shall nominate a Deputy Executive Secretary to perform the duties instead of the Executive Secretary whenever the Executive Secretary cannot for any reason perform his functions or whenever the office of the Executive Secretary is vacant. This appointment shall come into force after the Committee has obtained the approval of the Minister.

Election and casual vacancy in the office of the Chairman. S.L. 363.06

7. If a casual vacancy in the office of the Chairman occurs, the person occupying the office of Deputy Chairman shall assume the office of the Chairman until such time as an election for the office of Chairman is held according to the Local Councils (Association) Regulations.

Vacation of seat.

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

Resignation of Chairman of Committee.

9. (1) The Chairman 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.

(2) When a resignation occurs the Executive Secretary shall immediately inform the Executive Secretary of the Local Councils Association and the Director.

Attendance of meetings.

10. The Committee members shall attend all meetings of the Committee.

Dissolution of the Committee by the Minister.

11. The Minister may, by Order in the Gazette acting in accordance with the advice of the Director, dissolve the Committee upon the occurrenced of any one of the following reasons:

(*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 Director; or

(*c*) when the annual estimates are not approved by the Committee; or

(*d*) when a recommendation is made to that effect in a report by a Board of Inquiry appointed for the purposes of the provisions of these regulations.

Election for new Chairman of Committee.

S.L. 363.06

12. (1) Upon the dissolution of the Committee in accordance with regulation 11, the Electoral Commission shall, within thirty days, hold an election for a new Chairman of the Committee in accordance with the provisions of the Local Councils (Association) Regulations:

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

(2) The Committee shall appoint a Chairman from amongst its members until a new Chairman is elected.

S.L. 363.06

(3) The newly elected Chairman elected under the provisions of the Local Councils (Association) Regulations shall hold office for the remainder of the term applicable to the Committee.

PART III

The Office of Chairman of the Committee

Chairman to represent the Committee.

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

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

Legal and judicial representation of the Committee.

14. (1) The legal and judicial representation of the Committee shall be vested in the Chairman together with the Executive Secretary and they may sue and be sued on behalf of the Committee 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 Committee 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 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.

Term of office.

15. The Chairman and Deputy Chairman shall hold office from 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.

Deputy Chairman.

16. When the Chairman cannot, for any reason, perform the functions of his office, such functions shall be exercised by the Deputy Chairman.

Vote of no confidence.

17. (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 votes of the Committee.

(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 the holding of an election in accordance with the provisions of the Local Councils (Association) Regulations so as to elect a Chairman, and in the case of the Deputy Chairman nominate another member to be elected as 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.

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(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 Director by the Executive Secretary without delay.

Allowance.

18. (1) 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.

(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 Regional Committee, Procedure and Meetings

Functions of the Regional Committee. *Amended by: L.N. 312 of 2015.*

19. (1) Subject to subregulation (2) and to the provisions of any other law for the time being in force, the functions of each Committee shall be:

(*a*) to provide for the proper upkeep and maintenance of street lighting in accordance with national and international standards;

(*b*) to organise cultural activities that promote the locality in every possible way;

(*c*) to protect the natural and urban environment of the locality and take all necessary measures to ensure the more efficient use of energy, good waste management and climate change iniatives;

(*d*) to enter into agreements with any public body or government department for the delegation to the Committee of any of the functions of that public body or department:

Provided that any such delegation shall only come into effect after the Minister has made the relevant order in the Gazette;

(*e*) to perform any other function which shall be delegated to it by the Government through the Minister by means of an order published in the Gazette;

(*f*) to provide for all such other works, things, matters and services which are not excluded from a Council's competence by any law for the time being in force nor assigned to any other authority.

(2) Arterial and distributor roads determined by the Structure Plan, national monuments, national parks or gardens, industrial estates, ports, airports and other national territories, establishments, buildings and items listed in the Fourth Schedule to the Act are the responsibility of the Government, and are totally excluded from the competence of the Committee except for the enforcement of laws delegated to them.

(3) (*a*) Various other new functions may be vested in the Committee. Each function shall be devolved when the Central Government will be convinced that Committees are prepared to take on such responsibility.

(*b*) In the case of devolution of new functions, such new functions may be devolved on to one or more of the Committees to serve as a test.

Standing Orders and Code of Ethics. S.L. 363.06

20. (1) The Standing Orders contained in the Sixth Schedule to the Act as well as the Code of Ethics provided under the Fourth Schedule of the Local Councils (Association) Regulations 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.

(2) The meetings of the Committee shall be held following a notice in writing which shall be given 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 office, and in such a case a notice in writing shall be issued at least eight days before the meeting.

(4) The meetings of the Committee shall be open to all the Councillors of the localities forming part of the region.

Copies of agendas and statements, etc.

21. The Committee shall, if so requested by any Council or Councillor 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 Director and the Association; and

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

Sub-Committees.

22. (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.

23. (1) The Committee shall once every year convene all the Councillors in office of the localities forming part of the region for an annual meeting, to be chaired by the Chairman or his delegate. The Committee shall invite the Minister, the Director and the Chairman and Members of the Executive Committee of the Association to attend. Annual meeting.

(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.

PART V

Officers and Employees

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

25. Subject to the provisions of article 110(6) of the Constitution, the Committee may appoint such other employees as the Committee may deem necessary for the efficient discharge of the functions of the Committee so however that the Committee may not employ without the approval of the Director. Other employees.

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

(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 22(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 Director estimates of the income and expenditure of the Committee 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.

27. (1) The Executive Secretary shall receive a remuneration equivalent to the remuneration payable to Local Council Secretaries having five councillors as prescribed in the Local Councils (Human Resources) Regulations. Remuneration. S.L. 363.20

(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.

S.L. 363.20

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

Applicability of certain regulations. S.L. 363.20

28. The provisions of regulations 24 and 27 to 32 of the Local Councils (Human Resources) Regulations shall apply to the Executive Secretary.

PART VI

Finance

Funds.

29. (1) The Committee shall receive the funds generated from the local enforcement system.

(2) Each year the Minister responsible for finance may allocate funds to the Committee which shall serve for the exercise of its functions.

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

Raising of funds.

30. The Committee may, after consulting the Director, and with the unanimous approval of the members present for the Committee meeting discussing the motion, 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 Committee.

Administrative report.

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

(*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.

S.L. 363.12

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

(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 Director and to every Council within the Region.

32. (1) The Auditor General shall appoint an auditor or auditors to audit the accounts of the Committee 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.

Audit of the accounts.

(2) The auditors of the Committe 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 Committee and the Director. A copy of this report shall be laid on the Table of the House by the Minister in the same manner as provided in paragraph 7 of the First Schedule of the Auditor General and National Audit Office Act.

Cap. 396.

33. (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 Committee, and any reference, if applicable, in those regulations to Council, Mayor or Secretary shall be deemed to refer to the Committee, Chairman and Executive Secretary of the Committee respectively.

Applicability of certain regulations.
S.L. 363.01
S.L. 363.02
S.L. 363.03

(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.

PART VII

Miscellaneous

34. Members of the Council shall, during the course of their duties, be required to observe the Code of Ethics Maltese Local Councillors reproduced in the Fourth Schedule of the Local Councils (Association) Regulations.

Observance of Code of Ethics.

S.L. 363.06

35. The Committee shall have its regional administrative offices in a place approved by the Minister and which is accessible for all persons, including those making use of a wheelchair.

Regional administrative offices.

36. The Regional Committee shall have its coat of arms, as well as the insigna and the lapel badge of the Region which shall be worn by the Chairman. The coat-of-arms, insigna and lapel badge shall be that specified by an Order published in the Gazette by the Minister after consulting the Committee.

Coat of arms and insigna.

37. Any payments due to the Committee from the enforcement of laws, regarding the period prior to the 30th September 2015 and which before the 30th September 2015 were delegated to the Committees as well as the provision of services by local wardens in all localities for which the Committee was responsible before the 30th September 2015 including all those functions which are necessary for there to be prosecution due to their enforcement, shall remain the responsibility of the Committee.

Transitory provision.
Added by: L.N. 312 of 2015.