

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

20 ta' Mejju, 2011

ATT Nru. VII tal-2011

ATT biex ihassar u jagħmel iseħħ mill-ġdid b'emendi l-liġi dwar il-Libreriji Pubbliċi

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2011 dwar il-Libreriji Maltin, u għandu jidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' jstabilixxi b'avviz fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal għanijiet differenti u għal dispożizzjonijiet differenti tal-Att.

Titolu fil-qosor u bidu fis-seħħ.

TAQSIMA I

PRELIMINARI

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra:- Tifsir.

“awtur” tfisser persuna jew entità korporattiva responsabbli għall-kontenut intellettuali, u jew artistiku ta' xi xogħol u tinkludi lill-persuna li tkun responsabbli mill-editjar, stampar jew kompilazzjoni tal-imsemmi xogħol anke meta ebda awtur speċifiku ma jkun identifikat;

“Biblijografija Nazzjonali ta’ Malta” tfisser il-lista, irrISPettivament mill-forma jew mezz flimkien ma’ deskrizzjoni biblijografika dettaljata, ta’ kull pubblikazzjoni ġdida li tasal f’sena partikolari bħala depożitu legali u li għandha tiġi kompilata taħt l-artikolu 7;

“Biblijoteka Nazzjonali” tfisser il-Biblijoteka Nazzjonali ta’ Malta;

“depożitur” tfisser il-persuna jew entità korporattiva responsabbli taħt dan l-Att li tiddepożita dokumenti mal-librerija depożitorja;

“depożitu legali” tfisser id-depożitu ta’ dokumenti pubblikati, pubblikazzjonijiet, rekords dwar xogħlijiet, ma’ libreriji depożitarji, kif provdut f’dan l-Att, sabiex ikunu żgurati l-kompilazzjoni u l-preservazzjoni fuq medda twila ta’ żmien ta’ kollezzjoni nazzjonali għar-referenza, l-istudju u r-rekwiziti tar-riċerka kurrenti u futuri għall-generazzjoni tal-preżent u tal-ġejjieni;

“dokument” tfisser dokument ippubblikat jew mhux ippubblikat, rekord, pubblikazzjoni, jew xogħol li fih informazzjoni jew li hu maħsub li jikkomunika, irrISPettivament mill-forma jew mezz inklużi effimera ta’ valur permanenti;

“dokument elettroniku” tfisser dokument, irrISPettivament mill-forma jew mezz, prodott b’mezzi elettronici biex jagħmel l-informazzjoni disponibbli għall-pubbliku u li tkun maħzuna f’kompjuters jew mezzi oħra ta’ ħzim, u li jista’ jintwera jew jiġi aċċessat kemm fuq monitor ta’ kompjuter jew bħala karta stampata;

“il-Kamra” tfisser il-Kamra tad-Deputati ta’ Malta;

“il-Kunsill” tfisser il-Kunsill ta’ Libreriji Maltin imwaqqaf taħt l-artikolu 4 ta’ dan l-Att;

“Kunsill Reġjonali u/jew Lokali” tfisser kunsill reġjonali u/jew lokali mwaqqaf taħt l-Att dwar il-Kunsilli Lokali, Kap. 363;

“Librar Nazzjonali” tfisser il-kap ta’ Libreriji Maltin maħtur taħt l-artikolu 5 ta’ dan l-Att;

“libreriji” tfisser il-libreriji li jaqgħu taħt ir-responsabbiltà ta’ Libreriji Maltin u tinkludi l-Bibljoteka Nazzjonali, il-Librerija Pubblika Ċentrali, il-Librerija Pubblika ta’ Għawdex, u l-libreriji pubbliċi Reġjonali u Lokali;

“libreriji depożitorji” tfisser il-Bibljoteka Nazzjonali, il-Librerija Pubblika ta’ Għawdex, u, fuq talba tagħha, il-librerija tal-Università ta’ Malta;

“Libreriji Maltin ” tfisser l-entità bl-isem Libreriji Maltin imwaqqfa taħt l-artikolu 4 ta’ dan l-Att;

“Libreriji Pubbliċi” tfisser il-Librerija Pubblika Ċentrali, il-Librerija Pubblika ta’ Għawdex u l-Libreriji Reġjonali u Lokali;

“mezz” hija kull mezz ta’ ħzin ta’ informazzjoni jew komunikazzjoni;

“il-Ministru” tfisser il-Ministru responsabbli għal Libreriji Maltin u l-libreriji tagħha;

“ordnat” tfisser ordnat b’regolamenti jew ordnijiet magħmula taħt dan l-Att;

“pubblikatur” tfisser kull persuna jew entità korporattiva responsabbli li tagħmel disponibbli għall-pubbliku kull publikazzjoni, irrispettivament mill-forma jew mezz, irrispettivament minn jekk dik il-persuna hijiex l-awtur, l-istampatur, il-produttur jew kull persuna jew korp li jagħmlu kopji kompluti ta’ dik il-publikazzjoni;

“pubblikazzjoni” tfisser kull dokument, rekord, jew xogħol publikati, irrispettivament mill-forma jew mill-mezz, inkluzi dokumenti, rekords jew xogħol stampat, awdjoviziv, mikroformi, elettroniku fl-idejn jew online, disponibbli għall-pubbliku bla ħlas, b’self jew bejgħ;

“rekord” tinkludi kull ktieb, manuskritt, karta tal-parċmina, ritratt jew kull forma, skeda, kwestjonarju jew dokument simili ieħor, jew kull informazzjoni rekordjata jew maħżuna, irrispettivament mill-forma jew mezz;

“Segretarju Permanenti” tfisser il-persuna maħtura għal superviżjoni ta’ Libreriji Maltin skont l-Att dwar l-Amministrazzjoni Pubblika;

“Segretarju Permanenti Ewlieni” tfisser il-persuna maħtura skont l-artikolu 14 tal-Att dwar l-Amministrazzjoni Pubblika;

“sena finanzjarja” tfisser kull perjodu ta’ tnaħ-il xahar li jintemm fil-31 ta’ Diċembru:

Iżda l-ewwel sena finanzjarja ta’ Libreriji Maltin għandha tibda mad-dhul fis-sehħ ta’ dan l-Att u għandha tintemm fil-31 ta’ Diċembru tas-sena ta’ wara;

“stampatur” tfisser il-persuna li tistampa, tirriproduċi, xort ‘oħra jew tagħmel kopji multipli ta’ kull pubblikazzjoni, irrispettivament mill-forma jew mill-mezz;

“uffiċjal pubbliku” għandha l-istess tifsira mogħtija lilha mill-artikolu 124 tal-Kostituzzjoni;

“xogħol” tinkludi kull ktieb letterarju, xjentifiku jew artistiku jew parti jew diviżjoni minnu, fuljett, monografija, ġurnal, perjodiku, spartit tal-mużika, mappa, pjanta, chart jew tabella pubblikati separatament, irrispettivament mill-forma jew mill-mezz, iżda ma tinkludix kull tieni edizzjoni jew edizzjonijiet sussegwenti ta’ xogħol sakemm dik l-edizzjoni ma jkunx fiha żidiet jew alterazzjonijiet fil-mapep, prints jew inċiżjonijiet oħra li jappartjenu għalihom.

TAQSIMA II

KOSTITUZZJONI, TWAQQIF U FUNZJONIJIET TA’ LIBRERIJI MALTIN U L-LIBRAR NAZZJONALI

Generali.
Kap. 497.

3. Id-dispożizzjonijiet ta’ dan l-Att għandhom ikunu mingħajr ħsara għall-funzjonijiet tas-Segretarju Permanenti Ewlieni taħt l-Att dwar l-Amministrazzjoni Pubblika u għas-setgħa mogħtija lilu li joħroġ direttivi u linji gwida għall-aġenziji tal-gvern.

4. (1) Għandu jkun hemm korpi, li jkun magħruf bħala Libreriji Maltin taħt ir-responsabbiltà tal-Librar Nazzjonali, li jkollu dawk il-funzjonijiet skont dan l-Att jew xi liġi oħra. Il-missjoni ta' Libreriji Maltin hija li tiżgura l-kompilazzjoni u l-konservazzjoni tal-wirt dokumentarju ta' Malta għall-ġenerazzjonijiet preżenti u futuri, li żżomm u tiżviluppa l-libreriji regolati taħt dan l-Att u li tinkoraġġixxi l-qari għall-istudju, ir-riċerka, l-informazzjoni għall-iżvilupp personali u t-tagħlim tul il-ħajja kollha u għal finijiet ta' rikreazzjoni.

Twaqqif ta' Libreriji Maltin.

(2) Libreriji Maltin għandha tkun entità korporattiva b'personalità ġuridika u għandha tkun kapaci, soġġett għad-dispożizzjonijiet ta' dan l-Att, li tidhol f'kuntratti, li tikseb, iżżomm u tiddisponi minn kull propjetà għall-għanijiet tal-funzjonijiet tagħha, li tħarrek jew tiġi mħarrka, u li tagħmel dawk l-affarijiet kollha u li tagħmel dawk it-tranzazzjonijiet kollha li huma inċidentali jew li jwasslu għall-eżerċizzju jew it-twettiq tal-funzjonijiet tagħha taħt dan l-Att.

(3) Dan l-Att għandu jkun japplika għal kull librerija elenkata fl-Iskeda li tinsab ma' dan l-Att.

(4) Libreriji Maltin għandha tassumi l-persuna precedentement vestita fid-Dipartiment għall-Libreriji u, mid-dhul fis-seħħ ta' dan l-Att, għandha tassumi r-responsabbiltà għall-assi, id-djun u l-obbligazzjonijiet kollha precedenti li jkun daħal fihom l-imsemmi Dipartiment jew korpi oħra f'ismu.

5. Il-funzjonijiet u r-responsabbiltajiet ta' Libreriji Maltin għandhom ikunu:

Funzjonijiet ta' Libreriji Maltin.

(a) li tkompli tikseb, tiġbor, tikkonserva għall-posterità, u tagħmel aċċessibbli għall-pubbliku, il-kollezzjoni tal-wirt dokumentarju tan-nazzjon u l-produttjoni kurrenti pubblikata, irrISPettivament mill-forma jew mezz, misjuba fil-libreriji;

(b) li timmaniġġa, tamministra u tiżviluppa l-libreriji taħt il-kontroll tagħha, u li tipprovdi ħiliet ta' tmexxija lil libreriji oħra f'Malta f'oqsma bħall-immaniġġar u l-konservazzjoni ta' materjal tal-libreriji, u li tippromwovi skemi ta' kooperazzjoni nazzjonali u t-taħriġ professjonali ta' librara u professjonisti tal-informazzjoni;

(ċ) li tassisti lill-Kunsilli Lokali li għandhom librerija pubblika biex tara li l-librerija tagħhom tilhaq *standards* għolja;

(d) li ttejjeb il-kwalità tal-ħajja tal-pubbliku billi tipprovdi servizzi ta' referenza u self mil-libreriji u materjal tal-libreriji, irrISPettivament mill-forma jew mezz, għal skopijiet ta' edukazzjoni, żvilupp personali, taġħlim tul il-ħajja kollha u rikreazzjoni;

(e) li trawwem u ssahħaħ id-drawwa tal-qari u tappoġġa attivitajiet u programmi għall-ħila tal-qari u attivitajiet u programmi kulturali oħra għal kull età;

(f) li taċċetta u tikseb rekords privati ta' sinifikat bħala għotja, xiri, legat jew depożitu;

(g) li tesplora servizzi innovattivi, inklużi servizzi ta' informazzjoni, komunikazzjoni u teknoloġija, li jistgħu jkunu ta' benefiċċju għall-klijenti meta jaċċessaw u jużaw informazzjoni;

(h) li sservi bħala s-sistema ta' mudell tal-libreriji għal libreriji oħra f'Malta; u

(i) li twettaq dawk il-funzjonijiet l-oħra li jistgħu jiġu mogħtija lilha mill-Ministru minn żmien għal żmien.

Il-Librar Nazzjonali u
l-Viċi Librara.

6. (1) Għandu jkun hemm Librar Nazzjonali u żewġ Viċi Librara, wiehed għall-Bibljoteka Nazzjonali u wiehed għal-Libreriji Pubbliċi, li għandhom ikunu persuni bi kwalifiki fl-edukazzjoni oġħla, u kompetenza u reputazzjoni, rikonoxxuti fil-qasam tal-libreriji, u li għandhom jinħatru mill-Ministru, wara konsultazzjoni mal-Kunsill, għal perjodu ta' tliet snin bil-pattijiet u l-kundizzjonijiet stipulati fl-ittra tal-ħatra. Mal-iskadenza tat-terminu tagħhom dawk il-persuni jistgħu jerġgħu jinħatru għal terminu jew termini ulterjuri ta' tliet snin:

Iżda l-Librar Nazzjonali għandu jkun persuna bi kwalifika fl-edukazzjoni oġħla fil-qasam tal-libreriji.

Iżda wkoll li l-ewwel ħatra tal-Librar Nazzjonali u l-Viċi Librara għandha ssir mill-Ministeru għal perjodu inizjali ta' tliet snin.

(2) Ir-rappreżentanza legali u ġuridika ta' Libreriji Maltin għandha tkun tvesti fil-Librar Nazzjonali li jista' jahtar wieħed jew aktar mill-uffiċjali jew impjegati ta' Libreriji Maltin, biex jidhru f'ismu jew għalih f'kull kwalunkwe procediment ġuridiku u fuq kull att, kuntratt, strument jew dokument ieħor li jkun.

7. (1) Il-Librar Nazzjonali jkun l-uffiċjal eżekuttiv kap ta' Libreriji Maltin, u għandu jkun il-persuna li jzomm il-kotba, dokumenti, manuskritti, pubblikazzjonijiet, rekords, xogħlijiet u materjal ieħor, irrispettivament mill-forma jew mezz, miżmuma fil-libreriji. Il-Librar Nazzjonali għandu:

Il-Librar Nazzjonali
jku l-Uffiċjal
Eżekuttiv, Kap. 7.

(a) jerfa' responsabbiltà sħiħa għall-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv tal-uffiċjali u l-impjegati ta' Libreriji Maltin u għal dan il-għan jassenja lil kull uffiċjal jew impjegati dawk id-doveri li jistgħu jkunu meħtieġa;

(b) jiżviluppa l-istrateġiji neċessarji għall-implimentazzjoni tal-għanijiet ta' Libreriji Maltin;

(ċ) jagħti parir lill-Ministru u l-Kunsill dwar kull materja li jistgħu jirreferu lilu u dwar kull materja li jqis meħtieġa jew urgenti;

(d) jirregola u jagħmel supervizjoni ġenerali tax-xogħol tal-libreriji u tas-servizzi tal-libreriji b'mod ġenerali f'konformità mar-rekwiziti u ma' *standards* internazzjonali;

(e) jiżgura li l-liġijiet kollha marbuta mad-drittijiet tal-awtur u t-tixrid ta' informazzjoni jiġu rispettati kif imiss;

(f) jaħdem ma' korpi pubbliċi oħra dwar il-forniment ta' data u l-koordinazzjoni ta' attivitajiet b'implikazzjonijiet mal-libreriji;

(g) fuq il-parir tal-Kunsill, u bl-approvazzjoni tal-Ministru, jiddisponi minn rekords fil-kustodja tiegħu li ma jiġġustifikawx il-preservazzjoni minn Libreriji Maltin;

(h) jidhol f'arrangamenti ma' istituzzjonijiet oħra għall-imanniġġar jew il-konservazzjoni jew ir-restawr kongunt ta' libreriji jew materjal tal-libreriji, u għall-provvediment ta' facilitajiet reprografici jew teknici oħra;

(i) li jkun aġġornat mal-iżviluppi internazzjonali fil-qasam tal-libreriji billi jsegwi l-letteratura pubblikata, jattendi konferenzi relevanti, sessjonijiet ta' taħriġ u gruppi ta' ħidma u *networking* ma' kollegi sabiex jittrażmetti dak l-għarfien lill-persunal tiegħu ta' Libreriji Maltin u lill-komunità tal-libreriji lokali u jsarraf dak l-għarfien f'ideat u proġetti li jkomplu jtejbju lil Libreriji Maltin; u

(j) jwettaq dawk id-doveri li l-Ministru jista' jassenjalu minn żmien għal żmien.

(2) Mingħajr preġudizzju għal dak li hawn ntqal aktar qabel imsemmi, fir-rigward tal-Bibljoteka Nazzjonali, il-Viċi Librar tal-Bibljoteka Nazzjonali għandu:

(a) jimmaniġġa u jikkonserva l-kollezzjonijiet nazzjonali tagħha għall-ġenerazzjonijiet tal-preżent u tal-futur u jiżgura l-aċċessibbiltà tagħhom għar-riċerkaturi;

(b) jkompli jikseb, jgħaqqad u jikkonserva dokumenti, publikazzjonijiet, rekords, xogħlijiet, elettronici jew le, publikati Malta, jew minn awturi Maltin, jew dwar Malta, jew bl-ilsien Malti, jew dwar kull aspett ta' studji Maltin minn kull awtur, publikati fejn ikun;

(c) jikseb, jgħaqqad u jikkonserva manuskritti u materjal mhux publikat ieħor dwar kull suġġett minn awturi Maltin, jew dwar kull aspett tal-istudji Maltin minn kull awtur;

(d) jorganizza l-kollezzjonijiet b'tali mod li jagħmilhom faċilment aċċessibbli għar-riċerkaturi u jipprovdihom il-faċilitajiet neċessarji fil-limiti tar-riżorsi disponibbli;

(e) jkompli jiżviluppa fi ħdan il-Bibljoteka Nazzjonali Ċentru Biblijografiku Nazzjonali li jzomm il-Biblijografija Nazzjonali ta' Malta;

(f) jwassal tagħrif dwar il-kollezzjonijiet billi jorganizza wirjiet u avvenimenti promozzjonali ohra; u

(g) jaħdem mill-qrib mal-Arkivista Nazzjonali sabiex l-utenti taż-żewġ istituzzjonijiet ikunu jistgħu jaċċessaw faċilment il-kollezzjonijiet ta' xulxin għal benefiċċju aħjar tal-utent;

(3) Fir-rigward ta' libreriji oħra, il-Viċi Librar tal-Libreriji Pubblici għandu:

(a) jzomm *network* tal-libreriji elenkati fl-Iskeda li tinsab ma' dan l-Att;

(b) jinvolvi u jagħti parir lill-Kunsill Reġjonali u l-Kunsilli Lokali fl-amministrazzjoni tal-libreriji reġjonali u lokali skont *standards* tal-aqwa prattika li tirregola lil dawk il-libreriji;

(c) jipprovdi aċċess għas-servizzi tal-librerija ta' referenza u ta' self sabiex irawwem u jsaħħaħ id-drawwiet tal-qari ta' persuni ta' kull età;

(d) jappoġġja attivitajiet u programmi individwali formali u mhux ta' edukazzjoni u ħila fil-qari fil-livelli kollha u għall-etajiet kollha;

(e) jipromwovi opportunitajiet għall-iżvilupp kreattiv personali u għall-għarfien u l-apprezzament tal-wirt kulturali, il-letteratura, kisbiet xjentifiċi u innovazzjonijiet;

(f) jipprovdi servizzi ta' informazzjoni għal individwi, intrapriži lokali u assoċjazzjonijiet;

(g) jipprovdi pariri, gwida u assistenza professjonali dwar it-twaqqif u l-immaniġġar ta' libreriji u t-taħriġ tal-professionisti tal-libreriji u tal-informazzjoni;

(h) jispezzjona l-libreriji u jwaqqaf u jiżgura konformità ma' *standards* għall-immaniġġar tagħhom sabiex jiġi promoss attivament it-titjib ta' *standards* bħal dawk;

(i) jiżgura l-arrangament u d-deskrizzjoni tal-ishma tal-libreriji u jipprovdi għajnuniet xierqa ta' tiftix biex jiġi faċilitat l-aċċess għalihom;

(j) jagħti parir lill-utenti dwar l-użu tal-libreriji; u

(k) jagħmel l-ishma u s-servizzi tal-libreriji magħrufa permezz ta' wirjiet u attivitajiet u avvenimenti promozzjonali oħra.

Self ta' dokumenti
eċċ mill-Bibljoteka
Nazżjonali u libreriji
depożitarji ohra.

8. (1) Ebda dokument, pubblikazzjoni, rekord, xogħol jew oġġett, miżmum fil-Bibljoteka Nazżjonali jew fil-Bibljoteka Nazżjonali Pubblika ta' Għawdex, ma jista', mingħajr il-permess miktub tal-Librar Nazżjonali, jinħareġ mill-bini tal-libreriji imsemmija. Kull permess mogħti mil-Librar Nazżjonali għandu jigi reġistrat u jinżamm fil-libreriji imsemmija u għandu jkun disponibbli għall-ispezzjoni.

(2) Self ta' rekords jew oġġetti li huma proprjetà ta' Libreriji Maltin ma jistax isir barra minn Malta mingħajr il-permess bil-miktub tal-Ministru wara konsultazzjoni mal-Librar Nazżjonali u l-Kunsill.

Aċċess pubbliku għal
dokumenti eċċ.

9. (1) Mingħajr preġudizzju għal kull dispożizzjoni ta' dan l-Att jew ta' kull regolament maħruġ tahtu, dokumenti, pubblikazzjonijiet, rekords u xogħlijiet fil-libreriji taht il-kontroll tal-Librar Nazżjonali, għandhom ikunu aċċessibbli għall-pubbliku.

(2) Il-Librar Nazżjonali jista', madankollu, bil-parir tal-Kunsill, jillimita l-aċċess mill-pubbliku għal dokumenti, pubblikazzjonijiet, rekords, xogħlijiet u oġġetti taht il-kustodja tiegħu meta: -

(a) l-fragilità tagħhom tkun hekk titlob; jew

(b) l-eziġenzi tal-libreriji jkunu jeħtieġu dan.

(3) Il-Librar Nazżjonali għandu jaħdem biex il-kopji eżatti li jistgħu jintużaw ikunu disponibbli fl-aktar format xieraq bħalma hu l-format diġitali jew il-mikrofilm.

(4) L-applikazzjonijiet kollha għal kopji ta' jew estratti minn dokumenti, pubblikazzjonijiet, rekords jew xogħlijiet f'xi librerija għandhom isiru mal-Librar Nazżjonali, li huwa b'hekk awtorizzat li joħroġ, jattesta u jawtentika l-kopji kollha ta', u estratti minn, dawn id-dokumenti.

(5) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, kull kopja ta' rekord maħruġ bħala kopja ċertifikata bis-siġill ta' Libreriji Maltin u iffirmata mil-Librar Nazżjonali għandha, għall-għanijiet ta' kull liġi, titqies bħala kopja awtentika, u għall-fini ta' prova quddiem qorti jew tribunal din għandha titqies li tkun ekwivalenti għall-original.

10. (1) Il-pubblikatur ta' kull pubblikazzjoni stampata jew publikata f'Malta għandu minnufih qabel ma dak id-dokument ikun disponibbli għall-pubbliku, iwassal b'xejn kopja ta' dik il-pubblikazzjoni lil-libreriji depożitorji. Fil-każ tal-librerija tal-Università, il-kopja dovuta lilha għandha tiġi depożitata fi żmien ġimagħtejn minn meta l-pubblikatur jirċievi t-talba stabbilita.

Kopji ta' xoghlijiet li għandhom jingħataw lil-libreriji.

(2) Kull kopja bħal dik għandha tkun tinkludi x-xogħol kollu bil-mapep u l-illustrazzjonijiet kollha u dan jinkludi kull software ta' applikazzjoni u s-sett sħiħ tad-dokumentazzjoni għall-utent u dik teknika u kull żjieda oħra miegħu, lest u bil-kulur bl-istess mod bħall-aqwa kopji tax-xogħol kif publikat.

(3) Meta l-kopji ta' pubblikazzjoni jintbagħtu bil-posta, il-posta għandha tkun jew bla ħlas jew imħallsa mil-Librar Nazzjonali.

(4) Matul l-ewwel ħmistax-il ġurnata ta' Jannar, April, Lulju u Ottubru ta' kull sena, kull stampatur u publikatur ta' dokumenti stampati jew analogi għandu jibgħat lil-Librar Nazzjonali formola li turi l-awtur u t-titlu ta' kull pubblikazzjoni stampata jew publikata minn dak l-istampatur jew publikatur matul it-tliet xhur sħaħ preċedenti jew, jekk ikun il-każ, formola vojta fir-rigward ta' dak il-perjodu.

(5) Kull persuna jew entità korporattiva li ma tkunx konformi ma' xi dispożizzjoni taħt dan l-artikolu teħel multa kif il-Ministru jista' jiddetermina skont l-artikolu 33:

Izda l-artikolu 31 ma' japplikax fil-każ li persuna jew entità korporattiva ma tkunx konformi ma' xi dispożizzjoni taħt dan l-artikolu kif provdut fis-subartikolu (5).

11. Il-Librar Nazzjonali jkollu d-dritt jawtorizza t-tniżżil, l-ikkupjar u l-ħżin, ta' kull dokument elettroniku publikat permezz ta' networks jew li jkun xort' oħra disponibbli *online*, li jaqa' taħt il-ġurisdizzjoni ta' Malta, u li jiddepożitah mal-libreriji depożitorji, bill-għan li jkollu aċċess pubbliku fil-bini tal-libreriji, u għall-preservazzjoni tal-prodott publikat nazzjonali li jitqies neċessarju għall-memorja nazzjonali fuq medda twila ta' żmien u użu futur.

Il-Librar Nazzjonali jista' jawtorizza t-tniżżil eċċ. ta' dokumenti elettronici.

12. (1) Fil-każ tal-bejgħ ta' xi dokument, pubblikazzjoni, rekord jew xogħol, li fl-opinjoni tal-Ministru, wara konsultazzjoni mal-Kunsill u l-Librar Nazzjonali, għandu importanza biblijografika jew storika, il-Gvern għandu jkollu d-dritt li jiksibhom bi preferenza għall-persuni l-oħra kollha b'kundizzjonijiet ugwali.

Dritt ta' preferenza eżerċitabbli mill-Gvern.

(2) Dan id-dritt ta' preferenza għandu jiġi eżerċitat mil-Librar Nazzjonali b'att ġudizzjarju notifikat lix-xerrej fi żmien xahrejn mid-data li fiha l-bejjieġh jew ix-xerrej javża lill-Ministru, b'att ġudizzjarju jew ittra registrata, bil-bejgħ fejn jindika l-isem u l-indirizz tax-xerrej u l-kundizzjonijiet tal-bejgħ, jew, jekk ma jingħatax dak l-avviż, fi żmien sitt xhur minn meta jsir magħruf mill-Ministru li sar bejgħ.

(3) Kull persuna li tkun responsabbli għal xi att jew ommissjoni bl-effett li tfixkel id-dritt ta' preferenza li jappartjeni lill-Gvern taht dan l-artikolu hija haġta ta' offiża taht dan l-Att u għandha tkun responsabbli għall-penali kontemplati f'dan l-Att.

Ir-relazzjoni bejn il-Librar Nazzjonali u l-Ministru.

13. (1) Fl-eżerċizzju tal-funzjonijiet tiegħu taht dan l-Att, il-Librar Nazzjonali għandu:

(a) jagħti effett, kif ikun prattikabbli, lil kull direzzjoni, mhux inkonsistenti ma' xi dispożizzjoni ta' dan l-att li l-Ministru jista' jagħtih, fir-rigward tal-politika li għandha tiġi segwita minnu fil-qadi tal-funzjonijiet tiegħu, u f'relazzjoni ma' kull materja li skont il-Ministru taffettwa Libreriji Maltin u l-libreriji tagħha;

(b) jiżgura li l-operat ta' Libreriji Maltin ikun skont ftehim dwar il-ħidma tagħha kif maqbul bejn is-Segretarju Permanenti u Libreriji Maltin u għal dan il-għan l-artikolu 40 tal-Att dwar l-Amministrazzjoni Pubblika, għandu jkun *mutatis mutandis* japplika;

(ċ) jipprovdi lill-Ministru l-facilitajiet għall-ksib ta' kull informazzjoni rigward il-proprjetà u l-attivitajiet ta' Libreriji Maltin, u għal dan il-għan il-Librar Nazzjonali għandu jipprovdi lill-Ministru b'irċevuti, rendikonti u kull informazzjoni oħra rigward il-funzjonijiet tagħha, u għandu jipprovdi l-facilitajiet kollha għall-verifika ta' kull informazzjoni mogħtija, b'dak il-mod u f'dak iż-żmien li l-Ministru jista' raġonevolment jitlob.

Kap. 497.

(2) Hlief kif provdut xort'oħra f'dan l-Att jew f'kull Att jew regolamenti oħra amministrati minn Libreriji Maltin, Libreriji Maltin għandha tkun taht id-direzzjoni ġenerali tal-Ministru, u soġgetta għal dik id-direzzjoni, taht is-supervizzjoni tas-Segretarju Permanenti responsabbli għall-Ministeru.

(3) Il-Ministru jista', għar-rigward ta' dawk l-affarijiet li jkunu jidhrulu li jolqtu l-interess pubbliku, minn żmien għal żmien, jagħti lil Libreriji Maltin direttivi bil-miktub ta' xorta generali, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att jew ta' kull Att jew regolamenti oħra amministrati minn Libreriji Maltin, dwar il-politika li għandha tiġi segwita minn Libreriji Maltin fit-twettiq tal-funzjonijiet tagħha, b'dan l-Att jew taħtu, u Libreriji Maltin għandha, kemm jista' jkun malajr, iġġib fis-seħħ dawk id-direttivi kollha.

(4) Hlief kif provdut f'dan l-Att jew kull Att jew regolamenti oħra amministrati minn Libreriji Maltin, l-artikolu 38 tal-Att dwar l-Amministrazzjoni Pubblika għandu jkun *mutatis mutandis* japplika.

14. Il-Ministru jista' jahtar bord konsultattiv biex jgħin lill-Librar Nazzjonali, kif provdut f'artiklu 42 tal-Att dwar l-Amministrazzjoni Pubblika. Bord Konsultattiv.

15. (1) Għandu jkun hemm il-Kunsill ta' Libreriji Maltin, maħtur mill-Ministru, li għandu jkun magħmul kif ġej:- Twaqqif tal-Kunsill.

(a) President;

(b) l-Arkivista Nazzjonali ex officio;

(c) il-Kap tad-Divizjoni tal-iStudji dwar il-Libreriji, l-Infommazzjoni u l-Arkivji fl-Universita' ta' Malta ex officio;

(d) id-Direttur tad-Dipartiment tal-Kunsilli Lokali;

(e) mhux aktar minn tliet persuni magħzula minn fost dawk il-persuni attivi fil-professjoni tal-libreriji, l-immanigġjar tar-rekords u l-infommazzjoni, jew li jaħdmu f'organizzazzjonijiet mhux governattivi ddedikati għal servizzi ta' librerija u infommazzjoni, u li wieħed minnhom għandu jinħatar wara konsultazzjoni mal-Ministru responsabbli għal Għawdex:

Izda waħda minn dawn il-persuni għandha tkun magħzula minn fost nominazzjonijiet imressqa minn assoċjazzjonijiet tal-Librara li jkunu organizzazzjonijiet registrati skont l-Att dwar l-Organizzazzjonijiet Volontarji. Kap. 492.

(2) Il-Librar Nazzjonali għandu jattendi l-laqgħat kollha tal-Kunsill iżda ma jivvutax f'dawn il-laqgħat.

Iżda l-Kunsill jista', jekk iħoss li hu xieraq, jitlob li l-Librar Nazzjonali ma jattendix xi laqgħat jew parti minn laqgħa.

(3) Il-membri tal-Kunsill għandhom jinhatru għal żmien ta' tliet snin, iżda l-membri hekk maħtura huma eliġibbli għal hatra mill-ġdid mal-iskadenza tal-kariga tagħhom.

(4) Il-laqgħat tal-Kunsill għandhom jissejġu mill-President kull meta jkun meħtieġ iżda mill-inqas darba kull xahrejn sew fuq inizjattiva tiegħu jew fuq talba ta' tnejn mill-membri l-oħra.

(5) Nofs l-għadd tal-membri li f'dak iż-żmien ikunu jagħmlu l-Kunsill jiffurmaw kworum. Id-deċiżjonijiet għandhom jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti u votanti. Il-President għandu jkollu vot inizjali u f'każ ta' voti ndaqs, vot deċiżiv.

(6) Kull membru li jkollu interess dirett jew indirett f'kuntratt jew azzjoni oħra magħmula jew proposta mill-Kunsill b'konnessjoni ma' Libreriji Maltin u l-libreriji tagħha, għandu juri n-natura tal-interess tiegħu fl-ewwel laqgħa tal-Kunsill wara li jsir jaf bil-fatti rilevanti. Dan it-tagħrif għandu jiġi registrat fil-minuti tal-laqgħa, u dan il-membri għandu jirtira minn kull laqgħa sakemm tiġi diskussa jew deċiża dik il- materja mill-Kunsill.

(7) Bla f'las għad-dispożizzjonijiet ta' dan l-Att u ta' dawk il-proċeduri kif jistgħu jiġu ordnati, il-Kunsill għandu jirregola l-proċeduri tiegħu stess.

Funzjonijiet tal-Kunsill.

16. Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, il-Kunsill għandu:

(a) jippromwovi Libreriji Maltin, il-libreriji tagħha u l-għanijiet tagħha;

(b) jiżgura u jiffacilita l-kollaborazzjoni bejn il-partijiet interessati differenti b'responsabbiltà diretta u indiretta għall-promozzjoni u l-immaniġġar tas-settur tal-libreriji;

(c) jagħti parir lill-Ministru u lil-Librar Nazzjonali dwar l-immaniġġar tal-libreriji f'Malta;

(d) jiġbed l-attenzjoni tal-Ministru u tal-Librar Nazzjonali jew ta' kull organizzazzjoni jew persuna responsabbli għal-libreriji dwar xi azzjoni urgenti li tista' titqies meħtieġa għall-immaniġġar aħjar tal-libreriji;

(e) jiltaqa' u jikkonsulta, mill-inqas darba fis-sena, mal-persuni li jzommu libreriji mhux Governattivi u mal-organizzazzjonijiet li jaħdmu fil-qasam tal-libreriji;

(f) jagħti parir lill-Ministru dwar kull materja li toħroġ mid-dispożizzjonijiet ta' dan l-Att u dwar kull materja oħra riferita lilu mill-Ministru.

TAQSIMA III

DISPOŻIZZJONIJIET AMMINISTRATTIVI U TAL-PERSUNALI

17. (1) Il-ħatra tal-uffiċjali u impjegati oħra tal-Libreriji Maltin għandhom isiru skont l-Att dwar l-Amministrazzjoni Pubblika u għandhom ikunu sugġetti għad-dispożizzjonijiet tal-Kostituzzjoni u ta' xi liġi oħra, inkluż dan l-Att. Hatra ta' uffiċjali eċċ. Kap. 497.

(2) Il-membri tal-Kunsill, l-uffiċjali u l-impjegati kollha ta' Libreriji Maltin għandhom jitqiesu bħala uffiċjali pubbliċi fit-tifsir tal-Kodiċi Kriminali, il-Kodiċi Ċivili u l-Att dwar l-Amministrazzjoni Pubblika u għandhom ikollhom id-drittijiet u d-dmirijiet applikabbli għall-uffiċjali pubbliċi taħt dawn il-liġijiet. Kap. 9. Kap. 16. Kap. 497.

18. (1) Is-Segretarju Permanenti Ewlieni, fuq id-direzzjoni tal-Prim Ministru jista', minn żmien għal żmien, jordna li uffiċjal pubbliku jiġi assenjat fuq ħidma ma' Libreriji Maltin u l-libreriji tagħha fil-kapaċità u taħt dawk il-kondizzjonijiet b'effett minn dik id-data li huwa jista' jispeċifika. Assenjazzjoni ta' uffiċjali pubbliċi għal dmirijiet.

(2) Is-Segretarju Permanenti Ewlieni, fuq id-direzzjoni tal-Prim Ministru, jista' f'kull żmien jirrevoka kull direzzjoni bħal dik mogħtija taħt is-subartikolu (1).

(3) Il-perjodu, li fih tapplika d-direzzjoni skont is-subartikolu (1) għal uffiċjal speċifikat fiha, sakemm l-uffiċjal ma jirtirax mis-servizz pubbliku, jew b'mod ieħor jieqaf mill-kariga f'data aktar bikrija, għandu jkun kif speċifikat fid-direzzjoni, sakemm din id-direzzjoni ma tiġix revokata skont is-subartikolu (2).

(4) Meta uffiċjal jiġi assenjat fuq ħidma ma' Libreriji Maltin f'konformità ma' dan l-artikolu, dan l-uffiċjal, matul iż-żmien li fih tkun fis-seħħ din id-direzzjoni fir-rigward tiegħu, għandu jkun taħt l-awtorità u l-kontroll amministrattiv ta' Libreriji Maltin iżda għall-fini u l-għanijiet l-oħra kollha jibqa' ikkunsidrat u meqjus bħala uffiċjal pubbliku.

(5) Mingħajr preġudizzju għall-ġeneralità ta' dan li għadu kif issemma, uffiċjal pubbliku assenjat fuq ħidma kif imsemmi qabel -

(a) m'għandux matul iż-żmien li fih dan l-uffiċjal ikun hekk assenjat -

(i) ikun prekluz milli japplika għal trasferiment lejn dipartiment tal-Gvern f'konformità mal-pattijiet u l-kundizzjonijiet tas-servizzi marbuta mal-ħatra taħt il-Gvern ta' dak l-uffiċjal pubbliku fid-data li fiha kien assenjat għall-ħidma; jew

(ii) ikun hekk impjegat b'tali mod li r-remunerazzjoni u l-kundizzjonijiet tas-servizzi tiegħu jkunu inqas favorevoli minn dawk li huma marbuta mal-ħatra taħt il-Gvern ta' dak l-uffiċjal pubbliku fid-data hawn qabel imsemmija jew li jiġu marbuta ma' dik il-ħatra, matul l-imsemmi perjodu, li kieku dan l-uffiċjal ma ġiex assenjat għall-ħidma ma' Libreriji Maltin; u

(b) għandu jkun intitolat li jkollu s-servizz ma' Libreriji Maltin ikkunsidrat bħala servizz mal-Gvern għall-għan ta' kull pensjoni, gratwità jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u għal kull dritt jew privileġġ ieħor li għalih ikun intitolat dak l-uffiċjal pubbliku, u għandu jkun responsabbli għal kull responsabbiltà li jkun responsabbli għaliha, ħlief għall-fatt li jkun assenjat għall-ħidma ma' Libreriji Maltin:

Kap. 93.

Kap. 58.

Iżda fil-kalkolu tal-emolumenti pensjonabbli ta' dak l-uffiċjal għall-finijiet ta' intitolament għal pensjoni taħt l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, m'għandu jittiehed ebda kont ta' xi *allowance*, *bonus* jew gratwità mħallsa lil dak l-uffiċjal minn Libreriji Maltin li tkun iżjed minn dak li għandu jedd għalih bħala uffiċjal pubbliku:

Kap. 93.

Kap. 58.

Iżda wkoll matul iż-żmien li huwa jkun assenjat biex jaqdi dmirijietu ma' Libreriji Maltin, il-pattijiet u l-kondizzjonijiet tas-servizz tiegħu ma għandhomx ikunu inqas favorevoli minn dawk marbuta mal-ħatra tiegħu taħt il-Gvern fl-istess perjodu. Dawk il-pattijiet u l-kondizzjonijiet tas-servizz m'għandhomx jitqiesu li jkunu inqas favorevoli għaliex ma jkunux f'kull rigward identici ma' jew superjuri għal dawk gawduti mill-uffiċjal involut fid-data li fiha jkun hekk assenjat, jekk fil-fehma tal-Prim Ministru dawk il-pattijiet u l-kondizzjonijiet, meħudin flimkien, ikunu joffru benefiċċji sostanzjalment ekwivalenti jew aħjar.

(6) Fejn issir applikazzjoni kif previst fis-subartikolu (4)(a)(i) hawn qabel, l-istess konsiderazzjoni għandha tingħata bħallikieku l-applikant qatt ma kien assenjat għall-ħidma mal-Libreriji Maltin.

(7) Libreriji Maltin għandha thallas lill-Gvern, fejn applikabbli, dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli mill-finanzi fir-rigward ta' spejjeż ta' pensjonijiet u gratwitajiet li jkun qala' l-uffiċjal assenjat għall-ħidma ma' Libreriji Maltin kif imsemmi qabel matul il-perjodu li fih dak l-uffiċjal ikun hekk assenjat.

19. (1) Libreriji Maltin tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal assenjat għall-ħidma magħha taħt id-dispożizzjonijiet tal-artikolu 13 impjieġ permanenti b'remunerazzjoni u b'pattijiet u kundizzjonijiet li ma jkunux inqas favorevoli minn dawk li kien igawdi l-uffiċjal fid-data ta' dik l-offerta.

Kundizzjonijiet ta' impjieġ.

(2) Il-pattijiet u l-kundizzjonijiet inklużi f'kull offerta magħmula kif imsemmi qabel m'għandhiex titqies inqas favorevoli sempliċiment għaliex mhumiex identici jew f'kollox jew superjuri għal dawk tal-uffiċjal involut fid-data ta' dik l-offerta, jekk dawk il-pattijiet u kundizzjonijiet, meħuda bħala pakkett sħiħ, fil-fehma tal-Prim Ministru joffru benefiċċji sostanzjalment ekwivalenti jew akbar.

(3) Kull uffiċjal li jaċċetta impjieġ permanenti ma' Libreriji Maltin, taħt id-dispożizzjonijiet tas-subartikolu (1), għandu għall-għanijiet kollha ħlief dawk tal-Ordinanza dwar il-Pensjonijiet, u tal-Att dwar il-Pensjonijiet għar-Romol u l-Orfni, jitqies li waqaf mis-servizz mal-Gvern li daħal fis-servizz ma' Libreriji Maltin fid-data ta' meta jaċċetta u għall-għanijiet tal-

Kap. 58.

imsemmija Ordinanza u tal-imsemmi Att, skont kif applikabbli għal dak l-uffiċjal, is-servizz ma' Libreriji Maltin għandu jitqies li huwa servizz mal-Gvern skont it-tifsiriet tagħhom rispettivament.

(4) Kull uffiċjal bħal dak, kif imsemmi qabel li jkun minnufih qabel aċċetta impjeg permanenti ma' Libreriji Maltin kien intitolat għall-benefiċċju taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' jkun intitolat li jibbenefika minnu għall-għanijiet kollha bħallikieku s-servizz ma' Libreriji Maltin kien servizz mal-Gvern.

(5) Libreriji Maltin għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jstgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli mill-finanzi fir-rigward ta' spejjeż ta' pensjonijiet u gratwitajiet li jkun qala' l-uffiċjal li jaċċetta impjeg permanenti magħha kif imsemmi qabel matul il-perjodu li jibda mid-data li fiha l-uffiċjal jaċċetta l-impjeg.

(6) (a) Għall-għanijiet ta' dan l-artikolu l-postijiet u l-grad tas-salarju ma' Libreriji Maltin għandhom jiġu klassifikati fl-eqreb gradi korrispondenti u livelli ta' inkrementi fis-servizz taht il-Gvern ta' Malta b'referenza għad-deskrizzjoni tal-impjeg, ħiliet, responsabbiltajiet u fatturi analogi oħra.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha titwettaq minn bord magħmul minn president mahtur mill-Ministru responsabbli mill-finanzi u żewġ membri oħra, wiehed mahtur mill-Ministru responsabbli ċentralment minn kull politika dwar il-persunal fis-servizzi pubbliku u wiehed mahtur mil-Librar Nazzjonali. Il-klassifikazzjoni għandha tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(c) Dik il-klassifikazzjoni għandha sseħħ fi żmien tliet xhur minn kull aġġustament ta' salarji ta' impjegati fis-servizz tal-Gvern, jew, impjegati ta' Libreriji Maltin.

(d) Ebda post m'għandu jiġi klassifikat fi grad oġġla minn dak ta' grad 3 fis-servizz tal-Gvern u dak il-grad ieħor li l-Ministru responsabbli mill-finanzi jista' jstabilixxi minn żmien għal żmien b'avviż fil-Gazzetta.

(e) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 113 tal-Kostituzzjoni, ebda persuna ma tista', wara klassifikazzjoni kif imsemmija qabel, tkun intitolata għal drittijiet taht l-imsemmija Ordinanza dwar il-Pensjonijiet inqas favorevoli

minn dawk li l-persuna kienet tkun intitolata għalihom qabel dik il-klassifikazzjoni.

TAQSIMA IV

DISPOŻIZZJONIJIET FINANZJARJI

20. (1) Mingħajr preġudizzju għad-dispożizzjonijiet li Dhul u finanzjar. ġejjin ta' dan l-artikolu, Libreriji Maltin għandha tmexxi l-affarijiet tagħha biex isir kull sforz biex jintlaħqu kemm jista' jkun l-ispejjeż meħtieġa għat-twettiq tal-funzjonijiet tagħha mid-dhul tagħha stess.

(2) Għal dan il-għan il-Librar Nazzjonali għandu jitlob miżati, rati u pagamenti oħra ordnati jew meqjusa li huma ordnati minn jew taħt dan l-artikolu jew kull liġi oħra.

(3) Libreriji Maltin għandha titħallas mill-Gvern permezz ta' Fond Konsolidat dawk iċ-ċifri skont kif il-Kamra minn żmien għal żmien tawtorizza li jkunu approprijati biex jintlaħqu l-ispejjeż ta' xogħlijiet speċifikati li jridu jitkomplew jew jiġu mwettqa minn Libreriji Maltin, li jkunu xogħlijiet ta' infrastruttura jew ta' natura kapitali simili, jew biex tintlaħaq kull spiza li ma tistax tilhaq bid-dhul tagħha biss.

(4) Kull dhul għandu, bla ħsara għal dawk id-direttivi li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' jagħti minn żmien għal żmien, jiġi applikat lil Libreriji Maltin għall-għanijiet tagħha, u mingħajr preġudizzju għall-ġeneralità tal-poteri mogħtija mill-Ministru b'dan is-subartikolu, kull direzzjoni mogħtija mill-Ministru kif imsemmi qabel tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'tali mod kif speċifikat fid-direzzjoni, ta' xi parti mir-rati tal-miżati jew ta' pagamenti oħra mitluba f'konformità mas-subartikolu (2) ta' dan l-artikolu.

(5) Libreriji Maltin għandha tkun regolata bid-dispożizzjonijiet tal-Att dwar l-Amministrazzjoni Finanzjarja u Kap. 174. l-Verifika, sakemm ma jkunx speċifikat xort'oħra fil-ftehim ta' ħidma ta' Libreriji Maltin magħmul bejn is-Segretarju Permanenti u Libreriji Maltin kif imsemmi fl-artikolu 13(1)(b) ta' dan l-Att, u f'dak il-każ ikunu japplikaw id-dispożizzjonijiet tal-ftehim ta' ħidma.

Rekwiżiti ta' natura kapitali.

21. (1) Għall-għanijiet ta' rekwiżiti ta' natura kapitali, Libreriji Maltin tista', bl-approvazzjoni bil-miktub tal-Ministru b'konsultazzjoni mal-Ministru responsabbli mill-finanzi, tissellef jew tiġbor flus b'tali mod, minn persuni, korp jew awtorità, u taħt dawk il-pattijiet u kundizzjonijiet kif il-Ministru, wara konsultazzjoni kif imsemmi qabel, japprova bil-miktub.

(2) Libreriji Maltin tista' wkoll, bl-approvazzjoni bil-miktub tal-Ministru b'konsultazzjoni mal-Ministru responsabbli għall-finanzi, minn żmien għal żmien tissellef, permezz ta' overdraft jew mod ieħor, dawk iċ-ċifri li tista' teħtieg għat-twettiq tal-funzjonijiet tagħha taħt dan l-Att.

Avvanzi.

22. Il-Ministru responsabbli mill-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lil Libreriji Maltin ta' dawk iċ-ċifri li l-Ministru responsabbli mill-finanzi jaqbel li huma meħtiegħa għat-twettiq tal-funzjonijiet tagħha taħt dan l-Att, u jista' jagħmel dawn l-avvanzi skont il-pattijiet u l-kundizzjonijiet li l-Ministru responsabbli mill-finanzi jista', wara konsultazzjoni kif imsemmi qabel, iqis xierqa. Kull avvanz bħal dak jista' jsir mill-Ministru responsabbli mill-finanzi barra mill-Fond Konsolidat, u mingħajr approprijazzjoni ulterjuri flief dan l-Att, b'garanzija li tawtorizza lill-Awditur Ġenerali jagħmel dak l-avvanz.

Stimi ta' dħul u ħruġ.

23. (1) Il-Librar Nazzjonali għandu jhejji f'kull sena finanzjarja, u għandu jadotta mhux aktar tard minn tmien gimgħat qabel it-tmiem ta' kull sena finanzjarja, stimi tad-dħul u l-ħruġ għas-sena finanzjarja ta' wara:

Iżda li l-istimi ta' Libreriji Maltin għall-ewwel sena finanzjarja tagħha għandhom jithejjew u jiġu adottati f'dak iż-żmien li l-Ministru jista' jispeċifika b'avviz bil-miktub lil Libreriji Maltin.

(2) L-istimi għandhom isiru b'dak il-mod u għandhom jinkludu dik l-informazzjoni u dawk il-paraguni ma' stimi preċedenti kif jitlob il-Ministru għall-finanzi.

(3) Kopja tal-istimi għandha, mal-adozzjoni tagħhom mil-Librar Nazzjonali, tinbagħat minnufih lill-Ministru u lill-Ministru responsabbli għall-finanzi.

Spejjeż.

24. (1) Ebda spiża ma tista' ssir jew tintrefa' minn Libreriji Maltin jekk ma tkunx approvata mill-Kamra.

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

(a) sal-iskadenza minn sitt xhur mill-bidu ta' sena finanzjarja, jew sal-approvazzjoni tal-istimi għal dik is-sena mill-Kamra, skont dik id-data li tiġi l-ewwel, Libreriji Maltin tista' tagħmel jew tidhol għal infiq għat-twettiq tal-funzjonijiet tagħha taht dan l-Att li ma jeċċedux fl-aggregat nofs l-ammont approvat għas-sena finanzjarja preċedenti;

(b) l-infiq approvat fir-rigward ta' titolu jew sottotitolu tal-istimi jista', bl-approvazzjoni tal-Ministru, jintrefa' fir-rigward ta' titolu jew sottotitolu ieħor tal-istimi;

(c) fir-rigward tal-ewwel sena finanzjarja, Libreriji Maltin tista' tagħmel jew tidhol għal infiq sakemm l-approvazzjoni tal-istimi għal dik is-sena mill-Kamra ma jeċċedux fl-aggregat dawk iċ-ċifri kif il-Ministru responsabbli mill-finanzi jista' jippermetti wara konsultazzjoni mal-Ministru;

(d) jekk fir-rigward ta' kull sena finanzjarja jinsab li l-ammont approvat mill-Kamra mhuwiex suffiċjenti, jew jekk tinħass il-ħtieġa għal infiq għal għan li m'hemmx provvediment għalih fl-istimi, Libreriji Maltin tista' tadotta stimi supplementari għall-approvazzjoni tal-Kamra u sakemm tingħata dik l-approvazzjoni, Libreriji Maltin tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru, hija u taġixxi mal-Ministru responsabbli mill-finanzi, tidhol għall-infiq relattiv jew parti minnu skont kif japprova l-imsemmi Ministru, u f'dak il-każ id-dispożizzjonijiet ta' dan l-Att applikabbli għall-istimi għandhom, kemm jista' jkun, japplikaw għall-istimi supplementari.

25. (1) Il-Librar Nazzjonali għandu jara li jinżammu kif xieraq il-kotba tal-kontabbiltà u rekords oħra fir-rigward tal-operat ta' Libreriji Maltin u għandu jara li jithejja rendikont tal-kontijiet fir-rigward ta' kull sena finanzjarja.

Kotba tal-kontabbiltà u kontijiet.

(2) Il-kontijiet ta' Libreriji Maltin għandhom jiġu vverifikati minn awditur jew awdituri maħtura minnha u approvati mill-Ministru:

Izda li l-Ministru responsabbli mill-finanzi jista' jitlob li l-kotba u rekords oħra ta' Libreriji Maltin jiġu verifikati mill-Awditur Ġenerali li għandu għal dan il-għan ikollu s-setgħa

li jwettaq iċċekkjar fiżiku u verifika oħra, u jista' jitlob dik l-informazzjoni, kif iqis meħtieġ l-Awditur Ġenerali.

(3) Wara t-tmiem ta' kull sena finanzjarja, fl-istess żmien li l-kopja tal-istimi ta' Libreriji Maltin tingħata lill-Ministru taħt l-artikolu 23, il-Librar Nazzjonali għandu jara li kopja tar-rendikont tal-kontijiet verifikata skont kif ikun adatt tigi trażmessa lill-Ministru u lill-Ministru responsabbli mill-finanzi flimkien ma' kopja ta' kull rapport maħruġ mill-awditur jew l-awdituri dwar dak ir-rendikont jew dwar il-kontijiet ta' Libreriji Maltin.

(4) Il-Ministru għandu jara li kopja ta' kull rendikont u rapport jitqiegħdu quddiem il-Kamra.

Pagamenti, hlasijiet
żgħar, eċċ.

26. (1) Il-flus kollha dovuti lil Libreriji Maltin għandhom jiġihallu b'bank jew banek maħtura minnha bħala bankiera. Dawn il-flus għandhom, sa fejn hu possibbli jiġu ddepożitati minn jum għal jum, ħlief għal dik is-somma li Libreriji Maltin tkun teħtieġ bħala likwidità biex taqdi hlasijiet żgħar u pagamenti immedjati.

(2) Il-pagamenti kollha barra mill-fondi ta' Libreriji Maltin, ħlief hlasijiet żgħar li ma jeċċedux is-somma kif iffissata mil-Librar Nazzjonali bl-approvazzjoni tal-Ministru, għandhom isiru minn dak l-uffiċjal jew uffiċjali ta' Libreriji Maltin kif maħtura jew inkarigati għal dan il-għan.

(3) Iċ-ċekkijiet maħruġa u l-ġbid ta' flus minn kull kont bankarju ta' Libreriji Maltin għandhom jiġu ffirmati minn uffiċjal ta' Libreriji Maltin kif maħtur jew inkarigat mil-Librar Nazzjonali għal dak il-għan u għandu jkun kontroffirmat minn membru awtorizzat jew uffiċjal ta' Libreriji Maltin kif awtorizzat mil-Librar Nazzjonali għal dak il-għan.

(4) Il-Librar Nazzjonali għandu wkoll jagħmel provvediment fir-rigward -

(a) tal-mod li bih, u l-uffiċjal jew uffiċjali li, jawtorizzaw jew japprovaw il-pagamenti;

(b) tat-titolu ta' kull kont miżmum ma' bank jew banek li fih għandhom jiġihallu l-flus, u t-trasferiment ta' fondi minn kont għal ieħor;

(c) tal-metodu li għandu jiġi adottat fit-tweqqif ta' hlasijiet barra mill-fond tagħha; u

(d) generalment rigward kull materja oħra li hi rilevanti għaż-żamma u l-kontroll xieraq tal-kontijiet, kotba u rekords oħra u l-kontroll tal-finanzi tagħha.

27. Libreriji Maltin m'għandhiex, ħlief bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli mill-Finanzi, tagħti jew tidhol f'kuntratt għall-provvista ta' oġġetti jew materjal jew għat-twettiq ta' xogħol jew għall-għoti ta' servizzi, lil jew għall-benefiċċju ta' Libreriji Maltin, li huwa stmat mill-Librar Nazzjonali li jinvolvi nfiq li jeċċedi 7,000 Euro jew dak l-ammont ieħor kif jista' jawtorizza l-Ministru responsabbli għall-finanzi, ħlief wara li avviż tal-intenzjoni tagħha li tidhol f'dak il-kuntratt jiġi ppubblikat u jinħarġu sejhiet għal offerti kompetittivi.

Ghotja ta' kuntratti.

Izda Libreriji Maltin għandha tħares ir-regolamenti dwar il-kuntratti pubbliċi maħruġa mill-Gvern.

28. Il-Librar Nazzjonali għandu, wara t-tmiem ta' kull sena finanzjarja, fiż-żmien stipulat minn artiklu 41 tal-Att dwar l-Amministrazzjoni Pubblika, jagħmel u jibgħat lill-Ministru u lill-Ministru responsabbli mill-finanzi rapport li jittratta b'mod ġenerali l-attivitajiet ta' Libreriji Maltin matul dik is-sena finanzjarja, u li jkun fih informazzjoni dwar il-proċeduri u l-politika skont kif kull wieħed miż-żewġ Ministri jistgħu jitolbu minn żmien għal żmien. Il-Ministru għandu, fiż-żmien stipulat minn artiklu 41 tal-Att dwar l-Amministrazzjoni Pubblika, jara li jqiegħed kopja ta' kull rapport bħal dak fuq il-Mejda tal-Kamra.

Rapport tas-sena finanzjarja.

Kap. 497.

Kap. 497.

TAQSIMA V

TRASFERIMENT TA' ĊERTU ATTIV LIL-BIBLJOTEKA NAZZJONALI

29. (1) Il-propjeta' u l-intrapriżi tal-Gvern u użati minnu minnufih qabel id-dħul fis-seħħ ta' din it-Taqsima kif minnu użati għat-tħaddim ta' xi funzjoni li b'dan l-Att qed jiġu trasferiti lil jew jaqgħu taħt Libreriji Maltin għandhom, fid-data msemmija hawn qabel, b'virtù ta' dan l-Att u mingħajr assigurazzjoni ulterjuri, jiġu ttrasferiti lil u jaqgħu taħt Libreriji Maltin taħt l-istess titlu li bih kienu miżmuma mill-Gvern minnufih qabel id-data msemmija. Id-dispożizzjonijiet ta' dan is-subartikolu ma japplikawx għal proprjeta' immobbli.

Trasferiment ta' proprjeta'.

(2) L-użu u l-amministrazzjoni tal-attiv immobbli minn żmien għal żmien speċifikat f'ordni magħmula mill-President ta'

Malta u pubblikata fil-Gazzetta (minn hawn 'il quddiem imsemmi bħala "l-attiv immobbli") li huma attiv immobbli li, minnufih qabel id-dħul fis-seħħ ta' din il-Parti tal-Att, kienu proprjetà tal-Gvern u użati minnu għall-operat ta' kull funzjoni li b'dan l-Att qed tiġi trasferita lil jew mogħtija lil Libreriji Maltin, għandhom, b'effett b'dawk id-dati kif speċifikati f'dik l-Ordni u b'virtù ta' dan l-Att u mingħajr assikurazzjoni ulterjuri, jkunu trasferiti lil Libreriji Maltin u vestiti fiha b'dak it-titolu li bih kienu miżmuma mill-Gvern minnufih qabel dik id-data.

(3) It-trasferiment u l-għoti msemmi qabel għandu jestendi għal dik il- proprjetà u l-intrapriži kollha u, mingħajr preġudizzju għall-ġeneralità msemmija qabel, għandu jinkludi l-impjanti, tagħmir, apparat, strumenti, vetturi, sengħa, bini, strutturi, installazzjonijiet, art, toroq, xogħlijiet, stokks u privileggi kollha u l-affarijiet kollha neċessarji u anċillari magħhom miżmuma jew użati b'konnessjoni magħhom jew li jappartjenu għalihom, kif ukoll obligazzjonijiet li jaffettwaw jew li jirrelataw ma' kull waħda mill-imsemmija proprjetà jew intrapriži jew affarijiet oħra inklużi magħhom kif imsemmija qabel.

(4) Kull trasferiment ta' proprjetà, kemm mobbli u kemm immobbli, għandu jkun suġġett għal dawk il-pattijiet u l-kundizzjonijiet li l-Ministru jista' jqis neċessarji sabiex jiżgura li dik il-proprjetà tintuża esklussivament għall-għanijiet u l-funzjonijiet ta' Libreriji Maltin jew għanijiet anċillari tagħha.

Libreriji Maltin
vestita b'ċerti
drittijiet.

30. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-liġijiet, regoli, regolamenti, ordnijiet, sentenzi, digrieti, wards, dokumenti kontrattwali, bonds, kuntratti, ftehimiet, strumenti, dokumenti, garanziji u arrangamenti oħra, li kienu jissussistu minnufih qabel id-dħul fis-seħħ ta' din il-parti tal-Att li jaffettwaw jew li jirralataw ma' kull proprjetà jew intrapriża trasferita lil Libreriji Maltin minn jew taht dan l-Att għandu jkollhom poter u effett sħiħ kontra jew favur Libreriji Maltin, u għandhom ikunu infurzabbli b'mod ħieles u effettwali, bħallikieku minflok il-Gvern jew awtorità governattiva Libreriji Maltin ġew nominati hemmhekk jew kienu parti minn dan, u f'kull każ ieħor kieku b'sostituzzjoni tal-Gvern jew ta' xi awtorità governattiva.

TAQSIMA VI

REATI

31. (1) Kull persuna li:

Reati u pieni.

(a) tneħħi xi rekord mill-pussess legali u fiżiku tal-Librar Nazzjonali jew tassisti lil oħrajn biex jagħmlu dan, jew xjentament jew bi traskuraġni, nuqqas ta' ħila jew nuqqas ta' osservanza tar-regolamenti tikkawża ħsara jew teqred, tqatta', tibdel xi rekord; jew

(b) tikser jew ma tikkonformax mad-dispożizzjonijiet ta' dan l-Att jew ta' skedi li jinsabu miegħu jew ta' regolamenti magħmulin taħtu;

tkun ħatja ta' reat taħt dan l-Att u tista' teħel meta tinsab ħatja multa ta' mhux iżjed minn 2,500 Euro jew prigunerija għal żmien ta' mhux iżjed minn sitt xhur, jew dik il-multu u prigunerija flimkien, u fil-każ ta' reat kontinwu għal multa ulterjuri li ma teċċedix 25 Euro għal kull gurnata kemm iddum ir-reat:

Iżda bla ħsara, għall-ogħla multa msemmija hawn qabel, l-inqas multa li jista' jehel min iwettaq ir-reat taħt dan l-artikolu ma tkunx inqas mill-valur ta' kull xogħol li jista' jkun meħtieġ biex jirrimedja għall-effetti tar-reat:

Iżda wkoll meta dispożizzjoni ta' Skeda li tinsab ma' dan l-Att jew ma' xi regolament magħmul taħt dan l-Att speċifikament tipprovdi għal penali aktar baxxa fir-rigward ta' reat partikolari għandha tapplika l-piena l-aktar baxxa kif provdut.

(2) Ir-responsabbiltà ta' min iwettaq reat taħt is-subartikolu (1) għandha tkun bla preġudizzju għalih li jhallas lil-Librar Nazzjonali kull spiża magħmula għall-integrazzjoni mill-ġdid, jew restawr tal-proprjetà tal-librerija kważati mir-reat, jew li jhallas lil-Librar Nazzjonali l-valur tal-proprjetà meqruda jew ssirilha ħsara meta din ma tkunx tista' tiġi integrata mill-ġdid jew restawrata. Dak il-ħlas jista' jiġi rkuprat b'kawża ċivili mil-Librar Nazzjonali kontra min iwettaq ir-reat jew l-eredi tiegħu.

(3) Kull rekord li tneħħa jew li jista' jitneħħa mingħajr l-awtorizzazzjoni xierqa taħt dan l-Att jista' jintalab lura mil-Librar Nazzjonali.

TAQSIMA VII

MIXXELLANJA

Drittijiet tal-awtur.

32. (1) Il-Librar Nazzjonali meta jirrendi disponibbli għall-ispezzjoni jew jipprovdi kopji tar-rekords fil-kustodja tiegħu ma jkunx qed jikser id-drittijiet tal-awtur ta' dawk ir-rekords.

(2) Il-provvediment ta' kopji ta' rekords mil-Librar Nazzjonali ma jimplikax it-trasferiment tad-drittijiet tal-awtur tagħhom għand min jirċevihom.

(3) Il-pubblikazzjoni ta' kopji *facsimile* tar-rekords fil-kustodja tal-Librar Nazzjonali li fihom jissussisti d-drittijiet tal-awtur tal-Gvern ta' Malta hija projbita ħlief bil-kunsens tal-Librar Nazzjonali u suġġetta għal dawk il-kundizzjonijiet li huwa jista' jehtieg u għall-ħlas ta' dawk il-miżati li jistgħu jiġu ordnati taht dan l-Att.

Setgħa li jagħmel regolamenti.

33. Il-Ministru jista' jagħmel regolamenti biex jagħti effett lil kull dispożizzjoni preċedenti f'dan l-Att, jew biex jirregola jew jipprovdi għal kull kwistjoni marbuta ma' Libreriji Maltin u l-libreriji tagħha, u jista' b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralitajiet tal-imsemmija u d-dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti għal kull għan minn dawn li ġejjin:

(a) li jiġi provdut għall-werrej, il-kompilazzjoni u l-pubblikazzjoni tal-Biblijografija Nazzjonali ta' Malta;

(b) li jiġi stabbilit l-ambitu, t-tifsir, il-proċeduri, il-kundizzjonijiet, id-dmirijiet u l-penali għall-implimentazzjoni effettiva tal-obbligu tad-Depożitu Legali, u li jiġi provdut għas-salvagwardja xierqa, ta' dokumenti pubblikati u dokumenti elettronici online, kemm jekk għandhom forma fiżika u kemm jekk le;

(ċ) li jiġi provdut għall-proċeduri u l-kundizzjonijiet għat-tniżzil, l-ikkupjar, il-ħażna u d-depożitu legali ta' dokumenti elettronici miżmuma fl-idejn u dokumenti pubblikati online, inklużi dawk b'aċċess bi ħlas;

(d) li jiġi provdut għall-proċeduri u l-kundizzjonijiet għall-eżerċizzju tad-dritt ta' preferenza mil-Librar Nazzjonali

fir-rigward ta' kull xogħol, mappa, print, manuskritt, rekord jew xi dokument ieħor;

(e) l-involvement tal-kunsilli lokali fil-promozzjoni u l-immaniġġar tal-libreriji;

(f) l-immaniġġar u l-preservazzjoni xierqa tar-rekords u l-mod li bih il-pubbliku jista' jkollu aċċess għad-dokumenti, rekords u oġġetti fil-libreriji;

(g) *standards* u l-mod li fih il-kopji, fotokopji, u riproduzzjonijiet oħra ta' manuskritti, dokumenti jew rekord fil-libreriji jistgħu jinħarġu;

(h) li jiġu stabbiliti l-mizati u l-ħlas dovut li jista' jkun pagabbli minn jew taħt, jew għas-servizzi mogħtija skont id-dispożizzjonijiet ta' dan l-Att;

(i) li jiġu stabbiliti l-kundizzjonijiet u l-proċeduri għad-dħul, l-aċċess, is-sigurtà, u l-użu mill-pubbliku ta' kull librerija li għaliha japplika dan l-Att u għas-self ta' kull materjal tal-librerija, u għall-poteri neċessarji mill-Librar Nazzjonali li jinforza dawk il- kundizzjonijiet u proċeduri;

(j) li jiġi żgurat it-twettiq aħjar tal-funzjonijiet ta' Libreriji Maltin, tal-Librar Nazzjonali u tal-Kunsill;

(k) li tiġi regolata l-ħatra ta' uffiċjali u impjegati mal-Libreriji Maltin;

(l) li jiġi regolat il-moviment ta' dokumenti, publikazzjonijiet u rekords, u li jiġu stabbiliti linji gwida għall-aqwa Prattika ta' preservazzjoni;

(m) li jiġi provdut għal kull forma jew proċedura li jistgħu jkunu meħtieġa jew urġenti u li għalihom m'hemmx proċedura espressa f'dan l-Att;

(n) li tiġi miżjuda, sostitwita jew emendata kull Skeda annessa ma' dan l-Att;

(o) li jiġu stabbiliti penali li ma jeċċedux multa ta' 500 Ewro għall-persuna li tikser id-dispożizzjonijiet ta' xi Skeda ma' dan l-Att jew ir-regolamenti magħmula taħt dan l-Att;

(p) li jiġi provdut għall-impożizzjoni ta' pieni jew sanzjonijiet amministrattivi, u għall-infurzar tagħhom, fuq kull persuna li taġixxi bi ksur tad-dispożizzjonijiet ta' dan l-Att jew ta' xi Skeda li tinsab miegħu jew ta' xi regolament magħmul tahtu, inkluża d-dispożizzjoni li xi piena amministrattiva għandha meta ssir finali tikkostitwixxi titlu eżekuttiv għall-effetti u l-għanijiet tat-Titolu VII ta' Parti I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili:

Iżda, kull piena amministrattiva li hemm provvediment għaliha fir-regolamenti magħmula taht dan l-Artikolu ma jeċċedux is-somma ta' 250 Ewro u

(q) li tiġi preskritta kull haġa oħra li tista' jew li għandha tiġi ordnata taht dan l-Att għat-twettiq aħjar ta' xi dispożizzjoni ta' dan l-Att.

Traferiment
tal-kustodja ta'
dokumenti eċċ.

34. Id-dokumenti, pubblikazzjonijiet, rekords, xogħlijiet u materjal ieħor fil-kustodja tal-Librar fil-jum qabel id-dhul fl-operat ta' dan l-Att huma b'dan trasferiti taht il-kustodja tal-Librar Nazzjonali suġġett għal xi pattijiet u kundizzjonijiet li kienu applikabbli għal dawk ir-rekords u materjal ieħor f'dak il-jum.

Dispożizzjonijiet
Tranzitorji.

35. (1) Meta xi haġa tkun inbdiet minn jew taht l-awtorità tal-Gvern qabel id-data tad-dhul fis-seħh tat-Taqsima V ta' dan l-Att, u dik il-haġa jkollha x'taqsam ma' xi proprjetajiet jew intrapriżi jew xi dritt jew responsabbiltà trasferita lil Libreriji Maltin b'dan l-Att jew tahtu, dik il-haġa tista' tkompli titwettaq u tintemm minn Libreriji Maltin jew kif awtorizzat minnha.

(2) Meta minnufih qabel id-dhul fis-seħh tat-Taqsima VI ta' dan l-Att, ikun għad hemm proċeduri legali pendenti li fihom il-Gvern ikun jew ikollu titolu li jkun parti, u dawk il-proċeduri jkollhom x'jaqsmu ma' xi proprjetajiet jew intrapriżi, jew ma' xi dritt jew responsabbiltà trasferiti b'dan l-Att jew tahtu, Libreriji Maltin għandha, sa mid-data hawn qabel imsemmija, tiġi sostitwita f'dawk il-proċeduri għall-Gvern, jew għandha ssir parti fihom bl-istess mod kif seta' ġie sostitwit il-Gvern, u dawk il-proċeduri m'għandhom qatt jittiefsu minhabba f'dik is-sostituzzjoni.

(3) Il-Ministru jista', permezz ta' ordni, jagħmel dawk id-dispożizzjonijiet incidentali, konsegwenzjali u supplementali li huwa jista' jqis meħtieġa jew spedjenti għall-fini li jiddetermina, kif imiss, l-attiv trasferit lil Libreriji Maltin b'dan l-Att u jiżgura u jagħti kull effett lit-trasferiment ta' kull proprjetà jew intrapriża

jew lil kull dritt jew responsabbiltà lil Libreriji Maltin b'dan l-Att u jagħmel dawk l-ordnijiet li jistgħu jkunu meħtieġa sabiex jagħmel kull setgħa u dmir eżerċitabbli mill-Gvern fir-rigward ta' xi proprjetà jew intrapriża trasferiti eżerċitabbli minn jew f'isem Libreriji Maltin.

36. (1) L-Ordinanza dwar il-Libreriji Pubblici hawn iżjed 'il quddiem imsejha "l-Ordinanza revokata" hija hawnhekk revokata.

Thassir tal-Ordinanza
dwar il-Libreriji
Pubblici.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), kull leġislazzjoni sussidjarja magħmula taħt xi waħda mid-dispożizzjonijiet tal-Ordinanza revokata għandha, sakemm issir dispożizzjoni oħra taħt jew b'virtù ta' dan l-Att, tibqa' fis-seħh u jkollha effett daqs li kieku saret taħt dan l-Att.

(3) Kull awtorità mogħtija jew magħmula taħt xi waħda mid-dispożizzjonijiet tal-Ordinanza revokata fis-seħh minnufih qabel id-dhul fis-seħh ta' dan l-Att, għandha tibqa' fis-seħh wara daqs li kieku kienet awtorità jew ordni mogħti jew magħmul taħt dispożizzjoni korrispondenti ta' dan l-Att, u dik l-awtorità jew ordni kif imsemmi qabel għandu jiġi trattat skont kif ikun adatt.

(4) Ir-referenzi kollha f'Atti u regolamenti oħrajn għal-Libreriji Pubblici ta' Malta jew għal-Librar għandhom jiftiehem li japplikaw għal Libreriji Maltin u l-libreriji tagħha jew għal-Librar Nazzjonali tagħhom u r-referenzi kollha għall-Ordinanza dwar il-Libreriji Pubblici, għandhom jiftiehem li qegħdin jirreferu għal dan l-Att.

SKEDA**[Artikolu 4 (3)]**

Libreriji li għalihom japplika l-Att dwar il-Libreriji Maltim.

Il-Biblijoteka Nazzjonali

Il-Librerija Pubblika Ċentrali

Il-Libreriji Reġjonali:

- Birkirkara
- Luqa
- Mosta
- Paola
- Qormi
- Rabat
- Vittoriosa

Il-Libreriji Lokali:

- Attard
- Birżebbuġa
- Cospicua
- Dingli
- Fgura
- Għargħur
- Għaxaq
- Gudja
- Gzira
- Hamrun
- Kalkara
- Kirkop
- Lija
- Marsa

Marsaskala
Marsaxlokk
Mellicha
Mgarr
Mqabba
Msida
Naxxar
Pembroke
Qormi (San Ġorġ)
Qrendi
Safi
San Ġiljan
San Ġwann
San Pawl il-Baħar
Santa Venera
Senglea
Siggiewi
Sliema
St. Andrews
Ta' Paris
Tarxien
Valletta
Żabbar
Żebbuġ
Żejtun
Żurrieq

Il-Biblijoteka Nazzjonali Pubblika ta' Għawdex

Il-Librerija Pubblika ta' Għawdex

Il-Libreriji Lokali ta Għawdex: Ghajnsielem

Għarb
Għasri
Kerċem

Nadur
Qala
San Lawrenz
Sannat
Xagħra
Xewkija
Żebbuġ

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 346 tas-16 ta' Mejju, 2011.

MICHAEL FRENDO
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

20th May, 2011

ACT No. VII of 2011

AN ACT to repeal and re-enact with amendments the law relating to Public Libraries

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

1. The short title of this Act is the Malta Libraries Act, 2011, and it shall come into force on such date as the Minister responsible for education may by notice in the Gazette establish, and different dates may be so established for different purposes and different provisions thereof.

Short title and commencement.

PART I

PRELIMINARY

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

Interpretation.

“author” means a person or a body corporate responsible for the intellectual, and or artistic content of a work and includes the person who undertakes the editing, printing or compiling of such work even when no specific author is identified;

“the Council” means the Malta Libraries Council established under article 4 of this Act;

“depositor” means the person or body corporate responsible under this Act to deposit documents with the depository library;

“depository libraries” means the National Library, the Gozo Public Library, and, at its own request, the library of the University of Malta;

“document” means a published or unpublished document, record, publication, or work containing information or otherwise meant to communicate, regardless of form or medium, including ephemera of permanent value;

“electronic document” means a document, regardless of form or medium, produced using electronic means to make information available to the public and stored in computers or other storage media, and which may be displayed or accessed either on a computer monitor, on other storage media or as a print-out;

“financial year” means any period of twelve months ending on the 31st December:

Provided that the first financial year of the Malta Libraries shall begin on the coming into force of this Act and shall end on the 31st December of the next following year;

“House” means the House of Representatives;

“legal deposit” means the deposit of published documents, publications, records on works, with depository libraries, as provided for in this Act, to ensure the building and long-term preservation of a national collection for the current and future reference, study and research requirements of present and future generation;

“libraries” means the libraries falling under the responsibility of the Malta Libraries and include the National Library, the Central Public Library, the Gozo Public Library, and the Regional and Branch public libraries;

“Malta Libraries” means the entity called Malta Libraries established under article 4 of this Act;

“Malta National Bibliography” means the list, irrespective of form or medium together with a detailed bibliographical description, of each new publication received

in a given year by way of legal deposit and to be compiled under article 7;

“medium” is any means of storing information or communication;

“the Minister” means the Minister responsible for the Malta Libraries and its libraries;

“National Librarian” means the head of the Malta Libraries appointed under article 5 of this Act;

“National Library” means the National Library of Malta;

“the Permanent Secretary” means the person appointed to supervise the Malta Libraries in terms of the Public Administration Act; Cap. 497.

“prescribed” means prescribed by regulations or orders made under this Act;

“the Principal Permanent Secretary” means the person appointed in terms of article 14 of the Public Administration Act; Cap. 497.

“printer” means the person who prints, reproduces, or otherwise makes multiple copies of any publication, regardless of form or medium;

“Public Libraries” means the Central Public Library, the Gozo Public Library and the Regional and Branch Public Libraries;

“publication” means any published document, record, or work, regardless of form or medium, including printed, audio-visual, microform, electronic hand-held or online documents, records or work, made available to the public whether freely, on loan, or for sale;

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

“publisher” means any person or body corporate responsible for making available to the public any publication, regardless of form or medium, irrespective of whether such person is the author, printer, producer or other person or body making finished copies of such publication;

“record” includes any book, manuscript, parchment paper, photograph, or any form, schedule, questionnaire, or other such document, or any recorded or stored information, regardless of form or medium;

“Regional and/or Local Council” means a regional and/or local council established under the Local Councils Act, Cap. 363;

“work” includes every literary, scientific or artistic book, part or division thereof, pamphlet, monograph, newspaper, periodical, sheet of music, map, plan, chart or table separately published, regardless of form or medium, but does not include any second or subsequent edition of a work unless such edition contains additions or alterations in the maps, prints or other engravings belonging thereto.

General.
Cap. 497.

3. The provisions of this Act shall be without prejudice to the functions of the Principal Permanent Secretary under the Public Administration Act and to his powers to issue directives and guidelines with respect to government agencies.

PART II

CONSTITUTION, COMPOSITION AND FUNCTIONS OF THE MALTA LIBRARIES AND THE NATIONAL LIBRARIAN

Constitution of Malta
Libraries.

4. (1) There shall be a body, to be known as the Malta Libraries under the responsibility of the National Librarian, the functions of which are assigned by this Act or by any other law. The mission of the Malta Libraries is to ensure the collection and conservation of Malta’s documentary heritage for present and future generations, to maintain and develop the libraries regulated under this Act, and to encourage reading for study, research, self-development and lifelong-learning information and leisure purposes.

(2) The Malta Libraries 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 property for the purpose 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.

(3) This Act shall apply to any library listed in the Schedule to this Act.

(4) The Malta Libraries shall assume the legal personality previously vested in the Libraries Department and, from the entry into force of this Act, shall assume responsibility for all assets, liabilities and obligations previously entered into by the said Department or by other bodies on their behalf.

5. The functions and responsibilities of the Malta Libraries shall be:

Functions of Malta Libraries.

(a) to continue to acquire, assemble, conserve for posterity, and make accessible to the public, the collection of the nation's documentary heritage and published current output, regardless of form or medium, to be found in the libraries;

(b) to manage, administer, and develop the libraries under its control, and to provide leadership to other libraries in Malta in such areas as management and conservation of library materials, and to promote national cooperation schemes and the professional training of librarians and information professionals;

(c) to assist Local Councils which run a public library to ensure that the library maintains high standards;

(d) to enhance the quality of life of the public by providing library reference and lending services and library material, in whatever form or medium, for education, self-development, lifelong learning and recreation purposes;

(e) to foster and strengthen reading habits and support literacy and other cultural activities and programmes for all age groups;

(f) to accept and acquire private records of significance by gift, purchase, bequest or deposit;

(g) explore innovative services, including information, communication and technology services, that can benefit patrons in accessing and using information;

(h) serve as the role model library system for other libraries in Malta; and

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

National Librarian and Deputy Librarians.

6. (1) There shall be a National Librarian and two Deputy Librarians, one for the National Library and one for the Public Libraries, who shall be persons with a relevant higher education qualification and recognised competence and reputation in the domain of libraries, and who shall be appointed by the Minister, following consultation with the Council, for a period of three years under such terms and conditions as is established in the letter of appointment. On the expiry of the term such persons may be reappointed for a further term or terms of three years:

Provided that the National Librarian shall have a higher education qualification in the domain of libraries.

Provided further that the first appointment of National Librarian and Deputy Librarians shall be made by the Minister for an initial period of three years.

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

National Librarian to the Chief Executive Officer.

7. (1) The National Librarian shall be the chief executive officer of the Malta Libraries, and he shall be the keeper of books, documents, manuscripts, publications, records, works and other materials, regardless of form or medium, conserved in the libraries. The National Librarian shall:

(a) assume full responsibility for the administration and organization and the administrative control of the officers and employees of the Malta Libraries 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 Malta Libraries;

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

(d) regulate and generally supervise the work of the libraries and of the library services in general in accordance with international requirements and standards;

(e) ensure that all laws related to copyright and dissemination of information are duly respected;

(f) liaise with other public bodies concerning the supply of data and the coordination of activities with library implications;

(g) on the advice of the Council, and with the approval of the Minister, dispose of records in his custody which do not warrant preservation by the Malta Libraries;

(h) enter into arrangements with other institutions for the joint management or conservation or restoration of libraries or library material, and for the provision of reprographic or other technical facilities;

(i) keep updated with international library developments through following the published literature, attendance of relevant conferences, training sessions and workshops and networking with peers to transmit such knowledge to own Malta Libraries staff and the local library community and translate such knowledge into ideas and projects that further improve the Malta Libraries; and

(j) perform such other duties as the Minister may assign to him from time to time.

(2) Without prejudice to the foregoing, in respect of the National Library, the Deputy Librarian National Library shall:

(a) manage and conserve its national collections for present and future generations and ensure their accessibility to researchers;

(b) continue to acquire, assemble and conserve documents, publications, records, works, whether electronic or not, published in Malta, or by Maltese authors, or about Malta, or in the Maltese language, or about any aspect of Maltese studies by any author, wherever they are published;

(c) acquire, assemble and conserve manuscripts and other unpublished material on any subject by Maltese authors, or on any aspect of Maltese studies by any author;

(d) organise the collections in such a way as to make them easily accessible to researchers and provide these with the necessary facilities within the limits of the resources available;

(e) continue to develop, within the National Library, a National Bibliographic Centre that will maintain the Malta National Bibliography;

(f) make its collections known by organising exhibitions and other promotional events; and

(g) work closely with the National Archivist such that users of both institutions can easily access each other's collections for users' greater benefit.

(3) In respect of the other libraries, the Deputy Librarian Public Libraries shall:

(a) maintain a network of the libraries listed in the Schedule to this Act;

(b) involve and advise the Regional and Local Councils in the administration of regional and branch libraries according to the standards of best practice regulating such libraries;

(c) provide access to all library reference and lending services to foster and strengthen the reading habits of all age groups;

(d) support individual formal and non-formal education and literacy activities and programmes at all levels and for all age groups;

(e) promote opportunities for personal creative development and for awareness and appreciation of cultural heritage, literature, scientific achievements and innovations;

(f) provide information services to individuals, local enterprises, and associations;

(g) provide professional advice, guidance and assistance on the establishment and management of libraries and on the training of library and information professionals;

(h) inspect the libraries and establish and ensure compliance with standards for their management to actively promote the improvement of such standards;

(i) ensure the arrangement and description of the holdings of the libraries and provide appropriate finding aids to facilitate access to them;

(j) give advice to users on the use of the libraries; and

(k) make the holdings and services of the Libraries known by organising exhibitions and other promotional activities and events.

8. (1) No document, publication, record, work or object, preserved in the National Library or in the Gozo Public Library, may, without the written permission of the National Librarian, be taken out from the premises of the said libraries. Every permission granted by the National Librarian shall be recorded and preserved in the said libraries and shall be available for inspection.

Loan of documents etc. from the National Library and other depository libraries.

(2) Loans of records or objects belonging to the Malta Libraries outside Malta may not be made without the written permission of the Minister given following consultation with the National Librarian and the Council.

9. (1) Without prejudice to any other provision of this Act or of any regulation issued hereunder, documents, publications, records and works in the libraries under the control of the National Librarian, shall be accessible to the public.

Public access to documents etc.

(2) The National Librarian may, however, on the advice of the Council, limit access by the public to documents, publications, records, works and objects under his custody where: -

(a) their fragility so warrants; or

(b) the exigencies of the libraries make it necessary.

(3) The National Librarian shall strive to make any usable exact copies available in the most appropriate format such as in digital or microfilm format.

(4) All applications for copies of or extracts from documents, publications, records or works in any of the libraries

shall be made to the National Librarian, who is hereby authorised to issue, attest and authenticate all copies of, and extracts from, such documents.

(5) Without prejudice to the provisions of this Act, every copy of a record issued as a true copy duly sealed with the seal of the Malta Libraries and signed by the National Librarian shall, for the purposes of any law, be deemed an authentic copy, and for the purpose of evidence in any court or tribunal be deemed equivalent to the original.

Copies of work to be supplied to libraries.

10. (1) The publisher of every publication printed or published in Malta shall immediately before such document is made available to the public, deliver free of charge one copy of such publication to the depository libraries. In the case of the library of the University of Malta, the copy due to it shall be deposited within two weeks of the established request having reached the publisher.

(2) Each such copy shall comprise the whole work with all maps and illustrations and inclusive of any application software and the full set of user and technical documentation and any other addenda belonging thereto, finished and coloured in the same manner as the best copies of the work are published.

(3) When the copies of a publication are forwarded by post, postage shall be either free or at the expense of the National Librarian.

(4) During the first fifteen days of January, April, July and October of every year, every printer and publisher of printed or analogue documents shall send to the National Librarian a return showing the author and title of every publication which has been printed or published by that printer or publisher during the immediately preceding three complete months or, as the case may be, a nil return in respect of that period.

(5) Any person or body corporate who fails to comply with any of the provisions of this article shall be liable to a fine as the Minister may from time to time determine in accordance with article 33:

Provided that article 31 shall not apply where any person or body corporate fails to comply with any of the provisions of this article as provided in subarticle (5).

11. The National Librarian shall have the right to authorise the downloading, copying and storing, of any electronic document published via networks or otherwise available online, falling within the jurisdiction of Malta, and to deposit it with the depository libraries, for the purpose of public access within the premises of the libraries, and for the preservation of the national published output which is deemed necessary for long-term national memory and future use.

National Librarian may authorize downloading etc. of electronic documents.

12. (1) In case of the sale of any document, publication, record or work, which in the opinion of the Minister, following consultation with the Council and the National Librarian, has bibliographical or historical importance, the Government shall have the right of acquiring the same in preference to all other persons on equal conditions.

Right of preference exercisable by Government.

(2) Such right of preference shall be exercised by the National Librarian by means of a judicial act served on the purchaser within two months from the date on which the vendor or the purchaser gives notice to the Minister, by means of a judicial act or a registered letter, of the sale indicating the name and address of the purchaser and the conditions of the sale, or, if no such notice is given, within six months on which it shall come to the knowledge of the Minister that a sale has been effected.

(3) Any person who is responsible for any act or omission having the effect of frustrating the exercise of the right of preference appertaining to the Government under this article shall be guilty of an offence under this Act and shall be liable for the penalties contemplated in this Act.

13. (1) In the exercise of his functions under this Act, the National Librarian shall:

Relationship between National Librarian and Minister.

(a) give effect, as soon as practicable, to any direction, not inconsistent with any provision of this Act which the Minister may give to him, in relation to the policy to be followed by him in the discharge of his functions, and in relation to any matter which appears to the Minister to affect the Malta Libraries and its libraries;

(b) ensure that operations of the Malta Libraries shall follow a performance agreement which is to be agreed to between the Permanent Secretary and the Malta Libraries and for this purpose article 40 of the Public Administration Act shall *mutatis mutandis* apply;

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(c) afford to the Minister facilities for obtaining any information with respect to the property and activities of the Malta Libraries, and for this purpose the National Librarian shall furnish the Minister with returns, accounts and other information with respect thereto, and shall afford to him facilities for the verification of any information furnished, in such manner and at such times as the Minister may reasonably require.

(2) Save as otherwise provided in this or any other Act, or regulations administered by the Malta Libraries, the Malta Libraries shall be under the general direction of the Minister and, subject to such direction, under the supervision of the Permanent Secretary responsible for the Ministry.

(3) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Malta Libraries directions in writing of a general character not inconsistent with the provisions of this or any other Act, or regulations administered by the Malta Libraries, on the policy to be followed by the Malta Libraries in the carrying out of its functions, by or under this Act, and the Malta Libraries shall, as soon as possible, give effect to all such directions.

(4) Save as otherwise provided in this Act, or any other Act or regulations administered by the Malta Libraries, article 38 of the Public Administration Act shall *mutatis mutandis* apply.

Advisory Board.

14. The Minister may establish an Advisory Board to assist the National Librarian in the manner provided under article 42 of the Public Administration Act.

Composition of the Council.

15. (1) There shall be the Malta Libraries Council, appointed by the Minister, which shall be composed as follows:-

- (a) a Chairperson;
- (b) the National Archivist *ex officio*;
- (c) the Head Division of Library, Information and Archives Studies at the University of Malta *ex officio*;
- (d) the Director of the Local Councils Department;
- (e) not more than three other persons chosen from amongst persons active in the library, records management

and information professions, or working in non-governmental organisations dedicated to library and information services, one of whom shall be appointed following consultation with the Minister responsible for Gozo:

Provided that one of these persons shall be chosen from among nominations made by associations of librarians which are voluntary organisations registered in accordance with the Voluntary Organisations Act.

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(2) The National Librarian 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 National Librarian not to attend any of the meetings or any part of a meeting.

(3) The members of the Council shall be appointed 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.

(4) 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.

(5) Half the number of 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 shall have an initial vote and in the event of an equality of votes, a casting vote.

(6) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Council in connection with the Malta Libraries and its libraries, 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 be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such matter is discussed or decided upon by the Council.

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

Functions of the Council.

16. Without prejudice to the provisions of this Act, the Council shall:

- (a) promote the Malta Libraries, its libraries and objectives;
- (b) ensure and facilitate collaboration between different stakeholders with direct or indirect responsibility for the promotion and management of the libraries sector;
- (c) advise the Minister and the National Librarian on the management of libraries in Malta;
- (d) draw the attention of the Minister and of the National Librarian or of any organisation or person responsible for libraries to any urgent action that may be considered necessary for the better management of libraries;
- (e) meet and consult, at least once a year, with keepers of non-Governmental libraries and with organisations working in the field of libraries;
- (f) advise the Minister on any matter arising from the provisions of this Act and on any other matter referred to it by the Minister.

PART III

ADMINISTRATIVE AND PERSONNEL PROVISIONS

Appointment of officers, etc.

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17. (1) The appointment of officers and other employees of the Malta Libraries shall be made in accordance with the Public Administration Act and shall be subject to the provisions of the Constitution and of any other law including this Act.

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(2) The members of the Council, all officers and employees of the Malta Libraries shall be deemed to be public officers within the meaning of the Criminal Code, the Civil Code and the Public Administration Act and shall have the rights and duties applicable to public officers under such laws.

Detailing for duties of public officers.

18. (1) The Principal Permanent Secretary, following the direction of the Prime Minister may, from time to time, direct that any public officer shall be detailed for duty with the Malta Libraries and its libraries in such capacity and under such conditions and with effect from such date as he may prescribe.

(2) The Principal Permanent Secretary, following the direction of the Prime Minister, may at any time revoke any such direction given under subarticle (1).

(3) The period during which a direction under subarticle (1) shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, be such as may be specified in the direction, unless the direction is revoked earlier in accordance with subarticle (2).

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

(5) Without prejudice to the generality of the foregoing, a public 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 Government department in accordance with the terms and conditions of service attached to the appointment under the Government held by that public officer at a date on which he is 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 that public officer 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 Malta Libraries; and

(b) shall be entitled to have the service with the Malta Libraries considered as service with the Government for the purpose 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 that public officer would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Malta Libraries:

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Provided that in assessing the pensionable emoluments of such officer for the purposes of any pension entitlement under the Pensions Ordinance and the Widows' and Orphans' Pensions Act, no account shall be taken of any allowances, bonuses or gratuities paid to such officer by the Malta Libraries in excess of what he is entitled to as a public officer:

Provided further that during the time in respect of which he is so detailed to perform duties with the Malta Libraries his terms and conditions of service shall not be less favourable than those which are attached to his appointment with the Government during the period aforesaid. Such terms and conditions shall not be deemed to be less favourable because they are not in all respects identical or superior to those enjoyed by the officer concerned at the date of such detailing, if in the opinion of the Prime Minister such terms and conditions, taken as a whole, offer substantially equivalent or greater benefits.

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

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

Employment
Conditions.

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

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

(3) Every officer who accepts permanent employment with the Malta Libraries, under the provisions of subarticle (1),

shall for all purposes other than those of the Pensions Ordinance, and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Malta Libraries on the date of such acceptance and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with the Malta Libraries 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 Malta Libraries was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if service with the Malta Libraries was service with the Government.

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

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

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

(c) Such classification shall take place within three months of any adjustment of salaries of employees in the Government service or of employees of the Malta Libraries.

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

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

PART IV

FINANCIAL PROVISIONS

Revenues and
Financing.

20. (1) Without prejudice to the following provisions of this article, the Malta Libraries shall so conduct its affairs that every effort shall be made to meet as much as possible of the expenditure required for the proper performance of its functions out of its revenues.

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

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

(4) Any revenue shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied to the Malta Libraries for its purposes, and without prejudice to the generality of the powers given by 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.

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(5) The Malta Libraries shall be governed by the provisions of the Financial Administration and Audit Act, unless otherwise stated in the Malta Libraries performance agreement entered into by the Permanent Secretary and the Malta Libraries in terms of article 13(1)(b) of this Act, in which case the provisions of the said performance agreement shall prevail.

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

(2) The Malta Libraries may also, with the approval in writing of the Minister in consultation with the Minister responsible for finance, 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.

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

23. (1) The National Librarian shall prepare in every financial year, and shall not later than eight weeks before the end of each financial year adopt, estimates of the income and expenditure for the following financial year: Estimates of income and expenditure.

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

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

(3) A copy of the estimates shall, upon their adoption by the National Librarian, be sent forthwith to the Minister and to the Minister responsible for finance.

24. (1) No expenditure shall be made or incurred by the Malta Libraries unless it has been approved by the House. Expenditure.

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

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

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

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

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

Books and statements
of account.

25. (1) The National Librarian shall cause to be kept proper books of account and other records in respect of the operations of the Malta Libraries and shall cause to be prepared a statement of accounts in respect of each financial year.

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

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

(3) After the end of each financial year, at the same time as a copy of the estimates of the Malta Libraries is forwarded to the Minister under article 23, the National Librarian shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Malta Libraries.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House.

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

Money payments,
petty cash, etc.

(2) All payments out of the funds of the Malta Libraries, except petty disbursements not exceeding such sum as may be fixed by the National Librarian with the approval of the Minister, shall be made by such officer or officers of the Malta Libraries as shall be appointed or designated for the purpose.

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

(4) The National Librarian shall also make provision with respect to -

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

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

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

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

Awarding of contracts.

27. The Malta Libraries shall not, except with the approval of the Minister granted 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 work or for the rendering of services, to or for the benefit of the Malta Libraries, which is estimated by the National Librarian to involve an expenditure exceeding 7,000 Euro or such other amount as the Minister responsible for Finance may authorise, except after notice of its intention to enter into such contract has been published and competitive tenders have been issued:

Provided that the Malta Libraries shall adhere to procurement regulations as issued by Government.

Financial year report.

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28. The National Librarian shall, after the end of each financial year, within such time as established by article 41 of the Public Administration Act, draw up and transmit to the Minister and to the Minister responsible for finance, a report dealing generally with the activities of the Malta Libraries during that financial year, and containing such information relating to its proceedings and policy as either of the said Ministers may from time to time require. The Minister shall, with such time as established by article 41 of the Public Administration Act, cause a copy of every such report to be laid on the Table of the House.

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PART V

TRANSFER OF CERTAIN ASSETS TO THE NATIONAL LIBRARY

Transfer of property.

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, where used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Malta Libraries shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and be vested in the Malta Libraries under the same title by which they were held by the Government immediately before the said date. The provisions of this subarticle shall not apply to immovable property.

(2) The use and administration of the immovable assets from time to time specified in an order made by the President of Malta 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, were owned by the

Government and used by it for the exercise of any of the functions which by this Act are being transferred to or vested in the Malta Libraries, shall, with effect from such day as may be specified in any such Order and by virtue of this Act and without any further assurance, be transferred to and vested in the Malta Libraries under the same title by which they were held by the Government before such day.

(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 the purposes of the functions of the Malta Libraries 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 Malta Libraries by or under this Act shall have full force and effect against or in favour of the Malta Libraries, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority the Malta Libraries had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Vesting of rights in
Malta Libraries.

PART VI

OFFENCES

31. (1) Any person who:

Offences and
penalties.

(a) removes any record from the legal and physical possession and custody of the National Librarian or

assists others to do so, or wilfully or through negligence, unskillfulness or non-observance of the regulations causes damage to or destroys, mutilates, alters any record; or

(b) contravenes or fails to comply with the provisions of this Act or of any schedules thereto or of any regulations made thereunder;

shall be guilty of an offence under this Act and shall be liable, on conviction, to a fine (multa) not exceeding 2,500 Euro or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and in the case of a continuing offence to a further fine (multa) not exceeding 25 Euro for every day during which the offence continues:

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

Provided further that where a provision of a Schedule to this Act or of a regulation made under this Act specifically provides for a lesser penalty in respect of a particular offence, such lesser penalty as provided shall apply.

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

(3) Any record which has been or which may be removed without proper authorisation under this Act may be reclaimed by the National Librarian.

PART VII

MISCELLANEOUS

Copyright.

32. (1) In making available for inspection or providing copies of records in his custody the National Librarian shall not be in breach of the copyright of such records.

(2) The provision of copies of records by the National Librarian does not imply the transfer of any copyrights therein to the recipients.

(3) The publication of facsimile copies of records in the custody of the National Librarian in which copyright of the Government of Malta subsists is prohibited except with the consent of the National Librarian and subject to such conditions as he may require and to the payment of such fees as may be prescribed under this Act.

33. The Minister may make regulations to give effect to any of the foregoing provisions of this Act, or to regulate or otherwise provide for any matter relating to the Malta Libraries and its libraries, and may in particular, but without prejudice to the generalities of the foregoing and the provisions of this Act, make regulations for any of the following purposes:

Power to make regulations.

(a) to provide for the contents, compilation and publication of the Malta National Bibliography;

(b) to establish the scope, definitions, procedures, conditions, duties and penalties for the effective implementation of the obligation of the Legal Deposit, and to provide for the proper safeguarding, of published documents and online electronic documents, whether they have or not a physical form;

(c) to provide for the procedures and conditions for the downloading, copying, storage and the legal deposit of electronic hand-held and on line published documents, including those with access conditional to payment;

(d) to provide for the procedures and conditions for the exercise of the right of preference by the National Librarian in respect of any work, map, print, manuscript, record or any other document;

(e) the involvement of local councils in the promotion and management of libraries;

(f) the proper management and preservation of records and the manner in which the public may have access to the documents, records and objects in the libraries;

(g) the standards and the manner in which copies,

photocopies, and other reproductions of manuscripts, documents or other record in the libraries may be issued;

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

(i) to establish the conditions and procedures for the admission, access, safety, and use by the public of any library to which this Act applies and for the loan of any library material, and for the powers necessary by the National Librarian to enforce such conditions and procedures;

(j) to ensure the better fulfilment of the functions of the Malta Libraries, the National Librarian, and the Council;

(k) to regulate the appointment of officers and employees with the Malta Libraries;

(l) to regulate movement of documents, publications and records, and to establish guidelines for best preservation practice;

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

(n) to add, substitute or amend any Schedule annexed to this Act;

(o) to establish penalties not exceeding a fine (multa) of 500 Euro to which a person contravening the provisions of any Schedules to this Act or of any regulations made under this Act shall become liable;

(p) to provide for the imposition of administrative fines or sanctions, and for their enforcement, upon any person acting in contravention of the provisions of this Act or of any Schedule thereto or of any regulations made thereunder, including the provision that any such administrative fine shall when it becomes final constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil procedure:

Provided that any administrative fine provided for by regulations made under this article shall not exceed the sum of 350 Euro and

(q) to prescribe anything else which may or is to be prescribed under this Act for the better carrying out of any of the provisions of this Act.

34. Documents, publications, records, works and other materials in the custody of the Librarian on the day before the coming into operation of this Act are hereby transferred to the custody of the National Librarian subject to any terms and conditions that were applicable to those records and other materials on that day.

Transfer of custody of documents, etc.

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

Transitory Provisions.

(2) Where, immediately before the coming into force of Part V 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 Malta Libraries shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become substituted, and such proceedings shall not abate by reason of such 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 Malta Libraries by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Malta Libraries 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 Malta Libraries.

36. (1) The Public Libraries Ordinance, hereinafter referred to as “the repealed Ordinance”, is hereby repealed.

Repeal of Public Libraries Ordinance.

(2) Notwithstanding the provisions of subarticle (1), any subsidiary legislation made under any of the provisions of the repealed Ordinance shall, until other provision is made under or

by virtue of this Act, continue in force and have effect as if made under this Act.

(3) Any authority or order granted or made under any of the provisions of the repealed Ordinance in force immediately before the coming into force of this Act, shall continue in force thereafter as if it were an authority or order granted or made under a corresponding provision of this Act, and any such authority or order as aforesaid shall be treated and dealt with accordingly.

(4) All references in other Acts and regulations to the Public Libraries of Malta, or to the Librarian, shall be construed as applying to the Malta Libraries and its libraries, or to the National Librarian thereof and all references to the Public Libraries Ordinance, shall be construed as referring to this Act.

SCHEDULE**[Article 4 (3)]**

Libraries in respect of which the Malta Libraries Act applies.

The National Library

The Central Public Library

The Regional Libraries:

Birkirkara
Luqa
Mosta
Paola
Qormi
Rabat
Vittoriosa

The Branch Libraries:

Attard
Birżebbuġa
Cospicua
Dingli
Fgura
Għargħur
Għaxaq
Gudja
Gzira
Hamrun
Kalkara
Kirkop
Lija
Marsa
Marsascala
Marsaxlokk
Mellieħa
Mgarr
Mqabba
Msida
Naxxar
Pembroke
Qormi (San Ġorġ)
Qrendi
Safi
San Ġiljan
San Ġwann
San Pawl il-Baħar

Santa Venera
Senglea
Siġġiewi
Sliema
St. Andrews
Ta' Paris
Tarxien
Valletta
Żabbar
Żebbuġ
Żejtun
Żurrieq

The Gozo Public Library

The Gozo Lending Library

The Gozo Branch Libraries:

- Għajnsielem
- Għarb
- Għasri
- Kerċem
- Nadur
- Qala
- San Lawrenz
- Sannat
- Xagħra
- Xewkija
- Żebbuġ

Passed by the House of Representatives at Sitting No. 346 of 16th May, 2011.

MICHAEL FRENDO
Speaker

PAULINE ABELA
Clerk to the House of Representatives

