

ATT TA' L-2002 DWAR IL-KUNSILL MALTI GHALL-KULTURA U L-ARTI

Arrangament ta' l-Artikoli

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(L.S.)

GEORGE HYZLER
Acting President

26 ta' April, 2002

ATT Nru. V ta' l-2002

ATT biex jipprovdi għat-twaqqif ta' Kunsill li jkun magħruf bħala l-Kunsill Malti għall-Kultura u l-Arti biex jinkoraġġixxi u jippromwovi il-kultura f'perspettiva wiesgħa ta' attività soċjo-ekonomika, u sabiex jipprovdi dwar affarijiet ancillari ma' dan jew li għandhom x'jaqsmu miegħu.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f' dan il-Parlament, u bl-awtorità ta' l-istess, hareġ 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-Kunsill Malti għall-Kultura u l-Arti. Titolu fil-qosor u bidu fis-sehh.

(2) Id-disposizzjonijiet ta' dan l-Att jidhlu fis-sehh f'dik id-data li l- Ministru jista' b'avviz fil-Gazzetta jew regolamenti jistabbilixxi, u dati differenti jistgħu jigu hekk stabbiliti għal disposizzjonijiet u għanijiet differenti ta' dan l-Att.

(3) Avviz taht subartikolu (2) ta' dan l-artikolu jista' jagħmel dawk id-disposizzjonijiet transitorji bħalma l-imsemmi Ministru jidhrulu li jkunu mehtieġa jew spedjenti f'dak li għandu x'jaqsam mad-disposizzjonijiet miġjuba fis-sehh permezz tiegħu.

Tifsir.

2. F'dan l-Att, kemm-il darba ir-rabta tal-kliem ma tkunx tehtieg xort' ohra -

“Direttur Esekuttiv” tfisser persuna li tigi mahtura taht subartikolu (1) ta' artikolu 5 ta' dan l-Att;

“impjegat” tfisser persuna impjegata mill-Kunsill;

“Kunsill” tfisser il-Kunsill Malti għall-Kultura u l-Arti mwaqqaf bl-artikolu 3 ta' dan l-Att;

“kuntrattur” tfisser persuna li taġixxi konformi ma' ftehim magħmul mal-Kunsill jew skond is-subartikolu (2) ta' artikolu 5 ta' dan l-Att;

“Ministru” tfisser il-Ministru responsabbli għall-Kultura;

“President” tfisser il-President tal-Kunsill u tinkludi, fiċ-ċirkostanzi msemmija fis-subartikolu (3) ta' artikolu 3 ta' dan l-Att, il-Viċi-President jew kull persuna ohra li tigi mahtura biex tagħmilha ta' President;

“preskritt” tfisser kif preskritt b'regolamenti magħmulin mill-Ministru taht id-disposizzjonijiet ta' dan l-Att;

“sena finanzjarja” tfisser perjodu ta' tnax-il xahar li jtemm fit-30 ta' Settembru;

Izda l-ewwel sena finanzjarja tal-Kunsill tibda mad-dhul fis-sehh ta' dan l-Att u ttemm fit-30 ta' Settembru tas-sena li tigi minnufih wara;

“uffiċjal pubbliku” għar-rigward ta' artikolu 15 ta' dan l-Att, għandha l-istess tifsira bħalma hu mogħti lilha bl-artikolu 124 tal-Kostituzzjoni.

TAQSIMA II - TWAQQIF, FUNZJONIJIET U TMEXXIJA TA' L-AFFARIJIET TAL-KUNSILL

Twaqqif u għamla tal-Kunsill Malti għall-Kultura u l-Arti.

3. (1) Ikun hemm korp, li jkun magħruf bhala l-Kunsill Malti għall-Kultura u l-Arti, u li jkun magħmul minn President u mhux inqas minn erba' u mhux iżjed minn tmien membri ohra. Wiehed mill-membri jinhatar mill-Ministru responsabbli għal Ghawdex.

(2) Il-membri tal-Kunsill jigu mahtura mill-Ministru ghal żmien tliet snin, imma l-membri li jigu hekk mahtura jkunu eliġibbli biex jinhatru mill-ġdid meta jiskadi ż-żmien tagħhom fil-kariga.

(3) Il-Ministru jista' jsemmi wiehed mill-membri l-oħra tal-Kunsill bħala Viċi-President u l-membri hekk imsemmi jkollu l-poteri kollha u jaqdi l-funzjonijiet kollha ta' President matul l-assenza jew l-inkapaċità tiegħu li jagħmilha ta' President, jew meta l-President ikun fuq btala, jew matul kull vakanza fil-kariga ta' President; u l-Ministru jista' wkoll, f'kull wahda miċ-ċirkostanzi hawn qabel imsemmija, jahtar persuna oħra biex tagħmilha ta' President u f'dak il-każ ikunu japplikaw id-disposizzjonijiet t'hawn aktar qabel dwar dik il-persuna.

(4) Persuna ma tkunx kwalifikata li jkollha l-kariga bħala membru tal-Kunsill jekk -

(a) tkun Ministru, Segretarju Parlamentari jew Membru tal-Kamra ta' Rappreżentanti, jew

(b) tkun Mhalled jew Magistrat, jew

(ċ) ikollha interess finanzjarju jew xi interess ieħor f'xi intrapriża jew attività li x'aktarx taffettwa l-qadi ta' dmirijietha bħala membru tal-Kunsill:

Iżda l-Ministru jista' jwarrab l-iskwalifika ta' persuna taht dan il-paragrafu jekk dik il-persuna tiddikjara li jkollha dak l-interess, u dik id-dikjarazzjoni u t-twarrib ta' l-iskwalifika jigu ppubblikati fil-Gazzetta.

(5) Bla hsara għad-disposizzjonijiet ta' dan l-artikolu, l-kariga ta' membru tal-Kunsill issir vakanti -

(a) meta jiskadi ż-żmien tiegħu fil-kariga, jew

(b) jekk ikun hemm ċirkostanzi illi, li kieku ma kienx membru tal-Kunsill, kienu jwasslu għall-iskwalifika tiegħu milli jigi mahtur bħala tali.

(6) Membru tal-Kunsill jista' jitnehha mill-kariga mill-Ministru jekk, fil-fehma tal-Ministru, dak il-membri ma jkunx idoneu li jibqa' fil-kariga jew ma jkunx baqa' kapaci li jaqdi dmirijietu kif imiss bħala membru.

(7) Jekk membru jirriżenja jew jekk il-kariga ta' membru tal-Kunsill tkun xort'ohra vakanti jew jekk membru ma jkunx jista' għal xi raġuni jaqdi l-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jahtar persuna li tkun kwalifikata li tiġi mahtura bħala membru temporanju tal-Kunsill; u persuna li tiġi hekk mahtura għandha, bla hsara għal għad-disposizzjonijiet tas-subartikolu (5) u (6) ta' dan l-artikolu, ittemm milli tibqa' membru f'dak is-sens meta tiġi mahtura persuna biex timla l-vakanza jew, skond ma jista' jkun il-każ, meta l-membri li ma kienx kapaċi jaqdi l-funzjonijiet tal-kariga tiegħu jkompli jwettaq dawk id-dmirijiet.

(8) Membru tal-Kunsill li jkollu xi interess dirett jew indirett f'xi kuntratt magħmul jew propost li jiġi magħmul mill-Kunsill, li ma jkunx interess li jiskwalifika lil dak il-membri milli jibqa' membru, għandu jiżvela x-xorta ta' l-interess tiegħu fl-ewwel seduta tal-Kunsill wara li jkun sar jaf bil-fatti relevanti. Dak il-kxiif għandu mbagħad jiġi reġistrat fil-minuti tal-Kunsill, u l-membri li jkollu interess kif hawn qabel imsemmi għandu jirtira minn kull seduta li fiha jiġi diskuss dak il-kuntratt. Tali kxiif għandu jitwassal lill-Ministru minghajr dewmien. Meta l-interess tal-membri jkun tali li jiskwalifikah milli jibqa' membru, huwa għandu jirrapporta l-fatt minnufih lill-Ministru u jagħti r-riżenja tiegħu.

Funzjonijiet tal-Kunsill.

4. (1) Ikun id-dmir tal-Kunsill li jipromwovi il-kultura ta' Malta b'kull għamla ta' espressjoni kreattiva u li jawmenta l-aċċessibilità tal-pubbliku għall-arti, u jkabbar il-patrimonju kulturali ta' Malta kemm fil-pajjiż innifsu u barra mill-pajjiż.

(2) Fil-qadi ta' dmirijietu, il-Kunsill għandu -

(a) jiżviluppa, jimmotiva u jtejjeb il-konozzenza u l-espressjoni tal-kultura u l-arti, u l-aċċessibilità għalihom;

(b) jissalvagwardja l-iżvilupp dinamiku ta' dawk il-fattizzi kulturali, inklużi fattizzi intellettuali, lingwistiċi u folkloristiċi, li jidentifikaw lill-poplu Malti;

(ċ) jikkollabora mal-Kunsilli Lokali, organizzazzjonijiet mhux governattivi u persuni l-oħra għall-promozzjoni ta' inizjattivi artistiki u kulturali f'ambjent li jirrikonoxxi l-valur ta' l-kreatività bħala wiehed ċentrali għal komunità matura u b'saħħitha;

(d) jinkoraġġixxi s-sejbien, żvilupp u espressjoni ta' kull potenzjal personali artistiku;

(e) jippromwovi l-parteċipazzjoni, l-inklusività, l-egwaljanza u l-libertà ta' l-espressjoni, pluraliżmu u identità artistiki fil-kultura;

(f) jadotta attitudni integrata u koperattiva ma' persuni, korpi u organizzazzjonijiet fil-kamp tal-kultura biex jawmenta u jintensifika l-konnoxxenza u l-apprezzament ta' attivitajiet kulturali u artistiki;

(g) jippromwovi u jiżgura l-iżvilupp ta' skemi edukattivi li jinkoraġġixxu parteċipazzjoni attiva fi programmi u attivitajiet kulturali u artistiki;

(h) jaghti parir lill-Ministru fuq kull politka u strateġiji kulturali li tinfirex biex tilhaq l-isfera soċjo-kulturali kollha kemm hi;

(i) johloq u jimplementa strateġiji li jiżguraw l-identità tal-Kultura Maltija sew fil pajjiż innifsu sew barra mill-pajjiż;

(j) jamministra skemi u jerfa' kull responsabbiltà oħra għar-rigward ta' dawk l-entitajiet artistiki u kulturali kif stipulat fl-Att jew hekk kif il-Ministru jista' minn żmien għal żmien jippreskrivi;

(k) xort'oħra jaghti pariri lill-Ministru fuq kull haġa li jkollha x'taqsam mad-dmirijiet tiegħu taht dan l-Att jew kull Att iehor.

(3) Il-Kunsill għandu wkoll:

(a) jissorvelja, kostantement iqis u jevalwa kull livell, xogħol u attività konnessi ma' kull ma hu kulturali u artistiku;

(b) iwettaq studji, riċerka jew investigazzjoni konnessi ma' kull ma hu kulturali u artistiku;

(ċ) jipprovdi informazzjoni u johroġ linji direttivi, lill-pubbliku u lil entitajiet kulturali, konnessi ma' kull ma hu kulturali u artistiku;

(d) jagħmel dak kollu li jista' jkun meħtieġ għall-qadi kif imiss ta' dmirijietu taht dan l-Att, inkluż it-twaqqif ta' entitajiet u kumitati oħra skond ma jkun meħtieġ bl-approvazzjoni tal-Ministru;

(e) jaqdi dawk id-dmirijiet l-ohra li jistghu minn żmien ghal żmien jinghatawlu mill-Ministru.

Tmexxija ta' l-affarijiet tal-Kunsill.

5. (1) Bla hsara ghad-disposizzjonijiet l-ohra ta' dan l-Att, it-tmexxija ta' l-affarijiet u l-hidma tal-Kunsill jaqghu taht ir-responsabbiltà tal-Kunsill innifsu imma, salv kif hawn qabel imsemmi, t-tmexxija esekuttiva tal-Kunsill, l-amministrazzjoni u l-organizzazzjoni tieghu u l-kontroll amministrattiv ta' l-uffiċjali u l-impjegati tieghu, jkunu r-responsabbiltà ta' Direttur Esekuttiv li jkollu wkoll dawk il-poteri l-ohra li jistghu minn żmien ghal żmien ikunu lilu delegati mill-Kunsill.

(2) Bla hsara ghad-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu il-Kunsill jista' jesercita dmirijietu permezz ta' kull wiehed mill-uffiċjali jew impjegati tieghu jew permezz ta' xi entità jew aġenzija awtorizzati ghaldaqstant, jew permezz ta' kuntrattur jew xi persuna oħra li magħhom ikun sar ftehim għall-qadi ta' xi wiehed jew iktar minn dawk id-dmirijiet.

(3) Id-Direttur Esekuttiv għandu jattendi kull seduta tal-Kunsill imma ma jivvotax waqt dawk is-seduti:

Iżda l-Kunsill jista', jekk iqis li jkun hekk xieraq, jitlob lid-Direttur Esekuttiv biex ma jattendix għal xi seduta jew parti minn xi seduta.

(4) Id-Direttur Esekuttiv għandu, bla hsara għall-kontroll generali u d-direzzjoni tal-Kunsill, ikun responsabbli għall-implimentazzjoni ta' l-għanijiet tal-Kunsill fl-esercizzju ta' dmirijietu u minghajr preġudizzju għall-ġeneralità ta' dak imsemmi hawn aktar qabel huwa għandu -

(a) jassumi kull responsabbiltà għall-amministrazzjoni u organizzazzjoni u l-kontroll amministrattiv ta' l-uffiċjali u l-impjegati tal-Kunsill u għal dak l-għan, jassenja lil kull uffiċjal jew impjegat dawk id-dmirijiet li jistghu jkunu meħtieġa;

(b) jizviluppa l-istrategiji meħtieġa għall-implimentazzjoni ta' l-għanijiet tal-Kunsill;

(c) jagħti parir lill-Kunsill fuq kull haġa li jista' jirriferru jew fuq kull haġa li jqis li tkun meħtieġa jew spjeganti;

(d) jaqdi dawk id-dmirijiet l-ohra li l-Kunsill jista' jassenjalu minn żmien għal żmien.

6. (1) Għall-finijiet ta' dan l-Att il-Kunsill għandu jiżviluppa, jippubblika, jsostni u jimplimenta Kalendarju ta' Avvenimenti li jkun jiżgura programm kontinwu ta' avvenimenti kulturali u artistici li jkunu organizzati mill-Kunsill innifsu jew minn korpi, entitajiet jew persuni oħra ffinanzjati jew issussidjati skond l-artikolu 7 ta' dan l-Att.

Kalendarju ta' Avvenimenti.

(2) Il-Kunsill għandu jinkludi wkoll fil-Kalendarju ta' Avvenimenti dawk il-programmi, inizjattivi u avvenimenti kulturali u artistici prodotti minn entitajiet, għaqdiet jew persuni oħra apparti dawk imsemmija fis-subartikolu preċedenti ta' dan l-artikolu, u li fil-fehma tal-Kunsill jisthoq qilhom ikunu hekk inkluzi għall-aħjar promozzjoni tagħhom.

7. Bil-ghan li jkattar l-ghanijiet tiegħu, il-Kunsill għandu –

Skemi għall-allokazzjoni ta' flus jew sussidji lil entitajiet kulturali u artistici.

(a) jgħaddi bil-quddiem dawk il-flejjes li jistgħu jiġu allokati mill-Gvern għat-tmexxija, l-amministrazzjoni u l-htigiet operattivi ta' l-entitajiet elenkati fl-Ewwel Skeda li tinsab ma' dan l-Att;

(b) jalloka flejjes mogħtija b' donazzjoni lil, jew imqegħda b' fiduċja għand, il-Kunsill minn xi persuna b' għan speċifiku jew għall-promozzjoni tal-kultura u l-arti b' mod ġenerali, u skond dawk il-pattijiet u l-kondizzjonijiet, jekk ikun hemm, stipulati minn dik il-persuna:

Izda meta ma jkun hemm ebda patt jew kondizzjoni marbuta ma' l-allokazzjoni ta' flejjes, għandhom japplikaw id-disposizzjonijiet ta' paragrafu (ċ) ta' dan l-artikolu;

(ċ) jamministra skemi preskritti mill-Ministru għall-fini ta' ffinanzjar jew issussidjar ta' l-organizzazzjoni ta' programmi, inizjattivi u avvenimenti kulturali u artistici prodotti minn kull min ikun, entità jew persuna hekk kwalifikati taht id-disposizzjonijiet ta' regolamenti adatti li jsiru taht dan l-Att.

8. (1) Il-Ministru jista' b' ordni jistabbilixxi korpi magħquda li jkollhom personalità ġuridika distinta biex jamministraw u jmexxu xi jew kull attiv jew intrapriża li hemm elenkati fit-Tieni Skeda li tinsab ma' dan l-Att.

Twaqqif ta' korpi magħquda biex jamministraw eċċ. l-attiv kulturali.

(2) Il-Ministru għandu f'dak l-ordni jistabbilixxi l-komposizzjoni u l-poteri tal-korpi regolatorji ta' dawk il-korpi magħquda u għandu jistabbilixxi regoli dwar il-kontabilità, l-kontroll finanzjarju u l-verifika ta' dawk il-korpi kif ukoll ir-regoli dwar kull haġa oħra anċillari għal dan li l-Ministru jista' fil-fehma tiegħu iqis li tkun meħtieġa għar-regolamentazzjoni tajba u l-funzjonament kif imiss ta' dawk il-korpi.

(3) Il-Ministru jista' minn żmien għal żmien b'regolamenti magħmulin taht dan l-artikolu jemenda jew jissostitwixxi r-regoli msemmija fis-subartikolu (2) ta' dan l-artikolu.

(4) Il-Ministru jista' b'ordni bħal dik inehhi kull attiv jew intrapriża mill-amministrazzjoni jew it-tmexxija ta' xi korp magħqud imwaqqaf taht dan l-artikolu u jista' wkoll b'ordni bħal dak jittrasferixxi dik l-amministrazzjoni jew tmexxija minn korp magħqud hekk imwaqqaf għal xi korp magħqud ieħor, imma ma jistax b'ordni bħal dak ixolji xi korp magħqud imwaqqaf taht dan l-artikolu.

(5) Il-Ministru jista' b'avviż fil-Gazzetta jżid mal-lista ta' attiv u intrapriži elenkati fil-Iskeda li tinsab ma' dan l-Att.

(6) Kull ordni bħal dik imsemmija f'dan l-artikolu għandha tiġi pubblikata fil-Gazzetta malajr kemm jista' jkun.

Relazzjonijiet bejn il-Ministru u l-Kunsill.

9. (1) Il-Ministru jista', minn żmien għal żmien jagħti lill-Kunsill dawk id-direttivi bil-miktub li huwa jista' jqis meħtieġa, sakemm tali direttivi ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, u l-Kunsill għandu, malajr kemm jista' jkun, jagħti effett lil dawk id-direttivi kollha u għandu jmexxi l-affarijiet tiegħu skond dawk id-direttivi.

(2) Il-Kunsill għandu jagħti lill-Ministru faċilitajiet għall-ksib ta' informazzjoni dwar il-proprjetà u l-attivitajiet tiegħu u jipprovdi prospetti, kontijiet u kull informazzjoni oħra f'dak ir-rigward, u jagħtih kull faċilità għall-verifika ta' informazzjoni mogħtija, b'tali mod u f'dawk iż-żminijiet li huwa jista' raġonevolment jeħtieġ.

(3) Jekk il-Kunsill jonqos milli jħares xi direttiva maħruġa taht dan l-artikolu, il-Prim Ministru jista' jagħmel ordni li jittrasferixxi lill-Ministru għalkollox jew f'parti minnhom xi funzjonijiet tal-Kunsill.

Personalità ġuridika u rappreżentanza tal-Kunsill.

10. (1) Il-Kunsill ikun korp magħqud b'personalità legali distinta u jkun kapaci, bla ħsara għad-disposizzjonijiet ta' dan l-Att, li jagħmel kuntratti ta' akkwist, pussess u tneħħija ta' kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet tiegħu, li jharrek u jiġi mharrek, u li jagħmel dak kollu u li jidhol f'dawk it-transazzjonijiet kollha hekk kif inhuma incidentali jew iwasslu għall-esercizzju jew il-qadi tal-funzjonijiet tiegħu taht dan l-Att, inkluż it-tisliet jew is-self ta' flus.

(2) Ir-rappreżentanza legali tal-Kunsill għandha tvesti konguntemment fil-President u fid-Direttur Esekuttiv:

Iżda l-Kunsill jista' jahtar lil xi wiehed jew aktar mill-membri jew l-uffiċjali jew l-impjegati tiegħu biex jidhru f'isem u għan-nom tal-

Kunsill fi proċedimenti ġudizzjarji u fuq kull att, kuntratt, istrument jew dokument iehor li jkun.

(3) Kull dokument li jkollu l-iskop li jkun istrument magħmul jew mahruġ mill-Kunsill u ffirmat mill-President, jew mahruġ mid-Direttur Esekuttiv u ffirmat minnu, jista' jingiebi bi prova u għandu, sakemm ma jiġix ippruvat il-kuntrarju, jitqies bħala istrument magħmul jew mahruġ mill-Kunsill jew mid-Direttur Esekuttiv.

11. (1) Is-seduti tal-Kunsill għandhom jitlaqqgħu mill-President daqstant drabi daqs kemm jista' jkun meħtieġ imma mill-anqas darba kull xahrejn jew b'inizjattiva tiegħu jew fuq talba ta' tnejn mill-membri l-oħra.

Disposizzjonijiet
dwar proċedimenti
tal-Kunsill.

(2) Nofs l-ghadd tal-membri li f'dak iż-żmien ikunu jikkostitwixxu l-Kunsill jiffurmaw *quorum*. Id-deċiżjonijiet jistgħu jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Il-President, jew fl-assenza tiegħu il-Viċi-President jew min jiġi mahtur biex jagħmilha ta' President, ikollu vot inizjali u fil-każ ta' egwaljanza ta' voti, vot deċiżiv. Mingħajr preġudizzju għall-htigiet l-oħra ta' dan l-Att, ebda deċiżjoni ma tkun valida jekk ma tkunx mill-anqas appoġġjata minn tliet membri tal-Kunsill.

(3) Il-Kunsill jista' minn żmien għal żmien jistieden persuna tattendi għal xi seduta waħda jew aktar tiegħu sabiex tipprova parir espert dwar xi haġa li jista' jkun qed jiddiskuti:

Iżda dik il-persuna għandha tkun mistiedna biss għal għadd limitat ta' seduti u f'dak li għandu x'jaqsam ma' xi suġġett speċifiku u sakemm ukoll li ma tivvotax f'dawk is-seduti.

(4) Bla hsara għad-disposizzjonijiet ta' dan l-Att il-Kunsill jista' jirregola l-proċedura tiegħu nnifsu.

(5) Bla hsara għad-disposizzjonijiet t'hawn aktar qabel ta' dan l-artikolu, ebda att jew proċediment tal-Kunsill m'għandu jkun invalidat unikament minhabba fl-eżistenza ta' xi vakanza fost il-membri.

(6) Kull att magħmul minn persuna li taġixxi bonafidi bħala membru tal-Kunsill ikun validu bhallikieku kien membru minkejja li wara kellu jiġi skopert xi difett fil-hatra jew kwalifiki tiegħu. M'għandu jiġi indagat ebda att jew proċediment tal-Kunsill abbażi tal-ksur, minn xi membru, tad-disposizzjonijiet tas-subartikolu (8) ta' l-artikolu 3 ta' dan l-Att.

12. (1) Il-Ministru għandu, darba kull sentejn, ilaqqqa' Forum Nazzjonali għall-Kultura u l-Arti, fejn jistieden il-partecipazzjoni fih tal-Kunsill u ta' l-uffiċjali tal-Kunsill, dipartimenti u entitajiet oħra tal-

Forum Nazzjonali.

Gvern, rappreżentanti tal-Kunsilli Lokali, għaqdiet mhux governattivi u dawk volontarji, istituzzjonijiet edukattivi, kulturali u artistici sew pubbliċi sew privati, kif ukoll rappreżentanti tas-setturi turistiċi, kummerċjali u tal-mezzi ta' komunikazzjoni awdjo-visivi, u kull parti oħra li turi bil-miktub lill-Ministru li għandha interess.

(2) Il-Forum għandu jiddiskuti l-politika nazzjonali dwar il-kultura u l-arti kif tkun fis-sehħ minn żmien għal żmien, kif ukoll l-istat tal-kultura u l-arti b'mod ġenerali wara li jisma' rapport dwarhom li jkun imhejji mid-Direttur Eżekuttiv.

(3) Il-Ministru għandu jirregola l-proċeduri tal-Forum u jahtar il-President tiegħu.

(4) Il-proċeduri tal-Forum għandhom ikunu ppubblikati u jiġu mibgħuta lill-Ministru.

(5) Il-Ministru għandu jagħti avviż pubbliku bil-quddiem mill-anqas xahar qabel ma jiltaqa' l-Forum.

TAQSIMA III – UFFIĊJALI U IMPJEGATI TAL-KUNSILL

Hatriet tal-persunal.

13. (1) Bla hsara għad-disposizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra applikabbli għal dan, u minghajr preġudizzju għad-disposizzjonijiet l-oħra ta' dan l-Att, il-hatra ta' uffiċjali u impjegati oħra tal-Kunsill għandha ssir mill-Kunsill. Il-pattijiet u l-kondizzjonijiet ta' impieg għandhom jiġu stabbiliti mill-Kunsill bi ftehim mal-Ministru.

(2) Id-Direttur Eżekuttiv għandu jiġi mahtur mill-Kunsill bi ftehim mal-Ministru għal perjodu ta' tliet snin u dak il-perjodu jista' jittawwal għal perjodi ulterjuri ta' tliet snin soġġett għal tliet sodisfaċenti:

Iżda l-ewwel Direttur Eżekuttiv għandu jiġi mahtur mill-Ministru għal perjodu ta' erba' snin.

Il-hatriet ikunu skond il-funzjonijiet tal-Kunsill.

14. Il-Kunsill għandu jahtar u jimpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet hekk kif jista' skond l-artikolu 13 ta' dan l-Att jistabbilixxi, lil dawk l-uffiċjali u impjegati tal-Kunsill li jistgħu minn żmien għal żmien ikunu mehtieġa għall-qadi kif imiss u effiċjenti tal-funzjonijiet tal-Kunsill.

Inkarigu ta' uffiċjali pubbliċi għal xogħol mal-Kunsill.

15. (1) Il-Prim Ministru jista', fuq talba tal-Kunsill, minn żmien għal żmien jordna li uffiċjal pubbliku jitqabbad jagħmel xogħol mal-Kunsill f'dik il-kapaċità u b'seħħ minn dik id-data li jistgħu jkunu speċifikati fl-ordni.

(2) Il-perjodu li matulu ordni kif hawn qabel imsemmija tkun tapplika ghal xi ufficjal li jkun speċifikat fiha, ghandu, kemm-il darba l-ufficjal ma jirtirax mis-servizz pubbliku, jew xort'ohra jtemm milli jibqa' fil-kariga f' data li tigi qabel, jew inkella ghax tigi speċifikata data differenti fl-ordni, jtemm mal-grajja ta' xi avveniment minn dawn li gejjin, jigifieri jekk:

(a) dak l-ufficjal jaċċetta offerta ta' trasferiment ghas-servizz tal-Kunsill u impieg permanenti miegħu konformi ma' l-artikolu 16 ta' dan l-Att; jew

(b) il-Prim Ministru jirrevoka ordni magħmula minnu taht dan l-artikolu ghar-rigward ta' dak l-ufficjal.

(3) Meta ordni kif hawn qabel imsemmija tigi revokata mill-Prim Ministru ghar-rigward ta' xi ufficjal, il-Prim Ministru jista', b'ordni ulterjuri, jqabbd lil dak l-ufficjal jagħmel xogħol mal-Kunsill f'dik il-kapaċità u b'seħħ minn dik id-data li jistgħu jkunu speċifikati fl-ordni ulterjuri u d-disposizzjonijiet tas-sub-artikolu (2) ta' dan l-artikolu għandhom, malli dan, ikunu japplikaw għall-perjodu għal kemm iddum dik l-ordni ulterjuri ghar-rigward ta' dak l-ufficjal.

16. (1) Meta ufficjal pubbliku jitqabbd jagħmel xogħol mal-Kunsill taht xi disposizzjoni ta' l-artikolu 15 ta' dan l-Att, dak l-ufficjal għandu, matul il-perjodu li fih dik l-ordni jkollha effett ghar-rigward tiegħu, jkun taht l-awtorità amministrattiva u l-kontroll tal-Kunsill imma huwa għandu għal kull għan u fini iehor jibqa' u jkun ikkunsidrat u trattat bhala ufficjal pubbliku.

Status ta' ufficjali
pubbliċi inkarigati
jagħmlu xogħol
mal-Kunsill.

(2) Mingħajr preġudizzju għall-generalità t'hawn aktar qabel, ufficjal li jitqabbd jagħmel xogħol kif hawn qabel imsemmi -

(a) m'għandux matul il-perjodu li matulu huwa jkun hekk imqabbd -

(i) ikun prekluz milli japplika għal trasferiment f'xi dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet ta' servizz marbuta mal-hatra taht il-Gvern li kellu fid-data li fiha huwa hekk jitqabbd jagħmel ix-xogħol; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet ta' servizz tiegħu ikunu inqas favorevoli minn dawk li jkunu marbutin mal-hatra taht il-Gvern u li jkun qed igawdi fid-data hawn qabel imsemmija jew li kieku kienu jkunu marbuta ma' dik il-hatra, matul dak il-perjodu, li kieku dak l-ufficjal ma kienx gie mqabbd jagħmel xogħol mal-Kunsill; u

Kap. 93
Kap. 58.

(b) ikollu jedd li s-servizz tiegħu mal-Kunsill jiġi kkunsidrat bħala servizz mal-Gvern għall-finijiet ta' pensjoni, gratwità, jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjoni tar-Romol u l-Orfni, u ta' kull dritt jew privileġġ iehor li kien ikollu jedd għalih, u jkun responsabbli għal dak kollu li jista' jkun responsabbli għalih, li kieku ma jkunx ġie mqabbad jagħmel xogħol mal-Kunsill.

(3) Meta ssir applikazzjoni kif hemm provdut fis-subparagrafu (i) ta' paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu għandha tingħatalha l-istess konsiderazzjoni bħallikieku l-applikant ma kienx ġie mqabbad jagħmel servizz mal-Kunsill.

(4) Il-Kunsill għandu jhallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa ta' kull pensjoni u gratwità li jista' jaqla' uffiċjal li jiġi mqabbad jagħmel xogħol mal-Kunsill kif hawn qabel imsemmi matul l-perjodu li fih ikun qed jagħmel dak ix-xogħol.

Offerta ta' impieg permanenti mal-Kunsill lil uffiċjali pubbliċi inkarigati jagħmlu xogħol mal-Kunsill.

17. (1) Il-Kunsill jista', bl-approvazzjoni tal-Prim Ministru, joffri lil uffiċjal li jkun imqabbad jagħmel xogħol mal-Kunsill taht id-disposizzjonijiet ta' l-artikolu 15 ta' dan l-Att, impieg permanenti mal-Kunsill b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk li dak l-uffiċjal ikun qed igawdi fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet kompriżi f'xi offerta magħmula kif hawn qabel imsemmi m'għandhomx jitqiesu li jkunu inqas favorevoli unikament għaliex dawn ma jkunux f'kull rigward identici ma' jew ahjar minn dawk li l-uffiċjal involut ikun qed igawdi fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, mehudin ilkoll flimkien, ikun fil-fehma tal-Prim Ministru joffru benefiċċji sostanzjalment ekwivalenti jew ahjar.

(3) Kull uffiċjal pubbliku li jaċċetta impieg permanenti li jiġi offert lilu mal-Kunsill, taht id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandu, għall-finijiet kollha li ma jkunux dawk ta' l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet tar-Romol u l-Orfni, u bla hsara għad-disposizzjonijiet tas-subartikolu (6) ta' dan l-artikolu, itemm milli jibqa' fis-servizz mal-Gvern u jidhol fis-servizz mal-Kunsill fid-data minn meta jaċċetta, u għall-finijiet ta' dik l-Ordinanza u ta' dak l-Att, daqskemm dawn ikunu applikabbli għalih, servizz mal-Kunsill għandu jitqies bħala servizz mal-Gvern fil-parametri tat-tifsiriet relattivi rispettivament.

Kap. 93.
Kap. 58.

(4) Kull uffiċjal bhal dak hawn qabel imsemmi li, minnufih qabel ma jaċċetta impieg permanenti mal-Kunsill kellu jedd ghal benefiċċju taht l-Att dwar il-Pensjoni tar-Romol u l-Orfni, jkompli jkollu dak il-jedd ghal benefiċċju taht dak l-Att ghal kull fini bhallikieku s-servizz tieghu mal-Kunsill kien servizz mal-Gvern.

(5) Il-Kunsill ghandu jhallas lill-Gvern dawk il-kontribuzzjonijiet li jistghu minn żmien ghal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa ta' pensjonijiet u gratwitajiet li jaqla' uffiċjal li jkun aċċetta impieg permanenti mal-Kunsill kif hawn qabel imsemmi matul l-perjodu li jibda għaddej mid-data minn meta dak l-uffiċjal ikun aċċetta.

(6) (a) Għall-ghanijiet ta' l-Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli ta' dak l-uffiċjal pubbliku meta jirtira għandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jithallsu lil xi uffiċjal fis-servizz tal-Gvern fi grad u f'livell inkrementali li jikkorrispondi għall-kariga li jkollu l-uffiċjal meta jirtira minn mal-Kunsill. Kap. 93

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) ta' dan is-subartikolu għandha ssir minn bord li jkun magħmul minn President li jiġi mahtur mill-Ministru responsabbli għall-finanzi u minn żewġ membri oħra, wiehed li jiġi mahtur mill-Ministru responsabbli ċentralment għall-politka dwar il-persunal fis-servizz pubbliku u l-iehor li jiġi mahtur mill-Kunsill. Il-klassifikazzjoni għandha tkun bla hsara għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Dik il-klassifikazzjoni għandha ssir fi żmien tliet xhur mill-aġġustament tas-salarji ta' l-impjegati li jkunu fis-servizz tal-Gvern u, jew, ta' impjegati tal-Kunsill.

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

(e) Minghajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara li ssir klassifikazzjoni kif hawn qabel imsemmija, jkollu jedd għal drittijiet taht l-imsemmija Ordinanza dwar il-Pensjonijiet, li jkunu inqas favorevoli minn dawk li kien ikollu jedd għalihom qabel dik il-klassifikazzjoni.

TAQSIMA IV – DISPOSIZZJONIJIET FINANZJARJI

Il-Kunsill johrog
in-nefqa mid-dhul.

18. (1) Minghajr preġudizzju għad-disposizzjonijiet li ġejjin ta' dan l-artikolu, il-Kunsill għandu hekk imexxi l-affarijiet tiegħu li n-nefqa mehtieġa għall-qadi kif imiss ta' dmirijietu għandha, skond kemm ikun prattiku, ssir mid-dhul li jagħmel.

(2) Għal dan l-ghan il-Kunsill għandu jiġbor kull dritt, rata u pagament iehor preskritti b'dan l-Att jew tahtu.

(3) Kull eċċess ta' dhul fuq in-nefqa għandu, bla hsara għal dawk l-ordnijiet li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jagħti, jiġi applikat mill-Kunsill għall-formazzjoni ta' fondi ta' riserva li jintużaw għall-finijiet tal-Kunsill; u minghajr preġudizzju għall-ġeneralità tal-poteri mogħtija lill-Ministru b'dan is-subartikolu, kull ordni mogħtija mill-Ministru kif hawn qabel imsemmi tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'tali mod kif jista' jkun speċifikat fl-ordni, ta' parti mid-drittijiet, rati u pagamenti ohra li jingabru skond is-subartikolu (2) ta' dan l-artikolu jew ta' dak l-eċċess kif hawn qabel imsemmi.

(4) Il-flus tal-Kunsill li ma jkunux minnufih mehtieġa biex minnhom tinhareg in-nefqa jistgħu jiġu investiti b'dak il-mod li jista' minn żmien għal żmien ikun approvat mill-Ministru.

Għotjiet bil-
quddiem mill-
Gvern.

19. Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel għotjiet bil-quddiem lill-Kunsill ta' dawk l-ammonti li jista' jaqbel li jkunu mehtieġa mill-Kunsill sabiex iwettaq id-dmirijiet tiegħu taht dan l-Att, u jista' jagħmel dawk l-għotjiet bil-quddiem b'dawk il-pattijiet u l-kondizzjonijiet li huwa jista', wara konsultazzjoni kif hawn qabel imsemmi, jqis li jkunu adatti. Kull tali għoti bil-quddiem jista' jsir mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u minghajr ebda approprjazzjoni ulterjuri minbarra dan l-Att, b'ordni ffirmata minnu li tkun tawtorizza lill-*Accountant General* jagħti dawk il-flus bil-quddiem.

Allokazzjoni ta'
flejjes lil entitajiet
kulturali u artistici.

20. (1) Il-Kunsill għandu wkoll jirċievi minghand il-Gvern minn ġol-Fond Konsolidat dawk l-ammonti li jistgħu jkunu mehtieġa għall-allokazzjoni ta' flus skond l-artikolu 7 ta' dan l-Att.

(2) Minghajr preġudizzju għal kull disposizzjoni ohra ta' dan l-Att, il-Ministru jista' jagħti lill-Kunsill direttivi dwar l-applikazzjoni ta' dawk l-ammonti msemmija fis-subartikolu (1) ta' dan l-artikolu.

21. (1) Għall-fini li jwettaq xi wiehed mid-dmirijiet tiegħu taht dan l-Att, il-Kunsill jista' , bl-approvazzjoni bil-miktub tal-Ministru li tinghata wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jissellef jew jiġġenera flus b'tali mod, minn dik il-persuna, korp jew awtorità, u taht dawk il-pattijiet u l-kondizzjonijiet li l-Ministru jista' , wara konsultazzjoni kif hawn qabel imsemmi, japprova bil-miktub.

Il-Kunsill jista' jissellef jew jiffinanzja kapital.

(2) Il-Kunsill jista' wkoll, minn żmien għal żmien, jissellef, b'*overdraft* jew xort'ohra, dawk l-ammonti li jista' jkun jehtieg biex jagħmel dmirijietu taht dan l-Att:

Izda għal kull ammont ta' iżjed minn hamsin elf lira, tkun mehtiega l-approvazzjoni tal-Ministru bil-miktub.

22. (1) Il-Ministru responsabbli għall-finanzi jista' , għal kull htiega tal-Kunsill ta' xorta kapitali, jikkuntratta jew jiġġenera kull self, jew jinkorri passiv, għal dawk il-perjodi u b'dawk il-pattijiet u l-kondizzjonijiet li huwa jista' jqis adatti; u kull ammont dovut dwar jew f'dak li għandu x'jaqsam ma' xi self jew passiv bħal dak għandu jkun nefqa fuq il-Fond Konsolidat.

Self minghand il-Gvern.

(2) Għandu kemm jista' jkun malajr jinghata avviz lill-Kamra tar-Rappreżentanti dwar kull self, passiv jew ghotjiet bil-quddiem bħal dawk magħmulin jew imġarrba taht id-disposizzjonijiet t'hawn aktar qabel ta' dan l-artikolu.

(3) Sakemm jiġi ġġenerat dak is-self kif hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu, jew għall-fini li l-Kunsill jiġi pprovdut b'kapital attiv, il-Ministru responsabbli għall-finanzi jista' , b'ordni li ġġib il-firma tiegħu, u minghajr ebda approprjazzjoni ulterjuri li ma tkunx dan l-Att, jawtorizza lill-*Accountant General* jagħmel ghotjiet bil-quddiem lill-Kunsill mit-*Treasury Clearance Fund* taht dawk il-pattijiet li jstgħu jkunu speċifikati mill-Ministru meta jkun qieghed jagħmilhom.

(4) Ir-rikavat ta' self iġġenerat għall-finijiet li jsiru ghotjiet bil-quddiem lill-Kunsill, u l-flejjes l-ohra kollha li għandhom jinghataw lill-Kunsill taht dan l-artikolu, għandhom jithallsu go fond imwaqqaf proprju għal dak l-ghan u li jkun magħruf bħala "Fond ta' Self tal-Kunsill Nazzjonali għall-Kultura u l-Arti".

(5) Dawk l-ammonti li jiġu riċevuti mill-*Accountant General* minghand il-Kunsill dwar flus li jinghataw bil-quddiem lill-Kunsill taht subartikolu (3) ta' dan l-artikolu għandhom jithallsu, għal dawk li jkunu ammonti riċevuti bħala hlas lura fit-*Treasury Clearance Fund*, u għal dawk li jkunu ammonti riċevuti bħala mghax fil-Fond Konsolidat.

Estimi tal-Kunsill.

23. (1) Il-Kunsill ghandu, sa trnem Mejju ta' kull sena, jipprezenta lill-Ministru, pjan kummerċjali ghat-tliet snin finanzjarji li jmiss flimkien ma' l-estimi ta' l-infiq u d-dhul kapitali u rikorrenti ghas-sena li jmiss:

Izda l-estimi ghall-ewwel sena finanzjarja tal-Kunsill ghandhom jigu ppreparati u adottati f'dak iz-żmien li l-Ministru jista' jispeċifika b'avviż bil-miktub lill-Kunsill.

(2) Fit-thejjja ta' dawk l-estimi l-Kunsill ghandu jikkunsidra kull fond u flejjes ohra li jistghu jkunu dovuti jithallsu lill mill-Fond Konsolidat matul is-sena finanzjarja relevanti, kemm bis-sahha ta' dan l-Att jew ta' xi Att ta' approprjazzjoni, jew ta' xi ligi ohra; u l-Kunsill ghandu hekk ihejji dawk l-estimi b'mod li jizgura li d-dhul kollu kemm hu tal-Kunsill ikun mill-anqas biżżejjed biex minnu jithallsu l-ammonti kollha ta' flus li jinharġu kif imiss mill-kont tad-dhul tiegħu inklużi, imma minghajr preġudizzju għall-ġeneralità ta' dik l-espressjoni, d-deprezzament.

(3) L-estimi ghandhom isiru b'dak il-mod u ghandu jkun fihom dik l-informazzjoni u dawk il-paraguni ma' snin preċedenti hekk kif il-Ministru responsabbli għall-finanzi jista' jordna.

(4) Ghandha minnufih tintbagħat kopja ta' l-estimi mill-Kunsill, malli dawn jigu adottati, lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru ghandu ma' l-ewwel opportunità li jkollu, u mhux aktar tard minn sitt ġimgħat wara li jkun irċieva kopja ta' l-estimi minghand il-Kunsill, japprovhom b'xi emendi jew minghajr ebda emenda, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

In-nefqa tkun skond l-estimi approvati.

24. (1) M'ghandha ssir jew tiġġarrab ebda nefqa mill-Kunsill kemm-il darba din ma tkunx ġiet approvata mill-Ministru kif provdut fl-artikolu 22 ta' dan l-Att.

(2) Hlief għal flus iġġenerati mill-Kunsill innifsu jew li jigu riċevuti minn sorsi mhux Statali, il-Kunsill ghandu jibqa' fil-parametri tan-nefqa kapitali u rikorrenti lill allokati mill-Ministru kif awtorizzati mill-Ministru responsabbli għall-finanzi.

(3) Minkejja d-disposizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu -

(a) sakemm jiskadu sitt xhur mill-bidu ta' xi sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni ta' l-estimi għal dik is-

sena mill-Ministru, skond liema data tiġi l-ewwel, il-Kunsill jista' jagħmel jew iġarrab nefqa għall-qadi ta' dmirijietu taht dan l-Att li b'kollox ma tkunx iżjed minn nofs l-ammont approvat mill-Ministru għas-sena finanzjarja ta' qabel;

(b) in-nefqa approvata dwar xi kap jew sotto-kap ta' l-estimi tista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, ssir jew tiġġarrab dwar xi kap jew sotto-kap iehor ta' l-estimi;

(ċ) dwar l-ewwel sena finanzjarja, il-Kunsill jista' jagħmel jew iġarrab in-nefqa li b'kollox ma tkunx iżjed minn daww l-ammonti li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk dwar xi sena finanzjarja jirriżulta li l-ammont approvat mill-Ministru ma jkunx biżżejjed jew tkun qamet il-htieġa għal nefqa għal xi fini mhux provdut dwarha fl-estimi, il-Kunsill jista' jadotta estimi supplimentari għall-approvazzjoni tal-Ministru, u f'kull każ bħal dak id-disposizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom, kemm jista' jkun malajr, ikunu japplikaw għall-estimi supplimentari.

25. L-estimi u l-estimi supplimentari kollha tal-Kunsill approvati mill-Ministru għandhom, kemm jista' jkun malajr, jitqegħdu fuq il-Mejda tal-Kamra. Publikazzjoni ta' estimi approvati.

26. (1) Il-Kunsill għandu jiżgura li jinżammu kif imiss kontijiet u *records* ohra li jirrigwadaw it-thaddim tiegħu u t-transazzjonijiet li jagħmel, u għandu jiżgura li tiġi ppreparata dikjarazzjoni relattiva ta' kontijiet ta' kull tliet xhur u dikjarazzjoni ohra dwar kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet tal-Kunsill għandhom ikunu verifikati minn awditur jew awdituri li jiġu mahtura mill-Kunsill u approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba u l-kontijiet tal-Kunsill jiġu verifikati jew eżaminati mill-Awditur Ġenerali li jkollu għal dak l-għan is-setgħa li jagħmel dik il-verifika fiżika u kull aċċertament iehor li jista' jqis li jkunu meħtieġa.

(3) Il-Kunsill għandu, fuq talba tal-Ministru jew tal-Ministru responsabbli għall-finanzi, jippreżenta rapporti u kontijiet dwar l-amministrazzjoni skond ma jiġi ordnat. Il-Kunsill għandu jara li kopja tad-dikjarazzjoni tal-kontijiet verifikata kif imiss tintbagħat lill-Ministru

u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awdituri fuq dik id-dikjarazzjoni jew fuq il-kontijiet tal-Kunsill.

Kuntratti ta' provvista ta' xogħol.

27. (1) Il-Kunsill m'għandux, hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali u wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jagħti jew jagħmel xi kuntratt għall-provvista ta' oġġetti jew ta' materjal jew għall-esekuzzjoni ta' xogħlijiet, jew għall-ghoti ta' servizzi, lil jew għall-benefiċċju tal-Kunsill, li jkun stmat mill-Kunsill li jeċċedi valur ta' tliet elef lira, jew kull ammont iehor li l-Ministru responsabbli għall-finanzi jista' b'regolamenti jippreskrivi, hlief wara li jkun gie ppubblikat avviz ta' l-intenzjoni tal-Kunsill li jagħmel il-kuntratt u jkunu nhargu offerti kompetittivi.

A.L. 70 ta' l-1996.

(2) Il-Kunsill għandu jsegwi l-proċeduri ta' akkwist kif regolati bir-Regolamenti ta' l-1996 dwar Akkwisti li jsiru mis-Servizz Pubbliku, jew kull emenda relattiva.

Rapporti Annwali.

28. Il-Kunsill għandu, mhux aktar tard minn sitt ġimgħat wara tmiem kull sena finanzjarja, jibgħat lill-Ministru kopja tad-dikjarazzjoni verifikata tal-kontijiet tiegħu, kopja tar-rapport magħmul mill-awditur jew l-awdituri dwar dik id-dikjarazzjoni jew fuq il-kontijiet tal-Kunsill, flimkien ma' rapport li generalment ikun jittratta dwar l-attivitajiet tal-Kunsill matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni konnessa mal-proċedimenti u l-politika tal-Kunsill. Il-Ministru għandu jara li kopja ta' kull tali rapport titqiegħed fuq il-Mejda tal-Kamra u li tiġi pprezentata lill-Ministru responsabbli għall-finanzi u lill-Awditur Ġenerali kemm jista' jkun malajr.

TAQSIMA V – TRASFERIMENT TA' ĊERTU PROPRJETÀ LILL-KUNSILL

Trasferiment ta' attiv lill-Kunsill.

29. (1) Il-proprjetà u l-intraprizi proprjetà tal-Gvern u minnu użati minnufih qabel id-data tad-dhul fis-seħh ta' din it-Taqsima ta' dan l-Att, kif ukoll minnu użati għat-thaddim tal-funzjonijiet li b'dan l-Att qegħdin jiġu trasferiti lil jew vestiti fil-Kunsill, għandhom, fid-data hawn qabel imsemmija, bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni ohra, jkunu trasferiti lil u jiġu vestiti fil-Kunsill jew fil-korp magħqud jew entità kif indikat mill-Ministru li bih kienu miżmuma mill-Gvern minnufih qabel dik id-data. Id-disposizzjonijiet ta' dan is-subartikolu m'għandhomx japplikaw għal proprjetà immobbli.

(2) L-użu u l-amministrazzjoni ta' l-attiv immobbli minn żmien għal żmien speċifikati f'ordni magħmula mill-Ministru responsabbli għall-artijiet f'konsultazzjoni mal-Ministru u ppubblikata

fil-Gazzetta (hawn iżjed 'il quddiem imsejjah "l-attiv immobbli") li jkun attiv immobbli li minnufih qabel id-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att kien proprjetà tal-Gvern u minnu użati għat-thaddim tal-funzjonijiet li b'dan l-Att qeghdin jiġu trasferiti lil jew vestiti fil-Kunsill, għandhom, b'seħh minn dik il-gurnata li tista' tkun speċifikata f'xi ordni bħal dik u bis-saħħa ta' dan l-Att u mingħajr ebda assigurazzjoni oħra, jkunu vestiti fil-Kunsill jew fil-korp magħqud jew entità li jkunu hekk imsemmija f'dik l-ordni magħmula mill-imsemmi Ministru.

(3) It-trasferiment u l-vestment hawn qabel imsemmija għandhom jestendu għal dik il-proprjetà u dawk l-intrapriži kollha kemm huma u, mingħajr preġudizzju għall-ġeneralità hawn qabel imsemmija, għandhom jinkludu kull impjant, tagħmir, apparat, strument, vettura, inġenju, bini, struttura, stallazzjoni, art, triq, xogħol, hażna u proprjetà oħra, mobbli jew immobbli, attiv, setgħa, jedd u privileġġ u kull haġa meħtieġa jew anċillari għal dawn, li jkunu qeghdin jinżammu jew jiġu gawduti f'konnessjoni magħhom jew li jkunu jappartjenu għalihom, kif ukoll kull obligazzjoni li taffettwa jew tkun konnessa ma' xi proprjetà jew intrapriži hawn qabel imsemmija jew xi haġ' oħra fihom inkluża kif hawn qabel imsemmija.

(4) Kull trasferiment ta' proprjetà, kemm mobbli kemm immobbli, għandu jkun sugġett għal dawk il-pattijiet u l-kondizzjonijiet kollha li l-Ministru jista' jqis meħtieġa sabiex jiżgura li dik il-proprjetà tkun esklużivament użata għal finijiet kulturali u artistici jew għal finijiet anċillari għal dan.

30. Bla hsara għad-disposizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, lodi, att, titolu, kuntratt, ftehim, istrument, dokument, mandat u arrangament iehor, li jkun jeżisti minnufih qabel id-data tad-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att li jaffettwa jew ikun konness ma' xi wahda mill-proprjetajiet jew intrapriži trasferiti lill-Kunsill b'dan l-Att jew tahtu, jkollu kull seħħ u effett kontra jew favur il-Kunsill, u għandu jkun fis-seħħ liberament u effettivament, bħallikieku minflok il-Gvern jew l-awtorità tal-Gvern, kien hemm imsemmi jew kien hemm parti fih il-Kunsill, u hekk ukoll fis-sostituzzjoni tal-Gvern jew l-awtorità tal-Gvern.

Kif jiftiehem l-ligijiet, eċċ.

31. (1) Meta xi haġa tkun inbdiet minn jew taht l-awtorità tal-Gvern qabel id-data tad-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att u dik il-haġa jkollha x'taqsam ma' xi proprjetajiet jew intrapriži jew xi dritt jew responsabbiltà trasferiti lill-Kunsill bi jew taht dan l-Att, dik il-haġa tista tkompli titwettaq u tiġi mitmuma mill-Kunsill jew kif awtorizzat minnu.

Disposizzjonijiet transitorji.

(2) Meta minnufih qabel id-dhul fis-sehh ta' din it-Taqsima ta' dan l-Att, ikun ghad hemm procedimenti legali pendenti li fihom il-Gvern ikun jew ikollu titolu li jkun parti, u dawk il-procedimenti jkollhom x'jaqsmu ma' xi proprjetajiet jew intraprizi, jew ma' xi dritt jew responsabbiltà trasferiti lill-Kunsill bi jew taht dan l-Att, il-Kunsill ghandu, sa mid-data hawn qabel imsemmija, jigi sostitwit f'dawk il-procedimenti ghall-Gvern, jew ghandu jsir parti fihom bl-istess mod kif seta' gie sostitwit il-Gvern, u dawk il-procedimenti m'ghandhom qatt jittiefsu minhabba f'dik is-sostituzzjoni.

(3) Il-Ministru jista' b'ordni jaghmel dawk il-provvedimenti incidentali, konsegwenzjali u supplementali li huwa jista' jqis mehtiega jew spedjenti ghall-fini li jiddetermina, kif imiss, l-attiv trasferit lill-Kunsill b'dan l-Att u jizgura u jaghti kull effett lit-trasferiment ta' proprjeta' jew intrapriza jew lil kull dritt jew responsabbiltà lill-Kunsill b'dan l-Att u jaghmel dawk l-ordnijiet li jistghu jkunu mehtiega sabiex jaghmel kull poter u dmir eserçitabbli mill-Gvern ghar-rigward ta' xi proprjeta' jew intrapriza trasferiti eserçitabbli minn jew f'isem il-Kunsill.

TAQSIMA VI - MIXXELLANJI

Persuni li jitqiesu
bhala ufficjali
pubbliçi.
Kap. 9

32. Il-membri tal-Kunsill, il-membri u l-ufficjali u l-impjegati kollha tal-Kunsill ghandhom jitqiesu li huma ufficjali pubbliçi fil-parametri tat-tifsira fil-Kodiçi Kriminali.

Setgha li jsiru
regolamenti.

33. (1) Bla hsara ghad-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu il-Ministru jista', wara konsultazzjoni mal-Kunsill, jaghmel regolamenti dwar xi funzjoni tal-Kunsill u dwar kull ma hemm preskritt taht dan l-Att.

(2) Il-Ministru jista' wkoll permezz ta' regolament jemenda l-Iskedi li jinsabu ma' dan l-Att.

(3) Minghajr preġudizzju ghad-disposizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu, il-Ministru jista' wkoll jaghmel regolamenti dwar:

(a) proceduri amministrattivi u organizzattivi li ghandhom jigu segwiti mill-Kunsill, mid-Direttur Esekuttiv u minn kull entità imsemmija f'xi wahda mill-Iskedi ta' dan l-Att;

(b) skemi ghall-fini ta' finanzjament jew sussidjar ta' programmi, inizjattivi u avvenimenti kulturali u artistici;

(c) kull haġa li ghandha x'taqsam ma' l-ufficjali u l-impjegati tal-Kunsill;

(d) kull haġa li għandha x'taqsam ma' l-infiq u d-dhul tal-Kunsill, l-estimi u l-kontijiet tiegħu, u l-verifika tagħhom.

L-EWWEL SKEDA

(Artikolu 7)

Lista ta' Entitajiet tal-Gvern

1. Fondazzjoni Partrimonju Malti
2. Soċjetà tal-Arti, Manifattura u Kummerċ
3. Teatru Manoel (Kumitat ta' Tmexxija)
4. Dar il-Mediterran għall-Konferenzi
5. Orkestra Nazzjonali
6. Ċentru għall-Kreattività fil-Kavallier ta' San Ġakbu

IT-TIENI SKEDA

(Artikolu 8)

Lista ta' Attiv u Entitajiet

1. It-Teatru Manoel (Kumitat ta' Tmexxija)
2. Dar il-Mediterran għall-Konferenzi

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

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

MALTA COUNCIL FOR CULTURE AND THE ARTS ACT, 2002

Arrangement of Articles

Article

PART I - PRELIMINARY

1. Short title and commencement.
2. Interpretation.

PART II - ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE COUNCIL

3. Establishment and composition of the Malta Council for Culture and the Arts.
4. Functions of the Council.
5. Conduct of the affairs of the Council.
6. Calendar of Events.
7. Schemes for the allocation of funds or subsidies to cultural and artistic entities.
8. Setting up of bodies corporate to administer etc. cultural assets.
9. Relations between the Minister and the Council.
10. Legal personality and representation of the Council.
11. Provisions with respect to proceedings of the Council.
12. National Forum

PART III - OFFICERS AND EMPLOYEES OF THE COUNCIL

13. Staff appointments.
14. Appointments commensurate with the functions of the Council.
15. Detailing of public officers for duty with the Council.
16. Status of public officers detailed for duty with the Council.
17. Offer of permanent employment with the Council to public officers detailed for duty with the Council.

PART IV - FINANCIAL PROVISIONS

18. Council to meet expenditure out of revenue.
19. Advances from Government.
20. Allocation of funds to cultural and artistic entities.
21. Power to borrow or raise capital.
22. Borrowing from Government.
23. Estimates of the Council.
24. Expenditure to be according to approved estimates.
25. Publication of approved estimates.
26. Accounts and audit.
27. Contracts of supply of works.
28. Annual Reports.

PART V - TRANSFER OF CERTAIN ASSETS TO THE COUNCIL

29. Transfer of assets to the Council.
30. Construction of laws, etc.
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PART VI - MISCELLANEOUS

32. Persons deemed public officers.
33. Power to make regulations.

SCHEDULES

- List of Government Entities
- List of Assets and Undertakings

I assent

(L.S.)

GEROGE HYZLER
Acting President

26th April, 2002

ACT No. V of 2002

AN ACT to provide for the establishment of a Council to be known as the Malta Council for Culture and the Arts to encourage and promote culture within a wide perspective of socio-economic activity, and to make provision with respect to matters ancillary thereto or connected therewith.

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

PART I – PRELIMINARY

Short title and commencement.

1. (1) The short title of this Act is the Malta Council for Culture and the Arts Act, 2002.

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

(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.

“Council” means the Malta Council for Culture and the Arts established by article 3 of this Act;

“Chairperson” means the Chairperson of the Council and includes, in the circumstances mentioned in subarticle (3) of article 3 of this Act, the Deputy Chairperson or any other person appointed to act as Chairperson;

“contractor” means a person acting in pursuance of an agreement entered into with the Council or in accordance with subarticle (2) of article 5 of this Act;

“employee” means a person employed by the Council;

“Executive Director” means the person appointed under subarticle (1) of article 5 of this Act;

“financial year” means any period of twelve months ending on the 30th September:

Provided that the first financial year of the Council shall begin on the coming into force of this Act and shall end on the 30th September of the next following year;

“Minister” means the Minister responsible for Culture;

“prescribed” means prescribed by regulations made by the Minister under the provisions of this Act;

“public officer” in relation to article 15 of this Act, has the same meaning assigned to it by article 124 of the Constitution.

PART II - ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE COUNCIL

3. (1) There shall be a body, to be known as the Malta Council for Culture and the Arts, which shall consist of a Chairperson and not less than four and not more than eight other members. One of the members shall be nominated by the Minister responsible for Gozo.

Establishment and composition of the Malta Council for Culture and the Arts.

(2) The members of the Council shall be appointed by the Minister for a term of three years, but the members so appointed shall be eligible for re-appointment on the expiration of their term of office.

(3) The Minister may designate one of the other members of the Council as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as Chairperson, or while the Chairperson is on vacation, or during any vacancy in the office of Chairperson; and the Minister may also, in any of the circumstances aforesaid, appoint another person to act as Chairperson and in such case the foregoing provisions shall apply in respect of such person.

(4) A person shall not be qualified to hold office as a member of the Council if he -

(a) is a Minister, Parliamentary Secretary or a Member of the House of Representatives, or

(b) is a Judge or Magistrate, or

(c) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Council:

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest, and such declaration and waiver are published in the Gazette.

(5) Subject to the provisions of this article, the office of a member of the Council shall become vacant -

(a) at the expiration of his term of office, or

(b) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment as such.

(6) A member of the Council may be removed from office by the Minister if, in the opinion of the Minister, such member is unfit to continue in office or has become incapable of properly performing his duties as a member.

(7) If a member resigns or if the office of a member of the Council is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person

who is qualified to be appointed to be a temporary member of the Council; and any person so appointed shall, subject to the provisions of subarticle (5) and (6) of this article, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) Any member of the Council who has any direct or indirect interest in any contract made or proposed to be made by the Council, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Council after the relevant facts have come to his knowledge. Such disclosure shall then be recorded in the minutes of the Council, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

4. (1) It shall be the duty of the Council to promote Malta's culture through all forms of creative expression and to increase the accessibility of the public to the arts, and enhance Malta's cultural heritage locally and abroad.

Functions of the Council.

(2) In the performance of its duties, the Council shall-

(a) develop, motivate and improve the understanding and expression of, and accessibility to culture and the arts;

(b) safeguard the dynamic development of those cultural features, including intellectual, linguistic and folkloristic features, which identify the Maltese people;

(c) collaborate with Local Councils, non-governmental organizations and other persons for the promotion of artistic and cultural initiatives in an environment which recognizes the value of creativity as central to a mature and healthy community;

(d) encourage the exploration, development and expression of personal artistic potential;

(e) promote participation, inclusiveness, equality and the freedom of artistic expression, pluralism and identity in culture;

(f) adopt an integrated and co-operative approach with persons, bodies and organizations in the culture market to increase and intensify awareness and appreciation of cultural and artistic activities;

(g) promote and ensure the development of educational schemes encouraging active participation in cultural and artistic programmes and activities;

(h) advise the Minister on cultural policies and strategies that reach out to the whole socio-cultural sphere;

(i) devise and implement strategies which secure the identity of Maltese Culture both locally and abroad;

(j) administer schemes and undertake such other responsibilities in relation to such artistic and cultural entities as stipulated in the Act or as the Minister may from time to time prescribe;

(k) otherwise to advise the Minister on any matter connected with its functions under this or any other Act.

(3) The Council shall also:

(a) monitor, keep under review and evaluate all standards, operations and activities relating to any cultural and artistic matter;

(b) carry out studies, research or investigation relating to any cultural and artistic matter;

(c) provide information and issue guidelines, to the public and to cultural entities, relating to any cultural and artistic matter;

(d) do all such things as may be necessary for the proper discharge of its functions under this Act, including the setting up of other entities and committees as needs be with the approval of the Minister;

(e) perform such other functions as may from time to time be assigned to it by the Minister.

Conduct of the
affairs of the
Council.

5. (1) Subject to the other provisions of this Act, the direction of the affairs and business of the Council shall be the responsibility of the Council itself but, save as aforesaid, the executive conduct of the Council, its administration and organization and the administrative control of its officers and employees, shall be the responsibility of an

Executive Director who shall also have such other powers as may from time to time be delegated to him by the Council.

(2) Subject to the provisions of subarticle (1) of this article the Council may exercise its functions through any of its officers or employees or through an entity or agency authorized for the purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into.

(3) The Executive Director shall attend all the meetings of the Council but shall not vote at such meetings:

Provided that the Council may, if it deems so fit, require the Executive Director not to attend any of the meetings or any part of a meeting.

(4) The Executive Director shall, subject to the general control and direction by the Council, be responsible for the implementation of the objectives of the Council in the exercise of its functions and without prejudice to the generality of the foregoing he shall -

(a) assume full responsibility for the administration and organization and the administrative control of the officers and employees of the Council and for such purpose, assign to each officer or employee such duties as may be required;

(b) develop the necessary strategies for the implementation of the objectives of the Council;

(c) advise the Council on any matter it may refer to him or on any matter which he considers necessary or expedient;

(d) perform such other duties as the Council may assign to him from time to time.

6. (1) For the purposes of this Act the Council shall develop, Calendar of Events. publish, sustain and implement a Calendar of Events that ensures a continuous programme of cultural and artistic events organized by the Council itself or by bodies, entities or other persons funded or subsidized in terms of article 7 of this Act.

(2) The Council shall also include in the Calendar of Events those cultural and artistic programmes, initiatives and events produced by entities, organizations or other persons apart from those referred to in the preceeding subarticle of this article, and which in the opinion of the Council deserve to be so included for their better promotion.

Schemes for the allocation of funds or subsidies to cultural and artistic entities.

7. To further its objectives, the Council shall –

(a) advance such funds as may be allocated by Government for the management, administration and operational requirements of the entities listed in the First Schedule to this Act;

(b) allocate funds donated or entrusted to the Council by any person for a specific purpose or for the promotion of culture and the arts in general, and according to such terms and conditions, if any, as stipulated by the said person;

Provided that where no terms or conditions are attached to the allocation of funds, the provisions of paragraph (c) of this article shall apply;

(c) administer schemes prescribed by the Minister for the purpose of funding or subsidising the organization of cultural and artistic programmes, initiatives and events produced by anybody, entity or person so qualified under the provisions of appropriate regulations made under this Act.

Setting up of bodies corporate to administer etc. cultural assets.

8. (1) The Minister may by order establish bodies corporate having a distinct legal personality to administer and manage any or all of the assets or undertakings listed in the Second Schedule to this Act.

(2) The Minister shall in such order establish the composition and powers of the governing bodies of such bodies corporate and shall establish rules relating to the accountability, financial control and audit of such bodies as well as rules relating to any other matter ancillary thereto which the Minister may in his opinion deem necessary for the good governance and the proper functioning of such bodies.

(3) The Minister may from time to time by regulations under this article amend or substitute the rules referred to in subarticle (2) of this article.

(4) The Minister may by similar order remove any asset or undertaking from the administration or management of any body corporate established under this article and may also by any such order transfer any such administration or management from one body corporate so established to another such body corporate, but may not by any such order dissolve any body corporate established under this article.

(5) The Minister may by notice in the Gazette add to the list of assets and undertakings listed in the Schedule to this Act.

(6) Every order as is referred to in this article shall be published in the Gazette as soon as possible.

9. (1) The Minister may from time to time, give to the Council such directives in writing as he may deem appropriate, being directives not inconsistent with the provisions of this Act, and the Council shall, as soon as may be, give effect to all such directives and shall conduct its affairs accordingly.

Relations between the Minister and the Council.

(2) The Council shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Council fails to comply with any direction issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Council.

10. (1) The Council 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, 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, including the lending or borrowing of money.

Legal personality and representation of the Council.

(2) The legal representation of the Council shall jointly vest in the Chairperson and the Executive Director:

Provided that the Council may appoint any one or more of its members or officers or employees to appear in the name and on behalf of the Council in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by the Council and signed by the Chairperson or issued by and signed by the Executive Director shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Council or the Executive Director.

11. (1) The meetings of the Council shall be called by the Chairperson as often as may be necessary but at least once every two months either on his own initiative or at the request of any two of the other members.

Provisions with respect to proceedings of the Council.

(2) Half the number of the members for the time being constituting the Council shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson, or in his absence the Deputy Chairperson or other person appointed to act as Chairperson, shall have an initial vote and in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least three members of the Council.

(3) The Council may from time to time invite any person to attend one or more of its meetings to provide expert advice on any item that it may be discussing:

Provided that such person is invited for a limited number of meetings only and in connection with a specific subject and provided also that he shall not vote at such meetings.

(4) Subject to the provisions of this Act the Council may regulate its own procedure.

(5) Subject to the foregoing provisions of this article, no act or proceeding of the Council shall be invalidated merely by reason of the existence of any vacancy among the members.

(6) All acts done by any person acting in good faith as a member of the Council shall be valid as if he were a member notwithstanding that some defect in his appointment or qualifications be afterwards discovered. No act or proceeding of the Council shall be questioned on the ground of the contravention, by a member, of the provisions of subarticle (8) of article 3 of this Act.

National Forum.

12. (1) The Minister shall, once every two years, convene a National Forum for the Culture and the Arts inviting the participation therein of the Council and its officers, Government departments and entities, representatives of Local Councils, non-governmental and voluntary organisations, educational, cultural and artistic institutions whether public or private, as well as representatives of the tourist, commercial and the audio-visual communications media sectors, and any other parties registering their interest in writing with the Minister.

(2) The Forum shall discuss the national cultural and arts policy in force from time to time, and the state of culture and the arts in general after hearing a report thereon prepared by the Executive Director.

(3) The Minister shall regulate the proceedings of the Forum and appoint its Chairperson.

(4) The proceedings of the Forum shall be published and transmitted to the Minister.

(5) The Minister shall give advance public notice at least a month before the meeting of the forum.

PART III - OFFICERS AND EMPLOYEES OF THE COUNCIL

13. (1) Subject to the provisions of the Constitution and of any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Council shall be made by the Council. The terms and conditions of employment shall be established by the Council with the concurrence of the Minister. Staff appointments.

(2) The Executive Director shall be appointed by the Council with the concurrence of the Minister for a period of three years and such period may be extended for further periods of three years subject to satisfactory performance:

Provided that the first Executive Director shall be appointed by the Minister for a period of four years.

14. The Council shall appoint and employ, at such remuneration and upon such terms and conditions as it may in accordance with article 13 of this Act determine, such officers and employees of the Council as may from time to time be necessary for the due and efficient discharge of the functions of the Council. Appointments commensurate with the functions of the Council.

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

(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, or a different date is specified in the direction, end on the happening of any of the following events, that is to say:

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with the Council made in pursuance of article 16 of this Act; or

(b) the revocation by the Prime Minister of any direction made by him under this article in relation to such officer.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Council in such capacity and with effect from such date as may be specified in the further direction and the provisions of sub-article (2) of this article shall thereupon apply to the period of duration of such further direction in relation to such officer.

Status of public officers detailed for duty with the Council.

16. (1) Where a public officer is detailed for duty with the Council under any of the provisions of article 15 of this Act, 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 Council but he shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he 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 him at the date on which he is so detailed for duty; or

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

(b) shall be entitled to have his service with the Council considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Council.

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(3) Where an application is made as provided in subparagraph (i) of paragraph (a) of subarticle (2) of this article the same consideration shall be given thereto as if the applicant had not been detailed for service with the Council.

(4) The Council 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 detailed for duty with the Council as aforesaid during the period in which he is so detailed.

17. (1) The Council may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Council under the provisions of article 15 of this Act permanent employment with the Council at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

Offer of permanent employment with the Council to public officers detailed for duty with the Council.

(2) The terms and conditions comprized 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 public officer who accepts permanent employment with the Council offered to him, under the provisions of subarticle (1) of this article shall, for all purposes other than those of the Pensions Ordinance and the Widows' and Orphans' Pensions Act, and saving the provisions of subarticle (6) of this article, cease to be in service with Government and shall enter into service with the Council on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Council shall be deemed to be service with the Government within the meanings thereof respectively.

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(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Council 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 his service with the Council were service with the Government.

(5) The Council 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 the Council as aforesaid during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of the Pensions Ordinance the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer

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in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the Council.

(b) The classification referred to in paragraph (a) of this subarticle 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 Minister responsible centrally for personnel policies in the public service and one appointed by the Council. 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 Government service and, or, of employees of the Council.

(d) No post shall be classified in a grade higher than that of a 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 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 he would have been entitled prior to such classification.

PART IV - FINANCIAL PROVISIONS

Council to meet
expenditure out of
revenue.

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

(2) For such purpose the Council shall levy all fees, rates and other payments prescribed by or under this Act.

(3) 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 the Council to the formation of reserve funds to be used for the purposes of the Council; 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) of this article or any such excess as aforesaid.

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

19. The Minister responsible for finance may, after consultation with the Minister, make advances to the Council of such sums as he may agree to be required by the Council for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he 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 under his hand authorising the Accountant General to make such advance.

Advances from Government.

20. (1) The Council shall also receive from Government out of the Consolidated Fund such sums as may be required for the allocation of funds in terms of article 7 of this Act.

Allocation of funds to cultural and artistic entities.

(2) Without prejudice to any other provision of this Act, the Minister may give to the Council directives as to the application of those sums as referred to in subarticle (1) of this article.

21. (1) For the purpose of carrying out any of its functions under this Act, the Council may, with the approval in writing of the Minister given after 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.

Power to borrow or raise capital.

(2) The Council 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. (1) The Minister responsible for finance may, for any requirements of the Council of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he 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 foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1) of this article, or for the purpose of providing the Council with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorize the Accountant General to make advances to the Council 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 the Council, and any other moneys to be advanced to the Council under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "National Council for Culture and the Arts Loan Fund".

(5) Sums received by the Accountant General from the Council in respect of advances made to the Council under subarticle (3) of this article 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.

Estimates of the Council.

23. (1) The Council shall, by the end of May of each year, submit to the Minister, a business plan for the following three financial years together with an estimated capital and recurrent expenditure and income for the following year.

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

(2) In the preparation of such estimates the Council 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 the Council shall so prepare the said estimates as to ensure that the total revenues of the Council 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 out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Council, be sent forthwith by the Council 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 from the Council approve the same with or without amendment, after consultation with the Minister responsible for finance.

24. (1) No expenditure shall be made or incurred by the Council unless it has been approved by the Minister as provided in article 22 of this Act. Expenditure to be according to approved estimates.

(2) Except for funds generated by the Council itself or received from non-State sources, the Council shall remain within the parameters of capital and recurrent expenditure allocated to it by the Minister as authorised by the Minister responsible for finance.

(3) Notwithstanding the provisions of subarticles (1) and (2) of this article -

(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 Minister, whichever is the earlier date, the Council may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister 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 given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Council may make or incur expenditure 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 Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Council may adopt supplementary estimates for approval by the Minister, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

25. All estimates and supplementary estimates of the Council approved by the Minister shall, as soon as practicable, be laid on the Table of the House. Publication of approved estimates.

Accounts and audit.

26. (1) The Council shall ensure the proper keeping of accounts and other records concerning its operations and transactions, and shall ensure that a relative statement of accounts is prepared on a quarterly basis and another in respect of each financial year.

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

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Council to be audited or examined by the Auditor General who shall for such purpose have power to carry out such physical checking and any other certifications as he may deem necessary.

(3) The Council shall, on request of the Minister or the Minister responsible for finance, submit management reports and accounts as directed. The Council 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 auditors on that statement or on the accounts of the Council.

Contracts of supply of works.

27. (1) The Council shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Council, which is estimated by the Council to exceed three thousand liri in value, or such other amount as the Minister responsible for finance may by regulations prescribe, except after notice of the intention of the Council to enter into the contract has been published and competitive tenders have been issued.

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(2) The Council shall follow procurement procedures as regulated by the Public Service (Procurement) Regulations, 1996, or any amendment thereto.

Annual reports.

28. The Council shall, not later than six weeks after the end of each financial year, send to the Minister a copy of its audited statements of accounts, a copy of the report made by the auditor or auditors about that statements or on the accounts of the Council, together with a report dealing generally with the activities of the Council during that financial year and containing such information relating to the proceedings and policy of the Council. The Minister shall cause a copy of every such report to be laid on the Table of the House and to be presented to the Minister responsible for finance and to the Auditor General as soon as practicable.

PART V - TRANSFER OF CERTAIN ASSETS TO THE COUNCIL

29. (1) The property and undertakings owned by the Government and used by it immediately before the date of the coming into force of this Part of this Act, and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Council, shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Council or in the body corporate or entity so designated by the Minister by which they were held by the Government immediately before the said date. The provisions of this subarticle shall not apply to immovable property.

Transfer of assets to the Council.

(2) The use and administration of the immovable assets from time to time specified in the Order made by the Minister responsible for lands in consultation with the Minister and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which immediately before the coming into force of this Part of this Act were owned by the Government and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Council, shall, with effect from such day as may be specified in any such Order and by the virtue of this Act and without any further assurance, be vested in the Council or in the body corporate or entity so designated in the said Order made by the said Minister.

(3) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid.

(4) Any transfer of property, whether moveable or immovable, shall be subject to all those terms and conditions that the Minister may deem necessary to ensure that such property is exclusively used for cultural and artistic purposes or purposes ancillary thereto.

30. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Council by or under this

Construction of laws, etc.

Act shall have full force and effect against or in favour of the Council, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority the Council had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Transitory provisions.

31. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act and such thing relates to any of the properties or undertakings or any right or liability transferred to the Council by or under this Act, such thing may be carried on and completed by or as authorised by the Council.

(2) Where immediately before the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Council shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a part thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Council by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Council by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Council.

PART VI - MISCELLANEOUS

Persons deemed public officers.

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32. The members of the Council, the members and all officers and employees of the Council shall be deemed to be public officers within the meaning of the Criminal Code.

Power to make regulations.

33. (1) Subject to the provisions of subarticle (2) of this article the Minister may, after consultation with the Council, make regulations in respect of any of the functions of the Council and for any matter prescribed under this Act.

(2) The Minister may also by regulation amend the Schedules to this Act.

(3) Without prejudice to the provisions of subarticles (1) and (2) of this article, the Minister may also make regulations in respect of:

(a) administrative and organizational procedures to be followed by the Council and the Executive Director and by any entity named in any one of the Schemes at the end of this Act;

(b) schemes for the purpose of funding or subsidising cultural and artistic programmes, initiatives and events;

(c) any matter related to officers and employees of the Council;

(d) any matter related to the expenditure and income of the Council, its estimates and accounts, and their verification.

FIRST SCHEDULE

(Article 7)

List of Government Entities

1. Fondazzjoni Partrimonju Malti
2. Malta Society of Arts, Manufactures and Commerce
3. Manoel Theatre (Management Committee)
4. Mediterranean Conference Centre
5. National Orchestra
6. Centre for Creativity at St. James Cavalier

A 826

SECOND SCHEDULE

(Article 8)

List of Assets and Undertakings

1. Manoel Theatre (Management Committee)
2. Mediterranean Conference Centre

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