

Decision of the 27th June 2011 issued in virtue of the Malta Resources Authority Act (Cap.423 of the Laws of Malta), the Electrical Installations Regulations, 2010 (LN 225 of 2010) the Authorisations (Suspension, Refusal and Revocation) Regulations, 2008 to Mr Alex Joseph Mallia with regard to the application for the issue of an Authorisation A to carry out the installation, alteration, extension and certification of single phase electrical installations .

Whereas the Authority received an application from **Mr Alex Joseph Mallia** (I.D. No. 0523277(M)) hereinafter ‘the applicant’ for the issue of a (Wireman Licence A) Authorisation A to carry out the installation, alteration, extension and certification of single phase electrical installations under the Electrical Installations Regulations, 2010 (LN 225 of 2010).

Whereas the applicant has sat for the interview in front of the technical committee acting on behalf of MRA and was recommended by the technical committee for the issue of the Authorisation A requested.

Whereas the applicant has submitted a police conduct certificate issued by the Criminal Records Office of the Malta Police.

Whereas the police conduct certificate shows that the applicant was accused and found guilty for committing offences related to drug trafficking and violent conduct and convicted to serve nine years in prison in addition to the payment of a € 24,000 fine plus court expenses.

Whereas the Authorisations (Suspension, Refusal and Revocation) Regulations, 2008 (LN 195 of 2008), Regulation 5 (1) (b) provide that the Authority may refuse an application if the applicant has committed a voluntary criminal offence liable to a punishment for at least one year.

Whereas the ‘Guidelines in relation to the application of the Authorisations (Suspension, Refusal and Revocation) Regulations, 2008 (L.N. 195 of 2008)’ approved by the Board of the Malta Resources Authority are applicable to the application under review.

The Malta Resources Authority has taken note of the application and of the aforementioned considerations and has made its review and considerations on the matter.

Therefore, also for the reasons stated in Section II of this Decision, the Malta Resources Authority hereby determines as follows:

Paragraph 3. of the “**Guidelines in relation to the application of the Authorisations (Suspension, Refusal and Revocation) Regulations, 2008 (L.N. 195 of 2008)**” apply to the matter in hand. The said paragraph states that:

“3. In the case of an applicant or Authorised Provider who has been found guilty of a criminal offence liable to a punishment of imprisonment of at least one year, then the Authority shall withdraw, suspend or refuse Authorisation. The withdrawal, suspension or refusal of the Authorisation shall only become effective once the judgment has become *res judicata*.”

In view of the above, the Authority determines that the application for the issue of an authorisation made by Mr Alex Joseph Mallia (I.D. No. 0523277 (M)) for an Authorisation A under the Electrical Installations Regulations, 2010 (LN 225 of 2010) shall be refused.

Paragraph 6. of the “**Guidelines in relation to the application of the Authorisations (Suspension, Refusal and Revocation) Regulations, 2008 (L.N. 195 of 2008)**” also apply to the matter in hand. The said paragraph states that:

“6. Any withdrawal, suspension and or refusal by the Authority will be reviewed if requested by the applicant and/ or authorized Provider after the lapse of five calendar years after completion of prison sentence and/or payment of the fine.”

In view of the above the Authority may reconsider the application if so requested by the applicant after the lapse of five calendar years from completion of the prison sentence. This review shall be without prejudice to any further review made by the Authority to satisfy itself that Mr. Mr Alex Joseph Mallia (I.D. No. 0523277 (M)) is a fit and proper person to hold an authorization. In view of the explanation offered by the applicant, especially the principles of Restorative Justice

referred to by the applicant in his explanation to the Authority, the Authority shall in this instance allow the applicant to re-submit his application after the lapse of two calendar years from the completion of the prison sentence of his prison sentence. The above is without prejudice to the application of a 'fit and proper' test upon a re-submittal of such application.

Section II

When making this decision under regulation 5 (1) of the Authorisations (Suspension, Refusal and Revocation) Regulations, 2008 the Authority has take into account of:

- (a) the seriousness of, and circumstances surrounding the offence or the contravention;
- (b) the explanation offered by Mr. Mallia;
- (c) the relevance of the offence to the proposed role in the case of the application for the authorisation being applied for;
- (d) the passage of time since the offence was committed and evidence of the individual's rehabilitation;
- (e) any evidence of actual harm or detriment to other authorised providers or consumers;
- (f) evidence pointing to risks to authorised providers and consumers from dealings with the applicant or the authorised provider.

In regard to (a) above, the Authority considers that the seriousness of the offence and the circumstances related to it as described in the criminal conduct certificate provided by the applicant, merit the necessary caution when issuing an authorisation to a person who will carry out an activity that will require dealings with consumers.

The Authority has considered the applicant's explanation. The applicant's explanation has been taken into account in the Authority's decision, as stated in Section I above. The Authority has also taken into account the relevance of the offence to the proposed role in the case of the application for the authorisation being applied for by the applicant and has concluded that the necessary caution must be exercised when issuing an authorisation to a person who will carry out an activity that will require dealings with consumers.

Although there is no evidence of any actual harm or detriment to other authorised providers or consumers which the Authority may have regard of, the Authority considers the applicant's past

criminal conduct as constituting sufficient evidence pointing to risks to authorised providers and consumers from dealings with the applicant and hence the Authority considers that it should adopt a prudent stance in regard to the application in question.

Dr. Reuben Balzan
Chairman
Malta Resources Authority