

ATT TA' L-2002 DWAR IL-PATRIMONJU KULTURALI

**Arrangament ta' Artikoli**

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Naghti l-kunsens tiegħi.

(L.S.)

GEORGE HYZLER  
Acting President

26 ta' April, 2002

**ATT Nru. VI ta' l-2002**

*ATT biex jipprova minflok l-Att dwar il-Protezzjoni ta' l-Antikitajiet, Kap. 54, għas-sovrintendenza, konservazzjoni u amministrazzjoni tal-patrimonju kulturali f'Malta u dwar hwejjeg ancillari għal dan jew li għandhom x'jaqsmu ma' dan.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareg b'ligi dan li ġej:-

**TAQSIMA I  
PRELIMINARI**

**1.** (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2002 dwar il-Patrimonju Kulturali.

Titolu fil-qosor u  
bidu fis-sehh.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-patrimonju kulturali jista' b'avviż fil-Gazzetta jstabilixxi, u dati differenti jistgħu jigu hekk stabbiliti għal disposizzjonijiet differenti u għanijiet differenti tiegħu.

(3) Avviż taht is-subartikolu (2) ta' dan l-artikolu jista' jagħmel dawk id-disposizzjonijiet transitorji bħalma jkun jidhru lill-

Ministru li jkunu mehtieġa jew spedjenti f' dak li għandu x' jaqsam mad-disposizzjonijiet li jingiebu fis-sehħ bih.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieġ xort'ohra:

“Aġenzija” tfisser l-Aġenzija Operattiva mwaqqfa taht l-artikolu 8 ta' dan l-Att;

“Avviż ta' Sospensjoni” għandha t-tifsira mogħtija lilha bl-artikolu 46 ta' dan l-Att;

Kap. 356.

“Awtorità ta' l-Ippjanar” tfisser l-Awtorità mwaqqfa taht l-Att dwar l-Ippjanar ta' l-Iżvilupp;

“Ċentru” tfisser iċ-Ċentru Malti għar-Restawr imsemmi fl-artikolu 10 ta' dan l-Att;

“detentur” tfisser min ikollu fiżikament għandu oġġett kulturali f'isem terzi;

“dritt ta' preferenza” tfisser il-jedd mogħti lis-Sovrintendent bi u skond l-artikolu 40 ta' dan l-Att;

“Entitajiet” tfisser is-Sovrintendenza, l-Aġenzija, iċ-Ċentru, il-Kumitat u l-Fond, u Entità għandha tiftiehem skond hekk;

“esplorazzjoni” tfisser attività fuq l-art u fl-ibhra territorjali jew fiż-żona kontigwa, magħmula bil-għan li tiskopri informazzjoni ġdida li tirrigwarda l-patrimonju kulturali, u li tista' tirrizulta fis-sejbien ta' oġġetti mobbli jew immobbli ta' valur għall-patrimonju kulturali li għadhom mhux dokumentati fl-inventarju nazzjonali ta' proprjetà kulturali;

“Fond” tfisser il-Fond dwar il-Patrimonju Kulturali mwaqqaf bl-artikolu 16 ta' dan l-Att;

“Forum” tfisser il-Forum Nazzjonali għall-Patrimonju Kulturali mwaqqaf fl-artikolu 15 ta' dan l-Att;

“funzjoni” tinkludi kull responsabbiltà, poter u dmir;

Kap. 226.

“ibhra territorjali” għandha t-tifsira mogħtija lilha fl-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa, u tinkludi l-ibhra kollha li jinsabu bejn il-linji bażi hemm imsemmija u l-kosta;

“investigazzjoni” tfisser kull attività għall-fini li tinkiseb u tiġi registrata informazzjoni li jkollha x’taqşam mal-patrimonju kulturali u tinkludi kull xogħol għall-finijiet li jiġu identifikati, skoperti, skavati, mikxufa, rkuprati u mnehhija kull oġġett jew materjal li jkunu sitwati fi, fuq jew taht xi proprjetà kulturali;

“jikkoordina” tfisser l-iskambju ta’ veduti bil-fomm jew bil-miktub, qabel ma tittiehed xi deċiżjoni jew titwettag xi azzjoni, bil-għan li jiġu evitati konflitti, hela u żbalji jew sabiex jinsab rimedju għalihom;

“konservatur-restawratur” tfisser persuna kwalifikata professjonalment li tkun detentur ta’ *warrant* taht dan l-Att;

“konservazzjoni” tfisser attività meħtieġa biex kemm jista’ jkun tkabbar ir-reżistenza jew tnaqqas id-deterjorament ta’ proprjetà kulturali, u tinkludi l-eżami, ttestjar, kkurar, reġistrazzjoni u preservazzjoni ta’ kull tali proprjetà kulturali jew xi parti minnha;

“konservazzjoni integrata” tfisser dik il-firxa shiha ta’ miżuri li għandhom l-iskop li jassiguraw it-tkomplija ġejjiena tal-patrimonju kulturali, li dan jinżamm hekk li jagħmel parti minn ambjent adatt, sew jekk magħmul mill-bniedem sew jekk naturali, l-utilizzazzjoni tiegħu u l-adattament tiegħu għall-htigiet tas-soċjetà. Dak l-għan għandu jinkiseb permezz ta’ l-ghoti ta’ hajja mill-ġdid u ta’ l-integrazzjoni tal-patrimonju kulturali fi hdan l-ambjent fiżiku tas-soċjetà tal-lum u bl-assenjazzjoni ta’ funzjoni soċjali għal dak il-patrimonju kulturali li jkun kompatibbli mad-dinjità tiegħu u mal-qagħda li jkollu;

“il-Kumitat” tfisser il-Kumitat ta’ Garanzija mwaqqaf bl-artikolu 14 ta’ dan l-Att;

Kap. 363.

“Kunsill Lokali” tfisser xi kunsill lokali mwaqqaf taht l-Att dwar il-Kunsilli Lokali;

“kurazija” u “att ta’ kurazija” għandu jkollhom it-tifsira rispettivament mogħtija lilhom fl-artikolu 48;

“Ministru” tfisser il-Ministru responsabbli għall-patrimonju kulturali, u tinkludi, fil-limitu ta’ kull awtorità mogħtija, kull min ikun speċifikament awtorizzat mill-Ministru għal xi wiehed mill-għanijiet ta’ dan l-Att;

“missjoni” tfisser l-għan u l-iskop ta’ organizzazzjoni;

“mużew” tfisser istituzzjoni permanenti fis-servizz ta’ soċjetà u ta’ l-iżvilupp taghha, u miftuħa għall-pubbliku, li takkwista, tiġbor, tikkonserva, taghmel riċerka, tiddokumenta, tikkomunika u tesibixxi għall-fini ta’ studju, edukazzjoni u tgawdija tal-patrimonju kulturali u informazzjoni assoċjata ta’ l-umanità u ta’ l-ambjent relattiv għall-benefiċċju pubbliku;

“Ordni ta’ Konservazzjoni u Protezzjoni” għandu jkollha t-tifsira mogħtija lilha fl-artikolu 47 ta’ dan l-Att;

“patrimonju kulturali” tfisser oġġetti mobbli jew immobbli ta’ importanza artistika, arkitettonika, storika, arkeoloġika, etnografika, paleontoloġika u ġeoloġika u tinkludi informazzjoni jew *data* relattivi għall-patrimonju kulturali li jappartjeni lil Malta jew lil xi pajjiż ieħor. Dan jinkludi wkoll siti jew depożiti arkeoloġiċi, paleontoloġiċi jew ġeoloġiċi, paesagg, gruppi ta’ bini, kif ukoll kollezzjonijiet xjentifiċi, kollezzjonijiet ta’ oġġetti artistici, manuskritti, kotba, materjal ippubblikat, arkivji, materjal awdjoviziv u riproduzzjonijiet ta’ xi waħda minn dawn hawn qabel imsemmija, jew kollezzjonijiet ta’ valur storiku, kif ukoll assi kulturali intanġibbli li jinkludi l-arti, it-tradizzjonijiet, id-drawwa u l-hiliet li jintużaw fl-arti dimostrattiva, fl-arti applikata u fl-artiġġjanat u assi intanġibbli ohra li għandhom valur storiku, artistiku jew etnografiku;

“preskritt” tfisser preskritt taht dan l-Att;

“proprjetà kulturali” tfisser proprjetà mobbli jew immobbli li tagħmel parti mill-patrimonju kulturali;

“pussessur” tfisser min fiżikament ikollu l-oġġett kulturali f’ismu proprju;

“restawr” tfisser attività ta’ speċjalizzazzjoni għolja għall-konservazzjoni ta’ l-integrità tal-patrimonju kulturali, li tohrog il-valuri u ttejjeb il-mod kif jinqara l-istat, il-forma u d-disinn originali, fil-parametri ta’ materjal li jkun għadu jeżisti. Dik l-attività għandha tkun imsejsa fuq proċess kritiku u storiku ta’ valutazzjoni u mhux fuq koŋgettura;

“sena finanzjarja” tfisser il-perjodu ta’ tnax-il xahar li jtemm fit-tletin jum ta’ Settembru ta’ kull sena:

Iżda l-ewwel sena finanzjarja għar-rigward ta’ xi Entità tkun tikkonsisti fil-perjodu li jibda għaddej fid-data tad-dhul fis-seħħ ta’ l-artikoli relattivi ta’ dan l-Att li jkunu jirreferu għal dik l-Entità, u li jtemm fit-tletin jum ta’ Settembru tas-sena ta’ wara;

“sid” dwar proprjetà kulturali tinkludi *directus dominus*, *sub directus dominus*, enfitewta, sub-enfitewta, min ikollu l-proprjetà nuda u użufruttwarju;

“sorveljanza” tfisser attività mis-Sovrintendenza li tkun tinkludi attività li jkollha x’taqsam mal-kontroll, direzzjoni, sorveljar, regolament, investigazzjoni u reġistrar tal-patrimonju kulturali, u tinkludi kull attività li jkollha x’taqsam ma’ dan;

“Sovrintendenza” tfisser is-Sovrintendenza tal-Patrimonju Kulturali mwaqqfa bl-artikolu 7 u “Sovrintendent” tfisser is-Sovrintendent tal-Patrimonju Kulturali msemmi fl-istess l-artikolu;

“uffiċjal” u “impjegat” tinkludi uffiċjal pubbliku mqabbad jaqdi dmirijiet f’xi Entità, Kumitat jew korp imwaqqaf taht dan l-Att;

“uffiċjal pubbliku” ghandha l-istess tifsira moghtija lilha bl-artikolu 124 tal-Kostituzzjoni;

“warrant” tfisser *warrant* li jinghata skond it-Taqsima VI ta’ dan l-Att, u detentur ta’ *warrant* ghandha tiftiehem skond hekk;

“żona kontigwa” ghandha t-tifsira kif moghtija lilha bl-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa;

Kap. 226.

“żvilupp” ghandha t-tifsira moghtija lilha fl-Att dwar l-Ippjanar ta’ l-Iżvilupp.

Kap. 356.

3. Għall-finijiet ta’ dan l-Att, oġġett ma jitqiesx li jkun jagħmel parti mill-patrimonju kulturali kemm-il darba dan ma jkunx eżista f’Malta, inklużi l-ibhra territorjali tagħha, jew f’xi pajjiż ieħor, għal hamsin sena, jew kemm-il darba ma jkunx oġġett ta’ valur kulturali, artistiku, storiku, etnografiku, xjentifiku jew industrijali, ukoll jekk kontemporanju, li ghandu jiġi preservat.

Oġġetti li dwarhom japplikaw id-disposizzjonijiet ta’ dan l-Att.

## TAQSIMA II PRINĊIPJI U DMIRIJET ĠENERALI

4. (1) Id-disposizzjonijiet tas-subartikoli li ġejjin ta’ dan l-artikolu u ta’ l-artikoli l-oħra ta’ din it-Taqsima m’ghandhomx ikunu esegwibbli f’xi qorti tal-ġustizzja, madankollu l-prinċipji li jinsabu fiha huma fundamentali għall-protezzjoni tal-patrimonju kulturali u tkun il-mira ta’ l-Istat li japplikhom u li jiggwida ruhu bihom.

Prinċipji u dmirijiet.

(2) Kull ċittadin ta’ Malta kif ukoll kull min ikun preżenti f’Malta ghandu jkollu d-dmir li jipproteġi l-patrimonju kulturali kif ukoll id-dritt li jibbenefika minn dan il-patrimonju kulturali permezz tat-

taghlim u tat-tgawdija. Il-patrimonju kulturali huwa assi ta' valur spiritwali, kulturali, soċjali u ekonomiku li ma jistax jiġi mibdul, u l-protezzjoni u l-promozzjoni tiegħu huma indispensabbli għal hajja bilanċjata u kompluta.

(3) L-Istat Malti jkollu d-dmir jistabbilixxi u jzomm strutturi amministrattivi u regolatorji ta' sovrintendenza sabiex jiżgura li dan il-patrimonju ikun protett u konservat, kif ukoll jahseb għal dawk l-istrutturi l-oħra li jkunu meħtieġa għall-amministrazzjoni tal-kura, espożizzjoni u apprezzament ta' dan il-patrimonju.

(4) Id-dmir li tiproteġi jinkludi d-dmir li tiddokumenta, tikkonserva, taghmel manutenzjoni, tirrestawra u jinkludi d-dmir ta' intervent meta jitqies li jkun hekk meħtieġ, inklużi f'ċirkostanzi ta' użu mhux kif imiss, nuqqas ta' konservazzjoni jew applikazzjoni ta' metodi ta' konservazzjoni mhux kif għandhom ikunu. Dak id-dmir li tiproteġi jinkludi wkoll id-dmir ta' inkoraġġiment ta' l-użu sostenibbli u ż-żamma fi stat tajjeb tar-riżorsa ta' patrimonju kulturali, skond il-prinċipji ta' konservazzjoni integrata, inkluż:

(a) l-inkoraġġiment ta' l-integrazzjoni ta' pratki ta' konservazzjoni u ta' tmexxija għar-rigward tal-patrimonju kulturali f'kull livell ta' gvern, gvern lokali, is-settur privat u tal-volontarjat;

(b) l-aċċertament li l-konservazzjoni, it-tmexxija u inizjattivi oħra li jolqtu l-patrimonju kulturali jkunu jqisu kull politika ta' inkluzjoni soċjali;

(c) l-aċċertament li l-konservazzjoni, l-ippjanar ta' l-art u inizjattivi oħra li jkunu jolqtu nhawi ta' patrimonju kulturali jkunu jqisu n-nisġa soċjali ta' komunitajiet eżistenti u jkunu jhabirku biex itejbu l-kondizzjonijiet ta' għajxien għal kull livell tas-soċjetà. Dawk l-inizjattivi għandhom jiżguraw, fejn ikun possibbli, li ma jwasslux għal bidliet negattivi fin-nisġa soċjali tal-popolazzjoni ta' xi lokalità, tkun liema tkun, fejn isir xi intervent;

(d) il-promozzjoni ta' għarfien pubbliku dwar ir-rikkezza u l-firxa ta' patrimonju kulturali bħala parti intrinsika mill-ambjent tal-bniedem, u tal-bżonn li ssir hidma biex ma jitbaxxewx dawk l-istess assi ta' patrimonju kulturali li fuqhom tkun tiddependi l-kwalità ta' dak l-istess ambjent, kif ukoll tar-raġunijiet kulturali, ekonomiċi u soċjali li jkunu jiġġustifikaw il-protezzjoni relattiva;

(e) il-konsiderazzjoni ta' problemi speċjali tal-konservazzjoni, manutenzjoni u tmexxija tal-patrimonju kulturali f'politika dwar dak kollu li jirrigwarda t-tniġġis ta' l-ambjent;

(f) il-promozzjoni ta' politika fiskali u finanzjarja li tinkoraggixxi sidien ta' patrimonju kulturali li jzommu fi stat tajjeb, jikkonservaw, jiproteġu u jagħmlu użu kif imiss ta' dik il-proprjetà.

(5) Id-dmir li tagħmel aċċessibbli jinkludi d-dmir li tesibbixxi, tagħmel riċerka, tirrendi aċċessibbli għal riċerka, studju u tgawdija, il-patrimonju kulturali u li jinġieb 'il quddiem l-għarfien, l-apprezzament u l-konozzenza ta' dan il-patrimonju fil-parametri tal-prinċipju ta' inkluzjoni soċjali. Il-jedd ta' aċċess għal u benefiċċju minn dan il-patrimonju kulturali ma jappartjenix unikament għall-ġenerazzjoni preżenti. Kull ġenerazzjoni jkollha d-dmir li tiproteġi dan il-patrimonju u li tagħmlu aċċessibbli għal ġenerazzjonijiet fil-gejjieni u għall-umanità kollha.

**5.** Fit-tweġġ ta' dmirijietu l-Istat jista' jiddelega kull dmir minn dawk stipulati fl-artikolu 4 lil Entitajiet li jkunu diġà jeżistu, jew lil entitajiet oħra pubbliċi jew mhux statali li jistgħu jkunu mwaqqfa għal dak l-iskop, iżda l-Istat għandu: Kondizzjonijiet.

(a) jippubblika l-kondizzjonijiet li tahtom dik id-delega tkun mogħtija;

(b) jirriserva l-proprjetà pubblika ta' dak kollu li jitqieghed f'fedekommess b'dik id-delega;

(ċ) jirriserva l-jedd ta' sovrintendenza.

**6.** Il-protezzjoni u l-promozzjoni tal-patrimonju kulturali u l-aċċessibilità għalih għandhom jingħataw priorità għolja hafna meta tkun qed tiġi deċiża xi tkun il-politika pubblika f'kull qasam ta' attività f'Malta. Priorità lill-Patrimonju Kulturali.

### **TAQSIMA III KOSTITUZZJONI, KOMPOŻIZZJONI U FUNZJONIJIET TA' L-ENTITAJIET**

**7.** (1) Ikun hemm Sovrintendenza tal-Patrimonju Kulturali, taht ir-responsabbiltà u l-amministrazzjoni tas-Sovrintendent tal-Patrimonju Kulturali. Il-missjoni tas-Sovrintendenza tkun li twettaq id-dmirijiet ta' l-Istat dwar il-protezzjoni tal-patrimonju kulturali u l-aċċessibilità għalih, kif imfisser f'dan l-Att. Sovrintendenza.

(2) Is-Sovrintendenza tkun korp magħqud li jkollu personalità ġuridika distinta u li tkun tista', bla ħsara għad-disposizzjonijiet ta' dan l-Att, tagħmel kuntratti, tikseb, iżzomm u tiddisponi minn kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet Personalità ġuridika u rappreżentanza legali.

taghha, jew li tharrek jew li tiġi mharrka, u li taghmel dawk l-affarijiet kollha u li taghmel dawk l-operazzjonijiet kollha li huma inċidentali jew li jwasslu għall-eserċizzju jew it-twettiq tal-funzjonijiet taghha taht dan l-Att.

(3) Ir-rappreżentanza legali u ġudizzjarja tas-Sovrintendenza tvesti fis-Sovrintendent iżda s-Sovrintendent jista' jahtar lil xi hadd, inkluż xi uffiċjal jew impjegat wiehed jew iktar tas-Sovrintendenza, biex jidher f'isimha u għaliha f'kull proċediment ġudizzjarju u fuq kull att, kuntratt, istrument jew dokument iehor ta' liema xorta jkun.

Hatra ta'  
Sovrintendent.

(4) Is-Sovrintendent jinhatar mill-Ministru għal perjodu ta' mhux iżjed minn hames snin taht dawk il-pattijiet u kondizzjonijiet kif stabbilit fl-ittra tal-hatra tiegħu. Meta jagħlqilha ż-żmien tal-kariga persuna tista' terġa tinhatar għal perjodu jew perjodi ulterjuri.

Funzjonijiet u  
dmirijiet  
tas-Sovrintendenza.

(5) Tkun il-funzjoni tas-Sovrintendenza:

(a) li tistabbilixxi, taġġorna, tamministra u, meta jidhrilha xieraq, tippubblika, jew tiżgura li ssir il-kompilazzjoni ta', inventarju nazzjonali ta' dik il-proprjetà kulturali li tkun tappartjeni:

(i) lill-Istat jew istituzzjonijiet ta' l-Istat,

(ii) lill-Knisja Kattolika u lil denominazzjonijiet reliġjużi oħra,

(iii) lil Fondazzjonijiet stabbiliti f'dawn il-gżejjer,

(iv) lil persuni fiżiċi u ġuridiċi meta l-proprjetà kulturali tkun saret aċċessibbli għall-pubbliku, jew meta dawk il-persuni jkunu taw il-kunsens tagħhom għal dak l-ghan;

(b) li twettaq sorveljanza fuq il-protezzjoni, konservazzjoni, restawr, manutenzjoni, esibizzjoni u aċċessibilità ta' proprjetà kulturali;

(ċ) li tippromwovi riċerka fil-qasam tal-patrimonju kulturali u li taghmel skavi u investigazzjonijiet oħra li jistgħu jkunu meħtieġa sabiex jiġu skoperti, jinghataw attenzjoni u jkunu apprezzati oġġetti jew aspetti tal-patrimonju kulturali;

(d) li tawtorizza skavi, kif ukoll li tissorvelja l-iskavi b'hekk li tiżgura li dawk l-iskavi, id-dokumentazzjoni tagħhom u l-esibizzjoni tar-riżultati relattivi jkunu skond metodi xjentifiċi u li tintuża l-ahjar teknoloġija possibbli;

(e) li tiżgura li tinżamm u tiġi arkivjata dokumentazzjoni adegwata dwar l-iskavar, l-esplorazzjoni u t-tfittxija għall-antikitajiet, il-konservazzjoni ta' proprjetà kulturali u skoperti li jirriżultaw minn Stimi ta' l-Impatt fuq l-Ambjent;

(f) li tippromwovi u tassigura l-ahjar politika, livelli u pratka għall-konservazzjoni u l-preżentazzjoni ta' artefatti, kollezzjonijiet, mużewijiet, bini, monumenti u siti;

(g) li tagħti parir u tikkoordina flimkien ma' l-Awtorità ta' l-Ippjanar kull azzjoni għas-salvagwardja tal-patrimonju kulturali meta jkunu qeghdin jiġu kkunsidrati applikazzjonijiet għal xi permessi ta' l-ippjanar li jkollhom x'jaqsmu ma' żvilupp li jkun jolqot ogġetti, siti, bini jew paesagġ li jagħmlu parti mill-patrimonju kulturali;

(h) li tagħti parir lill-Ministru dwar il-koperazzjoni ma' gvernijiet u organizzazzjonijiet internazzjonali ohra fil-qasam tal-protezzjoni tal-patrimonju kulturali;

(i) wara li tikkonsulta lill-Kumitat, li tagħti parir lill-Ministru dwar il-htieġa li jiġu infurzati xoghlijiet urġenti ta' tiswija jew konservazzjoni skond l-artikolu 42, kif ukoll dwar il-htieġa għall-akkwist mgieghel ta' siti jew bini mill-Gvern skond l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, għall-ahjar protezzjoni tal-patrimonju kulturali;

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(j) b' mod ġenerali biex tagħti pariri lill-Ministru fuq kull kwistjoni għar-rigward tal-patrimonju kulturali u l-proprjetà kulturali;

(k) biex taqdi kull funzjoni ohra bħal dawk taht din il-liġi jew kull liġi ohra kif ukoll dawk il-funzjonijiet l-ohra kollha li l-Ministru jista' minn żmien għal żmien jassenjalha.

**8.** (1) Ikun hemm Aġenzija Operattiva hawnhekk iżjed 'il quddiem f'dan l-Att imsemmija l-Aġenzija li tkun magħrufa bhala "Patrimonju Malta". Il-missjoni ta' l-Aġenzija tkun li tiżgura li dawk l-elementi tal-patrimonju kulturali fdati lilha jkunu protetti u jisru aċċessibbli għall-pubbliku, kif provdut f'dan l-Att.

Aġenzija  
Operattiva.

(2) L-Aġenzija tkun korp magħqud li jkollu personalità ġuridika distinta u tkun tista', bla hsara għad-disposizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżżomm u tneħhi kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet tagħha, jew li tharrek u tiġi mharrka, u li tagħmel dawk l-affarijiet kollha kif ukoll dawk it-transazzjonijiet li huma

incidentali jew li jwasslu għall-esercizzju jew it-twettiq tal-funzjonijiet tagħha taht dan l-Att.

Rappreżentanza  
legali u ġudizzjarja.

(3) Ir-rappreżentanza legali u ġudizzjarja ta' l-Aġenzija tvesti fil-President, iżda l-President jista' jahtar lill-Uffiċjal Ewlieni Esekuttiv jew xi wiehed jew iktar mill-uffiċjali jew impjegati ta' l-Aġenzija, biex jidher f'isimha u għaliha f'kull proċediment ġudizzjarju u fuq kull att, kuntratt, istrument jew dokument ieħor ta' liema xorta jkun.

Funzjonijiet  
ta' l-Aġenzija.

(4) Tkun il-funzjoni ta' l-Aġenzija:

(a) li tiżgura li mużewijiet, kollezzjonijiet, siti, bini u proprjetà, mobbli jew immobbli, li jiformaw parti mill-patrimonju kulturali, li jkunu proprjetà tagħha jew inkella amministrati minnha, jkunu konservati, restawrati, amministrati, immexxija, operati, imqeghda fis-suq, studjati u pprezentati għall-esibizzjoni, bl-aħjar mod possibbli;

(b) li takkwista bi proprjetà jew bhala oġġetti fdati f'idejha, kollezzjonijiet ta' oġġetti, siti, bini, għall-mużewijiet, kollezzjonijiet, siti u bini;

(ċ) li twettaq, f'kull każ taht is-sorveljanza tas-Sovrintendent, jew tikkummissjona r-restawr jew konservazzjoni, ta' proprjetà kulturali li tkun proprjetà jew xort'ohra miżmuma jew amministrata minnha;

(d) li tikkoordina ma' l-Awtorità dwar it-Turiżmu ta' Malta, ma' l-Awtorità ta' l-Ippjanar u ma' korpi oħra involuti, miżuri li jitqiesu mehtieġa sabiex oġġetti, siti u bini ta' patrimonju kulturali jkunu protetti u jsiru aċċessibbli permezz ta' kull konservazzjoni, manutenzjoni, restawr, esibizzjoni u promozzjoni mehtieġa;

(e) li tippromwovi konoxxenza, edukazzjoni, apprezzament u tgawdija pubblika tal-patrimonju kulturali;

(f) b'koordinament mas-Sovrintendenza tikkonsulta mal-kunsilli lokali fil-harsien tal-patrimonju kulturali fil-lokalità tagħhom; u

(g) li twettaq dawk il-funzjonijiet l-oħra li l-Ministru jista' minn żmien għal żmien jassenjalha.

(5) (a) Bil-għan li jiġu żgurati l-aħjar konservazzjoni, restawr, tmexxija, amministrazzjoni, *marketing*, esibizzjoni, preżentazzjoni jew studju ta' xi qasam partikolari tal-patrimonju kulturali, l-Aġenzija tista', bl-approvazzjoni bil-miktub tal-Ministru, u f'konsultazzjoni mas-Sovrintendent, jew tiddelega l-funzjonijiet tagħha lil xi enti eżistenti jew lil xi enti li għad trid tiġi mwaqqfa, sew pubblika sew privata, jew lil xi soċjetà msieħba magħha, kif ikun meħtieġ, u f'kull każ taht dawk il-kondizzjonijiet kif stabbiliti mis-Sovrintendent u approvati u ppubblikati mill-Ministru fil-Gazzetta, b'dana però illi fejn id-delega fuq imsemmija tkun tikkonsisti f'att ta' kurazija għandhom jiġu segwiti l-provvedimenti ta' l-artikolu 48 ta' dan l-Att .

(b) L-Aġenzija tista', meta jkun adatt, twettaq ukoll il-funzjonijiet tagħha direttament permezz tar-riżorsi tagħha nnifisha.

(6) L-Aġenzija għandha tagħti lis-Sovrintendent kull informazzjoni li huwa jista' jeħtieġ sabiex ikun jista' jwettaq il-funzjonijiet tiegħu taht dan l-Att.

**9.** (1) L-Aġenzija tkun regolata minn Bord tad-Diretturi Bord tad-Diretturi. magħmul minn mhux inqas minn hames membri u mhux iktar minn disa' membri, li wiehed minnhom ikun il-President, iehor il-Viċi President, u iehor nominat mill-Ministru responsabbli għal Ghawdex.

(2) Il-membri tal-Bord jinhatru mill-Ministru għal perjodu ta' mhux inqas minn tliet snin imma mhux iżjed minn hames snin kif jista' jkun deċiż fl-ittra tal-hatra tagħhom. Membri tal-Bord jistgħu, meta jiskadi ż-żmien tal-kariga tagħhom, jergħu jiġu maħtura.

(3) Il-funzjonijiet tal-Bord ikunu:

(a) li jiddeċiedi l-politka u l-istrateġija ta' l-Aġenzija;

(b) li jimpjega u jmexxi r-riżorsi umani meħtieġa biex jikseb il-miri ta' l-Aġenzija;

(ċ) li jiżgura l-amministrazzjoni finanzjarja xierqa ta' l-Aġenzija;

(d) li jiżgura l-kollaborazzjoni mal-korpi lokali u barranin li tkun meħtieġa sabiex jinkisbu l-miri ta' l-Aġenzija.

(4) Il-Bord għandu jahtar Uffiċjal Ewlieni Esekuttiv li jkun responsabbli lejn il-President u l-Bord u li jkun maħtur għal perjodu ta'

mhux inqas minn tliet snin taht dawk il-pattijiet u kundizzjonijiet kif stabbiliti fl-ittra tal-hatra tieghu. Meta jaghlqilha z-zmien tal-kariga, persuna tista' terga tinhatar ghal perjodu jew perjodi ulterjuri.

(5) Is-seduti tal-Bord jitlaqqghu mill-President, sew fuq inizjattiva tieghu sew fuq talba ta' xi tnejn mill-membri l-ohra.

(6) Nofs l-ghadd ta' membri li f'dak il-waqt jikkostitwixxu l-Bord jaghmlu quorum. Id-decizjonijiet ikunu adottati waqt seduta li fiha jkun hemm quorum b'maggoranza sempliċi tal-membri presenti u votanti. Il-President ghandu jkollu vot bhal kulhadd u, f'kaz ta' voti ndaqs, vot deciziv.

(7) Membru li jkollu xi interess dirett jew indirett f'xi kuntratt jew f'xi azzjoni ohra maghmulin jew proposti li jsiru mill-Agenzija, meta jkun hemm tali interess, ghandu jizvela ix-xorta ta' l-interess tieghu fl-ewwel seduta tal-Bord wara li jkun sar jaf bil-fatti rilevanti. Dak il-kxif ghandi jitnizzel fil-minuti tas-seduta, u tali membru ghandu jirtira minn seduta filwaqt li dik il-kwistjoni tkun qeghda tigi diskussa jew deciza mill-Bord.

(8) Bla hsara ghad-disposizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proceduri tieghu nnifsu.

(9) Dokument li jgieghelek tahseb li jkun istrument maghmul jew mahruġ mill-Agenzija u ffirmat mill-president f'isimha ghandu jigi ricevut bi prova u ghandu, sakemm ma tingiebx prova kuntrarja, jitqies bhala istrument maghmul jew mahruġ mill-Agenzija.

Ċentru Malti  
ghar-Restawr.

**10.** (1) (a) Iċ-Ċentru Malti ghar-Restawr imwaqqaf mill-Ministru responsabbli ghall-Edukazzjoni flimkien ma' l-Università ta' Malta qiegħed b'dan jerga' jigi mwaqqaf u rikostitwit bhala korp magħqud b'personalità ġuridika distinta li jista', bla hsara ghad-disposizzjonijiet ta' dan l-Att, jagħmel kuntratti, jikseb, iżomm u jiddisponi minn kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet tieghu, li jharrek u jigi mharrek, u li jagħmel dawk l-affarijiet kollha u li jagħmel dawk it-transazzjonijiet li jkunu inċidentali jew li jwasslu għall-esercizzju jew it-twettiq tal-funzjonijiet tieghu taht dan l-Att.

(b) Il-missjoni taċ-Ċentru hi li dan isir ċentru ta' eċċellenza għat-tagħlim, taħriġ, riċerka u prattika tal-konservazzjoni, restawr, manutenzjoni, tmexxija u preżentazzjoni tal-patrimonju kulturali, u biex jipprovdi servizzi u konsultazzjoni, dwar il-konservazzjoni u restawr skond ma jista' jkun meħtieġ minn korpi ohra, kemm pubbliċi u kemm privati.

(2) Ir-rappreżentanza legali u ġuridika taċ-Ċentru tvesti fil-President, iżda l-President jista' jahtar lid-Direttur jew lil xi wiehed jew iktar mill-uffiċjali jew impjegati taċ-Ċentru, biex jidher f'isimha u għaliha f'kull proċediment ġudizzjarju u fuq kull att, kuntratt, istrument jew dokument ieħor ta' liema xorta jkun.

Rappreżentanza  
legali.

(3) Iċ-Ċentru jkun regolat minn Bord ta' Gvernaturi (hawnhekk iżjed 'il quddiem f'dan l-artikolu msejjah il-Bord) magħmul minn mhux inqas minn hames u mhux iktar minn disa' membri, li jkun magħmul kif ġej:

Bord ta'  
Gvernaturi.

(i) President u membru wiehed ieħor li jinhatar mill-Kunsill ta' l-Università ta' Malta;

(ii) żewġ membri li jinhatru mill-Ministru;

(iii) membru li jinhatar mill-Ministru responsabbli għall-ambjent;

(iv) sa erba' membri nominati mill-Bord, minn fost l-istituzzjonijiet li jikkoperaw maċ-Ċentru, u mahtura mill-Ministru flimkien ma' l-Università ta' Malta.

Il-President u l-membri tal-Bord, għandhom jinhatru jew jintgħażlu, skond il-każ, għal perjodu ta' tliet snin li jiġġedded għal perjodi oħra ta' tliet snin kull wiehed.

(4) Il-funzjonijiet tal-Bord ikunu -

(a) li jiddeċiedi l-politka u l-istrategija taċ-Ċentru;

(b) li jimpjega u jmexxi ir-riżorsi umani mehtieġa biex jinkisbu l-miri taċ-Ċentru;

(c) li jiżgura l-amministrazzjoni finanzjarja xierqa taċ-Ċentru;

(d) li jiżgura kollaborazzjoni ma' korpi lokali u barranin, mehtieġa biex jinkisbu l-miri taċ-Ċentru.

(5) Il-Bord għandu jahtar Direttur taċ-Ċentru li jkun l-Uffiċjal Ewlieni Esekuttiv taċ-Ċentru u li jkun responsabbli lejn il-President u l-Bord.

(6) Is-seduti tal-Bord jitlaqqghu mill-President kemm b'inizjattiva tiegħu kemm fuq talba ta' xi tnejn mill-membri l-oħra.

(7) Tliet membri tal-Bord jaghmlu *quorum* fis-seduti tieghu. Id-deċiżjonijiet ikunu adottati waqt seduta li fiha jkun hemm *quorum* b'maġġoranza sempliċi tal-membri presenti u votanti. Il-President, jew persuna oħra li tkun qed tippresjedi s-seduta, għandu jkollhom vot bhal kulhadd u, f'każ ta' voti ndaqs, vot deċiżiv.

(8) Membru li jkollu xi interess dirett jew indirett f'xi kuntratt jew f'xi azzjoni oħra magħmula jew proposta li ssir miċ-Ċentru, għandu jiżvela x-xorta ta' l-interess tiegħu fl-ewwel seduta tal-Bord wara li jkun sar jaf bil-fatti rilevanti. Dak il-kxif għandi jitniżżel fil-minuti tas-seduta u tali membru għandu jirtira minn seduta waqt li dak il-kuntratt ikun qiegħed jiġi diskuss jew deċiż mill-Bord.

(9) Bla hsara għad-disposizzjonijiet ta' dan l-Att u għal dawk il-proċeduri li jistgħu jiġu preskritti, il-Bord jista' jirregola l-proċeduri tiegħu nnifsu.

(10) Dokument li jġieghlek taħseb li jkun instrument magħmul jew mahruġ miċ-Ċentru u ffirmat mill-President f'ismu jista' jinġiebi bi prova u għandu, sakemm ma tingiebx prova kuntrarja, jitqies bħala instrument magħmul jew mahruġ miċ-Ċentru.

Funzjonijiet  
taċ-Ċentru.

#### 11. Il-miri u l-funzjonijiet taċ-Ċentru jkunu:

(a) li jagħmilha ta' aġenzija nazzjonali għall-konsultazzjoni sew għall-pubbliku sew għal setturi privati fuq kull kwistjoni li għandha x'taqsam mal-konservazzjoni u r-restawr;

(b) li jagħti pariri, wara konsultazzjoni mas-Sovrintendenza, lill-Gvern dwar politika ta' konservazzjoni u restawr li tkun tkopri l-gżejjer ta' Malta u jidentifika l-prijoritajiet u l-bżonnijiet speċjali;

(ċ) li jagħti pariri u jirranġa għar-restawr barra minn Malta ta' dawk l-artefatti li ma jistgħux jiġu restawrati lokalment;

(d) li jidhol għal proġetti ta' konservazzjoni f'Malta u barra mill-pajjiż u jipprovdi servizzi ta' amministrazzjoni għal proġetti ta' konservazzjoni u restawr lil klijenti fis-settur kemm pubbliku kemm privat sew f'Malta sew barra l-pajjiż;

(e) li jistabbilixxi u jmantni kull sistema meħtieġa, speċjalment *databases* dwar il-konservazzjoni, meħtieġa għall-organizzazzjoni, ppjanar, koordinament, kontroll, sorveljar u b'mod ġenerali li jidhol għal proġetti ta' restawr;

(f) li jagħmel riċerka u jiżviluppa metodoloġija ta' amministrazzjoni ta' proġetti ta' restawr;

(g) li jistabbilixxi u jmantni laboratorji xjentifiċi djanjostiċi;

(h) li jistabbilixxi u jmantni dipartiment ta' dokumentazzjoni fejn tiġi fdata d-dokumentazzjoni xjentifika ta' proġetti ta' konservazzjoni;

(i) li jippromwovi, jistabbilixxi, u jmantni faċilitajiet ta' taġħlim għat-taħriġ ta' studenti sa livelli professjonali rikonoxxuti internazzjonalment fl-arti u x-xjenzi tal-konservazzjoni u r-restawr;

(j) li jippromwovi u jikkoordina l-kisba ta' taħriġ interdixxiplinari f'livelli professjonali, tekniċi u artigjanali f'kull aspett ta' konservazzjoni u restawr; u

(k) li jippromwovi u jorganizza l-attivitajiet ta' taġħlim u ċertifikazzjoni tiegħu fil-parametri tar-Regolamenti ta' l-2000 dwar Kwalifiki Professjonali u Vokazzjonali ta' Malta, b'mod li jippermettu progrediment minn livelli vokazzjonali għal dawk professjonali. A.L. 215 ta' l-2000.

(l) li jidentifika hiliet meħtieġa fis-settur kollu tal-patrimonju kulturali u l-mezzi kif dawn il-hiliet jistgħu jkunu żviluppatti, waqt li jinkoraġġixxi u jgħin ukoll żvilupp professjonali kontinwu għal dawk il-persuni li jahdmu f'kull qasam tas-settur.

12. (1) Il-Ministru għandu jipprepara dokument ta' politika li jkun jagħti hjiel fuq Strateġija Nazzjonali għall-Patrimonju Kulturali. Fit-thejjija ta' dak id-dokument il-Ministru għandu jikkonsulta l-Entitajiet kollha mwaqqfa taħt dan l-Att u dawk l-aġenziji l-oħra, sew pubbliċi sew xort'oħra, li l-Ministru jista' jqis li għandhom jiġu kkonsultati. Il-Ministru għandu jpoġġi dan id-dokument fuq il-Mejda tal-Kamra hekk kif ikun lest, u l-Kamra għandha tiddedika seduta waħda għad-diskussjoni. Strateġija Nazzjonali dwar il-Patrimonju Kulturali.

(2) Il-Ministru għandu jirrevedi dik l-istrateġija kull meta jista' jkun meħtieġ, u f'kull każ iżda mhux inqas minn darba kull hames snin:

Iżda l-ewwel Dokument ta' Strateġija għandu jiġi abbozzat fi żmien tnax-il xahar mid-dhul fis-seħh ta' dan l-Att.

(3) Fl-esercizzju tal-funzjonijiet tagħhom taħt dan l-Att, is-Sovrintendenza, l-Aġenzija u ċ-Ċentru għandhom: Relazzjonijiet mal-Ministru.

(a) jagħtu effett, kemm jista' jkun malajr, lil xi ordni, li ma tkunx inkonsistenti ma' xi disposizzjoni ta' dan l-Att li l-Ministru jista' jagħti lis-Sovrintendenza, l-Aġenzija u ċ-Ċentru Malti għar-Restawr dwar il-politka li għandha tiġi segwita minnhom fit-tweqqiq tal-funzjonijiet, u dwar kull haġa li l-Ministru jkun jidhirlu li taffettwa l-patrimonju kulturali;

(b) jipprovdu lill-Ministru faċilitajiet għall-ksib ta' informazzjoni għar-rigward tal-proprjetà u l-attivitajiet tas-Sovrintendenza, l-Aġenzija u ċ-Ċentru u għal dan l-ghan is-Sovrintendenza, l-Aġenzija u ċ-Ċentru għandhom kull wiehed jgħaddi lill-Ministru prospetti, kontijiet u kull informazzjoni oħra dwar il-funzjonijiet tagħhom, u jipprovdu faċilitajiet għall-verifika ta' kull informazzjoni mogħtija, b'dak il-mod u f'dawk il-perjodi li l-Ministru jista' jehtieg.

Eżenzjoni minn xi taxxi.

**13.** Is-Sovrintendenza, l-Aġenzija u ċ-Ċentru jkunu eżenti mir-responsabbiltà li jhallsu ta' kull taxxa, minbarra d-dazju tad-dwana jew tas-sisa, jew taxxa fuq l-*income* jew fuq id-dokumenti li f'dak il-waqt ikunu fis-sehh f'Malta.

Il-Kumitat ta' Garanzija.

**14.** (1) Ikun hemm Kumitat ta' Garanzija, li jkun magħmul hekk:

(a) President li jkun mahtur mill-Ministru;

(b) persuna mahtura mill-Ministru responsabbli għat-turismu;

(ċ) persuna mahtura mill-Ministru responsabbli għall-ambjent;

(d) persuna mahtura mill-Ministru responsabbli għal Ghawdex;

(e) is-Sovrintendent *ex officio*;

(f) il-President ta' l-Aġenzija *ex officio*;

(g) il-President ta' ċ-Ċentru *ex officio*;

(h) iċ-*Chairman* ta' l-Awtorità ta' l-Ippjanar *ex officio*;

(i) membru tal-Kummissjoni għall-Patrimonju Kulturali Kattoliku msemmija fl-artikolu 52 ta' dan l-Att li jinhatar mill-awtorità ekklesjastika lokali kompetenti;

(j) tliet persuni ohra mahtura mill-Ministru minn fost persuni li jahdmu fil-qasam tal-patrimonju kulturali u f'organizzazzjonijiet mhux governattivi ddedikati għall-patrimonju kulturali u persuna ohra attiva fil-qasam kummerċjali.

(2) Il-President tal-Kumitat u l-membri msemija fil-paragrafu (1) tas-subartikolu (1) jinhatru għal perjodu ta' tliet snin u jistgħu jergħu jigu mahtura għal iktar perjodi kull wiehed ta' tliet snin.

(3) Il-Kumitat jiltaqa' ta' l-inqas darba kull xahrejn. Is-seduti jitlaqqgħu mill-President kemm b'inizjattiva tiegħu kemm fuq talba ta' xi tlieta mill-membri l-ohra.

(4) Hames membri jagħmlu *quorum* u d-deċizzjonijiet ikunu adottati b'maġġoranza sempliċi tal-membri kollha tal-Kumitat. Il-President għandu jkollu vot bħal kulhadd u f'każ ta' voti ndaqs, vot deċiżiv.

(5) Bla hsara għad-disposizzjonijiet ta' dan l-Att u għal dawk il-proċeduri li jistgħu jigu preskritti, l-Kumitat għandu jirregola l-proċeduri tiegħu nnifsu.

(6) Il-Kumitat għandu:

Funzjonijiet  
tal-Kumitat.

(a) mingħajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, jikkoordina l-Entitajiet imwaqqfa taht l-artikoli 7, 8 u 10 ta' dan l-Att;

(b) jiżgura li jkun hemm, u jiffaċilita l-kollaborazzjoni bejn l-aġenziji differenti li jkollhom responsabbiltà diretta jew indiretta għall-protezzjoni u l-amministrazzjoni tas-settur tal-patrimonju kulturali;

(c) jagħti pariri lill-Gvern fuq l-Istrateġija Nazzjonali għall-Patrimonju Kulturali, u sussegwentement jissorvelja u jsegwi l-implimentazzjoni ta' l-istrateġija kif adottata mill-Gvern u skond id-direzzjoni tal-Ministru;

(d) jiġbed l-attenzjoni tal-Gvern jew ta' xi organizzazzjoni jew persun dwar xi azzjoni urġenti li tista' tkun meħtieġa fil-qasam tal-patrimonju kulturali;

(e) jiltaqa' regolarment u jikkonsulta, mill-inqas, kull erba' xhur, ma' l-organizzazzjonijiet mhux governattivi li jkunu qegħdin joperaw fil-qasam tal-patrimonju kulturali u ma' dawk li joperaw fis-settur kummerċjali;

(f) jaghti pariri lill-Ministru fuq kull haġa li toriġina mid-disposizzjonijiet ta' dan l-Att u fuq kull haġa oħra li tiġi lilu riferita mill-Ministru.

(7) Membru li jkollu xi interess dirett jew indirett f'xi kuntratt jew f'xi azzjoni oħra magħmula jew proposta li ssir mill-Kumitat, għandu jiżvela x-xorta ta' l-interess tiegħu fl-ewwel seduta tal-Kumitat wara li jkun sar jaf bil-fatti rilevanti. Dawk il-kxif għandu jitniżżel fil-minuti tas-seduta u tali membru għandu jirtira mis-seduta waqt li dak il-kuntratt jew azzjoni tkun qed tiġi diskussa jew deċiża mill-Kumitat.

Fond dwar  
il-Patrimonju  
Kulturali.

**15.** (1) Ikun hemm Fond li jkun magħruf bhala l-Fond dwar il-Patrimonju Kulturali, li jkunu korp magħqud b'personalità ġuridika distinta, u li jirċievi u jamministra l-ammonti ta' flus kollha mogħtija taħt id-disposizzjonijiet ta' dan l-Att jew ta' xi Att iehor, kif ukoll flejjes oħra jew oġġetti oħra mobbli jew immobbli li jistgħu jiġu mogħtijin b'rigal minn sorsi mhux governattivi.

(2) Il-Fond ikun amministrat mill-Kumitat ta' Garanzija.

(3) L-ammonti ta' flus fil-Fond jistgħu unikament jintużaw għal skopijiet ta' ricerka, konservazzjoni jew restawr tal-patrimonju kulturali.

(4) Għandha tiġi pprezentata lill-Ministru dikjarazzjoni annwali ta' l-amministrazzjoni tal-Fond li titqiegħed minnu fuq il-Mejda tal-Kamra.

Forum nazzjonali.

**16.** (1) Il-Ministru għandu, darba fis-sena jlaqqa' Forum Nazzjonali għall-Patrimonju Kulturali fejn jistieden il-partecipazzjoni fiha tas-Sovrintendenza, l-Aġenzija, iċ-Ċentru, l-Kumitat, il-Kummissjoni għall-Patrimonju Kulturali Kattoliku, l-Kummissjonijiet għall-Patrimonju Kulturali Reliġjuż, jekk ikun hemm, dipartimenti u entitajiet oħra tal-Gvern, is-Sindki ta' kull Kunsill Lokali jew organizzazzjonijiet mhux governattivi li jkunu qegħdin jirrapprezentawhom li jkunu reġistrati mas-Sovrintendenza bhala organizzazzjonijiet li għandhom bhala skop il-protezzjoni tal-patrimonju kulturali, l-Università ta' Malta, istituzzjonijiet edukattivi oħra, speċjalisti, konsulenti, rappreżentanti tas-settur kummerċjali, u kull parti oħra li turi lill-Ministru bil-miktub li għandha interess.

(2) Il-President tal-Forum jinhatar mill-Ministru.

(3) Il-Forum jiddiskuti l-istat tal-patrimonju kulturali b' mod generali wara li jisma rapport dwaru li jithejja mis-Sovrintendent.

(4) Il-Ministru għandu jirregola l-proċeduri tal-Forum.

(5) Il-proċeduri tal-Forum ghandhom ikunu ppubblikati u mibghuta lill-Ministru u lill-Kumitat ta' Garanzija;

(6) Il-Ministru ghandu jaghti avviż pubbliku bil-quddiem xahar qabel ma jiltaqa' l-Forum.

#### TAQSIMA IV PROVVEDIMENTI AMMINISTRATIVI U DWAR IL-PERSUNAL

**17.** (1) Bla hsara ghad-disposizzjonijiet tal-Kostituzzjoni u ta' Hatriet ta' persunal. kull liġi oħra inkluż dan l-Att li tapplika dwar dan, il-hatra ta' uffiċjali u ta' impjegati oħra ta' Entitajiet ghandha ssir mis-Sovrintendent fil-każ tas-Sovrintendenza, mill-President tal-Bord ta' Diretturi fil-każ ta' l-Aġenzija, mill-President tal-Bord ta' Gvernaturi fil-każ ta' Ċentru, u mill-President tal-Kumitat fil-każ tal-Kumitat jew tal-Fond. Il-pattijiet u l-kondizzjonijiet ta' l-impieg ghandhom ikunu deċiżi minn kull Entità bl-approvazzjoni tal-Ministru.

(2) Kull Entità ghandha tahtar u timpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet bħalma tista' skond subartikolu (1) ta' dan l-artikolu tiddeċiedi, lil dawk l-uffiċjali u impjegati li jistgħu minn żmien għal żmien ikunu meħtieġa għat-twertiq kif dovut u effiċjenti tal-funzjonijiet tagħha. Hatra u funzjonijiet ta' l-uffiċjali u l-impjegati.

**18.** (1) Il-Prim Ministru jista', fuq talba ta' xi Entità, minn żmien għal żmien jordna li uffiċjal pubbliku jiġi mqabbaq jaqdi dmirijiet ma' l-Entità f'dik il-kariga u minn dik id-data li tista' tkun speċifikata fl-ordni. Trasferiment ta' uffiċjali pubbliċi.

(2) Il-perjodu li matulu ordni kif hawn aktar qabel imsemmi għandu japplika għal xi uffiċjal speċifikat fiha għandu, kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku, jew jekk xort'oħra jtemm milli jibqa' fil-kariga f'data li tiġi qabel, jkun dak li jista' jiġi speċifikat fl-ordni, kemm-il darba l-ordni ma tiġix revokata qabel mill-Prim Ministru.

(3) Meta xi uffiċjal jiġi mqabbaq jaqdi dmirijiet ma' xi Entità skond dan l-Artikolu, dak l-uffiċjal għandu fiż-żmien li matulu dak l-ordni ikollu effett dwaru, jkun taht l-awtorità amministrattiva u l-kontroll ta' l-Entità imma għal kull skop ieħor għandu jibqa' u jitqies u jkun ittrattat bħala uffiċjal pubbliku. Status ta' uffiċjali pubbliċi.

(4) Mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, uffiċjal pubbliku mqabbaq jaqdi dmirijiet kif hawn aktar qabel imsemmija -

(a) m'għandux filwaqt li dak l-uffiċjal ikun hekk imqabbaq jagħmel -

(i) ikun prekluz milli japplika ghal trasferiment ghal xi dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet ta' servizz marbuta mal-hatra mal-Gvern li dak l-uffiċjal pubbliku kellu f'data meta jkun gie mqabbd jaqdi dmirijiet; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet ta' servizz jkunu inqas favorevoli minn dawk marbuta mal-hatra mal-Gvern li kellu dak l-uffiċjal pubbliku fid-data meta jkun gie mqabbd jaqdi dmirijiet kif hawn aktar qabel imsemmi jew li kienu jkunu marbuta ma' dik il-hatra, matul il-perjodu msemmi, li kieku dak l-uffiċjal ma jkunx gie mqabbd jaqdi dmirijiet ma' l-Entità; u

(b) ikollu jedd li jkollu s-servizz tieghu ma' l-Entità meqjus bhala servizz mal-Gvern għall iskop ta' kull pensjoni, gratwità jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u ta' kull dritt jew privileġġ iehor li dak l-uffiċjal pubbliku jkun intitolat għalih, u jkun responsabbli għal dak kollu li jkun responsabbli għalih, hliief għall-fatt li jkun qieghed jigi mqabbd jaqdi dmirijiet ma' l-Entità.

Kap. 93.

Kap. 58.

(5) Meta ssir applikazzjoni kif hemm provdut fis-subartikolu (4) (a) (i), għandha tinghata l-istess konsiderazzjoni għal dan daqsliekeku l-applikant ma kienx gie mqabbd jaqdi dmirijiet ma' l-Entità.

(6) Kull Entità għandha thallas lill-Gvern, fejn dan japplika, dawk il-kontribuzzjonijiet li jistghu minn żmien għal żmien jigu deċiżi mill-Ministru responsabbli għall-finanzi dwar in-nefqa tal-pensjonijiet u gratwitajiet li jinqalghu minn uffiċjal imqabbd jaqdi dmirijiet ma' dawk l-Entitajiet kif hawn aktar qabel imsemmija matul il-perjodu li fih dak l-uffiċjal ikun hekk imqabbd jagħmel.

Offerti ta' impieg permanenti lil uffiċjali pubbliċi mqabbd jaqdu dmirijiet ma' l-Entitajiet.

**19.** (1) Kull Entità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil xi uffiċjal mqabbd jaqdi dmirijiet ma' dawk l-Entitajiet taht xi disposizzjoni ta' l-artikolu 18 impieg permanenti magħha b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk gawduti minn dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet li jkun hemm f'xi offerta magħmula kif hawn aktar qabel imsemmi m'għandhomx ikunu hekk li jitqiesu li jkunu inqas favorevoli għaliex biss ma jkunux f'kull rigward identiċi ma' jew superjuri għal dawk gawduti mill-uffiċjal involut fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, kollha

flimkien, fil-fehma tal-Prim Ministru jkunu joffru benefiċċji sostanzjalment ekwivalenti jew ikbar.

(3) Kull uffiċjal li jaċċetta impieg permanenti ma' xi Entità, taht id-disposizzjonijiet tas-subartikolu (1), ghandu għall-finijiet kollha li ma jkunx dawk ta' l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, jitqies li jkun temm li jkun fis-servizz tal-Gvern u li jkun dahal għas-servizz ma' l-Entità fid-data ta' dik l-aċċettazzjoni u għall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, sakemm dawn japplikaw għal dak l-uffiċjal, servizz ma' dik l-Entità għandu jitqies li jkun servizz mal-Gvern fil-parametri tat-tifsiriet tagħhom rispettivament.

(4) Kull tali uffiċjal kif hawn aktar qabel imsemmi li minnufih qabel ma jaċċetta impieg permanenti ma' l-Entità kellu jedd li jibbenefika taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' hekk intitolat li jibbenefika kif hawn iktar qabel indikat għal kull fini bħallikeku s-servizz ma' l-Entitajiet kien servizz mal-Gvern.

(5) Kull Entità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien ikunu deċiżi mill-Ministru responsabbli għall-finanzi dwar in-nefqa ta' pensjonijiet u gratwitajiet li jinqalghu minn uffiċjal li jkun aċċetta impieg permanenti magħha kif hawn aktar qabel imsemmi matul il-perjodu li jibda għaddej fid-data meta dak l-uffiċjal jaċċetta.

(6) (a) Għall-finijiet ta' dan l-artikolu l-karigi u gradi ta' salarji ma' l-Entitajiet għandhom ikun kklassifikati fil-gradi li l-aktar jikkorrispondu fil-viċin u livelli inkriminali fis-servizz mal-Gvern ta' Malta b'riferenza għal *job description*, kapacitajiet, responsabbiltajiet u fatturi ohra analogi.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir mill-Bord magħmul minn president mahtur mill-Ministru responsabbli għall-finanzi u żewġ membri ohra, wiehed mahtur mill-Ministeru responsabbli ċentralment għall-politka dwar il-persunal fis-servizz pubbliku u l-iehor mahtur mill-Entità rilevanti. Il-klassifikazzjoni tkun bla hsara għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(c) Dik il-klassifika għandha ssir fi żmien tliet xhur minn kull aġġustament ta' salarji ta' l-impjegati fis-servizz tal-Gvern, u, jew , ta' l-impjegati ta' xi Entità.

(d) Ebda kariga m'ghandha tkun ikklassifikata fi grad oghla minn dak ta' grad 3 fis-servizz tal-Gvern jew dak il-grad iehor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien b'avviż fil-Gazzetta jiddeċiedi.

(e) Minghajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 113 tal-Kostituzzjoni, hadd ma jista', minhabba fi klassifikazzjoni kif hawn aktar qabel imsemmi, jkun intitolat għal drittijiet taht l-imsemmija Ordinanza dwar il-Pensjonijiet li jkunu inqas favorevoli minn dawk li dwarhom dik il-persuna kienet tkun intitolata qabel dik il-klassifikazzjoni.

## TAQSIMA V PROVVEDIMENTI FINANZJARJI

L-Entitajiet jhallu  
l-infieq mid-dhul.

20. (1) Minghajr preġudizzju għal dawn il-provvedimenti li ġejjin ta' dan l-artikolu, l-Entitajiet għandhom hekk imexxu l-affarijiet tagħhom li n-nefqa mehtieġa għat-twettiq adatt tal-funzjonijiet tagħhom għandha, skond kemm ikun prattiku, tithallas mid-dhul tagħhom.

(2) Għal dak l-ghan kull Entità għandha tiġbor dawk id-drittijiet, rati u hlasijiet oħra preskritti jew li jitqiesu li jkun preskritti minn jew taht dan l-Att jew kull liġi oħra.

(3) Kull Entità għandha wkoll tithallas minghand il-Gvern mill-Fond Konsolidat dawk l-ammonti ta' flus li l-Kamra tista' minn żmien għal żmien tawtorizza li għandhom jiġu apporprjati biex minnhom jithallu l-ispejjeż ta' xi xogħlijiet speċifikati sabiex dawn jitkomplew jew xort'oħra jsiru minnha, li jkunu xogħlijiet ta' infrastruttura jew ta' xorta kapitali simili, jew biex minnhom tithallas kull spiza li jista' jkollha u li ma tkunx tista' thallas mid-dhul tagħha.

(4) Kull eċċess ta' dhul fuq l-infieq għandu, bla hsara għal dawk id-direttivi li l-Ministru, wara li jikkonsulta lill-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jagħti, jkun applikat minn kull Entità għal kull formazzjoni ta' fondi ta' riserva li jiġu użati għall-finijiet tagħha, u minghajr preġudizzju għall-generalità tal-poteri mogħtija lill-Ministru b'dan is-subartikolu, kull ordni mogħtija mill-Ministru kif hawn aktar qabel imsemmi tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod kif jista' jkun speċifikat fl-ordni, ta' xi parti tad-drittijiet, rati u hlasijiet oħra migħbura skond subartikolu (2) jew xi eċċess bħal dak kif hawn aktar qabel imsemmi.

(5) Il-fondi ta' xi Entità li ma jkunux minnufih mehtieġa biex minnhom issir in-nefqa jistgħu jkunu investiti b'dak il-mod li jista' minn żmien għal żmien ikun approvat mill-Ministru.

21. (1) Għall-finijiet ta' kull htieġa ta' xorta kapitali, Entità tista', bl-approvazzjoni bil-miktub tal-Ministru f'konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef jew tikseb flus b'dak il-mod, minghand dik il-persuna, korp jew awtorità, u taht dawk il-pattijiet u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn aktar qabel imsemmi, jista' japprova bil-miktub.

Poter ta' self ta' kapital.

(2) Entità tista' wkoll minn żmien għal żmien tissellef, b'*overdraft* jew xort'ohra, dawk l-ammonti li tista' tehtieġ għat-twettiq tal-funzjonijiet tagħha taht dan l-Att:

Iżda għal kull ammont li jeċċedi l-hamsin elf lira, tenhtieġ l-approvazzjoni tal-Ministru bil-miktub.

22. Il-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta lill-Ministru, jgħaddi flus bil-quddiem lil xi Entità ta' dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista' jaqbel li jkunu mehtieġa minn dik l-Entità għat-twettiq ta' xi funzjoni tagħha taht dan l-Att, u jista' jgħaddi dawk il-flus bil-quddiem b'dawk il-pattijiet u kondizzjonijiet li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni kif hawn aktar qabel imsemmi, jidhirlu li jkun xieraq. Kull flus hekk mgħoddija bil-quddiem jistgħu jiġu ordnati mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni ulterjuri hlief għal dan l-Att, b'*warrant*, li jawtorizza lill-*Accountant General* li jgħaddi dawk il-flus bil-quddiem.

Flus li jinghataw bil-quddiem mill-Gvern.

23. (1) Il-Ministru responsabbli għall-finanzi jista', għal kull htieġa ta' xorta kapitali ta' xi Entità, jikkuntratta jew jagħmel flus disponibbli, jew jidhol f'passiv, għal dawk il-perjodi u b'dawk il-pattijiet u kondizzjonijiet li l-Ministru responsabbli għall-finanzi jista' jqis li jkunu xierqa; u kull ammont dovut dwar jew f'konnessjoni ma' xi tali self jew passività jkun nefqa fuq il-Fond Konsolidat.

Tisliif minghand il-Gvern.

(2) Avviz dwar kull self, passività jew flus li jinghataw bil-quddiem, li jsiru jew jiġu magħmulin taht id-disposizzjonijiet tas-subartikolu (1) għandhom jiġu mogħtija mill-Ministru lill-Kamra kemm jista' jkun malajr.

(3) Sakemm isir disponibbli xi self bħal dak imsemmi fis-subartikolu (1), jew bil-ghan li Entità tiġi pprovduta b'kapital attiv, il-Ministru responsabbli għall-finanzi jista', b'ordni, u mingħajr ebda approprjazzjoni ulterjuri hlief għal dan l-Att, jawtorizza lill-*Accountant*

*General* li jghaddilha flus bil-quddiem mit-Treasury Clearance Fund taht dawk il-pattijiet li jistghu jkunu speċifikati mill-Ministru malli dan isir.

(4) Ir-rikavat ta' xi self li jsir disponibbli għall-finijiet li jinghataw flus bil-quddiem lil xi Entità u kull ammont ta' flus iehor li jkun se jinghadda lil xi Entità taht dan l-artikolu, għandu jithallas lil dak il-Fond.

(5) Ammonti ta' flus li l-*Accountant General* jirċievi minghand xi Entità dwar flus li jinghatawliha bil-quddiem taht subartikolu (3) għandhom jithallsu, dwar xi ammonti li jiġu riċevuti bhala hlas lura fit-Treasury Clearance Fund u, dwar ammonti li jiġu riċevuti bhala mgħax fil-Fond Konsolidat.

Estimi ta'  
l-Entitajiet.

**24.** (1) Kull Entità għandha tara li tiġi mhejjija f'kull sena finanzjarja, u m'għandhiex iktar tard minn tmien ġimgħat qabel tmien kull sena finanzjarja tadotta, estimi tad-dhul u nfieq tagħha għas-sena finanzjarja li tiġi minnufih wara:

Iżda l-estimi ta' xi Entità għall-ewwel sena finanzjarja tagħha għandu jithejja u jiġi adottat f'dak iż-żmien li l-Ministru jista' b'avviz bil-miktub jispeċifika lill-Entità.

(2) Fit-thejji ta' dawk l-estimi, Entità għandha tqis kull fond u flus oħra li jistghu jkunu dovuti li jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, jew bis-sahha ta' dan l-Att jew ta' Ati ta' approprjazzjoni jew ta' kull liġi oħra; u għandha hekk thejji dawl l-estimi b'mod li tiżgura li kull dhul totali tagħha jkun mill-inqas suffiċjenti biex minnu jinħarġu l-ammonti ta' flus kollha li għandhom jithallsu kif dovut fil-kont tad-dhul tagħha inkluzi, imma minghajr preġudizzju għall-ġeneralità ta' dik il-frazi, id-deprezzament.

(3) L-estimi għandhom isiru f'dawk is-suriet u jkun fihom dik l-informazzjoni u dawk il-paraguni ma' l-estimi ta' qabel hekk kif il-Ministru jista' jordna.

(4) Kopja ta' l-estimi għandha, meta dawn jiġu adottati minn Entità, jintbagħtu minnufih mill-Entità lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, ma' l-ewwel opportunità li jkollu u mhux iktar tard minn sitt ġimgħat wara li jkun irċieva kopja ta' l-estimi ta' l-Entitajiet, jew, jekk jiġri li l-Kamra ma tkunx qegħda f'sessjoni, fi żmien sitt ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jara li dawk l-estimi li jkun qiegħed quddiem il-Kamra flimkien ma' mozzjoni

li l-Kamra tapprova dawk l-estimi. M'ghandhiex tinghata iktar minn seduta wahda biex isir dibattitu fil-Kamra dwar dik il-mozzjoni u sew il-mozzjoni sew l-approvazzjoni tal-estimi mill-Kamra jista' jkun fihom jew ma jkunx fihom emendi għall-estimi.

**25.** (1) M'ghandha ssir jew tiġġarrab ebda nefqa minn Entità kemm-il darba din ma tkunx giet approvata mill-Kamra kif provdut fl-artikolu 24. In-nefqa skond l-estimi approvati.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1) -

(a) sa l-iskadenza ta' sitt xhur mill-bidu ta' xi sena finanzjarja, jew sakemm issir l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra, skond liema data tiġi l-ewwel, Entità tista' tagħmel jew iġġarrab in-nefqa għat-twettiq tal-funzjonijiet tagħha taht dan l-Att f'ammont li b'kollox ikun ta' mhux iżjed minn nofs l-ammont approvat għas-sena finanzjarja li tiġi minnufih qabel;

(b) in-nefqa approvata għar-rigward ta' xi kap jew sotto-kap ta' l-estimi tista', bl-approvazzjoni tal-Ministru, tiġġarrab dwar xi kap jew sotto-kap ieħor ta' l-estimi;

(c) dwar l-ewwel sena finanzjarja, Entità tista' tagħmel jew iġġarrab in-nefqa sakemm l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra f'dak li ammont li b'kollox ma ikun ta' mhux iżjed minn kemm il-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta lilil-Ministru, jippermetti;

(d) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat mill-Kamra ma jkunx suffiċjenti, jew jekk tqum neċessità li ssir nefqa għal xi għand li ma jkunx hemm provdut dwarha fl-estimi, Entità tista' tadotta estimi supplementari għall-approvazzjoni tal-Kamra u sakemm tinghata dik l-approvazzjoni, dik l-Entità tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru, iġġarrab in-nefqa relattiva jew parti minnha kif dak il-Ministru jista' hekk japprova, u f'kull każ bħal dak id-disposizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom, skond kemm ikun prattiku, japplikaw għall-estimi supplimentari.

**26.** Kull estimi u estimi supplementari approvati mill-Kamra għandhom, kemm jista' jkun malajr, jiġu ppubblikati fil-Gazzetta . Pubblikazzjoni ta' l-estimi approvati.

**27.** (1) Kull Entità għandha tara li jinżammu kotba ta' kontijiet u reġistrazzjonijiet oħra kif imiss dwar l-operazzjonijiet tagħh u għandu jara li tithejja dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet ta' kull Entità ghandhom ikun verifikati minn awditur jew awdituri li jinhatru minnha u li jkunu approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista' jehtieg li l-kotba u reġistrazzjonijiet ohra ta' xi Entità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan l-ghan ikollu poter li jagħmel diki il-verifika fizika u kull verifika ohra, u jista' jkun jehtieg dik l-informazzjoni, hekk kif l-Awditur Ġenerali jista' jqis li tkun mehtieġa.

(3) Wara tmiem kull sena finanzjarja, fl-istess hin li kopja ta' l-estimi ta' xi Entità tintbagħat lill-Ministru taht l-artikolu 24, l-Entità għandha tara li kopja tad-dikjarazzjoni ta' kontijiet verifikata kif imiss tkun mibgħuta lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien mal-kopja ta' kull rapport magħmul mill-awditur jew awdituri dwar dik id-dikjarazzjoni jew dwar il-kontijiet ta' l-Entità.

(4) Il-Ministru għandu jara li kopja ta' kull dikjarazzjoni u rapport bhal dawk jitqegħdu quddiem il-Kamra flimkien mal-mozzjoni li titqiegħed quddiem il-Kamra taht l-artikolu 24(5).

Depożitu ta' kull  
dhul u hlas mill-  
Entitajiet.

**28.** (1) Il-flejjes kollha ta' xi Entità għandhom jitqegħdu f'bank jew banek li jinhatru bankiera minnha. Dawk il-flejjes għandhom, skond kemm ikun prattiku, jitqegħdu fil-banek minn jum għall-iehor, hlief għal dak l-ammont li l-Entità tista' tehtieg li żżomm biex thallas minnha nefqiet żgħar u ta' minnufih.

(2) Il-hlasijiet kollha li jsiru mill-fondi ta' kull Entità, hlief għal nefqiet żgħar ta' mhux iżjed minn dak l-ammont li jista' jkun iffissat minn kull Entità rispettiva bl-approvazzjoni tal-Ministru, għandhom isiru minn dak l-uffiċjal jew uffiċjali ta' dik l-Entità li jistgħu jiġu mahtura jew imsemmija għal dak l-iskop.

(3) Ċekkijiet li jirrigwardaw u rtirat ta' flejjes minn xi kont tal-bank ta' xi Entità għandhom ikunu ffirmati minn dak l-uffiċjal ta' dik l-Entità li jista' jiġi mahtur jew imsemmi minn dik l-Entità għal dak l-ghan u għandu jgħib il-kontrofirma tal-membri jew uffiċjal awtorizzat ta' dik l-Entità kif jista' jkun awtorizzat minn dik l-Entità għal dak l-ghan.

(4) Kull Entità għandha wkoll tipprovdi dwar -

(a) il-mod li bih u l-uffiċjal jew uffiċjali li għandhom jawtorizzaw jew japprovaw il-hlasijiet;

(b) it-titolu ta' xi kont li jinżamm fil-bank jew banek fejn għandhom jithallsu l-flejjes tagħha, u t-trasferiment ta' fondi minn kont għall-iehor;

(ċ) il-metodu li għandu jiġi adottat biex isiru hlasijiet mill-fond tagħha; u

(d) b'mod ġenerali għar-rigward ta' kull haġa li hija rilevanti għaż-żamma kif imiss u l-kontroll tal-kontijiet, kotba u *records* ohra u l-kontroll tal-finanzi tagħha.

29. Entità m'għandhix tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-esekuzzjoni ta' xogħol jew għall-ghoti ta' servizzi lil jew għall-benefiċċju ta' l-Entità, li hija tistma li jkun jinvolvi nefqa ta' iżjed minn tliet elef lira, hliet wara li tagħti avviz dwar l-intenzjoni li jkollha li tagħmel dak il-kuntratt ikun gie ppubblikat u jkunu nharġu sejhiet għal offerti kompetittivi.

Kuntratti ta' provvista u ta' xoghlijiet.

30. Kull Entità għandha, mhux iktar tard minn sitt ġimghat wara tmiem kull sena finanzjarja, tagħmel u tghaddi lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun jittratta b'mod ġenerali dwar l-attivitajiet tagħha matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni għar-rigward tal-proċedimenti u l-politka tagħha hekk kif xi wiehed mill-imsemmija Ministri jista' minn żmien għal żmien jehtieg. Il-Ministru għandu jara li kopja ta' rapport bhal dak jitqiegħed fuq il-Mejda tal-Kamra flimkien ma' l-estimi kif provduti dwar dan fl-artikolu 24.

Rapport annwali.

## TAQSIMA VI PROFESSJONISTI FIL-KONSERVAZZJONI

31. (1) Hadd ma għandu jesercita l-professjoni ta' konservatur-restawratur kemm-il darba ma jkunx id-detentur ta' *warrant* taht l-artikolu 33 ta' dan l-Att.

Kwalifiki għall-warrant.

(2) Persuna ma tikkwalifikax għall-ghoti ta' *warrant* kemm-il darba -

(a) ma tkunx ċittadin ta' Malta jew xort'ohra jkollha permess li taħdem f'Malta taht xi liġi ohra;

(b) ma jkollhiex kondotta tajba;

(ċ) ma jkollhiex kapacità legali shiħa; u

(d) ma tissodisfax lill-Bord li -

(i) ikollu kwalifiki akkademiċi miksuba wara t-tkomplija b'suċċess ta' kors ta' studju ta' durata ta' mill-anqas tliet snin *full-time* jew durata ekwivalenti *part-time* f'università jew istituzzjoni akkademika kif tista' tkun rikonoxxuta mill-Bord imsemmi fl-artikolu 34, u li jkun kors li jkun fih dawk is-sugġetti prinċipali fil-qasam tal-konservazzjoni u restawr li l-Ministru jista' jippreskrivi;

(ii) għal perjodu ta' mhux inqas minn sentejn wara li tikseb il-kwalifiki akkademiċi msemmija fis-subparagrafu (i) ta' dan il-paragrafu, ikun tharreg f'Malta taht is-superviżjoni ta' xi detentur ta' *warrant* prattikanti, skond dawk il-linji direttivi li l-Ministru jista' jippreskrivi:

Iżda meta l-kwalifiki akkademiċi imsemmija fis-subparagrafu (i) ta' dan il-paragrafu jkunu miksuba wara korsijiet akkademiċi *full-time* ta' durata b'kollox ta' mill-anqas sitt snin, u li jikkontjenu dak il-livell ta' tahriġ prattiku kif jista' jiġi approvat mill-Bord, il-kundizzjoni għal tahriġ taht superviżjoni titqies li tkun giet imwettqa:

Iżda wkoll, bl-approvazzjoni tal-imsemmi Bord dak it-tahriġ jista', għal perjodu ta' mhux iżjed minn sena, fl-imsemmi perjodu ta' sentejn, isir f'xi Stat barra minn Malta ma' xi professjonist f'dixxiplini relatati li jkun kwalifikat kif imiss biex jesercita f'dak l-Istat;

(iii) tkun giet eżaminata u approvata kif imiss mill-Bord f'eżami jew eżamijiet għal dak l-iskop, hekk kif il-Ministru jista' jippreskrivi:

Iżda l-Bord jista' jeżenta lil xi persuna li tkun kisbet il-kwalifiki akkademiċi mill-Università ta' Malta jew minn xi Università jew istituzzjoni akkademika ohra bhal dik approvata mill-imsemmi Bord, sew mill-eżami kollu jew l-eżamijiet kollha sew minn xi parti minnu jew minnhom.

Ċirkostanzi speċjali.

**32.** Minkejja d-disposizzjonijiet ta' l-artikolu 31, persuna tista' tinghata *warrant* jekk ikollha:

(1) il-kwalifiki elenkati fil-paragrafi (a), (b) u (ċ) tas-subartikolu (2) ta' l-artikolu 31 u tkun, qabel l-ewwel ta' Jannar, 2000, prattikat ta' konservatur-restawratur f'Malta jew barra minn Malta għal perjodu ta' mhux inqas minn hmistax-il sena, u jkollha fil-fehma tal-Bord imsemmi fl-artikolu 34 il-kompetenza u l-abbiltà akkademika mehtiega; jew

(2) il-kwalifiki elenkati fil-paragrafi (a), (b) u (c) u fis-subparagrafi (ii) u (iii) tal-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 31 u jkollu kwalifiki akkademiċi li jkun kiseb wara kors kif imsemmi fis-subparagrafu (i) ta' l-imsemmi paragrafu (d) iżda li ma kienx fih dawk is-sugġetti prinċipali minimi kollha fil-qasam tal-konservazzjoni u restawr kif imsemmija fl-istess subparagrafu iżda jkun għadda b'suċċess mill-provi li l-Bord imsemmi fl-artikolu 34 jista' jqis mehtieġa skond il-każ biex jagħmel tajjeb għal dak in-nuqqas.

**33.** (1) Il-*warrant* biex persuna tipprattika l-professjoni ta' konservatur-restawratur jingħata mill-Ministru bir-rakkomandazzjoni tal-Bord imsemmi fl-artikolu 34 lil kull min jissodisfa l-htigiet ta' l-artikoli 31 jew 32 ta' dan l-Att.

*Warrant ta' prattika  
bħala  
konservatur  
professjonali.*

(2) Detentur ta' *warrant* jista' juża t-titolu Konservatur-Restawratur flimkien ma' ismu.

**34.** (1) Ikun hemm Bord, li jkun magħruf bħala Bord tal-*Warrant* tar-Restawraturi (hawnhekk iżjed 'il quddiem f' dan l-artikolu imsemmi l-Bord) li jkun magħmul minn:

*Bord tal-Warrant  
Tar-Restawraturi.*

(a) President li jkun mahtur mill-Ministru minn fost persuni li jkunu jew kienu kwalifikati li jkunu mahtura mħallfin f'Malta;

(b) żewġ membri mahtura mill-Ministru minn fost persuni li fil-fehma tiegħu għandhom it-tagħrif u l-esperjenza mehtieġa u li wiehed minnhom ikun minn fost il-membri akkademiċi ta' l-istaff ta' l-Università ta' Malta u l-iehor minn fost persuni akkreditati taht dan l-Att;

(c) is-Sovrintendent jew rappreżentant tiegħu;

(d) membru appuntat mill-Bord tal-Gvernaturi taċ-Ċentru minn fost persuni li fil-fehma ta' l-istess Bord tal-Gvernaturi jkollhom it-tagħrif u l-esperjenza mehtieġa.

(2) Il-President jiġi mahtur għal żmien tliet snin u taht dawk il-kondizzjonijiet li jistgħu jiġu stipulati fl-ittra tal-hatra tiegħu.

(3) Il-membri l-mahtura l-oħra tal-Bord għandhom jibqgħu fil-kariga għal żmien sentejn, u taht dawk il-kondizzjonijiet li jistgħu jiġu stipulati fl-ittra tal-hatra tagħhom.

(4) Meta jkun hemm xi vakanza fil-Bord, il-Ministru għandu kemm jista' jkun malajr, fil-każ tal-president, jew membru mahtur minnu, jahtar lil xi persuna oħra biex timla dik il-vakanza; fil-każ ta'

membru mahtur miċ-Ċentru, jitlob liċ-Ċentru jahtar lil xi persuna oħra biex timla dik il-vakanza.

(5) L-ghadd ta' membri mehtieġa biex jagħmlu *quorum* ikun ta' tlieta, imma, sakemm ikun hemm *quorum*, il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(6) Il-Ministru jista' wkoll jiddelega uffiċjal pubbliku biex jagħmilha ta' segretarju tal-Bord, u dak is-segretarju ma jkollux vot.

(7) Hlief kif hawn aktar qabel imsemmi, il-Bord jista' jagħmel ir-regoli tiegħu nnifsu u xort'oħra jirregola l-proċedura tiegħu nnifsu.

(8) Minkejja d-disposizzjonijiet ta' dan l-artikolu, għal perjodu ta' sena mid-data tad-dhul fis-seħh ta' din it-Taqsima ta' dan l-Att, l-ewwel Bord li jkun mahtur ikun magħmul minn:

(a) President li jkun mahtur mill-Ministru minn fost persuni li jkunu jew li kienu kwalifikati li jkunu mahtura mħallfin f'Malta; u

(b) żewġ persuni oħra, mahtura mill-Ministru u li ma jkunux huma nfushom persuni li għad japplikaw għal *warrant*, u li fil-fehma tiegħu ikollhom il-kompetenza li jifflu l-ewwel applikanti għall-*warrant*.

Funzjonijiet tal-Bord.

35. (1) Il-funzjonijiet tal-Bord huma li -

(a) jikkonsidra applikazzjonijiet għall-hruġ ta' *warrant*, u li jagħmel ir-rakkomandazzjonijiet tiegħu dwar dan lill-Ministru;

(b) jorganizza u jirregola, u jiddeċiedi talbiet għal eżenzjonijiet mill-eżami għal *warrant* professjonali skond l-artikoli 31 u 32 ta' dan l-Att;

(ċ) jirregola l-kondizzjonijiet ta' tahrig prattiku barra mill-pajjiż skond id-disposizzjonijiet ta' l-artikolu 31 ta' dan l-Att;

(d) japprova universitajiet jew istituzzjonijiet akkademiċi skond l-artikolu 31 ta' dan l-Att;

(e) jorganizza u jirregola kull prova li tidhirlu xierqa u l-perjodi ta' tahrig prattiku, kif provdut dwarhom fl-artikolu 32 ta' dan l-Att; u

(f) biex jikkonsidra u jiddetermina applikazzjonijiet minn detenturi ta' *warrant*, professjonisti oħra u persuni oħra fil-qasam ta' konservazzjoni u restawr biex jiġu akkreditati biex ikunu jistgħu jagħmlu xogħlijiet, interventi u proċeduri partikolari in konnessjoni ma' proprjetà kulturali, u biex tagħti jew tiċhad dik l-akkreditazzjoni;

(g) biex jirredigi kodiċi ta' etika u linji gwida għal Prattika għal detenturi ta' *warrant* u persuni akkreditati taħt dan l-artikolu;

(h) jinkoraġġixxi inizjattivi li jassiguraw programm ta' taħriġ u żvilupp professjonali kontinwu għad-detenturi ta' *warrant* u persuni akkreditati taħt dan l-artikolu;

(i) jagħti parir lill-Ministru f'dak li għandu x'jaqsam ma' kull haġa għar-rigward tal-professjoni ta' Konservatur-Restawratur u ta' l-akkreditazzjoni.

(2) Fl-esercizzju tal-funzjonijiet tiegħu l-Bord jista' wkoll jikkonsulta lil dawk il-persuni li jistgħu jitqiesu xierqa u jista' wkoll jahtar kumitati, li l-president tagħhom ikun membru tal-Bord, għat-tweqqif ta' dawk id-dmirijiet jew xogħol iehor li l-Bord jista' jassenjalhom.

(3) Il-Bord għandu jżomm reġistru ta' detenturi ta' *warrant* u għandu, mhux aktar tard minn tliet xhur wara tmiem kull year, jippubblika fil-Gazzetta lista ta' persuni li, fil-31 ta' Diċembru ta' dik is-sena, kienu reġistrati bhala detenturi ta' *warrant* mahruġ taħt dan l-Att.

(4) Il-Bord għandu jżomm reġistru ta' persuni akkreditati taħt dan l-artikolu u jindika dwar kull persuna reġistrata fih, ix-xogħol, interventi jew proċeduri li għalih dik il-persuna tkun akkreditata, u għandu mhux aktar tard minn tliet xhur wara tmiem kull sena jippubblika fil-Gazzetta lista ta' persuni li, fil-31 ta' Diċembru ta' dik is-sena, kienu akkreditati u jindika dwar kull persuna x-xogħol, interventi jew proċeduri li għalihom ikun akkreditat.

(5) Id-disposizzjonijiet ta' l-artikoli 36 sa 38 għandhom japplikaw *mutatis mutandis* dwar akkreditazzjoni taħt dan l-artikolu kif japplikaw dwar *warrant*, u għandhom japplikaw *mutatis mutandis* dwar persuna akkreditata kif japplikaw dwar detentur ta' *warrant*.

**36.** (1) Il-Ministru jista', b'ordni bil-miktub, jissospendi, jirrevoka jew ihassar *warrant* jekk id-detentur ta' *warrant*:

Sospensjoni jew revoka ta' *warrant*.

(a) ikun instab hati, wara inkjesta mill-Bord imsemmi fl-artikolu 34 ta' dawn l-atti jew ommissjonijiet li ġejjin:

(i) diżonestà, mġieba hażina jew negligenza gravi fl-*esercizzju tal-professjoni tiegħu*;

(ii) mġieba li tmur kontra l-kodiċi ta' etika u linji gwida ta' prattika li hemm provvediment dwarhom fl-artikolu 35 (1) (g) ta' dan l-Att;

(iii) nuqqas milli jhares ir-regolamenti dwar il-livelli jew il-prattika professjonali; jew

(iv) nuqqas milli jhares xi kondizzjoni marbuta ma' *warrant* mahruġ taht id-disposizzjonijiet ta' l-artikolu 38 ta' dan l-Att, jew

(b) ikun instab hati minn qorti kompetenti ta' reat taht id-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu; jew

(ċ) ikun instab hati minn qorti kompetenti ta' xi reat li jolqot il-fiduċja pubblika jew frodi jew li jkun xjentement irċieva proprjetà miksuba minn serq jew frodi.

(2) Deċizzjoni tal-Bord taht paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu jkun jista' jsir appell minnha quddiem il-Qorti ta' l-Appell magħmul kif provdut fis-subartikolu (6) ta' l-artikolu 41 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

(3) Il-Ministru responsabbli għall-Ġustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu fir-reġistru tal-qorti f'dak li għandu x'jaqsam ma' l-appelli taht dan l-artikolu:

Iżda sakemm iż-żmien li jiġu hekk preskritti d-drittijiet mill-Ministru responsabbli għall-ġustizzja, d-drittijiet li jithallsu dwar xi appell lil dik il-qorti jkunu dawk li japplikaw għall-Qorti tal-Maġistrati (Malta).

(4) Il-Bord imwaqqaf taht l-artikolu 29 tal- Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandu jagħmel regoli li jkunu jistabilixxu kif għandhom ikunu dawk l-appelli, t-terminu li fih għandhom jiġu pprezentati u b' mod ġenerali kull haġa ohra għar-rigward ta' dawk l-appelli.

Effetti ta' revoka  
jew  
sospensjoni ta'  
*warrant*.

**37.** Meta *warrant* taht dan l-Att jiġi irtirat, sospiż jew revokat, il-persuna li lilha jkun inħareġ dak il-*warrant* m'għandhiex tibqa' detentur ta' dak il-*warrant*, jew tkun sospiża mill-*esercizzju tal-professjoni tagħha skond il-każ u għandha ttejjem milli tibqa' tuża t-titolu Konservatur - Restawratur*.

38. Il-Ministru, li jaġixxi bir-rakkomandazzjoni tal-Bord, imsemmi fl-artikolu 34 jista', wara li tgħaddi sena mid-data tar-revoka jew tnehhija ta' *warrant*, johroġ *warrant* ġdid bla hsara għal dawk il-kondizzjonijiet li l-Ministru bir-rakkomandazzjoni tal-Bord jista' jqis li jkun mehtieġa.

Il-Ministru jista' johroġ *warrant* ġdid.

39. (1) Il-Bord imsemmi fl-artikolu 34 ta' dan l-Att għandu jżomm reġistru bid-dettalji ta' kull persuna li taħdem taht is-surperviżjoni ta' detentur ta' *warrant* u li tkun persuna li għandha taħriġ u esperjenza fi proċessi speċifiċi ta' konservazzjoni jew li għandha esperjenza f'aspetti speċifiċi ta' konservazzjoni preventiva u li jkollha ċertifikat ta' tekniku ta' konservazzjoni miksub taht regolamenti li jistabbilixxu *standards* u livelli dwar kwalifiki professjonali u vokazzjonali.

Tekniku ta' Konservazzjoni.

(2) Għall-finijiet ta' dan l-Att –

Assistenti mal-konservatur-restawratur.

(a) persuna m'għandhiex titqies li tipprattika l-professjoni ta' konservatur-restawratur jekk hija taħmilha ta' impjegat ta', jew assistent ma', u taht is-superviżjoni ta' detentur ta' *warrant* u ma jippreżenta ebda ċertifikazzjoni ta' xorta li turi li jkun konservatur-restawratur;

(b) sa dak il-limitu li jista' jiġi preskritt, hadd m'għandu jitqies li jeserċita l-professjoni ta' detentur ta' *warrant* jekk ikun f'tali impieg jew ikollu jew jaġixxi f'dik il-kariga jew iwettaq biss dak ix-xogħol, servizzi, atti jew funzjonijiet li jistgħu jiġu preskritti;

(ċ) konservatur-restawratur għandu madankollu jaġhmel mill-aħjar biex jiżgura li kull assistent impjegat miegħu jew imqabbad minnu għandu jkun temm b'suċċess taħriġ sa dawk il-livelli li huma jew jistgħu jkunu preskritti fir-Regolamenti ta' l-2000 dwar Kwalifiki Professjonali u Vokazzjonali ta' Malta.

A.L. 215 ta' l-2000.

## TAQSIMA VII POTERI SPEĊJALI TA' L-ISTAT

40. (1) Fil-każ ta' bejgħ, esportazzjoni, skambju, konċessjoni emfitewtika jew self ta' xi oġġett ta' proprjetà kulturali s-Sovrintendent għandu jkollu l-jedd, bl-approvazzjoni tal-Ministru f'konsultazzjoni mal-Kumitat li jakkwista dawk l-istess oġġetti, bi preferenza fuq l-oħrajn kollha u b'kondizzjonijiet indaqs inkluż il-hlas ta' korrispettiv bħal dak li soltu jsir bejn il-partijiet:

Dritt ta' preferenza.

Iżda fil-każ ta' l-esportazzjoni ta' xi oġġett ta' proprjetà kulturali il-Gvern għandu jakkwista dawk l-oġġetti b'titolu ta' bejgħ.

(2) Dan id-dritt ta' preferenza jista' jkun eserċitat mhux iktar tard minn xahrejn minn meta jiġi riċevut l-avviż ta' tali bejgh, esportazzjoni, skambju, trasferiment jew self minn kull parti involuta, jew mid-data meta s-Sovrintendent isir jaf b'tali bejgh, esportazzjoni, skambju, trasferiment jew self, skond liema jiġi l-ewwel.

(3) Fl-eserċizzju tal-jedd ta' preferenza, meta l-korrispettiv tat-trasferiment ma jkunx jista' jiġi xort'ohra stabbilit il-valur tal-proprjetà kulturali inkwistjoni għandu jkun stabbilit skond id-disposizzjonijiet ta' l-artikolu 55 ta' dan l-Att.

Kontroll ta' l-esportazzjoni u ri-esportazzjoni.

**41.** (1) Hadd ma jista' jesporta jew jerga' jesporta proprjetà kulturali minghajr il-permess bil-miktub tas-Sovrintendent.

(2) L-esportazzjoni u esportazzjoni mill-ġdid, meta permessi għandhom ikunu bla hsara għall-hlas tad-dazju *ad valorem* kif stipulat fl-Iskeda li tinsab ma' dan l-Att u għandha tkun bla hsara għal dawk il-kondizzjonijiet l-oħra li jistgħu jkunu imposti mis-Sovrintendent.

(3) Permess għall-esportazzjoni u esportazzjoni mill-ġdid tista' tinghata għal żmien limitat u minghajr il-hlas tad-dazju msemmi fis-subartikolu (2) għal skop ta' restawr, esibizzjoni jew studju. Is-Sovrintendent jista', meta jkun qed jagħti tali permess jimponi garanziji għar-ritorn tal-proprjetà kulturali li tiġi hekk esportata jew esportata mill-ġdid f'dak l-ammont li jiġi stabbilit mis-Sovrintendent.

(4) Il-valur ta' l-oġġetti għall-finijiet tal-hlas tad-dazju msemmi fis-subartikolu (2) jiġi stabbilit minn espert wiehed jew iktar mahtura bi qbil bejn il-Ministru u l-esportatur jew, fin-nuqqas ta' qbil, mill-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri) fuq it-talba ta' l-esportatur, li ssir b'rikors. In-nefqa tal-valutazzjoni għandha tithallas mill-esportatur.

(5) Minflok il-hlas ta' dazju, l-esportatur jista', bil-kunsens tas-Sovrintendent, jagħti lill-Gvern bħala *datio in solutum*, xi oġġett wiehed jew aktar ta' valur ekwivalenti għad-dazju dovut.

(6) Il-Gvern jista' jakkwista kull oġġett li jkun propost li jiġi esportat, b'dak il-prezz li jista' jiġi stabbilit bil-mod stipulat f'dan l-artikolu fi żmien xahrejn minn meta ssir il-valutazzjoni msemmija f'dan l-artikolu u wara li jinghata avviż ta' l-esportazzjoni intiża lis-Sovrintendent. L-ispejjeż kollha li għandhom x'jaqsmu mal-valutazzjoni għandhom, f'dawk il-każijiet, jithallsu mill-Gvern.

42. Is-Sovrintendent jista', wara li jikkonsulta lill-Kumitat, b'avviż jgharraf lil kull min ikun is-sid, detentur jew pussessur ta' proprjetà kulturali li dik il-proprjetà kulturali, tkun tehtieg tiswa jew restawr urġenti u ghandu f'dak l-avviż jistabbilixxi terminu li fih ghandhom isiru tali tiswa jew restawr, u fin-nuqqas li jsir dan, is-Sovrintendent, jista' jagħmel dawk ix-xoghlijiet bi spejjeż ta' dik il-persuna.

Tiswa u restawr mill-Gvern.

43. (1) Skavi u esplorazzjonijiet arkeoloġiċi jew paleontoloġiċi fuq l-art, kif ukoll fl-ibhra territorjali jew fiż-żona kontigwa ta' Malta jistgħu jsiru biss mis-Sovrintendent, jew bil-permess bil-miktub tas-Sovrintendent u skond kull kondizzjoni annessa miegħu.

Dritt esklużiv għall-iskavar.

Izda bla hsara għall-provvedimenti tas-subartikolu (4) ta' l-artikolu 45 ta' dan l-Att, is-Sovrintendent jista' jagħmel, jew jordna li jsiru, skavi għall-finijiet ta' dan l-Att f'kull parti ta' Malta, kull meta dawn l-iskavi huma mehtieġa u skond regolamenti mahruġa bis-saħħa tal-paragrafu (d) ta' l-artikolu 55 ta' dan l-Att.

(2) Kull min, ukoll jekk aċċidentalment, jiskopri xi oġġett, sit jew bini li dwarhom japplika dan l-Att skond ma hemm fl-artikolu 3, ghandu minnufih jgharraf lis-Sovrintendent, iżomm l-oġġett misjub in situ, u m'ghandux għal perjodu ta' sitt ijiem tax-xogħol wara li jgharraf lis-Sovrintendent ikompli għaddej b'xogħol fuq il-post fejn ikun ġie skopert l-oġġett ta' proprjetà kulturali.

(3) Is-Sovrintendent ghandu jispezzjona l-post fejn tkun saret l-iskoperta matul dawk is-sitt ijiem tax-xogħol u jista' jordna lil min ikun responsabbli li ma jagħmilx iktar xogħol fuq il-post jew f'xi parti minnu billi jagħtih avviż biex jieqaf mix-xogħol.

(4) Kull min wara li jinghata avviż biex jieqaf mix-xogħol isofri danni minhabba fil-waqfien tax-xoghlijiet ghandu jkollu d-dritt li jiġi kkompensat għal dawk id-danni mis-Sovrintendent.

(5) Fi żmien tliet xhur minn xi avviż biex jitwaqqfu x-xoghlijiet il-Gvern ghandu jibda proċeduri biex jikseb is-sit skond l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, jew inkella s-Sovrintendent ghandu jillibera s-sit. Malli jinbdew il-proċedimenti li jakkwista s-sit kif hawn aktar qabel imsemmi ma jkun dovut ebda kumpens iehor skond is-subartikolu (4) ta' dan l-artikolu.

Kap. 88.

(6) Kull oġġett mobbli li jifforma parti mill-patrimonju kulturali li jiġi skopert x'imkien Malta, fl-ibhra territorjali tagħha, u fiż-żona kontigwa sew jekk jinsab fi skavi awtorizzati jew illegali jew waqt esplorazzjoni jew aċċidentalment filwaqt li jkun qed isir xi xogħol sew b'kull mod iehor ikun jappartjenti lill-Istat.

(7) Kull *record* oriġinali jew kopja shiha dwar il-progress ta' l-iskavar jew l-esplorazzjoni, jekk dawn isiru skond dan l-artikolu jew xort'ohra, ghandu jinghata lis-Sovrintendent minn min ikun responsabbli ghal dak l-iskavar jew dik l-esplorazzjoni.

Permessi ghal  
żvilupp  
u proprjetà kulturali.  
Kap. 356.

**44.** (1) Is-Sovrintendent jista' jirrikmanda ghal skedar lill-Awtorità ta' l-Ippjanar tali siti u bini li jkun iqis li ghandhom ikunu skedati fl-ambitu tat-tifsira ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp.

(2) Is-Sovrintendent ghandu jagħmel użu mil-iista tal-proprjetà skedata għall-fini ta' l-inventarju taht l-artikolu 7(5).

Permess għall-  
interventi  
f'proprjetà kulturali.

(3) Ebda persuna ma ghandha tagħmel interventi f'dik il-proprjetà kulturali jew klassi ta' proprjetà kulturali minghajr ma jkollha minn qabel permess għaldaqshekk mis-Sovrintendent kif jista' jiġi preskritt f'regolamenti mahruġa taht dan l-Att.

(4) Qabel ma jiddetermina applikazzjoni taht is-subartikolu (3) ta' dan l-artikolu s-Sovrintendent jista' jitlob dik l-informazzjoni inkluż ir-riżultati ta' dawk l-eżami, analiżi jew spezzjoni minn dawk il-persuni akkreditati taht dan l-Att ghal dak il-ghan kif jista' jiġi mitlub mis-Sovrintendent, u dik ir-riċerka fuq l-istorja, kompożizzjoni provenjenza jew aspetti ohra tal-proprjetà kulturali rilevanti kif hu jista' jikkonsidra mehtieġa ghal dak l-ghan.

(5) Ma' l-ghoti ta' permess bhal dak is-Sovrintendent jista' jimponi dawk il-kundizzjonijiet li jista' jidhirlu xierqa, inkluż bla preġudizzju għall-generalità ta' dan qabel li x-xogħol jew xi parti minnu ghandu jiġi mwettaq skond dak il-protokoll kif jista' jkun preskritt jew anness mal-permess, li x-xogħol u l-fażijiet diversi tiegħu jiġu fotografati jew xort'ohra dokumentati jew rekordjati, li jinghata lis-Sovrintendent rapport fuq ix-xogħol f'dawk iż-żminijiet kif imsemmi fil-permess, u li x-xogħol jew dik il-parti minnu kif jista' jiġi msemmi fil-permess isir, minn jew taht is-superviżjoni kif jingħad fil-permess, ta' dak id-detentur ta' *warrant*, professjonist jew persuna akkreditata taht dan l-Att ghal dak ix-xogħol.

Setgħa ta' dhul  
u ta' spezzjon.

**45.** (1) Kull ufficjal jew impjegat tas-Sovrintendenza awtorizzat bil-miktub kif imiss mis-Sovrintendent jista' jidhol f'xi area, proprjetà, sit taht investigazzjoni jew bini jekk is-Sovrintendent iqis li jkun mehtieġ li jsir dan fit-twettiq ta' xi funzjoni taht dan l-Att jew jekk ikun iqis li jkun hemm raġunijiet validi biex jissuspetta li jkun sar jew se jsir xi reat kontra dan l-Att jew kontra xi regolament, kondizzjoni ta' liċenza jew kondizzjonijiet magħmula tahtom.

(2) Meta d-dhul isir għall-fini ta' spezzjon jew dokumentazzjoni, s-Sovrintendent għandu jinnotifika avviż bil-miktub lill-okkupant ta' proprjetà kulturali li huwa jkun bi hsiebu jidhol, u malli dan l-uffiċjal jew impjegat awtorizzat kif hawn aktar qabel imsemmi għandu jithalla jidhol f'dik il-proprjetà kulturali fejn ikunu qed isiru tali konservazzjoni, restawr jew żvilupp.

(3) Is-Sovrintendent għandu jara li ssir spezzjoni f'kazijiet meta jsiru rapporti ta' skoperti ta' proprjetà kulturali sabiex tiġi stabbilita il-htieġa ta' preservazzjoni jew xoghlijiet ta' skavar.

(4) Is-Sovrintendent għandu jkollu l-jedd jidhol u jokkupa proprjetà kulturali sabiex hemm jagħmel skavi arkeoloġiċi iżda:

(a) għandu jiġi notifikat avviż bil-miktub lill-okkupant jew lis-sid tal-proprjetà kulturali inkwistjoni mill-inqas tliet ijiem qabel ma jinbdew dawk l-iskavi;

(b) iż-żmien għal kemm iddum l-okkupazzjoni għandu jiġi dikjarat fl-avviż, u għandu jingħata avviż iehor ta' mill-inqas tliet ijiem ta' kull estensjoni taż-żmien ta' l-okkupazzjoni;

(c) is-sidien jew l-okkupant ta' proprjetà kulturali okkupata skond dan l-artikolu għandu jkollhom jedd għal kumpens għal kull telf ta' profitt, danni mgarrba matul l-iskavi arkeoloġiċi jew it-tqeghid ta' arei skavati lura għal li kienu.

(5) Dawk l-iskoperti li jsiru matul żmien ta' okkupazzjoni mis-Sovrintendent ikunu proprjetà tal-Gvern.

(6) Bil-għan li jeserċita kull dritt li għandu taht dan l-artikolu is-Sovrintendent jista' jitlob l-ghajnuna tal-Pulizija.

**46.** (1) Meta jkun qed isir xi żvilupp jew xoghol iehor dwar proprjetà kulturali bi ksur ta' xi disposizzjoni ta' dan l-Att, jew persuna li jkollha liċenza biex tagħmel skavi arkeoloġiċi taht dan l-Att ma tkunx konformi ma' xi kondizzjoni marbuta ma' dik il-liċenza, is-Sovrintendent jista' jinnotifika Avviż ta' Sospensjoni lis-sid, il-pussessur jew id-detentur tal-proprjetà kulturali jew lil kull persuna oħra li tkun qed twettaq ix-xoghlijiet ta' żvilupp jew skavar u malli dan, il-persuna notifikata bl-ordni għandha tissospendi kull attività f'dak li għandu x'jaqsam max-xoghol ta' żvilupp jew l-iskavar.

Avviżi ta' sospensjoni.

(2) Is-Sovrintendent jista' jirrevoka kull tali Avviż ta' Sospensjoni sew b'mod assolut sew kif soġġett għal dawk il-kondizzjonijiet li s-Sovrintendent iqis li jkunu xierqa.

Ordni ta'  
Konservazzjoni u  
Protezzjoni.

**47.** (1) Is-Sovrintendent jista' fil-każ ta' xi ksur ta' xi disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu jinnotifika Ordni ta' Konservazzjoni u Protezzjoni lis-sid jew okkupant jew pussessur ta' proprjetà kulturali, li tkun tehtiegħ tali azzjoni bħalma tista' tkun speċifikata fl-avviż, inkluż li ma jtkompliex isir dak li jkun qed isir jew jitwettagħ, li għandha tittiehed f'dak iż-żmien li jista' jkun speċifikat fl-ordni.

(2) Meta azzjoni mehtieġa li tittiehed minn Ordni ta' Konservazzjoni u Protezzjoni ma tkunx ittiehded fiż-żmien speċifikat fl-Ordni, is-Sovrintendent għandu jkollu l-jedd jidhol ġol-proprjetà kulturali u jista' għal dak l-ghan jitlob l-ghajnuna tal-Korp tal-Pulizija u jieħu l-azzjoni mehtieġa, fejn dan japplika għas-spejjeż tas-sid jew ta' l-okkupant jew tal-pussessur.

Kap. 319.

(3) Salvi d-disposizzjonijiet ta' l-artikolu 46 tal-Kostituzzjoni jew ta' l-artikolu 4 ta' l-Att dwar il-Konvenzjoni Ewropea, ebda mandat kawtelatorju ma jista' jinhareġ minn xi qorti li tkun iżżomm lis-Sovrintendent milli johroġ Ordni taht dan l-artikolu jew milli jagħmel xi haġa li jkun awtorizzat jagħmel b'dan l-artikolu.

Kurazija.

**48.** (1) Is-Sovrintendent jista' bl-awtorità bil-miktub tal-Ministru, bi ftehim mal-Ministru responsabbli għall-artijiet, jagħmel permezz ta' att pubbliku, att ta' kurazija ma' kunsill lokali jew ma' organizzazzjoni mhux governattiva li bih il-kustodja u l-amministrazzjoni ta' proprjetà kulturali immobbli tiġi mghoddija għal għand il-Kunsill Lokali jew organizzazzjoni mhux governattiva, skond il-każ u skond id-disposizzjonijiet ta' dan l-Att u ta' tali regolamenti li jistgħu jiġu preskritti u skond dawk il-kondizzjonijiet li ma jkunux inkonsistenti magħhom kif jista' jkun hemm f'dak l-att. Kull att ta' kurazija għandu jiddikjara għal kemm żmien dan ikun qieghed isir, liema terminu ta' żmien jiġi stabbilit mis-Sovrintendent kull każ għalih, wara li jiġu konsidrati bir-reqqa l-possibilità li dan jiġi attwat u l-iskala ta' kull proposta.

(2) Il-Ministru għandu, madankollu, fi żmien erba' ġimghat wara l-pubblikazzjoni ta' l-att, jew inkella jekk il-Kamra ma tkunx qegħda f'sessjoni, fi żmien erba' ġimghat mid-data meta l-Kamra terġa' tilitaqa', jqieghed kopja ta' l-att fuq il-Mejda tal-Kamra, u l-att ta' kurazija jkun soġġett għall-kondizzjoni li jekk fuq mozzjoni intavolata mhux iktar tard minn tmienja u għoxrin ġurnata wara t-tqegħid fuq il-Mejda tal-Kamra ta' kopja ta' l-att ta' kurazija, il-Kamra tirrisolvi li l-att ta' kurazija għandu jkun rexiss, l-att għandu jkun awtomatikament rexiss malli tghaddi r-risoluzzjoni.

(3) Qabel ma jawtorizza lis-Sovrintendent jagħmel att ta' kurazija l-Ministeru għandu jara xi tkun il-fehma tal-Kumitat dwar il-kondizzjonijiet li għandhom ikunu inklużi fl-att ta' kurazija; dawk il-kondizzjonijiet għandhom b'mod partikolari jittrattaw dan li ġej:

(a) il-miżuri protettivi li għandhom jittiehdu sabiex tiġi mharsa l-proprjetà kulturali soġġetta għall-att ta' kurazija; u

(b) il-pjan ta' konservazzjoni u amministrazzjoni li għandu x'jaqsam mal-proprjetà kulturali, u l-arrangamenti organizzattivi, operattivi u finanzjarji konnessi ma' dan, u r-rizorsi organizzattivi, operattivi u finanzjarji li jkunu mogħtijin għaldaqstant.

(4) Att ta' kurazija m'għandu jkun ta' ebda preġudizzju għall-poteri ta' xi Entità taħt dan l-Att għar-rigward tal-proprjetà kulturali soġġetta għall-att ta' kurazija.

(5) Il-proprjetà kulturali soġġetta għall-att ta' kurazija għandha tibqa' proprjetà tal-Gvern.

(6) Il-Ministru jista', wara li jikkonsulta lis-Sovrintendent u lill-Kumitat, f'kull waqt b'Ordni fil-Gazzetta jirrexxindi att ta' kurazija jekk xi kondizzjoni stipulata fih jew xi d-disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu ma jkunux imharsa mill-parti l-oħra.

(7) Mhux iktar tard minn sitt ġimghat wara kull anniversarju ta' xi att ta' kurazija, il-parti li fil-kustodja tagħha titqiegħed il-proprjetà kulturali għandha tibgħat lill-Ministru, lis-Sovrintendent u lill-Kumitat rapport ta' l-attivitajiet tagħha dwar il-proprjetà kulturali u dwar kif tkun esegwiet l-att ta' kurazija matul is-sena ta' qabel. Il-kopja ta' dak ir-rapport għandu jitqiegħed fuq il-Mejda tal-Kamra mill-Ministru.

(8) Il-Ministru jista' jagħmel regolamenti li jkunu b'mod generali jippreskrivu regoli dwar il-kurazija.

**49.** Il-poteri u d-dmirijiet taht dan l-Att għandhom ikunu esercitati b'mod konformi ma' kull Konvenzjoni, trattat, qbil jew istrument internazzjonali li jirrigwardaw l-użu u l-konservazzjoni kif imiss ta' proprjetà kulturali nazzjonali jew tad-dinja li Malta tista' tkun parti fihom.

Konvenzjonijiet internazzjonali eċċ.

**50.** (1) Il-Gvern qiegħed b'dan jiġi awtorizzat jirratifika u jsir parti fil-Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, June 1995).

Treġġiġh lura ta' proprjetà kulturali misruqa u esportata kontra l-liġi.

(2) Il-Ministru jista', wara li jikkonsulta lill-Kumitat, b'regolamenti jippreskrivi regoli li jaghtu sehh ghal xi jew kull disposizzjoni tal-Konvenzjoni msemmija u d-disposizzjonijiet ta' regolamenti bhal dawk ghandu jkollhom sehh minkejja l-provvedimenti ta' kull ligi ohra li tkun tghid il-kuntrarju.

Dritt ta' appell.

**51.** Kull persuna li thossha aggravata b'decizjoni tas-Sovrintendent taht l-artikoli 40 sa 42, 46 u 47 f'din it-taqsimha jkollha dritt ta' appell kif jista' jigi preskritt taht l-artikolu 55 ta' dan l-Att. Appell m'ghandux, hliet kif jista' jigi preskritt, jissospendi d-decizjoni appellata.

## **TAQSIMA VIII PATRIMONJU KULTURALI RELIĠJUŻ**

**52.** (1) Bla hsara ghal xi ligi ohra li tista' tkun fis-sehh, u sa dak iż-żmien li jista' jkun hemm ftehim bejn l-awtoritajiet kompetenti civili u dawk ekklesjastiċi, proprjetà kulturali li tkun tappartjeni lill-Knisja Kattolika inkluż lill-Ordnijiet Reliġjużi Kattoliċi u intiża jew użata ghal finijiet reliġjużi ghandha taqa' taht ir-regolament u s-sovrintendenza esklużivi tal-Kummissjoni għall-Patrimonju Kulturali Kattoliku li tkun mahtura kull sentjen mill-President tal-Konferenza Episkopali Maltija, u tkun maghmula minn mhux inqas minn hames esperti li wiehed minnhom ghandu jkun hekk mahtur wara konsultazzjoni mal-Ministru.

(2) Proprjetà kulturali li tkun tappartjeni lil u hi intiża jew użata ghal finijiet reliġjużi ta' xi denominazzjoni ohra apparti dik imsemmija fis-subartikolu (1) ta' dan l-artikolu tista' titqiegħed mill-awtorità reliġjuża rilevanti u kompetenti taht ir-regolament u s-sovrintendenza esklużivi ta' kummissjoni għall-patrimonju kulturali reliġjuż. Kull tali kummissjoni għall-patrimonju kulturali reliġjuż ghandha tinhatar kull sentejn mill-awtorità reliġjuża rilevanti u kompetenti, u tkun maghmula minn tliet esperti li wiehed minnhom ghandu jkun hekk mahtur wara konsultazzjoni mal-Ministru.

(3) Il-kummissjonijiet msemmija fis-subartikoli (1) u (2) ta' dan l-artikolu ghandu jkollhom l-istess poteri u dmirijiet għar-rigward tal-proprjetà kulturali taht is-sovrintendenza tagħhom daqskemm ikollu s-Sovrintendent, u għandhom jaghtu rapport dwar il-hidma tagħhom lill-Forum:

Iżda meta tali kummissjonijiet ma jkunux ġew hekk mahtura, ir-regolament u s-sovrintendenza tal-proprjetà kulturali li taqa' taht il-kompetenza tagħhom tkun tvesti fis-Sovrintendent.

(4) Il-Ministru, wara konsultazzjoni shiha mal-President tal-Konferenza Episkopali Maltija msemmi fis-subartikolu (1) ta' dan l-artikolu jew ma' l-awtorità religjuża rilevanti u kompetenti msemmija fis-subartikolu (2) ta' dan l-artikolu, jista' jagħmel regolamenti biex jirregola s-setgħat u d-dmirjiet ta', u l-proċeduri u l-prattika li għandhom jiġu segwiti mill-kummissjonijiet imsemmija fis-subartikoli (1) u (2) ta' dan l-artikolu.

## TAQSIMA IX REATI

53. (1) Kull min:

Hsara volontarja  
jew qerda ta'  
ċertu proprjetà.

(a) xjentement, jew b'negligenza, nuqqas ta' hila jew ta' osservanza ta' regolamenti jikkaguna dannu lil jew jeqred proprjetà kulturali sew jekk tali proprjetà kulturali tkun sew jekk ma tkunx registrata f'xi inventarju skond dan l-Att, u kemm jekk is-sid ta' tali proprjetà ta' patrimonju kulturali jkun il-persuna li tkun ikkagunat il-hsara jew il-qerda, kemm dik il-persuna tkun qegħda tamministraha b'mod legittimu;

(b) jagħmel xi attività jew inkella jaġixxi bi ksur tad-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu jew tal-kondizzjonijiet ta' liċenza jew permess mahruġ taht dan l-Att jew jonqos milli jagħmel xi haġa li jkun mehtieg li jagħmel taht dan l-Att, regolament jew liċenza; jew

(ċ) jagħmilha ta' konservatur-restawratur meta ma jkollux *warrant* taht Taqsima VI ta' dan l-Att; jew

(d) jonqos milli jimxi skond xi Avviż ta' Sospensjoni mahruġ skond l-artikolu 46 ta' dan l-Att jew skond Ordni ta' Konservazzjoni jew Protezzjoni magħmul skond l-artikolu 47 ta' dan l-Att; jew

(e) jirċievi jew jiddetjeni proprjetà kulturali filwaqt li jkun jaf li din tkun tnehhiet illegalment f'Malta jew li tkun giet illegalment esportata minn xi pajjiż iehor; jew

(f) jimpedixxi, jostakola, jimmolestja jew jindahal lil, jew jittanta jimpedixxi, jostakola, jimmolestja jew jindahal lil xi ufficjal jew impjegat tas-Sovrintendenza, jew ta' l-Aġenzija, jew tač-Ċentru, jew tal-Kumitat jew lil xi ufficjal tal-pulizija, fl-esekuzzjoni tad-dmirijiet li hemm provdut dwarhom f'dan l-Att, jew jonqos milli jhares xi ordni legittima minn xi tali ufficjal jew impjegat

jew uffiċjal tal-pulizija kif hawn aktar qabel imsemmija, jew xjentement jaghti lil dak l-uffiċjali jew impjegat informazzjoni qarrieqa jew jittraskura jew jiċhad milli jaghti informazzjoni mehtieġa minn jew taht dan l-Att; jew

(ġ) jaghmel dikjarazzjoni ghal kull fini ta' dan l-Att li tkun falza, qarrieqa jew mhux korretta f'xi aspett materjali,

ikun hati ta' reat kontra dan l-Att u jehel, meta jinsab hati, multa ta' mhux anqas minn 500 lira u ta' mhux iżjed minn 50,000 liri, jew prigunerija ghal żmien mhux iżjed minn sitt snin, jew dik il-multa u prigunerija flimkien:

Iżda, bla hsara ghall-oghla multa hawn aktar qabel imsemmija, l-inqas multa li hati jista' jehel taht dan l-artikolu m'għandhiex tkun inqas mill-valur ta' xi xogħol mehtieġ biex jirrimedja l-effetti tar-reat.

(2) Ir-responsabbiltà ta' hati taht subartikolu (1) ta' dan l-artikolu għandha tkunu minghajr preġudizzju għar-responsabbiltà tal-hati li jhallas lis-Sovrintendent kull nefqa li ssir għar-reintegrazzjoni, jew ir-restawr tal-proprjetà kulturali minhabba fl-għemil tar-reat, jew li jhallas għol-Fond il-valur tal-proprjetà kulturali meqruda jew danneggata meta dik il-proprjetà ma tkun tista' la tiġi reintegrata u lanqas restawrata. Dak il-hlas jista' jingabar permezz ta' kawża ċivili li ssir mis-Sovrintendent kontra l-hati jew l-eredi tiegħu.

(3) Il-Qorti għandha, minbarra li tagħti l-piena msemmija f'dan l-artikolu, tordna lill-persuni misjubin hatja li jnehhu dak kollu li jkun qed jikkaguna r-reat u li jreggħu lura għal li kienet kull haġa li tkun saret minghajr ebda permess mehtieġ taht dan l-Att jew biex ihares il-kondizzjonijiet imposti f'tali permess, skond il-każ, fi żmien suffiċjenti għal dak l-iskop u f'kull każ ta' mhux iżjed minn tliet xhur mid-data tas-sentenza u, jekk il-hati jonqos milli jhares xi ordni bħal dik f'dak iż-żmien li jiġi hekk stabbilit, jista' jehel ukoll multa ta' mhux inqas minn hamsa u għoxrin lira u mhux iżjed minn hamsin lira, kif il-qorti tista' tistabbilixxi, għal kull għumata li jkompli n-nuqqas wara li jiskadi ż-żmien imsemmi.

Poteri ta' prosekuzzjoni u ta' assistenza lill-Pulizija u lil uffiċjali oħra.

**54.** (1) Fi prosekuzzjonijiet għal reati kontra dan l-Att jew kontra regolamenti taht dan l-Att, uffiċjali tas-Sovrintendenza għandu jkollhom il-jedd jassistu lill-pulizija, u li jagħmluha ta' prosekuturi fil-Qorti tal-Magistrati.

(2) Uffiċjali tas-Sovrintendenza jistgħu jassistu lill-Pulizija, lid-Dwana jew kull korp ieħor tal-Gvern, meta dawn ikunu qegħdin jesercitaw poteri mogħtija taht kull liġi oħra, fl-esercizzju ta' kull poter biex jipprevjenu l-kummissjoni ta' reat kontra dan l-Att jew biex ikollhom disponibbli provi li jirrigwardaw xi reat bħal dak.

## TAQSIMA X REGOLAMENTI

**55.** Il-Ministru jista' jagħmel regolamenti biex jagħti sehh lil kull disposizzjoni ta' dan l-Att, jew biex jirregola jew xort'ohra jipprovdi dwar kull haġa għar-rigward ta' l-attivitajiet li jaffettwaw il-proprjetà kulturali, u tista' b' mod partikolari, imma mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, jagħmel regolamenti għal kull għan minn dawn li ġejjin:

Poteri li jsiru regolamenti.

- (a) biex jiġi stabbilit kull dritt u hlas li jistgħu ikollhom jingabru minn jew taht, jew għas-servizzi mogħtija konformi mad-disposizzjonijiet ta' dan l-Att;
- (b) biex jiġi żgurat l-aħjar twettiq tal-funzjonijiet ta' l-Entitajiet;
- (c) biex tigi regolata l-hatra ta' uffiċjali u impjegati ma' kull Entità ;
- (d) biex jiġi regolat kull skavar u esplorazzjoni;
- (e) biex jiġu stabbiliti linji direttivi għall-aħjar pratka ta' konservazzjoni u ta' restawr;
- (f) biex jiġi pprovdut dwar kull formola jew proċedura li jistgħu jkunu meħtieġa jew spedjenti u li dwarhom ma jkun hemm ebda proċedura speċifika li tinsab f' dan l-Att;
- (g) biex jiġi regolat l-bejgħ ta', u l-kummerċ fi proprjetà kulturali;
- (h) biex jiġi regolat ċ-ċaqleq ta' proprjetà kulturali;
- (i) biex jiġu preskritti regoli li jagħtu sehh lil kull Konvenzjoni internazzjonali li tirrigwarda l-protezzjoni tal-patrimonju kulturali, ratifikata mill-Gvern ta' Malta; jew biex ikun hemm konformità ma' kull obbligi internazzjonali li fiha jidhol il-Gvern ta' Malta dwar il-patrimonju;
- (j) meta ma jkunx xort'ohra pprovdut f' dan l-Att, biex jiġu preskritti regoli li jirregolaw is-setgħat u d-dmirijiet ta', u l-proċeduri li għandhom jiġu segwiti minn, dik l-enti, kummissjoni, kumitat jew bord imwaqqfa f' dan l-Att jew tahtu;
- (k) biex jistabbilixxi u jippubblika r-rekwiżiti għall-akkreditazzjoni kif stabbilit mill-artikolu 35 ta' dan l-Att;

(l) biex jiġu stabbiliti l-parametri li fihom, u t-tipi ta' proprjetà kulturali li dwarhom, għandhom jiġu eżerċitati l-poteri taht l-artikoli 40 u 41 ta' dan l-Att;

(m) biex jagħtu lill-persuni li jhossuom aggravati minn xi eżerċizzju tal-poteri skond id-disposizzjoni ta' l-artikoli 40 sa 42, 46 u 47 ta' dan l-Att mezz biex jikkontestaw dak l-eżerċizzju u biex jottjenu rimedju jekk ikollhom raġun;

(n) biex jiġi stabbilit bord ta' appell u biex jirregola kull proċedura dwar l-istess, għat-twettiq ta' dak preskritt fil-paragrafu preċedenti;

(o) biex jipprovdi dwar il-forma u proċedura dwar applikazzjonijiet u għoti ta' permessi għall-interventi fi proprjetà kulturali taht l-artikolu 44, u biex jipprovdi dwar appelli mid-deċiżjoni tas-Sovrintendent dwar l-istess;

(p) biex tigi preskritta kull haġa ohra li tista' jew li għandha tkun preskritta taht dan l-Att.

## TAQSIMA XI MIXXELLANJI

Thassir u  
riserva.  
Kap. 54.

**56.** (1) Bla hsara għad-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, l-Att dwar il-Protezzjoni ta' l-Antikitajiet, (hawnhekk iżjed 'il quddiem imsejjah l-Att) qieghed b'dan jiġi mħassar.

(2) Minkejja t-thassir ta' l-Att, ir-regolamenti kollha magħmulin taht l-Att għandhom jibqghu isehhu u jkollhom effett bhallikieku magħmulin taht dan l-Att, u jistgħu jiġu emendati jew imħassra skond hekk, u d-disposizzjonijiet ta' dan l-Att għandhom japplikaw għal kull ksur ta' daww ir-regolamenti bhallikieku jkunu saru taht dan l-Att.

Emenda għall-Att  
dwar  
l-Ippjanar ta' l-  
Iżvilupp.  
Kap. 356.

**57.** L-Att dwar l-Ippjanar ta' l-Iżvilupp għandu jiġi emendat kif ġej:

(a) fl-artikolu (2) tiegħu, fit-tifsira ta' "l-Awtorità" minflok il-kliem "l-Awtorità ta' l-Ippjanar" għandhom jidhlu l-kliem "l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar";

(b) minflok l-intestatura “1. L-Awtorità ta’ l-Ippjanar” li tidher qabel l-artikolu 3 tiegħu għandha tidhol l-intestatura li ġejja “1. L-Awtorità ta’ Malta dwar l-Ambjent u l-Ippjanar”;

(ċ) fl-artikolu 3 tiegħu:

(i) minflok il-kliem “ta’ l-Ippjanar” fin-nota marginali għalih, għandhom jidhlu l-kliem “ta’ Malta dwar l-Ambjent u l-Ippjanar”; u

(ii) fis-subartikolu (1) tiegħu, minflok il-kliem “l-Awtorità ta’ l-Ippjanar” għandhom jidhlu l-kliem “l-Awtorità ta’ Malta dwar l-Ambjent u l-Ippjanar”;

(d) fl-artikolu 5 tiegħu:

(i) is-subartikolu (8) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (9); u

(ii) minnufih wara s-subartikolu (7) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:

“(8) (a) Minghajr preġudizzju għas-subartikolu (7) ta’ dan l-artikolu, għandu jkun hemm kumitat, li jissejjah il-Kumitat ta’ Konsulenza dwar il-Patrimonju, li jkollu żewġ taqsimiet u li jkollu l-funzjonijiet stabbiliti f’dan is-subartikolu.

(b) Taqsima minnhom tkun tittratta dwar il-Patrimonju Kulturali u tissejjah it-Taqsima dwar il-Patrimonju Kulturali, u tkun magħmula kif ġej:

(i) president u tliet membri oħra li jinhatru mill-Ministru responsabbli għall-kultura, u

(ii) tliet membri oħra li jinhatru mill-Ministru wara li jikkonsulta lill-Awtorità.

(ċ) Taqsima oħra tkun tittratta dwar il-Patrimonju Naturali u tissejjah it-Taqsima dwar il-Patrimonju Naturali, u tkun magħmula kif ġej:

(i) president u tliet membri oħra li jinhatru mill-Ministru responsabbli għall-ambjent, u

(ii) tliet membri ohra li jinhatru mill-Ministru wara li jikkonsulta lill-Awtorità.

(d) Erba' membri ta' taqsima jkunu jaghmlu *quorum* waqt is-seduti ta' taqsima u tmien membri jkunu jaghmlu *quorum* waqt seduta kongunta taż-żewġ taqsimiet. Il-president ta' seduta jkollu vot oriġinali u, fil-każ ta' voti ndaqs, vot deċiziv.

(e) Tkun il-funzjoni tat-taqsima, kull wahda fil-qasam ittrattat minnha, li taghti pariri professjonali u esperti lill-Awtorità fuq dak kollu li għandu x'jaqsam mal-konservazzjoni tal-patrimonju kulturali u naturali fi proċess integrat. Kull taqsima għandha wkoll taghti pariri fuq il-proċess ta' applikazzjonijiet partikolarment dwar il-konservazzjoni tal-proprjetà jew arei li jistgħu jkunu affettwati b'applikazzjoni għal permess ta' żvilupp.

(f) Kull taqsima għandha taghmel disponibbli għal spezzjon pubbliku kull rakkomandazzjoni li hija taghmel lill-Awtorità u għandha regolarment tirrapporta ta' kull sitt xhur lill-Awtorità u lill-Kumitat ta' Garanzija mwaqqaf taht l-Att ta' l-2002 dwar il-Patrimonju Kulturali.

(g) Kull taqsima tista' titlob lil kull min trid biex jagħtiha parir espert jew professjonali dwar kull haġa li t-taqsima tkun qed tittratta.

(h) Sew il-president wiehed jew l-iehor għandu jlaqqa' seduta kongunta taż-żewġ taqsimiet meta jinqalghu kwistjonijiet li jolqtu kemm il-patrimonju kulturali u dak naturali, u f' dak il-każ is-seduta kongunta taż-żewġ taqsimiet għandha tkun presjeduta mill-president tat-taqsima li jlaqqa' s-seduta. Id-disposizzjonijiet tal-paragrafu (g) għandhom ikunu japplikaw ukoll għal dawg is-seduti.

(i) Bla hsara għad-dispożizzjonijiet ta' qabel ta' dan is-subartikolu, u għal kull regola li tista' tiġi preskritta mill-Ministru responsabbli għall-patrimonju kulturali u l-Ministru responsabbli għall-ambjent, sew il-kumitat sew it-taqsimiet jistgħu jirregolaw il-proċeduri tagħhom.”; u

(e) fl-artikolu 15 tiegħu, is-subartikolu (10) għandu jithassar.

**SKEDA**

(Artikolu 41)

**RATA TA' DAZJU TA' ESPORTAZZJONI**

<i>Valur ta' l-oġġett</i>	<i>Dazju ta' Esportazzjoni</i>
Fuq l-ewwel Lm 100 jew parti minnhom	10 fil-mija.
Fuq it-tieni Lm 100 jew parti minnhom	20 fil-mija.
Fuq it-tielet Lm 100 jew parti minnhom	30 fil-mija.
Fuq ir-raba' Lm 100 jew parti minnhom	40 fil-mija.
Fuq kull valur iehor	50 fil-mija.

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 723 tas-16 ta' April, 2002.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skriivan tal-Kamra tad-Deputati*

CULTURAL HERITAGE ACT, 2002

**Arrangement of Articles**

Article

PART I - PRELIMINARY

1. Short title and commencement.
2. Interpretation.
3. Objects to which provisions of this Act apply.

PART II - PRINCIPLES AND GENERAL DUTIES

4. Principles and duties.
5. Conditions.
6. Priority of Cultural Heritage.

PART III - CONSTITUTION, COMPOSITION AND FUNCTIONS  
OF ENTITIES

7. Superintendence.
8. Operating Agency.
9. Board of Directors.
10. Malta Centre for Restoration.
11. Functions of Centre.
12. National Strategy for Cultural Heritage.
13. Exemption from certain taxes.
14. Committee of Guarantee.
15. National Forum.
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PART IV - ADMINISTRATIVE AND PERSONNEL PROVISIONS

17. Staff Appointments.
18. Detailing of public officers.
19. Offers of permanent employment to public officers detailed for duty with the Entities.

PART V - FINANCIAL PROVISIONS

20. Entities to meet expenditure out of revenue.
21. Power to borrow capital.
22. Advances from Government.
23. Borrowing from Government.
24. Estimates of the entities.
25. Expenditure according to the approved estimates.

26. Publication of approved estimates.
27. Accounts and audit.
28. Deposit of revenues and payment by the entities.
29. Contracts of supply and of works.
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#### PART VI - CONSERVATION PROFESSIONALS

31. Qualifications for warrant.
32. Special Circumstances.
33. Warrant to practise as a conservation professional.
34. Bord tal-Warrant tar-Restawraturi.
35. Functions of the Board.
36. Suspension or revocation of warrant.
37. Effects of revocation or suspension of warrant.
38. Minister may issue fresh warrant.
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46. Suspension Notices.
47. Conservation and Protection Order.
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50. Return of stolen and illegally exported cultural property.
51. Right of appeal.

#### PART VIII - RELIGIOUS CULTURAL HERITAGE

52. Provision regarding Religious Cultural Heritage.

#### PART IX - OFFENCES

53. Wilful damage or destruction of certain property.
54. Powers to prosecute and to assist the Police and other officers.

A 878

PART X - REGULATIONS

55. Powers to make regulations.

PART XI - MISCELLANEOUS

56. Repeal and saving.

57. Amendment of the Development Planning Act, Cap. 356.

SCHEDULE - RATE OF EXPORT DUTY

I assent

(L.S.)

GEORGE HYZLER  
Acting President

26th April, 2002

**ACT No. VI of 2002**

*AN ACT to make provision in place of the Antiquities (Protection) Act, Cap. 54 for the superintendence, conservation and management of cultural heritage in Malta and for matters ancillary thereto or connected therewith.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

**PART I  
PRELIMINARY**

1. (1) The short title of this Act is the Cultural Heritage Act, 2002. Short title and commencement.

(2) The provisions of this Act shall come into force on such date as the Minister responsible for cultural heritage may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes thereof.

(3) A notice under subarticle (2) of this article may make such transitory provisions as appear to the said Minister to be necessary or expedient in connection with the provisions thereby brought into force.

2. In this Act, unless the context otherwise requires: Interpretation.

“Agency” means the Operating Agency set up under article 8 of this Act;

“Centre” means the Malta Centre for Restoration referred to in article 10 of this Act;

“co-ordinate” means exchanging views orally or in writing, before a decision or action is taken, with a view to avoiding conflicts, waste and errors or of putting a remedy thereto;

“Committee” means the Committee of Guarantee established by article 14 of this Act;

“conservation” means any activity required to maximise the endurance or minimise the deterioration of any cultural property as far as possible, and includes examining, testing, treating, recording and preserving any such cultural property or any part thereof;

“Conservation and Protection Order” shall have the meaning assigned to it in article 47 of this Act;

“conservator-restorer” means a professionally qualified person holding a warrant under this Act;

Cap. 226.

“contiguous zone” has the meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act;

“cultural heritage” means movable or immovable objects of artistic, architectural, historical, archaeological, ethnographic, palaeontological and geological importance and includes information or data relative to cultural heritage pertaining to Malta or to any other country. This includes archaeological, palaeontological or geological sites and deposits, landscapes, groups of buildings, as well as scientific collections, collections of art objects, manuscripts, books, published material, archives, audio-visual material and reproductions of any of the preceding, or collections of historical value, as well as intangible cultural assets comprising arts, traditions, customs and skills employed in the performing arts, in applied arts and in crafts and other intangible assets which have a historical, artistic or ethnographic value;

“cultural property” means movable or immovable property forming part of the cultural heritage;

“development” has the meaning assigned to it in the Development Planning Act;

“Entities” means the Superintendence, the Agency, the Centre, the Committee and the Fund, and Entity shall be construed accordingly;

“exploration” means an activity on land or at sea or in the contiguous zone, carried out with the intention of discovering new data regarding the cultural heritage and which may result in the discovery of movable or immovable items of cultural heritage value not yet documented on the national inventory of cultural property;

“financial year” means the period of twelve months ending on the thirtieth day of September in any year:

Provided that the first financial year with respect to an Entity shall consist of the period commencing on the date of the coming into force of the relative articles of this Act referring to such Entity, and ending on the thirtieth day of September of the following year;

“Forum” means the National Forum for Cultural Heritage established in article 15 of this Act;

“function” includes responsibilities, powers and duties;

“Fund” means the Cultural Heritage Fund established by article 16 of this Act;

“guardianship” and “guardianship deed” shall have the meaning respectively assigned to them in article 48;

“integrated conservation” means the whole range of measures aimed at ensuring the perpetuation of the cultural heritage, its maintenance as part of an appropriate environment, whether man-made or natural, its utilisation and its adaptation to the needs of society. Such an objective is to be achieved through the revitalisation and integration of cultural heritage within the physical environment of present-day society and by assigning a social function to such cultural heritage compatible with its dignity and its setting;

“investigation” means any activity for the purpose of obtaining and recording any information relating to cultural heritage and includes any works for the purposes of identifying, discovering, excavating, revealing, recovering and removing any object or material situated in, on or under any cultural property;

“holder” shall mean the person physically holding a cultural object on behalf of third parties;

Cap. 363.

“Local Council” means a local council established under the Local Councils Act;

“Minister” means the Minister responsible for cultural heritage, and includes, to the extent of any authority given, any person specifically authorised by the Minister for any of the purposes of this Act;

“mission” means the purpose and objective of an organization;

“museum” means a permanent institution in the service of society and of its development, and open to the public, which acquires, collects, conserves, researches, documentates, communicates and exhibits for the purpose of study, education and enjoyment of cultural heritage and associated information of humankind and its environment for the public benefit;

“owner” in relation to any cultural property includes the *directus dominus*, the *sub directus dominus*, the emphyteuta, the sub emphyteuta, the bare owner and the usufructuary;

“officer” and “employee” includes a public officer detailed for duty in any of the entities, committees or bodies established under this Act;

Cap. 356.

“Planning Authority” means the Authority established under the Development Planning Act;

“possessor” means the person physically holding the cultural object in his own name;

“prescribed” means prescribed under this Act;

“public officer” has the same meaning assigned to it by article 124 of the Constitution;

“restoration” means a highly specialised activity to conserve the integrity of cultural heritage, and to reveal its cultural values and to improve the legibility of its original state, form and design,

within the limits of still existing material. Such activity must be based on a critical and historical process of evaluation and not on conjecture;

“right of preference” means the right granted to the Superintendent by and in accordance with article 40 of this Act;

“Superintendence” means the Superintendence of Cultural Heritage established by article 7 and “Superintendent” means the Superintendent of Cultural Heritage referred to in the same article;

“surveillance” means an activity by the Superintendence which includes an activity related to the control, direction, monitoring, regulation, investigation and recording of cultural heritage, and includes any activity in relation thereto;

“Suspension Notice” has the meaning assigned to it in article 46 of this Act;

“territorial waters” has the meaning assigned to it in the Territorial Waters and Contiguous Zone Act, and includes any waters enclosed between the baselines therein mentioned and the coast; Cap. 226.

“warrant” means the warrant granted in accordance with Part VI of this Act, and warrant holder shall be construed accordingly.

**3.** For the purposes of this Act, an object shall not be deemed to form part of the cultural heritage unless it has existed in Malta, including the territorial waters thereof, or in any other country, for fifty years, or unless it is an object of cultural, artistic, historical, ethnographic, scientific or industrial value, even if contemporary, that is worth preserving. Objects to which provisions of this Act apply.

## PART II PRINCIPLES AND GENERAL DUTIES

**4.** (1) The provisions of the following subarticles of this article and of the other articles of this Part shall not be enforceable in any court of law, however the principles therein contained are fundamental to the protection of the cultural heritage and it shall be the aim of the State to apply the same and to be guided thereby. Principles and duties.

(2) Every citizen of Malta as well as every person present in Malta shall have the duty of protecting the cultural heritage as well as the right to benefit from this cultural heritage through learning and enjoyment. The cultural heritage is an asset of irreplaceable spiritual, cultural, social and economic value, and its protection and promotion are indispensable for a balanced and complete life.

(3) The State in Malta shall have the duty of establishing and maintaining administrative and regulatory structures of superintendence so as to ensure that this heritage is protected and conserved, as well as such other structures as are required for the management of the care, exposition and appreciation of this heritage.

(4) The duty to protect includes the duty to documentate, conserve, maintain, restore and includes the duty to intervene whenever deemed fit, including in circumstances of misuse, lack of conservation or application of wrong conservation methods. Such duty to protect also includes the duty to encourage the sustainable use and maintenance of the cultural heritage resource, in accordance with the principles of integrated conservation, including that of:

(a) encouraging the integration of conservation and management practices with respect to cultural heritage at all levels of government, local government, the private sector and voluntary sector;

(b) ensuring that conservation, management and other initiatives affecting cultural heritage take account of policies of social inclusion;

(c) ensuring that conservation, land planning and other initiatives affecting cultural heritage areas take into account the social fabric of existing communities and strive to improve the living conditions for all levels of society. Such initiatives should ensure, where possible, that they do not precipitate negative changes to the social fabric of the population of any given locality intervened upon;

(d) promoting public awareness of the richness and extent of cultural heritage as an intrinsic part of humankind's environment, and of the need to prevent the debasement of cultural heritage assets upon which depends the quality of that same environment, and of the cultural, economic and social reasons justifying its protection;

(e) taking into consideration the special problems of cultural heritage conservation, maintenance and management in anti-pollution policies;

(f) promoting fiscal and financial policies aimed at encouraging owners of cultural heritage to maintain, conserve, protect and make good use of such property.

(5) The duty to make accessible includes the duty to exhibit, to research, to render accessible for research, study and enjoyment, the cultural heritage and to promote knowledge, appreciation and awareness of this heritage within the principle of social inclusion. The right of access to, and benefit from, the cultural heritage does not belong merely to the present generation. Every generation shall have the duty to protect this heritage and to make it accessible for future generations and for all mankind.

5. In performing its duty the State may delegate any of the duties set out in article 4 to entities already in existence, or to other public or non-statal entities which may be established for the purpose, provided that the State shall:

Conditions.

(a) publish the conditions under which such delegation is given;

(b) reserve the public ownership of all that is put in trust by such delegation;

(c) reserve the right of superintendence.

6. The protection, promotion and accessibility of the cultural heritage shall be given very high priority in deciding public policy in all fields of activity in Malta.

Priority of Cultural Heritage.

### **PART III CONSTITUTION, COMPOSITION AND FUNCTIONS OF ENTITIES**

7. (1) There shall be a Superintendence of Cultural Heritage, under the responsibility and management of the Superintendent of Cultural Heritage. The mission of the Superintendence is to fulfill the duties of the State to ensure the protection and accessibility of cultural heritage as defined in this Act.

Superintendence.

(2) The Superintendence shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

Legal personality and judicial representation.

(3) The legal and judicial representation of the Superintendence shall vest in the Superintendent provided that the Superintendent may appoint any person, including any one or more of the officers or employees of the Superintendence, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

Appointment of Superintendent.

(4) The Superintendent shall be appointed by the Minister for a period of not more than five years under such terms and conditions as established in his letter of appointment. On the expiry of his term a person may be reappointed for a further term or terms.

Functions and duties of the Superintendence.

(5) It shall be the function of the Superintendence:

(a) to establish, update, manage and, where appropriate, publish, or to ensure the compilation of, a national inventory of cultural property belonging:

(i) to the State or State institutions,

(ii) to the Catholic Church and to other religious denominations,

(iii) to Foundations established in these islands,

(iv) to physical and juridical persons when the cultural property has been made accessible to the public, or when such persons have given their consent for such a purpose;

(b) to exercise surveillance over the protection, conservation, restoration, maintenance, exhibition and accesibility of cultural property;

(c) to promote research in the field of cultural heritage and to conduct excavations and other investigations which may be required so that objects or aspects of cultural heritage be discovered, cared for and appreciated;

(d) to authorise excavations, as well as to monitor excavations ensuring that such excavations, their documentation and the exhibition of the results thereof follow scientific methods and employ the best technology possible;

(e) to ensure that adequate documentation is kept and archived in relation to excavation, exploration and search for

antiquities, the conservation of cultural property and discoveries resulting from Environment Impact Assessments;

(f) to promote and ensure the best policies, standards and practices in the conservation and presentation of artefacts, collections, museums, buildings, monuments and sites;

(g) to advise and coordinate with the Planning Authority action in safeguarding cultural heritage when considering applications for planning permission relating to development affecting objects, sites, buildings or landscapes which form part of the cultural heritage;

(h) to advise the Minister with regard to cooperation with other governments and international organizations in the field of the protection of the cultural heritage;

(i) after consulting the Committee, to advise the Minister on the need of enforcing urgent repair or conservation works in accordance with article 42, as well as to the need for the compulsory acquisition of sites or buildings by the Government in accordance with the Land Acquisition (Public Purposes) Ordinance for the better protection of the cultural heritage; Cap. 88.

(j) generally to advise the Minister on all matters relating to the cultural heritage and cultural property;

(k) to perform such other functions under this or any other law as well as such other functions as the Minister may from time to time assign to it.

**8.** (1) There shall be an Operating Agency hereinafter in this Act referred to as the Agency to be called "Heritage Malta". The mission of the Agency is to ensure that those elements of the cultural heritage entrusted to it are protected and made accessible to the public as defined in this Act. Operating Agency.

(2) The Agency shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

Legal and Judicial  
Representation.

(3) The legal and judicial representation of the Agency shall vest in the Chairperson, provided that the Chairperson may appoint the Chief Executive Officer or any one or more of the officers or employees of the Agency, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

Functions  
of Agency.

(4) It shall be the function of the Agency:

(a) to ensure that museums, collections, sites, buildings and property, movable or immovable, forming part of the cultural heritage, owned or administered by it, are conserved, restored, administered, managed, operated, marketed, studied and presented for exhibition, in the best way possible;

(b) to acquire in property or in trust objects, collections of objects, sites, buildings, for the Museums, collections, sites and buildings;

(c) to perform or commission, in each case under the surveillance of the Superintendent, the restoration or conservation of cultural property owned or otherwise held or administered by it;

(d) to coordinate with the Malta Tourism Authority, the Planning Authority and other pertinent bodies, measures which are deemed necessary so that objects, sites and buildings forming part of the cultural heritage are protected and made accessible through any necessary conservation, maintenance, restoration, exhibition and promotion;

(e) to promote public knowledge, education, appreciation and enjoyment of the cultural heritage;

(f) in coordination with the Superintendence to consult with Local Councils in the preservation of the cultural heritage in their locality; and

(g) to perform such other functions which the Minister may from time to time assign to it.

(5) (a) For the purpose of ensuring the better conservation, restoration, management, administration, marketing, exhibition, presentation or study of any particular part of the cultural heritage, the Agency may, with the written approval of the Minister, acting in consultation with the Superintendent, either delegate any of its functions to any existing entity or to any entity to be established,

whether public or private, or a partnership thereof, as may be necessary, and in every case under such conditions as established by the superintendent and approved and published by the Minister in the Gazette, provided that whenever the delegation above-mentioned consists in an act of guardianship there shall be followed the provisions of article 48 of this Act.

(b) The Agency may, where appropriate, also fulfil its functions directly through its own resources.

(6) The Agency shall give the Superintendent all information that he may require in order to enable him to perform his functions under this Act.

9. (1) The Agency shall be governed by a Board of Directors Board of Directors. consisting of not less than five and not more than nine members, one of whom shall be the Chairperson, another the Deputy Chairperson, and a member nominated by the Minister responsible for Gozo.

(2) The members of the Board shall be appointed by the Minister for a period of not less than three years but not more than five years as may be determined in their letter of appointment. Members of the Board may, on the expiration of their term of office, be reappointed.

(3) The functions of the Board shall be:

- (a) to determine the policy and strategy of the Agency;
- (b) to employ and manage the human resources required to achieve the aims of the Agency;
- (c) to ensure the proper financial administration of the Agency;
- (d) to ensure the collaboration with other local and foreign bodies necessary for achieving the aims of the Agency.

(4) The Board shall appoint a Chief Executive Officer who shall be responsible to the Chairperson and the Board, and the appointment shall be for a period of not more than three years under such terms and conditions as stated in his letter of appointment. On the expiry of his term a person may be reappointed for a further term or terms.

(5) The meetings of the Board shall be called by the Chairperson, either on his own initiative or at the request of any two of the other members.

(6) Half the number of members for the time being constituting the Board shall form a quorum. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the members present and voting. The Chairperson shall have an initial vote and, in the event of an equality of votes, a casting vote.

(7) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Agency, where such interest exists, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such matter is discussed or decided by the Board.

(8) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(9) Any document purporting to be an instrument made or issued by the Agency and signed by the Chairperson on its behalf shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument made or issued by the Agency.

Malta Centre for  
Restoration.

**10.** (1) (a) The Malta Centre for Restoration established by the Minister responsible for education together with the University of Malta is hereby re-established and reconstituted as a body corporate having a distinct legal personality capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(b) The mission of the Centre is to become a centre of excellence for the teaching, training, research and practice of conservation, restoration, maintenance, management and presentation of the cultural heritage, and to provide conservation and restoration services and consultation as may be required by other bodies, both public and private.

Legal  
representation.

(2) The legal and judicial representation of the Centre shall vest in the Chairperson, provided that the Chairperson may appoint the Director or any one or more of the officers or employees of the Centre, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

(3) The Centre shall be governed by a Board of Governors (hereinafter in this article referred to as the Board) consisting of not less than five and not more than nine members, which shall be composed as follows:

Board of  
Governors.

(i) a Chairperson and one other member appointed by the Council of the University of Malta;

(ii) two members appointed by the Minister;

(iii) a member appointed by the Minister responsible for the environment;

(iv) up to four members nominated by the Board, from among the institutions co-operating with the Centre, and appointed by the Minister jointly with the University of Malta.

The Chairperson and members of the Board, shall be appointed or co-opted, as the case may be, for a period of three years renewable for further periods of three years each.

(4) The functions of the Board shall be -

(a) to determine the policy and strategy of the Centre;

(b) to employ and manage the human resources required to achieve the aims of the Centre;

(c) to ensure the proper financial administration of the Centre;

(d) to ensure collaboration with local and foreign bodies, necessary for achieving the aims of the Centre.

(5) The Board shall appoint a Director of the Centre who shall be the Chief Executive Officer of the Centre and who shall be responsible to the Chairperson and the Board.

(6) The meetings of the Board shall be called by the Chairperson either on his own initiative or at the request of any two of the other members.

(7) Three members of the Board shall form a quorum at its meetings. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the members present and voting.

The Chairperson, or other person chairing the meeting, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(8) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Centre, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting and such member shall withdraw from any meeting while such contract is discussed or decided by the Board.

(9) Subject to the provisions of this Act and to such procedures as may be prescribed, the Board may regulate its own proceedings.

(10) Any document purporting to be an instrument made or issued by the Centre and signed by the Chairperson on its behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Centre.

Functions of  
Centre.

**11.** The aims and functions of the Centre shall be:

(a) to act as a national consulting agency for both the public and private sectors on all matters related to conservation and restoration;

(b) to advise, following consultation with the superintendence, the Government on a policy of conservation and restoration which will cover the Maltese islands and identify priority areas and special needs;

(c) to advise on and arrange for the restoration outside Malta of such artefacts which cannot be restored locally;

(d) to undertake conservation projects in Malta and abroad and to provide conservation restoration project management services to public and private sector clients in Malta and abroad;

(e) to set up and maintain all necessary systems, especially conservation databases, required to organise, plan, co-ordinate, control, monitor and generally undertake restoration projects;

(f) to research and develop restoration project management methodology;

(g) to set up and maintain diagnostic science and conservation laboratories;

(h) to set up and maintain a documentation department charged with the scientific documentation of conservation projects;

(i) to promote, set up and maintain teaching facilities for training students to internationally recognised, professional standards in the arts and sciences of conservation and restoration;

(j) to promote and co-ordinate the pursuit of interdisciplinary training at professional, technical and craftsman levels in all aspects of conservation and restoration; and

(k) to promote and organize teaching and certification activities within the parameters of the Malta Professional and Vocational Qualifications Regulations, 2000 in such a way as to allow for progression from vocational to professional levels. L.N. 215 of 2000.

(l) to identify skills required throughout the cultural heritage sector and the means by which such skills can be developed, while also encouraging and supporting continuing professional development for those persons working in all occupations in the sector.

12. (1) The Minister shall prepare a policy document outlining the National Strategy for Cultural Heritage. In preparing such document the Minister shall consult with all the Entities set up under this Act and those other agencies, whether public or otherwise, as the Minister may deem proper. The Minister shall cause a copy of such document to be laid on the Table of the House as soon as it is ready and the House shall dedicate one sitting for a discussion on it. National Strategy for Cultural Heritage.

(2) The Minister shall review the said strategy as often as may be necessary, and in any case not less than once every five years:

Provided that the first Strategy Document shall be drawn up within twelve months from the coming into force of this Act.

(3) In the exercise of their functions under this Act, the Superintendence, the Agency and the Centre shall: Relations with the Minister.

(a) give effect, as soon as practicable, to any direction, not inconsistent with any provision of this Act which the Minister may give to the Superintendence, the Agency and the Malta Centre for Restoration in relation to the policy to be followed by them in the discharge of their functions, and in relation to any matter which appears to the Minister to affect the cultural heritage;

(b) afford to the Minister facilities for obtaining any information with regard to the property and activities of the Superintendence, the Agency and the Centre and for this purpose the Superintendence, the Agency and the Centre shall each furnish the Minister with returns, accounts and other information with respect to its functions, and afford facilities for the verification of any information furnished, in such manner and at such times as the Minister may require.

Exemption from certain taxes.

**13.** The Superintendence, the Agency and the Centre shall be exempt from any liability for payment of any tax, other than customs or excise duties, or tax on income or duty on documents for the time being in force in Malta.

Committee of Guarantee.

**14.** (1) There shall be a Committee of Guarantee, which shall be composed as follows:

- (a) a Chairperson appointed by the Minister;
- (b) a person appointed by the Minister responsible for tourism;
- (c) a person appointed by the Minister responsible for the environment;
- (d) a person appointed by the Minister responsible for Gozo;
- (e) the Superintendent *ex officio*;
- (f) the Chairperson of the Agency *ex officio*;
- (g) the Chairperson of the Centre *ex officio*;
- (h) the Chairperson of the Planning Authority *ex officio*;
- (i) a member of the Catholic Cultural Heritage Commission referred to in article 52 of this Act appointed by the competent local ecclesiastical authority;
- (j) three other persons appointed by the Minister from amongst persons working in the field of cultural heritage and in non-Governmental organizations dedicated to cultural heritage, and another person active in the commercial sector.

(2) The Chairperson of the Committee and the members referred to in paragraph (i) of subarticle (1) shall be appointed for a period of three years and may be reappointed for further periods each of three years.

(3) The Committee shall meet at least once every two months. Its meetings shall be called by the Chairperson either on his own initiative or at the request of any three of the other members.

(4) Five members shall form a quorum and decisions shall be adopted by a simple majority of all the members of the Committee. The Chairperson shall have an initial vote and in the event of an equality of votes, a casting vote.

(5) Subject to the provisions of this Act and to such procedures as may be prescribed, the Committee shall regulate its own proceedings.

(6) The Committee shall:

Functions of  
the Committee.

(a) without prejudice to the provisions of this Act, co-ordinate the Entities established under articles 7, 8 and 10 of this Act;

(b) ensure and facilitate the collaboration between the different agencies with direct or indirect responsibility for the protection and management of the cultural heritage sector;

(c) advise the Government on the National Strategy for Cultural Heritage and subsequently oversee and monitor the implementation of the strategy as adopted by Government and as directed by the Minister;

(d) draw the attention of the Government or of any organisation or person to any urgent action that may be required in the field of cultural heritage;

(e) meet regularly and consult, at least, every four months, with non-Governmental Organisations working in the field of cultural heritage and with persons operating in the commercial sector;

(f) advise the Minister on any matter arising from the provisions of this Act and on any other matter referred to it by the Minister.

(7) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Committee,

shall disclose the nature of his interest at the first meeting of the Committee after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such matter is discussed or decided by the Committee.

Cultural  
Heritage  
Fund.

**15.** (1) There shall be a Fund to be known as the Cultural Heritage Fund, which shall be a body corporate with a separate legal personality, and which shall receive and manage all monies paid to it under the provisions of this Act or under any other Act, as well as other monies or other movable or immovable properties which may be donated to it by non-governmental sources.

(2) The Fund shall be administered by the Committee of Guarantee.

(3) The monies in the Fund may be used solely for the purpose of research, conservation or restoration of the cultural heritage.

(4) A yearly account of the administration of the Fund shall be submitted to the Minister and laid by him on the Table of the House.

National Forum.

**16.** (1) The Minister shall, once a year convene a National Forum for Cultural Heritage inviting the participation therein of the Superintendence, the Agency, the Centre, the Committee, the Catholic Cultural Heritage Commission, the Religious Cultural Heritage Commissions, if any, other Government departments and entities, the Mayors of each Local Council or their representative, non-Governmental organizations registered with the Superintendence as organizations aiming at the protection of the cultural heritage, the University of Malta, other educational institutions, specialists, consultants, representatives of the commercial sector, and any other parties registering their interest in writing with the Minister.

(2) The President of the Forum shall be appointed by the Minister.

(3) The Forum shall discuss the state of cultural heritage in general after hearing a report thereon prepared by the Superintendent.

(4) The Minister shall regulate the proceedings of the Forum.

(5) The proceedings of the Forum shall be published and transmitted to the Minister and to the Committee of Guarantee.

(6) The Minister shall give advanced public notice a month before the meeting of the Forum.

**PART IV  
ADMINISTRATIVE AND PERSONNEL  
PROVISIONS**

**17.** (1) Subject to the provisions of the Constitution and of any other law including this Act applicable thereto, the appointment of officers and other employees of Entities shall be made by Superintendent in the case of the Superintendence, by the Chairperson of the Board of Directors in the case of the Agency, by the Chairperson of the Board of Governors in the case of the Centre, and by the Chairperson of the Committee in the case of Committee or the Fund. The terms and conditions of employment shall be determined by each Entity with the approval of the Minister. Staff appointments.

(2) Each Entity shall appoint and employ, at such remuneration and upon such terms and conditions as it may in accordance with subarticle (1) hereof determine, such officers and employees as may from time to time be necessary for the due and efficient discharge of its functions. Appointment and functions of officers and employees.

**18.** (1) The Prime Minister may, at the request of an Entity, from time to time direct that any public officer shall be detailed for duty with the entity in such capacity and with effect from such date as may be specified in the direction. Detailing of public officers.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, be such as may be specified in the direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where any officer is detailed for duty with any Entity in accordance with this article, such officer shall during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Entity but shall for other intents and purposes remain and be considered and treated as a public officer. Status of public officers.

(4) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

(a) shall not during the time while such officer is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under

the Government held by that public officer at a date on which he was detailed for duty; or

(ii) be so employed that the remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by that public officer at the date he was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, has such officer not been detailed for duty with the Entity; and

Cap. 93.  
Cap.58.

(b) shall be entitled to have the service with the Entity considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance, and the Widows' and Orphans' Pension, and of any other right or privilege to which that public officer would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Entity.

(5) Where an application is made as provided in subarticle (4) (a) (i), the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Entity.

(6) Each Entity shall pay to the Government, where applicable, such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with such entities as aforesaid during the period in which such officer is so detailed.

Offers of permanent employment to public officers detailed for duty with the Entities.

**19.** (1) Each Entity may, with the approval of the Prime Minister, offer to any officer detailed for duty with such entities under any of the provisions of article 18 permanent employment with it at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with an Entity, under the provisions of subarticle (1), shall for all purposes other than those of the Pensions Ordinance, and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Entity on the

date of such acceptance and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with such Entity shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who immediately before accepting permanent employment with an Entity was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if service with the entities were service with the Government.

(5) Each Entity shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with it as aforesaid during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of this article the posts and salary grades with Entities shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the relevant Entity. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in the Government service, and, or, of employees of an Entity.

(d) No post shall be classified in a grade higher than that of grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to the provisions of article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which that person would have been entitled prior to such classification.

**PART V  
FINANCIAL PROVISIONS**

Entities to meet expenditure out of revenue.

**20.** (1) Without prejudice to the following provisions of this article, Entities shall so conduct their affairs that the expenditure required for the proper performance of their functions shall, as far as practicable, be met out of their revenue.

(2) For such purpose each Entity shall levy such fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law.

(3) Each Entity shall also be paid by Government out of the Consolidated Fund such sums as the House may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by it, being works of infrastructure or a similar capital nature, or to meet any of its expenditure which it cannot meet out of its revenue.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by each Entity to the formation of reserve funds to be used for its purposes, and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subarticle (2) or any such excess as aforesaid.

(5) Any funds of an Entity not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow capital.

**21.** (1) For the purposes of any requirements of a capital nature, an Entity may, with the approval in writing of the Minister in consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) An Entity may also from time to time borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

**22.** The Minister responsible for finance may, after consultation with the Minister, make advances to an Entity of such sums as the Minister responsible for finance may agree to be required by such entity for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as the Minister responsible for finance may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant, authorising the Accountant General to make such advance.

Advances from  
Government.

**23.** (1) The Minister responsible for finance may, for any requirements of a capital nature of an Entity, contract or raise money, or incur liabilities, for such periods and on such terms and conditions as the Minister responsible for finance may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from  
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the provisions of subarticle (1) shall be given by the Minister to the House as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1), or for the purpose of providing an Entity with working capital, the Minister responsible for finance may, by warrant, and without further appropriation other than this Act, authorise the Accountant General to make advances to it out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to an Entity and any other moneys to be advanced to an Entity under this article, shall be paid into the Fund.

(5) Sums received by the Accountant General from an Entity in respect of advances made to it under subarticle (3) shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amounts received by way of interest into the Consolidated Fund.

**24.** (1) Each Entity shall cause to be prepared in every financial year, and shall not later than eight weeks before the end of each financial year adopt, estimates of its income and expenditure for the next following financial year:

Estimates of  
the entities.

Provided that the estimates of an Entity for its first financial year shall be prepared and adopted within such time as the Minister may by notice in writing specify to the Entity.

(2) In the preparation of such estimates an Entity shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and it shall so prepare the said estimates as to ensure that its total revenues are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made in such forms and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(4) A copy of the estimates shall, upon their adoption by an Entity, be sent forthwith by the Entity to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates of the Entities, or, if at any time the House is not in session, within six weeks from the beginning of the next following session, cause such estimates to be laid before the House together with a motion that the House approves the said estimates. Not more than one sitting shall be allotted for the debate in the House on such motion and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Expenditure  
according to the  
approved estimates.

**25.** (1) No expenditure shall be made or incurred by an Entity unless it has been approved by the House as provided in article 24.

(2) Notwithstanding the provisions of subarticle (1) -

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, an Entity may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, an Entity may make or incur expenditure until the approval of the estimates for that year by the House not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, an Entity may adopt supplementary estimates for approval by the House and pending such approval, such Entity may in special circumstances and with the approval of the Minister, incur the relative expenditure or part thereof as the said Minister may so approve, and in any such case the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates.

**26.** All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette. Publication of approved estimates.

**27.** (1) Each Entity shall cause to be kept proper books of account and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial year. Accounts and audit.

(2) The accounts of each Entity shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of an Entity to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verification, and may require such information, as the Auditor General may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of an Entity is forwarded to the Minister under article 24, the Entity shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Entity.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House together with the motion laid before the House under article 24(5).

Deposit of revenues and payment by the entities.

**28.** (1) All moneys of an Entity shall be paid into a bank or banks appointed as bankers by it. Such moneys shall, as far as practicable, be paid into the banks from day to day, except for such sum as the Entity may require to retain to meet petty disbursements and immediate payments.

(2) All payments out of the funds of each entity, except petty disbursements not exceeding such sum as may be fixed by the respective Entity with the approval of the Minister, shall be made by such officer or officers of that entity as shall be appointed or designated for the purpose.

(3) Cheques against and withdrawals from any bank account of an Entity shall be signed by such officer of that Entity as may be appointed or designated by that Entity for that purpose and shall be countersigned by the authorised member or officer of that Entity as may be authorised by that Entity for that purpose.

(4) Each Entity shall also make provision with respect to -

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which its monies are to be paid, and the transfer of funds from one account into another;

(c) the method to be adopted in making payments out of its fund; and

(d) generally with respect to any matter which is relevant to the proper keeping and control of the accounts, books and other records and the control of its finances.

Contracts of supply and of works.

**29.** An Entity shall not enter into any contract for the supply of goods or materials or for the execution of work or for the rendering of services, to or for the benefit of the Entity, which is estimated by it to involve an expenditure exceeding three thousand liri, except after notice of its intention to enter into such contract has been published and competitive tenders have been issued.

Annual report.

**30.** Each Entity shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with its activities during that financial year and containing such information relating to its proceedings and policy as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House together with the estimates as provided for in article 24.

**PART VI**  
**CONSERVATION PROFESSIONALS**

**31.** (1) No person shall exercise the profession of conservator-restorer unless he is the holder of a warrant under article 33 of this Act. Qualifications  
for warrant.

(2) A person shall not qualify for the award of warrant unless -

(a) he is a citizen of Malta or is otherwise permitted to work in Malta under any law;

(b) he is of good conduct;

(c) he is of full legal capacity; and

(d) he satisfies the Board that -

(i) he is in possession of academic qualifications obtained after successful completion of a course of study of at least three years full-time duration, or equivalent part-time duration at such university or academic institution as may be recognised by the Board referred to in article 34, being a course which contains those minimum core subjects in the field of conservation and restoration as the Minister may prescribe;

(ii) for a period of not less than two years after obtaining the academic qualifications referred to in subparagraph (i) of this paragraph, he has trained in Malta under the supervision of a practising warrant holder, in accordance with such guidelines as the Minister may prescribe:

Provided that where the academic qualifications referred to in subparagraph (i) of this paragraph are obtained after full-time academic courses in conservation of a duration in the aggregate of at least six years, and which contain such level of practical training as may be approved by the Board, the condition for supervised training shall be deemed to have been fulfilled:

Provided further that with the approval of the said Board such training may, for a period not exceeding one year, in the said period of two years, be undergone in a State outside Malta with a professional in related disciplines duly qualified to practise in such State;

(iii) he has been duly examined and approved by the Board in an examination or examinations for the purpose, as the Minister may prescribe:

Provided that the Board may exempt a person who obtained the academic qualifications from the University of Malta or from such other University or academic institution approved by the said Board, from all or part of such examination or examinations.

Special  
circumstances.

**32.** Notwithstanding the provisions of article 31, a person may be granted a warrant if he possesses:

(1) the qualifications listed in paragraphs (a), (b) and (c) of subarticle (2) of article 31 and has, prior to the first of January 2000, practised as a conservator-restorer in Malta or outside Malta for a period of not less than fifteen years, and is in the opinion of the Board referred to in article 34 of the required competence and academic ability; or

(2) the qualifications listed in paragraphs (a), (b) and (c) and in subparagraphs (ii) and (iii) of paragraph (d) of subarticle (2) of article 31, is in possession of academic qualifications obtained after a course of studies as is mentioned in subparagraph (i) of the said subparagraph (d) which however does not contain all the minimum core subjects in the fields of conservation and restoration but has successfully undergone such tests that the Board referred to in article 34 may deem necessary from case to case to make good for such deficiency.

Warrant to practise  
as a conservation  
professional.

**33.** (1) The warrant to practise the profession of conservator-restorer shall be granted by the Minister on the recommendation of the Board referred to in article 34 to any person who satisfies the requirements of articles 31 or 32 of this Act.

(2) A warrant holder may use the designation Conservator-Restorer with his name.

Bord tal-Warrant  
tar-Restawraturi.

**34.** (1) There shall be a Board, to be known as Bord tal-Warrant tar-Restawraturi (hereinafter in this article referred to as the Board) which shall consist of:

(a) a Chairperson to be appointed by the Minister from among persons who are or have been qualified to be appointed judges in Malta;

(b) two members appointed by the Minister from among persons who in his opinion have the necessary knowledge and experience and of whom one shall be from among the academic staff of the University of Malta and one from persons accredited under this Act;

(c) the Superintendent or his representative;

(d) a member appointed by the Board of Governors of the Centre from among persons who in the opinion of the said Board of Governors have the necessary knowledge and experience.

(2) The Chairperson shall be appointed for a term of three years and under such conditions as may be set out in his letter of appointment.

(3) The other appointed members of the Board shall hold office for a term of two years, and under such conditions as may be set out in their letter of appointment.

(4) Where any vacancy in the Board occurs, the Minister shall as soon as practicable, in the case of the Chairperson, or a member appointed by him, appoint another person to fill the vacancy; in the case of a member appointed by the Centre, request the Centre to appoint another person to fill the vacancy.

(5) The number of members necessary to form a quorum shall be three, but, subject to the presence of a quorum, the Board may act notwithstanding any vacancy amongst its members.

(6) The Minister may also delegate a public officer to act as secretary to the Board, and such secretary shall not have a vote.

(7) Save as aforesaid the Board may make its own rules and otherwise regulate its own procedure.

(8) Notwithstanding the provisions of this article, for a period of one year from the date of coming into force of this part of this Act, the first Board to be appointed shall consist of:

(a) a Chairperson to be appointed by the Minister from among persons who are or have been qualified to be appointed judges in Malta; and

(b) two other persons, appointed by the Minister not being themselves persons who will apply for a warrant, and who in his

opinion possess the competence to assess the first applicants for the warrant.

Functions of  
the Board.

**35.** (1) The functions of the Board are to -

(a) consider applications for the issue of a warrant, and make its recommendations thereon to the Minister;

(b) organise and regulate, and determine requests for exemptions from the professional warrant examination in accordance with articles 31 and 32 of this Act;

(c) regulate the conditions of practical training abroad in accordance with the provisions of article 31 of this Act;

(d) approve universities or academic institutions in accordance with article 31 of this Act;

(e) organise and regulate the appropriate tests and periods of practical training, as provided for in article 32 of this Act; and

(f) consider and determine applications by warrant holders, other professionals and other persons in the field of conservation and restoration for accreditation to perform particular work, interventions or procedures in connection with cultural property, and to grant or withhold accreditation accordingly;

(g) to draw up a code of ethics and guidelines of practice for warrant holders and persons accredited under this subarticle;

(h) encourage initiatives that ensure programmes of continued professional training and development for warrant holders and persons accredited under this article;

(i) advise the Minister in connection with any matter relating to the profession of conservator-restorer and to accreditation.

(2) In the exercise of its functions the Board may also consult with such persons as it may deem appropriate and may also appoint committees, of which the Chairperson shall be a member of the Board, for the carrying out of such duties or other work as the Board may assign to them.

(3) The Board shall keep a register of warrant holders and shall, not later than three months after the end of each year, publish in the Gazette a list of persons who, on the 31st December of the said year, were registered as holders of a warrant issued under this Act.

(4) The Board shall keep a register of persons accredited under this article indicating with respect to each person registered there in the work, intervention or procedure for which such person is accredited, and shall at the end of each year, publish in the Gazette, a list of persons who, on the 31st December of the said year, were accredited indicating with respect to each person the work, intervention or procedure for which he is accredited.

(5) The provisions of articles 36 to 38 shall apply *mutatis mutandis* with regard to accreditation under this article as they apply with regard to a warrant and shall apply *mutatis mutandis* with regard to an accredited person as they apply with regard to a warrant holder.

36. (1) The Minister may, by order in writing, suspend, revoke or cancel a warrant if the warrant holder:

Suspension or revocation of warrant.

(a) has been found guilty, after an inquiry by the Board referred to in article 34 of the following acts or omissions:

(i) dishonesty, misconduct or gross negligence in the exercise of his profession;

(ii) conduct that goes against the code of ethics and guidelines for practice as provided for in article 35 (1) (g) of this Act;

(iii) failure to comply with regulations with respect to professional standards or practices; or

(iv) failure to comply with any condition attached to a warrant issued under the provisions of article 38 of this Act; or

(b) has been found guilty by a competent court of an offence under the provisions of this Act or of any regulations made thereunder; or

(c) has been found guilty by a competent court of a crime affecting public trust or of fraud or of knowingly receiving property obtained by theft or fraud.

(2) A decision of the Board under paragraph (a) of subarticle (1) of this article shall be subject to appeal before the Court of Appeal constituted as provided in subarticle (6) of article 41 of the Code of Organization and Civil Procedure.

(3) The Minister responsible for Justice may make regulations prescribing the fees that shall be payable in the registry of the courts in connection with appeals under this article:

Provided that until such time as fees are so prescribed by the Minister responsible for justice, the fees payable with respect to appeals to that Court shall be the fees applicable to the Court of Magistrates (Malta).

(4) The Board established under article 29 of the Code of Organisation and Civil Procedure shall make rules establishing the form of such appeals, the time within which they are to be filed and generally any other matter relating to such appeals.

Effects of revocation or suspension of warrant.

**37.** Where a warrant under this Act is withdrawn, suspended or revoked, the person to whom the warrant was issued shall cease to be a holder of such warrant, or shall be suspended from the exercise of his profession as the case may be and he shall cease to use the designation Konservatur-Restawratur.

Minister may issue fresh warrant.

**38.** The Minister, acting on the recommendation of the Board, referred to in article 34 may, after the expiration of one year from the date of the revocation or withdrawal of a warrant, issue a fresh warrant subject to such conditions as the Minister on the recommendation of the Board may deem necessary.

Conservation Technician.

**39.** (1) The Board mentioned in article 34 of this Act shall keep a register with the details of every person, being a person trained or with experience of specific conservation procedures or who has experience of specific aspects of preventive conservation and who is in possession of a certificate of conservation technician awarded under the regulations that establish standards and levels regarding professional and vocational qualifications.

Assistants to the conservator-restorer.

(2) For the purposes of this Act -

(a) a person shall not be deemed to practise the profession of conservator-restorer if he acts as an employee of, or assistant to, and under the supervision of a warrant holder and does not issue any certification of a conservation-restoration nature under his name;

(b) to such extent as may be prescribed, a person shall not be deemed to exercise the profession of a warrant holder if he is in such employment or holds or acts in such office or performs only such work, services, acts or functions as may be prescribed;

(c) a conservator-restorer shall however endeavour to ensure that all assistants employed or engaged by him shall have successfully completed training to such levels as are or may be prescribed by the Malta Professional and Vocational Qualifications Regulations, 2000. L.N. 215 of 2000.

## PART VII SPECIAL POWERS OF THE STATE

**40.** (1) In the case of sale, export, exchange, emphyteutical grant or lease of an object of cultural property the Superintendent shall have the right, with the approval of the Minister in consultation with the Committee of acquiring the same, in preference to all others on equal conditions including consideration as that concluded between the parties: Right of preference.

Provided that in the case of the export of an object of cultural property the Government shall acquire the same by title of sale.

(2) This right of preference may be exercised not later than two months from the date of the receipt of notice of such sale, export, exchange, transfer or lease by any of the parties thereto, or from the date when the Superintendent shall come to know of the said sale, export, exchange, transfer or lease, which ever is the earlier.

(3) In exercising the right of preference, where the consideration of the transfer cannot be otherwise established the value of the cultural property in question shall be established in accordance with the provisions of article 55 of this Act.

**41.** (1) No person may export or re-export any cultural property without the written permission of the Superintendent. Control of exportation and re-exportation.

(2) The export and re-export, when permitted shall be subject to the payment of the *ad valorem* duty as set out in the Schedule to this Act and shall be subject to such other conditions as may be imposed by the Superintendent.

(3) Permission for export and re-export may be granted for a limited period and without the payment of the duty referred to in subarticle (2) for the purpose of restoration, exhibition or study. The Superintendent may, in granting such permission impose guarantees for the return of the cultural property so exported or re-exported at such amount as shall be fixed by the Superintendent.

(4) The value of the objects for the purpose of the payment of the duty referred to in subarticle (2) shall be fixed by one or more experts to be appointed by agreement between the Minister and exporter or, in default of agreement, by the Court of Appeal (Inferior Jurisdiction) on the demand of the exporter, to be made by an application. The cost of the evaluation shall be borne by the exporter.

(5) In lieu of the payment of duty, the exporter may, with consent of the Superintendent, give to the Government by way of *datio in solutum*, one or more objects of a value equivalent to the duty due.

(6) It shall be competent to the Government to acquire any object proposed to be exported, at such price as may be fixed in the manner laid down in this article within two months from the making of the valuation referred to in this article after notice of the intended export is given to the Superintendent. All expenses in connection with the valuation shall, in such cases, be at the charge of the Government.

Repair and restoration by Government.

42. The Superintendent may after consulting the Committee by notice inform any person being the owner, holder or possessor of cultural property that such cultural property, is in urgent need of repair or restoration and shall in such notice fix a time limit in which such repair or restoration shall be effected, failing which, the Superintendent, may effect the said works at the expenses of such person.

Exclusive right to excavate.

43. (1) Archaeological or palaeontological excavations or explorations on land as well as in the territorial waters or in the contiguous zone of Malta can only be made by the Superintendent, or with the written permission of the Superintendent and in accordance with any condition attached thereto:

Provided that without prejudice to the provisions of subarticle (4) of article 45 of this Act, it shall be lawful for the Superintendent to undertake or cause excavations to be carried out for the purposes of this Act in any part of Malta, whenever such excavations are considered to be expedient and subject to any regulations laid out in paragraph (d) of article 55 of this Act.

(2) Any person who, even accidentally, discovers any object, site or building to which this Act applies in accordance with article 3, shall immediately inform the Superintendent, keep the object found *in situ*, and shall not for a period of six working days after informing the Superintendent proceed with any work on the site where the object of cultural property is discovered.

(3) The Superintendent shall inspect the site of discovery within the said six working days and may direct the person responsible to desist from any further work on the site or any part thereof by giving him a notice to stop work.

(4) Any person who following a notice to stop work suffers any damage because of the interruption of the works shall have a right to be compensated for such damages by the Superintendent.

(5) Within three months of a notice to stop the works the Government shall institute procedures to acquire the site in accordance with the Land Acquisition (Public Purposes) Ordinance, or the Superintendent shall release the site. Upon the institution of proceedings to acquire the site as aforesaid no further compensation shall be due in accordance with subarticle (4) hereof. Cap. 88.

(6) Every movable object forming part of the cultural heritage discovered in any location within Malta, its territorial waters, and its contiguous zone whether found in authorised or illegal excavations or exploration or accidentally in the course of any work or any other manner shall belong to the State.

(7) The original or a full copy of the records of the progress of any excavation or exploration, whether carried out in accordance with this article or otherwise, shall be given by the person responsible for such excavation or exploration to the Superintendent.

**44.** (1) The Superintendent may commend for scheduling to the Planning Authority such sites and buildings which he deems should be scheduled within the meaning of the Development Planning Act. Development permissions and cultural property. Cap. 356.

(2) The Superintendent shall make use of the list of scheduled property for the purpose of the inventory under article 7(5).

(3) No person shall make any interventions on such cultural property or classes thereof without first having obtained a permit therefor from the Superintendent as may be prescribed in regulations issued under this Act. Permit for interventions on cultural property.

(4) Before determining an application under subarticle (3) hereof the Superintendent may require such information including the results of such tests, examinations or inspection by such persons accredited under this Act for the purpose as may be required by the Superintendent, and such research on the history, composition provenance or other aspects of the relevant cultural property as he may consider necessary for the purpose.

(5) In the grant of such permit the superintendent may impose such conditions as he may consider appropriate, including without prejudice to the generality of the foregoing that the work or any part thereof shall be carried out in accordance with such protocol as may be prescribed or as may be attached to the permit, that the work and the various phases thereof be photographed or otherwise documented or recorded, that a report on the work be delivered to the superintendent at such times as may be stated in the permit, and that the work or any part thereof as may be stated in the permit is carried out, by or under the supervision as shall be stated in the permit, of such warrant holder, professional or other person accredited under this Act for such work.

Power of Entry  
and Inspection.

**45.** (1) Any officer or employee of the Superintendence duly authorised in writing by the Superintendent may enter any area, property, site under investigation or building if the Superintendent considers it necessary to do so in the discharge of any function under this Act or if he considers that there are reasonable grounds to believe that an offence against this Act or any other regulation, licence condition or conditions made thereunder has been or is about to be committed.

(2) Where entry is for the purpose of inspection or documentation purposes, the Superintendent shall serve a written notice to the occupier of cultural property of the intended entry, and thereupon the officer or employee authorised as aforesaid shall be given access to such cultural property where conservation, restoration or development is taking place.

(3) The Superintendent shall cause an inspection to be carried out in cases of reported discoveries of cultural property in order to establish whether preservation or excavation works are required.

(4) The Superintendent shall have the right to enter and occupy any cultural property in order to conduct archaeological excavations therein, provided that:

(a) a written notice is served upon the occupier or owner of the cultural property in question at least three days before the commencement of such excavations;

(b) the expected duration of the occupation is stated in the notice, and at least three days notice is further given of any extension of the duration of the occupation;

(c) the owners or occupier of cultural property occupied in accordance with this article shall be entitled to compensation for any loss of profit, damage sustained during archaeological excavations or the reinstatement of excavated areas.

(5) Discoveries made during a period of occupation by the Superintendent shall be the property of the Government.

(6) For the purpose of exercising any of his rights under this article the Superintendent may request the assistance of the Police.

**46.** (1) Where any development or other work is being carried out in respect of any cultural property in contravention of any of the provisions of this Act, or any person holding a licence to carry out archaeological excavations under this Act does not conform to any condition attached to such licence, the Superintendent may serve a suspension notice on the owner, possessor or holder of the cultural property or any other person carrying out the development works or excavation and thereupon the person served with the order shall suspend all activity in connection with the development work or excavation.

(2) The Superintendent may revoke any such suspension notice either absolutely or subject to such conditions as the Superintendent deems appropriate.

**47.** (1) The Superintendent may in the case of any infringement of any of the provisions of this Act or of any regulations made thereunder serve a Conservation and Protection Order on the owner or occupier or possessor of Cultural Property, requiring such action as may be specified in the notice, including the discontinuance of anything being done or carried on, to be taken within such time as may be specified in the order.

(2) If any action required to be taken by a Conservation and Protection Order has not been taken within the time specified therein, the Superintendent shall have the right to enter the cultural property and may for such purpose request the assistance of the Police Force and take the required action, where applicable at the expense of the owner or the occupier or the possessor.

(3) Saving the provisions of article 46 of the Constitution or of article 4 of the European Convention Act no precautionary order or warrant may be issued by any court restraining the Superintendent from issuing an order under this article or of doing anything which he is authorised to do by this article.

**48.** (1) The Superintendent may with the authority in writing of the Minister, in concurrence with the Minister responsible for lands, enter by public deed, into a guardianship contract with a local council or with a non-government organization whereby the custody and administration of immovable cultural property is passed over to the

local council or the non-government organisation, as the case may be, in accordance with the provisions of this Act and of such regulations as may be prescribed and to such conditions not inconsistent therewith as may be contained in the deed. The guardianship deed shall state the term for which it is entered, which term shall be approved by the Superintendent on a case by case basis, following the careful consideration of the feasibility and scale of undertaking of each proposal.

(2) The Minister shall, however, within four weeks after its publication, or if the House is not then in session, within four weeks of the date when the House next meets, lay a copy thereof on the Table of the House, and the guardianship deed shall be subject to the condition that if on a motion tabled not later than twenty-eight days after the laying on the Table of the House of the copy of the guardianship deed the House resolves that the guardianship deed shall be rescinded, the deed shall be automatically rescinded upon the passage of the resolution.

(3) Before authorising the Superintendent to enter into a guardianship deed the Ministry shall seek the views of the Committee as to the conditions to be included in the guardianship deed; such conditions shall in particular address the following matters:

(a) the protective measures that are to be taken to safeguard the cultural property subject to the guardianship deed; and

(b) the conservation and management plan relative to the cultural property, and the organisational, operational and financial arrangements in connection therewith, and the organisational, operational and financial resources to be dedicated therefor.

(4) A guardianship deed shall not prejudice any powers of any Entity under this Act with regard to the cultural property subject to the guardianship deed.

(5) The cultural property subject to the guardianship deed shall remain the property of the Government.

(6) The Minister after consulting the Superintendent and the Committee may at any time by Order in the Gazette rescind a guardianship deed if any conditions stipulated therein or the provisions of this Act or of any regulations made thereunder are not observed by the other party.

(7) Not later than six weeks after each anniversary of a guardianship deed the party in whose custody the cultural property is placed shall transmit to the Minister, the Superintendent and the Committee a report of its activities in relation to the cultural property and on the way it has executed the guardianship deed during the previous year. A copy of such report shall be laid on the Table of the House by the Minister.

(8) The Minister may make regulations generally prescribing rules in relation to guardianship.

**49.** The powers and duties under this Act shall be exercised in conformity with any international Convention, treaty, agreement or instrument concerning the proper use and conservation of national or world cultural property to which Malta may be a party.

International Conventions etc.

**50.** (1) The Government is hereby authorised to ratify and become a party to the Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, June 1995).

Return of stolen and illegally exported cultural property.

(2) The Minister may, after consulting the Committee, by regulations prescribe rules to give effect to any of the provisions of the said Convention and the provisions of any such regulations shall have effect notwithstanding the provisions of any other law to the contrary.

**51.** Any person who feels aggrieved by a decision of the Superintendent under articles 40 to 42, 46 and 47 of this part shall have a right of appeal as may be prescribed under article 55 of this Act. An appeal shall not suspend the decision appealed from.

Right of appeal.

## PART VIII RELIGIOUS CULTURAL HERITAGE

**52.** (1) Without prejudice to any other law that may be in force, and until such time when there may be reached an agreement between the competent civil and ecclesiastical authorities, cultural property belonging to the Catholic Church, including to Catholic Religious Orders, and destined or used for religious purposes shall fall under the exclusive regulation and superintendence of the Catholic Cultural Heritage Commission to be appointed every two years by the President of the Malta Episcopal Conference, and to consist of not less than five experts one of whom shall be so appointed after consultation with the Minister.

Provision regarding Religious Cultural Heritage.

(2) Cultural property belonging to, and destined or used for religious purposes by any denomination other than that mentioned in subarticle (1) of this article may be placed by the relevant and competent religious authority under the exclusive regulation and superintendence of a religious cultural heritage commission. Each such religious cultural heritage commission shall be appointed for a period of two years by the relevant and competent religious authority, and shall consist of three experts one of whom shall be so appointed after consultation with the Minister.

(3) The commissions referred to in subarticles (1) and (2) of this article shall have the same powers and duties with regard to the cultural property under their superintendence as the Superintendent, and shall give a report about their work to the Forum:

Provided that where such commissions are not so appointed the regulation and superintendence of the property falling under their competence will vest in the Superintendent.

(4) The Minister, after full consultation with the President of the Malta Episcopal Conference mentioned in subarticle (1) of this article or with the relevant and competent religious authorities mentioned in subarticle (2) of this article, may prescribe rules regulating the powers and duties of, and the procedures and practices which should be followed by the commissions mentioned in subarticles (1) and (2) of this article.

## **PART IX OFFENCES**

Wilful damage or destruction of certain property.

**53.** (1) Any person who:

(a) wilfully, or through negligence, unskillfulness or non-observance of regulations causes damage to or destroys any cultural property whether or not such cultural property has been registered in any inventory in accordance with this Act, and even if such cultural heritage property is owned by the person who has caused the damage or destruction, or is lawfully administered by such a person;

(b) carries out any activity or does any act in contravention of the provisions of this Act or of any regulation made thereunder or of the conditions of any licence or permit issued under this Act or fails to do anything which he is required to do under this Act, regulation or licence; or

(c) acts as a conservator-restorer when he is not in possession of a warrant under Part VI of this Act; or

(d) fails to abide with any Suspension Notice issued in accordance with article 46 of this Act or with a Conservation or Protection Order made in accordance with article 47 of this Act; or

(e) receives or retains any cultural property knowing that it has been illegally removed in Malta or illegally exported from any other country; or

(f) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer or employee of the Superintendence, or of the Agency, or of the Centre, or of the Committee or any police officer, in the execution of duties provided for under this Act, or fails to comply with any lawful order by any such officer or employee or police officer as aforesaid, or knowingly furnishes such officers or employees with false information or neglects or refuses to give any information required by or under this Act; or

(g) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) of not less than 500 liri and not exceeding 50,000 liri, or to imprisonment for a term not exceeding six years, or to both such fine and imprisonment:

Provided that, subject to the above maximum, the minimum fine (*multa*) to which an offender shall become liable under this article shall not be less than the value of any work required to remedy the effects of the offence.

(2) The liability of an offender under subarticle (1) of this article shall be without prejudice to the liability of the offender to pay to the Superintendent any cost incurred in the reintegration, or restoration of the cultural property caused by the offence, or to pay into the Fund the value of the cultural property destroyed or damaged when the same cannot be reintegrated or restored. Such payment may be recovered by civil suit by the Superintendent against the offender or his heirs.

(3) The Court, besides awarding the punishment referred to in this article, shall order the convicted offenders to remove the causes of the offence and to undo anything which was done without any permit

required under this Act or to comply with the conditions imposed in such a permit, as the case may be, within a time sufficient for the purpose and in any case not exceeding three months from the date of the judgement and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a further fine (*multa*) of not less than twenty-five liri and not more than fifty liri, as the court may fix, for every day the default continues after the expiration of the said time.

Powers to prosecute and to assist the Police and other officers.

**54.** (1) In prosecutions for offences against this Act or against regulations under this Act, officials of the Superintendence shall have the right to assist the police, and to plead the case before the Courts of Magistrates.

(2) Officers of the Superintendence may assist the Police, Customs or any other Government body, when the same are exercising powers conferred under any other laws, in the exercise of any of their powers to prevent the commission of an offence against this Act or to secure evidence concerning any such offence.

## **PART X REGULATIONS**

Powers to make regulations.

**55.** The Minister may make regulations to give effect to any of the foregoing provisions of this Act, or to regulate or otherwise provide for any matter relating to activities affecting cultural property, and may in particular, but without prejudice to the generality of the foregoing, make regulations for any of the following purposes:

(a) to establish any fees and dues which may be payable by or under, or for services rendered pursuant to, the provisions of this Act;

(b) to ensure the better fulfilment of the functions of the Entities;

(c) to regulate the appointment of officers and employees with any of the Entities;

(d) to regulate any excavation and exploration;

(e) to establish guidelines for best conservation and restoration practice;

(f) to provide for any forms or procedures which may be necessary or expedient and for which no express procedure is contained in this Act;

- (g) to regulate trade and commerce in cultural property;
- (h) to regulate movement of cultural property;
- (i) to prescribe rules to give effect to the provisions of any international Convention concerning the protection of the cultural heritage, ratified by the Government of Malta; or for the compliance with international obligations contracted by the Government of Malta regarding heritage;
- (j) where not otherwise provided in this Act, to prescribe rules regulating the powers and duties of, and the procedures to be followed by, any entity, commission, committee or board established by or under this Act;
- (k) to set out and publish the requirements for accreditation as established in article 35 of this Act;
- (l) to establish the parameters within which, and the types of cultural property in respect of which, the powers under articles 40 and 41 of this Act shall be exercised;
- (m) to grant to persons feeling aggrieved by any action undertaken under the provisions of articles 40 to 42, 46 and 47 of this Act, procedures whereby to contest such exercise and obtain a remedy if successful;
- (n) to establish an appeal board and to regulate all procedure in respect of the same, for putting into effect the provisions of the preceding paragraph;
- (o) to provide for the form and procedure in respect of applications and the grant of permits for interventions in cultural property under article 44, and to provide for appeals from decisions of the Superintendent on the same;
- (p) to prescribe anything else which may or is to be prescribed under this Act.

**PART XI  
MISCELLANEOUS**

**56.** (1) Subject to the provisions of subarticle (2) of this Article the Antiquities (Protection) Act, (hereinafter referred to as the Act) is hereby repealed.

Repeal and  
saving.  
Cap. 54.

(2) Notwithstanding the repeal of the Act, any regulations made under the Act shall continue in force and have effect as if made under this Act, and may be amended or repealed accordingly, and the provisions of this Act shall apply to any contravention of such regulations as if they were made under this Act.

Amendment to the  
Development  
Planning  
Act, Cap. 356.

**57.** The Development Planning Act shall be amended as follows:

(a) in article 2 thereof, in the definition “the Authority”, for the words “the Planning Authority” there shall be substituted the words “the Malta Environment and Planning Authority”;

(b) for the heading “1. The Planning Authority” appearing before article 3 thereof, there shall be substituted the following heading “1. The Malta Environment and Planning Authority”;

(c) in article 3 thereof:

(i) in the marginal note thereto for the words “the Planning” there shall be substituted the words “the Malta Environment and Planning”; and

(ii) in subarticle (1) thereof, for the words “the Planning Authority” there shall be substituted the words “the Malta Environment and Planning Authority”;

(d) in article 5 thereof:

(i) subarticle (8) thereof shall be renumbered as subarticle (9); and

(ii) immediately after subarticle (7) thereof there shall be added the following subarticle:

“(8) (a) Without prejudice to the provisions of subarticle (7) hereof, there shall be a committee to be styled the Heritage Advisory Committee, which shall consist of two panels and which shall have the functions as set out in this subarticle.

(b) One panel shall deal with Cultural Heritage and shall be known as the Cultural Heritage Panel, and shall be constituted as follows:

(i) a chairman and three other members appointed by the Minister responsible for culture, and

(ii) three other members appointed by the Minister after consulting the Authority.

(c) One panel shall deal with Natural Heritage and shall be known as the Natural Heritage Panel, and shall be constituted as follows:

(i) a chairman and three other members appointed by the Minister responsible for the environment, and

(ii) three other members appointed by the Minister after consulting the Authority.

(d) Four members of a panel shall constitute the *quorum* at the meetings of a panel and eight members shall constitute a *quorum* at a joint meeting of the two panels. The chairman at a meeting shall have an original vote and, in the case of equality of votes, a casting vote.

(e) It shall be the function of the panel, each in the field dealt by it, to provide professional and expert advice to the Authority on matters relating to the conservation of the cultural and natural heritage in an integrated process. Each panel shall also provide advice on the application process in particular with regard to the conservation of property or areas that may be affected by an application for a development permission.

(f) Each panel shall make available for public inspection any recommendation made by it to the Authority and shall regularly every six months report to the Authority and to the Committee of Guarantee set up under the Cultural Heritage Act, 2002.

(g) Each panel may call upon any person to give it expert or professional advice on any matter being dealt by it.

(h) Either chairman shall convene a joint meeting of both panels when matters affecting both the cultural and the natural heritage are involved, and in such case the joint meeting of the two panels shall be chaired by the chairman of the panel convening the meeting. The provisions of paragraph (g) shall apply also to such meetings.

(i) Subject to the foregoing provisions of this subarticle and to any rules prescribed by the Minister with the concurrence of the Minister responsible for cultural heritage and the Minister responsible for the environment, the committee and the panels may regulate their own procedure.”; and

(e) in article 15 thereof, subarticle (10) shall be deleted.

**SCHEDULE**

(Article 41)

**RATE OF EXPORT DUTY**

<i>Value of object</i>	<i>Export Duty</i>
On the first Lm 100 or part thereof	10 per cent.
On the second Lm 100 or part thereof	20 per cent.
On the third Lm 100 or part thereof	30 per cent.
On the fourth Lm 100 or part thereof	40 per cent.
On any further value	50 per cent.

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Passed by the House of Representatives at Sitting No. 723 of the 16th April, 2002.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*