VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,432, 29 ta' Mejju, 2015
Taqsima A

MALTA

ATT Nru XV tal-2015

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

ATT biex jipprovdi għat-twaqqif ta' Kunsill li għandu jkun magħruf bħala l-Kunsill Malti għall-Arti biex jinkoraġġixxi u jippromwovi s-setturi tal-kultura u tal-kreattività fi ħdan perspettiva wiegħsa ta' attività soċjo-ekonomika, u biex jagħmel dispożizzjoni fir-rigward ta' materji anċillari għalih jew konnessi miegħu.

ACT No. XV of 2015

AN ACT enacted by the Parliament of Malta.

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

VERŻJONI ELETTRONIKA

Nagħti l-kunsens tiegħi.

(L.S.) **MARIE LOUISE COLEIRO PRECA**
President

29 ta' Mejju, 2015

ATT Nru XV tal-2015

ATT biex jipprovdi għat-twaqqif ta' Kunsill li għandu jkun magħruf bħala l-Kunsill Malti għall-Arti biex jinkoraġġixxi u jippromwovi s-setturi tal-kultura u tal-kreattività fi ħdan perspettiva wiesgħa ta' attività soċjo-ekonomika, u biex jagħmel dispożizzjoni fir-rigward ta' materji anċillari għalih jew konnessi miegħu.

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

Arranġament tal-Att

		Artikoli
Taqsima I	Preliminari	1 - 2
Taqsima II	Twaqqif u Għanijiet tal-Kunsill	3 - 4
Taqsima III	Kompożizzjoni, Funzjonijiet u Tmexxija tal-Affarijiet tal-Kunsill	5 - 14
Taqsima IV	Impjieg u Trasferiment ta' Persunal	15 - 18
Taqsima V	Dispożizzjonijiet Finanzjarji	19 - 30
Taqsima VI	Mixxellanji	31 - 37
	SKEDI	
L-Ewwel Skeda	Lista ta' setturi kulturali u kreattivi	
It-Tieni Skeda	Lista ta' Organizzazzjonijiet Pubbliċi Kulturali	
It-Tielet Skeda	Lista ta' Organizzazzjonijiet Kulturali li għandhom interess pubbliku	

VERŻJONI ELETTRONIKA

TAQSIMA I

Preliminari

Titolu fil-qosor u bidu fis-seħħ.

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 dwar il-Kunsill Malti għall-Arti.

(2) Dan l-Att għandu jidħol fis-seħħ f'dik id-data li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti ta' dan l-Att.

(3) Avviż taħt is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet transitorji bħalma l-imsemmi Ministru jidhirlu li jkunu meħtieġa jew spedjenti f'dak li għandu x'jaqsam mad-dispożizzjonijiet miġjuba fis-seħħ permezz tiegħu.

Tifsir.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra -

"assoċjazzjonijiet u korpi kostitwiti" tfisser dawk l-organizzazzjonijiet li jirrappreżentaw professjonijiet u persuni li jipprattikaw fis-settur, elenkat f'avviż maħruġ mill-Ministru u ppubblikat fil-Gazzetta;

"Bord" tfisser il-Bord tad-Diretturi kif stabbilit bl-artikolu 5;

"*Chairperson*" tfisser iċ-*Chairperson* tal-Bord u tinkludi, fiċ-ċirkostanzi msemmija fl-artikolu 6(5) il-Viċi *Chairperson* jew kull persuna oħra maħtura sabiex taġixxi bħala *Chairperson*;

"*Chairperson* Eżekuttiv" tfisser il-persuna maħtura taħt l-artikolu 9(1) meta dik il-ħatra ssir mill-Ministru;

"Direttur" tfisser il-persuna maħtura taħt l-artikolu 9(8);

"Direttur Eżekuttiv" tfisser il-persuna maħtura taħt l-artikolu 9(3) meta dik il-ħatra ssir mill-Bord;

"gruppi esperti" tfisser individwi u rappreżentanti maħtura skont l-artikolu 8;

"impjegat" tfisser persuna impjegata mill-Kunsill jew minn xi waħda mill-entitajiet elenkata fl-Iskedi;

"attività kreattiva" tfisser l-attività ekonomika ġġenerata mis-setturi kulturali u kreattivi;

"Kunsill" tfisser il-Kunsill Malti għall-Arti stabbilit bl-artikolu 4;

VERŻJONI ELETTRONIKA

"kuntrattur" tfisser persuna li taġixxi skont ftehim li tidħol fih mal-Kunsill jew skont l-artikolu 12(2)(e)(vi);

"Ministru" tfisser il-Ministru responsabbli għall-kultura;

"Organizzazzjonijiet Kulturali li għandhom interess pubbliku" tfisser korp awtonomu mhux governattiv li jirċievi finanzjamenti mill-Fond Konsolidat li jopera f'dawk is-setturi kif jinsab fit-Tieni Skeda;

"Organizzazzjonijiet Kulturali Pubbliċi" tfisser korpi pubbliċi li jirċievu avvanzi mill-Fond Konsolidat li jopera f'dawn is-setturi, kif imniżżel fit-Tielet Skeda;

"sena finanzjarja" tfisser kull perjodu ta' tnax-il xahar li tintemm fil-31 ta' Diċembru ta' kull sena jew kull data skont kif ikun deċiż mill-Ministru;

"settur jew setturi kulturali u kreattivi" tfisser is-settur jew setturi kollha li l-attivitajiet tagħhom magħmula minn individwi, organizzazzjonijiet u intrapriżi li joperaw f'xi waħda mill-attivitajiet imniżżla fl-Ewwel Skeda, huma bbażati fuq valuri kulturali u, jew artistiċi u espressjonijiet kreattivi oħra, kemm jekk dawk l-attivitajiet ikunu orjentati lejn is-suq u kemm jekk le, tkun xi tkun it-tip ta' struttura li twettaqhom, u irrispettivament minn kif dik l-istruttura hi ffinanzjata. Dawn l-attivitajiet huma identifikati bħala sett ta' attivitajiet kulturali sinjifikanti, ibbażati fuq l-għarfien, li ġejjin mill-kreattività ta' kapital kulturali, li jiġbru fihom iċ-ċikli ta' kreazzjoni, produzzjoni, distribuzzjoni u preservazzjoni ta' materji u servizzi kulturali u kreattivi, u li għandhom il-potenzjal li jiġġeneraw żvilupp kulturali u soċjali, tkabbir fl-impjiegi u fl-ekonomija.

TAQSIMA II

Twaqqif u Għanijiet tal-Kunsill

3. (1) Għandu jkun hemm Kunsill, li jkun magħruf bħala l-Kunsill Malti għall-Arti, biex jimplimenta l-għanijiet u jwettaq il-funzjonijiet assenjati lilu b'dan l-Att jew taħtu. Twaqqif u personalità ġuridika tal-Kunsill.

(2) Il-Kunsill ikun korp magħqud b'personalità legali distinta u kapaċi li jagħmel kuntratti ta' akkwist, pussess u tneħħija ta' kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet tiegħu taħt dan l-Att jew xi liġi oħra, li jħarrek u jiġi mħarrek, u li jagħmel dak kollu u li jidħol f'dawk l-operazzjonijiet kollha hekk kif inhuma inċidentali jew iwasslu għall-eżerċizzju jew il-qadi tal-funzjonijiet tiegħu kif hawn f'dan l-Att.

VERŻJONI ELETTRONIKA

Għanijiet tal-Kunsill.

4. L-għanijiet tal-Kunsill huma li:

(a) jippromwovi u jkun mexxej strateġiku u katalist għas-setturi kulturali u kreattivi (hawn iżjed ’il quddiem imsejjaħ "is-settur"), permezz tal-implimentazzjoni *inter alia* ta’ strateġiji, billi jiffoka b’mod partikolari fuq:

(i) l-iżvilupp ibbażat fuq l-għerf kulturali u kreattiv;

(ii) edukazzjoni u taħriġ;

(iii) ġbir ta’ informazzjoni u *data*;

(iv) żvilupp fin-negozju, finanzjar u investiment;

(v) diversità u komunitajiet; u

(vi) internazzjonalizzazzjoni.

(b) il-promozzjoni tal-innovazzjoni fis-setturi u jistimula ekosistema kreattiv għall-ħolqien ta’ kontenut kreattiv kontemporanju;

(ċ) iniedi, jiżviluppa u jippromwovi strateġiji, programmi u inizjattivi neċessarji sabiex itejjeb il-prestazzjoni tas-setturi;

(d) jaġixxi bħala intermedjarju bejn is-setturi u bħala pont bejn is-setturi u setturi oħra;

(e) jippromwovi l-għarfien dwar u l-utilizzazzjoni tal-proprjetà intellettwali fis-settur;

(f) jiżgura l-iżvilupp ta’ ekonomija kreattiva sostenibbli;

(g) jiffaċilita u jippromwovi żvilupp sostenibbli ta’ individwi u organizzazzjonijiet kreattivi;

(h) jiffaċilita l-parteċipazzjoni fi, u aċċess għal, attivitajiet kulturali u kreattivi;

(i) irawwem ċittadinanza attiva u parteċipattiva fil-kultura u jippromwovi inklużjoni kulturali, ugwaljanza, diversità u l-libertà tal-espressjonijiet kreattivi;

(j) iżid l-għarfien, l-apprezzament, it-tgawdija u l-

VERŻJONI ELETTRONIKA

espressjoni tal-kultura; u

(k) jissalvagwardja l-iżvilupp dinamiku ta' dawk il-karatteristiċi kulturali, inkluż intellettwali, lingwistiċi, tradizzjonali u folkloristiċi, li jidentifikaw il-poplu Malti.

TAQSIMA III

Kompożizzjoni, Funzjonijiet u Tmexxija ta' Affarijiet tal-Kunsill

Il-Bord tal-Kunsill.

5. (1) Il-Bord tal-Kunsill għandu jikkonsisti minn *Chairperson* u mhux inqas minn erba' u mhux iżjed minn tmien membri oħra. Wieħed mill-membri għandu jkun nominat mill-Ministru responsabbli għal Għawdex. Tal-anqas wieħed mill-membri għandu jkun magħżul minn lista li fiha tal-anqas ħames persuni nominati mill-assoċjazzjonijiet u korpi kostitwiti li jirrappreżentaw il-professjonisti u l-prattikanti attivi fis-setturi.

(2) Il-membri tal-Bord għandhom jinħatru mill-Ministru għal terminu ta' tliet snin, iżda l-membri hekk maħtura jkunu jistgħu jerġgħu jiġu maħtura mill-ġdid meta jiskadi t-terminu tal-kariga tagħhom.

(3) Il-Ministru jista' jinnomina xi membru ieħor fuq il-Bord bħala Viċi *Chairperson* u l-membru nominat għandu jkollu dawk is-setgħat u jwettaq dawk il-funzjonijiet taċ-*Chairperson* waqt l-assenza temporanja tiegħu jew l-inabilità biex iwettaq il-funzjonijiet ta' *Chairperson*, jew waqt li ċ-*Chairperson* ikun fuq btala, jew waqt kwalunkwe vakanza fil-kariga ta' *Chairperson*:

Iżda jekk l-assenza taċ-*Chairperson* tkun permanenti jew fit-tul, il-Ministru jista' jaħtar kull persuna oħra bħala *Chairperson* skont id-dispożizzjonijiet ta' dan l-artikolu, u f'dak il-każ id-dispożizzjonijiet preċedenti għandhom japplikaw fir-rigward ta' tali persuna.

(4) Persuna m'għandhiex tkun eleġibbli biex tokkupa kariga bħala membru tal-Bord jekk dik il-persuna -

(a) hija membru tal-Kamra tad-Deputati jew tal-Parlament Ewropew; jew

(b) hija Imħallef jew Maġistrat; jew

(ċ) hija legalment interdetta jew inabilitata; jew

(d) instabet ħatja ta' reat li jaffettwa l-fiduċja pubblika, jew ta' serq jew frodi, jew li xjentement irċeviet proprjetà

VERŻJONI ELETTRONIKA

misruqa jew bi frodi, jew ta' tixħim jew ta' ħasil ta' flus, jew tkun xort'oħra ġiet ikkundannata għal terminu ta' priġunerija ta' mhux anqas minn tliet xhur;

(e) hija soġġetta għal skwalifika taħt l-artikolu 320 tal-Att dwar il-Kumpanniji;

Kap. 386.

(f) għandha interessi finanzjarji jew interessi oħra f'xi intrapriża jew attività li tista' taffettwa t-twettiq tal-funzjonijiet tagħha bħala membru tal-Bord:

Iżda l-Ministru jista' jirrinunzja għall-iskwalifika ta' persuna taħt dan il-paragrafu jekk tali persuna tiddikjara l-interess, u tali dikjarazzjoni u rinunzja jiġu ppubblikati fil-Gazzetta.

(5) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru ta' Bord għandha ssir vakanti -

(a) fi tmiem it-terminu tal-kariga tal-membru;

(b) jekk iseħħu ċirkostanzi li, li kieku ma kienx membru tal-Kunsill, huwa kien ikun skwalifikat mill-ħatra bħala membru; jew

(c) jekk il-membru jirriżenja jew iseħħ wieħed mix-xenarji msemmija fis-subartikolu (4).

(6) Membru tal-Bord jista' jitneħħa mill-kariga mill-Ministru jekk, fl-opinjoni tal-Ministru, dak il-membru ma jibqax idoneju biex ikompli f'dik il-kariga jew ikun sar inkapaċi milli jwettaq id-dmirijiet tiegħu bħala membru.

(7) Jekk membru jirriżenja jew il-kariga ta' membru tal-Bord tkun xort'oħra vakanti jew jekk membru għal xi raġuni ma jistax jibqa' jwettaq il-funzjonijiet tiegħu fil-kariga, il-Ministru jista' jaħtar persuna li hija kwalifikata biex tkun maħtura bħala membru temporanju tal-Bord; u kull persuna hekk maħtura tista', bla ħsara għad-dispożizzjonijiet tas-subartikoli (5) u (6), ma tibqax membru meta tinħatar persuna biex timla l-vakanza jew, skont kif ikun il-każ, meta l-membru li ma setax iwettaq il-funzjonijiet tiegħu fil-kariga jerġa' jibda jwettaqhom.

(8) Kull membru tal-Bord li għandu xi interess dirett jew indirett f'xi kuntratt magħmul jew f'kuntratt li hu propost li jidħol fih il-Bord, li ma jkunx interess li jiskwalifika dak il-membru milli jibqa' membru, għandu jiżvela n-natura tal-interess tiegħu fl-ewwel laqgħa tal-Bord wara li l-fatti rilevanti jkunu ġew mgħarrfa lilu. Dak l-

VERŻJONI ELETTRONIKA

iżvelar għandu jitniżżel fil-minuti tal-Bord, u l-membru li għandu interess kif imsemmi qabel m'għandux jattendi għal-laqgħat meta dak il-kuntratt ikun qed jiġi diskuss. Kull żvelar għandu minnufih jiġi kkomunikat lill-Ministru. Meta l-interess tal-membru huwa tali li jiskwalifikah milli jibqa' membru, huwa għandu minnufih jirrapporta dan lill-Ministru u joffri r-riżenja tiegħu.

Dispożizzjonijiet fir-rigward ta' proċeduri tal-Bord.

6. (1) Il-laqgħat tal-Bord għandhom jissejħu miċ-*Chairperson* ta' spiss kemm ikun neċessarju għat-twettiq tal-funzjonijiet tiegħu, jew fuq l-inizjattiva tiegħu jew fuq it-talba ta' żewġ membri oħra, iżda l-Bord għandu jiltaqa' tal-anqas darba kull xahrejn.

(2) Il-*quorum* tal-laqgħat kollha tal-Bord għandu jkun nofs in-numru ta' diretturi li jikkostitwixxu l-Bord u fl-ebda każ m'għandu jkun anqas minn tliet membri.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċeduri tiegħu stess.

(4) Bla ħsara għad-dispożizzjonijiet preċedenti ta' dan l-artikolu, xi att jew proċedura tal-Bord għandhom jibqgħu validi minkejja xi vakanza fost il-membri tiegħu.

(5) Fl-assenza taċ-*Chairperson* f'xi laqgħa tal-Bord, il-Viċi *Chairperson* għandu jaġixxi ta' *Chairperson*; fl-assenza ta' kemm iċ-*Chairperson* kif ukoll il-Viċi *Chairperson*, il-membri tal-Bord preżenti jistgħu jagħżlu persuna minn fosthom biex taġixxi ta' *Chairperson* għal dik il-laqgħa.

(6) Id-deċiżjonijiet tal-Bord għandhom jittieħdu b'maġġoranza tal-voti tal-membri li jkunu preżenti u qed jivvotaw. F'każ ta' voti indaqs, iċ-*Chairperson* jew il-persuna li tkun qed tippresjedi l-laqgħa jkollhom it-tieni jew vot deċiżiv.

(7) Il-membri tal-Bord għandhom jitħallsu dik ir-rimunerazzjoni, jekk ikun hemm, kif il-Ministru jiddeċiedi minn żmien għal żmien.

(8) Il-Bord jista' jaħtar xi impjegat tal-Kunsill biex jokkupa l-kariga ta' Segretarju tal-Bord.

(9) Il-Bord jista' minn żmien għal żmien jistieden xi persuna biex tattendi laqgħa waħda jew aktar biex tipprovdi pariri esperti dwar materji speċifiċi:

Iżda dik il-persuna tista' tkun mistiedna għal numru limitat ta' laqgħat f'konnessjoni mas-suġġett speċifiku.

VERŻJONI ELETTRONIKA

Funzjonijiet tal-Bord.

7. (1) Għandu jkun id-dmir tal-Bord biex iwettaq monitoraġġ fuq l-istrateġiji u x-xogħol tal-Kunsill, biex jiżgura li l-għanijiet u l-funzjonijiet tal-Kunsill ikunu mwettqa f'konformità mal-politika u l-istrateġiji li għandhom impatt fuq is-setturi.

(2) Il-funzjonijiet tal-Bord huma biex:

(a) jipprovdi tmexxija, gwida, appoġġ u direzzjoni lill-Kunsill;

(b) jipproponi politika fuq materji li jikkonċernaw is-setturi lill-Gvern;

(ċ) jiżgura li l-pjan strateġiku tal-Kunsill ikun konformi mal-politika tal-Gvern;

(d) jipprovdi lill-Gvern dak il-parir, informazzjoni jew assistenza skont kif ikun raġonevolment meħtieġ fir-rigward tas-setturi;

(e) jipprovdi lill-Gvern rapporti regolari dwar il-ħidma tas-setturi u, fejn hu neċessarju, kwalunkwe proposta għall-avvanz tas-setturi;

(f) japprova inizjattivi, programmi u linji gwida għal skemi u inċentivi li għandhom ikunu ġestiti mill-Kunsill;

(g) jipprovdi lil kull persuna dawk il-pariri, informazzjoni u assistenza skont kif ikun xieraq fir-rigward tas-setturi u kull materja oħra li taqa' taħt il-kompetenza tiegħu.

(3) Għat-twettiq aħjar tal-funzjonijiet tiegħu, il-Bord jista', bl-approvazzjoni tal-Ministru, jistabbilixxi u jxolji d-direttorati fi ħdan il-Kunsill b'responsabilità partikolari fir-rigward tat-twettiq ta' xi waħda jew aktar mill-funzjonijiet jew attivitajiet tal-Kunsill.

Gruppi ta' esperti.

8. (1) Il-Bord jista' jistabbilixxi u jxolji kwalunkwe numru ta' gruppi ta' esperti għal kwalunkwe raġuni li għandha x'taqsam mal-funzjonijiet tiegħu kif jista' jqis xieraq.

(2) Il-Bord għandu jiddetermina l-kompożizzjoni tal-imsemmija gruppi ta' esperti, bi tweġiba għall-materji speċifiċi jew tematiċi tas-setturi li għandhom jiġu diskussi.

(3) Il-membri tal-gruppi ta' esperti għandhom jinħatru jew jitneħħew mill-Bord u għandhom jibqgħu fil-kariga għal dak il-perjodu u b'dawk it-termini u kundizzjonijiet skont kif il-Bord jidhirlu li huwa xieraq.

VERŻJONI ELETTRONIKA

(4) Grupp ta’ esperti għandu, għall-aħjar twettiq tad-dispożizzjonijiet ta’ dan l-Att, jagħti pariri lill-Kunsill fuq dawk materji u jwettaq dawk il-funzjonijiet oħra skont kif il-Bord jista’ jispeċifika fl-istrument tal-ħatra.

(5) Kull grupp ta’ esperti għandu jżomm minuti tal-laqgħat kollha u għandu jibgħat kopji ta’ dawk il-minuti lill-Bord.

9. (1) Mingħajr ħsara għad-dispożizzjonijiet ta’ qabel ta’ dan l-Att, il-Bord ikun responsabbli għad-direzzjoni tax-xogħol u tal-ħidma tal-Kunsill. Direzzjoni tal-affarijiet u x-xogħol tal-Kunsill.

(2) Il-Ministru jista' jiddeċiedi li x-xogħol eżekuttiv tal-Kunsill, l-amministrazzjoni u l-organizzazzjoni tiegħu u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tiegħu għandhom ikunu vestiti fiċ-*Chairperson,* li għandu jkollu wkoll dawk is-setgħat u funzjonijiet li minn żmien għal żmien jistgħu jiġu delegati lilu mill-Bord.

(3) Id-deċiżjoni tal-Ministru msemmija fis-subartikolu (2) għandha tkun bil-miktub fl-ittra tal-ħatra taċ-*Chairperson* jew fi stadju aktar tard f’każ li l-kariga tad-Direttur Eżekuttiv tkun vakanti. Meta ssir din il-ħatra, il-kondizzjonijiet tal-impjieg taċ-*Chairman* Eżekuttiv jiġu deċizi mill-Ministru.

(4) Meta ċ-*Chairperson* ma jkunx vestit bis-setgħat imsemmija fis-subartikolu (2), il-Bord jista’, bl-approvazzjoni tal-Ministru, jaħtar Direttur Eżekuttiv bir-responsabilitajiet fuq il-ħidma eżekuttiva tal-Kunsill, l-amministrazzjoni u l-organizzazzjoni tiegħu, u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tiegħu, jew setgħat oħra skont kif ikun deċiż mill-Bord.

(5) Il-ħatra tad-Direttur Eżekuttiv għandha tkun għal perjodu ta’ tliet snin u tista’ tkun estiża għal perjodi oħra ta’ tliet snin kull wieħed.

(6) Id-Direttur Eżekuttiv għandu jattendi għal-laqgħat kollha tal-Bord iżda ma jistax jivvota waqt dawn il-laqgħat:

Iżda l-Bord jista’, jekk jidhirlu li huwa xieraq, jordna lid-Direttur Eżekuttiv biex ma jattendix għal xi laqgħa jew għal xi parti mil-laqgħa.

(7) Iċ-*Chairperson* Eżekuttiv jew id-Direttur Eżekuttiv għandu, bla ħsara għad-direzzjoni ġenerali mill-Bord, ikun responsabbli għall-implimentazzjoni tal-objettivi tal-Kunsill fl-eżerċizzju tal-funzjonijiet tiegħu u mingħajr preġudizzju għall-ġeneralità ta’ dak li ntqal qabel huwa għandu:

(a) jassumi responsabilità sħiħa għall-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tal-Kunsill u għal dan il-għan, jassenja lil kull uffiċjal jew impjegat dawk il-funzjonijiet skont kif ikun meħtieġ;

(b) jiżviluppa l-istrateġiji neċessarji għall-implimentazzjoni tal-objettivi tal-Kunsill;

(ċ) jagħti pariri lill-Kunsill fuq kull materja li jista' jirriferilu jew dwar kull materja li jidhirlu li huwa neċessarju jew spedjenti;

(d) iwettaq dawk il-funzjonijiet l-oħra skont kif il-Kunsill jista' jassenjalu minn żmien għal żmien.

(8) Il-Bord jista' jaħtar Diretturi biex jiġġestixxu xi Direttorat stabbilit mill-Kunsill f'konformità ma' kull funzjoni jew attività tal-Kunsill, kif jista' minn żmien għal żmien ikun determinat mill-Bord.

(9) Id-Diretturi maħtura taħt is-subartikolu (8) jistgħu jiġu mistiedna biex jattendu għal-laqgħat tal-Bord iżda ma jkollhomx vot f'dawk il-laqgħat.

Kunflitt ta' interess.

10. (1) Meta membru tal-persunal tal-Kunsill, jew konsulent, persuna oħra li tagħti pariri, membru tal-Bord, membru tal-grupp ta' esperti, jew persuna oħra ingaġġata mill-Kunsill, ikollhom xi interess f'xi materja li taqa' taħt il-konsiderazzjoni tal-Kunsill, huwa għandu -

(a) jiżvela lill-Bord in-natura tal-interess tiegħu fl-ewwel laqgħa tal-Bord wara li dak l-interess ikun inkiseb bil-quddiem qabel ma tiġi kkunsidrata l-materja, liema waħda minnhom isseħħ l-ewwel;

(b) ma jinfluwenzax jew jipprova jinfluwenza deċiżjoni li għandha x'taqsam ma' dik il-materja; u

(ċ) ma jiħux sehem fi kwalunkwe kunsiderazzjoni ta' dik il-materja.

(2) Meta tinqala' kwistjoni dwar jekk ċertu mġiba, jekk segwita minn persuna, tistax tikkostitwixxi nuqqas min-naħa tagħha li tkun konformi mal-ħtiġiet tas-subartikolu (1), il-kwistjoni għandha tiġi deċiża mill-Bord u d-deċiżjoni u l-motivazzjoni għandhom jiġu mniżżla fil-minuti tal-laqgħa meta tkun ittieħdet id-deċiżjoni.

(3) Fejn isir żvelar lill-Bord skont is-subartikolu (1), id-dettalji ta' dak l-iżvelar għandhom jiġu mniżżla fil-minuti tal-laqgħa

rilevanti.

(4) Meta persuna li għaliha japplika s-subartikolu (1) tonqos milli tagħmel l-iżvelar meħtieġ, il-Bord għandu jiddeċiedi dwar l-azzjoni xierqa li għandha tittieħed li tista' tinkludi t-tneħħija tal-persuna mill-kariga jew it-temm tal-kuntratt tal-persuna kkonċernata.

(5) Salv kif jista' jkun meħtieġ mod ieħor jew permess għall-finijiet ta' dan l-Att, jew waqt il-prosekuzzjoni għal reat imwettaq kontra xi waħda jew aktar mid-dispożizzjonijiet ta' dan l-Att jew ta' xi liġi oħra, il-Kunsill għandu, fit-twettiq tal-funzjonijiet jew dmirijiet taħt dan l-Att, ikun marbut bid-dispożizzjonijiet tal-Att dwar Segretezza Professjonali u m'għandux jiżvela ebda informazzjoni miksuba waqt it-twettiq tad-dmirijiet tiegħu sakemm ma jkunx ingħata permess mill-Bord. Kap. 377.

Rappreżentanza legali u ġuridika.

11. (1) Ir-rappreżentanza legali u ġuridika tal-Kunsill għandha tkun vestita fiċ-*Chairperson*:

Iżda l-Bord jista' jaħtar id-Direttur Eżekuttiv jew minn żmien għal żmien wieħed jew aktar mid-Diretturi msemmija fl-artikolu 9(7), jew uffiċjal jew impjegat wieħed jew aktar, biex jidhru f'ismu jew għan-nom tiegħu fi proċeduri ġuridiċi jew fuq xi att, kuntratt, strument jew kull dokument ieħor ikun xi jkun.

(2) Kull dokument li juri li huwa strument magħmul jew maħruġ mill-Kunsill u ffirmat miċ-*Chairperson* għandu jkun riċevut bħala evidenza u għandu, sakemm ma jiġix ippruvat il-kuntrarju, jitqies bħala strument magħmul jew maħruġ mill-Kunsill.

Funzjonijiet tal-Kunsill.

12. (1) Għandu jkun fid-dmir tal-Kunsill li jiżviluppa s-settur u jippromwovi s-setturi kulturali u kreattivi ta' Malta kemm fuq bażi nazzjonali kif ukoll fuq bażi internazzjonali permezz ta' kull forma ta' espressjoni kulturali u li jżid l-aċċessibilità tal-pubbliku għall-kultura u l-arti.

(2) Fil-qadi ta' dmirijietu, il-Kunsill għandu jkollu l-funzjonijiet li ġejjin:

(a) jitkellem f'isem is-setturi u jagħti pariri lill-Gvern fuq:

(i) l-iżvilupp ta' politika kulturali, l-ekonomija kreattiva, politika għas-setturi u fuq il-materji kollha li jikkonċernaw il-funzjonijiet tiegħu jew huma regolati b'dan l-Att;

(ii) jistruttura u jintegra riżorsi kemm fuq

VERŻJONI ELETTRONIKA

livelli Ċentrali kif ukoll ta' Gvern Lokali, sabiex jiffaċilita r-rabtiet inter-industrijali, itejjeb is-sostenibbiltà u l-kompetittività, u jiżgura burokrazija minima;

(iii) l-iffirmar ta' kull trattat bilaterali, multilaterali jew internazzjonali, konvenzjoni jew ftehim;

(iv) miżuri jew pjanijiet ta' azzjoni biex jinkisbu l-politika, l-istrateġiji u l-objettivi stabbiliti mill-Gvern jew mill-Kunsill; u

(v) it-twaqqif ta' mekkaniżmi ta' monitoraġġ u evalwazzjoni xierqa;

(b) sabiex iservi s-setturi billi:

(i) iservi bħala punt uniku ta' servizz għas-setturi kollha;

(ii) jappoġġja lis-setturi permezz tal-għoti ta' pariri, informazzjoni, għarfien, programmi, inċentivi u inizjattivi xierqa;

(iii) jospita uffiċċji internazzjonali u, jew Ewropej li jirriżultaw mill-obbligi bilaterali, reġjonali, jew internazzjonali ta' Malta rilevanti għas-setturi;

(iv) jamministra l-Istitut Kulturali ta' Malta għall-promozzjoni internazzjonali ta' Malta fis-setturi kreattivi u kulturali;

(v) iwettaq jew jagħti effett lil kull konvenzjoni internazzjonali rilevanti jew kull ftehim internazzjonali ieħor li fih il-Gvern jew il-Kunsill huwa jew mistenni jkun parti;

(vi) jikkollabora ma' entitajiet pubbliċi oħra, organizzazzjonijiet u persuni oħra għall-promozzjoni ta' inizjattivi artistiċi, kulturali u kreattivi f'ambjent li jirrikonoxxi l-valur tal-kultura u kreattività bħala ċentrali għal komunità demokratika u b'saħħitha;

(vii) jippromwovi drittijiet ta' proprjetà intellettwali, jagħti pariri lis-setturi fuq aspetti tal-

VERŻJONI ELETTRONIKA

protezzjoni u l-kummerċjalizzazzjoni tagħhom, u jirrapporta lill-Kontrollur tal-Proprjetà Industrijali dwar opinjonijiet u proposti riċevuti;

(viii) jieħu ħsieb l-art, siti, bini, servizzi u faċilitajiet għas-setturi;

(ix) jistabbilixxi kif meħtieġ reġistri u listi skont is-setturi differenti u l-partijiet interessati u l-istituzzjonijiet involuti fihom; u

(x) jissorvelja s-sistema ta' klassifikazzjoni tal-età għal oqsma speċifiċi tas-setturi;

(ċ) jiżviluppa u jiffaċilita l-implimentazzjoni ta' strateġiji sabiex:

(i) iġib is-setturi fuq bażi professjonali u jiżviluppa l-kompetenza;

(ii) jgħin lis-setturi jkollhom aċċess għal swieq nazzjonali u internazzjonali;

(iii) jippromwovi lil Malta bħala ċentru għas-setturi;

(iv) jappoġġja *networks* industrijali u pjattaformi li jirrappreżentaw is-setturi;

(v) jinkoraġġixxi l-parteċipazzjoni attiva fi programmi u attivitajiet kulturali;

(vi) jiżviluppa sottosetturi partikolari, niċeċ jew materji kif jista', minn żmien għal żmien, ikun ikkunsidrat bħala rilevanti, importanti jew neċessarju f'konnessjoni mal-avvanz jew titjib tas-setturi;

(vii) jinkoraġġixxi eċċellenza u innovazzjoni partikolarment permezz tal-użu ta' tekonoloġiji diġitali; u

(viii) itejjeb l-irwol tas-setturi fl-edukazzjoni u fit-trawwim ta' ċittadinanza, kreattività u innovazzjoni;

(d) ikun iċ-ċentru nazzjonali ta' riċerka għas-setturi billi:

VERŻJONI ELETTRONIKA

(i) iwettaq u jxerred riċerka għas-setturi, inkluż il-ġbir u l-immaniġġar ta' *records*, statistika u *databases* li għandha x'taqsam mas-setturi skont kif ikun xieraq f'konnessjoni mal-funzjonijiet tiegħu; u

(ii) jikkollabora fuq proġetti nazzjonali u internazzjonali u eżerċizzji ta' ġbir ta' *data* ma' entitajiet ewlenin nazzjonali;

(e) jinvesti fis-setturi billi:

(i) ifassal, jiġġestixxi, japprova u jagħti inċentivi li jinkludu benefiċċji, avvanzi, self, premji, skemi, għotjiet, programmi ta' finanzjar u faċilitajiet finanzjarji oħra li jeħtieġu l-żburżar ta' fondi, inklużi fondi li joriġinaw minn sorsi nazzjonali jew internazzjonali, għal kull persuna naturali jew ġuridika, skont il-kriterji stabbiliti minn jew taħt dan l-Att jew kull leġiżlazzjoni oħra, jekk ikun hemm;

(ii) jalloka fondi li jkunu ngħataw bħala donazzjoni jew ġew fdati lill-Kunsill minn xi persuna għal raġuni speċifika jew għall-promozzjoni ta' kultura, l-arti u l-industriji kreattivi b'mod ġenerali, u skont it-termini u l-kondizzjonijiet, jekk ikun hemm, kif stipulat mill-imsemmija persuna:

Iżda jekk ma jkunx hemm termini u kondizzjonijiet annessi mal-allokazzjoni tal-fondi, għandhom japplikaw id-dispożizzjonijiet tas-subparagrafu (i);

(iii) isaħħaħ l-organizzazzjonijiet elenkati fit-Tieni u t-Tielet Skeda biex josservaw il-mandat tagħhom għall-avvanz tal-Politika Kulturali Nazzjonali u l-qafas strateġiku stabbilit mill-Kunsill u kif stipulat minn strument bil-miktub jew kif assenjat lilhom mill-Gvern;

(iv) jivvaluta u jissorvelja l-istrateġiji, stimi finanzjarji, u *records* finanzjarji tal-organizzazzjonijiet elenkati fit-Tieni u t-Tielet Skeda u jfassal kriterji għall-iffinanzjar tagħhom ibbażat fuq l-irwol u l-kontribuzzjoni tagħhom

VERŻJONI ELETTRONIKA

għall-iżvilupp tas-setturi;

(v) javvanza fondi kif ikunu allokati mill-Gvern għall-immaniġġar, l-amministrazzjoni u l-ħtieġa operattiva tal-entitajiet elenkati fit-Tieni u t-Tielet Skeda; u

(vi) bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Kunsill jista' jeżerċita l-funzjonijiet tiegħu permezz ta' wieħed mill-uffiċjali jew impjegati tiegħu jew permezz ta' entità, jew aġenzija awtorizzata għal dak il-għan, jew permezz ta' kuntrattur jew persuna oħra li magħha jkun sar ftehim għat-twettiq ta' xi waħda jew aktar mill-funzjonijiet li jkun daħal għalihom, u f'dawk il-każijiet, il-kuntrattur għandu jkollu dawk is-setgħat, drittijiet u obbligi bħal uffiċjal jew impjegat tal-Kunsill u għandu, għall-finijiet ta' dan l-Att u kull regolament jew direttiva li tkun saret taħtu, jitqies għal kull fini bħala imjegat tal-Kunsill.

(2) Fit-twettiq tal-funzjonijiet tiegħu taħt dan l-Att, il-Kunsill għandu jiżgura li l-istrateġiji, pjanijiet ta' azzjoni u attivitajiet ikunu konformi mal-għanijiet u l-objettivi tal-pjan ekonomiku nazzjonali, il-politika ġenerali tal-Gvern u Ministerjali, u għandu jagħti konsiderazzjoni primarja għall-flessibilità u n-natura ta' attività kreattiva ekonomika li dejjem tevolvi.

Setgħat tal-Kunsill.

13. (1) Il-Kunsill għandu jkollu s-setgħa:

(a) li jipprovdi informazzjoni u joħroġ linji gwida għall-pubbliku u għal entitajiet kulturali, fir-rigward tas-setturi;

(b) jagħmel dawk l-affarijiet kollha li huma meqjusa bħala neċessarji għat-twettiq xieraq tal-funzjonijiet tiegħu taħt dan l-Att, inkluż it-twaqqif ta' entitajiet u kumitati oħra skont kif ikun meħtieġ, bl-approvazzjoni tal-Ministru;

(ċ) iwettaq dawk il-funzjonijiet oħra kif jistgħu minn żmien għal żmien ikunu assenjati lilu mill-Ministru; u

(d) mod ieħor jagħti parir lill-Ministru fuq kull materja konnessa mal-funzjonijiet tiegħu taħt dan l-Att jew xi Att ieħor.

(2) Il-Kunsill jista', bl-awtorizzazzjoni minn qabel tal-Ministru jieħu sehem fil-formazzjoni ta' kumpannija, jew jidħol f'*joint ventures* jew f'soċjetajiet oħra għall-finijiet li jwettaq il-

VERŻJONI ELETTRONIKA

funzjonijiet tiegħu.

(3) Il-Kunsill jista' jitlob lil kull persuna biex tipprovdilu informazzjoni, li tinkludi informazzjoni finanzjarja, sabiex jiżgura konformità minn dik il-persuna mad-dispożizzjonijiet ta' dan l-Att, regolamenti preskritti taħtu u deċiżjonijiet jew direttivi magħmula skont dan l-Att jew kull liġi oħra li l-Kunsill huwa intitolat li jenforza.

Organizzazzjonijiet Kulturali Pubbliċi.

14. (1) Il-Ministru jista', fuq il-parir tal-Kunsill, b'ordni jwaqqaf korpi ġuridiċi li jkollhom personalità legali distinta biex jamministraw u jiġġestixxu dak l-attiv jew impriżi skont kif ikun identifikat li jaqgħu taħt ir-responsabilitajiet tal-entitajiet elenkati fit-Tieni Skeda.

(2) Il-Ministru jista' f'ordni bħal dak jistabbilixxi l-kompożizzjoni u s-setgħat tal-korpi regolatorji ta' dawk l-entitajiet u għandu jistabbilixxi regoli li għandhom x'jaqsmu mal-kontabilità, kontroll finanzjarju u verifika ta' dawk l-entitajiet kif ukoll regoli li jirrigwardaw xi materja anċillari għalihom li l-Ministru jista' fl-opinjoni tiegħu jqis bħala neċessarji għall-governanza tajba u għall-funzjonament xieraq ta' dawk il-korpi.

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

(4) Il-Ministru jista' b'ordni simili jneħħi kull attiv jew impriża mill-amministrazzjoni jew il-ġestjoni ta' kull korp ġuridiku stabbilit taħt dan l-artikolu u jista' wkoll b'dak l-ordni jittrasferixxi dik l-amministrazzjoni jew ġestjoni minn korp ġuridiku wieħed hekk imwaqqaf għal xi korp ġuridiku ieħor.

(5) Il-Ministru jista', b'avviż fil-Gazzetta, iżid organizzazzjoni jew ineħħi mil-lista ta' organizzazzjonijiet elenkati fit-Tieni u t-Tielet Skeda.

(6) Ir-regoli u dispożizzjonijiet li jinsabu fit-Taqsima V għandhom, *mutatis mutandis*, japplikaw għall-Organizzazzjonijiet Kulturali Pubbliċi elenkati fit-Tieni Skeda.

TAQSIMA IV

Impjieg u Trasferiment ta' Persunal

Ħatriet tal-persunal.

15. Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull leġiżlazzjoni oħra applikabbli, u mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-ħatra ta' uffiċjali u impjegati oħra tal-Kunsill għandha ssir mill-Kunsill. It-termini u l-

VERŻJONI ELETTRONIKA

kundizzjonijiet tal-impjieg għandhom jiġu stabbiliti mill-Kunsill.

Uffiċjali mqabbda għal qadi ta' dmirijiet mal-Kunsill.

16. (1) Il-Prim Ministru jista' minn żmien għal żmien, fuq talba tal-Kunsill, jordna li xi uffiċjal pubbliku jintbagħat għall-qadi ta' dmirijietu mal-Kunsill f'dik il-kariga u b'effett minn dik id-data kif jista' jiġi speċifikat fl-ordni.

(2) Il-perjodu li matulu japplika l-imsemmi ordni għandu japplika għal kull uffiċjal speċifikat fih, għandu, sakemm l-uffiċjal ma jirtirax mis-servizz pubbliku, jew xort'oħra jieqaf milli jżomm il-kariga f'data aktar kmieni, jew f'data differenti speċifikata f'dak l-ordni, jintemm meta tiġi fis-seħħ waħda mill-ġrajjiet li ġejjin:

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u impjieg permanenti mal-Kunsill skont l-artikolu 18; jew

(b) ir-revoka mill-Prim Ministru ta' kull ordni mogħti minnu taħt dan l-artikolu fir-rigward ta' dak l-uffiċjal.

(3) Fejn l-ordni kif imsemmi qabel jiġi revokat mill-Prim Ministru fir-rigward ta' xi uffiċjal, il-Prim Ministru jista', b'ordni ulterjuri, jibgħat lil dak l-uffiċjal għal qadi ta' dmirijietu mal-Kunsill f'dik il-kariga u b'effett minn dik id-data kif tista' tiġi speċifikata fl-ordni ulterjuri u d-dispożizzjonijiet ta' subartikolu (2) għandhom b'hekk japplikaw għal perjodu ta' kemm jibqa' fis-seħħ l-ordni ulterjuri fir-rigward ta' dak l-uffiċjal.

Status tal-uffiċjal pubbliku mibgħut għal qadi ta' dmirjietu mal-Kunsill.

17. (1) Fejn xi uffiċjal pubbliku jintbagħat għal qadi ta' dmirjietu mal-Kunsill taħt xi waħda mid-dispożizzjonijiet tal-artikolu 16, dak l-uffiċjal għandu, matul iż-żmien li l-ordni jkun fis-seħħ fil-konfront tiegħu, ikun taħt l-awtorità u l-kontroll amministrattiv tal-Kunsill, iżda għandu għall-għanijiet u finijiet kollha l-oħra jibqa' u jkun ikkunsidrat u meqjus bħala uffiċjal pubbliku.

(2) Mingħajr preġudizzju għall-ġeneralità ta' dak hawn fuq imsemmi, uffiċjal mibgħut sabiex jaqdi dmirjietu kif imsemmi hawn fuq -

(a) m'għandux, matul iż-żmien li huwa hekk mibgħut -

(i) ikun prekluż milli japplika għal trasferiment għal dipartiment tal-Gvern skont it-termini u l-kundizzjonijiet tas-servizz annessi mal-ħatra tiegħu mal-Gvern miżmuma minnu f'dik id-data illi huwa jkun mibgħut għal qadi ta' dmirijietu; jew

VERŻJONI ELETTRONIKA

(ii) ikun hekk impjegat b'dak il-mod li r-rimunerazzjoni u l-kundizzjonijiet tas-servizz ikunu inqas favorevoli minn dawk li huma annessi mal-ħatra tiegħu mal-Gvern miżmuma minnu f'dik id-data kif imsemmija hawn fuq jew li kienu jkunu annessi ma' dik il-ħatra, matul il-perjodu msemmi, li kieku dan l-uffiċjal ma ntbagħatx għal qadi ta' dmirijietu mal-Kunsill; u

Cap. 93.
Cap. 58

(b) għandu jkun intitolat li s-servizz tiegħu mal-Kunsill ikun ikkunsidrat bħala servizz mal-Gvern għall-finijiet ta' kull pensjoni, gratifikazzjoni jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet u taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u għal kull dritt jew privileġġ ieħor li hu jista' jkun intitolat għalih, u għandu jkun responsabbli għal kull responsabilità li jista' jkun responsabbli għaliha, għall-fatt li huwa ġie mibgħut sabiex jaqdi dmirijietu mal-Kunsill.

(3) Meta ssir applikazzjoni kif previst fis-subartikolu (2)(a)(i), għandha tingħata l-istess konsiderazzjoni daqslikieku l-applikant ma ntbagħatx sabiex jagħti s-servizz tiegħu mal-Kunsill.

(4) Il-Kunsill għandu jħallas lill-Gvern dawk il-kontribuzzjonijiet kif minn żmien għal żmien jista' jiġi determinat mill-Ministru responsabbli għall-finanzi fir-rigward tal-ispejjeż tal-pensjonijiet u gratifikazzjonijiet li jkun qala' l-uffiċjal mibgħut għal qadi ta' dmirijietu mal-Kunsill kif imsemmi hawn fuq matul il-perjodu li huwa jkun hekk intbagħat.

Offerta ta' impjieg permanenti mal-Kunsill lil uffiċjali pubbliċi mibgħuta għal qadi ta' dmirijiethom mal-Kunsill.

18. (1) Il-Kunsill jista', bl-approvazzjoni tal-Prim Ministru, joffri lil kull uffiċjal mibgħut għal qadi ta' dmirijietu mal-Kunsill taħt xi waħda mid-dispożizzjonijiet tal-artikoli 15 sa 17 impjieg permanenti mal-Kunsill b'rimunerazzjoni u b'dawk it-termini u kundizzjonijiet li ma jkunux anqas favorevoli minn dawk li l-uffiċjal kien igawdi qabel id-data ta' dik l-offerta.

(2) It-termini u l-kundizzjonijiet f'xi offerta magħmula kif hawn qabel imsemmi ma għandhomx jitqiesu bħala anqas favorevoli minħabba li ma jkunux identiċi bħal jew superjuri għal dawk li kien igawdi l-uffiċjal pubbliku kkonċernat fid-data ta' dik l-offerta, jekk dawn it-termini u kundizzjonijiet, meħuda fl-intier tagħhom, fl-opinjoni tal-Prim Ministru, joffru benefiċċji sostanzjalment indaqs jew aħjar.

Kap. 93.
Kap. 58

(3) Kull uffiċjal pubbliku li jaċċetta impjieg permanenti mal-Kunsill offrut lilu taħt id-dispożizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha barra dawk tal-Ordinanza dwar il-Pensjonijiet u tal-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u, salv id-

dispożizzjonijiet tas-subartikolu (6), jitqies li waqaf milli jkun fis-servizz tal-Gvern u li daħal fis-servizz mal-Kunsill fid-data tal-aċċettazzjoni tiegħu, u għall-finijiet tal-imsemmija Ordinanza u l-imsemmi Att, sakemm huma applikabbli għalih, servizz mal-Kunsill għandu jitqies li huwa servizz mal-Gvern fit-termini tiegħu rispettivament.

(4) Kull uffiċċjal pubbliku kif imsemmi hawn fuq li, minnufih qabel jaċċetta impjieg permanenti mal-Kunsill, kien intitolat li jibbenefika taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' intitolat li hekk jibbenefika minnu għal kull fini daqslikieku s-servizz tiegħu mal-Kunsill kien servizz mal-Gvern. Kap. 58

(5) Il-Kunsill għandu jħallas lill-Gvern dawk il-kontribuzzjonijiet kif jista' minn żmien għal żmien jiġi determinat mill-Ministru responsabbli għall-finanzi fir-rigward tal-ispejjeż tal-pensjonijiet u gratifikazzjonijiet maqlugħa minn uffiċjal pubbliku li jkun aċċetta impjieg permanenti mal-Kunsill kif imsemmi hawn fuq matul il-perjodu li jibda mid-data tal-aċċettazzjoni ta' dak l-uffiċjal pubbliku.

(6) (a) Għall-finijiet tal-Ordinanza dwar il-Pensjonijiet, emolumenti pensjonabbli pagabbli lil dak l-uffiċjal pubbliku mal-irtirar għandhom jitqiesu bħala emolumenti pensjonabbli pagabbli lil uffiċjal pubbliku fis-servizz tal-Gvern fi grad u f'livell inkrimentali li jikkorrispondi għal pożizzjoni u livell inkrimentali li fihom l-uffiċjal pubbliku jirtira mill-Kunsill. Kap. 93.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha titwettaq minn bord magħmul minn *Chairperson* maħtur mill-Ministru responsabbli għall-finanzi u żewg membri oħra, wieħed maħtur mill-Ministru responsabbli primarjament għall-politika dwar il-persunal fis-servizz pubbliku u wieħed maħtur mill-Kunsill. Il-klassifikazzjoni għandha tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Din il-klassifikazzjoni għandha sseħħ fi żmien tliet xhur mill-aġġustament tas-salarji tal-impjegati fis-servizz tal-Gvern u, jew tal-impjegati tal-Kunsill.

(d) L-ebda pożizzjoni m'għandha tiġi klassifikata fi grad ogħla minn Grad 3 fis-servizz tal-Gvern jew dak il-grad ieħor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jiddetermina permezz ta' avviż fil-Gazzetta.

(e) Mingħajr ħsara għall-artikolu 113 tal-Kostituzzjoni, l-ebda persuna ma tkun, wara li tkun saret il-klassifikazzjoni msemmija hawn qabel, intitolata għal drittijiet taħt l-Att dwar il- Kap. 93.

VERŻJONI ELETTRONIKA

Pensjonijiet li jkunu inqas favorevoli minn dawk li għalihom kienet intitolata qabel din il-klassifikazzjoni.

TAQSIMA V

Dispożizzjonijiet Finanzjarji

Il-Kunsill għandu jsostni l-infiq mid-dħul.

19. (1) Mingħajr preġudizzju għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, il-Kunsill għandu jmexxi l-affarijiet tiegħu b'tali mod illi l-ispejjeż meħtieġa għat-twettiq xieraq tal-funzjonijiet tiegħu għandhom, safejn hu prattikabbli, jitħallsu mid-dħul tiegħu.

(2) Għal dak il-għan il-Kunsill għandu jiġbor il-miżati, ir-rati u l-pagamenti l-oħra kollha preskritti jew meqjusa li huma preskritti minn jew taħt dan l-Att.

(3) Kull eċċess tad-dħul fuq l-ispejjeż għandu, bla ħsara għal dawk id-direttivi kif il-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jagħti, għandu jintuża mill-Kunsill għall-ħolqien ta' fondi ta' riserva li jiġu użati għall-finijiet tal-Kunsill; u mingħajr preġudizzju għall-ġeneralità tas-setgħat mogħtija lill-Ministru b'dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif imsemmi hawn qabel tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod kif jista' jiġi speċifikat fid-direttiva, ta' kull parti mill-miżati, rati jew ħlasijiet oħra miġbura skont is-subartikolu (2) jew kull eċċess kif imsemmi qabel.

(4) Il-fondi tal-Kunsill li ma jkunux immedjatament meħtieġa għall-ispejjeż jistgħu jiġu investiti b'dak il-mod kif minn żmien għal żmien jista' jkun approvat mill-Ministru.

Avvanzi mingħand il-Gvern.

20. Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Kunsill ta' dawk is-somom kif huwa jista' jaqbel li huma meħtieġa mill-Kunsill għall-qadi ta' xi waħda mill-funzjonijiet tiegħu taħt dan l-Att, u jista' jagħmel dawk l-avvanzi skont dawk it-termini u kundizzjonijiet kif jista', wara l-konsultazzjoni kif hawn qabel imsemmi, iqis xieraq. Kull avvanz bħal dak jista' jsir mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr approprjazzjoni ulterjuri ħlief dan l-Att, permezz ta' mandat bl-awtorità tiegħu li jawtorizza l-*Accountant General* sabiex jagħmel dak l-avvanz.

Allokazzjoni ta' fondi lil entitajiet kulturali u artistiċi.

21. (1) Il-Kunsill għandu wkoll jirċievi mingħand il-Gvern mill-Fond Konsolidat dawk is-somom kif jistgħu jkunu meħtieġa għall-allokazzjoni ta' fondi skont it-termini ta' dan l-Att.

(2) Mingħajr preġudizzju għal kull dispożizzjoni oħra ta' dan

VERŻJONI ELETTRONIKA

l-Att, il-Ministru jista’ jagħti lill-Kunsill direttivi fir-rigward tal-applikazzjoni ta’ dawk is-somom kif imsemmi fis-subartikolu (1).

Setgħa li jissellef jew jiġbor kapital.

22. (1) Għall-finijiet tal-qadi tal-funzjonijiet tiegħu taħt dan l-Att, il-Kunsill jista’, bl-approvazzjoni bil-miktub tal-Ministru, mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jissellef jew jiġbor flus b’dak il-mod, mingħand dik il-persuna, korp jew awtorità u skont dawk it-termini u kundizzjonijiet kif il-Ministru, wara l-konsultazzjoni hawn qabel imsemmija, jista’ japprova bil-miktub.

(2) Il-Kunsill jista’ wkoll, minn żmien għal żmien, jissellef, permezz ta’ *overdraft* jew xort’oħra, dawk is-somom kif jista’ jeħtieġ għal qadi tal-funzjonijiet tiegħu taħt dan l-Att:

Iżda kull ammont li jaqbeż il-mija u ħamsin elf euro (€150,000), għandu jeħtieġ l-approvazzjoni bil-miktub tal-Ministru.

Self mingħand il-Gvern.

23. (1) Il-Ministru responsabbli għall-finanzi jista’, għal kull ħtieġa ta’ natura kapitali tal-Kunsill, jikkuntratta jew jiġbor kull self, jew jidħol f’obbligazzjonijiet, għal dawk il-perjodi u skont dawk it-termini u kundizzjonijiet kif huwa jista’ jqis bħala xierqa; u kull somma dovuta fir-rigward ta’ jew konnessa ma’ xi self jew obbligazzjoni bħal dawk għandha titħallas mill-Fond Konsolidat.

(2) Avviż dwar kull self, obbligazzjoni jew avvanzi magħmula jew imġarrba taħt is-subartikolu (1) għandu jingħata lill-Kamra tad-Deputati mill-aktar fis possibbli.

(3) Sakemm isir il-ġbir ta’ xi self kif imsemmi fis-subartikolu (1), jew għall-finijiet sabiex jipprovdi lill-Kunsill kapital funzjonali, il-Ministru responsabbli għall-finanzi jista’, permezz ta’ mandat bl-awtorità tiegħu, u mingħajr approprjazzjoni ulterjuri ħlief dan l-Att, jawtorizza lill-*Accountant General* sabiex jagħmel avvanzi lill-Kunsill mit-*Treasury Clearance Fund* skont dawk it-termini kif jista’ jiġi speċifikat mill-Ministru meta dawn isiru.

(4) Ir-rikavat ta’ kull self miġbur sabiex isiru avvanzi lill-Kunsill, u kull somma oħra li tiġi avvanzata lill-Kunsill taħt dan l-artikolu, għandhom jitħallsu minn fond speċifikament imwaqqaf għal dan il-fini u li għandu jkun magħruf bħala "il-Fond ta’ Self għall-Kunsill Malti għall-Arti".

(5) Is-somom riċevuti mill-*Accountant General* mibgħuta mill-Kunsill fir-rigward ta’ avvanzi mogħtija lill-Kunsill taħt is-subartikolu (3) għandhom jitħallsu lura, fir-rigward ta’ ammonti riċevuti bħala ħlas lura, fit-*Treasury Clearance Fund*, u, fir-rigward ta’ ammonti riċevuti bħala mgħax, fil-Fond Konsolidat.

VERŻJONI ELETTRONIKA

Estimi tal-Kunsill.

24. (1) Il-Kunsill għandu jissottometti lill-Ministru pjan ta' direzzjoni tax-xogħol għat-tliet snin finanzjarji li jkunu ġejjin flimkien ma' estimi tal-kapital u l-ispejjeż kurrenti u d-dħul tas-sena segwenti:

Iżda l-estimi għall-ewwel sena finanzjarja tal-Kunsill għandhom jiġu mħejjija u adottati f'dak iż-żmien li l-Ministru jista' jispeċifika b'avviż bil-miktub lill-Kunsill.

(2) Fit-tħejjija ta' dawk l-estimi l-Kunsill għandu jqis kull fond u flus oħra li jistgħu jkunu dovuti li jitħallsu lilu mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew bis-saħħa ta' dan l-Att jew ta' Att ta' approprjazzjoni jew ta' kull liġi oħra; u l-Kunsill għandu hekk iħejji l-estimi msemmija b'mod li jiżgura li d-dħul totali tal-Kunsill huwa mill-inqas suffiċjenti biex minnu jitħallas kull ammont li sewwasew għandu jintnefaq mill-kont tad-dħul tiegħu inkluż, iżda mingħajr preġudizzju għall-ġeneralità ta' dik il-frażi, id-deprezzament.

(3) L-estimi għandhom isiru f'dik l-għamla u għandu jkun fihom dik l-informazzjoni u dak it-tqabbil ma' snin ta' qabel hekk kif il-Ministru responsabbli għall-finanzi jista' jordna.

(4) Kopja tal-estimi għandha, meta dawn jiġu adottati mill-Kunsill, tintbagħat minnufih mill-Kunsill lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità u mhux iktar tard minn sitt ġimgħat wara li jkun irċieva kopja tal-estimi mingħand il-Kunsill, japprovahom bl-emendi jew mingħajrhom, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

L-infiq għandu jkun skont l-estimi approvati.

25. (1) Ma għandha ssir jew tiġġarrab ebda nefqa mill-Kunsill kemm-il darba ma jkunx sar provvediment għaldaqshekk fl-estimi approvati kif previst fl-artikolu 21.

(2) Bl-eċċezzjoni ta' fondi ġenerati mill-Kunsill innifsu jew riċevuti minn sorsi li mhumiex tal-Istat, il-Kunsill għandu jibqa' fil-parametri tal-ispiża kapitali u l-ispejjeż kurrenti allokati lilu mill-Ministru kif awtorizzat mill-Ministru responsabbli għall-finanzi.

(3) Minkejja d-dispożizzjonijiet tas-subartikoli (1) u (2) -

(a) sal-iskadenza ta' sitt xhur mill-bidu ta' sena finanzjarja, jew sal-approvazzjoni tal-estimi għal dik is-sena, skont liema data tiġi l-ewwel, il-Kunsill jista' jagħmel jew iġarrab spiża għat-twettiq tal-funzjonijiet tiegħu taħt dan l-Att li ma tkunx globalment teċċedi nofs l-ammont approvat għas-sena

VERŻJONI ELETTRONIKA

finanzjarja preċedenti;

(b) in-nefqa approvata għar-rigward ta' intestatura jew subintestatura tal-estimi tista', bl-approvazzjoni tal-Ministru li tingħata wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, issir jew tiġġarrab għar-rigward ta' xi intestatura jew subintestatura oħra tal-estimi;

(ċ) għar-rigward tal-ewwel sena finanzjarja, il-Kunsill jista' jagħmel jew iġarrab nefqa li ma tkunx globalment teċċedi dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jippermetti; u

(d) jekk għar-rigward ta' xi sena finanzjarja jinstab li l-ammont approvat fl-estimi ma jkunx suffiċjenti jew inkella tkun inqalgħet ħtieġa għal nefqa għal għan li ma jkunx hemm provdut dwaru fl-estimi, il-Kunsill jista' jadotta estimi supplimentari għall-approvazzjoni tal-Ministru, u f'kull każ bħal dak id-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom kemm jistgħu jkunu japplikaw għall-estimi supplimentari.

26. L-estimi u l-estimi supplimentari kollha tal-Kunsill approvati mill-Ministru għandhom, mill-aktar fis possibbli, jitqiegħdu fuq il-Mejda tal-Kamra. Pubblikazzjoni tal-estimi approvati.

27. (1) Il-Kunsill għandu jara li jinżammu kontijiet u *records* oħra sew għar-rigward tal-operazzjonijiet tiegħu, u għandu jara li jitħejja prospett ta' kontijiet għar-rigward ta' kull tliet xhur u ieħor għal kull sena finanzjarja. Kontijiet u verifika.

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

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba u l-kontijiet tal-Kunsill jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jikkontrolla fiżikament u jagħmel dawk l-aċċertamenti li huwa jista' jqis li jkunu meħtieġa.

(3) Il-Kunsill għandu, fuq talba tal-Ministru jew tal-Ministru responsabbli għall-finanzi, jissottometti rapporti dwar il-ġestjoni u dwar il-kontijiet kif ordnat. Il-Kunsill għandu jara li kopja tal-prospett tal-kontijiet debitament verifikat tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awdituri dwar dak il-prospett jew fuq il-kontijiet tal-Kunsill.

VERŻJONI ELETTRONIKA

Kuntratti ta' provvista jew ta' xogħlijiet.

28. Il-Kunsill ma għandux jagħti jew jidħol f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-għoti ta' servizzi, lil jew għall-benefiċċju tal-Kunsill, ħlief skont regolamenti fis-seħħ li jirregolaw il-provvista tal-oġġetti u servizzi fis-settur pubbliku kif regolat bir-Regolamenti dwar il-Kuntratti Pubbliċi.

L.S. 174.04

Rapport annwali.

29. Il-Kunsill għandu, mhux aktar tard minn sitt ġimgħat wara tmiem kull sena finanzjarja, jibgħat lill-Ministru kopja tal-prospett tal-kontijiet verifikati, kopja tar-rapport magħmul mill-awditur jew awdituri fir-rigward ta' dawk il-prospetti jew dwar il-kontijiet tal-Kunsill, flimkien ma' rapport li jkun ġeneralment jittratta dwar l-attivitajiet tal-Kunsill matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni relattiva għall-proċedimenti u l-politika tal-Kunsill. Il-Ministru għandu jara li l-kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra tad-Deputati u li tintbagħat lill-Ministru responsabbli għall-finanzi u lill-Awditur Ġenerali malajr kemm jista' jkun.

Depożitu tad-dħul u ħlasijiet li jsiru mill-Kunsill.

30. (1) Il-flus kollha li jinġabru mill-Kunsill għandhom jitqiegħdu f'bank jew banek li jinħatru bħala bankiera tal-Kunsill b'riżoluzzjoni tal-Kunsill. Dawk il-flus għandhom, kemm jista' jkun prattiku, jitqiegħdu f'dawk il-banek minn jum għall-ieħor, ħlief dak l-ammont li l-Kunsill jista' jawtorizza li għandu jinżamm sabiex isiru nefqiet żgħar minnu u ħlasijiet ta' flus likwidi ta' minnufih.

(2) Kull ħlas mill-fondi tal-Kunsill, minbarra nefqiet żgħar li ma jkunux jeċċedu ammont stabbilit mill-Kunsill, għandhom isiru minn dak l-uffiċjal pubbliku jew dawk l-uffiċjali pubbliċi tal-Kunsill li l-Kunsill jaħtar jew jinnomina għal dak l-għan.

(3) Ċekkijiet li jinħarġu fuq, u żbanki li jsiru minn, xi kont tal-bank tal-Kunsill għandhom ikunu ffirmati minn dak l-uffiċjal tal-Kunsill hekk kif jista' jiġi maħtur jew nominat mill-Kunsill għal dak l-għan u għandhom ikunu kontrosenjati miċ-*Chairperson*, jew minn dak il-membru jew uffiċjal ieħor tal-Kunsill li jista' jiġi awtorizzat mill-Kunsill għal dak l-għan.

(4) Il-Kunsill għandu wkoll jagħmel provvedimenti għar-rigward ta' -

(a) il-mod kif il-ħlasijiet għandhom jiġu awtorizzati jew approvati u l-uffiċjal jew uffiċjali li għandhom jawtorizzawhom jew japprovawhom;

(b) it-titolu ta' kull kont miżmum f'bank jew banek fejn jiġu depożitati l-flus tal-Kunsill, u t-trasferiment ta' fondi minn kont għal ieħor; u

VERŻJONI ELETTRONIKA

(ċ) il-metodu li għandu jiġi adottat meta jkunu qed jitħallsu flus mill-fondi tal-Kunsill,

u ġeneralment għar-rigward ta' kull ħaġa li hi rilevanti għat-tiżmim u kontroll sew tal-kontijiet u l-kotba, u l-kontroll tal-finanzi, tal-Kunsill.

TAQSIMA VI

Mixxellanji

31. Il-membri tal-Kunsill, il-membri u l-uffiċjali u l-impjegati kollha tal-Kunsill għandhom jitqiesu li huma uffiċjali pubbliċi fil-parametri tat-tifsira fil-Kodiċi Kriminali.

Persuni li jitqiesu bħala uffiċjali pubbliċi. Kap. 9.

32. (1) Il-proprjetà u l-intrapriżi proprjetà tal-Kunsill Malti għall-Kultura u l-Arti u tal-Gvern u minnhom użati minnufih qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima, kif ukoll minnhom użati għat-tħaddim tal-funzjonijiet li b'dan l-Att qegħdin jiġu trasferiti lil jew vestiti fil-Kunsill, għandhom, fid-data hawn qabel imsemmija, bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni oħra, ikunu trasferiti lil u jiġu vestiti fil-Kunsill jew fil-korp magħqud jew entità kif indikat mill-Ministru li bih kienu miżmuma mill-Kunsill Malti għall-Kultura u l-Arti jew mill-Gvern minnufih qabel dik id-data. Id-dispożizzjonijiet ta' dan is-subartikolu m'għandhomx japplikaw għal proprjetà immobbli.

Trasferiment ta' attiv lill-Kunsill.

(2) L-użu u l-amministrazzjoni tal-attiv immobbli minn żmien għal żmien speċifikati f'Ordni magħmula mill-Ministru responsabbli għall-artijiet f'konsultazzjoni mal-Ministru u ppubblikata fil-Gazzetta (hawn iżjed 'il quddiem imsejjaħ "l-attiv immobbli") li jkun attiv immobbli li minnufih qabel id-dħul fis-seħħ ta' din it-Taqsima kien proprjetà tal-Kunsill Malti għall-Kultura u l-Arti jew tal-Gvern u minnhom użati għat-tħaddim tal-funzjonijiet li b'dan l-Att qegħdin jiġu trasferiti lil jew vestiti fil-Kunsill, għandhom, b'seħħ minn dik il-ġurnata li tista' tkun speċifikata f'xi ordni bħal dik u bis-saħħa ta' dan l-Att u mingħajr ebda assigurazzjoni oħra, ikunu vestiti fil-Kunsill jew fil-korp magħqud jew entità li jkunu hekk imsemmija f'dik l-ordni magħmula mill-imsemmi Ministru.

(3) It-trasferiment u l-vestiment hawn qabel imsemmija għandhom jestendu għal dik il-proprjetà u dawk l-intrapriżi kollha kemm huma u, mingħajr preġudizzju għall-ġeneralità hawn qabel imsemmija, għandhom jinkludu kull impjant, tagħmir, apparat, strument, vettura, inġenju, bini, struttura, stallazzjoni, art, triq, xogħol, ħażna u proprjetà oħra, mobbli jew immobbli, attiv, setgħa, jedd u privileġġ u kull ħaġa meħtieġa jew anċillari għal dawn, li

VERŻJONI ELETTRONIKA

jkunu qegħdin jinżammu jew jiġu gawduti f'konnessjoni magħhom jew li jkunu jappartjenu għalihom, kif ukoll kull obbligazzjoni li taffettwa jew tkun konnessa ma' xi proprjetà jew intrapriżi hawn qabel imsemmija jew xi ħaġ'oħra fihom inkluża kif hawn qabel imsemmija.

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

Kif jinftiehmu liġijiet, eċċ.

33. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, lodi, att, titolu, kuntratt, ftehim, strument, dokument, mandat u arranġament ieħor, li jkun jeżisti minnufih qabel id-data tad-dħul fis-seħħ ta' dan l-Att li jaffettwa jew ikun konness ma' xi waħda mill-proprjetajiet jew intrapriżi trasferiti lill-Kunsill b'dan l-Att jew taħtu, ikollu kull seħħ u effett kontra jew favur il-Kunsill, u għandu jkun fis-seħħ liberament u effettivament, bħallikieku minflok il-Kunsill Malti għall-Kultura u l-Arti jew il-Gvern jew l-awtorità tal-Gvern, kien hemm imsemmi jew kien hemm parti fih il-Kunsill, u hekk ukoll fis-sostituzzjoni tal-Kunsill Malti għall-Kultura u l-Arti jew tal-Gvern jew tal-awtorità tal-Gvern.

Dispożizzjonijiet transitorji.

34. (1) Meta xi ħaġa tkun inbdiet minn jew taħt l-awtorità tal-Kunsill Malti għall-Kultura u l-Arti jew tal-Gvern qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima u dik il-ħaġa jkollha x'taqsam ma' xi proprjetajiet jew intrapriżi jew xi dritt jew responsabilità trasferiti lill-Kunsill bi jew taħt dan l-Att, dik il-ħaġa tista' tkompli titwettaq u tiġi mitmuma mill-Kunsill jew kif awtorizzat minnu.

(2) Meta minnufih qabel id-dħul fis-seħħ ta' din it-Taqsima, ikun għad hemm proċedimenti legali pendenti li fihom il-Kunsill Malti għall-Kultura u l-Arti jew il-Gvern ikun jew ikollu titolu li jkun parti, u dawk il-proċedimenti jkollhom x'jaqsmu ma' xi proprjetajiet jew intrapriżi, jew ma' xi dritt jew responsabilità trasferiti, bi jew taħt dan l-Att, il-Kunsill għandu, sa mid-data hawn qabel imsemmija, jiġi sostitwit f'dawk il-proċedimenti għall-Kunsill Malti għall-Kultura u l-Arti jew għall-Gvern, jew għandu jsir parti fihom bl-istess mod kif seta' ġie sostitwit il-Kunsill Malti għall-Kultura u l-Arti jew il-Gvern, u dawk il-proċedimenti m'għandhom qatt jittiefsu minħabba f'dik is-sostituzzjoni.

(3) Il-Ministru jista' b'ordni jagħmel dawk il-provvedimenti inċidentali, konsegwenzjali u supplementali li huwa jista' jqis meħtieġa jew spedjenti għall-fini li jiddetermina, kif imiss, l-attiv

VERŻJONI ELETTRONIKA

trasferit lill-Kunsill jew lil xi waħda mill-organizzazzjonijiet elenkati fit-Tieni Skeda b'dan l-Att u jiżgura u jagħti effett sħiħ lit-trasferiment ta' proprjetà jew intrapriża jew lil kull dritt jew responsabilità lill-Kunsill jew lil xi waħda mill-organizzazzjonijiet elenkati fit-Tieni Skeda b'dan l-Att u jagħmel dawk l-ordnijiet li jistgħu jkunu meħtieġa sabiex jagħmel kull poter u dmir eżerċitabbli mill-Gvern għar-rigward ta' xi proprjetà jew intrapriża trasferiti eżerċitabbli minn jew f'isem il-Kunsill jew xi waħda mill-organizzazzjonijiet elenkati fit-Tieni Skeda.

Eżenzjoni mit-taxxa.
Kap. 123.

35. (1) Minkejja kull dispożizzjoni tal-Att dwar it-Taxxa fuq l-*Income* jew ta' kull liġi oħra ta' xorta fiskali applikabbli, assenjazzjonijiet u għotjiet skont it-termini ta' programmi li jistgħu jiġu żviluppati mill-Kunsill sabiex jagħtu effett lis-setgħat u dmirijiet tiegħu taħt dan l-Att u riċevuti minn kwalunkwe benefiċjarju, għandhom ikunu eżenti mit-taxxa:

Iżda dawn l-assenjazzjonijiet u għotjiet ma għandhomx jieħdu l-forma ta' sostituzzjoni għal *income*.

(2) Il-Ministru jista' jagħmel regolamenti sabiex jistabbilixxi l-kundizzjonijiet relatati mal-kontabilità, iż-żamma tar-reġistri u r-rappurtaġġ mill-Kunsill għat-tgawdija tal-eżenzjoni msemmija fis-subartikolu preċedenti.

Setgħa li jagħmel regolamenti.

36. (1) Sabiex jilħaq il-finijiet ta' dan l-Att, il-Ministru jista', wara konsultazzjoni mal-Kunsill, jagħmel regolamenti sabiex jagħti effett lid-dispożizzjonijiet ta' dan l-Att u, mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi hawn qabel, dawn ir-regolamenti jistgħu jinkludu dispożizzjonijiet fir-rigward ta':

(a) it-twaqqif ta' politika biex tiġi implimentata mill-Kunsill;

(b) kull materja li għandha x'taqsam mal-ispejjeż u d-dħul tal-Kunsill, l-estimi u l-kontijiet tiegħu, u l-verifika tagħhom;

(ċ) id-definizzjoni u t-tifsir ta' termini u kunċetti li għandhom jiġu użati fir-regolamenti u fil-linji gwida;

(d) biex jiġu emendati, sostitwiti jew revokati l-Iskedi;

(e) il-ħolqien ta' xi entità, organizzazzjoni jew persuna sabiex jeżerċitaw xi funzjoni tal-Kunsill Malti għall-Arti, jew tal-Organizzazzjonijiet Kulturali Pubbliċi;

(f) it-twaqqif ta' sistemi ta' klassifikazzjoni rilevanti;

(g) il-klassifikazzjoni skont l-età;

VERŻJONI ELETTRONIKA

(h) skemi għall-finijiet tal-iffinanzjar jew investiment fis-setturi, programmi kulturali u artistiċi, inizjattivi u avvenimenti;

(i) kull ħaġa msemmija f'dan l-Att; u

(j) it-tħassir jew it-traspożizzjoni ta' xi dispożizzjoni fil-leġiżlazzjoni rilevanti f'regolamenti b'dawk it-tibdiliet li l-Ministru jista' jqis bħala xierqa jew neċessarji:

Iżda fir-rigward ta' proġetti diġà eżistenti, xejn f'xi regolamenti magħmula skont din is-setgħa m'għandu jaffettwa xi dritt, benefiċċju jew inċentiv li jkun fis-seħħ favur xi impriża jew benefiċjarju u lanqas ma għandu jimponi kundizzjonijiet jew obbligi aktar onerużi minn dawk fis-seħħ u fil-każ ta' kunflitt bejn ir-regolamenti u l-leġiżlazzjoni rilevanti, għandhom jipprevalu d-dispożizzjonijiet tal-leġiżlazzjoni rilevanti.

(2) Il-Ministru, flimkien mal-Ministru responsabbli għall-affarijiet barranin, jista' jistabbilixxi Istitut Kulturali Malti, kif imsemmi fl-Att dwar Kunsill għall-Maltin li Jgħixu Barra minn Malta għall-promozzjoni u l-iżvilupp tas-settur barra minn Malta, u għal dan l-għan sabiex jirregola l-funzjonijiet u l-operat ta' dak l-Istitut.

Kap. 515.

(3) Il-Ministru, flimkien mal-Ministru responsabbli għall-finanzi, jista' jipproponi sabiex jagħmel jew jimmodifika regolamenti skont id-dispożizzjonijiet ta' dan l-Att sabiex jipprovdi li impriża tista' tiġi eżentata jew parzjament jew fis-sħiħ minn xi taxxa li, li kieku ma kienx hemm id-dispożizzjonijiet ta' dawk ir-regolamenti, kienet tkun pagabbli, jew jista' jdaħħal kull miżura oħra ta' natura fiskali.

Tħassir u riżerva.
Kap. 444.

37. (1) L-Att dwar il-Kunsill Malti għall-Kultura u l-Arti hu b'dan imħassar, mingħajr preġudizzju għal dak kollu li sar jew li naqas milli jsir taħtu.

(2) Kull leġiżlazzjoni sussidjarja magħmula taħt l-Att dwar il-Kunsill Malti għall-Kultura u l-Arti għandha tibqa' fis-seħħ bħallikieku saret taħt dan l-Att sa meta tista' tiġi emendata jew revokata leġiżlazzjoni sussidjarja magħmula taħt id-dispożizzjonijiet ta' dan l-Att.

(3) Kull referenza f'xi liġi għal "Kunsill Malti għall-Kultura u l-Arti" jew għal "l-Att dwar il-Kunsill Malti għall-Kultura u l-Arti" għandha tinftiehem bħala referenza għal "Kunsill Malti għall-Arti" jew għal "l-Att dwar il-Kunsill Malti għall-Arti", rispettivament.

VERŻJONI ELETTRONIKA

L-EWWEL SKEDA
Setturi Kulturali u Kreattivi

Din it-tabella tipprovdi qafas ġenerali li jinkludi attivitajiet fi ħdan is-setturi tal-kultura u l-kreattività.

1. Patrimonju	2. Arti	3. Mezzi tax-Xandir	4. Servizzi għan-Negozju Kreattiv
1.1 Artiġjanat	2.1 Arti Viżiva	3.1 Mezzi tax-xandir Stampati u Publikati	4.1 Disinn
1.2 Antikitajiet	2.2 Mużika	3.1.1 Kotba	4.1.1 Disinn intern
1.3 Ċelebrazzjonijiet u *Festivals* Tradizzjonali	2.3 Arti tal-Ispettaklu	3.1.2 L-Istampa	4.1.2 Disinn Grafiku
1.4 Siti Kulturali	2.3.1 Teatru	3.1.3 Pubblikazzjonijiet oħra	4.1.3 Disinn tal-Moda
1.4.1 Siti Arkeoloġiċi	2.3.2 Żfin	3.2 Awdjoviżjoni	4.1.4 Disinn ta' Prodott
1.4.2 Mużewijiet		3.2.1 Produzzjoni ta' *Films* u Filmati u Distribuzzjoni	4.2 *Software*
1.4.3 Patrimonju Ambjentali		3.2.2 *Film servicing*	4.3 Servizzi Kreattivi
1.5 Libreriji		3.2.3 Televiżjoni	4.3.1 Arkitettura
1.6 Arkivji		3.2.4 Radju	4.3.2 Riklami
		3.2.5 *Videogames*	4.3.3 Servizzi kreattivi oħra
		3.2.6 Mezzi oħra tax-Xandir	4.4 Servizzi Kulturali

IT-TIENI SKEDA

Organizzazzjonijiet Kulturali Pubbliċi

a. Teatru Manoel

b. Dar il-Mediterran għall-Konferenzi

ċ. L-Orkestra Filarmonika ta' Malta

d. Fondazzjoni Ċentru għall-Kreattività

e. Pjazza Teatru Rjal

f. Fondazzjoni Valletta 2018

g. Żfin Malta

VERŻJONI ELETTRONIKA

IT-TIELET SKEDA

Organizzazzjonijiet Kulturali li għandhom interess pubbliku

a. Fondazzjoni Patrimonju Malti

b. Soċjetà tal-Arti, Manifattura u Kummerċ

ċ. Il-Fondazzjoni tal-Konkatidral ta' San Ġwann

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 262 tat-12 ta' Mejju, 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

VERŻJONI ELETTRONIKA

I assent.

(L.S.) **MARIE LOUISE COLEIRO PRECA**
President

29th May, 2015

ACT No. XV of 2015

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

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

Arrangement of Act

		Articles
Part I	Preliminary	1 - 2
Part II	Establishment and Objectives of the Council	3 - 4
Part III	Composition, Functions and Conduct of Affairs of the Council	5 - 14
Part IV	Employment and Transfer of Staff	15 - 18
Part V	Financial Provisions	19 - 30
Part VI	Miscellaneous	31 - 37
	SCHEDULES	
First Schedule	List of cultural and creative sectors	
Second Schedule	List of Public Cultural Organisations	
Third Schedule	List of Cultural Organisations having a public interest	

VERŻJONI ELETTRONIKA

PART I

Preliminary

Short title and commencement.

1. (1) The short title of this Act is the Arts Council Malta Act, 2015.

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

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Interpretation.

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

"associations and constituted bodies" means those organisations representing professionals and practitioners in the sector, listed in a notice issued by the Minister and published in the Gazette;

"Board" means the Board of Directors established by article 5;

"Chairperson" means the Chairperson of the Board and includes, in the circumstances mentioned in article 6(5), the Deputy Chairperson or any other person appointed to act as Chairperson;

"contractor" means a person acting in pursuance of an agreement entered into with the Council or in accordance with article 12(2)(e)(vi);

"Council" means Arts Council Malta established by article 4;

"creative economy" means the economic activity generated by the cultural and creative sectors;

"cultural and creative sector or sectors" means the sector or sectors whose activities by individuals, organisations and enterprises operating in any of the activities listed in the First Schedule, are based on cultural values and, or artistic and other creative expressions, whether those activities are market or non-market orientated whatever the type of structure that carries them out, and irrespective of how that structure is financed. These activities are identified as a set of culturally significant, knowledge-based activities, born of creativity and cultural capital, that encompass the cycles of creation, production, distribution and preservation of cultural and creative goods and services, and which have the potential to generate cultural and social development, economic growth and employment;

VERŻJONI ELETTRONIKA

"Cultural Organisations having a public interest" means autonomous non-governmental bodies receiving advances out of the Consolidated Fund operating in the sectors, as contained in the Second Schedule;

"Director" means the person appointed under article 9(8);

"employee" means a person employed by the Council or by any of the entities listed in the Schedules;

"Executive Chairperson" means the person appointed under article 9(1) when such appointment is made by the Minister;

"Executive Director" means the person appointed under article 9(3) when such appointment is made by the Board;

"expert groups" means individuals and representatives as appointed in accordance with article 8 of this Act;

"financial year" means any period of twelve months ending on the 31st December of each year or such other date as may be determined by the Minister;

"Minister" means the Minister responsible for culture;

"Public Cultural Organisations" means public bodies receiving advances out of the Consolidated Fund operating in the sectors as contained in the Third Schedule.

PART II

Establishment and Objectives of the Council

Establishment and legal personality of the Council.

3. (1) There shall be a body, to be known as Arts Council Malta, to implement the objectives and perform the functions assigned to it by or under this Act.

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

Objectives of the Council.

4. The objectives of the Council shall be to:

(a) advocate and be a strategic leader and catalyst for

VERŻJONI ELETTRONIKA

the cultural and creative sectors, (hereinafter referred to as "the sector") through *inter alia* the implementation of strategies, with a particular focus on:

(i) knowledge-based cultural and creative development;

(ii) education and training;

(iii) intelligence and data building;

(iv) business development, funding and investment;

(v) diversity and communities; and

(vi) internationalisation.

(b) promote innovation in the sectors and stimulate a creative ecosystem for the generation of contemporary creative content;

(c) initiate, develop and promote strategies, programmes and initiatives necessary to enhance the performance of the sectors;

(d) act as a broker for the sectors and as a bridge between the sectors and other sectors;

(e) promote the awareness and utilisation of intellectual property in the sector;

(f) ensure the development of a sustainable creative economy;

(g) facilitate and promote the sustainable development of creative individuals and organisations;

(h) facilitate the participation in, and access to, cultural and creative activity;

(i) foster active and participatory citizenship in culture and promote cultural inclusion, equality, diversity and the freedom of creative expressions;

(j) increase the understanding, appreciation, enjoyment and expression of culture; and

VERŻJONI ELETTRONIKA

(k) safeguard the dynamic development of those cultural characteristics, including intellectual, linguistic, traditional and folkloric, which identify the Maltese people.

PART III

Composition, Functions and Conduct of Affairs of the Council

5. (1) The Board of the Council shall consist of a Chairperson and not less than four and not more than eight other members. One of the members shall be nominated by the Minister responsible for Gozo. At least one of the members shall be selected from a list of at least five persons nominated by associations and constituted bodies representing professionals and practitioners active in the sectors. The Board of the Council.

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

(3) The Minister may designate any one other member of the Board as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during his temporary absence or inability to act as Chairperson, or while the Chairperson is on vacation, or during any vacancy in the office of Chairperson:

Provided that if the Chairperson's absence is permanent or long-lasting, the Minister may appoint any other person as Chairperson in accordance with the provisions of this article, and in such case the foregoing provisions shall apply in respect of such person.

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

(a) is a member of the House of Representatives or of the European Parliament; or

(b) is a Judge or Magistrate; or

(c) is legally interdicted or incapacitated; or

(d) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud, or of bribery or of money laundering, or has otherwise been sentenced to a term of imprisonment for a term

VERŻJONI ELETTRONIKA

not less than three months;

(e) is subject to disqualification under article 320 of the Companies Act;

Cap. 386.

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

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

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

(a) on the expiration of the member's term of office;

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

(c) if the member resigns or if one of the scenarios mentioned in sub-article (4) materialises.

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

(7) If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a temporary member of the Board; and any person so appointed shall, subject to the provisions of sub-articles (5) and (6), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) Any member of the Board who has any direct or indirect interest in any contract made or proposed to be made by the Board, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall then be recorded in the minutes of the Board, and the member having an interest as aforesaid shall withdraw from

VERŻJONI ELETTRONIKA

any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

Provisions with respect to proceedings of the Board.

6. (1) The meetings of the Board shall be called by the Chairperson as often as may be necessary for the performance of its functions either on his own initiative or at the request of any two of the other members, but the Board shall meet at least once every two months.

(2) The quorum at all meetings of the Board shall be half the number of directors for the time being constituting the Board and shall in no case be less than three members.

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

(4) Subject to the foregoing provisions of this article, an act or proceeding of the Board shall be valid notwithstanding any vacancy among its members.

(5) In the absence of the Chairperson at any meeting of the Board, the Deputy Chairperson shall act as Chairperson; in the absence of both the Chairperson and of the Deputy Chairperson, the Board members present may select from amongst themselves a person to act as Chairperson at the meeting.

(6) The decisions of the Board shall be taken by a majority of the votes of the members present and voting. In the case of equal votes, the Chairperson or other person presiding at the meeting shall have a second or casting vote.

(7) There shall be paid to the members of the Board such remuneration, if any, as the Minister may from time to time determine.

(8) The Board may appoint any employee of the Council to act as Secretary to the Board.

(9) The Board may from time to time invite any person to attend one or more of its meetings to provide expert advice on specific issues:

Provided that such person is invited for a limited number of meetings in connection with a specific subject.

VERŻJONI ELETTRONIKA

Functions of the Board.

7. (1) It shall be the duty of the Board to monitor the strategies and work of the Council, to ensure that the Council's objectives and functions are properly carried out in line with the policies and strategies which have an impact on the sectors.

(2) The functions of the Board are to:

(a) provide leadership, guidance, support and direction to the Council;

(b) propose to the Government policies on matters concerning the sectors;

(c) ensure that the Council's strategic plan is in line with Government policy;

(d) provide Government with such advice, information and assistance as may reasonably be required in relation to the sectors;

(e) provide Government with regular reports on the performance of the sectors and, where necessary, with any proposal for the furtherance of the sectors;

(f) approve initiatives, programmes and guidelines for schemes and incentives to be managed by the Council;

(g) provide any person with such advice, information and assistance as it considers appropriate in relation to the sectors and any other matter falling within its competence.

(3) For the better performance of its functions, the Board may, with the approval of the Minister, establish and dissolve directorates within the Council with particular responsibility for the discharge of any of the functions or activities of the Council.

Expert groups.

8. (1) The Board may establish and dissolve any number of expert groups for any purpose relating to its functions as it deems fit.

(2) The Board shall determine the composition of the said expert groups, in response to sectors' specific or thematic matters to be discussed.

(3) The members of the expert groups shall be appointed by or removed by the Board and shall hold office for such period and on such terms and conditions as the Board may deem appropriate.

VERŻJONI ELETTRONIKA

(4) An expert group shall, for the better carrying out of the provisions of this Act, advise the Council on such matters and perform such other functions as the Board may specify in the instrument of appointment.

(5) Each expert group shall keep minutes of all meetings and shall forward copies of such minutes to the Board.

Direction of the affairs and business of the Council.

9. (1) Subject to the foregoing provisions of this Act, the direction of the affairs and business of the Council shall be the responsibility of the Board.

(2) The Minister may decide that the executive conduct of the Council, its administration and organisation and the administrative control of its officers and employees shall be vested in the Chairperson, who shall also have such other powers and functions as may from time to time be delegated to him by the Board.

(3) The decision of the Minister mentioned in sub-article (2) shall be made in writing in the letter of appointment of the Chairperson or at a later stage if the office of the Executive Director is vacant. Where such an appointment is made, the terms of engagement of the Executive Chairman shall be determined by the Minister.

(4) Where the Chairperson has not been vested with the powers mentioned in sub-article (2), the Board may, with the approval of the Minister, appoint an Executive Director with responsibility for the executive conduct of the Council, its administration and organisation and the administrative control of its officers and employees, or other powers as may be determined by the Board.

(5) The appointment of the Executive Director shall be for a period of three years and may be extended for further periods of three years each.

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

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

(7) The Executive Chairperson or the Executive Director shall, subject to the general direction by the Board, be responsible for the implementation of the objectives of the Council in the exercise of its functions and without prejudice to the generality of the foregoing he shall:

VERŻJONI ELETTRONIKA

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

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

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

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

(8) The Board may appoint Directors to manage any Directorate established by the Council in accordance with any function or activity of the Council, as may from time to time be determined by the Board.

(9) Directors appointed under sub-article (8) may be invited to attend the meetings of the Board but shall not vote at such meetings.

Conflict of interest.

10. (1) Where a member of the staff of the Council, or a consultant, advisor, board member, member of an expert group, or other person engaged by the Council, has any interest in any matter which falls to be considered by the Council, he shall -

(a) disclose to the Board the nature of his interest at the first meeting of the Board after such interest is acquired or in advance of any consideration of the matter, whichever is the earlier;

(b) not influence or seek to influence a decision in relation to such matter; and

(c) take no part in any consideration of such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be determined by the Board and the decision and its motivation shall be recorded in the minutes of the meeting during which the decision was taken.

(3) Where a disclosure is made to the Board pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

VERŻJONI ELETTRONIKA

(4) Where a person to whom sub-article (1) applies fails to make the required disclosure, the Board shall decide the appropriate action to be taken which may include the removal from office or termination of the contract of the person concerned.

(5) Save as may be otherwise required or permitted for the purposes of this Act, or in the course of a prosecution for an offence committed against any of the provisions of this Act or of any other law, the Council shall, in carrying out the functions or duties under this Act, be bound by the provisions of the Professional Secrecy Act and shall not divulge any information obtained in the course of the discharge of its duties unless permission has been obtained from the Board. Cap. 377.

Legal and judicial representation.

11. (1) The legal and judicial representation of the Council shall be vested in the Chairperson:

Provided that the Board may appoint the Executive Director or from time to time any one or more of the Directors referred to in article 9(7), or any one or more of its officers or employees, to appear in its name and on its behalf in any judicial proceedings or on any act, contract, instrument or other document whatsoever.

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

Functions of the Council.

12. (1) It shall be the duty of the Council to develop the sector and promote Malta's cultural and creative sectors nationally and internationally through all forms of creative expression and to increase the accessibility of the public to culture and the arts.

(2) In the performance of its duties, the Council shall have the following functions:

(a) to advocate for the sectors and advise Government on:

(i) the development of cultural policy, the creative economy, policies for the sectors and all other matters concerning its functions or regulated by this Act;

(ii) structuring and integrating resources, at both Central and Local Government levels, in order to facilitate inter-industry linkages, enhance

VERŻJONI ELETTRONIKA

sustainability and competitiveness, and ensure minimal bureaucracy;

(iii) the signing of any bilateral, multilateral or international treaty, convention or agreement;

(iv) measures and action-plans to achieve the policies, strategies and objectives set by Government or by the Council; and

(v) the setting up of appropriate monitoring and evaluation mechanisms;

(b) to service the sectors by:

(i) acting as a single service point for the sectors;

(ii) supporting the sectors through the provision of appropriate advice, information, intelligence, programmes, incentives and initiatives;

(iii) hosting international and, or European offices resulting from Malta's bilateral, regional, or international obligations relevant to the sectors;

(iv) administering the Malta Cultural Institute for the international promotion of Malta's cultural and creative sectors;

(v) carrying out or giving effect to any relevant international convention or other international agreements relating to which the Government or the Council is or intends to become a party;

(vi) collaborating with other public entities, organisations and other persons for the promotion of artistic, cultural and creative initiatives in an environment which recognises the value of culture and creativity as central to a democratic and healthy community;

(vii) promoting intellectual property rights, and advising the sectors on aspects of their protection and commercialisation, and reporting feedback and proposals to the Comptroller of

VERŻJONI ELETTRONIKA

Industrial Property;

(viii) managing land, sites, premises, services, and facilities for the sectors;

(ix) setting up as necessary registers and lists according to the different sectors and the stakeholders and institutions involved therein; and

(x) overseeing the age-classification system for specific areas of the sectors;

(c) to develop and facilitate the implementation of strategies to:

(i) professionalise the sectors and develop expertise;

(ii) assist the sectors access national and international markets;

(iii) promote Malta as a hub for the sectors;

(iv) support industry networks and platforms that represent the sectors;

(v) encourage active participation in cultural programmes and activities;

(vi) develop particular sub-sectors, niches or matters as may, from time to time, be considered relevant, important or necessary in connection with the advancement and furtherance of the sectors;

(vii) encourage excellence and innovation particularly through the use of new digital technologies; and

(viii) enhance the role of the sectors in education and in fostering citizenship, creativity and innovation;

(d) to be the national research point for the sectors by:

(i) conducting and disseminating research for the sectors, including compiling and managing records, statistics, and databases related to the sectors as may be appropriate in connection with

VERŻJONI ELETTRONIKA

its functions; and

(ii) collaborating on national and international research projects and data gathering exercises with key national entities;

(e) to invest in the sectors by:

(i) devising, managing, approving and awarding incentives which include benefits, advances, loans, awards, schemes, grants, funding programmes and other financial facilities requiring the disbursement of funds, including funds originating from national or international sources, to any natural or legal person, according to criteria established by or under this Act or any other enactment, if any;

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

Provided that where no terms or conditions are attached to the allocation of funds, the provisions of sub-paragraph (i) shall apply;

(iii) strengthening the organisations listed in the Second and Third Schedules to fulfil their remit which is in furtherance of National Cultural Policy and the strategic framework established by the Council and as stipulated by written instrument or as assigned to them by Government;

(iv) assessing and monitoring the strategies, financial estimates, and financial records of the organisations listed in the Second and Third Schedules and setting criteria for their funding based on their role and contribution to the development of the sectors;

(v) advancing funds as may be allocated by Government for the management, administration and operational requirements of the entities listed in the Second and Third Schedules; and

VERŻJONI ELETTRONIKA

(vi) subject to the provisions of this Act, the Council may exercise its functions through any of its officers or employees or through an entity, or agency authorised for the purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into, and in such cases the contractor shall have such powers, rights and obligations as an officer or employee of the Council and shall, for the purposes of this Act and any regulation or directive made thereunder, be for all intents and purposes considered an employee of the Council.

(2) In carrying out its functions under this Act, the Council shall ensure that its strategy, action plans and activities conform to the aims and objectives of national economic planning, general Government and Ministry policy, and shall give primary consideration to the flexible and evolving nature of the creative economy.

Powers of the Council.

13. (1) The Council shall have the power:

(a) to provide information and issue guidelines to the public and to cultural entities, relating to the sectors;

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

(c) to perform such other functions as may from time to time be assigned to it by the Minister; and

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

(2) The Council may, with the prior authorisation of the Minister, take part in the formation of a company, or enter into joint ventures or partnerships for the purpose of fulfilling any of its functions.

(3) The Council may require any person to provide it with any information, including financial information, for the purpose of ensuring compliance by that person with the provisions of this Act, regulations prescribed thereunder and decisions or directives made in accordance with this Act or any other law which the Council is entitled to enforce.

VERŻJONI ELETTRONIKA

Public Cultural Organisations.

14. (1) The Minister may, upon the advice of the Council, by order establish bodies corporate having a distinct legal personality to administer and manage such assets or undertakings as may be identified to fall within the responsibilities of the entities listed in the Second Schedule.

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

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

(4) The Minister may by similar order remove any asset or undertaking from the administration or management of any body corporate established under this article and may also by any such order transfer any such administration or management from one body corporate so established to another such body corporate.

(5) The Minister may, by notice in the Gazette, add to or remove from the list of organisations listed in the Second and Third Schedules.

(6) The rules and provisions contained in Part V shall, *mutatis mutandis*, apply to all Public Cultural Organisations listed in the Second Schedule.

PART IV

Employment and Transfer of Staff

Staff appointments.

15. Subject to the provisions of the Constitution and of any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Council shall be made by the Council. The terms and conditions of employment shall be established by the Council.

Detailing of public officers for duty with the Council.

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

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires

VERŻJONI ELETTRONIKA

from the public service, or otherwise ceases to hold office at an earlier date, or a different date is specified in the direction, end on the happening of any of the following events, that is to say:

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with the Council made in pursuance of article 18; or

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

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

Status of public officer detailed for duty with the Council.

17. (1) Where any public officer is detailed for duty with the Council under any of the provisions of article 16, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Council, but he shall for all other intents and purposes remain and be considered and treated as a public officer.

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

(a) shall not, during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

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

VERŻJONI ELETTRONIKA

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

Cap. 93.
Cap. 58.

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

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

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

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

(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 public officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister, offer substantially equivalent or greater benefits.

(3) Every public officer who accepts permanent employment with the Council offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act and, saving the provisions of sub-article (6), be deemed to have ceased to be in the service of the Government and to have entered into service with the Council on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Council shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.
Cap. 58.

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

Cap. 58.

VERŻJONI ELETTRONIKA

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

(6) (a) For the purpose of the Pensions Ordinance, the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to a public officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the public officer retires from the Council. Cap. 93.

(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 Minister responsible centrally for personnel policies in the public service and one appointed by the Council. The classification shall be subject to the final approval of the Minister responsible for finance.

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

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

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification. Cap. 93.

PART V

Financial Provisions

Council to meet expenditure out of revenue.

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

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

VERŻJONI ELETTRONIKA

(3) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Council to the formation of reserve funds to be used for the purposes of the Council; and without prejudice to the generality of the powers given to the Minister by this sub-article, 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 sub-article (2) or any such excess as aforesaid.

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

Advances from Government.

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

Allocation of funds to cultural and artistic entities.

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

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

Power to borrow or raise capital.

22. (1) For the purpose of carrying out any of its functions under this Act, the Council may, with the approval in writing of the Minister, given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

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

Provided that for any amount in excess of one hundred and fifty thousand euro (€150,000), there shall be required the written approval of the Minister.

VERŻJONI ELETTRONIKA

Borrowing from Government.

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

(2) Notice of any loans, liabilities or advances made or incurred under sub-article (1) shall be given to the House of Representatives as soon as practicable.

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

(4) The proceeds of any loan raised for the purposes of making advances to the Council, and any other moneys to be advanced to the Council under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Arts Council Malta Loan Fund".

(5) Sums received by the Accountant General from the Council in respect of advances made to the Council under sub-article (3) shall be paid, in respect of amounts by way of repayment, into the Treasury Clearance Fund, and, in respect of amounts received by way of interest, into the Consolidated Fund.

Estimates of the Council.

24. (1) The Council shall submit to the Minister a business plan for the following three financial years together with an estimated capital and recurrent expenditure and income for the following year:

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

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

VERŻJONI ELETTRONIKA

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous estimates as the Minister responsible for finance may direct.

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

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Council, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be according to approved estimates.

25. (1) No expenditure shall be made or incurred by the Council unless provision thereof has been made in the estimates approved as provided in article 21.

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

(3) Notwithstanding the provisions of sub-articles (1) and (2) -

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

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Council may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow; and

(d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Council may adopt supplementary estimates for approval by the Minister, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable

VERŻJONI ELETTRONIKA

apply to the supplementary estimates.

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

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

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

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

(3) The Council shall, on request of the Minister or the Minister responsible for finance, submit management reports and accounts as directed. The Council shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Council.

28. The Council shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Council, except in accordance with regulations in force regulating the procurement of all goods and services in the public sectors as regulated by the Public Procurement Regulations. Contracts of supply or works. S.L. 174.04.

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

Deposit of revenues and payments by the Council.

30. (1) All monies accruing to the Council shall be paid into a bank or banks appointed as bankers of the Council by a resolution of the Council. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Council may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Council, other than petty disbursements not exceeding a sum fixed by the Council, shall be made by such public officer or public officers of the Council as the Council shall appoint or designate for that purpose.

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

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

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

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

(c) the method to be adopted in making payments out of funds of the Council,

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances, of the Council.

PART VI

Miscellaneous

Persons deemed public officers.

Cap. 9.

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

Transfer of assets to the Council.

32. (1) The property and undertakings owned by the Malta Council for Culture and the Arts or Government and used by it immediately before the date of the coming into force of this Part, and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Council, shall, on the date

VERŻJONI ELETTRONIKA

aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Council or in the body corporate or entity so designated by the Minister by which they were held by the Malta Council for Culture and the Arts or Government immediately before the said date. The provisions of this sub-article shall not apply to immovable property.

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

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

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

Construction of laws, etc.

33. 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 Act affecting or relating to any of the properties or undertakings transferred to the Council by or under this Act shall have full force and effect against or in favour of the Council, and shall be enforceable freely and effectually, as if instead of the Malta Council for Culture and the Arts or the Government or any other governmental authority or entity the Council had been named therein or had been a party thereto, and otherwise in substitution of the Malta

VERŻJONI ELETTRONIKA

Council for Culture and the Arts, the Government or any other governmental authority or entity.

Transitory provisions.

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

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

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

Tax exemption.
Cap. 123.

35. (1) Notwithstanding any provisions of the Income Tax Act or of any other applicable fiscal law, awards and grants in terms of programmes that may be developed by the Council to give effect to its powers and duties under this Act and received by any beneficiary, shall be exempt from tax:

Provided that such awards and grants do not take the form of income substitution.

(2) The Minister may make regulations to lay down the conditions relating to accounting, record keeping and reporting by the Council for the enjoyment of the exemption stated in the preceding

VERŻJONI ELETTRONIKA

sub-article.

36. (1) In order to achieve the purposes of this Act, the Minister may, after consultation with the Council, make regulations to give effect to the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may include provision with respect to:

Power to make regulations.

(a) the establishment of policies for implementation by the Council;

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

(c) the definition and interpretation of terms and concepts to be used in regulations and guidelines;

(d) amending, substituting or repealing any of the Schedules;

(e) the creation of any entity, organisation, or person to exercise any of the functions of Arts Council Malta, or of the Public Cultural Organisations;

(f) the setting up of relevant classification systems;

(g) age-classification;

(h) schemes for the purpose of funding or investing in the sectors, cultural and artistic programmes, initiatives and events;

(i) any matter referred to in this Act; and

(j) the deletion or the transposition of any provisions in the relevant legislation into regulations with such modifications as the Minister may consider appropriate or necessary:

Provided that in so far as existing projects are concerned, nothing in any regulations made pursuant to this power shall affect any right, benefit or incentive currently in force in favour of any undertaking or beneficiary nor impose any more onerous conditions or obligations than currently in force and in case of conflict between the regulations and the relevant legislation, the provisions of the relevant legislation shall prevail.

VERŻJONI ELETTRONIKA

(2) The Minister, in concurrence with the Minister responsible for foreign affairs, may establish a Maltese Cultural Institute, referred to the Council for Maltese Living Abroad Act, for the promotion and development of the sector outside Malta, and for such purpose to regulate the functions and operation of such Institute.

Cap. 515.

(3) The Minister, in concurrence with the Minister responsible for finance, may propose to make or modify regulations in accordance with the provisions of this Act to provide that an undertaking may be wholly or partly exempted from being liable to any tax which, but for the provisions of such regulations, would have been payable, or may introduce any other measure of a fiscal nature.

Repeal and saving.

37. (1) The Malta Council for Culture and the Arts Act is hereby repealed, without prejudice to anything done or omitted to be done thereunder.

(2) Any subsidiary legislation made under the Malta Council for Culture and the Arts Act shall remain in force as if it were made under this Act until such time as it may be amended or revoked by subsidiary legislation made under the provisions of this Act.

Cap. 444.

(3) Any reference in any law to the "Malta Council for Culture and the Arts" or to the "Malta Council for Culture and the Arts Act" shall be construed as a reference to the "Arts Council Malta" or to the "Arts Council Malta Act", respectively.

VERŻJONI ELETTRONIKA

FIRST SCHEDULE

Cultural and Creative Sectors

The table below provides a general framework encompassing activities within the cultural and creative sectors.

1. Heritage	2. Arts	3. Media	4. Creative Business Services
1.1 Crafts	2.1 Visual Arts	3.1 Publishing and Printed Media	4.1 Design
1.2 Antiques	2.2 Music	3.1.1 Books	4.1.1 Interior Design
1.3 Traditional Festivals and Celebrations	2.3 Performing Arts	3.1.2 Press	4.1.2 Graphic Design
1.4 Cultural Sites	2.3.1 Theatre	3.1.3 Other publications	4.1.3 Fashion Design
1.4.1 Archaeological Sites	2.3.2 Dance	3.2 Audiovisuals	4.1.4 Product Design
1.4.2 Museums		3.2.1 Film & Video Production and Distribution	4.2 Software
1.4.3 Environmental Heritage		3.2.2 Film servicing	4.3 Creative Services
1.5 Libraries		3.2.3 Television	4.3.1 Architecture
1.6 Archives		3.2.4 Radio	4.3.2 Advertising
		3.2.5 Videogames	4.3.3 Other creative services
		3.2.6 Other Broadcasting	4.4 Cultural Services

SECOND SCHEDULE

Public Cultural Organisations

a. Teatru Manoel

b. Mediterranean Conference Centre

c. Malta Philharmonic Orchestra

d. Fondazzjoni Ċentru għall-Kreattività

e. Pjazza Teatru Rjal

f. Fondazzjoni Valletta 2018

g. Żfin Malta

VERŻJONI ELETTRONIKA

THIRD SCHEDULE

Cultural Organisations having a public interest

a. Fondazzjoni Patrimonju Malti

b. Malta Society of Arts, Manufactures and Commerce

c. St John's Co-Cathedral Foundation

Passed by the House of Representatives at Sitting No. 262 of the 12th May 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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