

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,454, 4 ta' Awwissu, 2020*  
*Taqsim A*

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## MALTA

### **ATT Nru XXXIX tal-2020**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT sabiex jemenda l-Att dwar l-Organizzazzjonijiet Volontarji, Kap. 492, u biex jipprovdi għal emendi konsegwenzjali fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili, Kap. 16, u fl-Att dwar Trusts u Trustees, Kap. 331.**

### **ACT No. XXXIX of 2020**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Voluntary Organisations Act, Cap. 492, and to make consequential amendments to the Second Schedule of the Civil Code, Cap. 16, and the Trusts and Trustees Act, Cap. 331.**



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

4 ta' Awwissu, 2020

**ATT Nru XXXIX tal-2020**

*ATT sabiex jemenda l-Att dwar l-Organizzazzjonijiet Volontarji, Kap. 492, u biex jipprovdi għal emendi konsegwenzjali fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili, Kap. 16, u fl-Att dwar Trusts u Trustees, Kap. 331.*

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Att dwar l-Organizzazzjonijiet Volontarji u Liġijiet oħra. Titolu fil-qosor.

**Taqsimi I**

**Emendi għall-Att dwar l-Organizzazzjonijiet Volontarji**

2. Din it-Taqsimi temenda l-Att dwar l-Organizzazzjonijiet Volontarji u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Organizzazzjonijiet Volontarji, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Emendi għall-Att dwar l-Organizzazzjonijiet Volontarji. Kap. 492.

3. Fl-artikolu 2 tal-Att prinċipali, it-tifsira "il-Ministru" għandha tiġi sostitwita bit-tifsira ġdida li ġejja: Emenda tal-artikolu 2 tal-Att prinċipali.

" "Ministru" tfisser il-Ministru responsabbli għall-organizzazzjonijiet volontarji;"

4. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 3 tal-Att prinċipali.
- (a) fil-paragrafu (b) tas-subartikolu (2) tiegħu l-kliem

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"ta' xi persuna oħra.", għandhom jiġu sostitwiti bil-kliem "ta' xi persuna oħra."; u

(b) minnufih wara l-paragrafu (b) tiegħu għandu jiżdied il-proviso ġdid li ġej:

"Izda l-amministraturi għandhom jiġu vestiti unikament bi rwol amministrattiv wiehed u ma għandhomx jeżerċitaw il-kariga ta' President, Viċi President, Teżorier u Segretarju fl-istess hin."

Emenda tal-  
artikolu 8 tal-  
Att prinċipali.

5. L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "biex jirregola u jsostni lill-voluntieri.", għandhom jiġu sostitwiti bil-kliem "biex jirregola u jsostni lill-voluntieri:";

(b) minnufih wara s-subartikolu (1) tiegħu għandu jiżdied il-proviso ġdid li ġej:

"Izda l-Kummissarju għandu jiltaqa' jew jikkomunika mal-membri jew l-amministraturi tal-organizzazzjoni, jew dawk li jippretendu li huma membri jew amministraturi tal-istess organizzazzjoni, mill-aktar fis possibbli, fir-rigward ta' kwalunkwe kwistjoni tkun xi tkun, u fejn il-Kummissarju jkun eżawrixxa mingħajr suċċess kull mezz possibbli ta' komunikazzjoni mal-imsemmija membri jew amministraturi tal-organizzazzjoni volontarja, hu jista' jippubblika din l-informazzjoni f'gazzetta waħda lokali, jew permezz ta' notifika fis-sit uffiċjali tal-Uffiċċju tal-Kummissarju tal-Organizzazzjonijiet Volontarji, jew fil-Gazzetta, skont kif il-Kummissarju jqis li jkun xieraq fiċ-ċirkostanzi.";

(ċ) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (4) u minnufih wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(3) Il-Kummissarju għandu jirrifjuta amministratur jew organizzazzjoni volontarja abbażi ta' informazzjoni kunfidenzjali żvelata minn awtoritajiet kompetenti, jekk il-Kummissarju jkun sodisfatt li dak ir-rifjut ikun ġustifikat."

Emenda tal-  
artikolu 10 tal-  
Att prinċipali.

6. Fis-subartikolu (1) tal-artikolu 10 tal-Att prinċipali, il-kliem "sa mhux aktar tard minn sitt ġimgħat", għandhom jiġu sostitwiti bil-kliem "sa mhux aktar tard minn tnax-il (12) ġimgħa".

**7.** Is-subartikolu (3) tal-artikolu 12A tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 12A tal-Att prinċipali.

(a) fil-paragrafu (ċ) tiegħu l-kelma "jew" għandha tiġi mħassra;

(b) fil-paragrafu (d) tiegħu l-kliem "ma tibqax hekk iskritta," għandhom jiġi sostitwiti bil-kliem "ma tibqax hekk iskritta; jew"; u

(ċ) minnufih wara l-paragrafu (d) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(e) minkejja li tkun soġġetta għall-iskrizzjoni mandatorja ma jkollhiex skop soċjali,".

**8.** Fil-paragrafu (ċ) tas-subartikolu (1) tal-artikolu 12Ċ tal-Att prinċipali, il-kliem "bil-kunsens preliminari tas-sottokumitat tal-Kunsill stabbilit skont it-termini tal-artikolu 35(13) u" għandhom jiġu mħassra. Emenda tal-artikolu 12Ċ tal-Att prinċipali.

**9.** Is-subartikolu (1) tal-artikolu 12D tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 12D tal-Att prinċipali.

(a) fil-paragrafu (ċ) tiegħu, il-kelma "jew" għandha tiġi mħassra;

(b) fil-paragrafu (d) tiegħu, il-kliem "taħt l-Att," għandhom jiġu sostitwiti bil-kliem "taħt l-Att; jew"; u

(ċ) minnufih wara l-paragrafu (d) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(e) minkejja li jkunu soġġetti għall-iskrizzjoni mandatorja ma jkollhomx skop soċjali,".

**10.** L-artikolu 34 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 34 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu l-kliem "fil-każijiet imsemmijin fl-artikolu 19(2)," għandhom jiġu mħassra;

(b) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "kif hawn qabel imsemmi," għandhom jiżdiedu l-kliem "fi żmien għaxart (10) ijiem minn meta jiġu mitluba li jagħmlu dan,"; u

(ċ) minnufih wara s-subartikolu (9) tiegħu għandhom

jiżdiedu s-subartikoli godda li ġejjin:

"(10) Salv id-dispożizzjonijiet tas-subartikolu (9), il-Kummissarju huwa intitolat li jakkwista kwalunkwe informazzjoni minn entitajiet jew awtoritajiet oħra li jkunu jinkludu, iżda mhux limitati, għar-Registru għal Persuni Ġuridiċi, is-Servizzi tas-Sigurtà ta' Malta, Jobspplus, il-Kummissarju tal-Pulizija, il-Kummissarju tat-Taxxi, il-Korp għall-Analisi ta' Informazzjoni Finanzjarja, l-Uffiċċju għall-Irkupru tal-Assi, l-Awtorità għas-Servizzi Finanzjarji ta' Malta u l-Qrati tal-Ġustizzja, u wkoll sabiex jiżvela kwalunkwe informazzjoni lill-istess entitajiet jew awtoritajiet oħra:

Iżda din l-informazzjoni tista' tinkludi kull informazzjoni oħra mir-Registratur tal-Qrati u, jew mill-Uffiċċju tal-Avukat Ġenerali jew tal-Avukat tal-Istat rispettivament, li jkollha x'taqsam ma' xi proċeduri kriminali jew ċivili pendenti, b'referenza partikolari għal kwalunkwe informazzjoni li tikkonċerna s-sekwestru, l-iffriżar, il-konfiska u l-qbid tal-assi:

Iżda wkoll kull informazzjoni privileġġata li tkun inkisbet mill-Kummissarju abbażi ta' dik it-talba, għandha tintuża esklussivament għall-finijiet tas-setgħat li hu għandu skont dan l-artikolu u ma għandhiex tkun disponibbli għall-pubbliku.

(11) Il-Kummissarju jista' wkoll jitlob lil kwalunkwe membru jew amministratur tal-organizzazzjoni volontarja, jew lil dawk li jkunu jippretendu jew jallegaw li huma membri jew amministraturi tal-organizzazzjoni volontarja kkonċernata, biex jissottomettu ċertifikat ta' kondotta maħruġ skont l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, u jista' jirrifjuta li johroġ ċertifikat ta' iskrizzjoni jew jirtira kwalunkwe ċertifikat ta' iskrizzjoni lil dak il-membri jew amministratur tal-organizzazzjoni volontarja, li jonqos milli jissottometti dak iċ-ċertifikat ta' kondotta.

Kap. 77. (12) Salv id-dispożizzjonijiet tas-subartikolu (3) tal-artikolu 3 tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, il-Kummissarju jista', fil-kors tal-investigazzjonijiet tiegħu, jitlob reġistru shiħ tal-kundanni kriminali ta' kwalunkwe membru jew amministratur tal-organizzazzjoni volontarja. Il-Kummissarju jista' jirrifjuta li joħroġ ċertifikat ta' iskrizzjoni, jew jirtira kwalunkwe ċertifikat ta' iskrizzjoni, jekk il-persuna li għaliha jirreferi r-reġistru tal-kundanni kriminali tirrifjuta li tagħti l-kunsens tagħha kif mitlub skont is-subartikolu (3) tal-artikolu 3 tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta."

11. L-artikolu 35 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 35 tal-Att prinċipali.

(a) fit-tielet proviso tal-paragrafu (d) tas-subartikolu (3) tiegħu l-kliem "mal-Kumitat għall-Affarijiet Barranin" għandhom jiġu sostitwiti bil-kliem "mal-Kumitat għall-Affarijiet Soċjali"; u

(b) minnufih wara s-subartikolu (13) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(14) It-terminu tal-kariga tal-Kunsill għandu jkun ta' tliet (3) snin u l-istess Kunsill jista' jkun eliġibbli għall-ħatra mill-ġdid."

12. Fis-subparagrafu (iii) tal-paragrafu (h) tas-subartikolu (2) tal-artikolu 38 tal-Att prinċipali, minnufih wara l-kliem "arranġament teknoloġiku innovattiv" għandhom jiżdiedu l-kliem "kif imfissra fl-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta; u".

Emenda tal-artikolu 38 tal-Att prinċipali.

Kap. 591.

## **Taqsimi II**

### **Emendi għall-Kodiċi Ċivili**

13. Din it-Taqsimi temenda t-Tieni Skeda li tinsab mal-Kodiċi Ċivili u għandha tinqara u tinftiehem haġa waħda mat-Tieni Skeda tal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsimi msejja "it-Tieni Skeda".

Emendi għall-Kodiċi Ċivili.

Kap. 16.

14. Is-subartikolu (4) tal-artikolu 1 tat-Tieni Skeda għandu jiġi emendat kif ġej:

Emenda tal-artikolu 1 tat-Tieni Skeda.

(a) fil-paragrafu (b) tiegħu, il-kliem "fis-subparagrafu (1)" għandhom jiġu sostitwiti bil-kliem "fil-paragrafu (a)(i)"; u l-kliem "sew jekk għall-benefiċċju privat u anke jekk le, f'liema każ issir referenza għaliha bhala "organizzazzjoni għall-benefiċċju privat." għandhom jiġu sostitwiti bil-kliem "f'liema

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każ issir referenza għaliha bħala "organizzazzjoni għall-benefiċċju privat"; jew"; u

(b) minnufih wara l-paragrafu (b) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(c) tippromwovi kwalunkwe skop legittimu, f'liema każ issir referenza għaliha bħala "organizzazzjoni għal interess privat"."

Emenda tal-artikolu 10 tat-Tieni Skeda.

**15.** Il-paragrafu (b) tas-subartikolu (3) tal-artikolu 10 tat-Tieni Skeda għandu jiġi emendat kif ġej:

(a) il-kliem "mhix diġà regolata" tiegħu għandhom jiġu sostitwiti bil-kliem "mhix regolata";

(b) il-kliem "għandu japplika s-segwent:" tiegħu għandhom jiġu sostitwiti bil-kliem "għandhom japplikaw ir-regoli segwenti, kemm-il darba l-organizzazzjoni ġuridika ma tagħzilx li l-kontijiet ikunu mhejjijin, preparati, riveduti u ppublikati għal kull perjodu finanzjarju skont il-prinċipji u l-prattiċi ġenerali aċċettati dwar il-kontijiet kif imfisser fl-Att dwar il-Professjoni tal-*Accountancy*, jew soġġetti għal parir ta' accountant pubbliku ċċertifikat u awditur, b'xi prinċipji u prattiċi oħrajn, kif jista' jiġi magħżul minn żmien għal żmien mill-amministraturi:";

Kap. 281.

(c) fis-subparagrafu (ii) tiegħu, il-kliem "fil-każ ta' organizzazzjonijiet li jippromwovu xi forma ta' benefiċċju privat" għandhom jiġu sostitwiti b'dan li ġej:

"(ii) fil-każ ta' fondazzjonijiet ta' interess privat:";

(d) il-paragrafu B tas-subparagrafu (ii) tiegħu għandu jiġi sostitwit b'dan li ġej:

"B. fil-każijiet imsemmija fl-artikolu 31Ċ, kull linji gwida kif jistgħu jinħarġu, minn żmien għal żmien mill-awtoritajiet kompetenti, li jkollhom x'jaqsmu mat-*trusts* u *trustees*";

(e) fil-paragrafu Ċ tas-subparagrafu (ii) tiegħu:

(i) il-kliem "li jippromwovu forma ta' benefiċċju pubbliku," għandhom jiġu mħassra; u

(ii) il-kliem "għandhom japplikaw ukoll is-subparagrafi A u B" għandhom jiġu sostitwiti bil-kliem "għandu japplika wkoll il-paragrafu A"; u

(f) il-paragrafu D tas-subparagrafu (ii) tiegħu għandu jiġi sostitwit b'dan li ġej:

"D. f'kull każ ta' assoċjazzjonijiet oħra fejn il-membri ma jkunux kollha kumpaniji b'responsabbiltà limitata, is-subartikoli (1) u (2) u kwalunkwe regolamenti rilevanti għandhom japplikaw u, fin-nuqqas ta' regolamenti speċifiċi, ir-regoli tal-*accounting* u l-konvenzjonijiet relatati mas-sħubija ċivili għandhom japplikaw."; u

(g) il-proviso tas-subparagrafu (ii) tiegħu għandu jiġi mħassar.

**16.** Is-subartikolu (3) tal-artikolu 20 tat-Tieni Skeda, għandu jiġi emendat kif ġej:

Emenda tal-artikolu 20 tat-Tieni Skeda.

(a) fil-paragrafu (a) tiegħu l-kliem "biss għal għanijiet ta' benefiċċju pubbliku u, jew benefiċjarji ta' interess pubbliku;" għandhom jiġu sostitwiti bil-kliem "esklussivament għal benefiċċju pubbliku fuq bażi ta' nuqqas ta' profitt, jew skop legittimu ieħor li jkun jeskludi l-interess privat u jistgħu jinkludu benefiċjarji ta' interess pubbliku"; u

(b) il-paragrafu (b) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(b) fil-każ ta' fondazzjoni ta' interess privat, għal għanijiet privati li jinkludu kull għan kummerċjali, amministrattiv, ta' sigurtà jew tranżazzjonali, inkluż għanijiet anċillari għalihom, b'mod partikolari dawk imsemmija fl-artikolu 31B ta' din l-Iskeda.".

**17.** Fis-subparagrafu (ii) tal-paragrafu (ċ) tas-subartikolu (4) tal-artikolu 29 tat-Tieni Skeda, il-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat".

Emenda tal-artikolu 29 tat-Tieni Skeda.

**18.** L-artikolu 31 tat-Tieni Skeda, għandu jiġi emendat kif ġej:

Emenda tal-artikolu 31 tat-Tieni Skeda.

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu l-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat"; u

(b) fis-subartikolu (9) tiegħu l-kliem "fondazzjoni

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privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat".

Emenda tal-artikolu 31A tat-Tieni Skeda.

**19.** Is-subartikolu (d) tal-artikolu 31A tat-Tieni Skeda, il-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat".

Emenda tal-artikolu 31B tat-Tieni Skeda.

**20.** L-artikolu 31B tat-Tieni Skeda għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu l-kliem "Fondazzjonijiet privati" għandhom jiġu sostitwiti bil-kliem "Fondazzjonijiet ta' interess privat";

(b) fis-subartikolu (1) tiegħu l-kliem "Il-fondazzjonijiet privati" għandhom jiġu sostitwiti bil-kliem "Il-fondazzjonijiet ta' interess privat"; u fil-paragrafu minnufih wara il-proviso tal-paragrafu (b) tiegħu:

(i) il-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat";

(ii) il-kliem "li la tikkwalifika bħala" għandhom jiġu sostitwiti bil-kliem "Għall-fini ta' dan l-artikolu, fondazzjoni privata tfisser fondazzjoni li la tikkwalifika bħala"; u

(iii) il-kliem "għal skop legittimu kif imfisser skont id-dispożizzjonijiet tal-Att dwar l-Organizzazzjonijiet Volontarji" għandhom jiġu sostitwiti bil-kliem "għal skop legittimu u kull referenza għal fondazzjoni skont dan l-artikolu għandha tinftiehem bħala referenza għal fondazzjoni ta' interess privat.";

(c) fis-subartikolu (2) tiegħu l-kliem "fondazzjoni privata:" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat:"

(d) fis-subartikolu (3) tiegħu:

(i) il-kliem "fondazzjoni privata:" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat:"; u

(ii) fil-paragrafu (d), minnufih wara l-kliem "arrangament teknologiku innovattiv" għandhom jiżdiedu l-kliem "kif imfissra fl-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta";

Kap. 591.

(e) is-subartikolu (5) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (e), il-kelma "jew" għandha tiġi mħassra;

(ii) il-paragrafu (f) għandu jiġi enumerat mill-ġdid bħala l-paragrafu (g); u

(iii) minnufih wara l-paragrafu (e) għandu jżjed il-paragrafu ġdid li ġej:

"(f) biex toħroġ tokens u twettaq kwalunkwe attività tan-negozju li tirriżulta minn tali fondazzjonijiet li huma l-proprjetarji, li jamministraw jew joperaw xort'oħra arrangament teknologiku innovattiv, kif imfissra fl-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta; jew".

Kap. 591.

**21.** Fil-paragrafu (b) tas-subartikolu (2) tal-artikolu 32A tat-Tieni Skeda, minnufih wara l-kliem "arrangament teknologiku innovattiv" għandhom jżjed l-kliem "kif imfissra fl-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta".

Emenda tal-artikolu 32A tat-Tieni Skeda. Kap. 591.

**22.** Fis-subartikolu (21) tal-artikolu 33 tat-Tieni Skeda, il-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat".

Emenda tal-artikolu 33 tat-Tieni Skeda.

**23.** Fis-subartikolu (2) tal-artikolu 38 tat-Tieni Skeda, il-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat".

Emenda tal-artikolu 38 tat-Tieni Skeda.

**24.** Fis-subartikolu (3) tal-artikolu 62 tat-Tieni Skeda, il-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat".

Emenda tal-artikolu 62 tat-Tieni Skeda.

**25.** Fis-subartikolu (3) tal-artikolu 64 tat-Tieni Skeda, il-kliem "fondazzjoni privata" għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat".

Emenda tal-artikolu 64 tat-Tieni Skeda.

**26.** L-artikolu 69 tat-Tieni Skeda għandu jiġi emendat kif ġej:

Emenda tal-artikolu 69 tat-Tieni Skeda.

(i) il-kliem "tal-Att tal-2018 li jemenda l-Att dwar l-Organizzazzjonijiet Volontarji", kull fejn jirrikorru, għandhom jiġu sostitwiti bil-kliem "tal-Att XXXVI tal-2018"; u

(ii) il-kliem "tal-Att dwar l-Organizzazzjonijiet Volontarji" għandhom jiġu sostitwiti bil-kliem "tal-Att XXXVI tal-2018".

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**Taqsimha III**  
**Emendi għall-Att dwar Trusts u Trustees**

Emendi għall-  
Att dwar Trusts  
u Trustees.  
Kap. 331.

**27.** Din il-Parti temenda l-Att dwar Trusts u Trustees u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Trusts u Trustees, hawn aktar 'il quddiem f'din il-Parti msejja bħala "l-Att prinċipali".

Emenda tal-  
artikolu 43 tal-  
Att prinċipali.

**28.** Is-subartikolu (12) tal-artikolu 43 tal-Att prinċipali għandu jiġi sostitwit kif ġej:

(a) fil-paragrafu (b) tiegħu l-kliem "fondazzjoni privata," għandhom jiġu sostitwiti bil-kliem "fondazzjoni ta' interess privat,"; u

(b) fl-aħħar paragrafu tiegħu l-kliem " "fondazzjoni privata" "għandhom jiġu sostitwiti bil-kliem " "fondazzjoni ta' interess privat" ".

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 366 tad-29 ta' Lulju, 2020.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

4th August, 2020

**ACT No. XXXIX of 2020**

*AN ACT to amend the Voluntary Organisations Act, Cap. 492, and to make consequential amendments to the Second Schedule of the Civil Code, Cap. 16, and the Trusts and Trustees Act, Cap. 331.*

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:-

**1.** The short title of this Act is the Voluntary Organisations and other Laws (Amendment) Act, 2020. Short title.

**Part I**  
**Amendments to the Voluntary Organisations Act**

**2.** This Part amends the Voluntary Organisations Act and it shall be read and construed as one with the Voluntary Organisations Act, hereinafter in this Part referred to as "the principal Act". Amendments to the Voluntary Organisations Act. Cap. 492.

**3.** In article 2 of the principal Act, the definition "the Minister" shall be substituted by the following new definition: Amendment of article 2 of the principal Act.

" " Minister" means the Minister responsible for voluntary organisations;"

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Amendment of  
article 3 of the  
principal Act.

4. Article 3 of the principal Act shall be amended as follows:

(a) in paragraph (b) of sub-article (2) thereof, for the words "any other person." there shall be substituted the words "any other person:"; and

(b) immediately after paragraph (b) thereof there shall be added the following new proviso:

"Provided that administrators shall be vested solely with one administrative role and may not exercise the position of President, Vice President, Treasurer and Secretary concurrently."

Amendment of  
article 8 of the  
principal Act.

5. Article 8 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "to regulate and support volunteers." there shall be substituted the words "to regulate and support volunteers:";

(b) immediately after sub-article (1) thereof there shall be added the following new proviso:

"Provided that the Commissioner shall meet or communicate with the members or the administrators of the organisation, or those alleging to be members or administrators of the said organisation, as soon as possible, regarding any matter whatsoever, and where the Commissioner has exhausted all possible means of communication with the mentioned members or administrators of the voluntary organisation unsuccessfully, he may publish such communication in one local newspaper, or by means of a notice in the official website of the Office of the Commissioner for Voluntary Organisations, or in the Gazette, as the Commissioner may consider appropriate in the circumstances.";

(c) sub-article (3) thereof shall be re-numbered as sub-article (4) and immediately after sub-article (2) thereof, there shall be added the following new sub-article:

"(3) The Commissioner shall refuse an administrator or a voluntary organisation based on confidential information disclosed by competent authorities, if the Commissioner is satisfied that such refusal is justified."

**6.** In sub-article (1) of article 10 of the principal Act, for the words "by not later than six weeks" there shall be substituted the words "by not later than twelve (12) weeks".

Amendment of article 10 of the principal Act.

**7.** Sub-article (3) of article 12A of the principal Act shall be amended as follows:

Amendment of article 12A of the principal Act.

(a) in paragraph (c) thereof, the word "or" shall be deleted;

(b) in paragraph (d) thereof, for the words "under this Act," there shall be substituted the words "under this Act; or"; and

(c) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(e) although subject to mandatory enrolment does not have a social purpose,".

**8.** In paragraph (c) of sub-article (1) of article 12C of the principal Act, the words "with the prior consent of the sub-committee of the Council set up in terms of article 35(13) and" shall be deleted.

Amendment of article 12C of the principal Act.

**9.** Sub-article (1) of article 12D of the principal Act shall be amended as follows:

Amendment of article 12D of the principal Act.

(a) in paragraph (c) thereof, the word "or" shall be deleted;

(b) in paragraph (d) thereof, for the words "under this Act," there shall be substituted the words "under this Act; or"; and

(c) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(e) although subject to mandatory enrolment do not have a social purpose,".

**10.** Article 34 of the principal Act shall be amended as follows:

Amendment of article 34 of the principal Act.

(a) in sub-article (1) thereof, the words "in the cases referred to in article 19(2)" shall be deleted;

(b) in sub-article (2) thereof, immediately after the words "as aforesaid," there shall be added the words "within ten (10) days of being requested to do so,"; and

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(c) immediately after sub-article (9) thereof there shall be added the following new sub-articles:

"(10) Saving the provisions of sub-article (9), the Commissioner is entitled to obtain any information from other entities or authorities including, but not limited to, the Registrar for Legal Persons, the Malta Security Service, Jobsplus, the Commissioner of Police, the Commissioner for Revenue, the Financial Intelligence Analysis Unit, the Asset Recovery Bureau, the Malta Financial Services Authority and the Courts of Justice, and also to disclose any information to such other entities or authorities:

Provided that such information may include any other information from the Registrar of Courts and, or the Office of the Attorney General or the Office of the State Advocate respectively, relating to any pending criminal or civil proceedings, with particular reference to any information concerning the attachment, freezing, confiscation and seizure of assets:

Provided further that any privileged information obtained by the Commissioner upon such request, shall be used exclusively for the purposes of the powers vested in him in terms of this article and shall not be made accessible to the public.

Cap. 77. (11) The Commissioner may also request any member or administrator of the voluntary organisation, or those claiming or alleging to be members or administrators of the voluntary organisation concerned, to submit a conduct certificate issued under the Conduct Certificates Ordinance, and may refuse to issue an enrolment certificate or withdraw any issued enrolment certificate to such member or administrator of the voluntary organisation who fails to provide such conduct certificate.

Cap. 77. (12) Subject to the provisions of sub-article (3) of article 3 of the Conducts Certificate Ordinance, the Commissioner may, in the course of his investigations, request a complete record of criminal convictions of any member or administrator of a voluntary organisation. The Commissioner may refuse to issue an enrolment certificate, or withdraw any issued enrolment certificate, if the person to whom the record of criminal convictions relates refuses to give his consent as required under sub-article (3) of article 3 of the Conducts Certificate Ordinance."

- 11.** Article 35 of the principal Act shall be amended as follows: Amendment of article 35 of the principal Act.

(a) in the Maltese version of the third proviso to paragraph (d) of sub-article (3) thereof, for the words "mal-Kumitat għall-Affarijiet Barranin" there shall be substituted the words "mal-Kumitat għall-Affarijiet Soċjali"; and

(b) immediately after sub-article (13) thereof there shall be added the following new sub-article:

"(14) The term of office of the Council shall be of three (3) years and the said Council may be eligible for re-appointment."

- 12.** In sub-paragraph (iii) of paragraph (h) of sub-article (2) of article 38 of the principal Act, immediately after the words "an innovative technology arrangement" there shall be added the words "as defined in the Malta Digital Innovation Authority Act; and". Amendment of article 38 of the principal Act.  
Cap. 591.

## Part II Amendments to the Civil Code

- 13.** This Part amends the Second Schedule to the Civil Code and it shall be read and construed as one with the Second Schedule to the Civil Code, hereinafter in this Part referred to as the "Second Schedule". Amendments to the Civil Code.  
Cap. 16.

- 14.** Sub-article (4) of article 1 of the Second Schedule shall be amended as follows: Amendment of article 1 of the Second Schedule.

(a) in paragraph (b) thereof, for the words "in subparagraph (i)" there shall be substituted the words "in subparagraph (a)(i)"; and for the words "whether for a private benefit or not, in which case it is referred to as a "private benefit organisation"." there shall be substituted the words "in which case it is referred to as a "private benefit organisation"; or"; and

(b) immediately after paragraph (b) thereof there shall be added the following new paragraph:

"(c) to promote any lawful purpose, in which case it is referred to as a "private interest organisation"."

- 15.** Paragraph (b) of sub-article (3) of article 10 of the Second Schedule shall be amended as follows: Amendment of article 10 of the Second Schedule.

(a) for the words "is not already regulated" there shall be substituted the words "is not regulated";

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Cap. 281.

(b) for the words "the following shall apply:" there shall be substituted the words "the following rules shall apply, unless the legal organisation opts that accounts are drawn up, prepared, reviewed and published for each financial period in accordance with generally accepted accounting principles and practice, as defined in the Accountancy Profession Act, or subject to the advice of a certified public accountant and auditor, by some other principles and practices, as may be chosen from time to time by the administrators:";

(c) in sub-paragraph (ii) thereof, the words "in the case of organisations, which promote a form of private benefit" shall be substituting by the following:

"(ii) in the case of private interest foundations:";

(d) paragraph B of sub-paragraph (ii) thereof shall be substituted by the following:

"B. in the cases mentioned in article 31C, any guidelines as may be issued from time to time by the competent authorities, relating to trusts and trustees;"

(e) in paragraph C of sub-paragraph (ii) thereof:

(i) the words "promoting a form of private benefit" shall be deleted; and

(ii) for the words "sub-paragraphs A and B", there shall be substituted the words "paragraph A";

(f) paragraph D of sub-paragraph (ii) thereof shall be substituted by the following:

"D. in all other cases of associations where the members are not all limited liability companies, sub-article (1) and (2) and any relevant regulations shall apply and, in the absence of specific regulations, the accounting rules and conventions relating to civil partnerships shall apply."; and

(g) the proviso of sub-paragraph (ii) thereof shall be deleted.

**16.** Sub-article (3) of article 20 of the Second Schedule shall be amended as follows:

Amendment of article 20 of the Second Schedule.

(a) in paragraph (a) thereof, for the words "for public benefit purposes and, or public interest beneficiaries" there shall be substituted the words "exclusively for public benefit on a non-profit making basis, or other legitimate purpose excluding private interest and may include public interest beneficiaries"; and

(b) paragraph (b) thereof shall be substituted by the following:

"(b) in the case of a private interest foundation, for private purposes including any commercial, administrative, security or transactional purposes, including purposes ancillary thereto, in particular those referred to in article 31B of this Schedule."

**17.** In sub-paragraph (ii) of paragraph (c) of sub-article (4) of article 29 of the Second Schedule, for the words "private foundation" there shall be substituted the words "private interest foundation".

Amendment of article 29 of the Second Schedule.

**18.** Article 31 of the Second Schedule shall be amended as follows:

Amendment of article 31 of the Second Schedule.

(a) in paragraph (a) of sub-article (1) thereof, for the words "private foundation" there shall be substituted the words "private interest foundation"; and

(b) in sub-article (9) thereof, for the words "private foundation" there shall be substituted the words "private interest foundation".

**19.** In sub-article (d) of article 31A of the Second Schedule, for the words "private foundation" there shall be substituted the words "private interest foundation".

Amendment of article 31A of the Second Schedule.

**20.** Article 31B of the Second Schedule shall be amended as follows:

Amendment of article 31B of the Second Schedule.

(a) in the marginal note thereof for the words "Private foundations" there shall be substituted the words "Private interest foundations";

(b) in sub-article (1) thereof, for the words "Private foundations" there shall be substituted the words "Private interest foundations"; and in the paragraph immediately following the proviso of paragraph (b) thereof:

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(i) for the words "a private foundation" there shall be substituted the words "a private interest foundation";

(ii) in the Maltese version, for the words "li la tikkwalifika bħala" there shall be substituted the words "Għall-fini ta' dan l-artikolu, fondazzjoni privata tfisser fondazzjoni li la tikkwalifika bħala"; and

(iii) for the words "for a lawful purpose as defined in terms of the provisions of the Voluntary Organisations Act." there shall be substituted the words "for a legitimate purpose and any reference to a foundation in terms of this article shall be construed as a reference to a private interest foundation.";

(c) in sub-article (2) thereof, for the words "a private foundation:" there shall be substituted the words "a private interest foundation:";

(d) in sub-article (3) thereof:

(i) for the words "a private foundation may:" there shall be substituted the words "a private interest foundation may:"; and

(ii) in paragraph (d), immediately after the words "an innovative technology arrangement" there shall be added the words "as defined in the Malta Digital Innovation Authority Act;";

Cap. 591.

(e) sub-article (5) thereof shall be amended as follows:

(i) in paragraph (e), the word "or" shall be deleted;

(ii) paragraph (f) shall be renumbered as paragraph (g); and

(iii) immediately after paragraph (e) there shall be added the following new paragraph:

"(f) to issue tokens and carry out any trading activity resulting from such foundations owning, administering or otherwise operating an innovative technology arrangement, as defined in the Malta Digital Innovation Authority Act; or".

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**21.** In paragraph (b) of sub-article (2) of article 32A of the Second Schedule, immediately after the words "an innovative technology arrangement" there shall be added the words "as defined in the Malta Digital Innovation Authority Act".

Amendment of article 32A of the Second Schedule. Cap. 591.

**22.** In sub-article (21) of article 33 of the Second Schedule, for the words "a private foundation" there shall be substituted the words "a private interest foundation".

Amendment of article 33 of the Second Schedule.

**23.** In sub-article (2) of article 38 of the Second Schedule, for the words "to a private foundation" there shall be substituted the words "to a private interest foundation".

Amendment of article 38 of the Second Schedule.

**24.** In sub-article (3) of article 62 of the Second Schedule, for the words "a private foundation" there shall be substituted the words "a private interest foundation".

Amendment of article 62 of the Second Schedule.

**25.** In sub-article (3) of article 64 of the Second Schedule, for the words "a private foundation" there shall be substituted the words "a private interest foundation".

Amendment of article 64 of the Second Schedule.

**26.** Article 69 of the Second Schedule shall be amended as follows:

Amendment of article 69 of the Second Schedule.

(a) for the words "of the Voluntary Organisations (Amendment) Act, 2018", wherever they occur, there shall be substituted the words "Act XXXVI of 2018"; and

(b) for the words "of the Voluntary Organisations Act" there shall be substituted the words "Act XXXVI of 2018".

### **Part III**

#### **Amendments to the Trusts and Trustees Act**

**27.** This Part amends the Trusts and Trustees Act and it shall be read and construed as one with the Trusts and Trustees Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Trusts and Trustees Act. Cap. 331.

**28.** Sub-article (12) of article 43 of the principal Act shall be amended as follows:

Amendment to article 43 of the principal Act.

(a) in paragraph (b) thereof, for the words "private foundation," there shall be substituted the words "private interest foundation,"; and

(b) in the last paragraph thereof, for the words " "private foundation" "there shall be substituted the words " "private interest foundation" ".

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Passed by the House of Representatives at Sitting No. 366 of the  
29th July, 2020.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



